

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

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **March 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
Wes A. Hodge – District #5
Jessica Rivera – At Large

BOARD MEMBERS ABSENT: Eugene Roberson – District #6

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 February 1, 2018, Board of Zoning Adjustment meeting.

A motion was made by Deborah Moskowitz, seconded by Carolyn C. Karraker, and unanimously carried to **APPROVE** the minutes of the February 1, 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.

STEFAN KNOPF - VA-18-01-148

REQUEST: **Variance** in the R-T-2 zoning district to permit construction of an accessory structure (carport) with 766 sq. ft. of floor area in lieu of 500 sq. ft.
Note: The applicant has obtained a permit to place a storage structure on the subject property. They intend to erect the carport over this container, and also to store a motorhome under it. The storage container is for recreational and yard maintenance equipment. The applicant has obtained letters of support from the three most impacted neighbors.

ADDRESS: 310 1st Street, Orlando FL 32824

LOCATION: South side of 1st St., approximately 750 ft. east of Sidney Hayes Rd.

TRACT SIZE: 60 ft. x 142 ft.

DISTRICT#: 4

LEGAL: TAFT E/4 LOT 4 BLK 3 TIER 1

PARCEL ID#: 01-24-29-8516-10-304

NO. OF NOTICES: 125

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

Staff Recommendation: Staff outlined the case noting that while the applicant had applied for a permit to have the storage container on the property, the permit would not be finalized until the home was issued a Certificate of Occupancy (CO). The intent of the larger than normal carport was to allow both the storage container and a motorhome to be stored under it. It was noted that the applicant travels extensively, and the container was to keep recreational and yard equipment safe. Finally, staff noted that by fully enclosing the structure, the container would be completely concealed. 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): Stefan Knopf (Applicant)

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

BZA Discussion: The BZA asked the applicant if they would oppose installing shrubbery similar to that which exists along the site's First Street frontage. The applicant indicated that they would be happy to do so, as long as they could leave an open area to see and converse with their neighbor to the west.

The BZA also discussed where the landscaping would be most effective, and chose a location along the west property line from a point starting at the location of a power pole nearest the carport location to the rear property line. Lastly, the BZA concurred with the staff recommendation to include the revised condition replacing the condition to enclose the structure.

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

1. Development in accordance with the 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 applicant will plant landscaping along the west property line, such as Green Odo Viburnum or Ligustrum, a minimum of three (3) feet in height and thirty-six (36) inches apart from the rear power line closest to the proposed carport south to the rear property line.
5. An improved surface shall be installed from the street to the accessory structure.
6. The applicant shall obtain an R.V. storage permit in conjunction with the permits for construction.

AYE (voice vote): All members present

Absent: Eugene Roberson

DAVIS BUILDERS, INC. - VA-18-03-170

REQUEST: Variance in the R-CE zoning district to construct 5 ft. from the side street property line in lieu of 15 ft.
ADDRESS: Lake Ola Circle, Mount Dora FL 32757
LOCATION: North side of Lake Ola Circle, approximately 140 ft. south of Lake Ola Dr.
TRACT SIZE: 55 ft. x 170 ft.
DISTRICT#: 2
LEGAL: TANGERINE TERRACE ON LAKE OLA N/44 LOT 4 BLK 5
PARCEL ID#: 08-20-27-8572-05-040
NO. OF NOTICES: 43

Commentaries: None in favor and five (5) 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 listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Craig Davis, Applicant's Representative, initially waived the right to speak and agreed with the staff recommendation (Rebuttal response to the public).

Matt Davis, Applicant's Representative, initially waived the right to speak (Rebuttal response).

Ned Bowers (Neighbor opposed, deferred time to Michael Kest)

Jon Paul Grimes (Neighbor opposed)

Michael Kest (Neighbor's Attorney, opposed)

Neighbors spoke in opposition. They were concerned about the trees and drainage issues. The neighbor did not like the home plan and felt it would be out of place in the neighborhood.

The applicant stated that they would build, regardless, if the variance was not approved, and that the house would not be too large and would fit into the area. The applicant also stated that they would comply with any request by the Board.

BZA Discussion: The BZA confirmed that the house could be built without variances. Further, the BZA confirmed that the application was only for a setback variance, not to stop the applicant from building a house.

The BZA addressed the Variance Criteria as follows: a) there were special circumstances as the applicant was trying to save trees; b) the need for the variance was not self-created as the street side setback inflicted a greater setback; c) approval would not confer special privilege as the house could be built without variances; d) this was the minimal possible variance to save trees; and, e) the request met the purpose and intent of the Variance Criteria.

The BZA stated that it was persuasive to see other similar variances in the area, and that the request was similar to what had already been granted in the area. Therefore, the BZA agreed with the staff recommendation.

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

1. Development in accordance with the site plan site plan, elevations and floor plans dated February 14, 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.

AYE (voice vote): All members present

Absent: Eugene Roberson

THEODORE BRIEN - VA-18-03-171

REQUEST: **Variances** in the R-1A zoning district as follows:
1) To permit installation of a 5 ft. tall wrought iron style fence in the front setback in lieu of a 4 ft. fence.
2) To allow an existing accessory structure to remain 1 ft. from the side (north) property line in lieu of 5 ft.
3) To allow a cumulative total of 840 sq. ft. of existing accessory structure to remain on the subject property in lieu of 500 sq. ft.
Note: The applicant cites security issues due to the presence of several institutional uses in the area. The applicant has provided seven (7) letters of support from neighbors. A review of past permits for the subject property indicates that the accessory structures were never permitted. A review of historic aerials indicates that the structures have been in existence since at least 2005. This is not a result of code enforcement.

ADDRESS: 1624 Coletta Drive, Orlando FL 32807
LOCATION: West side of Coletta Dr. at its intersection with Cornelia Ave.
TRACT SIZE: 100 ft. x 160 ft.
DISTRICT#: 5
LEGAL: LEAWOOD S/82 LOT 64
PARCEL ID#: 15-22-30-5024-00-640
NO. OF NOTICES: 51

Commentaries: Eight (8) in favor and none in opposition

Staff Recommendation: Staff explained that the applicant had applied for the variance of the fence due to security concerns raised by several institutional uses in the neighborhood. Staff had added the two (2) variances regarding the accessory structures. Further, staff noted that due to the large expanse of pavement at the intersection of Coletta Drive and Cornelia Avenue caused by the angled intersect, the subject property faced directly into the intersection. The fence would help to define the applicant's yard, and would be in following with CPTED (Crime Prevention Thru Environmental Design) principles. However, due to the age and size of the accessory structures, staff was not supporting the two (2) variances regarding those structures. Even so, 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): Theodore Brien (Applicant)

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

BZA Discussion: The applicant explained to the BZA that one (1) structure was an aluminum carport which had been brought over from their brother's home to the north. The other was a tarp supported by poles. The BZA asked if the applicant could get permits for the tarp structure. Staff noted that the tarp structure could not remain permanently as it could not meet Orange County Code, especially wind load. Nonetheless, it may be possible to obtain permits for the aluminum structure. The applicant would need to obtain specifications for it. The applicant agreed that they would remove the tarp lean-to, move the aluminum structure, and obtain permits.

The BZA concluded that the variance for the fence was the least variance needed, and that the location at such a large expansive intersection was unusual and specific to the property. The fence was in harmony with the residential nature of the area, and would provide superior security to a four (4) foot tall fence. Finally, the BZA concurred with the staff recommendation as amended for approval of Variance #1, and denial of Variances #2 and #3.

BZA Action: A motion was made by Wes A. Hodge, seconded by Carolyn Karraker and

unanimously carried to **APPROVE** the Variance request **#1**, 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; and further, to **DENY** the Variance requests **#2** and **#3**, in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3).

- 1. Development in accordance with the site plan dated December 27, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
- 2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
- 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
- 4. The fence shall be a style similar to that of a traditional wrought iron fence.
- 5. The non-conforming structures on-site shall be removed or properly located and permitted within 180 days of final action on this application by Orange County.

AYE (voice vote): All members present
Absent: Eugene Roberson

LUI PING NG - VA-18-03-172

REQUEST: **Variances** in the A-2 zoning district as follows:
1) To permit an existing residence to remain on a lot with .25 acres of land in lieu of .5 acres.
2) To allow a covered porch addition to the front of the house with a front (east) setback of 31 ft. in lieu of 35 ft.
3) To allow an existing shed to remain with a side (north) setback of 4.5 ft. in lieu of 5 ft.
Note: A variance was granted May 5, 1989 (#37) to allow a rear setback of 35 ft.

ADDRESS: 2916 Cleburne Road, Orlando FL 32817
LOCATION: West side of Cleburne Rd., approximately 275 ft. south of Buck Rd.
TRACT SIZE: 110 ft. x 100 ft.
DISTRICT#: 5
LEGAL: THE S 110 FT OF W 130 FT OF E 770 FT OF N 400 FT OF NW1/4 OF SE1/4 (LESS E 30 FT FOR RD R/W) OF SEC 08-22-31
PARCEL ID#: 08-22-31-0000-00-106
NO. OF NOTICES: 47

Staff Recommendation: Staff stated on February 16, 2018, the applicant requested via email a continuance on this case to a date uncertain in the near future.
The following person(s) addressed the Board:
Speaker(s): None

BZA Action: A motion was made by Wes A. Hodge, seconded by Deborah Moskowitz and unanimously carried to **CONTINUE** this request on a date uncertain in the near future to be
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heard before the BZA.

AYE (voice vote): All members present

Absent: Eugene Roberson

LISA CLINE - SE-18-03-002

REQUEST: **Special Exception** in an A-2 zoning district to allow an accessory dwelling unit.
Variance to allow an accessory dwelling unit with 1,072 sq. ft. in lieu of 982 sq. ft. (45% of 2,183 sq. ft. primary residence).

ADDRESS: 19703 Sabal Street, Orlando FL 32833

LOCATION: North side of Sabal St., west of Bancroft Blvd., north of the Beachline Expressway.

TRACT SIZE: 150 ft. x 300 ft.

DISTRICT#: 5

LEGAL: CAPE ORLANDO ESTATES UNIT 7A 3/103 LOT 111 BLK 1

PARCEL ID#: 26-23-32-1173-11-110

NO. OF NOTICES: 51

Commentaries: None

Staff Recommendation: Staff gave a presentation on the case covering the location, site layout, and photographs. Furthermore, 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): Lisa Cline (Applicant)

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

BZA Discussion: The BZA felt that the case was straightforward and concurred with the staff recommendation.

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

1. Development in accordance with the 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. Construction plans shall be submitted within three (3) years of the final County approval, or this approval becomes null and void.

5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
6. The exterior of the ADU shall have similar colors and design materials as the primary residence.
7. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.
8. The applicant shall obtain permits for the existing structure located at the rear of the property.
9. An improved surface shall be installed from the street to the accessory structure.

AYE (voice vote): All members present

Absent: Eugene Roberson

DEREK COOK - VA-18-03-003

REQUEST: **Variances** in the R-1AA zoning district as follows:
 1) To allow an existing shed to remain 0 ft. from the side (southerly) property line in lieu of 5 ft.
 2) To allow an existing carport to remain 0 ft. from the side (southerly) property line in lieu of 5 ft.

ADDRESS: 3815 Laguna Street, Orlando FL 32805

LOCATION: Easterly side of Laguna St., on the west side of Lake Holden, approximately 65 ft. south of 38th St.

TRACT SIZE: 1.5 Acres (Approximately .5 Acres upland remainder submerged.)

DISTRICT#: 3

LEGAL: BEG 145.2 FT N & 47.19 FT E OF SW COR OF NW1/4 OF SW1/4 OF NW1/4 RUN N 30 DEG E 125 FT S 58 DEG E 150 FT E 423.38 FT S 107.41 FT W 487.13 FT N 58 DEG W 150 FT TO POB SEC 11-23-29

PARCEL ID#: 11-23-29-0000-00-054

NO. OF NOTICES: 249

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

Staff Recommendation: Staff explained that both structures were built on the property line and did not meet the five (5) foot side setback. It appeared that both of the structures were existing when the current owner purchased the property. Finally, staff recommended denial of the variances as the request did not meet the Variance Criteria. 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): Derek Cook (Applicant)
 Kurt Fasnacht (Orange County Code Enforcement Officer)
 Kathy Hanson (Neighbor opposed)
 Gerry Gholson (Neighbor opposed)

The Code Enforcement Officer spoke regarding the case and stated the neighbor to the south called in the violation.

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

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.

The neighbors to the south spoke in opposition of the application and felt that both structures needed to be moved to meet the side setbacks.

The applicant stated they bought the property "as is" and were not aware of the permitting issues. They stated the shed was built in 1994 and the carport was built in 2016. The applicant also stated they wanted to get the structures permitted and be code compliant.

BZA Discussion: The BZA discussed the case and felt like the shed was a nuisance to the neighbor because it was on the property line. The Board felt the carport was less intrusive and

agreed to deny Variance #1 and grant Variance #2.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Carolyn Karraker and unanimously carried to **DENY** the Variance request **#1**, 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); and further, to **APPROVE** the Variance request **#2**, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with the 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. Permits for the accessory structures shall be obtained within sixty (60) days of final approval or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Eugene Roberson

ZELLWIN FARMS - VA-18-03-004

REQUEST: Variances in the I-4 zoning district as follows:
1) To allow a rear setback (north property line) of 0 ft. in lieu of 10 ft.
2) To allow a side setback (west property line) of 6 ft. in lieu of 25 ft.

ADDRESS: 6051 Jones Avenue, Mount Dora FL 32757

LOCATION: North of Jones Ave, east of Highway 441

TRACT SIZE: 353 ft. x 347 ft.

DISTRICT#: 2

LEGAL: BEG 380 FT W OF SE COR OF NE1/4 OF SE1/4 RUN N 372.4 FT W 361.15 FT S 51.88 FT W 6.14 FT S 138.98 FT E 12.45 FT S 181.97 FT E 353.83 FT TO POB IN SEC 21-20-27 (LESS S 25 FT FOR RD)

PARCEL ID#: 21-20-27-0000-00-133

NO. OF NOTICES: 101

Commentaries: None

Staff Recommendation: Staff stated the variances were for existing warehouse buildings that were not meeting required setbacks per the I-4 requirements. The applicant submitted for a lot split to rectify this requirement; however, the neighbor was not willing to sign off on the quitclaim deed to allow for lot line reconfigurations. Therefore, the variances were the only option the applicant had available. 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): Anna H. Long, Esq. (Applicant's Representative)

The applicant agreed with staff's presentation and mentioned this request was their last resort to fixing the setback issue.

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

BZA Discussion: The BZA agreed that the request met the Variance Criteria and the variances were necessary to allow the buildings to remain. Based on the foregoing, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance 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 dated January 12, 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.

AYE (voice vote): All members present

Absent: Eugene Roberson

ALAIN CAMACHO BORROTO - VA-18-03-006

REQUEST: Variance in the R-1A zoning district to permit conversion of an existing carport into living area with a side (west) setback of 5 ft. in lieu of 7.5 ft.
ADDRESS: 6134 Mimosa Drive, Orlando FL 32807
LOCATION: South side of Mimosa Dr., approximately 100 ft. east of S. Oxalis Dr.
TRACT SIZE: 75 ft. x 120 ft.
DISTRICT#: 3
LEGAL: AZALEA PARK SECTION THREE S/118 LOT 2 BLK E
PARCEL ID#: 27-22-30-0384-05-020
NO. OF NOTICES: 112

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

Staff Recommendation: Staff gave a presentation on the case covering the location, floorplan, site layout, and photographs. Additionally, 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): The applicant was not present at the public hearing.

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

BZA Discussion: The BZA felt that the case was straightforward, that they were just continuing the same line as the existing house. As a result, 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 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 January 12, 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 applicant shall provide two (2) parking spaces (180 square feet each) on an improved surface.
- 5. The exterior of the conversion shall match the exterior of the existing house.

AYE (voice vote): All members present
Absent: Eugene Roberson

MARGARET FLYNN - VA-18-03-007

REQUEST: Variance in the R-1 zoning district to construct an accessory structure (pergola) in front of the principal structure in lieu of side or rear location.
ADDRESS: 3939 Percival Road, Orlando FL 32826
LOCATION: East side of Percival Rd., north of Lake Pickett Rd.
TRACT SIZE: 130 ft. x 641 ft.
DISTRICT#: 5
LEGAL: COMM AT NW COR OF SW1/4 OF NE1/4 OF SEC 12-22-31 TH RUN N89-50-27E 53.46 FT TO E R/W LINE OF TANNER RD FOR POB TH N89-50-27E 200.04 FT S01-05-05E 108.23 FT S89-50-27W 209.48 FT N01-17-52W 62.01 FT N88-42-08E 9.84 FT N01-17-52W 46.04 FT TO POB

PARCEL ID#: 12-22-31-0000-00-070
NO. OF NOTICES: 46

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. Furthermore, staff recommended approval of the request subject to the conditions as described in the staff report.
The following person(s) addressed the Board:
Speaker(s): Margaret Flynn, Applicant
No one was present to speak for or against the request at the public hearing.
BZA Discussion: The BZA felt that the case was reasonable and agreed with the staff recommendation.
BZA Action: A motion was made by Jessica Rivera, seconded by Wes A. Hodge and unanimously carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

- 1. Development in accordance with the site plan dated January 16, 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 applicant shall preserve the existing vegetation on the front of the lot along the road.

AYE (voice vote): All members present

Absent: Eugene Roberson

WALTER HUDIBURG - VA-18-03-010

REQUEST: **Variances** in the A-2 zoning district to construct an accessory structure as follows:

- 1) To allow a maximum height of 26 ft. in lieu of 20 ft.
- 2) To allow a cumulative square footage of 3,044 sq. ft. of floor area in lieu of 3,000 sq. ft. for accessory structures.
- 3) To allow an accessory structure (carport) in front of the principal building in lieu of in the side or rear yard.

ADDRESS: 4432 North Fort Christmas Road, Christmas FL 32709

LOCATION: North of Lake Pickett Rd.; west of N. Fort Christmas Rd.

TRACT SIZE: 165 ft. x 1286 ft. (AVG)

DISTRICT#: 5

LEGAL: FROM E1/4 COR RUN S 973 FT M/L TO C/L OF FT CHRISTMAS RD TH N 54 DEG W ALONG SAID C/L 838.50 FT FOR A POB TH S 45 DEG W 1286.25 FT N 39 DEG W 197 FT N 47 DEG E 1242.53 FT TO C/L OF FT CHRISTMAS RD S 54 DEG E ALONG SAID C/L 165 FT TO POB IN SEC 02-22-32

PARCEL ID#: 02-22-32-0000-00-067

NO. OF NOTICES: 40

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

Staff Recommendation: Staff recommended approval of both the square footage and height variance based on the size of the lot and that there would be no impact on the surrounding neighbors. The third (3) variance was for the existing carport, which was built by a previous owner. Staff could not support Variance #3, because there was sufficient room to move the carport back behind the house to meet code; however, if the BZA recommended approval, the conditions as listed in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Anna H. Long, Esq. (Applicant's Representative)

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

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

BZA Discussion: The BZA felt the request was reasonable since the carport had been there for many years and was far enough back from the street that it would not be an issue. The BZA approved all three (3) variances as amended, eliminating Conditions #4 and #5, and modified Condition #6 to become Condition #4.

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

1. Development in accordance with the site plan dated January 16, 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 applicant shall remove the northern portion of the existing shed.

AYE (voice vote): All members present

Absent: Eugene Roberson

LOUIS RHODES - VA-18-03-011

REQUEST: **Variances** in the P-D zoning district as follows:
1) To permit a cumulative total of 1,296 sq. ft. of accessory floor area in lieu of 500 sq. ft.
2) To permit an existing accessory structure 22 ft. in height in lieu of 20 ft.
Note: The subject property is more than twice the minimum size of a lot in this P-D, and backs up to N. Dean Rd. The applicant has submitted letters of support from 16 residents residing in nine (9) neighboring residences. This is the result of code enforcement action.

ADDRESS: 10019 Arbor Ridge Trail, Orlando FL 32817

LOCATION: West side of Arbor Ridge Tr., on the east side of N. Dean Road, approximately 200 ft. northeast of the intersection of Arbor Ridge Tr. and N. Dean Rd.

TRACT SIZE: 82 ft. x 222.5 ft. (AVG)

DISTRICT#: 5

LEGAL: ARBOR RIDGE SUB UNIT 2 6/125 LOT 81

PARCEL ID#: 08-22-31-0202-00-810

NO. OF NOTICES: 86

Commentaries: Nine (9) in favor and none in opposition

Staff Recommendation: Staff described the property as being over twice the size of the minimum lot size for the Arbor Ridge P-D. In addition, the property backs up to Dean Road, a four-lane divided road. Staff was only able to find records for a permit for a 20 x 24 foot garage, not a 24 x 24 foot garage. Due to the age of the permit, the records did not indicate whether the permit had ever been closed. No County records for the pole barn addition to the garage or the shed could be located. Staff noted that due to the size of the variance and the lack of satisfying any other criteria, the application could not be supported. 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): Louis Rhodes (Applicant)
Gretchen Bentley (Neighbor in favor)
Nadine Hardin (Neighbor in favor)
Steve Burgan (Neighbor in favor)
Tigerzateal Irizarry (Neighbor in favor)
Erika Avery (Neighbor in favor)
Chris Morse (Neighbor in favor)
Kurt Fasnacht (Orange County Code Enforcement Officer)

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

A representative of the Code Enforcement Division explained that the original complaint, which included a report of multiple families living in the accessory structures, was unfounded. It was further noted that the applicant had been very cooperative with the Code Enforcement Officer in all ways.

BZA Discussion: The BZA found that the applicant met the special conditions in that due to the flood, all records of the construction had been destroyed. The need for the variance was not self-created, in that it appeared that the County had issued permits for the work. The denial of the request would deny the neighborhood an important resource, resulting in a hardship. Due to the quantity of equipment the applicant stored which was used to help the residents of the neighborhood, this was the minimum variance necessary.

BZA Action: A motion was made by Wes A. Hodge, 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 dated January 17, 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 applicant shall obtain a permit for the unpermitted construction within 180 days of final action on this application by Orange County, or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Eugene Roberson

DAVID RUNNELS - SE-18-03-012

REQUEST: **Special Exception** in the R-1AA zoning district to allow a detached guest house; and,
Variances as follows:
1) To allow a two-story, 685 sq. ft. detached guest house
2) To allow a side setback (east property line) of 5 ft. in lieu of 7.5 ft.

ADDRESS: 1700 Lake Grove Lane, Orlando FL 32806

LOCATION: South side of Lake Grove Ln, south of Gatlin Ave., east of S. Femcreek Ave.

TRACT SIZE: 131 ft. x 225 ft. (AVG)
DISTRICT#: 3
LEGAL: NORTHSORE 27/121 LOT 14
PARCEL ID#: 18-23-30-5981-00-140
NO. OF NOTICES: 210

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

Staff Recommendation: Staff gave a presentation on the case covering the location, site layout, floorplan, and photographs. Furthermore, staff recommended approval of the Special Exception and Variance #1, with the conditions as outlined in the staff report; and, denial of Variance #2, as it was a self-created hardship and did not deprive their rights. As indicated by staff, the structure could be built to meet the setback since the yard was large enough; however, should the BZA recommend approval, the conditions as set forth in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Rick Nursey (Applicant's representative)

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

BZA Discussion: The BZA acknowledged that the applicant was willing to comply. Therefore, the BZA agreed 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 **Special Exception** request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, to **APPROVE** the Variance request #1, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions; and further, to **DENY** the Variance request #2, in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3):

1. Development in accordance with the site plan dated January 17, 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. Construction plans shall be submitted within three (3) years of the final County approval or this approval becomes null and void.

5. The Guest House shall be used by family members or guests and shall not be rented out.

6. The exterior of the Guest House shall have similar colors and design materials as the primary residence.

7. The guest house shall not have any 220 outlets; no dishwasher; and, no overhead cabinets. It may have a single compartment sink only and under the counter refrigerator.

8. 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.

9. 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: Eugene Roberson

MARIO DE CAPRIO - VA-18-03-013

REQUEST: Variance in the R-3 zoning district to permit construction of an attached duplex on a lot with 50 ft. of lot frontage in lieu of 80 ft.

ADDRESS: 2336 East Jersey Avenue, Orlando FL 32806

LOCATION: South side of E. Jersey Ave., approximately 185 ft. west of S. Bumby Ave.

TRACT SIZE: 50 ft. x 195 ft.

DISTRICT#: 3

LEGAL: CLOVER HEIGHTS REPLAT P/81 LOT 5 BLK A

PARCEL ID#: 06-23-30-1424-01-050

NO. OF NOTICES: 108

Commentaries: Ten (10) in favor and one (1) in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location, site layout, floorplan, and photographs. Staff could not support this request; however, if the BZA recommend approval, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Mario De Caprio (Applicant)

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

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

BZA Discussion: The BZA confirmed that the alternate site plan would have greater side setbacks. In addition, the BZA noted that the alternate site plan conformed with existing houses on the street, and acknowledged that the applicant had made an effort to accommodate this request. The BZA recognized that the request would provide needed housing and promote infill development. Finally, the BZA approved the variance with the staff recommendation as amended, subject to the alternate site plan, dated March 1, 2018.

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 as amended:

1. Development in accordance with the site plan dated March 1, 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.

AYE (voice vote): All members present

Absent: Eugene Roberson

AUGUSTINA PEASAH - SE-18-03-014

REQUEST: **Special Exception** in the R-1A zoning district to allow a day care for up to 65 children. (The BZA modified the Special Exception to allow a limit of up to 50 children).

ADDRESS: 1436 22nd Street, Orlando FL 32805

LOCATION: East of S Rio Grande Ave.; south of 22nd St

TRACT SIZE: 140 ft. x 140 ft.

DISTRICT#: 6

LEGAL: ANGE BILT ADDITION H/79 LOTS 10 11 & 12 BLK 25 (LESS BEG AT NW COR OF LOT 12 TH E 9.28 FT S 141.04 FT W 6.65 FT N 141.03 FT TO POB TAKEN FOR R/W PER OR 4203/2712)

PARCEL ID#: 03-23-29-0180-25-100

NO. OF NOTICES: 114

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

Staff Recommendation: Staff gave a brief presentation of the case to include photographs of the site and explained the layout. Staff indicated that the existing six (6) foot wall would help buffer against the adjacent residential. In addition, the fact that the location was at the end of the block would lessen the traffic impact into the neighborhood. Staff recommended approval based on lowering the amount of students to fifty (50) in total, to require less parking and lessen the impact on the surrounding neighbors. 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): Darcy Unroe, Applicant's Representative

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

BZA Discussion: The BZA discussed the application and the children's safety near the right-of-way. As determined by the BZA, the concrete wall provided a sufficient barrier to protect the children. Lastly, the BZA agreed that the application met the Special Exception Criteria, added Condition #12, regarding the ownership issue; and, amended the request to lower the number of students to fifty (50) in total.

BZA Action: A motion was made by Carolyn Karraker, 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 as amended:

1. Development in accordance with the site plan dated February 14, 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 hours of operation shall be limited to 6:00 a.m. to 6:00 p.m., Monday through Friday.
5. No more than fifty (50) children shall be enrolled at the daycare at any one time. Expansion of enrollment or use shall require additional approval by the BZA.
6. Construction plans shall be submitted within two (2) years of final approval or this approval becomes null and void.
7. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
8. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
9. A Type D landscape buffer shall be provided along the east property line except for where the masonry wall exists.
10. Signage shall be in accordance with 31.5-75, Orange County Code.
11. A three (3) foot high masonry knee wall, painted to match the existing masonry wall, shall be installed along the north and west property lines in between the parking area and required landscaping.
12. The applicant shall demonstrate to the satisfaction of the County, ownership and agent authorization prior to placement on a BCC agenda.

AYE (voice vote): All members present

Absent: Eugene Roberson

DARRIN GRIFFIN - SE-18-03-017

REQUEST: **Special Exception and Variance** in the P-D & C-3 zoning district as follows:
1) Special Exception to permit an attached Accessory Dwelling Unit (ADU) over an attached garage.
2) Variance to permit additional development on an existing flag lot with a 5 ft. wide fee simple connection to a public right-of-way in lieu of a 20 ft. wide connection.

ADDRESS: 1610 Laken Cove Lane, Orlando FL 32804

LOCATION: West side of Interlaken Rd., approximately 700 ft. northwest of N. Rio Grande Ave., on the east side of Lake Fenton.

TRACT SIZE: 100 ft. x 377.5 ft. (AVG) Developable

DISTRICT#: 2

LEGAL: INTERLAKEN Q/81 PART OF LOT 28 DESC AS COMM SE COR LOT 18 TH W 324.13 FT FOR POB TH RUN N 85 FT E 282.26 FT TO ELY LINE LOT 28 TH NWLY 5.37 FT W 280.31 FT N 9.41 FT TO N LINE LOT 28 TH W ALONG N LINE OF LOT 28 TO W LINE LOT 28 TH SWLY ALONG SAID W LINE TO

PARCEL ID#: 10-22-29-3840-00-281

NO. OF NOTICES: 92

Commentaries: Two (2) in favor and one (1) in opposition

Staff Recommendation: Staff explained that the ADU was for the applicant's parents, and would be located over the attached garage. The addition was designed to blend seamlessly into the main house, which is also a two-story structure. While landscaping was not required between single family structures, there was a significant amount of landscaping surrounding the rear

yards. The nature of the ADU was generally similar and compatible to single family homes with respect to noise, odor, and other negative impacts. It was staff's position that the proposed ADU would not prove detrimental to the neighborhood. 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): Darrin Griffin, Applicant, waived the right to speak and agreed with the staff recommendation.

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

BZA Discussion: The BZA concluded that the use met the criteria for a Special Exception/Variance and concurred with the staff recommendation.

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

1. Development in accordance with the site plan dated January 17, 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. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
5. The exterior of the addition shall match the exterior of the existing residence with respect to color and materials.

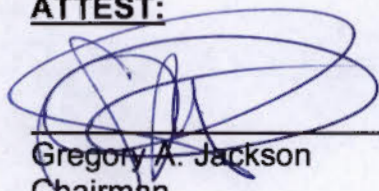
AYE (voice vote): All members present

Absent: Eugene Roberson

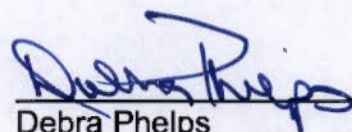
ADJOURN:

There being no further business, the meeting adjourned at 12:47 p.m.

ATTEST:



Gregory A. Jackson
Chairman



Debra Phelps
Recording Secretary