

**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 **August 2, 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

ALEX PINTO - VA-18-08-094

9:00 AM

REQUEST: Variances in the R-1AA zoning district to allow an addition to an existing home as follows: 1) To allow a side setback of 4 ft. in lieu of 7.5 ft. 2) To allow a rear setback of 15 ft. in lieu of 35 ft.

ADDRESS: 8954 Birkdale Ct, Orlando FL 32819

LOCATION: South of Royal Birkdale Lane, west of S. Apopka Vineland Rd.

S-T-R: 27-23-28-NW-B

TRACT SIZE: 45 ft. x 160 ft. (AVG)

DISTRICT#: 1

LEGAL: BAY HILL SECTION 9 6/43 LOT 324

PARCEL ID: 22-23-28-0542-03-240

TIMOTHY PEPKE - VA-18-08-097

9:00 AM

REQUEST: Variances in the R-CE zoning District as follows: 1) Variance to allow a cumulative total of 2,455 sq. ft. of accessory floor area in lieu of 2,000 sq. ft. 2) Variance to allow an accessory structure to be located in front of the Principal Structure. 3) Variance to allow an accessory structure with a height of 22 ft. in lieu of 20 ft.

ADDRESS: 21638 Sled Rd, Christmas FL 32709

LOCATION: Southerly side of Sled Rd,, south of Yule Ct.

S-T-R: 18-22-33-NE-A

TRACT SIZE: 270 ft. x 403 ft.

DISTRICT#: 5

LEGAL: CHRISTMAS ESTATES UNIT 2 SEC E 14/49 LOT 12 BLK 4

PARCEL ID: 18-22-33-1322-04-120

KEVIN SHELTON - VA-18-08-101

9:00 AM

REQUEST: Variance in the R-1 zoning district to allow 596 sq. ft. of accessory structure floor area in lieu of 500 sq. ft.

ADDRESS: 4326 S Chickasaw Trl, Orlando FL 32829

LOCATION: West of S. Chickasaw Trail, South of Curry Ford Rd

S-T-R: 13-23-30-NW-B

TRACT SIZE: 356 ft. 382 ft. (AVG)

DISTRICT#: 3

LEGAL: COMM AT THE NE COR OF THE NW 1/4 SEC 13-23-30 TH S00-47-49E 1325.75 FT TO THE POB TH S00-47-49E 393.35 FT TH S89-12-11W 278.26 FT TH N57-01-29W 77.1 FT TH N21-46-29W 154.5 FT TH N01-56-29W 114.61 FT TH S89-35-59E 382.81 FT TO A PT ON A NON-TAN CURVE CONCA

PARCEL ID: 13-23-30-0000-00-028

WAYNE MILLER - VA-18-08-102

9:00 AM

REQUEST: Variance in the R-CE zoning district to permit a cumulative total of 2,467 sq. ft. of accessory floor area in lieu of 2,000 sq. ft.

ADDRESS: 5875 Dora Dr, Mount Dora FL 32757

LOCATION: East side of Dora Dr., approximately 250 ft. north of Dudley Ave.

S-T-R: 08-20-27-NW-B

TRACT SIZE: 211 ft. x 587 ft. (AVG)

DISTRICT#: 2

LEGAL: COMM NW COR OF SEC 08-20-27 RUN TH S 88 DEG E 30 FT S 00 DEG E 211.12 FT FOR POB S 88 DEG E 586.55 FT S 00 DEG E 211.12 FT N 88 DEG W 586.78 FT N 00 DEG W 211.12 FT TO POB

PARCEL ID: 08-20-27-0000-00-057

MICHAEL MCCOURT - SE-18-08-103

9:00 AM

REQUEST: Special Exception and Variances in the R-1A zoning District as follows: 1) Special Exception to permit a detached Accessory Dwelling Unit (ADU) over a detached garage. 2) Variance to allow a detached ADU in front of the principal structure in lieu of along side or behind. 3) Variance to allow a detached ADU over a garage with a height of 29 ft. in lieu of 20 ft. 4) Variance to allow a cumulative total of 1,144 sq. ft. of accessory structure floor area in lieu of 732 sq. ft. (25% of living area of principal residence). 5) Variance to allow a structure 22 ft. from the front property line in lieu of 25 ft. Note: The existing septic drainfield is located between the principal residence and the proposed ADU, which precludes meeting the front setback.

ADDRESS: 5521 Embassy St, Orlando FL 32809

LOCATION: South shore of Little Lake Conway, on the east side of the north end of Embassy St., approximately .2 miles north of Hoffner Ave.

S-T-R: 24-23-29-NE-A

TRACT SIZE: 103 ft. x 249 ft. (AVG)

DISTRICT#: 3

LEGAL: J H LIVINGSTONS SUB B/33 THE NLY 108.32 FT OF LOT 11 & LAND TO WATERS OF LAKE SEE 4023/2750

PARCEL ID: 18-23-30-5120-01-120

FOX TV - SE-18-08-104**10:00 AM**

REQUEST: Special Exception and Variances in the A-2 zoning district to construct a 1,414 ft. guyed FM communications tower as follows: 1) Tower to be a single user tower (Fox TV). 2) To allow installation of a tower without landscaping as required per Section 38-1427(d)(11). 3) Variance to allow communications tower 421 ft. from single family to the south in lieu of 1,500 ft. 4) Variance to allow a separation distance of 2,300 ft. between guyed towers in lieu of 5,000 ft. This tower will replace the existing tower on site.

ADDRESS: 4504 N Fort Christmas Rd, Christmas FL 32709

LOCATION: West of N. Fort Christmas Rd., north of Lake Pickett Rd.

S-T-R: 02-22-32-NE-A,02-22-32-SE-D,02-22-32-SW-C

TRACT SIZE: 45.5 acres

DISTRICT#: 5

LEGAL: FROM A POINT ON THE W LINE OF THE SW1/4 OF SEC 02-22-32 RUN S 01 DEG E 120.55 FT FROM THE W1/4 COR OF SAID SEC TH E 1886.68 FT TO POB TH E 1020 FT N 39 DEG E 624.75 FT S 64 DEG E 287.46 FT SELY ALONG CURVE 199.46 FT S 54 DEG E 318.37 FT S 44 DEG W 1093.7

PARCEL ID: 02-22-32-0000-00-006

JORGE NEAEM - VA-18-08-105**10:00 AM**

REQUEST: Variances in the R-2 zoning district as follows: 1) To allow a front setback of 24 ft. in lieu of 25 ft. 2) To allow a side street setback of 6 ft. in lieu of 15 ft.

ADDRESS: 2417 Mayer St, Orlando FL 32806

LOCATION: Northeast corner of Mayer St. and E. Crystal Lake

S-T-R: 01-23-29-SE-D

TRACT SIZE: 50 ft. x 125 ft.

DISTRICT#: 3

LEGAL: MICHIGAN AVENUE PARK M/87 LOT 28 (LESS RD R/W)

PARCEL ID: 01-23-29-5631-00-280

DANIEL SMITH - VA-18-08-106

10:00 AM

REQUEST: Variance in the P-D zoning district to allow 233 sq. ft. of wall sign copy area in lieu of 88 sq. ft.
ADDRESS: 8850 Vineland Ave, Orlando FL 32821
LOCATION: Southeast corner of Vineland Ave. and State Road 535
S-T-R: 27-24-28-NW-B
TRACT SIZE: 261 ft. x 381 ft. (AVG)
DISTRICT#: 1
LEGAL: LITTLE LAKE BRYAN PH 1 REPLAT 35/141 LOT 3 SEE 4945/0961
PARCEL ID: 27-24-28-5105-00-030

CHARLES GOODWIN - VA-18-08-107

10:00 AM

REQUEST: Variances in the R-1AA zoning district as follows: 1) To validate an existing accessory structure with 1,200 sq. ft. of floor area in lieu of 500 sq. ft. 2) To validate an existing structure with 22 ft. of height in lieu of 20 ft.
ADDRESS: 6924 Oswego Dr, Mount Dora FL 32757
LOCATION: South side of Oswego Dr., approximately 175 ft. east of Ola Beach Dr., and .25 miles west of Orange Blossom Trail
S-T-R: 16-20-27-NW-B
TRACT SIZE: 100 ft. x 174 ft. (AVG)
DISTRICT#: 2
LEGAL: SECOND REPLAT OF OLA BEACH S/63 LOT 13 BLK 5
PARCEL ID: 16-20-27-6160-05-130

SORAYA MOREIRA - VA-18-09-109**10:00 AM**

REQUEST: Variance in the A-2 zoning district to allow a mobile home on a lot with 0.53 acres lot in lieu of 2 acres.

ADDRESS: 7678 Gentian St, Orlando FL 32822

LOCATION: South side of Gentian St., west of Narcoossee Rd.

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

TRACT SIZE: 180 ft. x 127 ft.

DISTRICT#: 3

LEGAL: RUTHWOOD ACRES W/72 LOT 1 BLK A

PARCEL ID: 23-23-30-7792-01-010

DARLENE TORRES - VA-18-09-110**11:00 AM**

REQUEST: Variances in the A-2 zoning district as follows: 1) Variance to validate an existing developed substandard parcel with .276 acres of land area in lieu of .5 acres. 2) Variance to validate an existing residence constructed 37 ft. from the rear property line in lieu of 50 ft. 3) Variance to permit construction of a Lanai 37 ft. from the rear property line in lieu of 50 ft. 4) Variance to validate an existing residence constructed 9 ft. from the side property line in lieu of 10 ft. Note: The applicant intends to follow the existing rear building line to extend the lanai across the remainder of the rear of the house. According to the Property Appraiser's information, the home was constructed in 1966.

ADDRESS: 7920 Bates Rd, Orlando FL 32807

LOCATION: South side of Bates Rd., approximately .4 miles east of N. Goldenrod Rd.

S-T-R: 14-22-30-NE-A

TRACT SIZE: 100 ft. x 120 ft.

DISTRICT#: 3

LEGAL: BEG NE COR OF W1/2 OF NE1/4 OF NE1/4 RUN S 150 FT W 100 FT N 150 FT TH E 100 FT TO POB (LESS N 30 FT FOR RD) IN SEC 14-22-30

PARCEL ID: 14-22-30-0000-00-126

REQUEST: Special Exception and Variances in the A-2 zoning district to construct an 80 ft. tall FM monopole tower as follows: 1) Tower to be camouflaged as a pine tree (monopine tower). 2) To allow a tower 115 ft. from vacant unplatted residential land in lieu of 200 ft. 3) Tower to be a single user tower at initial construction. 4) To allow a tower 500 ft. from an existing lattice tower in lieu of 2,500 ft. If the BZA determines the proposed tower is not camouflaged then the following variance is required: 5) To allow a tower 115 ft. from vacant unplatted residential land in lieu of 400 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

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

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

BOARD MEMBERS ABSENT: 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 9:03 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 June 7, 2018, Board of Zoning Adjustment meeting.

A motion was made by Carolyn Karraker, seconded by Wes A. Hodge, and unanimously carried to **APPROVE** the minutes of the June 7, 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.

JOHN SMITH - SE-18-07-071

REQUEST:	Special Exception in the A-1 zoning district to allow a yard trash processing facility.
ADDRESS:	Hermit Smith Road, Apopka FL 32703
LOCATION:	West of Hermit Smith Rd., South of W. Orange Blossom Trail
TRACT SIZE:	648 ft. x 653 ft.
DISTRICT#:	2
LEGAL:	NW1/4 OF SE1/4 OF SW1/4 SEC 01-21-27
PARCEL ID#:	01-21-27-0000-00-061
NO. OF NOTICES:	16

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

Staff Recommendation: Staff outlined the case, went over the site plan, and recommended approval, as the use is compatible with the surrounding area.

The following person(s) addressed the Board:

Speaker(s): John Smith (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 had a discussion regarding the access issue addressed as a concern by the City of Apopka. The applicant stated they had submitted an access easement, which has been recorded with the comptroller, which gave them access to Hermit Smith Road. Therefore, 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 Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions:

1. Development in accordance with the site plan dated April 24, 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 mounds shall have a minimum fifty (50) foot setback from any approved conservation areas.
5. Concrete, asphalt, or rock crushing shall be prohibited.
6. Outdoor burning shall be prohibited.
7. All required permits shall be obtained within two (2) years or this approval is null and void. The applicant may request an extension of this deadline to the Zoning Division prior to the two (2) years.
8. Hours of Operation shall be Monday to Friday, from 7:00 a.m. to 7:00 p.m.
9. Fire suppression and water supply shall be subject to the review and approval of the Fire and Rescue Division of Orange County at the time of permit review.
10. No impacts to any approved Conservation Areas without Orange County approval.
11. Access to the site shall be approved by the City of Apopka, prior to the issuance of a business tax receipt.

12. The existing accessory structure shall be permitted or demolished within 180 days of final approval.

AYE (voice vote): All members present

Absent: Jessica Rivera

DANA SCOTT OF GREEN TREE ASSISTED LIVING, LLC - SE-18-06-062

REQUEST: **Special Exception** and **Variances** in the R-3 zoning district as follows:
1) Special Exception to expand an existing Assisted Living Facility (ALF) from 80 beds to 98 beds. (APPROVAL)
2) Variance to decrease the number of parking spaces from 49 spaces to 27 spaces. (APPROVAL)
3) Variance to provide 0 bicycle parking spaces in lieu of 5 bicycle parking spaces. (DENIED)

ADDRESS: 8207 Forest City Road, Orlando FL 32810

LOCATION: East side of Forest City Road, approximately 525 ft. south of Pembroke Drive

TRACT SIZE: 129 ft. x 615 ft.

DISTRICT#: 2

LEGAL: S 129.50 FT OF S1/2 OF NW1/4 OF NE1/4 OF SE1/4 (LESS THAT PT LYING W OF E R/W LINE OF FORREST CITY RD) & (LESS PT TAKEN FOR RD R/W PER 3806/4018) OF SEC 28-21-29

PARCEL ID#: 28-21-29-0000-00-021

NO. OF NOTICES: 106

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

Staff Recommendation: Staff discussed the history of the property, and explained that the parking was actually being increased. The use has existed for a long enough period that it was actually the center of the neighborhood, which has grown around it. The residents of the facility did not drive either automobiles or bicycles. However, the County did advocate bicycle parking. Further, staff recommended approval of the Special Exception and Variance #1, but did not support Variance #2. Should the BZA find that the Special Exception and one or both variances were warranted; staff recommended the conditions as outlined in the staff report be applied.

The following person(s) addressed the Board:

Speaker(s): The applicant waived the right to speak and agreed with the staff recommendation. Kurt Fasnacht (Orange County Code Enforcement Officer)
No one was present to speak for or against the request at the public hearing.

BZA Discussion: The BZA concluded that the Special Exception was warranted. In addition, the Variance criteria for the parking was met. However, the variance for the parking was not fully justified; thus, the BZA recommended approval of the Special Exception and the Variance request #2, for the parking, while recommending denial of the Variance request #3, for the bicycle parking.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Wes A. Hodge and unanimously carried to **APPROVE** the Special Exception request **#1**, 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 **#2**, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions; and, to **DENY** the Variance request **#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 March 17, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to

determine if the applicant's changes require another BZA public hearing.

- 2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
- 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
- 4. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
- 5. The wall along the south property line shall be four (4) feet in height for the first twenty-five (25) feet east of the front property line, and rise to six (6) feet for the remainder of the site.

AYE (voice vote): All members present

Absent: Jessica Rivera

MICHAEL PROVINI - VA-18-07-072

REQUEST: Variance in the R-1A zoning district to permit a cumulative total of 1,350 sq. ft. of accessory floor area in lieu of 567 sq. ft. (25% of living area).
ADDRESS: 1330 Perkins Road, Orlando FL 32809
LOCATION: South side of Perkins Rd., approximately .2 miles east of S. Orange Ave.
TRACT SIZE: 115 ft. x 290 ft. (AVG)
DISTRICT#: 3
LEGAL: BEG 623 FT W & 30 FT S OF NE COR OF SE1/4 RUN W 138 FT S 5 DEG E 290 FT E 93.63 FT N 3 DEG E 290 FT TO POB IN SEC 25-23-29
PARCEL ID#: 25-23-29-0000-00-047
NO. OF NOTICES: 96

Commentaries: Thirteen (13) in favor and none in opposition

Staff Recommendation: Staff noted that the subject property was over four (4) times the size of the standard R-1A zoned lot. Due to the distance the structure in question was from the road, it appeared in scale with the property. Additionally, the applicant had already dismantled one (1) shed, and would dismantle a second to reduce the amount of variance needed. The shed has been in existence for at least eight (8) years. The cause of the code enforcement action was due to a complaint that the applicant was operating a business from the property, which the Code Enforcement Officer found not to be valid. Lastly, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant waived the right to speak and agreed with the staff recommendation. Code Enforcement waived the right to speak and submitted material to the Board 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 discussed the case and determined that there should be an additional condition prohibiting the structure from being used for non-residential purposes. Staff prepared a new condition limiting the use of the structure to residential storage only. Therefore, the BZA concurred with the staff recommendation as amended.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Eugene Roberson and

carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended:

1. Development in accordance with the site plan dated April 24, 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. The applicant shall obtain a permit for the remaining 1,350 sq. ft. accessory structure within 180 days of final action on this application by Orange County, or this approval becomes null and void.
4. The exterior of the remaining accessory structure shall be treated to resemble the finish and color of the residence.
5. Prior to the final inspection of the remaining accessory structure, the applicant shall obtain an after the fact demolition permit for the 350 sq. ft. shed which has already been demolished, and obtain and complete a second demolition permit for the remaining 250 sq. ft. shed located behind the remaining structure.
6. The remaining accessory structure shall be used for residential storage only, and shall not be used for any commercial activity of any kind.

AYE (voice vote): All other members present

NAY (voice vote): Gregory A. Jackson

Absent: Jessica Rivera

PAUL SCHICK - SE-18-07-073

REQUEST:	Special Exception and Variances in the R-CE zoning district as follows: 1) Special Exception: To construct 2 story detached Accessory Dwelling Unit (ADU) 2) Variance to allow an ADU in the front yard in lieu of the side or rear yards. 3) Variance to allow the max height of an ADU of 29 ft. in lieu of 20 ft. 4) Variance to allow a minimum lot width of 111 ft. in lieu of 130 ft. 5) Variance to allow 2,472 sq. ft. of accessory structure floor area in lieu of 2,000 sq. ft.
ADDRESS:	8844 Darlene Drive, Orlando FL 32836
LOCATION:	South of Darlene Dr., west of S. Apopka Vineland Rd.
TRACT SIZE:	2.17 acres (upland)
DISTRICT#:	1
LEGAL:	10372/8247 & 10412/2153 ERROR IN DESC -- COMM AT NW COR SEC 10-24-28, TH N89-36-00E 556 FT, TH S00-44-00W 33FT TO SOUTH LINE OF R/W PER DB 781/678 AND POB; TH RUN S00-44-00W 537 FT, TH S84-13-17W 326.91 FT, TH S89-43-31W 233.27 FT TO

WEST LINE SEC 10, TH

PARCEL ID#: 10-24-28-0000-00-014

NO. OF NOTICES: 99

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

Staff Recommendation: Staff gave a presentation on the case covering the location, site layout, elevations, floorplan, and photographs.

The following person(s) addressed the Board:

Speaker(s): The 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 acknowledged the unique circumstances due to the shape of the lakefront lot. The BZA asked about the wall across the street and confirmed the location of the neighbor who was opposed to the request. Finally, the Board concurred with the staff recommendation.

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; and, 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 May 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.
4. Construction plans shall be submitted within three 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. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
8. The applicant shall be responsible for payment of all applicable fees and assessments, including, but not limited to, impact fees.

9. The accessory structure shall be used for residential purposes only. No commercial storage or usage is permitted.

AYE (voice vote): All members present

Absent: Jessica Rivera

CARMEN VAZQUEZ - VA-18-07-074

REQUEST: **Variances** in the R-1 zoning district as follows:
1) To allow an above ground swimming pool to 2 ft. from the rear property line in lieu 5 ft. (DENIED BY BZA)
2) To allow an above ground swimming pool 12 ft. from the side street property line in lieu of 15 ft. (DENIED BY BZA)
3) To allow a 6 ft. high fence in the reverse corner triangle in lieu of 4 ft. (APPROVED BY BZA)

ADDRESS: 10102 Jepson Street, Orlando FL 32825
LOCATION: Southeast corner of Jepson St. and Wages Way
TRACT SIZE: 140 ft. x 120 ft. (AVG)
DISTRICT#: 4
LEGAL: PARK MANOR ESTATES UNIT 12A 17/113 LOT 508
PARCEL ID#: 20-22-31-6698-05-080
NO. OF NOTICES: 142

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

Staff Recommendation: Staff gave a presentation on the case covering the location, site layout, and photographs. Staff recommended denial; however, if the BZA approves the requests the conditions as listed in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Carmen Vazquez (Applicant)
Kurt Fasnacht (Orange County Code Enforcement Officer)

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

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

BZA Discussion: The BZA confirmed that the work was done without permits and the fence height. The BZA confirmed that the adjacent affected neighbor supports the fence and denied Variance requests #1 and #2, and, approved Variance request #3.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Carolyn Karraker and unanimously carried to **DENY** the Variance requests **#1 and #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); and, to **APPROVE** the Variance request **#3**, 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 May 2, 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.

- 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.
- The applicant shall obtain permits within ninety (90) days of this meeting or this approval becomes null and void.

AYE (voice vote): All members present
Absent: Jessica Rivera

JOHN BROWN - VA-18-07-075

REQUEST: **Variance** in the I-4 zoning district to allow a side (east) yard setback of 15 ft. in lieu of 25 ft.

ADDRESS: 5850 Jones Avenue, Mount Dora FL 32757

LOCATION: South side of Jones Avenue and north side of W. Ponkan Road, southwest of N. Orange Blossom Trail

TRACT SIZE: 9.79 Acres

DISTRICT#: 2

LEGAL: REV FLEMINGS ADD TO ZELLWOOD A/64 LOTS 1 TO 4 (LESS E 75 FT OF S 100 FT OF LOT 3) & E1/2 OF VAC ST W OF LOT 4 BLK 14 & THE W 1/2 OF VAC ST LYING E OF LOTS 1 2 & 3 (LESS THE S 100 FT) PER 9666/0067

PARCEL ID#: 22-20-27-2736-14-010

NO. OF NOTICES: 64

Commentaries: None

Staff Recommendation: Staff explained the background of the property. It was noted that the initial staff recommendation changed based on new information provided by the applicant's engineer. The County traffic engineer found the required setback would require a large truck to cross over the property line to accomplish a backing maneuver. The traffic engineer concluded that a twenty (20) foot setback "should" accommodate the maneuver. However, when staff factored in the required landscaping, it was recommended that the entire variance be granted.

The following person(s) addressed the Board:

Speaker(s): Applicant was not present at the public hearing.
 No one was present to speak for or against the request at the public hearing.

BZA Discussion: The BZA concluded that since the width of the property was not sufficient to properly accommodate a proper turning maneuver without the variance, the variance was warranted. Based on the foregoing, the BZA concurred with the staff recommendation.

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

- Development in accordance with the site plan dated May 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.
- 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 other members present
Abstained: Eugene Roberson (due to temporarily absent)
Absent: Jessica Rivera

VEGA INTERNATIONAL MINISTRIES, INC. - SE-18-07-078

REQUEST: Special Exception in the R-1A and P-O zoning districts to allow a learning center at an existing church.
ADDRESS: 5235 Hoffner Avenue, Orlando FL 32812
LOCATION: North of Hoffner Ave., west of Kempston Dr.
TRACT SIZE: 458 ft. x 340 ft. (AVG)
DISTRICT#: 3
LEGAL: BEG 33 FT N & 40 FT E OF SW COR OF SE1/4 RUN N 360 FT E 186 FT N 40 FT E 106 FT S 400 FT W 292 FT TO POB IN SEC 16-23-30 ST OF FL NC (LESS COMM FROM NW COR OF NE 1/4 OF SECTION 16 TH RUN S00-04-52E 5268.09 FT TO N R/W LINE SR 15 TH N89-58-18E 40 FT TO POB

PARCEL ID#: 16-23-30-0000-00-047

NO. OF NOTICES: 98

Commentaries: Sixty-six (66) signatures on petition in favor and none in opposition

Staff Recommendation: Staff stated the applicant was proposing a learning center for up to eighty (80) children at the existing church. The proposed use would utilize the buildings and playground on site and no vertical construction was proposed. 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): Pastor Pabb Vega (Applicant's representative)
Jose Marciano (Applicant's representative)
Joe Wheeley (Neighbor opposed)

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

BZA Discussion: The BZA had a discussion regarding the drop-off/pick-up times and how the school would handle this process. The school principal stated the parents would drop off their children with staff and would not park at this location. The BZA agreed the request was straightforward and recommended approval the Special Exception request.

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

1. Development in accordance with the site plan dated June 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. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met.
- 5. This approval is for a maximum of eighty (80) children, any expansion shall require Board of Zoning Adjustment approval.
- 6. 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.
- 7. All driving aisles and required handicapped spaces shall be paved.
- 8. The applicant shall aggregate parcel ID 16-23-30-0000-00-054 with the existing parcel.
- 9. Vehicular ingress/egress shall be prohibited via Petroff Avenue.
- 10. A Type D landscape buffer (to include a six (6) foot vinyl fence and trees) shall be provided along the north and east property lines abutting residential. A seven (7) foot wide landscape strip per Sec. 24-4 (a), shall be installed along the south property line facing Hoffner Avenue.
- 11. The applicant shall obtain permits for the required paved parking spaces for the learning center within ninety (90) days.
- 12. Per the provision of the Conway Road Overlay District, the following shall be placed on the cover page of any site plan submitted for nonresidential permit review in lettering 2 inches in height: "THIS APPLICATION [OR THESE PLANS] RELATE TO THE CONWAY ROAD/HOFFNER AVENUE CORRIDOR OVERLAY DISTRICT, WHICH IS CODIFIED AT SECTION 38-1059 THROUGH SECTION 38-1065 OF THE ORANGE COUNTY CODE."

AYE (voice vote): All other members present

NAY (voice vote): Deborah Moskowitz

Absent: Jessica Rivera

JOHN MORRIS - VA-18-07-079

REQUEST:	Variance in the R-1A zoning district to permit a lanai with permanent roof 20 ft. from the rear (north) property line in lieu of 30 ft.
ADDRESS:	Melville Street, Orlando FL 32833
LOCATION:	North side of Melville St., approximately 350 ft. east of Bancroft Blvd.
TRACT SIZE:	80 ft. x 125 ft.
DISTRICT#:	5
LEGAL:	ROCKET CITY UNIT 4 Z/74 A/K/A CAPE ORLANDO ESTATES UNIT 4 1855/292 LOT 18 BLK 37

PARCEL ID#: 01-23-32-7602-37-180

NO. OF NOTICES: 85

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

Staff Recommendation: Staff gave a presentation on the case covering the location, site plan, lot layout and photographs; and, outlined other options that would not require variances. Further, staff recommended denial of this request, however if the BZA approves the request, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): John Morris (Applicant)

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

BZA Discussion: The BZA acknowledged that there was no opposition from the HOA. The BZA confirmed that such variances had been approved in the area and set a precedent, and that the proposal would be consistent with the area. As such, the Board recommended approval along with the conditions in the staff report.

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

1. Development in accordance with the site plan dated May 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.

AYE (voice vote): All members present

Absent: Jessica Rivera

JOHN MORRIS - VA-18-07-080

REQUEST: **Variance** in the R-1A zoning district to permit a lanai with permanent roof 20 ft. from the rear (east) property line in lieu of 30 ft.

ADDRESS: Bancroft Blvd, Orlando FL 32833

LOCATION: East side of Bancroft Blvd., south of Maxim Pkwy., West of State Road 520.

TRACT SIZE: 80 ft. x 125 ft.

DISTRICT#: 5

LEGAL: ROCKET CITY UNIT 1A Z/71 A/K/A CAPE ORLANDO ESTATES UNIT 1A 1855/292 LOT 6 BLK 65 IN SEC 12-23-32-NW1/4

PARCEL ID#: 01-23-32-7598-65-060

NO. OF NOTICES: 78

Commentaries: None

Staff Recommendation: Staff gave a presentation similar to the previous case covering the

location, site plan, lot layout and photographs; and, outlined other options that would not require variances. Staff recommended denial of this request; however, if the BZA approves the request the conditions at outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): John Morris (Applicant), waived the right to speak and disagreed with the staff recommendation.

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

BZA Discussion: Similar to the previous case, the applicant had stated that they preferred not to use a screen roof, and stated that 1,600 sq. ft. of rear yard would be adequate. The applicant also stated that the proposal would create a smaller building footprint and allow a greater side setback to accommodate boat and R.V. parking. The applicant also wanted the BZA to know that they had HOA approval for the request. Similar to the previous case, the BZA acknowledged that there was no opposition from the HOA. The BZA confirmed that such variances had been approved in the area and set a precedent, and that the proposal would be consistent with the area. Therefore, the BZA recommended approval to include the conditions in the staff report.

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

1. Development in accordance with the site plan dated May 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.

AYE (voice vote): All members present

Absent: Jessica Rivera

ARUNAS JASAITIS - VA-18-07-083

REQUEST:	Variance in the R-1A zoning district to allow a rear setback of 25 ft. in lieu of 30 ft.
ADDRESS:	715 High Street, Orlando FL 32803
LOCATION:	South of High St., east of Wingo St.
TRACT SIZE:	50 ft. x 135 ft.
DISTRICT#:	5
LEGAL:	LAKE BARTON SHORES O/17 LOT 4 BLK 7
PARCEL ID#:	21-22-30-4316-07-040
NO. OF NOTICES:	119

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

Staff Recommendation: Staff noted that the work which the applicant had completed was done so after obtaining permits, including the plumbing, which was fully inspected and approved. The

applicant was requesting approval to complete the work, which was initially competed through the approved appropriate permits. 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): Arunas Jasaitis (Applicant)

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

BZA Discussion: The BZA concluded that the applicant had followed all required steps in the process, and that the variance was necessary to complete that which had been properly started. Based on the foregoing, 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 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 May 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 of the addition shall match the exterior of the existing residence with respect to materials and color.

AYE (voice vote): All members present

Abstained: Gregory A. Jackson (due to temporary absence)

Absent: Jessica Rivera

JUSTIN PETERSON - SE-18-07-084

REQUEST: **Special Exception** to allow an ADU (**APPROVED** by BZA); and, **Variances** in the R-1A zoning district as follows:

- 1) To validate an existing two-story accessory dwelling unit (ADU) located in front of the principal structure. (**UNNECESSARY** by BZA)
- 2) To allow an existing accessory structure (carport) 18 ft. in height in lieu of 15 ft. (**DENIED** by BZA)
- 3) To allow a cumulative total of 768 sq. ft. of accessory structure floor area in lieu of 500 sq. ft. (**APPROVED** by BZA)
- 4) To allow a detached carport 1 ft. from the side (east) property line in lieu of 5 ft. (**AMENDED TO ALLOW 2.5 FT. IN LIEU OF 5 FT.-APPROVED** by BZA)
- 5) To allow a front setback of 21 ft. in lieu of 25 ft. (**APPROVED** by BZA)

ADDRESS: 5325 Brosche Road, Orlando FL 32807

LOCATION: North of Brosche Rd., west of N. Semoran Blvd.

TRACT SIZE: 88 ft. x 225 ft. (upland)

DISTRICT#: 3
LEGAL: BROSCHE SUB S/86 LOT 7 BLK A
PARCEL ID#: 28-22-30-0956-01-070
NO. OF NOTICES: 77

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

Staff Recommendation: Staff shared photographs of the site, site plan, and gave a background on the case. Staff explained that Variance #1, was no longer required as the ADU was attached to the house via a breezeway. Further, staff recommended approval of the Special Exception and Variance #5, subject to the conditions as outlined in the staff report; however, staff recommended denial of Variances #2 through #4, for the accessory structure.

The following person(s) addressed the Board:

Speaker(s): Justin Peterson (Applicant)

Gemma Peterson (wife on behalf of the Applicant)

Dick Wilson (neighbor opposed)

Rowena Wilson (neighbor opposed)

Greg Wilson (neighbor opposed)

Kurt Fasnacht (Orange County Code Enforcement Officer)

Three (3) neighbors spoke in opposition of the request. They stated the structure blocked their view of the lake, was too tall, and objected to the size of the structure.

The Code Enforcement officer stated a code enforcement notice was issued for the detached garage and were awaiting the decision of the BZA to see how to proceed with the case.

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

No one spoke in favor of the application.

BZA Discussion: The applicant stated to the Board that the ADU was in place when they purchased the property. Further, regarding the detached garage, the applicant stated they would be open to moving the garage but that would block the view of the lake. Additionally, there was a discussion regarding reducing the overall size, removing the sides of structure, and/or lowering the height of the detached garage.

The BZA had a lengthy discussion regarding the options before the Board. They discussed that moving the garage behind the house would block everyone's view of the lake. The Board ultimately decided the following: Variance #1, was deemed as unnecessary by staff. The BZA denied Variance #2, and instructed the applicant to lower the structure to meet the fifteen (15) feet requirement. The Board approved Variance #3 and #5, as they were minimal. Lastly, the BZA amended Variance #4, to allow the garage to remain 2.5 feet from the side property line in lieu of 5 feet.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Wes A. Hodge and carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, deemed the Variance request #1, as **UNNECESSARY**, 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); and, to **APPROVE** the Variance requests #3, #4 and #5, 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 22, 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 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.
- 5. The applicant shall obtain a permit for the accessory structure within ninety (90) days of final approval or this approval becomes null and void.
- 6. The exterior of the accessory structure shall match the exterior of the existing house.

AYE (voice vote): Gregory A. Jackson, Wes A. Hodge, Carolyn Karraker, Jose A. Rivas, Jr.
NAY (voice vote): Deborah Moskowitz and Eugene Roberson
Absent: Jessica Rivera

FREDRICK GARRICK - SE-18-07-085

REQUEST: **Special Exception and Variance** in the R-1A zoning district as follows:
1) Special Exception to allow a Religious Institution.
2) Variance to allow grassed parking spaces in lieu of paved parking spaces.
Note: The subject property received approval as a religious institution in March 2013, however the approval expired due to inactivity.

ADDRESS: 4116 N. Pine Hills Road, Orlando FL 32808

LOCATION: West side of N. Pine Hills Road, approximately 750 ft. south of North Lane

TRACT SIZE: 76 ft. x 180 ft.

DISTRICT#: 2

LEGAL: BEG 790 FT S OF NE COR OF NW1/4 RUN S 76.66 FT W 230 FT N 76.66 FT E 230 FT TO POB (LESS E 50 FT FOR RD) IN SEC 07-22-29

PARCEL ID#: 07-22-29-0000-00-011

NO. OF NOTICES: 88

Commentaries: None

Staff Recommendation: Staff explained the history of the subject property, and noted that while the last application to use the property was approved, and the congregation did use the property, they never filed for any permits, and the approval lapsed. This explained why there was a sign at the site, but no improvements. Staff noted that the need for paved parking for all but the handicap space was typical for smaller religious institutions such as this. The paved drive aisle would look like a residential driveway. There would be no intrusion into the adjacent neighborhoods. Staff noted that it had not received any written correspondence; however, they had been in contact with the Pine Hills Neighborhood Improvement District. The District did not oppose the plans. Finally, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): The 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 Board concluded that this use was a compatible use with the area, and that the variance request was warranted.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Carolyn Karraker and

unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, 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 May 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. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
5. Development 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. Due to the small size of the subject property, and its proximity to residential, outdoor special events shall be prohibited.
7. All non-handicap spaces may be grassed. However, the drive aisle and the handicap space must be paved. In addition, each parking space shall be equipped with a tire stop firmly affixed to the ground. Railroad ties, each held in place by two lengths of re-bar, will satisfy this condition.
8. If lighting is proposed, the project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards".
9. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.
10. The sign currently located on the property shall be removed prior to issuance of building permits for the interior renovations or site work on the drive aisle. The applicant shall submit an application for properly located signage prior to issuance of a use permit.

AYE (voice vote): All members present

Absent: Jessica Rivera and Wes A. Hodge (due to temporary absence)

REQUEST: **Variances** in the II-1/I-5 zoning district to validate 3 existing structures and to construct 1 new structure as follows:
1) Building 1 (existing): Side (west) buffer yard adjacent to a single family lot of 37 ft. in lieu of 50 ft.
2) Building 2(existing): a) Side (west) setback of 18 ft. in lieu of 25 ft. b) Side (west) buffer yard adjacent to a single family lot of 18 ft. in lieu of 50 ft.
3) Building 3 (existing): a) Side (west) setback of 23 ft. in lieu of 25 ft. b) Side (west) buffer yard adjacent to a single family lot of 23 ft. in lieu of 50 ft.
4) Building 4 (proposed): a) Side (west) setback of 15 ft. in lieu of 25 ft.; b) Side (west) buffer yard adjacent to a single family lot of 15 ft. in lieu of 50 ft.; c) Side (east) setback of 14 ft. in lieu of 25 ft.; d) Rear (south) setback of 14 ft. in lieu of 25 ft.

ADDRESS: 11775 Airport Park Drive, Orlando FL 32824

LOCATION: East side of Airport Park Dr., approximately 899 ft. west of Boggy Creek Road

TRACT SIZE: 1+ Acres

DISTRICT#: 4

LEGAL: FROM NW COR OF SW1/4 OF SE1/4 RUN S 266.2 FT TH E 30.04 FT FOR POB RUN S 63 DEG E 167.70 FT S 75 FT E 70 FT N 138.33 FT N 22 DEG W 244.83 FT SWLY ALONG CURVE 253.31 FT TO POB

PARCEL ID#: 17-24-30-0000-00-022

NO. OF NOTICES: 32

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

Staff Recommendation: Staff explained the history of the property from its initial rezoning to present, including the fact that they had actually dismantled one of the buildings to correct a code violation, and they were storing the building on site hoping to obtain the needed variances to reassemble it. The applicant purchased the property ‘as is’ and actually inherited the violations. They wish to correct them and restore the site to the way it was when they purchased it. Staff also noted that the only resident, who abuts the subject property, had submitted a letter of support for the request. 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): The 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 due to the odd shape of the lot, a portion of it was completely unusable without variances. In addition, since the abutting property would ultimately be rezoned to I-1/I-5, not granting the variances would penalize the applicant. Based on the foregoing, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Variance 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 May 15, 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 all unpermitted structures within 180 days of final action by Orange County on this application or this approval becomes null and void.
- 5. Development 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. Provide a non-vegetative opaque barrier a minimum of six (6) feet in height along the common property line with residential property at 11823 Airport Park Drive, bearing Parcel ID # 17-24-30-0000-00-017.

AYE (voice vote): All members present
Absent: Jessica Rivera

BILLY WALTERS - VA-18-07-087

REQUEST: **Variances** in the R-1A zoning district (to construct a carport) as follows:
1) To allow a front street (east) setback of 20 ft. in lieu of 25 ft.
2) To allow a side (north) setback of 6.5 ft. in lieu of 7.5 ft.

ADDRESS: 140 Randia Drive, Orlando FL 32807

LOCATION: West side of Randia Dr., north of Dahlia Dr., east of N. Semoran Blvd.

TRACT SIZE: 78 ft. x 118 ft.

DISTRICT#: 3

LEGAL: AZALEA PARK SECTION EIGHT T/118 LOT 10 BLK D

PARCEL ID#: 27-22-30-0392-04-100

NO. OF NOTICES: 73

Commentaries: None

Staff Recommendation: Staff gave a presentation on the case covering the location, site plan, lot layout and photographs. 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 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 was familiar with the area and felt the request was straightforward. Thus, the Board concurred with the staff recommendation.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance 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 May 15, 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 carport shall match the exterior color of the existing house.

AYE (voice vote): All members present

Absent: Jessica Rivera

RECESSED AT 12:38 P.M. AND RECONVENED AT 1:16 P.M.

HOWARD AXNER - VA-18-07-089

REQUEST: **Variance** in the R-2 zoning district to permit construction of a new home with a rear setback of 21 ft. in lieu of 25 ft.

ADDRESS: 2103 Raehn Street, Orlando FL 32806

LOCATION: Northeast corner of Cloverlawn Ave. and Raehn St., approximately 525 ft. north of Curry Ford Rd.

TRACT SIZE: 50 ft. x 146 ft.

DISTRICT#: 3

LEGAL: CONWAY TERRACE G/119 LOT 8 BLK B

PARCEL ID#: 31-22-30-1700-02-080

NO. OF NOTICES: 150

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

Staff Recommendation: Staff described the character of the neighborhood, including the fact that several lots on the block where the subject property was located have two (2) houses on the site, including the one to the east. Further, it was noted that the lot immediately to the east not only had two (2) houses, but the oldest of the two was only feet from the rear property line. 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 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 proposed variance would result in desirable infill, which was supported by the Comprehensive Plan. Based on the foregoing, the BZA concurred with the staff recommendation.

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

1. Development in accordance with the site plan dated May 15, 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: Jessica Rivera

IGLESIA HISPANA EL CAMINO LA VERDAD Y LA VIDA, INC. - SE-18-07-090

REQUEST: **Special Exception** in the A-1 zoning district to allow a private school (with 55 students) in an existing building on an existing Church property.

ADDRESS: 6837 Lakeville Road, Apopka FL 32703

LOCATION: Between N. Hiawassee Rd. and Lakeville Rd, south of the Apopka Expressway

TRACT SIZE: 9.022-acres

DISTRICT#: 2

LEGAL: LAKEVILLE B/57 LOTS 111 THROUGH 125 & UNNUMBERED PT W OF LOT 125 (LESS PT TAKEN FOR RD R/W PER 4518/4455) INCLUDING VAC ST LYING BETWEEN LOTS 118 & 119 & BETWEEN LOTS 114 & 115 VAC ON O.R. 3479/2354 & (LESS R/W TAKEN PER OR 6250/5391) ALL IN BLK A

PARCEL ID#: 25-21-28-4936-11-110

NO. OF NOTICES: 76

This case was been continued by the request of the applicant prior to the BZA hearing to the August 2, 2018 BZA meeting, due to the new submission of a revised site plan.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Carolyn Karraker and unanimously carried to **CONTINUE** to the August 2, 2018, BZA Meeting.

AYE (voice vote): All members present

Absent: Jessica Rivera

KERRI DRAKE FOR PREMIER EXHIBITIONS - VA-18-07-091

REQUEST: **Variance** in the C-2 zoning district with a Tourist Commercial Overlay to allow a cumulative total of 1,265.65 sq. ft. of façade signage in lieu of 108 sq. ft.
Note: Current approved façade sign totals 138.65 sq. ft. which exceeds approved (B17018912) sign dimensions of 98.7 sq. ft.(39.95 sq. ft. over approved dimensions).

ADDRESS: 7308 International Drive, Orlando FL 32819

LOCATION: West side of International Drive, approximately 125 ft. south of Carrier Drive

TRACT SIZE: 194 ft. x 489 Ft.

DISTRICT#: 6

LEGAL: INTERNATIONAL CENTER 31/123 LOT 1

PARCEL ID#: 25-23-28-3858-00-010

NO. OF NOTICES: 197

Commentaries: None

Staff Recommendation: Staff gave a presentation on the case covering the location, elevations, and photographs. Lastly, staff recommended approval of 138 sq. ft. of wall signage and denial of the requested window signage. However, if the BZA approved the window signage request, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

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

Michael Mullen (Applicant's representative)

Jose Sanchovi (citizen in favor)

Code Enforcement confirmed that the window signage was there prior to the code change in 2015; and, submitted material to the Board 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 stated that the County had already lost a business due to signage; the code kept changing; and, the applicant should be grandfathered-in. Further, the BZA stated Souvenir shops on International Drive have merchandise in the windows, which looked worse. The Board also confirmed that the window signage helped to regulate the heat and light, and that losing the window signage would have a negative impact on the business. Lastly, the BZA added a 7th condition, stating, "This variance shall become null and void when the current tenant terminates their lease."

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

1. Development in accordance with the site plan and elevations/sign specs. dated May 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. This approval shall be limited to a cumulative total of 1,238.65 sq. ft. of façade signage. 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.
7. This variance shall become null and void when the current tenant terminates their lease.

AYE (voice vote): All members present

Absent: Jessica Rivera

ANA MARIA CALLEJAS - VA-18-07-092

REQUEST: **Variance** in the R-1 zoning district to allow a cumulative total of 1,060 sq. ft. of accessory structure floor area in lieu of 500 sq. ft.

ADDRESS: 506 2nd Street, Ocoee FL 34761

LOCATION: Northwest corner of Nye Avenue and 2nd Street, approximately 125 ft. east of Whittier Avenue

TRACT SIZE: .58 Acres

DISTRICT#: 2

LEGAL: HILLCREST HEIGHTS M/98 LOTS 1 2 & 3 & E 55 FT OF LOTS 22 & 23 BLK B

PARCEL ID#: 17-22-28-3624-02-010

NO. OF NOTICES: 93

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

Staff Recommendation: Staff noted that while the applicant's property was over five (5) times the size of a typical R-1 zoned lot, the request was very large at 112%. While a variance was warranted, it should be for a lesser square footage. Staff was recommending approval of the request, however, not for the amount of variance being requested, which was considered excessive. Regardless of what the BZA ultimately chose to do, if the decision is for approval, staff recommended that the conditions as listed in the staff report be included.

The following person(s) addressed the Board:

Speaker(s): Ana Maria Callejas (Applicant)
Luis Callejas (husband of the applicant)

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

BZA Discussion: The BZA discussed the merits of the case, noting that the property was very large, and if there were no walls, the accessory structure would not be as obtrusive. The BZA requested that staff draft a condition which would preclude the structure from being enclosed. The additional condition was offered and accepted. As a result, the BZA recommended approval of the request subject to the conditions as outlined in the staff report.

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

1. Development in accordance with the site plan dated May 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. The exterior of the accessory structure shall be finished to match the finish of the residence, including stucco and paint color.
4. The 900 sq. ft. accessory structure shall not be enclosed, but remain open sided unless this condition is amended by the BZA.

AYE (voice vote): All members present

Absent: Jessica Rivera

JASON BERTONE - VA-18-08-099

REQUEST: **Variance** in the P-D zoning district to allow the construction of a new single family residence on a lot with a minimum width of 73 ft. in lieu on 90 ft.

ADDRESS: 5849 Emerington Crescent, Orlando FL 32819

LOCATION: West of S. Apopka Vineland Rd., south of Emerington Crescent

TRACT SIZE: 45 ft. x 380 ft. (AVG)

DISTRICT#: 1

LEGAL: EMERSON POINTE 58/93 PT OF LOTS 23 & 24 DESC AS COMM MOST NELY COR OF LOT 23 POINT BEING ON SWLY R/W LINE OF EMERINGTON CRESCENT TH S36-33-13E 64.09 FT TO POINT OF CURVATURE OF A CURVE CENT ANG 18-45-15 RAD 75 FT TH SELY ALONG ARC 24.55 FT TO POB CONT NEL

PARCEL ID#: 21-23-28-2463-00-240

NO. OF NOTICES: 118

Commentaries: None

Staff Recommendation: Staff presented the site plan, floor plan, and elevations. Staff stated the variance was the minimal possible variance, only the garage encroached on the ninety (90) feet line, and the house would be located over eighty (80) feet back from the front property line. Therefore, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): The 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 felt the request was reasonable and concurred with the staff recommendation.

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

1. Development in accordance with the site plan dated June 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

Absent: Jessica Rivera

CHARLES WHITTALL - VA-18-05-041

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 Drive, Orlando FL 32819

LOCATION: Southeast corner of International Dr. and W. Sand Lake Rd.

TRACT SIZE: 1.48 Acres

DISTRICT#: 6

LEGAL: I SHOPS 89/101 LOT 8

PARCEL ID#: 36-23-28-3865-08-000

NO. OF NOTICES: 1964

This case was continued upon the request of the applicant prior to the BZA hearing, for up to a ninety (90) day period.

BZA Action: A motion was made by Eugene Roberson, seconded by Deborah Moskowitz and unanimously carried to **CONTINUE** up to ninety (90) days from the date of this BZA Meeting.

AYE (voice vote): All members present

Absent: Jessica Rivera

PLAZA LIQUORS - VA-18-05-045

REQUEST: **Variance** in the C-2 zoning district to allow a 3PS license 3,696 ft from another location.

ADDRESS: 8739 International Drive, Orlando FL 32819

LOCATION: East of International Dr., south of Austrian Row

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

NO. OF NOTICES: 890

This case was continued upon the request of the applicant prior to the BZA hearing, for up to a ninety (90) day period.

BZA Action: A motion was made by Eugene Roberson, seconded by Wes A. Hodge and unanimously carried to **CONTINUE** to up to ninety (90) days from the date of this BZA Meeting.

AYE (voice vote): All members present

Absent: Jessica Rivera

CLEAN SLATE OF FLORIDA - SE-18-07-082

REQUEST: **Special Exception** in the P-O zoning district to allow a Specialty Outpatient Center (Drug and Alcohol Rehab Counseling).
Note: This location will only provide counseling and no other services.

ADDRESS: 2000 N. Alafaya Trail, Orlando FL 32826

LOCATION: West side of Alafaya Trail at its intersection with Challenger Parkway

TRACT SIZE: 16 Acres

DISTRICT#: 5

LEGAL: MORNINGSIDE O/82 BLK C (LESS BEG SW COR LOT 3 BLK C TH RUN N 31 DEG E 222 FT S 59 DEG E 167.09 FT S 44 DEG W TO SE

COR LOT 3 TH N 56 DEG W TO POB) & BLK D & VAC R/W LYING BETWEEN BLKS C & D & W 322.15 FT OF N 99.07 FT OF LOT 3 BLK B & THAT PT OF VAC R/W L

PARCEL ID#: 15-22-31-5748-03-010

NO. OF NOTICES: 428

Commentaries: Four (4) in favor and nine (9) in opposition

Staff Recommendation: Staff stated that a Community Meeting was held on June 12, 2018, regarding the case. The residents expressed concerns over safety, customers loitering outside, and potential traffic issues. 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): Michael Fess (Property Owner)

Michael Petersen (Applicant's Representative)

Malessa Barbosa (Applicant's Representative)

Sonia Rodriguez (Neighbor opposed)

Jose Samuel (Neighbor with a concern)

The property owner stated that they vetted this tenant and believed this use would not be a nuisance to the area.

The applicant stated their operation was by appointment only and operates like any medical office. The BZA and the applicant had a discussion regarding the details of the services provided and logistics of the office.

One (1) neighbor spoke in opposition of the request stating concerns with safety and how this could affect their community. Another citizen spoke regarding the application and stated they were neutral.

BZA Discussion: The applicant requested to the Board amending Condition #8, to allow the operation to be open until 8:00 p.m., on two (2) weeknights instead of only one (1) weeknight. The Board decided to leave that decision up to the Zoning Manager. The Board also amended Condition #9, requiring the applicant to get permits within ninety (90) days. Finally, the BZA agreed the use operated like a medical office; therefore, it would be compatible with the area and approved the request as amended.

BZA Action: A motion was made by Wes A. Hodge, 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 May 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. Pedestrian and vehicular access to Crescent Blvd. shall be prohibited.
5. There shall be no medication provided on site.

6. This approval is for this applicant only, and any other such operation shall require approval by the BZA.
7. There shall be no outdoor special events.
8. Hours of Operation shall be limited to Monday through Friday, from 9:00 a.m. to 5:00 p.m. Except that one (1) weekday, the operation may stay open until 8:00 p.m. The tenant may be allowed to operate until 8:00 p.m., one (1) additional weekday at the discretion of the Zoning Manager.
9. The applicant shall obtain their Business Tax Receipt and Use Permit within ninety (90) days of final approval or this approval is null and void.

AYE (voice vote): All members present

Absent: Jessica Rivera and Eugene Roberson

ADJOURN:

There being no further business, the meeting was adjourned at 3:07 p.m.

ATTEST:

Gregory A. Jackson
Chairman

Debra Phelps
Recording Secretary