

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF JULY 8, 2019**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **July 8, 2019** in the Orange County Commission Chambers on the 1st Floor of the Orange County Administration Building, 201 South Rosalind Avenue, Orlando, Florida 32801.

BOARD MEMBERS PRESENT: Carolyn C. Karraker - Vice Chair
Juan Velez – District #3
Deborah Moskowitz – District #4
Wes A. Hodge – District #5
Charles J. Hawkins, II – District #6

BOARD MEMBERS ABSENT: Roberta Walton – At Large
Gregory A. Jackson - Chairman

STAFF PRESENT: Sean Bailey, Chief Planner, Zoning Division
Nicholas Balevich, Development Coordinator, Zoning Division
David Nearing, AICP, Development Coordinator, Zoning Division
Debra Phelps, Recording Secretary, FOS Division
Shamaka Daniels, Development Specialist, FOS Division

The Vice-Chair called the meeting to order at 9:16 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 Vice-Chair requested a motion approving the minutes of the June 6, 2019, Board of Zoning Adjustment meeting.

A motion was made by Juan Velez, seconded by Deborah Moskowitz, and unanimously carried to **APPROVE** the minutes of the June 6, 2019 BZA Meeting.

PUBLIC COMMENT: The Vice-Chair opened the floor to public comment as follows:

Catharine Murphy, 10438 Pocket Lane, Orlando, Florida 32836

JUNG SOON CHO - VA-19-06-052

REQUEST: **Variances** in the A-1 zoning district to allow an existing accessory structure as follows:
1) To allow an accessory structure with 5,628 sq. ft. of floor area in lieu of 2,000 sq. ft. of floor area.
2) To allow an accessory structure with a 2:12 roof pitch to be 18 ft. in height in lieu of 15 ft.
3) To allow an accessory structure in front of the principal structure in lieu of the side or rear.
This is the result of Code Enforcement action.

ADDRESS: 4550 Cemetery Road, Mount Dora FL 32757

LOCATION: West side of Cemetery Rd., approximately 500 ft. north of Sadler Rd.

TRACT SIZE: 330 ft. x 630 ft./4.78 acres

DISTRICT#: 2

LEGAL: N1/2 OF SW1/4 OF SW1/4 OF NE1/4 OF SEC 16-20-27 (LESS E 30 FT FOR RD R/W)
PARCEL ID#: 16-20-27-0000-00-012
NO. OF NOTICES: 32

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

Staff Recommendation: Staff explained the history of the property to include when a permit was issued to place the existing mobile home on the property, and when certain improvements appeared in historic aerials. The area is very rural, and because the lot is nearly large enough to qualify for up to 3,000 sq. ft. of accessory floor area, staff believed that granting a variance for the sq. ft. in place at the time the applicant purchased the property would be equitable. Based on the foregoing, staff recommended approval of a lesser variance for Variance #1, approval of Variance #2, and denial of Variance #3, subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Jung Soon Cho (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 due to the rural nature of this area, and the size of not only the subject property but also that of the property to the north, the entire structure looked in scale with the area. Thus, the BZA approved all three (3) requests subject to the conditions as amended in the staff report.

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

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. This approval shall be for a total of 5,628 sq. ft. of accessory structure floor area.
5. The applicant shall obtain a permit for the unpermitted structure(s) within 180 days of final action on this application by Orange County or this approval becomes null and void.
6. The applicant shall plant a buffer in front of the accessory structure(s) to consist of a row of hedging for a distance of eighty (80) feet which will be centered at the midpoint of the accessory structure(s), said hedge able to reach a height of five (5) feet in three (3) years with an opacity of not less than sixty (60) percent from ground to height, Behind the hedge a row of canopy trees capable of reaching a mature height of not less than forty (40) feet shall be planted along the hedge line with a spacing of thirty (30) feet on center.

AYE (voice vote): All members present

Absent: Roberta Walton and Gregory A. Jackson

REQUEST: **Variances** in the A-2 zoning district as follows:
1) To allow an existing shed 3 ft. from the side (south) property line in lieu of 5 ft.
2) To allow an existing shed 45 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
This is the result of Code Enforcement action.

ADDRESS: 12575 Narcoossee Road, Orlando FL 32832

LOCATION: East side of Narcoossee Rd., on the west shore of Lake Whipporwill, approximately 375 ft. north of Nemours Parkway

TRACT SIZE: 2.197 acres

DISTRICT#: 4

LEGAL: S 100 FT OF N 430 FT OF W 1730 FT OF SW1/4 OF SEC 20-24-31 (LESS S 80 FT OF W 925 FT)

PARCEL ID#: 20-24-31-0000-00-016 & 20-24-31-9302-00-013

NO. OF NOTICES: 120

Commentaries: None

Staff Recommendation: Staff explained the history of the property to include the timeline for when each of the three (3) units on the property were installed/constructed. Staff also described a lot split, which had occurred in the past to transfer property to an adjacent property owner to the south. Due to numerous code violations, the approved split had been rescinded, and a planned consolidation of the subject property with one to the south never occurred. As a result, the property to the south is now landlocked. If the variances were granted, there is a condition that the two (2) properties be consolidated within thirty (30) days of final action on the application. Finally, staff recommended denial; however, should the BZA find that the applicant has met the criteria for the granting of a variance, then the conditions as set forth in the staff report should be applied.

The following person(s) addressed the Board:

Speaker(s): Sheila Cichra (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 was minimal, and there had been other variances in the area with much less of a setback. Therefore, the BZA concurred with the conditions as amended by the Board in the staff report.

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

1. Development in accordance with the site plan dated April 29, 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 accessory structure is no closer than forty (45) feet from the normal high water elevation of Lake Whipoorwill.

5. The applicant shall obtain a permit for the accessory structure within 180 days of the recording of the Hold Harmless Agreement, or this approval becomes null and void.

6. The applicant shall complete the consolidation of the subject property with the parcel to the south within thirty (30) days of final action on this application by Orange County, or the approval shall be null and void.

AYE (voice vote): Deborah Moskowitz; Charles J. Hawkins, II; Carolyn C. Karraker; Juan Velez

NAY (voice vote): Wes A. Hodge

Absent: Roberta Walton and Gregory A. Jackson

A change of sequential order was motioned by the Deborah Moskowitz, seconded by Charles J. Hawkins, II, for Public Hearing #VA-19-07-064; Adline Pierre to be heard next on the Agenda, and unanimously carried to **APPROVE** the change in sequence of this Agenda item.

ADLINE PIERRE - VA-19-07-064

REQUEST: **Variance** in the R-1 zoning district to allow an addition 18 ft. from the rear (south) property line in lieu of 25 ft.

ADDRESS: 8028 Aspencrest Court, Orlando FL 32835

LOCATION: Southwest corner of Aspencrest Ct. and Killington Way, immediately south of SR 408

TRACT SIZE: 102 ft. x 75 ft./177 acres

DISTRICT#: 6

LEGAL: WINTER HILL NORTH ADDITION 31/102 LOT 13

PARCEL ID#: 27-22-28-9395-00-130

NO. OF NOTICES: 64

Commentaries: One (1) 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. Staff recommended approval subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

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

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

BZA Discussion: The BZA felt that the information provided was sufficient and 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 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 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.

AYE (voice vote): All members present
Absent: Roberta Walton and Gregory A. Jackson

Another change of sequential order was motioned by the Deborah Moskowitz, seconded by Juan Velez, Charles J. Hawkins, II, and Carolyn Karraker voting AYE by voice vote; and, Wes A. Hodge voting No by voice vote (Gregory A. Jackson and Roberta Walton were absent), for Public Hearing #VA-19-07-067; Russell Maynard to be heard next on the Agenda, and carried to **APPROVE** the change in sequence of this Agenda item.

RUSSELL MAYNARD - VA-19-07-067

REQUEST: Variance in the IND-2/IND-3 zoning district to allow a hotel with a building height of 59 ft. in lieu of 50 ft.
ADDRESS: Destination Parkway, Orlando FL 32819
LOCATION: South side of Destination Pkwy., west of S. John Young Pkwy.
TRACT SIZE: 299 ft. x 308 ft./ 2.159 acres
DISTRICT#: 6
LEGAL: SOUTHPARK UNIT EIGHT 64/12 A PORTION OF BLOCK B DESC: COMM AT NELY CORNER OF BLOCK B TH S62-34-00W 822.28 FT TO POB TH S27-26-00E 308.00 FT S62-34-00W 311.89 FT TH N25-01-15W 308.27 FT TH N62-34-00E 292.92 FT TO POB.
PARCEL ID#: 32-23-29-8221-02-003
NO. OF NOTICES: 136
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): Russell Maynard (Applicant)
There being no one present to speak for or against the request, the public hearing was closed.
BZA Discussion: The BZA felt that the request was clear cut, and approved the variance as requested to include the staff recommendation.

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:

1. Development in accordance with the site plan dated and elevations May 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

Absent: Roberta Walton and Gregory A. Jackson

EDDIE LEE CLARK - VA-19-07-063

REQUEST: **Variances** in the A-2 zoning as follows:
1) To allow construction on a parcel with .3 acres of land area in lieu of .5 acres.
2) To allow an existing residence to remain 12 ft. from the rear (east) property line in lieu of 50 ft.
3) To allow an existing accessory structure to remain 1 ft. from the rear (east) property line in lieu of 5 ft.
This is the result of Code Enforcement action.

ADDRESS: 7148 Holly Street, Mount Dora FL 32757

LOCATION: Approximately 400 ft. south of Holly St. between George Martin Rd. and Holly Ct.

TRACT SIZE: 120 ft. x 110 ft./3 acres

DISTRICT#: 2

LEGAL: S 120 FT OF N 546 FT OF E 110 FT OF W 220 FT OF E 440 FT OF NW1/4 OF NE1/4 OF NE1/4 OF SEC 20-20-27

PARCEL ID#: 20-20-27-0000-00-051

NO. OF NOTICES: 95

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

Staff Recommendation: Staff noted that according to the applicant's cover letter, a structure has existed in the location of the current shed since 1971. In addition, an existing carport located on the north side of the property was to be demolished with appropriate permits and rebuilt, complying with all setbacks. Lastly, staff recommended approval of Variance requests #1 and #2, denial of Variance request #3, subject to the conditions contained in the staff report.

The following person(s) addressed the Board:

Speaker(s): Eddie Clark (Applicant)

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

BZA Discussion: The BZA concluded that given how long the structure had existed on the site in its current location, the variances were warranted. They added a condition, which required that if the shed was ever replaced, it must meet the required setbacks. As a result, the BZA concurred with the staff recommendation as amended by the Board.

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 as amended:

1. Development in accordance with the site plan 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. The applicant shall obtain a permit for the shed within 180 days of final action on this application by Orange County, or this approval becomes null and void.

5. If the current shed is ever removed or destroyed, any replacement shed shall meet the required setbacks in effect at that time.

AYE (voice vote): All members present

Absent: Roberta Walton and Gregory A. Jackson

LEE VAYN OLIVER - VA-19-07-066

REQUEST: Variance in the R-1A zoning district to allow an addition 25 ft. from the rear (south) property line in lieu of 30 ft.
ADDRESS: 6110 Christian Way, Orlando FL 32808
LOCATION: Southeast side of Christian Way, approximately .2 miles east of N. Powers Dr.
TRACT SIZE: .35 acres
DISTRICT#: 2
LEGAL: WILLIS R MUNGERS LAND SUB E/3 BEG SE COR OF SW1/4 OF NE1/4 RUN TH W 88 FT N 90 FT N 41 DEG W 132.98 FT NELY 26.18 FT S 41 DEG E 94.81 FT E 98 FT S 139.02 FT TO POB (A/K/A LOT 3 WHISPER RIDGE PH 2)
PARCEL ID#: 01-22-28-5844-00-601
NO. OF NOTICES: 90

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

Staff Recommendation: Staff reviewed the history of the property to include the fact that the subject property was created through a lot split. Furthermore, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

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

BZA Discussion: The BZA found that due to the location of the home when originally constructed, and the support of the neighbors, the variance request was warranted. As such, the Board concurred with the staff recommendation.

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 May 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

Absent: Roberta Walton, Charles J. Hawkins, II and Gregory A. Jackson

LATAVIOUS FAILS - VA-19-07-069

REQUEST: **Variances** in the R-3 zoning district as follows:
1) To allow an existing structure to remain 27 ft. from the rear (north) property line in lieu of 30 ft.
2) To allow a two-story addition with a side yard (west) setback of 7 ft. in lieu of 10 ft.

ADDRESS: 12002 Tift Circle, Orlando FL 32826

LOCATION: Northwest side of Tift Cir., west of N. Alafaya Tr.

TRACT SIZE: .379 acres

DISTRICT#: 5

LEGAL: CAMBRIDGE CIRCLE 10/128 LOT 11

PARCEL ID#: 15-22-31-1133-00-110

NO. OF NOTICES: 109

Commentaries: None

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

The following person(s) addressed the Board:

Speaker(s): Latavious Fails (Applicant)

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

BZA Discussion: The BZA felt that the request was in compliance with the rest of the neighborhood, and therefore, 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 and elevations dated May 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 existing building.

AYE (voice vote): All members present
Absent: Roberta Walton, Charles J. Hawkins, II and Gregory A. Jackson

SHEILA CICHRA - VA-19-07-070

REQUEST: Variance in the R-CE zoning district to allow a rear setback from the Normal High Water Elevation (NHWE) line of 30 ft. in lieu of 50 ft. for a pool and pool cabana.
ADDRESS: 9226 Charles E. Limpus Road, Orlando FL 32836
LOCATION: South side of Charles E Limpus Rd., west of S. Apopka Vineland Rd.
TRACT SIZE: 150 ft. x 303 ft. / 1.062 acres
DISTRICT#: 1
LEGAL: WILLIS R MUNGERS LAND SUB E/22 THE W 150 FT OF E 267.65 FT OF S1/2 OF LOT 70 (LESS N 30 FT WHICH IS HEREBY DEDICATED FOR ROAD)
PARCEL ID#: 09-24-28-5844-00-700
NO. OF NOTICES: 35

Staff reported that this case was requesting a continuance by the applicant via electronic mail on July 8, 2019 at 8:49 a.m. to a future date, for further work to be completed with the Orange County Environmental Protection Division, prior to the July 8, 2019 BZA Meeting.
BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and unanimously carried to **CONTINUE** to a date to be determined.

AYE (voice vote): All members present
Absent: Roberta Walton, Charles J. Hawkins, II and Gregory A. Jackson

RECESSED AT 10:40 A.M. AND RECONVENED AT 11:00 A.M.

WORSHIP AND PRAISE CENTER - SE-19-07-072

REQUEST: Special Exception to allow a private K-12 school for up to 50 students using existing Sunday School classrooms in the A-2 zoning district.
ADDRESS: 14152 Boggy Creek Road, Orlando FL 32824
LOCATION: West side of Boggy Creek Rd., approximately .3 miles south of Lake Nona Blvd.
TRACT SIZE: 182 ft. x 1,718 ft./7.17 acres
DISTRICT#: 4
LEGAL: S 182 FT OF N 988.2 FT OF E 1808 FT SEC 33-24-30 (LESS E 30 FT FOR R/W) & (LESS PT TAKEN FOR R/W DESC AS COMM AT NE CORNER OF NE1/4 OF SEC 33-24-30 TH S0-58-20E 806.14 FT TH N89-42-53W 30.01 FT TO POB TH S0-58-20E 182.03 FT TH N89-42-49W 60.01 FT TH N0-58
PARCEL ID#: 33-24-30-0000-00-003
NO. OF NOTICES: 60
Commentaries: None

Staff Recommendation: Staff explained that due to the existing zoning and Future Land Use, a Special Exception was not needed for the current use. However, a school was required to obtain a Special Exception in the A-2 zoning district. Lastly, staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant waived the right to speak and agreed with the staff recommendation.

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

BZA Discussion: The BZA concluded that the proposed school met all of the requirements for granting a Special Exception. Based on the foregoing, the Board concurred with the staff recommendation.

BZA Action: A motion was made by Deborah Moskowitz, 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; further, said approval is subject to the following conditions as amended by staff:

1. Development in accordance with the site plan dated May 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 applicant shall obtain a use permit prior to operating the facility.
5. Any expansions of the use shall require BZA approval.
6. No more than four (4) outdoor special events per calendar year in conjunction with the school, and the hours of such events shall be limited to 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.
7. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met.
8. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.
9. If the existing mobile home is not be used for residential purposes, it must be removed from the property unless it can be demonstrated that the current use is permitted by the Florida Building Code. It can be replaced by a modular office, if that is the current use.

AYE (voice vote): All members present

Absent: Roberta Walton, Charles J. Hawkins, II and Gregory A. Jackson

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: 375

Commentaries: None (0) in favor and fifteen (15) in opposition

Staff Recommendation: Staff presented the case, explained the site plan, displayed site photographs, and provided a synopsis of the Community Meeting. Finally, staff recommended approval of the Special Exception with a maximum of eight (8) vendors; and, approval of Variance request #2. That said, Variance request #3 would not be required with eight (8) vendors subject to the conditions found in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant was not present for these requests at the public hearing.

Holly Bobrowski (Neighbor opposed)

Michael Newsome (Neighbor opposed)

Karl Shuck (Neighbor opposed)

Three nearby residents spoke in opposition to the request. They raised concerns regarding loud music, excessive traffic, and lighting; additionally, how this proposal may affect the nearby residential community.

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

BZA Discussion: The District 5 Commissioner had a question regarding the signage for each individual food truck. It was determined that the food trucks were not permitted freestanding signage but the overall business was permitted signage per Chapter 31.5. The Board had a discussion regarding the proposal, signage, noise the use may produce, proximity to residential, and debated whether this property was the right location for this use. Several members of the Board felt the proposal was out of character for the area; and thus, the BZA denied the Special Exception and Variance requests.

BZA Action: A motion was made by Juan Velez, seconded by Deborah Moskowitz and carried to **DENY** the Special Exception request in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest; and, to **DENY** the Variance requests in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3).

AYE (voice vote): Deborah Moskowitz; Carolyn C. Karraker; Juan Velez

NAY (voice vote): Wes A. Hodge

Absent: Roberta Walton, Charles J. Hawkins, II and Gregory A. Jackson

RECESSED AT 11:45 A.M. AND RECONVENED AT 1:00 P.M.

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

Commentaries: Four (4) in favor and twenty (20) in opposition

Staff Recommendation: Staff explained the site, location map, displayed site photographs, and provided a recap of the Community Meeting. Staff recommended approval of the use subject to the conditions as outlined in the staff report, as there was an existing borrow pit on-site and the use was isolated from any nearby residential properties.

The following person(s) addressed the Board:

Speaker(s): Anna Long, (Attorney for applicant)
James Golden (Representative on behalf of applicant)
Andrew Christensen (Neighbor opposed)
Stephanie Cevalin (Neighbor opposed)
Patricia Fischer (Neighbor opposed)
Thomas Glover (Neighbor opposed)
Kim Zaffino (Neighbor opposed)
Linda Butler (Neighbor opposed)
William Acevedo (Neighbor opposed)
Brenda Rogers (Neighbor opposed)

The applicant stated they understood the neighbor's concerns and submitted a study in response to the citizen's concerns. The applicant's engineer explained the proposed request, how the operation would function, the timeline of the different processes; and, how the applicant would monitor the proposed use.

Approximately ten (10) people spoke in opposition of the request. The neighbors had concerns about traffic; vibrations and/or noise; pollution into the groundwater; impacts to wildlife, and, intrusion into the surrounding area.

Material was submitted to the Board by the applicant and a large petition by the neighbors to be entered into the record prior to the close of the public hearing.

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

BZA Discussion: The BZA discussed the case, proposed use, and location of the property. A vote was made to approve the request with amended conditions, however, that vote ended in a 2-2 tied vote. There was discussion by the Board regarding the original conditions of approval and another vote was made, which also ended in a 2-2 tie vote. The applicant was given the option to continue the case to work on the noise study and the applicant agreed that a continuance would be acceptable. Finally, the BZA concurred to continue the case until a later date as determined by the applicant.

BZA Action: The BZA made a motion by Wes A. Hodge, seconded by Juan Velez voting AYE by voice vote, and Carolyn Karraker and Deborah Moskowitz voting No by voice vote, (Gregory A. Jackson, Charles J. Hawkins, II, and Roberta Walton were absent), to APPROVE the Special Exception as amended. The **motion FAILED** with a **TIE** vote (2 in favor and 2 opposed).

A second motion was made by Wes A. Hodge, seconded by Juan Velez voting AYE by voice vote, and Carolyn Karraker and Deborah Moskowitz voting No by voice vote, (Gregory A. Jackson, Charles J. Hawkins, II, and Roberta Walton were absent), to APPROVE the Special Exception with the original conditions. The **motion FAILED** with a **TIE** vote (2 in favor and 2 opposed).

A third motion was made by Wes A. Hodge, seconded by Juan Velez and unanimously carried to **CONTINUE** the public hearing to a later date as determined by the applicant to conduct a

formalized study.

AYE (voice vote): All members present

Absent: Roberta Walton, Charles J. Hawkins, II and Gregory A. Jackson

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 & 06-23-27-4284-05-180

NO. OF NOTICES: 68

Staff reported that this case had requested a continuance by the applicant via electronic mail on June 24, 2019, prior to the July 8, 2019 BZA Meeting.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and unanimously carried to **CONTINUE** to the August 1, 2019 BZA Meeting.


AYE (voice vote): All members present

Absent: Roberta Walton, Charles J. Hawkins, II and Gregory A. Jackson

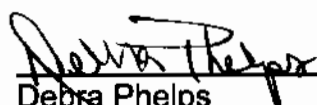
ADJOURN:

There being no further business, the meeting was adjourned at 2:23 p.m.

ATTEST:



Gregory A. Jackson
Chairman



Debra Phelps
Recording Secretary