

BOARD OF ADJUSTMENT MINUTES
TOWN OF OCEAN VIEW
October 17, 2019

1. Board of Adjustment Chair Susan Kerwin called the meeting to order at 7:00 pm with the Pledge of Allegiance. In attendance were Board Members Gene Brendel, Greg Neuner and John Reddington. Planning & Zoning Director Ken Cimino, Town Solicitor Dennis Schrader, and Town Clerk Donna Schwartz. The meeting was held in the Ocean View Town Hall, 32 West Avenue. Don Walsh was not present.

2. **APPROVAL OF THE AGENDA**

A motion was made by Mr. Brendel, seconded by Mr. Reddington, to approve the agenda as presented. The motion carried unanimously 4/0.

3. **APPROVAL OF THE MINUTES**

A motion was made by Mr. Brendel, seconded by Mr. Neuner, to approve the minutes for the September 19, 2019 meeting. The motion carried unanimously 4/0.

4. **NEW BUSINESS**

A. V-395 3 Avon Park Blvd (PIDN:400.141/CTM#134-12.00-2538.00)

Application V-395, submitted by the property owners, Ira and Cheryl Naiman. Article VII, §140-50-B sets some dimensional regulations for Planned Communities, allows Town Council to set other dimensional regulations, and indicates that dimensional regulations not defined will comply with those set forth in R-3 zoning requirements. The required rear yard setback for principal structures is 10feet in the Avon Park Residential Planned Community (RPC). Article V, §140-32 of the Town Code states that accessory structures attached to the principal structure have the same setback from the rear lot line as the principal structure.

This application seeks to allow the applicant to maintain a portion of the existing dwelling unit (sunroom addition) and attached accessory structure (screened porch) both of which encroach into the required rear yard setback on property zoned RPC.

Mr. Schrader swore-in Donna Schwartz and Ken Cimino. Ms. Schwartz confirmed that the application was advertised and posted. Mr. Cimino read his overview to the Board saying the applicant is requesting a variance from Article V, §140-32 of the Land Use and Development Chapter of the Town Code.

This residence was recently purchased by the applicant with the existing sunroom and screened porch. The sunroom was previously permitted on March 3, 2007 (permit #8407) and did receive a Certificate of Zoning Compliance issued by this office on November 12, 2007. The screened porch was previously permitted on April 23, 2015 (permit #15-085) and received a Certificate of Zoning Compliance issued by this office on October 6, 2015.

Although the existing screened porch and sunroom encroach into the required rear yard setback by approximately 1.6 feet, it is the recommendation of the Department of Planning and Zoning that this application be approved.

Mr. Neuner asked the Naiman's why they wanted the variance. Mr. Naiman said he realized that this is just a formality, they don't want any problems in the future should they decide to sell.

Mr. Schrader questioned Mr. Naiman by asking how much the dwelling encroached into the setback. Mr. Naiman replied about a foot and a half. He said it is not encroaching on anyone as there is a tax ditch and trees behind the house.

Mr. Schrader asked if this is the minimum variance they could request. Mr. Naiman replied yes.

No public comments.

A motion was made by Mr. Neuner, seconded by Mr. Brendel, to approve the variance request. The motion carried unanimously 4/0.

5. **ADJOURNMENT**

A motion was made by Mr. Neuner, seconded by Mr. Reddington, to adjourn the meeting at 7:16pm. The motion carried unanimously 4/0.

Respectfully submitted,
Donna M. Schwartz, CMC