

**BOARD OF ZONING APPEALS
MEETING
OCTOBER 25, 2011**

MEMBERS PRESENT: Lynne Matthews, Chairman
Henry Bauman, James McClary,
Gene Murtha, Ray Rose,
Paul Sacilotto, Robert Sween

MEMBERS ABSENT: Richard Kilmer

OTHERS PRESENT: Randy Cole, Chief Building Official
Teri Tubbs, Zoning Official
Lisa Hannon, Zoning Coordinator

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
- 1. November 22, 2011

APPROVAL OF MINUTES

- A. Meeting of September 27, 2011
- Mr. Bauman MOVED, Mr. Sween SECONDED approval of the September 27, 2011 minutes. MOTION CARRIED UNANIMOUSLY.

QUASI-JUDICIAL PUBLIC HEARINGS

- Recording Secretary Smith swore in all participants.
- A. FV-01-11 – Grant a variance, per City Code Section 26-14.12, pages 26-155 through 26-157, to allow the construction of Americans with Disabilities (ADA) Compliant restrooms in a velocity zone and to allow the elevation of the structure to be 4.5 feet instead of 13.3 feet as required by City Code on property located at 400 West Retta Esplanade, Punta Gorda, Florida (a/k/a Gilchrist Park), 400 West Retta Esplanade, Punta Gorda, Florida.
Legal: Long Legal available in the Urban Design Division.
- Mr. Randy Cole, Chief Building Official, displayed an overhead of the subject location, as delineated in the agenda material, stating in 2006 a variance was granted for restrooms in Gilchrist Park that were scheduled to be replaced; however, that project was subsequently removed from the budget and the restrooms were never completed. He explained the existing restroom facilities were in disrepair and were not ADA compliant, adding this variance was a matter of housekeeping because the height would change with the newly proposed restrooms, and he wanted the record to be accurate as to the finished floor elevation. He stated the park was a water dependent

facility and the restrooms were in the best interests of safety and welfare of the public who used the park, adding he wanted to set aside the variance for 2006 and replace it with the request today.

- Mr. Baumann inquired if the City paid the \$750 fee.
- Mr. Coel replied with uncertainty, adding he believed the City waived fees on this type of application. He stated it was a general fund activity and any fee would be a matter of bookkeeping.
- Mr. Baumann inquired if Mr. Cole completed the application.
- Mr. Cole replied affirmatively.
- Mr. Baumann inquired if the “no” answer to question 13 was correct since the need for the request was due to it being a flood plain.
- Mr. Cole responded the restrooms would be concrete block and reinforced steel construction and the chance of them being swept away was minimal.
- Mr. Baumann inquired if that was also the reason question 13 b. was “no”.
- Mr. Cole replied the restrooms would not be occupied and would be locked and secured during any type of weather event.
- Mr. Baumann drew members’ attention to the site plan, inquiring if the City was performing major reconstruction in the area.
- Mr. Cole replied affirmatively.
- Ms. Lisa Hannon replied this was the Harborwalk construction that would extend from Best Western to Fisherman’s Village, noting same was in Zone 7, and City Council had approved the construction schedule slated to begin January 9, 2012. She stated she did not have a construction timeline at this time; however, same would be forthcoming in the next week or two. She stated the current restrooms were connected to the small shelter.
- Mr. McClary inquired if the existing cul-de-sac would be changed.
- Ms. Hannon replied there would be major changes for the park, adding there would be on-street parking on West Retta Esplanade which would help with events held in the park.
- Ms. Tubbs clarified Harvey Street crossed into Gilchrist Park and ended in a loop, adding that would be changed into a cul-de-sac with additional parking there.
- Ms. Matthews confirmed there would be parking along the driveway entering the park as well.
- Mr. Sween confirmed there were other restroom facilities in the park.

- Ms. Tubbs replied there were restrooms by the playground, confirming all the restrooms in the park were below base flood elevation and were built quite a few years ago.
- Mr. Sween inquired if the new restrooms would be the only restrooms in the park.
- Ms. Hannon replied negatively.
- Ms. Matthews called three times for anyone to speak on FV-01-11.
- Mr. Baumann MOVED, Mr. Sween SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Baumann MOVED, Mr. Rose SECONDED to find FV-01-11 consistent with the Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- None.

UNFINISHED BUSINESS

- None.

STAFF COMMENTS

- Ms. Tubbs advised V-02-11, which had been reviewed by the Board at their previous meeting, would be presented to City Council on November 2, 2011.

COMMITTEE/BOARD COMMENTS

- None.

CITIZENS COMMENTS

- None.

ADJOURNMENT

- Meeting Adjourned: 4:10 p.m.

Lynne Matthews, Chairman

Karen Smith, Recording Secretary