

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
MEETING OF NOVEMBER 2, 2017**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **November 2, 2017** in the Orange County Commission Chambers on the 1st Floor of the Orange County Administration Building, 201 South Rosalind Avenue, Orlando, Florida 32801.

BOARD MEMBERS PRESENT: Gregory A. Jackson - Chairman  
Carolyn C. Karraker - Vice Chair  
Jose A Rivas, Jr. – District #3  
Deborah Moskowitz – District #4  
Wes A. Hodge – District #5  
Eugene Roberson – District #6  
Jessica Rivera – At Large

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

The Chairman called the meeting to order at 9:01 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 October 5, 2017, Board of Zoning Adjustment meeting.

A motion was made by Carolyn C. Karraker, seconded by Wes A. Hodge, and unanimously carried to **APPROVE** the minutes of the October 5, 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.

**JOEL BUNTIN - VA-17-10-099**

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<b>REQUEST:</b>	<b>Variance</b> in the R-1A zoning district to allow access to a single family residential lot by way of a 15 ft. wide private access easement in lieu of 20 ft. of fee simple access onto a public road.
<b>ADDRESS:</b>	Holden Avenue, Orlando FL 32839
<b>LOCATION:</b>	North side of Holden Ave., 1/4 mile east of S. Orange Blossom Trail
<b>TRACT SIZE:</b>	75 ft. x 123 ft.
<b>DISTRICT#:</b>	3
<b>LEGAL:</b>	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 stated this case was continued from the October 5, 2017, BZA Meeting. The BZA continued the case because they wanted to ensure that the proper access documents were reviewed by the Legal Department prior to the issuance of any approval. Staff advised the BZA that the applicant submitted additional information which was reviewed by staff. The documentation did in fact demonstrate legal access onto the fifteen (15) foot wide private road. Therefore, staff amended the conditions and recommended approval subject to the remaining conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Joel Buntin (Applicant)

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

BZA Discussion: The BZA discussed the case and agreed with the staff recommendation to eliminate Condition of Approval #5, as it was no longer necessary.

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 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. Approval of this request constitutes lot split approval.

AYE (voice vote): All members present

Absent: Deborah Moskowitz

**JOSE GERARDO BENITEZ MIER - VA-17-11-107**

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**REQUEST:** **Variance** in the R-1A zoning district to construct an addition to a single family residence (covered porch) 20 ft. from the rear property line in lieu of 30 ft.  
(Note: The applicant intends to remove an existing porch currently located 14 ft. from the rear property line).

**ADDRESS:** 2770 Prince John Road, Winter Park FL 32792

**LOCATION:** South side of Prince John Rd., west of Ranger Blvd., south of Aloma Avenue.

**TRACT SIZE:** 78 ft. x 105 ft.

**DISTRICT#:** 5

**LEGAL:** WINTER PARK PINES UNIT 1 REP Y/116 LOT 6 BLK C

**PARCEL ID#:** 09-22-30-9424-03-060

**NO. OF NOTICES:** 122

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

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

The following person(s) addressed the Board:

Speaker(s): Jose Gerardo Benitez Mier (Applicant)

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

BZA Discussion: The BZA noted the proposal conformed with the neighborhood. Thus, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Wes A. Hodge, 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 September 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. 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. The design of the addition shall be consistent with the design of the main house.

AYE (voice vote): All members present

Absent: Deborah Moskowitz

**MARK NASRALLAH - SE-17-11-108**

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**REQUEST:** **Special Exception** and **Variance** in the R-CE-C zoning district as follows:  
1) Special Exception: To construct 2 story detached Accessory Dwelling Unit (ADU) for owner's family; and  
2) Variance: To construct said ADU in the front yard in lieu of the side or rear yards.

**ADDRESS:** 1219 Kelso Blvd., Windermere FL 34786

**LOCATION:** East of West Lake Butler Rd., north of Kelso Blvd.

**TRACT SIZE:** 132 ft. x 320 ft.

**DISTRICT#:** 1

**LEGAL:** Lot 5, Kelso on Lake Butler, according to the Plat thereof as recorded in PB 5 / 48-49.

**PARCEL ID#:** 13-23-27-4110-00-050

**NO. OF NOTICES:** 128

Commentaries: One (1) in favor and six (6) in opposition

Staff Recommendation: Staff suggested to impose a condition of approval by the homeowners association regarding the rental of the ADU. Furthermore, staff recommended approval subject to the conditions as set forth 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 opposition to the request at the public hearing.

BZA Discussion: The BZA discussed the case and agreed 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 Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and 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 October 27, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The Accessory Dwelling Unit (ADU) shall only be occupied by a family member or temporary house guest. Separate meters for utilities servicing the ADU shall not be allowed and the ADU shall not be used as a separate residence or leased/rented in any fashion.
5. Approval of this request does not constitute approval for any boat docks, boat ramps or to impact any Conservation Areas.
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

AYE (voice vote): All members present

Abstained: Carolyn C. Karraker (due to a Conflict of Interest)

Absent: Deborah Moskowitz

**KAREN BONO - VA-17-11-109**

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**REQUEST:** **Variances** in the R-1 zoning district as follows:  
1) Lots 47 and 48: To allow a 5.5 ft. side setback in lieu of 6 ft. for existing house;  
2) Lots 49 and 50: To allow a 20 ft. front setback in lieu of 25 ft.;  
3) Lots 49 and 50: To allow a 20 ft. rear setback in lieu of 25 ft.; and  
4) Lots 49 and 50: To allow a 5 ft. side setback in lieu of 6 ft.

**ADDRESS:** 1903 Simonton Avenue, Orlando FL 32806

**LOCATION:** N. side of Simonton Ave., east of S. Ferncreek Ave., north of Pershing Ave.

**TRACT SIZE:** 100 ft. x 162 ft.  
**DISTRICT#:** 3  
**LEGAL:** FERNWAY O/55 LOTS 47 48 & THE EAST 14.5 FT OF LOT 49 & N1/2 OF ST LYING S OF LOTS 47 THROUGH 50 BLK B11  
**PARCEL ID#:** 07-23-30-2696-11-470  
**NO. OF NOTICES:** 148  
Commentaries: None

Staff Recommendation: Staff gave a presentation on the case covering the location, lot layout, and photographs. Staff recommended approval subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Karen Bono (Applicant)

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

BZA Discussion: The BZA confirmed removal of the shed, noting, that the request was for minimal variances and consistent with other properties in the area. For these reasons, the BZA concurred with the staff recommendations.

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:

1. Development in accordance with site plan dated "September 13, 2017", and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. 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 issuance of any permits for Lot #49, the shed at the rear of the property shall be removed.

AYE (voice vote): All members present

Absent: Deborah Moskowitz

**JESUS D. NUNEZ - VA-17-12-110**

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**REQUEST:** **Variances** in the R-T-2 zoning district to construct an accessory structure as follows:  
1) In front of the principal residence in lieu of in the side or rear yards; and  
2) To allow existing accessory structure (stable) to remain with 572 sq. ft. of floor area in lieu of 500 sq. ft.  
(Note: This is a result of code enforcement action).

**ADDRESS:** 2304 North 6th Street, Orlando FL 32820

**LOCATION:** West of N 6th St.; south of Hewlett Rd.

**TRACT SIZE:** 260 ft. x 195 ft.

**DISTRICT#:** 5  
**LEGAL:** EAST ORLANDO ESTATES SECTION A X/57 THE S 1/2 OF LOT 253  
**PARCEL ID#:** 15-22-32-2330-02-530  
**NO. OF NOTICES:** 127  
Commentaries: None

Staff Recommendation: Staff explained the variances and advised that the accessory building would not have any impact on the neighboring properties. Additionally, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Jesus Nunez (Applicant)

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

BZA Discussion: The BZA agreed that the request was reasonable and approved the variances subject to the conditions in 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 September 14, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

AYE (voice vote): All members present

Absent: Deborah Moskowitz

**BOARD MEMBER ENTERED: Deborah Moskowitz**

**CREATIVE SIGNS - VA-17-12-111**

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**REQUEST:** **Variance** in the I-1A zoning district to allow a buffer yard from an adjacent single family residence of 25 ft. in lieu of 50 ft.  
(Note: The affected adjacent resident has signed a letter of support. In addition, the property on which the single family residence is located has a Future Land Use of Industrial. Further, a condition of the rezoning of the subject property requires installation of a Type-B Buffer, including a six (6) ft. tall opaque buffer).

**ADDRESS:** 2337 North Hiawassee Road, Apopka FL 32703

**LOCATION:** East side of N. Hiawassee Rd., approximately 1/2 mile north of SR 414.

**TRACT SIZE:** 195 ft. x 271 ft. (AVG)

**DISTRICT#:** 2

**LEGAL:** BEG 462.42 FT W & 751 FT S OF NE COR OF SW1/4 OF SW1/4 RUN W TO A POINT 750.81 FT S OF NW COR OF SAID SW1/4 TH N 98.9 FT E 856.97 FT M/L S 98.9 FT TO POB (LESS W 576.57 FT) IN SEC 24-21-

28 & E 17 FT OF W 576.97 FT OF S 98.9 FT OF N 751 FT OF SW1/4 OF SW1/

**PARCEL ID#:** 24-21-28-0000-00-053

**NO. OF NOTICES:** 60

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

Staff Recommendation: Staff stated that the variance was a logical request, in that the property immediately south, which contained the single family residence, had a Future Land Use of Industrial. Also, the owner of that property was in support of the request. In addition, because of the proposed site design, the building would act as a buffer. Finally, staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Antonio DiSalvatore (Applicant), waived the right to speak and agreed with the staff recommendation.

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

BZA Discussion: The BZA concluded that the request was a logical request and the most impacted property owner was in support. Therefore, 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 September 15, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall provide a Type B buffer, including a six (6) foot high opaque fence, masonry wall, berm or hedge along the south property line.

AYE (voice vote): All members present

Abstained: Deborah Moskowitz (due to temporary absence)

**RECESSED AT 9:46 A.M. AND RECONVENED AT 10:01 A.M.**  
**SARAH MAIER - SE-17-12-112**

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**REQUEST:** **Special Exception and Variances** in the A-2 zoning district as follows:  
1) Special Exception: To allow an electrical transmission substation;  
2) Variance: To allow a front setback of 20 ft. in lieu of 35 ft.; and,  
3) Variance: To allow a fence/wall height of 12 ft. in lieu of 8 ft.

**ADDRESS:** State Road 520, Orlando FL 32833

**LOCATION:** South of S.R. 520, north of S.R. 528, east of Bancroft Blvd.

**TRACT SIZE:** 47.5 acres

**DISTRICT#:** 5

**LEGAL:** ALL OF SECTIONS 19-23-33, 28-23-33, 29-23-33 & 30-23-33 (LESS RD R/W) & (LESS PT TAKEN FOR R/W ON S PER 9883/6528) & THAT PART OF SECTIONS 06-23-33, 07-23-33, 17-23-33, 18-23-33, 20-23-33, 21-23-33, 22-23-33, 26-23-33 & 27-23-33 LYING SWLY OF SR 520 & (LE

**PARCEL ID#:** 07-23-33-0000-00-003

**NO. OF NOTICES:** 119

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

Staff Recommendation: Staff outlined the case and explained that the substation would be located in the southeast corner of the property. The front yard variance was necessary to push the structures closer towards SR 520 and farther from any residential land uses. The substation would be located approximately 1,000 feet from the residentially zoned properties. Staff recommended approval due to the following factors: a) the proposed location would be a substantial distance from the single family homes; b) the wall proposed would provide an additional buffer; and, c) the property would only be accessed via State Road 520. 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): Sarah Maier (Applicant)

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

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 need for the requests and the site layout. The BZA agreed that the requests were reasonable and approved the requests subject to the conditions in the staff recommendation.

BZA Action: A motion was made by Wes A. Hodge, seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and further, 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 September 15, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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

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

4. Any expansions of the use shall require BZA approval.

5. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

6. Prior to the issuance of permits the applicant shall complete a Conservation Area Determination.

AYE (voice vote): All members present



THE KINGDOM CHURCH - SE-17-12-113

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**REQUEST:** **Special Exception** and **Variance** in the R-1A zoning district as follows:  
1) Special Exception to permit a day care for up to 74 children in conjunction with an existing place of worship; and  
2) Variance to permit grass parking and driving aisles in lieu of paved in conjunction with the day care center.  
(Note: There will be no new construction in conjunction with this request. The Church will use existing classroom facilities currently used for Sunday School as the rooms for the day care. Play area will be located in fence areas in front of the building. There is commercial land use and zoning to the west and south of the subject property).

**ADDRESS:** 1102 26th Street, Orlando FL 32805

**LOCATION:** Southwest corner of 26th St. and Woods St., approximately 125 ft. north of Michigan St.

**TRACT SIZE:** 400 ft. x 135 ft.

**DISTRICT#:** 6

**LEGAL:** ANGEILT ADDITION H/79 LOTS 1 THROUGH 8 BLK 51

**PARCEL ID#:** 03-23-29-0180-51-010

**NO. OF NOTICES:** 123

Commentaries: None

Staff Recommendation: Staff stated that the property had been used as a place of worship since 1976. The applicant would not make any exterior alterations to the site other than fencing for the play areas. Staff also noted that a variance to the rear (south) and side (west) setbacks and a variance to allow unpaved parking were also granted in 1976. Lastly, staff recommended approval subject to the conditions as reflected in the staff report.

The following person(s) addressed the Board:

Speaker(s): Samuel Abraham (Applicant's representative), waived the right to speak and agreed with the staff recommendation.

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

BZA Discussion: One member of the BZA noted that the existing handicap parking lacked paving, wherein, staff recommended adding Condition #8, to address paved parking for the handicap and to be brought up to current ADA standards. The BZA found that the application would be an asset to the neighborhood; and, as a result, concurred with the staff recommendation as amended.

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

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

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

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. There shall be no more than four (4) outdoor special events per calendar year associated with the daycare center between the hours of 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 at a minimum of thirty (30) days prior to the date of each event.
5. Hours of operation shall be limited to Monday through Friday, 6:30 a.m. to 7:00 p.m.
6. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
7. No more than seventy-four (74) children shall be enrolled at the daycare at any one time. Expansion of enrollment shall require additional approval by the BZA.
8. All required handicap parking shall be paved and brought up to current ADA standards.

AYE (voice vote): All members present

**ROBERT GOUDY - VA-17-12-118**

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**REQUEST:** Variance in the R-CE zoning district to allow a minimum lot width of 124 ft. in lieu of 130 ft.

**ADDRESS:** Kilgore Road, Orlando FL 32836

**LOCATION:** West side of Kilgore Rd., west of S. Apopka Vineland Rd., south of Sand Lake Rd.

**TRACT SIZE:** 124 ft. x 300 ft

**DISTRICT#:** 1

**LEGAL:** THE NORTH 144.40 FT OF W3/4 OF S1/2 OF N1/2 OF NE1/4 (LESS E 33 FT FOR R/W PER DB 781/681) OF SEC 04-24-28 (LESS BEG AT SE CORNER OF FORESAID TH N0-16-56W 20 FT TH N89-32-58W 300.28 FT TH N0-16-56W 109.41 FT TH N89-30-16W 1673.81 FT TH S0-10-39E 129.41 FT

**PARCEL ID#:** 04-24-28-0000-00-126

**NO. OF NOTICES:** 127

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

Staff Recommendation: Staff explained that the subject property was created along with the developed lot to the west through a legal lot split in 1987. A waiver was granted to allow the western lot to have only a fifteen (15) foot wide fee-simple access to Kilgore Road in lieu of a twenty (20) foot wide fee simple access. However, in 2006, when building permits for the west lot were applied for, the owner was required to provide an additional five (5) feet of fee-simple land to the road. Owning the subject property, and having nowhere else to obtain the land, they took it from the subject property, rendering it nonconforming. The requested variance amounted to only 4.6%. Further, variances for lot widths of only 100 feet were granted to other lots on Kilgore Road. There were other lots in the Kilgore Road area that had existing houses and only 100 feet of lot width. Therefore, denying the variance would deprive the property owner of a right others in the same zoning district enjoyed. Finally, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Robert Goudy (Applicant), waived the right to speak and agreed with the staff recommendation.

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

BZA Discussion: The BZA found that the variance was the least amount necessary, and without the variance the applicant would be deprived of rights others in the same zoning district enjoyed.

Thus, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Wes A. Hodge and unanimously carried to **APPROVE** the Variance 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 September 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. All new construction shall comply with all setbacks in effect at the time of construction.

AYE (voice vote): All members present

**JOHN FLORIO - VA-17-12-119**

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**REQUEST:** **Variance** in the P-D zoning district to allow 214 parking spaces in lieu of 231 parking spaces.  
(Note: A parking study will be provided).

**ADDRESS:** 8040 Palm Parkway, Orlando FL 32836

**LOCATION:** East of Palm Parkway; north of Lake St.

**TRACT SIZE:** 4.86 acres

**DISTRICT#:** 1

**LEGAL:** LAKE BUENA VISTA HOTELS 92/131 LOT 1

**PARCEL ID#:** 15-24-28-4350-01-000

**NO. OF NOTICES:** 170

Commentaries: None

Staff Recommendation: Staff stated the applicant originally requested a seven percent (7%) variance with 214 spaces proposed in lieu of 231 spaces. However, the applicant later submitted a parking study requesting 221 spaces in lieu of the code requirement of 231. The staff made a presentation on the request and stated that Transportation Planning has indicated they are in agreement with the parking study. Staff explained that the four percent (4%) variance was minimal and less than what was originally requested. Lastly, 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): John Florio (Applicant)

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

BZA Discussion: The BZA discussed the case and approved the request subject to the conditions in 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 September 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.

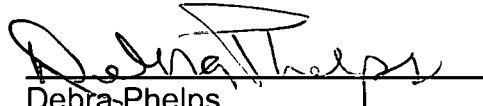
AYE (voice vote): All members present

**ADJOURN:**

There being no further business, the meeting was adjourned at 10:39 a.m.

**ATTEST:**

  
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Gregory A. Jackson  
Chairman

  
\_\_\_\_\_  
Debra Phelps  
Recording Secretary