

# **MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT APRIL 27, 2009 MEETING 6:00 P.M.**

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

**Staff Present:** Kathy Fall, Principal Planner; Denny Gibbs, Senior Planner; Joy Williams, Planner; Alison Stettner, Planning Manager; Melissa Clarke, Assistant County Attorney 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.

## **CONTINUED ITEMS**

1. **5700 S. Sylvan Lake Drive** – Primrose School – Sanford; Steve Merrick, Interplan, LLC, 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

**After a lengthy discussion Mr. O'Daniel made a motion to continue this item until the May 18, 2009 meeting.**

**Mr. Bushuri seconded the motion.**

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

## **PUBLIC HEARING ITEMS**

2. **4474 Weeping Willow Circle** – Kimberly Wilson, applicant; Request for a rear yard setback variance from 25 feet to 15 feet for a proposed screen room addition in PUD (Planned Unit Development) district; Located on the south side of Weeping Willow Circle approximately 600 feet west of Dodd Road; (BV2009-19). (District 1)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct an approximately 240 square feet screen room over an existing slab which would encroach 10 feet into the required 25 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.

Kimberly Wilson stated she was requesting a variance.

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

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

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

3. **2049 Jessup Road** – Alan Wood, applicant; Request for a side yard (west) setback variance from 7.5 feet to 3 feet for an existing shed in R-1 (Single Family Dwelling) district; Located on the south side of Jessup Road approximately 500 feet west of Spring Avenue; (BV2009-20). (District 2)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant constructed an approximately 160 square feet shed that encroached 4 feet into the required 7.5 feet side yard setback. She further stated a notice of violation for unpermitted construction was issued in February 2009. She then stated there was no record of prior variances granted for the property.

Alan Wood stated he lived across from Lake Jessup and hurricane Faye came along and flooded his shed. He further stated he talked to all three abutting property owners and they did not have a problem with the location of the shed.

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

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

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

4. **972 W. Charing Cross Circle** – Eugene & Sherian Anderson, applicants; Request for a rear yard setback variance from 10 feet to 2.5 feet for a screen room addition in PUD (Planned Unit Development) district; Located on the east side of Charing Cross Circle approximately 450 feet south of Greenford Drive; (BV2009-21). (District 4)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicants proposed to construct an approximately 280 square feet screen room addition which would encroach 7.5 feet into the required 10 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.

Eric Huss stated he was the Agent for the applicants. He further stated there were currently two screen rooms in the neighborhood and one of them was two doors down from the proposed screen room. He then stated he had approval from the applicant's Homeowners Association.

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

**Mr. Bushrui seconded the motion.**

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

5. **119 Valencia Loop** – James Davidson & Susan Casajuana, applicants; Request for a side yard (west) setback variance from 25 feet to 10 feet for a privacy fence in R-1AAA (Single Family Dwelling) district; Located on the south side of Valencia Loop approximately 500 feet west of Spring Valley Loop; (BV2009-16). (District - 3 )  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to remove an existing privacy fence and replace it with a new privacy fence that would encroach 15 feet into the required 25 feet side street setback. She further stated the applicant requested the variance to allow for the new fence line to screen in the pool equipment and a satellite dish as well as create a more usable side yard. 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 Traffic Engineering reviewed the request and determined there was no line of site traffic safety concerns.

Susan Casajuana stated her name.

Mr. Hattaway asked the applicant did she want to add anything else to what Staff stated.

Susan Casajuana stated no.

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

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

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

6. **1843 Shadyhill Terrace** – Vivian Bowden, applicant; Request for a rear yard setback variance from 20 feet to 15 feet for a screen room addition in PUD (Planned Unit Development) district; Located on the east side of Shadyhill Terrace approximately 750 feet north of Waterview Loop; (BV2009-17). (District – 1)  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to add an additional 145 square feet to an existing screen room that currently encroached 5 feet into the required 20 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.

Vivian Bowden stated she wanted to add on to her existing home by having the extension go straight across the back. She further stated the room was small and she enjoyed entertaining.

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

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

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

7. **604 Weybridge Court** – Scott Milsom, applicant; Request for a side street setback variance from 20 feet to 3.9 feet for a privacy fence in PUD (Planned Unit Development) district; Located at the corner of Wellsford Way and Weybridge Court; (BV2009-18). (District - 4)  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant requested a side street setback variance for an existing privacy fence located 3.9 feet from the property line. She further stated in January of 2009, the applicant was issued a notice of code violation for the unpermitted construction of the fence. She then stated in July of 1990, the previous owner received a side street (north) setback variance from 20 feet to 10 feet for a privacy fence. She also stated Traffic Engineering reviewed the request and determined there was no line of site traffic safety concerns.

Scott Milson stated he did not put the fence up; it was there when he bought the house in October. He further stated in talking to the neighbors behind him, the fence had been there for several years. He then stated the fence was attractive. He also provided pictures showing other fences in the neighborhood. He further stated there was a large oak tree in the back right corner of the property that would make it difficult to move the fence. He lastly stated the neighbor behind him did not have a problem with the fence.

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

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

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

## **MOBILE HOMES**

8. **2000 Tatra Street**– Matthew Lavin, applicant; Request for a special exception for the permanent placement of a mobile home in A-1 (Agriculture) district; Located on the west side of Tatra Street approximately 700 feet north of Chapman Road W; (BM2009-01). (District 1)  
Kathy Fall, Principal Planner

**The applicant was not present.**

**Mr. O'Malley made a motion to continue this Item until the May 18, 2009 meeting.**

**Mr. Bushrui seconded the motion.**

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

## **SPECIAL EXCEPTIONS**

9. **305 S. Orange Boulevard**– Lakeside Fellowship United Methodist Church, applicant; Request for a special exception for a preschool/kindergarten use at an existing church in A-1 (Agriculture) district; Located on the southeast corner of the intersection of S. Orange Boulevard and Wayside Drive; (BS2009-05). (District 5)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant requested a special exception to allow a preschool/kindergarten within an existing church in the A-1 district. She further stated the current use of the site as a church would remain as the primary use and the preschool/kindergarten would be an accessory use. She then stated the applicant requested a maximum of 81 students with a staff of nineteen (19) full time and part time employees including church staff. She also stated the hours of operation would be from 8:30 a.m. – 3:00 p.m. Monday through Friday. She lastly stated staff recommended approval of the special exception based upon the following conditions:

- The special exception granted would apply only to a preschool/kindergarten use as an accessory use to the existing church
- Enrollment shall not exceed 81 students
- The hours of operation shall be from 8:30 a.m. – 3:00 p.m. Monday – Friday
- The schedule hours of the preschool/kindergarten and church services shall not be concurrent
- 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
- 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

Martha Pacheco stated they were there for special exception approval for the preschool/kindergarten for Lakeside Fellowship United Methodist Church. She further stated they would not make any changes to the existing building. She then stated there were two entrances and two exits on the site. She also stated there was sufficient parking. She lastly stated the dismissal times for the school would be 12:00, 2:00 and 2:30 p.m.

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

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

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

10. **Hickman Drive (Lots 5 & 6)** – Lance Renzulli/ David McKee, applicants; Request for a special exception to allow for the storage of a 10,000 gallon above ground fuel tank in M-1 (Industrial) district; Located on the west side of Hickman Drive approximately ½ mile north of W SR 46 ; (BS2009-02). (District - 5 )  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicants proposed to install a 10,000 gallon above ground fuel tank to support the existing facility located on the adjacent property. She further stated the development of lots 5 & 6 would be an expansion of the High Reach facility which currently operated on lots 12, 13, and 14, adjacent to the west. She then stated the High Reach Company provides aerial lift equipment for rent and sale. She also stated the fuel tank would be an accessory use for the equipment on site in order to provide maintenance and fuel for the equipment being rented and sold. She further stated the site was currently going through the Site Plan process, and would be required to meet all N.F.P.A. regulations as well as applicable site plan requirements. She then stated Staff believed the proposed use would be compatible with the trend of development in the area for the following reasons:

- The property is located within an Industrial Park surrounded by heavy commercial and industrial uses
- The 10,000 gallon above ground fuel tank would be an accessory use to the existing adjacent facility, only as wholesale storage of fuel
- The site would be required to meet all applicable Land Development Code requirements as well as all National Fire Protection Agency regulations.

She lastly stated Staff recommended approval of the special exception based upon the following conditions:

- The Special Exception granted would apply only to lots 5 & 6 block B of the I-4 Industrial park as depicted on the site plan
- The 10,000 gallon above ground fuel tank would be for the wholesale storage of fuel for the immediate use of the equipment being operated, rented, and sold as part of the commercial business
- Prior to the issuance of development permits, a site plan that meets the requirement of all other applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee

David Rodd stated he was with McKee Construction representing the applicants. He further stated High Reach was currently expanding their facility with a 30,000 square feet maintenance shop for lots 5 & 6 the fuel tank storage as an accessory use for the maintenance shop. He then stated the tanks would be for fueling their own vehicles. He also stated the tank would have 70% Diesel and 30% Gas. He lastly showed the Board of Adjustment the proposed location of the fuel tank from the Site Plan.

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

**Mr. Bushrui seconded the motion.**

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

11. **1321 East Altamonte Drive** – Rick Vaughan, Vaughan, Inc, applicant; Request for a Special Exception to establish a mechanical garage with paint and body shop in C-2 (Retail Commercial) district; Located on the north side of East Altamonte Drive approximately 780 feet east of Anchor Road; (BS2009-04). (District 4)

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated The Better Than New Collision Shop proposed to relocate to 1321 East Altamonte Drive and required a Special Exception approval for both the mechanical garage and the paint body shop. She further stated the recent use of the site was a retail sales and warehouse in association with a futon shop. She then stated the subject property was located on the north side of East Altamonte Drive between CR 427 and US 17-92. She also stated to the west was a small retail center that included a transmission repair shop and there were several auto related businesses adjacent to and across the street. She lastly stated historically the use of auto repair businesses were typical along this section of East Altamonte Drive, and Staff recommended approval of the special exception based upon the following conditions:

- The Special Exception granted would only apply 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 plan will be limited to only the use of an auto repair facility with paint and body
- The hours of operation shall be Monday – Friday: 8:00 a.m. – 5:00 p.m. and Saturday 8:00 a.m. – Noon.
- SR 436 shall be utilized as the primary entrance
- Outside vehicle storage permitted only for short term, 60 days or less, as necessary to provide auto repair service to the vehicle owner and only within the walled area
- No outside storage of vehicles used for parts
- No auto repair work to be performed outside
- The fence, including gates shall be opaque
- The compressor shall have a sound attenuating barrier to minimize impacts to the adjacent residential properties
- 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 by the Development Review Committee

Rick Vaughan owner of Vaughan Inc. stated he owned the building since 1988. He further stated he hoped the proposed special exception for the mechanical garage with paint and body shop was a reasonable use. He then stated before he bought the building it had been used as a similar use.

Mr. Hattaway asked if Mr. Vaughan agreed with Staff recommendations.

Rick Vaughan stated yes.

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

**Mr. Bushrui seconded the motion.**

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

## **APPROVAL MARCH 23, 2009 MEETING MINUTES**

**Mr. O'Malley made a motion to approve the March 23, 2009 minutes.**

**Mr. Bushrui seconded the motion.**

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

## **ADJOURNMENT**

**Time of Adjournment was 8:00 P.M.**