

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF JULY 2, 2015**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **July 2, 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
Tony Rey - Vice Chairman
Carolyn C. Karraker
Gregory A. Jackson
Eugene Roberson
At Large, Vacant

BOARD MEMBERS ABSENT: Deborah Moskowitz

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 9:00 a.m.

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

APPROVAL OF MINUTES:

The Chairman requested a motion approving the minutes of the June 4, 2015, Board of Zoning Adjustment meeting.

A motion was made by Carolyn C. Karraker, seconded by Eugene Roberson, (Deborah Moskowitz was absent) and unanimously carried to **APPROVE** the minutes of the June 4, 2015, Board of Zoning Adjustment meeting.

MIKE OLIVER - VA-15-04-045

REQUEST: Variances in the R-1A zoning district as follows:
1) to create a substandard sized lot of 6,579 sq. ft. in lieu of 7,500 sq. ft.; and,
2) 20 ft. rear setback in lieu of 30 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 presented a brief overview of the property and recapped that the BZA reviewed this application at its June 2, 2015 meeting. During that meeting, the applicant had addressed the Board requesting that the case be continued to the next meeting in order to request for consideration an additional variance of a ten (10) foot reduction on the rear setback. As a result, the BZA agreed to continue the case. Thus, 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., and to reduce the rear setback to twenty (20) feet in lieu of thirty (30) feet. The property originally contained a house which was unsafe, and subsequently, demolished. Mr. Balevich noted that the proposal was consistent with the area as there were similar sized lots as well as smaller lots with houses in the surrounding area.

Mr. Balevich reiterated 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 minimum required lot width; c) there were smaller lots in the area with houses; d) no 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 received no commentaries in favor and two (2) commentaries in opposition to the request. Further, Mr. Balevich stated if the BZA approved this request, the conditions as outlined in the staff report should be imposed.

Rainer Richter, 1104 Hempel Avenue, Gotha, Florida 34734, on behalf of the applicant, addressed the Board and stated that the applicant was in full agreement with the staff recommendation, and elaborated that the current setback would not allow for development.

No one spoke in favor or opposition to this request.

The BZA discussed the case and stated that this application was a straightforward request; specifically, there were other smaller lots in the area with houses; and, not approving this request would render the lot useless which would lead to more issues with maintenance. Therefore, the BZA concurred with staff's recommendation.

A motion was made by Zachary Seybold, seconded by Carolyn Karraker, (Deborah Moskowitz 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 "March 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. All future development shall comply with required building setbacks.

Board Member, Tony Rey arrived to the public hearing at 9:45 a.m.

GERARDO FLORES - SE-15-07-050

REQUEST: Special Exception and Variance in the A-2 zoning district to convert existing accessory structure as follows:
1) Special Exception: To convert accessory building into a detached Accessory Dwelling Unit (ADU) for property owners immediate family; and,
2) Variance: To allow ADU at 1,420 sq. ft. of living area in lieu of 1000 sq. ft.

ADDRESS: 18826 Sheldon ST, Orlando FL 32833

LOCATION: South side of Sheldon St., approximately 825 ft. west of Dallas Blvd., in the Wedgfield development

TRACT SIZE: 1.20 acres

DISTRICT#: 5

LEGAL: CAPE ORLANDO ESTATES UNIT 11A 3/107 LOT 15 BLK 10

PARCEL ID#: 27-23-32-1181-10-150

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini indicated that the applicant's cover letter implied this request was for Mr. Flores' family. However, an on-site inspection revealed a real estate 'For Sale sign' in the front yard; therefore, the intent of this application was not clear. It appeared the owner wanted to sell the property with a main house and a second dwelling unit to a prospective buyer. Zoning records reflected four (4) variance approvals within one (1) mile of the site; although, these were for oversized accessory buildings, not Accessory Dwelling Units. Still, the applicant was proposing to convert the detached accessory building into an Accessory Dwelling Unit (ADU). Mr. Relvini explained that the intent of the ADU regulations was to allow for a relative who desired to reside in close proximity to his and/or her family. Yet, the application was silent as to who was the primary occupant; and, who was the relative of the occupant on the subject property. Mr. Relvini further advised if the applicant proposed to sell this property, the new buyer should apply for the ADU, not the seller.

Staff received one (1) commentary in favor and none in opposition to the request. Mr. Relvini stated if the BZA approved this request, the conditions as set forth in the staff report should be imposed.

Gerardo Flores, 18826 Sheldon Street, Orlando, Florida 32833, applicant, addressed the Board in support of the request.

Jorge Barcelo, 109 Summer Place Loop, Clermont, Florida 34714, translator on behalf of the applicant, addressed the Board stating the applicant was proposing to place his mother-in-law in the existing dwelling unit at the rear of the site and a buyer was no longer a factor.

No one spoke in favor or opposition to this request.

The Chairman of the BZA revealed that he had discovered this property was still ‘For Sale’ in the Multiple Listing Service (MLS) along with an advertisement to include a mother-in-law suite; and, had not been removed from the market. Staff advised the BZA that the intent did not comply with ADU Regulations while a property was currently on the market as having an ADU for a future buyer. The intent of an ADU was for a specified immediate relative of the owner of the land.

A brief discussion by the BZA acknowledged the new buyer of the property should apply for the ADU, not the seller. Based on the foregoing reasons, the BZA determined the owner's intent was to sell the house and the dwelling unit at the rear to a future buyer which did not meet the spirit and intent of the ADU Regulations.

A motion was made by Zachary Seybold, seconded by Carolyn Karraker, (Deborah Moskowitz was absent) and unanimously carried to **DENY** the Special Exception request 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).

BEMMIE EUSTACE - SE-15-07-051

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- REQUEST:** Special Exception and Variance in the R-1AA zoning district as follows:
1) Special Exception: To allow attached Accessory Dwelling Unit (ADU) for property owner's mother; and,
2) Variance: To allow ADU 25 ft. from rear property line in lieu of 35 ft.
- ADDRESS:** 7425 Megan Elissa LN, Orlando FL 32819
- LOCATION:** East side of Megan Elissa Ln., approximately 325 ft. south of Sand Pine Estates Blvd.
- TRACT SIZE:** 104 ft. x 140 ft.
- DISTRICT#:** 1
- LEGAL:** SAND PINES 15/49 LOT 43
- PARCEL ID#:** 23-23-28-7809-00-430

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 Special Exception and Variance in the R-1AA zoning district. The Special Exception was to permit an attached Accessory Dwelling Unit (ADU) for the property owner's mother. The variance was needed to allow the ADU to be built twenty-five (25) feet from the rear property line in lieu of thirty-five (35) feet. Mr. Nearing noted that due to the presence of a pool, the proposed location for the ADU was the only area remaining that could accommodate the addition in relations to the rear of the home.

Mr. Nearing reported that staff’s research reflected four (4) variance approvals for rear yard setbacks within approximately one-quarter (1/4) mile of the subject property. Three were to permit a rear setback of twenty-five (25) feet in lieu of thirty-five (35) feet in the R-1AA zoning district, and one was to permit a ten (10) foot setback in lieu of twenty-five (25) feet in the PD zoning district. Further, indicated by Mr. Nearing was that the addition would be buffered to

the rear by mature stand of trees located on the neighboring property to the east.

Mr. Nearing reported the applicant intended to use the same architectural style, materials, and color to construct the addition as the primary residence. Furthermore, the required parking space could be accommodated in the existing driveway.

Staff received letters of support from their Homeowners Association and from five (5) adjacent property owners provided by the applicant. Therefore, Mr. Nearing stated staff recommended approval of the request subject to the conditions as outlined in the staff report.

Robin Guthrie, 7425 Megan Elissa Lane, Orlando, Florida 32819, owner on behalf of the applicant, addressed the Board stating they were in complete agreement with the staff recommendation and all of the conditions; and expressed that the five (5) most affected neighbors were all in support of the request.

No one spoke in favor or opposition to this request.

The BZA discussed the case and concluded since the most impacted neighbors supported the application and there being no opposition, the request was consistent with the character of the neighborhood. Therefore, the BZA concurred with staff's recommendation.

A motion was made by Carolyn Karraker, seconded by Tony Rey, (Deborah Moskowitz 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 May 11, 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 accessory dwelling unit shall be used by family members only and shall not be rented out;
4. The exterior of the addition shall match the exterior of the existing residence;
5. Construction plans shall be submitted within three years or this approval becomes null and void;

- 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.

RAPHAEL GONZALEZ - VA-15-07-052

REQUEST: Variance in C-2 zoning district to allow an addition to remain 0 ft. from the rear property line in lieu of 20 ft.

ADDRESS: 2021 N Goldenrod RD, Orlando FL 32807

LOCATION: East side of N. Goldenrod Rd., south of Liverpool Blvd., north of E. Colonial Dr.

TRACT SIZE: 80 ft. x 118 ft.

DISTRICT#: 3

LEGAL: BEG 30 FT E & 180 FT S OF NW COR OF NW1/4 OF SE1/4 RUN S 80 FT E 138 FT N 80 FT W 138 FT TO POB (LESS W 20 FT THEREOF) IN SEC 14-22-30

PARCEL ID#: 14-22-30-0000-00-133

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini gave a brief presentation to include depicting photographs of the site and its use as a convenience store. The applicant attempted to construct an addition to the front section of the building. In 2005, Building Department records indicated that an unresolved building violation was issued for constructing an addition at the rear of the building without permits. To date, the applicant was trying to resolve said violation. Staff advised the BZA that the addition at the rear was constructed sometime between 1970 and 2000.

Further, Mr. Relvini explained that the applicant was in the process of obtaining permits for alteration work at the front of the convenience store. Also reported by Mr. Relvini was that the applicant had indicated the store was constructed in 1970. The application was a request to allow the addition at the rear to remain at zero (0) feet from the rear property owner. However, even though there was a zero (0) foot rear setback, the adjacent home was located approximately thirty-five (35) to forty (40) feet from the addition.

It was pointed out by Mr. Relvini that the most affected owners to the east and south had submitted letters of no objection. Nonetheless, Mr. Relvini advised the BZA, if this request was approved, the owner would have to obtain permits for the rear addition.

Staff received two (2) commentaries in favor and none in opposition to the request. Lastly, Mr. Relvini stated if the BZA approved this request, the conditions as set forth in the staff report should be imposed.

Francis Lizardo, 101 Concord Drive, Casselberry, Florida 32707, General Contractor on behalf of the applicant, addressed the Board providing new drawings submitted into the record and indicated that the new owner inherited this pre-existing issue from the previous owner. Mr. Lizardo further stated the most impacted property owner to the east submitted a letter of no objection.

No one spoke in favor or opposition to this request.

The BZA discussed the case and concluded the request was non-intrusive to the surrounding area; and, did not adversely impact anyone. Therefore, the BZA concurred with staff's recommendation.

A motion was made by Tony Rey, seconded by Eugene Roberson, (Deborah Moskowitz 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 February 3, 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. Construction plans shall be submitted within 90 days of this approval. Permits shall be obtained within 180 days of this approval.

BARBRA JOYNER - VA-15-07-053

REQUEST: Variance in the R-3 zoning district to construct a 2-story garage addition 12 ft. from front property line in lieu of 25 ft.
(Note: Second story to be used as a home office. Applicant submitted letters of no objection from surrounding neighbors).

ADDRESS: 2317 Homeland ST, Orlando FL 32806

LOCATION: East side of Homeland St., west of Newberry St., approximately 700 ft. north of E. Michigan St.

TRACT SIZE: 55 ft. x 150 ft.

DISTRICT#: 3

LEGAL: CLOVER HEIGHTS REPLAT P/81 LOT 7 BLK H

PARCEL ID#: 06-23-30-1424-08-070

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 the R-3 zoning district to construct a standard size 2-story attached garage addition with twenty (20) feet of depth, twelve (12) feet from the front property line in lieu of twenty-five (25) feet. Further, the second floor of the garage would be used as a home office.

Mr. Nearing reported that the subject property in this area was platted in 1925, and most of the

homes were constructed prior to 1960, with some dating back to 1933. A review of the aerial photographs indicated that since many of the homes predated zoning in Orange County, many were built well into what was now the front setback of which field observations had verified this information as well.

It was also noted by Mr. Nearing that there was the presence of the home's drainfield, and a sizable difference in grade from the rear of the home to the rear property line on Newberry Street which made placing an attached garage in the rear of the home impractical. Further, the resulting request equated to a fifty-two percent (52%) variance which was slightly more than the maximum of fifty percent (50%) differential in which the BZA preferred to abide by this standard. Although, the difference of one-half (1/2) foot would be virtually imperceptible, and due to the existence of many of the homes in the front and side street yard setbacks, the garage would be in character with this older neighborhood.

Mr. Nearing indicated the applicant had obtained letters of support from six (6) adjacent and/or nearby neighbors. Staff received no commentaries in opposition to the request. Moreover, Mr. Nearing stated staff found that due to the presence of a significant number of homes with the front and side street yard setbacks, this request was consistent with the existing pattern of development in the neighborhood and would blend well with the primary residence. Therefore, Mr. Nearing stated staff recommended approval of the request subject to the conditions as outlined in the staff report.

Barbra Joyner, 2317 Homeland Street, Orlando, Florida 32806, applicant, addressed the Board and provided photographs of the subject property describing the adverse conditions of the backyard which were submitted into the record. Lastly, Ms. Joyner stated that she was in total agreement with the staff recommendation and all of the conditions.

No one spoke in favor or opposition to this request.

The BZA asked whether there was a sidewalk across the front of the lot that may be blocked by cars parking in front of the garage. Staff noted there were not any sidewalks in the entire subdivision, and most people walked in the streets. Also, due to the narrowness of the road pavement, there was ample room for vehicles parked in front of the garage to avoid blocking the street.

The BZA concluded that the slope in the rear yard made locating the garage impractical in this designated area, and, the addition would fit with the character of the neighborhood. Therefore, the BZA concurred with staff's recommendation.

A motion was made by Tony Rey, seconded by Eugene Roberson, (Deborah Moskowitz 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 May 12, 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 of the addition shall match the exterior of the existing residence; 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.

CHRISTIAN FAMILY WORSHIP CENTER OF ORLANDO INC - SE-15-07-054

REQUEST: Special Exception and Variance in the R-1 and R-1A zoning districts to permit the operation of an outdoor recreational facility in conjunction with a religious facility as follows:

1) Special Exception: To construct small golf course consisting of six golf holes, putting green for instructional training, and a modular building for golf instructor's classroom.

2) Variance: To allow grassed parking in lieu of paved.

(Note: Per applicant, golf education will not take place at the same time as the existing school or church services. Further, no outdoor lighting for the recreational use is proposed).

ADDRESS: 4365 Kennedy Avenue, Orlando FL 32812

LOCATION: East side of Kennedy Ave., approximately 1/4 mile south of Gatlin Ave.

TRACT SIZE: 20 acres

DISTRICT#: 3

LEGAL: N 15 ACRES OF N1/2 OF SW1/4 OF NE1/4 OF SEC 16-23-30 SEE 5017/1400 & S1/4 OF N1/2 OF SW1/4 OF NE1/4 OF SAID SEC

PARCEL ID#: 16-23-30-0000-00-012

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 in the R-1 and R-1A zoning districts to permit the operation of an outdoor recreational facility in conjunction with a religious facility. The proposal consisted of a six (6) hole golf course, a putting green for instructional training, and a modular building for the golf instructor's classroom. In addition, the applicant was requesting a Variance to allow grassed parking in lieu of paved.

It was advised by Mr. Nearing that the type of course being proposed often referred to as a "pitch & put" course, would be designed primarily for practice of short "chip" shots for approaching the green and putting practice. There would be no driving range for practice of long shots. Golf education would not take place at the same time as the existing school or church services. There would be no outdoor lighting for the recreational use with hours of operation set from 9:00 a.m. to 6:30 p.m.

Mr. Nearing further informed the BZA that the applicant had stated the golf course and putting

green were to be part of the church outreach. The course would be operated by a non-profit organization known as Tee-Lo which had been operating in Orange County for a number of years. The primary focus of the course was not only to teach the game of golf to primarily youth between the ages of seven (7) to seventeen (17) years old; but, training in life skills and experience, such as manners, etiquette, and personal communication. As a result, this request intended to provide youth with alternatives to unsupervised activities which could lead to troubled youth.

Mr. Nearing also reported that in 2006, a prior congregation submitted a Special Exception application to expand the current facility by more than twice the size of the existing sanctuary. The application was highly contentious, and ultimately went before the Board of County Commissioners, where it was approved. Thereafter, clearing and grading of the subject site had commenced, yet, the site was abandoned before any construction began and sat idle in an unsightly manner. Afterwards, the current congregation had acquired the subject site and restored it to a more acceptable state. Furthermore, the current congregation had no intention of pursuing the 2006 approval, and had indicated that it would accept abandonment of said approval as a condition of this application.

Mr. Nearing stated that on Monday, June 15, 2015, a Community Meeting was held at the church where approximately thirty plus (30+) people were in attendance. Most attendees were residents of the surrounding community. There was considerable discussion of the site's past, with concerns over what would happen should the current proposal be approved, but cease operations. In general, the residents were not opposed to the use of the site for golf education, and even some limited open play by the general public, as their primary concerns were over lighting, noise, hours of operation, the number and control of players during open play, and potential damage from errant golf balls.

Mr. Nearing indicated the site plan showed a retention pond encroachment into the Orange County Conservation Area. Thus, the applicant was aware that any approval of this request did not constitute approval of any Conservation Area impacts.

Mr. Nearing also noted since the primary intent of the course was to offer youth instruction for educational purposes, and not as a for-profit venture, it was recommended that open play should be limited for the general public. The plan reflected that Hole #3 was designed to putt southerly adjacent to Kennedy Avenue. However, the applicant was proposing use of vertical netting to stop errant shots from going into the traffic.

As noted by Mr. Nearing, staff did not support this use of morphing into a bona-fide retail commercial use. To that end, Mr. Nearing recommended that retail sales of food; drinks; merchandise; and, equipment to be prohibited, but with the exception of limiting sales to flight golf balls. Further, staff did not recommend the County be involved in the setting of any user fees. Moreover, there should be a limit in the number of players during open play, and on the number of students to be regulated by an instructor per student ratio.

Finally, Mr. Nearing pointed out that landscaping and buffering would be essential for the use to blend properly with the adjacent residence. The course had been laid out by a professional golf course landscape architect, and designed so that right-handed golfers, with slices being

the most common swing, would actually have their shots land toward the interior of the course. To ensure that, should the application be approved, the current operator and proposed business plan was what would manage its use; any approval should be specific to the current operator; and, there should be safeguards in the event violations of the conditions of approval occur and/or the operation would be shut down.

Staff received three (3) commentaries in favor and five (5) commentaries 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.

Rey Malave, 520 S. Magnolia Avenue, Orlando, Florida 32801, engineer for the applicant, addressed the Board explaining the conceptual plans related to the project of the church.

Robert Biggers, 4717 S. Conway Road, Orlando, Florida 32812, on behalf of the applicant, addressed the Board confirming that there would be open play for the general public; however, the hours for this activity would be limited since there was no desire for this request to be turned into a full-time public golf course. Mr. Biggers indicated that the church would like to extend the proposed hours of operation to 7:30 a.m. with later hours during daylight savings time to take advantage of the longer daylight. In addition, Mr. Biggers stated the golf course did not intend to operate on Sundays. Mr. Biggers noted that there was already an existing fence around the site, and that the applicant did not wish to place fencing along Kennedy Avenue.

Ed Beidel, 2327 Hedgegate Court, Orlando, Florida 32828, owner and licensed landscaper, addressed the Board and requested that the landscaping be supplemental, and to utilize the existing treeline to the greatest extent possible.

R. Peter Weller, 5033 Simmons Road, Orlando, Florida 32812, resident, addressed the Board stating concerns with landscaping to prevent golf balls from being hit into adjacent properties and inquiring about the type of fencing along Kennedy Avenue.

Discussions ensued between the BZA and applicant wherein an agreement was made to expand the hours, adjusting Condition #8, from 7:30 a.m. to 7:30 p.m. on Mondays through Fridays; 8:30 a.m. to 7:30 p.m. on Saturdays; and, closed on Sundays. Regarding the fencing and landscaping, staff had clarified that Condition #19, was not intended to require fencing along Kennedy Avenue as it was intended to regulate any safety netting. The applicant added that it was their intent to reduce the need for netting to the minimum necessary. Therefore, Condition #19, was amended to reflect the same. The Chairman also noted that the wording in Condition #19, regarding the safety netting along Kennedy Avenue needed to be changed to clarify that the netting may not be closer than ten (10) feet from the road.

Finally, the BZA agreed to amend Condition #18, regarding the fencing to allow the Zoning Manager to approve the final landscape plan. The BZA also amended Condition #22, to require signage limiting the types of balls that may be used on the course to the limited flight variety. To conclude, the BZA recommended amending Condition #25, clarifying that if the approval was ever brought back before the Board due to repeat violations, then the BZA would have the right to revoke the approval. Based on the foregoing, the BZA concurred with

staff's recommendation to include conditions as amended.

A motion was made by Tony Rey, seconded by Carolyn Karraker, (Deborah Moskowitz 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 May 13, 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. This approval shall supercede all previous Special Exception approvals;
4. Construction plans shall be submitted within three (3) years or this approval becomes null and void;
5. There shall be no impacts or encroachments to any Orange County Conservation Areas unless approved by Orange County;
6. One ground sign shall be permitted in accordance with Section 31.5- 78, Orange County Code;
7. Outdoor lights for the golf course and putting green shall be prohibited;
8. Hours of operation shall be 7:30 a.m. to 7:30 p.m. Monday-Friday, and 8:30 a.m. to 7:30 p.m. Saturday;
9. The hours for open play by those not enrolled in the instructional classes shall be limited to 9 a.m. to 3 p.m. Monday thru Friday, and 12 p.m. to 7:30 p.m. on Saturdays. Open play shall be monitored at all times by the course operator;
10. With the exception of "limited flight golf balls" for open play, retail sales of any products, food, drinks, merchandise and equipment shall be prohibited. However, vending machines are permitted;
11. The religious use shall not operate during the same hours as the golf course and putting green;

- 12. Any expansions of either the religious use or the golf course and putting green use shall require another special exception approval by the BZA;
- 13. There shall be no driving range installed without further approval by the BZA;
- 14. This approval shall be limited to Tee-Lo Golf, Inc. Any change in ownership shall require a re-evaluation by the BZA;
- 15. Outdoor amplification of sound or music, or the use of a PA system, shall be prohibited;
- 16. Noise shall be regulated by Chapter 15, Orange County Code;
- 17. Landscaping along the north, west and south property lines shall be in accordance with Chapter 24, Orange County Code;
- 18. The landscape plan shall be subject to the Zoning Manager's approval, up to but not to exceed the requirements of a Type B buffer;
- 19. Any required safety netting not located adjacent to the conservation area shall meet the required building setbacks, with the exception of the netting for Hole #3 located along Kennedy Ave., which may be located not closer than ten (10) ft. to the right-of-way line;
- 20. Open play shall be limited to no more than 24 people at any one time;
- 21. There shall be a minimum of one instructor for each ten (10) minors participating in the educational program;
- 22. Only "limited flight" golf balls will be used in play, including open play. No standard golf balls may be used on the six hole course. Appropriate signage to that effect shall be prominently posted;
- 23. The approval of the outdoor recreation use shall terminate if the use ceases operation for period of 180 continuous days or more;
- 24. The site shall be properly mowed and maintained in compliance with adopted property maintenance standards; and,
- 25. Any violation of the conditions of approval shall be enforced by the Code Enforcement Division, not the BZA. Three documented violations of the conditions of approval within a twelve (12) month period shall require the use to be re-reviewed by the BZA for the appropriateness of its continuation, and the BZA shall have the right to revoke said approval.

THOMAS D. THOMSON - VA-15-07-055

REQUEST: Variance in the A-2 zoning district to allow cumulative accessory structure square footage of 5,800 sq. ft. in lieu of 2,000 sq. ft.
(Note: This is a result of code enforcement action. The applicant added a "lean-to" to an existing garage. The existing structures were constructed under an agricultural exemption and as such was not restricted by size requirements. The exemption has since lapsed. This application attempts to validate all existing accessory structures. There is no development to the rear of the site).

ADDRESS: 2487 Boch RD, Apopka FL 32712

LOCATION: North side of Boch Rd., approximately 1/2 mi. east of Plymouth Sorrento Rd.

TRACT SIZE: 4.42 acres

DISTRICT#: 2

LEGAL: BEG NW COR OF NW1/4 OF SE1/4 RUN E 302.84 FT S 3 DEG E 667.45 FT W 302.41 FT N 3 DEG W 669.91 FT TO POB (LESS RD R/W ON S) INCLUDES VAC R/W PER 3931/2843 IN SEC 06-20-28

PARCEL ID#: 06-20-28-0000-00-026

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 for cumulative accessory structures of 5,800 square feet in lieu of 2,000 square feet. It was also noted by Mr. Balevich that the applicant was not aware a permit was required until issued a citation by the Code Enforcement Division.

Mr. Balevich advised that the "lean-to" was located at the rear of the property and was not readily visible from the road. In addition, the property backed up to the 164-acre Lake Lucie Conservation area. The proposal was also compatible with the rural character of the area.

Mr. Balevich stated staff had no objections to this request because: a) the request would not adversely impact any quality of life circumstances; b) the structure exceeded the required rear setback; and, c) the property backed up to a Conservation Area wherein no rear neighbors were affected.

Staff received no commentaries in favor of the application and one (1) commentary in opposition. Mr. Balevich stated if the BZA approved this request, the conditions as outlined in the staff report should be imposed, to include the added Condition #4, addressing that the accessory structures shall not be used as dwelling units which was submitted at the BZA hearing by staff and entered into the record.

Thomas D. Thomson, 3053 County Road 437, Sorrento, Florida 32771, applicant, addressed the Board and explained that the existing buildings were built under the agricultural exemption. The 'lean to' was added after the exemption had expired. Lastly, Mr. Thomson agreed with staff's recommendation.

No one spoke in favor or opposition to this request.

The BZA discussed the case stating the request was a 180% variance, but recognized the buildings were built under the agricultural exemption at the time and backed up to a Conservation Area owned by Orange County; and determined that the 960 sq. ft. 'lean to' was added after the exemption. Further, the BZA confirmed that the 3,000 square feet of cumulative accessory structure square footage would have been allowed, if the property was (five) 5-acres. Based on the foregoing information, the BZA concurred with staff's recommendation to include the added Condition #4.

A motion was made by Gregory A. Jackson, seconded by Carolyn Karraker, (Deborah Moskowitz 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 May 13, 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 obtain a permit for the lean-to within 180 days or this approval becomes null and void; and,
- 4. The accessory structures shall not be used as dwelling units.

DON WHITE, JR. - VA-15-07-056

REQUEST:	Variance in the R-CE zoning district to allow construction of a single family residence on a substandard lot width of 105 ft. in lieu of 130 ft.
ADDRESS:	4451 Chuluota RD, Orlando FL 32820
LOCATION:	East side of Chuluota Rd., 1 mile north of Old Lake Pickett Rd.
TRACT SIZE:	2.32 acres
DISTRICT#:	5
LEGAL:	BEG NE COR OF NW1/4 OF SW1/4 RUN W 332.96 FT S 17 DEG E 105.05 FT E 1634.39 FT N 100.06 FT W 1330 FT TO POB IN SEC 04-22-32
PARCEL ID#:	04-22-32-0000-00-051

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini indicated that the applicant was proposing to demolish the existing home and construct a new 3654 square foot home on a lot which was 105 feet wide. The R-CE zoning required 130 feet of lot width; therefore, the lot did not meet the lot width requirement. Hence, a variance was required for the lot width.

Mr. Relvini pointed out that there were numerous similar sized lots with existing homes in the general area. In addition, the subject property was compatible with the other lots in the area. Further advised by Mr. Relvini was that approval of the request would provide a reasonable use of the land while still maintaining lot size compatibility. As such, staff had no objections to this request.

Staff received four (4) commentaries in favor and none in opposition to the request. Based on the foregoing reasons, Mr. Relvini stated staff recommended approval of the request subject to the conditions as set forth in the staff report.

Dave Tollman, 1316 Shallcross Avenue, Orlando, Florida 32828, General Contractor on behalf of the applicant, addressed the Board and gave a brief presentation which showed his intent and the type of home to be constructed for a new buyer. Mr. Tollman agreed with staff's recommendation.

No one spoke in favor or opposition to this request.

The BZA discussed the case and determined the request was consistent with the other lots in the surrounding area. Therefore, the BZA concurred with staff's recommendation.

A motion was made by Zachary Seybold, seconded by Tony Rey, (Deborah Moskowitz 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 submitted by the applicant 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 proposed detached accessory building shall be located in the rear one half of the lot.

Board Member, Tony Rey left the public hearing at 12:03 p.m.

JEFFREY ICARDI - VA-15-07-057

REQUEST: Variances in the C-2 zoning district to validate an existing accessory structure (metal building) as follows;
1) 1.6 ft. from the rear (south) property line in lieu of 15 ft.; and,
2) 1.6 ft. from the side (west) property line in lieu of 5 ft.
(Note: This application is the result of code enforcement action. The structure in question was constructed in the early 1980's)

ADDRESS: 11460 E Colonial DR, Orlando FL 32817

LOCATION: South side of E. Colonial Dr., approximately 2,500 ft. west of N. Alafaya Trail

TRACT SIZE: 133 ft. x 220 ft.

DISTRICT#: 4

LEGAL: THE E1/2 OF W1/4 OF NE1/4 OF NE1/4 LYING S OF SR #50 (LESS W 30 FT) & FROM SW COR OF NE1/4 OF NE1/4 RUN E 30.01 FT N 30.01 FT TH N 818.43 FT TO S R/W LINE OF SR #50 TH S 81 DEG E 166.78 FT S 31.37 FT TO POB TH SWLY & SELY ALONG CURVE 31.39 FT N 21.77 FT T

PARCEL ID#: 21-22-31-0000-00-018

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini indicated that the applicant was cited as a result of code enforcement action for having trash, debris, and inoperable vehicles on the site. The property owner cleaned up

some of the unsightliness of the site but during the inspection, it was determined the existing ancillary building along the rear of the site did not have permits. The applicant needed a variance because the ancillary building did not meet the fifteen (15) foot rear yard setback.

Mr. Relvini advised that the building was constructed in the late 1970s to early 1980s; and reported, if this request was approved, the applicant understood the building would need to meet all commercial construction codes through the Orange County's Commercial Site Plan Review Process.

As pointed out by Mr. Relvini, there was not any room to install landscaping along the south or west property lines; although, the landscape code did not apply because the building was constructed prior to the adoption of the County's Landscape Ordinance. Nonetheless, fencing could be provided. Lastly, Mr. Relvini stated if the BZA approved this request, the conditions as set forth in the staff report should be imposed.

Melissa Nicholson, 2450 33rd Street, Orlando, Florida 32839, Code Enforcement Officer, addressed the BZA and indicated the property owner had cleaned up the debris and inoperable vehicles from the site. Ms. Nicholson stated the only remaining issue was the location of the metal building.

Jeffrey Icardi, 549 N. Wymore Road, Suite 109, Maitland, Florida 32751, attorney for the applicant, addressed the Board presenting photographs of the subject property which were reflected into the record, and advised that his client constructed the building in the early 1980s. Thereafter, the adjacent properties were developed. Mr. Icardi indicated his client operated a used car dealership which existed before the tenants were on either side. Lastly, Mr. Icardi confirmed his client had cleaned up the subject site.

Pam Russell, 11350 E. Colonial Drive, Orlando, Florida 32817, a representative of Lazy Boy, addressed the Board explaining their business was located to the west and spoke with concerns about the unsightliness of the property. The BZA advised this person that such issues were left to the Code Enforcement Division.

The BZA discussed the case and concluded that the conditions were reasonable and the applicant had worked in good faith with Orange County Code Enforcement to clean up the site. Further, the BZA amended Condition #3, to reflect for the applicant to submit construction plans within sixty (60) days, and to obtain a permit within ninety (90) days or this approval would become null and void, and, code enforcement action would proceed; and, a final inspection shall be issued within six (6) months of obtaining a permit. Finally, the BZA added Condition #4, to address if the structure was removed or demolished, any new structures shall comply with all zoning requirements. Finally, the BZA concurred with staff's recommendation to include the conditions as amended.

A motion was made by Gregory A. Jackson, seconded by Carolyn Karraker, (Deborah Moskowitz and Tony Rey were 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 June 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. Submit construction plans within sixty (60) days. Obtain a permit within ninety (90) days or this approval becomes null and void and code enforcement action shall proceed. Final inspection shall be issued within six (6) months of obtaining a permit; and,
- 4. If the structure is removed or demolished, any new structures shall comply with all zoning requirements.

WAYNE GANDY - VA-15-07-058

REQUEST: Variance in the A-1 zoning district to allow an addition (office/storage room) 40 ft. from the rear property line in lieu of 50 ft.
(Note: This is the result of code enforcement action).

ADDRESS: 2012 Clarcona RD, Apopka FL 32703

LOCATION: Northwest corner of Clarcona Rd., and Stutzman Ct.

TRACT SIZE: 1.12 acres

DISTRICT#: 2

LEGAL: E 100 FT OF W 1150 FT OF N1/8 OF NW1/4 OF SW1/4 OF SEC 22-21-28 & S 65 FT OF E 170 FT OF N1/8 OF NW1/4 OF SW1/4 & N 50 FT OF E 170 FT OF N1/8 OF NW1/4 OF SW1/4 OF SAID SEC 22-21-28 & S 117.50 FT OF SW1/4 OF NW1/4 OF SEC 22-21-28 (LESS RD ON E) & E 100 FT

PARCEL ID#: 22-21-28-0000-00-062

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 addition for an office/storage room, forty (40) feet from the rear property line in lieu of fifty (50) feet. However, the applicant hired a contractor who performed work without a permit, and was cited by the Code Enforcement Division.

Mr. Balevich reported that as of this date, only the slab had been poured. Additionally, the proposal would still allow for adequate spacing and air flow between properties.

Staff had no objections to this request because: a) the request would not adversely impact any quality of life circumstances; b) the remaining setback of forty (40) feet was still a significant setback for the rear property owner; c) no privacy rights were being affected; and, d) the proposed size of the addition was minimal and reasonable.

Staff received no commentaries in favor and none in opposition to the request. Mr. Balevich

stated if the BZA approved this request, the conditions as outlined in the staff report should be imposed.

Wayne Gandy, 720 South Orange Blossom Trail, Suite #510, Orlando, Florida, Civil Engineer on behalf of the applicant, addressed the Board stating he was the new engineer and that the applicant agreed with the staff recommendation.

No one spoke in favor or opposition to this request.

The BZA asked about the previous contractor and confirmed that the applicant would not use that same contractor moving forward on said project. The BZA stated that this was a straightforward request which was within the scope of what was normally approved; and further, stated if the request had been applied for in advance, there would not have been a problem with it. Based on the foregoing circumstances, the BZA concurred with staff's recommendation.

A motion was made by Gregory A. Jackson, seconded by Eugene Roberson, (Deborah Moskowitz and Tony Rey were 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 "May 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. The addition shall have similar colors and design materials as the primary structure.

WILLIAM C VOIGHT II - SE-15-07-059

REQUEST: Special Exception in the R-CE zoning district to permit an attached Accessory Dwelling Unit (ADU) for owner's son and wife with the following Variances:
1) 36 ft. in height in lieu of 35 ft.;
2) 5,333 sq. ft. in size in lieu of 1,500 sq. ft.; and,
3) Locating an ADU in front of the principal dwelling unit.
Note: The original structure was constructed as an addition to the main house without a full kitchen. The conversion to an ADU will be accomplished through the installation of a separate full kitchen. The additional square footage will result from the enclosure of an existing 893 sq. ft. second floor balcony.

ADDRESS: 9413 Winter Garden Vineland RD, Orlando FL 32836

LOCATION: East side of Winter Garden Vineland Rd., approximately 2,000 ft. north of Lake

Sheen Reserve Blvd., on the west side of Lake Sheen.

TRACT SIZE: 106 ft. x 1,278 ft.

DISTRICT#: 1

LEGAL: S 53 FT & N 53 FT OF N 106 FT OF S 541.70 FT OF W1/2 OF NE1/4 (LESS W 30 FT FOR R/W & LESS PT TAKEN FOR R/W PER 4993/2619) OF SEC 05-24-28

PARCEL ID#: 05-24-28-0000-00-019

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 Special Exception in the R-CE zoning district to permit the conversion of a home addition to an attached Accessory Dwelling Unit (ADU) for the owner's son and wife. The following Variances were also requested to complete the conversion: 1) to validate the existing building which was thirty-six (36) feet in height in lieu of thirty-five (35) feet; 2) to allow the ADU to be 5,333 square feet in size in lieu of 1,500 square feet; and, 3) to allow the ADU to be located in front of the principal dwelling unit.

Mr. Nearing advised that the original structure was constructed as an addition to the main house without a full kitchen. Further, the conversion to an ADU would be accomplished through the installation of a separate full kitchen. The additional square footage would result from the enclosure of an existing 893 square foot second floor balcony.

Mr. Nearing also reported that the balcony to be enclosed was located at the rear of the structure. Further, there would not be any other alterations to the existing structure or any visible change to the residence from Winter Garden Vineland Road.

As pointed out by Mr. Nearing, that while the size of the ADU was significantly larger than the normal request, the configuration of the home did not permit an ADU. Therefore, only the second and third floor would constitute for the ADU. The entire addition would become a stand alone dwelling unit rather than attempting to designate specific floors of the three story structure for the ADU. The applicant was simply designating the entire addition as an ADU since it was in fact one unified self-contained unit.

Furthermore, Mr. Nearing stated that the front of the unit was over 800 feet from the front property line. Winter Garden Vineland Road was a four-lane divided arterial road with over 200 feet of right-of-way which added even more separation between a passing motorist and the home. More importantly, to date, neither of the adjacent neighbors had filed any objection to the request.

It was also noted by Mr. Nearing, that the owner had acknowledged that the ADU would only be occupied by family members, and would never be rented out. Moreover, the property immediately north of the subject property had been granted a Special Exception for a 1,868 square footage detached ADU in front of the principal structure with an attached three-car garage in 2001. Based on the foregoing reasons, Mr. Nearing stated staff recommended approval of the request subject to the conditions as outlined in the staff report.

Board member, Gregory Jackson, disclosed that he was an acquaintance of Attorney, Roberta Walton, but, stated that he could remain impartial relative to this request.

Roberta Walton, 7680 Universal Blvd., Suite #100, Orlando, Florida 32819, attorney for the

applicant, addressed the Board explaining the balcony enclosure to include the recession of the structure. Ms. Walton noted that the applicant was in agreement with the staff recommendation and the conditions.

William C. Voight, II, 7680 Universal Blvd., Suite 100, Orlando. Florida 32819, applicant, addressed the Board in support of the request.

No one was in attendance to speak for or against the request.

A brief discussion ensued between the BZA and the applicant's attorney on clarification with regards to the extent of the recessed building. Thereafter, the BZA interjected that this was a very unique situation given the size and configuration of the addition which was being converted. Staff asserted that because of the unique circumstances for this request being such a large ADU, no one would ever be able to point to this application as justification on another application. In conclusion, the BZA recognized that the addition was located over 800 feet from Winter Garden Vineland Road on a large parcel of land. As a result, no portion of the addition could be seen from the road; thus, not having any impact on the surrounding area. Therefore, the BZA concurred with staff's recommendation.

A motion was made by Carolyn Karraker, seconded by Eugene Roberson, (Deborah Moskowitz and Tony Rey were 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 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:

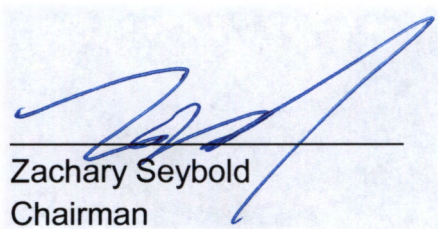
1. Development in accordance with site plan dated May 13, 2015, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for 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 accessory dwelling unit shall be used by family members only and shall not be rented out;
4. Construction plans shall be submitted within three (3) years or this approval becomes null and void;

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. The applicant shall be responsible for payment of all applicable fees and assessments, including, but not limited to, impact fees.

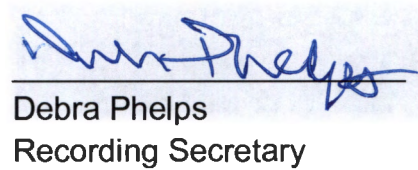
ADJOURN:

There being no further business, the meeting was adjourned at 1:04 p.m.

ATTEST:



Zachary Seybold
Chairman



Debra Phelps
Recording Secretary