

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF OCTOBER 6, 2016**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **October 6, 2016** in the Orange County Commission Chambers on the 1st Floor of the Orange County Administration Building, 201 South Rosalind Avenue, Orlando, Florida 32801.

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

BOARD MEMBERS ABSENT: Deborah Moskowitz

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

The Chairman called the meeting to order at 9:06 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 September 1, 2016, Board of Zoning Adjustment meeting.

A motion was made by Carolyn C. Karraker, seconded by Charles Norman, and unanimously carried to **APPROVE** the minutes of the September 1, 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.

EVANGELINA MALDONADO - VA-16-10-121

REQUEST: **Variances** in the R-T-1 zoning district as follows: 1) To permit a total of 564 sq. ft. of accessory structure floor area in lieu of 500 sq. ft.; 2) To permit an existing accessory structure to remain three (3) ft. from the side (east) property line in lieu of five (5) ft.; 3) To permit a separation distance between two accessory structures to remain at four (4) ft. in lieu of 10 ft.; and, 4) To permit an existing addition to the rear of the mobile home to remain 22 ft. from the rear property line in lieu of 25 ft. (Note: The additions were made to the garage without building permits. The property owner was cited by code enforcement for having multiple complete dwelling units on the property, including the back half of the garage, and the front end of the mobile home being divided from the back half. This property is zoned to have 1 single family dwelling unit on it.)

ADDRESS: 6901 Castillo Court, Orlando FL 32822
LOCATION: North side of Castillo Ct., approximately 350 ft. east of Gibraltar Rd.
TRACT SIZE: 65 ft. x 115 ft.
DISTRICT#: 3
LEGAL: LYNNWOOD ESTATES 1ST ADDITION 5/60 LOT 20 BLK F
PARCEL ID#: 15-23-30-5306-06-200
NO. OF NOTICES: 169

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

Staff Recommendation: Staff indicated that this request was the result of code enforcement action. At one time, the mobile home had been modified to create two (2) or three (3) apartments, and the back end of the garage housed another, resulting in as many as four (4) individual living units. Staff could not support this request unless the end result was the restoration of the property to only one (1) dwelling unit, per Code.

The following person(s) addressed the Board:

Speaker(s): Evangelina Maldonado (Applicant)

Jon Martin (Orange County Code Enforcement Inspector)

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

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

BZA Discussion: The BZA discussed the request, and noted that the granting of the variances with the conditions recommended by staff would result in the restoration of the site to one (1) unit. Further, the BZA concurred with staff recommendation and added condition #11, requiring that should the small shed ever be removed or destroyed, it could not be replaced without authorization of the BZA.

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

1. Development in accordance with site plan dated July 19, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The applicant shall obtain a permit for the restoration of the mobile home and removal of the plumbing within 90 days of final action by the Board of County Commissioners or this approval becomes null and void;
5. The addition to the garage shall not be used for human occupancy. The entire property shall not have more than 1 dwelling unit on it;
6. Prior to the issuance of a final inspection by the Building Safety Division the site will be inspected to ensure that: a) the mobile home has been restored to single dwelling unit with only one kitchen; b) there is only one dwelling unit on the subject property; c) the garage addition is not a separate dwelling unit; and, d) the garage has no 220 volt service;
7. Prior to issuance of building permits, the applicant shall obtain written consent from the County's Development Engineering Division that the garage may remain in the existing utility easement. Applicant is advised that this may require a formal easement vacation;
8. Prior to final inspection, the garage shall be permanently disconnected from the potable water supply, all connections to the sanitary wastewater system shall be permanently sealed, and all plumbing fixtures shall be completely removed;

9. The enclosed porch shall not be used as a 7 bedroom
10. Failure to comply with the above conditions shall result in Code Enforcement action, not action by the BZA; and,
11. If the 64 sq. ft. shed is ever removed or destroyed, it shall not be replaced without approval of the BZA.

AYE (voice vote): All member present

NAY (voice vote): Eugene Roberson

Absent: Deborah Moskowitz and Tony Rey

KATHRYN MORRIS - VA-16-10-122

REQUEST: Variance in the A-2 zoning district to permit a total of 2,400 sq. ft. of accessory structure floor area in lieu of 2,000 sq. ft. (Note: The applicant currently has a 1,500 sq. ft. garage. They desire to construct an additional 900 sq. ft. (30 ft. x 30 ft.) garage for additional storage.)

ADDRESS: 909 Ustler Road, Apopka FL 32712

LOCATION: East side of Ustler Rd., approximately 750 ft. north of E. Sandpiper Street.

TRACT SIZE: 3.67 acres

DISTRICT#: 2

LEGAL: S 253 FT OF N 506 FT OF W1/2 OF NW 1/4 OF NE1/4 (LESS W 30 FT FOR R/W) OF SEC 03-21-28

PARCEL ID#: 03-21-28-0000-00-052

NO. OF NOTICES: 42

Commentaries: None

Staff Recommendation: Staff advised that the applicant had obtained approval for an attached ADU in 2015. As a result, there were now two (2) families living in the residence, resulting in the need for more storage. The applicant currently has 1,500 sq. ft. of accessory structure floor area, and the new 900 sq. ft. shed would equal 2,400 sq. ft. The lot was heavily wooded, and the addition would be over 400 feet from the front property line. It would have the appearance of being an attached garage. Finally, staff amended their condition #6, to read that the new garage should compliment rather than match, the existing structure which was constructed of concrete block. The new structure would be frame and metal. 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): Carl Morris (husband of the applicant)

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

BZA Discussion: The BZA found that the request was logical and compatible with the neighborhood. The applicant was requesting the least variance they needed as well as working with the neighbor to minimize the visual impacts. Therefore, the BZA concurred with staff recommendations as amended.

BZA Action: A motion was made by Gregory A. Jackson, 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 as amended:

1. Development in accordance with site plan dated July 26, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations;
5. The garage shall be for the storage of normal household items, and shall not be used for any commercial endeavor; and,
6. The garage shall be constructed to compliment the principal residence on-site as to color and appearance.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Tony Rey

UNIVERSITY PRESBYTERIAN CHURCH INC - SE-16-10-123

REQUEST: **Special Exceptions** in the R-CE and R-1 zoning districts as follows: 1) To relinquish approval of 5 of the 6 modular units previously approved by the BZA on June 13, 2011; and, 2) To allow existing modular unit to be permanent. (Note: On June 13, 2011, the BZA allowed 6 modular units. The approval was for 5 yrs. Only 1 modular unit has been placed on the property since then. If approved, this site will have only 1 permanent modular unit on it. The applicant proposes to relinquish the approval for the other 5 modular units).

ADDRESS: 2562 Rouse Road, Orlando FL 32817

LOCATION: West side of Rouse Rd., just south of Lakonotosa Rd.

TRACT SIZE: 14.6 acres

DISTRICT#: 5

LEGAL: THE N1/4 OF NW1/4 OF NW1/4 SEC 16-22-31 & A PORTION OF NW1/4 DESC AS BEG SE COR OF LOT 3 WALKER-ROUSE SUB U/120 RUN N ALONG WLY R/W LINE OF ROUSE RD & E LINES OF LOTS 1 2 & 3, 205 FT TH CONT N 335.72 FT W 323.95 FT S 169.98 FT W 120 FT S 372 FT E 441.14 F

PARCEL ID#: 16-22-31-0000-00-001

NO. OF NOTICES: 53

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

Staff Recommendation: Staff indicated the applicant was requesting the existing modular unit to remain on the site on a permanent basis. In addition, the applicant was agreeing to relinquish its past approval for five (5) additional modular units. Staff presented the background and findings for this case. Staff advised the BZA that the applicant submitted a structural report of the existing modular unit wherein concluding the modular unit had met all codes. 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): Jonathan Huels (Applicant's representative)

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

BZA Discussion: Staff advised the BZA that condition of approval #4, had been amended by the County's Legal Department. The BZA discussed the case and agreed with the staff recommendation as amended.

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

1. Development in accordance with site plan dated August 8, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the

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

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;

4. The use of the modular classroom shall initially be limited to no more than five (5) years from Orange County approval. The Zoning Manager may grant extensions provided a professionally prepared structural analysis report of the modular classroom shows that it remains safe for occupancy. Structural issues shall be corrected in a reasonable time-frame as determined by the Zoning Manager, such period of cure to be a minimum of thirty (30) days; and,

5. The site shall have no more than one (1) modular unit at any given time. Approval granted by the BZA on June 13, 2011, is null and void.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Tony Rey

FRANCISCO A. MONTOYA - VA-16-10-124

REQUEST: Variance in the R-1 zoning district to permit an accessory structure with up to 744 sq. ft. of floor area in lieu of 500 sq. ft.

ADDRESS: 1220 Culver Road, Orlando FL 32825

LOCATION: West side of Culver Rd., approximately 950 ft. south of Flowers Ave.

TRACT SIZE: 144 ft. x 330 ft.

DISTRICT#: 4

LEGAL: ORLANDO IMPROVEMENT CO NO 2 S/98 THE E 330.05 FT OF S 144 FT OF LOT 2 BLK D

PARCEL ID#: 20-22-31-6350-04-020

NO. OF NOTICES: 53

Commentaries: None

Staff Recommendation: Staff gave a brief presentation on the case, covering the location, site plan, and photographs. Staff had no objection to this request because the carport was not excessive in size and would be located behind the residence, out of public view. 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): Francisco Montoya (Applicant)

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

BZA Discussion: The BZA asked why the additional square footage was needed. The applicant stated that the property had no covered parking and needed additional space for an antique car, lawn equipment, and tools. Further, the BZA concurred with staff recommendation.

BZA Action: A motion was made by Chuck Norman, 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 August 9, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

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

permits before commencement of development; 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: Deborah Moskowitz and Tony Rey

FRANKLIN MUNOZ - VA-16-10-125

REQUEST: **Variances** in the R-1A zoning district to construct single family residence on substandard lot as follows: 1) 50 ft. of lot width in lieu of 75 ft.; and, 2) 7,000 sq. ft. of lot area in lieu of 7,500 sq. ft.

ADDRESS: 5226 Dexter Street, Orlando FL 32807

LOCATION: Southwest corner of Dexter St. and Madrid Ave., approximately 150 ft. east of Old Cheney Highway

TRACT SIZE: 50 ft. x 140 ft.

DISTRICT#: 5

LEGAL: LAKE BARTON PARK M/16 LOT 21 BLK H

PARCEL ID#: 21-22-30-4312-08-210

NO. OF NOTICES: 100

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

Staff Recommendation: Staff gave a brief presentation on the case depicting photographs of the location, and, discussed phone calls from neighbors in favor of seeing the lot developed. 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): Franklin Munoz (Applicant)

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

BZA Discussion: The BZA concluded that the request was reasonable and agreed with the staff recommendation.

BZA Action: A motion was made by Zachary Seybold, 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 (unanimous): A motion was made by , seconded by 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 August 9, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. All R-1A minimum building setbacks shall be met.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Tony Rey

REQUEST: **Variances** in the P-D zoning district to construct additions to single family residence as follows: 1) 7 ft. from the side (east) property line in lieu of 10 ft.; and, 2) 4 ft. from the rear (south) property line in lieu of 10 ft. (Note: This project is a zero lot line development. This allows one wall of the home to be 0 ft. from one side lot line, with a setback for the other side wall of 10 ft. There are no windows on the side of the home with the 0 ft. setback).

ADDRESS: 8062 S Cadiz Court, Orlando FL 32836

LOCATION: South end of Cadiz Dr. 200 ft. south of Villa Dr., south of W. Sand Lake Rd. in the Granada P-D

TRACT SIZE: 65 ft. x 99 ft. (AVG) (Flag Lot)

DISTRICT#: 1

LEGAL: GRANADA VILLAS PHASE 2 14/111 BEG SW COR OF LOT 63 RUN E 65 FT N 99.5 FT W 72.31 FT N 48 DEG W 35.03 FT SW 15.03 FT S 48 DEG E 45.37 FT S 73.44 FT TO POB

PARCEL ID#: 34-23-28-3134-00-630

NO. OF NOTICES: 160

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

Staff Recommendation: Staff explained that this property was part of Zero Lot Line PD, and that the units were situated against one of the side lot lines. The side of the home on the lot line had no windows. Staff also noted that the two (2) most affected neighbors had submitted letters of support. 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): Steven Shields (Applicant's representative)

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

BZA Discussion: The BZA and staff discussed the overhang. Staff noted that it was standard for zero lot line developments to have easements permitting one homeowner on their neighbors property to perform maintenance, and to accommodate the presence of overhangs and other structural fenestrations. The BZA changed condition #4, to allow the overhang if there were easements. If there were no easements, the plans must be altered to the satisfaction of the Zoning Manager. Thus, the BZA concurred with the staff recommendation as amended.

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 as amended:

1. Development in accordance with site plan dated August 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. If no cross maintenance easements to accommodate the overhang exist, the plans shall be modified to removed the proposed overhang from the addition along the zero side setback to the satisfaction of the Zoning Manager.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Tony Rey

KHALDOUN MAMLOUK - VA-16-10-128

REQUEST: **Variances** in the R-T-2 zoning district to allow existing fences to remain as follows: 1) 8 ft. in height along the front and side property lines in lieu of 4 ft.; 2) 10 ft. in height along the rear property line in lieu of 8 ft.; and, 3) To allow more than 50% fence opacity for fences on vacant properties. (Note: The site is the former non-conforming auto salvage yard which lost its non-conforming status. A site inspection revealed the site has been cleared of all junk vehicles. The applicant states the main reason for the fencing is to act as a containment structure for the applicant's dogs).

ADDRESS: 18659 Madison Avenue, Orlando FL 32820

LOCATION: North side of Madison Ave., approximately 1,100 ft. east of N. Sixth St.

TRACT SIZE: 5.1 acres

DISTRICT#: 5

LEGAL: UNRECORDED PLAT EAST ORLANDO ESTATES SECTION 1 TR 136 DESC AS BEG 412.6 FT S & 3302.67 FT E FROM W1/4 COR OF SEC 22-22-32 E 429.94 FT N 512.5 FT W 429.94 FT S 512.5 FT TO POB

PARCEL ID#: 15-22-32-2336-01-360

NO. OF NOTICES: 39

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

Staff Recommendation: Staff advised that Variance Request #3, was not necessary as the property was not vacant. Staff explained that the applicant was the new owner and had removed the junk vehicles from the site; however, he desires to retain the existing fencing surrounding the site as he owned several dogs. Staff further advised the BZA that while the fencing was not typical for residential yards, it had existed for numerous years. Also, since the owner had dogs and the site was located directly across a public park, it was wise to keep the fence along Madison Avenue at eight (8) feet in height. 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): Khaldoun Mamlouk (Applicant)

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

BZA Discussion: The BZA questioned the applicant addressing the tarp on the two (2) entry gates as reflective in amended condition #5. Furthermore, the BZA added condition #8, addressing terms of replacement/restoration for any fence damage in the future. In conclusion, the BZA concurred with the staff recommendation as amended.

BZA Action: A motion was made by Zachary Seybold, seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Variance requests **#1 & #2** 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 further, determined Variance Request **#3**, to be **UNNECESSARY**:

1. Development in accordance with site plan dated August 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. Approval if for the fencing only. The applicant shall provide detailed fence plans at the time of permitting. Development of the site shall be in accordance with the on-site zoning and the Comprehensive Plan;
5. The two (2) tarps shall be removed. The easternmost gate shall be replaced with fencing that matches the existing fence. The remaining gate shall be filled with metal slats;
6. Approval of this request does not waive any pre-existing conditions, obligations, and/or requirements of returning the site to its residential condition;
7. Permits for the fencing shall be obtained within ninety (90) days or this approval becomes null and void and code enforcement action may proceed; and,
8. If the fence is damaged, the applicant shall apply to the Zoning Manager for replacement or restoration. The Zoning Manager may remand it to the Board of Zoning Adjustment for review and approval.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Tony Rey

CARMEN J. VELASQUEZ - SE-16-10-129

REQUEST: **Special Exception and Variance** in the R-1 zoning district as follows: 1) Special Exception for an attached Accessory Dwelling Unit (ADU) for applicant's father; and, 2) Variance to allow an ADU with 927 sq. ft. of floor area in lieu of 711 sq. ft.

ADDRESS: 10212 Union Park Drive, Orlando FL 32817

LOCATION: South side of Union Park Dr., approximately 1/3 mile east of N. Dean Rd.

TRACT SIZE: 165 ft. x 260 ft.

DISTRICT#: 5

LEGAL: COMM AT NW COR OF LOT 11 ORLANDO ACRES BUSINESS SECTION T/72 TH RUN N87-03-02E 11.28 FT TO POB TH N00-50-43W 267.34 FT TH N89-27-00E 55 FT S00-50-43E 265.04 FT S87-03-02W 55.04 FT TO POB & COMM NW COR OF LOT 1 ORLANDO ACRES BUSINESS SECTION T/72 TH N87-03

PARCEL ID#: 17-22-31-0000-00-051

NO. OF NOTICES: 104

Commentaries: None

Staff Recommendation: Staff gave a brief presentation describing photographs of the location and size of the lot in comparison to the surrounding properties. Staff noted the proposed ADU will be attached, thereby, ensuring that the owner and immediate family member would reside under the same roof. Further, 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): Carmen J. Velasquez (Applicant's representative)

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

BZA Discussion: The BZA noted the request was lower density than an adjacent property which was being developed at six (6) times the density, and stated the A.D.U. was attached and would not be noticeable to the neighbors. The BZA confirmed the A.D.U. was restricted to family members for three (3) years. Thus, the BZA concurred with the staff recommendation.

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

1. Development in accordance with site plan dated "August 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 years, or this approval becomes null and void;
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first;
6. The exterior of the ADU shall have similar colors and design materials as the primary residence;
7. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations; and,
8. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Tony Rey

BOARD MEMBER EXITED: Eugene Roberson

BOARD MEMBER RE-ENTERED: Eugene Roberson

IGLESIA CRISTIANA PRIMER AMOR, INC. - VA-16-10-130

REQUEST: **Variance** in the C-2 zoning district to permit unpaved driving aisles and 15 grassed parking spaces in lieu of paved parking.

ADDRESS: 208 N Goldenrod Road, Orlando FL 32807

LOCATION: West side of N. Goldenrod Rd., approximately 1/2 mile north of SR-408

TRACT SIZE: 87 ft. x 200 ft.

DISTRICT#: 3

LEGAL: BEG 83 FT S OF NE COR OF SE1/4 OF SE1/4 OF NW1/4 RUN S 88.25 FT W 250 FT N 88.2 FT E 250 FT TO POB (LESS E 50 FT FOR R/W) IN SEC 26-22-30

PARCEL ID#: 26-22-30-0000-00-040

NO. OF NOTICES: 77

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

Staff Recommendation: Staff gave a presentation on the case covering the location, site plan, modifications to the site, and photographs. Staff had no objection to this request because unpaved parking was common in the area which was characterized by commercial/industrial uses. The 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): Daniel Fis (Applicant)

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

BZA Discussion: The BZA stated the request was straightforward and consistent with past approvals which required drive aisles to be paved. As a result, the BZA approved the variance with the condition that the grass parking spaces shall be fitted with tire stops, and all drive aisles shall be paved.

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 August 16, 2016, and all other applicable

regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

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

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,

4. The grass parking spaces shall be fitted with tire stops, and all drive aisles shall be paved per County Code. At such time as the use of the property changes from a religious institution to a commercial use, any grassed parking shall be paved.

AYE (voice vote): All members present

Abstained: Eugene Roberson (due to temporary absence)

Absent: Deborah Moskowitz and Tony Rey

JON NADLER - VA-16-10-131

REQUEST: **Variances** in the R-1A zoning district to construct detached garage as follows: 1) In the front yard in lieu of the side or rear yards; and, 2) 977 sq. ft. of area in lieu of 634 sq. ft. (25% of home's living area). (Note: There is an existing 464 sq. ft. carport on the subject property located in front of the principal structure. Applicant proposes to remove this carport and construct a new garage that will match the main house).

ADDRESS: 9785 Lake Georgia Drive, Orlando FL 32817

LOCATION: South side of Lake Georgia Dr., approximately 675 ft. west of N. Dean Rd.

TRACT SIZE: 1.7 acres (approx. .65 acres upland)

DISTRICT#: 5

LEGAL: COMM NW COR OF NE1/4 OF NE1/4 E 109.86 FT S 1 DEG E 181.59 FT N 84 DEG E ALONG S R/W OF RD 425 FT FOR POB N 84 DEG E 100 FT S 9 DEG W 1003.05 FT W 58 FT N 07 DEG E 987.2 FT TO POB IN SEC 06-22-31

PARCEL ID#: 06-22-31-0000-00-024

NO. OF NOTICES: 56

Commentaries: Six (6) in favor and one (1) in opposition

Staff Recommendation: Staff advised the BZA that the new garage would match the main house and was setback significantly from Lake Georgia Drive. In addition, staff reported that the applicant was embraced by his neighbors pursuant to discussions with them. 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): John Nadler (Applicant)

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

BZA Discussion: The BZA concluded the request was reasonable since there was no other location to place this garage and amended condition #4, addressing the language to read as garage. Therefore, the BZA concurred with the staff recommendation as amended.

BZA Action: A motion was made by Zachary Seybold, 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 as amended:

1. Development in accordance with site plan dated August 16, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of

Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

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

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,

4. The garage shall match the main residence in appearance and design.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Tony Rey

BOARD MEMBER ENTERED: Tony Rey

MARK G. RYAN - VA-16-10-132

REQUEST: **Variance** in the R-1A zoning district to construct a total of 910 sq. ft. of accessory structure floor area in lieu of 500 sq. ft. (Note: This is the result of code enforcement action. The applicant submitted five (5) letters of support from neighbors).

ADDRESS: 529 Marigold Avenue, Orlando FL 32807

LOCATION: East side of Marigold Ave., approximately 350 ft. north of Hibiscus Rd.

TRACT SIZE: 85 ft. x 182 ft.

DISTRICT#: 3

LEGAL: N 85.42 FT OF S 433.26 FT OF E1/2 OF NW1/4 OF SE1/4 OF NW1/4 (LESS W 150 FT) OF SEC 27-22-30 SEE 5579/3865

PARCEL ID#: 27-22-30-0000-00-124

NO. OF NOTICES: 98

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

Staff Recommendation: Staff stated the applicant was cited by the Code Enforcement Division for constructing a detached storage building without building permits. Staff gave an overview of the request. In conclusion, staff could not support the request. The amount of deviation from the code was too great. However, staff recommended 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): Mark G. Ryan (Applicant)

Bill Koenig (Senior Code Enforcement Inspector)

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

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

BZA Discussion: The BZA discussed the case and concluded the size of the storage building was too big and asked the applicant how much smaller he could accept. The applicant indicated the requested amount was what he preferred. As a result, the BZA approved the request with staff recommendations but added condition #6, to limit the size of the total amount of accessory use to 750 square footage.

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

1. Development in accordance with site plan dated August 16, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes

require another BZA public hearing;

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

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;

4. The accessory structure shall be designed and built to match the main house on site;

5. The applicant shall obtain permits for the new accessory structure within ninety (90) days; and,

6. Approval is for a maximum of 750 sq. ft. of accessory uses.

AYE (voice vote): All members present

Abstained: Tony Rey (due to temporary absence)

Absent: Deborah Moskowitz

IGLESIA PENTECOSTAL UNA MIRADA DE FE - SE-16-10-133

REQUEST: **Special Exception and Variance** in the A-2 zoning district as follows: 1) Special Exception: To construct a 3,000 sq. ft. religious use facility (sanctuary) to accommodate up to 150 members; and, 2) Variance to permit grassed parking and driving aisle in lieu of paved.

ADDRESS: 6330 Nassau Avenue, Orlando FL 32822

LOCATION: South side of Nassau Ave., approximately 325 ft. west of Redditt Rd.

TRACT SIZE: 2.25 acres

DISTRICT#: 3

LEGAL: LOS TERRANOS P/87 THE E1/2 OF LOT 3 BLK 2

PARCEL ID#: 14-23-30-5240-02-031

NO. OF NOTICES: 95

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

Staff Recommendation: Staff advised that when the applicants had submitted the request for the Special Exception to construct the new sanctuary, it was found that the church never had obtained any past approvals. However, staff also never found any complaints or code violations. To staff, this indicated that the church had been a good neighbor and was a part of the community. Staff noted that the date in Condition #1, should be amended from August 13, 2016 to October 4, 2016, as a new and improved site plan was submitted on that date. Finally, 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): Peter Vivaldi (Applicant's representative)

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

BZA Discussion: The BZA acknowledged that the lack of opposition, and the fact that the church had been there for so long without any incidents, was reflective of the church as being compatible with the neighborhood. Further, the BZA recognized that they were recommending approval of the request with a recommendation that the standard parking spaces could be grassed; however, the drive aisle and handicap parking spaces must be paved wherein the applicant was in agreement. Therefore, the BZA concurred with the staff recommendation as amended.

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

1. Development in accordance with site plan dated October 4, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. No outdoor speakers or other audio amplification;
5. No more than four (4) outdoor special events per year. Hours of said events shall be from 8:00 a.m. to 9:00 p.m.;
6. Landscaping shall be provided in accordance with Chapter 24, Orange County Code. Existing trees may be used to satisfy this condition;
7. Any expansions of the use shall require additional BZA approval;
8. All grassed parking shall be delineated with tire stops. The drive aisles and handicap parking spaces shall be paved; and,
9. Construction plans shall be submitted within three (3) years or this approval of the new sanctuary becomes null and void. The approval of the Special Exception shall remain valid.

AYE (voice vote): All members present

Absent: Deborah Moskowitz

GILSON MORTIMER - SE-16-10-134

REQUEST: **Special Exception** in the P-O zoning district to allow a coin-operated laundromat.

ADDRESS: 1011 W Oak Ridge Road, Orlando FL 32809

LOCATION: North side of W. Oak Ridge Rd., approximately 925 ft. east of S. Orange Blossom Trail

TRACT SIZE: 107 ft. x 178 ft.

DISTRICT#: 3

LEGAL: FLORIDA SHORES Q/142 LOT 14 BLK G (LESS S 12FT FOR RD R/W)

PARCEL ID#: 22-23-29-2792-07-140

NO. OF NOTICES: 221

Commentaries: None

Staff Recommendation: Staff reported a request for an indefinite continuance to allow the applicant time to obtain a detailed site plan.

The following person(s) addressed the Board:

Speaker(s): None

BZA Action: A motion was made by Zachary Seybold, seconded by Tony Rey and unanimously carried to **CONTINUE** to a date uncertain to allow the applicant time to obtain a detailed site plan.

AYE (voice vote): All members present

Absent: Deborah Moskowitz

VICTOR PALULIS - VA-16-10-135

REQUEST: **Variance** in the R-1A zoning district to permit a 6 ft. high fence within the front yard in lieu of 4 ft. (Note: The fence was in place at the time the applicant purchased the property. The applicant replaced the fence which was in disrepair with new PVC fencing. The work was performed without a

building permit. This is the result of code enforcement action).

ADDRESS: 9733 Landowne Court, Orlando FL 32817

LOCATION: North side of Landowne Ct., east of SR-417

TRACT SIZE: .36 acres

DISTRICT#: 5

LEGAL: HUNTERS TRACE UNIT 1 12/138 PARTS OF LOTS 44 DESC AS BEG SE COR OF LOT 44 TH S89-13-18W 49.15 FT TH RUN N39-45-00E 75.65 FT TH S00-46-42E 57.49 FT TO POB & PT OF 43 DESC AS COMM AT NW COR OF LOT 43 TH N89-13-18E 36.34 FT TO POB TH N89-13-18E 38.66 FT TH S

PARCEL ID#: 07-22-31-3790-00-420

NO. OF NOTICES: 73

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

Staff Recommendation: Staff gave a brief presentation on the case covering the location, site plan, and photographs. Staff did not object to the request because the fence would act to mitigate the noise and visual impacts of S.R. 417. Lastly, staff recommended that 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): S. Avery Smith (Applicant's representative)

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

BZA Discussion: The BZA observed that the fence looked good and blocked the view of a D.O.T. ditch. Therefore, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Zachary Seybold, 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:

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

AYE (voice vote): All members present

Absent: Deborah Moskowitz

PAUL WILLIAMSON - VA-16-10-136

REQUEST: **Variance** in the R-1A zoning district to construct a single family residence on a lot size of 6,676 sq. ft. in lieu of 7,500 sq. ft. (Part of property was taken to widen Clarcona Ocoee Rd.).

ADDRESS: 7119 Clarcona Ocoee Road, Orlando FL 32818

LOCATION: North side of Clarcona Ocoee Rd., west of Lakeville Rd.

TRACT SIZE: 78 ft. x 81 ft.

DISTRICT#: 2

LEGAL: CLEARVIEW HEIGHTS 1ST ADDITION Y/55 LOT 24 (LESS PT TAKEN

ON S FOR R/W PER 6931/3302)

PARCEL ID#: 35-21-28-1406-00-240

NO. OF NOTICES: 64

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

Staff Recommendation: Staff gave a brief presentation on the case and showed photographs of the location. Staff indicated that part of the property was taken to widen Clarcona Ocoee Road, which caused the square footage of the lot to fall below the minimum zoning requirement. Further, 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): The applicant was not present at the public hearing.

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

BZA Discussion: The BZA stated the need for the variance was not the fault of the applicant and confirmed that all setbacks were met. Thus, 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 August 17, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. The residence shall comply with all R-1A building setbacks.

AYE (voice vote): All members present

Absent: Deborah Moskowitz

TOBY BEST FOR HOMES IN PARTNERSHIP, INC - VA-16-10-137

REQUEST: **Variances** in the A-1 zoning district to construct a single family residence as follows: 1) Lot width of 50 ft. in lieu of 100 ft.; 2) Lot area of 9,050 sq. ft. in lieu of 21,780 sq. ft.; and, 3) Side setbacks of 6 ft. on both sides in lieu of 10 ft.

ADDRESS: 10526 5th Avenue, Ocoee FL 34761

LOCATION: South side of 5th Ave., approximately 250 ft. west of Adair St.

TRACT SIZE: 50 ft. x 181 ft.

DISTRICT#: 2

LEGAL: OAK LEVEL HEIGHTS L/31 THE W 50 FT OF E 275 FT OF BLK I

PARCEL ID#: 05-22-28-6052-09-007

NO. OF NOTICES: 88

Commentaries: None

Staff Recommendation: Staff noted research had revealed that numerous variances had been granted in this area for construction on substandard lots. The subject property actually had a single family home on it which was to be razed and the new modern unit would replace it. Staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant was not present at the public hearing.
No one spoke in favor or in opposition to this request at the public hearing.

BZA Discussion: The BZA asked if the new unit would be situated where the existing one was currently. Staff acknowledged that the new home would be sited where the old home was located; however, it would be larger. It was noted that due to the pending storm the applicant was not present. However, staff considered that this application had met the criteria and supported its approval. The BZA recognized that this entire area was inconsistent with zoning, and thus, 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 dated August 17, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. The new home shall conform to the front and rear setbacks.

AYE (voice vote): All members present

Absent: Deborah Moskowitz

- MEETING RECESSED, 11:49 a.m.
- MEETING RECONVENED, 1:00 p.m.

EVAN LANDIS - VA-16-10-138

REQUEST:	Variance in the R-1AA zoning district to remove existing non-conforming aluminum screened porch and replace it with a wood frame porch 43 ft. from the NHWE line of Lake Jennie Jewel in lieu of 50 ft. (Note: The existing house was constructed prior to the adoption of the NHWE rules).
ADDRESS:	436 Jennie Jewel Drive, Orlando FL 32806
LOCATION:	South side of Jennie Jewel Dr., west of Summerlin Ave., north of Gatlin Ave.
TRACT SIZE:	.51 acres
DISTRICT#:	3
LEGAL:	LAKE JEWEL HILLS Z/33 LOT 1 BLK D
PARCEL ID#:	12-23-29-4530-04-010
NO. OF NOTICES:	79

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

Staff Recommendation: Staff indicated that the new porch would be more aesthetically pleasing than the aluminum porch and encroachment into the Normal High Water Elevation was only seven (7) feet. Staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant was not present at the public hearing.
No one spoke in favor or in opposition to this request at the public hearing.

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

BZA Action: A motion was made by Tony Rey, 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 August 17, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Prior to the issuance of any permits, the applicant shall obtain a flood plain permit;
5. The new porch shall match the principal residence in design and materials; and,
6. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the wood frame porch is no closer than forty-three (43) feet from the Normal High Water Elevation of Lake Jennie Jewel.

AYE (voice vote): All members present

Absent: Deborah Moskowitz

KEVIN COSTIN - VA-16-09-117

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 noted that the request had been continued from the October 6, 2016 BZA hearing, due to lack of a decision by the HOA. It was explained that the HOA had finally acted, denying the request because the HOA did not believe it could act on the request until the County granted the needed variance. The HOA clearly noted that it had no objection to the architecture.

The following person(s) addressed the Board:

Speaker(s): The applicant was not present at the public hearing.

Ed Grunloh (neighbor opposed)

It was noted that due to the pending storm, the applicant was not present.

One person was in the audience to speak in opposition to the request. The individual was a neighbor who opposed the request as it would block their view of the lake.

Material was presented to the Board by the opposing neighbor and entered into the record prior

to the close of the public hearing.

BZA Discussion: The BZA did not wish to proceed on this application until it had an opportunity to hear from the applicant, who would be given an opportunity to rebut the neighbor's testimony.

BZA Action: A motion was made by Carolyn Karraker, seconded by Tony Rey and unanimously carried to **CONTINUE** to the November 3, 2016, BZA Meeting.

AYE (voice vote): All members present

NAY (voice vote): Gregory A. Jackson

Absent: Deborah Moskowitz

LOREN MCHENRY - VA-16-08-093

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 NOTICES: 42

Commentaries: Thirteen (13) in favor and two (2) commentaries and twenty-two (22) signatures on a petition in opposition.

Staff Recommendation: Staff gave a brief presentation and stated all prior code enforcement issues had been resolved; however, there was a new Code Enforcement violation on the property. Newly taken photographs were shown outlining the new violation.

The following person(s) addressed the Board:

Speaker(s): Veronica McHenry (wife of the applicant)

BZA Discussion: The BZA determined to continue the case to obtain a status report on the property by the Code Enforcement Division to be heard at the November 3, 2016, BZA Meeting.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Tony Rey and carried to **CONTINUE** to the November 3, 2016, BZA Meeting.

AYE (voice vote): All members present

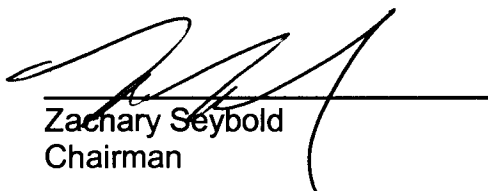
NAY (voice vote): Chuck Norman

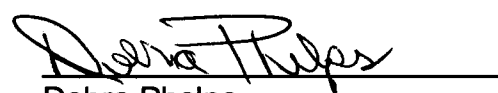
Absent: Deborah Moskowitz

ADJOURN:

There being no further business, the meeting was adjourned at 1:49 p.m.

ATTEST:


Zachary Seybold
Chairman


Debra Phelps
Recording Secretary