MINUTES
BOARD OF ADJUSTMENT
PUBLIC HEARING
January 12, 2012

The Lake County Board of Adjustment met on January 12, 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
Marie Wuenschel
Christopher Cheshire
Lloyd M. Atkins, Jr.
Craig Covington

Board Members Absent:

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
Aziza Bryson, Public Hearing Coordinator, 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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Minutes

MOTION by Mary Link Bennett, SECONDED by Christopher Cheshire to APPROVE the December 8, 2011 Board of Adjustment Public Hearing minutes, as submitted.

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

ABSENT: **Peraza**

AGAINST: **None**

MOTION CARRIED: 6-0

Opening Remarks

Anita Greiner, Chief Planner, stated that there were no changes to the agenda.

Consent Agenda

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

OWNER/APPLICANT: **George H. Dunn**

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

MOTION by Mary Link Bennett, SECONDED by Christopher Cheshire to APPROVE the Consent Agenda with conditions as submitted by staff.

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

ABSENT: **Peraza**

AGAINST: **None**

MOTION CARRIED: 6-0

Regular Agenda

CASE NO.: **BOA #2-12-2** **AGENDA NO.:** **2**

OWNER/APPLICANT: **Richard and Jennifer Arabitg**

Paul Simmons, Planner, presented the case. He stated that the owners are requesting a variance from conditions of BOA#29-09-2 to provide relief from the requirement to obtain a building permit for the single-family dwelling unit within 60 days after the

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accessory structure permit was issued, to extend the time required to obtain a certificate of occupancy for the single-family dwelling unit, to remove the requirement that the accessory structure be of the same architectural style, color and material as the primary structure, and to remove the condition that the detached garage must be inspected by the Zoning Division for compliance with the conditions set forth by the Board of Adjustment for BOA #29-09-2, prior to a final inspection of the garage by the Building Division.

Giving some history of the project, Mr. Simmons summarized the request brought before the Board of Adjustment in 2009. He explained that the 2009 request was approved with the following conditions:

1. The detached garage must be constructed in the same architectural style as the dwelling unit; the same roofing material and color must be used and the exterior of the detached garage must be of the same material and colors as the dwelling unit.
2. The detached garage must be located on the parcel as indicated on the plot plan that was submitted.
3. The owners must maintain the existing treed buffer along the east and south property line in front and along the side of the detached garage.
4. The detached garage must be inspected by the Zoning Division for compliance with the conditions set forth by the Board of Adjustment prior to a final inspection of the garage by the Building Division.
5. The permit for the single-family dwelling unit must be issued within 60 days after issuance of the permit for the garage.
6. The single-family dwelling unit must have certificate of occupancy issued within 18 months of issuance of garage permit.

Mr. Simmons pointed out that the permit for a metal detached garage was obtained in May, 2010 and that the garage was constructed, noting that this was not the intent of the 2009 variance. He also pointed out that the owners have not obtained a permit for the single-family dwelling unit, showing that they cannot meet conditions requiring them to obtain a building permit for a single-family dwelling within 60 days of obtaining the permit for the garage and to have a certificate of occupancy for the single-family dwelling unit within 18 months of the issuance of the garage permit. After a review by staff of the required findings, Mr. Simmons explained that staff is recommending denial on the variance request to remove the requirement that the accessory structure be of the same architectural style, color, and materials of the primary structure and to remove the requirement of the inspection by the Planning and Community Design Division prior to issuance of the certificate of completion for the detached garage. In regards to the completion time frames on the single-family residence, staff is recommending approval to provide relief from the requirement to obtain a building permit within 60 days after the accessory structure permit was issued and to extend the time required to obtain a certificate of occupancy for the single-family dwelling unit with the following conditions:

1. The building permit for the single-family dwelling unit shall be obtained within 30 days of the recording of the Final Development Order issued by the Board of Adjustment.

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2. The certificate of occupancy shall be obtained within 12 months of the issuance of the building permit for the single-family dwelling unit.
3. The detached structure must be constructed in the same architectural style as the dwelling unit; the same roofing material and color must be used and the exterior of the detached structure must be of the same material and colors as the dwelling unit.
4. Prior to a final inspection by the Building Division, the detached garage must be inspected by the County Manager, or designee, for compliance with the architectural conditions set forth by the Board of Adjustment.

Dan Matos, representing the applicant, introduced himself as the engineer and architect of the project. He stated that the applicant's intent for the variance has changed in many ways since the original variance request. Showing revised floor plans, Mr. Matos explained that they originally started out with a 30,000 square foot living structure and now, due to economic hardship, have reduced the home to 6,000 sq. ft. Mr. Matos stated that the applicant would like to request two years in order to build the revised home and explained the time line they anticipated. He also added that the detached garage would look very similar to the residence and that the applicant would be in compliance with the required condition.

Mary Link Bennett, a Board member, asked for clarification for why they could not build the home within the customary time-frame of 12 months that the County is requesting. Mr. Matos answered that they are building a custom home, requiring special materials and a certain type of craftsmanship to build.

Lloyd Atkins, a Board member, asked why the owner didn't build the garage with the materials that were going to be used on the residence, as approved in the 2009 variance. Mr. Matos stated that the applicant is going to use the material that has been submitted, but explained that the garage has not been completed. He further explained that the metal pre-fab garage will be covered with the sheeting, stucco, and a conventional frame that will match the house. When Mr. Atkins asked why this has not been done yet, Mr. Matos stated that he would allow his client to answer.

Richard Arabitg, the applicant, explained that the economy has affected his plans in such a way that he has not been able to complete the project due to a lack of funds. He stated that he wanted to comply with all of the previous demands and that he would have done so if he would have had the funds available. Mr. Arabitg expressed his desire to be in compliance with all conditions while commenting on also being realistic about the two years he anticipates it will take to complete the project. He also added that he did not want to put material on the garage structure until he was sure of his final plans for the residence.

Mr. Simmons mentioned that staff did receive two letters of opposition from the adjoining neighbors and that those neighbors did oppose the relaxation of the conditions.

After some Board discussion about the two-part recommendation of staff, Melanie Marsh, Deputy County Attorney, informed the Board that only one motion was needed for whatever it is that they wanted to change from the initial variance.

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Mr. Atkins asked if the standard certificate of occupancy was 12 months. Mr. Simmons answered that a standard building permit is 12 months and after all construction is completed and final inspections have been done, the applicant could apply for the certificate of occupancy. Mr. Atkins asked if the Board could extend the certificate of occupancy to 18 months. Mr. Simmons stated that if the Board felt that 18 months was appropriate, they could choose to do so. Ms. Marsh added that giving them a variance to have that structure does not actually extend the building permit, but that it can allow a certain extended length of time to complete the principle structure as part of the variance. Board discussion took place in regards to what could be allowed, time constraints, and conditions of the old and new variance.

Mr. Atkins requested clarification on staff's recommendations. Mr. Simmons explained staff's recommendations in further detail.

MOTION by Lloyd Atkins, Jr., SECONDED by Christopher Cheshire to ACCEPT staff's recommendations of DENIAL of making the garage a different architectural use and recommends APPROVAL of staff's recommendation as submitted, with the difference that the time line to obtain a certificate of occupancy is changed to 18 months, instead of 12 months.

Donald Schreiner, Chairman, discussed the conditions of staff and mentioned his concern about the applicant's request to remove the condition regarding inspections. He also stated that he would grant the 24 months. Mr. Atkins agreed and attempted to amend the motion. Mr. Schreiner suggested that the original motion be withdrawn.

Mr. Cheshire withdrew his second of the original motion.

Mr. Atkins withdrew his original motion.

MOTION by Lloyd Atkins, Jr., SECONDED by Christopher Cheshire to APPROVE the variance request BOA #2-12-2, to include staff's recommendations changing the time line to receive the certificate of occupancy to 24 months, rather than 12 months:

1. **The building permit for the single-family dwelling unit shall be obtained within 30 days of the recording of the Final Development Order issued by the Board of Adjustment.**
2. **The certificate of occupancy shall be obtained within 24 months of the issuance of the building permit for the single-family dwelling unit.**
3. **The detached structure must be constructed in the same architectural style as the dwelling unit; the same roofing material and color must be used and the exterior of the detached structure must be of the same material and colors as the dwelling unit.**
4. **Prior to a final inspection by the Building Division, the detached garage must be inspected by the County Manager, or designee, for compliance with the architectural conditions set forth by the Board of Adjustment.**

Ms. Marsh stated that even though some of the conditions are changing from the original variance approval, there are still conditions related to the original variance that will remain in effect.

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

ABSENT: **Peraza**

AGAINST: **None**

MOTION CARRIED: 6-0

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

OWNER/APPLICANT: **Colonial Acquisitions, Inc./Brian Denham, P. E.**

Paul Simmons, Planner, presented the case. He stated that the applicant is requesting a variance to allow the grading and filling of the site to a height greater than 15 feet and to allow an additional monument sign on the primary road frontage. After a review by staff of the required findings, Mr. Simmons explained that staff is recommending approval of the variance request to fill the parcel greater than 15 feet in two areas of the property and recommending denial of the variance request to allow an additional monument sign.

Mr. Atkins asked why the second monument sign would be considered repetitive. Mr. Simmons explained that although there may be subtle differences, the second sign will be similar to the first sign. Mr. Atkins asked about the height monument signs are limited to. Mr. Simmons stated that 60 square feet of copy area with a 12 foot height is allowed on the parcel. He added that they are requesting an additional ground sign, which is an additional 30 square feet, noting that there would be 90 square feet total.

Mr. Cheshire asked how the size of the sign is determined. Mr. Simmons explained the criteria and process to determine the size of signs.

Jimmy Crawford, Land Use Attorney, representing the owner and applicant, showing Applicant Exhibit "A", explained that there really are two separate businesses and he talked about the current signage and the requested sign locations. He added that they are completely surrounded by commercial and industrial zoning districts so there would be no residential impact to anyone. He pointed out that there is another way to go about doing what they want without obtaining a variance, stating that they could split the parcel and go forward with two separate site plan approvals in order for both to each get a monument sign. Mr. Crawford stated that they do not want to go this route, noting that with the split, each would be required to have its own driveway and they would have to make a lot of other changes.

Mr. Atkins asked about the size of the signs on the parcels to the south. Brian Denham, P. E., Denham Engineering, stated that the other parcels are somewhat larger, indicating that the signs may be larger than what may be applicable now, in part due to the changing sign code. Mr. Denham showed a picture displaying the signs they are requesting and

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explained how they are different and the distinct uses of each sign. Referencing the display plan, he explained the differences between the uses of the two buildings. He also mentioned that the City of Clermont specified the number of signs allowable in their Utility Agreement.

Ms. Bennett clarified that as a result of a mobile home park identified in a picture displayed by the applicant, that there could be a residential impact.

Mr. Crawford stated that they do not believe the signs are repetitive and that they are not detrimental to the aesthetics of the area.

Bill Watson, concerned citizen, had questions concerning the right-of-way. Mr. Crawford explained that the site plan does not impact the right-of-way in question.

MOTION by Christopher Cheshire, SECONDED by Lloyd Atkins, Jr., to APPROVE variance request BOA #3-12-2 to include the variance to allow extra fill with conditions as stated in the staff report and to APPROVE the variance to allow the additional ground sign, limiting it to 30 square feet.

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

ABSENT: **Peraza**

AGAINST: **Bennett**

MOTION CARRIED: 6-0

Closing Remarks

Ms. Greiner introduced the newest Board member, Craig Covington.

Ms. Greiner also announced that next month would be Aziza Bryson's last month as Public Hearing Associate for the Board of Adjustment.

Adjournment

There being no further business, the meeting was adjourned at 2:12 p.m.

Respectfully submitted,

Aziza Bryson Public Hearing Coordinator	Donald Schreiner Chairman

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