

MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT FEBRUARY 22, 2010 MEETING 6:00 P.M.

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

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

Mr. Hattaway 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. **450 Winding Creek Place** – Leigh Beyer, applicant; Request for a 1) rear yard setback variance from 10 feet to 2 feet for a pool, and a 2) rear yard setback variance from 5 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district; Located on the north side of Winding Creek Place approximately 300 feet west of Sabal Palm Drive; (BV2009-117). (District-3)
Joy Williams, Planner

Denny Gibbs introduced the location of the property and stated this item was continued from the January 25, 2010 Board of Adjustment meeting in order for the applicant to provide approval from their Architectural Review Board, which has been submitted. She further stated the applicant proposed to expand an existing pool that would encroach 8 feet into the required 10 feet rear yard setback, and the screen enclosure would encroach 5 feet into the required 5 feet rear yard setback.

Leigh Beyer stated she was representing the homeowners. She further stated they received and submitted approval from the Architectural Review Board. She then stated when they last met with the Board of Adjustment they had not obtained approval from the Architectural Review Board.

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

Mr. Bushrui seconded the motion.

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

2. **232 Jungle Road** – Kathy Hattaway, applicant; Request for a special exception for a Bed and Breakfast in A-5 (Rural zoning) district; Located on the west side of Jungle Road approximately 600 feet north of Fort Lane Road; (BS2009-20). (District 2)

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated the applicant proposed to use an existing guest house as a Bed and Breakfast and to offer social gatherings, including weddings to the overnight guests which would be a customary accessory use. She further stated the Land Development Code, by definition, allows no more than three (3) guestrooms on premise. She then stated the remainder of the building included a game room, laundry room, office and an open airplane hanger/garage. She also stated there would be no employees associated with the Bed and Breakfast, as the property owners would be the caretakers. She further stated the A-5 zoning classification permitted Bed and Breakfast establishments by special exception, when located adjacent to a Seminole County Trail System. She then stated the property consisted of approximately fifteen (15) acres which included a single family home and the existing guest house. She also stated the applicant did a lot reconfiguration which made all the parcels legally one parcel of land. She lastly stated staff recommended approval of the special exception request based upon the following conditions:

- The Special Exception granted will allow the accessory use of a Bed and Breakfast, as defined by the Land Development Code. Weddings and parties associated with the use of a Bed and Breakfast are permitted when hosted by the overnight guests of the Bed and Breakfast
- Social gatherings hosted by the overnight guests of the Bed and Breakfast, such as weddings and parties, shall not exceed more than forty (40) people onsite, including event staff
- There shall be no more than three (3) guest rooms in which the length of stay may range from one (1) day to three (3) months (seasonal)
- There will be no outdoor amplification of sound unless the appropriate permit is obtained from the County
- No outdoor lighting except for typical residential security lighting
- The general layout of the proposed uses as depicted on the site plan shall not change
- 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
- The Special Exception granted shall expire one (1) year after approval unless a development permit based upon and incorporating the special

exception is obtained within the one (1) year period. One six (6) month extension may be granted by the Board of Adjustment

Kathy Hattaway stated she was with HCI representing the applicant, Mr. Dan Shaw, who was available to answer any questions the Board of Adjustment might have. She further stated Mr. Shaw was requesting to convert his guest house to a bed and breakfast use. She then stated they were in agreement with the staff report and all the proposed conditions. She also stated they had been working with staff for over six (6) months on the application package and three members of the County Staff came out and had a tour of the property. She further stated Mr. Shaw had made himself and his property available to the community for any questions about the proposed bed and breakfast use. She then stated there had been two (2) community meetings at Mr. Shaw's property giving people an opportunity to tour the guest house and ask any questions they may have had. She also introduced into the record a petition of support with 35 signatures of residences within a quarter mile of Mr. Shaw's property. She lastly requested the Board of Adjustment approval of the special exception for the Bed and Breakfast use and asked for some time at the end if necessary to address any issues that may come up.

Joe Pires stated he was a residence of the Southerland Strip Association and that the Association had been given every opportunity to learn about the request and ask any questions. He further stated there had been some erroneous information distributed that suggested a bed and breakfast was not an appropriate use under the Association Subdivision rules. He then stated at their last annual meeting it was determined that they added language to specify that a bed and breakfast was considered as a residential use and it passed unanimously.

Rocky Harrelson stated he was the Vice President of an organization called The Rural Heritage Center and they were planning on having folks come in to entertain and educate the community but they didn't have anywhere to house the people. He further stated Mr. Shaw's Bed and Breakfast would be an ideal location because it was within two miles of the Heritage Center. He then stated they had approached Mr. Shaw about the possibility of allowing them at a reduced rate or even as a contribution because they were a non-profit organization to have their guests stay at the bed and breakfast. He also stated Mr. Shaw had been very generous and offered his bed and breakfast facility, and they were in support of his request.

Christopher Stapleton stated he was the President and Founder of the Rural Heritage Center. He further stated he worked for UCF and one of the things they did was invite researchers from other countries and states to visit Geneva because it was such a unique community in the State. He then stated there was

really no place for them to stay that was of the rural character and culture of Geneva. He also stated having more opportunities for bed and breakfasts was extremely appropriate and needed in the area.

Philip Kaprow stated he was an Attorney representing several citizens in the area and within a quarter mile of the proposed bed and breakfast that objected to the nature of the special exception request. He then stated he had a packet for each Board of Adjustment Member, which was given to them. After that he referred to the five requirements from the County website for special exceptions and stated some of them were a concern to him and the citizens he represented: that it is not detrimental to the character of the neighborhood or consistency with the trend of development in the area. He further stated the seventy eight people that signed the petition thought the bed and breakfast would be detrimental to the character of the area. He then stated there is a fine line between Mr. Shaw, the individual and the Association as a whole, they are interrelated because Mr. Shaw is a participant in the organization. He also stated the airstrip which came from the Strip Association is now considered as part of the property and when you look at the traffic pattern coming into the property it would be more than just vehicles it would also be planes. After that he referred to several web sites already advertising and identifying the property as a unique destination Inn without the special exception in place. He further stated he understood the Board of Adjustment wanted to keep the flight issue separate from the bed and breakfast application but the Board had to look at the impact of travel means to get to the bed and breakfast. He then stated he recommended that the Board consider the effect the request would have on the neighbors in the community. He lastly stated the Board could not simply extricate the flight issue from the bed and breakfast request.

Debbie Smith stated she lived south of the air strip and the planes came in over her house so she knew what the effects would be. She stated they moved to Geneva because of the country setting which allowed them to have horses. She further stated Jungle Road would be the access road for any events held at Mr. Shaw's property. She then stated she would prefer that Geneva remained a country community and leave the hotels and bed and breakfasts to the City or keep them on main thoroughfares where they would not intrude on the privacy and safety of the community.

Cynthia Luedke stated she lived less than a mile from the subject property. She then stated her concern would be when they had weddings and other events would there be a liquor license involved and what would protect the safety of the people in the community. She further stated they moved out there for the rural enjoyment of the lake front property and the proposed project would affect the quiet enjoyment of the community. She lastly stated there was an event on December 5, and you could hear the fireworks and music all day and to say the

proposed project would not affect the surrounding neighbors that lived in the community would be false.

Kathy Hattaway with HCI stated there were a number of representatives at the meeting that could give the Board of Adjustment any details in regards to how the flights were regulated within the Association. She further stated any visitor of anyone that lived within the Association had the right to utilize the air strip. She then stated in regards to traffic from the events staff had limited the number of people that could attend to max out at 40. She also stated the request was for a three room bed and breakfast, not a hotel or motel and the rooms would not be utilized very often. She further stated that of those people who would utilize the rooms only a small percent would have an event associated with their stay. She then stated in terms of privacy and safety the area was in an extremely secluded location and no residents in that area would have any direct impact. She also stated Mr. Shaw had no intent on obtaining a liquor license. She further stated the December 5, event was a large event that had been held in the community for a number of years and there were not any fireworks. She then stated Mr. Shaw did set up a web site when he was beginning to get interest from people wanting to stay at his guest house, but once he realized he needed to apply for the special exception and get proper permits, he took the web site down. She lastly stated he has never charged anyone to stay on his property and until the proper permits for the bed and breakfast use are allowed, he would not charge anyone.

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

Mr. Coover seconded the motion.

The motion passed by (4-0) vote. Mr. Hattaway did not vote on this item.

3. **350 Lake Hayes Road** – Lauralee G. Westin, Esq., applicant; Request for a special exception for a 150 foot monopole communication tower and its associated residential variances, as listed in the following table, in R-1AA (Single Family Dwelling); Located on the north side of Lake Hayes Road approximately 800 feet east of Alafaya Trail; (BS2009-22 & BV2009-122).
(District 1)
Kathy Fall, Principal Planner

No.	Parcel Number	Owners Name	Required Setback	Actual Setback	Variance Requested
1	27-21-31-520-0000-0120	Fernandez Teresa Trustee	450'	390'	60'
2	27-21-31-520-0000-0110	Bruce & Deborah A. Taylor	450'	400'	50'
3	27-21-31-520-0000-0100	Dean & Darlene Nogle	450'	395'	55'
4	27-21-31-520-0000-0090	Victor Guasp	450'	420'	30'
5	27-21-31-520-0000-0080	Robin Kossow	450'	450'	less than 1'
6	27-21-31-520-0000-0130	Doug Herrold Trustee	450'	300'	150'
7	27-21-31-520-0000-0140	Clayton & Lauren Rasberry	450'	230'	220'
8	27-21-31-520-0000-0150	C. Baumann & A. Geisler	450'	190'	260'
9	27-21-31-520-0000-0160	Jesse B. Hammen	450'	215'	235'
10	27-21-31-520-0000-0170	Harrison & Joan Parker	450'	260'	190'
11	27-21-31-520-0000-0180	Wilhelm & Emilija Pirnasch	450'	320'	130'
12	27-21-31-520-0000-0190	C. Bershah & V. Bowman	450'	385'	65'
13	27-21-31-300-0120-0000	Chapman Groves HOA Inc.	450'	220'	230'
14	27-21-31-512-0000-0620	Anthony & Jodi Dubois	450'	195'	255'
15	27-21-31-512-0000-0610	Mark & Maria Fredeman	450'	210'	240'
16	27-21-31-512-0000-0600	Donald & Cheryl Meis	450'	260'	190'
17	27-21-31-512-0000-0590	Philippus & Celeste Van Staden	450'	305'	145'
18	27-21-31-512-0000-0580	Cynthia Kelker	450'	370'	80'
19	27-21-31-512-0000-0570	Matthew & Jennifer Parcell	450'	435'	15'
20	27-21-31-512-0000-0630	Judy & Rory Elmore	450'	205'	245'
21	27-21-31-512-0000-0640	Constantine & Lisa Fotiadis	450'	270'	180'
22	27-21-31-512-0F00-0000	Landstar Development Corp.	450'	310'	140'
23	27-21-31-512-0C00-0000	Chapman Groves HOA Inc.	450'	350'	100'
24	27-21-31-512-0000-0650	David Yong	450'	355'	95'
25	27-21-31-512-0000-0660	Michael & Marcus & Plaridel Posis	450'	370'	80'
26	27-21-31-512-0000-0670	John & Susan Tucciarone	450'	395'	55'
27	27-21-31-512-0000-0460	Dan & Misty Welsh	450'	460'	less than 1'
28	27-21-31-512-0000-0680	Allen & Taeil Abrahams	450'	455'	less than 1'
29	27-21-31-516-0B00-0000	Canterbury Cove HOA Inc.	450'	270'	180'
30	27-21-31-516-0F00-0000	West Central Properties Inc.	450'	295'	255'
31	27-21-31-516-0A00-0000	Canterbury Cove HOA Inc.	450'	345'	105'
32	27-21-31-516-0000-0450	Sharon Letalon	450'	390'	60'
33	27-21-31-516-0000-0460	Eulalee Johnson	450'	425'	25'
34	27-21-31-516-0000-0420	Sheila Eckmann	450'	440'	10'
35	27-21-31-516-0D00-0000	Canterbury Cove HOA Inc.	450'	430'	20'
36	27-21-31-516-0000-0440	Jose Gomez	450'	355'	95'
37	27-21-31-516-0000-0430	David & Tracy Barwick	450'	385'	65'

Kathy Fall introduced the location of the property and stated the applicant proposed to construct a 150 foot monopole communication tower. She further stated the subject property was an electrical substation owned by Florida Power Corporation and the applicant proposed to lease a portion of the subject property in order to construct the 150 foot monopole and its associated facilities. She then stated communications towers required 300 percent of the proposed tower height (or $150 \text{ feet} \times 3 = 450 \text{ feet}$) from the property assigned a single family zoning classification, land use designation or with an existing residential use.

She also stated the distance is measured from the base of the proposed tower to the residential property line. She further stated the proposed tower was within 450 feet of thirty-seven properties with the closest property to the tower being approximately 190 feet from the base of the tower. She then stated people are no longer using their land line as the primary phone, but they are using their cell phones as the primary. She also stated based on the submitted maps, reports and supporting documentation, the applicant had demonstrated a need to expand T-Mobile's wireless service area by establishing a communication tower in the general vicinity of the subject property. She further stated the applicant indicated that all co-location opportunities had been explored and deemed unacceptable for meeting T-Mobile's capacity goals and the provision of homogenous service across its network. She lastly stated staff recommended approval of the special exception request based upon the following conditions:

- The proposed tower shall not exceed 150 feet
- 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 a minimum of 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
- 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
- The special exception granted shall expire one (1) year after approval unless a development permit based upon and incorporating the special exception is obtained within the one (1) year period. One six (6) month extension may be granted by the Board of Adjustment

Lauralee Westine stated she was speaking on behalf of Progress Energy, PTAN and she had with her Dan Babilla a Radio Frequency Engineer and Brad Fuller, a representative of PTAN and Progress Energy. She further stated they were proposing a 150 foot monopole and related facilities on a parcel owned by Florida Power Corporation that currently had a 170 foot pole with two antenna rays on it. She then stated the proposed tower would accommodate the growing need of cell towers and would be compatible to what was already on the site. She also stated the impact would be minimal. She further stated the tower would not be lighted and it would be surrounded by an 8 foot fence and the required landscaping buffers as required by Code. She then stated they did not object to

any of staff's conditions. She also stated she would like Mr. Fuller and her Engineer to testify to some facts.

Brad Fuller stated his name.

She asked him who did he work for.

He stated PTAN a division of Progress Energy.

She asked were there currently two antenna rays located on the Lake Hayes site.

He stated yes there were.

She asked him to tell the Board of Adjustment how the subject location was determined.

He stated the Progress Energy Substation people determined the locations by looking at future plans of proposed expansions and different criteria when making their determinations.

She asked did he host a community meeting.

He stated yes.

She asked did he send out notices within 450 feet of the proposed location.

He stated yes, 81 notices were sent.

She asked did he have anyone attend.

He stated no one showed up.

She then asked her Engineer his name.

Dan Babilla stated he was a Radio Frequency Engineer with T-Mobile with 22 years of experience.

She asked had he had the opportunity to review the site.

He stated yes.

She asked was there a need for coverage in the area.

He stated yes there was.

She asked was that need at the height of 150 feet for the tower.

He stated yes.

She further stated an inter-modular performance study determined there would be no interference with any other towers. She then stated since the application was submitted, Clear Wire and Metro PCS had asked to co-locate on the tower. She lastly asked for the Board of Adjustment approval of the tower and showed them a picture of the proposed 150 foot monopole tower.

Mr. Hattaway referred to the landscaping and the location of the canopy trees and suggested they changed the location of the landscaping and put it on Lake Hayes Road around the perimeter of the site.

Lauralee Westine suggested that the Planning Manager be allowed to make the decision about the location of the landscaping.

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

Mr. O'Malley seconded the motion.

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

PUBLIC HEARINGS:

4. **1675 Jackson Street** – Lloyd and Terry Mattingly, applicant; Request for a front yard (east) setback variance from 25 feet to 10 feet for an existing garage in R-1AA (Single Family Dwelling) district; Located on the southwest at the end of Jackson Street approximately 450 feet east of Bodie Avenue; (BV2010-03). (District 4)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated the applicant requested a front yard setback variance for an existing garage. She further stated the garage was issued a building permit in 2008 but due to unusual lot issues, was mistakenly given a 10 feet setback on the east side as if it was a side yard. She then stated upon submitting a recent building permit for a pool, this error was discovered. She also stated contributing to the confusion, in 1990 a portion of Jackson Street and Brassie Drive rights of ways adjacent to the property were vacated which made the Jackson Street side appear as a front yard and likely led to the confusion at permitting for the garage where the front yard orientation was changed. She lastly stated the request satisfied the criteria for granting a variance and staff recommended approval of the request.

Lloyd Mattingly stated staff had been very helpful explaining the whole situation and he really appreciated it. He further stated they were hoping to put in a pool and they had always considered the area a side yard.

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:

5. **4185 West Lake Mary Blvd** – Heather Ramos, applicant; Request for a special exception for a packaged liquor store in PUD (Planned Unit Development) district; Located on the south side of Lake Mary Blvd approximately 700 feet west of Greenwood Blvd; (BS2010-01). (District 4)
Denny Gibbs, Senior Planner

Denny Gibbs introduced the location of the property and stated Publix proposed to open a package liquor store in the Lake Mary Collection Shopping Center which was part of the ETOR PUD. She further stated the liquor store proposed location was an existing retail unit adjacent to the existing Publix Supermarket. She then stated the Publix grocery store currently sold beer and wine, but to sell liquor, State Law required a separate entrance; therefore, they were proposing a separate storefront adjacent to the grocery store. She also stated staff recommended approval of the special exception with the following conditions:

- The Special Exception granted is for a package liquor store within Space 3 in the Lake Mary Collection Shopping Center
- The unit shall not be increased more than 10% in square footage without Board of Adjustment approval
- The sale of alcoholic beverage will be for off-premise consumption
- Hours of operation: Monday through Saturday 10:00 A.M. to 10:00 P.M.
Sunday 11:00 A.M. to 9:00 P.M.

Heather Ramos stated she was an Attorney with Gray/Robinson representing Publix. She further stated she had with her Geoff Pett, the Manager of Leasing and Development for Publix. She then stated they agreed with staff's conditions of approval.

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

Mr. O'Daniel seconded the motion.

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

6. **140 Wekiva Springs Road** – T-Mobile, applicant; Request for a special exception for a 130' Flagpole Communication Tower and associated variances (listed below) from properties with a single-family land use and/or zoning classification in PUD (Planned Unit Development) district; Located on the north side of Wekiva Springs Road approximately 1200 feet north of West State Road 434; (BS2009-15 & BV2010 04). (District 3)
Kathy Fall, Principal Planner

	Parcel #	Required Setback	Actual Setback	Variance Required
1	03-21-29-300-009M-0000	390'	189'	201'
2	03-21-29-300-009E-0000	390'	208'	182'
3	03-21-29-300-008P-0000	390'	296'	94'

Kathy Fall introduced the location of the property and stated the applicant proposed to construct a 130 foot flagpole communication tower in an existing office complex in the Sable Point PUD. She then stated the applicant indicated the proposed location was 189 feet from the historical remnant of R-3 zoning over three parcels of land that had been developed as commercial uses. She also stated the remnant was currently developed as driveways to two office complexes and a restaurant. She further stated based on the submitted site plan, the proposed communication tower did not meet the 390 feet minimum separation distance from residential uses therefore there were three variances requested. She then stated based on the submitted maps, reports and supporting documentation, the applicant had demonstrated a need to expand T-Mobile wireless service area by establishing a communication tower in the general vicinity of the subject property. She also stated the applicant indicated that all co-location opportunities had been explored and deemed unacceptable for meeting T-Mobile's capacity goals and the provision of homogeneous service across its network. She lastly stated staff recommended approval of the special exception request based upon the following conditions:

- The proposed tower shall not exceed 130 feet
- 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 flagpole tower shall have a minimum of three(3) carriers
- Antenna and lines must be installed inside the flagpole and no extensions shall be permitted unless approved by the Planning Manager

- 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
- 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
- The special exception granted shall expire one (1) year after approval unless a development permit based upon and incorporating the special exception is obtained within the one (1) year period. One six (6) month extension may be granted by the Board of Adjustment
- Landscaping to be determined by the Planning Manager at Site Plan

Lauralee Westine stated she was speaking on behalf of T-Mobile, and she had with her Dan Babilla and Sheryl Denan. She further stated they were proposing to construct a 130 foot flagpole tower with a fenced compound area on the western side of the existing commercial building. She then showed the Board a picture of the proposed flagpole tower and stated the flagpole would have the ability to support three additional telecommunication carriers. She also stated she was before the Board with a recommendation of approval and they had reviewed the conditions and had no objections. She further stated the variances they were requesting were residential, but there was nothing residential there; what was there was a driveway and entrance way. She then stated they notified everyone and did go through the proper variance procedure. She also stated the proposed flagpole tower would be visually appealing and unobtrusive. She further stated they had followed all rules and met all code provisions and also located the tower in an area that was compatible with the surrounding adjacent properties. She then asked Mr. Babilla to come up to the podium.

Dan Babilla stated his name and that he was a Radio Frequency Engineer for T-Mobile.

She asked had he had the opportunity to review the site in question.

He stated yes.

She asked was there a need for coverage in this area.

He stated yes there was.

She asked was that need for a height of 130 feet.

He stated yes it was.

She asked were there any other antennas in the area that T-Mobile could co-locate on.

He stated no.

She told him thank you and lastly asked for the Board of Adjustment's support on the request.

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

Mr. O'Daniel seconded the motion.

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

7. **1010 Bear Lake Road** – T-Mobile, applicant; Request for a special exception for a 120' Monocross Communication Tower and associated variances (listed below) from properties with a single-family land use and/or zoning classification in R-1A (Single-Family Dwelling) district; Located on the west side of Bear Lake Road approximately 70 feet south of Lakeview Drive; (BS2009-16 & BV2009-94)). (District 3)

Kathy Fall, Principal Planner

LOT #	PARCEL #	OWNER	REQUIRED SETBACK	ACTUAL SETBACK	VARIANCE REQUIRED
1	18-21-29-520-0000-0010	Alexander Carvajal & Yarina Barcia	360	353	7
5	18-21-29-520-0000-0050	Tim & Marjorie McGinley	360	339	21
6	18-21-29-520-0000-0060	Vincent & Lorna Martin	360	228	132
7	18-21-29-520-0000-0070	Christopher & Holly Mink	360	132	228
8	18-21-29-520-0000-0080	Martha Parkinson	360	165	195
9	18-21-29-520-0000-0090	Manford & Dixie Sandefur	360	320	40
10	18-21-29-520-0000-0100	Henrey & Cecile Able	360	127	233
11	18-21-29-520-0000-0110	Henrey & Cecile Able	360	349	11
15	18-21-29-502-0C00-0140	Alice Hibbard	360	353	7
15	18-21-29-502-0C00-0150	Jermaine Cable	360	286	74
16	18-21-29-502-0C00-0160	Charles Mayo	360	240	120
17	18-21-29-502-0C00-0170	Veronica Meister	360	227	133
18	18-21-29-502-0C00-0180	Amy Mayo	360	228	132
2A	18-21-29-502-0B00-002A	Oliver & Anna Buenaventura	360	343	17
3A	18-21-29-502-0B00-003A	Rudalees Owensby S Heirs Daine Suhrie E Heirs	360	260	100

Kathy Fall introduced the location of the property and stated the applicant proposed to construct a 120 foot monocross communication tower in the R-1A district. She further stated the subject property was an existing church and the applicant proposed to lease a portion of the subject property to construct a 120 foot monocross and its associated facilities. She then stated the proposed tower was within 360 feet of fifteen properties which had single family land use and

zoning classification. She also stated the closest property to the tower was approximately 127 feet from the base of the tower. She further stated per the code for camouflaged towers if they meet the criteria of the code, may be granted approval by the Planning Manager, but only on properties that are assigned a non residential zoning classification. She then stated the proposed tower height was consistent with T-Mobile's desire to provide capacity and coverage in the areas identified on the submitted report and maps. She also stated based upon the submitted intermodulation study, the proposed tower would not interfere with Seminole County's Public Safety Communication Towers. She further stated based on submitted maps and supporting documentation, the applicant had demonstrated a need to expand T-Mobile wireless service area by establishing a communication tower in the general vicinity of the subject property. She then stated the applicant indicated that all co-location opportunities had been explored and deemed unacceptable for meeting T-Mobile's coverage goals and the provision of homogeneous service across its network. She lastly stated staff recommended approval of the special exception request based upon the following conditions:

- The proposed tower shall not exceed 120 feet
- 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 proposed monocross tower shall have a minimum of three (3) carriers
- Antenna and lines must be installed inside the cross and no extensions shall be permitted unless approved by the Planning Manager
- 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
- 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
- The special exception granted shall expire one (1) year after approval unless a development permit based upon and incorporating the special exception is obtained within the one (1) year period. One six (6) month extension may be granted by the Board of Adjustment
- Landscaping to be determined by the Planning Manager at Site Plan

Lauralee Westine stated she was speaking on behalf of T-Mobile, and she had with her Dan Babilla and Sheryl Denan. She further stated they were proposing a 120 foot monocross tower at the minimum height needed to provide adequate

coverage in the area. She then showed the Board of Adjustment a picture of the proposed tower and stated the antenna and cables would all be located inside the pole. She also stated they did not object to any of the conditions that staff recommended. She further stated they were also asking for some variances from separation distances. She then stated on January 22, they sent out a letter with a photograph of the proposed tower, a site plan and the date of the Board of Adjustment hearing, to the surrounding neighbors and to her knowledge her office did not received any responses. She also stated she did know that County Staff received one letter. She further stated the tower would be lighted and the monocross would be painted white. She then asked Mr. Babilla to come up to the podium.

Dan Babilla stated his name and that he was a Radio Frequency Engineer for T-Mobile.

She asked had he had the opportunity to review this particular site.

He said yes he had.

She asked was there a need for coverage in this area.

He said yes.

She asked would the proposed site meet that need.

He said yes it would.

She asked would the height of 120 feet necessary to meet that need.

He said yes it would.

She asked were there any other antennas in the area that T-Mobile could co-locate on.

He stated not that he knew of.

She lastly stated she would ask for the Board of Adjustment's approval of the special exception.

Mr. Hattaway asked if the applicant would have a problem with them adding a condition that the monocross tower be maintained at a level determined reasonable by the Planning Manager.

Lauralee Westine stated no they would not.

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

Mr. O'Daniel seconded the motion.

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

APPROVAL OF JANUARY 25, 2010 MEETING MINUTES

Mr. O'Malley made a motion to approve the January 25, 2010 minutes.

Mr. Coover seconded the motion.

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

APPROVAL OF 2010 MEETING SCHEDULE

Mr. Bushrui made a motion to approve the 2010 Meeting Schedule.

Mr. O'Malley seconded the motion.

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

ELECTION OF OFFICERS

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

Mr. O'Malley seconded the motion.

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

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

Mr. O.Malley seconded the motion.

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

ADJOURNMENT

Time of Adjournment was 8:00 P.M.

Interested parties are encouraged to appear at this hearing and present written/oral input regarding the proposed items and related matters or submit written comments to plandesk@seminolecountyfl.gov at the Seminole County Planning Division, 1101 East First

Street, Sanford, FL 32771, Room 2201, telephone 407-665-7444; FAX 407-665-7385. This hearing may be continued from time to time as found necessary. Additional information regarding these matters is available for public review at the address above between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Human Resources Department ADA Coordinator 48 hours in advance of this hearing at 407-665-7944. Persons are advised that if they decide to appeal any decisions made at this hearing, they will need a record of the proceedings, and for such purpose they may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (Florida Statutes, Section 286.0105).