

# BOARD OF ADJUSTMENT

MINUTES	THURSDAY OCTOBER 8, 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 Lloyd Atkins, Jr. Steve Berk	Mary Link Bennett Marie Wuenschel Ruth Gray	
<b>NOT PRESENT</b>			
<b>DEPARTMENT OF GROWTH MANAGEMENT REPRESENTATIVES</b>	Terrie Diesbourg, Director, Zoning Division Sheila Short, Senior Planner, Zoning Division Paul Simmons, Planner, Zoning Division Anna Ely, Public Hearing Coordinator, Zoning Division		
<b>BOARD ATTORNEY</b>	Erin Hartigan, Deputy County Attorney		
<b>MINUTE APPROVAL</b>	APPROVAL OF MINUTES OF SEPTEMBER 10, 2009 MEETING		
<b>MOTION READS:</b>	Motion to approve the minutes of the SEPTEMBER 10, 2009 Board of Adjustment hearing.		
<b>MOTION BY:</b>	<b>MARY LINK BENNETT</b>	<b>SECONDED BY:</b>	<b>STEVE BERK</b>
MOTION APPROVED 5-0	<b>FOR:</b> Donald Schreiner Mary Link Bennett Lloyd Atkins, Jr. Marie Wuenschel Ruth Gray		<b>AGAINST:</b> None

<b><u>CONSENT AGENDA</u></b>	BOA #38-09-2 OWNER: Woodcrest Center Partners, LLC APPLICANT: Florida Choice Restaurants, LLC		
<b>DISCUSSION</b>	There was no objection to BOA#38-09-2 remaining on the consent agenda.		
<b>MOTION READS:</b>	Motion to approve BOA#38-09-2, with any conditions of staff.		
<b>MOTION BY:</b>	<b>RUTH GRAY</b>	<b>SECONDED BY:</b>	<b>STEVE BERK</b>
MOTION APPROVED 6-0	<b>FOR:</b> Donald Schreiner Mary Link Bennett		<b>AGAINST:</b> None

	Lloyd Atkins, Jr. Marie Wuenschel Ruth Gray Steve Berk		
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<b><u>BOA#37-09-5</u></b>	BOA #37-09-5 OWNER/APPLICANT: Irvin and Linda Bair
<b>DISCUSSION</b>	<p>Sheila Short, Senior Planner, presented the staff report. She explained the current Code case and variance request. She showed a plot plan (Exhibit #1 of the staff report) and stated the applicant's explanation of hardship. She pointed out the shed on the plot plan. She stated that staff does not believe the applicants have shown proof of hardship or met the intent of Code.</p> <p>Irven Bair, owner, was present to speak on his own behalf. He explained that they had replaced the mobile home that was damaged in the hurricanes with one the same size. He stated that he was under the assumption that it was already permitted and thus allowed. He stated that the shed has been built to code and that it is too big to move. He explained that the only thing not completed on the shed is the siding. He stated that he plans to put vinyl siding on the shed to match the existing mobile home. He explained that his wife will soon be wheelchair bound and that they need the shed in that location to make it easy for her to access. He explained that the property in the area where the shed would be allowed has a steep slope and would not be wheelchair accessible for his wife.</p> <p>Don Schreiner, Board Chairman, asked why he built without permits and Mr. Bair stated that at the time he did not realize that a permit was needed as a mobile home was already on the property.</p> <p>Steve Berk, Board member, clarified with Mr. Bair that he thought that because the mobile home was already there and damaged by a hurricane, that he didn't realize that a permit was needed to replace it.</p> <p>Ms. Short showed an aerial (County Exhibit "A") showing the property owned by the neighbor in objection and Mr. Bair stated that the next door neighbor never spoke with him regarding the shed as stated in the letter of complaint.</p> <p>Mr. Schreiner clarified with staff that Mr. Bair will address any issues regarding replacement of the mobile home when he applies for the permit.</p> <p>Mr. Bair stated that when they bought the mobile home that the</p>

company led them to believe that they were paying for everything that needed to be done.

Mr. Berk clarified with staff that the Board was not addressing the mobile home issue at this time.

Raymond Sullivan, neighbor, was present to speak on Mr. Bair's behalf. He stated that there were several structures on the property before the hurricanes and before Mr. Bair owned the property. Mr. Sullivan stated that Charlie Crist, Governor, had visited the area after the hurricanes and told them that that permits had been waived and that they could replace the structures that were destroyed in the storm. He stated that they were under the assumption that there was no problem in replacing the shed.

Mr. Berk clarified with Mr. Sullivan that there was a smaller shed and slab on the property before the hurricanes.

Ms. Short showed an aerial from 2004 that showed the property and existing structures.

Mary Bennett asked if a new footer was put around the slab before the new structure was built. Mr. Sullivan stated he believed that the new shed was the same size as the existing slab.

Edward Manners, neighboring property owner, stated that Mr. Bair's property is very sloped and he doesn't think that he could have put the shed on any other location on the property.

Robert Cole, neighboring property owner, was present to state his support for Mr. Bair. He stated that he is a good neighbor and that he had tried to do everything that he knew to do.

Mr. Bair, owner, stated that he has put everything that he has into the shed and asked what he could do to make it right. He stated that he cannot afford to move such a large shed and with the slope of the property that there is nowhere else that he can place the shed and still have it be accessible for his wife.

Mr. Schreiner asked Mr. Bair if they approve his request whether he understood that a permit will be required and would he be able to do anything that was required to make it meet building codes and Mr. Bair stated that he did.

Ms. Short showed a topographical aerial showing the slope of the property, and Mr. Bair pointed the location of the shed. He stated that this location is the only place he could put the shed for his wife to be

	<p>able to exit the trailer and come out on flat land.</p> <p>Mr. Atkins asked whether the shed was there when he bought the property and Mr. Bair stated that the slab was there and the old shed was damaged and that they cleared it out and replaced it. He also stated that because of the slope of his land you can't see any of his neighbors' residences.</p> <p>Glen Guzman, Code Enforcement Officer, stated that he has only been out to the property one time. He stated that the owner showed him the inside of the shed and that Mr. Bair has a lot of equipment in the shed and that without the shed he would not have any place for the equipment and would be more of a burden on the county. In response to questions by Mr. Schreiner, Mr. Guzman stated that they wouldn't be doing continual site visits but would make a visit to the site to verify that any provisions to a variance approval are met.</p> <p>The Board clarified with the Attorney that they would not be setting precedence by approving the variance.</p>		
<b>MOTION READS:</b>	TO APPROVE BOA#37-09-5 with the condition that Mr. Bair completes the permitting and places siding on the shed within 180 days of the approval.		
<b>MOTION BY:</b>	<b>LLOYD ATKINS</b>	<b>SECONDED BY:</b>	<b>RUTH GRAY</b>
MOTION APPROVED 5-1	<b>FOR:</b> Donald Schreiner Lloyd Atkins, Jr. Marie Wuenschel Ruth Gray Steve Berk		<b>AGAINST:</b> Mary Link Bennett

The meeting was adjourned at 1:55 p.m.

Respectfully submitted.

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Anna Ely, Recording Secretary

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Donald Schreiner, Chairman