

1 **MINUTES OF THE CITY OF LAKE MARY, FLORIDA, BOARD OF ADJUSTMENT**  
2 **MEETING HELD NOVEMBER 18, 2009, 7:00 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 7:01 p.m.

8 II. Moment of Silence

9 III. Pledge of Allegiance

10 IV. Roll Call - Determination of a Quorum

11  
12 The following members were present:

13  
14 Chairman Jim Lormann  
15 Shawn O'Brien, Vice Chairman (7:04 p.m.)  
16 Member George Ludwig  
17 Member Steve Kuiper

18  
19 Member Meryem Stanek was absent.

20  
21 City staff present were Juan (John) A. Omana, Jr., Community Development  
22 Director; Gary Schindler, City Planner; and Diana T. Adams, Administrative  
23 Secretary.

24  
25 Also present was Scott Leduc.

26 V. Approval of Minutes - November 5, 2008

27 **MOTION:**

28 **Member Ludwig moved to approve the Minutes of the November 5, 2008,**  
29 **Board of Adjustment meeting, as presented. Member Kuiper seconded the**  
30 **motion. Member O'Brien and Member Stanek were absent. The motion**  
31 **carried unanimously 3-0.**

32 VI. Old Business

33 None

1 It is noted that Member O'Brien entered the meeting late here at 7:04 p.m.

2 VII. New Business

3 A. Election of Chairman and Vice Chairman to the Board of Adjustment for Year  
4 2009

5 **MOTION:**

6 **Member O'Brien moved to nominate/elect Jim Lormann as Chairman of the**  
7 **Board of Adjustment for Year 2009. Member Kuiper seconded the motion.**

8 **Chairman Lormann requested a roll-call vote on the motion, and was taken as**  
9 **follows:**

10 **Member Kuiper - Yes**  
11 **Member Ludwig - Yes**  
12 **Member O'Brien - Yes**  
13 **Chairman Lormann - Yes**

14 **Member Stanek was absent. The motion carried unanimously 4-0.**

15 Member O'Brien volunteered to be Vice Chairman of the Board of Adjustment for  
16 Year 2009.

17 **MOTION:**

18 **Chairman Lormann moved to elect Shawn O'Brien as Vice Chairman to the**  
19 **Board of Adjustment for Year 2009. Member Kuiper seconded the motion.**  
20 **Member Stanek was absent. The motion carried unanimously 4-0.**

21 B. 2009-VA-04: Request for a variance from § 154.14 and § 154.56, City of  
22 Lake Mary Code of Ordinances, minimum rear yard setback, to construct a  
23 new carport located at 585 Eagles Crossing Place, Lake Mary, Florida;  
24 Applicant: Scott Leduc  
25

26 Steve Noto, Planner, presented the request and the related Staff Report. The  
27 Location Map attached to the Staff Report was on the overhead projector. He  
28 said that this request involves a variance from § 154.14 and § 154.56 for a  
29 setback to build a carport within the 30-foot rear yard setback. He stated that the  
30 Applicant's property is located east of Longwood-Lake Mary Road and south of  
31 Humphrey Road at 585 Eagles Crossing Place. He said, the subject property is  
32 approximately 1.1 acres in size with a zoning of Rural Country Estates and a land

1 use of Low Density Residential. The proposed carport is roughly 30' x 37' in  
2 size.

3  
4 Mr. Noto put a colored aerial that is attached to the Staff Report on the overhead  
5 projector. He stated, as you can see on the overhead, the property is a flag lot.  
6 The house is aligned in an east/west fashion. Here is the front door here  
7 (indicating). This is used as the back yard area; however, as with all flag lots --  
8 here is the entrance of the property, so this area here where the red laser is  
9 (indicating) is considered the front yard. This area back here (indicating) is  
10 considered the back yard, and the area where the roadway is and the area with  
11 the pool and other sections (indicating) are the other side yard. He said, the  
12 important thing with flag lots is while they are unusual, they are not unheard of.

13  
14 Mr. Noto put a copy of a plot plan with O.R. Book 704, Page 520, at the top on  
15 the overhead projector. He stated, on the overhead now is the plan we received  
16 from the Applicant which shows the proposed carport within the -- this dark line  
17 here is the northernmost point of the 30-foot rear yard setback, so you can see  
18 the encroachment by the carport by 15 feet. He said, Section 154.09 addresses  
19 the setbacks for accessory structures; however, due to the overall size of the  
20 carport, the setbacks are deferred to the Zoning District, which is RCE, and there  
21 is a 30-foot rear yard setback as noted here (indicating) on the plan.

22  
23 Mr. Noto stated, the Applicant has provided a hardship letter as a part of your  
24 packet. While we have taken into account his letter, we have found that no  
25 hardship exists. He said, also, I would like to point out that we have been in  
26 touch with the Applicant throughout the process to go over some other  
27 alternatives, and if it comes to a certain point where we need to use those  
28 alternatives to avoid a variance, I think we can we work with the Applicant on  
29 that, but that all depends on the Board's action this evening.

30  
31 Mr. Noto proceeded to review the six variance criteria listed in the Staff Report in  
32 order to grant the proposed variance, all of which were answered no.

33  
34 Mr. Noto concluded his presentation by saying, as outlined in the Staff Report,  
35 we have not found that the Applicant has met all the requirements -- all of the  
36 criteria outlined by a variance and we recommend denial of the item.

37  
38 Gary Schindler, City Planner, requested Mr. Noto give the Board a synopsis of  
39 the recent code revisions regarding accessory uses.

40  
41 Mr. Noto complied, saying, last summer of 2008, we did a code change which  
42 broke up accessory structures and their setbacks in terms of size of accessory  
43 structure. For example, if you have an accessory structure that is 120 square

1 feet and smaller, you can go as close as three feet to the rear yard setback. For  
2 accessory structures 121 to 200 square feet in size, you can be as close as 10  
3 feet to the rear property line, and then, of course, accessory structures that are  
4 200 square feet or greater, they have to adhere to the setback requirements of  
5 the Zoning District. So, due to the overall size of this accessory structure, it is  
6 required to meet the zoning code setback.  
7

8 Chairman Lormann asked if staff has received any opposition to this proposed  
9 structure and if the subject property was posted.  
10

11 Mr. Noto answered, yes, it was posted, and I believe the Applicant also has a  
12 letter from his neighbor to the south, just here (indicating). She stated that she  
13 was not opposed to it.  
14

15 Vice Chairman O'Brien questioned if the proposed structure was going to be  
16 detached.  
17

18 Mr. Noto responded, yes, there is an eight-foot gap here (indicating) between the  
19 edge of the house and the beginning of the carport right here (indicating).  
20

21 Vice Chairman O'Brien asked, and if it connected through some either – almost  
22 decorative-type of apparatus, it would be appurtenant to the main residence,  
23 therefore, not an accessory structure – wouldn't be here; right?  
24

25 Mr. Noto replied, right. There are two items that – based on what you just said  
26 that came up during the discussions (puts colored picture of the Applicant's  
27 house on the overhead).  
28

29 Mr. Schindler interjects, Mr. O'Brien, if it were attached, we would still be here  
30 because there is a 30-foot rear yard setback.  
31

32 Mr. Noto continued by saying, right. Yes. That is what I was going to get to, is  
33 that just due to the overall size of the structure, even if it were attached, it is only  
34 eight foot, it still would encroach within the 30-foot setback by about seven feet.  
35

36 Vice Chairman O'Brien questioned, how far apart is the proposed structure from  
37 the main residence?  
38

39 Mr. Noto answered, roughly, eight feet. And, that is a combination of building  
40 code regulation as well as a bit of the Applicant's preference. And, the reason it  
41 is a building code is, as you can see, the slope of the roof right now goes in more  
42 of an east/west type of a built area. The proposed carport would be more like the

1 roof slope that is in front of the house going north/south. So, because of the roof  
2 pitches, there had to be a separation from the eaves of the overhang.

3  
4 Vice Chairman O'Brien asked, what were some of the proposed alternative  
5 solutions?

6  
7 Mr. Noto responded, one alternative that we came up with just this afternoon was  
8 for two different carports. Essentially, going back to the Code requirements for  
9 accessory structures, again, the setbacks depend on the size and vice-versa. If  
10 the Applicant were to do one larger carport to accommodate two of the vehicles,  
11 he could have it outside of the 30-foot setback (puts plot plan diagram back on  
12 the overhead). He could essentially build one carport in this general outline here  
13 (indicating) where the laser is on the overhead, and then a recommendation we  
14 came up with – and this is falling back to the setback requirements – he could  
15 have a second, smaller carport here (indicating) within the 30-foot rear yard  
16 setback because of its size. This is a – we drew it out as a 200 square-foot  
17 structure, therefore, it could be within 10 feet of the rear property line. I will say  
18 that, based on conversations with the Applicant, he would prefer the option that  
19 we are here for tonight; however, this could be gone after if need be.

20  
21 Vice Chairman O'Brien questioned, so, it is not a proposal for a fully-enclosed  
22 air-conditioned type garage? We are just talking a straight carport?

23  
24 Mr. Noto replied, correct.

25  
26 Chairman Lormann asked if the dark lines right at the property line were just  
27 pavement.

28  
29 Mr. Noto confirmed that.

30  
31 Scott Leduc, from his seat in the audience, added, that was there when we  
32 moved there.

33  
34 Chairman Lormann requested the Applicant to come forward and address the  
35 Board.

36  
37 Scott Leduc, 585 Eagles Crossing Place, Lake Mary, Florida 32746, came  
38 forward in favor of the proposed variance. He stated that he has resided at the  
39 subject property for the last 11 years; that the house was built in 1969 and was  
40 the very first home that was built in this neighborhood. He said that when his  
41 house was built, there was nothing around it, no Eagles Creek, no Eagles  
42 Crossing, and was built in the orientation that the Board sees. He stated that the  
43 concrete that is below the house on the southern part of the home was all there,

1 original poured, so it was all part of the structure and its extensions when they  
2 moved there. He said, the circular drive I have since added. Everything from the  
3 circular drive up to the road is, in fact, dirt today. He stated that what he is trying  
4 to do is find an appealing to the eye way of putting a three-car garage on his  
5 property so three of his large five cars will be under roof out of the weather.  
6

7 Chairman Lormann interjected pointing out to Mr. Leduc that he said garage.  
8

9 Mr. Leduc said that he should have used the term carport, but that he uses them  
10 interchangeably; that he meant open sides. He stated that this will not be a  
11 closed garage, it will be an open carport. He said that he would like to come  
12 down the drive and drive straight into the proposed structure since it is already  
13 concrete and already laid out. He stated that all he would have to do is minor  
14 construction to be able to build the proposed structure, and it would be appealing  
15 in that it would match the big gable end of the front porch. He expressed that he  
16 hesitated on connecting it to the house because he would need to run it in the  
17 same orientation as the roof on the house and that would give him a 100-foot-  
18 long house that he thought would look pretty odd. He said that he is requesting  
19 to go beyond the setback a bit just so he can get that third car in. He explained  
20 different scenarios to put the carport that would not work for him as well as the  
21 one currently before the Board. He informed the Board that he wants it to not  
22 take up his front yard because his kids play there, that he has a large oak tree  
23 that is about 75-feet tall that he does not want to get rid of, and he wants to put  
24 the carport near the area that is currently used for parking vehicles and makes  
25 the most sense for access to the home, especially for his daughter-in-law that  
26 has terminal cancer and is wheelchair restricted. He stated that staff did inform  
27 him of a second option just prior to the meeting that is doable but, in his opinion,  
28 not as appealing and more expensive to build.  
29

30 Chairman Lormann requested Mr. Leduc state the hardship or hardships that this  
31 request is based upon.  
32

33 Mr. Leduc answered saying that he is trying to use the land as it is already used,  
34 as a parking area, that he doesn't want to take down the oak tree, he doesn't  
35 want to have to use up his front yard because that is where his kids play and the  
36 handicap issue. He added that the lot line between him and his neighbor who  
37 would be able to see this is heavily treed and she has no objection to the  
38 variance, in fact, thinks it would be a good idea.  
39

40 Member Kuiper suggested turning the proposed carport 90 degrees.  
41

42 Mr. Leduc stated that that would not work either.  
43

1 Chairman Lormann questioned if the alternate plan would accommodate parking  
2 of three vehicles.

3  
4 Mr. Noto responded, yes, the width of the carport closest to the house is roughly  
5 25 feet, and then the width as drawn out here is 10 feet.

6  
7 Mr. Leduc asked if that would require a variance.

8  
9 Mr. Noto answered negatively.

10  
11 Chairman Lormann opened the hearing to public comment. Hearing none, he  
12 closed that portion and entertained board discussion and/or a motion.

13  
14 It is noted that a Quasi-Judicial Sign-In Sheet was at the back of the chambers  
15 for any interested party to sign in order to be kept abreast of this matter (see  
16 attached).

17 **MOTION:**

18  
19 **Vice Chairman O'Brien moved to deny the request by Scott Leduc for a**  
20 **variance from § 154.14 and § 154.56, City of Lake Mary Code of Ordinances,**  
21 **minimum rear yard setback, to construct a new carport located at 585**  
22 **Eagles Crossing Place, Lake Mary, Florida, consistent with staff's seven**  
23 **Findings of Fact listed in the Staff Report. Member Ludwig seconded the**  
24 **motion.**

25  
26 **Chairman Lormann requested a roll-call vote on the motion, and was taken as**  
27 **follows:**

28  
29 **Member Kuiper - Yes**

30 **Member Ludwig - Yes**

31 **Vice Chairman O'Brien - Yes**

32 **Chairman Lormann - Yes**

33  
34 **Member Stanek was absent. The motion carried unanimously 4-0.**

35  
36 Chairman Lormann explained the appeal process to Mr. Leduc.

37  
38 VIII. Other Business

39 None

40 IX. Reports of Other Members

1 None

2 X. Adjournment

3 The meeting was adjourned at 7:37 p.m.

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Jim Lormann, Chairman

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Diana T. Adams, Administrative  
Secretary