

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

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **December 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
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 November 2, 2017, Board of Zoning Adjustment meeting.

A motion was made by Wes A. Hodge, seconded by Carolyn C. Karraker, and unanimously carried to **APPROVE** the minutes of the November 2, 2017 Board of Zoning Adjustment meeting.

PUBLIC COMMENT: The Chairman recognized the remembrance of Pearl Harbor and the retirement of Rocco Relvini, Chief Planner, along with the other Board members.

CHRIS PIXLEY - VA-17-12-120

REQUEST:	Variances in the R-1AA zoning district to construct a single family residence as follows: 1) Lot area of 8,577 sq. ft. in lieu of 10,000 sq. ft.; 2) Lot width of 70 ft. in lieu of 85 ft.; 3) Front (north) setback of 25 ft. in lieu of 30 ft.; 4) Rear (south) setback of 25 ft. in lieu of 35 ft.; and, 5) Side (east & west) setbacks of 6 ft. in lieu of 7.5 ft.
ADDRESS:	412 Roselawn Drive, Orlando FL 32839
LOCATION:	South side of Roselawn Dr., approximately 140 ft. west of Rockwood Ave.
TRACT SIZE:	70 ft. x 122 ft.
DISTRICT#:	3

LEGAL: JESSAMINE TERRACE SUB V/22 LOT 19 BLK C
PARCEL ID#: 23-23-29-3988-03-190
NO. OF NOTICES: 86

Commentaries: None in favor and nine (9) in opposition

Staff Recommendation: Staff advised the BZA that this request was compatible with the development trend of the area. Staff indicated that there was no specific design for a house on this lot, and there was no reason the required setbacks could not be met. Staff could not support Variances #3 through #5. Staff recommended approval of Variances #1 and #2, subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Chris Pixley, (Applicant)

BZA Discussion: The BZA discussed the case and approved Variance Requests #1 and #2, along with the staff recommendation and denied Variance Requests #3, #4 and #5.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Variance requests #1 and #2, 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; and further, to **DENY** the Variance requests #3, #4, and #5, 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):

1. Development in accordance with site plan dated September 21, 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

CHRIS PIXLEY - VA-17-12-129

REQUEST: **Variances** in the R-1AA zoning district to construct a single family residence as follows:
1) Lot area of 7,762 sq. ft. in lieu of 10,000 sq. ft.;
2) Lot width of 61 ft. in lieu of 85 ft.;
3) Front (east) setback of 25 ft. in lieu of 30 ft.;
4) Rear (west) setback of 25 ft. in lieu of 35 ft.; and,
5) Side (south) setback of 6 ft. in lieu of 7.5 ft.

ADDRESS: 5714 Rockwood Avenue, Orlando FL 32839
LOCATION: Southwest corner of Rockwood Ave. and Roselawn Dr.
TRACT SIZE: 61 ft. x 127 ft.
DISTRICT#: 3
LEGAL: JESSAMINE TERRACE SUB V/22 LOT 1 BLK C
PARCEL ID#: 23-23-29-3988-03-010
NO. OF NOTICES: 76

Commentaries: None in favor and ten (10) in opposition

Staff Recommendation: Staff advised the BZA that this request was consistent with the development trend of the area and it would infill the community that has the infra-structure. Staff could not support Variances #3 through #5. Staff recommended approval of Variances #1 and #2, subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Chris Pixley, (Applicant)

BZA Discussion: The BZA discussed the case and approved Variance Requests #1 and #2, along with the staff recommendation and denied Variance Requests #3, #4 and #5.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance requests #1 and #2, 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; and further, to **DENY** the Variance requests #3, #4, and #5, 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):

1. Development in accordance with site plan dated October 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

GARY KRICK - VA-17-12-121

REQUEST: Variance in the R-1 zoning district to construct a 6 ft. high fence in the front yard (Wallington Dr.) in lieu of 4 ft.

ADDRESS: 3006 Wallington Drive, Orlando FL 32810

LOCATION: North side of All American Boulevard, approximately 600 ft. west of Forest City Road

TRACT SIZE: 120 ft. x 112 ft.

DISTRICT#: 2

LEGAL: RIVERSIDE PARK ESTATES V/98 LOT 13 (LESS BEG AT SE COR RUN N89-47-30W 60 FT TO W LINE TH N00-22-55W 15.9 FT TO PT ON A CURV CONCV SLY HAVING A RAD OF 3046.54 FT A CHORD BEARING OF N86-10-29E A CENTRAL ANGLE OF 01-07-49 & AN ARC DIST OF 60.11 FT TH S00-22-

PARCEL ID#: 33-21-29-7484-00-130

NO. OF NOTICES: 101

Commentaries: None

Staff Recommendation: Staff advised the BZA that a Special Exception was approved in May 2016, to allow the subject property to be used as a parking lot for the adjacent commercial property. Part of that approval was a condition to extend a six (6) foot tall opaque fence along

the entire west property line. This constituted a de-facto variance for a six (6) foot fence in the front setback. Further, approval of this request would be consistent with that approval. In addition, it would provide superior security to a four (4) foot fence. Staff recommended that the applicant plant hedges and standard crepe myrtle trees in the first three (3) feet along Wallington Drive. Lastly, staff recommended approval subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Gary Krick, (Applicant)

BZA Discussion: The BZA concluded that the proposed variance would be an enhancement and concurred with the staff recommendation..

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

1. Development in accordance with site plan dated September 24, 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 fencing shall be a six (6) foot tall opaque vinyl fence which shall be maintained to be free from moss, mold, discoloration, etc. Any damaged fence materials shall be promptly replaced. Any violation of these conditions shall be treated as a code violation and shall be addressed by the Code Enforcement Board, not the BZA.
5. The fence along Wallington Dr. shall be set back three (3) feet from the front property line. The setback shall be planted with plant materials such as podocarpus, viburnum, etc., to form a hedge. The shrub materials shall be a minimum of thirty (30) inches in height at time of planting. In addition, standard crepe myrtles shall be planted a minimum of seven (7) feet in height, have at least a two-inch caliper, and shall be planted at a rate of one (1) tree for every twenty-five (25) feet.

AYE (voice vote): All members present

NICOLAS GRE AUX - VA-17-12-122

REQUEST:	Variance in the R-3 zoning district to allow a pool screen enclosure 3.5 ft. from the side property line in lieu of 5 ft.
ADDRESS:	7027 Phillips Cove Court, Orlando FL 32819
LOCATION:	East side of Phillips Cove Ct., east of Sunbeam Ave., south of Wallace Rd.
TRACT SIZE:	.25 acres
DISTRICT#:	1
LEGAL:	PHILLIPS COVE CONDO CB 27/1 UNIT 22
PARCEL ID#:	26-23-28-7110-00-220

BOARD OF ZONING ADJUSTMENT

MEETING OF DECEMBER 7, 2017

NO. OF NOTICES: 85

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

Staff Recommendation: Staff explained the area that the pool faced a retention area and the most affected property owner signed a letter of no objection. Staff recommended approval based on those factors subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Nicolas Greaux, (Applicant)

D.C. Johnson (Applicant's representative)

BZA Discussion: The BZA found the request to be reasonable and approved the variance 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 October 18, 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

WILLIAM PARRAMORE - VA-17-12-123

REQUEST: **Variances** in the C-1 and R-2 zoning districts to construct an assisted living facility as follows:
1) To allow a maximum height of 50 ft. in lieu of 35 ft.
2) To allow a parking standard of 1 parking space per every 4 resident beds, plus 1 space per every 20 resident beds for visitor parking, plus 1 parking space per employee, in lieu of 1 parking space per every 2 beds.

ADDRESS: 4703 Hoffner Avenue, Orlando FL 32812

LOCATION: North side of Hoffner Ave., approximately 1/4 mile east of Conway Road.

TRACT SIZE: 330 ft. x 1,220 ft.

DISTRICT#: 3

LEGAL: E1/2 OF W1/4 OF SW1/4 OF SW1/4 OF SEC 16-23-30 (LESS S 33 FT FOR RD PER DB 347/181) & (LESS THAT PART TAKEN FOR RD R/W PER 10230/3274)

PARCEL ID#: 16-23-30-0000-00-045

NO. OF NOTICES: 112

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

Staff Recommendation: Staff noted that the BZA had granted a Special Exception to use the southern 240 feet of the portion of the site zoned R-2 for parking and drainage for the front portion of the site which was zoned C-1. The applicant now wished to construct an assisted

living facility, which would be three-stories in height. Due to changes in architecture, most new three-story buildings are actually fifty (50) feet in height due to placement of mechanical equipment on the roofs, and stories, which exceeded the traditional ten (10) feet in height. Staff noted that they had received one (1) correspondence in support from a property owner across Hoffner Avenue, and one that supported the use but not the variances. Staff noted that the opponent lived approximately one-half (1/2) mile northeast of the site, and would not be able to see the building given the dense vegetation situated in between their home and the building. Finally, staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Greg Hudak, (Applicant's representative)

BZA Discussion: The BZA concluded that the request was warranted by the lack of impact on adjacent properties, and the location of the property on a major roadway. Thus, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Variance 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 October 3, 2016, 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 subject property is located in the Conway Road/Hoffner Avenue. Overlay District. All plans submitted for review must have the following printed on the cover sheet: "THIS APPLICATION [OR THESE PLANS] RELATE TO THE CONWAY ROAD/HOFFNER AVENUE CORRIDOR OVERLAY DISTRICT, WHICH IS CODIFIED AT SECTION 38-1059 THROUGH SECTION 38-1065 OF THE ORANGE COUNTY CODE."
5. Prior to issuance of a development permit, other than clearing and grubbing, the two (2) parcels shall be joined under one (1) parcel ID number. Any reason not to join the parcels shall be presented in writing to the Zoning Manager for their determination of acceptability.
6. Per the Conway Road/Hoffner Avenue. Overlay District, chain link fencing shall be prohibited in the front setback along Hoffner Avenue.

AYE (voice vote): All members present

KENNETH EBERSOLE - VA-17-12-125

REQUEST:

Variances in the R-2 zoning district as follows:

- 1) To allow a cumulative square footage of 900 sq. ft. of accessory structures in lieu of 500 sq. ft.
- 2) To allow the exterior and roof of the new 660 sq. ft. building to be metal in lieu of "materials commonly used throughout Orange County in single-family construction".

(Note: The existing 600 sq. ft. detached garage was damaged by Hurricane Irma. The applicant wishes to replace it with a larger accessory building. The applicant has obtained letters of support from six (6) surrounding neighbors. To the west of the subject property is a commercial PD.)

ADDRESS: 220 S. Lake Pleasant Road, Apopka FL 32703
LOCATION: West side of S. Lake Pleasant Rd., approximately 475 ft. north of E. Semoran Blvd.
TRACT SIZE: 103 ft. x 212 ft.
DISTRICT#: 2
LEGAL: BEG 30 FT W & 479 FT N OF SE COR OF NE1/4 OF SE1/4 N 103 FT W 212 FT S 103 FT E 212 FT TO POB SEC 11-21-28
PARCEL ID#: 11-21-28-0000-00-121
NO. OF NOTICES: 110

Commentaries: Seven (7) in favor and none in opposition

Staff Recommendation: Staff explained that the property, which is zoned R-2, was nearly five (5) times the size of a standard lot with that zoning. There is an existing shed on the site which has 600 sq. ft. of floor area, and an additional shed with 240 sq. ft. of floor area. The applicant desired to demolish the larger structure, which was damaged by recent storms, and replace it with a building that would be two (2) feet deeper to better accommodate their personal vehicles, adding another sixty (60) sq. ft. of floor area. Lastly, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Kenneth Ebersole, (Applicant)

BZA Discussion: The BZA concluded that the need for the variance was not self-imposed, and the added square footage was minimal. Therefore, the BZA concurred with the staff recommendation.

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

1. Development in accordance with site plan dated October 6, 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 color of the exterior of the new garage shall match or compliment that of the exterior of the existing home.
5. To the greatest extent possible, the applicant shall minimize the impacts to the existing tree canopy during the design and construction of the new garage.

AYE (voice vote): All members present

DREAM BIG ACADEMY AND DAYCARE - SE-17-12-126

REQUEST: **Special Exception** in the A-1 zoning district to construct and allow a private school/daycare for up to 172 students grades Pre-K to 5th. The BZA amended the request to allow up to 150 students total.

ADDRESS: 6055 Clarcona Ocoee Road, Orlando FL 32810

LOCATION: North side of Clarcona Ocoee Rd., west of Long Lake Dr.

TRACT SIZE: 318 ft. x 261 ft.

DISTRICT#: 2

LEGAL: 10980/1172 ERROR IN LEGAL DESC: BEG 1328.87 FT E OF S1/4 COR OF SEC RUN N3-24-22E 313.33 FT E 318.08 FT S3-24-22W 313.33 FT TH W 318.08 FT TO POB (LESS THE S 52.03 FT FOR RD RW) IN SEC 36-21-28 SEE 4080/1011

PARCEL ID#: 36-21-28-0000-00-041

NO. OF NOTICES: 118

Commentaries: Three (3) in favor and two (2) in opposition

Staff Recommendation: Staff gave a presentation addressing the request, photographs of the site, zoning, and a brief analysis. 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): Darrell Nunnelley (Applicant's Representative)
Carole Davis (in Favor)
Rynette Upson (Owner)
Jean Paul Sylvester (Opposed)

BZA Discussion: The BZA confirmed that an opaque wall or fence adjacent to residentially zoned properties was required by code and discussed amending the number of students to 150. As a result, the BZA concurred with the staff recommendation as amended.

BZA Action: A motion was made by Gregory A. Jackson, 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; further, said approval is subject to the following conditions as amended:

1. Development in accordance with site plan dated October 6, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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

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

4. Hours of operation shall be limited to Monday through Friday, 6:00 a.m. to 7:00 p.m.

5. Development shall comply with Chapter 24 (Landscaping). In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail. Existing trees and/or vegetation may be used to meet the landscaping requirements. The applicant shall install a minimum six (6) foot high opaque wall or fence along the north and east property lines that abut residential lots.

6. 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 a minimum of thirty (30) days prior to the date of each event.

7. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met.

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

9. Portable/Modular unit approval is valid for up to five (5) years. After that the applicant is required to submit a structural report to the Zoning Division for review and approval. If the report shows the modular unit is safe to occupy the Zoning Manager may grant an extension of the modular unit approval. Otherwise, the applicant may apply to the BZA for an extension beyond the initial five (5) years.

10. No more than 150 children shall be enrolled at the school/daycare at any one time. Expansion of enrollment or use shall require additional approval by the BZA.

AYE (voice vote): All members present

HOMES IN PARTNERSHIP, INC. - VA-17-12-127

REQUEST:	Variance in the R-2 zoning district to construct single family residence with a side setback of 5 ft. in lieu of 6 ft.
ADDRESS:	13th Avenue, Ocoee FL 34761
LOCATION:	South side of 13th Ave, west of Peters Ave.
TRACT SIZE:	50 ft. x 146 ft.
DISTRICT#:	2
LEGAL:	NORTH OCOEE ADDITION NO 1 O/68 LOT 3 BLK 10
PARCEL ID#:	08-22-28-5956-10-031
NO. OF NOTICES:	115
<u>Commentaries:</u>	None

Staff Recommendation: Staff gave a presentation covering the location, proposed lot layout, and photographs. Furthermore, staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Toby Best (Applicant's representative) waived the right to speak and agreed with the staff recommendation.

BZA Discussion: The BZA discussed the case and approved the variance with conditions in the staff report.

BZA Action: A motion was made by Gregory A. Jackson, 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 October 11, 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

MARIE PETITHOMME - VA-17-12-128

REQUEST: **Variance** in the R-2 zoning district to convert patio into a room addition 16 ft. from the rear (west) property line in lieu of 25 ft.
(Note: The applicant has obtained approval for the addition from the homeowners association).

ADDRESS: 4812 Tyler Lake Court, Orlando FL 32839

LOCATION: South end of Tyler Lake Ct. (cul-de-sac), south of Holden Avenue and east of S. Orange Blossom Trail.

TRACT SIZE: 52 ft. x 104 ft.

DISTRICT#: 3

LEGAL: HOLDEN RIDGE 27/80 LOT 44

PARCEL ID#: 14-23-29-3673-00-440

NO. OF NOTICES: 61

Commentaries: None

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, the location of the addition, and photographs. Additionally, staff stated that if the BZA approved the request, the conditions as set forth in the staff report should be imposed.

The following person(s) addressed the Board:

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

BZA Discussion: The BZA concluded this request was reasonable and concurred 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, October 11, 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

GARY VANHOUTEN - VA-17-12-130

REQUEST: **Variances** in the R-CE zoning district as follows:
1) To allow a lot size of .55 acres in lieu of 1 acre;
2) To allow a rear setback of 28 ft. in lieu of 50 ft.;
3) To allow the existing house and a new front porch extension to be 20 ft. from the front property line in lieu of 35 ft.; and
4) To allow a cumulative total of 1,056 sq. ft. of accessory floor area (192 sq. ft. storage shed & 864 sq. ft. garage) to remain in lieu of 500 sq. ft. (Note: The subject property is two lots combined as one. The applicant recently purchased the property with the intention of renovating it. The front setback requested is for the existing home and the proposed addition to it. The rear yard setback of 28 ft. is for the conversion of the existing carport into a bedroom. The 864 sq. ft. garage was constructed by way of a variance granted in November 1990. The smaller shed was constructed by the prior owner.)

ADDRESS: 17007 Johns Lake Drive, Winter Garden FL 34787

LOCATION: Northwest corner of John's Lake Dr. and Remington Rd., approximately 725 ft. south of John's Landing Way

TRACT SIZE: .55 Acres

DISTRICT#: 1

LEGAL: JOHNS LAKE HOMESITES 1ST ADD X/76 LOTS 5 & 6

PARCEL ID#: 30-22-27-4018-00-060

NO. OF NOTICES: 51

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

Staff Recommendation: Staff explained that the residence was originally constructed in 1978, when the subdivision in which it is located was zoned R-1AA. However, in 1982, the County rezoned all of the lots in the subdivision to either A-1, or R-CE, which rendered the entire subdivision nonconforming. Staff provided a graphic showing that a large number of lots in the subdivision were granted variances to develop substandard lots with reduced front and rear setbacks. Staff noted that the proposed addition to the front followed the existing building line and does not increase the encroachment. The addition to the rear of the home would take up the area currently used as an elevated deck. The garage had been constructed with a variance granted in 1990. The applicants purchased the property "as is" and would like to keep the second accessory structure. In essence, most of the variances needed for this application resulted from the County's rezoning of the property. Finally, staff recommended approval subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Gary Vanhouten, (Applicant)

BZA Discussion: The BZA concluded that the need for variances were not self-imposed, and that the hardship to the land was the result of the County's rezoning the land to R-CE. 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 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 October 13, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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

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

4. The exterior of the additions shall match the exterior of the existing residence.

AYE (voice vote): All members present

DAVID JACOBS - VA-17-12-131

REQUEST: **Variances** in the R-1A zoning district to allow development on a substandard lot as follows:
1) Lot width of 55 ft. in lieu of 75 ft.; and,
2) Lot area of 7,425 sq. ft. in lieu of 7,500 sq. ft.

ADDRESS: 4890 Magnolia Avenue, Winter Park FL 32792

LOCATION: West side of N. Magnolia Ave., approximately 260 ft. north of Aloma Ave.

TRACT SIZE: 55 ft. x 135 ft.

DISTRICT#: 5

LEGAL: SUBURBAN HOMES O/138 LOT 22 BLK 7

PARCEL ID#: 02-22-30-8368-07-220

NO. OF NOTICES: 86

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

Staff Recommendation: Staff gave a brief presentation covering the location of the property, proposed house, 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): David Jacobs (Applicant)

BZA Discussion: The BZA concluded this requests were reasonable and concurred with the staff recommendation.

BZA Action: A motion was made by Wes A. Hodge, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the 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 October 13, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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

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

AYE (voice vote): All members present

DOWN TO EARTH LANDSCAPING - SE-17-12-132

REQUEST: **Special Exception and Variance** in the A-2 zoning district as follows:
1) Special Exception to operate a landscaping business.
2) Variance to allow unpaved parking in lieu of paved.
(Note: This application is the result of code enforcement action.)

ADDRESS: 14645 Boggy Creek Road, Orlando FL 32824

LOCATION: East side of Boggy Creek Rd., approximately .7 miles south of Lake Nona Blvd.

TRACT SIZE: 18.25 Acres

DISTRICT#: 4

LEGAL: ORLANDO KISSIMMEE FARMS O/117-1/2 LOT 41

PARCEL ID#: 34-24-30-6368-00-410

NO. OF NOTICES: 50

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

Staff Recommendation: Staff noted that according to the Tax Collector's records, the subject property has been legally used as a plant nursery for the last fourteen (14) years. It was also noted that the applicant had been storing their vehicles on the site since 2016. Code Enforcement became aware of the landscaping business as a result of investigating the storage of a motorhome and large metal storage containers on the property, plus a fence which had been erected without a permit. The only remaining outstanding violation remaining on the property is the permitting of the fence, which was on hold pending the outcome of the Special Exception. Further, staff noted that based on a conversation with a code enforcement officer, a new condition should be added to ensure that all permits needed for on-site improvements, such as the fence, should be obtained by February 1, 2018, to ensure that the site would be violation free before its compliance period expires. Lastly, staff stated 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): The applicant's representative waived the right to speak and agreed with the staff recommendation as amended.

BZA Discussion: The BZA inquired as to whether any required handicap parking should be paved. Staff added a condition requiring as such. Based on the foregoing, the BZA concurred with the conditions as amended, concluding the use would be compatible with the neighborhood and would not impose any negative impacts.

BZA Action: A motion was made by Deborah Moskowitz, 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 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 October 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. If construction plans are required, they shall be submitted within two (2) years or this approval becomes null and void. A use permit shall be submitted within two (2) years or this approval becomes null and void.

5. The site is limited to storage of vehicles and equipment used by the landscape company only. The site may continue to be used for the growing of landscape plant materials.

6. Metal containers shall not be stored on-site at any time.

7. There shall be no mounds of soil or mulch on the site at any time.

8. Signage shall be limited to a maximum of thirty-two (32) sq. ft. of copy area. Either a wall sign or ground sign may be used, no pole signs shall be permitted.

9. Noise and sound shall be regulated by Chapter 15, Orange County Code.

10. The use of a grinder and chipper shall be prohibited.

11. Hours of operation shall be limited to 7:00 a.m. to 6:30 p.m., Monday through Friday.

12. All employees of the landscaping company shall park in the area designated on the site plan. Parking along the access drive at the front of the site shall not be permitted.

13. All materials brought onto the site by the landscape company shall be removed by the end of the business day. No raw plant materials such as limbs, palm fronds, trunks or stumps can be stored overnight.

14. Empty pallets, pots, containers, etc. shall be stored behind a completely opaque screened area, and shall not be visible from the road or any adjacent properties, to include extending to a height greater than the opaque barrier. Use of existing or planted vegetation achieving an immediate barrier meeting this criteria may be permitted.

15. Violation of any conditions of approval shall be treated as a code violation and shall be addressed by the Code Enforcement Board, not by the BZA.

16. The applicant shall obtain a permit for all site improvements, such as the fence, by February 1, 2018.

17. All required handicap parking shall be paved, with a paved pathway to the nearest entrance.

AYE (voice vote): All members present

ORLANDO WEST MINISTRIES - VA-17-12-133

REQUEST: Variance in the R-1A zoning district to permit 136 sq. ft. of wall signage in lieu of 32 sq. ft.
(Note: The property contains 6.8 acres and is used as a religious use campus).

ADDRESS: 6101 Denson Drive, Orlando FL 32808

LOCATION: Northeast corner of N. Powers Dr. and Denson Dr.

TRACT SIZE: 442 ft. x 573 ft.

BOARD OF ZONING ADJUSTMENT

MEETING OF DECEMBER 7, 2017

DISTRICT#: 2
LEGAL: BEG 30 FT N & 30 FT E OF SW COR OF SW1/4 OF SE1/4 TH N 87 DEG E 633.69 FT N 300 FT M/L TH S 87 DEG W 632.96 FT S 323.5 FT TO POB (LESS THE S1/2 OF W1/2 OF S1/4 OF SW1/4 OF SE1/4 (LESS E 332.20 FT) & (LESS W 30 FT & S 30 FT FOR RDS) SEC 12-22-28
PARCEL ID#: 12-22-28-0000-00-031
NO. OF NOTICES: 210
Commentaries: None

Staff Recommendation: Staff advised the BZA that due to the size of the facility and the services it provided, a thirty-two (32) sq. ft. sign was too small to advertise the site's services and identity. Therefore, staff supported the sign variance request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Gregory Thomas (Applicant)

BZA Discussion: The BZA commented that if this property were zoned commercial, it would have much more obtrusive signage. To that end, the BZA agreed with the staff recommendation.

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

1. Development in accordance with site plan dated October 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. Total façade sign area shall be limited to 136 sq. ft.
5. There shall be no freestanding signage.
6. There shall be no electronic message center signage.

AYE (voice vote): All members present

STEPHANIE AND KEITH HOOVER - VA-17-12-135

REQUEST: **Variances** in the R-CE zoning district to renovate an existing residence as follows:
1) Front (north) setback of 25 ft. in lieu of 35 ft.;
2) Side (east) setback of 5 ft. in lieu of 10 ft.; and
3) To allow a covered screened-in patio 45 ft. from the Normal High Water Elevation (NHWE) of Lake Sheen and a screened-in pool and deck 25 ft. from the NHWE of Lake Sheen in lieu of 50 ft.
(Note: The lot size and lot width are grandfathered in as the lot was

platted prior to the establishment of Orange County Zoning Regulations. The applicant recently purchased the home. The lot has an average depth of 140 ft. The current residence has a one-car garage which the applicant intends to convert to living area and add a new attached two-car garage to the east side of the home. The setback from the NHWE is for a pool with deck and patio.)

ADDRESS: 9932 Lone Tree Lane, Orlando FL 32836

LOCATION: South side of Lone Tree Ln., approximately 1/4 mile east of Trout Rd., on the northern shores of Lake Sheen

TRACT SIZE: 100 ft. x 140 ft.

DISTRICT#: 1

LEGAL: CYPRESS SHORES FIRST ADDITION T/56 LOT 19

PARCEL ID#: 32-23-28-1874-00-190

NO. OF NOTICES: 113

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

Staff Recommendation: Staff explained that the entire subdivision was rezoned in 1967 to R-CE from either R-1 or R-1A. As a result, the entire subdivision became nonconforming with regard to lot width, size, depth, etc. Had the zoning remained as it was, the applicants would need little or no variances to do what they proposed. As such, the County imposed the hardship. Staff noted that EPD had requested Condition #7, to reduce pollutants from entering into Lake Sheen. Staff also noted that Condition #1, was amended to reference a new Condition #8. Condition #8, requires that a discrepancy on the site plan be clarified regarding the side setback for the proposed garage prior to submitting for permits. Staff also showed a graphic of the numerous similar variances granted throughout the neighborhood. Further, staff recommended approval subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Jacqueline Bozzuto (Applicant's representative)

Stephanie and Keith Hoover (Applicants)

BZA Discussion: The BZA concluded that the requests were the result of past action by the County, and without the variances, the applicants would be denied the same rights others in this zoning district are enjoying. In conclusion, the BZA agreed with the staff recommendation as amended.

BZA Action: A motion was made by Carolyn Karraker, seconded by Wes A. Hodge and unanimously carried to **APPROVE** the 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 October 18, 2017, as revised by Condition #8, 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 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

pool, pool deck and screen enclosure is no closer than twenty-five (25) feet and lanai is no closer than forty-five (45) feet from the Normal High Water Elevation (NHWE) of Lake Sheen.

5. The lanai may have a knee wall up to three (3) feet in height and may be screened. However, it cannot be enclosed with glass without prior approval of the BZA.

6. The exterior of the lanai and attached garage shall match or compliment the exterior of the existing residence with respect to color and materials.

7. Per the Orange County Environmental Protection Division, the plans shall be revised to show a swale along the entire length of the rear yard between the NHWE and the edge of the pool deck, with a berm located between the swale and the seawall/edge of water.

8. Prior to submittal for building permits, the site plan shall be revised to clearly note that the side setback for the proposed garage is five (5) feet and the front setback is thirty (30) feet.

AYE (voice vote): All members present

19161, LLC - SE-17-12-136

REQUEST: **Special Exception and Variances** in the A-2 zoning district as follows:
1) Special Exception: To operate a yard trash processing facility.
2) Variance: To allow processing 50 ft. from a west property line in lieu of 150 ft.
3) Variance: To allow processing 20 ft. from the southeast property line in lieu of 150 ft.
(Note: The applicant will be taking in yard waste for recycling and shipping it off-site. A grinder will be used periodically. There will be no open air burning or concrete crushing. Only yard waste will be brought into the site.)

ADDRESS: East Colonial Drive, Orlando FL 32820

LOCATION: North side of E. Colonial Dr., 1/2 mile east of SR 13

TRACT SIZE: 201 acres

DISTRICT#: 5

LEGAL: COMM AT THE W QUARTER CORNER OF SEC 23-22-32 TH S00-00-14E 1349.3 FT TO POB TH N37-20-02E 3971.36 FT THN14-47-46E 248.62 FT TH N01-30-52E 523.24 FT TH S88-29-08E 1442.05 FT TH S15-34-03W 287.46 FT TH S15-34-03W 85.03 FT TH S10-28-30W 333.64 FT TH S13-38-3

PARCEL ID#: 23-22-32-0000-00-005

NO. OF NOTICES: 361

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

Staff Recommendation: Staff gave a presentation on the facility. The purpose of such facilities is to provide the public and companies a site to deliver yard waste. The yard waste will be grinded down and recycled into top soil and mulch. Further, staff recommended approval subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Anna Long (Applicant's attorney)
James Golden (Applicant's representative)
David Bromfield (Orange County EPD representative)
Vic McCall (Applicant's engineer)

BZA Discussion: The BZA agreed to amend the conditions of approval and concurred with the staff recommendation as amended..

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

interest; 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 October, 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. Outdoor burning shall be prohibited.
5. Concrete, asphalt, or rock crushing shall be prohibited.
6. All mounds shall have a minimum fifty (50) feet setback from any approved conservation areas.
7. No mounds higher than twenty (20) feet in height.
8. No impacts to any approved Conservation Areas with Orange County approval.
9. Fire suppression and water supply shall be subject to the review and approval of the Fire and Rescue Division of Orange County at the time of permit review.
10. A minimum twenty-five (25) feet wide access fire lane shall be provided and maintained around the perimeter of the processing area and down the center of the processing area.
11. The applicant shall provide emergency contact information to the Zoning Division. At the time of this hearing, the following on-site staff shall be contacted: Lee Fuehs at (407) 221-6759 or Randall Neuis at (407) 949-2467.
12. Hours of operation shall be Monday to Friday from 7:00 a.m. to 7:00 p.m.
13. The existing berm adjacent to the Orange County easement shall not be altered.
14. The wood chipper and grinder shall not be used more than twelve (12) events per year. No event may last more than fourteen (14) days. The Zoning Manager may extend the number of allowable events and the number of days, if warranted.
15. The wood chipper and/or grinder, when in use, shall be setback a minimum of 600 feet from the residential properties along the western property line.
16. All required permits shall be obtained within 2 years or this approval is null and void. The applicant may request an extension of this deadline to the Zoning Division prior to the two (2) years.

AYE (voice vote): All members present

JAMES EDWARD CHEEK - VA-17-12-137

REQUEST: **Variances** in the P-D zoning district to allow signage as follows:
1) Ground sign height of 17.6 ft. in lieu of 10 ft.
2) Ground sign size of 145 sq. ft. in lieu of 80 sq. ft.
3) Ground sign with changeable copy on a 200 ft. wide lot in lieu of a 1000 ft. wide lot.
4) Total wall signage of 1,830 sq. ft. in lieu of 366 sq. ft.
5) Minimum copy area for each individual tenant space of 9 sq. ft. in lieu of 12 sq. ft.
(Note: The applicant cannot apply for a master sign plan as they do not meet the size requirements.)

ADDRESS: 8050 International Drive, Orlando FL 32819

LOCATION: West side of International Drive, south of W. Sand Lake Rd.

TRACT SIZE: 1.55 acres

DISTRICT#: 6

LEGAL: HOLLYWOOD PLAZA 36/98 LOT 1 & (LESS THE EAST 14 FT THEREOF PER DOC# 20160617154)

PARCEL ID#: 36-23-28-3787-00-010

NO. OF NOTICES: 419

Prior to the December 7, 2017 BZA Meeting, this case was **CONTINUED** to the February 1, 2018 BZA Meeting, as requested by the applicant.

RECESSED AT 12:30 P.M. AND RECONVENED AT 1:02 P.M.

MANUEL HERNANDEZ - VA-17-12-139

REQUEST: **Variance** in the R-1A zoning district to construct addition to single family residence 27 ft. from the rear (south) property line in lieu of 30 ft.

ADDRESS: 3354 Cimarron Drive, Orlando FL 32829

LOCATION: South side of Cimarron Dr., 1/2 mile east of S. Chickasaw Trl.

TRACT SIZE: 80 ft. x 105 ft.

DISTRICT#: 4

LEGAL: CHICKASAW WOODS FIRST ADDITION 6/17 LOT 10 BLK E

PARCEL ID#: 12-23-30-1300-05-100

NO. OF NOTICES: 75

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

Staff Recommendation: Staff stated that the variance was minor in nature and the applicant submitted two (2) letters of support from adjacent neighbors. Further, staff recommended approval subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Manuel Hernandez (Applicant)

BZA Discussion: The BZA agreed with the staff recommendation and approved the variance requested.

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

1. Development in accordance with site plan dated October 18, 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

EAST WEST PLACE, LLC - SE-18-01-140

REQUEST: **Special Exception** in the R-1 zoning district to construct a parking lot in conjunction with commercial business located on 2500 Curry Ford Rd.
ADDRESS: 1521 Jessamine Avenue, Orlando FL 32806
LOCATION: East of Jessamine Ave., south of Curry Ford Rd.
TRACT SIZE: 100 ft. x 150 ft.
DISTRICT#: 3
LEGAL: HANDSONHURST PARK L/87 LOTS 6 & 7 BLK A
PARCEL ID#: 06-23-30-3328-01-060
NO. OF NOTICES: 200

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

Staff Recommendation: Staff recommended denial of the Special Exception as it would be an intrusion into the residential area and the parking lot would directly abut several residential properties. Lastly, staff stated 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): Giovanni Fernandez (Applicant's representative)
Ryan Young (Applicant's representative)
Richard Dickerson (Neighbor opposed)

BZA Discussion: The applicant and BZA discussed the possibilities of re-zoning the property and/or using other properties for this use. The BZA concluded that this parking lot was necessary to support the redevelopment of the area and met most the Special Exception criteria. Based on the foregoing, the BZA approved the request and added two (2) additional conditions to the staff recommendation. The applicant agreed to construct a six (6) foot high concrete/masonry wall on the south side of the property which abuts residential.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Carolyn Karraker and carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions as amended:

1. Development in accordance with site plan dated October 18, 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. Landscaping shall be in accordance with Chapter 24, Orange County Code.

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

6. The parking lot shall comply with Chapter 38-1476.

7. The applicant shall install a six (6) foot high concrete or masonry wall on the south property line.

8. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."

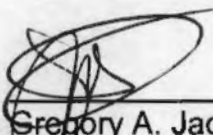
AYE (voice vote): Jose A. Rivas, Jr., Carolyn Karraker, Wes A. Hodge, Gregory A. Jackson, and Jessica Rivera

NAY (voice vote): Deborah Moskowitz and Eugene Roberson, Jr.

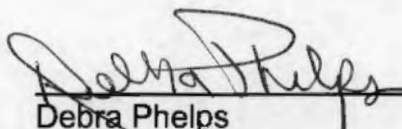
ADJOURN:

There being no further business, the meeting was adjourned at 2:14 p.m.

ATTEST:



Gregory A. Jackson
Chairman



Debra Phelps
Recording Secretary