

# BOARD OF ADJUSTMENT

## MINUTES

THURSDAY  
DECEMBER 13, 2007

1:00  
PM

COMMISSIONER CHAMBERS,  
ADMINISTRATION BUILDING

<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 Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk
<b>NOT PRESENT</b>	Henry Wolsmann
<b>DEPARTMENT OF GROWTH MANAGEMENT REPRESENTATIVES</b>	Terrie Diesbourg, Director, Zoning Division Anita Greiner, Chief Planner, Zoning Division Paul Simmons, Planner, Zoning Division Anna Ely, Public Hearing Coordinator, Zoning Division
<b>BOARD ATTORNEY</b>	LeChea Parson, Assistant County Attorney I

### MINUTE APPROVAL

APPROVAL OF MINUTES OF NOVEMBER 8, 2007 MEETING.

<b>MOTION READS:</b>	To approve the minutes of the November 8, 2007 Board of Adjustment hearing.		
<b>MOTION BY:</b>	<b>MARY LINK BENNETT</b>	<b>SECONDED BY</b>	<b>RUTH GRAY</b>
<b>MOTION APPROVED: 6-0</b>	<b>FOR:</b> Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk		<b>AGAINST:</b> None

### WITHDRAWALS

BOA#130-07-5 MICHAEL W. AND KARLA C. JOHNSON  
BOA#137-07-4 FLORIDA COMMUNITY CAPITAL CORP.  
CHARLES A. ROWE  
BOA#140-07-2 VICTORIA WINN

<b>DISCUSSION</b>	There was no objection to BOA#130-07-5, BOA#137-07-4 and BOA#140-07-2 being withdrawn.		
<b>MOTION READS:</b>	To approve the withdrawal of BOA#130-07-5, BOA#137-07-4 and BOA#140-07-2.		
<b>MOTION BY:</b>	<b>MARY LINK BENNETT</b>	<b>SECONDED BY</b>	<b>RUTH GRAY</b>
<b>MOTION APPROVED: 6-0</b>	<b>FOR:</b> Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr.		<b>AGAINST:</b> None

	Steven Berk		
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**POSTPONEMENTS**

BOA#138-07-5 BIG PINE ISLAND HOMEOWNERS  
RONALD AND SARA HOPWOOD  
LPG, URBAN AND REGIONAL PLANNERS, INC.

<b>DISCUSSION</b>	There was no objection to postponement of BOA#138-07-5.		
<b>MOTION READS:</b>	To approve the postponement of BOA#138-07-5 until the January 10, 2008 Board of Adjustment public hearing, and to be placed first on the agenda.		
<b>MOTION BY:</b>	<b>MARY LINK BENNETT</b>	<b>SECONDED BY</b>	<b>STEVEN BERK</b>
<b>MOTION APPROVED: 6-0</b>	<b>FOR:</b> Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk		<b>AGAINST:</b> None

**CONSENT AGENDA**

BOA#127-07-5 SARAH SMITH A/K/A BEAR SMITH  
BOA#128-07-2 ANTHONY N. AND THERESA A. DINATALE  
BOA#129-07-2 WILLIAM H. AND VICKIE L. BRUCE  
MARILYNN G. COPPAGE  
BOA#131-07-2 JAMES AND NANCY BAYSINGER  
DAVID AND CINDY KERNS  
BOA#132-07-5 EDMOND AND DEBORAH VANLINT  
AMERICAN CIVIL ENGINEERING  
BOA#133-07-2 DAVID GLIDEWELL  
LEONARD H. BAIRD, JR., ATTORNEY AT LAW  
BOA#136-07-5 ROBERT C. AND TRACI L. ROBEY  
RICHEY AND COONEY  
BOA#139-07-3 RANDY DALE AND KELLY HARLESS  
DONALD HOLMES

<b>DISCUSSION</b>	There was no objection to BOA#127-07-5, BOA#128-07-2, BOA#129-07-2, BOA#131-07-2, BOA#132-07-5, BOA#133-07-2, BOA#136-07-5 and BOA#139-07-3 remaining on the consent agenda.		
<b>MOTION READS:</b>	To approve BOA#127-07-5, BOA#128-07-2, BOA#129-07-2, BOA#131-07-2, BOA#132-07-5, BOA#133-07-2, BOA#136-07-5 and BOA#139-07-3 with conditions of staff.		
<b>MOTION BY:</b>	<b>MARY LINK BENNETT</b>	<b>SECONDED BY</b>	<b>RUTH GRAY</b>
<b>MOTION APPROVED: 6-0</b>	<b>FOR:</b> Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk		<b>AGAINST:</b> None

**BOA#134-07-4 GARY W. AND BABETTE W. WARD  
JOHN DUNKIN C/O DUNKIN CONST. AND DEV., INC.**

<b>DISCUSSION</b>	Anita Greiner, Chief Planner, presented the case and showed the aerial and Exhibit # 1 from the staff report. She explained the location of
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	<p>the wetlands and the required setbacks, and the applicant's hardship. She stated that the applicant had submitted a sufficient storm water plan to accommodate the addition they wish to build. She explained that a prior variance request had been approved for a portion of the single-family dwelling unit to extend into the wetlands. She also explained that placement of the septic and drain field limits placement of the addition.</p> <p>Ms. Greiner showed an aerial indicating the location of property owned by the one letter of opposition received (County Exhibit "A").</p> <p>She stated that staff recommends approval, with the conditions that the storm water retention plan must be constructed as indicated on the submitted plan and inspected by the Lake County Zoning Division prior to a final inspection of the addition by the Lake County Building Division, and that the owners and subsequent owner(s) shall be required to maintain the storm water plan as approved.</p> <p>John Dunkin, applicant was present to speak on the owner's behalf. In response to questions from the board, he stated that the distance across the channel was approximately 25 yards.</p> <p>Lloyd Atkins, Board Member, requested clarification regarding the property lines shown on the Exhibit #1 presented by staff.</p> <p>Mr. Dunkin explained that there had been an existing dwelling unit that had been removed and that the fence still existed.</p> <p>At Mr. Atkins request, Ms. Greiner showed the plat and legal description (County Exhibits "B" and "C") and the survey as presented in the staff report (Exhibit #1).</p> <p>Mr. Atkins expressed concerns over whether the owner actually owned the property located within the wetlands that he is requesting a variance on. He also confirmed with the Applicant that the previously required swales were still in place.</p>		
<b>MOTION READS:</b>	To approve BOA#102-07-1 with conditions of staff and the added conditions that the lot line be verified and certified by survey and both the old and new swales are to be verified and inspected by staff.		
<b>MOTION BY:</b>	<b>LLOYD ATKINS, JR.</b>	<b>SECONDED BY</b>	<b>MARY LINK BENNETT</b>
MOTION APPROVED 6-0	<b>FOR:</b> Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk		<b>AGAINST:</b> None

**BOA#135-07-5**

**BARRY JAMES BARNETT**

<b>DISCUSSION</b>	Anita Greiner, Chief Planner, presented the case and showed the aerial and survey, (Exhibit #1) from the staff report and pointed out the location of the proposed barn. She explained that the requested variance only pertained to placement of the barn.
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	<p>Ms. Greiner stated that the owner had submitted a storm water retention plan and that the requested setbacks would still allow for emergency vehicle passage. In response to questions from the Board, she explained that the barn was not for housing animals and therefore did not need to be centered on the property.</p> <p>Barry Bennett, owner, was present to speak on his own behalf. He spoke in regards to his request and explained improvements that he made to the road.</p> <p>In response to questions from the Board, Ms. Greiner showed an aerial (County Exhibit "A") and pointed out the location of Mr. Bennett's proposed barn and the VFW.</p> <p>Sergeant First Class, Jeff Bumb, was present to represent the VFW and spoke of their opposition to the requested variance. He stated that they felt that he should have to adhere to any existing Land Development Regulations.</p> <p>Ms. Greiner showed the survey, Exhibit #1, from the staff report and explained the location of the wetlands and placement of the barn. She stated that anyone building on this property would have the same problem with regards to wetland setbacks.</p> <p>Mr. Larry Leeson, VFW Post Commander, was present to speak in opposition. He voiced concerns regarding the septic tank and drainfield leeching into the wetlands. He stated that Mr. Bennett had generated numerous complaints against them with Code enforcement, which he believed were unfounded. He presented staff with a signed petition (Opposition Exhibit "A") from people in the area stating their opposition to the request.</p> <p>Donald Schreiner, Chairman, spoke with LeChea Parson, Assistant County Attorney in regards to the legality of their complaints.</p> <p>Ms. Parson explained that in determining adherence to the Land Development Regulations, it did not matter which party had built first, or that one party was in existence prior to the Land Development Regulations being implemented. She stated that both parties would have to adhere to the LDR's.</p> <p>Mr. Bennett spoke in regards to issues raised by the opposition and said that he only requests that the VFW comply with the LDR's the same as he is required to.</p> <p>In response to questions from the Board concerning septic tank placement, Mr. Bennett explained that the slope of the land requires placement of the septic tank as far away from the wetlands as possible.</p> <p>Ms. Greiner showed the survey (Exhibit #1) and explained that placement of the barn on the property would create the same setback issues no matter where it was placed.</p>		
<b>MOTION READS:</b>	To approve BOA#135-07-5 with conditions of staff.		
<b>MOTION BY:</b>	<b>RUTH GRAY</b>	<b>SECONDED BY</b>	<b>STEVEN BERK</b>

MOTION APPROVED 4-2	<b>FOR:</b> Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk		<b>AGAINST:</b> Donald Schreiner Mary Link Bennett
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The meeting was adjourned at 2:18 p.m.

Respectfully submitted.

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Anna Ely, Recording Secretary

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Donald Schreiner, Chairman