

**MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT  
DECEMBER 13, 2004  
6:00 P.M.**

**Members Present:** Mike Hattaway, Chairman, Lila Buchanan, Alan Rozon, Wes Pennington and Mike Bass

**Staff Present:** Earnest McDonald, Principal Coordinator; Matt West, Planning Manager; Kathy Fall, Senior Planner; Francisco Torregrosa, Planner; Arnold Schnieder, County Attorney; Stephen Lee, 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.

**CONSENT ITEMS**

**VARIANCES:**

1. **BUNGALOW BOULEVARD (LOT 3)** - Philbert Payne, applicant; Request for (1) minimum lot size variance from 8,400 square feet to 4,320 square feet for a proposed single-family home; and (2) minimum side street setback variance from 25 feet to 10 feet and side yard setback variance from 7.5 feet to 3 feet for a proposed single family home in the R-1 (Single Family Dwelling District); Located on the northwest corner of the intersection of Airport Boulevard and Bungalow Boulevard; (BV2004-165).  
Kathy Fall, Senior Planner
  
2. **3635 PALM AVE** - Kenneth Kovalski, applicant; Request for (1) minimum lot size variance from 11,700 square feet to 10,000 square feet for a proposed single family home; and (2) minimum width at the building line variance from 90 feet to 80 feet for a proposed single family home in the R-1AA (Single Family Dwelling District); Located on the north side of Palm Avenue, approximately 100 feet west of the intersection of Palm Avenue and Overlook Drive; (BV2004-172).  
Francisco Torregrosa, Planner
  
3. **2045 FALMOUTH ROAD** - Karen M. Halvorson, applicant; Request for minimum (west) side yard setback variance from 10 feet to 7.62 feet for a proposed replacement screen room in the R-1AA (Single Family Dwelling District); Located on the north side of Falmouth Road, approximately 100 feet east of the intersection of Sidcup Road and Falmouth Road; (BV2004-169).  
Francisco Torregrosa, Planner

4. **400 EAGLE CIRCLE** – Jean Charles, applicant; Request for (1) minimum (east) side yard setback variance from 10 feet to 5 feet for a proposed pool screen enclosure; and (2) minimum (south) side yard setback variance from 10 feet to 7 feet for a proposed pool screen enclosure in the PUD (Planned Unit Development District); Located immediately west of the intersection of Swallow Drive and Eagle Circle; (BV2004-171).

Francisco Torregrosa, Planner

**Mr. Rozon made a motion to approve the Consent Agenda Items 1, 2, 3 and 4.**

**Mr. Pennington seconded the motion.**

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

## **CONTINUED ITEMS**

### **APPEALS FROM ADMINISTRATIVE DECISIONS:**

5. **1675 DIXON ROAD** - National Advertising Company / Glenn N. Smith, appellants; Appeal of an administrative decision of the Planning Manager to deny the reconstruction of a nonconforming billboard structure in the A-1 (Agriculture District); Located at the southwest corner of West Interstate-4 and Dixon Road; (BA2004-002).

Earnest McDonald, Principal Coordinator

Matt West, Planning Manager introduced the location of the application and stated that after a long discussion at the November 15, 2004 Board of Adjustment meeting, this item was continued. Staff has since met with the County Attorney Office about getting some clarity on the billboard. He also stated that the Board of Adjustment doesn't have to decide if the billboard was damaged, destroyed, removed or repaired; that is a matter for the Code Enforcement Board. He further stated that the issue before the Board is to determine if the billboard is a conforming or nonconforming use in the A-1 (Agriculture District). He also stated that his opinion is that the billboard is a nonconforming use. Matt West also referred to the Land Development Code in section 30.122, stating that no where in the code is a billboard listed as a permitted use or special exception use in the A-1 (Agriculture District). He also referred to Ordinance 2003-20, stating that this ordinance established standards for billboards in Seminole County. He further stated that you have to enter into an agreement with the County, and the appellants have not entered into an agreement. He lastly stated that staff is asking the Board of Adjustment to uphold his decision to deny the reconstruction of a nonconforming billboard structure on the A-1 (Agriculture District).

William McCormick, attorney for the appellants National Advertising / Glenn N. Smith, stated that the reason he was there to determine if Mr. West properly

interpreted the code. He also stated that the code enforcement case had been dismissed. He further stated that the matter at hand is if this is a nonconforming sign in the A-1 (Agriculture District). He referred to the Land Development Code, Section 30.122 A-1 (Agriculture), Permitted uses, within the A-1 Agriculture Zoning Classification, no building, structure, land or water shall be used, **unless otherwise permitted**, except for one (1) or more of the listed uses. He then stated that definition of the word otherwise: in different circumstances. He further referred to Ordinance 2003-20 (d) **notwithstanding anything to the contrary elsewhere in this Code**, except as found in Section 30.1253(b), **outdoor advertising signs may be permitted in any non-residential zoning district** and / or may vary from code separation requirements if such location is found to be in the public interest. He also stated that the County allows billboards in the A-1 (Agriculture District). He further stated that A-1 (Agriculture District) is a non-residential district. He also stated that Ordinance 2003-20 doesn't state that you have to enter into a billboard agreement with the County. He lastly stated that under certain circumstances billboards are otherwise permitted by the language of the code.

**Mr. Bass made a motion to uphold the Planning Manager decision to deny the reconstruction of a nonconforming billboard structure in the A-1 (Agriculture) Zoning District.**

**Mr. Rozon seconded the motion.**

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

## **PUBLIC HEARING ITEMS**

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

- 6. 360 SOUTH HART ROAD** - Imogene & Beverly Yarborough, 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 South Hart Road, approximately 0.25 mile south of the intersection of South Hart Road and West SR 46; (BM2004-028).

Jason Showe, Planner

Kathy Fall introduced the location of the application and stated that on June 25, 2001, the mobile home was approved for three (3) years. She also stated that at that time the applicants were planning on building. She further stated that staff supported only three years because the trend of development on the recent years has been mainly conventional homes. She also stated that the mobile home on the property was damaged by one of the hurricanes and the applicants are replacing it with a 2005 mobile home. She lastly stated that the staff report recommended approval of the mobile home, but she would like the Board to consider a limited

time frame on the placement of the mobile home due to the trend of development in the area.

Imogene Yarborough stated that she is the grandmother of the young man that lives on the property. She also stated that three years ago they definitely hoped to build a house for Robert, her grandson, but now this piece of property is tied up in a trust. She further stated that the property could not be released for another six years and until then they can't build a house. She stated that what ever time the Board gave them would be appreciated. She lastly stated that the property was a perfect place for Robert and his family to live and they would like to put double wide on the property.

Beverly Yarborough stated that the old mobile home had a shingle roof, double pane hurricane windows and hurricane clips holding the roof together. She further stated that everything has been approved to remove the old mobile home.

**Mr. Pennington made a motion to approve the request for permanent placement of a mobile home.**

**Mr. Hattaway seconded the motion.**

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

7. **311 LONGWOOD LAKE MARY ROAD** - Andrew Tesla, applicant; Request for special exception for the two year placement of a mobile home in the A-1 (Agriculture District); Located on the west side of Longwood Lake Mary Road, approximately 300 feet north of the intersection of Longwood Lake Mary Road and Lake Way Road; (BM2004-026).

Kathy Fall, Senior Planner

**THIS ITEM WAS WITHDRAWN BY THE APPLICANTS.**

**VARIANCES:**

8. **421 LAKE MILLS ROAD** - Dennis K. Barncord, applicant; Request for (1) special exception for the one year placement of a recreational vehicle while a single family home is under construction; and (2) minimum front yard setback variance from 50 feet to 25 feet for a proposed home in the A-5 (Rural Zoning Classification District); Located on the south side of Oleander Avenue, approximately 229 feet east of the intersection of Oleander Road and First Ave; (BM2004-027 & BV2004-168).

Jason Showe, Planner

Kathy Fall introduced the location of the application and stated that the applicant had satisfied the criteria for the granting of a (1) special exception for the one year

placement of a recreational vehicle while a single family home is under construction, therefore staff recommended approval of the request. She further stated that staff could not recommend approval of the (2) minimum front yard setback variance from 50 feet to 25 feet for a proposed home, because the request did not meet the criteria for granting a variance and staff recommended denial of the request.

Dennis Barncord stated that he own the property to the north, south and west of this property. He also stated that Oleander Road has been closed to the east and west of the property. He further stated that the only thing remaining is his property and he has intensions of closing the road, which is really a right of way.

**Mr. Rozon made a motion to approve both the mobile home special exception and variance requests.**

**Mr. Pennington seconded the motion.**

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

9. **104 CRESCENT BOULEVARD** - Kenneth & Sarah Donlan, applicants; Request for front yard setback variance from 25 feet to 18 feet for a proposed front porch addition in the R-1AA (Single Family Dwelling District); Located on the west side of Crescent Boulevard, approximately 450 feet north of the intersection of East 2<sup>nd</sup> Street and Crescent Boulevard; (BV2004-170).  
Jason Showe, 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.

Sarah Donlan stated that they have a small front entrance and they wanted to put a roof, four (4) pillars and a cement pad in the front of the house. She also said it would not be an enclosed structure. She further stated that they would like to have a view of the lake, the house was built in 1973 and they would like to bring the house up to the standard of the neighborhood. She also stated that this would enhance the value of the house.

Ken Donlan stated that there is 27 feet from the property line to the porch. He also stated that the house is quite a distance from the road.

**Mrs. Buchanan made a motion to approve the request.**

**Mr. Pennington seconded the motion.**

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

**10.3742 ST LUCIE COURT** - Nancy & Frank Caroleo, applicants; Request for minimum front yard setback variance from 20 feet to 5 feet for a proposed replacement fence in the PUD (Planned Unit Development District; Located on the northwest corner of the intersection of Biscayne Drive and St Lucie Court; (BV2004-167).

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 also stated that staff recommended denial of the request. He further stated that he spoke with a traffic engineer, and was told the fence would not impose a traffic safety issue.

Frank Caroleo stated that he wanted to put the fence back exactly where it was before the hurricane destroyed it. He also stated that he has two (2) front yards because his house faces St. Lucie Court. He further stated that he wanted to extend the fence to cover his bedroom window. He also stated that he was putting a fence on St. Lucie Court and the fence had been there for 18 years before the hurricane.

**Mr. Bass made a motion to approve the request.**

**Mrs. Buchanan seconded the motion.**

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

**SPECIAL EXCEPTIONS:**

**11.1101 TUSCAWILLA POINT** - Alex G. Suero, applicant; Request to amend an existing special exception to expand a animal clinic and kennel in the A-1 (Agriculture District); Located on the east side of Tuskawilla Road, approximately 145 feet south of the intersection of Tuskawilla Point and Tuskawilla Road; (BS2004-030)

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated staff recommended approval of the special exception for a kennel expansion based on the following conditions:

- The number of boarding compartments shall not exceed 20.
- The kennels shall be indoor kennels with no outside kennels on the site.
- The building shall be constructed with soundproofing material.
- Outdoor walking of dogs will be between the hours of 7:30 a.m. to 7:30 p.m.

Ms. Fall lastly stated that there had been no code violation calls on the existing kennel.

Parks Wilson stated that he was representing the applicant, Dr. Alex Suero. He also stated that the addition would be 800 square feet in size and completely indoor. He further stated that the architectural structure of the addition would match the architecture of the existing building.

Dr. Alex Suero stated that they needed more space to board the animal at peak times and holidays. He also stated that they currently have 24 runs. He further stated that the addition would make it more comfortable for staff and the animals.

Mr. Hattaway asked, asked what would be done to sound proof the building?

Parks Wilson stated that the sound proofing would be in the walls, they would have expanded foam in the walls for insulation. He also stated that there is only one (1) door which is a fire exit. He further stated that the windows are mainly for ventilation, and they will be the same type in the existing kennel. He lastly stated that there would be little or no sound coming from the building.

Dr. Alex Suero stated that his kennel has been there for 15 years, and he had not received any complaints.

**Mr. Rozon made a motion to approve the request.**

**Mrs. Buchanan seconded the motion.**

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

**12.9170 OVERLAND ROAD** - John Rutherford & Sue Walsh, applicants: Request to amend an existing special exception to allow the temporary storage of vehicles in conjunction with an approved mechanical garage 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; (BS2004-032).  
Francisco Torregrosa, Planner

**After a lengthy discussion ensued, the Board of Adjustment decided to continue this item to a date subsequent to Final Site Plan approval.**

## **APPROVAL OF NOVEMBER 2004 REGULAR MEETING MINUTES**

**Mr. Rozon made a motion to approve the November 15, 2004 minutes.**

**Mr. Pennington seconded the motion.**

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

## **ADJOURNMENT**

**Time of adjournment was 9:00 p.m.**