

# MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT OCTOBER 26, 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; 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.

Kathy Fall requested Item #5 be continued until the December 7, 2009 Meeting.

## CONSENT

1. **2100 Derbyshire Road** – Linda Heller, applicant; Request for a side yard (west) setback variance from 10 feet to 7.5 feet to enclose an existing carport in R-1AA (Single Family Dwelling) district; Located on the south side of Derbyshire Road approximately 850 feet west Oxford Road; (BV2009-86). (District 4)  
Denny Gibbs, Senior Planner

**Mr. Bushrui made a motion to approve Consent Item #1.**

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

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

## PUBLIC HEARINGS

2. **1260 Depugh Street** – Essam Tanios, applicant; Request for a side street (west) setback variance from 25 feet to 13 feet for an existing 6-foot privacy fence in R-1 (Single Family Dwelling) district; Located at the intersection of Central Street and Depugh Street; (BV2009-87). (District - 4)  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant requested a side street variance to allow an existing 6 foot privacy fence that encroached 12 feet into the required 25 feet side street setback. She further stated in August of 2009 the applicant received a notice of code violation for the unpermitted construction of the fence. She then stated there was no record of prior variances granted for the property.

Essam Tanios stated the property was a corner lot and the fence was put up for security purposes. He further stated the house next door was a foreclosure and there had been problems with vandalism. He then stated they were trying to protect their property by putting up the privacy fence.

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

**Mr. Bushrui seconded the motion.**

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

3. **4121 E Danby Court** – Nate Carbone, applicant; Request for a front yard setback variance from 25 feet to 21 feet for a covered porch addition in R-1AAA (Single Family Dwelling) district; Located on the south side of E Danby Ct approximately 150 feet east of Huntridge Way; (BV2009-88).  
(District - 2)  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to extend the existing front porch in order to create a covered entrance way to the home. She further stated the porch extension would encroach 4 feet into the required 25 feet front 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.

Nate Carbone stated one reason they wanted the covered porch was for the past twenty years when they went on vacation they would have to worry about the water coming through the front door. He further stated they finally decided to put in new windows and a new door and with the proposed new covered porch that would give them more protection and a drier front of the house.

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

**Mr. Coover seconded the motion.**

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

4. **5573 1<sup>st</sup> Street** – Matthew & Lara Cato, applicants; request for 1) a front yard setback variance from 50 feet to 20 feet, and 2) a rear yard setback variance from 30 feet to 16 feet for a proposed single story home in A-1 (Agriculture) district; Located on the south side of 1<sup>st</sup> Street approximately 1000 feet east of Orange Blvd; (BV2009-89). (District-5)  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to remove an existing single family home that was built in 1954, and construct a new 2,300 square foot single family home. She further stated the

subject site consisted of lots 25 and 26 of the Town of Lake Sylvan plat which was platted in 1914 prior to the Seminole County subdivision regulations. She then stated the proposed single family home would encroach less in the front yard setback than the existing home which currently encroached 38 feet into the required 50 feet front yard setback. She also stated the rear yard abuts a bike path; therefore the rear yard setback encroachment would not be intrusive to abutting property owners.

Michael Bledsoe stated his daughter Laura Cato, the applicant asked him to speak on her behalf. He further stated the applicants were looking to make the proposed new single family home their primary residence. He then stated the current home is a small rental property in need of replacement. He also stated the applicants talked to the neighbors on both sides and they were in support of the improvement. He lastly stated without the variance the applicants would have to put a small home on the lot.

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

**Mr. Bushrui seconded the motion.**

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

5. **612 Lugano Court** – Diane & Stephen Ferrando, applicants; Request for 1) a rear yard setback variance from 30 feet to 14 feet for a proposed concrete above ground pool and 2) a rear yard setback variance from 30 feet to 10 feet for a proposed pool screen enclosure in R-1A (Single Family Dwelling) district; Located on the south side of Lugano Court approximately 200 feet south of Via Bonita; (BV2009-90). (District 5)  
Denny Gibbs, Senior Planner

**Mr. O'Malley made a motion to continue Item #5 until the December 7, 2009 Meeting.**

**Mr. Bushrui seconded the motion.**

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

6. **310 W. Hornbeam Drive** – Thomas & Maia Knuckey, applicants; Request for a side street setback variance from 25 feet to 17 feet for a proposed privacy fence in PUD (Single Family Dwelling) district; Located on the north side of W. Hornbeam Drive approximately 1700 feet west of N. Sabal Palm Drive; (BV2009-91). (District 3)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a privacy fence that would extend 8 feet into a small portion of the required front yard setback at the north side of the home. She further stated the applicants were installing a swimming pool and the fence would

secure the pool. She then stated the applicants received approval from their Homeowner's Association and letters of support from both adjacent neighbors. 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.

Tom Knuckey stated he had a rendering of what they intended to do as far as where the fence setback would be. He further stated the proposed wooden privacy fence would enclose the pool and a playground area for his two children to play in.

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

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

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

7. **1936 Deerview Place** – Bobby & Lily Yip, applicant; Request for a side yard (north) setback variance from 10 feet to 5 feet for a proposed pool screen enclosure addition in R-1AA (Single Family Dwelling) district; Located on the north side of Ivy Lane approximately 300 feet west of Lake Emma Road; (BV2009-93). (District 4)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a pool screen enclosure that would encroach 5 feet into the required 10 feet side yard setback. She further stated the applicants received approval from their Homeowner's Association. 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.

Bobby Yip stated he was requesting approval for a screen enclosure for a pool. He further stated the property was on a lake and all the houses along the lake had a retaining wall. He then stated he was surprised there was no record of variances in the area. He also stated his pool screen would be within 10 feet which was why he was requesting the variance.

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

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

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

## **APPROVAL SEPTEMBER 28, 2009 MEETING MINUTES**

**Mr. Coover made a motion to approve the Amended September 28, 2009 Minutes.**

**Mr. Bushrui seconded the motion.**

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

## **ADJOURNMENT**

**Time of Adjournment was 6:15 P.M.**