

1 **MINUTES OF THE CITY OF LAKE MARY, FLORIDA, PLANNING AND ZONING**  
2 **BOARD MEETING HELD JUNE 22, 2010, 6:00 P.M., CITY HALL, 100 N. COUNTRY**  
3 **CLUB ROAD**

4  
5 **TAPE 1, SIDE A**

6 I. Call to Order

7 The meeting was called to order at 6:00 p.m.

8 II. Moment of Silence

9 III. Pledge of Allegiance

10 IV. Roll Call - Determination of a Quorum

11 The following members were present:

12 Dr. Robert Hawkins, Chairman  
13 Vice Chairman Colleen Taylor  
14 Member Sidney Miller  
15 Member J.B. Cartmill, II  
16 Member Mike Napier  
17 Alternate Joe Schofield

18  
19 City staff present were Juan (John) A. Omana, Jr., Community Development  
20 Director, and Steve Noto, Planner.

21  
22 Also present who spoke was Chris Mahnken.

23  
24 V. Approval of Planning and Zoning Board Minutes - June 8, 2010  
25 (Postponed)

26  
27 VI. Old Business

28  
29 None

30  
31 VII. New Business

32  
33 A. 2010-VA-02: Recommendation to the Mayor and City Commission for one  
34 variance from §160.07(B)(2)(b), Resource Protection Standards, City Code of  
35 Ordinances, to construct a swimming pool, screen enclosure and cabana  
36 structure, 127 Linda Lane, Lake Mary, Florida; Applicant: Tim & Amy Pennock

1 Steve Noto, Planner, presented Item A. and the related Staff Report. The Location  
2 Map attached to the Staff Report was on the overhead projector. He stated the  
3 location of the property (see above). He said that this request for a variance is a bit  
4 different than recent variance requests from Chapter 160 in that the house that  
5 currently exists on the subject property does not lie within the setback areas from  
6 either the 100-year flood line or the wetland flag line, however, there is a rather  
7 unique situation here (puts copy of Boundary Survey attached to the Staff Report  
8 on the overhead projector). He stated, the front setback number right there  
9 (indicating to overhead projector) reads approximately 79'. The house on the  
10 subject property is a part of Crystal Lake Heights subdivision, which was platted in  
11 1950, and the house was built in 1962. So, we have ended up with a rather  
12 interesting regulation sandwich, if you will. Of course, the zoning of the subject  
13 property does not require the setback to be 79'; however, that is how whoever built  
14 it in 1962 built it with the 79' setback. So, what that has left the current owner with  
15 is a very constricted area in the rear yard that would not require any variances, but,  
16 of course, the way pools are these days and typical backyard accessory structures,  
17 the sizes of such items may push into our required buffer and/or setback.

18  
19 Mr. Noto said, what we have this evening is the request to build a pool, a screen  
20 and cabana structure within a max area of 25' into the 75-foot setback. This is the  
21 max area here (indicating to colored aerial attached to the Staff Report on the  
22 overhead projector), and you can see, as you go north, it decreases within the  
23 setback area.

24  
25 Mr. Noto stated, this is unique because some houses may have been built with  
26 such a large setback, which in of its own, is not really unique; however, this is  
27 unique because they have the setback and they are constricted by the regulations  
28 from Chapter 160. Also, it is important to note that the house was not built by the  
29 current owner, which is one of the variance criteria outlined in the Staff Report.

30  
31 Mr. Noto said, we also treated this one as we would treat the remainder or any  
32 other 160-variance request we would get, in that the City Commission typically is in  
33 favor of or looks well upon requests for accessory structures in the backyard as  
34 long as the density of the property isn't being increased. So, of course, we took  
35 that into consideration here and, obviously, as you can tell, they are not requesting  
36 to do that.

37  
38 Mr. Noto concluded his presentation by saying that this request does meet all the  
39 relevant Findings of Fact as outlined in the Staff Report and staff does recommend  
40 approval of the variance request.

41  
42 Juan (John) A. Omana, Jr., Community Development Director, announced that this  
43 item is quasi-judicial in nature; that if any interested party wishes to be kept abreast

1 of this matter, they could see him and he would make that note since he was the  
2 Sign-In Sheet this evening.

3  
4 Member Napier asked, in looking at the aerial on the overhead projector, to the left  
5 bottom of the subject property, is that also a pool structure there?  
6

7 Mr. Noto answered, yes. I believe that property may have gone through a Chapter  
8 160 variance as well.  
9

10 Mr. Omana confirmed that.

11  
12 Chairman Hawkins requested the Applicant to come forward and address the  
13 Board.  
14

15 Chris Mahnken, Applicant Representative, 135 Linda Lane, Lake Mary, Florida  
16 32746, came forward and addressed the Board in favor of the requested variance.  
17 He stated that the property Member Napier was referring to is his personal  
18 residence and they did go through the 160-variance process for the pool; that a  
19 large portion of the home was remaining, and the setback for his pool was closer to  
20 the buffer than with Mr. Pennock's.  
21

22 Chairman Hawkins questioned Mr. Mahnken if he had anything further to add to Mr.  
23 Noto's presentation.  
24

25 Mr. Mahnken answered negatively.  
26

27 Chairman Hawkins opened the hearing to public comment. Hearing none, he  
28 closed that portion and entertained board discussion and/or a motion.  
29

30 **MOTION:**

31  
32 **Member Miller moved to recommend approval to the Mayor and City**  
33 **Commission the request by Tim & Amy Pennock for one variance from**  
34 **§160.07(B)(2)(b), Resource Protection Standards, City Code of Ordinances, to**  
35 **construct a swimming pool, screen enclosure and cabana structure, 127**  
36 **Linda Lane, Lake Mary, Florida, consistent with staff's seven Findings of Fact**  
37 **listed in the Staff Report. Member Cartmill seconded the motion.**  
38

39 Vice Chairman Taylor disclosed that Mr. Mahnken does have property that abuts  
40 her residence and his company has done some work for her but she didn't see  
41 any reason why that would preclude her from voting.  
42

43 Chairman Hawkins concurred.

1           **The motion carried unanimously 5-0.**

2  
3           Mr. Omana announced that this item will tentatively move forward to the City  
4           Commission's July 22, 2010, meeting; that staff will notify the Applicant of the  
5           exact date and time.

6  
7           VIII.   Community Development Director's Report

8           Juan (John) A. Omana, Jr., Community Development Director, announced that  
9           since the City Commission did not meet on June 17, 2010, he has no report this  
10          meeting.

11          IX.    Other Business

12           None

13          X.    Reports of Other Members

14           None

15          XI.   Adjournment

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17          The meeting was adjourned at 6:15 p.m.

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Dr. Robert Hawkins, Chairman	Diana T. Adams, Administrative Secretary