

**Amended Minutes for the Seminole County Board of Adjustment
October 4, 2004
6:00 P.M.**

Members Present: Mike Hattaway, Chairman, Lila Buchanan, Wes Pennington, Dan Bushrui and Alan Rozon

Staff Present: Earnest McDonald, Principal Coordinator; Matt West, Planning Manager; Kathy Fall, Senior Planner; Francisco Torregrosa, Planner; Jason Showe, 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 1 was moved from the Consent Agenda to the Public Hearing Agenda by staff.

The Chairman also stated that a continuance was requested by the applicant for Item 15.

The Chairman further stated that Item 18 had been withdrawn by the applicant.

CONSENT ITEMS

MOBILE HOME SPECIAL EXCEPTIONS:

2. **4105 NORTH COUNTY ROAD 426** - Johnny R. Bisbee, applicant; Request for special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning Classification District); Located on the east side of North County Road 426 and immediately east of the intersection of North County Road 426 and Briar Patch Lane; (BM2004-020).

Jason Showe, Planner

Francisco Torregrosa, Planner

3. **1252 FLINT TRAIL** - Evelyn Nelson, applicant; Request for special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning Classification District); Located on the west side of Flint Trail, approximately 0.3 mile south of the intersection of Flint Trail and East Osceola Road; (BM 2004-016).

Jason Showe, Planner

Kathy Fall, Senior Planner

VARIANCES:

4. **1701 KENNEDY POINT** - Chris Johnson, applicant; Request for side street setback variance from 50 feet to 25 feet for a proposed office/warehouse building in the M-1 (Industrial District); Located on the southeast corner of the intersection of Sixth Street and Kennedy Point; (BV2004-130).

Jason Showe, Planner

Kathy Fall, Senior Planner

5. **CAMERON GROVE SUBDIVISION** - Cameron Grove Homeowner's Association, applicant; Request for maximum fence height variance from 6.5 feet to 8 feet for a proposed wood fence replacement in the R-1BB (Single Family Dwelling District); Located on the south side of Bonnie Drive, at the southwest corner of the intersection of Holly Glenn Run and Bonnie Drive; (BV2004-138).

Francisco Torregrosa, Planner

Mr. Pennington made a motion to approve Consent Agenda Items 2, 3, 4, and 5. Item 1 was moved to the Public Hearing Agenda.

Mr. Rozon seconded the motion.

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

PUBLIC HEARING ITEMS

1. **3400 EAST OSCEOLA ROAD** - Tracy Hill, applicant; Request for special exception for the five year placement of a mobile home in the A-5 (Rural Zoning Classification District); Located on the west side of East Osceola Road, approximately 1 mile north of the intersection of East Osceola Road and St. John's Avenue; (BM2004-017).

Earnest McDonald, Principal Coordinator

The applicant was not present.

Mr. Pennington made a motion to continue this item until the October 25, 2004 meeting.

Mr. Rozon seconded the motion.

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

MOBILE HOME SPECIAL EXCEPTIONS:

- 6. 3848 MOORES STATION ROAD** - W. Duane Griffith, Jr., applicant; Request for special exception for the permanent placement of a mobile home in the A-1 (Agriculture District); Located on the north side of Moores Station Road, approximately 830 Feet east of the intersection of Moores Station Road and Beardall Avenue; (BM2004-019).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that staff recommended approval of the request with the condition that there would be an avigation easement.

Duane Griffith stated that due to the fact that the airport would eventually but the property for an expansion, he would not be putting a brand new mobile home on the property. He asked the board what year would be acceptable?

Mr. Rozon made a motion to approve a 1990 or newer mobile home for as long as Mr. Griffith lives on the property, or as long as the property belong to him.

Mr. Pennington seconded the motion.

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

VARIANCES:

- 7. 1850 CARILLON PARK DRIVE** - Karen & Brian Ballew, applicants; Request for rear yard setback variance from 20 feet to 13.7 feet for a proposed addition in the PUD (Planned Unit Development District); Located on the east side of Carillon Park Drive, approximately 150 feet north of the intersection of Carillon Park Drive and Lockwood Boulevard; (BV2004-143).

Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the location of the application and stated the staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Karen and Brain Ballew stated that they would like to add the room on the back of the house so it would line up with the pool screen room. Karen also stated that the addition would blend with the house. She further stated that they received verbal approval from her neighbors. She lastly stated that behind them there is conservation area.

Mrs. Buchanan made a motion to approve the request.

Mr. Pennington seconded the motion.

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

8. **133 VARIETY TREE CIRCLE** - Crystal Love Knox, applicant; Request for (1) (north) side yard setback variance from 10 feet to 4.16 feet (50 inches) for an existing shed; and (2) (north) side yard setback variance from 10 feet to 3.25 feet (39 inches) for an existing shed in the R-1AAA (Single Family Dwelling District); Located on the west side of Variety Tree Circle, approximately 0.3 mile west of Spring Valley Road and Variety Tree Circle; (BV2004-126).

Jason Showe, Planner

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. She also stated that staff received opposition to this request.

Matt West stated that he received a call from Bill Miller, who lives one lot over from the Knox's and he stated he was in opposition of the request. He also stated that Mr. Miller could not be present because of another meeting.

Mr. Knox stated that he wasn't aware of any opposition. He stated that one of the sheds had his deceased parent's belongings in it, and the other one stored his lawn mower and hobby items. He also stated that they had pets buried in the back yard and didn't want to move them. He further expressed his apology for the way the back yard looks.

Larry Swake stated that he represented the Spring Valley Home Owner's Association. He stated that the Association does not support sheds that do not meet setback requirements and do not have the proper permits. He further stated that a concern was that this would create the possibility of precedence being set.

Patricia Green stated that she lives fairly close to the Knox family and she doesn't have a quarrel with any thing except the setbacks. She stated that there is a way the pet cemetery can be maintained and the sheds placed within the setbacks.

Mr. Knox stated that he realized that he broke the rules, but he didn't think that it would disrupt the integrity of the neighborhood. He lastly stated that he was asking the Board consideration in this matter.

Mrs. Buchanan made a motion to deny the request.

Mr. Pennington seconded the motion.

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

- 9. 4029 CROSSROADS PLACE** - Danielle Quinones, applicant; Request for rear yard setback variance from 10 feet to 5 feet for a proposed screen room addition in the PUD (Planned Unit Development District); Located on the south side of Crossroads Place, approximately 10 feet west of the intersection of Post Way and Crossroads Place; (BV2004-129).

Jason Showe, Planner

Kathy Fall, Senior Planner

Jason Showe 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.

Sheila Tupper stated that she was the homeowner and the room that she is asking to build would replace an existing deck. She also stated that she wanted to enjoy the new screen room.

Mr. Pennington made a motion to approve the request.

Mrs. Buchanan seconded the motion.

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

- 10. 620 GRAND CYPRESS POINT** - Jim and Michelle Loisel, applicants; Request for (1) rear yard setback variance from 25 feet to 9 feet for a proposed pool screen enclosure; and (2) rear yard setback variance from 30 feet to 11 feet for a proposed pool in the R-1A/R-1AA (Single Family Dwelling Districts); Located on the south side of Grand Cypress Point, approximately 460 feet east of the intersection of Aprelle Drive and Grand Cypress Point; (BV2004-133).

Jason Showe, Planner

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that the applicant's changed their request to (1) rear yard setback variance from 25 feet to 24 feet for a proposed pool screen enclosure; and (2) rear yard setback variance from 30 feet to 26 feet for a proposed pool. She also stated that staff received approval from the applicant's adjacent neighbors. She further stated that the request did not meet the Land Development Code criteria and that staff recommended denial of the request.

Jim and Michelle stated that they were looking to add a pool and screen room enclosure to the back of their house. Michelle asked that Board to please approve their request.

Mark Ogier stated that he was one of the neighbor's that signed the approval letter. He also stated that he recommended approval of the request.

Mr. Bushrui made a motion to approve the request.

Mrs. Buchanan seconded the motion.

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

11.616 GRAND CYPRESS POINT - Mark and Robin Ogier, applicants; 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 in the R-1AA (Single Family Dwelling District); Located on the south side of Grand Cypress Point, approximately 0.1 mile east of the intersection of Aprelle Drive and Grand Cypress Point; (BV2004-135).

Jason Showe, Planner

Kathy Fall, Senior Planner

Jason Showe 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 staff received 3 letter of support for the request.

Mark Ogier stated that he wanted to put a pool and screen room enclosure in his backyard.

Jim and Michelle Loisel stated that they were looking to put their pools in at the same time and they had no opposition to the request.

Mrs. Buchanan made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

12.2848 ASHTON TERRACE - James Taylor, applicant; Request for rear yard setback variance from 30 feet to 10 feet for a proposed addition in the R-1AA (Single Family Dwelling District); Located on the northeast corner of Ashton Terrace, approximately 500 feet east of the intersection of Knightsbridge Way and Ashton Terrace; (BV2004-136).

Jason Showe, Planner

Kathy Fall, Senior Planner

Jason Showe 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 staff received letters of support from 4 neighbors.

James Taylor stated that his request is a side street setback variance.

Matt West stated that this is a double frontage lot, therefore it was determined by staff that this is a rear yard setback. He further stated that the shape of the lot and the way the house is positioned is unique.

Mr. Rozon made motion to approve the request.

Mr. Pennington seconded the motion.

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

- 13.3453 PEACE VALLEY WAY** - Josue Llanos, applicant; Request for (1) minimum front yard setback variance from 35 feet to 20 feet; and (2) rear yard setback variance from 35 feet to 15 feet for a proposed home in the A-1 (Agriculture District); Located on the south side of Peace Valley Way, approximately 0.2 mile east of the intersection of Miami Springs Drive and Peace Valley Way; (BV2004-134).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that as a result of actions taken by the Board in May 1999, the property is currently bound by 35 foot front and rear yard setbacks. He also stated that the applicant is requesting that the front yard setback be reduced to 20 feet and the rear yard be reduced 15 feet. He further stated that the applicant has failed to satisfy the criteria for granting a variance. He lastly stated that staff recommended denial of the request.

Josue Llanos stated that he wants to build a house on his vacant lot. He also stated that he would like to build the house in the middle of the lot and have a pool. He lastly stated that he wanted to make his wife happy.

Mrs. Buchanan made a motion to approve the request.

The motion died for a lack of a second.

Mr. Rozon made a motion to deny the request.

Mr. Pennington seconded the motion.

The motion passed by (4-1) consent. Mrs. Buchanan was in opposition.

- 14. 186 WEKIVA PARK DRIVE** - John Colbert, applicant; Request for minimum rear yard setback variance from 200 feet to 30 feet for an existing addition to a detached screen room on property abutting the Wekiva River in the A-1 (Agriculture District); Located on the west side of Wekiva Park Drive, approximately 0.6 mile north of the intersection of S.R. 46 and Wekiva Park Drive; (BV2004-137).
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 staff received a letter of support from the adjacent neighbor on the south of the property. He lastly stated that staff received verbal opposition from Friends of Wekiva.

John Colbert stated that he tries to be legal in all things, and the building is a manufactured building. He also stated that he has put manufactured building on his property for the past 30 years. He also stated that he wanted a building he could put things in and lock them up. He further stated that he had a screen room attached to his property and was robbed 3 times, which was way it was important to have a structure he could lock up. He lastly stated that he had a letter of support from his neighbor that is closest to the manufactured building.

Mrs. Buchanan made a motion to approve the request.

Mr. Pennington seconded the motion.

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

- 15. 4911 WAYSIDE DRIVE** - Todd Vogel, applicant; Request for maximum sign height variance from 15 feet to 27.5 feet for a proposed point of sale ground sign in the C-2 (Retail Commercial District); Located at the southwest corner of the intersection of West State Road 46 and Interstate 4; BV2004-131.
Francisco Torregrosa, Planner
Earnest McDonald, Principal Coordinator

Mr. Pennington made a motion to continue this item until the December 13, 2004 meeting.

Mrs. Buchanan seconded the motion.

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

SPECIAL EXCEPTIONS:

- 16.3000 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 Russell Cove Road; (BS2004-015).
Francisco Torregrosa, Planner

After a lengthy discussion by lawyers and Board members this item was withdrawn by the applicant Lawyer, Mr. Mike Jones.

- 17.2441 SOUTH ORANGE BLOSSOM** - Gabriel Lynch, applicant; Request for special exception to establish an automobile paint & body shop in the C-2 (Retail Commercial District); Located on the northeast corner of the intersection of U.S. 441 and Center Street; (BS2004-024).
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the property was granted a special exception for a mechanical garage at the July regular meeting of the Board of Adjustment. He also stated that staff recommended approval of the mechanical garage and is also recommending approval of this request with the following conditions:

- Automotive work shall include paint and body repair
- All automotive work shall be conducted within the enclosed principal structures
- The outdoor storage of service equipment or junked vehicles shall be prohibited beyond one year

Gabriel Lynch stated that he agreed with staff recommendations.

Mr. Rozon made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

- 18.1160 SANDY LANE** - La Amistad Behavioral Health Services, applicant; Request for special exception to establish a group home facility in the A-1 (Agriculture District); Located on the west side of Sandy Lane, approximately 500 feet south of the intersection of Sand Lake Road and Sandy Lane; (BS2004-025).
Francisco Torregrosa, Planner

This item was withdrawn by the applicant.

REGULAR ITEMS

APPEALS FROM ADMINISTRATIVE DECISIONS:

19. EAST LAKE DRIVE - James F. & Sandra K. Outlaw, appellants; Appeal from an administrative decision of the Planning Manager to deny the establishment of a boat dock, prior to the construction of a single-family dwelling in the A-1 (Agriculture District); Located on the north side of East Lake Drive, approximately 0.4 mile southeast of the intersection of East Lake Drive and Center Drive; BA2004-001.

Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the location of the application and stated that in a letter dated June 24, 2004, the appellants' Attorney requested an interpretation by the Planning Manager of Section 30.122(p) of the Land Development Code, which enumerates permitted uses in the A-1 (Agriculture District). He also stated that in response to the request, the Planning Manager, Matt West, determined that boathouses and boat docks are accessory uses that can only be established in the A-1 District after the establishment of a single-family home or other permitted principal use. He further stated that staff recommended that the Board of Adjustment uphold the decision of the Planning Manager to deny the establishment of a boat dock, prior to the construction of a single-family home in the A-1 (Agriculture District).

James Outlaw stated that the purpose of his request is to allow him and his family to utilize this property. He also stated that they are not planning to build a house on this lot in the near future. He further stated that he lives in Winter Park and was planning to live there until his children graduated. He also stated that the children were currently in the 6th and 8th grades. He further stated that he received verbal consent from the unofficial Lakefront Home Owner's Association member, Steve Bright and verbal consent from one of the adjacent homeowners. He also stated that he would like to enjoy Little Lake Tuskawilla with his family. He lastly stated that the dock would be consistence with the docks in the area.

Mr. Rozon made a motion to deny the request and uphold the Planning Manager decision.

Mrs. Buchanan seconded the motion.

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

APPROVAL OF AUGUST 2004 MEETING MINUTES

Mrs. Buchanan made a motion to approve the August 23, 2004 minutes.

Mr. Bushrui seconded the motion.

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

ADJORNMENT

Time of adjournment was 9:15 P.M.