

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

Members Present: Mike Hattaway, Chairman; Dan Bushrui, Wes Pennington, Tom O'Daniel, and Alan Rozon

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.

Mike Hattaway, Chairman stated that Item 1 was moved to the Regular Agenda by staff.

PUBLIC HEARING ITEMS

MOBILE HOME SPECIAL EXCEPTIONS:

- 1. 3800 KENTUCKY STREET** - Efrain Ilarraza, applicant; Request for special exception for the five year placement of a mobile home in the A-1 (Agriculture District); Located on the north side of Kentucky Street, approximately 370 feet west of the intersection of Jesup Avenue and Kentucky Street; (BM2005-006).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that the future land use of the area was High Intensity Planned Airport (HIPAP). She also stated that the applicant combined several platted lots to create the 1.16 acre lot. She further stated that staff could not recommend approval of the placement of the mobile home because it was not consistence with the trend of development in the area, which is primarily conventional homes. She lastly stated that the applicant was willing to put a newer home on the property because he hadn't purchased the 1971 mobile home.

Efrain Ilarraza stated that he purchased the property in order to put a mobile home on it. He also stated that he had visited the Planning office a few times and was told he needed an acre to apply for a mobile home special exception. He further stated that he combined adjoining properties to make the acre. He also stated that he understood that there were no mobile homes in the area. He lastly showed pictures of the area and stated that given the opportunity he would bring up the value of the area.

Donald Harmon stated that they currently had a horse farm in the area. He also stated that they are trying to improve their property and plan to put a brand new mobile home on their property. He further stated that they don't have any opposition with Efrain putting a new mobile home on the property but not a 34 year old mobile home. He lastly stated that when Efrain filled his property he filled a drainage ditch and it flooded his property.

Georgann Harman stated that when they bought the property 7 years ago they were told they had to put a new mobile home on the property.

Efrain Ilarraza stated that he was willing to purchase a 1995 or 1998 mobile home but he wasn't sure if he could afford a double wide mobile home.

Mr. Hattaway stated that looking at the Future Land Use designation which is High Intensity Planned Airport, this will be a pretty intense area that would include commercial and industrial uses. He also stated that the trend of development in that area is not for mobile homes or single family homes.

Mr. Pennington made a motion to approve the 5 year placement of a 1995 or newer mobile home.

Mr. O'Daniel seconded the motion.

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

Mr. Hattaway stated that what he was trying to say and he didn't know if the Board understood was that he didn't think that the trend of development was for any type home. He further stated that if you start putting people out in an area designated High Intensity Planned Airport you do a disservice to the people who want to live there and the individual who would want to put their business there. He lastly stated that this area was designed to be an engine that would help the County economic future.

CONTINUED ITEMS

SPECIAL EXCEPTIONS:

- 2. 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

The applicant was not present, Mr. Hattaway asked if the Board wanted to make a motion on this item.

Mr. Bushrui made a motion to hear the item now.

Mr. O'Daniel seconded the motion.

The motion failed by a (2-3) consent.

Mr. Pennington made a motion to hear the item at 7:00 p.m.

Mr. Bushrui seconded the motion.

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

Cheryl Adamkiewicz stated that she wanted the item to be heard now.

PUBLIC HEARING ITEMS

VARIANCES:

- 3. 510 YEW COURT** - Gerald F. Snell, applicant; Request for (1) side yard setback variance from 7.5 feet to 5 feet for an existing pool screen enclosure; and (2) rear yard setback variance from 30 feet to 26.7 feet for an existing addition in the R-1A (Single Family Dwelling District); Located on the west side of Yew Court, approximately 275 feet north of the intersection of Yew Court and Balsa Drive; (BV2005-006).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the property 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.

Gerald Snell stated that he put the screen room in about 4 years ago. He also stated that he went to get a permit and was told he had to meet the 10 feet setback requirement and it had to be even with the side of the house and that would put the screen room in my pool. He further stated that he already had the screen enclosure built and ready to go up. He lastly stated that he had a signed petition from his neighbors in support.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

4. **2220 CHARLOTTE DRIVE** - Robert Milanovich, applicant; Request for minimum side street setback variance from 25 feet to 10.4 feet for a proposed home addition in the R-1AA (Single-Family Dwelling District); Located on the northeast corner of the intersection of Terrace Boulevard and Charlotte Drive; (BV2005-008).
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the property 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.

Robert Milanovich stated that the reason for the addition is that his wife just had a baby and they are planning to have another one. He also stated that they built the house in 2000 and the house is getting full. He lastly stated that he had a signed petition from 10 neighbors in support of his request.

Mr. O'Daniel made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

5. **202 JAMES COURT** - Dennis Patterson, applicant; Request for (1) minimum (east) side yard setback variance from 7.5 feet to 4 feet; and (2) minimum rear yard setback variance from 30 feet to 10 feet for a proposed shed in the R-1A (Single-Family Dwelling District); Located on the south side of James Court, approximately 60 feet east of the intersection of Phillip Street and James Court; (BV2005-010).
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the property 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.

Dennis Patterson stated that what he wanted to do was to take down the existing shed and put up a new shed on the side of the property where the gates are. He also showed the Board pictures of the proposed location of the new shed. He further stated that his property gets narrow towards the back. He lastly stated that he would like to protect his motorcycle and equipment by putting them inside a building.

Mr. Rozon made a motion to approve the request.

Mr. Pennington seconded the motion.

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

- 6. 277 ACORN DRIVE** - Timothy Carr, applicant; Request for (1) minimum (west) side yard setback variance from 7.5 feet to 5 feet; and (2) minimum rear yard setback variance from 30 feet to 7 feet for a proposed garage in the R-1 (Single-Family Dwelling District); Located on the south side of Acorn Drive, approximately 0.1 mile east of the intersection of Ridge Avenue and Acorn Drive; (BV2005-011).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the property 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 3 letters of support from adjacent property owners.

Timothy Carr stated that he would like to put a garage on the back corner of his lot where he currently has two (2) sheds. He further stated that he would like to replace the sheds with a 2 car garage and a work area.

Mr. Rozon made a motion to approve the request.

Mr. Pennington seconded the motion.

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

CONTINUED ITEMS

SPECIAL EXCEPTIONS:

- 2. 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

Francisco Torregrosa introduced the location of the property and stated that the applicant, Sue Walsh, requested to amend an existing special exception to allow the temporary storage of vehicles in conjunction with an approved mechanical garage at 9176 Overland Road in the C-2 District. He also stated that the item was continued from the December 13, 2004 regular meeting of the Board of Adjustment to allow the review and approval of a final site plan by the Development Review

Committee. He further stated that on October 4, 2004 the Board approved a Paint and Body Shop special exception on a parcel across SR 441 from the subject parcel with one of the conditions stating "The outdoor storage of wrecked or junked vehicles for a period longer than one year (shall) be prohibited." The same condition for this special exception lacks the words for a period longer than one year, so that its reads, "The outdoor storage of wrecked or junked vehicles shall be prohibited." The applicant wishes to amend this condition of the special exception to read the same. He lastly stated that staff recommended approval of the request with the following amendment:

- The outdoor storage of wrecked or junked vehicles for a period longer than one year shall be prohibited.

The Chairman, Mr. Hattaway asked if the applicant was present.
The applicant was not present.

Cheryl Adamkiewicz stated that she wanted to thank the Board for hearing the item. She also stated that this request was contingent upon the approval that the Board gave on a Paint and Body Shop on 441. She showed pictures of actual Body Shops in Seminole County and pictures of the applicant site. She further stated that what is currently being stored at the site was junked vehicles. She also stated that there are multiple businesses in existence on the property. She further stated that the businesses are not providing parking for customers and they are posting no trespassing signs because of the people parking on their property. She stated that the property has numerous code violations and the property needs to be cleaned up. She lastly stated that her family owns two (2) lots in the area and they would like to put warehouse office spaces there but because of the junk yard beside it they probably wouldn't be able to do it.

Ed Adamkiewicz stated that his mother owns the property adjacent to the applicant. He also stated that their property was up for lease and some clients wanted to put more junk cars in and he said no. He further stated the applicant property was basically a junk yard and that they would like to see the area cleaned up.

Sue Walsh apologized for being late and stated that she was not requesting another special exception all she wanted was for the Development Order to read that the outdoor storage of wrecked or junked vehicles for a period longer than one year shall be prohibited. She also stated that she had received an Affidavit of Compliance from Code Enforcement and the approved site plan that the Board requested. She further stated that she is not running a salvage yard and she does not sale parts. She also showed the Board where the wrecked vehicles would be stored from her approved site plan. She further stated that the wrecked cars could not be seen from 441 or Overland Road. She lastly stated that if the Board thought 12 months is to long of a period she would be happy with a lesser time frame.

Mr. Pennington made a motion to approve the request with a maximum of 24 wrecked vehicles actively being repaired for a period no longer than 90 days

and a solid wood fence six (6) feet in height shall be erected and maintained along the southwest corner of the property from the mechanics garage south, then east to the two (2) bay aluminum awning as depicted on the approved site plan.

Mr. Bushrui seconded the motion.

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

- 7. 1201 MILLS STREET** - Ethel Sparks, applicant; Request for (1) minimum side street setback variance from 50 feet to 26 feet; and (2) minimum front yard setback variance from 50 feet to 6.4 feet for a proposed mobile home approved by Special Exception in the A-1 (Agriculture District); Located on the southwest corner of the intersection of Nolan Road and Mills Street; (BV2005-018).

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the property and stated that the applicant received permanent placement of a new mobile home at the January 24, 2005 Board of Adjustment meeting. He also stated that the applicant wishes to place the new mobile home in the exact same location of the old mobile home. He further stated that the applicant had failed to satisfy the criteria for granting a variance. He lastly stated the staff recommended denial of the request.

Ethel Sparks stated that she was requesting that the new home be placed where the old home was. She also stated that to put the home within the setbacks would have the home sitting on top of the well. She further stated that if she moved the home further back on the property she would have to relocate the hook ups. She also stated that the concrete slab for the carport is already on the property. She lastly stated that the home she found was smaller than the old home so her second request would be minimum front yard setback from 50 feet to 14 feet for a proposed mobile home.

Mr. Hattaway asked County Attorney, Arnold Schneider, if the carport could be considered with the request.

County Attorney, Arnold Schneider asked was the carport attached?

Ethel Sparks said yes.

County Attorney, Arnold Schneider stated that with the carport being attached they could hear the request now. He also stated that it would be considered part of the mobile home.

Mr. Rozon made a motion to approve the request with the attached carport.

Mr. Bushrui seconded the motion.

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

- 8. 3030 HOLLIDAY AVENUE** - Stephen Carnes, applicant; Request for minimum (west) side yard setback variance from 10 feet to 6 feet for a proposed home in the R-1AA (Single-Family Dwelling District); Located on the southeast side of Holliday Avenue, approximately 475 feet northeast of the intersection of Balmy Beach Drive and Holliday Avenue; (BV2005-013).
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the property 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 opposition from the adjacent property owner to the west.

Ray Krogman stated that he has lived on Bear Lake for 20 years and he build 3 homes within the area. He also stated that Stephen Carnes approached him for advice on building a new home or remodeling the existing home. He further stated that he advised Stephen Carnes to apply for the variance. He also showed pictures of the house and stated that the house was built in 1958 and the foundation had no cracks from the water. He lastly stated that the improvement would increase the value of the properties in the neighborhood.

Stephen Carnes stated that he was making a request for the same 6 feet variance that the house currently has. He also stated that all the water that comes off the roof comes down the front and goes to the back of the property.

Michael Ison stated that he was the adjacent property owner to the west. He also stated that he purchased his property in 1984 and built his house in 1986. He further stated that he would like Mr. Carnes to enjoy his property and build a house that he desires to build. He stated that the he has had an existing water problem for about 15 years. He also stated that he is concerned with a footprint adding about 28 feet of additional length of home on the east side of his property. He further stated that with the type of roof they are proposing to put on the home it would throw additional water between the properties. He stated that he already has a water problem. He lastly stated that he was opposed to the request and he stated that the property was big enough to allow the regular setback of 10 feet on both sides.

Ray Krogman stated that Stephen Carnes has a crawl space underneath his property and there is no water damage in that area. He further stated that with the concern of the water, building the new structure would not cause any more water to come down between the properties.

Mr. Pennington made a motion to approve the variance request from 10 feet to 8 feet with a guttered roof.

Mr. O'Daniel seconded the motion.

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

- 9. 3843 REGENTS WAY** - Joseph & Lynette Sanchez, applicants, Request for minimum rear yard setback from 10 feet to 5 feet for a proposed pool in the PUD (Planning Unit Development District); Located on the south side of Regents Way, approximately 340 feet west of the intersection of Beacon Tree Place and Regents Way; (BV2005-012).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that the applicant had failed to satisfy the criteria for granting a variance. She further stated that staff recommended denial of the request. She lastly stated that the applicant submitted a petition of support from neighbors.

Joseph Sanchez stated that his Homeowners Association approved the request also.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

- 10. 5386 ENDICOTT PLACE** - Richard & Sharon Johnson, applicants; Request for (1) minimum rear yard setback from 10 feet to 5 feet for a proposed pool; and (2) minimum rear yard setback from 5 feet to 3 feet for a proposed pool screen enclosure in the R-1BB (Single Family Dwelling District); Located on the north side of Endicott Place, approximately 290 feet west of the intersection of Belmont Terrace and Endicott Place; (BV2005-014).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that the applicant had failed to satisfy the criteria for granting a variance. She also stated that staff recommended denial of the request. She further stated that the applicants received approval from their Homeowners Association and from 2 adjacent neighbors. She lastly stated that the applicants have also received approval from the utility companies to vacate the easement.

Sharon Johnson stated that she was the homeowner and wanted permission to use the area of the backyard the faces the conservation area. She also stated that her neighbors and Homeowners Association were very supportive. She further stated that there were only trees in the back of her yard and that the area would never be build on. She lastly stated that the renovation would improve the property value.

Mr. Bushrui made a motion to approve the request.

Mr. Pennington seconded the motion.

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

11.2891 EGRETS LANDING DRIVE - Bruce Bolton, applicant, Request for minimum side street setback variance from 15 feet to 11.6 feet for an existing fence in the PUD (Planning Unit Development District); Located at the southwest corner of the intersection of Snow Goose Lane and Egrets Landing Drive; (BV2005-015).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that the applicant had failed to satisfy the criteria for granting a variance. She further stated that staff recommended denial of the request. She lastly stated that the existing fence received a code violation last year.

Julie Bolton stated that they had been in the house for over four (4) years. She also stated that when they first moved in they put the fence in because they didn't realize they needed a permit. She lastly stated that they requested the Board approval.

Mr. Pennington made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

APPROVAL OF FEBRUARY 2005 MEETING MINUTES

Mr. Pennington made a motion to approve the February 28, 2005 minutes.

Mr. O'Daniel seconded the motion.

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

ELECTION OF BOARD OFFICERS

County Attorney, Arnold Schneider opened the nomination for Vice Chairman.

Mr. Pennington made a motion to elect Mr. Bushrui as Vice Chairman.

Mr. O'Daniel seconded the motion.

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

County Attorney, Arnold Schneider opened the nomination for Chairman.

Mr. Pennington made a motion to elect Mr. Hattaway as Chairman.

Mr. Rozon seconded the motion.

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

Mr. Hattaway is now Chairman for the Board of Adjustment and Mr. Bushrui is Vice Chairman.

ADJOURNMENT

Time of adjournment was 9:00 P.M.