

**MINUTES  
TOWN OF LAKE CLARKE SHORES  
ZONING BOARD OF ADJUSTMENT MEETING  
JANUARY 18, 2023  
6:30 P.M.**

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**1. Call to Order**

The meeting was called to order at 6:36 pm.

**2. Roll Call**

The following members and officials were present:

Brenda Hockman, Board Member; Ivan Gomez, Board Member; Steven Quattrocchi, Board Member; William Doney, Board Attorney; Laura Vega, Recording Clerk; Mary Pinkerman, Town Clerk; Manny Palacios, Zoning Official

The following members were absent:

Jonathan Maples, Chair; Richard Hernandez, Board Member

Mr. Doney noted that since there are only three board members present, all three board members must vote unanimously for motions to be approved.

**3. Pledge of Allegiance**

Ms. Hockman led the Pledge of allegiance.

**4. Approval of Agenda**

**Motion made by Mr. Quattrocchi to approve the agenda, seconded by Mr. Gomez; Motion approved (3-0).**

**5. Approval of Minutes**

A. Approval of the Minutes of the November 15, 2022 Zoning Board of Adjustment Meeting

**Motion made by Mr. Quattrocchi to approve the November 15, 2022 Minutes, seconded by Mr. Quattrocchi; Motion approved (3-0).**

**6. Swearing in of Witnesses by Attorney**

Mr. Doney swore in the witnesses.

## 7. Disclosure of Site Visit

Mr. Quattrocchi and Mr. Gomez looked at both properties on Google Earth.

## 8. Application

### 1. ZBA 2023-01

Tom & Elizabeth Spencer  
8170 West Lake Drive  
Lake Clarke Shores, FL 33406

The Applicants are requesting an 11'7" rear variance from the water's edge to enclose an existing pool with a screened enclosure, with relief from the 25' setback as required in Sec. 125.477 (a) of the Town Code of Ordinances.

### A. Correspondence/Audience comments for or against application 2023-01:

1. Audience Questions/Comments – None.
2. Emailed Questions/Comments - None.
3. Written Questions/Comments - None

### B. Summary of application 2023-01:

The Applicants are requesting a variance to enclose an existing pool with a screened enclosure that will be 13'3" from the rear setback line, with relief from the 25' rear setback as required in Sec. 125.477 (a) of the Town Code of Ordinances.

### C. Board discussion 2023-01:

The Board discussed the reason noted as the hardship. They suggested that the hardship brought before the Town Council should be due to the location of the existing pool when the property was purchased in 1992 instead of the health issues that prevent Mr. Spenser from using the pool without a screened enclosure. Mr. & Mrs. Spencer agreed.

There was also discussion regarding the distance of the enclosure from the rear property line, which is also the water's edge of Lake Clarke. Clarification was made to note that the screened enclosure would be located 13'3" from the rear property line, so the owners are requesting a variance of 11'7".

### D. Board decision 2023-01:

**Motion made by Mr. Gomez to recommend that the Town Council approve the 11'7" variance to enclose the existing pool with a screened enclosure that will be 13'3" from the rear setback line, as requested by the applicants; seconded by Mr. Quattrocchi; Motion carried (3-0).**

## **2. ZBA 2023-02**

Juan & Lily Carcheri  
6760 Escondida Drive  
Lake Clarke Shores, FL 33406

The Applicants are requesting a 7.5' rear variance to build a pool on the rear utility/maintenance easement line with relief from the 7.5' setback as required in Section 125-891 (3) of the Town Code of Ordinances.

The Applicants are also requesting a special exception to allow the pool to be placed in the side yard, as required in Section 125-292 (6) of the Town Code of Ordinances.

Mr. Carcheri stated that they were not aware of the setbacks when they purchased their home. He noted they have a large fenced in backyard that includes a 15' utility / maintenance easement and a 25' drainage easement, so they thought that they would not have a problem putting a pool in the rear yard. He noted that the pool as shown on the site plan was designed for the safety of their children and for the enjoyment for the family.

### **A. Correspondence/Audience comments for or against application 2023-02:**

1. Audience Questions/Comments – None.
2. Emailed Questions/Comments - None.
3. Written Questions/Comments - None

### **B. Summary of application 2023-02:**

The Applicants are requesting a 7.5' rear variance to build a pool having the water's edge of the pool on the rear utility/maintenance easement line with relief from the 7.5' setback as required in Section 125-891 (3) of the Town Code of Ordinances, The Applicants are also requesting a special exception to allow the pool to be placed in the side yard.

### **C. Board discussion 2023-02:**

The Board discussed the hardship for building the pool on the utility/maintenance easement line, the size of the pool, the lack of any decking along the rear of the pool and. the affect the pool may have to the easement if the water's edge is along the easement line.

The Board asked the applicants if they would consider amending the application to place the water's edge of the pool 2 feet away from the utility/maintenance easement line instead of having it on the easement line. The applicants agreed to this request.

They also discussed the requirement for the special exception and voted on this request first.

**D. Board decision 2023-02:**

**Motion made by Mr. Quattrocchi to recommend that the Town Council approve the special exception to allow the pool to be in the side yard, seconded by Mr. Gomez; Motion approved (3-0).**

**Motion made by Mr. Gomez to recommend that the Town Council approve the variance with the water's edge of the pool 2' from the utility/maintenance easement line, seconded by Mr. Quattrocchi; Motion failed (2-1) with Ms. Hockman opposed.**

**9. Other Matters to Be Heard**

It was noted that the requests for the variances and the special exception will be heard by Town Council during the February 7, 2023 Town Council Meeting.

**10. Date for Next Meeting**

To be determined

**11. Adjournment**

**Motion made by Mr. Quattrocchi to adjourn the meeting at 8:00 PM, seconded by Mr. Gomez; Motion approved (3-0).**

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Ivan Gomez, Broad Member

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Laura Vega, Recording Clerk