

BOARD OF ADJUSTMENT

MINUTES

THURSDAY
MARCH 13, 2008

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 Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk
NOT PRESENT	Henry Wolsmann
DEPARTMENT OF GROWTH MANAGEMENT REPRESENTATIVES	Terrie Diesbourg, Director, Zoning Division Anita Greiner, Chief Planner, Zoning Division Paul Simmons, Planner, Zoning Division Anna Ely, Public Hearing Coordinator, Zoning Division
BOARD ATTORNEY	LeChea Parson, Assistant County Attorney I

MINUTE APPROVAL

APPROVAL OF MINUTES OF FEBRUARY 14, 2008 MEETING.

MOTION READS:	To approve the minutes of the February 14, 2008 Board of Adjustment hearing.		
MOTION BY:	MARY LINK BENNETT	SECONDED BY	RUTH GRAY
MOTION APPROVED: 6-0	FOR: Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk		AGAINST: None

CONSENT AGENDA

BOA# 07-08-4 CHRIS D. BATCHELDER
BOA# 10-08-5 JANICE W. WIESER
BOA# 14-08-5 MICHAEL AND SANDRA LICATA

DISCUSSION	There was no objection to BOA#07-08-4, BOA#10-08-5 and BOA#14-08-5 remaining on the consent agenda.		
MOTION READS:	To approve BOA#07-08-4, BOA#10-08-5 and BOA#14-08-5 with conditions of staff.		
MOTION BY:	RUTH GRAY	SECONDED BY	MARY LINK BENNETT
MOTION APPROVED: 6-0	FOR: Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk		AGAINST: None

BOA#01-08-5

OTTMAR OLSEN
BOOTH, ERN, STRAUGHAN & HIOTT, INC.

DISCUSSION	<p>Paul Simmons, Planner, presented the case and showed the survey from the staff report. He explained that the request is to access the property from the easement west to Babb Road. He showed the location of the property and verified for the Board that there would not be any access through the subdivision to the east.</p> <p>Duane Booth, applicant, was present to represent the owner. He stated that through title searches it was determined that the access to the west is a 30 foot right-of-way dedicated to Lake County. He stated that is not County maintained and that maintenance would be the responsibility of the owners.</p> <p>Gail Schladetsch, neighboring property owner, questioned the notations on the survey showing access from the east.</p> <p>Mr. Booth explained that the notations were left on the map in error and that there would be no access to the east.</p>			
	MOTION READS: To APPROVE the variance request with the ingress/egress being to the west from Babb Road and that there would be no access from the east.			
	MOTION BY:	LLOYD ATKINS, JR.	SECONDED BY	MARY LINK BENNETT
	MOTION APPROVED 6-0	FOR: Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk		AGAINST: None

BOA#08-08-5

MARSHA DELONG

DISCUSSION	<p>Anita Greiner, Chief Planner, presented the case and showed the aerial from the staff report and explained the request is to allow a farm building to house farm animals when it had not been permitted as such. She showed the site plan from the staff report. She stated that staff did not believe the intent of the Code had been met and recommended denial. She showed an aerial (County Exhibit "A") showing the location of two letters of objection.</p> <p>Mary Bennett, Board member, asked why this is an issue at this time, when prior owners had always had horses.</p> <p>Ms. Greiner explained that the current owners are requesting to open a riding stable and to proceed with their Conditional Use Permit (CUP) request, they need to have a variance to allow the building to be used as a stable. She clarified for the Board that the current owner did not build the barn, and that it was pre-existing at the time she purchased the property.</p> <p>Marsha DeLong, owner, and Meg Windsor were present to explain their case. Ms. DeLong stated that it would cost her \$49,000 to relocate the</p>		
-------------------	--	--	--

MOTION READS:

building to the center of the property to meet the current regulations. They stated that the building was being used as a horse barn at the time they purchased it and they had not been informed that this was not an allowed use. They also stated that moving the barn to the center of the property would place it closer to neighboring houses. TO APPROVE the use an existing barn, that is located closer than 200 feet from a property line and not centered on the parcel, as a livestock building (stable).

MOTION BY:

STEVEN BERK

SECONDED BY

RUTH GRAY

MOTION APPROVED 6-0

FOR:

- Donald Schreiner
- Mary Link Bennett
- Ruth Gray
- Howard B. (Bob) Fox, Jr.
- Lloyd Atkins, Jr.
- Steven Berk

AGAINST:

None

BOA#09-08-5

EDITH GARDNER
KIRK MUSSELMAN, REALTOR, DAVE LOWE REALTY

DISCUSSION

Paul Simmons, Planner, presented the case and showed the plan of the proposed lot split from the staff report. He showed a copy of the zoning map of the area (County Exhibit "A") and showed the property in question. He stated that the proposed split would not change the character of the subdivision and that staff believed that both proof of hardship and meeting the intent of the code would be met. He stated that the property is zoned R-6 and the land use is urban expansion which allows for smaller parcels. He stated that staff recommended approval of the request. In response to questions from the Board regarding flood, he showed on the site plan and indicated where flood areas were located (County Exhibit "B"). He showed pictures from the staff report of the road and property.

Richard Bruns, neighbor, was present to speak in opposition to the case. He stated that he believed the tracts along the road should remain in five-acre tracts. He stated that the road is privately maintained and that he did not want to see an increase in traffic. He also stated that the road ended at the edge of a water management area and he felt that it needed to remain rural.

Christian Duncan, neighbor, was also present to speak in opposition. He stated that all the smaller properties in the subdivision are located directly on County Road 452 and he felt the other properties not located on County Road 452 should remain as five acre tracts.

There was discussion on the fact that the property is zoned R-6 and the implications.

Ruth Gray made a motion for approval of the request, which died due to lack of a second. She stated that the Board does not set precedence and that she felt that the owner had shown that they had a hardship and that she felt it should be approved.

MOTION READS:

TO DENY the request to allow a minor lot split when the parcel does not front on a paved publicly maintained road.

MOTION BY:

STEVEN BERK

SECONDED BY

LLOYD ATKINS, JR.

MOTION APPROVED 4-2

FOR:

Donald Schreiner
Howard B. (Bob) Fox, Jr.
Lloyd Atkins, Jr.
Steven Berk

AGAINST:

Mary Link Bennett
Ruth Gray

BOA#11-08-3

LAKEVIEW INDUSTRIAL PROPERTIES, INC.
MILTON S. JENNINGS

Anita Greiner, Chief Planner, presented the case and showed the aerial from the staff report. She explained developer's agreements and the process of platting an industrial subdivision. She explained the requirements for a type "B" landscape buffer and that current landscape codes didn't efficiently address the difference in residential and industrial type platting. She explained the request to postpone placement of the buffer until each property is developed. She stated that each commercial development would have to come back through the county for approval and that each property would then be required to complete the landscape buffer. She stated that by allowing this request, it would save water. If they are required to put in the buffer at time of platting, it would also have to be irrigated. She explained that approval of the request would not relieve the owners from putting in a landscape buffer: they would not get a Certificate of Occupancy without the appropriate landscape buffer being in place. She stated that staff recommended approval of the request.

Don Griffey, engineer, was present to speak on behalf of the owners. He showed an aerial (Applicant Exhibit "A") and showed the location of this project and also the project to be addressed in BOA#12-08-3. He stated that this property was located in the Industrial Center which was formerly owned by the County. In response to questions from the Board, he stated that the water main would be extended to reach the site, but that the water for irrigation would mostly be private wells rather than the water system.

Richard Langley, owner, was present to speak on behalf of this request and BOA#12-08-3. He spoke regarding the estimated cost of irrigating the vacant property each year until parcels were developed.

Robert Williams, neighboring property owner, was present to discuss the request. He had concerns regarding the lakefront property and the mature growth of pine trees buffering his property from the proposed development. He requested assurance that an adequate buffer of trees would remain between the properties.

There was discussion of what kind of buffering is required and it was explained by LeChea Parson, County Attorney I, that setbacks and required buffering were already addressed in the Code and they were not under the Board's jurisdiction.

Mr. Griffey explained the buffering with regards to the landscape buffer and the utility easement between the properties and that the buffering between Mr. Williams' property and the development would be the most restrictive type of buffer. He explained that they were only requesting to delay installing the landscape buffer and irrigation on each individual parcel. He also explained that without the variance, that landscaping would have to proceed, and the property would need to be cleared and

DISCUSSION

MOTION READS:	irrigated before there was any commercial development.		
	TO APPROVE the request to allow relief from the requirements of guarantees, sureties, security, and developer's agreement with regards to landscaping prior to approval of the final plat, with any conditions of staff.		
MOTION BY:	RUTH GRAY	SECONDED BY	MARY LINK BENNETT
	FOR:		AGAINST:
	Donald Schreiner		None
	Mary Link Bennett		
MOTION APPROVED 6-0	Ruth Gray		
	Howard B. (Bob) Fox, Jr.		
	Lloyd Atkins, Jr.		
	Steven Berk		

BOA#12-08-3

	RICHARD H. LANGLEY		
DISCUSSION	As this case was also discussed along with BOA#11-08-3 there was no need for further discussion.		
MOTION READS:	TO APPROVE the request to allow relief from the requirements of guarantees, sureties, security, and developer's agreement with regards to landscaping prior to approval of the final plat, with any conditions of staff.		
MOTION BY:	RUTH GRAY	SECONDED BY	MARY LINK BENNETT
	FOR:		AGAINST:
	Donald Schreiner		None
	Mary Link Bennett		
MOTION APPROVED 6-0	Ruth Gray		
	Howard B. (Bob) Fox, Jr.		
	Lloyd Atkins, Jr.		
	Steven Berk		

BOA#13-08-3

	HEMCHAND NARRAPH		
DISCUSSION	Anita Greiner, Chief Planner, presented the case and showed the aerial from the staff report. She showed the property record card (County Exhibit "A") and an aerial (County Exhibit "B") showing the location of the property of one letter of objection. She stated that staff recommended approval of the requested variance.		
MOTION READS:	TO APPROVE the variance to allow a dwelling unit that is less than 23 feet four inches wide, has a roof pitch less than one (1) foot of rise for each four (4) feet of horizontal run, and does not have a minimal overhang of six (6) inches to be used as an accessory dwelling unit.		
MOTION BY:	STEVEN BERK	SECONDED BY	RUTH GRAY
	FOR:		AGAINST:
	Donald Schreiner		None
	Mary Link Bennett		
MOTION APPROVED 6-0	Ruth Gray		
	Howard B. (Bob) Fox, Jr.		
	Lloyd Atkins, Jr.		
	Steven Berk		

The meeting was adjourned at 3:07 p.m.

Respectfully submitted.

Anna Ely, Recording Secretary

Donald Schreiner, Chairman