

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF MAY 4, 2017**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **May 4, 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 – District #4
Wes A. Hodge – District #5
Eugene Roberson – District #6
Jessica Rivera – At Large

BOARD MEMBERS ABSENT: Jose A. Rivas, Jr. – District #3

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

The Chairman called the meeting to order at 9:04 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 April 6, 2017, Board of Zoning Adjustment meeting. A motion was made by Carolyn C. Karraker, seconded by Eugene Roberson, and unanimously carried to **APPROVE** the minutes of the April 6, 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.

CENTRAL FLORIDA BEHAVIORAL HOSPITAL - VA-17-05-037

REQUEST:	Variance in P-D zoning district to construct a 12 ft. high fence in lieu of 8 ft. (Note: The total length of the fence will be 125 ft. and will have 2 gates.)
ADDRESS:	6601 Central Florida Parkway, Orlando FL 32821
LOCATION:	Northwest corner of Central Florida Pkwy., and Sea Harbor Dr., east of I-4
TRACT SIZE:	7.14 acres
DISTRICT#:	1
LEGAL:	BEG 206.5 FT S 25 DEG W OF THE INT OF WLY R/W LINE OF SEA HARBOR DR & SLY R/W LINE OF ACADEMIC DR RUN S 25 DEG W 560.17 FT SWLY & NWLY ALONG CURVE 57.79 FT N 59 DEG W 216.38 FT NWLY 285.97 FT N 26 DEG E 582.57 FT S 63 DEG E 527.01

FT TO POB
PARCEL ID#: 12-24-28-0000-00-028
NO. OF NOTICES: 50
Commentaries: None

Staff Recommendation: Staff gave a brief presentation on the case addressing the location of the fence, the site plan, and photographs. Lastly, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Alex Swenson (Applicant's representative)
David Lodinger (Applicant's general contractor)

No one spoke in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA determined that the request made sense to protect the playground for privacy and safety. Therefore, the BZA 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 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 March 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.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

ALLAN ANDREW PU - VA-17-05-039

REQUEST: **Variance** in the A-1 zoning district to construct a single family residence 23 ft. from the Normal High Water Elevation (NHWE) line of Hickory Nut Lake in lieu of 50 ft. (Note: The subject property was platted on October 30, 1956. However, the zoning of the property requires a 50 ft. building setback whether it is lakefront or not.)

ADDRESS: 9343 Lake Hickory Nut Drive, Winter Garden FL 34787

LOCATION: North side of Lake Hickory Nut Drive, south of Lake Hickory Nut, approximately 1/2 mile south of Old YMCA Rd.

TRACT SIZE: 1 acre

DISTRICT#: 1

LEGAL: HICKORY LAKE ESTATES V/4 LOT 28

PARCEL ID#: 06-24-27-3548-00-280

NO. OF NOTICES: 76

Commentaries: Three (3) in favor and seventeen (17) opposed

Staff Recommendation: Staff gave a brief presentation. The average house size in this

subdivision was 2,700 sq. ft. The houses on this lake met the fifty (50) foot lake setback. One (1) variance was issued for a pool deck fourteen (14) feet from the lake. There was a peculiar finger-like protrusion of the shoreline into the subject property which did qualify as a legitimate hardship on the land. However, the primary cause of this Variance was the proposed size of the home. Further, staff advised that if this variance was granted, it would partially block the view of the lake of the adjacent neighbor. Finally, staff could not support this request as submitted since it would confer special privilege to the applicant.

The following person(s) addressed the Board:

Speaker(s): Allan Andrew Pu (Applicant)

Dave Macchi (Neighbor opposed)

Margot Napoli-Bryant (Neighbor opposed)

Dave Froelich (Real Estate representative of 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 concluded the main issue was not blocking the view of the lake, but rather the size of the home was causing the need for the Variance.

BZA Action: A motion was made by Carolyn Karraker, seconded by Jessica Rivera and carried to **DENY** the Variance request 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).

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

NAY (voice vote): Eugene Roberson

Absent: Jose A. Rivas, Jr.

FLORIDA VIETNAMESE BUDDHIST ASSOCIATION - SE-17-05-029

REQUEST: **Special Exception** in the R-1A zoning district to construct a 35 ft. high tower statue (Note: The applicant proposes to construct a 35 ft. high religious statue behind the temple and outside of the wetlands).

ADDRESS: 6031 Cornelia Avenue, Orlando FL 32807

LOCATION: North side of Cornelia Ave., 1/4 mile west of Commerce Blvd.

TRACT SIZE: 2.85 acres

DISTRICT#: 5

LEGAL: LEAWOOD S/82 LOT 114

PARCEL ID#: 15-22-30-5024-01-140

NO. OF NOTICES: 97

Commentaries: One (1) in favor and five (5) opposed

Staff Recommendation: Staff indicated that the proposed structure was almost 300 feet from the front property line. There were wetlands to the rear to act as a buffer for the homes to the rear. Finally, staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Hung M. Nguyen (Applicant's representative)

No one spoke in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA discussed the case and agreed with the staff recommendation of approval.

BZA Action: A motion was made by Wes A. Hodge, seconded by Eugene Roberson 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:

1. Development in accordance with site plan dated February 23, 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;

4. No encroachment into the conservation areas; and

5. Permits shall be obtained within two (2) years of Orange County approval or this approval shall be null and void.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

STEVEN VAUGHT - VA-17-05-030

REQUEST: **Variances** in the R-CE zoning district for the following: 1) Variance to construct an accessory structure (garage) with 1,000 sq. ft. of area in lieu of 500 sq. ft.; 2) Variance to validate a substandard parcel with .45 acres of lot area in lieu of 1 acre; and 3) Variance to validate existing residence with a front setback of 27 ft. in lieu of 35 ft. (Note: The subject property backs up to an overhead power line easement and the SR 417).

ADDRESS: 1203 S. Econlockhatchee Trail, Orlando FL 32825

LOCATION: East side of Econlockhatchee Trail, approximately 1,000 ft. north of Berry Dease Rd.

TRACT SIZE: 130 ft. x 125 ft.

DISTRICT#: 3

LEGAL: THE W 200 FT OF W1/2 OF SW1/4 OF SE1/4 (LESS N 192 FT & LESS S 1000 FT) & (LESS W 48 FT FOR RD R/W PER OR 4025/1185)

PARCEL ID#: 31-22-31-0000-00-041

NO. OF NOTICES: 41

Commentaries: None

Staff Recommendation: Staff advised the BZA that the new garage would be aesthetically pleasing. There was a 100 foot wide overhead transmission easement behind applicant's house where the garage was proposed. Staff stated if the BZA approved this request, the conditions as outlined in the staff report should be applied.

The following person(s) addressed the Board:

Speaker(s): Steven Vaught (Applicant)

No one spoke in favor or in opposition to the request at the public hearing.

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

BZA Action: A motion was made by Carolyn Karraker, seconded by Wes A. Hodge 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 March 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 accessory building shall be built with materials that are commonly used for single family house construction; and
- 5. Prior to the issuance of any permits for the new garage, the existing storage building shall be removed.

AYE (voice vote): All members present
Absent: Jose A. Rivas, Jr.

JACK E. OWENS - VA-17-05-031

REQUEST:	Variances in the C-3 zoning district as follows: 1) To place a refuse disposal dumpster 6 ft. from a side street property line in lieu of 15 ft.; 2) To validate a substandard lot with 63 ft. of frontage on a major road in lieu of 125 ft.; 3) To validate a substandard lot area of 9,536 sq. ft. in lieu of 12,000 sq. ft.; and, 4) To validate substandard parking of 12 parking spaces in lieu of 19 spaces. (Note: The property is currently being used as a two-story professional office building, which is being renovated. The applicant has provided letters of support from two neighboring businesses. This is the result of Code Enforcement action.)
ADDRESS:	2731 Silver Star Road, Orlando FL 32808
LOCATION:	Northwest corner of Silver Star Rd. and Clemson Rd., approximately 550 ft. west of John Young Parkway
TRACT SIZE:	71.5 ft. x 115 ft.
DISTRICT#:	2
LEGAL:	WILLIS R MUNGERS LAND SUB E/3 BEG 489.42 FT S OF NE COR OF LOT 24 RUN W 118.3 FT S 122.85 FT E 118.3 FT N 122.85 FT TO POB (LESS RD R/W ON E & S)
PARCEL ID#:	16-22-29-5844-00-240
NO. OF NOTICES:	80
<u>Commentaries:</u>	None

Staff Recommendation: Staff explained the history of the property, including the fact that Silver Star Road was widened, which resulted in the loss of lot area and required parking. It rendered a lot which was already nonconforming even more so. Staff recommended approval of the request subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Nichole Holton (Code Enforcement officer)
Jack E. Owens (Applicant) waived the right to speak and agreed with the staff recommendation. The Code Enforcement officer provided some additional backup information which was entered into the record at the public hearing.
No one spoke in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA concluded that the required Variances were necessary to allow the

applicant to resolve the pending code violations, and to compensate for the past loss of parking, and other improvements due to road widening. Based on the foregoing, the BZA concurred with the staff recommendation as amended

BZA Action: A motion was made by Gregory A. Jackson, 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 as amended:

1. Development in accordance with site plan dated March 10, 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 does not constitute approval of any new driveways or access points. Any new access point shall be subject to approval by the Public Works Department;
5. With the exception of the setback, the applicant shall provide a dumpster enclosure which complies with the requirements of Sec. 38-880(10) of the Orange County Code; and
6. The owner of the property shall be responsible for the repair of any damages to the sidewalk resulting from the use and maintenance of the dumpster. Enforcement of this condition shall be via the Code Enforcement Board, not the BZA.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

BRUCE MCLAY - VA-17-05-032

REQUEST:	Variance in the A-2 zoning district to place a mobile home on 0.41 acres of land in lieu of 2 acres.
ADDRESS:	15731 Trigonía Street, Orlando FL 32828
LOCATION:	Northeast corner of Trigonía St. and Mercury Avenue, 1/4 mile north of Sunflower Trail
TRACT SIZE:	130 ft. x 138 ft.
DISTRICT#:	4
LEGAL:	EAST PINE ACRES V/143 LOT 22 BLK K
PARCEL ID#:	30-22-32-2338-11-220
NO. OF NOTICES:	62

Commentaries: Two (2) in favor and one (1) opposed

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 recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Bruce McLay (Applicant) waived the right to speak and agreed with the staff

recommendation.
No one spoke in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA confirmed the size of other lots with mobile homes. The BZA determined the request was reasonable and consistent with the character of the area. For the foregoing reasons, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Carolyn Karraker 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 March 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; 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.

DEAN PULLER - VA-17-05-033

REQUEST:	Variances in the R-1A zoning district as follows: 1) To allow accessory structures with a cumulative total of 1,008 sq. ft. of floor area in lieu of 500 sq. ft.; 2) To locate an accessory structure (carport) in front of the residence in lieu of alongside or rear; and, 3) To validate an existing shed with a 0 ft. setback from the side (south) property line in lieu of five (5) ft. (Note: The applicant is proposing a 700 sq. ft. (20 ft. x 35 ft.) carport in front of their residence. The subject property is a lakefront lot. There is an existing 308 sq. ft. shed (14 ft. x 22 ft.) in the rear yard. The applicant has submitted 2 letters of support from neighbors.)
ADDRESS:	2824 Conway Gardens Road, Orlando FL 32806
LOCATION:	West side of Conway Gardens Rd., 1/4 mile north of Lake Margaret Dr.
TRACT SIZE:	100 ft. x 345 ft.
DISTRICT#:	3
LEGAL:	N 100 FT OF S 200 FT OF E 345 FT OF N1/2 OF NW1/4 OF NW1/4 (LESS RD ON E) OF SEC 08-23-30
PARCEL ID#:	08-23-30-0000-00-014
NO. OF NOTICES:	123
<u>Commentaries:</u>	Four (4) in favor and none opposed

Staff Recommendation: Staff explained that the applicant was requesting a variance to allow the construction of a new carport for their existing residential vehicles. What is at issue was the existence of a 308 sq. ft. shed in the rear yard which was there when the applicant purchased the property. Staff noted that the subject property and all properties to the west side of Conway Gardens Road were significantly larger than that required by the R-1A zoning district. Further, the proposed carport would be over 100 feet from the front property line. Additionally, a past

variance for a property on Lake La Grange had been approved in the past for a 750 sq. ft. accessory structure in lieu of 500 sq. ft. Lastly, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Dean Puller (Applicant)

No one spoke in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA concluded the request was not adverse to the general public and concurred with the staff recommendation as amended.

BZA Action: A motion was made by Eugene Roberson, seconded by Wes A. Hodge 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 March 13, 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. If the existing shed is ever removed or destroyed, the replacement shed shall meet all required setbacks;
5. The carport shall match the design and colors of the residence;
6. Should the 308 sq. ft. detached accessory shed in the rear ever be removed or destroyed, it shall not be replaced without approval of the BZA, at which time there will be no guarantee that the original square footage shall be approved, if at all; and
7. Permits for the existing shed in the rear yard shall be obtained within 180 days of final County Action.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

ARIEL JIMENEZ - VA-17-05-034

REQUEST:	Variance in the R-T-2 zoning district to permit a 6 ft. high fence in the front yard in lieu of 4 ft. (Note: This is the result of code enforcement action.)
ADDRESS:	6604 Nassau Avenue, Orlando FL 32822
LOCATION:	Southeast corner of Nassau Ave. and Papaya Rd.
TRACT SIZE:	100 ft. x 143 ft.
DISTRICT#:	3
LEGAL:	COCONUT GROVE V/57 LOT 1 BLK A
PARCEL ID#:	14-23-30-1440-01-010

NO. OF NOTICES: 61

Commentaries: Three (3) in favor and none opposed

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

The following person(s) addressed the Board:

Speaker(s): Ariel Jimenez (Applicant) waived the right to speak and agreed with the staff recommendation.

No one spoke in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA discussed the case and 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 March 13, 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 180 days or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

ROBERT PRICE - VA-17-05-035

REQUEST: **Variance** in the R-1AAAA zoning district to construct a 750 sq. ft. accessory building (garage) in lieu of 500 sq. ft.

ADDRESS: 2905 Donald Avenue, Zellwood FL 32798

LOCATION: East side of Donald Ave., north of N. Orange Blossom Trail.

TRACT SIZE: 71 ft. x 115 ft.

DISTRICT#: 2

LEGAL: BECKS ADDITION TO ZELLWOOD Q/124 LOT 7 & 8 (LESS W 200 FT LOT 8) BLK A

PARCEL ID#: 27-20-27-0560-01-070

NO. OF NOTICES: 74

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

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

The following person(s) addressed the Board:

Speaker(s): Robert Price (Applicant) waived the right to speak and agreed with the staff

recommendation.

No one spoke in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA confirmed the size of the lot and determined the request was reasonable. As such, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Carolyn Karraker 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 March 14, 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.

WALDON PROFESSIONAL FUNERAL & CREMATION SERVICES, LLC - SE-17-05-038

REQUEST: **Special Exception** in the A-2 zoning district to allow a funeral home and crematory.

ADDRESS: 3560 Plymouth Sorrento Road, Apopka FL 32712

LOCATION: Northwest corner of Hideaway Road and Plymouth Sorrento Road.

TRACT SIZE: 4.91 acres

DISTRICT#: 2

LEGAL: BEG 33 FT W & 329.94 FT N OF E1/4 COR OF SEC RUN N 329.95 FT W 650.44 FT S 329.10 FT E 651.16 FT TO POB IN SEC 24-20-27

PARCEL ID#: 24-20-27-0000-00-031

NO. OF NOTICES: 728

Commentaries: None in favor and sixteen (16) opposed (including City of Apopka)

Staff Recommendation: Staff gave a brief presentation regarding the case, and advised the BZA that the proposed funeral home and cremation facility was not consistent with the development trend of the area and was not compatible with the surrounding land uses. However, should the BZA approve the request, staff recommended conditions as outlined in the staff report to be applied.

The following person(s) addressed the Board:

Speaker(s): Kristy Waldon (Applicant)

Nathan Blackstock (Applicant's representative)

Jacqueline Waldon (Mother on behalf of the applicant)

David Scherr (in favor)

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 relative to traffic concerns in a rural area and the

community to include the City of Apopka being strongly opposed. Staff advised that if this request was approved, it could set a precedent for additional commercial uses in an agricultural area. As a result, the BZA denied the request.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Eugene Roberson, Jr. voting AYE by voice vote, and Carolyn Karraker, Deborah Moskowitz, Jessica Rivera, Wes A. Hodge voting No by voice vote (Jose A. Rivas, Jr. was absent), to **APPROVE** the Special Exception request. The motion **FAILED** for lack of a majority vote.

Another motion was made by Gregory A. Jackson, seconded by Carolyn Karraker and carried to **DENY** the Special Exception request in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest.

AYE (voice vote): Carolyn Karraker, Deborah Moskowitz, Jessica Rivera, Wes A. Hodge

NAY (voice vote): Gregory A. Jackson and Eugene Roberson

Absent: Jose A. Rivas, Jr.

AARON VIERBICKY - VA-17-05-040

REQUEST:	Variances in the R-1AA zoning district as follows: 1) To permit construction of an addition 25 ft. from the rear property line in lieu of 35 ft.; and, 2) To validate existing residence located 28 ft. from the front property line in lieu of 30 ft.
ADDRESS:	2917 Timberlake Drive, Orlando FL 32806
LOCATION:	North side of Timberlake Dr., approximately 775 ft. north of Pershing Ave., on the southeast side of Lake Margaret
TRACT SIZE:	.96 acres (approx. .34 acres submerged)
DISTRICT#:	3
LEGAL:	WYLDWOODE V/124 LOT 9 BLK D & BEG AT NE COR RUN N 38.32 FT W TO W LN OF NE1/4 OF SE1/4 SEC 7-23-30 S 30 FT E TO A PT LYING 7.9 FT N OF NW COR LOT 9 S TO NW COR LOT 9 E TO POB
PARCEL ID#:	07-23-30-9492-04-090
NO. OF NOTICES:	93

Commentaries: Five (5) in favor and none opposed

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

The following person(s) addressed the Board:

Speaker(s): Aaron Vierbicky (Applicant) waived the right to speak and agreed with the staff recommendation.

No one spoke in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA observed that the applicant had made efforts to design the addition to follow the angle of the rear property line. Thus, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Wes A. Hodge, 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 March 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; 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.

KEITH PRZECLAWSKI - SE-17-05-041

REQUEST: **Special Exception and Variances** in the R-1AA zoning district as follows: 1) Special Exception: To allow existing detached Accessory Dwelling Unit (ADU) to remain; 2) Variance: To validate an existing detached ADU with 1,596.8 sq. ft. in lieu of 1,000 sq. ft.; 3) Variance: To add a 20 ft. x 50 ft. carport/shed to the front of the ADU; 4) Variance: To allow a carport/shed addition to the front of the existing ADU which will extend beyond the front building line of the principal residence in lieu of alongside or rear; and, 5) Variance: To allow the addition to the ADU 21 ft. from the front property line in lieu of 25 ft. (Note: The parents reside in the ADU. The son and his family reside in the main residence. According to Property Appraiser's data, the ADU was constructed in 1960, and the main residence in 1964. There is a private 30 ft. wide easement along the front of the property adjacent to Sterling Lane.)

ADDRESS: 3352 Sterling Lane, Orlando FL 32817

LOCATION: West side of Sterling Lane, east side of Lake Irma, approximately 475 ft. northwest of SR-417

TRACT SIZE: 1.5 acres

DISTRICT#: 5

LEGAL: N 180 FT OF E 150 FT OF S 310 FT OF E1/2 OF NE1/4 OF SE1/4 & BEG 130FT N 150 FT W & 44.1 FT N OF SE COR OF NE 1/4 OF SE1/4 RUN N 75 DEG W 533.07 FT N 10.85 FT E 517.16 FT S 135.9 FT TO POB IN SEC 12-22-30 SEE 3176/130 & ALSO SEE 3854/2978 FOR INGRESS/EGRE

PARCEL ID#: 12-22-30-0000-00-005

NO. OF NOTICES: 181

Commentaries: Three (3) in favor and one (1) opposed

Staff Recommendation: Staff explained that Sterling Lane was actually located on a private parcel of land, not right of way, which was jointly owned by every residence fronting on it. There was also a cross-access easement located across the front of each parcel fronting Sterling Lane. Staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Keith Przeclawski (Applicant) waived the right to speak and agreed with the staff recommendation.

No one spoke in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA found that this request was primarily to validate several existing conditions, and to allow some minor accessory improvements. As such, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Wes A. Hodge, seconded by Deborah Moskowitz 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; and, 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 March 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;
4. If the carport encroaches into the thirty (30) feet easement along the east property line, prior to the issuance of any permits for the carport the applicant shall submit a letter of approval from the easement holders, or the easement shall be extinguished; and
5. The exterior of the addition to the ADU shall match the exterior of the existing structure with respect to color and roof materials.

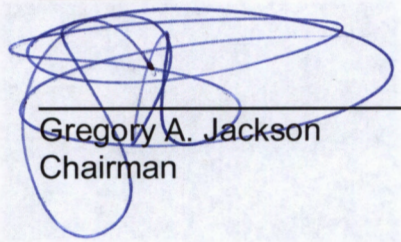
AYE (voice vote): All members present

Absent: Jose A. Rivas, Jr.

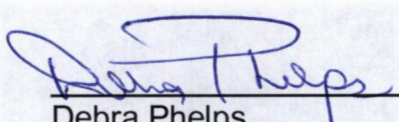
ADJOURN:

There being no further business, the meeting was adjourned at 12:11 p.m.

ATTEST:



Gregory A. Jackson
Chairman



Debra Phelps
Recording Secretary