

**BOARD OF ZONING APPEALS  
MEETING  
OCTOBER 23, 2007**

**MEMBERS PRESENT:** Lynne Matthews, Chairman  
Henry Bauman, David Brower,  
Richard Kilmer, James McClary

**MEMBERS EXCUSED:** Randy Fassett, Larry Hofmeister

**OTHERS PRESENT:** Lisa Hannon, Zoning Coordinator  
Randy Cole, Building Official  
Dennis Murphy, Growth Management Director  
Morgan Randolph, Monica Wimberly

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting - November 27, 2007
- C. Last Scheduled Meeting - August 28, 2007

**APPROVAL OF MINUTES**

- A. Meeting of August 28, 2007
  - Mr. Bauman MOVED, Mr. Brower SECONDED approval of the August 28, 2007 minutes.  
MOTION CARRIED UNANIMOUSLY.

**OLD BUSINESS**

- A. Results of City Council Action on September 19, 2007
  - 1. V-04-07 - 25188 Marion Avenue, T-1031  
Grant a variance to the Land Development Regulations (LDRs) per Section 26-3.5(g), Page 26-14, of the City Code to extend an existing, non-conforming wood deck by 5 feet and to allow a rear yard setback of 3 feet instead of 25 feet as required by City Code.
    - Ms. Lisa Hannon, Zoning Coordinator, announced V-04-07 was approved by City Council.
  - 2. V-05-07 - 25188 Marion Avenue, Villa #35  
Grant a variance to the LDRs per Section 26-3.5(g), Page 26-14, of the City Code on an existing non-conforming structure to allow a rear yard setback of 5 feet/8 inches to construct an addition on a wooden deck in a velocity zone instead of 25 feet as required by City Code.
    - Ms. Hannon announced V-05-07 was continued by the applicant to the November 21, 2007 City Council Meeting.

3. V-06-07 - 566 West Marion Avenue

Grant a variance to the LDRs, Section 26-3.7(b), Page 26-16, of the City Code on an existing accessory garage structure to allow the accessory structure to be elevated above the existing grade but remain in its current location with a setback of 0.6 feet, or 7 inches from the side yard property line, instead of moving it to a 3 foot setback as required by City Code for accessory structures.

- Ms. Hannon announced V-06-07 was approved by City Council.

**NEW BUSINESS**

- Recording Secretary Kelly swore in all participants.

A. Public Hearing

1. V-05-07 - 25188 Marion Avenue, Villa #35

Grant a variance to the LDRs per Section 26-3.5(g), Page 26-14, of the City Code on an existing non-conforming structure to allow a rear yard setback of 5 feet/8 inches to construct an addition on a wooden deck in a velocity zone instead of 25 feet as required by City Code.

- Ms. Matthews announced the applicant had withdrawn this request.

2. FV-03-07 - 503 McGregor Street

Grant a Federal Emergency Management Agency (FEMA) variance to the LDRs per Section 26-14.8, Page 26-149, of the City Code on a structure located at Block 76, Lots 8 and 9, City of Punta Gorda, a/k/a 503 McGregor Street, to allow a finished floor elevation of 7 feet instead of 9 feet, which is the Base Flood Elevation (BFE) for the property as required by City Code, to reconstruct a home which collapsed while being elevated.

- Mr. Randy Cole, Building Official, stated this project began with an entire structure which was exempt from FEMA regulations, adding a permit was issued for an addition to the home. He explained during construction, which involved placing footings under the existing, host structure, the home collapsed due to decay and age. He noted the addition was currently under construction. He opined the applicant was suffering a hardship not of his own making as a result of the host structure's collapse. He spoke in support of the request for a variance from BFE in order to continue construction and to permit an equivalent amount of new construction to replace the collapsed portion.
- Mr. Morgan Randolph, applicant, distributed a rough sketch of the proposed structure, as delineated in the agenda material, stating in an effort to restore the subject home, he had been constructing an addition as well as raising the old house to assist with water problems. He noted the addition's elevation was set at seven feet. He explained the host structure suffered irreparable damage during the process of raising same. He

requested the Board's approval for this variance to allow him to finish the house at the same elevation as the addition as the latter represented 45% of the structure. He confirmed his intention to maintain a historical appearance, adding he was not constructing this house for investment purposes but rather the structure would be his daughter's home.

- Mr. McClary asked what portion of the drawing represented the addition.
- Mr. Randolph pointed out same on the sketch.
- Mr. Cole clarified Florida Building Code stated a historic home lost all historic value once same collapsed.
- Ms. Matthews asked if the Building Official was comfortable with a seven as opposed to nine foot elevation.
- Mr. Cole replied affirmatively.
- Ms. Monica Wimberly, 1203 McGregor Street, questioned the 7 foot elevation impact to her property, which was adjacent to the subject location. She confirmed her home had been constructed at a nine foot elevation.
- Mr. Cole explained FEMA guidelines and the City's flood plain ordinance allowed an addition to an existing structure of up to 50% to be constructed without bringing same to BFE.
- Ms. Wimberly stated she understood the 50% rule applied to the value of home.
- Mr. Cole explained the 50% rule was not necessarily tied to value but rather to area. He reiterated the addition had been legally permitted below BFE per FEMA guidelines, adding the loss of the host structure was not the fault of the contractor. He stated there would be no impact to Ms. Wimberly's property.
- Ms. Wimberley asked why two more courses of block could not be used to bring same to 9 feet BFE.
- Mr. Randolph replied three more courses would be required.
- Mr. Cole explained if construction was starting with a "clean slate," BFE would be required to be 9 feet; however, that was simply not the case. He commented on the hardship to Mr. Randolph if this variance was not granted as the existing construction of the addition would have to be torn down.
- Ms. Wimberly asserted there was very little construction done on the addition.
- Mr. Kilmer asked if the floor system was included when the historic structure was being raised.
- Mr. Cole replied affirmatively.
- Mr. Brower questioned the amount completed on the new portion.
- Mr. Randolph replied the foundation, floor system and two out of three walls.

- Mr. Brower questioned the height of the walls.
- Mr. Randolph replied nine feet/six inches. He clarified there were three courses of foundation, eight inches of floor system and nine feet/six inches of wall.
- Mr. Brower clarified the entire floor system and walls would need to be torn down if the elevation requirement was raised.
- Ms. Matthews called three times for anyone to speak on this issue.
- Mr. Bauman MOVED, Mr. Kilmer SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Kilmer MOVED, Mr. Brower SECONDED to recommend approval of FV-03-07 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

**MEMBER COMMENTS**

- Ms. Matthews mentioned she had received a request for input on the City's 2008 Strategic Plan, asking staff to provide copies to all Board members.

**ADJOURNMENT**

- Meeting Adjourned: 4:18 p.m.

---

Lynne Matthews, Chairman

---

Mary Kelly, Recording Secretary