BOARD OF ZONING APPEALS AGENDA
120 LAISHLEY COURT, UNIT 111, PUNTA GORDA, FLORIDA 33950
NOVEMBER 24, 2025, 2:00 PM

Robert C Sifrit, Chair
Patrice Petrik, Board Member
Heather Knuffke, Board Member
Toni Gray, Board Member
John Reynders, Board Member
Charles V Lewis, Board Member
James Wilton, Board Member

CALL TO ORDER
Roll Call
Pledge of Allegiance
Announcements
Next Meeting

PUBLIC COMMENTS
Anyone wishing to address the Board of Zoning Appeals on any subject may do so at the appropriate time during the meeting. Those who choose to speak must state their name for the record. Each person will be allowed to speak up to a maximum of three minutes.

1. **APPROVAL OF MINUTES**

   1.a **September 22, 2025, Meeting Minutes.**

2. **LEGISLATIVE PUBLIC HEARINGS**

3. **QUASI-JUDICIAL PUBLIC HEARINGS**

   3.a **V-04-2025 - 126 E Olympia Avenue**

   3.b **V-06-2025 - 959 Messina Drive**

4. **REGULAR AGENDA**

STAFF COMMENTS

MEMBER COMMENTS

ADJOURNMENT

If any person decides to appeal any matter considered at this meeting, he or she may need a record of the proceedings, and for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, the location of this public hearing is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired (TTY 941-575-5013) or non-English speaking citizens, and any other special accommodations can be requested by contacting the Human Resources Manager/Non-Discrimination Coordinator whose address is 326 W. Marion Avenue, Punta Gorda, FL 33950, whose telephone number is (941) 575-3371, and whose email address is humres@cityofpuntagordafl.com, at least two (2) calendars days prior to the meeting.

BOARD OF ZONING APPEALS
CITY OF PUNTA GORDA
11/24/2025

APPROVAL OF MINUTES

Title: September 22, 2025, Meeting Minutes.

Funds: Not applicable

Recommended Action: For approval.

Summary: September 22, 2025, Meeting Minutes.

Department/Division: City Clerk

EXHIBITS:

1. September 22, 2025, Minutes

CITY OF PUNTA GORDA, FLORIDA
BOARD OF ZONING APPEALS MEETING MINUTES
SEPTEMBER 22, 2025, 9:00 A.M.
120 LAISHLEY COURT
PUNTA GORDA, FL 33950

MEMBERS PRESENT: Robert Sifrit, Chair
Toni Gray, Heather Knuffke, Charles Lewis, Patrice Petrik, John Reynders, James Wilton

CITY STAFF PRESENT: Rachel Barry, Zoning Official; Interim City Attorney Leskovich; Deputy City Clerk Falkner; Alexandra Friend, Board Recorder

CALL TO ORDER

Chair Sifrit called the meeting to order at 2:00 p.m., followed by the Pledge of Allegiance.

PUBLIC COMMENTS

There were none.

1) APPROVAL OF MINUTES

1.a July 28, 2025, Meeting Minutes.
Exhibits:
Cover Page
July 28, 2025, Minutes

Member Lewis **MOVED** to approve the July 28, 2025, minutes, **SECONDED** by Member Reynders.
MOTION CARRIED UNANIMOUSLY.

2) LEGISLATIVE PUBLIC HEARINGS

There were none.

3) QUASI-JUDICIAL PUBLIC HEARINGS

Alexandra Friend, Board Recorder, swore in all participants.

3.a V-03-2025 - A request by Carlos H. Reyes, as the authorized applicant on behalf of Open Concept Developers, LLC, property owner, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, for a 10-foot setback reduction to allow a 15-foot rear yard setback instead of the required 25 feet for a proposed multi-family development.
Exhibits:
Cover Page
V-03-2025 BZA Staff Report
V-03-2025 Application
V-03-2025 Site Plan

Rachel Barry, Zoning Official, reviewed the request for variance, explaining the criteria for burden of persuasion.
Chair Sifrit questioned if there had been other setback reduction requests in the area of the subject property.
Rachel Barry replied in the negative.
Member Lewis questioned if the property was subject to the deed restrictions of Burnt Store Isles.
Rachel Barry replied with uncertainty, noting staff did not enforce same.
Carlos Reyes, applicant, reviewed the timeline of the project thus far, providing a presentation on same. He played audio from his Design Studio meeting with staff, drawing attention to the setback requirements being explained as 15 feet.
Member Lewis questioned if the applicant had permission to record the meeting.
Carlos Reyes replied affirmatively.
Rachel Barry explained Design Studio meetings were recorded and considered public records.
Carlos Reyes stated a redesign of the development would be costly, requesting the Board consider the impacts of the misinformation on the project. He reviewed ways the economic environment had impacted the project, noting property values in the City had significantly decreased since the project began.
Member Lewis indicated the Burnt Store Isles Home Owners' Association (HOA) had not approved the applicant's request for development.
Carlos Lewis stated they were not aware they needed the approval of the HOA.
Member Knuffke inquired as to the discrepancy in the information shared with the applicant regarding setback requirements.
Interim City Attorney Leskovich stated the City was not opposed to granting the variance, noting any issues with the HOA requirements were not within the purview of the City. He stated the City could be liable if the applicant demonstrated they had experienced undue harm due to relying on information provided by the City.
Ms. Knuffke spoke in favor of recommending approval for the variance based on the extraordinary circumstance criterion, opining the variance would not cause harm to the surrounding neighborhood.
Member Lewis spoke against the variance request, opining same would set a precedent.
Chair Sifrit opened the floor for public comment, calling 3 times for same.
Joseph Comeaux, San Rocco Court, spoke in favor of allowing the variance, noting he lived near the subject property.
Member Wilton **MOVED** to close the public hearing, **SECONDED** by Member Knuffke.
MOTION CARRIED UNANIMOUSLY.
Member Reynders **MOVED** to recommend approval of the request for variance, **SECONDED** by Member Knuffke.
AYE: Gray, Knuffke, Petrik, Sifrit, Reynders, Wilton
NAY: Lewis
MOTION CARRIED.

4) REGULAR AGENDA

There were no items.

STAFF COMMENTS

There were none.

MEMBER COMMENTS

There were none.

ADJOURNMENT

The meeting adjourned at 3:12 p.m.

_____
Chair

_____
Board Recorder

BOARD OF ZONING APPEALS
CITY OF PUNTA GORDA
11/24/2025

QUASI-JUDICIAL PUBLIC HEARINGS

Title: V-04-2025 - 126 E Olympia Avenue

Funds:

Recommended Action: For Board of Zoning Appeals review and recommendation to the City Council

Summary: A request by Veronica Martin of TDM Consulting, Inc., as the Authorized Agent on behalf of David Fry, Applicant, authorized by 126 E Olympia Ave., LLC, Property Owner, for a variance pursuant to Chapter 26, Section 16.10, Punta Gorda Code, from multiple sections of Chapter 26, Punta Gorda Code, pertaining to design requirements to allow the construction of an outdoor entertainment venue on an approximate 0.50-acre portion of the property located at 126 E Olympia Avenue, Punta Gorda, Florida 33950. The applicant is requesting a variance from Sections 3.9(g)(7), 3.9(g)(9), 3.9(e)(2), 3.9(e)(3), 3.9(e)(4), 7.4(a)(2), 7.4(a)(4), 7.4(d)(8), 7.4(d)(9), and 7.4(d)(11).

Department/Division: Urban Design

EXHIBITS:

1. Application
2. BZA Staff Report
3. Site Plan

CITY OF PUNTA GORDA

URBAN DESIGN
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3352
FAX: (941) 575-3310
Zoning@CityofPuntaGordaFL.com
UrbanDesign@CityofPuntaGordaFL.com

VARIANCE APPLICATION

Date Received: **File #: V-**
Application Fee: $750.00

Office use only:
Ad Date | | **DRC** | | **BZA** | | **City Council** |

Application and all pertinent required data (listed below) MUST be submitted with this application

- [X] ORIGINAL application with Signed & Notarized Variance Application and/or Affidavit Authorization for Agent (if applicable)
- [X] A copy of the deed or other evidence of ownership
- [X] Plot Plan: If building exists, should show all existing structures with dimensions, spacing, set-backs and off-street parking. **if new construction is proposed as part of this request, a plot plan is required and must show any existing structures on the land and any proposed structures, including setbacks, spacing and dimensions & total impervious area calculations
- [X] Signed and sealed boundary survey, completed no more than 12 months prior to the application that accurately shows the current condition of the property to include all existing streets, watercourses, natural feature, vegetation and topography and exact location of all buildings and structures.
- [X] Survey MUST show ALL Easements, Dedications & Improvements
- [X] Survey must have a metes and bounds description of the property showing water and sewer main locations and fire hydrant locations
- [X] Date of Survey: 6-3-2025
- [X] Total Acreage of Property 0.50 ac
- [X] Square Footage 21,769 sf
- [ ] Certificate of Appropriateness application and application fee if property is located within the National Register Historic Overlay District, listed on the National Register, or property listed on the Florida Master Site File by the State of Florida Department of State, Bureau of Historic Preservation of the Division of Historical Resource Florida Master Site File No. _____ Contributing Structure ☐ Yes ☐ No

In addition to the original application ANY documents greater than 11x17 MUST ALSO be submitted on a CD/DVD

In order that this application be processed in a timely fashion, the correct and complete information is necessary. It is suggested that the applicant bring the application to the Zoning & Code Compliance Division, 126 Harvey St., Punta Gorda, Florida 33950, where it can be reviewed by the staff prior to filing.

The Zoning & Code Compliance Division accepts no responsibility for the completeness or accuracy of the application. Errors in the filed application may result in delays with respect to required public hearings. All data and exhibits submitted in connection with the filing of this application become a permanent part of the public record

IMPORTANT: The applicant or his representative MUST be present at the hearing. There will be a fee of $500.00 for a Voluntary Continuance (a request by the applicant to continue a petition before the appropriate board or council, or by the failure of the applicant to attend or be represented at the appropriate meeting).

1. Applicant

Name	David Fry						
Address	[redacted]	City	[redacted]	State	FL	Zip	33901
[redacted]	[redacted]	[redacted]	davidfry@comcast.net				

2. Owner(s) of Record

Name	David Fry
Address	[redacted]
Phone	

3. Authorized Agent – (if applicable – Property Owner must sign AGENT Affidavit below)

Name	Veronica Martin, TDM Consulting, Inc.
Address	[redacted]
Phone	

4. Property Address

Address: 126 E. Olympia Avenue, Punta Gorda, FL 33950

Parcel ID /Account #	Lot #	Block#	Section	Total Sq. Feet	Total Acres
412306331010	18, 19 &	34		21,769	0.50
	portion of Lot 20				

5. Legal Description of Property (Attach separate sheet if necessary)

LOTS 18, 19 AND SOUTH WESTERLY 5 FEET OF LOT 20, BLOCK 34, CITY OF PUNTA GORDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 21 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

6. Is this variance request for new construction? ☒ Yes ☐ No

A. If yes, what is the total impervious area calculation? 100% impervious (21,769 sf)

7. Existing Zoning Classification TPG-DC

8. Is this request the result of a Violation? ☐ Yes ☒ No **When?**

9. Are there any existing structures on the property? ☐ Yes ☒ No

If "yes" what type of construction are they, and what is the current use of the structures. In addition include a site plan showing location of structures on property.

10. Reason Variance is being requested

Variance is necessary to accommodate redevelopment of the site so it complies with current land development code requirements.

11. Burden of Persuasion.

The burden of showing that a variance should be granted to alleviate undue hardship shall be on the applicant. The applicant shall be required to demonstrate that the granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant or that strict application of the ordinance would effectively prohibit or unreasonably restrict reasonable use of the property by reason of any one of the following:

(1) Exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of enactment of this ordinance; (2) Exceptional topographic conditions or other extraordinary and exceptional situation or condition of such property; (3) The condition situation or development of property immediately adjacent to the subject property.

Explanation: Please see the attached sheet.

12. Approval Criteria No variance shall be approved unless all of the following statements are true with respect to the subject property. Please state your position for each of the following approval criteria:
(1) That special conditions or circumstances exist which are particular to the size and characteristics of the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
Please see the attached sheet.
(2) The strict and literal enforcement of the zoning regulations would create an undue hardship as distinguished from a mere inconvenience on the property owners. Physical handicaps or disability of the applicant and other considerations may be considered where relevant to the request.
Please see the attached sheet.
(3) That such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.
Please see the attached sheet.
(4) The granting of the variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood or otherwise detrimental to the public welfare.
Please see the attached sheet.
(5) That the variance requested is the minimum modification of the regulation at issue that will afford relief.
Please see the attached sheet.
(6) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property and/or the conditions cannot reasonably be corrected or avoided by the applicant.
Please see the attached sheet.
(7) The variance requested does not involve any use which is prohibited in the district where the property is located.
Please see the attached sheet.
(8) Please explain in detail how this variance request is consistent with the City of Punta Gorda Comprehensive Plan
Please see the attached sheet.

I, the undersigned, being first duly sworn, testify and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of all of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary material attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners.

By submitting this application the owner(s) of the subject property does hereby grant his/her consent to the Zoning Official and his/her designee, to enter upon the subject property for the purposes of making any examinations, surveys, measurements, and inspections deemed necessary to evaluate the subject property relative to this application.

NOTARIAL CERTIFICATE - ACKNOWLEDGEMENT

Veronica Martin
Signature of Owner or Authorized Agent

Veronica Martin, Planner
Print Name & Title

8-25-25
Date

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization this day of Aug 25, 2025, by Veronica Martin, who is personally known to me or who has produced _____ as identification.

Michelle Addario
(Signature of Notary)

MICHELLE ADDARIO
Notary Public - State of Florida
Commission # HH 217426
My Comm. Expires Feb 15, 2026
Bonded through National Notary Assn.

AGENT AFFIDAVIT (Property Owner to complete ONLY if applicable)

I/We David Fry, property owner(s), hereby authorize Veronica Martin, TDM Consulting, Inc. to act as ***Agent*** on our behalf regarding a VARIANCE APPLICATION on the property commonly known as 126 E. Olympia Ave / Olympia Avenue Yard in Punta Gorda, Florida.

Signature of Property Owner

David Fry
Print Name of Property Owner

8/22/25
Date

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization this day of Aug 22, 2025, by David Fry, who is personally known to me or who has produced _____ as identification.

Michelle Addario
(Signature of Notary)

MICHELLE ADDARIO
Notary Public - State of Florida
Commission # HH 217426
My Comm. Expires Feb 15, 2026
Bonded through National Notary Assn.

CIVIL ENGINEERING
TDM
CONSULTING, INC.

1520 Royal Palm Square Blvd, Suite 100
Fort Myers, FL 33919
Phone: 239-433-4231
www.tdmcivilengineering.com
Certificate of Authorization # 29086

NARRATIVE OF PROPOSED REDEVELOPMENT

The Applicant, David Fry, is proposing to redevelop a portion of 126 E. Olympia Avenue in downtown Punta Gorda into a commercial establishment that includes food trucks and entertainment. Mr. Fry has a contract for purchase with the current property owner, 126 E Olympia Ave, LLC. A Lot Split is currently under review by staff (LOT-03-2025). The property was originally developed as the Bank of America office building with associated parking.

The site has a future land use classification of City Center and a zoning district of Traditional Punta Gorda, Downtown Core (TPG -DC). Section 3.9 of the Land Development Regulations encourages the redevelopment and expansion of the traditional town center with a broad array of uses including shops, restaurants, services, work places, civic, educational and religious facilities, and high density housing. It is expected that the City Center District will expand over time to meet the growth in demand for downtown facilities and services. That is the intent of the proposed redevelopment – to convert an old, seldom used parking lot into a commercial enterprise to serve the downtown district. The proposed use (similar to a restaurant with outdoor dining and outdoor entertainment) is permitted per Land Development Regulation Section 3.9(a)(16) - "Any such other uses which are similar to those listed as deemed appropriate in the district by the Zoning Official" and Section 3.9(b) Permitted Accessory Uses.

The proposed development will include a 6' high opaque wall/fence on all sides as shown on the Site Plan. This will not only provide privacy, but will increase compatibility with adjacent land uses. The location is not within 200 feet of property located within a residential district or within 200 feet from an NR District boundary. In addition, all structures are located towards the perimeter of the lot. The anticipated hours of operation will be the same as Bay Street Yard in downtown Fort Myers. With the exception of special events and holidays, the hours of operation are as follows:

- Sunday: 11 am – 10 pm
- Monday: 4 pm – 12 am
- Tuesday: Closed
- Wednesday: Closed
- Thursday: 4 pm – 12 am
- Friday and Saturday: 11 am – 2 am

As stated above, the applicant is proposing two (2) mobile food trucks on-site, which are permitted in the City Center zoning district. The vendors will be required to obtain all required

licensing and permits prior to operating on site. This is consistent with Section 4.4 – Amusement Facilities, 4.24 – Outdoor Recreation, Section 4.29 – Recreational Facilities, and Section 4.40 – Mobile Food Dispensing Vehicles.

VARIANCE REQUEST

The Applicant is requesting a total of four (4) Variances.

(1) Variance from **LDR Section 3.9(g)(4)** - Development Standards, which requires a minimum rear setback requirement of 20 feet. The Applicant is requesting a 0-foot setback to the rear, abutting Herald Court.

(2) Variance from **LDR Section 3.9(g)(7)** – Development Standards, which requires the frontage build-out to be 70% of the street face. Request to permit the proposed 6' high opaque wall along E. Olympia Avenue to meet this requirement in lieu of the building façade.

(3) Variance from **LDR Section 3.9(g)(9)** – Development Standards, which requires a minimum height of 2 stories, 26 feet above BFE. Request to permit a minimum height of 1 story, 20 feet above BFE.

(4) Variance from **LDR Section 3.9(e)(2)** – General Requirements, which requires an arcade, shopfront, stoop, forecourt, or dooryard frontage. Request to permit a Front Lawn type frontage along E. Olympia Avenue.

VARIANCE CRITERIA

1. That special conditions or circumstances exist which are particular to the size and characteristics of the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

   The proposed redevelopment for the intended use doesn't fit neatly into a pre-determined use category. It's "similar" to several other uses permitted in the City Center zoning district, including restaurant with outdoor seating and outdoor recreational facility. The actual development is located behind a 6' high opaque wall/fence with all activity and structures located inside for privacy and compatibility with adjacent land uses. The applicant is proposing to use shipping containers for the buildings, including the bar, restrooms, etc.

   The site is a remnant of the parking lot for the Bank of America office building. The site is surrounded by E. Olympia Avenue to the south, Herald Court to the north, an alley to the west, and an existing parking lot to the east. The site is constrained by the fact that it's limited in size to only 21,769 square feet without the ability to acquire additional land. In addition, the frontage types permitted in the City Center zoning district are more conducive to traditional commercial development; however, aren't compatible with the proposed development. In addition, as previously mentioned, the applicant intends to use shipping containers for the structures, which are limited to one-story in height. The special conditions and/or circumstances of the site and proposed use are particular to this specific lot; however, the limitation on use categories is the same for the City Center zoning district.

2. The strict and literal enforcement of the zoning regulations would create an undue hardship as distinguished from a mere inconvenience on the property owners. Physical

handicaps or disability of the applicant and other considerations may be considered where relevant to the request.

The strict application of the zoning regulations creates a hardship on the applicant. It isn't possible to acquire additional land to increase the rear setback; the nature of the development prohibits a 70% frontage build-out; the nature of the development doesn't fit into the approved frontage types; and doesn't promote a 2-story building. As mentioned previously, the site is small in size with only 104.60 feet of frontage on E. Olympia Avenue, 136.60 feet of frontage on Herald Court, 183.34 feet on the west side along the alley, and 180.53 feet along the east property line. In addition, this is a redevelopment of what would be considered an infill lot. The Applicant is burdened by the application of the code requirements, and the strict application would prevent the redevelopment of the site for the proposed use.

3. That such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.

   Please see the narrative above. The hardship is not generally shared by other properties in the same zoning district in the same vicinity.

4. The granting of the variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood or otherwise detrimental to the public welfare.

   The surrounding neighborhood consists of streets and commercial uses, including an automotive and maintenance repair shop west of the alley, the Bank of America office building and associated parking east of the site, a large parking lot south of E. Olympia Avenue, and a shopping plaza north of the site. There aren't any residential uses nearby. The Site Plan shows the property surrounded by a 6' high opaque wall/fence to add privacy to the development and increase compatibility with the surrounding neighborhood. In addition, the venue has limited timeframes, especially during the week nights. Granting of the variances will not be injurious to or incompatible with the abutting uses, the surrounding neighborhood or otherwise detrimental to the public welfare.

5. That the variance requested is the minimum modification of the regulation at issue that will afford relief.

   The proposed Variances are the minimum modification of the regulations at issue that will afford relief. As stated, the land on all four sides is currently developed so the applicant cannot acquire additional land to meet the rear setback requirements and the permitted frontage types aren't compatible with the proposed use.

6. The condition giving rise to the requested variance has not been created by any person presently having an interest in the property and/or the conditions cannot reasonably be corrected or avoided by the applicant.

   The Variance requests are not due to a hardship created by the Applicant. The current Land Development Code doesn't provide regulations specific to the proposed use; however, does provide a mechanism for Variances from regulations to permit flexibility in design. Strict compliance with the code regulations

7. The variance requested does not involve any use which is prohibited in the district where the property is located.

   Please see the narrative above. The proposed use isn't a specific listed use in the Land Development Regulations; however, LDR Section 3.9(a)(16) permits the Zoning Official to permit similar uses. The proposed use is similar to restaurants with outdoor seating and outdoor recreation facilities.

8. Please explain in detail how this variance request is consistent with the City of Punta Gorda Comprehensive Plan.

   Pursuant to **Future Land Use Element Goal 1.1**, it is the intent of the City to continue to create a lively, economically viable, pedestrian oriented town with a publicly accessible waterfront, healthy neighborhoods, and a high quality of community character. The proposed development is a unique mix of food and entertainment in the heart of the City, which meets the intent of Goal 1.1.

   Pursuant to **Future Land Use Element Policy 1.1.10.2**, the City of Punta Gorda will encourage infill development within the city by maintaining a high level of urban services, by cooperating with the private sector in promoting the city to traditional retiree populations, by promoting other forms of economic growth, and by maintaining land development regulations that facility the sensitive integration of new development in older urban areas. The site is located in the City Center and public services and infrastructure are already in place. The proposed redevelopment of a parking lot that is no longer needed with a vibrant new development meets the intent of Policy 1.1.10.2.

   The site has a future land use classification of Traditional Punta Gorda – Downtown, which is a mixed-use category with a description of "intended to be developed in a pedestrian oriented manner consistent with the historic pattern. A mix of retail, dining, offices and multi-family residential are permitted. The location, in the downtown core, is ideal for the proposed development; however, it isn't possible to provide a "mix" of uses with the proposed uses. The "mix of uses" intended by the TPC – DC future land use classification is a result of the 2019 Citywide Master Plan, which was intended to provide greater flexibility in the mix of uses and development patterns accommodated in the City's non-residential use areas.

VARIANCE STAFF REPORT

TO: Punta Gorda Board of Zoning Appeals (BZA)
City Council (CC)

FROM: Rachel Barry, Zoning Official

BZA HEARING DATE: November 24, 2025

CC HEARING DATE: December 3, 2025

RE: V-04-2025 – Olympia Avenue Yard

Applicant Request:

V-04-2025: A request by Veronica Martin of TDM Consulting, Inc., as the Authorized Agent on behalf of David Fry, Applicant, authorized by 126 E Olympia Ave., LLC, Property Owner, for a variance pursuant to Chapter 26, Section 16.10, Punta Gorda Code, from multiple sections of Chapter 26, Punta Gorda Code, pertaining to design requirements to allow the construction of an outdoor entertainment venue on an approximate 0.50-acre portion of the property located at 126 E Olympia Avenue, Punta Gorda, Florida 33950. The applicant is requesting a variance from Sections 3.9(g)(7), 3.9(g)(9), 3.9(e)(2), 3.9(e)(3), 3.9(e)(4), 7.4(a)(2), 7.4(a)(4), 7.4(d)(8), 7.4(d)(9), and 7.4(d)(11).

Hearing Minutes and Board Recommendation(s):

At the filing of this application, the property subject to this application was included as a portion of the parcel addressed as 126 E Olympia Avenue, Punta Gorda, Florida 33950, otherwise identified by the Charlotte County Property Appraiser as parcel 412306331010, which is listed on the Florida Master Site File. Pursuant to Section 3.14(i) of Chapter 26, Land Development Regulations, Punta Gorda Code, the City of Punta Gorda Historic Preservation Advisory Board (HPAB) heard the request on October 23, 2025. HPAB recommended approval of the request, 6-1.

Following the public hearing, the BZA shall forward the proposed variance to the City Council together with its recommendation and a statement setting forth its reasons for such recommendation. Due to the timing of hearing dates, the Agenda for the City Council meeting will be published prior to the BZA meeting. All additional information, including the BZA's recommendation, will be provided immediately following the BZA meeting.

Supplemental Material/Issue Analysis Report:

As mentioned above, at the filing of this application and advertising for the public hearing, the subject property was included as a portion of the parcel addressed as 126 E Olympia Avenue, Punta Gorda, Florida 33950, otherwise identified by the Charlotte County Property Appraiser as

parcel 412306331010. Prior to the filing of this application, the parent parcel owner, 126 E Olympia Ave., LLC, authorized the prospective buyer, David Fry, to apply for a Lot Split Application to obtain a separate parcel number for the approximate 0.50-acre area that Mr. Fry was under contract to purchase. The property being more specifically described as all of Lots 18 and 19 and the southwesterly five (5) feet of Lot 20, all in Block 34, City of Punta Gorda, Florida, according to the Plat thereof as recorded in Plat Book 1, Page 21, of the Public Records of Charlotte County, Florida; and more accurately depicted on the survey included in Exhibit 6 of this staff report. The lot split is now updated on the Charlotte County Property Appraiser's GIS Map, and the separated portion of the property that is subject to this request is now known as parcel 412306331011. The sale was finalized and a warranty deed recorded on November 12, 2025, instrument number 3587021; the property owner is now listed as PG Yard Land, LLC, of which David Fry is listed as the Manger and Registered Agent.

The applicant is requesting a variance from multiple sections of Chapter 26, Land Development Regulations (LDRs), Punta Gorda Code, to allow the construction of a new entertainment venue to be known as the Olympia Avenue Yard. The property is located within the City Center zoning district, as regulated by Section 3.9, LDRs, and is located within the Downtown Commercial Historic District Overlay. The subject property is not listed on the Florida Master Site File and is therefore not subject to Certificate of Appropriateness requirements.

The application describes the proposed development as a commercial establishment that includes food trucks and entertainment, along with beverage service. The property is located within the City Center zoning district which allows bars and food trucks as uses permitted with conditions, and allows outdoor dining as a permitted accessory use; the proposed outdoor entertainment is allowed so long as it is accessory to and customarily incidental and subordinate to the permitted principal use as a bar establishment.

Section 4.7, LDRs, outlines the conditions for bars and nightclubs. The two conditions are: (1) the establishment is not permitted within 300 feet of a one- or two-family dwelling unit, church, or other civic use building; and (2) parking is allowed to be provided off-site. The property and proposed development comply with both conditions. Additionally, the property is not located within 200 feet of a Neighborhood Residential zoning district boundary, as is prohibited by Section 3.9, LDRs. Section 4.40, LDRs, outlines the conditions for food trucks, also referred to as "mobile food dispensing vehicles". Subsection (b)(1) notes food trucks are permitted on developed property within the City Center district. Developing the property in compliance with the conditions in Section 4.7, LDRs, will in turn allow the food truck(s) on the property, subject to all conditions in Section 4.40, LDRs.

The proposed development is unique in style and design, and does not align with certain architectural guidelines or development requirements of the LDRs. A rendering of the proposed development is included as Exhibit 9 of this staff report. Review of the application shows a predominately open-air, covered, bar establishment with outdoor entertainment, seating areas, and food trucks, as well as restroom facilities, an office, and storage. There appear to be no site-built enclosed buildings proposed in the project.

The Applicant is requesting relief from the following Sections of the LDRs:

Section 3.9, City Center

- *Subsection (e), General Requirements*
    - *Paragraph (2) – requires the front of a structure to comply with arcade, shopfront, stoop, forecourt, or dooryard frontage definition.*
      The structures in the proposed development are modified shipping containers, and are not used as an entrance into the establishment. The structures will be set back from the main

entrance; however, they do not serve as the façade that is the intended subject of this requirement. Having no façade or building entrance into the establishment, the development as proposed would not comply with this requirement.

- *Paragraph (3) – requires the structure to comply with specific architectural styles*
  This requirement references architectural styles detailed in Section 7.3, LDRs. The development as proposed would not fall within any of the categories listed in Section 7.3, LDRs.
- *Paragraph (4) – requires the structure to comply with building principles where applicable by use*
  This requirement references the building principles detailed in Section 7.4, LDRs. Additional information regarding the applicable portions of Section 7.4 is listed below.

- *Subsection (g), Development Standards*
  - *Paragraph (7) – requires a minimum 70% frontage build-out along the primary street*
    The proposed development, being mostly open-air space, would not comply with this requirement. The applicant has proposed decorative fencing, landscaping, and other architectural features along the entirety of the primary street frontage.
  - *Paragraph (9) – requires a minimum height of two (2) stories and 26 feet above base flood elevation (BFE)*
    The open-air nature of the proposed development, utilizing modified containers, would not comply with this requirement.

Section 7.4, Building Principles

- *Subsection (a), General Building Principles*
  - *Paragraph (2) – requires structures to be built architecturally compatible with adjacent buildings through several options, including, but not limited to, spacing, setbacks, exterior materials, and scale.*
    The adjacent buildings are each unique in their respective architectural designs. The proposed development is located next to the Bank of America building – a four-story building constructed in 1960 in the Mid-Century Modern style; across an alleyway behind Greg's Automotive repair shop – a one-story building constructed in 1947 in the Commercial Vernacular style; and across an alleyway behind the H.W. Smith Building – a one-story building constructed in 1926 in the Mission Revival style. The applicant has proposed a design that is not architecturally similar to adjacent buildings, and would not comply with this requirement.
  - *Paragraph (4) – requires the primary entrance of the structure to be on the front façade of the building.*
    There being no primary structure, there is no façade in which to incorporate a primary entrance. The primary entrance into the proposed development is located on E Olympia Avenue, where the applicant has proposed decorative fencing, landscaping, and other architectural elements.

- *Subsection (d), Shopfront and Workplace Principles [mixed use]*
  - *Paragraph (8) – requires all equipment be located in the side yard and screened from off-site view, rooftop equipment to be enclosed in material that matches the building, and no mechanical equipment may be mounted of the building façade visible from public right-of-way or adjacent properties.*
    The applicant is requesting a variance from this requirement.

- *Paragraph (9) – requires building walls be made of brick, concrete, stucco, stone, marble, or similar materials.*
  The applicant is proposing to utilize modified shipping containers to serve as the structures on the property; however, the containers do not have modified exterior cladding other than paint.
- *Paragraph (11) – requires the first floor of street level building façades to be a minimum 50% windows.*
  There being no street level building facade, the proposed development would not meet this requirement.

Section 16.10, Application for Variance, LDRs.

(a) Application.

Veronica Martin of TDM Consulting, Inc., as the Authorized Agent for David Fry, Applicant authorized by Kim Devine, listed on Sunbiz.org as the Registered Agent for 126 E Olympia Ave., LLC, Property Owner, has filed an application for a variance with the Urban Design Department. Since the filing of this application, the parent parcel was split, and the area subject to this application is now owned by PG Yard Land, LLC, for which David Fry is listed as the Manager and Registered Agent.

(b) Approval Criteria. No variance shall be approved unless all of the following statements are true with respect to the subject property:

(1) That special conditions or circumstances exist which are particular to the size and characteristics of the land, structure or building involved which are not applicable to other lands, structures or buildings in the same zoning district.
This criterion is true with respect to the subject property. The proposed structures are unique in design, which is a special condition that does not apply to other structures or buildings in the same zoning district.

(2) The strict and literal enforcement of the zoning regulations would create an undue hardship as distinguished from a mere inconvenience on the property owners. Physical handicaps or disability of the applicant and other considerations may be considered where relevant to the request.
This criterion is true with respect to the subject property. The Applicant developed a similar project in Fort Myers, known as The Bay Street Yard, which is designed in the same manner as the proposed development. The strict and literal enforcement of the zoning regulations would cause the applicant to redesign the proposed project, eliminating continuity between multiple business locations.

(3) That such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.
This criterion is true with the respect to the subject property. Staff is not aware of any other property or property owner in the vicinity or zoning district that share the hardship.

(4) The granting of the variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood or otherwise detrimental to the public welfare.

This criterion is true with respect to the subject property. The only area contiguous to the property is the remaining portion of the parent parcel, which contains the vacant Bank of America building. Granting the variance would not be injurious or incompatible with the contiguous use. The property is located in downtown Punta Gorda near several other food and beverage establishments; granting the variance would not be injurious or incompatible with the uses in the surrounding neighborhood. Granting the variance may not be compatible with the architecture and design of the surrounding neighborhood, but could be made compatible through proper landscaping.

(5) That the variance requested is the minimum modification of the regulation at issue that will afford relief.

This criterion is partially true with respect to the subject property. Theoretically, the development could be redesigned to place a container at the front of the property to act as the primary entrance, however, doing so may retract from the visual aesthetics in comparison to the proposed entrance design. The containers could theoretically be redesigned to have appropriate cladding. Additionally, the application does not propose a solution or remedy for equipment screening; complete reduction of screening requirements may not be necessary, and screening the equipment may be feasible.

(6) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property and/or the conditions cannot reasonably be corrected or avoided by the applicant.

This criterion may not be wholly true with respect to the subject property. The Applicant and any other person presently having an interest in the property were not involved with the creation or adoption of the LDRs, which outline all of the requirements for design and development. However, the Applicant has proposed a design that does not comply with the LDRs. A redesign may theoretically be possible, but would affect the Applicant's business model/branding and may not be reasonable.

(7) The variance requested does not involve any use which is prohibited in the district where the property is located.

This criterion is true with respect to the subject property. A bar establishment and food trucks are uses permitted with conditions in the City Center District, and the outdoor entertainment is permitted as an accessory to the bar establishment.

(8) The requested variance is consistent with the City of Punta Gorda Comprehensive Plan.

This criterion is true with respect to the subject property. The following Goals, Objectives, and Policies of the Future Land Use Element, City of Punta Gorda 2045 Comprehensive Plan, support the requested variance:

Goal 1.1: The long term end toward which land use programs and activities are ultimately directed is the orderly growth and development of Punta Gorda in a high quality environment. Over the next planning period, it is the intent of the City to

continue to create a lively, economically viable, pedestrian oriented town with a publicly accessible waterfront, healthy neighborhoods, and a high quality of community character

Objective 1.1.3: The City of Punta Gorda is committed to the redevelopment and renewal of blighted areas, and the prevention of blight in other areas through the following policies:

Policy 1.1.3.6: The City will ensure that local historic and neighborhood conservation district requirements do not impose additional and/or excessive development barriers on key infill and redevelopment opportunity sites.

Objective 1.1.10: Punta Gorda will discourage urban sprawl by controlling the extension of urban facilities and services to non-urban areas and by encouraging urban infill development.

Policy 1.1.10.2: Punta Gorda will encourage infill development within the city by maintaining a high level of urban services, by cooperating with the private sector in promoting economic growth, and by maintaining land development regulations that facilitate the sensitive integration of new development in older urban areas.

Objective 1.1.14: Punta Gorda will maintain a Future Land Use Map and land use classification system that provides for the distribution, extent, and location of a variety of land uses.

Policy 1.1.14.2: Downtown lands encompass the traditional commercial core of the city; therefore, they feature the most intense retail and office space allowances, combined with an encouragement of vertically integrated mixed-use development. These areas shall be developed:

a. In a pedestrian-oriented manner consistent with the existing and historic pattern.

(c) Burden of Persuasion. […] The applicant shall be required to demonstrate that the granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant or that strict application of the ordinance would effectively prohibit or unreasonably restrict reasonable use of the property by reason of any one of the following:

(1) Exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of enactment of this Ordinance.

(2) Exceptional topographic conditions or other extraordinary and exceptional situation or condition of such property.

(3) The condition situation or development of property immediately adjacent to the subject property.

The applicant has indicated a hardship; however, the hardship is not due to the size, shape, or topography of the property, or due to any situation or development immediately adjacent to the property.

(d) Public Hearing.

The application for variance is scheduled for public hearing before the Punta Gorda Board of Zoning Appeals (BZA) on Monday, November 24, 2025, and before the City Council on Wednesday, December 3, 2025.

(e) BZA Review and Recommendation.

Following the public hearing, the BZA shall forward the proposed variance to the City Council together with its recommendation and a statement setting forth its reasons for such recommendation. Due to the timing of hearing dates, the Agenda for the City Council meeting will be published prior to the BZA meeting. All additional information, including the BZA's recommendation, will be provided immediately following the BZA meeting.

Summary of Findings

Finding #1: The property is located in the City Center zoning district. The applicant's proposed development does not include any uses that are prohibited in this district, and the proposed development is compatible with surrounding uses.

Finding #2: The design and style of the proposed development do not align with the architectural styles the City has prioritized for development in the downtown area. The design may not be compatible with the design found throughout the surrounding area, but could be made compatible through proper and sufficient landscaping.

Finding #3: Section 7.5, LDRs, states in part, "Major variation to building façade requirements due to unique building use requirements may be approved by the City Council, provided the overall pedestrian nature of the street is maintained in accordance with all other standards."

Finding #4: The LDRs provide avenues to seek relief from development regulations through a variance application, outlined in Section 16.10 of the LDRs.

Finding #5: Section 16.10(b), LDRs, lists eight (8) approval criteria. Six (6) have been found to be true with respect to the subject property, and two (2) have been found to be partially true with respect to the subject property.

Staff Recommendation:

If this request, V-04-2025, is approved, Staff recommends the following conditions of approval:

1. The approved variance shall be valid for the current property owner, David Fry of PG Yard Land, LLC, and shall expire two (2) years after the date of approval unless a valid building permit has been issued through the City of Punta Gorda Building Department.
2. The Applicant's project shall adhere to the design as shown in the rendering included as Exhibit 9 of this staff report.
3. The Applicant shall construct decorative fencing and provide adequate landscaping along a minimum of 70% of the front property line.
4. The Applicant shall install adequate landscaping to the highest extent possible to screen equipment.
5. The Applicant shall ensure that all structures are painted and maintained in a proper manner, and any fading areas, scratches, peeling, or otherwise, will be immediately addressed and corrected.

Attachments:

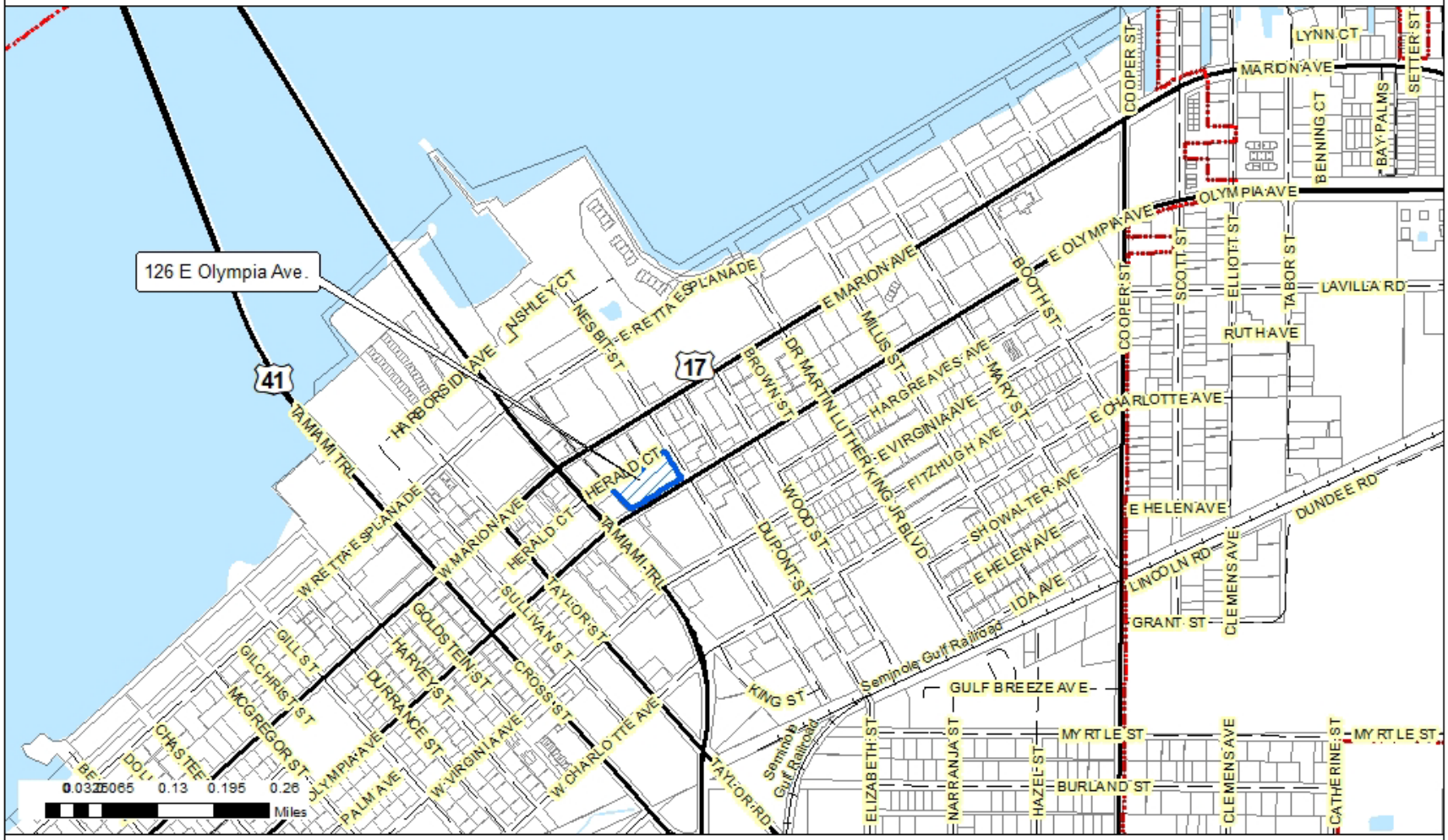
Exhibit 1 – Location Map
Exhibit 2 – Subject Property Map
Exhibit 3 – Zoning Map
Exhibit 4 – Historic District Overlay Map

Exhibit 5 – Future Land Use Map
Exhibit 6 – Survey
Exhibit 7 – Site Plan Overlaid on Map
Exhibit 8 – Site Plan
Exhibit 9 – Renderings of Front Entrance

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Exhibit 1:

CITY OF PUNTA GORDA
V-04-2025 - LOCATION MAP



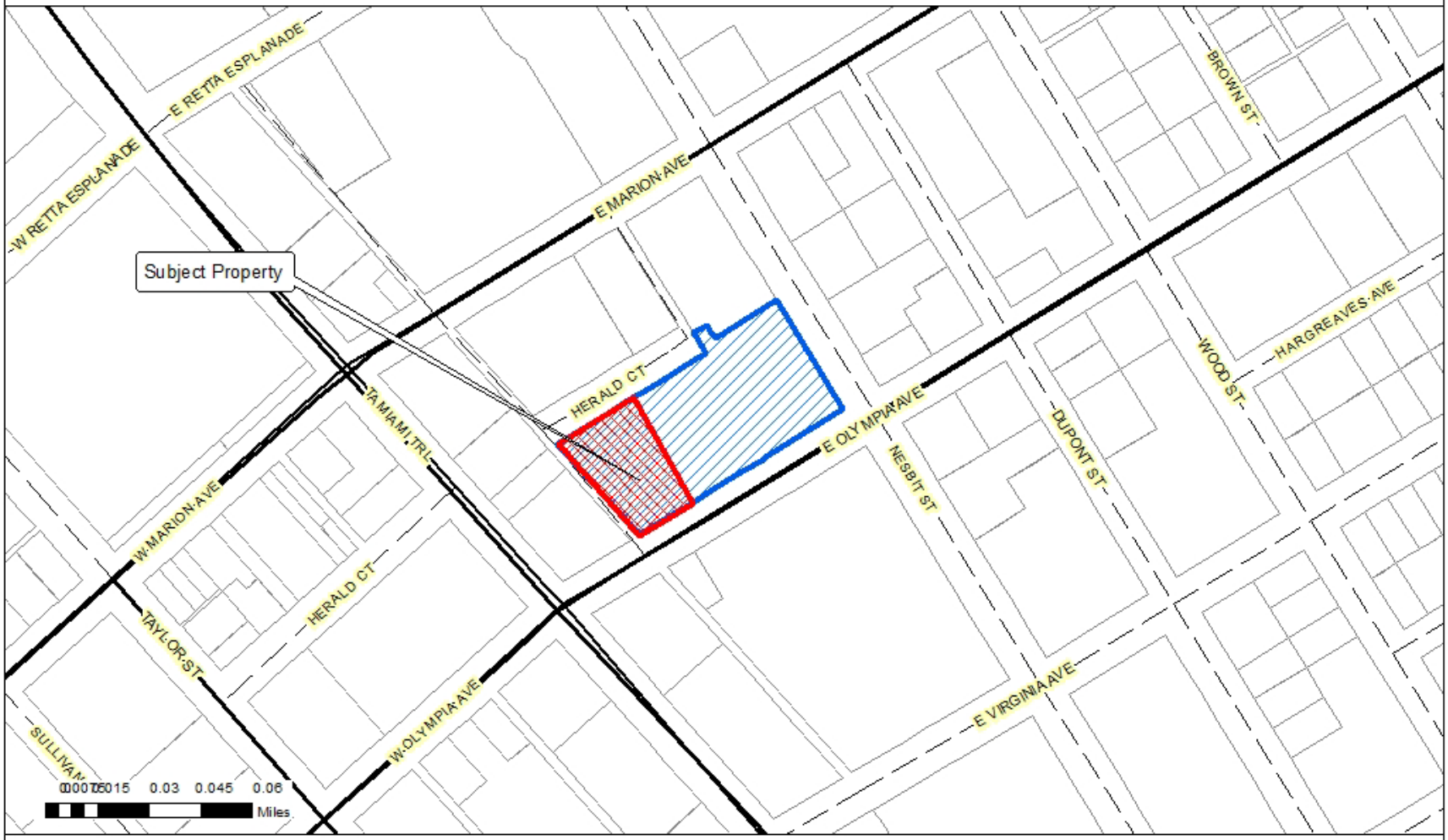
Legend

Parent Parcel

City Limits

Exhibit 2:

CITY OF PUNTA GORDA
V-04-2025 - LOCATION MAP



Legend

Parent Parcel

Subject Property

Exhibit 3:

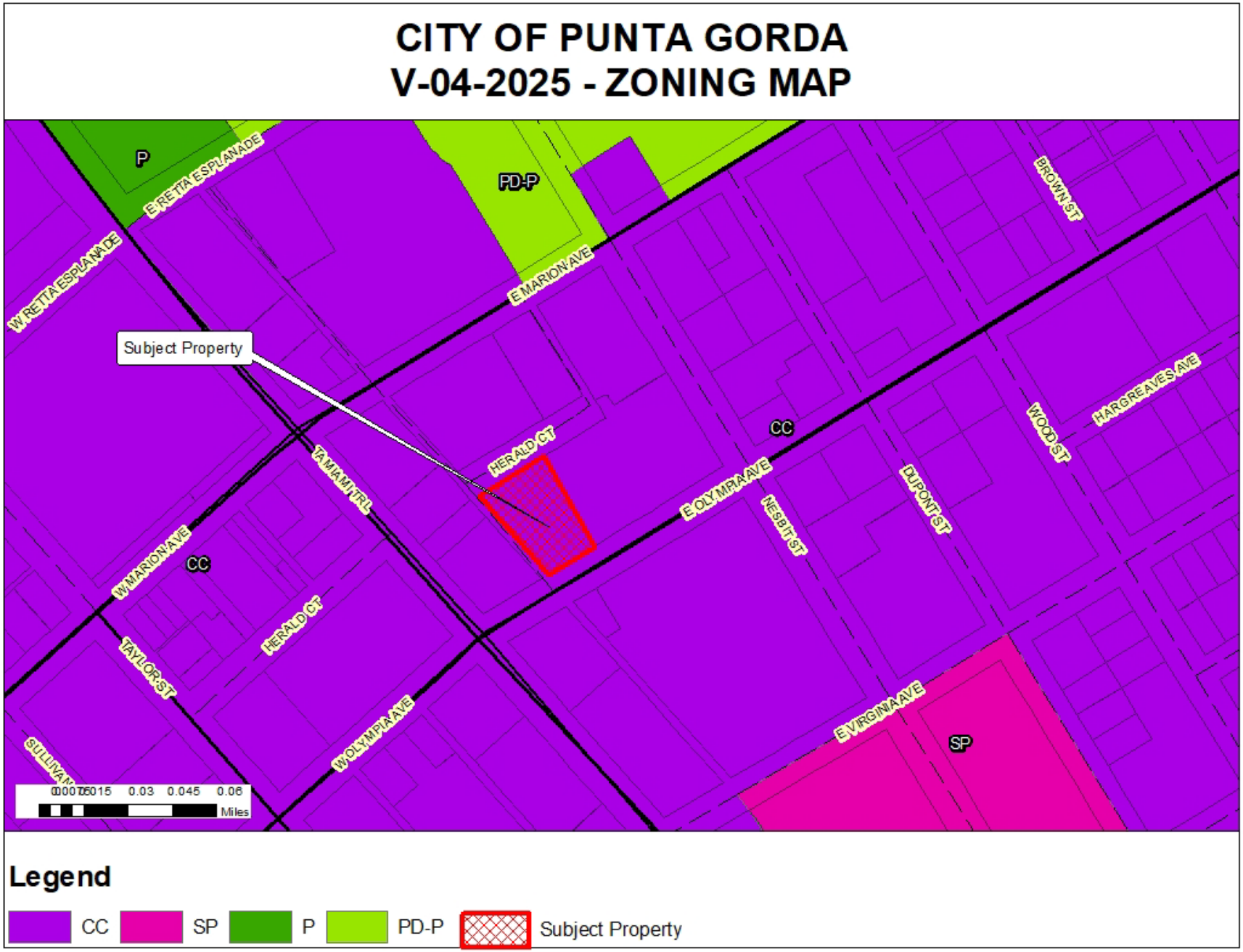

CITY OF PUNTA GORDA
V-04-2025 - ZONING MAP
P
PD-P
CC
SP
E RETTA ESPLANADE
W RETTA ESPLANADE
E MARION AVE
W MARION AVE
Subject Property
HERALD CT
TAMIAMI TRL
E OLYMPIA AVE
W OLYMPIA AVE
NESBIT ST
DUPONT ST
WOOD ST
HARGREAVES AVE
BROWN ST
TAYLOR ST
SULLIVAN
E VIRGINIA AVE
0 0.0075 0.015 0.03 0.045 0.06
Miles
Legend
CC
SP
P
PD-P
Subject Property

Exhibit 4:

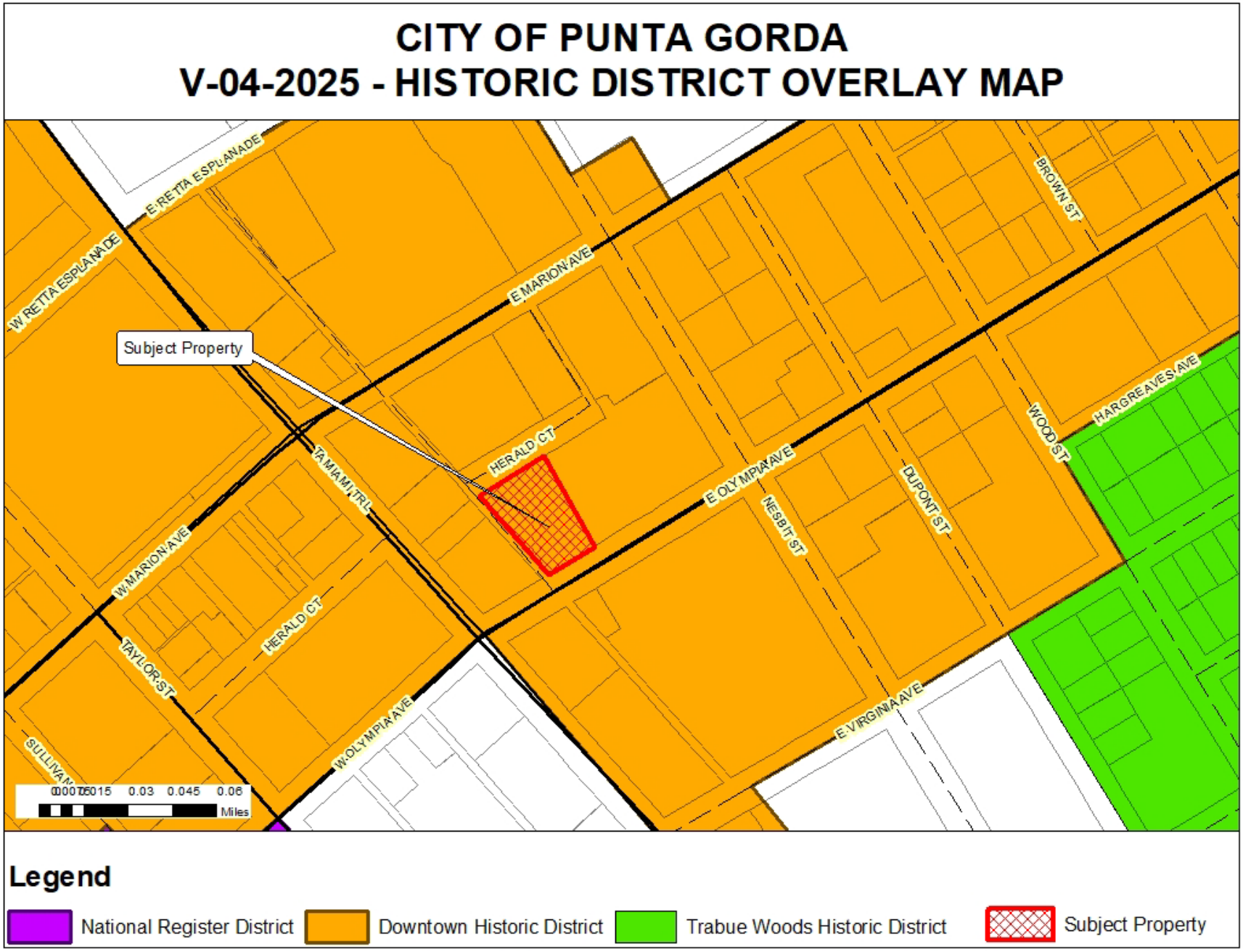

CITY OF PUNTA GORDA
V-04-2025 - HISTORIC DISTRICT OVERLAY MAP
E RETTA ESPLANADE
W RETTA ESPLANADE
E MARION AVE
BROWN ST
Subject Property
HERALD CT
TAMIAMI TRL
E OLYMPIA AVE
WOOD ST
HARGREAVES AVE
DUPONT ST
NESBIT ST
W MARION AVE
HERALD CT
TAYLOR ST
W OLYMPIA AVE
E VIRGINIA AVE
0 0.0075 0.015 0.03 0.045 0.06
Miles
Legend
National Register District
Downtown Historic District
Trabue Woods Historic District
Subject Property

Exhibit 5:

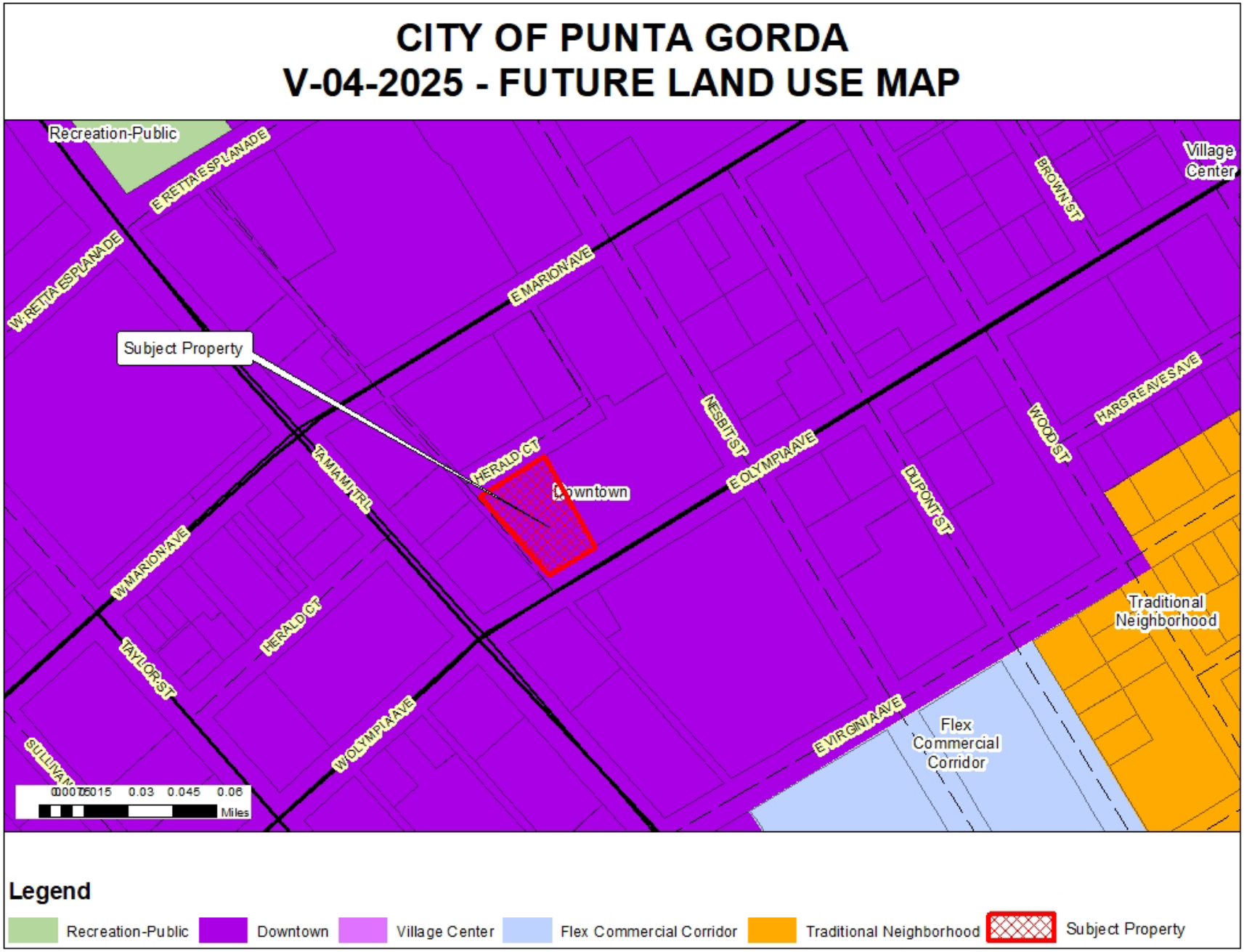

CITY OF PUNTA GORDA
V-04-2025 - FUTURE LAND USE MAP
Recreation-Public
E RETTA ESPLANADE
W RETTA ESPLANADE
E MARION AVE
W MARION AVE
Subject Property
HERALD CT
TAMIAMI TRL
Downtown
NESBIT ST
E OLYMPIA AVE
W OLYMPIA AVE
DUPONT ST
WOOD ST
BROWN ST
HARGREAVES AVE
Village Center
Traditional Neighborhood
Flex Commercial Corridor
E VIRGINIA AVE
TAYLOR ST
SULLIVAN
0 0.0075 0.015 0.03 0.045 0.06
Miles
Legend
Recreation-Public
Downtown
Village Center
Flex Commercial Corridor
Traditional Neighborhood
Subject Property

Exhibit 6:

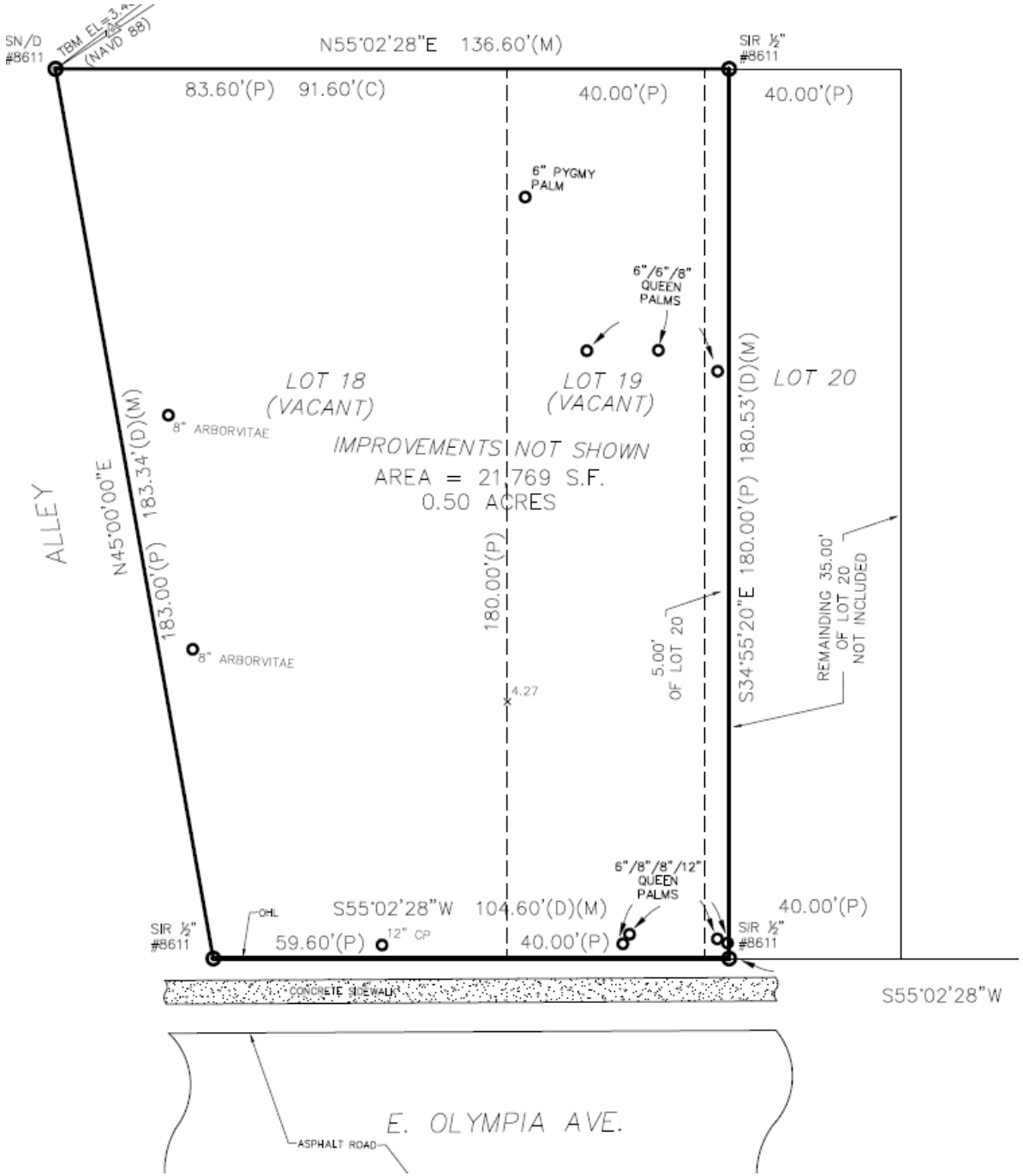

SN/D #8611
TBM EL=3.4' (NAVD 88)
N55°02'28"E 136.60'(M)
SIR ½" #8611
83.60'(P) 91.60'(C)
40.00'(P)
40.00'(P)
6" PYGMY PALM
6"/6"/8" QUEEN PALMS
LOT 18 (VACANT)
LOT 19 (VACANT)
LOT 20
8" ARBORVITAE
IMPROVEMENTS NOT SHOWN
AREA = 21,769 S.F.
0.50 ACRES
ALLEY
N45°00'00"E 183.34'(D)(M)
183.00'(P)
180.00'(P)
S34°55'20"E 180.00'(P) 180.53'(D)(M)
5.00' OF LOT 20
REMAINING 35.00' OF LOT 20 NOT INCLUDED
8" ARBORVITAE
4.27
6"/8"/8"/12" QUEEN PALMS
S55°02'28"W 104.60'(D)(M)
40.00'(P)
SIR ½" #8611
OHL
59.60'(P)
12" CP
40.00'(P)
SIR ½" #8611
CONCRETE SIDEWALK
S55°02'28"W
E. OLYMPIA AVE.
ASPHALT ROAD

Exhibit 7:

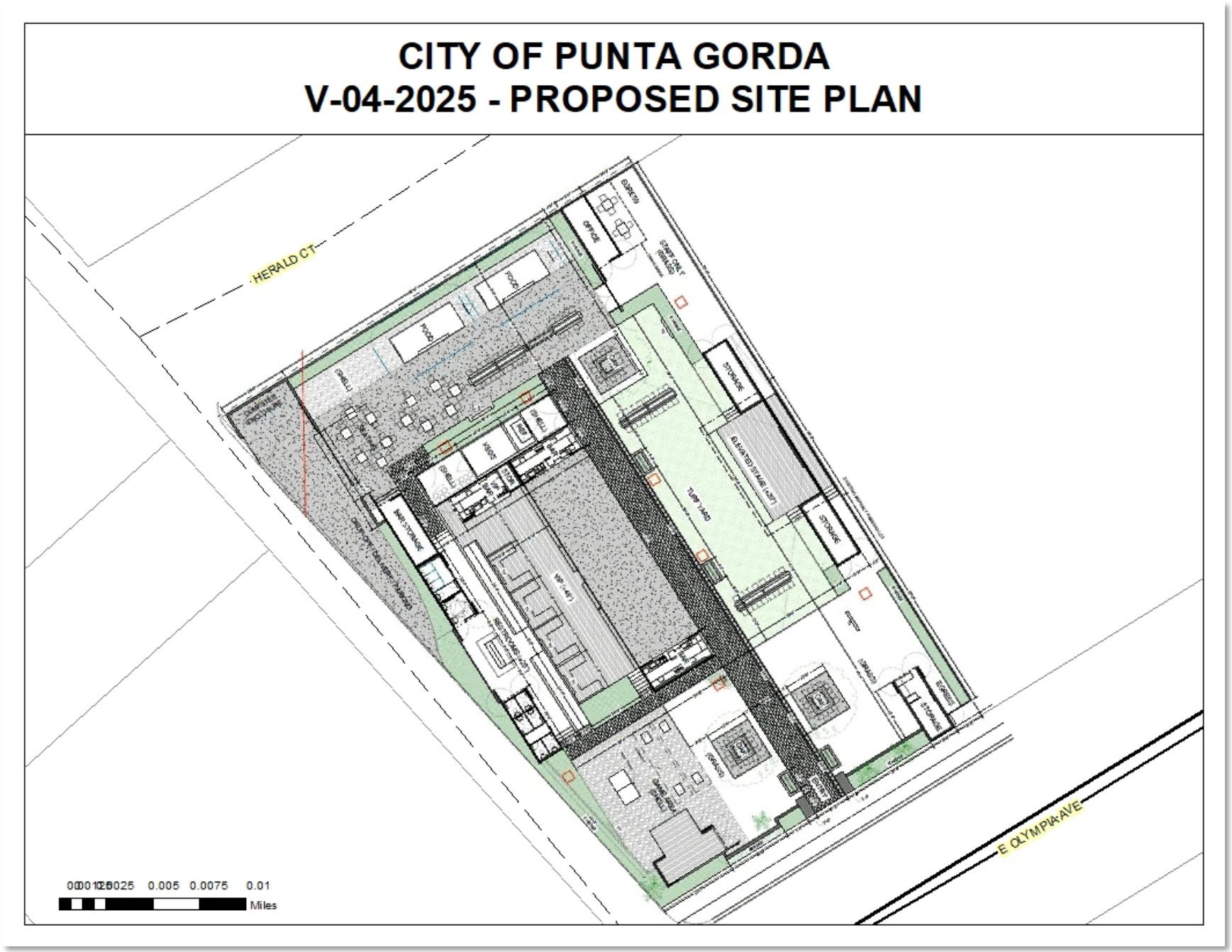
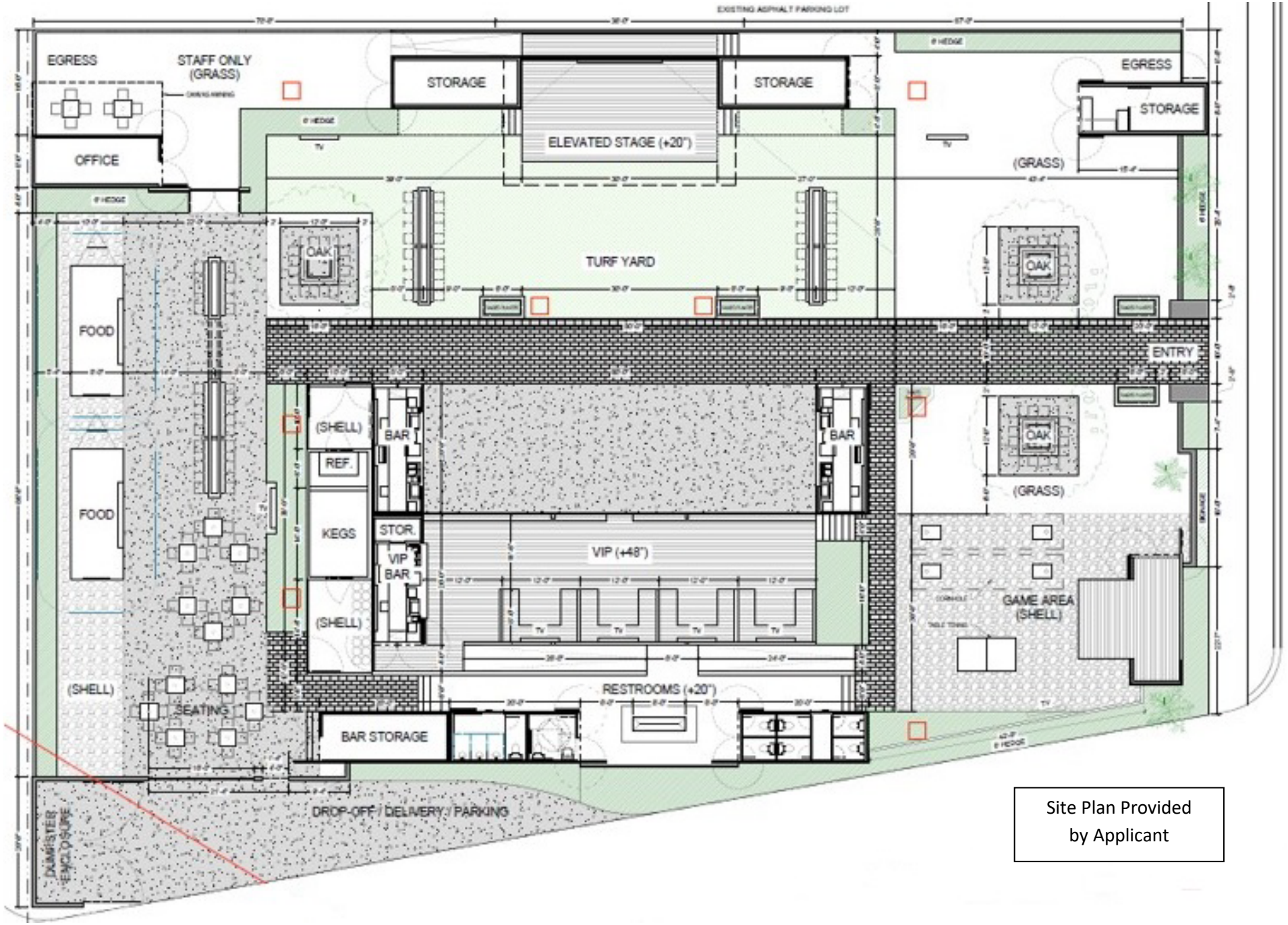

CITY OF PUNTA GORDA
V-04-2025 - PROPOSED SITE PLAN
HERALD CT
E OLYMPIA AVE
0.005
0.0075
0.01
Miles

Exhibit 8:



Site Plan Provided by Applicant

Exhibit 9:





Renderings Provided by Applicant

STREET ADDRESS

126 EAST OLYMPIA AVENUE
PUNTA GORDA, FL 33950

PARCEL NUMBER

412306331010

PROJECT INFORMATION

CURRENT ZONING	= TPG-DC (TRADITIONAL PUNTA GORDA)
FUTURE LAND USE	= CITY
PROPOSED USE	= BEER GARDEN
EXIST. FLORIDA LAND USE CLASSIFICATIONS	= #1400 – COMMERCIAL & SERVICES

BUILDING SETBACK REQUIREMENTS

FRONT YARD = 0' MIN – 10' MAX
SIDE YARD = 0'
REAR YARD = 0' (PER REQUESTED VARIANCE)

LANDSCAPE BUFFER REQUIREMENTS

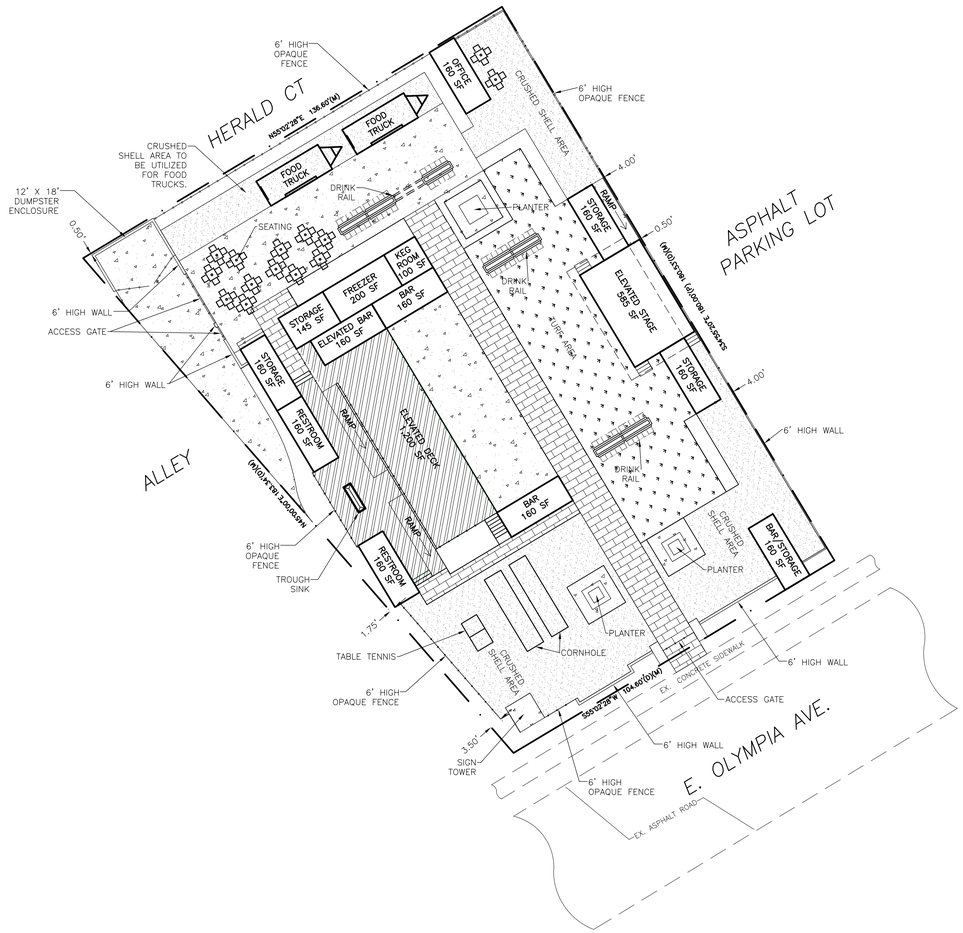
NORTH	= NO BUFFER REQUIRED
SOUTH	= NO BUFFER REQUIRED
EAST	= NO BUFFER REQUIRED
WEST	= NO BUFFER REQUIRED

ZONING/ACTUAL USE

PROJECT SITE	= CC (BEER GARDEN)
NORTH	= CC/ROW (MIXED USE, HERALD CT)
SOUTH	= CC/ROW (E. OLYMPIA AVE)
EAST	= CC (MIXED USE)
WEST	= CC/ROW (AUTO REPAIR/ALLEY)

PARKING NOTE

PARKING TO BE PROVIDED BY THE EXISTING ON STREET PARKING AND PARKING GARAGES LOCATED WITHIN THE CITY CENTER.



LEGEND

R	RADIUS (5' UNLESS OTHERWISE NOTED)
EX.	EXISTING
R/W	RIGHT-OF-WAY
E.O.P.	EDGE OF PAVEMENT
CONC.	CONCRETE
TYP.	TYPICAL
PROP.	PROPOSED
SF	SQUARE FEET
LF	LINEAR FEET
E.O.P.	EDGE OF PAVEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
CPG	CITY OF PUNTA GORDA
L.P.	LIGHT POLE
	PROPOSED FENCE
	PROPOSED CONCRETE
	PROPOSED WOOD DECK
	PROPOSED TURF
	PROPOSED CRUSHED SHELL
LDC	LAND DEVELOPMENT CODE
N.T.S.	NOT TO SCALE
C.P.	CONCRETE PAD

TDM
N
1" = 20'

DATE	REVISIONS
1	

DATE: 08/2025
DESIGNED BY: ADM
DRAWN BY: ADM
CHECKED BY: TDM
APPROVED BY: TDM
DRAWING NAME: J:\OBS\Fl\y\126 East Olympia Ave\Drawings\Cover\SP.dwg

126 EAST OLYMPIA AVENUE YARD

SITE PLAN

Civil Engineering and Planning
dean@tdmconsultting.com
www.tdmcivilengineering.com
TDM CIVIL ENGINEERING CONSULTING INC
1520 Royal Palm Square Boulevard, Suite 100
Fort Myers, FL 33919
Phone: (239) 433-4231
Cert. of Authorization # 29086

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE, AND DATE.

Digitally signed by Thomas D. Martin
Date: 2025.08.28 08:08:29 -04'00'

DEAN MARTIN No. 52022 STATE OF FLORIDA PROFESSIONAL ENGINEER

Dean Martin, P.E.
Florida #52022
DATE:

This item has been digitally signed and sealed by Dean Martin on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

SHEET # 1 of 1

SCALE: 1" = 20'

BOARD OF ZONING APPEALS
CITY OF PUNTA GORDA
11/24/2025

QUASI-JUDICIAL PUBLIC HEARINGS

Title: V-06-2025 - 959 Messina Drive

Funds:

Recommended Action: For Board of Zoning Appeals review and recommendation to the City Council

Summary: A request by Michael Simone, property owner, for a variance from minimum setback requirements pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow a 6.8-foot side yard setback for a partially constructed addition, instead of the required 7.5-foot setback, as is required by Chapter 26, Section 3.4, Punta Gorda Code, at 959 Messina Dr., Punta Gorda, Florida 33950.

Department/Division: Urban Design

EXHIBITS:

1. Application
2. BZA Staff Report
3. Site Plan

CITY OF PUNTA GORDA

URBAN DESIGN
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3352
FAX: (941) 575-3310
Zoning@CityofPuntaGordaFL.com
UrbanDesign@CityofPuntaGordaFL.com

VARIANCE APPLICATION

Date Received: 10/24/2025 **File #:** V- 04 - 2025
Application Fee: $750.00

Office use only:
Ad Date | 11/9/25 | **DRC** | ✓ | **BZA** | 11/24/25 | **City Council** | 12/3/25

Application and all pertinent required data (listed below) MUST be submitted with this application

- ☑ ORIGINAL application with Signed & Notarized Variance Application and/or Affidavit Authorization for Agent (if applicable)
- ☑ A copy of the deed or other evidence of ownership
- ☑ Plot Plan: If building exists, should show all existing structures with dimensions, spacing, set-backs and off-street parking. **if new construction is proposed as part of this request, a plot plan is required and must show any existing structures on the land and any proposed structures, including setbacks, spacing and dimensions & total impervious area calculations
- ☑ Signed and sealed boundary survey, completed no more than 12 months prior to the application that accurately shows the current condition of the property to include all existing streets, watercourses, natural feature, vegetation and topography and exact location of all buildings and structures.
- ☑ Survey MUST show ALL Easements, Dedications & Improvements
- ☑ Survey must have a metes and bounds description of the property showing water and sewer main locations and fire hydrant locations
- ☑ Date of Survey: 10/3/2025
- ☑ Total Acreage of Property .23
- ☑ Square Footage 10,200

☐ Certificate of Appropriateness application and application fee if property is located within the National Register Historic Overlay District, listed on the National Register, or property listed on the Florida Master Site File by the State of Florida Department of State, Bureau of Historic Preservation of the Division of Historical Resource Florida Master Site File No. _____ Contributing Structure ☐ Yes ☐ No

In addition to the original application ANY documents greater than 11x17 MUST ALSO be submitted on a CD/DVD

In order that this application be processed in a timely fashion, the correct and complete information is necessary. It is suggested that the applicant bring the application to the Zoning & Code Compliance Division, 126 Harvey St., Punta Gorda, Florida 33950, where it can be reviewed by the staff prior to filing.

The Zoning & Code Compliance Division accepts no responsibility for the completeness or accuracy of the application. Errors in the filed application may result in delays with respect to required public hearings. All data and exhibits submitted in connection with the filing of this application become a permanent part of the public record

IMPORTANT: The applicant or his representative MUST be present at the hearing. There will be a fee of $500.00 for a Voluntary Continuance (a request by the applicant to continue a petition before the appropriate board or council, or by the failure of the applicant to attend or be represented at the appropriate meeting).

1. Applicant

Name	Michael Simone
Address	[redacted]
Phone	

2. Owner(s) of Record							
Name	Michael Simone						
Address	[redacted]						
Phone							

3. Authorized Agent – (if applicable – Property Owner must sign AGENT Affidavit below)							
Name							
Address		City		State		Zip	
Phone		Email					

4. Property Address

Address: 959 Messina Dr Punta Gorda FL 33950

Parcel ID /Account #	Lot #	Block#	Section	Total Sq. Feet	Total Acres
412214279005	21	40	5	10,200	.23

5. Legal Description of Property (Attach separate sheet if necessary)

Lot 21, Block 40, Punta Gorda Isles. Section 5, as per plat thereof. Recorded in plat book 5, page 60a and 60b, of public records of Charlotte County, Florida

6. Is this variance request for new construction?	■ Yes ☐ No
A. If yes, what is the total impervious area calculation?	Total infraction 40.56 ft
7. Existing Zoning Classification	~~Residential~~ GS 3.5
8. Is this request the result of a Violation?	■ Yes ☐ No **When?** 10/17/2025
9. Are there any existing structures on the property?	■ Yes ☐ No

If "yes" what type of construction are they, and what is the current use of the structures. In addition include a site plan showing location of structures on property.

10. Reason Variance is being requested

Contracted addition encroaches on the 7.5ft setback by 10 inches. The addition was constructed to the dimensions on the approved plans. The architect firm did not calculate the correct setback from the site plan. This discrepancy was not discovered until the spot survey was performed. We are now framed and roof is sheathed.

11. Burden of Persuasion.

The burden of showing that a variance should be granted to alleviate undue hardship shall be on the applicant. The applicant shall be required to demonstrate that the granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant or that strict application of the ordinance would effectively prohibit or unreasonably restrict reasonable use of the property by reason of any one of the following:

(1) Exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of enactment of this ordinance; (2) Exceptional topographic conditions or other extraordinary and exceptional situation or condition of such property; (3) The condition situation or development of property immediately adjacent to the subject property.

Explanation: (3) The condition situation or development of property immediately adjacent to the subject property. This variance would not restrict or change in anyway the use of the property. No other impact other than the setback.

12. Approval Criteria No variance shall be approved unless all of the following statements are true with respect to the subject property. Please state your position for each of the following approval criteria:

(1) That special conditions or circumstances exist which are particular to the size and characteristics of the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

This variance application is for the minimum setback of 7.5 feet from the right-side property line. The constructed addition has been found to be encroaching 10 inches into the 7.5 ft setback. This miscalculation was not discovered until the site inspection was performed.

(2) The strict and literal enforcement of the zoning regulations would create an undue hardship as distinguished from a mere inconvenience on the property owners. Physical handicaps or disability of the applicant and other considerations may be considered where relevant to the request.

The cost of removing and reinstalling the length of exterior concrete wall would cause a substantial financial burden. This project has already run several months over. The adding of several weeks to correct this infraction will also create an additional financial burden in extending our families time having to rent a place to live while the work is being completed.

(3) That such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.

This statement is true to the best of my knowledge. It does not appear that my hardship applies too other properties in my neighborhood.

(4) The granting of the variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood or otherwise detrimental to the public welfare.

This statement is true to the best of my knowledge. After reviewing the site plan, this variance would not have any impact on drainage or change the aesthetics of the addition or the surrounding properties.

(5) That the variance requested is the minimum modification of the regulation at issue that will afford relief.

The variance request is only for the 10 inches which is the miscalculation on the approved plans.

(6) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property and/or the conditions cannot reasonably be corrected or avoided by the applicant.

The addition has been constructed to the dimensions on the approved plans. The condition was created when the architect incorrectly calculated the size of the addition in relation to the setback requirements.

(7) The variance requested does not involve any use which is prohibited in the district where the property is located.

This is a residential neighborhood, and the proposed variance is for an addition to a residential structure.

(8) Please explain in detail how this variance request is consistent with the City of Punta Gorda Comprehensive Plan

This variance request is consistent with the comprehensive plan as it is a single-family dwelling in a residential neighborhood and conforms to the existing zoning. This request also would not have any impact on infrastructure.

I, the undersigned, being first duly sworn, testify and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of all of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary material attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners.

By submitting this application the owner(s) of the subject property does hereby grant his/her consent to the Zoning Official and his/her designee, to enter upon the subject property for the purposes of making any examinations, surveys, measurements, and inspections deemed necessary to evaluate the subject property relative to this application.

NOTARIAL CERTIFICATE - ACKNOWLEDGEMENT

Signature of Owner or Authorized Agent

Michael Simone owner
Print Name & Title

10/23/2025
Date

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization this day of OCTOBER 23rd, 2025, by MICHAEL SIMONE, who is personally known to me or who has produced • as identification.

CRYSTAL POPPENS
Notary Public-State of Florida
Commission # HH 465962
My Commission Expires
November 20, 2027

(Signature of Notary)

(Seal)

AGENT AFFIDAVIT (Property Owner to complete ONLY if applicable)

I/We_____, property owner(s), hereby authorize_____to act as ***Agent*** on our behalf regarding a VARIANCE APPLICATION on the property commonly known as _____ _____ in Punta Gorda, Florida.

_____ _____ _____

Signature of Property Owner | Print Name of Property Owner | Date

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization this day of _____, 20 _____, by _____, who is personally known to me or who has produced _____ as identification.

_____

(Signature of Notary)

(Seal)

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT OR BOOK: 4213, PGS: 1197, PAGE: 1 OF 2
INSTR # 2535693 Doc Type: D, Recorded: 7/5/2017 at 11:07 AM
Rec. Fee: RECORDING $27.00 D DOCTAX PD $2,380.00 ERECORDED Cashier By: IVETTE

This Document was Prepared By and Return to:
Suncoast One Title & Closings, Inc.
Kay Keller - File#20170433
357 W. Marion Avenue
Punta Gorda, FL 33950
Parcel ID Number: 412214279005

Warranty Deed

Made this June 23rd, 2017, Sean O'Hearn, 50 Muir Crescent, Whitby, ON., Canada L1P 1B6 , and Wendy O'Hearn, 175 Meadow Rd., Whitby, ON, Canada L1P 1Y7, Husband and Wife , hereinafter called the grantor, to Michael Simone and Diane Simone, Husband and Wife whose post office address is: 959 Messina Drive, Punta Gorda, FL 33950, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, ($10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situated in Charlotte County, Florida, wit:

Lot 21, Block 40, Punta Gorda Isles, Section 5, as per plat thereof, recorded in Plat Book 5, Page 60A and 60B, of the Public Records of Charlotte County, Florida.

Grantor hereby warranty that the above captioned property is not his/her homestead as defined in the Constitution of the State of Florida.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, *the same in fee simple forever.*

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2017.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

1st Witness Signature _____

1st Witness Printed Name: _____

2nd Witness Signature _____

2nd Witness Printed Name: _____

_____
Sean O'Hearn

STATE OF Florida
COUNTY OF Charlotte

The foregoing instrument was sworn to, subscribed and acknowledged before me this 22 day of June, 2017 by Sean O'Hearn, who is/are personally known to me or who produced _____ as identification and who did take an oath.

Notary Public Signature: _____
Notary Public Printed Name: _____
My Commission Expires: _____

(Notary Seal)

KAY D. KELLER
MY COMMISSION # GG 012144
EXPIRES: July 17, 2020
Bonded Thru Notary Public Underwriters

1st Witness Signature _____

1st Witness Printed Name: _____

2nd Witness Signature _____

2nd Witness Printed Name: _____

_____
Wendy O'Hearn

PROVINCE OF _____
COUNTRY OF _____

The foregoing instrument was sworn to, subscribed and acknowledged before me this _____ day of June, 2017 by Wendy O'Hearn, who is/are personally known to me or who produced _____ as identification and who did take an oath.

(Notary Seal)

Notary Public Signature: _____
Notary Public Printed Name: _____
My Commission Expires: _____

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

1st Witness
Signature_____

_____
Sean O'Hearn

1st Witness Printed Name:
_____

2nd Witness
Signature_____

2nd Witness Printed Name:
_____

STATE OF _____
COUNTY OF _____

The foregoing instrument was sworn to, subscribed and acknowledged before me this _____ day of June, 2017 by Sean O'Hearn, who is/are personally known to me or who produced _____ as identification and who did take an oath.

(Notary Seal)

Notary Public Signature: _____
Notary Public Printed Name: _____
My Commission Expires: _____

1st Witness
Signature Sean Gordon

Wendy O'Hearn
Wendy O'Hearn

1st Witness Printed Name:
Sean Gordon

2nd Witness
Signature Douglas R Sipes

2nd Witness Printed Name:
Douglas R Sipes

STATE OF TN
COUNTY OF Davidson

The foregoing instrument was sworn to, subscribed and acknowledged before me this 23 day of June, 2017 by Wendy O'Hearn, who is/are personally known to me or who produced Canada Driver Licence as identification and who did take an oath.

Notary Public Signature: Heather Carpenter
Notary Public Printed Name: Heatner Carpenter
My Commission Expires: _____

Notary Seal

HEATHER CARPENTER
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON

Heather Carpenter
Commission Expires
March 8, 2021

!0/22/2025

[redacted]

Dear members of the zoning board,

Mike and Diane Simone have proposed a slight adjustment to the setback requirements to allow for the construction of a small addition to their home. I believe this adjustment is reasonable and aligns with the character of our neighborhood. Mike has maintained his property meticulously over the years and we believe this addition as built will add to the beauty of our neighborhood and blend in perfictly with the surrounding architectncerlyure.

Sincerly,

Stanley and Roberta Majocha

VARIANCE STAFF REPORT

TO: Punta Gorda Board of Zoning Appeals (BZA)
City Council (CC)

FROM: Rachel Barry, Zoning Official

BZA HEARING DATE: November 24, 2025

CC HEARING DATE: December 3, 2025

RE: V-06-2025 – 959 Messina Dr.

Applicant Request:

V-06-2025: A request by Michael Simone, property owner, for a variance from minimum setback requirements pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow a 6.8-foot side yard setback for a partially constructed addition, instead of the required 7.5-foot setback, as is required by Chapter 26, Section 3.4, Punta Gorda Code, at 959 Messina Dr., Punta Gorda, Florida 33950.

Supplemental Material/Issue Analysis Report:

The applicant is requesting a 0.7-foot side yard setback reduction. The applicant applied for and obtained a building permit, permit number 25-194553, for a proposed addition to the single-family residence located at 959 Messina Drive, also identified by the Charlotte County Property Appraiser as parcel 412214279005. The applicant obtained the permit as an “owner/builder”, meaning he personally applied for and obtained the permit instead of a contractor applying for the permit. All documentation required for zoning review was submitted with the permit application, which included a survey, signed and sealed by a licensed professional surveyor, as well as a site plan, signed and sealed by a licensed professional engineer.

The site plan depicted the proposed addition in compliance with the minimum 7.5-foot side yard setback requirement; as such, the site plan received zoning approval and the permit application moved forward. During the construction process, the applicant obtained an updated survey showing the location of the addition, known as a foundation location survey or spot survey, as a required part of the permitting and inspection process. The spot survey indicated the addition was only 6.8 feet from the side property line instead of the required 7.5 feet. It appears that the dimensions used by the engineer did not match the dimensions provided by the surveyor. The original survey indicated 12.9 feet between the side property line and the then closest point of the exterior wall of the home. Review of the the building plans shows the addition being 6’3” wide, or 6.25 feet, extending out from the existing garage. Adding the proposed width and the indicated setback from the site plan, 6.25 feet + 7.5 feet for a total of 13.75 feet, there is no way to have constructed the addition as indicated in the building plans and in compliance with minimum setback requirements.

Staff Comments:

The application was distributed to city departments for their review and comment.

The following department(s) provided the comments as listed:
Engineering Department:

- The dimensions on the plot plan do not reflect the requested variance.
- Plot plan dimensions are not consistent with the survey.
- Plot plans should address grading with elevations. This site should have split grading.
- Why is a sidewalk shown on the neighboring property on the plot plan?
- The survey clearly shows the available space for any addition and should have been used in designing the building addition to meet building setbacks.
- This appears to be a case of failure of due diligence on the property owner rather than a hardship. While the plot plan shows the addition meeting setback requirements, it is not clear how this drawing was created. The plot plan should have been prepared utilizing a survey. This is particularly true when placing a structure on the setback line. There is not enough information

The following department(s) had no objection or comments:
Fire Department, Police Department, Sanitation Division

The following department(s) did not respond:
Building Department, Utilities Department

Section 16.10, Application for Variance, LDRs.

(a) Application.

The applicant, Michael Simone, also the property owner, has filed an application for a variance with the Urban Design Department.

(b) Approval Criteria. No variance shall be approved unless all of the following statements are true with respect to the subject property:

(1) That special conditions or circumstances exist which are particular to the size and characteristics of the land, structure or building involved which are not applicable to other lands, structures or buildings in the same zoning district.

This criterion is not wholly true with respect to the subject property. The plans for the addition in question, designed by a professional engineer, contained a mathematical error when calculating the width of the addition and remaining distance to the side property line. This special circumstance does not appear to apply to other structures in the same zoning district. There are no special circumstances or conditions on the subject property that would not be applicable to other lands in the same district.

(2) The strict and literal enforcement of the zoning regulations would create an undue hardship as distinguished from a mere inconvenience on the property owners. Physical handicaps or disability of the applicant and other considerations may be considered where relevant to the request.

This criterion is true with respect to the subject property. While financial expenses do not constitute a hardship, the applicant indicated in the application that they are currently residing in a separate dwelling unit while the construction is ongoing. The strict and literal enforcement of the zoning regulations would require the removal

of the addition and a redesign of the construction plans, as the footer/stemwall and roof system may need to be adjusted. This would cause the applicant to be displaced from their home for an extended time while the construction continues.

(3) That such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.

This criterion may not be true with respect to the subject property. Depending on the nature of an addition or remodel project, other property owners may share the same hardship of being displaced during the construction process. However, staff is not aware of similar situations where displacement was extended during a construction project due to a mathematical error in the building plans.

(4) The granting of the variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood or otherwise detrimental to the public welfare.

This criterion is true with respect to the subject property. Allowing the addition to remain at 6.8 feet instead of 7.5 feet will be undetectable from a visual perspective. There is no drainage or utility easement within the subject property, and the LDRs provide for certain items that are allowed to encroach into the minimum side yard setback (i.e., generators, air conditioning units, etc.). The owners of the neighboring property, directly abutting the side where the addition has been constructed, have submitted a letter on behalf of the applicant, which was submitted with the variance application. Granting the variance would not be injurious, incompatible, or detrimental to contiguous uses, the surrounding neighborhood, or public welfare.

(5) That the variance requested is the minimum modification of the regulation at issue that will afford relief.

This criterion is true with respect to the subject property. The spot survey shows the addition at 6.8 feet from the property line, resulting in a 0.7-foot encroachment. The applicant is requesting a 0.7-foot variance.

(6) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property and/or the conditions cannot reasonably be corrected or avoided by the applicant.

This criterion is not wholly true with respect to the subject property. The applicant hired a licensed professional surveyor and a licensed professional engineer to obtain the required surveys, site plan, and building plans for the addition. However, the applicant obtained the building permit as an “owner/builder” instead of a licensed contractor obtaining the permit, and signed the Owner Builder Statement/Affidavit attached to this staff report as Exhibit 7. Obtaining a building permit as owner/builder opens up liability and risk for the property owner, which is the purpose for the Affidavit as mirrored from Florida Statute § 489.103(7). While the applicant did not draft the plans that contained the error, the signed Affidavit includes a statement that the owner “…understands that the construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.” The requirement to provide a spot survey during the construction and inspection process is listed in Section 6.9, Permit Requirements, LDRs. Subsection (b) states: “No building or structure shall be constructed beyond the stemwall stage or foundation stage until such time as the foundation location has

been inspected and approved by the Zoning Official or his/her designee. Any construction done prior to receiving approval as to location and setback from the Zoning Official is at the contractor's risk." The walls and roof were constructed prior to the spot survey being submitted for zoning review, which is not permitted per Section 6.9(b), LDRs.

(7) The variance requested does not involve any use which is prohibited in the district where the property is located.

This criterion is true with respect to the subject property. The property is located within the General Single Family, GS-3.5, zoning district which allows a single-family home as a permitted use. The subject of this variance request is an addition to a single-family home.

(8) The requested variance is consistent with the City of Punta Gorda Comprehensive Plan.

The City of Punta Gorda 2045 Comprehensive Plan does not contain goals, objectives, or policies that support or discourage a setback variance.

(c) Burden of Persuasion. […] The applicant shall be required to demonstrate that the granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant or that strict application of the ordinance would effectively prohibit or unreasonably restrict reasonable use of the property by reason of any one of the following:

(1) Exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of enactment of this Ordinance.

(2) Exceptional topographic conditions or other extraordinary and exceptional situation or condition of such property.

(3) The condition situation or development of property immediately adjacent to the subject property.

The applicant has indicated a hardship; however, the hardship is not due to the size, shape, or topography of the property, or due to any situation or development immediately adjacent to the property. The exceptional situation relates to the building plans and site plan containing a mathematical error, as well as the applicant and family being displaced from their home.

(d) Public Hearing.

The application for variance is scheduled for public hearing before the Punta Gorda Board of Zoning Appeals (BZA) on Monday, November 24, 2025, and before the City Council on Wednesday, December 3, 2025.

(e) BZA Review and Recommendation.

Following the public hearing, the BZA shall forward the proposed variance to the City Council together with its recommendation and a statement setting forth its reasons for such recommendation. Due to the timing of hearing dates, the Agenda for the City Council meeting will be published prior to the BZA meeting. All additional information, including the BZA's recommendation, will be provided to the City Council immediately following the BZA meeting.

Summary of Findings

Finding #1: The applicant owns the property at 959 Messina Drive, and obtained a building permit, owner/builder, to construct an addition to the existing single-family home. The addition does not comply with minimum setback requirements of the zoning district in which the home is located, GS-3.5.

Finding #2: An Owner Builder Statement/Affidavit was signed by the applicant and submitted with the building permit application.

Finding #3: The applicant relied upon building plans drafted by a licensed professional engineer which contained a mathematical error, resulting in an encroachment into the minimum setback requirement.

Finding #4: Construction continued beyond the foundation or stemwall phase prior to submitting a spot survey, which is not permitted per Section 6.9(b), LDRs.

Finding #5: The LDRs provide avenues to seek relief from development regulations through a variance application, outlined in Section 16.10 of the LDRs.

Finding #6: Section 16.10(b), LDRs, lists eight (8) approval criteria. Four (4) have been found to be true with respect to the subject property, three (3) have been found to not be wholly true with respect to the subject property, and one (1) which does not apply.

Staff Recommendation:

If this request, V-06-2025, is approved, Staff recommends the following conditions of approval:

1. The requested variance pertains to the addition as described and depicted in application V-06-2025, and shall not be construed to allow further construction along the side of the home at the reduced setback.
2. The variance shall expire once the building permit for the addition has been finalized and properly closed, and the addition will be considered “legal nonconforming”. In the event the addition needed repair or reconstruction, it shall be done in conformance with the Punta Gorda Code, including minimum setback requirements.

Attachments:

Exhibit 1 – Location Map
Exhibit 2 – Aerial Map
Exhibit 3 – Zoning Map
Exhibit 4 – Survey submitted with permit application
Exhibit 5 – Site Plan submitted with permit application
Exhibit 6 – Spot Survey
Exhibit 7 – Owner Builder Statement/Affidavit

Exhibit 1:

CITY OF PUNTA GORDA
V-06-2025 - LOCATION MAP

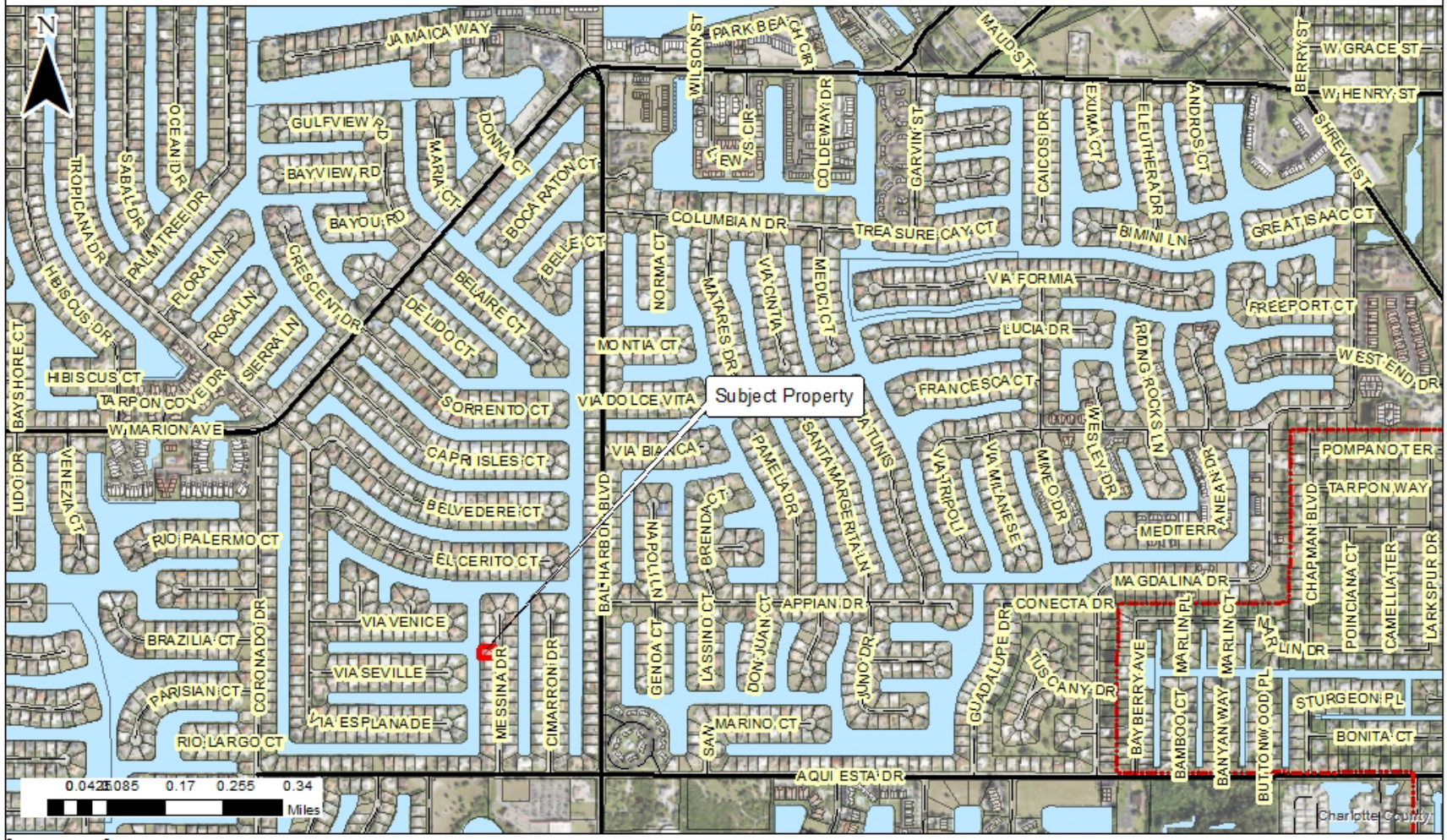


Exhibit 2:

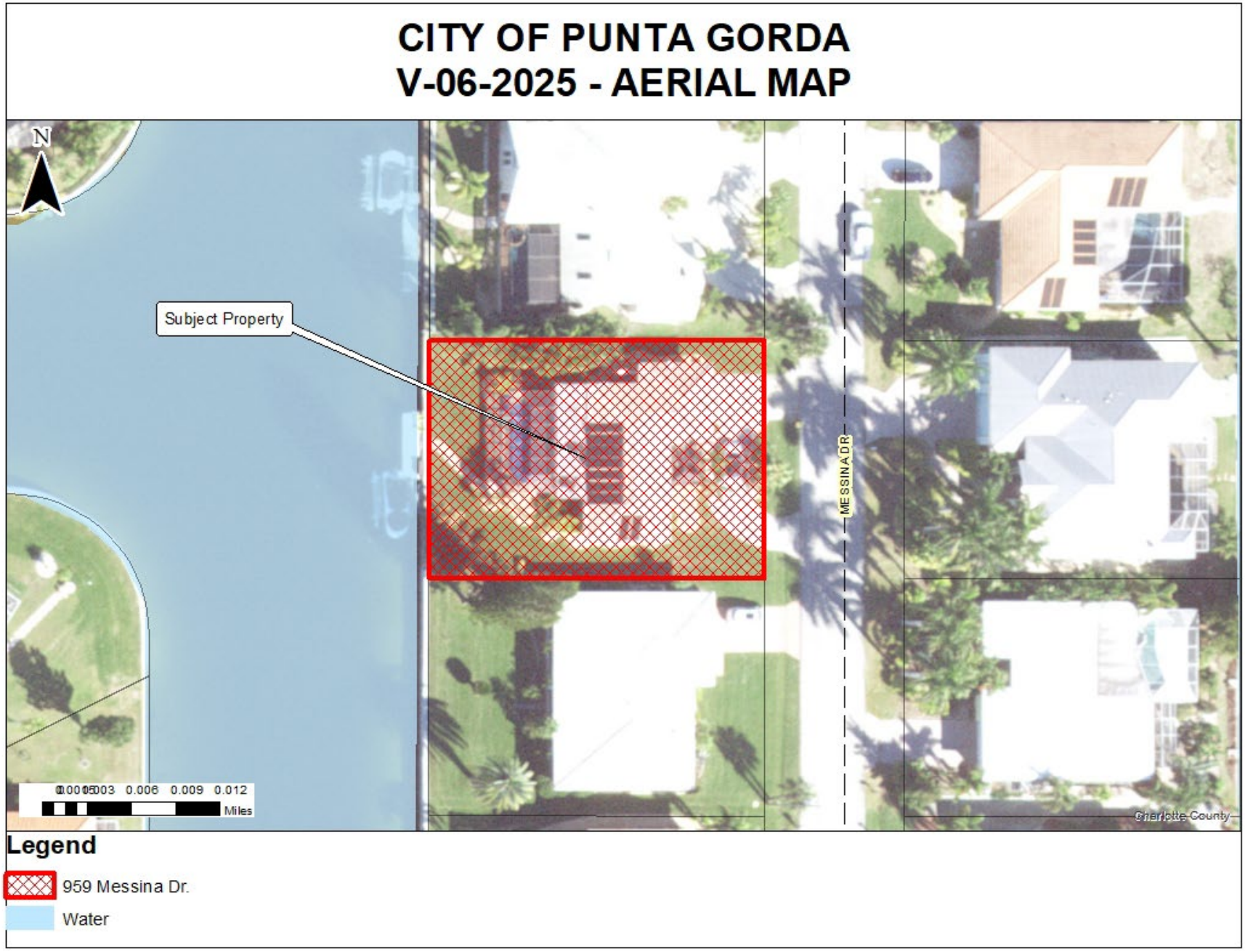

CITY OF PUNTA GORDA
V-06-2025 - AERIAL MAP
N
Subject Property
MESSINA DR
0.003 0.006 0.009 0.012
Miles
Charlotte County
Legend
959 Messina Dr.
Water

Exhibit 3:

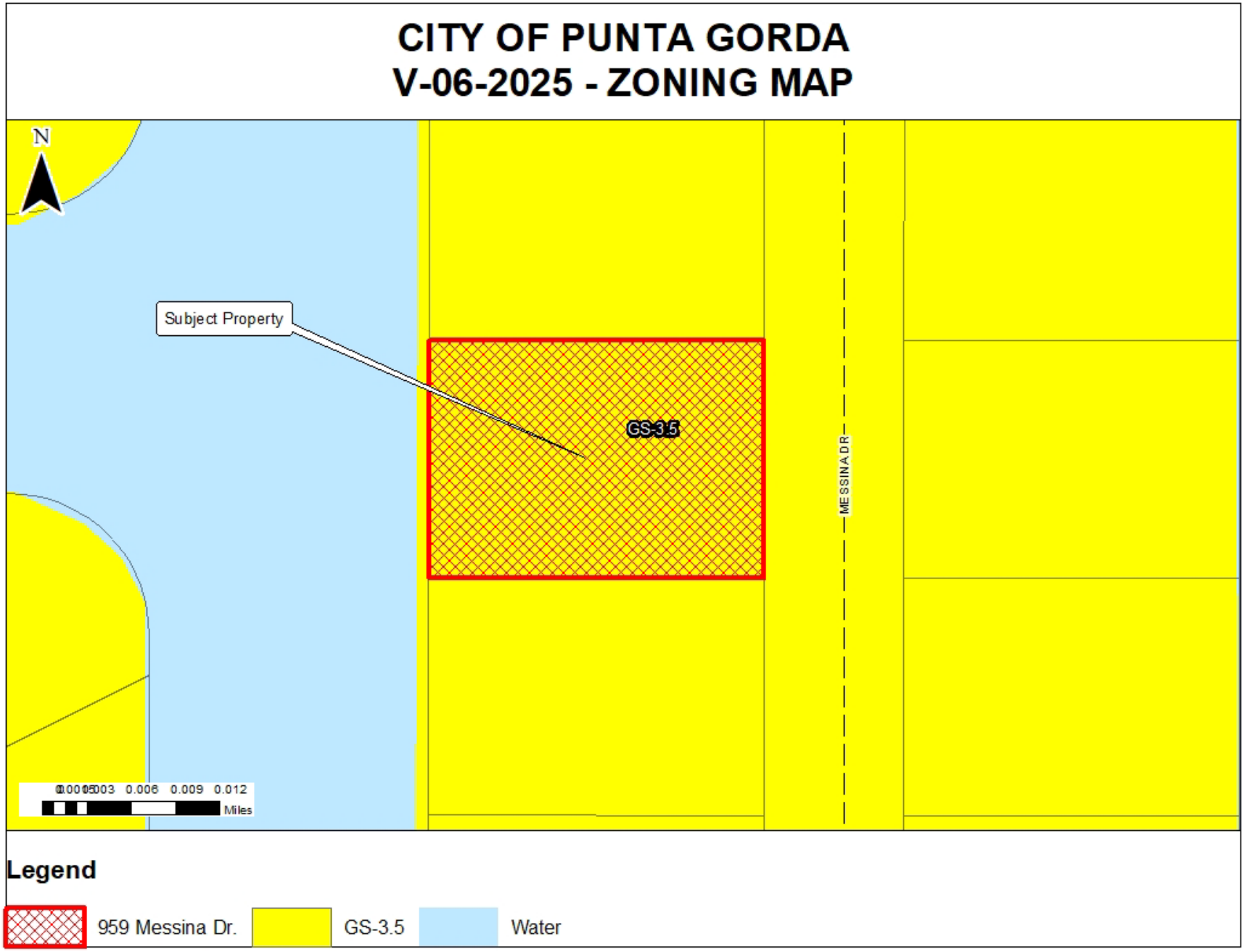

CITY OF PUNTA GORDA
V-06-2025 - ZONING MAP
N
Subject Property
GS-3.5
MESSINA DR
0.003
0.006
0.009
0.012
Miles
Legend
959 Messina Dr.
GS-3.5
Water

Exhibit 4:

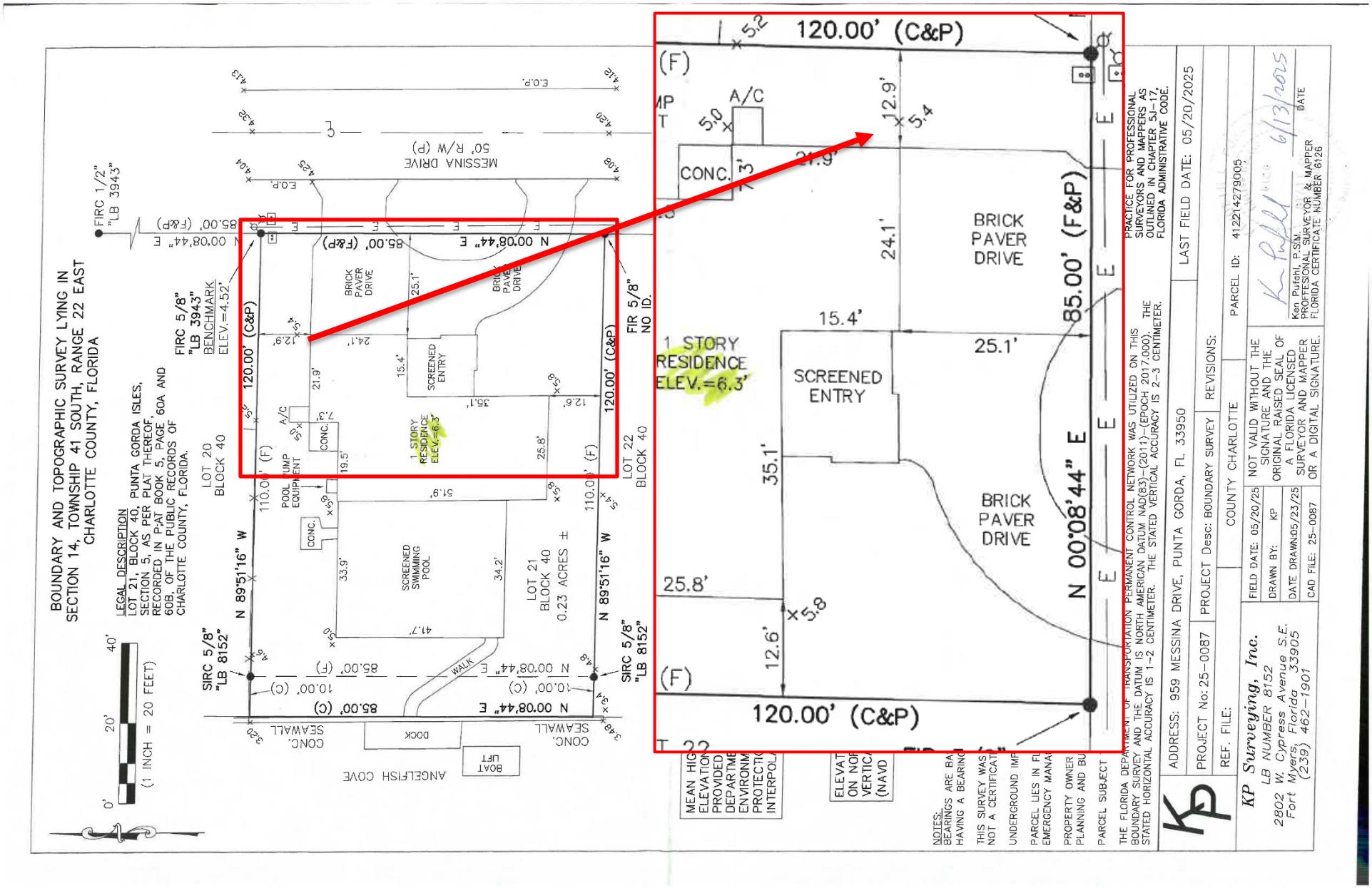

BOUNDARY AND TOPOGRAPHIC SURVEY LYING IN SECTION 14, TOWNSHIP 41 SOUTH, RANGE 22 EAST CHARLOTTE COUNTY, FLORIDA
LEGAL DESCRIPTION
LOT 21, BLOCK 40, PUNTA GORDA ISLES, SECTION 5, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 5, PAGE 60A AND 60B, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.
MESSINA DRIVE
50' R/W (P)
FIRC 1/2" "LB 3943"
FIRC 5/8" "LB 3943" BENCHMARK ELEV.=4.52'
FIR 5/8" NO ID.
SIRC 5/8" "LB 8152"
N 89°51'16" W
N 00°08'44" E
85.00' (F&P)
85.00' (C)
85.00' (F)
120.00' (C&P)
110.00' (F)
LOT 20 BLOCK 40
LOT 22 BLOCK 40
LOT 21 BLOCK 40
0.23 ACRES ±
BRICK PAVER DRIVE
SCREENED ENTRY
1 STORY RESIDENCE ELEV.=6.3'
A/C
CONC.
POOL PUMP EQUIPMENT
SCREENED SWIMMING POOL
WALK
SEAWALL
DOCK
BOAT LIFT
ANGELFISH COVE
(1 INCH = 20 FEET)
120.00' (C&P)
12.9'
24.1'
15.4'
25.1'
35.1'
12.6'
25.8'
BRICK PAVER DRIVE
SCREENED ENTRY
1 STORY RESIDENCE ELEV.=6.3'
N 00°08'44" E
85.00' (F&P)
PARCEL SUBJECT
PARCEL LIES IN FL EMERGENCY MANA
PROPERTY OWNER PLANNING AND BU
THIS SURVEY WAS NOT A CERTIFICAT
UNDERGROUND IMP
ELEVAT ON NO VERTIC (NAVD
MEAN HIG ELEVATION PROVIDED DEPARTME ENVIRONM PROTECTI INTERPOL
NOTES:
BEARINGS ARE BA HAVING A BEARING
THE FLORIDA DEPARTMENT OF TRANSPORTATION PERMANENT CONTROL NETWORK WAS UTILIZED ON THIS BOUNDARY SURVEY AND THE DATUM IS NORTH AMERICAN DATUM NAD(83)-(2011)-(EPOCH 2017.000). THE STATED HORIZONTAL ACCURACY IS 1-2 CENTIMETER. THE STATED VERTICAL ACCURACY IS 2-3 CENTIMETER.
PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS AS OUTLINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.
KP Surveying, Inc.
LB NUMBER 8152
2802 W. Cypress Avenue S.E.
Fort Myers, Florida 33905
(239) 462-1901
ADDRESS: 959 MESSINA DRIVE, PUNTA GORDA, FL 33950
PROJECT No: 25-0087
PROJECT Desc: BOUNDARY SURVEY
REF. FILE:
COUNTY CHARLOTTE
PARCEL ID: 412214279005
LAST FIELD DATE: 05/20/2025
REVISIONS:
FIELD DATE: 05/20/25
DRAWN BY: KP
DATE DRAWN05/23/25
CAD FILE: 25-0087
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER OR A DIGITAL SIGNATURE.
Ken Pufahl, P.S.M.
PROFFESIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NUMBER 6126
DATE
6/13/2025

Exhibit 5:

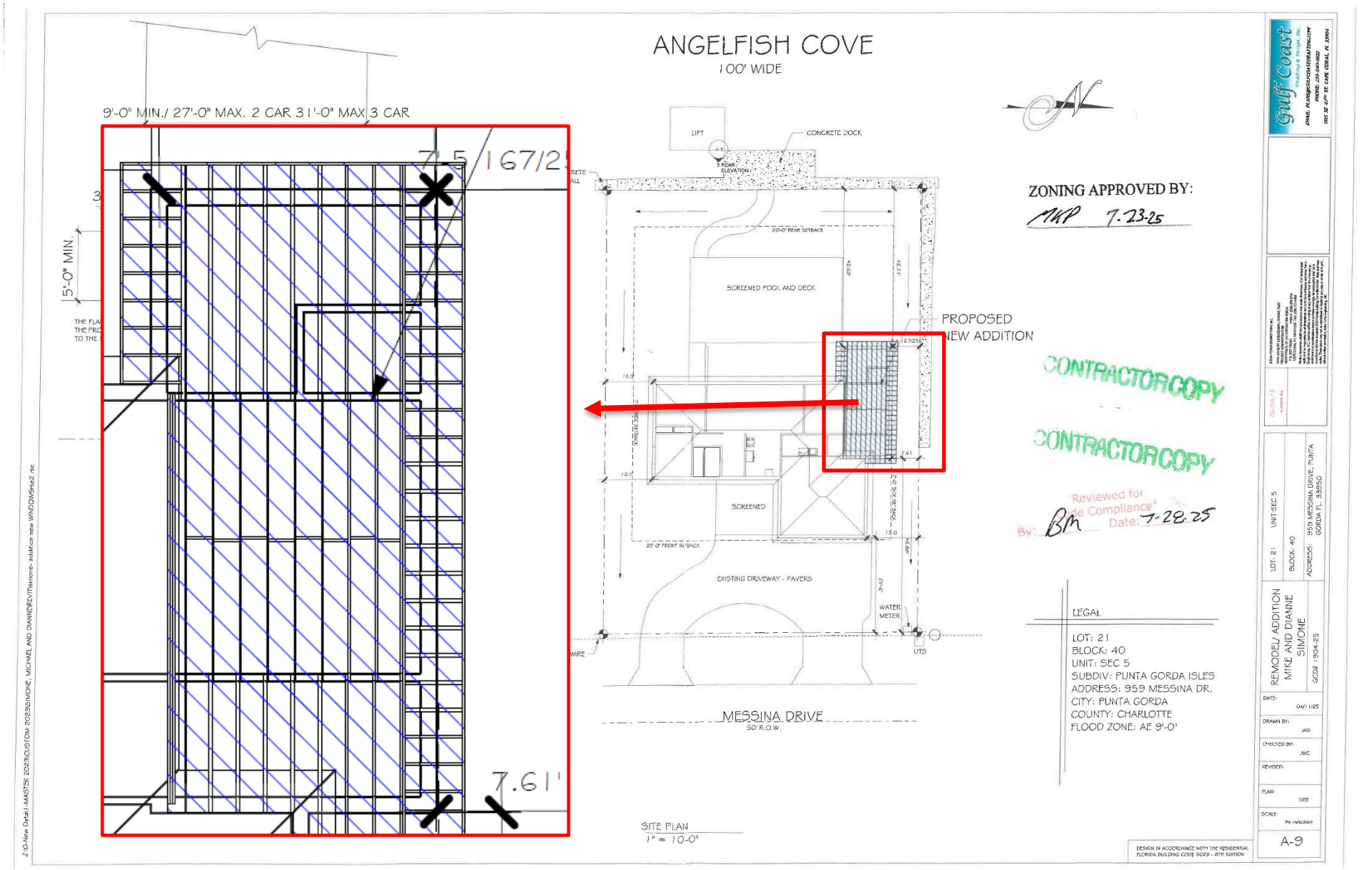

ANGELFISH COVE
100' WIDE
9'-0" MIN./ 27'-0" MAX. 2 CAR 31'-0" MAX 3 CAR
5'-0" MIN
7.5
167/25
7.61'
LIFT
CONCRETE DOCK
REAR ELEVATION
20'-0" REAR SETBACK
SCREENED POOL AND DECK
PROPOSED
NEW ADDITION
SCREENED
25'-0" FRONT SETBACK
EXISTING DRIVEWAY - PAVERS
WATER METER
MESSINA DRIVE
50' R.O.W
SITE PLAN
1" = 10'-0"
ZONING APPROVED BY:
MKP 7.23.25
CONTRACTOR COPY
CONTRACTOR COPY
Reviewed for Code Compliance
By: BM Date: 7.28.25
LEGAL
LOT: 21
BLOCK: 40
UNIT: SEC 5
SUBDIV: PUNTA GORDA ISLES
ADDRESS: 959 MESSINA DR.
CITY: PUNTA GORDA
COUNTY: CHARLOTTE
FLOOD ZONE: AE 9'-0"
Gulf Coast
REMODEL/ ADDITION
MIKE AND DIANNE SIMONE
LOT: 21 UNIT: SEC 5
BLOCK: 40
ADDRESS: 959 MESSINA DRIVE, PUNTA GORDA FL 33950
GCDW 1904-25
DATE: 04/11/25
DRAWN BY: JAG
CHECKED BY: JWC
REVISED:
PLAN: SITE
SCALE: As indicated
A-9
DESIGN IN ACCORDANCE WITH THE RESIDENTIAL FLORIDA BUILDING CODE 2023 - 8TH EDITION

Exhibit 6:

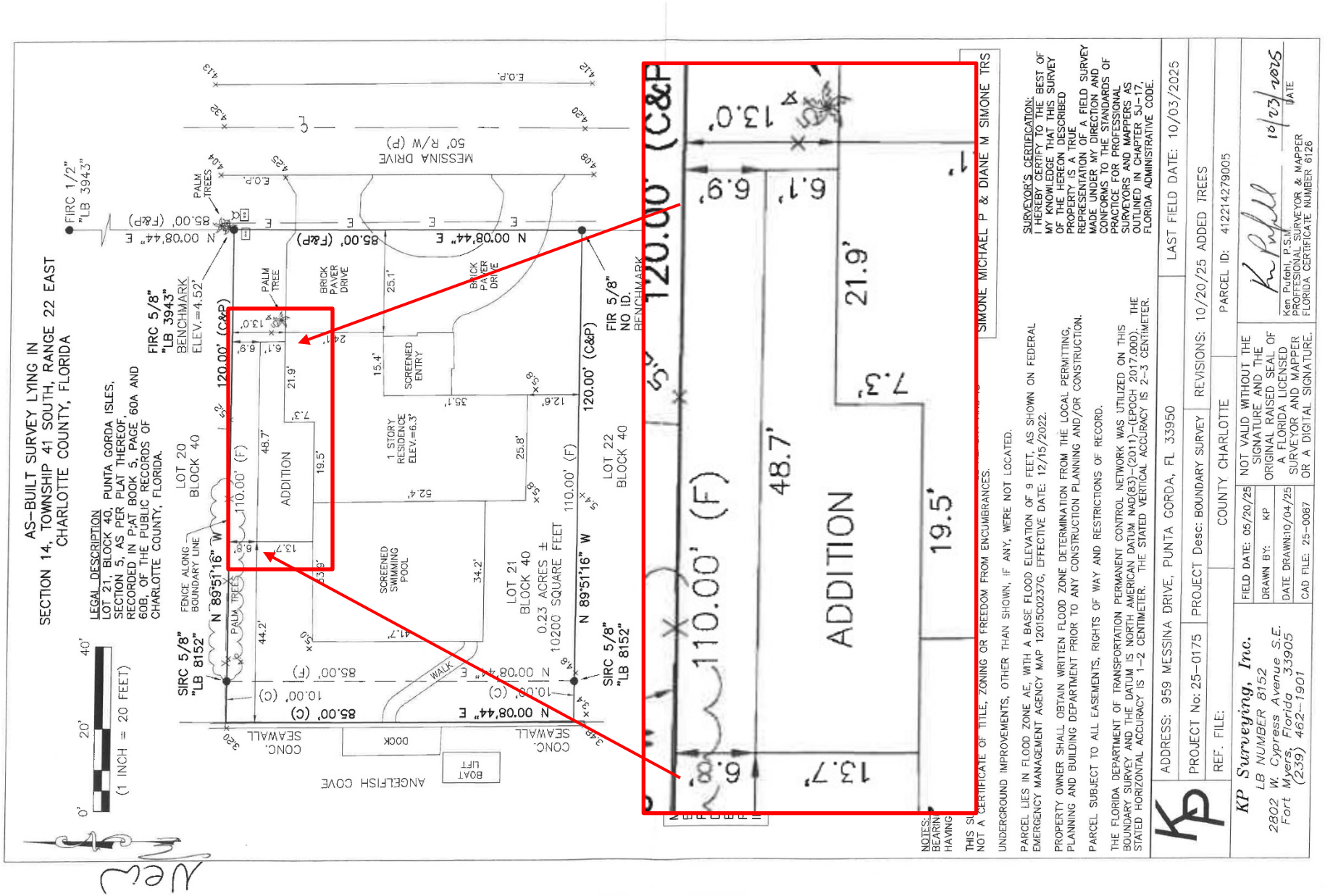

AS-BUILT SURVEY LYING IN
SECTION 14, TOWNSHIP 41 SOUTH, RANGE 22 EAST
CHARLOTTE COUNTY, FLORIDA
LEGAL DESCRIPTION
LOT 21, BLOCK 40, PUNTA GORDA ISLES, SECTION 5, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 5, PAGE 60A AND 60B, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.
MESSINA DRIVE
50' R/W (P)
ANGELFISH COVE
FIRC 1/2" "LB 3943"
FIRC 5/8" "LB 3943" BENCHMARK ELEV.=4.52'
SIRC 5/8" "LB 8152"
FIR 5/8" NO ID. BENCHMARK
N 89°51'16" W
N 00°08'44" E
85.00' (F&P)
85.00' (F)
85.00' (C)
120.00' (C&P)
110.00' (F)
10.00' (C)
LOT 20 BLOCK 40
LOT 22 BLOCK 40
LOT 21 BLOCK 40
0.23 ACRES ± 10200 SQUARE FEET
ADDITION
1 STORY RESIDENCE ELEV.=6.3'
SCREENED ENTRY
SCREENED SWIMMING POOL
BRICK PAVER DRIVE
PALM TREE
PALM TREES
FENCE ALONG BOUNDARY LINE
SEAWALL
CONC.
DOCK
BOAT LIFT
WALK
13.0'
6.9'
6.1'
21.9'
7.3'
48.7'
19.5'
13.7'
6.8'
15.4'
25.1'
25.8'
34.2'
41.7'
44.2'
53.9'
12.6'
35.1'
(1 INCH = 20 FEET)
0'
20'
40'
SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THIS SURVEY OF THE HEREON DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND CONFORMS TO THE STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS AS OUTLINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.
Ken Pufahl, P.S.M.
PROFFESIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NUMBER 6126
10/23/2025
DATE
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER OR A DIGITAL SIGNATURE.
KP Surveying, Inc.
LB NUMBER 8152
2802 W. Cypress Avenue S.E.
Fort Myers, Florida 33905
(239) 462-1901
ADDRESS: 959 MESSINA DRIVE, PUNTA GORDA, FL 33950
PROJECT No: 25-0175
PROJECT Desc: BOUNDARY SURVEY
REVISIONS: 10/20/25 ADDED TREES
REF. FILE:
COUNTY CHARLOTTE
PARCEL ID: 412214279005
FIELD DATE: 05/20/25
DRAWN BY: KP
DATE DRAWN:10/04/25
CAD FILE: 25-0087
LAST FIELD DATE: 10/03/2025
SIMONE MICHAEL P & DIANE M SIMONE TRS
PARCEL LIES IN FLOOD ZONE AE, WITH A BASE FLOOD ELEVATION OF 9 FEET, AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY MAP 12015C0237G, EFFECTIVE DATE: 12/15/2022.
PROPERTY OWNER SHALL OBTAIN WRITTEN FLOOD ZONE DETERMINATION FROM THE LOCAL PERMITTING, PLANNING AND BUILDING DEPARTMENT PRIOR TO ANY CONSTRUCTION PLANNING AND/OR CONSTRUCTION.
PARCEL SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.
THE FLORIDA DEPARTMENT OF TRANSPORTATION PERMANENT CONTROL NETWORK WAS UTILIZED ON THIS BOUNDARY SURVEY AND THE DATUM IS NORTH AMERICAN DATUM NAD(83)-(2011)-(EPOCH 2017.000). THE STATED HORIZONTAL ACCURACY IS 1-2 CENTIMETER. THE STATED VERTICAL ACCURACY IS 2-3 CENTIMETER.
UNDERGROUND IMPROVEMENTS, OTHER THAN SHOWN, IF ANY, WERE NOT LOCATED.
THIS SURVEY IS NOT A CERTIFICATE OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES.
NOTES:
BEARINGS HAVING

Exhibit 7:

OWNER BUILDER STATEMENT/AFFIDAVIT

Florida Statutes are quoted here in part for your information to indicate the authority for exemptions for homeowners from qualifying as contractors and to express any applicable restrictions and responsibilities.

OWNERS MUST PERSONALLY APPEAR AT THE BUILDING DIVISION TO SIGN THIS DOCUMENT

BY SIGNING THIS STATEMENT, I ATTEST THAT: *(Initial to the left of each statement)*

	I understand that state law requires construction to be done by a licensed contractor and have applied for an owner-builder permit under an exemption from the law. The exemption specifies that I, as the owner of the property listed, may act as my own contractor with certain restrictions even though I do not have a license.
	I understand that building permits are not required to be signed by a property owner unless he or she is responsible for the construction and is not hiring a licensed contractor to assume responsibility.
	I understand that, as an owner-builder, I am the responsible party of record on a permit. I understand that I may protect myself from potential financial risk by hiring a licensed contractor and having the permit filed in his or her name instead of my own name. I also understand that a contractor is required by law to be licensed in Florida and to list his or her license numbers on all permit and contracts.
	I Understand that I may build or improve a one-family or two-family residence or a farm outbuilding. I may also build or improve a commercial building if the costs do not exceed $75,000. The building or residence must be for my own use or occupancy. It may not be built or substantially improved for sale or lease. If a building or residence that I have built or substantially improved myself is sold or leased within in 1 year after the construction is complete, the law will presume that I built or substantially improved it for sale or lease, which violates this exemption.
	I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction.
	I understand that I may not hire an unlicensed individual person to act as my contractor or to supervise persons working on my building or residence. It is my responsibility to ensure that the persons whom I employ have the licenses required by law and by county ordinance.
	I understand that it is a frequent practice of unlicensed persons to have the property owner obtain an owner-builder permit that erroneously implies that the property owner is providing his or her own labor and materials. I, as an owner-builder, may be held liable and subjected to serious financial risk for any injuries sustained by an unlicensed person or his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an owner-builder and am aware of the limits of my insurance coverage for injuries to workers on my property.
	I understand that I may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on my building who is not licensed must work under my direct supervision and must be employed by me, which means that I must comply with laws requiring the withholding of federal income tax and social security contributions under the Federal Insurance Contributions Act (FICA) and must provide workers' compensation for the employee. I understand that my failure to follow these laws may subject me to serious financial risk.
	I agree that, as the party legally and financially responsible for this proposed construction

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MS	**activity, I will abide by all applicable laws and requirements that govern owner-builders as well as employers. I also understand that the construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.**
MS	**I am of aware of construction practices and I have access to the Florida Building Code.**
MS	**I understand that I may obtain more information regarding my obligations as an employer from the Internal Revenue Service, the United States Small Business Administration, the Florida Department of Financial Services, and the Florida Department of Revenue. I also understand that I may contact the Florida Construction Industry Licensing Board at 1-850-487-1395 or at www.myflorida.com/dbpr/pro/cilb/ for more information about licensed contractors.**
MS	**I am aware of, and consent to; an owner-builder building permit applied for in my name and understand that I am the party legally and financially responsible for the proposed construction activity at the address listed below.**
MS	**I agree to notify the building department immediately of any additions, deletions, or changes to any of the information that I have provided on this disclosure or in the permit application package.**
MS	**Licensed contractors are regulated by laws designed to protect the public. If you contract with a person who does not have a license, the Construction Industry Licensing Board, the Department of Business and Professional Regulation and the building department may be unable to assist you with any financial loss that you sustain as a result of a complaint. Your only remedy against an unlicensed contractor may be in civil court. It is also important for you to understand that, if an unlicensed contractor or employee of an individual or firm is injured while working on your property, you may be held liable for damages. If you obtain an owner-builder permit and wish to hire a licensed contractor, you will be responsible for verifying whether the contractor is property licensed and the status of the contractor's workers' compensation coverage.**

Property Address: 959 messina dr Punta Gorda

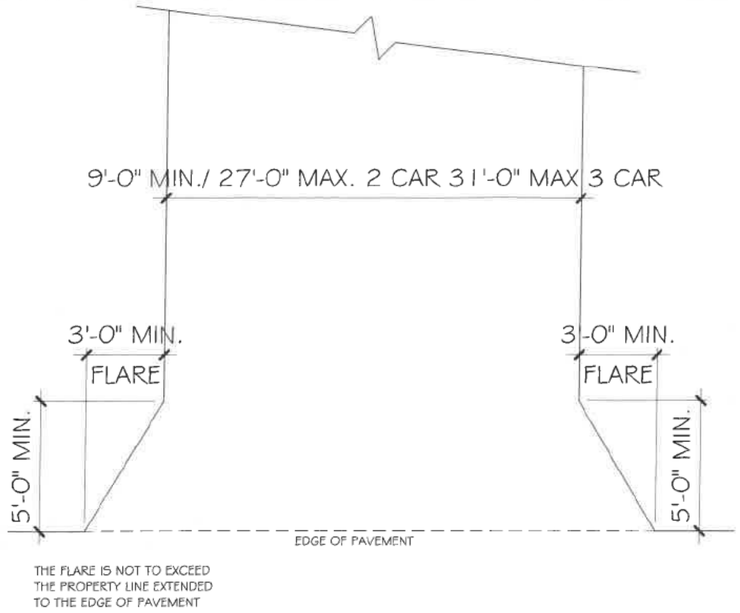
I, Michael Simone, do hereby state that I am qualified and capable of performing the requested construction involved with the permit application filed and agree to the conditions specified above..

Signature of Owner-Builder — Date: 6/27/25

Form of Identification: DL: S239-847-32-000-0
(Must be Photo ID)

A violation of this exemption is a misdemeanor of the first degree punishable by a term of imprisonment not exceeding 1 year and a $1,000.00 fine in addition to any civil penalties. In addition, the local permitting jurisdiction shall withhold final approval, revoke the permit, or pursue any action or remedy for unlicensed activity against the owner and any person performing work that requires licensure under the permit issued.

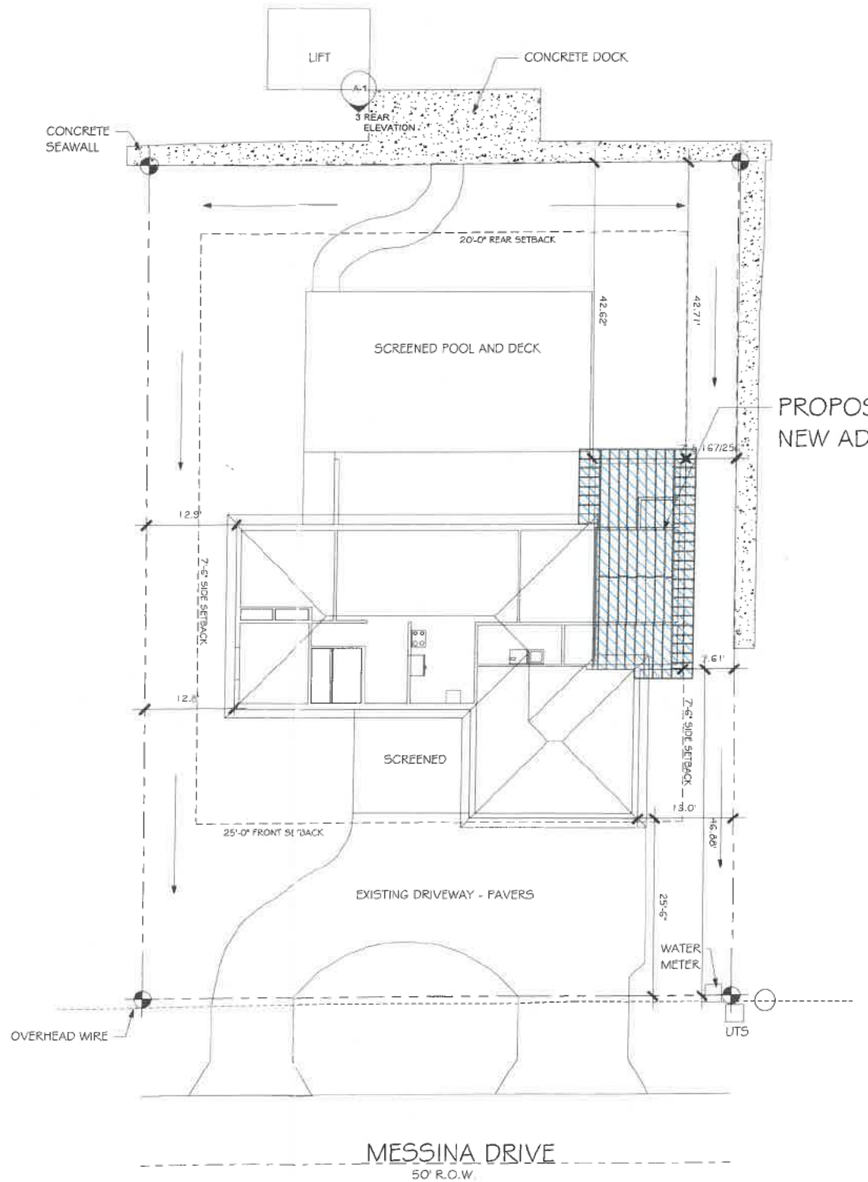
(Rev. 5/12/09) 2



CENTER OF STREET

A-9 DRIVEWAY DETAIL FLARE DETAIL
3/8" = 1'-0"

ANGELFISH COVE
100' WIDE



SITE PLAN
1" = 10'-0"

01D

ZONING APPROVED BY:
MHP 7-23-25

CONTRACTOR COPY

CONTRACTOR COPY

Reviewed for Code Compliance
By: BM Date: 7-28-25

LEGAL

LOT: 21
BLOCK: 40
UNIT: SEC 5
SUBDIV: PUNTA GORDA ISLES
ADDRESS: 959 MESSINA DR.
CITY: PUNTA GORDA
COUNTY: CHARLOTTE
FLOOD ZONE: AE 9'-0"

DESIGN IN ACCORDANCE WITH THE RESIDENTIAL FLORIDA BUILDING CODE 2023 - 8TH EDITION

[redacted]

ADVANTERRA ENGINEERING, INC.
CIVIL • SOLAR • ENGINEERING • CONSULTANT
PHONE: (239) 565-1555 FAX: (239) 575-1456
CERTIFICATE OF AUTHORIZATION #30556
4511 Del Prado Blvd. S. Suite 201 Cape Coral, FL 33904-5503 FAX: (239) 575-1456

Written dimensions shall have precedence over scale dimensions. Contractor and subcontractors shall verify and be responsible for all dimensions and conditions on the job. Any discrepancies must be reported to the Engineer before commencement of any work. Contractor shall coordinate all work and trades to insure compliance with the applicable 2023 Florida Building Code and all local ordinances. Engineer will not be responsible for any deviations from these plans that are not brought to the attention of the Engineer in writing. Contractor shall verify all dimensions and conditions on the job and shall notify the Engineer of any discrepancies before proceeding with the