

BOARD OF ADJUSTMENT

MINUTES

THURSDAY
APRIL 10, 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. Steven Berk
NOT PRESENT	Lloyd Atkins, Jr.
DEPARTMENT OF GROWTH MANAGEMENT REPRESENTATIVES	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 MARCH 13, 2008 MEETING.

MOTION READS:	To approve the minutes of the March 13, 2008 Board of Adjustment hearing.		
MOTION BY:	MARY LINK BENNETT	SECONDED BY	RUTH GRAY
MOTION APPROVED: 5-0	FOR: Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Steven Berk		AGAINST: None

WITHDRAWALS

BOA#18-08-1

DISCUSSION	There was no objection to BOA#18-08-1 being withdrawn.		
MOTION READS:	To approve the withdrawal of BOA#18-08-1.		
MOTION BY:	MARY LINK BENNETT	SECONDED BY	STEVEN BERK
MOTION APPROVED: 5-0	FOR: Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Steven Berk		AGAINST: None

CONSENT AGENDA

BOA#15-08-5 BRENT AND BARBARA BURDICK
BOA#16-08-5 FREDERICK R. CRAFT, JR.

DISCUSSION	There was no objection to BOA#15-08-5 and BOA#16-08-5 remaining on the consent agenda.		
MOTION READS:	To approve BOA#15-08-5 and BOA#16-08-5 with conditions of staff.		
MOTION BY:	MARY LINK BENNETT	SECONDED BY	RUTH GRAY
MOTION APPROVED: 5-0	FOR: Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Steven Berk		AGAINST: None

BOA#17-08-3

**WHITNEY HOGAN
KEITH HOGAN**

DISCUSSION	Anita Greiner, Chief Planner, stated that this case was pulled from the consent agenda to make the Board aware of comments received from the City of Mascotte. Ruth Gray, Board member, asked for and received clarification of the storm water calculations.		
MOTION READS:	To approve BOA#17-08-3 with conditions of staff.		
MOTION BY:	STEVEN BERK	SECONDED BY	MARY LINK BENNETT
MOTION APPROVED 5-0	FOR: Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Steven Berk		AGAINST: None

BOA#19-08-3

**WILLIAM D. HAUSER
RANDY VERMEULEN**

DISCUSSION	<p>Anita Greiner, Chief Planner, presented the case and showed the aerial from the staff report. She showed Exhibits #1, #2 and #3 and explained the jurisdictional wetland setback issues and the applicants proposed storm water runoff plan. She stated that permitting had already been issued and construction already begun when it was discovered that the survey contained errors with regard to the location of the jurisdictional wetland line. She stated that staff recommended approval of the applicant's request.</p> <p>Fred Martin, adjacent property owner, spoke in opposition and stated that he believed the applicants had presented false information to obtain permitting. He stated that truckloads of dirt had been brought in without lot grading.</p> <p>Mary Bennett, Board member, asked for clarification and Ms. Greiner stated that lot grading is under the jurisdiction of the Public Works Department, not the Board and that Public Works is dealing with any lot grading issues.</p> <p>Don Schreiner, Chairman of the Board, clarified that the variance request only concerned the 50-foot setback issue with regards to the jurisdictional wetland line.</p>
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Ms. Greiner pointed out on the map where the corrected jurisdictional line is located (County Exhibit "A"). She stated that as long as the proposed swale was between the house and the jurisdictional wetland line that it would contain the storm water runoff as required.

Ms. Greiner, in response to questions from the Board, clarified that the property had been inspected by DEP (the Department of Environmental Protection) and Environmental Services. She stated that DEP had set the corrected jurisdictional wetland line, and the storm water runoff plan presented was drawn using that new information. She also stated that a Public Works lot grading inspector would be inspecting the site before the slab is poured and also before the final inspection. The applicants will have to meet lot grading requirements and will be required to keep water from running into the lake and onto neighboring properties, before they can proceed with the project.

Randy Vermeulen, applicant, spoke on the owner's behalf. He stated that they had believed the original survey to be correct at the time they brought it in to the Zoning Division. He stated that houses built to the right and left of the lot in question were closer than 50 feet to the jurisdictional wetland line.

Ms. Greiner clarified that this subdivision was an older subdivision that was platted before the new jurisdictional wetland line requirements were put in place and that neighboring houses had also been built prior to that date.

Barbara Briggs, adjacent property owner, questioned why the house was not being placed further forward on the lot and closer to the road.

Mr. Greiner stated that setback standards to roads had also changed and that by today's standards the house had to be located at least 62 feet from the centerline of the road. She stated that the applicants were meeting that requirement by one inch, and to move the house forward would also require a variance.

Audrey Bryant, adjacent property owner, stated her concern regarding the lot grading and the storm water runoff and whether it would affect her adjoining lot.

Ms. Greiner explained that the Public Works Department would handle any lot grading issues for the entire parcel and how it impacted neighboring parcels. She stated that current regulations are more stringent than prior regulations.

Larry Brown represented the home owners association for the subdivision. He stated that the subdivision had dealt with fill issues in the past when they unknowingly brought in fill on their public lake access. He stated that the situation was rectified as required. He stated that he was neither in support or opposition.

In response to Ms Gray's question as to why fill dirt was brought in to the lot in question, Ms. Greiner stated that all the lots were in the flood zone and that new regulations now require that all structures have to be 18 inches above base flood elevation.

MOTION READS:

TO APPROVE BOA#19-08-3 with conditions of staff and the added

	condition that lot grading, and DEP (Department of Environmental Protection) requirements be met before final inspection by 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. Steven Berk		AGAINST: None

BOA#20-08-3

CHARLIE JOHNSON BUILDERS/RALPH AND CAROLINE AUSTIN BESH, INC.

DISCUSSION	<p>Paul Simmons, Planner, presented the staff report and explained the applicants' request. He showed the aerial and Exhibits #1 and #2 from the staff report. He explained that the subdivision had been platted in 2006 and that in 2007 a minor site plan amendment had been approved to allow signage. He stated that there was a drainage easement on the subject property that was not vacated, and without it being vacated, their only recourse is to ask for a variance. Mr. Simmons also showed the plans submitted by the applicants' engineer (County Exhibit "A") showing the signs and the plans for compensation for the drainage. He stated that the St. John's River Water Management District (SJRVM) is the custodian of the subdivision's storm water plan and that the applicants have already submitted an application to them to allow the signs in the drainage easement.</p> <p>Danny Caddell, adjacent property owner, was present to speak in opposition to the variance request. He stated that there are issues regarding the legality of the use of the easement as the entrance into the subdivision. He felt that by giving approval for the placement of permanent signs that this would give the impression that use of the easement had been granted.</p> <p>Mr. Simmons stated that the entrance to the subdivision is Fair Oaks Boulevard and that it is a County-maintained and paved road. He showed (County Exhibit "A") and stated the drainage easement in question was not located on the road but on platted lots within the subdivision.</p> <p>Mark Douglas, adjacent property owner, spoke in opposition and stated that he owns the easement in front of his property that the road into the subdivision cuts across, and that he has not given permission for it to be used. He spoke of an alternative entrance to the subdivision to be built off of US 441 and crossing the railroad tracks.</p> <p>Mr. Simmons: in response to questions from the Board for clarification on the location of the proposed entrance, stated that the entrance in question is for a separate proposed subdivision phase and that entrance from that area to the one in question will be blocked.</p> <p>Chuck Hiott was present to represent the owners. He stated that the SJRVMD has stated that they have no issues with the request and that the permit is in processing. He stated that access to Phase One and Phase Two of the subdivision will be closed. He stated that there is no</p>
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	<p>other access to this phase of the subdivision except along Fair Oaks Boulevard. He referenced County Exhibit #1 and explained the sign request and the details on the swales that would be built to compensate for the drainage. He also stated that this variance would also be dependent on the SJRVMD granting the permit to alter the drainage easement.</p> <p>LeChea Parson, County Attorney I, stated that both the St. John's Water Management permit and the variance would have to be approved before the project could proceed.</p> <p>Mr. Douglas, adjacent property owner, reiterated his opposition and submitted a copy of an easement agreement with the county and stated again that it was not legal access into the subdivision. He stated that by approving the sign variance request that it would be another step in making the road permanent and give the appearance that the access was a legally granted access.</p>		
MOTION READS:	TO DENY BOA#20-08-3 on the grounds that the applicants had not shown proof that they were meeting the intent of the Code.		
MOTION BY:	RUTH GRAY	SECONDED BY	MARY LINK BENNETT
MOTION APPROVED 5-0	FOR: Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Steven Berk		AGAINST: None

The meeting was adjourned at 3:00 p.m.

Respectfully submitted.

Anna Ely, Recording Secretary

Donald Schreiner, Chairman