

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF DECEMBER 5, 2019**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **December 5, 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
Gregory A. Jackson (Chairman) - District #2
Deborah Moskowitz – District #4
Wes A. Hodge – District #5
Charles J. Hawkins, II – District #6

BOARD MEMBERS ABSENT: Roberta Walton – At Large
Juan Velez – District #3

STAFF PRESENT: Vacant, Chief Planner, Zoning Division
Nick Balevich, Planner II, Zoning Division
David Nearing, AICP, Planner II, Zoning Division
Debra Phelps, Recording Secretary, FOS Division
Shamaka Daniels, Development Specialist, FOS Division

The Chairman called the meeting to order at 9:09 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 November 7, 2019, Board of Zoning Adjustment meeting.

A motion was made by Wes A. Hodge, seconded by Carolyn Karraker, Gregory A. Jackson, and Charles J. Hawkins, II, voting AYE by voice vote (Deborah Moskowitz, Roberta Walton and Juan Velez were absent), and unanimously carried to **APPROVE** the minutes of the November 7, 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.

A change of sequential order was made by the Board members for Public Hearing # SE-19-11-121; City of Cocoa Utilities (Katherine Ennis), to be moved and heard as the last scheduled 9:00 a.m. public hearing on the Agenda.

JANE LEE - VA-19-07-062

REQUEST: **Variances** in the A-2 zoning district as follows:
1) To allow an existing 12 ft. x 26 ft. accessory structure (hen house) to be located in front of the principle residence in lieu of alongside or behind.
2) To allow an existing 12 ft. x 26 ft. accessory structure (hen house) to be located 8 ft. from the side street (east) property line in lieu of 15 ft.
3) To allow an existing 14 ft. x 18 ft. accessory structure (pole barn) to be

- located in front of the principle residence in lieu of alongside or behind.
- 4) To allow an existing 17 ft. x 2 ft. accessory structure (rabbit hutch) to be located in front of the principle structure in lieu of alongside or behind.
- 5) To allow an existing 17 ft. x 2 ft. accessory structure (rabbit hutch) to be located 10 ft. from the side street property line in lieu of 15 ft.
- 6) To allow an existing 24 ft. x 2 ft. accessory structure (rabbit hutch) to be located in front of the principle residence in lieu of alongside or behind.

ADDRESS: 1440 St. Nicholas Ave., Christmas FL 32709

LOCATION: Southwest corner of St. Nicholas Ave. and Bartholomew St., approximately .7 miles south of E. Colonial Dr.

TRACT SIZE: 123 ft. x 360 ft. / 1.01 acres

DISTRICT#: 5

LEGAL: CHRISTMAS PARK FIRST ADDITION Y/44 LOT 30 BLK C

PARCEL ID#: 34-22-33-1327-03-300

NO. OF NOTICES: 38

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

Staff Recommendation: Staff gave a history of the subject property to include that before the plats were recorded, the owner of the property was granted a variance to allow mobile homes on one (1) acre lots. Staff also noted that the applicant has been licensed since 2017, to sell eggs and honey, and has had livestock for at least four (4) years. Finally, staff recommended approval of Variance requests #1, #3, #4, and #6, to allow the structures to remain in front of the principle structure subject to the conditions as listed in the staff report; and, denial of Variance requests #2 and #5, to allow the structures to remain in the front or side yard setbacks.

The following person(s) addressed the Board:

Speaker(s): Jane Lee (Applicant)

No one spoke in favor or opposition to the request, the public hearing was closed.

BZA Discussion: The BZA asked the applicant if they would agree to meet all setbacks if the henhouse and hutches were ever destroyed or removed. The applicant agreed to that condition. The BZA concluded that the current location of all structures was acceptable, and to reword the language of Condition #4, requiring that if the henhouse or rabbit hutches were ever destroyed or removed, any replacement would need to meet the setbacks for the principle structure. Furthermore, the BZA recommended approval of all variances subject to the conditions as amended in the staff report.

BZA Action: A motion was made by Wes A. Hodge, seconded by Charles J. Hawkins, II 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 October 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. If the henhouse and rabbit hutches are ever removed or destroyed, they shall be relocated outside of all required setbacks.

5. The existing vegetation along the front (north) and side street (east) property lines shall be preserved and replaced if lost.

6. Obtain permits for all unpermitted accessory structures within 180 days.

AYE (voice vote): All members present

Absent: Roberta Walton, Juan Velez, and Deborah Moskowitz

BADCOCK CORPORATION (DON MOYE) - VA-19-11-125

REQUEST: Variance in the C-2 zoning district to allow a wall sign with a copy area of 190.72 sq. ft. in lieu of 172.5 sq. ft.

ADDRESS: 7873 S. Orange Blossom Trl., Orlando FL 32809

LOCATION: East of S. Orange Blossom Trl., north of W. Sand Lake Rd.

TRACT SIZE: 25.84 acres

DISTRICT#: 3

LEGAL: SKYVIEW PLAZA 29/97 LOT 1 (LESS LEASE AREA 1 THROUGH 4) & (LESS BEG SLY COR OF HARDEES AT SKY VIEW PLAZA PB 22/148 RUN NWLY ALONG SUB 172 FT SWLY ALONG R/W 130 FT SELY 238.3 FT NELY 130 FT NWLY 66.3 FT TO POB) & (LESS RD R/W)

PARCEL ID#: 27-23-29-8093-00-010

NO. OF NOTICES: 528

Commentaries: One (1) 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 and sign. Further, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant 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: A brief discussion ensued among the BZA and it was decided to concur 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 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 November 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: Roberta Walton, Juan Velez, and Deborah Moskowitz

FERNANDO ALZATE - VA-19-12-134

REQUEST: **Variances** in the R-1A zoning district as follows:
1) To allow an existing home to remain 7.5 ft. from the side street property line in lieu of 15 ft.
2) To allow construction of an addition 5 ft. from the side street property line in lieu of 15 ft.
3) To allow an existing carport to remain 15 ft. from the front property line in lieu of 25 ft.

ADDRESS: 315 Capehart Dr., Orlando FL 32807

LOCATION: Northeast corner of Capehart Dr. and Bamboo Dr., north of SR 408

TRACT SIZE: 77 ft. x 139 ft./ .24 acres

DISTRICT#: 3

LEGAL: AZALEA HOMES U/136 LOT 11 BLK E (LESS EXP RW IN SE COR)

PARCEL ID#: 26-22-30-0376-05-110

NO. OF NOTICES: 81

Commentaries: Twelve (12) in favor and none in opposition

Staff Recommendation: Staff explained the history of the subject property to include that due to the construction of SR 408, a portion of the subject property was acquired to construct Bamboo Street to avoid land locking lots to the east. The construction of Bamboo Street and SR 408 not only made the subject property oddly shaped, but also changed it from being a conforming interior lot to a nonconforming corner lot. Because of the floor plan of the existing home, there was no other location to construct the proposed addition. Staff indicated that the carport first clearly appeared in a 1995 aerial, and did not pose as a detriment to the neighborhood. Lastly, staff recommended approval of the request subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Fernando Alzate (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 the need for the variances were clearly the result of the construction of SR 408 and Bamboo Street, and was not the result of any action by the applicant. Further, the existing carport had been in existence for over twenty (20) years and was not the result of any action by the applicant. Hence, the Board concurred with the staff recommendations.

BZA Action: A motion was made by Gregory A. Jackson, 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 dated September 23, 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 color.
- 5. The applicant shall obtain permits for the carport within 180 days of final action on this application by Orange County, or this approval is null and void.

AYE (voice vote): All members present
Absent: Roberta Walton, Juan Velez, and Deborah Moskowitz

RON ANTHONY HAYDEN - VA-19-12-136

REQUEST: **Variances** in the R-1A zoning district as follows:
1) To allow a front setback of 18 ft. in lieu of 25 ft. for a proposed covered entry.
2) To allow a rear setback of 14 ft. in lieu of 30 ft. for a proposed bath addition.
3) To allow a setback of 41 ft. in lieu of 50 ft. from the Normal High Water Elevation for the existing house.
4) To allow a front setback of 17 ft. in lieu of 25 ft. for the existing house.
5) To allow a rear setback of 20 ft. in lieu of 30 ft. for the existing house.

ADDRESS: 3027 Bess Ln., Orlando FL 32808

LOCATION: North side of Bess Ln., west of N. John Young Pkwy., north of Silver Star Rd.

TRACT SIZE: 0.47 acres

DISTRICT#: 2

LEGAL: BAY LAKE SHORES Y/91 LOT 5

PARCEL ID#: 09-22-29-0534-00-050

NO. OF NOTICES: 66

Commentaries: None

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

The following person(s) addressed the Board:

Speaker(s): Ron Anthony Hayden (Applicant)
The applicant stated that the house was not a flip, but their forever home. They also stated that the pergola and shed had been removed.
There being no one present to speak in favor or opposition to the request, the public hearing was closed.

BZA Discussion: A brief discussion ensued between the Board members and determined to concur with the staff recommendations.

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

4. The Applicant shall remove pergola (in front of the principal structure) and rear shed prior to issuance of building permits.

AYE (voice vote): All members present

Absent: Roberta Walton, Juan Velez, and Deborah Moskowitz

CHRISTOPHER SALHAB - VA-19-12-140

REQUEST: Variance in the R-CE zoning district to allow construction of a tennis court in the front yard of the proposed principal building in lieu of alongside or behind.

ADDRESS: Kirby Smith Rd., Orlando FL 32832

LOCATION: East side of Kirby Smith Rd., east of Narcoossee Rd.

TRACT SIZE: 2.06 acres

DISTRICT#: 4

LEGAL: S 140 FT OF N 2120 FT OF NW1/4 SEC 28-24-31 (LESS W 30 FT FOR ROAD R/W) MORE PARTICULARLY DESC AS: COMM NW COR SEC 28-24-31TH S00-45-33W 2120 FT TH S89-01-28E 30 FT TO PT ON E R/W LINE OF KIRBY SMITH ROAD FOR THE POB TH N00-45-33E 140 FT TH S89-01-28E 595

PARCEL ID#: 28-24-31-0000-00-043

NO. OF NOTICES: 36

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. Moreover, staff recommended denial; however, if the BZA recommends approval then staff recommended the conditions of approval found in the staff report.

The following person(s) addressed the Board:

Speaker(s): Ara Suppiah (Owner)

Christopher Salhab (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 in favor or opposition to the request, the public hearing was closed.

BZA Discussion: The BZA confirmed that the neighbor to the north had a conforming tennis court, and the neighbor to the south has submitted a letter of no objection. The BZA noted that the tennis court would be back far enough where it would not be seen from the road and a solar system would be installed in the back of the property. Thus, the BZA recommended approval of the variance subject to the conditions as outlined in the staff report.

BZA Action: A motion was made by Charles J. Hawkins, II, 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 November 1, 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, Juan Velez, and Deborah Moskowitz

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 an existing 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 proposed 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: 117.16 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: 7

Commentaries: None

Staff Recommendation: Staff explained that the request would consolidate all of its land holdings under one Special Exception for easier processing of future applications. In addition, the improvements will allow the City to provide redundancy in key equipment to ensure continuous operations in the event of equipment failure, and to increase flows for periods of heavy usage. Staff noted that the need for all of the parking was based on square footage of floor area, much of which was not habitable due to equipment or automation, and some of which, such as the proposed training building would be used intermittently. The variance for the High Service Pump building was a function of the equipment, which could not be modified to better fit within the required height restrictions. Finally, staff recommended approval subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Jack Walsh (Representative on behalf of the applicant)

Gay Woodham Christie (Neighbor with no opinion)

Ralph Christie (deferred time to wife)

Material was submitted to the Board by the neighbor to be entered into the record prior to the

close of the public hearing.
There being no one else to speak in favor or opposition to the application, the public hearing was closed.

BZA Discussion: The BZA concluded that the application met the criteria for both the Special Exception and all of the variances; and furthermore, concurred with the staff recommendations.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, and, to **APPROVE** of 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.
4. The applicant shall submit construction plans through the commercial site plan review process within three (3) years of final action by Orange County, or this approval is null and void.
5. The project area contains wetlands and will require a Conservation Area Determination (CAD) to determine the extent of the wetlands onsite. Additionally, the plan appears to show wetland impacts with the proposed development. A Conservation Area Impact Permit will be required for any wetland impacts.

AYE (voice vote): All members present
Absent: Roberta Walton and Juan Velez

PREMIER LANDSCAPERS (ELLE ANDERSON) - SE-19-12-138

REQUEST:	Special Exception and Variance in the A-2 zoning district as follows: 1) Special Exception to permit a landscaping and irrigation company. 2) Variance to allow 34 grass parking spaces in lieu of paved parking.
ADDRESS:	14573 Bicky Rd., Orlando FL 32824
LOCATION:	East side of Bicky Rd., approximately 330 ft. north of Whispering Pines Rd.
TRACT SIZE:	300 ft. x 641 ft./4.56 acres
DISTRICT#:	4
LEGAL:	ORLANDO KISSIMMEE FARMS O/117 1/2 THE N1/2 OF LOT 45 (LESS RD R/W)
PARCEL ID#:	34-24-30-6368-00-450
NO. OF NOTICES:	76
Commentaries:	Two (2) in favor, two (2) in opposition and a 31 opposed signature petition

Staff Recommendation: Staff described the character of the area, and how the applicant intended to design the site. Staff further explained that someone had used the site to place fill and vegetative debris without the knowledge or consent of the owner. Staff indicated that prior to preparation of the staff report; staff had not received any correspondence other than two (2) letters of support from neighboring properties; however, commencing late in the week prior to the week of the meeting, which was shortened by the holiday, they began receiving correspondence in opposition to the request, including a petition with 31 signatures, which arrived the day before the public hearing. Further, staff recommended approval of the Special Exception and Variance subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Vivien Monaco (Attorney for applicant)

Sandor Kelly (Neighbor opposed)

Lloyd Philpot (Neighbor opposed)

Deborah Baxter (Neighbor opposed)

Marissa Rivera (Neighbor opposed)

Alice Karas (Neighbor opposed)

Jeff Karas (Neighbor opposed)

Danny Devlin (Neighbor opposed)

Richard Baxter (Neighbor opposed)

The applicant's attorney presented examples of other similar uses located in the general area. These uses included landscape companies, one of which was operating a grinder/chipper to make mulch; a dog training facility that held competitions; and, a property with horse boarding which appeared to include a club with a restaurant. Staff noted that while there may be such uses, as the BZA was made aware, they were not necessarily there through the appropriate process.

Several residents spoke in opposition to the request in which they cited concerns of increased traffic, noise, fumes, safety of school children waiting at bus stops, and the over use of herbicides and pesticides contaminating their wells. The residents also voiced their frustration over the way their past complaints regarding unpermitted uses had been addressed.

In rebuttal, the applicant noted that the application was not to change the zoning of the property, but to allow a use in conjunction with a nursery, which is a permitted use. Plants and trees would not only be grown on the property but the applicant would also take those materials to a site away from the area.

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 else to speak in favor or opposition to the application, the public hearing was closed.

BZA Discussion: The BZA asked the applicant if they were open to a continuance for the purpose of conducting a Community Meeting. The applicant indicated their agreement to this alternative.

Several members of the BZA indicated that if there was not a continuance to see if some compromises could be reached, they would not support the request. As a result, the BZA agreed to continue the application to conduct a Community Meeting.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Carolyn Karraker and unanimously carried to **CONTINUE** to a date to be determined.

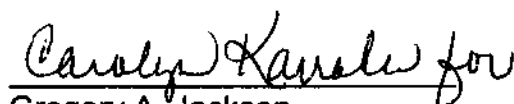
AYE (voice vote): All members present

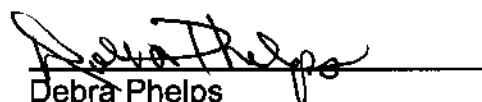
Absent: Roberta Walton, Juan Velez, and Charles J. Hawkins, II

ADJOURN:

There being no further business, the meeting was adjourned at 11:47 a.m.

ATTEST:


Gregory A. Jackson
Chairman


Debra Phelps
Recording Secretary