

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF JULY 6, 2017**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **July 6, 2017** in the Orange County Commission Chambers on the 1st Floor of the Orange County Administration Building, 201 South Rosalind Avenue, Orlando, Florida 32801.

BOARD MEMBERS PRESENT: Gregory A. Jackson - Chairman
Carolyn C. Karraker - Vice Chair
Deborah Moskowitz
Wes A. Hodge
Eugene Roberson
Jessica Rivera

BOARD MEMBERS ABSENT: Jose A Rivas, Jr.

STAFF PRESENT: Rocco Relvini, AICP, Chief Planner, Zoning Division
Nicholas Balevich, Development Coordinator, Zoning Division
David Nearing, AICP, Development Coordinator, Zoning Division
Marla Molina, AICP, Development Coordinator, Zoning Division
Debra Phelps, Recording Secretary, FOS Division

The Chairman called the meeting to order at 9:03 a.m.

Following the Pledge of Allegiance to the Flag, the following applications, as advertised, were called up for public hearing.

APPROVAL OF MINUTES:

The Chairman requested a motion approving the minutes of the June 1, 2017, Board of Zoning Adjustment meeting.

A motion was made by Carolyn C. Karraker, seconded by Wes A. Hodge, and unanimously carried to **APPROVE** the minutes of the June 1, 2017, Board of Zoning Adjustment meeting.

PUBLIC COMMENT: The Chairman opened the floor to public comment, seeing none; the Chairman closed the hearing for public comment and continued with the regularly scheduled agenda.

JACOB R. HAND - VA-17-07-053

REQUEST: **Variances** in the R-1A zoning district to validate the existing residence, front porch, and shed as follows: 1) Residence: To validate an existing residence located 23 ft. from the front yard property line in lieu of 25 ft.; 2) Porch: To validate existing porch 13 ft. from the front yard property line in lieu of 25 ft.; and 3) Shed: To validate the existing shed 0 ft. from the rear yard and 0 ft. from the side yard property line in lieu of 5 ft. (Note: The residence was built in 1953. However, there is no documentation as to when the porch or shed was built. Applicant is proposing interior alterations to the house. This request will correct all setback deficiencies).

ADDRESS: 271 Orange Terrace Drive, Winter Park FL 32789

LOCATION: West side of Orange Terrace Dr. and approximately 350 ft. north of W. Fairbanks Ave.

TRACT SIZE: 60 ft. x 120 ft.

DISTRICT#: 5

LEGAL: ORANGE TERRACE S/58 LOT 4 BLK E

PARCEL ID#: 11-22-29-6260-05-040

NO. OF NOTICES: 109

Commentaries: One (1) in favor and none in opposition

Staff Recommendation: Staff gave a brief presentation about the request and recommended approval subject to the condition as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Christopher Cathcart (Attorney for the Applicant)

BZA Discussion: The BZA discussed the case and concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated April 28, 2017 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development; and

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

CHRISTOPHER MARTIN - VA-17-07-054

REQUEST: **Variances** in the R-1A zoning district as follows: 1) To allow a recreational vehicle in front of the principal residence in lieu of along side or rear yards; and, 2) To allow a recreational vehicle 8 ft. from the front property line in lieu of 25 ft.; and, 3) To allow detached accessory bldg. (shed) to remain 4 ft. from side and 3 ft. from rear property lines in lieu of 5 ft. (Note: Due to the presence of pool and H/VAC equipment on either side of the residence, there is insufficient room (approximately 5 ft.) to maneuver the RV to the rear of the residence. The applicant submitted a petition of support with signatures from 28 residences in the area.)

ADDRESS: 2740 Amsden Road, Winter Park FL 32792

LOCATION: South side of Amsden Road, approximately .25 mil. east of Balfour Dr., south of Aloma Ave., and west of N. Semoran Blvd.

TRACT SIZE: 75 ft. x 120 ft.

DISTRICT#: 5

LEGAL: WINTER PARK ESTATES SECTION 3 X/1 LOT 17 BLK F

PARCEL ID#: 04-22-30-9414-06-170

NO. OF NOTICES: 121

Commentaries: Thirty (30) in favor and five (5) in opposition

Staff Recommendation: Staff gave a presentation on the case addressing the request, the RV

location, and a brief analysis. Staff recommended approval subject to the conditions as identified in the staff report.

The following person(s) addressed the Board:

Speaker(s): Christopher Martin (Applicant)

Robert Snuder (in Favor)

George Keating (in Favor)

Elmer Sanchez (in Favor)

Material was submitted to the Board on behalf of the applicant to be entered into the record prior to the close of the public hearing.

BZA Discussion: The BZA stated they do not like to see an RV this size in a neighborhood, but acknowledged this was a unique circumstance, involving medical need. The BZA was impressed by the tremendous community show of support. The BZA agreed to remove the condition requiring a vegetative buffer and wanted to add a condition that the approval was for this applicant only; thus, concurring with the staff recommendation of approval as amended.

BZA Action: A motion was made by Wes A. Hodge, seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended:

1. Development in accordance with site plan dated May 5, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Approval is for the current owner, Christopher Martin only; and
5. The applicant shall obtain a permit for the RV within ninety (90) days, or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

EDWARD WILLIAMS - VA-17-07-055

REQUEST: **Variance** in the R-CE zoning district to construct single family residence 25 ft. from the rear (west) property line in lieu of 50 ft. (Note: The parcel was recorded prior to August 31, 1982. Therefore, the R-CE zoning setbacks apply only. The rear yard setback in the R-CE zoning district is 50 ft. The applicant is proposing 25 ft.)

ADDRESS: 12023 Sandy Shores Drive, Windermere FL 34786

LOCATION: West side of Sandy Shore Drive, approximately 1/4 mile north of Sandy Shores Dr.

TRACT SIZE: 81 ft. x 119 ft.

DISTRICT#: 1

LEGAL: SANDY SHORES S/57 S 81.01 FT OF N 91.14 FT OF W 119.79 FT OF

E 135 FT OF LOT 8

PARCEL ID#: 24-23-27-7808-00-083

NO. OF NOTICES: 52

Commentaries: Four (4) in favor and one (1) in opposition

Staff Recommendation: Staff gave a presentation and advised that currently the property could be developed with only a ten (10) foot setback from the canal to the north. This proposal would increase that setback to twenty-five (25) feet but would reduce the setback from the west canal from fifty (50) feet to twenty-five (25) feet. Staff advised that the proposal provides better protection to both canals as opposed to constructing a home with the current setbacks. Staff concluded by advising the BZA that the staff report had been amended to include additional conditions of approval to be recommended.

The following person(s) addressed the Board:

Speaker(s): Edward Williams (Applicant)

Dave Brash (Neighbor)

Victoria Torres (Opposed)

BZA Discussion: Discussion ensued among the BZA about whether to continue this request. The BZA decided there was sufficient information for them to approve this request and advised the applicant to consult with the two (2) neighbors after the meeting which he did. Therefore, the BZA concurred with the staff recommendation as amended.

BZA Action: A motion was made by Carolyn Karraker, seconded by Jessica Rivera and unanimously carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended:

1. Development in accordance with site plan dated May 5, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. There shall be a minimum twenty-five (25) foot building setback from the west property line. In addition, there shall be a minimum building setback of twenty-five (25) feet from the top of bank of the canal along the northern property line;
5. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the single family residence is no closer than 25 feet from the west property line and at least 25 ft. landward from the top of bank of the canal along the northern side of the property from the normal high water elevation of Lake Butler;
6. Prior to the issuance of any permits for a single family residence, the applicant shall obtain a flood plain permit;
7. Prior to the issuance of any permits for a single family residence the property owner shall install a berm and swale. The berm and swale shall be shown on any lot building or clearing permits. The berm and swale shall be installed at the time of lot clearing / grading and

maintained throughout construction. The berm and swale shall have a slope no greater than 4:1 and be immediately sodded, or treated with an alternative low impact designed erosion prevention technique, after construction. The County Environmental Protection Division will review during the standard residential building permit review process. Perpetual maintenance is the responsibility of the respective property owner;

8. Approval of this request does not constitute approval of the use of any septic tanks and wells. The use of septic tanks and wells shall be in accordance with all State of Florida regulations;

9. Approval of this request does not constitute approval to access Sandy Shores Drive. Prior to the issuance of any permits legal access to Sandy Shores Drive shall be submitted with all building permit applications;

10. Approval does not grant any rights to the canal access if there is other ownership involved; and

11. Any requests for a dock shall be subject to all applicable regulations. A dock permit is not approved with this request.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

LILIANA LANZ BEHRENDTS - VA-17-07-056

REQUEST: **Variance** in the R-1A zoning district to construct an addition (opened porch) to existing single family residence 20 ft. from the rear property line in lieu of 30 ft. (Note: The applicant obtained a variance for a similar setback in 2004 for an addition which did not encompass the entire rear of the residence. It was not constructed.)

ADDRESS: 335 Fitzhugh Road, Winter Park FL 32792

LOCATION: West side of Fitzhugh Rd., approximately 325 ft. south of Abbey Rd., west of N. Ranger Blvd.

TRACT SIZE: 75 ft. x 113 ft.

DISTRICT#: 5

LEGAL: WINTER PARK PINES MERRIE OAKS SECTION UNIT TWO 1/47 LOT 5 BLK B

PARCEL ID#: 04-22-30-9428-02-050

NO. OF NOTICES: 631

Commentaries: Thirteen (13) in favor and none in opposition

Staff Recommendation: Staff indicated that in 2004, the BZA granted an identical Variance for the subject property for a smaller addition of a covered porch. In essence, this redefined the rear setback line for the property. Finally, staff recommended approval subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Liliana Lanz Behrends (Applicant)

BZA Discussion: Given the past Variance, and the number of similar requests granted in the area, the BZA found that granting this request would be consistent with criteria for granting a Variance. As a result, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Eugene Roberson, seconded by Wes A. Hodge and unanimously carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated May 8, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes

require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;

4. The exterior of the addition and covered porch shall match the exterior of the existing residence; and

5. The porch may have a solid masonry knee wall up to three (3) ft. in height. However, it may not be enclosed with glass without additional approval by the BZA.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

LORI CLEMENTS - VA-17-07-057

REQUEST: **Variance** in R-1A zoning district to allow a patio addition to single family residence to remain 14 feet from the rear property line in lieu of 17 feet. (Note: This is the result of code enforcement action.)

ADDRESS: 6520 Royal Tern Street, Orlando FL 32810

LOCATION: East side of Royal Tern St., east of N. Hiawasse Rd., south of Beggs Rd.

TRACT SIZE: 81 ft. x 123 ft.

DISTRICT#: 2

LEGAL: WILLOW CREEK PHASE 4 28/63 LOT 29

PARCEL ID#: 36-21-28-9347-00-290

NO. OF NOTICES: 116

Commentaries: Eight (8) in favor and none in opposition

Staff Recommendation: Staff gave a presentation on the case addressing the request, the zoning in the area, and a brief analysis. In so doing, staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Lori Clements (Applicant)

Material was submitted to the Board by the applicant to be entered into the record prior to the close of the public hearing.

BZA Discussion: The BZA discussed the case and concurred with the staff recommendation.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated April 12, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the

County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and

4. The applicant shall obtain a permit within ninety (90) days, or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

STEVE PEREZ - VA-17-07-058

REQUEST: **Variance** in the R-1AA zoning district to construct an accessory structure (garage) to be located in front of the principal residence in lieu of along side or rear.

ADDRESS: 8641 Amber Oak Court, Orlando FL 32817

LOCATION: North side of Amber Oak Ct., on the south side of Lake Burkett

TRACT SIZE: 1.15 acres

DISTRICT#: 5

LEGAL: FOREST LAKES PHASE 2 13/148 LOT 11

PARCEL ID#: 01-22-30-2829-00-110

NO. OF NOTICES: 75

Commentaries: Six (6) in favor and none in opposition

Staff Recommendation: Staff advised that the subject property was very irregularly shaped when determining what was the side and rear which was very challenging. Lastly, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Steve Perez (Applicant)

BZA Discussion: The Board discussed the case and found that the irregular shape of the lot justified the need for this request. As a result, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Wes A. Hodge and unanimously carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated May 12, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and

4. The exterior of the garage shall match or compliment the exterior of the existing residence.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

KAMAL EL FAGRICH - VA-17-07-059

REQUEST: **Variances** in the A-2 zoning district as follows: 1) To place a mobile home on a lot with .15 acres in size in lieu of 2 acres; and 2) To place mobile home on a lot with 50 ft. of frontage in lieu of 100 ft.

ADDRESS: 1519 Selma Avenue, Orlando FL 32825

LOCATION: East side of Selma Ave., approximately 825 ft. south of E. Colonial Dr.

TRACT SIZE: 50 ft. x 131 ft.

DISTRICT#: 3

LEGAL: FRANKLIN HEIGHTS O/45 LOT 4 BLK D

PARCEL ID#: 19-22-31-2872-04-040

NO. OF NOTICES: 96

Commentaries: None in favor and one (1) in opposition

Staff Recommendation: Staff gave a presentation on the case and showed the location of mobile homes and single family homes in relation to the site. Staff stated if the BZA approved the request, the conditions as listed in the staff report should be applied.

The following person(s) addressed the Board:

Speaker(s): Adriana Da Silveira (on behalf of the Applicant)

BZA Discussion: The BZA observed the reason for this hearing was because the lots on the street do not conform with the zoning. The BZA was concerned with the percentage of deviation, but felt that: no special privilege was being granted, this was the minimum possible variance, and the precedent had already been set. Thus, the BZA concurred with the conditions of approval as set forth in the staff report.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated May 15, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and

4. All building setbacks shall be met.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

JADON HENRY - VA-17-07-060

REQUEST: **Variations** in the R-1A zoning for accessory structures as follows: 1) To validate an existing accessory structure (garage) in front of residence in lieu of side or rear yard; and 2) To allow cumulative total of 785 sq. ft. of accessory structure floor area in lieu of 500 sq. ft. (Note: This is the result of code enforcement action. There are no permits associated with either structure.)

ADDRESS: 13136 Fernway Road, Orlando FL 32832

LOCATION: West side of Fernway Drive and approximately 265 ft. north of Augustine Road

TRACT SIZE: 110 ft. x 135 ft.

DISTRICT#: 4

LEGAL: ISLE OF PINES FIRST ADDITION U/118 LOT 62

PARCEL ID#: 25-24-31-3874-00-620

NO. OF NOTICES: 74

Commentaries: Seven (7) in favor and five (5) in opposition

Staff Recommendation: Staff gave a brief presentation on the case addressing the location, site plan, and to include photographs. Staff recommended approval subject to the conditions as identified in the staff report.

The following person(s) addressed the Board:

Speaker(s): Jadon Henry (Applicant)

Brenda Golden (Neighbor opposed)

James Wolfe (Neighbor opposed)

Material was submitted to the Board by the applicant to be entered into the record prior to the close of the public hearing.

BZA Discussion: The BZA discussed the case in depth and determined to approve Variance #1, with the conditions in the staff report; and, to deny Variance #2, as the request was not consistent with the surrounding area.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Carolyn Karraker and carried to **APPROVE** the Variance **Request #1**, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended; and, to **DENY** the Variance **Request #2**, in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3):

1. Development in accordance with site plan dated May 15, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development; and

4. The applicant shall obtain a permit for the accessory buildings within 180 days or this approval becomes null and void.

AYE (voice vote): Deborah Moskowitz, Carolyn Karraker, Jessica Rivera, Gregory A. Jackson, Eugene Roberson

NAY (voice vote): Wes A. Hodge

Absent: Jose A. Rivas, Jr.

ROSTYSLAV SPYSAK - VA-17-07-061

REQUEST: **Variance** in the P-D zoning district to validate a new addition constructed 1 ft. from the side (north) property line in lieu of 7.5 ft. (Note: This was a result of a surveyors error. The applicant is currently working with Orange County Public Works Department to resolve issues with construction within the existing utility and drainage easements).

ADDRESS: 2005 Brenham Court, Orlando FL 32837

LOCATION: East side of Brenham Ct., approximately 400 ft. east of Fairmont Circle, in the Sky Lake Village P-D

TRACT SIZE: 107 ft. x 165 ft. (AVG)

DISTRICT#: 4

LEGAL: WHISPER LAKES UNIT 3 17/90 LOT 34

PARCEL ID#: 16-24-29-9232-00-340

NO. OF NOTICES: 142

Commentaries: None in favor and three (3) in opposition

Staff Recommendation: Staff indicated that this was a surveyor's error. The original survey used to obtain the building permit showed the proposed addition over eight (8) feet from the side (north) property line. However, when the as-built survey was prepared to submit for final inspection, it was found that the original survey was inaccurate. The applicant was currently working with the Orange County Public Works Department to rectify the easement issue. A condition was included by staff which would require that this issue be resolved before the addition's final inspection was passed. Lastly, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Rostyslav Spysak (Applicant)

BZA Discussion: The BZA found that the request was not self imposed, and that failure to grant this request would impose a significant hardship on the applicant. As such, the BZA was in agreement with the staff recommendation.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Jessica Rivera and unanimously carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with as-built survey dated May 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and

4. No final inspection shall be signed off on until the applicant has resolved the easement encroachment to the satisfaction of Orange County Development Engineering.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

BOARD MEMBER EXITED AND RE-ENTERED: Jessica Rivera

AZALEA PARK UNITED METHODIST, INC. - SE-17-07-062

REQUEST: Special Exception in the R-3 zoning district to operate a private school for up to 80 special needs students.
ADDRESS: 50 Willow Drive, Orlando FL 32807
LOCATION: West side of Willow Dr., approximately 525 ft. south of Dahlia Dr.
TRACT SIZE: 2.5 acres
DISTRICT#: 3
LEGAL: BEG 324.35 FT N 18 DEG E OF NE COR LOT 3 BLK E AZALEA PK S/66 & 67 RUN N 18 DEG E 465.01 FT N 71 DEG W 240 FT S 18 DEG W 465.01 FT TH S 71 DEG E 240 FT TO POB IN SEC 27-22-30 SEE 1828/474
PARCEL ID#: 27-22-30-0000-00-049
NO. OF NOTICES: 319

Commentaries: Four (4) commentaries and 42 signatures in favor and one (1) in opposition.

Staff Recommendation: Staff noted that the proposed school would be for autistic children and, as such, would not have the same impacts on the neighborhood as would a traditional school. There will not be any new construction associated with this request as the applicant will be using existing space used for such activities as Sunday school or Bible studies. Staff concluded by adding that five (5) nearby residents submitted correspondence in support of the request. One (1) nearby resident submitted a correspondence in opposition due to a belief that the school would utilize federal funds, which is not within the scope of the BZA's review. In addition, letters and a petition with signatures of forty-two (42) residents in support from the area were also submitted. Finally, staff recommended approval subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Edward Andrew Miller (on behalf of the Applicant)

BZA Discussion: The BZA asked if the increase in traffic would have a negative effect on the streets in the neighborhood. Staff noted that traffic would be looked at during the review of the use permit. They added that while there would be some impact on the a.m. peak hour, there would be no impact on the p.m. peak hour, as the school day would have already ended. In addition, it was noted that there was more than sufficient room on the site for drop off and pick up. The BZA concluded that the proposed school will be beneficial to the neighborhood, the impacts would be minimal, and the request met the criteria for a Special Exception. Therefore, the BZA concurred with the staff recommendation as amended.

BZA Action: A motion was made by Eugene Roberson, seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions as amended:

1. Development in accordance with site plan dated May 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes

require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;

4. Any expansion of enrollment beyond 80 students shall require approval of the BZA;

5. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met;

6. No more than four (4) outdoor special events per calendar year in conjunction with the school, and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event; and

7. The applicant shall submit construction plans for any interior alterations and/or obtain a use permit within three (3) years or this approval is null and void.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr. and Jessica Rivera (temporarily absent)

JOSE MALDONADO-SANDOVAL
VA-17-07-063

REQUEST: **Variations** in the R-CE zoning district to construct single family residence as follows: 1) 110 ft. of lot width in lieu of 130 ft.; and, 2) .45 acres of lot area in lieu of 1 acre (Note: The applicant intends to meet all required setbacks.)

ADDRESS: E. Holly Street, Apopka FL 32712

LOCATION: North side of E. Holly St., approximately 300 ft. east of Rock Springs Rd.

TRACT SIZE: .45 acres

DISTRICT#: 2

LEGAL: ROCK SPRINGS PARK R/147 A PORTION OF LOTS 20 & 21 DESC AS BEG AT THE SW COR OF LOT 20 E 110.86 FT N 227.17 FT W 81.19 FT S 110 FT CONT SWLY 114.02 FT TO POB

PARCEL ID#: 15-20-28-7616-00-201

NO. OF NOTICES: 56

Commentaries: Seven (7) in favor and two (2) in opposition.

Staff Recommendation: Staff gave a brief presentation addressing the lot sizes in the area, the lots that contain homes, and the uses in the area. In conclusion, the request was consistent with the development trend of the area. Staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Tony Cleven (on behalf of the Applicant)

BZA Discussion: The BZA concluded the request was reasonable and blended with the other homes in the area. Thus, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Eugene Roberson and unanimously carried to **APPROVE** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated May 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and
4. All building setbacks shall be met.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

ALEJANDRO MANCUSO - VA-17-07-064

REQUEST: **Variations** in the R-T-2 zoning district to allow existing accessory building to remain as follows: 1) With 1,209 sq. ft. in lieu of a 500 sq. ft.; and 2) To be built with materials (metal) that are not commonly used for single family home construction. (Note: This application is the result of Code Enforcement Action).

ADDRESS: 10349 Buck Road, Orlando FL 32817

LOCATION: North side of Buck Rd., approximately .5 mi. east of N. Dean Rd.

TRACT SIZE: 1 acre

DISTRICT#: 5

LEGAL: THE W 113 FT OF SW1/4 OF NE1/4 (LESS N 910 FT & LESS S 30 FT) SEC 08-22-31

PARCEL ID#: 08-22-31-0000-00-075

NO. OF NOTICES: 69

Commentaries: Six (6) in favor and two (2) in opposition.

Staff Recommendation: Staff gave a brief presentation on the case addressing the location, site plan, and photographs. Staff had concerns about the size of the building. Additionally, this was a result of Code Enforcement action. Lastly, staff stated if the BZA approved the request, the conditions as outlined in the staff report should be applied.

The following person(s) addressed the Board:

Speaker(s): Jimmie Hobby (Code Enforcement Inspector)

Kimberly Kopp (Attorney for the Applicant)

Code Enforcement provided a brief presentation regarding their visit to the property and the citation. The applicant removed other structures prior to the BZA hearing to assist in resolving the current variance requests.

BZA Discussion: The BZA concluded to amended Variance Request #1, stating that the structure was to be reduced to 800 square feet; and, denied Variance Request #2. The BZA stated that the structure needed to be upgraded with materials similar to the primary residence.

With said amendments, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Wes A. Hodge, seconded by Carolyn Karraker, Jessica Rivera voting AYE by voice vote; and, Deborah Moskowitz, Eugene Roberson, Jr., Gregory A. Jackson voting No by voice vote, to **APPROVE** the Variance requests as amended to a maximum of 800 sq. ft. The motion **FAILED** with a **TIE** vote.

Another motion was made by Eugene Roberson, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance **Request #1**, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended; and, to **DENY** the Variance **Request #2**, in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3):

1. Development in accordance with site plan dated April 27, 2017 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The applicant shall obtain a permit for the detached accessory structures within 120 days or this approval becomes null and void;
5. The property shall be limited to a maximum of 800 sq. ft.; and
6. The accessory building shall have materials that match the principal residence.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

BOARD MEMBER EXITED AND RE-ENTERED: Deborah Moskowitz

ORLANDO WORLD OUTREACH CENTER - VA-17-07-065

REQUEST: **Variances** in the R-1 and R-1A zoning districts as follows: 1) To allow a total of 162 sq. ft. of signage copy area in lieu of a total of 32 sq. ft.; 2) To allow 2 signs (wall sign and ground sign) in lieu of 1 sign (wall or ground); 3) To allow ground sign 9.5 ft. in height in lieu of 8 ft.; and 4) To have an electronic message center (EMC) in excess of 25% of allowable copy area. (Note: The applicant currently has a 32 sq. ft. sign affixed to the building, a ground sign with space for up to 38 +/- sq. ft. of copy area, plus a 64 sq. ft. pole sign for a total of 134 sq. ft. of sign area. The applicant proposes to remove all of this signage.)

ADDRESS: 4365 Kennedy Avenue, Orlando FL 32812

LOCATION: East side of Kennedy Ave., approximately 1/4 mile south of Gatlin Ave.

TRACT SIZE: 19.66 acres

DISTRICT#: 3

LEGAL: N 15 ACRES OF N1/2 OF SW1/4 OF NE1/4 OF SEC 16-23-30 SEE

5017/1400 & S1/4 OF N1/2 OF SW1/4 OF NE1/4 OF SAID SEC

PARCEL ID#: 16-23-30-0000-00-012

NO. OF NOTICES: 177

Commentaries: Three (3) in favor and nine (9) in opposition.

Staff Recommendation: Staff advised the BZA they had revised the staff report due to citizen complaints. Staff observed two (2) recreational vehicles and a pod on the site. In summary, staff recommended support of Variances #1 and #2; but, recommended denial of Variances #3 and #4.

The following person(s) addressed the Board:

Speaker(s): Judy Royal (on behalf of the Applicant)

Charles Haith (Pastor)

Martin Mason (Opposed)

Material was submitted to the Board by the applicant to be entered into the record prior to the close of the public hearing.

BZA Discussion: The BZA indicated the site was twenty (20) acres and agreed that one (1) sign was not sufficient to identify the church use. The BZA also agreed with the staff recommendation as amended.

BZA Action: A motion was made by Jessica Rivera, seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Variance **Requests #1 and 2**, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, further, said approval is subject to the following conditions as amended; and, to **DENY** the Variance **Requests #3 and 4**, in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3):

1. Development in accordance with site plan dated May 17, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Other than the variances granted by this application, all other requirements of Chapter 31.5, Orange County Code, shall be met;
5. The ground sign shall be limited to eight (8) feet in height and the electronic message center shall be limited to eight (8) sq. ft.; and
6. The storage container and recreational vehicles shall be removed within thirty (30) days of approval of this application. Failure to do so shall result in this matter being addressed by the Code Enforcement Division.

AYE (voice vote): All members present

Abstained: Deborah Moskowitz (temporarily absent)

Absent: Jose A. Rivas, Jr.

BOARD MEMBER EXITED AND RE-ENTERED: Eugene Roberson

CHRISTINE BANCALARI
VA-17-07-067

REQUEST: Variance in the R-1A zoning district to allow garage addition to single family residence 5 ft. from the side property line (west) in lieu of 7.5 feet.
ADDRESS: 9783 Lake Georgia Drive, Orlando FL 32817
LOCATION: South side of Lake Georgia Drive and approximately 625 feet west of N. Dean Road
TRACT SIZE: 1.47 acres
DISTRICT#: 5
LEGAL: FROM NE COR OF SEC RUN S 60.24 FT S 84 DEG W 560.53 FT FOR A POB TH S 84 DEG W 150 FT S 9 DEG W 513.97 FT N 36 DEG E 356.42 FT N 60 DEG E 54.72 FT N 5 DEG W 207.63 FT TO POB IN SEC 06-22-31
PARCEL ID#: 06-22-31-0000-00-025
NO. OF NOTICES: 115

Commentaries: Three (3) in favor and none in opposition.

Staff Recommendation: Staff gave a brief overview of the project. Staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Albert Demateis (on behalf of the Applicant)

BZA Discussion: The BZA discussed the case and approved the request in accordance with the staff recommendation.

BZA Action: A motion was made by Wes A. Hodge, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated May 17, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and
4. The proposed addition shall match the design of the principal residence.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr. and Eugene Roberson (temporarily absent)

HAIQING XIANYU - VA-17-08-068

REQUEST: Variations in the R-1A zoning district as follows: 1) To convert screen room into permanent room 16 ft. from rear property line in lieu of 30 ft.; and 2) To validate an existing residence located 7.48 ft. from side

property line in lieu of 7.5 ft. (Note: The residence was built in 1963).
ADDRESS: 2732 Lion Heart Road, Winter Park FL 32792
LOCATION: South side of Lion Heart Road and approximately 1,000 feet east of S. Ranger Boulevard
TRACT SIZE: 76 ft. x 107 ft.
DISTRICT#: 5
LEGAL: WINTER PARK PINES UNIT 1 REP Y/116 LOT 4 BLK B
PARCEL ID#: 09-22-30-9424-02-040
NO. OF NOTICES: 135

Commentaries: Two (2) in favor and none in opposition.

Staff Recommendation: Staff gave a brief presentation on the case addressing the location, site plan, and photographs. Staff recommended approval subject to the conditions as indicated in the staff report.

The following person(s) addressed the Board:

Speaker(s): Mannong Pang (on behalf of the Applicant)

BZA Discussion: The BZA discussed the case and approved the Variance with the conditions recommended by staff.

BZA Action: A motion was made by Wes A. Hodge, seconded by Jessica Rivera and unanimously carried to **APPROVE** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated May 19, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. The applicant shall obtain a permit for the within 120 days or this approval becomes null and void; and
4. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

PAUL PANZARELLA - VA-17-07-066

REQUEST: **Variance** in the P-D zoning district to construct a pool, pool deck and pool screen enclosure 2.5 ft. from the rear property line in lieu of 5 ft. (Note: The property backs up to a retention area).
ADDRESS: 10606 Gawsorth Point, Orlando FL 32832
LOCATION: West side of Gawsorth Pt., 1/4 mile west of Kirby Smith Rd.
TRACT SIZE: .21 acres
DISTRICT#: 4
LEGAL: EAGLE CREEK PHASE 1A 55/137 LOT 310

PARCEL ID#: 29-24-31-2242-03-100

NO. OF NOTICES: 51

Commentaries: None

Staff Recommendation: Staff gave a brief presentation on the case covering the location of the pool, site plan, and photographs. Staff recommended approval subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Leigh Beyer (on behalf of the Applicant)

BZA Discussion: The BZA inquired about other variances in the area and asked about flooding concerns. In summary, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Wes A. Hodge and unanimously carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated May 17, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development; and

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

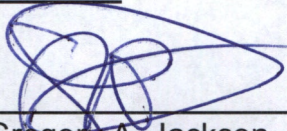
AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

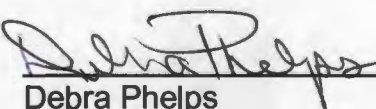
ADJOURN:

There being no further business, the meeting was adjourned at 12:43 p.m.

ATTEST:



Gregory A. Jackson
Chairman



Debra Phelps
Recording Secretary