

SEMINOLE COUNTY, FLORIDA

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



Meeting Minutes

Monday, October 28, 2024

6:00 PM

BCC Chambers, Room 1028

Board of Adjustment

CALL TO ORDER AND ROLL CALL

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

OPENING STATEMENT**VARIANCES**

1. **910 Lewis Place** - Request for a side yard (east) setback [2024-1409](#) variance from ten (10) feet to six (6) feet for detached carport in the PD (Planned Development) district; BV2024-115 (Errol Bailey, Applicant) District 4 - Lockhart (Angi Gates, Project Manager)

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

Chairman Jim Hattaway stated that he noticed on the aerial that the neighbor has a parking area and asked staff if it's gravel or concrete and if there's a permit for it. Ms. Gates responded that she was not sure if it is gravel or concrete, but concrete doesn't require a permit unless there's something built on top of it.

Errol Bailey, 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 Larry Wright, to approve this variance request.

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

Absent: James Evans, and Heather Stark

2. **1050 Druid Drive** - Request for: (1) a side yard (north) setback [2024-1410](#) variance from ten (10) feet to five (5); and (2) a rear yard setback variance from thirty (30) feet to ten (10) feet for an addition in the R-1AA (Single Family Dwelling) district; BV2024-116 (Kelly Vedi, Applicant) District 3 - Constantine (Angi Gates, Project Manager)

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

Kelly Vedi, 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 Carmine Bravo, to approve this variance request.

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

Absent: James Evans, and Heather Stark

3. **1765 Willa Circle** - Request for: (1) a side yard (east) setback variance from ten (10) feet to five and one-half (5½) feet; and (2) a rear yard setback variance from thirty (30) feet to seven and one-half (7½) feet for a shed in the R-1AA (Single Family Dwelling) district; BV2024-113 (Joseph King, Applicant) District 1 - Dallari (Angi Gates, Project Manager) [2024-1405](#)

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

Joseph King, Applicant, was present and stated that he has letters and pictures of all the neighbors.

Austin Beeghly asked the Applicant for the locations of the people that are in support and Mr. King responded that they are from the left side, right side and diagonal to the left of the property. Mr. Beeghly asked him if he spoke with the people straight behind because they are the most affected. Mr. King responded that he did not speak to the people behind them.

Carmine Bravo asked the Applicant if the pool was already there and Mr. King responded yes, it was already there.

Chairman Jim Hattaway asked the Applicant how they got the Code Enforcement violation and Mr. King responded that they went to inspect the fence that he installed, and the inspector saw the shed and reported it. Chairman Hattaway asked how the shed got there without the proper permits and Mr. King responded that his parents were losing the house, and he was able to get it back, but he had to put his parents in assisted living, and he got the shed to put all of their stuff from the house into.

Mr. Beeghly asked Mr. King how long the shed has been there, and he responded a year and a half.

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: James Hattaway, Larry Wright, Austin Beeghly, and Thomas Kunzen

Nay: Carmine Bravo

Absent: James Evans, and Heather Stark

4. **1220 George Street** - Request for: (1) a rear yard setback variance from thirty (30) feet to three (3) feet; and (2) a side [2024-1413](#)

yard (north) setback variance from seven and one-half (7½) feet to four and one-half (4½) feet for a workshop in the R-1A (Single Family Dwelling) district; BV2024-110 (Crystal Morse, Applicant) District 2 - Zembower (Angi Gates, Project Manager)

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

Grace Ann Glavin, Applicant's attorney, was present and stated that her client's husband, Mr. Morse, had heart surgery, and he was not able to attend this meeting because he is too ill. She explained that in June the Applicant wanted to build a shed for her disabled husband and contacted Empire Shed in Apopka who contracted a concrete company to put down the slab but neither of the companies got a permit for the structure and the Applicant was not aware of the permit required or the setbacks. Ms. Glavin stated that they noticed that the concrete that was laid encroaches on the utility easement on the property, and they called the same contractor to remove it out of the easement. She asked for some mercy from the Board to remedy all the issues that they created with this structure.

Tom Kunzen asked Ms. Glavin who put together the variance application package and she responded that the homeowner did. Mr. Kunzen stated that on the variance application, there are six (6) of the variance criteria that the homeowner had to answer and the answers that she provided are not relevant to this specific structure.

Chairman Jim Hattaway stated that the Board has variance criteria answers that they are supposed to take into consideration and asked Ms. Glavin if there's anything that she would like to add to amend in the responses that she gave. Ms. Glavin replied that she would not like to amend the answers.

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

Kevin Lathrop, spoke in opposition of this request, stated that he has multiple pictures showing the location of the structure and that this structure is almost as big as the house, and he doesn't understand why anybody will need a building that big for a workshop. He stated that the concrete is close to his fence and the concrete block was made so the warehouse cannot see towards their house. Mr. Lathrop questions if a storm came, if this structure would stay in place.

David Duncan, spoke in opposition of this request, stated that the answers to the variance criteria doesn't make sense.

In rebuttal, Ms. Glavin stated that the gentlemen that just spoke, his property is to the south and the first person that spoke is the most affected neighbor. The concrete wall they were talking about is in the back of the property and when the homeowner filled out the application, they spoke about the wall, but it doesn't have anything to do with it. She requested the Board to allow the shed to stay there and they will remove everything that is encroaching into the utility easement.

Larry Wright asked Ms. Glavin if all the concrete that she is referring to is the one that

is encroaching and if there's a second shed that is also encroaching over the property line and she responded that they are going to remove everything immediately within two (2) weeks.

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

Grace Ann Glavin, Applicant's attorney, was present and stated that her client's husband, Mr. Morse, had heart surgery, and he was not able to attend this meeting because he is too ill. She explained that in June the Applicant wanted to build a shed for her disabled husband and contacted Empire Shed in Apopka who contracted a concrete company to put down the slab but neither of the companies got a permit for the structure and the Applicant was not aware of the permit required or the setbacks. Ms. Glavin stated that they noticed that the concrete that was laid encroaches on the utility easement on the property, and they called the same contractor to remove it out of the easement. She asked for some mercy from the Board to remedy all the issues that they created with this structure.

Tom Kunzen asked Ms. Glavin who put together the variance application package and she responded that the homeowner did. Mr. Kunzen stated that on the variance application, there are six (6) of the variance criteria that the homeowner had to answer and the answers that she provided are not relevant to this specific structure.

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

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Larry Wright asked Ms. Glavin if all the concrete that she is referring to is the one that is encroaching and if there's a second shed that is also encroaching over the property

line and she responded that they are going to remove everything immediately within two (2) weeks.

Chairman Hattaway advised the Applicants of their right to appeal.

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

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

Nay: Larry Wright

Absent: James Evans, and Heather Stark

5. **1193 Bunnell Road** - Request for a front yard setback variance [2024-1407](#) from fifty (50) feet to thirty-eight (38) feet for a privacy fence in the A-1 (Agriculture) district; BV2024-111 (Robert & Virginia Cortes, Applicants) District 3 - Constantine (Hilary Padin, Project Manager)

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

Austin Beeghly asked staff if the thirty-three (33) feet was through eminent domain and Ms. Padin responded yes.

Robert Cortes, Applicant, was present and stated that he owns this property and the one next to it and when they pulled the permit they found out that they will not meet the setback, so they tried to move the fence back to see if they can meet the fifty (50) feet but the septic tank and drain field are there and they would like to protect the septic tank with the fence. He explained that they were doing some research, and they found that the house previously met the setback but then there was a right-of-way taking in 2005 to expand Bunnell Road. Mr. Cortes added that they spoke with the neighbors, and they don't have any opposition.

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 Hattaway, Larry Wright, Austin Beeghly, Thomas Kunzen, and Carmine Bravo

Absent: James Evans, and Heather Stark

6. **511 Woodfire Way** - Request for a right-of-way setback [2024-1408](#) variance from twenty (20) feet to fourteen and one-half (14.5) feet for a screen enclosure in the PD (Single Family Dwelling) district; BV2024-114 (Lisa Pierce, Applicant) District 1 - Dallari

(Hilary Padin, Project Manager)

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

Austin Beeghly asked staff if there have been any other variances for screen enclosures in the community and Ms. Padin responded no, she was not able to find any other variances.

Lisa Pierce, Applicant, was present and stated that they are a lot of screen enclosures in that area and the neighbor in front of her also has one and they don't have a variance. She measured the screen enclosure and it's at fourteen (14) feet and they don't have a variance. She also stated that this subdivision was built prior to the regulations and that is not fair how the neighbors have a lesser distance, and they didn't have to apply for a variance.

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 Hattaway, Larry Wright, Austin Beeghly, Thomas Kunzen, and Carmine Bravo

Absent: James Evans, and Heather Stark

7. **111 Brown Drive** - Request for a rear yard setback variance [2024-1412](#)
from thirty (30) feet to twenty-six and one-half (26.5) feet for an addition in the R-1A (Single Family Dwelling) district;
BV2024-117 (Wilfredo Gonzalez, Applicant) District 2 -
Zembower (Hilary Padin, Project Manager)

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

Tom Kunzen asked staff if this structure is going to be an addition and Ms. Padin responded yes.

Larry Wright stated that this property has several structures in the back that cross over the setback line and asked staff if there were any variances needed for those. Ms. Padin responded that they are not subject to this variance. Mr. Wright also asked if there were any previous variances for the other structures and Ms. Padin responded that she could not find any other variances for this property.

Wilfredo Gonzalez, 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 Carmine Bravo, seconded by Larry Wright, to approve this variance request.

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

Absent: James Evans, and Heather Stark

CLOSED BUSINESS

none

APPROVAL OF THE MINUTES

A motion was made by Larry Wright, seconded by Austin Beeghly, that the August 26, 2024, minutes be approved, as submitted. The motion passed unanimously.

A motion was made by Larry Wright, seconded by Austin Beeghly, that the September 23, 2024, minutes be approved, as submitted. The motion passed unanimously.

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

Absent: James Evans, and Heather Stark

ADJOURN

Having no further business, the meeting was adjourned at 6:45 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.