**MINUTES**
**BOARD OF ADJUSTMENT**
**PUBLIC HEARING**
**May 12, 2016**

The Lake County Board of Adjustment met on May 12, 2016 in the Commission Chambers on the second floor of the County Administration Building in Tavares, Florida to consider requests for variances and any other petitions that may be submitted in accordance with Chapter XIV of the Lake County Land Development Regulations.

**Board Members Present:**

Donald Schreiner, Chairman
Craig Covington, Vice-Chairman
Catherine Hanson
Marie Wuenschel

**Board Members Absent:**

Lloyd M. Atkins, Jr.
Phyllis Luck

**Staff Present:**

Tim McClendon, Chief Planner, Planning & Zoning Division
Michele Janiszewski, Planner, Planning & Zoning Division
Luis Guzman, Assistant County Attorney
Donna Bohrer, Public Hearing Associate, Planning & Zoning Division

Chairman Schreiner called the meeting to order at 1:30 p.m., in order to have a quorum present. He confirmed Proof of Publication for the case as shown on the screen. He added that if a variance is approved, the owner/applicant should give staff at least 24 hours before proceeding to the zoning counter to finalize their paperwork.

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***Opening Remarks***

Tim McClendon, Chief Planner, Planning and Zoning Division, said staff was requesting that Tab 2, Mission Village at Mount Dora HOA be moved to the regular agenda.

***Minutes***

**MOTION by Craig Covington, SECONDED by Catherine Hanson to APPROVE the April 14, 2016 Board of Adjustment Public Hearing Minutes, as submitted.**
**FOR: Schreiner, Covington, Hanson, Wuenschel**
**ABSENT: Atkins, Luck**
**AGAINST: None**
**MOTION CARRIED: 4-0**

There was no response when Chairman Schreiner asked for any public comment.

***Public Comment***

There were no public comments on any agenda item.

***Consent Agenda***

**Motion by Marie Wuenschel, SECONDED by Craig Covington, to approve Tab 1, Erik Banks & Grace Brett Helfrich, with conditions as set forth in the development order.**
**FOR: Schreiner, Covington, Hanson, Wuenschel**
**ABSENT: Atkins, Luck**
**AGAINST: None**
**MOTION CARRIED: 4-0**

***Regular Agenda***

**VAR-16-13-3**
**Mission Village at Mount Dora HOA** **Tab 2**

Tim McClendon, Chief Planner, Planning and Zoning Division said this was a variance to allow the repair of a boat dock on a lot that is not adjacent to a developed residential lot. He said the property in question was part of Mission Village at Mount Dora subdivision. He explained that tract C was dedicated to the Home Owners Association (HOA), it was then illegally subdivided, creating lots tied to other nonadjacent lots to create lakefront properties. The lots were never legally recorded on a recognized plat. The County Attorney's Office has said that no further permits would be issued for boat dock repair until a variance was applied for and a legal re-plat of the subdivision was recorded. Staff recommends approval with the special condition that the re-plat be completed.

In response to a question from Chairman Schreiner, Mr. McClendon, explained an engineer would have to be hired to re-plat the subdivision. Recording the re-plat would bring all the lots into compliance; however a variance to repair or replace a boat dock would still be required.

Jamie Harris, applicant, noted it was the developer that failed to plat the subdivision and he thought, requiring the HOA to pay the re-platting costs was a hardship on the residents. He thought the dock should be rebuilt, because it is in disrepair. He added that the neighborhood wants to have a safe dock for their use.

**PUBLIC COMMENT**

George Intvela said that some community members wanted the dock repaired, while others favored replacing the current dock with a new one. He thought the dock should be repaired.

Benjamin Hughes said he was a resident and a boat owner. He thought the dock was a civil liability and losing the dock would adversely affect their property values. He said the HOA had voted to repair or replace the dock.

Mr. McClendon explained that the application was only for the repair of a boat dock not adjacent to a residential lot. He added that only tract C is recognized by the County and before any docks can be replaced or repaired that tract C must be re-platted.

Mr. Hughes emphasized that the hardship was the cost of having Tract C re-platted.

Chairman Schreiner explained that although the dock replacement could be addressed, the plating issue remains.

Mr. Intvela said he objected to the cost of a new dock and thought the HOA vote should be unanimous.

Catherine Hanson noted the board can only deal with the variance and the other issues raised were civil matters.

**Motion by Catherine Hanson, SECONDED by Motion by Marie Wuenschel, to approve Tab 2, VAR-16-13-3, Mission Village at Mount Dora HOA, with conditions as set forth in the development order.**
**FOR: Schreiner, Covington, Hanson, Wuenschel**
**ABSENT: Atkins, Luck**
**AGAINST: None**
**MOTION CARRIED: 4-0**

***Adjournment***

There being no further business, the meeting was adjourned at 2:03 p.m.

Respectfully submitted,

Donna Bohrer
Public Hearing Associate

Donald Schreiner
Chairman