MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
Wednesday, September 9, 2026 9:00 a.m. to 9:53 a.m. Room 119
Charlotte County Administration Center, Room 119
18500 Murdock Circle, Port Charlotte, FL 33948-1094

(These minutes are not official until they have been approved by the Charlotte County Board of Zoning Appeals)

Board Members:	**District:**	**Staff:**
Blair McVety, Chair	District 4	Shaun Cullinan, Planning/Zoning Official
Steve Vieira, Vice-Chair	District 1	David Moscoso, Asst. Co. Attorney
Nichole Beyer, Secretary	District 3	Elizabeth Nocheck, AICP, Sr. Planner
Phillip Smallwood	District 2	Kimberly Sargent, Recorder
Andrew Filieo	District 5	Jane Babler, Recorder

I. ***Call to Order***

Chair McVety called the September 9, 2026 meeting of the Board of Zoning Appeals to order at 9:02 a.m.

II. ***Pledge of Allegiance***

Chair McVety led the members and the audience to recite the Pledge of Allegiance.

III. ***Roll Call***

Roll call was taken, and all Board members were present.

IV. ***Swearing In of Those Giving Testimony***

Kimberly Sargent swore in the people who wished to provide testimony.

V. ***Approval of Minutes***

ACTION: A motion was presented by Steve Viera and seconded by Phillip Smallwood to approve the minutes of the August 12, 2026, meeting of the Board of Zoning Appeals which passed with a unanimous vote.

VI. ***Disclosure Statements***

No ex parte forms indicating site visits concerning the petitions being presented before the September 9, 2026, Board of Zoning Appeals meeting were submitted.

VII. ***Introduction of Staff/Comments***

Chair McVety introduced staff. *Planning and Zoning Official, Shaun Cullinan,* read the Zoning rules, *Assistant County Attorney Moscoso and Chair McVety* made introductory remarks regarding the types of requests that the Board of Zoning Appeals would be reviewing and the standards which must be met, the notification process and how the Board of Zoning Appeals makes its decision.

VIII. ***New Business***

The following petitions were advertised on August 23, 2026: **VAR-26-020, SE-26-011 and SE-26-012.**

VAR-26-020

Yekaterina Khrestsov is requesting a variance to reduce the required 7.5-foot west side yard setback by 2.5 feet, to allow a 5-foot west side yard setback, to allow an existing single-family residence to remain "as-is" in its current location on subject property and to allow a new swimming pool, pool deck, and pool cage, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at 9288 Poplar Avenue, in Englewood, and is described as Lot 20, Block 3450, of the Port Charlotte Subdivision, Section 73, located in Section 03, Township 41 South, Range 20 East. The Parcel ID for subject property is 412003401009.

Miss Nocheck read into the record the staff report and staff findings for the petition.

Applicant Presentation

Yekaterina Khrestsov, the applicant, was sworn. She stated the situation was unintentional and the only way to rectify it would be to rebuild her home, which would be financially catastrophic. She stated that she hopes to purchase the adjacent lot someday and have a double lot.

Chair McVety opened the meeting to Public Comments.

Public Input

None.

There being no requests to speak for or against the petition, Mr. Vieira moved to close the public comments, seconded by Mr. Smallwood. The public comments were closed with a unanimous vote.

Board Member Comments and Questions

None.

Miss Nocheck presented the recommended conditions for the petition.

ACTION: A motion was presented by Andrew Filieo and seconded by Phillip Smallwood that Petition VAR-26-020 be APPROVED based on the Community Development Staff Report dated September 2, 2026, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Variance with three conditions recommended by staff.

Motion was approved with a unanimous vote with the following three conditions:

1. The variance, as approved by the Board of Zoning Appeals, is to reduce the required 7.5-foot west side yard setback by 2.5 feet to allow a 5-foot west side yard setback, to allow an existing single-family residence to remain "as-is" in its current location on subject property, and for a new swimming pool, pool deck, and pool cage.
2. The variance shall apply only to the existing single-family residence and the proposed swimming pool, pool deck, and pool cage, as shown in the documents submitted with this application. The approval of the variance shall not validate any easement encroachments, lot-line encroachments, unpermitted construction, or violations of any other Code requirements.
3. If the single-family residence, swimming pool, pool deck, or pool cage are removed or replaced, this variance shall expire and all future development must be constructed in accordance with all applicable codes in existence at that time, unless a new variance is granted specific to the development proposed at that time. This condition shall not apply to

the removal or replacement caused by a natural disaster or involuntary destruction of the single-family residence, swimming pool, pool deck, or pool cage.

SE-26-011

Bart Simon, representative for Bluestream Fiber, is requesting a special exception to allow an essential service, consisting of a fiberoptics utility shelter, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at 14859 Ingraham Boulevard, in Port Charlotte, and is described as Tract F-14, Block 4510, of the Port Charlotte Subdivision, Section 81, located in Section 22, Township 41 South, Range 21 East. The Parcel ID for subject property is 412122336001.

Miss Nocheck read into the record the staff report and staff findings for the petition.

Applicant Presentation

Bart Simon, the applicant, was sworn in. He stated that this is not a data center, it is merely a larger facility to serve the growth of the South Gulf Cove area. He stated a smaller version is already located in the building. This is just to accommodate growth.

Chair McVety opened the meeting to Public Comments.

Public Input

Miss Nocheck received an email from a neighbor requesting that the testing of the generator be done between the hours of 9am and 5pm, labeled Exhibit H.

There being no requests to speak for or against the petition, Mrs. Beyer moved to close the public comments, seconded by Mr. Smallwood. The public comments were closed with a unanimous vote.

Board Member Comments and Questions

Chair McVety asked **Mr. Cullinan** what other options were available regarding location for the shelter. **Mr. Cullinan** was not aware of any alternative locations. **Mr. Vieira** requested assurance that the shelter was not a data center. **Mr. Cullinan** and **Attorney Moscoso** assured him that it was not.

Miss Nocheck presented the recommended conditions for the petition.

ACTION: A motion was presented by Nichole Beyer and seconded by Steve Vieira that Petition SE-26-011 be APPROVED based on the Community Development Staff Report dated September 2, 2026, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with four conditions recommended by staff.

Motion was approved with a unanimous vote with the following four conditions:

1. The Special Exception, as approved by the Board of Zoning Appeals, is to allow an essential services facility, consisting of a fiberoptics utility shelter, and extends only to the lands included in the Site Plans and legal description submitted with this application. The approval of the special exception shall not validate any easement encroachments, lot-line encroachments, unpermitted construction, or violations of any other Code requirements.

2. A Type B buffer shall be installed and planted around the west, south, and east boundaries of the utility compound area. The final design of buffers shall be determined during the Site Plan Review process.
3. The applicant shall obtain all necessary permits and approvals as applicable to this development, including but not limited to Site Plan Review, building permits, vegetation removal, environmental review, and landscape plan approval.
4. Any major changes or additions to this special exception shall require a modification of the special exception, including a change in size of the shelter or scope of services. Minor changes or additions, such as accessory uses, may be approved by the Zoning Official.

SE-26-012
Javier Rueda is requesting a special exception to allow accessory structures to exceed 3,000-square feet for a property greater than one-half acre in size, to allow a 6,000-square foot pole barn, in the Manufactured Home Conventional (MHC) zoning district. The property is located at 40211 Little Farm Road, in Punta Gorda, and is described as Parcel P4-1, located in Section 26, Township 42 South, Range 25 East. The Parcel ID for subject property is 422526300016.

Miss Nocheck read into the record the staff report and staff findings for the petition.

Applicant Presentation
Javier Rueda, the applicant, was sworn in. He stated that he obtained the necessary permits, but after the footers were installed, he was told during an inspection that the permit had been issued incorrectly. He is the head girls' basketball coach at Babcock Ranch High School. He intends to have a basketball court installed at his residence so the girls can practice.

Chair McVety opened the meeting to Public Comments.

Public Input
None.

There being no requests to speak for or against the petition, Mr. Vieira moved to close the public comments, seconded by Mrs. Beyer. The public comments were closed with a unanimous vote.

Board Member Comments and Questions
None.

Miss Nocheck presented the recommended conditions for the petition.

ACTION: A motion was presented by Steve Vieira and seconded by Andrew Filieo that Petition SE-26-012 be APPROVED based on the Community Development Staff Report dated September 2, 2026, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with five conditions recommended by staff.

Motion was approved with a unanimous vote with the following five conditions:

1. The Special Exception, as approved by the Board of Zoning Appeals, is to exceed the maximum of 3,000-square feet for accessory structures on a property greater than one-half acre in size, to construct a 6,000-square foot pole barn, for a total allowance of 6,000-square feet of accessory structures, and extends only to the lands included in the Site Plans

and legal description submitted with this application. The approval of the special exception shall not validate any easement encroachments, lot-line encroachments, unpermitted construction, or violations of any other Code requirements.

2. The Site Plan submitted by the applicant, as part of the petition, is for illustrative purposes only. All applicable regulations of County Code shall apply to this development. The applicant shall obtain all necessary permits and approvals as applicable to this development, including but not limited building permits.
3. Should the pole barn be enclosed in the future, it shall comply with all design standards set forth in Section 3-9-37.
4. The construction of any additional accessory structures will require a modification of the Special Exception.
5. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions, such as accessory uses, may be approved by the Zoning Official.

IX. ***Public Comments*** –
None.

X. ***Staff Comments*** –
Miss Nocheck stated that next month we have 6 petitions.

XI. ***Member Comments*** –
None.

XII. ***Next Meeting***
The next meeting of the Board of Zoning Appeals is scheduled for ***Wednesday, October 14, 2026 at 9:00 a.m., in Room 119.***

There being no further business, the meeting ***ADJOURNED*** at 9:53 a.m.

Respectfully submitted,
Jane Babler, Recording Secretary
Community Development Department

10-14-26

Blair McVety, Chair Date