

MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT MARCH 22, 2010 MEETING 6:00 P.M.

Members Present: Mike Hattaway, Chairman, Curtis Gashlin, Tom O'Daniel, Bob O'Malley, and Stephen Coover

Staff Present: Kathy Fall, Principal Planner; Denny Gibbs, Senior Planner; and Patty Johnson, Staff Assistant

Mr. Hattaway 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.

CALL TO ORDER

PUBLIC HEARINGS:

1. **105 Hickory Tree Road** – Ricardo & Katya Galbis, applicant; Request for a front yard setback variance from 25 feet to 16 feet for a proposed addition in R-1AA (Single-Family Dwelling) district; Located on the north side of Hictory Tree Road approximately 250 feet east of Foxridge Run; (BV2010-05). (District 4)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to construct a two-story addition where currently an open courtyard was. She further stated the proposed addition would encroach 9 feet into the front 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.

Richard Galbis stated he and his wife were the residents. He then showed the Board of Adjustment a rendering of what the proposed addition would look like and stated it was what they really wanted to do. He further stated they were proposing to infill the courtyard and go up two stories to get more space with an additional room.

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

Mr. O'Daniel seconded the motion.

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

2. **1315 Windsor Avenue** – John and Pamela Kacerosky, applicant; Request for side yard setback variances from 20 feet to 10 feet a proposed workshop/garage

in RC-1 (Country Homes) district; Located on the northwest corner of the intersection of Roxboro Road and Windsor Avenue; (BV2010-09). (District 4)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to construct a workshop that would encroach 10 feet into both side yards of their corner lot. She further stated the applicant's property abutted State Road 434 in which a portion had been taken for the widening of the road. She then stated the proposed workshop consisted of approximately 1700 square feet including a covered porch. She also stated there were no code enforcement or building violations for the property.

Pamela Kacerosky stated the proposed workshop would be for her husband. She further stated they talked to the neighbor on the side of them and the neighbor in front of them and she submitted letters of support from her neighbors. She then stated her husband would use the workshop to make furniture for their house. She also stated she wanted the proposed workshop to be as far away from their house and the neighbor's house because she didn't want them to hear the noise from the saw. She lastly stated the proposed structure would be set up to also be used as a garage.

Mr. Hattaway referred to one of the letters of support stating the concern about the structure becoming something other than a workshop. He was also concerned about the insulation that would be used for building the structure.

Pamela Kacerosky stated the structure would never be used as a rental property. She further stated if she needed to sign something stating that she would do it. She then asked her contractors to come up and answer any questions about the structure and the insulation.

Cathy stated she was with Peatross Development and they would inject the structure with a foam from the outside to give it more insulation value. She further stated the inside of the structure would be concrete block and the finishing room would be dry wall.

Reggie Scott with Peatross Development stated with the foam, the sound insulation would drop the decibel level about 10 decibels from the sound from the outside.

Kathy Fall added a condition that the exterior walls shall be constructed with sound proofing material to be determined at building permitting.

Mr. Coover made a motion to approve the request with staff's added condition.

Mr. O'Daniel seconded the motion.

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

3. **200 Tangelo Avenue** – James Anderson, applicant; Request for a side street setback variance from 25 feet to 0 feet for an existing privacy fence and a side street setback variance from 25 feet to 13 feet for an existing garage in R-1 (Single-Family Dwelling) district; Located on the northwest corner of the intersection of Jaffa Drive and Tangelo Avenue; (BV2010-10). (District 4)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant constructed a single car garage and a privacy fence that encroached into the side street setback. She further stated the single car garage encroached 12 feet into the side street setback and the privacy fence encroached entirely into the 25 foot side street setback. She then stated as typical in older subdivisions there was a right of way between the edge of the asphalt and the property line. She also stated there was no record of prior variances granted for the property.

Mr. O'Malley asked was there any site issues with the fence.

Kathy Fall stated there were no site line safety issues with the fence.

James Anderson stated the fence was replaced during the hurricanes and he didn't know it was out of compliance until code enforcement advised him that he needed a permit. He further stated after going to receive a permit he was told he had to apply for 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).

4. **2617 Tierra Circle** – Sebastian Aloi, applicant; Request for a side street setback variance from 25 feet to 20 feet for an existing privacy fence in R-1A (Single-Family Dwelling) district; Located on the northeast corner of the intersection of Tierra Circle; (BV2010-11). (District 4)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant constructed a privacy fence that encroached into the side street setback on a corner lot. She further stated the existing fence encroached 5 feet into the 25 foot side street setback along Tierra Circle. She then stated there was no record of prior variances granted for the property.

Sebastian Aloi stated he had photographs to show the Board of Adjustment and he was asking for a variance for his existing 6 foot PVC privacy fence. He showed a picture of the existing fence stating he would like the fence to remain in its current location because moving it forward would not be feasible and moving it backward would be impossible. He further showed the Board of Adjustment a

picture showing a perimeter walkway that was against the patio that allowed drainage from rain and stated there was a drainage utility easement on the property and he had placed a fence panel on the property to provide a way for any utility company to have access to the easement. He also stated he needed the fence for privacy and security reasons as well. He lastly stated the fence did not impede the view from traffic nor did it disturb anyone or anything, and he respectfully asked the Board to please allow him to keep his fence.

Mr. Coover made a motion to approve the request.

Mr. O'Malley seconded the motion.

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

5. **950 North Street** – Steven Pacetelli, applicant; Request for a side yard setback variance from 10 feet to 2 feet 4 inches for an existing carport in R-1AA (Single-Family Dwelling) district; Located on the north side of North Street approximately 450 feet east of Seminole Avenue; (BV2010-13). (District 4)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant constructed a carport that encroached 7 feet 8 inches into the required 10 feet side yard setback. She further stated there was no record of prior variances granted for the property.

Sandra Pacetelli stated she had photographs of the existing carport. After showing a picture of the existing carport and the wooded area she stated on the side of the property that they were asking for the variance was a wooded area that was owned by Progress Energy and nothing would ever be built there. She then submitted a petition of support from surrounding neighbors. She further stated they had lived in the house since 1990 and there had always been a canopy type carport structure there. She also stated they removed the old structure and replaced it with an aluminum structure and was told by Seminole County they needed a permit.

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

Mr. O'Daniel seconded the motion.

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

6. **1330 Palm Drive** – Carl & Aileen Carothers, applicant; Request for 1) a front yard setback variance from 25 feet to 15 feet for a proposed two story single family residence and 2) a front yard setback variance from 25 feet to 15 feet for a privacy fence in R-1AA (Single Family Dwelling) district; Located on the north side of Palm Drive approximately 350 feet east of Holliday Avenue; (BV2010-06). (District 3)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a new 4,000 square foot home with a side loading garage that would encroach 10 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.

Carl Carothers stated the reason for the variance was the side loading garage which would allow them to pull the proposed structure 10 feet farther back from the lake. He further stated there was an existing home at the proposed location that did not encroach in the setback but they would demolish that home to build the proposed home. He then stated he had a couple of E-Mails in support of his request from both side neighbors.

Mr. Coover made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

7. **9800 Bear Lake Road** – Jason Rozanski, KSR Construction, Inc, applicant; Request for a side yard (north) setback variance from 10 feet to 0 feet for a replacement boat house and boat dock in R-1 (Single Family Dwelling) district; Located on the east side of Bear Lake Road where intersected by Cub Lake Road; (BV2010-07). (District 3)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a new boat house and dock to replace an existing boat house and dock at the north side of the property. She then stated the new dock 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 to the north, which is most affected and also submitted a letter of support from the neighbor to the south. 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.

Jason Rozanski stated he was the contractor and friend of the applicant. He further stated they wanted to put a new boat house and boat dock where the existing one that is falling apart was located.

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

Mr. Coover seconded the motion.

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

8. **431 Daytona Avenue** – Harry & Mary Carls, applicant; Request for a front yard (west) setback variance from 25 feet to 11.6 feet for a proposed front entry addition in R-1AA (Single Family Dwelling) district; Located on the east side of Daytona Avenue approximately 400 feet north of Hobson Street; (BV2010-08). (District 4)

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a front entry addition that would encroach 13.4 feet into the required 25 feet front yard setback. She further stated the applicant had submitted letters of support from the neighbor to the north and south. She then stated there were currently no code enforcement or building violations for the property. She also stated in 2007, a variance was granted for a side yard setback for the placement of a shed.

Stephen Hafer stated he was an Architect working with the applicants. He further stated the variance that they were requesting was for the front entry roof addition. He then stated it was an effort to make a nicer more welcoming front elevation for the house. He also stated there was currently an overhang that served as the front porch. He lastly stated the front of the house faced a golf course and the applicants planned to put landscaping in the front and back yard.

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. **915 Silkwood Court** – Obed Padilla, applicant; Request for a special exception to establish an automotive repair shop in C-2 (Commercial) district; Located on the north side of Silkwood Court approximately 200 feet west of HWY 17-92; (BS2010-02). (District 2 - McLean)

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to establish a two bay automotive repair shop in a vacant oil lube facility on Silkwood Court. She further stated the existing character of the surrounding properties consisted of small auto dealers and a 7-Eleven store. She then stated in 1988 a special exception established the oil lube use on the property. She also stated the use as an auto repair shop was consistent with the character of the area. She lastly stated staff recommended approval of the special exception with the following conditions:

- The special exception granted will only apply to the existing building
- No building shall be increased more than 10% without the Board of Adjustment approval

- The site is limited to the use of an auto repair facility with two (2) working bays
- All service work shall be performed within the building
- No painting of vehicles allowed on premises
- No outside vehicle storage
- No outside storage of vehicles used for parts
- Outside storage of parts and goods are prohibited
- No outside amplification of sound
- Maximum number of employees working at one time three (3)
- The proposed hours of operation will be Monday – Friday from 8:00 a.m. - 5:00 p.m.; Saturday 8:00 a.m. – 2:00 p.m., and closed on Sunday
- At site plan review, landscaping shall be required along Silkwood Court on the west side and the east side of the driveway
- 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

Obed Padilla stated he was requesting a special exception to open his repair shop at the proposed location that was formally a Jiffy Lube. He further stated it was a two bay shop and his plan was to have two mechanics and someone working the front desk, but to start it would be him and another mechanic to start the business.

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

Mr. O'Daniel seconded the motion.

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

APPROVAL OF FEBRUARY 22, 2010 MEETING MINUTES

Mr. O'Daniel made a motion to approve the February 22, 2010 minutes.

Mr. Coover seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 7:02 P.M.