

BOARD OF ADJUSTMENT

MINUTES

THURSDAY
JULY 12, 2007

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	Henry Wolsmann Lloyd Atkins, Jr. Mary Link Bennett Donald Schreiner Howard B. (Bob) Fox, Jr.
NOT PRESENT	Ruth Gray Steven Berk
DEPARTMENT OF GROWTH MANAGEMENT REPRESENTATIVES	Carol Stricklin, Growth Management Director 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 JUNE 15, 2007 MINUTES

MOTION READS:	To approve the minutes of the Board of Adjustment meeting of JUNE 15, 2007.		
MOTION BY:	MARY LINK BENNETT	SECONDED BY	LLOYD ATKINS, JR.
MOTION APPROVED: 5-0	FOR: Lloyd Atkins, Jr. Mary Link Bennett Donald Schreiner Henry Wolsmann Howard B. (Bob) Fox, Jr.		AGAINST: None

WITHDRAWALS

BOA#73-07-4 THEODORE L. AND CONNIE C. INNES
BOA#76-07-2 CARL AND SHIRLEY GRAY/ BEST BUY MOBILE HOMES

DISCUSSION	There was no objection to BOA#73-07-4 and BOA#76-07-2 being withdrawn.		
MOTION READS:	To approve the withdrawal of BOA#73-07-4 and BOA#76-07-2.		
MOTION BY:	HENRY WOLSMANN	SECONDED BY	MARY LINK BENNETT
MOTION APPROVED: 5-0	FOR: Lloyd Atkins, Jr. Mary Link Bennett Donald Schreiner Henry Wolsmann Howard B. (Bob) Fox, Jr.		AGAINST: None

POSTPONEMENTSBOA#66-07-3 WILSON GREEN, JR. TRUSTEE/TED WICKS, AGENT
BOA#68-07-3 WILSON GREEN, JR. TRUSTEE/TED WICKS, AGENT

DISCUSSION	There was no objection to postponement of BOA#66-07-3 and BOA#68-07-3.		
MOTION READS:	BOA#66-07-3 and BOA#68-07-3 to be postponed until the August 9, 2007 Board of Adjustment public hearing and that they be placed first and second on the agenda.		
MOTION BY:	MARY LINK BENNETT	SECONDED BY	LLOYD ATKINS, JR.
MOTION APPROVED: 5-0	FOR: Lloyd Atkins, Jr. Mary Link Bennett Donald Schreiner Henry Wolsmann Howard B. (Bob) Fox, Jr.		AGAINST: None

POSTPONEMENTBOA#67-07-2 RANDALL L. & GEORGE F. KARST
MEREDITH C. NAGEL, ATTORNEY

DISCUSSION	Anita Greiner, Chief Planner, stated that the applicant and owner are requesting a 60 day postponement until the September 13, 2007 meeting, as neither the applicant nor the owner will be available to attend the meeting. She explained that this case also has an ongoing Code Enforcement case against it and that the Code Enforcement Division plans to go forward with a Special Master hearing in August. She also stated that the Zoning Division is ready to go forward with the request. Tasey Gallegos with Attorney Merideth Nagel's office was there to explain the applicant's and the owner's schedules and to confirm that Mr. Karst would be able to attend the September 13, 2007 meeting.		
MOTION READS:	To approve the postponement of BOA#67-07-2 until the September 13, 2007 Board of Adjustment public hearing and to require the applicant to supply staff with a letter confirming their appearance at said meeting.		
MOTION BY:	MARY LINK BENNETT	SECONDED BY	HENRY WOLSMANN
MOTION APPROVED: 5-0	FOR: Lloyd Atkins, Jr. Mary Link Bennett Donald Schreiner Henry Wolsmann Howard B. (Bob) Fox, Jr.		AGAINST: None

**CONSENT
AGENDA**BOA#74-07-3 TRENTON W. CLONTZ
BOA#75-07-5 DAREN AND DIANNA PALMER
RICHEY AND COONEY

DISCUSSION	There was no objection to BOA#74-07-3 and BOA#75-07-5 remaining on the consent agenda.		
MOTION READS:	To approve BOA#74-07-3 and BOA#75-07-5 with conditions of staff.		
MOTION BY:	MARY LINK BENNETT	SECONDED BY	HENRY WOLSMANN
MOTION APPROVED: 5-0	FOR: Lloyd Atkins, Jr.		AGAINST: None

	Mary Link Bennett Donald Schreiner Henry Wolsmann Howard B. (Bob) Fox, Jr.		
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BOA#61-07-4

JAN C. HEFLINGER

DISCUSSION	<p>Anita Greiner, Chief Planner, presented the case and showed an aerial from the staff report. She stated the staff recommendation of denial is based staff's belief that the applicant did not submit proof of meeting the intent of the Code or a substantial hardship. She explained the history of the lot and the demolition of prior houses located there. She stated that in December of 2006 the applicant was granted variances to setbacks, which allowed them to build closer to the jurisdictional wetland line and the right-of-way of Lakeshore Drive. She was also granted a variance to allow a greater impervious surface ratio.</p> <p>Jan Heflinger, owner, explained that the travel trailer was purchased for protection for her indoor/outdoor pets that have lived on this location for nine years and to improve security on the job site. She stated that once the construction is completed, the trailer will be sold. She read a letter from the construction company (Applicant Exhibit "A") supporting the travel trailer being located on the site. Ms. Heflinger also showed photographs of the current construction (Applicant Exhibits "B", "C" and "D") and submitted a petition of support from neighboring property owners (Applicant Exhibit "E").</p>		
MOTION READS:	<p>TO APPROVE the requested variance with the condition that the applicant apply for and obtain the required Administrative Conditional Use Permit for temporary housing and that Ms. Heflinger be aware of the time frame for removal of the travel trailer after completion of the house.</p>		
MOTION BY:	MARY LINK BENNETT	SECONDED BY	HOWARD B. (BOB) FOX, JR.
MOTION APPROVED 5-0	<p>FOR: Lloyd Atkins, Jr. Mary Link Bennett Donald Schreiner Henry Wolsmann Howard B. (Bob) Fox, Jr.</p>		<p>AGAINST: None</p>

BOA#72-07-4

KEITH AND ANNE RYAN
VALERIE FUCHS, PA

DISCUSSION	<p>Paul Simmons, Planner, presented the case. He showed an aerial from the staff report and stated staff recommended approval with the condition that the newly created parcel cannot be split further using any administrative lot split process. Mr. Simmons stated that he believed the applicant showed proof of a hardship and proof of meeting the intent of the Code. Mr. Simmons presented a map showing the location of the parcel owned by the person in objection (County Exhibit "A"). He showed the configuration of the lot split request on the aerial.</p> <p>Valerie Fuchs, Attorney, was present to represent the owners, Keith and Anne Ryan. Ms. Fuchs showed a sketch of the proposed lot split (Applicant Exhibit "A") and the aerial of the Lake Joanna area which</p>
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	<p>showed smaller lots in the surrounding area (Applicant Exhibit "B"). Ms. Fuchs confirmed that the owner would be in agreement with the condition that the lots be split in accordance to sketch in Applicant Exhibit "A". In response to questions from the board, Ms. Fuch explained that previously the property had been approved for a high density PUD by the County.</p> <p>Mr. Simmons explained staff's recommendation of approval with the condition that the newly created parcel cannot be split further using any administrative lot split process.</p>		
MOTION READS:	<p>TO APPROVE the requested variance with the condition recommended by staff that the lot cannot be split further through any administrative lot split process and that the lot be split consistent with Applicant Exhibit "A".</p>		
MOTION BY:	LLOYD ATKINS, JR.	SECONDED BY	MARY LINK BENNETT
MOTION APPROVED 4-1	<p>FOR: Lloyd Atkins, Jr. Mary Link Bennett Donald Schreiner Henry Wolsmann</p>		<p>AGAINST: Howard B. (Bob) Fox, Jr.</p>

BOA#77-07-3

LAURIE J. PROTZMAN (OWNER)
JACK PROTZMAN (APPLICANT)

DISCUSSION	<p>Anita Greiner, Chief Planner, presented the case and staff recommendation of approval with the conditions that the applicant must construct the storm water retention area as presented in the staff report; that it must be inspected by the Zoning Division staff prior to issuance of certificate of occupancy; and that no further additions or structures can be placed on the property other than those submitted in the site plan. She stated that staff believes the applicant showed proof of a hardship and proof of meeting the intent of the Code. Ms. Greiner explained there was a letter of opposition stating that there is a Bald Eagle nesting site near the property. She showed a map and aerial obtained from the Internet showing the location of the nest (County Exhibit "A" and County Exhibit "B"). She showed an aerial showing the approximate distance of the lot from the nest (County Exhibit "C") and a copy of the monitoring guidelines from the U. S. Fish and Wildlife Services' website (County Exhibit "D"). Ms. Greiner stated that even with approval of the variance, the owner will have to meet Federal Guidelines with regards to building near an active nest.</p> <p>Jack Protzman, Applicant, spoke in regards to the history of the purchase of the property and the fact that regulations have changed since they purchased it. In response to questions from the Board, he stated that he is aware that he will have to adhere to any Federal Guidelines.</p> <p>Ms. Greiner showed a copy of a site plan (Exhibit #1) from the staff report showing the storm water runoff plan. She talked about regulations that were in place when Mr. Protzman purchased the lot and the fact that under those rules he would not have needed to request a variance. In response to questions from the Board, she explained that structures have to meet setbacks from manmade boat slips. She stated a letter of objection was submitted by Robert Belton and she submitted an aerial map</p>
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	<p>showing the location of the subject property and the property owned by Robert Belton, the person who wrote the letter of objection (County Exhibit "E").</p> <p>Robert Belton was present to reiterate his objection. In response to his questions regarding the setbacks on the site plan, Ms. Greiner explained that changes were made to push the structure further from the wetlands.</p> <p>In response to statements by Mr. Belton, Don Schreiner, Chairman, stated that the Board can not set precedence with their rulings.</p>		
MOTION READS:	TO APPROVE the request for a variance with conditions recommended by staff.		
MOTION BY:	MARY LINK BENNETT	SECONDED BY	LLOYD ATKINS, JR.
MOTION APPROVED 5-0	FOR: Lloyd Atkins, Jr. Mary Link Bennett Donald Schreiner Henry Wolsmann Howard B. (Bob) Fox, Jr.		AGAINST: None

The meeting was adjourned at 2:08 p.m.

Respectfully submitted.

Anna Ely, Recording Secretary

Donald Schreiner, Chairman