

# **AMENDED MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT FEBRUARY 25, 2008 MEETING 6:00 P.M.**

**Members Present:** Mike Hattaway, Chairman; Dan Bushrui, Bob O'Malley, Mike Bass and Stephen Coover

**Staff Present:** Kathy Fall, Denny Gibbs, Joy Williams and Patty Johnson

Mr. Hattaway, Chariman; 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.

## **CONTINUED ITEMS**

1. **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

Joy Williams introduced the location of the property and stated that the applicant proposed to renovate and expand an existing 1900 square feet single family residence and a 570 square feet detached garage. She further stated that the proposed garage would encroach 4 feet into the required 10 feet side yard setback and would be attached to the main structure by a breezeway. She then stated that the proposed expansion of the home on the east side of the property would encroach 5 feet into the required 10 feet side yard setback. She also stated that there were currently no code enforcement or building violations for the property. She lastly stated that in 1994 a Special Exception was granted to convert the existing detached garage into a guest cottage.

Alan Landa stated that he was the owner of the property and that he relocated his family from New York in 2006. He further stated that the shape of the property was some what irregular, which created a special condition. He then stated that the existing home had 1900 square feet of living space, was built in 1992 and that the existing detached garage had narrow space for two cars. He also showed the Board of Adjustment pictures of his property showing the distance from his house to the lake and the proposed location of the addition and three car garage. He further stated that the proposed addition would be a two story construction with a footprint of about 1000 square feet. He then stated that one reason for seeking a variance was to minimize the impact of their existing structure. He also stated that he didn't think that getting the variance would be giving them any special use that is denied to others, it would simply allow them to

make use of the irregular shape lot. He further stated that there are other properties around the neighborhood with less than 10 feet on the side. He then stated that they reviewed the comments from the neighbors suggesting that there was a culvert between their properties and that a fungus would grow in the shadow of the house, but from his survey he didn't see any culvert or easement. He also stated that Mr. Hagen stated that by granting the variance it would diminish his property value. He stated that he didn't think that was correct and that larger houses were typical for the neighborhood. He further stated that nine of the neighbors on Cecelia Drive believed his house would increase the values of their properties. He lastly stated that they felt bad about blocking their neighbors view, but the proposed location is the only possible place to put the addition.

Richard Hagen stated that he and his sister owned the property adjacent to Mr. Landa property. He further stated Mr. Landa asked if he would support a request for a variance, he stated he told him he did not wish to be a bad neighbor but he would not support such a request. He then stated that several years ago, they supported a variance request by the neighbor on the east side. He also stated that they felt that was the reasonable and neighborly thing to do, however the outcome of the construction had now made them wish they had not supported the request because the kitchen and dining room windows look directly onto a blank wall that is about 30 feet high, and the view of the lake from the sun porch and front yard is considerably restricted. He further stated that if Mr. Landa was granted his request their view to the west would be restricted and the sunlight for the bedroom and front of the house would be reduced. He then stated that the central feature of beauty in the neighborhood was Big Bear Lake and that the lake was a treasure to the entire community. He lastly stated that they had nine letters, a petition with 11 signatures of people on Cecelia Drive all in support of their position and for those reasons he respectfully asked the Board of Adjustment deny the request.

Shirley Haynes stated that she was Mr. Hagen sister and that by the end of next month she would be moving back home to Florida. She further stated that there was a covert that ran under the road but she was told it was not on the official map. She then stated that she was a long standing member of the Bear Lake Preservation Association Environmental Committee which was dedicated to protecting the clarity and purity of the water of Bear Lake. She also stated that anytime you narrow the area where water can run it will dig deeper and it will wash more debris into the lake. She further stated that she strongly objected to the variance being granted. She lastly stated that people who purchase a lot should stay within the original boundaries of the lot.

Adam Landa stated that the addition he proposed to build would not extend into his neighbor's yard. He further stated that there was no rain water rushing on his property. He then stated that they just wanted their kids to be able to play in the yard and have a place for their grandparents to live when they came to visit. He lastly stated that the neighborhood was changing.

**Mr. Bass made a motion to approve the request for a (1) side yard (west) setback variance from 10 feet to 6 feet for the renovation of an existing garage.**

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

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

**Mr. Bass made a motion to approve the request for a (2) side yard (east) setback variance from 10 feet to 5 feet for the renovation of an existing single family home.**

**Mr. Coover seconded the motion for discussion.**

**The motion failed by (2-3) vote. Mr. Hattaway, Mr. Bushrui and Mr. Coover were in opposition.**

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

**Mr. Coover seconded the motion.**

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

2. **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

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct a new single family residence that would encroach 9 feet 4 inches into the required 30 feet rear yard setback. She further stated that Tranquility on Lake Brantley subdivision was designed and platted in 2004. She then stated that the subject lot was platted Lot 6 with a flag portion added to the rear that was originally platted with Lot 5. 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.

Michael Morro stated that he was representing his wife, Frances Morro. He further stated that they mistakenly thought that the line that was to be their rear yard and they planned the patio and pool was really their side yard and what they thought was a side yard is now to be their rear yard. He then stated that the granting of the variance would have no affect on any other property because what is now to be the back yard backs up to almost a one acre retention pond which is adjacent to a canal. He also stated that there would never be any neighbors in the back of them. He lastly stated that they were proposing a two story home and would appreciate the Board of Adjustment granting the request.

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

**Mr. Coover seconded the motion.**

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

## **PUBLIC HEARING ITEMS**

3. **3764 Okeechobee Circle** – Loren Wadsworth, applicant; Request for 1) a side street setback variance from 20 feet to 6 feet and 2) a fence height variance from 6 feet – 6 inches to 7 feet – 6 inches for an existing fence in PUD (Planned Unit Development District); Located on the northeast side of Okeechobee Circle approximately 200 feet west of Dodd Road; (BV2007-163). (District 1)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant received a code violation for an existing fence which is non-conforming for fence height and side street setback. She further stated that the fence encroached approximately 14 feet into the required 20 feet side street setback and the height of the fence is approximately 7 feet 6 inches and the fence is also attached to the column of the subdivision wall which is the same height. She also stated the subdivision was developed in 1986. She then stated that it appeared that the fence had been in place for well over 10 years and possibly as long as 20 years as the applicant stated it was there when he purchased the property in 1988 and he had maintained the fence in good condition, replacing boards as needed. She lastly stated that there was no record of a variance for the fence or prior variances granted for the property.

Loren Wadsworth stated the fence had been there a long time. He further stated that he had letters of support from neighbors. He then showed the Board of Adjustment pictures of other fences in the neighborhood that were not within the setback requirements. He also showed fences that received approval from the Board of Adjustment. He lastly stated that the fence was there when he bought the house.

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

**Mr. Bass seconded the motion.**

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

4. **111 Pine Tree Lane** – Norman Lamberty, applicant; Request for a side yard (east) setback variance from 10 feet to 7 feet for a proposed addition in R-1AAA (Single Family Dwelling District); Located on the north side of Pine Tree Lane approximately 600 feet west of Spring Valley Road; (BV2008-02). (District 3)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that the applicant proposed to construct an addition on the east side of the existing residence that would encroach 3 feet into the required 10 feet side yard setback. She further stated that there were currently no code enforcement or building violations for the property. She then stated that there was no record of prior variances granted for the property.

Ana Lamberty stated they were trying to do some remodeling in the house and they wanted to bring the laundry room from the west side of the house to the east side. She further stated that to do so they needed to apply for the variance. She then stated that the room would be a square structure.

Bill Miller stated the applicant property partially abuts their property line. He further stated that they lived in the neighborhood since 1979. He then stated that the applicant's home had been remodeled extensively in the interior and exterior. He also stated that to encroach in the side setback for the convenience to put a laundry room would be a disruption to the character of the neighborhood. He lastly stated that they supported staff request for denial.

Patricia Smith stated she lived directly beside the subject property. She further stated that she lived there for 37 years and that there was a very small area between the houses now. She then stated that to the best of her knowledge there was a master bedroom and bath at that end of the home and she could not conceive how anything else could be added. She also stated that the applicant's had not come to her about the request. She lastly stated that she certainly hoped the Board of Adjustment would deny the request.

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

**Mr. Bushrui seconded the motion.**

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

5. **1008 Oak Lane** – Mildred Lipka, applicant; Request for a front yard setback variance from 25 feet to 12 feet for a proposed attached carport in R-1AA (Single Family Dwelling District); Located on the west side of Oak Lane approximately 400 feet east of Bear Lake Road; (BV2008-03). (District 3)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to replace an existing carport which was non-conforming for the front setback and that it encroached 13 feet into the required 25 feet front yard setback. She further stated that the carport would be attached to the house. 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.

Scott Hartman stated he was the general contractor representing the applicant. He further stated that the existing carport had a flat roof which was not esthetic

and they wanted to replace it with a pitch roof which would match the house. He then stated that they had four letters of support and they were not aware of any opposition. He lastly stated that they were rebuilding the existing structure to improve the house.

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

**Mr. Bass seconded the motion.**

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

6. **5695 North Road** – Keith Jones, applicant; Request for a front yard setback variance from 50 feet to 24 feet for a covered screen room in A-1 (Agriculture District); Located at the intersection of N Center Rd and North Road approximately ¼ mile north of W SR 46; (BV2008-04). (District 5)  
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 26 feet into the required 50 feet front yard setback. She further stated that in May 2006, the property owner received a notice of code violation for the un-permitted replacement of the covered screen porch. She then stated that the code violation case was closed in May of 2006, when the applicant applied for a building permit. She also stated that the north side of the covered screen porch was aligned with the north side of the single family house which was built in 1965 and that at that time the required front yard setback in the A-1 zoning classification was 25 feet.

Keith Jones stated he was the owner of the screen company and he was representing the applicant. He further stated around Thanksgiving the applicant added a pool and hired him to screen the pool. He then stated that he applied for a permit from his permit runner and after receiving the permit number without the permit he proceeded and put up the screen enclosure to code. He also stated that the applicant told him the screen porch was there previously and he built it the way the applicant requested.

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

**Mr. Bushrui seconded the motion.**

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

7. **1458 Sky Eagle Cove** – Paul & Sara Linartas, applicants; Request for a 1) front yard setback variance from 100 feet to 6.3 feet, and a 2) side yard setback variance from 10 feet to 7.75 feet for a 360 sq ft shed in A-1 (Agriculture District); Located on the west side of Sky Eagle Cove south of Markham Road; (BV2008-05). (District 5 )

Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant requested a variance for an existing shed that encroached 93.7 feet into the required 100 feet front yard setback and 2.25 feet into the required 10 feet side yard setback. She further stated that the concrete block shed was being used to shelter the water pump system for the single family residence. She then stated that the shed also encroached into a 10 feet drainage and utility easement and that the applicant was in the process of having the easement vacated. She also stated that in December of 2006, the applicant received a notice of code violation for the un-permitted construction of the shed. She lastly stated that there was no record of prior variances granted for the property.

Joseph Linartas explained his situation to the Board by stating he owned 1.936 acres of land and wanted to put two houses on the property, one for him and one for his son. He further stated that he went to the Building Department to submit for a permit to have the two houses built, but was told he could not build two houses on the same property and that the A-1 zoning classification required one house per acre. He then stated that he was told he could do it as a minor development so he submitted an application for replat to the Development Review Office. He also stated that he had to buy a front portion of a gentleman's property to have one house per acre. He further stated that the water well was built on the northwest corner of the property and a permit was issued. He showed the Board pictures of the property site with both houses and stated that the County Addressing Department changed their address giving them an address on Sky Eagle Cove and not Markham Road, which caused the water well not to be in compliance with the setback requirements. He also showed the Board pictures of the enclosed water well and stated that it was built in good taste and it was not an eyesore. He lastly stated that the structure did not or would ever interfere with anybody because no buildings would ever be built behind the structure.

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

**Mr. Bushrui seconded the motion.**

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

8. **234 Doverwood Road** – Malcolm Trigg, applicant; Request for a 1) rear yard setback variance from 10 feet to 3 feet, and a 2) side yard setback variance from 7.5 feet to 3 feet for a shed in R-1A (Single Family Dwelling District); Located on the west side of Doverwood Road approximately 1/10<sup>th</sup> mile north-easterly of Oxford Road; (BV2008-06). (District 4)  
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that the applicant proposed to construct a shed that would encroach 7 feet into the required 10 feet rear yard setback and 4.5 feet into the required 7.5 feet side yard setback. She further stated that in October of 2005, the property was granted a rear yard

setback variance from 30 feet to 20 feet for a room addition. She then stated that there was currently no code enforcement or building violation for the property. She also stated that the applicant submitted three letters of support from neighbors. She lastly stated that there was a 7 feet utility easement along the rear of the property and the applicant would vacate that portion.

Malcolm Trigg stated he was the owner and applicant and asked the Board did they have any questions.

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

**Mr. Bass seconded the motion.**

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

9. **2461 Center Street** – Walter Lewis Martin, applicant; Request for a rear yard setback variance from 20 feet to 7 feet for a proposed addition in R-1 (Single Family Dwelling District); Located on the east side of Center Street approximately 150 feet north of SR 46; (BV2008-12). (District 5)  
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated that at the January 28, 2008, hearing a rear yard variance was granted from 30 feet to 20 feet subsequently the applicant realized that due to errors in the site plan the variance granted was not adequate to build the addition. She further stated that the applicant requested a rear yard setback variance from 20 feet to 7 feet in order to complete the addition. She then stated that the code and building violation on the property had been addressed.

Walter Martin stated he was at the meeting on behalf of his mother Elizabeth Martin, the owner of the property.

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

**Mr. Coover seconded the motion.**

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

## **MOBILE HOME ITEM**

10. **1801 Retreat Road** – Cleopatra Goble, applicant; Request for the limited use of a recreational vehicle while a single family home is under construction in A-5 (Rural Zoning District); Located on the south side of Retreat Road approximately ½ mile east of Mullet Lake Park Road; (BM2008-01). (District 5)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant requested two year placement of a recreational vehicle while a permanent single



family dwelling is under construction. She further stated the temporary occupancy of a recreational home while a single family structure is under construction is permitted only by limited use for one year with the option to renew for an additional year upon application to the Board of Adjustment. She then stated a building permitted was issued for a single family home. She also stated the trend of development in the immediate area was a mixed use with permanent and temporary placement of mobile homes along with conventional single family homes. She lastly stated that staff did not have any objections to the temporary placement of the recreational vehicle as long as a single family home was actively under construction.

Scott Haney stated he represented the owner of the property Cleopatra Goble. He further stated that they would be living there while the house is being built to keep track of what is going on. He then stated that the house was being built owner builder and they wanted to make sure the material didn't disappear.

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

**Mr. Bushrui seconded the motion.**

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

## **SPECIAL EXCEPTIONS ITEMS**

11. **4247 West Lake Mary Blvd** – Antoney Joseph Manipadam, applicant; Request for a Special Exception to establish a wine shop with on-premises consumption in PUD (Planned Unit Development); Located on the south side of Lake Mary Boulevard between Sun Drive and Greenwood Boulevard; (BS2008-01). (District 4)

Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to establish the Cork & Olive retail wine shop within the Etor PUD which is commonly known as Shoppes Lake Mary Collection. She further stated the shopping center included Publix and Target and therefore demonstrates consistency with the trend of nearby and adjacent development. She then stated Cork & Olive operates as a retail wine and accessories gift shop which sells wine, specialty olive oils, and spices and is seeking the special exception to establish the use and allow on-premise consumption in order to have wine tasting available to the customers, they are not proposing a bar type setting and would not sell wine by the glass. She also stated staff believed the proposed use would be compatible with the trend of development in the area for the following reasons:

- The property is located in a large shopping center, Shoppes @ Lake Mary Collection, at the major intersections of Lake Mary Blvd, Rinehart Road and Sun Drive
- Cork & Olive is a retail wine and accessories gift shop and would not have an adverse effect on existing traffic patterns

- On-premise consumption will be subordinate and incidental to retail wine sales
- An alcoholic beverage establishment as a special exception is consistent with the commercial land use designation

She lastly stated staff recommended approval of the special exception request based on the following conditions:

- The selling of alcoholic beverages shall be primarily package wine sales with the on-premises consumption subordinate and incidental
- No per glass sales of alcoholic beverages

Anthony Manipadam stated he was the franchise owner of Cork & Olive in Lake Mary and he was there if the Board had any questions.

Mr. Coover asked if Anthony agreed with staff conditions.

Anthony Manipadam stated yes.

**Mr. Coover made a motion to approve the special exception request subject to staff conditions and subject to the restriction of sampling only on premise and no seating in the facility.**

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

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

**12.2180 Orange Boulevard S** – Mary Vogel, applicant; Request for a special exception for a dog boarding facility in A-1 (Agriculture District); Located on the west side of Orange Boulevard S approximately 1/10<sup>th</sup> mile feet north of Markham Road; (BS2008-02). (District 5)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant currently offers a pet sitting service off-site in her client's homes and would like to care for the dogs in her private residence. She further stated the boarding would be available for dogs that require 24 hour care such as blind, with failing hips and post-op patients. She then stated that the applicant proposed to pick up and drop off the dogs to her client's homes. She also stated that there would be no signage on the property and no increase in traffic. She lastly stated staff recommended the approval of the special exception based on the following conditions:

- There will be no more than twelve dogs on the property at one time
- All outside activity will be supervised
- Dogs will be boarded within the single family home
- The applicant must obtain and maintain a commercial kennel license with the Seminole County Animal Services

- Dogs will be picked up and dropped off as a part of her trips for the pet sitting service
- 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

Mary Vogel stated she was requesting a special exception to do what she loved to do and that was to care for animals. She further stated she planned to be there at all times with the animals even when they are outside. She then stated that she was aware because of the area the process was delicate and she didn't want her neighbors to endure any negative parts of the project. She also stated she would not have any excessive barking because she would be very conscious of her neighbors. She further stated that she worked closely with the local Veterinarian's and had taken in a lot of their animals after surgery to help rehabilitate them. She then stated that some people can't be home to take care of their animals after surgery and that is the market she was looking to serve. She also stated she had been taking in foster animals and placed 42 animals in the last three years and she was proud of that.

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

**Mr. Bass seconded the motion.**

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

13. **4900 Orange Boulevard** – Russell & Stefanie Kitner, applicant; Request for a special exception for a landscaping contractor as an accessory use to a wholesale nursery in A-1 (Agriculture District); Located on the north side of Orange Boulevard approximately ¼ mile west of Oregon Avenue; (BS2008-04). (District 5)  
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant was cited by Seminole County Code Enforcement for operating a lawn service business on A-1 (Agriculture) property without county approval. She further stated the applicant owns Landpro Outdoor which is a lawn care service business and as stated on their application, the applicant was requesting to operate a wholesale nursery with a limited landscape contractor use. She then stated the A-1 zoning district only allows a landscape contractor when it is accessory to the wholesale nursery, therefore it is only allowed in conjunction with the wholesale nursery not a lawn care service business. She also stated special exceptions for landscaping contractor as an accessory use to a wholesale nursery are only permitted on properties licensed for a wholesale nursery. She further stated the applicant must present evidence that the wholesale nursery is the primary use of the property rather than a lawn care service but to date the evidence had not been provided. She then stated that Landpro Outdoors was licensed as a commercial lawn care service which

principal address is 4900 Orange Boulevard and the owner was not licensed to operate a wholesale nursery at that location. She also stated that the operation of a commercial lawn care service would adversely affect the public interest and is not compatible with the adjacent residential and agriculture uses but if the business conducted on the property is limited to wholesale nursery and commercial lawn care service is prohibited as a primary use, only then shall the use be compatible with adjacent residential and agriculture uses. She further stated that staff recommended approval of a landscape contractor as an accessory use to a wholesale nursery based upon the following conditions:

- The applicant shall not allow any employees, equipment , materials or activity that is associated with the commercial lawn care business on the property
- There will be no storage of vehicles that are owned by the employees or company on the property unless it is exclusively used for the wholesale nursery
- The property shall be certified and licensed as a wholesale nursery
- The landscape plantings shall be grown on site and the designated plant/tree areas shall always be stocked at 80% at least
- The general layout of the proposed uses as depicted on the master plan shall not change without reapplication for new Board of Adjustment approval
- No building shall be increased more than 10% without Board of Adjustment approval
- Prior to the issuance of development permits, a site plan that meets the requirements of all other applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee

Stephanie Kitner stated she was one of the owners of the subject property as well as Landpro Outdoors. She further stated they were zoned A-1 which allowed them to have a plant nursery and she had a license regulated by the State of Florida, but as far as Landpro was concerned they started out years ago as a lawn maintenance company but now do everything in the landscaping business, we are a landscaping contractor. She then stated the same guys that do lawn maintenance also install plants. She also stated there were no plants on the property right now because they bought the property in November 2006 and put the irrigation in December 2006, but shortly after that Code Enforcement said stop, citing them stating they were not a landscaping contractor. She further stated her biggest thing was there was no definition for landscaping contractor. She then stated her company installed commercial and residential properties and they also maintain them. She also stated she was a certified Horticulturist. She further stated there were other companies in the vicinity that did lawn maintenance as well. She then stated that she had a letter from her neighbor with a flag lot that has to drive pass her property and he requested they put up a fence, other wise he was fine with them being there. She also stated she wasn't doing anything that was not being done in the area and that they could not be in a commercial area because they needed land.

Paul Kitner stated they started out small in their house and was told by Code Enforcement they could not do the business out of their home. He further stated they found a piece of property to buy and called the Planning office and told them their intentions and exactly what they would be doing and was told they could do the business there. He then stated that other companies called and were told the same thing and now all of a sudden they can't operate their business. He also stated that Code Enforcement stated that they were riding by and saw the trucks then cited them. He lastly stated all they were asking for was an accessory use to the wholesale business.

Rick Beard stated he and his wife owned a piece of property on Orange Blvd. and they were in the landscaping business but they put their property up for sale because they were told they could not continue to have their business at that location. He further stated that it was a serious problem because the County had already approved these businesses all over Seminole County and that should be taken in consideration.

Brenda Turner stated that she owned the property next to the applicant's property and she didn't see why it was a problem. She further stated that her property was an income property and she rented it out to a company that does the same business as the Kitner's and that there are other companies doing the same business in the area and she didn't understand why they couldn't do it.

Bob Rodi stated he didn't have a problem with their trees, but he did have a problem with the area starting to look like an Industrial Park. He further stated there were some very expensive homes out in the area and the resale values were already going down. He then stated that the applicant's had trailers, lawn mowers and other equipment that was not neighborhood friendly.

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

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

**Mr. O'Malley made a motion to approve the special exception request based on staff recommendations.**

**Mr. Bass seconded the motion.**

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

## **APPROVAL JANUARY 28, 2008 MEETING MINUTES**

**Mr. Bass made a motion to approve the January 28, 2008 Minutes.**

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

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

## **ELECTION OF CHAIRMAN AND VICE CHAIRMAN**

**Mr. Bushrui made a motion to elect Mr. Hattaway as Chairman.**

**Mr. Bass seconded the motion.**

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

**Mr. Bass made a motion to elect Mr. Bushrui as Vice Chairman.**

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

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

## **ADJOURNMENT**

**Time of Adjournment was 9:05 P.M.**