

MINUTES

Thursday, April 18, 2019
Board of Zoning Appeals Meeting
Council Chambers-Glennon Center Lower Level
7:00 p.m.

<p>1. Call to Order</p>	<p>Lisa Marie Johnson, Chair, called the meeting to order.</p> <p>Present: Lisa Marie Johnson, Tony Stone, Jim Aranyi, Walt Krasinski, Nicole Leodis, Mike Tullos, Amy Jo Denton and Susan Britt (staff)</p> <p>Absent: None</p>
<p>2. Approval of Minutes a. March 21, 2019</p>	<p><u>MOTION</u> Tony Stone motioned to approve the minutes as presented.</p> <p>Jim Aranyi seconded.</p> <p>VOTE: Ayes, Unanimous</p>
<p>3. Review the Following Statement to be Heard: Case No. 03-19: Request for Variance to Municipal Code of Ordinances, Chapter 10, Article II (Residential Waterfront Construction), Division 1- “Buildable Area” and Division 4 - “Nonconforming Lots and Structures” for maintenance and reconstruction of an existing grandfathered dock and the addition of a boat lift located at 10015 Bora Bora Drive. The original dock was permitted in the current location in 1988 prior to adoption of the Residential Waterfront Construction Ordinance.</p> <p>a. Presentation of the Staff Findings of Fact</p>	<p>Chairman Johnson briefed the public on the procedures for the public hearing before the Board of Zoning Appeals.</p> <p>Ms. Johnson then outlined the particulars of the case to be heard.</p> <p>Susan Britt presented the Staff Findings of Fact (attached to the official record).</p> <p>She also noted for the record that 15 property owners had been identified within 200’ of the subject property and notices were sent by certified mail. Of those, 8 neighbors had responded without objection to the requested variance. Ms. Britt noted that these responses would be entered into the official record.</p> <p>Ms. Britt also informed the board that she had communicated with Kermit Taylor of Duke Lake Management Services and he had no issues should the variance request be granted.</p> <p>Also, for the record, Ms. Britt noted that the adjacent property owner of 10016 Bora Bora, Chris Leonard, had provided a letter approving the encroachment across his projected property lot lines for the installation of the boat lift. Ms. Johnson asked if this approval would</p>

	<p>continue if the owner of 10016 Bora Bora sold the property? Ms. Britt stated that if the variance were granted and according to Duke Lake Management Guidelines, the approval went with the property and not the specific owner.</p> <p>Ms. Johnson asked if the board had questions for staff.</p> <p>Ms. Denton asked for clarification that if the next owner of 10016 had some objection could the approval be rescinded? Ms. Britt stated that once the approval was granted it was a part of the permanent property record.</p> <p>Mr. Stone had a question concerning the distance between the docks at 10015 and 10016. The exhibit provided showed 64'. Was this the actual distance between the existing docks today and if a lift were added to 10015, how much would the distance be reduced? Ms. Britt stated that the exhibit showed the distance as it is currently existing. Should the lift be approved, the distance would be reduced to approximately 55'. The required distance is 25 feet.</p>
<p>4. Administer the Oath and Receive Testimony in the Above Case</p>	<p>Chairman Johnson administered the Oath to all parties that wished to present testimony on the case in question.</p> <p>The appellant, Jaime Monsalve, presented the case for appeal. His hardship as presented is that special conditions and circumstances exist pertaining to this particular property which require the granting of a variance in order to enable the applicant to build a pier or dock to service a waterfront lot.</p> <p>The dock was approved in 1988 in its current location and configuration. This was prior to the adoption of the Residential Waterfront Construction Ordinance in 1991. Therefore, the dock construction is grandfathered to the Duke approval in 1988.</p> <p>Mr. Monsalve requested a variance to remove the existing badly deteriorated dock and replace it with a new fixed dock and boat lift. Removal of the grandfathered dock requires that it be replaced in conformance with the current Residential Waterfront Construction regulations or as close to conformity as determined by the Board. However, the Buildable Area for this lot overlaps the Buildable Area for the existing docks across the cove. Given this intrusion, placing the dock within the Buildable Area would result in an impediment to the neighboring docks. Therefore, he is requested to rebuild the stationary dock in its current</p>

	<p>location. The lift would be added to the right side of the rebuilt dock adjacent to 10016 Bora Bora.</p> <p>Mr. Monsalve then showed additional photos to the board (other than those already in the agenda packet) that demonstrated the deteriorated condition of the dock pilings. Ms. Johnson asked Mr. Monsalve if the condition of the pilings prevented anyone from walking on the dock. Mr. Monsalve stated that he could still walk on the pier but that it worried him as the pilings below the water line were so damaged.</p> <p>Ms. Johnson asked if the board had questions for appellant.</p> <p>Mr. Aranyi asked if Mr. Monsalve planned to add a floating dock adjacent to the fixed dock. Mr. Monsalve stated that he would not add anything additional other than the lift. He could not change the existing footprint or expand the nonconformity as is determined by the current Ordinance.</p> <p>There were no additional questions by the board.</p> <p>Speaking on behalf of the Appellant: None</p> <p>Speaking on behalf of the Objectors: None</p> <p>Comments by Others Present: None</p>
<p>5. Motion on Appeal, Discussion and Action by the Board</p>	<p><u>MOTION</u> Tony Stone motioned to approve the variance for reconstruction of the existing dock and the addition of the 4-pole boat lift on the right side with the condition that the reconstruction be limited to the current footprint except for the addition of the lift.</p> <p>Jim Aranyi seconded.</p> <p>DISCUSSION: There was no further discussion by the board.</p> <p>VOTES: AYES Unanimous on all five required findings</p>
<p>6. Adjournment</p>	<p><u>MOTION</u> Jim Aranyi motioned to adjourn.</p> <p>Amy Jo Denton seconded.</p> <p>VOTES: AYES Unanimous</p>