

MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT JANUARY 26, 2009 MEETING 6:00 P.M.

Members Present: Dan Bushrui, Vice Chairman; Bob O'Malley, Stephen Coover, Tom O'Daniel and Mike Bass

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

Mr. Bushrui, Vice Chairman; called the meeting to order at 6:00 P.M. Mr. Bushrui then explained the method by which the meeting would be conducted, rules for voting and appealing decisions. Mr. Bushrui also stated Staff and the Applicant for Item #20 requested a continuance until March 23, 2009.

CONSENT ITEM

1. **1111 Oranole Road** – Derek Chontas, applicant; Request for a side yard (north) setback variance from 10 feet to 8.9 feet in order to enclose an existing carport in R-1AA (Single Family Dwelling) district; Located on the east side of Oranole Road approximately 400 feet north of Oranole/Wymore Road; (BV2008-127). (District 3)
Denny Gibbs, Senior Planner

Mr. Coover made a motion to approve Consent Item #1.

Mr. O'Malley seconded the motion.

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

CONTINUED ITEM

2. **1216 Brampton Place** – William Roberts, applicant; Request for a 1) rear yard setback variance from 5 feet to 3 feet for a pool and 2) a rear yard setback variance from 5 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district; Located on the west side of Brampton PI approximately 450 feet south of Heathrow Blvd; (BV2008-100). (District – 5)
Joy Williams, Planner

The applicant was not present. This item was heard later in the meeting.

PUBLIC HEARING ITEMS

3. **114 Pine Needle Lane** – Sandra & Stephen Bell, applicants; Request for a side yard (west) setback variance from 10 feet to 0 feet for a boat enclosure in R-1AAA (Single Family Dwelling) district; Located on the south side of Pine Needle Lane approximately 480 feet west of Spring Valley Road; (BV2008-115). (District - 3)

Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant constructed an approximately 288 square foot boat port that encroached 10 feet into the required 10 feet side yard setback. She further stated on October 30, 2008 the applicant received a notice of code violation for construction without a permit. She then stated the applicant received several letters of support from surrounding neighbors. She lastly stated there was no record of prior variances granted for the property.

Stephen Bell stated they were petitioning the Board of Adjustment for a variance on what he called a boat port. He further stated it was a solid wall enclosure opened on all four sides used to cover their 18 foot Jon boat. He then stated behind the fence was the most convenient place to put the boat port. He also showed the Board of Adjustment pictures from different views stating you could barely see the boat. He further stated they submitted a petition of support from some of their neighbors. He lastly showed the Board of Adjustment pictures from the neighborhood of other structures that were outside the setbacks and stated granting their variance would not set a precedent.

Shirley Martin asked the Board of Adjustment had they received her letter. She further stated Mr. Bell mentioned all the people who signed the affidavit, but they were never contacted. She then stated they had a very clear view from their house of the structure. She also stated there is a Community Association in the neighborhood and they had always tried to encourage people to stay within the code. She lastly stated that having something on the property line was an eyesore and detrimental to the neighborhood.

Stephen Bell stated Shirley Martin was right he did not ask her to sign the petition. He further stated she may be able to see the structure but it is obscured by plants, bushes and heavy foliage the majority of the year.

Mr. Bass made a motion to approve the request.

Mr. O'Malley seconded the motion.

The motion failed by a (2-3) vote. Mr. Bushrui, Mr. Coover and Mr. O'Daniel were in opposition.

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

Mr. Coover seconded the motion.

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

4. **1307 Lake Asher Circle** – Adan Alcala, applicant; Request for a front yard setback variance from 25 feet to 21 feet for an addition in R-1AA (Single Family Dwelling) district; Located on the north side of Lake Asher Circle approximately 150 feet east of Alton Drive; (BV2008-116). (District - 3)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct an approximately 136 square foot addition that would encroach 4 feet into the required 25 feet front yard setback. She further stated the one story addition would be utilized as a walk-in closet for the 2000 square foot home. She then stated there were currently no code enforcement or building violations for the property. She also stated there was no record of prior variances granted for the property.

Adan Alcala stated the houses on Lake Asher didn't have much room and the closets were very small. He further stated the addition would be very useful. He then stated he received two letters of support from his adjacent neighbors.

Mr. Coover made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

5. **561 Auburn Avenue**– Veronica & Charles Beckwith, applicants; Request for a (1) rear yard setback variance from 30 feet to 14 feet, and a (2) side yard setback variance from 7.5 feet to 5.5 feet for an existing shed in R-1 (Single Family Dwelling) district; Located on the east side of Auburn Avenue approximately 430 feet south of Clemson Drive; (BV2008-117). (District - 3)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant requested a variance for an approximately 256 square foot shed that was constructed in 2005 without a permit. She further stated the shed encroached 16 feet into the required 30 feet rear yard setback and 2 feet into the required 7.5 feet side yard setback. She then stated the applicant was issued a notice of code violation on October 22, 2008, for the un-permitted construction of the shed. She also stated the applicant submitted four letters of support from surrounding neighbors. She lastly stated there was no record of prior variances granted for the property.

Charles Beckwith stated his son built the shed so he would have some place to work. He further stated he was a disabled veteran.

Charles Beckwith Jr. stated his dad wanted a shop so he could build bird houses and things. He further stated he was from Jacksonville and had no idea of the 30 feet setback when he constructed the shed.

Veronica Beckwith stated she did not understand about the variance. She further stated she received letters of support from her neighbors.

Mr. Bass made a motion to approve the request.

Mr. O'Malley seconded the motion.

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

6. **1811 Carlton Street** – Allan Lugo, applicant; Request for a side street (west) setback variance from 25 feet to 0 feet for an existing wood privacy fence in R-1AA (Single Family Dwelling) district; Located at the corner of Carlton Street and Clemone Avenue; (BV2008-118). (District - 4)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant requested a variance for an existing wood privacy fence that encroached 25 feet into the required 25 feet side street setback. She further stated a notice of code violation was issued in November of 2008 for the un-permitted construction of the fence. She then stated there was no record of prior variances granted for the property. She also stated Traffic Engineering reviewed the request and determined the fence did not cause any line of sight issues.

Allen Lugo stated he was requesting to keep the fence. He further stated he did not know a permit was needed until he was told. He then stated he was going through the process to make the fence legal.

Mrs. Lugo stated they just wanted to have a safe place for their daughter to play.

Mr. Coover made a motion to approve the request.

Mr. O'Daniel seconded the request.

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

7. **785 St. Johns River Drive** – Mark Robertson, applicant; Request for a side street setback variance from 25 feet to 8.5 feet for a privacy fence in PUD (Planned Unit Development) district; Located on the east side of St. Johns River Drive approximately 400 feet north of Monroe Harbor Place; (BV2008-119). (District- 5)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant constructed a 6 foot privacy fence that encroached 16.5 feet into the required 25 feet side street setback. She further stated there were currently no code enforcement or building violations for the property. She then stated there was no record of prior variances granted for the property. She also stated Traffic Engineering reviewed the request and determined the fence did not cause any line of sight issues.

Mark Robertson stated he received verbal approval from his Homeowner's Association and he was working on getting written approval. He then showed the Board of Adjustment pictures taken from several different angles of the existing fence.

Bonnie Bernido stated the pictures showed there was no line of vision issues. She further stated they had a petition of support from the neighbors.

Mr. Bass made a motion to approve the request subject to written approval from the Homeowner's Association.

Mr. Coover seconded the motion.

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

8. **1420 W Marvin Street** – Catherine Ponsell, applicant; Request for a side street (west) setback variance from 25 feet to 0 feet for an existing privacy fence in R-1AA (Single Family Dwelling) district; Located at the intersection of W Marvin Street and Virginia Avenue; (BV2008-121). (District- 4)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant requested a side street setback variance for an existing privacy fence that encroached 25 feet into the required 25 feet side street setback. She further stated a notice of code violation was issued on December 2, 2008 for the unpermitted construction of the fence when the applicant replaced boards on the existing fence. She then stated there was no record of prior variances granted for the property. She also stated Traffic Engineering reviewed the request and determined the fence did not cause any line of sight issues.

Catherine Ponsell stated she had pictures of the existing fence, which she showed to the Board of Adjustment and stated there was no intersection where the fence was located. She further stated there was no impediment of view anywhere. She then stated if the fence was not there you would be able to look directly into her den which would be a security issue. She also stated she moved into the home in 2001 and the fence according to her neighbors was there for 15 years. She further stated after replacing rotten boards she found out she needed a permit to replace them.

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

Mr. O'Daniel seconded the motion.

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

9. **422 Devon Place** – Scott Ryan, applicant; Request for a (1) rear yard setback variance from 10 feet to 5 feet for a pool, and a (2) rear yard setback variance from 5 feet to 7 inches for a pool screen enclosure in PUD (Planned Unit Development) district; Located on the south side of Devon Place approximately 150 feet south of Glencrest Drive; (BV2008-122). (District - 5)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to replace an existing pool and pool screen enclosure. She further stated the proposed pool would encroach 5 feet into the required 10 feet rear yard setback and the proposed screen enclosure would encroach 7 inches into the required 5 feet rear yard setback. She then stated there were currently no code enforcement or building violations for the property. She also stated there was no record of prior variances granted for the property.

Kelly Ryan stated they had a sink hole at their home and through the grouting process the pool was ruined. She further stated they wanted to replace the existing pool with a new one in the same place. She then stated all the neighbors had a pool on the golf course and their pool would fall right in line with the others. She also stated there were no homes behind them.

Mr. Coover made a motion to approve the request.

Mr. Bass seconded the motion.

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

10. **1381 Oxford Road** – Samuel Stewart, applicant; Request for a side street (north) setback variance from 25 feet to 0 feet for a privacy fence in R-1AA (Single Family Dwelling) district; Located at the intersection of Oxford Road and Hunterfield Road; (BV2008-128). (District- 4)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to construct a 6 foot privacy fence that would encroach 25 feet into the required 25 feet side street setback. She further stated there were currently no code enforcement or building violations for the property. She then stated there was no record of prior variances granted for the property. She also stated Traffic Engineering reviewed the request and determined the fence did not cause any line of sight issues.

Samuel Stewart stated he received a letter of approval from the President of the Homeowner's Association. He further stated the President agreed that he should

be able to put the proposed wooden privacy fence where the chain link fence had been for 43 years. He then showed the Board of Adjustment pictures of other homes on corner lots that had fences in the same place he wanted his fence, stating that was the trend in the neighborhood. He also stated he talked to nearby neighbors and no one objected to the fence.

Mr. Coover made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

11. **626 Barbuda Way** – Mario Enamorado, applicant; Request for a side yard (south) setback variance from 7.5 feet to 4 feet for an existing carport in R-1 (Single Family Dwelling) district; Located on the west side of Barbuda Way approximately 750 feet north of Hillview Drive; (BV2008-112). (District 3)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant constructed a carport on the south side of the existing house that encroached 3 feet into the required 7.5 feet side yard setback. She further stated a notice of code violation for un-permitted construction was issued September 2008. She then stated a building permit was under review for the addition and subject to the approval of the variance request. She also stated there was no record of prior variances granted for the property.

Mario Enamorado stated three months ago he put a new roof on his house and extended out the roof for the carport. He further stated his neighbor was all right with the carport.

Mr. Bass made a motion to approve the request.

Mr. Coover seconded the motion.

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

12. **3504 West Lina Lane** – Jesus Montanez, applicant; Request for a rear yard setback variance from 30 feet to 26.5 feet for a proposed single story family room addition in R-1A (Single Family Dwelling) district; Located on the south side of West Lina Lane approximately 450 feet west of Bear Lake Road; (BV2008-113). (District 3)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a one story addition at the rear of the existing home that would encroach 3.5 feet into the required 30 feet rear yard setback. She further stated the existing house was built in 1970 and became non-conforming for the rear yard setback when the requirement for the rear yard setback in R-1A

changed from 20 feet to 30 feet in September of 1970. She then stated there were currently no code enforcement or building violations for the property. She also stated there was no record of prior variances granted for the property.

Jesus Montanez stated he had been trying to build the proposed addition for many months and the only problem that was holding his permit was he didn't have enough footage from the back wall of the house to the fence. He further stated when he moved in the house there was an enclosed porch that was 25 feet from the fence. He then stated his proposed addition was lacking 3.5 feet according to the setback requirements. He also stated he had support letters from his adjacent neighbors.

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

Mr. Bass seconded the motion.

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

13. **125 Shirley Avenue** – Michael Scivally, applicant; Request for a front yard setback variance from 25 feet to 13 feet for a new single family home in R-1AA (Single Family Dwelling) district; Located on the east side of Shirley Avenue approximately 600 feet north of East 2nd Street; (BV2008-123). (District 5)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a new two story 3,500 square foot single family home that would encroach 12 feet into the required 25 feet front yard setback. She further stated the existing home that also encroached into the front setback would be demolished. She then stated the new home would be built around an existing pool and pool deck. She also stated there were currently no code enforcement or building violation for the property. She lastly stated there was no record of prior variances granted for the property.

Michael Scivally stated he represented John Hunter the owner of the property. He further stated they submitted a plat plan showing the existing house facing Shirley Avenue and they were asking for 13 feet for the proposed new house. He then stated they wanted to protect the existing pool and large palm trees surrounding the property.

Mr. Coover made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

14. **3067 Cecelia Drive** – Ron & Natalia Shaw, applicant; Request for a side yard (north) setback variance from 10 feet to 5 feet for a boat dock in R-1AA (Single

Family Dwelling) district; Located on the east side of Cecelia Drive approximately 900 feet east of Balmy Beach Drive; (BV2008-124). (District 3)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a replacement boat dock that would encroach 22 feet into the required 30 feet rear yard setback. She further stated the new dock would be approximately 805 square feet. She then stated there were currently no code enforcement or building violations for the property. She also stated there was no record of prior variances granted for the property.

Sheila Cichra stated she was the contractor for the property owners. She further stated they would be replacing an old ugly enclosed boat dock with a new boat dock with open walls that would encroach into the setback. She then stated the neighbors didn't object to the new boat dock.

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

Mr. O'Daniel seconded the motion.

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

15. **937 Millshore Drive** – James Bedont, applicant; Request for a rear yard setback variance from 30 feet to 8 feet for a proposed one-story garage in R-1A (Single Family Dwelling) district; Located on the west side of Millshore Drive approximately 200 feet east of Tropical Avenue; (BV2008-125). (District 1)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant proposed to construct a one story detached garage that would encroach 22 feet into the required 30 feet rear yard setback. She further stated the driveway would be extended along the side of the existing garage to provide access to the new garage. She then stated there were currently no code enforcement or building violations on the property. She also stated there was no record of prior variances granted for the property. She lastly stated the applicant submitted a list of neighbors he spoke to regarding the proposed garage.

James Bedont stated the purpose of the garage was to secure their personal belongings because in the past they had some things stolen due to some theft in the neighborhood. He further stated the reason he wanted to put the proposed garage in the back was he needed a way to put the boat and trailer in the garage. He then showed the Board of Adjustment pictures with balloons representing the location of the proposed garage stating the garage would not block his neighbors view. He also showed an existing garage in his neighborhood that was approved by the Board of Adjustment.

Mr. Coover made a motion to approve the request.

Mr. O'Daniel seconded the motion.

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

16. **5650 Orange Boulevard** – John Booker, applicant; Request for a front yard setback variance from 50 feet to 10 feet for a aquarium/fountain display in A-1 (Agriculture) district; Located on the northwest corner of the intersection of Orange Boulevard and SR 46; (BV2008-120). (District 5)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that applicant constructed an aquarium/fountain display that encroached 40 feet into the 50 feet front yard setback. She further stated the actual structure was permitted and did not require a permit but the location required a variance. She then stated in 1985 a special exception was approved allowing retail sales. She also stated the site currently operated a nursery with retail sales of planting and landscaping materials. She lastly stated there were no line of sight issues related to the structure.

John Booker stated he was the owner of Fairfield Farms Landscape Design Company. He further stated they were currently growing fish on the property and planning some educational projects along with the Landscaping portion of the business on the property.

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

Mr. O'Malley seconded the motion.

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

17. **2201 Peninsular Court** – James Palmer, applicant; Request for a rear yard setback variance from 30 feet to 20 feet for a proposed tiki bar and height variance from 6 ½ feet to 12 feet for columns for an iron fence in R-1AA (Single Family Dwelling District); Located at the end of Peninsular Court approximately 300 feet east of West Lake Brantley Drive; (BV2008-126).(District 3)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to construct an open tiki bar approximately 325 square feet that would encroach 10 feet into the required 30 feet rear yard setback. She further stated the applicant also proposed to construct 12 foot high columns as part of an open iron fence located at the front yard driveway. She then stated in 2006 there was a height variance granted to the single family home and in 2007 a rear yard setback variance granted for a pool.

Jim Palmer stated they appeared previously before the Board of Adjustment regarding the pool in the back yard and to his understanding the cabana was shown on the original plans that were submitted, and he thought it was approved

at the time of the pool, but it wasn't. He further stated as with the columns the 12 feet would only be at the opening of the gate the other columns would be 6 feet. He then stated the house was on four lots and there were no neighbors in the back.

Mr. Coover made a motion to approve the request.

Mr. O'Malley seconded the motion.

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

CONTINUED ITEM

2. **1216 Brampton Place** – William Roberts, applicant; Request for a 1) rear yard setback variance from 5 feet to 3 feet for a pool and 2) a rear yard setback variance from 5 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district; Located on the west side of Brampton PI approximately 450 feet south of Heathrow Blvd; (BV2008-100). (District - 5)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated that applicant proposed to construct a pool and pool screen enclosure; the pool would encroach 2 feet and the screen enclosure would encroach 5 feet into the required 5 feet rear yard setback. She further stated in May of 1991 the property was approved for a rear yard setback variance from 20 feet to 16 feet. She then stated there were currently no code enforcement or building violations for the property.

The applicant was not present.

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

Mr. O'Daniel seconded the motion.

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

SPECIAL EXCEPTIONS

18. **1875 North Division Street** – George Martin, applicant; Request for a special exception for riding lessons in the A-5 (Rural Zoning) district; Located on the east side of Division Street approximately 500 feet south of Howard Avenue; (BS2008-12). (District 2)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to offer riding and training lessons to existing horse boarders and the public. She further stated the applicant currently boards horses and operated a

plant nursery on the 19.4 acres in which both are permitted uses in the A-5 zoning district. She then stated the applicant also proposed to offer an average of seven (7) lessons per day, with Saturdays being their busiest day. She also stated the proposed hours would be from dawn to dusk, Monday through Saturday. She further stated the proposed use would not have any potential impacts that would be adverse to the adjacent uses and in part demonstrates consistency with the trend of nearby and adjacent development in the area. She lastly stated staff recommended approval of request based upon the following conditions:

- Riding lessons shall occur between daylight hours or dawn to dusk
- There would be no lighting on the property associated with the riding lessons
- There shall be no outdoor amplification of sound
- There shall be no competitions permitted except by a special event permit
- There would be an average of seven (7) lessons a day given, Monday through Saturday
- The general layout of the proposed uses as depicted on the master plan shall not change
- No building shall be increased more than 10% without Board of Adjustment approval
- Prior to the issuance of development permits, a site plan that meets the requirements of all other applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee

Nicole Vanhook stated she was with Winderweede, Haines, Ward & Woodman, Attorneys at Law representing the applicant George Martin. She further stated Mr. Martin had an opportunity to review Staff's recommendation of approval from the staff report and agreed with everything in the report. She then stated just to make the Board of Adjustment aware of a couple of things about the property; the parcel immediately to the North of the property was used for citrus groves, the parcel to the East was vacant undeveloped swamp land, to the South pastures and to the West citrus groves, therefore there was no immediate residential uses. She also stated the current property was supported by a 6240 square feet enclosed barn that would stall 19 horses, and there was currently an additional 16 panel pens outside that were uncovered. She further stated there were 2 fenced arenas for working the horses and 4 fenced paddocks for horse turnout during the day or night. She then stated there was one large fenced pasture for grazing and a minimum of 19 spaces for parking. She also stated the owner would continue to train and board horses all they proposed to do was provide horse lessons. She lastly stated they requested the Board of Adjustment grant the Special Exception for the proposed use.

Robert King stated he was a neighbor at the meeting to support the process and the request. He further stated the applicant agreed to try and be a good neighbor. He then stated there were some serious noise and traffic problems already in their neighborhood created by commercial uses that did not go through

the special exception process. He also stated when the proposed operation was completed and opened for business Staff would have to find a way to monitor to make sure the applicant complies with the conditions.

Mr. Bass made a motion to approve the request per Staff's recommendations.

Mr. O'Daniel seconded the motion.

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

19. **4500 Orange Boulevard** – Lauralee Westin, Esquire, applicant; Request for a special exception for a 150' monopole communication tower in the M-1 (Industrial Zoning) district; Located on the north side of Orange Boulevard approximately 1100 feet west of Kastner Place; (BS2008-17). (District 1)
Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to construct a 150 foot monopole communication tower in the M-1 zoning district. She further stated the subject property is owned by Good Commercial Holdings, LLC and had warehouse/industrial related uses existing on the property and the applicant proposed to lease a portion of the subject property in order to construct a 150 foot monopole communication tower and its associated facilities. She then stated based on the submitted maps, reports and supporting documentation, the applicants had demonstrated a need to expand AT&T's wireless service area by establishing a communication tower in the general vicinity of the subject property. She also stated the applicants had further indicated that all collocation opportunities had been explored and deemed unacceptable for meeting AT&T's capacity goals and the provision of homogeneous service across its network. She further stated the proposed monopole communication tower would have the capacity to accommodate four carriers including AT&T. She then stated that a couple of years ago it had been determined there was a coverage area deficiency in this proposed area. She lastly stated staff recommended approval of the request based on the following conditions:

- The proposed tower shall not exceed 150 feet, as verified by a Radio Frequency Engineer to be the minimum height needed to further AT&T's immediate wireless communication goals in the area
- Any improvements and/or additions to the proposed tower shall be submitted for approval to the County
- No commercial signage or advertising shall be permitted on the proposed tower unless otherwise required by law
- The proposed tower shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration
- The monopole tower shall have the capacity to accommodate four (4) carriers

- A listed species survey shall be provided prior to final engineering approval
- Prior to the final development order approval an application for full concurrency management shall be provided

Laura Lee Westin stated she represented AT&T and she had with her David Bogard an AT&T Engineer. She further stated they agreed with the staff report and staff recommendation of approval. She then stated the proposed site was zoned M-1 with an Industrial Land Use. She also stated they not only met the code requirements, in most cases they exceeded them. She lastly stated they almost doubled the residential separation requirements.

Mr. O'Daniel made a motion to approve the request per Staff's recommendations.

Mr. O'Malley seconded the motion.

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

20. **5700 S. Sylvan Lake Drive** – Primrose School – Sanford; Steve Merrick, Interplan, LLC, applicant; Request for a Special Exception to establish a child care center in A-1 (Agriculture) district; Located on the northwest corner of S. Sylvan Lake Drive and Orange Blvd.; (BS2008-18). (District 5)
Denny Gibbs, Senior Planner

This item was continued until the March 23, 2009 Meeting.

APPROVAL DECEMBER 1, 2008 MEETING MINUTES

Mr. Coover made a motion to approve the December 1, 2009 Minutes.

Mr. O'Malley seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 7:45 P.M.