

SEMINOLE COUNTY, FLORIDA

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



Meeting Minutes

Monday, August 26, 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, and Thomas Kunzen
Absent	Heather Stark, and Carmine Bravo

OPENING STATEMENT

VARIANCES

- 2930 Brantley Hills Court** - Request for a rear yard setback [2024-1088](#) variance from thirty (30) feet to ten (10) feet for a shed in the R-1A (Single Family Dwelling) district; BV2024-086 (Janery Page, Applicant) District 3 - Constantine (Angi Gates, Planner)

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

Tom Kunzen asked staff if the homeowner is required to keep a certain distance from the powerline easement shown on the survey and Ms. Gates responded no, they just can't encroach it.

Larry Wright asked staff what other structure is shown on the site plan besides the shed that is twelve (12) feet by twenty-four (24) feet and Ms. Gates responded that the other structure is not part of the variance. Mr. Wright asked if they will need to add that structure to the variance request and Ms. Gates responded no. Kathy Hammel, Principal Planner, responded that they have different setbacks for chicken coops than the other structure has. Mr. Wright asked for confirmation that no action is needed for that structure and Ms. Hammel confirmed. Mr. Kunzen also asked staff if that means that they don't need to follow the same setbacks or regulations, and Ms. Hammel responded that they will need to follow the chicken coop ordinance as it does not follow the regulations of Chapter 30 of the Land Development Code. Mr. Kunzen asked if the chicken coop is in compliance with the chicken coop setbacks and Ms. Hammel responded yes.

Janery Page, 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 Tom Kunzen, to approve this variance request.

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

Absent: Heather Stark, and Carmine Bravo

- (Lot 23, Block A) Robin Lee Road** - Request for a side yard [2024-1089](#) (east) setback variance from fifteen (15) feet to ten (10) feet for an accessory structure in the RC-1 (Country Homes) district; BV2024-087 District 1 - Dallari (Angi Gates, Project Manager)

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

The 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 Tom Kunzen, to approve this variance request.

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

Absent: Heather Stark, and Carmine Bravo

3. **536 Pinesong Drive** - Request for a rear yard setback [2024-1086](#)
variance from twenty-five (25) feet to thirteen (13) feet for a screen room in the PD (Planned Development) district; BV2024-092 (Michael & Mary Hewitt, Applicants) District 1 - Dallari (Angi Gates, Project Manager)

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

Chairman Jim Hattaway asked staff why the areas to the rear of the property are not being considered special conditions and Kathy Hammel, Principal Planner, asked if he was referring to a special condition or a setback that would be different because it abuts a common area or a retention pond. Chairman Hattaway responded that he is not sure what the definition of special condition is, and wonders if this situation could be considered a special condition.

Neysa Borkert, Deputy County Attorney, stated that it is up to the Board to decide the definition of the special condition or what would be considered a special condition situation. She added that staff can also determine that.

Michel & Mary Hewitt, 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 Tom Kunzen, seconded by Austin Beeghly, to approve this variance request.

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

Absent: Heather Stark, and Carmine Bravo

4. **2075 Dixie Avenue**- Request for a side yard (north) setback [2024-1094](#)
variance from seven and one-half (7½) feet to zero (0) feet for an existing single family dwelling in the R-1 (Single Family Dwelling) district; BV2024-094 (Abner Jackson Jr, Applicant)

District 5 - Herr (Angi Gates, Project Manager)

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

Abner Jackson Jr, 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 Larry Wright, seconded by James Evans, to approve this variance request.

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

Absent: Heather Stark, and Carmine Bravo

5. **161 Eileen Avenue** - Request for a rear yard setback variance [2024-1090](#) from thirty (30) feet to four (4) feet for a shed in the R-1A (Single Family Dwelling) district; BV2024-095 (Justin Adams, Applicant) District 3 - Constantine (Angi Gates, Project Manager)

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

Tom Kunzen stated that on the site plan there is a shed behind the house, and it looks to be a similar distance from the property line to the shed and asked staff if this variance will be bringing that structure into compliance too or if it will need a separate variance request. Ms. Gates responded that it does not cover that structure.

Justin Adams, 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 Larry Wright, seconded by Austin Beeghly, to approve this variance request.

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

Absent: Heather Stark, and Carmine Bravo

6. **4713 Swansneck Place**- Request for a rear yard setback variance [2024-1091](#) from twenty (20) feet to seventeen (17) feet for a screen room addition in the PD (Planned Development) district; BV2024-097 (Adam Farley, Applicant) District 2 - Zembower (Angi Gates, Project Manager)

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

Adam Farley, Applicant, was present and did not have additional comments for the

Board.

Chairman Jim Hattaway asked the Applicant if what he was proposing is going to go on the existing concrete pad and Mr. Farley responded yes, the concrete patio already existed when they bought the home, they just want to add the screen to it. Chairman Hattaway asked if they are going to be adding concrete for it and he responded that it will just be on the existing concrete.

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

A motion was made by Larry Wright, seconded by James Evans, to approve this variance request.

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

Absent: Heather Stark, and Carmine Bravo

7. **(LOT 2M) Miller Road** - Request for a front yard setback variance from fifty (50) feet to thirty (30) feet for a single family dwelling in the A-1 (Agriculture) district; BV2024-099 (Kim Fischer, Applicant) District 2 - Zembower (Angi Gates, Project Manager) [2024-1092](#)

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

Kim Fischer, 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 Tom Kunzen, to approve this variance request.

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

Absent: Heather Stark, and Carmine Bravo

8. **2158 Candleridge Court**- Request for a rear yard setback variance from thirty (30) feet to twenty-five (25) feet for an addition in the R-1A (Single Family Dwelling) district; BV2024-101 (Joseph & Cameron Mckenna, Applicants) District 2 - Zembower (Angi Gates, Project Manager) [2024-1093](#)

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

Joseph & Cameron Mckenna, Applicants were 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 Tom Kunzen, seconded by Larry Wright, to approve this variance request.

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

Absent: Heather Stark, and Carmine Bravo

9. **226 3rd Street** - Request for: (1) a front yard setback variance [2024-1097](#) from twenty-five (25) feet to zero (0) feet; and (2) a side street (south) setback variance from five (5) feet to zero (0) feet for a privacy fence in the R-1 (Single Family Dwelling) district; BV2024-085 (Vanessa Falero, Applicant) District 2 - Zembower (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 located in the rural area and Ms. Padin responded yes.

Vanessa Falero, 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 Tom Kunzen, to approve this variance request.

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

Absent: Heather Stark, and Carmine Bravo

10. **535 Tulane Drive** - Request for a rear yard setback variance [2024-1101](#) from thirty (30) feet to thirteen and one-half (13.5) feet for an addition in the R-1 (Single Family Dwelling) district; BV2024-088 (Ricardo Zuniga, 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 a variance was approved for a property if it ever expires and Ms. Padin confirmed that they never expire. He also asked if Code Enforcement gave them a violation for just two (2) inches and Ms. Padin replied that they added more to the structure in the back and that is the portion that they are requesting a variance for now.

Ricardo Zuniga, 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 Evans, James Hattaway, Larry Wright, Austin Beeghly, and Thomas Kunzen

Absent: Heather Stark, and Carmine Bravo

11. **5050 Thomas Stable Road** - Request for a front yard setback variance from one hundred (100) feet to forty-two (42) feet for an accessory dwelling unit in the A-1 (Agriculture) district; BV2024-090 (Steven & Gail Thomas, Applicants) District 2 - Zembower (Hilary Padin, Project Manager) [2024-1102](#)

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

Steven & Gail Thomas, 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 Evans, James Hattaway, Larry Wright, Austin Beeghly, and Thomas Kunzen

Absent: Heather Stark, and Carmine Bravo

12. **108 W. Crystal Drive** - Request for a setback variance from twenty-five (25) feet to twenty (20) feet to the Normal High Water Line for an accessory structure in the R-1AA (Single Family Dwelling) district; BV2024-096 (Michael Ruhl, Applicant) District 4 - Lockhart (Hilary Padin, Project Manager) [2024-1104](#)

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

Michael Ruhl, 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 Larry Wright, seconded by Tom Kunzen, to approve this variance request.

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

Absent: Heather Stark, and Carmine Bravo

13. **3978 Biscayne Drive** - Request for a rear yard setback [2024-1106](#)

variance from five (5) feet to four (4) feet for a screen enclosure in the PD (Planned Development) district; BV2024-100 (Charles Florin, Applicant) District 2 - Zembower (Hilary Padin, Project Manager)

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

Larry Wright asked staff if the previous structure had a variance and Ms. Padin responded no, they did not for this structure.

DC Johnson, Applicant's Representative, 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 Tom Kunzen, seconded by Larry Wright, to approve this variance request.

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

Absent: Heather Stark, and Carmine Bravo

14. **1112 Eagles Watch Trail - Request for a rear yard setback** [2024-1107](#)
variance from thirty (30) feet to fourteen (14) feet for an addition in the R-1AA (Single Family Dwelling) district; BV2024-102 (Jeremy Avner, Applicant) District 2 - Zembower (Hilary Padin, Project Manager)

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

Jeremy Avner, Applicant, was present, but did not have any additional comments for the Board.

Jaqueline Ersek spoke in support of this request and stated that she has lived in this neighborhood for twenty-five (25) years, all the lots in this community are not square, and that she has a variance for her property. Ms. Ersek also stated that she's been on the Board for ten (10) years on and off and that they never had any issues with people and variances, over the weekend they walked around the neighborhood looking for neighbor's support and to hear what they had to say, and they also had a petition and close to fifty (50) neighbors signed it because they did not have any objection.

Chairman Jim Hattaway asked Ms. Ersek if she personally gathered the signatures from the neighbors and she responded that she, Mr. Avner and another neighbor gathered them.

Jack Tracy spoke in opposition of this request and stated that he is the president of the HOA and wanted to talk about their covenants. Chairman Hattaway advised him that whether this item is following the HOA regulations is nothing that Seminole County and this Board will consider. Mr. Tracy stated that in the staff report he noticed the word

“harmony” and he doesn’t think that is this request because this is the only structure that he has seen like this in the neighborhood. He also stated that if this were to get approved, it will disrupt the harmony of the neighborhood.

Chairman Hattaway asked Mr. Tracy if he thinks that this structure is inconsistent with what is in the neighborhood and that is why he thinks it will disrupt the harmony of the neighborhood. Mr. Tracy responded yes, there’s not another structure like this in the neighborhood.

Toby Snively spoke in opposition of this request and stated that the HOA became aware of this structure after the structure was in place and that the Board should deny this variance request because it doesn’t meet the variance criteria in Section 30.3.3.2 of the Land Development Code. He stated that it is his understanding that the Board will have to consider and make sure that the six (6) variance criteria have been met, but it doesn’t meet as this lot is relatively standard throughout the subdivision, the lot already has a home and a pool, and lastly the granting of this variance would not be in harmony with the neighborhood, so the variance should be denied.

In rebuttal, Jeremy Avner, Applicant, responded that the first individual that they met with was Jack Tracy, who they have text message screenshots with where he stated that if all the permits were in place, he did not have an objection. He advised that they have over fifty (50) signatures from the neighbors who came to his house to sign.

Chairman Hattaway asked the Applicant how they got into this situation and Mr. Avner responded that the contractor didn’t pull the proper permits, and he came to learn that the contractor was never a licensed contractor and there’s a big lawsuit against him.

In Board discussion, Chairman Hattaway stated that the Board typically agrees that if they don’t have any opposition, they approve it but he’s not sure because they are having problems with the HOA. Austin Beeghly responded that an HOA can be difficult and that he is also considering all the addresses that they collected in the petition and that’s what he needed to see. James Evans stated that they do have a lot of homeowners in support and if the HOA wants to proceed on other charges, that’s on them, but when it comes to Seminole County and the variance application, that is separate. Larry Wright stated that nowhere in the Code states that the Board decision is tied up with the HOA decision.

Neysa Borkert, Deputy County Attorney, advised that Mr. Wright is correct that the County can only implement their own variance criteria and the special condition that the land has. In this case, from the testimony that you heard it sounds like the homeowner had an unlicensed contractor that didn’t do what he was supposed to do and he ended up in this situation and this was not cause by the Applicant.

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, and Thomas Kunzen

Absent: Heather Stark, and Carmine Bravo

15. **420A West Crystal Drive** - Request for a height variance from [2024-0948](#) thirty-five (35) feet to fifty (50) feet for a utility pole in the R-1A (Single Family Dwelling) district; BV2024-075 (Brenda Pearce, Applicant) District 4 - Lockhart (Kathy Hammel, Project Manager)

Kathy Hammel, Principal Planner, presented this item as stated in the Staff Report. Ms. Hammel further explained that this site is between two (2) subdivisions, Loch Arbor built in 1954, and Mayfair Club built in 1997 and has a small water treatment plant. The pole meets the setbacks of the R-1A zoning classification. This variance meets all the criteria to be approved therefore we are recommending approval of this request.

Brenda Pierce, Applicant's Representative, 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 Tom Kunzen, to approve this variance request.

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

Absent: Heather Stark, and Carmine Bravo

16. **361 Sabal Palm Drive** - Request for a height variance from [2024-0956](#) thirty-five (35) feet to fifty (50) feet for a utility pole in the R-1A (Single Family Dwelling) district; BV2024-076 (Brenda Pearce, Applicant) District 3 - Constantine (Kathy Hammel, Project Manager)

Kathy Hammel, Principal Planner, presented this item as stated in the Staff Report. Ms. Hammel further explained that it is located in a common area tract in the Alexander at Sabal Point subdivision. This was once a defunct golf course and is currently a water treatment plant. This variance meets all the criteria to be approved therefore we are recommending approval of this request.

Brenda Pierce, Applicant's Representative, 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 Larry Wright, seconded by Tom Kunzen, to approve this variance request.

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

Absent: Heather Stark, and Carmine Bravo

- 17. **418 Timber Ridge Drive** - Request for a height variance from [2024-1103](#) thirty-five (35) feet to fifty (50) feet for a utility pole in the PD (Planned Development) district; BV2024-084 (Brenda Pearce, Applicant) District 3 - Constantine (Kathy Hammel, Project Manager)

Kathy Hammel, Principal Planner, presented this item as stated in the Staff Report. Ms. Hammel further explained that this site is in the Sabel Point PD and is in a common area tract owned by the HOA in which Sunshine has a utility easement. It currently has a lift station and backs up to an open space tract. This variance meets all the criteria to be approved therefore we are recommending approval of this request.

Brenda Pierce, Applicant’s Representative, 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 Tom Kunzen, seconded by Austin Beeghly, to approve this variance request.

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

Absent: Heather Stark, and Carmine Bravo

- 18. **Lake Asher (LOT 7)** - Request for a height variance from [2024-1099](#) thirty-five (35) feet to fifty (50) feet for a utility pole in the R-1AA (Single Family Dwelling) district; BV2024-089 (Brenda Pearce, Applicant) District 3 - Constantine (Kathy Hammel, Project Manager)

Kathy Hammel, Principal Planner, presented this item as stated in the Staff Report. Ms. Hammel further explained that it is located in the Bear Lake Manor platted in 1960, it is a small water treatment plant. The pole meets the setbacks of the R-1A zoning classification. This variance meets all the criteria to be approved therefore we are recommending approval of this request.

Brenda Pierce, Applicant’s Representative, 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 Tom Kunzen, to approve this variance request.

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

Absent: Heather Stark, and Carmine Bravo

CLOSED BUSINESS

none

APPROVAL OF THE MINUTES

A motion was made by Austin Beeghly, seconded by Larry Wright that the June 24, 2024, minutes be approved as submitted. The motion passed unanimously.

A motion was made by Austin Beeghly, seconded by Larry Wright that the July 22, 2024, minutes be approved as submitted. The motion passed unanimously.

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

Absent: Heather Stark, and Carmine Bravo

ADJOURN

Having no further business, the meeting was adjourned at 7:00 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.