

MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT AUGUST 24, 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; 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. **1940 Howell Branch Road** – Monisha Seth, applicant; Request for a west side yard setback variance from 10 feet to 3.5 feet and a east side yard setback variance from 10 feet to 5 feet for a existing building in RP (Residential Professional) district; Located on the south side of Howell Branch Road approximately 630 feet west of Lake Howell Road; (BV2009-70). (District 4)
Kathy Fall, Principal 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. **289 Lyman Road** – Nathan Zack, applicant; Request a variance from the required 25-foot front yard landscaped green area to a 10 foot front yard landscaped green area in M-1 (Industrial) district; Located on the east side of Lyman Rd approximately 200 feet south of Ronald Reagan Blvd; (BV2009-61). (District 4)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant requested a variance to allow existing parking to encroach 15 feet into the required 25 feet front yard landscaped green area. She further stated in July of 1992 the site was granted a special exception to permit a recycling center. She then stated there were currently no code enforcement or building violations for the property.

Daniel Zack with Zack Investments Casselberry LLC stated they were a young company and they were requesting the variance because they were expanding their company and the additional parking would allow them more space to expand. He then asked if the Board of Adjustment had any questions.

Mr. Coover made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

3. **1174 Lake Lucerne Circle** – Dawn & Jason Siple, applicants; Request for a rear yard setback variance from 30 feet to 15-feet-6-inches for an existing carport/utility shed in R-1A (Single Family Dwelling) district; Located on the south side of Lake Lucerne Circle approximately 100 feet west of George Street; (BV2009-64). (District-2)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to enclose an existing carport/utility shed that would encroach 14 feet 6 inches 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.

Dawn Siple stated the property was her childhood home and she was looking to enclose the carport and utility room by adding walls and turn it into her kitchen. She further stated her existing kitchen was extremely small. She then stated the home was under 1000 square feet and they had a growing family and they wanted to enlarge the house. She lastly stated she had letters of support from some of her neighbors.

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

Mr. O'Daniel seconded the motion.

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

4. **113 Brantley Harbor Drive** – Arleigh Baker, applicant; Request for a rear yard setback variance from 30 feet to 26 feet for a screen room/covered patio in R-1AA (Single Family Dwelling) district; Located on the west side of Brantley Harbor Drive approximately 650 feet north of Lake Front Lane; (BV2009-68). (District-3)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to replace an existing screen porch that encroached 4 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.

Arleigh Baker stated he was applying for a variance for his patio and they had an existing patio they wanted to replace the roof with an insulated roof. He further stated the new screen room would be on the same footprint as the existing patio and have the same color scheme. He then showed the Board of Adjustment pictures of the existing patio. He also stated he had a letter of support from their neighbors and approval from the Architectural Review Committee.

Mr. Bushrui made a motion to approve the request.

Mr. O'Malley seconded the motion.

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

5. **2803 Willow Bay Terrace** – Vartkes & Sona Garabedian, applicants; Request for a rear yard setback variance from 30 feet to 15 feet for a screen room in R-1A (Single Family Dwelling) district; Located on the north side of Willow Bay Terrace approximately ¼ mile south of Red Bug Lake Rd; (BV2009-69). (District-1)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct a screen room that would encroach 15 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.

Vartkes Garabedian stated he wanted to build a screen room at the back of the property for a sitting area. He then stated they were seeking approval from the Board of Adjustment.

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

Mr. Coover seconded the motion.

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

6. **2737 Cahill Way** – Colleen Kelly Johnson, applicant; Request for a side street (south) setback variance from 20 feet to 7 feet for a proposed fence in PUD (Planned Unit Development) district; Located on the northeast corner of Cahill Way and Brightview Drive; (BV2009-66). (District 5)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a privacy fence along Brightview Drive that would encroach 13 feet into the required 20 feet side street setback. She further stated in 1991 a side street setback variance to 15.8 feet was granted to Centex Home

for the main structure although the current survey shows the home to be built at about 17.34 feet from Brighton. She then stated there were currently no code enforcement or building violations for the property. She also stated Traffic Engineering reviewed the request and found no issues relating to traffic safety with the proposed fence.

Colleen Johnson stated she just wanted to enclose the back and side of her property. She further stated she wanted to line the fence up with her neighbor's back end.

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

Mr. Coover seconded the motion.

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

7. **3536 Halegate Court** – George Carroll, applicant; Request for 1) a rear yard setback variance from 20 feet to 17 feet for a proposed addition on the rear of the home and 2) a side yard (west) setback variance from 7.5 feet to 5 feet for a proposed room extension in PUD (Planned Unit Development) district; Located on the north side of Halegate Court approximately 150 feet east of Carillon Park Drive; (BV2009-71). (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 3 feet into the required 20 feet rear yard setback. She further stated the family room extension / bump out on the west side of the home would encroach 2.5 feet into the required 7.5 feet side yard setback. 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.

George Carroll stated he was applying for a variance to bump out the family room on the side and do an addition on the rear of the property. He further stated he received approval from the Architectural Review Committee.

Mr. Coover made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

8. **100 Faith Terrace** – Kathy Hattaway, applicant; Request for a front yard setback variance from 25 feet to 7 feet for a proposed office building in OP (Office) district; Located on the northeast corner of Maitland Avenue and Oakwood Drive; (BV2009-73). (District 4)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant was seeking a variance for a portion of a proposed building that would encroach 18 feet into the required 25 feet front yard setback. She further stated on April 26, 2005 a conceptual site plan was approved for OP (Office) zoning with a front yard setback of 25 feet along Maitland Avenue and a side yard setback along Oakwood Drive of 25 feet. She then stated subsequently a survey error was discovered and as a result the property boundary was clipped at Maitland Avenue and Oakwood Drive by a right-of-way corner clip which changed the building setback from the edge of the property at the southwest corner. She also stated physically the building remained in the same location and the relationship to the right of way remain the same as approved on the final master plan. She further stated the current setback at Maitland Avenue is now at 7 feet and required a variance. 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 of the property.

Kathy Hattaway with HCI Planning and Land Development Consultants stated she was representing the owners of the property, Tim and Holly David. She further stated as Staff indicated the variance request was for a portion of the front yard setback for the proposed office building in order to reconcile a survey error. She then stated the request would in no way change what was approved by the Board of County Commissioners. She also stated the three lots were a part of a site plan approved in 2005. She further stated the request would in no way impact the residents adjacent to the property or the businesses in the area. She lastly stated Holly David was with her along with the Engineer on the project, Jack Reynolds if the Board of Adjustment had any questions they would be happy to answer them.

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

Mr. O'Daniel seconded the motion.

The motion passed by unanimous consent (4-0). Mr. Hattaway did not vote on this Item.

9. **3900 Wimbledon Drive** – John Giuliani, Landmark Building and Construction, Inc, applicant; Request for 1) a front yard setback variance from 50 feet to 46.92 feet and 2) a side street setback variance from 50 feet to 39.34 feet for an existing two story home in A-1 (Agriculture) district; Located on the northwest corner of Wimbledon Drive and Shady Oak Court; (BV2009-75). (District 5)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant requested variances to cure encroachments of the existing structure into the front yard and side street setbacks. She further stated the southeast corner of the existing home encroached 10.66 feet into the required 50 feet side street setback. She then stated the east side of the house encroached 3.08 feet into the required 50 feet front yard setback. She also stated an administrative

variance was granted for the new addition at the southwest corner of the home. She lastly stated there were currently no code enforcement or building violations for the property.

John Giuliani stated he was with Landmark Building and Construction and they were trying to clear up the matter that took place during construction about 20 years ago. He further stated the current owner purchased the property in 2001 and they wanted to resolve the issue so there would not be any problems in the future.

Mr. Coover made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

10. **624 Tuskawilla Point Lane** – Yvonne Elaine Franke, applicant; Request for a fence height variance from 6.5 feet to 8 feet in R-1A (Single Family Dwelling) district; Located on the west side of Tuskawilla Point Lane approximately 440 feet west of Tuskawilla Road; (BV2009-76). (District 1)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct an 8 foot privacy fence at the rear of the property. She further stated there was a block subdivision wall behind the applicant's property that belonged to the adjoining subdivision; it is eight feet tall across half of the lot and then drops to four feet to complete the run. She then stated the applicant proposed to construct the 8 foot privacy fence in front of the four foot section of the wall in order to secure their pool. She also stated the grade difference of the adjacent subdivision lot was much higher and that necessitated the higher fence. She lastly stated there was currently no code enforcement or building violations for the property.

Yvonne Franke stated they were trying to make their property code compliant for pool safety.

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

Mr. Coover seconded the motion.

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

11. **Baker Avenue (Lot 2)** – William Partin, applicant; Request for 1) a lot size variance from 43,560 square feet to 14,144 square feet and 2) a front yard setback variance from 50 feet to 25 feet for a new single family residence in A-1 (Agriculture) district; Located on the east side of Baker Avenue approximately 150 feet south of McNeil Road; (BV2009-77). (District 3)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a new single family home on a lot that was substandard for the A-1 zoning. She further stated the applicant also requested a variance from 50 feet to 25 feet for the front yard setback. She then stated of the eleven lots in the subdivision, five of the lots received variances for lot area and four homes were constructed prior to 1960 which pre-dated the zoning regulations. She also stated the applicant's lot was the last vacant lot to be developed in the subdivision. She lastly stated there were currently no code enforcement or building violations for the property.

William Partin stated he did the same request eight years ago on the property at 440 Baker Avenue which is his home. He further stated there was a person wanting to build a house on the subject lot so they came to the County and were told they had to apply for the variances.

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

Mr. O'Daniel seconded the motion.

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

12. **1049 Reading Court** – Zenaida Arrieta & Maria Martinez, applicant; Request for a rear yard setback variance from 30 feet to 24.07 feet for a proposed addition in R-1A (Single Family Dwelling) district; Located on the south side of Reading Court approximately 280 feet south of Princess Gate Boulevard; (BV2009-65). (District 1)

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to construct an addition that would consist of a bathroom and lanai that would encroach 6 feet into the required 30 feet rear yard setback. She further stated the applicant house backed up to the wooded area of the adjacent property. 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.

Henry Martinez stated he, Maria Martinez his wife and his mother-in-law, Zenaida Arrieta all live together. He further stated they wanted to create a master bathroom in the rear of the home. He then stated the bathroom would only encroach 6 feet into the setback.

Mr. Coover made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

13. **3301 Foxcroft Circle** – Leigh Beyer, applicant; Request for a side yard (southeast) setback variance from 10 feet to 2 feet for a proposed pool and 10 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district; Located on the northwest corner of the intersection of Foxcroft Circle and Lockwood Boulevard; (BV2009-72). (District 1)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to construct a pool and screen enclosure. She further stated the pool would encroach 8 feet into the required 10 feet side yard setback and the pool screen enclosure would encroach 10 feet into the required 10 feet side yard setback. 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 the applicant had a triple frontage lot.

Leigh Beyer stated she represented the homeowners. She further stated the lot had three streets on each side which created a hardship for the homeowners to put a standard pool in the backyard. She then stated there needed to be a sufficient area of deck around the water for safety reasons and walking area. She then stated they received a letter of support from the only neighbor that would be affected and approval from the Homeowner's Association.

Mr. Bushrui made a motion to approve the request.

Mr. O'Malley seconded the motion.

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

14. **601 East Citrus Street** – Dora Schoepein, applicant; Request for a front yard setback variance from 25 feet to 0 feet for a fence in R-1AA (Single Family Dwelling) district; Located on the northeast corner of the intersection of East Citrus Street and Grove Avenue; (BV2009-63). (District 4)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to replace an existing fence that encroached entirely into the front yard setback of 25 feet. She further stated the house was built in 1971 and the fence had been there for 30 years. She then stated the property was a corner lot and the fence was located on the side street setback. She also stated there were currently no code enforcement or building violations for the property. She lastly stated there was no line of site issues with the fence.

Karl Schoepein stated his mother was the applicant and they wanted to keep the fence where it had been for the past 30 years. He further stated when they built the new fence at the beginning of the year they didn't know it was in the wrong place and they didn't pull a permit. He then stated the house was on two dead end roads with no traffic issues.

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

Mr. O'Daniel seconded the motion.

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

MOBILE HOMES

15. **110 North Center Street** – Gerald Cox, applicant; Request for a special exception for the permanent placement of a mobile home in A-1 (Agriculture Dwelling) district; Located on the northeast corner of the intersection of North Center Street and State Road 46; (BM2009-04). (District 5)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant requested the renewal of an existing expired 1980 single wide mobile home, where mobile homes were allowed only by special exception. She further stated in 1992 and 1998 the property received approval for renewals for five years. She then stated permanent placement of a 1980 single wide mobile home was not in keeping with the policies established by the Board of Adjustment and that permanent approvals had been granted to current year mobile home models that were double wide or larger within Seminole County. She also stated if the Board of Adjustment did choose to grant the approval of the mobile home special exception Staff recommended 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 deemed appropriate by the Board of Adjustment
- Access will be only on North Center Street

Gerald Cox stated he was the owner of the property and when he purchased the property the mobile home was on the property. He further stated the mobile home had been on the property for about 20 years. He then showed the Board of Adjustment pictures of the property and stated the mobile home could not be seen from State Road 46. He also stated the mobile home had new appliances and carpet with all utilities in place. He further stated the property was currently unoccupied and a rental property.

Mr. Coover made a motion to approve the mobile home for 5 years with Staff's recommended conditions.

Mr. O'Daniel seconded the motion.

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

16. **5070 Nolan Road** – Jeffrey & Michele Wallace, applicant; Request for the limited use of a mobile home for 1 year while a single family home is under construction in A-1 (Agriculture) district; Located on the west side of Nolan Road approximately 360 feet north of Myrtle Street; (BM2009-03). (District 5)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant requested the one year placement of a mobile home in the A-1 district, while a permanent single-family home was under construction. She further stated the temporary occupancy of a mobile home while a single family home is under construction is permitted only by special exception under limited use. She then stated the limited use would only allow for one year with the option to renew for an additional year upon application to the Board of Adjustment. She also stated at present the trend of development in the immediate area included mobile homes, conventional single family homes and vacant properties. She lastly stated staff recommended approval of the request with the following conditions:

- The appropriate building permit shall be secured for placement and occupancy of the proposed mobile home as a temporary single family dwelling on the subject property
- A permanent single family home shall be actively under construction and inspected during the period the recreational vehicle is used as a temporary dwelling
- The placement and occupancy of the mobile home shall not exceed (1) year and shall be renewable for an additional period of one (1) year upon approval by the Board of Adjustment
- Prior to final inspection of the residence, the property owner shall furnish the Planning Division with acceptable evidence as to the date and method that the mobile home will be removed
- The mobile home shall be removed within thirty (30) days after final inspection of the permanent single family home

Jeff Wallace stated they were requesting the mobile home as temporary housing during the construction of their new home. He submitted the blue prints for their new home stating they were ready to start construction of the new home. He further stated they would like to stay on the property to oversee construction for one year. He then showed the Board of Adjustment pictures of the mobile home stating it was a single wide in very good condition and they were hoping to receive approval from the Board of Adjustment.

Mr. Hattaway asked Jeff Wallace did he understand the conditions of approval.

Jeff Wallace stated yes sir.

Mr. Bushrui made a motion to approve the one year placement of a single wide mobile home.

Mr. O'Malley seconded the motion.

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

APPROVAL JULY 27, 2009 MEETING MINUTES

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

Mr. O'Daniel seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 7:10 P.M.