

# MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT JUNE 22, 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; 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. **5130 Morning Dew Loop** – Randall Thevenet, applicant; Request for 1) a minimum lot size variance from 43,560 to 25,800 and 2) a front yard setback variance from 50 feet to 25 feet for a proposed single family home in A-1 (Agriculture) district; Located on the west side of Morning Dew Loop approximately 700 feet north of Aloma Avenue; (BV2009-51). (District 1)  
Denny Gibbs, Senior Planner

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

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

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

## PUBLIC HEARING ITEMS

2. **209 Ambergate Court** – Louella Espinoza, applicant; Request for a rear yard setback variance from 30 feet to 17 feet for a proposed addition in PUD (Planned Unit Development) district; Located on the northeast side of Ambergate Court approximately 300 feet east of Duncan Trail; (BV2009-30). (District 3)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct an addition that would encroach 13 feet into the required 30 feet rear yard setback. She further stated along the north side of the property the addition would follow the line of the existing house which was at 9.56 feet and an Administrative Variance had been granted for that setback. She then stated the applicant received approval from the Wekiva Hunt Club Community Association Architectural Control Committee. She also stated there were currently no code enforcement or building violations for the property.

Louella Espinoza stated her request was for a bathroom addition. She further stated her neighbors didn't object to the request.

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

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

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

3. **5687 Bear Stone Run** – Thomas Cason, applicant; Request for a rear yard setback variance from 30 feet to 19.5 feet for a proposed addition in R-1A (Single Family Dwelling) district; Located on the south side of Bear Stone Run approximately 1200 feet north of Aloma Oaks Drive; (BV2009-34). (District 1)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct an addition that would encroach 10.5 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.

Thomas Cason stated he originally applied for the variance for the applicant, Thomas Kohm because he didn't think he would be able to attend the meeting. He further stated Thomas Kohm was able to change his schedule and was there to present his case.

Thomas Kohm stated his 71 year old Dad was living with them and his bedroom was upstairs. He further stated it was getting harder for his Dad to come up and down the stairs therefore the purposed addition would be located downstairs for his Dad. He then stated there was a conservation area behind them and there was only one neighbor next to them. He also stated he received a letter of support from his neighbor as long as they didn't put any windows facing the neighbor's house, which they didn't plan on doing.

**Mr. Coover made a motion to approve the request with the restriction that there not be any windows on the east side facing the neighbor.**

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

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

Thomas Cason stated he would have to put a window in the side that is adjacent to the rear bedroom area for egress and the neighbor was aware of that. He further stated on the proposed addition there would be no windows added.

4. **2907 N. Whisperbay Court** – Tara Stewart, applicant; Request for a front yard (northeast side) setback variance from 25 feet to 17 feet for a proposed 6 foot wood fence in R-1AA (Single Family Dwelling) district; Located on the south side

of N. Whisperbay Court approximately 360 feet southeast of Lagoon Drive; (BV2009-29). (District 1)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a privacy fence along the northeast side of the home that would encroach 8 feet into the required 25 feet front 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. She also stated staff received a letter from the applicant's Homeowner's Association stating the applicant had not submitted for approval for the proposed fence.

Tara and Steve Stewart introduced themselves. Steve Stewart stated they had not applied for approval from the Homeowner's Association because they wanted to do the variance process first. He further stated they were not in any hurry to construct the fence. He then stated they wanted to construct the fence and have a functional backyard.

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

**Mr. Bushrui seconded the motion.**

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

5. **444 Ridgewood Street** – G.W. Buerger, applicant; Request for a side yard (east) setback variance from 10 feet to 0 feet for a proposed carport in R-1AA (Single Family Dwelling) district; Located on the south side of Ridgewood Street approximately 330 feet west of Palm Springs Drive; (BV2009-33). (District 4)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a carport along the east side of the house which would encroach 10 feet into the required 10 feet side yard setback. She further stated the applicant submitted a letter of support from the neighbor on the east. 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.

Gerry Buerger stated the previous owner poured a very thick concrete slab to park a motor home on. He further stated he wanted to put a carport roof over the slab to park his boat in. He then stated his neighbors had no objections and he would put a gutter on the outside of the roof so the water would not run into the neighbor's yard.

**Mr. O'Malley made a motion to approve the request with the condition that a gutter be placed on the edge of the new addition.**

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

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

6. **5436 White Heron Place** – Manuel & Nicole Toro, applicant; Request for a rear yard setback variance from 30 feet to 7 feet for a screen room addition in R-1 (Single Family Dwelling) district; Located on the east side of White Heron Place approximately 2500 feet east of Aloma Oaks Drive; (BV2009-32). (District 1)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct an addition on the south side of the pool that would encroach 23 feet into the required 30 feet rear yard setback. She further stated the applicant received approval from the Cypress Head at Aloma Woods Homeowner's Association and letters of support from both adjacent neighbors. 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.

Manuel Toro stated he was asking for a rear yard variance to do a covered screen porch to enjoy the outside pool area with his small kids. He further stated he would continue the proposed screen around the existing pool screen.

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

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

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

7. **411 Belle Avenue** – Chris Green, Beluga Homes, applicant; Request for 1) a front yard (west) setback variance from 50 feet to 23.4 feet for the enclosure of an existing garage and a new addition on the north side of home and 2) a front yard (south) setback variance from 50 feet to 23.55 feet for the enclosure of an existing garage in A-1 (Agriculture) district; Located on the northeast corner of Belle Avenue and 5th Street 360 feet east of Airport Blvd; (BV2009-31). (District 5)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to enclose an existing garage that encroached 24.6 feet into the required 50 feet front yard (west) setback and 24.45 feet into the required 50 feet front yard (south) setback. She further stated the existing home and garage were constructed in 1958. She then stated the applicant also proposed to construct an addition on the north side of the home that would encroach 24.6 feet into the required 50 feet front yard (west) setback. She also 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.

Chris Green introduced himself and the property owner, Beryl Bradham to the Board of Adjustment. He then stated he would be happy to answer any questions of the Board of Adjustment.

Mr. Hattaway asked if he would like to add anything to staff's comments.

Chris Green stated no, staff did a wonderful job.

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

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

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

8. **103 Lochinvar Drive** – Diana Duffy, applicant; Request for a rear yard setback variance from 30 feet to 14 feet for an existing addition in R-1A (Single Family Dwelling) district; Located on the east side of Lochinvar Drive approximately 200 feet east of Oxford Road; (BV2009-28). (District 4)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant constructed an addition that encroached 16 feet into the required 30 feet rear yard setback. She further stated the existing home was constructed in 1969 and was non-conforming for its setback at 26 feet for the rear yard and the required setback was 30 feet. She then stated a Notice of Violation for unpermitted construction was issued and the applicant had submitted for a building permit and variance to address the violation. She also stated there was no record of prior variances granted for the property.

Diana Duffy stated there was a 6 feet fence around the property and the fence was 1 feet 3 inches inside her property which was why she asked for the 14 feet. She further stated her neighbors didn't have any problem with the request.

**Mr. O'Malley made a motion to approve the variance to 15.3 feet.**

**Mr. Bushrui seconded the motion.**

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

9. **2620 Reagan Trail** – Caryn Northan, applicant; Request for a rear yard setback variance from 40 feet to 30 feet for a proposed room addition in R-1AA (Single Family Dwelling) district; Located on the south side of Reagan Trail approximately 600 feet west of Old Lake Mary Road; (BV2009-50). (District 5)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to construct a room addition that would encroach 10 feet into the required 40 feet rear yard setback. She further stated the 40 feet setback was established by a Development Order when the property was rezoned. She then

stated it was established by the County Attorney Office that the applicant could utilize the variance process. 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.

Chris Anderson stated the current foot print of the house was already elevated about 10 feet above the conservation easement. He further stated there were no flooding problems at the residence.

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

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

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

10. **Knollwood** – Chad Dunbar, applicant; Request for a wall height variance from 6 feet 6 inches to 8 feet for a subdivision wall for fifteen lots of the Knollwood development along SR 434 in the R-AAA (Single Family Dwelling) district; Located on the south side of SR 434 between the intersections of Palm Springs Road and Robert Street; (BV2009-35 thru 49) (District 4)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the properties and stated Seminole County was taking right of way for widening State Road 434 impacting 15 residential lots of the Knollwood neighborhood. She further stated the Seminole County Land Development Code permits a subdivision wall of a maximum height of 6 feet 6 inches but the property owners were requesting a subdivision wall that would be 8 feet or 1 feet and 6 inches higher than the permitted height. She then stated the proposed wall would be constructed within the property lines of the residential lots therefore a variance was requested for each property. Referring to the handout of suggested motions she stated the Board of Adjustment could make one motion for all of the requested variances with any conditions that the Board might want to tie to it. She also stated Brett Blackadar from Engineering was present if the Board had any questions about the construction of the wall.

Mr. Bushrui asked what type wall would be constructed.

Kathy Fall stated a precast form wall that would be on panels constructed together.

Chad Dunbar stated he represented the neighbors along 434 in the Knollwood community. He further stated the reason for the request was the road widening project on 434 going from 4 lanes to 6 lanes would be on their side with the average taking being 23 feet.

**Mr. O'Malley made a motion to approve with the recommended language staff submitted.**

**Mr. Coover seconded the motion.**

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

- a. **1201 Waverly Way** – Sandra Brock, applicant; Request for a wall height variance from 6 feet 6 inches to 8 feet in the R-1AAA (Single Family Dwelling) district; Located on the northwest corner of the intersection of Palms Springs Drive and Waverly Way; (BV2009-39). (District 4)
- b. **1203 Waverly Way** – Barbara June Moore, applicant; Request for a wall height variance from 6 feet 6 inches to 8 feet in the R-1AAA (Single Family Dwelling) district; Located on the north side of Waverly Way approximately 150 feet west of Palms Springs Drive; (BV2009-46). (District 4)
- c. **1207 Waverly Way** – Michael Vanderslice, applicant; Request for a wall height variance from 6 feet 6 inches to 8 feet in the R-1AAA (Single Family Dwelling) district; Located on the north side of Waverly Way approximately 450 feet west of Palms Springs Drive; (BV2009-45). (District 4)
- d. **1205 Waverly Way** – William Glen Roy, applicant; Request for a wall height variance from 6 feet 6 inches to 8 feet in the R-1AAA (Single Family Dwelling) district; Located on the north side of Waverly Way approximately 300 feet west of Palms Springs Drive; (BV2009-38). (District 4)
- e. **1209 Waverly Way** – Dermott & Dorothy Rogers, applicant; Request for a wall height variance from 6 feet 6 inches to 8 feet in the R-1AAA (Single Family Dwelling) district; Located on the north side of Waverly Way approximately 600 feet west of Palms Springs Drive; (BV2009-49). (District 4)
- f. **1211 Waverly Way** – James Janego, applicant; Request for a wall height variance from 6 feet 6 inches to 8 feet in the R-1AAA (Single Family Dwelling) district; Located on the north side of Waverly Way approximately 750 feet west of Palms Springs Drive; (BV2009-48). (District 4)
- g. **1213 Waverly Way** – Jennifer and Chad Dunbar, applicant; Request for a wall height variance from 6 feet 6 inches to 8 feet in the R-1AAA (Single Family Dwelling) district; Located on the north side of Waverly Way approximately 900 feet west of Palms Springs Drive; (BV2009-35). (District 4)
- h. **1309 Windsor Avenue** – Russell & Doris Mueller, applicant; Request for a wall height variance from 6 feet 6 inches to 8 feet in the R-1AAA (Single Family Dwelling) district; Located on the north side of Windsor Avenue approximately 300 feet east of Roxboro Road; (BV2009-44). (District 4)
- i. **1311 Windsor Avenue** – Claire Clegg, applicant; Request for a wall height variance from 6 feet 6 inches to 8 feet in the R-1AAA (Single Family

Dwelling) district; Located on the north side of Windsor Avenue approximately 150 feet east of Roxboro Road; (BV2009-42). (District 4)

- j. **1315 Windsor Avenue** – John & Pamela Kacerosky, applicant; Request for a wall height variance from 6 feet 6 inches to 8 feet in the R-1AAA (Single Family Dwelling) district; Located on the northwest corner of the intersection of Windsor Avenue and Roxboro Road; (BV2009-40). (District 4)
- k. **1321 Windsor Avenue** – Elena Duffy, applicant; Request for a wall height variance from 6 feet 6 inches to 8 feet in the R-1AAA (Single Family Dwelling) district; Located on the north side of Windsor Avenue approximately 200 feet west of Roxboro Road; (BV2009-43). (District 4)
- l. **1401 Windsor Avenue** – Arthur Rippy and Maria Peterson, applicant; Request for a wall height variance from 6 feet 6 inches to 8 feet in the R-1AAA (Single Family Dwelling) district; Located on the north side of Windsor Avenue approximately 350 feet west of Roxboro Road; (BV2009-41). (District 4)
- m. **1415 Windsor Avenue** – James & Shirley Richardson, applicant; Request for a wall height variance from 6 feet 6 inches to 8 feet in the R-1AAA (Single Family Dwelling) district; Located on the north side of Windsor Avenue approximately 500 feet west of Roxboro Road; (BV2009-37). (District 4)
- n. **1777 Robert Street** – Eddie & Kim Rodriguez, applicant; Request for a wall height variance from 6 feet 6 inches to 8 feet in the R-1AAA (Single Family Dwelling) district; Located on the north side of Robert Street approximately 450 feet east of SR 434; (BV2009-36). (District 4)  
Kathy Fall, Principal Planner
- o. **1781 Robert Street** – Robin Graham, applicant; Request for a wall height variance from 6 feet 6 inches to 8 feet in the R-1AAA (Single Family Dwelling) district; Located on the southeast corner of the intersection of Robert Street and SR 434; (BV2009-47). (District 4)

## **APPROVAL MAY 18, 2009 MEETING MINUTES**

**Mr. Coover made a motion to approve the May 18, 2009 Minutes.**

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

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

## **AJOURNMENT**

**Time of Adjournment was 6:50 P.M.**