

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF AUGUST 2, 2018**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **August 2, 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
Deborah Moskowitz – District #4
Eugene Roberson – District #6
Jessica Rivera – At Large

BOARD MEMBERS ABSENT: Jose A Rivas, Jr. – District #3
Wes A. Hodge – District #5

STAFF PRESENT: Sean Bailey, Chief Planner, Zoning Division
Nicholas Balevich, Development Coordinator, Zoning Division
David Nearing, AICP, Development Coordinator, Zoning Division
Debra Phelps, Recording Secretary, FOS Division
Alan Robinson, Development Specialist, FOS Division

The Chairman called the meeting to order at 9:07 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 July 5, 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 July 5, 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.

ALEX PINTO - VA-18-08-094

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.
(THE BZA APPROVED a 4 ft., 2 in. side setback in lieu of 7.5 ft.)
2) To allow a rear setback of 15 ft. in lieu of 35 ft.
(THE BZA APPROVED a 23 ft., 10 in. rear setback in lieu of 35 ft.)

ADDRESS: 8954 Birkdale Court, Orlando FL 32819

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

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
NO. OF NOTICES: 87
Commentaries: None in favor and nine (9) in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location, site plan, and photographs. Further, staff recommended denial of this request as the proposal was not the minimum possible variance since the addition could be accomplished without any variances; and, noted that the requests constituted a 47% deviation to the side setback, and a 57% deviation to the rear setback. Nonetheless, staff stated if the BZA approved the request, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Alex Pinto (Applicant)

Valerie Tucker (Neighbor in favor)

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 spoke in opposition of this request at the public hearing.

BZA Discussion: The BZA asked why the addition could not be built on the right side and confirmed that the neighbor to the left was not against the proposal. Lastly, the BZA concurred with the staff recommendation as modified to the variance requests subject to the revised plan dated August 2, 2018, with a 4 foot, 2 inch side setback in lieu of 7.5 feet, and a 23 foot, 10 inch rear setback in lieu of 35 feet.

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

1. Development in accordance with the site plan dated August 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.
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 color and design of the existing house.

AYE (voice vote): All members present

Absent: Gregory A. Jackson, Jose A Rivas, Jr., Wes A. Hodge

TIMOTHY PEPKE - VA-18-08-097

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 Road, Christmas FL 32709
LOCATION: Southerly side of Sled Rd., south of Yule Ct.
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
NO. OF NOTICES: 26

Commentaries: Two (2) commentaries and (twelve) 12 letters in favor and none opposed.

Staff Recommendation: Staff explained that due to the presence of a stream, which flows through the rear of the property, the entire rear yard and the side yard containing the tack room and corral flooded after Hurricane Irma. The applicant had no control over these factors, demonstrating that the variance was not self-imposed. The proposed location was still over 140 feet from the front property line. In addition, while it was unknown if each one was permitted, there were numerous large sheds, stables, and other accessory structure of similar size and location on other lots in the same community. 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): Tim Pepke (Applicant)

No one spoke in favor or in opposition of this request at the public hearing.

BZA Discussion: The BZA concluded that due to the stream, the locations where the shed could be located, which would satisfy the location criteria were prone to flooding. Further, the variance was not self-imposed, as the applicant could not control the flooding. Additionally, due to the rural nature of the area and the size of the property, the Variance Criteria was satisfied. Therefore, the BZA 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 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 June 1, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

AYE (voice vote): All members present

Absent: Gregory A. Jackson, Jose A Rivas, Jr., Wes A. Hodge

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

ADDRESS: 4326 S. Chickasaw Trail, Orlando FL 32829

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

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

NO. OF NOTICES: 66

Commentaries: None

Staff Recommendation: Staff gave a presentation on the case covering the location, site plan, and photographs. 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 this request at the public hearing.

BZA Discussion: The BZA discussed the case and determined to concur with the staff recommendation.

BZA Action: A motion was made by Deborah Moskowitz, 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 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: Gregory A. Jackson, Jose A Rivas, Jr., Wes A. Hodge

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 Drive, Mount Dora FL 32757
LOCATION: East side of Dora Dr., approximately 250 ft. north of Dudley Ave.
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

NO. OF NOTICES: 29

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

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

The following person(s) addressed the Board:

Speaker(s): Wayne Miller (Applicant)

No one spoke in favor or in opposition of this request at the public hearing.

BZA Discussion: The BZA discussed the case and agreed with the staff recommendation.

BZA Action: A motion was made by Eugene Roberson, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance 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 11, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The design of the accessory structure shall utilize a design and colors complimentary to the exterior of the existing house.

AYE (voice vote): All members present

Absent: Gregory A. Jackson, Jose A Rivas, Jr., Wes A. Hodge

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 the 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 Street, 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.

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

NO. OF NOTICES: 206

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

Staff Recommendation: Staff explained that the lot was three and one-half (3 1/2) times the size of a normal lot in the R-1A zoning district. In addition, the main residence was constructed over 100 feet from the front property line to maximize the lot's lake frontage. As a result, the main residence could not be seen from the street view. Therefore, the ADU/garage would actually appear to be the principal residence from the street view. 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 McCourt (Applicant)

Angie Galbrath (Resident on behalf of the Applicant)

No one spoke in favor or in opposition of this request at the public hearing.

BZA Discussion: The BZA concluded that there was not any other logical location on the lot to place the use; and therefore, recommended approval of the Special Exception and Variance requests subject to the conditions as outlined in the staff report.

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

1. Development in accordance with the site plan dated June 11, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Construction plans shall be submitted within three (3) years of final action on this application, or this approval becomes null and void.
5. The accessory dwelling unit shall initially be occupied by a relative for the first three (3) years, or until the relative has died, whichever occurs first.
6. The site plan submitted for permitting shall show the existing pavers relocated to the front of the ADU/garage structure with any necessary supplemental pavers as necessary to create a complete paved driving surface to the front of the structure.

AYE (voice vote): All members present

Absent: Gregory A. Jackson, Jose A Rivas, Jr., Wes A. Hodge

FOX TV - SE-18-08-104

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 Road, Christmas FL 32709

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

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

NO. OF NOTICES: 69

This case was continued from a request by County staff. The advertised height did not include the antenna height, which brings the overall height to 1,473 feet. Staff recommended a continuance of this case until the next September BZA Meeting. In addition, per Sec. 38-1427 (b)(4), a Special Exception may not be required as the new tower is of like construction and height of the existing tower.

No one spoke in favor or in opposition of the request at the public hearing.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and unanimously carried to **CONTINUE** to the September 6, 2018 BZA Meeting.

AYE (voice vote): All members present

Absent: Gregory A. Jackson, Jose A Rivas, Jr., Wes A. Hodge

JORGE NEAEM - VA-18-08-105

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 Street, Orlando FL 32806

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

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

NO. OF NOTICES: 132

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

Staff Recommendation: Staff presented the site plan, floor plan, and elevations. Staff stated the front variance was the minimal possible variance, and the side street variance was to validate what was existing, which was built in 1940. Therefore, staff recommended approval of the variances as they met the criteria 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 spoke in favor or in opposition of the request at the public hearing.

BZA Discussion: The BZA felt the request was reasonable and approved the variances subject to the conditions as set forth in the staff report at the public hearing.

BZA Action: A motion was made by Jessica Rivera, 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 June 13, 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 addition within ninety (90) days of final approval or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Gregory A. Jackson, Jose A Rivas, Jr., Wes A. Hodge

DANIEL SMITH - VA-18-08-106

REQUEST: **Variance** in the P-D zoning district to allow 233 sq. ft. of wall sign copy area in lieu of 88 sq. ft.
The BZA amended the request and approved 184 sq. ft. of wall signage in lieu of 88 sq. ft.

ADDRESS: 8850 Vineland Avenue, Orlando FL 32821

LOCATION: Southeast corner of Vineland Ave. and State Road 535

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

NO. OF NOTICES: 288

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

Staff Recommendation: Staff presented the location, site photographs, proposed sign elevations; and, explained how the copy area was calculated. Staff recommended denial of the request as there were no special circumstances and the applicant had two (2) existing freestanding signs. However, if the BZA approves this request, the conditions as outlined in the staff report should be applied.

The following person(s) addressed the Board:

Speaker(s): Drew Crawford (Applicant's Representative)

No one spoke in favor or in opposition of the request at the public hearing.

BZA Discussion: The BZA and the applicant had a discussion and determined that if the faux window was removed on the primary frontage that would lower their overall square footage and still provide them with the sign area necessary. The BZA concluded that by removing the faux window and reducing the square footage that the request was acceptable. The BZA stated the front façade must not exceed the 88 sq. ft. allowed; and further, stated they would allow the additional sign on the side of the building of 96 sq. ft. The BZA approved the amended request to allow 184 sq. ft. of wall signage in lieu of 88 sq. ft.

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 as amended:

1. Development in accordance with the site plan dated June 13, 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 variance shall become null and void when "Saltgrass Steakhouse" terminates their lease.

AYE (voice vote): All members present

Absent: Gregory A. Jackson, Jose A Rivas, Jr., Wes A. Hodge

RECESSED AT 10:44 A.M. AND RECONVENED AT 10:51 A.M.

CHARLES GOODWIN - VA-18-08-107

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 Drive, 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

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

NO. OF NOTICES: 52

Commentaries: Ten (10) in favor and none in opposition

Staff Recommendation: Staff explained that the subject property was approximately 70% larger than the typical R-1AA zoned piece of property. In addition, because it is located at the base of a small sand ridge which exist within the neighborhood, adjacent structures actually appear to be physically taller than the accessory structure. Given the size and contour of the property, some type of variance is warranted, though, not that requested by the applicant.

The following person(s) addressed the Board:

Speaker(s): Charles Goodwin (Applicant)

Jan Goodwin (Wife on behalf of the Applicant)

Kurt Fasnacht (Orange County Code Enforcement Officer)

No one spoke in favor or in opposition of the request at the public hearing.

BZA Discussion: The BZA discussed whether 900 or 1,200 sq. ft. was the appropriate size given the specifics of the subject property and determined to allow the 1,200 sq. ft. as constructed since the structure was built in a concealed area and supported by the adjacent neighbors. Further, the BZA concurred with the staff recommendation as amended, with exception of the removal of Condition #4. County staff noted due to the deletion of Condition #4, the remaining Conditions of Approval will be re-numbered.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Carolyn Karraker 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 dated June 13, 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 accessory structure within 180 days of final action on this application, or this approval becomes null and void.
5. The exterior of the accessory structure shall match or compliment the exterior of the existing with regard to colors.

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

NAY (voice vote): Eugene Roberson

Absent: Jose A Rivas, Jr., Wes A. Hodge, Deborah Moskowitz (temporarily absent)

SORAYA MOREIRA - VA-18-09-109

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 Street, Orlando FL 32822

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

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

NO. OF NOTICES: 33

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

Staff Recommendation: Staff gave a presentation on the case covering the location of the property; locations of other mobile homes in the area; site plan; neighbor's commentaries; and, photographs of the site and adjacent properties. 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): Soraya Moreira (Applicant)

Trini Quiroz (Resident in favor)

No one spoke in opposition of the request at the public hearing.

BZA Discussion: The BZA confirmed with the applicant that a business was not permitted on the property and agreed with the staff recommendation.

BZA Action: A motion was made by Eugene Roberson, seconded by Jessica Rivera 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 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 permits for all other structures on the property, or obtain demolition permits prior to issuance of a permit for the new mobile home.
5. The mobile home and property shall be used for residential purposes only. No commercial storage or usage is permitted.

AYE (voice vote): All members present

Absent: Jose A Rivas, Jr., Wes A. Hodge, Deborah Moskowitz (temporarily absent)

DARLENE TORRES - VA-18-09-110

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 Road, Orlando FL 32807

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

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

NO. OF NOTICES: 63

Commentaries: None

Staff Recommendation: Staff explained that the lot did not appear on the County's historic zoning maps, so it was likely the result of an illegal lot split. However, since there was an existing house on the premises, that point was moot. The existing house was only thirty-seven (37) feet from the rear property line, and the applicant desires to construct an open lanai across the remainder of the rear of the house, in line with the existing addition. The applicant was not the original owner, so the depth of the lot was not the result of their action. 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. Enio Carvalho (Resident in favor)

One owner of the property to the west spoke in favor of the application, noting that Condition #5, could cause a delay in the applicant's obtaining a permit.

No one spoke in opposition of the request at the public hearing.

BZA Discussion: The BZA discussed the case and agreed with the one speaker pertaining to Condition #5, wherein staff suggested adding language which allowed for all permits to be obtained simultaneously. With that said, the BZA concurred with the staff recommendation as amended.

BZA Action: A motion was made by Jessica Rivera, 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 as amended:

1. Development in accordance with the site plan dated June 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. A kneewall up to three (3) feet in height may be constructed around the lanai.
5. Prior to, or simultaneously with, obtaining a permit for the lanai, the applicant shall obtain the necessary permits to relocate the existing shed and fence from the neighboring property to their property. The relocation shall be completed before a final inspection has been completed for the lanai. The shed and fence shall comply with all required regulations.

AYE (voice vote): All members present

Absent: Jose A Rivas, Jr. and Wes A. Hodge

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 continued by staff prior to the BZA hearing to the September 6, 2018 BZA Meeting, due to the new submission of a revised site plan from the applicant.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Deborah Moskowitz and unanimously carried to **CONTINUE** to the September 6, 2018 BZA Meeting.

AYE (voice vote): All members present

Absent: Jose A Rivas, Jr. and Wes A. Hodge

JORGE MORA - SE-18-05-048

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 Road, Orlando FL 32820

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

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

NO. OF NOTICES: 59

Commentaries: None

Staff Recommendation: Staff explained the history of the case noting that it had been continued from May to allow the applicant to follow the direction given by the BZA. The BZA had asked the applicant to consider lowering the height of the tower from 100 feet to 80 feet and using a monopole rather than a lattice tower. The applicant had submitted not only an 80-foot tall monopole, but also a camouflaged monopine. Further, staff stated that the BZA needed to find that the proposed monopine did in fact adequately blend with the surroundings to be considered as camouflaged. If that finding was made, then the BZA could act on the Special Exception. If the monopine was considered camouflaged, then the BZA should find that the six criteria for a Special Exception had been met, if the BZA did not make that finding, they should find that the request did not meet all of the six criteria. Finally, staff recommended approval of the Special Exception and Variance requests #2 through #4, with Variance request #5, deemed as unnecessary since it would be replaced by Variance request #2, and, be subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Jorge Mora, Applicant

Trini Quiroz (Resident in favor)

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 spoke in opposition of this request at the public hearing.

BZA Discussion: The BZA found that the proposed monopole satisfied the intent of a camouflaged tower. Further, the Board found that with this finding, they could approve the Special Exception and Variance requests #2 through #4; and, Variance request #5, was not

necessary.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz 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 Requests #2, #3 and #4, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions; and further, deemed the Variance Request #5, as **UNNECESSARY**:

1. Development in accordance with the site plan dated March 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 subject property shall not be used as a radio station, a use which is not permitted in the zoning district in which it is located.
5. A hedge consisting of Podocarpus, four (4) feet in height at time of planting three (3) feet on center shall be planted along the sites entire Tanner Road frontage.
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.
7. The appearance of the monopine shall be maintained in a manner that the tower shall resemble a live tree. All faded or damaged camouflage materials shall be promptly replaced.
8. Failure to comply with the above conditions shall result in Code Enforcement Action, not action by the BZA.


AYE (voice vote): All members present

Absent: Jose A Rivas, Jr. and Wes A. Hodge


ADJOURN:

There being no further business, the meeting was adjourned at 12:06 p.m.

ATTEST:



Gregory A. Jackson
Chairman
BOARD OF ZONING ADJUSTMENT
MEETING OF AUGUST 2, 2018



Debra Phelps
Recording Secretary