

# MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT MARCH 26, 2007 MEETING 6:00 P.M.

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

**Staff Present:** Kathy Fall, Principal Planner; Denny Gibbs, Senior Planner; Joy Williams, Planner; Kimberly Laucella, Assistant County Attorney; and 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

1. **Scott Drive (Lot 12)** – Peggy Smith, applicant; Request for a 1) lot size variance from 8,400 square feet to 6,000 square feet, 2) front yard setback variance from 25 feet to 20 feet and 3) side street setback variance from 25 feet to 15 feet for a proposed single family home in the R-1 (Single Family Dwelling District); Located on the south east corner of the intersection of 1<sup>st</sup> Drive and Scott Drive; (BV2007-15).  
Kathy Fall, Principal Planner
2. **Gilbert Street (Lots 148 & 149)** – S & S Property Enterprise, applicant; Request for a 1) lot size variance from 8,400 square feet to 7,950 square feet and 2) side street setback variance from 25 feet to 15 feet for a proposed single family home in R-1 (Single Family Dwelling District); Located on the south side of Gilbert Street approximately 30 feet east of Halsey Avenue; (BV2007-16).  
Kathy Fall, Principal Planner
3. **9722 Bear Lake Road** – Mike White, Florida's Boat Docks, applicant; Request for side yard setback variances from 10 feet to 0 feet for a replacement dock in R-1AA (Single Family Dwelling District); Located on the west side of Bear Lake Road approximately 600 feet south of Cub Lake Drive; (BV2007-21).  
Denny Gibbs, Senior Planner

**Mr. Pennington made a motion to approve Consent Items 1, 2 and 3.**

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

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

## **PUBLIC HEARING ITEMS**

4. **5590 Lake Avenue** – Kenneth & Pauline Snyder, applicants; Request for a side street (south) setback variance from 100 feet to 18 feet for an existing storage building in A-1 (Agricultural District); Located on the northwest corner of Lake Avenue and Lanark Street; (BV2007-06). Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant requested a variance for an existing storage building that encroached 82 feet into the required 100 feet setback. She further stated that according to the applicant the storage building was constructed in 1994 to replace an existing shed. She then stated that Seminole County had no record of permits for the structure and because it was so heavily wooded the age could not be substantiated by aerials. She also stated that the property was used as an Assisted Living Facility and a Special Exception was granted in 1998 increasing the number of beds to 14. She further stated that the storage building was used as a laundry facility and storage for the Assisted Living Facility. She then stated that there currently was a building violation for the storage building and that the applicant was working with the Building Department to bring the structure into compliance with the building code. She lastly stated that there was no record of prior variances granted for the property.

Kenneth Snyder stated that he was the owner of the storage building and the Assisted Living Facility. He further stated that the Assisted Living Facility was established in 1995. He then stated that the existing storage building had a washer in it and when the patients messed up their clothes everything is immediately taken out of the house and washed. He also stated that they ran a clean and neat operation. He lastly stated he would appreciate the Board of Adjustment approval.

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

**Mr. Rozon seconded the motion.**

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

5. **North Street & Pressview Avenue (Lot 1)** – Justin King, applicant; Request for a side street setback variance from 25 feet to 15 feet for a proposed fence in R-1AA (Single Family Dwelling District); Located on the northeast corner of North Street & Pressview Avenue; (BV2007-13).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a fence around a new single family home that would encroach 10 feet into the required 25 feet side street setback. She further stated that the fence would consist of a stockade type fence that would run along the rear and sides of the property. She then stated that the stockade fence would end at the front face of the house and the fence would be completed by an aluminum picket type fence around the front of the house. She also stated that the applicant planned on maintaining the existing natural buffer between the proposed fence and North Street. She further stated that Traffic Engineering had reviewed the request and found no issue with traffic safety. 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.

Justin King stated that he was the owner of the property and that he closed on the lot January 12, 2007. He further stated that he designed a floor plan where there would be no windows on the North Street side of the property, but after meeting with Randy Williams of Seminole County Traffic Engineering Department who asked him if he would flip the house so the driveway would be on the far left side of the property to avoid any safety issues. He then stated that he agreed to do so. He also stated that for safety purposes he was requesting a fence. He then stated that the wooden fence would be in the rear of the property and a 6 feet aluminum type fence would be around the front of the house.

Damon Chase stated that he was speaking on behalf of several neighbors and the Sanlando Country Club Estates Voluntary Homeowner's Association. He then stated that North Street was a very heavy traveled road and that in the event Seminole County decided to widen the road, the road would be on top of the fence. He also stated that the subdivision was platted in 1957 and all the lots are large. He further stated that last year the owner of the property received a lot split and sold the property and the neighbors were not happy about it. He then stated that the second lot does not meet the

width at the building requirement and the owner of that lot will have to apply for a variance before they would be able to build a house on the lot. He also stated that the owner of the lot contacted the adjacent property owner and asked to buy 5 feet, but was turned down because they didn't want them building there. He then referred to Chapter 30 from the Land Development Code Section 30.43 Board of Adjustment and stated that in order for the Board to grant a variance, the Board must first determine that special conditions and circumstances do not result from the actions of the applicant. He further stated that the previous property owner went in and split the property, which is a result of the property owner and the property was fine before they split the property. He then referred to the variance process and requirements about what is a hardship. *If some special circumstance makes it very difficult for a particular project to meet the Land Development Code a hardship may be established. A hardship generally occurs when the physical characteristics of a property are such that it cannot be used for any purpose permitted by County Codes. A hardship may be created by the surroundings, shape or topographical conditions particular to that specific property. He further stated that the request was not a hardship. He then stated that the neighbors were upset about the request and asked the people in the audience to raise their hands if they were against the request. He lastly stated that they respectfully requested the Board to deny the request.*

*Joseph Williams stated that he lived across the street from the subject property and his concern was the esthetic value and appearance that a wooden fence would give to that side of the road. He further stated that he had lived at 504 Pressview for well over 20 years. He then stated that wooden fences have a tendency to decay and discolor, which is not attractive.*

*Cheryl Adamkiewicz stated that she and her husband owned the property adjacent to the applicant for 39 years. She further stated that she was the President of the Home Owner's Association and that she was in opposition of the request. She then stated that the request was totally out of character with the rest of the neighborhood.*

*Justin King stated that weather the request was approved or not, he would still run a fence to the back of the house and the aluminum gate which would be 30 feet off the road was already approved. He further stated that the gate would be beautiful. He then stated that directly across the street there was another fence in the neighborhood. He lastly stated that he had spoken to other neighbors who didn't have a problem with his new house coming in the neighborhood.*

***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. Rozon and Mr. O 'Daniel was in opposition***

***Mr. Rozon made a motion to deny the request.***

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

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

6. **Dunbar Avenue (Lots 390 & 391)** – Donna Stokes, applicant; Request for a front yard setback variance from 25 feet to 15 feet for a proposed single family home in R-1 (Single Family Dwelling District); Located on the east side of Dunbar Avenue approximately 1/3 mile south of Orange Blvd; (BV2007-17).  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a single family home that would encroach 10 feet into the required 25 feet front yard setback. She further stated that the new construction is within Bookertown which is a target area where Seminole County encourages community enhancement and reinvestment. She then stated that there were currently no code enforcement or building violations on the property. She lastly stated that there was no record of prior variances granted for the property.

Donna Stokes stated that she was requesting a 15 feet variance to have her house even with her mother existing house. She further stated that the house would face Dunbar Street.

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

***Mr. Bushrui seconded the motion.***

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

7. **1963 Kindling Court** – Daniel Scrima, applicant; Request for a rear yard setback variance from 25 feet to 20 feet for a proposed room addition in PUD (Planned Unit Development District); Located on the north side of Kindling Court approximately 650 feet south of Center Drive; (BV2007-18).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct an approximately 180 foot room addition that would encroach 5 feet into the required 25 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.

**The applicant was not present.**

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

**Mr. Rozon seconded the motion.**

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

8. **220 Saunders Trail** – Dale & Ellen Sherman, applicants; Request for a 1) front yard setback variance from 100 feet to 70 feet and 2) a side yard setback variance from 10 feet to 4 feet for a proposed storage building that projects in front of the building line in A-5 (Rural Zoning District); Located on the west side of Saunders Trail approximately ½ mile south of Cochran Road; (BV2007-14).  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct an approximately 900 square feet metal storage building over an existing concrete pad. She further stated that the proposed building would project in front of the building line of the property, encroaching 30 feet into the required 100 feet front yard setback, and 6 feet into the required 10 feet side yard setback. She then stated that the proposed building was intended to be used as storage for miscellaneous equipment directly associated with the agricultural exemption on the property. She also stated that there were currently no code enforcement or building violations for the property. She lastly stated the there was no record of prior variances granted for the property.

Ellen Sherman stated that the proposed location of the shed was the only place they could possibly put the shed on the property because the property sloped down hill. She further stated that they would be removing the temporary structures and the new proposed storage building would look a lot nicer.

Dr. Peter Sintzenich stated that he was in opposition of the placement of the proposed building. He further stated that he was in the process

of developing his 2 acre parcel that adjoins the Sherman's property. He then stated that he would build a single family home on the property. He also stated that the proposed building would be next to the road and would be in direct view of passing cars. He further stated that all the surrounding properties would be affected by the view of the building. He then stated that the size of the 900 square feet building was very large and the drainage from the building would affect his property. He also stated that the applicant stated that there was no where else to put the building but there was quite a large amount of free land on her property.

Henry Sintzenich stated that he was the owner of the property that was adjacent to where the applicant proposed to put the building. He then showed a picture to the Board of Adjustment and stated that the applicant's existing buildings were on the property line. He also showed a panoramic view showing from west to east of the property and pointed to what he stated was a large building area for the proposed building. He lastly stated that the 900 square feet building would diminish the value of his property.

Ellen Sherman stated that the area Mr. Sintzenich showed and stated was where she could build on was a severely sloped area of the property. She further stated that she orders a large amount of animal feed, and the shed would have to be located where a truck would be able to pull into the area and drop off the delivery. She then stated that the area she was proposing to put the shed is wooden and you would not be able to see the entire building from the road. She lastly stated that it would be a new hurricane proof metal shed.

**Mr. Rozon made a motion to deny the request.**

**Mr. Pennington seconded the motion.**

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

9. **220 Lake Seminary Circle** – Brian & Linda Caslow, applicants; Request for a side yard (north) setback variance from 10 feet to 1-foot for a shed in R-1AA (Single Family Dwelling District); Located on the east side of Lake Seminary Circle approximately 475 feet south of Florida Haven Drive; (BV2007-19).  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant requested approval for an approximately 336 square feet wooden shed that encroached 9 feet into the required 10 foot side

yard setback. She further stated that on November 11, 2006, prior to completion of the shed the applicant received a notice of code violation for the un-permitted construction. She then stated that the applicant had submitted signatures of support from surrounding neighbors. She lastly stated that there was no record of prior variances granted for the property.

Brain Caslow stated that he was requesting a variance to keep the shed in its current location. He further stated that they were on lake front property and the other sheds in the area were located close to where he put his shed. He then stated that the shed was pushed back and close to the trees to keep it from the neighbor's vision of site. He further stated that he was going to put a gutter spout on the shed for the water. He lastly stated that he received support from his neighbors.

**Mr. Pennington made a motion to approve the request with the condition that the applicant gutter the shed on his neighbor side.**

**Mr. Bushrui seconded the motion.**

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

10. **1510 Royal Circle** – Robert & Karen Beck, applicants; Request for a rear yard setback variance from 30 feet to 25 feet for a proposed two story addition in R-1AA (Single Family Dwelling District); Located on the south side of Royal Circle approximately 1100 feet south of Bunnell Road;(BV2007-20).  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct an approximately 670 square feet addition to the rear of the existing home. She further stated that the proposed addition would encroach 5 feet into the required 30 feet rear 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.

Robert Beck stated that he received a letter of approval from his Home Owner's Association. He further stated that the adjacent neighbor located on the side the proposed addition would be had also given him a letter of support.

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

**Mr. Bushrui seconded the motion.**

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

## **MOBILE HOME SPECIAL EXCEPTION**

11. **Retreat Road (Parcel 1N)** – Rafael A. Perez-Micheli & Bridget R. Moore, applicants; Request for a special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning Classification); Located on the north side of Retreat Road, approximately ¾ mile east of Mullet Lake Park Road; (BM2007-01).  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant requested the permanent placement of a 2007 double wide mobile home, where mobile homes are allowed only by special exceptions. She further stated that the parcel was located in a 5 acre development known as Mullet Lake Retreat. 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. She further stated that these mobile homes were new double wide mobile homes. She lastly stated that staff recommended approval of the permanent placement of the 2007 double wide mobile home and that it would be consistent with the previously approved mobile homes and with the character of the area.

Bridget Moore stated that they were in the process of purchasing the property and that they were aware that part of the parcel was in a flood zone and that part of the property was covered in wetlands, that portion would not be developed. She further stated that they were working with experts who had been in the business for a long time. She then stated that they were aware of the possibility of flooding and that they would minimize the impact to the environment and the neighborhood.

Marty Hunt stated that he had been involved with the property for about 3 or 4 years. He further stated that they had a buildable lot request done by the Seminole County Building Department and a survey outlining the wetlands on the property. He then stated that the mobile home company didn't have any problems placing the mobile home on the property. He also stated that the couple buying the property were really conservation minded, and he thought they would do a real nice job on the project.

Gail Crews stated that she lived on Retreat Road and during the rainy season she had seen the property in question completely flooded. She further stated that if any one built there it would impact everybody in the area because of the 30 foot covert that run straight through the property, which is one of the main drains in the area. She then stated that it would be detrimental to put any thing on the property. She also stated that right now it is dry, but when it is wet the whole thing floods.

Bridget Moore stated that there were properties that were completely in the wetlands and flood zone areas and people are living on the properties. She further stated that the Bank had approved them and the mobile home company didn't have any problems putting the mobile home on the property.

**Mr. Rozon made a motion to approve the permanent placement of a 2007 or newer mobile home with the condition that the Building Department review the floodprone areas as submitted by the applicant.**

**Mr. Pennington seconded the motion.**

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

## **APPROVAL OF FEBRUARY 26, 2007 MEETING MINUTES**

**Mr. Rozon made a motion approve the February 26, 2007 minutes.**

**Mr. Pennington seconded the motion.**

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

## **ADJOURNMENT**

**Time of adjournment was 8:16 P.M.**