

SEMINOLE COUNTY, FLORIDA

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



Meeting Minutes

Monday, January 23, 2023

6:00 PM

BCC Chambers

Board of Adjustment

CALL TO ORDER AND ROLL CALL

Present	Bernard Johns, James Hattaway, Larry Wright, Austin Beeghly, and Thomas Kunzen
Absent	Heather Stark

VARIANCES

- 1 **2643 Hinoki Cypress Place** - Request for a side street (east) setback variance from fifteen (15) feet to eight (8) feet for a privacy fence in the PD (Planned Development) district; BV2022-91 (Afzal Bashir, Applicant) District 2 - Zembower (Hilary Padin, Project Manager) [2022-7499](#)

Hilary Padin, Planner, presented this item as stated in the Staff Report.

Austin Beeghly asked the applicant if this is a new development and Afzal Bashir, Applicant, was present and replied yes. Mr. Beeghly asked Mr. Bashir if he is one of the first houses in the development or the development is already built out and the applicant responded that his house is one of the last houses and advised that they are building a second phase.

Jim Hattaway stated that under the Land Development Code there are six (6) criteria for the Board to consider and the second one states that the remedy the applicant is trying to correct, cannot be caused by the applicant. He stated that the applicant bought the property knowing that the playground was there. Mr. Bashir responded that he was not aware that he couldn't put a fence in that location when he bought the house. Mr. Hattaway asked him if during his purchase of the home, if anyone told him that he couldn't build a fence the way that he wants to and Mr. Bashir stated that no one did. Mr. Beeghly asked him if he asked where he could install a fence and he said no as he saw other homes with fences and didn't think it would be an issue and elaborated on his reasons for needing the fence.

Mr. Beeghly asked Ms. Padin if there have been other variances for fences in this neighborhood and Ms. Padin responded that there have been other variances for fences. He asked what the results were and she responded that she wasn't sure of the specifics. Kathy Hammel, Principal Planner, advised that she will look it up now.

Larry Wright stated that the top left corner of the survey has a curve and asked Ms. Padin if they need to spell out something specifically so the applicant wouldn't have to follow the curve at the eight (8) foot variance. Ms. Padin responded that it is eight (8) feet at the closest point.

Ms. Hammel advised the Board that there were two (2) fence variances granted in this development last year and both of them were from fifteen (15) feet to seven (7) feet.

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

A motion was made by Larry Wright, seconded by Austin Beeghly, to approve this variance request.

Aye: Larry Wright, Austin Beeghly, and Thomas Kunzen

Nay: Bernard Johns, and James Hattaway

Absent: Heather Stark

- 2 **3912 Kentucky Street** - Request for a front yard setback variance from [2022-7554](#) fifty (50) feet to thirty-one (31) feet for an addition in the A-1 (Agriculture) district; BV2022-100 (Indoor Investments, LLC, Applicant) District 2 - Zembower (Angi Gates, Project Manager)

Angi Gates, Planner, presented this item as stated in the Staff Report.

Larry Wright asked staff if the house is non-conforming and Ms. Gates responded correct.

Kenia Alvarez and Hector Oyula, the applicants, were present and through Jealyan Moreno, Clerk, who translated stated that when they bought the property the realtor said the property was 0.39 acres, so they decided to buy it. Mr. Oyula stated that they didn't know that the County took twenty-five (25) feet from the front property line.

Chairman Bernard Johns asked the applicants if they are just trying to bring the addition even to the front of the existing house and the applicant responded yes.

Jim Hattaway asked the applicants if they spoke with any of the neighbors about the project and the applicant responded that they haven't spoke with any of the neighbors.

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

Tom Kunzen asked staff how the house is 31.7 feet if it has a fifty (50) foot front yard setback. Kathy Hammel, Principal Planner, stated that it depends on when it was built. If the house was built prior to adopting the Code it's called legal, non-conforming, but anything that they do additional to the property has to meet the current setbacks.

A motion was made by Jim Hattaway, seconded by Tom Kunzen, to approve this variance request.

Aye: Bernard Johns, James Hattaway, Larry Wright, Austin Beeghly, and Thomas Kunzen

Absent: Heather Stark

- 3 **1361 S Ridge Lake Circle** - Request for a side yard (west) setback [2022-7557](#) variance from ten (10) feet to five (5) feet for an addition in the R-1AAA (Single Family Dwelling) district; BV2022-105 (Brian & Stephanie Enright, Applicants) District 4 - Lockhart (Angi Gates, Project Manager)

Angi Gates, Planner, presented this item as stated in the Staff Report.

Jim Hattaway, asked staff if this is being built in the existing footprint and Ms. Gates

responded yes, there's an existing screen room that is not going to enlarge the footprint, but there's not a new concrete slab.

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

A motion was made by Austin Beeghly, seconded by Jim Hattaway, to approve this Variance request.

Aye: Bernard Johns, James Hattaway, Larry Wright, Austin Beeghly, and Thomas Kunzen

Absent: Heather Stark

- 4 **7410 E. Antietam Court** - Request for a side street (west) setback variance from twenty-five (25) feet to five (5) feet for a fence in the R-1 (Single Family Dwelling) district; BV2022-106 (Edgar Perez, Applicant) District 1 - Dallari (Angi Gates, Project Manager) [2022-7556](#)

Angi Gates, Planner, presented this item as stated in the Staff Report.

Chairman Bernard Johns asked the applicant why they are requesting the fence to be five (5) feet from the sidewalk and Tiziana Olivera, Applicant, was present and through Jealyan Moreno, Clerk, who translated stated that was the recommendation by the contractor, she added that they were trying to do a soccer field in the back and they were trying to get the space for it.

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

Tom Kunzen stated that in the supporting material with the application there are many pictures of fences from other properties that encroach a lot less and asked staff if there is any record of variances granted for those other properties. Ms. Gates responded that she didn't have addresses for those properties in the photos to see if they had any prior variances, and stated that some of them wouldn't require a variance as they are open fences, but she did not find any variances in the immediate area.

Chairman Johns advised the applicant of their right to appeal.

A motion was made by Austin Beeghly, seconded by Tom Kunzen to deny this Variance request.

Aye: Bernard Johns, James Hattaway, Larry Wright, Austin Beeghly, and Thomas Kunzen

Absent: Heather Stark

- 5 **121 Woodmill Road** - Request for a rear yard setback variance from ten (10) feet to six (6) feet for a spa in the PD (Planned Development) district; BV2022-102 (Andrea Cochran, Applicant) District 3 - Constantine (Angi Gates, Project Manager) [2022-7555](#)

Angi Gates, Planner, presented this item as stated in the Staff Report.

Chairman Bernard Johns stated that the property is a unique layout, because if he understands the survey correctly, one side of the house is flat against the property line and the other side has five (5) feet. Ms. Gates stated that she believes they are townhomes and further advised this request is for a swim spa.

Austin Beeghly advised the Board that this request is for a home in his neighborhood where he is on the Homeowners Association Board, but he has no fiduciary responsibility.

Jim Hattaway asked the applicant if the only thing behind her house is Springs Boulevard. Andrea Cochran, Applicant, was present and responded that yes that is correct and yes is a townhouse, but they called them cluster homes as they are sharing a wall with their neighbor.

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

A motion was made by Austin Beeghly, seconded by Jim Hattaway, to approve this variance request.

Aye: Bernard Johns, James Hattaway, Larry Wright, Austin Beeghly, and Thomas Kunzen

Absent: Heather Stark

- 6 **10032 Bear Lake Road** - Request for a side yard (north) setback variance from ten (10) feet to one (1) foot for a boat dock in the R-1 (Single Family Dwelling) district; BV2022-104 (Amy Wheeler, Applicant) District 3 - Constantine (Angi Gates, Project Manager) [2022-7558](#)

Angi Gates, Planner, presented this item as stated in the Staff Report.

Amy Wheeler, Applicant, was present, but did not have any additional comments for the Board.

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

A motion was made by Austin Beeghly, seconded by Jim Hattaway, to approve this variance request.

Aye: Bernard Johns, James Hattaway, Larry Wright, Austin Beeghly, and Thomas Kunzen

Absent: Heather Stark

- 7 **1337 Franklin Street** - Request for a side yard (east) setback variance from ten (10) feet to five (5) feet for a shed in the R-1AA (Single Family Dwelling) district; BV2022-101 (Billy & Randi Parker, Applicants) District 4 - Lockhart (Hilary Padin, Project Manager) [2022-7500](#)

Hilary Padin, Planner, presented this item as stated in the Staff Report.

Larry Wright asked staff to confirm that the variance is for a shed as the site plan shows septic for plumbing. Hilary Padin responded that they were going to have it as a home office and advised the applicant that a detached home office wasn't permitted in that zoning district, so the applicant decided to convert it into a storage shed and she did not remove it from the site plan. Kathy Hammel, Principal Planner, stated that a condition could be added to the Development Order.

Billy Parker, Applicant, was present and did not have additional comments for the Board.

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

A motion was made by Austin Beeghly, seconded by Larry Wright, to approve this variance request, with the condition of there being no plumbing.

- 8 **1790 Pasture Loop** - Request for a rear yard setback variance from seven and one-half (7.5) feet to five (5) feet for a swimming pool in the PD (Planned Development) district; BV2022-103 (Todd & Susan Amerson, Applicants) District 1 - Dallari (Hilary Padin, Project Manager) [2022-7501](#)

Hilary Padin, Planner, presented this item as stated in the Staff Report.

The Applicants were present, but did not have additional comments for the Board.

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

A motion was made by Jim Hattaway, seconded by Austin Beeghly, to approve this variance request.

Aye: Bernard Johns, James Hattaway, Larry Wright, Austin Beeghly, and Thomas Kunzen

Absent: Heather Stark

- 9 **7561 Brightwater Place** - Request for a side street (west) setback variance from twenty (20) feet to eleven and one-half (11.5) feet for a privacy fence in the PD (Planned Development) district; BV2022-87 (Maria Arevalo, Applicant) District 1 - Dallari (Hilary Padin, Project Manager) [2022-7502](#)

Hilary Padin, Planner, presented this item as stated in the Staff Report

Chairman Bernard Johns asked staff if there existing fence is in the same location and Tom Kunzen and Ms. Padin replied that it's a hedge.

Maria Arevalo, Applicant, was present and stated that she's not going past the neighbor, she just need enough room to put a gate because the other side is full of pool equipment and hedges and if she puts it where the setback is it will be right against the lanai and also there is a landscape buffer there so it's not going to be visible.

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

A motion was made by Jim Hattaway, seconded by Tom Kunzen, to approve this variance request.

Aye: Bernard Johns, James Hattaway, Larry Wright, Austin Beeghly, and Thomas Kunzen

Absent: Heather Stark

- 10 **1817 Lakelet Loop** - Request for a rear yard setback variance from twenty (20) feet to fourteen and one-half (14.5) feet for a screen room addition in the PD (Planned Development) district; BV2022-107 (Rafael & Jiang Suarez, Applicants) District 1 - Dallari (Hilary Padin, Project Manager) [2022-7503](#)

Hilary Padin, Planner, presented this item as stated in the Staff Report.

Brian Dorian, Applicant's representative, was present and stated that the applicants bought this house a few years ago with the existing screen room, which is three (3) feet by fifteen (15) feet and it is too small for practical use. The neighbor behind them built a screen room legally without a variance and this customer called and said that they would like the same size screen room ten (10) feet by twenty-three (23) feet that the neighbor has. He explained that with the way their lot angles, there is a retaining wall and its too close to the property line, so they are only asking for fourteen and one-half (14½) feet instead of the twenty (20) feet. He also advised that they received letters of approval of the neighbors on both sides, including the neighbor that has the bigger screen room.

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

A motion was made by Tom Kunzen, seconded by Larry Wright, to approve this variance request.

Aye: Bernard Johns, James Hattaway, Larry Wright, Austin Beeghly, and Thomas Kunzen

Absent: Heather Stark

- 11 **109 Privado Court** - Request for a side yard (west) setback variance from seven and one-half (7.5) feet to six (6) feet for an addition in the R-1 (Single Family Dwelling) district; BV2022-108 (Natalie Chow-Garnichaud, Applicant) District 2 - Zembower (Hilary Padin, Project Manager) [2022-7504](#)

Hilary Padin, Planner, presented this item as stated in the Staff Report.

Natalie Chow-Garnichaud, Applicant, was present, but did not have any additional comments for the Board.

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

A motion was made by Austin Beeghly, seconded by Jim Hattaway to approve this variance request.

Aye: Bernard Johns, James Hattaway, Larry Wright, Austin Beeghly, and Thomas Kunzen

Absent: Heather Stark

CLOSING BUSINESS

none

APPROVAL OF THE MINUTES

A motion was made by Austin Beeghly, seconded by Jim Hattaway, to approve the December 5, 2022 Minutes, as submitted.

Aye: Bernard Johns, James Hattaway, Larry Wright, Austin Beeghly, and Thomas Kunzen

Absent: Heather Stark

ADJOURN

Having no further business, the meeting adjourned at 6:39 PM.