

**MINUTES  
BOARD OF ADJUSTMENT  
PUBLIC HEARING  
November 8, 2012**

The Lake County Board of Adjustment met on November 8, 2012 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  
Mary Link Bennett, Vice Chairperson  
Christopher Cheshire  
Craig Covington  
Marie Wuenschel

**Board Members Absent:**

Lloyd M. Atkins, Jr.  
Bob Peraza

**Staff Present:**

Brian T. Sheahan, Planning Manager, Planning & Community Design Division  
Anita Greiner, Chief Planner, Planning & Community Design Division  
Donald P. Simmons, Planner, Planning & Community Design Division  
Debby Rosenmund, Associate Planner, Planning & Community Design Division  
Melanie Marsh, Deputy 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.

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Knauss/Begelman

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**Closing Remarks**

**Adjournment**

Minutes

MOTION by Mary Link Bennett, SECONDED by Marie Wuenschel to APPROVE the September 13, 2012 Board of Adjustment Public Hearing Minutes, as submitted.

FOR: Schreiner, Bennett, Cheshire, Covington, Wuenschel

ABSENT: Atkins, Peraza

AGAINST: None

MOTION CARRIED: 4-0

Opening Remarks

Anita Greiner, Chief Planner, asked the Board if they could move Case No. 1, BOA 26-12-4 from Consent Agenda to the Regular Agenda.

Consent Agenda

CASE NO.: BOA #27-12-3 AGENDA NO.: 2

OWNER/APPLICANT: Young/Watts

There was no one who wished to speak regarding the above consent agenda item.

MOTION by Mary Link Bennett, SECONDED by Craig Covington to APPROVE the Consent Agenda with all conditions as submitted by staff.

FOR: Schreiner, Bennett, Cheshire, Covington, Wuenschel

ABSENT: Atkins, Peraza

AGAINST: None

MOTION CARRIED: 4-0

Regular Agenda

CASE NO.: BOA #26-12-4 AGENDA NO.: 1

OWNER/APPLICANT: Knauss/Bengelman

Paul Simmons, Planner, presented the case. He noted that the owners are requesting a variance to the Land Development Regulations (LDRs) 10.01.05.d.4, to allow an accessory dwelling that will exceed 1,200 square feet and 40% of the air conditioned enclosed living area of the permitted principal structure. Together the subject parcels are approximately 1½ acres in size and are adjacent to one another. The properties front on the north shore of Lake Gertrude; the parcel that has the larger dwelling unit is developed with an accessory dwelling, tennis court and pool and the adjacent parcel is

developed with a single-family dwelling unit. Owners are proposing to unite these two parcels and build a breezeway between the accessory dwelling unit and the primary dwelling unit. The breezeway will allow for access from the weather for family and guest that stay there.

Mr. Simmons stated that the only way to permit the breezeway between the two independent dwelling units is with a unity of title, which creates one parcel of land. He explained that a dwelling unit and an accessory dwelling unit are allowed on parcels one acre in size or larger, meeting the size limitations. The existing structure, which is proposed for the accessory dwelling unit exceeds the maximum size and ratio allowed by the Code. The home the owners want to designate as the primary dwelling unit has approximately 4,407 square feet of living area and was constructed in 1988. An accessory dwelling unit of 1,762 square feet would be allowed by Code; the existing dwelling unit the owners would like to designate as the accessory dwelling unit has 2,498 square feet of living area, which exceeds the maximum amount permitted by 736 square feet. He noted that the parcels in this area are zoned R-1 and R-3 and the parcel that the accessory structure is on is zoned R-1. The flood map indicates that there is flood on the lake front portion of this parcel and the wetlands map indicates wetlands along the lake front. Parcels to the north, east and west are developed single-family dwelling unit, Lake Gertrude borders the South. He described the area, noting that the subject parcels are heavily landscaped with hedges, privacy fences and trees making it difficult to see the subject dwelling units from road. If approved, the owners will be required to sign an Accessory Dwelling Unit Affidavit, which will be recorded in the public records of Lake County. The affidavit states that these structures and lands shall stay together as one parcel and cannot be split and sold separately.

Mr. Simmons explained the intent of the Code is to provide a cheaper method for families to grow and also to provide for security for the dwellings on the property. Staff reviewed the application and determined the request is consistent with LDR 10.01.05.d.4, which attempts to provide less expensive housing for relatives; he reiterated that the breezeway is not visible from any public roadway or right-of-way and will not be harmful to the aesthetics in the area. Based on the finding of facts, staff believes the intent of the Code and a substantial hardship has been shown. Therefore, staff recommended approval of the variance request to allow the existing dwelling unit consisting of 2,498 square feet, located on parcel with alternate key number of 1240867, to be used as the accessory dwelling unit.

Mr. Simmons read the letter of opposition into the public record.

Ms. Bennett asked if there were two structures on the property of the person in opposition.

Mr. Simmons replied that there is a single-family dwelling on the parcel, but was unaware of other structures.

Ms. Bennett asked if the size of the accessory dwelling unit is 756 square feet over what is allowed by Code.

Mr. Simmons replied that the proposed accessory dwelling unit was 736 square feet larger than allowed by Code.

Ms. Bennett questioned number 5 of the objection letter and asked what change it would make to the vehicular traffic and name of the subdivision. She also asked, concerning question number 6, if there was a problem with the posting of the property.

Mr. Simmons replied that it was posted on the property and nearest County Road.

Mr. Covington asked for conformation that the posting of the property was not a problem.

Melanie Marsh, Deputy County Attorney, replied that it is not be a problem; people within 350 feet received a notice, in addition to a public advertisement in the newspaper. She noted that the minimum notification requirements were exceeded.

Mr. Simmons interjected that a letter of support was received prior to the meeting starting. He indicated which property owners were in support, including the homeowners on either side of the Knauss's property.

Mr. Knauss, the property owner, stated that he has owned the second home for two years and does not intend to increase traffic. No one other than their family members will live in the accessory dwelling. Mr. Knauss stressed that they have done a lot of work to improve both homes.

Ms. Bennett asked Mr. Knauss if permits had been pulled for all of the remodeling.

Mr. Knauss replied that he had pulled permits for all work that had been done.

**MOTION by Craig Covington, SECONDED by Mary Bennett, to APPROVE the variance request BOA #26-12-4 with all conditions suggested by staff (+/- 1.49 acres).**

**FOR: Bennett, Cheshire, Covington, Schreiner, Wuenschel**

**ABSENT: Atkins, Peraza**

**MOTION CARRIED: 4-0**

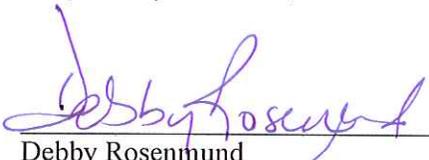
**Closing Remarks**

Ms. Greiner reminded the board members to take the Land Development Regulation updates that were placed at their seats.

**Adjournment**

There being no further business, the meeting was adjourned at 1:20 p.m.

Respectfully submitted,

  
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Debby Rosenmund  
Associate Planner

  
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Donald Schreiner  
Chairman