

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF JUNE 4, 2015**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **June 4, 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: Tony Rey - Vice Chairman
Carolyn C. Karraker
Gregory A. Jackson
Deborah Moskowitz
Eugene Roberson
At Large, Vacant

BOARD MEMBERS ABSENT: Zachary Seybold - Chairman

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 9:04 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 May 7, 2015, Board of Zoning Adjustment meeting.

A motion was made by Carolyn C. Karraker, seconded by Eugene Roberson, (Zachary Seybold was absent) and unanimously carried to **APPROVE** the minutes of the May 7, 2015, Board of Zoning Adjustment meeting.

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

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.

ADDRESS: 4851 S Apopka Vineland RD, Un-Incorporated FL 32819

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

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 recapped that the BZA reviewed this application at its May 7, 2015 meeting. During that meeting, several residents were in attendance to request a clarification as to what was being proposed. These residents live to the southeast of the campus on Farley Street. Said residents indicated that they were not in attendance to oppose the request. However, the residents initially wished to know what impact the new addition and parking would have on their properties. It was clarified that the new addition and parking was not located near their property, and that there would be no further visual intrusion on their property. Mr. Nearing stated the residents then raised the issue of impacts in relation to outdoor events. The applicant informed the BZA that the proposed addition would not result in any new outdoor events than had historically occurred. After significant discussion, including discussion of limiting outdoor activities conducted by the church, and the provision of some type of visual buffer ranging from a masonry wall to PVC fencing, it was determined that a community meeting should be held.

Mr. Nearing reported that on Wednesday, May 27, 2015, a community meeting was held at the church to discuss the concerns. Commissioner Boyd from District 1, was in attendance as well as the BZA and PZC Board members representing District 1. Approximately twenty-five (25) people were in attendance, including staff. Most were members of the congregation, approximately three (3) were from the adjacent residences. It was noted by Mr. Nearing that there was no apparent opposition to the construction of the addition. The main issue dealt with the intermittent events and privacy.

Further, Mr. Nearing indicated that staff walked an existing treeline located between the church campus and the adjacent residence. It appears that Live Oak trees were planted along the common property lines approximately 20+ years ago around thirty (30) feet apart in areas where there were no existing trees. Where there were existing trees, the trees were allowed to mature undisturbed. Subsequent to the planting of the original trees, understory had grown in to supplement the trees, which was now forty (40) to fifty (50) feet in height. As a result of the community meeting, staff recommended a Type D landscape buffer to be installed along the west property line of Parcel ID# 15-23-28-0000-00-019, between the opened field on the south side of the Church property, and the first residence on the north side of Farley Street. This was where there were a definite lack of buffer, with the remainder of the residences having the benefit of a significant tree line.

Staff did not receive any commentaries in opposition to the request. Therefore, Mr. Nearing stated staff recommended approval of the request subject to the conditions as outlined in the staff report.

Greg Roebuck, 5695 Beggs Road, Orlando, Florida 32810, on behalf of the applicant, addressed the Board stating the applicant was in agreement with all of the conditions proposed by staff, including the new one. The applicant felt that this would be a good compromise, permitting the church to move forward with the addition, while providing the residents more privacy.

Kelly Smith, 10015 Brandon Circle, Orlando, Florida 32836, on behalf of the applicant, addressed the Board and emphasized the limited sports activity during a certain season of the year.

Jenny Delvin, 8959 Farley Street, Orlando, Florida 32819, resident, addressed the Board and clarified that they were not in attendance to oppose the addition but were in support of the church's expansion. Ms. Delvin stated that she just wanted to make certain the BZA knew that there were other issues regarding the property owned by the Church, which was not part of this application.

The BZA discussed the case noting that the new condition permitted the use of existing vegetation to meet the condition. Staff clarified that if the existing vegetation did accomplish the intent of the buffer it could be used; and further, stated where there were gaps, additional plantings for infill would be required to accomplish the intent. The BZA determined that the new condition would provide improved privacy, and that the addition and new parking would not result in any negative impacts on the neighborhood. Therefore, the BZA concurred with staff's recommendation and condition #5, was modified to include that language for clarification.

A motion was made by Carolyn Karraker, seconded by Eugene Roberson, (Zachary Seybold was absent) and unanimously 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; and, 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 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. Parking spaces may be unpaved. However, handicapped spaces and all driving aisles shall be paved;
4. The applicant shall submit construction plans through the commercial site plan review process within 3 years or this approval is null and void;
5. The applicant shall provide a Type D landscape buffer along the common west property line of Parcel ID# 15-23-28-0000-00-019 consistent with Chapter 24 Orange County Code. Existing vegetation may be used to meet this requirement, with any gaps to be infilled with supplemental plantings. Installation shall be completed prior to the CO of the new addition; and,
6. This approval shall be cumulative to all prior approvals. Unless deemed outdated, any conditions of prior approvals shall continue in full force and effect.

SCOTT J LANGTON - SE-15-03-004

REQUEST: Special Exception in the A-2 zoning district to amend previously approved veterinary service as follows:
1) To construct an 11,725 sq. ft. storage shop; and
2) To construct an 960 sq. ft. addition to existing clinic.
(Note: Applicant proposes to use a mobile computed tomography unit which will be stored indoors when not in use).

ADDRESS: 2934 Chuluota RD, Orlando FL 32820

LOCATION: West side of Chuluota Rd., approximately 1/4 mile south of Lake Pickett Rd.

TRACT SIZE: 1.75 acres

DISTRICT#: 5

LEGAL: (NOTE: AG PORTION OF THE FOLLOWING DESCRIBED PROPERTY)
N 184.5 FT OF NW1/4 LYING W OF ST RD 419 IN SEC 16-22-32 SEE 9777/3468

PARCEL ID#: 16-22-32-0000-00-018

Chief Planner Rocco Relvini explained the location of the subject property, the request, and gave an overview of the background and previous history of the site. Mr. Relvini indicated the applicant was modifying his previously approved Special Exception by the Board of County Commissioners on October 2, 2012. Specifically, the applicant proposed to construct a new 11,725 sq. ft. storage building to accommodate his personal needs and his storage needs for his veterinary work. In addition, the applicant was proposing to construct a 960 sq. ft. addition to the pole barn. Further, the Computed Tomography (CT) trailer and portable generator would be stored in this building when not in use.

Mr. Relvini reported that in the past, several neighbors to the south complained about this operation. Some of the details of the business were not made clear to staff and the general public. In an effort to avoid this case from being sent back to the BZA once again,

staff had requested a clear discussion on the following issues as staff preferred that these issues be incorporated as conditions of approval: a) Would the portable generator be used outdoors on this site? When not in use, would it be stored indoors?; b) there was a large white trailer outdoors. What would become of this trailer?; and, c) this was a bona fide agricultural operation with an official agricultural exemption from the Property Appraiser's Office; wherein, the property was zoned for agricultural uses. It was noted by Mr. Relvini that the homes to the south were built after Mr. Langton purchased his agricultural land. Staff's position was that new homeowners should expect occasional odors and sound that were typical of farming operations.

In addition, Mr. Relvini stated the applicant was proposing to remove the cottage and tool shed within twenty-four (24) months. Staff was indifferent to removing these two (2) structures as it would have no bearing on this request.

Staff received three (3) commentaries in favor and none in opposition to the request. Mr. Relvini stated staff recommended approval of the request subject to the conditions as set forth in the staff report.

Scott Langton, 2934 Chuluota Road, Orlando, Florida 32820, applicant, addressed the Board and stated that he had met with his neighbors prior to the public hearing in which there had been a general consensus. Mr. Langton agreed with staff's recommendation.

No one spoke in favor or opposition to this request.

The BZA discussed the case in regards to emergency situations and concluded that restricting the request with the amended conditions to be reasonable and would not adversely impact any neighbors. Therefore, the BZA concurred with staff's recommendation to include the amended conditions.

A motion was made by Tony Rey, seconded by Deborah Moskowitz, (Zachary Seybold was absent) and unanimously carried to **APPROVE** 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; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated Received April 9, 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. Previous approval of October 2, 2012 is null and void;
 4. Visiting trailers shall be removed daily and shall not be allowed to stay over night. The applicants trailer and mobile computed tomography unit shall be parked indoors when not in use;
 5. Lighting shall be in accordance with Chapter 9, Article XVI, Orange County Code. Cutoff fixtures shall be provided on the lights. There shall be no lighting directed toward the residences to the south;
 6. Horse manure shall be disposed of (off-site) on a weekly basis;
 7. Hours of operation shall be Monday - Friday, 8:00 am to 7:00 pm; Saturday 8:00 am to noon; and Sunday closed, except during emergencies;
 8. Applicant shall submit for permits within 1 year or this approval is null and void;
 9. The portable generator shall not be used on site except for emergencies and shall be stored indoors when not in use;
 10. Failure to comply with these conditions shall result in code enforcement action and not BZA action; and,
 11. Any sound or noise complaints shall be regulated by the County's Noise and Vibration Control Ordinance of Chapter 15, Orange County Code. Complaints about noise and sound shall not be regulated by the BZA.

ROBERT KANTEKI - VA-15-06-036

REQUEST: Variance in R-CE zoning district to construct addition (pergola) to existing single family residence 20 ft. from normal high water elevation of Lake Tibet Butler in lieu of 50 ft.

ADDRESS: 10203 Trout RD, Un-Incorporated FL 32836

LOCATION: North side of Trout Rd., north of Penny Lane Dr., east of Winter-Garden Vineland Rd.

TRACT SIZE: 1 acre (dry land)

DISTRICT#: 1

LEGAL: CYPRESS SHORES R/43 LOT 14

PARCEL ID#: 32-23-28-1872-00-140

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 an addition (pergola) to the existing single family residence, 20 ft. from normal high water elevation of Lake Tibet Butler in lieu of 50 ft. The property backed up to Lake Tibet Butler and the existing house was on the rear of the lot. Mr. Balevich noted that the pergola would not be enclosed nor have a solid roof.

Mr. Balevich reported that the Orange County Environmental Protection Division had reviewed the request, and, had no objections. Further, staff had no objections to this request because: a) the request would not adversely impact any quality of life

circumstances; b) the Orange County Environmental Protection Division had no objection to the request; c) the remaining setback of 20 ft. was still a significant setback; and, d) approval of the request did not go against the public's best interests.

Staff received three (3) commentaries in favor and two (2) commentaries in opposition to this request. Mr. Balevich stated if the BZA approved the request, the conditions as outlined in the staff report should be imposed.

The applicant was not present to speak at the public hearing.

No one spoke in favor or opposition to this request.

The BZA asked staff if other similar variances had been granted in the area; wherein, staff had confirmed in the affirmative. After a brief discussion about the case, the BZA concluded that the request was consistent with the area. Therefore, the BZA concurred with staff's recommendation.

A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz, (Zachary Seybold was absent) 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 8, 2013", 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 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 pergola is no closer than 20 feet from the normal high water elevation of Lake Tibet Butler;
4. Prior to the issuance of any permits, the applicant shall obtain a flood plain permit; and,
5. Prior to final inspection approval, a berm and swale shall be installed above the normal high water elevation along the rear of the property. Said berm and swale shall be subject to the approval of the Environmental Protection Division and be

maintained indefinitely.

The Board recessed at 9:52 a.m. and reconvened at 10:01 a.m.

PATRICIA J EUZENT - SE-15-06-037

REQUEST: Special Exception and Variance in the A-2 zoning district as follows:
1) Special Exception: To construct a detached Accessory Dwelling Unit (ADU) for applicant's mother; and
2) Variance: To construct ADU 4 ft. from eastern property line in lieu of 10 ft.

ADDRESS: 9156 Fryland RD, Orlando FL 32817

LOCATION: East end of Fryland Rd., approximately 1,400 ft. east of N. Econlockhatchee Trail.

TRACT SIZE: 1 ac. Upland

DISTRICT#: 5

LEGAL: THAT PART OF SW1/4 OF SE1/4 OF NW1/4 DESC AS BEG NE COR LOT 7 BLK A LAKEVIEW ACRES S/128 RUN N 01 DEG W 30.03 FT S 88 DEG E 115 FT S 01 DEG E 651.16 FT W 115 FT TH N TO POB IN SEC 07-22-31

PARCEL ID#: 07-22-31-0000-00-047

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 approval of a Special Exception and Variance in the A-2 zoning district for a Special Exception to construct a detached Accessory Dwelling Unit (ADU) for the applicant's mother. To accommodate the new unit, the applicant was requesting a Variance to construct the ADU four (4) feet from the eastern property line in lieu of ten (10) feet, and, to preserve the current building footprint. Mr. Nearing noted that if the building was moved to accommodate the setback, either the ADU and garage would need to be reduced in size, or the applicant would need to relocate their potable water well, and remove several mature live oak trees.

Mr. Nearing reported that the proposal called for the demolition of an existing detached garage located four (4) feet from the eastern property line, and the construction of a 1-bedroom 702 sq. ft. ADU attached to a 2-car 650 sq. ft. garage. Further, this request would be connected to the main home by a screened porch. To preserve several existing mature Live Oaks, and to prevent the need to drill a new well, the applicant was requesting to keep the same footprint as the detached garage with a four (4) foot setback in lieu of ten (10) feet.

It was stated by Mr. Nearing that the ADU would be occupied by the applicant's mother; and, the applicant had acknowledged that the ADU would never be leased, but reserved for family members only.

Furthermore, Mr. Nearing indicated that the applicant had submitted letters of support from the abutting property owners on either side of their property, and from two (2) property owners to the north living across the street on Fryland Road.

A total of five (5) correspondences had been received by staff, with four (4) commentaries

in favor and one (1) commentary in opposition of the request. Mr. Nearing advised that any case which come before the BZA needed to be weighed on its own merits, and prior action did not automatically guarantee anyone else could do it. Therefore, Mr. Nearing stated staff recommended approval of the request subject to the conditions as outlined in the staff report.

Patricia Euzent, 9156 Fryland Road, Orlando, Florida 32817, applicant, addressed the Board and noted that they were in agreement with all of the conditions proposed by staff, and acknowledged that the ADU was for their mother. Ms. Euzent also stated that the unit could never be rented out.

David Skyles, 102 Oaks Court, Sanford, Florida 32771, architect of the applicant, addressed the Board in support of the request.

No one was in attendance to speak for or against the request, and the public hearing was closed.

The BZA determined that the request was reasonable, and would not impose any negative impacts on the surrounding neighborhood. Further, the variance would result in the preservation of several existing mature Live Oaks. Therefore, the BZA concurred with staff's recommendation.

A motion was made by Tony Rey, seconded by Carolyn Karraker, (Zachary Seybold was absent) and unanimously 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; and, 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 8, 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. Construction plans shall be submitted within three (3) years or this approval becomes null and void;

4. The accessory dwelling unit shall be used by family members only and shall not be rented out;
5. The exterior of the ADU and garage shall match the exterior of the existing residence;
6. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations; and,
7. The applicant shall be responsible for payment of all applicable fees and assessments, including, but not limited to, impact fees.

LI YONG LIN - VA-15-06-038

REQUEST: Variances in the R-1A zoning district to construct addition to single family residence 6.3 ft. from side (south) property line in lieu of 7.5 ft.
(Note: The home was constructed in 1954 and is being fully remodeled).

ADDRESS: 922 Ferndell RD, Orlando FL 32808

LOCATION: West side of Ferndell Rd., approximately 175 ft. south of Balboa Dr.

TRACT SIZE: 50 ft. x 107 ft.

DISTRICT#: 6

LEGAL: PINE HILLS SUB NO 9 T/73 LOT 12 BLK E

PARCEL ID#: 19-22-29-6956-05-120

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini described the site plans and indicated that the applicant recently purchased the property with the intent to bring the abandoned house out of disrepair. Specifically, the applicant was proposing to add a small addition to the south side of the home; thus, a variance was needed from the side setback requirement. The addition would be at the same side setback as the rest of the home; however, the proposed structure was only 6.5 feet from the south line in lieu of 7.5 feet.

Mr. Relvini reported that the applicant submitted three (3) letters from her neighbors in support of the request. Staff's position was as long as the applicant continued to renovate the home, staff had no objections to this request since the house was an eyesore. Further, Mr. Relvini advised the BZA that this variance would expedite the removal of this eyesore to the surrounding area. Therefore, Mr. Relvini stated staff recommended approval of the request subject to the conditions as set forth in the staff report.

Li Yong Lin, 922 Ferndell Road, Orlando, Florida 32808, applicant, addressed the Board with an English translator and agreed with staff's recommendation as amended.

Yan Lin, 7229 Hawksnest Blvd., Orlando, Florida 32835, translator on behalf of the applicant, addressed the Board stating the request would be a good improvement to the area.

No one spoke in favor or opposition to this request.

The BZA discussed the case and concluded to impose time limits on the obtaining of the permits and certificate of occupancy. Therefore, the BZA approved the request with staff's recommendation as amended.

A motion was made by Eugene Roberson, seconded by Tony Rey, (Zachary Seybold was absent) 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 April 8, 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. Applicant shall apply for permits within 30 days of final Board of County Commissioners (BCC) approval. The applicant shall obtain a Certificate of Occupancy within 6 months of issuance of permit or this approval is null and void.

BELINDA GAIL PHILLIPS - VA-15-04-039

REQUEST: Variance in the R-2 zoning district to install an accessory building (10 ft. x 12 ft. shed) in the front half of the property in lieu of the rear half. (Note: The shed will be located 125 ft. from the front property line instead of at least 149.5 ft. from front property line).

ADDRESS: 2200 S Bumby AVE, Orlando FL 32806

LOCATION: East side of S. Bumby Ave., south of E. Harding St.

TRACT SIZE: 63 ft. x 299 ft.

DISTRICT#: 3

LEGAL: CLOVERDALE SUB H/94 LOT 1 (LESS E 15 FT THEREOF FOR RW)

PARCEL ID#: 06-23-30-1428-00-010

Development Coordinator Nicholas Balevich explained the location of the subject property and the request. Mr. Balevich indicated the applicant was requesting a variance to install an accessory structure for a shed on the front half of the property instead of the rear half which would be 125 feet from the front property line in lieu of 149.5 feet. It was also noted by Mr. Balevich that placing the shed further back would interfere with the drainfield for the septic system.

Further, Mr. Balevich advised that staff had no objections to this request because: a) the most affected property owners did not object to the request; b) the remaining setback of 125 feet was still a significant setback from the front; c) no privacy rights were being

affected; and, d) the proposed size and location of the accessory structure were minimal and reasonable.

Staff received letters provided from the adjacent neighbors of no objection to the request. In addition, a total of seven (7) correspondences were received by staff, five (5) correspondences in favor and two (2) correspondences in opposition to the request. Mr. Balevich stated if the BZA approved the request, the conditions as outlined in the staff report should be imposed.

Belinda Gail Phillips, 2200 S. Bumby Avenue, Orlando, Florida 32806, applicant, addressed the Board and stated that the house was located 165 feet back from Bumby Avenue, and they had a pool in the backyard, leaving no room for the shed behind the house. Ms. Phillips also stated that there was a live oak tree and septic drainfield in the front that force them to locate the shed where it was proposed. Lastly, Ms. Phillips informed the BZA that the shed would match the house and agreed with staff's recommendation.

No one spoke in favor or opposition to this request.

The BZA discussed the case and determined to change condition #3; specifically to read, "The accessory structure shall have similar colors as the primary residence, utilizing common building materials." Therefore, the BZA approved the variance with staff's recommendation to include the amendment to condition #3.

A motion was made by Tony Rey, seconded by Deborah Moskowitz, (Zachary Seybold was absent) 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 10, 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 accessory structure shall have similar colors as the primary residence, utilizing common building materials.

REQUEST: Variance in the R-CE zoning district to construct a single family residence on a substandard lot as follows:
1) Lot width: 100 ft. wide in lieu of 130 ft.; and,
2) Lot size: .56 acres in size in lieu of 1 acre.

ADDRESS: 10416 Pocket LN, Un-Incorporated FL 32836

LOCATION: West side of Pocket Ln., approximately 200 ft. south of Charles E. Limpus Rd., 3/4 of a mile west of S. Apopka Vineland Rd.

TRACT SIZE: 100 ft. x 228.5 ft.

DISTRICT#: 1

LEGAL: WILLIS R MUNGERS LAND SUB E/22 LOT 58 (LESS S 360 FT & N 200 FT & W 30 FT & E 60 FT THEREOF)

PARCEL ID#: 09-24-28-5844-00-582

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 approval of a Variance in the R-CE zoning district to construct a single family residence on a substandard lot 100 ft. wide in lieu of 130 ft., and .56 acres in size in lieu of one (1) acre. In researching the subject property, staff found that it was one (1) of nine (9) parcels created through a series of lot splits over the course of the last thirty (30) years. It was noted by Mr. Nearing that this designated area was not a platted subdivision and the subject property was the last of the nine (9) lots to be developed. According to the Orange County Property Appraiser's records, with the exception of exactions for road and canal right-of-way, the property had been in its current configuration as a standalone parcel since 1979.

Mr. Nearing reported that of the eight (8) lots already developed, only two (2) lots were over one (1) acre in size, and only one (1) lot had the required frontage. The remainder of the lots were approximately the same size as the subject property, and like the subject property, had less than 130 feet of frontage. Further, of the eight (8) developed lots, six (6) were substandard lots nearly the exact size ranging between .5 acres to .6 acres and had the same lot width as the subject property in the R-CE zoning district. With that said, of those lots, only four (4) lots were found to have obtained variances for being substandard lots. The remainder of the lots were approved without variances.

Moreover, Mr. Nearing advised that the subject property was of a comparable size as the four (4) lots which had been granted variances, and two (2) of the substandard lots which were built upon without variances. Mr. Nearing added that the applicant would comply with all setbacks for the R-CE zoning district, including the fifty (50) foot setback from the Normal High Water Elevation.

Finally, Mr. Nearing surmised that the applicant's request was consistent with the pattern of development on the street, the lot had been in the same configuration since 1979, and the applicant had only owned the lot for three (3) years so the current situation was not of their own making. As such, denying the variance would actually withhold a right commonly enjoyed by others in the same zoning district, the construction of a home. Therefore, Mr.

Nearing stated staff recommended approval of the request subject to the conditions as outlined in the staff report.

Robert Renard, 8858 Great Cove Drive, Orlando, Florida 32819, applicant, addressed the Board describing other lots with similar variances in the neighborhood and noted that he was in agreement with the conditions of approval.

There was no one in attendance to support or oppose the request. The public hearing was closed.

The BZA discussed the case and concluded that the existing situation was not the result of the applicant; the request was similar and compatible with the layout of other properties in the surrounding area; and, further stated denying the variance would deprive the owner of the same rights of others on the street. Therefore, the BZA concurred with staff's recommendation.

A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz, (Zachary Seybold was absent) 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 (unanimous):

1. Development in accordance with site plan dated April 10, 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. Future modifications to the property which are in compliance with the County Code shall be permitted without further action by the BZA; and,
4. 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.

MORRIS FAMILY TRUST - SE-15-04-041

REQUEST: Special Exception in the A-2 zoning district to construct an attached Accessory Dwelling Unit (ADU) to existing residence for family use.
(Note: The ADU will contain 1,256 sq. ft.)

ADDRESS: 909 Ustler RD, Un-Incorporated FL 32712
LOCATION: East side of Ustler Rd., approximately 750 ft. north of E. Sandpiper St.
TRACT SIZE: 3.67 ac.
DISTRICT#: 2
LEGAL: S 253 FT OF N 506 FT OF W1/2 OF NW 1/4 OF NE1/4 (LESS W 30 FT FOR R/W) OF SEC 03-21-28
PARCEL ID#: 03-21-28-0000-00-052

Development Coordinator Nicholas Balevich explained the location of the subject property and the request. Mr. Balevich indicated the applicant was requesting approval of a Special Exception for an attached Accessory Dwelling Unit (ADU) for family use to the existing residence. The applicant was proposing an addition of 541 square feet for a total of 3,635 square feet under air. The house would be divided with 2,379 square feet of living space, and 1,256 square feet of ADU. Further, the proposed ADU would be attached to the main house, matching the design, and would not be readily visible or noticeable because the proposed ADU would be located over 400 feet from the front property line. It was also noted by Mr. Balevich that due to the depth and the heavy vegetation on the lot, the main house was not visible from the road, therefore, nor would the proposed ADU addition. The proposed ADU would comply with all requirements for a Special Exception and the requirements found in Chapter 38 of the Orange County Code. Mr. Balevich also pointed out the applicant was advised that additional impact fees would be assessed in accordance with ADU regulations.

Staff received three (3) commentaries in favor of the application and none in opposition. Mr. Balevich stated staff recommended approval of the request subject to the conditions as listed in the staff report.

Carl Morris, 909 Ustler Road, Apopka, Florida 32712, applicant, addressed the Board stating that their goal was to provide living space for their parents and a handicap entrance. Further, Mr. Morris agreed with staff's recommendation.

No one spoke in favor or opposition to this request.

The BZA discussed the case and clarified the parcel size and location of the separation between the ADU and the main house. The BZA concluded the request was reasonable and approved the Special Exception with staff's recommendation.

A motion was made by Gregory A. Jackson, seconded by Carolyn Karraker, (Zachary Seybold was absent) and unanimously 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 "April 14, 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. Construction plans shall be submitted within three (3) years of the final County approval, or this approval becomes null and void;
4. The accessory dwelling unit shall be used by family members only and shall not be rented out;
5. The exterior of the ADU shall match the exterior of the existing primary residence;
6. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations; and,
7. The applicant shall be responsible for payment of all applicable fees and assessments, including, but not limited to, impact fees.

HELEN SING - VA-15-04-042

REQUEST: Variance in the A-1 zoning district to construct a fence (ornamental gate) 10 ft. in height in lieu of 6 ft. along the front property line.
(Note: The center height of the proposed gate will be 10 ft. sloping down to 8 ft.)

ADDRESS: 7860 Ficquette RD, Un-Incorporated FL 34786

LOCATION: West side of Ficquette Rd., approximately 750 ft. north of Sumerlake Park Blvd.

TRACT SIZE: 2.5 acres upland

DISTRICT#: 1

LEGAL: LAKE HANCOCK SHORES S/54 LOT 12

PARCEL ID#: 27-23-27-4452-00-122

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini described the aerial views along with diagrams of the subject property and indicated the applicant was proposing an eight (8) foot high ornamental gate along the front property line with the center columns being ten (10) feet in height; however, the code restricted the height of the fence to six (6) feet. It was reported by Mr. Relvini that the subject property was on a section of Ficquette Road was between several residential communities to the south within the Horizons West project and SR 535; and, noted that this roadway was heavily used.

Mr. Relvini advised that staff supported the request for the following reasons: a) the fence was aesthetically pleasing; b) the roadway had high traffic volumes; and, c) the fence would not obstruct any traffic views.

Staff received no commentaries in opposition to the request. Further, Mr. Relvini stated staff recommended approval of the request subject to the conditions as set forth in the staff report.

Weylin Sing, 7860 Ficquette Road, Windermere, Florida 34786, husband on behalf of the applicant, addressed the Board stating the proposed request would be an aesthetically pleasing ornamental fence along the front yard and an improvement to the neighborhood. Lastly, Mr. Sing was in agreement with staff's recommendation.

No one spoke in favor or opposition to this request.

The BZA discussed the case and staff advised the BZA that the fence would buffer the subject property due to the handling of much traffic on Ficquette Road which was located in Horizons West. After a brief discussion, the BZA concluded the request was reasonable and approved the request with staff's recommendation.

A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz, (Zachary Seybold was absent) 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 April 14, 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.

The Board recessed at 10:49 a.m. and reconvened at 11:02 a.m.

JULIE B. PHELPS - VA-15-04-044

REQUEST: Variance in the P-D zoning district to allow 2nd story addition to existing single family residence to remain 10 ft. from rear property line in lieu of 15 ft.

(Note: This is the result of code enforcement action. The property backs up to a Conservation Area. The site plan is not a survey and does not clearly show the actual rear yard setback).

ADDRESS: 10728 Spring Brook LN, Un-Incorporated FL 32825

LOCATION: South side of Spring Brook Ln., approximately 500 ft. south of Cypress

Spring Parkway

TRACT SIZE: 50 ft. x 100 ft.

DISTRICT#: 4

LEGAL: CYPRESS SPRINGS TRACT 220 25/62 LOT 23

PARCEL ID#: 04-23-31-1881-00-230

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 applicants were requesting a Variance in the P-D zoning district to allow a 2nd story addition to an existing single family residence to remain ten (10) feet from rear property line in lieu of fifteen (15) feet. It was also noted by Mr. Nearing that this request was the result of code enforcement action.

Mr. Nearing reported that the deck was constructed in 2007 by the applicants, thus, had actually been in existence for seven (7) years. Mr. Nearing also indicated that as expressed by the applicants, they relocated to Florida from another state where such construction, if performed by the owner, did not require permits. Given the design of the house, it was apparent that the home was in fact constructed in order to accommodate said addition, adding to the applicants' impression that permits were not needed. Further, Mr. Nearing pointed out that Code Enforcement cited the applicants in 2014 after a complaint was made only last year; wherein, due to health issues on the part of the husband, there had been delays in complying with the requirements in order to close the code enforcement action.

Mr. Nearing further advised that the property backed up to a very heavily wooded and dedicated Conservation Area. There was an existing screen room to the rear of the residence which extended into the rear setback to a point approximately three (3) feet into the setback; wherein, this was approximately two (2) feet less than the deck encroachment. However, Mr. Nearing also noted that screen rooms were a permitted encroachment. The rooftop of the screen room was slightly lower than the deck. Most of the units in this development did have similar screenrooms, establishing a pattern of approved encroachment. Additionally, there was an existing ten (10) foot utility easement located along the rear property line; and, as such, the applicants were not encroaching into this easement.

Mr. Nearing stated that the HOA and a neighbor to the south had both submitted letters of no objection to the deck. Staff received one (1) commentary in favor and none in opposition to the request. Lastly, Mr. Nearing stated if the BZA approved this request, the conditions as outlined in the staff report should be imposed.

Julie Phelps, 10728 Spring Brook Lane, Orlando, Florida 32825, applicant, addressed the Board explaining the process in the gathering of documentation relative to engineering plans and her husband's health problems. Lastly, Ms. Phelps concurred with staff's recommendation.

No one spoke in favor or opposition to this request.

The BZA discussed the case and acknowledged that the structure was constructed well

and appropriately. Additionally, the BZA concluded that the deck was a logical addition, given the design of the house. Therefore, the BZA concurred with staff's recommendation.

A motion was made by Deborah Moskowitz, seconded by Tony Rey, (Zachary Seybold was absent) 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 14, 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. Permits shall be obtained within 180 days or this approval becomes null and void.

MIKE OLIVER - VA-15-04-045

REQUEST: Variance in the R-1A zoning district to create a substandard sized lot of 6,579 sq. ft. in lieu of 7,500 sq. ft.

ADDRESS: 4413 Buckeye CT, Orlando FL 32804

LOCATION: East side of Buckeye Ct., approximately 200 ft. north of W. Fairbanks Ave.

TRACT SIZE: 85 ft. x 77 ft.

DISTRICT#: 5

LEGAL: REPLAT BUCKEYE COURT Q/150 S 44.5 FT OF W 77.02 FT OF LOT 18 & N 40.8 FT OF W 77.02 FT OF LOT 19

PARCEL ID#: 03-22-29-1000-00-181

Development Coordinator Nicholas Balevich explained the location of the subject property and the request. Mr. Balevich indicated the applicant was requesting a variance to create a substandard sized lot with 6,579 sq. ft. of land area in lieu of 7,500 sq. ft. The property originally contained a house which was unsafe, and subsequently, demolished. The proposal was consistent with the area as there were similar sized lots as well as smaller lots with houses in the area.

Mr. Balevich advised that staff had no objections to this request because: a) the request would not adversely impact any quality of life circumstances; b) the lot exceeded the

privacy rights were being affected; e) the proposed amount of the request was minimal and reasonable; and, f) approval of the request did not go against the public's best interests.

Staff did not receive any commentaries for or against this request. Mr. Balevich stated if the BZA approved this request, the conditions as outlined in the staff report should be imposed.

Mike Oliver, 558 W New England Avenue, Winter Park, Florida 32789, applicant, addressed the Board and requested that the case be continued to the next meeting in order to request an additional variance of a ten (10) foot reduction to the rear setback for consideration before the BZA.

No one spoke in favor or opposition to this request.

The BZA agreed and unanimously voted to approve the continuance to the next BZA Meeting.

A motion was made by Tony Rey, seconded by Carolyn Karraker, (Zachary Seybold was absent) and unanimously carried to **CONTINUE** the case to July 2, 2015 BZA Meeting.

DONALD W CASEY II - VA-15-06-046

REQUEST: Variances in the R-1 zoning district as follows:
1) To construct a covered front porch 17 ft. from front property line in lieu of 25 ft.; and,
2) To construct a new 1,200 sq. ft. accessory structure which will result in total of 1,400 sq. ft. of accessory floor area (existing 200 sq. ft. accessory building) in lieu of 500 sq. ft.

ADDRESS: 11515 Judge AVE, Un-Incorporated FL 32817

LOCATION: North side of Judge Ave., approximately 775 ft. east of Vincent Rd.

TRACT SIZE: 97 ft. x 220 ft.

DISTRICT#: 5

LEGAL: ORLANDO ACRES FIRST ADDITION S/71 LOT 20 BLK I

PARCEL ID#: 17-22-31-6296-09-200

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 Variances in the R-1 zoning district. The first variance was to construct a covered front porch seventeen (17) feet from the front property line in lieu of twenty-five (25) feet. The second variance was to construct a new 1,200 sq. ft. accessory structure which would result in a total of 1,400 sq. ft. of accessory floor area in lieu of 500 sq. ft. The total square footage was due to an existing 200 sq. ft. accessory building.

Mr. Nearing advised that the applicant's home was constructed in 1954, prior to the introduction of zoning to Orange County. The home was constructed precisely at what was now the front setback line, leaving no room for any type of enhancements to the front of the structure.

As reported by Mr. Nearing, despite the fact that the subject property was zoned R-1, the lot was just under one-half (1/2) acre in size, which was over four (4) times larger than the minimum lot area of 5,000 square feet required for that zoning district. The lots in the entire neighborhood, except where prior lot splits were approved, were of comparable size.

Additionally, the new garage would be located over 150 feet back from the front property line.

Staff had identified four (4) prior BZA approvals of accessory structures in excess of 500 square feet, ranging in sizes from 700 to 825 square feet in the area. Moreover, through review of recent aerials, staff found two (2) nearby properties with one or more accessory structures in excess of 500 square feet. One property had one (1) structure of approximately 1,000 square feet, and another had four (4) structures ranging in sizes of approximately 200 square feet to 1,200 square feet. However, given the extent of the request, staff noted that in the past, the BZA did not always support granting the full variance, but rather a lesser variance with a cap on square footage would be approved. As a result, the division of square footage would be left up to the owner on whether to keep the existing structure and build a smaller structure, or to demolish the old smaller structure and construct a new full size structure.

Further, Mr. Nearing stated that the applicant's request for a 1,200 square feet accessory structure represented a 140% variance over the maximum. With the addition of the existing 200 square foot structure, the percent rose to 180%.

Mr. Nearing also reported that the applicant submitted a significant number of letters of in support from eight (8) adjacent neighboring property owners with the application package. Staff received three (3) additional correspondences from neighbors in support and no commentaries in opposition to the request. Mr. Nearing stated if the BZA approved this request, the conditions as outlined in the staff report should be imposed.

Donald Casey, 11515 Judge Avenue, Orlando, Florida 32817, applicant, addressed the Board stating his hobby as a car collector and restorer was the reason for the size of the structure being requested. Mr. Casey desired to keep the smaller structure of an open sided pole structure consisting of just a roof on supports and to use the proposed building for storage and functionality as a workshop. Lastly, Mr. Casey agreed with staff's recommendation.

There was no one present to speak in support or opposition to the request. The public hearing was closed.

Discussion ensued between the BZA and applicant, wherein, the BZA acknowledged that in similar past cases, with support of the neighbors, a request for such large variances were considered reasonable. However, due to the existing accessory structures, the BZA felt the overall variance had exceeded the minimum necessary; and as such, there was significant resistance by the BZA to go above the previously approved limits. For this reason, the BZA offered the applicant the option of approval with a cap on the overall square footage equal to that of the proposed structure as this would leave the applicant with the option of reducing the size of the new structure to preserve existing accessory structures, or to remove one or more existing structures to permit the construction of a single large structure. The applicant was in agreement with this compromise to amend the variance request.

Therefore, the BZA determined that Condition #4, should be amended to read that the

Therefore, the BZA determined that Condition #4, should be amended to read that the maximum total be capped at 1,025 sq. ft., and if the existing structure was retained, it shall never be enclosed by anything other than screening.

A motion was made by Eugene Roberson, seconded by Deborah Moskowitz, (Zachary Seybold was absent) and unanimously carried to **APPROVE** the Variance requests as amended 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 15, 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 exterior materials and color of the new accessory structure shall match or compliment the exterior of the existing principal structure; and,
4. The maximum square footage of all accessory structures shall not exceed 1,025 sq. ft. without further approval of the BZA. The existing pole barn, if retained, shall not be enclosed by any other material than screen.

The Board recessed at 11:58 a.m. and reconvened at 1:00 p.m.

GREGORY V DAILER - VA-15-06-047

REQUEST: Variances in the R-CE zoning district to create two substandard sized lots as follows:
1) Parcel A: .498 acres of lot area in lieu of 1 acre;
2) Parcel A: 86 ft. of lot width in lieu of 130 ft.;
3) Parcel A: To allow a front building setback of 17 ft. in lieu of 35 ft.
4) Parcel B: .858 acres of lot area in lieu of 1 acre.
(NOTE: No new construction is proposed. A single family residence exists on each parcel. Both were built in or prior to 1957).

ADDRESS: 1812 Windermere RD, Un-Incorporated FL 34787

LOCATION: West side of Windermere Rd., 600 ft. north of McKinnon Rd.

TRACT SIZE: 1.35 acres

DISTRICT#: 1

PARCEL ID#: 06-23-28-0000-00-016

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini indicated that there were two (2) existing homes on the property which were built in 1940 and 1957. The property owner desired to split the property so as to allow each home on its own lot. A variance was required because the lots were zoned R-CE and required one (1) acre each in size; therefore, each new lot would be less than one (1) acre in size.

It was further advised by Mr. Relvini that the Comprehensive Plan Future Land Use designation was one (1) house per one (1) acre. However, since the homes were built prior to the adoption of zoning regulations and the Comprehensive Plan, the parcel was grandfathered and not subject to the future land use designation. Thus, variance request #3 was deemed as unnecessary.

Mr. Relvini also reported that no new construction was proposed as the intent of the request was to have each house on its own lot. The resulting parcels were not out of character with the area and consistent with the other uses in the area. Further, staff had no objections to this request as the request represented a logical creation of two (2) lots for two (2) existing homes.

Staff received two (2) commentaries in favor and two (2) commentaries in opposition of the request. Mr. Relvini stated staff recommended approval of the request subject to the conditions as set forth in the staff report.

Greg Dailer, 1812 Windermere Road, Winter Garden, Florida 324787, applicant, addressed the Board and explained the difficulty of obtaining financing and loans on the homes in the current lot configuration; and, stated there would not be any modifications to the existing buildings. Mr. Dailer agreed with staff's recommendation.

Bryan Dailer, 1812 Windermere Road, Winter Garden, Florida 324787, son on behalf of the applicant, addressed the Board in support of the request.

No one spoke in favor or opposition to this request.

The BZA discussed the case and concluded that the request was reasonable since the homes on legal non-conforming lots existed prior to the future land use designation. Therefore, the BZA concurred with staff's recommendation to include variance #3 as amended.

A motion was made by Carolyn Karraker, seconded by Tony Rey, (Zachary Seybold was absent) and unanimously carried to render as **UNNECESSARY** the Variance Request #3; and, to **APPROVE** the Variance Requests #1, #2, and #4, 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 10, 2015 and all other applicable regulations. Any deviations, changes, or modifications to the existing buildings 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. This approval does not prevent the property owner from obtaining permits that comply with Orange County Zoning Regulations.

CHARLES NOVELL - VA-15-06-048

REQUEST: Variances in the R-1 zoning district to construct accessory building as follows:
1) In the front yard in lieu of the side or rear yards; and,
2) 1,500 sq. ft. of floor area in lieu of 500 sq. ft.

ADDRESS: 5442 N Dean RD, Un-Incorporated FL 32817

LOCATION: West side of N. Dean Rd., approximately 1/2 mile north of University Blvd., on the southeastern shores of Lake Georgia

TRACT SIZE: 106 ft. x 392 ft.(Approximately 1 acre of dry land)

DISTRICT#: 5

LEGAL: N 100 FT OF S 200 FT OF N1/2 OF NW 1/4 OF SW1/4 OF SEC 05-22-31

PARCEL ID#: 05-22-31-0000-00-017

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 1,500 sq. ft. accessory building in lieu of 500 sq. ft., to be located in the front yard in lieu of the side or rear yard. The proposal was to construct a detached side load garage in front of the house. The site was heavily wooded, and preservation of the trees along the front of the property would minimize visibility of the proposed garage.

Mr. Balevich reported that staff had concerns about the amount of increase requested of 300%. For this reason, a discussion was requested to determine whether the applicant could reduce the size of the accessory building.

Staff received twenty-three (23) commentaries in favor and none in opposition of the request.

Charlie Novell, 5804 North Dean Road, Orlando, Florida 32817, applicant, addressed the Board stating he was a car enthusiast and desired for the automobiles to be inside of a building rather than scattered all over the yard. Mr. Novell further explained that the reason for placing the building in the front was to not interfere with the lake view and access since the lot was narrow.

Robert Novell, 2030 Duncan Trace, Deland, Florida 32720, father on behalf of the

applicant, addressed the Board in support of the request.

No one spoke in favor or opposition to this request.

Discussion ensued between the BZA and the applicant in regards to attaching and/or connecting the building to the main house; wherein, the applicant stated would not fit the theme of his design. The BZA expressed an issue with the size, stating a variance of fifty percent (50%) was typically the threshold for an approval which would be 750 sq. ft., and considered 300% above the variance to be significantly excessive since there was no hardship of extenuating circumstances on the subject property. As a compromise, the applicant agreed for the BZA to approve variance #1 and variance #2, with a modification that the accessory building would be limited to a maximum of 750 square feet. Therefore, the BZA concurred with staff's recommendation as amended.

A motion was made by Tony Rey, seconded by Carolyn Karraker, (Zachary Seybold was absent) and unanimously carried to **APPROVE** the Variance requests as amended 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 15, 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 proposed garage shall be designed to match the principal residence;
4. Trees along the front of the property, adjacent to Dean Road shall be preserved; and,
5. The accessory building shall be limited to a maximum of 750 square feet.

ALEX NETT, AGENT FOR CARIBE BLU - VA-15-06-049

REQUEST: Variance in a P-D zoning district to permit on-site consumption of beer and wine only (2COP License) 392 ft. from a religious use facility (Life Song Church) in lieu of 1,000 ft.
(Note: On October 5, 2006, the BZA granted the same variance to another tenant. One of the conditions of approval was that the approval was for that tenant only. This is a new tenant. The Lifesong Church has

submitted a letter of no objection to this request).

ADDRESS: 2822 S Alafaya TRL, Un-Incorporated FL 32828
LOCATION: West side of S. Alafaya Trl., south of Stonybrook Blvd.
TRACT SIZE: 93 ft. 135 ft. (within a shopping center)
DISTRICT#: 4
LEGAL: ALAFAYA VILLAGE 56/140 LOT 3
PARCEL ID#: 02-23-31-0124-00-030

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 a Variance in a P-D zoning district to permit on-site consumption of beer and wine only by obtaining a 2COP License, 392 feet from a religious use facility known as the Life Song Church in lieu of 1,000 feet. Mr. Nearing reported that on October 5, 2006, the BZA granted the same variance to another tenant in the exact same location. However, one of the conditions of approval was that the approval was for that tenant only; hence, this was a new tenant.

Mr. Nearing informed the BZA that the Lifesong Church had submitted a letter of no objection to the sale of beer and wine within 1,000 feet of its doors. In addition, Lifesong United Methodist was the owner of the entire shopping center, ergo, and the lessor where the church and restaurant were located. The applicant was the operator of a quality sitdown table service restaurant wherein the ability to serve beer and wine would further enhance the dining experience. Currently, the restaurant contained 1,658 square feet of interior floor area, with fifty (50) seats total, consisting of thirty-five (35) seats inside and fifteen (15) seats on the patio.

It was also reported by Mr. Nearing that in reviewing the history of the shopping center, staff found no incidence of complaints by the Church against the prior tenant. Moreover, in reviewing code enforcement records, there was no history of past zoning code violations. With the exception of the cuisine, there was virtually no change in circumstances between the current tenant and the prior tenant who was granted the variance.

Finally, Mr. Nearing advised that unlike past requests where a sizable number of objections were submitted via correspondence, only one (1) person responded within the one (1) mile radius of the mailing, and voted in support of the request. With the exception of Caribbean cuisine versus Italian cuisine in the prior restaurant, there was not any difference between this application and that approved by the BZA in 2006. As noted by Mr. Nearing, the restaurant was a high-quality table service restaurant which anticipated approximately ten (10) to twenty percent (20%) of profits coming from the sale of beer and wine. Lastly, Mr. Nearing stated staff recommended approval of the request subject to the conditions as outlined in the staff report.

Alex Nett, 405 Bella Vida Blvd., Orlando, Florida 32828, on behalf of the applicant, addressed the Board explaining in order to stay competitive with other large chain restaurants, an estimated profit of only ten (10) to twenty percent (20%) in sales would come from beer and wine, showing that the sale of food would be the primary focus of the business. Mr. Nett stated that the applicant was in agreement with the conditions as

proposed by staff.

Susan Nett, 405 Bella Vida Blvd., Orlando, Florida 32828, on behalf of the applicant, addressed the Board stating the importance relative to the business having the ability of offering beer and wine with a meal to its customers.

No one was in attendance to support or oppose the application.

The BZA discussed the case and determined that given the complete similarity between this application and the prior one granted in 2006, this variance warranted similar approval. Therefore, the BZA concurred with staff's recommendation.

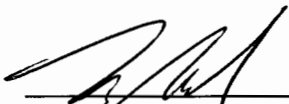
A motion was made by Deborah Moskowitz, seconded by Gregory A. Jackson, (Zachary Seybold was absent) and unanimously carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject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

1. Development in accordance with site plan dated April 15, 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. Variance approval is for this applicant only.

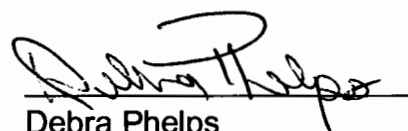
ADJOURN:

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

ATTEST:



Zachary Seybold
Chairman



Debra Phelps
Recording Secretary