

**MINUTES
BOARD OF ADJUSTMENT
PUBLIC HEARING
SEPTEMBER 9, 2010**

The Lake County Board of Adjustment met Thursday, September 9, 2010 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:

Steven Berk
Marie Wuenschel
Lloyd M. Atkins, Jr.
Mary Link Bennett, Vice Chairperson
Donald Schreiner, Chairman

Board Members Not Present:

Ruth Gray

Staff Present:

Brian Sheahan, AICP, Planning Director, Planning & Community Design Division
Anita Greiner, Chief Planner, Planning & Community Design Division
Debby Rosenmund, Associate Planner, Planning & Community Design Division
Sherie Ross, Public Hearing Coordinator, Planning & Community Design Division
Erin Hartigan, Assistant County Attorney

Chairman Schreiner called the meeting to order at 1:00 p.m. He noted for the record that there was 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. He stated that all letters, petitions, photographs, and other materials presented at this meeting by applicants and those in support or opposition must be submitted to staff prior to proceeding to the next case.

In response to Chairman Schreiner, Anita Greiner, Chief Planner, stated that there were no changes to the agenda.

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Discussion	Date Change for November Public Hearing Importance of Quorum/Terms of Office Procedural Changes	

Minutes

MOTION by Mary Link Bennett, SECONDED by Lloyd Atkins to approve the August 12, 2010 Board of Adjustment Public Hearing minutes, as submitted.

FOR: Berk, Wuenschel, Atkins, Bennett, Schreiner

AGAINST: None

NOT PRESENT: Gray

MOTION CARRIED: 5-0

CASE NO.: BOA#17-10-1 **AGENDA NO.:** 1

OWNER/APPLICANT: Carol A. Fallier

Debby Rosenmund, Associate Planner, presented the case and staff recommendation of denial. She showed the aerial from the staff report on the screen. She noted that Ocklawaha Drive is a two-lane, 20-foot wide paved County-maintained road. She stated that four letters of support (County Exhibit A) have been received in addition to the letter of opposition in the staff report. She submitted a map (County Exhibit B) showing the properties of those who had written the letters of support and opposition as well as the subject property.

Jerry Dusz was present to represent the owner and applicant, Carol Fallier. He said he purchased this carport in December of 2007. The people who installed the carport insinuated that they did not pull permits. On January 8, 2008, he received a stop work order after the carport was finished. After calling the Zoning Division, he obtained a zoning clearance. He then learned from the people where he purchased the carport that he needed to pay \$130 for an engineering drawing of the structure. He received a letter from Code Enforcement 2-1/2 years later. Since that time, he has been trying to resolve the issue. He added that there are four other structures within ¼ mile of his house that do not have hardships, have double-car garages, and have carports in front; none are set back at all. He did not feel the principles of fairness are being considered. He spoke of a structure across the street that is part of the trailer park; it is set back 20 feet from the road. It was permitted and built last year. If it is on Ocklawaha Drive and not on a park road in the park, he could not see it being justified. He had some photographs of the other carports, but the Board did not wish to see them.

Steven Berk was informed by Mr. Dusz that it would cost him \$1000 to have a connection constructed between the house roofline and the carport, which do not match. However, this would not resolve the setback issue.

In response to Mr. Berk, Mr. Dusz said he was led to believe that a permit was not needed for this structure. For other construction that was done on the property, the contractor had pulled the permits.

Lloyd Atkins confirmed that if this variance request is approved, it will be necessary for the applicant to obtain a building permit for the carport.

MOTION by Lloyd Atkins, SECONDED by Mary Link Bennett to approve the variance request in BOA#17-10-1 to allow a detached carport to be closer than 62 feet from the centerline of the road and to be located in front of the dwelling unit instead of the side or rear yards as required by Code.

FOR: Berk, Wuenschel, Atkins, Bennett, Schreiner

AGAINST: None

NOT PRESENT: Gray

MOTION CARRIED: 5-0

Discussion

Chairman Schreiner stated that the November Board of Adjustment public hearing is scheduled to be heard on November 11, which is Veterans Day. After discussion, it was decided that the public hearing would be held on November 22 at 1:00 p.m.

MOTION by Mary Link Bennett, SECONDED by Marie Wuenschel to reschedule the November Board of Adjustment public hearing to November 22, 2010 at 1:00 p.m. due to the regularly scheduled public hearing being on a holiday.

FOR: Berk, Wuenschel, Atkins, Bennett, Schreiner

AGAINST: None

NOT PRESENT: Gray

MOTION CARRIED: 5-0

Anita Greiner, Chief Planner, spoke of the importance of regular attendance by Board members in order to maintain a quorum due to the loss of the Board member in District 1 and possibly in District 4. She stated that the terms of the following members will expire in January of 2011: Steven Berk, Lloyd Atkins, Donald Schreiner, and Ruth Gray.

Ms. Greiner explained some of the procedures that will be changing in the preparation of the packets. She asked that the members continue to bring their packets to the public hearing as a second packet will not be distributed at the public hearing. She also said that a Final Development Order will be added as part of the final package for each case. If the variance is approved, the Chairman will be able to sign the Order at the public hearing. The Final Development Order will be included in the final package whether staff recommends approval or denial. The Board will have an opportunity to review the documents ahead of time and request changes and then either approve or deny the request.

Adjournment

There being no further business, the meeting was adjourned at 1:24 p.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Donald Schreiner
Chairman