

**MINUTES FOR THE SEMINOLE COUNTY
BOARD OF ADJUSTMENT
SEPTEMBER 24, 2007 MEETING
6:00 P.M.**

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

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

CONSENT

1. **North Hart Road (lot 30)** – Pamela Barber, applicant; Request for a (1) minimum lot size variance from 43,560 square feet (1 acre) to 25,265 square feet (0.58 acre) and (2) minimum lot width at the building line from 150 feet to 106.36 for a proposed single family home in A-1 (Agriculture District); Located on the west side of North Hart Road approximately 370 feet south of Geneva Heights Road; (BV2007-106).
Kathy Fall, Principal Planner
2. **3611 Osceola Road** – Doyle Sims, applicant; Request for a front yard setback variance from 100 feet to 50 feet for a pump house that projects in front of the established building line in A-5 (Rural Zoning); Located on the north side of Osceola Road approximately ½ mile northwest of Cypress Sough Way; (BV2007-107).
Kathy Fall, Principal Planner
3. **339 Daisey Avenue** – Paul McManus, applicant; Request for a (1) minimum lot size variance from 8,400 square feet to 5,259 square feet and a (2) minimum lot width at the building line 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 Daisey Avenue approximately 270 feet north of Harrison Avenue; (BV2007-110).
Kathy Fall, Principal Planner

Mr. Bushrui made a motion to approve Consent Agenda Items 1, 2 and 3.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (5-0)

CONTINUED ITEMS

4. **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

Kathy Fall introduced the location of the property and stated that this item was continued from the August 27th hearing because the applicant was not in attendance when the item was pulled from the Consent Agenda. She further stated that last month there were neighbors who had concerns about the side street setback variance from 50 feet to 10 feet. She then stated that the neighbors did not believe the request was the minimum variance needed and that the house could be turned to reduce the request.

George Wilkes stated that they sent over some additional information to the Board of Adjustment with some pictures of Shady Palm Cove. He further stated that one of the things that had been mentioned last month was the wetlands on the property. He then stated that they were trying to build inside the upland area of the property. He also stated that they were told by the Florida Department of Environmental Protection that no environmental resource permit would be required on the upland property. He further stated that if they could move the house to the middle of the property they would, but at the present time mitigation of any of the wetlands is not possible from the Department of Environmental Protection. He then stated that the distance from the road and his proposed home is actually 32 feet, but his request is 10 feet. He lastly stated that he wanted to maintain the nature of the property by keeping as many trees as possible.

Dan Hutter stated that he was the property owner to the immediate west of the subject property. He further stated that he provided a petition with 20 signatures out of 23 residents in the neighborhood in support of the denial of the variance. He then stated that they appreciated the applicant's desire to maintain the nature of the property and that it was their desire to keep the neighborhood as it was. He also stated that a 10 foot setback was more of an urban edge and had no place in an A-1 or A-3 zoning district. He further stated that they felt that the property does allow enough upland area to build and still maintain the required setbacks. He then stated that if they faced the house on Shady Palm Cove the setback issues would almost go away.

George Wilkes stated that the home would be a two story custom home. He further stated that they have tried to fit the home in the upland area. He lastly stated that they did their homework before purchasing the property.

Mr. Bushrui made a motion to approve the request.

Mr. O' Daniel seconded the motion.

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

PUBLIC HEARING

5. **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; (BV2007-119).
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant had reapplied for this variance and had submitted new information to address the concerns of the adjacent property owner brought up at the last hearing. She further stated that the applicant proposed to construct a two story addition approximately 640 square feet on the first floor, which would encroach 10 feet into the required 30 feet rear yard setback. She then stated that to address the concerns of the adjacent property owner, the south facing second floor windows were proposed to be either opaque or transom type windows. She also 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.

Roxanna Garcia stated that she was reapplying for reconsideration for a variance. She further stated that her parents who were very ill and were currently living with her. She then stated that she was trying to please her neighbors that had a concern with privacy. She also stated that the builder would explain to the Board of Adjustment what she was proposing to build as an addition to her home.

Al Ghandour stated that he was the developer and builder of the Bentley Cove subdivision. He further stated that he was familiar with the drainage issues that came up in the last meeting and that he felt the addition would have a very minimal impact on the lot. He then stated that the addition would have a fixed glass window sitting 5 feet 8 inches above the rear elevation of the second floor, and the other window would be a 2 x 3 opaque glass in the bathroom. He also stated that to ease any concerns about the drainage they were willing to add gutters on the back of the house.

Laverne Dilts stated that they lived directly behind the applicant. He further stated that they had a 13 foot privacy hedge between the two houses and he was concerned with their privacy. He also stated that because of the extension of the building he was concerned with the ground being able to absorb the water that would come off of the building.

Al Ghandour stated that they would do their best to provide some underground drain to take the water away and slope it as reasonable as possible.

Mr. Rozon made a motion to approve the request with the following conditions:

- **The south facing second floor windows shall be opaque**
- **The roof shall be guttered and the downspout must discharge to the ground into a French drain, piped directly to the pond**
- **Footers of the subject addition shall be constructed in a manner that would consider any future excavation within the drainage easement for repairs to the existing pipe**

Mr. Bushrui seconded the motion.

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

6. **5522 Cretan Way** – Glen Hill, applicant; Request for a rear yard setback variance from 20 feet to 15 feet for a screen room addition in PUD (Planned Unit Development District); Located on the west side of Cretan Way approximately 1/10th mile east of Howell Branch Road; (BV2007-93).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct an approximately 216 square foot room addition that would encroach 5 feet into the required 20 feet rear yard setback. 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.

Glen Hill stated that he was requesting a variance for a screen room. He further stated that the screen room would extend 5 feet into the required setback.

Mr. Bushrui made a motion to approve the request.

Mr. O' Daniel seconded the motion.

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

7. **896 Reedy Cove** – Philip Tucci, applicant; Request for a side street setback variance from 20 feet to 9.6 feet for an existing wood privacy fence in PUD (Planned Unit Development District); Located on the west side of Reedy Cove approximately ¼ mile west of Dodd Road; (BV2007-95).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant requested a side street variance for an existing wood privacy fence that encroached approximately 10.4 feet into the required 20 feet side street setback. She further stated that in January of 2005 the applicant received a notice of violation for re-roofing his home and replacing the fence without a permit. She

also stated that upon submitting for the fence permit, the applicant was informed that a variance would be required. She then stated that in July of 2007, the applicant received a 2nd notice of violation for the un-permitted construction of the fence. She lastly stated that there was no record of prior variances for the property.

Kelly Flint stated that Phillip Tucci was her husband and they were requesting to put the fence back where it had been for 20 years. She further stated that the fence went down during the 2004 hurricanes and her husband replaced the fence.

Mr. Rozon made a motion to approve the request.

Mr. O' Daniel seconded the motion.

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

8. **2677 Tierra Circle** – Jeanne Arnett, applicant; Request for a rear yard setback variance from 30 feet to 14.9 feet for a screen room in R-1A (Single Family Dwelling District); Located on the south side of Tierra Circle approximately ¼ mile west of SR 436; (BV2007-99).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to renovate an existing screen room that encroached 15.1 feet into the required 30 feet rear yard setback. She further stated that the screen room had existed since 2000; however a building permit was never issued. 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.

Jeanne Arnett stated that she would like to have permission to replace an existing roof that is leaking very badly. She further stated that she contracted with White Aluminum and a representative would explain what she was proposing to do.

Ron Vaughn stated that he was with White Aluminum and they were proposing to fix the leaking roof on the back of the screen enclosure. He further stated that the company that put up the pool screen enclosure did not pull a permit. He then stated that they needed to take the old roof off and replace it with a new roof. He lastly stated that they would not change the footprint of the room.

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

Mr. Bushrui seconded the motion.

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

9. **212 Soldiers Creek Place** – Haitian Hu, applicant; Request for a rear yard setback variance from 30 feet to 28 feet for a screen room addition in PUD (Planned Unit Development District); Located on the west side of Soldiers Creek Place approximately ½ mile north of CR 427; (BV2007-102).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct an approximately 230 square feet screen room that would encroach 2 feet into the required 30 feet rear yard setback. She further stated that there were currently no code enforcement or building violations for the property. She then stated that the applicant had received approval from the Crystal Creek Neighborhood Association.

Hector Lebron stated that he was with White Aluminum and the applicant proposed to build a screen room that would encroach 2 feet into the setback.

Mr. Rozon made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

10. **169 Clyde Avenue** – George & Angela Toole, applicants; Request for a side street (north) setback variance from 25 feet to 12-feet-8-inches for an existing wood privacy fence in R-1A (Single Family Dwelling District); Located on the east side of Clyde Avenue approximately ¼ mile north of Continental Blvd; (BV2007-103).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant requested a variance for an existing wood privacy fence that encroached 12 feet 4 inches into the required 25 feet side yard setback. She further stated that in June of 2007, while repairing the fence, the applicant received a notice of violation for the un-permitted construction of the fence. She then stated that the fence existed since 1981; however, there was no record of a permit or variance issued. She lastly stated that staff received an E-Mail in opposition of the request from a neighbor.

George Toole stated that he had a petition of support from the rest of the neighbors. He further stated that the fence had been there since 1981, and they received a code violation because some one called and stated he was repairing the fence. He then stated that he was repairing some panel and boards on the fence. He also stated that he would like to keep the fence where it had been since 1981, when the builder put it there. He lastly stated that he hoped the Board would approve the request.

Mr. Rozon made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

11. **233 Arnold Avenue** – Ronald & Susan Donahue, applicants; Request for a rear yard setback variance from 30 feet to 15 feet for a proposed addition in R-1AA (Single Family Dwelling District); Located on the east side of Arnold Avenue approximately 1/10th mile north of Carlton Street; (BV2007-104).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct an approximately 1470 square feet addition that would encroach 15 feet into the required 30 feet rear yard setback. She further stated that there was no code enforcement or building violations for the property. She then stated that there was no record of prior variances granted for the property.

Ronald Donahue stated that he received a letter of support from his neighbor that would see the addition. He further stated that he had information on two other neighbors showing they had over 3000 square feet homes.

Mr. Bushrui made a motion to approve the request.

Mr. O' Daniel seconded the motion.

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

12. **431 Daytona Avenue** – Harry & Mary Carls, applicants; Request for a side yard (south) setback variance from 10 feet to 0 feet for a shed in R-1AA (Single Family Dwelling District); Located on the east side of Daytona Avenue approximately 1/10th mile north of Hobson Street; (BV2007-112).
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant requested the placement of an approximately 120 square feet wood frame shed on the south side yard property line. 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 variances granted for the property. She lastly stated that staff did receive an E-Mail of support and the applicant provided pictures and signatures of support from neighbors.

Mary Carls stated that she and her husband were requesting a side yard setback variance for the proposed shed. She further stated that they had two front yards and were requesting to place the shed as less conspicuous as possible and at an acceptable distance from their home. She then referred to the pictures she provided to the Board showing where the proposed shed would be located. She also stated that the shed would be located behind some trees, shielding it from the street. She lastly stated that they wanted to hide the shed as much as possible and maintain a good relationship with their neighbors.

Mr. Bushrui made a motion to approve the request.

Mr. O' Daniel seconded the motion.

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

13. **1725 Blackmon Court** – Susan Behel, applicant; Request for 1) a rear yard setback variance from 30 feet to 18 feet for an addition; 2) a side yard (south) setback variance from 10 feet to 6 feet for a screen enclosure and 3) a rear yard setback variance from 10 feet to 6 feet - 4 inches to add an in-ground spa and waterfall to an existing pool in R-1A (Single Family Dwelling District); Located on the east side of Blackmon Court approximately 550 feet south of West Lake Brantley Road; (BV2007-94).
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant started construction on an addition that encroached 12 feet into the required 30 feet rear yard setback. She further stated that with the new construction the applicant also proposed to extend a screen enclosure to encroach 4 feet into the required 10 feet side yard setback. She then stated that an in-ground spa and water fall are also being added to the existing pool that would encroach 3 feet 8 inches into the required 10 feet rear yard setback. She further stated that the applicant submitted for a Building permit in 2006 which was not issued. She then stated that in June 2007 a Notice of Violation was issued for un-permitted construction.

Susan Behel stated that she received a variance for a screen enclosure and was told she had to reapply for the variance because of an enclosed roof structure. She further stated that three years ago she had a home invasion in the middle of the night and she had been unable to enjoy her back yard. She then stated to have more security she decided to enclose the room with windows and doors. She also stated that she needed a variance to make the portable spa in-ground and remodel the existing water fall. She lastly stated that she wanted to extend the screen enclosure to make a cook out area.

Mr. Rozon made a motion to approve the request.

Mr. Gashlin seconded the motion.

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

14. **9 Robinwood Drive** – Vincent Sowa, applicant; Request for a side street setback variance from 50 feet to 30 feet for an existing shed in A-1 (Agriculture District); Located at the intersection of Robinwood and Cardinal Drive, east of Markham Woods Road; (BV2007-96).
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant requested a variance for an existing shed that encroached 20 feet into the required 50 feet side street setback. She further stated that in 2006 the applicant applied for a building permit. She then stated that staff received E-Mail from two neighbors objecting to the granting of the variance request. She also stated that there were currently no code enforcement violations for the property. She lastly stated that there was no record of prior variances granted for the property.

Vincent Sowa stated that he placed the shed there because there was an existing cement slab there and that he was not aware that he needed a permit. He further stated if he moved the shed back it would look awkward being on the side of the property where the pool was. He then stated that he talked to some of his neighbors and received six signatures of support of the request. He also stated that he was surprised to hear about the E-Mails of opposition.

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

Mr. Bushrui seconded the motion.

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

15. **3034 Windchime Circle North** – Kitty Irvine, applicant; Request for a rear yard setback variance from 30 feet to 21 feet for a proposed screen room in R-1 (Single Family Dwelling District); Located on the south side of Windchime Circle North approximately ¼ mile east of Balmy Beach Drive; (BV2007-97).
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct an approximately 250 square feet sunroom that would encroach 9 feet into the required 30 feet rear yard setback. She further stated that the applicant also submitted a petition of support from adjacent neighbors. She then stated that a Building permit was presently under review. She also 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.

Kitty Irvine stated that she wanted to replace an old screen room with a new screen room. She further stated that they had already torn down the old screen room and the variance was to extend the roof over the existing patio.

Victor Vierbickas stated that he was Kitty's husband and they wanted to extend the roof to the end of the concrete patio.

Mr. Rozon made a motion to approve the request.

Mr. Bushrui seconded the motion.

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

16. **1521 Tracy Dee Way** – Gary Garofalo, applicant; Request for a side yard (south) setback variance from 10 feet to 7 feet for a proposed pool screen enclosure in R-1AA (Single Family Dwelling District); Located on the west side of Tracy Dee Way approximately ¼ mile east of West Lake Brantley Road; (BV2007-100).
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. She further stated that the screen enclosure would extend the width of the house plus protrude approximately 4 feet beyond the house on the south side. She then stated that the screen enclosure would also extend approximately 3 feet into the utility easement at the rear of the property and the applicant was aware that the utility easement was required to be vacated prior to permitting the structure. She also 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.

Gary Garofalo stated that they wanted to put a full screen enclosure over an existing pool deck that had been tiled over. He further stated that all of their neighbors have screen rooms. He then stated that he was in the process of vacating the utility easement in the back of the property.

Mr. Bushrui made a motion to approve the request.

Mr. O' Daniel seconded the motion.

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

17. **851 Shriver Circle** – Marsha & Dave Taylor-Klovstav, applicant; Request for a rear yard setback variance from 10 feet to 5 feet for a proposed spa addition to existing pool in PUD (Planned Unit Development); Located on the east side of Shriver Circle approximately ½ mile south of Green Way Blvd; (BV2007-101).
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to add an acrylic spa to an existing pool that would encroach 5 feet into the required 10 feet rear yard setback. She further stated that the applicant had received approval from the subdivision's Architectural Review Board and a building permit was under review. 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 a letter of opposition mainly concerning an encroachment in a utility easement, but the applicant was not encroaching in any utility easement.

Dave Klovstav showed the Board pictures of the proposed spa location. He further stated that they had one neighbor with concerns. He then stated that the pool contractor started working without pulling a permit, but he stopped them

after returning from vacation. He also stated that after submitting for the permit they were told they needed a variance.

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

Mr. Bushrui seconded the motion.

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

18. **9401 Via Palma Ceia** – Phillip Musarra, applicant; Request for a rear yard setback variance from 30 feet to 15 feet for a proposed garage in R-1A (Single Family Dwelling District); Located on the east side of Via Palma Ceia approximately 1/5 mile south of Linneal Beach Drive; (BV2007-105).
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct an approximately 850 square foot garage that would encroach 15 feet into the required 30 feet rear 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 variances granted for the property.

Phillip Musarra stated that he was requesting a 15 feet setback for a proposed free standing garage in the backyard. He further stated that he had signatures of support from his surrounding neighbors. He then stated that he had pictures of his next door neighbor's garage which was in the same location he was proposing to put his garage. He also stated that the roof of his garage would match his house. He lastly stated he needed a place to store his motorcycles and vehicles.

Mr. Rozon made a motion to approve the request.

Mr. Gashlin seconded the motion.

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

19. **2904 Harbour Grace Court** – Eleanor Ellison, Florida Exteriors, applicant; Request for a rear yard setback variance from 15 feet to 3 feet for a proposed sunroom in PUD (Planned Unit Development); Located on the north side of Harbour Grace Court approximately 300 feet east of Burlington Drive off Sand Lake Road; (BV2007-109).
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct an approximately 180 square foot sunroom that would encroach 12 feet into the required 15 feet rear yard setback. She further stated that approval had been granted for the addition from the Wekiva Reserve Architectural committee and a building permit was under review for the structure.

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.

Eleanor Ellison stated that she was with Florida Exterior, representing the Duffy's who wanted to construct a sunroom on the back of their property. She further stated that there was a common area in the back of the property which gave the applicant's a lot more space. She then stated that the applicant's needed a little extra room in their house.

Mr. Rozon made a motion to approve the request.

Mr. O' Daniel seconded the motion.

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

20. **Pine Avenue (Lot 9)** – Request for 1) a front yard setback variance from 25 feet to 20 feet for a proposed garage and 2) a side yard (west) setback variance from 7.5 feet to 5 feet for a proposed shed in R-1 (Single Family Dwelling District) (BV2007-111).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct an approximately 576 feet two story garage addition that would encroach 5 feet into the required 25 feet front yard setback. She further stated that the applicant was proposing to remove an old shed and replace it with a new shed that would encroach 2.5 feet into the required 7.5 feet side yard setback. 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.

The applicant stated that it would not be a two story structure they would only do a two car garage. He further stated there was no existing garage on the property. He then stated that there was an existing shed and they wanted to remove it and put a new shed there. He lastly stated that they provided letters of support from their neighbors.

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

Mr. Gashlin seconded the motion.

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

MOBILE HOMES

21. **1366 East Garon Cove** – Mark Corter, applicant; Request for a special exception for temporary placement of an existing mobile home in the A-5 (Rural

Zoning Classification); Located at the end of east Garon Cove approximately 1/2 mile south of Osceola Road; (BM2007-09).

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant submitted the application requesting temporary placement for one year; staff changed the request to ten year temporary placement since the applicant had no clear plan for future replacement of the existing mobile home. She further stated that a special exception for the temporary placement of a mobile home was granted in 1986 for 5 years. She then stated that available records indicate that in the last seven years most of the parcels along East Garon Cove had transitioned from mobile homes to conventional single family homes. She also stated that currently there were 4 new conventional homes, 2 1980's mobile homes and 1 2001 mobile home. She further stated that a code enforcement notice of violation had been issued. She then stated that based upon the trend of development in the surrounding area staff would consider the temporary placement of the existing mobile home with the condition that no extensions be allowed and that the existing mobile home be removed prior to the expiration of the special exception. She also stated that if the Board chose to grant the Special Exception staff recommended the following conditions:

- Only one (1) single family mobile home unit shall occupy the site, as shown on the proposed site plan
- The mobile home shall otherwise conform to applicable building codes, including standards for anchoring, utility accessibility and shirting
- No extensions shall be allowed and the mobile home shall be removed prior to the expiration of the special exception

Mark Corter stated that after receiving a code violation he found out he needed to apply for a special exception. He further stated that after receiving the code violation he cleaned up a lot on the property and put new skirting on the mobile home. He then stated that he lived on the property for 22 years and didn't know he needed a special exception. He also stated that he was going through a lot of personal things and not able to build a house right now.

Denny Gibbs stated that Jerry Robertson a Seminole County Code Enforcement Officer was satisfied with what Mr. Corter had done on the property.

Tom Gibson stated that he was the neighbor to the rear of the subject property and there was an accessory structure added to the applicant's mobile home. He further stated that the Florida Administrative Code requires any accessory structure added to a mobile home must be free floating and must have engineering that meets the code requirements, which had not been met. He then stated that no permits were issued for the power, well or the on site sewer disposal system that was on the property. He also showed the Board pictures of the accessory structure and the above ground septic tank on the property. He lastly stated that the mobile home was a very old structure and all of the building code issues had not been addressed.

Mark Corter stated that the septic tank on the property was the original septic tank. He further stated that in 1998 because of a fire they were burned out, losing everything. He then stated that the mobile home was donated to him and his family and all the permitting fees were waived. He also stated that an Inspector came out and the mobile home passed inspection.

Mr. Rozon made a motion to approve the one year placement of an existing mobile home with the condition that the applicant shall be in compliance with code enforcement and have no active code violations within the (1) year.

Mr. O' Daniel seconded the motion.

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

SPECIAL EXCEPTIONS

22. **2340 Celery Avenue** – Dave Schmitt, applicant; Request for an amendment to an existing special exception, for an assisted living facility, to add a detached meeting room in A-1 (Agriculture District); Located on the northwest corner of the intersection of Brisson Avenue and Celery Avenue; (BS2007-14).
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant proposed to expand an existing assisted living facility by adding a detached meeting room. She further stated that the proposed meeting room would consist of 300 square feet and include an area for a food storage bank. She then stated that the proposed meeting room would be located on top of an existing tennis court and would not have any bathrooms. She also stated that the existing assisted living facility had been approved for up to 12 residents. She further stated that 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 condition of approval and the following conditions:

- The proposed meeting room will not exceed 300 square feet
- The proposed meeting room should only be used by the existing staff, residents and visitors of the guest
- The proposed meeting room shall not be altered to allow another use such as living quarters

Judy Stewart stated that she represented Dave Schmitt Engineering the applicant and they reviewed staff conditions and concur with the conditions. She further stated that they would like to thank staff for their assistance.

Mr. Rozon made a motion to approve the special exception request.

Mr. Bushrui seconded the motion.

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

23. **7540 Grand Avenue** – Jay Klima, applicant; Request for a special exception for a private school in A-1 (Agriculture District); Located on the east side of Grand Avenue approximately 300 feet north of Howell Branch Road; (BS2007-15).
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant proposed to convert an existing church building into a private school for Pre-K and Kindergarten students. She further stated that the school would have a maximum of 80 students and 12 staff members. She then stated that the surrounding area had a mixture of residential and non-residential uses, these uses included churches, assisted living facilities and daycares. She also stated that a private school for Pre-K and Kindergarten students would be consistent with the trend of development in the surrounding area. She further stated that the applicant had provided a traffic pattern plan and on-site parking that would accommodate the additional traffic that would be generated from the change of use from a church to a private school. She then stated that staff recommended approval of the special exception based upon the following conditions:

- There be a maximum of 80 students and 12 staff members
- The hours of operation will be 7:45 a.m. to 4:00 p.m. for staff and 8:15 a.m. to 3:00 p.m. for students
- All drop-off and pick up vehicles shall be contained on site
- 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

Jay Klima, with Klima Weeks Civil Engineers stated that he was representing the school. He further stated that the facility was an existing structure and they did not intend to make any changes to the structure for the change of use that they were requesting. He then stated that they agreed with the four (4) conditions of staff.

Mr. Bushrui asked about the location of the drop off, pick up and staking of the cars.

Jay Klima showed the Board from a site plan the area where the cars would enter the drop off zone and exit out in the street. He further stated that there was enough stacking space for 21 vehicles and also an additional open grass area for temporary parking that would accommodate a total of 67 cars.

Laura Treadway stated that she lived across the street from the subject property. She further stated they were the abutting road that came out to the proposed school entrance. She then stated that she did not oppose the school she was concerned about the morning traffic. She also stated that there was no light at Howell Branch and Grand Avenue.

Jeff Flannery stated that they wanted to have access to their property and not have a problem getting in and out. He further stated that when the proposed property was a church they had problems.

Jay Klima stated that in regard to the traffic and experience they had with the church, it would be much different with the proposed school, because they have provided space on site for stacking and there should be no stacking of cars outside of the site. He further stated that the traffic for the most part is off peak therefore it should be no problem in the afternoon. He lastly stated that they were providing more parking than they were required to have.

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

Mr. Rozon seconded the motion.

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

APPROVAL AUGUST 27, 2007 MEETING MINUTES

Mr. Rozon made a motion to approve the August 27, 2007 Minutes.

Mr. Gashlin seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 9:13 P.M.