

**MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT
MAY 23, 2005
6:00 P.M.**

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

Staff Present: Tony Walter, Assistant Planning Manager; Earnest McDonald, Principal Coordinator; Kathy Fall, Senior Planner; Francisco Torregrosa, Planner; Michael Rumer, Planner; Arnold Schneider, County Attorney; Patty Johnson, Senior Staff Assistant

Mr. 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 voting and appealing decisions.

CONSENT ITEMS

LIMITED USES:

- 1. 493 REST HAVEN ROAD** - James S. & Debbie Adams, applicants; Request for limited use for the one year occupancy of a recreational vehicle while a single-family dwelling is under construction in the A-5 (Rural Zoning Classification); Located on the east side of Rest Haven Road, approximately 0.2 mile north of the intersection of Rest Haven Road and East State Road 46; (BM2005-011).
Earnest McDonald, Principal Coordinator

This item was withdrawn by Staff.

VARIANCES:

- 2. EAST HILLCREST STREET (LOT 20)** - Octavio Osorio, applicant; Request for (1) minimum lot size variance from 11,700 square feet to 9,795 square feet for a proposed home; and (2) minimum width at the building line variance from 90 feet to 70 feet for a proposed home in the R-1AA (Single-Family Dwelling District); Located on the north side of East Hillcrest Street, approximately 250 feet west of the intersection of East Hillcrest Street and Lake Avenue; (BV2005-044).
Michael Rumer, Planner
- 3. FAIRVIEW STREET (LOT 6)** - Daniel Marsden, applicant; Request for minimum lot size variance from 11,700 square feet to 10,570 square feet for a proposed home in the R-1AA (Single-Family Dwelling District); Located on the northeast corner of the intersection of Charlotte Street and Fairview Street; (BV2005-038).
Kathy Fall, Senior Planner

4. **CHARLOTTE STREET (LOTS 9 & 10)** - Daniel Marsden, applicant; Request for minimum lot size variance from 11,700 square feet to 10,720 square feet for a proposed home in the R-1AA (Single-Family Dwelling District); Located on the northeast corner of the intersection of Charlotte Street and Fairview Street; (BV2005-039).

Kathy Fall, Senior Planner

5. **CHARLOTTE STREET (LOTS 7 & 8)** - Daniel Marsden, applicant; Request for minimum lot size variance from 11,700 square feet to 10,720 square feet for a proposed home in the R-1AA (Single-Family Dwelling District); Located on the northeast corner of the intersection of Charlotte Street and Fairview Street; (BV2005-040).

Kathy Fall, Senior Planner

Mr. Pennington made a motion to approve Consent Agenda Items 2, 3, 4, and 5.

Mr. Bushrui seconded the motion.

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

PUBLIC HEARING ITEMS

MOBILE HOME SPECIAL EXCEPTIONS:

6. **3740 BRIDGES ROAD** - Don and Georgann Harmon, applicant; Request for special exception for the placement of a mobile home in the A-1 (Agriculture District); Located on the south side of Bridges Road, approximately 0.13 mile east of the intersection of Beardall Avenue and Bridges Road; (BM2005-012).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that the applicant had not satisfied the criteria for the placement of a mobile home. She also stated that staff could not recommend approval of the request for it was not the trend of development in the area. She further stated that two (2) months ago the Board had a similar request, and staff did not recommend approval of that request. She lastly stated that the applicant property was not located in the Airport future expansion area.

Georgann Harmon stated that when she bought the property ten (10) years ago she checked out about the eagles nest, the water conditions and if the area was in the flood zone. She also stated that she made sure there were no limits to how many horses she could have and that the grass she was planting was quality grass for the animals. She further stated that things had not worked out exceptionally well for them and they were not able to keep the home that they currently have and

build on the lot at Bridges Road so they requested a mobile home special exception for 10 years. She also stated that for 10 years they had come out twice a day to feed the animals which is 12.50 miles from where she lives. She further stated that with the price of gas it would be more economical for them to live on the property. She lastly stated that she understood that with the airport expanding it would be more traffic and noise, and she didn't have a problem with that.

Mr. Pennington asked if the applicant planned to build on the property at any time.

Georgann Harman stated that they would probably not build. She further stated that they would not be there much longer than ten (10) years because she was sure someone would come along and offer them more money than they could pass up.

Mr. Hattaway stated that if the Board should approve a mobile home Special Exception it should be the Board intention that the area is a permanent area for mobile homes. He further stated that in the past the Board had approved mobile homes for different time limits and at the end of the time period it is hard to tell someone they have to leave their home.

Mr. Pennington made motion to approve the request.

Mr. O'Daniel seconded the motion.

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

Mr. Bushrui made a motion to deny the request.

Mr. Bass seconded the motion.

The motion passed by (3-2) consent. Mr. Pennington and Mr. O'Daniel were in opposition.

VARIANCES:

- 7. 1280 REGAL OAK COURT** - Richard Torres, applicant; Request for side street setback variance from 25 feet to 10 feet for a proposed 6 foot privacy fence replacement in the PUD (Planned Unit Development District); Located at the northeast corner of Regal Oak Court and Wembly Place; (BV2005-021).
Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the location of the property and stated that the applicant asserts that the proposed fence would provide greater security and privacy to the side and rear of the home from the adjoining Wembly Place. He

further stated that staff recommended denial of the request because the applicant could not demonstrate a hardship. He lastly stated that the Traffic Engineering Division reviewed the request and determined that there would be no adverse impact to sight distance.

Richard Torres stated that the reason he wanted that privacy fence was for privacy in the master bedroom. He stated that if the light is on in the master bedroom you can see in from the street on Wembly Place. He further stated that he would feel much safer with his three (3) boys playing in the back yard with the privacy fence. He lastly stated that his neighbor in the rear was in support of the request and the privacy fence would increase the value of the property.

Richard Zaintz stated that he was the adjacent homeowner. He also stated that he respected the applicant's request for a privacy fence, but he didn't agree to him violating the setback. He further stated that based on staff finding he concurred with them. He lastly stated that the final decision rest with the Architectural Review Board.

Richard Torres stated that he wanted to know from the Board what would be the minimum setback that they would approve. He further stated that he wanted to be a good neighbor.

Mr. Bushrui approved a 15 foot setback for the privacy fence.

Mr. Pennington seconded the motion.

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

8. **161 EAST 7TH STREET** - Jeff Marion, applicant; Request for (1) (east) minimum front yard setback variance from 25 feet to 0 feet for an existing privacy fence and; (2) (north) side street setback variance from 25 feet to 0 feet for an existing privacy fence in the R-1A (Single-Family Dwelling District); Located at the northwest corner of the intersection of Tropical Ave & East 7th street; (BV2005-033).

Michael Rumer, Planner

Mike Rumer 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 also stated that the existing privacy fence was replaced without building permits. He lastly stated that Traffic Engineering inspected the site and found the fence did not pose a sight distance problem.

Jeff Marion stated that after the storms damaged the fence he hired someone to replace the fence and assumed they got the permits. He further stated that he has a swimming pool and he didn't want any kids to drown in his pool so he had the existing fence replaced.

Mr. Bass made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

- 9. 2861 ALOMA LAKE RUN** - Glenn & Connie Grossman, applicant; Request for (1) (south) rear yard setback variance from 30 feet to 18 feet for a proposed covered patio in the R-1AA (Single-Family Dwelling District); Located south of Aloma Lake Run, approximately 0.1 mile east of the intersection of Oak Lake Trail & Aloma Lake Run; (BV2005-036).

Michael Rumer, Planner

Mike Rumer 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.

Connie Grossman stated that they wanted to extend the existing screen room to the door of the pool bathroom. She further stated that when the kids get out of the pool they could walk in the pool bathroom instead of walking through the living room. She also stated that the room would need a roof in order to hang a ceiling fan. She lastly stated that they had approval from the neighbor next door and the Architectural Review Board.

Mr. Bass made a motion to approve the request.

Mr. Pennington seconded the motion.

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

- 10. 370 EAST 5TH STREET** - Roxie Marshall, applicant; Request for (1) (north) front yard setback variance from 25 feet to 0 feet for a proposed 6 foot privacy fence in the R-1A (Single-Family Dwelling District); Located on the southwest corner of Avenue F and East 5th Street; (BV2005-037).

Michael Rumer, Planner

Michael Rumer 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 there was one letter of opposition from a neighbor across the street.

Roxie Marshall stated that she has German Shepherds and at the advice of an Attorney, and her Homeowner's Insurance she installed a privacy fence. She further stated that she has owned her home for 20 years and she needed privacy.

She lastly stated that she set a chain link fence in a foot from her lot line to put a six (6) foot wood fence inside the chain link fence.

John Marshall stated that they wanted to extend the fence from the corner, back to where the privacy fence is now for the dogs. He further stated that the fence was for privacy for the neighbors as well as the dogs.

Mr. Bass made a motion to approve the request.

Mr. Pennington seconded the motion.

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

- 11. 1515 DODD ROAD** - Mathew Roberts, applicant; Request for (1) (south) side yard setback variance from 10 feet to 8 feet for a proposed home addition in the A-1 (Agriculture District); Located on the south side of Dodd Road, approximately 400 feet south of the intersection of Dodd Road and Kinsley Place; (BV2005-042).
Michael Rumer, Planner

This item was withdrawn by Staff.

- 12. MERRITT STREET (LOT 9)** - Emma Moore, applicant; Request for (1) minimum lot size variance from 9,000 square feet to 4,730 square feet for a proposed home; (2) minimum width at building line variance from 75 feet to 55 feet for a proposed home and; (3) minimum front yard setback variance from 25 feet to 20 feet for a proposed home and; (4) minimum rear yard setback variance from 30 feet to 24 feet for a proposed home in the R-2 (One and Two-Family Dwelling District); Located on the north side of Merritt Street, approximately 0.1 mile west of the intersection of Merritt Street & Marker Street; (BV2005-045).
Michael Rumer, Planner

Michael Rumer introduced the location of the property and stated that staff recommended approval of the requested variances for (1) minimum lot size variance from 9,000 square feet to 4,730 square feet for a proposed home; (2) minimum width at the building line variance from 75 feet to 55 feet for a proposed home. He further stated that staff recommended denial of requested variances for (3) minimum front yard setback variance from 25 feet to 20 feet, and (4) minimum rear yard setback variance from 30 feet to 24 feet for a proposed home.

Yolanda Jones stated that the lot is very small and it would be difficult to build anything smaller than what we are proposing.

Rue Rivers stated that she was the sister and Realtor for the owner of the property. She further stated that the area was zoned residential, but with the setbacks being what they are it makes the lot difficult to build on or sale.

Cora Sneed stated that she, her brother and sister would like to go on record as being in opposition of the request. She further stated that they did not want to inhibit the sale or decrease the value of their Commercial property located to the left of this property. She lastly stated that the property is just too small for a single family home.

Yolanda Jones stated that she didn't think the property was too small to build on. She further stated that the home they are proposing to build is a nice size home and it would be good for the community.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

13.116 VALENCIA LOOP - Teresa Hoes, applicant; Request for maximum fence height variance from 6.5 feet to 8 feet for a proposed fence in the R-1AA (Single-Family Dwelling District); Located on the south side of Valencia Loop, approximately 0.2 mile southwest of the intersection of Spring Valley Loop and Valencia Loop; (BV2005-030).

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.

Teresa Hoes stated that the fence was there when they bought the home three (3) years ago. She further stated that the fence was damaged by the storms and they wanted to replace it. She also showed the Board pictures of other fences in the neighborhood that were 6 & 8 feet. She lastly stated that she had a signed letter from the Homeowner's Association and from a neighbor.

Mr. Bass made a motion to approve the request.

Mr. Pennington seconded the motion.

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

14. 1307 MEGAN WAY - Mike & Debbie Kyle, applicants; Request for minimum rear yard setback variance from 20 feet to 15 feet for a proposed screen room addition in the R-1BB (Single-Family Dwelling District); Located on the east side of Megan Way, approximately 100 feet south of the intersection of Aiden Place and Megan Way; (BV2005-034).

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 approval from the Cameron Grove Homeowners Association.

Debbie Kyle stated that they wanted to add on to the existing concrete slab and build a screen room. She further stated that it would be an improvement to the backyard and keep out the heat.

Mr. Pennington made a motion to approve the request.

Mr. Bass seconded the motion.

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

15. 9800 BEAR LAKE ROAD - Cesar & Margaret Baro, applicants; Request for (north) minimum side yard setback variance from 7.5 feet to 5.33 feet for a proposed home addition in the R-1 (Single-Family Dwelling District); Located on the northwest corner of the intersection of Cub Lake Drive and Bear Lake Road; (BV2005-035).

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.

Cesar Baro stated that he wanted to build a two (2) car garage on the north side of the property, which was the only place he could put it. He further stated that the neighbor on the north didn't have a problem with the request. He lastly stated that a lake was behind him.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

16.229 WEST CUMBERLAND CIRCLE - Billy J. Mendez, applicant; Request for minimum side street setback variance from 20 feet to 15 feet for a proposed fence in the PUD (Planned Unit Development District); Located on the northwest corner of the intersection of Hunt Club Boulevard and West Cumberland Circle; (BV2005-041).

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 had received a letter of opposition from a nearby property owner.

Billy Mendez stated that the reason for putting the fence in the proposed location was because he would like to put a shed in the backyard. He further stated that with the variance they would not have to remove a row of trees on the side of the house.

Mr. Pennington made a motion to approve the request.

Mr. Bass seconded the motion.

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

17.481 FOREST COURT - Richard Hagen, applicant; Request for minimum rear yard setback variance from 30 feet to 20 feet for a proposed shed in the R-1A (Single-Family Dwelling District); Located on the east side of Forest Cove, approximately 300 feet south of the intersection of Moss Drive and Forest Cove; (BV2005-043).

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.

Richard Hagen stated that the structure would be used primarily for storage and restoration of his two (2) 57 Chevys. He further stated that in the interest of privacy and security he wanted to get the structure setback from the road.

Mr. Pennington made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

18. GROVE STREET (LOT 1) - Rosy Rios, applicant; Request for minimum side street setback variance from 25 feet to 7.5 feet for a proposed home in the R-1A (Single-Family Dwelling District); Located on the southwest corner of the intersection of Forest Lake Drive and Grove Street; (BV2005-047).

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.

The applicant was not present.

Ariel Gaussart stated that he was a neighbor and the request was out of character for the neighborhood. He further stated that it would be an eyesore and the only house close to the road. He lastly stated that he spoke to some of the neighbors and they could not come to the meeting but they felt the same about the request.

Mr. Pennington made a motion to continue the item until the June 27, 2005 meeting.

Mr. Bushrui seconded the motion.

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

19. 3229 NIGHT BREEZE LANE - Craig and Michelle James, applicants; Request for minimum rear yard setback variance from 30 feet to 18 feet for a proposed room addition in the R-1AA (Single-Family Dwelling District); Located on the east side of Night Breeze Lane, approximately 130 feet south of the intersection of Teak Lane and Night Breeze Lane; (BV2005-029).

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.

Michelle James stated that they were hoping to put a pool and recreational room for the proposed addition. She further stated that she had approval from both her adjacent neighbor and the neighbor in the rear. She lastly stated that the Architectural Review Board was in favor of the request, but their decision was pending upon the Board of Adjustment decision.

Mr. Bass made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

20. 5998 SOUTH SANFORD AVENUE - Jeff Mann, applicant; Request for minimum side street setback variance from 50 feet to 38 feet for a proposed garage in the A-1 (Agriculture District); Located on the west side of South Sanford Avenue, approximately 0.5 mile south of the intersection of Myrtle Steet and South Sanford Avenue; (BV2005-031).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that the lot was considered to be a corner lot, but Cadillac Street was a paper road. She further stated that existing home was damaged by the hurricanes and the applicant were remodeling their home and wishing to add a garage. She also stated that the applicant had failed to satisfy the criteria for granting a variance. She lastly stated that staff recommended denial of the request.

Jeff Mann stated that his house had a car port attached on the side of the property, but the hurricane damaged it. He further stated that he wanted to put the attached garage where the carport was. He lastly stated that Cadillac Street was put on the plat but it doesn't exist.

Mr. Pennington made a motion to approve the request.

Mr. Bass seconded the motion.

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

21. 448 MAINSAIL COURT - Michelle Barrett, applicant; Request for minimum rear yard setback variance from 15 feet to 12 feet for a proposed screen room in the PUD (Planned Unit Development District); Located on the north side of Mainsail Court, approximately 100 feet east of the intersection of Lake Breeze Circle and Mainsail Court; (BV2005-046).

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 the staff recommended denial of the request.

Michelle Barrett stated that she wanted to extend the existing slab and put the proposed screen room.

Mr. Bushrui made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

APPROVAL OF APRIL 2005 MEETING MINUTES

Mr. Pennington made a motion to approved the Amended April 25, 2005 minutes.

Mr. O'Daniel seconded the motion.

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

ADJOURNMENT

Time of adjournment was 8:10 P.M.