

MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT APRIL 23, 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. **Lake Markham Road (Lot 25)** – Michael Fouts, applicant; Request for a width at the building line from 150 feet to 110 feet for a proposed home in A-1 (Agriculture District); Located on the west side of Lake Markham Road approximately 750 feet south of West State Road 46; (BV2007-27).
Kathy Fall, Principal Planner

Mr. Pennington made a motion to approve Consent Item #1.

Mr. Bushrui seconded the motion.

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

PUBLIC HEARING ITEMS

2. **750 Preble Avenue** – Todd Richard, applicant; Request for a side street (north) setback variance from 25 feet to 0 feet for an existing wood privacy fence in R-1AA (Single Family Dwelling District); Located on the west side of Preble Avenue, approximately 300 feet east of Seminole Avenue; (BV2007-24).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the existing wood privacy fence currently encroached 25 feet into the required 25 feet side street setback. She further stated that on February 8, 2007 a notice of code violation was issued for the un-permitted construction of the fence. She then stated that there was no record of prior variances granted for the property. She

lastly stated that Traffic Engineering was not able to approve any corner lot setbacks greater than 15 feet; however they did not feel that the fence would cause any traffic safety concerns.

Todd Richard stated that his fence was blown down during the 2005 hurricanes. He further stated that the fence was there when he purchased the house and some of the neighbors believed that the fence had been there since 1970. He also stated that the fence was in bad condition and he replaced it not realizing he needed to apply for a permit. He then stated that he received letters of support from his neighbors. He lastly stated that there were other fences on his block at 0 feet.

Mr. Rozon made a motion to approve the request.

Mr. Bushrui seconded the motion.

The motion failed (2-3). Mr. Hattaway, Mr. Pennington and Mr. O' Daniel were in opposition.

Mr. Pennington made a motion to approve the request from 25 feet to a 15 feet encroachment.

Mr. O' Daniel seconded the motion.

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

3. **933 Kerwood Circle** – Mark Buck, applicant; Request for a rear yard setback variance from 30 feet to 16 feet for a proposed addition in R-1A (Single Family Dwelling District); Located on the west side of Kerwood Circle approximately 920 feet east of Hollow Pine Drive; (BV2007-26).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct an approximately 280 square foot room addition to the rear of the existing home. She further stated that the proposed addition would encroach 14 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.

Mark Buck stated that he was requesting a variance from 30 feet to 16 feet for an addition to a family room. He further stated that his family had increased in size and that they were one of the smaller homes in the neighborhood. He then stated that he received approval from the Homeowner's Association and a letter of support from his neighbor.

Mr. Pennington made a motion to approve the request.

Mr. O' Daniel seconded the motion.

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

4. **977 Fairview Avenue** – Daniel Marsden, applicant; Request for a side street setback variance from 25 feet to 0 feet for a fence in R-1AA (Single Family Dwelling District); Located on the southeast corner of North Street and Fairview; (BV2007-28).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a privacy fence that would encroach 25 feet into the required 25 feet side street setback along North Street. She further stated that the property line along North Street runs through an existing line of trees which the applicant intended to retain. She then stated that the Building Department currently had a permit for the fence under review. She also 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.

Daniel Marsden stated that he was requesting a variance for just the rear portion of the side yard and that he didn't want to bring any of the fence to the front of the property. He further stated that the fence would extend from the back corner of the house to the property line off at an angle, because of the shape of the lot. He then stated that the proposed area for the fence would be within the tree line. He also stated that there is a buffer with the trees, but no privacy which is why he wanted to enclose the back yard. He lastly stated that if he followed the 25 feet setback it would cut off almost the entire back yard.

Mr. Pennington made a motion to approve the request from 25 feet to 15 feet for the fence.

Mr. O' Daniel seconded the motion.

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

5. **East Springtree Way (Lot 61)**; Request for a rear yard setback variance from 15 feet to 12 feet for a proposed room addition in PUD (Planned Unit Development District); Located on the north side of Springtree Way approximately 500 feet south of Lake Way Road; (BV2007-25).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct an approximately 360 square feet addition that would encroach 3 feet into the required 15 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.

Kevin Pederson stated that he was requesting a variance for a proposed addition to his home. He further stated that they had a 2 bedroom home with two daughters ages 10 and 7, and that they needed more room.

Mr. Rozon made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

MOBILE HOME SPECIAL EXCEPTION

6. **320 Saunders Trail** – William Keith McDonald, 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 Saunders Trail approximately 1/3 mile south of Cochran Road; (BM2007-02).
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant was requesting the permanent placement of a 1999 double wide mobile home, where mobile homes were allowed only by special exception. She further stated that the property was a 5 acre tract within the Sanders Hills 5 acre Subdivision and although this parcel uses Saunders Trail as its access, the property actually is situated behind another 5 acre parcel that fronts Saunders Trail and has access by way of a driveway easement through the front piece. She then stated that the surrounding neighborhood historically consisted of single family homes, mobile homes, agricultural uses, and vacant land, currently the majority of the parcels along Saunders Trail had conventional homes. She further stated that some of the mobile homes along Saunders Trail had recently transitioned to single family conventional homes and along Cochran Road there had been several mobile homes granted permanent placement for new double wide units. She also stated that the remaining mobile homes in the area received temporary approval from the Board of Adjustment although most approvals had expired. She then stated that the lot proposed for the mobile home was not visible from Saunders Trail or any other public right-of-way, the property is accessed by way of an easement through the 5 acre parcel to the east of the subject property and, as such, the impact of placing a mobile home on the lot would be minimal. She further stated that staff did not have the authority to recommend time limits on mobile homes but the Board of Adjustment may set reasonable time limits on mobile home requests, and based upon the trend of development in the surrounding area staff would consider the permanent placement of a new mobile home that met "conventional home" design standards as consistent or the placing of a 1999 double wide mobile home as a temporary placement while the area is in transition. She lastly stated that staff had received a letter of opposition of the permanent placement of the 1999 mobile home.

William Keith McDonald stated that the 1999 double wide mobile home was in very good condition and that it met the current standards for mobile homes. He then showed the Board of Adjustment pictures of the 1999 mobile home and stated that the mobile home would not be visible from any of the adjacent properties. He further stated that there were other existing permanent placement mobile homes in the area.

Mr. Rozon made a motion to approve the 1999 mobile home for a period of 10 years.

Mr. O' Daniel seconded the motion.

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

7. **2060 Lakeview Avenue** – Evelyn Willis & Debora Moon, applicants; Request for a special exception for the permanent placement of a mobile home in A-5 (Rural Zoning District); Located on the west side of Lakeview Avenue approximately ¼ mile south of Lake Mills Road; (BM2007-03).
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. She further stated that in 1973 the property was granted a lot size variance and a special exception for the 2 year placement of a mobile home. She then stated that available records indicated that the majority of lots in the surrounding area had “conventional” single family homes or agricultural uses (grazing land). She also stated that within the past 20 years the mobile homes approved for temporary time periods had been removed and “conventional” single family homes had been constructed, and the remaining mobile homes in the area were older mobile homes with expired temporary approvals. She further stated that there was only one (1) in that area with permanent placement, and that mobile home was located on Lakeview Avenue, which is immediately to the north of the applicant’s property. She then stated that based upon the trend of development of the removal of the temporary and permanently approved mobile homes with “conventional” single family homes staff could not recommend the permanent placement of a mobile home. She lastly stated that the applicant had submitted a petition of support from neighbors.

Debora Moon stated that she was the daughter of Evelyn Willis the owner of the property. She further stated that her mother wanted to place a new mobile home on the property. She then stated that her father died 5 years ago and she moved her mother in with her in Deltona, but due to her mother’s health and to make her happy she was requesting the permanent placement of a 2007 double wide mobile home. She also stated that the previous mobile home had been demolished and the land cleared for the new 2007 mobile home. She lastly stated that her mother wanted to move back on the property to live the rest of her life there.

Mr. O' Daniel made a motion to approve the 10 year placement of a 2000 or newer mobile home.

Mr. Rozon seconded the motion.

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

After a lengthy discussion, Mr. Bushrui made a motion to deny the request for the permanent placement of a mobile home.

Mr. Pennington seconded the motion.

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

8. **963 Settlers Loop** – Kent & Sandra Calder, applicants; Request for a special exception for the permanent placement of an existing mobile home in A-5 (Rural Zoning District); Located on the north side of Settlers Loop approximately $\frac{3}{4}$ mile south east of Osceola Road; (BM2007-04).
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant was requesting the permanent placement of an existing 1993 double wide mobile home, where mobile homes are allowed only by special exception. She further stated that a special exception was granted for a mobile home reinstatement for 10 years on June 22, 1992. She then stated that the applicant was cited on March 9, 2007 for having an expired mobile home and two (2) un-permitted structures on the property. She also stated that available records indicated that the surrounding parcels in the immediate vicinity had mobiles homes, vacant land or "conventional" single family homes and that the mobile homes granted in that area were for temporary placement or permanent placement of new double wide mobile homes. She lastly stated that the permanent placement for the existing 1993 double wide mobile home would be inconsistent with the trend of development in the area.

Sandra Calder stated that she and her husband Kent Calder were given a Code Violation by Officer Roberson from Code Enforcement. She further stated that Officer Roberson came out at the time they were removing one of the old mobile homes off of the property. She then stated that there were two old mobile homes on the property that they were using for storage, but at the present time they had removed both of them to come in compliance with the code violation. She also stated that the violation also listed that the mobile home they were living in needed to be renewed. She further stated that they were asking the Board of Adjustment for permanent placement of their existing mobile home on the property. She lastly stated that they had put new skirting on the mobile home and that it was in very good condition.

Mr. Rozon made a motion to approve the special exception for the 10 year placement of the 1993 mobile home.

Mr. Pennington seconded the motion.

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

APPROVAL OF MARCH 26, 2007 MEETING MINUTES

Mr. Pennington made a motion to approve the March 26, 2007 Minutes.

Mr. Bushrui seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 7:30 P.M.