

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
MEETING OF APRIL 4, 2019**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **April 4, 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 March 7, 2019, Board of Zoning Adjustment meeting.

A motion was made by: Wes A. Hodge

seconded by: Charles J. Hawkins, II

and unanimously carried to **APPROVE** the minutes of the March 7, 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.

**ROD BILLETTE - VA-19-04-015**

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<b>REQUEST:</b>	<b>Variances</b> in the R-CE zoning district to allow a lot split with minimum lot widths as follows: 1) To allow a minimum lot width of 85 ft. in lieu of 130 ft. 2) To allow a minimum lot width of 52 ft. in lieu of 130 ft.
<b>ADDRESS:</b>	7751 Sadler Road, Mount Dora FL 32757
<b>LOCATION:</b>	North side of Sadler Rd., west of N. Orange Blossom Trail on Lake Ola
<b>TRACT SIZE:</b>	137 ft. x 667 ft. (Avg) / 2.06 Acres
<b>DISTRICT#:</b>	2
<b>LEGAL:</b>	LAKE OLA ESTATES 15/89 LOT 2 & E 7 FT OF LOT 1 (LESS COMM SE COR OF LOT 1 RUN S 86 DEG W 7 FT N 486.20 FT FOR POB TH N 134.74 FT S 57 DEG E 7.16 FT S 125 FT S 45 DEG W 8.37 FT TO POB)

& COMM SE COR OF LOT 1 RUN S 86 DEG W 7 FT TH N 20 FT FOR  
POB TH N 134.

**PARCEL ID#:** 17-20-27-4696-00-020

**NO. OF NOTICES:** 46

Commentaries: Two (2) in favor and nine (9) in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location of the property; location of the ditch; site plan; and, photographs of the site. Further, staff recommended denial, however, if the BZA approved these requests then the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Rod Billette (Applicant)

Clark Woodsby (Neighbor opposed)

Carlene Beckner (Neighbor opposed)

Steve Mellich (Neighbor opposed)

Vivian Katz (Neighbor opposed)

The applicant stated that such a ditch is normally on the property line, not through the middle of a property, and did not feel the request would set a precedent because no other lot had a ditch in a similar location on their property. The applicant further stated that he had additional support from neighbors; and, he presented a letter from an appraiser stating that the split would not have any negative impacts on property values.

Four (4) neighbors spoke in opposition with concerns that approval would set a precedent for many others in the area to request similar variances and/or lot splits; in addition, an increase in density would mean more septic tanks which would lead to degradation of lake water quality. They also stated that the applicant knew about the ditch when he purchased the property.

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

BZA Discussion: The BZA indicated that nonconforming lots of record in the area were not grounds for a variance, the condition was there previously and the other portion of the lot was useable. However, the BZA recognized that the ditch was a special condition that was not self-created as no other lots had a ditch running through the middle of a property. Based on the foregoing, the BZA approved the variance requests to include the conditions as outlined in the staff report.

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

1. Development in accordance with the site plan dated January 30, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

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

**REQUEST:** **Variances** in the P-O zoning district to allow an existing accessory structure as follows:  
1) To allow a rear yard setback of 2 ft. in lieu of 30 ft. (APPROVED w/CONDITIONS)  
2) To allow a side yard setback of 3 ft. in lieu of 10 ft. (DENIED)  
This is a result of Code Enforcement Action.

**ADDRESS:** 1315 N. Pine Hills Road, Orlando FL 32808

**LOCATION:** East side of N. Pine Hills Rd., north of Hernandes Dr.

**TRACT SIZE:** 65 ft. x 125 ft./ .186 acres

**DISTRICT#:** 6

**LEGAL:** PINE HILLS MANOR NO 3 S/89 LOT 5 BLK P

**PARCEL ID#:** 19-22-29-6978-16-050

**NO. OF NOTICES:** 198

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

Staff Recommendation: Staff explained the site, showed site photographs, and recommended approval of Variance #1 and denial of Variance #2. Further, staff stated that allowing the existing shed to remain and removing the open carports would be in harmony with the P-O Zoning District.

The following person(s) addressed the Board:

Speaker(s): Teresita Lugo (on behalf of the applicant)

Ivan Prieto (Applicant)

Kurt Fasnacht (Orange County Code Enforcement Officer)

The applicant stated they were agreeable to removing the carports and getting a permit for the existing shed.

Code Enforcement spoke regarding the case and stated that the project has already been heard at the Special Magistrate Board late last year.

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

BZA Discussion: The BZA had some discussion on whether the structures were allowed per code and staff explained that the structures were allowed if they met setbacks. The BZA felt the Variance Criteria was met for Variance #1; thus, approved Variance #1 and denied Variance #2.

BZA Action: A motion was made by Charles J. Hawkins, II, 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; and, 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).

1. Development in accordance with the site plan dated February 5, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Outdoor sales, storage, or display shall be prohibited.

5. The applicant shall obtain and finalize 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): All members present

#### **ROSELINE PIERRE - VA-19-04-018**

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**REQUEST:** Variance in the R-1A zoning district to allow a rear setback of 25 ft. in lieu of 30 ft  
**ADDRESS:** 8540 White Road, Orlando FL 32818  
**LOCATION:** South side of White Rd., east of Good Homes Rd.  
**TRACT SIZE:** 82 ft. x 127 ft. / 0.241 acres  
**DISTRICT#:** 6  
**LEGAL:** ROSE HILL GROVES UNIT NO 1 22/49 LOT 2  
**PARCEL ID#:** 22-22-28-7670-00-020  
**NO. OF NOTICES:** 112

Commentaries: None

Staff Recommendation: Staff gave a presentation on the case covering the location of the property; slope of the yard; site plan; and, photographs of the site. Staff recommended approval subject to the conditions in this report.

The following person(s) addressed the Board:

Speaker(s): Roseline Pierre (Applicant)

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

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

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

1. Development in accordance with the site plan dated February 6, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The exterior of the addition shall have similar colors and design materials as the primary residence.

AYE (voice vote): All members present

**REQUEST:** **Variances** in the R-1AA zoning district as follows:  
1) To allow an accessory structure in front of the principal structure in lieu of beside or behind the principal structure.  
2) To allow an existing lot with 60 ft. of frontage in lieu of 85 ft.  
3) To allow an existing residence with a side setback of 5 ft. in lieu of 7.5 ft.

**ADDRESS:** 13200 S. Lake Mary Jane Road, Orlando FL 32832

**LOCATION:** West side of S. Lake Mary Jane Rd. at the intersection with Augustine Rd., on the east shore of Lake Mary Jane

**TRACT SIZE:** 60 ft. x 1,587 ft. (AVG) / 2.18 acres (.55 acres upland + 1.63 acres submerged)

**DISTRICT#:** 4

**LEGAL:** ISLE OF PINES U/97 LOT 13

**PARCEL ID#:** 25-24-31-3872-00-130

**NO. OF NOTICES:** 58

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

**Staff Recommendation:** Staff noted that the plat creating the subject property was recorded a year before zoning was established by Orange County. Due to the lot widths, the entire area was made nonconforming when the initial zoning was placed on it. That degree of nonconformity was intensified in 1981, when the County changed the zoning to that currently in place. Because of a combination of the siting of the home so close to the lake, location of the septic system, and the width of the house, it is not physically possible to maneuver a vehicle around the house. Also, if constructed behind the home, the garage would likely be in the Normal High Water Elevation (NHWE) setback. Lastly, staff recommended approval of these requests subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

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

**BZA Discussion:** The BZA concluded that given the factors, there was no other location for the garage. Further, it was noted that accessory structures in the front of residences was a common occurrence in this area. Therefore, the BZA concurred 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 February 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The color of the exterior of the proposed garage siding and shingles shall match or complement the exterior colors of the existing residence's siding and shingles.

AYE (voice vote): All members present

Absent: Wes A. Hodge (due to temporary absence)

**SHEILA CICHRA - VA-19-04-020**

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**REQUEST:** Variances in the A-2 zoning district as follows:  
1) To allow an accessory structure (RV carport) in front of the principal structure in lieu of along side or behind.  
2) To allow an existing accessory structure (shed) in front of the principal structure in lieu of along side or behind.

**ADDRESS:** 13842 E. Lake Mary Jane Road, Orlando FL 32832

**LOCATION:** South side of E. Lake Mary Jane Rd, on the north shore of Lake Mary Jane, approximately

**TRACT SIZE:** 95 ft. x 475 ft. (avg.) /1.08 acres

**DISTRICT#:** 4

**LEGAL:** LAKE MARY JANE SHORES U/121 LOT 12

**PARCEL ID#:** 23-24-31-4660-00-120

**NO. OF NOTICES:** 35

Commentaries: None

Staff Recommendation: Staff noted that the application was nearly identical to the previous application, in that this was the north end of the same lake, and much of the same factors applied. In addition, due to the significant vegetation along the front and side of the subject property, the site was virtually invisible. The applicant's insurer had determined that due to the impacts of recent storms, the existing unpermitted carport was in need of replacement, and the applicant intended to obtain the necessary permits to demolish and replace it. They would also obtain permits for an existing shed or replace it. Staff added a condition that the necessary permits to remove or permit all unpermitted structures be obtained within 180 days of final action on the application by the County. Finally, staff recommended approval of these requests subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

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

BZA Discussion: The BZA concluded that the vegetation, distance, and location of the residence made the proposed location both logical and appropriate. Hence, the Board concurred with the staff recommendation.

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

1. Development in accordance with the site plan dated February 8, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised

to comply with the standard.

4. The applicant shall obtain permits for the demolition or construction of all unpermitted structures within 180 days of final action by Orange County on this application. Failure to comply with this condition shall be deemed a code violation, and shall not be returned to the BZA.

AYE (voice vote): All members present

#### **MARC BOURQUE - SE-19-04-021**

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**REQUEST:** **Special Exception** in the R-1A zoning district to allow an Accessory Dwelling Unit (ADU).  
**ADDRESS:** 6837 Tamarind Circle, Orlando FL 32819  
**LOCATION:** West side of Tamarind Cir., approximately 775 ft. west of Teasel Dr.  
**TRACT SIZE:** 97.5 ft. x 192.5 ft. (avg) / .39 Acres  
**DISTRICT#:** 1  
**LEGAL:** SAND LAKE HILLS SECTION TWO 6/45 LOT 133  
**PARCEL ID#:** 27-23-28-7807-01-330  
**NO. OF NOTICES:** 89

Commentaries: Three (3) 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 subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Marc Bourque (Applicant)

E. Charles Everett (Neighbor posed)

Material was submitted to the Board by the neighbor 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 confirmed that the HOA deed restrictions were independent of County approvals and regulations. The BZA further approved the Special Exception along with the staff recommendation.

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:

1. Development in accordance with the site plan dated February 12, 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 County Commissioners 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 similar 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): Carolyn Karraker; Wes A. Hodge; Jose A. Rivas, Jr.; Roberta Walton; and Charles Hawkins

NAY (voice vote): Deborah Moskowitz and Gregory Jackson

#### **CESAR DAVID GIRALDO - SE-19-04-022**

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<b>REQUEST:</b>	<b>Special Exception and Variances</b> in the A-2 zoning district as follows: 1) Special Exception to allow an existing Accessory Dwelling Unit (ADU). 2) Variance to allow an ADU with 1,106 sq. ft. in lieu of 1,000 sq. ft. 3) Variance to allow a mobile home as an ADU on a lot with .9 acres in lieu of 3 acres.
<b>ADDRESS:</b>	1927 S. Econlockhatchee Trail, Orlando FL 32825
<b>LOCATION:</b>	East side of S. Econlockhatchee Tr., approximately .75 miles north of Curry Ford Rd.
<b>TRACT SIZE:</b>	178 ft. x 224 ft. (avg) /.91 acres
<b>DISTRICT#:</b>	3
<b>LEGAL:</b>	S 180 FT OF N 360 FT OF W 270.31 FT OF SW1/4 OF NE1/4 (LESS W 48 FT FOR R/W) OF SEC 06-23-31
<b>PARCEL ID#:</b>	06-23-31-0000-00-036
<b>NO. OF NOTICES:</b>	110
<b>Commentaries:</b>	None

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Staff Recommendation: Staff indicated that the mobile home which became the ADU had been on the property since at least 1975, and that the house was constructed in 1980. At that time, no one required that the mobile home be removed so it has since remained. Staff further noted that the property was likely larger, however, due to an eminent domain acquisition by a power company for right-of-way (r-o-w) of a power line, and by the Expressway Authority for SR 417, the lot now sits at .9 acres. Staff noted that the 1 1/2 times the minimum lot size was meant for more suburban sized lots, and not for rural lots which were typically larger and contained larger structures. Finally, staff recommended approval of these requests subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant indicated their agreement with the staff recommendation. There being no one present to speak for or against the request, the public hearing was closed.

BZA Discussion: The BZA concluded that given all the factors noted by staff and the rural nature of the east side of the road, the requested ADU fit the character of the neighborhood and the criteria for the variance. Therefore, 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 Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, to **APPROVE** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is



subject to the following conditions:

1. Development in accordance with the site plan dated February 13, 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 County Commissioners 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 all unpermitted work done on the property within ninety (90) days of final action on this application or this approval becomes null and void. The applicant may request one (1) 90 day extension provided they can show that a good faith effort has been made to comply with this condition.

AYE (voice vote): All members present

**APOPKA LIFE CARE CENTER - SE-19-04-023**

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<b>REQUEST:</b>	<b>Special Exception</b> in the R-3 zoning district to allow an Assisted Living Facility with up to 120 beds.
<b>ADDRESS:</b>	1443 Clarcona Road, Apopka FL 32703
<b>LOCATION:</b>	East side of Clarcona Rd., north of E. Cleveland St.
<b>TRACT SIZE:</b>	249 ft. x 630 ft. (avg) / 3.44 acres
<b>DISTRICT#:</b>	2
<b>LEGAL:</b>	BEG 513 FT N OF SW COR OF SEC RUN N 264 FT E 660 FT S 264 FT W TO BEG (LESS W 30 FT & S 15 FT FOR RW) & (LESS N 78 FT OF S 591 FT OF W 130 FT OF SW1/4 OF SW1/4) SEC 15-21-28
<b>PARCEL ID#:</b>	15-21-28-0000-00-062
<b>NO. OF NOTICES:</b>	111
<u>Commentaries:</u>	None

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. 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): Greg Roebuck (Applicant's representative)

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

BZA Discussion: The BZA confirmed that the development would connect to sewer. The BZA also stated that this request would be a welcomed addition to the area and concurred with the staff recommendation.

BZA Action: A motion was made by Gregory A. Jackson, 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:

1. Development in accordance with the site plan dated March 13, 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 County Commissioners 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 for Phase #1, and within five (5) years for Phase #2, or this approval becomes null and void.

AYE (voice vote): All members present

#### **MANUEL IZQUIERDO - VA-19-04-024**

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**REQUEST:** Variance in the P-D zoning district to allow a swimming pool 11 ft. from the Normal High Water Elevation (NHWE) line in lieu of 25 ft.  
**ADDRESS:** 11619 Brickyard Pond Lane, Windermere FL 34786  
**LOCATION:** North of Brickyard Pond Lane, east of Winter Garden Vineland Rd.  
**TRACT SIZE:** 57 ft. x 283 ft. (avg) / .639 acres (.25 acres upland)  
**DISTRICT#:** 1  
**LEGAL:** LAKE BURDEN SOUTH PHASE 2 79/32 LOT 172  
**PARCEL ID#:** 25-23-27-4321-01-720  
**NO. OF NOTICES:** 78

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

Staff Recommendation: Staff explained the site plan, showed site photographs, and explained that half of the lakefront lots in this neighborhood had existing swimming pools. Staff recommended approval as the NHWE line has moved since the property was platted which confines the area where the pool could be constructed, and there was an existing sea wall which should protect the property from rising waters. 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 was not present for the hearing and no one spoke in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA felt it was a reasonable request and approved the variance with the four (4) conditions as recommended by staff.

BZA Action: A motion was made by Carolyn Karraker, 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 February 14, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Prior to the issuance of a building permit, the property owner shall record in the Official Records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the proposed pool and pool deck are no closer than eleven (11) feet from the Normal High Water Elevation (NHWE) of Lake Burden.

AYE (voice vote): All members present

#### **LOVE FELLOWSHIP CHRISTIAN CHURCH - SE-19-05-025**

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**REQUEST:** **Special Exception and Variance** in the R-1A zoning district as follows:  
1) Amendment to an existing Special Exception to allow an additional building on the existing property to be used for Sunday School programming.  
2) Variance to allow a rear setback of 29 ft. in lieu of 30 ft.

**ADDRESS:** 1047 26th Street, Orlando FL 32805

**LOCATION:** Northeast corner of 26th St. and Woods St.

**TRACT SIZE:** 135 ft. x 150 ft. (.46 acres)

**DISTRICT#:** 6

**LEGAL:** ANGEBILT ADDITION H/79 LOTS 13 14 & 15 BLK 45

**PARCEL ID#:** 03-23-29-0180-45-130

**NO. OF NOTICES:** 141

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

Staff Recommendation: Staff explained the history of the site, previous approvals, proposed building, and surrounding uses. Further, staff recommended approval of these requests subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant was present but waived the right to speak and agreed with the staff recommendation, and no one was present to speak for or against these requests at the public hearing.

BZA Discussion: The BZA felt the proposed use was straightforward and the church was existing on-site and approved these requests along with the staff recommendation.

BZA Action: A motion was made by Charles J. Hawkins, II, 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 March 6, 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 County Commissioners 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. 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.

6. Construction plans and all applicable permits shall be submitted within three (3) years of final approval or this approval becomes null and void.

7. Signage shall be in accordance with 31.5-75, Orange County Code.

8. The proposed structure shall only be used for Sunday School youth programs.

AYE (voice vote): All members present

#### **ROBERT LANIER - VA-19-05-026**

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**REQUEST:** Variance in the P-D zoning district to allow a generator 4.4 ft. from the side property line in lieu of 10 ft.  
**ADDRESS:** 10732 William Tell Drive, Orlando FL 32821  
**LOCATION:** East side of William Tell Dr., north of Central Florida Parkway, west of Orangewood Blvd.  
**TRACT SIZE:** 70 ft. x 101 ft. (avg) / 0.162 acres  
**DISTRICT#:** 1  
**LEGAL:** WINDMILL POINTE 8/137 LOT 40  
**PARCEL ID#:** 07-24-29-9359-00-400  
**NO. OF NOTICES:** 150

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. Lastly, staff recommended denial; however, should the BZA grant the requested variance, staff recommended that conditions in the staff report be attached.

The following person(s) addressed the Board:

Speaker(s): Robert Lanier (Applicant)

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

BZA Discussion: The BZA confirmed that no similar variances were granted in the area, and also confirmed that the most efficient location for the unit was next to the electric box. As such, the BZA approved the variance request to include the conditions as outlined in the staff report.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the 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 February 14, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

AYE (voice vote): All members present  
Abstained: Wes A. Hodge (due to Conflict of Interest)

**THOMAS HEWITT - VA-19-05-028**

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**REQUEST:** **Variances** in the R-CE zoning district as follows:  
1) To allow a minimum lot width of 94 ft. in lieu of 130 ft.  
2) To allow a minimum lot size of .58 acres in lieu of 1 acre.

**ADDRESS:** 1172 Mill Street, Gotha FL 34734

**LOCATION:** West side of Mill St., north of Gotha Rd.

**TRACT SIZE:** 94 ft. x 270 ft. / .58 acres

**DISTRICT#:** 1

**LEGAL:** TOWN OF GOTHA A/39 LOT 54 BLK P

**PARCEL ID#:** 33-22-28-3100-15-541

**NO. OF NOTICES:** 79

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

Staff Recommendation: Staff noted that the subject property was created through a survey filed in 1885. The property was initially zoned R-1 in 1957, when Orange County adopted its first zoning code. In 1981, County staff was recommending that the property be rezoned to R-1AAAA. This would cause the property to be nonconforming due to the lot width required by that zone; however, it would be a minor degree of nonconformity. Although, the County opted to rezone any property in the area not zoned A-1 or A-2 to R-CE. In addition, at some point in the 1980s, the subject property was split between two (2) adjacent properties causing it to lose its nonconforming status. Staff further noted that numerous variance for the exact same request had been granted throughout the past. Lastly, staff recommended approval of the requests 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 was in agreement with the staff recommendation. There being no one present to speak in favor or opposition to these requests, the public hearing was closed.

BZA Discussion: The BZA concluded that due to the age of the property, the history of rezonings, and the volume of past variance activity for the exact same reason, a variance was warranted to allow the applicant to build their home. Based on the foregoing, the BZA concurred with the staff recommendations.

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

1. Development in accordance with the site plan dated February 21, 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 County Commissioners 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 12:06 P.M. AND RECONVENED AT 12:33 P.M.**

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

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**REQUEST:** **Special Exceptions and Variances** in the A-2 and R-T-2 zoning districts as follows:  
1) Special Exception to allow an existing religious institution to remain. (APPROVED w/CONDITIONS)  
2) Special Exception to allow the construction of a new 500 seat sanctuary building with attendant ancillary uses. (DENIED)  
3) Variance to allow the continued use of unpaved parking. (APPROVED w/CONDITIONS)  
4) Variance to allow a church spire to extend 20 ft. above the 35 ft. maximum height in lieu of 10 ft. (WITHDRAWN)

**ADDRESS:** 2049 8th Street, Orlando FL 32820

**LOCATION:** Southeast corner of Hollister Rd. and 8th St., in Bithlo

**TRACT SIZE:** 3.7 acres

**DISTRICT#:** 5

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

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

**NO. OF NOTICES:** 108

Commentaries: Two (2) in favor and eight (8) in opposition

Staff Recommendation: Staff explained the history of the application including the facts that a Community Meeting was held on November 12, 2018, and the application was before the BZA on December 6, 2018. At that meeting, there was considerable discussion regarding the major food drop-off, which resulted in significant disruption to the neighborhood. The BZA concluded that the Church should first demonstrate that it could deal with the traffic it was currently generating with a 3,500+ sq. ft. sanctuary before the BZA would consider any expansion. Staff was recommending that the Special Exception request #1, for the current sanctuary be approved along with the Variance request #2, for the associated grassed parking. Further, staff was recommending denial for Variance request #3, of the new sanctuary as the structure was out of character with the neighborhood due to its size. It was established that the church was not seeking a variance for the height of the steeple, and therefore, Variance request #4, was withdrawn. However, should the BZA approve these requests, staff recommended that the conditions in the staff report be attached.

The following person(s) addressed the Board:

Speakers): Lizette Torres (Applicant's representative)

Barbara Catanzaro (Applicant's representative)

Jerusha Johnson (Neighbor opposed)

Teresa Johnston (Neighbor opposed)

Brenda Antonmarch (Neighbor opposed)

Brenda Rogers (Neighbor opposed)

The applicant provided a presentation which reflected its mission to the community; future growth of the area; how the church had dealt with the traffic issue; and, streamlined the food distribution process.

Four (4) residents spoke in opposition to the approval of the request noting that the church activities still bring a significant number of people into the area who do not live in the neighborhood. Also, there were issues with speeding on Hollister Road. They also cited issues with noise from the church.

In its rebuttal, the applicant noted there would not be any way to say that the issues raised were a result of the church activities and not just the result of area residents. The applicant was asked by the BZA if they would be willing to relocate the major food distribution to an area nearer to Colonial Drive. The applicant noted that they felt the need to stay where they were as it was central to the Bithlo area since some came to the distribution by foot and bicycle; and, to move would further isolate those individuals. When the BZA asked if the applicant would consider reducing the size of the building and the number of seats, the applicant explained that the size was needed due to the growing population of the area; and, would also provide more storage area and cooking facilities to further assist the church with its mission.

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

BZA Discussion: The BZA discussed the mass and scale of the proposed new sanctuary, noting that they felt it was too intense for the area. There was a consensus that the existing sanctuary was constructed by a valid building permit, and as such, should stay. Discussion centered on whether the major food drop constituted a special event, and whether it would be possible to require that if the applicant ever sold the property, any new religious institution would be required to obtain a new Special Exception. After discussion with staff and the assistant county attorney, a new condition was added requiring any new religious institution that purchased the property to obtain a new Special Exception, and a modified condition which limited the number of outdoor special events, and which required that any major food drop which included tents, tables, and on-site consumption of food would be deemed a special event. Thus, the BZA concurred with the staff recommendation as amended.

BZA Action: A motion was made by Wes A. Hodge, seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Special Exception request #1, in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, to **DENY** the Special Exception request #2, in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest; further, to **APPROVE** the Variance request #3, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended; and, the Variance request #4, was **WITHDRAWN** by the applicant.

1. Development in accordance with the site plan dated October 10, 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. Any expansions of the use shall require BZA and BCC approval.

5. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."

6. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.

7. The Special Exception and Variance shall expire upon the sale of the property. Any further use of the property as a religious institution after its sale shall require approval of another Special Exception and Variance.

8. 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. This shall exclude any major food distribution which does not involve the use of tents, tables, or on-site consumption of food.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Charles J. Hawkins, II

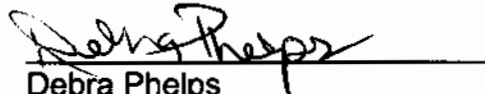
**ADJOURN:**

There being no further business, the meeting was adjourned at 1:59 p.m.

**ATTEST:**



Gregory A. Jackson  
Chairman



Debra Phelps  
Recording Secretary