

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF JANUARY 2, 2020**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **January 2, 2020** 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, Chairperson - District #1
Juan Velez – District #3
Deborah Moskowitz, Vice Chair – District #4
Charles J. Hawkins, II – District #6
Roberta Walton – At Large

BOARD MEMBERS ABSENT: Gregory A. Jackson - District #2
Wes A. Hodge – District #5

STAFF PRESENT: Nick Balevich, Planner II, Zoning Division
David Nearing, AICP, Planner II, Zoning Division
Brandy Driggers, Assistant Manager, Zoning Division
Erin Hartigan, Assistant County Attorney
Debra Phelps, Recording Secretary, FOS Division

The Chairperson called the meeting to order at 9:05 a.m.

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

It was determined by the Board to postpone the vote for the Election of Officers towards the end of the meeting.

APPROVAL OF MINUTES:

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

A motion was made by: Deborah Moskowitz

seconded by: Charles J. Hawkins, II

and unanimously carried to **APPROVE** the minutes of the December 5, 2019, Board of Zoning Adjustment meeting. ✓

AYE (voice vote): All members present

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

PUBLIC COMMENT: The Chairperson opened the floor to public comment, seeing none; the Chairperson closed the hearing for public comment and continued with the regularly scheduled agenda.

VENUE INVESTMENTS 8 LLC (AMIT GHOSH) - VA-20-01-146

REQUEST: **Variances** in the P-O zoning district as follows:
1) Total of 4 parking spaces in lieu of 7 spaces. (Approved w/Conditions)
2) One parking space at 8 ft. x 18 ft. in lieu of 9 ft. X 20 ft. with 144 sq. ft. of area in lieu of 180 ft. (Approved w/Conditions)
3) Two parking spaces at 9 ft. x 18 ft. in lieu of 9 ft. x 20 ft. and 162 sq. ft. of area in lieu of 180 sq. ft. (Denied)

ADDRESS: 1245 N. Pine Hills Rd., Orlando FL 32808

LOCATION: East side of Pine Hills Rd., approximately 650 ft. south of Golf Club Pkwy.

TRACT SIZE: 65 ft. x 125 ft./18 acres

DISTRICT#: 6

LEGAL: PINE HILLS MANOR NO 2 S/84 LOT 23 BLK H

PARCEL ID#: 19-22-29-6976-08-230

NO. OF NOTICES: 146

Commentaries: None

Staff Recommendation: Staff discussed the history of the property including the rezoning, which took place in 1986. Staff also noted that due to the presence of the site's septic system in the rear yard, the inability to gain adequate vehicular access to the rear of the property, and the lack of adequate space in front of the building, it was not possible to provide the required parking. Further, staff explained that if the width of the drive aisle was reduced from 24 feet to 22 feet, the extra two (2) feet could be added to the two north parking spaces, eliminating the need for Variance request #3. Finally, staff recommended approval of Variance requests #1 and #2, and denial of Variance request #3, subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

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

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

BZA Discussion: The BZA concurred that the modification to the drive aisle width would be a minor change but would result in a better project. Therefore, the Board recommended approval of Variance requests #1 and #2, and denial of Variance request #3, subject to the staff recommendations.

BZA Action: A motion was made by Charles J. Hawkins, II, seconded by Deborah Moskowitz and unanimously carried to recommend **APPROVAL** of the Variance requests #1 and #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 recommend **DENIAL** of the Variance request #3, 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).

1. Development in accordance with the site plan dated November 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. Revise the plan to depict a 22 ft. wide drive aisle and the northern two (2) parking spaces to reflect a depth of 20 ft. The total height of the retaining wall and decorative railing shall not exceed 10.75 ft.

5. All required permit shall be issued and finalized for the legal conversion of the structure to office within six (6) months of the application or this approval becomes null and void.

6. A minimum of two (2) understory trees shall be planted between the parking area and street, one on either side of the driveway.

7. A four (4) ft. tall concrete or masonry street wall shall be installed between the parking area and the western/N. Pine Hills Rd. property line with shrubs planted between the wall and the street.

AYE (voice vote): All members present

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

MICHAEL HORTON - VA-20-01-147

REQUEST: **Variances** in the R-1A zoning district as follows:
1) To allow an existing home to remain 17 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
2) To allow a covered patio to be 22 ft. from the NHWE in lieu of 50 ft.
3) To allow an existing deck to remain 14 ft. from the NHWE in lieu of 30 ft.

ADDRESS: 4141 Edgewater Dr., Orlando FL 32804

LOCATION: East side of Edgewater Dr., south of Fairbanks Ave.

TRACT SIZE: .86 acres

DISTRICT#: 5

LEGAL: FAIRVIEW SPRINGS K/3 BEG NW COR LOT 3 BLK 9 RUN E 244 FT S 87.33 FT W 31.15 FT N 14.01 FT W 195.47 FT N 13 DEG W 75 FT TO POB & THE PORTION OF FAIRVIEW SPRINGS K/3 LOT 3 IN SEC 11 22 29 BLK 9

PARCEL ID#: 10-22-29-2632-09-031

NO. OF NOTICES: 159

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

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

BZA Action: A motion was made by Carolyn Karraker, seconded by Juan Velez and unanimously carried to recommend **APPROVAL** 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 November 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.

4. The applicant shall remove the shed in the rear prior to issuance of building permits for the covered patio.

5. 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 house is no closer than seventeen (17) feet, covered patio is no closer than twenty-two (22) feet, and deck is no closer than fourteen (14) feet from the normal high water elevation of Little Lake Fairview.

AYE (voice vote): All members present

Absent: Gregory A. Jackson and Wes A. Hodge

SR BUILDERS, INC. (SCOTT RYAN) - VA-20-01-149

REQUEST: Variance in the R-1A zoning district to allow an attached accessory structure of 1,204 sq. ft. in lieu of 1,000 sq. ft. or 25% whichever is greater.

ADDRESS: 3333 Lake Margaret Dr., Orlando FL 32806

LOCATION: North of Lake Margaret Dr., approximately .2 mi. west of Conway Garden Rd., on the south side of Lake La Grange

TRACT SIZE: 82 ft. x 427 ft. (avg.)/.91 acres (.56 acres upland + .35 acres submerged)

DISTRICT#: 3

LEGAL: COMM 331.8 FT E & 90 FT N OF SW COR OF NW1/4 OF NW1/4 OF SEC 08-23-30 TH RUN N 572.17 FT N89-47-23W 82.58 FT TO POB THENCE CONT N89-47-23W 82.58 FT S00-4-22W 442.17 FT S89-47-23E 82.58 FT S00-4-22W 137.99-FT TO POINT OF NON-TANG CURVE CONCAVE SELY HAVING

PARCEL ID#: 08-23-30-0000-00-025

NO. OF NOTICES: 124

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

Staff Recommendation: Staff explained the history of the property including the fact that it was created through the lot split process as opposed to the subdivision process. Lastly, 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 indicated their agreement with the staff recommendation and conditions.

Paul Witherington (Neighbor in favor)

No one was in attendance to speak in opposition to the request, the public hearing was closed.

BZA Discussion: The BZA concluded that the width of the lot and the location of the septic system precluded the placement of the accessory structure anywhere else. As a result, the BZA concurred with the staff recommendations.

BZA Action: A motion was made by Juan Velez, seconded by Charles J. Hawkins, II and unanimously carried to recommend **APPROVAL** of 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 and architectural plans dated November 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 and Wes A. Hodge

TAM BAO TEMPLE (DOUGLAS LAM) - SE-19-12-137

REQUEST: **Special Exception and Variance** in the A-1 zoning district as follows:
1) Special Exception to expand an existing religious use to include the construction of a new 7,368 sq. ft. meditation hall building.
2) Variance to allow up to 49 grass parking spaces in lieu of paved parking spaces.

ADDRESS: 4766 Rock Springs Rd., Apopka FL 32712

LOCATION: Southwest corner of Rock Springs Rd. and E. Williams Ave.

TRACT SIZE: 260 ft. x 328 ft./1.95 acres

DISTRICT#: 2

LEGAL: ROCK SPRINGS HOMESITES S/12 LOTS 8 & 9 (LESS E 20 FT FOR SR R/W) BLK H

PARCEL ID#: 16-20-28-7612-08-090

NO. OF NOTICES: 100

Commentaries: Sixty-five (65) in favor and five (5) in opposition

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

The following person(s) addressed the Board:

Speaker(s): Stephen Hagner (Neighbor opposed)

Douglas Lam (Representative of the applicant)

Loc Nguyen (Engineer of the applicant)

A neighbor spoke in opposition stating that this request would cause a change to the rural area, the proposal was a large structure, and he could hear the current user chanting early in the morning.

The applicant stated that they did not chant loudly but rather meditated, and further, explained that the existing building was old and not well insulated; therefore, the new building would be better insulated against sound.

BZA Discussion: The BZA felt that the new building should alleviate the neighbor's concerns and noted that the applicant had committed to having parking on site. The BZA also noted that the living quarters would be compatible with the area, proposed setbacks, and length of time that the religious facility had existed on the property. Finally, the BZA concurred with the staff recommendations.

BZA Action: A motion was made by Roberta Walton, seconded by Juan Velez and unanimously carried to recommend **APPROVAL** of 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 recommend **APPROVAL** of 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 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. No more than four (4) advertised outdoor special events open to the general public per calendar year, and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. Noise from all outdoor events will be subject to applicable county noise and nuisance restrictions. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
5. The grass parking spaces shall be fitted with wheel stops and all drive aisles and handicap parking spaces shall be paved per Orange County Code.
6. Landscaping, including materials and buffers shall comply with Section 24-5 of Orange County Code.
7. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Gregory A. Jackson and Wes A. Hodge

MOHAMED ABDOU - VA-20-01-142

REQUEST:	Variance in the R-2 zoning district to allow a lot width of 75 ft. in lieu of 80 ft. for a duplex.
ADDRESS:	1333 19th St., Orlando FL 32805
LOCATION:	North side of 19th St., approximately 425 ft. west of S. Orange Blossom Trl.
TRACT SIZE:	75 ft. x 135 ft./ .23 acres
DISTRICT#:	6
LEGAL:	CLEAR LAKE VIEWS J/145 LOTS 29 30 & 31 BLK 4
PARCEL ID#:	03-23-29-1402-04-290
NO. OF NOTICES:	98

Staff advised the Board that the applicant **WITHDREW** this application as they needed to rezone the property to N-R to be consistent with the Comprehensive Plan Future Land Use designation. The Planning & Zoning Commission could also address the lot width issue as well.

OLIVE GARDEN (LANDON WHITE) - VA-20-01-143

REQUEST: Variance in the C-2 zoning district to allow 175.3 sq. ft. of cumulative copy area for wall signs in lieu of 127.5 sq. ft.
ADDRESS: 7609 S. Orange Blossom Trl., Orlando FL 32809
LOCATION: North side of W. Sand Lake Rd., east of S. Orange Blossom Trl.
TRACT SIZE: 25.83 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

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. In addition, staff recommended approval of the request 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 indicated their agreement with the staff recommendations.

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

BZA Discussion: The BZA agreed with the staff recommendations.

BZA Action: A motion was made by Juan Velez, seconded by Deborah Moskowitz and unanimously carried to recommend **APPROVAL** of 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 December 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.

AYE (voice vote): All members present

Absent: Gregory A. Jackson and Wes A. Hodge

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 St., 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 history of the site including the prior approvals, which took place in 2019. The last approval, which occurred in May 2019, was called for a public hearing before the BCC by the District 6 Commissioner, and ultimately remanded back to the BZA to address the issue of providing adequate parking. The applicant provided a study, which showed that there were twenty-five (25) on-street parking spaces along 25th Street, and they had a signed and recorded shared parking agreement with a nearby church. However, staff noted that the nearby church was 2.5+ miles away, and the agreement allowed them to park while that church was also having services. Further, staff indicated that no one was ever permitted to count towards required parking, as once one was allowed to do so, all would follow suit, and there would be a wide spread parking deficit. Staff found that the introduction of the multipurpose room could create issues with parking as well as introduce new activities and noise at times that were not customary to the residents of the area. With regard to the variance for parking, the need to reduce the number was self-created and would confer a special privilege if compensating off-site parking was not provided. Finally, staff recommended denial of the amendment to the Special Exception and Variance request #2, and approval of Variance requests #3 and #4, subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Roderick Waller (Applicant's contractor)

The applicant explained that their sister church had ample parking which had space of between 15 to 20 parking spaces; and further, they would be using a 15 passenger van to shuttle members to and from this off-campus parking site.

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

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

BZA Discussion: The BZA expressed their concern with county on-street parking, plus the impact it may have upon existing residents including increased noise at hours during which it did not currently occur. Further, the Board had concerns with the distance that the shared parking was from the subject property, and therefore, would like the applicant to explore more close-by options and see if the applicant could provide some type of agreement with nearer-by businesses. As such, the BZA determined to postpone action on this item until a later date.

BZA Action: A motion was made by Charles J. Hawkins, II, seconded by Deborah Moskowitz and unanimously carried to recommend **POSTPONEMENT** of this public hearing to a date in the near future.

AYE (voice vote): All members present

Absent: Gregory A. Jackson and Wes A. Hodge

I.D. CONSTRUCTION & CONTRACTING - VA-20-01-145

REQUEST: **Variances** in the R-3 zoning district as follows:

1) To construct a retaining wall 18 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.

- 2) To construct a 10.75 ft. tall retaining wall within the lake setback area in lieu of 4 ft.
- 3) To construct an addition 31 ft. from the NHWE in lieu of 50 ft.
- 4) To construct a pool deck 18 ft. from the NHWE in lieu of 20 ft.

ADDRESS: 1742 Indiana St., Orlando FL 32805

LOCATION: South side of Indiana St., approximately .2 miles west of S. Rio Grande Ave., on the east side of Clear Lake

TRACT SIZE: 122 ft. x 1668 ft./4.34 acres (Approx. 1 acres upland & 3.34 acres submerged)

DISTRICT#: 6

LEGAL: PT OF SW1/4 OF SEC 34-22-29 DESC AS COMM AT THE SE COR OF LOT 4 CLEAR LAKE HOMES T/122 TH N89-26-20E 177.45 FT TO POB TH CONT N89-26-20E 20 FT S00-05-31E 246.97 FT S86-29-16W 267.43 FT S89-26-20W 1390.46 FT N00-33-57W 122.17 FT N89-54-32E 1638.77 FT N00-0

PARCEL ID#: 34-22-29-0000-00-089

NO. OF NOTICES: 157

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

Staff Recommendation: Staff described the physical character of the site with a grade drop of an estimated six (6) feet in approximately 30 feet from the rear of the home. Staff's primary concern was that the solid wall would extend up to the grade of the pool deck, and then another four (4) feet above that, which may impact the neighbors' views of the lake. It was further recommended by staff that the solid wall end at the pool deck, the remainder by decorative fencing. Lastly, staff recommended approval of all requested Variances with modification to Variance request #2, to allow for a six (6) ft. tall retaining wall with four (4) ft. railing at its top, subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Matthew Hulbert (Applicant)

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

BZA Discussion: With the applicant's acceptance of the conditions regulating the height and materials of the wall, the BZA found that the criteria for granting a variance was satisfied. Therefore, the Board concurred with the staff recommendation as modified.

BZA Action: A motion was made by Charles J. Hawkins, II, seconded by Roberta Walton and unanimously carried to recommend **APPROVAL** 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 as amended:

1. Development in accordance with the site plan dated November 6, 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 elevation of the top of the retaining wall shall be even with the elevation of the pool deck. The remainder shall consists of decorative railing.

5. Prior to the issuance of a building permit for the retaining wall, pool deck, and addition, 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 retaining wall and pool deck is no closer than 18 ft. feet to the Normal High Water Elevation of Clear Lake, and that the addition is no closer than 31 ft. to the Normal High Water Elevation of Clear Lake.

AYE (voice vote): All members present

Absent: Gregory A. Jackson and Wes A. Hodge

ANGELO'S RECYCLING - SE-19-07-068

REQUEST: Special Exception in the IND-2/IND-3 zoning district to allow a construction and debris recycling facility.

ADDRESS: 500 W. Landstreet Rd., Orlando FL 32824

LOCATION: Southwest corner of W. Landstreet Rd. and Parkers Landing, east of Bachman Rd.

TRACT SIZE: 44.71 acres

DISTRICT#: 4

LEGAL: SPHALERS ADD TO PROSPER COLONY F/94 LOTS 7, 8 & 25 THROUGH 28 (LESS PT TAKEN ON E LOTS 8 & 25 FOR R/W PER 6013/738) & (LESS PT TAKEN ON N FOR R/W & N 147.64 FT OF LOT 27 TAKEN FOR RETENTION AREA PER 6398/2183 CIO -01-6064) & (LESS PART TAKEN OF LOT 28 FOR

PARCEL ID#: 02-24-29-8220-00-070; 02-24-29-8220-00-290; and 02-24-29-7268-00-071.

NO. OF NOTICES: 873

Commentaries: Two (2) in favor and twelve (12) in opposition

Staff Recommendation: Staff gave an explanation of the history of the project including the date that the project appeared before the DRC for a recommendation of approval. Staff discussed the Community Meeting held in late June 2019, and that most of the discussion centered on a concrete crushing plant, which was a use permitted by right on the subject property, therefore, not the focus of this hearing. Further, staff explained how the project had been reviewed by the County Transportation and Traffic Engineering staff, which resulted in the requirement for a deceleration lane from eastbound W. Landstreet Road to Parkers Landing. Finally, 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): Hal Kantor (Applicant's attorney)
Dan Wood (Neighboring business owner opposed)
Paul Stranbinger (Opposed)
Jim Crawford (Opposed)
Eric Inman (Opposed)
Douglas Bauman (Opposed)
Jennifer Deal (Applicant's representative)

The applicant explained that the use was primarily a manual operation. The use was estimated to generate eighty-eight (88) daily trips, which would be distributed throughout the hours of operation. The use would not generate any appreciable amounts of dust, noise, or odor. The deceleration lane would be designed to FDOT standards.

Five (5) residents, mostly business owners in the area, spoke in opposition. Their concerns included increased dust; traffic backups on Parkers Landing; incompatibility with adjacent uses; lack of adequate buffering; and, odor.

In rebuttal, the applicant indicated that all dumpsters which contained materials that could generate odor, would be covered and protected from the elements. The traffic had been reviewed by County staff. The impacts of which the opposition noted were more associated with the concrete crushing operation, which was not a part of this review.

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

BZA Discussion: The BZA discussed access to the site and possible backups on Parkers Landing, which was a narrow street. It was noted that the applicant had an approved site plan, and any change to the access of route vehicles directly off and onto W. Landstreet Road would require a revision to the plan, and likely another review by the BZA.

A motion was made by Board member, Deborah Moskowitz, to recommend denial of the request, which **died** for lack of a second vote.

Another motion to recommend approval passed by a vote of 4 in favor and 1 opposed.

BZA Action: A motion was made by Roberta Walton, seconded by Charles J. Hawkins, II and carried to recommend **APPROVAL** of 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 May 15, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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

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

4. The applicant shall design and install a dedicated eastbound right turn/deceleration lane at the intersection of W. Landstreet Road and Parkers Landing. The right turn lane shall be twelve (12) feet wide and shall meet the most current FDOT Standard Manual requirements. This improvement shall be designed and permitted prior to issuance of any permits for the Construction and Debris Recycling project. Construction of this improvement shall be completed prior to issuance of a Certificate of Completion for the C&D Recycling center.

5. The project shall comply with Article XVI of Chapter 9, Exterior Lighting Standards, of the Orange County Code. With the exception of security lighting, all lights shall be extinguished at close of business.

6. Hours and days of operation shall be limited to 7:00 a.m. through 7:00 p.m., Monday through Saturday.

7. Any expansions of the use shall require BZA approval.

8. All required permits shall be obtained within two (2) years or this approval becomes null and void.

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

NAY (voice vote): Deborah Moskowitz

Absent: Gregory A. Jackson and Wes A. Hodge

ELECTION OF OFFICERS:

Acting Chairperson, Carolyn C. Karraker entertained nominations for Chairman to the Board of Zoning Adjustment for the year 2020.

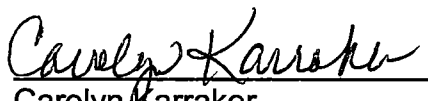
Board member Roberta Walton nominated Carolyn C. Karraker to be Chairperson. The Board voted unanimously to appoint Carolyn C. Karraker as Chairperson.

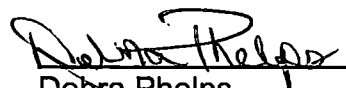
Chairperson, Carolyn C. Karraker nominated Deborah Moskowitz to be Vice Chair. The Board voted unanimously to appoint Deborah Moskowitz as Vice Chair.

ADJOURN:

There being no further business, the meeting was adjourned at 12:45 p.m.

ATTEST:


Carolyn Karraker
Chairperson


Debra Phelps
Recording Secretary