

**MINUTES
BOARD OF ADJUSTMENT
PUBLIC HEARING
January 10, 2013**

The Lake County Board of Adjustment met on January 10, 2013 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
Phyllis Luck
Robert Peraza
Marie Wuenschel
Lloyd M. Atkins, Jr.
Craig Covington

Staff Present:

Anita Greiner, Chief Planner, Planning & Community Design Division
Donald P. Simmons, Planner, Planning & Community Design Division
Janie Barron, 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.

TABLE OF CONTENTS

<u>CASE NO.</u>	<u>OWNER/ APPLICANT</u>	<u>AGENDA NO.</u>
<u>Consideration of Minutes</u>	December 13, 2012	
<u>Opening Remarks</u>		
<u>Consent Agenda:</u>		
BOA #1-13-4	Paul and Cindy Hughes	1
<u>Regular Agenda:</u>		
BOA #4-13-1	Scott and Samantha Purrone/Scott Purrone	2
<u>Closing Remarks</u>		
<u>Adjournment</u>		

Opening Remarks

Donald R. Schreiner, Chairman, requested a moment of silence in memory of Mary Link Bennett.

Anita Greiner, Chief Planner introduced Phyllis Luck, who was appointed to the Board.

Minutes

MOTION by Craig Covington, SECONDED by Marie Wuenschel to APPROVE the December 13, 2012 Board of Adjustment Public Hearing Minutes, as submitted.

FOR: Schreiner, Luck, Peraza, Wuenschel, Atkins, Covington

ABSENT: None

AGAINST: None

MOTION CARRIED: 6-0

Consent Agenda

CASE NO.: BOA #1-13-4 **AGENDA NO.:** 1

OWNERS/APPLICANTS: Paul and Cindy Hughes

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

MOTION by Craig Covington, SECONDED by Marie Wuenschel, to APPROVE the variance request with conditions as set by staff for BOA #1-13-4 to allow for a storage shed to be permitted closer than 50 feet from the jurisdictional wetland line.

FOR: Schreiner, Luck, Peraza, Wuenschel, Atkins, Covington

ABSENT: None

AGAINST: None

MOTION CARRIED: 6-0

Regular Agenda

CASE NO.: BOA #4-13-1 **AGENDA NO.:** 2

OWNERS/APPLICANTS: Scott and Samantha Purrone/Scott Purrone

Paul Simmons, Planner, presented the case. He noted that the owners are requesting a variance to Land Development Regulations (LDRs) Table 3.02.05 Setback Requirements, to allow a pool, deck and screen room to be located less than 10 feet from the property line.

Mr. Simmons explained that the parcel is located in the Martin's Landing Subdivision, which was platted in 2005. The owners recently purchased the property and are in the process of finishing the

construction of the home; in addition to completing the interior, the owners are proposing to construct a pool, deck and screen room. The pool design, as submitted, will encroach into the rear setback by five (5) feet. A retaining wall will be required due to the lot elevation change. He pointed out that the intent of the Code is to promote logical development patterns, provide safe setbacks between structures and encourage a visually pleasant environment.

Mr. Simmons noted that this application was found to be inconsistent with Land Development Regulations, Table 3.02.05, which attempts to promote a standardized setback within subdivisions. There is room to construct a pool, deck and screen room without encroaching into the setback. Staff feels that the owners have not shown proof of a substantial hardship or that the Code has violated the principals of fairness and that the owners have not submitted proof of meeting the intent of the Code.

Mr. Simmons recommended denial of the variance request to allow the pool, deck and screen room to be located five (5) feet from the property line.

Mr. Schreiner, Chairman, asked where they were going to build the retaining wall. Mr. Simmons indicated that the retaining wall would be located five (5) feet from the property line. Mr. Schreiner questioned what the height of the retaining wall would be. Mr. Simmons noted that the pool contractor indicated it would not exceed five (5) feet in height.

Ms. Luck, Board Member, asked if the retaining wall will impact the adjoining neighbors with drainage or flood. Mr. Simmons explained that the lot grading requirements will need to be met. The retaining wall and pool will need to be designed and approved by an Engineer licensed in the State of Florida to make sure it will not impact the neighbors and the construction will need to meet the Building Code.

Mr. Schreiner asked if it is possible to do this construction elsewhere on the lot. Mr. Simmons noted that there is sufficient room on the parcel to construct a pool, deck and screen room and meet the required setbacks. Ms. Wuenschel, Board Member, asked where there was sufficient room. Mr. Simmons responded that in the same area, with reduced dimensions of the pool or deck.

Mr. Covington, Board Member, asked if this variance is not approved, what the approximate dimensions of the pool would be. Mr. Simmons stated that it would depend on the owner and how they decided to reduce the size.

Mr. Atkins, Board Member, noted that there is 5.29 feet from the proposed pool deck to the property line and asked how much of that area would be taken up by the retaining wall and if the retaining wall was required. Mr. Simmons indicated that the retaining wall will be five (5) feet from the property line and explained that the retaining wall is required, because of the lot elevation.

Scott Purrone, owner, explained that they sold their existing home three years ago and rather than rush into a new home they decided to rent. After three years of searching and comparing to what they were renting, they saw potential in this home, which was abandoned and decided to pursue it because of their children. The residents in the subdivision are supportive of this project. He explained that one improvement they wanted to do was a fireplace inside of the home and after meeting with their building contractor it was decided it was cost prohibited; they decided to incorporate the fireplace into their pool and outdoor living space instead. Their vision is to create a focal point from their front entry through their living room and to the outdoors. A few weeks after closing, they were informed by the builder that the setback was 10 feet and the design of the pool and deck would no longer work. They had the option of requesting a variance, redesigning the pool or vacating the project. He explained that because they have two boys that love to swim, vacating the project was not an option.

Plan B was to redesign; the major problems that they found with this option was maintaining the square footage, moving the fireplace and the increase in the price. He explained that they have a construction loan and have the ability to go less with the budget amount, but not more without going out of pocket. He noted that they are aware the County recommended denial of this request because there is room to construct a pool, deck and screen room without encroaching into the required setbacks; they don't disagree that a pool can be constructed in the existing area. However, for it to be of any real value, be functional and actually become an addition to their home as they are proposing they need the consideration of their variance request for this small lot. He expressed that he has the support of the Martin's Landing Homeowners Association.

Mr. Atkins indicated that he missed the connection between a longer wall and smaller pool. Mr. Purrone responded that they are trying to achieve the same pool square footage and in order to do that they have to go longer. Mr. Schreiner clarified that the owner is addressing the pool square footage. Mr. Purrone indicated that it will turn into a long parking space and they will need to go another 18 to 20 feet longer with the wall.

Mr. Atkins questioned the distance between the concrete pillars and edge of the pool. Mr. Purrone deferred that question to the pool contractor.

Bobby Wannas, pool contractor representing the applicant, presented exhibits to the Board.

Mr. Wannas explained that the owner is requesting a reasonable use of his property and believes that the design allows for a functional pool and budget. He indicated that it is a modest design. They are trying to design an outdoor living space that matches the indoor living space. He indicated that Mr. Purrone had a vision of having a fire pit, which would become a focal point for him. He explained that Mr. Purrone wants to create an oasis for him and his family. He presented an exhibit to the Board that shows the encroachment of the five (5) feet into the rear setback; he pointed out that they are only requesting 23% of the yard setback to be encroached, which is five (5) feet wide by 50.33 feet in length. He indicated that in his opinion the existing buildable area does not allow for enough space for a functional and safe swimming pool. He noted that they normally keep three (3) feet of access from both sides of the pool for pedestrian safety and maintenance access. He stated that moving the fire pit closer to the home will create a safety hazard. He informed the Board that they will be meeting the minimum five (5) foot setback that is allowed in other residential zoning districts and the minimum 10 foot side setback between structures.

Mr. Covington asked what the dimensions were of the hashed area shown in the exhibit. Mr. Wannas indicated that the area is five (5) feet wide and 50.33 feet in length. Mr. Atkins asked what the distance is from the overhang of the home, which is where the pillars are to the edge of the pool. Mr. Wannas answered that it is 3 1/2 feet. Mr. Atkins asked how far the raised pit is from the edge of the pool. Mr. Wannas answered that it is one (1) foot 10 inches. Mr. Atkins indicated that if you add those distances, it will add up to about five feet. Mr. Wannas responded that the distance would add close to the five (5) feet. Mr. Atkins asked if the pit could be moved. Mr. Wannas responded that it would become a safety issue. Mr. Atkins stated that you would not come out of the house and fall into the pool; there is a patio before you get to the pool. He noted that it seems Mr. Purrone's design could be redesigned to move the pool area closer to the home to be able to meet the required rear setback. Mr. Wannas asked if Mr. Atkins is suggesting moving the pool right up against the home. Mr. Atkins responded that the pool could be moved closer to the home. He also indicated that the pit makes the pool go out another 1 1/2 to two (2) feet. Mr. Wannas responded that the pit does not make the pool go out another two (2) feet. Mr. Atkins asked how far it is from the edge of the pool to the edge of the pit. Mr. Wannas responded that it is 1 foot 10 inches. Mr. Atkins noted that the pit is pushing the pool 1 foot 10 inches back. Mr. Wannas stated that the pit is going into the pool and taking square footage from the pool itself. He noted that when they designed the pool, they pushed the pit into the pool so that it would not take up additional space. Mr. Atkins asked if the pool edge and the pit could be moved two (2) feet towards the house. Mr. Wannas replied that would

create an area with a narrow strip of deck and indicated that the purpose of the pit is for it to be multifunctional; Mr. Purrone would like a sitting area around the pit. Mr. Atkins stated that it is hard to visualize it. Mr. Wannas presented another rendering.

Mr. Purrone stated that if the pool was pushed back toward the house, it would not leave a walkway to get through. He indicated that the picture makes it look larger than it is. Mr. Atkins stated that he understands, but the fire pit is dictating the design and if the fire pit were not there, the setback could be met. Mr. Purrone agreed. He indicated that because he could not have a fireplace in the house, this was the next best option. Mr. Atkins indicated that he understood.

Ms. Luck asked if they could relocate the fire pit to the other side of the pool. Mr. Purrone indicated that if it is relocated to the other end of the pool, it would defeat the purpose.

Mr. Schreiner noted that even if the fire pit is eliminated there would still be no change to the setbacks or pool. He indicated that in his opinion the fire place is not anything for consideration. Mr. Wannas agreed that the fire pit does not have an effect on the dimension of the pool; they are concerned about safe pedestrian access. He indicated that the owner does not want to construct something the size of a parking space.

Mr. Schreiner asked if the area will be screened. Mr. Wannas responded that it will be screened.

MOTION by Craig Covington, SECONDED by Marie Wuenschel to APPROVE the variance request.

Anita Greiner, Chief Planner, indicated that a condition was added to the development order , in case the Board decided to approve the request; she reminded the Board that they could approve the variance with the condition as set by staff or remove the condition.

MOTION by Craig Covington, SECONDED by Marie Wuenschel to APPROVE the variance request with conditions as set by staff for BOA #4-13-1 to allow a pool, deck and screen room to be located less than 10 feet from the property line.

FOR: Schreiner, Luck, Peraza, Wuenschel, Covington

ABSENT: None

AGAINST: Atkins

MOTION CARRIED: 5-1

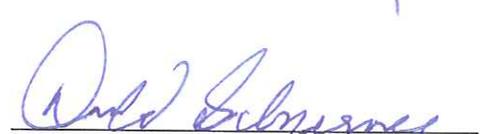
Adjournment

There being no further business, the meeting was adjourned at 1:44 p.m.

Respectfully submitted,



Janie Barrón
Associate Planner



Donald Schreiner
Chairman