



**ORANGE COUNTY  
BOARD OF ZONING ADJUSTMENT  
[BZA]  
JUNE 4, 2015**

**\*\* ALL APPLICANTS AND SPEAKERS \*\***  
**PLEASE SIGN IN AT THE FRONT DESK**

Hearing #	Applicant	District	
SE-15-05-033	ST. LUKE'S UNITED METHODIST CHURCH	1	9:00 am
SE-15-03-004	SCOTT J LANGTON	5	
VA-15-06-036	ROBERT KANTEKI	1	
SE-15-06-037	PATRICIA J EUZENT	5	10:00 am
VA-15-06-038	LI YONG LIN	6	
VA-15-04-039	BELINDA GAIL PHILLIPS	3	
VA-15-04-040	ROBERT RENARD	1	
SE-15-04-041	MORRIS FAMILY TRUST	2	
VA-15-04-042	HELEN SING	1	
VA-15-04-044	JULIE PHELPS	4	11:00 am
VA-15-04-045	MIKE OLIVER	5	
VA-15-06-046	DONALD CASEY	5	
LUNCH			12:00 pm
VA-15-06-047	GREG DAILER	1	1:00 pm
VA-15-06-048	CHARLIE NOVELL	5	
VA-15-06-049	ALEX NETT, AGENT FOR CARIBE BLU	4	

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
MEETING OF MAY 7, 2015**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **May 7, 2015** 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:** Zachary Seybold - Chairman  
Gregory A. Jackson  
Deborah Moskowitz  
Eugene Roberson

**BOARD MEMBERS ABSENT:** Tony Rey- Vice Chairman  
Carolyn C. Karraker

**STAFF PRESENT:** Rocco Relvini, AICP, Chief Planner, Zoning Division  
Nicholas Balevich, Development Coordinator, Zoning Division  
David Nearing, AICP, Development Coordinator, Zoning Division  
Debra Phelps, Recording Secretary, FOS Division

The Chairman 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 Chairman requested a motion approving the minutes of the April 2, 2015, Board of Zoning Adjustment meeting.

A motion was made by Gregory A. Jackson, seconded by Deborah Moskowitz, and unanimously carried to **APPROVE** the minutes of the April 2, 2015, Board of Zoning Adjustment meeting.

The Chairman requested another motion approving the minutes of the April 28, 2015, Board of Zoning Adjustment meeting.

A motion was made by Eugene Roberson, seconded by Gregory A. Jackson, and unanimously carried to **APPROVE** the minutes of the April 28, 2015, Board of Zoning Adjustment meeting.

**ALL SAINTS LUTHERAN CHURCH OF ORLANDO INC VA-15-05-025**

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**REQUEST:** Variances in the P-D zoning district to construct new ground sign as follows:  
1) 60.64 sq. ft. of total copy area in lieu of 32 sq. ft.; and  
2) 10.5 ft. in height in lieu 8 ft. (Note: Proposed sign is a changeable copy sign)

**LOCATION:** East side of Balcombe Rd., approximately 2,000 ft. south of W. Weatherbee Rd. in the South Chase P-D  
22-24-29 Tract Size:4.78 ac.

**DISTRICT#:** 4

**LEGAL:** ALL SAINTS LUTHERAN SOUTHSIDE CHRISTIAN 39/128 LOT 1

**PARCEL ID#:** 22-24-29-1144-00-010

Development Coordinator David Nearing explained the location of the subject property and the request. Mr. Nearing presented a brief overview of the property and outlined that the applicant was requesting two (2) variances in the PD zoning district. The first request was to permit a monumental sign for a nonresidential use in a residential zoning district with 60.64 square feet of total copy area in lieu of thirty-two (32) square feet. The second request was to permit the sign to be 10.5 feet in height in lieu eight (8) feet. Further, the applicant was an established place of worship which predated much of the residential development around it. As such, the applicant was an established fixture in the neighborhood. The subject property was 4.78 acres in size with 300 feet of frontage on Balcombe Road, a collector roadway with 100 feet of right-of-way. All homes on the west side of Balcombe Road which backs up to the roadway have an eight (8) foot tall masonry wall as a buffer.

Mr. Nearing noted that there were actually four (4) other independent places of worship of other denominations also using the applicant's facilities, as well as Boy and Girl Scout troops. Plus, the facilities were used as a polling place by Orange County and as a meeting location of a Homeowner's Association for the area. The applicant's facilities have actually become a de-facto community center. As such, the applicant desired to use the additional square footage for a digital message center to better advise the public of current events and/or activities within the community. With all of the activities, in addition to their own, taking place on the property, the applicant desired to also be able to advertise the other user's events to ensure that the local community is properly informed.

It was further noted by Mr. Nearing that the property to the south of the subject property was currently being developed by the Iglesia De Dios Pentecostal Movimiento Internacional, Inc. While the property was described on the DRC application as religious, it was staff's understanding, this religious organization was constructing this 2-story 48,000+ square foot facility primarily as an office facility to act as their headquarters. While there may be a sanctuary within the building, the main purpose was administrative offices.

Staff noted that it had received correspondence supporting the request from three (3) adjacent property owners, and from the religious organization constructing a two-story 48,000 square foot facility next door.

Staff received four (4) commentaries in favor and none in opposition to the request. As reported by Mr. Nearing that while the requested sign was larger than would normally be supported by staff, given the large size of the site's frontage, and the large amount of activities taking place on the site, some simultaneously, a smaller sign may be incapable of properly displaying legible messages. Therefore, Mr. Nearing stated staff recommended approval of the request subject to the conditions as outlined in the staff report.

Brian George, 9762 Old Patina Way, Orlando, Florida 32832, pastor on behalf of the applicant, addressed the Board and explained that the community would benefit from the various uses of the sign to include Amber alerts and other current events. Pastor George

also indicated that the applicant was in full agreement with the staff recommendation and all of the conditions.

There being no one in the audience to speak for or against the request, the public hearing was closed.

The BZA discussed the case and concluded that the request was reasonable given the favorable input of the community. Therefore, the BZA concurred with staff's recommendation.

A motion was made by Deborah Moskowitz, seconded by Eugene Roberson and unanimously carried to **APPROVE** 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 sign plan dated March 4, 2015, 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; and,
3. With the exception of those specifications for which variances have been granted, signage shall be in accordance with 31.5, Orange County Code, and specifically with Sec. 31.5-16. Changable copy signs.

**DANY JAKOVLJEVIC VA-15-05-026**

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**REQUEST:** Variance in the P-D zoning district to allow existing glass room addition to remain 10 ft. from the rear property line in lieu of 15 ft.  
(Note: Said glass room was built by previous owner. Current property owner is in process of selling the house.)

**LOCATION:** North side of Parkview Lake Dr., approximately 1,100 ft. west of Orangewood Boulevard.  
18-24-29 Tract Size:45 ft. x 115 ft.

**DISTRICT#:** 1

**LEGAL:** PARKVIEW NORTH 27/50 LOT 159

**PARCEL ID#:** 18-24-29-6710-01-590

Development Coordinator Nicholas Balevich explained the location of the subject property and the request. Mr. Balevich indicated the applicant was requesting a variance to allow an existing glass room addition to remain ten (10) feet from the rear property line in lieu of

fifteen (15) feet. The current property owner was in the process of selling the house; however, a glass room was built on the subject property by a previous owner. However, the original permit showed the lot as being five (5) feet longer than the actual size. Thus, the construction was done without getting a final inspection or closing out the permit.

It was also reported by Mr. Balevich that no rear neighbors would be affected because the property backed up to an open space/retention tract. In addition, approval of the variance would not adversely affect any surrounding property owners.

Mr. Balevich advised that the adjacent neighbors and Homeowner's Association had provided letters of no objection; and further, staff had received a total of six (6) commentaries in favor and none in opposition to the request. Based on the foregoing reasons, staff had no objections to this request. Therefore, Mr. Balevich stated staff recommended approval of the request subject to the conditions as listed in the staff report.

Dany Jakovljevic, 431 E. Miller Street, Orlando, Florida 32806, applicant, addressed the Board and stated that the previous owner made mistakes on the building permit application, and the title company did not discover it. Mr. Jakovljevic agreed with staff's recommendation.

No one spoke in favor or opposition to the request at the public hearing.

The BZA stated that a mistake was made during permitting process, which had nothing to do with the current owner. The BZA further stated that the request was significant but not outside of the boundaries of what was considered acceptable under the circumstances. Therefore, the BZA concurred with staff's recommendation.

A motion was made by Zachary Seybold, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated "April 29, 2003" 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; and,



3. The applicant shall obtain the permit for the glass room within 180 days, or this approval becomes null and void.

**VISHAL PATEL VA-15-05-027**

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**REQUEST:** Variance in the C-2 zoning district to permit package sales of beer, wine and liquor (3PS license; liquor store) 964 ft. from an elementary school (Three Points Elementary School) to the northeast in lieu of 1,000 ft.

**LOCATION:** West side of S. Goldenrod Rd., approximately 250 ft. north of Charlin Parkway.  
14-23-30 Tract Size: 150 ft. x 250 ft.

**DISTRICT#:** 3

**LEGAL:** FROM SE COR OF SE1/4 OF NW1/4 RUN N 360 FT W 50 FT FOR POB TH N 150 FT W 250 FT S 150 FT E 250 FT TO POB IN SEC 14-23-30

**PARCEL ID#:** 14-23-30-0000-00-017

Chief Planner Rocco Relvini explained the location of the subject property and the request.

Mr. Relvini indicated the applicant was proposing to convert his convenience store into a liquor store for a 3PS License. However, the store was located 964 feet from the Three Points Elementary School; wherein, the Orange County code required a 1000 foot separation. Therefore, a variance was required.

Mr. Relvini reported that the request constituted a four percent (4%) deviation from Orange County code requirements. It was pointed out by Mr. Relvini that since this would be a liquor store instead of a restaurant, staff did not suggest the hours of operation be restricted, if approved.

Staff received eight (8) commentaries in favor and forty-four (44) commentaries in opposition to the request. Mr. Relvini stated if the BZA approved the request, staff recommended conditions of approval in the staff report to be imposed.

Ankur Patel, 450 S. Old Dixie Hwy, Jupiter, Florida 33458, partner of the applicant, addressed the Board and gave a brief presentation of the background history in terms of the growth and development of other competing businesses in the area which was submitted into the record. Mr. Patel stated his small business had significantly reduced in sales which caused a financial hardship due to the other bigger chain convenience stores; and, also confirmed that the nearest liquor store was approximately 1.5 miles away. Mr. Patel agreed with the staff's recommendation.

No one spoke in favor or opposition to the request at the public hearing.

The BZA expressed concerns about granting such a request so close to an elementary school; in addition to, the amount of surrounding neighbors who were in opposition to the request. After further discussion, the BZA denied the request based on the foregoing reasons to include the request establishing an undesirable precedent.

A motion was made by Gregory A. Jackson, seconded by Deborah Moskowitz and unanimously carried to **DENY** 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).

**REQUEST:** Variances in the A-1 zoning district as follows:  
1) To construct home on a substandard sized lot with .39 acres of land area in lieu of .5 acres; and  
2) To construct covered porch (lanai) 34 ft. from the normal high water elevation of Lake Sawyer in lieu of 50 ft.

**LOCATION:** South side of Sawyer Shores Ln., west of Winter Garden Vineland Rd.  
24-23-27 Tract Size:101 ft. x 168 ft.

**DISTRICT#:** 1

**LEGAL:** SAWYER SHORES SUB V/9 LOT 2 BLK A

**PARCEL ID#:** 24-23-27-7820-01-020

Development Coordinator Nicholas Balevich explained the location of the subject property and the request. Mr. Balevich indicated the applicant was requesting variances to construct a home on a substandard sized lot with .39 acres of land area in lieu of .5 acres; and to construct a covered porch (lanai) thirty-four (34) feet from the normal high water elevation of Lake Sawyer in lieu of fifty (50) feet. The property was located on a canal which was connected to Lake Sawyer. In addition, the lot was the shallowest on the street. Mr. Balevich also reported that the applicant had designed a house that met the setbacks, but no room was left for a covered lanai/porch due to the shallowness of the lot.

Mr. Balevich reported that staff received letters of support from the adjacent neighbors as well as the Orange County Environmental Protection Division had reviewed the request and had no objection. Further, most of the neighboring properties had a covered lanai/porch so the request was consistent with the area.

In conclusion, Mr. Balevich pointed out that staff had no objections to this request for the following reasons: a) the request would not adversely impact any quality of life circumstances; b) the remaining setback of thirty-four (34) feet was still a significant setback; and, c) the proposed amount of the request was minimal and reasonable. Staff received two (2) commentaries in favor and none in opposition of the request. Lastly, Mr. Balevich stated that staff recommended approval of the request subject to the conditions as listed in the staff report.

Ronald and Laura McCoy, 14549 Spotted Sandpiper Blvd., Winter Garden, Florida 34787, applicant, addressed the Board stating that this was the last lot in the neighborhood to purchase for their retirement home. Moreover, Mr. and Mrs. McCoy stated they went through many floor plans to get this layout and were just asking for approval of the lanai.

No one spoke in favor or opposition to the request at the public hearing.

The BZA asked the applicants if they would be open to a condition that the lanai could never be enclosed of which the applicants agreed with this compromise. Therefore, BZA concurred with staff's recommendation to include the additional condition #6, reflecting that the lanai would not be enclosed.

A motion was made by Eugene Roberson, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** 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 site plan dated received "March 16, 2015" 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. Prior to the issuance of any permits, the applicant shall obtain a flood plain permit;
4. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the covered lanai/porch is no closer than thirty-four (34) feet from the normal high water elevation of Lake Sawyer;
5. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations; and,
6. No portion of the lanai shall be enclosed (must be screen only).

The Board recessed at 10:05 a.m. and reconvened at 10:18 a.m.

**NEW LIFE COUNSELORS INC SE-15-05-029**

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**REQUEST:** Special Exceptions and Variance in the R-1AA zoning district to allow religious use facility as follows:  
 1) Special Exception: To provide religious instruction, prayers services and weekly religious and fellowship gatherings. The house will be occupied by up to 6 persons, including the pastor and spouse at any given time. Proposed religious gatherings will accommodate up to 15 persons at a time.  
 2) Special Exception: To live in an RV during construction of the home, not to extend beyond June 30, 2016; and,  
 3) Variance: To allow grassed parking spaces in lieu of paved spaces. (Note: This is a result of code enforcement action)

**LOCATION:** Approximately 150 ft. south of the southwest corner of W. Livingston St. and N Hiawassee Rd.  
 26-22-28 Tract Size:150 ft. x 150 ft.

**DISTRICT#:** 6

**LEGAL:** COMM SE COR OF SEC 26-22-28 TH RUN N00-06-45E 2958.31 FT, TH N89-53-15W 54.40 FT FOR POB; TH N00-06-45E 149.70 FT, TH S89-49-35W 130 FT, TH N00-06-45E 149.10 FT, TH S89-53-35W 20 FT, TH S00-06-45W 298.04 FT, TH S89-53-15E 150 FT TO POB

**PARCEL ID#:** 26-22-28-0000-00-059



Development Coordinator David Nearing explained the location of the subject property and the request. Mr. Nearing presented a brief overview of the property and outlined that the applicant was currently in the process of constructing a new single family residence for occupancy by his wife and himself. Mr. Nearing indicated that this was somewhat of a different request than a traditional religious institution because the applicant was requesting a Special Exception, to provide religious instruction to missionary students before they received assignments; and, prayers services, and weekly religious and fellowship gatherings in their home. It was also noted by Mr. Nearing that the house was properly permitted. Additionally, there was an existing slab on the property where the applicant had parked his personal RV. The applicant and his wife were requesting permission to reside in the RV at the construction site until either the home was completed or until June 30, 2016, whichever occurs first; however, the applicant had been cited by code enforcement for occupying the RV on-site without appropriate permission.

Mr. Nearing advised that the applicant was the pastor of a religious ministry which specialized in religious education and missionary activity. To that end, the applicant desired to use his residence for lodging no more than four (4) missionary students in training at any one time. The four (4) students would live in the home to include meals, without any charge for room and board. Each student would live in the home for up to four (4) months, and then be deployed to a missionary assignment. As one (1) student leaves, another would take their place.

Further, Mr. Nearing indicated that the applicant was also requesting permission to conduct two (2) prayer services weekly to accommodate up to fifteen (15) people at any given time. The services would be on Wednesday evenings from 6:00 p.m. to 9:00 p.m., and on Saturdays from 9:00 a.m. to 1:00 p.m.

Lastly, Mr. Nearing reported that the applicant was proposing to provide five (5) paved parking spaces, one for his wife and himself, and one for each of the four (4) students; in addition, a variance to allow six (6) grassed parking spaces in lieu of paved spaces for those attending the prayer services. Because the applicant was requesting approval for the place of assembly to be opened to the general public, staff recommended, if approved by the BZA, one of the grassed spaces to be paved and designed for handicap accessibility.

Finally, Mr. Nearing informed the BZA that staff had received eight (8) correspondences from nearby residents in opposition and none in favor of the request. Mr. Nearing stated if the BZA approved the request, the conditions as listed in the staff report should be imposed.

Pastor David Hunt, 7018 West Livingston Street, Orlando, Florida 32835, pastor and president of the New Life Counselors, Inc., addressed the Board stating that he was aware of the concerns, however, the residents had nothing to fear since the purpose of housing the missionary students was to teach them what they would need to accomplish for their purpose. Pastor Hunt further explained the different aspects of the ministry.

The following residents in the area addressed the Board in opposition to the request:

George Barnes, 442 Cinnamon Bark Lane, Orlando, Florida 32835, deferred time;

Terrance Hoey, 309 Cinnamon Bark Lane, Orlando, Florida 32835, deferred time;  
Carol A. Barnett, 308 Cinnamon Bark Lane, Orlando, Florida 32835; deferred time;  
Stacey A. Hammer, 309 Cinnamon Bark Lane, Orlando, Florida 32835, deferred time;  
Barbara Stewart, 455 Cinnamon Bark Lane, Orlando, Florida 32835;  
Stanton Reich, 7148 West Livingston Street, Orlando, Florida 32835;  
Paul C. Coffay, 332 Cinnamon Bark Lane, Orlando, Florida 32835;  
Gena Baker, 321 Cinnamon Bark Lane, Orlando, Florida 32835; and,  
Patricia Zimmerman, 318 N. Hiawassee Road, Orlando, Florida 32835.

Of these residents in attendance, there were five (5) residents who had not submitted prior correspondence in opposition to the request. The residents had major concerns to include: impacts of increased traffic on West Livingston Street at North Hiawassee Road which was already very difficult to navigate; concerns over bringing strangers into their well established and secluded neighborhood; parking of what they consider a commercial vehicle relative to the RV which advertised the pastors ministry; the unsightliness of the existing signage; danger to pedestrians from increased traffic; the ministries future plans for expansion as presented on their social media site in reference to a future commercial building on the subject property as displayed on the Ministry website; and, requested clarification relative to the confusion regarding whether there would be any treatment of addicts or the mentally ill.

Pastor Hunt addressed the Board in rebuttal indicating there would be no treating of addicted or mentally ill individuals, just education and prayer; and further, clarified that the office discussed on the social media was to be a place to share and expand for smaller ministries who had no resources of their own.

The BZA discussed the case and focused on the increased traffic on a street that was already experiencing problems; the incompatibility with the surrounding residential neighborhoods; and the conflicts between what was discussed at the meeting versus what was represented on the Ministry's social media site. As a result, the BZA denied the request as incompatible to the surrounding area and was deemed as a detrimental intrusion into a low density residential neighborhood.

A motion was made by Eugene Roberson, seconded by Deborah Moskowitz and unanimously carried to **DENY** the Special Exception requests in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest; and, to **DENY** 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).

#### **LOMFIELD, LLC VA-15-05-030**

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**REQUEST:** Variances in the P-O zoning district to allow parking as follows:  
1) To allow brick pavers in lieu of paved parking; and,  
2) To allow parking 30 ft. from the centerline of S. Wymore Rd. in lieu of 50 ft.  
(Note: 30 ft. from centerline is the same as 0 ft. from east property line)

**LOCATION:** West side of S. Wymore Rd., 200 ft. north of W. Fairbanks Ave.

11-22-29 Tract Size:70 ft. x 102 ft.

**DISTRICT#:** 5

**LEGAL:** FAIRBANKS SHORES R/34 E 102.09 FT OF LOT 18 & N 20 FT OF E 102.09 FT OF LOT 17 (LESS PT ON E TAKEN FOR R/W PER 9580/0342)

**PARCEL ID#:** 11-22-29-2560-00-181

Development Coordinator David Nearing explained the location of the subject property and the request. Mr. Nearing presented a brief overview of the property and outlined that the applicant intended to convert an existing single family residence zoned P-O, Professional Office, to a law office. The applicant was requesting variances in the P-O zoning district to allow brick pavers in lieu of paved parking and allow parking thirty (30) feet from the centerline of S. Wymore Road in lieu of fifty (50) feet. The second variance was the same as permitting paving 0 feet from the east property line of Wymore Road right-of-way (R/W). The property was part of four (4) lot rezonings from R-1A to P-O. Given the size and configuration of the individual lots, it appeared that the intent of the rezoning was to permit the aggregation of the individual lots into one larger building site for construction of a professional office building since, individually, the lots themselves were not appropriately sized or configured to accommodate individual office development.

Mr. Nearing described the subject property as narrow and shallow; wherein, left the house insufficient room for any potential of two-way traffic flow without demolishing a portion of the existing structure. The applicant was proposing to construct a two-way access to the main parking area in the rear of the site via a nine (9) foot wide side yard; however, it was highly probable that the proposed configuration would result in instances where someone attempting to enter the site could encounter someone exiting the site. As such, there was insufficient area on the site for a driver entering to wait outside of Wymore Road right-of-way (row) to allow the exiting driver to leave; Inasmuch, there could more than likely be stopping and standing of vehicles in travel lanes on Wymore Road.

Additionally, Mr. Nearing noted that at a minimum, two-way drives required eighteen (18) feet of travel width. Wymore Road was known as a collector with a substandard row for installation of declaration or stacking lanes for individual sites. Further, Mr. Nearing advised that due to the location of the septic drainfield, there was no way to design a one-way circulation pattern for the site. Moreover, due to the presence of an I-4 overpass to the north of the subject property, there was also an issue of visibility for drivers travelling south on Wymore Road toward Lee Road due to the curvature of Wymore Road. Nonetheless, the design of the handicap parking space would also preclude someone attempting to enter the site from Wymore Road from doing so while someone was attempting to exit the site. As a result, to exit the handicap parking space, an individual may be required to actually back out of the space into the drive going to the rear of the site in order to align a vehicle with the driveway. Since there was limited visibility of vehicles exiting from the rear of the site, there was essentially a blind spot where on-site conflicts could be highly probable. As stated by Mr. Nearing, the paving for the drive to the rear parking area, and the rear parking area itself, abutting the property line, there would be no area for any type of landscaping or buffering of any type, including a fence. The property abutting the south of the subject

property still appeared to be used for residential purposes.

Finally, Mr. Nearing explained that while the applicant intended to use the site for a law office, any other use permitted in the P-O zoning district could attempt to locate on the site, once variances were granted to allow the conversion from a nonconforming single family residence. Other former residences in the area which had been converted to office use had utilized adjacent lots for installation of improvements such as parking and stormwater. In conclusion, Mr. Nearing noted that due to the size of the lot and the placement of the structure, it was not possible to create a truly functional parking plan that would not result in traffic stacking up in the travel lanes of Wymore Road. Therefore, Mr. Nearing stated staff could not support this request based on the foregoing reasons; however, should the BZA approve the request, staff recommended conditions of approval as listed in the staff report to be imposed.

Michael D. Harding, 5005 Jennifer Place, Orlando, Florida 32807, engineer on behalf of the applicant, addressed the Board and indicated that the applicant had been working closely with the County staff on developing landscape plans and buffering which would meet all of the requirements of the conditions being recommended by staff. Mr. Harding also provided photographs and pointed out that other properties to the north had also received BZA approvals, and featured parallel parking adjacent to Wymore Road which were submitted into the record.

Christine Lomes, 331 S. Wymore Road, Winter Park, Florida 32789, owner, addressed the Board in support of the request.

JoAnn Rilmer, 1762 Fairview Shores Drive, Orlando, Florida 32789, daughter of a resident, addressed the Board and requested that a condition be imposed to limit the use of the subject property to a small business and/or law firm because the location of the proposed parking in the rear of the site would be adjacent to the living area of her mother's retirement home located immediately west of the site. The applicant responded that a fence would, in fact, be located between the parking and the mother's property.

Discussions ensued between the Board and the applicant about the issues of the case regarding the site access, the absence of landscaping, and whether this may drive up the cost of the acquisition, should the property be needed for the I-4 widening project. The applicant indicated that without the variance, the property would not be usable. Further discussion focused on safety due to the close proximity of the existing power poles to the right-of-way (row), and who would be responsible for removing the pavers, should a utility provider, the State, and/or County ever need access to perform work or condemn the property. of which the Board and applicant agreed upon additional conditions as a preventative measure. The BZA concluded that the area did, in fact, use parallel parking, therefore, this site could do the same. Finally, the BZA concurred with staff's conditions of approval to include the aforementioned amendments and additional conditions.

A motion was made by Zachary Seybold, seconded by Gregory A. Jackson, Eugene Roberson, Jr. voting AYE by voice vote, Deborah Moskowitz voting No by voice vote, (Carolyn Karraker and Tony Rey were absent) and carried to **APPROVE** 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 site plan dated March 18, 2015, 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. The applicant shall develop a landscape plan <sup>subject to the Zoning Manager's approval</sup> which will provide adequate buffering from adjacent properties, which though zoned P-O, are still being used for residential purposes and along Wymore Rd. All landscaping shall be subject to the Zoning Manager's approval;
4. The applicant shall submit construction plans through the commercial site plan review process within 180 days or this approval is null and void;
5. Use of the site shall be limited to that of a law office. Any change of use shall require review and approval of the BZA;
6. If any utility company, the Department of Transportation, and/or public Works project needs that portion of the row setback to be vacated and cleared, then the applicant shall do so at their expense within a designated timeframe by said entity; and,
7. At the discretion of Orange County, the applicant shall provide protective bollards or forms of protective barriers for the existing utility poles.

**BENJAMIN ROGERS VA-15-05-031**

**REQUEST:** Variances in the R-2 zoning district to enclose existing carport as follows:

- 1) 11 ft. from the front property line in lieu of 25 ft.; and,
  - 2) 4.5 ft. from the side (south) property lot line in lieu of 6 ft.
- (Note: Existing home, lot size and width are grandfathered in).

**LOCATION:** Southeast corner of Vine St. and Warwick Pl., approximately 525 ft. west of S. Bumby Ave.

31-22-30 Tract Size: 40 ft. x 77 ft.

**DISTRICT#:** 3

**LEGAL:** CONWAY PARK N/41 LOTS 31 & 32 (LESS E 60 FT) BLK E

**PARCEL ID#:** 31-22-30-1684-05-312

Development Coordinator David Nearing explained the location of the subject property and



the request. Mr. Nearing presented a brief overview of the property and outlined that the applicant was requesting variances in the R-2 zoning district to allow enclosure of an existing car port eleven (11) feet from the front property line in lieu of twenty-five (25) feet, and 4.5 feet from the south side of the property lot line in lieu of six (6) feet. In early 2014; a prior homeowner took possession of the home and was cited by code enforcement for illegally enclosing the car port; thus, the work had actually been done by a previous homeowner. The new homeowner chose to remove the improvements rather than obtain a variance. Subsequently, the ownership of the property was assumed by a lender.

As noted by Mr. Nearing, the home was built in 1956 consisting of 1,085 square feet living space containing a two-bedroom floorplan. With the carport the total area equals 1,343 square feet. As such, the proposed addition was to create a family room. Further, the enclosing of the carport would not result in any further intrusion into the existing setbacks than currently existed. Mr. Nearing also stated the applicant intended to finish the addition to match the exterior materials and color of the existing residence.

Staff received two (2) correspondences in support of the request. Lastly, Mr. Nearing advised that staff recommended approval of the request subject to the conditions as listed in the staff report.

The applicant was not present at the public hearing. In addition, there was no one in the audience to speak for or against the request.

The BZA verified that the car port was not a new addition built into the setback. Further, the Board felt that given the lot size and configuration of the property, the request was considered reasonable. Therefore, the BZA concurred with staff's recommendation.

A motion was made by Deborah Moskowitz, seconded by Eugene Roberson and unanimously carried to **APPROVE** 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 site plan dated March 18, 2015, 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; and,



3. The exterior of the addition shall match the exterior of the existing home with regard to materials and color.

#### **NEW HOPE PRESBYTERIAN CHURCH SE-15-05-032**

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**REQUEST:** Special Exception in the R-1A zoning to construct 2,200 sq. ft. addition to existing fellowship hall building.

**LOCATION:** West of Conway Rd., on the south side of Lake Margaret Dr.  
08-23-30 Tract Size:2.72 acres

**DISTRICT#:** 3

**LEGAL:** H T ARNOLDS PLAN OF CONWAY A/126 THE N1/2 BLK B (LESS E 200 THEREROF & LESS RD R/W) & (LESS R/W TAKEN PER O.R 4434/4993) & (LESS BEG INT WLY LINE BLK B & SLY R/W LINE LAKE MARGARET DR TH RUN E 15.88 FT S 275.88 FT W 15.62 FT N 275.43 FT TO POB)

**PARCEL ID#:** 08-23-30-0304-02-002

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini indicated the applicant was requesting Special Exception approval to permit the expansion of a 2,200 square foot interior floor addition onto the existing fellowship hall building; wherein, this religious use had existed on the subject parcel since 1963. The new floor space would be a combination of new seating for its expanding attendance at religious activities, new classroom and meeting space to accommodate more religious educational activities, and a new workshop for on-site maintenance.

Further noted by Mr. Relvini was that the addition would comply with all building setbacks; and, the adjacent land use was a parking lot along with an elementary school. As a result of the residents adjacent to the south who had advised staff that they had experienced noise impacts from the church/school activities, staff recommended a solid fence along the entire south rear property line; therein, no homes should be impacted.

Staff received two (2) commentaries in favor and two (2) commentaries in opposition to the request. Finally, Mr. Relvini indicated that staff had no objections to this request since it constituted a reasonable expansion to the religious use on site. Therefore, Mr. Relvini advised that staff recommended approval of the request subject to the conditions as set forth in the staff report.

Jason S. Robinson, 845 Scenic View Circle, Mineola, Florida 34715, representative on behalf of the applicant, addressed the Board and expressed concerns about the budget of the church being very tight for the addition and pointed out that no fence currently existed on the premises; but nonetheless, requested if a chain link fence was possible.

No one spoke in favor or opposition to the request.

A discussion ensued between the BZA, the applicant, and staff regarding the fence. Mr. Relvini advised the BZA that staff had received several telephone calls from a property owner to the south acknowledging ownership of four (4) parcels approximately 400+ feet in length behind the church and requested screening to be installed along the south property line. Staff agreed that a fence should be constructed to separate the residential uses and zoning to the south from the impacts of the church; wherein, Mr. Relvini left the public hearing and attempted to contact the property owner via telephonically for clarification of

the request but did not receive an answer. After further discussion, the BZA concluded to amend condition #6, addressing that a pvc fence should be erected along the south property line to include preserving as many mature trees along the south line as possible as the nature of a church was to expand. However, a Board member did not feel it was necessary to require a fence on behalf of one (1) neighbor since none currently existed. Based on the foregoing, the BZA concurred with staff's recommendation to include conditions as amended.

A motion was made by Zachary Seybold, seconded by Deborah Moskowitz, Eugene Roberson, Jr. voting AYE by voice vote, Gregory A. Jackson voting No by voice vote, (Carolyn Karraker and Tony Rey were absent) and carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated Received March 18, 2015 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. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail;
4. No outdoor amplification of sound;
5. There shall be no more than four (4) outdoor special events per calendar year. Said events shall not commence no earlier than 9:00 am and run no later than 8:00 pm;
6. Prior to the issuance of any permits, a six (6) foot high pvc vinyl fence shall be constructed along the south property line. The applicant shall preserve as many mature trees along the south line as possible; and,
7. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

**ST LUKES UNITED METHODIST CHURCH AT WINDERMERE INC SE-15-05-033**

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**REQUEST:** Special Exception and Variance in the R-CE zoning district to renovate existing religious use campus as follows:

- 1) Special Exception: To construct new 23,129 sq. ft. worship center building with 649 seats. Said worship center will include a worship hall, classrooms, meeting space, maintenance shop and common areas; and,
- 2) Variance: To allow 90 additional grassed parking spaces in lieu of paved.

**LOCATION:** East side of S. Apopka Vineland Rd., approximately 500 ft. south of Conroy Windermere Rd.

15-23-28 Tract Size:15 Ac.

**DISTRICT#:** 1

**LEGAL:** COMM 60 FT S OF NW COR OF NW1/4 OF NW1/4 OF SEC 15-23-28 TH E 663 FT S 508.2 FT TO POB TH RUN W 603 FT S 762.94 SLY 217.93 FT E 444.05 FT N 218.10 FT E 477.91 FT N 317 FT W 316 FT N 433.5 FT TO POB

**PARCEL ID#:** 15-23-28-0000-00-025

Development Coordinator David Nearing explained the location of the subject property and the request. Mr. Nearing presented a brief overview of the property and outlined that the applicant was requesting Special Exception and Variance approval in the R-CE zoning district to permit the expansion of interior floor space by adding a new 23,129 square foot worship center building with 649 seats to its existing campus. The new floor space would be a combination of new seating for its expanding attendance at religious activities, new classroom and meeting space to accommodate more religious educational activities, and a new workshop for on-site maintenance. Overall, the said worship center would include a worship hall, classrooms, meeting space, maintenance shop, and common areas.

Mr. Nearing pointed out that the site consisted of fifteen plus (15+) acres of land. Virtually, all activities would take place indoors. Further, the new facilities would be located in an addition to be constructed in an existing courtyard area between two existing buildings. Therefore, there would be no construction any closer to the outside property lines than the current structures.

In addition, Mr. Nearing stated that the applicant was also requesting a variance to allow ninety (90) additional grassed parking spaces in lieu of paved. Further reported by Mr. Nearing, was that given the need to properly manage stormwater generation on older developed properties, and given that the extra parking is to be infrequently used, the grassed parking was acceptable. However, Mr. Nearing noted that the site plan did not currently depict paved drive aisles.

Mr. Nearing also advised that due to the size of the campus, and its historic presence since 1981, staff did not recommend limiting outdoor activities as was common on smaller properties which were located internal to and/or on the immediate edge of residential neighborhoods.

Staff did not receive any commentaries to the request. Lastly, Mr. Nearing advised that staff recommended approval of the request subject to the conditions as outlined in the staff report.

Greg Roebuck, 5695 Beggs Road, Orlando, Florida 32810, agent on the behalf of the

applicant, addressed the Board and agreed with staff's recommendation.

Jenny Forrest Derlin, 8959 Farley Street, Orlando, Florida 32819, adjoining resident, addressed the Board inquiring about the location of the grassed parking and requested a fence or brick wall for privacy of their pool and noise reasons.

Evelyn Bertolucci, 8969 Farley Street, Orlando, Florida 32819; addressed the Board inquiring about the plans for use of the land adjacent to their land and requested a wall for noise consideration.

Doug Dannen, 4857 S. Apopka Vineland Road, Orlando, Florida 32819, on behalf of the applicant, addressed the Board and stated no changes of activities would take place on the premises.

Kelly Smith, 4857 S. Apopka Vineland Road, Orlando, Florida 32819, on behalf of the applicant, addressed the Board stating the regular soccer activities were scheduled within a six (6) week timeframe.

Mr. Roebuck addressed the Board in rebuttal stating the narrow addition would be within the campus which would have no impact to the surrounding area and other activities existed inside of the gym.

The BZA discussed the case and concluded to continue the request for a community meeting to be scheduled to allow the adjacent residents an opportunity to discuss their concerns with the applicant. One of the Board members asserted that the case was not necessary to be continued because the location of the proposed request was not intrusive to other properties and no changes in the outdoor activities would occur in relation to the addition on the subject property.

A motion was made by Zachary Seybold, seconded by Deborah Moskowitz, Eugene Roberson, Jr. voting AYE by voice vote, Gregory A. Jackson voting No by voice vote, (Carolyn Karraker and Tony Rey were absent) and carried to **CONTINUE** to an uncertain BZA date.

The Board recessed at 1:11 p.m. and reconvened at 1:21 p.m.

#### **LEIGH BEYER VA-15-05-034**

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**REQUEST:** Variance in PD zoning district to construct a pool, pool deck and screen enclosure 1 ft. from the rear property line in lieu of 5 ft.  
(Note: The property backs up to a common and drainage area).

**LOCATION:** East of Woodbury Rd., west of Waterford Chase Pkwy., on the south side of Lake Underhill Rd.  
26-22-31 Tract Size:0.37

**DISTRICT#:** 4

**LEGAL:** WATERFORD LAKES TRACT N 19 PHASE 1 37/21 LOT 7

**PARCEL ID#:** 26-22-31-8991-00-070

Development Coordinator Nicholas Balevich explained the location of the subject property and the request. Mr. Balevich indicated the applicant was requesting a variance to construct a pool, pool deck, and pool screen enclosure, one (1) foot from the rear property line in lieu of five (5) feet. The applicant was not able to utilize the open space beside the house, as the architectural review committee would not allow structures to be more than

fifteen (15) feet past the side elevation of the home. Further, the lot backed up to an open space/retention area, so no rear neighbors would be affected. In addition, the proposal would still allow for adequate spacing and air flow between properties.

Mr. Balevich reported that the adjacent neighbors and homeowner's association had provided letters of no objection totaling six (6) commentaries in favor and one (1) commentary in opposition to the request. Therefore, Mr. Balevich advised that staff recommended approval of the request subject to the conditions as listed in the staff report.

Leigh Beyer, 19140 Quinella Street, Orlando, Florida 32833, applicant, addressed the Board expressing the desire to be consistent with other homes in the neighborhood, and for safety concerns that could be addressed in regards to the visibility of their young children from the house with the placement of the pool.

Nino Frederico, 14237 Lake Underhill Road, Orlando, Florida 32828, owner, addressed the Board and explained that they could not have the pool on the side due to HOA rules.

No one spoke in favor or opposition to the request.

The BZA had questions the applicant about the HOA and master association approval of the pool location. Thus, the BZA recognized that every neighbor who could potentially view the pool as well as the HOA had signed off on the request, and that the opposition was unrelated. Therefore, the BZA concurred with staff's recommendation.

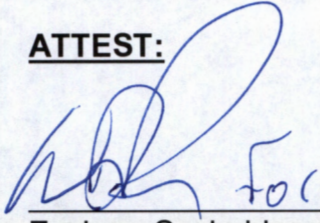
A motion was made by Deborah Moskowitz, seconded by Eugene Roberson and unanimously carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions

1. Development in accordance with site plan dated received March 18, 2015, 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; and,
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.

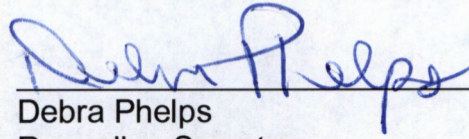
**ADJOURN:**

There being no further business, the meeting was adjourned at 1:38 p.m.

**ATTEST:**

Handwritten signature of Zachary Seybold in blue ink, appearing as 'ZSeybold'.

Zachary Seybold  
Chairman

Handwritten signature of Debra Phelps in blue ink, appearing as 'Debra Phelps'.

Debra Phelps  
Recording Secretary