

MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT AUGUST 25, 2008 MEETING 6:00 P.M.

Members Present: Mike Hattaway, Chairman; Dan Bushrui, Tom O'Daniel, Mike Bass and Curtis Gashlin

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 ITEMS

1. **253/255 Cherrywood Drive** – Randovan Jovic, applicant; Request for a rear yard setback variance from 30 feet to 20.4 feet for a proposed duplex renovation in R-2 (One and Two Family Dwelling) district; Located on the south side of Cherrywood Drive approximately 1000 feet south of Spartan Drive; (BV2008-77). (District 4)
Denny Gibbs, Senior Planner
2. **2340 Jitway** – Latasha Proctor, applicant; Request for 1) a lot size variance from 8,400 square feet to 5,096 square feet, and 2) a width at building line from 70 feet to 45.5 feet for a proposed single story home in R-1 (Single Family Dwelling) district; Located on the west side of Jitway approximately 350 feet north of E SR 46; (BV2008-73). (District-5)
Joy Williams, Planner

Mr. O'Daniel made a motion to approve Consent Agenda Items # 1 & 2.

Mr. Bass seconded the motion.

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

PUBLIC HEARING ITEMS

3. **182 Lakeside Dr** – Gary Dangleman, applicant; Request for a rear yard setback variance from 30 feet to 3 feet for a detached garage in R-1A (Single Family Dwelling) district; Located on the west side of Lakeside Dr approximately 1800 feet south of W Lake Mary Blvd; (BV2008-76). (District-5)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct an approximately 1,056 square foot detached garage that would encroach 27 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 then stated there was no record of prior variances granted for the property. She lastly stated the applicant had submitted signatures of support from surrounding neighbors.

Gary Dangleman stated he bought his house in 1975 and that he always wanted a garage but he hadn't had both the money and time to do it until now. He further stated that he felt the placement of the garage in the back was the best use of the property based on the location of the existing trees.

Mr. Bass made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

4. **1737 Cedar Stone Ct** – Jason Reynolds, applicant; Request for a side yard setback variance from 20 feet to 15.5 feet for a proposed garage addition in RC-1 (Country Homes) district; Located on the south side of Cedar Stone Ct approximately 1000 feet west of Markham Woods Rd; (BV2008-78). (District-5)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to expand an existing garage that would encroach 4.5 feet into the required 20 feet side yard setback. She further stated in 1994 the applicant was issued a building permit to construct the existing garage which currently encroaches 4.5 feet into the side yard setback; however, there was no record of a prior variance. She then stated there were currently no code enforcement or building violations for the property. She lastly stated the applicant had approval from the Homeowner's Association and received a letter of support from the neighbors on the east side who would be most affected by the structure.

Jason Reynolds stated he was the General Contractor representing the applicant. He further stated they would not encroach any more than the building already encroaches into the setback. He then stated the existing garage was permitted and passed final inspection from the Building Department. He lastly stated they were just asking to expand toward the backyard.

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

Mr. Gashlin seconded the motion.

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

5. **5701 Dot Com Ct** – Kiran Nathoo applicant; Request for a front yard setback variance from 50 feet to 30 feet for a proposed office building in M-1A (Very Light Industrial) district; Located at the intersection of Dot Com Ct and Econ River Pl (BV2008-79). (District-1)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct an approximately 24,554 square feet, 2 story office building that would encroach 20 feet into the required 50 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.

John Schultheis stated he was with CSI Engineering and he was the Civic Engineer for the site. He further stated they submitted two letters of support and he wanted to know if the Board of Adjustment received them. He then stated they were asking for the variance to be able to do a higher quality project on the site. He also stated they would be able to construct a modern building that would be the center piece of the Industrial Park. He further stated the proposed site was the last vacant parcel in the Industrial Park. He then stated another reason for asking for the variance was because the right of way width on Econ River Place was 100 feet wide and even with the variance at 30 feet the front of the building would be 80 feet from the center line of the street, which would leave adequate green space for the landscaping around the building.

Mr. Gashlin made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

6. **195 Florida Avenue** – Daniel Cook, applicant; Request for a rear yard setback variance from 30 feet to 1 foot - 8 inches for an existing shed in R-1 (Single Family Dwelling) district; Located on the south side of Florida Avenue approximately 500 feet west of 1st Street; (BV2008-72). (District 2)
Denny Gibbs, Planner

Denny Gibbs introduced the location of the property and stated the applicant constructed a shed that encroached 28 feet 4 inches into the required 30 feet rear yard setback. She further stated the shed was approximately 190 square feet and the height was approximately 14 feet. She then stated the height of the shed changed the required rear yard setback from 10 feet to 30 feet. She also stated on June 3, 2008 a notice of violation for unpermitted construction of a shed was issued. She lastly stated there was no record of prior variances granted for the property.

Daniel Cook stated he had a petition of support from all his surrounding neighbors and a picture of the shed as well. He further stated he bought his

house six years ago and by trade he was a Frammer and for the last three years he had been saving pieces of lumber and finally had enough to build a shed. He then stated he asked some of his friends which were Builders did he need a permit for the shed and they told him no, he found out from the notice of violation they were wrong. He lastly stated he was told to stop building the shed and get a variance.

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

Mr. Bass seconded the motion.

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

7. **107 Harris Street** – Johnny Robinson, Robinson Custom Homes, applicant; Request for a side yard (east) setback variance from 7.5 feet to 5 feet for a proposed single family residence in R-1 (Single Family Dwelling) district; Located on the northeast corner of Harris Street and Morse Street; (BV2008-74). (District 4)

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a new 1350 square foot, single family residence that would encroach 2.5 feet into the required 7.5 feet side yard setback. She further stated an existing house on the property was demolished in 2007. She then stated the applicant site plan showed a 15 feet side street setback along Harris Street and that setback was approved by Traffic Engineering under a provision within the R-1 zoning for side street setbacks. 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.

Johnny Robinson stated he was the General Contractor, representing the property owner. He further stated the house that was demolished did meet the setbacks but they could not get the proposed square footage out of it. He then stated in order to put a decent house on the lot they were requesting the setback to 5 feet.

Mr. O'Daniel made a motion to approve the request with the stipulation that a gutter be put on the (east) side of the property.

Mr. Gashlin seconded the motion.

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

8. **217 Duncan Trail** – Eduardo Acevedo, applicant; Request for a rear yard setback variance from 30 feet to 15 feet for a proposed screen room addition in PUD (Planned Unit Development) district; Located on the west side of Duncan Trail approximately 1400 feet west of W. Wekiva Trail; (BV2008-75). (District 3)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant had an existing pool screen enclosure which he proposed to replace the northerly portion of the enclosure with a covered screen room that would encroach 15 feet into the required 30 feet rear yard setback. She further stated the covered screen area would be approximately 360 square feet. She then stated the Wekiva Hunt Club Community Association had approved the subject screen room along with other improvements. She also stated the applicant submitted two letters of support from neighbors on both sides. She further stated there were currently no code enforcement or building violations on the property. She lastly stated there was no record of prior variances granted for the property.

Eduardo Acevedo stated he had a letter of support from the Homeowner's Association and two more letters from additional neighbors.

Mr. Bushrui made a motion to approve the request.

Mr. Bass seconded the motion.

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

MOBILE HOME ITEMS

9. **661 Harney Heights Road** – Tom Rogers, applicant; Request for the limited use of a recreational vehicle while a single family home is under construction in the A-5 (Rural Zoning) district; Located on the east side of Harney Heights Road, approximately 3,700 feet north of Lake Harney Road; (BM2008-09). (District 2)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant requested the one year placement of a recreational vehicle, while a permanent single-family house is under construction. She further stated the temporary occupancy of a recreational vehicle while a single family structure is under construction is permitted only by limited use in the A-5 district. She then stated the limited use is only allowed for one year with the option to renew for an additional year upon application to the Board of Adjustment. She also stated staff recommended approval with the following conditions:

- The appropriate building permit shall be secured for placement and occupancy of the proposed recreational vehicle as a temporary single family dwelling on the subject property
- A permanent single family home shall be actively under construction and inspection during the period the recreational vehicle is used as a temporary dwelling
- The placement and occupancy of the recreational vehicle shall not exceed (1) year and shall be renewable for an additional period of one (1) year upon approval by the Board of Adjustment

- Prior to final inspection of the residence, the property owner shall furnish the Planning Division with acceptable evidence as to the date and method that the recreational vehicle will be removed
- The recreational vehicle shall be removed within thirty (30) days, following the issuance of the final certificate of occupancy for the permanent single family home

Tom Rogers stated he was requesting to put a recreational vehicle on the property while he is building a single family home on the property.

Mr. Bushrui made a motion to approve the request based on Staff's recommendations.

Mr. O'Daniel seconded the motion.

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

10. **680 Coffee Trail** – Eric and Melanie Champion, applicants; Request for the limited use of a mobile home while a single family home is under construction in the A-5 (Rural Zoning) district; Located on the west side of Coffee Trail approximately 1,600 feet north of Lake Harney Road; (BM2008-10). (District 2)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant requested the one year placement of a mobile home while a permanent single family dwelling was under construction. She further stated the temporary occupancy of a mobile home while a single family structure is under construction is permitted only by limited use in the A-5 district. She then stated the limited use is only allowed for one year with the option to renew for an additional year upon application to the Board of Adjustment. She also stated staff recommended approval with the following conditions:

- The appropriate building permit shall be secured for placement and occupancy of the proposed mobile home as a temporary single family dwelling on the subject property
- A permanent single family home shall be actively under construction and inspection during the period the recreational vehicle is used as a temporary dwelling
- The placement and occupancy of the mobile home shall not exceed one (1) year and shall be renewable for an additional period of one (1) year upon approval by the Board of Adjustment
- Prior to final inspection of the residence, the property owner shall furnish the Planning Division with acceptable evidence as to the date and method that the mobile home will be removed
- The mobile home shall be removed within thirty (30) days, following the issuance of the final certificate of occupancy for the permanent single family home

Eric Champion stated that understanding the requirements he submitted for a building permit today. He further stated they will begin construction in the next month or so.

Mr. Gashlin made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

SPECIAL EXCEPTIONS

11. **1600 Dodd Road** – La Amistad, applicant; Request for an amendment to expand an existing special exception in A-1 (Agriculture) district; Located on the north east corner of the intersection of Dodd Road and Howell Branch Road; (BS2008-09). (District 1)

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to expand an existing residential treatment center by increasing the existing square footage from 19,864 square feet to 35,872 square feet. She further stated the proposed expansion would consist of additional beds, kitchen, dining area and storage. She then stated the current use of the site was established in 1986 with the approval of a special exception for an in-patient psychiatric facility and since that time there had been no amendments to the special exception to expand the use. She also stated the proposed use would be compatible with the trend of development in the area for the following reasons:

- The prior establishment of the group home of which the proposed use would constitute a part, demonstrates consistency with the trend of nearby and adjacent development in the area
- The location of the proposed addition and parking areas, with appropriate buffers, would ensure compatibility and consistency with the trend of development of the area
- Based on the submitted site plan, the proposed use would conform to the minimum dimensional standards of the A-1 district

She lastly stated staff recommended approval with the following conditions

- The general layout of the proposed uses as depicted on the master plan shall not change
- No building shall be increased more than 10% without Board of Adjustment approval
- All buildings that are not group homes shall be for the exclusive purpose of serving the onsite residents
- Prior to the issuance of development permits, a site plan that meets the requirements of all other applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee

Don McIntosh stated he was representing the applicant LaAmistad and was requesting the approval of the special exception renewal. He further stated LaAmistad was a long standing Healthcare Facility that had been in operation since 1986 and they had recently purchased the subject property. He then stated the nature of the facility was to provide a number of different types of psychiatric treatments. He also stated the patients seeking treatment would not have cars they would be dropped off and picked up. He further stated the proposed number of parking spaces far exceeded what the code required. He then stated they had done their very best with the help of staff to bring the proposed facility into current code as required as they expand. He also stated they talked with the adjacent property owner to the north (Eden Point Subdivision) to inform them of their plans to expand. He further stated their goal was to memorialize the approval of the special exception such that they could move forward to continue to provide services without concern from the community. He then stated they would like to begin the first phase of the development and provide all of the support documents required by the County. He also stated they agreed with all of the conditions as outlined by staff. He lastly stated he wanted to take a moment to thank staff for their help and professionalism throughout the process.

Mr. Gashlin made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

12. **5779 N CR 427** – Edward Landers, applicant; Request to amend a special exception to allow for the expansion of a daycare facility in A-1 (Agriculture) district; Located on the south side of N CR 427 approximately 1 ½ miles east of US HWY 17-92; (BS2008-08). (District-5)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to expand an existing nursery/kindergarden by adding four (4) modular units to the rear of the building. She further stated the site was approved in June of 2004 for a special exception to allow for a nursery/kindergarden for 60 children and in August of 2006, the special exception was amended to allow an increase in enrollment to a maximum capacity of 150 children within the existing building. She then stated the modular units would total 3,610 square feet and would be placed behind the existing building. She also stated the proposed amendment would be compatible with the trend of development in the area for the following reasons:

- The existing use at its maximum enrollment capacity would be less intense than the existing church at its peak hours of operation
- Based on the submitted site plan, the proposed use would conform to the minimum dimensional standards of the A-1 zoning district

She lastly stated staff recommended approval with the following conditions:

- The final site plan shall meet all applicable Seminole County Land Development Code and Comprehensive Plan Regulations
- Enrollment shall not increase more than 150 children
- The nursery/kindergarden school operating hours shall be Monday thru Friday, between the hours of 6:00 a.m. to 6:00 p.m.
- The nursery/kindergarden facility shall not be expanded without approval from the Board of Adjustment. The expansion shall not exceed the proposed 3,610 square feet modular buildings per the attached site plan
- Prior to the issuance of development permits, a site plan that meets the requirements of all other applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee

Daryl Baker stated he was with American Civil Engineering Company and he was representing the applicant. He further stated they concurred with staff conditions.

Mr. Bass made a motion to approve the request with staff conditions.

Mr. O'Daniel seconded the motion.

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

13. **East SR 436 (Parcel 21)** – Boyd Development, applicant; Request for a special exception to establish off-street parking (for an adjacent retail center) in A-1 (Agricultural) district; Located on the southwest corner of East SR 436 and Balmy Beach Drive; (BS2008-10). (District 3)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant was proposing a commercial development across two parcels the bulk of which is zoned C-1 and a small strip at the rear and west is A-1 and the subject of the request. She further stated overlaying these properties was a 100 foot Florida Power easement. She then stated that the parking and other improvements that are proposed within the easement required approval by Florida Power Corp, therefore staff had included a condition of the special exception approval that at site plan review, a letter from Florida Power approving the uses within the easement be required. She also stated the proposed use would be compatible with the trend of development in the area for the following reasons:

- The property is located within a commercial corridor and on SR 436 which is a major thoroughfare therefore this use demonstrates consistency with the trend of nearby and adjacent development in the area
- The proposed use as a parking area would support the commercial center development proposed on the adjacent C-1 property which is a permitted use

- The 20 proposed parking spaces within the A-1 portion will not generate additional traffic beyond that proposed with the new commercial development on the adjacent C-1 site

She lastly stated staff recommended approval of the request with the following conditions:

- The Special Exception granted will apply only to off-street parking within A-1 as depicted on the attached site plan
- The general layout of the proposed parking area as depicted on the site plan
- A letter from Florida Power Corp approving the uses within the easement is required at site plan review
- Prior to the issuance of development permits, a site plan that meets the requirements of all other applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee

Jeremiah Owens with CPH Engineering stated he was representing the applicant Boyd Development. He further stated the site had about 15% of it covered with A-1 zoning and the Florida Power easement. He then stated they were proposing around 17 to 20 parking spaces within the A-1 area. He also stated that one of the items Denny mentioned as a condition was that the site plan must exactly meet the layout presented at the meeting, but he wanted to ask the Board of Adjustment for a little bit of flexibility because there was a Florida Power pole on the site. He further stated they were working with Florida Power who had already changed their minds three times on how the parking and grading can be around the pole. He lastly stated they may have to shift to the southwest but they would not get any wider or farther out.

Mr. Bass made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

APPROVAL JULY 28, 2008 MEETING MINUTES

Mr. Bushrui made a motion to approve the July 23, 2008 Minutes.

Mr. Bass seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 7:30 P.M.