

AMENDED MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT JANUARY 22, 2007 MEETING 6:00 P.M.

Member Present: Dan Bushrui, Chairman; Alan Rozon, Tom O' Daniel, Melanie Chase and Michael Bass

Staff Present: Kathy Fall, Principal Planner; Denny Gibbs, Senior Planner; Rufus Brown, Planning Intern; Patty Johnson, Staff Assistant

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

CONSENT ITEMS

1. **Division Street (Lot 18)** – Nancy A Jaeger, applicant; Request for a (1) lot size variance from 11,700 square feet to 10,101 square feet; and (2) width at the building line from 90 feet to 75 feet for a proposed home; Located on the west side of Division Street approximately 190 feet north of Carrigan Avenue; (BV2006-197).
Kathy Fall, Principal Planner
2. **Alexander Avenue (Lot 22)** – Lorenzo Polk, applicant; Request for a (1) minimum lot size variance from 8400 square feet to 5100 square feet; (2) width at the building line from 70 feet to 51 feet; (3) front yard setback from 25 feet to 20 feet; and (4) rear yard setback from 30 feet to 15 feet for a proposed single family home in the R-1 (Single Family Dwelling District); Located on the north side of 22nd Street approximately 450 feet east of West Airport Blvd; (BV2006-204).
Rufus Brown, Planning Intern
3. **2431 Water Street** – London Campbell & Tewana Chisholm, applicant; Request for a (1) minimum lot size variance from 8400 square feet to 4160 square feet; (2) width at the building line from 70 feet to 40 feet; (3) a rear yard setback from 30 feet to 13 feet; and (4) side yard setbacks from 7.5 feet to 6.5 feet for a proposed single family home in the R-1 (Single Family Dwelling District); Located on the east side of Water Street approximately 250 north of East State Road 46; (BV2006-217).
Rufus Brown, Planning Intern

4. **Marker Street (Lot 9C)** – Craig Jones, applicant; Request for a (1) minimum lot size variance from 9000 square feet to 4300 square feet; (2) width at the building line from 75 feet to 50 feet; (3) side (west) yard setback from 10 feet to 4 feet; and (4) side (east) street setback from 25 feet to 20 feet for a proposed single family home in the R-2 (One & Two-Family Dwelling District); Located at the north west corner of the intersection of Merritt Street and Marker Street; (BV2006-219).
Rufus Brown, Planning Intern

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

Mr. O' Daniel seconded the motion.

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

PUBLIC HEARING ITEMS

5. **3827 Sanibel Cove** – Michael Krakar, applicant; Request for a rear yard setback variance from 25 feet to 20 feet for a proposed attached garage/room addition in the PUD (Planned Unit Development); Located on the north side of West McCulloch Road approximately 2/3 mile west of Alafaya Trail; (BV2006-199).
Rufus Brown, Planning Intern

Rufus Brown introduced the location of the property and stated that the applicant proposed to construct an attached garage / addition that would encroach 5 feet into the minimum 25 feet rear yard setback. He further stated that the home addition would be approximately 1,227 square feet to the rear and side of the existing 4,114 square foot home. He also stated that the applicant had submitted a letter of approval from the River Walk Homeowner's Association. 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.

Michael Krakar stated that he had bought his house in 1994. He then stated that he would like to put a garage and a pool cabana on the back of the house. He further stated that his hardship was the angle of his house at the east corner of the lot. He also stated that there was a wall on the south side of the property, with a two lane road behind the wall. He lastly stated that he had support from his neighbors and the addition would be very attractive.

Mr. Rozon made a motion to approve the request.

Mr. Bass seconded the motion.

The motion passed by unanimous consent (5-0)

6. **3895 Brantley Place Circle** – Sunroom Designs, applicant; Request for a rear yard setback variance from 30 feet to 18 feet for a proposed sunroom addition in the R-1A (Single Family Dwelling District); Located on the east side of Brantley Place Circle approximately 75 feet north of McNeil Road; (BV2006-205).

Rufus Brown, Planning Intern

Rufus Brown introduced the location of the property and stated that the applicant proposed to construct a sunroom addition that would encroach 12 feet into the minimum 30 feet rear yard setback. He further stated that the applicant proposed to construct an approximately 200 square foot sunroom addition to the existing 3,607 square foot home. He also stated that as of October 30, 2006, the applicant had submitted plans to the Building Department for the sunroom. He then stated that there were currently no code enforcement of building violations for the property. He lastly stated that there was no record of prior variances granted for the property.

Allan Howard stated that he was with Sunroom Design, and that Mr. Whitehouse, the applicant requested the sunroom for additional space for his parents that come to visit from Canada every year. He further stated that Mrs. Whitehouse the applicant's mother has some mobility problems and they wanted a single story area for her. He then stated that they have a bi-weekly Church group that comes over and the room would be used for that meeting. He also stated that Mr. Whitehouse has his office in his home. He lastly stated that the applicant had received approval from the Homeowner's Association and that they did not have any neighbors behind the house.

Kenneth Fulgham stated that he was a member of the Homeowner's Association Board, but he was at the meeting on his own. He further stated that the property in question was located in the front of the neighborhood and you could see the property when entering the neighborhood. He then stated that the County has zoning requirements and when you buy a house in a neighborhood you should abide by the rules. He also stated that the Architectural Review Board did approve the request but they look to the County to enforce the setback requirements.

Mr. Bass made a motion to approve the request.

Mr. O' Daniel seconded the motion.

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

7. **552 East Hillcrest Street** – Andrea Constantine, applicant; Request for a side street (east) setback variance from 25 feet to 12.4 feet for a proposed 6 foot high privacy fence in R-1AA (Single Family Dwelling District); Located on the south west corner of the intersection of East Hillcrest Street and Grove Avenue; (BV2006-207).
Rufus Brown, Planning Intern

Rufus Brown introduced the location of the property and stated that the applicant proposed to construct a fence that would encroach 12.6 feet into the minimum 25 feet side street setback. He further stated that on November 13, 2006, the applicant submitted plans to the Building Division for the proposed fence. 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.

Andrea Constantine stated that the fence they currently have is a chain link fence and that they were proposing a wood fence that would sit further back than the chain link fence. She further stated that they took pictures from the stop sign area and the fence would not block the view from the stop sign. She then stated that they lived on a dead end street and there were a limited number of cars that came down that street. She lastly stated that she had a petition of support from her neighbors.

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

Mrs. Chase seconded the motion.

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

8. **1393 La Quinta Court** – Suzanna Thesing, applicant; Request for a rear yard setback variance from 25 feet to 15.5 feet for a proposed enclosed screen room addition in PUD (Planned Unit Development); Located on the south side of Ortega Street approximately 380 feet west of South Citrus Road; (BV2006-210).
Rufus Brown, Planning Intern

Rufus Brown introduced the location of the property and stated that the applicant proposed to construct a sunroom addition that would encroach 9.5 feet into the required 25 feet rear yard setback. He further stated that the sunroom would be an addition of approximately 200 square feet to the rear of the existing 1,482 square foot home. 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.

Suzanna Thesing stated that she received approval from her Homeowner's Association and that she also had signatures of support from her neighbors. She further stated that she was the only house on her street that did not have a screen room. She lastly stated that she wanted the screen room to help keep the dirt from her backyard out of her house.

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

Mr. Bass seconded the motion.

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

9. **270 Lake Seminary Circle** – Iris Cluggish, applicant; Request for a side yard (east) setback variance from 10 feet to 5 feet for two existing sheds in R-1AA (Single Family Dwelling District); Located on the south side of Lake Seminary Circle approximately 1200 feet east of Maitland Avenue; (BV2006-208).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant received a notice of violation for two existing sheds. She further stated that the sheds are located on the northeast side and they encroach 5 feet into the required 10 feet side yard setback. She then stated that the first shed which is 56 square feet was placed on the property around 1959, and the second shed is 120 square feet and was placed on the property around 1990. She also stated that notice of code violation cites un-permitted placement of the sheds; however, in 1959 there were no regulations regarding placement of sheds. She further stated that the applicant had submitted a petition of support from 60 of her neighbors. She lastly stated that there was no record of prior variances granted for the property.

Greg Elmquist stated that he was the applicant's neighbor and he would be speaking on her behalf. He then stated that staff had said everything he was going to say about the existing sheds, except he wanted to make a minor correction about one of the sheds that was placed on the property in 1966 and not 1959. He further stated that one of the sheds was attached to a concrete slab and it would be a hardship for Mrs. Cluggish to move. He lastly stated that the neighbors signed a petition of support for the sheds.

Mr. Bass made a motion to approve the request.

Mrs. Chase seconded the motion.

The motion passed by unanimous consent (5-0)

10. **2321 Palm Drive** – James Richardson, applicant; Request for (1) a front yard setback variance from 25 feet to 7 feet for an existing carport and (2) a rear yard setback variance from 25 feet to 7.5 feet for an existing addition in R-1 (Single Family Dwelling District); Located on the east side of Palm Drive approximately 200 feet north of Black Hammock Road; (BV2006-211).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant requested approval for an existing carport and covered porch that encroached 18 feet into the required 25 feet front yard setback. She further stated that the applicant also proposed to construct a roof deck over an existing concrete patio in the rear of the property that would encroach 17.5 feet into the required 25 feet rear yard setback. She then stated that the applicant indicated that the existing patio roof structure to the south of the concrete patio would be removed. She also stated that there was currently a building violation on the property for (1) unpermitted construction of a carport and covered front porch and (2) and a roof deck added to the rear of the house. She lastly stated that there was no record of prior variances granted for the property.

Jennifer Richardson stated that they had already removed the structure that was in the rear of the property. She further stated that she was disabled and blind in one eye and her husband and son built a deck for her in the front of the house so that when she steps out of her car she wouldn't fall down, because in the past she fell down and broke her ankle. She then stated that she home schooled her boys and for a school project she had the boys build a deck in the rear of the property. She lastly stated that they had a classroom in the back of the house for the boys and they wanted to keep it.

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

Mr. Bass seconded the motion.

The motion passed by (4-1) vote. Mrs. Chase was in opposition.

11. **357 Radisson Place** – Eric & Nydia Montijo, applicant; Request for a rear yard setback variance from 30 feet to 17 feet for a proposed covered patio in R-1AA (Single Family Dwelling District); Located on the west side of Radisson Place approximately 300 feet south of Lake Hayes Road; (BV2006-212).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a roof over the existing concrete patio. She further stated that because the existing patio encroached 13 feet into the required 30 feet rear yard setback, a variance to cover the structure was required. She then stated that the patio was approximately 420 square feet. She also stated that the applicant had submitted letters of support from the adjacent property owners. She lastly stated that there were currently no code enforcement or building violations for the property.

Eric Montiji stated that he was requesting to extend the roof over the existing foundation, because during the summer months his great room gets hot. He further stated that he wanted to make the space usable, but it would not be enclosed. He lastly stated that if the request was approved the company that build the house would extend the roof.

Mr. Rozon made a motion to approve the request.

Mrs. Chase seconded the motion.

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

12. **1089 Clinging Vine Place** – Richard & Susan Schilke, applicant; Request for a rear yard setback variance from 30 feet to 19.10 feet for a proposed sun room addition in R-1A (Single Family Dwelling District); Located on the north side of Clinging Vine Place approximately 3500 feet north of Red Bug Lake Rd; (BV2006-213).
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct an approximately 170 square foot screen room enclosure that would encroach 10 feet 11 inches into the required 30 feet rear yard setback requirement. She further stated that the applicant had submitted for a building permit to the Building Department for the proposed sunroom. She then stated that the applicant had also received approval from the Seminole Eagles Landing Homeowner's Association and a letter of support from the next door 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.

Richard Schilke stated that behind his property was a retention pond with a large retaining wall. He further stated that his request was for a proposed sunroom addition in the rear of his property. He then stated that he didn't have any neighbors behind his property and that no one would be able to see the proposed addition.

Mrs. Chase made a motion to approve the request.

Mr. Rozon seconded the motion.

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

13. **5457 Endicott Place** – Kristen A. Greenish, applicant; Request for a rear yard setback variance from 20 feet to 11 feet for a proposed screen room enclosure in R-1BB (Single Family Dwelling District); Located on the south side of Endicott Place approximately 630 feet east of Belmont Terrace; (BV2006-215).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct an approximately 170 square feet screen room enclosure that would encroach 9 feet into the minimum 20 feet rear yard setback. She further stated that if constructed, the structure would encroach 4 feet into an existing 15 feet drainage and utility easement. She then stated that the easement would be required to be vacated prior to permitting. She also stated that the applicant had received approval from the Aloma Architectural Review Committee. 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.

Kristen Greenish stated that they wanted to enclose the existing slab on the rear of the property.

Mr. Bass made a motion to approve the request.

Mr. O' Daniel seconded the motion.

The motion passed unanimous consent (5-0).

14. **416 Lotus Lane** – Scott Hepler, applicant; Request for a (1) front yard setback variance from 25 feet to 16 feet for a proposed bath addition and (2) a side yard setback variance from 7.5 feet to 4 feet 10 inches for a proposed garage addition in R-1 (Single Family Dwelling District); Located on the west side of Lotus Lane approximately 900 feet east of Anchor Road; (BV2006-216).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a bath addition on the front of the existing house that would encroach 9 feet into the required 25 feet front yard setback. She further stated that the applicant also proposed to construct a

garage addition on the south side of the property that would encroach 2 feet 8 inches into the required 7.5 feet side yard setback. She then stated that the applicant intends to vacate the dead end portion of Lotus Lane. She also 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.

Tom Helper stated that he was the father of the applicant, Scott Helper. He further stated that Scott was unable to attend the meeting. He then stated that staff had described what they were requesting.

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

Mr. Bass seconded the motion.

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

15. **2251 Charlotte Drive** – Earline Cintron, applicant; Request for a side street (west) setback variance from 25 feet to 5 feet for a proposed room addition in R-1AA (Single Family Dwelling District); Located on the south side of Charlotte Drive approximately 200 feet east of West Lake Brantley Drive; (BV2006-218).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a room addition that would be approximately 907 square feet on the west side of the house that would encroach 20 feet into the required 25 feet side street setback. She further stated that Nola Road was an uncut platted right of way on the west of the property, and the applicant intends to request to vacate the right of way. She then stated that there were currently no code enforcement or building violations for the property. She lastly stated there was no record of prior variances granted for the property.

Earline Cintron stated that because of their expanding family they needed more room. She further stated that they were told the first step was to apply for a variance.

Mr. Rozon made a motion to approve the request.

Mrs. Chase seconded the motion.

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

16. **377 Sugar Sand Lane** – Steven Wagner, applicant; Request for a front yard (west) setback variance from 25 feet to 22 feet for a front entry

addition in R-1 (Single Family Dwelling District); Located on the east side of Sugar Sand Lane approximately 700 feet south of SR 426; (BV2006-224).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a front entry addition on the existing house that would be approximately 78 square feet and would encroach 3 feet into the required 25 feet front 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.

The applicant was not present.

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

Mr. Rozon seconded the motion.

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

17. **2067 Starboard Drive** – Jason Kaiser, applicant; Request for (1) a side yard (east) setback variance from 10 feet to 2 feet for an existing boat house and (2) a side yard (east) setback variance from 10 feet to 0 feet for an existing dock and boat canopy in RM-1 (Single Family Mobile Home Dwelling District); Located on the east side of Starboard Drive and the northeast corner of Starboard Drive and Mullet Lake Park Road; (BV2006-225).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant requested a side yard variance for an existing boat house that encroached 8 feet into the required 10 feet side yard setback and a side yard (east) variance for an existing boat dock and canopy that encroached 10 feet into the required 10 feet side yard setback. She further stated the existing boat dock was shared between the applicant and adjacent property owner to the east. She then stated that the property appraiser records showed that a 400 square foot boat house had been on the property since 1973, and that the aerials showed another structure appearing between 1986 and 1989 which staff assumes is the boat canopy. She also stated that the applicant stated that he intends to construct a seawall and rebuild the deck once the seawall is constructed. She further stated that the applicant submitted a petition of support from his 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.

Jason Kaiser stated he went to the Building Department to receive a permit for a seawall and was told he needed to apply for a variance. He further stated that he bought the house 2.5 years ago and the boat house, dock and canopy were already there. He then stated that both his adjacent neighbors signed the petition of support.

Mr. Rozon made a motion to approve the request.

Mr. Bass seconded the motion.

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

18. **3310 Sterling Lake Circle** – Jeffery Brown, applicant; Request for a side street (northeast) setback variance from 20 feet to 18.7 feet for a pool screen enclosure in PUD (Planned Unit Development District); Located on the southeast corner of Sterling Lake Circle approximately 230 feet north of Lockwood Blvd; (BV2006-226).
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a pool screen enclosure over an existing pool that would encroach 1 foot 3 inches into the required 20 feet side street setback. She further stated that the pool screen enclosure would be approximately 40 feet by 40 feet. She then stated that the applicant had submitted for a permit from the Building Department. She lastly stated that there were currently no code enforcement or building violations for the property.

Jeff Brown stated that where the existing concrete is for the pool deck is where the screen enclosure would be. He further stated that the screen enclosure would line up with the house. He then stated that he received approval from his Homeowner's Association. He lastly stated that none of his neighbors had any objections to the request.

Mr. Bass made a motion to approve the request.

Mr. Rozon seconded the motion.

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

19. **1866 East Crowley Circle** – Carol Yandell, applicant; Request for a (1) rear yard setback variance from 35 feet to 3 feet and (2) side yard (south)setback from 20 feet to 4 feet for an existing shed in RC-1 (Country Home District); Located on the west side of East Crowley Circle approximately ½ mile from Rutledge Road; (BV2006-198).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant had constructed a shed that encroached into the rear and side yard setbacks. She further stated that because the size of the shed was more than 200 square feet it had to meet the required 35 feet rear yard setback. She then stated that the applicant received a code enforcement violation for the unpermitted construction of the shed on October 9, 2006. She lastly stated that there was no record of prior variances granted for the property.

Tom Yandell stated that they purchased the property in May of 2002 and the shed was already on the property. He further stated that their neighbor told them that the shed had been on the property for about 10 years. He lastly stated that they were requesting to keep the shed where it currently was.

Mr. Rozon made a motion to approve the request.

Mr. Bass seconded the motion.

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

20. 405 Palm Springs Drive – Tony Coleman, applicant; Request for a side street (north) setback variance from 25 feet to 13.7 feet for an existing addition in R-1AA (Single Family Dwelling District); Located on the south east corner of the intersection of Palm Springs Drive and Carlton Street; (BV2006-206).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant was requesting to replace the screening in an existing structure with glass windows. She further stated that the structure encroached 11.3 feet into the required 25 feet side street setback. She then stated that the structure required a variance no matter if it has screen or glass windows, because it is a covered addition. She lastly stated that there was no record of prior variances granted for the property.

Tony Coleman stated that the existing structure was built in 1969. He further stated that they purchased the home a few months ago and they were making improvements to the property. He then stated they wanted to change the existing screen room to glass. He lastly stated that all the neighbors were in support of the request.

Mr. Bass made a motion to approve the request.

Mr. O' Daniel seconded the motion.

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

21. **1512 Emerald Isle Point** – Bert & Yvette C Foschini, applicant; Request for a rear yard setback variance from 30 feet to 20 feet for a proposed addition in R-1A (Single Family Dwelling District); Located on the west side of Emerald Isle Point approximately 1/3 mile south of McNeil Road; (BV2006-214).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant proposed to construct an approximately 279 square feet bedroom addition on the rear of the existing home that would encroach 10 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.

Bert Foschini stated that they had received approval from their Homeowner's Association. He further stated that the neighbor across the street from him has the same model home and is doing the same addition. He then stated that the hardship is that his mother was recently diagnosed with terminal cancer and he would like to have the proposed addition for her so that they could spend quality time with her.

Mrs. Chase made a motion to approve the request.

Mr. Bass seconded the motion.

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

22. **5845 South Sylvan Lake Drive**– Donald J Sherback, applicant; Request for a front yard setback variance from 50 feet to 40.61 feet for a proposed porch addition in A-1 (Agriculture District); Located on the south side of South Sylvan Lake Drive approximately 950 feet west of Orange Blvd; (BV2006-220).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant proposed to construct a front porch on an existing home that was constructed in 1959. She further stated that the proposed porch would encroach 9.39 feet into the required 50 feet front yard setback. 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.

Greg Sherback stated that all they wanted to do was to take the existing front porch off and add a new side entrance to tie into the new two story addition that was just built. He further stated that they wanted to come out even with the existing 1959 house.

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

Mr. Rozon seconded the motion.

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

23. **2890 Egrets Landing Drive**– Jennifer & Nathan Dutcher, applicant; Request for a rear yard setback variance from 20 feet to 8 feet for a proposed screen room in PUD (Planned Unit Development); Located on the north side of Egrets Landing Drive approximately ¼ mile south of Old Lake Mary Road; (BV2006-221).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant proposed to construct an approximately 450 square feet screen room to the rear of an existing home. She further stated that the proposed structure would encroach 12 feet into the required 20 feet rear yard setback. She then stated that there was no code enforcement or building violations for the property. She lastly stated that there was no record of prior variances granted for the property.

Jennifer Dutcher stated that they wanted to put in a screen room but they currently had only 23.5 feet from the rear of their house to the rear property line. She further stated that they had only 3.5 feet to build the screen room without the variance. She then stated that they backed up to a conservation easement and no one would be able to see the screen room. She lastly stated that they received approval from their Homeowner's Association and letters of support from both adjacent neighbors.

Mr. Rozon made a motion to approve the request.

Mr. Bass seconded the motion.

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

24. **1215 New Jersey Avenue** –Saundra Williams, applicant; Request for a side street (north) setback variance from 25 feet to 23 feet for a proposed pool screen enclosure in R-1A (Single Family Dwelling District); Located

on the south east corner of the intersection of New Jersey Avenue and Sand Lake Road; (BV2006-223).
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant proposed to construct a screen enclosure over an existing pool. She further stated that the proposed screen enclosure would encroach 2 feet into the required 25 feet side street setback. 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.

Saundra Williams stated that she was asking to put a screen enclosure to cover the entire patio that they were going to build around the existing pool. She further stated that she would like the proposed screen room to be even with the house. She then stated that they didn't have a Homeowner's Association, but she did have a petition of support from her neighbors.

Mrs. Chase made a motion to approve the request.

Mr. Bass seconded the motion.

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

SPECIAL EXCEPTIONS

25. **Russell Cove Road (Parcel 17)**– Linda Schroeder, applicant; Request for a special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning Classification); Located off Russell Cove Road to the west, approximately 350 feet north of Osceola Road; (BM2006-024).
Denny Gibbs, Senior Planner

(WITHDRAWN BY STAFF)

26. **1727 Kimmie Kay Drive** – Barn Owl Loop Holding Company, applicant; Request for a special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning Classification); Located on the west side of Kimmie Kay Drive, approximately 250 feet north of Osceola Road; (BM2006-025).
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 the surrounding neighborhood historically consisted

of single family homes, mobile homes, and vacant land. She then stated that the majority of the existing mobile homes had received temporary approval from the Board of Adjustment since 1974 and the permanently approved mobile homes received approval in 1974 and that those mobile homes were new double wide mobile homes. She further stated that staff recommended the permanent placement of the 2006 mobile home. She lastly stated that the 2006 double wide mobile home would be consistent with the previously approved mobile homes and with the character of the area.

Linda Schroeder stated that she was requesting a special exception for the permanent placement of a 2006 or 2007 double wide mobile home. She further stated that the Kimmie Kay subdivision consisted of 12 lots, two (2) were currently vacant, one (1) is in the process of building a single family home and all the other lots currently had mobile homes on them.

Mr. Rozon made a motion to approve a 2006 or newer mobile home for the life of the mobile home.

Mr. O' Daniel seconded the motion.

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

27. **655 Osceola Road** – Rodger & Amy Elam, applicant; Request for a special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning Classification); Located on the south side of Osceola Road, approximately ¼ mile west of Old Geneva Road; (BM2006-026).
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant was requesting the permanent placement of a 2007 double wide mobile home, where mobile homes are allowed only by special exception. She further stated that a special for the temporary placement of a single wide mobile home was granted in 1983 for 10 years. She then stated that the surrounding neighborhood historically consisted of single family homes, mobile homes, and vacant land. She also stated that the majority of the existing mobile homes had received temporary approval from the Board of Adjustment since 1974 and the permanently approved mobile homes received approval in 1974 and that those mobile homes were new double wide mobile homes. She further stated that staff recommended the permanent placement of the 2007 double wide mobile home. She lastly stated that the 2007 double wide mobile home would be consistent with the previously approved mobile homes and with the character of the area.

Rodger Elam stated that they had already put a down payment on the new 2007 double wide mobile home before they found out they had to apply for the mobile home special exception. He further stated that this mobile home would be their replacement home from hurricane Charlie. He then stated that they were living in a temporary structure. He also stated that they were hoping to build a house but were not able to do so.

Amy Elam stated that the 2007 mobile home would be their first new home.

Mr. Rozon made a motion to approve a 2007 or newer double wide mobile home for the life of the mobile home.

Mr. Bass seconded the motion.

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

APPROVAL OF DECEMBER 2006 MEETING MINUTES

Mr. O' Daniel made a motion to approve the December 4, 2006 minutes.

Mrs. Chase seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 8:00 P.M.