# Minutes for the Seminole County Board of Adjustment July 26, 2004 6:00 P.M.

**Members Present:** Mike Hattaway, Chairman, Lila Buchanan, Alan Rozon, Dan Bushrui and Mike Bass

**Staff Present:** Earnest McDonald, Principal Coordinator; Matt West, Planning Manager; Kathy Fall, Senior Planner; Francisco Torregrosa, Planner; Arnold Schneider, County Attorney; Patty Johnson, Sr. Staff Assistant

Mike Hattaway, Chairman, called the meeting to order at 6:00 P.M. Mr. Hattaway then explained the method by which the meeting would be conducted, rules for the voting and appealing decisions.

The Chairman stated that there was a change in Item 8 request, (1) minimum lot width at the building line variance from 75 feet to 67.92 had been withdrawn.

The Chairman also stated that Items 9, 11, and 20 had been withdrawn.

The Chairman also stated that Items 17, 18, and 22 had been requested for continuance to the August 23, 2004 meeting.

The Chairman also stated that Items 3 and 4 were requested to be moved from the Consent Agenda to Public Hearing Agenda by staff.

### **CONSENT ITEMS**

#### **MOBILE HOME SPECIAL EXCEPTIONS:**

 4260 CHRISTIAN PLACE - Charles & Shelly Taylor, applicants; Request for special exception for the temporary placement of a recreational vehicle in the A-1(Agricultural Zoning District) while a single-family home is under construction; Located on the northwest corner of the intersection of Old Western Trail and Christian Place; (BM2004-012).

Kathy Fall, Senior Planner

### **VARIANCES:**

2. 2538 FLETCH COURT- Steven & Amy Ornstein, applicants; Request for rear yard setback variance from 10 feet to 5 feet for a proposed pool in the PUD (Planned Unit Development District); Located at the southern end of Fletch Court, approximately 300 feet south of the intersection of Fletch Court and Brightview Drive; (BV2004-104).

Kathy Fall, Senior Planner

5. 4180 LAKE HARNEY CIRCLE - Kevin & Sandra Hughes applicants; Request for (1) (north) side yard setback variance from 7.5 feet to 5 feet; and (2) (south) side yard setback variance from 7.5 feet to 5 feet for a proposed single-family home in the R-1A (Single Family Zoning District); Located on the east side of Lake Harney Road, approximately 0.2 mile southeast of the intersection of Lake Harney Circle and Marion Avenue; (BV2004-107).
Kathy Fall, Senior Planner

6. 1459 AZALEA AVENUE - Rudolph Rode, applicant; Request for (1) minimum lot size variance from 8,400 square feet to 8,135 square feet; and (2) minimum width at the building line variance from 70 feet to 48.71 feet in the R-1 (Single Family Dwelling District); Located on the east side of Azalea Avenue, approximately 0.1 mile north of the intersection of Lake Drive and Azalea Avenue; (BV2004-110). Francisco Torregrosa, Planner

Mr. Rozon made a motion to approve Consent Agenda Items 1, 2, 5, and 6.

Mrs. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

3. PINE STREET - James Ware, applicant; Request for (1) minimum lot size variance from 43,560 square feet (1 acre) to 8,250 square feet (0.2 acre); (2) minimum lot width at the building line variance from 150 feet to 75 feet; (3) (east) side yard setback variance from 10 feet to 7.5 feet for a proposed single-family home; (4) (west) side yard setback variance from 10 feet to 7.5 feet for a proposed single-family home; and (5) front yard setback variance from 50 feet to 25 feet for a proposed single-family home in the A-1 (Agriculture District); located on the north side of Pine Street, approximately 170 feet east of the intersection of Pine Street and Palm Drive; (BV2004-105).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that staff recommended approval of the request.

Mike Schutts, with Sandlewoods Homes, stated that his company has built several other homes in the area with variances. He also stated that the houses fit well in the neighborhood and are an asset to the community. He also stated that the size of the homes would be between 1,500 and 1,700 square feet. He further stated that the owner is selling the lots to move into retirement.

Steve Stabroise stated that he lives adjacent to the property on Pine Street. He also stated that the drainfills project out of the ground about 3 feet. He also stated that the area is already crowded. He further stated that there are 8 neighbors within 300 feet of the properties. He also stated that none of the neighbors were

notified by mail. He further stated that this construction would bring a lot more traffic into the neighborhood.

Carolyn Carlacosteince stated that she lives at 921 Pine Street, opposite of the property. She also stated that she was concerned about the fact that they were not notified and about the size of the houses. She further stated that they have dirt roads and it has been a quiet area.

Mike Schutts stated that they could build a house without a variance. He also stated that they wanted to build a nice house to improve the quality of the neighborhood. He further stated that they would get a well permit, septic system from the Health Department and do everything that is required to build. He lastly stated that someone is going to build on the property.

Mr. Bass made a motion to approve the request.

Mrs. Buchanan seconded the motion.

The motion passed by (4-1) consent. Mr. Bushrui was in opposition.

4. 941 CASS AVENUE - James Ware, applicant; Request for (1) minimum lot size variance from 43,560 square feet (1 acre) to 8,250 square feet (0.2 acre); (2) minimum lot width at the building line variance from 150 feet to 75 feet; (3) (east) side yard setback variance from 10 feet to 7.5 feet for a proposed single-family home; (4) (west) side yard setback variance from 10 feet to 7.5 feet for a proposed single-family home; and (5) front yard setback variance from 50 feet to 25 feet for a proposed single-family home in the A-1 (Agriculture District); Located on the south side of Cass Avenue, approximately 250 feet east of the intersection of Cass Avenue and Palm Drive; (BV2004-106).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that staff recommended approval of the request.

Steve Stabroise stated that the other houses that got variances didn't have anything around them. He also stated that there are 8 neighbors within 300 feet of these properties.

Mr. Bass made a motion to approve the request.

Mrs. Buchanan seconded the motion.

The motion passed by (4-1) consent. Mr. Bushrui was in opposition.

#### **CONTINUED ITEMS**

### **VARIANCES:**

7. 1467 SOUTHWIND DRIVE - Dennis & Sharon Rudoi, applicants; Request for (1) (west) side yard setback variance from 7.5 feet to 2 feet for an existing attached shed; and (2) (east) side yard setback variance from 7.5 feet to 0 feet for an existing attached carport in the PUD (Planned Unit Development District); Located on the south side of Southwind Drive, approximately 0.1 mile west of the intersection of Southwind Drive and Fallen Palm Drive; (BV2004-069). Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that the request did not meet the Land Development Code criteria and that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Dennis Rudio stated that one of the concerned the Board had last month was the run off from his property to the adjacent property. He also stated that he talked to a roofing contractor who advised him that no water would leave his property. He further stated that all of the adjacent property owners were at last month meeting and they didn't have any problem with his request.

- Mr. Rozon made a motion to approve the request.
- Mr. Bass seconded the motion.

The motion passed by unanimous consent (5-0).

8. 103 HIGHLAND DRIVE - Elaine A. Poore, applicant; Request for (1) minimum lot width at the building line variance from 75 feet to 67.92 feet; and (2) front yard setback variance from 25 feet to 7.6 feet for a proposed carport in the R-1A (Single Family Dwelling District); Located on the east side of Highland Drive, approximately 200 feet south of the intersection of Highland Drive and South Street; (BV2004-055).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the applicant had failed to satisfy the criteria for granting a variance. He further stated that staff recommended denial of the request.

Elaine Poore stated that she has lived on the property since 1970. She also stated that the County made improvements to the top of the road; they build it higher and when it rains the water would channel into the garage. She also stated that the rain almost ruined everything in her garage. She further stated that she has a 2 car garage that she can not use, and she would like a nice carport, something that would bring value to her home. She lastly stated that there are a lot of carports on her street and her neighbors support the request.

Mrs. Buchanan made a motion to approve the request.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (5-0).

9. 8000 U.S HIGHWAY 17/92- Tim Smith, applicant; Request for side street setback variance from 25 feet to 12 feet for a proposed canopy roof over a groundwater remediation compound on two lots in the C-2 (Retail Commercial District); Located on the southwest corner of U.S. Highway 17/92 and Ridge Road; (BV2004-095). Francisco Torregrosa, Planner

### (THIS ITEM WAS WITHDRAWN.)

#### **PUBLIC HEARING ITEMS**

### **VARIANCES:**

10. 100 AVENUE E - Adrianne Hetzel, applicant; Request for (1) (north) side street setback variance from 25 feet to 0 for the replacement of an existing privacy fence; and (2) front yard setback variance from 25 feet to 0 feet for the replacement of an existing privacy fence in the R-1A (Single Family Dwelling District); Located on the southeast corner of the intersection of East 6th Street and Avenue E; (BV2004-096).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that she sent the application to the County Traffic Engineering Department, and they stated that there was no line of site safety issues for this lot. She also stated that the request did not meet the Land Development Code criteria and that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Stacy Hetzel stated that she was speaking on behalf of Adrianne Hetzel. She also stated that the fence has been there for over 20 years and Adrianne has replaced 30-40 boards and the back sections of the fence in order to keep it in an upright position. She further stated that at this point it would be more cost effective to replace the fence. She also stated that if it was set back 25 feet, Adrianne would have to move the Air Conditioning Unit, which would be very expensive to do. She lastly stated that they spoke to several neighbors, who expressed no objection to the replacing of the fence.

Mr. Rozon made a motion to approve the request.

Mr. Bass seconded the motion.

11. 545 NEVADA AVENUE - Mark Singleton, applicant; Request for (1) (east) side yard setback variance from 10 feet to 3 feet for a proposed detached accessory building for boat storage; and (2) (south) side yard setback variance from 10 feet to 3 feet for a proposed detached accessory building for boat storage; Located on the south side of Nevada Avenue, approximately 0.1 mile west of the intersection of Nevada Avenue and Orange Boulevard; (BV2004-097).
Kathy Fall, Senior Planner

### (ITEM 11 HAS BEEN WITHDRAWN BY APPLICANT)

**12. 4231 ORANGE AVENUE** - James P. Moore & Tammy I. Hawkins, applicants; Request for (1) side—yard setback variance from 7.5 feet to 7 feet for an existing shed; and (2) rear yard setback variance from 30 feet to 22.5 feet (22 feet 6 inches) for an existing shed; Located on the east side of Orange Avenue, approximately 200 feet north of the intersection of Orange Avenue and Ronald Reagan Boulevard; (BV2004-100).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that the request did not meet the Land Development Code criteria and that staff recommended denial of the request, unless the applicant could demonstrate a hardship. She also stated that the applicant provided a petition from all adjacent property owners, stating they had no objections to the shed.

Tammy Hawkins stated that there are several large trees on the property that they didn't want to remove. She also stated that the house does not have a garage and she has the shed for storage. She further stated that they have remodeled the entire house and the value of the home has increased. She lastly stated that the lot is and odd shape, and that they are all family in the neighborhood.

Norma Fertakis stated the she was the owner of the property abutting Tammy's property. She also stated that she had some concerns, because the County was asking the property owners to donate 10 feet of their property for a drainage easement to alleviate some flooding problems. And she also wanted to know if the property had any power easements, because a few months ago Florida Power had to get into a property to access their easement. She asked did Tammy property have any easements?

Kathy Fall stated no.

- Mr. Bass made a motion to approve the request.
- Mr. Bushrui seconded the motion.

13. 3817 GREYSTONE LEGEND PLACE - Zureiq Housing Co, applicant; Request for front yard setback variance from 25 feet to 15.3 feet for a proposed single-family home in the R-1AA (Single Family Dwelling District); Located on the east side of Greystone Legend Place, approximately 230 feet north of the intersection of Greystone Legend Place and Zureig Point; (BV2004-088).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the applicant had failed to satisfy the criteria for granting a variance. He further stated that staff recommended denial of the request. He lastly stated that staff had received letters of recommendation from the adjacent property owners.

Steve Redlin, of Tropical Builders stated that the homeowner chose a house that does not fit on the lot. He also stated that the hardship is that the homeowner would not be able to get the house they want without the variance.

Mrs. Buchanan made a motion to approve the request.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (5-0).

**14. 238 RIDGEWOOD STREET** - Frank Chisari, applicant; Request for rear yard setback variance from 30 feet to 16 feet for a proposed addition to a single-family home in the R-1AA (Single Family Dwelling District); Located on the south side of Ridgewood Street, approximately 400 feet west of the intersection of Virginia Avenue and Ridgewood Street; (BV2004-099).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the applicant had failed to satisfy the criteria for granting a variance. He further stated that staff recommended denial of the request.

Frank Chisari stated that he wanted to build a screen porch on the back of his house. He also stated that he has a small living area and would like more room to entertain. He further stated that because of the easement in the back of the house he doesn't have enough room without the variance. He lastly stated that his neighbor was in support of the request.

Mr. Bass made a motion to approve the request.

Mrs. Buchanan seconded the motion.

**15. 108 WILLOW TREE LANE** - Kathryn Kenitzer & Richard Merritt, applicants; Request for rear yard setback variance from 30 feet to 11 feet for an existing shed in the R-1AA (Single Family Dwelling District); Located on the east side of Willow Tree Lane, approximately 0.1 mile east of the intersection of Foxridge Run and Willow Tree Lane; (BV2004-102).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the applicant and stated that the applicant had failed to satisfy the criteria for granting a variance. He further stated that staff recommended denial of the request. He lastly stated that staff received letters of the approval from neighbors of the applicant.

Richard Merritt stated that he didn't know he needed a permit to build a shed. He also stated that there was already an existing shed in 1995 when he moved in. He further stated that he removed the old one and started building a new shed when a Code Enforcement Officer stopped him. He lastly stated that he wanted to keep the new shed in line with the other shed that was there.

- Mr. Rozon made a motion to approve the request.
- Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (5-0).

**16. 617 PRAIRIE LAKE DRIVE** - Dan & Diane Marsden, applicants; Request for front yard setback variance from 25 feet to 6.92 feet (6 feet 11 inches) for a proposed attached garage in the R-1A (Single-Family Dwelling District); Located on the north side of Prairie Lake Drive, approximately 150 feet west of the intersection of Prairie Lake Drive and Wells Avenue; (BV2004-109).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the applicant had failed to satisfy the criteria for granting a variance. He further stated that staff recommended denial of the request.

Dan Marsden stated that they were requesting a variance to have a 2 car garage. He stated that he had never in his life been able to park his car in a garage and would like that right. He also stated that they have a very narrow 1 car garage and he can't get his truck in it. Diane Marsden stated that the house was built in 1954, she said it is a 3 bedroom, but they only are able to use 2 of the bedrooms. She further stated that they use one of the bedrooms as a walk through to get to the existing garage. She lastly stated that they had a letter of approval from a neighbor.

- Mr. Bass made a motion to approve the request.
- Mr. Busuhrui seconded the motion.

**17. 110 SPRINGSIDE COURT-** Darel Taylor, applicant; Request for rear yard setback variance from 15 feet to 5 feet for a proposed addition to a single-family home in the PUD (Planned Unit Development District); Located on the west side of Springside Court, approximately 100 feet south of the intersection of Woodbridge Road and Springside Court; (BV2004-114).

Francisco Torregrosa, Planner

### (ITEM 17 WAS CONTINUED TO AUGUST 23, 2004)

#### **SPECIAL EXCEPTIONS:**

18. 5210 MARKHAM WOODS ROAD - Bob Chopra / Wireless Facilities / Cingular Wireless, LLC, applicants; Request for (1) special exception to establish a 150 foot tall "ecclesiastical" camouflage communication tower in the A-1 (Agriculture District); and (2) variances from 450 feet to 320 feet and 450 feet to 300 feet to reduce the minimum separation distances required between a proposed 150 foot tall "ecclesiastical" camouflage communication tower and properties with single-family residential dwellings; Located on the west side of Markham Woods Road, approximately 0.3 mile southeast of the intersection of Markham Woods Road and Carter Road; (BS2004-019) & (BV2004-108).
Earnest McDonald, Principal Coordinator

#### (ITEM 18 WAS CONTINUED TO AUGUST 23, 2004)

19. COUNTY ROAD 419 - Cas Suvongse, applicant; Request for special exception to establish a church and attendant facilities in the A-5 (Rural Zoning Classification District); located on the west side of County Road 419, approximately 0.3 mile south of the intersection of County Road 419 and Crooked Oak Road; (BS2004-017). Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that staff recommended approval of the request with the following conditions:

- The maximum square footage of the proposed buildings shall not exceed the following: 22,801 square foot for the sanctuary, 11,848 for the office / administration building and 10,953 for the multipurpose gym.
- Any major revisions to the requested use and or approved site plan shall be approved by the Board of Adjustment.

Pastor Michael Andriano stated that the reason he is before the Board is because they are seeking to build a 22,801 square foot facility. He also stated that they would have a landscape buffer between the church and the road.

Mrs. Buchanan made a motion to approve the request.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (5-0).

20. 1484 TUSKAWILLA ROAD - Chuck Richardson, applicant; Request for special exception to establish a landscape contractor's business as an accessory use to an existing wholesale nursery in the A-1 (Agricultural District); Located immediately west of the intersection of Tuskawilla Road and Cardinal Creek Place; (BS2004-021).

Kathy Fall, Senior Planner

### (ITEM 20 HAS BEEN WITHDRAWN BY APPLICANT)

21. 5573 1<sup>ST</sup> STREET - Matthew & Lara Cato, applicants; Request for special exception to establish a landscaping contractor's business as an accessory use to a wholesale nursery in the A-1 (Agriculture District); Located on the south side of 1<sup>st</sup> Street, approximately 0.2 mile east of the intersection of 1<sup>st</sup> Street and Orange Boulevard; (BS2004-012).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff recommended denial of the special exception request.

Lara Cato stated that they generally use the site as a storage facility. She also stated that no customers come to the site. She further stated that for the Landscaping Maintenance business they had 3 trucks that are behind the fence in the evening and out in the field during the day.

Robert Tenture stated that he owns the property to the west of this property. He also stated that he has had to ask them to move the trucks and trailer at times, when they are blocking the driveway. He also stated that at night he hears the lawn mower blades being sharpened. He further stated that this site is strictly a landscaping business, and they want a place to park trucks. He lastly stated that this is the only business in that area and everything else is residential.

Grace Tenture and Kimberly Dodge were in opposition of the request.

Lila Buchanan made a motion to deny the request.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (5-0).

22. 3000 WEST OSCEOLA ROAD - William Lowery & Robert Flood, applicants; Request for special exception to expand an existing private airport in the A-5 (Rural Zoning Classification District); Located on the northeast corner of the intersection of West Osceola Road and Kimmie Kay Drive; (BS2004- 015). Francisco Torregrosa, Planner

### (ITEM 22 WAS CONTINUED TO AUGUST 23, 2004)

23. 2441 S ORANGE BLOSSOM TRAIL - Gabriel Lynch, Gabe Auto Tech, Inc. applicant; Request for special exception to establish a mechanical garage in the C-2 (Retail Commercial District); Located on the northeast corner of the intersection of US 441 and Center Street; (BS2004-016). Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff recommended approval of the special exception request with the following conditions:

- Automotive work shall include mechanical repairs and service. Paint and Body Repair shall be prohibited.
- All automotive work shall be conducted within the enclosed principal structures.
- The outdoor storage of service equipment shall not be prohibited.

Gabriel Lynch stated that he bought the property 30 days ago and he was not aware that he needed a special exception to continue to do business there. He also stated that once he found out he needed the special exception, he applied and would like to be able to establish a mechanical garage.

Mr. Bass made a motion to approve the request with conditions.

Mrs. Buchanan seconded the motion.

The motion passed by unanimous consent.

24. LONGWOOD LAKE MARY ROAD - Ronald Edwards & Sidney Young, applicants; Request for special exception to establish a contractors establishment without outside storage in the C-2 (Retail Commercial District); Located on the east side of Longwood Lake Mary Road, approximately 0.1 mile south of the intersection of Longwood Lake Mary Road and Green Way Boulevard; (BS2004-018). Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff recommended denial of the special exception request.

John Reynolds, American Civil Engineering Company, stated that he represented the applicants. He stated that they have a piece of property that is 3.89 acres and

of that, 12% would be developed for the buildings, 46% total impervious area and 54% would remain open space. He also stated that staff's objection was due to incompatibility with the surrounding uses. He further stated that to the south of the property was an office park under construction, to the east were railroad tracks, to the west of the property the YMCA is currently doing a major renovation and to the north the property is currently single family homes. He also stated that everything north of the property would be compensating storage, retention pond or conservation easement, and they would give ample setback and buffer for the A-1 zoned property (single family homes). He further stated that the owner, Mr. Ronald Edwards currently has a dry wall company and he would like to use 5,000 square feet or the building for his business. He also stated that the building would have a Commercial look to it, the building will be mansard and stucco with a glass store front look, the warehouse would be in the back of each bay. He lastly stated that if the special exception was not granted, they had the ability to continue with C-2 (Retail Commercial Zoning) and they had enough parking, if it is granted they would be able to eliminate some of the parking spacing and save some of the trees alone Longwood Lake Mary Road.

Sidney Young, owner, stated that what they would like to do is have an office building with storage in the back for the offices. He also used a carpet installer as type of business that they would welcome to this facility. He further stated that they would comply with the Land Development Code and they wanted a nice looking establishment.

Mrs. Buchanan made a motion to approve the request according to staff recommendations for development.

Mr. Bass seconded the motion.

The motion passed by unanimous consent (5-0).

**25. 9176 OVERLAND ROAD, APOPKA -** Sue Walsh, applicant; Request for special exception to establish a mechanical garage, living quarters for security purposes, and a paint and body shop in the C-2 (Retail Commercial District); Located on the west side of Overland Road, approximately 400 feet south of the intersection of US 441 and Overland Road; (BS2004-020).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated the owner was cited by Code Enforcement on March 22, 2004 for operating without the required special exception. He also stated that staff recommended approval of the request for special exception with the following conditions:

- Automotive work shall include mechanical repair, service and paint and body work.
- All automotive work shall be conducted within enclosed principle structures.
- The outdoor storage of service equipment or junk vehicles shall be prohibited.

• The existing structures shall comply with the Commercial Building Code.

Sue Walsh stated that she had a letter from the previous owners stating auto repair was previously conducted on the property. She also stated that for the past 6 years they have operated a mechanic shop, body repair and have housed a security guard there. She further stated that they were not aware that they needed a special exception, until Code Enforcement made them aware.

Mr. Bass made a motion to approve the request.

Mrs. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

#### **APPROVAL OF MINUTES**

Mr. Bushrui made a motion to approve the June 28, 2004 minutes.

Mr. Bass seconded the motion the motion.

The motion passed by unanimous consent (5-0).

#### **ADJOURNMENT**

Time of Adjournment was 8:55 P.M.