

MINUTES
BOARD OF ADJUSTMENT
PUBLIC HEARING
July 14, 2016

The Lake County Board of Adjustment met on July 14, 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
Catherine Hanson
Mason Gathye
Lloyd M. Atkins, Jr.

Board Members Absent:

Staff Present:

Tim McClendon, Chief Planner, Planning & Zoning Division
Diana Johnson, Assistant County Attorney
Melving Isaac, Senior Planner, Planning & Zoning Division
Janie Barron, Associate Planner, Planning & Zoning Division
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.

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Opening Remarks

Tim McClendon, Chief Planner, Planning and Zoning Division, said staff was requesting Tab 5 be moved to the regular agenda.

Minutes

MOTION by Craig Covington, SECONDED by Marie Wuenschel to APPROVE the June 16, 2016 Board of Adjustment minutes, as submitted.

FOR: Schreiner, Covington, Luck, Wuenschel, Atkins, Hanson, Gathye

ABSENT: None

AGAINST: None

MOTION CARRIED: 7-0

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 Catherine Hanson, SECONDED by Lloyd Atkins, to approve Tab 1, Rudolph Baboun, Tab 2, Burgess Back, Tab 3, Victoria Estates at Clermont, LLC and Tab 4, Irvin R. Jones and Karen S. Harris-Jones, with conditions as set forth in the development orders.

FOR: Schreiner, Covington, Luck, Wuenschel, Atkins, Hanson, Gathye

ABSENT: None

AGAINST: None

MOTION CARRIED: 7-0

REGULAR AGENDA

VAR-16-25-4

Tab 5

Bank of America, Trustee for Donald P. McConnell Trust

Janie Barron, Associate Planner, Planning and Zoning said this variance was a request to allow an accessory structure, called a chicken coop, to be located 20 feet from the easterly property line in lieu of the standard 25 feet. The applicant is Bank of America as Trustee, the property is 9.9 acres, zoned Agriculture, with an Urban Low Future Land Use designation. She showed the survey, noting that setbacks are intended to ensure a safe distance between buildings and right of ways. She said staff is recommending approval with the additional condition of shrub buffer to provide a visual barrier. She noted that staff has received a letter of opposition, a portion of which she read into the record. She described several pictures submitted by the neighbor in opposition and then asked him to more fully explain exactly what the pictures show.

PUBLIC COMMENT

Jeff Freeman, said the building was in reality a kennel, he didn't believe it was a chicken coop. He added that no permits had been pulled. He believed the shed had been located as close as possible to his livestock because of previous problems he had with the neighbor's dogs.

Craig Covington asked about the size of the building, Ms. Barron noted that the building was 23x17. She added that if the variance was approved the owners will be required to get zoning and building permits and to meet all of the county's regulations.

Mr. Freeman emphatically stated he didn't want the building to be used as a dog kennel. Ms. Barron noted that kennels are subject to a separate process, and no kennel application had been received.

In some discussion with the Board, Ms. Barron said the building has been completed. She added that the request was for a variance to the setback regulation, with the additional condition of the shrub buffer. She added that setbacks only apply to property lines. It was noted that the applicant was not present.

Diana Johnson, Assistant County Attorney, said although it might be in their best interest to be present, applicants were was not required to attend. Ms. Barron noted that if the variance was denied the building would have to be moved, but still all the other county regulations would be applicable.

Mr. Freeman re-addressed the Board, said the building was dog kennel, not a chicken coop. He objected to the location of the building.

Motion by Catherine Hanson, SECONDED by Phyllis Luck, to approve Tab 5, Bank of

America Trustee for Donald P. McConnell Trust with conditions as set forth in the development order.

Ms. Hanson noted that using the building as a dog kennel, would require another application.

Mr. Atkins didn't think they should have to move the building, although the owners should have gotten the required permits.

Chairman Schreiner noted that the shrubs would have to be planted,

Mr. Freeman complained that the neighbors had put a used wooden fence along the property line abutting his property. He repeated that he didn't want a kennel.

Ms. Johnson explained that there was an order from the Special Master process that requires the property owner to obtain a building permit for the structure or to demolish the building.

Chairman Schreiner said the only issue before the Board was the setback variance.

FOR: Schreiner, Covington, Luck, Atkins, Hanson, Gathye

ABSENT: None

AGAINST: Wuenschel

MOTION CARRIED: 6-1

Chairman Schreiner welcomed the new member, Mason Gathye.

Adjournment

There being no further business, the meeting was adjourned at 1:25 p.m.

Respectfully submitted,



Donna Bohrer
Public Hearing Associate



Donald Schreiner
Chairman