

# **MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT MAY 18, 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; Alison Stettner, Planning Manager; 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

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a 10,723 square feet child care center on 2.31 acres in the A-1 (Agriculture) district. She further stated the applicant also proposed 184 students and 20 employees with hours of operation from 6:30 a.m. to 6:30 p.m. She then stated this item was continued from the April meeting in order for the applicant to design options for the placement of the outside play areas. She also stated the applicant submitted three new site designs and she then turned it over to the applicant.

Bob Ziegenfuss stated he was with Interplan and the Engineer of record for the project. He further stated they were before the Board of Adjustment last month and discussed the proposed site plan and now they would like to show the Board of Adjustment the three playground options designed in an effort to alleviate the concerns about the playground near the northern property boundary. He then showed the Board the proposed site plan for Option A stating it would provide a 25 foot buffer between the northern property line and the proposed playground as discussed last month. He also stated the playground equipment had also been rotated and re-arranged in order to limit the equipments proximity to the northern property boundary. He further stated Option A was the most operationally efficient layout for Primrose because all classrooms would be able to enter and exit the playground directly from the hall doorway. He then stated the other two layouts could potentially create confusion and possible safety concerns by requiring teachers to transport students to the playground through a

non direct route. He showed Option B stating they proposed to relocate the northern playground behind the rear of the building and the proposed dry retention pond had been modified to create a buffer between the north residential properties and the playground. He also stated this proposed option would provide an 83.5 foot buffer with the residential properties to the north and a 94.6 foot buffer with the agricultural zoned residential properties to the west. He further stated this option would provide the best buffer for all residential properties but the drawback to Option B was the hall doorway did not lead directly to the relocated playground and therefore had average operational efficiency. He then showed the Board Option C stating this would relocate the northern playground to the southwest corner of the property and a 5 feet sidewalk would connect the playground to the proposed building. He also stated this option would include a 15 foot buffer between the western residential property line and the proposed playground. He further stated this proposed option would have the same impact on the west residential property as the original design had on the north residential properties since the buffers separating the property line from the playground are 15 feet for both scenarios. He then stated when you take into account the large distance from the playground to the building Option C has the least operational efficiency. He further stated the playground noise levels can be expected to decrease by the following values at the specified distances from the playground boundary: 4.8 dBA at 20 feet, 6.8 dBA at 30 feet, and 9.1 dBA at 40 feet and a 4.5 dBA drop-off per doubling of distance from the playground boundary for all distances between 40 and 300 feet appears to be appropriate for analytical purposes. He lastly stated in general, the measured playground noise emission levels are accurate for noise from school playground activities.

Sabrina Boesch stated there would be only three groups that would use the northern playground which would be scheduled in the morning for 30 minutes and in the afternoon and they are not all out at the same time. She further stated the first 15 minutes are structured activities planned with the teachers and the last 15 minutes as free play. She then stated there would never be more than 24 children outside on those northern playgrounds at one time. She lastly stated Options A and B would be good but Option C had safety issues.

**Mr. Coover made a motion to approve the request with Option B with Staff recommendations 1 thru 8 with the following conditions:**

- **A 6 feet masonry wall from the northwest corner of the property running approximately 128 feet east**
- **A maximum of 30 students may be on the playground at any one time**
- **Access on Orange Avenue shall be limited to a right in right out**

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

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

2. **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

Kathy Fall introduced the location of the property and stated the Planning Office received a call about 4:30 p.m. from the applicant stating he was in South Florida and was unable to attend the meeting, but requested that the Item be heard tonight. She further stated the applicant requested the permanent placement of a 2009 double wide mobile home on an approximately 7.5 acre parcel. She then stated there was currently an approved Agricultural use on the property. She also stated the surrounding neighborhood historically had consisted of single family homes, mobile homes, agricultural uses, and vacant land. She lastly stated based upon the trend of development in the surrounding area staff recommended approval of the permanent placement of a new mobile that met “conventional home” design standards with the following conditions:

- Only one (1) single-family mobile home unit shall occupy the site, as shown on the proposed site plan
- The mobile home shall otherwise conform to applicable building codes, including standards for anchoring, utility accessibility and skirting
- The mobile home shall have shingled roof, vinyl siding, skirting and other “conventional home” design conditional deemed appropriate by the Board of Adjustment

**The applicant was not present.**

**Mr. Coover made a motion to approve the placement of a 2009 mobile home for the life of the mobile home.**

**Mr. O’Daniel seconded the motion.**

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

## **PUBLIC HEARING ITEMS**

3. **200 Wekiva Park Drive** – Francisco Torregrosa, applicant; Request for a rear yard setback variance from 200 feet to 30 feet for a proposed home in A-1 (Agriculture) district; Located on the west side of Wekiva Park Drive Lane approximately 3400 feet north of SR 46; (BV2009-23). (District 5)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to replace an existing screen room with a single family home and the single family home would be on the same footprint as the screen room. She further stated in 2004 the property was granted a variance for an addition to the screen room from 200 feet to 30 feet. She then stated the Wekiva River

Protection policy required the 200 feet setback from the edge of the water. She also stated staff received 3 E-Mails supporting the request and 1 E-Mail from an abutting neighbor in opposition of the request.

Francisco Torregrosa stated the variance in 2004 was not for the screen room it was for the shed that was attached to the screen room. He further stated he planned to demolish the existing structure and build a single family home on the same footprint. He then showed the Board pictures of the existing structure. He also stated the best option financially would be for them to move on the property as soon as possible giving them a chance to get their current home ready to sale. He showed the Board pictures of existing structures on other properties that were less than 200 feet from the river stating he was not requesting anything that didn't already exist in the area. He lastly stated he had received a permit for the proposed septic tank.

Steve DeMoor stated he lived in the same area on the river as the applicant. He further stated the beauty of the river is one of the things people enjoy who live out there. He then stated there are some structures that are not very attractive therefore by the applicant proposing to put something to improve the area it would really compliment the value of the properties. He lastly stated he was in support of the request.

Margarita Borrero stated that Francisco Torregrosa was her son and she was the neighbor on the north side of his property. She further stated Francisco was always protecting the environment. She then stated she was in support of his request and that she received an E-Mail of support from one of their neighbors.

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

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

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

4. **210 Wekiva Park Drive** – Margarita Borrero Vicente, applicant; Request for a side yard (west) setback variance from 10 feet to 7 feet for a proposed shed in A-1 (Agriculture) district; Located on the west side of Wekiva Park Drive Lane approximately 3500 feet north of SR 46; (BV2009-25). (District 5)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to construct a shed with a bathroom that would encroach 3 feet into the required 10 feet west side 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.

Margarita Vicente stated her neighbor was her son Francisco Torregrosa and he did not object to the structure. She further stated the shed would be used for

storage and the half bath would allow people that would be doing work outside of the house usage without coming into the house. She then stated she had a drawing of the proposed shed showing the setback.

Francisco Torregrosa stated he did not object to his mother placing the structure in the proposed location. He further stated having a bathroom outside of her home would make it easier on every one.

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

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

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

5. **2863 Bermuda Avenue N.** – Alex Rodriguez, applicant; Request for a rear yard setback variance from 30 feet to 25 feet for a proposed addition in R-1A (Single Family Dwelling) district; Located on the north side of Bermuda Avenue N. approximately 500 feet north of Orleans Way; (BV2009-22). (District 3)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that applicant proposed to construct an addition that would consist of an enclosed storage room and a covered open carport. She further stated the addition would be approximately 246 square feet and would encroach 5 feet into the required 30 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.

Alex Rodriguez stated his name.

Mr. Hattaway asked if the applicant had anything to add to staff's comments.

Alex Rodriguez stated no.

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

**Mr. Coover seconded the motion.**

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

6. **1129 Dove Lane** – William Porter, applicant; Request for 1) a side yard (south) setback variance from 20 feet to 9.6 feet and 2) a side yard (east) setback variance from 20 feet to 12.2 feet for an existing shed in RC-1 (Country Homes) district; Located on the southeast corner of Dyson Drive and Dove Lane approximately 960 feet east of Tuskawilla Road; (BV2009-24). (District 2)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated a shed was placed on the property which encroached 10.4 feet into the south side yard setback and 7.8 feet into the west side yard setback. She further stated a Notice of Violation for unpermitted construction was issued to the applicant. She then stated letters of support had been submitted from both adjacent neighbors. She lastly stated there was no record of prior variances granted for the property.

William Porter stated he bought the house with the existing shed. He further stated his neighbors did not disapprove of the request and he would like to leave the shed in the existing location.

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

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

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

## **APPROVAL APRIL 27, 2009 MEETING MINUTES**

**Mr. Coover made a motion to approve the April 27, 2009 Minutes.**

**Mr. Bushrui seconded the motion.**

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

## **ADJOURNMENT**

**Time of Adjournment was 7:23 P.M.**