

**MINUTES  
BOARD OF ADJUSTMENT  
PUBLIC HEARING  
March 14, 2013**

The Lake County Board of Adjustment met on March 14, 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  
Lloyd M. Atkins, Jr.  
Craig Covington  
Marie Wuenschel

**Board Members Absent:**

Robert Peraza

**Staff Present:**

Brian Sheahan, Planning Manager, Planning & Community Design Division  
Anita Greiner, Chief Planner, Planning & Community Design Division  
Donald P. Simmons, Planner, Planning & Community Design Division  
Donna R. Bohrer, Public Hearing Associate, 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>	February 14, 2013	
<u>Opening Remarks</u>		
<u>Consent Agenda:</u>		
BOA #8-13-1	Ronald and Audrey Drummonds	1
BOA #9-13-1	William and Cindy Roland	2
<u>Regular Agenda:</u>		
BOA #10-13-2	Ramon Rodriguez	3
<u>Closing Remarks</u>		
<u>Adjournment</u>		

Opening Remarks

Anita Greiner, Chief Planner, Planning and Community Design Division noted that there were no changes to the agenda.

Minutes

**MOTION by Craig Covington, SECONDED by Lloyd Atkins to APPROVE the February 14, 2013 Board of Adjustment Public Hearing Minutes, as submitted.**

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

Consent Agenda

**BOA # 8-13-1** **AGENDA NO.:** 1  
**OWNERS/APPLICANTS:** Ronald and Audrey Drummonds  
**BOA # 9-13-1** **AGENDA NO.:** 2  
**OWNERS/APPLICANTS:** William and Cindy Roland

There were no comments on the above consent agenda items.

**MOTION by Craig Covington, SECONDED by Phyllis Luck, to APPROVE the consent agenda with conditions as set forth by staff in BOA# 8-13-1, Ronald and Audrey Drummonds and BOA# 9-13-1, William and Cindy Roland.**

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

Regular Agenda

**OWNER(S)/APPLICANT(S)      Ramon Rodriguez**

Paul Simmons, Planner, Planning and Community Design Division, presented the case. He said the owners are requesting a variance to Land Development Regulations (LDR's) to allow construction of a detached garage, larger than 80% of the main floor area of their single-family dwelling unit. The property is located in Silver Glen Three, a small residential subdivision platted in 1993. The owner's parcel is developed with a single-family dwelling unit, pool and detached shed. A survey showing the building location was placed on the overhead. Mr. Simmons said the owner was proposing a 1,800 square foot detached garage to be located behind his home; meeting the required setbacks in the Code. The surrounding parcels are developed with single-family dwelling units. The subject parcel is zoned R-6 (Urban Residential District) and the Future Land Use is Urban Low Density. The owners submitted a plot plan showing the proposed location of the requested building, which will be a steel structure, painted to match the primary dwelling.

Mr. Simmons said the intent of the Code was to regulate the configuration of accessory structures in order to ensure they are not harmful, aesthetically or physically to the residents and surrounding area. The proposed garage would exceed the maximum square footage by 800 square feet. The applicant is requesting the larger building to accommodate the family's equipment, tools and cars. Mr. Simmons said staff had reviewed the application and found it is inconsistent with LDR 10.01.02, which attempts to protect surrounding parcels from negative visual impacts. He noted that there is no way to effectively screen the building from vehicles entering the development. He added that the owner has not shown proof of a substantial hardship and has not shown how they will meet the intent of the Code, therefore staff recommends denial of the variance request.

Mr. Ramon Rodriguez explained that his family owns several vehicles and without an oversized garage the vehicles would be parked in plain view. He said rebuilding and restoring vehicles has been a family project. He noted that several of his neighbors have 3 and 4 car garages and he thought he would be able to construct a similar garage. He explained that the garage would be painted to match the house, adding that he wants his property to look good. He stated it was his intention to plant a tall hedge to screen the garage from the road. He noted, with the single exception of a rental home, all the residents signed a petition in support of his variance request. Mr. Rodriguez said he researched the best type of shrub to use for his hedge.

There was some discussion with the Board regarding the potential aesthetic impact of this request, the building height and how much it would exceed the maximum allowable size. Mr. Rodriguez repeated his intention to paint the steel building to match the house and his desire to make his property as attractive as possible. He added that constructing the garage to structurally match the house would be too expensive. Mr. Simmons explained that the applicant could build

a smaller garage, meeting the size restrictions in the Code, without any requirement to screen the building or to match the appearance of the primary structure. He also explained that a recent change in the Code was the reason for this variance request and noted the accessory structures on the other lots in the subdivision were constructed before the Code change.

There was general agreement that the garage should match the color of the house and that a hedge should be planted. There was discussion regarding the placement and height of the hedge and the driveway location, which could affect the visibility of the garage from the roadway.

Raymond Handloser said he lives next door and has a 30' x 40' building on his property and he completely supports his neighbor's request.

Lloyd Atkins made a motion to approve variance BOA# 10-13-2, with the conditions that the hedge run from the existing tree line to the tree by the home, to locate the driveway next to the existing home and to require the garage be painted to match the color of the home. There was no second to the motion at this time.

Ms. Greiner noted that the Public Works Department may have comments regarding the most appropriate driveway location.

After some discussion regarding whether to require a particular buffer, there was general agreement to require a hedge that would reach a height of 10 feet.

The motion was restated by Lloyd Atkins to approve BOA# 10-13-2 to require a single-row hedge with a height of 10 feet, to require the building be painted the same color as the home and that the driveway be placed, if possible, to the side of the home.

Melanie Marsh, Deputy County Attorney, suggested from an enforcement position, a time frame for the hedge to reach the desired height should be included.

It was agreed to require a hedge be planted that should reach a height of 10 feet within a three-year period.

**MOTION by Lloyd Atkins, SECONDED by Craig Covington, to APPROVE BOA #10-13-2, with the conditions that the building be painted to match the primary dwelling, a single-row hedge shall be planted from the existing tree line to the tree by the house and it shall reach a height of 10 feet within three years and be maintained at that height, and the driveway be located to the side of the home, pending approval of Public Works and location of the septic tank.**

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

**ABSENT: Peraza**

**AGAINST: None**

MOTION CARRIED: 5-0

Adjournment

There being no further business, the meeting was adjourned at 1:32 p.m.

Respectfully submitted,



Donna Bohrer  
Public Hearing Associate



Donald Schreiner  
Chairman