

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF OCTOBER 5, 2017**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **October 5, 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

BOARD MEMBERS ABSENT: Jessica Rivera – At Large

STAFF PRESENT: Rocco Relvini, AICP, Chief Planner, Zoning Division
Sean Bailey, Chief Planner, Zoning Division
David Nearing, AICP, Development Coordinator, Zoning Division
Debra Phelps, Recording Secretary, FOS Division
Alan Robinson, Development Services Specialist, FOS Division

The Chairman called the meeting to order at 9:02 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 September 7, 2017, Board of Zoning Adjustment meeting.

A motion was made by Carolyn C. Karraker, seconded by Deborah Moskowitz, and unanimously carried to **APPROVE** the minutes of the September 7, 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.

WILLIAM F. FLEGAL - VA-17-10-094

REQUEST: Variance in the R-1A zoning district to allow a cumulative total of 1,957 sq. ft. of ground-mounted solar panels in lieu of 485 sq. ft. (Note: The applicant currently has 344 sq. ft. of ground-mounted solar panels. He wants to add 1,613 sq. ft. of ground-mounted solar panels for a cumulative total of 1,957 sq. ft.).

ADDRESS: 6745 Tamarind Circle, Orlando FL 32819

LOCATION: East side of Tamarind Circle, north of Wallace Road

TRACT SIZE: .46 acres

DISTRICT#: 1

LEGAL: SAND LAKE HILLS SECTION TWO 6/45 LOT 154

PARCEL ID#: 27-23-28-7807-01-540

NO. OF NOTICES: 60

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

Staff Recommendation: Staff explained that the applicant cannot place the panels on the roof because it would void the warranty. Staff pointed out that there has been a sustainability initiative started by the county and the Mayor. The goal of the initiative is to increase the use of renewable energy by ten percent (10%) by 2020.

Staff included Exhibit #1 in the BZA Staff Booklet dated October 5, 2017, with questions posed by the Environmental Protection Division (EPD) and responses provided by the applicant. Exhibit #1, reflected that the amount of energy used by the applicant did merit the necessity of the eighty-eight (88) panels proposed. Based on the foregoing, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Omer Eyal (CEO on behalf of the applicant)

Renee Parker (Orange County Environmental Protection Division representative)

The applicant spoke regarding the request and explained the need of the ground-mounted system. The Commissioners raised concerns on the large amount of panels and the applicant explained the panels would only offset 75-80% of their power.

The Environmental Protection Division representative spoke stating that EPD agreed with the applicant. Due to the amount of power used by the applicant, the age of house, and the fact that roof mounted panels were not an option; the ground mounted panels were necessary.

BZA Discussion: The BZA discussed the case and the need for alternative renewable energy. The BZA concluded that the request was reasonable, would not negatively affect any of the neighbors, and would promote the county's sustainability initiative. Further, 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 August 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.

AYE (voice vote): All member present

Absent: Jessica Rivera

DYNAMIC TOWING AND AUTO REPAIR - VA-17-10-092

REQUEST: **Variances** in the C-3 zoning district to allow existing storage building as follows: 1) 4 ft. from a side (west) property line in lieu of 5 ft.; and, 2) 6 ft. from a rear (south) property line in lieu of 15 ft. (Note: The applicant purchased the property in 2016. There are no records of building permits for the subject building. This is the result of code enforcement action.

The applicant has obtained letters of support from the two (2) most impacted neighbors.)

ADDRESS: 6408 Old Cheney Highway, Orlando FL 32807

LOCATION: South side of Old Cheney Highway, 775 ft. east of E. Colonial Drive

TRACT SIZE: 1.3 acres

DISTRICT#: 3

LEGAL: FROM SW COR OF NE1/4 RUN E 394.12 FT N 688.16 FT FOR POB TH N 67 DEG E 288 FT S 331.90 FT S 80 DEG W 176 FT M/L N 20 DEG W 267.20 FT TO POB IN SEC 22-22-30 (LESS PT IN RW)

PARCEL ID#: 22-22-30-0000-00-021

NO. OF NOTICES: 121

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

Staff Recommendation: Staff explained that the accessory structure which was the subject of the variance was constructed by a previous owner in 2007, without building permits. The applicant purchased the property without any knowledge that there was no permit. As such, the need for the variance was not self-imposed. Further, the property was purchased in large part due to the availability of the enclosed storage. Finally, staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Oudit Manbahal (Applicant's representative)

June Johnson (in favor)

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

BZA Discussion: The BZA found that the need for the variance was not self-imposed, and that the structure was in keeping with the general character of the area. Therefore, the BZA determined the request was reasonable and concurred with the staff recommendation.

BZA Action: A motion was made by Jose A. Rivas, Jr., 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 August 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. The following wording shall be included on the plans submitted for the building permit for the currently unpermitted structure: "THIS APPLICATION [OR THESE PLANS] RELATE TO THE STATE ROAD 436/STATE ROAD 50 CORRIDOR OVERLAY DISTRICT, WHICH WAS ESTABLISHED UNDER AND IS SUBJECT TO ORDINANCE NO. 2004-15, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON October 12, 2004." This shall be display in capital letters that are at least two (2) inches high.

5. The applicant shall obtain a permit for the storage building within 180 days of final action by Orange County on this application or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Jessica Rivera

RECESSED AT 9:47 A.M. AND RECONVENED AT 10:01 A.M.

RYAN EDMONDSON FOR GED HOMES - VA-17-10-095

REQUEST: **Variance** in the A-1 zoning district to allow construction of a home on a lot width of 67 ft. in lieu of 100 ft. (Note: A review of the Property Appraiser's data for this property shows that a house was previously constructed on the subject property in 1963. The house has since been removed.)

ADDRESS: 6548 Lagoon Street, Windermere FL 34786

LOCATION: South side of Lagoon St., west of Winter-Garden Vineland Rd.

TRACT SIZE: 82 ft. x 659 ft.

DISTRICT#: 1

LEGAL: SAWYER SHORES SUB V/9 LOT 6 & BEG ELY COR LOT 5 RUN S 45 DEG W 165.77 FT FOR A POB TH N 44 DEG W 5.85 FT S 45 DEG W 34.14 FT S 44 DEG E 5.78 FT N 45 DEG E 34.14 FT TO POB BLK C

PARCEL ID#: 24-23-27-7820-03-060

NO. OF NOTICES: 92

Commentaries: One (1) in favor and one (1) in opposition.

Staff Recommendation: Staff noted that according to the Orange County Property Appraiser's information, a home had been constructed on the subject property in 1963. The owner of the property at that time constructed a shed on the property. However, it had been constructed partially over the property line on the neighboring property to the west. A lot line adjustment was made to the subject property. This adjustment caused the lawful nonconforming status of the lot to be void. All but two (2) of the lots on the south side of the street failed to meet the required lot width, and all but two (2) of the lots on this side of the street are built upon. With that said, denying the variance would deny the applicant a right enjoyed by others in the same zoning district. Plus, the current owner did not cause the nonconforming situation; therefore, the hardship was not self-imposed. Lastly, 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 recognized that this request was the character of the neighborhood, and denying the variance would deny the owner the use of their property. Thus, the BZA agreed 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 August 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 new home shall comply with all required setbacks.

5. Prior to the issuance of a Certificate of Occupancy (CO) for the new residence, the applicant shall obtain the necessary permit and demolish the existing shed. Any replacement accessory structure shall comply with all requirements for an accessory structure.

AYE (voice vote): All members present

Absent: Jessica Rivera

MATTHEW MORRISON - VA-17-10-096

REQUEST: **Variance** in the R-1AA zoning district to enclose and extend a carport 20 ft. from the front property line in lieu of 30 ft.

ADDRESS: 2400 Rob Lane, Orlando FL 32806

LOCATION: Northwest corner of S. Bumby Ave. and Rob Lane, south of Pershing Ave.

TRACT SIZE: 90 ft. x 179 ft.

DISTRICT#: 3

LEGAL: WATERFRONT ESTATES 4TH ADDITION U/89 LOT 1 BLK F SEE 2344/843

PARCEL ID#: 07-23-30-9064-06-010

NO. OF NOTICES: 58

Commentaries: None

Staff Recommendation: Staff stated the back of the property abuts a canal and has limited access. Several variances have been approved in the area for similar requests. Further, staff recommended approval subject to the conditions as reflected in the staff report.

The following person(s) addressed the Board:

Speaker(s): Matthew Morrison (Applicant)

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

BZA Discussion: The BZA approved the variance and added a fourth condition that the addition match the design of the existing residence. In conclusion, 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 request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended:

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

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

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the

Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The proposed addition shall match the design of the existing residence.

AYE (voice vote): All members present

Absent: Jessica Rivera

JAMES AND MELINDA LEIFERMAN - VA-17-10-097

REQUEST: **Variance** in the R-1AA zoning district to construct addition to single family residence (covered lanai) 12 ft. from rear property line in lieu of 35 ft.
ADDRESS: 6001 Masters Blvd., Orlando FL 32819
LOCATION: North and west side of Masters Blvd., west of S Apopka Vineland Rd.
TRACT SIZE: 146 ft. x 270 ft.
DISTRICT#: 1
LEGAL: BAY HILL SECTION 13 10/18 LOT 519
PARCEL ID#: 21-23-28-0560-05-190
NO. OF NOTICES: 37

Commentaries: Three (3) letters in support and none in opposition

Staff Recommendation: Staff gave a brief presentation. Staff recommended approval because the request was reasonable, it did not adversely impact anyone and the affected neighbors submitted letters of no opposition. In addition, the homeowners association submitted a letter of no objection. Furthermore, staff recommended approval subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Daniel T. O'Keefe (Applicant's representative)

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

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

BZA Discussion: The BZA concluded this request was minimal and concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance 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 August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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

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

4. The proposed lanai shall match the design of the existing residence.

AYE (voice vote): All members present

Absent: Jessica Rivera

ROBB M. ERICKSON - VA-17-10-098

REQUEST: **Variances** in the R-CE zoning district as follows: 1) To allow an accessory use (volleyball court and pergola with 10 ft. high posts) in the front yard in lieu of side or rear yards; 2) To allow accessory use (volleyball court with 10 ft. high posts) 24 ft. from the Normal High Water Elevation (NHWE) of Lake Willis in lieu of 50 ft.; and, 3) To allow a gazebo to remain 1 ft. from the NHWE of Lake Willis in lieu of 50 ft. (Note: This is a result of a code enforcement action.)

ADDRESS: 11710 Lake Willis Drive, Orlando FL 32821

LOCATION: West side of Lake Willis Drive, approximately 660 ft. west of Westwood Blvd.

TRACT SIZE: 5.3 acres (.54 acres upland)

DISTRICT#: 1

LEGAL: 1ST ADDITION LAKE WILLIS CAMPS R/110 LOT 24

PARCEL ID#: 14-24-28-4800-00-240

NO. OF NOTICES: 269

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

Staff Recommendation: Staff gave a presentation with site photographs that depicted the existing structures. Staff stated several variances have been approved in the Lake Willis area for accessory structures. Staff had concerns with the large size of the structure, the proximity to Lake Willis Drive, and the potential for large amounts of people congregating on the property. Hence, staff 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): Robb M. Erickson (Applicant)

Jake Quintos (Neighbor in favor)

Michael Junge (Neighbor in favor)

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

BZA Discussion: The BZA discussed the proximity of the court to the road, the lighting on site, the height of the different structures, the use of the court by others, and the need for any buffering from the right-of-way. Based on the foregoing, the BZA concluded the request was appropriate for the area and approved all three (3) variances. Further, the BZA concurred with the staff recommendation except for eliminating Conditions of Approval #5 and #7, noting due to the deletion of Conditions #5 and #7, and remaining Conditions of Approval will be renumbered.

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 as amended:

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

2. 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. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the gazebo is no closer than one (1) foot and the volleyball court is no closer than twenty-four (24) feet from the Normal High Water Elevation line of Lake Willis in lieu of fifty (50) feet.

5. No commercial uses shall be allowed on-site; the volleyball court shall be for residential use only.

AYE (voice vote): All members present

Absent: Jessica Rivera

JOEL BUNTIN - VA-17-10-099

REQUEST: Variance in the R-1A zoning district to allow access to a single family residential lot by way of a 15 ft. wide access easement in lieu of 20 ft. of fee simple access.

ADDRESS: Holden Avenue, Orlando FL 32839

LOCATION: North side of Holden Ave., 1/4 mile east of S. Orange Blossom Trail

TRACT SIZE: 75 ft. x 123 ft.

DISTRICT#: 3

LEGAL: BEG 280 FT W & 150 FT N OF SE COR SEC RUN N 75 FT W 123 FT S 75 FT E 123 FT TO POB IN SEC 10-23-29

PARCEL ID#: 10-23-29-0000-00-062

NO. OF NOTICES: 112

Commentaries: None

Staff Recommendation: Staff gave an explanation of the request which included background and findings regarding the County's access policies. Staff advised the applicant that he needed to execute and record a legal cross access easement agreement prior to the issuance of any building permits. Further, staff advised the BZA that the applicant had not submitted any legal documents that legal access exists. Lastly, staff recommended approval of this request contingent upon the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Joel Buntin (Applicant)

The applicant disagreed with the staff recommendation and felt approval of this variance was all he needed to obtain a permit.

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

BZA Discussion: The BZA discussed the case and determined to continue this request for up to ninety (90) days, to allow the applicant to provide evidence of legal access onto the private road.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Deborah Moskowitz and unanimously carried to **CONTINUE** this public hearing request for up to ninety (90) days.

AYE (voice vote): All members present

Absent: Jessica Rivera

EDNERT THOMAS - VA-17-10-100

REQUEST: Variance in the A-1 zoning district to allow a minimum lot width of 66 ft. in lieu of 100 ft.

ADDRESS: Holly Street, Mount Dora FL 32757

LOCATION: North side of Holly St., east of Mohawk Dr., west of N. Orange Blossom Trail

TRACT SIZE: 66 ft. x 630 ft.
DISTRICT#: 2
LEGAL: GAINES SUB C/65 W 66 2/3 FT OF E 399.99 FT OF SE1/4 OF SW1/4 OF SW1/4 (LESS S 30 FT FOR R/W) OF SEC 16-20-27
PARCEL ID#: 16-20-27-2912-00-070
NO. OF NOTICES: 37
Commentaries: None

Staff Recommendation: Staff stated there were several other developed lots on the street with the same zoning and lot width. In addition, this variance would be identical to what was approved on the lot to the east. As a result, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Ednert Thomas (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 determined the request was acceptable and approved the variance subject to 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 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. Any proposed structures shall comply with the district setbacks.

AYE (voice vote): All members present

Absent: Jessica Rivera

BASIL C. DODD II - VA-17-10-101

REQUEST: **Variances** in the R-T-2 zoning district to allow development of a substandard lot as follows: 1) Lot width of 49 ft. in lieu of 60 ft.; and, 2) Lot size of 4,985 sq. ft. in lieu of 6,000 sq. ft.
ADDRESS: 18518 Washington Avenue, Orlando FL 32820
LOCATION: South side of Washington Ave., approximately 125 ft. east of 7th St.
TRACT SIZE: 49.85 ft. x 100 ft.
DISTRICT#: 5
LEGAL: BITHLO H/3 LOTS 9 & 10 BLK 205 SEE 3264/1646
PARCEL ID#: 22-22-32-0712-20-509

NO. OF NOTICES: 56
Commentaries: None

Staff Recommendation: Staff noted that the need for the variance was partly due to the subject property had been part of a larger land holding which did comply with the requirements for the zoning district. The applicant inherited the property from their mother. As such, the variance was not self-imposed. Additionally, there were three (3) other lots of the same size which had been granted variances in the past; however, there were also two (2) lots of the same size which have residences on them and do not have variances. Subsequently, denying the request would deny the applicant rights enjoyed by others in the same zoning district. Furthermore, staff recommended approval subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Basil C. Dodd, II (Applicant)

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

BZA Discussion: The BZA concluded that the request was not self imposed, was the least amount needed, and denial would deprive the applicant of rights enjoyed by others in the same zoning district. Thus, 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 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 August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. All required setbacks shall be met.

AYE (voice vote): All members present

Absent: Jessica Rivera

DAVID BROOME - VA-17-10-102

REQUEST:	Variances in the R-CE zoning district to construct an accessory structure as follows: 1) In front of the principal residence in lieu of alongside or to the rear; and, 2) To allow an accessory structure 18 ft. in height in lieu of 15 ft. (Note: The subject property is 5.7 acres in size. The applicant has letters of support from the neighbors to the north and south of the subject property.)
ADDRESS:	1065 North Econlockhatchee Trail, Orlando FL 32825
LOCATION:	East side of N. Econlockhatchee Tr., approximately .3 mi. north of Valencia College Rd.
TRACT SIZE:	5.7 acres
DISTRICT#:	3

LEGAL: COMM AT SW COR OF N1/2 OF SE1/4 OF SEC 19-22-31 TH N 431.50 FT E 30 FT FOR POB CONT E 988.48 FT M/L TO W BANK OF LITTLE ECONLOCKHATCHEE CREEK N 14 DEG W ALONG BANK OF CREEK 360.82 FT N 87 DEG W 898.24 FT M/L TO E RW LINE OF ECONLOCHATCHEE TRAIL S 30 FT S

PARCEL ID#: 19-22-31-0000-00-080

NO. OF NOTICES: 124

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

Staff Recommendation: Staff noted that the primary hardship for the subject property was the result of the potential presence of wetlands. There is a pond on the property, and the entire east end of the property was shown as having hydric soils. In addition, the remainder of the property was shown to have potentially hydric soils. The area where the applicant intended to construct the accessory structure was already cleared. Further, the portion of the lot which connected to North Econlockhatchee Trail is heavily wooded. An existing structure on a lot between the subject property and Econlockhatchee Trail further buffered views into the site. The site is part of a rural enclave, so the building would not be out of character. The location proposed is preferable to locating the structure to the rear of the home. Lastly, staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): David Broome (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 determined that the environmental constraints warrant the need for the variance. As such, 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 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 August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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

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

4. The applicant shall maintain the vegetative buffer located on the subject property's northern connection with North Econlockhotchee Trail.

AYE (voice vote): All members present

Absent: Jessica Rivera

EGLISE EVANGELIQUE BAPTISTE MONT MORIJA - SE-17-10-103

REQUEST: **Special Exception** in the R-1A zoning district for a religious use facility; and, **Variance** for unpaved parking in lieu of paved. (Note: The religious use facility will accommodate up to 114 members and a total of 45

parking spaces are proposed.)
ADDRESS: 3310 N. Powers Drive, Orlando FL 32818
LOCATION: West side of N. Powers Drive approximately a 1/2 mile north of Silver Star Road
TRACT SIZE: 328 ft. x 482 ft.
DISTRICT#: 2
LEGAL: S 330 FT OF NE1/4 OF SW1/4 (LESS W 810.58 FT THEREOF & LESS E 30 FT FOR R/W) OF SEC 12-22-28
PARCEL ID#: 12-22-28-0000-00-018
NO. OF NOTICES: 153
Commentaries: None

Staff Recommendation: Staff stated that due to the size of the property, the existing buffers on site, and the fact that the request was approved once already; the request would not have an adverse impact on the community. A community meeting was held on the site and twelve (12) residents were in attendance. The neighbors expressed concerns with the maintenance of the property and the ingress/egress from Powers Drive. Finally, staff recommended approval subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Vern Thompson (Applicant's representative)

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

BZA Discussion: The BZA stated the request was appropriate and approved the request contingent upon the staff recommendation.

BZA Action: A motion was made by Gregory A. Jackson, 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; further, 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 August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. 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.
5. Signage shall comply with Sec. 31.5-75.
6. Construction plans shall be submitted within three (3) years of final action by the Board of County Commissioners or this approval becomes null and void.

- 7. Driving aisles and handicapped spaces shall be paved.
- 8. Applicant shall properly maintain the property and will be subject to inspection by the Orange County Code Enforcement Division.
- 9. Vehicular access to the property shall be subject to approval by the County Engineer.

AYE (voice vote): All members present
Absent: Jessica Rivera

RECESSED AT 11:59 A.M. AND RECONVENED AT 1:01 P.M.

SOUTH REALTY, INC. - VA-17-10-104

REQUEST: **Variances** in the A-1 zoning district as follows: 1) To allow existing accessory structure (barn) to remain with 1,600 sq. ft. of floor area in lieu of 1,000 sq. ft.; 2) To allow an accessory structure to remain 21 ft. in height in lieu of 20 ft.; and, 3) To allow development on a substandard lot width of 80 ft. in lieu of 100 ft. (Note: This is a result of code enforcement action).

ADDRESS: 1611 Jeanette Street, Apopka FL 32712

LOCATION: North side of Jeannette Ave., approximately .2 mi. west of N. Lake Pleasant Road

TRACT SIZE: 80 ft. x 299 ft.

DISTRICT#: 2

LEGAL: WEKIWA HILLS SECOND ADDITION V/27 LOT 13 (LESS E 8 FT) BLK A

PARCEL ID#: 02-21-28-9116-01-130

NO. OF NOTICES: 78

Commentaries: None

Staff Recommendation: Staff noted that the accessory structure was the subject of a variance application in November 2007. The property had a history of code enforcement action. However, those issues were resolved once the current owner, a real estate firm, obtained the property through foreclosure. According to the Code Enforcement Division, the only remaining violation is the construction of the structure without a permit. Moreover, staff recommended approval subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): James Taylor (Applicant's representative), 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 concluded that the need for the variance was not self-imposed, the request was the least amount necessary, and was due to the presence of a large greenhouse to the west; further, the structure was in character with the neighborhood. Based on the foregoing, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Gregory A. Jackson, 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 August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from

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

- 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
- 4. Prior to a final inspection of the existing barn, the gazebo shall be removed from the site through proper permitting procedures.
- 5. The applicant shall obtain a permit for the barn within 180 days of final action by the County Commission or this approval becomes null and void.
- 6. If the subject accessory structure is ever removed or destroyed, any replacement structure shall comply with the Zoning Ordinance in effect at that time with regard to the structure's size unless a variances is granted by the BZA to exceed those requirements.

AYE (voice vote): All members present
Absent: Jessica Rivera

HERIBERTO LUGO - VA-17-10-105

REQUEST: Variance in the R-1 zoning district to enclose an existing front porch 17 ft. from front property line in lieu of 25 ft. (Note: This is a result of code enforcement action).

ADDRESS: 4808 Big Horn Street, Orlando FL 32819

LOCATION: South side of Big Horn St.; 100 ft. west of Pomelo Dr. North of W Sand Lake Rd.

TRACT SIZE: 65 ft. x 100 ft.

DISTRICT#: 6

LEGAL: TANGELO PARK SECTION FOUR Y/1 LOT 19 BLK 7

PARCEL ID#: 30-23-29-8556-07-190

NO. OF NOTICES: 99

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

Staff Recommendation: Staff stated that the request would not be expanding the footprint of the house. Further, several variances were previously approved in the area and this request would be in line with the precedence that had already been set. Thus, staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Heriberto Lugo (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 concluded the request was in harmony with the community and added a fourth condition that the porch match the design of the existing house. Therefore, the BZA was in agreement with the staff recommendation as amended.

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

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

require another BZA public hearing.

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

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

4. The proposed addition shall match the design of the existing residence.

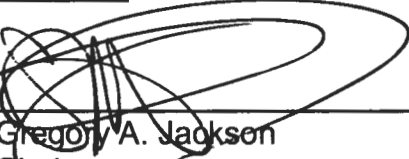
AYE (voice vote): All members present

Absent: Jessica Rivera

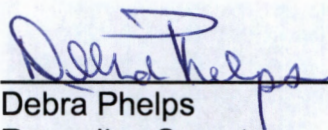
ADJOURN:

There being no further business, the meeting was adjourned at 1:13 p.m.

ATTEST:



Gregory A. Jackson
Chairman



Debra Phelps
Recording Secretary