

BOARD OF ADJUSTMENT

MINUTES

THURSDAY
March 12, 2009

1:00
PM

COMMISSIONER CHAMBERS,
ADMINISTRATION BUILDING

CALLED TO ORDER BY	Donald Schreiner, Chairman, noted for the record that there was a quorum present. He confirmed Proof of Publication for each case and noted that the meeting had been advertised pursuant to the Sunshine Statute.		
RECORDING SECRETARY	Anna Ely		
BOARD ATTENDEES	Donald Schreiner Lloyd Atkins, Jr. Ruth Gray	Mary Link Bennett Marie Wuenschel	
NOT PRESENT	Steve Berk		
DEPARTMENT OF GROWTH MANAGEMENT REPRESENTATIVES	Terrie Diesbourg, Director, Zoning Division Anita Greiner, Chief Planner, Zoning Division Anna Ely, Public Hearing Coordinator, Zoning Division Lorena McCarroll, Associate Planner, Zoning Division Natali Trejo, Associate Planner, Zoning Division Debby Rosenmund, Associate Planner, Zoning Division		
BOARD ATTORNEY	Erin Hartigan, Assistant County Attorney		

MINUTE APPROVAL

APPROVAL OF MINUTES OF FEBRUARY 12, 2009 MEETING

MOTION READS:	Motion to approve the minutes of the FEBRUARY 12, 2009 Board of Adjustment hearing.		
MOTION BY:	MARY LINK BENNETT	SECONDED BY:	LLOYD ATKINS
MOTION APPROVED: 5-0	FOR: Donald Schreiner Mary Link Bennett Lloyd Atkins, Jr. Marie Wuenschel Ruth Gray		AGAINST: None

POSTPONED <u>BOA#5-09-1</u>	BOA #5-09-1 OWNER/ APPLICANT: BONFIRE COOPERATIVE ASSOCIATION
--	--

BOA #7-09-1
OWNER/APPLICANT: Francis and Lorraine Foster

BOA #8-09-4
OWNER/APPLICANT: Angela Scussel and Joseph Pellerin

BOA #10-09-1
OWNER: Picciola Island Homeowner's Association
APPLICANT: Michael Duncan

BOA #11-09-3
OWNER: Albert and Patsy Engel
APPLICANT: W. Lee Humphrey

DISCUSSION	There was no objection to BOA#7-09-1, BOA#8-09-4, BOA#10-09-1 and BOA#11-09-3 remaining on the consent agenda.		
MOTION READS:	Motion to approve BOA#7-09-1, BOA#8-09-4, BOA#10-09-1 and BOA#11-09-3 with conditions of staff.		
MOTION BY:	MARY LINK BENNETT	SECONDED BY:	LLOYD ATKINS
MOTION APPROVED: 5-0	FOR: Donald Schreiner Mary Link Bennett		AGAINST: None

	Lloyd Atkins, Jr. Marie Wuenschel Ruth Gray		
--	---	--	--

BOA#9-09-3

BOA #9-09-3
OWNER/APPLICANT: Deborah Bayless Fields

DISCUSSION	<p>Anita Greiner, Chief Planner, explained to the Board that staff had received a letter requesting postponement. The request was received after 5pm on Wednesday, March 11, 2009. She stated that staff was prepared to proceed with the case if the Board so chose.</p> <p>Lloyd Atkins, Board member, made a motion to proceed with the case, which was seconded by Mary Link Bennett and approved by a unanimous vote.</p> <p>Ms. Greiner presented the background on the requested variance and explained that Deborah Fields, owner, had come before the Board on January 2007 with the same request. That request had been denied by the Board.</p> <p>Ms. Greiner explained the Code requirements for the case to be reheard. She stated that if there has not been any substantial change in circumstances the Board is not to hear the case. She stated that staff does not believe that there has been any substantial change.</p> <p>She showed the aerial from the staff report pointing out the location of the property and stated that there is a plot plan located in their backup showing the owner's proposed location of the kennel. She showed the proposed site plan from 2007 and the current proposed site plan. She stated that there basically is no change in the proposal.</p> <p>Ms. Greiner explained that the owner did not indicate what types or numbers of animals are to be housed in the kennel. She stated that staff doesn't believe that there is a substantial change in the request and staff is recommending denial. She stated that there are 19 neighbors in objection and showed an aerial showing the location of the properties (County Exhibits "A" and "B")</p> <p>Erin Hartigan, Assistant County Attorney, reiterated the code and stated that if there is no substantial change the Board is not to hear the case.</p> <p>Gary Maxwell, neighboring property owner, spoke in regards to Ms. Field's businesses that are currently being run on the property. He stated that they had problems with the owner's dogs in the past.</p> <p>Ruth Gray, Board member, asked if there have been any more instances since 2007 and Mr. Maxwell stated that the horses she boards get out and he and his neighbors have to come out in the middle of the night and help her round up the horses.</p> <p>Ms. Bennett had questions regarding the new six foot tall board fence.</p> <p>Ray Manning, the neighbor to the east, stated that the fence between the properties was originally put up to protect and separate flower beds. He stated that Ms. Fields added to the fence and that another neighbor had also added to the fencing.</p>
-------------------	--

	Mr. Manning, read a derogatory note from Ms. Fields that she had sent to her neighbors following the 2007 hearing. He also stated that she had also put up signs on CR 561 and Sugarloaf calling the neighbors liars. He stated that the County considered the signs harassment and made her remove the signs. He stated that at this time there are horses, a bird aviary and another peacock on the property.		
MOTION READS:	TO DENY BOA#9-09-3 due to the fact the Board does not see any substantial change in the request and taking into account the neighbors' objections.		
MOTION BY:	LLOYD ATKINS	SECONDED BY:	MARY LINK BENNETT
MOTION APPROVED 5-0	FOR: Donald Schreiner Mary Link Bennett Ruth Gray Lloyd Atkins, Jr. Marie Wuenschel		AGAINST: None

The meeting was adjourned at 1:27 p.m.

Respectfully submitted.

Anna Ely, Recording Secretary

Donald Schreiner, Chairman