

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF DECEMBER 6, 2018**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **December 6, 2018** in the Orange County Commission Chambers on the 1st Floor of the Orange County Administration Building, 201 South Rosalind Avenue, Orlando, Florida 32801.

BOARD MEMBERS PRESENT: Gregory A. Jackson - Chairman
Carolyn C. Karraker - Vice Chair
Jose A Rivas, Jr. – District #3
Deborah Moskowitz – District #4
Wes A. Hodge – District #5
Eugene Roberson – District #6
Vacant – 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
Shamaka Daniels, Development Specialist, FOS Division

The Chairman called the meeting to order at 9:01 a.m.

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

APPROVAL OF MINUTES:

The Chairman requested a motion approving the minutes of the November 1, 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 November 1, 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.

HEATHER RAMOS - VA-18-11-143

REQUEST: **Variances** in the C-2 zoning district as follows:
1) To allow window signage with 50% coverage in lieu of 25%.
2) To allow window signage graphics to be 24 ft. x 9 ft. in lieu of 6 in. x 3 in.
This is the result of Code Enforcement action.

ADDRESS: 7437 International Drive, Orlando FL 32819

LOCATION: East side of International Dr., north of W. Sand Lake Rd.

TRACT SIZE: 175 ft. x 360 ft.; 1.445 acres

DISTRICT#: 6

LEGAL: BEG 1395.88 FT N & 40 FT E OF SW COR OF E1/2 OF SW1/4 TH
E 360 FT N 175 FT W 360 FT S 175 FT TO POB IN SEC 25-23-28
PARCEL ID#: 25-23-28-0000-00-024
NO. OF NOTICES: 313

Commentaries: Forty-five (45) in favor and one (1) in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location, amount of graphics, elevations, and photographs. Lastly, staff recommended denial; however, should the BZA grant the requested variances, staff recommended that conditions in the staff report be attached.

The following person(s) addressed the Board:

Speaker(s): Heather Ramos (Applicant)

John Krzyminski (on behalf of the Applicant)

Miah Boss (in Favor)

Jorge Gamboa (in Favor)

Joel White (in Favor)

Nadeem Khan (in Favor)

Rustom Kermani (in Favor)

Waseem Qetsuie (in Favor)

Tane Phillips (in Favor)

Daniel Broussard (in Favor)

Ronald Dowd, Jr. (in Favor)

Aruind R. Nanda (on behalf of the Applicant)

Kurt Fasnacht (Orange County Code Enforcement Officer)

There was no one in opposition at the public hearing.

BZA Discussion: The BZA had concerns about the amount of the request but agreed that the advertising/signage was needed for foreign tourists and approved the variance.

BZA Action: A motion was made by Eugene Roberson, seconded by Jose A. Rivas, Jr. 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 dated October 24, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. This approval shall be limited to a cumulative total of 924 sq. ft. of window signage. No additional signage or outdoor graphics shall be permitted on the building without authorization of the BZA.
5. The applicant shall obtain a permit for the signage within ninety (90) days of final County action or this approval becomes null and void.
6. Any violations of these conditions shall be subject to action by the Code Enforcement

Board, not the BZA.

AYE (voice vote): Eugene Roberson; Jose Rivas, Jr.; Deborah Moskowitz; Carolyn Kartaker; Wes A. Hodge

NAY (voice vote): Gregory A. Jackson

NARCIS YOLANY RIVERA - VA-18-12-152

REQUEST: **Variance** in the R-1 zoning district to allow an accessory structure (gazebo) to remain 3 ft. from the side property line in lieu of 5 ft. This is the result of Code Enforcement action.

ADDRESS: 484 Valencia Place Circle, Orlando FL 32825

LOCATION: East side of Valencia Place Cir., approximately 850 ft. south of Valencia College Ln.

TRACT SIZE: .15 acres

DISTRICT#: 3

LEGAL: VALENCIA PLACE 29/76 LOT 15

PARCEL ID#: 30-22-31-8851-00-150

NO. OF NOTICES: 96

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

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

The following person(s) addressed the Board:

Speaker(s): Narcis Rivera (Applicant)

Kurt Fasnacht (Orange County Code Enforcement Officer)

There was no opposition at the hearing.

BZA Discussion: The BZA confirmed the location of the pool and deck, and asked if the structure could have been one (1) foot smaller, but felt that it would be very difficult to modify now. The BZA approved the variance.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Deborah Moskowitz 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 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 the accessory structure within 120 days of final action on this application by Orange County, or this approval becomes null and void.

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

HENRY BRUTUS - SE-18-12-153

REQUEST: **Special Exception** and **Variance** in the R-1A zoning district to allow an addition to an existing religious use facility:
1) Special Exception to allow the applicant to use the rear building on the lot for Sunday School.
2) Variance to allow 21 parking spaces in lieu of 55 spaces.

ADDRESS: 5275 Alhambra Drive, Orlando FL 32808

LOCATION: North of Alhambra Dr., east of Emerald Rd.

TRACT SIZE: 95 ft. x 226 ft./492 acres

DISTRICT#: 6

LEGAL: PINE HILLS SUB NO 8 T/68 LOTS 4 & 23 BLK G

PARCEL ID#: 19-22-29-6954-07-230

NO. OF NOTICES: 92

Commentaries: None

Staff Recommendation: Staff outlined the proposed project, explained the property was split-zoned, and the applicant was proposing to expand their existing religious use facility to the rear building. Staff recommended denial as there are residences immediately to the north and south and the parking variance is a concern.

The following person(s) addressed the Board:

Speaker(s): The applicant waived the right to speak and agreed with the staff recommendation. Material was submitted to the Board by the applicant to be entered into the record prior to the close of the public hearing.

BZA Discussion: The BZA had questions regarding the building sizes, overall congregation size, and the parking provided on site. The applicant stated they have acquired a parking agreement with the property to the west. The agreement states that the applicant may utilize the parking lot of their medical office building during service times. The applicant also agreed to not using San Domingo Road as an entrance or exit. The BZA discussed the square footage of the buildings versus the number of seats in the building. The code states the number of parking spaces was based on number of seats, not square footage. The BZA agreed they were fine with the request based on the parking agreement submitted by the applicant and approved the case along with the staff recommendation.

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

1. Development in accordance with the site plan dated October 29, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all

other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.
5. Signage shall be in accordance with 31.5-75, Orange County Code.
6. Construction plans shall be submitted within three (3) years of final approval or this approval becomes null and void.
7. There shall be no vehicular access via San Domingo Road.
8. No outdoor speakers or other audio amplification.
9. Prior to the issuance of permits for the project, the applicant must provide a signed, notarized, and recorded shared parking agreement, accompanied by a written detailed description of the activities which take place on each property on which days of the week and at what times.
10. A five (5) wide landscape buffer shall be provided adjacent to the residential lots.

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

NAY (voice vote): Wes A. Hodge and Deborah Moskowitz

EDWIN LEE - VA-18-12-154

REQUEST:	Variance in the P-D zoning district to allow construction of a lanai with permanent roof with a rear (north) setback of 20 ft. in lieu of 25 ft.
ADDRESS:	8234 Ludington Circle, Orlando FL 32836
LOCATION:	North side of Ludington Cir., south of Phillip's Community Park Dr., approximately 275 ft. west of Smith Bennett Park Rd.
TRACT SIZE:	71 ft. x 116 ft. (AVG)/ .186 acres
DISTRICT#:	1
LEGAL:	ESTATES AT PARKSIDE 92/150 LOT 31
PARCEL ID#:	10-24-28-2500-00-310
NO. OF NOTICES:	50

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

Staff Recommendation: Staff explained that there were two (2) different rear setbacks for this planned development. The issue with the subject property was the irregular vee shaped rear property line, which dipped six (6) feet deeper into the lot than the rear corners. Were it not for the shape of the rear property line, no variance would be needed. Staff concluded that only a portion of the lanai would actually encroach. Staff also noted that two (2) neighbors and the HOA supported the request and there was no opposition. 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 agreed with the staff recommendation.

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There was no one present to speak for or against the request, the public hearing was closed.

BZA Discussion: The BZA concluded that the shape of the lot made construction of any usable improvement virtually impossible. Thus, the BZA agreed with the staff recommendation.

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

1. Development in accordance with the site plan dated September 25, 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

EDUARDO ESCOBAR - VA-18-12-155

REQUEST:	Variance in the R-2 zoning district to allow a covered porch 10 ft. from the rear property line in lieu of 20 ft. (This is the result of Code Enforcement action)
ADDRESS:	10261 Cody Lane, Orlando FL 32825
LOCATION:	South side of Cody Lane, east of Dean Creek Lane
TRACT SIZE:	25 ft. x 97 ft. (AVG); 0.137 acres
DISTRICT#:	4
LEGAL:	CREEKSIDE 50/49 LOT 21
PARCEL ID#:	32-22-31-1821-00-210
NO. OF NOTICES:	81

Commentaries: None

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

The following person(s) addressed the Board:

Speaker(s): Eduardo Escobar (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 the request at the public hearing.

BZA Discussion: The BZA acknowledged that this was not due to the actions of the applicant, who took over the payments to save the house from foreclosure. The BZA approved the variance.

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

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1. Development in accordance with the site plan dated September 25, 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 addition within 120 days of final action on this application by Orange County, or this approval becomes null and void.

AYE (voice vote): All members present

JOSE PARADELA - VA-18-12-156

REQUEST: Variance in the R-1AA zoning district to allow 960 sq. ft. of accessory structures in lieu of 500 sq. ft.
ADDRESS: 2710 Alamosa Court, Apopka FL 32703
LOCATION: West of Mink Dr., south side of Alamosa Ct.
TRACT SIZE: 131 ft. x 162 ft./ .5 acres
DISTRICT#: 2
LEGAL: GREENACRES ESTATES 8/33 LOT 44
PARCEL ID#: 24-21-28-3182-00-440
NO. OF NOTICES: 68

Commentaries: Twelve (12) in favor and none in opposition

Staff Recommendation: The applicant is proposing an 840 sq. ft. detached garage in their rear yard. Per code, they are allowed up to 500 sq. ft. Staff explained that if the property were zoned A-1 or A-2, they would be allowed up to 1,000 sq. ft. Staff explained the site, previous BZA approvals, and the variance criteria. 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 was not present at the public hearing.

Tonya Dixon (Opposed)

One (1) person spoke in opposition to the request. The neighbor on the east side of the property stated they were opposed to the overall size of the structure, height, and the applicant possibly rebuilding cars in this structure.

BZA Discussion: The BZA discussed adding a condition regarding the structure matching the existing residence and that no commercial activity should be allowed at this location. In conclusion, the BZA determined the request was reasonable and granted the variance with the recommended conditions as amended.

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

1. Development in accordance with the site plan dated October 3, 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 improved surface leading from the road to the garage shall be required.
5. All unpermitted existing accessory structures shall be removed prior to the issuance of the permit for the garage.
6. The exterior of the accessory structure shall match or compliment the exterior of the existing with regard to colors.

AYE (voice vote): All members present

JOSH TAYLOR - SE-18-12-157

REQUEST:	Special Exception in the A-2 zoning district to permit an agricultural component to an existing elementary/high school which includes a 40,000 sq. ft. greenhouse on 2.25 acres and a boardwalk connecting the school building with the agricultural area, and modifying conditions of a prior Special Exception regarding use of modular units for classrooms.
ADDRESS:	1600 East Crown Point Road, Ocoee FL 34761
LOCATION:	West side of E. Crown Point Rd., approximately 325 ft north of E. Fullers Cross Rd.
TRACT SIZE:	14.55 acres
DISTRICT#:	1
LEGAL:	TH PT OF NE1/4 OF NE1/4 LYING N & W OF ACL RR R/W IN SEC 12-22-27
PARCEL ID#:	12-22-27-0000-00-001
NO. OF NOTICES:	93

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

Staff Recommendation: Staff explained that the proposed agricultural operation would normally be permitted by right. However, since it was in conjunction with a school, it needed to go through the Special Exception process. Staff also added a condition prohibiting any road-side stands as the adjacent roadway was narrow, curving, and heavily travelled. In addition, staff noted that while the site was adjacent to both the City of Winter Garden and the City of Ocoee, neither communities commented. Furthermore, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant waived the right to speak and agreed with the staff recommendation. There being no one present to speak on the application, the public hearing was closed.

BZA Discussion: The BZA concluded that the proposed use would be a good addition to the school and the area, thus, concurred with the staff recommendation as amended.

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

1. Development in accordance with the site plan dated October 9, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The school shall not operate any type of roadside stand along its Crown Point Road frontage, nor shall it advertise produce for sale from its property, with the exception of sales to students' families.
5. Prior to issuance of permits for the greenhouse, a vehicular access plan shall be approved by the County Department of Public Works.
6. Any future boardwalk from the school to the greenhouse shall be reviewed and approved by the Orange County Environmental Protection Division prior to issuance of building permits.
7. Condition 5 of Special Exception SE-14-09-049, shall be modified to require that the previously approved modular classrooms shall be inspected by a structural engineer and shall inspect the modular classrooms every five (5) years to ensure that the units are in acceptable condition for their continued use as classrooms. The engineer shall submit a signed and sealed report to the Zoning Manager.

AYE (voice vote): All members present

STEVEN LaBRET - VA-18-12-158

REQUEST:	Variances in the C-1 zoning district to allow a 2-COP license (beer & wine only) for consumption on premises as follows: 1) Located 519 ft. from a religious institution in lieu of 1,000 ft. 2) Located 622 ft. from a religious institution in lieu of 1,000 ft.
ADDRESS:	7221 Curry Ford Road, Orlando FL 32822
LOCATION:	North side of Curry Ford Rd., approximately 225 ft. west of

Goldenrod Rd.
TRACT SIZE: 89 ft. x 323 ft. (AVG)/.637 Acres
DISTRICT#: 3
LEGAL: GOLDEN ACRES SEC A EXTENDED Q/104 LOT 118 (LESS BEG NW COR RUN S 265.24 FT M/L TO NLY R/W CURRIE FORD RD TH SELY ALONG R/W 167.5 FT TH N TO PT ON N LINE LOT 118 TH WLY TO POB) & (LESS RD R/W ON S) SEE 2650/1362
PARCEL ID#: 02-23-30-3028-01-180
NO. OF NOTICES: 9,257

Commentaries: Five (5) in favor and eighteen (18) in opposition

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

The following person(s) addressed the Board:

Speaker(s): Steven LaBret (Applicant)

There was no one present to speak on the application, the public hearing was closed.

BZA Discussion: The BZA asked where the opposition was located and approved the variance with the staff recommendation.

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

1. Development in accordance with the site plan dated October 9, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

AYE (voice vote): All members present

IGLESIA DE DIOS EN BITHLO - SE-18-12-159

REQUEST: **Special Exception and Variances** in the A-2 and R-T-2 zoning districts as follows:
1) Special Exception to allow an existing religious institution, and the construction of a new 500 seat sanctuary.
2) Variance to allow the continued use of unpaved parking.
3) Variance to allow a church spire to extend 20 ft. above the 35 ft. maximum height in lieu of 10 ft.

ADDRESS: 2049 8th St. and 18606 Hollister Road, Orlando FL 32820
LOCATION: Southeast corner of Hollister Rd. and 8th St., in Bithlo
TRACT SIZE: 3.7 acres
DISTRICT#: 5

LEGAL: UNRECORDED PLAT EAST ORLANDO ESTATES SECTION 1 TR 160 DESC AS BEG 3177.4 FT N & 3362.85 FT E FROM W1/4 COR OF SEC 22-22-32 E 645 FT N 167 FT W 645 FT S 167 FT TO POB

PARCEL ID#: 15-22-32-2336-01-600

NO. OF NOTICES: 100

Commentaries: One (1) in favor and 3 in opposition

Staff Recommendation: Staff noted that the existing sanctuary and grassed parking were approved by a building permit issued by the County in 1999, and a Certificate of Occupancy (CO) issued in 2000. Staff's position was that the proposed sanctuary was too large and out of character with the surrounding area. It was clarified that there would be no issue with traffic with the increased seating, as the County's transportation planners showed that the impact was less than a one (1) percent increase in peak hour traffic.

The following person(s) addressed the Board:

Speaker(s): Lisette Torres (Applicant's representative)

Ruth Lee (Director on behalf of the applicant)

Jerusha Johnson (Opposed)

Barbara Catanzaro (Opposed)

Terri Johnson (Opposed)

Brenda Rogers (Opposed)

The applicant addressed the BZA noting that they work with one of the larger local food banks to ensure that the residents of the area have access to food. There were two (2) different distribution days, the second Wednesday of the month in the evening, and the fourth Wednesday of the month for the larger distribution. On the first distribution day, the Church goes to the pantry and picks up the food. On the second day, a semi-truck delivers the larger quantity. The issue was that those who come on the second day begin lining up on Hollister Road at 9:00 a.m., as the distribution did not start until 12:00 p.m.

Four (4) residents of the Bithlo area spoke in opposition, noting that the traffic was very bad, and that allowing a larger sanctuary would result in greater traffic issues. One provided pictures showing the line-up of traffic on Hollister Road.

BZA Discussion: The BZA indicated that the applicant needed to demonstrate that they could better manage the traffic, as the type of back-up demonstrated by the opponent's photographs reflected potential public safety issues. The BZA thought that the applicant should come up with some way to stack the patrons on the larger southern portion of the lot to clear some of the traffic off of Hollister Road. The BZA asked the applicant if they would accept a continuance to allow them to attempt to come up with a plan to stack the traffic on-site. The applicant concurred with a continuance of the request for ninety (90) days.

BZA Action: A motion was made by Wes A. Hodge, seconded by Deborah Moskowitz and carried to **CONTINUE** for ninety (90) days, and was rescheduled to be held at the March 7, 2019 BZA Meeting.

AYE (voice vote): Wes A. Hodge; Deborah Moskowitz; Eugene Roberson; Carolyn Karraker; Gregory A. Jackson

NAY (voice vote): Jose A. Rivas, Jr.

RAY ALDRIDGE - VA-18-12-160

REQUEST: **Variance** in the A-2 zoning district to allow a new mobile home on a lot with .515 acres of lot area in lieu of 2 acres.

ADDRESS: 15601 Seaward Street, Orlando FL 32828

LOCATION: North side of Seaward St., approximately 475 ft. east of Sunflower Trl.

TRACT SIZE: 112 ft. x 200 ft./ .515 acres

DISTRICT#: 4

LEGAL: SEAWARD PLANTATION ESTATES T/109 THE W 125 FT OF W1/2 OF LOTS 32 & 33 BLK E

PARCEL ID#: 19-22-32-7876-05-330

NO. OF NOTICES: 53

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Commentaries: Four (4) commentaries 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. Additionally, 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 agreed with the staff recommendation and had nothing to add.

No one was present to speak on the request, the public hearing was closed.

BZA Discussion: The BZA noted that the site had a mobile home previously, and felt the case was straightforward; therefore, approved the variance with the staff recommendation.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Carolyn Karraker and unanimously carried to 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 October 15, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

AYE (voice vote): All members present

Absent: Wes A. Hodge (temporarily absent)

RECESSED AT 12:28 P.M. AND RECONVENED AT 1:05 P.M.

FAIRWINDS CREDIT UNION - VA-18-12-163

REQUEST: **Variances** in the P-O zoning district to allow a parking garage as follows:
1) To allow a front setback of 14 ft. in lieu of 25 ft.
2) To allow a height of 48.5 ft. in lieu of 35 ft.

ADDRESS: 3087 N. Alafaya Trail, Orlando FL 32826

LOCATION: Southeast corner of N. Alafaya Tr. and Science Dr.

TRACT SIZE: 294 ft. x 650 ft. / 4.4 acres

DISTRICT#: 5

LEGAL: BEG 56 FT E & 33 FT S OF NW COR OF NW COR OF NE1/4 OF NW1/4 OF SEC 15-22-31 TH RUN E 300 FT S 650.65 FT W 294.83 FT TO E R/W LINE OF N ALAFAYA TRL TH N 639.63 FT TO POB (LESS RD R/W)

PARCEL ID#: 15-22-31-0000-00-002

NO. OF NOTICES: 134

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

Staff Recommendation: Staff presented the case, displayed site photographs, and explained the site plan. Staff explained that this garage would only be utilized for the applicant's employees

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and/or customers and would not be open to the general public or be a traffic generator. Further, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Sam Sebaali (Applicant's representative)

Stacey Rodrigues (Opposed)

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

BZA Discussion: The BZA discussed the case and agreed that the proposed variances were acceptable and concurred 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 October 29, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall submit construction plans through the commercial site plan review process within two (2) years of final approval or this approval is null and void.

AYE (voice vote): All members present

WENDY TAHT - VA-18-12-164

REQUEST:	Variances in the R-CE zoning district to allow construction on a substandard lot as follows: 1) To allow a minimum lot width of 75 ft. in lieu of 130 ft. 2) To allow a minimum lot size of .44 acres in lieu of 1 acre.
ADDRESS:	12072 Sandy Shores Drive, Windermere FL 34786
LOCATION:	East of Sandy Shores Dr. on Lake Butler
TRACT SIZE:	75 ft. x 250 ft.; 0.44 acres
DISTRICT#:	1
LEGAL:	SANDY SHORES S/57 LOT 1
PARCEL ID#:	24-23-27-7808-00-010
NO. OF NOTICES:	97
<u>Commentaries:</u>	None

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. 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 agreed with the staff recommendation. No one was present to speak on the request, the public hearing was closed.

BZA Discussion: The BZA noted that the proposal would fit in with the neighborhood and approved the variance with the staff recommendation.

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

1. Development in accordance with the site plan dated October 15, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

AYE (voice vote): All members present

GREGORY DAVIS FOR THOMAS SIGN & AWNING CO. - VA-18-12-165

REQUEST: Variance in the P-D zoning district to allow a cumulative total of 256 sq. ft. of wall signage in lieu of 192 sq. ft.

ADDRESS: 4161 Town Center Blvd., Orlando FL 32837

LOCATION: Northwesterly corner of S. John Young Parkway and W. Town Center Boulevard

TRACT SIZE: 9.598 acres

DISTRICT#: 1

LEGAL: HUNTERS CREEK TRACT 380 A 40/83 LOT 1 (LESS BEG NE COR OF LOT 2 RUN S 64 DEG W 230 FT TO NW COR LOT 2 TH N 25 DEG W 15 FT N 64 DEG E 200 FT S 25 DEG E 10 FT N 64 DEG E 30 FT TH S 25 DEG E 5 FT TO POB)

PARCEL ID#: 29-24-29-3844-00-010

NO. OF NOTICES: 411

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

Staff Recommendation: Staff explained that the subject P-D was too small, and did not have sufficient road frontage to have a Master Sign Plan (MSP), as an MSP would allow them to have more sign copy area than permitted by the sign ordinance. Staff displayed photographs of the site reflecting that due to businesses on out-parcels on John Young Parkway and site landscaping; there was no clear visibility into the site.

The following person(s) addressed the Board:

Speaker(s): Gregory Davis (Applicant)

No one was in attendance to speak for or against the request, the public hearing was closed.

BZA Discussion: The BZA concluded that the increase in signage was minor, and that the new signage would provide a service to the patrons of the shopping center. The BZA agreed with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, 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 for sign location only, dated October 16, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall submit revised sign plans depicted no more than 28 sq. ft. of copy area per new sign.

AYE (voice vote): All members present

Abstained: Deborah Moskowitz

OSCAR PAREDES - VA-18-12-166

REQUEST:	Variances in the R-1 zoning district as follows: 1) To allow an existing residence located 23 ft. from the rear property line in lieu of 25 ft. 2) To allow an addition 23 ft. from the rear property line in lieu of 25 ft. 3) To allow an existing carport located 5 ft. from the side property line in lieu of 6 ft. 4) To allow an existing metal shed located 3 ft. from the side property line in lieu of 5 ft. 5) To allow the construction of a screen room 11 ft. from the rear property line in lieu of 12 ft.
ADDRESS:	4837 Anzio Street, Orlando FL 32819
LOCATION:	The north side of the intersection of Anzio St. and Dakar Ave., approximately 600 ft. west of Pomelo Drive
TRACT SIZE:	60 ft. x 103 ft./ .142 acres
DISTRICT#:	6
LEGAL:	TANGELO PARK SECTION THREE X/89 LOT 34 BLK 9
PARCEL ID#:	30-23-29-8555-09-340
NO. OF NOTICES:	155

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

Staff Recommendation: Staff noted that the house which was constructed in 1959, was only 23 feet from the rear property line in lieu of 25 feet. Further, the living area of the home was constructed 40 feet from the front property line. The addition to the home would follow existing building lines, and would not encroach any further into the setback. The existing wall adjacent to the carport was a substantial improvement, which clearly has been there for many years. The

adjacent neighbor did not object. The variance for the screen room was only a 4% variance and would be imperceptible. 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 indicated their agreement with the staff recommendation.

There being no one in attendance to speak for or against the request, the public hearing was closed.

BZA Discussion: The BZA concluded that the special conditions and situations, and the fact that the variance was not self-imposed, warranted the granting of the variance. Further, the Board recommended approval to include the staff recommendation.

BZA Action: A motion was made by Eugene Roberson, 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 October 16, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the master bedroom addition shall match that of the remainder of the home with regard to finish and color.
5. The color of the screen room shall match or be complimentary to that of the residence.
6. The screen room shall not be enclosed by glass without being reviewed and approved by the BZA as a permanent addition to the home.
7. If the existing shed is ever destroyed or removed, any replacement shed shall comply with the siting criteria for sheds in effect at the time of replacement with regard to setbacks, size, etc.

AYE (voice vote): All members present

CHARLES BROOKS - VA-18-12-167

REQUEST:	Variance in the R-T-2 zoning district to allow an accessory structure with 1,138 sq. ft. in lieu of 500 sq. ft.
ADDRESS:	18808 Bellmore Avenue, Orlando FL 32820
LOCATION:	Southwest corner of Bellmore Ave. and 10 St.
TRACT SIZE:	204 ft. x 667 ft./ 3.13 acres
DISTRICT#:	5

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LEGAL: EAST ORLANDO ESTATES SECTION B X/122 LOT 299
PARCEL ID#: 15-22-32-2331-02-990
NO. OF NOTICES: 60

Staff indicated that this case was continued to January 3, 2019, due to an error in advertisement.

BZA Action: A motion was made by Wes A. Hodge, seconded by Carolyn Karraker and unanimously carried to **CONTINUE** to January 3, 2019 BZA Meeting.

AYE (voice vote): All members present

ENVUE HOLDINGS, LLC - VA-18-12-168

REQUEST: Variance in the R-3 zoning district to allow a quadplex on a lot with 12,480 sq. ft. in lieu of 15,000 sq. ft.
ADDRESS: 2633 Hunt Club Lane, Orlando FL 32826
LOCATION: East side of Hunt Club Lane, north of Fox Hound Lane
TRACT SIZE: 96 ft. x 130 ft.; 0.54 acres
DISTRICT#: 5
LEGAL: FOX HUNT LANES PHASE 2 12/133 LOT 32
PARCEL ID#: 15-22-31-2866-00-320
NO. OF NOTICES: 222
Commentaries: None

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

The following person(s) addressed the Board:

Speaker(s): The applicant waived the right to speak and agreed with the staff recommendation. There was no opposition at the hearing.

BZA Discussion: The BZA approved the variance with the staff recommendation.

There being no one in attendance to speak for or against the request, the public hearing was closed.

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

1. Development in accordance with the site plan dated October 16, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

AYE (voice vote): All members present

DARRELL NUNNELLY - VA-18-12-169

REQUEST: **Variances** in the R-CE zoning district as follows:
1) To allow a wood deck 0 ft. from the NWHE line in lieu of 50 ft.
2) To allow a balcony addition 8 ft. from the NHWE line in lieu of 50 ft.
This is the result of Code Enforcement action.

ADDRESS: 9147 Winter Garden Vineland Road, Orlando FL 32836

LOCATION: East of Winter Garden Vineland Rd., west of Lake Sheen

TRACT SIZE: 106 ft. x 1267 ft., 3.1 acres

DISTRICT#: 1

LEGAL: N 106 FT OF S 1707.7 FT OF W1/2 OF NE1/4 (LESS RD ON W) & (LESS COMM NW COR OF NE1/4 RUN S 993.05 FT E 30 FT TO POB TH E 14.23 FT S 01 DEG W 42.89 FT S 63.13 FT W 13.02 FT N 106 FT TO POB.TAKEN FOR R/W PER OR 4929/ 2430) OF SEC 05-24-28

PARCEL ID#: 05-24-28-0000-00-010

NO. OF NOTICES: 97

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

Staff Recommendation: Staff explained that the residence was constructed by the original owner of the property in 1950, before either zoning or the Normal High Water Elevation (NHWE), were established. Staff's position was that the deck did not need to extend any closer to the NHWE than the balcony. Further, staff concluded by noting that if the variance was denied, the applicant could replace the deck with a concrete slab all the way out to the sea wall.

The following person(s) addressed the Board:

Speaker(s): Darrell Nunnelly (Applicant)

There being no one in attendance to speak for or against the request, the public hearing was closed.

BZA Discussion: The BZA concluded that there was no other location suitable for the improvements. Further, it appeared that the improvements were very well constructed, and that requiring removal of any of it would be a hardship, especially since any deck removed could be replaced by a concrete slab. Lastly, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance 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 October 17, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The applicant shall submit for permits for the deck, balcony, and roof over the balcony within 180 days of final action on this application by Orange County or this approval becomes null and void.
5. 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 deck be zero (0) feet, and the balcony, and roof over the balcony are no closer than four (4) feet, from the Normal High Water Elevation of Lake Sheen.

AYE (voice vote): All members present

STEPHEN ALLEN - VA-18-12-170

REQUEST: Variance in the C-2 zoning district to allow 347 parking spaces in lieu of 479 spaces.

ADDRESS: 7400 International Drive, Orlando FL 32819

LOCATION: West of International Dr., north of W. Sand Lake Rd.

TRACT SIZE: 400 ft. x 940 ft./ 9.48 acres

DISTRICT#: 6

LEGAL: S1/4 OF NW1/4 OF SW1/4 E OF I-4 & S 70 FT OF N3/4 OF NW1/4 OF SW1/4 E OF I-4 (LESS E 40 FT FOR RW OF INTERNATIONAL DRIVE) & BEG AT PT ON E LINE OF I-4 & N LINE OF S 70 FT OF N3/4 OF NW1/4 OF SW1/4 TH RUN NLY 65 FT E 575 FT S 50 FT E 28 FT S 15 FT W TO PO

PARCEL ID#: 25-23-28-0000-00-022

NO. OF NOTICES: 88

Commentaries: None

Staff Recommendation: Staff explained the site, location in the I-Drive Overlay zone, and need for the variance. 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): Stephen Allen (Applicant)

There was no one at the hearing to speak in favor or opposition to the request.

BZA Discussion: The BZA discussed the variance and determined that the variance met the criteria as the gates would allow the applicant to control who was parking on their site and approved the request with the staff recommendation.

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

1. Development in accordance with the site plan dated October 16, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

AYE (voice vote): All members present

RALPH KNAPP - VA-18-12-171

REQUEST: **Variance** in the R-2 zoning district to allow a fully enclosed sunroom with a rear yard (south) setback of 7 ft. in lieu of 20 ft.
ADDRESS: 6958 Kelcher Court, Orlando FL 32807
LOCATION: South side of Kelcher Ct., approximately 435 ft. east of Penlon Ct.
TRACT SIZE: 45 ft. x 100 ft./ .103 acres
DISTRICT#: 3
LEGAL: EBANS PRESERVE PHASE 4 44/41 LOT 42
PARCEL ID#: 23-22-30-2363-00-420
NO. OF NOTICES: 128

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

Staff Recommendation: Staff directed the BZA's attention to the location map, pointing out how the undeveloped right-of-way (r-o-w) behind the subject property ended at the canal r-o-w to the east. The conclusion was that the road would never be constructed, which was confirmed with the Public Works Department, who also confirmed that there is no funding for such construction. However, Public Works also indicated that they would not support the abandonment of the r-o-w. 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): Ralph Knapp (Applicant)

There being no one present to speak for or against the request, the public hearing was closed.

BZA Discussion: The BZA concluded that there was no other feasible location for a logical and functional addition given the size of the lot, and the fact that the original owner constructed such a large home on a small lot, nearly completely filling the entire building envelope. Therefore, the Board concurred with the staff recommendation.

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

1. Development in accordance with the site plan dated October 17, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The exterior of the sunroom shall match the exterior of the existing residence with respect to materials and colors.

AYE (voice vote): All member present

MICHAEL HARDING - SE-18-12-172

REQUEST: **Special Exception** to amend condition of approval #8 from February 1, 2018 (SE-18-02-154), to allow vehicular access on-site to Russell Ave.

ADDRESS: 1510 Russell Avenue, Orlando FL 32806

LOCATION: North of Curry Ford Rd., west of Russell Ave.

TRACT SIZE: 50 ft. x 150 ft./ .172 acres

DISTRICT#: 3

LEGAL: ORANGE VILLA K/21 LOT 7

PARCEL ID#: 31-22-30-6268-00-070

NO. OF NOTICES: 103

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

Staff Recommendation: Staff presented the case, and went over the previous Special Exception approval from February 2018. Further, staff stated the applicant was approved to allow a parking lot on this site per the conditions of approval. Staff presented the original site plan from the February case and the BZA had questions on the differences between the old site plan and the new one. Finally, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Michael Harding (Applicant)
Giovanni Fernandez (Applicant’s representative)

The applicant stated that the parking lot was in fact constructed without a building permit. He also stated it made more sense logistically to provide egress to Russell Avenue directly from the site rather than passing through the commercial property to the south. The applicant believed this request would improve the maneuverability on the site and allow the traffic to flow better. No one spoke in favor or in opposition on the case at the public hearing.

BZA Discussion: The BZA discussed the case and the fact that the applicant had built the parking lot without permits and contrary to the BZA conditions of approval. The BZA agreed that the wall was necessary to provide a buffer against the nearby residential homes. Finally, the BZA denied the request to amend Condition of Approval #8, as it did not meet the Special Exception Criteria.

BZA Action: A motion was made by Wes A. Hodge, seconded by Eugene Roberson and carried to **DENY** the Special Exception request in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest.

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

KENCO SIGNS - VA-18-12-173

REQUEST: **Variance** in the P-D zoning district to allow a cumulative total of 431 sq. ft. of wall signage in lieu of 157.5 sq. ft.

ADDRESS: 7590 University Blvd., Winter Park FL 32792

LOCATION: Southeast corner of University Blvd. and N. Goldenrod Rd.

TRACT SIZE: 1,076 ft. x 585 ft. (AVG)/14.45 acres

DISTRICT#: 5

LEGAL: W 15 AC OF N1/2 OF NW1/4 OF NE1/4 (LESS RD R/W ON N & W)(LESS W 68.6FT OF E 189.49 FT OF NE1/4 OF NW1/4 OF NE1/4 LYING S OF UNIVERSITY BLVD) & (LESS BEG 231.17 FT E & 100.43 FT S OF N1/4 COR OF SEC 11 TH S 125 FT W 125 FT N 125 E 125 FT TO POB) IN SEC 11-

PARCEL ID#: 11-22-30-0000-00-124

NO. OF NOTICES: 157

Commentaries: None in favor and two (2) in opposition

Staff Recommendation: Staff noted that when the P-D for the center was originally approved in 1986, the sign guidelines provided for two (2) sq. ft. of copy area for wall signs per each linear foot of storefront. This would allow for 220 sq. ft. of sign area. However, when the P-D for the center was revised in 2018, the standard was changed to simple compliance with the sign code. Staff noted that since this center, including the bank out-parcel, equaled 15 acres, and the center had over 1,000 feet of frontage, a Master Sign Plan (MSP) could be developed. This would allow the applicant to modify the amount of wall signage they would be permitted. Staff recommended that the MSP process be the mechanism to accomplish the applicant's needs, not the variance process. Staff concluded by noting that they had received correspondence from a property management company representing three (3) residential subdivisions approximately 1/3 mile to the north who opposed the variance.

The following person(s) addressed the Board:

Speaker(s): Raymond Webb (Applicant's representative)

Kenny Webb (in Favor)

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

BZA Discussion: The BZA found that given that the applicant once was entitled to more signage, and that exposure to Goldenrod Road was essential, additional signage was warranted. The BZA offered a total of 275 sq. ft., which the applicant accepted. A motion to allow a total maximum of 275 sq. ft. wall signage, to be distributed as the tenant wished, was passed unanimously.

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

1. Development in accordance with the site plan dated October 17, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Total sign copy area shall be limited to 275 sq. ft.

AYE (voice vote): All members present

VISIT ORLANDO - VA-19-01-174

REQUEST: Variance in the C-1 zoning district to allow a cumulative total of 160 sq. ft. of wall signage in lieu of 80 sq. ft.
ADDRESS: 8102 International Drive, Orlando FL 32819
LOCATION: West of International Dr., south of W. Sand Lake Rd.
TRACT SIZE: 250 ft. x 508 ft. (AVG)/ 2.86 acres
DISTRICT#: 6
LEGAL: HOLLYWOOD PLAZA 36/98 LOT 2
PARCEL ID#: 36-23-28-3787-00-020
NO. OF NOTICES: 48
Commentaries: None

Staff Recommendation: Staff explained the site and showed photos of the proposed wall sign. The site faces both International Drive and I-4 on either side. The applicant had an existing sign facing International Drive and would like to construct an identical sign facing I-4. 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): Keith Swider (Applicant's representative)

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

BZA Discussion: The BZA discussed the case and what the applicant was allowed by code. Additionally, the Board stated that the location was hard to locate due to the adjacent parking garage. As such, the BZA approved the request as the sign fits in with the building façade and area.

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

1. Development in accordance with the site plan and sign elevations dated October 19, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall remove any unpermitted on-site signs and any off-site signs located in the right-of-way shall be permitted through Orange County Public Works.

AYE (voice vote): All members present

TOREK THOMPkins - ZM-19-01-176

REQUEST: Appeal of the **Zoning Manager's Determination** that the proposed use does not constitute a freestanding carwash and is not permitted in the C-1 zoning district.

ADDRESS: 7600 Dr. Phillips Blvd., Orlando FL 32819

LOCATION: North of W. Sand Lake Rd., east of Dr. Phillips Blvd.

TRACT SIZE: 20.02 acres

DISTRICT#: 1

LEGAL: BEG 247 FT N & 50 FT E OF SW COR OF SEC 26-23-28 TH RUN N 643.13 FT E 147 FT S 70 FT E 47.82 FT NELY 26.91 FT N 29 DEG E 115.73 FT NELY 26.18 FT N 214.33 FT E 228 FT N 4.74 FT NLY & ELY 348.91 FT NWLY 132.86 FT N 46 DEG E 152 FT SELY 274.31 FT S 71.3 FT W

PARCEL ID#: 26-23-28-0000-00-015

NO. OF NOTICES: 167

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

Staff Recommendation: Staff explained the proposed location and showed site photographs. The applicant was proposing a carwash located under permanent shade structures. It was determined by the Zoning Manager that this is not an allowed use as the structure is open on all sides and does not constitute a freestanding carwash. The C-1 zoning district does not allow outdoor storage, sales, or display.

The following person(s) addressed the Board:

Speaker(s): Torek Thompkins (Applicant)

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

BZA Discussion: The BZA discussed the case and had questions on what was allowed in the Zoning district and what the County defines as a freestanding business. The Board mentioned that this use was a unique and innovative business concept; and perhaps, did not fit into a specific Zoning category. Therefore, the BZA overturned the Zoning Manger's Determination and approved the request as a permitted use in the C-1 zoning district.

BZA Action: A motion was made by Carolyn Karraker, seconded by Wesley A. Hodge and unanimously carried to **OVERTURN** the Zoning Manager's Determination; and to **APPROVE** the applicant's request that the proposed use does constitute a freestanding carwash as a permitted use in the C-1 zoning district subject to the following conditions:

1. Development in accordance with the site plan dated October 30, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the 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 case requires 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 use shall not be allowed any signage visible from the right-of-way.

5. Construction plans shall be submitted within 180 days of final approval or this approval be null and void.
6. The use shall be limited to maximum of ten (10) parking spaces and shall not impede any aisles.
7. The applicant shall coordinate with the Florida Department of Environmental Protection re the industrial wastewater discharge.

AYE (voice vote): All members present

Absent: Deborah Moskowitz

CANTERO HOLDINGS, LLC - SE-19-01-175

REQUEST: Request in the A-1 zoning district to amend condition #5 of the **Special Exception** approval (SE-01-01-001) to extend the period to vacate the 116 acre tract to Dec. 31, 2022, and to amend condition #2 relating to the Jan. 23, 2001 Developer's Agreement, consistent with extending the period.

ADDRESS: 12000 Avalon Road, Winter Garden FL 34787

LOCATION: West of Avalon Rd., north of Flemings Rd.

TRACT SIZE: 110 acres

DISTRICT#: 1

LEGAL: THAT PART OF NW1/4 OF SEC 20-24-27 LYING NWLY OF RD R/W PER DB 402/316 AND RD BOND BK 3/117 & THE SE1/4 OF SW1/4 W OF RD R/W PER DB 402/316 & BEG 250 FT N OF SE COR OF SW1/4 OF SW1/4 SWLY ALONG SWAMP TO PT 457 FT W OF SE COR OF SW1/4 OF SW1/4 E TO SE COR

PARCEL ID#: 20-24-27-0000-00-005 19-24-27-0000-00-009 19-24-27-0000-00-016

NO. OF NOTICES: 15

This case was withdrawn by the applicant on December 4, 2018, via email prior to the public hearing.

BZA Action: A motion was made by Carolyn Karraker, seconded by Eugene Roberson and unanimously carried to **WITHDRAW** the case upon the request of the applicant on December 4, 2018, via email prior the public hearing.


AYE (voice vote): All members present

Absent: Deborah Moskowitz

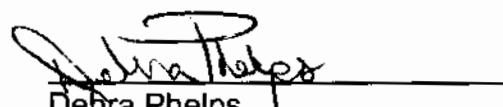
ADJOURN:

There being no further business, the meeting was adjourned at 3:47 p.m.

ATTEST:



Gregory A. Jackson
Chairman



Debra Phelps
Recording Secretary