

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF MAY 5, 2016**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **May 5, 2016** in the Orange County Commission Chambers on the 1st Floor of the Orange County Administration Building, 201 South Rosalind Avenue, Orlando, Florida 32801.

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

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

The Chairman called the meeting to order at 9:09 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 April 7, 2016, Board of Zoning Adjustment meeting.

A motion was made by Deborah Moskowitz, seconded by Eugene Roberson, (Carolyn C. Karraker and Chuck Norman were absent) and unanimously carried to **APPROVE** the minutes of the April 7, 2016, Board of Zoning Adjustment meeting.

PUBLIC COMMENT:

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

SOUTHEASTERN SURVEYING - SE-16-05-028

REQUEST: **Special Exception and Variances** in the R-1 zoning district to as follows:
1) Special Exception: To use two contiguous lots zoned R-1 for overflow parking for an existing office building (Southeastern Surveying) located in the C-1 zoning district; and,
2) Variance: To allow unpaved parking spaces and driving aisles in lieu of paved.

ADDRESS: 3002 Wallington Drive, Orlando FL 32810

LOCATION: North side of All American Blvd., approximately 650 ft. west of Forest City Rd.

TRACT SIZE: 120 ft. x 102 ft.

DISTRICT#: 2

LEGAL: RIVERSIDE PARK ESTATES V/98 LOT 14

PARCEL ID#: 33-21-29-7484-00-140

NO. OF 59
NOTICES:

Commentaries: None

Staff Recommendation: Staff inspected the site and surrounding area; and, agreed with the need for overflow parking. Staff supported the request provided no access be provided to the residential streets to the north and to include a vinyl fence on the west side.

The following person(s) addressed the Board:

Speaker(s): Gary Krick (Applicant's representative)

No one spoke for or against the application at the public hearing.

BZA Discussion: The BZA concluded the request was reasonable. However, the BZA imposed a new condition to ensure the approval was only for this applicant and 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 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 23, 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. A six (6) foot high vinyl fence shall be constructed along the west line of Lot 13;
5. Any handicap parking spaces shall be fully paved and marked in compliance with ADA standards, and shall have a paved pathway to the main entrance of the office;
6. Access to Courtney Street and Wallington Street is prohibited;
7. Construction plans shall be submitted within two (2) years or this approval becomes null and void; and,
8. Approval is for this applicant only. Any new tenants shall require further BZA review and approval.

Motion / Second: Gregory A. Jackson / Deborah Moskowitz

AYE (voice vote): All present members

Absent: Carolyn C. Karraker and Chuck Norman were absent

DEBORAH I. FRAZIER - SE-16-05-030

REQUEST: **Special Exception and Variance** in the A-1 zoning district as follows:

- 1) Special Exception: To construct a detached Accessory Dwelling Unit (ADU) for the applicant's elderly parent; and,
- 2) Variance: To permit a detached ADU with 1,064 gross sq. ft. in lieu of 919 gross sq. ft.

(Note: The applicant has obtained signatures of support from the owners of 11 surrounding properties).

ADDRESS: 7963 Sully Drive, Orlando FL 32818

LOCATION: North side of Sully Dr., approximately 625 ft. east of N. Apopka Vineland Rd.
TRACT SIZE: 1.32 acres
DISTRICT#: 2
LEGAL: S 990 FT OF W1/4 OF E1/2 OF SE1/4 OF NE1/4 (LESS BEG AT SE COR THEREOF RUN W 20 FT N 400 FT W 144.03 FT N 590 FT E 165 FT S 990 FT TO POB) OF SEC 03-22-28
PARCEL ID#: 03-22-28-0000-00-088
NO. OF 62
NOTICES:

Commentaries: Thirteen (13) in favor and none in opposition

Staff Recommendation: Staff gave a brief presentation and stated the proposed ADU would comply with all requirements for a Special Exception and the requirements found in Chapter 38 of the Orange County Code. 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): Deborah Frazier (Applicant)

No one spoke for or against the application at the public hearing.

BZA Discussion: The BZA discussed the size of the existing house and stated the square footage was slightly over the limit but not excessive, and concluded the request was reasonable. The BZA also noted the most impacted neighbor's support of the request and concurred with the 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 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 24, 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 not be rented out and shall be used by family members only;
5. Construction plans shall be submitted within three (3) years or this approval becomes null and void;
6. The exterior of the ADU shall have similar colors and design materials as the 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; 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 / Eugene Roberson

AYE (voice vote): All present members

Absent: Carolyn C. Karraker and Chuck Norman were absent

MODERN HOME BUILDERS, LLC - VA-16-05-031

REQUEST: **Variances** in the R-1A zoning district to construct single family residence as follows:

- 1) 20 ft. from front property line in lieu of 25 ft.; and,
- 2) 12 ft. from rear property line in lieu of 30 ft.

(Note: The subject lot is odd-shaped).

ADDRESS: 1831 Twin Lake Drive, Gotha, FL 34734

LOCATION: East side of Twin Lakes Dr., approximately 500 ft. south of Crystal St.

TRACT SIZE: .23 acres

DISTRICT#: 1

LEGAL: PEARL LAKE PARK T/148 LOT 2 BLK D

PARCEL ID#: 29-22-28-6772-04-020

NO. OF 42

NOTICES:

Commentaries: None in favor and eight (8) in opposition

Staff Recommendation: Staff's position is the request meets the variance criteria and should be approved because: the request will not adversely impact any quality of life circumstances; the request constitutes infill development; and, the proposal is 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): Henry Gonzalez (Applicant's representative)

No one spoke for or against the application at the public hearing.

BZA Discussion: The BZA agreed that the odd shaped lot is a hardship and that such properties are why the variance process exists. The BZA concluded that no special privilege is requested, but denial would be a deprivation of rights, and it does meet the criteria for a variance.

BZA Action: A motion was made and 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 March 10, 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: Eugene Roberson / Tony Rey

AYE (voice vote): Eugene Roberson, Tony Rey, Zachary Seybold, Gregory A. Jackson

NAY (voice vote): Deborah Moskowitz

Absent: Carolyn C. Karraker and Chuck Norman were absent

LISANDRO MENDEZ, JR - SE-16-05-032

REQUEST: **Special Exception** in the A-2 zoning district to convert pool house storage room into a Guest House for applicant's sister.

(Note: The proposed Guest House is 244 sq. ft. in size).

ADDRESS: 12829 Roberts Island Road, Orlando FL 32832

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LOCATION: West of S. Lake Mary Jane Rd. on the east side of Roberts Island Rd., approximately 250 ft. south of Penney Way

TRACT SIZE: 111 ft. x 221 ft. (AVG)

DISTRICT#: 4

LEGAL: LAKE MARY JANE ESTATES, A REPLAT 65/100 LOT 15

PARCEL ID#: 24-24-31-4657-00-150

NO. OF 56

NOTICES:

Commentaries: One (1) 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): Lisandro Mendez, Jr. (Applicant)

No one spoke for or against the application at the public hearing.

BZA Discussion: The BZA concluded the request was reasonable and concurred with the 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; further, said approval is subject to the following conditions:

1. Development in accordance with site plan date stamped "Received March 9, 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 members or guests and shall not be rented out;
5. Construction plans shall be submitted within three (3) years or this approval becomes null and void;
6. There shall be no kitchen facilities in the guest house;
7. The exterior of the guest house shall match the exterior of the main house;
8. 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,
9. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

Motion / Second: Deborah Moskowitz / Tony Rey

AYE (voice vote): All present members

Absent: Carolyn C. Karraker and Chuck Norman were absent

CHARLES E. THOMPSON - VA-16-05-033

REQUEST: **Variances** in the R-1 zoning district to construct detached accessory building (2 car concrete garage) as follows:
1) In the front yard of a residence in lieu of the side or rear yard;

- 2) To allow a cumulative total of 1,092 sq. ft. of accessory floor area in lieu of 500 sq. ft.; and,
- 3) 21 ft. in height in lieu of 20 ft.

(Note: The applicant has an existing shed with 192 sq. ft. of floor area. They are proposing an additional 900 sq. ft. garage for storage and maintenance of vintage cars. The lot is lakefront).

ADDRESS: 5420 N Dean Road, Orlando FL 32817

LOCATION: West side of N. Dean Rd., approximately 1/3 mile north of University Blvd., on Lake Georgia

TRACT SIZE: 1 ac. upland

DISTRICT#: 5

LEGAL: BEG 666.7 FT N & 27.04 FT E OF SW COR OF NW1/4 OF SW1/4 RUN S 66 DEG E 426.55 FT SWLY ALONG RD 218.85 FT N 38 DEG W TO POB IN SEC 05-22-31

PARCEL ID#: 05-22-31-0000-00-027

NO. OF 54

NOTICES:

Commentaries: Two (2) in favor and two (2) in opposition

Staff Recommendation: Staff noted that the applicant was a collector of antique cars and desired to build a place to store and work on them. Further, as this was a lakefront lot, the BZA typically allowed the placement of accessory structures in the front yard. Staff advised that the two (2) most impacted residents on either side of the subject property submitted letters of support. Two (2) residents who were not within visual range of the property had submitted correspondence in opposition. 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): Charles Thompson (Applicant)

No one spoke for or against the application at the public hearing.

BZA Discussion: The BZA pointed out that the request was excessive. The applicant noted that the existing shed was for lawn and garden equipment; and, indicated he was willing to remove it if he received the variance. Further, the applicant noted that he was willing to reduce the garage to 750 square feet. After discussion, the BZA concluded that a condition should be added to limit the total square footage of accessory structures to 750, to be allocated any way the applicant wished to do so.

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 March 14, 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. To the greatest extent possible, the applicant shall protect the existing stand of trees located near the proposed garage site;
5. The garage shall be built of similar materials and finished with the same colors as the existing house; and,
6. The maximum floor area of all accessory structures shall be limited to 750 sq. ft., to be

allocated as the owner wishes. Any additional accessory floor area shall require approval of the BZA.

Motion / Second: Zachary Seybold / Deborah Moskowitz

AYE (voice vote): All present members

Absent: Carolyn C. Karraker and Chuck Norman were absent

GARY WILLIAMS - VA-16-05-034

REQUEST: **Variance** in the R-1AA zoning district to construct addition to single family residence (glassed sunroom) 29 ft. from rear property line in lieu of 35 ft.

ADDRESS: 8821 Lamour Drive, Orlando FL 32818

LOCATION: Northwest corner of Lamour Dr. and Sackett Circle, approximately 175 ft. west of Good Homes Road.

TRACT SIZE: 90 ft. x 122 ft.

DISTRICT#: 2

LEGAL: SHADOWRIDGE 16/90 LOT 109

PARCEL ID#: 22-22-28-7949-01-090

NO. OF 85

NOTICES:

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

Staff Recommendation: Staff advised that the BZA has granted similar variances in the area for rear yard setbacks. Further, staff had no objections to this request because: the most affected property owners did not object to the request; the remaining setback of twenty-nine (29) feet was still a significant setback for the rear property owner; and, the proposal was minimal and reasonable. Staff stated that if the BZA approved the request, the conditions as listed in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Gary Williams (Applicant)

No one spoke for or against the application at the public hearing.

BZA Discussion: The BZA concluded the request was straightforward, as a seventeen percent (17%) variance falls within what they have considered to be allowable; and, concurred with the staff's 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 March 15, 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 design of the sunroom shall be consistent with the design of the main house.

Motion / Second: Gregory A. Jackson / Eugene Roberson

AYE (voice vote): All present members

Absent: Carolyn C. Karraker and Chuck Norman were absent

REQUEST: **Variance** in the R-1 zoning district to construct addition (sunroom) to single family residence 20 ft. from rear property line in lieu of 25 ft.
(Note: The home backs to an open retention pond and the applicant has obtained the consent of the neighbors).

ADDRESS: 10124 Cheshunt Drive, Orlando FL 32817

LOCATION: Southeast of Cheshunt Dr., approximately 400 ft. east of N. Dean Rd.

TRACT SIZE: 105 ft. x 98 ft.

DISTRICT#: 5

LEGAL: DEANS LANDING AT SHEFFIELD FOREST PHASE TWO 20/64 LOT 82

PARCEL ID#: 05-22-31-1991-00-820

NO. OF 80

NOTICES:

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

Staff Recommendation: Staff indicated the lot backed up to an open retention pond on one side, and the adjacent neighbors signed letters of no objection to this proposal. Further, staff had no objections to this request because: the property owners most affected did not object to the request; the remaining setback of twenty (20) feet was still a significant setback for the rear property owner; the need for the Variance was due to the unique lot layout; and, the proposal was minimal and reasonable. Finally, 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): Susan Frith (Applicant)

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

No one spoke for or against the application at the public hearing.

BZA Discussion: The BZA noted that the flag lot configuration created two (2) rear yards which placed a burden on the property. In addition, the BZA observed that the variance was only for a corner of the house, and felt the request was reasonable. Therefore, the BZA concurred with the staff's 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 March 15, 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 design of the sunroom shall be consistent with the design of the main house.

Motion / Second: Zachary Seybold / Deborah Moskowitz

AYE (voice vote): All present members

Absent: Carolyn C. Karraker and Chuck Norman were absent

AMIN GULAMALI - VA-16-05-037

REQUEST: **Variances** in the C-1 zoning district as follows:
 1) To construct new commercial building 10 ft. from the rear property line in lieu of 20 ft.; and,
 2) To reduce the required open space from 20% to 17%.
 (Note: The applicant intends to demolish the existing building and rebuild a new structure).

ADDRESS: 3096 Curry Ford Road, Orlando FL 32806

LOCATION: Southwest corner of Curry Ford Rd. and S. Crystal Lake Rd.

TRACT SIZE: 145 ft. x 133 ft.

DISTRICT#: 3

LEGAL: E 175 FT OF N 180 FT OF NE1/4 OF SEC 06-23-30 (LESS RD R/W ON N & E)

PARCEL ID#: 06-23-30-0000-00-103

NO. OF 82

NOTICES:

Commentaries: None

Staff Recommendation: Staff noted that the overall result was a safer, more functional, and attractive intersection. It was noted that the site was developed in 1958, and over the years, right-of-way acquisition for the widening of both streets on which the site fronts had reduced the site area significantly, causing the current situation. 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): Amin Gulamali (Applicant)

The applicant waived the right to speak and indicated his acceptance of the staff recommendation. No one spoke for or against the application at the public hearing.

BZA Discussion: The BZA agreed that the applicant's request would result in a much better site design. Therefore, the BZA concurred with the staff's recommendation.

BZA Action: A motion was made and unanimously carried to **APPROVE** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated March 15, 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. With the exception of the open space reduction, development shall comply with Chapter 24 (Landscaping) except where conflicts exist.

Motion / Second: Tony Rey / Eugene Roberson

AYE (voice vote): All present members

Absent: Carolyn C. Karraker and Chuck Norman were absent

MICHAEL HENRY - VA-16-05-044

REQUEST: **Variance** in the R-1A zoning district to construct single family residence 26 ft. from rear property line in lieu of 30 ft.

ADDRESS: Lake Pearl Drive, Gotha, FL 34734
LOCATION: West side of Lake Pearl Dr., approximately 150 ft. south of Twin Lake Dr.
TRACT SIZE: 87 ft. x 105 ft. (AVG)
DISTRICT#: 1
LEGAL: PEARL LAKE PARK T/148 LOT 12 BLK C
PARCEL ID#: 29-22-28-6772-03-120
NO. OF 57
NOTICES:

Commentaries: Two (2) in favor and three (3) in opposition

Staff Recommendation: Staff noted no objections to this request because: the request would not adversely impact any quality of life circumstances; the request constituted infill development; the applicant did not create the need for the variance; and, the proposal was minimal and reasonable. Staff stated that if the BZA approved the request, the conditions as listed in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Michael Henry (Applicant)

No one spoke for or against the application at the public hearing.

BZA Discussion: The BZA agreed that the lot was odd shaped and acknowledged that the applicant had made every effort to design the house to accommodate the lot. The BZA observed that only four (4) feet on the corner of the house would encroach into the setback. Therefore, the BZA concurred with the staff's 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 March 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: Zachary Seybold / Deborah Moskowitz

AYE (voice vote): All present members

Absent: Carolyn C. Karraker and Chuck Norman were absent

ROBERT MEEKS - VA-16-05-036

REQUEST: **Variances** in the I-1/I-5 and I-2/I-3 zoning districts to construct commercial building as follows:
1) 15 ft. from the north property line in lieu of 50 ft.; and,
2) 15 ft. from the east property line in lieu of 60 ft.

ADDRESS: 6766 Narcoossee Road, Orlando FL 32822

LOCATION: West side of Narcoossee Rd., approximately 2/10 of a mile north of Lee Vista Rd.

TRACT SIZE: 5.7 ac.

DISTRICT#: 3

LEGAL: N 158 FT OF S 1136 FT OF SE1/4 OF SE1/4 W OF RD IN SEC 23-23-30 LESS (COMM SE COR OF SEC 23 TH N00-09-23W ALONG E LINE OF SEC 23 FOR

550.03 FT TH N30-09-00W 494.63 FT TO ELY PROJECTION OF N LINE OF BRENTWOOD PB S/115 ALSO BEING THE S LINE OF N 158 FT OF S

PARCEL ID#: 23-23-30-0000-00-026

**NO. OF
NOTICES:** 98

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

Staff Recommendation: Staff advised the BZA that the adjacent properties were designated Industrial on the County's Future Land Use Map. Staff supported the request with a recommendation of approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Bill Foyle (Applicant's Civil Engineer)
Robert Meeks (Applicant)

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

BZA Discussion: The BZA discussed the case and agreed with the staff's recommendation approving the request

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 March 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;
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. There shall be no access to the project site from Holiday Place;
5. Prior to the issuance of any permits for vertical construction, the applicant shall install a six (6) foot high vinyl fence along the east and south property lines adjacent to parcel ID. # 23-23-30-0000-00-035; and,
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

Motion / Second: Tony Rey / Eugene Roberson

AYE (voice vote): All present members

Absent: Carolyn C. Karraker and Chuck Norman were absent

- MEETING RECESSED, 10:46 a.m.
- MEETING RECONVENED, 11:02 a.m.

WILLIAM PARRAMORE - SE-16-05-038

REQUEST: **Special Exception** in the R-2 zoning district to allow parking and stormwater management facilities in conjunction with commercial development on adjacent C-1 (commercial) zoned property to the south.

ADDRESS: 4703 Hoffner Avenue, Orlando FL 32812

LOCATION: North side of Hoffner Ave., approximately 1/4 mile east of Conway Rd.

TRACT SIZE: 9.33 ac.

DISTRICT#: 3

LEGAL: E1/2 OF W1/4 OF SW1/4 OF SW1/4 OF SEC 16-23-30 (LESS S 33 FT FOR RD PER DB 347/181) & (LESS THAT PART TAKEN FOR RD R/W PER 10230/3274)

PARCEL ID#: 16-23-30-0000-00-045

NO. OF 99

NOTICES:

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

Staff Recommendation: Staff indicated that due to a seventy-eight (78) foot right-of-way acquisition for Hoffner Avenue, the applicant needed to use part of the subject property zoned R-2 for parking and stormwater retention for the portion zoned C-1. Staff advised that the subject property was over 1,200 feet in depth, with the front 240 feet being zoned C-1. The applicant had completed a Conservation Area Determination (CAD), and most of the property was part of a larger wetland system. The applicant would need to obtain Orange County approval for any impacts to the wetland. Staff also noted that they had received one (1) correspondence in opposition to the application due to the presence of an eagle's nest. Staff imposed a new condition to address the eagle's nest. 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): William Parramore (Applicant)

Dolores Perez (Opposed)

The applicant declined to speak, noting his agreement with the staff recommendation. One (1) resident spoke in opposition noting that while the nest may have been inactive in 2014, eagles still frequented the area, roosting in some of the tall trees on the subject property.

BZA Discussion: The BZA discussed the case and concluded that given the right-of-way acquisition, the request was consistent with the criteria for a Special Exception. In addition, the BZA noted that the wetlands along with any other environmental concerns would be preserved and addressed by the CAD. Therefore, the BZA concurred with the staff's recommendation as amended.

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

1. Development in accordance with site plan dated March 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;
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 land development permits, the conservation area impacts must be approved by Orange County;
5. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist and waivers may be obtained; and,
6. The applicant shall comply with the Endangered Species Act regarding bald eagles through following the: Reasonable and Prudent Measures, Terms and Conditions, and the Conservation Recommendations outlined in the U.S. Fish and Wildlife Service. These guidelines include, but are not limited to: site work and construction during the non-nesting season, monitoring to detect abnormal behavior of the bald eagles, notification if a dead bald eagle is found, preservation of all mature trees in proximity to the nest tree, and placement of signage to prohibit intrusion to the nest tree.

Motion / Second: Tony Rey / Gregory A. Jackson

AYE (voice vote): Tony Rey, Gregory A. Jackson, Zachary Seybold, Deborah Moskowitz

NAY (voice vote): Eugene Roberson

Absent: Carolyn C. Karraker and Chuck Norman were absent

NEIL KLAPROTH, AGENT FOR PULTE HOMES - VA-16-05-041

REQUEST: **Variances** in the P-D zoning district to allow the following signage:
1) A total of 1,007.5 sq. ft. of copy area of construction signage in lieu of 64 sq. ft.; and,
2) Construction signage with a setback of 0 ft. in lieu of five (5) ft.
(Note: The sign is a mesh shade cloth attached to an existing construction fence as a dust guard, which has 1,598 of linear frontage on the Palm Parkway. This application is the result of code enforcement action).

ADDRESS: 7701 Palm Parkway, Orlando FL 32836

LOCATION: West side of Palm Parkway, approximately 1.1 miles south of the Central Florida Parkway, in the Ruby Lakes P-D.

TRACT SIZE: 94 ac.

DISTRICT#: 1

LEGAL: A PORTION OF LOTS 1 & 2 RUBY LAKE PB67/42 DESC: COMM AT THE SE CORNER OF THE NE 1/4 SEC 15-24-28 TH N00-00-35E 159.63 FT TH S53-09-05W 69.03 FT TO A POC CONCAVE NWLY HAVING A RADIUS 220 FT DELTA 37-02-22 CHORD BRG S71-42-46W AN ARC LENGTH 142.54 FT TH N89

PARCEL ID#: 15-24-28-7774-00-020

NO. OF 57

NOTICES:

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

Staff Recommendation: Staff noted that the applicant was actually close to obtaining the required permits for the decorative wall which would replace the shade cloth. In addition, the applicant anticipated that the wall may be under construction within six (6) months. Therefore, 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): Neil Klapproth (Agent for Pulte Homes)

Steve Marconi (Code Enforcement Officer)

The Code Enforcement Officer handling the case showed the BZA pictures of not only the shade cloth signage, but of other signs that were erected without permits. The officer asked that the variance not be granted due to the amount of deviation for concern of it setting a precedent.

No one spoke for or against the application at the public hearing.

BZA Discussion: The BZA recognized the applicant's representative was not directly responsible for the placement of the sign, thus, it was likely the marketing division of the company. However, it was clearly done intentionally with full knowledge of the code, as the company performs a large amount of work in the County. Based on the foregoing, the BZA concluded to deny the request.

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

Motion / Second: Tony Rey / Deborah Moskowitz

AYE (voice vote): All present members

Absent: Carolyn C. Karraker and Chuck Norman were absent

JAMES YANNUCCI - VA-16-05-040

REQUEST: **Variances** in the R-1AA zoning district as follows:
1) To construct a carport and covered patio in the front of the principal structure in lieu of side or rear yards;
2) To construct a carport 23 ft. from front property line in lieu 30 ft.; and,

3) To construct carport 4 ft. from the side property line in lieu of 7.5 ft.
ADDRESS: 504 Shannon Road, Orlando FL 32806
LOCATION: South side of Shannon Rd., approximately 800 ft. south of Michigan St., on Lake Pine Loch.
TRACT SIZE: 78 ft. x 299 ft. (AVG)
DISTRICT#: 3
LEGAL: BETTY JO SUB R/26 THE WLY 19.25 FT LOT 4 MEASURED ON ST & WLY 27.57 FT ON S END & ALL LOT 5 BLK E
PARCEL ID#: 01-23-29-0652-05-041
NO. OF 172
NOTICES:

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

Staff Recommendation: Staff indicated that due to the fact that a very small amount of the lot was actually high and dry, the home was built as far forward as possible to retain as much usable rear yard as possible. Also, due to the way the house was positioned, the house was designed slightly to the west. This construction was causing the need for the side yard setback. Staff further explained that had the house been built perpendicular to the side lot lines, no side yard variance would have been needed. The front setback variance only amounts to a twenty-three percent (23%) reduction, which was well within the range of past variances granted by the BZA. 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): James Yannucci (Applicant)

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

BZA Discussion: The BZA concluded that due to the shallowness of the usable portion of the lot, the orientation of the house on the lot, and the interior alterations performed by a previous owner, the variance was not self-imposed, nor, was the applicant requesting any special privilege. Thus, the BZA agreed that the variance was considered reasonable and concurred with the staff's recommendation.

BZA Action: A motion was made and unanimously carried to **APPROVE** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated March 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;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. The exterior of the carport and deck shall compliment the exterior materials and colors of the existing residence.

Motion / Second: Tony Rey / Deborah Moskowitz

AYE (voice vote): All present members

Absent: Carolyn C. Karraker and Chuck Norman were absent

BOARD MEMBER ENTERED: Chuck Norman

REQUEST: **Variance** in the R-1A zoning district to allow partially completed addition (lanai) to single family residence 20 ft. from rear property line in lieu of 30 ft.
(Note: This is the result of code enforcement by the Building Safety Division).

ADDRESS: 107 Flower Queen Court, Orlando FL 32807

LOCATION: South end of Flower Queen Ct., approximately 400 ft. south of Flame St.

TRACT SIZE: .24 ac.

DISTRICT#: 3

LEGAL: AZALEA WOODS 7/52 LOT 51

PARCEL ID#: 26-22-30-0440-00-510

NO. OF 102

NOTICES:

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

Staff Recommendation: Staff had no objections to this request because: the most affected property owners do not object to the request; the remaining setback of twenty (20) feet is still a significant setback for the rear property owner; and, the proposal is 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): Kelvin Rivera (Applicant)

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

BZA Discussion: The BZA confirmed that the foundation and footers were in already. The BZA noted that the request was not excessive; and, similar variances had been granted in the area. The BZA concurred with the staff's recommendation and imposed a 5th condition with regards to obtaining permits.

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 March 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;
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 design of the lanai shall be consistent with the design of the main house; and,
5. The applicant shall obtain a permit within ninety (90) days or this approval becomes null and void.

Motion / Second: Tony Rey / Deborah Moskowitz

AYE (voice vote): Tony Rey, Deborah Moskowitz, Gregory A. Jackson, Zachary Seybold

NAY (voice vote): Eugene Roberson

Absent: Carolyn C. Karraker was absent

Abstained: Chuck Norman abstained due to temporary absence.

CHAPEL HILL CEMETERY - SE-16-06-043

REQUEST: **Special Exception** in the A-2 zoning district to expand cemetery use as follows:
1) To construct new 8,192 sq. ft. funeral home building; and,
2) To construct new 5,062 sq. ft. mortuary building.

ADDRESS: 2400 Harrell Road, Orlando FL 32817

LOCATION: West side of Harrell Rd., south of Trevarthon Rd.

TRACT SIZE: 92.72 acres

DISTRICT#: 3

LEGAL: BEG 642.1 FT S OF NW COR OF SEC RUN E 1360.06 FT S 559.08 FT SELY 214.06 FT E 1117.5 FT S 1289.91 FT W 1454.74 FT N 60 DEG W 479.81 FT W 672.36 FT N 1083.91 FT W 100.01 FT N 681.89 FT TO POB IN SEC 13-22-30 SEE 2694/1707

PARCEL ID#: 13-22-30-0000-00-012

NO. OF 107
NOTICES:

Commentaries: One (1) in favor and one (1) in opposition

Staff Recommendation: Staff advised the BZA this request was a reasonable and logical expansion of a cemetery based on growth and market demand which was typical for most cemeteries. Staff supported this request as the new uses would not adversely impact anyone. 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): Jose Martinez (Applicant's representative)

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

BZA Discussion: The BZA discussed the case and agreed with the staff's recommendation to include imposing a new condition relative to the potential for an on-site eagle's nest.

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

1. Development in accordance with site plan dated March 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. Development shall comply with Chapter 24 (Landscaping), Orange County Code;
5. Construction plans shall be submitted within two (2) years or this approval becomes null and void; and,
6. If applicable, the applicant shall comply with the Endangered Species Act regarding bald eagles through following the: Reasonable and Prudent Measures, Terms and Conditions, and the Conservation Recommendations outlined in the U.S. Fish and Wildlife Service. These guidelines include, but are not limited to: site work and construction during the non-nesting season, monitoring to detect abnormal behavior of the bald eagles, notification if a dead bald eagle is found, preservation of all mature trees in proximity to the nest tree, and placement of signage to prohibit intrusion to the nest tree.

Motion / Second: Tony Rey / Deborah Moskowitz
AYE (voice vote): All present members
Absent: Carolyn C. Karraker was absent

- MEETING RECESSED, 12:02 p.m.
- MEETING RECONVENED, 1:02 p.m.

BOARD MEMBER ENTERED: Carolyn C. Karraker

MARGARET ROGERS - VA-15-12-118

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 61

NOTICES:

Commentaries: Ten (10) in favor and two (2) in opposition

Staff Recommendation: Staff gave a brief presentation and indicated that a group known as the Tangerine Improvement Society has submitted a letter opposing the variance. The primary basis for the objection is the fact that the work began without a permit. Staff had spoken with the owner of the land to the east of the subject property who verbally indicated that they did not object to the variance. 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): Margaret Rogers (Applicant)

Bertina Busch (In Favor)

Henry Land, II (In Favor)

Noel Busch (In Favor)

Cathy Phelps (In Favor)

Linda Bramer (deferred time to David McDonald)

Kathy Sasser (Opposed)

Lynn Bucksaw (Opposed)

Nancy McDonald (Opposed)

David McDonald (Opposed)

Five (5) individuals spoke in favor of the application and five (5) individuals spoke in opposition. Those in support explained that the applicant was a long-time member of the Orange County community, and had done extensive volunteer work. They believed that the applicant should be granted the variance to allow her to remain in her home.

Those speaking in opposition indicated that there was never any question where the property line was identified on the survey, providing past surveys all showing that while not precisely alike, they were all within a small margin of error. The residents also noted that the work was done without permits and was not done by a licensed professional, providing photographs of the work. The adjacent neighbor submitted photographs of questionable electrical work.

BZA Discussion: The BZA discussed the case noting that this was a very large variance

representing an eighty percent (80%) deviation from the Code. Further, the BZA indicated that the work should have been done by a licensed professional as opposed to a handyman. After a lengthy debate, the BZA denied this request for a variance.

BZA Action: A motion was made and 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: Gregory A. Jackson / Carolyn Karraker

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

NAY (voice vote): Gregory A. Jackson

Abstained: Tony Rey abstained due to temporary absence.

FAIRPLAY ARENA - VA-16-04-022

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 1731

NOTICES:

Staff Recommendation: Staff advised that the applicant requested via electronic mail dated May 3, 2016 prior to the public hearing, that this case to be continued to the June 2, 2016 BZA Meeting, to resolve pending a issue.

BZA Action: A motion was made and unanimously carried to **CONTINUE** to the June 2, 2016 BZA Meeting.

Motion / Second: Deborah Moskowitz / Chuck Norman

AYE (voice vote): All present members

BOARD MEMBER EXITED: Deborah Moskowitz

CROWN CASTLE USA - VA-16-04-008

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:

Commentaries: None in favor and seventy-eight (78) in opposition

Staff Recommendation: Staff advised the BZA that they were required by code to make a determination as to whether the proposed tower was camouflaged. If the BZA determined the tower to be camouflaged, then all off-site use distance separations are being met. Staff also advised the BZA of federal law which prohibits local government from using RF emissions as the basis for making their recommendation. Staff advised the BZA that the landscape included structures ranging from twenty-five (25) feet to fifty (50) feet. There were no structures in the general area that are 140 feet in height. In conclusion, staff recommended the request was not consistent with the existing pattern of development in the area.

The following person(s) addressed the Board:

Speaker(s):

Lauralee Westline (Applicant's attorney)

Tory Pareh (Opposed)

LeAnn Flynn (Opposed)

Jane Dunkelberger (Opposed)

Amanda Hackett (Opposed)

Material was presented to the Board and entered into the record prior to the close of the public hearing from the applicant and public to include a petition of opposition.

The applicant's representative gave a presentation and addressed the process, the Community Meeting, and the need for the tower. She showed the BZA numerous other towers in the region, the closest of which was almost two (2) miles away. Some of the towers were three (3) to five (5) miles away in undeveloped areas.

Four (4) persons spoke in opposition, one of which represented a local builder building new homes in the area.

BZA Discussion: Lengthy discussions ensued by the BZA. As a result, the BZA made three (3) separate motions. The first (1st) motion to deny was based on the staff's recommendation of compatibility to the surrounding area failed to pass due to a tie vote of three (3) in favor and three (3) opposed as some Board members compared the tower as similar and compatible to other towers in the vicinity of the surrounding area. The second (2nd) motion to approve the request with an amended condition of a 100 foot camouflaged monopine tower failed to pass due to a tie vote of three (3) in favor and three (3) opposed as some Board members stated that there was not a need for another tower and/or invasive to the homeowners in this area. The third (3rd) motion passed as denied based on the BZA concluding that the request was a detrimental intrusion to the neighborhood of the surrounding area.

BZA Action: A first motion was made by Carolyn Karraker, seconded by Chuck Norman, Zachary Seybold voting AYE by voice vote, and Eugene Roberson, Jr., Tony Rey, Gregory A. Jackson voting No by voice vote, (Deborah Moskowitz was absent) to **DENY** the Special Exception request based on the staff's recommendation of compatibility to the surrounding area, in that the Board was unable to make a legally effective recommendation due to lack of a majority vote, thus, resulting in a **DEADLOCK TIE** vote.

A second motion was made by Tony Rey, seconded by Eugene Roberson, Jr., Zachary Seybold voting AYE by voice vote, and Carolyn Karraker, Gregory A. Jackson, Chuck Norman voting No by voice vote, (Deborah Moskowitz was absent) to **APPROVE** the Special Exception request with an amended condition of a 100 foot camouflaged monopine tower, in that the Board was unable to make a legally effective recommendation due to lack of a majority vote, thus, resulting in a **DEADLOCK TIE** vote.

A third motion was made and carried to **DENY** the Special Exception request as a detrimental intrusion to the neighborhood of the surrounding area, in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78(3), and that the granting of the Special Exception does adversely affect general public interest.

Motion / Second: Gregory A. Jackson / Chuck Norman

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

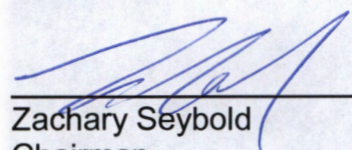
NAY (voice vote): Eugene Roberson, Jr. and Tony Rey

Absent: Deborah Moskowitz

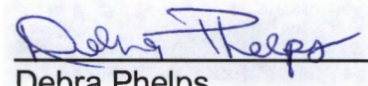
ADJOURN:

There being no further business, the meeting was adjourned at 3:34 p.m.

ATTEST:



Zachary Seybold
Chairman



Debra Phelps
Recording Secretary