

MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT MAY 21, 2007 MEETING 6:00 P.M.

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

Staff Present: Kathy Fall, Principal Planner; Denny Gibbs, Senior Planner; Joy Williams, Planner 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. **942 Powhatan Drive** – Susan Reed, applicant; Request for a front yard setback variance from 50 feet to 22 feet-8 inches for a proposed home in A-1 (Agriculture District); Located on the west side of Powhatan Drive approximately 630 feet north of Stowe Drive; (BV2007-34).
Kathy Fall, Principal Planner
2. **1192 West Osceola Road** – Stephanie Roberts, applicant; Request for a front yard setback variance from 50 feet to 35 feet for a proposed home in A-5 (Rural Zoning); Located on the north side of West Osceola Road approximately 50 feet east of Four Wheel Lane; (BV2007-36).
Kathy Fall, Principal Planner
3. **North Hart Road (Lots 31 & 32)** – Glen Gibbs, applicant; Request for a lot size variance from 1 acre to .91 acre for a proposed home in A-1 (Agriculture District); Located on the west side of North Hart Road approximately .10 mile north of Avenue A; (BV2007-38).
Kathy Fall, Principal Planner
4. **145 Alma Drive** – CMH Homes, Inc., applicant; Request for 1) lot size variance from 7,000 square feet to 5,000 square feet and 2) width at building line variance from 70 feet to 50 feet for a proposed double wide mobile home in the RM-1 (Single Family Mobile Home District); Located on the south side of Alma Drive approximately 375 feet east of Lake Shore Drive; (BV2007-37).
Denny Gibbs, Senior Planner

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

Mr. Pennington seconded the motion.

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

PUBLIC HEARING ITEMS

5. **3781 Becontree Place** – Michael Moreschi, applicant; Request for a rear yard setback variance from 20 feet to 10 feet for a proposed screen room in PUD (Planned Unit Development); Located on the east side of Becontree Place approximately 330 feet west of Keats Way; (BV2007-22).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct an approximately 200 square feet screen room addition that would encroach 10 feet into the required 20 feet rear yard setback. She further stated that the applicant had submitted a letter of approval from the Homeowner's Association, as well as signatures of support from surrounding 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.

Michael Moreschi stated his name.

Mr. Hattaway asked if the applicant had anything to add to Staff's comments.

Michael Moreschi stated no sir.

Mr. Pennington made a motion to approve the request.

Mr. O' Daniel seconded the motion.

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

6. **116 Foxridge Run** – Lisa Randall, applicant; Request for a side yard (south) setback variance from 10 feet to 6 feet - 2 inches for the replacement of an existing pool screen enclosure in R-1AA (Single Family Dwelling District); Located on the east side of Foxridge Run approximately ¼ mile south of E.E Williamson Road; (BV2007-32).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to replace the existing pool screen enclosure that currently encroached 3 feet 10 inches into the required 10 feet side yard setback. She further stated that the Property Appraiser's records showed that the pool and screen enclosure existed since 1979; however there was

no record of a permit or prior variances granted for the property. She lastly stated that there were currently no code enforcement or building violations for the property.

Lisa Randall asked the Board of Adjustment to please approve the request.

Mr. Rozon made a motion to approve the request.

Mr. Bass seconded the motion.

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

7. **3065 Lowery Drive** – Michael Bargnesi, applicant; Request for a side yard (south) setback variance from 10 feet to 7-feet-6-inches for an existing shed in R-1AA (Single Family Dwelling District); Located on the east side of Lowery Drive approximately .10 mile south of Carrigan Avenue; (BV2007-33).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant had an existing shed approximately 176 square feet that currently encroached 2 feet 6 inches into the required 10 feet side yard setback. She further stated that on February 5, 2007, a notice of code violation was issued for the un-permitted construction of the existing shed. She lastly stated that there was no record of prior variances granted for the property.

Michael Bargnesi stated that he build the shed and would like to keep it in the current location. He then stated that the shed is used for storage.

Mr. Pennington made a motion to approve the request.

Mr. Bass seconded the motion.

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

8. **420 Baker Avenue** – Daniel & Dori Hicks, applicants; Request for a front yard setback variance from 50 feet to 42 feet for a proposed single story addition in A-1 (Agriculture District); Located on the west side of Baker Avenue approximately 350 feet south of McNeil Road; (BV2007-39).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicants proposed to construct an addition that would encroach 8 feet into the required 50 feet front yard setback. She further stated that the proposed construction would involve the extension of the existing garage and entry way along with an additional bathroom. She then stated that the

property was granted a lot size variance in 1981, due to the adoption of the Land Development Code in 1960, the lots within the Twin Pines Subdivision (platted in 1957) were deemed non-conforming; therefore requiring a lot size variance. She also stated that the applicant had submitted signatures of support from surrounding neighbors. She lastly stated that there were currently no code enforcement or building violations for the property.

Daniel Hicks stated that he just wanted to put a garage on the house.

Mr. Bass made a motion to approve the request.

Mr. Pennington seconded the motion.

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

9. **7316 Sylvan Drive** – Glenn Walker, applicant; Request for a rear yard setback variance from 30 feet to 10 feet for a proposed garage addition in R-1A (Single Family Dwelling District); Located on the north side of Sylvan Drive approximately ¼ mile east of Lake Markham Road; (BV2007-40).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct an approximately 972 square feet garage addition to the rear of the home. She further stated that the addition would encroach 20 feet into the required 30 feet rear yard setback. She then stated that the applicant was in the process of vacating the 14 feet utility easement that ran along the north property line. 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.

Glenn Walker stated that they had been working with Florida Power and Light concerning the utility easement and that Florida Power and Light would not vacate the easement, but they would allow them to build on the easement. He then stated that he had a letter to that effect. He further stated that he owned the empty lot next to property and that there was an open field behind the property, which gave them ample room for the garage. He lastly stated that he received signatures of support from his neighbors but he didn't bring the petition with him.

Mr. Rozon asked if he would mail the signatures of support to staff.

Glenn Walker stated yes he would.

Mr. Pennington made a motion to approve the request.

Mr. O' Daniel seconded the motion.

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

10. **569 Tulane Drive** – Miguel & Evelyn Chico, applicants; Request for 1) a rear and side yard (east) setback variance from 10 feet to 6 feet for a proposed pool and 2) a side yard (east) setback variance from 7.5 feet to 5 feet for a proposed pool screen enclosure in R-1 (Single Family Dwelling District); Located on the south side of Tulane Drive approximately 400 feet east of S Weathersfield Avenue; (BV2007-41).

Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicants proposed to construct a pool that would encroach 4 feet into the required 10 feet rear and side yard setbacks, along with a pool screen enclosure that would encroach 2.5 feet into the required 7.5 feet side yard setback. She further stated that the applicants had submitted signatures of support from surrounding 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.

Mr. Hattaway asked the Chico's if they wanted to say anything.

Miguel and Evelyn Chico thanked the Board.

Mr. Rozon made a motion to approve the request.

Mr. Bass seconded the motion.

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

SPECIAL EXCEPTIONS

11. **2710 Ridgewood Avenue** – Bright House Network, Joe Pinckney, applicant; Request for a special exception for a public utility structure consisting of 1) an 1,800 square foot unmanned equipment building and 2) a 500 square foot generator enclosure in A-1 (Agricultural District); Located on the west side of Ridgewood Avenue approximately ½ mile south of SR 46A; (BS2007-06).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant amended their special exception request from a public utility structure consisting of 1) an 600 square foot unmanned equipment building and 2) a 400 square foot generator enclosure. She further stated that the applicant would be removing the existing tower and the existing 600 square foot unmanned equipment building from the site. She then stated that the subject property was located within Seminole High School

property; the school proposed to connect the north and south parking areas by establishing an access easement on the west side of the subject property and constructing a 50 feet drive between the parking lots. Denny then stated that staff believed the proposed use was compatible since the property had historically had a utility service use and the proposed use for utility service buildings has a lesser impact than a communication tower. She lastly stated that staff recommended approval of the special exception subject to the following condition:

- To minimize the visual impact, landscaping shall be required at all the property lines. This can include the preservation of the existing buffers and where a natural buffer is not retained or where the natural buffer is not adequate the landscape elements listed in staff conditions are required. These include the addition of canopy trees, hedging, and xeriscape landscape material.

Mr. Pennington asked the purpose of the generator and how much running time it would have.

Joe Pinckney stated that he was the Director of Network Construction with Bright House Network. He further stated that the generator would be used during power outages and during hurricanes. He then stated that the generator would be exercised once a week for 20 minutes to make sure it would start when they really needed it. He lastly stated that they were in agreement with staff recommendations.

Mr. Bass made a motion to approve the special exception request.

Mr. Pennington seconded the motion.

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

12. 2494 Island Drive – Civic Association of West Lake Brantley Inc., Dale Cody, applicant; Request for a special exception to construct a boat ramp as an accessory use to a civic, fraternal, or social organizations in the R-1AA (Single Family Residential District); Located on the east side of Island Drive approximately 800 feet north of Oak Drive, east of W. Lake Brantley Drive; (BS2007-07).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the West Lake Brantley Civic Association was proposing to construct a seawall and relocate a boat ramp in order to cure environmental issues associated with the existing ramp. She further stated that the Association had used the subject property as a boat ramp access to Lake Brantley since 1973. She then stated that the boat ramp was private and accessible only by the members of the Homeowner's Association. She also stated that the R-1AA zoning allowed the use of the property as a private recreational facility as an accessory use to civic, fraternal, or social

organizations if the existing use is located in a predominantly residential area as determined by the Planning Manager. She lastly stated that staff recommended approval of the special exception subject to the following condition:

- The use of the boat ramp shall remain private and be limited to those members of the West Lake Brantley Civic Association.

Dale Cody stated that he agreed with staff recommendation.

Mr. Pennington made a motion to approve the special exception request.

Mr. Bass seconded the motion.

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

13. **141 River Run Point** – River Run Christian Church, applicant; Request for an amendment to an existing special exception to allow a 1728 square foot modular building for Sunday school classes in A-5 (Rural Zoning District); Located on the west side State Road 419 and directly north of the Orange County/Seminole County line; (BS2007-04).
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant proposed to expand an existing church by adding a 1728 square foot modular building for Sunday School classes. She further stated that the current use of the site was established in 2004 with the approval of a special exception for a 22,801 square foot church. She then stated that staff received an E-Mail with pictures from Chuluota Community Association, Inc. with their comments about the proposed modular building. She lastly stated that staff recommended approval subject to the proposed amendment to the existing special exception subject to the following conditions:

- The special exception granted will apply only to the proposed 1728 square foot modular building as depicted on the submitted site plan
- The modular building shall be removed within 36 months from the certificate of occupancy
- The perimeter of the modular building shall be landscaped with scrubs and flowering plants

Todd Russell stated that he was the Executive Administrator at River Run Christian Church. He then stated that he received a copy of the E-Mail from Chuluota Community Association with their concerns about the placing of the modular building, he then stated that they would lease the building for 36 months making it a temporary structure. He further stated that the modular building would be painted the same color as the current church building. He lastly stated that they were willing to put flowering plants and scrubs around the modular building to make it look pretty.

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

- **The modular building shall be removed within 36 months from the certificate of occupancy**
- **The modular building shall be landscaped with scrubs and flowering plants**

Mr. Bass seconded the motion.

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

APPROVAL OF APRIL 23, 2007 MEETING MINUTES

Mr. Pennington made a motion to approve the April 23, 2007 minutes.

Mr. O' Daniel seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 6:36 P.M.