

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

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **April 7, 2016** in the Orange County Commission Chambers on the 1st Floor of the Orange County Administration Building, 201 South Rosalind Avenue, Orlando, Florida 32801.

**BOARD MEMBERS PRESENT:** Zachary Seybold - Chairman  
Carolyn C. Karraker - Vice Chairman  
Gregory A. Jackson  
Deborah Moskowitz  
Eugene Roberson  
Charles Norman

**BOARD MEMBERS ABSENT:** Tony Rey

**STAFF PRESENT:** Rocco Relvini, AICP, Chief Planner, Zoning Division  
Nicholas Balevich, Development Coordinator, Zoning Division  
David Nearing, AICP, Development Coordinator, Zoning Division  
Debra Phelps, Recording Secretary, FOS Division

The Chairman called the meeting to order at 10:04 a.m.

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

**APPROVAL OF MINUTES:**

The Chairman requested a motion approving the minutes of the March 3, 2016, Board of Zoning Adjustment meeting.

A motion was made by Carolyn C. Karraker, seconded by Deborah Moskowitz, (Tony Rey was absent) and unanimously carried to **APPROVE** the minutes of the March 3, 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.

**ORLANDO SPRINGS WELLNESS & RECOVERY CENTER - ZM-16-03-009**

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**REQUEST:** Appeal of the Zoning Manager's Determination that the applicant's proposed use constitutes a Residential Care Facility and is not permitted in the Professional Office (P-O) zoning district.

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

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

**TRACT SIZE:** 8.86 acres

**DISTRICT#:** 2

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

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

**NO. OF NOTICES:** 362

This case was **WITHDRAWN** prior to the public hearing by the applicant via electronic mail dated April 6, 2016. No further action was required by the BZA.

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

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**REQUEST:** Special Exception in the P-O zoning district to allow in-patient and out-patient clinic to include primary care, diagnostics, lab services and wellness treatment.  
(Note: The in-patient component will include up to 56 beds for clients. The proposed uses will occupy 2 of the 8 existing office buildings on-site. Clients will receive treatment/counseling for substance abuse).

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

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

**TRACT SIZE:** 8.86 acres

**DISTRICT#:** 2

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

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

**NO. OF NOTICES:** 362

This case was **WITHDRAWN** prior to the public hearing by the applicant via electronic mail dated April 6, 2016. No further action was required by the BZA.

#### **MARGARET ROGERS - VA-15-12-118**

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**REQUEST:** Variance in the R-CE zoning district to construct 2nd floor addition to single family residence 2 ft. from the side (west) property line in lieu of 10 ft.  
(Note: The applicant is preparing the home for installation of an elevator due to a medical issue which precludes use of the stairs due to fall risk. The applicant began the work without a permit, but ceased work once contacted by code enforcement).

**ADDRESS:** 7230 Lake Ola Drive, Mount Dora FL 32757

**LOCATION:** South side of Lake Ola Dr., approximately 125 ft. east of Lake St., and approximately .3 miles east of North OBT.

**TRACT SIZE:** 79 ft. x 355 ft.

**DISTRICT#:** 2

**LEGAL:** COMM AT INTERSECTION OF W LINE OF GOV LOT 1 (AKA THE EAST LINE OF MAROTS ADDITION TO TANGERINE MTG BK E/506) AND SOUTH R/W LINE OF LAKE OLA BLVD, RUN N88-31-00E 129 FT FOR POB; RUN TH S01-22-40W 430 FT M/L TO SHORE OF LAKE OLA, RETURN TO POB, RUN TH N88-

**PARCEL ID#:** 08-20-27-0000-00-047

**NO. OF NOTICES:** 61

Staff Recommendation: Staff recommended that this case to be continued to the May 5, 2016 BZA Meeting, at the applicant's request.

BZA Action: A motion was made and unanimously carried to **CONTINUE** to the May 5, 2016 BZA Meeting.

Motion / Second: Gregory A. Jackson / Chuck Norman

AYE (voice vote): All present members

Absent: Tony Rey was absent

**EMILY CHARLTON - SE-16-04-010**

**REQUEST:** Special Exception and Variances in the A-1 zoning district as follows: 1) Special Exception: To convert existing mobile home as a detached Accessory Dwelling Unit (ADU) to be occupied by the applicant's son; 2) Variance: To allow a detached ADU on .49 acres of land in lieu of .75 acres;  
3) Variance: To allow detached ADU with 1,022 sq. ft. of floor area in lieu of 1,000 sq. ft.;  
4) Variance: To validate a substandard lot with 97 ft. of lot frontage in lieu of 100 ft. and .49 acres of lot area in lieu of .5 acres for existing single family residence;  
5) Variance: To allow existing single family residence to remain 11 ft. from front (south) property line in lieu of 35 ft.;  
6) Variance: To allow existing shed to remain in front yard in lieu of side of rear yards; and,  
7) Variance: To allow existing shed 1.4 ft. from front property line in lieu of 5 ft.  
(Note: Per the applicant, the mobile home has existed on the property for many years. The applicant submitted six letters of support from her neighbors).

**ADDRESS:** 5359 Terrell Road, Mount Dora FL 32757

**LOCATION:** Eastern end of unnamed private road, approximately 450 ft. east of Terrell Rd.

**TRACT SIZE:** 97 ft. x 207 ft.

**DISTRICT#:** 2

**LEGAL:** S 97.9 FT OF N 293.7 FT OF S1/2 OF NE1/4 OF NE1/4 OF SW1/4 OF SEC 09-20-27 (LESS W 444 FT THEREOF)

**PARCEL ID#:** 09-20-27-0000-00-057

**NO. OF** 35

**NOTICES:**

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

Staff Recommendation: Staff advised that the applicant indicated that the trailer had been on the property for a considerable amount of time. However, due to the dense tree canopy on the property, it was not possible to confirm or refute this through a review of historic aerials. Further, staff noted that if the Special Exception is approved, there is an unpermitted septic system on the property which the applicant must get approved by the Health Department in order to keep the trailer on the property. Lastly, 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): Emily Charlton (Applicant)

BZA Discussion: The BZA discussed the case and concluded that given the dense vegetation and the placement of other homes in the neighborhood, that this would not be an intrusion. The BZA did inquire about a 'for sale' sign located on Terrell Road near the property. The applicant noted that this sign was not for their property. Lastly, the BZA concurred with staff's 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; 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 February 8, 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 accessory dwelling unit shall be used by family members only and shall not be rented out;
  5. Within 180 days the applicant shall obtain permits for the existing residence, the existing mobile home, the septic tanks and the sheds. Prior to final sign off on these permits, the applicant shall provide verifiable evidence that the ADU is in fact occupied by the owner's son, or another member of the family, per Sec. 38-1426 of the Orange County Code;
  6. Approval of this request does not constitute approval of the use of septic tanks and wells as applicable. The use of septic tanks and wells shall be in accordance with all applicable regulations; and,
  7. Failure to comply with any of the above conditions shall result in code enforcement action not BZA action.

Motion / Second: Gregory A. Jackson / Chuck Norman

AYE (voice vote): All present members

Absent: Tony Rey was absent

#### **CROWN CASTLE USA - VA-16-04-008**

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**REQUEST:** Special Exception in the P-D zoning district to construct a 140 ft. high communications cell tower camouflaged as a pine tree (mono-pine tower). If the BZA determines the tower is camouflaged then no variances are required because the residential separation requirement is 350 ft. and no residential homes are located within 350 ft. of the tower. If the BZA determines the tower is not camouflaged then variances are required from 34 homes/platted lots (36 properties) that are within the 700 ft. off-site use separation requirement.

**ADDRESS:** 7435 Winter Garden Vineland Road, Windermere FL 34786

**LOCATION:** East side of Winter Garden Vineland Rd., 1/4 mile south of Overstreet Rd.

**TRACT SIZE:** 5.6 acres

**DISTRICT#:** 1

**LEGAL:** FIRE STATION NO 35 73/2 LOT 1

**PARCEL ID#:** 25-23-27-2671-01-000

**NO. OF** 359

**NOTICES:**

Staff Recommendation: Staff recommended that this case to be continued to the May 5, 2016 BZA Meeting, at the applicant's request.

BZA Action: A motion was made and unanimously carried to **CONTINUE** to the May 5, 2016 BZA Meeting.

Motion / Second: Zachary Seybold / Carolyn Karraker

AYE (voice vote): All present members

Absent: Tony Rey was absent

- MEETING RECESSED, 10:25 a.m.
- MEETING RECONVENED, 11:01 a.m.

**JAMES VAN ALSTINE - SE-16-04-011**

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**REQUEST:** Special Exception in the A-1 zoning district to construct a 608 sq. ft. detached Accessory Dwelling Unit (ADU) for applicant's mother.  
(Note: The applicant provided 6 letters of support from his neighbors).

**ADDRESS:** 101 W Lewis Avenue, Apopka FL 32712

**LOCATION:** Northwest corner of W. Lewis Ave. and Virginia St., approximately 750 ft. west of Rock Springs Rd.

**TRACT SIZE:** 1.376 ac.

**DISTRICT#:** 2

**LEGAL:** ROCK SPRINGS HOMESITES S/12 LOT 5 BLK M

**PARCEL ID#:** 16-20-28-7612-13-050

**NO. OF NOTICES:** 76

Commentaries: Twelve (12) in favor and none in opposition

Staff Recommendation: Staff stated that the proposed ADU would be 608 square feet, and located in the side yard, matching the design and color of the main house. Further, the proposed ADU would comply with all requirements for a Special Exception and the requirements found in Chapter 38 of the Orange County Code. Finally, staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): James Van Alstine (Applicant)

BZA Discussion: The BZA inquired about driveway access and parking. The applicant explained they would use the existing driveway and space in the existing three (3) car garage. The BZA stated that staff had included all of the typical conditions for such cases. Therefore, 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 date stamped, "Received February 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. Construction plans shall be submitted within three (3) years or this approval becomes null and void;
5. The accessory dwelling unit shall be used by family members only and shall not be rented out;

6. The exterior of the ADU shall match the exterior of the existing house;
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; and,
8. The applicant shall be responsible for payment of all applicable fees and assessments, including, but not limited to, impact fees.

Motion / Second: Gregory A. Jackson / Chuck Norman

AYE (voice vote): All present members

Absent: Tony Rey was absent

## **SUMO JAPANESE STEAKHOUSE - VA-16-04-012**

**REQUEST:** Variance in the C-1 zoning district to allow on-site consumption of beer, wine and liquor 975 ft. from a religious use (Aloma United Methodist Church) in lieu of 1,000 ft.

**ADDRESS:** 3096 Aloma Avenue, Winter Park FL 32792

**LOCATION:** Southwest corner of Aloma Ave. and Semoran Blvd.

**TRACT SIZE:** .65 acres

**DISTRICT#:** 5

**LEGAL:** BEG 1330.5 FT E 291.44 FT S 53 FT W & N 83 DEG W 180.27 FT FROM NW COR OF SW1/4 RUN N 83 DEG W 15.24 FT N 8 DEG W 148.53 FT S 76 DEG W 145 FT S 13 DEG E 130 FT S 48 DEG E 155.1 FT S 83 DEG E 25.58 FT N 41.47 FT N 7 DEG E 79 FT TO POB IN SEC 03-22-30 (LESS

**PARCEL ID#:** 03-22-30-0000-00-069

**NO. OF** 2731

### **NOTICES:**

Commentaries: Thirty (30) in favor and nine (9) in opposition

Staff Recommendation: Staff stated the proposed steakhouse was a sit down restaurant serving the area residents. Further, staff stated that this was a very minor request and it was common for steakhouses to serve beer, wine, and liquor with meals. 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): Zoe Yao (Applicant's representative)

BZA Discussion: The BZA discussed the case and inquired staff to amend condition #3, stating the request to be restricted to this applicant only. Staff confirmed and advised that the amended condition of approval would allow for future owners to come back to BZA for further approval. The BZA agreed with the amended condition #3; thus, concurring 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 used by the Zoning Division which reflects the measurement conducted on December 22, 2015, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain

- requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development; and,
3. This approval shall be limited to Sumo Japanese Steakhouse Restaurant located at 3096 Aloma Avenue, for a 4 COP SRX license to serve beer, wine and liquor for on-site consumption only. Any subsequent owners serving on-site consumption of alcohol shall require further BZA approval.

Motion / Second: Zachary Seybold / Carolyn Karraker

AYE (voice vote): All present members

Absent: Tony Rey was absent

- BOARD MEMBER EXITED: Gregory A. Jackson

#### **PEDRO ORBE - VA-16-04-014**

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**REQUEST:** Variances in the R-T-2 zoning district to:  
1) Allow an existing 888 sq. ft. accessory structure (detached garage) to remain in front of the principal structure in lieu of side or rear yards; and,  
2) Allow an existing block wall along the front property line six (6) ft. in height in lieu of four (4) ft.  
(Note: The accessory structure had been an open carport which the owner enclosed without permits. There are no permits on record for the original construction of the carport. The block wall was also constructed without a building permit. This is a result of code enforcement action).

**ADDRESS:** 2667 6th Street, Orlando FL 32820

**LOCATION:** East side of 6th St., approximately 700 ft. north of Seaford Ave.

**TRACT SIZE:** 1.5 acres

**DISTRICT#:** 5

**LEGAL:** EAST ORLANDO ESTATES SECTION B X/122 THE N1/2 OF LOT 338

**PARCEL ID#:** 15-22-32-2331-03-380

**NO. OF** 41

**NOTICES:**

Commentaries: None

Staff Recommendation: Staff had no objections to this request because: the request would not adversely impact any quality of life circumstances; the remaining setbacks were still significant; and, no neighbors had provided any objections. 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): Pedro Orbe (Applicant)

BZA Discussion: A discussion with the BZA ensued wherein the applicant stated the shed was there when the property was purchased; however, due to theft, they enclosed it and built the wall along the front of the property. The BZA acknowledged that the lot was large, but expressed concern about the accessory building being in the front yard. The BZA determined the construction of the wall mitigated the front yard location of the carport. Nonetheless, the BZA wanted to ensure the wall was decorative; thus, adding conditions #7 and #8. Therefore, 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 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 shall be resubmitted for the Board's review or the plans revised to comply with the standard;
  4. The accessory structure shall be used for storage of traditional personal residential items, and shall not be used to conduct any type of commercial venture;
  5. The concrete wall, accessory building shall finished in a residential style with paint/stucco;
  6. The applicant shall obtain permits for the wall and building within 180 days or this approval becomes null and void;
  7. The applicant shall install a professionally manufactured decorative opaque metal gate; and,
  8. Approval is only for the existing structure/wall (meeting codes). If the structure and wall need to be demolished, then they must be rebuilt meeting current codes and required location and height per zoning code.

Motion / Second: Zachary Seybold / Carolyn Karraker

AYE (voice vote): All present members

Absent: Tony Rey and Gregory A. Jackson were absent

#### **GRACE HERNANDEZ - VA-16-04-015**

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**REQUEST:** Variance in the P-D zoning district to construct addition (sunroom) to single family residence 10 ft. from rear property line in lieu of 15 ft.

**ADDRESS:** 14820 White Magnolia Court, Orlando FL 32824

**LOCATION:** West side of White Magnolia Ct., east of Landstar Blvd.

**TRACT SIZE:** 73 ft. x 105 ft.

**DISTRICT#:** 4

**LEGAL:** FOREST RIDGE 26/91 LOT 48 BLK 173

**PARCEL ID#:** 36-24-29-2855-73-480

**NO. OF** 94

**NOTICES:**

Commentaries: Seven (7) in favor and none in opposition

Staff Recommendation: Staff had no objections to this request because: the same variance was previously granted; the HOA and adjacent neighbors had provided letters of no objection to the addition; and, the proposal was minimal and reasonable. Staff stated that 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): Grace Hernandez (Applicant)

BZA Discussion: The BZA asked the applicant if the design of the structure had changed from the previous BZA approval. The applicant explained that the original design was for a block/stucco extension of the house. The BZA stated this request was straightforward and recommended removal of condition #4, requiring a time limit to pull permits since variance approvals run with the land. Finally, the BZA approved the variance subject to the removal of condition #4.

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 "February 16, 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; and,
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.

Motion / Second: Deborah Moskowitz / Chuck Norman

AYE (voice vote): All present members

Absent: Tony Rey and Gregory A. Jackson were absent

#### **CHAD LINN - VA-16-04-016**

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**REQUEST:** Variance in the A-2 zoning district to construct a single family residence on a lot .33 acres in size in lieu of .5 acres.  
(Note: This lot was combined with another lot after October 7, 1957. This caused the lot to lose its legal non-conforming status).

**ADDRESS:** 3135 Evelyn Scott Street, Apopka FL 32712

**LOCATION:** East side of Evelyn Schott St., approximately 1,100 ft. north of E. Ponkan Rd.

**TRACT SIZE:** 107.5 ft. x 135 ft.

**DISTRICT#:** 2

**LEGAL:** AHERN PARK V/104 LOT 2 BLK B

**PARCEL ID#:** 21-20-28-0032-02-020

**NO. OF** 39

**NOTICES:**

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

Staff Recommendation: Staff advised that the subdivision in which this property was located was completely built out with the exception of the subject property. The Future Land Use designation of the entire subdivision was Low Density Residential, which envisions smaller lots. This request was consistent with the development pattern of the subdivision. 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): Chad Linn (Applicant)

BZA Discussion: The BZA discussed the case and concluded that the applicant was simply requesting permission to do what every other property owner in the subdivision had already done, except for the one who developed two (2) lots jointly. 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 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 shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. Approval of this request does not constitute approval of the use of septic tanks and wells as applicable. The use of septic tanks and wells shall be in accordance with all applicable regulations.

Motion / Second: Chuck Norman / Carolyn Karraker  
AYE (voice vote): All present members  
Absent: Tony Rey and Gregory A. Jackson were absent

- MEETING RECESSED, 11:53 a.m.
- MEETING RECONVENED, 1:02 p.m.

**JOHN CHOIS, AGENT FOR ADVANCED AESTHETICS - VA-16-04-017**

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**REQUEST:** Variances in the P-O zoning district to construct a monument sign as follows:  
1) 6 ft. from residentially zoned property to the east (church) in lieu of 100 ft.;  
2) 6 ft. from side property line (east) in lieu of 10 ft.; and,  
3) To allow individual tenant panels to be 5.81 sq. ft. in area in lieu of 12 sq. ft.  
(Note: The residentially zoned property to the east is occupied by the West Orange Christian Church which has submitted a letter of no objection).

**ADDRESS:** 7421 Conroy Windermere Road, Orlando FL 32835

**LOCATION:** North side of Conroy Windermere Rd., approximately .7 miles east of S. Hiawassee Rd.

**TRACT SIZE:** 193 ft. x 202 ft.

**DISTRICT#:** 1

**LEGAL:** E 193 FT OF FOLLOWING DESC BEG 262.02 FT N & 30 FT E OF SW COR OF SE1/4 RUN E 598.29 FT S 238.74 FT W 395.13 FT NLY 339.57 FT N 17.36 FT TO POB (LESS COMM AT SW COR OF SE1/4 RUN N 262.02 FT E 628.29 FT S 205.36 FT TO POB TH S 33.50 FT W 193 FT N 34.60 FT

**PARCEL ID#:** 11-23-28-0000-00-007

**NO. OF NOTICES:** 84

Commentaries: None

Staff Recommendation: Staff advised the BZA that this request was a valid hardship warranting the approval of the variance as no residential homes were in the vicinity.

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): Ricardo Oliden (Applicant's representative)

BZA Discussion: The BZA discussed the case and concluded this was a reasonable request and approved the variances with the staff 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 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; and,
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.

Motion / Second: Carolyn Karraker / Deborah Moskowitz

AYE (voice vote): All present members

Absent: Tony Rey and Gregory A. Jackson were absent

#### **MINESH PATEL - VA-16-04-019**

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**REQUEST:** Variance in the I-1/I-5 zoning district to allow a 5 ft. wide buffer yard adjacent to residential zoning in lieu of 50 ft.

(Note: The property to the north has a Future Land Use designation of Industrial but is zoned R-CE. The property is the stem of a 130+ acre flag lot which extends to the east. The stem is 75 ft. in width and over 1,300 ft. in length).

**ADDRESS:** 5225 Young Pine Road, Orlando FL 32829

**LOCATION:** East side of Young Pine Rd., approximately 1.6 miles south of Curry Ford Rd.

**TRACT SIZE:** 2.3 ac.

**DISTRICT#:** 4

**LEGAL:** THE N 270.81 FT OF NE1/4 OF SE1/4 LYING ELY OF YOUNG PINE RD (LESS RD R/W) & (LESS E 517.82 FT) IN SEC 17-23-31 SEE 3031/1284

**PARCEL ID#:** 17-23-31-0000-00-003

**NO. OF** 73

**NOTICES:**

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

Staff Recommendation: Staff stated the lot immediately to the north of the subject property had a Future Land Use designation of Industrial but was zoned R-CE. The most impacted portion of this lot was the stem/driveway portion, approximately seven-five (75) feet in width and over 1,300 ft. in length. Further, the next adjacent property to the north was owned by Orange County, and was a former borrow pit. Staff noted the use and

Future Land Use of the adjacent properties to the north resulted in far less of an impact than the request would have on a smaller traditional residential property. Staff inquired if the applicant could provide a ten (10) foot wide buffer yard in the north side instead of five (5) feet. Finally, staff stated that 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): Larry Poliner (Applicant's representative)

BZA Discussion: The BZA discussed with the applicant about removing or relocating parking spaces to provide a larger buffer. The applicant explained that they cannot relocate the parking spaces and increase the buffer due to the location of the existing handicap spaces and the septic tank location. The BZA confirmed that it is unlikely that any house would be built on the adjacent property to the north, and the seventy-five (75) foot flag portion would likely be an access/drive aisle for a future industrial development. Further, the BZA felt the seventy-five (75) foot drive aisle would actually provide a buffer and met the spirit and intent of the code. Therefore, the BZA 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 date stamped "Received 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 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 within 180 days, or this approval becomes null and void.

Motion / Second: Deborah Moskowitz / Carolyn Karraker

AYE (voice vote): Deborah Moskowitz, Carolyn Karraker, and Zachary Seybold

NAY (voice vote): Eugene Roberson, Jr. and Chuck Norman

Absent: Tony Rey and Gregory A. Jackson were absent

#### **VINIT SUKHADIA - SE-16-04-020**

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<b>REQUEST:</b>	Special Exception in the C-1 zoning district to allow a food truck.
<b>ADDRESS:</b>	347 N Thompson Road, Apopka FL 32703
<b>LOCATION:</b>	Southeast corner of N. Thompson and Votaw Rds.
<b>TRACT SIZE:</b>	100 ft. x 180 ft.
<b>DISTRICT#:</b>	2
<b>LEGAL:</b>	W 130 FT OF N 213 FT OF N1/2 OF NE 1/4 OF NW1/4 SEC 11-21-28 (LESS RDS)
<b>PARCEL ID#:</b>	11-21-28-0000-00-203
<b>NO. OF NOTICES:</b>	66

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

Staff Recommendation: Staff gave a brief presentation and described that the food truck would be located adjacent to a residentially zoned lot, however, the location of the truck would actually line up more with the rear yard of the home on the adjacent lot. The owner of that lot had submitted correspondence in opposition to the request. The neighbor's main concern was the food odor emitting from the truck. Further, staff had concerns regarding this request's impact on the adjacent residents at 1212 Votaw Road as odor constituted as one of the most adverse impacts caused by approval of new uses into an area. Finally, staff stated that 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):

Vinit Sukhadia (Applicant)

Ger Horton (Neighbor in opposition)

The applicant noted that the truck would be selling tacos and similar types of food, and that the food would be prepared elsewhere, brought to the site, and kept warm in the truck. The applicant also noted that the actual hours of operation would be 12:00 noon to 9:00 p.m. on most week nights. The food truck would leave the site before the convenience/gas store closed.

One (1) person was in the audience who spoke in opposition to the food truck. The neighbor noted that when the truck had been there before, odor was an issue and he lives four (4) houses east of the subject property. He also commented on the trash which blew down Votaw Road from the site which he picked up regularly.

BZA Discussion: The BZA discussed the case and concluded that while one odor may be pleasant to some, it was not to others. The truck would be parked right next to the adjacent resident's property line; and, even if the food was not prepared there, the odors would be present for up to nine (9) hours every day the truck was there. Further, the BZA discussed whether the truck could be placed on the other side of the store; however, staff noted that the truck must be a minimum of ten (10) feet from Thompson Road right-of-way. Ultimately, the BZA determined that the proposed use would impact the homes to the east and could not support the request.

BZA Action: A motion was made 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.

Motion / Second: Chuck Norman / Deborah Moskowitz

AYE (voice vote): All present members

Absent: Tony Rey and Gregory A. Jackson were absent

#### **VIVIAN OVIEDO - SE-16-04-021**

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**REQUEST:** Special Exception in R-1A zoning for a guest house. (726 sq. ft.).  
**ADDRESS:** 1027 Waltham Avenue, Orlando FL 32809  
**LOCATION:** North side of Waltham Ave., east of Hansel Ave. (S.R. 527) and south of Hoffner Ave  
**TRACT SIZE:** 52 ft. x 156 ft.  
**DISTRICT#:** 3  
**LEGAL:** JOHNS REPLAT L/53 LOT E  
**PARCEL ID#:** 24-23-29-4020-00-050  
**NO. OF** 47  
**NOTICES:**

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

Staff Recommendation: Staff stated the applicant would prefer to expand the existing house to accommodate guests, but was unable to do so, due to the septic tank location. There was no homeowner's association. 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):

Britton Petrucelly (Neighbor in opposition)

Vivian Oviedo (Applicant)

The adjacent neighbor objected stating this proposal would impact his property value, impose on their privacy, and increase traffic. The neighbor stated that the area has had septic problems.

The applicant rebutted and stated that they would have a civil engineer ensure proper drainage.

BZA Discussion: The BZA discussed the case and concluded that the neighbor's improvements of a two (2) car garage and pool had more impact than this proposal. The BZA asked for an additional condition #9, stating the guest house shall utilize the same color palette as the existing house. Therefore, the BZA concurred with the staff's 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; further, said approval is subject to the following conditions:

1. Development in accordance with site plan date stamped "Received 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 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. The guest house shall not be rented out;
6. There shall be no kitchen facilities in the guest house;
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; and,
9. The guest house shall utilize the same color palette as the existing house.

Motion / Second: Zachary Seybold / Chuck Norman

AYE (voice vote): All present members

Absent: Tony Rey and Gregory A. Jackson were absent

## **FAIRPLAY ARENA - VA-16-04-022**

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**REQUEST:** Variance in the Ind-1/Ind-5 zoning district to allow the on-site consumption of beer and wine (2COP license) 541 ft. from a religious use (The Winter Park Church of Religious Science) in lieu of 1,000 ft.

**ADDRESS:** 6835 Hanging Moss Road, Orlando FL 32792

**LOCATION:** North side of Hanging Moss Rd., approximately 1,000 ft. west of N. Forsyth Rd.  
**TRACT SIZE:** 1.33 acres  
**DISTRICT#:** 5  
**LEGAL:** W 213.99 FT OF S1/4 OF NE1/4 OF NE1/4 (LESS S 60 FT FOR RD) OF SEC 15-22-30  
**PARCEL ID#:** 15-22-30-0000-00-058  
**NO. OF NOTICES:** 1731

Commentaries: One (1) in favor and four (4) in opposition

Staff Recommendation: Staff recommended denial of the request because of the following reasons: the quite sizable variance represented a forty-six percent (46%) reduction in the separation distance; the church was in its current location when the business seeking the variance was established; and, in past applications where the BZA had granted similar variances were for restaurants. Staff noted that the applicant obtained and submitted a letter of no opposition from the pastor of the church. In closing, staff stated should the BZA find sufficient grounds that the application did satisfy the criteria for a variance, staff recommended the conditions in the staff report to be imposed.

The following person(s) addressed the Board:

Speaker(s):

Denise Morrill (Applicant's representative)

**BZA Discussion:** The applicant informed the BZA that the Amway Center, though much larger, was still nothing more than a Sports Arena at which alcohol was sold. The applicant also advised the BZA that in a conversation with the Pastor, it was disclosed that the church would be leaving this location in June, at which point, no variance would be needed.

The BZA asked if the applicant could obtain something in writing from the church stating that the church was leaving in June and a letter from the property owner for the intent of its use in the future. The applicant noted that the church would be gone by June, and if the request was continued to the May 5, 2016 BZA Meeting, it would be June by the time the issue was finalized. The Chairman asked if the applicant would prefer trying to get a letter or taking the decision they would receive at this meeting. The applicant agreed to continue the hearing to the May 5, 2016 BZA Meeting, and attempt to obtain a letter from the church.

BZA Action: A motion was made and unanimously carried to **CONTINUE** to the May 5, 2016 BZA Meeting.

Motion / Second: Deborah Moskowitz / Chuck Norman

AYE (voice vote): All present members

Absent: Tony Rey and Gregory A. Jackson were absent

#### **STEFFAN NIEMAN - VA-16-04-024**

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**REQUEST:** Variance in the R-1 zoning district to construct an addition (attached carport) 2 ft. from the side (south) property line in lieu of 5 ft.  
**ADDRESS:** 3751 Percival Road, Orlando FL 32826  
**LOCATION:** East side of Percival Rd. on the west side of Lake Price, approximately 1,200 ft. south of Bocca Woods Dr.  
**TRACT SIZE:** 90 ft. x 669 ft.  
**DISTRICT#:** 5  
**LEGAL:** 10871/5036 ERROR IN DESCRIPTION-COMM SW COR OF NW1/4 OF SEC 12-22-31 TH N00-19-46W ALONG W LINE OF SAID NW1/4 1308.53 FT N89-57-00E 25 FT N00-19-46W 73.50 FT FOR POB TH CONT N00-19-46W 90 FT N89-57-54E 644.45 FT S00-29-15E 90 FT S89-57-54W 644.7 FT TO POB  
**PARCEL ID#:** 12-22-31-0000-00-005

**NO. OF  
NOTICES:** 42

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

Staff Recommendation: Staff advised the BZA that the applicant was proposing to encroach into the side setback leaving a new side setback of only two (2) feet; wherein, the current Orange County Code permits a minimal side yard setback of five (5) feet. Since plenty of area existed in the rear of the subject property, staff's position was that the request was a matter of convenience as opposed to a valid hardship on the land. Staff could not support the request for the following reasons: the request infringes into a minimum side yard setback of five (5) feet by code; the most affected property was to the south and was vacant; the applicant did not demonstrate compliance with any of the variance criteria; and, no similar variances of this kind had been granted in this area. Further, staff recommended the applicant to construct a detached carport in the rear or front yards instead of leaving a two (2) foot side setback. Lastly, 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): Albert Flores (Applicant's representative)

BZA Discussion: The applicant's representative informed the BZA that this request was an addition and not a detached carport. He stated the owner was an antique car collector and already had a three (3) car garage; as such, the request was for more area for his personal vehicles, in addition to his hobby cars.

The BZA agreed with staff and noted that the property to the south was on the real estate market to be sold. As a result, the BZA stated should a new buyer purchase the property, then a side yard setback of five (5) feet would be expected; thus, the variance was denied.

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

Motion / Second: Zachary Seybold / Deborah Moskowitz

AYE (voice vote): All present members

Absent: Tony Rey and Gregory A. Jackson were absent

- BOARD MEMBER EXITED: Eugene Roberson

**ANTONIA TROCHE - SE-16-04-025**

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**REQUEST:** Special Exception in the R-T-2 zoning district to use existing mobile home as a detached Accessory Dwelling Unit (ADU) for applicant's mother; and, a Variance to place ADU in front of the main house in lieu of side or rear.

**ADDRESS:** 2631 8th Street, Orlando FL 32820

**LOCATION:** East side of 8th St., north of Seaford Ave, north of E. Colonial Dr.

**TRACT SIZE:** 1.52 acres

**DISTRICT#:** 5

**LEGAL:** EAST ORLANDO ESTATES SECTION B X/122 THE N1/2 LOT 312

**PARCEL ID#:** 15-22-32-2331-03-121

**NO. OF  
NOTICES:** 41

Commentaries: Ten (10) in favor and none in opposition

Staff Recommendation: Staff stated that the proposed ADU was located in front of the primary residence, with a front setback consistent with most other homes and mobile homes in the area. 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): Antonia Troche (Applicant)

The applicant waived the right to speak and acknowledged agreement with the staff recommendation to the BZA.



**BZA Discussion:** The BZA discussed the appearance and location of the ADU and the main house, and concluded the request was straightforward, with a large setback provided, and many neighbors in favor of the request. Therefore, 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; 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 date stamped "Received 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 shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The accessory dwelling unit shall be used by family members only and shall not be rented out;
5. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations; and,
6. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

**Motion / Second:** Zachary Seybold / Carolyn Karraker

**AYE (voice vote):** All present members

**Absent:** Tony Rey, Gregory A. Jackson, and Eugene Roberson were absent

#### **MCG SERVICES, LLC - VA-16-04-027**

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**REQUEST:** Variances in the A-2 zoning district to permit construction of a modular home on:  
1) A lot with .2 acres in size in lieu of .5 acres; and,  
2) A lot with 70 ft. of lot width in lieu of 100 ft.

**ADDRESS:** 7553 Brentwood Drive, Orlando FL 32822

**LOCATION:** North side of Brentwood Dr., approximately 1,700 ft. west of Narcoossee Rd.

**TRACT SIZE:** 70 ft. x128 ft.

**DISTRICT#:** 3

**LEGAL:** BRENTWOOD S/115 LOT 24

**PARCEL ID#:** 23-23-30-0892-00-240

**NO. OF NOTICES:** 42

**Commentaries:** None

**Staff Recommendation:** Staff advised if this subject property remained in a single

ownership after 1957, then no variances would be required as this lot would constitute a legal grandfathered lot. Since this lot was combined with an adjacent lot after 1957, then to develop each one separately required a variance. The request was consistent with the development pattern of the area as several homes were on individual lots in the neighborhood. Further, all building setbacks would be met. Lastly, staff advised the BZA this request would continue the existing development trend of this neighborhood and recommended approval. In closing, 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): Carolyn Ertle (Applicant's representative)

The applicant waived the right to speak and acknowledged agreement with the staff recommendation to the BZA.

BZA Discussion: The BZA agreed with the staff findings and analysis; and, concurred with the staff 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 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 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: Zachary Seybold / Deborah Moskowitz

AYE (voice vote): All present members

Absent: Tony Rey, Gregory A. Jackson and Eugene Roberson were absent

## **JOSHUA PALMA - SE-16-05-029**

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**REQUEST:** Special Exception and Variances in the A-2 zoning district as follows:  
1) Special Exception: To convert existing single family residence into a Guest House;  
2) Variance: To allow 1,204 gross sq. ft. for a Guest House in lieu of 1,000 gross sq. ft.;  
3) Variance: To allow converted Guest House to remain 2 ft. from side (south) property line in lieu of 10 ft.; and,  
4) Variance to permit a guest house to be located in front of the main home in lieu of alongside or behind it.  
(Note: The applicant proposes to construct a new single family residence and convert the existing residence into a Guest House).

**ADDRESS:** 12572 Kirby Smith Road, Orlando FL 32832

**LOCATION:** West side of Kirby Smith Rd., 1/2 mile north of Tyson Rd.

**TRACT SIZE:** 3.74 acres

**DISTRICT#:** 4

BOARD OF ZONING ADJUSTMENT  
MEETING OF APRIL 7, 2016

**LEGAL:** E 1800 FT OF S 140 FT OF N 420 FT OF SE1/4 OF SEC 20-24-31 (LESS E 787.57 FT OF N 115 FT & LESS E 30 FT THEREOF FOR R/W) & COMM AT THE E 1/4 CORNER SEC 20-24-31 TH S00-00-28E 420 FT TH S89-51-14W 30 FT TH CONTINUE S89-51-14W 1770 FT TO THE POB TH CONTINUE

**PARCEL ID#:** 20-24-31-0000-00-029

**NO. OF** 32

**NOTICES:**

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

Staff Recommendation: Staff gave a brief presentation consisting of a historic aerial from 1999, showing that there had been a second residence on the property. According to the permit history for the subject property, the prior owner demolished that residence in 2002. Staff stated that the applicant understood that they must remove all aspects of the kitchen, including the overhead cabinetry, as there is no need to store large quantities of dishes since no real meal preparation would take place in a guest house. Staff had also recommended removing the 220 volt wiring and service to ensure that if there was ever a future owner, they would not attempt to restore the unit to a full dwelling by reinstalling a kitchen. 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): Joshua Palma (Applicant)

The applicant waived the right to speak and noted that they were in agreement with the staff recommendation.

BZA Discussion: The BZA asked staff whether a condition should be added requiring that the color and materials of the guest house match those of the primary residence. Staff noted that the subject property was not visible from the road, and that the neighbors have been looking at the home for as long as they have lived there. Therefore, 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; 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 February 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 guest house shall be used by family and guests only and shall not be rented out;
5. The converted guest house shall not have any 220 outlet, no dishwasher, and no overhead cabinets. It may have a single compartment sink only and under the counter refrigerator;
6. Approval of this request does not constitute approval of the use of septic tanks and wells as applicable. The use of septic tanks and wells shall be in accordance with all

applicable regulations;

7. All modifications necessary to convert the existing residence to a guest house shall be completed prior to or concurrently with the issuance of a Certificate of Occupancy on the new residence;
8. The applicant shall submit for permits to construct the new home and convert the existing home to a guest house simultaneously; and,
9. Failure to comply with the above conditions shall result in code enforcement action not BZA action.

Motion / Second: Deborah Moskowitz / Carolyn Karraker

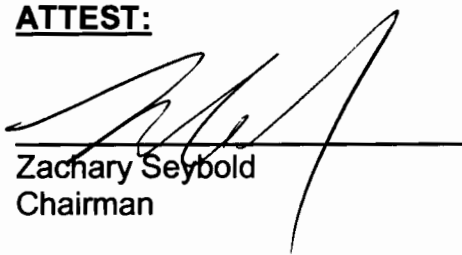
AYE (voice vote): All present members


Absent: Tony Rey, Gregory A. Jackson and Eugene Roberson were absent

**ADJOURN:**

There being no further business, the meeting was adjourned at 2:53 p.m.

**ATTEST:**

  
Zachary Seybold  
Chairman

  
Debra Phelps  
Recording Secretary