

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF MARCH 4, 2021**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **March 4, 2021** in the Orange County Commission Chambers on the first Floor of the Orange County Administration Building, 201 South Rosalind Avenue, Orlando, Florida 32801.

BOARD MEMBERS PRESENT: Thomas Moses - District #1
John Drago - District #2
Juan Velez - District #3
Deborah Moskowitz (Chair) - District #4
Wes A. Hodge (Vice Chair) - District #5
Charles J. Hawkins, II - District #6

BOARD MEMBERS ABSENT: Roberta Walton - At Large

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

The Chair called the meeting to order at 9:01 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 February 4, 2021, Board of Zoning Adjustment meeting.

A motion was made by: John Drago

seconded by: Juan Velez

and unanimously carried with a 6-0 vote (Roberta Walton was absent) to **APPROVE** the minutes of the February 4, 2021 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.

CHRISTOPHER D. FREEMAN - SE-21-04-005

REQUEST: Special Exception in the A-1 zoning district to allow 4,938 square feet of detached accessory structures in lieu of 3,000 sq. ft.
ADDRESS: 17074 Alps St., Winter Garden, FL 34787
LOCATION: South side of Alps St., west of Avalon Rd., north of New Independence Pkwy.

TRACT SIZE: 337 ft. x 647 ft. / +/- 5 acres
DISTRICT#: 1
LEGAL: COMM AT THE NE CORNER OF THE SE 1/4 OF THE NE 1/4 OF THE SE 1/4 SEC 18-23-27 TH S89-50-52W 320.01 FT TH TH S00-22-29W 30 FT TO THE POB TH S00-22-29W 647.01 FT TH S89-50-52W 337.72 FT TH N00-22-16E 647.03 FT TH N89-50-52E 335.39 FT TO THE POB

PARCEL ID#: 18-23-27-0000-00-056

NO. OF NOTICES: 28

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

Staff Recommendation: Staff described the proposal to include the location of the property, site plan, and photographs of the site. Lastly, staff recommended approval of the request subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Christopher Freeman (Applicant)

There was no one in attendance to speak in favor or in opposition to the request.

BZA Discussion: The BZA inquired about tree removal and concurred with the staff recommendation.

BZA Action: A motion was made by Thomas Moses, seconded by John Drago 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 and elevations dated February 15, 2021, 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. A permit shall be obtained within 3 years of final action on this application by Orange County, or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

AYE (voice vote): All members present

Absent: Roberta Walton

CAPC SFR HOME IMPACT FUND LLC (PATRICE SCOTT) - VA-21-04-007

REQUEST: **Variances** in the R-1A zoning district as follows:
1) To allow a lot reversion of a platted lot of record with 50 ft. of frontage in lieu of 75 ft.
2) To allow the construction of a single-family residence with 6,748 sq. ft. of lot area in lieu of 7,500 sq. ft.

ADDRESS: 1416 39th St., Orlando, FL 32839

LOCATION: South side of 39th St., east of S. Rio Grande Ave.
TRACT SIZE: 50 ft. x 135 ft./ +/- 0.15 acres (6,748 sq. ft.)
DISTRICT#: 6
LEGAL: ANGEILT ADDITION NO 2 J/124 LOT 7 BLK 108
PARCEL ID#: 03-23-29-0183-18-070
NO. OF NOTICES: 159

Commentaries: Four (4) in favor and none in opposition.

Staff Recommendation: Staff briefly discussed the proposal covering the location and history of the property, survey, 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): Patrice Scott (Applicant's representative)

Eric Tabor (Applicant's representative)

Than Liggett (General Contractor on behalf of applicant)

There was no one in attendance to speak in favor or in opposition to the request.

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

BZA Action: A motion was made by Charles J. Hawkins, II, 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 lot dimensions shown on the site plan, dated January 14, 2021, 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

Absent: Roberta Walton

VERONICA ARCHER THORNTON - VA-21-03-002

REQUEST: **Variances** in the R-1A zoning district as follows:
1) To allow a 269 sq. ft. addition with an east rear setback of 16 ft. in lieu of 30 ft.
2) To allow a 117 sq. ft. addition (covered porch) with an east rear setback of 25 ft. in lieu of 30 ft.

ADDRESS: 3105 Margaret Oaks Ln., Orlando, FL 32806

LOCATION: Southeast corner of Margaret Oaks Ln. and Lake Margaret Dr., east of S. Bumby Ave.

TRACT SIZE: 95 ft. x 115 ft./ +/- 0.25 acres (10,912 sq. ft.)

DISTRICT#: 3

LEGAL: MCCORMACK PLACE 8/87 LOT 1

PARCEL ID#: 07-23-30-5314-00-010

NO. OF NOTICES: 122

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

Staff Recommendation: Staff described the proposal to include the location of the property, site plan, and photographs of the site. Further, staff recommended denial; however, should the BZA grant the variance requests, staff recommended that the approval be subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Veronica Thornton (Applicant's representative)

There was no one in attendance to speak in favor or in opposition to the request.

BZA Discussion: The BZA verified the type of additions, existing and proposed rear setback to the neighbor's house, and inquired about prior variances in the area. The BZA recognized that the applicant was not encroaching any further than the existing house. Additionally, the BZA stated that the applicant was matching the existing rear setback that was granted and acknowledged that the property was constrained by the septic and drain field. Thus, the BZA recommended approval of the variance subject to the conditions as identified in the staff report.

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:

1. Development shall be in accordance with the site plan and elevations dated January 12, 2021, 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 exterior of the additions shall match the exterior of the existing house, including roof color.
5. Permits shall be obtained within 2 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

AYE (voice vote): All members present

Absent: Roberta Walton

NEW HOPE ROAD HOLDINGS (ANNA LONG) - SE-20-11-105

REQUEST: **Special Exceptions and Variance** in the A-2 zoning district as follows:

- 1) Special Exception to allow a landscaping and irrigation business
- 2) Special Exception to allow 4,173 sq. ft. of detached accessory structures in lieu of 3,000 sq. ft.
- 3) Variance to allow detached accessory structures (an existing pole barn and shed) in front of the primary structure

This is a result of Code Enforcement action.

ADDRESS: 6713 New Hope Rd., Orlando, FL 32824
LOCATION: North side of New Hope Rd., east of Boggy Creek Rd., south of SR 417
TRACT SIZE: 320 ft. x 620 ft. +/- 4.55 acres
DISTRICT#: 4
LEGAL: ORLANDO KISSIMMEE FARMS O/117 1/2 THE E1/2 OF LOT 13
PARCEL ID#: 34-24-30-6368-00-130
NO. OF NOTICES: 53

Commentaries: Seventeen (17) in favor and eighteen (18) in opposition.

Staff Recommendation: Staff described the proposal to include the location of the property, site plan, and photographs of the site. Finally, staff recommended denial of Special Exception request #1; and, approval of the Special Exception request #2 and Variance request #3, subject to the conditions in the staff report. However, should the BZA grant Special Exception request #1, staff recommended that the approval be subject to the conditions as identified in the staff report.

The following person(s) addressed the Board:

Speaker(s): Ann Long (Applicant's attorney)
Megan Marshall (Code Enforcement Officer)
Alice Karas (Opposed)
Reece Philpot (Opposed)
Arthur Clark (Opposed)
Frederica Rai (Opposed)
Giles Ashe (Opposed)
Alison Hawk (Phipps Reporting Stenographer)
Jesmy Hernandez (Opposed)
John Zach (Opposed)
Jeff Karas (Opposed)
Richard Baxter (Opposed)

The applicant stated that the business had been operating for seven (7) years with no neighbor complaints from 2014 to 2019, until another landscaping business applied for a Special Exception within the area. They contended that the use was compatible with the area, and noted that the owner would improve parking and pay for road impacts. The applicant also showed a time lapse video of traffic on the road adjacent to the property.

Eight neighbors spoke in opposition citing concerns about the use being incompatible with the area, noting the truck traffic as there was only two (2) roads in and out of the area; and, the business had dramatically expanded over the past several years.

The applicant rebutted that there was no processed or manufactured materials at the site; further, stating that this operation could not be blamed for all the traffic and trash; and, that the Special Exception would limit any future expansion.

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

There was no one in attendance to speak in favor of the request.

BZA Discussion: The BZA noted when the complaints were submitted, and discussed the provision of a landscaping buffer along the front of the property. Further, the BZA recommended approval of the variances subject to the six (6) conditions in the staff report; a new Condition #7, which states "To the extent that the site plan contradicts with the approved CAD and required setback buffers, the CAD and wetland buffer shall prevail unless a CAI is otherwise obtained."; and, a new Condition #8, which states "A minimum 6 ft. high opaque 15 ft. wide type B vegetative landscape buffer shall be installed along the entire length of the property adjacent to New Hope Rd."

BZA Action: A motion was made by Deborah Moskowitz, seconded by Juan Velez and unanimously carried to recommend **APPROVAL** of the Special Exception requests in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, to recommend **APPROVAL** of the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended:

- 1. Development shall be in accordance with the site plan and elevations dated February 1, 2021, 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. Days and hours of operation shall be limited to Monday through Friday, 7 a.m. to 7 p.m.
- 5. Permits shall be obtained within 2 years for buildings, as applicable, or the approval of Special Exception #2 and the variance shall be null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
- 6. Permits for the site work and landscaping shall be obtained within 1 year, or the approval be null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
- 7. To the extent that the site plan contradicts with the approved CAD and required setback buffers, the CAD and wetland buffer shall prevail unless a CAI is otherwise obtained.
- 8. A 6 ft. high opaque 15 ft. wide type B vegetative landscape buffer shall be installed along the entire length of the property adjacent to New Hope Rd.

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

YOHANNES MARSIE-HAZEN - VA-21-01-128

REQUEST:	Variance in the R-1 zoning district to allow the construction of a single-family residence 26 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
ADDRESS:	N. Dean Rd., Orlando, FL 32817
LOCATION:	West side of N. Dean Rd., east side Lake Georgia, south of McCulloch Rd.
TRACT SIZE:	+/- 2.47 acres (+/- 0.66 acres upland)
DISTRICT#:	5
LEGAL:	COMM AT THE NW CORN OF THE NW 1/4 OF SEC 5-22-31; TH RUN S02-36-47W, A DIST OF 1471.64 FT ALONG THE W LINE OF SAID NW 1/4 TO THE POB; TH RUN S88-38-34E, A DIST OF 452.10 FT TO A PT ON A CURVE CONCAVE WLY BEING ON A 30 FT OFF REC WLY OF THE CENTERLINE OF E
PARCEL ID#:	05-22-31-0000-00-047
NO. OF NOTICES:	122
<u>Commentaries:</u>	Ten (10) in favor and three (3) in opposition.

Staff Recommendation: Staff brief presented the location of the site, site plan, elevations and floor plans of the proposed residence, and the history of the property, noting the prior lot split.

Further, staff recommended denial; however, should the BZA grant the variance request, staff recommended that the approval be subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Yohannes Marsie-Hazen (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 was no one in attendance to speak in favor or in opposition to the request.

BZA Discussion: The BZA discussed the proximity of the proposed residence on the property to Dean Road and Lake Georgia. Based on the foregoing, the BZA recommended approval of the subject to the as described in the staff report.

BZA Action: A motion was made by Wes A. Hodge, seconded by Thomas Moses 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 and elevations dated January 13, 2021, 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. A permit shall be obtained within 2 years of final action on this application by Orange County, or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the residence is no closer than 26 feet from the normal high water elevation of Lake Georgia.

AYE (voice vote): All members present

Absent: Roberta Walton

PATMIN LLC FKA GROUP 108 LLC (VIVIEN MONACO) - VA-21-04-012

REQUEST:	Variance in the I-1/ I-5 zoning district to allow an existing <u>535*</u> 509 sq. ft. garage to remain with an east rear setback of 14.4 ft. in lieu of 25 ft. This is the result of Code Enforcement action.
ADDRESS:	5225 Young Pine Rd., Orlando, FL 32829
LOCATION:	East side of Young Pine Rd., north of Lee Vista Blvd. and east of SR 417
TRACT SIZE:	+/- 2.32 acres
DISTRICT#:	4
LEGAL:	THE N 270.81 FT OF NE1/4 OF SE1/4 LYING ELY OF YOUNG PINE RD (LESS RD R/W) & (LESS E 517.82 FT) IN SEC 17-23-31 SEE 3031/1284

PARCEL ID#: 17-23-31-0000-00-003

NO. OF NOTICES: 40

*Note: Advertised as 509 sq. ft., but 535 sq. ft. as discussed during BZA.
This is an unsubstantial difference since setbacks are met.

Commentaries: None

Staff Recommendation: Staff described the proposal to include the location of the property, site history, site plan, elevations and floor plans of the existing unpermitted structures, and site photographs. Further, staff recommended denial; however, should the BZA grant the variance request, staff recommended that the approval be subject to the conditions as mentioned in the staff report.

The following person(s) addressed the Board:

Speaker(s): Vivien Monaco (Applicant)

There was no one in attendance to speak in favor or in opposition to the request.

BZA Discussion: The BZA stated that request is straightforward as the existing structures were built prior to the current ownership. Therefore, the BZA recommended approval of the variance subject to the conditions as set forth in the staff report.

BZA Action: A motion was made by Deborah Moskowitz, 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 and elevations dated January 13, 2021, 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. A permit shall be obtained within 2 years of final action on this application by Orange County, or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

AYE (voice vote): All members present

Absent: Roberta Walton

SPINCO 11 LLC (JOHN TAYLOR) - VA-21-03-004

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

- 1) To allow a 8,820 sq. ft. existing building located 18 ft. from the north side property line in lieu of 25 ft.
- 2) To allow a 1,505 sq. ft. east addition located 18 ft. from the north side property line in lieu of 25 ft.
- 3) To allow a 1,508 sq. ft. west addition located 18 ft. from the north side property line in lieu of 25 ft.

ADDRESS: 11245 Satellite Blvd., Orlando, FL 32837

LOCATION: East side of Satellite Blvd., east of S. Orange Blossom Trl., south of Central Florida Pkwy.
TRACT SIZE: 250 ft. x 295 ft./ +/- 1.69 acres
DISTRICT#: 4
LEGAL: CENTRAL FLORIDA INDUSTRIAL PARK SECTION ONE Y/107 LOT 43
PARCEL ID#: 10-24-29-1234-00-430 & 10-24-29-1234-00-400
NO. OF NOTICES: 79

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

Staff Recommendation: Staff explained the proposal to include the location of the site, history of the property, site plan, elevations and floor plans of the existing and proposed additions, and photographs of the site. Finally, staff recommended approval of Variance request #1, subject to the conditions in the staff report; and, denial of the Variance requests #2 and #3. However, should the BZA grant Variance requests #2 and #3, staff recommended that the approval be subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Mark Spinicelli (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.

There was no one in attendance to speak in favor or in opposition to the request.

BZA Discussion: The BZA discussed the case and recommended approval of the variance requests subject to the conditions as described in the staff report.

BZA Action: A motion was made by Deborah Moskowitz, 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 and elevations dated January 13, 2021, 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. Permits shall be obtained within 2 years of final action on this application by Orange County, or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

AYE (voice vote): All members present

Absent: Roberta Walton

PEDRO HENRIQUE DA SILVA ASCHAR - VA-21-03-143

REQUEST: **Variances** in the R-1A zoning district as follows:

- 1) To allow an existing residence to remain 18 ft. from the front west property line in lieu of 25 ft.

- 2) To allow an existing addition to remain 3.4 ft. from the north side lot line in lieu of 7.5 ft.
- 3) To allow an existing addition to remain 22.4 ft. from the front west property line in lieu of 25 ft.

This is the result of Code Enforcement action.

ADDRESS: 4309 S. Rio Grande Ave., Orlando, FL 32839
LOCATION: Northeast corner of S. Rio Grande Ave. and 44th St., south of S. Texas Ave.
TRACT SIZE: 75 ft. x 90 ft./ 0.15 +/- acres (6,654 sq. ft.)
DISTRICT#: 6
LEGAL: OHIO HOMESITES FIRST UNIT K/120 THE S 75 FT LOT 13 & S 75 FT OF W 43 1/2 FT LOT 14 (LESS RD R/W) BLK D
PARCEL ID#: 10-23-29-6152-04-132
NO. OF NOTICES: 121

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

Staff Recommendation: Staff explained the proposal to include the location of the site, history of the property, site plan, elevations and floor plans of the existing permitted and unpermitted structures, and photographs of the site. Furthermore, staff recommended approval of Variance request #1, subject to the conditions in the staff report; and, denial of the Variance requests #2 and #3. However, should the BZA grant Variance requests #2 and #3, staff recommended that the approval be subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Pedro Silva (Applicant)

Megan Marshall (Code Enforcement Officer)

There was no one in attendance to speak in favor or in opposition to the request.

BZA Discussion: The BZA discussed the aesthetic improvements to the property, location of the addition, and orientation of the original home. Finally, the BZA recommended approval of the variance subject to the conditions as listed in the staff report.

BZA Action: A motion was made by Charles J. Hawkins, II, seconded by John Drago 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 and elevations dated December 18, 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. Permits shall be obtained within 2 years of final action on this application by Orange County, or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

AYE (voice vote): Charles J. Hawkins, II, John Drago; Juan Velez, Thomas Moses, and, Deborah Moskowitz

NAY (voice vote): Wes A. Hodge
Absent: Roberta Walton

DR. PHILLIPS ACE HARDWARE, INC. (JOHN W. McMILLAN) - VA-21-03-000

REQUEST: Variance in the P-D zoning district to allow a south rear setback of 20 ft. in lieu of 35 ft. for a propane fueling station.
ADDRESS: 5142 Dr. Phillips Blvd., Orlando, FL 32819
LOCATION: Generally located at the southwest corner of Conroy Windermere Rd. and Dr. Phillips Blvd.
TRACT SIZE: +/- 2.43 acres
DISTRICT#: 1
LEGAL: GRAND OAKS VILLAGE 45/37 THAT PORTION OF LOT 1 DESC AS COMM SE COR OF LOT 17 IN WINGROVE ESTATES 21/66 RUN E 205 FT TO POB TH RUN N 229.79 FT E 197.34 FT N 167.89 FT E 153.96 FT S 8.55 FT SWLY 247.04 FT S 78 DEG E 50 FT SWLY 142.02 FT W 374.30 FT TO POB P
PARCEL ID#: 14-23-28-3143-00-012
NO. OF NOTICES: 217

Commentaries: Six (6) in favor and two (2) in opposition.

Staff Recommendation: Staff described the proposal to include the location of the property, requirements of the planned development, site plan, and photographs of the site. Staff explained the difference between conventional commercial zoning rear setback requirements and the setbacks as required by the planned development. Additionally, 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): Bray McMillian (Applicant's representative)
James Tessier (Applicant's representative)

There was no one in attendance to speak in favor or in opposition to the request.

BZA Discussion: The BZA discussed the propane locational criteria, existing parking area, and landscaping; and further, indicated that there were not any noise issues or other impacts. Therefore, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Thomas Moses, 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 January 6, 2021, 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. Obtain permits within 2 years of final action on this application by Orange County, or this

approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

AYE (voice vote): All members present

Absent: Roberta Walton

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

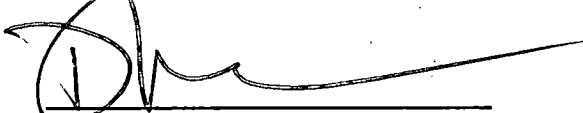
REQUEST: Appeal of a **Zoning Manager's Decision** that the proposed improvements are considered signage and not art.
ADDRESS: 12399 S. Apopka Vineland Rd., Orlando, FL 32836
LOCATION: East side of S. Apopka Vineland Rd., approximately 325 ft. south of Palm Parkway, north of Interstate 4
TRACT SIZE: 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 **WITHDRAWN** by the Applicant prior to the Public Hearing.

ADJOURN:

There being no further business, the meeting was adjourned at 1:06 p.m.

ATTEST:


Deborah Moskowitz
Chair


Debra Phelps
Recording Secretary

ORANGE COUNTY BOARD OF ZONING ADJUSTMENT MEETING MINUTES

Addendum I WebEx Meeting Chat

March 4, 2021	from Ted Kozak to JESMY HERNANDEZ (privately): Good morning, if you are wishing to speak today, which case are you here for? Also, please provide your address. Thank you.	8:42 AM
March 4, 2021	from Ted Kozak to Jeff Karas (privately): Good morning, if you are wishing to speak today, which case are you here for? Also, please provide your address. Thank you.	8:47 AM
March 4, 2021	from Jeff Karas (privately): 14894 Seth rd Orlando fla. 32824	8:48 AM
March 4, 2021	from Ted Kozak to Jeff Karas (privately): Thank you. Which project do you wish to speak?	8:51 AM
March 4, 2021	from Ted Kozak to Arthur Clark (privately): Good morning, if you are wishing to speak today, which case are you here for? Also, please provide your address. Thank you.	8:51 AM
March 4, 2021	from Ted Kozak to Alice Karas (privately): Good morning, if you are wishing to speak today, which case are you here for? Also, please provide your address. Thank you.	9:00 AM
March 4, 2021	from Ted Kozak to Karyssa Kemp (privately): Good morning, if you are wishing to speak today, which case are you here for? Also, please provide your address. Thank you.	9:01 AM
March 4, 2021	from Karyssa Kemp to host (privately): Hi! I'm here to observe for a class assignment!	9:02 AM
March 4, 2021	from Ted Kozak to Karyssa Kemp (privately): Ok thank you	9:03 AM
March 4, 2021	from Ted Kozak to Frederica Rai (privately): Good morning, if you are wishing to speak today, which case are you here for? Also, please provide your address. Thank you.	9:07 AM
March 4, 2021	from Ted Kozak to Giles Ashe (privately): Good morning, if you are wishing to speak today, which case are you here for? Also, please provide your address. Thank you.	9:07 AM
March 4, 2021	from Scott Capon to host (privately): Good Morning, My name is Scott Capon and I am here representing the Architect for item #3 3105 Margaret Oaks Lane	9:08 AM
March 4, 2021	from Ted Kozak to Scott Capon (privately): Thank you. Are you wishing to speak? Or to answer questions?	9:09 AM
March 4, 2021	from Giles Ashe to host (privately): Good Morning, Mr. Kozak. Giles Ashe, 6960 New Hope Road, Orlando 32827. Case number SE-20-11-105.	9:09 AM
March 4, 2021	from Ted Kozak to Giles Ashe (privately): Thank you	9:10 AM
March 4, 2021	from Scott Capon to host (privately): Answer Questions	9:10 AM

March 4, 2021	from Scott Capon to host (privately): The homeowner is also attending the meeting	9:10 AM
March 4, 2021	from Frederica Rai to host (privately): SE-20-11-105, Frederica from 6813 New Hope Road	9:10 AM
March 4, 2021	from Scott Capon to host (privately): Although i can speak if necessary	9:10 AM
March 4, 2021	from Ted Kozak to Alice Karas (privately): Please let me know if you are wishing to speak	9:13 AM
March 4, 2021	from Ted Kozak to Arthur Clark (privately): Please let me know if you are wishing to speak	9:13 AM
March 4, 2021	from Ted Kozak to JESMY HERNANDEZ (privately): Please let me know if you are wishing to speak	9:13 AM
March 4, 2021	from Arthur Clark to host (privately): Yes, I wish to speak when the action is presented.	9:14 AM
March 4, 2021	from Ted Kozak to Arthur Clark (privately): Please let me know which case and your address	9:14 AM
March 4, 2021	from Arthur Clark to host (privately): SE-20-11-105, 6713 New Hope Road	9:15 AM
March 4, 2021	from Arthur Clark to host (privately): my address is 14140 Seth Road. I live in the immediate neighborhood.	9:16 AM
March 4, 2021	from Ted Kozak to Arthur Clark (privately): ok thanks	9:16 AM
March 4, 2021	from Ted Kozak to Pedro Silva (privately): Good morning, if you are wishing to speak today, which case are you here for? Also, please provide your address. Thank you.	9:31 AM
March 4, 2021	from Ted Kozak to Reece Philpot (privately): Good morning, if you are wishing to speak today, which case are you here for? Also, please provide your address. Thank you.	9:32 AM
March 4, 2021	from Ted Kozak to Richard Baxter (privately): Good morning, if you are wishing to speak today, which case are you here for? Also, please provide your address. Thank you.	9:32 AM
March 4, 2021	from Roberta Alfonso to host (privately): Waiting for my hearing to start, hope to be back to this meeting in a few. Joy is more than capable, of course :-)	9:38 AM
March 4, 2021	from Pedro Silva (privately): Hey mister kozak I'm pedro 4309 s rio grande ave, what time is my turn ?	9:40 AM
March 4, 2021	from Ted Kozak to Pedro Silva (privately): for which case?	9:42 AM
March 4, 2021	from Ted Kozak to Pedro Silva (privately): Please answer with your name and address	9:42 AM
March 4, 2021	from Pedro Silva (privately): Pedro Silva , 4309 s rio grande ave , 32839 Orlando fl	9:42 AM

March 4, 2021	from Ted Kozak to Pedro Silva (privately): Ok, I see you sent your name and address but which case?	9:42 AM
March 4, 2021	from Ted Kozak to Pedro Silva (privately): You are the applicant, correct for a Variance?	9:43 AM
March 4, 2021	from Pedro Silva (privately): Yes variance I'm add a new living room in my house	9:44 AM
March 4, 2021	from Pedro Silva (privately): Va2103143	9:44 AM
March 4, 2021	from Ted Kozak to Pedro Silva (privately): Your case is number will be around 11AM	9:44 AM
March 4, 2021	from Pedro Silva (privately): Ok thank you sir	9:44 AM
March 4, 2021	from Pedro Silva (privately): Can I stay online to see whole anothers process righ ?	9:45 AM
March 4, 2021	from Ted Kozak to Pedro Silva (privately): of course	9:46 AM
March 4, 2021	from Pedro Silva (privately): Thanks	9:47 AM
March 4, 2021	from JESMY HERNANDEZ to host (privately): My names I Jesus Hernandez, I am here for the case of anna long and my address is 6053 new hope road, I would like to present.	9:52 AM
March 4, 2021	from Ted Kozak to JESMY HERNANDEZ (privately): Thank you	9:53 AM
March 4, 2021	from Roberta Alfonso to host (privately): Just fyi that I am back, if you or Joy need anything :-)	9:57 AM
March 4, 2021	from Giles Ashe to host (privately): Mr. Kozak, I've just emailed you the removal of consent letter just mentioned please add it to the minutes. thank you.	9:58 AM
March 4, 2021	from Ted Kozak to Giles Ashe (privately): Thank you. I cannot access my email during the BZA however. Please clarify/ comment during your time to speak to make it clear.	9:59 AM
March 4, 2021	from Ted Kozak to Roberta Alfonso (privately): Thank you. Sorry I'm trying to ignore you, but very busy	9:59 AM
March 4, 2021	from Ted Kozak to Roberta Alfonso (privately): *Not trying to ignore you	10:00 AM
March 4, 2021	from Roberta Alfonso to host (privately): Haha, I know! Sorry to distract you !	10:03 AM
March 4, 2021	from Wes Hodge to host (privately): I have to step away for a moment, is that okay?	10:05 AM
March 4, 2021	from Ted Kozak to Wes Hodge (privately): No problem at all.	10:09 AM
March 4, 2021	from Ted Kozak to Alicé Karas (privately): Good morning, if you wish to speak, you will have your turn in order. Please provide me	10:28 AM

	with your address, as I requested earlier.	
March 4, 2021	from Frederica Rai to host (privately): Nursery licence?	10:31 AM
March 4, 2021	from Alice Karas (privately): Yes I would	10:32 AM
March 4, 2021	from Alice Karas (privately): 14894 Seth Road, Orlando 32824	10:32 AM
March 4, 2021	from Ted Kozak to Alice Karas (privately): ok thank you	10:35 AM
March 4, 2021	from Arthur Clark to host (privately): Opposed	10:41 AM
March 4, 2021	from JESMY HERNANDEZ to host (privately): I am opposed and am here to speak	10:41 AM
March 4, 2021	from Arthur Clark to host (privately): who is this?	10:42 AM
March 4, 2021	from Reece Philpot to host (privately): Reece Philpot	10:42 AM
March 4, 2021	from Reece Philpot to host (privately): 14803 Seth Road	10:42 AM
March 4, 2021	from Reece Philpot to host (privately): We would like to speak, but will need to be offline at 11:00 due to medical reasons.	10:43 AM
March 4, 2021	from Reece Philpot to host (privately): We are opposed.	10:43 AM
March 4, 2021	from Roberta Alfonso to host (privately): YOu may want to go ahead and have everyone announce their names and adresses, since the Chair doesn't have the info.	10:45 AM
March 4, 2021	from Roberta Alfonso to host (privately): Even though it's in our record	10:45 AM
March 4, 2021	from Reece Philpot to host (privately): Did the board get copy of emails sent by eighbors?	10:51 AM
March 4, 2021	from Ted Kozak to Reece Philpot (privately): Yes they did	10:54 AM
March 4, 2021	from Frederica Rai to host (privately): I personally reported to sherif department traffic issues several times	11:05 AM
March 4, 2021	from Frederica Rai to host (privately): I did complaint about noise to Orange County, but, as Megan Marshall stated, they do not adress noise	11:06 AM
March 4, 2021	from Frederica Rai to host (privately): They are not nursery, where is lisence?	11:08 AM
March 4, 2021	from Frederica Rai to host (privately): Our homes are more than just a house	11:09 AM
March 4, 2021	from Frederica Rai to host (privately):	11:11 AM

Ots on the same New Hope Road		
March 4, 2021	from Frederica Rai to host (privately): We have only 2 min. to speak,	11:14 AM
March 4, 2021	from Frederica Rai to host (privately): Other complaints were submitted via emails	11:14 AM
March 4, 2021	from Arthur Clark to host (privately): we only had 2 minutes to speak	11:14 AM
March 4, 2021	from Frederica Rai to host (privately): Again, I emailed complaints about noise to the Orange County Code Enforcements, but they do not adress noise, as per Megan Marshall	11:16 AM
March 4, 2021	from Frederica Rai to host (privately): 2 non-objections are: non residences (nurcery and vacant land)	11:21 AM
March 4, 2021	from Frederica Rai to host (privately): We hear comments how to accomodate this business, what about how to accomodate the residents?	11:23 AM
March 4, 2021	from mirna barq to host (privately): Brandy, Im still here but so far no need for my inputs	11:24 AM
March 4, 2021	from Ted Kozak to mirna barq (privately): Thank you. Yes, it appears no questions for you.	11:24 AM
March 4, 2021	from Frederica Rai to host (privately): Can someone actually come and measure the noise?	11:25 AM
March 4, 2021	from Pedro Silva (privately): Im sorry mister kozak my internet felt for a couple minutes can you please Say how many cases before me ? Pedro Henrique da Silva aschar Vá 21 03 143	11:25 AM
March 4, 2021	from mirna barq to host (privately): Ok Ted. thank you and if you guys need us again please let us know. have a nice day . I will remain until the vote is done	11:25 AM
March 4, 2021	from JESMY HERNANDEZ to host (privately): I'd like to thank the board for not listening to the public and allowing the development of commercial development into a residential development. Maybe you should try living next to a buisness.	11:29 AM
March 4, 2021	from Pedro Silva (privately): Sir kozak , maybe you lost my last question please	12:01 PM
March 4, 2021	from Pedro Silva (privately): I can't find the schedulle, can you please help with how many cases before me ? I will have a spine surgery tomorrow and I have a consult to exans pre surgery now 12:30	12:02 PM
March 4, 2021	from Pedro Silva (privately): Just to be sure about the time	12:02 PM
March 4, 2021	from Ted Kozak to Pedro Silva (privately): Unfortunately I cannot predict when your case will be coming up. There is one more case after the current one.	12:05 PM
March 4, 2021	from Ted Kozak to Pedro Silva (privately): Let me see if I can find a solution	12:05 PM

March 4, 2021	from Pedro Silva (privately): I found her win the schedule I'm is the next one	12:07 PM
March 4, 2021	from Pedro Silva (privately): Let's wait that one finish	12:07 PM
March 4, 2021	from Pedro Silva (privately): I'm found the schedule and I'm is the next one	12:08 PM
March 4, 2021	from Pedro Silva (privately): We good thanks	12:08 PM
March 4, 2021	from Ted Kozak to Pedro Silva (privately): you will be next after this one	12:09 PM
March 4, 2021	from Pedro Silva (privately): Ok	12:09 PM
March 4, 2021	from Pedro Silva (privately): Please ripen my camera and microphone	12:28 PM
March 4, 2021	from Pedro Silva (privately): Open	12:28 PM
March 4, 2021	from Ted Kozak to Pedro Silva (privately): yes, soon	12:29 PM
March 4, 2021	from Ted Kozak to Pedro Silva (privately): are you on the phone, too?	12:30 PM
March 4, 2021	from Pedro Silva (privately): Yes but I just here	12:30 PM
March 4, 2021	from Ted Kozak to Pedro Silva (privately): ok	12:30 PM
March 4, 2021	from Pedro Silva (privately): Is done ? Is approved ?	12:47 PM
March 4, 2021	from Ted Kozak to Pedro Silva (privately): It is recommended for approval. Final approval must be granted by the BCC on March 23rd	12:48 PM
March 4, 2021	from Pedro Silva (privately): Thanks so much	12:48 PM
March 4, 2021	from Pedro Silva (privately): God bless you mister kozak	12:48 PM
March 4, 2021	from Ted Kozak to Pedro Silva (privately): Have a good day	12:48 PM
March 4, 2021	from Pedro Silva (privately): I have to leave now to my exam	12:48 PM
March 4, 2021	from Ted Kozak to Pedro Silva (privately): ok good luck	12:49 PM