

MINUTES
BOARD OF ADJUSTMENT
PUBLIC HEARING
June 16, 2016

The Lake County Board of Adjustment met on June 16, 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
Phyllis Luck
Marie Wuenschel

Board Members Absent:

Lloyd M. Atkins, Jr.
Catherine Hanson

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 1:00 p.m., and noted a quorum was 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.

TABLE OF CONTENTS

<u>CASE NO.</u>	<u>OWNER/ APPLICANT</u>	<u>AGENDA NO.</u>
<u>Consideration of Minutes</u>	May 12, 2016	
<u>Public Comment</u>		
<u>Opening Remarks</u>		
<u>Consent Agenda</u>		
VAR-16-13-4	Patrick and Linda Smelser	1
VAR-16-14-3	William Ray	2
VAR-16-15-5	Paul Begley	3
VAR-16-18-2	Phoenix Realty Homes, Inc.	4
VAR-16-19-5	Robert Henn	5
<u>Regular Agenda</u>		
<u>Closing Remarks</u>		
<u>Adjournment</u>		

Opening Remarks

Tim McClendon, Chief Planner, Planning and Zoning Division, said staff was requesting that Tab 2 be moved to the regular agenda.

Minutes

MOTION by Craig Covington, SECONDED by Marie Wuenschel to APPROVE the May 12, 2016 Board of Adjustment Public Hearing Minutes, as submitted.

FOR: Schreiner, Covington, Luck, Wuenschel

ABSENT: Atkins, Hanson

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 Craig Covington, SECONDED by Marie Wuenschel, to approve Tab 1, Erik Banks & Grace Brett Helfrich, Tab 3, Paul Begley, Tab 4, Phoenix Realty Homes, Inc. and Tab 5, Robert Henn, with conditions as set forth in the development orders.

FOR: Schreiner, Covington, Luck, Wuenschel

ABSENT: Atkins, Hanson

AGAINST: None

MOTION CARRIED: 4-0

Regular Agenda

VAR-16-14-3

William Ray

Tab 2

Tim McClendon, Chief Planner, Planning and Zoning Division presented the variance request stating it was a request for a variance the Land Development Regulations (LDRs) to allow a swimming pool with associated structures to be constructed a minimum of 25 feet from the jurisdictional wetland line. The property is located on Lakeshore Drive in the Tavares/Mount Dora area. The Future Land Use (FLU) is Urban Low, the zoning classification is Rural Residential. He explained that the new residence had to be constructed closer to the lake in order to meet the flood plain setbacks and to allow for an advanced septic system which had to be placed in the front yard. The applicant has met the code demonstrating a substantial hardship. It is the finding of staff that the request meets the intent of the code and the Comprehensive Plan and therefore, they are recommending approval.

William Ray, AICP, said he was representing the applicant. He noted that in this instance the wetland border is actually a vertical seawall. He noted that on the west side there is a stormwater pipe which does not extend to the lake but is set back further from the lake affecting the wetlands border. In addition because septic tanks cannot be located next to the lake, the septic system had to be placed in the front yard which moved the house closer to the lake. The roadway is in the 100 year floodplain.

Craig Covington discussed the location of the new home. Mr. Ray noted that they would doing additional stormwater mitigation on site.

PUBLIC COMMENT

Susan Carter said she lives 3 houses down from this site. She voiced concerns regarding the proposed uses of the house and pool, the size of the pool. She was concerned how the screen enclosure would impact the neighbors and about the trees, particularly a large oak tree. She thought the house was constructed too close to the water.

Les Morgenstein said he lives two houses down from this site. He was concerned about the view, because of the height of enclosure and didn't want to lose the view of the lake. He added that other pools in area meet the wetland buffer.

William LaPierre said was speaking on behalf of his brother, who owns a home next door and noted that he was very familiar with the property. He had taken measurements regarding the size of the pool and the enclosure. He said if the enclosure was two story it will impact the neighbor's view of the lake. He thought the 50' setback was to protect the view.

William Ray said this would be a family residence and the pool is for young children. The pool enclosure means you can enjoy the outdoors. He said it was a normal size pool said the owners have followed the county regulations. He believed the tree setbacks should protect them. He noted that the owners could install a huge hedge. He explained that the owners had to work with restrictions on the lot. He said the wetland setbacks were intended to protect the lakes. He believed there were no adverse environmental impacts.

Stan Van Meter, said he was the homeowner, he introduced himself and his wife. He said he had met with the adjacent land owners. He said the pool setback was affected by the drainage swale built to handle stormwater. Said he had spoken with the neighbor who was concerned about the oak in their back yard. He discussed the viewshed, how it was affected by solid boathouses, adding that the pool enclosure would be only one story.

Mr. Covington asked about the actual location of the pool, he and the homeowner discussed the

house footprint and the location of the swale. Mr. Van Meter said if it wasn't for the stormwater swale they wouldn't need a variance.

William Ray discussed the various photographs and the views of the lake.

After discussing measurements taken in the back yard by Mr. Van Meter, Mr. LaPierre said he had no objection to the variance.

Ms. Carter repeated her objection to the variance because it doesn't meet the County regulations. She believed homeowners should abide by the rules.

Motion by Craig Covington, SECONDED by Phyllis Luck, to approve Tab 2, William Ray, with conditions as set forth in the development orders.

FOR: Schreiner, Covington, Luck, Wuenschel

ABSENT: Atkins, Hanson

AGAINST: None

MOTION CARRIED: 4-0

Adjournment

There being no further business, the meeting was adjourned at 1:56 p.m.

Respectfully submitted,



Donna Bohrer
Public Hearing Associate



Donald Schreiner
Chairman