

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF JANUARY 3, 2019**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **January 3, 2019** 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: Carolyn C. Karraker - Vice Chair
Jose A Rivas, Jr. – District #3
Deborah Moskowitz – District #4
Wes A. Hodge – District #5
Charles J. Hawkins, II – District #6
Roberta Walton – At Large

BOARD MEMBERS ABSENT: Gregory A. Jackson - Chairman

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 Acting 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.

ELECTION OF OFFICERS:

First call of order was to elect a new Chairman to the Board of Zoning Adjustment. Carolyn C. Karraker entertained a motion. A motion was made by Deborah Moskowitz, seconded by Wes A. Hodge and unanimously carried to nominate Gregory A. Jackson as Chairman to the Board.

The Board proceeded to elect a new Vice Chair. A motion was made by Deborah Moskowitz, seconded by Jose A Rivas, Jr. and unanimously carried to nominate Carolyn C. Karraker, as Vice Chair to the Board.

APPROVAL OF MINUTES:

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

A motion was made by: Carolyn C. Karraker

seconded by: Deborah Moskowitz

and unanimously carried to **APPROVE** the minutes of the December 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.

CHARLES BROOKS - VA-18-12-167

REQUEST: Variance in the R-T-2 zoning district to allow cumulative accessory structure square footage of 1,200 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
LEGAL: EAST ORLANDO ESTATES SECTION B X/122 LOT 299
PARCEL ID#: 15-22-32-2331-02-990
NO. OF NOTICES: 60

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. In addition, 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. There was no opposition at the hearing.

BZA Discussion: The BZA concurred with the staff recommendation.

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

1. Development in accordance with the site plan dated 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

Absent: Gregory A. Jackson

EDWARD DILLARD - VA-19-01-177

REQUEST: Variance in the R-CE zoning district to park a 33 ft. boat in the driveway in lieu of inside a garage, under a carport or in the rear half of the lot or parcel.
This is the result of Code Enforcement action.
ADDRESS: 7330 Earlwood Avenue, Mount Dora FL 32757
LOCATION: South side of Earlwood Ave, west of N. Orange Blossom Trl.
TRACT SIZE: 1.212 acres
DISTRICT#: 2

LEGAL: MAROTS ADDITION TO TANGERINE MTG E/506 THAT PART OF LOTS 1 & 2 FROM THE NE COR OF LOT 1 RUN S ALONG THE E LINE OF LOT 1 FOR 190 FT W 30 FT FOR POB CONT W 430.5 FT N 160 FT E 325.5 FT S 132 FT E 105 FT S 28 FT TO POB

PARCEL ID#: 08-20-27-5512-01-018

NO. OF NOTICES: 80

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

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

The applicant questioned the screening of the solar panels and the possibility of a boat cover. There was no opposition at the hearing.

BZA Discussion: The BZA asked about alternate locations for the boat. The BZA felt that a 33-foot boat was very large and noted that an impacted neighbor was opposed. Therefore, the BZA denied the variance.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and carried to **DENY** the Variance request in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3).

AYE (voice vote): Carolyn Karraker; Deborah Moskowitz; Wes A. Hodge; Roberta Walton; Charles Hawkins

NAY (voice vote): Jose Rivas, Jr.

Absent: Gregory A. Jackson

CHRIS VICK - VA-19-01-179

REQUEST: Variance in the R-1A zoning district to permit an addition 26 ft. from the rear (north) property line in lieu of 30 ft.

ADDRESS: 8411 Blue Pine Court, Orlando FL 32819

LOCATION: North side of Blue Pine Ct., approximately 165 ft. east of Huckleberry Ave.

TRACT SIZE: 91 ft. x 131 ft. (AVG)/.278 Acres

DISTRICT#: 1

LEGAL: SAND LAKE HILLS SECTION EIGHT 12/61 LOT 771

PARCEL ID#: 22-23-28-7832-07-710

NO. OF NOTICES: 81

Commentaries: None

Staff Recommendation: Staff explained that due to the shape of the lot caused by the bulb of the cul-de-sac, the home was built askew of the front property line. In addition, the home was built 30 feet from the front property line rather than 25 feet. This combination causes the rear corner of the house to be pushed back closer to the rear setback. Thus, reducing the size of the room would make it less functional. Staff noted that they had not received any correspondence for or against the request. 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): Chris Vick (Applicant)

The applicant indicated that the owner had looked at reducing the size of the room to avoid the variance. However, the room is for the owner's mother who has need for special furnishings. There being no one present to speak for or against the application, the public hearing was closed.

BZA Discussion: The BZA concluded that the need for the variance was due to the constraints posed by the shape of the front property line and the siting of the home. Further, the variance

was not self-imposed, and was the least necessary. Therefore, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Roberta Walton 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 November 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 exterior of the addition shall match the exterior materials and colors of the existing residence.

AYE (voice vote): All members present

Absent: Gregory A. Jackson

NICOLE GOUGH - VA-19-01-180

REQUEST:	Variances in the R-1A zoning district as follows: 1) To permit a sun room 27.5 ft. from the rear (east) property line in lieu of 30 ft. 2) To allow an accessory structure to remain 0.5 ft. from the side (south) property line in lieu of 5 ft. 3) To allow an accessory structure to remain 2.8 ft. from the side (south) property line in lieu of 5 ft. 4) To allow two accessory structures to remain with a separation distance of .5 ft. in lieu of 10 ft.
ADDRESS:	4533 S. Shore Road, Orlando FL 32839
LOCATION:	East side of S. Shore Rd., north of Holden Ave.
TRACT SIZE:	102 ft. x 100 ft./ 0.234 acres
DISTRICT#:	3
LEGAL:	LAKE HOLDEN GARDENS Q/140 LOTS 2 & 3
PARCEL ID#:	11-23-29-4496-00-020
NO. OF NOTICES:	116
Commentaries:	None in favor and one (1) 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 Variance Request #1, subject to the conditions as listed in the staff report, and denial of Variance Requests #2 and #3.

The following person(s) addressed the Board:

Speaker(s): Nicole Gough (Applicant)

The applicant stated that the sheds were there when they purchased the property in 2009, and

that the sheds are too old to move. The applicant also indicated that they have a letter of approval from the neighbor to the south who was most impacted by the sheds. There was no opposition at the public hearing.

BZA Discussion: The BZA discussed moving the sheds, and agreed to add Condition #4. The BZA approved the variance requests with the staff recommendations as amended subject to adding Condition #4, stating, "If one or both sheds are destroyed or removed, any replacement shall meet setbacks and codes in effect at the time."

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

1. Development in accordance with the site plan dated November 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. If one or both sheds are destroyed or removed, any replacement shall meet setbacks and codes in effect at the time.

AYE (voice vote): All members present

Absent: Gregory A. Jackson

LUIS GOMEZ - VA-19-02-188

REQUEST:	Variances in the A-1 zoning district to construct a new modular home as follows: 1) To allow a minimum lot width of 58 ft. in lieu of 100 ft. 2) To allow a minimum lot size of .17 acres in lieu of .5 acres. 3) To allow a front yard setback of 23 ft. in lieu of 35 ft. 4) To allow a rear yard setback of 42 ft. in lieu of 50 ft.
ADDRESS:	5230 Angola Street, Ocoee FL 34761
LOCATION:	West side of Angola St., south of Clarcona Ocoee Rd.
TRACT SIZE:	58 ft. x 121 ft. / .172 acres
DISTRICT#:	2
LEGAL:	OAK LEVEL HEIGHTS L/31 LOTS 1 & 2 (LESS N 90 FT THEREOF) & (LESS S 5 FT OF LOT 1) BLK B
PARCEL ID#:	05-22-28-6052-02-010
NO. OF NOTICES:	52
Commentaries:	None in favor and one (1) in opposition

Staff Recommendation: Staff stated that the applicant was proposing to construct a new modular home on the existing lot. Staff further explained there was a home on the lot previously that was removed. The variances were needed as the lot was too small for the A-1 zoning

district and was not a lot of record. Staff showed the surrounding lots, zoning map, previous variances approved, and demonstrated that not any house could be built in this area without variances due to the current zoning designation of agricultural. As such, 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 was no one present to speak for or against the request at the public hearing.

BZA Discussion: The BZA decided the request was reasonable and to allow the applicant to rebuild the variances were required; therefore, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Deborah Moskowitz, 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 November 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. All unpermitted existing accessory structures shall be removed via a demolition permit or permitted prior to the issuance of the certificate of occupancy for the modular home.

AYE (voice vote): All members present

Absent: Gregory A. Jackson

SHARON MARTIN - VA-19-01-181

REQUEST:	Variance in the R-1A zoning district to allow a 6 ft. high fence in the front yard in lieu of 4 ft. high.
ADDRESS:	1020 Manor Drive, Orlando FL 32807
LOCATION:	West side of Manor Dr., north of E. Colonial Dr.
TRACT SIZE:	100 ft. x 70 ft.
DISTRICT#:	5
LEGAL:	LAKE BARTON MANOR R/90 LOT 6 BLK B
PARCEL ID#:	22-22-30-4300-02-060
NO. OF NOTICES:	36
<u>Commentaries:</u>	None

Staff Recommendation: Staff explained the area which was compromised of both residential and commercial uses. The applicant would like to construct a six (6) foot high wood fence in their front yard to provide security. Staff recommended approval of the request as the property abuts commercial uses, and proposed a condition that the fence be an aluminum or wrought iron style fence.

The following person(s) addressed the Board:

Speaker(s): Sharon Martin (Applicant)
Kevin Martin (on behalf of the Applicant)

The applicant stated that the area was a high crime area and they feel unsafe without the fence. They also stated they would prefer the wood fence as it would provide a noise and visual barrier from the surrounding uses.

BZA Discussion: The BZA discussed the style of the fence and what the options were for the applicant. The BZA agreed that the opaque wood fence was appropriate for the area and approved the request with the staff recommendation as amended, to eliminate the Condition of Approval #4.

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

1. Development in accordance with the site plan dated November 27, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

AYE (voice vote): All members present

Absent: Gregory A. Jackson

RALPH MERVINE - VA-19-01-182

REQUEST:	Variance in the R-1 zoning district to construct an addition 10 ft. from the side street line (north) in lieu of 15 ft.
ADDRESS:	4532 Conway Landing Drive, Orlando FL 32812
LOCATION:	North end of Conway Landing Dr., approximately .16 miles north of Simmons Rd.
TRACT SIZE:	68 ft. x 122 ft. (AVG)/.2 Acres
DISTRICT#:	3
LEGAL:	CONWAY LANDINGS 23/84 LOT 12
PARCEL ID#:	16-23-30-1679-00-120
NO. OF NOTICES:	85

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

Staff Recommendation: Staff noted that the dead-end section of road ends at the back yards of two (2) houses in a neighboring subdivision which were actually plated after the one creating the subject property. Further, the subject property abuts a little league baseball complex which does not want access. 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): Ralph Mervine (Applicant)

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

BZA Discussion: The BZA concluded that the applicant had exhausted all options, and that the side street was not serving any purpose to warrant such a great setback. As a result, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Roberta Walton 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 November 14, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the addition shall match the exterior of the existing residence with respect to color and materials.

AYE (voice vote): All members present

Absent: Gregory A. Jackson

HOUSE OF PRAYER CHURCH OF THE LIVING GOD - SE-19-01-183

REQUEST: **Special Exception and Variance** in the R-1A zoning district to allow for a religious use facility as follows:

1) Special Exception to allow the applicant to use the existing building for a religious use facility.

2) Variance to allow 13 parking spaces in lieu of 33 spaces.

ADDRESS: 1401 25th Street, Orlando FL 32805

LOCATION: Northwest corner of S. Nashville Ave. and 25th St.

TRACT SIZE: 100 ft. x 135 ft.

DISTRICT#: 6

LEGAL: ANGEILT ADDITION H/79 LOTS 23 & 24 BLK 37

PARCEL ID#: 03-23-29-0180-37-230

NO. OF NOTICES: 94

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

Staff Recommendation: Staff explained the area, pointed out there was an existing church to the north, and no vertical construction was proposed with this application. 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): The applicant stated they were in agreement with staff's recommendation and were available for any questions.

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

BZA Discussion: The BZA agreed the use was compatible with the surrounding area and approved the requests with the staff recommendation.

BZA Action: A motion was made by Charles J. Hawkins, II, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and further, to **APPROVE** the Variance 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 December 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. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
5. Construction plans shall be submitted within three (3) years of final approval or this approval becomes null and void.
6. No outdoor speakers or other audio amplification.
7. Signage shall be in accordance with 31.5-75, Orange County Code.
8. 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.
9. A six (6) foot high vinyl fence shall be constructed along the north and west property lines. The fence on the north property line shall terminate ten (10) feet from the easterly property line. The fence on the west property line shall be limited to four (4) feet tall in the required front yard setback.
10. Landscape buffers shall be installed consistent with Sec. 24-5.

AYE (voice vote): All members present

Absent: Gregory A. Jackson

ELAN AZUZ - SE-19-01-185

REQUEST: **Special Exception** in the R-2 zoning district to permit a 700 sq. ft. guest house.
ADDRESS: 2211 E. Harding Street, Orlando FL 32806
LOCATION: North side of Harding St., approximately 325 ft. west of S. Bumby Ave.
TRACT SIZE: 73 ft. x 135 ft./ .226 Acres
DISTRICT#: 3
LEGAL: CLOVERDALE HEIGHTS Y/59 LOT 7
PARCEL ID#: 06-23-30-1430-00-070
NO. OF NOTICES: 116
Commentaries: Two (2) in favor and none in opposition

Staff Recommendation: Staff noted that the subject property was twice the minimum lot size for a single family home in the R-2 zoning district. The proposed guesthouse would exceed all setbacks, and the owner had acknowledged all of the limitations regarding occupancy and amenities. 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): Elan Azuz (Applicant)
Ricia Reynolds (Neighbor opposed)
William Snyder, II (Neighbor opposed)
Samuel Azuz (Father on behalf of the applicant)

The applicant indicated his agreement with the staff recommendation.

Two residents spoke in opposition with concerns that the unit would be used as a rental for Air B&B.

In rebuttal, the applicant noted that they had just moved to Orange County from South Florida wherein the rest of their family still resides. Further, the unit would be for family when they come to visit, and would not be used as a rental unit.

BZA Discussion: The BZA concluded that the conditions attached to the staff recommendation would ensure that if the unit was ever used improperly, the Orange County Code Enforcement officers could act accordingly.

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

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

4. Construction plans shall be submitted within three (3) years of final action on this application by Orange County or this approval becomes null and void.
5. No separate electric or water meters shall be installed on the guesthouse.
6. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.
7. The exterior of the guesthouse shall be finished with materials and colors which match or compliment the main residence.
8. The guesthouse shall never be used as a rental unit.
9. With the exception of the HVAC system, no 220 volt service shall be provided to the guesthouse.
10. The guesthouse shall utilize a gabled roof system to match with the predominant style of the neighborhood.
11. Obtain permits for, and relocate the existing shed from the utility easement, or obtain and execute a demolition permit for the structure.

AYE (voice vote): Jose A. Rivas, Jr.; Wes A. Hodge; Carolyn Karraker; Roberta Walton; Charles Hawkins

NAY (voice vote): Deborah Moskowitz

Absent: Gregory A. Jackson

FLORA SMITH - VA-19-01-186

REQUEST: Variance in the R-1A zoning district to allow an addition 5 ft. from the side (east) property line in lieu of 7.5 ft.

ADDRESS: 2517 Marzel Avenue, Orlando FL 32806

LOCATION: North side of Marzel Ave., approximately 250 ft. west of Peel Ave.

TRACT SIZE: 75ft. x 135 ft./ .232 Acres

DISTRICT#: 3

LEGAL: BUMBY HEIGHTS X/84 LOT 13 BLK A

PARCEL ID#: 07-23-30-1034-01-130

NO. OF NOTICES: 111

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

Staff Recommendation: Staff noted that the houses in this area generally extend across the entire building envelope. In fact, the subject property actually encroaches 1/10 of an inch into the side setback where the variance was being requested. The additional floor area provided by the variance would allow persons to more easily exit their car. It will also allow the installation of a standard size garage door as opposed to requiring a custom built one. In addition, staff was recommending a condition that the garage door have windows across the upper section. Finally, 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 the request at the hearing.

BZA Discussion: The BZA concluded the fact that the home already encroaches and covers the entire width of the building envelope, constituted a special circumstance. Further, since the applicant was not the original owner, the need for the variance was not self-imposed. The variance was the least necessary to allow the garage to be more functional. Inasmuch, the Board agreed with the staff recommendation.

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

1. Development in accordance with the site plan dated November 14, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the finished garage shall match the exterior of the existing residence with respect to materials and color.
5. The garage shall be outfitted with a decorative garage door with windows across the upper segment of the door.

AYE (voice vote): All members present

Absent: Gregory A. Jackson

NATHAN ALESKOVSKY - SE-19-02-184

REQUEST: **Special Exception and Variances** in the R-1AA zoning district as follows:

- 1) Special Exception to allow a detached Accessory Dwelling Unit (ADU).
- 2) Variance to allow a 1,090 sq. ft. detached ADU in lieu of 1,000 sq. ft.
- 3) Variance to allow 1,164 sq. ft. of cumulative accessory structure square footage in lieu of 1,000 sq. ft.

ADDRESS: 13140 S. Lake Mary Jane Road, Orlando FL 32832

LOCATION: West side of S. Lake Mary Jane Rd., east of Moss Park Rd.

TRACT SIZE: 2.181 acres

DISTRICT#: 4

LEGAL: ISLE OF PINES U/97 LOT 11

PARCEL ID#: 25-24-31-3872-00-110

NO. OF NOTICES: 293

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

Staff Recommendation: Staff gave a brief presentation on the case covering the location of the property, 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): The applicant agreed with the staff recommendation and had nothing to add. There was no one present to speak in favor or opposition to the requests at the hearing.

BZA Discussion: The BZA indicated that the requests were common for this area and the proposal would fit in with the surrounding area. As such, the BZA agreed with the staff recommendation.

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

1. Development in accordance with the site plan and elevations dated November 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. Construction plans shall be submitted within three (3) years of the final County approval, or this approval becomes null and void.
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
6. The exterior of the ADU shall have complimentary colors and design materials as the primary residence.
7. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
8. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

AYE (voice vote): All members present

Absent: Gregory A. Jackson

GUACAMOLE MEXICAN GRILL - VA-19-02-191

REQUEST:	Variance in the P-D zoning district to allow a 2-COP license (beer & wine only) for consumption on premises located 392 ft. from a religious institution in lieu of 1,000 ft.
ADDRESS:	2830 S. Alafaya Trail, Orlando FL 32828
LOCATION:	South side of S. Alafaya Tr., north of Innovation Way

TRACT SIZE: 93 ft. x 135 ft. (AVG) / .288 acres
DISTRICT#: 4
LEGAL: ALAFAYA VILLAGE 56/140 LOT 4
PARCEL ID#: 02-23-31-0124-00-040
NO. OF NOTICES: 945

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

Staff Recommendation: Staff outlined the case, explained the area, and pointed out that two (2) previous variances were granted at this same location for previous tenants. 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): Diego Rojas (Applicant's representative) indicated that the applicant was in agreement with the staff recommendation.

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

BZA Discussion: The BZA stated the only reason the variance was needed was because of the conditions on the previous variance. The BZA concurred that the request was reasonable and approved the variance with the staff recommendation.

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 December 11, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.


AYE (voice vote): All members present

Absent: Gregory A. Jackson

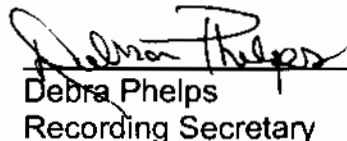
ADJOURN:

There being no further business, the meeting was adjourned at 12:07 p.m.

ATTEST:



Gregory A. Jackson
Chairman



Debra Phelps
Recording Secretary