

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

**Member Present:** Mike Hattaway, Chairman; Alan Rozon, Tom O' Daniel, Wes Pennington, and Mike Bass

**Staff Present:** Kathy Fall, Principal Planner; Michael Rumer, Senior Planner; Ian Sikonia, Planner; Tony Walter, Planning Manager; 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. Mr. Hattaway also stated the Item # 17 had been continued by the applicants.

### **CONSENT ITEMS**

1. **180 Eileen Drive** – Ted Gauvin, applicant; Request for side street setback variance from 25 feet to 8 ½ feet for an addition in the R-1A (Single-Family Dwelling District); Located on the west side of Eileen Drive at the intersection of Eileen Drive and Oak Drive;(BV2005-141).  
Michael Rumer, Senior Planner
  
2. **Geneva Heights (Lot 2)** – Scott Forrest, applicant; Request for (1) lot size variance from 43,560 square feet to 24,393 square feet; and (2) lot width variance from 150 feet to 87.5 feet for a vacant lot in the A-1 (Agriculture District); Located on the east side of Old Geneva Road; less than 0.1 mile north of the intersection of Cochran Road & Old Geneva Road;(BV2005-167).  
Michael Rumer, Senior Planner
  
3. **3453 Peace Valley Way** – Brent Smartt, applicant; Request for (1) front yard setback variance from 35 feet to 25 feet; and (2) rear yard setback variance from 35 feet to 30 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; (BV2005-160).  
Michael Rumer, Senior Planner
  
4. **West 23<sup>rd</sup> Street (Lot 12)** – Nick Balevich, applicant; Request for a (1) width at the building line variance from 70 feet to 60 feet; and a (2) lot size variance from 8,400 square feet to 7,200 square feet for a proposed home in the R-1 (Single-Family Dwelling District); Located on the north side of West 23<sup>rd</sup> Street approximately 700 feet west of the intersection of West Airport Boulevard and West 23<sup>rd</sup> Street; (BV2005-159).  
Ian Sikonia, Planner

5. **Marker Street (Parcel 20b)** – Robert Klettner, agent; Request for (1) lot size variance from 8,400 square feet to 6,300 square feet for a proposed home; and (2) rear yard setback variance from 30 feet to 17 feet for a proposed home in the R-1 (Single-Family Dwelling District); Located on the east side of Marker Street approximately 200 feet north of the intersection of Marker Street and Blake Street; (BV2005-163).

Ian Sikonia

6. **Ronald Reagan Boulevard (Parcel 66D)** – Vernon Thompson, applicant; Request for (1) lot size variance from 8,400 square feet to 6,800 square feet; (2) width at the building line variance from 70 feet to 69.1 feet; (3) front yard setback variance from 25 feet to 15 feet; and (4) rear yard setback variance from 30 feet to 11 feet for a proposed home in the R-1 (Single-Family Dwelling District); Located on the south side of Ronald Reagan Boulevard approximately 400 feet southwest of the intersection of Ronald Reagan Boulevard and Oak Avenue; (BV2005-169).

Ian Sikonia, Planner

7. **Michigan Street (Lot 13A)** – Damon Chase, Esquire, applicant; Request for (1) lot width variance from 150 feet to 87 feet; and (2) side street setback variance from 50 feet to 10 feet for a proposed home in the A-1 (Agriculture District); Located on the north side of Michigan Street, at the intersection of Michigan Street and North SR 417; (BV2005-154).

Kathy Fall, Principal Planner

**Mr. Rozon made a motion to approve Consent Items 1, 2, 3, 4, 5, 6, and 7.**

**Mr. Pennington seconded the motion.**

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

## **CONTINUED ITEMS**

8. **845 STATE ROAD 15A** – Deanna Beyer, applicant; Request for a special exception to establish an 150 foot tall monopole communication tower in the C-2 (Retail Commercial District); Located on the east side of State Road 15A, approximately 200 feet north of the intersection of Orange Boulevard and State Road 15A; (BS2005-017).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant proposes to lease a portion of the subject property in order to construct a 150 foot monopole tower with 4 carriers to co-locate. She further stated that staff recommended approval with the following conditions:

- The proposed tower shall not exceed 155 feet, as verified by a radio frequency engineer to be the minimum height needed to further Nextel's immediate wireless communication goals in the area
- Any improvements and / or additions to the proposed tower shall be submitted for approval to the County
- No commercial signage or advertising shall be permitted on the proposed tower unless otherwise required by law
- The proposed tower shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration
- The monopole tower shall have the capacity to accommodate four (4) carriers
- A listed species survey shall be provided prior to final engineering approval
- Prior to the final development order approval, an application for full concurrency management shall be provided

Deanna Beyer with Craig and Associates, representing Nextel stated that currently Sprint / Nextel coverage does not meet the growing needs of their customers and expectations. She further stated that the need would be improved if the Special Exception request was granted. She also stated that the site would increase the quality of calls along I-4. She lastly stated that the tower would also hold four (4) carriers for co-location.

Sid Vihlein stated that he was the property owner and that when Nextel approached him he did some research to make sure the tower would be compatible in the area. He further stated that he planned to redevelop this property in the next 24 years. He also stated that he had talked to the other property owners in the area and the businesses and they are in support of the tower. He lastly submitted a letter of approval from the property owners and businesses.

Mr. Hattaway asked if the applicant agreed with staff recommendations.

Deanna Beyer stated yes.

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

**Mr. Bass seconded the motion.**

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

9. **400 RACCOON TRAIL** – Merrill Nibert, applicant; Request for a special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning District); Located on the north side of Raccoon Trail, approximately 0.70 miles west of the intersection of Osceola Road and Raccoon Trail; (BM2005-026).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that in 1984 a special exception for the temporary placement of the existing single wide mobile home was

granted for 10 years. She further stated that staff did not recommend the permanent placement of the existing mobile home but would not object to the limited temporary placement.

Merrill Nibert stated that he put the mobile home there in 1984 and in 1994 he renewed for ten (10) more years. He further stated that he was asking for permanent placement instead of 10 more years. He lastly stated that there was only one (1) house on Raccoon Trail, everything else was mobile homes.

**Mr. Rozon made a motion to approve the request for 10 years.**

**Mr. Pennington seconded the motion.**

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

## **PUBLIC HEARING ITEMS**

Kathy Fall stated that Items 10 – 18 were Public Hearing Items and the applicants had failed to satisfy the criteria for granting variances, therefore staff has requested a public hearing for each of these items.

10. **200 Redwing Court** – Robert Peterson, applicant; Request for (1) rear yard setback variance from 10 feet to 5 feet for an existing pool; and (2) rear yard setback variance from 5 feet to 0 feet for a replacement pool screen enclosure in the PUD (Planned Unit Development District); Located on the north side of Redwing Court approximately 350 feet north of the intersection of Eagle Circle and Redwing Way; (BV2005-162).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant constructed the pool in 1982 and the screen enclosure in 1998. He further stated that the applicant did not pull a building permit for the screen enclosure in 1998. He also stated that the neighbor to the west received a variance in 2002, for a rear yard setback variance from 10 feet to 6.5 feet for a pool and 10 feet to 6.5 feet for a screen enclosure from the Board of Adjustment.

Robert Peterson stated that his request is to replace the pool screen enclosure that was damaged by Hurricane Charlie. He further stated that the pool has been there for 23 years. He also stated that there is a green belt area in the back of his property with a side walk and woods beyond that. He lastly stated that he received letters of support from both adjacent neighbors.

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

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

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

11. **1339 Snug Harbor Drive** – Orlando & Isabel Martinoli, applicant; Request for a rear yard setback from 23 feet to 21 feet for a proposed screen room addition in the PUD (Planned Unit Development District); Located on the north side of Snug Harbor Drive, approximately 250 feet west of the intersection of Snug Harbor Drive and Laurel Brook Loop; (BV2005-108).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant received an administrative variance on September 8, 2005 from 25 feet to 23 feet. He lastly stated that the applicant is now requesting a rear yard setback variance from 23 feet to 21 feet.

Orlando Martinoli stated that he was asking for two (2) more feet to enclose the slab and have enough space for his furniture.

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

**Mr. Bass seconded the motion.**

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

12. **1092 Amanda Kay Circle** – Marion and John Hunn, applicants; Request for a rear yard setback variance from 15 feet to 10 feet for a proposed screen room addition in the R-AH (Affordable Housing Dwelling District); Located on the east side of Amanda Kay Circle, approximately 750 feet southwest of the intersection of Amanda Kay Circle and Orange Boulevard; (BV2005-153).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant had failed to satisfy the criteria for granting a variance. He then put up a map showing the Board of Adjustment previous variances along Amanda Kay Circle.

John Hunn stated that he would like to put a screen room in the back of his home.

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

**Mr. Pennington seconded the motion.**

**The motion passed by (3-2) vote. Mr. Hattaway and Mr. O'Daniel were in opposition.**

13. **1203 Roxboro Road** – Peter Behr, applicant; Request for a side yard setback variance from 20 feet to 14 feet for a proposed home addition in the R-1C (Country

Homes Dwelling District); Located on the north side of Roxboro Road approximately 250 feet west of the intersection of Palm Springs Drive and Roxboro Road; (BV2005-155).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant received two (2) letters in support of this request from the adjacent neighbors. He further stated that the neighbor on the corner of Roxboro Road and Waverly Way received a side yard setback variance from 20 feet to 11 feet.

Peter Behr stated that he received approval from his Home Owners Association. He further stated that the request would not affect the view of the neighbors and it would keep with the style of the neighborhood.

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

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

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

14. **412 Sand Pebble Cove** – Constance Shields & Lisa Fulginiti, applicants; Request for a rear yard setback variance from 10 feet to 6 feet for a proposed pool in the PUD (Planned Unit Development District); Located on the west side of Sand Pebble Cove approximately 300 feet south of the intersection of Silver Birch Place and Sand Pebble Cove; (BV2005-156).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant received three (3) letters of support from neighbors. He further stated that the applicant had also submitted an application for approval to the Crystal Creek Neighborhood Association.

Lisa Fulginiti stated that her request was for a pool and pool screen enclosure. She further stated that they had support from the neighbors.

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

**Mr. Bass seconded the motion.**

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

15. **128 North Shirley Avenue** – Dianne Newton, applicant; Request for (1) rear yard setback variance from 30 feet to 5 feet; and (2) side yard setback variance from 10 feet to 3 feet for a proposed shed/garage in the R-1AA (Single-Family Dwelling

District); Located on the west side of North Shirley Avenue approximately 700 feet north of the intersection of East 2<sup>nd</sup> Street and North Shirley Avenue; (BV2005-164).  
Ian Sikonia, Planner

Ian Sikonia 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.

Dianne Newton stated that her father would live in the house on the property and she was requesting a garage. She further stated that her father needed wheel chair and walker accessibility to the garage that would be located in the rear of the property.

Andrew Nichols stated that he owned three lots on Shirley Avenue next to Dianne Newton property and after talking to her was in support of the request.

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

**Mr. Bass seconded the motion.**

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

16. **1171 Lebanon Court** – Kent Riley, applicant; Request for a side street setback from 15 feet to 6 feet for a proposed fence in the PUD (Planned Unit Development District); Located on the east side of Lebanon Court, approximately 500 feet west of the intersection of Redmond Place and N. Oregon Street; (BV2005-168).  
Ian Sikonia, Planner

Ian Sikonia introduced the location of the application and stated that the applicant came in on September 9, 2005 to the building Department for a fence permit and was told he needed to apply for a variance for the fence. He further stated that the applicant had failed to satisfy the criteria for granting a variance. He lastly stated that staff recommended denial of the request.

Kent Riley stated that he submitted his request to his Home Owners Association and received their approval.

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

**Mr. Rozon seconded the motion.**

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

17. **18 Bayridge Court** – Myke & Jennifer Antoine, applicants; Request for rear yard setback variance from 30 feet to 26 feet for a proposed screen room addition in the

PUD (Planned Unit Development District); Located on the west side of Bayridge Court, less than 0.1 mile south of the intersection of Bayridge Court and Foxwood Drive; (BV2005-158).

Michael Rumer, Senior Planner

**This item was continued until the December 19, 2005 meeting.**

18. **1201 Saratoga Lane** – Michael Robbins, applicant; Request for side street setback variance from 100 feet to 11 feet for an existing accessory structure that projects in front of the main residence in the A-5 (Rural Zoning District); Located on the west side of Saratoga Lane, less than 0.1 mile south of the intersection of Sanders Trail and Saratoga Lane; (BV2005-166).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant was cited by the Building Department for having a second single-family on his property and for a 696 square feet accessory structure built without permits. He further stated that the second single-family home issue was corrected. He lastly stated that there was no record of prior variances granted for this property.

Michael Robbins stated that the structure was build by the previous owners in the 1980's. He further stated that the structure survived four (4) hurricanes and he would like to keep it on the property. He also stated that he bought the property in March 2003. He lastly stated that because of the distance from his neighbors the structure does not hinder any one's view.

Dr. Peter Sintzenich stated that he was the neighbor next to Michael Robbins property and he was there to support the request. He further stated that he has lived on his property for ten (10) years and the structure was there when he purchased his property.

Christopher Stapleton stated that he owned the property to the west of Michael Robbins. He stated that he was not aware of the structure before the Board, but he was aware of three (3) other structures that are in front of the applicant's house that are less than 100 feet away from his property. He continued by asking if the variance applied to all the structures on the property.

Kathy Fall stated that the variance only applied to pole barn.

Christopher Stapleton stated that he didn't have any objections to that structure.

Michael Robbins stated that the other structures would be relocated.

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

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



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

## **SPECIAL EXCEPTIONS**

19. **1275 Learning Loop** – Forest Lake Education Center / Mark Karet (Zev Cohen & Associates), applicants; Request for special exception to expand an existing private school for elementary and middle school age children in the A-1 (Agriculture District); Located on the south side of Sand Lake Road; approximately 2,000 feet west of the intersection of Sand Lake Road and West Lake Brantley Drive; (BS2005-022).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that staff recommended approval of the special exception request subject to the proposed site plan's compliance with Chapter 40 of the Land Development Code and the imposition of the conditions of the original special exception dated November 24, 2003.

Mark Karet with Zev Cohen & Associates; stated that he had reviewed staff's report and was in agreement with staff's conditions.

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

**Mr. Bass seconded the motion.**

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

20. **1625 Tuskawilla Road** – Tuskawilla Learning Center/ Ken Leeming P.E. (International Engineering Consultants), applicants; Request for special exception to expand an existing private school for elementary and middle school age children in the A-1 (Agriculture District); Located on east side of Tuskawilla Road; at the intersection of Tuskawilla Road and Dike Road; (BS2005-023).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant proposes to expand an existing private school by adding a gym, pool, two buildings and a parking lot. He further stated that the site was proposed to be phased in over three (3) phases. He lastly stated that staff recommended approval subject to the proposed site plan's compliance with Chapter 40 of the Land Development Code and the imposition of the following conditions:

- Access shall be provided to the site from Tuskawilla Road; existing access to Dike Road shall be closed
- Prior to the issuance of development permits, a site plan shall be reviewed and approved by the Development Review Committee

Mr. Hattaway asked were there any limitations placed by the State as far as the number of students.

Mike Rumer stated that he didn't have any information on the State limitations. He further stated that the school abided by their own policy of 30 – 35 square foot per child.

Mr. Pennington asked if a traffic survey was done.

Mike Rumer stated that Development Review did not have any traffic issues.

Vernon Leeming with International Engineering Consultants; stated that they created a Master Plan for the school. He further stated that the development would be in compliance with the Land Development Code and the conditions of the special exception. He also stated that the Head Master, Dr. Phillips was present for any questions about the school.

Dr. Phillips, Head Master; stated that the present buildings would take the increase of students without the additions.

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

**Mr. Rozon seconded the motion.**

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

21. **4270 Aloma Avenue** – Gary Desai, applicant; Request for a special exception to allow for a packaged liquor store within an existing multi-tenant shopping center in the C-2 (Retail Commercial District); Located on the north side of Aloma Avenue, approximately 500 feet northwest of the intersection of Aloma Avenue and Howell Branch Road; (BS2005-021).  
Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that this site had received special exception approval for an alcoholic establishment on May 20, 1985. He further stated that staff recommended approval of the request subject to the following condition:

- On premise consumption of alcoholic beverages shall be prohibited

Gary Desai asked if the Board had any questions.

**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 OCTOBER 2005 MEETING MINUTES**

**Mr. Rozon made a motion to approve the post pone October 24, 2005 minutes.**

**Mr. Bass seconded the motion.**

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

## **ADJOURNMENT**

**Time of Adjournment was 7:30 P.M.**