

**Minutes for the Seminole County Board of Adjustment
August 23, 2004
6:00 P.M.**

Members Present: Mike Hattaway, Chairman, Lila Buchanan, Mike Bass, Dan Bushrui and Bob Goff

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 Item 6 was moved from the Consent Agenda to Public Hearing Agenda by staff.

CONSENT ITEMS

MOBILE HOME SPECIAL EXCEPTIONS:

1. **1701 WEST STATE ROAD 46** - Arthur & Barbara Blaksley, applicants; Request for special exception for the two year placement of a mobile home for a medical hardship in the A-5 (Rural Zoning Classification District); Located on the south side of West State Road 46 and immediately south of the intersection of West State Road 46 and Mockingbird Lane; (BM2004-013).
Kathy Fall, Senior Planner

2. **1570 COCHRAN ROAD** - John Kiernan, applicant; Request for special exception for the two year placement of a mobile home while a single-family home is under construction in the A-5 (Rural Zoning Classification District); Located on the north side of Cochran Road, approximately 0.2 mile northwest of the intersection of Cochran Road and Biwood Dr; (BM2004-014).
Kathy Fall, Senior Planner

3. **1641 BANDIT WAY** - Helen Albright, applicant; Request for special exception for the two year placement of a mobile home for a medical hardship in the A-5 (Rural Zoning Classification District); Located on the west side of Bandit Way, approximately 0.2 mile south of the intersection of Bandit Way and Bluefish Place; (BM2004-015).
Kathy Fall, Senior Planner

VARIANCES:

4. **BLACKSTON AVENUE (LOT 10)** - James & Regina Daniels, applicants; Request for (1) minimum width at the building line variance from 70 feet to 50 feet for a proposed home; and (2) minimum lot size variance from 8,400 square feet to 5,000 square feet for a proposed home in the R-1 (Single Family Dwelling District); Located on the west side of Blackston Avenue, approximately 150 feet north of the intersection of Blackston Avenue and West 18th Street; (BV2004-122).

Kathy Fall, Senior Planner

5. **701 MEREDITH STREET** - Frank Martinus, applicant; Request for (1) rear yard setback variance from 30 feet to 20 feet for a proposed pool; and (2) rear yard setback variance from 25 feet to 17 feet for a proposed pool screen enclosure abutting a water body in the R-1AA (Single-Family Dwelling District); Located on the northwest corner of the intersection of Gladwin Avenue and Meredith Street; (BV2004-112).

Francisco Torregrosa, Planner

7. **350 LAKE MARKHAM ROAD** - Joseph Castello, applicant: Request for front yard setback variance from 50 feet to 35 feet for a proposed addition to an existing single-family home in the A-1 (Agriculture District); Located on the west side of Lake Markham Road; approximately 250 north of the intersection of Lake Markham Road and Lake Drive; (BV 2004-118).

Francisco Torregrosa, Planner

8. **SHALLOWFORD STREET (LOT 6)** - Daniel & Diane Marsden, applicants; Request for minimum lot size variance from 11,700 square feet to 10,715 square feet for a proposed home in the R-1AA (Single Family Dwelling District); Located on the southwest corner of the intersection of Shallowford Street and Rockwood Circle; (BV2004-125).

Francisco Torregrosa, Planner

Mrs. Buchanan made a motion to approve Consent Agenda Items 1, 2, 3, 4, 5, 7, and 8. Item 6 was moved to the Public Hearing Agenda.

Mr. Goff seconded the motion.

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

CONTINUED ITEMS

VARIANCES:

- 9. 110 SPRINGSIDE COURT** - Darel Taylor, applicant; Request for rear yard setback variance from 15 feet to 5 feet for a proposed addition 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

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.

Darel Taylor stated that he had approval from his Homeowner's Association and 4 neighbors.

Mr. Bushrui made a motion to approve the request.

Mr. Goff seconded the motion.

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

SPECIAL EXCEPTIONS:

- 10. 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

This item was delayed until later in the meeting.

- 11. 3000 WEST OSCEOLA ROAD** - William Lowery & Robert Flood, applicants; Request for special exception to expand an existing private airfield 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

Francisco Torregrosa introduced the location of the application and stated that staff recommended approval of the request, subject to the conditions listed on the staff report and any additional conditions deemed appropriate by the Board.

The applicant was not present.

Lynda Russell Schroeder stated that they are extremely against the project. She also stated that the air shows brings in a lot of traffic to the area and the planes have banners behind them and the banners fall on to the homes on Russell Cove Road. She also stated that she had not been able to contact Attorney Tom Freeman, who was going to help them with this matter. She further stated that they didn't want the air strip extended no more that what it is now.

Fred Mayer stated that he has two young kids and he is concerned about their safety when the planes are flying by with the banners falling off. He also stated that the community and the Sanford Orlando Airport would be impacted by this project, and he stated that they should be notified of this project and given an opportunity to state their input.

Mr. Bushrui made a motion to deny the request.

Mr. Goff seconded the motion.

The motion passed by a (3-2) consent. Mr. Bass and Mrs. Buchanan were in opposition.

PUBLIC HEARING ITEMS

VARIANCES:

- 6. EAST STREET (LOT 17) -** Roosevelt & Dorothy Hughley, applicants; Request for minimum width at the building line variance from 70 feet to 58 feet for an existing lot in the R-1 (Single Family Dwelling District); Located on the north side of East Street, approximately 0.1 mile east of the intersection of East Street and Brentwood Ave; (BV2004-115).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff recommended approval of the request. He also stated that staff received two letters of opposition.

Roosevelt Hughley stated that they would like to build a home on his lot. He also stated that he has spent quite a bit of money getting the property cleaned up, because people had been dumping on the property. He further stated that Mrs.

Jackson wanted them to have the property and she wanted to give that property to them, but he told her he could pay her 500.00 for the property. He also stated that she is in her sound mind. He lastly stated that they went to the Mortgage Company and they have someone ready to build.

Attorney Glenn Vanderwater stated that he was representing Mr. Lafear and Mrs. Geneva Jackson. He stated that Mrs. Jackson is not competent to handle her affairs. He also stated that there is a dispute of Mrs. Jackson's competence. He also stated that her son Lafear Jackson name was on the deed and he did not sign the quick claim deed. He further stated that they are in the process of filing litigation in the matter of Mrs. Jackson competence. He also stated that the Hughley's are not the owners of the property and should not be making this request.

Mr. Hughley stated that Mrs. Jackson son is against them building a house on the lot his mother sold to them. He also stated that Mrs. Jackson has sold other land to people but they are the only one he is going against.

Mr. Bushrui made a motion to approve the request.

Mr. Bass seconded the motion.

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

SPECIAL EXCEPTIONS:

- 10. 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

Earnest McDonald introduced the location of the application and stated that staff recommended denial of the request for special exception to establish a 150 foot tall "ecclesiastical" camouflage communication tower. He also stated that staff would support the granting of a special exception to establish a 150 foot tall camouflage communication tower of an alternative design, he stated some examples as a rooftop design, rooftop church cross, freestanding church cross or a flagpole, and the request for associated variances from 450 feet 320 feet and 450 feet to 300 feet to reduce the minimum separation distances required between a proposed 150

foot tall communication tower and properties with single family dwellings. He further stated that staff recommendation is conditioned upon the applicant's ability to present a tower design that would be compatible with surrounding residential development and effectively blend into and conform in appearance with existing facilities on the church property.

Attorney Carl Sanders stated that he was representing Cingular Wireless and Markham Woods Presbyterian Church. He also stated that the church is located on the parcel the proposed communication tower would also be located on. He also stated that the Baptist Church property to the north has two flag pole towers on them and they never had to come to the Board of Adjustment or the Board of County Commissioners. He further stated that they are following the rules and asking the Board to allow Cingular the opportunity to compete with their competition. He further stated that staff is stating that the location is appropriate but the design is not, but they are not able to put a flag pole design at this location. He also stated that they were open to the Board recommendation on the style of the tower. He stated that from a legal stand point the Federal Teller Communication Act states that you can't approve one tower and deny another, and the carrier has to establish that there is a gap in coverage area and it is. He lastly stated that he would like the Board to approve this request.

Craig O'Neal, stated that he is a Engineer for Cingular and they considered a tower to the north that is owned by AT&T Wireless as a possible co-location but it is to far to the north. He further stated that the coverage hole they are experiencing is within a mile from the proposed location.

Frank Bell stated that he is a member of the Markham Woods Church and also on staff with the church. He stated that they are there to serve the community and there is a need for this service and he would like the Board to approve the request.

Paul Fowler stated that the structure would be closer to Markham Woods Road and more of an eyesore and a negative impact. He stated that on behalf of his family he hope the Board would deny the request.

Rex Crane owner of King Builders, stated that he would be putting in nine residential properties which would be within a few feet from the antenna. He also stated that if the applicant had waited a year like he should have, he would also have to request a setback variance from his properties. He further stated that if the applicant really wanted the tower they would make it blend with the community.

Michael Martinos stated that her concern beyond the health issue is the fact that the tower would decrease the property values in the neighborhoods. She also stated that the church should maintain an environment similar to those settings and not a business.

Peter Solukey stated that he is opposed to the tower being built.

Frank Martinos stated that the cell phone service is not bad in this area and there is no necessity for this tower. He further stated that this is about money, the money that the church would make by going into business with Cingular. He lastly stated that he would like the Board to listen to the testimony and do what the Board did before.

Quintin Beitel stated that he was the President of Markham Woods Homeowner's Association, and they are opposed to the design and the symbol of the tower. He stated that they would request the Board turn this request down.

Carl Sanders stated that they are not here to prove that cell towers decrease property values, he stated that he realize the community concerns and fears but what is needed is considerable evidence. He also stated that the issue is not weather this is a necessity to cingular but if there is a gap as a matter of law it must be allowed to be filled. He lastly stated that this tower is not going to fall and even if it did it is self collapsing.

Mr. Bushrui made a motion to deny the request.

Mrs. Buchanan seconded the motion.

The motion passed by a (3-2) consent. Mr. Bass and Mr. Goff were in opposition.

- 12. 1780 LAKE STREET** - Joseph H. Head, applicant; Request for side yard setback variance from 7.5 feet to 6 feet for an existing storage room in the R-1 (Single Family Dwelling District); Located on the north side of Lake Street, approximately 0.2 mile east of the intersection of Lake Street and Spring Avenue; (BV2004-117).

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 received letters of support from both adjacent neighbors.

Joseph Head stated that he moved in the house in 1988 and they have used the existing room for storage. He also stated that they have made it to blend with the rest of the house. He further stated that if they were asked to tear it down it would be a hardship to find space to store the items in the room. He lastly stated that he would like the Board to approve his request.

Mrs. Buchanan made a motion to approve the request.

Mr. Goff seconded the motion.

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

- 13. 3808 GREYSTONE LEGEND PL** - Kalpathy Sundaram, applicant; Request for side street setback variance from 25 feet to 18 feet for a proposed fence in the R-1AA (Single-Family Dwelling District); Located on the northwest corner of Greystone Legend Place and Zureiq Point; (BV2004-111).
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the applicant has failed to satisfy the criteria for granting a variance. He also stated that staff recommended denial of the request. He further stated that Traffic Engineering stated that the fence would not adversely affect the sight visibility.

Kalpathy Sundaram stated that he has about seven trees in his back yard and would like to preserve them. He also stated that he had no objection from his neighbors.

Mr. Goff made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

- 14.731 ROSALIE WAY** - Ramon Espinal, applicant; Request for side yard setback variance from 5 feet to 4 feet for a proposed pool in the PUD (Planned Unit Development District); Located on the east side of Rosalie Way, approximately 250 feet north of the intersection of Rosalie Way and Biscayne Court; (BV2004-116).
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.

Elizabeth and Ramon stated that they would like to have this variance approved since the pool was measured before it was placed in their backyard. Elizabeth stated that the pool is covered from Monday thru Friday, and they uncover it on the weekends. She lastly stated that the pool is fenced in.

Mr. Bushrui made a motion to approve the request.

Mr. Goff seconded the motion.

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

15. 302 MOFFAT LOOP - Clark Ford, applicant; Request for rear yard setback variance from 20 feet to 5 feet for a proposed screen room addition in the PUD (Planned Unit Development); Located immediately south of the intersection of Moffat Loop and Canton Lane; (BV2004-119).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the applicant has failed to satisfy the criteria for granting a variance. He further stated that staff recommended denial of the request. He also stated that staff received two letters of opposition from the same neighbor.

Clark Ford stated that they had lived in the house for four years and there was an existing screen room, but it didn't allow very much room for his daughter to play. He also stated that before he took down the structure in April, he asked his neighbors if they had any objections and none of them did. He stated that he didn't find out until recently that his neighbors changed their minds. He further stated that he talked to two realtors and a builder and they couldn't understand how this project would reduce the property values when it was in fact improving the property.

Bob Cherry with Florida Exteriors stated that they were going down grade the size of the structure and upgrade the look.

Mary Lacy stated that they were never in total agreement of the project. She also stated that twelve years ago they custom build their home, which is their largest investment. She also stated that in 1999 they added a pool and screen enclosure and made it fit with the setbacks. She further stated that approval of this variance would negatively affect their property values. She lastly asked the Board to deny the request.

Wendy Radwan stated that the rear of the house is already close to the rear lot boundary and this seems like excessive overbuilding on this lot. She also stated that she lives in the Oak Creek subdivision and Mr. Clark lives in the Dunhill subdivision. She further stated that these two neighborhoods have always gotten along very nicely together, but she must speak out against any variances with respect to the rear setbacks.

Clark Ford stated that he would have never torn down the existing structure if he knew there would be opposition. He also stated that he has a hard time understanding how this project would decrease the property values. He further stated that he is trying to use his backyard.

Mrs. Buchanan made a motion to approve the request.

Mr. Bass seconded the motion.

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

- 16. 469 NOTRE DAME DRIVE** - Rodney Teate, applicant; Request for (1) front yard setback variance from 25 feet to 9 feet for a proposed addition to an existing home; and (2) side yard setback variance from 7.5 feet to 7 feet for a proposed addition to an existing home in the R-1 (Single Family Dwelling District); Located on the south side of Notre Dame Drive, approximately 375 feet east of the intersection of Notre Dame Drive and Baylor Avenue; (BV2004-120).

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.

Rodney Teate stated that he has letters of approval from his neighbors. He also stated that the reason he is requesting the variance is because of his handicapped mother-in-law. He stated that he has to make his home handicap accessible and make a bedroom larger. He further stated they had lived in the home since 1961 and would like to upgrade the home to conform to the neighborhood.

Dan Bushrui made a motion to approve the request.

Mr. Goff seconded the motion.

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

- 17. 103 SQUIRREL TRAIL** - William Burgess & Susan Geller, applicants; Request for rear yard setback variance from 30 feet to 10 feet for an existing addition in the R-1AAA (Single Family Dwelling District); Located on the south side of Squirrel Trail, approximately 0.1 mile west of the intersection of Squirrel Trail and Sweetwater Blvd; (BV2004-121).

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.

Susan Geller and William Burgess stated that they have lived in the house for over six years and on the back of the house was a 10 foot deck. William stated that they added 20 feet to the deck, but they did not close it in. He also stated that there is no electric or plumbing in the open deck. He further stated that they back up to woods and they can't see the neighbors. He lastly stated that they received two letters of support from their neighbors.

Mr. Goff made a motion to approve the request.

Mrs. Buchanan seconded the motion.

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

18. 1000 CHESTERFIELD CIRCLE - Richard Zapf, applicant; Request for rear yard setback variance from 30 feet to 25 feet for a proposed screen room addition in the R-1AA (Single Family Dwelling District); Located on the east side of Chesterfield Circle, approximately 50 feet south of the intersection of Chesterfield Circle and Amherst Way; (BV2004-123).

Francisco Torregrosa, Planner

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

The applicant was not present.

Mr. Bass made a motion to approve the request.

Mr. Goff seconded the motion.

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

19. 1226 MADELENA AVENUE - Shirley & Russel Jones, applicants; Request for rear yard setback variance from 25 feet to 18 feet for a proposed screen room addition in the PUD (Planned Unit Development District); Located on the west side of Madelena Ave approximately 250 feet south of the intersection of Madelena Avenue and Ortega Street; (BV2004-124).

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.

Shirley Jones stated that she would like the Board to consider her request for a screen room enclosure. She also stated that five years ago they had a concrete patio put in and would like to enclose it to utilize the patio more. She further stated that her contractor advised them to make sure it would be within the setbacks. She stated that they called the County and was told they needed to apply for a variance. She lastly stated that they have five adults in the house and they don't have a family room.

Mrs. Buchanan made a motion to approve the request.

Mr. Bass seconded the motion.

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

APPROVAL OF JULY 2004 MEETING MINUTES

Mr. Hattaway made a motion to approve the July 26, 2004 minutes.

Mr. Bass seconded the motion.

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

ADJOURNMENT

Time of adjournment was 10:00 P.M.