

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF OCTOBER 4, 2018**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **October 4, 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
Wes A. Hodge – District #5
Eugene Roberson – District #6

BOARD MEMBERS ABSENT: Deborah Moskowitz – District #4
Jessica Rivera – At Large

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

The Chairman called the meeting to order at 9:02 a.m.

Following the Pledge of Allegiance to the Flag, the following applications, as advertised, were called up for public hearing.

APPROVAL OF MINUTES:

The Chairman requested a motion approving the minutes of the September 6, 2018, Board of Zoning Adjustment meeting.

A motion was made by: Carolyn C. Karraker

seconded by: Wes A. Hodge

and unanimously carried to **APPROVE** the minutes of the September 6, 2018 hearing.

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.

ARACELIA CUEVAS - VA-18-09-119

REQUEST:	Variances in the R-2 zoning district as follows: 1) Variance to validate a completely enclosed porch 24 ft. from the rear (east) property line in lieu of 25 ft. (APPROVED w/CONDITIONS) 2) Variance to validate a lanai with a permanent roof 14 ft. from the rear property line in lieu of 25 ft. (DENIED) This is the result of code enforcement action.
ADDRESS:	8262 Fort Thomas Way, Orlando FL 32822
LOCATION:	Southerly corner of the intersection of Fort Thomas Way and Fort Jefferson Blvd.
TRACT SIZE:	75 ft. x 109 ft. (AVG): 0.19 ac.
DISTRICT#:	3
LEGAL:	STONEBRIDGE PHASE 1 30/30 LOT 18 BLK B

PARCEL ID#: 14-23-30-8325-02-180

NO. OF NOTICES: 116

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

Staff Recommendation: Staff explained that the reason this case had returned to the BZA was due to the fact that the BZA, after four (4) attempts failed to successfully pass a motion at its September 6, 2018 hearing on this item. Staff explained that the County Attorney's Office determined that the BZA must adopt a position on each case brought before it. In addition, because this item was advertised as being for decision only, there was no further testimony from the applicant nor the public. Staff provided a recap of the case. Further, staff recommended denial; however, should the BZA grant the requested variances, staff recommended that conditions in the staff report be attached.

BZA Discussion: The BZA discussed the aspects of the case at length. A great deal of discussion centered on the special conditions and circumstances of the case. After a lengthy discussion, a motion was made to approve Variance #1, and deny Variance #2, along 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 #1, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended; and, to **DENY** the Variance request #2, in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3).

1. Development in accordance with the site plan dated July 18, 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 the unpermitted improvements within 180 days of final action on this application by Orange County, or this approval becomes null and void.

5. The color of the roof shall be maintained in a monochromatic fashion.

AYE (voice vote): Jose A. Rivas, Jr., Eugene Roberson, Wes A. Hodge, and Carolyn Karraker

NAY (voice vote): Gregory A. Jackson

Absent: Deborah Moskowitz and Jessica Rivera

FELIX JEAN - VA-18-09-111

REQUEST: **Variance** in the P-D zoning district to allow an existing addition located 20 ft. from the rear (south) property line in lieu of 25 ft.
This is the result of code enforcement action.

ADDRESS: 1310 Abberton Drive, Orlando FL 32837

LOCATION: South side of Abberton Dr., approximately 325 ft. east of Braxted Dr.

TRACT SIZE: 56 ft. x 124 ft. (AVG) ; 0.16 acres

DISTRICT#: 4
LEGAL: SOUTHCHASE UNIT 8 24/25 LOT 113
PARCEL ID#: 22-24-29-8153-01-130
NO. OF NOTICES: 126

Commentaries: None in favor and three (3) in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. 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): Jean Felix (Applicant)

Kurt Fasnacht (Orange County Code Enforcement Officer)

Jennifer Nix (Attorney on behalf of the Homeowner's Association opposed)

Minose Joselh (on behalf of the applicant)

The applicant stated that they hired a contractor who did not get permits and after being cited by code enforcement, they paid the contractor to get permits and continue the work, but did not hear from the contractor again. They hired a new contractor.

Code Enforcement explained that the Code Enforcement Board told the applicant to comply by July 15, 2018, or a daily fine would be imposed; however, the applicant has now accrued a fine but could request a reduction if the BZA case was approved.

The Attorney for the HOA spoke against the application. She stated that the subject property was similar in size to other lots in the subdivision, and was not a corner lot or waterfront. She further pointed out that the applicant did the work first and was now asking for forgiveness; that an approval would give special rights to the applicant; and lastly, financial loss could not be considered.

BZA Discussion: The BZA recognized that the lot was narrower towards the rear, angled at the back; and thus, considered these factors to be a special condition. Therefore, the BZA agreed with the staff recommendation.

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

1. Development in accordance with the site plan dated September 20, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior color of the addition shall match the exterior color of the existing house.

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

NAY (voice vote): Eugene Roberson and Wes A. Hodge

Absent: Deborah Moskowitz and Jessica Rivera

THEODORE "TED" MCGOVERN - VA-18-10-123

REQUEST: **Variances** in the R-CE zoning district as follows:
1) To allow a cumulative total of 2,800 sq. ft. of accessory structure floor area in lieu of 2,000 sq. ft.
2) To allow an accessory structure 22 ft. in height in lieu of 20 ft.

ADDRESS: 629 Robin E. Lane, Apopka FL 32712

LOCATION: East end of Robin E Ln., approximately 775 feet east of Ustler Rd.

TRACT SIZE: 2.55 acres

DISTRICT#: 2

LEGAL: BUTLER MANOR 14/56 LOT 4

PARCEL ID#: 34-20-28-1110-00-040

NO. OF NOTICES: 52

Commentaries: Seven (7) in favor and one (1) in opposition

Staff Recommendation: Staff explained that the applicant had an RV, boat, and other recreational equipment, which they wished to store out of the elements. The size of the RV was the main reason behind the need for additional height of the building, and the amount of equipment accounted for the larger square footage. Staff explained that due to the topography of the area, the storage building would be located at the base of a hill. Because of its location, neither the height nor the size would be readily noticeable, thus, mitigated. The property was 2 1/2 times the minimum size of the minimum R-CE property, and the proposed structure was over 150 feet back from the front of the lot. Staff noted that there had been two (2) similar variances on similarly sized properties granted in this area in the past. Finally, staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant waived the right to speak and agreed with the staff recommendation. No one spoke in favor or opposition to this request at the public hearing.

BZA Discussion: The BZA concluded that given the size of the subject property and the topography, the variance was warranted. As such, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Jose A. Rivas, Jr. and unanimously carried to **APPROVE** the Variance 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 July 26, 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. No clearing of trees shall take place beyond a distance of fifteen (15) feet from the building footprint of the accessory structure.
5. The final inspection of the garage shall not be signed off on until the principle residence has received a Certificate of Occupancy (CO).
6. Concurrently with receiving a CO on the principle residence, the applicant shall obtain permits for the storage of the RV and boat if they are to remain on the property, unless they have been sold.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Jessica Rivera

JEREMY SMITH - VA-18-10-124

REQUEST: **Variances** in the A-1 zoning district as follows:
 1) To allow a cumulative total of 2,448 sq. ft. of accessory structure floor area in lieu of 2,000 sq. ft.
 2) To allow an accessory structure with a roof pitch of 2:12 with a height of 17 ft. in lieu of 15 ft.

ADDRESS: 1139 Sheeler Avenue, Apopka FL 32703

LOCATION: A flag lot on the east side of Sheeler Ave., approximately 550 ft. north of S. Apopka Blvd.

TRACT SIZE: 262 ft. x 325 ft. (AVG); 2.16 acres

DISTRICT#: 2

LEGAL: S 325 FT OF W1/2 OF SW1/4 OF NW1/4 (LESS W 393 FT OF S 300 FT THEREOF) OF SEC 14-21-28 SEE 3338/92 & 3552/1488 & 3558/639 & 3634/547 & 3740/1940-41 (LESS W 33 FT R/W)

PARCEL ID#: 14-21-28-0000-00-096

NO. OF NOTICES: 134

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

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. 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 spoke in favor or opposition to this request at the public hearing.

BZA Discussion: The BZA confirmed the height.

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

1. Development in accordance with the site plan dated September 12, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a

violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a demolition permit and remove all other accessory buildings on the property prior to the final inspection of the proposed 2,448 sq. ft. accessory structure.
5. A boat storage permit will be required.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Jessica Rivera

ALEXIS DE JESUS - VA-18-10-125

REQUEST: Variances in the R-1 zoning district as follows:
1) To allow two existing accessory buildings with a cumulative square footage of 1,077 sq. ft. of floor area in lieu of 500 sq. ft. **(BZA amended to approve a total of 950 sq. ft.).**
2) To allow an existing accessory structure to remain in front of the principal building in lieu of the side or rear.
This is the result of code enforcement action.

ADDRESS: 1900 Corbett Road, Orlando FL 32826

LOCATION: West side of Corbett Rd., approximately 250 ft. north of Belles Lane

TRACT SIZE: 100 ft. x 304 ft.; 0.7 acres

DISTRICT#: 5

LEGAL: KNOLLWOOD PARK V/12 LOT 20 BLK B

PARCEL ID#: 13-22-31-4208-02-200

NO. OF NOTICES: 76

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

Staff Recommendation: Staff explained that the subject property, while zoned R-1, was .7 acres in size, making it six (6) times the minimum lot size for that zone. There was a smaller 10 feet x 14 feet shed on the property, which the applicant indicated they would remove if the larger shed was approved. Due to the presence of a pool and other improvements to the rear of the property, there was insufficient room in the rear yard to locate the building. Additionally, due to the poorly drained soils, the applicant had to have a mounded septic drainfield, which prohibited access to the rear of the property by vehicles. However, the building could potentially be located on the rear 50% of the lot, and at 900 sq. ft., it was 80% larger than what was permitted, which was excessive. Lastly, staff was recommending denial of the request.

The following person(s) addressed the Board:

Speaker(s): Alexis De Jesus (Applicant)

Rosemary De Jesus (Wife on behalf of the applicant)

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

BZA Discussion: The BZA asked the applicant if they would consider fully enclosing the structure, which was opened on two (2) sides. The applicant indicated that they would do so if needed. The BZA also asked if the applicant would consider moving the structure to the back side of the 60 feet x 30 feet slab on which it currently sits. The applicant indicated that they would also do so if need be. The BZA discussed the possible location of the shed and concluded that the current location was actually preferable. They concluded that given the size of the property, and the applicant's willingness to remove the existing smaller shed, the variance was warranted. A condition was added that the existing 10 feet x 14 feet shed be removed prior to final inspection of the 900 sq. ft. garage/carport; and, Variance #1, was modified to approve a total of 950 sq. ft., along with the staff recommendation as amended.

BZA Action: A motion was made by Wes A. Hodge, seconded by Jose A. Rivas, Jr. and unanimously carried to **APPROVE** the Variance requests as modified, 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 August 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 existing chicken coop shall be removed within forty-five (45) days from the date of final action on this application by Orange County.
5. The applicant shall obtain a permit for all unpermitted structures within 180 days of final action on this application by Orange County or this approval becomes null and void.
6. A row of Podocarpus shall be planted between the side of the carport/garage and the front property line. The plants shall be in seven-gallon containers at time of planting and planted thirty (30) inches on-center for the entire length of the structure.
7. The carport/garage shall be used for residential storage only.
8. This approval is for 950 sq. ft. of cumulative total square footage of accessory structure floor area.
9. Prior to final inspection of the 900 sq. ft. garage/carport, the applicant shall obtain a demolition permit and remove the existing 10 ft. x 14 ft. shed.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Jessica Rivera

NUVIEW IRA - VA-18-10-126

REQUEST:	Variances in the R-1AA zoning district as follows: 1) To allow a front setback for an open porch of 12 ft. in lieu of 30 ft. 2) To allow a front setback for a garage of 28 ft. in lieu of 30 ft.
ADDRESS:	5720 Huron Street, Mount Dora FL 32757
LOCATION:	West side of Huron St., north of Earlwood Ave.
TRACT SIZE:	127 ft. x 141 ft.; 0.41 acres
DISTRICT#:	2
LEGAL:	TANGERINE MISC 3/599 N1/2 OF LOT 7 & ALL OF LOTS 8 & 9 BLK 2

PARCEL ID#: 08-20-27-8559-02-080

NO. OF NOTICES: 84

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

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. 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 spoke in favor or opposition to this request at the public hearing.

BZA Discussion: The BZA confirmed the amount of open space in front and agreed that the existing house predates zoning height. Therefore, the BZA concurred with the staff recommendation.

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:

1. Development in accordance with the site plan and elevations dated August 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.

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

NAY (voice vote): Eugene Roberson

Absent: Deborah Moskowitz and Jessica Rivera

ANDREW KELLY - VA-18-10-127

REQUEST: **Variances** in the R-1A zoning district as follows:
1) To allow a cumulative total of 1,780 sq. ft. of accessory structure floor area in lieu of 500 ft.
2) To allow an accessory structure with a roof pitch of 2:12 with a height of 18 ft. in lieu of 15 ft.

ADDRESS: 19304 Newburg Street, Orlando FL 32833

LOCATION: Southwest corner of Newburg St. and Cavalier Ave.

TRACT SIZE: 1.56 acres

DISTRICT#: 5

LEGAL: CAPE ORLANDO ESTATES UNIT 12A 4/66 LOT 26 BLK 13

PARCEL ID#: 10-23-32-1184-13-260

NO. OF NOTICES: 37

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

Staff Recommendation: Staff noted that due to the underlying Future Land Use Designation of

R, Rural, the R-1A zoning on the property, it was inconsistent with the Comprehensive Plan. However, the Plan did address the anomaly, which the Wedgefield Community is. With a zoning of R-1A, and every lot in this neighborhood being one (1) acre or more in size, every lot was over six (6) times or greater in size than the minimum lot area of a typical R-1A zoned lot. The applicant's lot, at 1.56 acres was actually nine (9) times that lot size. Throughout the years, numerous variances had been granted to the lots in this neighborhood for increased height, increased size, and both increased height and size. As such, the applicant's request was consistent with the development pattern of the area. Furthermore, staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant waived the right to speak and indicated to be in agreement with the staff recommendation.

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

BZA Discussion: The BZA concluded that given the rural character of Wedgefield and the pattern of development, the variance was warranted. Resulting in the BZA concurring with the staff recommendation.

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

1. Development in accordance with the site plan dated August 14, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a permit for the storage of the RV concurrently with the final inspection of the new accessory structure.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Jessica Rivera

JUAN LIN - VA-18-10-128

REQUEST:

Variances in the R-1A zoning district as follows:

- 1) To allow additional construction on a lot with 5,462 sq. ft. of lot area in lieu of 7,500 sq. ft.
- 2) To allow additional construction on a lot with 50 ft. of frontage in lieu of 75 ft.
- 3) To allow an existing residence with a side (north) setback of 6 ft. in lieu of 7.5 ft.
- 4) To allow construction of an addition to the rear of an existing residence with a rear (west) setback of 18 ft. in lieu of 30 ft.

ADDRESS:

920 Ferndell Road, Orlando FL 32808

LOCATION: West side of Ferndell Rd., approximately 200 ft. south of Balboa Dr.
TRACT SIZE: 49 ft. x 110 ft. (AVG.); 0.125 acres
DISTRICT#: 6
LEGAL: PINE HILLS SUB NO 9 T/73 LOT 11 BLK E
PARCEL ID#: 19-22-29-6956-05-110
NO. OF NOTICES: 147

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

Staff Recommendation: Staff noted that due to the size of most of the lots in the subdivision in which the subject property was located, the subdivision was more compatible with the R-1 zoning district than the R-1A zoning which is in place today. Due to this mismatch of zoning and lot size, the lots are substandard. Any property owner desiring to make improvements to their property would need variances for lot size, width, etc. The greater setbacks and smaller lot size combined, impede making meaningful additions to the houses in this neighborhood. Staff noted that the addition would bring the square footage of the home, which was currently nonconforming, into compliance with current code. It would also provide needed space for the applicant's family members who were planning to move to this country. Lastly, 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): Yan Lin (Sister on behalf of the applicant)

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

BZA Discussion: The BZA concluded that given the mismatch of zoning to lot size, and the fact that the variance would bring much needed improvements to the neighborhood, thus, the request was warranted. Therefore, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Eugene Roberson, seconded by Wes A. Hodge 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 August 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. Prior to final inspection of the addition, the applicant shall obtain a demolition permit for the existing shed in the rear yard.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Jessica Rivera

REQUEST: **Variances** in the R-1AA zoning district as follows:
1) To allow a pool deck and terrace 9 ft. from the NHWE of Lake Tibet in lieu of 35 ft.
2) To allow a gazebo 15 ft. from the NHWE of Lake Tibet in lieu of 35 ft.

ADDRESS: 8953 Bay Cove Court, Orlando FL 32819

LOCATION: North side of Bay Cove Ct., west of Bay Hill Blvd., west of S. Apopka Vineland Rd.

TRACT SIZE: 95 ft. x 196 ft. (AVG); 1.35 acres

DISTRICT#: 1

LEGAL: BAY HILL SECTION 4 3/62 LOT 107

PARCEL ID#: 28-23-28-0532-01-070

NO. OF NOTICES: 87

Commentaries: Three (3) in favor and two (2) in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. 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 spoke in favor or opposition to this request at the public hearing.

BZA Discussion: The BZA noted that many similar variances had been granted in the area, and that the request was consistent with the area. To that end, the BZA 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 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 September 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. Prior to the issuance of a building permit, the property owner shall record in the Official Records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the proposed pool deck will be nine (9) feet from the Normal High Water Elevation, and the gazebo will be fifteen (15) feet from the Normal High Water Elevation.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Jessica Rivera

BOARD OF ZONING ADJUSTMENT

MEETING OF OCTOBER 4, 2018

CYPRESS SIGNS - VA-18-10-131

REQUEST: **Variances** in the P-D zoning district as follows:
1) To allow a pole sign to remain at 31 ft. in height in lieu of 30 ft.
2) To allow a pole sign to remain 32 ft. from the right-of-way in lieu of 150 ft.

ADDRESS: 12124 S. Apopka Vineland Road, Orlando FL 32836

LOCATION: West side of S. Apopka Vineland Rd., north of Palm Parkway

TRACT SIZE: 183 ft. x 347 ft. (AVG); 1.77 acres

DISTRICT#: 1

LEGAL: BRINKER FLORIDA INC 34/63 LOT 3 (LESS BEG NW COR LOT 3 RUN E 58.71 FT FOR POB TH E 32.29 FT TO NE COR LOT 3 TH S ALONG LOT LINE 216.08 FT W 32.29 FT N 216.08 FT TO POB)

PARCEL ID#: 22-24-28-0881-00-030

NO. OF NOTICES: 47

Commentaries: None

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, location of the sign on the plan, and photographs of the sign. 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 spoke in favor or opposition to this request at the public hearing.

BZA Discussion: The BZA noted that it was an old sign that has been there for a long time, and that it was consistent with other signs in the area. Further, the BZA concurred with the staff recommendation.

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

1. Development in accordance with the site plan and elevations dated August 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 sign shall be for the current applicant's corporate use only as Manny's Chophouse.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Jessica Rivera

CONSTANCE LINHARES - VA-18-10-132

REQUEST: **Variances** in the R-1A zoning district as follows:
1) To allow a screen room 6.8 ft. from the side property line in lieu of 7.5 ft.
2) To allow an existing accessory structure to remain in front of the principal building in lieu of the side or rear.
3) To allow the existing residence to remain 4 ft. from the property line in lieu of 7.5 ft.

ADDRESS: 1405 Wilks Avenue, Orlando FL 32809

LOCATION: South of Hoffner Ave., north of Wilks Ave.

TRACT SIZE: 54 ft. x 233 ft. (AVG); 0.25 acres

DISTRICT#: 3

LEGAL: BRINKER FLORIDA INC 34/63 LOT 3 (LESS BEG NW COR LOT 3 RUN E 58.71 FT FOR POB TH E 32.29 FT TO NE COR LOT 3 TH S ALONG LOT LINE 216.08 FT W 32.29 FT N 216.08 FT TO POB)

PARCEL ID#: 24-23-29-2064-01-040

NO. OF NOTICES: 99

Commentaries: None

Staff Recommendation: Staff explained that this property was a double frontage lot and to allow the shed to remain where it was located would require a variance. In addition, a permit was required for the shed, as none could be verified in the county record. 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): Constance Linhares (Applicant)

The applicant stated they would like to get a permit and construct the screen room as soon as possible. She stated she did not agree with condition #4, as she would like to pull the permit for the shed after she constructs the screen room.

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

BZA Discussion: The Board discussed the condition requiring a permit for the shed and the timing of the permits. The BZA agreed the variances were reasonable and approved the request contingent upon the staff recommendation with the amended condition #4, requiring a permit to be pulled for the existing shed within 180 days of final approval.

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

1. Development in accordance with the site plan and elevations dated September 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. A permit for the existing shed shall be issued prior to obtaining a permit for the proposed screen room. The permit for the existing shed shall be finalized within 180 days of final approval.

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

NAY (voice vote): Eugene Roberson

Absent: Deborah Moskowitz and Jessica Rivera

JEFF BURT - SE-18-11-134

REQUEST: **Special Exception and Variances** in the R-1AA zoning district as follows:
1) Special Exception to allow a guest house/pool cabana.
2) Variance to allow a swimming pool 20 ft. from the NHWE line in lieu of 35 ft.
3) Variance to allow a wood deck 12 ft. from the NHWE line in lieu of 35 ft.
4) Variance to allow a guest house/pool cabana 23 ft. from the NHWE line in lieu of 50 ft.
5) Variance to allow a covered porch 39 ft. from the NHWE line in lieu of 50 ft.

ADDRESS: 9124 Mid Pines Court, Orlando FL 32819

LOCATION: South side of Mid Pines Court, west of Masters Blvd., north of Bay Hill Blvd., east of Lake Tibet Butler

TRACT SIZE: 99 ft. x 213 ft. (AVG); 1.72 acres

DISTRICT#: 1

LEGAL: BAY HILL SECTION 13 10/18 LOT 503

PARCEL ID#: 21-23-28-0560-05-030

NO. OF NOTICES: 67

Commentaries: None

Staff Recommendation: The applicant is requesting to construct additions to the rear of their house and a new swimming pool/pool deck. Staff explained the need for the variances, site layout, other variances in the area, and provided site photographs. Staff recommended approval of the request subject to the conditions as identified 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 opposition to this request at the public hearing.

BZA Discussion: The BZA felt the request was in line with what had been approved on the lake in that area and approved the request to include the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Wes A. Hodge 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 August 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. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the proposed deck is no closer than twelve (12) feet, the proposed pool is no closer than twenty (20) feet, and the proposed additions are no closer than twenty-three (23) feet from the normal high water elevation of Lake Tibet Butler.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Jessica Rivera

JONATHAN HUELS - VA-18-11-136

REQUEST: Variance in the C-2 zoning district to allow a ground sign with 190 sq. ft. in lieu of 120 sq. ft.

ADDRESS: 12195 E. Colonial Drive, Orlando FL 32826

LOCATION: North side of E. Colonial Dr., west of Woodbury Rd.

TRACT SIZE: 288 ft. x 875 ft. (AVG); 11.43 acres

DISTRICT#: 5

LEGAL: BEG AT THE NE COR OF NW1/4 OF NE1/4 OF SAID SEC 22-22-31 TH N87-58-06E 100.56 FT S00-56-14W 875.24 FT SWLY 155.26 FT S14-00-25W 46.29 FT N82-29-53W 499.99 FT N00-56-51W 918.73 FT S43-47-58E 44.15 FT N74-00-43E 207.02 FT N87-58-06E 252.49 FT N00-58-59W 33.

PARCEL ID#: 22-22-31-0000-00-091

NO. OF NOTICES: 49

Commentaries: None

Staff Recommendation: Staff explained that due to a previous re-zoning case, pole signs were not permitted at this location. Staff explained the sign code and proposal, and provided site photographs. Staff recommended approval of a lesser variance of 160 sq. ft. in lieu of 120 sq. ft., subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Jonathan Huels (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 spoke in favor or opposition to this request at the public hearing.

The applicant stated they were seeking to construct a 190 sq. ft. sign, as that was what would be allowed per code if the re-zoning condition did not exist prohibiting pole signs. They also presented an updated sign elevation, which showed the plaza name at the top of the sign, and removed the electronic message center as staff had advised.

BZA Discussion: The BZA had questions regarding the size of the adjacent existing signs and other signs in the area. The Board stated that the applicant had attempted to revise the sign to meet staff's request and felt the re-zoning condition caused an unjust hardship on the property. The BZA felt the variance met the criteria and approved the request to include the staff's conditions as amended.

BZA Action: A motion was made by Wes A. Hodge, 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 October 4, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. An electronic message center (EMC) shall be prohibited on this sign.
5. The plaza name shall be located at the top of the sign.

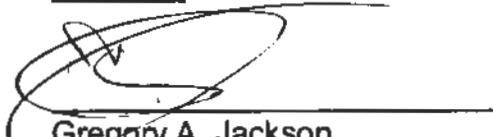
AYE (voice vote): All members present

Absent: Deborah Moskowitz and Jessica Rivera

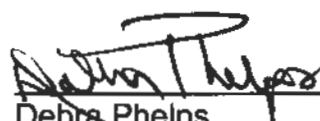
ADJOURN:

There being no further business, the meeting was adjourned at 12:57 p.m.

ATTEST:



Gregory A. Jackson
Chairman



Debra Phelps
Recording Secretary