

**MINUTES FOR THE SEMINOLE COUNTY BOARD OF
ADJUSTMENT
FEBRUARY 27, 2006
6:00 P.M.**

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

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.

CONTINUED ITEM

1. **310 MAPLE TREE LANE** – Laretta Carpino, applicant; Request for a side street setback from 20 feet to 3 feet for a proposed fence in the PUD (Planned Unit Development District); Located on the west side of Maple Tree Lane, approximately 200 feet south of the intersection of Snow Hill Road and Maple Tree Lane; (BV2005-200).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the request was continued from the January 23, 2006 meeting, in order for the homeowner to provide the Homeowner's Association approval, and for Traffic Engineering to provide a more detailed recommendation. She further stated that Traffic Engineering saw a problem with clear sight distance as per the Florida Department of Transportation Design Standards, Standard Index #546 sheet 2 of 6. She lastly stated that Traffic Engineering stated that if the fence could be constructed using a 15 feet variance (rather than 3 feet) the clear sight distance would be acceptable.

Laretta Carpino stated that she had approval from her Homeowner's Association. She further stated that she didn't see the problem with visibility. She lastly stated that she wanted as much back yard as possible.

Mr. Bushrui made a motion to deny the request, but approve a side street setback variance from 20 feet to 15 feet for a proposed fence.

Mr. O'Daniel seconded the motion.

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

PUBLIC HEARING ITEMS

Kathy Fall stated that Items 2 – 17 were Public Hearing Items and staff did not have the authority to recommend approval to the Board of Adjustment.

2. **1455 SYLVAN AVENUE (LOT 22)** – Norma Stahl, applicant; Request for side yard setback variance from 10 feet to 6.3 feet for a proposed room addition in the A-1 (Agriculture District); Located on the south side of Sylvan Avenue at the intersection of Sylvan Avenue and Emmett Avenue; (BV2005-195).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant proposes to construct a home addition that would encroach 4.9 feet into the minimum 10 feet side yard setback. He further stated that the Board of Adjustment had already granted a front yard setback variance from 50 feet to 40 feet for a garage and porch addition in 1992.

Robert Stahl stated that they were requesting an extension on a bedroom. He further stated that they had support from a neighbor.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

3. **219 MONTEGO INLET BOULEVARD** – James Zirkel, applicant; Request for a side yard setback variance from 7.5 feet to 5 feet for a proposed addition to a garage in the R-1A (Single-Family Dwelling District); Located on the south end of Montego Inlet Blvd; approximately 600 feet southwest of the intersection of Montego Inlet Blvd and Wekiva Springs Road; (BV2005-201).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant proposes to increase the size of their existing garage from 1.5 to

a full 2 car garage. He further stated that there was no record of prior variances granted for the property.

James Zirkel stated that they were renovating the home and would demolish the existing garage and add a 2 car garage. He further stated that they would never have neighbors on the side of the property where the garage would be.

Mr. Pennington made a motion to approve the request.

Mrs. Chase seconded the motion.

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

4. **3538 SHIRLEY DRIVE** – Christine Menzel, applicant; Request for a fence height variance from 6 feet to 8 feet for an existing fence in the R-1AA (Single-Family Dwelling District); Located on the north side of Shirley Drive; approximately 3,000 feet southwest of the intersection of Bear Lake Road and E SR 436; (BV2005-202).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant constructed an 8 foot high fence without receiving the proper building permits and variance. He further stated that a letter of violation was sent by the Seminole County Building Division. He lastly stated that there was no record of prior variances granted for the property.

David Bishop stated that he lives on the property with his mother, and he didn't know he needed to pull a permit for the fence. He further stated that he would be inheriting the house, and being tall he can see over a 6 foot fence and therefore he constructed the 8 foot fence.

Mr. Pennington made a motion to deny the request.

Mr. Bushrui seconded the motion.

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

5. **1010 HOBSON STREET** – Henry Shadron, applicant; Request for a front yard setback variance from 25 feet to 19 feet for a proposed porch in the R-1AA (Single-Family Dwelling District); Located on the north side of Hobson Street; approximately 700 feet north of the intersection of Seminole Avenue and North Street; (BV2005-204).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant proposes to construct an attached covered porch 240 square

feet to the front of an existing home. He further stated that there was no record of prior variances granted for the property.

Henry Shadron stated that he wanted to enlarge an existing concrete porch. He further stated that there were other porches in the neighborhood.

Mr. Pennington made a motion to approve the request.

Mrs. Chase seconded the motion.

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

6. **1549 RIDGE LAKE CIRCLE NORTH** – Edwin Wright, applicant; Request for a side yard setback variance from 10 feet to 7.5 feet for a proposed pool screen enclosure in the R-1AAA (Single-Family Dwelling District); Located on the west side of Ridge Lake Circle North, approximately 3,300 feet northwest of the intersection of E.E. Williamson Road and Myrtle Lake Hills Road; (BV2006-002).
Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant proposes to construct a pool screen enclosure on an existing 3 foot high concrete wall that would encroach 2.5 feet into the 10 foot minimum setback.

Edwin Wright stated that as a result of the hurricanes, a tree fell into the pool screen enclosure. He also stated that they had redesigned the back of the house and would like to build the screen enclosure on top of the retaining wall. He continued by showing the Board where the proposed screen enclosure would be. He lastly stated that he had a letter of support from the neighbor most affected by the request.

Mr. Pennington made a motion to approve the request.

Mrs. Chase seconded the motion.

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

7. **4531 DUBOIS STREET** – Arthur Jackson, applicant; Request for (1) front yard setback variance from 25 feet to 15 feet; and (2) rear yard setback variance from 30 feet to 25 feet for a proposed home in the R-1 (Single-Family Dwelling District); Located on the south side of Dubois Street, approximately 600 feet southwest of the intersection of Orange Avenue and Dunbar Avenue; (BV2006-007).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant proposes to construct a single-family home that would encroach 10 feet into the 25 foot front yard setback and 5 feet into the 30 foot rear yard setback. He further stated that there was no record of prior variances granted for the property. He lastly stated that this is in the Historic Bookertown Community, the County generally promoted development in this area.

Arthur Jackson stated that he wanted to build a home on the lot and needed a little more space for the septic tank.

Mr. Bushrui made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

8. **1304 PALM DRIVE** – Jolan Stoltz, applicant; Request for side street setback variance from 25 feet to 10 feet for an existing shed in the R-1AA (Single-Family Dwelling District); Located on the east side of Holliday Avenue; adjacent to the intersection of Holliday Avenue and Palm Drive; (BV2006-008).

Michael Rumer, Senior Planner

This item was continued until the March 27, 2006 meeting.

9. **426 WEST CRYSTAL DRIVE** – Peter Martin, applicant; Request for rear yard setback variance from 30 feet to 10 feet for a proposed detached garage in the R-1A (Single-Family Dwelling District); Located on the north side of West Crystal Drive, approximately 650 feet east of the intersection of West Crystal Drive and Country Club Road; (BV2006-010).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant proposes to construct a detached garage that would encroach 20 feet into the minimum 30 foot rear yard setback. He further stated that there was no record of prior variances granted for the property. He lastly stated that the applicant property is located adjacent to the City of Lake Mary and a local government notification was sent to the City.

Peter Martin stated that he hoped the Board would approve his request to build a garage. He stated that he lives in a 3 bedroom 1.5 bathroom with a carport, and his wife will not allow him to close in the carport unless she has a garage to park her car in.

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

Mr. Pennington seconded the motion.

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

10. **651 QUEENSBRIDGE DRIVE** – Aimee Gonzales, applicant; Request for rear yard setback variance from 5 feet to 0 feet for a proposed pool screen enclosure in the PUD (Planned Unit Development District); Located on the north side of Green Way Blvd, approximately 3,600 feet east of the intersection of Green Way Blvd and Lake Emma Road; (BV2006-016).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant proposes to construct a pool screen enclosure that would encroach 5 feet into the 5 foot minimum rear yard setback for an existing pool. He also stated that the existing pool deck is within inches of the rear property line. He further stated that the applicant had received approval from the Greenwood Lakes Homeowner's Association. He lastly stated that there was no record of prior variances granted for the property.

Aimee Gonzales stated that her proposal was to put a screen enclosure around the pool. She further stated that she can't seem to keep the pool clean. She lastly stated that she had a letter of support from her neighbor.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

11. **124 LAKEBREEZE CIRCLE** – Gordon Erd, applicant; Request for a rear yard setback variance from 10 feet to 1 foot for a proposed pool in the PUD (Planned Unit Development District); Located 3500 feet southeast of the intersection of Greenwood Blvd and West Lake Mary Blvd and further located 300 feet east of the intersection of Lakebreeze Circle and Creek Water Terrace; (BV2006-017).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant proposes to construct a pool that would encroach 9 feet into a 10

foot minimum rear yard setback for a pools edge. He further stated that there was no record of prior variances granted for the property.

Gordon Erd stated that they had a very small backyard, but wanted to install a swimming pool. He further stated that in order to accomplish that they needed approval from the Board of Adjustment. He lastly stated that they received a letter of approval from the Homeowner's Association and both adjacent neighbors.

Mr. Bushrui made a motion to approve the request.

Mrs. Chase seconded the motion.

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

12. **7062 CITRUS POINT COURT** – Christine S. Townsend, applicant; Request for a rear yard setback variance from 30 feet to 22 feet for a proposed covered screen room addition in the R-1A (Single-Family Dwelling District); Located on the north side of Citrus Point Court approximately 500 feet southwest of the intersection of Howell Branch Road and Tangerine Avenue; (BV2006-001).
Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant proposes to construct a screen room addition that would encroach 8 feet into the minimum 30 foot rear yard setback. He further stated that Board of Adjustment had granted three (3) similar variances on nearby and adjacent properties. He also stated that there was no record of prior variances granted for the property. He lastly stated that there were currently no Code Enforcement or Building violations for the property.

Christine Townsend stated that she would like to enclose her existing slab with a screen room to enjoy her patio, without being bitten by mosquitoes.

Mrs. Chase made a motion to approve the request.

Mr. Pennington seconded the motion.

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

13. **1497 WAUKON CIRCLE** – Heather Campbell, applicant; Request for a rear yard setback variance from 20 feet to 10 feet for a proposed covered screen room addition in the R-3A (Multiple-Family Dwelling

District); Located on the south side of Waukon Circle, approximately 1000 feet north of the intersection of Red Bug Lake Road and Nonastone Run; (BV2006-005).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant proposes to construct a covered screen room addition that would encroach 10 feet into the minimum 20 foot rear yard setback. He further stated that the applicant had received approval from the Royal Oaks Homeowners Association. He then stated that there was currently no code enforcement or building violation for the property. He lastly stated that there was a large dry retention pond behind and to the side of the property.

Heather Campbell stated that she would like to extend her existing slab out 10 feet for the proposed covered screen room.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

14. **560 BROOKSIDE CIRCLE** - William M. Lynch III, applicant; Request for a rear yard setback variance from 30 feet to 19 feet for a proposed addition in the R-1A (Single-Family Dwelling District); Located on the west side Brookside Circle approximately ¼ mile west of the intersection of Lake Howell Road and Tuscarora Trail; (BV2006-006).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant proposes to construct a room addition that would encroach 11 feet into the minimum 30 foot rear yard setback. He also stated that the property abuts the Seminole/Orange county line. He further stated that there was no record of prior variances granted for the property. He lastly stated that there were currently no Code Enforcement or Building violations for the property.

William Lynch stated that he was the General Contractor for the applicants. He further stated that the property was lakefront and abuts the Seminole/Orange County line. He lastly stated that they needed the variance to complete the room addition.

Mike Hattaway asked if a unity of title would be done on the property.

William Lynch stated yes.

Mr. Pennington made a motion to approve the request.

Mrs. Chase seconded the motion.

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

15. **2810 CASA ALOMA WAY** – Robert L. Yates, applicant; Request for a rear yard setback variance from 30 feet to 14.10 feet for a covered screen room in the R-1A (Single-Family Dwelling District); Located on the south side of Casa Aloma Way approximately 500 feet west of the intersection of Casa Aloma Way and SR 436. (BV2006-009).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant proposes to replace a screen room addition that would encroach 16 feet into the minimum 30 foot rear yard setback. He further stated that the Board of Adjustment had granted three (3) similar variances on nearby properties in the Casa Aloma subdivision. He lastly stated that there was no record of prior variances granted for this property.

Robert Yates stated that he wanted to replace a 30 year old screen room.

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

Mr. Bushrui seconded the motion.

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

16. **2022 COLLIER DRIVE** – Roger A. Repstien, applicant; Request for a rear yard setback variance from 30 feet to 17 feet for a replacement screen room addition in the R-1AA (Single-Family Dwelling District); Located on the east side of Collier Drive approximately 500 north of the intersection of Talbot Road and Collier Drive; (BV2006-011).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the application and stated the applicant constructed a replacement screen room addition that encroaches 13 feet into the minimum 30 foot rear yard setback. He further stated that the applicant was cited on May 6, 2005 by Code Enforcement for unpermitted construction. He then stated that the

applicant had submitted a building permit application for this replacement addition. He lastly stated that there was no record of prior variances granted for the property.

Roger Repstein stated that he was the Agent for the applicants. He further stated that the applicant constructed the replacement last year, and after being cited he has submitted for a building permit, but the permit is on hold waiting the decision of the Board. He also stated that the screen room was damaged doing the hurricane season. He lastly stated that it would be a hardship to take the screen room down.

Mr. Pennington made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

17. **908 LOGENBERRY TRAIL** – Eleanor Ellison, applicant; Request for a rear yard setback variance from 30 feet to 12 feet for a proposed sunroom addition in the R-1A (Single-Family Dwelling District); Located on the north side of Logenberry Trail approximately 700 feet southwest of the intersection of Tuskawilla Road and Tuskawilla Point Lane; (BV2006-012).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant proposes to construct a sunroom addition that would encroach 18 feet into the minimum 30 foot rear yard setback. He further stated that the applicant had received approval from the Tuskawilla Point Homeowners Association. He then stated that the applicant had submitted plans for the sunroom to the Seminole County Building Division on December 15, 2005. He lastly stated that there was no record of prior variances granted for the property.

Eleanor Ellison stated that she represented the sunroom company contracted to do the work for the applicants. She stated that the applicants needed additional square footage for their elderly parents, who may have to move in with the family.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

MOBILE HOMES

18. **1905 BLUE FISH PLACE** – Richard Quates, applicant; Request for special exception for the permanent placement of a existing mobile home in the A-5 (Rural Zoning District); Located on the south side of Blue Fish Place, approximately 1/3 mile east of Mullet Lake Park Road; (BM2006-001).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that a special exception was granted in 1996 for the 10 year placement of an existing 1983 mobile home. She further stated that 21 out of 30 lots along Blue Fish Place have mobile homes that the Board of Adjustment had approved for temporary placement except for one mobile home that received permanent placement in 2003. She also stated that there were 3 conventional homes on Blue Fish Place with the most recent home constructed in 2000. She lastly stated that staff did not recommend the permanent placement of the 1983 single wide existing mobile home, but based upon the holding trend of development of existing mobile homes staff would consider the approval of a new mobile home that meet conventional home design standards.

Richard Quates stated that he has lived on the property for ten years and he needed approval from the Board for the permanent placement of the existing mobile home.

Mr. Pennington made a motion to approve the existing mobile home for 5 years.

Mrs. Chase seconded the motion.

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

19. **2881 RICHMOND AVENUE** – Kimberlee Ann Pay Baker, applicant; Request for special exception for the permanent placement of a mobile home in the A-1 (Agriculture District); Located on the northeast corner of Moores Station Road and Richmond Avenue; (BM2006-002).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant was requesting the permanent placement of a 2006 single wide mobile home on a 4 acre parcel. She further stated that while proximate to the Sanford –Orlando International Airport, the property was not located

in the airport's future expansion area. She then stated that the permanent placement of the proposed mobile home would be incompatible with the trend of conventional single-family development on nearby and adjacent properties. She also stated that there were no permanently approved mobile homes in the area. She then stated that residential uses, whether conventional or mobile home, are not consistent with the future land use of the property. She lastly stated that the trend of development in the surrounding area mainly consists of industrial airport support uses and single-family homes and for those reasons staff does not recommend approval of the permanent of a mobile home.

Kimberlee Baker stated that she bought the property in 1983 and received a mobile home permit in 1984. She further stated that on February 23, 1998 a category 4 tornado hit the area and destroyed the mobile home. She then stated that she had not been able to rebuild because she didn't have the money. She also stated that her parents needed a place to live, and she would like to purchase the brand new mobile home for them. She further stated that her father was 77 and he had heart problems and her mother was 69 and she was scheduled to have a total hip replacement next month. She then stated that she has to take care of her parents. She lastly stated that the 2006 mobile home looks like a conventional home.

Mr. Pennington asked if she was familiar with the fact that she was near the airport.

Kimberlee Baker stated yes sir.

Mr. Pennington made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

Mr. Bushrui made a motion to deny the request.

Mrs. Chase seconded the motion.

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

20. **300 MILLER ROAD** – Kelly Cope, applicant; Request for special exception for the permanent placement of a mobile home in the A-1 (Agriculture District); Located on the northwest corner of South Sanford Avenue and Miller Road; (BM2006-003)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant was requesting a special exception to replace an existing 1957 single-family home with a 2006 double wide mobile home. She further stated that the permanent placement of the proposed replacement mobile home would be compatible with the trend of development on nearby and adjacent properties. She lastly stated that records indicate that Miller Road is prominently permanently approved mobile homes.

Kelly Cope stated that she was requesting the permanent placement of a 2006 mobile home and that they would be demolishing the existing home with the exception of 2 free standing buildings that they would like to keep as garages. She further stated that they would like to make things better for their 4 year old daughter.

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

Mr. Pennington seconded the motion.

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

21. **1785 PAMS WAY** – Donald Polsley, applicant; Request for special exception for the permanent placement of a replacement mobile home in the A-5 (Rural Zoning District); Located on the east side of Pams Way, approximately ¼ mile south of Snapdragon Way; (BM2006-004).
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant was requesting the permanent placement of a 2006 replacement double wide home. She further stated a special exception was granted in 1983 for the 3 year placement of the existing 1983 mobile home. She then stated that 11 out of 31 lots in the 5 acre development had mobile homes that the Board of Adjustment approved for permanent or temporary placement. She also stated that there were 7 conventional homes in the 5 acre development with the closest home to the site constructed in 1987. She further stated that Mullet Lake Park Road was an improved external road to the 5 acre development. She lastly stated that the trend of

development within the unimproved (dirt) internal roadways of the 5 acre development consisted of mobile homes.

Donald Polsley stated that he would like a special exception to put a 2006 triple wide 100,000.00 mobile home on his property and remove the old mobile home which had storm damage.

Mr. Bushrui made a motion to approve the request.

Mr. Pennington seconded the motion.

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

22. **1295 IRON HORSE BEND** – Linda Elias, applicant; Request for the permanent placement of a replacement mobile home in A-5 (Rural Zoning District); Located on the east side of Iron Horse Bend, approximately 300 feet north of the intersection of Osceola Road and Iron Horse Bend; (BM2006-005).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant was requesting the permanent placement of a 1988 double wide mobile home to replace an existing 1981 mobile home. She further stated that a special exception for the placement of the existing single wide was granted in 1995 for 5 years. She then stated that the surrounding neighborhood consisted of conventional single-family homes, mobile homes and vacant lots. She also stated that the majority of the existing mobile homes have received temporary approval from the Board of Adjustment and the trend of development is towards conventional single-family homes. She lastly stated that staff believed the proposed use of permanent placement of a mobile home would be inconsistent with the character of the area.

Linda Elias stated that she was representing Barney Sanchez. She further stated that they were requesting a mobile home special exception to replace a single wide mobile home with a double wide. She then stated that the square footage was doubled. She also stated that their family consisted of 2 adults and 4 children. She further stated that the area around them was mostly mobile homes and she received a petition from the surrounding neighbors in support of the upgrade. She also stated that the property had been in the family for 50 years. She lastly stated that the 1988 Skyline mobile home had been very well maintained and the appliances and the air-conditioning unit had been upgraded.

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

Mrs. Chase seconded the motion.

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

23. **1620 FOREST HILL WAY** – Dale Baumann, applicant; Request for special exception for the permanent placement of a replacement mobile home in the A-5 (Rural Zoning District); Located on the northwest corner of Cochran Road and Forest Hill Way; (BM2006-006).
Kathy Fall, Principal Planner

This item was continued until the March 27, 2006 meeting.

APPROVAL OF JANUARY 2005 MEETING MINUTES

Mr. O'Daniel made a motion to approve the January 23, 2006 minutes.

Mr. Pennington seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 9:20 P.M.