

**MINUTES
TOWN OF MONTVERDE
PLANNING AND ZONING BOARD**

March 2, 2016

The Planning and Zoning Board of Montverde met on March 2, 2016 at 6:30 p.m. in special session in the Town Hall Mayor's Office.

The recommendations of the Planning and Zoning Board will be submitted to the Town Council at a Council meeting to be held on Tuesday, March 8, 2016 at 7:00 p.m. in the Town Hall Auditorium.

Board Members Present:

Glen Brecheen
Skip Perry
Allan Hartle
Sandy Baker

Staff Present:

Graham Wells, Town Clerk,
Sean Parks, Town Planner

Glen Brecheen called the meeting to order at 6:40 p.m., and then led the Pledge of Allegiance.

ROLL CALL:

Following the roll call by Graham Wells, Town Clerk; a quorum was announced.

ELECTION OF CHAIRMAN

Graham Wells said that The Chairman for 2016 needed to be elected.

MOTION by Skip Perry SECONDED by Allen Hartle, to nominate Glen Brecheen to serve as Chairman of the Planning and Zoning Board for 2016.

FOR: Brecheen, Hartle, Perry, Baker

AGAINST: None

MOTION CARRIED: 4-0

MINUTES:

Minutes for the Planning and Zoning meeting held on January 25, 2015 were unanimously approved with one typo amendment on page 4.

MINUTE APPROVAL:

MOTION by Sandy Baker SECONDED by Skip Perry, to approve Planning and Zoning Board Minutes for January 25, 2016.

FOR: Brecheen, Hartle, Perry, Baker

AGAINST: None

MOTION CARRIED: 4-0

Chairman *Glen Brecheen* handed the meeting over to *Sean Parks*. He outlined the one item on the agenda; Ordinance 2016-07 which amended the rear setback from 25 feet to 15 feet in specific zoning districts; Agricultural, R1-L Single-family low density, R1-M Single-family medium density, RA/MH Single-family residential affordable/manufactured housing, R2 Duplex district and R3 Multi-family district. There was also a correction for scrivener's error in Chapter 10.

PUBLIC HEARINGS:

Ordinance 2016-07 amending the rear yard minimum building setback from 25 feet to 15 feet in certain zoning districts; correcting scrivener's errors in Section 10-56 of the Land Development Code.

Glen Brecheen asked why this was being brought up. *Graham Wells* said that it was at the request of Council. When Ordinance 2016-03 was passed it allowed the rear yard setbacks for screened enclosures to be changed from 25 feet to 7.5 feet in line with a screened enclosure around a swimming pool. The question was raised by Council that if a roof was wanted over the screened enclosure then it reverted back to the 25 feet. The suggestion was made to amend all rear yard setbacks to 15 feet. As this was a change to several parts of the code which had to go through Planning and Zoning, it was decided at that time to pass 2016-03 as written and to create a new ordinance. This was the ordinance before them.

Glen Brecheen said that he was opposed to the change as it would affect the entire nature of the Town. *Sandy Baker* agreed and said that she was very much against it. *Glen Brecheen* said that there was a difference between Clermont as their houses were on top of each other whereas Montverde had nice yards that were separated from each other. This was the character of Montverde. He went on to say that there was plenty of room to build a screened enclosure with a roof in the Agricultural and R1-L districts. In principal he did not have a problem with the smaller lots such as R1-M and the affordable housing districts as they had less space to build. It was better to deal with the problem on a one by one basis than to affect the whole town.

Sandy Baker completely agreed and wanted to hear why it was being brought up in this way. She went on to say that she was not personally affected by this but you could be faced with a two story building just 15 feet from your rear fence. *Glen Brecheen* said that it could pose a safety issue with radiant heat from a fire at a neighbor's house which could only be 30 feet apart. *Skip Perry* agreed saying that it was just adding to the risk. *Sean Parks* said that it had been left out of the Residential Rural district where the lots were a minimum of one acre.

Glen Brecheen said that any new subdivisions would be required to have half acre lots which with 100 feet width would be 215 feet deep. Why would they need to have a 15 feet setback when they have plenty of room? *Sean Parks* said that the intent was to prevent an owner having to come for a variance to put a roofed enclosure over a patio or build a Florida room if they did not have 25 feet at the rear. *Glen Brecheen* stressed that a variance should only be used where there is a hardship. He asked what the position would be to build a gazebo. *Sean Parks* replied that it would have to meet the 25 feet setback.

Sean Parks said that the rear setback in Clermont was 25 feet, Minneola was 20 feet and Winter Garden was 15 feet to 25 feet depending on the zoning district. *Glen Brecheen* responded that Winter Garden had a lot of town homes. He reiterated that he didn't have a problem with 15 feet in the medium density districts.

Sean Parks went over which zoning district were proposed to be changed to 15 feet and said that the Office/Residential/Commercial district (ORC) was not included and that C1 and C2 were not affected. He asked if the Board wanted it in R1-L. *Glen Brecheen* said that Agricultural should be taken out along with R1-L which was designated for new subdivisions. Everything else could stay the same.

Sandy Baker asked where all the medium density districts were in the town. *Glen Brecheen* said that these were mainly in the old part of town, likely anything that was platted before 1993 which was when the ordinance came in for new subdivisions. Most of these lots were already developed. *Graham Wells* said that even though they were developed, they could still add more onto the rear of the property. *Sandy Baker* said that she was not thinking about new construction but that existing houses on a small lot could see a neighbor put up an extension just 15 feet from their property line which could be two story. It would make it very crowded which she would not like.

Sean Parks pulled up the GIS map on the Mayor's computer and pointed out where the R1-L and R1-M districts were located. *Sandy Baker* suggested that each case should be looked at separately. *Glen Brecheen* said that the variance process was not the way to deal with this as it was primarily intended for hardship and that lack of space to build was not a hardship.

Graham Wells said that affecting the whole town did seem like using a sledgehammer to crack a nut particularly as it was brought about solely because one owner wanted to put a roof over a screened enclosure. He asked if we could go back to the 7.5 feet screen enclosure setback and if a roof is added then it becomes a 15 feet setback which would only affect that one property. *Sandy Baker* said that she could live with that. *Sean Parks* said that you could make a screened enclosure with a roof allowable with a 15 feet setback only in the four zoning districts that was discussed earlier. The consensus with the members was that this would be a good way to go.

Glen Brecheen said that we would need to delineate the difference between a screened enclosure with a roof and a Florida room. *Sean Parks* cited the property on Neal Drive which brought this about. The owner has a 10 feet patio extending from the back of the house which he wanted to put a screened enclosure around. This is allowable with the new 7.5 feet setback for screened enclosures, however if a roof is added then the setback would become 15 feet. Wording would need to be added to prevent it from being enclosed with anything other than screening which would include walls or windows plus that it could not be used for living quarters.

Glen Brecheen said that the rules did not say that it had to be attached to the house. What if it was a free standing gazebo. *Graham Wells* said that a gazebo was classified as an accessory building and therefore restricted to 25 feet. *Sandy Baker* said that it needs to be attached to the house. *Allen Hartle* brought up that a roof needed other things like strapping or ties to hold it on. *Sean Parks* said that this would be part of the permitting process from the County which would also require a zoning clearance from the Town.

Sandy Baker suggested that ordinance 2016-07 is passed with these changes. *Sean Parks* checked that *Glen Brecheen* was ok for it to be included in all district except RR and R1-L and included for residential within ORC. *Glen Brecheen* said he was good with that provided it was in specific zoning districts and not carte blanche throughout the town. He added that he would prefer agricultural to be excluded also.

Sean Parks summarized what the changes would be and asked for a motion to pass Ordinance 2016-07 adding the new language. *Glen Brecheen* asked him to give the exact wording to get everything that had been discussed and agreed upon into the motion, which he did. This included the correction to the Ordinance title, an amendment to Section 2, the removal of the agricultural zoning district and the amendment to Chapter 10 defining what a roofed screened enclosure was. *Graham Wells* suggested that the wording 'attached to the dwelling structure' should be used which would also cover mother-in-law suites.

Discussion took place as to someone wanting a roof over a patio but not wanting it screened. *Skip Perry* said that it should be required to be screened if it was to benefit from the 15 feet setback. A roof alone (lean-to) would be 25 feet to prevent it being enclosed at a later date. Roofed and screened would be 15 feet. Also a lean-to would be open and could be used to keep a bunch of junk out of the rain. If this is 15 feet from the property line it would be a potential eyesore to neighbors.

Sean Parks said that he would be putting in design standards and to meet the exemption it would have to be screened. *Glen Brecheen* said that it was the screened frame that would hold the roof up. The issue of the metal kick plate was discussed and it was agreed that the same wording for the screened enclosure would be used, as was the wording for it being allowed for residential properties within the ORC district.

Sean Parks once again summarized the changes and amendments and *Skip Perry* made a motion to accept Ordinance 2016-07 as amended.

MOTION by Skip Perry, SECONDED by Allen Hartle, to recommend to Council to approve the Ordinance 2016-07 with the recommended changes.

Glen Brecheen asked for a roll call vote.

FOR: Brecheen, Hartle, Perry, Baker

AGAINST: None

MOTION CARRIED: 4-0

Being no further business a motion to adjourn was requested at 8:32 pm.

ADJOURNMENT:

MOTION by Sandy Baker, SECONDED by Skip Perry to adjourn.

FOR: Brecheen, Hartle, Perry, Baker

AGAINST: None

MOTION CARRIED: 4-0

Respectfully submitted,



Graham Wells, Town Clerk



Glen Brecheen, Chairman

