

MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT JUNE 25, 2007 MEETING 6:00 P.M.

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

Staff Present: Kathy Fall, Principal Planner; Denny Gibbs, Senior Planner; Joy Williams, Planner; Kimberly Romano, Assistant County Attorney

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.

CONSENT

1. **Atlantic Avenue (Lot 168)** – Scott Quinlan & Mark Pagdin, applicants; Request for a (1) minimum lot size variance from 43,560 square feet to 6,240 square feet, (2) width at the building line from 150 feet to 52 feet, and (3) front yard setback variance from 50 feet to 40 feet for a proposed single family home in A-1 (Agriculture District); Located on the west side of Atlantic Avenue approximately 450 feet south of the intersection of Wilson Avenue and Atlantic Avenue; (BV2007-58).

Kathy Fall, Principal Planner

Mr. Rozon made a motion to approve Consent Agenda Item #1.

Mr. O' Daniel seconded the motion.

The motion passed by unanimous consent (5-0)

2. **1775 Emmett Avenue** – David Gardner, applicant; Request for a (1) minimum lot size variance from 43,560 square feet to 7,500 square feet, (2) width at the building line from 150 feet to 50 feet, (3) front yard setback variance from 50 feet to 25 feet, and (4) side street setback variance from 50 feet to 10 feet for a proposed single home in A-1 (Agriculture District); Located on the northwest corner of the intersection of Second Street and Emmett Avenue; (BV2007-59).

Kathy Fall, Principal Planner

This item was removed from the Consent Agenda and placed with the Public Hearing Items.

PUBLIC HEARING ITEMS

2. **1775 Emmett Avenue** – David Gardner, applicant; Request for a (1) minimum lot size variance from 43,560 square feet to 7,500 square feet, (2) width at the building line from 150 feet to 50 feet, (3) front yard setback variance from 50 feet to 25 feet, and (4) side street setback variance from 50 feet to 10 feet for a proposed single home in A-1 (Agriculture District); Located on the northwest corner of the intersection of Second Street and Emmett Avenue; (BV2007-59).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the lot had always been owned by one (1) owner. She further stated that staff recommended approval of the request because the applicant satisfied the criteria for granting a variance.

David Gardner stated that he was requesting the variances to build a house to live in. He further stated that he had lived in the area and really liked the area. He then stated that there were other lots in the neighborhood that were similar in size to the lot he was proposing to build a house on.

Zak Miller stated that he owned property in the area and that he also lived in the area. He further stated that he was in support of Mr. Gardner's request. He then stated that a lot of the homes in the area are older homes and it would be nice to have some new construction in the area. He lastly stated that he knew of a lot a block over from the subject property that the Board of Adjustment granted approval.

Carole Gilbert stated that she lived next door to the subject property and that she had faxed over her letter of opposition. She then stated that she could read it if the Board would like.

Mr. Hattaway stated that the Board received her fax and that if she wanted to add anything to it the Board would be happy to hear it.

She stated her fax was sufficient.

Torben Abbott stated that last year he purchased the property to the west of the proposed lot, and that he was in opposition of the request because it really varied with the character of the area and of the side of the street that the applicant was proposing to face his home. He further stated that the proposed 10 feet frontage on Emmett Avenue would have the applicant house being built in the front yard of every house on that side of the street. He then stated that he was not sure where all the drainage would go because of the size of the lot but that it would really affect the neighboring properties in a bad way.

David Gardner stated that he had a letter of support from the neighbor across the street. He further stated that over on 1st Street most of the lots are smaller and they had houses on them and that down on Emmett Avenue to the north there were three (3) lots in a row that were smaller and had houses build on them. He then stated that his side entrance would face Emmett Avenue and that his front door would be on 2nd Street which is not a paved road.

Mr. Rozon made a motion to approve the request.

Mr. Pennington seconded the motion.

The motion passed by a (4-1) vote. Mr. Bushrui was in opposition.

3. **5545 Ligustrum Loop** – Angela Berkbigler, applicant; Request for a (1) rear yard setback variance from 10 feet to 5 feet and, (2) a side yard (west) setback variance from 10 feet to 5 feet and (3) a side yard (east) setback variance from 10 feet to 4.9 feet for a proposed pool in R-1BB (Single Family Dwelling District); Located on the south side of Ligustrum Loop approximately 1/10 of a mile north of Aloma Oaks Drive; (BV2007-42).

Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct a pool that would encroach 5 feet into the required 10 feet rear yard setback. She further stated that the pool would encroach 5 feet into the required 10 feet side yard (west) and 5.1 feet into the east side yard setback. She then stated that there was currently no code enforcement or building violation for the property. She lastly stated that there was no record of prior variances granted for the property.

Jacob Berkbigler stated that he had a family of five and they were requesting a pool. He further stated that the back yards in his neighborhood are small, but there were a number of pools in the subdivision. He then stated that he had letters of support from the neighbors to the east and west of him.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

4. **2960 Lowery Drive** – Herman & Sherry Rigdon, applicants; Request for a rear yard setback variance from 30 feet to 10 feet for a proposed shed in R-1AA (Single Family Dwelling District); Located on the west side of

Lowery Drive approximately 1/10th of a mile north of Carrigan Avenue;
(BV2007-48).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct an approximately 558 square feet metal shed that would encroach 20 feet into the required 30 feet rear yard setback. She further stated that the applicant stated that the three (3) existing sheds in the rear yard would be removed prior to the construction of the proposed shed. She then stated that the applicant had provided a letter of approval from the Seminole Terrace Homeowner's Association, as well as signatures of support from surrounding neighbors. She further stated that there were currently no code enforcement or building violations for the property. She lastly stated that there was no record of prior variances granted for the property.

Sherry Rigdon stated that they were asking for a variance for the proposed shed because they didn't have a garage on the house and they would use the proposed shed for storage and a garage. She further stated that the reason why they wanted to put it in the proposed location was to leave space between the house and the shed to work on the well or any thing else in the back of the house.

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

Mr. Pennington seconded the motion.

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

5. **4591 Whimbrel Place** – Superior Aluminum, applicant; Request for a rear yard setback variance from 30 feet to 23 feet for a proposed covered screen room in R-1AA (Single Family Dwelling District); Located on the south side of Whimbrel Place approximately 1/10th of a mile south of Fairglenn Way; (BV2007-49).

Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to add an approximately 432 foot covered screen room that would encroach 7 feet into the required 30 feet rear yard setback. She further stated that there was no code enforcement or building violations on the property. She lastly stated that there was no record of prior variances granted for the property.

Wayne Bushkin stated that they wanted to build a screen room at the back of their house to take advantage of the evenings with out getting attacked by the bugs.

Mr. Rozon made a motion to approve the request.

Mr. O' Daniel seconded the motion.

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

6. **1323 Monte Lane** – Superior Aluminum, applicant; Request for a rear yard setback variance from 30 feet to 15 feet to replace an existing covered screen room in R-1A (Single Family Dwelling District); Located on the west side of Monte Lane approximately 200 feet south of Tierra Circle; (BV2007-51).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to replace an existing screen room that currently encroached 15 feet into the required 30 feet rear yard setback. She further stated that there was currently no code enforcement or building violations for the property. She lastly stated that there was no record of prior variances granted for the property.

Mike Szymanowski with Superior Aluminum stated that the applicant Mr. Coleman was not able to come to the meeting. He further stated that they were proposing to replace an existing screen room that the applicant had for several years.

Mr. Bushrui made a motion to approve the request.

Mr. Pennington seconded the motion.

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

7. **2219 King Alpines Court** – Darryl & Gay Alice Taylor, applicants; Request for a rear yard setback variance from 10 feet to 7 feet for an existing shed in R-1A (Single Family Dwelling District); Located on the north side of King Alpines Court approximately 300 feet east of Nottingham Drive; (BV2007-53).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant request was for an approximately 120 square feet existing shed to encroach 3 feet into the required 10 feet rear yard setback. She further stated that the shed is currently located 2 feet from the rear property line; the applicants proposed to move the shed south, placing it 7 feet from the rear property line. She then stated that on May 5, 2007 the applicants received a notice of violation for the un-permitted construction of the shed. She lastly stated that there was no record of prior variances for the property.

Gay Alice Taylor stated that she and her husband were requesting a rear yard setback variance from 10 feet to 7 feet for their shed. She further stated that they didn't have a garage because it was converted into a room addition. She lastly stated that they really needed the shed for storage.

Darryl Taylor stated that they were proposing to move the existing shed 7 feet from the rear property line.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

8. **602 Longmeadow Circle** – Derrick Sims, applicant; Request for a rear yard setback variance from 30 feet to 11.5 feet for a proposed single story room addition in PUD (Planned Unit Development District); Located on the north side of Longmeadow Circle approximately 200 feet east of Sable Palm Drive; (BV2007-55).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct an approximately 288 square feet room addition to the rear of the home that would encroach 18.5 feet into the required 30 feet rear yard setback. She further stated that the addition would be a bedroom and bathroom. She then stated that there were currently no code enforcement or building violations for the property. She lastly stated that there were no prior variances granted for the property.

Derrick Sims stated that they were proposing to add a full bedroom along with a bathroom to the back corner of the house. He further stated that he recently got married and they have three children and are in need of more room. He then stated that he received verbal approval from his Homeowner's Association, and that they were waiting for approval from the Board of Adjustment.

Anita Mello stated that she lived in the house behind the house in question. She further stated that she was not necessarily in opposition of the request but they had been out of the Country and were just made aware of the request and, wanted to know how far back the proposed room addition would go. She then stated that she just wanted to be sure there would be enough space between the two properties for sound. She lastly stated that she was not in opposition.

Mr. Rozon made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

9. **3240 Lake Harney Circle** – William Shaffer, applicant; Request for a side yard (west) setback variance from 10 feet to 3 feet for a proposed garage in A-5 (Rural District); Located on the north side of Lake Harney Circle approximately ½ mile west of Rest Haven Road; (BV2007-56).
Joy Williams, Planner

After a lengthy discussion this Item was continued until the July 23, 2007 Board of Adjustment Meeting.

10. **2642 Tierra Circle** – David and Shirley Gurney, applicant; Request for (1) a rear yard setback variance from 10 feet to 2 feet-3 inches and (2) a side yard (south) setback variance from 7.5 feet to 4.5 feet for two existing sheds in R-1A (Single Family Dwelling District); Located on the east side of Tierra Circle approximately ¼ mile east of SR 436; (BV2007-02).
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant's existing shed in the side yard encroached 3 feet into the required 7.5 feet side yard setback. She further stated that the shed was 48 square feet and according to the applicant the shed was built in 1995. She then stated that the existing shed in the rear yard encroached 7 feet 9 inches into the required 10 feet rear yard setback. She also stated that according to the applicant the shed was built in 2004 and was also within a drainage easement. She further stated regarding the drainage easement, the applicant had requested a partial vacate of the drainage easement to accommodate the existing shed which was denied. She then stated that an estoppel letter would be required by the applicant with his building permit. (The estoppel letter provides protection from damage liability if the County needs to utilize or make repairs within the easement. She also stated that there was a code enforcement violation for the unpermitted construction of the shed in the rear yard. She further stated that there was no record of prior variances granted for the property. She lastly stated that the applicant submitted a petition of support from various neighbors.

David Gurney stated that he had lived in his home since 1970. He further stated that he didn't know about the easement, he thought it was County property so he maintained the property to make it look nice. He also stated that one day a man came alone and told him it was his property and he bought it from him. He then stated that he needed the sheds for storage. He further stated that he didn't know he needed a variance or permits for the sheds. He further stated that he would get the permits if the variances were approved. He then stated that he had approval from his Homeowner's Association and a petition from his neighbors.

Thomas Sawyer stated that he owned three (3) houses in the neighborhood. He further stated that he could not see the sheds from his house. He then stated that Seminole County told them they could put moveable structures across the drainage easement. He also stated that the sheds would not affect his properties values, and he would be in support of the approval of the sheds.

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

Mr. Rozon seconded the motion.

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

11. **490 Whittingham Place** – Robert Taylor, applicant; Request for a side street setback variance from 20 feet to 10 feet for a proposed fence in PUD (Planned Unit Development District); Located on the northeast corner of Whittingham Place and Willington Lane approximately ¼ mile north of Greenway Blvd; (BV2007-46).
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant constructed a privacy fence around an existing pool that encroached 10 feet into the required 20 feet side street setback. She further stated that the new fence replaced an old fence in the same location. She then stated that there were currently no code enforcement or building violations for the property. She lastly stated the there was no record of prior variances granted for the property.

Eystom Perez stated that he represented NDI Solutions the company that constructed the fence for Robert Taylor the applicant, who could not be at the meeting. He further stated that the reason they were asking for a variance was because when you turn the corner on Whittingham Place they wanted to make sure there was a visual for vehicles coming around the corner. He then stated that when it came to the pool area they came out 10 feet from the side of the house. He also stated that safety for the children that play on that corner was important to them. He lastly stated that he had letters of support from the neighbors.

Mr. Rozon made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

12. **7034 Arbor Court** – Sondra Rose/Superior Aluminum, applicant; Request for a rear yard setback variance from 30 feet to 23 feet for a proposed covered screen room in R-1 (Single Family Dwelling District); Located on

the south side of Arbor Court approximately 1/8 mile west of Tangerine Way; (BV2007-50).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to enlarge an existing screen room which would encroach 7 feet into the required 30 feet rear yard setback. She further stated that the screen room would be extended 6 feet. She then stated that there were currently no code enforcement or building violations for the property. She also stated that there was no record of prior variances granted for the property. She lastly stated that the applicant submitted letters of support from two neighbors.

Jimmy Urichko stated that they were asking for an extension of 6 feet to increase the size of the screen room.

Mr. Bushrui made a motion to approve the request.

Mr. Pennington seconded the motion.

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

13. **370 Radebaugh Court** – Thomas E. Osment, applicant; Request for a side yard (west) setback variance from 10 feet to 7 feet for a proposed pool screen enclosure in PUD (Planned Unit Development District); Located on the north side of Radebaugh Court approximately ¼ mile west of W. Wekiva Trail; (BV2007-52).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a pool screen enclosure over an existing pool deck that would encroach 3 feet into the required 10 feet side yard setback. She further stated that the pool was constructed in 1978 along with the house. She then stated that a building permit for the structure was under review. She further stated that there were currently no code enforcement or building violations for the property. She lastly stated that there was no record of prior variances granted for the property.

Thomas Osment stated that they wanted to enclose an existing pool to ensure safety for the kids and to keep the dog out of the pool.

Mr. Pennington made a motion to approve the request.

Mr. Rozon seconded the motion.

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

14. **102 Lake Minnie Drive** – Steven R. Wennerstrom, applicant; Request for a rear yard setback variance from 30 feet to 27 feet for a proposed single family residence in R-1A (Single Family Dwelling District); Located on the northeast side of Lake Minnie Drive approximately 500 feet south of Lake Mary Blvd; (BV2007-54).
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a single family residential house on Lot 11 that would encroach 3 feet into the required 30 feet rear yard setback. She further stated Lot 11 was a parcel of record in 1970 but in 1990's it was purchased and combined with Lot 10, the existing home on Lot 11 was then removed. She then stated that in 1999 a screen porch was added to the remaining home which is on Lot 10, due to the re-separating of the two lots; Lots 10 and 11 the screen porch may now be non-conforming for the side setback for a small bit of the northwest corner. She also stated that at permitting, the applicant should confirm that the screen porch meets the required side setback of 7.5 feet. She further stated that there were currently no code enforcement or building violations for the property. She lastly stated that there was no record of prior variances granted for the property.

Steven Wennerstrom stated that he was the owner of the property and that the house he was proposing to build would have a full front porch that would require a three (3) feet variance. He further stated that he was building the house to sell.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

15. **2454 Castlewood Road** – Joseph J. Battaglia, applicant; Request for (1) a rear yard setback variance from 10 feet to 7 feet and (2) a side yard (east) setback variance from 10 feet to 4 feet for a proposed shed in R-1A (Single Family Dwelling District); Located on the south side of Castlewood Road approximately 1/10 mile east of Oxford Road; (BV2007-60).
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a shed that would encroach 3 feet into the required 10 feet rear yard setback and 3.5 feet into the required 7.5 feet side yard setback. She further stated that there were currently no code enforcement or building violations for the property. She then stated that there was no record of prior record of variances granted for the property.

Joseph Battaglia stated that he just wanted to build a shed because he had a lot of stuff to put in it. He further stated that he was actually going to build the shed closer to the back fence and a little closer to the side fence in the corner of the yard, but there was a 7 foot utility easement at the back fence. He lastly stated that the shed would be professionally built.

Mr. Rozon made a motion to approve the request.

Mr. O' Daniel seconded the motion.

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

16. **Virginia Avenue (Lot 9)** – Nora Martinez, applicant; Request for a (1) minimum lot size variance from 11,700 square feet to 7,020 square feet and a (2) width at the building line variance from 90 feet to 65 feet for a proposed home in R-1AA (Single Family Dwelling District); Located on the east side of Virginia Avenue approximately 560 feet north of Pineview Avenue; (BV2007-43).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that in 1987, the applicant purchased Lots 8 and 9 of Block A. She further stated that in 2000 the applicant sold Lot 8 to the current owner Mr. Jose Santiago. She then stated that in the Board Member's packet was a letter requesting a continuance from Mr. Santiago, because he was out of town. She also stated that in his letter Mr. Santiago stated that he was the most effected by the applicant's request. She further stated that both lots are non-comforming. She then stated than in 2002 the applicant asked for the same variances and was denied by the Board of Adjustment and the Board of County Commissioners. She lastly stated that the applicant was requesting the variances to build a house on the lot.

Norma Martinez stated that her friend from church, Mr. Victor Irizarry would speak for her if the Board didn't mind.

Victor Irizarry stated that Mrs. Martinez asked him to present her case. He further stated that he went though all the past records from 2002 and that the reason she was denied her request, was that it was determined that she created a hardship. He then stated that she never legally separated the two lots, when she purchased the two properties they had two legal descriptions and she paid separate taxes for the two different lots since 1987; always with the intension of building a second house. He also stated that she didn't know that with both lots being separate would make them substandard lots. He further stated that granting the variances requested would not confer on the applicant any special privileges because similar variances had been approved in the past few years in the same area; for instance on November 7, 2005 on Alpine Street and Virgina Ave a variance for a minimum lot size variance from 11,700

square feet to 6,615 square feet, which was even smaller than the applicants lot, and December 19, 2005 another variance was approved from 11,700 square feet to 7,130 square feet and several other request that were taken as Consent Items were approved. He then stated that Mrs. Martinez was requesting the variances because they were the minimum variances that would allow her reasonable use of the property. He also stated that they had talked to several developers that had build houses on smaller lots and they said they could put a beautiful home on her lot. He further stated that if Mrs. Martinez was allowed to build a house it would be 300,000.00 in value and it would meet all the setback requirements. He then stated that it was the change in the regulations that imposed the burden on the property not Mrs. Martinez. He lastly asked the Board of Adjustment to give Mrs. Martinez the opportunity to build a house on her lot.

Bernard Huguenot stated that he lived directly across the street from the property in question and that they already had one non-comforming lot and if the request was approved they would have two non-comforming lots in the neighborhood. He further stated that most of the lots on the same side of the street are double lots. He then stated that the request had been denied twice in the past. He lastly stated that when Mrs. Martinez sold Mr. Santiago his lot, she created a hardship for herself and Mr. Santiago.

Nancy Brown stated that from everything she heard in the past and at the meeting Mrs. Martinez created a substandard lot and now she is looking to capitalize on something that has caused a hardship for Mr. Santiago. She further stated that they did not need another smaller lot approved in this area.

David Bonaskiewich stated that he lived directly next door to the lot in question and that another non-comforming lot would not be a good thing. He further stated that his house is on two lots and it sits in the center of the two lots, which has a frontage of 130 feet, and the applicant was requesting 65 feet frontage and that house would not be in contrast with the rest of the houses.

Victor Irizarry stated that the fact that there are larger lots does not mean that building a house on that smaller lot would cause any harm; it would improve the neighborhood. He further stated that there had been very similar variances that had been approved on smaller lots. He lastly stated that if the request was denied, Mrs. Martinez would be denied a privilege or a right that was given to others.

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

Mr. Pennington seconded the motion.

The motion passed by unanimous consent (5-0)

SPECIAL EXCEPTIONS

17.1217 Trinity Woods Lane – Holy Trinity Greek Orthodox Church, applicant; Request for an amendment to an existing special exception to allow a pavilion and storage building in R-1AA (Single Family Dwelling District); Located on the northeast corner of the intersection of Interstate 4 and South Wymore Road; (BS2007-08).
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant proposed to construct an 11,378 square foot pavilion and 900 square foot storage building. She further stated that the purpose of the buildings was to serve two yearly special events and would not generate additional traffic than what was currently generated by the church's services. She then stated that staff received an E-Mail in opposition from the adjacent neighborhood; the general opposition was that they felt they needed to have a wall that would serve as a buffer from the activities that would be held at the pavilion. She also stated that staff recommended approval of the proposed amendment to the existing special exception based upon the following conditions:

- The general layout and design of the proposed buildings as depicted on the master plan shall not change
- No building shall be increased more than 10% without Board of Adjustment approval
- Prior to the issuance of development permits, a site plan that meets the requirements of Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee

Emanuel Mavres stated the he was the President of Holy Trinity and that they were currently renting out a tent for three days for the Greek Festival in the Fall, and one time in the Spring for Easter and that paid almost 15,000 per year for the rental of the tent. He further stated that if they had the pavilion they would no longer have to rent the tent.

Scott Cruz stated that having a more substantial building with an insulated roof, which was what they were asking permission to have, would absorb some of the sound. He further stated that the pavilion would be in a different place than where they put the tent currently. He then stated that they would place the storage shed directly between the neighbors and the building. He also stated that a 700 foot wall would add a substantial cost to the project and they felt it was an unfair request.

Mike Mallon stated that he would speak for all the neighbors that were in the audience. He further stated that they didn't have a problem with the

church being in the neighborhood. He then stated that they didn't know where the pavilion would be and that they wanted to request a continuance to have an opportunity to meet with the church to find out what their intention was for the pavilion. He also stated that even before the Greek Festival starts the church starts practicing about a week or so before, and they had to listen to it and that a buffer of some sort would help. He lastly stated that the church is beautiful and well maintained.

Eric Mellon stated that he was the Vice-President of Holy Trinity and that they appreciated the kind words from the community. He further stated that they had been in that location for 17 years and they had the festival for all 17 years. He then stated that all events such as weddings would be in the two Halls that are currently at the church. He also stated that in 15 years the church would have the pavilion paid off, which would be a financial benefit for the church. He further stated that if they didn't get started in the next two weeks they would not have the project done in time for the Greek Festival. He lastly stated that as far as a buffer the church would be willing to talk about it.

Mr. Bushrui asked if the church would be willing to entertain any type of fencing.

Eric Mellon stated that he could not speak for the church as a whole. He further stated that he would have to ask the church.

Mr. Hattaway allowed the church and the people who were in opposition of the request to get together and talk to come up with a compromise.

Mr. Hattaway asked staff when the special exception was approved were there any restrictions placed on what the church could do on the property.

Kathy Fall stated that the church had to apply for special events permit yearly for the festival.

Mr. Hattaway asked if the church and the community were able to accomplish anything.

Emanuel Mavres stated that they offered some ideas of what they thought they could do to help and they let the community stay out and talk to each other about it.

Tara Schwzizer stated that she and her father owned the largest lot adjacent to the church and they would like to see a continuance to do research and have more meetings with the church to come up with a solution.

Emanuel Mavres stated that they offered more landscaping as a buffer.

Mr. Pennington made a motion to approve the Special Exception request for the church events and if the church leased the pavilion to an out side agency they would not be allowed to have amplified sound.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (5-0)

APPROVAL OF MAY 21, 2007 MEETING MINUTES

Mr. Pennington made a motion to approve the May 21, 2007 minutes.

Mr. O' Daniel seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 9:39 P.M.