

MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT MARCH 23, 2009 MEETING 6:00 P.M.

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

Staff Present: Kathy Fall, Principal Planner; Denny Gibbs, Senior 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 ITEM

1. **203 Harris Street** – Francois Dionisi, Sovanic Inc., applicant; Request for 1) a front yard (west) setback variance from 25 feet to 12.9 feet and 2) a side yard (east) setback variance from 7.5 feet to 5.1 feet for a proposed single story home in R-1 (Single Family Dwelling) district; Located on the northeast corner of Harris Street and Pine Street; (BV2009-15). (District 4)
Denny Gibbs, Senior Planner

Mr. O'Malley made a motion to approve Consent Item #1.

Mr. Bushrui seconded the motion.

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

CONTINUED ITEMS

Staff is requesting that this item be continued until April 27, 2009 in order to allow sufficient review time:

2. **5700 S. Sylvan Lake Drive** – Primrose School – Sanford; Steve Merrick, Interplan, LLC, a applicant; Request for a Special Exception to establish a child care center in A-1 (Agriculture) district; Located on the northwest corner of S. Sylvan Lake Drive and Orange Blvd.; (BS2008-18). (District 5)
Denny Gibbs, Senior Planner

Mr. Bass made a motion to continue Item #2 until the April 27, 2009 meeting.

Mr. Coover seconded the motion.

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

3. **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

Kathy Fall introduced the location of the property and stated the applicant was cited for the operation of an auto repair business without a special exception. She further stated at the time of the violation, the applicant was leasing the property to an auto repair business which had currently vacated the property; but the owner still wanted to pursue the special exception for the use of an auto repair facility in order to market the property for potential businesses. She then stated the existing site had bays in the rear of the property to accommodate auto repair type businesses, but the site did not meet the current Land Development Code requirements. She also stated auto repair facilities were the trend of development in the area. She lastly stated staff recommended approval of the request based on the following conditions:

- The Special Exception granted would apply only to the existing buildings and an auto repair facility
- 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
- The site will be limited to only the use of an auto repair facility with no auto sales
- A cross access easement with the property to the west will be required
- Screening of the auto repair and vehicles located in the rear of the property will be required along the fence
- 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

Anthony Ewen, the applicant asked the Board of Adjustment if they have any questions for him.

Mr. Hattaway asked if the applicant agreed with staff recommendations.

Anthony Ewen stated yes.

Mr. Bushrui made a motion to approve the request.

Mr. Bass seconded the motion.

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

PUBLIC HEARING ITEMS

4. **5708 Climbing Rose Way** – Steve Wheeler, applicant; Request for (1) a rear yard setback variance from 30 feet to 18 feet and (2) a side yard setback variance (west) from 10 feet to 9 feet for a proposed single story addition in R-1AAA (Single Family Dwelling) district; Located on the north side of Climbing Rose Way approximately 300 feet west of Orange Boulevard; (BV2009-14). (District 5)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to construct an addition that would encroach 12 feet into the required 30 feet rear yard setback and 9 feet in the required 10 feet side yard setback. She further stated the side of the property in which the applicant was requesting variances abuts open space tracts within the residential development with no adjacent single family homes. 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.

The applicant was not present.

Mr. Bushrui made a motion to approve the request.

Mr. Coover seconded the motion.

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

5. **1797 Cinnamon Circle** – James and Crystal Fisher, applicants; Request for (1) a side yard setback variance (south) from 7 ½ feet to 5 feet and (2) a side yard setback variance (east) from 7 ½ feet to 2 feet for a proposed shed in R-1A (Single Family Dwelling) district; Located on the northwest corner of the intersection of Spicewood Lane and Cinnamon Circle; (BV2009-09). (District 2)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to install a shed that would encroach 2.5 feet into the required 7.5 feet setback and 5.5 feet into the required 7.5 feet side yard setbacks. She further stated the applicants were advised the structure would also encroach into the utility easement, which would require a vacate of the easement. She then 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.

James Fisher stated in regards to the utility easement, Brighthouse was not willing to vacate the easement but they were willing to have any encroachment

and the City of Casselberry didn't have any objection to the encroachment. He further stated Progress Energy and Embark had no objections with vacating the easement. He then submitted the letters to the Board of Adjustment members.

Mr. Bass made a motion to approve the request.

Mr. Coover seconded the motion.

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

6. **107 Oak Street** – Alan Hubley, applicant; Request for (1) a rear yard setback variance from 30 feet to 6 feet for a proposed shed (over 200 square feet) and (2) a rear yard setback variance from 10 feet to 6 feet for an existing shed in R-1 (Single Family Dwelling) district; Located on the east side of Oak Street approximately 300 feet south of West State Road 434; (BV2009-08). (District 3)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant had an existing shed that encroached 4 feet into the required 10 feet rear yard setback and the applicant also proposed to construct an additional shed that would encroach 24 feet into the required 30 feet rear yard setback. She further stated both of the structures would also encroach into the utility easement that would require a vacate of the easement. She then 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.

Alan Hubley stated he received three letters from the utility companies stating they did not have any utilities in the easement.

Mr. Coover made a motion to approve the request.

Mr. Bass seconded the motion.

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

7. **339 International Pkwy** – Robert Horian, Suncor Properties, applicant; Request for 1) a side yard from 10 feet to 2 feet for a 2-story office building and attached screen wall and 2) a front yard from 50 feet to 25 feet for a screen wall in M-1A (Very Light Industrial District); Located on the east side of International Pkwy approximately ½ mile north of Lake Mary Blvd; (BV2009-12). (District 5)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a two story office building that would encroach 8 feet into the required 10 feet side yard with an attached screen wall that would encroach 25 feet into the required 50 feet front yard setback. She further stated in April of 2008, the property was granted a variance for the front yard landscape green

area. She then stated there were currently no code enforcement or building violations for the property.

Ronald Henson stated he represented the applicant, Suncor Properties. He started out by showing the Board of Adjustment pictures of the site and stating on the east side of the lot was a water treatment plant and the west side were above ground storage tanks. He further stated they requested the variances for two reasons; (1) very oddly shaped property and (2) small lot with limited area to build on. He then stated they wanted to utilize the property by putting a two story office building on it. He also stated the request for the extension of the 6 feet screen wall was to provide a visual screen between the two buildings and the wall would extend out toward the street. He further stated the wall would be architecturally similar to the building. He then stated the reason they felt the request was reasonable was because in the past there had been other variances approved for different uses on the property. He lastly stated they hoped the Board of Adjustment would favorably honor the request.

Mr. Bass made a motion to approve the request.

Mr. O'Malley seconded the motion.

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

APPROVAL FEBRUARY 23, 2009 MEETING MINUTES

Mr. O'Malley made a motion to approve the February 23, 2009 Minutes.

Mr. Coover seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 6:31 P.M.