

**MINUTES FOR THE SEMINOLE COUNTY  
BOARD OF ADJUSTMENT  
DECEMBER 4, 2006 MEETING  
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; 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**

2. **Nancy Drive (Lot 8)** – Kenneth Harrast, applicant; Request for a lot size variance from 8400 square feet to 6650 square feet for a proposed single family home in the R-1 (Single Family Dwelling District); Located on the west side of Spring Avenue approximately 580 feet south of Lake Drive; (BV2006-180).  
Rufus Brown, Planning Intern
3. **Sipes Avenue (Lot 296)** – London Campbell, applicant; Request for a (1) lot size variance from 8400 square feet to 4160 square feet; (2) a width at the building line from 70 feet to 40 feet; (3) a side yard (east) setback variance from 7.5 feet to 6.5; (4) a side yard (west) setback variance from 7.5 feet to 6.5 feet; and a (5) a rear yard setback variance from 30 feet to 13 feet for a proposed single family home in R-1 (Single Family Dwelling District); Located on the west side of Sipes Avenue approximately 160 feet north of State Road 46 East; (BV2006-183).  
Rufus Brown, Planning Intern
4. **Orange Blossom Drive (Lot 22)** – Randall Thevenet, applicant; Request for a front yard (east) setback variance from 50 feet to 30 feet for a proposed single family home in A-1 (Agriculture District); Located on the west side of Orange Blossom Drive approximately 300 feet east of Wrights Road; (BV2006-181).  
Denny Gibbs, Senior Planner
5. **185 Lake Shore Drive** – Peggi Smith, applicant; Request for a side yard (south) setback variance from 20 feet to 10 feet for a proposed manufactured home in RM-1 (Single Family Mobile Home Residential

District); Located on the east side of Lake Shore Drive approximately 1300 feet south of SR 434; (BV2006-184).

Denny Gibbs, Senior Planner

6. **1373 Windy Ridge Court** – Brian Sephton & Anita Klingenberg, applicants; Request for a front yard setback variance from 50 feet to 37 feet 10 inches for a proposed enclosure of an existing carport in A-1 (Agriculture District); Located east off Windy Ridge Court approximately 950 feet east of Myrtle Lake Hills Road; (BV2006-189).

Denny Gibbs, Senior Planner

7. **McCarthy Avenue (Lots 11 & 12)** –Carolyn Owji, applicant; Request for a lot size variance from 7650 square feet to 7550 square feet for a proposed home in the R-1 (Single-Family Dwelling District); Located on the west side of McCarthy Avenue, approximately 0.10 miles from the intersection of West 22<sup>nd</sup> Street and McCarthy Avenue; (BV2006-193).

Kathy Fall, Principal Planner

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

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

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

## **CONTINUED ITEMS**

8. **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

Chairman Mike Hattaway stated that last month the Board of Adjustment had a public hearing on Lake Blvd (Lot 17). He further stated that a fair amount of discussion and some legal questions came up at that meeting. He then stated that Kimberly Laucella, our legal staff was asked to research some of the questions about variances and what is referred to as antiquated plats and some of the legalities of the Comprehensive Plan as it pertains to antiquated plats and having to join lots if you have the ability to do so. He further stated that the Board referred to a court case last month and wanted to revisit that case also. He then stated that they could go over those items if the Board wished to and they could make a decision or they could have a full hearing. He also stated that he knew there were people at the hearing who had something to say if given a chance. The Board unanimously decided to listen to what the County Attorney had to say and make their decision.

Kimberly Laucella, Assistant County Attorney stated that she was not working for Seminole County at the time of the case the Board inquired about, but from the County Attorney's recollection in the case the purchaser of the property bought the property prior to the County creating the new zoning, the County's zoning rendered the applicant with no reasonable use of the property, and then the Board of Adjustment denied the variance and suggested that the applicant purchase another lot adjacent to his so that the lot would be buildable. The applicant appealed and the Court forced the County to grant the variance. She then stated that with the item before them the question is can a reasonable use be made of the property without the granting of the variance. The Board of Adjustment could find that combining the lots constitutes a reasonable use of the property and therefore, could choose not to grant the variance as there is no hardship. She then referred to the second question of the Board. If there is one house on one lot plus a vacant lot is adjacent, is combining required? Nothing in the Land Development Code requires the combining of lots. The Comprehensive Plan sets forth two methods of resolving compatibility, environmental and infrastructure issues in cases where antiquated plats are involved. They are by way of, but not limited to the following techniques: (a) Requiring the combining of lots and (b) allowing for replatting or vacating procedures. She then stated that the Comprehensive Plan does not limit the County to use of either of these methods. She lastly referred to the Property Appraiser issue: Does combining property for tax purposes preclude later separating the lots? She said the answer was no, the lots remain separately platted lots.

**Mr. O' Daniel made a motion to deny the request.**

**The motion died for a lack of a second.**

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

**Mr. Bushrui seconded the motion.**

**The motion failed by a (2-3) vote. Mr. Hattaway, Mr. O' Daniel and Mrs. Chase were in opposition.**

**Mr. O' Daniel renewed his motion to deny the request.**

**Mrs. Chase seconded the motion.**

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

## **PUBLIC HEARING ITEMS**

1. **Lake Harney (Lot 23)** – Kimberly M. Joyce, applicant; Request for a (1) lot size variance from 43,560 square feet to 12,360 square feet; and (2) a

width at the building line variance from 150 feet to 103 for a proposed single family home in the A-1 (Agriculture District); Located on the north side of Lake Harney road approximately a quarter mile west of the intersection of Lake Harney road and North Jungle Road; (BV2006-177).  
Rufus Brown, Planning Intern

Kathy Fall introduced the location of the property and stated that the applicant proposed to construct a single family home on a vacant lot. She further stated that the lot was platted in 1961 as the Plan Lake Harney Ranch Estates 3<sup>rd</sup> Section. She then stated that the lot size was 12,360 square feet. She also stated that there was currently no code enforcement or building violations for the property. She further stated that staff recommended approval of the request because the applicant satisfied the criteria for the granting of a variance. She lastly stated that the lot was a lot of record, a single lot under single ownership.

Kimberly Joyce stated that she and her husband were custom homebuilders and that they were looking to purchase the property from Doug and Laura Coniglio. She further stated that they wanted to put a 1600 square feet single-family home on the property. She then stated that they build and sold a home recently in Geneva on 2<sup>nd</sup> Street. She lastly stated that she had lived in Geneva for 17 years and as far as she was concerned the new home would add value to the area.

Douglas Coniglio stated the he was the property owner and he was in support of the request. He further stated that before they bought the property they had a buildable lot request done on the property and they were told they would have to apply for variances to build on the property. He lastly stated that there were other homes build on the same size lot in the area.

Laura Coniglio stated that lot 23 was the only lot that they owned. She further stated that if the request was not granted, what reasonable use would there be for the property.

Debra Schafer stated that many of the Board members looked at the request as just a lot size variance, but living on smaller lots makes an area look much more urban in style and the subject lot is in a very rural area. She further stated that the subject lot is deep within the rural boundaries and the Comprehensive Plan clearly ear marked this area as rural. She then stated that when you read the Comprehensive Plan about antiquated plats it talks about compatibility, and they would try to show that the trend in this neighborhood is no longer towards small lots, but larger lots. She further stated that she would like the Board to consider the Geneva Bubble and the fact that a new home would have a negative impact to the bubble.

Mary Jo Martin stated that she and her husband would like to show some maps to make clear how approving this variance would be in direct violation of the requirements for approving variances in the Land Development Code Section 30.43. She then referred to the address numbers on the map and stated that the six lots had houses on them and that Lot 23 was the subject property and all the other lots were the same in size and shape except those lots that had been combined by the owners to keep the area rural looking. She also showed a map with lots that had been purchased by the same owners and stating that the trend of development in the immediate area was to purchase more lots to have larger lot sizes and not smaller. She lastly asked the Board to protect the beautiful Seminole County rural area and be in compliance with the Vision 20 / 20 Comprehensive Plan by voting to deny the variance request.

Richard Creedon stated that he was the President of the Geneva Citizen Association. He further stated that they completed research on the subject property and the parcel was not acquired by the present owner until 2005 and the proposed sale to the applicant is contingent upon the granting of the variances requested. He then stated that because both the current and prospective buyer have experience in Real Estate activities in Seminole County, therefore this application doesn't have any reasonable definition of hardship. He further stated that the loss of recharge area for the Geneva Bubble and possible contamination by up to 27 new raised septic systems in a low line area would be very detrimental to the public welfare. He lastly asked the Board to please vote to defeat the variance.

Tom Shafer stated that he believed that what the Board had before them was a request to rezone the entire area, because that is what would happen if they approved the request. He further stated that the applicant had not shown that the lot had special circumstances.

Kimberly Joyce asked if there was a road behind the property, stating that if there wasn't a paved road, then there would never be as many houses as the opposition stated. She further stated that people would not be able to come in and apply for variances if there wasn't a paved road providing access to the properties.

**Mr. O' Daniel made a motion to deny the request.**

**Mr. Pennington seconded the motion.**

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

9. **Shirley Ave (Lot 35)** – James A. Clark, applicant; Request for a (1) lot size variance from 11,700 square feet to 8,500 square feet; and (2) front yard setback variance from 25 feet to 20 feet single family home in R-1AA (Single Family Dwelling District); Located on the north side of 2<sup>nd</sup> street approximately .10 miles from intersection of 2<sup>nd</sup> street and Shirley Avenue; (BV2006-186).

Rufus Brown, Planning Intern

Rufus Brown introduced the location of the property and stated that the applicant proposed to construct a single family home on the vacant lot. He further stated that the applicant had submitted a site plan for a single family home encompassing 2,128 square feet and that the applicant proposed to build a two story home that would be approximately 1,998 square feet. 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.

James Clark stated that the lots in question were adjacent to where he currently lived. He further stated that he wanted to build a house for his lovely granddaughter, his daughter and her husband.

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

**Mr. Bushrui seconded the motion.**

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

10. **201 Stonebridge Drive** – William & Lutrelle McGlockton, applicant; Request for a side yard (west) setback variance from 10 feet to 7 feet for a proposed replacement screen pool enclosure in R-1AAA (Single Family Dwelling District); Located on the south side of Stonebridge Drive at Buttwood Drive approximately 1250 feet south of Wekiva Springs Road; (BV2006-201).

Rufus Brown, Planning Intern

Rufus Brown introduced the location of the property and stated that the applicant proposed to construct a replacement screen enclosure that would encroach 3 feet into the required 10 feet rear yard setback. He further stated that the replacement screen pool enclosure would be constructed on the existing concrete pool slab. He then stated that the applicant submitted plans to the Building Division on October 31, 2006. He also stated that there was currently no code enforcement or building violations for the property. He lastly stated that there was no record of prior variances for the property.

William McGlockton stated that they purchased the house in 1982. He further stated that when he bought the house the screen enclosure was there, but now he was requesting to replace the screen after 24 years.

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

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

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

11. **626 Longmeadow Circle** – Ken Szczepanek, applicant; Request for a rear yard setback variance from 30 feet to 15 feet for a proposed uncovered cantilevered deck, 6' above grade, in PUD (Planned Unit Development District); Located on the west side of Longmeadow Circle approximately 1300 feet east of Sabal Palm Drive; (BV2006-191).  
Rufus Brown, Planning Intern

Rufus Brown introduced the location of the property and stated that the applicant proposed to construct an uncovered cantilevered deck approximately 264 square feet that would encroach 15 feet into the required 30 feet rear yard setback. He further stated that there was currently no code enforcement of building violations for the property. He then stated that there was no record or prior variances for the property. He lastly stated that the applicant submitted letters of support from his neighbors.

Ken Szczepanek stated that there was nothing to the rear or the side of his property. He further stated that the request didn't cause a problem with any of his neighbors. He then stated that his property was between the Wekiva National Forest and the golf course. He lastly stated that he just wanted to put a deck out back and he hoped to get the Board's support.

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

**Mr. Bushrui seconded the motion.**

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

12. **4306 Prevatt Road** – David & Elizabeth Myers, applicant; Request for a front yard (south) setback variance from 100 feet to 10 feet for an existing shed and an existing covered boat storage that project in front of the building line in A-5 (Agriculture District); Located on the north side of Prevatt Road approximately 1500 feet north of State Road 46; (BV2006-178).  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the A-5 zoning district regulations require a 100 feet setback from the property line for any accessory buildings that project in front of the building line. She further stated that the applicant request was for an existing shed and boat cover which was constructed 10 feet from the front property line. She then stated that a Building Code Violation for unpermitted construction was issued on August 16, 2006. She also stated that the applicant had worked with the Building Division to rectify the matter and at this point is in compliant with all the requirements for site work and vertical construction for the shed and covered boat storage area and the building permit is ready for issue if the variance is granted. She further stated that the applicant had also submitted a letter of support from seven (7) neighbors on Prevatt Road. She lastly stated that there was no record of prior variances granted for the property.

David Myers stated that half of his lot was in the river. He further stated that he wanted to have a dry area when the property floods. He then stated that he received signatures from all his neighbors on Prevatt Road, which is a private road. He also stated that the shed was there when he bought the property and both structures are behind a privacy fence.

Dean Matteson stated that he was in support of David and Beth Myers request.

Alfred and Sara Rowe stated that they didn't have any objection to the request and that they signed the petition.

**Mrs. Chase made a motion to approve the request.**

**Mr. Pennington seconded the motion.**

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

13. **282 Falling Leaf Lane** – Larry Rosecrants, applicant; Request for a side street (north) setback variance from 20 feet to 16.6 feet for a proposed family room addition in PUD Planned Unit Development District); Located on the west side of Falling Leaf Lane approximately 700 feet east of S. Eagle Circle; (BV2006-179).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a 336 square feet family room addition, which would encroach 3 feet 8 inches into the required 20 feet side street setback. She further stated that the applicant had submitted an approval letter from the Homeowners Association and a letter of support from several neighbors. 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.



Larry Rosecrants stated that he was the builder for the proposed family room addition. He further stated that the homeowner, Beth Driggs was building the room for her 90 year old father. He then stated that the addition would blend with the house. He also stated that the Homeowner's Association had approved the request and that her neighbors were in support also.

David Lafontaine stated that he worked with Larry Rosecrants and he would be working on the proposed addition. He further stated that the construction of the proposed addition would look like the original construction of the house and would give the house balance in his opinion. He then stated that the addition would be in accordance with the Homeowner's Association requirements.

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

**Mr. Bushrui seconded the motion.**

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

14. **257 North Post Way** – Jose Rolon, applicant; Request for a rear yard (south) setback variance from 15 feet to 0 feet for a proposed screen room (not roofed) addition in PUD (Planned Unit Development District); Located on the south side of N. Post Way approximately 600 feet west of South Eagle Circle; (BV2006-182).  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct an unroofed screen enclosure over the rear of the townhome. She further stated that the structure would encroach 15 feet into the required 15 feet rear yard setback for the Deer Run Unit 14B Planned Unit Development. She then stated that the applicant had received approval from the Deer Run Homeowner's Association and letters of support from the adjacent neighbors. She also stated that there was no code enforcement or building violations for the property. She lastly stated that there was no record of variances granted for the property.

Jose Rolon stated that he would like to put a screen enclosure in the back of his house.

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

**Mrs. Chase seconded the motion.**

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

15. **613 Swallow Drive** – Florida Exteriors, applicant; Request for a rear yard (south) setback variance from 25 feet to 17 feet for a proposed sunroom in PUD (Planned Unit Development District); Located on the south side of Swallow Drive approximately 500 feet west of Eagle Circle; (BV2006-185).  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to replace an existing 240 square foot screen room with a sunroom. She further stated that the applicant had received approval from the Sterling Park Housing Association. She then stated that a building permit is under review for the addition. She lastly stated that there was no record of prior variances for the property.

Eleanor Ellison stated that she was the contractor for the proposed sunroom. She further stated that she would answer any questions the Board may have.

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

**Mr. Bushrui seconded the motion.**

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

16. **5599 Pats Point** – David Willis, applicant; Request for a rear yard (southeast) setback variance from 25 feet to 10 feet for an proposed screen room addition in R-3A (Multi Family Dwelling District); Located on the south side of Pats Point approximately 1100 feet west of Aloma Avenue; (BV2006-187).  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a 300 square foot screen room that would encroach 15 feet into the required 25 feet rear yard setback. She further stated that the house was located in Bear Gully Forest which was platted and developed in 2002. She then stated that when the house was constructed, the developer included a concrete pad where the proposed enclosure would be located if approved. She further stated that the applicant received approval from the Bear Gully Architectural Review Board. She then 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 the property.

David Willis stated that he wanted to put a screen room over the existing slab. He further stated that he has only one neighbor and he had tried to contact him, but because the homeowner lives out of state he had not been able to reach him. He then stated that his property back up to the Seminole Trails and that the screen room would not be seem from the Trail.

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

**Mr. Bushrui seconded the motion.**

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

17. **2220 Derbyshire Road** – Leigh Beyer, applicant; Request for a rear yard setback variance from 30 feet to 24 feet for a covered patio in R-1AA (Single Family Dwelling District); Located on the south side of Derbyshire Road approximately 650 feet west of Oxford Road; (BV2006-192).  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a 352 square foot covered patio which would encroach 6 feet into the required 30 feet rear yard setback. She further stated that a building permit was under review for the construction of the patio. She then 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 for the property.

Leigh Beyer stated that she represented the owners of the property, James and Sandra Cooney. She further stated that there was an existing patio cover that was torn down and the proposed structure would be an open patio cover with post and no screen wall.

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

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

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

18. **230 Donegal Avenue** – Colleen Jones, applicant; Request for a rear yard setback variance from 30 feet to 10 feet for a proposed room addition in PUD (Planned Unit Development District); Located on the west side of Donegal Avenue approximately 900 feet south of Greenwood Blvd; (BV2006-194).  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a 625 square foot addition that would encroach 20 feet into the required 30 feet rear yard setback. She further stated that the applicant received approval from the Raintree at the Crossings Architectural Review Board for the proposed addition. She then stated that the applicant submitted letters of support from the adjacent neighbors. She further stated 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 the property.

Colleen Jones stated that she was looking to build an addition so she could better care for her parents, who were 80 and 84 years old. She further stated that she was their caregiver.

**Mrs. Chase made a motion to approve the request.**

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

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

19. **890 Brumley Road** – Tommy Barnes, applicant; Request for a side yard (west) setback variance from 10 feet to 4 feet for an existing shed in A-1 (Agriculture District); Located on the north side of Brumley Road approximately 300 feet east of Snow Valley Way; (BV2006-188).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant constructed a 240 square foot shed without a permit that encroached 6 feet into the required 10 feet side yard setback. She further stated that there was currently no code enforcement or building violations for the property. She then stated that there was no record of prior variances granted for the property.

Tommy Barnes stated that he purchased the shed from a reputable shed manufacture, assuming they would pull a permit. He further stated that after finding out the permit was not pulled, he went to the Building Department to pull the permit and was told he had to apply for a variance because of where the shed was placed. He then stated that he received verbal support from his neighbor to the west.

Westbrook Davenport stated that he was on the Agenda for another item, but his backyard backs up to the subject property and he had no objection to the shed.

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

**Mr. Pennington seconded the motion.**

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

20. **1961 Aster Drive** – Manuel Coello, applicant; Request for a rear yard setback variance from 30 feet to 10 feet for a proposed addition in R-1 (Single Family Dwelling District); Located southeast of the intersection of Jonquil Drive and Aster Drive; (BV2006-190).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant proposed to construct an addition that would consist of approximately 2500 square feet under roof within 1224 square feet under heat and air. She further stated that the addition would encroach 20 feet into the 30 feet rear yard setback requirement. She then stated that there was currently no code enforcement or building violations for the property. She also stated that there was no record of prior variances granted for the property. She lastly stated that the applicant had submitted a petition of support from the neighbors.

Manuel Coello stated that he needed the proposed addition for his mother, who baby sits their children. He further stated that he has 5 children with a set of twins and they really needed more room to accommodate the entire family. He then stated that they planned to move the master bedroom to the rear of the property and add an addition for his mother. He also stated that they would set up a 6 foot wall in the rear to ensure the neighbors didn't hear any noise. He further stated that everything would match the existing house and he received a signed petition of support from his neighbors.

Chairman, Mike Hattaway asked had he considered anything smaller.

Manuel Coello stated that he had considered a few things and the issue was the way the house was constructed.

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

**Mr. Bushrui seconded the motion.**

**The motion failed by a 2-3 vote. Mrs. Chase, Mike Hattaway and Mr. O'Daniel were in opposition.**

**Mr. Pennington made a motion to approve the request for a rear yard setback variance from 30 feet to 18 feet for a proposed addition.**

**Mr. Bushrui seconded the motion.**

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

21. **135 Snow Valley Way** – Westbrook Davenport, applicant; Request for a front yard setback variance from 50 feet to 37 feet for a proposed garage addition in A-1 (Agriculture District); Located on the east side of Snow Valley Way approximately 480 feet north of the intersection of Brumley Road and Snow Valley Way; (BV2006-195).  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant proposed to construct a three car garage that would encroach 13

feet into the front yard setback. She further stated that there was currently no code enforcement or building violations for the property. She then stated that there was no record of prior variances granted for the property.

Westbrook Davenport stated that he had owned his property for 11 years and that they love where they live, but they needed more room for their aging parents. He further stated that a side entry garage was what they were proposing. He lastly stated that he had spoken to five (5) neighbors and had not received any opposition.

**Mrs. Chase made a motion to approve the request.**

**Mr. Pennington seconded the motion.**

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

22. **2015 Green Cedar Lane** – Rosemarie Morris, applicant; Request for a (1) front yard setback variance from 50 feet to 20 feet; and a (2) rear yard setback variance from 30 feet to 20 feet for a proposed mobile home in A-1 (Agriculture District); Located on the west side of Green Cedar Lane approximately 300 feet north of the intersection of Mullet Lake Drive and Green Cedar Lane; (BV2006-200).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant proposed to replace an existing single wide mobile home with a double wide mobile home. She further stated that in 1985 the lot received a lot size variance and a special exception for the 5 year placement of a single wide mobile home. She then stated that because the lot was only 80 feet wide staff would recommend approval of a 8 feet front and rear yard variance for the proposed mobile home, but staff could not recommend approval for the requested (1) front yard setback variance from 50 feet to 20 feet, and a (2) rear yard setback variance from 30 feet to 20 feet for the proposed mobile home.

Rosemarie Morris stated that she was requesting the variances because she wanted to put a front porch on the mobile home that would be approximately 10 feet wide to cover the full length of the mobile home. She further stated that this would be her primary residence and she planned to move on the property if she could get approval for the mobile home. She then stated that she and her husband bought the property 3 years ago, but her husband died a year later and she had not been able to do anything with the property until now.

**Mr. Pennington made a motion to approve the request for a (1) front yard setback variance from 50 feet to 40 feet; and a (2) rear yard setback variance from 30 feet to 20 feet for a proposed mobile home.**

**Mr. Bushrui seconded the motion.**

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

## **MOBILE HOMES**

23. **2015 Green Cedar Lane** – Rosemarie Morris, applicant; Request for a special exception for the permanent placement of a mobile home in the in A-1 (Agriculture District); Located on the east side of Green Cedar Lane approximately 300 feet north of Mullet Lake Park Road; (BM2006-022)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant is requesting the permanent placement of a 1999 double wide mobile home, where mobile homes are allowed only by special exception. She further stated a special exception for the temporary placement of a single wide mobile home was granted in 1985 for 5 years. She then stated that available records indicate that the majority of the surrounding parcels in the immediate vicinity have conventional homes or mobile homes. She further stated that staff does not recommend the permanent placement of the 1999 double wide mobile home, but would recommend the permanent placement of a 2006 or newer double wide mobile home.

Rosemarie Morris stated that she had a contract on a 1999 mobile home that was in excellent conditions. She further stated that she had pictures of the proposed mobile home if the Board wanted to see them. She then stated that the proposed mobile home would be an improvement to what was presently on the property. She lastly stated that the proposed mobile home met all the required codes and standards for mobile homes.

**Mr. Pennington made a motion to approve the 1999 mobile home for the life of the mobile home.**

**Mr. Bushrui seconded the motion.**

**The motion passed by a (4-0) vote. Mrs. Chase was in opposition.**

24. **1693 West State Road 46** – Arthur & Barbara Blaksley, applicants; Request for a special exception for the continued placement of a mobile home for a medical hardship in the in A-1 (Agriculture District); Located on the east side of Green Cedar Lane approximately 300 feet north of Mullet Lake Park Road; (BM2006-023)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant requested approval for the use of an existing mobile home for a medical hardship for 2 years in the A-5 district. She further stated that the existing mobile is a 1985 model and was approved in 1986 for a medical

hardship under the previous owner. She then stated that the applicant was granted a 2 year placement of the mobile home for a medical hardship in 2004. She further stated that the property had an existing conventional home that was constructed in 1960. She also stated that staff recommended approval of the request for special exception to allow the placement of a mobile home for two years subject to the following conditions:

- The mobile home shall be used exclusively for the purpose of a medical hardship and shall be removed when the medical hardship can no longer be substantiated through documentary evidence.
- Any additional condition(s) deemed appropriate by the Board, following information presented at the public hearing.

Arthur Blaksley stated that the reason he was requesting a medical hardship for 2 years was because he and his wife had physical problems. He further stated that he had a hip replacement last year and that his wife had a knee replacement this year. He then stated that they both will have their knee replaced next year. He further stated in order for them to continue to live in their home they would need their daughter to live in the mobile home until they had a chance to recover from their surgeries. He lastly stated that what they would do after the 2 years is sell the mobile home and have the person that purchase the mobile home to remove it off the property.

**Mr. Pennington made a motion to approve the request for the 2 year continued placement of a mobile home for a medical hardship.**

**Mr. Bushrui seconded the motion.**

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

## **SPECIAL EXCEPTIONS**

**25.335 Foster Cove** – Mary Duran, applicant; Request for a special exception for an assisted living facility for 13 residents in R-3 (Multi-Family Dwelling District); Located on the north side of Foster Cove approximately 200 feet west of Avenue C; (BS2006-012).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant requested to establish an Assisted Living Facility within an existing 3600 square feet building. She further stated that the facility would accommodate 13 residents along with one on-site employee. She then stated that the facility would provide care to elderly patients that would not have their own transportation and that there would be no additional staff needed except for one employee. She also stated that the



proposed use of an Assisted Living Facility for 13 elderly residents would have less of an impact on the public interest than the permitted uses allowed in the R-3 zoning and High Density Residential Land Use. She further stated that staff recommended approval of the request, with the following conditions:

- License shall be limited to the standard Adult Congregate Living Facility license pursuant to Chapter 400, Florida Statutes
- The Assisted Living Facility shall be limited to 13 residents 55 years of age or older needing minor assisted care who are not presently nor in the past been in a treatment program for drug addition or mental illness
- No change in license to be requested. A change in license would result in a new application for Special Exception to be considered by the Board of Adjustment
- Site Plan shall comply with all Land Development Code regulations
- The Special Exception approval shall apply only to the existing building as depicted on the attached site plan
- Any additional condition (s) deemed appropriate by the Board of Adjustment, based on information presented at the public hearing

Mary Durand stated that she was a Registered Nurse currently providing care for seniors at their private residence or in an Assisted Living Facility. She further stated that she noticed a need for a facility in the Chuluota community and would like the opportunity to open a facility at 335 Foster Cove. She then stated that if approved, the facility would operate 24 hours a day, seven days a week with a limit of 13 residents having at least one caregiver on the premises at all times. She also stated the residents would be typically 60 years or older, unable to drive, and in need of assistance with their activities of daily living. She further stated that because the residents will not be able to drive the traffic to the facility would be limited.

Matt Laikask stated he and his wife had been in the Chuluota area for 35 years and they had investments in the area. He further stated that in 2001 they bought the property at 311 Foster Cove, which consist of seven (7) one bedroom apartments. He then stated that the proposed facility would cause an enormous change in traffic. He also stated that not only would there be visitors going to the facility, but there would also be service people that would service the proposed facility. He further stated that the easement was only 12 feet wide Foster Cove. He then stated that he was concerned about the lake that they would be sharing.

Jan Laikask stated that she was a Real Estate Broker and she and her husband would be moving to the apartment complex that they owned, therefore they had a vested interest in the area. She further stated that they upgraded the Apartments by redecorating the units. She then stated that their concern was with the 13 residents and their family and

friends that would come to the facility, where would they park all the cars. She then stated that a property on 419 would be a more appropriate place to open a business such as an Assisted Living Facility, not on a quiet dead end privately maintained road.

Mary Durand stated that she went around the neighborhood and introduced her self and told the neighbors what she was planning, and the neighbors were delighted about the proposed facility. She then stated that she had signatures of support from some of the neighbors. She further stated that when she as a visiting Nurse goes to other facilities usually there is one car in the driveway. She further stated that usually people who are in Assisted Living Facilities don't have family coming to visit because sometimes they don't have family support. She lastly stated that she would be there and involved with the day to day operation of the facility.

Jim Hall stated that he was the current owner of the property for the proposed Assisted Living Facility. He further stated that they were currently in discussion about the road issues. He then stated that they wanted to be environmentally friendly and that they had been in the community since 2001. He also stated that on the site plan of the proposed facility ample parking is specified. He lastly stated that there are trash trucks that come down the road twice a week and that would not increase and that the number of people using the road would probably not change.

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

**Mr. Bushrui seconded the motion.**

**The motion passed by unanimous consent (4-0).**

## **APPROVAL OF OCTOBER 2006 MEETING MINUTES**

**Mr. Bushrui 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 9:45 P.M.**