

**MINUTES FOR THE SEMINOLE COUNTY BOARD OF
ADJUSTMENT
AUGUST 22, 2005
6:00 P.M.**

Members Present: Mike Hattaway, Chairman; Dan Bushrui, Wes Pennington, Alan Rozon and Melanie Chase

Staff Present: Kathy Fall, Principal Planner; Michael Rumer, Senior Planner; Chris McMiller, Planning Technician; Arnold Schneider, County Attorney; Patty Johnson, Senior Staff Assistant

Mr. 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

VARIANCES:

1. **NORTHUMBRIA DRIVE (LOTS 289 - 292)** – Dennis Perez, applicant; Request for a fence height variance from 6 ½ feet to 8 feet in the PUD (Planned Unit Development District; Located on the south side of Northumbria Drive, approximately 0.10 miles from the intersection of Epping Court and Northumbria Drive; (BV2005-096).
Kathy Fall, Principal Planner

2. **PINE STREET (LOT 14)** - Scott Ryan, applicant; Request for (1) minimum lot size variance from 43,560 square feet (1 acre) to 8,250 square feet (0.2 acre); (2) minimum lot width at the building line variance from 150 feet to 75 feet; (3) minimum (east) side yard setback variance from 10 feet to 7.5 feet for a proposed single-family home; (4) minimum (west) side yard setback variance from 10 feet to 7.5 feet for a proposed single-family home; and (5) minimum front yard setback variance from 50 feet to 25 feet for a proposed single-family home in the A-1 (Agriculture District); Located on the north side of Cass Avenue, approximately 75 feet west of the intersection of Palm Drive and Pine Street; (BV2005-057).
Kathy Fall, Principal Planner

3. **PINE STREET (LOT 15)** - Scott Ryan, applicant; Request for (1) minimum lot size variance from 43,560 square feet (1 acre) to 8,250 square feet (0.2 acre); (2) minimum lot width at the building line variance

from 150 feet to 75 feet; (3) minimum (east) side yard setback variance from 10 feet to 7.5 feet for a proposed single-family home; (4) minimum (west) side yard setback variance from 10 feet to 7.5 feet for a proposed single-family home; and (5) minimum front yard setback variance from 50 feet to 25 feet for a proposed single-family home in the A-1 (Agriculture District); Located on the north side of Cass Avenue, approximately 75 feet west of the intersection of Palm Drive and Pine Street; (BV2005-058).

Kathy Fall, Senior Planner

4. **1570 COCHRAN ROAD** – John Kiernan III, applicant; Request for the renewal of the temporary placement of a mobile home, while a single-family dwelling is under construction, for one year in the A-5 (Rural Zoning District); Located on the north side of Cochran Road, approximately 0.2 mile northwest of the intersection of Cochran Road and Biwood Drive; (BM2005-020).

Kathy Fall, Principal Planner

5. **5344 PEPPER BRUSH COVE** – William Herx, applicant; Request for minimum side yard setback variance from 5 feet to 4 feet for a proposed home in the R-1BB (Single-Family Dwelling District); Located on the west side of Brookshire Court, approximately 0.1 mile northwest of the intersection of Brookshire Court and Ash Park Loop; (BV2005-105).

Michael Rumer, Senior Planner

Mr. Rozon made a motion to approve Consent Agenda Items 1, 2, 3, 4, and 5.

Mr. Pennington seconded the motion.

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

CONTINUED ITEM:

6. **2909 LAGOON COVE** - Deborah Sentell-Johnson, applicant; Request for minimum side street setback variance from 25 feet to 10 feet for a proposed fence in the R-1AA (Single-Family Dwelling District); Located on the southeast corner of the intersection of Stillwater Drive and Lagoon Cove; (BV2005-054).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that the applicant first appeared before the Board of Adjustment at the June 27, 2005 meeting and the item was continued by the Board, then the

applicant asked for a continuation in July. She further stated that staff recommended denial of the request.

The applicant was not present.

Mr. Pennington made a motion to deny the request.

Mr. Bushrui seconded the motion.

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

PUBLIC HEARING ITEMS

VARIANCES:

7. **101 DENISE STREET** – Minnie & Maxcie Smith, applicants; Request for (1) front yard setback variance from 25 feet to 20 feet for a proposed garage and (2) rear yard setback variance from 30 feet to 18 feet for proposed home addition in the R-1 (Single-Family Dwelling District). Located on the east side of Denise Street 0.22 mile south of the intersection of Harrison Street and Denise Street; (BV2005-103).
Christopher McMiller, Planning Technician

This item was continued until the September 26, 2005 meeting.

8. **623 CAMELLIA COURT** – Dana & Mona Roach; applicants. Request for (1) front yard setback variance from 25 feet to 15 feet for a proposed carport in the R-1A (Single-Family Dwelling District); Located on the south side of Camellia Court, approximately 170 feet east of the intersection of South Sunland Drive and Camellia Court; (BV2005-091).
Christopher McMiller, Planning Technician

Christopher McMiller 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 two (2) variances had been approved on Camellia Court and four (4) others in the Sunland Community.

Dana Roach stated that hurricane Charlie took the carport that was previously their. He also stated that he wanted to put a stronger carport that would be the same size as the old carport. He further stated that he received a letter of support from a neighbor and the old carport had been there since the mid 1980's.

Mr. Bushrui made a motion to approve the request.

Mr. Pennington seconded the motion.

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

9. **1256 MARTY BLVD** – Bill & Donna Thrift, applicants; Request for (1) minimum front yard setback variance from 25 feet to 21.9 feet for a proposed garage addition; and (2) minimum side yard setback variance from 10 feet to 2.6 feet for a proposed garage addition in the R-1AA (Single-Family Dwelling District); Located on the north side of Marty Blvd; approximately 0.1 miles west of the intersection of Marty Blvd and W Lake Brantley Road; (BV2005-098).

Michael Rumer, Senior 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 a letter of support was received from the adjacent homeowner.

Bill Thrift stated that he moved in the house in 1986, and that the house was built in 1984. He further stated that in 1989 his mother moved in with them and he enclosed the one (1) car garage for an additional room. He also stated that the reason he wanted a two (2) car garage was because his wife suffered from an illness that may confine her to a wheelchair, and he would need room to get her in and out of the car. He lastly showed the Board pictures of other two (2) car garages in the neighborhood.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

10. **1412 W BROOKSHIRE COURT** – Alfred Short Jr, applicant; Request for minimum rear yard setback variance from 20 feet to 7.5 feet for a proposed home addition in the PUD (Planned Unit Development District); Located on the west side of Brookshire Court, approximately 0.1 mile northwest of the intersection of Brookshire Court and Ash Park Loop; (BV2005-100).

Michael Rumer, Senior 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 the applicant submitted a letter of approval from his Home Owners Association.

Alfred Short asked if the Board had any questions.

Mr. Rozon asked if he had a mandatory Home Owners Association.

Alfred Short stated yes, and that he had approval from the Home Owners Association.

Mrs. Chase made a motion to approve the request.

Mr. Pennington seconded the motion.

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

11. **2385 PENNSYLVANIA AVENUE** – Chris Miller, applicant; Request for minimum rear yard setback variance from 30 feet to 12 feet for a proposed garage in the R-1AA (Single-Family Dwelling District); Located on the east side of Pennsylvania Avenue, approximately 0.1 mile north of the intersection of Lake Hayes Road and Pennsylvania Avenue; (BV2005-104).

Michael Rumer, Senior Planner

After a lengthy discussion this item was continued until the September 26, 2005 meeting.

12. **3169 FLORAL WAY EAST** – Jill and Ray Ormachea, applicants; Request for minimum rear yard setback variance from 30 feet to 22 feet for a proposed sunroom addition in the R-1A (Single-Family Dwelling District); Located on the north side of Flora Way East, approximately 0.3 mile east of the intersection of Flora Way East and Balmy Beach Blvd; (BV2005-101).

Michael Rumer, Senior 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.

Jeanette Washburn stated that Jill and Ray Ormachea, the applicants could not come to the meeting. She further stated that the applicants received letters of support from neighbors.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

13. **1280 RISING SUN BLVD** – Shiv and Sunita Bali, applicants; Request for minimum rear yard setback variance from 25 feet to 10 feet for a proposed covered patio extension in the PUD (Planned Unit Development District); Located on the north side of Rising Sun Blvd, approximately 0.2 mile east of the intersection of Dinero Road and Rising Sun Blvd; (BV2005-099).

Michael Rumer, Senior 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.

Shiv Bali stated that they submitted the variance request because when it rains the wind blows the water into the house, which is a hardship for his family.

Sunita Bali stated that the patio is small and the furniture is getting mold because of the rain. She further stated that they would like to extend and cover the existing patio to have extra room for the family.

Mr. Rozon made a motion to approve the request.

Mr. Pennington seconded the motion.

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

14. **4442 RADIO AVENUE** – Bruce Sellers, applicant; Request for minimum rear yard setback variance from 30 feet to 5 feet for a proposed accessory structure in the R-1 (Single-Family Dwelling District); Located on the west side of Radio Ave, approximately 0.1 mile north of the intersection of Radio Ave and Wynn Street; (BV2005-097).

Michael Rumer, Senior Planner

Michael Rumer 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 there had been no record of prior variances granted for this property.

Bruce Seller stated that the proposed accessory structure would be a storage room with an attached carport. He further stated that he would have his car and boat in the carport. He lastly showed the Board pictures of the accessory structure.

Mrs. Chase made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

15. **PEACE VALLEY WAY LOT 9 & 10** – James Smartt, applicant; Request for minimum front yard setback variance from 50 feet to 25 feet for a proposed home in the A-1 (Agriculture District); Located on the south side of Peace Valley Way, approximately 0.2 mile east of the intersection of Miami Springs Drive and Peace Valley Way; (BV2005-094).

Michael Rumer, Senior Planner

16. **PEACE VALLEY WAY LOT 11 & 12** – James Smartt, applicant; Request for minimum front yard setback variance from 50 feet to 25 feet for a proposed home in the A-1 (Agriculture District); Located on the south side of Peace Valley Way, approximately 0.2 mile east of the intersection of Miami Springs Drive and Peace Valley Way; (BV2005-095).

Michael Rumer, Senior Planner

Items 15 and 16 were heard together.

Michael Rumer introduced the location of the properties and stated that in 1996 the properties received a lot size variance from 43,560 square feet to 18,120 square feet. He further stated that the applicants were requesting a variance to the front yard setback of 50 feet to 25 feet in order to enable custom designed homes to be built on the lots. He also stated that the applicants had failed to satisfy the criteria for granting a variance. He lastly stated that staff recommended denial of the requested variances.

James Smartt stated that they were asking to be given the same setbacks that were in the area. He also stated that there were large estate homes in the area with 25 feet setbacks. He further stated that they wanted to

build one house for them and the other for a relative. He continued by showing pictures of other houses in the neighborhood and stated that what they wanted to build would be compatible to the other houses.

Mr. Bushrui made a motion to approved Items 15 and 16.

Mr. Pennington seconded the motion.

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

17. **119 LAKE RENA DRIVE** – Michael McCann, applicant; Request for minimum front yard setback variance from 25 feet to 15 feet for a proposed home addition in the R-1AA (Single-Family Dwelling District); Located on the west side of Lake Rena Drive, approximately 0.2 mile north of the intersection of Lake Rena Drive and S.R. 434 W; (BV2005-089).

Michael Rumer, Senior 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 had been no record of prior variances granted for this property.

Mike McCann stated that they had a one (1) car garage with a laundry room from the original house. He further stated that they wanted to extend the existing garage so they would have more space. He stated that he was proposing a two (2) car garage. He lastly stated that his neighbor to the left got approval for a garage.

Mr. Pennington made a motion to approve the request.

Mr. Rozon seconded the motion.

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

18. **644 E. ALPINE STREET** – Gloria and Octavio Valle, applicants; Request for (1) minimum lot size variance from 11,700 square feet to 8,685 square feet and (2) minimum width at building line variance from 90 feet to 62 feet for a proposed home in the R-1AA (Single-Family Dwelling District); Located on the south side of Alpine Street, approximately 0.1 mile west of the intersection of Alpine Street and Lake Avenue; (BV2005-087).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that currently, the subject property consists of lots 6, 7, and 8 of the Sanlando Plat. He further stated that a single-family home was constructed on a portion of lot 6 and 7 in 1969. He also stated that the applicant proposes to split off all of lot 8 and the west 12 feet of lot 7 in order to build a single-family home. He further stated that the combined lots are deficient in the minimum lot size requirement and the minimum lot width at the building line requirement in the R-1AA zoning district. He lastly stated that the Board had approved similar variances on nearby properties after the demonstration of hardships consistent with the variance criteria.

Gloria Valle stated that they moved from New Jersey and would like to build a house next to her daughter. She stated that the house her daughter has is not big enough for all of them. She further stated that if the Board approved the request they would be able to build a nice size house.

Mr. Pennington made a request to approve the request.

Mrs. Chase seconded the motion.

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

19. **1595 LAWDALE CIRCLE** – Jon and Michelle Jones, applicants; Request for minimum rear yard setback variance from 20 feet to 8.7 feet for a proposed sunroom in the PUD (Planned Unit Development District); Located on the west side of Lawndale Circle, approximately 0.2 mile north of the intersection of Lawndale Circle and Tremont Lane; (BV2005-090).

Michael Rumer, Senior 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 had been no record of prior variances granted for this property.

Jon Jones stated that they were asking for a variance to add a room to their home. He further stated that both of their side neighbors had given them approval and they received approval from their Home Owners Association. He continued by showing the Board pictures of the proposed screen room and lastly stated that they wanted this to be their retirement home.

Mr. Rozon made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

20. **McCARTHY AVENUE (LOTS 10 & 11)** – Carolyn Owji, applicant; Request for a lot size variance from 8400 square feet to 7650 square feet for a proposed home in the R-1 (Single-Family Dwelling District; Located on the west side of McCarthy Avenue, approximately 0.10 miles from the intersection of West 22nd Street and McCarthy Avenue; (BV2005-092).
Kathy Fall, Principal Planner

21. **McCARTHY AVENUE (LOTS 11 & 12)** – Carolyn Owji, applicant; Request for a lot size variance from 8400 square feet to 7650 square feet for a proposed home in the R-1 (Single-Family Dwelling District; Located on the west side of McCarthy Avenue, approximately 0.10 miles from the intersection of West 22nd Street and McCarthy Avenue; (BV2005-093).
Kathy Fall, Principal Planner

Items 20 and 21 were heard together.

Kathy Fall introduced the location of the properties and stated that the new proposed lots would meet all of the dimensional requirements of R-1 Zoning, except for the minimum lot sizes. She further stated that the applicant had failed to satisfy the criteria for granting the variances. She lastly stated that staff recommended denial of the requests.

Carolyn Owji stated that the neighborhood had small lots and small houses and what she wanted to do was to improve the Lockhart area. She further stated that the houses she was proposing to put on the lots would fit within the setback requirements. She lastly stated that she was hoping the Board would see her requests as an improvement to the neighborhood.

Mr. Pennington made a motion to approve items 20 and 21.

Mr. Bushrui seconded the motion.

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

22. **1804 PINE BAY DRIVE** – Adam & Beth-Ann Frack, applicants; Request for a (1) rear yard setback variance from 10 feet to 3 feet for a proposed pool and (2) rear yard setback variance from 5 feet to 1 foot for a proposed screen enclosure in the R-1BB (Single-Family Dwelling District); Located on the northeast corner of the intersection of side of Pine Bay Drive and Palm Crest Lane; (BV2005-102).

Kathy Fall, Principal 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.

Adam Frack stated that they had approval from both of their adjacent neighbors and that they both had pools.

Beth-Ann Frack stated that they needed to come out a little bit in the rear but they maintained the area behind their house. She further stated that there was nothing behind their house but common area.

Mr. Rozon made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

23. **850 LEWIS PLACE** – Victor John Selenica, applicant; Request for a rear yard setback variance from 10 feet to 4 feet for a proposed pool in the PUD (Planned Unit Development District); Located on the north side of Lewis Place, approximately 0.1 miles east of the intersection of Marley Place and Lewis Place; (BV2005-106).

Kathy Fall, Principal 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.

Victor Selenica stated that he didn't want the pool to close to his house because he has a handicapped daughter. He further stated that there was another 30 feet behind his property that they maintained.

Mr. Bushrui made a motion to approve the request.

Mr. Rozon seconded the motion.

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

MOBILE HOME SPECIAL EXCEPTIONS:

24. **2185 OKLAHOMA STREET** – Nathan Spears, applicant; Request for a special exception for the placement of a mobile home in the A-10 (Rural Zoning District); Located on the east side of Oklahoma Street, approximately 0.10 miles north of the intersection of Howard Avenue and Oklahoma Street; (BM2005-018).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the existing mobile home was approved on the property in 1996 for the lifetime of the mobile home. She further stated that the mobile home was damaged by last years hurricanes and the applicant was requesting the 10 year placement of a 2000 single wide mobile home. She lastly stated that staff recommended approval if the request.

Nathan Spears stated that he bought the property a couple of years ago and he would like to replace the existing mobile home.

Mr. Rozon asked if Nathan Spears lived on the property.

Nathan Spears stated no sir, I am renting it out.

Mr. Rozon made a motion to approve the request.

Mr. Pennington seconded the motion.

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

25. **1297 VAN ARSDALE STREET** - Marilyn Milliron, applicant; Request for a special exception for the placement of a mobile home in the A-5 (Rural Zoning District); Located on the east side of Van Arsdale Street, approximately 0.30 miles north of the intersection of County Road 426 and Van Arsdale Street; (BM2005-019).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the existing mobile home was approved in 1998 for five years. She further stated that the existing mobile home is a 1988 double wide. She also stated that the area of Van Arsdale has only a few mobile homes which

had received temporary approval. She lastly stated that staff could only recommend the 5 year temporary placement of the existing mobile home.

Marilyn Milliron stated that she and her husband lived on the property for 16 years. She stated that her husband died a year ago and she put the property up for sale because it was too much for her to maintain. She further stated that the new owner was Hector Rodriguez.

Hector Rodriguez stated that the mobile home was very nice and he was in love with the property. He further stated that Marilyn Milliron kept the property up very nicely.

Kathleen Birch stated that she was Hector Rodriguez Realtor. She further stated that they had a contract on the property within 3 days. She also stated that the mobile home was a very beautiful home and they had pictures showing that that the property was very well cared for.

Ruth Titus stated that she lived across the street from the mobile home and that she was one of ten (10) homeowners on the street. She further stated that 5 years was a long time to wait and she suggested that the Board gives the applicant one (1) year to build a house. She lastly stated that a mobile home start off looking nice and then they deteriorate quickly.

Hector Rodriguez stated that he planned on building in about three (3) years. He further stated that he didn't have the money now to build.

Mr. Pennington made a motion to approve the request for 5 years.

Mr. Rozon seconded the motion.

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

SPECIAL EXCEPTIONS:

26. **9905 SOUTH US 17-92** – Tom Griffin, applicant; Request to amend an existing special exception for a veterinary clinic in the A-1 (Agriculture District); Located on the northeast corner of the intersection of Maitland Boulevard and South US 17-92; (BS2005-015).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the Veterinary Clinic was approved in 2000 and has received an amendment in 2003 for additional parking and building additions. She further stated that they are now requesting an amendment to add 17 additional parking spaces and a 1600 square foot storage / staff office building. She lastly

stated that staff recommended approval of the request with the condition of submittal of a final site plan to Development Review.

Tom Griffin stated that he was an Architect with McCree, Inc and he agreed with staff.

Mr. Pennington made a motion to approve the request.

Mrs. Chase seconded the motion.

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

APPROVAL OF JULY 2005 MEETING MINUTES

Mr. Rozon made a motion to approve the July 25, 2005 Minutes.

Mr. Pennington seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 8:50 P.M.