

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

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

BOARD MEMBERS PRESENT: Carolyn C. Karraker - Vice Chair
Gregory A. Jackson
Deborah Moskowitz
Eugene Roberson
Charles Norman

BOARD MEMBERS ABSENT: Zachary Seybold – Chairman
Tony Rey

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

The Chairman called the meeting to order at 9:04 a.m.

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

APPROVAL OF MINUTES:

The Chairman requested a motion approving the minutes of the June 2, 2016, Board of Zoning Adjustment meeting.

A motion was made by Eugene Roberson, seconded by Gregory A. Jackson, and unanimously carried to **APPROVE** the minutes of the June 2, 2016, Board of Zoning Adjustment meeting.

PUBLIC COMMENT: The Madam Chair opened the floor to public comment, seeing none; the Madam Chair closed the hearing for public comment and continued with the regularly scheduled agenda.

BOARD MEMBER ENTERED: Chuck Norman

LESLY K. LAROCHE - VA-16-07-072

REQUEST: **Variances** in the C-1 zoning district to construct commercial building and parking as follows:
1) Parking: 51 ft. from the centerline of Rio Grande Ave. in lieu of 55 ft.;
2) Lot width of 75 ft. in lieu of 100 ft.;
3) Front (west) setback of 24 ft. in lieu of 25 ft.;
4) Rear (east) setback of 0 ft. in lieu of 20 ft.; and,
5) Provide 5 parking spaces in lieu of 8 spaces.

ADDRESS: 3001 S Rio Grande Avenue, Orlando FL 32805

LOCATION: Southeast corner of S. Rio Grande Ave. and 30th St., approximately 450 ft. north of LB Mcleoud Rd.

TRACT SIZE: 75 ft. x 86 ft.
DISTRICT#: 6
LEGAL: ANGEBILT ADDITION NO 2 J/124 THE N1/2 OF LOTS 11 & 12 BLK 74 (LESS RD R/W)
PARCEL ID#: 03-23-29-0182-74-111
NO. OF NOTICES: 106
Commentaries: None

Staff Recommendation: Staff gave an overview of the subject property; and further, advised the BZA that this request provided a reasonable use of the land as the requested variances would not adversely impact the surrounding uses. 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): Lesly K. Laroche (Applicant)

Thomas McKeon (Applicant's representative)

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

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

BZA Discussion: Discussion ensued wherein the applicant advised the BZA that only light auto services would be conducted and all services would be indoors. The BZA concluded the requests were reasonable and concurred with the staff recommendation.

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

1. Development in accordance with site plan dated April 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;
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. Approval is for light auto repair services and routine car maintenance. Paint and body work, transmission repair and towing services are prohibited. All repair work to be done indoors;
5. Signage shall be pursuant to section 31.5, Orange County Code; and,
6. Landscaping shall be provided including landscaping adjacent to the building and along the public roadways in accordance with Chapter 24, Orange County Code to the greatest extent possible.

Motion / Second: Eugene Roberson / Deborah Moskowitz

AYE (voice vote): All members present

Abstained: Chuck Norman (due to temporary absence)

Absent: Zachary Seybold / Tony Rey

DAVID WIERCINSKI - VA-16-07-075

REQUEST: Variance in the R-CE zoning district to construct a 2,363 sq. ft. accessory structure in lieu of 2,000 sq. ft.
ADDRESS: 8441 Oakland Place, Orlando FL 32819
LOCATION: North side of Oakland Place, approximately 150 ft. west of Washington Ave.

TRACT SIZE: 150 ft. x 270 ft.
DISTRICT#: 1
LEGAL: WINDERMERE HEIGHTS 2ND SECTION M/6 LOTS 4 5 & 6 & 19 20 & 21 BLK N & THE SOUTH 25 FT OF VAC R/W ON THE NORTH PER DOC# 20160074888
PARCEL ID#: 15-23-28-9344-14-040
NO. OF NOTICES: 44

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

Staff Recommendation: Staff advised that the deviation of the request equaled to eighteen percent (18%); in addition, the level of deviation was consistent with the amount of deviation the BZA had granted in the recent past. Staff informed the BZA that the neighbors to the north and west submitted letters of no objection. 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): David Wiercinski (Applicant)

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

BZA Discussion: The BZA discussed the case and approved the variance stating the amount of deviation from the code requirement was minimal. Further, the BZA amended condition #5, concerning the setback and concurred with the staff recommendation 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 dated May 10, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
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 detached accessory building shall match the colors and design of the principal residence; and,
5. The detached accessory building shall be setback a minimum of fifteen (15) feet from the rear property line.

Motion / Second: Carolyn Karraker / Chuck Norman

AYE (voice vote): All members present

Absent: Zachary Seybold / Tony Rey

YULEISY MARQUEZ - VA-16-07-076

REQUEST: **Variance** in the P-D zoning district to permit a sunroom and building addition (closet) 38 ft. from the rear property line in lieu of 50 ft.
(Note: The Hunters Creek PD requires that all lots backing up to the SR 417 to have a 50 ft. building setback. Otherwise, the normal rear setback for a lot in this community is 25 ft.)

ADDRESS: 4909 Bellthorn Drive, Orlando FL 32837

LOCATION: North side of Bellthorn Dr., south of SR 417, approximately 350 ft. east of Westshire Dr., in the Hunter's Creek PD

TRACT SIZE: 45 ft. x 145 ft.

DISTRICT#: 1
LEGAL: HUNTERS CREEK TRACT 545 38/56 LOT 59
PARCEL ID#: 31-24-29-3865-00-590
NO. OF NOTICES: 64

Commentaries: None

Staff Recommendation: Staff gave a brief presentation on the case, describing the location of the addition in relation to SR 417. Staff had no objections to this request because: a) the request would not adversely impact any quality of life circumstances; b) no rear neighbors would be affected; c) the remaining setback of thirty-eight (38) feet was still significant; and, d) the proposal was minimal and reasonable. Staff stated if the BZA approved the request, the conditions as listed in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Yuleisy Marquez (Applicant)

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

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

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

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

1. Development in accordance with site plan date stamped "Received May 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; 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: Zachary Seybold / Tony Rey

- MEETING RECESSED, 9:41 a.m.
- MEETING RECONVENED, 10:00 a.m.

JENNY PIERCE - VA-16-07-077

REQUEST: **Variance** in the R-2 zoning district to allow a lot width of 75 ft. in lieu of 80 ft. for a duplex.
(Note: Structure is existing. This is the result of code enforcement action.)

ADDRESS: 5327 Brownell Street, Orlando FL 32810

LOCATION: North side of Brownell St., east of Leaf Ave., east of Rose Ave.

TRACT SIZE: 75 ft. x 135 ft.

DISTRICT#: 2

LEGAL: 10932/7631 ERROR IN DESCRIPTION-AVONDALE PARK SECOND ADDITION Q/35 THE E1/2 OF LOT 15 & ALL LOT 16 BLK I

PARCEL ID#: 29-21-29-0357-09-151

NO. OF NOTICES: 55

Commentaries: None

Staff Recommendation: Staff gave a brief presentation on the subject property, and showed photographs and the location of the other duplexes on the same street. Staff had no objections to this request because: a) the request would not adversely impact any quality of life circumstances, and, b) the amount of variance requested was minimal. Staff stated if the BZA approved the request, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Kate Stangle (Attorney for applicant)
Charles Hudnall (Code Enforcement)

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

BZA Discussion: The BZA confirmed with the Code Enforcement officer that the upcoming Code Enforcement Board hearing would be cancelled, if the BZA approved the variance. The BZA concurred with the staff recommendation.

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

1. Development in accordance with site plan date stamped, "Received May 16, 2016" and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. The applicant shall obtain permits within 180 days or this approval becomes null and void.

Motion / Second: Gregory A. Jackson / Eugene Roberson

AYE (voice vote): All members present

Absent: Zachary Seybold / Tony Rey

VERA CLARK - VA-16-07-078

REQUEST:	Variance in the R-2 zoning district to allow existing garage with 640 sq. ft. to remain in lieu of 500 sq. ft. (Note: This is a result of code enforcement action).
ADDRESS:	7506 Cielo Court, Orlando FL 32822
LOCATION:	West end of Cielo Ct., approximately 200 ft. west of Rio Pinar Lakes Blvd.
TRACT SIZE:	70 ft. x 115 ft. (AVG)
DISTRICT#:	3
LEGAL:	RIO PINAR LAKES UNIT 1 9/55 LOT 23 BLK E
PARCEL ID#:	02-23-30-7446-05-230
NO. OF NOTICES:	63

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

Staff Recommendation: Staff gave a brief presentation on the subject property, and showed photographs and the location of the garage. The garage was located in the rear of the property and met all setback requirements. Staff had no objections to this request provided the adjacent neighbor to the southeast did not object. Lastly, staff stated if the BZA approved the request, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Vera Clark (Applicant)
Bill Koenig (Senior Code Enforcement Officer)

Material was presented to the Board and entered into the record prior to the close of the public hearing by the code enforcement officer.

The applicant stated they did not understand that they were supposed to stop construction, and thought the Code Enforcement Citation was for the interior of the house, and not the garage. The applicant stated that their contractor did not tell them permits were required and, since then, terminated that contractor. Thereafter, the applicant was pulling permits for themselves.

Code Enforcement staff confirmed that an anonymous complaint was received on April 15, 2016, and the upcoming Code Enforcement Board hearing would be cancelled, if the BZA approved the variance.

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

BZA Discussion: The BZA confirmed that construction continued after the Code Enforcement Citation, and that there was no response from the adjacent neighbor. Further, the BZA felt the percentage of variance was acceptable, but the criteria for a variance had not been met. Therefore, the BZA denied the variance.

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

Motion / Second: Deborah Moskowitz / Chuck Norman

AYE (voice vote): All members present

Absent: Zachary Seybold / Tony Rey

John Smogor, Chairman of the Development Review Committee, gave a brief presentation relative to proposed changes of amendments to the Accessory Dwelling Unit Regulations.

ORLANDO COMMUNITY BAPTIST CHURCH - SE-16-07-079

REQUEST:	Special Exceptions and Variances in the R-1 zoning district as follows: 1) Special Exception: To permit expansion of the sanctuary to 290 seats; 2) Special Exception: To add 1,785 sq. ft. floor area to the existing sanctuary building; 3) Special Exception: To add 2,485 sq. ft. of floor area to the existing fellowship hall/classroom/daycare building; 4) Variance: To permit the addition to the sanctuary and the existing sanctuary building to have a side street setback of 5 ft. in lieu or 15 ft.; and, 5) Variance: To allow 65 of the required 97 parking spaces to be grassed in lieu of paved with paved drive aisles. (Note: The applicant submitted 31 letters in support of the requests).
ADDRESS:	651 Campanella Avenue, Orlando FL 32811
LOCATION:	Southeast corner of Campanella Ave. and College Dr., approximately 375 ft. west of S. Ivey Ln.
TRACT SIZE:	1.58 acres
DISTRICT#:	6
LEGAL:	BOOKER WASHINGTON ESTATE P/97 LOTS 1 THRU 5 & 21 THRU 25 BLK C
PARCEL ID#:	32-22-29-8992-03-010
NO. OF NOTICES:	124

Commentaries: Thirty-one (31) in favor and none in opposition

Staff Recommendation: Staff explained the phasing plan, noting that in Phases II and III, the church would use the fellowship hall as the sanctuary while the sanctuary was under renovation/expansion. At that time, they would use the five (5) modular building approved in April 2015, for classrooms; a day care; and, to house the food pantry. Once Phase III was completed, the modular units would be removed from the site. Further, staff noted that the church had letters of support from nearly thirty (30) neighboring property owners. 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): Rev. Alfred J. Moore (Applicant's representative)
No one spoke in favor or in opposition to this request at the public hearing.

BZA Discussion: The BZA discussed the case and concluded that the proposed plan and phasing plan would be beneficial to the community. Therefore, the BZA concurred with the staff recommendation.

BZA Action: A motion was made and unanimously carried to **APPROVE** the Special Exception requests in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and further, 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 May 17, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. All conditions of SE-15-04-021, regarding the modular classrooms/day care shall remain in full force and effect;
5. Construction plans shall be submitted within three (3) years or this approval becomes null and void;
6. All phases shall be completed within five (5) years of final County approval to coincide with the expiration of the approval of the modular units, unless the applicant submits a request to extend the phasing schedule and use of the modular. The Zoning Manager may grant one extension of up to six (6) months to the phasing plan and use of the modulars provided the applicant can show good cause.
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; and,
8. Once construction of the addition to the sanctuary is completed, the five (5) modular units will be removed from the property.

Motion / Second: Eugene Roberson / Chuck Norman

AYE (voice vote): All members present

Absent: Zachary Seybold / Tony Rey

ROSS - DRESS FOR LESS - VA-16-07-080

REQUEST:	Variance in the C-1 zoning district to allow a total of 351 sq. ft. of wall signage in lieu of 180 sq. ft. (Note: The total sign area includes 60 sq. ft. of area that does not contain any signage but is being counted towards signage).
ADDRESS:	7603 Turkey Lake Road, Orlando FL 32819
LOCATION:	East of Turkey Lake Road, West of I-4, approximately 725 feet north of Sand Lake Road
TRACT SIZE:	17 ac.
DISTRICT#:	1
LEGAL:	COMM SW COR OF SE1/4 OF SE1/4 RUN E 421.97 FT N 49.76 FT N 85 DEG E 364.55 FT N 236.31 FT N 50 DEG W 208.08 FT N 17 DEG W 190.03 FT TO POB CONT N 17 DEG W 142.14 FT N 1008.11 FT N 35

DEG E 134.15 FT S 80 DEG E 658.84 FT S 18 DEG W 105.31 FT N 72
DEG W 20

PARCEL ID#: 26-23-28-0000-00-047

NO. OF NOTICES: 106

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

Staff Recommendation: Staff advised the BZA that there were two (2) existing pole signs on the property and the additional signage requested was excessive. Staff could not support the request for the following reasons: a) the deviation was excessive; b) approval of the request would provide justification for others to request the same variance; and, c) the current sign code allowed for property owners to adequately advertise themselves on the public roadways. Lastly, staff stated if the BZA approved the request, the conditions as listed in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Thomas G. Bradford Jr. (Applicant's representative)

Jac Gee (Employee for applicant)

Charlotte A. Manley (Real Estate Agent for applicant)

Kin Horton (District Manager for applicant)

Material was presented to the Board and entered into the record prior to the close of the public hearing by the applicant's representatives.

The applicant's representatives stated this request was standard signage for any Ross Store.

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

BZA Discussion: The BZA recognized that there was a visibility issue with this shopping center; however, the applicant indicated that additional ground signs would not help them since the applicant already had two (2) existing pole signs on the property. Staff advised the BZA if they were inclined to allow additional wall signage that they should impose a prohibition on any additional ground or pole signs. The BZA agreed with staff and amended condition #4, to grant a total of 225 square footage; amended condition #5, to prohibit any additional ground/pole signs; and, concurred with the remainder of staff's recommendation as amended.

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

1. Development in accordance with site plan dated May 17, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Total wall signage shall be limited to 225 square feet; and,
5. An electric message center sign and any additional ground, monument and pole signs are prohibited.

Motion / Second: Carolyn Karraker / Deborah Moskowitz

AYE (voice vote): Carolyn Karraker, Deborah Moskowitz, Gregory Jackson, Chuck Norman

NAY (voice vote): Eugene Roberson

Absent: Zachary Seybold / Tony Rey

JASON SWANSON - VA-16-07-081

REQUEST: **Variances** in the R-1 zoning district to park RV as follows:

- 1) In the front yard in lieu of side or rear yards; and,

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2) 1 ft. from a side (east) property line in lieu of 10 ft.

(Note: This is a result of code enforcement action. The applicant submitted 11 letters in support).

ADDRESS: 8223 Alveron Avenue, Orlando FL 32817

LOCATION: North side of Alveron Ave., approximately 750 ft. east of N. Chickasaw Trail

TRACT SIZE: 60 ft. x 110 ft.

DISTRICT#: 5

LEGAL: SUN HAVEN X/33 LOT 28 BLK B

PARCEL ID#: 12-22-30-8410-02-280

NO. OF NOTICES: 113

Commentaries: Eleven (11) in favor and one (1) in opposition

Staff Recommendation: Staff advised that a review of historic aerials revealed the travel trailer had been on the property for several years. The applicant had apparently been turned in to code enforcement by a neighbor further down the road, as ten (10) nearby neighbors supported the request. It was also noted that the two (2) adjacent neighbors had not submitted any correspondence in opposition. 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): Jason Swanson (Applicant)

The applicant stated that the home on one side of their property was for sale and vacant, and the home on the other side was under renovation, and the owner was never there when the applicant was present. The applicant further stated that he was in agreement with the staff recommendation.

There being no one in attendance to speak for or against the application, the public hearing was closed.

BZA Discussion: The BZA discussed the case and concluded that given the general acceptance of the trailer by the immediate neighbors, it appeared that the request was not considered adverse to the appearance of the neighborhood. Therefore, the BZA concurred with the staff recommendation.

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

1. Development in accordance with site plan dated May 17, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The applicant shall obtain a permit for the storage of the RV within ninety (90) days of final action by the County or this approval becomes null and void; and,
5. The applicant shall install pavers in the location where the RV is to be parked.

Motion / Second: Chuck Norman / Deborah Moskowitz

AYE (voice vote): All members present

Absent: Zachary Seybold / Tony Rey

REQUEST: **Variances** in the R-CE-C zoning district to allow playground equipment for private park as follows:
1) 13 ft. from front (west) property line in lieu of 30 ft.;
2) 7 ft. from side (south) property line in lieu of 10 ft.; and,
3) Accessory structure (shade canopy) 21 ft. in height in lieu of 20 ft.
(Note: This is a dedicated park owned and maintained by the HOA).

ADDRESS: 4131 Isabella Circle, Windermere FL 34786

LOCATION: East side of Isabella Ct., approximately 300 ft. north of Casabella Dr.

TRACT SIZE: 85 ft. x 43 ft. (AVG)

DISTRICT#: 1

LEGAL: CASABELLA 79/139 TRACT N (PARK)

PARCEL ID#: 12-23-27-1215-14-000

NO. OF NOTICES: 81

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

Staff Recommendation: Staff clarified that even though the applicant provided a site plan, the BZA was not approving the equipment in the park, only the reduced setbacks and increased height of the canopy since the equipment could be different, and may change. Staff noted that the tract was much smaller than the normal size lot in the R-CE-C zoning district, thus, the need to reduce the setbacks. Lastly, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Mark McIntosh (Applicant's representative)

There being no one in attendance to speak for or against the application, the public hearing was closed.

BZA Discussion: The BZA found that the request was reasonable and necessary to accommodate use of the subject property. Thus, the BZA concurred with the staff recommendation.

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

1. Development in accordance with site plan dated May 17, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Development shall comply with Chapter 24 (Landscaping) 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 unless waivers are granted; and,
5. The applicant shall submit construction plans through the commercial site plan review process.

Motion / Second: Carolyn Karraker / Chuck Norman

AYE (voice vote): All members present

Absent: Zachary Seybold / Tony Rey

REQUEST: **Variances** in the R-1AA zoning district as follows:
1) To validate the existing residence located 25 ft. from the front setback in lieu of 30 ft.;
2) To validate the existing residence located four (4) ft. from the side (west) property line in lieu of 7.5 ft.; and,
3) To construct an addition and covered porch 4 ft. from the side lot line in lieu of 7.5 ft.
(Note: According to the Property Appraiser's information, the home was constructed in 1947, 10 years prior to the inception of zoning in Orange County. The applicant intends to continue the current west side wall back following the current house setback. There will be no further encroachment into the side setback than that which currently exists. The applicant has letters of no objection from both side neighbors and the neighbor across Lakeside Drive).

ADDRESS: 2206 Lakeside Drive, Orlando FL 32803
LOCATION: South side of Lakeside Dr., approximately 150 ft. east of Merritt Park Dr.
TRACT SIZE: 55 ft. x 115 ft.
DISTRICT#: 5
LEGAL: MERRITT PARK J/64 LOT 34 AND W 5 FT LOT 33
PARCEL ID#: 18-22-30-5596-00-340
NO. OF NOTICES: 63

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

Staff Recommendation: Staff advised that the addition would follow the existing line of the side walls of the residence, so there would be no increase in the encroachment into the side setback. The lot was narrow and the home was very wide. Staff displayed photographs of the property to demonstrate how restricted the lot was overall. 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): Wesley Redden (Applicant)

There being no one in attendance to speak for or against the application, the public hearing was closed.

BZA Discussion: The BZA concluded that given the home had already encroached into the side and front setbacks, the request was the least variance needed, and would not result in any greater encroachment. As a result, the BZA concurred with the staff recommendation.

BZA Action: A motion was 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 June 10, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. The exterior of the additions shall match the exterior of the existing residence.

Motion / Second: Deborah Moskowitz / Chuck Norman

AYE (voice vote): All members present

Absent: Zachary Seybold / Tony Rey

SADDLE UP WCD, LLC - VA-16-07-085

REQUEST: **Variance** in the P-D zoning district to allow 150 s.f. of wall signage (two 75 s.f. signs) in lieu of 79.8 sq. ft.
(Note: This is the result of code enforcement action).

ADDRESS: 8200 World Center Drive, Orlando FL 32821

LOCATION: South side of World Center Dr., east of S.R. 535.

TRACT SIZE: 1.16 acres

DISTRICT#: 1

LEGAL: INTERNATIONAL PLAZA 29/110 THAT PORTION OF LOT 1 DESC AS BEG AT THE SE COR OF LOT 1 TH W 204.83 FT N 04 DEG E 255.02 FT S 85 DEG E 204.51 FT S 04 DEG W 240.02 FT TO POB

PARCEL ID#: 34-24-28-3857-00-011

NO. OF NOTICES: 35

Board member, Deborah Moskowitz of District #4, abstained from this case and filed the appropriate Conflict of Interest form.

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

Staff Recommendation: Staff indicated that the signs were erected without permits, and constituted an eighty percent (80%) variance over what would be permitted. Staff showed photographs demonstrating that there was no issue with visibility for this site. The subject property also had a very large and tall pylon sign. Staff also noted that the area was designated tourist/commercial, and that the sign code was actually more restrictive in that designation than in typical commercial areas. Staff recommended denial of the request for the following reasons: a) the subject property was located in a tourist commercial corridor, wherein, the County Sign Ordinance specifically limits signage in these areas to less than that permitted in a typical commercially zoned area; b) the subject property had no visibility issues; therefore, there was no special circumstance due to limitations of the property; c) the amount of the variance was over eighty percent (80%) more than that permitted which staff considered excessive; d) other businesses in this area function under the current sign guidelines; inasmuch, the applicant was not being deprived of rights other businesses commonly enjoy; and, e) the applicant chose to install the signage without permits, thereby, making the hardship self-imposed. However, staff stated if the BZA approved the request, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Edgar Silva (Applicant's representative)

The applicant stated that they had hired a sign contractor to install the signs and was not aware that permits had not been obtained, or too much signage had been installed until they were informed by Code Enforcement.

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

BZA Discussion: The BZA discussed the case and concluded that by installing the signs without permits, the hardship was self-imposed. Further, the BZA recognized that there was no visibility issue justifying additional signage, and thereafter, denied the variance request.

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

Motion / Second: Carolyn Karraker / Chuck Norman

AYE (voice vote): All members present

Abstained: Deborah Moskowitz (due to a Conflict of Interest)

Absent: Zachary Seybold / Tony Rey

RUBEN MALDONADO - VA-16-07-086

REQUEST: **Variance** in the R-1 zoning district to construct attached carport 15 ft. from the front property line in lieu of 25 ft.

ADDRESS: 3902 Castell Drive, Orlando FL 32810
LOCATION: Southwest corner of Castell Dr. and Magnolia Homes Rd., approximately 150 ft. north of Calloway Dr.
TRACT SIZE: 75 ft. x 136 ft.
DISTRICT#: 2
LEGAL: WEST RIVERSIDE ACRES REPLAT X/24 LOT 22
PARCEL ID#: 29-21-29-9171-00-220
NO. OF NOTICES: 56

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

Staff Recommendation: Staff gave a brief presentation on the subject property, and showed photographs and the location of other similar carports on the street. Staff had no objections to this request because: a) the request would not adversely impact any quality of life circumstances; b) the remaining setback of fifteen (15) feet was still significant; and, c) the proposal was minimal and reasonable. Lastly, staff stated if the BZA approved the request, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Ruben Maldonado (Applicant)

Julian Maldonado (Applicant's wife)

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

BZA Discussion: The BZA felt the request was straightforward and followed what had taken place in the neighborhood. Therefore, the BZA concurred with staff recommendation.

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

1. Development in accordance with site plan date stamped "Received May 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. The color(s) of the carport shall match the exterior of the existing house.

Motion / Second: Gregory A. Jackson / Chuck Norman

AYE (voice vote): All members present

Absent: Zachary Seybold / Tony Rey

ECO-SITE - SE-16-07-082

REQUEST: **Special Exception** in the I-1/I-5 zoning district to construct a 135 ft. high monopole communications cell tower.
(Note: The tower will accommodate up to 3 users. No variances are required as the application complies with all of the off-site land use separation requirements).

ADDRESS: 6810 Stapoint Court, Winter Park FL 32792
LOCATION: South side of Stapoint Ct., west of N. Forsyth Rd.
TRACT SIZE: 4.4 acres
DISTRICT#: 5
LEGAL: EASTPOINT INDUSTRIAL PARK 12/20 LOT 10

PARCEL ID#: 10-22-30-2358-00-100

NO. OF NOTICES: 135

Staff Recommendation: Staff advised the BZA that the applicant was requesting a continuance of this case to the September 1, 2016, BZA Meeting.

The following person(s) addressed the Board:

Speaker(s): None

BZA Action: A motion was made and unanimously carried to **CONTINUE** the case to the September 1, 2016, BZA Meeting.

Motion / Second: Deborah Moskowitz / Carolyn Karraker

AYE (voice vote): All members present

Absent: Zachary Seybold / Tony Rey

- MEETING RECESSED, 12:16 p.m.
- MEETING RECONVENED, 1:02 p.m.

BOARD MEMBER EXITED: Gregory A. Jackson

KENNETH LEEMING - SE-16-07-088

REQUEST: **Special Exception** in the R-1 zoning district to permit a multi-phased project providing VPK for ages 4 and up for up to 40 students from August 2016 to June 2018, then converting to an adult day care for up to 59 adults from August 2018 to August 2019, then converting to a multigenerational day care with up to 10 school age students and 20 adults from August 2019 thereon.

ADDRESS: 5111 Clarcona Ocoee Road, Orlando FL 32810

LOCATION: North side of Clarcona Ocoee Rd., east of N. Pine Hills Rd.

TRACT SIZE: 1.72 acres

DISTRICT#: 2

LEGAL: FLORAL HEIGHTS 4/76 LOTS 13 & 14 (LESS THE S 23 FT THEREOF FOR RD R/W)

PARCEL ID#: 31-21-29-2768-00-130

NO. OF NOTICES: 71

Staff Recommendation: Staff advised the BZA a continuous of this case to a date uncertain was requested by Commissioner Nelson of District #2, in order for a Community Meeting to be held.

The following person(s) addressed the Board:

Speaker(s): None

BZA Action: A motion was made and unanimously carried to **CONTINUE** the case to a date to be determined.

Motion / Second: Carolyn Karraker / Chuck Norman

AYE (voice vote): All members present

Absent: Zachary Seybold / Tony Rey / Gregory A. Jackson

CHARLES LYNCH - SE-16-08-089

REQUEST: **Special Exceptions** and **Variance** in the P-O and R-1A zoning districts as follows:

- 1) Special Exception: To validate existing religious use (church);
- 2) Special Exception: To construct 600 s.f. classroom addition; and,
- 3) Variance: To allow unpaved parking spaces and driving aisles.

(Note: The church building was constructed in the early 1960's. The purpose of this application is to validate the non-conforming religious use and to allow for the classroom addition).

ADDRESS: 1506 W Michigan Street, Orlando FL 32805

LOCATION: South side of W. Michigan St., east of S. Rio Grande Ave.
TRACT SIZE: 100 ft. x 131 ft.
DISTRICT#: 6
LEGAL: ANGEBILT ADDITION H/79 LOT 8 (LESS N 4 FT RD R/W) BLK 63
PARCEL ID#: 03-23-29-0180-63-080
NO. OF NOTICES: 85

Commentaries: None

Staff Recommendation: Staff gave a presentation and advised the BZA that there was no record of a church receiving any Special Exception approval. As such, the applicant included the existing church with the classroom addition. Staff indicated upon reviewing the application, it appeared that the owner was using Lot #7, for church parking and to meet the required parking for this church. However, Lot #7 was not included in the application and was not advertised. The parcel identification numbers stated on the application were only for Lots #8 and #9, not Lot #7. A parking use required a Special Exception in the R-1A zoning district. Staff reported that when calculating the required parking for this use, twenty-four (24) spaces were required and the applicant was, in fact, providing twenty-four (24) spaces on Lots #8 and #9, which were legally advertised. Lastly, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Charles Lynch (Applicant)

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

BZA Discussion: The BZA asked the applicant several questions about parking. The applicant acknowledged that he understood the staff conditions of approval. Therefore, the BZA approved the request stating the church was in existence for over fifty (50) years and there was no opposition submitted by the community. Lastly, the BZA amended condition #4, addressing that no more than four (4) events may occur per calendar year on the subject property and concurred with the staff recommendation as amended.

BZA Action: A motion was made and unanimously carried to **APPROVE** the Special Exception requests in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and further, 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 May 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;
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. No more than four (4) outdoor special events per calendar year limited between the hours of 8:00 a.m. to 9:00 p.m.;
5. Parcel ID 03-23-29-0180-63-071, requires special exception approval prior to using the lot for any parking; and,
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

Motion / Second: Eugene Roberson / Chuck Norman

AYE (voice vote): All members present

Absent: Zachary Seybold / Tony Rey / Gregory A. Jackson

HABITAT FOR HUMANITY - VA-16-08-090

REQUEST: **Variances** in the R-T-2 zoning district to create 7 lots containing lot widths ranging from 58 ft. to 86 ft. in lieu of a minimum lot width of 100 ft. (Note: The property is comprised of 3 platted lots. The applicant proposes to subdivide the lots into a total of 8 lots, 7 of which require lot width variances).

ADDRESS: 18925 Lansing Street, Orlando FL 32833

LOCATION: North side of Lansing St., 1/4 mile south of E. Colonial Dr.

TRACT SIZE: 4.83 acres

DISTRICT#: 5

LEGAL: UNRECORDED PLAT BITHLO RANCHES ANNEX TRACT 7 ALSO DESC AS COMM E1/4 COR SEC 27 22 32 RUN S 419.36 FT W 331.59 FT TO POB TH W 280.09 FT N 14 DEG E 157 FT N 27 DEG E 115 FT N 49 DEG E 93 FT N 65 DEG E 129.27 FT S 366.27 FT TO POB & TRACT 8 DESC AS BEG 166.5

PARCEL ID#: 21-22-32-0735-00-070

NO. OF NOTICES: 36

Commentaries: None

Staff Recommendation: Staff explained that the applicant was proposing to create eight (8) lots out of three (3) platted lots. Seven (7) of those lots required lot width variances. Staff advised the BZA that the proposed lots were compatible with the surrounding area. Staff also informed the BZA that the applicant submitted a lot split as well. 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): Catherine McManus (Applicant's representative)

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

BZA Discussion: The BZA discussed the case and concluded that the request was reasonable and consistent with the development trend of the area. Further, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by 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 May 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;
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 any single family residential dwelling permits, the applicant shall process and obtain lot split approval.

Motion / Second: Chuck Norman / Eugene Roberson


AYE (voice vote): All members present

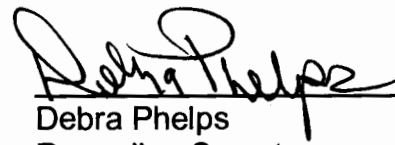
Absent: Zachary Seybold / Tony Rey / Gregory A. Jackson

ADJOURN:

There being no further business, the meeting was adjourned at 1:29 p.m.

ATTEST:



Zachary Seybold
Chairman

Debra Phelps
Recording Secretary