

MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT SEPTEMBER 22, 2008 MEETING 6:00 P.M.

Members Present: Mike Hattaway, Chairman; Dan Bushrui, Tom O'Daniel, Stephen Coover 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. *This item is an extension of a special exception that does not require a public hearing.*

Country Club Road (Parcel 27) – Lake Mary Congregation of Jehovah's Witness, applicant; Request for a six-month extension to the Special Exception that established a church in R-1A (Single Family Residential District); Located on the east side of Country Club Road approximately 1 mile south of CR 46A; (BS2008-13). (District 5)
Denny Gibbs, Senior Planner

2. **Dodd Road (Lot 2H) Vacant** – Wayne Roberts, applicant; Request for a lot area variance from 43,560 square feet to 29,620 square feet for a proposed single family home in A-1 (Agriculture) district; Located on the south side of Dodd Road approximately 200 feet south of Dodd Road; (BV2008-85). (District 1)
Denny Gibbs, Senior Planner

Mr. Bushrui made a motion to approve Consent Items # 1 & 2.

Mr. O'Daniel seconded the motion.

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

PUBLIC HEARING ITEMS

3. **137 Leon Street** – London Campbell, applicant; Request for 1) a side yard (east) setback variance from 7.5 feet to 5.5 feet and 2) a side yard (west) setback variance from 7.5 feet to 5.5 feet for a proposed single family home in R-1 (Single Family Dwelling) district; Located on the east side of Leon Lane approximately 200 feet south of Morse Street; (BV2008-80). (District 4)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a new single family home approximately 1,550 square feet that would encroach 2 feet into the required 7.5 feet side yard setback. She further stated the property was currently

vacant although a home build in 1940 was recently removed. She then stated the property was located in the Winwood Park Replat subdivision which was within a target area as designed by Seminole County in order to promote new housing opportunities. She also stated there were currently no code enforcement or building violation for the property. She lastly stated there was no record of prior variances granted for the property.

London Campbell stated he was requesting a variance from 7.5 feet to 5.5 feet for both sides of the proposed home and the reason being the lot was only 40 feet in width. He further stated if he got the 5.5 feet on both sides it would leave him 29 feet and the house he was proposing was 27 feet in width which would leave him some wiggle room. He then stated in order to build the house on the lot he needed approval from the Board of Adjustment.

Mr. Coover made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

4. **5480 N. Woodcrest Drive** – Dennis and Mary Ann Dixon, applicant; Request for a side yard (south) setback variance from 10 feet to .5 feet for an existing accessory structure (tree house) in R-1A (Single Family Dwelling) district; Located on the southeast corner of Woodcrest Drive and Grand Avenue; (BV2008-86). (District 1)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant's constructed a tree house on the south side of their property that encroaches 9.5 feet into the required 10 feet side yard setback. She further stated that Code Enforcement issued a notice of violation for the unpermitted construction of the tree house. She then stated the applicant submitted numerous letters of support from the neighborhood and she provided a map of where the support letters were from. She lastly stated there was no record of prior variances granted for the property.

Dennis Dixon stated he would like to thank the Board of Adjustment for allowing him to talk to them. He then pointed out his granddaughter, wife and neighbor to the Board of Adjustment. He further stated he was retired military and when his kids were growing up there was never an opportunity for a tree house. He also stated when his granddaughter came along he promised her a tree house and for 6 years he looked around for the best location for the tree house. He then stated the current location of the tree house was the only tree on his property that would allow for the tree house. He further stated the location also allowed them to observe the children playing. He also stated it had taken him about a year to get to where he was with building a constructive tree house and that he did not know he needed to get a permit for the tree house. He then stated that all his adjacent neighbors had signed the petition of support and the children that actually played in the tree house wrote letters also. He lastly stated that if the request was approved he felt confident that he could get a permit and meet the permit requirements for the tree house.

Mr. Bushrui made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

5. **1231 St Albans Loop** – Paul & Marcia Hanover, applicants; Request for a rear yard setback variance from 20 feet to 16 feet for a proposed single story room addition in PUD (Planned Unit Development) district; Located on the north side of St Albans Loop approximately 740 feet north of Heathrow Blvd; (BV2008-81). (District - 5)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct an approximately 192 square foot room addition to the rear of the property that would encroach 4 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. She lastly stated that staff received two letters of support and one letter of opposition.

Paul Hanover stated he and his wife were requesting a 4 feet variance to allow them to enlarge the rear bedroom of their home. He further stated the purpose of the request was to provide a room with greater wheel chair access to the equipment used for his wife's activities during those periods when she is confined to a wheel chair due to multiple sclerosis. He then stated they submitted a request to the Heathrow Design Review Board and received approval of the request. He also stated they sent letters to the neighbors on both sides and the neighbor across the street and two returned letters of support. He further stated the neighbor on their right would be most impacted by the proposed addition and he sent a letter to them with 24 points of concern. After going over his neighbor's concerns with the Board of Adjustment and agreeing to accommodate him the applicant lastly respectfully requested approval of the request.

Mr. Coover made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

6. **4020 Crossroads Place** – Regina Gross, applicant; Request for a rear yard setback variance from 15 feet to 4 feet for a proposed sunroom addition in PUD (Planned Unit Development) district; Located on the north side of Crossroads Place approximately 350 feet south of Neighborly Drive; (BV2008-82). (District - 1)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to extend an existing covered patio in order to construct a sunroom to the rear of the home. She further stated the proposed 330 square foot sunroom would encroach 11 feet into the required 15 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.

Regina Gross stated she was requesting approval to build a sunroom addition. She further stated she put up the placard and spoke with her neighbors and no one seemed to be concerned. She then stated she had approval from the Homeowner's Association.

Mr. Bushrui made a motion to approve the request.

Mr. Gashlin seconded the motion.

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

7. **329 Kimberly Ct** – Bruce Rhea, applicant; Request for a side yard (east) setback variance from 10 feet to 2-feet-6-inches for an existing pole barn in A-1 (Agriculture) district; Located on the south side of Kimberly Ct approximately 1,450 feet south of Wayside Dr; (BV2008-83). (District - 5)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant had constructed a pole barn that encroached 7.5 feet into the required 10 feet side yard setback. She further stated the pole barn was currently being utilized for the storage of a boat, mowing equipment and household items. She then stated the applicant constructed the barn in December of 2007 and in July of 2008, the applicant was issued a notice of code violation for the unpermitted construction of the barn. She lastly stated there was no record of prior variances granted for the property.

Bruce Rhea stated he brought a couple of pictures of the barn to show the Board of Adjustment where the barn sits. He further stated the barn was on an 11 acre piece of property in a wooded area with foliage that is growing up pretty quickly around it, and it would not be long before the barn would disappear from anybody's view. He then stated he had letters from the two closest neighbors giving their approval of the barn.

Mr. Coover made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

8. **1394 Bridlebrook Drive** – John & Stacy Gumula, applicants; Request for a side street (east) setback variance from 20 feet to 12 feet for a wood privacy fence in PUD (Planned Unit Development) district; Located at the corner of Bridlebrook Drive and Dashergreen Drive; (BV2008-84). (District - 1)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant was requesting a variance for a privacy fence that would encroach 8 feet into the required 20 feet side street setback. She further stated there were currently no code enforcement or building violations for the property. She then stated Traffic Engineering had no issues with the proposed location of the fence. She also stated there was no record of prior variances granted for the property.

John Gumula stated he was requesting a side street setback from 20 feet to 12 feet for the proposed fence. He further stated he had pictures showing the view of the proposed fence. He then showed three pictures of different views of the proposed fence. He also stated he had the letter of approval from his Homeowner's Association with him.

Mr. Bushrui made a motion to approve the request.

Mr. Gashlin seconded the motion.

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

SPECIAL EXCEPTIONS

9. **1954 State Road 426, Suite 1106** – Joffre H. Marquez, applicant; Request for a special exception for the on premise consumption of alcoholic beverages as an accessory use to a grocery/deli and eat-in cafe in the PCD (Planned Commercial Development) district; Located on the west side of State Road 426, approximately 550 feet south of West Mitchell Hammock Road; (BS2008-11). (District 1)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to offer beer and wine as an accessory use to a grocery/deli and eat in café. She further stated the Oviedo Cross Roads PCD commitment agreement included the proposed use with conditional uses specified with the C-2 zoning district. She then stated within the PCD commitment agreement the sales of alcoholic beverages are listed as an conditional use. She also stated the ability to offer beer and wine would not be detrimental to the trend of development in the area in which the surrounding commercial uses would permit a restaurant the same ability. She lastly stated that staff recommended approval with the following conditions:

- The Special Exception granted will apply only to the accessory use of beer and wine to the primary use of a grocery/deli and eat in café
- 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

Joffre Marquez stated they were requesting a special exception that would allow them to offer tapas, wine and specialty foods from Spain. He further stated he knew that it was not common in the area but they saw a potential to target customers newly moved in the area. He then stated the store would have traditional appetizers from Spain, sandwiches along with wine and beer mainly Sangria, which is the target product that go along with the tapas. He also stated they already had a 2APS license which allowed them to do wine tasting but they were requesting to upgrade to a 2COP which would allow the on premise consumption of alcoholic beverages and increase their revenues.

Mr. Hattaway asked the applicant if he understood the conditions staff recommended.

Joffre Marquez stated yes.

Mr. Hattaway asked the applicant did he have any problems with the conditions.

Joffre Marquez stated no, he did not.

Mr. Coover made a motion to approve the request based on staff recommendations.

Mr. Gashlin seconded the motion.

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

10. **1500 Timocuan Way** – John Bush, applicant; Request for a special exception for living quarters in conjunction with a commercial use in C-3 (General Commercial and Wholesale) district; Located approximately .5 miles south from the intersection of General Hutchison Parkway and Timocuan Way; (BS2008-14). (District 4)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the property was rezoned this year to allow the business of wholesale distribution, storage and light manufacturing as permitted in the C-3 (General Commercial and Wholesale District). She further stated the applicant was requesting to allow living quarters in conjunction with the uses permitted in the C-3 zoning district. She then stated it was typical for the uses associated with wholesale distribution, storage and light manufacturing to have heavy equipment and materials on site. She also stated the purpose of on site living quarters would be to ensure the protection of the heavy equipment and materials when the business was not in operation. She further stated the proposed use would be compatible with the trend of development in the area for the following reasons:

- The use of living quarters would constitute an accessory use to ensure the security of the materials and equipment associated with the uses allowed in the Industrial future land use
- The residential use of living quarters in conjunction with the uses permitted in the C-3 zoning district will provide a transitional buffer to the adjacent residential uses. The living quarters will also address the security issues that can be common with unsecured properties that have expensive equipment or materials stored

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

- The Special Exception granted will apply only to living quarters as depicted on the attached site plan
- 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 the Board of Adjustment approval
- 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

Al Land stated he was with Land Engineering Company, representing Mr. Bush who is the owner of the property. He further stated they had read the comments and recommendations of staff and were in agreement with them. He lastly stated if the Board of Adjustment had any questions he would be glad to answer them.

Mr. Coover made a motion to approve the request.

Mr. O'Daniel seconded the motion.

The motion passed by unanimous consent (4-0). Mr. Hattaway did not vote on this Item.

APPROVAL AUGUST 25, 2008 MEETING MINUTES

Mr. Bushrui made a motion to approve the August 25, 2008 Minutes.

Mr. Gashlin seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 6:50 P.M.