

**MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT
NOVEMBER 15, 2004
6:00 P.M.**

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

Staff Present: Earnest McDonald, Principal Coordinator; Matt West, Planning Manager; Kathy Fall, Senior Planner; Francisco Torregrosa, Planner; Jason Showe, Planner; Arnold Schnieder, County Attorney; Patty Johnson, Senior 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 the Public Hearing Agenda.

Treadwell McMickle requested that Item 4 be moved from the Consent Agenda to the Public Hearing Agenda.

Mr. Bushrui requested that Items 1, 2 and 3 be moved from the Consent Agenda to the Public Hearing Agenda.

CONSENT ITEMS

VARIANCES:

5. **1151 NEEDLEWOOD LOOP** - Richard Cameron, applicant; Request for maximum fence height variance from 6.5 feet to 8 feet for a proposed replacement fence in the R-1A (Single Family Dwelling District); Located on the east side of Needlewood Loop, approximately 0.15 mile south of the intersection of Blossomwood Drive and Needlewood Loop; (BV2004-160).

Jason Showe, Planner

7. **2221 POINSETTA DRIVE** - Darrell & Julie Rudd, applicants; Request for (1) rear yard setback variance from 30 feet to 22 feet for a proposed pool abutting a natural water body; and (2) rear yard setback variance from 30 feet to 24 feet for a proposed room addition abutting a natural water body in the R-1AA (Single-Family Dwelling District); Located on south side of Poinsetta Drive, approximately 537 feet east of the intersection of Poinsetta Drive and West Lake Brantley Drive; (BV2004-163).

Francisco Torregrosa, Planner

Mr. Pennington made a motion to approve Consent Agenda Items 5 and 7.

Mr. Rozon seconded the motion the motion.

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

- 6. ALPINE STREET (LOT 40)** - Richard & Ruth Wilvert, applicants; Request for (1) minimum lot size variance from 11,700 square feet to 8,625 square feet; and (2) minimum width at the building line variance from 90 feet to 75 feet in the R-1AA (Single-Family Dwelling District); Located on the northeast corner of the intersection of Alpine Street and Raymond Avenue; (BV2004-161).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the applicants had satisfied the criteria for the granting of the requested variance. He also stated that staff recommended approval of the request.

David Larson stated that they were proposing to build a single-family home that would be consistent with the other homes in the neighborhood. He also stated that they were able to meet all the County requirements with the exception of the lot size. He further stated that he didn't feel the house would have a negative impact in the neighborhood and that it would not affect the traffic or anything else.

Tom Yelcho stated that he was told when he bought his house no one could build on that lot. He also stated that he would like to see a nice home put on the lot. He further stated that he would like the Board to ask the applicant if he had any plans for the home he would like to build.

David Larson showed a picture of the proposed home.

Ann Marie Johnson stated that she lives next door to the property and had some concerns. She stated that she wanted to know what size house would be on the lot and if it the house would have a driveway and garage. She further stated that her septic tank was located on the side of the property and she didn't know how that would affect their plans of building.

David Larson stated that the home would meet all Seminole County Health Department requirements and would be very nice and attractive.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

4. **124 EAST 8TH STREET** - Bobby Soloman III, applicant; Request for minimum width at the building line variance from 70 feet to 62 feet for a proposed single family home in the R-1 (Single-Family Dwelling District); Located on the south side of 8th Street, approximately 360 feet east of the intersection of County Road 419 and 8th Street; (BV2004-162).

Kathy Fall, Senior Planner

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

Bobby Soloman III stated that he wanted to build his father a home on the proposed lot. He stated that the home he is proposing to build would be as nice as the homes in that area. He further stated that the house would meet all the zoning setback requirements.

Treadwill McMickle stated that he lived on the right hand side of the property and that he was aware of the fact that a house was being built, but he wasn't aware of the size of the house. He further stated that he wanted to know how the house would look and where the septic system would be located.

Bobby Soloman III stated that the size of the house would be 1600 square feet. He also stated that he had not pulled a septic tank permit, but the septic system would probably go in the rear of the home. She further stated that the lot was narrow, but very deep and he would put a privacy fence in the rear so no one would notice the septic system.

Mr. Rozon made a motion to approve the request.

Mr. Bass seconded the motion.

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

MOBILE HOME SPECIAL EXCEPTIONS:

22. **1700 STONE STREET** - Tim & Lisa Terrell, applicants; 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 Stone Drive, approximately 0.25 mile south of the intersection of Howard Avenue and Stone Street; (BM2004-023).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that the applicant received a 5 year special exception in 1981. She also stated that the applicant applied for a building permit to replace a barn and it was discovered that the mobile

home special exception expired. She further stated that staff recommended approval of the request.

Tim Terrell stated that there are a lot of homes and mobile homes in the area. He also stated that several mobile homes out there have permanent placement. He further stated that his mobile home has a solid concrete foundation, hurricane strapped down and a new roof. He lastly stated that he had 2 signed letters from his neighbors.

Mr. Bass made a motion to approve the request.

Mr. Pennington seconded the motion.

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

23.356 SAND PINE PLACE - Earl & Solange Rishell, applicants; 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 Sand Pine Place, approximately 0.15 mile north of the intersection of East State Road 46 and Sand Pine Place; (BM2004-024).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that in 1983 the applicants received a 5 year temporary placement of their mobile home. She also stated that the current mobile home received hurricane damage and the applicants would like to replace the mobile home with a new 2004 home. She further stated that staff recommended approval of the request.

George Rishell stated that he was the applicant's son and he would be speaking on their behalf. He showed pictures of the new home that his parents wanted to place on the property. He stated that the home was 1, 576 square feet, 3 bedrooms, 2 baths, family room and living room with a fire place. He further stated the on August 13, 2004 hurricane Charlie caused structural damage to their mobile home. He also stated that his parent thought they had permanent placement of the mobile home. He lastly stated that they would like to get approval of the request.

Solange Rishell stated that they purchased the mobile home in 1983. She also stated that the floors and ceiling had been damaged by the hurricane. She further stated that they had been living in the mobile home since August 13 with the damage. She also stated that the insurance company paid them and told them to go shopping for a new home, they found the home and now are requesting approval.

Mr. Bushrui made a motion to approve the request for the life of the applicants.

Mr. Rozon seconded the motion.

The motion failed by (2-3) consent. Mr. Hattaway, Mr. Pennington and Mr. Bass were in opposition.

Mr. Pennington made a motion to approve the request per the development order.

Mr. Bass seconded the motion.

The motion passed by (3-2) consent. Mr. Bushrui and Mr. Rozon were in opposition.

24. 1208 WEST OSCEOLA ROAD - Ann C. Saucer, applicant; Request for special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning Classification District); Located on the northeast corner of West Osceola Road and Cattle Drive Trail; (BM2004-025).

Kathy Fall, Senior Planner

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

Ann Saucer stated that the property in question belonged to her son. She also stated that he purchased the home in July and August 13 the hurricane destroyed it. She further stated that they didn't know what kind of mobile home they were going to put on the property, because they are still looking for a home in the price range of amount of money her son was given by FEMA. She also stated that it would not be a brand new mobile home, but he looked at a 1993 home that he was interested in.

Mr. Pennington made a motion to approve the request for a 1993 or newer home for 15 years.

Mr. Bushrui seconded the motion.

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

CONTINUED ITEMS

SPECIAL EXCEPTIONS:

8. **5555 WAYSIDE DRIVE** - Guy Rizzo, applicant; Request for special exception to establish a theological studies college in the A-1 (Agriculture District); Located on the south side of Wayside Drive, approximately 0.2 mile east of the intersection of Orange Boulevard and Wayside Drive; (BS2004-027).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated the applicant, Guy Rizzo, is requesting a special exception to establish a Theological Studies College. He also stated that the site is surrounded by vacant land and developed single-family residential properties to the east, south and north, and by a church to the west. He further stated that:

- The property is currently served by well and septic systems which would be abandoned for central water and sewer services.
- There are areas of environment concern, including wetlands and flood plains, but no impacts are proposed in those arrears.
- With the imposition of staff's recommended conditions, the proposed change in use would not have an adverse impact on existing traffic patterns, movements or volumes.
- The proposed use would be consistent with the Comprehensive Plan's designation of low density residential future land use for the subject property, as well as consistent with the range of uses allowed in the A-1 District.
- With the conditions recommended by staff, the proposed use would be compatible with the character of development in the vicinity and would not adversely affect the public interest.

He further stated that the applicant has failed to depict an access that complies with code and for this reason staff recommended the Board of Adjustment continue the request to the December regular meeting. He also stated that this would allow the applicant time to provide a code compliant site plan showing access from Wayside Drive or Orange Boulevard. He lastly stated that if the Board should decide to grant the requested special exception, staff recommended the approval be subject to the conditions listed on the staff report and any additional conditions deemed appropriate by the Board.

Guy Rizzo stated that he gave staff a plan tonight showing them alternate access to the property. He also stated that the Buyer and Seller are working jointly in developing the Bible College. He stated that they recognize the integrity of the residential charter should be maintained along with a beautiful campus setting. He further stated that they were aware of the fact that they would have to comply with Development Review site plan regulations, but their main concern was to know if they could get the special exception for the use. He also stated that they would employ an Engineer to work out the water and sewer services, which would take detailed engineering. He stated that they were willing to do what ever they needed

to do to comply with staff recommendations. He lastly stated that within a 1 ½ to 3 year period the property would be operational.

Mr. Rozon made a motion to approve the special exception request with staff recommendation and the understanding that the Agent representing the buyer has agreed to meet with Seminole County Development Review and comply with their recommendations.

Mr. Bass seconded the motion.

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

APPEALS FROM ADMINISTRATIVE DECISIONS:

- 9. 1675 DIXON ROAD** - Viacom Outdoor / Glenn N. Smith, appellants; Appeal of the Planning Manager's decision to deny a permit for the replacement and/or repair of a nonconforming billboard damaged beyond 50 percent of its replacement value in the A-1 (Agriculture District); Located at the southwest corner of West Interstate-4 and Dixon Road; (BA2004-002).

Earnest McDonald, Principal Coordinator

After a lengthy discussion by lawyers, Board members and staff this item was continued until the December 13, 2004 meeting.

PUBLIC HEARING ITEMS

VARIANCES:

- 10. 212 SUMMERWOOD TRAIL** - Edward Roberts, applicant; Request for side street setback variance from 25 feet to 13.4 feet for a proposed replacement fence in the R-1AA (Single Family Dwelling District); Located on the southeast corner of the intersection of Cherrywood Drive and Summerwood Trail; (BV2004-155).

Jason Showe, Planner

Jason Showe 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.

Mr. Edwards stated that he moved in to the house in October and the fence has been there since 1970. He also stated that he didn't know a permit was never issued for the fence, but he needed the fence to stay where it is so he can put his boat in there. He further stated that the County Traffic Engineering Department stated that the fence would not impact traffic vision.

Mr. Rozon made a motion to approve the request.

Mr. Bass seconded the motion.

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

11. 2921 AMROTH PLACE - William H. Clark, applicant; Request for rear yard setback variance from 30 feet to 14 feet for a proposed addition in the R-1A (Single Family Dwelling District); Located on the south side of Amroth Place, approximately 450 feet east of the intersection of Amroth Place and North Jericho Drive; (BV2004-157).

Jason Showe, Planner

Jason Showe introduced the location of the application and stated that the applicant had failed to satisfy the criteria for granting a variance. He also stated that staff recommended denial of the request. He further stated that the applicant presented 4 signatures of support from neighbors.

William Clark stated that he wanted to build a combination of a workshop and painting studio. He also stated that a neighbor has a similar structural 2 door down from him. He further stated that he wanted to give his wife an area to work on her painting projects. He also stated he would attach the addition to the house and develop a little courtyard in between the main house and the new structure. He lastly stated that he had letters from the Homeowner's Association and the Architectural Committee.

Mr. Bushrui made a motion to approve the request.

Mr. Pennington seconded the motion.

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

12. 5545 WILSON ROAD - Pam & Melvin Olson, applicants; Request for (1) minimum lot size variance from 43,560 square feet (1 acre) to 30,945 square feet (0.71 acre) for a proposed single-family home; and (2) front yard setback variance from 50 feet to 15 feet for a proposed single-family home in the A-1 (Agriculture District); Located at the southeast corner of Wilson Road and Garda Avenue; (BV2004-166).

Jason Showe, Planner

Jason Showe introduced the location of the application and stated that staff recommended approval of (1) minimum lot size variance from 43,560 square feet to 30,945 square feet, however staff recommended denial of (2) front yard setback variance from 50 feet to 15 feet for a proposed single family home. He further

stated that staff would recommend reducing the front yard setback from 50 feet to 25 feet.

Pam Olson stated that she was there to get a variance. She also stated that they would get rid of the old house and build a new one. She further stated that the house would not be centered if they moved it over to the request the staff made. She also showed the Board pictures of the proposed new home.

Melvin Olson stated that they were planning to get Garda Ave abandoned, because the County stated that they would never build a road there. He further stated that they wanted to put a driveway down that road.

Mr. Bushrui made a motion to approve (1) minimum lot size variance from 43,560 square feet to 30,945 square feet; and (2) front yard set back variance from 50 feet to 20 feet.

Mr. Bass seconded the motion.

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

13.482 ZUREIQ POINT - Vimal Desai, applicant; Request for side yard setback variance from 10 feet to 6 feet for a proposed pool screen enclosure in the R-1AA (Single Family Dwelling District); Located at the north end of Zureiq Point, approximately 0.1 mile north of the intersection of Zureiq Point and Greystone Legend Place; (BV2004-152).

Francisco Torregrosa, Planner

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

Vimal Desai stated if he could get the 6 feet variance he would be able to square off the screen room enclosure. He also stated that would make it sturdy. He further stated that he had letters of support from his neighbors.

Mr. Pennington made a motion to approve the request.

Mr. Bass seconded the motion.

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

14.2762 SNOW GOOSE LANE - Diane Terrano, applicant; Request for (1) rear yard setback variance from 10 feet to 1 foot for an existing shed; and (2) side yard setback variance from 5 feet to 1 foot for an existing shed in the Egret's Landing PUD (Planned Unit Development District); Located on the north side of Snow Goods Lane, approximately 450 feet southwest of the intersection of Snow Goose Lane and Egret's Landing Drive; (BV2004-164).
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.

Joseph Terrano stated that when he put the shed in he didn't realize he needed a variance. He also stated that at the time it was a new community and he thought all he needed was the community approval, which he had gotten. He further stated that when he received the violation he realized there was a higher power. He also stated that the shed matches quit nice and they needed the shed for storage.

Diane Terrano stated that they received letters of support from the neighbors that could see the shed.

Mr. Bushrui made a motion to approve the request.

Mr. Pennington seconded the motion.

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

APPROVAL OF OCTOBER 2004 SPECIAL MEETING MINUTES

Mr. Pennington made a motion to approve the Amended October 4, 2004 minutes.

Mr. Bushrui seconded the motion.

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

APPROVAL OF OCTOBER 2004 REGULAR MEETING MINUTES

Mr. Rozon made a motion to approve the October 25, 2004 minutes.

Mr. Pennington seconded the motion.

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

ADJOURNMENT

Time of adjournment was 10:15 P.M.