

# MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT MAY 19, 2008 MEETING 6:00 P.M.

**Members Present:** Mike Hattaway, Chairman; Dan Bushrui, Bob O'Malley, Mike Bass and Stephen Coover

**Staff Present:** Kathy Fall, Principal Planner; Denny Gibbs, Senior Planner; Joy Williams, Planner; Alison Stettner, Planning Manager; David Shields, Assistant County Manager; 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.

## CONTINUED ITEMS

1. **2220 Poinsettia Drive** – Joseph DePaulis, applicant; Request for 1) a rear yard setback variance from 30 feet to 0 feet and 2) a side yard (west) setback variance from 10 feet to 0 feet for an existing carport/playhouse structure in R-1AA (Single Family Dwelling) district; Located on the north side of Poinsettia Drive approximately 600 feet east of West Lake Brantley Drive; (BV2008-24). (District 3)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the Board of Adjustment continued this item last month to give the applicant time to work out an agreeable setback with his impacted neighbors. She further stated that when evaluating the setback options Mr. DePaulis realized that a 5 feet setback would not physically work as his garage was in the way. She then stated that the applicant wanted the Board to rule on the existing variance request and if denied he would remove the structure. She also stated because the structure was elevated the applicant would have to explore ways to remove the structure while maintaining its integrity therefore he was asking the Board of Adjustment to allow him until August 31, 2008 to move the structure.

Joe DePaulis stated by going back and evaluating the possibility of going to 5 feet from the rear he found that there was no way of doing it. He further stated from the side he could move the structure over with no problem but the playhouse was too big to allow 5 feet in the rear because of the location of his garage. He then stated he would like the structure to remain where it currently was, but if he had to remove it he would like the Board of Adjustment to give him some time to remove it. He also stated that both of his neighbors were not happy with the playhouse and he didn't want to cause a problem with his neighbors. He lastly stated he appreciated all the time the Board of Adjustment had given him.

**Mr. O'Malley made a motion to deny the request giving the applicant until August 31, 2008 to remove the structure.**

**Mr. Coover seconded the motion.**

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

## **PUBLIC HEARING ITEMS**

2. **838 Lewis Place** – Jeff Grimm, applicant; Request for a rear yard setback variance from 20 feet to 10 feet for a proposed screen room in PUD (Planned Unit Development) district; Located on the north side of Lewis Place approximately 250 feet east of Marley Place; (BV2008-35). (District 2)  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct an approximately 288 square foot screen room addition that would encroach 10 feet into the required 20 feet rear yard setback. She further stated that there were currently no code enforcement or building violations for the property. She then stated there was no record of prior variances granted for the property.

Jeff Grimm stated he would like to get his variance approved.

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

**Mr. Coover seconded the motion.**

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

3. **5101 Brenwood Street** – Robert Coe, applicant; Request for a side street setback variance from 25 feet to 13 feet for a proposed carport in R-1AAA (Single Family Dwelling) district; Located on the southwest corner of Brenwood Street and East Lane; (BV2008-37). (District 5)  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct a carport that would encroach 12 feet into the required 25 feet side street setback. She further stated there were currently no code enforcement or building violations for the property. She then stated there was no record of prior variances granted for the property.

Robert Coe stated that he was the owner of the property. He further stated he was asking for a variance to build the carport. He then stated he was the last house on the dead end street. He also stated there was a house up the street with an existing carport that was closer than what he was requesting. He lastly stated that from the road the carport would be about 30 to 33 feet.

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

**Mr. Bushrui seconded the motion.**

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

4. **1811 Beacon Drive** – Michael & Patricia Gallagher, applicant; Request for a (1) rear yard setback variance from 30 feet to 6 feet for a proposed pool, and a (2) rear yard setback variance from 25 feet to 3 feet, and a (3) side yard setback variance from 10 feet to 7 feet for a proposed pool screen enclosure in R-1AA (Single Family Dwelling) district; Located on the east side of Beacon Drive approximately .15 mile north of Canal Drive; (BV2008-38). (District 5)  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct a pool that would encroach 24 feet into the required 30 feet rear yard setback. She further stated the applicant also proposed to construct a pool screen enclosure that would encroach 3 feet into the required 10 feet side yard setback and also encroach 22 feet into the required 25 feet rear yard setback. She then stated 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.

Michael Gallagher stated he was the owner of the property. He further stated that he could cite at least six other pools in their subdivision that did not meet the setback requirements. He then stated he had a petition of support with 32 neighbors that did not oppose the request. He also stated that in the last three or four months the Board of Adjustment approved a swimming pool in his subdivision that was in the same range as his request.

Mike Zent stated he was the applicant's next door neighbor. He further stated he was in full support of the request. He then stated the request would be an improvement to the neighborhood. He lastly stated he voted for the Board of Adjustment to please, please allow the request.

Patrick Moore stated he was the adjacent land owner on the opposite side. He further stated he was in favor of the request and it would be an improvement to the neighborhood. He then stated he had known the applicant for almost 20 years. He lastly stated the applicant was a small business owner with a young family.

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

**Mr. Bushrui seconded the motion.**

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

5. **355 Bodie Avenue** – John Kurzon, applicant; Request for a front yard setback variance from 25 feet to 21 feet for a proposed 6-foot high concrete block wall in R-1AA (Single Family Dwelling) district; Located on the northeast corner Bodie Avenue and Barton Street; (BV2008-45). (District 3)  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct a 6 foot high concrete block wall that would encroach 4 feet into the required 25 feet front yard setback. She further stated the proposed wall would be 20 feet in length and would provide privacy for the swimming pool. She then stated the design of the home and pool currently under construction was unique in the way that the pool was located in the center of the lot and was visible and accessible from the front yard.

John Kurzon stated he basically wanted to connect two buildings. He further stated he could put a 3 feet high wall up now but that height was not sufficient to protect the pool from children climbing over it. He then stated the wall would be architecturally designed to fit in between the two buildings. He also stated he wanted to move the wall out 4 feet to give him more room around the pool. He lastly showed the Board of Adjustment a rendering of the proposed wall and his house and stated he wanted to keep it safe for the kids in the neighborhood.

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

**Mr. Bass seconded the motion.**

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

6. **1805 Strickland Avenue** – Ronald Thomas, applicant; Request for a rear yard setback variance from 30 feet to 7.5 feet for a proposed addition in R-1 (Single Family Dwelling) district; Located on the east side of Strickland Avenue approximately 150 feet south of 18<sup>th</sup> Street; (BV2008-36). (District 5)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct an addition that would encroach 7.5 feet into the required 30 feet rear yard setback. She further stated in this case 7.5 feet of the alley would be used as part of the 30 feet setback measurement. She then stated in 1986 the lot was granted a lot size and lot width variance. She lastly stated there were currently no code enforcement or building violations for the property.

Ronald Thomas stated they were planning on constructing a family room in the back of the house and they were asking for a variance in order to be able to do so.

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

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

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

7. **2540 Narcissus Avenue** – Cory Ratchford, applicant; Request for a side street (east) setback variance from 25 feet to 13 feet for a proposed carport in R-1AA (Single Family Dwelling) district; Located on the northwest corner of Narcissus Avenue and Burton Lane; (BV2008-39). (District 5)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct an attached carport that would encroach 12 feet into the required 25 feet side street setback. She further stated 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.

Cory Ratchford stated he was the owner of the property. He further stated he was trying to build a carport on the side of his house. He then stated he had a petition of support from three adjoining neighbors.

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

**Mr. Bushrui seconded the motion.**

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

8. **1394 Windy Ridge Court** – Nancy Stine, applicant; Request for a Fence height variance from 6.6 feet to 8 feet for a proposed fence on the rear property line in R-1AAA (Single Family Dwelling) district; Located on the north side of Windy Ridge Court approximately 100 feet east of Myrtle Lake Hills Road; (BV2008-41). (District 4)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct an 8 foot fence on the rear property line in order to gain privacy from a platform deck structure the neighbor erected near the rear of the applicant's property. She further stated the applicant submitted a narrative last week and the Board of Adjustment members should have received a copy. She then stated 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.

Dan Stine stated they had been in their house for about 20 years and over the last couple of years they lost a lot of trees and foliage. He further stated the fence would be a lot of help.

Dave Holt stated he lived next door to the property that had a platform in the back yard. He further stated they had about 31 feet of their property line that would be affected by the 8 foot fence and then the rest would be 6 foot fence.

He then stated they were not in favor of the request. He also stated that he had pictures showing his property and the applicant's property and they could not see anything except the roof of the applicant's property from his property.

Nancy Stine stated they didn't realize that much of their neighbor's property would be affected by their fence and that they didn't have to put the 8 foot fence there. She further stated the property that they were asking for the 8 foot fence had quite a bit higher elevation and that property was looking down on them. She then stated their issue was with the neighbor with the platform because they could see into their windows, which was a real imposition on their privacy. She lastly stated they were willing to work with their neighbors that were at the meeting.

Dave Holt stated they would not be opposed to the fence at 6 feet.

**Mr. Coover made a motion to approve the increase height where adjoining the rear property line of Lot 2 and not extend along the rear property line where adjoining Lot 3.**

**Mr. Bass seconded the motion.**

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

9. **1118 North Black Acre Court** – Scott Phillips, applicant; Request for a side yard (east) setback variance from 20 feet to 10.76 feet for a proposed addition in RC-1 (Country Homes) district; Located on the north side of North Black Acre Court approximately 1/10<sup>th</sup> mile west of Dyson Drive; (BV2008-44). (District 2)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct an addition that would encroach 9.24 feet into the required 20 feet side yard setback. She further stated in 1971 when the house was constructed the side setbacks for RC-1 Country Homes zoning classification was 10 feet. She then stated 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.

Scott Phillips stated he was the owner of the property. He further stated they were just looking for a variance so they could build a master suite.

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

**Mr. Coover seconded the motion.**

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

## **MOBILE HOME ITEMS**

10. **3005 West Osceola Road** – Rami Nassim, applicant; Request for a special exception for the five year placement of a mobile home in the A-5 (Rural Zoning) district; Located on the south side of West Osceola Road approximately ½ mile east of State Road 46; (BM2008-06). (District 2)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated this item was heard before the Board of Adjustment last month and there were some concerns from the Board members with the applicant requesting the permanent placement of a 1984 mobile home. She further stated the applicant wanted to modify his request for special exception to the five year placement of a 1984 mobile home. She then stated that the applicant had plans of constructing a conventional home on the lot. She also stated that the lot was a large 14 acre parcel and the applicant proposed to place the mobile home 400 feet from Osceola Road. She lastly stated the Board of Adjustment had the power to place time limits on variances and special exceptions and the applicant was now requesting the 5 year placement of a 1984 mobile home.

Rami Nassim stated he made a mistake last month by requesting the permanent placement of the 1984 mobile home. He further stated they had been victimized with construction fraud and they really didn't like the idea of a mobile home but they didn't have much of a choice at the moment. He then stated the lady they bought the mobile home from built a new home and no longer needed the mobile home so they thought they would ask the Board of Adjustment for permission to occupy the mobile home for up to 5 years until they were able to build a home. He lastly stated they really wanted to build a home but needed some time to get back on their feet.

Michelle Croskey stated she was the direct neighbor beside the applicant's property. She further stated she knew a few of their neighbors that were opposed to the mobile home but she didn't know why they were not at the meeting. She then stated there had been a mobile home on the property that was asked to be removed by Code Enforcement because the mobile home was not bound to the ground and it had no power or running run. She also stated she was opposed to the mobile home because her and her neighbors had built some very expensive homes and she didn't want the value of there homes affected by the mobile home.

Ramil Nassim stated as far as he knew his father received approval for the previous mobile home that was on the property.

**Mr. O'Malley made a motion to approve the mobile home special exception request for 3 years.**

**Mr. Bushrui seconded the motion.**

**The motion passed by (3-2) vote. Mr. Hattaway and Mr. Coover were in opposition.**

## **APPROVAL APRIL 28, 2008 MEETING MINUTES**

**Mr. Bushrui made a motion to approve the April 28, 2008 Minutes.**

**Mr. Coover seconded the motion.**

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

## **ADJOURNMENT**

**Time of Adjournment was 7:05 P.M.**