

# BOARD OF ADJUSTMENT

MINUTES	THURSDAY JUNE 11, 2009	1:00 PM	COMMISSIONER CHAMBERS, ADMINISTRATION BUILDING
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<b>CALLED TO ORDER BY</b>	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.		
<b>RECORDING SECRETARY</b>	Anna Ely		
<b>BOARD ATTENDEES</b>	Donald Schreiner Marie Wuenschel Steve Berk	Mary Link Bennett Ruth Gray Lloyd Atkins, Jr.	
<b>NOT PRESENT</b>			
<b>DEPARTMENT OF GROWTH MANAGEMENT REPRESENTATIVES</b>	Anita Greiner, Chief Planner, Zoning Division Sheila Short, Senior Planner, Zoning Division Debby Rosenmund, Associate Planner, Zoning Division Anna Ely, Public Hearing Coordinator, Zoning Division		
<b>BOARD ATTORNEY</b>	Melanie Marsh, Deputy County Attorney		
<b>MINUTE APPROVAL</b>	APPROVAL OF MINUTES OF MAY 14, 2009 MEETING		
<b>MOTION READS:</b>	Motion to approve the minutes of the MAY 14, 2009 Board of Adjustment hearing.		
<b>MOTION BY:</b>	<b>MARY LINK BENNETT</b>	<b>SECONDED BY:</b>	<b>RUTH GRAY</b>
MOTION APPROVED 5-0	<b>FOR:</b> Donald Schreiner Mary Link Bennett Ruth Gray Marie Wuenschel Steve Berk		<b>AGAINST:</b> None

<b><u>CONSENT AGENDA</u></b>	BOA #18-09-2 OWNERS: Thomas and Carolyn McEvers APPLICANT: Paul Yasbeck  BOA #20-09-1 OWNER/APPLICANT: Janice L. Colby		
<b>DISCUSSION</b>	There was no objection to BOA#18-09-2 and BOA#20-09-1 remaining on the consent agenda.  Anita Greiner, Chief Planner, wanted to make sure that everyone understood that the plan included in the staff report BOA #18-09-2 for Thomas and Carolyn McEvers/Paul Yasbeck had been updated to clarify the storm water calculations and is the plan that is referred to in the staff recommendation for approval of the variance.		
<b>MOTION READS:</b>	Motion to approve BOA#18-09-2 and BOA#20-09-1 with conditions of staff.		
<b>MOTION BY:</b>	<b>MARY LINK BENNETT</b>	<b>SECONDED BY:</b>	<b>RUTH GRAY</b>
MOTION APPROVED 5-0	<b>FOR:</b> Donald Schreiner Mary Link Bennett		<b>AGAINST:</b> None

	Ruth Gray Marie Wuenschel Steve Berk		
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Lloyd Atkins, Board Member, entered meeting.

<b><u>BOA#19-09-2</u></b>	BOA #19-09-2 OWNER/APPLICANT: Greg Sirois
<b>DISCUSSION</b>	<p>Anita Greiner, Chief Planner, presented the staff report and showed the aerial from the staff report. She showed the plot plan from the staff report and explained the Code that requires centering a livestock building on the property. She stated that the maps do not show any flood or wetlands on the property and explained the uses of the surrounding property. She showed a plot plan from the staff report that showed staff recommended placement of the livestock building that would allow it to better meet the intent of the Code. She stated that staff does not believe that the applicant has shown proof of hardship or intent of meeting the Code.</p> <p>Mary Link Bennett, Board Member, asked questions regarding distance from property lines and from the pool, and Ms. Greiner explained the distances from the pool and property lines as shown on the plot plan.</p> <p>Ruth Gray, Board Member, asked for clarification of the property to the south and Ms. Greiner explained that it is vacant common area. She showed an aerial (County Exhibit "A"), which better illustrated the common area and surrounding properties.</p> <p>Lloyd Atkins, Board Member, stated that he would like to ask the applicant his reason for his requested placement.</p> <p>Greg Sirois, owner/applicant, was present to represent his case. He stated that he wanted to place the barn in the corner to preserve the view of the common area and the pond. He stated that if he placed it where staff recommended they would lose the view of the entire 11-acre common area.</p> <p>Steve Berk, Board Member, asked Mr. Sirois how long he owned the house; he replied ten years.</p> <p>Mr. Berk asked if setback requirements had changed since then and Ms. Greiner replied that Code has changed and explained that new structures have to meet current Code.</p> <p>Mr. Atkins stated that he felt that if placement was moved to 50 feet from back line, and a little bit more to center, that it wouldn't block their view.</p> <p>Mr. Sirois stated that the staff proposed placement of centering the structure between the side property lines would block his view of the common area and the lake.</p> <p>The Board Members asked for clarification of the staff's recommendation and Ms. Greiner explained that she had centered the structure on the drawing, but staff recommendations were for a setback of at least 50 feet off the property lines.</p>

	<p>Mr. Sirois stated that he would prefer a 40-foot setback instead of 50 feet.</p> <p>Mr. Atkins asked if the Board had the right to grant a 40-foot setback and Ms. Greiner replied that the Board had the right to grant the request and that the request was not against the Comprehensive Plan.</p> <p>Ms. Gray stated that she did not see a problem as the intent of the Code was meant to protect the adjoining properties and since the neighbors had no objection to Mr. Sirois' request, neither did she.</p> <p>Ms. Bennett asked how tall the barn would be and Mr. Sirois replied that the height would be 18 feet and that the structure would have eight foot walls and a pitched roof.</p> <p>Mr. Sirois stated that he would be agreeable to moving the barn forward to 50 feet from the rear property line, but would like to request a 40-foot setback from the west property line.</p>		
<b>MOTION READS:</b>	TO APPROVE BOA#19-09-2 for the structure to be at least 50 feet from the rear property line and at least 40 feet from the west property line.		
<b>MOTION BY:</b>	<b>LLOYD ATKINS</b>	<b>SECONDED BY:</b>	<b>MARY LINK BENNETT</b>
MOTION APPROVED 6-0	<p><b>FOR:</b>  Donald Schreiner  Mary Link Bennett  Ruth Gray  Lloyd Atkins, Jr.  Marie Wuenschel  Steve Berk</p>		<p><b>AGAINST:</b>  None</p>

<b><u>BOA#21-09-5</u></b>	<p>BOA #21-09-5  OWNER: M &amp; J Groves, Inc.  APPLICANT: Laura Belflower, PA/Verizon Wireless</p>
<b>DISCUSSION</b>	<p>Anita Greiner, Chief Planner, asked whether the Board wanted to hear the entire case or just the questions from the adjacent property owner.</p> <p>Donald Schreiner, Board Chairman, asked the citizen that stated he had questions to come forward and address the Board.</p> <p>Richard Hennings, adjacent property owner, stated that he and his sister own 100 acres to the north of the subject property. He asked for clarification of the code requiring the tower to be centered on the property and the requested placement of the tower.</p> <p>Ms. Greiner explained the setback request and showed the aerial from the staff report. She pointed out the requested placement of the tower on the property. She then showed the plot plan from the staff report showing the setbacks and how much the request would be from the center.</p> <p>Ms. Greiner stated that the tower would be 701 feet from Mr. Hennings' property line, which would actually be further away than if the tower was centered on the property. She clarified that the access would be off of Baker Road from the south.</p> <p>Mr. Hennings asked if the access off Baker Road was a condition of the</p>

	<p>variance approval.</p> <p>Ms. Greiner stated that is was not.</p> <p>She clarified for Mr. Hennings that the tower was a monopole.</p> <p>Mr. Hennings asked how tall the requested tower was in relation to the one in downtown Tavares.</p> <p>Ms. Greiner stated that she did not know the height of the tower in downtown Tavares. She explained that there would be a Conditional Use Permit (CUP) on the tower site and it will be described by legal description in the CUP. She stated that the requested tower will be 225 feet tall and will have six-foot appurtenances on the top.</p> <p>Mr. Hennings had no further questions.</p>		
<b>MOTION READS:</b>	TO APPROVE BOA #21-09-5 with conditions of staff.		
<b>MOTION BY:</b>	<b>LLOYD ATKINS</b>	<b>SECONDED BY:</b>	<b>MARY LINK BENNETT</b>
MOTION APPROVED 6-0	<p><b>FOR:</b></p> <p>Donald Schreiner  Mary Link Bennett  Ruth Gray  Lloyd Atkins, Jr.  Marie Wuenschel  Steve Berk</p>		<p><b>AGAINST:</b></p> <p>None</p>

Anita explained her upcoming move to the Planning and Community Design Division and introduced Sheila Short as the Senior Planner in charge of the Board and stated that other staff members will be returning to present cases to the Board.

The meeting was adjourned at 1:34 p.m.

Respectfully submitted.

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Anna Ely, Recording Secretary

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Donald Schreiner, Chairman