

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
NOTICE OF PUBLIC HEARING**

NOTICE is hereby given that the Orange County Board of Zoning Adjustment (BZA) shall consider the May 3, 2018 public hearing. Public hearings will be held in the County Commissioner's Chambers located on the first floor of the Orange County Administration Building, 201 S. Rosalind Avenue beginning at 9:00 a.m. or as soon thereafter as possible.

Please be advised that Section 286.0105, Florida Statutes, states that "if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing he will need a record of the proceedings, and that for such purpose, he may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

For any information concerning these requests, please contact Debra Phelps, Recording Secretary, at (407) 836-5917.

Para mas información referente a esta vista pública, favor de comunicarse con el Departamento de Zonificación al número (407) 836-3111.

Public Hearing Agenda:

9:00 AM PUBLIC COMMENT

JIMMY DUNN - VA-18-05-032

9:00 AM

REQUEST: Variance in the PD zoning district to allow a ground sign with a front setback (north property line) of 2 ft. in lieu of 10 ft.
ADDRESS: 10904 Moss Park RD, Orlando FL 32832
LOCATION: South of Moss Park Rd., west of SR 417
S-T-R: 08-24-31-SE-D
TRACT SIZE: 284 ft. x 1130 ft. (AVG)
DISTRICT#: 4
LEGAL: LAKE NONA SELF STORAGE 93/129 LOT 1
PARCEL ID: 08-24-31-4756-01-000

BRANDON LEGER - VA-18-05-033

9:00 AM

REQUEST: Variances in the R-1A zoning district to allow an existing residence as follows: 1) To allow a minimum lot width of 60

ft. in lieu of 75 ft. 2) To allow a minimum lot size of 6,000 sq. ft. in lieu of 7,500 sq. ft. 3) To allow a front setback of 16 ft. in lieu of 25 ft. 4) To allow a minimum living area of 1,000 sq. ft. in lieu of 1,200 sq. ft.

ADDRESS: 4001 Grant BLVD, Orlando FL 32804
LOCATION: East of Grant Blvd., north of Hunter Ave.
S-T-R: 10-22-29-SE-D
TRACT SIZE: 60 ft. x 100 ft.
DISTRICT#: 2
LEGAL: UNIVERSITY HEIGHTS N/59 S 60 FT OF LOTS 1 & 2 BLK F
PARCEL ID: 10-22-29-8828-06-012

OLIVER CAPPO - VA-18-05-034

9:00 AM

REQUEST: Variance in the R-1A zoning district to allow construction of a carport to an existing free-standing shed with a cumulative square footage of 1,660 sq. ft. of floor area in lieu of 622 sq. ft. (25% of living area).
ADDRESS: 19302 Oakleaf ST, Orlando FL 32833
LOCATION: Southeast corner of Oakleaf St. and Cavalier Ave., approximately 300 ft. north of Oberly Parkway
S-T-R: 11-23-32-SW-C
TRACT SIZE: 150 ft. x 300 ft.
DISTRICT#: 5
LEGAL: CAPE ORLANDO ESTATES UNIT 12A 4/66 LOT 1 BLK 20
PARCEL ID: 10-23-32-1184-20-010

ROBIN WALDON - VA-18-05-035

9:00 AM

REQUEST: Variance in the R-1A zoning district to allow construction of a knee-wall and CBS support pillars for a screen room 15 ft. from the rear (north) property line in lieu of 30 ft.
ADDRESS: 4561 Cal CT, Orlando FL 32808
LOCATION: North side of Cal Ct., approximately 400 ft. northwest of San Jose Blvd.
S-T-R: 17-22-29-SW-C
TRACT SIZE: 111 ft. x 104 ft. (AVG)

DISTRICT#: 6
LEGAL: SAN JOSE SHORES 4/97 LOT 54
PARCEL ID: 17-22-29-7802-00-540

TONY BENEDICT - SE-18-05-036

9:00 AM

REQUEST: Special Exception in the A-1 and R-CE-2 zoning districts to allow a 932 sq. ft. guest house.
ADDRESS: 14124 Reams RD, Winter Garden FL 34786
LOCATION: Westerly side of Reams Rd., approximately 1/2 mile south of Summerlake Park Blvd.
S-T-R: 34-23-27-SE-D,34-23-27-NE-A
TRACT SIZE: Approximately 6 Acres of an overall 36+ acre Parcel
DISTRICT#: 1
LEGAL: FROM SW COR OF SEC RUN E 2649.62 FT N 1385.18 FT FOR A POB TH N 1794.06 FT E 1315.73 FT SLY ALONG CURVE 426.43 FT S 46 DEG W 2080.78 FT TO POB IN SEC 34-23-27
PARCEL ID: 34-23-27-0000-00-026

RYAN SEADER - VA-18-05-038

10:00 AM

REQUEST: Variances in the R-1A zoning district as follows: 1) To allow an accessory structure (carport) in front of the principal structure. 2) To allow a two-story accessory structure in lieu of one story. 3) To allow an accessory structure 24 ft. in height in lieu of 20 ft. 4) To allow an accessory structure 1 ft. from the side (east) property line in lieu of 5 ft. 5) To allow an accessory structure to be located 20 ft. from the front (south) property line in lieu of 25 ft. 6) To allow additional construction on a lot with 6,750 sq. ft. of lot area in lieu of 7,500 sq. ft. 7) To allow additional construction on a lot with 50 ft. of frontage in lieu of 75 ft. 8) To validate an existing residence with a side (west) setback of 4 ft. in lieu of 7.5 ft. 9) To validate an existing residence with a side (east) setback of 7 ft. in lieu of 7.5 ft.
ADDRESS: 931 26th ST, Orlando FL 32805
LOCATION: North side of 26th St., approximately 50 ft. east of Westmorland Dr.
S-T-R: 02-23-29-SW-C

TRACT SIZE: 50 ft. x 135 ft.
DISTRICT#: 6
LEGAL: ANGE BILT ADDITION H/79 LOT 14 BLK 44
PARCEL ID: 03-23-29-0180-44-140

HOMES IN PARTNERSHIP - VA-18-05-039

10:00 AM

REQUEST: Variance in the R-1 zoning district to allow a front setback of 20 ft. in lieu of 25 ft.
ADDRESS: 3751 Grice ST, Apopka FL 32703
LOCATION: East of Grice St., north of Valley Dr.
S-T-R: 31-21-28-NE-A
TRACT SIZE: 50 ft. x 110 ft.
DISTRICT#: 2
LEGAL: PARADISE HEIGHTS FIRST ADDITION O/72 LOTS 30 & 31 BLK 8
PARCEL ID: 29-21-28-6644-08-300

TRAEANNE REYNOLDS - SE-18-05-040

10:00 AM

REQUEST: Special Exception in the R-CE zoning district to allow conversion of an existing accessory structure into an Accessory Dwelling Unit with 600 sq. ft. of living area and a 174 sq. ft. open air covered patio.
ADDRESS: 5517 Palm Lake CIR, Orlando FL 32819
LOCATION: Northwest side of Palm Lake Circle, approximately 825 ft. northeast of Palm Lake Drive
S-T-R: 15-23-28-SE-D
TRACT SIZE: 1.98 Acres
DISTRICT#: 1
LEGAL: BEG 417.92 FT N OF S1/4 COR OF SEC TH RUN N 245 FT E 79.15 FT S 32 DEG E 718.14 FT S 49 DEG W 24 FT N 49 DEG W 579.91 FT TO POB & 1/12 INT IN BEG NE COR LOT 1 PALM LAKE MANOR 1ST ADD U/140 TH RUN WLY 100 FT S 32 DEG E TO INTERSECT E LOT LINE N 24 DEG W TO
PARCEL ID: 15-23-28-0000-00-064

DEAN QUACH - VA-18-05-044

10:00 AM

REQUEST: Variance in the R-1A zoning district to validate an existing addition 15 ft. from the rear (south) property line in lieu of 30 ft.

ADDRESS: 4490 Simmons RD, Orlando FL 32812

LOCATION: South side of Simmons Rd., approximately 725 ft. east of Conway Rd.

S-T-R: 17-23-30-SE-D

TRACT SIZE: 75 ft. x 100 ft.

DISTRICT#: 3

LEGAL: BEG 30 FT S & 501 FT W OF NE COR OF SE1/4 RUN S 100 FT W 75 FT N 100 FT E 75 FT TO POB IN SEC 17-23-30

PARCEL ID: 17-23-30-0000-00-049

JORGE MORA - SE-18-05-048

10:00 AM

REQUEST: Special Exception and Variances in the A-2 zoning district to construct a 100 ft. tall FM radio lattice tower as follows:. 1) To allow a tower 850 ft. from single-family to the north in lieu of 1,250 ft. 2) To allow a tower 1,150 ft. from single-family to the south in lieu of 1,250 ft. 3) To allow a tower 115 ft. from vacant unplatted residential land in lieu of 825 ft. 4) Tower to be a single user tower at initial construction. 5) To allow a tower 500 ft. from an existing lattice tower in lieu of 5,000 ft.

ADDRESS: 1808 S Tanner RD, Orlando FL 32820

LOCATION: West of S. Tanner Rd., approximately 500 ft. north of E. Colonial Dr.

S-T-R: 19-22-32-NE-A

TRACT SIZE: 193 ft. x 160 ft. (AVG)

DISTRICT#: 5

LEGAL: SEAWARD PLANTATION ESTATES T/109 THAT PORTION OF LOTS 9 & 10 BLK A DESC AS BEG AT THE NE COR OF LOT 9 LYING WLY OF TANNER RD TH N38-26-25W 261.60 FT S51-33-38W 14.16 FT S03-48-46E 333 FT S88-47-33E 160.52 FT N03-38-55W 139.83 FT TO POB

PARCEL ID: 19-22-32-7876-01-091

SIGN-O-SAURUS OF DAYTONA, INC. - VA-18-05-049

11:00 AM

REQUEST: Variance in the C-1 zoning district to allow 204 sq. ft. of copy area in lieu of 145 sq. ft.
ADDRESS: 2300 S Goldenrod RD, Orlando FL 32822
LOCATION: Located at the southwest corner of Goldenrod and Curry Ford Rd.
S-T-R: 02-23-30-SW-C
TRACT SIZE: 210 ft. x 280 ft. (AVG)
DISTRICT#: 3
LEGAL: GOLDEN ACRES SECTION A Q/92 E 40 FT OF LOT 4 & LOT 5 (LESS RD R/W ON N & E) & (LESS PT TAKEN FOR R/W PER CI 91-2699)
PARCEL ID: 02-23-30-3024-00-050

DAVID WING - VA-18-05-050

11:00 AM

REQUEST: Variance in the R-1A zoning district to construct a second floor addition to an existing single family residence with a side (east) setback of 7 ft. in lieu of 7.5 ft.
ADDRESS: 9914 Nicoma LN, Orlando FL 32817
LOCATION: South side of Nicoma Ln., approximately 800 ft. west of N. Dean Rd.
S-T-R: 07-22-31-SE-D
TRACT SIZE: 99 ft. x 131 ft.
DISTRICT#: 5
LEGAL: FROM SE COR OF NE1/4 OF SE1/4 OF SE1/4 RUN N 89 DEG W 832.62 FT FOR BEG TH N 89 DEG W 99 FT S 161.81 FT S 89 DEG E 99 FT N 161.76 FT TO POB SEC 07-22-31 (LESS 30 FT R/W ON N)
PARCEL ID: 07-22-31-0000-00-064

ALEX NOKHODCHI - VA-18-04-015

11:00 AM

REQUEST: Variances in the R-1A zoning district as follows: 1) To allow a side setback of 1.8 ft in lieu of 5 ft. 2) To allow a rear setback of 3.8 ft in lieu of 5 ft.
ADDRESS: 1313 E Pineloch AVE, Orlando FL 32806
LOCATION: North of E. Pineloch Ave., west of S. Brown Ave.

BOARD OF ZONING ADJUSTMENT
MEETING OF MAY 3, 2018

S-T-R: 01-23-29-SE-D
TRACT SIZE: 40 ft. x 120 ft.
DISTRICT#: 3
LEGAL: INTERLAKE PARK SECOND ADDITION H/50 THE W 40
FT OF E 80 FT OF LOTS 154 155 & 156
PARCEL ID: 01-23-29-3834-01-543

JAMIE GRANT - SE-18-05-047

11:00 AM

REQUEST: Special Exception and Variances in the R-1 Zoning District as follows: 1) Special Exception to construct 500 sq. ft. Accessory Dwelling Unit (ADU). 2) Variance to allow an ADU with a rear (south) setback of 5 ft. in lieu of 10 ft.
ADDRESS: 7800 Napoleon ST, Orlando FL 32825
LOCATION: South side of Napoleon St., approximately 1/4 mile west of N. Chickasaw Trail
S-T-R: 23-22-30-NE-A
TRACT SIZE: 90 ft. x 137 ft.
DISTRICT#: 3
LEGAL: W 90 FT OF S1/2 OF N1/2 OF S1/2 OF SE1/4 OF NE1/4 (LESS N 30 FT FOR R/W) OF SEC 23-22-30 SEE 3272/613
PARCEL ID: 23-22-30-0000-00-087

MICHAEL HARDING - VA-18-05-037

1:00 PM

REQUEST: Variances in the C-1 zoning district to allow on-site beverage consumption (2COP's) within 1,000 ft. a religious institution (Community of Resurrected Believers). 1) 939 ft. in lieu of 1,000 ft for Claddagh Cottage. 2) 732 ft. in lieu of 1,000 ft. for Foxtail Coffee. 3) 802 ft. in lieu of 1,000 ft. for The Tamale Company.
ADDRESS: 2421 Curry Ford RD, Orlando FL 32806
LOCATION: West of Russell Ave., north of Curry Ford Rd.
S-T-R: 31-22-30-SE-D
TRACT SIZE: 75 ft. x 115 ft.
DISTRICT#: 3
LEGAL: ORANGE VILLA K/21 LOT 6 & E1/2 LOT 5 (LESS S 22 FT FOR RD R/W)
PARCEL ID: 31-22-30-6268-00-060

CILANTROS TAQUERIA - VA-18-05-042

1:00 PM

REQUEST: Variance in the C-1 zoning district to allow on-site beverage consumption (2COP) 825 ft. from a religious institution (Community of Resurrected Believers) in lieu of 1,000 ft.

ADDRESS: 1427 S Bumby AVE, Orlando FL 32806

LOCATION: East side of S. Bumby Avenue, approximately 100 ft. north of Curry Ford Road

S-T-R: 31-22-30-SE-D

TRACT SIZE: 120 ft. x 156 ft.

DISTRICT#: 3

LEGAL: ORANGE VILLA K/21 THE N 20 FT OF LOTS 1 & 2 & LOTS 27 & 28 (LESS W 5 FT RD R/W)

PARCEL ID: 31-22-30-6268-00-012

EAST WEST PLACE, LLC - VA-18-05-046

1:00 PM

REQUEST: Variance in the C-1 zoning district to allow on-site beverage consumption (2COP) 707 ft. from a religious institution (Community of Resurrected Believers) in lieu of 1,000 ft.

ADDRESS: 2416 Curry Ford RD, Orlando FL 32806

LOCATION: Southwest corner of Bumby Ave Curry Ford Rd.

S-T-R: 06-23-30-NE-A

TRACT SIZE: 185 ft. x 118 ft.

DISTRICT#: 3

LEGAL: HANDSONHURST PARK L/87 THE W 28 FT OF LOT 2 & ALL LOTS 3 THRU 5 BLK B (LESS RD R/W ON W AND N PER DB 338/363 & 3341/1578)

PARCEL ID: 06-23-30-3328-02-021

CHARLES WHITTALL - VA-18-05-041

1:00 PM

REQUEST: Variances in the P-D zoning district to allow package sales of alcohol within 5,000 ft. of another licensed vendor as follows: 1) 1,258 ft. from 7611 International Drive (ABC Liquors). 2) 3,696 ft. from 8739 International Drive (Plaza Liquors).

ADDRESS: 8021 International DR, Orlando FL 32819
LOCATION: Southeast corner of International Dr. and W. Sand Lake Rd.
S-T-R: 36-23-28-NW-B
TRACT SIZE: 1.48 Acres
DISTRICT#: 6
LEGAL: I SHOPS 89/101 LOT 8
PARCEL ID: 36-23-28-3865-08-000

PLAZA LIQUORS - VA-18-05-045

1:00 PM

REQUEST: Variance in the C-2 zoning district to allow a 3PS license
3,696 ft from another location.
ADDRESS: 8739 International DR, Orlando FL 32819
LOCATION: East of International Dr., south of Austrian Row
S-T-R: 36-23-28-SW-C
TRACT SIZE: 60 ft. x 175 ft.
DISTRICT#: 6
LEGAL: PLAZA INTERNATIONAL UNIT ELEVEN 28/5 FROM NLY
MOST COR OF LOT 1 RUN SLY 299.06 FT FOR POB TH
RUN S 64 DEG E 172.86 FT S 25 DEG W 60 FT N 64 DEG
W 174.65 FT NLY 60.03 FT TO POB
PARCEL ID: 36-23-28-7165-00-012

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF APRIL 5, 2018**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **April 5, 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
Eugene Roberson – District #6
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 9:02 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 March 1, 2018, Board of Zoning Adjustment meeting.

A motion was made by Deborah Moskowitz, seconded by Wes A. Hodge, and unanimously carried to **APPROVE** the minutes of the March 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.

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
Commentaries: None

Staff Recommendation: Staff explained that the property was substandard in land area and was only 100 feet deep. A variance had been granted in the past to allow a reduction to the rear setback allowing the house to be built. Staff found that given the plain nature of the home, the porch would actually provide some interest to the appearance of the home. It was further noted that the shed had been properly permitted, it was just placed one-half (1/2) foot too close to the property line by a previous owner. Based on the foregoing, staff recommended approval of the request subject to conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Lui Ping Ng (Applicant)

Kwok Wai Ng (Son on behalf of the Applicant)

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

BZA Discussion: The BZA found that the size of the lot, and the location of the home posed a special condition, the variances were not self-imposed, the requested variances were the least amount needed, and the approval would not impair the integrity of the Zoning Code. Therefore, the BZA concurred with the staff recommendation.

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

1. Development in accordance with the site plan dated December 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 porch shall be finished with a color consistent or compatible with that of the home, and the roof material shall match that of the home.

AYE (voice vote): All members present

GRACE GRANT - VA-18-04-025

REQUEST: **Variances** in the IND-1/IND-5 zoning district to allow a pole sign as follows:

1) To allow a maximum height of 50 ft. in lieu of 30 ft.

2) To allow a maximum copy area of 208 sq. ft. in lieu of 95 sq. ft.

ADDRESS: 8076 S. Orange Avenue, Orlando FL 32809

LOCATION: Northwest corner of E. Sand Lake Rd. and S. Orange Ave.
TRACT SIZE: 190 ft. x 247 ft. (AVG)
DISTRICT#: 3
LEGAL: FROM SW COR OF NE1/4 RUN N89-57-44E 286.14 FT TH S00-27-44W 2192.24 FT TH S89-23-16E 601.5 FT FOR A POB TH S00-27-44W 187.84 FT TH S89-32-16E 277.23 FT TH NWLY ALON W R/W LINE OF SR 527 ON A 2914.93 FT RAD CURV TO LEFT 190.27 FT TH N89-32-16W 247.13 FT TO
PARCEL ID#: 25-23-29-0000-00-016
NO. OF NOTICES: 77
Commentaries: None

Staff Recommendation: Staff presented the case, showed site photographs of the existing sign, and explained the need for the variances. The pole sign has existed since 1982, and was damaged in the recent hurricane. The sign was non-conforming and required a variance as the applicant would like to replace the cabinet. Staff recommended denial of the variances as the pole sign was out of character and did not meet the county's vision for the area.

The following person(s) addressed the Board:

Speaker(s): Madeline Connolly (Applicant's Representative)
Austin Squitieri (Applicant's Representative)

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

BZA Discussion: Discussions ensued between the BZA and applicant regarding the options available. If the applicant just wanted to replace the sign face, a variance would not be required per county code; however, a variance was required because the applicant would like to completely replace the cabinet and update the sign. The BZA concluded to approve the request as they believed the applicant suffered a hardship from the hurricane, other restaurants had similar signs, and could simply replace the panel without a variance. Further, the Board felt approval of the variance allowed the applicant to upgrade the sign and keep the same size, thus, concurring with the conditions of approval as amended.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Wes A. Hodge 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 as amended:

1. Development in accordance with the site plan and sign elevations 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 applicant shall obtain a permit for the sign within 180 days of final approval or this approval becomes null and void.

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

NAY (voice vote): Deborah Moskowitz , Eugene Roberson, Jessica Rivera

REQUEST: **Variances** in the A-2 zoning district as follows:
1) To allow a mobile home on a lot with .76 acres in lieu of 2 acres.
2) To allow an existing structure to remain as an accessory structure 24 ft. from the NWHE line in lieu of 50 ft.

ADDRESS: 16877 Arrowhead Blvd., Winter Garden FL 34787

LOCATION: West of Arrowhead Blvd, north of Irlo Bronson Memorial Hwy

TRACT SIZE: 103 ft. x 535 ft. (AVG)

DISTRICT#: 1

LEGAL: ARROWHEAD LAKES X/12 LOT 19 BLK D

PARCEL ID#: 31-24-27-0306-04-190

NO. OF NOTICES: 51

Commentaries: None in favor and six (6) in opposition

Staff Recommendation: Staff presented the case, displayed site photographs, and explained the variances requested. There was an existing residence on site that the applicant would like to keep as a storage building and construct a new mobile home. Staff recommended denial of Variance request #1, as the applicant could construct a modular home or single family home without a variance; and, approval of Variance request #2; 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): William Honnen, (Applicant)

Terri Myshin (Opposed)

David Schulter (Opposed)

Two (2) neighbors spoke in opposition and expressed concerns with new mobile homes in the area, past issues on the property, and how this might affect their property values.

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

BZA Discussion: The BZA and staff discussed the differences between a mobile home and modular home. The BZA decided that what the applicant proposed was a mobile home since it was delivered on a chassis and was not attached to a foundation. Further, the BZA determined a new mobile home would not be appropriate and the applicant could construct a modular home. Lastly, the BZA voted to deny Variance request #1, and approved Variance request #2, as amended.

BZA Action: A motion was made by Carolyn Karraker, seconded by Jose A. Rivas, Jr. and 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 as amended:

1. Development in accordance with the site plan dated January 29, 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. 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 existing structure is no closer than 24 feet from the Normal High Water Elevation line of Lake Rexford in lieu of 50 feet.

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

NAY (voice vote): Deborah Moskowitz

SUMATE VORASIANGSUK - SE-18-04-019

REQUEST:	Special Exception and Variances in the R-1 zoning district as follows: 1) Special Exception to allow a guest house located over a detached garage. 2) Variance to allow a two-story accessory structure. 3) Variance to allow an accessory structure with a height of 24 ft. in lieu of 20 ft. Note The applicant submitted three letters of support for their request.
ADDRESS:	2128 Brighton Lane, Orlando FL 32817
LOCATION:	Southwest end of Brighton Lane, approximately 260 ft. south of Eastwood Drive
TRACT SIZE:	329 ft. x 300 ft. (2.6 Acres, Approx. 1.6 Acres Wetlands)
DISTRICT#:	5
LEGAL:	EASTWOOD PARK V/46 LOTS 6 & 7
PARCEL ID#:	16-22-31-2364-00-060
NO. OF NOTICES:	106
<u>Commentaries:</u>	None

Staff Recommendation: Staff explained that a very large portion of the property was comprised of wetlands identified on the survey. The proposed location of the guesthouse was on the south side of the property behind the home. While the applicant was proposing a fifteen (15) foot setback, staff was recommending that the setback be increased to twenty-five (25) feet to preserve the airspace of an adjacent lot. The proposed use would not generate any negative impacts generated by a typical residence, and in fact, would be less intrusive as the guesthouse could not be occupied on a full time basis. Based on these findings, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Vorarut Vorasiangsuk (Applicant’s Representative)

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

BZA Discussion: The BZA asked what was the normal setback for a guesthouse. Staff noted that there was no specific setback called for by the Code; and further, if this were an ADU, the setback from the side and rear was ten (10) feet. A setback for a detached accessory structure such as the garage was only five (5) feet. The BZA concluded that the location of the garage/guesthouse was acceptable as proposed by the applicant, and concurred with the staff recommendation with the exception to eliminate the condition requiring that a rear setback of twenty-five (25) feet.

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

1. Development in accordance with the site plan dated February 9, 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 guesthouse shall never be rented, nor used as a full-time dwelling unit.
- 6. 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.
- 7. The exterior of the garage/guest house shall match the exterior of the existing residence with respect to color and materials.
- 8. The applicant shall provide a paved driving surface from the end of the existing driveway to the garage. This may consist of two strips of pavement with grass in between.
- 9. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.
- 10. The applicant shall obtain an R.V. storage permit in conjunction with the permits for construction.

AYE (voice vote): All members present

RECESSED AT 10:38 A.M. AND RECONVENED AT 10:51 A.M.

BRITTAINY SKIPPER FOR HOSANNA BUILDING CONTRACTORS - VA-18-04-027

REQUEST:	Variance in the P-O zoning district to permit a side street setback (south) of 10 ft. in lieu of 15 ft.
ADDRESS:	4739 Conway Road, Orlando FL 32812
LOCATION:	Northeast corner of Conway Road and Treasure Oaks Lane, approximately 1/4 mile north of Hoffner Road.
TRACT SIZE:	125 ft. x 175 ft.
DISTRICT#:	3
LEGAL:	FROM SW COR OF NE1/4 OF SE1/4 RUN N 170.16 FT FOR A POB RUN N 125 FT E 225 FT S 125 FT W 225 FT TO POB (LESS W 25 FT FOR R/W) & (LESS PT ON W TAKEN FOR R/W PER OR 5401/4032 C197-8183) IN SEC 17-23-30
PARCEL ID#:	17-23-30-0000-00-061
NO. OF NOTICES:	175
<u>Commentaries:</u>	None

Staff Recommendation: Staff explained the zoning of the property and the future land use and zoning of the adjacent properties. Staff noted that since the existing residence would be demolished, in effect, resulting in a new undeveloped site; the applicant should pursue other

design options to best maximized the site. Lastly, staff could not support this request; and further, stated if the BZA recommended approval, the conditions as set forth in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Dean Blanhask (Applicant's Representative)

Steve Hepner (Applicant's Architect)

Brittainy Skipper (Applicant)

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

BZA Discussion: The BZA concluded that the applicant's main argument was not the subject of the public hearing, and that the applicant had failed to demonstrate how they warranted the requested variance. Based on the foregoing, the BZA agreed with the staff recommendation of denial.

BZA Action: A motion was made by Jose A. Rivas, Jr., 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

HOMES IN PARTNERSHIP - VA-18-04-020

REQUEST: **Variances** in the R-2 zoning district as follows:

1) To allow a front setback of 20 ft. in lieu of 25 ft.

2) To allow a rear setback of 21 ft. in lieu of 25 ft.

3) To allow a side setback of 5 ft. in lieu of 6 ft

ADDRESS: 546 Oak Street, Winter Garden FL 34787

LOCATION: West side of Oak St., north of Story Rd, north of W. Colonial Dr.

TRACT SIZE: 50 ft. x 93 ft.

DISTRICT#: 1

LEGAL: MERCHANTS SUB Q/101 LOT 13 BLK B

PARCEL ID#: 24-22-27-5584-02-130

NO. OF NOTICES: 128

Commentaries: None

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

The following person(s) addressed the Board:

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

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

BZA Discussion: The BZA confirmed that the variance was less than twenty percent (20%), and felt that the request was straightforward. As a result, the Board concurred with the staff recommendation.

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

1. Development in accordance with the site plan dated February 8, 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

HOMES IN PARTNERSHIP - VA-18-04-021

REQUEST: **Variances** in the R-2 zoning district as follows:
1) To allow a front setback of 20 ft. in lieu of 25 ft.
2) To allow a rear setback of 22 ft. in lieu of 25 ft.
3) To allow a side setback of 5 ft. in lieu of 6 ft

ADDRESS: Oak Street, Winter Garden FL 34787

LOCATION: West side of Oak St., north of Story Rd, north of W. Colonial Dr.

TRACT SIZE: 50 ft. x 93 ft.

DISTRICT#: 1

LEGAL: MERCHANTS SUB Q/101 LOT 14 BLK B

PARCEL ID#: 24-22-27-5584-02-140

NO. OF NOTICES: 131

Commentaries: None in favor and one (1) 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 request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

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

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

BZA Discussion: The BZA commented that the case was the same as the previous one, and felt that the request was straightforward; and, 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 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 February 8, 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

LUIS BARRAGAN - VA-18-04-022

REQUEST: **Variances** in the A-1 zoning district as follows:
1) Minimum lot area of .23 acres in lieu of .5 acres.
2) Front setback for existing residence of 18 ft. in lieu of 35 ft.
3) Side street setback for existing residence of 13 ft. in lieu of 15 ft.
4) Front setback for new addition of 20 ft. in lieu of 35 ft.
5) Rear setback of 25 ft. for new addition in lieu of 50 ft.

ADDRESS: 10080 Schiller Avenue, Apopka FL 32703

LOCATION: Southeast corner of Schiller Avenue and Palm St., approximately 500 ft. west of Lake Meadow Rd.

TRACT SIZE: 100 ft. x 104 ft.

DISTRICT#: 2

LEGAL: WEST ORANGE PARK M/1 & 4 & 5 LOTS 17 THROUGH 20 BLK 23

PARCEL ID#: 05-22-28-9152-23-170

NO. OF NOTICES: 72

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. Lastly, 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 Foglia, Applicant’s representative, waived the right to speak and agreed with the staff recommendation.

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

BZA Discussion: The BZA agreed that the lots conformed to an R-1AA zoning and asked why the entire area had not been rezoned. In conclusion, the Board agreed with the staff recommendation.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Variance 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 March 20, 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 exterior of the addition shall match the exterior of the existing house.
5. The shed on the south side of the property that encroaches into the required five (5) foot setback shall be removed prior to issuance of permits.

AYE (voice vote): All members present

RADWAY LITTLEJOHN - VA-18-04-023

REQUEST: **Variances** in the R-1A zoning district for the following:
1) To allow a total of 1,400 sq. ft. of accessory structure floor area in lieu of 663 sq. ft. (25% of home's living area).
2) To allow an accessory structure with a height of 17 ft. in lieu of 15 ft.
3) To allow an accessory structure with a vinyl coated metal exterior in lieu of materials commonly used to construct a residence.

ADDRESS: 3114 Caesar Avenue, Orlando FL 32833

LOCATION: West side of Caesar Avenue, approximately 225 ft. south of Wembley Avenue.

TRACT SIZE: 1.07 Acres

DISTRICT#: 5

LEGAL: CAPE ORLANDO ESTATES UNIT 12A 4/66 LOT 13 BLK 16

PARCEL ID#: 10-23-32-1184-16-130

NO. OF NOTICES: 71

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

Staff Recommendation: Staff explained that the subject property, and every other lot in the subdivision were significantly larger than the typical R-1A lot, all being over one (1) acre in size. Due to a grade difference between the street and the location of the house and proposed shed, the shed's roof would not be visible from the street. In addition, due to the angle of the lot lines, the view of the shed would be nearly totally obscured by the home. Finally, staff recommended approval of Variances #1 and #2, but did not support Variance #3; and, recommended that the conditions in the staff report be applied with any approval.

The following person(s) addressed the Board:

Speaker(s): Radway Littlejohn, Applicant

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

BZA Discussion: The BZA discussed the materials to some length, concluding that the main issue with the exterior centered on its color. As such, the BZA recommended approval of all the variances with condition #4, being modified to require that the exterior color match or compliment the colors of the home.

BZA Action: A motion was made by Wes A. Hodge, seconded by Eugene Roberson and unanimously carried to **APPROVE** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions 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 exterior color of the accessory structure shall match or complement the exterior of the existing the residence.

AYE (voice vote): All members present

GARY BEVERLY - VA-18-04-024

REQUEST: **Variance** in the C-2 zoning district to allow a rear setback of 7.5 ft. in lieu 20 ft.
ADDRESS: 5507 E Colonial Drive, Orlando FL 32807
LOCATION: Northwest corner of E. Colonial Dr., and Barton Dr.
TRACT SIZE: 225 ft. x 142 ft. (AVG)
DISTRICT#: 5
LEGAL: LAKESIDE ESTATES Q/95 THE E 224.47 FT OF LOTS 22 & 23 (LESS RD R/W)
PARCEL ID#: 21-22-30-4828-00-221
NO. OF NOTICES: 129
Commentaries: None

Staff Recommendation: Staff noted that the applicant had been asked to resubmit a revised plan showing how they proposed to meet the Landscape Code. Staff was appreciative of the speed with which they had accomplished the resubmittal. Staff noted that the parcel was not only small, but also very irregularly shaped. The existing building is only 7.5 feet from the rear property line. This building was to be converted to office and storage. The new building would be ten (10) feet from the rear property line. To the north, the land was zoned for multifamily, however, due to its location, it is questionable how much was actually high and dry. Based on the foregoing findings, 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): Gary Beverly, Applicant

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

BZA Discussion: The BZA concluded that given the size and configuration of the lot, the lot would be virtually unusable without the variance; and therefore, agreed with the staff recommendation.

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

1. Development in accordance with 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. All plans submitted for review shall including the following language in 2 inch lettering: "THIS

APPLICATION [OR THESE PLANS] RELATE TO THE STATE ROAD 436/STATE ROAD 50 CORRIDOR OVERLAY DISTRICT, WHICH WAS ESTABLISHED UNDER AND IS SUBJECT TO ORDINANCE NO. 2004-15 , ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON October 12, 2004."

5. Development, including the dumpster container, shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.

6. The applicant shall apply for permits within 180 days of final action by the County on this application, and shall obtain said permits within twelve (12) months, or this application shall be deemed null and void.

AYE (voice vote): All members present

ZORAIDA SANCHEZ - VA-18-04-026

REQUEST: **Variances** in the R-1 zoning district to allow an existing accessory structure to remain as follows:
1) 4 ft. from the rear (east) property line in lieu of 5 ft.
2) 3 ft. from the side (north) property line in lieu of 5 ft.
(Note: This is the result of code enforcement action.)

ADDRESS: 5003 Haines Circle, Orlando FL 32822

LOCATION: East side of Haines Circle, north of Hoffner Road and east of Commander Drive.

TRACT SIZE: 70 ft. x 100 ft.

DISTRICT#: 3

LEGAL: CONWAY MANOR REPLAT 3/119 LOT 90

PARCEL ID#: 15-23-30-1681-00-900

NO. OF NOTICES: 107

Commentaries: None

Staff Recommendation: Staff gave a presentation on the case covering the location, site layout, expansion of the shed, and photographs. Staff recommended denial of this request.

The following person(s) addressed the Board:

Speaker(s): Zoraida Sanchez, Applicant
Mercadez Rosa (Neighbor in favor)
Kurt Fasnacht (Orange County Code Enforcement Officer)

The applicant stated that they did not know permits were required.
Code Enforcement explained that they cited the property for an accessory building without permits and in violation of setbacks.
No one was present at the public hearing to speak against the request.

BZA Discussion: The BZA questioned the multiple expansions to the shed without permits; and, determined to deny the request.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Deborah Moskowitz and unanimously carried to **DENY** the Variance requests 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

RECESSED AT 12:22 A.M. AND RECONVENED AT 1:02 P.M.

BRYAN STEWART - VA-18-04-029

REQUEST: **Variance** in the R-1AA zoning district to allow a fence 6 ft. in height in lieu of 4 ft. in height within the 50 ft. setback from the Normal High Water

Elevation (NHWE).
ADDRESS: 2430 Bayfront Pkwy., Orlando FL 32806
LOCATION: South side of Bayfront Parkway, approximately 400 ft. east of S. Bumby Ave.
TRACT SIZE: 80 ft. x 205 ft. (AVG)
DISTRICT#: 3
LEGAL: WATERFRONT ESTATES 4TH ADDITION U/89 LOT 5 BLK F
PARCEL ID#: 07-23-30-9064-06-050
NO. OF NOTICES: 87
Commentaries: None

Staff Recommendation: Staff noted that though the application had been advertised as a variance from the fifty (50) foot NHWE, the actual NHWE was thirty-five (35) feet, due to the lack of depth of the subject property. In addition, unlike a true lakefront lot, a lot on a canal actually was closer to the neighbor to the rear, the area was more secluded, and a fence six (6) feet in height in lieu of four (4) feet would be far less apparent and conspicuous. Staff noted that the neighbor sharing the property line was in complete agreement with the request. Staff had a phone conversation with one other neighbor, who was not calling to object, but rather to find out how to apply for the same variance. Based on these findings, 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): Bryan Stewart, Applicant, waived the right to speak and agreed with the staff recommendation.

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

BZA Discussion: The BZA concluded that the secluded nature of a canal was a special circumstance differentiating this case from a lot directly on a lake. For this reason, the Board concurred with the staff recommendation as amended by staff.

BZA Action: A motion was made by Jose A. Rivas, Jr., 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 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 applicant shall apply for permits for the fence within sixty (60) days of final action on this application by the County or the application shall be deemed null and void.

AYE (voice vote): All members present

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

REQUEST: **Variance** in the C-2 zoning district with a Tourist Commercial Overlay to

allow a total of 280 sq. ft. of sign area in lieu of 100 sq. ft.
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: 250

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

Staff Recommendation: Staff gave a presentation on the case covering the location, history, and photographs. Staff further recommended denial of the request based on the amount of deviation; however, stated if the BZA approved the request, then conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Michael Pritchett, Applicant's representative
Steve Marconi (Orange County Code Enforcement Officer)

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

The applicant noted that they had removed two (2) of the three (3) signs after the previous meeting. They also said that if the case was approved, they would replace the sign with higher quality materials.

BZA Discussion: The BZA recognized that the original proposal was much larger and the most affected neighbor was in favor and actually benefited from the sign. The BZA felt the applicant went to great lengths to comply with the BZA concerns and that 280 sq. ft., was a significant reduction from 701 sq. ft. Therefore, the BZA approved the request subject to the conditions as recommended by staff.

BZA Action: A motion was made by Eugene Roberson, 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 March 4, 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. This approval shall be limited to a 280 sq. ft. wall sign. No additional signage or outdoor graphics shall be permitted on the building without authorization of the BZA.
5. The applicant shall obtain a permit for the signage within ninety (90) days of final County action or this approval becomes null and void.
6. Any violations of these conditions shall be subject to action by the Code Enforcement Board, not the BZA.

AYE (voice vote): All members present

REQUEST: **Special Exception and Variances** in the I-2/I-3 zoning district to construct a 115 ft. high communications cell tower as follows:
1) Tower to be camouflaged as a pine tree (monopine tower).
2) Tower to be a single user tower (T-Mobile) at initial construction.
3) To allow a side setback of 8 ft. in lieu of 15 ft.
4) To allow installation of a cell tower without landscaping as required per Section 38-1427(d)(11).
If the BZA determines the proposed tower is not camouflaged then the following variances are required:
5) Variance to allow communications tower 404 ft. from single family to the northeast in lieu of 575 ft.
6) Variance to allow communications tower 508 ft. from single family to the west in lieu of 575 ft. (Note: The tower will accommodate up to 3 users).

ADDRESS: 11971 South Orange Blossom Trail, Orlando FL 32837
LOCATION: East of S. Orange Blossom Trail; north of Pepper Mill Blvd.
TRACT SIZE: 201 ft. x 592 ft.
DISTRICT#: 4
LEGAL: IRLO O BRONSONS SUB Q/156 THE S 201.9 FT LOT 16 BLK B (LESS PT TAKEN ON W FOR R/W PER 6723/4258)
PARCEL ID#: 10-24-29-0924-02-161
NO. OF NOTICES: 747

Commentaries: One (1) in favor and five (5) in opposition

Staff Recommendation: Staff presented the case, showed site photographs, simulation photographs of the tower, proposed location of the tower, and explained the variances needed. Staff noted that if the tower was deemed not to be camouflaged, Variance requests #5 and #6 would be needed, as there are five (5) houses located within the 575-foot radius. Staff recommended approval of the tower as it was proposed to be located in an industrial area and would be blocked from view by the existing structures.

The following person(s) addressed the Board:

Speaker(s): Deborah L. Martohue, (Applicant's representative)

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

The applicant stated they looked at many sites in this area to provide cell coverage and found this site to be the best option. They also stated that they were open to either the monopine or the monopole option.

BZA Discussion: The BZA discussed the unipole option with the applicant and discovered that a unipole would require a wider/taller tower to accommodate the equipment inside the pole. They also discussed that with multiple carriers, the unipole would require multiple antennas. The BZA felt that the additional antennas would stand out more and the monopine design would aid in disguising those antennas. Further discussion ensued among the BZA regarding which type of tower would fit in better and blend in with the existing development. The Board agreed that the monopine was the best option as it would disguise the antennas better. Finally, the BZA determined the tower to be camouflaged and agreed with the staff recommendation to include the amended condition #4.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and further, to **APPROVE** the Variance requests #1 through #4, and deemed Variance requests #5 and #6 as **UNNECESSARY**, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

4. The proposed tower shall be maintained at all times, including any synthetic branches as they fade and may need to be replaced. Failure to do so will result in code enforcement action.

5. Lighting on the proposed tower is prohibited unless mandated by the State of Florida or federal regulations.

6. The proposed tower shall be constructed within eighteen (18) months of Board of County Commissioners approval or this approval becomes null and void.

7. Height limit is 115 feet; no additional tower height is permitted.

8. The applicant shall install metal inserts on the existing six (6) foot high chain link fence on the western property line facing the pond.

9. The applicant shall install shrubs on the western property line to fill in the gaps of the existing vegetation and understory trees on the recommended stock list at twenty-five (25) feet on center. At the northwest corner of the property the applicant shall install three (3) magnolia or pine trees.

AYE (voice vote): All members present

ADJOURN:

There being no further business, the meeting was adjourned at 1:57 p.m.

ATTEST:

Gregory A. Jackson
Chairman

Debra Phelps
Recording Secretary