

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF JANUARY 4, 2018**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **January 4, 2018** in the Orange County Commission Chambers on the 1st Floor of the Orange County Administration Building, 201 South Rosalind Avenue, Orlando, Florida 32801.

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

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

STAFF PRESENT: 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 December 7, 2017, Board of Zoning Adjustment meeting.

A motion was made by Deborah Moskowitz, seconded by Eugene Roberson, and unanimously carried to **APPROVE** the minutes of the December 7, 2017 Board of Zoning Adjustment meeting.

PUBLIC COMMENT: The Chairman opened the floor to public comment, seeing none; the Chairman closed the hearing for public comment and continued with the regularly scheduled agenda.

POINTE ORLANDO - SE-17-10-093

REQUEST: **Special Exception and Variances** in the C-2 zoning district as follows:
1) Special Exception: To operate an open air market.
2) Variance: To operate until 4:00 am in lieu of dawn to dusk.
3) Variance: To operate 7 days a week in lieu of 3 consecutive days only.
(Note: This is the result of code enforcement action.)

ADDRESS: 9101 International Drive, Orlando FL 32819

LOCATION: North of the intersection of International Drive and Pointe Plaza Avenue

TRACT SIZE: 17 acres

DISTRICT#: 6

LEGAL: PLAZA INTERNATIONAL UNIT ELEVEN 28/5 COMM NLY MOST COR OF LOT 1 RUN SWLY 250.22 FT SLY 1883.90 FT TO POB TH E

1044.80 FT TO E LINE OF LOT 1 TH SLY 1326.04 FT TH SLWY 25.30 FT N 82 DEG W 86.43 FT NWLY 770.05 FT TH NWLY 570.04 FT TO POB

PARCEL ID#: 36-23-28-7165-00-017
NO. OF NOTICES: 76

Prior to the January 4, 2018 BZA Meeting, this case was **CONTINUED** to the February 1, 2018 BZA Meeting, as requested by the applicant.

CENTRAL FLORIDA TOYOTA - VA-17-12-138

REQUEST: **Variance** in the P-D zoning district to allow 2 ground signs with a separation distance of 55 ft. in lieu of 100 ft.
Note: The signs were erected on both sides of the entrance from S. Orange Blossom Trail. Both signs meet the design criteria for a ground sign, in terms of size and height. Both have active building permits which cannot be closed without either obtaining a variance or relocation of the signs.

ADDRESS: 11020 South Orange Blossom Trail, Orlando FL 32837
LOCATION: West side of S. Orange Blossom Trail, approximately 175 ft. south of the Central Florida Parkway

TRACT SIZE: 596 ft. x 865 ft. (AVG)

DISTRICT#: 4

LEGAL: BEG 742.94 FT N OF SW COR OF NW1/4 OF NW1/4 OF SEC 15-24-29 TH RUN N 582.02 FT E 1262.86 FT TO W R/W S ORANGE BLOSSOM TR S 598.64 FT W 1262.66 FT TO POB (LESS COMM SW COR OF NW1/4 OF NW1/4 RUN N 782.94 FT TO POB TH N 542.02 FT E 345.90 FT S 542.02 FT W 34

PARCEL ID#: 15-24-29-0000-00-002

NO. OF NOTICES: 130

Commentaries: None

Staff Recommendation: Staff gave a presentation on the case covering the size and location of the signs and photographs. Staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Mark Brenchley (Applicant's representative)

No one was present to speak in favor or against 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 asked about the permits. The BZA acknowledged that the property had a long frontage, and felt that the signs were low profile and helped with directions, and had a cleaner look than other signs on the same road. As a result, the BZA concurred with the staff recommendation.

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 and sign specifications 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

Absent: Wes A. Hodge

URBANA AT HUNTERS CREEK - VA-18-01-141

REQUEST: Variance in the P-D zoning district to allow an off-site directional sign with a copy area of 49 sq. ft. in lieu of 16 sq. ft.
ADDRESS: Hunters Park Lane, Orlando FL 32837
LOCATION: West of S John Young Parkway, south of Hunter's Park Lane
TRACT SIZE: 15 ft. x 230 ft.
DISTRICT#: 1
LEGAL: HUNTER'S CREEK NORTHWEST VILLAGE TOWN CENTER, TRACTS 330 & 370 58/143 TRACT E (LANDSCAPE/UTILITY)
PARCEL ID#: 29-24-29-3208-00-005
NO. OF NOTICES: 155

Commentaries: Letter in support from the HOA and none in opposition

Staff Recommendation: Staff stated the sign met all the criteria outlined in Sec.31.5-127(a), except it exceeded the allowable copy area. Staff showed the location and stated the sign would fit in with the existing signage in the Hunter's Creek development. The apartment complex sat about 1,000 feet off of the main right-of-way. Staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Kelvin Eder (Applicant)

No one was present to speak in favor or against the request at the public hearing.

BZA Discussion: The BZA felt the request was minor and that the sign was necessary to guide passersby to the development. Further, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (5 in favor, 1 opposed and 1 absent):

1. Development in accordance with site plan, sign layout and architect sign plan dated November 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 sign shall meet all other requirements per Sec. 31-5-127(a).

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

NAY (voice vote): Eugene Roberson

Absent: Wes A. Hodge

ALLYSON RICHBOURG LUDEWIG - VA-18-01-142

REQUEST: **Variances** in the R-1A zoning district as follows:
1) To allow an accessory structure with a setback from the side street (north) property line of 6 ft. in lieu of 15 ft.
2) To allow an 8 ft. high fence in a reverse corner yard in lieu of 4 ft.
3) To allow a portion of an existing pool deck to be located 4 ft. from the side (south) property line in lieu of 5 ft.
Note: The applicant has obtained letters of support from their HOA and 5 neighbors, including the owners of the lot which abuts the reverse corner yard. The 8 foot high fence in the reverse corner yard is existing. The fence sustained damage due to Hurricane Irma, and the applicant wishes to replace it.

ADDRESS: 9760 Wildoak Drive, Windermere FL 34786
LOCATION: Southeast corner of Wildoak Dr. and Waterview Pl.
TRACT SIZE: 117 ft. x 120 ft. (AVG)
DISTRICT#: 1
LEGAL: WINDERMERE DOWNS 4/12 LOT 69
PARCEL ID#: 04-23-28-9332-00-690
NO. OF NOTICES: 57
Commentaries: Six (6) in favor and none in opposition

Staff Recommendation: Staff noted that the applicant had installed the existing shed and fencing in 2008-2009, not knowing that they needed permits. After the recent storms, they wished to replace the shed with a larger one, and repair the fence. A neighbor reminded them to get a permit. It was while applying for the permit that they discovered that fencing taller than four (4) feet was not permitted in their side street yard (a reverse front yard) nor is a shed shown at only six (6) feet from the side street line. In addition, staff noted that due to the orientation of the home, and presence of other improvements such as a pool and deck, and an existing healthy mature oak tree, there was not another location to place a shed. Lastly, staff recommended approval of the request subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Allyson Richbourg Ludewig (Applicant)

No one was present to speak in favor or against the request at the public hearing.

BZA Discussion: The BZA concluded that given the lack of any other logical place to put the shed, and given the support of the neighborhood, the request satisfied the need for a variance.

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

1. Development in accordance with site plan and shed elevations dated November 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 shed is to be painted a color which is consistent with or compatible to that of the residence, with roof materials similar to that of the existing residence.

AYE (voice vote): All members present

Absent: Wes A. Hodge

NAIMA HAMMOU - VA-18-01-143

REQUEST: Variances in the R-1 zoning district as follows:
1) Front (Klondike Ave.) setback of 18 ft. in lieu of 25 ft.
2) Rear (Edgemoor Ave.) setback of 18 ft. in lieu of 25 ft.

ADDRESS: 41 North Klondike Avenue, Orlando FL 32811

LOCATION: East of the intersection of N. Klondike Ave. and Edgemoor Ave.

TRACT SIZE: 123 ft. x 68 ft. (AVG)

DISTRICT#: 6

LEGAL: KLONDIKE O/118 LOT 17 BLK C

PARCEL ID#: 30-22-29-4206-03-170

NO. OF NOTICES: 62

Commentaries: None

Staff Recommendation: Staff gave a presentation on the case covering the shape and location of the property, the footprint of the house, and photographs. Further, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Mohamed Hammou (Son on behalf of the applicant)

No one was present to speak in favor or against the request at the public hearing.

BZA Discussion: The BZA confirmed the applicant plans to preserve some trees on the property. The BZA felt the amount of variance requested was small and reasonable. Furthermore, the BZA was in agreement with the staff recommendation.

BZA Action: A motion was made by Eugene Roberson, 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 November 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: Wes A. Hodge

RECESSED AT 9:43 P.M. AND RECONVENED AT 10:00 A.M.

STEFANIE FIERMAN - VA-18-01-146

REQUEST: **Variations** in the R-1AA zoning district as follows:
1) To allow the principal residence to remain 24 ft. from the rear (east) property line in lieu of 35 ft.
2) To construct an addition to be 16 ft. from the rear property line in lieu of 35 ft.
3) To allow an existing detached accessory structure to be located 1 ft. from the rear property line and 1 ft. from the side (east) property line in lieu of 5 ft.
4) To allow an addition on a lot with 70 ft. of frontage in lieu of 85 ft.
5) To allow an addition on a lot with 7,185 sq. ft. of lot area in lieu of 10,000 sq. ft.
Note: The Waterwitch Club subdivision was platted in 1925.

ADDRESS: 4821 South Fern Creek Avenue, Orlando FL 32806
LOCATION: East side of S. Fern Creek Ave., approximately 275 ft. north of Waterwitch Drive
TRACT SIZE: 70 ft. x 102 ft. (AVG)
DISTRICT#: 3
LEGAL: WATERWITCH CLUB K/69 LOT 4
PARCEL ID#: 13-23-29-9068-00-040
NO. OF NOTICES: 656

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

Staff Recommendation: Staff noted that the subject property was part of a plat recorded in 1925, which according to the Property Appraiser's information, was also the year the home was constructed. It appeared that the garage was constructed with the home. Like many of the lots in this subdivision, not only could the subject property not meet the criteria for the R-1AA zoning district, it could not meet the criteria for the R-1A district. Further, the home was constructed far back on the lot, only twenty-four (24) feet from the rear property line. As such, the variance was not self-imposed. There was no other location to construct a logical addition to the home. Staff also provided information on other similar variances granted in the subdivision, including one for the lot abutting the subject property's rear yard. Lastly, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

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

No one was present to speak in favor or against the request at the public hearing.

BZA Discussion: The BZA concluded that the size of the land, the original placement of the home, and the constraints of zoning on the property warranted granting the variances. Therefore, 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 the site plan and elevation dated November 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 materials of the exterior of the addition shall match or compliment the exterior of the existing residence.

AYE (voice vote): All members present

Absent: Wes A. Hodge

ORLANDO HEALTH - VA-18-01-147

REQUEST: Variance in the P-D zoning district to allow 459 cumulative sq. ft. of ground signage in lieu of 120 sq. ft.
ADDRESS: 9400 Turkey Lake Road, Orlando FL 32819
LOCATION: West side of Turkey Lake Rd., south of W. Sand Lake Rd.
TRACT SIZE: 20.96 acres
DISTRICT#: 1
LEGAL: BEG 440 FT S & 80 FT W OF NE COR OF S1/4 OF NE1/4 OF SEC 02-24-28 TH RUN S89-56-00W 120 FT N00-04-00W 21.64 FT S89-56-00W 102.77 FT SWLY 201.14 FT S62-23-51W 125.92 FT SWLY 454.16 FT S TO N LINE OF WESTGATE LAKES 2 5000/3118 TH W 195 FT SWLY 265 FT WLY TO
PARCEL ID#: 02-24-28-0000-00-006
NO. OF NOTICES: 457
Commentaries: None

Staff Recommendation: Staff gave a presentation on the case covering the size and location of the signs and photographs. Furthermore, staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Chris Dougherty, Applicant's representative

No one was present to speak in favor or against 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 confirmed the existing signage was inadequate and the request was needed. Based on the foregoing, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Jessica Rivera, 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 and sign elevations dated November 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 existing ground sign shall be removed before a permit is issued for the proposed signs.

AYE (voice vote): All members present

Abstained: Carolyn C. Karraker

Absent: Wes A. Hodge

RCJ OF WINTER PARK NO 2 LTD - VA-18-01-149

REQUEST: Variance in the C-2 zoning district to allow 4 pylon signs in lieu of 2 pylon signs. (REQUEST WAS AMENDED TO ALLOW 3 PYLON SIGNS).
Note: This property was aggregated in 2005.

ADDRESS: 2211 North Semoran Blvd., Orlando FL 32807

LOCATION: East of N. Semoran Blvd., north of Old Cheney Hwy

TRACT SIZE: 26.7 acres

DISTRICT#: 5

LEGAL: NORMAN BROTHERS SUB 28/97 LOTS 1 THRU 4

PARCEL ID#: 15-22-30-5926-00-010

NO. OF NOTICES: 114

Commentaries: None

Staff Recommendation: Staff indicated the request does meet the allowable copy area per code. Staff stated the property received a variance in 2000, for the billboards on site. At that time, a condition was placed on the site to remove one of the existing pole signs, which was never done. In 2007, a fourth pole sign was permitted on the site erroneously and had remained since. Staff further stated they did not support the request because there was no hardship on the property and the additional sign would create a proliferation of signs. 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): Frank Hamna (Applicant's representative)

No one was present to speak in favor or against the request at the public hearing.

The applicant's representative spoke regarding the case and stated they have always had four (4) signs and would simply wish to re-install the sign they took down for the construction of the new dealership. They stated they needed one (1) sign for each dealership, plus, an additional auto mall sign to advertise their brand name. The applicant also said they were not aware that when they combined the lots that they lost the ability to have more than two (2) signs.

BZA Discussion: There was a long discussion amongst staff and the BZA as to the options the applicant had available, the amount of signs allowed, and history of the case. Staff outlined the options the applicant was presented and that they chose to apply for this variance.

The BZA had a discussion on whether the fourth sign was necessary, and if a ground sign was a valid option for the applicant. The Board agreed that three (3) signs were sufficient and made a motion to allow three (3) pole signs on site, not the four (4) signs the applicant requested. The

BZA also eliminated Condition #4, in the staff report and concurred with the staff recommendation as amended.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Eugene Roberson and carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (4 in favor, 2 opposed and 1 absent):

1. Development in accordance with site plan dated November 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.

AYE (voice vote): Eugene Roberson, Deborah Moskowitz, Carolyn Karraker, Jessica Rivera

NAY (voice vote): Gregory A. Jackson and Jose A. Rivas, Jr.

Absent: Wes A. Hodge

ANGELA MEISSNER FOR ABLE CENTER - SE-18-01-150

REQUEST: **Special Exception and Variance** in the R-1 zoning district as follows:
1) Special Exception to operate a K-12 private school for up to 75 students.
2) Variance to allow unpaved parking to be used by the private school.
Note: This is not a charter school. The applicant uses passenger vans to transport a portion of the students to and from school. In 1974, the BZA approved a Special Exception to validate the existing religious institution. In 1997, the site was approved for a 130 student K-8 Charter School. No new exterior construction is proposed. The school will utilize the Sunday School spaces and spaces used by the former Charter School.

ADDRESS: 1900 Conway Gardens Road, Orlando FL 32806

LOCATION: West side of Conway Gardens Rd., approximately .25 miles south of Curry Ford Rd.

TRACT SIZE: 332 ft. x 298 ft.

DISTRICT#: 3

LEGAL: E 298.5 FT OF N1/4 OF SW1/4 OF NW1/4 OF SEC 05-23-30

PARCEL ID#: 05-23-30-0000-00-045

NO. OF NOTICES: 144

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

Staff Recommendation: Staff noted that this was not a charter school. Further, it was a school for Special Needs children. As such, it would operate differently than a traditional school with regard to activities like recess. Staff explained that in 1974, the church had obtained a Special Exception to operate a charter school for up to 130 K-8 students, which they subsequently closed. It was explained that the applicant had outgrown their current location and needed to relocate. They would use the classrooms formerly occupied by the charter school. Hours of operation were off-peak for traffic in the a.m. and p.m. In addition, they intended to use

passenger vans to transport between thirty percent (30%) to over fifty percent (50%) of the students. Finally, staff recommended approval of the request subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Angela Meissner, Applicant

No one was present to speak in favor or against the request at the public hearing.

BZA Discussion: The BZA discussed the drop off and pick up plan, including how the vans that the school would use were to be unloaded and loaded. The BZA determined that the site could accommodate the school, and that the drop off and pick up procedure would evolve as enrollment increases. Therefore, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Jessica Rivera 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 Operation in accordance with applicant's written statements on operation, and the existing site plan dated November 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. No more than four (4) outdoor special events per calendar year associated with the school, and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
5. The school shall be limited to a maximum of seventy-five (75) students. Any increase shall require the approval of the BZA.
6. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met.
7. Use of this site for a school shall be limited to the Able Center. Any successor school shall be required to seek a new approval through the BZA.
8. Construction plans or a Use Permit shall be submitted/obtained within three (3) years or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Wes A. Hodge

REQUEST: **Special Exception** in the R-3 zoning district and **Variances** in the C-1 zoning district as follows:
1) Special Exception: To allow a parking lot in the R-3 zoning district.
2) Variances: To allow a maximum height of 70 ft. in lieu of 50 ft. for 2 hotels.

ADDRESS: Conway Road, Orlando FL 32812
LOCATION: West of Conway Rd., north of 528
TRACT SIZE: 19.04 acres
DISTRICT#: 3
LEGAL: BEG NW COR OF SW1/4 OF SW1/4 SEC 29-23-30 TH N89-50-48E 661.52 FT TH N00-12-13W 665.99 FT TH S89-48-21W 605.58 FT TO PT ON THE W R/W LINE OF CONROY ROAD EXTENSION ALSO BEING A PT OF CURV CONCAV NWLY HAV RAD OF 1223.24 FT & CENT ANG OF 09-40-59 & CHORD BEA

PARCEL ID#: 29-23-30-0000-00-031
NO. OF NOTICES: 125

Commentaries: None in favor and two (2) in opposition

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

The following person(s) addressed the Board:

Speaker(s): Jonathan P. Huels (Applicant)
Jason Renner (Property owner opposed)
Roxanna Long (Neighbor opposed)

The applicant showed views from adjacent properties, and showed nearby hotels in other jurisdictions that are taller.

The manager of the adjacent Holiday Inn spoke in opposition, stating that the other hotels presented by the applicant were over one (1) mile away, and that the request was more in line with the C-3 zoning district. A neighbor also spoke in opposition, and asked if her property could be taken through eminent domain, and asked if the hotel guests would be able to see her in her backyard swimming pool.

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 confirmed the location of the access, and that there would be no balconies. The BZA felt the distance and existing vegetation provided an adequate buffer. Therefore, 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 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 November 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.

AYE (voice vote): All members present

Absent: Wes A. Hodge

BRIAN BRACY - VA-18-02-152

REQUEST: **Variances** in the R-CE zoning district to as follows:
1) To construct a house 44 ft. from the NHWE of Lake Crescent in lieu of 50 ft.
2) To construct a pool 25 ft. from the NHWE of Lake Crescent in lieu of 50 ft.

ADDRESS: 12128 McKinnon Road, Windermere FL 34786

LOCATION: South side of McKinnon Rd., west of Windermere Rd.

TRACT SIZE: .736 acres

DISTRICT#: 1

LEGAL: TH PT OF GOV LOT 1 SEC 01-23-27 DESC AS BEG 775 FT W & 98 FT M/L N OF SE COR OF NE1/4 RUN N 31 DEG W 460 FT M/L TO S RW CO RD TH NELY ALONG RW 125 FT S 21 DEG E 380 FT M/L S 100 FT M/L TO POB

PARCEL ID#: 01-23-27-0000-00-026

NO. OF NOTICES: 122

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

Staff Recommendation: Staff noted that the subject property is a substandard lot. In 1966, Orange County rezoned all of the land around Crescent Lake from R-1 and R-1AA to R-CE, increasing the rear setbacks. The three (3) lots to the west were also granted identical variances for construction of pools, and in one (1) case, the home. Staff noted that only a small portion of the southwest corner of the house actually encroaches, and while the entire pool encroaches, it was non-living area. Lastly, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Brian Bracy (Applicant)
Scott Adams (Attorney on behalf of an opposed neighbor)
Robert Kelly (Neighbor opposed)

BZA Discussion: The BZA concluded that due to constraints imposed by the nonconforming status of the lot, the presence of such constraints as a neighboring well which was out of the control of the owner, the variance was warranted. Thus, the BZA concurred with the staff recommendation.

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

1. Development in accordance with site plan dated November 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. 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 residence is no closer than 44 feet and the pool is no closer than twenty-five (25) feet from the normal high water elevation of Lake Crescent.

5. 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.

AYE (voice vote): All members present

Absent: Wes A. Hodge

WING CONSTRUCTION - VA-18-01-144

REQUEST: Variance in the R-1AA zoning district to allow a rear setback of 29 ft in lieu of 35 ft.
ADDRESS: 107 Laken Lane, Orlando FL 32804
LOCATION: South of Laken Lane, east of Maury Rd
TRACT SIZE: 80 ft. x 140 ft.
DISTRICT#: 2
LEGAL: INTERLAKEN SECOND ADDITION R/32 LOT 2 BLK A
PARCEL ID#: 10-22-29-3848-01-020
NO. OF NOTICES: 82
Commentaries: None

Staff Recommendation: Staff stated the applicant proposed an addition to their home where the existing sun rooms sits. The new addition encroaches less into the required setback than the current structure. Staff further stated the addition would be an improvement to the house and would be less intrusive than the existing sunroom. Furthermore, staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Robert Andrew Wing, Jr., Applicant's representative, waived the right to speak and agreed with the staff recommendation.

No one was present to speak in favor or against the request at the public hearing.

BZA Discussion: The BZA agreed the variance was minor, would be an improvement to the property, and approved the request. Based on the foregoing, 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 November 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 design of the addition shall be consistent with the design of the main house.

AYE (voice vote): All members present

Absent: Wes A. Hodge

ELECTION OF OFFICERS:

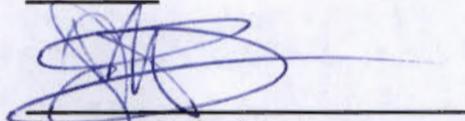
Last call of order was to elect a new Chairman to the Board of Zoning Adjustment. Eugene Roberson entertained a motion. A motion was made by Eugene Roberson, seconded by Carolyn C. Karraker and unanimously carried to nominate Gregory A. Jackson as Chairman to the Board.

The Board proceeded to elect a new Vice Chair. A motion was made by Eugene Roberson, seconded by Deborah Moskowitz and unanimously carried to nominate Carolyn C. Karraker, as Vice Chair to the Board.

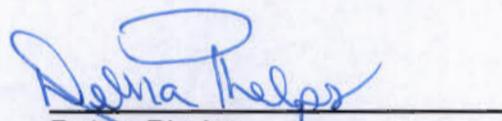
ADJOURN:

There being no further business, the meeting was adjourned at 1:02 p.m.

ATTEST:



Gregory A. Jackson
Chairman



Debra Phelps
Recording Secretary