

MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT JANUARY 25, 2010 MEETING 6:00 P.M.

Members Present: Dan Bushrui, Vice Chairman; Tom O'Daniel, Bob O'Malley, Stephen Coover and Curtis Gashlin

Staff Present: Kathy Fall, Principal Planner; Denny Gibbs, Senior Planner; Tina Williamson, Assistant Planning Manager; Joy Williams, Planner; and Patty Johnson, Staff Assistant

Mr. Bushrui called the meeting to order at 6:00 P.M. Mr. Bushrui then explained the method by which the meeting would be conducted, rules for voting and appealing decisions.

PUBLIC HEARING ITEMS

1. **2753 Joseph Circle** – Robert Walker, applicant; Request for a front yard setback variance from 10 feet to 0 feet for a proposed 6 foot privacy fence in R-1BB (Single Family Dwelling) district; Located on the south side of Joseph Circle approximately 630 feet west of Alafaya Trail; (BV2009-110). (District-1)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct a 6 foot privacy fence approximately 30 feet in length in order to screen an existing AT&T phone cabinet from view. She further stated the phone cabinet was located within the utility easement; and it has been requested by the neighborhood that the equipment be screened from view of the right of way. She then stated on December 7, 2009, the applicant was granted a front yard setback variance from 20 feet to 10 feet for the proposed fence; it had since been determined that the requested setback was not sufficient, therefore requiring the applicant to request a new variance.

Robert Walker stated he was applying for a screen fence to hide an existing AT&T equipment cabinet. He further stated he was there to answer any questions the Board of Adjustment might have.

Mr. Gashlin made a motion to approve the request.

Mr. O'Malley seconded the motion.

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

2. **450 Winding Creek Place** – Leigh Beyer, applicant; Request for a 1) rear yard setback variance from 10 feet to 2 feet for a pool, and a 2) rear yard setback variance from 5 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district; Located on the north side of Winding Creek Place approximately 300 feet west of Sabal Palm Drive; (BV2009-117). (District-3)
Joy Williams, Planner

After a brief discussion this Item was continued until the February 22, 2010 meeting.

Mr. Coover made a motion to continued Item #2 until the February 22, 2010 meeting.

Mr. O'Daniel seconded the motion.

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

3. **100 Lyman Road** – Jonathan Taylor, applicant; Request for a 1) front yard setback variance from 25 feet to 12.5 feet and a 2) side street setback variance from 25 feet to 12.5 feet for a proposed warehouse in M-1 (Industrial) district; Located on the west side of Lyman Road approximately 300 feet south of Plumosa Avenue; (BV2009-118). (District-4)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct a warehouse that would encroach 12.5 feet into the required 25 feet front and side street setbacks. She further stated due to a 50 foot power easement that ran north and south along the center of the subject site the applicant was limited to where the building could be placed. 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.

Brain Taylor stated they were limited because of the large transmission line easement on the property, which was why they were asking for the additional 12.5 feet to stay away from the power lines. He then provided additional letters of support from adjacent property owners. He lastly stated he was there to answer any questions about the project.

Mr. Coover made a motion to approve the request.

Mr. O.Malley seconded the motion.

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

4. **3850 Mill Creek Lane** – Alicia Stewart, applicant; Request for a side street setback variance from 25 feet to 9 feet for a 6-foot privacy fence in R-1AA (Single Family Dwelling) district; Located at the intersection of Sutters Mill Circle and Mill Creek Lane; (BV2009-121). (District-1)

Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant requested a variance for an existing privacy fence that encroaches 16 feet into the required 25 feet side street setback. She further stated on December 14, 2009, the applicant received a notice of code violation for the unpermitted construction of the fence. She then stated in 2001 the property was granted a side street setback variance from 25 feet to 19 feet for a pool. She also stated Traffic Engineering reviewed the request and had no line of site issues.

Alicia Stewart stated in 2001 when they received a variance for their pool they thought they received a variance for the fence as well. She further stated the fence had been up for 9 years in the same location. She then stated they received the code violation for replacing panels. She also stated when they went to get a permit they were told they needed to apply for a variance for the fence.

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

Mr. Gashlin seconded the motion.

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

5. **3069 Nicholson Drive** – Jozsef Rozsa, applicant; Request for a rear yard setback variance from 30 feet to 0 feet and 2) a side yard (north) setback variance from 7.5 feet to 0 feet for an existing covered carport in R-1 (Single Family Dwelling) district; Located on the east side of Nicholson Drive approximately 1100 feet east of Betty Street; (BV2009-108). (District 1)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant constructed a carport structure for boat storage that encroached 30 feet into the required 30 feet rear yard setback and 7.5 feet into the required 7.5 feet side yard setback. She further stated the carport structure is a shed roof structure approximately 350 square feet. She then stated a Notice of Violation was issued to the applicant for unpermitted construction. She also stated if the variances were approved, prior to permitting the applicant must also vacate two utility easements along the side and rear property lines. She lastly stated there was no record of prior variances granted for the property.

Jozsef Rozsa stated he was applying for the open carport with a roof on top for shade. He further stated he made a mistake by putting the structure up and not getting a permit from the Building Department, but now he was trying to make things right. He then stated he took pictures to show the Board of Adjustment what he did. He also stated the structure was used to cover his boat and jet ski and the structure had no concrete under it. He lastly stated he talked to both adjacent neighbors and they did not object to the existing structure.

Mr. Coover made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

6. **2500 US Hwy 17-92** – Roger Repstein, applicant; Request for 1) a front yard (southwest) setback variance from 25 feet to 10 feet and 2) a side street (southeast) setback variance from 25 feet to 24 feet for a proposed covered patio in C-2 (Commercial) district; Located on the northwest corner of US Hwy 17-92 and Dog Track Road; (BV2009-114). (District 4)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to renovate the Post Time Lounge and to construct a new covered porch addition to the front of the building. She further stated the proposed addition would encroach 1 foot into the required 25 foot side street setback at US HWY 17-92 and 15 feet into the required 25 foot front yard setback along Dog Track Road. She then stated in 1983 the property received a variance for parking. She also stated there were currently no code enforcement or building violations for the property.

Roger Repstein stated he was an Architect, Engineer and General Contractor, representing the owner of the Post Time Lounge. He further stated there had been some modification to the boundaries of the property with the expansion of Dog Track Road and 17-92. He then stated they were requesting the variances to allow the structure to be renovated, having a new look and developing an area outside with landscaping.

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

Mr. Gashlin seconded the motion.

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

7. **625 East Highland Street** – Pattie Brown, applicant; Request for 1) a side yard (north) setback variance from 10 feet to 7 feet and 2) a side street (east) setback variance from 25 feet to 7 feet for a proposed shed (Shed 1); and 3) a side street (east) setback variance from 25 feet to 15 feet for a proposed shed (Shed 2) in R-1AA (Single Family Dwelling) district; Located on the northwest corner of Evergreen Avenue and East Highland Street; (BV2009-115). (District 4)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to place two (2) sheds on the property. She further stated shed 1 would encroach 3 feet into the required 10 foot side yard setback and 18 feet into the required 25 foot side street setback. She then stated shed 2 would encroach 10 feet into the required 25 foot side street setback. She also stated the side street was an uncut platted right-of-way being used primarily for power

lines. She further 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.

Pattie Brown stated she didn't have a presentation to present but she would answer and questions.

Mr. Bushrui asked what would the sheds be used for.

Pattie Brown stated she was living in her mother's house on Highland Street, but she also had a house in Sanford that she wanted to sell and she wanted to store some of her things and her mother's things in the sheds.

Mr. Coover made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

8. **4646 Tiffany Woods Circle** – Jason Rowland, applicant; Request for a rear yard setback variance from 30 feet to 22 feet for a proposed screen room addition in R-1A (Single Family Dwelling) district; Located on the south side of Tiffany Woods Circle approximately 1,200 feet west of Tuskawilla Road; (BV2009-119). (District 1)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a 312 square feet screen room at the rear of the home that would encroach 8 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.

Dale Kundis stated he was the owner of the property and he was requesting a variance for a patio.

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

Mr. O'Daniel seconded the motion.

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

SPECIAL EXCEPTIONS

9. **4595 Howell Branch Road** – Dr. Carol Mikulka, applicant; Request for a special exception for a private middle and high school in A-1(Agriculture) district; Located

on the north side of Howell Branch Road approximately 1200 feet west of Grand Road; (BS 2009-19) (District 1)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to expand an existing permitted private elementary school (Walden Community School) to include middle and high school students. She further stated there were currently five (5) students and two (2) staff members and the applicant would like to increase the enrollment to ten (10) students but not change the number of employees. She then stated the school would offer on line classes and not have the typical use associated, such as outdoor sports or activities associated with Public Middle and High Schools and some larger Private Schools. She also stated the school would not permit the high school students to drive to or from the school. She further stated the existing use and proposed expansion was consistent with the current development trend on Howell Lake Road. She lastly stated staff recommended approval of the special exception request based upon the following conditions:

- The Special Exception granted will apply only to the proposed expansion of the elementary school to include middle and high school students
- The maximum enrollment of students at the school shall not exceed ten students
- There shall be no more than two employees on site
- Students will not be permitted to drive to or from the school
- Outdoor sports related activities, such as football games, shall not be permitted
- The hours of operation shall be from 7:30 A.M. to 5:00 P.M.
- The general layout of the proposed uses as depicted on the site plan shall not change
- No building floor area 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

Dr. Carol Mikulka stated she concurred and agreed with all the requirements. She further stated the site plan had been approved.

David Green stated he owned the property directly adjacent to the school. He further stated the school was a significant asset to the area. He then stated he was in support of the school and hoped the Board of Adjustment voted in favor of the special exception.

Mr. Coover made a motion to approve the special exception request with staff's recommendations.

Mr. O'Malley seconded the motion.

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

10. **350 Lake Hayes Road** – Lauralee G. Westin, Esq., applicant; Request for a special exception for a 150 foot monopole communication tower and its associated residential variances, as listed in the following table, in R-1AA (Single Family Dwelling); Located on the north side of Lake Hayes Road approximately 800 feet east of Alafaya Trail; (BS2009-22 & BV2009-122). (District 1)
Kathy Fall, Principal Planner

No.	Parcel Number	Owners Name	Required Setback	Actual Setback	Variance Requested
1	27-21-31-520-0000-0120	Fernandez Teresa Trustee	450'	390'	60'
2	27-21-31-520-0000-0110	Bruce & Deborah A. Taylor	450'	400'	50'
3	27-21-31-520-0000-0100	Dean & Darlene Nogle	450'	395'	55'
4	27-21-31-520-0000-0090	Victor Guasp	450'	420'	30'
5	27-21-31-520-0000-0080	Robin Kossow	450'	450'	less than 1'
6	27-21-31-520-0000-0130	Doug Herrold Trustee	450'	300'	150'
7	27-21-31-520-0000-0140	Clayton & Lauren Rasberry	450'	230'	220'
8	27-21-31-520-0000-0150	C. Baumann & A. Geisler	450'	190'	260'
9	27-21-31-520-0000-0160	Jesse B. Hammen	450'	215'	235'
10	27-21-31-520-0000-0170	Harrison & Joan Parker	450'	260'	190'
11	27-21-31-520-0000-0180	Willhelm & Emilija Pirnasch	450'	320'	130'
12	27-21-31-520-0000-0190	C. Bershad & V. Bowman	450'	385'	65'
13	27-21-31-300-0120-0000	Chapman Groves HOA Inc.	450'	220'	230'
14	27-21-31-512-0000-0620	Anthony & Jodi Dubois	450'	195'	255'
15	27-21-31-512-0000-0610	Mark & Maria Fredeman	450'	210'	240'
16	27-21-31-512-0000-0600	Donald & Cheryl Meis	450'	260'	190'
17	27-21-31-512-0000-0590	Philippus & Celeste Van Staden	450'	305'	145'
18	27-21-31-512-0000-0580	Cynthia Keiker	450'	370'	80'
19	27-21-31-512-0000-0570	Matthew & Jennifer Parcel	450'	435'	15'
20	27-21-31-512-0000-0630	Judy & Rory Elmore	450'	205'	245'
21	27-21-31-512-0000-0640	Constantine & Lisa Fotiadis	450'	270'	180'
22	27-21-31-512-0F00-0000	Landstar Development Corp.	450'	310'	140'
23	27-21-31-512-0C00-0000	Chapman Groves HOA Inc.	450'	350'	100'
24	27-21-31-512-0000-0650	David Yong	450'	355'	95'
25	27-21-31-512-0000-0660	Michael & Marcus & Plaridel Posis	450'	370'	80'
26	27-21-31-512-0000-0670	John & Susan Tucciarone	450'	395'	55'
27	27-21-31-512-0000-0460	Dan & Misty Welsh	450'	460'	less than 1'
28	27-21-31-512-0000-0680	Allen & Taeil Abrahams	450'	455'	less than 1'
29	27-21-31-516-0B00-0000	Canterbury Cove HOA Inc.	450'	270'	180'
30	27-21-31-516-0F00-0000	West Central Properties Inc.	450'	295'	255'
31	27-21-31-516-0A00-0000	Canterbury Cove HOA Inc.	450'	345'	105'
32	27-21-31-516-0000-0450	Sharon Letalon	450'	390'	60'
33	27-21-31-516-0000-0460	Eulalee Johnson	450'	425'	25'
34	27-21-31-516-0000-0420	Sheila Eckmann	450'	440'	10'
35	27-21-31-516-0D00-0000	Canterbury Cove HOA Inc.	450'	430'	20'
36	27-21-31-516-0000-0440	Jose Gomez	450'	355'	95'
37	27-21-31-516-0000-0430	David & Tracy Barwick	450'	385'	65'

Kathy Fall asked that this Item be continued until the February 22, 2010 Meeting.

Mr. O'Malley made a motion to continue Item #10 until the February 22, 2010 Meeting.

Mr. O'Daniel seconded the motion.

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

APPROVAL OF DECEMBER 7, 2009 MEETING MINUTES

Mr. Gashlin made a motion to approve the December 7, 2009 Meeting Minutes.

Mr. O'Daniel seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 7:00 P.M.