

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF JUNE 2, 2016**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **June 2, 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
Eugene Roberson
Charles Norman

BOARD MEMBERS ABSENT: Deborah Moskowitz

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 May 5, 2016, Board of Zoning Adjustment meeting.

A motion was made by Carolyn C. Karraker, seconded by Chuck Norman, (Tony Rey and Deborah Moskowitz were absent) and unanimously carried to **APPROVE** the minutes of the May 5, 2016, Board of Zoning Adjustment meeting.

PUBLIC COMMENT:

The Chairman opened the floor to public comment.

Speaker:
Board member Chuck Norman

The Chairman closed the hearing for public comment and continued with the regularly scheduled agenda.

GENE CAIN - VA-16-06-047

REQUEST: **Variances** in the A-1 zoning district as follows:
1) To construct an accessory structure (garage) in front of the principal structure in lieu of the side or rear yards;
2) To construct a pool and screen enclosure which will encroach 1 ft. beyond (inside) the NHWE line in lieu of 50 ft. away; and,

3) To validate the existing residence constructed 18 ft. from the NHWE line in lieu of 50 ft.

(Note: According to the Property Appraiser's web site, the existing home was constructed in 1972. The proposed addition of the pool with screen enclosure will be 1 ft. into the NHWE).

ADDRESS: 6510 Sawyer Shores Lane, Windermere FL 34786

LOCATION: Northerly end of Sawyer Shores Ln., immediately south of Winter Garden Vineland Rd.

TRACT SIZE: 1.4 acres (Approx. .83 ac. landward of seawall)

DISTRICT#: 1

LEGAL: SAWYER SHORES SUB V/9 BEG 21.25 FT S OF NW COR OF LOT 1 BLK A RUN S 55 DEG W 253 FT M/L TO WATERS EDGE TH RETURN TO POB & RUN E 268.2 FT TO R/W LINE TH S 42 DEG E 28.53 FT W 155 FT S 48 DEG W 309 FT M/L TO WATERS EDGE TH NWLY 140 FT M/L ALONG WATER TO CLO

PARCEL ID#: 24-23-27-7820-01-011

NO. OF 47

NOTICES:

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

Staff Recommendation: Staff explained the lot was basically a flag lot, therefore, the accessory structure would be back off the road, nearly invisible. Also, the lot was a lakefront lot. As such, it is common that accessory structures be located in front of the main residence. Additionally, due to the placement of the home, there was no room in the rear yard for an accessory structure. Staff then explained to the BZA that unlike other newer seawalls, the top of this seawall, which was not installed by the current owners, was actually below the Normal High Water Elevation (NHWE). The actual NHWE was in the middle of the back yard. As currently proposed, this request would place approximately one (1) foot of the pool deck and enclosure lakeward of the NHWE, which EPD had stated they could not support. Therefore, staff amended condition #4, to require that the deck and enclosure be no closer than one (1) foot from the NHWE. 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): Gene Cain (Applicant)

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

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

BZA Discussion: The BZA concluded the request was similar to other approvals in the area; therefore, concurred with the staff recommendations as amended.

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 dated April 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; and,
4. Prior to the issuance of a building permit for the pool and enclosure, the property owner shall record in the Official Records of Orange County an indemnification/Hold Harmless

Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the residence is no closer than eighteen (18) feet from the Normal High Water Elevation of Lake Sawyer, and the pool and pool enclosure are no more than one (1) foot into the Normal High Water Elevation of Lake Sawyer. This condition shall not impact issuance of a permit for the garage.

Motion / Second: Carolyn Karraker / Chuck Norman

AYE (voice vote): Carolyn Karraker, Chuck Norman, Gregory A. Jackson, Eugene Roberson, Jr.

NAY (voice vote): Zachary Seybold

Absent: Tony Rey / Deborah Moskowitz

BOB LOOMIS - SE-16-06-071

REQUEST: **Special Exception and Variance** in the A-2 zoning district as follows:
1) Special Exception: To allow an outdoor recreation facility with primitive camping and canoe/kayak rental; and,
2) Variance: To allow unpaved parking in lieu of paved.
(Note: The camping will not have any facilities for trailers or RVs. There will not be electrical or sanitary hook-ups at camp sites. There will be no motorized craft. The facility will be primarily for scout groups).

ADDRESS: 5734 Baptist Camp Road, Apopka FL 32712

LOCATION: The end of Baptist Camp Rd., approximately 1/4 mile north of Kelly Park/Rock Springs

TRACT SIZE: 28.22

DISTRICT#: 2

LEGAL: E1/2 OF NW1/4 OF NW1/4 (LESS SW1/4 THEREOF) SEC 10-20-28

PARCEL ID#: 10-20-28-0000-00-002

NO. OF 112

NOTICES:

Commentaries: Five (5) in favor and two (2) in opposition

Staff Recommendation: Staff indicated the applicant was proposing a primitive campground for boy scouts, eagle scouts, and youth groups. The western parcel would be used solely for elite scouts. The middle parcel would have primitive campsites; a rope course; and, a small parking lot. The parking lot would be grassed. The property was bordered on the north by a State park and on the south by a County park. Staff advised the BZA there were numerous environmental conditions the applicant must meet pursuant to code. Staff received approximately 300 letters in support of this request. Still, staff reserved the right to amend its staff recommendation pending additional testimony and evidence. 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):

Bob Loomis (Applicant)

Dale Burkhalter (Opposed/Favor)

Robert Grossenbacher (Opposed)

Tina Hale (Opposed)

Material was presented to the Board and entered into the record prior to the close of the public hearing from the applicant to include a petition of over 300 signatures in support.

The applicant gave a brief overview of the project. He stated this is primarily for Boy Scouts and Eagle Scouts. The applicant also stated he wanted to retain the natural environment. He met with the Friends of the Wekiva, who was in support of this request. The City of Apopka had also submitted a letter in support.

Two (2) adjacent property owners spoke of concerns regard the request. They had concerns about security, traffic, and strangers using the land near their homes.

BZA Discussion: The BZA discussed the case and imposed additional conditions to further lessen any impacts to those neighbors; thus, concurred with the staff recommendations as amended.

BZA Action: A motion was made and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled

out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and to **APPROVE** the Variance 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 April 18, 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. Section 15-496(b)(2) - A survey of those species designated as endangered, threatened, or species of special concern pursuant to F.A.C. 39-27.003, 39-27.004, and 39-27-005, as may be amended or replaced from time to time, shall be required as a part of all development applications when there is reasonable expectation as determined by the County, based upon the range and habitat requirements of these species, that any such species may utilize any habitat within the boundaries of the property sought to be developed within the protection area. A management plan shall be required of the development for the protection of an endangered, threatened or species of special concern and shall become part of the conditions of approval for the project. Where endangered, threatened or species of special concern are found on the project site, any proposed development within the habitat of the species shall protect the values for the protection of the habitat for that species and shall become part of the conditions of approval for the project;
5. Modifications to the site plan are subject to the review and approval of the Zoning Manager. The Zoning Manager may require further review by the BZA;
6. No motorized watercraft;
7. All fire pits shall be raised off the ground and shall have a screen cover. Fire extinguishers and first aid kits shall be located at every camp site;
8. Port-o-lets shall be provided and properly maintained;
9. No amplification of music or sound devices;
10. The applicant shall obtain all required permits within two (2) years or this approval becomes null and void;
11. The removal, alteration or encroachment into a Class I conservation area shall only be allowed in cases where no other feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit. [Section 15-396(3)(a)];
12. Pursuant to Chapter 15, Article XIII, in no case shall development activities be permitted closer than 550 feet from the river's edge except for created forested or herbaceous wetlands, and passive recreation when it is clearly demonstrated by the Applicant that the areas shall not be adversely affect aquatic and wetland dependent wildlife, water quality, groundwater table and surface water levels, [Section 15-496(a)(2)];
13. A survey of those species designated as endangered, threatened, or species of special concern pursuant to F.A.C. 39-27.003, 39-27.004, and 39-27-005, as may be amended or replaced from time to time, shall be required as a part of all development applications when there is reasonable expectation as determined by the County, based upon the range and habitat requirements of these species, that any such species may utilize any habitat within the boundaries of the property sought to be developed within the protection area. A management plan shall be required of the development for the protection of an endangered, threatened or species of special concern and shall become part of the

conditions of approval for the project. Where endangered, threatened or species of special concern are found on the project site, any proposed development within the habitat of the species shall protect the values for the protection of the habitat for that species and shall become part of the conditions of approval for the project;

14. Within the 100 year floodplain, development shall be required to minimize the clearing of native vegetation. A vegetation clearing plan shall be submitted to the County for review and approval. Clearing of vegetation shall only be permitted where necessary for roads, utilities or pedestrian access routes approved by the County as part of the development review process, (Section 15-496(2)4)];
15. All proposed development within the protection area shall submit as part of the development application, as statement from the Florida Division of Historical Resources or an archaeological consultant as to the potential for any archaeological or historical resources on the project site, [Section 15-496(b)(8)];
16. Where landscaping is required, the design shall incorporate the use of native plant species and limit the removal of understory vegetation to the greatest extent practical, in order that wildlife will be preserved and maintained and the landscaped areas will blend into nearby natural areas, [Section 15-496(b)(19)]. EPD will require a tree and understory survey be completed prior to approval of any permits;
17. The applicant shall install an electric gate on the easement road and allow access to all property owners who have legal access rights to such easement; and,
18. There shall be no more than nine (9) scouts or scoutmasters on the western parcel. There shall be no motorized vehicles on the western parcel, excluding the property owner's vehicles.

Motion / Second: Gregory A. Jackson / Carolyn Karraker

AYE (voice vote): All members present

Absent: Tony Rey / Deborah Moskowitz

SONNY DUKES - VA-16-06-045

REQUEST: **Variance** in P-D zoning to place a generator 24 ft. from the side property line in lieu of 30 ft.
(Note: The adjacent neighbor and the Architectural Review Board have issued letters of no objection.)

ADDRESS: 8272 Tibet Butler Drive, Windermere FL 34786

LOCATION: West side of Tibet Butler Dr., north of Winter Garden Vineland Rd.

TRACT SIZE: .5 acres

DISTRICT#: 1

LEGAL: KEENES POINTE UNIT 2 42/116 LOT 452

PARCEL ID#: 29-23-28-4075-04-520

NO. OF 35

NOTICES:

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

Staff Recommendation: Staff provided a brief presentation on the case, and showed photographs of the garage doors that prevent locating the generator on the rear of the house. The BZA approved a variance in the same neighborhood for a five (5) foot side setback in lieu of thirty (30) feet, for a generator. Staff had no objections to this request because: a) the HOA and most affected property owners did not object to the request; b) the remaining setback of twenty (24) feet was still a significant setback for the adjacent property owner; and, c) the proposal was minimal and reasonable. Further, 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): The applicant was not present at the public hearing.

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

BZA Discussion: The BZA discussed the case and concurred with staff recommendations.

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)

BOARD OF ZONING ADJUSTMENT

MEETING OF JUNE 2, 2016

have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan date stamped "Received March 25, 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 / Eugene Roberson

AYE (voice vote): All members present

Absent: Tony Rey / Deborah Moskowitz

OCOOE CHURCH OF GOD - SE-16-04-026

REQUEST: **Special Exception** in the R-2 zoning district to expand the existing school by adding one additional modular classroom and expanding the enrollment of the school from 70 to 95 students.

ADDRESS: 105 16th Avenue, Ocoee FL 34761

LOCATION: East side of N. Lakewood Ave., west of Greenwood Ave., between 16th and 17th Aves.

TRACT SIZE: 93.5 ft. x 150 ft.

DISTRICT#: 2

LEGAL: NORTH OCOOE ADDITION NO 1 O/68 THE E 25 FT OF LOT 4 & ALL OF LOT 3 & W 18.50 FT OF LOT 2 BLK 1

PARCEL ID#: 08-22-28-5956-01-030

NO. OF NOTICES: 54

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

Staff Recommendation: Staff inform the BZA that the applicant had applied to install three (3) modular classrooms two (2) years ago. At such time, a condition was attached that required the modulares be removed five (5) years after they were issued Certificates of Occupancy or the units were extended by the BZA. Staff recommended that condition #4, be amended to make the five (5) year extension of the three (3) existing modular units coincide with that of the new one. 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): Thomas Odom (Applicant's representative)

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

BZA Discussion: The BZA asked if the existing units were in good enough condition to go the additional time; and, staff confirmed that the units were still in good condition. The BZA felt that the proposal met the criteria for a Special Exception and would be compatible with the patterns of development on the Church Campus. Therefore, the BZA concurred with staff recommendations 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 dated April 13, 2016 and all other applicable

- regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
 4. All modular units shall be removed within five (5) years of obtaining a Certificate of Occupancy for this new unit unless an extension is granted by the BZA;
 5. Skirting shall be provided from the finished grade to the floor around the exterior of the unit;
 6. The exterior of the modular unit shall be painted to match the existing church structure; and,
 7. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

Motion / Second: Gregory A. Jackson / Eugene Roberson

AYE (voice vote): All members present

Absent: Tony Rey / Deborah Moskowitz

PALM GARDEN - SE-16-06-046

REQUEST: **Special Exception** in the R-3 zoning district to add 8,585 sq. ft. to an existing skilled nursing care facility.
(Note: The applicant is adding 12 new beds along the south property line outside of the wetland area).

ADDRESS: 654 N Econlockhatchee Trail, Orlando FL 32825

LOCATION: Southwest corner of N. Econlockhatchee Trail and Valencia College Lane

TRACT SIZE: 15 acres

DISTRICT#: 3

LEGAL: THE N1/2 OF NE1/4 OF NW1/4 (LESS W 210 FT & LESS N 30 FT OF W 656.75 FT & LESS E 48 FT & N 60 FT OF E 453.25 FT FOR RD R/W) & (LESS COMM AT NE COR OF NW1/4 OF SEC 30 TH S00-24-07E 680.81 FT ALONG E LINE OF NW1/4 TH DEPARTING E LINE S87-34-09W 30.02 FT TO

PARCEL ID#: 30-22-31-0000-00-007

NO. OF NOTICES: 94

Commentaries: Eight (8) in favor and one (1) in opposition

Staff Recommendation: Staff gave an overview of the project. Staff supported the request because the addition was as far away from other homes as possible. No impacts were proposed to the wetlands. There was a University use to the south and east, and wetlands to the west of the subject property. The proposed use was compatible with the surrounding land uses. This request was a logical extension of the existing facility. 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): Brooks Stickler (Applicant's representative)

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

BZA Discussion: The BZA discussed the case and concurred with the staff recommendations.

BZA Action: A motion was made and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does

not adversely affect general public interest; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated April 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. Prior to the issuance of any permits, the applicant shall obtain a flood plain permit;
5. Landscaping shall be in accordance with Chapter 24, Orange County Code;
6. Prior to the issuance of any permits the applicant shall comply with Policy T2.3.6 of the Orange County Comprehensive Policy Plan including an implementation plan for mobility strategies; and,
7. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

Motion / Second: Chuck Norman / Carolyn Karraker

AYE (voice vote): All members present

Absent: Tony Rey / Deborah Moskowitz

ELECTRIC GUARD DOG - VA-16-06-048

REQUEST: **Variances** in I-2/I-3 zoning district to erect an electrically charged security fence as follows:
1) 10 ft. in height in lieu of 6 ft.; and,
2) Allow electrically charged wiring from ground up to top of fence in lieu of 6 ft. above ground.

ADDRESS: 2177 Landstreet Road, Orlando FL 32809

LOCATION: North side of Landstar Rd., approximately .25 miles west of OBT.

TRACT SIZE: 4.48 acres

DISTRICT#: 6

LEGAL: ORLANDO CENTRAL PARK NO 50 13/52 BEG SE COR BLK B RUN N 569.62 FT W 280 FT S 228.26 FT S 56 DEG W 244.79 FT S 33 DEG E 46 FT SELY 369.87 FT E 148.73 FT TO POB

PARCEL ID#: 33-23-29-6374-02-001

NO. OF 106

NOTICES:

Commentaries: None

Staff Recommendation: Staff indicated that the applicant was proposing a ten (10) foot high electrically charged fence around his site. The owner has suffered over \$225,000 in losses due to theft. Staff informed the BZA that this new fence would be located on the inside of the existing fence. Staff advised that the Board of Zoning Adjustment (BZA) has granted the same variance to three (3) other sites throughout Orange County. Approval of this request would be consistent with past approvals. Staff had no objections to this request. Furthermore, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s):

Cindy William (Applicant's representative)

Paul Johnson (Business owner)

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

BZA Discussion: The BZA acknowledged other similar variances had been granted to similar commercial properties; and, concurred with the staff recommendations as amended.

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

1. Development in accordance with site plan dated April 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. Signs both in English and Spanish shall be placed on each side of the fence every thirty (30) feet advising of the electrically charged fence. If a 100% opaque fence is erected on the outside of the electrical fence, then the signs shall be on the outside of the opaque fence; and,
5. New parking stops shall be installed far enough to prevent vehicles from backing into the fence.

Motion / Second: Eugene Roberson / Chuck Norman

AYE (voice vote): All members present

Absent: Tony Rey / Deborah Moskowitz

WILLIAM LUGO - SE-16-06-049

REQUEST: **Special Exception and Variance** in the R-2 zoning district as follows:
1) Special Exception for an attached Accessory Dwelling Unit (ADU) for applicant's mother; and,
2) Variance to allow ADU with a minimum of 384 sq. ft. in lieu of 400 sq. ft.

ADDRESS: 5358 Arpana Drive, Orlando FL 32839

LOCATION: Northwest corner of Myakka Dr. and Arpana Dr., approximately .2 mi. south of Americana Blvd.

TRACT SIZE: 82 ft. x 120 ft. AVG

DISTRICT#: 6

LEGAL: SOUTH POINTE UNIT 1 12/85 LOT 16

PARCEL ID#: 16-23-29-8178-00-160

NO. OF NOTICES: 97

Commentaries: Seven (7) in favor and two (2) in opposition

Staff Recommendation: Staff conducted a brief presentation reflecting the location of the A.D.U., and describing a photograph of the property to assess the visual impact of the addition. 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): William Lugo (Applicant)

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

BZA Discussion: The BZA clarified that the Variance was for the A.D.U., to be smaller than required. After a brief discussion, the BZA approved the Special Exception and the Variance with the staff recommendations.

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 April 13, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Construction plans shall be submitted within three (3) years of the final County approval 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 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: Eugene Roberson / Chuck Norman

AYE (voice vote): All members present

Absent: Tony Rey / Deborah Moskowitz

WILLIAM DELAPORTE - SE-16-06-052

REQUEST: **Special Exception** in the A-1 zoning district to construct veterinary hospital (with indoor boarding and no outdoor runs); and, **Variance** to allow a rear setback of 10 ft. in lieu of 50 ft. (Note: The Mt. Dora Veterinary Hospital is demolishing their existing building and re-building a new structure. The new building will be 7,200 sq. ft.)

ADDRESS: 6877 Old Hwy 441, Mount Dora FL 32757

LOCATION: East side of Old Hwy 441, west of N. Orange Blossom Trl., just south of the Lake County Line

TRACT SIZE: .51 acres

DISTRICT#: 2

LEGAL: THAT PART OF S1/4 OF NE1/4 OF NE1/4 OF NW1/4 & N1/2 OF SE1/4 OF NE1/4 OF NW1/4 N OF HIWAY IN SEC 05-20-27

PARCEL ID#: 05-20-27-0000-00-008

NO. OF NOTICES: 92

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

Staff Recommendation: Staff explained that the applicant wanted the BZA to be aware they had received a letter of support from the neighboring Church property. Staff advised the proposed use was reasonable because the property abuts other commercial uses as well as being located on a principal arterial roadway. To that end, staff recommended approval of the request subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): William Delaporte (Applicant)

The applicant noted that the veterinary hospital had been there since 1960, and was well liked by the neighbors.

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

BZA Discussion: The BZA confirmed that part of the proposed building would be on the A-1 zoned portion of the lot, and clarified there would be no outdoor runs. In conclusion, the BZA approved the Special Exception and Variance with the staff recommendations.

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: further, said approval is subject to the following conditions:

1. Development in accordance with site plan date stamped received April 13, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The shelter shall not have any outdoor runs or outdoor compounds;
5. Construction plans shall be submitted within two (2) years or this approval becomes null and void;
6. No expansion of the facility shall be permitted on the A-1 property without prior Board of Zoning Adjustment approval;
7. Any nuisance or noise complaints shall be addressed to and/or by the Animal Services Division;
8. The property is located within the City of Mount Dora Joint Planning Area, and development will be subject to certain City of Mount Dora design standards including landscaping and signage; and,
9. The applicant shall coordinate with the City of Mount Dora for utilities connections, if applicable.

Motion / Second: Gregory A. Jackson / Chuck Norman

AYE (voice vote): All members present

Absent: Tony Rey / Deborah Moskowitz

BRUCE MCLAY - VA-16-06-054

REQUEST: **Variance** in A-2 zoning to place a mobile home on a .39-acre lot in lieu of 2 acres.

ADDRESS: 15744 Trigonía Street, Orlando FL 32828

LOCATION: South side of Trigonía St., east of Mercury Avenue, north of Sunflower Trail.

TRACT SIZE: 120 ft. x 140 ft.
DISTRICT#: 4
LEGAL: EAST PINE ACRES V/143 LOT 2 BLK J
PARCEL ID#: 30-22-32-2338-10-020
NO. OF 53
NOTICES:

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

Staff Recommendation: Staff gave a brief presentation depicting the location of mobile homes and single family homes in relation to the site, and stated the request constituted infill development. 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): Bruce Mclay (Applicant)

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

BZA Discussion: The BZA discussed the development trends in the area regarding mobile homes and single family homes, and confirmed the size of other lots with mobile homes. In addition, the applicant confirmed that a used mobile home would be placed on this site. The BZA approved the Variance with the staff recommendations.

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 April 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; 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: Chuck Norman / Carolyn Karraker

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

NAY (voice vote): Eugene Roberson Jr.

Absent: Tony Rey / Deborah Moskowitz

BRUCE MCLAY - VA-16-06-055

REQUEST: Variance in A-2 zoning to place a mobile home on a .69-acre lot in lieu of 2 acres.
ADDRESS: Sunflower Trail, Orlando FL 32828
LOCATION: East side of Sunflower Tr., north of Vienna Dr.
TRACT SIZE: 100 ft. x 300 ft.
DISTRICT#: 4
LEGAL: EAST PINE ACRES V/143 LOTS 10 & 15 BLK A
PARCEL ID#: 30-22-32-2338-01-100
NO. OF 43
NOTICES:

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

Staff Recommendation: Staff gave a brief presentation, and showed the location of mobile homes and single family homes in relation to the site. Further, staff noted the request constituted infill

development. As such, 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): Bruce Mclay (Applicant)

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

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

BZA Discussion: The BZA confirmed this case was similar to the previous case. The BZA observed there was roughly a 3-1 ratio of mobile homes to single family homes in the area. The applicant confirmed that a new mobile home would be placed on this site. Therefore, the BZA concurred with the staff recommendations.

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 April 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; 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: Chuck Norman / Carolyn Karraker

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

NAY (voice vote): Eugene Roberson Jr.

Absent: Tony Rey / Deborah Moskowitz

BRUCE MCLAY - VA-16-06-057

REQUEST: Variance in A-2 zoning to place a mobile home on a 0.53-acre lot in lieu of 2 acres.

ADDRESS: 1351 Sherman Street, Orlando FL 32828

LOCATION: East Side of Sherman St., south of Old Cheney Hwy., south of E. Colonial Dr.

TRACT SIZE: 105 ft. x 218 ft.

DISTRICT#: 4

LEGAL: EL RANCHERO FARMS V/138 LOT 31

PARCEL ID#: 19-22-32-2484-00-310

NO. OF 34

NOTICES:

Commentaries: One (1) in favor and one (1) in opposition/favor with conditional commentary.

Staff Recommendation: Staff gave a brief presentation, and showed the location of mobile homes and single family homes in relation to the site, and explained that a neighbor objected to the request but would have no issues if a new mobile home was placed on the site. As noted by staff, the request constituted infill development. 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): Bruce Mclay (Applicant)

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

BZA Discussion: The BZA confirmed this case was similar to the two (2) previous cases. The

BZA observed the ratio of mobile homes to single family homes in the area, and asked the applicant to confirm that a new mobile home would be placed on this site, wherein, the applicant responded in the affirmative. Therefore, the BZA concurred with the staff recommendations.

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 April 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; 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: Chuck Norman / Carolyn Karraker

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

NAY (voice vote): Eugene Roberson Jr.

Absent: Tony Rey / Deborah Moskowitz

COSTCO - VA-16-06-059

REQUEST: Variance in the P-D zoning district to erect a 10 ft. high vinyl coated chain link fence in front of the existing building in lieu of 6 ft. and 8 ft.

ADDRESS: 2101 Water Bridge Blvd., Orlando FL 32837

LOCATION: Northwest corner of Orange Blossom Trail and Water Bridge Blvd.

TRACT SIZE: 17.9 acres

DISTRICT#: 4

LEGAL: BEG 120 FT N OF SW COR OF NW1/4 OF NW1/4 OF SEC 15-24-29 TH RUN N 622.94 FT E 1262.67 FT TO W R/W S ORANGE BLOSSOM TR TH S 659.98 FT SWLY 78.54 FT W 83.05 FT NWLY 115.13 FT N 75 DEG W 400 FT WLY 304.04 FT S 78 DEG W 100 FT WLY 231.34 FT TO POB (LESS PT TA

PARCEL ID#: 15-24-29-0000-00-013

NO. OF NOTICES: 126

Commentaries: None in opposition

Staff Recommendation: Staff provided an aerial for the site identifying the location where the fence would be constructed to include examples from similar locations. Staff advised the BZA to remember that the applicant was proposing use of a black vinyl clad which would blend visually into the background. The site was located on a very busy commercial intersection, and would be easily accessible at any time. Furthermore, security was essential, especially if the applicant loads the trucks at night to allow delivery drivers to head out immediately upon clocking in for the day. Based on the foregoing, 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): Jeff Rutter (Applicant's representative)

Edward McDonald (Applicant's engineer)

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

The applicant explained the changes that were taking place relative to this store, noting that it would cater more to the small business community than the general public. However, any

individual with a membership card could use the store. The applicant further explained that the store would close its doors to the public at 6:00 p.m.; however, orders for the next day would be loaded on the delivery vehicles that night and stored in the trucks until the next day delivery. Some trucks would be plugged into outlets to keep the contents cool.

BZA Discussion: The BZA clarified the location in relation to any nearby residences, and concluded that the proposal would not pose an intrusion to the surrounding area. Therefore, the BZA concurred with the staff recommendations.

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 April 19, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. The owner shall maintain the fence in good condition, replacing as necessary due to weathering and age.

Motion / Second: Eugene Roberson / Chuck Norman

AYE (voice vote): All members present

Absent: Tony Rey / Deborah Moskowitz

- RELINQUISHED CHAIR: Chair Seybold relinquished the Chair to Vice-Chair Karraker
- BOARD MEMBER EXITED: Zachary Seybold and Chuck Norman
- BOARD MEMBER RE-ENTERED: Chuck Norman

CHURCH OF GOD OF PROPHECY OF THE LAST DAYS - SE-16-06-051

REQUEST:	Special Exceptions and Variance in the R-3 zoning district as follows: 1) Special Exception: To construct a 39,840 sq. ft. religious sanctuary with a maximum of 1,250 seats; 2) Special Exception: To allow a child day care within sanctuary building for up to 150 children; 3) Special Exception: To construct a 27,600 sq. ft. building housing 12 classrooms, a gymnasium, and office space; and, 4) Variance: To allow the sanctuary to be constructed with a maximum height of 55 ft. in lieu of 35 ft. (Note: This site received similar BZA approval on February 6, 2003. The new proposal increases the day care capacity and proposes 2 buildings in lieu of 1 building).
ADDRESS:	4602 N Pine Hills Road, Orlando FL 32808
LOCATION:	West side of N. Pine Hills Rd., approximately 625 ft. north of North Lane
TRACT SIZE:	9.14 acres
DISTRICT#:	2
LEGAL:	COMM SE COR OF SW1/4 SEC 6 TH RUN N 668.86FT W 50.02 FT TO W R/W LINE OF PINE HILLS RD FOR POB TH W 608.07 FT N 668.71 FT E 594.54 FT S 462.88 FT W 10 FT S 125 FT E 20.01 FT S 81.17 FT FOR POB

IN SEC 06-22-29

PARCEL ID#: 06-22-29-0000-00-009

**NO. OF
NOTICES:** 116

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

Staff Recommendation: Staff explained that due to the large size of the subject property, the use could be accommodated with sufficient buffering. Staff noted that the request was essentially one which had been approved in 2003. Additionally, the subject property was very wide, surrounded on the north and south by vacant land, and an Orange County park. Given that there was no low level construction to emphasize the requested increase in height, the sanctuary would not appear out of place at fifty-five (55) feet in height. It was noted that on the current plan, there was a stormwater management pond precluding access from Maxine Terrace. Staff advised that the Pine Hills Community Council had recommended approval of the project. 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): Henry Font (Applicant's engineer)

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

BZA Discussion: The BZA asked if there would be access to the site from the subdivision to the west. Staff stated that condition #12, prohibited such access, and determined that the BZA was referring to a prior plan from 2003, where they had at that time intended to access Maxine Terrace. The BZA determined this application was essentially that which had been approved in the past but had expired and concurred with the staff recommendations.

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 Exceptions 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 April 13, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Except as may be permitted in Condition #18 below, construction plans for Phase I shall be submitted within three (3) years or this approval becomes null and void. Construction Plans for Phase II must be submitted within five (5) years of this approval or Phase II must be returned to the BZA for re-approval;
5. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail;
6. No outdoor speakers or other audio amplification shall be used on the property;
7. If applicable, 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 school shall be limited to 180 students in up to twelve (12) classrooms in grades Pre-K through 8th;
9. The day care facility shall be limited to 150 children;

10. All signage shall be in accordance with 31.5, Orange County Code. All freestanding signage shall be ground mounted;
11. A six (6) foot tall opaque PVC fence shall be constructed along the sites west and south property lines;
12. There shall be no access from Maxine Terrace;
13. All lighting for parking lots and wall lighting on buildings shall be directionally down-lit. Lighting for the parking lot shall be extinguished by no later than 10:00 p.m. or one (1) hour after the end of any scheduled nighttime events/services;
14. Noise and sound shall be regulated by Chapter 15, Orange County Code;
15. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action;
16. The site shall be limited to no more than six (6) outdoor special events per calendar year;
17. The hours of operation for the day care shall be Monday through Friday, 6:00 a.m. to 7:00p.m.;
18. The following phasing schedule shall be adhered to:
 - Commence construction of sanctuary 11/2016;
 - Complete sanctuary and open 4/2018;
 - Commence construction of school/office/gym 1/2021;
 - Complete construction and open 8/2021;

The Zoning Manager may approve modification of up to one (1) additional year to each with showing of good cause, which is not the result of action or inaction on the part of the applicant; and,

19. Only those uses at the intensity approved by the BZA through this approval are permitted. Any modifications to the intensity of use of any existing use must be approved by further action of the BZA. Introduction of any new uses to the site shall require additional approval by the BZA.

Motion / Second: Gregory A. Jackson / Chuck Norman

AYE (voice vote): All members present

Absent: Tony Rey / Deborah Moskowitz / Zachary Seybold (temporarily absent)

- BOARD MEMBER RE-ENTERED: Zachary Seybold
- REASSUMED CHAIR: Chair Seybold reassumed the Chair from Vice-Chair Karraker

STEVEN KATSIKIS - VA-16-06-053

REQUEST: **Variances** in the R-CE zoning district to enclose existing carport on a substandard lot as follows:
 1) 75 ft. of lot width in lieu of 130 ft.;
 2) .278 ac. of lot area in lieu of 1 ac.; and,
 3) Side (east) setback of 0 ft. in lieu of 10 ft.
 (Note: The applicant is converting an existing carport which is enclosed on three sides into a new master bedroom. The neighbor to the east has provided a letter of no objection).

ADDRESS: 7342 Lake Ola Drive, Mount Dora FL 32757

LOCATION: South side of Lake Ola Dr., approximately 300 ft. west of Lake St.

TRACT SIZE: 77 ft. x 151 ft. (AVG)

DISTRICT#: 2

LEGAL: MAROTS ADDITION TO TANGERINE MTG E/506 UN-RECORDED
TANGERINE SHORES LOT 11

PARCEL ID#: 08-20-27-5512-00-110

NO. OF NOTICES: 35

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

Staff Recommendation: Staff explained that the applicant's house had been built in 1952, exactly where it was currently located. As such, the hardship was not self imposed. The only exterior work was enclosing the opening to the carport. Thereafter, all work would be interior alteration to create a master bedroom. The current living area was very substandard, so the new room would help to reduce the degree of nonconformity. There would be no change to the footprint of the home. Staff further advised that although the BZA generally does not support side yard variances, the most impacted property owner to the east had submitted a letter of support for this application. As pointed out by staff, the fact that the most impacted neighbor to the east did not object may be used as a reason to approve the variance. 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): Steven Katsikis (Applicant)

The applicant waived the right to speak and indicated his agreement with the staff recommendation.

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

BZA Discussion: The Board found that there was no real option to allow the applicant to make the desired improvements since the request was not self-imposed given that the house predates zoning in Orange County. Thus, the BZA concurred with the staff recommendations.

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 April 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; 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: Gregory A. Jackson / Chuck Norman

AYE (voice vote): All members present

Abstained: Zachary Seybold (abstained due to temporary absence)

Absent: Tony Rey / Deborah Moskowitz

- BOARD MEMBER EXITED: Gregory A. Jackson
- BOARD MEMBER RE-ENTERED: Gregory A. Jackson

TONIA MYERS - VA-16-06-056

REQUEST: **Variance** in the R-1A zoning district to allow existing sunroom to remain 19 ft. from the rear property line in lieu of 30 ft.
(Note: The current owners purchased the home as is. A prior owner had obtained permits to build a screen room with solid roof, which they actually closed in with glass making it living area. Also, the actual house was constructed only 25 ft. from the rear property line, 5 ft. short of the required 30 ft.)

ADDRESS: 2818 Fitzooth Drive, Winter Park FL 32792

LOCATION: South side of Fitzooth Dr., approximately 725 ft. south of Bower Rd.

TRACT SIZE: 80 ft. x 100 ft.

DISTRICT#: 5
LEGAL: WINTER PARK PINES UNIT 6 Z/144 LOT 34 BLK B
PARCEL ID#: 09-22-30-9666-02-340
NO. OF 96
NOTICES:

Commentaries: Sixteen (16) in favor and none in opposition

Staff Recommendation: Staff explained that a prior owner had obtained a permit to construct a screen room on the rear of the house which was permitted to encroach up to thirteen (13) feet into the rear setback. At some point, and without permits, the owners then converted the screen room into a sunroom. Once glass windows were installed, the area of the sunroom became living space and must meet setbacks. Staff noted that the applicant discovered the issue when applying for permits for an interior alteration. Staff also advised that the main home did not meet the thirty (30) feet setback, being only twenty-five (25) feet from the rear property line. 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): Tonia Myers (Applicant)

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

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

BZA Discussion: The BZA noted it appeared that the original permit had been completed, and that the windows were retrofitted, most likely after the County had inspected the screen room. Finding that the improvements were not a result of action by the applicant, the BZA concurred with the staff recommendations.

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 April 18, 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. Applicant shall obtain all required permits within 180 days or this approval is null and void.

Motion / Second: Zachary Seybold / Eugene Roberson

AYE (voice vote): All members present

Abstained: Gregory A. Jackson (abstained due to temporary absence)

Absent: Tony Rey / Deborah Moskowitz

MARK GLENN - VA-16-06-063

REQUEST: **Variance** in the R-1 zoning district to construct accessory structure with 1,200 sq. ft. of floor area in lieu of 500 ft.
(Note: Applicant is proposing a pole barn for storage).

ADDRESS: 2508 Juergensen Drive, Orlando FL 32810

LOCATION: North side of Juergensen Dr., approximately 800 ft. east of Forest City Rd.

TRACT SIZE: 64 ft. x 275 ft.

DISTRICT#: 2

LEGAL: FAIR PLAIN SUB P/7 LOT 4
PARCEL ID#: 28-21-29-2596-00-040
NO. OF 49
NOTICES:

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

Staff Recommendation: Staff gave a presentation on the case, and showed photographs of the additional items on the property. The proposed structure would be located behind the main house and exceed required setbacks. While visiting the site, staff observed containers and a trailer in the front yard. The applicant has since stated in writing that all these items will be removed or housed within the proposed structure. The request represented a 240% deviation; hence, staff had concerns about the degree of the deviation. 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): Art Glenn (Applicant's representative)

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

BZA Discussion: The BZA was concerned that a 240% deviation was almost three (3) times the allowable size. For this reason, the BZA proposed allowing 750 square feet and the applicant responded with a request of 1,000 square feet. The BZA felt that a fifty percent (50%) variance was generous since no other such variances were granted in the area. As a result, the BZA and applicant agreed to approve the Variance with the added condition #6, "Accessory structures shall not exceed 750 cumulative square feet, and shall meet all required setbacks." Therefore, the BZA concurred with the staff recommendations as amended.

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

1. Development in accordance with site plan date stamped April 19, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. All outdoor containers in the front yard shall be removed or placed inside the new structure prior to the issuance of any permits;
5. The trailer in the front yard shall be removed prior to the issuance of any permits; and,
6. Accessory structures shall not exceed 750 cumulative square feet, and shall meet required setbacks.

Motion / Second: Gregory A. Jackson / Carolyn Karraker

AYE (voice vote): All members present

Absent: Tony Rey / Deborah Moskowitz

LUCILLE VERHOEST - VA-16-06-064

REQUEST: **Variances** in the R-2 zoning district as follows:
1) To allow an existing accessory structure to remain in the front of the principal structure in lieu of along side or rear yards;
2) To allow existing accessory structures with 578 sq. ft. of floor area in lieu of 500 sq. ft.;
3) To validate an existing single family residence constructed 10 ft. from the rear

(north) property line in lieu of 25 ft.;

4) To validate an existing 7 ft. x 4 ft. accessory structure located 2 ft. from the rear (north) and side (east) property lines in lieu of 5 ft.; and,

5) To allow RV to be parked in front yard in lieu of side or rear yards.

(Note: The residence which was constructed in 1940, is located 10 ft. from the rear property line. The applicant hired a contractor to construct the new 22 ft. x 25 ft. accessory structure with the understanding a permit would be obtained. No permit was obtained. The applicant was cited by code enforcement).

ADDRESS: 175 Water Street, Winter Garden FL 34787

LOCATION: North side of Water St., approximately 100 ft. east of Walker St.

TRACT SIZE: 50 ft. x 138 ft.

DISTRICT#: 1

LEGAL: G T SMITH SUB NO 4 L/120 LOT 30 3166/529 & 530

PARCEL ID#: 23-22-27-8104-00-300

NO. OF 42

NOTICES:

Commentaries: None

Staff Recommendation: Staff indicated that the home was constructed in 1940, , seventeen (17) years before the inception of zoning in Orange County, and was located only ten (10) feet from the rear property line. As is, there was nowhere on the property to place any improvements other than in front of the principal structure. To the east of the subject property was a stormwater management pond (dry) owned by Orange County; to the south of the subject property was a developed commercial site in the City of Winter Garden; and further, the subject property was located within an enclave of Winter Garden. The only impacted neighbor to the west had not filed an objection to this application. To conclude, 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): Lucille Verhoest (Applicant)

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

The applicant explained the pool for which she obtained a variance was in front of the home. The applicant presented the BZA with a copy of a permit she obtained in 2000; and, indicated at the same time she received a permit for the pool, it had included parking for her RV in the front yard. However, a code enforcement officer had informed her that the permit was not valid as she never obtained a variance to park it there.

BZA Discussion: The BZA validated the issuance of a permit for a variance relative to the pool and RV; and further, concluded that there was no alternative due to the location of the home on the lot. Additionally, it was determined that the situation was not a result of the applicant's action, and further, the BZA recognized that the request was of a minimal impact in nature. Based on the foregoing, the BZA concurred with the staff recommendations.

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 April 20, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard
4. The applicant shall install pavers where the travel trailer will be stored;

5. The applicant shall obtain a permit for the shed and the storage of the recreational vehicle within 180 days of final County action or this approval becomes null and void; and,
6. If the seven (7) feet x four (4) feet structure in the rear yard is ever destroyed, any replacement structure shall comply with all required setbacks.

Motion / Second: Carolyn Karraker / Eugene Roberson

AYE (voice vote): All members present

Absent: Tony Rey / Deborah Moskowitz

SAMUEL CORT - VA-16-06-067

REQUEST: **Variances** in the R-1 zoning district to allow existing accessory structure (pole barn) to remain as follows:
1) 1,520 sq. ft. in lieu of 500 sq. ft.; and,
2) 18 ft. height in lieu of 15 ft.
(Note: This is a result of Code Enforcement action).

ADDRESS: 3617 Walker Road, Apopka FL 32703

LOCATION: East side of Walker Rd., north of Valley Dr., west of Ocoee Apopka Rd.

TRACT SIZE: 1.81 acres

DISTRICT#: 2

LEGAL: J B & T E WALKERS SUB Q/122 LOTS 5 & 6

PARCEL ID#: 31-21-28-8952-00-050

NO. OF 79

NOTICES:

Commentaries: Two (2) in favor and one (1) in opposition

Staff Recommendation: Staff gave a presentation on the case, and showed photographs of the additional structures on the subject property. The structure was located behind the main house and complied with all required setbacks. However, the request represented a 304% deviation; therein, staff had concerns about the degree of the deviation. Further, 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): Samuel Cort (Applicant)

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

BZA Discussion: The BZA was concerned about the amount of the variance being requested. The BZA discussed the case and approved the Variance with the addition of condition #6, "Accessory structures shall not exceed 750 cumulative square feet, be located in the rear yard, and meet all required setbacks"; and, concurred with the staff recommendations 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 April 20, 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. All additional sheds and buildings shall be removed prior to the issuance of any permits;

5. The applicant shall obtain a permit within 180 days or this approval becomes null and void; and,
6. Accessory structures shall not exceed 750 cumulative square feet, and be located in the rear yard, and shall meet required setbacks.

Motion / Second: Gregory A. Jackson / Chuck Norman

AYE (voice vote): All members present

Absent: Tony Rey / Deborah Moskowitz

- MEETING RECESSED, 12:28 p.m.
- MEETING RECONVENED, 1:03 p.m.
- BOARD MEMBER JOINED: Tony Rey

EZ HOMES, LLC - VA-16-06-068

REQUEST: Variance in the R-CE zoning district to install a generator 13 ft. from the side (west) property line in lieu of 30 ft.

ADDRESS: 9526 Lavill Court, Windermere FL 34786

LOCATION: West side of Lavill Ct., just south of Windy Ridge Rd.

TRACT SIZE: 1 acre (upland)

DISTRICT#: 1

LEGAL: LAKE DOWN VILLAGE 10/111 LOT 1

PARCEL ID#: 09-23-28-4408-00-010

NO. OF NOTICES: 32

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

Staff Recommendation: Staff indicated that the applicant was proposing a generator on the side of the residence. The required side setback was thirty (30) feet. The proposed generator would have a thirteen (13) foot side setback. However, the adjacent residence would be fifty-three (53) feet away from the generator. 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): Rob Smith (Applicant's general contractor)

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

BZA Discussion: The BZA discussed the case and concluded the actual separation between the generator and the adjacent home was fifty-three (53) feet which met the intent of the code. Therefore, the BZA concurred with the staff recommendations.

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 April 20, 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 / Chuck Norman
AYE (voice vote): All members present
Absent: Deborah Moskowitz

LONNY R. CARLTON - VA-16-06-066

REQUEST: **Variance** in the A-1 zoning district to allow up to 2,700 sq. ft. accessory building (storage and carport) in lieu of 2,000 sq. ft.
(Note: There is an existing 1,800 sq. ft. accessory building on the property. The applicant proposes to add an additional 900 sq. ft. to be used as a carport).

ADDRESS: 4621 Round Lake Road, Apopka FL 32712

LOCATION: East side of Round Lake Rd., just north of Sadler Rd.

TRACT SIZE: 1.3 acres

DISTRICT#: 2

LEGAL: BEG 510 FT N & 30 FT E OF SW COR OF SW1/4 OF NW1/4 RUN N 15 FT E 540 FT S 195 FT W 270 FT N 180 FT W 270 FT TO POB IN SEC 14-20-27

PARCEL ID#: 14-20-27-0000-00-040

NO. OF 39

NOTICES:

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

Staff Recommendation: Staff explained that the applicant was proposing a 900 square foot addition onto the existing storage building. The addition would be an open sided carport. The subject site was surrounded by one (1) to five (5) acre tracts of land. This site was surrounded by an area where the homeowners, typically, had larger than normal sized accessory buildings. Further, staff advised the BZA that similar variances had been granted to other properties in this area. Staff had no objections to this request as it was consistent with the surrounding development pattern. 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): Lonny R. Carlton (Applicant)

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

BZA Discussion: The BZA discussed the case concluding the request was reasonable and concurred with the staff recommendations.

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 April 20, 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: Gregory A. Jackson / Tony Rey
AYE (voice vote): All members present
Absent: Deborah Moskowitz

GOLDENROD POINTE APARTMENTS - SE-16-06-058

REQUEST: Special Exception in the R-3 zoning district to construct 2 apartment buildings 45 ft. in height in lieu of 35 ft.
ADDRESS: 3500 N Goldenrod Road, Winter Park FL 32792
LOCATION: West side of N. Goldenrod Rd., 1/2 mile south of University Blvd.
TRACT SIZE: 4.66 acres
DISTRICT#: 5
LEGAL: S1/2 OF SE1/4 OF SE1/4 OF NW1/4 OF SEC 11-22-30 (LESS E 50 FT FOR RD)
PARCEL ID#: 11-22-30-0000-00-021
NO. OF NOTICES: 75

Commentaries: None

Staff Recommendation: Staff gave an overview of the request and indicated that the applicant was proposing two (2) apartment buildings approximately forty-five (45) feet in overall height. The code limits the height to thirty-five (35) feet. The Threshold Academy for autistic children was located to the north and to the south were apartments. To the west were wetlands which would act as a buffer to the homes further west and Goldenrod Road was to the east. Staff indicated that the request was reasonable and would not adversely impact anyone. Additionally, the property was zoned for apartments. Staff's recommendation was for approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Charles Madden (Applicant's representative)

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

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

BZA Discussion: The BZA discussed the case and concurred with the staff recommendations.

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

1. Development in accordance with site plan dated April 19, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

Motion / Second: Zachary Seybold / Carolyn Karraker

AYE (voice vote): All members present

Absent: Deborah Moskowitz

FAITH CENTER MINISTRIES, INC. - SE-16-06-069

REQUEST: **Special Exception and Variance** in the A-1 zoning district as follows:
1) Special Exception: To convert existing single family residence into a religious use facility for up to 55 members; and,
2) Variance: To permit grassed parking spaces with paved drive aisles.
(Note: No school is proposed. No new construction is proposed).

ADDRESS: 4630 N Hiawassee Road, Orlando FL 32818

LOCATION: West side of N. Hiawassee Rd., approximately 350 ft. south of Hyland Oaks Dr.

TRACT SIZE: 2.75 acres

DISTRICT#: 2

LEGAL: THE N 198 FT OF THE E1/2 OF THE SE1/4 OF THE SE1/4 OF SEC 02-22-28
(LESS THE E 30 FT THEREOF FOR RD RW

PARCEL ID#: 02-22-28-0000-00-017

NO. OF 67

NOTICES:

Commentaries: 122 in favor and twenty-two (22) in opposition

Staff Recommendation: Staff indicated the applicant was proposing to convert the existing house into a church. Services were planned for Sundays and Wednesday nights. No school was proposed. The site was 2.4 acres in size and the building was setback approximately 200 feet from Hiawassee Road. Staff gave a brief overview of the project's history and stated on May 13, 2014, the Board of County Commissioners (BCC) denied this applicant's request. The predominant reason the BCC denied the request was due to safety concerns about accessing the site via U Turns on Hiawassee Road and intense public opposition which still exists. At said time, the applicant requested approval for a church and school; however, this application was for a church only and would lessen the impacts to the surrounding area. Staff's position was the church use represents a significant reduction in the proposed land use intensity since it would only be used two (2) days a week. Additionally, no new construction was proposed and a religious use along Hiawassee Road (four (4) lane divided arterial roadway) was reasonable. 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 Grossberg (Attorney for applicant)

Alma Manney (Opposed)

Carraine Hamilton (Opposed)

Kim Newton (Opposed)

Camille Dixon (Opposed)

Robert E. Haynes (Opposed)

Dennis Hall (Opposed)

Sandra Fatmi (Opposed)

Lassie Keene (Opposed)

Hong Cuc Coy Kendall (Opposed)

Linton Morris (Pastor for Church)

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

Several neighbors spoke in opposition. The residents resided in the Hyland Oaks Subdivision which was adjacent to the north of the subject property. The neighbors had concerns about the invasion of privacy, code enforcement issues, noise impacts, and, a lack of land use compatibility.

BZA Discussion: The BZA discussed the case and concluded this request represented an intrusion into the residential lifestyle of the adjacent residents and denied 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; and, 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 / Tony Rey

AYE (voice vote): All members present

BOARD OF ZONING ADJUSTMENT

MEETING OF JUNE 2, 2016

Absent: Deborah Moskowitz

Due to a conflict in schedule, the Chairman made a motion, seconded by Gregory A. Jackson, for Public Hearing #VA-16-04-022; Fairplay Arena to be heard next on the Agenda, and unanimously carried to **APPROVE** the change in sequence of this Agenda item.

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 NOTICES: 1731

Commentaries: Six (6) in favor and eight (8) in opposition (Noted for the record: two (2) in favor and four (4) in opposition had no address provided).

Staff Recommendation: Staff explained that on April 7, 2016, the BZA chose to continue this item to allow the applicant an opportunity to obtain written verification that the Church was not renewing its lease. The applicant had obtained a letter verifying this fact. The BZA also asked for something from the management company for the building where the Church was located, indicating that the property manager did not have another church scheduled to lease the space. The applicant indicated receipt of an e-mail on April 11, 2016, from the management company stating that there were no other churches scheduled to lease the space at this time; however, the property manager would not put anything in writing for business reasons. 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): Denise Morrill (Applicant's representative)
John Sarjozi (Property Owner)

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

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

BZA Discussion: The BZA discussed the case and continued this request to allow sufficient time for the applicant to conduct another distance measurement.

BZA Action: A motion was made and unanimously carried to **CONTINUE** to the July 7, 2016, Board of Zoning Adjustment Meeting.

Motion / Second: Zachary Seybold / Chuck Norman

AYE (voice vote): All members present

Absent: Deborah Moskowitz

- RELINQUISHED CHAIR: Chair Seybold relinquished the Chair to Vice-Chair Karraker
- BOARD MEMBER EXITED: Zachary Seybold and Gregory A. Jackson

IGLESIA EL SHADDAI CHURCH - SE-16-06-065

REQUEST: **Special Exception** and **Variance** in the R-1 zoning district for a religious use facility as follows:
1) Special Exception: To construct a 400 seat sanctuary classrooms for religious education and Sunday School, a 3,290 sq. ft. assembly hall, and six buildings (960 sq. ft. each) to be used for weekend overnight retreat stays; and,

2) Variance: To permit grassed parking with paved drive aisles.

ADDRESS: 8703 Curry Ford Road, Orlando FL 32825

LOCATION: North side of Curry Ford Rd., approximately 950 ft. east of S. Chickasaw Trail

TRACT SIZE: 4.32 acres

DISTRICT#: 3

LEGAL: COMM SE COR OF SW1/4 OF SE1/4 RUN N 30 FT W 154 FT FOR POB TH W 177.29 FT N 1300.92 FT E 126.88 FT S 730.72 FT E 51.08 FT S 570 FT TO POB (LESS R/W ON S) IN SEC 01-23-30

PARCEL ID#: 01-23-30-0000-00-010

NO. OF NOTICES: 118

Commentaries: None in favor and nine (9) in opposition; plus, a letter of opposition from the Monaco Community Association.

Staff Recommendation: Staff explained that the property was quite narrow in general, and even more narrow in the rear than up along Curry Ford Road. Further, there would not be much room to provide buffering. Staff advised there had been a previous approval for a religious facility on this property in the past which expired; however, that approval was for a much less intense use. The current request was for sixty-five percent (65%) more seats and an additional 5,335 square feet of floor area in the sanctuary. Staff also noted that several of the opponents had indicated that the Church was actually using the site at night for services, and provided a report from the Code Enforcement Division identifying the violation which was filed in April, 2016. Staff stated that this use was not compatible with the residential character of the area, and would serve as an intrusion on the existing residents, thus, recommending denial.

The following person(s) addressed the Board:

Speaker(s): George Sharp (Architect for applicant)
Rafael Cruz (Senior Pastor on behalf of the applicant)
Luis Bonilla (Deacon Member of the Church on behalf of the applicant)
Iliana Ramos (Wife's Pastor on behalf of the applicant)
Amy Fusco (HOA's representative – Opposed)
Llazar Kauri (Opposed)
Leonardo Estrella (Opposed)
Melissa Videl (Opposed)

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

The architect for the Church explained the mission and intent of the Church; further, noting that they understood concerns over privacy and would be a good neighbor.

Several members of the Church congregation noted that they did not actually hold services on the property, but rather, were performing work on the existing building and property in preparation for the construction of the project.

Four (4) residents appeared in opposition to the request indicating that the narrow width of the subject property and the small size of their lots provided no separation between the proposed use and their homes.

BZA Discussion: The BZA asked staff if the violation from code enforcement indicated religious services, wherein, staff verified that this violation was the case. The BZA concluded denial of this request to the proposed use as not being an appropriate location for the following reasons: the traffic would be an issue with no median break on Curry Ford Road; the site was too narrow to be able to provide adequate separation; the use would be an intrusion into the existing neighborhoods; and, would not be compatible with the existing patterns of development.

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; and, 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: Tony Rey / Eugene Roberson

AYE (voice vote): All members present

Absent: Zachary Seybold, Deborah Moskowitz, Gregory A. Jackson

REQUEST: Variance in the R-1A zoning district to construct a detached accessory building (garage w/carport) with 720 sq. ft. of total floor area in lieu of 500 sq. ft.
(Note: Garage is 480 sq. ft., carport is 240 sq. ft.)

ADDRESS: 1210 Perkins Road, Orlando FL 32809

LOCATION: South Side of Perkins Rd., 100 ft. east of Harvey St., 1/4 mile east of S. Orange Ave.

TRACT SIZE: 100 ft. x 151 ft.

DISTRICT#: 3

LEGAL: PINE CASTLE PARK N/99 LOTS 3 & 4

PARCEL ID#: 25-23-29-6924-00-030

NO. OF NOTICES: 63

Commentaries: None

Staff Recommendation: Staff informed the BZA that the applicant had actually been issued a building permit for the garage and carport. Nevertheless, staff had made an error in issuing the permit, in that Orange County had failed to include the carport in the square footage calculation. The garage alone was only 480 square feet; however, when the carport was included, the actual square footage equaled to 720. The Variance was needed to allow the applicant to complete the project which was nearly half completed. Staff stated this request only represented a twenty-four percent (24%) variance, 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): Douglas Thomas (Applicant)

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

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

BZA Discussion: The BZA found that the issue was not the result of any action caused by the applicant; therefore, concurred with the staff recommendations.

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 April 20, 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: Tony Rey / Chuck Norman

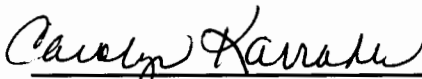
AYE (voice vote): All members present

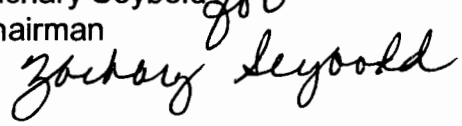
Absent: Zachary Seybold, Deborah Moskowitz, Gregory A. Jackson

ADJOURN:

There being no further business, the meeting was adjourned at 3:28 p.m.

ATTEST:



Zachary Seybold *for*
Chairman




Debra Phelps
Recording Secretary