

**MINUTES FOR THE SEMINOLE COUNTY BOARD OF  
ADJUSTMENT  
SEPTEMBER 26, 2005  
6:00 P.M.**

**Members Present:** Mike Hattaway, Chairman; Dan Bushrui, Wes Pennington, Alan Rozon and Tom O'Daniel

**Staff Present:** Kathy Fall, Principal Planner; Michael Rumer, Senior Planner; Christopher McMiller, Planning Technician; Stephen Lee, County Attorney; Patty Johnson, Senior Staff Assistant

Mr. 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.

Mr. Hattaway also stated that Item 15 was added to the Consent Items and Item 31 was continued until the October 24, 2005 meeting.

**CONSENT ITEMS**

1. **1506 DELK ROAD** – Greg A. Beliveau, applicant; Request for a width at building line variance from 150 feet to 132 feet for a proposed home in the A-1 (Agriculture District); Located on the west side of Delk Road, approximately 0.29 mile north of the intersection of Michael Drive and Delk Road; (BV2005-131).  
Christopher McMiller, Planning Technician
  
2. **HILLVIEW DRIVE (LOT 93)** - Craig Jones, applicant; Request for minimum lot size variance from 8,400 square feet to 7,588 square feet for a proposed home in the R-1 (Single-Family Dwelling District); Located south of Hillview Drive 0.1 mile east of the intersection of Durango Way and Hillview Drive; (BV2005-066).  
Michael Rumer, Senior Planner
  
3. **NORTH STREET VACANT LOTS (1-5)** – Vernon Thompson, applicant; Request for (1) minimum front yard setback variance from 25 feet to 15 feet and a; (2) minimum rear yard setback variance from 30 feet to 13 feet for a proposed home in the R-1AA (Single-Family Dwelling District); Located on the north side of North Street, approximately 350 feet east of the intersection of Raymond Avenue and North Street; (BV2005-118).  
Michael Rumer, Senior Planner

4. **308 PINWOOD COURT** – Gene Witlock, applicant; Request for lot size variance from 9,000 square feet to 7,875 square feet for a proposed single-family home on a vacant lot in the R-1A (Single-Family Dwelling District); Located on the south side of Pinewood Court, approximately 0.1 mile west of the intersection of Pinewood Court and Lake Road; (BV2005-129).

Michael Rumer, Senior Planner

5. **BURROWS LANE (LOT 41)** – Robert Klettner, applicant; Request for a (1) lot size variance from 8,400 square feet to 6,732 square feet and (2) width at the building lot from 70 feet to 52.8 feet for a proposed home in the R-1 (Single-Family Dwelling District); Located on the east side of Burrows Lane, approximately 0.1 miles north of the 3<sup>rd</sup> Drive and Burrows Lane; (BV2005-110).

Kathy Fall, Principal Planner

6. **BURROWS LANE (LOT 42)** – Robert Klettner, applicant; Request for a (1) lot size variance from 8,400 square feet to 6,732 square feet and (2) width at the building lot from 70 feet to 52.8 feet for a proposed home in the R-1 (Single-Family Dwelling District); Located on the east side of Burrows Lane, approximately 0.12 miles north of the 3<sup>rd</sup> Drive and Burrows Lane; (BV2005-111).

Kathy Fall, Principal Planner

7. **CASS AVENUE (LOT 2)** - Nicole Huffer, 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; 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 0.10 miles west of the intersection of Palm Drive and Cass Avenue; (BV2005-123).

Kathy Fall, Principal Planner

8. **1701 KENNEDY POINT** – Jack Reynolds, applicant; Request for side street setback variance from 50 feet to 25 feet for a proposed office/warehouse building in the M-1 (Industrial District); Located on the southeast corner of the intersection of Sixth Street and Kennedy Point; (BV2005-119).

Kathy Fall, Principal Planner

9. **2950 RAILROAD AVENUE** – L.D. Plante, applicant; Request for a special exception for the five placement of an existing mobile home for a night watchman in the A-1 (Agriculture District); Located on the west side

of Railroad Avenue, approximately 0.10 miles south of intersection of State Road 434 and Railroad Avenue; (BM2005-024).

Kathy Fall, Principal Planner

15. **100 LAMPLIGHTER ROAD** – Robert Bollet, applicant; Request for side street setback variance from 25 feet to 14 feet for a proposed addition in the R-1AA (Single-Family Dwelling District); Located on the south side of Lamplighter Road at the intersection of Lamplighter Road and Franklin Avenue; (BV2005-113).

Michael Rumer, Senior Planner

**Mr. Rozon made a motion to approve Consent Agenda Items 1, 2, 3, 4, 5, 6, 7, 8, 9 and 15.**

**Mr. Pennington seconded the motion.**

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

## **CONTINUED ITEMS**

10. **101 DENISE STREET** – Minnie & Maxcie Smith, applicants; Request for a front yard setback variance from 25 feet to 20 feet for a proposed garage in the R-1 (Single-Family Dwelling District); Located on the east side of Denise Street, approximately 0.22 mile south of the intersection of Harrison Street and Denise Street; (BV2005-103).

Christopher McMiller, Planning Technician

Christopher McMiller introduced the location of the application and stated that the applicant first appeared before the Board of Adjustment at the August 22, 2005 meeting and the item was continued by the Board. 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.

Minnie Smith stated that she was requesting a two car garage to come in from the front of the house. She showed the Board pictures of the house next door and stated that she didn't want to look at the junk cars, and therefore she wanted her garage to block the view.

**Mr. Pennington made a motion to approve the request from 25 feet to 22 feet.**

**Mr. Rozon seconded the motion.**

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

11. **2385 PENNSYLVANIA AVENUE** – Chris Miller, applicant; Request for minimum rear yard setback variance from 30 feet to 12 feet for a proposed garage in the R-1AA (Single-Family Dwelling District); Located on the east side of Pennsylvania Avenue, approximately 0.1 mile north of the intersection of Lake Hayes Road and Pennsylvania Avenue; (BV2005-104).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant first appeared before the Board of Adjustment at the August 22, 2005 meeting and the item was continued by the Board. 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.

Chris Miller stated that last month the Board didn't have a problem with the square footage of the accessory building, but they did have some concern about the height of the building. He further stated that his Architect reduced the peak height of the structure by 4.5 feet. He lastly stated that the existing garage is too small so they were going to use the space for additional house footage.

**Mr. Rozon made a motion to approve the request.**

**Mr. Pennington seconded the motion.**

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

## **PUBLIC HEARINGS ITEMS**

12. **342 DEVON PLACE** – Arthur & Diane Farber, applicants; Request for a rear yard setback variance from 10 feet to 6 feet for a proposed pool in the PUD (Planned Unit Development District); Located on the west side of Devon Place, approximately 0.19 mile east of the intersection of Glencrest Drive and Devon Place; (BV2005-125).

Christopher McMiller, Planning Technician

Christopher McMiller 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.

Arthur Farber stated that his variance request was for a pool in the Heathrow Planned Unit Development. He also stated that he had submitted the pool to the Heathrow Homeowners Association and had

received approval. He further stated that every house on his block has a pool except his house. He lastly stated that he has had a hip replacement and a pace maker and both doctors stated that swimming would be good exercise for him.

**Mr. Bushrui made a motion to approve the request.**

**Mr. O'Daniel seconded the motion.**

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

13. **6356 EPPING COURT** – William L. Campbell, Jr., applicant; Request for (1) rear yard setback variance from 7.5 feet to 0.0 feet for a proposed pool and (2) rear yard setback variance from 7.5 feet to 0.0 feet for a proposed pool screen enclosure in the PUD (Planned Unit Development District); Located on the north side of Epping Court, approximately 183 feet east of the intersection of Northumbria Drive and Epping Court; (BV2005-130).

Christopher McMiller, Planning Technician

Christopher McMiller introduced the location of 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.

Kathy Fall stated that this would be the second variance requested in the Buckingham Estates Subdivision.

William Campbell stated that the first request would be from 7.5 feet to 2 feet for the pool and 7.5 feet to 0 feet for the pool screen enclosure. He further stated that he has a small lot but he also maintain the land behind his property, which is a common area.

Mr. Bushrui asked if he had approval from his Homeowner's Association.

William Campbell stated that he had not submitted a plan to the Architect Review Board.

**Mr. Pennington made a motion to approve the request.**

**Mr. Bushrui seconded the motion.**

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

14. **209 MAID OF THE MIST DRIVE** – Marsh Martinus, applicant; Request for (1) (south) side yard setback variance from 7.5 feet to 5 feet for an existing shed; and (2) (east) rear yard setback variance from 10 feet to 5 feet for an existing shed in the R-1A (Single-Family Dwelling District); Located east of the intersection of Maid of The Mist Drive and Lochmond Drive; (BV2005-112).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant constructed a shed without a building permit. He further stated that a notice of violation from the Building Department was issued on August 1, 2005. He also stated that the applicant had failed to satisfy the criteria for granting a variance. He lastly stated that staff recommended denial of the request.

Marsh Martinus stated that he build the shed without a permit because since it wasn't a permanent structure he didn't think he needed a permit. He further stated that to move the shed he would have to get a crane. He also stated that the shed looks like the house and it looks nice. He lastly asked the Board to approve his shed.

**Mr. Pennington made a motion to approve the request.**

**Mr. Bushrui seconded the motion.**

**The motion passed by a (3-2) vote. Mr. Hattaway and Mr. O'Daniel were in opposition.**

16. **220 BLUESTONE PLACE** – Ashok Naidu, applicant; Request for minimum rear yard setback variance from 30 feet to 14 feet for a proposed home addition in the R-1AA (Single-Family Dwelling District); Located on the west side of Bluestone Place; .10 mile south of the intersection of Bluestone Place and Center Drive; (BV2005-114).

Michael Rumer, Senior 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 the property to the rear of the applicant was horse pasture.

Ashok Naidu stated that the reason for the request was because he and his wife had been diagnosed with Diabetes and High Blood Pressure and they had been asked to exercise 3 to 4 times per week. He further stated that they would like to enclose the room because of the smell from the

horse pasture next to them. He lastly stated that they received approval from their Homeowners Association and neighbors.

**Mr. Rozon made a motion to approve the request.**

**Mr. Bushrui seconded the motion.**

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

17. **301 RED MULBERRY COURT** – Kevin Morrissey, applicant; Request for minimum side yard setback variance from 10 feet to 3.2 feet for a proposed pool screen enclosure in the PUD (Planned Unit Development District); Located on the south side of East Hornbeam Drive at the intersection of East Hornbeam Drive and Red Mulberry Court; (BV2005-115).

Michael Rumer, Senior 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.

Kevin Morrissey stated that he wanted to replace the screen enclosure that was damaged from the hurricane. He further stated that he wanted to square off the area and make it look better.

**Mr. Rozon made a motion to approve the request.**

**Mr. Pennington seconded the motion.**

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

18. **130 BIRCHWOOD DRIVE** – Charles Joseph, applicant; Request for minimum front yard setback variance from 25 feet to 4 feet for a proposed garage addition in the R-1AA (Single-Family Dwelling District); Located on the southeast corner of Birchwood Drive and Maplewood Drive; (BV2005-117).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant was currently remodeling an existing home built in 1959. He further stated that the applicant had failed to satisfy the criteria for granting a variance. He further stated that staff recommended denial of the request.

Charles Joseph stated that he appreciated the Board's time. He further stated that he was converting his home to a 4 bedroom home. He also stated that he has three (3) kids. He further stated that he wanted to enclose the existing carport and add a garage. He also stated that they didn't have a Homeowner's Association but he received ten (10) signatures of support on a petition. He lastly stated that he didn't have any plans drawn up because he wanted to get approval from the Board before he proceeded in the process of paying for the plans.

**Mr. Rozon made a motion to approve the request.**

**Mr. Pennington seconded the motion.**

**The motion passed by (3-2) vote. Mr. Hattaway and Mr. O'Daniel were in opposition.**

19. **938 EL LAGO TERRACE** – Clyde Bell, applicant; Request for minimum rear yard setback variance from 25 feet to 20 feet for a proposed screen room addition in the PUD (Planned Unit Development District); Located on the west side of El Lago Terrace; approximately 0.1 mile from the intersection of Condor Place and El Lago Terrace; (BV2005-120).  
Michael Rumer, Senior 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.

Clyde Bell stated that he was proposing to extend the patio out 12 feet and enclose it. He further stated that the structure would have an aluminum roof.

**Mr. Pennington made a motion to approve the request.**

**Mr. Bushrui seconded the motion.**

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

20. **1059 DYSON DRIVE** – Jan and Carol Smed, applicants; Request for minimum side yard setback variance from 20 feet to 8.5 feet for a proposed home addition in the RC-1 (Country Homes District); Located on the south side of Dyson Drive, approximately 0.1 miles east of the intersection of Black Acre Trail and Dyson Drive; (BV2005-121).  
Michael Rumer, Planner



Michael Rumer introduced the location of the application 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.

Carol Smed stated that her parents were 86 and 93, and they needed the addition to accommodate them. She further stated that she talked to all her neighbors and received their signatures on a petition of support. She lastly showed the Board pictures of the proposed addition.

**Mr. O'Daniel made a motion to deny the request.**

**Mr. Rozon seconded the motion.**

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

21. **510 ORANOLE ROAD** – Israel Perez, applicant; Request for side yard setback variance from 10 feet to 0 feet for an existing carport in the R-1AA (Single-Family Dwelling District); Located on the south side of Oranole Road, approximately 0.2 mile west of the intersection of Maitland Avenue and Oranole Road; (BV2005-122).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant constructed an aluminum car port that encroaches 10 feet into the minimum 10 foot side yard setback with permits. 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.

Samuel Perez spoke on his father, Israel Perez behalf. He stated that his father hired someone to put the car port up and they didn't know that the contractor didn't get the permits before putting up the structure. He further stated that the main reason for the car port is to add parking space for their guest. He also stated that the next door neighbor didn't have a problem with the car port. He lastly stated that his father would like to keep the car port.

**Mr. O'Daniel made a motion to deny the request.**

**Mr. Pennington seconded the motion.**

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

22. **234 DOVERWOOD ROAD** – Malcolm Trigg, applicant; Request for rear yard setback variance from 30 feet to 20 feet for a proposed addition in the R-1A (Single-Family Dwelling District); Located on the west side of Doverwood Road, approximately 0.1 mile north of the intersection of Fieldingwood Road and Doverwood Road; (BV2005-127).

Michael Rumer, Senior 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 the property to the rear was the English Estates Elementary School.

Malcolm Trigg provided additional documentation to support his request to the Board. He stated that he would like to add a room to the back of his home to accommodate his wife father who is elderly. He further stated that he received support from his adjacent neighbors.

**Mr. Pennington made a motion to approve the request.**

**Mr. Bushrui seconded the motion.**

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

23. **3129 FOXWOOD DRIVE** – Karel Spala, applicant; Request for minimum rear yard setback variance from 30 feet to 18.6 feet for a proposed home addition in the PUD (Planned Unit Development District); Located on the east side of Foxwood Drive, approximately 0.1 mile south of the intersection of Autumnwood Trail and Foxwood Drive; (BV2005-126).

Michael Rumer, Senior 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.

Karel Spala stated that he was requesting a variance for a home addition. He stated that he currently had a two (2) bedroom home with four (4) family members. He further stated that they were taking care of his father-in-law for six (6) months during the winter.

**Mr. Pennington made a motion to approve the request.**

**Mr. O'Daniel seconded the motion.**

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

24. **1456 CLEMATIS LANE** – Tim Roseland, applicant; Request for a (1) front yard setback variance from 25 feet to 4 feet and (2) side yard (north) setback variance from 7 ½ feet to 6 feet for an existing carport in the R-1A (Single Family Dwelling District); Located on the east side of Clematis Lane, approximately 0.1 miles north of the intersection of Bougainvillea Drive and Clematis Lane; (BV2005-116).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant constructed a car port without a permit. She further stated that the applicant had failed to satisfy the criteria for granting a variance. She lastly stated that staff recommended denial of the request.

Tim Roseland stated that he had lived in his current home for 16 years. He further stated that he didn't know the setback was 25 feet. He stated that he bought his wife a new car and she asked for a carport. He further stated that his neighbors were in support of the request and the carport looked good.

**Mr. Rozon made a motion to approve the request.**

**Mr. Pennington seconded the motion.**

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

25. **124 EAST 8TH STREET** – Bobby Soloman, applicant; Request for a rear yard setback variance from 30 feet to 10 feet for a proposed detached accessory building in the R-1 (Single-Family Dwelling District); Located on the south side of 8<sup>th</sup> Street, approximately 360 feet east of the intersection of County Road 419 and 8<sup>th</sup> Street; (BV2005-109).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that last year in November the applicant received a width at the building line variance to construct the home that is currently under construction. She further stated that the applicant had failed to satisfy the criteria for granting a variance. She lastly stated that staff recommended denial of the request.

Bobby Soloman stated that the home is for his father. He further stated that the house and the drain field didn't give him enough room for the shed. He lastly stated that behind the property was a wooded area.

**Mr. Rozon made a motion to approve the request.**

**Mr. Bushrui seconded the motion.**

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

26. **320 ALDRUP WAY** – Freddy Albaladejo, applicant; Request for a (1) rear yard setback variance from 10 feet to 7 feet for a proposed pool, (2) rear yard setback variance from 10 feet to 8 feet for a proposed pool screen enclosure and (3) side yard (east) setback variance from 10 feet to 8 feet for a proposed pool screen enclosure in the PUD (Planned Unit Development District); Located on the north side of Aldrup Way, approximately 50 feet east of the intersection of Dwyer Lane and Aldrup Way; (BV2003-128).  
Kathy Fall, Principal 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.

Freddy Albaladejo stated that he was requesting a pool. He further stated that for safety reasons because of his kids, they wanted to have more room from the sliding glass door and the edge of the pool. He lastly stated that he was told to request the variance before he went to his Homeowners Association.

**Mr. Pennington made a motion to approve the request.**

**Mr. Bushrui seconded the motion.**

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

## **MOBILE HOMES**

27. **EAST STATE ROAD 46 (LOT 5)** – Albert Flannagin, applicant; Request for a special exception for the permanent placement of a mobile home in the A-1 (Agriculture District); Located on the south side of East State Road 46, approximately 200 feet east of intersection of Richmond Avenue and East State Road 46; (BM2005-021).  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that while proximate to the Sanford-Orlando International Airport, the property is not

located in the Airport's future expansion area. She further stated that the applicant had failed to satisfy the criteria for the placement of a mobile home. She also stated that staff recommended denial of the request because it would be inconsistent with the charter and development of the area. She lastly stated that there were some mobile homes in the area but they didn't have permanent placement.

Albert Flannagin stated that he was asking for permanent placement of a mobile home to have a place to live.

**Mr. Pennington made a motion to approve the request.**

**Mr. Bushrui seconded the motion.**

**The motion failed by a 2-3 vote.**

Mr. Hattaway stated that he thought it would be a mistake to approve the request because it would go against the trend of development in the area.

**Mr. O'Daniel made a motion to approve a 10 year placement of a mobile home between the year of 2000 and 2005.**

**Mr. Rozon seconded the motion.**

**The motion passed by (4-1) vote. Mr. Hattaway was in opposition.**

28. **1200 STONE STREET** – David Worrell, applicant; Request for a special exception for the permanent placement of an existing mobile home in the A-1 (Agriculture District); Located on the east side of Stone Street, approximately 0.13 miles north of intersection of Artesia Avenue and Stone Street; (BM2005-022).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that in 1987 the property received a five (5) year placement for the current mobile home, which has since expired. She further stated that staff did not recommend permanent placement of the mobile home but would not object to the limited temporary placement of the existing mobile home.

David Worrell stated that he was asking for the permanent placement of his mobile home. He further stated that the mobile home had been upgraded and that it looks good. He also stated that the value has almost doubled in the time they have lived their. He further stated that they had the property and land appraised and the value is 186,000.

Marsha Pokorny stated that she wanted to speak in support of this request. She further stated that the Worrell family had lived in the neighborhood longer than she had. She lastly stated that the Worrell family planned to build on the lot.

Sandy Morgan stated that they shared a driveway with the Worrell and they didn't have any objections to the request.

Pedro Rubalcaua stated that he was a homeowner in the neighborhood and he supported the request for permanent placement of the mobile home. He stated that Mr. Worrell was a hard working family man.

Marsha Lee Painter stated that she owned 9.56 acres which was vacant. She further stated that she had some concerns about the value of her property. She also stated that she was a Realtor for 23 years. She further stated that the area has taken a turn toward estate homes. She then stated that the single family residents out numbered the mobile homes by a huge percentage. She further stated that she would be opposed to the permanent placement but in favor of temporary placement, but the shorter time the better.

David Worrell stated that he bought the mobile home 6 years ago and didn't know he needed a special exception. He further stated that the 1985 mobile home had been upgraded and he showed the Board pictures of the inside of the mobile home. He lastly stated that the home was not an eyesore and they moved in the area to raise their kids.

Mr. Hattaway stated that the trend of development was toward single family conventional built homes.

**Mr. Pennington made a motion to approve the 10 year placement of the mobile home.**

**Mr. Rozon seconded the motion.**

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

29. **1212 STONE STREET** – Louis Morgan, applicant; Request for a special exception for the permanent placement of an existing mobile home in the A-1 (Agriculture District); Located on the west side of Stone Street, approximately 0.13 miles north of intersection of Artesia Avenue and Stone Street; (BM2005-023).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that in 1993 the property received a 10 year placement for the current mobile home, which has since expired. She further stated that the property was cited by Code Enforcement for an expired mobile home when responding to a compliant call concerning the operation of a business on the property. She also stated staff did not recommend the permanent placement of the existing mobile home but would not object to the limited temporary placement of the existing mobile home.

Mr. Hattaway stated that the Property Appraiser office showed three (3) mobile homes on the property.

Louis Morgan stated that they purchased the property on August 5, 2005.

Sandy Morgan stated that there are no longer three (3) mobile homes on the property, there is only one (1) now. She further stated that Code Enforcement came out and stated that they were making too much noise while they were destroying two (2) of the mobile homes. She also stated that they were trying to clean up the property to make it a nice place to live. She further stated that the people they bought the property from had it for 20 years. She lastly stated that they bought a violation and they were trying to correct the problems on the property.

Pedro Rabalcaua stated that his next door neighbor has permanent placement of a mobile home and he didn't understand why the other neighbors couldn't be granted permanent placement also. He further stated that homes don't make the neighborhood the people make the neighborhood. He lastly stated that the Morgan's were nice people and he wanted to show his support.

Beverly Worrell stated that the Morgan's had really improved the property since they bought it. She further stated that she didn't have a problem with them getting permanent placement of their mobile home.

David Worrell stated that he felt the same way as his wife. He further stated that he would like to see the Morgan's stay, they are good people.

Marsha Pokorny stated that she has permanent placement of her double wide mobile home. She stated that because she lives in a mobile home it is hard for her to object to someone who wants to live in a mobile home. She further stated that she object that the mobile home is not used for a house, but for a Commercial business. She also stated that unless the Morgan's moved in the mobile home recently they had been living in their huge recreational vehicle that was on the property and had other people living in the mobile home. She lastly stated that she was asking the Board to deny the request.

Marsha Lee Painter stated that she owned 9.56 acres next to the Morgan's property. She further stated that she didn't know the Morgan's and she didn't have anything against them, but the area is becoming more of a single family residential area. She showed the Board pictures of many trailers and a huge semi truck on the Morgan's property and stated that the property was more than a residence. She stated that she would definitely be opposed to permanent placement of the mobile home, but would like to see the Morgan's get some use of the mobile home.

Ruth Titus stated that the back of her property borders on Stone Street. She stated that she was opposed to the permanent placement of the mobile home. She further stated that the trend of development was toward conventional homes not mobile homes. She lastly stated that she can hear the noise from the trucks coming in and out of the Morgan's property and it disturbs the rural aspect of the neighborhood.

Louis Morgan stated that they were remodeling the inside of the mobile home which is why they were living in their recreational vehicle. He also stated that they moved into the mobile home last week. He further stated that the noise is one truck that leaves out in the mornings. He lastly stated that they are planning to build, but he did not know when.

Sandy Morgan stated that they did not have any signs out on the property relating to their business.

**Mr. Pennington made a motion to approve one year placement of the mobile home.**

**Mr. O'Daniel seconded the motion.**

**The motion passed by (4-1) vote. Mr. Hattaway was in opposition.**

**Mr. Bushrui asked if the Board could restrict that no business be conducted on the property.**

**Stephen Lee, County Attorney stated that the Board is authorized to put conditions and safe guards on special exceptions.**

**Kathy Fall stated that the Morgan's did not get a violation for running a business on the property.**

30. **1782 STONE STREET** – James Propes, applicant; Request for a special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning District); Located on the west side of Stone Street,



approximately 0.18 miles south of intersection of Howard Avenue and Stone Street; (BM2005-025).

Kathy Fall, Principal Planner

**AFTER A LENGTHY DISCUSSION THIS ITEM WAS CONTINUED UNTIL THE OCTOBER 24, 2005 MEETING.**

## **SPECIAL EXCEPTIONS**

31. **2011 NORTH COUNTY ROAD 426** – Tim O’Shaughnessy, applicant; Request for (1) special exception to establish a 165 foot tall monopole communication tower and (2) associated variance from 495 feet to 370 feet to reduce the minimum distance separation from the proposed tower to the nearest property with a single-family dwelling in the A-1 (Agriculture District); Located on the south side of 2011 North County Road 426, approximately 0.50 miles east of the intersection of Vanarsdale Street and North County Road 426; (BS2005-014).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that based on the submitted propagation maps and supporting documentation the applicant had demonstrated a need to expand Sprints Wireless service area by establishing a communication tower in the general vicinity of the subject property. She further stated that the applicant had indicated that all collocation opportunities had been explored and deemed unacceptable for meeting Sprint’s coverage goals and the provision of homogeneous service across its network. She also stated that the monopole communication will have the capacity to have three (3) carriers to co-locate. She lastly stated that staff recommended approval of the request for special exception to establish a 165 foot tall monopole communication tower and the requested associated variance from 495 feet to 370 feet to reduce the minimum distance separation from the proposed tower to the nearest properties with single-family dwellings.

Mary Doty Solick stated that the Board received a very complete packet in their agenda on the tower. She further stated that she wanted to make one clarification from what Mrs. Fall stated about the three (3) carrier poles, it would be a five (5) carrier pole. She lastly stated that Mr. O’Shaughnessy contacted two (2) other carriers that stated interest in co-locating to Sprint’s communication tower.

Mr. Pennington asked from an experience stand point do they actually use the carriers.

Mary Doty Solick stated that the fastest and cheapest way is to co-locate on other towers.

**Mr. Pennington made a motion to approve the request.**

**Mr. O'Daniel seconded the motion.**

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

32. **845 STATE ROAD 15A** – Franco Lugo, applicant; Request for a special exception to establish an 150 foot tall monopole communication tower in the C-2 (Retail Commercial District); Located on the east side of State Road 15A, approximately 200 feet north of the intersection of Orange Boulevard and State Road 15A; (BS2005-017).  
Kathy Fall, Principal Planner

**THIS ITEM WAS CONTINUED UNTIL THE OCTOBER 24, 2005 MEETING**

### **APPROVAL OF AUGUST 2005 MEETING MINUTES**

**Mr. Rozon made a motion to approve the August 22, 2005 minutes.**

**Mr. Pennington seconded the motion.**

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

### **ADJOURNMENT**

**Time of adjournment was 10:05 P.M.**