

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
MEETING OF SEPTEMBER 1, 2016**

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

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

**BOARD MEMBERS ABSENT:** Tony Rey  
Eugene Roberson

**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 9:07 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 August 4, 2016, Board of Zoning Adjustment meeting.

A motion was made by Carolyn C. Karraker, seconded by Deborah Moskowitz, and unanimously carried to **APPROVE** the minutes of the August 4, 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  
**PARCEL ID#:** 16-20-28-7612-11-070  
**NO. OF NOTICES:** 51

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

Staff Recommendation: Staff explained the history of this application. It was noted that this request had been continued at the August 4, 2016 BZA Meeting, to give the applicant a chance to meet with staff to determine if it was possible to connect the proposed shed to the house, making it an addition and foregoing the need for a variance. Staff explained that due to the location of the on-site well, Option #1, was not practical; and, a major stand of trees made Option #2, unacceptable. Staff continued to express concerns over the severity of the variance.

The following person(s) addressed the Board:

Speaker(s): William Johnston (Applicant)  
Janet Johnston (Applicant's wife)

BZA Discussion: The BZA indicated the request was too extreme of a deviation from the code. Further, the BZA found that given there were already two (2) accessory structures on the site, they could validate a total amount of 2,500 square footage, and allow the applicant to decide how they would allocate it. Thus, the BZA added condition #6, to set the square footage at 2,500 cumulatively and concurred with the staff recommendation as amended.

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

1. Development in accordance with site plan dated April 12, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The applicant shall preserve as many trees as possible.
5. Use of the pole vaulting facility shall be limited to family, friends and guests. The owner shall not operate an instructional facility (school) open to the general public from the site; and,
6. There shall be a maximum of 2,500 cumulative square feet of accessory floor area permitted on the subject property, to be distributed as the owner deems appropriate.

AYE (voice vote): All members present

Absent: Tony Rey and Eugene Roberson

**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 NOTICES:** 79

Staff advised the BZA that this case was **WITHDRAWN** by the applicant via letter dated August 23, 2016, prior to the September 1, 2016, BZA Meeting.

**WILLIE HAGINS SR - VA-16-09-105**

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**REQUEST:** **Variances** in the A-1 zoning district as follows: 1) To allow a detached carport to be located in front of the principal structure in lieu of side or rear yards; 2) To allow detached carport 14 ft. from front property line in lieu of 35 ft.; and, 3) To validate a lot with only 60 ft. of width in lieu of 100 ft. (Note: The subject lot was platted in 1966. The carport was erected without a building permit. This application is a result of code enforcement action.)

**ADDRESS:** 3422 Warren Sapp Drive, Apopka FL 32712

**LOCATION:** South side of Warren Sapp Dr., approximately 225 ft. west of Monk Ave.

**TRACT SIZE:** 60 ft. x 135 ft.

**DISTRICT#:** 2

**LEGAL:** MORRISONS SUB FIRST ADDITION 1/95 LOT 4 BLOCK B

**PARCEL ID#:** 36-20-27-5754-02-040

**NO. OF NOTICES:** 62

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

Staff Recommendation: Staff gave a brief presentation on the case 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): Willie Hagins, Jr. (Applicant)

BZA Discussion: The BZA asked if there was another location on the property where the carport could be placed, but concluded that the septic system prevented access to the back. As a result, the BZA concurred with the staff recommendation.

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

1. Development in accordance with site plan date stamped "Received June 28, 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 carport within ninety (90) days, or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Tony Rey and Eugene Roberson

**REQUEST:** **Variances** in the R-1 zoning district as follows: 1) To allow two accessory structures (carports) in front of the principal structure in lieu of side or rear yards; 2) To allow both accessory structures to be located 0 ft. from the front (north) property line in lieu of 25 ft.; 3) To allow accessory structure at northwest corner of site to be located 0 ft. from the side (west) property line in lieu of 5 ft.; 4) To allow accessory structure at northeast corner of site to be located 3 ft. from the side (east) property line in lieu of 5 ft.; and, 5) To allow a cumulative total of 803 sq. ft. of accessory structure floor area in lieu of 500 sq. ft. (Note: The carport in the northeast corner of the yard is 12 ft. x 19 ft. and the carport in the northwest corner of the property is 21 ft. x 19 ft. This case is the result of code enforcement action. The applicant has provided two letters of support from the property owner to the east and the west. Applicant's site plan is not clear regarding side and front setbacks).

**ADDRESS:** 8138 Sun Vista Way, Orlando FL 32822

**LOCATION:** South side of Sun Vista Dr., approximately .8 miles east of S. Goldenrod Rd.

**TRACT SIZE:** 80 ft. x 120 ft.

**DISTRICT#:** 3

**LEGAL:** EAST ORLANDO SECTION FIVE Y/53 LOT 468

**PARCEL ID#:** 13-23-30-2335-04-680

**NO. OF NOTICES:** 100

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

Staff Recommendation: Staff gave a brief presentation. Staff advised the BZA that the carports were too close to both side property lines. In addition, no other residence in this subdivision had a carport in the front yard. Staff had concerns about this request. Approval would set a precedent for other accessory structures in the neighborhood. However, if the BZA approved this application the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Daniel Linares (Applicant)

BZA Discussion: The BZA discussed the case and concluded that one (1) carport should be allowed. The BZA concurred with the staff recommendation to include two (2) additional conditions of approval as reflected.

BZA Action: A motion was made by Chuck Norman, seconded by Deborah Moskowitz, Carolyn Karraker, Gregory A. Jackson voting AYE by voice vote, Zachary Seybold voting No by voice vote, (Eugene Roberson, Jr. and Tony Rey were absent) and carried to **APPROVE** the Variance requests **#1, #2 & #4**, 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** Variance requests **#3 & #5**, 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 dated June 28, 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 carport at the northwest corner of the site shall be removed prior to the issuance of any permits;
- 5. Permits shall be obtained within ninety (90) days or this approval becomes null and void; and,
- 6. If the carport at the northeast corner is torn down or removed it cannot be replaced unless it complies with all zoning regulations.

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

NAY (voice vote): Zachary Seybold

Absent: Tony Rey and Eugene Roberson

**SONNY DUKES - VA-16-09-107**

**REQUEST:** Variance in P-D zoning district to allow a generator 12 ft. from side (north) property line in lieu of 30 ft. (Note: Applicant obtained a letter of no objection from the HOA)

**ADDRESS:** 12252 Montalcino Circle, Windermere FL 34786

**LOCATION:** East side of Montalcino Cir., south of Overstreet Rd., east of Winter Garden Vineland Rd.

**TRACT SIZE:** 1 acre

**DISTRICT#:** 1

**LEGAL:** CASA DEL LAGO - REPLAT 75/60 LOT 23

**PARCEL ID#:** 25-23-27-1213-00-230

**NO. OF NOTICES:** 53

Commentaries: One (1) commentary and none in opposition.

Staff Recommendation: Staff gave a brief presentation on the case, showed photographs and the location of the generator, and the locations of other similar variances that were granted in the area. Staff had no objections to this request because: a) the HOA supported the request; b) the remaining setback of twelve (12) feet was still a significant setback for the adjacent property owner; and, c) the proposal was minimal and reasonable.

The following person(s) addressed the Board:

Speaker(s):

The applicant was not in attendance at the public hearing.

BZA Discussion: The BZA determined the request was reasonable 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. Development in accordance with site plan date stamped "received July 1, 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.

AYE (voice vote): All members present

Absent: Tony Rey and Eugene Roberson

**ANI COSTA - VA-16-09-108**

**REQUEST:** **Variances** in the R-1 zoning district as follows: 1) To allow an existing accessory structure (enclosed shed w/covered storage) to remain 0 ft. from the side (east) property line in lieu of five (5) ft.; and, 2) To allow the accessory structure to have 600 sq. ft. of floor area in lieu of 500 sq. ft. (Note: The shed and covered storage were permitted in December 2009. However, the reviewer only looked at the setback for the enclosed shed (10 ft. x 15 ft.) which is located under the overall 20 ft. x 30 ft. roof structure, which has open sides and encroaches into the side setback).

**ADDRESS:** 4844 Grovemont Place, Orlando FL 32808

**LOCATION:** South side of Grovemont Pl., approximately 325 ft. west of Floradell Pl.

**TRACT SIZE:** 75 ft. x 105 ft.

**DISTRICT#:** 6

**LEGAL:** SHELTON TERRACE 2/112 LOT 5 BLK D

**PARCEL ID#:** 18-22-29-7599-04-050

**NO. OF NOTICES:** 102

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

Staff Recommendation: Staff noted that a building permit was approved in 2009, for what currently existed on the site. The applicant was unaware that the permit required follow-up for an inspection. It was only when a permit was sought for unrelated improvements that they were made aware of the outstanding permit; and subsequently, of the error in the original permit. 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): Ani Costa (Applicant)

BZA Discussion: The BZA surmised that the variance was necessary to validate the construction of something which was actually built in compliance with the permit issued by the County. Therefore, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Chuck Norman, seconded by Carolyn Karraker 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 1, 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 shed and roof within 180 days of final County action or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Tony Rey and Eugene Roberson

**MICHAEL RUDD - VA-16-09-110**

**REQUEST:** **Variance** in the R-1 zoning district to construct addition to existing single

family residence 3 ft. from side (north) property line in lieu of 6 ft.  
**ADDRESS:** 9049 Bay Hill Blvd., Orlando FL 32819  
**LOCATION:** East side of Bay Hill Blvd., west of S. Apopka Vineland Rd.  
**TRACT SIZE:** 77 ft. x 159 ft. (irregular)  
**DISTRICT#:** 1  
**LEGAL:** BAY HILL SECTION 1-A 1/18 LOT 9  
**PARCEL ID#:** 28-23-28-0529-00-090  
**NO. OF NOTICES:** 44

Commentaries: Eight (8) in favor and none in opposition

Staff Recommendation: Staff gave a presentation on the case. Staff had no objections to this request because: a) the request would not adversely impact any quality of life circumstances; b) the HOA supported the request; and, c) the most affected property owners had provided letters in support of the request.

The following person(s) addressed the Board:

Speaker(s): Michael Rudd (Applicant)

BZA Discussion: The BZA observed that the greatest encroachment would only be three (3) feet, and only at the corner. The BZA acknowledged that the applicant had obtained H.O.A. approval; thus, concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Chuck Norman 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 July 11, 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 addition shall match the colors and materials used for the exterior of the existing house.

AYE (voice vote): All members present

Absent: Tony Rey and Eugene Roberson

## **CHRISTOPHER CHARBONEAU - VA-16-09-111**

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**REQUEST:** **Variance** in the R-T-1 zoning district to permit a RV in front of the principal structure in lieu of the side or rear yards. (Note: This is a result of code enforcement action.)

**ADDRESS:** 4330 Spartan Drive, Orlando FL 32822

**LOCATION:** Northwest corner of Spartan Dr., approximately 90 ft. east of Crossen Dr.

**TRACT SIZE:** 71 ft. x 74 ft. (AVG)

**DISTRICT#:** 3

**LEGAL:** CHARLIN PARK Z/130 LOT 53 & N 4 FT OF LOT 52

**PARCEL ID#:** 14-23-30-9560-00-530

**NO. OF NOTICES:** 90

Commentaries: Five (5) in favor and one (1) in opposition.



Staff Recommendation: Staff gave a presentation on the case, and showed photographs and the location as well as the characteristics of the neighborhood. The area was characterized by the following: motor vehicles parked on the grass in front yards; trailers in front yards; a shed in the front yard; storage/display of additional items in the front yard across the street from the applicant; and, a pool in the front yard. 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): Christopher Charboneau (Applicant)  
Warren Hale (in Favor)

BZA Discussion: The BZA observed the compatibility of the proposal with the character of the neighborhood. Further, the BZA stated a preference for location #2, shown on the plan and wanted condition #5, revised stating RV shall be parked on the existing pavement as close to the residence as possible; and, added condition #6, addressing the existing RV to be approved for the current applicant only. The BZA concurred with the staff recommendation to include the amended condition #5, and added condition #6, as reflected.

BZA Action: A motion was made by Chuck Norman, seconded by Carolyn Karraker 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 as amended:

1. Development in accordance with site plan date stamped "received July 12, 2016" and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The applicant shall obtain a permit for the RV within ninety (90) days or this approval becomes null and void;
5. The applicant shall park the RV on the existing pavement, as close to the residence as possible; and,
6. Approval is for the existing RV, for the current applicant only.

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

NAY (voice vote): Deborah Moskowitz

Absent: Tony Rey and Eugene Roberson

**JOHN KASSIK OF K. HOVNANIAN HOMES - VA-16-09-112**

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<b>REQUEST:</b>	<b>Variance</b> in the P-D zoning district to allow addition to single family residence (under construction) 21 ft. from the rear property line in lieu or 25 ft. (Note: The unit is currently under construction, and it was found when they attempted to add a lanai that it would encroach four (4) ft. into the rear setback.)
<b>ADDRESS:</b>	866 Grand Hilltop Drive, Apopka FL 32703
<b>LOCATION:</b>	East side of Grand Hilltop Dr., approximately 100 ft. south of Maypole Dr., in the Marden Road PD
<b>TRACT SIZE:</b>	50 ft. x 114 ft.
<b>DISTRICT#:</b>	2
<b>LEGAL:</b>	HILLTOP RESERVE PHASE 2 88/105 LOT 81
<b>PARCEL ID#:</b>	21-21-28-3631-00-810



**NO. OF NOTICES:** 75

Commentaries: One in favor and none in opposition.

Staff Recommendation: Staff explained the required rear setbacks for a unit built interior to the project as opposed to along the exterior of the project. Staff noted that the permit issued for this unit did show a setback of twenty-one plus (21+) feet. It was the result of an inspection which revealed that the unit was an exterior unit and needed a twenty-five (25) foot rear yard setback versus twenty (20) feet. It backed up to a major stormwater pond for SR 414. There are two (2) options, demolish the substantially constructed structure to correct the setback or grant the variance. Staff found demolition to be unwarranted. Thus, staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Ed John Kassis (Applicant)

BZA Discussion: The BZA discussed the case and concluded that demolition would be excessive, and that the variance was necessary to correct a permitting oversight. Therefore, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Chuck Norman 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 July 12, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development; 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.

AYE (voice vote): All members present

Absent: Tony Rey and Eugene Roberson

**MAUREEN WATFORD - VA-16-09-113**

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**REQUEST:** **Variances** in the R-CE-2 zoning district to construct accessory building (carport) as follows: 1) 2,643 sq. ft. in lieu of 2,000 sq. ft.; and, 2) Less than 10 ft. from existing detached accessory building.

**ADDRESS:** 12929 Reaves RD, Winter Garden FL 34787

**LOCATION:** East side of Reaves Road, approximately 325 ft. north of Stonybrook West Parkway

**TRACT SIZE:** 2.39 ac.

**DISTRICT#:** 1

**LEGAL:** COUNTRY TRAIL ESTATES 20/47 LOT 5

**PARCEL ID#:** 36-22-27-1773-00-050

**NO. OF NOTICES:** 34

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

Staff Recommendation: Staff explained that due to the construction of SR 408, a ditch located on the subject property had been physically separated from a natural body of water to the southeast. Therefore, there was no longer a Normal High Water Elevation to contend with. Staff further stated that the applicant had desired to construct a carport for their motor home, and that due to the size of the lot, the extra square footage would not be out of scale. Further,

staff found that due to the proposed location of the carport, the home and trees at the front of the property would serve as a visual buffer. 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): Maureen Watford (Applicant)

BZA Discussion: The BZA found that due to the large size of the property, and the fact that only a small portion of the property to the south actually abutted the area where the carport would be located, the variance was warranted. Thus, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Chuck Norman 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 12, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development; 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.

AYE (voice vote): All members present

Absent: Tony Rey and Eugene Roberson

**BROOKS A. STICKLER, P.E. - SE-16-09-109**

**REQUEST:** **Special Exception** in the R-3 zoning district to add 56 parking spaces for adjacent commercial use (Trader Joes) (Note: Applicant proposes to add 56 parking spaces by constructing a concrete parking deck over the existing retention pond. The deck will be opened and at existing grade of the Trader Joes).

**ADDRESS:** Sandpoint Blvd., Orlando FL 32819

**LOCATION:** North side of W. Sand Lake Rd., 1/4 mile east of S. Apopka-Vineland Rd.

**TRACT SIZE:** 2.65 acres

**DISTRICT#:** 1

**LEGAL:** SANDPOINTE TOWNHOUSES SEC 3 17/148 COMM MOST SLY SW COR OF COMMON AREA TH N00-31-20E 61.06 FT TO CURVE CONCAVE SW RAD 359.26 FT DELTA 35-00-00 CHORD N16-58-46W 216.06 FT FOR DIST OF 219.46 FT TH N34-28-48W 16.89 FT TH N00-32-40W 41.30 FT TO POB TH N89-52-

**PARCEL ID#:** 27-23-28-7846-00-011

**NO. OF NOTICES:** 119

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

Staff Recommendation: Staff gave a brief presentation and indicated there was a thick vegetated buffer along the west property line that should be preserved. It would act as a buffer for the homes to the west. 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): Chuck Whitt II (in Favor)

Brooks A. Stickler, P.E. (Applicant)

Earl Lear ( neighbor in Favor)

BZA Discussion: The BZA decided to amend condition #5, enhancing the buffer with additional trees and concurred with the staff recommendation, as reflected.

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

1. Development in accordance with site plan dated July 11, 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. Any changes to the existing retention pond shall be subject to the review and approval of the Orange County Development Engineering Division;
5. The proposed parking lot shall have a twenty-five (25) feet setback from the west property line. The western 25 ft. of the site shall be preserved in its natural state. The buffer area shall be enhanced with an additional eight (8) shade trees a minimum of ten (10) foot high;
6. Landscaping shall be in accordance with Chapter 24, Orange county Code or as determined by the Zoning Manager;
7. Any lighting for the parking lot shall be limited to 15 ft. high and the lighting shall be directed away from the homes to the west. Said lights shall have cut-off features to cut off-site glare; and,
8. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Tony Rey and Eugene Roberson

**NORMA I. RIVERA - VA-16-09-114**

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<b>REQUEST:</b>	<b>Variances</b> in the P-D zoning district as follows: 1) To validate existing single family residence 9.5 ft. from side (east) property line in lieu of 10 ft.; 2) To construct addition to existing single family residence 9.5 ft. (even with existing house) from side (east) property line in lieu of 10 ft.; and, 3) To construct addition to existing single family residence 11 ft. from rear (north) property line in lieu of 30 ft.
<b>ADDRESS:</b>	9432 Woodbreeze Blvd., Windermere FL 34786
<b>LOCATION:</b>	North side of Woodbreeze Blvd., 1/4 mile west of S. Apopka-Vineland Rd.
<b>TRACT SIZE:</b>	80 ft. x 125 ft.
<b>DISTRICT#:</b>	1
<b>LEGAL:</b>	SILVER WOODS PHASE THREE A 16/93 LOT 184
<b>PARCEL ID#:</b>	16-23-28-8074-01-840
<b>NO. OF NOTICES:</b>	97

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

Staff Recommendation: Staff gave a brief presentation on the case. Further, the applicant submitted a letter of approval from the homeowners association. Lastly, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Norma Rivera (Applicant)  
Robert Rivera (Applicant's husband)

BZA Discussion: The BZA determined the case was reasonable 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 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 August 23, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The addition shall have no overhead cabinets and no dishwasher. it may have an under counter refrigerator and a single compartment sink; and,
5. The addition shall have a minimum rear yard setback of 10.97 ft.

AYE (voice vote): All members present

Absent: Tony Rey and Eugene Roberson

**WATERFORD LAKES DOLLAR TREE - VA-16-09-115**

<b>REQUEST:</b>	<b>Variance</b> in the P-D zoning district to construct commercial building (Dollar Tree and retail shops) 0 ft. from the side (east) property line in lieu of 10 ft. (Note: This is part of the Woodland Lakes P-D which requires a 10 ft. side setback for commercial development. The applicant proposes a new Dollar Tree store connecting to the existing Goodwill store building).
<b>ADDRESS:</b>	Huckleberry Finn Drive, Orlando FL 32825
<b>LOCATION:</b>	East side of Huckleberry Finn Dr., approximately 450 ft. south of Lake Underhill Rd., in the Waterford Lakes Shopping Center
<b>TRACT SIZE:</b>	.91 ac.
<b>DISTRICT#:</b>	4
<b>LEGAL:</b>	WATERFORD LAKE PLAZA 49/11 A PORTION OF LOT 6 (LESS THAT PT OF LOT 6 DESC AS BEG NE COR LOT 3 BEG AT THE NELY COR OF LOT 3 OF WATERFORD LAKE PLAZA TH N89-32-19E 18.66 FT S00-27-41E 394 FT S89-32-19W 34.26 FT S00-27-41E 70 FT S89-32-19W 120 FT S00-27-4
<b>PARCEL ID#:</b>	27-22-31-8987-00-061
<b>NO. OF NOTICES:</b>	75
<u>Commentaries:</u>	None

Staff Recommendation: Staff indicated the applicant was proposing a new Dollar Tree Store adjacent to the existing Goodwill building. Since they shared a common lot line, a variance from the side setback was necessary in order to attach the buildings. Staff advised the BZA this project must receive Development Review Committee approval. 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): Pete Christiansen (Applicant's representative)

BZA Discussion: The BZA determined the request was reasonable and concurred with the staff recommendation.

BZA Action: A motion was made by Chuck Norman, 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 July 12, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development; 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.

AYE (voice vote): All members present

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

Absent: Tony Rey and Eugene Roberson

**KIDDIE ACADEMY - SE-16-09-116**

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<b>REQUEST:</b>	<b>Special Exception</b> in the R-3 and C-1 zoning districts for a child day care center for up to 165 children. (Note: While day care centers are permitted by right in both the R-3 and C-1 zoning districts, the underlying Future Land Use designation for the R-3 zoned portion of the property is LDR which is inconsistent with the zoning. Comprehensive Plan Policy FLU 8.2.4.1 provides that if a property with inconsistent zoning with the FLU would require a Special Exception if the land were rezoned to make the zoning consistent with the FLU, no rezoning is required, and a Special Exception can be processed.)
<b>ADDRESS:</b>	4426 Conway Road, Orlando FL 32812
<b>LOCATION:</b>	East side of Conway Rd., approximately 625 ft. south of Lake Margaret Dr.
<b>TRACT SIZE:</b>	136 ft. x 403 ft.
<b>DISTRICT#:</b>	3
<b>LEGAL:</b>	10985/6150 ERROR IN DESC-- H T ARNOLDS PLAN OF CONWAY A/126 THE N1/2 OF BLK F (LESS S 175 FT & LESS THE E 210 FT) & BEG 663.57 FT S & 250 FT E OF NW COR OF SE1/4 OF NE1/4 RUN E 204.55 FT N 15 FT W 204.55 FT S 15 FT TO POB & (LESS PT TAKEN ON W FOR R/W PER
<b>PARCEL ID#:</b>	08-23-30-0304-01-003
<b>NO. OF NOTICES:</b>	77
<u>Commentaries:</u>	None

Staff Recommendation: Staff advised the BZA of the reasons why this request required a Special Exception. Staff explained the history of the property, noting that the site had received a Special Exception for parking and stormwater ponds in 2003; however, that approval had lapsed. Staff noted the majority of the conditions had to do with the operation of the day care to mitigate the impacts. Lastly, staff recommended approval of the request subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Scott Glass (Applicant's attorney)



The applicant's attorney noted that they were in agreement with all of the conditions, however, they wished to modify condition #9, to change the later playtime hours from 3:00 p.m. to 5:00 p.m. Staff noted that due to the fact that most children were outside playing until dinner to be traditionally 6:00 p.m., they recommended 6:00 p.m.

BZA Discussion: The BZA found that the request was a reasonable use of the property; and, changes were made to conditions #6, #9, and #13, reflective of discussions between the BZA and applicant.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Chuck Norman 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 dated July 13, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Construction plans shall be submitted within 3 years or this approval becomes null and void;
5. Per Sec. 38-1061. (d),, the following shall be added to all development plans in capital letters, two (2) inches in height: "THIS APPLICATION [OR THESE PLANS] RELATE TO THE CONWAY ROAD/HOFFNER AVENUE CORRIDOR OVERLAY DISTRICT, WHICH WAS ESTABLISHED UNDER AND IS SUBJECT TO ORDINANCE NO. 2003-20, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON DECEMBER 9, 2003," AS AMENDED BY ORDINANCE NO. 2015-19, ADOPTED BY THE BOARD ON OCTOBER 20, 2015;
6. A six (6) foot high vinyl fence shall be constructed and maintained along the side and rear property lines of the portion of the site zoned R-3. Shrubbery forming a solid barrier and attaining a minimum height of thirty-six (36) inches, and hardwood canopy trees spaced at forty (40) feet on center will be planted along the inside perimeter of the fence. Existing shrubbery and trees appropriately located may be used to satisfy this condition. Any dead or dying plant material will be removed;
7. The subject property is located in the area governed by the airport noise ordinance. Special attenuation measures may be required to comply with this ordinance;
8. The hours of operation shall be limited to 6:30 a.m. until 7:30 p.m., Monday through Friday;
9. Outdoor play periods shall not commence prior to 8:00 a.m., and shall not occur later than 6:00 p.m.;
10. Any expansions of the use shall require BZA approval;
11. No caricatures or designs shall be painted on or affixed to the building exterior;
12. No use of outdoor speakers or other audio amplification;
13. Any exterior lighting will be directionally down-lit and shielded from spilling onto neighboring properties; and,
14. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.

AYE (voice vote): All members present

Absent: Tony Rey and Eugene Roberson

- MEETING RECESSED, 11:44 a.m.
- MEETING RECONVENED, 1:01 p.m.



**KEVIN COSTIN - VA-16-09-117**

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**REQUEST:** **Variance** in the P-D zoning district to construct an addition to existing single family residence 27 ft. from the rear (west) property line in lieu of 35 ft.

**ADDRESS:** 10132 Culpepper Court, Orlando FL 32836

**LOCATION:** West side of Culpepper Ct., approximately 350 ft. south of Pointview Circle, in the Sand Lake Point PD

**TRACT SIZE:** 90 ft. x 141 ft.

**DISTRICT#:** 1

**LEGAL:** SAND LAKE POINT UNIT 1 20/69 LOT 28

**PARCEL ID#:** 03-24-28-7841-00-280

**NO. OF NOTICES:** 60

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

Staff Recommendation: Staff gave a brief presentation on the case and recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Jared Prince (Applicant's general contractor)  
Kevin Costin (Applicant)  
Maribel Grunloh (Neighbor opposed)  
Edward Grunloh (Neighbor opposed)

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

BZA Discussion: After a brief discussion, the BZA determined to continue the request to the October 6, 2016, BZA Meeting, to allow for final approval of the HOA.

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

AYE (voice vote): All members present

Absent: Tony Rey and Eugene Roberson

**REDEEMER EVANGELICAL LUTHERAN CHURCH OF ORANGE CO - SE-16-10-119**

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**REQUEST:** **Special Exception** in the R-1A zoning district to place 2 modular units on the property to be used for classroom use. (Note: The modular units will be 864 sq. ft. each. They will be placed behind the fellowship hall building approximately 160 ft. away from the north property line).

**ADDRESS:** 3377 Aloma Avenue, Winter Park FL 32792

**LOCATION:** North side of Aloma Ave., 1000 ft. east of N. Semoran Blvd.

**TRACT SIZE:** 5.18 acres

**DISTRICT#:** 5

**LEGAL:** E 340 FT OF SE1/4 OF NW1/4 N OF RD IN SEC 03-22-30 (LESS N 320 FT)

**PARCEL ID#:** 03-22-30-0000-00-043

**NO. OF NOTICES:** 121

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

Staff Recommendation: Staff advised the BZA the school and church had existed on this parcel for approximately forty (40) years. The modular units would have a 160 foot setback from the north property line. 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): Jay Klima (Applicant's representative)

BZA Discussion: A brief discussion ensued between the BZA and applicant relative to additional conditions of approval regarding on-site safety, fencing, lighting, and skirting for the modular units. The BZA and applicant came to an agreement and concurred with the staff

recommendation to include additional conditions of approval as reflected.

**BZA Action:** A motion was made by Zachary Seybold, seconded by Chuck Norman 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 dated Received July 13, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The school shall be limited to 135 students;
5. The modular units shall be removed within five (5) years of the issuance of a Certificate of Occupancy for the modular units. The applicant may request an extension subject to BZA approval;
6. Construction plans shall be submitted within one (1) year or this approval becomes null and void;
7. The modular buildings shall be fenced in;
8. Skirting shall be placed on the modular units to match the color and appearance if the modular units;
9. Down lighting shall be installed. All lighting shall be directed downwards and away from single family residences; and,
10. No permanently installed outdoor amplification of sound.

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

**Absent:** Tony Rey and Eugene Roberson

**CLYDE TUCKER - VA-16-10-120**

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<b>REQUEST:</b>	<b>Variance</b> in R-1A zoning district to allow a lot width of 64.67 ft. in lieu of 75 ft.
<b>ADDRESS:</b>	754 Timor Avenue, Orlando FL 32804
<b>LOCATION:</b>	South side of Timor Ave., east of Adanson St., north of Fairbanks Ave.
<b>TRACT SIZE:</b>	65 ft. x 140 ft.
<b>DISTRICT#:</b>	5
<b>LEGAL:</b>	SUNSHINE GARDENS L/79 LOT 9 & E 15 FT OF LOT 10 BLK H
<b>PARCEL ID#:</b>	02-22-29-8472-08-090
<b>NO. OF NOTICES:</b>	94

**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. 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):** Clyde Tucker (Applicant)

**BZA Discussion:** The BZA confirmed there were smaller lots in the area with houses on them, and concluded this request to be reasonable. Therefore, the BZA concurred with the staff recommendation.

**BZA Action:** A motion was made by Zachary Seybold, 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 July 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. Prior to the issuance of any permits the existing structures shall be removed; and,
5. All R-1A building setbacks shall be met.

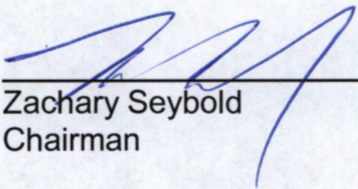
AYE (voice vote): All members present

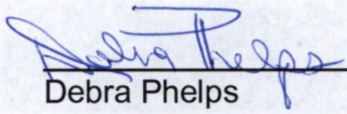
Absent: Tony Rey and Eugene Roberson

**ADJOURN:**

There being no further business, the meeting was adjourned at 1:53 p.m.

**ATTEST:**

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

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