

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
MEETING OF AUGUST 4, 2016**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **August 4, 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-Chair  
Tony Rey  
Deborah Moskowitz  
Eugene Roberson

**BOARD MEMBERS ABSENT:** Gregory A. Jackson  
Charles Norman

**STAFF PRESENT:** Art Interiano, Assistant Manager, 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 9:00 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 July 7, 2016, Board of Zoning Adjustment meeting.

A motion was made by Deborah Moskowitz, seconded by Carolyn C. Karraker, and unanimously carried to **APPROVE** the minutes of the July 7, 2016, Board of Zoning Adjustment meeting.

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

**WILLIAM JOHNSTON - VA-16-06-050**

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**REQUEST:** **Variance** in the A-1 zoning district to construct an accessory building containing 5,000 sq. ft. of floor area in lieu of 1,000 sq. ft.  
(Note: The applicant intends to remove 2 existing structures. The applicant submitted a petition containing 31 signatures in favor of the request.)

**ADDRESS:** 329 W James Avenue, Apopka FL 32712

**LOCATION:** North side of W. James Ave., approximately 350 ft. west of Rock Springs Rd.

**TRACT SIZE:** 145 ft. x 264 ft.

**DISTRICT#:** 2

**LEGAL:** ROCK SPRINGS HOMESITES S/12 LOT 7 BLK K

BOARD OF ZONING ADJUSTMENT

MEETING OF AUGUST 4, 2016

**PARCEL ID#:** 16-20-28-7612-11-070  
**NO. OF NOTICES:** 51

Commentaries: Thirty-one (31) signatures in favor

Staff Recommendation: Staff gave a brief presentation and stated if the BZA approved this request, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): William Johnston (Applicant)

Marc Middleton (in Favor)

Kortney Schaferr (in Favor)

Brian Patrick Clarke (in Favor)

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

Citizens expressed that there was no charge to participants to use this facility and to consider the greater good of this service in the most extreme circumstances for the community.

BZA Discussion: The BZA discussed the case and determined to continue this item until the September 1, 2016 BZA Meeting, to allow the applicant to pursue other options.

BZA Action: A motion was made by Zachary Seybold, seconded by Tony Rey and unanimously carried to **CONTINUE** to the September 1, 2016, BZA Meeting.

Motion / Second: Zachary Seybold / Tony Rey

AYE (voice vote): All members present

Absent: Gregory A. Jackson / Charles Norman

#### **THOMAS OAKES - SE-16-08-091**

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**REQUEST:** **Special Exception** in the A-1 zoning district to provide veterinary services inside existing single family residence. (Note: The applicant submitted a petition containing 7 signatures in favor of the request).

**ADDRESS:** 11101 Roberson Road, Ocoee FL 34761

**LOCATION:** North side of Roberson Rd., west of Maguire Rd.

**TRACT SIZE:** 2 acres

**DISTRICT#:** 1

**LEGAL:** E 132 FT OF W 792 FT M/L OF S 660 FT OF SE1/4 OF NE1/4 (LESS S 30 FT FOR RD R/W) OF SEC 31-22-28

**PARCEL ID#:** 31-22-28-0000-00-024

**NO. OF NOTICES:** 66

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

Staff Recommendation: Staff gave a presentation on the case, covering the location, the site plan, and photographs. 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): Thomas Oakes (Applicant)

The applicant requested that Condition #5, be amended to allow animals to stay overnight for observation and recovery from surgery.

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

BZA Discussion: The BZA discussed the case and agreed to amend Condition #5. The BZA was concerned about animal noise based on previous similar cases and wanted a condition added, stating that the

structure shall be fitted with sound deadening insulation. The BZA approved the Special Exception with the amended Condition #5, and added Condition #11, stating that the structure shall be fitted with sound deadening insulation. Therefore, the BZA concurred with the staff recommendation as amended.

**BZA Action:** A motion was made by Carolyn Karraker, seconded by Tony Rey 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 as amended:

1. Development in accordance with site plan date-stamped "Received June 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. 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;
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
4. The clinic shall not have any outdoor runs or outdoor compounds;
5. The clinic shall not have any commercial boarding of animals;
6. All structures related to the horse boarding facility shall be removed prior to the final inspection of the veterinary clinic;
7. Any nuisance or noise complaints shall be addressed to and by the Animal Services Division;
8. Signage shall be in accordance with Chapter 31.5, Orange County Code;
9. No expansion of the facility shall be permitted without prior Board of Zoning Adjustment approval;
10. Construction plans shall be submitted within two (2) years or this approval becomes null and void; and,
11. The structure shall be fitted with sound deadening insulation.

**Motion / Second:** Carolyn Karraker / Tony Rey

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

**Absent:** Gregory A. Jackson / Charles Norman

#### **ROBERT SAUNDERS - VA-16-08-092**

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**REQUEST:** Variance in the R-1A zoning district to allow accessory structure (shed) to remain 6 inches from the side (eastern) property line and 1 ft. from the rear (northern) property line in lieu of 5 ft.  
(Note: This is a result of code enforcement action. The shed has existed at this location since 1999).

**ADDRESS:** 9749 Wildoak Drive, Windermere FL 34786

**LOCATION:** North side of Wild Oak Dr., west of Hemple Ave.

**TRACT SIZE:** 140 ft. x 150 ft.

**DISTRICT#:** 1

**LEGAL:** WINDERMERE DOWNS 4/12 LOT 26

**PARCEL** 04-23-28-9332-00-260

BOARD OF ZONING ADJUSTMENT  
MEETING OF AUGUST 4, 2016

**ID#:**

**NO. OF** 64

**NOTICES:**

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

Staff Recommendation: Staff gave a brief presentation on the case, and showed photographs and the location. Further, staff stated if the BZA approved this request, the conditions as listed in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Robert Saunders (Applicant)

The applicant stated that he built the shed, and that it is surrounded by vegetation, and had been there for over seventeen (17) years with no complaints.

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

BZA Discussion: The BZA felt that it would have been different if the applicant had purchased the property unknowingly, rather than building the structure himself. The BZA determined the side setback may remain at six (6) inches, but the rear setback shall be five (5) feet or greater.

BZA Action:

A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance request in part to allow accessory structure (shed) to remain 6 inches from the side (eastern) property line, 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 as amended; and, to **DENY** the Variance request in part, to allow accessory structure (shed) to remain 1 ft. from the rear (northern) property line in lieu of 5 feet, 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):

1. Development in accordance with site plan date stamped "Received June 7, 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. 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;
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
4. The applicant shall obtain a permit for the shed within ninety (90) days or this approval becomes null and void; and,
5. The side setback may remain at six (6) inches, but the rear setback shall be five (5) feet or greater.

Motion / Second: Carolyn Karraker / Deborah Moskowitz

AYE (voice vote): All members present

Absent: Gregory A. Jackson / Charles Norman

Due to a conflict in schedule, the Chairman made a motion, seconded by Tony Rey, for Public Hearing #VA-16-08-093; Loren McHenry to be heard after #VA-16-08-094; Jacqueline Durruthy next on the Agenda, and unanimously carried to **APPROVE** the change in sequence of this Agenda item.

#### **JACQUELINE DURRUTHY - VA-16-08-094**

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**REQUEST:** Variance in the R-1A zoning district to construct addition 12 ft. from rear (west) property line in lieu of 30 ft.

**ADDRESS:** 3848 Winding Lake Circle, Orlando FL 32835  
**LOCATION:** West side of Winding Lake Circle, approximately 525 ft. south of Belshire Dr.  
**TRACT SIZE:** 88.5 ft. x 133 ft.  
**DISTRICT#:** 1  
**LEGAL:** CYPRESS LANDING PHASE ONE 33/3 LOT 29  
**PARCEL ID#:** 10-23-28-1914-00-290  
**NO. OF NOTICES:** 78

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

Staff Recommendation: Staff gave a presentation on the case, covering the location, the site plan, photographs, and other similar variances granted in the area. Staff indicated the most impacted neighbors had signed letters of no objection and the deviation requested was sixty percent (60%). Lastly, staff stated if the BZA approved this request, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Jacqueline Durruthy (Applicant)  
George Philbeck (inFavor)

The applicant stated that they tried to design the addition with a lesser encroachment, but that would have made it functionally obsolete.

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

BZA Discussion: The BZA observed the request was for over fifty percent (50%), and confirmed that the applicant did not have H.O.A. approval. The BZA wanted a condition added that the applicant shall obtain written H.O.A. approval prior to getting permits. The BZA approved the variance with the added condition #5, and concurred with the staff recommendation as amended.

BZA Action: A motion was made by Carolyn Karraker, seconded by Tony Rey 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 as amended:

1. Development in accordance with site plan date stamped "Received June 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. 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;
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
4. The exterior of the addition shall match the exterior of the existing house; and,
5. The applicant shall obtain written H.O.A. approval prior to getting permits.

Motion / Second: Carolyn Karraker / Tony Rey

AYE (voice vote): All members present

Absent: Gregory A. Jackson / Charles Norman

- MEETING RECESSED, 10:22 a.m.
- MEETING RECONVENED, 10:32 a.m.

**LOREN MCHENRY - VA-16-08-093**

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**REQUEST:** Variance in the A-1 zoning district to allow a mobile home on a 1 acre of land in lieu of 2 acres.

**ADDRESS:** 6087 Terrell Road, Mount Dora FL 32757

**LOCATION:** East side of Terrell Rd., north of Wadsworth Rd.

**TRACT SIZE:** 1 acre

**DISTRICT#:** 2

**LEGAL:** 1 ACRE IN NW COR OF SE1/4 OF SE1/4 OF SW1/4 OF SEC 04-20-27

**PARCEL ID#:** 04-20-27-0000-00-050

**NO. OF** 42

**NOTICES:**

Commentaries: Twelve (12) in favor and two (2) commentaries and twenty-two (22) signatures on a petition in opposition.

Staff Recommendation: Staff gave a brief presentation on the case, covering the location, the site plan, and photographs of the area. Staff could not support the request unless a clear plan of resolution was agreed upon concerning the outstanding issues. However, staff stated if the BZA approved this request, the conditions as listed in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Loren McHenry (Applicant)  
Joy Rambaram, (Code Enforcement Inspector)  
Veronica McHenry (Applicant's wife)  
Evette Bryant (Opposed)

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

BZA Discussion: The BZA discussed the case and determined to continue the case for sixty (60) days to be heard on October 6, 2016, in order for the applicant to clear up the code enforcement violations.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Tony Rey and unanimously carried to **CONTINUE** to the October 6, 2016, BZA Meeting.

Motion / Second: Deborah Moskowitz / Tony Rey

AYE (voice vote): All members present

Absent: Gregory A. Jackson / Charles Norman

**ALENA KOLYADCHIK - SE-16-08-096**

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

- 1) Special Exception to revised the approval of previously approved Special Exception for an Accessory Dwelling Unit;
- 2) Variances: To permit reconstruction of principal residence 7 ft. from side street (north) property line in lieu of 15 ft.;
- 3) To validate existing detached Accessory Dwelling Unit (ADU) 6 ft. from side street (north) property line in lieu of 15 ft.;
- and,
- 4) To validate existing shed 4 ft. from side (south) and rear (east) property lines in lieu of five (5) ft.

(Note: Upon researching the property, it was found that a prior owner had obtained Special Exception for the ADU in 2003. This approval included variances to allow the ADU to be located one (1) ft. from the rear (east) property line in lieu of 10 ft. and 8.64 ft. from the side street (north) property line in lieu of

15 ft. The current survey shows the existing ADU is actually only six (6) ft. from the side street line).

**ADDRESS:** 701 Lake Hiawassee Drive, Orlando FL 32835

**LOCATION:** Southeast corner of Lake Hiawassee Dr. and Fisher St.

**TRACT  
SIZE:** 100 ft. x 141 ft.

**DISTRICT#:** 1

**LEGAL:** 20160213492 RECORDED WITHOUT DESC-LAKE  
HIAWASSA TERRACE O/104 LOTS 12 & 13 BLK C

**PARCEL  
ID#:** 35-22-28-4460-03-120

**NO. OF** 63

**NOTICES:**

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

Staff Recommendation: Staff explained that the applicant wished to preserve several old, yet very healthy oak trees on the property. The history of attempts to close and abandon the section of Fisher Street abutting the subject property, were also discussed. It was noted that across Fisher Street was a brick wall across the rear yards of an adjacent subdivision. Additionally, the side street setback could easily be treated as an interior side yard.

The following person(s) addressed the Board:

Speaker(s): Paul Medley (Applicant's architect)

Alena Kolyadchik (Applicant)

Charles Faust (in Favor)

Abi Javani (in Favor)

Carol Edwards (Opposed)

The applicant's architect explained how they intended to add a two-car garage onto that side of the house. He also explained how they intend to gut both the house and the ADU to rebuild from the inside out. Both structures have been condemned, and the variances would allow them to restore both structures.

The owner of the home to the east of the subject property indicated that Fisher Street was in essence a driveway for the subject property and their home, and served no other purpose. A homeowner from Lake Hiawassee Drive indicated their support for the request to allow improvements to the structures which would help property values. One (1) resident also spoke from Lake Hiawassee Drive. They were under the impression that the hearing was to abandon the Fisher Street right-of-way. Once it was clarified that the hearing had nothing to do with Fisher Street, they indicated their support for the request.

There being no one else to speak on the matter, the public hearing was closed.

BZA Discussion: The BZA discussed the case and noted that since Fisher Street served no real purpose; thus, treating it as a side yard was clearly justified. Staff requested that one (1) additional condition be added to ensure that the ADU was occupied only by a family member, and that it never be rented out. Therefore, the BZA concurred with the staff recommendation to include the added condition as amended.

BZA Action: A motion was made by Carolyn Karraker, seconded by Tony Rey and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, to **APPROVE** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended:

1. Development in accordance with site plan dated June 15, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the

obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. The accessory dwelling unit shall be used by family members only and shall not be rented out.

Motion / Second: Carolyn Karraker / Tony Rey

AYE (voice vote): All members present

Absent: Gregory A. Jackson / Charles Norman

BOARD MEMBER EXITED: Tony Rey

### JAN PACHLOPNIK - VA-16-08-097

**REQUEST:** Variances in the R-1AA zoning district as follows:

- 1) To validate an existing attached enclosed garage located five (5) ft. from the side (west) property line in lieu of 7.5 ft.; and,
- 2) To validate existing attached enclosed garage 23 ft. from the front (south) property line in lieu of 30 ft.

(Note: This application is the result of code enforcement action. The garage was previously an attached open carport which was enclosed without permits. According to historic aerials, the carport has been in existence since at least 1971. The County acquired the south 10 ft. of the original lot for the widening of Corrine Dr. causing the front setback issue. The lot size, lot width and existing home are grandfathered).

**ADDRESS:** 3505 Corrine Drive, Orlando FL 32803

**LOCATION:** North side of Corrine Dr., approximately 350 ft. west of General Rees Ave.

**TRACT SIZE:** 70 ft. x 122 ft.

**DISTRICT#:** 5

**LEGAL:** NORTHWOOD TERRACE S/16 LOT 6 BLK A (LESS R/W ON S)

**PARCEL ID#:** 17-22-30-5996-01-060

**NO. OF** 87

**NOTICES:**

Commentaries: None

Staff Recommendation: Staff gave a brief presentation and 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): The applicant waived the right to speak and agreed with the staff recommendation. No one spoke in favor or in opposition to this request at the public hearing.

BZA Discussion: The Board discussed the past expansion and widening of Corrine Drive, which caused homes along this road to be non-conforming. Finally, the BZA found the request to be reasonable and concurred with the staff recommendation.

BZA Action: A motion was made by Zachary Seybold, seconded by Deborah Moskowitz 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 July 14, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the



County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. The applicant shall obtain a permit for the enclosure of carport within sixty (60) days of final County action or this approval becomes null and void.

Motion / Second: Zachary Seybold / Deborah Moskowitz

AYE (voice vote): All members present

Absent: Gregory A. Jackson / Charles Norman / Tony Rey

### **JASON MOSELEY - VA-16-08-098**

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**REQUEST:** Variance in the R-1A zoning district to construct a detached accessory structure (garage) with 875 sq. ft. of floor area in lieu of 500 sq. ft.  
(Note: The garage was constructed without permits. This is a result of code enforcement action.)

**ADDRESS:** 7213 Keri Court, Orlando FL 32818

**LOCATION:** Southwest side of Keri Ct., approximately 100 ft. southwest of Gaymar Dr.

**TRACT SIZE:** 100 ft. x 142 ft. (AVG)

**DISTRICT#:** 2

**LEGAL:** HIAWASSEE HILLS UNIT TWO 12/75 LOT 158

**PARCEL ID#:** 02-22-28-3538-01-580

**NO. OF** 81

**NOTICES:**

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

Staff Recommendation: Staff noted that a review of historic aerials showed that the subject garage had been in existence since at least 2010. Further, the applicant had obtained letters of support from all of their neighbors on the cul-de-sac that forms Keri Court. In addition, there were numerous large trees in the rear of the subject property which serve as a visual buffer from the lots to the west. Staff further reported that the four (4) neighbors who lived on Keri Court, which was a cul-de-sac, had issued letters of support for this application. Lastly, Staff stated if the BZA approved this request, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Terry Moseley (Applicant's father)  
Jason Moseley (Applicant)

The applicant and their father indicated that they were in agreement with all of the conditions recommended by staff, and only wished to get the necessary permits and inspections. They indicated that the garage had reinforced doors and windows due to the high crime rate in the area.

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, noting that the request was more than they would normally support. However, in that the structure was there and had been there for at least six (6) years, it would be punitive to require that the applicant alter or remove the structure.

BZA Action: A motion was made by Eugene Roberson, seconded by Carolyn Karraker 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 June 14, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The applicant shall obtain a permit for the garage within 180 days of final action by the County or this approval becomes null and void;
5. The garage shall not be use for any commercial operations other than permitted home occupations; and,
6. The exterior of the garage shall match or compliment the exterior color of the existing residence.

Motion / Second: Eugene Roberson / Carolyn Karraker

AYE (voice vote): All members present

Absent: Gregory A. Jackson / Charles Norman / Tony Rey

**KATHY BUCKNELL - VA-16-08-099**

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**REQUEST:** Variance in the P-D zoning district to construct a screen porch 5 ft. from rear property line in lieu of 15 ft.

(Note: The applicant has an existing screen room with a screened roof. She proposes to install a solid insulated roof over the existing screen enclosure. The lot backs up to a large stormwater management pond owned by the HOA. The HOA has submitted a letter supporting the requested variance).

**ADDRESS:** 5000 Watervista Drive, Orlando FL 32821

**LOCATION:** Southerly side of Watervista Dr., approximately 700 ft. west of Whitley Place, in the Orangewood P-D.

**TRACT SIZE:** 37 ft. x 116.5 ft.

**DISTRICT#:** 1

**LEGAL:** WATERVIEW TOWNHOMES SECTION 1 PH 2 29/111 LOT 15

**PARCEL ID#:** 08-24-29-9057-00-150

**NO. OF** 60

**NOTICES:**

Commentaries: Three (3) in favor and one (1) in opposition.

Staff Recommendation: Staff noted that the applicant desired a solid roof to make the porch more weather proof and comfortable. However, due to the location of the home on the lot, there was no way that the applicant could ever have anything other than a screen room. It was further noted that the applicant was not adding any additional square footage to the porch. 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): Kathy Bucknell (Applicant)

The applicant indicated that they had purchased the house, and did not find out about the roof issue until they had applied for a permit to install a solid insulated roof.

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 the fact that the applicant had purchased the house was evidence that the hardship was not self-made; additionally, they were being deprived the ability to have the type of roof others could have due to the regulations. As a result, the BZA concurred with the staff recommendation.

**BZA Action:** A motion was made by Carolyn Karraker, seconded by Eugene Roberson 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 June 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:** Carolyn Karraker / Eugene Roberson

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

**Absent:** Gregory A. Jackson / Charles Norman / Tony Rey

#### **JEANENNE DARDEN - SE-16-08-102**

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

- 1) Special Exception: To construct an attached Accessory Dwelling Unit (ADU) for the applicant's parents; and,
- 2) Variance: To allow ADU with 1,957 sq. ft. of living area in lieu of 1,500 sq. ft.  
(Note: The ADU will be internal to the main house).

**ADDRESS:** Alps Street, Winter Garden, FL 34787

**LOCATION:** South side of Alps Street, approximately 300 ft. west of Avalon Rd.

**TRACT SIZE:** 5 acres

**DISTRICT#:** 1

**LEGAL:** COMM AT THE NE CORNER OF THE SE 1/4 OF THE NE 1/4 OF THE SE 1/4 SEC 18-23-27 TH S89-50-52W 320.01 FT TH TH S00-22-29W 30 FT TO THE POB TH S00-22-29W 647.01 FT TH S89-50-52W 337.72 FT TH N00-22-16E 647.03 FT TH N89-50-52E 335.39 FT TO THE POB

**PARCEL ID#:** 18-23-27-0000-00-056

**NO. OF** 60

**NOTICES:**

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

**Staff Recommendation:** Staff noted that the subject property was five (5) acres in size and that the house itself would be nearly 5,000 square feet. Therefore, a larger ADU was still in scale with the main house. The ADU would not be discernible from the rest of the home as it had been completely integrated into the architecture of the residence. Staff noted that the residents

BOARD OF ZONING ADJUSTMENT

MEETING OF AUGUST 4, 2016

of the home across Alps Street had submitted a correspondence in support of the request which indicated that the applicant had met with them to show them the plans. 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): Jeanenne Darden (Applicant)

The applicant noted that this would allow her parents to live close by, while maintaining their independence. The applicant was in agreement with all of the conditions.

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

BZA Discussion: The BZA discussed the case and noted that given the size of the main residence and the architecture, this would not be an excessive variance to the size of the ADU. Therefore, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Eugene Roberson 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 June 15, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The accessory dwelling unit shall be used by family members only and shall not be rented out;
5. If applicable, approval of this request does not constitute approval of the use of septic tanks and/or wells. The use of septic tanks and wells shall be in accordance with all applicable regulations; and,
6. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

Motion / Second: Carolyn Karraker / Eugene Roberson

AYE (voice vote): All members present

Absent: Gregory A. Jackson / Charles Norman / Tony Rey

#### **BRENDA MILLER - VA-16-09-104**

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**REQUEST**: Variance in the R-1A zoning district to permit a community residential home for six (6) or fewer clients to be located 972 ft. from another community residential home in lieu of 1,000 ft.

**ADDRESS**: 5909 Riviera Drive, Orlando FL 32808

**LOCATION**: Northeast corner of Riviera Dr. and Farragut Ave., approximately 250 ft. west of Westgate Road

**TRACT SIZE**: 100 ft. x 101 ft.

**DISTRICT#**: 2

**LEGAL:** ROBINSVILLE SECTION ONE Y/100 LOT 1 BLK B

**PARCEL ID#:** 12-22-28-7554-02-010

**NO. OF NOTICES:** 66

Commentaries: None in favor and four (4) in opposition

Staff Recommendation: Staff gave a brief presentation on the case, covering the location and distance separation. The deviation requested was less than three percent (3%). 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): Brenda Miller (Applicant)  
Gail Bell (assistant in Favor)

One (1) person spoke in favor and none in opposition at the hearing.

BZA Discussion: The BZA wanted to know what type of group home was proposed wherein the applicant explained that they would serve people with disabilities, with five (5) clients living with the applicant like family. The BZA concluded the request was reasonable and concurred with the staff recommendation.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Carolyn Karraker 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. 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,
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.

Motion / Second: Deborah Moskowitz / Carolyn Karraker

AYE (voice vote): All members present

Absent: Gregory A. Jackson / Charles Norman / Tony Rey

#### **PHYLLIS TYSON - VA-16-08-100**

**REQUEST:** Variance in the R-1A zoning district to permit a community residential home 938 ft. from another community residential homes in lieu of 1,000 feet.

**ADDRESS:** 6217 Beechmont Blvd., Orlando FL 32808

**LOCATION:** North side of Beechmont Blvd., north of Indian Hill Rd., east of N. Powers Dr.

**TRACT SIZE:** 75 ft. x 100 ft.

**DISTRICT#:** 2

**LEGAL:** PINE RIDGE ESTATES SECTION 5 Y/88 LOT 2 BLK B

**PARCEL ID#:** 12-22-28-7054-02-020

**NO. OF**

**NOTICES:** 98

Commentaries: Six (6) in favor and six (6) in opposition

Staff Recommendation: Staff gave a brief presentation on the case, covering the location and distance separation of the area. The deviation requested was less than seven percent (7%), and the nearest community residential home was located at 3905 Timber Trail, 938 feet away. 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): Phyllis Tyson (Applicant)  
Patricia Allen (Registered Nurse in Favor)

The applicants stated that they were both registered nurses, and they were approved for three (3) clients for a medical home to serve people with disabilities.

BZA Discussion: The BZA discussed the case and felt that a six percent (6%) variance was minimal and concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz 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. 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,
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.

Motion / Second: Carolyn Karraker / Deborah Moskowitz

AYE (voice vote): All members present

Absent: Gregory A. Jackson / Charles Norman / Tony Rey

#### **IFLY OF ORLANDO - VA-16-09-103**

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**REQUEST:** Variance in the C-2 zoning district to allow 421.22 sq. ft. of wall signage in lieu of 101 sq. ft.

**ADDRESS:** 8969 International Drive, Orlando FL 32819

**LOCATION:** East side of International Dr. 300 ft. north of Samoan Ct.

**TRACT SIZE:** 1.77 acres

**DISTRICT#:** 6

**LEGAL:** PLAZA INTERNATIONAL UNIT ELEVEN 28/5 PORTION OF LOT 1 COMM AT MOST NLY COR LYING ON W LINE OF SAID LOT 1 TH RUN SWLY ALONG ARC CONCAVE NW 250.23 FT TO PT OF RC TH RUN SWLY ALONG ARC CONCAVE SE 1717.51 FT TO POB TH RUN NELY 32.81 FT ALONG NTC CONCAVE TO SE

**PARCEL ID#:** 36-23-28-7165-10-019

**NO. OF** 79

**NOTICES:**

Staff Recommendation: Staff advised that the applicant was requesting a thirty (30) day continuance to the September 1, 2016, BZA Meeting.

BZA Discussion: The BZA granted the request to continue the case.

BZA Action: A motion was made by Zachary Seybold, seconded by Carolyn Karraker and unanimously carried to **CONTINUE** to September 1, 2016, BZA Meeting.

Motion / Second: Zachary Seybold / Deborah Moskowitz

AYE (voice vote): All members present

Absent: Gregory A. Jackson / Charles Norman / Tony Rey

Dave Nearing, Case Planner and Art Interiano, Assistant Manager of Zoning Division continued an informal discussion from the July 7, 2016 BZA Meeting, regarding the proposal of changes to the Accessory Dwelling Unit Ordinance.

The BZA had very serious concerns with the changes to the intent of ADUs; specifically, with the lack in ability to monitor the potential increase of rental units of ADUs to outside family members; a disservice to the neighbors; lack of control for regulating population within a certain area; and, the adverse impacts in traffic, schools, and emergency response operations.

- MEETING RECESSED, 12:28 p.m.
- MEETING RECONVENED, 1:07 p.m.

BOARD MEMBER RE-ENTERED: Tony Rey

### **SAINTS ACADEMY PRIVATE SCHOOL - SE-16-08-101**

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**REQUEST:** **Special Exception** in the R-CE zoning district to place 5 modular units to be used as a private school for up to 285 students (grades K-12) on an existing religious use campus.  
(Note: The site is currently used by the Metro West Church of the Nazarene).

**ADDRESS:** 3705 N Apopka Vineland Road, Orlando FL 32818

**LOCATION:** East side of N. Apopka Vineland Rd., approximately 4,500 ft. north of Silver Star Rd.

**TRACT SIZE:** 29.5 ac.

**DISTRICT#:** 6

**LEGAL:** COMM SE COR OF NE1/4 OF 10-22-28 RUN S 72.13 FT M/L FOR POB TH RUN S 260.85 FT M/L S89W 906.45 FT M/L N 151.53 FT N90W 354.23 FT N 511 FT N90E 763.16 FT N 990 FT N90E 491.80 FT M/L S 1040.15 FT M/L TH N90E 50.02 FT TH RUN SWLY 46.38 FT S 330.28 FT N75W 31

**PARCEL ID#:** 10-22-28-0000-00-024

**NO. OF** 147

**NOTICES:**

Commentaries: None in favor and five (5) in opposition.

Staff Recommendation: Staff noted that the existing religious use campus was large enough to accommodate the requested modular classrooms, and the existing parking was more than sufficient to accommodate the needs of the school. It was noted that the applicant provided transportation for many of the school's students. 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): Vivian Williams (Principal of school)

Tom Jones (Opposed)

The applicant explained that they owned and operated four (4) passenger vans, each of which made two (2) trips each morning and afternoon. The applicant estimated that fifty percent (50%) of the school's students were brought in and returned home in these vans. Further, the applicant also provided pictures showing a parking drill which they recently had with all of the families who would be driving their children to school.

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

One (1) resident was in attendance to speak in opposition to the request. The resident indicated that Apopka-Vineland Road was a high volume road, and that many people speed on it. Also, he indicated that when the Church had obtained its approval, the residents in the area were told that there would be no school; in addition, the School Board of Orange County had decided not to relocate Evans High School to a site to the south of the subject property.

There being no one else present to speak for or against the request, the public hearing was closed.

**BZA Discussion:** The BZA discussed the queuing room available on the property. After it was shown that the drop off, which was to be behind the Church, would allow for sufficient queuing space to operate safely, the BZA concluded that the location for the school was appropriate. Therefore, the BZA concurred with the staff recommendation.

**BZA Action:** A motion was made by Eugene Roberson, seconded by Deborah Moskowitz 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 June 15, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Construction plans shall be submitted within three (3) years or this approval becomes null and void;
5. The school shall be limited to 285 students. Additional students will require BZA approval;
6. No more than five (5) modular units shall be located on the property without further approval by the BZA;
7. Use of the modular units shall be limited to no more than five (5) years from the date they receive a CO or final inspection without further authorization by the BZA;
8. The modular units shall have a skirting which matches the color and texture of the sides of the units and appears seamless from the roofline to the ground level;
9. Install foundation planting around the foundations of each modular unit in compliance with Sec. 24-4(d) Building Perimeter of the County Code; and,
10. If applicable, approval of this request does not constitute approval of the use of wells and/or septic tanks. The use of septic tanks and wells shall be in accordance with all applicable regulations.

**Motion / Second:** Eugene Roberson / Deborah Moskowitz

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

**Abstained:** Tony Rey (due to temporary absence)

**Absent:** Gregory A. Jackson / Charles Norman

#### **KENNETH LEEMING - SE-16-07-088**

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**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** 71

**NOTICES:**

Commentaries: Two (2) in favor and fifteen (15) in opposition.

Staff Recommendation: Staff advised that a Community Meeting had been held on this application on July 19, 2016. The meeting was well attended, and the applicant was able to explain the proposed transition from a VPK for four year olds to an adult day care. Staff noted that they had intentionally left their recommendation open pending the meeting, as they wished to give the neighbors as much time to comment as possible. To that end, earlier in the week one (1) resident had dropped off eleven (11) correspondence opposing the request, and staff had received three (3) others by fax and e-mail. The main issue was the feeling that this was still a residential area, and the proposed use would be an intrusion. Finally, staff stated should the BZA find that the proposed application met the criteria to grant approval for a Special Exception, staff recommended the conditions as set forth in the staff report be imposed.

The following person(s) addressed the Board:

Speaker(s): Kenneth Leeming (Applicant)  
Pastor Frank E. Thompson (Pastor of Church)  
J. Frank Specht (Opposed)  
Barbara Jones (Opposed)  
Rebecca Specht (Opposed)

The applicant explained the proposal to the BZA, noting that the noise which some neighbors were concerned about would not take place until 11:00 a.m., and would last about thirty (30) minutes. There would be a total of three (3) 30-minute play periods between the hours of 11:00 a.m. and 1:00 p.m. The applicant was willing to do whatever was needed to fit the project into the neighborhood and satisfy the neighbors' concerns.

Three (3) residents spoke in opposition to the request, noting that their neighborhood was still residential, even though, Clarcona Ocoee Road carries a high volume of traffic. They questioned how such a use could be made to fit into their neighborhood.

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

BZA Discussion: The BZA discussed the appropriateness of such use in a residential area. Due to the traffic on Clarcona Ocoee Road, it would ultimately make this area transition away from single family homes, and that the proposed use would then fit. A motion was made to recommend approval of the request with several amendments to the conditions provided by staff. However, that motion failed for lack of a second vote. A subsequent motion to deny the application based on incompatibility and intrusionary impacts was made and seconded. This motion passed.

BZA Action:

A motion was made by Deborah Moskowitz, seconded by Carolyn Karraker and carried to **DENY** the Special Exception request in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest.

Motion / Second: Deborah Moskowitz / Carolyn Karraker

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

NAY (voice vote): Tony Rey

Absent: Gregory A. Jackson / Charles Norman

**WINDERMERE RELIGIOUS CENTER - SE-16-07-073**

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**REQUEST:** **Special Exception** in the R-CE zoning district to construct a 6,900 sq. ft. religious use facility.

**ADDRESS:** 8806 Winter Garden Vineland Road, Orlando FL 32836

**LOCATION:** South side of Winter Garden Vineland Rd.,, approximately 1.3 miles east of Silverlake Park Rd., across from the Tibet Butler Preserve

**TRACT SIZE:** 6 acres

**DISTRICT#:** 1

**LEGAL:** ROYAL RANCH ESTATES 7/5 LOT 5 (LESS PT LYING WITHIN THE FOLLOWING: BEG NE COR OF LOT 4 RUN N 57 DEG W 352.96 FT TO NW COR OF LOT 5 TH S 08 DEG W 139.16 FT S 57 DEG E 374.91 FT N 149.48 FT TO POB PT TAKEN FOR RD RW PER 4882/1320)

**PARCEL ID#:** 32-23-28-7778-00-050

**NO. OF** 82

**NOTICES:**

Commentaries: Fifty-two (52) in favor and 115 in opposition.

Staff Recommendation: Staff explained the proposal, noting that a Community Meeting had been held on July 20, 2016. That meeting was attended by over 100 persons as well as the District #1 County Commissioner and the District #1 representative to the BZA. Staff noted that the main concern was the introduction of a non-residential use into a residential area of a rural nature on a major roadway. Specifically, staff was concerned with the introduction of a non-residential use into a predominantly rural residential area. There was a significant amount of undeveloped land in close proximity to the subject property which could be developed through the Special Exception process with such uses as schools, daycare centers, etc. In addition, the location of the site being on Lake Mable could create a potential for someone to request a Special Exception for a private recreational facility. Finally, staff stated should the BZA find that the request satisfies the criteria for the granting of a Special Exception, staff recommended that the conditions outlined in the staff report be included in the recommendation.

The following person(s) addressed the Board:

Speaker(s):

The following citizens were in favor of the request:

Dr. Muhammand Awan (Applicant's representative)

Chris Stephens (Applicant's representative)

Carlos Barius (Applicant's representative)

Mustafa Saied

Ijaz Ahmed

Zeynab Shalkh

Fatima Sadaf Saied

Khalid Yasin

Nelson Bertancourt

Hiha Sheik

Ahmed Alkhateeb

Naima Awan

Monique Folster

Mohammed Saifulhuda

Huda Awan

Mbarek Salhi

Ibahin Gliath

The following residents spoke in opposition to the request:

JoAnne Quarles

Doug Mikkelson  
David Winter  
Robert Bagley  
Michael Dutton  
Joe Berry  
A.Kurt Arbaman  
Elson Gleason  
Michael Johnson  
Gaudd Rennells  
Glenn Babich  
Chris Babich  
J. Vasil

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

The applicant provided a presentation, including their conclusion as to how they were meeting the criteria for granting approval of a Special Exception. They noted that many of the residents' concerns were unfounded.

There were fourteen (14) persons who spoke in favor of the request. These supporters indicated that locating a religious institution in the proposed location would make it more convenient for them to fulfill their daily religious obligations. It would also reduce the distance attendees would need to travel, providing some relief to the transportation network.

There were thirteen (13) persons who spoke in opposition to the application. They noted that the use was not compatible with the existing pattern of development and would be an intrusion into the area. They noted that despite the attempts to make the architecture blend with the surroundings, it would still look like a commercial site with the parking lot and lighting.

More concerns raised by the residents in opposition included:

- Environmental impacts to the wetlands and Lake Mable;
- Encroachment of incompatible non-residential uses into a residential area;
- Traffic;
- Noise and light pollution;
- The amount of fill and the height of the structure being incompatible with the existing one story construction;
- Lack of available utilities;
- Flooding from the site development;
- Loss of wildlife corridor;
- May be a catalyst for more non-residential development like schools, day care, private recreation facilities (indoor & outdoor), etc.; and,
- Loss of wildlife habitat.

**BZA Discussion:** The BZA discussed the application, noting that while they were in agreement with the supporters that there is a definite need for this use in the Windermere area, the proposed location was not the correct one. It was in fact an intrusion into the area, and not compatible with the natural character of the area. Thus, the BZA denied this request.

**BZA Action:** A motion was made by Carolyn Karraker, seconded by Tony Rey and unanimously carried to **DENY** the Special Exception request in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest.

**Motion / Second:** Carolyn Karraker / Tony Rey

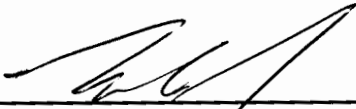
**AYE (voice vote):** All members present

**Absent:** Gregory A. Jackson / Charles Norman

## **ADJOURN:**

There being no further business, the meeting was adjourned at 4:52 p.m.

**ATTEST:**

  
\_\_\_\_\_  
Zachary Seybold  
Chairman

  
\_\_\_\_\_  
Debra Phelps  
Recording Secretary