

Revised at the June 14, 2012 Board of Adjustment Meeting

**MINUTES  
BOARD OF ADJUSTMENT  
PUBLIC HEARING  
April 12, 2012**

The Lake County Board of Adjustment met on April 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  
Craig Covington

**Board Members Absent:**

Lloyd M. Atkins, Jr.  
Bob Peraza

**Staff Present:**

Brian T. Sheahan, AICP, Manager, Planning & Community Design Division  
Anita Greiner, Chief Planner, Planning & Community Design Division  
Donald P. Simmons, Planner, Planning & Community Design Division  
Karen Chester, 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.

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BOA #11-12-5	Mary Herman, Greg Duckham and Sonya Duckham/ Greg Duckham	
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<b><u>Adjournment</u></b>		

Minutes

**MOTION** by, Christopher Cheshire, **SECONDED** by Craig Covington to **APPROVE** the March 8, 2012 Board of Adjustment Public Hearing minutes, as submitted.

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

**ABSENT:** Atkins, Peraza

**AGAINST:** None

**MOTION CARRIED:** 5-0

Opening Remarks

Anita Greiner, Chief Planner, stated that there are a couple changes to the agenda. Staff would like to move Agenda Item #1, BOA # 10-12-4 to the regular agenda, staff was just made aware of opposition in the audience. She also stated that the applicant for BOA # 11-12-5 requested a postponement to the May 10, 2012 meeting.

**MOTION** by, Mary Link Bennett, **SECONDED** by Christopher Cheshire to move BOA # 10-12-4 to the Regular Agenda and **APPROVE** the postponement of BOA # 11-12-5 to the May 10, 2012 meeting.

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

**ABSENT:** Atkins, Peraza

**AGAINST:** None

**MOTION CARRIED:** 5-0

Consent Agenda

**CASE NO.:** BOA #12-12-5 **AGENDA NO.:** 2

**OWNER/APPLICANT:** Joyce Edwards and Leslie Edwards

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

**MOTION** by Christopher Cheshire, **SECONDED** by Mary Link Bennett to **APPROVE** the Consent Agenda with recommendations of staff.

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

**ABSENT:**                    **Atkins, Peraza**

**AGAINST:**                **None**

**MOTION CARRIED:** **5-0**

**Regular Agenda**

**CASE NO.:**                    **BOA #10-12-4**                    **AGENDA NO.:**     **1**

**OWNER/APPLICANT:**        **Eunice Eldridge / Bill Neifer**

Paul Simmons, Planner, presented the case for BOA #10-12-4, the owner is Eunice Eldridge and the applicant is Bill Neifer. The owner requested a variance to Land Development Regulation (LDRs), Table 3.02.05 Setbacks Requirements, to allow a handicap ramp to remain 10 feet from the right-of-way of Oak Circle.

Mr. Simmons stated that the owner built this handicap ramp for her handicap daughter without permits and is in the process of obtaining them. The ramp does not meet the required front setback. There are two entrances to the home. The first entrance is located inside the carport. If the ramp was placed at this entrance there would not be enough room to park the owner’s vehicle, making the carport useless for car storage. The other entrance is the front door, where the ramp is now located. A small porch (8 x 10) was also constructed for a turnaround area for the wheelchair.

Mr. Simmons stated that the applicant submitted proof of their hardship and how they believe they meet the intent of the Code, which is copied in the back-up information. Mr. Simmons stated that staff believes the owner has submitted proof of meeting the intent of the Code and have proven a hardship. He stated that the structure is aesthetically appealing and meets a safe distance from the roadway. If this handicap ramp is allowed to remain as constructed it will not create a hazard for the area.

Mr. Simmons stated, after consulting the Florida Department of Transportation “Green Book”, it was determined that a six foot setback from the traveled roadway would be required without a curb or gutter and a speed limit of 15 mph. The structure is located 10 feet from the traveled roadway, which exceeds the recommendation from Florida Department of Transportation.

Mr. Simmons stated that based on the findings of facts and analysis, Staff recommends approval of the variance to allow a handicap ramp 10 feet from the right-of-way of Oak Circle.

Mr. Neifer, the applicant, gave the Board the background of why a handicap ramp was needed for the owner and her daughter.

There were no questions from the Board at this time.

Mr. Greg Garner, Attorney for Dora Pines Home Owners Association, stated that Mrs. Eldridge was in violation of the Home Owners Association (HOA) covenants. He stated that the owner

failed to obtain a building permit and zoning clearance from Lake County and there is a Lake County Code Enforcement Case.

Melanie Marsh, Deputy County Attorney, advised the Board that they are not to consider the HOA restrictive covenants or the Code Case. She stated that these items are outside the Board's parameters. She stated the Board should only address whether the request for a variance meets the intent of the Code and that a substantial hardship or principle of fairness exists.

Mr. Garner stated for the record that they object to the granting of the variance.

Marrlyn Peet addressed the Board and objected to the variance. She stated that she felt it was a deck and that it encroached into the right-of-way.

Craig Covington asked staff about the encroachment.

Paul Simmons addressed the question. The handicap ramp does not encroach into the right-of-way and only encroaches into the front setback eight feet. It is still 10 feet from the roadway and the Florida Department of Transportation "Green Book" recommends at least six feet, this supersedes it by four feet.

Mr. Schreiner, Chairman, asked if the lots were fee simple. Paul Simmons replied that the lots were owned individually. Mr. Schreiner stated that the encroachment was then on the owners property and not the HOA's property. Mr. Simmons replied yes.

Melanie Marsh also stated that the property that was being encroached into was part of the owner's lot.

David Michael Tedder addressed the Board and stated that the park gave the people a gift; the roads coming into the park are paid for.

Mr. Simmons reiterated that the owner did own the lot and that the ramp did not encroach into the right-of-way. The ramp is encroaching into the front setback by eight feet and will be 10 feet from the right-of-way.

Mr. Neifer, applicant, restated the reason that the ramp was not completed and said they would build it to look like a structure, instead of a ramp.

Don Cowley read a statement in favor of the variance. The statement is on file with the Growth Management Department.

**MOTION by Craig Covington, SECONDED by Christopher Cheshire to APPROVE Agenda Item #1, BOA #10-12-4 to allow a handicap ramp 10 feet from the right-of-way of Oak Circle.**

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

**ABSENT: Atkins, Peraza**

**AGAINST: 0**

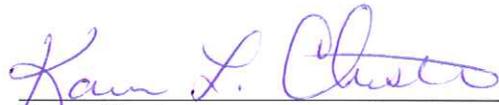
**MOTION CARRIED: 5-0**

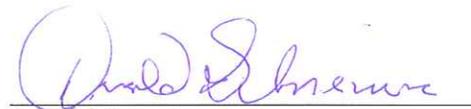
*Closing Remarks*

*Adjournment*

There being no further business, the meeting was adjourned at 2:26 p.m.

Respectfully submitted,

  
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Karen Chester  
Associate Planner

  
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Donald Schreiner  
Chairman