

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF FEBRUARY 1, 2018**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **February 1, 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

BOARD MEMBERS ABSENT: Wes A. Hodge – District #5
Jessica Rivera – At Large

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 9:05 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 January 4, 2018, Board of Zoning Adjustment meeting.

A motion was made by Carolyn C. Karraker, seconded by Deborah Moskowitz, and unanimously carried to **APPROVE** the minutes of the January 4, 2018 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.

JAMAL A. HASSOUNEH - SE-17-12-134

REQUEST:	Special Exception and Variance in the A-2 zoning district as follows: 1) Special Exception: To allow a religious use facility with ancillary uses (worshipping, social services, girls youth group, Monday evening gatherings, Sunday workshop, SAT program and family night); and 2) Variance: To allow unpaved parking spaces in lieu of paved.
ADDRESS:	1311 Hancock Lone Palm Road, Orlando FL 32828
LOCATION:	East side of Hancock Lone Palm Rd., 1/2 mile south of East Colonial Dr.
TRACT SIZE:	6 acres
DISTRICT#:	4
LEGAL:	S 100 FT OF N 1700 FT & S 100 FT OF N 1600 FT BOTH OF THE W1/2 OF SW1/4 SEC 24-22-31 (LESS W 30 FT FOR R/W)

PARCEL ID#: 24-22-31-0000-00-030

NO. OF NOTICES: 85

Commentaries: Fifty-seven (57) in favor and seventy (70) in opposition

Staff Recommendation: Staff gave an overview of the proposed project, discussed the parking variance, and the public feedback that was received. Staff recommended approval as the project would use the existing structure; two (2) other religious facilities were approved in the area; and, Transportation Planning recommended approval of the project.

The following person(s) addressed the Board:

Speaker(s): Tara Tedrow (Applicant's attorney)

Robert Dodtrill (Opposed-deferred time)

Carol Ivey (Opposed-deferred time)

Kathy Whitrock (Opposed-deferred time)

Jose Lopez (Opposed-deferred time)

Louis Garcia (Opposed-deferred time)

Johnson M.D. (Attorney for the opposed)

Alan Komman (Opposed)

Fanny Benites (Opposed)

No one was present at the hearing to speak for the request.

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

Material was submitted to the Board by the opposing attorney and citizen to be entered into the record prior to the close of the public hearing.

The applicant provided background on the project, explained the day-to-day operation, and how they felt the project met the Special Exception criteria.

Three (3) members of the community spoke in opposition of the application. They had concerns with traffic, compatibility with the rural area, outdoor events, lighting pollution, wetlands impacts, and safety for the community.

BZA Discussion: The BZA had discussions and were concerned with the amount of letters from neighbors in opposition. The BZA denied the request due to concerns with traffic, felt the use would be a detrimental intrusion to the area, and the responses from the surrounding community.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Jose A. Rivas, Jr. and unanimously carried to **DENY** the Special Exception request in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest; and further, to **DENY** the Variance request 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).

AYE (voice vote): All members present

Absent: Wes A. Hodge and Jessica Rivera

RECESSED AT 10:54 P.M. AND RECONVENED AT 11:02 A.M.

LUTHERAN CROWN OF GLORY EVANGELICAL CHURCH - SE-18-02-153

REQUEST: **Special Exception** in the R-CE zoning district to establish a Daycare and Pre-K facility with a maximum of 60 children. (Property has an existing Church).

ADDRESS: 2017 South Apopka Vineland Road, Orlando FL 32835

LOCATION: East side of S. Apopka Vineland Rd., south of the Florida Turnpike

TRACT SIZE: 300 ft. x 374 ft. (AVG)

DISTRICT#: 1

LEGAL: N 300 FT OF W 465.6 FT OF SW1/4 OF SW1/4 (LESS W 30 FT FOR RD R/W) & (LESS PT TAKEN ON W FOR R/W PER 5880/1430) OF SEC 03-23-28

PARCEL ID#: 03-23-28-0000-00-026

NO. OF NOTICES: 73

Commentaries: None

Staff Recommendation: Staff outlined the history of the Church, noting that the Church had at one time operated a Pre-K school for which no complaints had been filed with the Code Enforcement Division. The Church has grown with the neighborhood to the point where it was actually a part of the area which would provide a service to the area. It was noted that a Community Meeting had been held; however, the only attendees were the County Commissioner and her staff, the BZA representative, and BZA staff, plus the pastor of the Church, the project engineer, and nine (9) members of the congregation. Finally, 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): James Schumann (Church Pastor)

No one was present at the hearing to speak for or against the request.

BZA Discussion: The BZA concluded that the request was compatible with the neighborhood, and would not pose any negative impacts, thus, concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, 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; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated November 22, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Any physical expansions of the educational building shall require BZA approval.
5. No more than sixty (60) children shall be permitted without further approval by the BZA.
6. Hours of operation may be expanded from 6:00 a.m. to 7:30 p.m. at the discretion of the operator, however, in no case shall they exceed those hours.
7. The applicant shall submit construction plans through the commercial site plan review process within three (3) years or this approval is null and void.
8. The submitted plans shall be revised to depict the location of the outdoor play area. the location of said play area shall be approved by the Zoning Manager.
9. No more than four (4) outdoor special events in conjunction with the daycare/pre-k school per calendar year, and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
10. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.

AYE (voice vote): All members present

Absent: Wes A. Hodge and Jessica Rivera

RYAN YOUNG - SE-18-02-154

REQUEST: **Special Exception** in the R-1 zoning district to allow a parking lot for adjacent commercial/office use.
ADDRESS: 1510 Russell Avenue, Orlando FL 32806
LOCATION: West side of Russell Ave., north of Curry Ford Rd.
TRACT SIZE: 50 ft x 150 ft
DISTRICT#: 3
LEGAL: ORANGE VILLA K/21 LOT 7
PARCEL ID#: 31-22-30-6268-00-070
NO. OF NOTICES: 206

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

Staff Recommendation: Staff noted that the access provided would be through the existing commercial lot and the walls would be provided to buffer the residential. 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): Giovannni Fernandez (Applicant's representative)

No one was present at the hearing to speak for or against the request.

BZA Discussion: The BZA agreed with staff that the application met the Special Exception criteria and approved the request.

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

1. Development in accordance with site plan dated November 28, 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. The parking lot shall comply with Chapter 38-1476 and the dumpster shall not be located on the residential lot.
6. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
7. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

AYE (voice vote): All members present
Absent: Wes A. Hodge and Jessica Rivera

JAVIER MONTENEGRO - VA-18-02-155

REQUEST: Variance in the R-1A zoning district to allow a side setback of 7 ft. in lieu 7.5 ft.
ADDRESS: 7014 Budapest Way, Orlando FL 32822
LOCATION: South of Budapest Way, west of Barksdale Dr.
TRACT SIZE: 75 ft x 105 ft
DISTRICT#: 3
LEGAL: AZALEA PARK SECTION THIRTY TWO X/128 LOT 3 BLK D
PARCEL ID#: 02-23-30-0435-04-030
NO. OF NOTICES: 123
Commentaries: None

Staff Recommendation: Staff noted the variance request was minimal and would be in harmony with the community as the house already sits seven (7) feet from the side property line. Therefore, 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): Javier Montenegro, Applicant, waived the right to speak and agreed with the staff recommendation.

No one was present at the hearing to speak for or against the request.

BZA Discussion: The BZA felt the variance was minor and approved the request with the staff recommendation.

BZA Action: A motion was made by Jose A. Rivas, Jr., 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 the site plan dated November 29, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. 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 proposed addition shall match the exterior of existing home.

AYE (voice vote): All members present
Absent: Wes A. Hodge and Jessica Rivera

ANGEL MURIEL - VA-18-02-156

REQUEST: Variance in the R-1 zoning district to construct an accessory structure 1.7 ft. from side (north) property line in lieu of 5 ft.
ADDRESS: 732 Maloney Lane, Orlando FL 32825
LOCATION: East of Maloney Lane, south of Jepson St.
TRACT SIZE: 73 ft. x 120 ft.
DISTRICT#: 4
LEGAL: PARK MANOR ESTATES SECTION 9 3/67 LOT 76
PARCEL ID#: 29-22-31-6686-00-760
NO. OF NOTICES: 112

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

Staff Recommendation: Staff explained that the applicant constructed an addition to the existing shed without permits and was cited by Code Enforcement. The addition encroached into the side setback and they were instructed to apply for a variance. The applicant stated that the accessory structure would be used for a pool house/storage and that no one would reside in the structure. Staff noted that the utility easement in the location where the addition was constructed was vacated through Orange County Utilities. Lastly, staff recommended denial, however, if the BZA recommended approval, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Walesea Bruer (in Favor)

No one was present at the hearing to speak against the request.

BZA Discussion: The BZA noted that the need for the variance was self-created, there were no unique circumstances, and was a result of Code Enforcement action. Based on the foregoing, the BZA denied the request as the application did not meet any of the Variance criteria.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Carolyn Karraker and unanimously carried to **DENY** the Variance request 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).

AYE (voice vote): All members present

Absent: Wes A. Hodge and Jessica Rivera

MICHAEL DOSS - VA-18-02-157

REQUEST: Variances in the R-1AA zoning district for the following:
1) To allow a setback from the rear (east) property line of 31 ft. in lieu of 35 ft. for an existing addition.
2) To allow a setback from the front (west) property line of 29 ft. in lieu of 30 ft. for the existing residence.
Note: The addition was constructed in the past without the benefit of obtaining building permits. A review of historic aerials indicates that the addition has been in place since 2008.
ADDRESS: 3511 Rosswood Drive, Orlando FL 32806
LOCATION: East side of Rosewood Dr., approximately 700 ft. north of Pershing Ave.
TRACT SIZE: 103 ft. x 136 ft. (AVG)
DISTRICT#: 3
LEGAL: WYLDWOODE V/124 LOT 12 BLK D
PARCEL ID#: 07-23-30-9492-04-120
NO. OF NOTICES: 75

Commentaries: Six (6) in favor and none in opposition

Staff Recommendation: Staff noted that the applicant had purchased the property "as is", and that they only discovered that the addition to the rear of the house had been constructed without permits when they were in the process of permitting their pool. They now wish to obtain the variance to correct all problems. Staff also noted that all abutting property owners, plus the owner of the property across the street from the subject property had submitted letters of support

for the request.

The following person(s) addressed the Board:

Speaker(s): Ron Concoby (Homeowner in favor)

No one was present at the hearing to speak against the request.

BZA Discussion: The BZA concluded that the need for the variance was not self-imposed, and was minimal. As a result, the BZA agreed 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 December 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 applicant shall submit construction plans within 180 days of final action by Orange County, or this approval is null and void.
5. The existing shed shall be removed or moved to meet the setback requirements.

AYE (voice vote): All members present

Absent: Wes A. Hodge and Jessica Rivera

ROBERT McKINNEY - VA-18-02-158

REQUEST:	Variances in the A-2 zoning district as follows: 1) To allow a cumulative total of 4,920 sq. ft. of accessory floor area in lieu of 3,000 sq. ft. 2) To allow an existing accessory structure in front of the principal residence in lieu of along side or to the rear.
ADDRESS:	23056 Tex Wheeler Avenue, Christmas FL 32709
LOCATION:	South side of Tex Wheeler Ave., approximately 275 ft. east of Hodges Blvd., south of E. Colonial Dr.
TRACT SIZE:	660 ft. x 611 ft.
DISTRICT#:	5
LEGAL:	CHRISTMAS HEIGHTS U/127 LOTS 81 & 82
PARCEL ID#:	33-22-33-1324-00-810
NO. OF NOTICES:	34
<u>Commentaries:</u>	Six (6) in favor and none in opposition
<u>Staff Recommendation:</u>	Staff gave a presentation on the case covering the location, site plan, and photographs. Further, 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 McKinney, Applicant, waived the right to speak and agreed with the staff recommendation.

No one was present at the hearing to speak for or against the request.

BZA Discussion: The BZA felt that the case was straightforward, that the size of the lot and the distance from the road all mitigated the percentage of deviation. Therefore, the BZA approved the variance with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Eugene Roberson and 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 December 7, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain an R.V. storage permit in conjunction with the permits for construction.

AYE (voice vote): Carolyn Karraker, Eugene Roberson, Gregory A. Jackson, Jessica Rivera

NAY (voice vote): Deborah Moskowitz

Absent: Wes A. Hodge and Jessica Rivera

CHRISTIAN BASSO - SE-18-02-159

REQUEST:	Special Exception and Variances in the A-1 zoning district as follows: 1) Special Exception to allow conversion of an existing mobile home into an Accessory Dwelling Unit (ADU). 2) Variance to allow an ADU to be located in front of the principal residence in lieu of along side of or behind. 3) Variance to allow existing accessory structures to be located in front of the principal residence in lieu of along side of or behind. 4) Variance to allow the retention of 3,700 sq. ft. of existing accessory floor area in lieu of 3,000 sq. ft.
ADDRESS:	7921 Gilliam Road, Orlando FL 32818
LOCATION:	North side of Gilliam Rd., approximately .4 miles east of Clarcona Rd.
TRACT SIZE:	5.72 Acres
DISTRICT#:	2
LEGAL:	BEG 237.62 FT E OF SW COR OF SEC RUN N 696.03 FT E 210.29 FT N 489.32 FT N 9 DEG E 146.54 FT W 455.1 FT S TO A PT 695.94 FT N OF SW COR E 178.64 FT S 696.03 FT E 20 FT TO POB (LESS S 30 FT RD R/W) & (LESS RR R/W) (LESS THAT PART LYING W OF RR R/W) IN SEC

PARCEL ID#: 26-21-28-0000-00-031

NO. OF NOTICES: 35

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

Staff Recommendation: Staff explained the history of the property, and the applicant's intent to place their new home in clearing in the rear half of the property, which would result in all previous site improvements being located in front of the new residence. Those improvements were the result of a second mobile home which had been approved for the site in the 1960s through a variance. That unit had since been removed, however, the pool and accessory structure have remained. Once the applicant completed construction of their new home, they would move their parents into the mobile home to be used as an Accessory Dwelling Unit. Staff also noted that several other ADUs had been approved in the area, making this a consistent pattern of development. Finally, 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): Christian Basso, Applicant, waived the right to speak and agreed with the staff recommendation.

No one was present at the hearing to speak for or against the request.

BZA Discussion: The BZA concluded that the request was consistent with the prior development in the neighborhood, and would not pose any negative externalities. With that said, the BZA approved the request with the staff recommendation.

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; 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 December 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.
4. The mobile home shall only be occupied by the applicant and immediate family members during the construction of the new principal residence. It shall not be occupied by anyone other than the owner and immediate family members until a Homestead Exemption has been established for the principal residence.
5. The mobile home must be occupied by bona fide blood relatives for the first three (3) years it is occupied by someone other than the owner.

AYE (voice vote): All members present

Absent: Wes A. Hodge and Jessica Rivera

GARRETT KOEPKE - VA-18-02-161

REQUEST: **Variances** in the A-2 zoning district to construct an accessory structure as follows:
1) In front of the principal residence in lieu of in the side or rear yards.
2) To allow a cumulative square footage of 2,347 sq. ft. of floor area in lieu of 2,000 sq. ft. for accessory structures.

ADDRESS: 918 Baron Road, Orlando FL 32828

LOCATION: West of Baron Rd., south of Bearle Rd

TRACT SIZE: 200 ft. x 467 ft.

DISTRICT#: 4

LEGAL: SEAWARD PLANTATION ESTATES FOURTH ADDITION T/141 LOT 43

PARCEL ID#: 32-22-32-7886-00-430

NO. OF NOTICES: 48

WITHDRAWN BY THE APPLICANT VIA EMAIL DATED JANUARY 23, 2018, PRIOR TO THE BZA MEETING TO BE HELD ON FEBRUARY 1, 2018.

AAMIR ALI - SE-18-02-162

REQUEST: **Special Exception and Variances** in the A-2 zoning district as follows:
1) Special Exception to convert an existing accessory structure to a 961 sq. ft. guest house.
2) Variance to allow a guest house to be located 12 ft. from the front (north) property line in lieu of 35 ft.
3) Variance to allow a guest house and existing accessory structures to be located in front of the principal structure along Bermuda Street (north) property line.
Note: The property is a double frontage lot, making the setback variance to the front setback as opposed to the rear setback. This is a result of code enforcement action.

ADDRESS: 15533 Sunflower Trail, Orlando FL 32828

LOCATION: North side of Sunflower Trail, approximately 350 ft. east of Golden Isle Blvd.

TRACT SIZE: 330 ft. x 271 ft.

DISTRICT#: 4

LEGAL: EAST PINE ACRES V/143 LOTS 4 5 6 17 18 & 19 BLK H

PARCEL ID#: 30-22-32-2338-08-040

NO. OF NOTICES: 66

Commentaries: None

Staff Recommendation: Staff gave a presentation on the case. It addressed the request, photographs of the site, zoning, and a brief analysis. Furthermore, 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): Aamir Ali (Applicant)

No one was present at the hearing to speak for or against the request.

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 that the applicant understood the conditions of approval and agreed with the staff recommendation.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Jose A. Rivas, Jr. and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and further, to **APPROVE** the Variance 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 January 11, 2018, 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 Guest House shall be used by family members or guests and shall not be rented out.
5. Permits shall be submitted within two years of the final County approval, or this approval becomes null and void.
6. The converted guest house shall not have any 220 outlet, no dishwasher, and, no overhead cabinets. It may have a single compartment sink only and under the counter refrigerator.
7. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
8. The applicant shall be responsible for payment of all applicable fees and assessments, including, but not limited to, impact fees.

AYE (voice vote): All members present

Absent: Wes A. Hodge and Jessica Rivera

BRUCE BENNETT - VA-18-02-163

REQUEST:	Variance in the R-1A zoning district to allow a detached garage with 840 sq. ft. of floor area in lieu of 500 sq. ft.
ADDRESS:	3170 Peel Avenue, Orlando FL 32806
LOCATION:	West side of Peel Ave., north of Lake Margaret Dr.
TRACT SIZE:	67.5 ft. x 145 ft.
DISTRICT#:	3
LEGAL:	9558/2185 ERROR IN LEGAL DESC -- BEG 30 FT W & 166.22 FT N OF SE COR OF N 3/4 OF NW 1/4 OF NE 1/4 RUN W 145 FT N 67.5 FT E 145 FT S 67.5 FT TO POB IN SEC 07-23-30
PARCEL ID#:	07-23-30-0000-00-022
NO. OF NOTICES:	111
<u>Commentaries:</u>	Eight (8) in favor and none in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location, site plan, and photographs. In addition, 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): Bruce Bennett (Applicant)

No one was present at the hearing to speak for or against the request. 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 that the garage would match the house. Further, the BZA approved the variance request 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 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 December 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.
4. An improved surface shall be installed from the street to the accessory structure.
5. The exterior of the proposed accessory structure shall match the exterior of the existing house.

AYE (voice vote): All members present

Absent: Wes A. Hodge and Jessica Rivera

MELISSA MERKLINGER - VA-18-02-164

REQUEST:	Variances in the R-CE zoning district as follows: 1) To allow additional development on a substandard lot with a lot width of 100 ft. in lieu of 130 ft. 2) To allow additional development on a substandard lot with lot area of .3 acres in lieu of 1 acre. 3) To validate an existing home with a setback of 20 ft. from the front (north) property line in lieu of 35 ft. 4) To allow an addition to an existing lanai 25 ft. from the rear (south) property line in lieu of 50 ft. 5) To allow a lanai 40 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft. 6) To allow a pool/deck/enclosure 25 ft. from the NHWE in lieu of 50 ft.
ADDRESS:	10042 Lone Tree Lane, Orlando FL 32836
LOCATION:	South side of Lone Tree Lane, approximately 675 ft. east of Trout Road.
TRACT SIZE:	100 ft. x 124 ft.
DISTRICT#:	1
LEGAL:	CYPRESS SHORES FIRST ADDITION T/56 LOT 25 & THAT PT OF LOT 10 IN CYPRESS SHORES R/43 DESC AS COMM AT SW COR OF LOT 26 RUN E 140.40 FT FOR POB CONT E 60 FT TH S 12 DEG W TO WATERS EDGE OF LAKE SHEEN TH WLY ALONG WATERS EDGE

TO A PT LYING S OF POB TH N TO P

PARCEL ID#: 32-23-28-1874-00-250

NO. OF NOTICES: 123

Commentaries: Five (5) in favor and none in opposition

Staff Recommendation: Staff noted that the entire subdivision had been rezoned from R-1A to R-CE in 1967, causing the entire subdivision to become nonconforming. Therefore, the need for the variance was not self-imposed. Staff displayed a graphic which indicated that virtually every property owner in the subdivision that had made improvements to their property, required a variance. Staff concluded in explaining since the request included a variance to the Normal High Water Elevation, a Hold Harmless Agreement between the applicant and the County would be needed, and that the applicant was aware of this fact. Inasmuch, 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): Melissa Merklinger, Applicant, waived the right to speak and agreed with the staff recommendation.

No one was present at the hearing to speak for or against the request.

BZA Discussion: The BZA concluded that the need for the variance was not self-imposed, the minimum needed, and in harmony with the intent of the Zoning Code. Therefore, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance 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 December 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.
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 lanai is no closer than forty (40) feet and the pool and associated enclosure be no more closer than twenty-five (25) feet from the Normal High Water Elevation of Lake Sheen.
5. The lanai shall be constructed of materials consistent with those used in the main residence, and shall be consistent with the main residences color palette.

AYE (voice vote): All members present

Absent: Wes A. Hodge and Jessica Rivera

BOARD MEMBER EXITED AND RE-ENTERED: Deborah Moskowitz

DENNIS KURTZ - VA-18-02-165

REQUEST: **Variance** in the R-1A zoning district to allow a swimming pool 5 ft. from the side street (south) property line in lieu of 15 ft.
ADDRESS: 3511 Flagan Avenue, Orlando FL 32806
LOCATION: East of S Crystal Lake Dr.; north of Camine Dr.
TRACT SIZE: 80 ft x 110 ft
DISTRICT#: 3
LEGAL: VERADALE W/13 LOT 6 BLK B
PARCEL ID#: 08-23-30-8864-02-060
NO. OF NOTICES: 111

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

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

The following person(s) addressed the Board:

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

No one was present at the hearing to speak for or against the request.

BZA Discussion: The BZA felt that the case was straightforward, and that there were special circumstances. Therefore, the BZA approved the variance 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 December 12, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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

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

AYE (voice vote): All members present

Absent: Deborah Moskowitz (temporarily absent), Wes A. Hodge and Jessica Rivera

REDEEMER EVANGELICAL LUTHERAN CHURCH - SE-18-02-166

REQUEST: **Special Exception** in the R-1A zoning district to construct a 4,312 sq. ft. classroom building on the existing church site.
ADDRESS: 3377 Aloma Avenue, Winter Park FL 32792
LOCATION: North side of Aloma Ave., approximately .2 miles east of N. Semoran Blvd.
TRACT SIZE: 700 ft. x 430 ft.

DISTRICT#: 5
LEGAL: E 340 FT OF SE1/4 OF NW1/4 N OF RD IN SEC 03-22-30 (LESS N 320 FT)
PARCEL ID#: 03-22-30-0000-00-043
NO. OF NOTICES: 157
Commentaries: Two (2) in favor and none in opposition

Staff Recommendation: Staff noted that the Church had been in this location since 1959, and had become a centerpiece of the neighborhood. The preschool/daycare had been a continuous part of their operation, having been approved for expansion several times. The Church had received approval in 2016, to install two (2) modular classrooms, however, they chose to forgo installing those modular units for construction of permanent site built classrooms. Staff noted that they had one (1) verbal conversation and one (1) written correspondence in support of the request and none in opposition. Finally, 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): Jay Klima (Applicant's representative)

Rev. Stan Reinemund (Pastor of the church)

No one was present at the hearing to speak for or against the request.

BZA Discussion: The BZA found that the request was consistent with the neighborhood, and served a benefit to the area. Further, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Carolyn Karraker and unanimously carried to **APPROVE** the 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:

1. Development in accordance with site plan dated December 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.
4. The applicant shall submit construction plans through the commercial site plan review process within three (3) years or this approval is null and void.
5. No more than four (4) outdoor special events in conjunction with the daycare/preschool per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
6. Any expansions of the use shall require BZA approval.

AYE (voice vote): All members present

Absent: Wes A. Hodge and Jessica Rivera

REQUEST: **Variances** in the R-1AA zoning district as follows:
1) To permit an accessory structure 23 ft. in height in lieu of 20 ft.
2) To allow an accessory structure with 575 sq. ft. of floor area in lieu of 539 sq. ft. (25% of living area).
3) To allow a two-story accessory structure in lieu of one-story.
4) To allow an additional structure on an existing flag lot with 15 ft. of fee simple access in lieu of 20 ft. of fee simple access.

ADDRESS: 7100 West Livingston Street, Orlando FL 32835

LOCATION: South side of W. Livingston St., approximately 625 ft. west of S. Hiawassee Rd., south of SR 408

TRACT SIZE: 167 ft. x 197 ft. (Main Lot Area)

DISTRICT#: 6

LEGAL: E 15 FT & S 196 FT OF E1/2 OF E1/2 OF SW1/4 OF SE1/4 OF NE1/4 (LESS RD RW) OF SEC 26-22-28

PARCEL ID#: 26-22-28-0000-00-031

NO. OF NOTICES: 64

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

Staff Recommendation: Staff noted that the subject property was located in a large lot enclave which gave the area a more rural character. This would lend itself to a larger accessory structure. In addition, a previous variance had been approved for a 1,200+ sq. ft. accessory structure in the past, so the request was not out of character with the area. In addition, both neighbors to the south, who would be the most impacted, had submitted letters of support. In addition, staff had received one (1) correspondence in support and one (1) in opposition. 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): Michael Funk, Applicant, waived the right to speak and agreed with the staff recommendation.

No one was present at the hearing to speak for or against the request.

BZA Discussion: The BZA acknowledged that the variances being requested were minimal, and that the existence of the dense tree canopy and the fact that the flag lot was significantly larger than the minimum lot size, justified the variance. To that end, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Eugene Roberson, 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 December 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 garage shall match or compliment the exterior of the existing residence with respect to colors and materials.

5. The second story of the garage shall not be converted to living area without approval of the BZA.

AYE (voice vote): All members present

Absent: Wes A. Hodge and Jessica Rivera

RECESSED AT 12:35 P.M. AND RECONVENED AT 1:17 P.M.

VANESSA MORALES - VA-18-02-168

REQUEST: **Variance** in the C-3 zoning district to permit wall signage to extend above the roofline for all the tenants in the shopping center.
Note: According to the Property Appraiser's information, the center was constructed in 1980. The design of the building consists of a mansard roof beginning eight feet above the grade of the finished floor elevation of the building.

ADDRESS: 4901 East Colonial Drive, Orlando FL 32803

LOCATION: Northwest corner of E. Colonial Drive and Herman Ave.

TRACT SIZE: 270 ft. x 146 ft.

DISTRICT#: 5

LEGAL: JAMAJO J/88 LOTS 9 THRU 15 BLK T (LESS RD R/W)

PARCEL ID#: 21-22-30-3932-20-090

NO. OF NOTICES: 137

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

Staff Recommendation: Staff explained that the existing structure was constructed in 1980. The architecture was no longer commonly used, and did not lend itself to signage. Staff could not support the request as it could set a precedent for similar designed structures. It was noted that all of the signage on the building was not installed through building permits. Staff concluded with a recommendation that the building be modified by adding an extension to the parapet wall to provide a surface on which to affix signage in compliance with the Orange County Code.

The following person(s) addressed the Board:

Speaker(s): Vanessa Morales (Applicant)

Tuoi Luv (Property Owner)

Steve Marconi (Orange County Code Enforcement Officer)

No one was present at the hearing to speak against the request.

BZA Discussion: The BZA discussed the possibility of granting a variance for a specific period to allow the existing signage to remain until the building could be altered to make an acceptable area to affix signage in compliance with the Orange County Code. However, when it was established that none of the existing signage had been permitted, and all of it was electrified, a decision to deny the request was reached.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and unanimously carried to **DENY** the Variance request 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).

AYE (voice vote): All members present

Absent: Wes A. Hodge and Jessica Rivera

MICHAEL PRITCHETT FOR PREMIER EXHIBITION - VA-18-02-169

REQUEST: **Variances** in the C-2 zoning district with a Tourist Commercial Overlay as follows:
1) To allow combined total of 701 sq. ft. of sign area (2 signs @350.5 sq.

ft.) in lieu of 150 sq. ft.

2) To allow 2 signs on a single tenant building in lieu of 1 sign.

Note: The sign area request equates to a variance of 467%. This application is the result of code enforcement action.

ADDRESS: 7220 International Drive, Orlando FL 32819

LOCATION: West side of the intersection of I-Drive with Carrier Dr.

TRACT SIZE: 134 ft. x 489 ft.

DISTRICT#: 6

LEGAL: INTERNATIONAL CENTER 31/123 LOT 2

PARCEL ID#: 25-23-28-3858-00-020

NO. OF NOTICES: 188

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

Staff Recommendation: Staff gave a brief presentation and recommended denial of this request.

The following person(s) addressed the Board:

Speaker(s): Kerri Drake (Applicant's representative)

Michael Mullen (General Manager in favor)

Steve Marconi (Orange County Code Enforcement Officer)

Jim Rundell (Property Owner)

No one was present at the hearing to speak against the request.

Material was submitted to the Board by the Code Enforcement officer to be entered into the record prior to the close of the public hearing.

BZA Discussion: The BZA discussed the case and determined to continue to a date uncertain due to further consideration of the applicant's alternative options in regards to this request.

BZA Action: A motion was made by Eugene Roberson, seconded by Deborah Moskowitz and unanimously carried to **CONTINUE** to a date uncertain in the near future.

AYE (voice vote): All members present

Absent: Wes A. Hodge and Jessica Rivera

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 2:00 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

Commentaries: None

Staff Recommendation: Staff provided photographs of the trucks on the site which were issued a citation by Code Enforcement. Staff explained that the applicant was instructed to meet with the stakeholders in the International Drive Area. The applicant did meet with the I-Drive Chamber of Commerce and were given several stipulations regarding the use.

The following person(s) addressed the Board:

Speaker(s): Lenor Ryan (Applicant's Representative)

Steve Marconi (Orange County Code Enforcement Officer)

Brian Small (General Manager)

No one was present at the hearing to speak for or against the request. Material was submitted to the Board by the Code Enforcement officer to be entered into the record prior to the close of the public hearing.

BZA Discussion: The BZA discussed the request and agreed that it was a compatible use in the I-Drive area. They added that moving the closing time to 2:30 a.m., would allow for more flexibility for the truck vendors. Based on the foregoing, the BZA concurred with the staff recommendation as amended.

BZA Action: A motion was made by Eugene Roberson, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and further, to **APPROVE** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended:

1. Development in accordance with site plan dated August 3, 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 for the food trucks shall be from noon to 2:30 a.m., seven (7) days a week.
5. There shall be no more than six (6) food trucks on the site at any given time.
6. There shall be no signage advertising the food trucks visible from any public right-of-way.
7. There shall be no generators used in conjunction with this operation.

AYE (voice vote): All members present
Absent: Wes A. Hodge and Jessica Rivera

LAKE CONWAY LANDSCAPING OF ORLANDO, INC. - SE-18-01-145

REQUEST:	Special Exception and Variance in the A-1 zoning district as follows: 1) Special Exception to operate a landscaping business and tree farm. 2) Variance to allow unpaved parking spaces in lieu of paved. (Applicant is proposing to construct a 6,000 sq. ft. warehouse building on the site.)
ADDRESS:	4954 North Apopka Vineland Road, Orlando FL 32818
LOCATION:	West of N. Apopka Vineland Rd., north of Hackney Prairie Rd.
TRACT SIZE:	660 ft. x 660 ft.
DISTRICT#:	2
LEGAL:	W1/2 & N 15 FT OF E1/2 OF S1/2 OF SW1/4 OF NE1/4 OF SEC 03-22-28
PARCEL ID#:	03-22-28-0000-00-081

NO. OF NOTICES: 157

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

Staff Recommendation: Staff explained the layout of the project and that the landscaping portion would be located in the southeast part of the property, furthest away from the single family development. Staff stated that the City of Ocoee had issues with access via Sawmill Blvd. Staff recommended approval as the use was compatible with the area and it was the applicant's responsibility to get legal access to the property.

The following person(s) addressed the Board:

Speaker(s): Stephen Allen (Civil Engineer on behalf of the Applicant)

Kevin Carmean (Property Owner)

Danny Burnett (Neighbor opposed)

Ed Misica (Neighbor opposed)

BZA Discussion: The BZA had discussions regarding the location of the proposed business and buffering against the residences to the south. The BZA discussed the method, hours, and days of operation and adjusted Conditions #5 and #6, accordingly. The Board approved the request stating that it met the Special Exception criteria and concurred with the staff recommendation as amended.

BZA Action: A motion was made by Gregory A. Jackson, 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; 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 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.
4. The use of a grinder and chipper shall be prohibited.
5. All materials brought onto the site by the landscape company shall be removed on a bi-weekly basis.
6. Hours of Operation shall be limited to 6:00 a.m. to 6:30 p.m., Monday through Friday. Hours of Operation on Saturday shall be limited to 8:00 a.m. to 4:00 p.m.
7. There shall be no vehicle maintenance conducted on site.
8. Noise and sound shall be regulated by Chapter 15, Orange County Code.
9. Prior to the issuance of permits the applicant shall complete a Conservation Area Determination.

10. There shall be no semi-trailer trucks allowed in conjunction with this operation.

11. The applicant shall coordinate with the City of Ocoee regarding the ingress and egress via Sawmill Blvd.

12. All required handicapped parking spaces shall be paved.

AYE (voice vote): Gregory A. Jackson, Carolyn Karraker, Eugene Roberson, Jessica Rivera

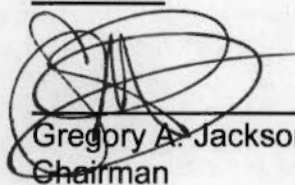
NAY (voice vote): Deborah Moskowitz

Absent: Wes A. Hodge and Jessica Rivera

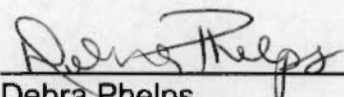
ADJOURN:

There being no further business, the meeting was adjourned at 3:54 p.m.

ATTEST:



Gregory A. Jackson
Chairman



Debra Phelps
Recording Secretary