

**Minutes for the Seminole County Board of Adjustment
September 22, 2003
6:00 P.M.**

Members present: Mike Hattaway, Lila Buchanan, Alan Rozon

Members Absent: Wes Pennington and Dan Bushrui

Alternates Present: Mike Bass and Bob Goff

Staff Present: Earnest McDonald, Principal Coordinator, Kathy Fall, Senior Planner, J.V. Torregrosa, Planner, Patty Johnson, Senior Staff Assistant

The Chairman called the meeting to order at 6:00 P.M. Mr. Hattaway then reviewed the method by which the meeting was to be conducted, rules for voting and appealing decisions.

Earnest McDonald stated that items 23 and 25 have requested continuance.

23. 1171 SANDY LANE – PACE / Richard M. Dunn (Brantley Hall, Inc.), applicants; Request for special exception to expand an existing private school for children with learning disabilities in the A-1 (Agriculture District); Located on east side of Sandy Lane, approximately 0.1 mile south of the intersection of Sandy Lane and Sand Lake Road; (BS2003-021).
District 3 – Van Der Weide
Earnest McDonald, Principal Coordinator

Dr. Buchanan made a motion to continue item 23 to the October 27, 2003 meeting.

Mr. Rozon seconded the motion.

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

25. 250 LONGWOOD HILLS ROAD – Randall A. Nellis, applicant; Request for special exception to establish a (1) wholesale nursery and a landscape contractor business as an accessory use to a wholesale nursery; and (2) a sanitary landfill in the A-1 (Agriculture District); Located approximately 0.34 miles west of the intersection of C.R. 427 and Longwood Hills Road;(BS2003-023).
District 4 – Henley
Francisco Torregrosa, Planner

Dr. Buchanan made a motion to continue item 25 until the November 24, 2003 meeting.

Mr. Bass seconded the motion.

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

CONTINUED ITEMS

MOBILE HOME SPECIAL EXCEPTIONS:

- 1. 2935 SIMMONS ROAD** – Patricia C. Simmons & Banita J. Borders; Request for permanent placement of a mobile home in the A-1 (Agriculture District); Located on the east side of Simmons Road, approximately 0.2 mile south of the intersection of Simmons Road and Hideaway Cove; (BM2003-013).
District 1 – Maloy
Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the location of the application and stated that staff's recommendation was for approval.

Mike Jones spoke on behalf of the applicant and stated he had a signed petition and letters stating no opposition of the permanent placement of the mobile home.

Mr. Bass made a motion to approve the request.

Mr. Goff seconded the motion.

The motion was approved by a 4-1 decision. Mr. Hattaway requested a Voting conflict form 8B.

CONSENT ITEMS

MOBILE HOME SPECIAL EXCEPTIONS:

- 2. 1305 PALOMINO TRAIL** – Eva & Brian McDonald, applicants; Request for temporary placement and occupancy of a mobile home for five years in the A-5 (Rural Zoning Classification District); Located on the east side of Palomino Trail, approximately 0.1 mile north of the intersection of Palomino Trail and Osceola Road; (BM2003-011).
District 5 – McLain
Earnest McDonald, Principal Coordinator

3. **4700 SANFORD AVENUE** – Paul V. Wilson, applicant; Request for temporary placement and occupancy of a mobile home for one year in the A-1 (Agriculture District); Located on the west side of Sanford Avenue, approximately 0.3 mile north of the intersection of Sanford Avenue and Myrtle Street; (BM2003-014).
District 5 – McLain
Earnest McDonald, Principal Coordinator
4. **2145 VAN ARSDALE STREET** – Valerie G. Simonson, applicant; Request for temporary placement and occupancy of a mobile home for two years in the A-10 (Rural Zoning Classification District); Located on the west side of Wichita Street, approximately 0.1 mile north of the intersection of Wichita Street and Howard Avenue; (BM2003-012).
District 2 – Morris
Earnest McDonald, Principal Coordinator

VARIANCES:

5. **LOT 1, BLOCK 4 (CASSA VILLA HEIGHTS)** – Sandalwood Homes, applicant; Request for (1) minimum lot width at the building line variance from 150 feet to 110 feet; (2) minimum lot size variance from 43,560 square feet to 12,155 square feet; (3) minimum front yard setback variance from 50 feet to 27 feet; and (4) minimum side street setback variance from 50 feet to 25 feet for a proposed single-family home in the A-1 (Agriculture District); Located on the south side of Cass Avenue, approximately 300 feet west of the intersection of Cass Avenue and Palm Drive; (BV2003-132).
District 2 – Morris
Earnest McDonald, Principal Coordinator
6. **LOT 8, BLOCK 2 (CASSA VILLA HEIGHTS)** – Sandalwood Homes, applicant; Request for (1) minimum lot width at the building line variance from 150 feet to 110 feet; (2) minimum lot size variance from 43,560 square feet to 12,155 square feet; (3) minimum front yard setback variance from 50 feet to 27 feet; and (4) minimum side street setback variance from 50 feet to 26 feet for a proposed single-family home in the A-1 (Agriculture District); Located on the southeast corner of Cass Avenue and Palm Drive; (BV2003-133).
District 2 – Morris
Earnest McDonald, Principal Coordinator
7. **LOT 16, BLOCK 4 (CASSA VILLA HEIGHTS)** – Sandalwood Homes, applicant; Request for (1) minimum lot width at the building line variance from 150 feet to 110 feet; (2) minimum lot size variance from 43,560 square feet to 12,155 square feet; (3) minimum front yard setback

variance from 50 feet to 27 feet; and (4) minimum side street setback variance from 50 feet to 26 feet for a proposed single-family home in the A-1 (Agriculture District); Located on the northeast corner of Palm Drive and Jessamy Avenue; (BV2003-134).

District 2 – Morris

Earnest McDonald, Principal Coordinator

8. **LOT 12, BLOCK 1 (CASSA VILLA HEIGHTS)** – Curtis W. & Janet M. Mann, applicants; Request for (1) minimum lot width at the building line variance from 150 feet to 75 feet; (2) minimum lot size variance from 43,560 square feet to 8,250 square feet; (3) minimum front yard setback variance from 50 feet to 25 feet; and (4) side yard setback variances from 10 feet to 7.5 feet for a proposed single-family home in the A-1 (Agriculture District); Located on the north side of Pine Street, approximately 0.1 mile west of Pine Street and Palm Drive; (BV2003-121).
District 2 – Morris
Earnest McDonald, Principal Coordinator

Dr. Buchanan made a motion to approve the Consent Agenda Items 2, 3, 4, 5, 6, 7, and 8 in accordance with staff's recommendations.

Mr. Rozon seconded the motion.

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

Item 9 was moved by the board from the Consent Agenda to the Regular Agenda

PUBLIC HEARING ITEMS

VARIANCES:

9. **202 SLADE DRIVE** – Francis Hurley, applicant; Request for (1) minimum lot size variance from 43,560 square feet to 36,000 square feet; (2) minimum lot width at the building line variance from 150 feet to 90 feet; and (3) side yard setback variance from 10 feet to 0 feet for an existing addition in the A-1 (Agriculture District); Located immediately north of the intersection of Slade Drive and Rock Lake Road; (BV2003-111).
District 4 – Henley
Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the application and stated that staff's recommendation was for approval of all three variances as requested, based on conditions in the staff report.

Mr. Hurley stated he felt his only option to protect his boat was to build the shelter to the east side of the existing home.

Julie Becvar spoke in opposition to variance. She submitted a letter and read the letter to the Board. The letter stated the County should not approve the variance of a non-conforming structure for the convenience of a homeowner who broke the rules.

Mr. Bass made a motion to approve the request.

Mr. Goff seconded the motion.

The motion passed by a 3-2 consent. Dr. Buchanan and Mr. Hattaway were in opposition.

10. **1077 AMANDA KAY CIRCLE** – William & Laura Periord, applicants; Request for rear yard setback variance from 25 feet to 17.5 feet for a proposed screen room addition in the R-AH (Affordable Housing Dwelling District); Located on the west side of Amanda Kay Circle, approximately 0.10 mile southwest of the intersection of Amanda Kay Circle and Amanda Kay Circle; (BV2003-129).
District 5 – McLain
Earnest McDonald, Principal Coordinator

Earnest McDonald stated that the applicant wished to enclose a screen room addition. The application failed to meet the criteria for the grant of a variance, so staff's recommendation was for denial of the request.

Laura Periord stated that she had an existing slab and wanted to build the proposed screen room on it. She stated that her adjacent neighbors have been granted similar variances for screen room additions of the same size.

Dr. Buchanan made a motion to approve the request.

Mr. Rozon seconded the motion.

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

11. **1072 DYSON DRIVE** – Dennis Pearson, applicant; Request for (1) rear yard setback variance from 35 feet to 7.2 feet; and (2) side yard setback variance from 20 feet to 14 feet for an accessory building in the RC-1 (County Homes District); Located on the north side of Dyson Road, approximately 300 feet east of Deer Run; (BV2003-112).
District 2 – Morris
Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff could not recommend approval of the request because it does not meet the six criteria for granting a variance.

Dennis Pearson first apologized and stated he didn't realize a permit was required. The Slab existed. He talked with his neighbors surrounding his property and no one was in opposition. He presented a signed petition.

Mr. Rozon made a motion to approve both variances.

Mr. Bass seconded the motion.

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

- 12. 1580 HUNTERS STAND RUN** – Steven & Jacqueline Rhody, applicants; Request for side yard setback variance from 10 feet to 6.5 feet for a proposed pool in the PUD (Planned Unit Development District); Located on the west side of Hunters Stand Run, approximately 300 feet east of Woody Park Place; (BV2003-127).
District 1 – Maloy
Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff could not recommend approval of the request because it did not meet the six criteria for granting a variance.

Steven Rhody stated he was requesting the setback variance to allow space for movement around the pool.

Dr. Buchanan made a motion to grant approval of the request in accordance with the Homeowners Association.

Mr. Rozon seconded the motion.

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

- 13. 1501 SUGARWOOD CIRCLE** – Bryan & Ann Basler, applicants; Request for side street setback variance from 25 feet to 19.4 feet for a proposed fence replacement in the R-1AAA (Single-Family Dwelling District); Located on the northeast corner of Sugarwood Circle, approximately 200 feet north of Dike Road; (BV2003-119).
District 1 – Maloy
Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff could not recommend approval of the request because it did not meet the six criteria for granting a variance.

Ann Basler stated that that she wanted to replace the fence that was existing when the house was bought. She also stated that the property had pool equipment that she wanted to enclose within the fence. She presented a letter from their Homeowners Association.

Mr. Bass made a motion to grant the request.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent.

- 14. 1613 SLASH PINE PLACE** – Ken & Monica Barr, applicants; Request for rear yard setback variance from 20 feet to 14.5 feet for a proposed screen room addition in the PUD (Planned Unit Development District); Located on the west side of Slash Pine Place, approximately 50 feet south of Moffat Loop; (BV2003-124).
District 1 – Maloy
Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff could not recommend approval of the variance because it did not meet the six criteria for granting a variance.

Ken Barr stated he wanted to enclose an open slab that is half covered. He had an approval letter from his Homeowners Association, and letters from neighbors stating that they don't oppose the granting of the variance.

Mr. Rozon made a motion to approve the granting of the variance.

Mr. Bass seconded the motion.

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

- 15. 480 CARRIGAN AVENUE** – John Healy, applicant; Request for side street setback variance from 25 feet to 0 feet for a proposed fence in the R-1AA (Single-Family Dwelling District); Located on the northwest corner of the intersection of Carrigan Avenue and Division Street; (BV2003-128).
District 1 – Maloy
Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff could not recommend approval of the variance because it did not meet the six criteria for the granting a variance.

John Healy stated that when he went to get the permit to install the fence in his backyard, he was told he needed to get a setback variance. He stated that Division Street was a small Dead End street behind his house. He also stated there were well developed trees in the area where the fence would go.

Nancy Jaeger stated that she lived at 2970 Division St, and she strongly objected to the fence. Her concern was that one could not safely back down a driveway and look for cars coming down Division St, since the fence would be blocking the view. She further stated the fence would pose a safety issue, as well as it would reduce the value of her property both financially and esthetically.

Dr. Buchanan made a motion to approve the fence with a side street setback of 5 feet from the property line.

Motion died for the lack of a second.

Mr. Bass made a motion to deny the variance because a hardship was not demonstrated.

Mr. Rozon seconded the motion.

The motion passed by a 3-2 consent. Mr. Goff and Dr. Buchanan were in opposition.

- 16. 492 TULANE DRIVE** – Ngo Huynh, applicant; Request for (1) minimum lot width variance from 70 feet to 65 feet; (2) minimum lot size variance from 8,400 square feet to 7,150 square feet; (3) rear yard setback variance from 30 feet to 23 feet for an existing screen room; and (4) rear yard setback variance from 30 feet to 23 feet for a proposed addition to a screen room in the R-1 (Single-Family Dwelling District); Located approximately 65 feet east of the intersection of Baylor Avenue and Tulane Drive; (BV2003-113).
District 3 – Van Der Weide
Francisco Torregrosa, Planner

Franciso Torregrosa introduced the application and stated that staff recommended approval for (1) minimum lot width variance and (2) minimum lot size variance. Staff recommended denial for the (3) rear yard setback variance for an existing screen room and denial for (4) rear yard set setback variance for a proposed addition screen room. He also stated that if the Board wished to approve variances (3) and (4), the same should only apply to the existing screen

room and proposed addition on the attached site plan. He also stated that the rear yard line abuts commercial property.

The applicant was not present to represent the request.

Mr. Goff made a motion to approve the request.

Motion died for lack of second.

Dr. Buchanan made a motion to approve and deny based upon staff recommendations.

Mr. Rozon seconded the motion.

The motion was passed by a 3-2 consent. Mr. Hattaway and Mr. Goff were in opposition.

- 17. 9414 SOMBRERO AVENUE** – Sean DeVaney, applicant; Request for (1) (north) side yard setback variance from 7.5 feet to 4 feet; and (2) rear yard setback variance from 10 feet to 8 feet for an existing shed in the R-1A (Single-Family Dwelling District); Located approximately 220 feet south of the intersection of Brenda Drive and Sombrero Avenue; (BV2003-115).
District 3 – Van Der Weide
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the application and stated that the shed was constructed without a building permit and was cited by Code Enforcement. Staff recommended denial unless the applicant could prove a hardship. If the board had decided to grant the variance, staff recommended it should only apply to the existing shed depicted on the site plan. Staff received a letter in support of the variance.

Sean DeVaney stated that he moved in the house on July 18, of this year and the shed was there prior to him moving in. He further stated that he would like to keep the shed where it is. He indicated that he had gotten support from his neighbors for his request.

Mr. Rozon made a motion to approve the request.

Dr. Buchanan seconded the motion.

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

- 18. 1129 CARBONE WAY** – Robert Topper, applicant; Request for (1) minimum lot size variance from 9,000 square feet to 8,229 square feet; (2) (west) side yard setback variance from 7.5 feet to 3 feet for a proposed

shed; (3) (east) side yard setback variance from 7.5 feet to 1.5 feet for a proposed shed; (4) (east) side yard setback variance from 7.5 feet to 0 feet for a proposed carport; (5) (east) side yard setback variance from 7.5 feet to 6.7 feet for an existing home; (6) front yard setback variance from 25 feet to 24.9 feet for an existing home; (7) front yard setback variance from 25 feet to 19 feet for a proposed addition to an existing home in the R-1A (Single-Family Dwelling District); Located approximately 335 feet north of the intersection of Curtis Drive and Carbone Way; (BV2003-117).
District 3 – Van Der Weide
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the application and stated that staff recommended approval of variances (1), (5), and (6); denial of variances (2), (3), and (7); and approval of variance (4) per the staff report recommendations.

Robert Beck represented his son-in-law Robert Topper, and he stated there was no room for anything to be put on the lot because of its pie shape.

Dr. Buchanan made a motion to approve all the requested variances because of the lot shape.

Mr. Rozon seconded the motion.

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

19. 105 DESTINY COVE – Michael Culver, applicant; Request for (1) (west and south) rear yard setback variances from 30 feet to 1.5 feet for a proposed shed; (2) (east) side yard setback variance from 10 feet to 8 feet for a proposed addition; and (3) (west) rear yard setback variance from 30 feet to 27 feet for a proposed addition in the R-1AAA (Single-Family Dwelling District); Located approximately 200 feet southwest of the intersection of Lake Destiny Trail and Destiny Cove; (BV2003-125).
District 3 – Van Der Weide
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the application and stated that staff recommended denial of all the variances requested unless applicant could prove a hardship. He also stated that if the board should approve the request, a variance should only apply to the proposed shed. Staff had received letters from homeowners.

Michael Culver stated he wanted to place the proposed shed as close to the property line as possible. For his request for variance, he had letters of support from neighbors.

Mr. Rozon made a motion to approve the request.

Mr. Bass seconded the motion.

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

- 20. 264 SHEPPARD STREET** – Mark Zayas, applicant; Request for (1) (west) side yard setback variance from 10 feet to 1 foot for a proposed accessory shed; (2) rear yard setback variance from 10 feet to 1 foot for a proposed accessory shed; and (3) (west) side yard setback variance from 10 feet to 1 foot for a proposed attached carport in the R-1AA (Single-Family Dwelling District); Located approximately 335 feet west of the intersection of Virginia Avenue and Sheppard Street; (BV2003-130).
District 4 – Henley
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the application and stated that staff recommended denial unless the applicant could demonstrate a hardship. He also stated he received a letter in opposition of the request.

Mark Zayas stated he wanted to construct a shed in his backyard had only two places to put it. He would like to put it in the highest and driest spot in the yard to protect it. He also stated that he'd talked to the neighbors to the east of his property, and they didn't have a problem with it.

Dr. Buchanan made a motion to grant approval of variances (1) and (2) for the proposed shed as requested.

Mr. Bass seconded the motion.

The motion passed with a 4-1 consent. Mr. Hattaway was in opposition.

Mr. Goff made a motion to approve variance (3) for the proposed carport from 10 feet to 7.50 feet.

Dr. Buchanan seconded the motion.

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

- 21. 1893 EASTBROOK BOULEVARD** – Audrey Fitzgerald, applicant; Request for (1) (north) side street setback variance from 25 feet to 6 feet for a proposed fence; (2) (north) side street setback variance from 25 feet to 11.3 feet for an existing accessory shed; (3) (west) side yard setback variance from 7.5 feet to 3.4 feet for an existing accessory shed; and (4)

(north) side street setback variance from 25 feet to 16 feet for an existing home in the R-1A (Single-Family Dwelling District); Located at the southwest corner of the intersection of Australian Circle and Eastbrook Boulevard; (BV2003-118).
District 1 – Maloy
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the application and stated that staff recommended approval of variance (4) and denial of variances (1), (2) and (3).

David Dalson represented his mother-in-law, Audrey Fitzgerald, and stated the house was built in 1961 to the requirements at the time. He stated the shed has been there for more than 20 years. He further stated the fence was built because the applicant was told a permit was not required. They'd done a survey in the neighborhood and had gotten 14 signatures of support. He also stated the measurements on the placard pertaining to the fence were not correct. Variance (1) should have been a side street setback variance from 25 feet to 4.8 feet.

Dr. Buchanan made a motion to approve variances (2), (3), and (4) as requested.

Mr. Bass seconded the motion.

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

Dr. Buchanan made a motion for continuance of variance (1) until the October 27, 2003 BOA meeting. She also stated that the request for the fence would be a side street setback variance from 25 feet to 4.8 feet as requested by the applicant.

Mr. Bass seconded the motion.

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

- 22. 5406 ARDMORE DRIVE** – Leonel Sanchez Jr., applicant; Request for (1) rear yard setback variance from 10 feet to 3.25 feet for an existing accessory shed; and (2) (west) side yard setback variance from 7.5 feet to 2.17 feet for an existing accessory shed in the R-1 (Single-Family Dwelling District); Located approximately 75 feet west of the intersection of Albert Drive and Ardmore Drive; (BV2003-126).
District 1 – Maloy
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the application and stated that staff recommended denial of the variances requested unless the applicant could

demonstrate a hardship. Staff further recommended that if the Board had decided to approve a variance it should have only applied to the existing shed as shown on the site plan. Francisco also stated that two letters was submitted in favor of variances.

Leonel Sanchez stated he got cited by Code Enforcement for the shed on his property. He poured concrete in front of the shed that was already there when he bought the property seven years ago.

Mr. Goff made a motion to approve the request.

Dr. Buchanan seconded the motion.

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

SPECIAL EXCEPTIONS:

24. 8400 LA AMISTAD COVE – La Amistad Foundation, applicant; Request for special exception to expand an existing residential treatment facility in the A-1 (Agriculture District); Located on the east side of US 17-92, approximately 0.20 miles south of Lake of the Woods Boulevard; (BS2003-022).

District 4 – Henley
Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff's recommendation was approval, based on the following conditions stated in the staff report.

Helen Booth, who represented La Amistad Foundation, stated they would like to build four units to serve Adults and Young Adults.

Mr. Rozon made a motion to approve the request per staff's recommended conditions.

Mr. Bass seconded the motion.

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

APPROVAL OF MINUTES

Mr. Rozon made a motion to approve the August 25, 2003 minutes.

Dr. Buchanan seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 9:10 P.M.