

**MINUTES
BOARD OF ADJUSTMENTS
MARCH 3, 2008**

The Town of Dundee Board of Adjustments met on Monday, March 3, 2008 at 5:30 p.m. at the Town Hall, 105 Center Street, Dundee, Florida, with Chairman Jeff Riner presiding.

CALL TO ORDER:

Chairman Riner called the meeting to order at 6:32 p.m.

PLEDGE OF ALLEGIANCE:

Chairman Riner directed the Pledge of Allegiance.

ROLL CALL:

BOARD MEMBERS PRESENT:

Thomas Clifton
Willey Smedley
Audra Emerich
Jeff Riner, Chrmn

BOARD MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Planning Manager Marisa Barmby
Asst. Town Attorney Don Wilson
Asst. Town Manager/Clerk Joseph DeLegge
Asst. Town Clerk Kimberly Gay

AUDIENCE PRESENT:

Lisa Cantrill
Mark McDonald
John ?

Chairman Riner asked if the Town Council had appointed anyone to fill the vacancy on the Board of Adjustments.

Assistant Town Manager/Clerk DeLegge said that the Council had talked about it at their last meeting. They will be appointing someone soon.

TAB 1: APPROVAL OF OCTOBER 1, 2007 MEETING MINUTES

MOTION was made by Board Member Clifton, seconded by Board Member Emrich, to approve the minutes of October 1, 2007 as published.

AYE: Clifton, Smedley, Emrich, Riner
NAY: None

TAB 2: LISA CANTRILL'S VARIANCE REQUEST TO BUILD A 1,344 SQUARE FOOT HOME ON A NON-CONFORMING LOT

Planning Manager Barmby pointed out that the Board's packets were different this time because they are a quasi-judicial board, and Staff is trying to get them into the quasi-judicial mode. The Board will not have the whole report and recommendation from Town staff. They will make their decisions based on what they hear at the meetings. Staff would send them the application pack and they could ask questions of staff. She reminded them what a variance is. **"Any person, firm, or corporation owning property in the Town of Dundee may apply for a variance from specific provisions of the Code; except those related to permitted land uses, concurrency, and consistency with the Comprehensive Plan. Variances shall be granted only by the Board of Adjustment in a Public Hearing, which has been advertised in accordance with Section 8.06.00 of this Code. Variances granted by the Board shall be the minimum necessary to provide a reasonable use of the property and may be approved subject to time limits or any other conditions which the Board deems appropriate."** She pointed out the subject property to the Board. It is a corner lot and the angle is taken from 4th Street. There is an alley behind it. The first variance request is the most important. This is to build a home on a non-conforming lot of record. The other variance requests follow behind this one. The lot is 120 feet by 60 feet, which makes it a 7,500 square foot lot. It is zoned RSF-1, which requires 10,000 square feet of property, with a minimum of 80 feet wide. This property does not meet these requirements. The property was already platted when the Town zoned it. She gave the Board Members a handout that showed all of the properties in that area that are non-conforming lots. There are several of these throughout the Town. Their request for variance is to allow them the right to build on the non-conforming lot.

TAB 3: LISA CANTRILL'S VARIANCE REQUEST FOR A REDUCTION IN THE REAR YARD SET BACK REQUIREMENT

Planning Manager Barmby explained that the applicant needs a reduction in square footage in order to build a home. There was a house on the property until the owners tore it down approximately four months ago due to the fact that it was uninhabitable. The home that they want to put there is just slightly larger than the previous one. The setbacks for RSF-1 are 30 feet in the front, 35 feet in the rear, and 10 feet in the back. This property faces two streets. They need a variance of 18 feet to put the home where they are requesting it. The home could be pushed back more to create less of a variance, but staff thought it would be

better for the neighbors if it was put back where it was, rather than to encroach on the existing neighbors.

TAB 4: LISA CANTRELL'S VARIANCE REQUEST TO BE EXEMPTED FROM THE TWO-CAR GARAGE AND DRIVEWAY REQUIREMENT

Planning Manager Barmby stated that they want to reduce the square footage of the home. The requirement is 1,600 square feet in an RSF-1 zoning district. That size home will not fit on that lot. Their request is for a 1,344 square foot home. It is a modular home. They would like a reduction from a two-car garage to an 8-foot by 10-foot shed. They will put in a 16-foot gravel driveway. Accessory structures must be at least 5 feet from the home. There is no room for a two-car garage on that lot.

Lisa Cantrill came forward to answer any questions the Board may have.

Mark McDonald was the surveyor that prepared the plot plan for this property. The Cantrell's wanted to build on property that was formerly owned by their father. The property was signed over to Lisa Cantrell by her father before he passed away. He was asking for 7 feet, which was a mistake. They needed a front yard setback of 15 feet.

Planning Manager Barmby asked Mr. McDonald to point out the drain field and why it was located in that area.

Mr. McDonald stated that they had discussed rotating the drain field 90 degrees to make it lengthwise north to south. He felt that it would complicate the situation of having a gravity flow. If you turn the drain field there would need to be a second tank and it would have to be pumped from the holding tank to the septic tank to the drain field by electricity. The plot plan shows the simplest gravity flow design. It usually has no problems. This would also allow the homeowners to have a yard.

Board Member Emerich asked where the gravel driveway would be.

Mr. McDonald said that it would be at the southeast corner of the property.

Planning Manager Barmby stated that the area for the driveway was where the existing pull off area for the property is currently located.

Chairman Riner asked what the driveway requirements were.

Planning Manager Barmby stated that the Town requires driveways, but there is nothing in the Code to specify what the driveway is made of. The Town is discussing the requirement of aprons from the property lines to the street. That is not in the Code at this time.

Board Member Clifton thanked Town Staff for the best presentation they have ever had. It was very informative.

Chairman Riner opened the Public Hearing.

The general manager of Clayton Homes, the building company for the Cantrells. He informed the Board that his company would be doing the entire project. It will look good and fit the neighborhood.

John Penick stated that there are self-locking driveways that you can install yourself. You can take it with you when you move. He felt that if there was a house on that property that was torn down, the owners should be allowed to build another one.

Chairman Riner asked if the owners or developers had checked the cost of doing a concrete apron for the driveway. He would like them to put a concrete driveway apron in.

It would be \$1,300.00 or \$1,400.00. He said that it would be twenty feet wide off the asphalt by twelve feet into the property.

Board Member Clifton asked what Town Staff's recommendation was for the variance requests.

Planning Manager Barmby stated that the non-conforming lot should be approved. This was something that the Town did to the owners through the zoning process. She felt that the setback variance was appropriate to allow them to build a house that would not be extremely narrow. The reduction of the square footage from 1,600 to 1,344 square feet was more difficult because the RSF-3 zoning district goes down to 1,400 square feet. The structure that they are proposing is close enough to what the other structures are in that area to be compatible. Larger homes are going to come into that area, but they are not there yet. She thought that relaxing the requirement for a two-car garage on that property was appropriate because the lot would be overbuilt. She felt that approval of the eight foot by ten foot shed along with a sixteen foot wide driveway would be fair.

Board Member Clifton asked if this home would fit in with the neighborhood.

Planning Manager Barmby said that she thought it would be a nice blend with the rest of the neighborhood.

Board Member Emrich stated that she only saw three variance requests and the Planning Manager is referring to four variances.

Planning Manager Barmby stated that two variances were put on the same application. She explained.

Mark McDonald stated that he travels around Polk County a lot as a surveyor. What the Cantrells are going to do on their site is going to be an asset to the Town of Dundee. There will be landscaping, irrigation, a concrete apron, gravel driveway, and have been rid of a termite infested structure that would not have withstood any winds. The new structure has a 145 mile an hour wind code.

Chairman Riner asked where the shed was going to be located.

Planning Manager Barmby stated that the shed would have to be at least five feet in from the neighbor's property and at least five feet away from all other structures. They would also have to be one foot from the alley.

Attorney Wilson suggested that Chairman Riner close the Public Hearing if no one else had any comments. Then the Board could have discussion between themselves.

Chairman Riner closed the Public Hearing.

Motion was made by Board Member Clifton, seconded by Board Member Smedley, to approve **LISA CANTRILL'S VARIANCE REQUEST TO BUILD A 1,344 SQUARE FOOT HOME ON A NON-CONFORMING LOT; and VARIANCE REQUEST FOR A REDUCTION IN THE REAR YARD SET BACK REQUIREMENT; and VARIANCE REQUEST TO BE EXEMPTED FROM THE TWO-CAR GARAGE AND DRIVEWAY REQUIREMENT.** The six criteria requirements set forth in the application for each variance request have been considered by the Board, and it is their determination that those criteria have been satisfied.

AYE: Clifton, Smedley, Emrich, Riner
NAY: None

DELEGATIONS – QUESTIONS & COMMENTS FROM THE FLOOR

None

REPORTS FROM OFFICERS

- PLANNING DEPARTMENT COMMENTS
- TOWN ATTORNEY COMMENTS
- BOARD MEMBER COMMENTS
- CHAIRPERSON COMMENTS

There were no comments from any of the officers.

ADJOURNMENT

Chairman Riner adjourned the meeting at 7:10 p.m.

CHAIRMAN JEFF RINER

ATTEST:

ASSISTANT TOWN MANAGER/CLERK DELEGGE