MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT DECEMBER 19, 2005 6:00 P.M.

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

Staff Present: Kathy Fall, Principal Planner; Michael Rumer, Senior Planner; Ian Sikonia, Planner; 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 stated that Item #2 and Item #6 would be heard with the Public Hearing Items.

CONSENT ITEMS

- 1. BLAKE STREET (LOT 1) Deborah Simmons, applicant; Request for a lot size variance from 8,400 square feet to 7,730 square feet for a proposed home in the R-1 (Single-Family Dwelling District); Located on the north side of Blake Street northeast of the intersection of Blake Street and Sanford Avenue; (BV2005-173).
 Ian Sikonia, Planner
- 3. RIDGEWOOD STREET (LOT 14) Linda Mee, applicant; Request for (1) a lot size variance from 11,700 square feet to 7,130 square feet; and (2) a width at the 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 500 feet west of the intersection of Pressview Avenue and Alpine Street; (BV2005-183). lan Sikonia, Planner
- 4. DUNBAR STREET (LOT 14) Craig Jones, applicant; Request for (1) a lot size variance from 8,400 square feet to 6,850 square feet; and (2) a width at the building line variance from 70 feet to 50 feet for a proposed home in the R-1 (Single-Family Dwelling District); Located on the north side of Dunbar Street, approximately 500 feet west of the intersection of Anchor Road and Dunbar Street; (BV2005-184).

Ian Sikonia, Planner

- 5. DUNBAR STREET (LOT 15) Craig Jones, applicant; Request for (1) a lot size variance from 8,400 square feet to 6,850 square feet; and (2) a width at the building line variance from 70 feet to 50 feet for a proposed home in the R-1 (Single-Family Dwelling District); Located on the north side of Dunbar Street, approximately 500 feet west of the intersection of Dunbar Street and Anchor Road. (BV2005-185).
 Ian Sikonia, Planner
- 7. 276 NORTH WILDERNESS POINT Jennifer Rehor, applicant; Request for rear yard setback variance from 15 feet to 2 feet for a proposed screen room addition in the PUD (Planned Unit Development District); Located on the north side of Camp Fire Way at the intersection of N. Wilderness Point and Camp Fire Way; (BV2005-179).
 Michael Rumer. Senior Planner

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

Mr. Pennington seconded the motion.

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

CONTINUED ITEMS

8. 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

Michael Rumer introduced the location of the property and stated that this item was continued from last month's meeting by request from the applicant so they could meet with their Home Owners Association before meeting with the Board of Adjustment.

Myke Antoine stated that he would like to expand the existing porch for the proposed screen room. He also stated that the encroachment would be very minor. He lastly stated that lot is irregularly shaped.

- Mr. Pennington made a motion to approve the request.
- Mr. Bushrui seconded the motion.

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

PUBLIC HEARING ITEMS

Kathy Fall stated that the Items 2, 6, and 9 – 17 are Public Hearing Items and staff does not have the authority to recommend approval to the Board of Adjustment.

2. 628 ALPINE STREET – Jorge Rodriguez, applicant; Request for a side street setback variance from 25 feet to 0 feet for a proposed fence in the R-1AA (Single Family Dwelling District); Located on the south side of Alpine Street, approximately 600 feet west of the intersection of Lake Avenue and Alpine Street; (BV2005-182).
Ian Sikonia, Planner

lan Sikonia introduced the location of the property and stated that the site has a 50 foot public right-of-way abutting the applicant property to the west. He further stated that the applicant intends to build a single-family home and would like to fence in his western yard, therefore requiring the request of 25 feet to 0 feet. He lastly stated that there had been prior variances granted for this property regarding a lot size variance from 11,700 square feet to 10,500 square feet and a width at the building line variance from 90 feet to 75 feet.

Jorge Rodriguez stated that there was a 50 foot right-of-way and he wanted to do the same thing the other neighbors had done. He showed the Board a site plan of his proposed home and stated that his home would be 25 feet from the right-of-way. He further stated that the other neighbors already have fences, therefore they either received variances or they put up the fences without variances.

Charlene Evans stated that there was no reason why Jorge Rodriguez couldn't put the fence on his property and not in the right-of way. She further stated that Jorge Rodriguez has cut down every tree and she didn't want to lose her buffer or her privacy.

Jorge Rodriguez stated that he would not encroach on the right-of-way. He also stated that the fence would be at his property line. He further stated that the fence would increase the privacy to Mrs. Evans home.

- Mr. Pennington made a motion to approve the request.
- Mr. Bishrui seconded the motion.

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

6. 303 BRANTLEY HARBOR DRIVE – Rodney Rapp, applicant; Request for a side yard setback variance from 10 feet to 0 feet for an existing boat dock in the R-1AA (Single-Family Dwelling District); Located on the west side of Brantley Harbor Drive, approximately ¼ mile north of the intersection of N SR 434 and Brantley Harbor Drive; (BV2005-181). Ian Sikonia, Planner

lan Sikonia introduced the location of the property and stated that the applicant proposes to modify an existing dock that encroaches 10 feet into the 10 feet side yard setback. He further stated that the existing boat dock was constructed in 1985 in the canal in the rear of the property. He also stated that the applicant cannot move the existing boat dock to meet the side yard setbacks due to the dimension of the subject property. He then stated that the neighbor to the south of the property received a variance from the Board of Adjustment in 1999 for a rear and side yard setback from 10 feet to 0 feet. He lastly stated that the applicant had received his permit from the Department of Environmental Protection to modify the existing boat dock.

Rodney Rapp stated that all he is trying to do is move his boat which is currently in the middle of the canal, into his property. He further stated that the dock was there when he bought the property. He also stated that he received approval from the Department of Environmental Protection.

Mr. Kerry Smith did a power point presentation. He stated that the boat dock is encroaching on his property. He further stated that the encroachment is 16 feet and it was taken when the boat dock was built. He then showed pictures of the existing docks in the area. He stated that the property at 301 Brantley Harbor Drive put in their boat house legally and the property at 303 Brantley Harbor Drive which is now Mr. Rapp property should do what is needed to correct the problem on his property. He further stated that they would like to get their shore line back. He then stated that his recommended actions are as follows:

- The Board of Adjustment Deny the request and initiate enforcement for removal of the existing dock
- Restore the original shoreline
- Require any construction have permits from Seminole County

Patrick O'Grady stated that he recently purchased the property at 301 Brantley Harbor Drive. He further stated that he would like Mr. Rapp to find a way to remove his boat from the canal because it has been causing a navigational problem for him coming in an out of his boat house. He also stated that the quality of the construction is a big concern, he stated

that Mr. Rapp was doing the work himself and doing it without following the proper procedures. He lastly stated that he was opposed to the request being built right next to his property.

Rodney Rapp stated that he was trying to accommodate his neighbors and remove his boat from the canal. He further stated that he was trying to do a lot of the work himself because it would be very expensive to hire someone. He also stated he wanted to improve the property and make it look nicer for everyone. He then stated that the Department of Environmental Protection told him he was 4 feet to far on Mr. Smith property and he needed to remove the 4 feet. He further stated that he got started because he had gotten approval from the Department of Environmental Protection. He lastly stated that there was not enough room on either side of the property to have 10 feet.

- Mr. Rozon made a motion to deny the request.
- Mr. Bushrui seconded the motion.

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

9. 8475 ANSON WAY - Alicia Burgos, applicant; Request for rear yard setback variance from 25 feet to 19 feet for a proposed screen room addition in the PUD (Planned Unit Development District); Located on the south side of Anson Way, 0.1 mile southeast of the intersection of North Lake Burkett Lane & Anson Way; (BV2005-170).
Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant had received approval from the neighborhood Home Owners Association. He further stated for the Board's consideration, the rear of the property is adjacent to a 175 feet wide Florida Power easement.

Alicia Burgos stated that they would like to extend the existing slab for a screen room, so that they could enjoy their backyard.

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

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

10.189 AUSTIN STREET – Robert Wilson, applicant; Request for (1) rear yard setback variance from 10 feet to 4.5 feet for an existing shed and (2) side yard setback variance from 7.5 feet to 5 feet for an existing shed in the R-1A (Single-Family Dwelling District); Located on the north side of Austin Street, less then 0.1 mile north of the intersection of Burns Avenue & Exeter Avenue; (BV2005-174).

Michael Rumer introduced the location of the property and stated that the shed is currently in the building permit process. He further stated that during the second inspection, it was determined that the shed did not meet setback requirements. He lastly stated for the Board's consideration, the property to the rear is undeveloped wetland habitat.

Robert Wilson stated that when the company came to build the shed he had just gotten out of the hospital after having back surgery. He then stated that they asked him was that where he wanted the shed and he stated yes. He further stated that the Inspector told him the shed was encroaching within the setbacks and he would have to apply for variances in order to keep the shed where it was. He lastly stated that he had one letter of support for one of his adjacent neighbors and the other neighbor stated that she would send in a letter of support.

- Mr. Pennington made a motion to approve the request.
- Mr. Bushrui seconded the motion.

Michael Rumer, Senior Planner

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

11.1157 AMANDA KAY - Neal & Lisa Wohltmann, applicants; Request for rear yard setback variance from 25 feet to 5.1 feet for a proposed screen room addition in the R-AH (Affordable Housing Dwelling District); Located on the west side of Amanda Kay Court, 0.1 mile south of the intersection of Amand Kay Court and Orange Boulevard; (BV2005-176). Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that this subdivision was rezoned to R-AH with a condition that all perimeter lots meet a 25 foot rear yard setback while all interior lots meet a 15 foot rear yard setback.

Lisa Wohltmann stated that they would like to enclose the existing slab for a proposed screen room. She further stated that there had already been several variances approved for 10 feet and they were asking for 12 feet.

- Mr. Rozon made a motion to approve the request.
- Mr. Pennington seconded the motion.

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

12.646 CARRIGAN WOODS TRAIL - Dave Riley applicant; Request for (1) rear yard setback variance from 10 feet to 4 feet for a proposed pool and (2) rear yard setback variance from 5 feet to 0 feet for a proposed screen room addition in the PUD (Planned Unit Development District); Located on the south side of Carrigan Woods Trail, 0.1 mile southwest of the intersection of Carrigan Woods Trail and Division Street; (BV2005-177). Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that there was no record of prior variances granted for this property.

Dave Riley stated that from the back of his house to the back of the property line it drops down about 3.5 feet. He further stated that the land is starting to wash off and he would like to put a retaining wall in to completely enclose his property. He also stated that there was a swell and conservation land in back of his property.

- Mr. Rozon made a motion to approve the request.
- Mr. Bushrui seconded the motion.

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

13.5141 GOLDEN ROD PLACE ROAD – William & Anita Doyle, applicants; Request for rear yard setback variance from 30 feet to 20 feet for a proposed sun room addition in the R-1A (Single-Family Dwelling District); Located on the east side of Goldenrod Place Road, 0.1 mile north of the intersection of Blue Jacket Place and Goldenrod Place Road; (BV2005-180).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that there was no record of prior variances granted on this property.

William Doyle stated that he was requesting a sun room.

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

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

14.6313 BORDEAUX CIRCLE – Randy Terranova, applicant; Request for rear yard setback variance from 7.5 feet to 5 feet for a proposed pool in the PUD (Planned Unit Development District); Located on the north side of Bordeaux Circle, less than 0.1 mile west of the intersection of Bordeaux and Merlot Drive; (BV2005-178).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the Board of Adjustment had approved similar variances for this subdivision in the recent past. He further stated that the property backs up to a drainage pond to the rear.

Randy Terranova showed the Board a survey of his property and stated that the corner on the right side dips off a little, which is where he runs unto a problem putting in the pool. He further stated that he pushed the house back to keep it within the required setbacks.

- Mr. Bushrui made a motion to approve the request.
- Mr. Rozon seconded the motion.

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

15.1769 BLACKMON COURT – Alan Arthur, applicant; Request for a rear yard setback variance from 30 feet to 18 feet for a proposed addition in the R-1A (Single-Family Dwelling District); Located on the east side of Blackmon Court, approximately ¼ mile south of the intersection of Lake Brantley Road and Blackmon Court; (BV2005-172).

Ian Sikonia, Planner

lan Sikonia introduced the location of the property and stated that the existing single-family home was built in 1984. He further stated that the

proposed addition would be approximately 330 square feet. He lastly stated that the neighbor to the west received a rear yard setback variance from 30 feet to 15 feet in 1984.

Alan Arthur stated that the proposed addition would be for his mom, who is currently living with him. He further stated that he was proposing to expand an existing bedroom and add a master bath for his mom.

Mr. Rozon made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

16.2201 TERRACE BOULEVARD – American Home Corporation, applicant; Request for a lot width variance from 90 feet to 78.76 feet for a proposed home in the R-1AA (Single-Family Dwelling District); Located on the south side of Terrace Boulevard, approximately 400 feet south of the intersection of Charlotte Drive and Terrace Boulevard; (BV2005-175). Ian Sikonia, Planner

lan Sikonia introduced the location of the property and stated that the applicant had already submitted his plans for the single-family home to the Building Department. He further stated that the proposed home would be approximately 2,700 square feet. He also stated that the previous home was demolished on the property, and the property has well and septic.

Richard Stier stated that he was the President of American Home Corporation which was contracted to build the new proposed home. He further stated that they went in an old community not realizing the zoning required a 90 foot width at the building line. He also stated that the house meets all the other setback requirements. He further stated that the house would sit well with the community and there was no opposition from the neighbors.

Dave Bennett stated that he was the owner of the property, which is a pie shape lot. He further stated that the lot only has 75 feet of street frontage which compose a hardship for any building being put on the property.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

17.309 Jacobs Trail – Ivan Estrella, applicant; Request for a rear yard setback from 30 feet to 25 feet for an existing pool in the R-1A (Single-Family Dwelling District); Located on the east side of Jacobs Trail, approximately 700 feet north of the intersection of Snow Hill Road and Jacobs Trail; (BV2005-186).

Ian Sikonia. Planner

lan Sikonia introduced the location of the property and stated that this application was heard originally at the November 7, 2005 Board of Adjustment postponed meeting. He further stated the original request was for 30 feet to 18.1 feet rear yard setback variance for a proposed pool. He also stated that Lake Crescent does not meet the sovereignty requirements for this state to be owned by the State of Florida due to its size and depth. He then stated that the mean high water mark was originally set by the Engineering Department. The 49 foot number is what the Building Department has been using. He lastly stated that the Building Department takes that number from a Spreadsheet on the Seminole County Government Website.

Ivan Estrella stated that Francisco Torregrosa would represent him.

Francisco Torregrosa showed the Board of Adjustment the application received from the applicant with the original request being a rear yard setback variance from 30 feet to 25.5 feet for a pool from the mean high water line. He stated that the change to 18.1 feet change was made after the applicant submitted the application. He further stated the survey showed the proposed home and proposed pool which was drawn in by the Building Department, because the applicant didn't know what he needed to show. He then stated that the survey showed the proposed pool 30 feet from what was believed to be the mean high water line, which is a 49 foot contour. He further stated that when the Building Department did the inspection the water level was high and the Inspector stated that the pool would not meet the setbacks, therefore the Building Department asked for a new survey. The new survey showed the existing pool shell at 25.5 feet from the pool edge. He then showed a photo of the 49 foot contour and where it sits from the property and stated the he believes the current water elevation is above what should be the mean high water elevation. He also showed a photo of a dock and where the water level was currently on the dock. He further provided letters of support from neighbors and stated that the letters stated that the current water level is higher than it has ever been. He then showed a history of the water level being much lower, by stating that from one of the letters a neighbor stated that when they moved in five (5) years ago the dock was above the water level and now the dock is in the water. He lastly stated that if you look at the data and look at the letters from the neighbors that mean high water elevation is lower than 49 and the applicant should not have to apply for a variance.

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

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

MOBILE HOMES

18.1221 MULLET LAKE PARK ROAD – Kerry Pressley, applicant; Request for a special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning District); Located on the east side of Mullet Lake Park Road, approximately 350 feet north of the intersection of State Road 46 and Mullet Lake Park Road. (BM2005-029). Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant was requesting the permanent placement if a 1995 double wide mobile home. She further stated that a special exception for the temporary placement of the existing single wide mobile home was granted in 1992 for 10 years. She then stated that the surrounding neighborhood historically has consisted of mobile homes, and vacant land. She further stated that the majority of the existing mobile homes have received temporary approval from the Board of Adjustment since 1974. In light of this staff believes the proposed use of permanent placement of the 1995 double wide mobile home would be inconsistent with the character of the area.

Kerry Pressley stated that she was asking to replace the existing single wide mobile home with a double wide. She further stated that she and her two (2) boys have out grown the existing single wide two (2) bedrooms and two (2) baths mobile home. She then showed the Board of Adjustment a site plan of the proposed 1995 double wide three (3) bedrooms and two (2) baths with all the upgrades like a regular home.

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

The motion died for a lack of a second.

- Mr. Bushrui made a motion to approve the request for 15 years.
- Mr. Rozon seconded the motion.

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

19.1472 BRIGHAM LOOP – Mark Muth, applicant; Request for a special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning District); Located on the west side of Brigham Loop, approximately ½ north of the intersection of Winona Drive and Brigham Loop. (BM2005-030).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant was requesting the permanent placement of a 1979 double wide mobile home. She further stated that a special exception for the temporary placement of the existing single wide mobile home was granted in 1989 for 5 years. She then stated that the surrounding neighborhood historically has consisted of single-family homes, mobile homes, and vacant land. She also stated the existing mobile homes have received temporary approval from the Board of Adjustment, in light of this, staff believes the proposed use of permanent placement of the 1979 mobile home would be inconsistent with the character of the area.

Mark Muth stated that he currently has a single wide mobile home and would like to replace it with an older, but better double wide mobile home. He showed pictures of the existing mobile home and stated that the home received damage from the hurricanes and he could no longer live in it because of the mold. He then showed pictures of the proposed 1979 double wide home and stated he would put carpet in and remodel the bathrooms. He further stated that he had letters of support from his adjacent neighbors. He lastly showed pictures of other mobile homes in the area.

Eddie Bower stated that he was a Realtor, and if you look in that area the mobile homes are out there. He further stated that as the prices of conventional homes are increasing more customers are buying mobile homes and the Board will be seeing more request for mobile homes special exceptions. He lastly stated that the proposed mobile home was a 1,600 square feet home with upgrades and the home would be an improvement to the neighborhood.

- Mr. Rozon made a motion to approve the request for 10 years.
- Mr. Pennington seconded the motion.

The motion passed by (4-1) consent. Mr. O'Daniel was in opposition.

20.1685 SUNSET TRAIL – Gordon Harrison, applicant; Request for a special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning District); Located on the south side of Sunset Trail,

approximately 300 feet east of the intersection of Cochran Road and Sunset Trail. (BM2005-031).

Kathy Fall, Principal Planner

Kathy fall introduced the location of the application and stated that the applicant was requesting the permanent placement of a 2005 double wide mobile home. She further stated that a special exception for the temporary placement of the existing single wide mobile home was granted in 2001 for 5 years. She also stated that the Board of Adjustment also approved one (1) mobile home in the area for the life time of the mobile home. She then stated that the surrounding neighborhood historically has consisted of single-family homes, mobile homes, and vacant land. She also stated that the majority of the existing mobile homes have received temporary approval from the Board of Adjustment, in light of this, staff believes the proposed use of permanent placement of the mobile home would be inconsistent with the character of the area.

Gordon Harrison stated the he was a builder and he could not afford the material to build a new home. He further stated that the proposed home was a 2000 square feet double wide well build mobile home. He also stated that the proposed mobile home was build better than many conventional homes. He lastly stated that he was asking for permanent placement of a brand new 2006 double wide mobile home.

Mr. Pennington made a motion to approve the permanent placement of the mobile home.

Mr. O'Daniel seconded the motion.

The motion failed by (2-3) vote.

Mr. Rozon made a motion to approve the request for the life of the mobile home.

Mr. Bushrui seconded the motion.

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

SPECIAL EXCEPTIONS

21.2415 FLORIDA AVENUE – Gloria Jenrette, applicant; Request for special exception to establish an equestrian riding stable in the A-1 (Agriculture District); Located on the northeast corner of Stone Street and Florida Avenue; (BS2005-024).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the site is comprised of 10 acres. He further stated that the proposed site plan depicts horse stables, outdoor rings, parking, pastures and a mobile home for the resident trainer and care taker. He then stated that the applicant proposes the facility to provide horse boarding and lessons with occasional birthday parties between the day light hours. He further stated that staff recommended the Board of Adjustment approve the request for special exception, subject to the following conditions:

- Riding lessons shall occur between daylight hours
- The driveway apron to Florida Avenue shall be paved to County standards
- The mobile home is permitted only as a caretaker residence and is to be removed when the riding stables are no longer in operation
- The arena lighting shall be limited to no more than 0.5 foot candles
- There shall be no outdoor amplification of sound
- There shall be no competitions permitted
- Birthday parties are to be limited to daytime hours only

Gloria Jenrette stated that she was requesting a special exception for the riding stables. She further stated that the full time care taker would live in the mobile home. She lastly stated that she provided letters of support from neighbors.

Mr. Pennington asked how many people are on the property at one time.

Gloria Jenrette stated twenty (20).

Mr. Pennington made a motion to approve the special exception request with staff conditions and the following additional conditions:

- No more than 30 people for birthday parties on the property at one time
- No on street parking
- No out side rental of horses
- The mobile home will be approved for a period of 5 years or the termination of the riding stable operation, which ever occurs first

Mr. O'Daniel seconded the motion.

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

APPROVAL OF NOVEMBER 2005 MEETING MINUTES

Mr. Bushrui made a motion to approve the November 28, 2005 minutes.

Mr. Pennington seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 10:05 P.M.