MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT OCTOBER 30, 2006 MEETING 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; Rufus Brown, Planning Intern; Kimberly Laucella, Assistant County Attorney; Patty Johnson, Staff Assistant

Mr. Hattaway, Chairman; called the meeting to order at 6:00 P.M. Mr. Hattaway then explained the method by which the meeting would be conducted, rules for voting and appealing decisions.

CONSENT ITEMS

- Charlotte Street (Lots 16 thru 22, Block B) Todd & Rachael Tucker, applicants; Request for a special exception for a guest house in the R-1AA (Single-Family Dwelling District); Located on the south side of Charlotte Street approximately 125 feet east of the intersection of Fairview Avenue and Charlotte Street; (BS2006-010). Kathy Fall, Principal Planner
- 3. Sylvan Lake (Lots 193 & 194) Rodger & Kathy Addision, applicants; Request for (1) a lot size variance from 43,560 square feet to 12,636 square feet; (2) a width at the building line variance from 150 feet to 105.30 feet; (3) a front yard (west) setback variance from 50 feet to 25 feet; and (4) a side street (south) setback variance from 50 feet to 25 feet for a proposed single-family home in the A-1 (Agriculture District); Located on the north side of Fifth Street approximately 500 feet east of the intersection of Sylvan Avenue and Fifth Street; (BV2006-167). lan Sikonia, Planner
- 4. 340 E. Oakhurst Street Sunroom Designs LLC, applicant; Request for a side yard (west) setback variance from 10 feet to 7.47 feet for a proposed screen room addition in R-1AA (Single Family Dwelling District); Located on the south side of E. Oakhurst Street approximately 450 feet west of Pressview Ave; (BV2006-165). Denny Gibbs, Senior Planner
 - Mr. Pennington made a motion to approve Consent Items 2, 3, and 4.

Mr. Bushrui seconded the motion.

The motion passed by (4-0) vote.

 Lake Blvd (Lot 17) – William Hasson, applicant; Request for a width at the building line from 90 feet to 73.75 feet for a proposed single family home in R-1AA (Single Family Dwelling District); Located on the north east corner of Lake Blvd and Forrest Drive; (BV2006-157). Kathy Fall, Principal Planner

This Item was removed from the Consent Agenda.

After a very lengthy discussion this Item was continued until the December 4, 2006 meeting.

CONTINUED ITEMS

 3759 Okeechobee Circle – Mahmoud Sabrkhani, applicant; Request for a rear yard (south) setback variance from 15 feet to 9.5 feet to convert an existing screen room into an enclosed family room addition in PUD (Planned Unit Development District); Located on the south side of Okeechobee Circle approximately 200 feet south of Dodd Road; (BV2006-137).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that this item was continued from the September 25, 2006 meeting. She further stated that the applicant was proposing to convert an existing screen room into an enclosed family room. She then stated that the applicant submitted a letter of approval from the Hollow Brook subdivision Architectural Review Board and a letter of support from two (2) neighbors: the neighbor behind his property and the neighbor to the east. She further stated that there were currently no code enforcement or building violations for the property. She lastly stated that there was no record of prior variances granted for the property.

Mahmoud Sabrkhani stated that a permit was issued to the original owner of the property. He further stated that there is already a screen room and he was asking to convert it into an enclosed air conditioned room. He then stated that the neighbors looked at a drawing of the proposed addition and they did not object to it.

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

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

6. 230 Varsity Circle – Kenneth & Cindy Robinson, applicants; Request for a side yard (west) setback variance from 7.5 feet to 0 feet for a proposed garage addition in R-1A (Single Family Dwelling District); Located on the north side of Varsity Circle approximately 500 feet south of the intersection of Forest Lake Drive and Varsity Circle; (BV2006-141). Ian Sikonia. Planner

lan Sikonia introduced the location of the property and stated that this item was continued from the September 25, 2006 meeting. He further stated that the proposed garage addition would be approximately 260 square feet. He then stated that to the west of the subject property is a drainage easement designated as Tract "A" on the Academy Cove Plat. He also stated that there were currently no code enforcement or building violations for the property. He lastly stated that there was no record of prior variances granted for the property.

Kenneth Robinson stated that there wasn't anything to the left of the property. He further stated that he had not received any opposition from the neighbors. He then stated that they wanted to wait on the Board of Adjustment decision before they hired an Architect to draw the proposed garage addition.

Dan Bushrui made a motion to approve the request with an added condition that the proposed garage shall have proper guttering on the west side of the addition.

Mr. Rozon seconded the motion.

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

PUBLIC HEARING ITEMS

7. **1322 Flint Trail** – Sunroom Design, applicant; Request for a rear yard setback variance from 30 feet to 14 feet for a proposed sunroom addition in the A-5 (Rural Zoning Classification); Located on the west side of Flint Trail approximately ¼ mile south of the intersection of Osceola Road and Flint Trail; (BV2006-164).

Rufus Brown, Planning Intern

Rufus Brown introduced the location of the property and stated that the applicant proposed to construct a sunroom addition approximately 500 square feet to the rear of the existing 1,459 square feet single-family home. He further stated that there were currently no code enforcement or

building violations on the property. He lastly stated that there were no prior variances granted for the property.

Allen Howard stated that he was the Production Manager for Sunroom Designs and the homeowner, Tamara Hasty requested that Sunroom Designs add a sunroom in the rear of the property, because the family needed extra room. He further stated that in the back of the applicant property is a wilderness area.

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

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

8. **1810 Harding Avenue** – Reginald & Jeanette Martin, applicant; Request for a rear yard setback variance from 30 feet to 25 feet for a proposed addition in R-1 (Single Family Dwelling District); Located on the west side of Harding Avenue approximately 260 feet south of the intersection of Truman Boulevard and Harding Avenue; (BV2006-166). Rufus Brown, Planning Intern

Rufus Brown introduced the location of the property and stated that the applicant proposed to construct an approximately 1,200 square feet addition to the rear of the existing 1,243 square feet single-family home. He further stated that the applicant submitted a letter of support from the adjacent neighbors. He then stated that there were currently no code enforcement or building violations for the property. He lastly stated that there were no prior variances granted for the property.

Reginald Martin stated that they wanted to make the house larger, because the kitchen and master bedroom were small. He further stated that he had lived there for 20 years and his wife for 30 years and now they would like to request an addition.

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

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

 238 Nob Hill Circle – J. David Arnold, applicant; Request for a side yard (east) setback variance from 10 feet to 8 feet for a proposed two story garage and family room addition in R-1AA (Single Family Dwelling District); Located on the south side of Nob Hill Circle approximately 975 feet west of SR 434; (BV2006-151). Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a 1008 square feet two story garage and family room addition toward the east side of the house that would encroach 2 feet into the 10 feet side yard setback. She further stated that the applicant had submitted letters of support from two (2) neighbors: the neighbor to the east and the neighbor across the street. She then stated that there were currently no code enforcement or building violations for the property. She lastly stated that there was no record of prior variances granted for the property.

- J. David Arnold stated that he represented the homeowners and their family had out grown the home. He further stated that the only space for the addition was on the east side of the property, because there was a pool in the rear of the home. He lastly stated that there was no Homeowner's Association in this very close knit neighborhood.
- Mr. Pennington made a motion to approve the request.
- Mr. Bushrui seconded the motion.

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

10.2302 Driftwood Drive – Eddie Nieto, applicant; Request for a rear yard (west) setback variance from 30 feet to 27 feet for a proposed addition in R-1A (Single Family Dwelling District); Located on the west side of Driftwood Drive at Ridge Road, approximately 1400 feet east of SR 17-92; (BV2006-152).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct an addition approximately 531 square feet that would encroach 3 feet into the required 30 feet rear yard setback. She further stated that there were currently no code enforcement or building violations for the property. She lastly stated that there was no record of prior variances granted for the property.

Eddie Nieto stated that he was the son of the applicant Eddie Nieto Sr. He further stated that they received signatures of support from all the adjacent neighbors. He then stated that he was requesting a variance for an addition to his parent's house, which they had lived in for 16 years.

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

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

11.1750 Laurel Brook Loop – Emily & Luis Hernandez, applicant; Request for a side street (east) setback variance from 15 feet to 0 feet for an existing fence in PUD (Planned Unit Development District); Located on the northwest corner of Laurel Brook Loop and Snug Harbor Drive; (BV2006-153).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant constructed a fence along the property line at the side street that encroached 15 feet into the 15 feet side street setback. She further stated that a Notice of Violation (06-380) was issued by the Building Department on August 8, 2006. She then stated that the applicant applied for a Building Permit on August 18, 2006, which is subject to the granting of a variance. She lastly stated that staff received a fax from the Oakhurst Reserve Homeowners Association stating that the side street fence variance for the subject property is in violation of the Homeowner's Association covenants, conditions and restrictions, and they are asking the Board of Adjustment to deny the request.

Luis Hernandez stated that he hired a fencing company to put up the existing fence and they said they would take care of everything. He further stated that after they came out and put up the fence he received the violation and was told the company did not apply for a permit. He then stated that he was asking for permission to keep the fence where it currently was, so he would not have to pay the expense of moving it. He lastly stated that he spoke to his neighbors and they signed a petition stating they didn't object to the fence.

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

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

12.3307 Foxcroft Circle – James & Sandy Dunn, applicant; Request for 1) a rear yard (southeast) setback variance from 10 feet to 6 feet and 2) a side yard (east) setback variance from 10 feet to 8.5 feet for a proposed swimming pool in PUD (Planned Unit Development District); Located on

the south side of Foxcroft Circle approximately 200 feet west of Lockwood Blvd; (BV2006-158).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a swimming pool that would encroach 4 feet into the required 10 feet rear yard setback and 1.5 feet into the required 10 feet side setback. She further stated that the pool was a free-form design with a Florida Falls planter/water feature at the rear of the pool. She then stated that the applicant received approval from the Architectural Review Board of the Carillon Community Residence Association. She further stated that there were currently no code enforcement or building violations for the property. She lastly stated that there was no record of prior variances for the property.

James Dunn stated that they had originally requested three (3) variances, but they no longer needed the variance for the screen enclosure. He further stated that they would still have a screen enclosure but it would be within the setback requirement. He then stated that they reduced the size of the pool to lessen the variance request.

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

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

13.10026 Bear Lake Road – Raymond Krogman, applicant; Request for a side yard (south) setback variance from 7.5 feet to 0 feet to replace an existing garage in R-1 (Single Family Dwelling District); Located on the west side of Bear Lake Road at Bunnell Road; (BV2006-161). Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to replace the existing non-conforming garage with a new garage that would encroach 7.5 feet into the 7.5 feet side yard setback. She further stated that at the August 28, 2006, meeting the Board of Adjustment granted a side yard setback variance to replace the existing house. She lastly stated that there were currently no code enforcement or building violations for the property.

Raymond Krogman stated that he was requesting to rebuild the garage with the same footprint as the existing garage. He further stated that originally they were planning to keep the existing garage, but they decided to replace the existing garage so that the entire structure would be the same.

Mr. Bushrui made a motion to approve the request.

The motion died for a lack of a second.

Mr. Pennington made a motion to deny the request.

Mr. Rozon seconded the motion.

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

14.10032 Bear Lake Road – Raymond Krogman, applicant; Request for 1) a side yard (north) setback variance from 7.5 feet to 5.5 feet and 2) a side yard (south) setback variance from 7.5 feet to 4.5 feet for a proposed single family home in R-1 (Single Family Dwelling District); Located on the west side of Bear Lake Road at Bunnell Road; (BV2006-171). Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the application and stated that the applicant proposed to construct a new single-family home to replace the existing single family home that was built in 1959. She further stated that the new structure proposed to retain the same side setback as the existing house which encroaches 2 feet into the required 7.5 feet side yard setback on the north and 3 feet into the required 7.5 feet side yard setback on the south. She then stated that there were currently no code enforcement or building violations for the property. She lastly stated that there was no record of prior variances granted for the property.

Raymond Krogman stated that he would like to demolish the existing house and build a new house within the same side yard setbacks as the existing house. He further stated that the new structure would be a 2 story home with 2,400 square feet.

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

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

15. 1256 Bridlebrook Drive – Cynthia Greenwald, applicant; Request for a rear yard (east) setback variance from 15 feet to 12.5 feet for a proposed screen room addition in PUD (Planned Unit Development District); Located on the south side of Bridlebrook Drive approximately 500 feet south of S. Eagle Circle; (BV2006-169). Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that in 1999 a rear yard variance was granted for the existing 200 square feet screen enclosure. She further stated that the applicant proposed to construct an approximately 80 square feet screen room addition that would encroach 2.5 feet into the required 15 feet rear yard setback. She then stated that currently there were no code enforcement or building violations for the property. She lastly stated that there was no record of prior variances for this property.

Cynthia Greenwald stated that she wanted to extend the existing screen room 2.5 feet into the required setback. She further stated that she received approval from her Homeowner's Association. She lastly stated that the same contractor she used for the existing screen room would also do the extension.

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

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

16. 572 Tall Oaks Terrace – Stephen & Raquel Wood, applicants; Request for a rear yard setback variance from 10 feet to 2 feet for an existing addition in PUD (Planned Unit Development District); Located on the east side of Tall Oaks Terrace approximately ¼ mile east of the intersection of Crystal Creek Drive and Tall Oaks Terrace; (BV2006-155). Ian Sikonia, Planner

lan Sikonia introduced the location of the property and stated that the applicant constructed a room addition that encroached 8 feet into the minimum 10 feet rear yard setback. He further stated that the existing addition is approximately 400 square feet, which was build in the rear of the existing single-family home. He then stated that a notice of violation from the Seminole County Building Division was issued August 2, 2006 for unpermitted construction on the property. He further stated that to the rear behind the subject property is designed as Tract H on the Crystal Creek Unit 1 plat which is a drainage, retention, and greenbelt area easement. He also stated that the applicant submitted a petition signed by 8 neighbors in support of the existing addition. He lastly stated that there was no record of prior variances granted for the property.

Stephen Wood showed the Board pictures of the rear of his property and stated that there was no one to the rear of him. He further stated that he bought the home with the unfinished addition. He then stated that he had an architect come out and look at the unfinished addition and he

suggested that they receive approval from the Board of Adjustment before completing the project.

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

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

17.102 Hickory Drive – Angie Lopez, applicant; Request for a side yard (south) setback variance from 10 feet to 9 feet for an existing shed in the PUD (Planned Unit Development District); Located on the east side of Hickory Drive approximately 300 feet north of the intersection of Sweetwater Boulevard and Hickory Drive; (BV2006-159). lan Sikonia, Planner

This item was withdrawn by the applicant.

18.1189 Amanda Kay Circle – Timothy E. Loughran, applicant; Request for (1) a rear yard setback variance from 10 feet to 5 feet for a proposed pool; (2) a side yard (south) setback variance from 10 feet to 8 feet for a proposed pool; (3) a rear yard setback variance from 5 feet to 2 feet for a proposed pool screen enclosure; and (4) a side yard (south) setback variance from 5 feet to 4.5 feet for a proposed pool screen enclosure in the R-AH (Affordable Housing Dwelling District); Located on the east side of Amanda Kay Circle approximately 200 feet south of the intersection of Orange Boulevard and Amanda Kay Circle; (BV2006-160). lan Sikonia, Planner

lan Sikonia introduced the location of the property and stated that the applicant proposed to build an approximately 800 square feet pool screen enclosure and an approximately 450 square feet pool. He further stated that the applicant submitted two (2) letters of support from the affected neighbors to the north and south of the property. He then stated that there were currently no code enforcement or building violations for the property. He lastly stated that there was no record of prior variances granted for the property.

Timothy Loughran stated that he was requesting the variances for a proposed pool and pool screen enclosure. He further stated that there were other variances granted in his subdivision for pools and pool screen enclosures.

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

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

19.101 Foxridge Run – Larry & Susan Sandstrom, applicants; Request for a side street setback (south) variance from 25 feet to 0 feet for a proposed replacement fence in the R-1AA (Single-Family Dwelling District); Located at the northwest section of the intersection of Western Fork and Foxridge Run; (BV2006-168). Ian Sikonia. Planner

lan Sikonia introduced the location of the property and stated that the applicant proposed to replace the existing wood fence on the south side of the property. He further stated that the applicant had submitted plans to the Building Division for the proposed replacement fence on August 25, 2006. He then stated that to the rear of the property is a park operated by the Woodlands Associations Inc. He further stated that the applicant submitted a letter of support from the adjacent neighbor to the north. He lastly stated that there was no record of prior variances granted for the property.

Larry Sandstrom stated that the fence had been there for over 20 years and he wanted to replace the existing fence. He further stated that the fence company submitted for a permit and was told that a variance would have to be approved before a permit would be issued. He then showed a picture of the stop sign at the corner of the intersection and stated that there would be no obstruction of view from the fence. He further stated that to the left of his property was a Water Treatment Plant and to the rear of his property was Woodland Park, and there would be no development back there. He lastly stated that he would replace the fence with a PVC fence that would be an improvement to the neighborhood and the house.

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

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

20.171 Lakeside Drive – Stephen Timmons, applicant; Request for a side yard (south) setback variance from 7.5 feet to 2 feet for a proposed shed in R-1A (Single Family Dwelling District); Located on the east side of Lakeside Drive approximately 1/4 mile south of the intersection of Lake Mary Boulevard and Driftwood Lane; (BV2006-170).
Ian Sikonia. Planner

lan Sikonia introduced the location of the property and stated that the applicant constructed a shed that encroached 5.5 feet in to the minimum 7.5 feet side yard setback. He further stated that the applicant constructed an approximately 192 square feet wood shed in the rear of the property. He then stated that there was currently one (1) active building violation for the property regarding the installation of an AC unit. He further stated that a notice of violation for the unpermitted construction on the property was issued on August 29, 2006. He lastly stated that there was no record of prior variances granted for the property.

Stephen Timmons stated that he was the homeowner and builder of the shed. He further stated that he had letters of support from his neighbors. He then stated that the air conditioner that he received a violation on had been removed. He lastly stated that the shed was well build.

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

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

SPECIAL EXCEPTIONS

Item 22 was heard before item 21

22. **1521 Bear Lake Road** – Steven Serrin, applicant; Request for a special exception to establish a church in R-1A (Single Family Dwelling District); Located on the east side of Bear Lake Road approximately 300 feet south of the intersection of McNeil Road and Bear Lake Road; (BS2006-009). Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant proposed to establish a church on a ½ acre (21,800 square feet) platted lot which currently had a single family home and an accessory building approximately 890 square feet. She further stated that the trend of development in the immediate area included single family homes, churches, schools and daycares. She then stated that the non-residential uses that had been approved in the area was primarily located on acreage parcels that were a minimum of one (1) acre and had been developed for the intended use. She also stated that the change of use of the lot and existing buildings, including the proposed improvements would be required to meet all setbacks and buffers. She further stated that the location of a church 11 feet from the property line would be inconsistent with the surrounding uses. She then stated that the proposed improvements, driveway and parking that are required for a nonresidential

use did not meet the buffers requirements. She further stated that the size of the lot and existing buildings restricts the ability to ensure compatibility and compliance with the applicable code requirements for a change of use from a single-family residential use to a nonresidential use. She lastly stated that staff did not recommend approval of the special exception request.

Steve Serrin stated that he was representing the owner of the property. He then referred to the site plan and stated that they proposed to have 4 parking spaces in the front of the existing house and 10 other spaces between the rear of the home and the front of the sanctuary structure that they were proposing to add a 480 square feet addition. He further stated that they would remove three (3) trees from the property. He then stated that the variance would apply to the existing structure that had been on the property for 23 years. He further referred to two (2) letters that was submitted to staff, one (1) was in support of the special exception and the other letter suggested that the proposed church would create a traffic problem. He then stated that they planned to create a turning lane that would actually take away from the present traffic volume. He lastly stated that the intended use would be on Sundays and Wednesdays for a very small congregation.

Marina Nieves stated that she own four (4) properties on Bear Lake Road. She further stated that one of her properties was located behind the subject property. She further stated that she was not in opposition of the request she just wanted to know how big the proposed church would be and how many people would attend.

Mr. Hattaway stated that after the discussion they would answer her questions.

Mr. Rozon asked what the hours of services would be.

Pastor Ruben Exantus stated that the hours of service would be on Sundays from 9:30 a.m. – 12:00 p.m. and on Wednesdays from 7:00 p.m. -8:00 p.m. He further stated that the congregation would be 50-65 people.

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

- The church shall not exceed 50 occupants
- A turn lane shall be required on Bear Lake Road
- There shall be no off-street parking
- The service hours shall be limited to Wednesdays from 7:00 p.m. to 8:00 p.m. and on Sundays from 9:30 a.m. to 12:00 p.m.
- The site plan shall comply with all Land Development Code regulations

Mr. Rozon seconded the motion.

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

Marina Nieves stated that as a neighbor she was glad they would have a church on the property. She further stated that maybe she would visit one day.

21. **1521 Bear Lake Road** – Steven Serrin, applicant; Request for a rear yard setback variance from 30 feet to 11 feet for a proposed church in R-1A (Single Family Dwelling District); Located on the east side of Bear Lake Road approximately 300 feet south of the intersection of McNeil Road and Bear Lake Road; (BV2006-172) Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that associated with the special exception for the church they would utilize an existing accessory building on the site and a variance from 30 feet to 11 feet is required for the building.

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

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

APPROVAL OF SEPTEMBER 2006 MEETING MINUTES

- Mr. Rozon made a motion to approve the September 25, 2006 minutes.
- Mr. Pennington seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 9:13 P.M.