

Exhibit C

Seminole County Board of Adjustment Meeting Minutes

August 28, 2023

149 Academy Oaks Place – Request for: (1) a side yard (west) setback variance from ten (10) feet to two and one-half (2½) feet; and (2) a rear yard setback variance from thirty (30) feet to three (3) feet for a shed in the R-1AA (Single Family Dwelling) district; BV2023-053 (John Julius and Jason Hood, Applicants) District 3 - Constantine (Angi Gates, Project Manager)

Angi Gates, Planner, presented this item as stated in the Staff Report.

Larry Wright asked staff if the reason for this request is that there was an existing shed in this location that got damaged and they just replaced and if she found any permits for the previous structure. Ms. Gates responded that there was not a permit for the previous structure.

Tom Kunzen asked staff if a variance or building permit was found, and Ms. Gates responded that she did not find either.

John Julius, Applicant, was present and Mr. Wright stated that in the variance criteria it states that there was already a shed there that was damaged by a recent storm and it was replaced and asked if he got a permit for it. Mr. Julius responded that there was a tiny structure there that they stored stuff in and he wanted to do something bigger and better. Mr. Wright stated that the reason he is asking is to know how it was built by a contractor because they should've known to pull a permit.

Chairman Bernard Johns advised that if the structure is more than two hundred (200) square feet it will have the same setback as the house.

Jim Hattaway asked if there was an existing concrete pad in that location and Mr. Julius responded yes there was already concrete. Mr. Hattaway asked if the concrete pad was bigger or smaller than the shed and the applicant responded that now it's the same size as the shed. Mr. Hattaway asked if it turns out that they can't go forward with the variance as submitted, can they extend the concrete pad and built it within the setback. Mr. Julius replied no because he put the concrete in that corner, and he had no idea that this would occur.

Mr. Kunzen stated that the applicant has submitted letters of support from various neighbors, but not the neighbor that is directly affected and asked if he spoke with that neighbor. Mr. Julius responded that he did not speak with the neighbor because they had a confrontation.

Bob Starks, spoke in support of this request, and stated that he has no problem with the placement of the shed as they are very good neighbors and keep the house very nice.

Travis Roy, spoke in opposition of this request, and stated that he is most affected by this variance request and that their issues started when they started building this structure. He advised that he did not see a previous shed until now and that the eve was put right on the property line where the fence is, so when it rains all the water runs to his yard.

Chairman Johns asked Mr. Roy if the structure was moved four (4) feet so it will be off the fence line if he will be okay with the shed. He responded yes; he would be okay with that. Chairman Johns asked if his biggest concern is the run off water going to his yard and he responded yes, but also that it's not a permanent structure and that he doesn't see any bracing in the structure and the way that the roof is, it can end up in my yard if it's not braced correctly.

Mr. Kunzen said just to be clear is your assertion that prior to the erection of this structure, there was no prior shed. Mr. Roy responded that he probably has seen an umbrella, but not a shed.

In rebuttal, Mr. Julius stated that there was an umbrella there and as far as the eve is concerned, they are still in the process of getting help to erect the shed and advised that he has pictures on his phone that he can show that they cut the eve down.

Mr. Kunzen asked the applicant if the structure is capable of being moved and he responded no, because they made sure that it was hurricane proof and secure. Mr. Kunzen stated that in the variance criteria he stated that the first shed was destroyed by a storm and asked if he remembers which one. Mr. Julius responded that he doesn't remember, but it was a while ago.

Mr. Hattaway stated that the structure has a single slope roof that drains onto the neighbor's property instead of draining to his own property and asked why it was built that way. Mr. Julius responded that it's not draining to the neighbor's property, its draining to his own property and they are also going to put gutters on to take all that water towards the front of the house. Mr. Hattaway asked if they can go back and discuss this or if everyone has their mind made up and they said they are clear.

Mr. Wright added that installing the gutter will solve the drainage issue.

Mr. Kunzen asked if the three (3) neighbors got together and created the letter of support presented to this Board and Mr. Julius responded that one of the neighbors created the letter and showed it to all the neighbors.

A motion was made by Larry Wright, second by Jim Hattaway, to approve the variance request.

In Board discussion, Chairman Bernard Johns stated that the previous shed is not the problem because it was also erected by them, so both were illegal.

Mr. Kunzen stated that he doesn't think that its right for him to approve a request just because the structure is already there.

Mr. Wright stated that based on the previous discussion, the owner mentioned that he can put in a gutter, so the drainage issue is resolve and if they move it the view aspect will still be there and it doesn't make sense to him to move it one (1) foot when the problem is already there.

Board discussion ensued.

The motion to approve did not pass.

A motion was made by Jim Hattaway, seconded by Tom Kunzen, to deny this variance request.

Aye (3): Chairman Bernard Johns; Vice Chairman Jim Hattaway; and Alternate Tom Kunzen

Nay (1): Larry Wright

Absent (2): Austin Beeghly; and Alternate Heather Stark

Chairman Johns advised the Applicants of their right to appeal.