

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

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **November 7, 2019** in the Orange County Commission Chambers on the 1st Floor of the Orange County Administration Building, 201 South Rosalind Avenue, Orlando, Florida 32801.

BOARD MEMBERS PRESENT: Carolyn Karraker, Vice Chair - District #1
Juan Velez – District #3
Deborah Moskowitz – District #4
Wes A. Hodge – District #5
Charles J. Hawkins, II – District #6
Roberta Walton – At Large

BOARD MEMBERS ABSENT: Gregory A. Jackson, Chairman - District #2

STAFF PRESENT: Steven Thorp, AICP, Chief Planner, Zoning Division
Nick Balevich, Planner II, Zoning Division
David Nearing, AICP, Planner II, Zoning Division
Taylor Jones, Planner III, Zoning Division
Shamaka Daniels, Development Specialist, 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 October 3, 2019, Board of Zoning Adjustment meeting.

A motion was made by Deborah Moskowitz, seconded by Charles J. Hawkins, II, Carolyn Karraker, and Juan Velez voting AYE by voice vote (Gregory A. Jackson, Roberta Walton and Wes A. Hodge were absent), and unanimously carried to **APPROVE** the minutes of the October 3, 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.

CAROL MARRERO - VA-19-10-120

REQUEST:	Variances in the P-D zoning district as follows: 1) Variance to allow a pool 12.5 ft. from the side street property line in lieu of 15 ft. 2) Variance to allow a screen enclosure and pool deck 10 ft. from the side street property line in lieu of 15 ft.
ADDRESS:	14779 Peekskill Drive, Winter Garden, FL 34787
LOCATION:	Northeast corner of Peekskill Dr. and Castilear Way, north of New Independence Pkwy.

TRACT SIZE: .139 acres
DISTRICT#: 1
LEGAL: SIGNATURE LAKES - PARCEL 1B 60/51 LOT 349
PARCEL ID#: 22-23-27-8124-03-490
NO. OF NOTICES: 167

Commentaries: Two (2) in favor and three (3) in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. 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 waived the right to speak and agreed with the staff recommendation. There were no members of the public present to discuss this request.

BZA Discussion: The BZA had questions whether or not the interior units could also construct a pool of which staff confirmed in the affirmative. Further, 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 October 4, 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: Gregory A. Jackson, Roberta Walton, and Wes A. Hodge

CITY OF COCOA UTILITIES (KATHERINE ENNIS) - SE-19-11-121

REQUEST: **Special Exception and Variances** in the A-2 zoning district as follows:
1) Amendment to a Special Exception to allow expansion of an existing water treatment facility to include a training building, water tanks, and associated site improvements.
2) Variance to allow a front (west) setback of 25 ft. in lieu of 35 ft. for the existing maintenance building.
3) Variance to allow a front (west) setback of 18 ft. in lieu of 35 ft. for a new training building.
4) Variance to allow a structure housing High Service Pump Station No. 2 with a height of 36 ft. in lieu of 35 ft.
5) Variance to allow a total of 70 parking spaces in lieu of 75 spaces.

ADDRESS: 28400 State Road 520, Christmas FL 32709

LOCATION: West side of S.R. 520, between Taylor Creek Rd. and S.R. 520, south of Cocoa Water Plant Rd.

TRACT SIZE: 117.77 acres
DISTRICT#: 4
LEGAL: E1/2 OF NW1/4 LYING S & W OF ST RD 520 & SW1/4 OF NW1/4 LYING N & E OF TAYLOR CREEK RD (LESS SUBSTATION SITE E OF TAYLOR CREEK RD) & NW1/4 OF THE NW1/4 LYING SWLY OF SR 520 & ELY OF TAYLOR CREEK RD IN SEC 20-24-34 (LESS COMMENCE AT AN IRON PIPE IN CONCRET
PARCEL ID#: 20-24-34-0000-00-001, 20-24-34-0000-00-003, 20-24-34-0000-00-005, and 20-24-34-0000-00-005.
NO. OF NOTICES: 75

Staff Recommendation: Staff indicated that this case was continued to the December 5, 2019 BZA Meeting, prior to the November 7, 2019 BZA Meeting.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Juan Velez and unanimously carried to **CONTINUE** to the December 5, 2019 BZA Meeting.

AYE (voice vote): All members present

Absent: Gregory A. Jackson, Roberta Walton, and Wes A. Hodge

A change of sequential order was made by the Board members for Public Hearing #VA-19-11-124; Boyd Civil Engineering (Steve Boyd) to be moved and heard as the last scheduled 9:00 a.m. public hearing on the Agenda.

ALTHEA COLLINSWORTH - VA-19-11-126

REQUEST: **Variances** in the A-2 zoning district as follows:
1) To allow a rear setback of 39 ft. in lieu of 50 ft. for a 504 sq. ft. addition to the rear of the house.
2) To allow a lot size of 0.33 acres in lieu of 0.5 acres.
ADDRESS: 3112 Evelyn Scott Street, Apopka FL 32712
LOCATION: West side of Evelyn Scott St., north of E. Ponkan Rd.
TRACT SIZE: 107 ft. x 135 ft. / .333 acres
DISTRICT#: 2
LEGAL: AHERN PARK V/104 LOT 5 BLK A
PARCEL ID#: 21-20-28-0032-01-050
NO. OF NOTICES: 56

Commentaries: Two (2) in favor and three (3) in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. Further, staff recommended approval 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 were no members of the public present to discuss this request.

BZA Discussion: The BZA felt that the case was straightforward. Therefore, the Board concurred with the staff recommendations.

BZA Action: A motion was made by Juan Velez, 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 September 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
Abstained: Roberta Walton (due to temporarily absent)
Absent: Gregory A. Jackson

SAFET OMEROVIC - VA-19-11-127

REQUEST: **Variances** in the P-D zoning district as follows:
1) To allow a 3.92 ft. P-D boundary setback on the east side of the property in lieu of 25 ft.
2) To allow a separation distance of 9 ft. between individual dwelling units in lieu of 10 ft.

ADDRESS: 11901 Blackheath Circle, Orlando FL 32837

LOCATION: Northeasterly corner of Isle of Wright Dr. and Blackheath Cir., approximately .2 miles north of Wetherbee Rd.

TRACT SIZE: .32 acres

DISTRICT#: 4

LEGAL: SOUTHCHASE UNIT 6 24/126 LOT 1

PARCEL ID#: 22-24-29-8181-00-010

NO. OF NOTICES: 123

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

Staff Recommendation: Staff explained the request, history of the property, and presented site photographs of the property. Staff noted that one person submitted correspondence in opposition, and staff had a telephone conversation with another, who supported the request, but failed to note their location. Additionally, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Donna Green (Neighbor opposed)
Safet Omerovic (Applicant)

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

BZA Discussion: The BZA requested clarification of where the person who submitted correspondence in opposition resided. The BZA concluded that due to the odd shape of the lot and the location of the bay window on the home to the east, there was no way to develop the home without the requested variances. Finally, the BZA agreed with the staff recommendations.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Roberta Walton 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 September 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: Gregory A. Jackson

SANDRA VELANDIA - VA-19-11-128

REQUEST: **Variances** in the R-CE & A-1 zoning districts as follows:
1) To allow an existing pole barn 3 ft. from the side (east) property line in lieu of 5 ft. (Denied)
2) To allow construction of an accessory structure (detached garage) in front of the principal structure in lieu alongside or behind. (Approved w/Conditions)

ADDRESS: 17513 Seidner Road, Winter Garden FL 34787

LOCATION: South side of Seidner Rd., approximately 150 ft. west of Williams Rd., on the north side of a westerly cove of Lake Avalon

TRACT SIZE: 122 ft. x 582 ft./1.74 acres

DISTRICT#: 1

LEGAL: LAKE AVALON HEIGHTS S/78 LOT 2

PARCEL ID#: 06-23-27-4296-00-020

NO. OF NOTICES: 30

Commentaries: Two (2) 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 denial; however, if the BZA recommended approval, then staff would recommend the conditions of approval found in the staff report be applied.

The following person(s) addressed the Board:

Speaker(s): Sandra Velandia (Applicant)

Leonardo Cerlitti (Spouse on behalf of 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.

BZA Discussion: The BZA confirmed that the neighbors on both sides had written in favor of the proposal noting that the applicant was willing to plant more trees and move the pole barn. Therefore, the BZA recommended denial of Variance request #1 and approval of Variance request #2, subject to the conditions as described in the staff report.

BZA Action: A motion was made by Carolyn Karraker, seconded by Wes A. Hodge and unanimously carried to **DENY** the Variance request #1, 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); and, 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:

1. Development in accordance with the site plan dated August 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. The applicant shall obtain a permit for the pole barn prior to issuance of the permit for the garage.
- 5. The shed shall be demolished prior to issuance of the permit for the garage.
- 6. The proposed garage shall be constructed of materials commonly used throughout Orange County for single-family residential construction, such as stucco, brick, vinyl, aluminum or wood for the siding or walls; and shingles, tiles or corrugated metal for the roof.

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

BOYD CIVIL ENGINEERING (STEVE BOYD) - VA-19-11-124

REQUEST: **Variances** in the I-2/I-3 zoning district for a new hotel as follows:
1) To allow a maximum building height of 100 ft. in lieu of 50 ft., except 35 ft. within 100 ft. of any residential use or district.
2) To allow parking of passenger vehicles in the front 50% of the front yard in lieu of in any required yard except the front 50% of required front yards and portions of the buffer yards.
3) To allow a setback of 50 ft. in lieu of the increased setback of not less than 60 ft. along each I-2/I-3 zoning district boundary line which abuts any residential district, for the hotel building.
4) To allow a setback of 13 ft. in lieu of the increased setback of not less than 60 ft. along each I-2/I-3 zoning district boundary line which abuts any residential district, for the proposed outdoor patio, pool, pool deck, and dumpster.

ADDRESS: Challenger Pkwy., Orlando FL 32826
LOCATION: South side of Challenger Pkwy. and east of Alafaya Tr.
TRACT SIZE: 3.047 acres
DISTRICT#: 5
LEGAL: CENTRAL FLORIDA RESEARCH PARK SECTION 4 28/65 PORTION OF LOTS 1 AND 2 BLK 23 DESC AS BEG AT SE COR OF LOT 2 TH N89-44-52W 886.42 FT TH NORTH A DISTANCE OF 209.78 TO THE POINT OF CURVE OF A NON-TANGENT CURVE CONCAVE SOUTH HAVING A RADIUS OF 1150 FT A CHORD

PARCEL ID#: 15-22-31-1218-23-020
NO. OF NOTICES: 301
Commentaries: None

Staff Recommendation: Staff gave a presentation of the case and explained that the property was previously in the CFRP Development of Regional Impact (DRI), and that the Development Order (DO) had expired. Staff further explained that the case had initially gone to the Development Review Committee (DRC), but was then sent to the BZA as the DO had expired,

therefore, DRC could not take action. Staff indicated that the previous standards of the DO would have permitted buildings with this height, furthermore, a letter of support was provided by the CFRP Executive Director. Staff recommended approval of a lesser variance for Variance request #1, to allow a 94 ft. building height in lieu of 50 ft., except 35 ft. within 100 ft. of any residential use or district, and, approval of Variance requests #3 and #4, without the requested dumpster, subject to the conditions as listed in the staff report. Finally, staff stated that Variance request #2, was no longer required, as the applicant had modified the site plan to comply with the code.

The following person(s) addressed the Board:

Speaker(s): Steve Boyd (Applicant's representative)

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

BZA Discussion: The BZA inquired of staff why the DO had expired, and if there were other buildings in the CFRP that had the same building height. The BZA also inquired whether this was a self-created hardship as it was new construction. The BZA then discussed the intent of the CFRP and the surrounding area near UCF. Further, the BZA agreed that the height was needed to attain the highest and best use of the property. Therefore, the Board concurred with the staff recommendations subject to the conditions as described in the staff report.

BZA Action: A motion was made by Wes A. Hodge, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance requests #1, #3 and #4, as recommended by staff 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 recommend as **NOT APPLICABLE** the Variance request #2, which was no longer required since the applicant has modified the site plan to comply with code:

1. Development in accordance with the site plan and elevation dated October 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. Approval of this variance is contingent upon the approval by Orange County, Florida, of a re-plat to release the development rights dedicated to Orange County via Note 4 on the plat of Central Florida Research Park Section - IV, recorded in the Public Records of Orange County, Florida, at Plat Book 28, Pages 65 - 72. Such re-plat shall be recorded on or before May 7, 2020, and a mandatory pre-application/sufficiency review meeting for the re-plat shall be required prior to re-plat submittal; the applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the re-plat to the County. In no event shall any development permits or development orders be issued prior to the recording of the re-plat.

AYE (voice vote): All members present

Absent: Gregory A. Jackson

REQUEST: **Variances** in the R-1A zoning district as follows:
1) To allow a lot width of 50 ft. in lieu of 75 ft.
2) To allow a minimum side (north) setback for the existing structure of 6.5 ft. in lieu of 7.5 ft.
3) To allow construction of an addition located 6.5 ft. from the side (north) lot line in lieu of 7.5 ft.

ADDRESS: 833 Greens Avenue, Winter Park FL 32789

LOCATION: West side of Greens Ave., approximately 30 ft. north of its intersection with Minnesota Ave., on the east side of Little Lake Fairview

TRACT SIZE: 50 ft. x 660 ft./ .73 acres

DISTRICT#: 5

LEGAL: STOKES SUB J/2 LOT 17

PARCEL ID#: 11-22-29-8320-00-170

NO. OF NOTICES: 73

Commentaries: None

Staff Recommendation: Staff explained the history of the property including the fact that the subdivision, which created the subject property, was recorded in 1924. In 1957, when Orange County initially placed zoning on all of the property within the County, the subject property and all property in the area was placed in the R-1A zoning district, which required 75 ft. of lot width. This rendered every lot in the subdivision but one (1) nonconforming. The existing residence was built in 1988, one (1) foot into the side (north) property line. The applicant purchased the subject property in 2016. Without the variance for the existing home, it would remain a nonconforming structure, and if ever destroyed, could not be rebuilt to its current footprint. Without the variance for the addition, the addition would need to be offset from the existing side building line by one (1) foot. Finally, 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 noted their agreement with the staff recommendation.

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

BZA Discussion: The BZA concluded that the initial zoning caused the issue with the lot width, the prior builder caused the issue with the location of the existing residence, and not granting the variance for the addition would impose a hardship. As a result, the BZA concurred with the staff recommendations.

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 September 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 exterior of the addition shall match the exterior of the existing residence with regard to materials and constructed.

AYE (voice vote): All members present

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

IQBAL GAGAN - VA-19-11-131

REQUEST: **Variances** in the R-CE zoning district as follows:
1) To allow an existing home 8 ft. from the side (south) property line in lieu of 10 ft.
2) To allow a second story addition 8 ft. from the side (south) property line in lieu of 10 ft.
3) To allow an existing home 9 ft. from the side (north) property line in lieu of 10 ft.
4) To allow a 1 story addition 9 ft. from the side (north) property line in lieu of 10 ft.
5) To allow an existing home 40 ft. from the rear (west) property line in lieu of 50 ft.
6) To allow a second story addition 40 ft. from the rear (west) property line in lieu of 50 ft.
7) To allow a lot size of 0.21 acres in lieu of 1 acre.
8) To allow a lot width of 75 ft. in lieu of 130 ft.

ADDRESS: 11456 Commercial Street, Orlando FL 32836

LOCATION: West side of Commercial St., north of Lake St., west of S. Apopka Vineland Rd.

TRACT SIZE: 75 ft. x 120 ft./ .206 acres

DISTRICT#: 1

LEGAL: ORANGE CENTER D/143 LOTS 7 8 & 9 BLK 67

PARCEL ID#: 15-24-28-6211-67-070

NO. OF NOTICES: 45

Commentaries: Sixteen (16) in favor and none in opposition

SYNOPSIS: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. Additionally, 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 staff's recommendation. There were no members of the public present to discuss this request.

BZA Discussion: The BZA noted that the road did not continue beyond the applicant's house. Further, the Board concurred with the staff recommendations.

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

1. Development in accordance with the site plan dated September 18, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance

of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

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

AYE (voice vote): All members present

Absent: Gregory A. Jackson

CHEDDARS (LONDON WHITE) - VA-19-11-123

REQUEST: **Variances** in the P-D zoning district as follows:
1) To allow wall signage with 149.51 sq. ft. of cumulative copy area in lieu of 98 sq. ft.
2) To allow 2 signs on a building face in lieu of 1 sign.

ADDRESS: 6121 Westwood Blvd., Orlando FL 32821

LOCATION: Northwest corner of International Dr. and Westwood Blvd., on the south side of S.R. 528

TRACT SIZE: 7.29 acres

DISTRICT#: 1

LEGAL: COMM NE COR SEC 12 RUN W 621.34 FT TH S 109.01 FT FOR POB TH S 406.29 FT W 250 FT SWLY ALONG CURVE 434.59 FT S 74 DEG W 73.50 FT N 481.88 FT TH E 750.64 FT TO POB SEC 12-24-28

PARCEL ID#: 12-24-28-0000-00-023

NO. OF NOTICES: 31

Commentaries: None

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

The following person(s) addressed the Board:

Speaker(s): Landon White (Applicant's representative)

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

BZA Discussion: The BZA discussed how the sign was constructed and attached to the building. Lastly, the Board concurred with the staff recommendations.

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

1. Development in accordance with the site plan dated September 10, 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: Gregory A. Jackson

ORLANDO BAPTIST TEMPLE (XAVIER SMALL) - SE-19-11-130

REQUEST: An amendment to an existing **Special Exception** in the R-1A zoning district to allow the expansion of a private school (K-12) from 38 students to 60 students, utilizing existing classrooms.
No new construction is proposed with this request.

ADDRESS: 4400 N. Powers Drive, Orlando FL 32818

LOCATION: West side of N. Powers Dr., northwest of the intersection of North Ln. and N. Powers Dr., and south of Lake Horseshoe Dr.

TRACT SIZE: 16.36 acres

DISTRICT#: 2

LEGAL: S1/2 OF SE1/4 OF SW1/4 (LESS E 30 FT FOR RD RW & LESS THAT PART LYING NLY OF HORSESHOE LAKE & SLY & ELY OF LOTS 49 THROUGH 66 AS DEEDED IN OR 4954/3386, 3404, 3406, 3388, 3396, 3402,3394,3392,3382,3410,3408,3384,3400 3390,3398) OF SEC 01-22-28

PARCEL ID#: 01-22-28-0000-00-013

NO. OF NOTICES: 371

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

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

The following person(s) addressed the Board:

Speaker(s): Xavier Small (Applicant's representative)

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

BZA Discussion: The BZA discussed the number of bathrooms and parking spaces, noting that they were adequate to serve the property. Furthermore, the BZA concurred with the staff recommendations.

BZA Action: A motion was made by Juan Velez, 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 October 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.

AYE (voice vote): All members present

Absent: Gregory A. Jackson

THE CROSS OF CENTRAL FLORIDA (DAVE STREM) - SE-19-11-132

REQUEST: **Special Exception and Variance** in the A-1 zoning district as follows:
1) Special Exception for a 2 phase, 81,500 sq. ft. religious institution with a total of: 1,200 seat worship center with associated office space; 250 seat children's worship center; 300 seat gymnasium; 200 seat wedding chapel; 250 seat outdoor performance pavilion; and a 6 vehicle bus barn.
2) Variance to allow 525 grass parking spaces in lieu of paved.

ADDRESS: 5505 N. Orange Blossom Trail, Mount Dora FL 32757

LOCATION: East side of N. Orange Blossom Tr., north side of Terrell Rd.

TRACT SIZE: 34.3 acres

DISTRICT#: 2

LEGAL: E1/2 OF SW1/4 OF NW1/4 & E1/4 OF NW1/4 OF SW1/4 & THAT PT OF E1/4 OF SW1/4 OF SW1/4 LYING NLY OF TERRELL RD & THAT PT OF FOLLOWING DESC LYING WLY OF TERRELL RD DESC AS BEG SE COR OF W1/2 OF NE1/4 OF SW1/4 RUN TH W 663.75 FT N 542 FT TH E TO A POINT N OF P

PARCEL ID#: 09-20-27-0000-00-014

NO. OF NOTICES: 432

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 of the Special Exception with a lesser approval of the Variance request #5, to allow 360 grass parking spaces instead of the requested 525 grass parking spaces. Staff provided clarification that a religious service held outside did not constitute a special event; however, any festival, gathering, or non-religious use of the property outside where large gatherings of people occur were considered an outdoor special event. Additionally, staff noted that even if sound amplification was approved, the applicant would still be subject to the County's noise ordinance. Furthermore, there was discussion to allow additional colors for the split rail fencing that was recommended by staff in Condition #8, to provide additional flexibility for the applicant. Finally, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Dave Strem (Applicant)

George Wiggins (in favor)

Gary James (in favor)

Mike Diemer (in favor)

The applicant agreed with the staff presentation, modifications requested to Conditions #10 and #11, to allow for an increased number of outdoor special events and to allow sound amplification. There were three (3) members of the public who spoke in support and none in opposition.

BZA Discussion: The BZA discussed at length the applicant's request to modify the staff recommended conditions, citing concerns with compatibility with surrounding single-family development as well as what constitutes an outdoor special event. A motion was made by the Board to recommend approval of the Special Exception and the lesser variance of 360 grass parking spaces subject to the conditions as modified to Condition #8, to remove the word "White"; Condition #10, to increase the number of outdoor special events to six (6) and to add another sentence at the end of the condition stating that "This does not apply to outdoor religious services not affiliated with approved outdoor special events."; and, Condition #11, to allow sound application for approved outdoor special events.

BZA Action: A motion was made by Roberta Walton, seconded by Wes A. Hodge and carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, to **APPROVE** the Variance request in that the Board made the finding that the requirements of

Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as modified:

1. Development in accordance with the site plan dated "Received October 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 applicant shall submit construction plans through the commercial site plan review process within three (3) years of final approval for Phase 1 of the Development and within seven (7) years of final approval for Phase 2 of the Development, or this approval is null and void. The required parking and infrastructure for each phase shall be provided at time of permitting.
5. Grass spaces, may be unpaved. Each grass parking space shall be delineated by installation of a tire stop. Railroad ties are acceptable. Each tire stop shall be affixed to the ground by use of rebar.
6. Development shall comply with Chapter 24 (Landscaping). In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
7. The applicant shall construct a Type "C" buffer along the north and east property lines in accordance with the approved site plan.
8. Split rail fencing with landscaping shall be provided along the perimeter of the property adjacent to N. Orange Blossom Trail and Terrell Road. This condition does not apply to the legally non-conforming Feed Store use, unless improvements to the Feed Store site are made.
9. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards." Exterior lighting shall not illuminate the identified grass recreation fields on the site plan.
10. No more than six (6) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. 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 30 days prior to the date of each event. This does not apply to outdoor religious services not affiliated with approved outdoor special events.
11. Sound amplification shall be permitted for approved outdoor special events only.
12. Any Code Enforcement violations shall be resolved and satisfied prior to issuance of any building permit for the proposed use.

AYE (voice vote): Roberta Walton, Wes A. Hodge, Carolyn Karraker, Charles J. Hawkins, II


NAY (voice vote): Deborah Moskowitz


Absent: Gregory A. Jackson and Juan Velez

ADJOURN:

There being no further business, the meeting was adjourned at 12:11 p.m.

ATTEST:



Gregory A. Jackson
Chairman

Shamaka Daniels for Debra Phelps
Recording Secretary