

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF MARCH 3, 2016**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **March 3, 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 Chairperson
Tony Rey
Gregory A. Jackson
Deborah Moskowitz
Charles Norman

BOARD MEMBERS ABSENT: Eugene Roberson

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 February 2, 2016, Board of Zoning Adjustment meeting.

A motion was made by Carolyn C. Karraker, seconded by Deborah Moskowitz, (Eugene Roberson was absent) and unanimously carried to **APPROVE** the minutes of the February 2, 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.

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

REQUEST: Special Exception and Variances in the A-2 zoning district as follows:
1) Special Exception: To construct a 3,600 sq. ft. pet rescue shelter;
2) Variance: To allow unpaved parking in lieu of paved; and,
3) Variance: To allow 4 parking spaces in lieu of 12.
(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.

S-T-R: 32-22-33

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: One (1) in favor and nine (9) in opposition.

Staff Recommendation: Staff gave a detailed presentation and outlined the background, analysis, and character of the area. In summary, staff recommended approval subject to twenty-three (23) conditions to be included in the staff report.

The following person(s) addressed the Board:

Speaker(s):

Brent Spain (Applicant's attorney)

Laura Dedenbach (Applicant's planner)

James Smith (in Favor)

Brenda Pepka (in Favor)

Rozela Worley (in Favor)

Rick Penbertly (Applicant's father)

Sue McLeod (in Opposition)

Scott Kaylor (in Opposition)

Bobby Beast (in Opposition)

Tamara Voorhees (in Opposition)

Materials were presented to the Board prior to the close of the public hearing from Brent Spain and the public.

BZA Discussion: Based upon input from the BZA and agreed upon by the applicant, an additional condition #24, was accepted; and therefore, the BZA concurred with the staff recommendation as amended.

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 requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated, 'Received February 2, 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. The shelter shall not have any outdoor runs or outdoor compounds;
4. Driving aisles shall have #57 stone. Parking spaces may be grassed. However, all handicapped parking space requirements must be met;
5. Prior to the issuance of any permits the applicant shall complete a Conservation Area Determination. There shall be no impacts to any Orange County jurisdictional conservation areas unless approved by Orange County;
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void;
7. The animal shelter/boarding facility shall be owned, operated, and used for the exclusive purpose of a 501(c)(3) Florida not-for-profit corporation, and shall not be operated as a commercial for-profit animal kennel/boarding facility or any other commercial use;
8. The facility shall be fenced with a six (6) foot high wooden privacy fence with restricted, gated access as generally depicted on the Site Plan. Site access shall be subject to County Engineer review and approval. Access shall be per the County Engineer;
9. The facility shall be climate controlled, and the walls and roof of the building shall have rolled insulation between the steel panels and frame. Additionally, the applicant shall install acoustic sound-absorbing tiles on all sides of the building;
10. A fire sprinkler or suppression system shall be installed to protect the housed animals;
11. The wooden area as generally depicted on the Site Plan shall be left undisturbed and undeveloped so as to serve as a natural vegetative buffer from surrounding properties;
12. The facility shall be equipped with in-floor drains running to a septic system, subject to the Department of Health and County approval and applicable permitting requirements;
13. Access to the animal shelter/boarding facility shall be limited to the applicant's staff and volunteers and shall not be open and/or accessible to the general public. The facility shall, however, be subject to inspections by applicable regulatory entities per Florida law;
14. The facility's normal hours of operation, including times for the routine changing of bedding, feeding, and outdoor walks of dogs, shall occur between 7:00 a.m. and 9:00 p.m. Night-time checks may occur as deemed necessary;
15. No on-site adoptions or drop-offs of animals by the general public shall be allowed at the facility. All adoptions and in-person viewing of available animals by the general public shall occur at off-site locations;
16. The facility shall be equipped with a 24-hour video surveillance system monitoring the inside and outside of the facility for the safety of the housed animals, and to

discourage third parties from abandoning animals at the location. The applicant shall post signage at the gated entrance advising that the property is under video surveillance;

17. The facility will not have any outdoor kennel runs and the housed animals will not have unsupervised access to the outdoor area on the property;
18. Any dumpster or garbage receptacles at the facility shall be stored and located on the south side of the building;
19. No expansion of the facility shall be permitted without prior Board of Zoning Adjustment approval;
20. Any deviation from a code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment (BZA) shall be resubmitted for the BZA's review or the plans revised to comply with the standard;
21. The facility shall be subject to an inspection by the Orange County Animal Services Division on an annual basis and as otherwise deemed necessary;
22. Any nuisance or noise complaints shall be addressed to and by the Orange County Animal Services Division;
23. The septic tank shall be inspected and pumped out on an annual basis. Documentation of such maintenance shall be provided to Orange County Environmental Protection Division, OrangetoGreen@ocfl.net, Attn. Environmental Permitting and Compliance, reference case SE-16-01-143; and,
24. There shall be a maximum of fifty (50) adult dogs and a maximum of 100 dogs under the age of six (6) months. The facility shall be for dogs only, no other animals.

Motion / Second: Zachary Seybold / Tony Rey

AYE (voice vote): All present members

Absent: Eugene Roberson

JACK WILLIAMS
VA-16-02-152

REQUEST: Variances in the R-CE zoning district to construct a detached accessory building (garage) as follows:
1) In front of the principal structure;
2) 1,104 sq. ft. in size in lieu of 500 sq. ft.; and,
3) Validate an existing nonconforming residence located 3 feet from the side (north) property line in lieu of 10 ft.
Note: Two existing detached carports are currently located on the subject property with a combined size of 1,164 sq. ft. of covered area. These carports are to be demolished).

ADDRESS: 12412 Summerport Lane, Windermere, FL 34786

LOCATION: West side of Lake Butler, on the east side of Summerport Lane, approximately 700 ft. east of West Lake Butler Rd.

S-T-R: 13-23-27

TRACT SIZE: 91 ft. x 397 ft. (AVG)

DISTRICT#: 1

LEGAL: SUMMERPORT BEACH G/133 LOT 27
PARCEL ID: 13-23-27-8392-00-270
NO. OF NOTICES: 51

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

Staff Recommendation: Staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following persons addressed the Board:

Speaker(s):

Jack Williams (Applicant)

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

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

BZA Discussion: The BZA found that the proposed request was not out of character with the neighborhood, would not impose any negative impacts on the neighboring residents; and therefore, concurred with the staff recommendation as amended.

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 February 19, 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. 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 exterior of the new garage shall match or compliment the exterior of the existing residence with regard to color and materials; and,
5. The two (2) existing carports shall be demolished prior to final sign-off on the garage.

Motion / Second: Carolyn Karraker / Deborah Moskowitz

AYE (voice vote): All present members

Absent: Eugene Roberson

NATHANIEL MITCHELL
SE-16-03-160

REQUEST: Special Exception in the R-1A zoning district to convert an existing attached garage into a guest house; and,
Variance to validate the existing residence 13 ft. from the rear property line in lieu of 30 ft.
(Note: The applicant was cited by code enforcement for having an ADU without approval shortly after he purchased the property. The kitchen facility has been removed with the exception of a single-compartment sink).

ADDRESS: 4102 Delray Avenue, Orlando FL 32839

LOCATION: Southwest corner of Delray St. and 41st St., approximately 350 ft. west of S.O.B.T.

S-T-R: 10-23-29

TRACT SIZE: 70 ft. x 105 ft.

DISTRICT#: 6

LEGAL: RIO GRANDE SUB 2ND REPLAT U/48 LOT 9 BLK B

PARCEL ID: 10-23-29-7420-02-090

NO. OF NOTICES: 110

Commentaries: None

Staff Recommendation: Staff supported the granting of the variance to the rear setback, as this would validate an existing situation. However, staff could not support the request for the guesthouse for the following reasons: 1) the owner did not reside at the residence; 2) the house had been used for renting to multiple tenants not living as a family unit. This constitutes as a boarding house which is not permitted in this zoning district; 3) staff had concerns that this property would continue to be used as a rooming house, hence, the property was not zoned for such; and, 4) staff recommended the site be brought up to single family residential use which meant one (1) dwelling unit.

The following person(s) addressed the Board:

Speaker(s): Nathaniel Mitchell (Applicant)

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

BZA Discussion: Board discussion ensued and concurred with the staff recommendation that the variance should be granted, however, they could not find that the request satisfied the criteria for a Special Exception.

BZA Action:

A motion was made by and unanimously carried to **DENY** the Special Exception request in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest; and, to **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. This approval is limited to the granting of the variance to permit a rear setback of thirteen (13) feet in lieu of thirty (30) feet. The Special Exception for an attached guest house is denied;
2. Development in accordance with site plan dated December 28, 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;

3. 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;
4. 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;
5. The converted garage shall be open to the remainder of the main house as a separate bedroom;
6. The residence is limited to a single family detached residence. Any leasing of the unit shall be to a family as defined by Orange County Code. The home shall not be used as a rooming house, nor converted to a duplex; and,
7. The applicant shall obtain a permit for the garage conversion within ninety (90) days of final County action or this approval becomes null and void.

Motion / Second: Tony Rey / Carolyn Karraker

AYE (voice vote): All present members

Absent: Eugene Roberson

DAVID ENGELBRECHT
VA-16-03-001

REQUEST: Variances in the R-1A zoning district as follows:
1) To allow accessory structures with a cumulative floor area of 1,140 sq. ft. in lieu of 624 sq. ft.; and,
2) To allow existing garage and proposed accessory structure in front of principal residence in lieu of sides or rear.
(Note: Applicant is proposing a new 240 sq. ft. accessory building. There is an existing 900 sq. ft. garage building in front of the house as well).

ADDRESS: 1115 Lacon Avenue, Orlando FL 32809

LOCATION: South side of Lake Conway, north side of Lacon Ave., approximately 600 ft. north of Hoffner Ave.

S-T-R: 24-23-29

TRACT SIZE: 75 ft. x 320 ft. AVG

DISTRICT#: 3

LEGAL: LAKEVIEW (CONWAY) L/70 THE W1/2 OF LOT 3 & ALL OF LOT 4 & LAND ON N TO WATERS OF LAKE BLK B

PARCEL ID: 24-23-29-4874-02-031

NO. OF NOTICES: 43

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

Staff Recommendation: 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): David J. Engelbrecht (Applicant)

BOARD OF ZONING ADJUSTMENT

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Materials were presented to the Board prior to the close of the public hearing from the applicant. No one spoke in favor or in opposition to this request at the public hearing.

BZA Discussion: The BZA agreed that the request was reasonable, and would rectify the existing nonconforming situation with the garage. The BZA concurred with staff recommendation with the amended condition #4.

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 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. 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. Shrubbery such as viburnum or podocarpus, a minimum of three (3) feet in height shall be planted along Lacon Street five (5) feet back from the front property line, to be maintained at a height of four (4) feet.

Motion / Second: Tony Rey / Chuck Norman

AYE (voice vote): All present members

Absent: Eugene Roberson

THOMAS NEARY
SE-16-03-003

REQUEST: Special Exception and Variances in the A-2 zoning as follows:
1) To convert existing house into a 2556 sq. ft. guest house;
2) To allow 2556 sq. ft. living area for the guest house in lieu of 1,000 gross sq. ft.; and,
3) Variance to allow existing pole barn 3 ft. from side (west) property line in lieu of 5 ft.
(Note: Applicant proposes to construct a new primary residence with 2,556 sq. ft. of living area. The existing house will be used as a guest house and will contain less than 2,556 sq. ft. of living space.)
(NOTE: A guest house by definition cannot have a kitchen and is limited to 1,000 gross square feet).

ADDRESS: 4650 N Fort Christmas Road, Christmas FL 32709
LOCATION: South side of Ft. Christmas Rd., west of Lazy H Ln.
S-T-R: 02-22-32
TRACT SIZE: 13.82 ac.
DISTRICT#: 5
LEGAL: BEG S 3 DEG E 306.97 FT & S 61 DEG E 2469.77 FT FROM NW

COR OF SEC RUN S 1101.22 FT E 566.53 FT N 15 DEG E 396.73
FT N 86 DEG E 8.32 FT N 26 DEG E 322.40 FT W 225.95 FT NELY
ALONG CURVE 260 FT N 61 DEG W 457.31 FT TO POB (LESS NLY
30 FT FOR RD RW) IN SEC

PARCEL ID: 02-22-32-0000-00-019

NO. OF NOTICES: 50

Commentaries: None

Staff Recommendation: Staff gave a brief presentation and 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): Thomas Neary (Applicant)

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

BZA Discussion: The BZA was receptive to the reduced size; and, stated that removing the pole barn would eliminate Variance Request #3. The BZA asked and the applicant agreed for the addition of condition #9, stating, "The pole barn shall be removed within 180 days," and condition #10, stating, "The guest house shall not exceed 1,400 square feet of living area." The BZA concurred with staff recommendations as amended.

BZA Action: A motion was made and unanimously carried to **APPROVE** the Special Exception requests #1 and #2 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, deemed as **UNNECESSARY** the Variance Request #3; further, said approval is subject to the following conditions:

1. Development in accordance with site plan site plan date stamped, "Received January 12, 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. The applicant shall submit construction plans within three (3) years or this approval is null and void;
5. The guest house shall not be rented out;
6. The kitchen in the guest house shall be removed prior to issuance of a Certificate of Occupancy (C/O) for the new primary residence;

7. 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;
8. The applicant shall be responsible for payment of all applicable fees and assessments, including but not limited to, impact fees;
9. The pole barn shall be removed within 180 days; and,
10. The guest house shall not exceed 1,400 square feet of living area.

Motion / Second: Zachary Seybold / Chuck Norman

AYE (voice vote): All present members

Absent: Eugene Roberson

CASSANDRA GAIL FINK
VA-16-04-004

REQUEST: Variance in the A-2 zoning to place a mobile home on .716 acres of land in lieu of 2 acres.

ADDRESS: 2822 Dean Ridge Road, Orlando FL 32825

LOCATION: East side of Dean Rd., west side of Dean Ridge Rd., north of Curry Ford Rd.

S-T-R: 05-23-31

TRACT SIZE: .716 ac.

DISTRICT#: 3

LEGAL: COMM SE COR OF SW1/4 OF SEC 05-23-31 TH N00-13-38W 675.04 FT S89-46-22W 530.75 FT FOR POB TH RUN N89-50-24W 190.03 FT N18-38-45E 107.86 FT TO PT OF CURVE CONCAVE WLY W/ RAD OF 1338.24 FT TH NLY THROUGH CENT ANG OF 07-59-41 FOR 186.73 FT TH S75-34-46E 42.1

PARCEL ID: 05-23-31-0000-00-063

NO. OF NOTICES: 116

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 adjacent neighbors had provided letters of no objection; and, c) the proposal was minimal and reasonable. 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): Cassandra Gail Fink (Applicant)

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

BZA Discussion: The BZA stated this request was caused by eminent domain, therefore, the need for the variance was not self-created because of the road widening. Thus, 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 date stamped, "Received January 19, 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; and,
4. All building setbacks shall be met.

Motion / Second: Tony Rey / Chuck Norman

AYE (voice vote): All present members

Absent: Eugene Roberson

DENNIS STEVENTON
VA-16-04-005

REQUEST: Variances in the R-1AA zoning district for accessory structures as follows:
1) To allow 854 cumulative sq. ft. of accessory buildings in lieu of 636 sf. ft. (25% of 2,543 sq. ft. house); and,
2) To validate existing shed 0.4 ft from property line in lieu of 5 ft.

ADDRESS: 7336 Woodglen Court, Orlando FL 32835

LOCATION: South side of Woodglen Ct., north of Conroy Windermere Rd., east of Hiawasse Rd.

S-T-R: 11-23-28

TRACT SIZE: 132 ft. x 165 ft.

DISTRICT#: 1

LEGAL: WOODLANDS OF WINDERMERE UNIT TWO 9/9 LOT 19

PARCEL ID: 11-23-28-8632-00-190

NO. OF NOTICES: 51

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

Staff Recommendation: Staff had no objection to the proposed detached garage building as it would compliment the main house nicely and represented a minor deviation from the code. 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): Dennis Steventon (Applicant)

Material was presented to the Board prior to the close of the public hearing from the applicant.

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

BZA Discussion: The BZA discussed the case and concurred with the staff recommendation as amended.

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 January 21, 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. Prior to the issuance of any permits the applicant shall either vacate the underlying utility easement along the east property line or obtain a letter of no objection from the Public Works Department or submit proof of permit for the existing garden shed; and,
5. The exterior of the proposed garage building shall match the exterior of the existing residence.

Motion / Second: Carolyn Karraker / Tony Rey

AYE (voice vote): All present members

Absent: Eugene Roberson

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.

S-T-R: 14-20-27

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 NOTICES: 35

Commentaries: Six (6) 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 most affected property owners had provided letters supporting the request; c) the remaining setbacks are significant; and, d) no privacy rights were being affected. 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): Charles Adkins (Applicant's representative)
James Miller (Applicant)

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

BZA Discussion: The BZA proposed and the applicant agreed to attaching the front garage to the house, thus, eliminating 1,238 square footage from the variance request. The BZA understood that thirty (30) feet was taken for the road, resulting in a reduction of the property to below five (5) acres. The BZA accepted that 3,000 square feet of accessory buildings would be allowed if the property was five (5) acres and found the request for 3,200 square feet acceptable. Finally, the BZA asked and the applicant agreed to add condition #5, stating "Approval is for 3,200 of maximum cumulative accessory building square footage", and condition #6, stating "Prior to the issuance of permits for the rear structure, the front 1,238 square foot garage shall be attached to the house by a fully enclosed walkway." As a result, the BZA concurred with the staff recommendation as amended.

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 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 applicant shall obtain a permit for the accessory structures within 180 days or this approval becomes null and void;
4. 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;
5. Approval is for 3,200 maximum cumulative accessory building square footage; and,
6. Prior to issuance of permits for the rear structure, the front 1,238 sq. ft. garage shall be attached to the house by a fully enclosed walkway.

Motion / Second: Gregory A. Jackson / Deborah Moskowitz

AYE (voice vote): All present members

Absent: Eugene Roberson

- MEETING RECESSED, 12:18 p.m.
- MEETING RECONVENED, 1:05 p.m.

**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.

S-T-R: 24-23-27

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 NOTICES: 249

Commentaries: In February, 132 in Favor and ten (10) in Opposition.

In March, seventeen (17) in Favor and eight (8) in Opposition.

Staff Recommendation: Staff gave a presentation and addressed all the changes to the plan, and compromises made between the surrounding residents and the applicant. In summary, staff recommended approval provided the impacts to the houses to the north were mitigated as outlined in the conditions of the staff report.

The following person(s) addressed the Board:

Speaker(s):

BOARD OF ZONING ADJUSTMENT
MEETING OF MARCH 3, 2016

Ted Brown (Applicant's attorney)
 Tom Marcy (Applicant's representative)
 Alex Schwartz (Student in Favor)
 Santhi Ramakrishna (Student in Favor)
 Sammi Roberts (Student in Favor)
 Dave Westerskov (Band director in Favor)
 Emily Tousek (Performing Arts teacher in Favor)
 Gilliane Hadley (Dance teacher in Favor)
 Deborah Mackenzie (Parent in Favor)
 Michael Eckhoff (Parent\School Advisory Board member in Favor)
 Jason King (Fine Arts director in Favor)
 Kelly Hayes (in Favor)
 Kimberly Ehrhard (Parent/nearby neighbor in Favor)
 Grady Burch (neighbor in Opposition)
 June Cole (neighbor in Opposition)
 Linda Wilson (neighbor in Opposition)
 Catherine Brennan (deferred time on husband in Opposition)
 Patrick Brennan (neighbor in Opposition)
 Katrina Rini (neighbor in Opposition)
 Lorraine Burch (neighbor in Opposition)
 Tommy Rios (adjacent backyard neighbor in Opposition)
 Mohammed Abdullah (Applicant's traffic engineer)
 Carol Sandberg (Kelso representative)

Materials were presented to the Board prior to the close of the public hearing from the applicant and the public.

BZA Discussion: The BZA spoke at length regarding the conditions of approval. Some of the conditions were amended and/or added with the agreement of the applicant. The BZA concurred with the staff recommendation as amended.

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, 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 plans dated February 17, 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 (BZA) shall be resubmitted for the BZA's review or the plans revised to comply with the standard;
4. Total student enrollment and faculty shall not exceed 1,600 and 250, respectively;
5. Overall total square footage of structures containing heated space shall not exceed 201,350 square feet. The future buildings shown on the new master plan that are not part of this request are not approved;
6. The height of the new Visual and Performing Arts Center building shall not exceed forty-eight (48) feet;
7. The religious use of the campus shall be used by the Kensington Church, or any successor church, on such terms and conditions as Windermere deems appropriate; provided however, use by such a religious organization or church shall be confined to Sundays except for traditional holidays of the Christian faith such as Good Friday, Christmas, and the like. Use by the Kensington Church or any successor church shall be limited to the hours between 8:00 a.m. and 3:00 p.m., except on traditional Christian Holidays when exceptions can be made with the approval of Windermere. No outdoor amplification is permitted unless in conjunction with any of the school's annual outdoor events;
8. The landscaped berm on the north and west property lines shall be modified in accordance with Landscape Plan date-stamped, Received February 17, 2016. The modifications to the berm on the north and west property lines shall be completed prior to any vertical construction for the Visual and Performance Arts Center building. All landscaping materials shall be properly maintained at all times and must meet or exceed grade Florida Fancy. Once the Landscape Plan has been fully implemented, the applicant shall monitor and maintain the buffer/berm from the date of completion forward and will assume the responsibility for the replacement of any vegetation that fails to properly mature and grow as contemplated by the Landscape Plan;
9. All light fixtures shall be cutoff fixtures and comply with Section 9-649 (Exterior Lighting), Orange County Code;
10. Construction plans shall be submitted within two (2) years to Orange County for the development contemplated by this approval or the approval becomes null and void. However, if this approval is appealed the two (2) years will not commence until thirty (30) days after the appeal is completed;
11. Hours of operation for the new Visual and Performing Arts Building would be on Sundays through Thursdays and the operating hours shall be from 7:45 a.m. to 10:00 p.m. On Fridays and Saturdays, the operating hours shall be from 7:45 a.m. to 10:00 p.m. The exception to these operating hours shall be when the PAC Building is occupied by the Kensington Church as set forth in condition # 7 above;
12. Prior to the issuance of any building permits for the construction of any portion of the PAC Building a traffic study shall be submitted to Orange County for review and approval;

13. Prior to the issuance of building permits, the applicant shall receive approvals from Orange County regarding access and agreed upon road improvements to be in place prior to or concurrent with on-site construction;
14. The setback for the proposed fly loft shall be 120 feet from the north property line. The building setback for the new Visual and Performing Arts Center building and the relocated maintenance building shall be a minimum of 100 feet;
15. There shall be no more than four (4) outdoor special events per calendar year, excluding school sponsored sporting, cultural and charitable events such as football, baseball, swimming, softball, lacrosse, concerts, art shows, and the like. It is the intention of this condition to define an outdoor event as something other than those identified above and to condition it on being an event that would attract significant attendance to the school grounds. Hours of said outdoor special events shall be between 8:00 a.m. and 10:00 p.m.;
16. The north side of the new Visual and Performing Arts Building shall not be illuminated except for sufficient lighting to meet the minimum illumination standards as outlined in Chapter 9, Orange County Code;
17. There shall be no exterior walkway on the north side of the new Visual and Performing Arts Center building;
18. There shall be no second floor windows on the north side of the new Visual and Performing Arts Center building;
19. The maintenance building shall not exceed twenty-five (25) feet in height and shall be setback 100 feet from the north property line; and,
20. Prior to the issuance of a Certificate of Occupancy for the Visual and Performing Arts Center building, the applicant shall submit a pedestrian plan and install said improvements.

Motion / Second: Carolyn Karraker / Tony Rey


AYE (voice vote): All present members


Absent: Eugene Roberson

ADJOURN:

There being no further business, the meeting was adjourned at 4:09 p.m.

ATTEST:


Zachary Seybold
Chairman


Debra Phelps
Recording Secretary