

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF JUNE 6, 2019**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **June 6, 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
Juan Velez – 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, Planner II, Zoning Division
David Nearing, AICP, Planner II, 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 May 2, 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 May 2, 2019 BZA Meeting.

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.

BISHOP AND BUTTREY, INC. - SE-19-05-039

REQUEST:	Special Exception in the A-2 zoning district to allow a yard trash processing facility.
ADDRESS:	E. Colonial Drive, Orlando FL 32820
LOCATION:	North side of E. Colonial Dr., east of N County Road 13
TRACT SIZE:	326 acres
DISTRICT#:	5
LEGAL:	BEGIN AT THE NW COR OF SEC 23-22-32 E TH S 88-29-08E 5070.25 FT TO A LINE 33 FT W OF AND PARALLEL TO THE E LINE OF SAID SEC 23 TH S02-00-45E ALONG SAID LINE 4114.38 FT TH N89-09-15W 2949.70 FT TH S08-23-25W 342.26 FT TH S65-49-02W 108.49 FT TH

PARCEL ID#: 23-22-32-0000-00-004
NO. OF NOTICES: 2099
THIS APPLICATION WAS CONTINUED TO A FUTURE BZA MEETING. THE ORANGE COUNTY COMMISSIONER’S OFFICE REQUESTED A COMMUNITY MEETING BE HELD PRIOR TO A PUBLIC HEARING.
BZA Action: A motion was made by Wes A. Hodge, seconded by Carolyn Karraker and unanimously carried to **CONTINUE** to the July 8, 2019 BZA Meeting.

AYE (voice vote): All members present
Absent: Deborah Moskowitz (due to temporary absence)

LEONARDO GARCIA - SE-19-05-043

REQUEST: **Special Exception and Variances** in the C-2 zoning district as follows:
1) Special Exception to operate an open air market.
2) Variance to allow operation 7 days a week in lieu of 3 consecutive days only.
3) Variance to allow 28 parking spaces in lieu of 33 spaces.

ADDRESS: 7133 S. Orange Avenue, Orlando FL 32809
LOCATION: East side of S. Orange Ave., south of Nela Ave.
TRACT SIZE: 200 ft. x 112 ft. (avg.) / 1.014 acres
DISTRICT#: 3
LEGAL: BEG 25 FT S & 47.50 FT W OF NE COR OF NW1/4 OF SW1/4 OF NE1/4 RUN E 47.50 FT S 3 DEG E 640.87 FT W 112 FT N 13 DEG W 200 FT E 130.81 FT M/L TO A POINT S 3 DEG E FROM POB TH N 3 DEG W 446.11 FT TO POB SEC 25-23-29

PARCEL ID#: 25-23-29-0000-00-004
NO. OF NOTICES: 152
THIS CASE WAS CONTINUED TO A FUTURE BZA MEETING UPON THE REQUEST OF THE APPLICANT PRIOR TO THIS BZA MEETING.
BZA Action: A motion was made by Juan Velez, seconded by Wes A. Hodge and unanimously carried to continue to **CONTINUE** to the July 8, 2019 BZA Meeting.

AYE (voice vote): All members present
Absent: Deborah Moskowitz (due to temporary absence)

TOM SULLIVAN - VA-19-06-044

REQUEST: **Variance** in the P-D zoning district to allow two (2) secondary signs in lieu of one (1) secondary sign.

ADDRESS: 13645 E. Colonial Drive, Orlando FL 32826
LOCATION: Northeast corner of E. Colonial Dr. and Bonneville Dr.
TRACT SIZE: 10.45 acres
DISTRICT#: 5
LEGAL: CRP CDP EAST ORLANDO OWNER 96/48 LOT 1
PARCEL ID#: 23-22-31-1809-01-000
NO. OF NOTICES: 110
Commentaries: None

Staff Recommendation: Staff compared the original request against the current request, noting that the applicant had significantly reduced the scale of the application. The current proposal was to keep the two (2) approved façade mounted signs, and to have only one (1) ground sign at the main entrance. The revised design for the ground sign fully complied with the sign code. In addition, the current proposal was using only 66% of the sign area permitted for the project. This sign would improve safety by clearly delineating the entrance location to the site, actually enhancing the project. Staff was now recommending approval of the revised request subject to BOARD OF ZONING ADJUSTMENT

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the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Tom Sullivan (Applicant)

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 given the safety enhancement the proposed sign package would provide that the criteria for granting the requested variances had been met. Thus, the BZA approved the request to include the staff recommendation.

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

1. Development in accordance with the site plan and sign design dated May 20, 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. All signage shall be limited to a total of 118 sq. ft. of copy area.
5. The remaining secondary façade sign shall be located on the façade of the tower nearest to the site's entrance off of Bonneville Drive.

AYE (voice vote): All members present

BENJAMIN VAZQUEZ - VA-19-06-045

REQUEST:	Variances in the R-1A zoning district as follows: 1) To allow the existing residence with a side (east) setback of 5 ft. in lieu of 7.5 ft. 2) To allow an addition with a side (east) setback of 5 ft. in lieu of 7.5 ft. 3) To allow an existing shed located 4.5 ft. from the side (east) property line in lieu of 5 ft. 4) To allow an existing shed 4 ft. from the rear (north) property line in lieu of 5 ft. 5) To allow construction on a lot with 49 ft. of frontage in lieu of 75 ft. 6) To allow construction on a lot with 6,749 sq. ft. of lot area in lieu of 7,500 sq. ft.
ADDRESS:	1501 38th Street, Orlando FL 32839
LOCATION:	North side of 38th St., approximately 250 ft. east of S. Rio Grande Avenue
TRACT SIZE:	50 ft. x 135 ft. /.154 acres
DISTRICT#:	6
LEGAL:	ANGEBILT ADDITION NO 2 J/124 LOT 18 BLK 101
PARCEL ID#:	03-23-29-0183-11-180

NO. OF NOTICES: 121

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

Staff Recommendation: Staff explained the history of the property, and that the home was constructed before zoning existed in Orange County. Further, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Benjamin Vazquez (Applicant)

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

BZA Discussion: The BZA concluded that the request met the criteria for granting a variance, and that the addition would bring the size of the home into compliance with the code. Therefore, the Board agreed with the staff recommendation.

BZA Action: A motion was made by Charles J. Hawkins, II, seconded by Juan Velez 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 March 19, 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 match the exterior of the existing residence with respect to materials and color.

AYE (voice vote): All members present

RECESSED AT 9:38 A.M. AND RECONVENED AT 10:00 A.M.

Due to a continuance request, a change of sequential order was motioned by the Chairman, seconded by Deborah Moskowitz, for Public Hearing # SE-19-06-048; Church of Jesus Christ of Latter-Day Saints to be heard next on the Agenda, and unanimously carried to **APPROVE** the change in sequence of this Agenda item.

CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS - SE-19-06-048

REQUEST:	Special Exception and Variance in the A-1 zoning district as follows: 1) Special Exception to allow a religious use facility. 2) Variance to allow a spire with a height of 67 ft. in lieu of 35 ft.
ADDRESS:	17000 Davenport Road, Winter Garden FL 34787
LOCATION:	Southwest corner of Davenport Rd. and Avalon Rd.
TRACT SIZE:	18.24 acres
DISTRICT#:	1
LEGAL:	LAKE AVALON GROVES H/24 LOT 17E (LESS ANY PT WITHIN THE 35 FT FOR R/W AS DESC IN DB 402/314)

PARCEL ID#: 06-23-27-4284-05-170 and 06-23-27-4284-05-180

NO. OF NOTICES: 68

THIS CASE WAS CONTINUED TO A FUTURE BZA MEETING UPON THE REQUEST OF THE APPLICANT PRIOR TO THIS BZA MEETING.

BZA Action: A motion was made by Carolyn Karraker, seconded by Juan Velez and unanimously carried to **CONTINUE** to the July 8, 2019 BZA Meeting.

AYE (voice vote): All members present

DAVID CONE, JR. - VA-19-06-047

REQUEST: Variance in the R-2 zoning district to allow an addition with a rear (south) setback of 12 ft. in lieu of 25 ft. **NOTE: The BZA approved an amended request to allow a rear setback of 15 ft. in lieu of 25 ft.**

ADDRESS: 12744 Woodbury Glen Drive, Orlando FL 32828

LOCATION: South side of Woodbury Glen Dr., approximately 625 ft. west of Woodbury Rd.

TRACT SIZE: 52 ft. x 110 ft./ .131 acres

DISTRICT#: 4

LEGAL: WOODBURY ROAD PATIO HOMES 32/59 LOT 13

PARCEL ID#: 22-22-31-9465-00-130

NO. OF NOTICES: 232

Commentaries: Five (5) in favor and none in opposition

Staff Recommendation: Staff explained the history of the property, and the fact that the home backed up to the common area of a townhouse community which had no improvements other than landscaping. Staff was recommending that the BZA grant a variance, but that the applicant revise the floor plan to have the addition extend along more of the rear of the home including losing a window. Finally, staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): David Cone, Jr. (Applicant)

The applicant explained that the window staff was recommending be covered, was a window for his wife's small office area in their master bedroom, and she would be very upset if it were lost. The applicant offered to shorten the addition by three (3) feet to reduce the impact of the variance.

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

BZA Discussion: The BZA asked the applicant if they had already invested in an architect and if the plans were finalized. The applicant indicated that they had done all of the drawings. The BZA concluded that the offer to increase the setback from 12 feet to 15 feet satisfied the Variance Criteria. As such, the BZA recommended approval with the amended request to the rear setback of 15 feet in lieu of 25 feet, subject to the conditions as depicted in the staff recommendation.

BZA Action: A motion was made by Deborah Moskowitz, 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 and elevations dated March 26, 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 match the exterior of the existing residence with respect to materials and color.

AYE (voice vote): All members present

TOBY BEST FOR HOMES IN PARTNERSHIP, INC.- VA-19-06-049

REQUEST: **Variances** in the R-1AAAA zoning district to allow a new single family home as follows:
1) To allow a minimum lot size of .2 acre in lieu of .5 acres.
2) To allow a minimum lot width of 64 ft. in lieu of 110 ft.
3) To allow a minimum living area of 1,453 sq. ft. of living area in lieu of 1,500 sq. ft.

ADDRESS: 5111 McDonald Road, Zellwood FL 32798

LOCATION: North side of McDonald Rd., approximately 575 ft. east of Winifred Ave.

TRACT SIZE: 64 ft. x 137 ft./ .2 acres

DISTRICT#: 2

LEGAL: BEG 662.34 FT W OF NE COR OF SE1/4 OF NE1/4 OF NE1/4 RUN W 64.62 FT S 167.2 FT E 64.62 FT N 167.2 FT TO POB IN SEC 27-20-27 (LESS S 30 FT FOR RD)

PARCEL ID#: 27-20-27-0000-00-024

NO. OF NOTICES: 66

Commentaries: None

Staff Recommendation: Staff noted that though it appeared to be part of a platted subdivision, the subject property was actually a meets and bounds parcel. There had been a home on the property up until 2008-2009. However, there was no demolition permit for the property. Staff went over the history of the property noting that when the area was rezoned by the County in 1982, it was noted that vacant properties would need variances to build on. Staff concluded with the fact that while the lot was substandard, the applicant meets all setbacks. Lastly, staff recommended approval subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Toby Best (Applicant)

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 this request was fully justified. Based on the foregoing, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Gregory A. Jackson, 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 April 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. Prior to issuance of a building permit for the new home, obtain an after the fact demolition permit.

AYE (voice vote): All members present

MARK JOHNSON - SE-19-06-050

REQUEST: **Special Exception and Variances** in the A-R and A-1 zoning districts as follows:
 1) Special Exception to allow an existing Accessory Dwelling Unit (ADU).
 2) Variance to allow an existing ADU in front of the primary dwelling unit in lieu of to the side or rear.
 3) Variance to allow an existing ADU 8 ft. from the side (north) property line in lieu of 10 ft.
 4) Variance to allow an existing single family residence and ADU on a lot with 171 ft. of frontage in lieu of 270 ft.
 5) Variance to allow an ADU on a lot with 2.53 acres in lieu of 3.75 acres.
 This is the result of Code Enforcement action.

ADDRESS: 6212 Gilliam Road, Orlando FL 32818

LOCATION: West side of Gilliam Rd., approximately .75 miles east of Clarcona Rd.

TRACT SIZE: 2.53 acres

DISTRICT#: 2

LEGAL: 9609/0971 ERROR IN LEGAL DESCRIPTION -- BEG 172.64 FT S OF NW COR OF S1/4 OF NW1/4 OF NW1/4 OF SEC 35-21-28 TH RUN E 491.5 FT S 151.25 FT E 650.7 FT SLY 21.18 FT W 1135.45 FT N 172.64 FT TO POB & BEG AT NE COR OF SE 1/4 OF NE 1/4 OF SEC 34-21-28 TH N89-58

PARCEL ID#: 35-21-28-0000-00-123

NO. OF NOTICES: 50

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

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

The following person(s) addressed the Board:

Speaker(s): Mark Johnson (Applicant)

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

BZA Discussion: The BZA confirmed that the ADU had previously existed and was built without permits. Therefore, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Juan Velez 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 and elevations dated May 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. Building permits shall be obtained within 180 days 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): All members present

JON THETARD - VA-19-06-051

REQUEST: **Variances** in the P-D zoning district as follows:
 1) To allow additional construction on a lot with 10,488 sq. ft. of lot area in lieu of 10,890 sq. ft.
 2) To allow an addition with a rear (northeast) setback of 25 ft. in lieu of 30 ft.

ADDRESS: 4817 Breezy Palms Court, Windermere FL 34786

LOCATION: Northwest corner of Breezy Palms Ct. and Palm Tree Dr.

TRACT SIZE: 90 ft. x 107 ft. (avg.) / .24 acres

DISTRICT#: 1

LEGAL: SILVER WOODS PHASE THREE 15/144 LOT 133

PARCEL ID#: 16-23-28-8070-01-330

NO. OF NOTICES: 83

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

Staff Recommendation: Staff noted the history of the project including the fact that part of the subdivision was in the R-1AA zoning district, and the part in which the subject property was located was in the P-D zoning district. For that reason, when the Preliminary Subdivision Plan was approved, it had some less stringent setbacks like twenty-five (25) foot front setbacks rather than thirty (30) feet, but had ten (10) feet side setbacks instead of 7.5 feet. It also required a one-fourth (1/4) acre lot in lieu of a 10,000 sq. ft. lot. Staff further noted that screen porches with

non-permanent roofs could encroach up to 50% into the rear setback. Furthermore, staff noted that six (6) variances very similar to the applicant's request had been granted in the overall Silver Woods subdivision. Based on the foregoing, staff recommended approval subject to the conditions as identified in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant waived the right to speak and agreed with the staff recommendation. 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 the request satisfied the criteria for a variance. Thus, the Board concurred with the staff recommendation.

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

1. Development in accordance with the site plan dated April 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. The exterior of the sunroom shall match the exterior of the existing residence with respect to color and materials.

5. The addition shall comply with the ten (10) foot side yard setback.

AYE (voice vote): All members present

RECESSED AT 10:48 A.M. AND RECONVENED AT 11:00 A.M.

AUSTIN BUTLER - SE-19-06-053

REQUEST:	Special Exception and Variances in the A-1 zoning district as follows: 1) Special Exception to allow a detached Accessory Dwelling Unit (ADU) over a detached garage. 2) Variance to allow a detached garage with an ADU 1 ft. from the side (south) property line in lieu of 10 ft.. 3) Variance to allow a detached ADU on .7 ac. of land in lieu of .75 ac. 4) Variance to allow a detached ADU over a detached garage with a height of 27 ft. in lieu of 20 ft. 5) Variance to allow a cumulative accessory structure floor area of 1,167 sq. ft. in lieu of 1,000 sq. ft.
ADDRESS:	958 Tildenville School Road, Winter Garden FL 34787
LOCATION:	West side of Tildenville School Rd., approximately .3 miles north of E. Oakland Ave./W. Plant St.
TRACT SIZE:	158 ft. x 189 ft. (avg.)/.70 acres

DISTRICT#: 1

LEGAL: FROM SE COR OF NE1/4 RUN S 88 DEG W 321.15 FT N 02 DEG W 354.82 FT TO POB TH W 198 FT N 02 DEG W 152.4 FT N 86 DEG E 192.95 FT TH S 03 DEG E 162.3 FT TO POB IN SEC 21-22-27

PARCEL ID#: 21-22-27-0000-00-052

NO. OF NOTICES: 50

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

Staff Recommendation: Staff explained the history of the property including the fact that the home was constructed in 1901, and many of the large trees located on the property were there when the home was built. The Special Exception Criteria was met with the granting of the variances for the side yard setback and the height. The main concern with relocating the new garage foundation was the impact of the changes to the grade and the increased impervious surface would have on the trees' root systems and drainage in the yard. One commentary in favor of the request was on file, with the caveat that the applicant not disturb any trees. Lastly, staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Austin Butler (Applicant)

The applicant explained how the site had never had any issues with drainage until the developer of the subdivision to the north cleared the heavily vegetated land to the north, and failed to install the stormwater management system approved by the City of Winter Garden. The applicant stated their historic home must now be rebuilt from the foundation up.

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

BZA Discussion: The BZA discussed the possibility of moving the garage further from the side property line but concluded that they did not wish to risk damage to any of the existing healthy trees. To that end, the BZA concurred with the staff recommendation.

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:

1. Development in accordance with the site plan and elevation drawings dated April 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 3 years of final action on this application by Orange County or this approval becomes null and void.

5. The exterior of the ADU shall match or complement the exterior of the existing residence with respect to materials and colors.

6. 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

BARBARA GEMMELL - VA-19-06-054

REQUEST: **Variances** in the R-1A zoning district as follows:
1) To allow a rear setback for a garage addition of 10 ft. in lieu of 30 ft.
2) To allow a rear setback for the existing home to remain at 18 ft. in lieu 30 ft.
3) To allow a rear setback for an addition 21 ft. in lieu of 30 ft.
4) To allow a side street setback for an addition of 14 ft. in lieu of 15 ft.

ADDRESS: 1800 Killarney Drive, Winter Park FL 32789

LOCATION: Southwest corner of Killarney Dr., and Clay St., North of Fairbanks Ave

TRACT SIZE: 0.159 acres

DISTRICT#: 5

LEGAL: KAROLINA ON KILLARNEY M/105 LOT 1 BLK A

PARCEL ID#: 12-22-29-4076-01-010

NO. OF NOTICES: 87

Commentaries: Five (5) in favor and none in opposition

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

The following person(s) addressed the Board:

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

BZA Discussion: The BZA agreed that the lot was uniquely shaped and confirmed that the deck would remain. Therefore, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Wes A. Hodge, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance 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 April 15, 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

RAYMOND WEBB FOR KENCO SIGN & AWNING - VA-19-06-055

REQUEST: Variance in the C-1 zoning district to allow a total of 523 sq. ft. of wall signage in lieu of 180 sq. ft. **NOTE: The BZA approved a variance for a total of 240 sq. ft. of wall signage.**

ADDRESS: 4649 S. Orange Blossom Trail, Orlando FL 32839

LOCATION: Northeast corner of Holden Ave. and S. Orange Blossom Trl.

TRACT SIZE: 14.19 acres

DISTRICT#: 3

LEGAL: COMM AT NW COR OF SE1/4 OF SE1/4 OF SEC 10-23-29 TH RUN E 50 FT TO ELY R/W LINE OF S ORANGE BLOSSOM TRL TH S00-23-30W 138.82 FT TH S13-38-40E 53.60 FT TH S89-36-30E 22 FT TH S00-23-30W 78.51 FT TO POB TH RUN S89-36-30E 280.80 FT TH N00-23-19E 26.48 FT TH

PARCEL ID#: 10-23-29-0000-00-019

NO. OF NOTICES: 161

Commentaries: None

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, location of the signage, site plan, and photographs of the site. Further, staff recommended denial of this request; however, if the Board recommends approval, the conditions as outlined in the staff report should be applied.

The following person(s) addressed the Board:

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

The applicant stated that the sign ordinance was antiquated in relation to big box stores. The applicant also pointed out that the store was set back far from the road causing the trees to interfere with visibility, which created a safety issue to provide visibility for drivers looking for the sign. The applicant further stated that the old code was more realistic, allowing two (2) square feet of signage for each foot of frontage, and that this standard was needed to revitalize an old complex.

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

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

BZA Discussion: The BZA noted that the applicant was asking for a larger variance than those previously granted in the area. Further, the BZA discussed reaching a compromise with the applicant. Therefore, the Board approved a variance for a total of 240 sq. ft. of wall signage.

BZA Action: A motion was made by Juan Velez, 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 and sign specifications dated April 15, 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

EDUARD GRANT - SE-19-06-056

REQUEST: **Special Exception** in the R-1A zoning district to permit an attached Accessory Dwelling Unit (ADU).
ADDRESS: Decker Avenue, Orlando FL 32833
LOCATION: Southwest corner of Decker Ave and Overton St. west of Dallas Blvd.
TRACT SIZE: 1.248 acres
DISTRICT#: 5
LEGAL: CAPE ORLANDO ESTATES UNIT 12A 4/66 LOT 4 BLK 12
PARCEL ID#: 10-23-32-1184-12-040
NO. OF NOTICES: 29

Commentaries: None

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

The following person(s) addressed the Board:

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

BZA Discussion: The BZA felt that the case was straightforward. Therefore, the Board approved the Special Exception subject to the conditions in the staff report.

BZA Action: A motion was made by Wes A. Hodge, 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 and elevations dated April 16, 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 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 (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. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.
- 8. The applicant shall provide proof of the Homestead Exemption or evidence of pre-filing for the Homestead Exemption for the property prior to issuance of the Certificate of Occupancy for the ADU.

AYE (voice vote): All members present

RECESSED AT 12:17 P.M. AND RECONVENED AT 1:01 P.M.

ECO-SITE - SE-19-06-057

REQUEST: Special Exception in the IND-2/IND-3 zoning district to construct a 145 ft. high communications cell tower to be camouflaged as a pine tree (monopine tower) with a single user at initial construction.

ADDRESS: Commodity Circle, Orlando FL 32819

LOCATION: North side of Destination Parkway, west of S. John Young Parkway

TRACT SIZE: 393 ft. x 1,853 ft. (avg.) / 22.82 acres

DISTRICT#: 6

LEGAL: SOUTHPARK UNIT EIGHT 64/12 TRACT A (STORMWATER MGMT)

PARCEL ID#: 32-23-29-8221-00-001

NO. OF NOTICES: 346

Commentaries: None

Staff Recommendation: Staff explained that the proposal was different from many past cell tower applications, in that the nearest residence was .96 miles away. The request required no variances for any separation distances. If the applicant had a second user signed to the tower, no Special Exception would be needed. Staff did note that the Public Works Development Engineering Division did have a condition regarding revising the drainage easement it holds over the pond to ensure that the tower did not interfere with it. Staff concluded by recommending approval subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Mattaniah S. Jahn (Applicant's representative)

The applicant gave a brief presentation demonstrating the impact on service that the tower would have. They also explained that the reason the tower needed to be on common property was due to the restrictive covenants and restriction, which required such siting.

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 the tower was in fact a stealth tower, and met all of the criteria for a Special Exception. Thus, the Board concurred with the staff recommendation.

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

1. Development in accordance with the site plan dated April 17, 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 two (2) years of final action on this applicant by Orange County, or this approval becomes null and void.
- 5. The appearance of the monopine shall be maintained in a manner that the tower shall resemble a live tree. All faded or damaged camouflage materials shall be promptly replaced.
- 6. Prior to issuance for any permits specific to the communication tower, the applicant shall resolve the tower location with the Development Engineering Division, and enter into the required use agreement for any improvements located in the drainage easement located over the subject property. Any change in the tower's location shall require submittal of a new Special Exception application.

AYE (voice vote): All members present

GREYFOX CONSTRUCTION CORP. - VA-19-06-058

REQUEST: Variances in the R-CE zoning district to construct a single family home as follows:
1) To allow a minimum lot width of 45 ft. in lieu of 130 ft.
2) To allow a minimum lot size of .14 acres in lieu of 1 acre
3) To allow a front setback of 15 ft. in lieu of 35 ft.
4) To allow a side setback (east) of 7 ft. in lieu of 10 ft.
5) To allow a rear setback of 7 ft. in lieu of 50 ft.

ADDRESS: Downs Cove Road, Windermere FL 34786

LOCATION: South of Downs Cove Rd., east of S. Apopka Vineland Rd.

TRACT SIZE: 45 ft. x 102 ft. (avg.) / .14 acres

DISTRICT#: 1

LEGAL: DOWNS COVE CAMP SITES Q/121 BEG SE COR BLK B RUN W 45.7 FT TO SW COR OF SAID BLK B TH NWLY ALONG WLY LINE 91.56 FT TH NELY 80.7 FT TO E LINE BLK B S 102.5 FT TO POB BLK B

PARCEL ID#: 09-23-28-2196-02-002

NO. OF NOTICES: 36

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

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. Lastly, staff recommended approval of Variances #1 and #2, and denial of Variances #3, #4, and #5; however, if the BZA recommends approval then staff recommended the conditions of approval found in the staff report be imposed.

The following person(s) addressed the Board:

Speaker(s): Erich McCartney (Applicant's representative)
Justin Hall (Applicant's representative)
Jeff Patterson (Neighbor in favor)

The applicant stated that the property used to be an orange grove, then a fish camp, and now the owner wants to use it for family to stay and to store items.

A neighbor spoke in support of the case and had questions about access to the road.

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

BZA Discussion: The BZA agreed that the lot had a unique shape and felt that the slope of the lot was also a unique circumstance. The BZA noted that the setback requirements were

extreme, so variances were needed, and determined that it will be beneficial to have a structure on the property. Therefore, the Board recommended approval subject to the conditions as outlined in the staff report.

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 and elevations dated April 17, 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. All unpermitted structures on the property shall be removed prior to issuance of permits.

AYE (voice vote): All members present

REBECCA WILSON - SE-19-06-059

REQUEST: Special Exception in the R-1 zoning district to allow a parking lot.
ADDRESS: 1507 Jessamine Avenue, Orlando FL 32806
LOCATION: East side Jessamine Ave., south of Curry Ford Rd.
TRACT SIZE: 150 ft. x 218 ft. / .779 acres
DISTRICT#: 3
LEGAL: HANDSONHURST PARK L/87 BLK A LOTS 1 THROUGH 5 (LESS N 22 FT OF LOTS 1, 2, 3 FOR R/W PER DB 338/361, 362 & 3372/2011)
PARCEL ID#: 06-23-30-3328-01-010
NO. OF NOTICES: 80

Commentaries: Seven (7) in favor and none in opposition

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

The following person(s) addressed the Board:

Speaker(s): Rebecca Wilson (Applicant)

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

BZA Discussion: The BZA discussed the case and concurred with the staff recommendation.

BZA Action: A motion was made by Juan Velez, seconded by Roberta Walton 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 April 17, 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 project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards".
5. The parking lot shall comply with Chapter 38 Article XI.
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.
7. Landscaping shall be in accordance with Chapter 24, Orange County Code.
8. The structure on the property shall not be used for residential purposes, and shall not be used for commercial purposes until the future land use is amended and the property is re-zoned to commercial.
9. The property shall be combined with the property to the south under a single parcel ID number, prior to installation of the parking spaces.

AYE (voice vote): Juan Velez, Roberta Walton, Gregory A. Jackson, Carolyn Karraker, Charles J. Hawkins, II

NAY (voice vote): Wes A. Hodge

Absent: Deborah Moskowitz

JED PREST - VA-19-06-060

REQUEST:	Variances in the IND-2/IND-3 zoning district to allow two office buildings as follows: 1) To allow a height of 84 ft. in lieu of 50 ft. (north parcel) 2) To allow a height of 84 ft. in lieu of 50 ft. (south parcel)
ADDRESS:	Southpark Center Loop, Orlando FL 32819
LOCATION:	West side of S. John Young Pkwy., north of 528
TRACT SIZE:	30.63 acres
DISTRICT#:	6
LEGAL:	GRAN PARK AT SOUTHPARK PHASE II 55/41 PT OF LOT 8 DESC AS BEG SW COR OF LOT 8 TH N00-27-01W 473.83 FT TH N89-33-10E 252.14 FT TH N00-26-50W 126.19 FT TH N89-32-59E 89 FT TH N00-26- 50W 34 FT TO CURVE CONCAVE WLY RAD 44.50 FT CHORD N06-05- 34W DELTA 11-17-28
PARCEL ID#:	04-24-29-3045-00-080 and 04-24-29-3045-00-060
NO. OF NOTICES:	23

Commentaries: None

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

The following person(s) addressed the Board:

Speaker(s): Jed Prest (Applicant)

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

BZA Discussion: The BZA stated that they would normally be concerned with the amount of variance requested; however, they were not concerned due to the size of the lots. Based on the foregoing, the BZA agreed with the staff recommendation.

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

1. Development in accordance with the site plan and elevations dated April 17, 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.

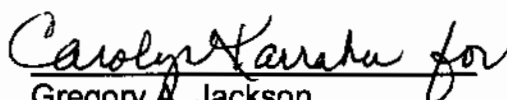
AYE (voice vote): All members present

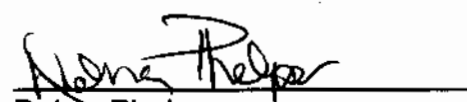
Absent: Deborah Moskowitz

ADJOURN:

There being no further business, the meeting was adjourned at 2:01 p.m.

ATTEST:


Gregory A. Jackson
Chairman


Debra Phelps
Recording Secretary