

SEMINOLE COUNTY GOVERNMENT

COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA 32771-1468



Meeting Minutes (Draft) - Final

Monday, March 27, 2017

6:00 PM

BCC Chambers

Board of Adjustment

CALL TO ORDER

Present 5 - Chairman Mike Hattaway, Bernard Johns, Carissa Lawhun, Heather Stark, and Zane Beard

Excused 2 - Vice Chairman Stephen Coover, and Jennie Hayes - Alternate

Opening Statement

The meeting convened at 6:00 p.m. with Chairman Mike Hattaway reviewing the procedures used for conducting the meeting, voting, and appealing decisions by the Board.

Continued Item:

- 1 [BS2016-09](#) **Fernwood Boulevard** - Request for a Special Exception for a Communication Tower in the C-2 (Retail Commercial) district for property located on the south side of Fernwood Boulevard, approximately 750 feet east of US 17-92; BS2016-09 (Lauralee Westine, Applicant) District4 - Henley (Kathy Hammel, Project Manager)

Fernwood Boulevard - Request for a Special Exception for a Communication Tower in the C-2 (Retail Commercial) district for property located on the south side of Fernwood Boulevard, approximately 750 feet east of US 17-92; BS2016-09 (Lauralee Westine, Applicant) District4 - Henley (Kathy Hammel, Project Manager).

Kathy Hammel, Principal Planner, presented this item and stated that this is a Special Exception request for a communication tower that was scheduled for January. The applicant requested it be continued to this month and are working out an agreement with the property owner and the applicant. They are now asking for another continuance to the May 22, 2017 Board of Adjustment meeting. In January, no one came to the meeting who were in opposition of this item, so Staff supports this continuance for the applicant to resolve their issues. An attorney who represents the applicant is in the audience, but she is requesting only to speak if there are any questions.

No one from the audience spoke in favor or in opposition to this request.

A motion was made by Bernard Johns, seconded by Carissa Lawhun, that this Special Exception item be Continued to the Board of Adjustment on 5/22/2017. The motion CARRIED by the following vote:

Aye: 5 - Chairman Mike Hattaway, Bernard Johns, Carissa Lawhun, Heather Stark, and Zane Beard

Excused: 2 - Vice Chairman Stephen Coover, and Jennie Hayes - Alternate

Public Hearing Items:

- 2 [BV2017-08](#) **310 S. Pressview Avenue** - Request for a side street (south) setback variance from thirty-five (35) feet to twenty (20) feet for a detached garage in the RC-1 (Country Homes) district for property located on the west side of S. Pressview Avenue, approximately 200 feet south of Roxboro Road, and more particularly known as 310 S. Pressview Avenue; BV2017-08 (Wendy Weiss, Applicant) District4 - Henley (Kathy Hammel, Project Manager)

Kathy Hammel, Principal Planner, presented this item and stated that the applicant is requesting a Variance in order to put a 900 square foot or 30' x 30' shed in their side street setback. Because the structure is 900 square feet, the Code requires that they need the same setbacks as the main house, which is 35'. Therefore, they are asking for a side street setback from 35' to 20' for a detached garage. This property is unique due to the side street being a paper road named Roberts Street, and half of it has been vacated. Because it is not fully vacated, it is still considered to be a road right-of-way and the lot is still considered to be a corner lot, which has two front yard setbacks of 35'. The applicant has submitted letters of support from all of the affected neighbors. This request for a detached garage is not unique in the subdivision and there are a couple of other detached garage requests that are adjacent to this piece of property.

Carissa Lawhun asked what a paper street is that is partially vacated and does Roberts Street exist or not. Ms. Hammel responded that yes it does exist and it is platted. She further stated that if someone wanted to build a road, the right-of-way is there and dedicated to the County for ingress and egress. She commented that they call it paper because it only exists on paper and it isn't an actual improved road. Ms. Lawhun asked if it is true that approximately a decade ago the previous owner was able to get additional easement and there's not enough room for the County to build a road, so one will never be built. Ms. Hammel responded that there is not enough right-of-way for a road of County standard, but there is still right-of-way. If a piece of property abuts a public road right-of-way, it is considered a corner lot. Ms. Lawhun asked if it is a true corner lot and Ms. Hammel responded that it is a true corner lot.

Chairman Mike Hattaway stated that the County use to show the street numbers on the lots of those who sent letters, which was really nice to have, especially when they are doing their homework prior to the meeting. He asked if the street numbers could be put back on the map to help out the Board, if budgeting allows it. Ms. Hammel responded that she agrees and will look into whether or not it can be done.

Wendy and Shawn Weiss, the applicants, stated that they are the applicants for this request and further stated the following:

- * If they had the road shown, they would have the 35' setback.*
- * Since it's a paper road and two previous owners had acquired 15' on the north or south end of the property, it restricted the ability to put in an actual road.*
- * There is still an easement available with utilities, so by putting in the garage at 20' instead of 35', they will avoid having to relocate their septic drain field.*
- * The driveway would end up going on it if it was 35'.*

No one from the audience spoke in favor or in opposition to this request.

A motion was made by Heather Stark, seconded by Zane Beard, that this Variance request be Approved. The motion CARRIED by the following vote:

Aye: 5 - Chairman Mike Hattaway, Bernard Johns, Carissa Lawhun, Heather Stark, and Zane Beard

Excused: 2 - Vice Chairman Stephen Coover, and Jennie Hayes - Alternate

3 [BV2017-09](#)

412 Kimberly Court - Request for a rear yard setback variance from thirty (30) feet to ten (10) feet for a detached garage in the R-1AAA (Single Family Dwelling) district for a property located on the east side of Kimberly Court, approximately 800 feet south of Wayside Drive, and more particularly known as 412 Kimberly Court; BV2017-09 (Craig Entzminger, Applicant) District5 - Carey, (Paula Archer, Project Manager)

Paula Archer, Planning Technician, presented this item and stated that this request is for a Variance for property located in the Shadow Lake Wood Subdivision. The proposed attached garage is 900 square feet, which is 25' x 36'. Section 30.1345 of the Seminole County Land Development Code requires any detached accessory building exceeding 200 square feet in size and/or 12' in height to meet all of the setback requirements applicable to the main residential structure located on the parcel. The subject property is zoned R-1AAA, which requires a rear yard setback of 30' and a side yard setback of 10'. The requested variance is for a reduction in the rear yard setback from 30' to 10'. Staff has received one letter of support that includes signatures from 5 immediately surrounding properties indicated on the overhead map. Although there has not been a previous variance for the subject property, similar variances for 4 other neighboring properties have been approved, which are reflected on the overhead map.

Craig Entzminger, the applicant, indicated that he had no additional comments.

No one from the audience spoke in favor or in opposition to this request.

A motion was made by Bernard Johns, seconded by Zane Beard, that this Variance request be Approved. The motion CARRIED by the following vote:

Aye: 5 - Chairman Mike Hattaway, Bernard Johns, Carissa Lawhun, Heather Stark, and Zane Beard

Excused: 2 - Vice Chairman Stephen Coover, and Jennie Hayes - Alternate

4 [BV2017-11](#)

5301 Justine Way - Request for a side street setback variance from fifteen (15) feet to one (1) feet for a privacy fence in the R-1 (Single Family Dwelling) district for property located on the southeast corner of Justine Way and Betty Street, and more particularly known as 5301 Justine Way; BV2017-11 (Jonathan Pereira, Applicant) District 4 - Henley (Darren Ebersole, Planner)

Darren Ebersole, Planner, presented this item and stated that the applicant is requesting a side street setback variance from 15' to 1' for a privacy fence in the R-1 Single Family Dwelling district. The subject property is located in the Wrenwood Third Edition Subdivision on the corner of Justine Way and Betty Street. The applicant stated in their site plan that the fence will be approximately 7.5' from the sidewalk. Traffic Engineering has reviewed the proposed fence and has no objection to the fence placement with regards to sight visibility.

Carissa Lawhun asked how far the fence will be from the sidewalk and Mr. Ebersole responded approximately 7.5'. He referred to the overhead map showing the approximate location of the fence placement. Ms. Lawhun asked if Traffic Engineering considered the applicant's purpose to park a camper, when they examined this request for sight visibility, which might exceed the height of the fence. Mr. Ebersole responded that he was not aware of what they considered. Ms. Lawhun stated that she thinks that might affect visibility.

Kathy Hammel, Principal Planner, stated that Traffic Engineering's main concern is with line-of-sight safety when coming up to the corner.

Ms. Lawhun asked where the neighbors are located and Mr. Ebersole responded that the stars on the map reflect where the affected neighbors are and in support of this request. They have also provided a petition.

Jonathan Pereira, the applicant, stated that he has not decided what will be put on the property, but the variance he is requesting will give him the ability to store something there if he wants to.

Chairman Mike Hattaway asked if he is locked into 1' and Mr. Pereira responded yes, and that is what is going to get him the width to put in a standard sized trailer. He commented that it is still 7.5' away from the sidewalk and there are neighbors down the same road that are at that line, if not closer to the sidewalk. Chairman Hattaway asked if he is asking for the length of the present fence that is there or what area is he looking to use. Mr. Pereira responded that currently it is not the entire length of the house towards the front of the house, but rather where the existing fence is and pushing it out towards the side street. Mr. Pereira stated that is why it doesn't impede any traffic sight lines, because it doesn't even come close to the corner.

Bernard Johns asked if he had located where the power lines are going to the transformer and Mr. Pereira responded that he did not. He further stated that he had a cutaway on the design, so as not to impede access by the County, but he hasn't done any surveys in terms of power lines.

Mr. Johns stated that he use to work for the power company doing underground power many years ago and they would dig a ditch about 4' wide and from the photo it looks like the fence is pointed right down the middle of the transformer. If you hit one of those high voltage power lines, it will be the last pole you dig.

Mr. Pereira stated that it is a little deceiving from the picture shown, but the power box is actually further back from the fence line than what it appears to be. It is right on the property line between he and his neighbor and the fence will not go around the power box in any way. He stated that he hopes the professional fence person will know to take a look at the utilities, which he will also remind them to do.

Ms. Lawhun asked where he is currently storing the recreational vehicle and Mr. Pereira responded that he is not, but rather he is thinking about getting one. He further stated that he doesn't have a place yet to put it and he is using the standard width to measure what he needs.

Ms. Lawhun stated that she read in his application the reasons why such a vehicle wouldn't fit anywhere else on his property and asked if he could explain that for them. Mr. Pereira responded that there is a huge oak tree in the center of his back yard and

on the other side of the yard there is not enough width to get anything in-between the houses without potentially damaging something. He further stated that it is the layout of the back yard and how to get to it that prohibits him from putting anything in another area in his back yard. His neighbors are putting their RV's in a similar spot that he is wanting to do, but they happen to be in-between houses and not on a side street.

Bernard Johns asked how far the right-of-way extends from the sidewalk for the power lines and Mr. Ebersole responded that there is a 7' easement on the rear of the property and the fence, as it sits now, currently encroaches into about 2' based on the provided survey. Mr. Johns asked about the other side of the property and does it run down Betty Street or does it run straight across the back and Mr. Ebersole stated that it runs straight across the back.

No one from the audience spoke in favor or in opposition to this request.

Chairman Hattaway commented that this is a corner lot and is 10' wider than the lot on the other side of it. He further stated the following:

- * The platting process requires that corner lots are larger.*
- * Anticipating that there is a greater setback on corner lots, they will require the developer to make the corner lots bigger.*
- * This would somewhat offset the situation with someone wanting to use all of their lot.*
- * If you look at the line that is 1' off of the property line and project it north/south, it will really eat into the important green space in the neighborhood.*
- * If fences start to come out 1' from the property line throughout the neighborhood on side yard corner lots, the green area will really be cut back and the tunnel effect will be created.*
- * In a subdivision, the difference between 1' of green space versus 15' of green space makes a big difference on the aesthetics and neighborhood enjoyment.*

Heather Stark stated that her understanding is that there is 7.5' of green space still left with the proposed new fence line.

Chairman Hattaway responded that instead of 22.5' to the sidewalk there will only be 7.5' to the sidewalk.

Ms. Stark said that is right, but he will get to use his property.

Ms. Lawhun stated that if they grant this request, they may be creating a slippery slope where every person in the neighborhood could request to be that close to the sidewalk.

Ms. Stark stated that she thought it was stated that there were a few other houses that have already done this and he's not the first.

Ms. Lawhun asked if there have been any variance requests granted this close and Mr. Ebersole responded that he has not found any variances in the County records, but there may be other houses that have built-out their fences with no record.

Ms. Stark stated that he should be able to use the yard and there is 7.5' of green space remaining, which to her is a lot of green space. She further stated that he is not going the full length of the house and it doesn't even get to the corner, so there is a lot of green space on the corner with no sight problems. She commented that she is in favor of him using his property.

A motion was made by Heather Stark to approve this Variance request. No one seconded the motion and the motion died for lack of a second.

Ms. Lawhun stated that she agrees with the property rights issue and she could support that, however she thinks they are dealing with something that could be met halfway between what the applicant is requesting and a flat-out no. She further stated that he hasn't even purchased the vehicle yet and wonders if they should ask him what would actually be stored there and how much space he actually needs before they make a decision.

Ms. Stark commented that she doesn't think they have any say in what sort of vehicle he buys.

Mr. Johns stated that in the past, they've tried to split the difference to reduce the impact, but the applicant stated earlier when the Chairman asked if he was willing to reduce it, he said no he needed it all. This puts the Board in a position, which he feels, they either approve it or deny it and go on to appeal it if it's his choice as opposed to trying to split it. He further commented that if they give him something that he doesn't want, it's not going to work for him anyway and what's the purpose in that.

Ms. Lawhun stated that she will support this motion only on the context that it gives him the ability to appeal it. She further stated that she would be open to supporting something that is more concrete and gives him access to his property.

Chairman Hattaway re-stated that the applicant had 15 days to appeal the Board's decision.

Mr. Pereira, the applicant, asked if he could still put something on his property without the fence. Chairman Hattaway explained to the applicant to ask Staff tomorrow, as he would rather have them answer it when they are prepared with the Code books. He stated that they will provide an answer that he can rely upon.

A motion was made by Bernard Johns, seconded by Zane Beard, that this Variance request be Denied. The motion CARRIED by the following vote:

Aye: 4 - Chairman Mike Hattaway, Bernard Johns, Carissa Lawhun, and Zane Beard

Nay: 1 - Heather Stark

Excused: 2 - Vice Chairman Stephen Coover, and Jennie Hayes - Alternate

5 [BV2017-12](#)

2941 W. 23rd Street - Request for a front yard setback variance from twenty-five (25) feet to fourteen and one-half (14.5) feet for a single family home in the R-1 (Single Family Dwelling) district for property located on the south side of W. 23rd Street, approximately 360 feet west of Airport Boulevard, and more particularly known as 2941 W. 23rd Street; BV2016-12 (Jennifer Brundidge, Applicant) District 5 - Carey (Darren Ebersole, Planner)

Darren Ebersole, Planner, presented this item and stated that the applicant is requesting a front yard setback variance from 25' to 14.5' for a single family home in the R-1 Single Family Dwelling district. The subject property is located in the community development target area known as Lockhart. The home has already been demolished and the request is for the proposed replacement house as it is being replaced as part of a HUD Affordable Housing Initiative.

Chairman Mike Hattaway asked what the setback was for the house that was on the property and Mr. Ebersole responded that the former house was a legal non-conforming house, but the house was gone when he did a site visit and he doesn't know what the setback was.

Carissa Lawhun asked why the house can't be set further back on the lot and Mr. Ebersole responded that the main structure of the house does meet the setback, but the carport does not.

Keith Owens, for the applicant, stated that he is the general contractor for the project. He further stated the following:

- * This lot will require a septic system in the back.
- * If it wasn't required to have the septic, they would have been conforming to the requirements.
- * They had to move it forward a little bit for this program to work.

Chairman Hattaway stated that most jurisdictions require septic tanks in the front and why is theirs required in the rear. Mr. Owens responded that they have the City of Sanford water and the water source has to be different from where the sewer source is located. Because this lot had a septic system in the rear, then the water source needs to be in the front. If the City or the County had a sewer system connected to the lot then none of this would be an issue.

No one from the audience spoke in favor or in opposition to this request.

Bernard Johns stated that they need to have septic and if the County is requiring it to be separate from the water, then they don't have a lot of choices.

A motion was made by Bernard Johns, seconded by Carissa Lawhun, that this Variance request be Approved. The motion CARRIED by the following vote:

Aye: 5 - Chairman Mike Hattaway, Bernard Johns, Carissa Lawhun, Heather Stark, and Zane Beard

Excused: 2 - Vice Chairman Stephen Coover, and Jennie Hayes - Alternate

6 [BV2017-07](#)

2664 Creekview Circle - Request for a rear yard setback variance from ten (10) feet to five (5) feet for a shed in the R-1AA (Single Family Dwelling) district for a property located on the south side of Creekview Circle, approximately 1,000 feet east of Tuskawilla Road, and more particularly known as 2664 Creekview Circle; BV2017-07 (Joseph H. and Kathleen K. Wheeler, Applicants) District1 - Dallari (Angi Kealhofer, Project Manager)

Angi Kealhofer, Planner, stated that the subject property is located in the Bear Creek Subdivision approximately 1,000' east of Tuskawilla Road and is within the R-1AA Single Family Dwelling district. The applicant is requesting a rear yard setback variance from 10' to 5' for a 192 square foot shed that will encroach 5' into the required rear yard setback. The Bear Creek Homeowner's Association has approved the proposed shed and letters of support have been submitted from the adjacent property owners. The proposed shed will encroach into a 15' utility easement and at Building permitting will be required to meet the criteria for placement with an Estoppel letter. There were no previous variances found for this property or surrounding properties.

Joe Wheeler, the applicant, stated that they are trying to put a shed in their back yard and to have some room in the yard instead of having the 10' setback requirement.

Bernard Johns asked why they can't slide the shed 4' or 5' as there is sizeable space in front of it. Mr. Wheeler responded that there is a pool in that section of the back yard and 10' off the interior lot line between his neighbor and his property, which would push them too close together that they wouldn't be able to drive a vehicle in the back to do landscaping and other reasons.

Angi Kealhofer confirmed that the correct address is 2664 Creekview Circle as indicated on the Staff report.

No one from the audience spoke in favor or in opposition to this request.

A motion was made by Carissa Lawhun, seconded by Zane Beard, that this Variance request be Approved. The motion CARRIED by the following vote:

Aye: 5 - Chairman Mike Hattaway, Bernard Johns, Carissa Lawhun, Heather Stark, and Zane Beard

Excused: 2 - Vice Chairman Stephen Coover, and Jennie Hayes - Alternate

7 [BV2017-10](#)

3940 N. CR 426 - Request for a variance of the 35% of the gross floor area of the main residence to 67.6% for an accessory dwelling unit in the A-5 (Rural Zoning Classification/Rural Subdivision Standards) district for a property located on the west side of N. CR 426, approximately 230 feet south of Red Bird Place, and more particularly known as 3940 N. CR 426; BV2017-10 (Ali S. and Maria C. Rabah, Applicants) District2 - Horan (Angi Kealhofer, Project Manager)

Angi Kealhofer, Planner, presented this item and stated that the subject property is located in the A-5 Rural Zoning classification, Rural Subdivision Standards district approximately 230' south of Red Bird Place. The applicant is requesting a variance of the 35% of gross floor area from the main residence to 67.6% for an accessory dwelling unit. The proposed accessory dwelling unit will be 3,500 square feet, exceeding the maximum allowable square footage by 1,680 square feet and is approximately a 67.6% difference. An accessory dwelling unit must not exceed 35% of the gross floor area of the main residence, which in this case the allowable square footage would be 1,820 square feet, as the gross floor area of the main residence is 5,200 square feet. One letter of opposition was received by the Geneva Citizens Association Inc. She does not have a map of the location, because it is not a residence. There were no previous variances found for this property or similar variances for the surrounding properties.

Zane Beard asked how many acres is the lot and Ms. Kealhofer stated that she thinks it is 3.5 acres and said that this particular property looks like it would be two pieces with additional acreage. The applicant would have to speak on this as she is not sure if the back piece, appearing as additional acreage on the map shown, is for agricultural use and if it has an agricultural exemption. Sometimes they take a piece of acreage and make it an agricultural piece, which may look as though there are two pieces when really there is only one piece.

Mr. Beard asked if this property falls within the rural boundary and Ms. Kealhofer responded yes.

Carissa Lawhun asked how many neighbors the Geneva Citizens Association represents and Ms. Kealhofer responded that she does not know.

Chairman Mike Hattaway asked if this dwelling unit is a second home on the property and Ms. Kealhofer responded yes. He further asked if that is the same as an accessory dwelling unit and Ms. Kealhofer responded, yes that is exactly what it is called. She further stated that it is only allowed in the A-3, A-5, and A-10 zoning classifications. Chairman Hattaway asked that you couldn't do this in an R-1 AAA or similar residential zoning and Ms. Kealhofer responded no. Chairman Hattaway asked if you can have a full-fledged home there and Ms. Kealhofer responded yes. He asked if it is limited to 35% of the other dwelling on the property and Ms. Kealhofer responded yes, it cannot exceed 35% of the main residence.

Bernard Johns stated that the property appears to be split on the map shown and asked it is still one property, for purposes of the structure and accessory, and Ms. Kealhofer responded yes that is correct.

Ms. Lawhun asked if it is 3.5 or 6.5 acres total and Ms. Kealhofer responded that she does not have the other parcel details, but stated that the applicant may.

Chairman Hattaway asked if it wasn't a dwelling on A-3, but a barn instead, would there be a limit on the size and Ms. Kealhofer responded no. Chairman Hattaway stated that you could put up a 10,000 square foot barn on the property, but you can only put in a 1,680 square foot home there.

Board discussion ensued regarding this property.

Ali Rabah, the applicant, stated that his son lives in their home now and his family is coming back, which has 5 people in his family. He further stated the following:

- * He and his wife are retired.*
- * He also has a daughter who lives in his home.*
- * They can't fit all of the people in his house.*
- * He would like his family to be close.*
- * There would not be additional traffic than now.*
- * The home is just for his family.*
- * His neighbor to the back of the property has a big barn for their horses.*
- * They don't have a barn.*

Chairman Hattaway asked how much total acreage does he own regarding this request and Mr. Rabah responded that it is 6.5 acres for the whole property. Chairman Hattaway asked if when he submitted his application, did he put down the legal description for the full 6.5 acres and Mr. Rabah responded yes, he provided Staff the survey.

Mr. Beard asked if Mr. Rabah could point to his nearest neighbors using the map provided, which he did, and said he has three neighbors to the left, right and back of the property. Mr. Beard asked if he talked to his neighbors and asked them how they felt about this request and Mr. Rabah responded no.

Ms. Lawhun asked if Mr. Rabah is familiar with the Geneva Citizens Association and Mr. Rabah responded yes. She further asked if he knows how many property owners represent the association and he responded no he cannot.

Mr. Beard stated that he can answer from his own understanding that the Association is sizable.

Linda Nichols, of Geneva, stated that she is Ali's neighbor to the back that has the barn. She further stated the following:

- * Her concern is that if he wants to add on to his house, she has no problem with that.
- * She is part of the Geneva Citizens Association and she thinks they have over 200 members.
- * The reason why they live in Geneva is because it's a minimum of 5 acres to each house and she doesn't want another house built in-between hers and her neighbors.
- * She doesn't know how he is going to access it.
- * She owns the driveway, which she pointed to on the map, and she is concerned about that.
- * She wasn't aware that once you bought acreage you could build another house on the property.

Chairman Hattaway stated that unless it's a guest house, which is another set of rules, and exclusive to A-3, A-5, and A-10, which is primarily the eastern part of the County, you can have another dwelling.

Ms. Lawhun asked Ms. Nichols what she feels is the difference between what her barn size can be on her property versus the size of the applicant's additional single family home on his property. Ms. Nichols responded that her barn is 36' x 24' and is much smaller than the home. She continued that she would love it if they put in a barn on their property, as she is a real animal lover.

Julie Cronan, of Geneva, stated that she lives where the old Pomelo grove was on the east side of the property and towards SR 426. She pointed to the overhead map and stated the following:

- * When they purchased the property it was two separate parcels.
- * She pointed to her house and stated when they purchased the home it was a one acre parcel and an adjacent parcel was an agricultural parcel of almost 6 acres.
- * Because they didn't maintain the agricultural exemption, they ended up having to merge all of the property into one parcel.
- * She asked if the applicant's additional property is zoned Agricultural and is that why it is not showing up as part of the 6 full acres?

Ms. Kealhofer responded that is one of the reasons, but it is still zoned A-3. She further commented that she is not sure about the exemptions, nor if they have any.

Ms. Cronan continued as follows:

- * She doesn't know the rules exactly either as they moved there from a Planned Development.
- * She agrees with her neighbor, Linda that it has a rural feel and doesn't want to have a Planned Development take precedent, because someone has enough room for additional houses.

No one spoke in favor of this request.

Chairman Hattaway stated that it is confusing in Seminole County and maybe other

areas, that there is agriculture land, which is A-1, A-3, A-5, A-10 zoning. There is another classification that gets placed on the land, which is not a zoning classification, but rather a use classification and is done by the Property Appraiser's office. You have to qualify for it and you have to maintain your qualification. It needs to be a bonafide agriculture use and making an income from it. He stated that sometimes the County will split it from the legal description, which would be two different parcels instead of one and why he asked the applicant if the entire 6 acres was included in his parcel.

Paul Chipok, Assistant County Attorney, referred to Zoning Code Section 30.102, Permitted Uses for the A-3, A-5, and A-10 Zoning districts, which states the following:

Within any property assigned A-10, A-5, or A-3 Zoning classifications, no building structure, land, or water shall be developed except for the following uses: Subsection A is single family residences, and Subsection K is accessory dwelling units and subject to the following requirements: no more than one accessory dwelling unit shall be permitted on any one lot or parcel and total area of the accessory dwelling unit shall not exceed 35% of the gross area of the main residence and if located in a detached structure, the accessory unit shall be setback at least 10' from the rear lot line.

Mr. Chipok further stated that the issue as to whether a second home can be placed on the property is not at issue. The only issue in the variance being requested is that it is by Code limited to 35% of the main structure. They want to build it larger and the way the figures work out with the size house they want to build would be 67% of the main structure. This is the only issue before the Board and not whether or not the second house can be built.

Chairman Hattaway asked if that was the gross square footage of the structure and Mr. Chipok responded yes.

Ms. Kealhofer stated that in her research, one of the main concerns of the opposition was that it could be subdivided and this lot cannot be subdivided. It has to remain as one lot.

Mr. Chipok stated that, for clarification purposes, one lot is under one ownership. The fact that the Property Appraiser has split it into two distinct lots, for whatever reason, is irrelevant. For our zoning and building purposes the whole 6 acres in this request is one lot.

Ms. Lawhun stated that if they weren't going over 1,820 square feet they wouldn't even be here tonight and Mr. Chipok responded yes, they would go straight to Building Permitting. Ms. Lawhun further stated that they want to almost double it and Mr. Chipok responded yes.

Ms. Lawhun stated that she is supporting the motion to deny the request, because by the applicant's own testimony, if there is only 3 existing neighbors and 2 of them are here tonight in opposition, as well as an Association that might represent 200 other property owners, she doesn't see how they can support this request.

A motion was made by Zane Beard, seconded by Bernard Johns, that this Variance request be Denied. The motion CARRIED by the following vote:

Aye: 5 - Chairman Mike Hattaway, Bernard Johns, Carissa Lawhun, Heather Stark, and Zane Beard

Excused: 2 - Vice Chairman Stephen Coover, and Jennie Hayes - Alternate

8 [BV2017-13](#)

(Lot 23) Bellewater Place - Request for a side street setback variance from twenty (20) feet to fifteen (15) feet for a privacy fence in the R-1BB (Single Family Dwelling) district for a property located on the northwest corner of Bellewater Place and Canteen Court, and more particularly known as (Lot 23) Bellewater Place; BV2017-13, District1 - Dallari (Angi Kealhofer, Project Manager)

Angi Kealhofer, Planner, presented this item and stated this request is for Lot 23 Bellewater Place. The subject property is located in the Cedar Glen of Aloma Woods Subdivision located on the northwest corner of Bellewater Place and Canteen Court and is within the R-1BB Single Family Dwelling district. The subject property is a corner lot and considered to have 2 front yards for setback purposes. The front of the house faces Bellewater Place and the Canteen Court street side is where the variance is being sought. The proposed privacy fence will be located 15' away from the property line and the back of the sidewalk. There were no previous variances found for Lot 23, however there were two corner lots that were previously granted variances for the same request. There is a map located in the Staff report to show the location of those lots.

No one from the audience spoke in favor or in opposition to this request.

The applicant did not want to speak.

Bernard Johns stated that in the past they've allowed 15' off the sidewalk, which is the same as the property line and he can see that it is a narrow side yard. He will support the request to move it out to 15' from the sidewalk.

A motion was made by Bernard Johns, seconded by Zane Beard, that this Variance request be Approved. The motion CARRIED by the following vote:

Aye: 5 - Chairman Mike Hattaway, Bernard Johns, Carissa Lawhun, Heather Stark, and Zane Beard

Excused: 2 - Vice Chairman Stephen Coover, and Jennie Hayes - Alternate

Approval of Minutes

A motion was made by Bernard Johns, seconded by Carissa Lawhun, that this Variance request be Approved. The motion CARRIED by the following vote:

Aye: 5 - Chairman Mike Hattaway, Bernard Johns, Carissa Lawhun, Heather Stark, and Zane Beard

Excused: 2 - Vice Chairman Stephen Coover, and Jennie Hayes - Alternate

ADJOURNMENT

There being no further business, the meeting adjourned at 7:03 P.M.