

**MINUTES FOR THE SEMINOLE COUNTY  
BOARD OF ADJUSTMENT  
JANUARY 28, 2008 MEETING  
6:00 P.M.**

**Members Present:** Alan Rozon, Chairman; Tom O' Daniel, Bob O' Malley, Curtis Gashlin and Michael Bass

**Staff Present:** Kathy Fall, Principal Planner; Denny Gibbs, Senior Planner; Joy Williams, Planner; Alison Stettner, Planning Manager; and Patty Johnson, Staff Assistant

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

Mr. Rozon then stated that the applicants for Item # 10 and Item # 14 requested a continuance until the February 25, 2008 Board of Adjustment Meeting.

**CONSENT**

1. **Jitway (Lot 134)** – Latasha Proctor, applicant; Request for a (1) minimum lot size variance from 8400 square feet to 4592 square feet and (2) lot width at the building line from 70 feet to 41 feet for a proposed single family home in the R-1 (Single Family Dwelling District); Located on the northwest corner of the intersection of Jitway and Rightway; (BV2007-159). (District 5)  
Kathy Fall, Principal Planner

**Mr. O' Daniel made a motion to approve Consent Agenda Item #1.**

**Mr. Bass seconded the motion.**

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

**PUBLIC HEARING**

2. **2500 Howell Branch Road** – Dave Schmitt Engineering, Inc., applicant; Request for a rear yard setback variance from 35 feet to 4 feet for proposed parking garages in R-3 (Multiple-Family Dwelling District); Located on the south side of Howell Branch Road approximately 300 feet west of State Road 436; (BV2007-158). (District 4)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant proposed to construct three parking garages over existing parking spaces in a multi-family development. She further stated that the proposed garages would be four feet from an adjacent single family neighborhood. 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.

Judy Stewart stated that she was the Manager of Planning with Dave Schmitt Engineering, Inc. and that they were in disagreement with staff. She further stated that the existing apartment complex was built in the 1970's and according to Seminole County Comprehensive Plan the County encourages property owners to maintain as well as upgrade their properties. She then stated that the County provides rehabilitation programs, emergency repair and reconstruction programs and given the nature of most existing apartment developments the process would have to be done through the variance process. She also stated that they would be making the redevelopment a live, work and play community that belonged in the 21<sup>st</sup> Century with upgrades to include clubhouse facilities, gym, internet café and also upgrades to façade including making the buildings and parking ADA accessible. She further stated that the necessary buffer to the adjacent single family neighborhood would be maintained and the existing fence would be improved during the construction process. She lastly stated that to their knowledge there was no opposition to the request and that they were requesting approval from the Board of Adjustment.

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

**Mr. Bass seconded the motion.**

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

3. **1711 Timocuan Way** – Jack Reynolds, applicant; Request for a front yard setback variance from 50 feet to 25 feet for proposed warehouses in M-1A (Very Light Industrial District); Located on the east side of Timocuan Way approximately 0.16<sup>th</sup> mile south of General Hutchison; (BV2007-157). (District 4)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant requested a front yard setback variance for two proposed warehouses. She further stated that the property was located in an Industrial Park which allowed for Light Industrial uses. 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.

Jack Reynolds stated that he was a Project Manager with American Civil Engineering. He further stated that he reviewed Staff recommendation and he wanted to prove his client's hardship. He then stated that Mr. Luedecke, his client bought the property from the Seminole County School Board and was furnished a legal description and certified boundary survey of which they did

there engineering from and submitted to Development Review on October 5, 2007, and received site plan approval pending St. Johns Water Management permit. He also showed the Board of Adjustment the plan that was approved and the corrected plan stating that there was an error in their survey of 20 feet. He further stated that they shifted the entire development forward because of the error locating the retention pond in the rear of the property. He then stated that they were currently going back to Development Review for site plan review. He also stated that because the project was so far along the metal buildings had already been ordered. He lastly stated that they needed the Board of Adjustment approval and re-approval of the site plan from Development review.

William Mayhood stated that he was not necessarily opposed to them moving the building forward he had concerns with where the water from the property would go. He further stated that he met with Mr. Luedecke and they discovered that there was an error with the survey. He then stated that there was a man made retention pond on his property and all the overflow was currently going into it. He lastly stated that the project would bring up the value of his property.

Jack Reynolds stated that he acknowledged that there was an error in the survey and that it was their surveyor who made the mistake. He further stated that as far as stormwater is concerned the drainage historic flow of the water had been to the man made pond. He then stated that he would be happy to meet with Mr. Mayhood about drainage at a later time.

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

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

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

4. **925 Oklahoma Street** – Girls and Boys Town of Central Florida, applicant; Request for a setback variance from 100 feet to 32 feet for a proposed school building in A-1 (Agriculture District); Located on the north east corner of the intersection of Oklahoma Street and County Road 426; (BV2007-167). (District 2)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant proposed to construct a school building within the 100 foot setback of the scenic corridor overlay. She further stated that the proposed school building was approved in 2006 as an amendment to the existing special exception and at that time the set back of the building was not established in the conceptual design. She then stated that the current use of the site was established in 1980 with the approval of a special exception for three group homes, since that time there had been numerous amendments to the special exception to expand the use. 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.

Jack Walsh stated that he was with Bowyer Singleton & Associates and that on July 24, 2006 the Board of Adjustment approved the facility use on the property. He further stated that on January 17, 2007 they were notified about the scenic corridor overlay and the setback requirement. He then stated that on May 18, 2007 to expedite approval of the first building they removed one of the school buildings. He also showed the Board of Adjustment a copy of the Master Plan showing them the building that was currently under construction and stating that they just could not comply with the overall 100 foot setback. He further stated that the scenic corridor creates a hardship to the Master plan and its full development. He then stated that the large wetlands to the north would be preserved and never developed, which would be a good start to the scenic corridor. He lastly stated that the Boys and Girls Town of Central Florida was a good organization that assisted abused children.

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

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

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

5. **1001 Broadway Street** – Omar Rodriguez, applicant; Request for a side street (south) setback variance from 25 feet to 0 feet for an existing fence in R-1 (Single Family Dwelling District); Located on the northeast corner of Broadway Street and Ohio Street; (BV2007-131). (District 3)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant constructed a fence that encroached 25 feet into the required 25 feet side yard setback. She further stated that Code Enforcement issued a notice of violation for the fence and sheds on the property and a building permit was under review for the fence. She then stated that staff received a letter of opposition from an adjacent neighbor. She lastly stated that there was no record of prior variances granted for the property.

Omar Rodriguez Jr. stated that he was speaking on his father behalf because he didn't speak English properly. He further stated that his father wrote a letter and provided pictures to the Board members. He then stated that they put up the fence because of their dog and to allow his sister's daughter to play in the back yard. He lastly stated that his father didn't know about the setback requirements.

Orville Ramsey stated that he lived just up the street and to the left of Mr. Rodriguez property. He showed the Board from a map provided by staff his home location. He further stated that when the previous owners of Mr. Rodriguez property were living there he investigated the requirements for a fence for them and that Mr. Rodriguez should have done the same before placing the fence on the property. He then stated that he had not done anything on his property without a permit. He also stated that he was against the request simply because it doesn't take much to find out what the rules are and to apply for a

permit. He lastly stated that they lived in a wonderful neighborhood and he did not want to see it change.

Ann White stated that she lived next door to the applicant and that she has lived there for 19 years. She further stated that there were a lot of young children on their street and that they run and play in the road. She then stated that before the fence was put up you could see around the corner and the people coming around the corner could see the children. She also stated that the fence created a blind spot. She lastly stated that her concern was that one of the children would get hurt.

Kent White stated that he agreed with his wife but he was also concerned with the craftsmanship and workmanship that was done on the fence. He further stated that the fence post stood up above the level of the fence and the fence was already starting to fall down in places. He then stated that these things could have been avoided if the applicant would have found out what the rules were for putting up a fence. He lastly stated that he would not like to see the variance granted.

Bob Karge stated that he studied every document that had been provided on the web site. He further stated that he read the definition of a variance and the request was not a special circumstance. He then stated that the fence should be at the house line and the applicant was not asked to do anything that anyone else would have to do when putting up a fence. He lastly stated that it may not look like there is a visual problem but they've had a couple of close calls with people not seeing around the corner.

Omar Rodriguez Jr. stated that his father could not understand how the fence caused a visual problem. He further stated that by looking at the pictures he didn't see how it blocked people's vision. He then stated that most of the time the children played in front of their house.

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

**Mr. Gashlin seconded the motion.**

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

6. **304 Wickham Court** – Daniel & Darcy Drew, applicant; Request for a rear yard setback variance from 30 feet to 15 feet for a proposed addition in PUD (Planned Unit Development District); Located on the north side of Wickham Court approximately ½ mile west of N. Hunt Club Blvd; (BV2007-153). (District 3)  
Denny Gibbs, Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct an addition that would encroach 15 feet into the required 30 feet rear yard setback in order to add a handicap accessible bathroom and bedroom. 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. She lastly stated that staff had received a letter of support from the adjacent neighbor.

Dan Drew stated his name.

Mr. Rozon asked if the applicant wanted to add any thing to staff's presentation.

Dan Drew stated no.

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

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

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

7. **636 Woodridge Drive** – Edith Justice, applicant; Request for a front yard setback variance from 25 feet to 20.5 feet to enclose an existing carport for a garage in R-3A (Multi Family Dwelling District); Located on the north side of Woodridge Drive approximately ¼ mile south of Lake of the Woods Blvd; (BV2007-154). (District 4)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to enclose an existing carport to make an enclosed garage. She further stated that the existing carport was non-conforming for the front yard setback therefore the garage would encroach 4 feet 6 inches into the required 25 feet front yard setback. She then stated that a building permit was under review for the garage. 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.

Robert Justice stated that he was representing his mother Edith Justice, the applicant. He further stated that she just wanted to enclose the existing carport for a garage. He then stated that she wanted a little more security.

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

**Mr. Gashlin seconded the motion.**

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

8. **2461 Center Street** – Walter Lewis Martin, applicant; Request for 1) a rear yard setback variance from 30 feet to 20 feet and 2) a side yard (south) setback variance from 7.5 feet to 4.6 feet for a proposed addition in R-1 (Single Family Dwelling District); Located on the north side of Ivy Lane approximately 150 feet north of SR 46; (BV2007-160). (District 5)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant constructed an addition that encroached 10 feet into the required 30 feet rear yard setback and 2.9 feet into the required 7.5 feet side yard setback. She further stated that a notice of violation was issued for un-permitted construction and a building permit was under review to satisfy the code violation. She lastly stated that there was no record of prior variances granted for the property.

Walter Lewis stated that he was speaking on behalf of his mother Elizabeth Martin, the applicant. He further stated that he didn't know he needed a permit to enclose the carport. He then stated that he put the project on hold until after the variance meeting and he received the permits. He lastly stated that he was trying to change the look of the house.

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

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

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

9. **7335 Fieldcrest Avenue** – Jane Baggett, applicant; Request for a side street (east) setback variance from 25 feet to 20 feet – 6 inches for a proposed pool screen enclosure in R-1 (Single Family Dwelling District); Located on the north side of Fieldcrest Avenue approximately 300 feet east of Seminole Avenue; (BV2007-149). (District 1)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a pool screen enclosure that would encroach 4 feet 6 inches into the required 25 feet side street 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. She lastly stated that staff received a petition of support from neighbors.

Jane Baggett stated that they had their pool for more than 20 years and now would like to screen it in. She further stated that they wanted the screen to come to the end of their house.

**Mr. O' Malley made a motion to approve the request.**

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

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

10. **877 Brantley Drive** – Michael Morro, applicant; Request for a rear yard setback variance from 30 feet to 20 feet – 8 inches for a proposed single family residence in R-1A (Single Family Dwelling District); Located on the west side of Brantley Drive approximately ¼ mile south of Wekiva Springs Road; (BV2007-164). (District 3)  
Denny Gibbs, Senior Planner

**This Item was continued until the February 25, 2008 Meeting.**

11. **1407 Allison Avenue** – Samuel & Florence Stabile, applicant; Request for a rear yard setback variance from 30 feet to 18 feet for a replacement screen room in R-1AA (Single Family Dwelling District); Located on the east side of Allison Avenue approximately 400 feet south of North Street; (BV2007-165). (District 4)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to replace an existing screen room which was built in 1968 which is non-conforming for the rear setback. She further stated that a building permit was under review. She then stated that there were currently no code enforcement or building violations for the property.

Doreen Thompson stated she was representing the applicants. She further stated the screen room had been up since 1968 and a tree hit it. She then stated that they had approval for the pool enclosure but they can't build it without building the screen room for support.

Don Kirby stated that he represented the Aluminum Company who helped initiate the project. He further stated that the work was required due to a tree falling and damaging some of the structure. He then stated that they wanted to put the structure back exactly where it was. He also stated that the porch addition carried the load of the screen enclosure. He lastly stated that they were looking forward to getting approval for the applicants.

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

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

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

12. **1325 Ballentyne Place** – Imad & Grace Nasnas, applicants; Request for a rear yard setback variance from 30 feet to 18 feet for a proposed room addition in PUD (Planned Unit Development); Located on the east side of Ballentyne Place approximately ¼ mile north of McNeil Road; (BV2007-155). (District 3)  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct an approximately 680 square foot two story room addition that would encroach 12 feet into the required 30 foot rear yard setback. She further stated that there was 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 received two letters of opposition of the request.

James Taylor stated that he was representing the applicant, Mr. Nasnas.



Mr. Rozon asked James Taylor if he wanted to add anything to staff presentation.

James Taylor stated no.

Imad Nasnas stated that the reason for the extra room was to provide his mother with her own bedroom. He further stated that his father passed away and his mother had been spending a lot of time with them. He then stated that he was surprised to hear about the opposition because he contacted both neighbors to the right and left and they both were in favor of the request.

Mr. Rozon asked did his mother need two floors.

James Taylor stated that downstairs would be the bedroom and bath and upstairs would be a sitting area.

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

**Mr. Bass seconded the motion.**

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

13. **2022 Collier Drive** – Diane Rice, applicant; Request for a side yard (north) setback variance from 10 feet to 4 feet for a proposed pool screen enclosure in R-1AA (Single Family Dwelling District); Located on the east side of Collier Drive approximately 1/10<sup>th</sup> mile north of Talbot Road; (BV2007-161). (District 4)  
Joy Williams, Planner

Joy Williams 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 6 feet into the required 10 feet side yard setback. She further stated that the screen enclosure would encroach 2 feet into an existing 7 foot utility easement along the rear of the property and that the applicant was in the process of vacating that portion of the utility easement. She then stated that in February of 2006 the property was issued a rear yard setback variance from 30 feet to 17 feet for a covered screen porch. She lastly stated that there were currently no code enforcement or building violation for the property.

Diane Rice stated that she was the owner of the property and she would like to have a screen enclosure on her pool. She further stated that the easement was in the process of being vacated and the only letter of vacate she didn't have was from Progress Energy.

**Mr. O' Daniel made a motion to approve the request contingent on the utility easement vacate approval.**

**Mr. Gashlin seconded the motion.**

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

14. **3039 Cecelia Drive** – Adam Landa, applicant; Request for a 1) side yard (west) setback variance from 10 feet to 6 feet for the renovation of an existing garage, and 2) a side yard (east) setback variance from 10 feet to 5 feet for the renovation of an existing single family home in R-1AA (Single Family Dwelling District); Located on the north side of Cecelia Drive approximately 1/10<sup>th</sup> mile east of Balmy Beach Drive; (BV2007-162). (District 3)  
Joy Williams, Planner

**This Item was continued until the February 25, 2008 Meeting.**

15. **3519 Jamison Drive** – Haywood Maddox , applicant; Request for a side yard (west) setback variance from 10 feet to 8 feet for a proposed room addition in R-1AA (Single Family Dwelling District); Located on the north side of Jamison Drive approximately 150 feet west of Bear Lake Road; (BV2007-144). (District 3)  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct an approximately 288 square foot room addition to the rear of the existing home that would encroach 2 feet into the required 10 foot side yard setback. She further stated 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.

Haywood Maddox stated he purchased the home for his son and granddaughter to live in. He further stated that he wanted to extend the back to make a nice master bedroom and get it away from the main street.

**Mr. O' Malley made a motion to approve the request.**

**Mr. Gashlin seconded the motion.**

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

16. **1125 Kerwood Circle** – James Edwards, applicant; Request for a rear yard setback variance from 30 feet to 24 feet for an existing covered screen room in R-1A (Single Family Dwelling District); Located on the east side of Kerwood Circle approximately ½ mile north of Red Bug Lake Road; (BV2007-148). (District 2)  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant requested a variance for an existing covered screen porch that encroached 6 feet into the required 30 feet rear yard setback. She further stated that in September of 2007, the applicant received a notice of code violation for the un-permitted construction of the covered porch. She lastly stated that there was no record of prior variances granted for the property.

James Edwards stated that the porch was on the house when he bought it. He further stated that he had a pool built and the pool company connected the

screen enclosure to the existing porch. He then stated that he received a notice stating that the permit was not pulled for the pool or for the existing porch. He lastly stated that he hired the pool company and they were to handle everything, but they didn't.

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

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

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

17. **899 Bates Court** – Jeffrey Ecker, applicant; Request for a side street (south) setback variance from 20 feet to 10 feet for an existing wood privacy fence in PUD (Planned Unit Development); Located on the east side of Bates Court approximately ¼ mile west of Dodd Road; (BV2007-150). (District 1)  
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 10 feet into the required 20 feet side street setback. She further stated that in September of 2007, the applicant received a notice of code violation for replacing an existing fence without a permit. She then stated that the property received two prior variances; in 1992 a rear yard setback variance was approved from 15 feet to 10 feet for a screen room and in 1996 a rear yard variance was approved from 5 feet to 2 feet and a side street variance from 20 feet to 12 feet for a pool screen enclosure.

Jeffrey Ecker stated his name.

Mr. Rozon asked if the applicant wanted to add anything to staff's presentation.

Jeffrey Ecker stated that staff pretty much summed it up.

Mr. Rozon asked the applicant how long had he lived on the property.

Jeffrey Ecker stated that he and his wife purchased the property in February of 2000.

Mr. Rozon asked how long had the fence been up.

Jeffrey Ecker stated since April of 2007.

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

**The motion died for a lack of a second.**

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

**Mr. Gashlin seconded the motion.**

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

18. **2418 W 1<sup>st</sup> Street** – Virgil Hurley, applicant; Request for a front yard (south) setback variance from 50 feet to 45 feet for an existing shed, and 2) a side street (west) setback variance from 50 feet to 26 feet for an existing shed in A-1 (Agriculture District); Located on the north side of W 1<sup>st</sup> Street approximately ¼ mile east of W Airport Blvd; (BV2007-152). (District 5)  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant requested a front yard setback variance for an existing 500 square feet shed that encroached 5 feet into the required 50 feet front yard setback. She further stated that the applicant also requested a side street setback variance for an existing 330 square feet shed that encroached 24 feet into the required 50 feet side street setback. She then stated that in October of 2007, the applicant received a notice of code violation for the un-permitted construction of the two sheds. She lastly stated that there was no record of prior variances granted for the property.

Virgil Hurley stated that he provided a packet to the Board Members with pictures from different angles and two letters of support from both adjacent neighbors. He further stated that they completely remodeled the exterior of the house. He then stated that they would replace the two existing sheds with new sheds.

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

**Mr. Gashlin seconded the motion.**

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

## **SPECIAL EXCEPTIONS**

19. **385 Lynchfield Avenue** – Hector Gonzalez, applicant; Request for a special exception to establish a church in R-1 (Single Family Dwelling District); Located on the east side of Lynchfield Avenue approximately 1/10<sup>th</sup> mile south of W State Road 436; (BS2007-27). (District 3)  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to convert an existing single family residence into a church sanctuary for worship and Sunday school services. She further stated that in April of 2007, the applicant constructed a 1566 square feet addition to the existing 1200 square feet residence proposing to utilize the new addition as the sanctuary. She then stated that on August 31, 2007, a Notice of Code Violation was issued from the Building Department for using the residence as a church without a change of use permit. She also stated that the congregation currently had 26 members; with a proposed maximum sanctuary capacity of 42 members. She further stated that the site was approximately ¼ acre located in the platted residential neighborhood of Weathersfield 1<sup>st</sup> Addition. She then stated that the proposed hours of

operation are Sunday mornings from 10:00 a.m. to 12:30 p.m., Sunday evenings from 7:00 p.m. to 8:30 p.m., and Wednesday evenings from 7:00 p.m. until 8:30 p.m. She also stated that the trend of development in the immediate area consist of residential communities as well as general commercial uses which are primarily located off of arterial and collector roads. She further stated that the change of use from residential to commercial would require the lot and existing building to meet all active/passive buffer setbacks as well as parking, drive way, landscaping, and building code requirements. She then stated that per section 30.1232 of the Land Development Code, the property must provide for a 25 feet landscaping buffer located at the perimeter of the building site in order to minimize adverse impacts on adjacent residential areas. She also stated per section 30.1221 of the Land Development Code, a church must provide one (1) parking space for every five (5) seating places in the main auditorium, each space being 10 feet by 20 feet in size with minimum access isle of twelve (12) feet, the site must also accommodate an internal parking circulation to prevent vehicles from backing out onto the local road. She further stated that the lot size and location of the existing building, along with the 30 feet drainage easement on the north side of the property restricts the ability to ensure compatibility and compliance with the applicable code requirements. She then stated that the use of the property as a commercial church would bring in additional traffic at a much higher intensity than that of a single family residence, in which the lot was designed for. She lastly stated that staff determined that the proposed use would not be compatible with the adjacent residential uses; the site can not accommodate the Land Development Code requirements that are necessary in order to eliminate adverse impacts on the adjacent established residential uses, therefore staff recommended denial of the request.

Mario Diaz introduced Mr. Gonzalez, the applicant and stated that he would be translating for him because his English was not good. He further stated that Mr. Gonzalez stated that he wanted to help the people of the neighborhood especially the elderly and the young people. He then stated that some of the members could walk to the church. He also stated that the services would be in Spanish but they would also translate. He further stated that he knew that there was not enough parking on the property, but if he was allowed to use the property as a church he would provide a second driveway to park three or four cars. He then stated that they didn't need much parking because most of the people live in close proximity of the church. He lastly thanked that Board of Adjustment for listening and stated that the decision was in their hands.

Mario Diaz stated that he had been a member of the church for ten years and he had known Mr. Gonzalez for a long time. He further stated that Mr. Gonzalez helped him personally with his twin boys. He then stated that Mr. Gonzalez taught the kids to stay away from drugs. He lastly stated that the neighborhood had a need and they planned on keeping the church in the neighborhood.

Raymond Welsh stated that the church site was less that one mile west of the Altamonte Springs interchange. He further stated that he lived ten homes away from the proposed church. He then stated that he wanted to know if the church

would be considered a business establishment. He also stated that the issue to him was safety.

Jim Lackey stated that he lived in Weatherfield since 1967 and had been with the Homeowner's Association most of that time. He further stated that he had letters from some of the neighbors. He then stated that he received a lot of complaint from neighbors about people from the church parking in the neighbor's yards and cars parking in the street. He also stated that one of the main issues that concerned him was that there were a lot of senior citizens in the subdivision and the church was located on one of the main intersections. He further stated that he talked to the neighbors and no one had stated that they were in favor of the church. He then showed the Board pictures of the church site and the cars that were parked on the church property. He lastly stated that the site was a single family dwelling and that was the way they would like to keep it.

Bruce Poleshek stated that the church was a public place and from the plan there was no handicap ramp or any facility for the handicap in the restrooms. He further stated that Mr. Gonzalez made the structure for the non-handicap. He then stated that the doors are in swing doors making it impossible for escape during a fire. He also stated that do to the lack of side walks people would be forced to walk to the church in the road. He lastly stated that to say there is no parking issues would be to candy coat the truth.

Robert Williams stated that he lived just around the corner and he had four neighbors with him that were also in opposition of the church. He further stated that he respected all religion and he respected what Mr. Gonzalez was trying to do, but their neighborhood is made up of single family dwellings with a lot of senior citizens. He then stated that there was no parking at all at the church and that traffic was a major concern. He lastly stated that he didn't think the proposed site was a good location for the church.

Debbie Flair stated that Weatherfield was a tight knit older community. She further stated that the church should not be inside the neighborhood. She then stated that maybe Mr. Gonzalez should have done a petition with the neighbors to see how they felt about it.

Dawn Lemme stated that she was with her mother who also lived in the neighborhood and that she was also representing her next door neighbor and they were all in opposition of the church. She further stated that with the church and all the traffic that it would bring it would be very difficult for her son to ride his bike.

John Lowe stated that his concern was everything everyone else mentioned and also a matter of property value. He further stated that the church would decrease the property values in the neighborhood.

Hector Gonzalez stated that he lived in the house next door to the proposed church sine 1996 and he had never met the President of the Homeowner's Association. He further stated that they would never have more than seven or

eight cars on the property. He then stated that he would trust God to give them an answer and he was expecting the Board of Adjustment to come up with a solution.

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

**Mr. Gashlin seconded the motion.**

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

20. **799 W Lake Mary Boulevard** – Ivey Planning Group, LLC, applicant; Request for a special exception for a bank with drive-in teller facilities in OP (Office Professional); Located on the south east corner of the intersection of W Lake Mary Boulevard and College Drive; (BS2008-03). (District 5)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant request was to allow a drive-in teller as an accessory use to a proposed bank which required a special exception when located on a roadway having a right-of-way less than 80 feet. She further stated that the property was rezoned in 2006 to allow offices and the applicant requested to change the development order to allow offices and a bank with a drive-in teller. She then stated that the request to change the development order was required to be approved by the Planning and Zoning Commission and the Board of County Commissioners. She also stated that based on the submitted site plan, the proposed uses met the minimum setbacks, area and dimensional requirements of the OP district. She lastly stated that staff recommended approval of the drive-in tellers as an accessory use to the proposed bank on a roadway with less than 80 feet of right-of-way subject to the following conditions:

- The proposed bank will not exceed 3500 square feet and four (4) drive-in lanes
- The proposed bank and drive-in lanes will be located on the northern portion of the property adjacent to Lake Mary Boulevard
- The drive-in lanes will not be open prior to 7:00 a.m. and after 7:00 p.m.
- Prior to the issuance of development permits, a site plan that meets the requirements of all other applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee

Matthew West stated that he was with Ivey Planning Group, representing a project that was a very good partnership for the community. He further stated that Kathy Fall did a great job of introducing the project. He then stated that in July of 2006 the property was rezoned for a three office building complex and the land use was changed to office. He also stated that they were requesting to add a use to the property and reduce the intensity of the site some what because in OP zoning a bank requires a special exception. He further stated that Seminole Community College Foundation was involved in the project and the request would help the college foundation reach there goal with the development of the

Seminole Community College campus. He then introduced Matthew Hodge, Executive Director of the Seminole Community College Foundation.

Matthew Hodge, Executive Director of Seminole Community College Foundation stated that they identified the project as the gateway to the college and an opportunity to partner with a local Credit Union to create an extension and front door to the college. He further stated that the office complex would house the foundation which is the fund raising arm of the college.

Penny Miller stated that she lived in the Fairlane Estate community which abutted the subject property. She further stated that she was in favor of the special exception request personally and professionally. She then stated that she was a full time top producing Real Estate Agent and had sold more homes in Fairlane Estate than any other Realtor on record and in her professional opinion the project would in no way affect the values of properties in the neighborhood. She also stated that she liked the fact that there were three entrances from Lake Mary Blvd. to their community.

Donald Tise stated that he had been a spokesman for much of the neighborhood for several years. He further stated that staff recommendation on this project was for access through West Ridge Drive, be denied and the only access be through College Drive and he supported that position. He then showed the Board of Adjustment a picture of Ridge Drive stating the size of the road was 22.5 feet and it should not have any business traffic dumped on it.

Matt West stated that Ridge Drive was sub standard to some degree and his client was committed to bringing it up to code.

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

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

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

## **APPROVAL DECEMBER 3, 2007 MEETING MINUTES**

**Mr. O' Daniel made a motion to approve the December 3, 2007 minutes.**

**Mr. Bass seconded the motion.**

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

## **ADJOURNMENT**

**Time of Adjournment was 9:36 P.M.**