

MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT JUNE 23, 2008 MEETING 6:00 P.M.

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

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 6:05 P.M. Mr. Hattaway then explained the method by which the meeting would be conducted, rules for voting and appealing decisions.

CONSENT ITEMS

1. **Smithson Road (Vacant Lot 30D)** – Brian Hiler, applicant; Request for 1) a lot size variance from 11,700 square feet to 11,565 square feet and 2) a lot width variance from 90 feet to 76 feet for width at building line for a proposed single family dwelling in R-1AA (Single Family Dwelling) district; Located on the north side of Smithson Road approximately 150 feet west of Alafaya Trail; (BV2008-53). (District 1)
Denny Gibbs, Senior Planner

Mr. Bushrui made a motion to approve Consent Agenda Item #1.

Mr. O'Malley seconded the motion.

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

PUBLIC HEARING ITEMS

2. **652 Longmeadow Circle** – Mark & Kathleen Ruff, applicant; Request for a rear yard setback variance from 30 feet to 10.2 feet for a proposed single story addition in PUD (Planned Unit Development) district; Located on the south side of Longmeadow Circle approximately 1/5 mile east of Sabal Palm Drive; (BV2008-48). (District 3)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a single story bath and bedroom addition approximately 800 square feet that would encroach 20 feet into the required 30 feet rear yard setback. She further stated the applicant received approval from Sabal Point Community Services Association subject to variance approval. She then stated the applicant provided a petition of support from the three affected neighbors. She also 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.

Mark Ruff stated that a similar variance was granted around the corner from him that is almost identical to the variance he was requesting.

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

Mr. O'Daniel seconded the motion.

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

3. **1265 Oak Street** – Gilford P. Washington, applicant; Request for 1) a front yard setback variance from 25 feet to 24 feet for a proposed addition and 2) a side yard (east) setback variance from 7.5 feet to 2 feet for a proposed carport in R-1 (Single Family Dwelling) district; Located on the south side of Oak Street approximately 350 feet west of Anchor Road; (BV2008-50). (District 4)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct an addition that would encroach 1 foot into the required 25 feet front yard setback. She further stated in 1985 a side yard setback variance was granted for an addition on the east side of the property. She then stated the applicant also proposed to construct an approximately 378 square feet carport that would encroach 5.5 feet into the required 7.5 feet side yard setback. She lastly stated there was currently no code enforcement or building violations for the property.

Gilford Patrick Washington stated he had resided at the residence since 1986. He further stated his family owned all the properties adjacent to his property.

Mr. Coover made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

4. **Adams Street (Lot 3 & 4, Blk B)** – Request for a side yard (east) setback variance from 10 feet to 5 feet for a proposed garage addition in R-1AA (Single Family Dwelling) district; Located on the south side of Adams Street west of Nelson Avenue; (BV2008-51). (District 4)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct an attached two car garage approximately 770 square feet that would encroach 5 feet into the required 10 feet side yard setback. She further stated the applicant submitted a support letter from the neighbor on the east side who is most affected by the request. She then stated there were

currently no code enforcement or building violations for the property. She lastly stated in 1985 a variance was granted for the placement of a shed.

The applicant stated there were two things he wanted to mention to the Board of Adjustment, on the site plan he indicated there was an existing well and they looked at alternatives which would require them to move the well or connect to city water but after getting estimates they wanted to avoid the cost. He further stated the structure would have a gable roof line that would drain north and south which would be opposite of their neighbors property line.

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

Mr. O'Malley seconded the motion.

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

5. **8250 Via Hermosa** – Leslie and Donna Martin, applicants; Request for a front yard setback variance from 25 feet to 12 feet for a proposed privacy fence in R-1A (Single Family Dwelling) district; Located on the north side of Via Hermosa approximately 200 feet east of Longwood-Markham Road; (BV2008-46). (District 5)

Kathy Fall, Principal Planner

It was determined by Staff this Item did not need approval from the Board of Adjustment.

6. **3001 Woodchase Court** – Terry Coe Jr., applicant; Request for a side street setback variance from 25 feet to 3 feet 5 inches for a proposed privacy fence in R-1A (Single Family Dwelling) district; Located on the south east corner of the intersection of Woodchase Court and Village Forest Place; (BV2008-47). (District 1)

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to place a six foot privacy fence that would encroach 21 feet and 7 inches 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.

Terry Coe Jr. stated they put a chain link fence on the property when they bought the house and would like to put up a wood privacy fence. He further stated their back porch was open to the area because it was along the road side and you could actually see into their house at night. He then stated he had letters of support from his neighbors. He lastly stated he submitted pictures that showed when you come to the stop sign the proposed fence would not block your view

Mr. Bushrui made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

7. **2391 Pemberton Street** – Juan Hernandez, applicant; Request for a side street setback variance from 25 feet to 0 feet for a privacy fence in R-1AA (Single Family Dwelling) district; Located on the north east corner of the intersection of Pemberton Street and Lake Hayes Road; (BV2008-49). (District 1)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated Staff received a phone call on Friday, from a concerned neighbor stating the fence is already installed, therefore the applicant is requesting a variance for an existing fence. She further stated the applicant did apply for a permit for the fence but the permit was rejected. She then stated Staff received two E-Mails of opposition for the request. She also stated after receiving the phone call on Friday about the existing fence she called Traffic Engineering and asked if they would go out to see if there was any line of site or safety issues. She further referred to the E-Mail reply from Traffic Engineering stating they were unable to approve a setback of less than 15 feet and they would recommend the fence be moved back to the 15 feet location. She then stated the Land Development Code allows Traffic Engineering the ability to approve fence side street setbacks from 25 feet to 15 feet.

Juan Hernandez stated the reason he put up the fence was because his house had been burglarized a couple of months ago. He further stated he had two kids and needed to put his dog in the yard for safety reasons. He then stated as far as obstructing the view he had clearer pictures from the stop sign showing a clear view all the way down the street. He also showed the Board of Adjustment pictures of his property from the side, back and from the stop sign. He further stated he attached his fence to his next door neighbor's fence. He then stated there was over 55 feet in the front to the street after the fence. He also stated if he had not gotten broken into he would not have put up the fence because he really liked his property wide open. He lastly stated there had been several burglaries in the area and the fence was a must.

Bill Hyde stated he would like to concur with Staff recommendation to deny the request because it did not meet the criteria for granting a variance. He further stated there was no fence along the back of the property which hardly serves the purpose of being a privacy fence. He then stated these types of fences are not safe as far as he was concerned and that one of his neighbors had one and during the hurricane season it blew all over the place. He lastly stated these type of fences were not substantial during high winds.

Juan Hernandez stated the reason he didn't have a privacy fence in the rear there was no way to get access because of the palms and bushes back there. He further stated his dog could not get through the rear. He then stated that he would pull a permit and put the privacy fence behind his house if that was his neighbor's concern. He lastly stated he really didn't like the fence but he needed security.

Mr. O'Daniel made a motion to approve the request from 25 feet to 15 feet according to Traffic Engineering's recommendation.

Mr. Coover seconded the motion.

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

8. **1900 Mitchellbrook Lane** – Rafael Pabon, applicant; Request for a side street setback variance from 15 feet to 9.5 feet for a proposed privacy fence in PUD (Planned Unit Dwelling) district; Located on the north west corner of the intersection of Snug Harbour Drive and Mitchellbrook Drive; (BV2008-59). (District 1)

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to place a fence that would encroach 5.5 feet into the side street setback abutting Snug Harbor Drive. 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.

Dario Quinones spoke on behalf of Rafael Sanchez Pabon, the applicant because he didn't speak English well. He further stated the applicant wanted to put up a fence. He then stated they all lived in the same subdivision and had the same fence. He also stated the applicant wanted privacy and more property on the side yard. He lastly provided a letter of approval from his Homeowner's Association.

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

Mr. Coover seconded the motion.

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

9. **121 Lake Rena Drive**– Brett Hiltbrand, applicant; Request for a front yard setback variance from 25 feet to 20 feet for a proposed addition in R-1AA (Single Family Dwelling) district; Located on the west side of Lake Rena Drive approximately 0.15 mile north of West State Road 434; (BV2008-54). (District-3)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct a single story addition approximately 800 square feet that would encroach 5 feet into the required 25 feet front yard 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.

Roy Doolittle stated he was the co-builder on the project with Brett Hiltbrand the applicant who was not able to come to the meeting. He further stated he lived

adjacent to the subject property and knew the property very well. He then stated he received a variance along with the other adjacent neighbor.

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

Mr. Bushrui seconded the motion.

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

10. **1811 Beacon Drive** – Michael Gallagher, applicant; Request for a front yard setback variance from 25 feet to 10 feet for an addition to an existing garage in R-1AA (Single Family Dwelling) district; Located on the east side of Beacon Drive approximately 0.15 mile north of Canal Drive; (BV2008-56). (District 5)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct an approximately 690 square feet garage addition that would encroach 15 feet into the required 25 feet front yard setback. She further stated that on May 19, 2008, the applicant was granted a rear and side yard variance for a proposed pool and pool screen enclosure. She then stated there were currently no code enforcement or building violations for the property.

Patricia Gallagher stated her husband was at the Board of Adjustment meeting last month. She further stated they went around the neighborhood and got signatures of support from their neighbors.

Mr. Coover made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

11. **132 Burns Avenue** – Wanda Melendez, applicant; Request for a rear yard setback variance from 30 feet to 18 feet for a proposed sun room addition in R-1A (Single Family Dwelling) district; Located on the west side of Burns Avenue approximately 1/10th mile north of Continental Boulevard; (BV2008-58). (District-2)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct an approximately 240 square feet sunroom that would encroach 12 feet into the required 30 feet rear yard 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.

Lou Garcia stated he was the acting agent for the Melendez family.

Mr. Hattaway asked Lou Garcia if he had anything to add to the staff report.

Lou Garcia stated not really.

Mr. Bushrui made a motion to approve the request.

Mr. O'Malley seconded the motion.

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

SPECIAL EXCEPTIONS

12. **3619 Bonnie Drive** – Mufid Habib, applicant; Request for a Special Exception to establish a private school in A-1 (Agriculture) district; Located on the north side of Bonnie Dr approximately 270 feet east of Bear Lake Rd; (BS2008-06). (District-3) Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to establish a private Pre-Kindergarten program as well as a Before and After School program for children. She further stated the applicant proposed no more than 25 children on the premises at any given time. She then stated the Pre-Kindergarten program would be for children between the ages of 4 & 5 years old. She also stated the proposed hours of operation would be Monday thru Friday from 9:00 a.m. until 12:00 p.m. She further stated the intent of the program would be to provide children with general school knowledge as well as cognitive, motor, social and emotional development. She then stated the Before and After School program would be for children between the ages of 6 and 11 years old. She also stated the proposed hours of operation would be Monday thru Friday from 6:30 a.m. to 6:30 p.m. She further stated this program would provide students with homework assistance, tutoring and the planning of daily activities. She then stated the program would provide transportation to and from school. She also stated the site was previously approved for a special exception in November of 1997; the special exception allowed the use of a church school with up to 25 children. She further stated the special exception expired in December of 2007. She then stated the site was also granted a front yard setback variance from 50 feet to 25 feet and a rear yard setback variance from 30 feet to 15 feet. She lastly stated the proposed use was comparable to the previous site and would not change the character of the area or be detrimental to the surrounding neighbors; therefore staff recommended approval of the special exception subject to the following conditions:

- The hours of operations will be Monday – Friday from 6:30 a.m. – 6:30 p.m. The site will be occupied by no more than 25 students at any given time.
- The applicant will be required to go through full site plan review and meet all building code regulations, parking requirements, as well as active/passive buffer design standards in accordance with the Land Development Code.
- Applicant must resolve all building and fire code violations prior to occupancy of building.

- Prior to the issuance of development permits, the applicant shall submit a site plan that meets all applicable code requirements including Chapter 40 of the Land Development Code, and obtain review and approval by the Development Review Committee.

Norma Barnhart stated she was the Realtor that sold the property. She further stated she had permission from Dr. Amid Habid to speak on his behalf. She then stated they had a potential couple who would like to lease the property and run the school. She also stated the potential couple was already doing the proposed type of work some where else. She further stated they wanted to go before the Board of Adjustment before they started the site plan process. She then stated what they were proposing was something that had been done before on the property. She also stated it would be a Pre-Kindergarten program in the mornings that would start from 9:00 a.m. to 12:00 p.m. for 4-5 year olds and the reason they were opening at 6:30 a.m. was for some parents who worked and had to bring the kids before going to work. She further stated for the After School program they would pick up some of the kids from school and have them at the program until 6:30 p.m. She then stated they would not have over 25 students at one time. She also stated they had a Fire Marshall come out to the site and they knew what they needed to do to meet the code requirements. She further stated they would renovate and remodel the building and they would not open until they received final inspection approval. She lastly stated they had plenty of room for parking.

Mr. Coover made a motion to approve the special exception request as set forth in the Development Order.

Mr. Bushrui seconded the motion.

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

APPROVAL MAY 19, 2008 MEETING MINUTES

Mr. Bushrui made a motion to approve the May 19, 2008 Minutes,

Mr. O'Malley seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 7:15 P.M.