

**AMENDED MINUTES FOR THE SEMINOLE COUNTY BOARD OF
ADJUSTMENT
JUNE 27, 2005
6:00 P.M.**

Members Present: Mike Hattaway, Chairman; Melanie Chase, Wes Pennington, Tom O'Daniel, and Alan Rozon

Staff Present: Earnest McDonald, Principal Coordinator; Kathy Fall, Senior Planner; Michael Rumer, Planner; Arnold Schneider, County Attorney; Patty Johnson, Senior Staff Assistant

Mr. Mike Hattaway, Chairman, called the meeting to order at 6:00 P.M. Mr. Hattaway then explained the method by which the meeting would be conducted, rules for voting and appealing decisions.

CONTINUED ITEMS

VARIANCES:

1. **GROVE STREET (LOT 1)** - Rosy Rios, applicant; Request for minimum side street setback variance from 25 feet to 7.5 feet for a proposed home in the R-1A (Single-Family Dwelling District); Located on the southwest corner of the intersection of Forest Lake Drive and Grove Street; (BV2005-047).
Earnest McDonald, Principal Coordinator

THE APPLICANT WAS NOT PRESENT.

THIS ITEM WAS HEARD LATER IN THE MEETING.

CONSENT ITEMS

VARIANCES:

2. **7200 WEST STATE ROAD 46** - Madalyn Henricks, applicant; Request for minimum lot width at the building line variance from 150 feet to 100 feet for a proposed single-family home in the A-1 (Agriculture District); Located on the north side of West State Road 46, approximately 350 feet east of the intersection of West State Road 46 and Lake Markham Road; BV2005-075.
Earnest McDonald, Principal Coordinator

5. **110 SPRING COVE** - Jerry Defalco, applicant; Request for side yard setback variance from 10 feet to 0 feet for an proposed replacement boat dock in the R-

1AA (Single-Family Dwelling District); Located north of Spring Cove Trail about .10 miles west of Rollingwood Trail; (BV2005-065).

Michael Rumer, Planner

Mr. Pennington made a motion to approve Consent Agenda Items 2 and 5.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (5-0).

PUBLIC HEARING ITEMS

LIMITED USES:

- 6. 4601 ORANGE BOULEVARD** - Jean Metts, applicant; Request for limited use for the occupancy of a proposed mobile home by a chronically ill relative in the A-1 (Agriculture District); Located at the southeast corner of Orange Boulevard and Halsey Avenue; (BM2005-015).

Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the location of the property and stated that the applicant requested to install a 2005 model mobile home for an indefinite period, for the purpose of housing a chronically ill relative. He further stated that a conventional single-family home constructed in 1948, and a mobile home were approved for a two year limited use on June 15, 1987 by the Board of Adjustment currently occupy the property. He also stated that the applicant provided a Doctor's statement to the Board members and for this reason staff would not object to the Board's approval of a limited use for a time period the exceeds the two (2) year maximum time period typically allowed by the Land Development Code.

Jean Metts stated that there had been a mobile home on the property since 1957. She also stated that she was the disabled person. She further stated that she has Lupus and Arterial Heart Disease. She also stated her daughter has a bipolar disorder and they need someone, like her son to help them out. She also stated that the appearance of the new mobile home would be an improvement to the neighborhood. She lastly showed pictures of the new mobile home.

Mr. Rozon made a motion to approve the request for the life of the applicant.

Mr. Pennington seconded the motion.

The motion passed by unanimous consent (5-0).

MOBILE HOME SPECIAL EXCEPTIONS:

- 7. 1405 LAKEVIEW RANCH POINT** - Walter Rafuese, applicant; Request for special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning Classification District); Located on the southeast corner of the intersection of Winona Drive and Lakeview Ranch Point; (BM2005-013).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that in 1998, the property received a 5 year special exception, which has since expired. She also stated the Board has previous approved temporary placement and several of the applicants has come back and asked for permanent placement. She further stated that the area had conventional homes and mobile homes and that staff recommended approval of the request.

Walter Rafuese stated that his mobile home made it through two (2) hurricanes, and is in good condition. He further stated that he would like to put a home on the property, but he needed more time.

Raymond Harrison stated that he was a neighbor and was in favor of the request.

Mark Cox stated that he was a neighbor and he had lived in the neighborhood for 15 years. He further stated that he was very much in favor of the request and Walter was a good neighbor.

Mr. Rozon made a motion to approve the request for the life of the mobile home.

Mr. Pennington seconded the motion.

The motion passed by unanimous consent (5-0).

VARIANCES:

- 1. GROVE STREET (LOT 1)** - Rosy Rios, applicant; Request for minimum side street setback variance from 25 feet to 7.5 feet for a proposed home in the R-1A (Single-Family Dwelling District); Located on the southwest corner of the intersection of Forest Lake Drive and Grove Street; (BV2005-047).

Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the location of the property and stated that the applicant had failed to satisfy the criteria for granting a variance. He further stated that staff recommended denial of the request.

THE APPLICANT WAS NOT PRESENT.

Mr. Pennington made a motion to deny the request.

Mrs. Chase seconded the motion.

The motion passed by unanimous consent (5-0).

- 8. 1088 AMANDA KAY CIRCLE** - Denny R. & Nichole L. Voyles, applicants; Request for rear yard setback variance from 25 feet to 18 feet for a proposed covered screen room in the R-AH (Affordable Housing District); located in the southwestern quadrant of properties surrounded by Amanda Kay Circle; BV2005-068.
Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the location of the property and stated that the applicant had failed to satisfy the criteria for granting a variance. He further stated that staff recommended denial of the request.

Nichole Voyles stated that their request was for a covered patio. She further stated that the concrete was already there and they wanted to extend it to the south side of the property to even it with the house.

Mr. Pennington made a motion to approve the request.

Mr. O'Daniel seconded the motion.

The motion passed by unanimous consent (5-0).

- 9. 811 ROSWELL COVE** - Andras Racz, applicant; Request for (1) side yard setback variance from 7.5 feet to 5 feet for a proposed pool screen enclosure; and (2) side yard setback variance from 7.5 feet to 6 feet for a proposed pool in the PUD (Planned Unit Development District); Located on the southwest corner of the intersection of Roswell Cove and Tadsworth Terrace; BV2005-071.
Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the location of the property and stated that the applicant had failed to satisfy the criteria for granting a variance. He further stated that staff recommended denial of the request.

Andras Racz stated that prior to purchasing this property his family lived in a home that had a pool. He further stated that they had planned to add a pool to this home and now are financially able to do so. He also stated that they had a huge front yard and a narrow back yard, which is their hardship. He stated that they would like very much to have a pool for their kids. He lastly stated that he had signatures of neighbors in support and the pool would increase the property value.

Mr. Rozon made a motion to approve the request.

Mr. Pennington seconded the motion.

The motion passed by unanimous consent (5-0).

- 10. 361 CENTER STREET** - Steve Kane, applicant; Request for minimum side yard setback variance from 10 feet to 4 feet for an existing room addition in the R-1A (Single-Family Dwelling District); Located on the north side of Center Street, approximately 75 feet west of the intersection of Avenue F and Center Street; (BV2005-049).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that the Board of Adjustment approved a screen room addition in 1991 to a previous home owner. She further stated that the applicant was enclosing the screen room when he was cited by Code Enforcement. She lastly stated that staff recommended denial of the request.

Steve Kane stated that he wanted to enclose the screen room to make more storage space for his family. He further that with all the water damage from the previously hurricanes they decided to close the room in, not realizing he needed a permit. He lastly stated that he would appreciate the Board approval.

Mr. O'Daniel made a motion to approve the request.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (5-0).

- 11. 1580 GLADIOLAS DRIVE** - Jon Bolton, applicant; Request for minimum rear yard setback variance from 30 feet to 17.6 feet for an existing shed in the R-1 (Single-Family Dwelling District); Located on the north side of Gladiolas Drive, approximately 0.15 miles north of the intersection of Aster Drive and Gladiolas Drive; (BV2005-052).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that the applicant constructed the shed without a permit. She further stated that the applicant was cited by the Building Department. She lastly stated that staff recommended denial of the request.

Jon Bolton stated that he wanted to replace something that had already existed. He further stated that one of the previous owners of the property had a shed. He also stated that Code Enforcement stopped him from finishing the construction of the shed. He lastly stated that he wanted to use it for storage.

Mr. Pennington made a motion to approve the request.

Mrs. Chase seconded the motion.

The motion passed by unanimous consent (5-0).

- 12. 2909 LAGOON COVE** - Deborah Sentell-Johnson, applicant; Request for minimum side street setback variance from 25 feet to 10 feet for a proposed fence in the R-1AA (Single-Family Dwelling District); Located on the southeast corner of the intersection of Stillwater Drive and Lagoon Cove; (BV2005-054).

Kathy Fall, Senior Planner

THIS ITEM WAS CONTINUED UNTIL THE JULY 25, 2005 MEETING.

- 3. CASS AVENUE (LOT 3)** - Scott Ryan, applicant; Request for (1) minimum lot size variance from 43,560 square feet (1 acre) to 8,250 square feet (0.2 acre); (2) minimum lot width at the building line variance from 150 feet to 75 feet; (3) minimum (east) side yard setback variance from 10 feet to 7.5 feet for a proposed single-family home; (4) minimum (west) side yard setback variance from 10 feet to 7.5 feet for a proposed single-family home; and (5) minimum front yard setback variance from 50 feet to 25 feet for a proposed single-family home in the A-1 (Agriculture District); Located on the south side of Cass Avenue, approximately 150 feet west of the intersection of Palm Drive and Cass Avenue; (BV2005-059).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that staff put this item on the Consent Agenda because there wasn't an opportunity to combine the lots. She further stated that staff recommended approval of the request.

Karen Pasek stated that she was a Residential Architect, speaking on Mr. Scott Ryan behalf. She further stated that Mr. Ryan would like to build a house on this lot the same as other property owners in the neighbor had. She also stated that the there were numerous houses on this block build on 75 feet wide lots. She lastly stated that Mr. Ryan has closed on lot 3 and lot 15.

Kim Koballa stated that he built a new home on Palm Street. He also stated that he didn't see how they were going to get a sand mound on that envelope. He further stated that there were sewage and drainage issues in that area. He also stated Lot 3 had a history of serious water problems. He further stated his concerns about Lot 14 on Pine Street. He stated that Pine Street was an undeveloped road and the road would have to be developed to County standards. He also wanted to know who would put the road and who would maintain the road. He further stated that other people had to buy to lots to build a house on. He lastly invited the County to come out and take a look at the homes that are being built.

Karen Pasek stated that Cass Ave and Pine Street are private streets and they do not have the same requirements as a public road. She further stated that there are currently two (2) houses under construction on dirt roads with septic and wells on 75 feet wide lots. She lastly stated that there were two (2) more new houses permitted with mounted drain fields in the front and they look great.

Mr. Pennington made a motion to approve the requested variances.

The motion died for a lack of a second.

Mr. Pennington made a motion to approve request for (1) minimum lot size variance from 43,560 square feet to 8,250 square feet; (2) minimum lot width at the building line variance from 150 feet to 75 feet; and deny (3) minimum (east) side yard variance from 10 feet to 7.5 feet for a proposed single family home; and deny (4) minimum (west) side yard set back variance from 10 feet to 7.5 feet for a proposed single family home; and approve (5) minimum front yard setback variance from 50 feet to 30 feet for a proposed single family home.

Mrs. Chase seconded the motion.

The motion passed by (4-1) consent. Mr. Rozon was in opposition.

- 4. PINE STREET (LOT 10) -** Scott Ryan, applicant; Request for (1) minimum lot size variance from 43,560 square feet (1 acre) to 8,250 square feet (0.2 acre); (2) minimum lot width at the building line variance from 150 feet to 75 feet; (3) minimum (east) side yard setback variance from 10 feet to 7.5 feet for a proposed single-family home; (4) minimum (west) side yard setback variance from 10 feet to 7.5 feet for a proposed single-family home; and (5) minimum front yard setback variance from 50 feet to 25 feet for a proposed single-family home in the A-1 (Agriculture District); Located on the north side of Pine Street, approximately 350 feet west of the intersection of Palm Drive and Pine Street; (BV2005-060).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that staff recommended approval of the request.

Mr. O'Daniel made a motion to approve request for (1) minimum lot size variance from 43,560 square feet to 8,250 square feet; (2) minimum lot width at the building line variance from 150 feet to 75 feet; and deny (3) minimum (east) side yard setback variance from 10 feet to 7.5 feet for a proposed single family home; and deny (4) minimum (west) side yard setback variance from 10 feet to 7.5 feet for a proposed single family home; and approve (5) minimum front yard setback variance from 50 feet to 30 feet for a proposed single family home.

Mr. Pennington seconded the motion.

The motion passed by (4-1) consent. Mr. Rozon was in opposition.

- 13. PINE STREET (LOT 14)** - Scott Ryan, applicant; Request for (1) minimum lot size variance from 43,560 square feet (1 acre) to 8,250 square feet (0.2 acre); (2) minimum lot width at the building line variance from 150 feet to 75 feet; (3) minimum (east) side yard setback variance from 10 feet to 7.5 feet for a proposed single-family home; (4) minimum (west) side yard setback variance from 10 feet to 7.5 feet for a proposed single-family home; and (5) minimum front yard setback variance from 50 feet to 25 feet for a proposed single-family home in the A-1 (Agriculture District); Located on the north side of Cass Avenue, approximately 150 feet west of the intersection of Palm Drive and Pine Street; (BV2005-057).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that staff recommended denial of the requested variances. She further stated that the applicant had the opportunity to combine the lots and reduce the number of variances.

Karen Pasek reminded the Board that Mr. Ryan closed on Lot 15 and not on Lot 14. She further stated that if Mr. Ryan backed out of the sale on Lot 14 the Board would be back to a single lot issue.

Mr. Rozon made a motion to deny the requested variances.

Mr. O'Daniel seconded the motion.

The motion passed by (3-2) consent. Mr. Pennington and Mr. Hattaway were in opposition.

- 14. PINE STREET (LOT 15)** - Scott Ryan, applicant; Request for (1) minimum lot size variance from 43,560 square feet (1 acre) to 8,250 square feet (0.2 acre); (2) minimum lot width at the building line variance from 150 feet to 75 feet; (3) minimum (east) side yard setback variance from 10 feet to 7.5 feet for a proposed single-family home; (4) minimum (west) side yard setback variance from 10 feet to 7.5 feet for a proposed single-family home; and (5) minimum front yard setback variance from 50 feet to 25 feet for a proposed single-family home in the A-1 (Agriculture District); Located on the north side of Cass Avenue, approximately 75 feet west of the intersection of Palm Drive and Pine Street; (BV2005-058).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that staff recommended denial of the requested variances. She further stated that the applicant had the opportunity to combine the lots and reduce the number of variances.

Mr. Rozon made a motion to deny requested variances.

Mr. O'Daniel seconded the motion.

The motion passed (3-2) consent. Mr. Pennington and Mr. Hattaway were in opposition.

15.211 SOUTH CRYSTAL DRIVE – David Marcus, applicant; Request for minimum rear yard setback variance from 30 feet to 10 feet for a proposed attached garage in the R-1AA (Single-Family Dwelling District); Located on the east side of South Crystal Drive, approximately 150 feet south of the intersection of West Crystal Drive and South Crystal Drive; (BV2005-062).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that the applicant had failed to satisfy the criteria for granting a variance. She further stated that staff recommended denial of the request.

THE APPLICANT WAS NOT PRESENT.

Mr. O'Daniel made a motion to approve the request.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (5-0).

16.8485 ANSON WAY - Thomas Langkau & Lani Harris, applicants; Request for minimum rear yard setback variance from 25 feet to 13 feet for a proposed room addition in the PUD (Planned Unit Development District); Located on the south side of Anson Way, approximately 75 feet west of the intersection of South Lake Burkett Lane and Anson Way; (BV2005-067).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that the applicant had failed to satisfy the criteria for granting a variance. She further stated that staff recommended denial of the request.

Tom Langkau stated that the reason they were requesting the variance was because his wife has a medical condition that makes accessibility difficult. He

further stated that he provided the Board with Doctor's statements. He also stated that he didn't have any neighbors behind him. He further stated that he talked with the neighbors and they had no objections and he also received verbal approval from his Homeowner's Association. He lastly stated that the Board had previously approved two (2) other similar variances in the Trinity Bay subdivision.

Mr. Rozon made a motion to approve the request.

Mrs. Chase seconded the motion.

The motion passed by unanimous consent (5-0).

- 17.4320 ROCKY RIDGE PLACE** - Bruce Quinn, applicant; Request for minimum rear yard setback variance from 10 feet to 7 feet for an existing above ground pool in the R-1A (Single-Family Dwelling District); Located south side of the intersection of Shades Crest Lane and Rocky Ridge Place; (BV2005-072).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that the applicant constructed an above ground pool without permits. She further stated that the applicant was cited by Code Enforcement. She also stated that the applicant had failed to satisfy the criteria for granting a variance. She lastly stated that staff recommended denial of the request.

Lisa Quinn stated that they didn't know that they needed a permit to construct the above ground pool. She further stated that 12 years ago they called and was told they didn't need a permit. She also stated that their neighbors signed a petition in support of the request.

Mr. Pennington made a motion to approve the request.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (5-0).

- 18.2770 TUSKAWILLA ROAD** - Robert & Patricia Ashton, applicants; Request for minimum side yard setback variance from 10 feet to 5 feet for a proposed addition in the R-1AA (Single-Family Dwelling District); Located on the west side of Tuskawilla Road, approximately 0.15 miles north of the intersection Aloma Avenue and Tuskawilla Road; (BV2005-073).

Kathy Fall, Senior Planner

Kathy fall introduced the location of the property and stated that the applicant had failed to satisfy the criteria for granting a variance. She further stated that staff recommended denial of the request.

Frank Wilson of Wilson Drafting and Design stated that he was there on behalf of the owners, Robert and Patricia Ashton. He also stated that the owners wanted to build a four (4) car garage. He further stated that the owner had a lot of toys. He lastly stated that the owners received a letter of support from a neighbor.

Mr. Pennington made a motion to approve the request.

Mrs. Chase seconded the motion.

The motion passed by (4-0) consent. Mr. Hattaway filled out a Voting Conflict Form.

- 19. 3180 FOXWOOD DRIVE** - Sagewood Properties, LLC, applicant; Request for rear yard setback variance from 30 feet to 17.5 feet for a proposed home addition in the PUD (Planned Unit Development District); Located on the south side of Foxwood Drive, approximately 85 feet west of the intersection of Autumnwood Trail and Foxwood Drive; (BV2005-032).

Michael Rumer, Planner

Michael Rumer introduced the location of the property and stated that the applicant had failed to satisfy the criteria for granting a variance. He further stated that staff recommended denial of the request.

Frank Torsia with Sagewood Properties stated that they were requesting to remodel the home for resale. He stated that they wanted to add on to the home to make it more marketable and usable.

Mr. Pennington made a motion to approve the request.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (5-0).

- 20. 1450 NORTH STREET** - Paul Brock, applicant; Request for side yard setback variance from 10 feet to 3.5 feet for an existing shed in the R-1AA (Single-Family Dwelling District); Located on the north side of North Street, approximately 0.1 mile west of the intersection of North Street and Beach Avenue; (BV2005-050).

Michael Rumer, Planner

Michael Rumer introduced the location of the property and stated that the applicant had failed to satisfy the criteria for granting a variance. He further stated that staff recommended denial of the request. He lastly stated that staff received one (1) letter of opposition from the neighbor to the rear.

Paul Brock stated that he would like the shed to be stay where it is. He further stated that if he had to move it within the setback requirements he would not have access to the well that is located in the back of the shed if it needed to be serviced.

Mr. Pennington made a motion to deny the request.

Mr. Rozom seconded the motion.

The motion passed by unanimous consent (5-0).

21.3114 NEIL ROAD - Jaime Maisonet, applicant; Request for rear yard setback variance from 30 feet to 8 feet for a proposed shed in the R-1AA (Single-Family Dwelling District); Located on the south side of Neil Road, approximately 300 feet east of the intersection of Frances Drive and Neil Road; (BV2005-055).

Michael Rumer, Planner

Michael Rumer introduced the location of the property and stated that the applicant had failed to satisfy the criteria for granting a variance. He further stated that staff recommended denial of the request.

Shawn Maisonet stated that he was the son of the applicant, Jaime Maisonet. He further stated that if they moved the shed to the 30 feet setback as required by the County Code it would hit the drain field of the septic tank. He also stated that if they moved it to the other side it would be to close to the well. He lastly stated that the property has a septic tank on the front and back.

Mrs. Chase made a motion to deny the request.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (5-0).

22.2435 WEST LAKE BRANTLEY DRIVE - James Brown, applicant; Request for (1) side yard setback variance from 10 feet to 2.5 feet for an existing shed; and (2) side yard setback variance from 10 feet to 4 feet for an existing shed in the R-1AA (Single-Family Dwelling District); Located at the southwest corner of the intersection of Lake Brantley Drive and Poinsetta Drive; (BV2005-056).

Michael Rumer, Planner

Michael Rumer introduced the location of the property and stated that the applicant had failed to satisfy the criteria for granting a variance. He further stated that staff recommended denial of the request.

Jim Brown stated that he had one of the sheds installed when he moved in to the house in 1998. He stated that the other shed he build last year when both of his wife parents died. He further stated that they needed some place to put her parent's furniture and stuff.

Mr. Rozon asked did he get a permit for the sheds?

Jim Brown stated that he didn't know he needed a permit.

Mr. O'Daniel made a motion to approve the request with the stipulation that the sheds are anchored and built to meet the Building Department Code.

Mr. Pennington seconded the motion.

The motion passed by unanimous consent (5-0).

23.105 DUBLIN DRIVE - Bryan Fenner, applicant; Request for rear yard setback variance from 30 feet to 21 feet for a proposed screen room addition in the PUD (Planned Unit Development District); Located on the south side of Dublin Road, approximately 100 feet west of the intersection of Donegal Avenue and Dublin Drive; (BV2005-061).

Michael Rumer, Planner

Michael Rumer introduced the location of the property and stated that the applicant had failed to satisfy the criteria for granting a variance. He further stated that staff recommended denial of the request.

Bryan Fenner stated that he had pulled a permit for the cement slab and wanted to build a screen porch around the slab. He further stated that he had received approval from his Architectural Review Board and he had letters from his neighbors. He lastly stated that he planned to pull all the permits needed to build the screen room addition.

Mr. Rozon made a motion to approve the request.

Mr. Pennington seconded the motion.

The motion passed by unanimous consent (5-0).

24. 505 MARKHAM WOODS ROAD - Brent Gardner, applicant; Request for front yard setback variance from 50 feet to 20 feet for a proposed addition to a church in the A-1 (Agriculture District); Located on the east side of Markham Woods Road, approximately 1.0 mile north of the intersection of SR 434 and Markham Woods Road; (BV2005-063).

Michael Rumer, Planner

Michael Rumer introduced the location of the property and stated that the applicant amended their request and an updated site plan was given to the Board Members before the meeting. He further stated that the applicant had failed to satisfy the criteria for granting a variance. He lastly stated that staff recommended denial of the request.

Ray Acosta stated that he was the Architect on the project. He also stated that he was a member of the church for over 20 years. He further stated that several years ago the County approached the church and asked them about a strip of land, about 17 feet for a drainage easement. He stated that they decided to donate the 17 feet of land to the County. He also showed a site plan of the proposed Youth Chapel and stated that they really didn't want to see a large parking lot in front of the building. He further stated that they wanted to keep the front of the building which was a large wooded area, as close to the original land scape as possible.

Mr. Pennington made a motion to approve the request.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (5-0).

25. HILLVIEW DRIVE (LOT 93) - Craig Jones, applicant; Request for (1) minimum lot size variance from 8,400 square feet to 7,588 square feet for a proposed home; (2) minimum side street setback variance from 25 feet to 22 feet for a proposed home in the R-1 (Single-Family Dwelling District); Located south of Hillview Drive .10 mile east of the intersection of Durango Way and Hillview Drive; (BV2005-066).

Michael Rumer, Planner

THIS ITEM WAS CONTINUED BY STAFF

26. 759 FRANKLIN STREET - Daniel Aponte, applicant; Request for side yard setback variance from 7.5 feet to 3.33 feet (3 feet 4 inches) for a proposed shed in the R-1 (Single-Family Dwelling District); Located on the south side of Franklin Street, approximately 350 feet east of the intersection of Franklin Street and Stelle Avenue; (BV2005-074).

Michael Rumer, Planner

Michael Rumer introduced the location of the property and stated that the applicant had failed to satisfy the criteria for granting a variance. He further stated that staff recommended denial of the request.

Daniel Aponte stated that what they wanted to do was to build a shed on the side of the property for wood working and storage. He also stated that he would like to put a six (6) foot fence around the shed which would enclose it. He further stated that they had plans to put a covered patio in the back and didn't want to put the shed in the back. He lastly stated that his neighbor on the right has given him a letter in support of his request.

Mr. Rozon asked Daniel was he going to match the roof materials.

Daniel stated that it would have some of the same style as the house.

Mrs. Chase asked had he spoken to his neighbors.

Daniel stated that he had a letter of support from his adjacent neighbor.

Mr. O'Daniel made a motion to approve the request.

The motion died for a lack of a second.

Mr. Rozon stated that he had a problem with the request 6 feet fence across the front, and the 10 feet high shed with a metal roof that didn't match the roof of the home. He also stated that it would not be very attractive.

Daniel Aponte stated that he didn't want to go to Sears and buy something and put it on the property. He stated that he didn't think that would be attractive at all. He further stated that the fence would not be at the front of the property. He stated that it would be from the side and go around the back.

Mr. Pennington asked if Daniel could do a hip roof to match the style of his house.

Daniel stated that the similar design was a good solution, but it wasn't what he wanted. He further stated that he didn't want a miniature house next to his.

Mrs. Chase stated that she had a problem with the applicant wedging the shed on the side of the property.

Mrs. Chase made a motion to deny the request.

Mr. Pennington seconded the motion.

The motion passed by unanimous consent (5-0).

SPECIAL EXCEPTIONS:

27.5651 LAKE GUSSIE CIRCLE - Seminole County Environmental Services Department / Hugh P. Sipes, applicants; Request to amend an existing special exception for a water treatment facility in the A-1 (Agriculture District); Located on Lake Gussie Circle, at the northeastern corner of Orange Boulevard and First Street; (BS2005-005).

Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the location of the property and stated that on August 28, 2000, the Board of Adjustment approved a special exception for a water treatment facility on the subject property. He further stated that with the new rules recently adopted by the Florida Department of Environmental Protection requires the treatment of new well water for the removal of hydrogen sulfide. He also stated that staff recommended approval of the amended special exception with the following conditions:

- Any new exterior lighting shall conform to the County's lighting standards.
- The proposed aerators shall be painted in muted colors and located as shown on the proposed site plan to reduce visibility to adjacent residential properties.
- Where practical, sound proof materials shall be applied throughout the design of the proposed facilities to shield abutting and surrounding residential uses from noise associated with operation of the proposed aeration and odor control system.
- An odor control plan shall be submitted to ensure surrounding residential development will be protected from odor associated with the proposed improvements.

Hugh Sipes stated that he was the Project Manager, with Seminole County Environmental Services Department. He showed a 2004 Ariel of the plant property showing where the proposed new packed tower aerators and odor control system would be. He also stated that they would have additional generators to enhance the raw water before it goes to the aerator. He further stated that the photos of the existing plan had been modified to show a series of three (3) packed tower aerators for hydrogen sulfide removal. He lastly stated that the maximum height of the towers would be 35 feet from grade in compliance with the original special exception.

Mr. Rozon made a motion to approve the request.

Mr. Pennington seconded the motion.

The motion passed by unanimous consent (5-0).

28.3612 MCNEIL ROAD, APOPKA - Dave & Jennifer Kruse, applicant; Request to amend an existing special exception to increase preschool enrollment of an existing day care center from 129 students to 186 students and allow two additional buildings in the A-1 (Agriculture District); Located on the south side of McNeil Road, approximately 320 feet east of the intersection of Bear Lake Road and McNeil Road; (BS2005-004).

Michael Rumer, Planner

After a lengthy discussion and opposition this item was continued until the July 25, 2005 Board of Adjustment Meeting

APPROVAL OF MAY 2005 MEETING MINUTES

Mr. Pennington made a motion to approve the May 23, 2005 minutes.

Mr. O'Daniel seconded the motion.

The motion passed by unanimous consent (5-0).

ADJOURNMENT

Time of Adjournment was 10:35 P.M.