

**MINUTES FOR THE SEMINOLECOUNTY
BOARD OF ADJUSTMENT
AUGUST 28, 2006
6:00 p.m.**

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

Staff Present: Kathy Fall, Principal Planner; Ian Sikonia, Planner; Denny Gibbs, Senior Planner; Kimberly Laucella, Assistant 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 then stated the changes to the Agenda. He stated that Item # 10 was moved to the Consent Agenda, Item 18 was withdrawn by the applicant and Item #21 the applicant asked for a continuance until the September 25, 2006 meeting.

CONSENT ITEMS

1. **Moton Avenue (Lots 239 & 240)** - Arthur Jackson, applicant; Request for (1) a lot size variance from 8,400 square feet to 5,700 square feet; (2) width at the building line from 70 feet to 60 feet; and (3) a rear yard (west) setback from 30 feet to 20 feet for a proposed single family residence in R-1 (Single Family Dwelling District); Located on the northwest corner of Richard Allen Street and Moton Avenue approximately 900 feet east of Halsey Avenue and 1500 feet south of Orange Blvd; (BV2006-107).
Denny Gibbs, Senior Planner
2. **Moton Avenue (Lots 211, 237 & 238)** - Arthur Jackson, applicant; Request for (1) a lot size variance from 8,400 square feet to 5,700 square feet; (2) width at the building line from 70 feet to 60 feet; and (3) a rear yard (west) setback from 30 feet to 20 feet for a proposed single family residence in R-1 (Single Family Dwelling District); Located on the northwest corner of Richard Allen Street and Moton Avenue approximately 900 feet east of Halsey Avenue and 1500 feet south of Orange Blvd; (BV2006-108).
Denny Gibbs, Senior Planner

3. **Moton Avenue (Lots 209 & 210)** - Arthur Jackson, applicant; Request for (1) a lot size variance from 8,400 square feet to 5,700 square feet; (2) width at the building line from 70 feet to 60 feet; and (3) a rear yard (west) setback from 30 feet to 20 feet for a proposed single family residence in R-1 (Single Family Dwelling District); Located on the northwest corner of Richard Allen Street and Moton Avenue approximately 900 feet east of Halsey Avenue and 1500 feet south of Orange Blvd; (BV2006-109).
Denny Gibbs, Senior Planner
4. **3042 Holliday Avenue** - Martoccia Custom Construction, applicant; Request for a special exception for a guest house in the R-1AA (Single-Family Dwelling District); Located on the west side of Holliday Avenue approximately 0.10 mile north of the intersection of Balmy Beach Drive and Holliday Avenue; (BS2006-006)
Kathy Fall, Principal Planner
10. **Blossom Road (Lot 22)** – Randall Thevenet, applicant; Request for (1) a lot size variance from 43,560 square feet to 9,581 square feet; (2) a width at the building line variance from 150 feet to 127.75 feet; and (3) a side street setback variance from 50 feet to 10 feet for a proposed home in the A-1 (Agriculture District); Located on the west side of Blossom Drive approximately 300 feet east of the intersection of Wrights Road and Blossom Road; (BV2006-116).
Ian Sikonia, Planner

Mr. Rozon made a motion to approve Consent Agenda Items 1, 2, 3, 4 and 10.

Mr. Pennington seconded the motion.

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

CONTINUED ITEMS

5. **3125 Cecelia Drive** – Horecio Gonzalez, applicant; Request for a width at the building line variance from 90 feet to 79 feet 5 inches for a proposed home in the R-1AA (Single-Family Dwelling District); Located on the east side of Cecelia Drive approximately 600 feet south of the intersection of Neil Road and Cecelia Drive; (BV2006-095).
Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that this Item was continued from the July 24, 2006 meeting. He then stated that due to the triangular shape of the property the applicant requested a width at the building line variance that was 10 feet 7 inches narrower than the

minimum 90 foot width. He further stated that there was a single-family home on the property which was built in 1994, however the home had been demolished and the lot had been cleared. He also stated that there was currently no code enforcement or building violations for the property. He lastly stated that staff received one (1) E-Mail from the neighbor to the west with concern about the side setback stating it shouldn't be closer than 10 feet.

Horecio Gonzalez stated that the proposed home would have 10 feet on each side and 30 feet in the rear. He then stated that he was asking for a variance for the front of the home.

Mr. Pennington made a motion to approve the request stating the hardship is the shape of the lot.

Mr. Bushrui seconded the motion.

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

6. **1161 Moton Avenue** – Vernon Thompson, applicant; Request for a special exception for a proposed off street parking facility and an addition to an existing church in the R-1 (Single-Family Dwelling District); Located at the southeast and southwest section of the intersection of Dubois Street and Moton Avenue; (BS2006-003).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that this Item was continued from the July 24, 2006 meeting. He then stated that the applicant wished to expand the church by adding an additional 3,124 square feet to the existing building. He further stated that the new addition would consist of a congregation area, reception areas and the pastor's office. He then stated that the total seating in the existing church is approximately 80 people while the proposed expansion would allow approximately 180 people. He further stated that they were also proposing to construct two (2) unpaved parking facilities, the first an off street parking facility which would be located on the west across Moton Avenue and could potentially contain 22 spaces. He lastly stated that staff recommended approval of the special exception request subject to three conditions:

- Parking of vehicles within the road right-of-way shall be prohibited
- The proposed addition shall not exceed 3,200 square feet and a maximum occupancy of 180 people
- If the parking facility shall be lighted it will be residential in design and it will follow the standards set forth in the Land Development Code

Vernon Thompson stated that he represented Rose Hill Baptist Church. He then stated that he agreed with staff's recommendation and conditions.

Mr. Hattaway suggested that the Board consider the following improvements that would be consistent with the use of the existing church and would be compatible with the community:

- The buffer requirements of the off-street and on-site parking shall be a 3 feet high opaque fence along the portion within the front yard setback and the remainder to be 6 feet high. This would be consistent with the adjacent residential uses and still provide an adequate buffer. The imposition of this condition would negate the need for a 25 feet active buffer adjacent to the residential uses.
- The landscaping of the off-street and on-site parking shall consist of 2.5 inch caliper oak trees to be planted 25 feet on center along the property lines with no hedges required
- The wheel stops in the off-street and on-site parking areas shall be located 6 feet from the fence in order to provide an over-hang for the vehicles and space to place the oak trees

Mr. Pennington made a motion to approve the request with Mr. Hattaway conditions.

Mr. Bushrui seconded the motion.

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

PUBLIC HEARING ITEMS

7. **1810 Poinciana Road** – Marilyn Dover-Cuskaden, applicant; Request for a rear yard setback variance from 30 feet to 15.6 feet for an existing room addition in the R-1A (Single-Family Dwelling District); Located on the north side of Poinciana road approximately 200 feet west of the intersection of Nottingham Drive and Poinciana Road; (BV2006-110).
Ian Sikonia, Planner

The applicant was not present at the beginning of the meeting. This Item was moved until after Item 23.

8. **1363 San Luis Court** – Diane Seaman & William Lutter, applicants; Request for a rear yard setback variance from 25 feet to 8 feet for a proposed covered screen room in the PUD (Planned Unit Development District); Located on the north side San Luis Court approximately 400 feet north of the intersection of La Mesa Avenue and San Luis Court; (BV2006-113).
Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant proposed to construct a covered screen room that would encroach 17 feet into the minimum 25 feet rear yard setback. He further stated that the proposed screen room addition would be approximately 279 square feet which would be attached to the rear of the existing single-family home. He then stated that the applicant submitted plans for the covered screen room to the Building Division on May 5, 2006. He lastly stated that there was no record of prior variances granted for the property.

Diane Seaman said that staff stated what her request was. She then stated that there was a basketball court and open park behind her house.

Mr. Rozon made a motion to approve the request.

Mr. Pennington seconded the motion.

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

9. **119 Waverly Drive** – Susan & Harry Ludlow, applicants; Request for a rear yard setback variance from 30 feet to 7.5 feet for a proposed shed in the R-1A (Single-Family Dwelling District); Located on the north side of Waverly Drive approximately 300 feet west of the intersection of Maid O The Mist Drive and Waverly Drive; (BV2006-114).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant proposed to construct a 24' X 12' shed in the rear of the property. He further stated that the applicant had submitted plans for the proposed shed to the Building Division on June 19, 2006. He then stated that the applicant had also submitted a petition from the three (3) adjacent neighbors stating they had no objection to the shed. He lastly stated that there was currently no code enforcement or building violation on the property.

Susan Ludlow stated that the height of the shed was 12 feet. She then showed the Board a picture of the proposed shed and asked the Board members if they had any questions.

Mr. Pennington made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

10. **Blossom Road (Lot 22)** – Randall Thevenet, applicant; Request for (1) a lot size variance from 43,560 square feet to 9,581 square feet; (2) a width at the building line variance from 150 feet to 127.75 feet; and (3) a side street setback variance from 50 feet to 10 feet for a proposed home in the A-1 (Agriculture District); Located on the west side of Blossom Drive approximately 300 feet east of the intersection of Wrights Road and Blossom Road; (BV2006-116).

Ian Sikonia, Planner

This item was moved to the Consent Agenda.

11. **1670 Canton Lane** – Campion Hawkins, applicant; Request for a rear yard setback variance from 20 feet to 12 feet for a proposed covered porch addition in the PUD (Planned Unit Development District); Located on the west side of Canton Lane approximately 400 feet north of the intersection of Dalton Drive and Canton Lane; (BV2006-117).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant proposed to construct a 200 square foot covered porch addition to the rear of the existing single-family home. He further stated that the applicant had submitted an application to the Dunhill Homeowners Association for the proposed addition. He then stated that the applicant also submitted a petition signed by the three (3) adjacent neighbors to the north, south and west stating they agreed with the proposed addition. He lastly stated that there was no record of prior variances granted for the property.

Campion Hawkins stated that he was the applicant, and that he was there to answer any questions.

Mr. Pennington asked would the texture of the exterior blend in with the house.

Campion Hawkins stated yes.

Mr. Rozon made a motion to approve the request.

Mr. Pennington seconded the motion.

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

12. **204 Laurel Park Court** – Mike Beaudoin, applicant; Request for a rear yard setback variance from 30 feet to 15 feet for a proposed single-family home in the R-1A (Single-Family Dwelling District); Located on the west

side of Laurel Park Court approximately 100 feet north of the intersection of Howell Branch Road and Laurel Park Court; (BV2006-118).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant proposed to construct a one story approximately 3,000 square foot single-family home. He further stated that a permit was issued for a single-family home on the property on June 16, 2006. He then stated that the applicant wanted to move the house back to save an oak tree. He lastly stated that there was currently no code enforcement or building violations for the property.

The applicant was not present.

Mr. Rozon made a motion to approve the request.

Mr. Pennington seconded the motion.

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

13. **182 Post Way** – Anna Gutierrez, applicant; Request for a rear yard setback variance from 15 feet to 10 feet for a proposed covered screen room in the PUD (Planned Unit Development District); Located on the west side of Post Way approximately 600 feet west of the intersection of Eagle Circle and Neighborly Drive; (BV2006-119).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant proposed to construct a covered screen room that would encroach 5 feet into the minimum 15 feet rear yard setback. He further stated that the applicant submitted plans to the Building Division on May 30, 2006. He then stated that the applicant had received approval from the Deer Run Homeowners Association on April 11, 2006. He lastly stated that there was currently no code enforcement or building violations for the property.

Anna Gutierrez stated her name.

Mr. O'Daniel asked if she talked to her Homeowners Association and the neighbors.

Anna Gutierrez stated yes.

Mr. Bushrui made a motion to approve the request.

Mr. Rozon seconded the motion.

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

14. **5156 North Seminole Avenue** – Anne Phelps, applicant; Request for a rear yard setback variance from 30 feet to 7.5 feet for a proposed shed in the R-1 (Single-Family Dwelling District); Located on the west side of Seminole Avenue approximately 1000 feet north of the intersection of Citrus Avenue and Seminole Avenue; (BV2006-120).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant proposed to construct a shed that would encroach 22.5 feet into the minimum 30 feet rear yard setback. Since the proposed shed is in excess of 200 square feet it must meet the same setbacks of the main residence structure. He further stated that the applicant had submitted a letter from the adjacent neighbor to the west stating they had no objection to the placement of the shed. He lastly stated that there was currently no code enforcement or building violations for this property.

Anne and Daryl Phelps stated that they wanted to change the setback because of a tree and their septic tank. Daryl Phelps stated that he would change the size of the shed to 12' X 20' and that he wanted to move items from the garage into the shed.

Mr. Rozon made a motion to approve the request for a 12 X 20 shed.

Mr. Bushrui seconded the motion.

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

15. **9437 Belmont Terrace** – David & Danna Olivo, applicants; Request for a rear yard setback variance from 30 feet to 24 feet for a proposed addition in the R- 1A (Single-Family Dwelling District); Located on the south side of Belmont Terrace approximately 300 feet east of the intersection of Baytowne Place and Belmont Terrace; (BV2006-127).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant proposed to construct an addition to the rear of the existing two story single-family home. He further stated that the applicant submitted a letter from the adjacent neighbor to the west that had no objection to the variance request. He lastly stated that there was currently no code enforcement or building violations for the property.

Danna Oliva stated that the proposed addition would be to expand the family room and master bedroom suite. She then stated that the addition

would total 330 square feet that would include a permanent roof for a covered patio. She further stated that she had approval from her Homeowners Association.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

16. **2521 Thicket Ridge Court** – Janet Work, applicant; Request for a side yard (south) setback variance from 10 feet to 6 feet for an existing room addition in PUD (Planned Unit Development District); Located on the southwest corner of Bent Hickory Circle and Thicket Ridge Court approximately 500 feet west of Sabal Palm Drive; (BV2006-111)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant constructed an addition that encroaches 4 feet into the 10 feet side yard setback. She further stated that the side yard setback in Sabal Point Planned Unit Development is established at 10 feet between buildings and therefore the setback of this addition is based on the placement of the adjacent structure which is on the lot line. She then stated that Code Enforcement had issued a violation and also an extension for compliance. She lastly stated that there was no record of prior variances granted for the property.

Janet and Bob Work stated that they had lived in the neighbor for 14 years. Janet Work stated that the addition happen after the hurricane season in 2004. She further stated that there was a patio with a wooden deck on it that they removed several years ago because the wood rotten. She then stated that their sons came and tiled that area for them. She also stated that during the hurricane season they had damage to the roof and they couldn't afford to have it fixed professionally because she and her husband were both retired and they didn't have a lot of money. She further stated that her son got someone to help him fix the roof and at that time they constructed the addition. She then stated that they didn't know they needed a permit until they received a notice from the Building Department. She also stated that since they remained inside the fence they thought they could do what they wanted to the property. She lastly stated that they were sorry they were requesting the variance after the fact.

Mr. Hattaway asked if the Sable Point Homeowners Association been involved.

Janet Work stated that the Homeowners Association came to them last fall and wondered how the addition got there.

Mr. Work stated that the structure was built to code, it had a nice appearance and it fit in very well. He further stated they would not have done it if they knew they needed to apply for a variance.

Mr. Pennington asked was it a mandatory Homeowners Association.

Janet Work stated that she assumed it was. She then stated that they had done a lot to the property since they had lived there and they didn't know they needed to ask for permission for anything. She further stated that when the Homeowner Association came to them and gave them a list of the things they could not do they had already done several of them such as painting and putting on a roof twice.

Mr. Bushrui asked if they paid dues.

Janet Work stated yes.

Mr. Bushrui stated that it was a mandatory Homeowners Association.

Larry Bennett stated that he lived in the house next door and the addition didn't bother him. He further stated that it is an improvement and it matches the house.

Wayne Hunicke stated that he was the President of the Sable Point Community Services Association and they represent about 800 families. He then stated that the Work's live in a village of about 72 homes, which have special plans and restrictions. He further stated that he had been a Sabal Point resident for 20 years and President for about 5 years. He then stated that he would briefly outline the Association concerns about the request.

- The work was done without their Architectural Review Board approval
- No drawings or specifications for the addition
- No County permits or code inspections

He further stated that it is always easier to ask for forgiveness than it is to get permission. He then stated that he would ask the Board to consider the principal as they evaluate the case. He also stated that the Work's did expand their residence and reduced what was already a close proximity between buildings in that area. He further stated that the addition was currently being used as a kitchen as he understood. He then stated he had concerns about the fire code with the buildings being so close to each other. He also stated that the request was denied by their Architectural Review Board. He further stated that in this community every resident is

legally required to receive a copy of the covenants. He then stated that they have a community newsletter and about once a year they run an article on when is architectural review required, and about every month they have a summary of what kinds of actions had been submitted and what was required. He also stated that they have user friendly forms and they work to keep residents informed.

Mr. Pennington asked if the Homeowners Association approved any similar situation.

Wayne Hunicke stated no sir this is something that rarely happens in our community.

Bob Harper stated that he lives directly across the street from the structure. He then stated that he was a member of the Sable Green Homeowners Association, which is a sub Board of Sable Point. He further stated that he strongly objected to the structure because it was built without inspections, without any drawings and it presented a fire danger. He then stated that in this community of 72 units each house has a 0 lot line on one side and a neighbor that has 10 – 12 feet between buildings, and to encroach in that area would decrease the property values.

Tom Snow stated that he lived in the Sable Green Subdivision, and this subdivision was planned out from the beginning with houses at a 10 feet separation. He further stated that every newsletter always mention that all changes to the structure have to go in front of the Architectural Review Board. He then stated that all homeowners know that there are special conditions in this community. He also stated that this addition to the structure is not in keeping with the architectural integrity of the neighborhood. He lastly stated that he was concerned that if the Board of Adjustment approved this request his next door neighbor would build an addition and endanger his home.

Claudette Jaillet stated that she was currently the Chairperson of the Sable Green Homeowners Association. She then stated that she had received several complaints from neighbors about the addition. She further stated that the construction began in January of 2005. She then stated that the roof line of the addition is much closer than 6 feet which is the applicant request. She lastly stated that all the homes are wood frame.

Janet Work stated that she wanted to clear up some misunderstandings, the construction of the addition was done in August and September of 2004. She further stated that the addition was not a kitchen, they had a very small kitchen with no eating room and the addition is a room that they eat in. She then stated that she had letters of all communication between

them and the Homeowners Association, which she gave to the Board of Adjustment. She lastly stated that there was a screened in area in the back when they purchased the home which had only 4.5 feet from the other neighbor which was one reason why they were not concerned about the addition.

Mr. Pennington made a motion to deny the request.

Mr. Rozon seconded the motion.

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

- 17.2201 Peninsular Court** – Martoccia Custom Construction, applicant; Request for a building height variance from 35 feet to 43 feet for a proposed two story single family home in R-1AA (Single Family Dwelling District); Located at the east end of Peninsular Court approximately 300 feet east of West Lake Brantley Drive; (BV2006-122)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a two story single-family home with a 43 feet mean roof height. She then stated that the mean roof height required by code was 35 feet. She further stated that the applicant had submitted letters of support from seven (7) adjacent property owners. She lastly stated that there was currently no code enforcement or building violations for the property.

Victoria Martoccia stated that this request was for an extra large estate home. She further stated their clients the Palmer's had lived on the property for over 23 years and they were very active in the community. She then stated that the house would be within the setbacks. She also stated that they had letters of support from the four (4) neighbors who never had much of a lake view. She then showed the Board pictures of the proposed home and the extra high roof elevations. She lastly stated that the home would be a lovely addition to the neighborhood.

Mr. Rozon made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

- 18.218 Sweetwater Creek Drive** – Richard & Mary-Frances Brooke, applicant; Request for a side yard (east) setback variance from 10 feet to 3 feet for a proposed family room addition in R-1AAA (Single Family

Dwelling District); Located at the south end of E. Sweetwater Creek Drive approximately 300 feet west of Wekiva Springs Road; (BV2006-123)
Denny Gibbs, Senior Planner

This Item was withdrawn by the applicants.

19. **1226 Sunshine Tree Boulevard** – Nicholas & Helen Abatsas, applicants; Request for a side street setback variance from 50 feet to 20 feet for a proposed garage addition in the A-1 (Agriculture District); Located at the southeast section of the intersection of Dixon Road and Sunshine Tree Boulevard; (BV2006-124).
Austin Watkins, Intern

Austin Watkins introduced the location of the property and stated that the applicant proposed to construct a 1,920 square foot garage to the north of the existing single-family home. He then stated that the applicant also proposed to construct a covered walkway to connect the garage and single-family home. He further stated that the property is a corner lot which required a front setback for both street sides of 50 feet. He then stated that the applicant proposed to encroach 30 feet into the required 50 feet side yard setback. He lastly stated that there was currently no code enforcement or building violations for the property.

Nicholas Abatsas stated that the reason he wanted to put the garage on that side was because on the other side was an open lot and he wanted to leave it open for a play area for his kids. He further stated that the driveway already curved to the left and the doors to the garage would face the house. He then stated that he would use the garage to park his boat.

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

Mr. Rozon seconded the motion.

The motion failed by a 2-3 vote. Mr. Hattaway, Mr. Pennington and Mr. Bushrui were in opposition.

Mr. Pennington made a motion to approve the request from 50 feet to 30 feet for a proposed garage.

Mr. Bushrui seconded the motion.

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

20. **10026 Bear Lake Road** – Raymond Krogman, applicant; Request for a side yard (north) setback variance from 7.5 feet to 5 feet 8 inches for a proposed two story single family home in R-1 (Single Family Dwelling

District); Located on the west side of Bear Lake Road at Bunnell Road;
(BV2006-125)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a new single-family home to replace an existing home that was built in 1930. She then stated that the new structure would encroach 1 foot 10 inches into the required 7.5 feet setback. She further stated that there was currently no code enforcement or building violations for the property. She lastly stated that there was no record of prior variances granted for this property.

Raymond Krogman stated that he purchased the home in October and it would cost too much to remodel the 1930 home. He then stated that he would like to remove the house and build a larger house for his family. He further stated that if the Board approved the variance they would start drawing plans for the proposed home. He lastly stated that he owned the property to the north of this property.

Mr. Rozon made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

21. **642 Tall Oaks** – Ivelisse Fernandez, applicant; Request for a side street (west) setback variance from 20 feet to 0 feet for a proposed 6 foot high fence in PUD (Planned Unit Development District); Located on the southeast corner of Tall Oaks Terrace and High Point Loop approximately 850 feet north of SR 427; (BV2006-126)
Denny Gibbs, Senior Planner

This Item was continued until the September 25, 2006 meeting.

MOBILE HOMES

22. **3303 Curryville Road** – Frank & Cheryl Svancar, applicants; Request for a special exception for the 10 year placement of an existing mobile home in the A-5 (Rural District); Located on the south side Curryville Road approximately 0.10 mile from the intersection of Pandora Lane and Curryville Road; (BM2006-019).
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant was requesting the 10 year placement of an existing 1980 double wide mobile home, where mobile homes are allowed only by

special exception. She further stated that there had been several temporary approvals since 1980 with the most recent in 2001 for 5 years. She then stated that available records indicated that the majority of lots in the surrounding area have conventional single family homes or agriculture uses (grazing land). She also stated that within the past 20 years the mobile homes approved for temporary or permanent time periods have been removed and conventional single-family homes have been constructed. She lastly stated that staff could not support this request.

Frank Svancar stated that the area to the right of his property was a state park and that there would never be any building there. He then stated that his area was a rural community with people riding horses. He further stated that he and his wife had elderly mothers living in Florida and they planned to sale their property and move in 10 years. He lastly stated that his mobile home had no damage during the hurricane season.

Mr. O'Daniel made a motion to approve the request for 5 years.

Mr. Pennington seconded the motion.

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

Mr. Pennington stated that at the end of the 5 years the mobile home special exception would end.

23. **1121 Caruthers Woods Road** – Robby Caruthers, applicant; Request for a special exception for the permanent placement of a replacement mobile home in the A-5 (Rural District); Located on the south west corner of the intersection of Little Fawn Lane and Caruthers Woods Road; (BM2006-020).

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 double wide mobile home, where mobile homes are allowed only by special exception. She further stated that a special exception was granted in 1983 for the 5 year placement of a mobile home and currently there is an existing 1982 single wide mobile home on the property. She then stated that available records indicate that the surrounding parcels in the immediate vicinity have mobile homes, vacant land or conventional single family homes. She further stated that the mobile homes granted in this area are for temporary placement or permanent placement of new double wide mobile homes. She lastly stated that staff recommended the permanent placement of the proposed mobile home based on the following conditions that are consistent with the recent mobile home approvals in the immediate area:

- Only one (1) single-family mobile home unit shall occupy the site, as shown on the proposed site plan
- The mobile home shall be a 2006 or newer double wide mobile home
- Shingled roof, vinyl siding, skirting and other conventional home design conditional deemed appropriate by the Board of Adjustment

Robby Caruthers stated that the proposed mobile home was a 2006. He further stated that he agreed with staff recommendation and conditions.

Mr. Pennington made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

PUBLIC HEARING ITEMS

7. **1810 Poinciana Road** – Marilyn Dover-Cuskaden, applicant; Request for a rear yard setback variance from 30 feet to 15.6 feet for an existing room addition in the R-1A (Single-Family Dwelling District); Located on the north side of Poinciana road approximately 200 feet west of the intersection of Nottingham Drive and Poinciana Road; (BV2006-110).
Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant constructed a room addition that encroached 14.4 feet into the minimum 30 feet rear yard setback. He further stated that the applicant proposed to do an interior renovation to the existing room addition. He lastly stated that there was currently no code enforcement or building violations on the property.

Scott Maurer stated that all they wanted to do was to replace the existing structure. He further stated that the roof of the existing structure was leaking and they wanted to replace it with a new structure with the exact same foot print of the existing structure.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

SPECIAL EXCEPTIONS

- 24. 3370 West State Road 426** - Sherri Fragomeni, applicant; Request for an amendment to expand an existing special exception for a veterinary clinic with kennels in A-1 (Agriculture District); Located on the south side of State Road 426 approximately 150 feet east of State Road 417 (Greenway); (BS2006-005)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant proposed to replace an existing 4550 square feet veterinarian clinic with a 2500 square foot outdoor kennel with a 6132 square foot veterinarian clinic with indoor kennels. She then stated that the existing veterinarian clinic and kennels were approved in 1985. She further stated that the trend of development in the immediate area includes a combination of mostly commercial, office, multi and single family residential uses. She then stated that the replacement of the existing kennel with a facility that would be upgraded to meet the Land Development Code regulations and design standards of the surrounding area would not be detrimental to the character of the area. She lastly stated that staff recommended approval of the request per the following conditions:

- The kennels shall be indoor kennels with no outside kennels on the site
- The kennel portion of the facility shall be constructed with sound proofing material
- Final site plan shall meet the applicable requirements of the Seminole County Comprehensive Plan and Land Development Code

Sherri Fragomeni stated that she agreed with staff recommendation. She further stated that the veterinarian clinic would have indoor kennels with sound proof walls.

Scott Evans stated that he was a client of the Aloma Jancy Animal Hospital and he was pleased with the work Dr. Murray does in the community. He further stated that the veterinarian clinic offers low cost spay-neuter and they go out into the community with a mobile veterinarian clinic.

Mr. Rozon made a motion to approve the special exception request.

Mr. Bushrui seconded the motion.

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

- 25. 5779 Ronald Reagan Boulevard** – David Graham, applicant: Request for an amendment to a special exception to increase the enrollment of an existing nursery/kindergarten from 60 children to 150 children in the A-1 (Agriculture): Located on the south side of Ronald Reagan Boulevard approximately ½ mile southwest of the intersection of Nolan Road and Ronald Reagan Boulevard; (BS2006-007).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant proposed to amend a special exception to increase the enrollment of an existing nursery/kindergarten from 60 children to 150 children. He further stated that the applicant received a special exception in 2004 to establish a nursery/kindergarten school within an existing church. He then stated that there would be no new site development associated with the increased enrollment. He lastly stated that staff recommended approval of the special exception based upon the following conditions:

- The final site plan shall meet all applicable Seminole County Land Development Code and Comprehensive Plan regulations
- No more than 150 children shall be allowed
- The nursery/kindergarten school operating hours shall be Monday thru Friday, between the hours of 6:00 a.m. to 6:00 p.m.

David Graham stated that he was the Pastor of the existing church. He further stated that the 150 count was given to them by the Department of Children and Families and that they needed approval from the Board of Adjustment to move ahead. He also stated that there would be no traffic problem. He lastly stated that for the hours of operation they would prefer the closing time be 6:30 p.m.

Mr. Pennington made a motion to approve the special exception request.

Mr. Rozon seconded the motion.

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

- 26. 5520 Howell Branch Road** – R & J Oakmont, Inc, applicant; Request for an amendment to a special exception for an existing Adult Living Facility (ALF) to increase from 16 beds to 25 beds in A-1 (Agricultural District); Located on the west side of Howell Branch Road approximately 300 feet south of Dodd Road; (BS2006-008)

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to increase the number of beds at the existing Adult Living Facility to increase from 16 beds to 25 beds. She further stated that the additional beds would not trigger additional site or facility improvements. She then stated that the current use of the site was established in 1994 when a special exception for sixteen (16) was approved. She lastly stated that staff recommended approval of the special exception subject to the following conditions:

- The general layout of the proposed uses as depicted on the master plan shall not change
- No building shall be increased more than 10% without Board of Adjustment approval
- As in the previous approvals, the residents shall be ambulatory, over 55 years of age and not be drug abuse or mentally handicapped individuals
- Prior to the issuance of development permits, a site plan that meets the requirements of Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee

Albert Green stated that they had been serving residents for a number of years and would like to increase from 16 to 25.

Mr. Bushrui made a motion to approve the special exception request.

Mr. Pennington seconded the motion.

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

APPROVAL OF JULY 2006 MEETING MINUTES

Mr. O'Daniel made a motion to approve the July 24, 2006 minutes.

Mr. Rozon seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 9:00 P.M.

Interested parties are encouraged to appear at this hearing and present written/oral input regarding the proposed items and related matters or submit written comments to plandesk@seminolecountyfl.gov at the Seminole County

Planning Division, 1101 East First Street, Sanford, FL 32771, Room 2201, telephone 407-665-7444; FAX 407-665-7385. This hearing may be continued from time to time as found necessary. Additional information regarding these matters is available for public review at the address above between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Human Resources Department ADA Coordinator 48 hours in advance of this hearing at 407-665-7944. Persons are advised that if they decide to appeal any decisions made at this hearing, they will need a record of the proceedings, and for such purpose they may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (Florida Statutes, Section 286.0105).

BOARD OF ADJUSTMENT
BY: MIKE HATTAWAY, CHAIRMAN