

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF SEPTEMBER 7, 2017**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **September 7, 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
Eugene Roberson – District #6
Jessica Rivera – At Large

BOARD MEMBERS ABSENT: Wes A. Hodge – District #5

STAFF PRESENT: Rocco Relvini, AICP, Chief Planner, Zoning Division
Sean Bailey, Chief Planner, Zoning Division
Nicholas Balevich, 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 August 3, 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 August 3, 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.

CARL JACOBS - VA-17-01-175

REQUEST:	Variances in the Planned Development zoning district to construct a new single family residence as follows: 1) To construct a porch that is less than 1/3 of the single family residence frontage; and, 2) To construct an attached garage in front of the new single family residence in lieu of recessed 10 ft. behind the primary structure.
ADDRESS:	12235 Montalcino Circle, Windermere FL 34786
LOCATION:	West side of Montalcino Circle, 1/2 mile south of Overstreet Rd.
TRACT SIZE:	68 ft. x 137 ft.
DISTRICT#:	1
LEGAL:	CASA DEL LAGO - REPLAT 75/60 LOT 75

PARCEL ID#: 25-23-27-1213-00-750
NO. OF NOTICES: 78

THIS APPLICATION WAS WITHDRAWN BY THE APPLICANT.

HOMES IN PARTNERSHIP, INC. - VA-17-09-081

REQUEST: **Variance** in the R-2 zoning district to construct single family residence 6 ft. from side street property line in lieu of 15 ft.
ADDRESS: 301 15th Avenue, Ocoee FL 34761
LOCATION: South side of 15th Avenue and approximately 950 ft. east of N. Lakewood Avenue.
TRACT SIZE: 50 ft. x 150 ft.
DISTRICT#: 2
LEGAL: NORTH OCOEE ADDITION NO 1 O/68 LOT 7 BLK 4
PARCEL ID#: 08-22-28-5956-04-070
NO. OF NOTICES: 106
Commentaries: None

Staff Recommendation: Staff provided a brief presentation addressing the site location, trend in the neighborhood, and the site plan. Lastly, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Tony Best (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 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 29, 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.

4. Approval of this request does not constitute approval for the use of septic tanks.

AYE (voice vote): All members present

Absent: Wes A. Hodge

DAVE DABRIA - VA-17-09-083

REQUEST: **Variance** in the R-1A zoning district to construct addition (sun room) 20 ft. from the rear (south) property line in lieu of 30 ft.

BOARD OF ZONING ADJUSTMENT
MEETING OF SEPTEMBER 7, 2017

ADDRESS: 9658 Wildoak Drive, Windermere FL 34786
LOCATION: South side of Wildoak Dr., approximately 450 ft. west of Hempel Ave.
TRACT SIZE: 128 ft. x 157 ft.
DISTRICT#: 1
LEGAL: WINDERMERE DOWNS 4/12 LOT 16
PARCEL ID#: 04-23-28-9332-00-160
NO. OF NOTICES: 71

Commentaries: None

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

The following person(s) addressed the Board:

Speaker(s): The applicant was not present at the public hearing.

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

BZA Discussion: The BZA concluded the request was reasonable and not detrimental to the public. As a result, the BZA agreed with the staff recommendation.

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:

1. Development in accordance with site plan dated July 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.

AYE (voice vote): All members present

Absent: Wes A. Hodge

CHRIS VENN - SE-17-09-086

REQUEST: **Special Exceptions** in the R-1AA zoning district as follows: 1) To request an attached Accessory Dwelling Unit (ADU) for the applicant's elderly parents; and, 2) To allow an ADU with 1,200 sq. ft. in lieu of 1,000 sq. ft. (Note: There are no records of approval of an ADU. The applicant proposes to remodel the existing residence.)

ADDRESS: 5627 Padgett Circle, Orlando FL 32839

LOCATION: East side of Padgett Circle, approximately 1,200 ft. north of W. Oak Ridge Road

TRACT SIZE: .93 acres

DISTRICT#: 3

LEGAL: BEG 908.12 FT W & 1206.68 FT N OF SE COR OF NW1/4 TH NELY 100 FT E 401.64 FT S 98.6 FT W 418.32 FT TO POB IN SEC 23-23-29

PARCEL ID#: 23-23-29-0000-00-085

NO. OF NOTICES: 317

Commentaries: Five (5) in favor and four (4) in opposition

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 described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Chris Venn (Applicant)

Harold Martin (Neighbor opposed)

Dianne C. Merritt (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 and concluded the request was reasonable. Therefore, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Eugene Roberson and unanimously carried to **APPROVE** the Special Exception requests 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 July 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. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.

5. The exterior of the Accessory Dwelling Unit (ADU) shall match the exterior of the existing residence.

6. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

7. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.

AYE (voice vote): All members present

Absent: Wes A. Hodge

KEN THOMPSON - VA-17-09-082

REQUEST: **Variances** in the C-1 zoning district as follows: 1) To construct a parking lot 46 ft. from the centerline of Hoffner Avenue in lieu of 55 ft.; and, 2) To

construct a commercial building 12.92 ft. from the rear (south property line) in lieu of 20 ft.

ADDRESS: 906 Hoffner Avenue, Orlando FL 32809

LOCATION: South side of Hoffner Ave., east of Hansel Ave.

TRACT SIZE: 84 ft. x 110 ft.

DISTRICT#: 3

LEGAL: SUNDAY BLOCK O/27 LOTS 4 & 5 (LESS E 16.1 FT OF LOT 4)

PARCEL ID#: 24-23-29-8408-00-041

NO. OF NOTICES: 84

Commentaries: None

Staff Recommendation: Staff gave a presentation on the case covering the location, site plan, surrounding properties, and photographs. Furthermore, staff recommended approval subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Ken Thompson (Applicant)

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

BZA Discussion: The BZA discussed and amended Condition #4 to state, "The applicant shall provide landscaping in accordance with Chapter 24, to the greatest extent possible, subject to review and approval of the Zoning Manager." Thus, the BZA concurred with the staff recommendation as amended.

BZA Action: A motion was made by Jose A. Rivas, Jr., 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 July 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. The applicant shall provide landscaping in accordance with Chapter 24, to the greatest extent possible, subject to review and approval of the Zoning Manager.

AYE (voice vote): All members present

Absent: Wes A. Hodge

DENISE STONE - VA-17-09-084

REQUEST: **Variance** in the R-1A zoning district to allow an existing addition (awning) to a single family residence to remain 4 ft. from the side (east) property line in lieu of 7.5 ft. (Note: The applicant has submitted letters of support from three (3) neighbors. This application is a result of code enforcement action.)

ADDRESS: 591 Heather Brite Circle, Apopka FL 32712
LOCATION: South side of Heather Brite Cir., approximately .25 mi. from Canter Club Trl.
TRACT SIZE: 79 ft. x 140 ft. (AVG)
DISTRICT#: 2
LEGAL: WEKIVA SECTION TWO 8/79 LOT 87
PARCEL ID#: 01-21-28-9082-00-870
NO. OF NOTICES: 97

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

Staff Recommendation: Staff gave a brief presentation on the case covering the location, site plan, and photographs. Staff advised the BZA that the H.O.A. had communicated to the Zoning Staff that they would not approve the request. Should the BZA approve this request, staff recommended conditions as described in the staff report to be imposed.

The following person(s) addressed the Board:

Speaker(s): Denise Stone (Applicant)

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

BZA Discussion: The BZA stated that the amount of variance requested was reasonable, but the H.O.A. issue could not be resolved at this level. Finally, 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 July 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 applicant shall obtain a permit for the awning within ninety (90) days or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Wes A. Hodge

RECESSED AT 9:57 A.M. AND RECONVENED AT 10:00 A.M.

BOARD MEMBER EXITED: Deborah Moskowitz

JONATHAN HUELS, P.A., AGENT FOR SHERRI FRAGOMENI - VA-17-09-085

REQUEST: **Variances** in the R-CE zoning district to allow existing accessory uses to remain as follows: 1) Cumulative square footage of 1,365 sq. ft. (1,269 sq. ft. accessory building and 96 sq. ft. chicken coop) in lieu of 500 sq. ft.;

and, 2) 22.5 ft. in height in lieu of 20 ft. (Note: On November 5, 2015, the BZA approved this request, not including the chicken coop. However, a recent new survey shows the previous measurements were not accurate. The previous variance and building permits were based on an incorrect survey. Therefore, a modified variance request is required.)

ADDRESS: 9875 Kilgore Road, Orlando FL 32836
LOCATION: East side of Kilgore Rd., north of Darlene Dr.
TRACT SIZE: .97 acres
DISTRICT#: 1
LEGAL: BEG 140 FT N OF SE COR OF S1/2 OF N1/2 OF SE1/4 OF SE1/4 RUN N 118.73 FT S 83 DEG W 397.33 FT M/L TO ELY R/W KILGORE RD SELY ALONG RD 110.72 FT N 86 DEG E 347.11 FT M/L TO POB IN SEC 04-24-28
PARCEL ID#: 04-24-28-0000-00-043
NO. OF NOTICES: 56

Commentaries: Twenty-two (22) letter of support and none in opposition

Staff Recommendation: The applicant was advised by Zoning Staff to return to the BZA because her previous approval was based on an incorrect survey. The new survey reflected a reduced building setback between her neighbor's property line and her oversized barn. Staff advised the BZA that based on the increase of building size, the setback should be at least fourteen (14) feet. The applicant was providing a twenty-five (25) foot setback. Therefore, staff supported the request with the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Jonathan Huels, P.A. (Applicant's representative)

Sherri Fragomeni (Applicant)

Penny Marra (Neighbor in favor)

David Wilson (Neighbor in favor)

Jim Catan (Neighbor opposed)

There were twelve (12) area residents in attendance that supported the applicant. Two (2) spoke in favor.

The property owner to the rear spoke in opposition. He had concerns about his view and the potential animals the applicant could place on the property. Also, he felt the existing building was too close to his property line.

The applicant's attorney advised in rebuttal to the BZA that the neighbors to the rear were required to preserve the rear thirty-five (35) feet of their lots abutting the applicant's property.

Material was submitted to the Board by the applicant's representative and neighbor to be entered into the record prior to the close of the public hearing.

BZA Discussion: The BZA concluded that the request was reasonable and blended nicely with the character of the area. Based on the foregoing, the BZA concurred with the staff recommendation to include the amendment of Condition #5, and added Condition #8.

BZA Action: A motion was made by Carolyn Karraker, 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 as amended:

1. Development in accordance with site plan dated August 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. Applicant shall apply for and obtain a revised permit for the accessory building within ninety (90) days or this approval becomes null and void.

5. There shall be no equine manure piles within thirty (30) feet of the east property line.

6. The property shall not keep any animals within twenty-five (25) feet of the east property line.

7. Roosters shall be prohibited.

8. Excrement and waste from any chickens/hens shall not be piled or stored within 100 feet of the east property line.

AYE (voice vote): All members present

Absent: Wes A. Hodge and Deborah Moskowitz

BOARD MEMBER EXITED AND RE-ENTERED: Gregory A. Jackson

RY LU - VA-17-09-087

REQUEST: **Variance** in the R-1A zoning district to construct an addition (screen porch with a structural roof) to a single family residence 18 ft. from the rear (south) property line in lieu of 30 ft.

ADDRESS: 131 Killington Way, Orlando FL 32835

LOCATION: Southwest side of Killington Way, approximately 550 ft. northeast of Old Winter Garden Rd.

TRACT SIZE: 116 ft. x 108 ft. (AVG)

DISTRICT#: 6

LEGAL: WINTER HILL 26/100 LOT 136

PARCEL ID#: 27-22-28-9397-01-360

NO. OF NOTICES: 107

Commentaries: Four (4) in favor and none in opposition

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

The following person(s) addressed the Board:

Speaker(s): Ry Lu (Applicant)

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

BZA Discussion: The BZA noted the addition backs up to a landscape buffer tract. Furthermore, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Eugene Roberson, 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 site plan dated July 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. 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 design of the addition shall be consistent with the design of the main house.

AYE (voice vote): All members present

Absent: Wes A. Hodge and Deborah Moskowitz

GENE BRASCOMB - SE-17-09-088

REQUEST: **Special Exception and Variance** in the R-1A zoning district as follows: 1) Special Exception to allow existing residence to remain as a guest house; and, 2) Variance to allow said guest house with 1,177 sq. ft. of floor area in lieu of 1,000 sq. ft.; or, 3) Variance to allow existing accessory structures with 1,177 sq. ft. of floor area in lieu of 624 sq. ft. (Note: According to Property Appraiser's data, the house is not homesteaded by current owner. The third variance is to allow the BZA the option of granting a variance to allow additional accessory use square footage rather than the guest house. This is the result of code enforcement action.)

ADDRESS: 6609 Calypso Drive, Orlando FL 32809

LOCATION: East side of Calypso Dr., approximately 1/4 mile south of E. Lancaster Road.

TRACT SIZE: 100 ft. x 201 ft.

DISTRICT#: 3

LEGAL: W 231 FT OF E 431 FT OF S 85 FT OF N 1215 FT OF E1/2 OF NE1/4 OF NE1/4 SEC 26-23-29 (LESS W 30 FT FOR RD)

PARCEL ID#: 26-23-29-0000-00-047

NO. OF NOTICES: 65

Commentaries: None

Staff Recommendation: Staff gave a presentation showing the site plan, photographs of the structure, and provided some background on the case. Staff could not support the request for the following reasons: a) the request did not comply with the on-site zoning; b) the request was proposing a triplex in a single family zoning district; and, c) the accessory building was over-sized and this variance would be the first of its kind in the area. Finally, staff stated should the BZA approve the request, staff recommended conditions as set forth in the staff report to be imposed.

The following person(s) addressed the Board:

Speaker(s): Gene Brascomb (Applicant)
Wilbert Ventura (Code Enforcement Officer)

The applicant stated the building was existing when the owner purchased the property. The structure has existed since the early 1990s. He stated the plan was to use the structure for a pool house/storage and not as a dwelling unit providing photographs as entered into the record. Code Enforcement gave a brief presentation and provided several photographs of the interior of the structure in question which was submitted to the Board and 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: A brief discussion ensued between the BZA and the applicant. As a result, staff provided an additional condition to ensure the structure was not going to be utilized as an accessory dwelling unit. Further, the BZA denied the first two (2) requests and denied the guest

house. Moreover, the BZA approved Variance Request #3, to allow an accessory building with 1,177 sq. ft. in lieu of 624 sq. ft.; in addition, concurred with the staff recommendation as amended.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Carolyn Karraker and unanimously carried to **DENY** the Special Exception request #1, 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; 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), and further, to **APPROVE** the Variance Request #3, 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 July 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. 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 only for 1,117 sq. ft. of detached accessory uses. The entire site shall not have more than one (1) kitchen and one (1) residence.

5. Failure to comply with these conditions shall result in Code Enforcement action not BZA action.

6. The accessory building shall not contain any overhead cabinets, closets, or 220 volt outlets.

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

Abstained: Eugene Roberson (due to Conflict of Interest)

Absent: Wes A. Hodge and Deborah Moskowitz

IGLESIA DE DIOS CAMINO VERDAD Y VIDA IN ORLANDO, INC. - VA-17-09-089

REQUEST:	Variance in the A-2 zoning district to allow a front yard setback of 20 ft. in lieu of 35 ft. for the existing sanctuary building and proposed expansion. (Note: The sanctuary was constructed in 1972. The church proposes to construct an addition adjacent to the existing sanctuary and is requesting to validate the existing sanctuary's setback.)
ADDRESS:	4114 S. Goldenrod Road, Orlando FL 32822
LOCATION:	West side of S. Goldenrod Rd., approximately 1/2 mile north of Hoffner Ave.
TRACT SIZE:	7.9 acres
DISTRICT#:	3
LEGAL:	LOS TERRANOS P/87 PORTIONS OF LOTS 2 3 4 BLK 17 THE E 140

FT OF THE S1/2 OF N1/2 OF LOT 2 (LESS THE N 50 FT THEREOF & THE 140 FT OF THE N1/2 OF S1/2 OF LOT 2 & THE S1/2 OF THE N1/2 OF LOT 3 (LESS THE N 50 FT THEREOF) & N1/2 OF S1/2 OF LOT OF LOT 3 & THE S

PARCEL ID#: 14-23-30-5240-17-031

NO. OF NOTICES: 146

Commentaries: None

Staff Recommendation: Staff gave a brief presentation outlining the site layout, location of the variance, surrounding uses, and the site plan. Additionally, 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): Jose Campuzano, P.E., (Applicant's Representative)

Michael A. Silva (on behalf of the Applicant)

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

BZA Discussion: The BZA approved the variance with conditions because the request did not adversely impact anyone and it allowed for expansion of the existing use. In addition, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Jose A. Rivas, Jr., 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 July 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. 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. A school is not included with the approval of this application.
5. All of the proposed improvements shall be located on parcel 14-23-30-5240-17-031.
6. A type D landscape buffer shall be provided along the north property line of parcel 14-23-30-5240-17-031, except for across the existing horseshoe shaped drive aisle.
7. 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.

AYE (voice vote): All members present

Absent: Wes A. Hodge and Deborah Moskowitz

REQUEST: **Variance** in the R-1A zoning district to allow 649 cumulative sq. ft of accessory buildings in lieu of 500 sq. ft. (Note: This application is the result of Code Enforcement action.)

ADDRESS: 5802 Clearview Drive, Orlando FL 32819

LOCATION: West side of Clearview Dr., south of Lake Marsha Dr., west of Turkey Lake Rd.

TRACT SIZE: 87 ft. x 120 ft.

DISTRICT#: 1

LEGAL: LAKE CANE HILLS 1ST ADDITION W/136 LOT 21 BLK H

PARCEL ID#: 14-23-28-4353-08-210

NO. OF NOTICES: 104

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

Staff Recommendation: Staff gave a presentation on the case covering the location, site plan, and photographs. Staff further stated that if the BZA approved the request, the conditions as listed in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Joshua Branson

The applicant stated that the garage and older shed were on the property when they purchased it, and they built the newest shed. The applicant also stated they were not aware of the square footage requirement when they built the shed, and that they would remove the older shed to reduce the total square footage.

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

BZA Discussion: The BZA felt that removing the older shed was a fair compromise and reflected the applicant's willingness to come closer into compliance. Based on the foregoing, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, 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 July 20, 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. Prior to issuance of permits, the applicant shall remove the 128 square foot metal shed.

5. The applicant shall obtain a permit within 120 days or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Wes A. Hodge and Deborah Moskowitz

BOARD MEMBER EXITED AND RE-ENTERED: Eugene Roberson

JONATHAN P. HUELS, P.A. - VA-17-10-091

REQUEST: **Variance** in the C-1 zoning district to construct new hotel 75 ft. in height in lieu of 50 ft. (Note: The existing Days Inn and Suites hotel will be re-built into a Springhill Suites hotel.)

ADDRESS: 11639 E. Colonial Drive, Orlando FL 32817

LOCATION: Northwest corner of E. Colonial Dr. and Crescent Blvd., west of Alafaya Dr.

TRACT SIZE: 2.56 acres

DISTRICT#: 5

LEGAL: THE S 75 FT OF N 450 FT OF W1/2 OF NW 1/4 OF NW1/4 (LESS W 469.26 FT) & E 151.25 FT OF W1/2 OF NW1/4 OF NW1/4 N OF H/W (LESS N 450 FT) & N 225 FT OF NW1/4 OF NW1/4 OF NW1/4 (LESS W 469.26 FT THEREOF) & (LESS R/W) & S 150 FT OF N 375 FT OF E 190.74 FT OF N

PARCEL ID#: 22-22-31-0000-00-030

NO. OF NOTICES: 140

Commentaries: Two (2) in favor and two (2) in opposition

Staff Recommendation: Staff gave a brief overview of the area and advised the BZA that this corridor was ideal for taller structures. The uses were commercial and oriented to serve the UCF, Central Florida Research Park, and Alafaya Trail area. The hotel was oriented to East Colonial Drive. In addition, 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): Jonathan P. Huels, P.A. (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 Jessica Rivera , seconded by Jose A. Rivas, Jr. 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 July 20, 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: Wes A. Hodge and Deborah Moskowitz

REQUEST: **Variances** in the A-1 zoning district to construct single family residence as follows: 1) On a lot width of 83 ft. in lieu of 100 ft.; and, 2) At a lot width of 90 ft. at the building line in lieu of 100 ft.

ADDRESS: 17012 Lake Ingram Road, Winter Garden FL 34787

LOCATION: Southwest corner of Lake Ingram Road and Avalon Road

TRACT SIZE: .63 acres

DISTRICT#: 1

LEGAL: MOUNTAIN PARK ORANGE GROVES P/91 LOTS 1 & 2 BLK 8 & UNPLATTED PT OF N1/4 OF NE1/4 SEC 30 23 27 LYING S OF SD LOTS 2556/1744

PARCEL ID#: 19-23-27-5840-08-010

NO. OF NOTICES: 31

Commentaries: None

Staff Recommendation: Staff advised the BZA that the applicant met with the Orange County Environmental Protection Division (EPD) and agreed to meet all of the stipulated conditions by EPD prior to the issuance of any permits. Lastly, staff recommended approval of this request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Gonzalo Mercado (Applicant)

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

BZA Discussion: The BZA concluded the request was reasonable and gave this applicant a reasonable use of the land. As such, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Jose A. Rivas, Jr. 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 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. A Conservation Area Determination (CAD-17-07-098) is in process through the Environmental Protection Division (EPD) for this property. Prior to building construction plan approval, this CAD must be finalized.

5. A silt fence is necessary to be installed during construction landward of the Normal High Water Elevation (NHWE) of 93.95 ft. NAVD88 for Lake Ingram. All fill/alterd soils must be stabilized adequately prior to removal of the silt fencing. The silt fencing must be maintained during construction so as to not allow erosion/fill to occur below the NHWE.

6. No alteration of the lands or construction below the Normal High Water Elevation (NHWE) of 93.95 feet NAVD88 is allowed on this lakefront property without a permit/prior authorization from

Orange County EPD. The NHWE for Lake Ingram extends high on the lot due to wide fluctuation of this sandhill closed basin lake.

7. If this lot will be on septic, engineering will require the septic and drainfield to be located 150 feet from the NHWE of 93.95 ft. NAVD88.

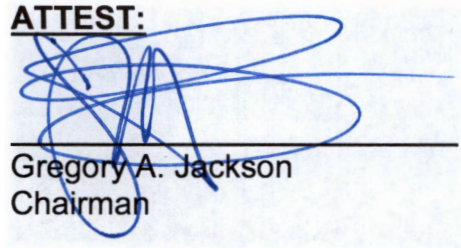
AYE (voice vote): All members present

Absent: Wes A. Hodge and Deborah Moskowitz

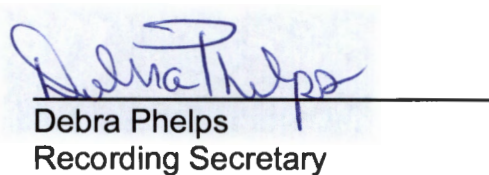
ADJOURN:

There being no further business, the meeting was adjourned at 12:13 p.m.

ATTEST:



Gregory A. Jackson
Chairman



Debra Phelps
Recording Secretary