

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF AUGUST 6, 2020**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **August 6, 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 Zoning Manager
Ted Kozak, AICP, Chief Planner, Zoning Division
Nick Balevich, Planner II, Zoning Division
Laurie Green, Development Services Coordinator
Debra Phelps, Recording Secretary, FOS Division
Shamaka Daniels, Development Specialist, FOS Division
Roberta Alfonso, Assistant County Attorney

The Chair called the meeting to order at 9:02 a.m.

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

APPROVAL OF MINUTES:

The Chair requested a motion approving the minutes of the July 2, 2020, Board of Zoning Adjustment meeting.

A motion was made by: John Drago

seconded by: Wes A. Hodge

and unanimously carried with a 6-0 vote (Juan Velez was unavailable) to **APPROVE** the minutes of the July 2, 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.

PETER VALENTE - VA-20-08-077

REQUEST: **Variance** in the R-1A zoning district to allow an existing 8 ft. high fence to remain within the 25 ft. front yard setback in lieu of 4 ft.
This is the result of Code Enforcement action.

ADDRESS: 7037 Carlene Dr., Orlando, FL 32835

LOCATION: North side of Carlene Dr., west of S. Hiawasse Rd.

TRACT SIZE: 0.31 acres

DISTRICT#: 1

LEGAL: LAKE HIAWASSA TERRACE REPLAT S/101 LOT 4 BLK 1 (SEE 35-22-
BOARD OF ZONING ADJUSTMENT
MEETING OF AUGUST 6, 2020

PARCEL ID#: 35-22-28-4464-01-040

NO. OF NOTICES: 124

Commentaries: Eighteen (18) in favor and one (1) in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. Further, staff recommended denial of the request. However, if the BZA approved the variance, then staff recommended that the approval be subject to the conditions in the staff report.

The following person(s) addressed the Board:

Speaker(s): Peter Valente (Applicant)

Gene Schreckengost (in Favor)

Anthony Valente (son on behalf of the applicant)

Charles Faust (Opposed)

Megan Marshall (Code Enforcement Officer)

BZA Discussion: The BZA confirmed that the fence was 20 feet from the edge of the road, the work was done without a permit, and the neighbors were in support. The BZA acknowledged that there were many different sizes and types of fences in the area but the applicant's fence was the most attractive and looked good from either side. Therefore, the BZA recommended approval of the variance by a vote of 6 in favor and 1 opposed, subject to the four (4) conditions found in the staff report.

BZA Action: A motion was made by Carolyn Karraker, seconded by John Drago 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 June 10, 2020, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will 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 fence within 180 days of final action on this application by Orange County, or this approval is null and void.

AYE (voice vote): Carolyn Karraker, John Drago, Charles J. Hawkins, II, Wes A. Hodge, Juan Velez, and Roberta Walton

NAY (voice vote): Deborah Moskowitz

SUZE TESSIER - VA-20-08-071

REQUEST: **Variance** in the R-1A zoning district to allow a separation distance of 912 ft. between a residence that meets the definition of a community residential home and another such home, in lieu of 1,000 ft.

ADDRESS: 2020 Chicotah Way, Orlando, FL 32818

LOCATION: West side of Chicotah Way, south of Hennepin Blvd., east of N. Hiawasse Rd.
TRACT SIZE: 80 ft. x 110 ft./ 0.20 acres
DISTRICT#: 6
LEGAL: HIAWASSA HIGHLANDS 2ND ADDITION Y/49 LOT 50
PARCEL ID#: 13-22-28-3529-00-500
NO. OF NOTICES: 110

Commentaries: None in favor and forty (40) in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the properties. Lastly, staff recommended denial of the request. However, if the BZA approved the variance, then staff recommended the approval be subject to the conditions in the staff report.

The following person(s) addressed the Board:

Speaker(s): Fritz Dort (Applicant's representative)

Walter Meadow (Opposed)

Shereen Simon (Opposed)

Andrea Osinski (Opposed)

Siarra Diaz (Opposed)

BZA Discussion: The BZA confirmed that the use was allowed in single or multi-family zoning subject to the distance measurement. In addition, the BZA recognized the overwhelming community in objection; and further, stated the public had an expectation that regulations were enforced and the distance separation had not been met. Based on the foregoing, the BZA recommended denial of the variance request.

BZA Action: A motion was made by Charles J. Hawkins, II, seconded by Wes A. Hodge and unanimously carried to recommend **DENIAL** of the Variance request 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).

AYE (voice vote): All members present

NORTHERN TOOL + EQUIPMENT (KORY SCHMIDT) - VA-20-08-074

REQUEST: **Variance** to allow a total of 225 square feet sign copy area in lieu of 211.2 sq. ft.
ADDRESS: 795 W. Sand Lake Rd., Orlando, FL 32809
LOCATION: North side of W. Sand Lake Rd., approximately 500 ft. west of Winegard Rd.
TRACT SIZE: 422 ft. x 282 ft. (avg.)/ 3.08 acres
DISTRICT#: 3
LEGAL: COMM SE COR OF S1/2 OF SE1/4 OF SW1/4 OF SEC 26-23-29 TH N00-30-39E 129.13 FT N89-29-21W 80 FT S89-52-54W 429.30 FT FOR POB TH CONT S89-52-54W 17.57 FT N87-49-40W 438.10 FT N00-07-06W 252.51 FT N 33.49 FT S89-58-59E 455.87 FT S 302.43 FT TO POB
PARCEL ID#: 26-23-29-0000-00-109
NO. OF NOTICES: 446
Commentaries: None

Staff Recommendation: Staff described the property, surrounding area, retailer's commercial operations, existing signage, and the available wall sign area based on the east building frontage. Further, staff recommended denial of the request. However, if the BZA approved the variance, then staff recommended that the approval be subject to the conditions in the staff report.

The following person(s) addressed the Board:

Speaker(s): Greg Gimbert (Applicant's representative)

BZA Discussion: A brief discussion ensued between the BZA and applicant about the applicant's contractual need and clarification in regards to the existing ground signage and its

inclusion with staff's review of the proposed variance. The BZA felt that due to the branding of the retailer, no special privilege was conferred due to the contract obligations; and, indicated that the request consisted of a relatively small sign and was considered a minimum possible variance, and further, that there were special conditions and circumstances associated with this application. Furthermore, the BZA stated that there was a need for the variance, which was not self-created in order to promote the retailer. Additionally, the BZA supported a condition #5, that any future replacement of the existing wall signs meet the Orange County Sign Code. As a result, the BZA recommended approval of the request subject to the four (4) conditions in the staff report and to include an additional condition #5, as amended.

BZA Action: A motion was made by Juan Velez, 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 shall be in accordance with the site plan and sign specifications dated June 9, 2020, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will 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. If there is a need to modify any existing vegetation on the site to accommodate the new sign, the applicant shall provide a revised landscape plan which must be approved by a County arborist prior to issuance of a sign permit.
5. If there is a need to replace existing wall signage, any new wall signage shall meet the Orange County Sign Code.

AYE (voice vote): All members present

JOSEPH NEAL - VA-20-08-076

REQUEST:	Variances in the R-1A zoning district as follows: 1) To allow a covered porch to be 16 ft. from the rear (east) setback in lieu of 30 ft. 2) To allow a covered porch 46 ft. from the centerline of a minor urban collector roadway in lieu of 55 ft.
ADDRESS:	2551 Meadowview Cir., Windermere, FL 34786
LOCATION:	East of Meadowview Cir., west of Hempel Ave.
TRACT SIZE:	0.44 acres
DISTRICT#:	1
LEGAL:	WINDERMERE DOWNS 4/12 LOT 58 & FROM SE COR OF LOT 57 RUN N 42 DEG E 178 FT W 2.08 FT S 42 DEG W 176.59 FT SELY 1.5 FT TO POB
PARCEL ID#:	04-23-28-9332-00-580
NO. OF NOTICES:	87

Commentaries: Five (5) in favor and none in opposition

Staff Recommendation: Staff explained that the property to include the year the existing screen enclosure was installed and the rationale for the location of the 420 sq. ft. covered porch would be in the same location as the existing footprint. Lastly, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Joel Neal (Applicant)

BZA Discussion: The BZA briefly discussed the applicant's plans and asked questions clarifying the difference between the setback requirements between a screen enclosure and the proposal. Finally, the BZA concurred with the staff recommendations.

BZA Action: A motion was made by Carolyn Karraker, seconded by John Drago 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 June 10, 2020, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will 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

FISHBACK DOMINICK (A. KURT ARDAMAN) - ZM-20-08-072

REQUEST:	Appeal of a Zoning Manager's Decision that the proposed improvements are considered signage and not art.
ADDRESS:	12399 S. Apopka Vineland Rd., Orlando, FL 32836
LOCATION:	East side of S. Apopka Vineland Rd., approximately 325 ft. south of Palm Parkway, north of Interstate 4
TRACT SIZE:	1.15 acres
DISTRICT#:	1
LEGAL:	BEG 704.07 FT E & 153.46 FT N 10 DEG W OF W1/4 COR RUN N 10 DEG W 145.09 FT E 233.58 FT N 21 FT E 116 FT S 163.67 FT W 323.58 FT TO POB IN SEC 22-24-28 SEE 3688/408 & 4127 & 3809/1893
PARCEL ID#:	22-24-28-0000-00-023
NO. OF NOTICES:	44

This case was **CONTINUED** at the request of the applicant to the December 3, 2020 BZA Meeting.

BZA Action: A motion was made by Carolyn Karraker, seconded by John Drago and unanimously carried to recommend a **CONTINUANCE** to the December 3, 2020 BZA Meeting.

AYE (voice vote): All members present


ADJOURN:

There being no further business, the meeting was adjourned at 10:46 a.m.

ATTEST:



Carolyn Karraker
Chair



Debra Phelps
Recording Secretary

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING MINUTES**

**Addendum I
WebEx Meeting Chat**

August 6, 2020	from Roberta Walton to host (privately): 9:11 AM	Unfortunately, I need to address something in my office. I will log back in momentarily.
August 6, 2020	from Brandy Driggers to Juan Velez (privately): 9:11 AM	We can't hear you. You may have your phone or computer muted. I unmuted you on my side
August 6, 2020	from Brandy Driggers to all attendees: 9:16 AM	Good Morning, if you would like to speak at the hearing please send me a message with your name, address and the case
August 6, 2020	from Charles Faust to host (privately): 9:20 AM	Charles Faust 700 Beryl Place VA-20-08-077
August 6, 2020	from Brandy Driggers to Charles Faust (privately): 9:22 AM	Thank you
August 6, 2020	from Andrea Osinski to host (privately): 9:22 AM	Andrea Osinski 2003 Chicotah Way VA-20-08-071 would like to speak for public comment.
August 6, 2020	from Brandy Driggers to Andrea Osinski (privately): 9:24 AM	Which case
August 6, 2020	from Brandy Driggers to Andrea Osinski (privately): 9:27 AM	Thank you I see the number now.
August 6, 2020	from Andrea Osinski to host (privately): 9:27 AM	Ok. I am in opposition if you need to know that.
August 6, 2020	from Brandy Driggers to Andrea Osinski (privately): 9:28 AM	Thank you
August 6, 2020	from Andrea Osinski to host (privately): 9:32 AM	Since I called to be heard can I do it on the phone or do I need to do on the computer? I have my computer muted.
August 6, 2020	from Brandy Driggers to Andrea Osinski (privately): 9:38 AM	You can participate on the phone. I will unmute you when we ask for public comment.
August 6, 2020	from Andrea Osinski to host (privately): 9:38 AM	ok.
August 6, 2020	from Charles Faust to host (privately): 9:39 AM	The neighbor on the east opposes this
August 6, 2020	from Charles Faust to host (privately): 9:39 AM	she is in Miami
August 6, 2020	from Brandy Driggers to everyone: 9:41 AM	Unfortunately they have to be present to provide testimony. I will make a note and inform the case planner.

August 6, 2020	from Andrea Osinski to host (privately): 9:46 AM what?
August 6, 2020	from Brandy Driggers to Andrea Osinski (privately): 9:48 AM This was not directed toward you. Another individual stated that a neighbor was also opposed to that case but they were not present
August 6, 2020	from Andrea Osinski to host (privately): 9:48 AM oh
August 6, 2020	from Roberta Alfonso to host (privately): 9:49 AM Cool, thanks.
August 6, 2020	from Brandy Driggers to Siarra Diaz (privately): 9:56 AM Which case are you here for? Do you wish to speak at the hearing?
August 6, 2020	from Siarra Diaz to host (privately): 9:58 AM I am here for the current case but am having some technical issues. I may not be able to speak I keep getting kicked off of my Wifi
August 6, 2020	from Brandy Driggers to Siarra Diaz (privately): 9:59 AM Ok, I will unmute you in a moment
August 6, 2020	from Brandy Driggers to Siarra Diaz (privately): 9:59 AM Are you in favor or against?
August 6, 2020	from Brandy Driggers to Siarra Diaz (privately): 10:00 AM Please provide your address
August 6, 2020	from Siarra Diaz to host (privately): 10:04 AM I was on the phone too and heard that public hearing was closed but I saw you asked and I am strongly against it.
August 6, 2020,	from Brandy Driggers to Siarra Diaz (privately): 10:05 AM I will ask they to allow you to speak in a moment.
August 6, 2020	from Wes Hodge to host (privately): 10:37 AM I need to step away for a moment
August 6, 2020	from Wes Hodge to host (privately): 10:38 AM May I just turn off my camera?
August 6, 2020	from Brandy Driggers to everyone: 10:39 AM Yes
August 6, 2020	from Wes Hodge to host (privately): 10:39 AM Thank you