

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

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **October 3, 2019** in the Orange County Commission Chambers on the 1st Floor of the Orange County Administration Building, 201 South Rosalind Avenue, Orlando, Florida 32801.

BOARD MEMBERS PRESENT: Gregory A. Jackson – District #2, Chairman
Carolyn C. Karraker – District #1, 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: Jennifer Moreau, AICP, Manager, Zoning Division
Steven Thorp, AICP, Chief Planner, Zoning Division
Nicholas Balevich, Planner II, Zoning Division
David Nearing, AICP, Planner II, Zoning Division
Taylor Jones, Planner III, Zoning Division
Debra Phelps, Recording Secretary, FOS Division

The Chairman called the meeting to order at 9:02 a.m.

Following the Pledge of Allegiance to the Flag, the following applications, as advertised, were called up for public hearing.

APPROVAL OF MINUTES:

The Chairman requested a motion approving the minutes of the September 5, 2019, Board of Zoning Adjustment meeting.

A motion was made by Deborah Moskowitz, seconded by Carolyn C. Karraker, and unanimously carried to **APPROVE** the minutes of the September 5, 2019, Board of Zoning Adjustment 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.

WILLIAM COCHRAN - VA-19-09-095

REQUEST: Variance in the A-1 zoning district to allow an existing accessory structure to remain in front of the principal building (9.4 ft. from the front property line) in lieu of alongside of or behind. This is the result of Code Enforcement action.

ADDRESS: 9252 Lake Hickory Nut Drive, Winter Garden, FL 34787

LOCATION: South of Lake Hickory Nut Dr., west of Avalon Rd.

TRACT SIZE: 132 ft. x 601 ft. (avg.) / .89 acres

DISTRICT#: 1

LEGAL: HICKORY LAKE ESTATES V/4 LOT 4A (LESS BEG NE COR LOT 4A

TH RUN S11-45-20W 601.87 FT TO W LINE LOT 4A TH S01-00-00E
187.21 FT TO SLYMOST COR TH N08-44-16E 785.55 FT TO POB)

PARCEL ID#: 06-24-27-3548-00-045

NO. OF NOTICES: 38

Commentaries: Nine (9) in favor and four (4) 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 denial; however, if the BZA recommends approval then staff recommends the conditions found in the staff report.

The following person(s) addressed the Board:

Speaker(s): William Cochran (Applicant)

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 present to speak for or against the request, the public hearing was closed.

BZA Discussion: The BZA discussed adding landscaping to conceal the carport and felt that this should be added to the conditions. The BZA approved the variance subject to the staff recommendation as modified for condition #4 to state, "The existing landscape buffer along the north property line shall be preserved, and extended to the south, parallel to the driveway."

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 as amended:

1. Development in accordance with the site plan dated September 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 existing landscape buffer along the north property line shall be preserved, and extended to the south, parallel to the driveway.

5. The applicant shall obtain permits for the accessory structure within ninety (90) days of the final County approval, or this approval becomes null and void.

AYE (voice vote): All members present

RHONI BISCHOFF - VA-19-10-113

REQUEST: **Variances** in the A-2 zoning district as follows:

- 1) To allow a pool and deck 28 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
- 2) To allow an existing accessory structure (shed) to be located in front of the principal building (7 ft. from the front property line) in lieu of alongside of or behind.

ADDRESS: 16970 Lake Pickett Road, Orlando, FL 32820

LOCATION: South side of Lake Pickett Rd., approximately 1/2 mile west of Chuluota

Rd.
TRACT SIZE: 1.04 acres
DISTRICT#: 5
LEGAL: THAT PART OF NE1/4 OF SE1/4 OF SE1/4 OF SEC 08-22-32 LYING N OF LAKE & THAT PORTION OF CANAL LYING WLY OF SAID PROPERTY (LESS E 100 FT & LESS N 30 FT THEREOF FOR RD RW)
PARCEL ID#: 08-22-32-0000-00-007
NO. OF NOTICES: 51

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

Staff Recommendation: Staff explained the request and the physical conditions of the property including the fact that the lot was triangular. In addition, the variance needed for the shed might change as Orange County Transportation Planning has indicated that right-of-way for Lake Pickett Road may be required.. Finally, staff recommended approval of a lesser variance for Variance request #1, of 44 ft. in lieu of 50 ft., and denial of Variance request #2, subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Chris Bischoff (Representative on behalf of the applicant)
Rhoni Bischoff (Applicant)

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 present to speak for or against the requests, the public hearing was closed.

BZA Discussion: The BZA asked whether there was any buffering for the shed. Staff provided photographs showing the buffering from the right-of-way and the neighboring property, of which no correspondence had been received. A motion was made by the BZA to grant the two (2) variances as proposed by the applicant and passed by a vote of six (6) in favor and one (1) opposed.

BZA Action: A motion was made by Wes A. Hodge, seconded by Juan Velez 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 August 8, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. 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 pool and pool deck are no closer than twenty-eight (28) feet from the Normal High Water Elevation of Corner Lake.
5. Prior to issuance of a permit for the pool and deck, or within 180 days of final action on this application by Orange County, the applicant shall obtain permits for, or remove, all unpermitted structures, or this approval becomes null and void.

AYE (voice vote): Carolyn C. Karraker; Juan Velez; Roberta Walton; Deborah Moskowitz; Wes A. Hodge; and Charles J. Hawkins, II

NAY (voice vote): Gregory A. Jackson

JUAN ANTONIO RIOS - VA-19-10-116

REQUEST: **Variances** in the R-1A zoning district:
1) To allow an existing home, and a second story addition, 4 ft. from the side (south) property line in lieu of 7.5 ft.
2) To allow a lot size of 6,500 sq. ft. in lieu of 7,500 sq. ft.
3) To allow a lot width of 50 ft. in lieu of 75 ft.
4) To allow an addition 5 ft. from the side (south) property line in lieu of 7.5 ft.

ADDRESS: 304 Granada Drive, Winter Park, FL 32789

LOCATION: East side of Granada Dr., north of W. Fairbanks Ave.

TRACT SIZE: 50 ft. x 130 ft./ .148 acres

DISTRICT#: 5

LEGAL: FAIRVIEW HEIGHTS REPLAT M/89 LOT 4 BLK C & INT IN LAKE LOT AS PER DEED BK 250/22 BEING LOT 74 (LESS S 150 FT)

PARCEL ID#: 11-22-29-2618-03-040

NO. OF NOTICES: 86

Commentaries: None

Staff Recommendation: Staff noted that the subject property was created through a plat recorded in 1925 and the house was built before zoning or setbacks in the 1950s. Staff noted that they had spoken with a neighbor to the south, wherein, after hearing what was being proposed, that neighbor chose not to object. 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 concluded that there was no way to remedy the lot width or size, and that the location of the home was not the result of any action by the applicant. Therefore, the Board concurred with the staff recommendation.

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

1. Development in accordance with the site plan and elevation dated August 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. Upon completion of construction, the entire exterior of the house shall be uniform or complimentary with regard to materials and colors.

AYE (voice vote): All members present

MARK PURATH - VA-19-10-112

REQUEST: Variance in the P-D zoning district to permit a pool deck and a screen pool enclosure with a setback of 0 ft. in lieu of 5 ft.
ADDRESS: 8897 Fountain Palm Alley, Winter Garden, FL 34787
LOCATION: East side of Fountain Palm Alley, approximately 225 ft. north of Bismarck Palm Dr.
TRACT SIZE: 35 ft. x 121 ft./0.097 acres
DISTRICT#: 1
LEGAL: LAKESHORE PRESERVE PHASE 1 87/46 LOT 36
PARCEL ID#: 05-24-27-5330-00-360
NO. OF NOTICES: 100

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

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

The following person(s) addressed the Board:

Speaker(s): Matt Bavchle (Representative on behalf of applicant)

There were no members of the public present to speak on this request at the public hearing.

BZA Discussion: The BZA discussed the case and approved the variance subject to the conditions recommended by staff.

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

1. Development in accordance with the site plan dated August 7, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The applicant shall obtain permits for the screen enclosure within sixty (60) days of the final County approval, or this approval becomes null and void.

AYE (voice vote): All members present

KENNETH ROBERTS - VA-19-10-115

REQUEST: **Variances** in the R-1 zoning district as follows:
1) To allow an existing house to remain 4 ft. 11 in. from the side (south) property line in lieu of 6 ft.
2) To allow the enclosing of an existing carport located 4 ft.11 in. from the side (south) property line in lieu of 6 ft.

ADDRESS: 1511 Melanie Drive, Orlando, FL 32825

LOCATION: East side of Melanie Dr., north of the intersection of Seaman St. and Melanie Dr.

TRACT SIZE: 50 ft. x 129.5 ft./15 acres

DISTRICT#: 3

LEGAL: CHENEY HEIGHTS UNIT 1 REPLAT U/50 LOT 6 BLK H

PARCEL ID#: 19-22-31-1272-08-060

NO. OF NOTICES: 114

Commentaries: None

Staff Recommendation: Staff explained that the house which was constructed in 1955, predated zoning and setbacks. In addition, the house was slightly skewed with the south property line. For this reason, when the applicant had applied for a building permit for a rear addition in 2007, the new addition met the six (6) ft. setback. Further, staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Edel Reyes (Representative on behalf of the applicant)
Kenneth Roberts (Applicant)

There were no members of the public present to speak on this request at the public hearing.

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

BZA Action: A motion was made by Juan Velez, 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 August 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 exterior of the converted carport shall match the exterior of the existing residence with respect to materials and color.

5. Prior to issuance of permits to enclose the carport, the applicant shall obtain permits for any unpermitted paved surfaces, including pavers.

AYE (voice vote): All members present

ZAIDA BUSANET-RODRIGUEZ - VA-19-10-118

REQUEST: Variance in the R-1A zoning district to allow 1,008 sq. ft. of solar panels in lieu of 435.5 sq. ft.
ADDRESS: 8103 Lesia Circle, Orlando, FL 32835
LOCATION: North side of Lesia Cir., east of S. Apopka Vineland Rd., and south of Old Winter Garden Rd.
TRACT SIZE: 128 ft. x 100 ft./ .38 acres
DISTRICT#: 1
LEGAL: VALENCIA HILLS UNIT THREE 19/143 LOT 32 & W1/2 OF VAC R/W ON E PER 7075/1284
PARCEL ID#: 27-22-28-8839-00-320

NO. OF NOTICES: 103

Commentaries: None

Staff Recommendation: Staff described the request along with the site in detail and informed the BZA that the applicant had previously obtained a fence permit and replaced the front portion of the fence with a new six (6) ft. tall opaque wood fencing. Additionally, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant indicated her agreement with the staff recommendation and conditions.

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

BZA Discussion: The BZA concurred with staff's findings and recommended approval of the requested variance subject to the conditions as described in the staff report.

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

1. Development in accordance with the site plan dated August 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

HOUSE OF PRAYER CHURCH OF THE LIVING GOD, INC. - SE-19-10-119

REQUEST: **Special Exception and Variances** in the R-1A zoning district to allow for a religious use facility as follows:
1) Amendment to an existing Special Exception to allow an addition to an existing religious use facility.

- 2) Variance to allow 12 parking spaces in lieu of 31 spaces.
- 3) To allow standard parking spaces which are 9 ft. wide by 18 ft. deep in lieu of 9 ft. x 20 ft.
- 4) To allow an existing structure located 6.96 ft. from the side (west) property line in lieu of 7.5 ft.

ADDRESS: 1401 25th Street, Orlando, FL 32805
LOCATION: Northwest corner of 25th St. and S. Nashville Ave.
TRACT SIZE: 100 ft. x 135 ft./3 acres
DISTRICT#: 6
LEGAL: ANGEILT ADDITION H/79 LOTS 23 & 24 BLK 37
PARCEL ID#: 03-23-29-0180-37-230
NO. OF NOTICES: 95

Commentaries: None

Staff Recommendation: Staff explained the request of the applicant and the history of the site to include previous applications as summarized further in the staff report. Lastly, staff recommended denial of the Special Exception request #1 and Variance request #2, to allow a reduction in required parking, and approval of Variance request #3, regarding parking space size and Variance request #4, regarding the building setback subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Kenny Patterson (Representative on behalf of the applicant)
Rod Waller (Representative on behalf of the applicant)

The applicant's engineer and contractor explained that the multipurpose room was to be used by the congregation for luncheons after services and Sunday school. They also explained that the plumbing company associated with a prior shared parking agreement as well as a daycare, agreed to provide shared parking. Staff indicated that the request before the BZA did not include an off-site parking agreement for their consideration.

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 present to speak for or against the requests, the public hearing was closed.

BZA Discussion: The BZA discussed balancing off-street parking with shared parking and on-street parking, and whether that would provide the necessary parking for the use. The BZA asked the applicant if they would explore the use of these three (3) parking options to see if a resolution might be available, of which the applicant agreed. After much discussion, the BZA determined to continue the case to a future meeting in order for the applicant to explore more parking options.

BZA Action: A motion was made by Charles J. Hawkins, II, seconded by Deborah Moskowitz and carried to **CONTINUE** to a future date for the applicant to further explore all parking options.

AYE (voice vote): Charles J. Hawkins, II; Deborah Moskowitz; Carolyn C. Karraker; Gregory A. Jackson; Wes A. Hodge; and Juan Velez

NAY (voice vote): Roberta Walton

RECESSED AT 11:35 A.M. AND RECONVENED AT 11:47 A.M.

METRO WEST CHURCH - SE-19-09-098

REQUEST: **Special Exception and Variances** in the R-CE zoning district to construct a 135 ft. high monopole communication tower as follows:

- 1) Special Exception to allow a monopole communication tower with a single user at initial construction. (Approved w/Conditions)
- 2) Variance to allow installation of a communication tower without landscaping as required on the east and west side of the fenced perimeter per Section 38-1427(d)(11). (Approved w/Conditions)

If the BZA determines the proposed tower is not camouflaged then the following variances are required:

- 3) To allow a communication tower 384 ft. from the nearest single family

house to the south in lieu of 675 ft. (Not Applicable)
4) To allow a communication tower 557 ft. from the nearest single family house to the east in lieu of 675 ft. (Not Applicable)

ADDRESS: 3705 N. Apopka Vineland Road, Orlando, FL 32818
LOCATION: East of N. Apopka Vineland Rd., north of Silver Star Rd.
TRACT SIZE: 29.53 acres
DISTRICT#: 6
LEGAL: COMM SE COR OF NE1/4 OF 10-22-28 RUN S 72.13 FT M/L FOR POB TH RUN S 260.85 FT M/L S89W 906.45 FT M/L N 151.53 FT N90W 354.23 FT N 511 FT N90E 763.16 FT N 990 FT N90E 491.80 FT M/L S 1040.15 FT M/L TH N90E 50.02 FT TH RUN SWLY 46.38 FT S 330.28 FT N75W 31

PARCEL ID#: 10-22-28-0000-00-024
NO. OF NOTICES: 624

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

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

The following person(s) addressed the Board:

Speaker(s): Mattaniah S. Jahn (Attorney on behalf of the applicant)

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

There were no members of the public present to discuss this request at the public hearing.

BZA Discussion: The BZA determined that the tower was camouflaged; therefore, Variance requests #3 and #4, were not needed. The BZA approved the Special Exception request #1 and Variance request #2; and, deemed Variance requests #3 and #4, as not applicable.

BZA Action: A motion was made by Charles J. Hawkins, II, seconded by Roberta Walton and carried to **APPROVE** the Special Exception request #1, in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, to **APPROVE** the Variance request #2, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions; and, to deem Variance requests #3 and #4, as **NOT APPLICABLE**.

1. Development in accordance with the site plan dated July 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. 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.

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

NAY (voice vote): Deborah Moskowitz

Absent: Wes A. Hodge

M. REBECCA WILSON - VA-19-09-106

REQUEST: To approve a Master Sign Plan in the C-2 zoning district, with the following **Variances:**

- 1) To allow a total of 5 ground signs in lieu of 2.
- 2) To allow a height of 12 ft. in lieu of 10 ft. for ground signs (applicable to signs #3 and #14 on plan).
- 3) To allow a separation of 48.67 ft. between ground signs in lieu of 100 ft. (applicable only to separation between signs #10 and #13 on plan).
- 4) To allow individual tenant panels on a multi-tenant ground sign to be a minimum of 5 sq. ft. of copy area, in lieu of having a minimum of 12 sq. ft. of copy area (applicable to signs #3, #13, #14, and #18 on plan).
- 5) To allow a wall sign to extend above the roof line of the wall of the building on which it is erected (applicable to sign #4 on plan).
- 6) To allow a cumulative total of 137 sq. ft. of copy area for wall signage on Valet Plaza #1 (as depicted on plan), in lieu of 71.67 sq. ft. of copy area (this includes the copy area of 3 total signs: signs #4, #5a, and #5b on plan).
- 7) To allow a total of 4 wall signs to include changeable copy and for wall signs to be permitted as EMCs, in lieu of wall signs not including changeable copy, and EMCs only being permitted as a ground or pole sign. (applicable to signs #5a, #5b, #7a, and #7b on plan).

ADDRESS: 9101 International Drive, Orlando, FL 32819

LOCATION: East side of International Dr. and west of Point Plaza Ave.

TRACT SIZE: 17.03 acres

DISTRICT#: 6

LEGAL: PLAZA INTERNATIONAL UNIT ELEVEN 28/5 COMM NLY MOST COR OF LOT 1 RUN SWLY 250.22 FT SLY 1883.90 FT TO POB TH E 1044.80 FT TO E LINE OF LOT 1 TH SLY 1326.04 FT TH SLWY 25.30 FT N 82 DEG W 86.43 FT NWLY 770.05 FT TH NWLY 570.04 FT TO POB

PARCEL ID#: 36-23-28-7165-00-017

NO. OF NOTICES: 42

Commentaries: None

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan and elevation drawings of the proposed signs, and photographs of the site. Further, staff recommended approval of Variance requests #1 through #5, a lesser approval of Variance request #6, for a variance of 101.5 sq. ft. of copy area in lieu of 71.67 sq. ft. of copy area, subject to conditions of approval as listed in the staff report; and, denial of Variance request #7.

The following person(s) addressed the Board:

Speaker(s): Chuck Borysiak, (Representative on behalf of the applicant)

The applicant's representative stated that they were in agreement with the staff recommendation but still hoped that everything they had requested could be approved.

There were no members of the public present to speak on this request at the public hearing.

BZA Discussion: The BZA indicated that this site was unique and the additional signage would help the many pedestrians and visitors who visited the site. The BZA recognized that while the EMC signs went against the intent of the code, the site directly served the conventioners, and therefore, additional signage was needed. As a result, the Board determined that the signs as shown would be helpful to pedestrians.

An initial motion was made by a Board member to approve the staff recommendation but did not pass.

A second motion was made by a Board member to approve the applicant's request with all seven (7) variances. The motion was seconded and received a five (5) in favor, one (1) opposed and one (1) absent vote.

BZA Action: A motion was made by Charles J. Hawkins, II, seconded by Deborah Moskowitz voting AYE by voice vote, and Carolyn Karraker, Gregory A. Jackson, Roberta Walton; and Juan

Velez voting No by voice vote (Wes A. Hodge was absent), and carried to **APPROVE** the Variance requests #1 through #5, and Variance request #6, as the lesser of approval variance, and to **DENY** the Variance request #7. The motion **FAILED** for lack of a majority vote.

A second motion was made as amended by Charles J. Hawkins, II, seconded by Roberta Walton and carried to **APPROVE** the Variance requests as requested 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 September 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.

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


NAY (voice vote): Deborah Moskowitz

Absent: Wes A. Hodge

ADJOURN:

There being no further business, the meeting was adjourned at 12:44 p.m.

ATTEST:



Gregory A. Jackson
Chairman *Vice-Chairman*



Debra Phelps
Recording Secretary