

**MINUTES**  
**BOARD OF ADJUSTMENT**  
**PUBLIC HEARING**  
**December 12, 2013**

The Lake County Board of Adjustment met on December 12, 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:**

Catherine Hanson, Vice-Chairman  
Craig Covington  
Phyllis Luck  
Lloyd M. Atkins, Jr.  
Marie Wuenschel

**Board Members Absent:**

Donald Schreiner, Chairman

**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

Vice-Chairman Hanson called the meeting to order at 1:00 p.m. She noted for the record that there was a quorum present. She confirmed Proof of Publication for the case as shown on the screen. She 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**

<b><u>CASE NO.</u></b>	<b><u>OWNER/ APPLICANT</u></b>	<b><u>AGENDA NO.</u></b>
<b><u>Consideration of Minutes</u></b>	November 14, 2013	
<b><u>Public Comment</u></b>		
<b><u>Opening Remarks</u></b>		
<b><u>Regular Agenda:</u></b>		
BOA # 18-13-4	Kenneth J. McGrath	1
<b><u>Closing Remarks</u></b>		
<b><u>Adjournment</u></b>		

**Opening Remarks**

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

**Minutes**

**MOTION by Craig Covington, SECONDED by Phyllis Luck to APPROVE the November 14, 2013 Board of Adjustment Public Hearing Minutes, as corrected.**

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

**ABSENT: Schreiner**

**AGAINST: None**

**MOTION CARRIED: 5-0**

**Public Comment**

There were no public comments.

**Regular Agenda**

**BOA# 18-13-4**

**OWNERS/APPLICANTS: Kenneth J. McGrath**

Jennifer Cotch, Senior Planner, Planning and Community Design explained the applicant was requesting a variance from the Lake Development Regulations (LDRs) to allow a pool and accessory structure that will exceed the maximum 30% impervious surface ratio (ISR) allowed in the Rural Residential (R-1) zoning district. She said the ISR on the applicant's property is currently 35% and with the proposed improvements, it would be in excess of 40%. She explained that the residence is 1/3 of an acre, with a single-family residence, two paved driveways, a garage and an addition.

Ms. Cotch explained that the land use and property size are in conflict with the future land use, which will be addressed during the county-wide rezoning. She said the medium residential zoning would be more suitable, which allows an ISR of 35%. She said the LDRs have changed and this property is currently restricted to a 30% ISR.

Ms. Cotch said the intent of the Code is to limit the ISR in order to reduce flooding and to protect water quality. She said the applicant has not demonstrated how he could meet the intent of the Code, and the ISR on the property currently exceeds the allowable ISR. She said staff is recommending denial.

Mr. Kenneth McGrath addressed the Board, stating he believed several other variances have been allowed in his community related to the ISR. He said the pool would be utilized for a medical benefit, because this particular pool equipment would create a current for him to swim against.

Lloyd Atkins, Board Member, discussed the amount of the ISR created by the planned pool and the surrounding surfaces. Mr. McGrath said he is willing to remove one of the concrete driveways, and to have pervious pavers around the pool. He said he would do as much as possible to accommodate the pool while reducing the impervious surface. Vice-Chairman Hanson said if the ISR could be reduced to meet the allowable ISR, the need for a variance would cease to exist. Mr. Atkins noted this area was subject to significant standing water during rain events. He said removing some of the concrete might make the pool meet the LDRs. Mr. McGrath did not believe he could meet the 30% requirement. He agreed there was some standing water issues but didn't believe there was extreme flooding.

Vice-Chairman Hanson asked the applicant if the pool could be smaller, and asked Ms. Cotch if it was possible to reduce the ISR to a level allowed by the LDRs.

Ms. Cotch said this application could be postponed to address ways for Mr. McGrath to reduce the amount of ISR on his property. Mr. Atkins said the ISR needs to get as close to 30% as possible, because he has seen significant flooding in the past.

### **PUBLIC COMMENT**

Sharon Clower, neighbor, said she did not object to the pool. She agreed there has been some significant flooding in the past during rain events. She said her front yard and that of her neighbors has flooded in the past. She was concerned about retention of stormwater on Mr. McGrath's property.

Vance Jokim introduced himself as the author of the Fiscal Rangers blog. He said it was his observation that the owner did not seem to have much information regarding this process. He asked if the pool could be pervious because it can be drained. He thought that perhaps staff could provide information on alternatives.

Ms. Greiner said the variance application lists what is necessary, but if the owner has someone else make application on their behalf, as in this case, staff meets with the applicant instead of the owner. She stated that pools are an impervious surface, it does not matter if there is a drain. She also noted that staff notifies the applicant of the staff recommendation.

**MOTION by Craig Covington, SECONDED by Lloyd Atkins to postpone BOA #18-13-4 to the January 9, 2014 meeting with the stipulation that staff and the owner come back with alternatives to reduce the amount of the ISR.**

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

**ABSENT: Schreiner**

**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