

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
MEETING OF FEBRUARY 7, 2019**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **February 7, 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:** Gregory A. Jackson - Chairman  
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

**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 9:06 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 January 3, 2019, Board of Zoning Adjustment meeting.

A motion was made by: Wes A. Hodge

seconded by: Carolyn C. Karraker

and unanimously carried to **APPROVE** the minutes of the January 3, 2019 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 MARCH - VA-18-11-137**

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**REQUEST:**

**Variances** in the R-2 zoning district as follows:

- 1) To allow an existing accessory structure with a 4 ft. rear setback in lieu of 5 ft.
- 2) To allow an existing accessory structure with a 2.6 ft. side setback in lieu of 5 ft.
- 3) To allow an existing accessory structure with a 4 ft. rear setback 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.

Note: This is the result of Code Enforcement action.

**ADDRESS:** 8120 Bucksaw Drive, Orlando FL 32817  
**LOCATION:** South side of Bucksaw Dr., south of Bates Rd., east of N. Goldenrod Rd.  
**TRACT SIZE:** 62 ft. x 108 ft.; 0.151 acres  
**DISTRICT#:** 3  
**LEGAL:** PINWOOD VILLAGE 11/54 LOT 13  
**PARCEL ID#:** 13-22-30-7102-00-130  
**NO. OF NOTICES:** 71

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

**Staff Recommendation:** Staff gave a presentation on the case covering the previous hearing, location, the site plan, 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):** Charles March (Applicant)

Kurt Fasnacht (Orange County Code Enforcement Officer)

Code Enforcement confirmed the applicant's statements and the accruing fines.

There was no one to spoke in favor or opposition on this request at the public hearing.

**BZA Discussion:** The BZA confirmed that the applicant had replied to Code enforcement and thought everything was resolved when there was no correspondence for 10 years. The BZA noted that the applicant had vacated the easement, and acknowledged that the applicant had relied on a company to pull permits for the sheds, and that once the issue was brought to the attention of the applicant, he was diligent in trying to address the issues. The BZA approved the variances with the conditions outlined in the staff report.

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

1. Development in accordance with the site plan dated January 23, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain permits for all accessory structures within 120 days of final action on this application by Orange County, or this approval becomes null and void.

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

**NAY (voice vote):** Deborah Moskowitz

**NICOLE GOUGH - VA-19-01-180**

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**REQUEST:** **Variance** in the R-1A zoning district to allow two accessory structures to remain with a separation distance of 1 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

**Staff Recommendation:** Staff gave a presentation on the case covering the previous hearing, the location of the property, the site plan, and photographs of the site. Further, staff recommended denial; however, should the BZA grant the requested variances, staff recommended that conditions in the staff report be imposed.

The following person(s) addressed the Board:

**Speaker(s):** The applicant waived the right to speak and agreed with the staff presentation. There was no one to spoke in favor or opposition on this request at the public hearing.

**BZA Discussion:** The BZA confirmed the addition of Condition #5 stating, "If one or both sheds are destroyed or removed, any replacement shall meet setbacks and codes in effect at the time." 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 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.
5. If one or both sheds are destroyed or removed, any replacement shall meet setbacks and codes in effect at the time.
6. The applicant shall obtain a permit for the sheds within 120 days of final approval, or this approval becomes null and void.

**AYE (voice vote):** All members present

**CHARO UCEDA - SE-18-06-068**

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**REQUEST:** **Special Exception and Variances** in the R-CE zoning district as follows:  
1) Special Exception to allow construction of a detached Accessory Dwelling Unit (ADU).  
2) Variance to allow construction of a detached ADU on a lot with less than 1 1/2 times the minimum lot area required by the zoning district.

3) Variance to allow a parcel with .88 ac. of land area in lieu of 1 ac. of land area.

**ADDRESS:** 1984 Windermere Road, Windermere FL 34786

**LOCATION:** West side of Windermere Rd., approximately 350 ft. south of McKinnon Rd.

**TRACT SIZE:** 133 ft. x 291 ft. (AVG)/.885 Acres

**DISTRICT#:** 1

**LEGAL:** BEG SW COR OF NW1/4 TH RUN N 127 FT N 87 DEG E 283.78 FT S 05 DEG E 140 FT W 299.17 FT TO POB SEC 06-23-28

**PARCEL ID#:** 06-23-28-0000-00-014

**NO. OF NOTICES:** 70

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

Staff Recommendation: Staff noted that the need for the variances regarding the size of lot were due in part to the fact that there was no indication that the lot had been lawfully created. However, at over 35,000 ft. in size, there was more than adequate room to accommodate both the main house and the ADU, which was for the applicant's parents. Staff noted that it had received one correspondence in opposition, however, it was not from an immediately impacted neighbor. 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): The applicant's agent indicated their agreement with the staff recommendation and conditions.

There being no one present to speak in favor or opposition to the request, the public hearing was closed.

BZA Discussion: The BZA asked if, even though the architecture provided mirrored that of the house, should a condition be added for clarity. Staff acknowledged that one would be added. Thus, the BZA concurred with the staff recommendations as amended.

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

1. Development in accordance with the site plan dated April 18, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. 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. Prior to issuance of a Certificate of Occupancy for the ADU, the applicant shall provide evidence that a Homestead Exemption has been granted to the subject property.
6. The exterior of the ADU shall match or compliment the exterior of the existing Residence with respect to color and materials.
7. 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

#### **EDUARDO BADILLO - SE-19-02-187**

**REQUEST:** **Special Exception** in the C-1 zoning district to allow a portable food vendor at an existing gas station/convenience store.  
This is the result of Code Enforcement action.

**ADDRESS:** 7331 W. Sand Lake Road, Orlando FL 32819

**LOCATION:** Northwest corner of W. Sand Lake Rd. and Turkey Lake Rd.

**TRACT SIZE:** 1 acre

**DISTRICT#:** 1

**LEGAL:** FROM S1/4 COR RUN E 1700.11 FT N 9 DEG E 60.97 FT W 73.77 FT FOR POB RUN W 146.06 FT N 152.82 FT NELY 50.8 FT N 18 DEG E 20.26 FT ELY 10.99 FT ELY 87.48 FT S 80 DEG E 100.93 FT S 9 DEG W 198.83 FT S 49 DEG W 38.37 FT TO POB SEC 26-23-28

**PARCEL ID#:** 26-23-28-0000-00-130

**NO. OF NOTICES:** 172

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

Staff Recommendation: Staff gave a presentation on the case covering the location of the property and the operation, the site plan, and photographs of the site. Further, 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): Eduardo Roque (Representative on behalf of the applicant)  
Eduardo Badillo (Applicant)  
Robert Blochinger (in Favor)

BZA Discussion: The BZA confirmed that the gas station operated 24 hours per day, and that there were no such other operations in the area. The BZA also confirmed that if the operation was under the canopy of the building then no hearing would be required. Finally, the BZA concurred with the staff recommendations.

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:

1. Development in accordance with the site plan dated November 21, 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. Hours of operation shall be limited to between 7:00 a.m. and 12:00 a.m.
5. Outdoor seating is prohibited.
6. Audio equipment and video equipment shall be prohibited, as well as the use of any outdoor amplification of any sound.
7. Overnight stay or storage of any supplies or materials is prohibited. The operation shall be moved nightly or stored indoors overnight.
8. Use of on- or off-site signage, such as A-Frames, banners, temporary directional signs, etc., shall be prohibited.
9. No more than one portable food vendor, or food truck shall be permitted on the site at any one time.
10. Failure to comply with the above conditions shall result in Code Enforcement action.

AYE (voice vote): All members present

**JOSEPH NEAL - SE-19-02-189**

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**REQUEST:** **Special Exception** in the R-3 zoning district to allow a daycare and private school with up to 236 students.  
**ADDRESS:** 61 S. Dean Road, Orlando FL 32825  
**LOCATION:** east side of Dean Rd., north of Lake Underhill Rd.  
**TRACT SIZE:** 169 ft. x 380 ft.  
**DISTRICT#:** 4  
**LEGAL:** THE E 216.20 FT OF W 430 FT OF N1/3 OF S3/8 OF SW1/4 OF SW1/4 & THE N 30 FT OF W 430 FT OF N1/3 OF S3/8 OF SW1/4 OF SW1/4 (LESS W RD R/W) SEC 29-22-31  
**PARCEL ID#:** 29-22-31-0000-00-064 29-22-31-0000-00-033

**NO. OF NOTICES:** 149

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

Staff Recommendation: Staff explained the site, went over the phasing plan, showed site photographs, and provided an overview of the surrounding area. In addition, 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): Joseph Neal (Applicant)

Lucilis Torres (Owner)

Roselene Guex (Opposed)

BZA Discussion: The BZA discussed the application and agreed it met the Special Exception criteria and agreed with the staff recommendation as amended.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Charles J. Hawkins, II 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:

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1. Development in accordance with the site plan dated November 30, 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. Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. If the school converts to a charter school then all requirements of the school siting ordinance (Ordinance No. 2017-06), shall be met.
6. No more than 236 children shall be permitted.
7. The applicant shall combine Parcel ID's 29-22-31-0000-00-064 and 29-22-31-0000-00-033 through the Orange County Property Appraiser's Office.
8. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
9. Building perimeter landscaping shall be provided consistent with Sec. 24-4 (d).
10. The parking lot (Phase 2) shall be constructed and completed within one (1) year of issuance of the Certificate of Occupancy for the classroom building (Phase 1).
11. 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.

AYE (voice vote): All members present

**MOONISH BADALOO - VA-19-02-190**

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<b>REQUEST:</b>	<b>Variance</b> in the R-CE zoning district to allow a one (1) story accessory structure with a maximum height of 24 ft. in lieu of 15 ft.
<b>ADDRESS:</b>	8040 Palm Lake Drive, Orlando FL 32819
<b>LOCATION:</b>	Southeast corner of Palm Lake Dr. and Palm Lake Cir., west of Dr. Phillips Blvd.
<b>TRACT SIZE:</b>	1.744 acres
<b>DISTRICT#:</b>	1

**LEGAL:** PALM LAKE MANOR FIRST ADDITION U/140 LOT 1 BLK C (LESS S 130 FT) & N 30 FT OF E 300 FT OF S 130 FT OF LOT 1 BLK C  
**PARCEL ID#:** 22-23-28-6564-03-011  
**NO. OF NOTICES:** 66

Commentaries: Seven (7) in favor and two (2) 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. 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): Applicant waived the right to speak and agreed with the staff recommendation.

BZA Discussion: The BZA felt that the request was straightforward and the applicant was cooperative. The BZA wanted to add Condition #4 stating, "The design of the accessory structure shall utilize a design and colors complimentary to the exterior of the existing house." The BZA approved the variance subject to the staff recommendation as amended.

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

1. Development in accordance with the site plan and elevations dated December 5, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The design of the accessory structure shall utilize a design and colors complimentary to the exterior of the existing house.

AYE (voice vote): All members present

#### **MARY ROSE - VA-19-02-196**

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**REQUEST:** Variance in the R-1A zoning district to permit a cumulative total of 750 sq. ft. of accessory floor area in lieu of 500 sq. ft.  
**ADDRESS:** 1736 Division Avenue, Gotha FL 34734  
**LOCATION:** West side of the intersection of Division Ave. and Broadway St. in Gotha  
**TRACT SIZE:** 137 ft. x 268 ft. + 35 ft. x 201 ft. pipe stem/.89 Acres  
**DISTRICT#:** 1  
**LEGAL:** PEARL LAKE SUB S/9 THE N 137 FT OF S 300 FT OF LOT 21 & W 35 FT OF E 243 FT OF N 201.43 FT OF LOT 21 (LESS E 35 FT FOR RD R/W)  
**PARCEL ID#:** 29-22-28-6768-00-210  
**NO. OF NOTICES:** 116



Commentaries: Eight (8) in favor and none in opposition

Staff Recommendation: Staff noted that the subject property was five (5) times the minimum lot requirement for a lot in the R-1A zoning district. In addition, the lot was larger than the A-1 zoned lots to east across Division Avenue. Each of those lots failed to meet the lot size or width criteria; however, each was entitled to 1,000 sq. ft. of accessory floor area. Staff also noted that this area of Gotha was very rural in character, and that a larger structure would fit with the larger lots and character. In addition, there have been past variances in the neighborhood for larger structures. 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): The applicant waived the right to speak and indicated their agreement with the staff recommendation and conditions.

There being no one present to speak in favor or opposition to this request, the public hearing was closed.

BZA Discussion: The BZA concluded that the size of the property, and character of the area warranted the granting of the variance. 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 December 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 color of the garage shall match or compliment that of the existing residence.
5. Prior to issuance of a building permit for the garage, the applicant shall obtain the necessary demolition permit(s) and remove the existing accessory structures.

AYE (voice vote): All members present

Abstained: Deborah Moskowitz (due to temporary absence)

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#### **SILVER CITY CINEMAS, LLC - VA-19-03-197**

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<b>REQUEST:</b>	<b>Variance</b> in the C-1 zoning district to allow 519 parking spaces in lieu of 576 spaces.
<b>ADDRESS:</b>	4000 N. Goldenrod Road, Winter Park FL 32792
<b>LOCATION:</b>	West side of Goldenrod Rd., just north of University Blvd.
<b>TRACT SIZE:</b>	12.76 acres
<b>DISTRICT#:</b>	5

**LEGAL:** K MART 12/67 PT OF LOT 1 DESC AS COMM SW COR OF LOT 1 TH RUN N00-36-34E 42.25 FT TO CURVE CONCAVE W RAD 1038.98 FT DELTA 07-44-30 FOR DIST OF 140.39 FT TO POB TH CONT NWLY ALONG CURVE DELTA 37-15-30 FOR DIST OF 675.62 FT TO REVERSE CURVE RAD 318.52 FT DEL

**PARCEL ID#:** 02-22-30-4071-00-010 02-22-30-4071-00-030

**NO. OF NOTICES:** 178

**Commentaries:** None in favor and two (2) 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):** Matt Femal (Representative of the applicant)

The applicant stated that they were not increasing the square footage or reducing parking, and that they have conducted a parking study, which shows that there was a lot of parking available in front of the subject site.

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

**BZA Discussion:** The BZA stated that they have never seen the parking lot full, and that there were always empty spaces. The BZA also stated that this represented great infill development. For the foregoing reasons, the BZA concurred with the staff recommendation.

**BZA Action:** A motion was made by Wes A. Hodge, seconded by Jose A. Rivas, Jr. 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 13, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

**AYE (voice vote):** All members present

#### **NELSON JIMENEZ - VA-19-02-192**

**REQUEST:** **Variance** in the R-1A zoning district to allow an existing enclosed sunroom to remain 22 ft. from the rear property line in lieu of 30 ft. This is the result of Code Enforcement action.

**ADDRESS:** 7791 Stratford Blvd., Orlando FL 32807

**LOCATION:** Southeast corner of Stratford Blvd. and Rhea Ct.

**TRACT SIZE:** 81 ft. x 108 ft. (AVG)/.23 Acres

**DISTRICT#:** 3

**LEGAL:** IVANHOE ESTATES UNIT 1 2/129 LOT 1 BLK E

**PARCEL ID#:** 14-22-30-3072-05-010

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**NO. OF NOTICES:** 98

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

**Staff Recommendation:** Staff noted that the special circumstance particular to this property was the placement of house when it was originally constructed. Due to the major setback from the front property line, the rear northeast corner of the house actually encroached two (2) feet into the rear setback. When the screen porch was constructed, the builder simply followed the rear building line, as would be the normal practice. If the home had been constructed closer to the front building line, no variance would have been needed. 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):** Maheen Mizan-Iqbal (Representative on behalf of the applicant)

The applicant's attorney spoke to clarify when the owners took possession of the property, and to state that the shed, carport and permanently roofed screen porch were there when they took ownership.

There being no one else in attendance to speak in favor of or opposition to the request, the public hearing was closed.

**BZA Discussion:** The BZA concluded that the need for the variance was not self-imposed, and that the special circumstances justified the granting of the variance. As a result, the BZA concurred with the staff recommendation.

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

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.
4. The applicant shall obtain a permit for the screen porch within 180 days of final action by Orange County on this application, or this approval becomes null and void.
5. The applicant shall obtain a permit for the existing shed and carport within 120 days of by Orange County on this application, or those structures must be removed.
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6. The northerly enclosed end wall of the porch shall be finished with materials and color match the materials and color of the home.

**AYE (voice vote):** All members present

**REV. RAUL DAVILA FOR IGLESIA DE DIOS PENTECOSTAL DE UNICION Y PODER  
ASSEMBLIES OF GOD INC - SE-18-12-162**

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**REQUEST:** **Special Exception and Variance** in the R-1A and R-2 zoning districts as follows:  
1) Special Exception to permit a school with 12 students in Phase I, and up to 72 students in Phase II.  
2) Variance to allow unpaved parking spaces in lieu of paved.

**ADDRESS:** 10000 Alcock Road, Orlando FL 32817

**LOCATION:** Southeast corner of Alcock and Dean Roads, approximately .2 miles north of E. Colonial Drive

**TRACT SIZE:** 1.186 Acres

**DISTRICT#:** 5

**LEGAL:** THE N 106 FT OF S 314 FT OF W1/2 OF NW1/4 OF SW1/4 OF SEC 17-22-31 (LESS THE E 320.94 FT THEREOF & LESS THE R/W FOR DEAN RD) & THE N 104 FT OF S 208 FT OF W 239.4 FT OF SW1/4 OF NW1/4 OF SW1/4 (LESS W 50 FT FOR RD R/W) OF SEC 17-22-31

**PARCEL ID#:** 17-22-31-0000-00-095

**NO. OF NOTICES:** 91

Commentaries: Five (5) 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 outlined in the staff report.

The BZA noted that the neighbors at the community meeting were concerned about traffic and quality of life, and they felt their needs were addressed at the meeting. The BZA stated that competition and saturation cannot be considered in the approval process.

The following person(s) addressed the Board:

Speaker(s): Johnny Robinson (Representative on behalf of the applicant)

Gavin Caddy (Opposed)

Roselene Guex (Opposed)

An attorney representing another school spoke against the application, stating that there were other schools in the area, the use was not consistent with the zoning, it is not aesthetically pleasing, and would cause additional traffic.

The owner of another school spoke against the application, stating that they were located across the street and pay a large amount of property taxes, while the church is exempt.

The applicant stated that they were not increasing the square footage or reducing parking, and that they have conducted a parking study, which shows that there was a lot of parking available in front of the subject site.

Material was submitted to the Board by a citizen in opposition to be entered into the record prior to the close of the public hearing.

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

BZA Discussion: The BZA approved the Special Exception with the staff recommendation.

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

1. Development in accordance with the site plan dated December 20, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the

County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met.
5. This approval is for a maximum of seventy-two (72) students. Any additional expansion shall require Board approval.
6. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
7. Development shall comply with Chapter 24 (Landscaping). In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
8. Construction plans for all phases shall be submitted within five (5) years or this approval becomes null and void.
9. 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.
10. All driving aisles and required handicapped spaces shall be paved.

.....  
AYE (voice vote): All members present

**BRYAN POTTS - SE-19-03-198**

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<b>REQUEST:</b>	<b>Special Exception</b> in the R-CE zoning district to allow a preschool for up to 200 students.
<b>ADDRESS:</b>	Windermere Road, Windermere FL 34786
<b>LOCATION:</b>	East side of Windermere Rd., south of Roberson Rd.
<b>TRACT SIZE:</b>	22.46 acres
<b>DISTRICT#:</b>	1
<b>LEGAL:</b>	COMM SW COR OF NW1/4 OF SEC 06-23-28 TH RUN N88-58-39E 358.92 FT N06-20-51W 94.05 FT N83-39-09E 282 FT FOR POB N06-20-51W 126 FT S83-39-09W 282 FT N06-20-51W 126 FT N83-39-09E 282 FT N06-20-51W 84 FT S83-39-09W 168 FT N06-20-51W 42 FT S83-39-09W 114 FT N0
<b>PARCEL ID#:</b>	06-23-28-0000-00-005 and 06-23-28-0000-00-056
<b>NO. OF NOTICES:</b>	118
<u>Commentaries:</u>	One (1) in favor and eleven (11) in opposition

Staff Recommendation: Staff presented the case, outlined the area, showed the site plan and site photographs, and stated that a Community Meeting was held for this case. Staff also

mentioned there was a Special Exception approved on this property in 2015. Further, staff stated the applicant was proposing to construct a 15,000 sq. ft. preschool with a playground, parking lot, garden area, and pavilion. The applicant was planning to reserve an acre on either side of the proposed preschool for potential future residential lots. 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): Dianna Debboyaux (Representative on behalf of the applicant)

Terry Irwin (Representative on behalf of the applicant)

Ray Coudriet (General Contract on behalf of the applicant)

Mohammed Abdallah (Representative on behalf of the applicant)

Adriana Morris (in Favor)

Cynthia Cash (in Favor)

Karina Martin (in Favor)

David Abbass (in Favor)

Theodore Strauss (Opposed)

Liz Andert (Opposed)

Raymond Kellett (Opposed)

Hollie Croft (Opposed)

Irene Pini (Opposed)

Anne Ryan (Opposed)

Sara Ruffner (Opposed)

Cynthia Kolar (Opposed)

Dan Stewart (Opposed)

Material was submitted to the Board by the applicant's representative to be entered into the record prior to the close of the public hearing.

The applicant stated this was a preschool designed to support the community; the architectural style would compliment the area; the project would only impact 3 acres of the 22 acre site; the site would have sufficient space for stacking; and, the school was designed with neighbors in mind.

Four (4) people spoke in favor and nine (9) people spoke in opposition of the request. The opponents raised concerns over traffic, vehicle stacking, noise pollution, and stated this was a commercial intrusion into a residential area.

BZA Discussion: The BZA had a discussion regarding the request and stated that a preschool should not have a stacking issue as did an elementary school near the area. The BZA commissioners made comments regarding the request, there were varying opinions on the compatibility of the proposed use in the area. The District 1 Commissioner made a motion to approve the request, and added an additional condition regarding adding a fence and buffer along the east side of the proposed playground. The motion passed with a 6-1 vote.

BZA Action: A motion was made by Carolyn Karraker, 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 as amended:

1. Development in accordance with the site plan and elevations dated January 18, 2019, 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 outdoor speakers or other audio amplification.
5. The applicant shall submit construction plans through the commercial site plan review process within three (3) years of final approval or this approval is null and void.
6. The applicant shall combine Parcel ID's 06-23-28-0000-00-005 and 06-23-28-0000-00-056 through the Orange County Property Appraiser's Office.
7. 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.
8. Signage shall be in accordance with 31.5-75, Orange County Code.
9. No more than 200 children shall be permitted without further approval by the BZA.
10. Building perimeter landscaping shall be provided consistent with Sec. 24-4 (d). Type C Landscape buffers shall be provided along the north and south property lines which abut the future residential lots.
11. There shall be no impacts or encroachments to any Orange County Conservation Areas unless approved by Orange County.
12. Hours of operation shall be limited to 8:00 a.m. to 6:00 p.m., Monday through Friday.
13. The applicant shall install an eight (8) foot high vinyl fence along the east side of the proposed playground adjacent to the wetlands and an additional Type C landscape buffer per Sec. 24-5 (a) (3).

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

NAY (voice vote): Gregory Jackson

**LOCKHEED MARTIN - VA-19-03-200**

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<b>REQUEST:</b>	<b>Variance</b> in the IND-2/IND-3 zoning district to allow the construction of a new building with a maximum height of 95 ft. in lieu of 50 ft., to be constructed in two phases.
<b>ADDRESS:</b>	8815 Lockheed Martin Blvd., Orlando FL 32819
<b>LOCATION:</b>	South of W. Sand Lake Rd., east of Universal Blvd.
<b>TRACT SIZE:</b>	283 Acres
<b>DISTRICT#:</b>	6
<b>LEGAL:</b>	ALL OF SEC 31-23-29 (LESS RD R/W ON N) & (LESS BEG 150 FT S OF NE COR OF SEC RUN W 200 FT S 2799.14 FT S 66 DEG E TO E LINE OF SEC N TO POB) & (LESS PT DESC IN OR 5638/3517) & IN SEC 36-23-28 BEG SE COR OF SEC RUN N TO SLY R/W OF SAND LAKE RD W ALONG SAID
<b>PARCEL ID#:</b>	31-23-29-0000-00-001
<b>NO. OF NOTICES:</b>	64



Commentaries: None

Staff Recommendation: Staff indicated that the reason for the variance was in large part due to the nature of the applicant's business. The request was for a multi-phased project with Phase II being the taller of the two (2). Staff explained that many of the structures on the subject property which exceed fifty (50) feet were constructed prior to 1995. In 1995, Chapter 38, the Zoning Code, underwent significant changes including taking four (4) of the industrial zoning districts and combining them into two (2). Prior to these revisions, there was no height limit in the industrial districts. After the revisions, a fifty (50) foot maximum height was imposed. Currently, in order to test certain products the company is researching, they must send the product to three (3) different cities starting in Orlando, then to a City half way across the Country, and finally to California. The variances will allow the construction of a one-of-a-kind state of the art testing facility. 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): Jay Brown (Representative of the applicant)

The applicant indicated that the variances were needed due to the type of equipment used in the testing of their products. The equipment could not be spread out over the floor in a lower building, it had to be grouped together in a taller facility.

There being no one present to speak in favor or opposition to the request, the public hearing was closed.

BZA Discussion: The BZA concluded that due to the change in the code, the applicant was now at a disadvantage. Therefore, due to the nature of their work, the variances were warranted. As a result, the BZA concurred with the staff recommendations.

BZA Action: A motion was made by Charles J. Hawkins, II, seconded by Jose A. Rivas, Jr. 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 28, 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

**RECESSED AT 12:53 P.M. AND RECONVENED AT 1:27 P.M.**

#### **ORANGE COUNTY PUBLIC SCHOOLS - SE-18-11-144**

**REQUEST:** Amend a previously approved **Special Exception** (SE-13-07-046) in the R-CE zoning district to modify condition of approval # 22, in regards to location of temporary and portable classroom facilities.

**ADDRESS:** 5523 Winter Garden Vineland Road, Windermere FL 34786

**LOCATION:** East side of Winter Garden Vineland Rd., just north of the intersection of



Winter Garden Vineland Rd.  
**TRACT SIZE:** 65.497 acres  
**DISTRICT#:** 1  
**LEGAL:** COMM AT THE NE COR OF SE1/4 OF SEC 14-23-27 TH S89-19-43W  
1323.12 FT TO POB S00-05-37E 1325 FT CONT S00-05-37E 956.24 FT  
S89-32-57W 1286.92 FT N00-14-55W 953.74 FT CONT N00-14-55W  
1322.43 FT N89-19-43E 1323.12 FT TO POB (LESS PT TAKEN FOR  
R/W ON W PER 982  
**PARCEL ID#:** 14-23-27-0000-00-013  
**NO. OF NOTICES:** 2620  
**Commentaries:** Eight (8) in favor and four (4) in opposition

**Staff Recommendation:** Staff outlined the case, showed site photographs, advised what occurred at the Community Meeting, and indicated where the applicant would like to place the additional portables. 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):** Julie Salvo (Representative of the applicant)

Laura Kell (Representative of the applicant)

Jane Dunkelberger (in Favor)

Marci Sgattoni (in Favor)

Yolianne Amadeo (in Favor)

Irene Pini (in Favor)

June Cole (Opposed)

Karen Freeman (Opposed)

Angel de la Portilla (Opposed)

The applicant explained why the additional portables were needed as Windermere High School was currently about 600 students over capacity and the enrollment is expected to grow yearly. In addition, the applicant played a video clip from the May 2015 BCC hearing when the additional condition was placed by the former District 1 Commissioner. A relief high school was planned in the area on Seidel Road; however, the new school would not be completed until 2021 or 2022. The applicant explained the school planning process and how their student enrollment projections were conducted. They also shared the number of students estimated and the number of portables that were expected to be necessary at that time.

The applicant stated that 12 portables will fit in courtyard area and approximately 40-50 could fit on the practice fields.

There were four (4) neighbors who spoke in support of the request and stated the students need adequate classroom space. Three (3) neighbors spoke in opposition of the application stating the portables will not be temporary and had concerns regarding the school's safety.

Material was submitted to the Board by the applicant's representative to be entered into the record prior to the close of the public hearing.

**BZA Discussion:** The BZA had questions regarding the projected number of students and how many portables were needed on a yearly basis. The BZA also had concerns that the applicant would place all the portables on site at the same time and wanted an additional condition stating that the applicant should phase the installation of such portables. Further discussion ensued among the BZA in regards to the number of portables necessary, where they would be located, and when they would be installed. Condition #4 was amended to provide a sequence of installing the portables, required the portables in the practice fields be removed by August 31, 2021, and limited the number of portables to sixty-two (62) overall. The BZA approved the request subject to the staff recommendation as amended.

**BZA Action:** A motion was made by Carolyn Karraker, seconded by Wes A. Hodge and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; 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.
4. The location of temporary and portable classroom facilities shall be restricted (i) to the courtyard area between the three permanent three-story classroom buildings and the 20-foot wide emergency access road and (ii) to the practice fields located immediately to the east of the courtyard area. A maximum of 62 portables shall be allowed overall and all portables not located within the courtyard shall be removed by August 31, 2021. The portables shall be installed in phases. Phase 1 of the portables, shall be located in the courtyard area and on the southern practice field; and, Phase 2 of the portables, shall be located on any remaining unused area of the southern practice field and the northern practice field. Any proposed future expansion of the area for temporary and portable classroom facilities shall require an application to amend this Special Exception approval.
5. All the previous conditions from the May 5, 2015, BCC approval shall apply, with the exception of condition of approval #22, which shall be replaced by the new condition #4.

AYE (voice vote): All members present

Abstained: Deborah Moskowitz (due to a Conflict of Interest)

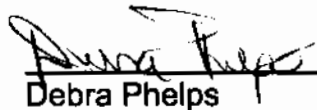
**ADJOURN:**

There being no further business, the meeting was adjourned at 3:06 p.m.

**ATTEST.**



Gregory A. Jackson  
Chairman



Debra Phelps  
Recording Secretary