

SEMINOLE COUNTY, FLORIDA

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



Meeting Minutes

Monday, December 2, 2024

6:00 PM

BCC Chambers, Room 1028

Board of Adjustment

CALL TO ORDER AND ROLL CALL

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

OPENING STATEMENT

VARIANCES

- 1518 Balmy Beach Drive** - Request for: (1) a side street [2024-1458](#) (north) setback variance from five (5) feet to zero (0) feet for a fence; and (2) a side yard (west) setback variance from seven and one-half (7½) feet to five and one-half (5½) feet for a shed in the R-1A (Single Family Dwelling) district; BV2024-125 (Leticia Lopez, Applicant) District 3 - Constantine (Angi Gates, Project Manager)

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

Tom Kunzen asked staff how the code violation came to be, and Ms. Gates responded that she doesn't know.

Chairman Jim Hattaway asked staff about the side street and Ms. Gates responded that the side street is just a paper road, but nobody has vacated that portion, it's just unimproved. She further advised that according to Traffic Engineering, there's no plan to improve the road.

Chairman Hattaway stated that the Applicant said that the shed was there prior to their purchasing the home and asked staff if there is any way to confirm that. Ms. Gates responded that she did not research that.

Leticia Lopez, Applicant, was present and stated that she bought the house four (4) years ago and the shed was there already. She stated that the fence company that built it said that because it was on her premises that she didn't need a permit.

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 Hattaway, Larry Wright, and Thomas Kunzen

Absent: James Evans, Austin Beeghly, Heather Stark, and Carmine Bravo

- 3571 N CR 426-** Request for: (1) a side yard (north) setback [2024-1460](#) variance from ten (10) feet to eight (8) feet for a shed; and (2) a side yard (north) setback variance from fifty (50) feet to twenty-six and one-half (26½) feet for a carport; and (3) a side street (south) setback variance from fifty (50) feet to twenty-two

(22) feet; and (4) a front yard setback variance from (100) feet to forty-seven and one-half (47½) feet for a gazebo in the A-1 (Agriculture) district; BV2024-119 (Juana M. Vega-Olazabal, Applicant) District 2 - Zembower (Angi Gates, Project Manager)

Carmine Bravo present at 6:08 pm.

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

Tom Kunzen asked staff how a carport can be used as agricultural storage and Ms. Gates responded that they could store something for their business or livestock.

Chairman Jim Hattaway asked staff if this property was in the rural area and Ms. Gates responded yes.

Juana Vega-Olazabal, Applicant, was present and stated that they have their plant nursery business there and they use the gazebo and carport to store the fertilizer and the things they use for the plant production.

Larry Wright asked Ms. Vega-Olazabal why they placed all of these structures without the required permits, and she responded that she was not aware that they required permits as they moved to Geneva three (3) years ago.

Mr. Wright asked the Applicant if they have a license to run the business and Ms. Vega-Olazabal responded yes, she does.

Ms. Vega-Olazabal also stated that after they found out they needed permits for the structures, they have done everything to come into compliance and they are just waiting for the variance to be able to finish all the permits.

Mr. Wright asked staff if this process is just for the variance for the actual location of the structure and not the final process and Ms. Gates responded yes, they will still have to go through the permitting process to finish everything.

Ms. Vega-Olazabal stated that she has been working with the County since July to get the code violation resolved and she goes to the County almost every month to try to get the information and permits resolved.

Mr. Wright stated that he is worried because there's a lot of structures in violation and he doesn't want this to fall through the cracks and not get done. He asked staff how the Board can make sure that they finish the whole process. Neysa Borkert, Deputy County Attorney, responded that the process is already in place because they already have a code violation and if they don't get this ratified by the time that they were given, they will put a lien on the property, but she is not sure where in the process they are. Also, if they are constantly contacting the County and are in the process of getting the permits, the County typically will work with them. Ms. Borkert added that the property was purchased in 2023 and if they are running a nursery, which is considered a bona fide use then they are not going to be able to apply for the agricultural classification until

January 1st, but if there was an agricultural classification already on the property, they don't required permits for these types of structures.

Mr. Wright asked Ms. Borkert if they get the approval today, but they don't go through the proper channels to finish the process, how can the Board ensure that they finish the process and Ms. Borkert replied that they can add a condition to the variance approval.

Mr. Wright also asked if with the agricultural exception they can drag their feet and not do it and how would that also work, and Ms. Borkert replied that is up to the Property Appraiser.

Mr. Wright asked that if there's any possibility for the applicant to wait to get the exemption and not have to do any of the permits. Ms. Borkert responded that it's a good idea to put a time frame on the variance. He asked if there's a reasonable amount of time to give to the applicant and she responded that is a question that from a legal standpoint, she cannot answer.

Mr. Wright asked if they say six (6) months and the applicant is not in compliance, would the item have to come back to the Board to be reheard. Ms. Borkert responded that it can be added to the condition how the extension can be added or changed.

Ms. Vega-Olazabal added that she already submitted everything for the building permits for the gazebo and the carport and the gazebo they hired an engineer, because they were requesting plans for the foundation.

Ms. Borkert advised the Board that Kathy Hammel, Principal Planner, checked the building permits, and they are all in plan review and are waiting for the variance.

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

A motion was made by Larry Wright, seconded by Carmine Bravo, to approve this variance requests with the condition that the items on the code enforcement list are properly permitted through completion within six (6) months and if that timeframe cannot be met, allow the Planning Director to provide an extension of another six (6) months.

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

Absent: James Evans, Austin Beeghly, and Heather Stark

3. **1386 Swinton Court** - Request for a rear yard setback variance from twenty (20) feet to ten and one-half (10.5) feet for a screen room addition in the PD (Planned Development) district; BV2024-121 (Gireesh Behara, Applicant) District 5 - Herr (Hilary Padin, Project Manager) [2024-1494](#)
- Hilary Padin, Planner, presented this item as stated in the Staff Report.

Gireesh Behara, Applicant, was present and stated that they would like to have the structure so they can spend more time outside.

Tom Kunzen asked if he was building a pool enclosure and Mr. Behara responded no.

Chairman Jim Hattaway asked the applicant if he spoke with his neighbors and Mr. Behara replied yes, they want the structure too, so they all can spend time together.

Daniel Hoffman, Applicant's contractor, added that they already applied for the permit and they are ready to go, they just need the variance to finish the process.

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

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

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

Absent: James Evans, Austin Beeghly, and Heather Stark

4. **213 Montego Inlet Boulevard** - Request for a Normal High [2024-1495](#)
Water Line setback variance from thirty (30) feet to seven (7)
feet for a swimming pool in the R-1A (Single Family Dwelling)
district; BV2024-122 (Matthew Olberding, Applicant) District 3 -
Constantine (Hilary Padin, Project Manager)

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

Tom Kunzen asked staff if the definition of canal is supposed to be artificial and what makes this canal different and not man-made, and Ms. Padin responded that according to the County Natural Resources Officer, this canal is a natural canal. Mr. Kunzen also asked what the reason for the bigger setback on a natural body is and she responded that waterfront properties have a larger setback for visual distance. He also asked if that setback is for any structure, and she responded yes.

Chairman Jim Hattaway asked if the County has any reason to worry about erosion and Ms. Padin replied that there's a seawall there.

Larry Wright stated that the aerial photo shows a few pools around that same canal and asked staff if they are in the setback. Ms. Padin responded that that specific pool was built in 1999, and it appears to be closer, but she was not able to find any permits of several pools built around it. Mr. Wright stated that on the survey there's multiple notes stating that there's a letter from FDEP and she responded that she included their letter in the agenda. She added that she brought that letter to the Natural Resource Officer's attention, who stated that she did not agree with that letter, and she believes that it's a natural made canal.

Neysa Borkert, Deputy County Attorney, added that whatever the Natural Resource

Officer found is what the County will use, even if the state has another determination for the area.

Matthew Olberding, Applicant, was present and stated that they just want to put a pool in that area as they saw around them, many other neighbors have pools.

Chairman Hattaway asked if there's any information that he might be aware of for the canal and the Applicant responded that they already submitted everything to the County for review and is just waiting on the variance.

Mr. Wright asked the Applicant if they requested the letter from FDEP and the Applicant responded that the letter came from a previous construction project, and they needed a normal high water line elevation and when the County was looking at the maps, they did not see the canal so they reached out to the state and that's the response that they gave him.

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

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

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

Absent: James Evans, Austin Beeghly, and Heather Stark

5. **916 Mimosa Drive** - Request for a rear yard setback variance [2024-1496](#) from thirty (30) feet to six (6) feet for an accessory structure in the R-1A (Single Family Dwelling) district; BV2024-124 (Wesley Arnes, Applicant) District 1 - Dallari (Hilary Padin, Project Manager)

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

Chairman Jim Hattaway asked staff if this property is in the rural area, and she responded no.

Wesley Arnes, Applicant, was present and stated that they want to build a shed so they can store stuff outside of the house because of the kids.

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 Hattaway, Larry Wright, Thomas Kunzen, and Carmine Bravo

Absent: James Evans, Austin Beeghly, and Heather Stark

CLOSING BUSINESS

Kathy Hammel, Principal Planner, asked the Board to bring an appeal of a Planning Manager's decision to the next meeting.

APPROVAL OF THE MINUTES

A motion was made by Larry Wright, seconded by Carmine Bravo, that the October 28, 2024, minutes be approved, as submitted. The motion passed unanimously.

ADJOURN

Having no further business, the meeting was adjourned at 6:42 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.