

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
MEETING OF JANUARY 7, 2016**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **January 7, 2016** 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  
Carolyn C. Karraker - Vice Chairman  
Gregory A. Jackson  
Deborah Moskowitz  
Eugene Roberson  
Charles Norman

BOARD MEMBERS ABSENT: Tony Rey

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 9:05 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 December 3, 2015, Board of Zoning Adjustment meeting.

A motion was made by Carolyn C. Karraker, seconded by Charles Norman, and unanimously carried to **APPROVE** the minutes of the December 3, 2015, Board of Zoning Adjustment meeting.

**ELECTION OF OFFICERS:**

Board member Gregory A. Jackson nominated Zachary Seybold for Chairman.

A motion was made by Gregory A. Jackson, seconded by Carolyn C. Karraker, and unanimously carried to **APPOINT** Zachary Seybold for Chairman of the Board of Zoning Adjustment.

Board member Gregory A. Jackson nominated Carolyn C. Karraker for Vice Chairman.

A motion was made by Gregory A. Jackson, seconded by Charles Norman, and unanimously carried to **APPOINT** Carolyn C. Karraker for Vice Chairman of the Board of Zoning Adjustment.

## **OTHER BUSINESS:**

Tim Boldig, Assistant Deputy Director, gave a brief presentation to discuss the adoption of the new format for the minutes to better improve the efficiency and mainstream of the process.

## **PUBLIC COMMENT:**

The Chairman opened the floor to public comment, seeing none, the Chairman closed the hearing for public comment and continued with the regularly scheduled agenda.

## **ROBERT THOMAS - VA-16-01-128**

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**REQUEST:** Variance in the R-2 zoning district to permit 1,657.6 cumulative sq. ft. of accessory structures in lieu of 500 sq. ft.  
(Note: Existing on-site is a 868 sq. ft. carport and a 285.6 sq. ft. shed. The new structure will be 504 sq. ft. Total sq. footage = 1657.6).

**ADDRESS:** 700 Campanella Avenue, Orlando FL 32811

**LOCATION:** Southwest corner of Carter St. and Campanella Ave., approximately 700 ft. west of S. Ivy Lane

**TRACT SIZE:** 100 ft. x 136 ft.

**DISTRICT#:** 6

**LEGAL:** WASHINGTON PARK SECTION ONE O/151 LOTS 20 & 21 BLK 13

**PARCEL ID#:** 32-22-29-9004-13-200

**NO. OF NOTICES:** 91

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

Staff Recommendation: Staff stated the proposal would result in a 230% increase over the square footage permitted. Therefore, staff had concerns over the amount of increase, and how the neighborhood would react to the request. Staff stated that if the BZA approved the request, the conditions as listed in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s):

Robert Thomas (Applicant)

Doris McKnight (in Favor)

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

BZA Discussion: A brief discussion ensued between the BZA and applicant's representative wherein the applicant's representative stated that the owner wanted the additional accessory building to raise orchids. However, the owner indicated that the accessory building would be used as a carport with minimal orchid storage. The BZA concluded the request was a self created hardship, and expressed concern about the amount of increase proposed since the accessory building square footage was already in excess of what was permitted by code. The BZA approved a variance for a maximum of 1,153.6 square feet, totaling the amount of the existing accessory building square footage, but not the additional 504 square feet.

BZA Action: A motion was 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 date-stamped "Received October 30, 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 property is restricted to a maximum of 1,153.6 sq. ft. of accessory buildings.

Motion / Second: Eugene Roberson / Deborah Moskowitz

AYE (voice vote): Eugene Roberson, Deborah Moskowitz, Zachary Seybold, Carolyn C. Karraker, and Charles Norman.

No by voice vote Gregory A. Jackson

Absent: Tony Rey

#### **PEI ZHENG WU - SE-16-01-129**

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**REQUEST:** Special Exception in the A-2 zoning district to allow a mobile home as a detached Accessory Dwelling Unit (ADU) for the applicant's parents; and, a Variance to allow said ADU in front of the principal structure.  
(Note: The ADU will be located a minimum of 100 ft. from Lake Pickett Rd).

**ADDRESS:** 14432 Lake Pickett Road, Orlando FL 32826

**LOCATION:** South side of Lake Pickett Rd., approximately 450 ft. east of N. Tanner Rd.

**TRACT SIZE:** 5.32 acres

**DISTRICT#:** 5

**LEGAL:** THE E1/4 OF NE1/4 OF NW1/4 OF SEC LYING S OF RD ( LESS W 85 FT OF N 256.24 FT THEREOF) & (LESS PT TAKEN ON N FOR R/W PER 6411/502 CIO-01-8152) & ( LESS COMM AT THE N 1/4 CORN OF SEC 13-22-31 TH ALONG TH E LINE OF THE NW 1/4 S0-14-59W 442.88 FT TO A PT OF

**PARCEL ID#:** 13-22-31-0000-00-031

**NO. OF NOTICES:** 117

Commentaries: Two (2) in favor from adjacent residents and two (2) in opposition.

Staff Recommendation: Staff stated, if approved, the proposed ADU would be located a minimum of 100 feet from Lake Pickett Road. Further, staff's research reflected that an ADU was approved in 2005 for a property across the street from the subject property. Staff identified the location of the project and explained that over four (4) acres of the 5.3 acre parcel was

wetlands, leaving just under 1.25 acres of land to place the existing mobile home and the ADU. Because the existing mobile home was sited so far back on the upland portion of the site, there was no room behind it located out of the wetland to place the ADU; thus, the need for the variance. Lastly, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s):

Pei Zheng Wu (Applicant)

Michelle Barker (No opinion)

Kathy Glover (No opinion)

Two residents spoke regarding whether the unit could ultimately become a rental, and if there would be multiple septic systems, and what impact the use would have on their property values, and the environment. Staff noted that proposed condition #4 limited occupancy of the ADU to family, and prohibited the renting of the unit. Anyone wishing to change that condition would need to return to the BZA to have the condition removed. Regarding the environment, the owner would need permits from the State for connecting the new ADU to either the existing or a new septic tank. The State would ensure environmental concerns were addressed. Both residents indicated that they were satisfied and did not object.

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

BZA Discussion: A brief discussion ensued between the BZA the applicant wherein the applicant noted that he accepted the conditions proposed by staff. The BZA indicated that the proposed variance was more a matter of procedure, as no one would be able to tell the difference between the mobile home being used as the principal residence and the ADU. Finally, the BZA concurred with the staff's recommendation.

BZA Action: A motion was 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, 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 November 1, 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. 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.

Motion / Second: Zachary Seybold / Deborah Moskowitz

AYE (voice vote): All present members

Absent: Tony Rey

**MARGARITA FLEITES - VA-16-01-130**

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**REQUEST:** Variance in the R-1 zoning district to allow existing addition to single family residence to remain 22 ft. from rear property line in lieu of 25 ft. (Note: Permit was issued in error in 2008. Addition was constructed with incorrect rear setback. This application allows for the 22 ft. rear setback to remain instead of the required 25 ft. rear setback).

**ADDRESS:** 2907 Slippery Rock Avenue, Orlando FL 32826

**LOCATION:** East side of Slippery Rock Ave., 300 ft. west of N. Tanner Rd.

**TRACT SIZE:** 70 ft. x 102 ft.

**DISTRICT#:** 5

**LEGAL:** COLLEGE HEIGHTS 8/37 LOT 40

**PARCEL ID#:** 12-22-31-1458-00-400

**NO. OF NOTICES:** 74

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

Staff Recommendation: Staff supported the request for the following reasons: (a) the request was minimal; (b) the addition was only one (1) story; and, (c) the most affected neighbor to the rear did not object. Staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s):

Margarita Fleites (Applicant)

Ykileimys Lores (Applicant's translator)

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

BZA Discussion: The BZA discussed the case and concluded the request was not the doing of the applicant and approved the variance. Therefore, the BZA concurred with the staff's recommendation.

BZA Action: A motion was 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 December 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; 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.

Motion / Second: Zachary Seybold / Chuck Norman

AYE (voice vote): All present members

Absent: Tony Rey

**ANTHONY EWEN - VA-16-01-131**

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**REQUEST:** Variances in the I-4 zoning district to permit the construction of a new structure on a proposed new lot as follows:  
1) 10 ft. from side (south) property line in lieu of 25 ft.;  
2) 18 ft. from a side (north) property line in lieu of 25 ft.;  
3) 4 ft. from a side (northwest) property line in lieu of 25 ft.;  
4) 18.5 ft. from existing building to new lot line on south side;  
5) To allow 34 parking spaces in lieu of 53 parking spaces; and,  
6) To increase the floor area ratio from .50 to .59.  
(Note: The applicant is proposing a lot split to create a new lot to the south of the existing building. The split proposes to bisect the existing driveway from west to east, to create a building site at the southeast corner of the new lot, and to create a parking area along the rear of the site dedicated to the new building. The net result will be a total of 34 parking spaces available for the new structures which is required to have 53 spaces, and a total of 28 spaces available for the new structure which is only required to have 27 spaces).

**ADDRESS:** 10895 Rocket Blvd., Orlando FL 32824

**LOCATION:** East of the Florida's Turnpike on the east side of Rocket Blvd., approximately 325 ft. north of Central Florida Parkway

**TRACT SIZE:** 3.3 acres

**DISTRICT#:** 4

**LEGAL:** CENTRAL FLORIDA INDUSTRIAL PARK SECTION 4 3/100 LOT 1 (LESS N 50 FT THEREOF)

**PARCEL ID#:** 11-24-29-1237-00-011

**NO. OF NOTICES:** 33

Commentaries: None

Staff Recommendation: Staff had concerns about this request. If the applicant reduced the proposed building, which reduces the number of variances, staff may support the request. Staff

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

The following person(s) addressed the Board:

Speaker(s):

Anthony Ewen (Applicant)

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

BZA Discussion: A brief discussion ensued between the BZA and applicant regarding the request for variances to construct a second building and do a lot split. The BZA concluded to continue the case to the February 4, 2016 BZA Meeting, to allow the applicant to re-design the site to reduce the amount of variances requested.

BZA Action: A motion was unanimously carried to **CONTINUE** to to the February 4, 2016 BZA Meeting.

Motion / Second: Deborah Moskowitz / Carolyn Karraker

AYE (voice vote): All present members

Absent: Tony Rey

**GLADYS E LUJAN-BREGENZER - VA-16-01-134**

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**REQUEST:** Variances in the R-1 zoning district for accessory buildings as follows:  
1) To allow existing carport to remain in front yard in lieu of side or rear yards;  
2) To allow existing carport to remain 2 ft. from front (south) property line in lieu of 25 ft., and 2 ft. from side (east) property line in lieu of 5 ft.; and,  
3) To allow existing metal shed in rear yard to remain 3 ft. from rear (north) and side (west) property lines in lieu of 5 ft.  
(Note: This is a result of code enforcement action).

**ADDRESS:** 8205 Esperanza Street, Orlando FL 32817

**LOCATION:** North side of Esperanza St., approximately 450 ft. east of N. Chickasaw Tr.

**TRACT SIZE:** 60 ft. x 100 ft.

**DISTRICT#:** 5

**LEGAL:** SUN HAVEN FIRST ADDITION X/110 LOT 8 BLK F

**PARCEL ID#:** 12-22-30-8411-06-080

**NO. OF NOTICES:** 109

Commentaries: Five (5) in favor and one (1) in opposition.

Staff Recommendation: Staff noted the location of the subject property, and showed historic aerials showing that there was no carport in 1999; however, in 2001 the carport was visible. Staff also noted that a review of aerials from 2004-2005, showed that the carport had weathered the storms of 2004 intact. Staff further noted that the carport had been in place for so long, that it had become a part of the appearance of the neighborhood. Staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s):

Gladys E. Lujan-Bregenzner (Applicant)

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

BZA Discussion: The BZA engaged in a brief discussion with the applicant who explained the

history of the carport, and the fact that no one from the County had ever questioned its existence until a neighbor who had been cited by code enforcement pointed out the carport. The applicant indicated their acceptance of the conditions proposed by staff. The BZA discussed the size of the structure, and how large the variances were. However, the BZA acknowledged that the carport had been in existence for fifteen (15) or sixteen (16) years with no complaints. Lastly, the BZA concurred with staff's recommendation along with an additional condition pertaining to the current structures.

BZA Action: A motion was 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 November 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 applicant shall obtain permits for the metal shed and the detached carport within 120 days or this approval becomes null and void;
4. Prior to the issuance of any permits for the metal shed in the rear yard the applicant shall obtain approval from the Public Works Department for the metal shed due to the encroachment into the utility easement; and,
5. Approval is for the current structures only. If the carport or shed are removed, damaged, or deteriorate to such an extent that they are no longer serviceable and need replacement, they may not be replaced without further BZA approval.

Motion / Second: Zachary Seybold / Deborah Moskowitz

AYE (voice vote): All present members

Absent: Tony Rey

**GARY DOOTSON - VA-16-01-135**

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**REQUEST:** Variance in the P-D zoning district to construct addition (aluminum sunroom) to single family residence 11 ft. from rear property line in lieu of 15 ft.

**ADDRESS:** 10337 Matchlock Drive, Orlando FL 32821

**LOCATION:** North side of Matchlock Dr., approximately 100 ft. west of Manila Dr., in the Orangewood P-D.

**TRACT SIZE:** 84 ft. x 95 ft.



**DISTRICT#:** 1  
**LEGAL:** MONTPELIER VILLAGE PHASE 2 8/94 LOT 132  
**PARCEL ID#:** 07-24-29-5720-01-320  
**NO. OF NOTICES:** 83

Commentaries: None

Staff Recommendation: Staff stated that the architectural review committee issued their approval. Staff gave a brief presentation and advised the BZA that there were two (2) similar variances granted in this general area. Staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s):

Gary Dootson (Applicant)

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

BZA Discussion: The BZA discussed the case and concluded the request was reasonable and concurred with the staff's recommendation.

BZA Action: A motion was 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 November 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; and,
3. The design of the sunroom shall be consistent with the design of the main house.

Motion / Second: Carolyn Karraker \ Deborah Moskowitz

AYE (voice vote): All present members

Absent: Tony Rey and Zachary Seybold (temporarily absent)

- BOARD MEMBER EXITED: Zachary Seybold
- BOARD MEMBER RE-ENTERED: Zachary Seybold

**REQUEST:** Special Exception and Variance in the R-CE zoning district as follows:  
1) Special Exception for a detached Accessory Dwelling Unit (ADU) for applicant's mother; and,  
2) Variance to construct new principal residence 35 ft. from rear property line in lieu of 50 ft.  
(Note: The ADU will be 414 sq. ft. and occupied by the applicant's mother. New residence will be approximately 5,711 sq. ft.)

**ADDRESS:** Park Ridge Gotha RD, Un-Incorporated FL 34786

**LOCATION:** Southeast corner of Park Ridge Gotha Road and Moore Road.

**TRACT SIZE:** 208 ft. x 213 ft. (AVG)

**DISTRICT#:** 1

**LEGAL:** TOWN OF GOTH A/39 THAT PORTION OF LOT 11 & 12 DESC AS COMM AT THE NE COR OF SAID LOT 11 TH W 70.83 FT WLY 14.42 FT TO POB CONT WLY 217.99 FT S 189.42 FT E 213.63 FT N 228 FT TO POB

**PARCEL ID#:** 33-22-28-3100-21-110

**NO. OF NOTICES:** 64

Commentaries: None in favor and one (1) in opposition.

Staff Recommendation: Staff noted that one of the improvements associated with a proposed subdivision to the north would be the construction of a traffic circle in front of their new home. This circle would become the intersection of three (3) roads, and would carry a volume of traffic in excess of that which currently travels in front of the property. Staff stated that the applicant desired to move their new home back from the road to reduce noise and preserve their peace and quiet. Staff further advised that the most impacted neighbor to the south had not filed any objection. Finally, staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s):

Roxanne Badr (Applicant)

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

BZA Discussion: A brief discussion ensued between the BZA and applicant wherein the applicant stated their agreement with the recommendation of staff, including the proposed conditions. The BZA discussed the case and determined that the requested variance was minimal and based on reasonable logic. Therefore, the BZA concurred with the staff's recommendation.

BZA Action: A motion was 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, 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 November 18, 2015, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board

of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. The accessory dwelling unit shall be used by family members only and shall not be rented out;

4. Construction plans shall be submitted within 3 years of final County action or this approval becomes null and void;

5. The exterior of the ADU shall match or be complimentary too the exterior of the proposed residence;

6. To the greatest extent possible, unless damaged or diseased, any trees on the south side of the property not located within a building envelope should be retained on the property unless they interfere with site improvements such as pool enclosures; and,

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

Motion / Second: Carolyn Karraker \ Chuck Norman

AYE (voice vote): All present members

Absent: Tony Rey

Abstained: Zachary Seybold (due to temporarily absent)

- BOARD MEMBER EXITED: Deborah Moskowitz
- BOARD MEMBER RE-ENTERED: Deborah Moskowitz

**THRESHOLD, INC - SE-16-01-138**

**REQUEST:** Special Exception in the R-3 zoning district to allow 2 existing modular units to remain  
(Note: On February 2, 2012, the BZA granted approval to this applicant to allow 2 modular units. The BZA approved the request and required removal of the modular units by January 8, 2016. The applicant is requesting no removal date).

**ADDRESS:** 3550 N Goldenrod Road, Winter Park FL 32792

**LOCATION:** West side of Goldenrod Rd., 1/2 mile south of University Blvd.

**TRACT SIZE:** 6.8 acres

**DISTRICT#:** 5

**LEGAL:** BEG 53 FT W & 330 FT N OF THE SE COR OF SE1/4 OF NW1/4 TH W 613.24 FT S 40.22 FT W 301.65 FT N 510.75 FT E 301.65 FT S 149.75 FT E 263.80 FT S 165.10 FT E 346.50 FT S 165.02 FT TO POB IN SEC 11-22-30 SEE 4083/3838 3510/86 6052/3262

**PARCEL ID#:** 11-22-30-0000-00-060

**NO. OF NOTICES:** 92

Commentaries: None in favor and one (1) in opposition.

Staff Recommendation: Staff indicated that applicant desired to retain the two (2) modular on the site for an indefinite period of time. Staff advised the BZA that modular units were meant to be used temporarily. However, the applicant did submit a safety report on the modular units. Finally, staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s):

Jason Searl (Applicant's attorney)

John Hood (in Favor)

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

BZA Discussion:

A discussion ensued between the BZA and applicant wherein it was concluded that some of the anchors would have to be replaced. For this reason, the applicant had agreed to this solution. Additionally, the BZA extended the use of the modular units for another five (5) years and concurred with the staff's recommendation as amended.

BZA Action: A motion was 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 December 4, 2015 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. The use of the modular classroom shall initially be limited to no more than 5 years from Orange County approval. The Zoning Manager may grant extensions provided a professionally prepared structural analysis report of the units shows that they remain safe for occupancy and so long as the structures are maintained to the satisfaction of the Zoning Manager. Structural and cosmetic issues shall be corrected in a reasonable time-frame as determined by the Zoning Manager, such period of cure to be a minimum of thirty (30) days; and,
4. The anchors shall be replaced or repaired as indicated in the inspection report dated 12-23-

2015. Said repairs shall be completed within ninety (90) days of Orange County approval.

Motion / Second: Zachary Seybold \ Chuck Norman

AYE (voice vote) All present members

Absent: Tony Rey

Abstained: Deborah Moskowitz (due to temporarily absent)

**RICHARD SCHROEDER - SE-16-01-139**

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**REQUEST:** Special Exception in the A-2 zoning district to construct a detached Accessory Dwelling Unit (ADU) for applicant's grandparents.  
(Note: The ADU will be 1 story and contain approximately 992 sq. ft.)

**ADDRESS:** 2833 Rock Springs Road, Apopka FL 32712

**LOCATION:** East side of N. Rock Springs Road, approximately 500 ft. south of E. Ponkan Rd.

**TRACT SIZE:** 185 ft. x 236 ft.

**DISTRICT#:** 2

**LEGAL:** N 185 FT OF S 832.4 FT OF NW1/4 OF NW1/4 (LESS E 1037 FT & LESS W 50 FT RD RW) OF SEC 27-20-28

**PARCEL ID#:** 27-20-28-0000-00-081

**NO. OF NOTICES:** 67

Commentaries: None

Staff Recommendation: Staff reported that the ADU would be obscured from the rear by dense vegetation and located behind the swimming pool. Staff advised the BZA the request met the intent and spirit of the ADU regulations. In conclusion, staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s):

Eva Newshutz (Applicant's representative)

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

BZA Discussion: The BZA discussed the case and concluded that this request was reasonable. Therefore, the BZA concurred with the staff recommendation.

BZA Action: A motion was 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 November 18, 2015 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for

issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. The accessory dwelling unit shall be used by family members only and shall not be rented out;

4. The exterior of the ADU shall match the exterior of the existing single family residence;

5. The applicant shall be responsible for all development fees, including but not limited to impact fees; and,

6. Construction plans shall be submitted within one (1) year or this approval becomes null and void.

Motion / Second: Gregory A. Jackson \ Deborah Moskowitz

AYE (voice vote) All present members

Absent: Tony Rey

**IVETTE ENSENAT - VA-16-01-140**

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**REQUEST:** Variance in R-1 zoning district to allow an addition to single family residence 3 ft. from side (east) property line in lieu of 6 ft.  
(Note: This is the result of code enforcement action)

**ADDRESS:** 5907 Carter Street, Orlando FL 32835

**LOCATION:** North side of Carter St., west of S. Hudson St.

**TRACT SIZE:** 70 ft. x 123 ft.

**DISTRICT#:** 6

**LEGAL:** LAKE HILL M/9 LOT 6 & W 20 FT OF LOT 5 BLK C

**PARCEL ID#:** 25-22-28-4484-03-060

**NO. OF NOTICES:** 67

Commentaries: None

Staff Recommendation: Staff advised that Code Enforcement had visited the site since the staff report had been composed and cited the applicant for operating a rooming house. Code Enforcement observed two (2) new bedrooms and a bathroom under construction wherein documentation was provided for the record. Code Enforcement had confirmed they visited the site and spoke to two (2) individuals who confirmed that there were three (3) individual renters there. The applicant was accruing daily fines for the addition without permits. Based on the foregoing, staff could not support the request at this time.

The following person(s) addressed the Board:

Speaker(s):

Ivette Ensenat (Applicant)

Charlene Harrison-Forth (in Opposition)

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

BZA Discussion: A discussion ensued between the BZA and applicant wherein the applicant explained that the property was a rental house, leased to one (1) family, and did not have any knowledge of the property being used as a boarding house. The applicant further stated that the subject property was purchased 1.5 years ago in which they had begun construction one (1)

year ago and hired a contractor who they assumed had pulled permits.

The BZA was concerned about the boarding house, and felt that a fifty percent (50%) variance seemed excessive as well as the questionable activities observed by Code Enforcement. Therefore, the BZA denied the variance.

BZA Action: A motion was unanimously carried to **DENY** the Variance request in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3).

Motion / Second: Eugene Roberson \ Gregory A. Jackson

AYE (voice vote) All present members

Absent: Tony Rey

- BOARD MEMBER EXITED: Carolyn Karraker

#### **ORLANDO SPRINGS WELLNESS & RECOVERY CENTER - SE-16-01-141**

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**REQUEST:** Special Exception in the P-O zoning district to allow in-patient and out-patient clinic to include primary care, diagnostics, lab services and wellness treatment.

(Note: The in-patient component will include up to 56 beds for clients. The proposed uses will occupy 3 of the 8 existing office buildings on-site. Clients will receive treatment/counseling for substance abuse).

**ADDRESS:** 7936 Forest City Road, Orlando FL 32810

**LOCATION:** West side of Forest City Road, south of Maitland Boulevard, across from Dianjo Dr.

**TRACT SIZE:** 8.86 acres

**DISTRICT#:** 2

**LEGAL:** MEDICAL VILLAGE MAITLAND CONDOMINIUM 10926/3171 PAD C

**PARCEL ID#:** 28-21-29-5515-03-000

**NO. OF NOTICES:** 362

Commentaries: None

Staff Recommendation: Staff noted that a memo outlining concerns and requesting a community meeting had been received the previous day from The People of Lockhart Citizens' Association. Given the history of the BZA in honoring such requests, staff was recommending an indefinite continuance to provide sufficient time to have the community meeting.

The following person(s) addressed the Board:

Speaker(s):

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

BZA Discussion:

The BZA concurred that a request for a community meeting should be honored.

BZA Action: A motion was unanimously carried to **CONTINUE** to a date after the Community Meeting is held.

Motion / Second: Gregory A. Jackson \ Deborah Moskowitz

AYE (voice vote) All present members

Absent: Tony Rey and Carolyn Karraker (due to temporarily absent)

- BOARD MEMBER EXITED: Chuck Norman
- BOARD MEMBER RE-ENTERED: Carolyn Karraker and Chuck Norman

**REQUEST:** Variance in the P-D zoning district to allow existing retaining wall, deck/patio, and knee wall to remain 2.2 ft. from the rear property line in lieu of 5 ft.  
(Note: The improvements were constructed 2.8 ft. into a 5 ft. utility easement. The applicant will be required to secure authorization for the improvements to remain in the easement area. Applicant has secured 2 letters of no objection from his neighbors).

**ADDRESS:** 12724 Lakebrook Drive, Orlando FL 32828

**LOCATION:** South side of Lakebrook Dr., north of S. Alafaya Trl., in the Waterford Lakes PD.

**TRACT SIZE:** 70 ft. x 139 ft. (AVG)

**DISTRICT#:** 4

**LEGAL:** WATERFORD LAKES TRACT N-7 PH 3 32/84 LOT 200 SEE 4483/156

**PARCEL ID#:** 34-22-31-9095-02-000

**NO. OF NOTICES:** 65

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

Staff Recommendation: Staff noted that the improvements were constructed 2.8 feet into a five (5) feet utility easement. The applicant would be required to secure authorization for the improvements to remain in the easement area. Staff reported that the property backed up to a wetland/conservation area, so there would be no one impacted to the south. Lastly, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s):

Kevin Behan (Applicant)

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

BZA Discussion: A brief discussion ensued between the BZA and the applicant wherein the applicant advised that once the retaining wall was completed, it just made sense to continue the pool deck/patio to the edge of the wall. The BZA pointed out that many make the mistake of thinking that since pavers were more of a decorative landscape treatment, no permits were required. As such, the BZA found that the improvements were well done, very attractive, and the most impacted neighbors supported the request, therefore, concurred with the staff's recommendation.

BZA Action: A motion was 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 November 18, 2015, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit



from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. The applicant shall obtain a permit for the deck and wall within ninety (90) days of final County action or this approval becomes null and void; and,

4. Prior to issuance of a permit for the deck and wall, the applicant shall obtain written authorization from the Development Engineering Division of Orange County Public Works Department to encroach within the easement along the southern property line.

Motion / Second: Deborah Moskowitz \ Eugene Roberson

AYE (voice vote) All present members

Absent: Tony Rey

Abstained: Carolyn Karraker and Chuck Norman (due to temporarily absent)

**SAVE A LIFE PET RESCUE INC - SE-16-01-143**

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**REQUEST:** Special Exception in the A-2 zoning district to construct a 3,600 sq. ft. pet rescue shelter; and,  
Variance to allow unpaved parking in lieu of paved.  
(Note: The pet shelter will not have any outdoor runs or outdoor compounds and will be accessible only to staff and volunteers. It will not be opened to the general public).

**ADDRESS:** 609 S West Christmas Road, Christmas FL 32709

**LOCATION:** East side of S. West Christmas Rd., 200 ft. north of E. Colonial Dr., 1/4 mile west of S. Fort Christmas Rd.

**TRACT SIZE:** 6.9 acres

**DISTRICT#:** 5

**LEGAL:** CHRISTMAS GARDENS NO 2 P/62 BLK 6 LOTS 4, 5 (LESS THAT PT OF LOT 5 IN E1/2 OF NE1/4 OF NW1/4)

**PARCEL ID#:** 32-22-33-1316-06-040

**NO. OF NOTICES:** 57

Commentaries: None

Staff Recommendation: Staff indicated that the applicant was requesting the case to be continued to the March 3, 2016 BZA Meeting, in order to conduct a community meeting with the surrounding property owners.

The following person(s) addressed the Board:

Speaker(s):

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

BZA Discussion: The BZA determined to continue this request until March 3, 2016, to allow for a community meeting with the surrounding property owners.

BZA Action: A motion was unanimously carried to **CONTINUE** the case to the March 3, 2016 BZA Meeting.

Motion / Second: Zachary Seybold \ Carolyn Karraker

AYE (voice vote) All present members

Absent: Tony Rey

- MEETING RECESSED, 12:09 p.m.
- MEETING RECONVENED, 1:01 p.m.

**BARBRA JOYNER - VA-16-01-144**

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**REQUEST:** Variances in the R-3 zoning district to allow existing attached garage to remain as follows:  
1) 9.5 ft. from front property line in lieu of 25 ft.; and,  
2) 3.9 ft. from side property line in lieu of 5 ft.  
(Note: The applicant obtained a variance in July, 2015 to construct the garage 12 ft. from the front setback in lieu of 25 ft. Permits were obtained for construction. However, the contractor had laid out the foundation incorrectly. The applicant has 8 letters of support from neighbors. This is the result of action by the Division of Building Safety).

**ADDRESS:** 2317 Homeland Street, Orlando FL 32806

**LOCATION:** East side of Homeland St. between Homeland and Newberry Sts., approximately 700 ft. north of 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

**NO. OF NOTICES:** 110

Commentaries: Six (6) in favor and none in opposition.

Staff Recommendation: Staff advised that the applicant had secured the necessary permits and hired a contractor; however, the contractor had laid out the foundation improperly. The house was slightly skewed to the front lot line, and the contractor squared the garage to the front of the home. In addition, the contractor also made the garage foundation larger than was proposed which caused the front corner of the garage to encroach into the side setback as a five (5) foot side setback was required, and the front of the garage to be closer to the front property line than approved. Since the County does not require foundation surveys for additions, the error was not caught until a building inspector went out to look at the walls and garage door lintel, at such time, placed a stop-work order on the project as it was determined that the project needed additional variances. Finally, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s):

Amy Vargas (Applicant's representative)

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

BZA Discussion: The BZA discussed the case and indicated that this request was in a very old area in which most of the homes were built before zoning and setback requirements. Further, the BZA recognized that the homes were both nearer and further from the road; and, pointed out that the addition was acceptable to the community. Therefore, the BZA concurred with the staff's recommendation.

BZA Action: A motion was 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 November 18, 2015, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development; and,
3. The exterior of the addition shall match the exterior of the existing home with regard to color and materials.

Motion / Second: Chuck Norman \ Deborah Moskowitz

AYE (voice vote) All present members

Absent: Tony Rey

**SHEILA CICHRA - VA-16-01-145**

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**REQUEST:** Variance in the R-CE zoning district to construct a covered deck 36 ft. from the Normal High Water Elevation (NHWE) of Lake Downs in lieu of 50 ft. (Note: The applicant combined 2 lots each containing a home into 1 parcel. The applicant will be required to enter into a Hold Harmless Agreement with Orange County for the proximity of the covered structure to Lake Downs).

**ADDRESS:** 3242 Downs Cove Road, Windermere FL 34786

**LOCATION:** West side of Downs Cove Rd., approximately 1,450 ft. south and west of Windy Ridge Rd., west of S. Apopka-Vineland Rd.

**TRACT SIZE:** 50 ft. x 191.5 ft. (AVG) above NHWE

**DISTRICT#:** 1

**LEGAL:** DOWNS COVE CAMP SITES Q/121 LOTS 5 & 6 BLK C

**PARCEL ID#:** 09-23-28-2196-03-060

**NO. OF NOTICES:** 36

Staff reported that on January 6, 2016, the applicant **WITHDREW** this request via email which was prior to the BZA Meeting held on January 7, 2016.

BZA Action: No BZA action was necessary.

**POPEYE'S RESTAURANT - VA-16-01-132**

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**REQUEST:** Variance in the C-1 zoning district to provide 527 parking spaces in lieu of 714 parking spaces. (Note: Applicant is proposing a new Popeye's Restaurant within the existing shopping center).

**ADDRESS:** 2625 N Hiawassee Road, Orlando FL 32818

**LOCATION:** Northeast corner of Silver Star Rd. and Hiawassee Rd.

**TRACT SIZE:** 16.9 acres  
**DISTRICT#:** 6  
**LEGAL:** BEG 406 FT N & 60 FT E OF SW COR OF NW 1/4 OF NW1/4 TH RUN N 654 FT E 667.88 FT S 120 FT E 120 FT S 189 FT E 200.01 FT S 495 FT W 200 FT S 200 FT W 30 FT N 150 FT W 231.23 FT SWLY 22.02 FT SELT 47.55 FT SELY 102.10 FT W 159.16 FT N 45 FT NELY 41.05 FT NEL  
**PARCEL ID#:** 13-22-28-0000-00-004  
**NO. OF NOTICES:** 130

Commentaries: None in favor and two (2) in opposition.

Staff Recommendation: Staff gave a brief presentation and advised that the parking study assumes an eighty-one percent (81%) occupancy rate. With a 100% occupancy rate the projected parking spaces to be used was 255 spaces. Staff stated that if the BZA approved the request, the conditions as listed in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s):

Bob Ziegenfuss (Applicant's representative)

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

BZA Discussion: A brief discussion ensued between the BZA and applicant wherein the applicant summarized the parking conditions of the site. After further debate by the BZA, the Board concluded that a Popeyes Restaurant would be an asset to the community and agreed with the parking study. Therefore, the BZA concurred with the staff's recommendation to include the conditions of approval.

BZA Action: A motion was 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 November 6, 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. Approval of this request does not constitute approval of the site design layout shown for the Popeye's Restaurant. Construction of the Popeye's restaurant shall comply with all applicable regulations; and,
4. Landscaping shall comply with the requirements of Chapter 24, Orange County Code.

Motion / Second: Eugene Roberson \ Carolyn Karraker

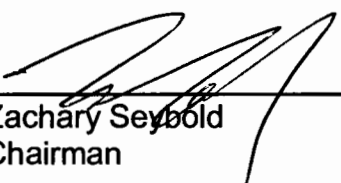
AYE (voice vote) All present members


Absent: Tony Rey

**ADJOURN:**

There being no further business, the meeting was adjourned at 1:22 p.m.

**ATTEST:**

  
\_\_\_\_\_  
Zachary Seybold  
Chairman

  
\_\_\_\_\_  
Debra Phelps  
Recording Secretary