

SEMINOLE COUNTY, FLORIDA

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



Meeting Minutes

Monday, June 24, 2024

6:00 PM

BCC Chambers, Room 1028

Board of Adjustment

CALL TO ORDER AND ROLL CALL

Present James Evans, James Hattaway, Larry Wright, Austin Beeghly,
Thomas Kunzen, and Carmine Bravo
Absent Heather Stark

OPENING STATEMENT**CONTINUED ITEM**

7413 Barnacle Court- Request for a side street (west) setback [2024-0603](#)
variance from two (2) feet to zero (0) feet for a privacy fence in
the R-1A (Single Family Dwelling) district; BV2023-047
(Amanda Ban, Applicant) District 1 - Dallari (Angi Gates,
Project Manager)

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

Chairman Jim Hattaway asked if there's going to be a code violation for this matter and Ms. Gates responded that they already have a building permit with 180 days to complete it and the building department is aware that she must apply for another variance.

Alexis Rodriguez, Applicant's Representative, was present and stated that when they applied for the first variance, they requested two (2) feet from the property line, but they thought that the property line was parallel to the sidewalk, but it turned out that it changes and that's why they needed the extra two (2) feet.

Chairman Hattaway asked Mr. Rodriguez where he measured the two (2) feet from and he replied that he measured it from the edge of the sidewalk, where in the beginning of the yard is at two (2) feet but toward the back it is six (6) inches away from the property line.

Chairman Hattaway asked if he had support of the neighbors and Ms. Gates replied that at the last meeting, they brought fourteen (14) signatures, but because they were for the old request, they couldn't bring it into this meeting.

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: James Evans, James Hattaway, Larry Wright, Austin Beeghly,
Thomas Kunzen, and Carmine Bravo

Absent: Heather Stark

VARIANCES

557 Tall Oaks Terrace - Request for a rear yard setback [2024-0754](#)
variance from ten (10) feet to six (6) feet for a screen room

addition in the PD (Planned Development) district; BV2024-056 (Ted & Theresa Archer, Applicants) District 4 - Lockhart (Angi Gates, Project Manager)

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

Ted Archer, Applicant, was present and stated that he hired a company to do the screen enclosure on an existing slab and according to them everything was good to go with the building permit. He explained that the contractor never advised him that they had an issue with the setback during the building permit process and he didn't know anything about it until they received a letter in March stating that they were in violation. Mr. Archer advised that he has tried to communicate with them, but they have not answered any emails or calls.

Tom Kunzen asked Mr. Archer what dates the contractor worked on the screen enclosure and he replied that on January 16th the enclosure installed. He signed the original contract on October 31 and in November he was informed that he would need a new survey. Mr. Kunzen asked if he was aware that they did not pull a permit and the applicant responded that he didn't know and he never was informed that he needed a variance and he also was not informed that they submitted a letter withdrawing the permit application until now.

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

A motion was made by Austin Beeghly, seconded by Tom Kunzen, to approve this variance request.

Aye: James Evans, James Hattaway, Larry Wright, Austin Beeghly, Thomas Kunzen, and Carmine Bravo

Absent: Heather Stark

10032 Bear Lake Road - Request for: (1) a height variance [2024-0779](#) from four (4) feet to eight (8) feet; and (2) a setback variance from thirty (30) feet to eight (8) feet to the Normal High Water Line for a fence that exceeds four (4) feet in height located on a natural water body in the R-1 (Single Family Dwelling) district; BV2024-060 (Amy Wheeler, Applicant) District 3 - Constantine (Angi Gates, Project Manager)

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.

Chairman Jim Hattaway asked if Ms. Wheeler had a picture of the house being four (4) feet higher than the other houses and she replied that she does. Chairman Hattaway asked if she's just showing how high the houses are and she responded yes.

Carmine Bravo asked if the house was at ground level, and she responded yes. He stated that he has concerns and asked if the maximum fence height is eight (8) feet and Ms. Gates responded yes.

Judge Bravo asked if the structure was already there, and Ms. Gates responded that the structure is not existing right now. Ms. Wheeler added that she doesn't currently have a fence. Ms. Gates added that the neighbor has the wall right now and it was permitted around the time the house was built. Judge Bravo asked how tall the neighbors wall is and she responded that the neighbors wall is six and one-half (6½) feet. Judge Bravo asked the applicant if this is the adjoining neighbor or the neighbor that is objecting. She responded that is the neighbor that is objecting. Judge Bravo added so they are objecting because the wall that you are requesting will block their view. Ms. Gates responded that they are objecting because it will be closer to the water and that's why they are requesting the setback variance to go closer to the Normal High-Water Line. Judge Bravo asked if they are allowed to have a wall that is eight (8) feet in height and Ms. Gates responded that they will need a variance as it is not allowed by right.

Larry Wright asked the applicant how she came up with that number in relation to the distance from the normal high-water line and she responded that she has rocks there.

Austin Beeghly asked the applicant if she had spoken with the other neighbors or the objecting neighbor about this request and she stated that she was advised by the local authorities not to engage in any communication with him.

Judge Bravo asked what the height restriction of the wall is, and Ms. Gates responded that the wall height limitation is four (4) feet.

Mr. Wright asked if the eight (8) foot fence ended at thirty (30) foot from the Normal High-Water Line and then a four (4) foot continues where the height requirement changed if we would still need the eight (8) foot fence variance regardless. Ms. Gates responded that because it's an eight (8) foot wall not a fence they will need the variance. Ms. Wheeler added that it's not going to be a wall, it's just going to be a PVC fence.

Mr. Wright asked even if it is a fence, they will still need a variance for the height because the standard is six and one-half (6½) feet and Ms. Gates responded yes that there is a certain setback from the Normal High-Water Line to the fence. Mr. Wright added that that's why it must be four (4) foot in height, or it must be thirty (30) feet from the Normal High-Water Line. He further stated that if the fence ended at thirty (30) feet from the Normal High-Water Line and then a four (4) foot fence continued, they would not need a variance. Ms. Gates responded that she would still need a variance as she can only have a six and one-half (6½) foot fence if it met the setback, but when it exceeds the six and one-half (6½) foot height restrictions she needs a variance.

Neysa Borkert, Deputy County Attorney, stated that the code requirement is that any fence or wall close to a natural water body can be a maximum of four (4) feet. If it is greater than four (4) feet, it must be a minimum distance of thirty (30) feet from the

Normal High-Water Line. In this case one of the variances would not have been necessary, but one would because they are exceeding the height restrictions. Mr. Wright replied that he just wanted to see if one of the variances would not be necessary if the height was reduced. Ms. Borkert responded that they don't have to approved both variances as they can stand on their own individually and approve one and not the other but in this scenario, it would remove one of the variances.

James Evans asked the applicant what the purpose of the eight (8) foot fence was and Ms. Wheeler responded that they want privacy and security because the objecting neighbor committed assault and battery on her guest in November, and she needs privacy and security from this neighbor.

Chairman Hattaway asked Ms. Borkert if the objecting neighbor has a right to a view or if there's a diminishment of property rights for the other neighbor putting the fence up and she responded that when it comes down to whether or not the fence request violates a criteria for the variance, but anything that had to do with the riparian right would be considered a civil issue that they will need to address between neighbors.

Judge Bravo asked the Applicant for more details about the assault, and she explained that she was on her property and the assault and battery against her guest where her neighbor took a water hose and sprayed her in the face, and she fell into a firepit. Judge Bravo asked if they had a relationship, and she responded that they did not have no relationship.

Chairman Hattaway stated that this is not substantial to the variance application and closed the floor. Mr. Kunzen stated that Judge Bravo asked whether there's an order of protection in effect and Chairman Hattaway responded that it's not relevant to the variance request.

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

Paul Askew spoke in opposition to this request and stated that he opposes this request because he thinks that it's going to affect his view from his property and the value of the property. He showed two (2) pictures that show the difference between having the fence there and not.

Chairman Hattaway asked Mr. Askew how he knows that is eight (8) feet and he responded that he is a general contractor, and he measured the shrubs out in the photoshop.

Judge Bravo asked how big the structure was and Mr. Askew responded that they are around four (4) to four and one-half (4½) feet. Judge Bravo asked if the structure that the applicant is talking about would be along those shrubs and he responded yes, the fence would go from the back eight (8) feet from the Normal High-Water Line, but the applicant wanted to extend it past the hedges so it would block the view even more. Judge Bravo asked where the property line is, and he stated that it's where the hedges are.

Mr. Askew also added that they have a lot of windows in the back of their property and if they add an eight (8) foot fence they will be drastically impacted. He also thinks that setting this precedence of allowing the eight (8) foot fence among the water's edge defeats the purpose of having a lake and views. Another reason that he thinks this variance should be denied is that they don't meet the Seminole County criteria for the approval of the variance.

Judge Bravo added that he wants to make a motion to approve the fence to eight (8) feet but where is the setback to be four (4) feet.

Neysa Borkert, Deputy County Attorney, asked if he is moving to approve the variance for the height to be eight (8) feet but when the fence encroaches on the thirty (30) foot setback then it will have to be four (4) feet and he confirmed.

Judge Bravo stated that he made that motion because that's the maximum that the code allows and the applicant get the fence and the neighbor with the opposition gets his view.

Mr. Evans asked staff if they know if around the neighborhood, they have these variances approved. Ms. Gates responded that the code changed on April 1st and this portion of the code was not included for fences prior to interpretation from the last Planning Manager so they could go all the way into the water as it didn't have a setback, but they did have a restriction on height. Mr. Evans asked if there's any variances that go from six (6) to eight (8) feet in the area and Ms. Gates responded no.

Mr. Evans added that it's not maintaining the integrity of the community by approving an eight (8) foot fence by the water's edge so that's his concern because nobody else in the neighborhood has that.

Chairman Hattaway added that he believes in the investment of property rights and when there's a neighbor that adheres to the rules and another one that wants to change them, if the neighbor on the side doesn't agree, he has a lot of respect for that because he is adhering to the rules in place.

Austin Beeghly added that it's important for the Chairman to not get side tracked with all the civil issues that the neighbors might bring as they need to stay within the variance issue.

A motion was made by Carmine Bravo, seconded by Tom Kunzen, to approve this variance request with the condition that the fence within the thirty (30) foot setback is to be four (4) feet.

Aye: James Evans, Larry Wright, Thomas Kunzen, and Carmine Bravo

Nay: James Hattaway, and Austin Beeghly

Absent: Heather Stark

553 Green Meadow Court - Request for a rear yard setback [2024-0756](#)

from thirty (30) feet to twenty and one-half (20½) feet for a screen room addition in the R-1 (Single Family Dwelling) district; BV2024-059 (Melanie Woodson, Applicant District 4 - Lockhart (Angi Gates, Project Manager)

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

Melanie Woodson, Applicant, was present and stated that she has a pie shape lot and that patio was already there, but it was concrete so then they put in pavers. One (1) side of the structure is twenty-six (26) feet and because of the pie shape, the closest point is at twenty and one-half (20½) feet. She added that this variance doesn't affect anyone because the yards are separate. She spoke with the neighbors, and they don't have any opposition to this variance request, and she does have a letter from a neighbor.

Carmine Bravo asked the Applicant if she is going to be on the existing slab and she responded yes. He also asked if she was planning to exceed the slab and she responded no.

Chairman Jim Hattaway asked the Applicant where the neighbors that gave the letter live, and she responded that they live on the back side of their property.

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

Larry Wright asked staff if the current setback is thirty (30) feet in the rear, but the house is sitting at twenty-six (26) feet, is there a variance needed for the primary structure as well. Ms. Gates responded no.

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

Aye: James Evans, James Hattaway, Larry Wright, Austin Beeghly, Thomas Kunzen, and Carmine Bravo

Absent: Heather Stark

(Vacant Lot 2L) Miller Road - Request for a front yard setback [2024-0769](#)
variance from fifty (50) feet to thirty (30) feet for a Single Family Dwelling in the A-1 (Agriculture) district; BV2024-061 (Kimberley Fischer, Applicant) District 2 - Zembower (Angi Gates, Project Manager)

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

Kimberly Fischer, Applicant, was present and stated that they are looking for a variance on this lot because the Future Land Use designation is Suburban Estates, which is supposed to be one (1) acre per lot and this is not one (1) acre, and they have to have well and septic and they need to put the septic tank in the rear so they have to push the house toward the front.

Chairman Jim Hattaway asked the Applicant if she already spoke with the neighbors. She responded that they have spoken before but not about this specific variance.

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

A motion was made by Austin Beeghly, seconded by Carmine Bravo, to approve this variance request.

Aye: James Evans, James Hattaway, Larry Wright, Austin Beeghly, Thomas Kunzen, and Carmine Bravo

Absent: Heather Stark

824 Finch Court - Request for a rear yard setback variance [2024-0758](#)
from twenty (20) feet to eight (8) feet for a screen room addition
in the PD (Planned Development) district; BV2024-065
(Ramesh & Binita Patel, Applicants) District 4 - Lockhart (Angi
Gates, Project Manager)

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

Brian Dorion, Applicant's Representative, was present and stated that this is a really weird shaped lot, which forces the house to be further back than the other houses on either side of the property. They have twenty and one-half (20½) feet to the back of the property and they just want to build a simple screen room like the neighbors. He was not aware of the letter of opposition but the neighbors on either side had no objection to this variance request. They do have a six (6) foot privacy fence in the back and the structure is only going to be eight (8) feet and there's going to be some distance from the fence. He explained that this screen room will only come out twelve (12) feet.

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

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

Aye: James Evans, James Hattaway, Larry Wright, Austin Beeghly, Thomas Kunzen, and Carmine Bravo

Absent: Heather Stark

313 Gary Boulevard - Request for: (1) a side yard (west) [2024-0771](#)
setback variance from seven and one-half (7.5) feet to two (2)
feet; (2) a side yard (west) setback variance from seven and
one-half (7.5) feet to two and one-half (2.5) feet; and (3) a rear
yard setback variance from thirty (30) feet to 1.2 feet for two (2)
accessory structures in the R-1 (Single Family Dwelling)
district; BV2024-038 (Jeffrey Phelan, Applicant) District 4 -
Lockhart (Hilary Padin, Project Manager)

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

Jeffrey Phelan, Applicant, was present and stated that this shed has been there for ten (10) years, they just bought the property two (2) years ago, and he was unaware that they were going to be an issue, so he just wants to get this issue corrected.

Chairman Jim Hattaway asked the Applicant if he already bought the property with the shed there and the Applicant responded yes. The Applicant also added that they are not visible from the street.

Austin Beeghly asked the Applicant how he got the code violation and he responded that he was trying to get a fence and when they went to inspect the fence, they gave him the code violation.

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

A motion was made by Tom Kunzen, seconded by Carmine Bravo, to approve this variance request.

Aye: James Evans, James Hattaway, Larry Wright, Austin Beeghly, Thomas Kunzen, and Carmine Bravo

Absent: Heather Stark

301 4th Street - Request for a side yard (east) setback [2024-0759](#)
variance from ten (10) feet to three and one-half (3.5) feet for a swimming pool in the R-1 (Single Family Dwelling) district;
BV2024-053 (Clayton Campo, Applicant) District 2 - Zembower (Hilary Padin, Project Manager)

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

Clayton Campo, Applicant, was present and stated that they just bought the property recently with the intention of installing a privacy fence and a pool. He didn't think that the property line was so close, he thought it was the neighboring fence but there's a vacant alley that is sixteen (16) feet wide which puts him only at three and one-half (3½) feet to the property line from the edge of the pool.

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

A motion was made by Austin Beeghly, seconded by Carmine Bravo, to approve this variance request.

Aye: James Evans, James Hattaway, Larry Wright, Austin Beeghly, Thomas Kunzen, and Carmine Bravo

Absent: Heather Stark

1830 Barton Street - Request for a side yard (east) setback [2024-0760](#)
variance from ten (10) feet to five (5) feet for a covered patio addition and screen enclosure in the R-1AA (Single Family Dwelling) district; BV2024-055 (Scott Maurice, Applicant)

District 3 - Constantine (Hilary Padin, Project Manager)

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

DC Johnson, Applicant's Representative, was present and stated that they design the enclosure to follow the same roofline of the house and all the walls are screened, but there is going to be one (1) section of insulated roof so they can have extra coverage. Since they are following the roof line it goes five (5) feet into the setback. He advised that the next-door neighbor has a tall fence, and they have a letter of approval.

Chairman Jim Hattaway asked which of the neighbors wrote the letter and Mr. Johnson responded that it was the next-door neighbor.

Carmine Bravo asked Mr. Johnson if he was just extending the overhang and he responded that they have a screen enclosure coming out from the back of the house and on the side of the pool enclosure there's a section of insulated screen room that comes out which is what's going into the setback.

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

A motion was made by Carmine Bravo, seconded by Larry Wright, to approve this variance request.

Aye: James Evans, James Hattaway, Larry Wright, Austin Beeghly, Thomas Kunzen, and Carmine Bravo

Absent: Heather Stark

2453 Sipes Avenue - Request for a side yard (south) setback [2024-0770](#)
variance from seven and one-half (7.5) feet to nine (9) inches
for a shed in the R-1 (Single Family Dwelling) district;
BV2024-064 (Shelby Seebeck, Applicant) District 5 - Herr
(Hilary Padin, Project Manager)

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

Larry Wright asked staff what prompted the code violation and Ms. Padin stated that she was not sure but last month the next-door neighbor was also in for a variance.

Shelby Seebeck, Applicant, was present and stated that she is a first-time home buyer, and she didn't do her due diligence to know what was required for the shed installation and now she's just trying to fix the code violation issue and be able to keep the storage shed because she doesn't have a garage.

Carmine Bravo asked the Applicant if the shed was already there, and she stated yes.

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

A motion was made by Carmine Bravo, seconded by Tom Kunzen, to approve this variance request.

Aye: James Evans, James Hattaway, Larry Wright, Austin Beeghly,
Thomas Kunzen, and Carmine Bravo

Absent: Heather Stark

7033 Betty Street - Request for a height variance from six and [2024-0776](#)
one-half (6.5) feet to eight (8) feet for a privacy fence in the R-1
(Single Family Dwelling) district; BV2024-057 (Jessica Lee,
Applicant) District 4 - Lockhart (Hilary Padin, Project Manager)

This item is continued to the next meeting on July 22, 2024.

A motion was made by Austin Beeghly, seconded by Tom Kunzen, to continue this
variance request to the next meeting.

Neysa Borkert, Deputy County Attorney, asked Mr. Beeghly to amend the motion for a
date certain.

A motion was made by Austin Beeghly, seconded by Tom Kunzen, to continue this
variance request to the next meeting on July 22, 2024.

Aye: James Evans, James Hattaway, Larry Wright, Austin Beeghly,
Thomas Kunzen, and Carmine Bravo

Absent: Heather Stark

CLOSED BUSINESS

NONE

APPROVAL OF THE MINUTES

A motion was made by Tom Kunzen, seconded by Austin Beeghly that the May 20, 2024,
minutes be approved as submitted. The motion passed unanimously.

Aye: James Evans, James Hattaway, Larry Wright, Austin Beeghly,
Thomas Kunzen, and Carmine Bravo

Absent: Heather Stark

ADJOURN

Having no further business, the meeting was adjourned at 7:08 p.m.

NOTE: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD
CONTACT THE HUMAN RESOURCES DEPARTMENT ADA COORDINATOR 48 HOURS IN ADVANCE OF THE MEETING AT
407-665-7940.

PERSONS ARE ADVISED THAT IF THEY DECIDE TO APPEAL ANY DECISIONS MADE AT THIS HEARING, THEY WILL NEED A
RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE
PROCEEDINGS ARE MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE
BASED, PER SECTION 286.0105, FLORIDA STATUTES.

FOR ADDITIONAL INFORMATION REGARDING THIS AGENDA, PLEASE CONTACT THE BOARD OF ADJUSTMENT CLERK AT (407)
665-7387.

