

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
MEETING OF MAY 20, 2020**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **May 20, 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 (Chair) - District #1  
Gregory A. Jackson - District #2  
Juan Velez - District #3  
Wes A. Hodge - District #5  
Charles J. Hawkins, II - District #6  
Roberta Walton - At Large

**BOARD MEMBERS ABSENT:** Deborah Moskowitz (Vice Chair) - District #4

**STAFF PRESENT:** Brandy Driggers, Assistant Manager, Zoning Division  
Ted Kozak, AICP, Chief Planner, Zoning Division  
Nick Balevich, Planner II, Zoning Division  
David Nearing, AICP, Planner II, Zoning Division  
Debra Phelps, Recording Secretary, FOS Division  
Laurie Green, Development Coordinator, FOS Division  
Shamaka Daniels, Development Specialist, FOS Division  
Erin Hartigan, Assistant County Attorney

The Chair called the meeting to order at 9:15 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 Chair requested a motion approving the minutes of the March 5, 2020, Board of Zoning Adjustment meeting.

A motion was made by: Charles J. Hawkins, II

seconded by: Roberta Walton

and unanimously carried to **APPROVE** the minutes of the March 5, 2020 hearing.

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

**JAMES WATTS - VA-20-07-038**

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**REQUEST:** **Variances** in the R-1A zoning district to allow a pool and pool deck to be located in the front yard of the principal building.  
**ADDRESS:** 3303 Lake Margaret Dr., Orlando, FL 32806  
**LOCATION:** North side of Lake Margaret Dr., east of S. Crystal Lake Dr., west of Conway Gardens Rd., south of Lake La Grange

**TRACT SIZE:** 0.28 acres  
**DISTRICT#:** 3  
**LEGAL:** COMM AT SW COR LOT 13 LAKE LAGRANCE MANOR PB 4/102, ALONG A CURVE CONCAVE S'LY W/ RAD OF 430.69 FT, TH FROM TAN BRG N89-47-23W RUN SWLY ALONG ARC OF CURVE 83.08 FT THRU CENT ANG OF 11-03-06 TO POB; TH CONT ALONG CURVE THRU CENT ANG OF 10-27-36 A DIST OF 7  
**PARCEL ID#:** 08-23-30-0000-00-009  
**NO. OF NOTICES:** 115  
Commentaries: None

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

The following person(s) addressed the Board:

Speaker(s): James Watts (Applicant)

There being no one present to speak in favor 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 Juan Velez, seconded by Charles J. Hawkins, II 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 April 16, 2020, 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 only for a pool and deck, as shown on site plan. Any future screen enclosure over the pool deck is not part of this approval, and require a separate variance.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Wes A. Hodge

**FREEDOM RIDE (AMY DALY) - SE-20-03-003**

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**REQUEST:** **Special Exception and Variances** in the R-1A zoning district as follows:  
1) Special Exception to allow a therapeutic riding center (indoor/outdoor recreation use).  
2) Variance to allow grass parking for an overflow parking area in lieu of parking on an improved surface.  
3) Variance to allow grass drive aisles for an overflow parking area in lieu of parking on an improved surface.

**ADDRESS:** 3919 Bay Lake Rd., Orlando, FL 32808  
**LOCATION:** North side of Bay Lake Rd., west of N. John Young Pkwy.  
**TRACT SIZE:** 24.43 acres  
**DISTRICT#:** 2  
**LEGAL:** A R DANIELS SUB D/82 LOTS 49 THRU 52 (LESS THAT PT OF LOTS 50 & 51 LYNG N OF THE FOLLOW- ING LINE BEING AT A PT ON E LINE OF LOT 51 & 1836.77 FT S OF N LINE OF SEC RUN W 1329.77 FT TO W LINE SEC)  
**PARCEL ID#:** 08-22-29-1900-00-490  
**NO. OF NOTICES:** 904

Commentaries: Seven (7) in favor and one (1) in opposition

Staff Recommendation: Staff described the history of the site as a legally nonconforming location for the raising of 15 horses and 15 cows. Staff indicated that a community meeting was held in February, which was attended by Commissioner Moore, staff, and 12 residents. The consensus among the neighbors was overwhelmingly positive. The residents' main concern was what would be constructed on the perimeter. When staff stated that they would have to install a buffer, which would be opaque to a height of six (6) ft., the general consensus was not to require the buffer. Staff informed the BZA that based on that input; the Zoning Manager indicated she would work with the applicant on an acceptable alternative. Finally, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Amy Daly (Applicant)

Jackie Berry (in favor)

G.W. Berry (in favor)

Brad Davis (in favor)

Vicki Vargo (in favor)

BZA Discussion: The BZA asked if the applicant was in agreement with limiting the number of special events to two (2) per year. Staff noted that this item was all the applicant indicated they needed. The BZA concluded that the use would be compatible with the neighborhood and an asset to the community. Furthermore, the BZA concurred with the staff recommendations.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Charles J. Hawkins, II 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, **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 shall be in accordance with the site plan dated March 25, 2020, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

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

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

4. Construction plans shall be submitted within three (3) years of final action on this application

by Orange County or this approval becomes null and void. The site plan shall be updated to reflect all commercial development standards.

5. Hours of operation of the therapeutic riding facility shall be limited to 8:30 a.m. to 5:00 p.m., Monday through Saturday, and hours for horse care will be 7:00 a.m. to 6:00 p.m., Sunday through Saturday.

6. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.

7. No outdoor speakers or other audio amplification shall be used on site.

8. No more than two (2) outdoor special events advertised as open to the public per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.

9. The number of horses shall be capped at 20. Any increase shall required additional action by the BZA.

10. Use of the property is limited to an indoor/outdoor recreation use (therapeutic riding center).

11. A site plan that includes the approved wetland line depicted on CAD-19-10-163 must be provided with the site work application.

12. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."

13. Development shall comply with Chapter 24 (Landscaping) and Chapter 15 Article VIII (Tree Protection and Removal). In the event there is a conflict between Chapter 24 or Chapter 15 and the site plan, the provisions of Chapter 24 and Chapter 15 shall prevail.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Wes A. Hodge

**THARPE BELOTE - VA-20-03-006**

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<b>REQUEST:</b>	<b>Variance</b> in the R-1 zoning district to allow an existing open front porch 16.6 ft. from the front property line in lieu of 20 ft. Note: This is the result of Code Enforcement action.
<b>ADDRESS:</b>	7218 Mott Ave., Orlando, FL 32810
<b>LOCATION:</b>	West side of Mott Ave., approximately 250 ft. north of the intersection of Mott Ave. and Edgewater Dr.
<b>TRACT SIZE:</b>	75 ft. x 199 ft. avg./0.328 acres
<b>DISTRICT#:</b>	2
<b>LEGAL:</b>	BEG 960 FT S & 65 FT E OF NW COR OF NE1/4 OF NW1/4 RUN S 75 FT E TO CLAY ROAD N 75 FT W TO POB SEC 32-21-29
<b>PARCEL ID#:</b>	32-21-29-0000-00-017
<b>NO. OF NOTICES:</b>	89

**THIS CASE WAS CONTINUED TO THE JUNE 4, 2020 BZA MEETING, PRIOR TO THIS BZA MEETING.**

BZA Action: A motion was made by Gregory A. Jackson, seconded by Juan Velez and unanimously carried to **CONTINUE** to the June 4, 2020 BZA Meeting.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Wes A. Hodge

**ROBERT WAYNER - VA-20-04-012**

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**REQUEST:** **Variances** in the R-CE-C zoning district to allow a tennis court as follows:  
1) To be set back 5 ft. from the east side property line in lieu of 10 ft.  
2) To be set back 5 ft. from the south rear property line in lieu of 10 ft.

**ADDRESS:** 4291 Isabella Cir., Windermere, FL 34786

**LOCATION:** South side of Isabella Cir., east of McKinnon Rd., north of W. Lake Butler Rd.

**TRACT SIZE:** 0.735 acres

**DISTRICT#:** 1

**LEGAL:** CASABELLA 79/139 LOT 16

**PARCEL ID#:** 12-23-27-1215-00-160

**NO. OF NOTICES:** 73

Commentaries: Ten (10) in favor, letter of HOA approval, and six (6) in opposition

Staff Recommendation: Staff explained that the applicant desired to have a full size tennis court as the applicant had told the builder that they wanted the house built right at the 10 ft. side setback line to ensure a tennis court and a future pool could be placed in the rear yard. However, the builder constructed the home 20 ft. from the side property line. The builder, who builds extensively in the City of Windermere, thought that the side and rear setbacks for tennis courts were five (5) ft., which are the setbacks in the City. Staff explained that the applicant could relocate the court to meet the setbacks, or they could reduce the court by 2 1/2 ft. on each side and each end to allow it to stay in the proposed location and meet setbacks. Staff recommended denial; however, if the BZA recommends approval then staff recommends the conditions found in the staff report.

The following person(s) addressed the Board:

Speaker(s): Robert Wayner (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 discussed the location and size of the court. It was noted that relocation may be possible with a sufficient separation distance from the residence. It was further noted that the need for the variance was not self-imposed, as the builder put the house in the wrong place. Thus, the BZA approved the request subject to the conditions as referenced in the staff report.

BZA Action: A motion was made by Carolyn Karraker, seconded by Roberta Walton and 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 shall be in accordance with the site plan dated January 17, 2020, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

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): Carolyn Karraker; Roberta Walton; and Charles J. Hawkins, II

NAY (voice vote): Gregory A. Jackson and Juan Velez

Absent: Deborah Moskowitz and Wes A. Hodge

#### **GARRETT MYERS - SE-20-04-015**

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**REQUEST:** **Special Exception** in the A-2 zoning district to allow a cumulative total of 3,629 sq. ft. of accessory structures in lieu of 3,000 sq. ft.  
**ADDRESS:** 4822 Oak Hill St., Apopka, FL 32712  
**LOCATION:** South side of Oak Hill St., approximately 650 ft. east of Round Lake Rd.  
**TRACT SIZE:** 630 ft. x 327 ft. avg./4.52 acres  
**DISTRICT#:** 2  
**LEGAL:** ROUND LAKE MISC 3/239 FROM NW COR OF SW1/4 OF SW1/4 RUN E 681.5 FT FOR POB E 636.5 FT S 328 FT W 623.96 FT N 327.68 FT TO POB

**PARCEL ID#:** 02-20-27-7752-00-031

**NO. OF NOTICES:** 39

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

Staff Recommendation: Staff explained that the subject property was located in a very rural area where larger structures were not uncommon and the site, which was used for residential purposes would not generate any more noise, odor, glare or heat than it currently is. Further, staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Garrett Myers (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 proposed structure would be compatible with the rural nature of the area and an asset to the surrounding area. Furthermore, the BZA agreed with the staff recommendations.

BZA Action: A motion was made by Gregory A. Jackson, 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; further, said approval is subject to the following conditions:

1. Development shall be in accordance with the site plan dated February 6, 2020, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

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

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

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

4. Prior to the issuance of a permit for the new accessory structure, the applicant shall obtain and complete demolition permits for the three (3) existing accessory structures located northwest of the existing residence.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Wes A. Hodge

### **SOLANGE DAO - VA-20-04-017**

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**REQUEST:** **Variance** in the IND-2/IND-3 zoning district to allow for construction of 7 industrial buildings with a 15 ft. (east) setback from a residential zoning district in lieu of an increased setback of 60 ft.

**ADDRESS:** 6682 Hoffner Ave., Orlando, FL 32822

**LOCATION:** South side of Hoffner Ave., north side of Seminole Ave., approximately 0.3 miles west of S. Goldenrod Rd.

**TRACT SIZE:** 187 ft. x 634 ft./5.45 acres

**DISTRICT#:** 3

**LEGAL:** LOS TERRANOS P/87 THE W1/2 OF LOTS 1 & 8 BLK 13 & E1/2 OF VAC R/W ON W PER OR 4917/4992

**PARCEL ID#:** 14-23-30-5240-13-012

**NO. OF NOTICES:** 142

Commentaries: One (1) in favor and one (1) in opposition

Staff Recommendation: Staff indicated that even though the property to the east was zoned A-2, it is used for residential purposes. Therefore, an increased setback of 60 ft. versus 15 ft. was required. In addition, there was a need for a Type B buffer requiring a 25 ft. buffer area that could not be used for anything other than landscaping. Lastly, staff recommended denial; however, if the BZA recommends approval then staff recommends the conditions found in the staff report.

The following person(s) addressed the Board:

Speaker(s): Solange Dao (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 concluded that the loss of nearly 1/3 of the site due to a property which would one day be zoned industrial was a true hardship and special condition. As such, the BZA recommended approval of the variance subject to the six (6) conditions in the staff report.

BZA Action: A motion was made by Juan Velez, seconded by Gregory A. Jackson 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 shall be in accordance with the architecture and site plan dated April 16, 2020, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification

shall be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

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 project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."

5. Noise shall be regulated by Chapter 15, Orange County Code "Environmental Control", specifically Article V "Noise Pollution."

6. The applicant shall provide a "Type B" buffer along the east property line.

AYE (voice vote): All members present

Absent: Deborah Moskowitz

**FRANKLIN MUNOZ - VA-20-05-019**

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**REQUEST:** **Variances** in the R-1A zoning district as follows:  
1) To allow the existing residence to be located 6 ft. from the south side setback in lieu of 7.5 ft.  
2) To allow an addition with a side (south) setback of 0 ft. in lieu of 7.5 ft.  
Note: This is the result of Code Enforcement action.

**ADDRESS:** 8120 Gondola Dr., Orlando, FL 32809

**LOCATION:** West side of Gondola Dr. on the east shore of Bearhead Lake, north of McCoy Rd., and east of S. Orange Ave.

**TRACT SIZE:** 75 ft. x 774 ft./1.33 acres

**DISTRICT#:** 3

**LEGAL:** BEG 30 FT W & 642.07 FT N OF SE COR SEC W 774 FT N 75 FT E 774 FT S 75 FT TO POB IN SEC 25-23-29

**PARCEL ID#:** 25-23-29-0000-00-071

**NO. OF NOTICES:** 79

Commentaries: One (1) in favor and one (1) in opposition

Staff Recommendation: Staff explained that the home was built prior to zoning which could explain the reduced setback for the existing home. Staff stated that the applicant purchased the home in 2019, which was occupied by a family member that constructed the improvements without the applicant's knowledge or permits. Lastly, staff recommended approval of Variance request #1, subject to conditions #1 through #3, of the staff report; and, denial of Variance request #2. However, should the BZA approve Variance request #2, staff recommends approval subject to additional conditions #4 and #5, in the staff report.

The following person(s) addressed the Board:

Speaker(s): Franklin Munoz (Applicant)

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

BZA Discussion: The BZA discussed the case and concluded that Variance request #1, was warranted; however, Variance request #2, was not. Thus, the BZA recommended approval of



Variance request #1, subject to the three (3) conditions in the staff report and denial of Variance request #2.

**BZA Action:** A motion was made by Juan Velez, seconded by Wes A. Hodge and unanimously carried to recommend **APPROVAL** of the Variance request #1, 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, **DENIAL** of the Variance request #2, 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 shall be in accordance with the site plan dated March 6, 2020, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

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:** Deborah Moskowitz

#### **CHURCH OF GOD AT CHRISTMAS - SE-20-05-020**

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**REQUEST:** **Special Exception** in the A-2 zoning district to permit a cumulative total of 5,307 sq. ft. of accessory structures in lieu of 3,000 sq. ft.

**ADDRESS:** 24313 E. Colonial Dr., Christmas, FL 32709

**LOCATION:** North side of E. Colonial Dr., approximately .3 miles east of Taylor Creek Rd.

**TRACT SIZE:** 250 ft. x 1,220 ft./6.98 acres

**DISTRICT#:** 5

**LEGAL:** E 250 FT OF W 1800 FT OF N 1/2 OF NW1/4 OF SEC 34-22-33 (LESS RD)

**PARCEL ID#:** 34-22-33-0000-00-016

**NO. OF NOTICES:** 47

**Commentaries:** None

**Staff Recommendation:** Staff explained that the church had been at this location since 1975, poured a slab for a basketball court without a permit, and now desires to construct a 60 ft. x 60 ft. canopy over it to create an all-weather court for the youth of the area. Further, staff recommended approval subject to the conditions as referenced in the staff report.

The following person(s) addressed the Board:

**Speaker(s):** J.D. Simmons (Applicant's representative)

O. Jones (in favor)

J. Hardy (in favor)

Robert Galloway (in favor)

**BZA Discussion:** The BZA concluded that the proposal would be an asset to the community and compatible with the neighborhood. Therefore, the BZA agreed with the staff recommendations.

**BZA Action:** A motion was made by Wes A. Hodge, seconded by Gregory A. Jackson 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; further, said approval is subject to the following conditions:

1. Development shall be in accordance with the site plan dated March 9, 2020, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

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

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

4. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

5. Prior to issuance of a permit for the construction of the basketball court canopy, the applicant shall obtain a demolition permit and final inspection for the existing shed located along the west property line.

6. Prior to issuance of a permit for the basketball canopy, the applicant shall submit a building permit for the unpermitted 8 ft. x 10 ft. shed located in the center of the site north of the mobile home and addition, or a demolition permit to remove the shed. A final inspection for the shed or demolition shall be completed prior to the final inspection for the canopy.

7. The applicant shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.

8. The applicant shall submit a permit for the basketball court slab prior to the permit for the basketball court canopy.

**AYE (voice vote):** All members present

**Absent:** Deborah Moskowitz

**RECESSED AT 11:58 A.M. AND RECONVENED AT 12:11 P.M.**

**JIM DOLFI - VA-20-05-023**

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**REQUEST:** Variances in the P-D zoning district to allow a screen enclosure as follows:

- 1) To be set back 0.5 ft. from the east side lot line in lieu of 5 ft.
- 2) To be set back 0.5 ft. from the west side lot line in lieu of 5 ft.

**ADDRESS:** 10431 Belfry Cir., Orlando, FL 32832

**LOCATION:** North side of Belfry Cir., east of Narcoossee Rd.

**TRACT SIZE:** 30 ft. x 100 ft./0.068 acres

**DISTRICT#:** 4  
**LEGAL:** EAGLE CREEK PHASE 1C VILLAGE E 67/52 LOT 25  
**PARCEL ID#:** 29-24-31-2244-00-250  
**NO. OF NOTICES:** 107

Commentaries: Two (2) in favor and none in opposition. In addition, the HOA approved the enclosure as submitted.

Staff Recommendation: Staff indicated that previously, an interpretation of the code allowed interior townhouse lots to construct screen enclosures along the entire rear of the house, as interior townhouse lots have 0 foot side setbacks. However, since the code does not differentiate between single family detached and attached, the new interpretation is that if an enclosure goes into the rear setback, it must adhere to the five (5) ft. side setback requirement. Staff recommended that the applicant be granted the side setback variance, but that the enclosure be located not any closer than 15 feet to the rear property line. Further, staff recommended approval subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Jim Dolfi (Applicant)

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

BZA Discussion: The BZA recognized since there were so many enclosures in this community similar or identical to what the applicant was proposing, the request was not any special consideration. Based on the foregoing, the BZA recommended approval of the variances subject to the first four (4) conditions in the staff report and removed condition #5, as the applicant requested, which would have required the screen enclosure to have a 15 ft. setback in lieu of the proposed 10 ft. setback on their site plan.

BZA Action: A motion was made by Juan Velez, seconded by Wes A. Hodge 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 shall be in accordance with the site plan dated March 10, 2020, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
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 screen enclosure shall not be enclosed.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Roberta Walton (left meeting prior to this hearing)

**PATRICK HERNANDEZ - VA-20-05-024**

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

- 1) To allow the existing house to remain 44 ft. from the Normal High

Water Elevation (NHWE) in lieu of 50 ft.  
2) To install a pool 43 ft. from the NHWE in lieu of 50 ft.  
3) To install a pool deck 42 ft. from the NHWE in lieu of 50 ft.

**ADDRESS:** 12104 McKinnon Rd., Windermere, FL 34786  
**LOCATION:** South side of McKinnon Rd., north shore of Lake Crescent, approximately 0.2 miles west of Windermere Rd.  
**TRACT SIZE:** 0.955 acres  
**DISTRICT#:** 1  
**LEGAL:** TH PT OF GOV LOT 1 SEC 01-23-27 DESC AS BEG 775 FT W & 198 FT N OF SE COR OF NE1/4 TH N 21 DEG W 380 FT M/L TO S R/W LINE OF CO RD TH NELY 140.6 FT TH S 360 FT TO POB & TH PT OF GOV LOT 1 SEC 01-23-27 DESC AS BEG 501.98 FT N & N 85 DEG W 744.95 FT FROM E1  
**PARCEL ID#:** 01-23-27-0000-00-023  
**NO. OF NOTICES:** 136

Commentaries: One (1) in favor and one (1) in opposition

Staff Recommendation: Staff explained that the property was rezoned from R-1 or R-1A to R-CE in 1966. Due to the shallowness of the lot, the rear setback would not be the standard 50 ft., but rather 20 or 25 ft. However, since it was rezoned to R-CE, the rear setback was 50 ft. Staff explained that the applicant was not attempting to encroach beyond the existing rear building line of the residence; however, since the shoreline moves northeast as it extends east, the deck and pool have a lesser setback than the house. For this reason, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Tiffany Hernandez (Applicant's representative)  
Carolyn Conner (in favor)

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

BZA Discussion: The BZA concluded that due to the shape of the property, shallowness of the lot, and the fact that the applicant was attempting to keep the variance to a minimum, the variance was warranted. Therefore, the BZA concurred with the staff recommendations.

BZA Action: A motion was made by Carolyn Karraker, seconded by Gregory A. Jackson 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 shall be in accordance with the site plan dated March 11, 2020, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

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

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

4. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the pool

is no closer than 43 ft. and the pool deck is no closer than 42 feet, from the normal high water elevation of Lake Crescent.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Roberta Walton

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**WINDERMERE ASSISTED LIVING FACILITY - VA-20-04-016**

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**REQUEST:** **Variance** in the P-D zoning district to allow a separation distance of 43 ft. between two (2) community residential homes with six (6) or fewer residents in lieu of 1,000 ft.

**ADDRESS:** 7047 Nobleton Dr., Windermere, FL 34786

**LOCATION:** Northeast corner of Nobleton Dr. and Penshurst Ln., north of Overstreet Rd., west of Winter Garden Vineland Rd.

**TRACT SIZE:** 60 ft. x 120 ft. avg./0.162 acres

**DISTRICT#:** 1

**LEGAL:** LAKES OF WINDERMERE PH 1 49/108 LOT 163

**PARCEL ID#:** 24-23-27-5427-01-630

**NO. OF NOTICES:** 176

**NO ACTION NEEDED ON THIS PUBLIC HEARING AS THE APPLICANT REQUESTED A WITHDRAWAL VIA EMAIL DATED MAY 18, 2020, PRIOR TO THE BZA MEETING.**

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**LUIS MORALE - VA-20-02-163**

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**REQUEST:** **Variance** in the R-1 zoning district to allow an existing Accessory Dwelling Unit (ADU) 2 ft. from the east side property line in lieu of 6 ft. Note: This is the result of a Code Enforcement action.

**ADDRESS:** 4045 Castlegate Dr., Orlando, FL 32839

**LOCATION:** North side of Castlegate Dr., west of S. John Young Pkwy., north of W. Oak Ridge Rd.

**TRACT SIZE:** 65 ft. x 105 ft./0.156 acres

**DISTRICT#:** 6

**LEGAL:** IMPERIAL ESTATES UNIT 5 3/72 LOT 116

**PARCEL ID#:** 20-23-29-1162-01-160

**NO. OF NOTICES:** 147

**THIS CASE WAS CONTINUED TO THE JUNE 4, 2020 BZA MEETING, PRIOR TO THIS BZA MEETING.**

BZA Action: A motion was made by Charles J. Hawkins, II, seconded by Gregory A. Jackson and unanimously carried to **CONTINUE** to the June 4, 2020 BZA Meeting.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Roberta Walton

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**JAMES THOMAS - VA-20-04-014**

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**REQUEST:** **Variances** in the R-1 zoning district as follows:  
1) To allow an existing 6 ft. high fence to remain within the front setback in lieu of 4 ft.

2) To allow a 6 ft. fence within the clear view triangle area for the driveway.

Note: This is the result of a Code Enforcement action.

**ADDRESS:** 1316 Grayson Dr., Orlando, FL 32825  
**LOCATION:** West side of Grayson Dr., south of E. Colonial Dr., west of Rouse Rd.  
**TRACT SIZE:** 100 ft. x 143 ft./0.33 acres  
**DISTRICT#:** 4  
**LEGAL:** ORLANDO IMPROVEMENT CO NO 1 S/95 THE W 100 FT OF E 460 FT OF LOT 4 (LESS N 15 FT THEREOF) BLK A  
**PARCEL ID#:** 20-22-31-6348-01-044  
**NO. OF NOTICES:** 80

**THIS CASE WAS CONTINUED TO THE JUNE 4, 2020 BZA MEETING, PRIOR TO THIS BZA MEETING.**

A motion was made by Carolyn Karraker, seconded by Juan Velez and unanimously carried to **CONTINUE** to the June 4, 2020 BZA Meeting.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Roberta Walton

**MAROON FINE HOMES, INC. (WILLIAM MAROON) - VA-20-05-022**

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**REQUEST:** **Variances** in the R-1AA zoning district as follows:  
1) To install a pool deck 10.25 ft. from the Normal High Water Elevation (NHWE) in lieu of 35 ft.  
2) To install a pool 14.17 ft. from the NHWE in lieu of 35 ft.  
**ADDRESS:** 9210 Bay Point Dr., Orlando, FL 32819  
**LOCATION:** West side of Bay Point Dr., east shore of Lake Tibet, west of S. Apopka Vineland Rd.  
**TRACT SIZE:** 0.575 acres  
**DISTRICT#:** 1  
**LEGAL:** BAY POINT 7/49 LOT 29  
**PARCEL ID#:** 28-23-28-0600-00-290  
**NO. OF NOTICES:** 51

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

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

The following person(s) addressed the Board:

Speaker(s): William Maroon (Applicant)

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

BZA Discussion: The BZA recognized that previous variances were granted in the area. Therefore, the BZA concurred with the staff recommendations.

BZA Action: A motion was made by Carolyn Karraker, seconded by Wes A. Hodge 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 March 10, 2020, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes

require another BZA public hearing.

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

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

4. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the pool is no closer than 14.17 feet, and deck is no closer than 10.25 feet from the Normal High Water Elevation (NHWE) of Lake Tibet Butler.

AYE (voice vote): All members present.

Absent: Deborah Moskowitz and Roberta Walton

#### **KIM FISCHER - VA-20-02-158**

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#### **REQUEST:**

**Variances** in the C-3 zoning district as follows:

- 1) To allow for a lot split resulting in a 2.92 ft. north side setback in lieu of 5 ft. for existing Bldg. "G".
- 2) To allow for existing Bldg. "G" to remain with an 8.67 ft. west rear setback in lieu of 15 ft.
- 3) To allow for a lot split resulting in a 3.86 ft. north side setback in lieu of 5 ft. for existing Bldg. "F".
- 4) To allow for existing Bldg. "F" to remain with a 4.82 ft. north side setback in lieu of 5 ft.
- 5) To allow for existing Bldg. "H" to remain with a 10.04 ft. west rear setback in lieu of 15 ft.
- 6) To allow for a lot split resulting in a 2.92 ft. north side setback in lieu of 5 ft. for existing Bldg. "D".
- 7) To allow for a 5 ft. south rear setback in lieu of 15 ft. for future buildings on proposed lot 3. (The BZA approved a 10 ft. south rear setback in lieu of 15 ft. for future buildings on proposed lot 3.)

**Variances** in the I-4 zoning district as follows:

- 8) To allow for existing Bldg. "C" to remain with a 7.48 ft. south side setback in lieu of 25 ft.
- 9) To allow for existing Bldg. "C" to remain with a 9.85 ft. west rear setback in lieu of 10 ft.
- 10) To allow for existing Bldg. "C" to remain with an 11.88 ft. east side setback in lieu of 25 ft.
- 11) To allow for existing Bldg. "B" to remain with a 24 ft. north side setback in lieu of 25 ft.

**Variance** in the C-1 zoning district as follows:

- 12) To allow for a 5 ft. south rear setback in lieu of 20 ft. for future buildings on proposed lot 2. (The BZA approved a 10 ft. south rear setback in lieu of 20 ft. for future buildings on proposed lot 2.)

**ADDRESS:** 3500 Aloma Ave., Winter Park, FL 32792

**LOCATION:** South side of Aloma Ave., west side of N. Forsyth Rd.

**TRACT SIZE:** 8.48 acres  
**DISTRICT#:** 5  
**LEGAL:** FROM SW COR OF NE1/4 OF SW1/4 OF SEC 03-22-30 RUN E 55.04 FT N 1283.29 FT N 76 DEG E 1190 FT FOR POB TH CONT N 76 DEG E 330 FT S 13 DEG E 150 FT N 76 DEG E 250 FT N 13 DEG W 150 FT N 76 DEG E 266.42 FT S 13 DEG E 85.03 FT S 312.46 FT E 407.71 FT S 55.67 F  
**PARCEL ID#:** 03-22-30-0000-00-030  
**NO. OF NOTICES:** 190  
**Commentaries:** None

**Staff Recommendation:** Staff gave a presentation on the case covering the location of the property, site plan, development proposal, and photographs of the site. Staff recommended denial of Variance requests #1, #3, #6, #7, and #12, and approval of Variance requests #2, #4, #5, #8, #9, #10, and #11, subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

**Speaker(s):** Kim Fischer (Applicant)

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

**BZA Discussion:** The BZA questioned the 5 foot rear setback request for the proposed new lots, when 10 feet was previously proposed. The BZA discussed whether the 5 foot setback would set a precedent to allow for other variances on vacant lots without any documentation or plans being submitted to back such requests for new lots. The BZA felt that the lot was unique, wanted to be consistent with existing building setbacks, and make a reasonable compromise for development. The BZA determined that a 10 foot rear setback request was more reasonable than 5 feet. Finally, the BZA approved the variances as amended subject to the conditions as referenced in the staff report.

**BZA Action:** A motion was made by Wes A. Hodge, seconded by Gregory A. Jackson and carried to recommend **APPROVAL** of Variance requests #1 through #6 and #8 through #11, and modified approval of Variance requests #7 and #12, to allow for a 10 ft. rear yard setback in lieu of the 5 ft. that was requested, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with the site plan dated March 10, 2020, 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 lot split shall be finalized within two (2) years of final action on this application by Orange County, or variances # 1, #3, #6, #7, and #12, will be null and void.

**AYE (voice vote):** Wes A. Hodge; Gregory A. Jackson; and Charles J. Hawkins, II

**NAY (voice vote):** Carolyn Karraker and Juan Velez

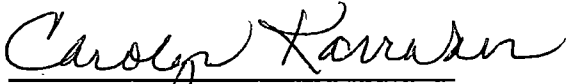
**Absent:** Deborah Moskowitz and Roberta Walton



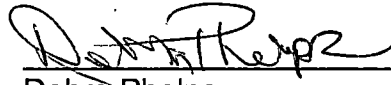
**ADJOURN:**

There being no further business, the meeting was adjourned at 1:24 p.m.

**ATTEST:**



Carolyn Karraker  
Chairperson



Debra Phelps  
Recording Secretary