

**MINUTES FOR THE SEMINOLE COUNTY
BOARD OF ADJUSTMENT
AUGUST 27, 2007 MEETING
6:00 P.M.**

Members Present: Mike Hattaway, Chairman; Alan Rozon, Tom O' Daniel, Michael Bass and Curtis Gashlin

Staff Present: Kathy Fall, Principal Planner; Tina Williamson, Planning Manager; Denny Gibbs, Senior Planner; Joy Williams, Planner; Kathy Fury-Tran, County Attorney; Patty Johnson, 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 #6 was continued until October 22, 2007.

CONSENT

1. **1100 Elm Street** – George & Sandarah Wilkes, applicants; Request for a 1) lot size variance from 43,560 square feet to 40,904 square feet, 2) front yard setback variance from 50 feet to 40 feet and 3) side street setback variance from 50 feet to 10 feet for a proposed single family home in A-1 (Agricultural District); Located on the south west corner of the intersection of Elm Street and Shady Palm Cove; (BV2007-78).
Kathy Fall, Principal Planner

This Item was removed from the Consent Agenda.

2. **Daisey Avenue (lot 20)** – Yougraj BeHarry, applicant; Request for a 1) lot size variance from 8,400 square feet to 5,775 square feet and 2) side street (north) setback variance from 25 feet to 12 ½ feet for a proposed single family home in R-1 (Single Family Dwelling District); Located on the west side of Daisey Avenue approximately 1/10 mile north of Harrison Avenue; (BV2007-80).
Kathy Fall, Principal Planner
3. **Chinaberry Avenue (lot 3)** – Yougraj BeHarry, applicant; Request for a 1) lot size variance from 8,400 square feet to 5,250 square feet and 2) lot width at the building line variance from 70 feet to 50 feet for a proposed single family home in R-1 (Single Family Dwelling District); Located on the east side of Chinaberry Avenue approximately 1/10 mile north of Harrison Avenue; (BV2007-81).
Kathy Fall, Principal Planner

4. **110 Nova Road** – Christina & Terry Gentry, applicants; Request for a 1) lot size variance from 43,460 square feet to 18,114 square feet and a 2) lot width at the building line from 150 feet to 134 feet for a proposed single family home in A-1 (Agriculture District); Located on the south west corner of the intersection of Wekiva Park Drive and Nova Road; (BV2007-83).
Kathy Fall, Principal Planner

Mr. Rozon made a motion to approve Consent Agenda Items #2, 3 and 4.

Mr. Bass seconded the motion.

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

APPEAL OF THE PLANNING MANAGER'S DECISION

5. **1680 McCulloch Road** – Tim O'Shaughnessy/TBCOM Properties LLC, applicant; Appeal of the decision of the Planning Manager regarding a camouflage communication tower determination in the PUD (Planned Unit Development District); Located on the north east corner of McCulloch Road and Lockwood Boulevard; (BA2007-01).
Tina Williamson, Interim Planner Manager

Tina Williamson stated that she was the Acting Planning Manager and that this item was an appeal of the Planning Manager's decision regarding a camouflage communication determination. She further stated that the Seminole County Land Development Section 30.1371 stated that camouflage communication towers may be permitted by the Planning Manager on parcels not assigned a residential zoning classification provided that the Planning Manager makes the findings set forth in the definition of the term "camouflage communication tower". She then stated that the subject property was located in the Carillon Planned Unit Development, parcel 202, which permits C-1 (Retail Commercial) district uses. The property was previously used as a Winn-Dixie grocery store, however the store is closed and the building is vacant. She also stated that the area proposed for the camouflage communication tower was on the southeast side of parcel 202, adjacent to a large conservation area. She further stated that the proposed tower in design would be 120 feet in height and would fly an American flag. She then stated that the definition of a "camouflage communication tower" in the Seminole County Land Development Code is: A tower designed to merge and blend into and conform in appearance with existing surroundings. An example of a camouflage communication tower would be a tower that is constructed in the form and shape of a tree in order to appear to be part of a forested area or a tower constructed to appear to be or to actually be a component of a bell tower or to be or appear to be a component of a church steeple in order for the tower to be or appear to be part of these more aesthetically pleasing structures. Other examples of a camouflage communication tower would be signs, light poles, utility poles and roof fascias. She then stated that the determination as to whether a tower is a camouflage tower was based upon the following standards:

- The tower must blend into the existing surroundings of the tower and stay in character with the general area in which it would be located
- The tower must not appear unique, unusual or out of place
- A reasonable person with normal observational faculties and intelligence would not perceive the structure as a tower
- The camouflage technique used must not have negative impacts on the general area in which it would be located
- The applicant for the tower must provide reasonable and binding assurances that the camouflage technique used will be maintained and that the camouflage condition of the tower will be maintained

She further stated that in reviewing the application, it was determined that the proposed tower did not meet the definition of a “camouflage communication tower” based on the following findings:

- The proposed location is adjacent to a wetland conservation area. A 120 foot flagpole would not blend in with, and not be in character with a wetland conservation area
- Flagpoles are usually located in close association with the front of a building, so that they appear to be integrated into and part of the site. The tower is proposed to be located on the outskirts of the parking area, approximately 300 feet from the building, next to a conservation area. A 120 foot flagpole in this location would not blend in with the existing surroundings
- This use would appear to be unusual and out of place on a grocery store property because there is no contextual relationship between any type of retail use and a flag pole
- The height and design of the proposed tower and its incompatibility with the proposed location would also make it appear so out of place that it may result in the proposed tower being perceived by a reasonable person as a tower, and not as a flagpole

Mary Solik stated that she represented Mr. O’ Shaughnessy and his company TBCOM Properties. She further stated that quite simply they were before the Board of Adjustment because they disagreed with the Planning Manager’s determination. She then stated that Mr. O’ Shaughnessy and his company were in the business of building cell towers, they were not a carrier, but they were a vertical real estate company that build towers and then leased the space on the towers. She also stated that the proposed tower had four interested carriers. She further stated that Mr. O’ Shaughnessy had been trying to find a site to serve the Carillon residential neighborhood for approximately 5 years and finally found a willing Landlord in the Carillon Planned Unit Development, parcel 202. She then stated that Mr. O’ Shaughnessy had to make a decision to either apply for a conditional use with no height limitations approval from the Board of Adjustment or do a camouflage application which is permitted on C-1 properties by right if they are camouflaged. She also stated that he chose to do a 120 feet camouflage tower to buffer the nearby residential neighborhood. She then referred to the packet that was given to the Board members and stated that on the front page of the packet was a picture of the proposed tower. She further

referred to the site layout and photo sim section of the packet showing the proposed site location and stated that at 120 feet the tower was barely visible from the views of the different locations of the photo sim. She then stated that the Planning Manager's determination was based on the language of the code and they came to a different conclusion than the Planning Manager on some of the issues. She further stated that the first criteria stated that the tower must blend into the existing surroundings and the Planning Manager focused solely on the tower proximity to the wetland area to the east and that if you look at the entire area you have commercial and residential which is a mixed use area, and that instead of viewing it as being inconsistent with the existing conservation area they see it as being a buffer for the flag pole from the residential areas to the north and east. She then stated that a reasonable person would not see the tower and that the ground equipment would be fenced and landscaped and it is off the road and you would not be able to see it. She also stated that the camouflage technique would not have a negative impact in the area and that it would actually increase the cell service to the surrounding residential communities without actually invading the residential community. She lastly stated that there is a growing demand for cell service for residential coverage.

Mr. Bass made a motion to overturn the Planning Manager's determination regarding a camouflage communication tower.

Mr. O' Daniel seconded the motion.

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

CONTINUED ITEMS

6. **Country Club Road** – Lake Mary Congregation of Jehovah's Witness, applicant; Request for a Special Exception to establish a church in R-1A (Single Family Residential District); Located on the east side of Country Club Road approximately 1 mile south of CR 46A; (BS2007-10).
Denny Gibbs, Senior Planner

This item was continued until the October 22, 2007 meeting.

PUBLIC HEARING

1. **1100 Elm Street** – George & Sandarah Wilkes, applicants; Request for a 1) lot size variance from 43,560 square feet to 40,904 square feet, 2) front yard setback variance from 50 feet to 40 feet and 3) side street setback variance from 50 feet to 10 feet for a proposed single family home in A-1 (Agricultural District); Located on the south west corner of the intersection of Elm Street and Shady Palm Cove; (BV2007-78).
Kathy Fall, Principal Planner

This Item was removed from the Consent Agenda and Continued until the September 24, 2007 Meeting.

7. **2421 Oak Drive** – Martin Van Duyvenbode, applicant; Request for a 1) rear yard setback variance from 30 feet to 12 feet; and a 2) side yard (east) setback variance from 7.5 feet to 2.5 feet for a carport/shed in R-1A (Single Family Dwelling District); Located on the south side of Oak Drive approximately 1/10 mile west of West Lake Brantley Drive; (BV2007-76).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to complete the construction of a carport/shed that is approximately 800 square feet and 10 feet in height. She further stated that in June of 2007 after constructing the framework, the applicant received a notice of violation for the unpermitted construction of the carport/shed. She then stated that the applicant had received approval from the Civic Association of West Lake Brantley as well as letters of support from surrounding neighbors. She lastly stated that there was no record of prior variances granted for the property.

Martin Van Duyvenbode stated that there was an existing concrete slab on the property and he decided to place a shed and carport in that area, which is why the structure is encroaching in the setbacks. He further stated that if he moved the shed and carport he would not be able to get to the carport because of the trees. He then stated that the structure was well hidden and could barely be seen from the street. He also stated that he received signatures from two neighbors and approval from his Homeowner's Association. He lastly stated that the structure would have gutters.

Mr. Rozon made a motion to approve the request.

Mr. O' Daniel seconded the motion.

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

8. **238 Lakay Place** – Wilfredo Vegas & Evelyn Pedrosa, applicants; Request for a rear yard setback variance from 30 feet to 20 feet and for a proposed sunroom addition in R-1A (Single Family Dwelling District); Located on the north side of Lakay Place approximately ¼ mile north east of the intersection of Sand Lake Road and Lakay Place; (BV2007-79).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct an approximately 527 square feet sunroom addition that would encroach 10 feet into the required 30 feet rear yard setback. She further stated that the applicant had received approval from the Terra Oaks Architectural Review Board. She then 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.

Albert Whittle from Four Season Sunrooms stated that he was representing the applicant. He further stated that they were proposing to add square footage to

the home with a glass sunroom. He then stated that they received approval from the Homeowner's Association and had not heard any opposition from the neighbors.

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

Mr. Rozon seconded the motion.

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

9. **108 Whitley Bay Lane** – Kenneth Bourgoin, applicant; Request for a rear yard setback variance from 15 feet to 6-feet-8-inches for a proposed sunroom addition in PUD (Planned Unit Development District); Located at the end of Whitley Bay Lane approximately 1/10th mile east of Wekiva Cove Road; (BV2007-82).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to add approximately 130 square feet to an existing screen porch and convert the porch into a sunroom. She further stated that the proposed addition would encroach 8 feet 4 inches into the required 15 feet rear yard setback. She then stated that there was no code enforcement or building violations for the property. She lastly stated that there was no record of prior variances granted for the property.

Kenneth Bourgoin showed the Board pictures of the proposed addition and stated that his family grew and they wanted to make more room in their home. He further stated that his next door neighbor had the same addition. He then stated that he received two letters of support from his neighbors on both sides. He lastly stated that there would be windows all around the proposed addition.

Mr. Bass made a motion to approve the request.

Mr. Rozon seconded the motion.

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

10. **2201 Peninsular Court** – James Palmer, applicant; Request for a rear yard setback variance from 30 feet to 20 feet for a proposed pool in R-1AA (Single Family Dwelling District); Located at the end of Peninsular Court approximately 300 feet east of West Lake Brantley Drive; (BV2007-88).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct a pool that would encroach 10 feet into the required 30 feet rear yard setback. She further stated that the applicant home was currently under construction. She then stated that there were currently no code enforcement or building violations for the property. She also stated that the applicant had received letters of support from surrounding neighbors.

Jim Palmer stated that he wanted to request approval for a 10 feet variance for a pool. He further stated that they had lived on Lake Brantley for 15 years and that they had recently tore down their house to build a new one. He then stated that they had great neighbors, and that they had received support from their neighbors. He lastly stated that his neighbor two houses down from him received the same variance approval last year.

Mr. Rozon made a motion to approve the request.

Mr. Bass seconded the motion.

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

11. **725 Palmer Court** – Judith H. Southard, applicant; Request for a rear yard setback variance from 10 feet to 7-feet-6-inches for a pool in PUD (Planned Unit Development District); Located on the south side of Palmer Court approximately ¼ mile west of Lake Park Drive; (BV2007-89).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to reconstruct an existing pool that currently encroached 2 feet 6 inches into the required 10 feet rear yards setback. She further stated that the pool existed since 1989; however there was no record of a prior variance for the property. She then stated that there were currently no code enforcement or building violations for the property.

Judith Southard stated that she built the pool in 1989 and now she was building a retaining wall and changing the deck and was told she had to apply for a variance. She further stated that she was not moving or changing the pool.

Mr. Bass made a motion to approve the request.

Mr. O' Daniel seconded the motion.

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

12. **1149 Cypress Loft Place** – Matt & Andrea Noufer, applicants; Request for a rear yard setback variance from 30 feet to 25 feet for a covered patio in PUD (Planned Unit Development); Located on the north side of Cypress Loft Place approximately 2 ½ miles west of Markham Woods Road; (BV2007-91).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct an approximately 420 square feet covered patio that would encroach 5 feet into the required 30 feet rear yard setback. She further stated that the applicant had received approval from the Magnolia Plantation Homeowner's Association. 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 staff received an E-Mail of opposition from a neighbor late in the day on Friday afternoon.

Matt Noufer stated that they were applying for a variance for a covered porch that would run straight across the back of the house. He further stated that there was a golf course behind his property and that there was only one neighbor that would be able to see the structure. He then stated that he talked to that neighbor and his only request was that the applicant put more shrubs down the side of the yard. He also showed the Board a diagram of his property and where the proposed structure would be.

Mr. Rozon made a motion to approve the request.

Mr. Gashlin seconded the motion.

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

13. **945 Tuskawilla Road** – Charles and Cristhyani Selsor, applicant; Request for 1) a rear yard setback variance from 20 feet to 11 feet and 2) a side yard (east) setback variance from 20 feet to 13 feet for an existing shed in RC-1 (Country Homes District); Located on the east side of Tuskawilla Road, east of the intersection of East Lake Road; (BV2007-77).
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant placed an approximately 420 square feet shed on the property that encroached 9 feet into the required 20 feet rear yard setback and encroached 7 feet into the required 20 feet side yard setback. She further stated that a violation for un-permitted construction was issued and the applicant subsequently submitted for a Building Permit review. She then stated that there was no record of prior variances granted for the property.

Charles Selsor stated that he would be happy to add some landscaping around the shed to block the view. He further stated that the shed was used for storage. He then stated that he had letters of support from his neighbors.

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

Mr. Rozon seconded the motion.

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

14. **161 East 7th Street** – Alexys Ayer, applicant; Request for a 1) a side street setback variance from 25 feet to 0 feet and 2) a front yard setback variance from 25 feet to 0 feet for a for an existing fence; and 3) a front yard setback variance

from 25 feet to 7.2 for existing garages in R-1A (Single Family Dwelling District); Located on the north side of East 7th Street approximately 1/10th mile east of Avenue C; (BV2007-84).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant was requesting variances for the existing fence that encroached 25 feet into the required 25 feet side street and front yards setbacks. She further stated that a code citation for the fence was issued in 2004 to the previous owner. She then stated that the applicant also requested a variance for two garages that encroached 17.8 feet into the required 25 feet front yard setback. She also stated that in 1983 a front yard setback variance from 25 feet to 9 feet was granted for a garage addition. She further stated that the applicant recently purchased the property and in review of the variance request for the fence it was noticed that her survey showed the garage actually constructed at 7.2 feet rather than the 9 feet setback granted.

Alexys Oyer stated that she purchased the property over two months ago on auction for her and her two children. She further stated that she received a clear title and had no idea of the violations on the property. She then stated that she was asking for the variances to keep everything where it was when she bought the property.

Mr. O' Daniel made a motion to approve (1) a side street setback variance from 25 feet to 10 feet and (2) a front yard setback variance from 25 feet to 7.2 feet for a fence; and (3) a front yard setback variance from 25 feet to 7.2 feet for existing garages with a six month time limit to make the changes.

Mr. Bass seconded the motion.

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

15. **300 Radisson Place** – Roxanna Garcia, applicant; Request for a rear yard setback variance from 30 feet to 20 feet for a proposed two story room addition in R-1AA (Single Family Dwelling District); Located on the south side of Radisson Place approximately 500 feet south of Lake Hayes Road; (BV2007-85).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a two story addition approximately 640 square feet that would encroach 10 feet into the required 30 feet rear yard setback. She further stated that Bentley Cove was a fairly new subdivision, platted in 2002 and at that time the lots were designed for a product that was consistent with setbacks and open space established by the R-1AA zoning. She then stated that the house was constructed in 2004 and had not been granted prior variances. She also stated that there was currently no code enforcement or building violations for the property.

Roxanna Garcia stated that the reason she was applying for the variance was that her parents had recently moved into her house and she didn't have enough room to accommodate them. She further stated that her parents were very ill. She then stated that she really loved the area and that it was a very good neighborhood. She also stated that it was a gated community with only 25 houses. She lastly stated that she didn't think the addition would affect her neighbors.

Bill Dilts stated that he lived directly behind the house in question and he noticed that the applicant could make the change without a variance if they planned it differently. She further stated that he had two issues with the request: (1) I have a 13 feet privacy hedge and if the applicant built up and closer to my property it would pretty much negate the hedge and (2) the drainage would be affected, because when the Builders came in they elevated the property behind us by approximately 4 feet because of some issues, and if the applicant is coming 10 feet closer that would cause a quicker run off.

Amy Dilts stated that her problem was that their house had 3 big sliders and that if the applicant built up they would be looking directly into their bedroom and dining room.

Roxanna Garcia stated that the proposed addition would be 20 feet away from the drainage area. She further stated that the house next door to her is a two story house. She then stated that her land is a little higher than the Dilt's land. She lastly stated that she didn't think the addition would affect the Dilt's privacy.

Mr. Rozon made a motion to deny the request.

Mr. Gashlin seconded the motion.

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

16. **1540 East Blvd** – Keith Featherston, applicant; Request for a rear yard setback variance from 30 feet to 24 feet for a proposed two story room addition in R-1A (Single Family Dwelling District); Located on the east side of East Blvd approximately 400 feet south of Oxford Road; (BV2007-86).
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a two story addition with a covered porch that would encroach 6 feet into the required 30 feet rear yard setback. She further stated that the existing house is a one story house constructed in 1970 and at that time the required rear yard setback was 20 feet. She then stated that the existing house sits at a 24 feet setback and the applicant proposed to maintain the existing rear yard setback for the new addition. She also stated that a Building Permit 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.

Keith Featherston stated that his house was L-shaped and he wanted to square it off with the proposed addition. He further stated that he wanted to keep the existing porch so they decided to make the addition two-story which was the reason they were applying for the variance.

Mr. Rozon made a motion to approve the request.

Mr. Bass seconded the motion.

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

17. **6601 Brenda Drive** – Anne Austin, applicant; Request for a front yard setback variance from 25 feet to 0 feet for two columns in R-1A (Single Family Dwelling District); Located on the north side of Brenda Drive approximately 230 feet east of Playa Way; (BV2007-90).
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant constructed two columns within the public right-of-way. She further stated that the applicant received a code violation for construction of the columns without a permit and is required to remove the columns from the public right-of-way. She then stated that the applicant requested a variance from 25 feet to 0 feet to place the two columns on her property line on both sides of her driveway. She lastly stated that there was no record of prior variances granted for the property.

Anne Austin stated that she was asking the approval to move the two columns to her property line. She further stated that if she put the columns at the 25 feet setback as the Code required the columns would be right up on her house. She then stated that in the future she would like to tie a fence in with the two columns.

Mr. Rozon made a motion to approve the request.

Mr. Gashlin seconded the motion.

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

SPECIAL EXCEPTIONS

18. **3221 Sand Lake Road** – Hugh Harling, applicant; Request for an amendment to an existing special exception for a private school in A-1 (Agriculture District); Located on the south east corner of the intersection of Sand Lake Road and Sandy Lane; (BS2007-12).
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant proposed to amend a Special Exception to expand an existing school for children with learning disabilities by adding 15 classrooms, gymnasium, and a soccer

field. She further stated that the proposed use would be compatible with the trend of development in the area and staff recommended approval subject to the proposed site plan's compliance with Chapter 40 of the Land Development Code and the imposition of the previous conditions of approval:

1. The school and associated facilities shall be operated only for students with learning disabilities.
2. The school and its associated facilities shall not be opened on holidays or weekends.
3. The site plan for building modification shall be reviewed by the Development Review Committee for compliance with applicable regulations.
4. Total enrollment shall not exceed 550 students.
5. Outside activities shall be restricted to between the hours of 12:30 p.m. & 10:00 p.m.
6. A solid fence or hedge shall be continued along the western property line to incorporate the subject property into the overall school site.
7. Access shall be provided to the site from the adjoining school property to the north; no access to Sandy Lane shall be allowed.
8. Prior to the issuance of development permits, an engineered site plan shall be required to ensure compliance with stormwater requirements (predevelopment rate of discharge for the 25 year, 24-hour storm event).
9. Prior to the issuance of development permits, a listed species survey shall be required to address the occurrence of threatened, endangered, or special concern species.
10. 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.

Hugh Harling stated that he represented Pace Brantley Hall School in the expansion request. He further stated that he agreed with staff comments and conditions, but if the Board saw fit to reduce some of the conditions they would agree to them.

Mr. Rozon made a motion to approve the special exception request with the following amended conditions: remove condition #2 and change condition # 4 to outside activities shall be restricted to between the hours of 8:00 a.m. and 10:00 p.m.

Mr. Bass seconded the motion.

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

19. **4250 Alafaya Trail** – Pat's Liquor, Leaf & Wine, Meechal Patel, applicant; Request for a Special Exception for an existing package liquor store to allow on-premises consumption in C-1 (Commercial District); Located on the east side of

Alafaya Trail on the northeast corner of East McCulloch Road and Alafaya Trail; (BS2007-11).

Denny Gibbs, Senior Planner

Denny Gibbs stated that Pat's Liquor, Leaf & Wine was located within the University Palms Shopping Center. She further stated that on June 12, 2001 a special exception was granted for a package liquor store with off-premises consumption. She then stated that the applicant wished to change the liquor license to a 4COP which would allow on-premise consumption in order for them to host small tasting events such as wine, microbrews, and fine liquor samplings and seminars. She also stated that within the C-1 commercial zoning on-premise consumption is allowed as a conditional use and the on-premise consumption as proposed would be subordinate and incidental to the existing package liquor store. She further stated that the use was also consistent with the trend of nearby and adjacent development in the area and would not adversely affect the public interest; therefore staff believed the proposed use would be compatible. She lastly stated that staff recommended approval of the special exception with the following condition:

- The selling of alcoholic beverages shall be primarily package liquor sales with the on-premises consumption subordinate and incidental to the package liquor sales and limited to occasional events.

Meechal Patel stated that he was the owner of Pat's Liquor, Leaf and Wine. He further stated that he did not want to open a bar he just wanted to offer his customers a little more, for example have some wine tasting and even do seminars to teach his customers how to make their own brews at home. He then asked the Board if they had any questions.

Mr. Bass asked how often did he want to hold the events?

Meechal Patel stated probably three or four times a month.

Muz Sutcu stated that he was a homeowner in the Creekwood development located behind the shopping plaza and he was one of the four members of the Homeowners Association. He further stated that he had spoken to a number of the neighbors and they did not want a low cost drinking establishment in the neighborhood.

Meechal Patel stated that if the special exception request was approved they would not be the only location that offered wine tasting. He further stated that Publix and Walmart already have beer and wine tasting. He then stated that he was not going to be a bar he would only be offering something that the community could enjoy.

Mr. Bass made a motion to approve the special exception request with events four (4) times a month and with no per glass sales.

Mr. Gashlin seconded the motion.

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

APPROVAL JULY 23, 2007 MEETING MINUTES

Mr. Rozon made a motion to approve the July 23, 2007 Minutes.

Mr. Bass seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 9:00 P.M.