

**MINUTES
BOARD OF ADJUSTMENT
PUBLIC HEARING
January 27, 2014**

The Lake County Board of Adjustment met on January 27, 2014 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
Catherine Hanson, Vice-Chairman
Craig Covington
Phyllis Luck
Lloyd M. Atkins, Jr.

Board Members Absent:

Marie Wuenschel

Staff Present:

Anita Greiner, Chief Planner, Planning & Community Design Division
Jennifer Cotch, Senior Planner, Planning & Community Design Division
Melanie Marsh, Deputy County Attorney
Donna R. Bohrer, Public Hearing Associate, Planning & Community Design Division

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 12, 2013	
<u>Public Comment</u>		
<u>Opening Remarks</u>		
<u>Consent Agenda:</u>		
BOA # 18-13-4	Kenneth J. McGrath	1
<u>Regular Agenda</u>		
BOA # 19-13-2	Christopher & Donna Larson	2
BOA # 21-13-4	Weeks Family Properties	3
<u>Closing Remarks</u>		
<u>Adjournment</u>		

Opening Remarks

Anta Greiner, Chief Planner, Planning and Community Design, said there were no changes to the agenda.

Minutes

MOTION by Catherine Hanson, SECONDED by Craig Covington to APPROVE the December 12, 2013 Board of Adjustment Public Hearing Minutes, as submitted.

FOR: Schreiner, Hanson, Luck, Covington, Atkins
ABSENT: Wuenschel
AGAINST: None
MOTION CARRIED: 5-0

Public Comment

There were no public comments.

Consent Agenda

BOA# 18-13-4

OWNERS/APPLICANTS: Kenneth J. McGrath AGENDA NO.: 1

MOTION by Catherine Hanson, SECONDED by Craig Covington to APPROVE the consent agenda with conditions as set forth by staff in BOA #18-13-4, Kenneth J. McGrath.

FOR: Schreiner, Hanson, Luck, Covington, Atkins
ABSENT: Wuenschel
AGAINST: None
MOTION CARRIED: 5-0

Regular Agenda

BOA# 19-13-2

AGENDA NO.: 2

OWNERS/APPLICANTS: Christopher & Donna Larson

Jennifer Cotch, Senior Planner, presented the case stating this was a request to allow a livestock building to be located 25 feet from the property line. The property is located in the Trails of Montverde subdivision and is zoned Agriculture Residential (AR). The Code requires livestock buildings to be as closely centered on the parcel as possible, requiring a minimum setback of 50 feet from all property lines. The applicant's request would allow the building to be located 110 feet from the north property line, 150 feet from the west property line, 390 feet from the east property and 25 feet from the south property line. The property is approximately 3.58 acres and is roughly 600 feet (east to west) and 200 feet (north to south). The applicant could not meet the 200-foot setback to the north and south property line and would therefore have to center the barn and maintain a 50-foot setback. The applicant is requesting the livestock building to be constructed on the flattest portion of their property.

Ms. Cotch said there is sufficient space for the applicant to meet the required setback, consistent with the LDRs and staff recommended denial. She said two letters of support for the applicant have been received and the applicant is present to answer questions.

There was discussion between the Board and Ms. Cotch relating to the proposed barn location, the elevation change on the property, and the grading necessary to meet the LDRs. Ms. Cotch showed the location of the barn in scale on the map.

Donna Larson, owner, said the proposed location of the barn would allow for a riding ring to be constructed for their autistic grandson's ongoing equine therapy. She said the land slopes from the west down to the proposed barn location. The riding ring would be placed to the north, and the barn would be aligned with their driveway. She said that although their grandson's disability is not physical, she believes it should be given the same consideration as that extended to physical disabilities. She noted that the proposed location of the barn would also make it easier for them to care for their horses. She also noted that the closest neighbor's home will be 250 feet from the barn, and that the neighbor and the Home Owner's Association (HOA) president submitted letters of support. In addition, she explained that the proposed barn location would prevent the oak tree from being adversely affected by barn construction.

Christopher Larson, owner, said in response to a suggestion from Ms. Cotch that they intend to plant a landscape barrier.

Chairman Schreiner noted that locating the barn and riding ring on the flattest portion of their property would be the best solution for their needs.

MOTION by Craig Covington, SECONDED by Catherine Hanson to APPROVE BOA# 19-13-2, Christopher & Donna Larson, with conditions as set forth by staff in the final development order.

FOR: Schreiner, Hanson, Luck, Covington, Atkins
ABSENT: Wuenschel
AGAINST: None
MOTION CARRIED: 5-0

BOA# 21-13-4

AGENDA NO.: 3

OWNERS/APPLICANTS: Weeks Family Properties

Jennifer Cotch, said the applicant is Laura Rackley of Total Imaging, Inc., representing the Weeks Family Properties – 157, Inc. She explained that they are requesting a variance from the Land Development Regulations (LDRs) relating to the repair and reconstruction of a nonconforming sign to allow the reconstruction and enlargement of an existing pole sign for a commercial business. The property is located at the intersection of CR 435 and SR 46. It is approximately one-half acre in size, zoned Neighborhood Commercial (C-1), and is in the Mt. Plymouth-Sorrento Main Street Future Land Use Category.

Ms. Cotch further explained that the applicant is requesting a variance to allow the existing pole sign, which has two signs on it, one is six and one-half feet (6 ½') by five and one-half feet (5 ½'), the other sign is eight and one-half feet (8 ½') by five feet (5') to be reconstructed by removing the two existing signs, keeping the pole and adding a new sign that is eight feet (8') by four feet (4'). She noted that the intent of the Code is to allow non-conforming development to remain in its current state, not allowing expansions or changes that increase the nonconformity.

Ms. Cotch noted that staff has received five (5) emails in opposition.

There were no questions of staff.

Polly Licciardi, Total Imaging, Inc., said restricting this business to a monument sign would place the business at an economic disadvantage. The Weeks Family has recently purchased this business and they are investing in significant renovations. She explained that this is a locally-owned business that looks forward to improving the community.

Ms. Licciardi stated that the business across the street has multiple tenants and a 25' tall pole sign, which is twice as large as the existing sign on the applicant's property. Ms. Licciardi said they are requesting to keep the current pole and that the new signs will be smaller in size. She said without this variance the business will be at a significant economic disadvantage. She submitted a picture comparing the existing signs and how the monument sign would look on the applicant's property, compared to the sign across the street, The Kangaroo Express. The proposed square footage of the sign will be smaller than the existing sign. She said it was

questionable that the business would be economically feasible if they did not have competitive and comparable signage.

Catherine Hanson said she believed that a monument sign in this location would severely impede this business and said she would prefer to have the existing sign improved. She didn't believe a monument sign was an option in this location. Chairman Schreiner said he agreed.

In response to a statement by Ms. Licciardi, Melanie Marsh, Deputy County Attorney, noted that the requirement for a monument sign is not a new requirement.

Public Comment

Tim Bailey said he was the chairman of the local Community Redevelopment Agency (CRA), although he was not representing the CRA. He was concerned about this request, noting that new, more conservative LDRs, will be submitted to the County. He recommended that the height of this sign not change, but consider modifying the sign.

Christine Thompson said she served on the CRA advisory committee, although not speaking on their behalf. She believed this sign should conform to the existing regulations and no changes should be allowed.

Francis Nipe said she was a member of the Mt. Plymouth Landowners League, she opposed this request and thought they should conform to the regulations.

Jason Rhoden said he was with Quality Petroleum. He thought the existing sign was an eyesore. He said that the proposed sign would be better looking and would be smaller.

There was some discussion regarding the location of the sign on the right-of-way, and the improvements planned by the Weeks Family. Mr. Rhoden said they all wanted to improve the community. Ms. Cotch noted that the electronic sign was not an issue.

Phyllis Luck asked about the sight distance and asked if Public Works staff had looked at this application. Ms. Marsh said that review would be part of the planning review process.

Ms. Cotch explained the pole sign at the gas station across the road would remain for the duration of their contract with Kangaroo Express, which could be as long as ten years.

MOTION by Catherine Hanson to deny the request to the variance, throwing it back to an improved sign. SECONDED by Phyllis Luck.

Ms. Hanson said it would then be completely up to the applicant whether they made it one on top of the other or side by side; but, it would be a smaller sign.

Chairman Schreiner stated it had been moved by Catherine Hanson, Seconded by Phyllis Luck to deny the application as submitted.

Craig Covington asked if the recommendation was for a monument sign or modification of the existing sign. Ms. Luck said there should not be a monument sign. Ms. Hanson said the motion is for the modification of the existing sign.

There being no further discussion Chairman Schreiner called for a vote, asking all those in favor of denying the application; the vote was unanimous.

FOR: **Schreiner, Hanson, Luck, Covington, Atkins**

ABSENT: **Wuenschel**

AGAINST: **None**

MOTION CARRIED: **5-0**

Ms. Greiner noted that there would not be a meeting in February.

Adjournment

There being no further business, the meeting was adjourned at 1:50 p.m.

Respectfully submitted,



Donna Bohrer
Public Hearing Associate



Donald Schreiner
Chairman