

**MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT  
FEBRUARY 28, 2005  
6:00 P.M.**

**Members Present:** Mike Hattaway, Chairman; Dan Bushrui, Wes Pennington, Tom O'Daniel, Mike Bass

**Staff Present:** Earnest McDonald, Principal Coordinator; Kathy Fall, Senior Planner; Francisco Torregrosa, Planner; Arnold Schneider, 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.

Mr. Hattaway stated that Item 17 requested a continuance until the March 28, 2005 meeting.

**Mr. Pennington made a motion to continue Item 17 to the March 28, 2005 meeting.**

**Mr. Bushrui seconded the motion.**

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

**CONSENT ITEMS**

**MOBILE HOME SPECIAL EXCEPTIONS:**

- 1. 350 SAUNDERS TRAIL** - Mary & Steve Isaacs, applicants; Request for special exception for the one year occupancy of a mobile home while a single-family home is under construction in the A-5 (Rural Zoning Classification District); Located on the west side of Saunders Trail, approximately 0.2 mile south of the intersection of Saunders Trail and Cochran Road; (BM2005-001).

Francisco Torregrosa, Planner

**VARIANCES:**

- 2. NOVA DRIVE (LOT 1)** - Mary Ruth Struble, applicant; Request for (1) minimum rear yard setback variance from 200 feet to 30 feet; and (2) minimum front yard setback variance from 200 feet to 50 feet for a proposed house on property abutting the Wekiva River in the A-1 (Agriculture District); Located on the west side of Nova Drive, approximately 0.25 mile west of the intersection of Wekiva Park Drive and Nova Drive; (BV2005-009).

Francisco Torregrosa, Planner

3. **2026 McCARTHY AVE** - Anita Torres, applicant; Request for minimum width at the building line variance from 70 feet to 51 feet for a proposed home in the R-1 (Single Family Dwelling District); Located on the west side of McCarthy Avenue, approximately 300 feet south of the intersection of West 20th Street and McCarthy Avenue; (BV2005-003).

Kathy Fall, Senior Planner

4. **McCARTHY AVENUE (LOT 18)** - Tyrone R. Pinder, applicant; Request for minimum width at the building line variance from 70 feet to 51 feet for a proposed home in the R-1 (Single Family Dwelling District); Located on the west side of McCarthy Avenue, approximately 250 feet south of the intersection of West 20th Street and McCarthy Avenue; (BV2005-004).

Kathy Fall, Senior Planner

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

**Mr. Bass seconded the motion.**

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

## **PUBLIC HEARING ITEMS**

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

5. **2236 ESTES DRIVE** - Betty Greene, applicant; Request for special exception for the permanent placement of a mobile home in the A-1 (Agriculture District); Located on the east side of Estes Drive, approximately 0.2 mile northwest of the intersection of Mullet Lake Park Drive and Estes Drive; (BM2005-004).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated, the applicant's current mobile home had been damaged beyond repair during last year storms. He further stated that staff recommended approval of the request and the trend of development in the area includes mostly mobile homes.

Sarah Pell stated that she was speaking on behalf of her mother, Betty Greene. She also stated that her mother has lived on the property for 38 years and she needed to replace the mobile home because it was damaged by Hurricane Charlie. She further stated the community is mostly mobile homes.

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

**Mr. Pennington seconded the motion.**

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

- 6. 1771 KIMMIE KAY DRIVE** - Patricia & Fred Mayer, applicants; Request for special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning Classification); Located on the west side of Kimmie Kay Drive, approximately 0.23 mile north of the intersection of Osceola Road and Russell Cove Road; (BM2005-005).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the applicants' current mobile home was damaged beyond repair during last year's storms. He also stated that the applicant would like to re-establish the use permanently. He further stated that staff recommended approval of the request and that the trend of development in the area includes mostly mobile homes.

Patricia Mayer stated that they wanted to replace the single wide mobile home with a double wide 2005 model. She also stated that the single wide was damaged by all three storms last year. She lastly presented pictures showing where the new mobile home would be placed and stated that she has a husband and two kids.

Bill Lowery stated the he lives in the immediate area and he had two objections. The first objection he stated was that the mobile home was not consistence with the trend of development in that area. He also presented pictures of the new homes going in around the area. He further stated that most importantly he has an egress issue because the Mayer family has been using his personal road to get to their property. He lastly stated that he needs to use Kimmie Kay and not his road.

Patricia Mayer stated that along Kimmie Kay Drive are mobile homes. She also stated that her neighbors didn't have a problem with them upgrading.

Fred Mayer stated that they had lived there for 15 years. He also stated that they were upgrading from what they had and making it fit with the neighborhood. He lastly stated that if they didn't get the special exception he would sell the property and move.

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

**Mr. Pennington seconded the motion.**

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

7. **581 OAK WAY** - James Court, applicant; Request for special exception for the continued placement of an existing mobile home in the A-1 (Agriculture District) for 5 years; Located on the south side of Oak Way, approximately 0.16 mile from the intersection of South Sanford Avenue and Oak Way; (BM2004-031).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that in 1994 the existing mobile home was approved for 5 years, and in 1999 it was approved for 1 year because the trend of development in the area along Oakway is conventional homes. She further stated that staff recommended denial of the request.

James Court stated that he was the applicant.

Mr. Bushrui asked the applicant how long had he lived their?

James Court stated that he had lived their since 1995 and that his father lived their before him. He also stated that he was hoping to build in the future.

**Mr. Bushrui made a motion to approve a 1 year extension on the existing mobile home.**

**Mr. O'Daniel seconded the motion.**

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

**Mr. Bass wanted to make it clear to the applicant that he had a year to get the mobile home off the property and that he would not get a second chance.**

8. **335 MILLER ROAD** - Richard Gaudio, applicant; Request for special exception for the permanent placement of a mobile home in the A-1 (Agriculture District); Located on the south side of Miller Road, approximately 0.1 mile west of the intersection of South Sanford Avenue and Miller Road; (BM2005-002).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that there was an existing 1986 mobile home on the property. She also stated that she could not find any special exception approval on the site. She further stated that staff recommended permanent approval of a 2004 mobile home and that the trend of development in the area is for permanently approved mobile homes.

Richard Gaudio stated that he wanted to buy the property. He also stated that he would like to improve the existing unit if possible. He further stated that when he put in the application he stated that he wanted to put a 2004 mobile home on the property. He lastly stated that the existing mobile home roof looked to be solid so he would like to put new windows in and bring the mobile home up to code.

Jean Michaels stated that she lives at 370 Miller Road. She also stated that she has lived there for 27 years. She also told the Board of Adjustment members she was impressed on how they tried to work with people. She further stated that a horse was on the property and that the horse would eat the mobile home. She also stated that the applicant would be better off buying a 2004 mobile home. She lastly stated that she didn't want the existing mobile home there.

Richard Gaudio stated that he wanted the opportunity to savage the existing mobile home if he could, if not he would replace it.

**Mr. Bushrui made a motion to approve permanent placement of a 1990 or newer mobile home.**

**The motion died for a lack of a second.**

**Mr. Bass made a motion to approve the existing mobile home with the stipulations that the applicant would have to repair it to current standards or he would have to replace the existing mobile home with a 2004 or newer.**

**Mr. Pennington seconded the motion.**

**Mr. Hattaway, Mr. O'Daniel and Mr. Bushrui were in opposition.**

**The motion failed by a 2-3 consent.**

**Mr. O'Daniel made a motion to approve permanent placement of a 2004 or newer mobile home.**

**Mr. Bushrui seconded the motion.**

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

**VARIANCES:**

- 9. 524 OAKHURST STREET** - Donna Scott, applicant; Request for minimum rear yard setback variance from 10 feet to 2 feet for an existing shed in the R-1AA (Single-Family Dwelling District); Located on the south side of Oakhurst Street

approximately 0.1 mile east of the intersection of Palm Springs Road and Oakhurst Street; (BV2004-188).

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 support from adjacent property owners.

Donna Scott stated that when she moved into the home in 1998 there was an existing shed on the property. She also stated that she destroyed the existing shed and replaced it with a new shed that conforms to the hurricane code and is wired with electricity. She further stated that she had letters of support from her neighbors.

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

**Mr. Bass seconded the motion.**

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

**10. 500 LAKE DRIVE** - John & Marsha Boyle, applicants; Request for minimum front yard setback variance from 25 feet to 20 feet for a proposed porch addition in the R-1A (Single-Family Dwelling District); Located on the southwest corner of the intersection of East 5<sup>th</sup> Street and Lake Drive; (BV2004-190).

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.

John Boyle stated that he bought the house in 1982 and in 1983 he added a two story addition, and an over size garage with a 4 foot overhang on the front of the house. He also stated that he wanted to put a 6 foot deep porch on the front of the house. He further stated that there were other houses in the neighborhood with the same type porch.

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

**Mr. Pennington seconded the motion.**

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

**11.700 NORTH BELFAST PLACE** - Peter & Lori Quail, applicants; Request for minimum side street setback variance from 50 feet to 38 feet for a proposed shed in the A-1 (Agriculture District); Located on the southeast corner of the intersection of Fort Christmas Road and Miracle Drive; (BV2004-191).

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 received a letter of support from an adjacent property owner.

Lori Quail stated that they were in the process of putting a pool in and wanted to put a covered roof area in also. She further stated that they wanted to put a shed in the back yard. She also stated that she wanted the same use and enjoyment of her back yard that her neighbors have. She further stated that she didn't realize that the easement on private property would be considered a road, which would require her to meet a 50 foot side yard setback. She lastly stated that she received approval from her Homeowner's Association and 2 of her neighbors came to the meeting to support them, but they had to leave.

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

**Mr. Bushrui seconded the motion.**

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

**12.457 EAST HILLCREST STREET** - Randy Holmberg, applicant; Request for (1) minimum lot size variance from 11,700 square feet to 11,676 square feet; and (2) side yard setback variance from 10 feet to 8 feet for a proposed home in the R-1AA (Single-Family Dwelling District); Located on the northwest corner of the intersection of Palm Springs Drive and Hillcrest Street; (BV2005-001).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff recommended approval of (1) minimum lot size variance from 11,700 square feet to 11,676 square feet; and denial of (2) side yard setback variance from 10 feet to 8 feet for a proposed home.

Randy Holmberg stated that he plans to build a single family home on the lot. He also stated that due to the size of the lot he was requesting a lot size variance and because he wanted the house to be consistence with some of the new corner lot homes he was requesting a house that would be 50 feet wide. He further stated

that because of the size of the lots in this area a number of variances have already been granted.

Mike Sumner stated that he lives in the house next door. He also stated that he has a 10 foot easement to the property line and he wanted to make sure he understood the applicant request. He continued by asking if the applicant was requesting to have 8 feet of the 10 foot easement? The answer was yes. He further stated that he was against that because that would put him closer than he thought he should be. He also stated that his bedrooms were location on that side of the house. He lastly stated that he thought there was plenty of room on the property for the applicant to build without asking for the side yard setback variance.

**Mr. Bass made a motion to approve the request for the minimum lot size variance from 11,700 square feet to 11,676 square feet.**

**Mr. Bushrui seconded the motion.**

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

**Mr. Bushrui made a motion to deny the side yard set back variance from 10 feet to 8 feet.**

**Mr. O'Daniel seconded the motion.**

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

**13.5751 AUTUMN CHASE CIRCLE** - William C. Long, applicant; Request for minimum rear yard setback variance from 30 feet to 20.33 feet for a proposed covered screen room addition in the R-1A (Single Family Dwelling District); Located on the south side of Autumn Circle, approximately 0.1 mile of the intersection of Willow Oak Lane and Autumn Chase Circle; (BV2004-187).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that staff could not recommend approval of the request because the applicant had failed to satisfy the criteria for granting a variance.

William Long stated that prior to making the decision to put a patio on the back of the house, he made an application with the Homeowner's Association first and they had given him approval. He also stated that he talked to the neighbors on both sides of his home and they had given him approval also. He further stated that behind him is a retention pond. He lastly stated that if he was granted the variance it would not only give them the opportunity to be able to have more room for entertainment, but it would also enhance the value of his home.



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

**Mr. Bass seconded the motion.**

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

- 14. 5399 JUSTINE WAY** - Krystle Hubbard, applicant; Request for minimum rear yard setback variance from 30 feet to 25 feet for a proposed covered screen room addition in the R-1 (Single Family Dwelling District); Located on the south side of Justine Way, approximately 200 feet east of the intersection of Betty Street and Justine Way; (BV2005-002).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that there was an existing screen room which had been damaged by the hurricanes last year. She also stated that she could not find a permit issued for the existing screen room. She further stated that staff could not recommend approval of the request because the applicant had failed to satisfy the criteria for granting a variance.

Katherine Schmidt stated that the hurricane took down the screen room and they decided to replace it. She also stated that she was told by Superior that she needed to apply for a 5 foot variance. She further stated that the existing screen room was on the house when she bought it.

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

**Mr. Pennington seconded the motion.**

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

- 15. 5270 MICHIGAN AVENUE** - John Goebel, applicant; Request for side street setback from 100 feet to 10 feet for a proposed accessory building that would project beyond the established building line in the A-1 (Agriculture District); Located on the north side of Michigan Avenue, approximately 0.20 miles from the intersection North New York Street and Michigan Avenue. (BV2005-005)

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the applicant and stated that staff could not recommend approval of the request because the applicant had failed to satisfy the criteria for granting a variance.

John Goebel stated that Michigan Ave is the last road to the river. He also stated that there is nothing but wetland behind him and the only person or animal that uses Georgia Street is the black bear. He further stated that Georgia is a paper road and he didn't think they would ever open it or build behind him. He lastly stated that he would like to build a usable utility type garage that fit his house.

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

**Mr. Pennington seconded the motion.**

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

**SPECIAL EXCEPTIONS:**

**16.120 ROANN DRIVE** - Steve DeLeonardis, applicant; Request for special exception to allow horses in the RC-1 (Country Homes District); Located on the south side of Roann Drive, approximately 0.14 feet south of the intersection of Michael Drive and Roann Drive;(BS2005-001).

Kathy Fall, Senior Planner

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

- There shall be a maximum of three (3) horses
- The horses will be kept only for the use of the property owner and guests of the residence
- Riding lessons shall be prohibited
- The boarding of horses, other than a maximum of three (3) that are owned by the property owner, shall be prohibited

Marybeth DeLeonardis stated that they were requesting to have two (2) horses on their property. She also stated most of her neighbors have horses and that there were two (2) Equestrians facilities at the end of the property on Rustic Pine Road. She further stated that they train and take lessons at the facility. She lastly stated that she had approval from all her neighbors and that everyone on Brooks and Gabriella had horses.

Mr. Hattaway stated that he had done some research earlier and that this area is Equestrian. He also stated that the applicant property was not a big enough area for three (3) horses if they wanted to pasture them. He further stated that along with the requirements he would like a stipulation to state that along with the pasturing the horses would be feed a supplement and if that was not done then the special exception would terminate.

**Mr. Bass made a motion to approve the special exception request with staff conditions and that along with the pasturing the horses would be feed a supplement and if that was not done the special exception would terminate.**

**Mr. O'Daniel seconded the motion.**

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

**17.9176 OVERLAND ROAD** - Sue Walsh, applicant; 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

**This Item was continued until the March 28, 2005 meeting.**

**18.145 EAST STATE ROAD 46** - Don Kiolbasa, applicant; Request for special exception to establish a mechanical garage in the C-2 (Retail Commercial District); Located on the southeast corner of the intersection of North County Road 426 and East State Road 46; (BS2005-002).

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 be prohibited
- The temporary storage of mechanically disabled vehicles shall be allowed for repair but in no case storage of any one vehicle exceed one year

He lastly stated that staff had received numerous letters of support from adjacent and nearby property owners.

Don Kiolbasa stated that he represented the owners. He further stated that they were requesting to go from marine to auto repair. He also stated that his clients were bringing something that was needed to the area. He further stated that the response had been tremendous and that the site had been cleaned up. He also stated that he had another 100 signatures of support. He further stated that his client has experience in the auto repair business and has been excepted by the community of Geneva.

Charles Wolski stated that the average amount of time a vehicle would remain on the property would be 90 days. He also stated that they planned to get the cars in and out as soon as possible.

Janice Wolski stated that her husband had been in the repair industry for 20 years. She also stated that he is a master technician in his field. She further stated that all the partners were professional and they plan to run a professional organization. She lastly stated that the community has welcomed them there and they do quality work.

Don Faney stated that he lives directly across the street from the business. He also stated that he has lived there for 24 years. He further stated that he didn't know them but he watched them come in and clean up the place. He lastly stated that he and his wife are happy to have this service in Geneva.

**Mr. Pennington made a motion to approve the request with the amended condition (4) the temporary storage of mechanically disabled vehicles shall be allowed for repair but in no case shall storage of any one vehicle exceed 90 days.**

**Mr. O'Daniel seconded the motion.**

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

**19.7800 SOUTH U.S. 17/92** - Michael Pinter, applicant; Request for special exception to establish an alcoholic beverage retail store in the C-2 (Retail Commercial District); Located on the northwest corner of the intersection of South U.S. 17/92 and Ridge Road; (BS2005-003).  
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff recommended approval of the special exception request with the condition that the sale of alcoholic beverages for on-site consumption shall be prohibited.

Mike Levin stated that he was the Manager of this project. He also stated that they were advised that they needed a special exception to establish an alcoholic beverage retail store. He further stated that Walgreens did operate a Liquor Store in the exact location they plan to use. He lastly stated that Walgreens were sub-leasing to his company.

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

**Mr. O'Daniel seconded the motion.**

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

## **APPROVAL OF JANUARY 2005 MEETING MINUTES**

Mr. Pennington made a motion to approve the January 24, 2005 minutes.

Mr. Bushrui seconded the motion.

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

## **ADJOURNMENT**

Time of adjournment was 8:30 P.M.