

**BOARD OF ZONING APPEALS
MEETING
JULY 27, 2010**

MEMBERS PRESENT: Lynne Matthews, Chairman
Henry Bauman, Richard Kilmer,
James McClary, Gene Murtha

MEMBERS ABSENT: Ray Rose, Robert Sween

OTHERS PRESENT: Dennis Murphy, Growth Management Director
Randy Cole, Building Official
Teri Tubbs, Zoning Official
Lisa Hannon, Zoning Coordinator

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - August 24, 2010

APPROVAL OF MINUTES

- A. City Council/BZA Joint Meeting of June 9, 2010
 - Mr. Kilmer MOVED, Mr. Bauman SECONDED approval of the June 9, 2010 minutes. MOTION CARRIED UNANIMOUSLY.
- B. Meeting of June 22, 2010
 - Mr. Kilmer noted a correction to page 8.
 - Mr. Bauman MOVED, Mr. Kilmer SECONDED approval of the June 22, 2010 minutes as amended. MOTION CARRIED UNANIMOUSLY.

QUASI-JUDICIAL PUBLIC HEARINGS

- Recording Secretary Kelly swore in all participants.
- A. FV-02-10 - Grant a variance pursuant to City of Punta Gorda, Florida, Code of Ordinances, Chapter 26, Article 14, Section 14.11, to allow limited occupation of the display area only as depicted in Exhibit A for the sole use as an Artist's Atelier of the Herald Court Centre which is in an existing structure located at Block 33, Lots 11 through 19, PUG, a/k/a 117 Herald Court, Punta Gorda, Florida.
Legal: Block 33, Lot 11 through a portion of Lot 19, and vacated adjacent vacated alley, PUG, as recorded in Plat Book 1, Page 21, of the Public Records of Charlotte County, Florida (a/k/a 117 Herald Court, Punta Gorda, Florida).
- Mr. Dennis Murphy, Growth Management Director, announced this variance was to allow for limited use only as stated in the variance description. He advised the granting of this variance would not affect the structural integrity or ability of the structure to withstand high water conditions, would not result in increased flood

heights nor cause additional threats to public safety nor affect the City's community rating with the National Flood Insurance Program. He confirmed there would be no electrical or plumbing below the flood plain. He mentioned the artisans understood all materials must be stored out of the flood plain when not in use. He noted all interior improvements would be constructed of flood proof material. He concluded the variance was suitable for the subject location and use, recommending approval of FV-02-10.

- Mr. Kilmer commented on a discrepancy between Sections 11(b) and 12 of the variance application, requesting clarification of same. He explained Section 11(b) stated there was no danger to life and property due to flooding or erosion damage while Section 12 indicated such construction below the base flood level increased risks to life and property.
- Mr. Randy Cole, Building Official, responded the application did not pertain to the overall building but rather to a particular use. He clarified the structure itself was fully in compliance and did not require any variance. He stated the application would be revised before being presented to City Council to reflect the fact it was for use only. He mentioned the only fixtures in the area would be metal storage cages.
- Mr. Kilmer clarified the artists would provide elevated storage areas within those cages. He confirmed nothing could wash away.
- Mr. Bauman requested clarification of page 23 of 39 of the agenda material.
- Mr. Murphy displayed an overhead depicting the building and described the area as requested by Mr. Bauman.
- Ms. Matthews asked if the use would be a workshop or a gallery.
- Mr. Murphy replied both; however, the intent was for a temporary use. He explained the proposed use was meant to act as a business incubator, adding leases would be a maximum of one year.
- Ms. Matthews asked if the lease would be with the City.
- Mr. Murphy replied the lease was with the Downtown Merchant's Association (DMA), which was working in conjunction with Team Punta Gorda (TPG) and the City.
- Mr. Kilmer asked if retail sales would be conducted.
- Mr. Murphy replied most likely.
- Mr. Murtha asked if use of a kiln was proposed.
- Mr. Murphy replied there was no electrical set-up for that type of power utilization.
- Mr. Bauman clarified space would be rented to individual artists as opposed to a single proprietor.
- Ms. Matthews asked if the Visual Arts Center had commented on this proposal.

- Mr. Murphy replied they had been involved with the application process.
- Ms. Matthews called three times for anyone to speak on FV-02-10.
- Mr. Kilmer MOVED, Mr. Bauman SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Kilmer MOVED, Mr. McClary SECONDED to recommend approval of FV-02-10 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

A. 2011 Strategic Plan

- Ms. Teri Tubbs, Zoning Official, announced the City had initiated development of its Fiscal Year (FY) 2011 Strategic Plan and was seeking input from community stakeholders on development of a potential list of strategic objectives for the upcoming fiscal year. She noted Strategic Plan objectives must be beyond daily operational objectives and be reflective of longer term goals which contributed to realization of the City's collective vision. She clarified objectives were generally broad in scope. She concluded input was being sought within 30 to 45 days from July 13, 2010.

STAFF COMMENTS

A. Results of City Council Action on July 7, 2010

- Ms. Tubbs reported V-05-10 was approved by City Council with conditions, noting the latter were detailed in the Board's agenda material.

ADJOURNMENT

- Meeting Adjourned: 4:20 p.m.

Lynne Matthews, Chairman

Mary Kelly, Recording Secretary