

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF JUNE 4, 2020**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **June 4, 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
John Drago - District #2
Juan Velez - District #3
Deborah Moskowitz (Vice Chair) - District #4
Wes A. Hodge - District #5
Charles J. Hawkins, II - District #6
Roberta Walton - At Large

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
Roberta Alfonso, Assistant County Attorney

The Chair called the meeting to order at 9:00 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 May 20, 2020, Board of Zoning Adjustment meeting.

A motion was made by: Wes A. Hodge

seconded by: Juan Velez

and unanimously carried to **APPROVE** the minutes of the May 20, 2020 hearing.

PUBLIC COMMENT: The Chair opened the floor to public comment. The Chair thanked Commissioner Jackson for his outstanding service on this Board and how very much he will be missed. The Chair welcomed Commissioner Drago as a new Board member for District #2. There being no further public comments, the hearing continued with the regularly scheduled agenda.

WHEATLEY ADULT LEARNING CENTER (STEVEN THORP) - SE-19-12-139

REQUEST: **Special Exception and Variances** in the R-3 zoning district as follows:
1) Special Exception to allow a 4,800 sq. ft. 2-story Orange County Public School (OCPS) community center/adult learning center.

- 2) Variance to allow 5 parking spaces in lieu of 16.
- 3) Variance to allow a 10 ft. side street setback in lieu of 15 ft.
- 4) Variance to allow a 15 ft. front setback in lieu of 25 ft.

ADDRESS: 1410 S. Central Ave., Apopka, FL 32703
LOCATION: Northwest corner of S. Central Ave. and W. 18th St.
TRACT SIZE: 81 ft. x 116 ft./0.22 acres
DISTRICT#: 2
LEGAL: OAK LAWN FIRST ADDITION P/16 LOTS 8 9 & 10 BLK 3
PARCEL ID#: 16-21-28-6044-03-090
NO. OF NOTICES: 221

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 set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Steven Thorp (Applicant's representative)
 Jay Klima (Applicant's representative)

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

No one was present to speak in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA inquired about ownership and maintenance of the lift station and discussed the Monday through Friday restriction use, indicating that weekend use should be allowed to serve the community. Finally, the BZA concurred with the staff recommendations as amended.

BZA Action: A motion was made by John Drago, seconded by Wes A. Hodge 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 as amended:

1. Development shall be in accordance with the site plan dated April 30, 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. There shall be no outdoor activities or events on the site.

5. Hours of operation shall be limited to 8 am to 10 pm.

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

7. Fences shall be reduced to 4 ft. high within the front and side street setbacks.

AYE (voice vote): All members present

MONTESSORI WORLD SCHOOL (STEVEN ALLEN) - SE-19-11-133

REQUEST: Amendment to an existing **Special Exception** in the R-CE zoning district to allow for redevelopment of a portion of a private school to consolidate four buildings totaling 6,447 sq. ft. and replace with a 6,444 sq. ft. building.

ADDRESS: 11601 Ruby Lake Rd., Orlando, FL 32836

LOCATION: East side of Ruby Lake Rd., north of 7th St., west of Commercial St., and east of S. Apopka Vineland Rd.

TRACT SIZE: 1.94 acres

DISTRICT#: 1

LEGAL: THERON H KEENS F/28 LOTS 1 THROUGH 4 & LOTS 21 THROUGH 24 & VAC ALLEY BETWEEN SAID LOTS BLK 31 & IN ORANGE CENTER D/143 LOTS 6 7 & 8 & LOTS 17 18 & 19 & VAC ALLEY BETWEEN SAID LOTS & LOTS 9 THROUGH 12 & E1/2 VAC ALLEY ON W BLK 31 & 29 FT WIDE STRIP OF LAN

PARCEL ID#: 15-24-28-4092-31-010

NO. OF NOTICES: 130

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 of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Steven Allen (Applicant's representative)

No one was present to speak in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA indicated that this request would be a great addition. As such, the BZA concurred with the staff recommendations.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz 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 April 30, 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 member present

LUIS MORALE - VA-20-02-163

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

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. 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): Luis Morale (Applicant)

Gloria Velez (on behalf of the Applicant)

No one was present to speak in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA recognized that there were similar variance approvals in the area. The BZA questioned the applicant regarding removal of the rear part of the structure and the reason why the entire structure could not be removed which was built in 2019. Finally, the BZA recommended approval of the request subject to the conditions as referenced in the staff report.

BZA Action: A motion was made by Charles J. Hawkins, II, seconded by Juan Velez and 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 site plan dated February 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 applicant shall obtain permits for the structure within 180 days of final action on this application by Orange County, or this approval is null and void.
5. The shed in the rear yard that encroaches into the easement shall be removed prior to issuance of permits for the accessory dwelling unit.
6. The ADU shall be painted to match the color of the primary dwelling unit.

AYE (voice vote): Charles J. Hawkins, II, Roberta Walton, John Drago, and Juan Velez

NAY (voice vote): Carolyn Karraker, Deborah Moskowitz, and Wes A. Hodge

CHARLES SGAMMATO - VA-20-06-037

REQUEST: Variance in the R-1AA zoning district to allow a one story addition 24 ft. from the rear property line in lieu of 35 ft.
ADDRESS: 7919 Thurmond Ct., Orlando, FL 32817
LOCATION: East side of Thurmond Ct., east of Hall Rd., south of Aloma Ave.
TRACT SIZE: 0.273 acres
DISTRICT#: 5
LEGAL: ALOMA ESTATES 12/28 LOT 87
PARCEL ID#: 01-22-30-0118-00-870
NO. OF NOTICES: 107

Commentaries: Six (6) 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. Additionally, staff recommended approval of the request subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Charles Sgmmato (Applicant)

No one was present to speak in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA discussed the numerous neighbors in favor of the request, many similar prior variance approvals in the area, and the unique shape of the lot. Further, the BZA determined that approval of this variance would not have an adverse effect to the neighborhood. Thus, the BZA concurred with the staff recommendations.

BZA Action: A motion was made by Wes A. Hodge, seconded by Roberta Walton 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 site plan dated April 15, 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 exterior of the addition shall match the exterior of the existing house, including the roof materials and color.

AYE (voice vote): All members present

INNOVATIVE HOME CONSTRUCTION LLC (MICHAEL NUNEZ) - VA-20-06-034

REQUEST: **Variances** in the R-3 zoning district as follows:
1) To allow an existing residence to remain 20 ft. from the front property line in lieu of 25 ft.
2) To allow a 6 ft. high fence within the front setback in lieu of 4 ft. on a lot with double frontage.

ADDRESS: 2414 Newberry St., Orlando, FL 32806

LOCATION: West side of Newberry St., and east side of Homeland St., north of E. Michigan St.

TRACT SIZE: 55 ft. x 150 ft./0.189 acres

DISTRICT#: 3

LEGAL: CLOVER HEIGHTS REPLAT P/81 LOT 6 BLK H

PARCEL ID#: 06-23-30-1424-08-060

NO. OF NOTICES: 155

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

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, lot frontages in the area, and photographs of the site. 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): Applicant was not present to speak at this public hearing.

No one was present to speak in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA indicated that the case was straightforward and agreed with the staff recommendations.

BZA Action: A motion was made by Juan Velez, seconded by John Drago 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 April 14, 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 applicant shall obtain permits for the fence and shed 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

JAMES THOMAS - VA-20-04-014

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. (APPROVED w/CONDITIONS)

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

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

Commentaries: Sixty-two (62) 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 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): Nelson Toranzo (Applicant's representative)

James Thomas (Applicant)

No one was present to speak in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA confirmed the clear view triangle and fence setback requirements, and asked the applicant's contractor why he did not obtain a permit. The contractor stated that he thought he could rebuild a fence using the previous permit that was on file. He also stated that a height reduction would require a replacement of the fence. The BZA determined that the 6-foot fence height was acceptable but there was a concern about preserving the clear view triangle. Based on the foregoing, the BZA recommended to approve Variance request #1; and, to deny Variance request #2, subject to the conditions found in the staff report as amended.

BZA Action: A motion was made by Deborah Moskowitz, 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 as amended; 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 in accordance with the site plan dated January 24, 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 applicant shall obtain permits for the fence and shed within 180 days of final action on this application by Orange County, or this approval is null and void.

5. Approval is subject to compliance with the 15 foot clear view triangle area for the driveway.

AYE (voice vote): All members present

RECESSED AT 11:43 A.M. AND RECONVENED AT 11:55 A.M.

MADISON LANDING (STACY BANACH) - VA-20-07-039

REQUEST: An amendment to the following previously granted **variances** in the R-3 zoning district to allow for updated site plan and elevations:
1) To allow two multifamily buildings with a maximum height of 86 ft. in lieu of 35 ft.
2) To allow 177 parking spaces in lieu of 343.

ADDRESS: 5800 S. Rio Grande Ave., Orlando, FL 32809

LOCATION: West side of S. Rio Grande Ave., approximately 400 ft. north of W. Oak Ridge Rd.

TRACT SIZE: 540 ft. x 434 ft./5.39 acres

DISTRICT#: 6

LEGAL: PLAN OF BLK 1 PROSPER COLONY D/109 PORTION OF LOTS 39, 40, 57, AND 58 DESC AS COMMENCE AT THE NE CORNER OF LOT 57 TH S89-17-47W 10 FT TH S0-13-4E 218.31 FT TO POB TH S89-17-47W 435 FT TH N0-13-4W 540.63 FT TH N89-17-47E 435 FT TH S0-13-4E 540.63 FT TO POB

PARCEL ID#: 22-23-29-7268-40-008

NO. OF NOTICES: 278

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

Staff Recommendation: Staff explained that this project was reviewed by the BZA on March 5, 2020, where variances were approved for increasing the height and reducing the required parking. Thereafter, the applicant submitted the site plan and architecture for building permits which differed from the original plan reviewed by the BZA in March. It was determined that the changes were significant enough to warrant a return to the BZA. Due to the parking variance, the applicant was able to eliminate the structured parking on the first floor of each building, allowing 100% surface parking. Access was moved to the north and south sides of the site to eliminate the central access. Finally, 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): Stacy Banach (Applicant's representative)

Scott Baker (Applicant's representative)

No one was present to speak in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA concluded that the overall changes of the revised plans and elevations improved the project; and therefore, concurred with the staff recommendations.

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:

1. Development in accordance with the site plan and elevations dated May 7, 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

A motion was made by Deborah Moskowitz, seconded by Wes A. Hodge and unanimously carried to change the sequential order for Public Hearing #VA-20-05-025; Rudy Callahan, to be moved and heard as the first scheduled 10:00 a.m. public hearing on the Agenda.

RUDY CALLAHAN - VA-20-05-025

REQUEST: **Variations** in the A-2 zoning district as follows:
1) To allow a cumulative total of 5,500 sq. ft. of accessory floor area in lieu of 3,000 sq. ft. (The BZA approved 4,250 sq. ft.).
2) To allow an existing accessory structure greater than 15 ft. in height to remain 5 ft. from the side (south) property line in lieu of 10 ft.
Note: This is the result of Code Enforcement Action.

ADDRESS: 1501 Oberry Hoover Rd., Orlando, FL 32825

LOCATION: East side of Oberry Hoover Rd., approximately 400 ft. south of Iroquois Trail

TRACT SIZE: 306 ft. x 200 ft./1.4 acres

DISTRICT#: 4

LEGAL: THE S 200 FT OF N 300 FT OF TRACT DESC AS W1/4 OF SW1/4 OF NW1/4 (LESS N 330 FT THEREOF) OF SEC 22-22-31

PARCEL ID#: 22-22-31-0000-00-044

NO. OF NOTICES: 69

Commentaries: Three (3) in favor and none in opposition

Staff Recommendation: Staff explained the history of the property to include when the current owner acquired the property in 2007, which reflected that the building was already located in the southeast corner of the property. Staff indicated that the majority of the structures and code violation were the result of a prior tenant. Further, 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): Rudy Callahan (Applicant)
Vanessa Varga (Code Enforcement Specialist)

No one was present to speak in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA discussed how much less of a variance would be needed if the pole barn structure in front of the building in the southeast corner of the property was removed. Staff indicated that there would be between a 40% to 50% reduction of the request. Based on the foregoing, the BZA recommended approval of an amended Variance request #1, to allow a cumulative total of 4,250 sq. ft. of accessory structure, and approval of Variance request #2, subject to the conditions in the staff report with an added sixth condition capping the square footage of accessory structures at 4,250 sq. ft.

BZA Action: A motion was made by Deborah Moskowitz, seconded by John Drago and unanimously carried to recommend **APPROVAL** of the Variance requests, modifying #1 to reflect 4,250 sq. ft. rather than 5,500 sq. ft., 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 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. Permits to remove the "kitchen" in Accessory Building #1 shall be obtained with the permit for the structure itself, or the applicant shall obtain the required permits to allow this structure to be used as an Accessory Dwelling Unit. "Kitchen" shall include any 220 v outlets, overhead cabinets, full size refrigerator, stove, and full size sink.

5. The applicant shall obtain a permit for all unpermitted structures within 180 days of final action on this application by Orange County, or this approval becomes null and void.

6. The variance shall be limited to a cumulative total of 4,250 sq. ft. of accessory structure floor area.

AYE (voice vote): All members present

RENEL EXCEUS - VA-20-02-155

REQUEST: Variance in the R-2 zoning district to allow a 420 sq. ft. addition onto the rear of the house 17 ft. from the rear property line in lieu of 25 ft.
ADDRESS: 5229 Regal Oak Cir., Orlando, FL 32810
LOCATION: South side of Regal Oak Cir., east of N. Pine Hills Rd., and north of Clarcona Ocoee Rd.
TRACT SIZE: 40 ft. x 103 ft./0.094 acres
DISTRICT#: 2
LEGAL: CLARCONA ESTATES 33/89 LOT 91
PARCEL ID#: 31-21-29-1361-00-910
NO. OF NOTICES: 213

NO ACTION NEEDED ON THIS PUBLIC HEARING AS THE CASE WAS WITHDRAWN ADMINISTRATIVELY PRIOR TO THE BZA MEETING.

THARPE BELOTE - VA-20-03-006

REQUEST: Variance 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.
ADDRESS: 7218 Mott Ave., Orlando, FL 32810
LOCATION: West side of Mott Ave., approximately 250 ft. north of the intersection of Mott Ave. and Edgewater Dr.
TRACT SIZE: 75 ft. x 199 ft. avg./0.328 acres
DISTRICT#: 2
LEGAL: 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
PARCEL ID#: 32-21-29-0000-00-017

NO. OF NOTICES: 89

Commentaries: None

Staff Recommendation: Staff explained the history of the property to include that the applicant was unaware that a tenant, who expressed an interest in purchasing the property, had removed the original covered porch and replaced it with an existing open front porch. In addition, the tenant had installed a fence, pavers, and storage container in the rear yard along with equipment associated with a business. 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): Tharpe Belote (Applicant)
Charles Hudnall (Code Enforcement Inspector)

No one was present to speak in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA recognized that other structures were in the front setbacks along Mott Avenue and the porch actually enhanced the home which was a nice improvement to the neighborhood. Therefore, the BZA recommended approval subject to the conditions in the staff report.

BZA Action: A motion was made by John Drago, seconded by Roberta Walton 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 as amended:

1. Development in accordance with the site plan dated April 9, 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 applicant shall obtain a permit for the covered porch within 180 days of final action on this application by Orange County, or this approval becomes null and void.

AYE (voice vote): All members present

ASHLEY HEAFY - VA-20-06-026

REQUEST: **Variances** in the R-1AA zoning district as follows:
1) To allow an existing residence to be located 32 ft. from the rear property line in lieu of 35 ft.
2) To allow a generator to be located 5.8 ft. from the north side property line (adjacent to the house) in lieu of 10 ft.

ADDRESS: 1815 Palm Ln., Orlando, FL 32803

LOCATION: East side of Palm Ln., approximately 275 ft. north of Corine Dr.

TRACT SIZE: 90 ft. x 130 ft./0.28 acres

DISTRICT#: 5

LEGAL: LAKE SUE PARK DB 882/538 S 70 FT LOT 33 & N 20 FT LOT 34 & E1/2 OF ST ON W

PARCEL ID#: 18-22-30-4748-00-331

NO. OF NOTICES: 94

Commentaries: Nine (9) in favor and none in opposition

Staff Recommendation: Staff explained that the addition to the rear was properly permitted, however, because it was now living space which encroaches into the rear setback, Variance request #1, was added. Staff further explained that the applicants had purchased a permanent generator and discovered during the permitting process that if they wanted to locate it alongside the home, a 10 ft. setback was required. Lastly, staff recommended approval of Variance request #1; and, denial of Variance request #2. However, should the BZA find that the applicant had satisfied the criteria for the granting of both variances; staff recommends that the approval be subject to the conditions in the staff report substituting Alternative Condition #4 for Condition #4.

The following person(s) addressed the Board:

Speaker(s): Ashely Heafy (Applicant)

No one was present to speak in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA asked the applicant when the home which was built in 1952, before zoning, was purchased. The applicant responded that they purchased the home in 2012. The BZA concluded that there were special conditions and circumstances supporting the request based on the home's age compared with the year the applicant purchased the home. Additionally, since the property was purchased almost 50 years after the home was built, the applicant was not responsible for the location of the power box. Moreover, past testimony in other similar cases revealed that the further the generator was from the connection to the home, the less efficient it operated and required a greater expense to retain the efficiency, which would be considered a deprivation of rights. Finally, the BZA recommended approval of both variances with the three (3) standard conditions along with the Alternate Condition #4.

BZA Action: A motion was made by Wes A. Hodge, 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 as amended:

1. Development in accordance with the site plan dated April 23, 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 approval of a permit for the generator, the applicant shall submit permits for the wood deck. Failure to complete the permitting process shall result in code enforcement action.

AYE (voice vote): All members present

DEAN FOGG - VA-20-06-029

REQUEST: **Variance** in the R-1A zoning district to allow an existing accessory structure to remain 4.4 ft. from the east side property line in lieu of 5 ft.

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

ADDRESS: 20233 Macon Pkwy., Orlando, FL 32833
LOCATION: North side of Macon Pkwy., east of Bancroft Blvd., west of S.R. 520
TRACT SIZE: 80 ft. x 125 ft./0.229 acres
DISTRICT#: 5
LEGAL: ROCKET CITY UNIT 1 Z/29 A/K/A CAPE ORLANDO ESTATES UNIT 1
1855/292 LOT 9 BLK 16
PARCEL ID#: 01-23-32-7597-16-090
NO. OF NOTICES: 56

Commentaries: Four (4) in favor and three (3) in opposition

Staff Recommendation: Staff explained the history of the property to include that the applicant constructed the existing home in 2017. In 2018, the applicant hired a contractor to build a shed who stated that no permits would be needed. 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): Dean Fogg (Applicant)

No one was present to speak in favor or in opposition to the request at the public hearing.

BZA Discussion: The BZA asked the applicant if they had the name of the contractor, wherein the applicant responded that they did but the telephone number had been disconnected. The matter was discussed with their attorney and was advised not to pursue the matter as their chances of recovering any losses were doubtful. The BZA concluded that the reliance on a contractor who misinformed them was both a special condition and circumstance, which also indicated that the need for a variance was not self-imposed. Further, the BZA stated that others in the same situation have been able to locate a shed in a similar location, so the variance was not conferring any special privilege, and this was the minimum variance needed. For these reasons, the BZA recommended approval subject to the conditions in the staff report, and added a 5th condition that if the shed is ever destroyed or removed, any replacement must meet the setbacks in effect at that time.

BZA Action: A motion was made by Wes A. Hodge, 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 as amended:

1. Development in accordance with the site plan dated April 8, 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 applicant shall obtain a permit for the shed within 180 days of final action on this application by Orange County or this approval becomes null and void.
5. If the shed is ever destroyed or removed, any replacement shed shall meet the setbacks in place at that time.

AYE (voice vote): All members present

ASTRO SKATE CENTER (CHRISTOPHER MAGANIAS) - ZM-20-06-035

REQUEST: Request to appeal the **Zoning Manager's Determination** that the proposed use is an outdoor amateur level competitive sports venue.

ADDRESS: 866 S. Goldenrod Rd., Orlando, FL 32822

LOCATION: West side of S. Goldenrod Rd., south of Lake Underhill Rd., north of Hager Way

TRACT SIZE: 5.27 Acres

DISTRICT#: 3

LEGAL: MTP ENTERPRISES INC 62/18 PART OF LOT 1 DESC AS BEG NE COR SAID LOT 1 TH RUN S89-57-08W 416.14 FT S30-02-11W 21.76 FT S00-06-53W 209.70 FT N89-57-08E 427 FT N00-06-53E 228.55 FT TO POB

PARCEL ID#: 35-22-30-5820-01-001; 35-22-30-5820-01-002; 35-22-30-5820-01-003; and 35-22-30-5820-00-001.

NO. OF NOTICES: 214

Commentaries: Two (2) in favor and five (5) in opposition

Staff Recommendation: Staff presented the history of the applicant's request which included a Zoning Verification Letter (ZVL), pre-review meeting, RAI, Zoning Manager's Determination (ZMD) # 1, Rebuttal, amended ZMD, and a written appeal. Further, staff recommended to uphold the Zoning Manager's Determination.

The following person(s) addressed the Board:

Speaker(s): Melissa Escoffey (Applicant's representative)
Carol Richbart (Opposed)
Karina Wright (Opposed)
Joseph Hanna (in Favor)
Jorge Botero (in Favor)

BZA Discussion: The BZA asked questions regarding the number of expected participants at the special events. Staff indicated that there would be upwards of 600 participants at the national and international events. The Chairperson asked if this would be for overall or each event. Staff confirmed for each event based on RAI. The applicant clarified that the 600 participants would be for national/international events but the local events would contain roughly 300 participants. Further, the BZA asked whether the homes existed before or after the skating rink; staff confirmed that the homes existed before the rink. Based on the foregoing, the BZA recommended to uphold the ZMD that the proposed outdoor park/multi-purpose sports track/velodrome falls under SIC 7941.

BZA Action: A motion was made by Deborah Moskowitz, seconded by John Drago and unanimously carried to recommend to **UPHOLD** the Zoning Manager's Determination, that the proposed use is an outdoor amateur level competitive sports venue.

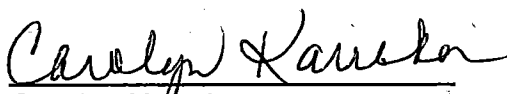
AYE (voice vote): All members present

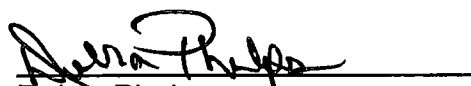
Absent: Wes A. Hodge (left prior to this public hearing)

ADJOURN:

There being no further business, the meeting was adjourned at 2:44 p.m.

ATTEST:


Carolyn Karraker
Chair


Debra Phelps
Recording Secretary