



**CITY OF OKEECHOBEE, FLORIDA  
BOARD OF ADJUSTMENT MEETING  
NOVEMBER 17, 2022  
SUMMARY OF BOARD ACTION**

**I. CALL TO ORDER**

Chairperson Hoover called the regular meeting of the Board of Adjustment for the City of Okeechobee to order on Thursday, November 17, 2022, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast (SE) Third Avenue, Room 200, Okeechobee, Florida, followed by the Pledge of Allegiance.

**II. ATTENDANCE**

Roll was taken by General Services Secretary Keli Trimnal. Chairperson Dawn Hoover, Vice Chairperson Doug McCoy, Board Members Phil Baughman, Karyne Brass, Rick Chartier, Mac Jonassaint, and Alternate Board Member Carl Berlin, Jr. were present. Board Member David McAuley and Alternate Board Member Jim Shaw were absent.

**III. AGENDA**

- A. There were no items added, deferred, or withdrawn from the agenda.
- B. Motion by Board Member Brass, seconded by Board Member Jonassaint to approve the agenda as presented. **Motion Carried Unanimously.**
- C. There were no comment cards submitted for public participation for issues not on the agenda.

**IV. MINUTES**

- A. Motion by Board Member Baughman, seconded by Board Member Brass to dispense with the reading and approve the October 20, 2022, Board of Adjustment Regular Meeting minutes. **Motion Carried Unanimously.**

**V. CHAIRPERSON HOOVER OPENED THE QUASI-JUDICIAL PUBLIC HEARING AT 6:04 P.M.**

- A. Special Exception Petition No. 22-003-SE requests to waive the minimum separation from off-site uses, and to waive the separation distances between communication towers for a wireless telecommunication facility, in an Industrial Zoning District, (Ref. Code Sec. 90-603(c)(d)(e)), located at 1117 Northwest (NW) 9<sup>th</sup> Street.
  - 1. Notary Public Keli Trimnal administered an oath to Ms. Melissa Murrin, Associate with Jimerson Birr, One Independent Drive, Suite 1400, Jacksonville, Florida, Mr. Ben Smith, Morris-Depew Associates Inc., 2914 Cleveland Avenue, Fort Myers, Florida, and Mr. Gary Ritter, City Administrator, 55 SE 3<sup>rd</sup> Avenue, Okeechobee, Florida, who responded affirmatively.
  - 2. City Administrator Ritter gave Board Members a brief recap of the October 20, 2022, meeting. Special Exception 22-003-SE was deferred so Staff and Board Members could review information provided just prior to 6:00 p.m. from both interested parties. On October 27, 2022, City Administrator Ritter informed Mr. Kyle Lotze, Agent for CitySwitch II-A, LLC, that all requested documents are to be received by November 22, 2022, in which to provide Staff and Board Members adequate time to review before the December 15, 2022, meeting, should this be deferred. Our recommendation to you tonight is to defer this to the December 15, 2022, meeting. Planning Consultant Smith concurred with City Administrator Ritter to defer Special Exception Petition No. 22-003-SE to the next meeting.
  - 3. No one was present on behalf of the Applicant, CitySwitch II-A, LLC.
  - 4. Ms. Murrin, on behalf of SBA 2012 TC Assets, LLC, discussed her client's opposition to this Application due to another tower being located 0.7 miles away and that the Applicant has not provided the landscape plan requirement. For the record, 21 surrounding property owner notices were mailed, advertisements and one sign were posted on the subject parcel, with one objection letter received from Jimerson Birr on behalf of their client, SBA 2012 TC Assets, LLC, [document has been part of the official minute packet].
  - 5. No Ex-Parte disclosures were offered.
  - 6. Motion by Board Member Chartier, seconded by Board Member Jonassaint, to defer Special Exception Petition No. 22-003-SE as presented in [Exhibit 1] to the December 15, 2022, meeting. **Motion Carried four to two, Vice Chairperson McCoy and Board Member Baughman voted No.**



**V. QUASI-JUDICIAL PUBLIC HEARING ITEMS CONTINUED**

- B.** Special Exception Petition No. 22-004-SE requests to allow a personal service within a Commercial Professional Office Zoning District, (Ref. Sec 90-223(2)) located at 321 NW 4<sup>th</sup> Avenue for the proposed use of the operation of one massage therapist office in the existing office building.
1. Notary Public Keli Trimnal administered an oath to Mr. Kevin Timko, 822 Southeast 9<sup>th</sup> Street, Okeechobee, Florida, and Mr. Ben Smith, Morris-Depew Associates Inc., 2914 Cleveland Avenue, Fort Myers, Florida, who responded affirmatively.
  2. City Planning Consultant Smith reviewed the Planning Staff Report recommending approval with the following conditions: no vehicle in any way associated with a patron shall be left overnight (between the hours of 7:00 p.m. to 7:00 a.m.); and the personal service use is limited to the operation hours of 8:00 a.m. to 5:00 p.m.
  3. Mr. Timko was present on behalf of his wife, Irina, the proposed business owner of the massage therapist office, and available for questions. He explained his wife could not be here this evening due to being out of the country for a death in the family. Board Member Baughman, inquired as to whether the hours of 8:00 a.m. to 5:00 p.m. that were indicated on the application could be changed to possibly 7:00 or 8:00 a.m. to 9:00 p.m., to accommodate her schedule in case she had a late client. Planner Smith replied that the Applicant could request this. Mr. Timko commented he was not aware of what was indicated on the application, although he knew that currently on occasions his wife has worked later in the evenings to accommodate clients. The Board also briefly discussed no overnight parking
  4. No public comments were offered. For the record, 15 surrounding property owner notices were mailed, advertisements and three signs were posted on the subject parcel, with no objections or comments received to date.
  5. No Ex-Parte disclosures were offered.
  6. Motion by Board Member Chartier, seconded by Board Member Baughman to approve Special Exception Petition No. 22-004-SE as presented in [Exhibit 2 which includes the standards and findings for granting Petitions per Code Section 70-373; and the Planning Consultant's analysis of the findings and recommendation for approval] without special conditions. **Motion carried four to two, Chairperson Hoover and Board Member Brass voted No.**

**CHAIRPERSON HOOVER CLOSED THE QUASI-JUDICIAL PUBLIC HEARING AT 6:46 P.M.**

**VI. CITY ADMINISTRATOR UPDATE**

Nothing at this time.

- VII.** Chairperson Hoover adjourned the meeting at 6:46 P.M.

Submitted by:

Patty M. Burnette  
Patty M. Burnette, Secretary

Please take notice and be advised that when a person decides to appeal any decision made by the Board of Adjustment with respect to any matter considered at this proceeding, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. General Services' media are for the sole purpose of backup for official records.