

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF AUGUST 3, 2017**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **August 3, 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
Jose A Rivas, Jr. – District #3
Deborah Moskowitz – District #4
Wes A. Hodge – District #5
Eugene Roberson – District #6
Jessica Rivera – At Large

STAFF PRESENT: 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 9:03 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 July 6, 2017, Board of Zoning Adjustment meeting.

A motion was made by Deborah Moskowitz, seconded by Carolyn C. Karraker, and unanimously carried to **APPROVE** the minutes of the July 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.

LAURA KELLEY - VA-17-08-069

REQUEST:	Variances in the R-1 zoning district for the following: 1) To validate existing garage 5 ft. from front (west) property line in lieu of 25 ft.; and, 2) To convert existing covered porch into living area 6 ft. from front property line in lieu of 25 ft. (Note: According to Property Appraiser's data, the home was built in 1945. Applicant purchased the home in 2010. Applicant proposes to renovate and expand existing residence.)
ADDRESS:	9020 Wilson Avenue, Gotha FL 34734
LOCATION:	East end of Wilson Avenue, approximately 400 ft. east of Woodlawn Cemetery Rd. and west of Lake Rose
TRACT SIZE:	120 ft. x 211 ft. (AVG)
DISTRICT#:	1
LEGAL:	10096/4057 INCOMPLETE LEGAL LAKEVIEW HEIGHTS E/39 THE E3/4 OF E1/2 OF N1/2 OF LOT 50 & S 1/2 OF VAC R/W ON N PER

9735/8000

PARCEL ID#: 27-22-28-4880-00-501

NO. OF NOTICES: 105

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

Staff Recommendation: Staff explained the history of the property, to including that the existing structures had been built in 1945; zoning maps used to verify whether a property existed at that point that it was considered a parcel of record reflected that the property had been in its current configuration at that time. Thus, the applicant would suffer a hardship without the variance in that they would be forced to demolish the garage with the living space over it to reconstruct it twenty-five (25) feet from the west property line. Finally, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Laura Kelley (Applicant)

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

BZA Discussion: The BZA concluded that the variance was justified due to the history of the property and the hardship the applicant would suffer if the variances were not granted. As a result, 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 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 June 1, 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 residence is ever destroyed or demolished, the replacement home shall comply with all required setbacks unless variances are granted by the BZA.

AYE (voice vote): All members present

TROY FILLEY - VA-17-08-070

REQUEST: **Variance** in the R-1A zoning district to enclose existing carport and convert into a garage 8 ft. from the front property line in lieu of 25 ft.

ADDRESS: 1791 Killarney Drive, Winter Park FL 32789

LOCATION: North side of Killarney Drive, approximately 90 ft. east of Clay Street

TRACT SIZE: 0.73 acres

DISTRICT#: 5

LEGAL: FLAMINGO SHORES S/144 LOT 17 BLK C

PARCEL ID#: 12-22-29-2722-03-170

NO. OF NOTICES: 301

Commentaries: Five (5) in favor and one (1) in opposition

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

The following person(s) addressed the Board:

Speaker(s): Troy Filley (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 carport was just being enclosed and no square footage was being added; and further, that the eight (8) foot setback was only on one (1) corner. For the foregoing reasons, the BZA agreed 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 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 June 9, 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 garage conversion shall match the main house.

AYE (voice vote): All members present

WILLIAM WHITAKER - VA-17-08-071

REQUEST:	Variance in the R-CE zoning district to allow existing 1,200 sq. ft. detached accessory building (garage/carport) to remain in front of the principal residence in lieu of rear or side of the residence. (Note: This application is the result of code enforcement action.)
ADDRESS:	3615 Laughlin Road, Mount Dora FL 32757
LOCATION:	East side of Laughlin Rd., approximately 850 ft. north of the N. Orange Blossom Trail, on the west side of Lake Maggiore
TRACT SIZE:	1.5 acres
DISTRICT#:	2
LEGAL:	TOWN OF ZELLWOOD A/122 BEG 470 FT S OF NW COR OF LOT 45, RUN TH N 80 FT, TH N89-50-21E 370 FT, N0E 50 FT, TH N89-50-21E 267 FT SWLY TO WATERS OF LAKE MAGGIORE, TH SWLY ALONG WATER 130 FT M/L, TH S89-50-21W 614 FT M/L ALONG CENTER OF WILLOW ST TO POB, BEIN
PARCEL ID#:	15-20-27-9504-00-510
NO. OF NOTICES:	65
<u>Commentaries:</u>	Four (4) in favor and none in opposition
<u>Staff Recommendation:</u>	Staff gave a brief presentation on the case addressing the location, site

plan, and photographs. Further, staff recommended approval subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): William Whitaker (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 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 June 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.

4. The applicant shall obtain all proper permits within 180 days or this approval becomes null and void.

AYE (voice vote): All members present

GLEN SCHOEN - VA-17-08-072

REQUEST:	Variance in the R-1A zoning district to construct an accessory structure (garage) with 1,200 sq. ft. of floor area in lieu of 500 sq. ft.
ADDRESS:	3125 Cavalier Avenue, Orlando FL 32833
LOCATION:	East side of Cavalier Ave., approximately 325 ft. south of Wembley Ave.
TRACT SIZE:	150 ft. x 300 ft.
DISTRICT#:	5
LEGAL:	CAPE ORLANDO ESTATES UNIT 12A 4/66 LOT 7 BLK 15 SEE 5550/1117
PARCEL ID#:	10-23-32-1184-15-070
NO. OF NOTICES:	31

Commentaries: One (1) letter of support from HOA

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

The following person(s) addressed the Board:

Speaker(s): Barbara Schoen (Applicant's wife)

Glen Schoen (Applicant)

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.

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 June 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. The accessory building shall be constructed of materials that are commonly used for single family home construction.

5. The accessory building shall be setback a minimum of 20 ft. from the side and rear (north, east, and south) property lines.

AYE (voice vote): All members present

JOHN MORRIS
VA-17-08-074

REQUEST:	Variance in the R-1A zoning district to construct covered back porch 20 ft. from rear (south) property line in lieu of 30 ft. (Note: The subject property backs up to a drainage canal).
ADDRESS:	20922 Nettleton Street, Orlando FL 32833
LOCATION:	South side of Nettleton Street, approximately 325 ft. west of Abalone Boulevard
TRACT SIZE:	80 ft. x 125 ft.
DISTRICT#:	5
LEGAL:	ROCKET CITY UNIT 4 Z/74 A/K/A CAPE ORLANDO ESTATES UNIT 4 1855/292 LOT 18 BLK 58
PARCEL ID#:	01-23-32-7602-58-180
NO. OF NOTICES:	64

Commentaries: One letter of support from HOA and none in opposition

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

The following person(s) addressed the Board:

Speaker(s): John Morris (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 Wes A. Hodge, seconded by Eugene Roberson 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 June 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.

AYE (voice vote): All members present

MARCO LOLIET - VA-17-08-077

REQUEST: Variance in the R-1AA zoning district to erect fence in the front yard 6 ft. in height in lieu of 4 ft.
ADDRESS: 5516 Parkdale Drive, Orlando FL 32839
LOCATION: West side of Parkdale Dr., south of W. Mary Jess Rd.
TRACT SIZE: 2.9 acres
DISTRICT#: 3
LEGAL: REPLAT OF JESSAMINE BEACH R/37 LOTS 2 & 3 BLK B
PARCEL ID#: 23-23-29-3984-02-020
NO. OF NOTICES: 345

Commentaries: Four (4) in favor and six (6) in opposition

Staff Recommendation: Staff gave a brief presentation on the case and showed photographs of the location. Finally, staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Brent Spain (Applicant Representative)

Kathy Panter (Neighbor opposed)

Mr. Spain addressed the Board in rebuttal.

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.

The applicant's attorney described the fence and gate and explained how the property was heavily landscaped. Further, the applicant's attorney stated that the fence was for privacy and security, and, would not affect visibility. Additionally, the applicant's attorney indicated that there were special conditions and circumstances due to the shape of the lot and the unique stub out along the setback lines; and, as a result, it would not be viable to move the fence further back.

A resident spoke in opposition stating that the area was an open neighborhood of older homes, and, that the applicant was trying to wall off part of a neighborhood. She also stated that the fence would impede visibility for traffic.

BZA Discussion: The BZA confirmed the location of the fence and the locations of the neighbors who were opposed. Further, the BZA debated if the fence could be out of character with the other homes on the lake as opposed to the homes across the street. The BZA did not agree that the fence would impede traffic visibility and concurred with the staff recommendation.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Carolyn Karraker and 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 June 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.

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): Jose A. Rivas, Jr., Carolyn Karraker, Wes A. Hodge, Gregory A. Jackson, and Jessica Rivera

NAY (voice vote): Eugene Roberson and Deborah Moskowitz

EASTLAND BAPTIST CHURCH, INC. - SE-17-08-075

REQUEST: **Special Exception** in the R-1AA zoning district to construct a 12,000 sq. ft. multipurpose building on the existing church campus. (Note: The applicant had obtained approval for a 9,000 sq. ft. multipurpose building in 2008. However, due to the downturn in the economy they chose not to construct the structure and the approval expired.)

ADDRESS: 9000 Lake Underhill Road, Orlando FL 32825

LOCATION: South side of Lake Underhill Rd., approximately 1/2 mile west of S. Econlockhatchee Trail

TRACT SIZE: 19.3 acres

DISTRICT#: 3

LEGAL: THE W1/2 OF NW1/4 OF NW1/4 (LESS N 50 FT FOR RD) OF SEC 31-22-31

PARCEL ID#: 31-22-31-0000-00-007

NO. OF NOTICES: 192

Commentaries: Two (2) in favor and three (3) in opposition

Staff Recommendation: Staff explained the history of the property including past Special Exceptions on the property. One of the past approvals was for a 9,000 sq. ft. multipurpose building. However, due to economic reasons, the building was never constructed, and the approval lapsed. Staff noted that the proposed building would be over 140 feet from the side (west) property line and over 430 feet from the rear (south) property line. Additionally, staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Bill Burkett (Applicant's Representative)

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

BZA Discussion: In their deliberation, the BZA asked the applicant if they would be willing to paint the building a color matching or complimentary to that of the main building in which the applicant agreed. Thus, the BZA concurred with the staff recommendation as amended.

BZA Action: A motion was made by Carolyn Karraker, seconded by Wes A. Hodge 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 June 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. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
5. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, Exterior Lighting Standards. All lighting shall be directional fixtures downlit in the dark skies method.
6. The exterior of the multipurpose building shall be painted to match or complement the colors of the existing building.
7. The multipurpose building shall not exceed 12,000 sq. ft. of air conditioned floor area.
8. No more than four (4) outdoor special events per calendar year 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.
9. Prior to the issuance of permits the applicant shall complete an updated Conservation Area Determination.
10. The interior of the building will be insulated to reduce sound emissions from within.

AYE (voice vote): All members present

Abstained: Jose A. Rivas, Jr. (due to Conflict of Interest)

MICHAEL KONZE - VA-17-08-076

REQUEST:	Variances in the R-1A zoning district as follows: 1) To construct a 750 sq. ft. accessory building (garage) in lieu of 500 sq. ft.; and, 2) To allow the proposed accessory building (garage) in the front yard in lieu of rear or side yard.
ADDRESS:	501 29th Street, Orlando FL 32805
LOCATION:	North side of 29th Street and approximately 120 ft. west of W. Michigan Street
TRACT SIZE:	.63 acres
DISTRICT#:	3
LEGAL:	ANGEBILT ADDITION H/79 LOTS 13 & 14 (LESS RD R/W) BLK 55
PARCEL ID#:	03-23-29-0180-55-130

NO. OF NOTICES: 59

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

Staff Recommendation: Staff gave a brief presentation on the case and requested a discussion between the BZA and the applicant regarding the placement of the garage. Staff further 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): Michael Konze (Applicant)

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

BZA Discussion: A brief discussion ensued between the BZA and applicant where the applicant explained that he had plans to add square footage to the existing home and that there was a septic field located on the west side of the residence which made it difficult to place the garage on the west side of the property. The BZA agreed with the applicant and concurred with the staff recommendation.

BZA Action: A motion was made by Jose A. Rivas, Jr., 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 June 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.
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 garage shall be setback at least twenty (20) feet from the south and east property lines.
5. Accessory structure shall not exceed 750 cumulative square feet.
6. The accessory structure shall be constructed of materials which are similar to the principal residence.

AYE (voice vote): All members present

ENVIRO TREE SERVICE, LLC - SE-17-08-073

REQUEST:	Special Exceptions in the A-1 zoning district for the following: 1) To operate a landscaping and tree trimming service (Approved); 2) To operate a yard waste recycling facility (Withdrawn by Staff); and, 3) To operate a wood chipping operation (Withdrawn by Applicant).
ADDRESS:	3202 Phils Lane, Apopka FL 32712
LOCATION:	West side of Phils Lane, approximately .25 mil. north of W. Ponkan Rd.
TRACT SIZE:	650 ft. x 646 ft. (9.6 acre)
DISTRICT#:	2
LEGAL:	N1/2 OF S1/2 OF W1/2 OF NW1/4 OF SE1/4 & S1/2 OF S1/2 OF W1/2 OF NW1/4 OF SE1/4 OF SEC 24-20-27 & (LESS W 30 FT THEREOF TAKEN FOR RW PER 10757/5097)

PARCEL ID#: 24-20-27-0000-00-001

NO. OF NOTICES: 77

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

Staff Recommendation: Staff noted that as a result of the Community Meeting held on July 24, 2017, the Yard Waste Recycling Facility request was being withdrawn by staff. This use was included by staff to ensure that the public hearing would not need to be continued if it was determined that the applicant was in fact a yard trash processing facility. Staff indicated that due to the significant opposition expressed at the Community Meeting, primarily regarding the use of the wood chipper, staff could not support the current request. However, staff stated if the BZA approved this request, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Scott Stuart (Applicant's Representative)
Joshua Tonkesley (Applicant's Representative)

The following citizens addressed the Board in opposition of the request:

Petra Harden (Opposed – deferred time)
Cheryl Manley (Opposed – deferred time)
Donna Jean Walsh (Opposed – deferred time)
Phillip Simmons (Opposed – deferred time)
Thomas Harper (Opposed – deferred time)
Joel Cravey (Opposed – deferred time)
Elizabeth Beary (Opposed – deferred time)
Rebekah Beary (Opposed – deferred time)
David Scharr (Opposed – deferred time)
Kim Walsh (Opposed)
Cynthia Cioci (Opposed)
Kevin Beary (Opposed)

There was no one in attendance to speak in favor of the proposed use.

There were twelve (12) persons present in opposition. Most were residents of the area. Nine (9) persons gave their time to one (1) spokesperson who explained that the current operation was creating impacts which included: noise; dust; vibration; and vermin. Two (2) additional persons spoke to other impacts and concerns on their livestock and the impact large trucks would have on Phils Lane.

In the applicant's rebuttal, due to comments from neighbors during this public hearing, they agreed to cease all wood chipping operation on site once the existing debris was removed. Therefore, the only Special Exception being considered is that for the landscaping and tree trimming service.

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

BZA Discussion: The BZA deliberated the use of the property as a landscaping and tree trimming business with no wood chipping taking place on site. As a result, staff provided the revised conditions #4, #6, and #7. Lastly, the BZA concurred with the staff recommendation as amended.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Carolyn Karraker and carried to **APPROVE** the Special Exception Request #1, 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; further, the Special Exception Request #2, was **WITHDRAWN** by Staff; and, the Special Exception Request #3, was **WITHDRAWN** by the Applicant:

1. Development in accordance with site plan dated July 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. Hours of operation shall be 7:00 a.m. to 5:30 p.m., Monday through Friday, only. No grinding, chipping, or mulching shall be allowed on the subject property.

5. Burning is prohibited.

6. Storage of landscape materials shall be limited to no more than 6,000 cubic yards of finished materials at any one time. Storage of unprocessed yard waste and debris, including tree trunks, shall be prohibited. The finished material shall be stored in one (1) or more, three (3) sided masonry walled container structures.

7. All setbacks shall be as shown on plan date-stamped, 'Received July 13, 2017'.

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

9. No more than one (1) ground sign at six (6) feet high and at a maximum of thirty-two (32) sq. ft. of copy area shall be allowed for this project.

10. The subject property shall be available for inspection by EPD staff during normal business hours.

11. This approval shall be for the applicant, Enviro Tree Service, LLC, only. Any proposed use by a future owner which is not permitted by right must obtain a new Special Exception through the BZA.

12. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.

13. There shall be no retail sales from the subject property.

14. Any violation of the conditions of this approval shall be treated as a code violation subject to action by the Code Enforcement Board, not the BZA.

AYE (voice vote): Gregory A. Jackson, Carolyn Karraker, Jose A. Rivas, Jr., Eugene Roberson, and Jessica Rivera

NAY (voice vote): Wes A. Hodge and Deborah Moskowitz

SLOAN ENGINEERING GROUP, INC.
VA-17-08-078

REQUEST:	Variance in the IND-4 zoning district to allow parking 40.5 ft. from centerline of Apopka Boulevard in lieu of 50 ft. (Note: The additional parking is required for the proposed office expansion.)
ADDRESS:	2400 Apopka Blvd., Apopka FL 32703
LOCATION:	South side of S. Apopka Blvd., south side of Vulcan Rd., north of SR 414
TRACT SIZE:	53.87 acres
DISTRICT#:	2
LEGAL:	HI ALTA SUB P/12 BEG 200 FT E OF SW COR OF SE1/4 OF SE1/4

RUN N 305 FT E TO E R/W LINE OF SR 424 SELY TO S LINE OF SE1/4 OF SE1/4 W TO POB HI ALTA SUB P/12 BEG SE COR OF SW1/4 OF SE1/4 RUN E 200 FT N 305 FT W 200 FT S 305 FT TO POB & NW1/4 OF NE1/4 LYING

PARCEL ID#: 24-21-28-3508-01-000

NO. OF NOTICES: 210

Commentaries: None

Staff Recommendation: Staff noted that the applicant was in need of expanding their offices to accommodate their growth. The expansion required additional parking and there was no other location for the new parking other than where it was being proposed. Staff noted that they checked with the Public Works Division and there are no short-term or long-term plans to widen Apopka Boulevard. Finally, staff recommended approval subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Sam Medina (Applicant's Engineer)

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

BZA Discussion: The BZA concluded that the variance was the minimum needed, and that without it, this long established business could ultimately be forced to leave this site. Therefore, the BZA 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 June 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.
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. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
5. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, Exterior Lighting Standards, and provide downlit lighting which does not interfere with traffic on South Apopka Boulevard.

AYE (voice vote): All members present

JOEL BUNTIN
VA-17-08-079

REQUEST: **Variance** in the R-1A zoning district to construct single family residence on a lot containing 73 ft. of lot width in lieu of 75 ft. (Note: All building setbacks will be met).

ADDRESS: 1139 Holden Avenue, Orlando FL 32839

LOCATION: North side of Holden Avenue, approximately 875 ft. east of S. Orange Blossom Trail
TRACT SIZE: 73 ft. x 120 ft.
DISTRICT#: 3
LEGAL: BEG 360 FT W & 30 FT N OF SE COR SEC RUN W 73 FT N 120 FT E 73 FT TH S 120 FT TO POB IN SEC 10-23-29
PARCEL ID#: 10-23-29-0000-00-059
NO. OF NOTICES: 102

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

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

The following person(s) addressed the Board:

Speaker(s): Joel Buntin (Applicant)

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

BZA Discussion: The BZA determined this request was reasonable and not injurious to the area. Furthermore, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Jose A. Rivas, Jr., 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 June 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.

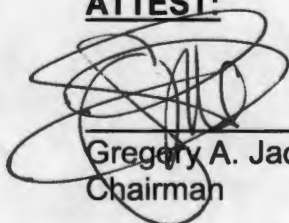
4. All building setbacks shall be met.

AYE (voice vote): All members present

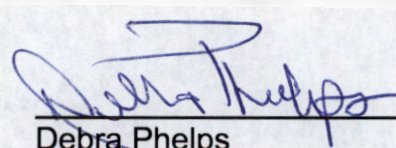
ADJOURN:

There being no further business, the meeting was adjourned at 12:37 p.m.

ATTEST:



Gregory A. Jackson
Chairman



Debra Phelps
Recording Secretary