

# MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT FEBRUARY 23, 2009 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; 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.

Kathy Fall requested that Item # 8 be continued until the March 23, 2009 Meeting.

**Mr. Bushrui made a motion to continue Item #8 until the March 23, 2009 Meeting.**

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

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

## **PUBLIC HEARING ITEMS**

1. **8804 Atwater Loop** – Leonard & Roberta Valania, applicants; Request for a rear yard setback variance from 7.5 feet to 6 feet for a pool in PUD (Planned Unit Development) district; Located on the east side of Atwater Loop approximately 600 feet west of Deep Lake Road; (BV2009-02). (District- 1 )

Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct a pool that would encroach 1.5 feet into the required 7.5 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.

Michael Marcum stated he was the Building Contractor for the proposed swimming pool. He further stated the applicant; Mr. Valania received a letter from his Doctor stating the pool was required for therapy. He then stated the setback they were requesting was 6 feet from the pool water's edge.

**Mr. Coover made a motion to approve the request subject to approval from the Homeowner's Association.**

**Mr. Bushrui seconded the motion.**

**The motion passed by (4-0) vote. Mr. O'Daniel was in opposition.**

2. **2909 Neil Road** – Leon Deuel, applicant; Request for a rear yard setback variance from 30 feet to 7.5 feet for a 750 square foot detached garage in R-1A (Single Family Dwelling) district; Located on the north side of Neil Road approximately 420 feet west of Balmy Beach Drive; (BV2009-03).  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct an approximately 750 square feet detached garage that would encroach 22.5 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.

Leon Deuel stated he wanted to build the garage for storage and a workshop. He further stated he had two old cars he wanted to store inside the garage. He then stated with the 30 feet setback requirement he couldn't build anything.

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

**Mr. Gashlin seconded the motion.**

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

3. **204 Atherstone Court** – John Mahramus, applicant; Request for a rear yard setback variance from 30 feet to 18 feet for a room addition in PUD (Planned Unit Development) district; Located on the north side of Atherstone Court approximately 175 feet west of N. Hunt Club Blvd; (BV2009-04). (District - 3 )  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct an approximately 1,000 square feet room addition 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 then stated there was no record of prior variances granted for the property.

John Mahramus stated he was proposing to build a room addition. He further stated he received letters for vacating the easement from Embark, Florida Progress and BrightHouse. He then stated he received approval from the Homeowner's Association contingent on the Board of Adjustment approval.

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

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

**The motion passed by unanimous consent (50-).**

4. **3025 Ashford Park Place** – Michael Lofaro, applicant; Request for a rear yard setback variance from 15 feet to 7 feet for a proposed screen room in PUD (Planned Unit Development) district; Located on the east side of Ashford Park Place approximately 480 feet south of S Tuskawilla Road; (BV2008-07). (District - 1)  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct an approximately 144 square feet screen room that would encroach 8 feet into the required 15 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.

Michael Lofaro stated there was an existing slab that he wanted to build a screen room on. He further stated he wanted to build the screen room for extra space.

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

**Mr. Coover seconded the motion.**

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

5. **499 Beach Avenue** – Weldon Brenton, applicant; Request for a side street setback variance from 25 feet to 0 feet for an existing privacy fence in R-1AA (Single Family Dwelling) district; Located on the south east corner of the intersection of Beach Avenue and Arden Street; (BV2009-06). (District 4)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant replaced a chain link fence with a privacy fence without a permit. She further stated in January the applicant was cited for not obtaining a permit for the privacy fence and it was determined the fence also encroached entirely into the side street setback. She then stated there was no record of prior variances granted for the property.

Weldon Brenton stated after his neighbor's tree fell on the chain link fence and broke a portion of the fence he replaced it with the existing privacy fence. He further stated he had two small children and he wanted to provide a safe place for them to play. He then stated he didn't know he needed a permit for the fence. He also stated he had a petition of support from his neighbors. He lastly showed the Board of Adjustment pictures of other fences in his neighborhood.

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

**Mr. Gashlin seconded the motion.**

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

6. **3807 Anna Drive** – Ron Smith & Tom Morton, applicants; Request for a side yard (east) setback variance from 7 ½ feet to 3 ½ feet for an existing screen room in R-1 (Single Family Dwelling) district; Located on the north side of Anna Drive approximately 50 feet east of Gail Street; (BV2009-05). (District 3)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicants were cited for several projects that required permits including an existing screen porch that encroached 4 feet into the required 7.5 feet side yard setback. She further stated staff received a letter of

approval from the immediate neighbor located adjacent to the existing screen porch. She then stated there was no record of prior variances granted for the property.

Ron Smith stated they purchased the property in the first week of January and the Bank that owned the property was cited for using the property as a duplex without the proper zoning. He further stated the screen room was there when they purchased the property. He then stated they have to take care of the septic issues and they were trying to bring the property into compliance.

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

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

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

7. **6135 Linneal Beach Drive** – Robert Maier, applicant; Request for a side yard (south) setback variance from 10 feet to 0 feet for a proposed boat dock in R-1AA (Single Family Dwelling) district; Located on the east side of Linneal Beach approximately 150 feet south of Oranole Way; (BV2009-01). (District 3)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to construct a boat dock that would encroach entirely into the side yard setback. She further stated the portion of the boat dock that would encroach into the setback at the closest point was the walkway the remainder is located further from the property line. She then stated there were currently no code enforcement or building violations for the property. She also stated there was no record of prior variances granted for the property. She lastly stated staff received a letter of approval from the neighbor on the south side of the property that would be affected.

Sheila Cichra stated she was the contractor that would replace an existing boat dock with a similar one. She further stated the proposed boat dock would be located closer than the existing dock. She then stated that neighbor's boat dock was also very close to the property line which would make them less of an obstruction of view for both neighbors.

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

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

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

## **SPECIAL EXCEPTIONS**

### **STAFF IS REQUESTING TO CONTINUE THE FOLLOWING REQUEST TO THE MARCH 23, 2009 HEARING.**

8. **1308 East Altamonte Springs Drive** – Anthony Ewen, applicant; Request for a special exception for auto repair in C-2 (Retail Commercial) district; Located on the south east corner of East Altamonte Drive and Brewer Street; (BS2009-01). (District 4)  
Kathy Fall, Principal Planner

## **APPROVAL JANUARY 26, 2009 MEETING MINUTES**

**Mr. Coover made a motion to approve the January 26, 2009 minutes.**

**Mr. Gashlin seconded the motion.**

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

## **ELECTIONS OF OFFICERS**

**Mr. Bushrui made a motion to elect Mr. Hattaway as Chairman.**

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

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

**Mr. O'Daniel made a motion to elect Mr. Bushrui as Vice Chariman.**

**Mr. Coover seconded the motion.**

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

## **ADJOURNMENT**

**Time of Adjournment was 6:45 P.M.**