

# SEMINOLE COUNTY GOVERNMENT

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



## Meeting Minutes (Draft) - Final

Monday, April 24, 2017

6:00 PM

BCC Chambers

**Board of Adjustment**

## CALL TO ORDER

**Present** 4 - Bernard Johns, Vice Chairman Stephen Coover, Jennie Hayes - Alternate, and Zane Beard

**Excused** 3 - Chairman Mike Hattaway, Carissa Lawhun, and Heather Stark

## Opening Statement

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

## Public Hearing Items:

- 1     [BV2017-17](#)     **380 Bellview Place** - Request for a rear yard setback variance from thirty (30) feet to eighteen (18) feet for a covered screen room in the PD (Planned Development) district, for property located on the south side of Bellview Place, approximately 400 feet east of Orange Boulevard, and more particularly known as 380 Bellview Place; BV2017-17 (Phung K T Pham and Ty Viet Le, Applicants) District5 - Carey (Paula Archer, Project Manager)

*Paula Archer, Planning Technician, presented this item and stated that the subject property is located in the Versailles Subdivision, which is located on the south side of Bellview Place and is approximately 400' east of Orange Boulevard. The proposed covered screen room is 22' x 49' for a total of 1,078 square feet which will be attached to the rear of the single family residence and placed on a concrete slab. Section 30.451 of the Seminole County Land Development Code requires a 30' rear setback for a covered screen room. The subject property is zoned PD (Planned Development), which requires a rear yard setback of 30' and a side yard setback of 7.5'. The applicant is requesting a rear yard setback from 30' to 18' for the covered screen room. Staff has received two letters of opposition that were provided to the Board prior to the meeting. The Versailles Community Homeowner's Association has approved the homeowner's request for a covered screen room.*

*Phung Pham, the applicant, and her translator who is also her brother, Mr. Hung Tran, stated the following:*

- \* They plan to build a solid roof to the back of the house for the screen room.*
- \* They want to add an additional 12' feet to the existing roof, which is about 10'.*
- \* From the back of the building wall to the existing back wall is another 10', or a total of 22'.*
- \* The width of the house in the back is 42'.*
- \* They are asking for approval of their request.*

*Jennie Hayes asked if they had looked into the neighbor's concerns regarding drainage from the proposed roof as reflected in the opposition letters received, and if the proposed roof addition would create drainage issues that might negatively impact their land.*

*Mr. Tran, responded as follows:*

- \* He is a civil engineer and has just moved here.*
- \* He works in the drainage field.*
- \* The contractor they have hired is really good and they will maintain the existing drainage pattern.*
- \* The roof drain will tie into the downspout and out into the existing grass swale along the sides.*
- \* He doesn't think there are any drainage problems.*
- \* The back of the house now is high and the drainage flows from the back to the front and along the sides.*
- \* They will add a slot drain, which will pick-up any drainage in the paved area and carry it to the sides.*

*Ms. Hayes asked if there will be any run-off into the neighbor's property, based on what he is telling them and Mr. Tran replied no.*

*Bernard Johns stated that the other letter of opposition indicated concern about them placing a tin roof on the porch and one of the neighbors has a porch similar to what they're proposing, but they shingled it like their house, so it would match. He asked if they would be opposed to doing that. Mr. Tran responded that they don't propose to do any tile, but rather a solid metal roof with a screen, which will be a black color and he asked if that addressed his question. Mr. Johns stated that he understands what they are proposing, which is to place a black metal roof on the porch. He further stated that the neighbor who is opposing the request is concerned about the look of the roof and they don't like the idea of a metal roof, but they would be more in support of the request if they shingled the roof instead of using metal. Mr. Tran responded that they can do a shingle roof and he likes it better.*

*Kathy Hammel, Principal Planner, reminded the Board that when they make the motion if they could add the shingle roof as a condition.*

*No one from the audience spoke in favor of this request.*

*Crystal Marmo, of Sanford, pointed to her house using the overhead map. She further stated the following:*

- \* A couple of them went to the neighbors and only the people directly behind and beside the property got the letters.*
- \* The variance placard is posted in front of the house.*
- \* She did her research and she is two doors down and has a balcony.*
- \* When she is on her balcony, she can see into the yard.*
- \* The house is being continued almost into the fence.*
- \* When a screen room is added onto the existing porch, it is a very large structure and it is going into more than the middle of the yard.*
- \* Her concern is once the bag is opened up, it is then opened up to a lot of things in the future.*
- \* If she was directly behind him, she wouldn't be happy with it either.*
- \* It is definitely a protrusion and very far out into the yard, especially with a tin roof.*
- \* It is a two story house with a shingled extension and then a metal extension.*
- \* It concerns her for home selling when you see that.*
- \* The gentleman behind them, was not very happy about it as it directly affects him.*
- \* She finds this completely different than having a pool, whereas a pool is extended out into the yard, but it is not going up it's going out and people can't necessarily see it.*

*Zane Beard asked Staff if there was a variance approved at another home in the neighborhood, as stated in the opposition letter and Ms. Archer responded that she could not find any variances that had been approved in the entire subdivision, but it is a fairly new subdivision.*

*Ms. Hayes stated that it is a fairly small subdivision and approximately 63 homes.*

*Ms. Archer stated that there are about four streets that comprise the subdivision and she checked every street.*

*Ms. Hayes stated that we look at consistency when reviewing these applications, and asked if the additional tin roof onto the existing shingled roof would be consistent with what is in the other 62 homes in that subdivision and Ms. Marmo responded no and it would look very out of place.*

*Ms. Marmo stated that the concrete slab is just like a pool and you can't see it, so that doesn't affect them as much. She further stated that it would be different if it was a complete pool enclosure and consistent with a pool. This is three different roof lines with a regular roof line, a tin roof, and a pool screen in the backyard and it is not a big yard, which does affect everyone around who has to see it.*

*Douglas Tessell, of Sanford, stated that he objects to this variance request.*

*Kathleen Cooper, of Sanford, stated she objects to the granting of this variance request.*

*Mr. Coover stated that the applicant left the auditorium.*

*Mr. Johns stated that the applicant has not demonstrated a hardship and there is significant opposition to the request.*

*Ms. Archer stated that she would call the applicant tomorrow to remind them of the appeal time of 15 days.*

**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 - Bernard Johns, Vice Chairman Stephen Coover, Jennie Hayes - Alternate, and Zane Beard

**Excused:** 3 - Chairman Mike Hattaway, Carissa Lawhun, and Heather Stark

## **2**      [BV2017-24](#)

**130 Birchwood Drive** - Request for: (1) side street (west) setback variance from twenty-five (25) feet to five (5) feet three (3) inches for a privacy fence; (2) a side street (west) setback variance from twenty-five (25) feet to four (4) feet six (6) inches for a covered patio; and (3) front yard setback variance from twenty-five (25) feet to twenty-one (21) feet for a garage addition in the R-1AA (Single Family Dwelling) district for property located on the south side of Birchwood Drive, approximately 800 feet west of Derbyshire Road, and more particularly known as 130 Birchwood Drive; BV2017-24 (Charles and Charlotte Joseph, Applicant) District4 - Henley (Paula Archer, Project Manager)

*Paula Archer, Planning Technician, presented this item and stated that the subject*

property is located in the Lakewood Shores First Addition Subdivision and is zoned R-1AA. The subject property is a corner lot and as such, is considered to have two front yards for setback purposes. The front of the house faces Birchwood Drive and the side street is Maplewood Drive. The side street and front yards are where the variances are being sought. The request is for three variances to Section 30.206 of the Land Development Code of Seminole County as follows; 1) for a side street west setback variance from 25' to 5'3" for a privacy fence, 2) a side street west setback variance from 25' to 4'6" for a covered patio, and 3) for a front yard setback variance from 25' to 21' for a garage addition. In regards to the privacy fence, Section 30.1349 of the Land Development Code of Seminole County states that on a property assigned a residential zoning, a closed fence or wall in excess of 3' in height shall maintain the same front yard setback requirement as the main or principal dwelling structure. In the case of corner lots, this lot shall be considered to have a front yard or yards on any side or sides abutting a road right-of-way. Prior variances for this property are for a side street setback of 4' for a garage addition. Code Enforcement Building violations for this property include a citation for a privacy fence without the proper permit. Traffic Engineering has no objection to the placement of the fence as it relates to sight visibility. One letter of support has been received by David Lawlor who resides at 217 Maplewood Drive.

Vice Chairman Stephen Coover asked where 217 Maplewood Drive is located in relation to the subject property and Ms. Archer responded directly behind and where the fence would directly abut the property.

No one from the audience spoke in favor of this request.

Chris Peterson, of Winter Park, asked if everyone fills out a variance hardship worksheet and Kathy Hammel of Staff responded yes. He further asked if he could review it and Ms. Archer provided him a copy for his review. He further stated the following:

- \* There was no testimony that he heard in support showing that there's any particular hardship.
- \* In taking a quick look at the variance hardship worksheet, he did not see any evidence of an undue hardship as required by Florida law.
- \* The reason and rationale behind the law allowing variances in some situations and the literal application of zoning code, would create a hardship that would not allow any use of certain parcels of property whatsoever, and without flexibility, allow some sort of reasonable use of the property, such as totally prohibitive zoning would construe an inverse condemnation.
- \* However, undue hardship needs to be shown.
- \* The variance hardship worksheets states that the term undue hardship has a specific legal definition in the context, which essentially means that without the requested variance, the applicant would have no reasonable use of the subject property.
- \* There is a litany of Florida law, for instance, the hardship cannot be self-created.
- \* Case law indicates that the mere economic disadvantage of the owner's preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling the owner to a variance.
- \* Case law supports that just because someone wants to do what they want with their property does not mean it is a hardship.

Mr. Peterson cited various case law as follows:

- \* The requisite hardship may not be found, unless there is a showing that under

*present zoning no reasonable use can be made of the property.*

*\* The hardship must be such that it renders it virtually impossible to use the land for a purpose or in a manner for which it was zoned.*

*\* It is the land, not the nature of the project, which must be unique and create a hardship.*

*\* He has not seen any evidence here, nor in the application to show that there is any legal hardship as defined in Florida law for this to go forward and he requests that the application be denied on those grounds.*

*Zane Beard asked where his house is located in relation to the applicant and Mr. Peterson responded that he does not live there. He further stated that he has a financial interest and he is a mortgage holder.*

*Charles Joseph, the applicant, stated that was interesting and he has not met the speaker, nor does he know why he is testifying here other than he has a right to. He further stated the following:*

*\* They have lived at this house for 17 years and they have a variance to build the garage addition.*

*\* At that time, the two architectural features on the front of the building were built in conjunction with the structure.*

*\* The permit clearly shows them on the documents and they didn't understand that those were not covered until they applied for the variance for the fence.*

*\* Additionally, a permit has been issued for the patio structure and he has copies of the permits.*

*\* That was issued 10 years ago under that variance and they now have a structure standing and built.*

*\* They stopped construction when they found out that the variance didn't cover it.*

*\* The reason that the fence was built prior to the permit is because in order to build the patio, they blew into the fence, which was about 10 years old.*

*\* They called the Building Department and they asked if they needed to do any interim inspections for the fence or will they just come out to do a final inspection.*

*\* He was expecting them to come out and measure the post holes and spacing, but they said no and all they needed to do was to call for the final inspection when the fence was replaced and to just get the permit.*

*\* They had already torn the fence down and they have kids and a dog, so he put up a fence with the intention of getting a permit for the fence and when he finalized the permitted patio, he would finalize the fence at that time.*

*\* Code Enforcement came out and said they were building a fence and further asked what they were doing, which he responded to them that he was closing in his property and they instructed him to get the permit.*

*\* They came to get the permit, which was denied, and he asked why they were denying the permit and they said he needed a variance, which he said he had, and they went back and forth for about one month.*

*\* As it stands right now, everything is built except the patio is unfinished and a wood-trim package on the fence is unfinished.*

*\* They haven't done anything since they were told to stop.*

*\* They would like to proceed with getting the permit for the fence.*

*\* They would like to finalize the patio.*

*\* They are not mortgaging any of this and it is all being paid for with cash.*

*\* He's not sure if the speaker is representing someone.*

*\* There may be a separate motive for him speaking tonight, since he lives on Via Tuscany.*

*\* Via Tuscany is not even in Seminole County.*

*\* The neighbor that lives next to him and the neighbor who lives across from them for the past 15 years, could care less and they think the house and landscaping looks beautiful.*

*\* His understanding was that this was a formality, because they do have two existing Building permits.*

*\* It is important for the fence to sit where it is.*

*\* He should have brought other pictures of the interior, but he didn't.*

*\* If you refer to his plans, the patio opens up to the side yard.*

*The plans were shown on the overhead screen and Mr. Joseph pointed out different parts of the plans. He further stated the following:*

*\* He said that he doesn't think this is a hardship, but it is something that they wanted to do.*

*\* They thought they were following the law and they got permission, permits, and a variance.*

*\* It seems to be a miscommunication between what they understood was allowed to be built and what they were zoned to build through a variance that was issued a decade ago.*

*Vice Chairman Stephen Coover asked if there was any ground structure to be erected and is it all done, and Mr. Joseph responded that it is all standing. Vice Chairman Coover asked if it was all done, and Mr. Joseph stated that the only thing that isn't done, is finalizing the patio and fence permits, because he stopped working on them. He further stated that it is roofed and the structure is up and done. The only other thing that is not done is the fence, which is a little architectural trim.*

*Vice Chairman Coover stated that variances are very hard to get and in addition to a little bit of confusion that he sees, he knows under normal circumstances that the courts are going to be very reluctant to force anyone to tear down improvements that are already constructed, especially if they have been constructed with a building permit that we issued. He further stated that he is concerned about proceeding with this item until we can get more information from the Building Department in order to verify exactly what Seminole County authorized to be built and what was actually built. He understands that we are here for variances to correct some things, but the applicant did get a variance years ago and he was proceeding along with the Building Department, based upon what he thought was an appropriate variance for what he was doing. Vice Chairman Coover stated that he wants to know whether or not the Building Department also thought the same thing with the issued permits and before they make a decision one way or the other.*

*Kathy Hammel responded that they will coordinate with the Building Department and determine a timeline if they would like to continue this item to the May 22, 2017 meeting.*

*Vice Chairman Coover stated that he knows he is only one vote, but he thinks they would be taking a step forward without all of the information. He further stated that he thinks the applicant believes he was entitled to construct the improvements and he knows it could be true or not be true, but would rather have both sides of the facts for next month's meeting in order to ensure they approve the things that should be approved or deny those things that should be denied. Ms. Hammel responded that they would get that done.*

**A motion was made by Bernard Johns, seconded by Zane Beard, that this Variance request be Continued to the Board of Adjustment, due back on**

5/22/2017. The motion CARRIED by the following vote:

**Aye:** 4 - Bernard Johns, Vice Chairman Stephen Coover, Jennie Hayes - Alternate, and Zane Beard

**Excused:** 3 - Chairman Mike Hattaway, Carissa Lawhun, and Heather Stark

3 [BV2017-19](#)

**891 Alberta Street** - Request for a rear yard setback variance from thirty (30) feet to twelve (12) feet for a detached garage in the R-1AA (Single Family Dwelling) district for property located on the south side of Alberta Street, approximately 400 feet east of Fairview Avenue, and particularly known as 891 Alberta Street; BV2017-19 (Terran & Lucinda Freeman, Applicant) District4 - Henley (Darren Ebersole, Planner)

*Kathy Hammel, Principal Planner, presented this item and stated that this request is for a rear yard setback variance from 30' to 12' for a detached garage in the R-1AA zoning classification and known as Sanlando Springs. The applicant is proposing a 1,500 square foot addition, which is a 30' x 15' addition to an existing detached garage on the south side of their property. They received a prior variance for a 3,500 square foot detached garage and they are asking to add to this with an additional 1,500 square feet. The applicant has received a letter of support from the neighbor who is most affected by this variance request, which was indicated on the overhead map. The existing structure received the same setback variance from 30' to 12' and they are now requesting the same from 30' to 12'.*

*Jennie Hayes asked about it being inconsistent with the trend of development within the area and what that means. Ms. Hammel responded that is about the size of the structure. She further stated that typically an accessory structure does not exceed the square footage of the single family home, but in this case the structure is exceeding it by about 2,200 square feet. If this is approved, it will surpass the existing single family home's square footage by 2,200 square feet. When they give the six criteria, they choose a criteria that they feel it does not comply with.*

*Vice Chairman Stephen Coover asked if wetlands are to the west of the property and Ms. Hammel responded that a portion of it is wetlands, however the portion next to them is owned by the First Baptist Church and it is located in the City of Longwood. They have a Planned Development zoning classification on the property. The wetland area was shown on the overhead map.*

*Vice Chairman Coover stated that this Board has already authorized the setback and asked if they are just seeking to simply enlarge the structure and Ms. Hammel responded yes.*

*Terry Freeman, the applicant, stated that they want to add-on to the side of the structure and this is the first he's heard about the size of it. They were under the impression that everything was good to go except for the setback. They want to basically keep the front line of the building the same, so it looks good from the street view and from the back. If they had done it with the initial setback, it would have been in front of the garage on the house and they wouldn't have been able to access the garage on the house. They moved it back to clear the edge of the house and their main concern is to keep it in line instead of having an L-shaped building.*

*Bernard Johns stated that they had a variance for a sizable structure originally and asked why they need to keep expanding it as it is going to be bigger than the house.*



*Mr. Freeman responded that they had too many toys.*

*Vice Chairman Coover asked if is for storage and Mr. Freeman stated yes, they have a large motor home, a large stacker trailer, a boat, ATV's, and classic cars. They also have a section where they repair and tinker with them.*

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

*A motion was made by Zane Beard, seconded by Bernard Johns to approve this variance request. The motion carried 3-1, with Jennie Hays opposing the motion.*

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

**Aye:** 3 - Bernard Johns, Vice Chairman Stephen Coover, and Zane Beard

**Nay:** 1 - Jennie Hayes - Alternate

**Excused:** 3 - Chairman Mike Hattaway, Carissa Lawhun, and Heather Stark

**4**      [BV2017-21](#)

**6130 Linneal Beach Drive - REQUESTING A CONTINUANCE -**

Request for: (1) a rear yard setback variance from thirty (30) feet to six (6) feet; and (2) a side yard setback variance from ten (10) feet to eight (8) feet for a storage shed in the R-1AA (Single Family Dwelling) district for property located on the south side of Linneal Beach Drive, approximately 180 feet south of Oranole Way, and more particularly known as 6130 Linneal Beach Drive; BV2017-21 (Lorrie Bentley, Applicant) District3 - Constantine District (Darren, Planner)

*Kathy Hammel, Principal Planner, stated that Staff is requesting a Continuance for this item as the applicant failed to pick-up the placard for posting on the property.*

**A motion was made by Bernard Johns, seconded by Zane Beard, that this Variance request be Continued to the Board of Adjustment, due back on 5/22/2017. The motion CARRIED by the following vote:**

**Aye:** 4 - Bernard Johns, Vice Chairman Stephen Coover, Jennie Hayes - Alternate, and Zane Beard

**Excused:** 3 - Chairman Mike Hattaway, Carissa Lawhun, and Heather Stark

**5**      [BV2017-15](#)

**1638 Lawndale Circle - Request for a rear yard setback variance from five (5) feet to three (3) feet for a wood deck in the PD (Planned Development) district for a property located on the east side of Lawndale Circle, approximately 388 feet north of Whispering Way, and more particularly known as 1638 Lawndale Circle; BV2017-15 (Shelia D. Justen, Applicant) District1 - Dallari (Angi Kealhofer, Project Manager)**

*Angi Kealhofer, Planner, presented this item and stated that the subject property is located in the Country Lane Subdivision and is within the Country Lane PD. The variance request is for a rear yard setback variance from 5' to 3' for a wood deck. The proposed wood deck will be approximately 7,200 square feet and will encroach 4.5' into the 7.5' utility easement. The applicant has applied for a vacated easement and will go before the Board of County Commissioners on April 25, 2017. Lot 30 abuts Tract C indicated on the Country Lane Plat as a recreation drainage and conservation*

*easement. In 2015, Lot 31 received a rear yard setback variance from 10' to 2' for a pool. Also in 2015, Lot 31 received a vacated easement for the 7.5' rear yard utility easement.*

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

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

**Aye:** 4 - Bernard Johns, Vice Chairman Stephen Coover, Jennie Hayes - Alternate, and Zane Beard

**Excused:** 3 - Chairman Mike Hattaway, Carissa Lawhun, and Heather Stark

**6**      [BV2017-16](#)

**2747 Trommel Way** - Request for a rear yard setback variance from twenty (20) feet to fifteen (15) feet for a sunroom addition in the PD (Planned Development) district for a property located on the east side of Trommel Way, approximately 245 feet north of Lone Eagle Place, and more particularly known as 2747 Trommel Way; BV20167 (Otis Melvin, Applicant) District2 - Horan (Angi Kealhofer, Project Manager)

*Angi Kealhofer, Planner, presented this item and stated that the subject property is located in the Sterling Meadows Subdivision and within the Sterling Meadows PD. The variance request is for a rear yard setback variance from 20' to 15' for a sunroom addition. The proposed sunroom addition will be approximately 350 square feet and 14' x 25', which will encroach 5' into the required rear yard setback. The Sterling Meadows Homeowner's Association has approved the proposed sunroom addition. There were no previous variances found for this lot or surrounding lots.*

*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:** 4 - Bernard Johns, Vice Chairman Stephen Coover, Jennie Hayes - Alternate, and Zane Beard

**Excused:** 3 - Chairman Mike Hattaway, Carissa Lawhun, and Heather Stark

**7**      [BV2017-18](#)

**142 Wekiva Park Drive** - Request for: (1) a front yard setback variance from fifty (50) feet to fifteen (15) feet; and (2) a side yard (north) setback variance from fifty (50) feet to five (5) feet; and (3) a side yard (south) setback variance from fifty (50) feet to eighteen (18) feet for a barn in the A-1 (Agriculture) district for a property located on the west side of Wekiva Park Drive, approximately 1,100 feet north of W. S.R. 46, and more particularly known as 142 Wekiva Park Drive; BV2017-18 (Steven and Lori M. Demoor, Applicant) District5 - Carey (Angi Kealhofer, Project Manager)

*Angi Kealhofer, Planner, presented this item and stated that the subject property is located in the A-1 Agricultural district. The proposed barn will be approximately 3,900 square feet and 30' x 100'. The property is located on the Wekiva River and is located in the Wekiva River Protection Area. The applicant will be required to maintain 50% of the trees on the parcel. The applicant is requesting the barn to be located at the requested location to avoid run-off of surface waste from the structure to not run into*

the river and to maintain as many trees as possible. Letters of support have been submitted from the surrounding property owners. A map was provided that showed those in support of the request. No previous variances were found for this property or the surrounding properties.

Vice Chairman Stephen Coover asked if there was a letter of support from the property owner to the north and Ms. Kealhofer responded yes. She further stated that the blue parcel is the parcel where the variance is being sought and he owns the south parcel. They also have a letter of support from the parcel to the north and all surrounding ones.

Vice Chairman Coover stated that he read the applicant's request and it sounds like this seems to be the most logical place to put the barn from the standpoint of saving trees and holding down the impacts of it. He further stated that it does impact the adjacent properties on the line, but so does the road.

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

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

**Aye:** 4 - Bernard Johns, Vice Chairman Stephen Coover, Jennie Hayes - Alternate, and Zane Beard

**Excused:** 3 - Chairman Mike Hattaway, Carissa Lawhun, and Heather Stark

**8**      [BV2017-22](#)

**(Lot 31, Block T) Jericho Drive** - Request for a side yard (west) setback variance from ten (10) feet to five (5) feet for a pool screen enclosure in the R-1AA (Single Family Dwelling) district for a property located on the south side of Jericho Drive, approximately 250 feet west of Dahill Court, and more particularly known as Lot 31, Block T Jericho Drive; BV2017-22 District1 - Dallari (Angi Kealhofer, Project Manager)

*Angi Kealhofer, Planner, presented this item and stated that the subject property is located in the Howell Cove 4 Section Subdivision and is within the R-1AA Single Family Dwelling district. This variance request is for a side yard west setback variance from 10' to 5' for a pool screen enclosure. The proposed pool screen enclosure will be approximately 1,090 square feet and will encroach 5' into the required side yard setback. Prior to the applicant purchasing the property, the previous owners removed the pool screen enclosure. She could not find records of previous building permits or variances for a pool screen enclosure for this lot. Three letters of support have been submitted from three of the neighbors, which have been included in the Board's packet of information.*

*The applicant is a confidential applicant and further stated the following:*

*\* They purchased the property about 6 or 8 months ago and they are trying to improve the property.*

*\* The tax roll shows where it lists the screen enclosure next to the pool and he has a detailed parcel sheet from the Property Appraiser's office if the Board would like to look at it.*

*\* The pool enclosure was there until about one year ago and then it was torn down.*

*\* He has seen an earlier picture of it and he is glad it was torn down, as it was falling apart anyway.*

*\* They are just trying to improve the property.*

*Jennie Hayes asked to see the map showing the letters of support. She asked if Lot 3 is the only next door neighbor with no letter and if someone lived there. The applicant responded that the neighbor told him she was in support and he should have received a letter from her, however he figured since she is on the other side that she wouldn't care. The neighbor is also confidential and he was trying to leave her out of this. Ms. Hayes was wondering if the home was vacant and it is not.*

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

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

**Aye:** 4 - Bernard Johns, Vice Chairman Stephen Coover, Jennie Hayes - Alternate, and Zane Beard

**Excused:** 3 - Chairman Mike Hattaway, Carissa Lawhun, and Heather Stark

**9**      [BV2017-23](#)

**295 Chiswell Place** - Request for a side street (south) setback variance from fifty (50) feet to forty (40) feet for an addition to a guest house in the A-1 (Agriculture) district for a property located on the northeast corner of Chiswell Place and Bridgewater Drive, and more particularly known as 295 Chiswell Place; BV2017-23 (Gladymar and Corey Sawyer, Applicants) District5 - Carey (Angi Kealhofer, Project Manager)

*Angi Kealhofer, Planner, presented this item and stated that the subject property is located in the Heathrow Woods Subdivision and is within the A-1 Agricultural district. The request is for a side street south setback variance from 50' to 40' for an addition to a guest house. The subject property is a corner lot and as such is considered to have two front yards for setback purposes. The front of the house faces Chiswell Place and the Bridgewater Drive side is where the variance is being sought. The proposed addition to the guest house will be approximately 2,800 square feet. The existing guest house is 1,400 square feet, with the total square footage of the guest house to be 4,200. The proposed addition will encroach 10' into the required side street setback.*

*David Farrarini, with Farrarini Custom Homes in Longwood, stated that he is the contractor for the applicant and this project. He further stated the following:*

*\* He recently spoke with two Board members of the Heathrow Woods Homeowner's Association and they have no objection to this request.*

*\* They are thrilled to have the Sawyer's in the neighborhood.*

*\* This home has been a problem for quite some time.*

*\* There is a current open permit for the guest house that was issued in 2008 and it is about 25% completed.*

*\* The Homeowner's Association evicted the homeowner at the time and they are happy to have the Sawyer's here and are willing to do anything for them.*

*\* The corner property has two front setbacks and is protected by the entrance wall on both sides.*

*\* Changing the setback from 50' to 40', you won't even see it as you pull into the neighborhood and it is all behind the entrance wall.*

*\* As you come in and around the corner, the guard shack has a bicycle stand there for the guards to tie-up their bikes, which is on the Sawyer's property.*

*\* Everyone lives in harmony there.*

- \* He thinks this is a win-win situation for the County and for the neighborhood.*
- \* The Homeowner's Association has not yet had their meeting to approve this request, so even if this Board approves this request, it still has to go through the Homeowner's Association approval process.*

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

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

**Aye:** 4 - Bernard Johns, Vice Chairman Stephen Coover, Jennie Hayes - Alternate, and Zane Beard

**Excused:** 3 - Chairman Mike Hattaway, Carissa Lawhun, and Heather Stark

**10**      [BV2017-25](#)

**2671 Sand Lake Road** - Request for a side street (west) setback variance from twenty-five (25) feet to twenty (20) feet for an addition in the R-1AA (Single Family Dwelling) district for a property located on the southeast corner of Oak Haven Drive and Sand Lake Road, and more particularly known as 2671 Sand Lake Road; BV2017-25 (Michael J. Macherone, Applicant) District3 - Constantine (Angi Kealhofer, Project Manager)

*Angi Kealhofer, Planner, presented this item and stated that the subject property is located in the Rogers Subdivision and is within the R-1 AA Single Family Dwelling district. The variance request is for a side street setback variance from 25' to 20' for an addition. The proposed addition will encroach 5' into the required side yard street setback. The subject property is a corner lot and as such is considered to have two front yards for setback purposes. The front of the house faces Sand Lake Road and the Oakhaven Drive side is where the variance is being sought. There were no previous variances for this lot or surrounding lots.*

*Michael Macherone, the applicant, stated that this is his last property in Apopka that he has for sale and it is currently listed. He further stated the following:*

- \* The house was purchased by him from the original owners.*
- \* Years ago, Sand Lake Road was widened and a traffic light was added.*
- \* Before that, the house had a front entry carport, which was off of Sand Lake Road.*
- \* When the addition was done, they took part of the property, which he guesses was the County.*
- \* There is a traffic light pole that is in front of where his driveway is, so he can't approach it that way.*
- \* The side street is a dead-end road without a lot of traffic.*
- \* He has applied for some permits, but then decided to knock out one side of the house for a two car garage to fit a standard size vehicle.*
- \* It will still occupy the same driveway, which is off the side road.*
- \* With the carport the way it is now, it is not deep enough with a side entry to bring in a normal sized vehicle.*
- \* He has a big super crew diesel truck and he likes to park in the garage.*
- \* The whole house will be renovated from a 1950's style to a current day build.*
- \* He has a hardship on the other side with a garage, based on the way the house is configured.*
- \* Part of the house is staying with two bedrooms and living space.*
- \* On the back part of the parcel, there are items that were built that he plans to demolish and probably never had permits.*

*\* He spoke to the neighbor beside or behind him and has a support letter from him.*

*Vice Chairman Stephen Coover asked if he could approximate how many homes are on the dead-end street and Mr. Macherone responded approximately 8 homes. He further stated that he is not approaching anybody else's property other than the road.*

*Vice Chairman Coover stated that he is approaching 5' into the setback and the reason why he wants to know how much traffic they should be concerned with.*

*Mr. Macherone stated that once his project is done, his driveway is still substantial enough to hold 4 vehicles even with the garage addition.*

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

*Bernard Johns stated that he doesn't see a sight visibility problem with this request.*

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

**Aye:** 4 - Bernard Johns, Vice Chairman Stephen Coover, Jennie Hayes - Alternate, and Zane Beard

**Excused:** 3 - Chairman Mike Hattaway, Carissa Lawhun, and Heather Stark

**11**      [BV2017-26](#)

**215 Spring Run Circle** - Request for: (1) a side yard (west) setback variance from ten (10) feet to four (4) feet; and (2) a side yard (east) setback variance from ten (10) feet to five (5) feet for a pool water's edge in the PD (Planned Development) district for a property located on the east side of Spring Run Circle, approximately 670 feet east of Spring Boulevard, and more particularly known as 215 Spring Run Circle; BV2017-59 (Jeffrey P. & Belinda A. Davis, Applicants) District3 - Constantine (Angi Kealhofer, Project Manager)

*Angi Kealhofer, Planner, presented this item and stated that this request is for 1) a side yard west setback variance from 10' to 4', and 2) a side yard east setback variance from 10' to 5' for a pool water's edge in the PD zoning. The variance request in the Staff report reflects a west setback variance for the first variance request, however it is really a north setback variance. The proposed pool will be approximately 282 square feet. The lot where the variance is being sought is considered to be a special yard determined by Rebecca Hammock, Seminole County Planning Manager, because the subject lot is an odd shaped corner lot where the radius functions as both a front and a rear yard. The applicants received a side yard south setback variance for a pool on September 26, 2016.*

*Jeff Davis, the applicant, stated that he lives in The Springs. He further stated the following:*

*\* They were before the Board before and were granted a variance, but at the time, the pool company had incorrect measurements.*

*\* He didn't catch it at the time.*

*\* They have the best next door neighbor, Mr. Adnan Raja, who lives on the lot next to him that would be affected.*

*\* He is here tonight.*

*Rasam Adnon Raja, of Longwood, stated that he has been Mr. Davis's neighbor for the*



*past 10 years. He further stated that he trusts his neighbor and whatever he is asking for the Board should grant it.*

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

*Bernard Johns stated that there is nowhere else he can put it.*

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

**Aye:** 4 - Bernard Johns, Vice Chairman Stephen Coover, Jennie Hayes - Alternate, and Zane Beard

**Excused:** 3 - Chairman Mike Hattaway, Carissa Lawhun, and Heather Stark

### **Special Exceptions:**

- 12     [BS2017-05](#)     **550 S. Hunt Club Boulevard** - Request for a Special Exception to allow on-premise consumption of alcohol for a bona fide restaurant, located within one thousand (1,000) feet of a church or school, in the Foxwood PD (Planned Development) district for a property located on the northwest corner of S. Hunt Club Boulevard and E. S.R. 436, and more particularly known as 550 S. Hunt Club Boulevard; BS2017-05 (Dowell Family Group Inc., Applicant) District3 - Constantine (Angi Kealhofer, Project Manager)

*Angi Kealhofer, Planner, stated that the subject property is located in The Corners at Hunt Club Plaza and is within the Foxwood Planned Development district. The applicant is applying for a Special Exception to allow on-premise consumption of alcohol at a bonafide restaurant located within 1,000' of a church or a school. The proposed sit-down pizzeria restaurant will be located in The Corners at Hunt Club Plaza within the Foxwood PD where other restaurants have on-premise consumption. The Foxwood PD allows C-1 Commercial Retail uses, which permits restaurants. The proposed restaurant is applying for a 4COPSRX liquor license. Bear Lake Middle School is located across SR 436, behind the llesdale Manor Subdivision approximately 875' to the south. The proposed restaurant will be 3,456 square feet and the hours of operation will be from 11:00 a.m to 12:00 a.m., with the majority of profits from the serving of meals and non-alcoholic beverages.*

*Bernard Johns stated that he remembers the Board approving an almost identical request just down the road on the other side of the road by the Fire Station and Ms. Kealhofer responded that is possible.*

*Michael Dowell, the applicant, stated that one of the reasons why it is within 1,000' is due to the way it is measured. He pointed to the overhead map to show how the property was measured.*

*Vice Chairman Stephen Coover asked what the physical address is of the current location and Mr. Dowell stated this is a new location, which is 550 S. Hunt Club Boulevard.*

*One person stated they were in support of the request, but they are confidential.*

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

*Vice Chairman Coover stated that Staff has laid out the reasons for this approval and showing the consistency and the precedence.*

**A motion was made by Jennie Hayes, seconded by Bernard Johns, that this Special Exception be Approved. The motion CARRIED by the following vote:**

**Aye:** 4 - Bernard Johns, Vice Chairman Stephen Coover, Jennie Hayes - Alternate, and Zane Beard

**Excused:** 3 - Chairman Mike Hattaway, Carissa Lawhun, and Heather Stark

**13**     [BS2017-04](#)

**1570 Dodd Road** - Request for a Special Exception to allow a Dog Kennel in the A-1 (Agriculture) district for a property located on the northeast corner of Dodd Road and Heavenly Cove, and more particularly known as 1570 Dodd Road; BV2017-04 (Robin A. McAlindon, Applicant) District1 - Dallari (Kathy Hammel, Project Manager)

*Kathy Hammel, Principal Planner, stated that the applicant has requested a Continuance as the applicant has received concerns from the community and she would like to meet with them in order to address their concerns.*

**A motion was made by Bernard Johns, seconded by Zane Beard, that this Special Exception be Continued to the Board of Adjustment, due back on 5/22/2017. The motion CARRIED by the following vote:**

**Aye:** 4 - Bernard Johns, Vice Chairman Stephen Coover, Jennie Hayes - Alternate, and Zane Beard

**Excused:** 3 - Chairman Mike Hattaway, Carissa Lawhun, and Heather Stark

## **Approval of Minutes**

**A motion was made by Bernard Johns, seconded by Zane Beard, that the Minutes from March 27, 2017 be Approved, as submitted. The motion CARRIED by the following vote:**

**Aye:** 4 - Bernard Johns, Vice Chairman Stephen Coover, Jennie Hayes - Alternate, and Zane Beard

**Excused:** 3 - Chairman Mike Hattaway, Carissa Lawhun, and Heather Stark

## **Closing Business**

*Kathy Hammel stated that at the last meeting, Chairman Mike Hattaway wanted to include addresses on the maps, especially for those in support or in opposition to each request. Staff created a format that was shown to the Board that includes the addresses, the property hatched, those in support and in green, and those in opposition in red. If there is nothing, then the map will only include addresses in case someone speaks up at the meeting, they can then reference the property. It will be included on the zoning map as one of the quadrants.*



## **ADJOURNMENT**

There being no further business, the meeting adjourned at 7:12 P.M.