

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF FEBRUARY 4, 2016**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **February 4, 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
Tony Rey - Vice Chairman
Gregory A. Jackson
Deborah Moskowitz
Eugene Roberson
Charles Norman

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 January 7, 2016, Board of Zoning Adjustment meeting.

A motion was made by Eugene Roberson, seconded by Carolyn C. Karraker, and unanimously carried to **APPROVE** the minutes of the January 7, 2016, Board of Zoning Adjustment meeting.

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.

- **BOARD MEMBER ENTERED:** Chuck Norman

CYBER OUTDOOR - ZM-16-02-147

REQUEST: Appeal of the Zoning Manager's determination that a proposed billboard is subject to the West SR 50 Overlay District which prohibits the erection of billboards.

ADDRESS: W Colonial Drive, Winter Garden FL 34787

LOCATION: South side of W. SR 50, 200 ft. east of 9th St., 1/4 mile west of Beulah St.

TRACT SIZE: 80 ft. x 240 ft.

DISTRICT#: 1

LEGAL: WINTER GARDEN MANOR L/117 THAT PART OF LOT 18 BLK A LYING WITHIN 40 FT ON EACH SIDE OF FOLLOWING DESC LINE: BEG 243.60 FT E

OF NW COR OF SEC 25-22-27 TH RUN S00-00-45W 389.95 FT S25-20-45W
396.57 FT S00-17-15E 961.56 FT S02-35-15E 1560.82 FT S00-57-15E 3

PARCEL ID#: 25-22-27-9384-01-183

NO. OF 158
NOTICES:

Commentaries: One (1) in support to uphold the Zoning Manager's Determination

Staff Recommendation: Staff found that Ordinance 15-49, passed by the City of Winter Garden did not constitute a "billboard ordinance" in the sense that if land was annexed into the City of Winter Garden, it would not automatically be entitled to a billboard. The intent of this ordinance clearly was to promote the removal of antiquated, oversized, dilapidated, and highly nonconforming billboards by replacing them with smaller, more modern digital billboards. Staff indicated that until the Cities of Winter Garden, Ocoee, or Oakland pass a "permissive" billboard ordinance which simply permits a billboard as a "permitted use" or a "Special Exception" with no requirements for special agreements which, among other things, prohibit properties from which billboards had been removed to ever have a billboard in the future, the Zoning Manager's Determination should be upheld. Therefore, staff recommended that the BZA uphold the Zoning Manager's Determination regarding the continued prohibition of billboards in the West SR 50 Corridor Overlay area.

Joel Prinsell, Orange County Deputy County Attorney, addressed the Board discussing the details regarding this case.

The following person(s) addressed the Board:

Speaker(s):

Mary Solik (Applicant's Representative)

Material was presented to the Board and entered into the record prior to the close of the public hearing from Ms. Solik. Ms. Solik also addressed the Board in rebuttal to the request.

Kurt Ardaman (Attorney for Winter Garden)

Material was presented to the Board and entered into the record prior to the close of the public hearing from Mr. Ardaman.

Edward Williams (Applicant's Community Development Director)

David Scarboro (in opposition to billboard)

Brad Cowherd (on behalf of the Applicant)

BZA Discussion: A discussion ensued between the BZA and a Winter Garden representative explaining that the Winter Garden's Ordinance 15-49, was by no means a "permissive ordinance; furthermore, this ordinance did not contain provisions for new billboards as would a permissive ordinance. Rather, the ordinance contains very specific criteria through which a "nonconforming billboard" may be replaced by a digital billboard. In addition, Winter Garden's replacement criteria included the information as follows: a) the replacement billboard must receive approval of a Special Exception which was not in any way a guaranteed approval; b) the Special Exception approval must include a "Relocation and Reconstruction Plan and Agreement." This was a very site specific detailed agreement between the City and the billboard owner regarding, among other aspects, the timing for the removal of the affected billboards,

timing of replacement, location, and prohibition of the replacement of the removed billboards except as stipulated in the agreement; c) the City would have the right to post messages on the billboard as well as use the billboard for emergencies such as hurricane evacuation, amber alerts, messages for the benefit of the City, etc.; and, d) the locations from where billboards were removed were permanently prohibited from reestablishing new billboards in the future. Based on the foregoing, the BZA discussed the case and concluded that the intent of the Winter Garden ordinance was not to permit new billboards.

BZA Action: A motion was made and carried to **UPHOLD** the Zoning Manager's Determination that a proposed billboard is subject to the West SR 50 Overlay District which prohibits the erection of billboards.

Motion / Second: Carolyn Karraker / Deborah Moskowitz

AYE (voice vote): Carolyn Karraker, Deborah Moskowitz, Gregory A. Jackson, and Zachary Seybold.

No by voice vote: Tony Rey and Eugene Roberson, Jr.

Abstained: Chuck Norman (abstained due to temporary absence)

ANTHONY EWEN - VA-16-01-131

REQUEST: Variances in the I-4 zoning district to permit the construction of a new structure on a proposed new lot as follows:
1) 18.5 ft. from side (south) property line of proposed Lot 1 in lieu of 25 ft.;
2) To allow 38 parking spaces in lieu of 53 for proposed Lot 1;
3) 12.6 ft. from sides (north and south sides of proposed Lot 2) in lieu of 25 ft.;
and,
4) To increase the floor area ratio from .50 to .59.
(Note: This case was continued by the BZA on 1/7/2016 to minimize the requested variances. 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).

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 33

NOTICES:

Commentaries: None

Staff Recommendation: Staff had no objections to this request because: a) the request would not adversely impact any quality of life circumstances; b) the most affected property owners had not provided any opposition to the request; c) the applicant complied with the BZA's request to revise the plan to minimize requested variances; d) no privacy rights were being affected; e) the proposed size of the addition was reasonable and functional; and, f) approval of the request did not go against the public's best interests. 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):

Anthony Ewen (Applicant)

Treno P. Brown (Applicant's representative)

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

BZA Discussion: The BZA inquired about the parking and cross access, wherein, the applicant responded that there would be a cross access agreement, but not cross parking. The owner further explained that they planned to move the existing machine/components facility into the new building along with twenty (20) to thirty (30) employees. In addition, the owner stated that in the past, they have had as many as sixty (60) employees and never had a problem with the parking. The BZA recognized that the revisions were exactly what was requested of the applicant at the prior BZA Meeting which was held last month and recommended approval. Further, the BZA concurred with the staff's recommendation.

BZA Action: A motion was made 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 date-stamped, "Received January 11, 2016", 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. All waivers regarding landscaping and open space shall be reviewed in accordance with Chapter 24, Orange County Code;
4. Signage shall be in accordance with Chapter 31.1, Orange County Code; and,
5. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

Motion / Second: Deborah Moskowitz / Chuck Norman

AYE (voice vote): All present members

COOPERS HAWK WINERY & RESTAURANT - VA-16-01-136

REQUEST: Variance in the P-D zoning district to permit package sales of liquor 4,922.49 ft. from another package liquor store (Woodbury Wine and Spirits) in-lieu of 5,000 ft.
(Note: The applicant intends to sell one package item, a custom made Limoncello, Applicant already has approval to package sell wine. No other package sales of alcohol other than wine and Limoncello will be sold from this location).

ADDRESS: 529 N. Alafaya Trl., Orlando FL 32828

LOCATION: Northeast corner of N. Alafaya Trail and SR 408, in the Waterford Lakes Town Center

TRACT SIZE: 74 ac.

DISTRICT#: 4

LEGAL: 10756/3803 ERROR IN DESC-WATERFORD LAKES TOWN CENTER 42/109 PARCEL 1 (LESS COMM NW COR OF SAID PARCEL 1 RUN TH N88-40-33E ALONG N LINE OF PARCEL 1 FOR 732.55 FT FOR POB CONT N88-40-33E 125.04 FT S 365.39 FT W 10.80 W S 297.05 FT E 50.78 FT S 36 FT W 185 F

PARCEL ID#: 22-22-31-9010-01-000

NO. OF NOTICES: 1,695

Commentaries: Five (5) in favor and none in opposition.

Staff Recommendation: Staff recommended denial of the request for the following reasons: a) the separation distance between package sales of alcohol was a community standard established by the County. Traditionally, the County was very conservative to its approach to this issue; b) the applicant knowingly waived their right to package sales in order to secure the 4 COP for on-site consumption of beer, wine, and spirits; and, c) while the granting of this variance did not establish any legal precedent to grant similar variances in the future, it did undermine the integrity of the separation distance regulations. However, staff stated should the BZA find that the applicant had satisfied the criteria for the granting of the proposed variance, 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):

Jen Kaufmann (Applicant’s attorney)

A Powerpoint presentation was briefly presented to the Board and entered into the record prior to the close of the public hearing from Ms. Kaufmann.

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

BZA Discussion: The BZA discussed the very minor nature of the variance as being only a 1.5% deviation. Further, the BZA asked staff how many notices had been sent out to the public of which staff responded with a total of 1,695 notices. The BZA concluded that the request was minor; and further, asked the applicant if they would accept a condition, in addition to, the four (4) conditions recommended by staff wherein the applicant would be limited to selling only the Cooper’s Hawk Brand of Limoncello, and any expansion of package sales would require them to return to the BZA for approval. The applicant accepted the condition, therefore, the BZA concurred with staff’s recommendation as amended to include the additional condition.

BZA Action: A motion was made 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 November 17, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. This approval shall be limited to the current owner, Cooper's Hawk Orlando Two, LLC. Any new owner shall be required to reapply to the BZA for a new variance; and,
5. Sales shall be limited to the applicant's brand of limoncello only. Sales of any other spirit shall require further approval by the BZA.

Motion / Second: Deborah Moskowitz / Tony Rey

AYE (voice vote): All present members

- BOARD MEMBER EXITED: Tony Rey

WILLIAM HALL - VA-16-02-148

REQUEST: Variance in the P-D zoning district to construct addition (opened covered patio) to single family residence 16 ft. from the rear property line in lieu of 20 ft.

ADDRESS: 15301 Stonebriar Way, Orlando FL 32826

LOCATION: East side of Stonebriar Way, east of N. Tanner Rd.

TRACT SIZE: 50 ft. x 115 ft.

DISTRICT#: 5

LEGAL: STONEBRIAR PHASES 2 AND 3 66/54 LOT 175

PARCEL ID#: 01-22-31-8309-01-750

NO. OF 107

NOTICES:

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

Staff Recommendation: Staff had no objections to this request because: a) the request would not adversely impact any quality of life circumstances; b) the property backs up to open space; c) the HOA and adjacent neighbors provided letters of no objection to the addition; and, d) the proposal was minimal and reasonable. Further, staff stated if the BZA approved the request, the

conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s):

William Hall (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 explaining that the insulated roof being proposed would have a better wind resistance and be safer than a regular metal roof. The BZA agreed that the proposed roof was better than a tin or metal roof; would have less of an impact; and, the requested variance was for less than twenty-five percent (25%). Further, the BZA asked for an additional condition #4, addressing the exterior of the addition to match the colors and materials of the existing structure in which the applicant had agreed with the conditions as amended.

BZA Action: A motion was made 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 date-stamped, "Received 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;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. The exterior of the addition shall match the colors and materials of the existing structure.

Motion / Second: Zachary Seybold and Eugene Roberson

AYE (voice vote): All present members

Absent: Tony Rey

ROBERT O'BRYANT - VA-16-02-151

REQUEST: Variance in the R-1A zoning district to construct a single family residence on each of 4 substandard lots. Each lot will have 50 ft. of lot width in lieu of 75 ft.

ADDRESS: 5375 Sunrise Blvd., Orlando FL 32803

LOCATION: North side of Sunrise Blvd., west of Truman Rd., 1/2 mile west of SR 436

TRACT SIZE: 150 ft. x 200 ft.
DISTRICT#: 5
LEGAL: PONCE DE LEON N/28 LOTS 1 TO 3 & ALL VAC ST LYING E OF LOT 1 BLK B
PARCEL ID#: 21-22-30-7204-02-010
NO. OF NOTICES: 80
Commentaries: None

Staff Recommendation: Staff had no objections to this request because: a) the request would not adversely impact any quality of life circumstances; b) the request was consistent with the neighborhood; and, c) the proposal was minimal and reasonable. Staff stated if the BZA approved the request, the conditions as set forth in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s):

Robert O'Bryant (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 wherein the applicant objected to condition #5, requiring the removal of the house and structures before separate parcel identification numbers would be assigned. Staff and the BZA explained that the applicant could not create a non-conformity by establishing lot lines that would create a setback violation. The applicant preferred to have all four (4) lots separated and agreed to the conditions. Therefore, the BZA concluded that the request was straightforward; complied with the area; and, concurred with the staff recommendation.

BZA Action: A motion was made 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 with site plan date-stamped, "Received December 15, 2015", and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;

4. Prior to the issuance of any permits, each lot shall obtain separate parcel identification numbers through the Orange County Property Appraiser's Office; and,
5. Prior to the issuance of separate parcel identification numbers, the existing residence and accessory buildings shall be removed.

Motion / Second: Zachary Seybold / Deborah Moskowitz

AYE (voice vote): All present members

Absent: Tony Rey

ALBERTO PADRON - VA-16-02-153

REQUEST: Variance in the R-1AA zoning district to construct 2 story porch addition to single family residence 6.5 ft. from side (west) property line in lieu of 7.5 ft.

ADDRESS: 1592 Waterwitch Drive, Orlando FL 32806

LOCATION: South side of Waterwitch Dr., west of S. Ferncreek

TRACT SIZE: .57 acres

DISTRICT#: 3

LEGAL: WATERWITCH CLUB K/69 BEG NW COR LOT 26 TH RUN N 72 DEG E 56 FT S 12 DEG E 270.74 FT S 71 DEG W 53.44 FT S 64 DEG W 66.15 FT N 293 FT TO POB

PARCEL ID#: 13-23-29-9068-00-260

NO. OF NOTICES: 62

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

Staff Recommendation: Staff had no objections to this request because: a) the request would not adversely impact any quality of life circumstances; b) the irregular shape of the lot constituted a hardship that was not self-created; and, c) the proposal was minimal and reasonable. 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):

Roland J. Krantz (Applicant's Contractor representative)

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

BZA Discussion: The BZA had confirmed there was no HOA, and stated that the need for the variance was not self created, but due to the shape of the lot. Therefore, the BZA concurred with the staff recommendation.

BZA Action: A motion was made 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 with site plan date-stamped, "Received December 15, 2015", and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. All other building setbacks shall be met.

Motion / Second: Chuck Norman / Carolyn Karraker

AYE (voice vote): All present members

Absent Tony Rey

MARK DEMIRDJIAN - VA-16-02-154

REQUEST: Variance in the R-1AA zoning district to validate existing addition to single family residence 29 ft. from rear property line in lieu of 35 ft.
(Note: Contractor converted screened room into living area without permits. This is a result of code enforcement action. Applicant submitted 6 letters of no objection from his neighbors).

ADDRESS: 6303 Vineland Road, Orlando FL 32819

LOCATION: North side of Vineland Rd., approximately 800 ft. west of Peregrine Ave.

TRACT SIZE: 85 ft. x 124 ft.

DISTRICT#: 1

LEGAL: PINEY OAK SHORES W/89 LOT 15 BLK B

PARCEL ID#: 13-23-28-7088-02-150

NO. OF 64

NOTICES:

Commentaries: Six (6) in favor and one (1) in opposition.

Staff Recommendation: Staff stated that this request constituted a seventeen percent (17%) variance from the normal setback. In the past, the BZA had entertained variances in excess of thirty-three percent (33%). The only reason for the variance was due to the enclosure of the sunroom with glass. This converted the addition to living space, which must now meet the setbacks for the principal structure. Otherwise, a screen room with a solid roof could extend up to thirteen (13) feet into a rear setback. Staff further 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):

Mark Demirdjian (Applicant)

Carolyn Ragans (in Opposition)

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

BZA Discussion: The BZA asked staff if the sheds in question on the subject property were an issue. Staff explained that when the Code Enforcement Division received a complaint on the subject property, the entire site was inspected to determine if other violations existed, in addition to, the initial complaint. Thus, the two (2) sheds were not included in the violation, only the work on the new living area. Staff also advised that the sheds were below the 500 square feet of accessory floor area permitted, being only a total of 364 square feet. Furthermore, the applicant confirmed that the two (2) sheds were properly permitted.

Lastly, the BZA asked if there was an HOA for this neighborhood, and the applicant confirmed that there was not an HOA. The BZA concluded that there being no HOA, no type of notice was needed to alert neighbors regarding improvements not requiring variances. Therefore, the majority of the Board concluded that the request was well within the range of past approvals for similar requests and concurred with the staff recommendation.

BZA Action: A motion was made and 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 15, 2015, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. The applicant shall obtain a permit for the addition within 120 days of final County action or this approval becomes null and void.

Motion / Second: Carolyn Karraker / Eugene Roberson

AYE (voice vote): Carolyn Karraker, Eugene Roberson, Gregory A. Jackson, and Zachary Seybold.

No by voice vote: Deborah Moskowitz and Chuck Norman

Absent: Tony Rey

REQUEST: Variance in the P-D zoning district to construct addition to single family residence 16 ft. from rear property line in lieu of 20 ft.
ADDRESS: 13568 Eyas Road, Orlando FL 32837
LOCATION: South of West Town Center Blvd., at the southwest corner of Eyas Rd. and Tetherline Trail
TRACT SIZE: 66 ft. x 112 ft. (AVG)
DISTRICT#: 4
LEGAL: FALCON TRACE UNIT 4 41/100 LOT 48
PARCEL ID#: 27-24-29-2666-00-480
NO. OF 136
NOTICES:
Commentaries: None

Staff Recommendation: Staff had no objections to this request because: a) the request would not adversely impact any quality of life circumstances; b) the irregular shape of the lot constituted a hardship that was not self-created; c) the HOA had provided a letter of no objection to the addition; and, d) the proposal was minimal and reasonable. Further, staff stated if the BZA approved the request, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s):

David Clark (Applicant)

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

BZA Discussion: The BZA discussed the case and stated that the request was straightforward due to the shape of the lot and the fact in which the applicant stated all materials used would comply with HOA standards. Therefore, the BZA approved the variance with the addition of condition #4, addressing that the exterior of the addition shall match the colors and materials of the existing structure.

BZA Action: A motion was made 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 with site plan date-stamped, "Received December 16, 2015", and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal

permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,

4. The exterior of the addition shall match the colors and materials of the existing structure.

Motion / Second: Deborah Moskowitz / Chuck Norman

AYE (voice vote): All present members

Absent: Tony Rey

ALISON M YURKO - VA-16-02-159

REQUEST: Variances in the R-1 zoning district to allow existing accessory structure to remain as follows:

- 1) 528 sq. ft. of area in lieu of 500 sq. ft.;
- 2) 2.5 ft. from the side (north) property line in lieu of 5 ft.; and,
- 3) 1.8 ft. from the rear (east) property line in lieu of 5 ft..

(Note: Staff has verified that the shed has been in existence since at least 2001. Current property owner did not construct the accessory building. The applicant submitted 3 letters on no objection from his neighbors. This is a result of code enforcement action).

ADDRESS: 6515 Lake Lerla Drive, Apopka FL 32712

LOCATION: Northern end of Lake Lerla Dr., approximately .4 mi. northeast of Plymouth Rd.

TRACT SIZE: 80 ft. x 130 ft.

DISTRICT#: 2

LEGAL: 1ST ADD TO MT PLYMOUTH LAKES V/16 LOT 13 BLK H

PARCEL ID#: 09-20-28-5816-08-130

NO. OF 58

NOTICES:

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

Staff Recommendation: Staff verified through the review of aerial photography that a shed had been in existence on the subject property since at least 2001. The current property owner did not construct the accessory building; however, it was determined when the current property owner purchased the property in 2013, the shed was being rented out as an apartment. In 2015, the current property owner was informed by the Code Enforcement Division that the shed could not be used as a dwelling unit, and was cited for code violations. Since that time, the shed was gutted and returned to a state where it was only usable for storage. The only outstanding issues were the size of the shed and the setbacks. 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):

Alison Yurko (Applicant's attorney)

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

BZA Discussion: The BZA discussed the case and agreed that the issue of the size and location was not the result of any action by the current owners. Further, it was agreed that since the shed had been restored as a storage building, it only justified the shed remaining on the

property. The BZA asked if the owner would accept a condition which stated that if the shed was ever damaged and/or destroyed by an amount equal or greater than fifty percent (50%) of the area, then the shed could not be replaced unless it met the code for setbacks and floor area which the owner was in agreement. Therefore, the BZA concurred with the staff recommendation as amended to include the additional condition.

BZA Action: A motion was made 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 December 16, 2015, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The shed shall never again be used as a dwelling unit;
5. The applicant shall obtain a permit for the shed within ninety (90) days of final action by the BCC or this approval becomes null and void; and,
6. If the shed is ever destroyed, removed, or damaged beyond fifty percent (50%) of the area of the shed, any replacement must meet current code in effect at the time of replacement.

Motion / Second: Gregory A. Jackson / Deborah Moskowitz

AYE (voice vote): All present members

Absent: Tony Rey

JACK BARNES - VA-16-02-149

REQUEST: Variance in the A-2 zoning district to validate a total of 3,649 sq. ft. of existing accessory use floor area in lieu of 1,000 sq. ft.
(Note: A total of 2,949 sq. ft. of accessory structure use existed when the applicant purchased the property in 2012. The applicant added 700 sq. ft. of accessory use area without a permit. This is the result of code enforcement action).

ADDRESS: 2714 Glyn Street, Orlando FL 32807

LOCATION: West side of Glyn St., approximately 700 ft. south of Bates Rd.

TRACT SIZE: 100 ft. x 301 ft.

DISTRICT#: 3
LEGAL: GARY PARK V/38 LOT 9 BLK A
PARCEL ID#: 14-22-30-2952-01-090
NO. OF 69
NOTICES:

Commentaries: None

Staff Recommendation: Staff noted that there was a long-standing misunderstanding about what permits were required on land zoned for agricultural. Staff advised that the following would be some potential recommended motions: a) recommend approval of validating the 2,949 square feet in place prior to the applicant's purchase of the property; b) recommend approval of validating the entire 3,649 square feet; or c) recommend approval to validate a total of 'to be determined' square feet of the accessory floor area. Staff further stated if the BZA approved the request, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s):

Jack Barnes (Applicant)

Materials were presented to the Board prior to the close of the public hearing from Mr. Barnes.

James Stevenson (in Opposition)

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

BZA Discussion: The BZA discussed the case and concluded that it was actually dealing with two (2) different issues. The first was whether they should validate the square footage which the applicant had purchased, as this clearly was not the result of the applicant's actions, being a preexisting condition. The second issue was whether they should also validate the action of the applicant in constructing the 700 square foot addition without a permit. A motion was made to approve and seconded to validate the 2, 949 square feet, originally purchased by the applicant. Another motion was made to deny the 700 square feet addition constructed by the applicant based on the fact that the applicant had relied on a professional contractor to construct the improvement, and the contractor did not pursue a building permit. The motion was seconded; however, it failed to pass due to a tie vote of three (3) in favor and three (3) opposed. Therefore, the BZA concurred with the staff recommendation to include an additional condition of approval stating that the approval was for 2,949 square feet only.

BZA Action: A motion was made and carried to **APPROVE** the applicant's Variance request in part by validating the 2,949 sq. ft. of accessory floor area purchased with the property, 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 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The applicant shall obtain a permit for all unpermitted structures within ninety (90) days of final County Action or this approval becomes null and void; and,
5. The approval is to validate and allow a maximum of 2,949 square feet for the preexisting accessory building.

Motion / Second: Chuck Norman / Carolyn Karraker

AYE (voice vote): Chuck Norman, Carolyn Karraker, Deborah Moskowitz, Zachary Seybold, and Gregory A. Jackson

No by voice vote: Eugene Roberson

Absent: Tony Rey

A second motion was made by Chuck Norman, seconded by Deborah Moskowitz, Zachary Seybold voting AYE by voice vote, Carolyn Karraker, Gregory A. Jackson, and Eugene Roberson voting No by voice vote, and failed to **DENY** in part the added 700 square feet of accessory use area constructed by the applicant. In that the Board was unable to make a legally effective recommendation due to lack of a majority vote, thus, resulting in a deadlock tie vote, this constitutes a **DEFACTO DENIAL**.

JAMES SCOTT MILLER - VA-16-02-146

REQUEST: Variances in the A-1 zoning district for accessory uses as follows:
1) To validate two existing accessory structures with a combined total of 4,438 sq. ft. in lieu of 2,000 sq. ft.;
2) To validate existence accessory structure (garage) in front of primary residence in lieu of side or rear yards; and,
3) To allow accessory building height of 19.3 ft. in lieu of 15 ft.
(Note: The first structure is an existing garage with 1,238 sq. ft. of floor area. The second structure is an existing storage building containing 3,200 sq. ft. and was constructed without building permits. This is the result of code enforcement action).

ADDRESS: 4503 Round Lake Road, Apopka FL 32712

LOCATION: Northeast corner of Round Lake Rd. and Sadler Rd.

TRACT SIZE: 4.36 acres

DISTRICT#: 2

LEGAL: S1/2 OF SW1/4 OF SW1/4 OF NW1/4 OF SEC 14-20-27 (LESS S & W 30 FT FOR R/W)

PARCEL ID#: 14-20-27-0000-00-012

NO. OF 35

NOTICES:

Commentaries: None

Staff Recommendation: Staff stated that the rear accessory building was 18.5 feet high with a 2:12 roof slope in lieu of the required fifteen (15) foot height maximum; and, noted this variance was not included with the request, thus, not advertised. For this reason, staff advised that this case must be continued to the March 3, 2016 BZA Meeting, to allow for proper advertising.

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 with the staff recommendation.

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

Motion / Second: Gregory A. Jackson / Chuck Norman

AYE (voice vote): All present members

Absent: Tony Rey

- MEETING RECESSED, 12:14 p.m.
- MEETING RECONVENED, 12:41 p.m.

WILLIAM PEREZ SEIN - SE-16-02-150

REQUEST: Special Exception in the R-3 zoning district to convert existing single family residence into a religious use facility; and, Variance to allow unpaved parking in lieu of paved.

ADDRESS: 1150 Clarcona Road, Apopka FL 32703

LOCATION: Southeast corner of E. 12th St. and Clarcona Rd., 1/2 mile north of E. Cleveland St.

TRACT SIZE: 194 ft. x 186 ft.

DISTRICT#: 2

LEGAL: TOWN OF APOPKA A/109 LOT 33 BLK J

PARCEL ID#: 09-21-28-0197-10-330

NO. OF 95

NOTICES:

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

Staff Recommendation: Staff indicated that the proposed use would not adversely impact any surrounding properties; and, added staff had no objections to the requests. Staff advised that the existing fifty (50) foot forested buffer along the west property line should remain intact. Furthermore, 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):

Wayne Gandy (Applicant's civil engineer)

BZA Discussion: The BZA discussed the case and concluded the location was very appropriate for a religious use. Therefore, the BZA concurred with the staff recommendation and amended

condition #5, addressing direct downward lighting; and, condition #7, addressing the number of special events per year and the timeframe in which the special events may occur.

BZA Action: A motion was made 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 December 15, 2015 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Approval is for the variance(s) and/or special exception specifically requested with this application. All federal, state and local development regulations must be complied with at time of construction permit submittal, and BZA approval does not constitute approval of any development standard that is not being met by way of note or as shown on the plan, unless specifically requested by the applicant;
4. No outdoor speakers or other audio amplification;
5. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, Exterior Lighting Standards. If any outdoor lighting is proposed said lighting shall have cut-off fixtures and be directed downwards;
6. Parking spaces may be grassed except all handicapped spaces shall be paved. Driving aisles shall be paved as well. Wheel stops shall be provided for each parking space;
7. No more than four (4) outdoor special events during the calendar year the hours of which shall be 8:00 a.m. to 9:00 p.m.;
8. Construction plans shall be submitted within three (3) years or this approval is null and void;
9. Landscaping shall be in accordance with Chapter 24, Orange County Code. The landscaping shown on the plan is not approved with this request; and,
10. The western fifty (50) feet of the site shall remain undisturbed.

Motion / Second: Gregory A. Jackson \ Deborah Moskowitz

AYE (voice vote): All present members

Absent: Tony Rey

IGLESIA DE DIOS PENTECOSTAL - SE-15-12-125

REQUEST: Special Exception in the C-1 and R-2 zoning districts as follows:
1) Increase the enrollment of existing school from 50 to 150 students in grades K-8;
2) Add a 30 child daycare facility;
3) Increase the capacity of the sanctuary from 180 seats to 300 seats;
4) Add 11,800 sq. ft. of additional floor space in a freestanding two-story building designed for classrooms and daycare; and,
5) Have a parking facility in the R-2 zoning district in conjunction with a use permitted in the C-1 zoning district.
The applicant is also requesting to obtain a Variance in the R-2 zoning district to have a parking lot with paved drive aisles and grassed parking spaces.

ADDRESS: 1131 N Goldenrod Road, Orlando FL 32807

LOCATION: East side of N. Goldenrod Rd., 1/3 mile north of Valencia College Ln.

TRACT SIZE: 3.7 acres

DISTRICT#: 3

LEGAL: S 170 FT OF W 422 FT OF N 686 FT OF NW1/4 OF SE1/4 & N 86 FT OF S1/2 OF NW1/4 OF SE1/4 (LESS N 26 FT OF W 422 FT) & (LESS PT TAKEN FOR R/W PER 4552/3773) IN SEC 23-22-30

PARCEL ID#: 23-22-30-0000-00-064

NO. OF 213

NOTICES:

Commentaries: None

Staff Recommendation: Staff indicated that the intent of this application was to create a final master plan for the church property. This master plan would establish the ultimate capacity of the sanctuary, elementary school, and day care center. Staff pointed out that with this approval, the applicant would not need any further BZA approvals. 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):

Rev. Ephrain Padilla (Applicant's representative)

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

BZA Discussion: The BZA discussed whether conditions should be attached regarding the number and hours for outdoor special events; whether outdoor sound amplification should be permitted; whether any condition should be placed on lighting in the parking lot if it were to be redone; and, addressing any sound from the site during special events. As a result, four (4) additional conditions were developed and accepted by the applicant. Therefore, the BZA concurred with the staff recommendation as amended to include the additional conditions.

BZA Action: A motion was made and unanimously carried to **APPROVE** the Special Exception requests in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; 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 January 13, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Construction plans shall be submitted within three (3) years or this approval becomes null and void;
5. Access onto Timber River Circle is prohibited;
6. Parking spaces may be unpaved. However, handicapped spaces and all driving aisles shall be paved;
7. The school is limited to a maximum of 150 students in grades Pre-K through 8, and the day care is limited to a maximum of thirty (30) children;
8. The sanctuary is limited to a maximum of 300 seats;
9. Any future expansions beyond that approved in this request shall require Board of Zoning Adjustment approval;
10. If applicable, approval of this request does not constitute approval of the use of wells and/or septic tanks. The use of septic tanks and wells shall be in accordance with all applicable regulations;
11. All conditions imposed through the Special Exception approved by the BZA on September 8, 2000, shall remain in full force and effect;
12. No more than four (4) outdoor special events/festivals per calendar year, limited to the hours of 8:00 a.m. to 9:00 p.m.;
13. No outdoor sound amplification;
14. Any new lighting shall be shielded directionally down-lit; and,
15. All outdoor activity shall comply with the Orange County nuisance ordinances.

Motion / Second: Chuck Norman \ Carolyn Karraker

AYE (voice vote): All present members

Absent: Tony Rey

KOREAN PRESBYTERIAN CHURCH OF ORLANDO - SE-16-03-158

REQUEST: Special Exception in the A-1 zoning district to construct a 12,000 sq. ft. gymnasium/multipurpose building for church members.
ADDRESS: 16796 Davenport Road, Winter Garden FL 34787
LOCATION: Southeast corner of Avalon Rd. and E. Davenport Rd.
TRACT SIZE: 28.47 ac.
DISTRICT#: 1
LEGAL: LAKE AVALON GROVES H/24 LOT 30D, 31D, 32D (LESS ANY PT WITHIN THE 35 FT FOR RW AS DESC IN DB 402/314)
PARCEL ID#: 06-23-27-4284-04-300
NO. OF 69
NOTICES:

Commentaries: One (1) in favor and two (2) in opposition.

Staff Recommendation: Staff advised the BZA that the request was a logical extension of a religious use campus. The gym building was buffered on the north by the main sanctuary, and, buffered to the south by the retention pond. The site was almost thirty (30) acres in size. Further, 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):

David Kim (Applicant's representative)

Material was presented to the Board and entered into the record prior to the close of the public hearing from Mr. Kim.

Carbi Gomez (Applicant's lead contractor)

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 the request was reasonable. The BZA further discussed amending condition #5, which did not allow the building to be leased out to 3rd parties, wherein, staff explained the intent of the condition. As a result, the BZA concurred with the staff recommendation.

BZA Action: A motion was made and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated December 21, 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 is for the variance(s) and/or special exception specifically requested with this application. All federal, state and local development regulations must be complied with at time of construction permit submittal, and BZA approval does not constitute approval of any development standard that is not being met by way of note or as shown on the plan, unless specifically requested by the applicant;

4. The new gymnasium building shall not exceed thirty-five (35) feet in height;

5. The gymnasium shall be used by church members and their guests only and shall not be leased out to anyone not affiliated with the church;

6. No outdoor speakers or other audio amplification;

7. Landscaping shall be provided in accordance with Chapter 24, Orange County Code; and,

8. Construction plans shall be submitted within two (2) years of final approval or this approval becomes null and void.

Motion / Second: Carolyn Karraker / Deborah Moskowitz

AYE (voice vote): All present members

Absent: Tony Rey

DAVE HULME - VA-16-02-155

REQUEST: Variances in the P-D zoning district for real estate signage, as follows:
1) 703.2 sq. ft. of signage in lieu of 128 sq. ft.; and,
2) 2 signs in lieu of 1 sign.
(Note: This is a result of code enforcement action. The applicant proposes to place real estate sign on the sides of storage containers (pods) at two different locations. The storage containers are piled on top of each other facing the east side of SR 429).

ADDRESS: Seidel Road, Winter Garden FL 34787

LOCATION: East side of S.R. 429, north of Seidel Rd.

TRACT SIZE: 122 acres

DISTRICT#: 1

LEGAL: THE SE1/4 (LESS S 30 FT FOR RD) & THAT PART OF E1/2 OF SW1/4 LYING E OF WESTERN BELTWAY SR 429 (LESS S 30 FT FOR RD) & THE S 66 FT OF SW1/4 OF NE1/4 IN SEC 05-24-27 SUBJECT TO R/W PER DB504/594-595 & (& LESS THAT PT OF S 66 FT OF SW1/4 OF NE1/4 LYING S &

PARCEL ID#: 05-24-27-0000-00-011

NO. OF 68

NOTICES:

Commentaries: One (1) in favor and two (2) in opposition.

Staff Recommendation: Staff had concerns about the precedent being set relative to this variance, and therefore, could not support the request. Staff further stated 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):

Dave Hulme

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 in reference to the intent of the storage containers. The applicant explained that they were using functional storage containers, and thought it would be acceptable to consider them to be branded containers. The BZA stated that when you build a berm and angle the containers to face the highway, the intent was for signage; however, it was a creative way to have a billboard use when billboards were prohibited in the area. Therefore, the BZA denied this request for a variance.

BZA Action: A motion was made and unanimously carried to **DENY** the Variance requests 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: Carolyn Karraker \ Chuck Norman

AYE (voice vote): All present members

Absent: Tony Rey

WINDERMERE PREPARATORY SCHOOL - SE-16-02-157

REQUEST: Special Exception in the R-CE zoning district to revise the master plan; and, Variance to construct building (Visual and Performing Arts Center) 48 ft. in height in lieu of 35 ft.

(Note: The revisions include a square footage cap of 222,850 sq. ft.; construction of a 48,000 sq. ft. visual and performing arts center; height increase of 48 ft. for proposed visual and performing arts center; relocation of existing maintenance facility; expansion of existing café; student enrollment increase from 1,200 to 1,600; modification to the north and west berms; internal roadway modifications; and Sunday religious use).

ADDRESS: 6189 Winter Garden Vineland Road, Windermere FL 34786

LOCATION: Northeast side of Winter-Garden Vineland Rd., 1/2 mile east of Ficquette Rd.

TRACT SIZE: 46.42 acres

DISTRICT#: 1

LEGAL: BEG SE COR OF N1/2 OF NW1/4 OF SEC 24-23-27 TH RUN W 1112.63 FT TO NELY R/W WINTER GARDEN-VINELAND RD TH N 48 DEG W 1010.55 FT NELY 38.12 FT N 39 DEG E 221.70 FT NLY 471.11 FT TO A PT ON N LINE OF SEC TH E 1655.16 FT S 1317.17 FT TO POB (LESS R/W ON SW PE

PARCEL ID#: 24-23-27-0000-00-004

NO. OF 249

NOTICES:

Commentaries: None

Staff Recommendation: Staff advised that the applicant requested a continuance to the March 3, 2016 BZA Meeting, to allow for further discussion with the surrounding residents.

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 granted this request to continue the public hearing to the March 3, 2016 BZA Meeting.

BZA Action: A motion was made and unanimously carried to **CONTINUE** the public hearing to the March 3, 2016 BZA Meeting.

Motion / Second: Zachary Seybold / Carolyn Karraker

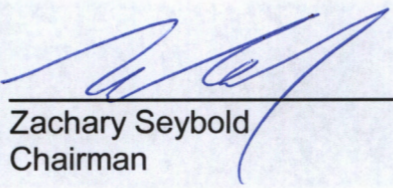
AYE (voice vote): All present members

Absent: Tony Rey

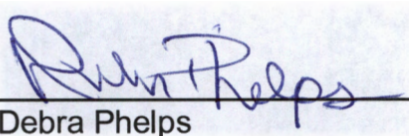
ADJOURN:

There being no further business, the meeting was adjourned at 1:54 p.m.

ATTEST:



Zachary Seybold
Chairman



Debra Phelps
Recording Secretary