

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

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **December 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  
Vacant – District #3  
Gregory A. Jackson  
Deborah Moskowitz  
Eugene Roberson  
Charles Norman

**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 9:08 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 November 3, 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 November 3, 2016, Board of Zoning Adjustment meeting.

**PUBLIC COMMENT:** The Chairman acknowledged the honor and privilege of representing District #5, on behalf of Commissioner Ted B. Edwards, for the past five (5) years. The Board members and staff recognized the diligent and dedicated service of Chairman Seybold to Orange County; and, expressed a special thanks for his work well done, invaluable guidance, and remarkable leadership that will be sincerely missed.

**ANDREW NICHOLLS - SE-17-01-168**

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**REQUEST:** **Special Exception** in the A-2 zoning district to allow a stable/horse boarding facility for up to 8 horses opened to the general public. (Note: The proposed facility will include a 40,000 sq. ft. riding and training area and agricultural support structures/uses totaling 8,160 sq. ft.)

**ADDRESS:** 12421 S Lake Mary Jane Road, Orlando FL 32832

**LOCATION:** East side of S. Lake Mary Jane Rd., 1/4 mile south of TM Ranch Rd.

**TRACT SIZE:** 10 acres

**DISTRICT#:** 4  
**LEGAL:** COMM NW COR LOT 38 LAKE MARY JANE SHORES U/121 BEING WLY R/W LINE OF MARY JANE RD RUN S 38 DEG E 1550.75 FT TH RUN N 51 DEG E 100 FT FOR POB TH RUN N 59 DEG E 733.87 FT S 38 DEG E 600 FT S 59 DEG W 733.87 FT TH N 38 DEG W 600 FT TO POB

**PARCEL ID#:** 24-24-31-0000-00-018

**NO. OF NOTICES:** 41

Commentaries: None

Staff Recommendation: Staff advised the BZA that the request blended with the character of the area and no opposition was received. 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): Brent Spain (Applicant's Representative)

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

BZA Discussion: The BZA agreed the request met the special exception criteria and concurred with the staff recommendation.

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

1. Development in accordance with site plan dated October 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. Any facility for the storage of manure shall be located a minimum of 50 ft. from any side or rear property line, and shall be covered;
5. Any proposal to light the riding arena shall require further approval of the BZA;
6. Any expansions of the use, such as increasing the number of horses which may be boarded on the subject property, shall require BZA approval. However, construction of accessory structures for residential purposes shall be permitted without additional BZA action;
7. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.

AYE (voice vote): All members present

Absent: Charles Norman

#### **CHURCH OF THE SOWER - SE-16-12-155**

**REQUEST:** **Special Exception** in the A-2 zoning district to construct a religious use facility (Note: The project will consist of 2 phases. It will include a new 1 story 12,500 sq. ft. sanctuary with 248 seats; a 8,500 sq. ft. fellowship hall building; 96 paved parking spaces; administrative offices; Sunday school classrooms and Second Harvest Food Bank 1st Wednesday of each month.)

**ADDRESS:** 4415 St Florian Way, Orlando FL 32822

**LOCATION:** East side of St. Florian Way, 200 ft. east of S. Goldenrod Road, north of Desoto Avenue  
**TRACT SIZE:** 4.52 acres  
**DISTRICT#:** 3  
**LEGAL:** LOS TERRANOS P/87 THE S1/2 OF N1/2 OF LOTS 5 TO 8 BLK 24 & (LESS W 20 FT THEREOF FOR RD RW PER 4641/998) SEE 2769/403  
**PARCEL ID#:** 14-23-30-5240-24-052  
**NO. OF NOTICES:** 64  
**Commentaries:** None

Staff Recommendation: Staff gave a favorable presentation. Staff had concerns about the food pantry element of this project. If the applicant intended to cook meals and distribute throughout the community, then staff had no objections. If the applicant intended to serve meals on-site to citizens who travel to this site, then staff had concerns about the residual impacts to the surrounding areas and homes. 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): Constance A Owens (Applicant's Representative)  
Jorge Figueroa (in Favor)

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

BZA Discussion: A brief discussion ensued between the BZA and applicant regarding the food pantry, special events, and the timing of submitting plans. The BZA amended Conditions #7 and #10; and, 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 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 October 10, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Prior to the issuance of any development permits for the fellowship building, the applicant shall install a 6 ft. high vinyl fence as depicted on site plan dated "received October 10, 2016";
5. Landscaping shall be in accordance with Chapter 24, Orange County Code;
6. No more than four (4) outdoor special events. Hours of said events shall be from 9:00 a.m. to 9:00 p.m.;
7. Outdoor sound devices and any amplification of sound are prohibited except during outdoor special events;
8. Second Harvest Food Bank and food pantry shall operate each Wednesday from 4:00 p.m. to 8:00 p.m. The meals shall be distributed off-site. No meals are to be served on-site as part of this program;
9. The fellowship hall building shall be setback a minimum of nineteen (19) feet from the north property line; and,
10. Construction plans shall be submitted within three (3) years of Orange County approval.

AYE (voice vote): All members present

## NEIL PERAZA - VA-16-12-159

**REQUEST:** **Variance** in the P-D zoning district to construct a 1 story addition to a single family residence 5 ft. from the rear property line in lieu of 25 ft. (Note: The property is odd-shaped and has two rear property lines. The applicant submitted 2 letters of support from adjacent property owners.)

**ADDRESS:** 14066 Sobrado Drive, Orlando FL 32837

**LOCATION:** Northwest side of Sobrado Dr., east side of Hunter's Vista Blvd.

**TRACT SIZE:** 103 ft. x 166 ft. (AVG)

**DISTRICT#:** 1

**LEGAL:** HUNTERS CREEK TRACT 511 & HUNTERS VISTA BLVD PHASE 2 41/63 LOT 111

**PARCEL ID#:** 30-24-29-3869-01-110

**NO. OF NOTICES:** 83

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

Staff Recommendation: Staff gave a brief presentation on the case, covering the location, lot layout, and photographs. 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): Neil Peraza (Applicant)

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

BZA Discussion: The BZA clarified the location of the construction, and where the five (5) feet setback would be. Further, the BZA also confirmed that there were two (2) rear property lines and setbacks; and, that this unusual circumstance constituted a hardship which met the variance criteria. For the foregoing reasons, the BZA 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 dated October 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 design of the addition shall be consistent with the design of the main house.

AYE (voice vote): All members present

Abstained: Charles Norman (due to a Conflict of Interest)

## MARTHA DOWDELL MCCRAY - SE-16-12-158

**REQUEST:** **Special Exception and Variances** in the R-T-1 zoning district as follows: 1) Special Exception: To allow an Accessory Dwelling Unit (ADU) for applicant's son; 2) Variance: To allow a 728 sq. ft. ADU in lieu of 367.2 sq. ft.; and, 3) Variance: To validate size of existing home of 816 sq. ft. in lieu of 1000 sq. ft. (Note: Zoning regulations limit the size of ADU's to 45% of living area of main house. Main house contains 816 sq. ft. of living

area.)  
**ADDRESS:** 632 E 13th Street, Apopka FL 32703  
**LOCATION:** South side of 13th St., west of S. Sheeler Ave.  
**TRACT SIZE:** 2 acres  
**DISTRICT#:** 2  
**LEGAL:** W 210 FT OF E 453 FT OF S 420 FT OF N3/4 OF NW1/4 OF SE1/4 OF SEC 15-21-28  
**PARCEL ID#:** 15-21-28-0000-00-149  
**NO. OF NOTICES:** 40  
**Commentaries:** One (1) in favor and none in opposition

**Staff Recommendation:** Staff gave a presentation on the case, covering the location, the site plan, and photographs. Staff recommended approval of the request subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

**Speaker(s):** Martha Dowdell McCray (Applicant)

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

**BZA Discussion:** The BZA confirmed the house was built prior to zoning, and that access was through an easement. Further, the BZA concurred with the staff recommendation.

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

1. Development in accordance with site plan dated October 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. Construction plans shall be submitted within three (3) 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 non-relative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first;
6. 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,
7. 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

#### **MIGUEL PEREZ - SE-16-12-160**

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**REQUEST:** **Special Exception** in the C-1 zoning district to allow a food truck; and, **Variance** to allow a 8 ft. x 10 ft. food truck in lieu of a minimum of 7 ft. x 14 ft.

**ADDRESS:** 7236 Clarcona Ocoee Road, Orlando FL 32818

**LOCATION:** South side of Clarcona Ocoee Rd., approximately 660 ft. west of Lakeville Rd.  
**TRACT SIZE:** 283 ft. x 232 ft.  
**DISTRICT#:** 2  
**LEGAL:** BEG 1279.03 FT N OF S1/4 COR OF SEC RUN N 83 DEG E ALONG C/L OF RD 20.98 FT ELY 218.63 FT S 84 DEG E 150.15 FT TO POB TH CONT S 84 DEG E 279.03 FT S 247.43 FT W 285.34 FT N 278.44 FT TO POB (LESS NLY 30 FT M/L FOR RD R/W) IN SEC 35-21-28  
**PARCEL ID#:** 35-21-28-0000-00-045  
**NO. OF NOTICES:** 119

Commentaries: None in favor and two (2) in opposition

Staff Recommendation: Staff noted that the variance was needed due to recent changes approved to the Code. Clarcona Ocoee Road is a major road, and both the subject property and the neighboring properties were zoned to accommodate restaurants including fast food within the buildings. 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): Miguel Perez (Applicant)

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

BZA Discussion: Based on past cases, the BZA wished to ensure that if there were issues with odor, trash, etc., that there would be an opportunity to reevaluate the request to determine if it should be continued. The BZA concurred with the staff recommendation and added a condition requiring the applicant return to the BZA within five (5) years from issuance of a permit for reevaluation.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Carolyn Karraker 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 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. Days and hours of operation shall be limited to Monday through Friday between the hours of 10:00 a.m. and 5:00 p.m. One half-(1/2) hour prior to an after hours of operation shall be allowed for set-up and break-down;
5. The food truck shall be setback a minimum of ten (10) feet from all property lines;
6. Overnight stay or storage of any supplies or materials is prohibited;
7. Audio equipment and video equipment shall be prohibited, as well as the use of any outdoor amplification of any sound;
8. Outdoor seating is prohibited;
9. Use of on or off-site signage, such as A-Frames, banners, temporary directional signs, etc., shall be prohibited;
10. No more than one (1) food truck shall be permitted on the site at any one time;
11. This approval is limited to the food truck owned and operated by the applicant, Miguel Perez;
12. Any modification of these conditions shall require action by the BZA;

13. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action; and,

14. This approval shall be in effect for five (5) years from issuance of a permit. At that time, or prior to, the applicant shall request renewal of the Special Exception.

AYE (voice vote): All members present

## **ERIC OLSON - VA-16-12-169**

**REQUEST:** **Variances** in the R-CE zoning district as follows: 1) To construct screen room onto existing single family residence 8 ft. from the Normal High Water Elevation of Lake Down in lieu of 50 ft.; 2) To validate existing substandard parcel with .7 acres of lot area in lieu of 1 acre; 3) To validate existing lot width of 100 ft. at the building line in lieu of 130 ft.; and, 4) To validate rear yard setback of 9 ft. in lieu of 50 ft.; (Note: The home was constructed in 1966. The applicant recently purchased the home from a bank. They wish to validate all existing conditions and obtain permission to construct a screen porch overlooking Lake Down.)

**ADDRESS:** 3418 Downeast Lane, Windermere FL 34786

**LOCATION:** West side of Downeast Ln., on the eastern shores of Lake Down, west of S. Apopka Vineland Rd.

**TRACT SIZE:** .7 acres

**DISTRICT#:** 1

**LEGAL:** BEG 330 FT N OF SE COR OF SE1/4 OF NE1/4 RUN S 36 FT W 70 FT S 84 DEG W 45 FT S 47 DEG W 60 FT SWLY TO A PT 100 FT N & 664 FT W OF SE COR OF SE 1/4 OF NE1/4 TH RUN N 230 FT E 664 FT TO POB IN SEC 09-23-28

**PARCEL ID#:** 09-23-28-0000-00-023

**NO. OF NOTICES:** 32

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

Staff Recommendation: Staff indicated that due to the presence of a drainage ditch along the south side of the property, and the narrowness and shape of the site, it would be impossible to make any improvements to the lot without variances. Staff gave a brief history of the area. 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): Eric Olson (Applicant)

Marcie Ward (in Favor)

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

BZA Discussion: The BZA concurred that the lot was oddly shaped and substandard; thus, the site warranted all variances requested.

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 October 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. 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 screen room is no closer than eight (8) feet from the Normal High Water Elevation of Lake Down;

5. The screen room may have a solid roof, however, it cannot be enclosed with glass without further approval of the BZA; and,

6. The applicant shall be permitted to perform any interior alterations or exterior cosmetic improvements, including demolition which does not affect the footprint of the existing structure. This precludes any work on the screen room until the Hold Harmless Agreement is recorded.

AYE (voice vote): All members present

## **ANDREW BAIR - VA-16-12-161**

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**REQUEST:** **Variance** in the R-1AA zoning district to allow a cumulative total of 792 sq. ft. of accessory structure floor area in lieu of 640 sq. ft. (25% of living area of main house). (Note: There is an existing 600 sq. ft. garage and an old 100 sq. ft. metal utility shed on the property. The applicant is proposing to replace the metal shed with a new shed consisting of a 12 ft. x 12 ft. enclosed shed with a 4 ft. x 12 ft. covered porch. The subject property is 1/2 acre in size. The applicant has provided 9 letters of support from neighbors.)

**ADDRESS:** 2712 Ambrosia Court, Apopka FL 32703

**LOCATION:** South side of Ambrosia Ct., approximately 225 ft. west of Mink Dr.

**TRACT SIZE:** 125 ft. x 171 ft.

**DISTRICT#:** 2

**LEGAL:** GREENACRES ESTATES 8/33 LOT 36

**PARCEL ID#:** 24-21-28-3182-00-360

**NO. OF NOTICES:** 57

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

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

Robin Bair (in Favor)

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

BZA Discussion: The BZA acknowledged the favorable response from neighbors, and confirmed the new shed would meet setbacks. 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 October 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

#### **AERO POINT, LLC - SE-16-12-163**

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**REQUEST:** **Special Exception** in the C-1 zoning district to construct a 160 ft. high monopole communications cell tower. (Note: All off-site land use separation distances are being met).

**ADDRESS:** East River Falcons Way, Orlando FL 32820

**LOCATION:** West side of East River Falcon's Way, 300 ft. south of E. Colonial Dr., across from Chuluota Rd.

**TRACT SIZE:** 8.22 acres

**DISTRICT#:** 5

**LEGAL:** LOCKWOOD CROSSING 63/18 LOT 3

**PARCEL ID#:** 20-22-32-4910-00-030

**NO. OF NOTICES:** 119

Commentaries: None

Staff Recommendation: Staff noted that the application required no variances, and if the applicant had been able to find another service provider, the Special Exception would not be needed. It was also stated that due to the proximity of the tower to the high school, the School District was contacted; however, they did not wish to comment. Finally, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Mary Solik (Applicant's Attorney)

No one spoke in favor or in opposition to this request 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 Zachary Seybold, seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated October 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; and,
4. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

AYE (voice vote): All members present

MELANIE FAY - VA-16-12-162

**REQUEST:** **Variance** in the R-1AA zoning district to construct an attached carport to existing single family residence 3 ft. from the side (east) property line in lieu of 7.5 ft.

**ADDRESS:** 1511 Crestline Street, Orlando FL 32806

**LOCATION:** North side of Crestline Street, approximately 450 ft. west of S. Fern Creek Ave.

**TRACT SIZE:** 85 ft. x 170 ft.

**DISTRICT#:** 3

**LEGAL:** WATERWITCH CLUB K/69 THE E 45 FT LOT 80 & W 40 FT LOT 81

**PARCEL ID#:** 13-23-29-9068-00-801

**NO. OF NOTICES:** 81

This case was withdrawn on November 29, 2016 via electronic mail by the applicant prior to the December 1, 2016, BZA Meeting.

RYAN MILLER - VA-16-12-151

**REQUEST:** **Variances** in the R-CE zoning district to construct new single family residence and carport as follows: 1) Single family residence: 5 ft. from the north side property line in lieu of 10 ft.; and, 2) Carport: To construct carport 3 ft. from south side property line in lieu of 10 ft.. (Note: Applicant proposes to replace existing single family home with a new single family home).

**ADDRESS:** 1227 Hempel Avenue, Gotha FL 34734

**LOCATION:** East side of Hempel Ave., north of Gotha Rd., south of the Florida Turnpike.

**TRACT SIZE:** 45 ft. x 160 ft.

**DISTRICT#:** 1

**LEGAL:** TOWN OF GOTHA A/39 THE S1/2 OF LOT 49 (LESS N 6 FT & LESS E 40 FT) & N 4 FT OF LOT 50 (LESS E 40 FT) BLK P

**PARCEL ID#:** 33-22-28-3100-15-491

**NO. OF NOTICES:** 66

Commentaries: None

Staff Recommendation: Staff indicated that the proposed setbacks were acceptable because most of lots in this area were substandard, and further, over twenty (20) variances for substandard lots had been approved to date. Staff stated if the BZA approves this request, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Ryan Miller (Applicant)  
Allen Arthur (Applicant's architect)

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

The applicant noted that the plan reviewed by staff had been revised to reflect a port cocher that was being proposed along the south property line adjacent to a parking lot used by nearby businesses.

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

BZA Discussion: The BZA recognized that the reduced side setback would not impact anyone, and that the lot was very substandard in width and area. As such, the BZA determined that the variances were warranted.

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 as amended:

1. Development in accordance with site plan dated October 14, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
  2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
  3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
  4. Any recreational equipment, such as an RV or boat, must be parked on an improved surface.
- AYE (voice vote): All members present

### **IBRAIN GONZALEZ - VA-16-12-153**

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**REQUEST:** **Variance** in the R-1 zoning district to allow a total of 810 sq. ft. of accessory structure floor area in lieu of 500 sq. ft. (Note: Applicant proposes a new carport of 560 sq. ft. for his boat parking. There is an existing 250 sq. ft. carport on the subject property.)

**ADDRESS:** 10619 Nadia Avenue, Orlando FL 32825

**LOCATION:** North side of Nadia Ave., approximately 200 ft. east of Murdock Blvd.

**TRACT SIZE:** 100 ft. x 220 ft.

**DISTRICT#:** 4

**LEGAL:** ORLANDO ACRES SECTION ONE S/50 LOT 16 BLK C

**PARCEL ID#:** 17-22-31-6300-03-160

**NO. OF NOTICES:** 70

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

Staff Recommendation: Staff gave a presentation on the case, covering the location, the site plan, and photographs. Staff had concerns about the amount of deviation from the code (62%). Furthermore, staff stated if the BZA approved this request, the conditions as listed in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Hector Vidal (Applicant's Representative)

Ibrain Gonzalez (Applicant)

The applicant explained that the top of the boat comes off, allowing the carport to be less than fourteen (14) feet in height.

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

BZA Discussion: The BZA compared the larger lot size of the property where the other accessory structure size variance was granted. The BZA felt that there was no hardship and it did not meet the variance criteria since a request for such a large variance was not the minimum possible variance. Further, the BZA felt that it would be fair to add two (2) conditions, allowing for a total of 560 square footage of accessory structure floor area; and, for the new structure to be in the rear yard along with meeting all required setbacks. Thus, the BZA concurred with the staff recommendation as amended.

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

1. Development in accordance with site plan dated September 29, 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 exterior of the proposed accessory structure shall match the exterior color of the existing house;

5. The total cumulative accessory structure square footage shall not exceed 560 sq. ft.; and,

6. The new structure shall be in the rear yard and meet all required setbacks.

AYE (voice vote): All members present

### KEVIN MCCORD - VA-16-12-156

**REQUEST:** **Variances** in the A-2 zoning district for accessory uses as follows: 1) To allow a total of 3,428 sq. ft. of accessory structure floor area in lieu of 2,000 sq. ft.; 2) To validate existing accessory structure at the southwest corner of the site with a 0 ft. side (south) yard setback in lieu of 5 ft. and, 3) To validate same existing accessory structure with a 4 ft. rear (west) yard setback in lieu of 5 ft. (Note: The applicant currently has two accessory structures with a combined floor area of 2,128 sq. ft. They wish to add a third structure with a total of 1,300 sq. ft. of floor area.)

**ADDRESS:** 2714 Valerie Avenue, Apopka FL 32712

**LOCATION:** West side of Valerie Ave., approximately 1/4 mile south of Ponkan Rd.

**TRACT SIZE:** 2.17 acres

**DISTRICT#:** 2

**LEGAL:** N 150 FT OF N1/2 OF NW1/4 OF SE1/4 OF NW1/4 (LESS E 30 FT FOR RD) OF SEC 27-20-28

**PARCEL ID#:** 27-20-28-0000-00-089

**NO. OF NOTICES:** 51

Commentaries: None

Staff Recommendation: Staff indicated that Variances #2 and #3, were to validate an existing shed/lean-to located in the southwest corner of the site, for which there did not appear to be a valid permit. Staff further noted that a variance of seventy-one percent (71%) was considered excessive and could not be supported. Finally, staff stated should the BZA find that the application met the criteria for the granting of one or more of the requested variances, the conditions as outlined in the staff report were recommended.

The following person(s) addressed the Board:

Speaker(s): Kevin McCord (Applicant)

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

The applicant noted that they would be removing the subject shed/lean-to rather than attempting to permit it, which would reduce the percentage of the variance to fifty-one percent (51%). The applicant provided photographs showing the need for the added storage.

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

BZA Discussion: The BZA questioned the applicant regarding the need for a lean-to. The applicant indicated that this was where they stored their lawn equipment. The BZA asked if the applicant would accept an additional 1,000 feet, if the smaller shed/lean-to were removed. The applicant agreed. Therefore, Condition #4, was modified to require removal of the 400 square feet shed/lean-to; and, Condition #6, was deleted as it was no longer necessary. The BZA made a motion to recommend approval of Variance #1, with a total of 2,728 sq. ft. of accessory floor area, and found that Variances #2 and 3, were no longer necessary.

**BZA Action:** A motion was made by Gregory A. Jackson, 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 as amended; and further, determined Variance requests **#2 & #3**, as **UNNECESSARY**:

1. Development in accordance with site plan dated October 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. The applicant shall remove the 400 sq. ft. shed/lean to structure prior to final inspection of the new accessory structure; and,
5. This approval is to permit a total of 2,728 sq. ft. of accessory floor area.

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

- **MEETING RECESSED, 11:21 a.m.**
- **MEETING RECONVENED, 11:34 a.m.**

#### **TAM BAO BUDDHIST MONASTERY - SE-16-12-157**

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<b>REQUEST:</b>	<b>Special Exception</b> in the A-1 zoning district to expand existing religious use to include the construction of a new 5,000 sq. ft. meditation hall building; and, <b>Variance</b> to allow grass parking in lieu of paved parking spaces. (Note: The proposed meditation hall will not have any outdoor activities associated with it).
<b>ADDRESS:</b>	4724 Rock Springs Road, Apopka FL 32712
<b>LOCATION:</b>	Southwest corner of Rock Springs Rd. and E. Williams Ave.
<b>TRACT SIZE:</b>	2 acres
<b>DISTRICT#:</b>	2
<b>LEGAL:</b>	10704/7607, 10623/7528 AND 7262/4252 ERROR IN DESCRIPTION -- ROCK SPRINGS HOMESITES S/12 LOT 8 (LESS E 20 FT FOR RD R/W) BLK H
<b>PARCEL ID#:</b>	16-20-28-7612-08-080
<b>NO. OF NOTICES:</b>	65

**Commentaries:** One (1) in favor and four (4) in opposition

**Staff Recommendation:** Staff gave a presentation on the case, covering the location, the site plan, design, and photographs. Staff indicated a recommendation would be made at the public hearing on December 1, 2016, after all the evidence and testimony had been entered into the record. Further, staff stated if the BZA approved the request, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

**Speaker(s):** Douglas Lam (Applicant's representative)  
Kha Le-Huu (Applicant's representative)  
Jennifer Farrell (in Favor)  
Daniel Daosworth (in Favor)  
Sandra Jeffery (in Favor)

Steve Hagner (Opposed)

Three (3) people spoke in favor of the case, citing the benefits of meditation and stating that the use was quiet, and that they had never heard any chanting or loud noise.

One (1) neighbor spoke against the case, citing festivals with over 100 people, chanting at 4:00 a.m., and loitering.

The applicant rebutted that the use was quiet, and referred to the neighbor of twenty-five (25) years, who stated there was no amplified sound and no chanting late at night.

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

**BZA Discussion:** The BZA confirmed the uses, times of operation, and asked about outdoor activities. The BZA felt the use was not a nuisance to the public and included three (3) additional conditions relative to other restrictions. As such, the BZA 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 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 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 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. The grass parking spaces shall be fitted with tire stops, and all drive aisles and handicap parking spaces shall be paved per County Code;
5. The site shall be limited to one (1) vehicular access point on Rock Springs Road;
6. The new building shall have a fifty (50) foot minimum setback from the west property line;
7. There shall be a minimum fifty (50) foot natural preserved vegetative buffer along the west and south property lines as shown on the site plan;
8. No retention, parking or drive aisles shall be permitted within the fifty (50) feet of the west and south property lines, except as shown on the site plan;
9. There shall be no more than four (4) outdoor special events per year;
10. Both lots shall be combined, under a single parcel I.D. number prior to permitting;
11. Construction plans shall be submitted within two (2) years of Orange County approval;
12. A maximum of five (5) residents shall be allowed to occupy the residential structure;
13. Use of fireworks shall be prohibited; and,
14. The use of loudspeakers, bullhorns or amplified sound shall be prohibited, except during outdoor special events.

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

## **ORLANDO KART CENTER - SE-16-12-165**

**REQUEST:** **Special Exceptions and Variances** in the I-4 zoning district to modify previous Special Exception approval of August 7, 2012 as follows: 1) Special Exception: To construct a 1,730 sq. ft. services building; 2) Special Exception: To add a 50 ft. x 80 ft. metal canopy over viewing area; 3) Special Exception: To place 41 storage containers containing 9,600 sq. ft. on the site for storage purposes; 4) Variance: To place storage containers 3.6 ft. from front property line in lieu of 35 ft.; and, 5) Variance: To place

storage containers 0 ft. from the side (west) property line in lieu of 25 ft. (Note: The race track is only used for go carts with maximum 45 horsepower engines. The drag strip use has been removed).

**ADDRESS:** 201 Parcel Lane, Orlando FL 32824  
**LOCATION:** North side of Parcel Lane, West side of Cosmonaut Blvd., north of Central Florida Pkwy.  
**TRACT SIZE:** 14.1 acres  
**DISTRICT#:** 4  
**LEGAL:** COMM AT THE SE CORNER OF SEC 11-24-29, RUN TH S89-46-37W, 42.15 FT TH NO3-50-37W 313.80 FT TH S89-40-43W 622.98 FT NOO-19-17W 349.52 TH S89-46-44W 283.63 FT TH NO3-50-37W 360.00 FT TH N89-46-44E 450.00 FT TH N O3-50-37W 388.22 FT FOR POB TH NO3-50-37W 132  
**PARCEL ID#:** 11-24-29-7268-00-840  
**NO. OF NOTICES:** 39

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

Staff Recommendation: Staff gave a presentation regarding the requests and the surrounding area. The area was a heavy industrial park containing high intense industrial land uses. The industrial park contained storage containers scattered throughout. 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): Clarence Hoenstine (Applicant's Representative)

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

BZA Discussion: The BZA discussed the charity events held at this site and amended the conditions to allow them formally which included an additional condition as listed. Further, the BZA agreed with the staff recommendation as amended.

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

1. Development in accordance with site plan dated October 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 track shall be used for go karts only with engines not to exceed forty-five (45) horsepower;
5. Prior to the issuance of any permits, the applicant shall submit engineering plans and obtain permit approval from the Building Division and the Fire and Safety Division; and,
6. There shall be no more than four (4) outdoor special events with street legal cars at the manufacturers intended horse power. Said events shall be for charity with 501(c)(3) status.

AYE (voice vote): All members present

NAY (voice vote): Charles Norman



- MEETING RECESSED, 12:43 p.m.
- MEETING RECONVENED, 1:26 p.m.

**SOUL QUEST CHURCH OF MOTHER EARTH - SE-16-12-166**

<b>REQUEST:</b>	<b>Special Exception</b> in the A-2 zoning district for a religious use facility; and, <b>Variance</b> to allow unpaved parking spaces in lieu of paved. (Note: The applicant intends to use the property and existing 4,939 sq. ft. residence for religious, charitable and educational purposes).
<b>ADDRESS:</b>	1371 Hancock Lone Palm Road, Orlando FL 32828
<b>LOCATION:</b>	East side of Hancock Lone Palm Rd., south of E. Colonial Dr.
<b>TRACT SIZE:</b>	4.5 acres
<b>DISTRICT#:</b>	4
<b>LEGAL:</b>	S 150 FT OF N 1200 FT OF W1/2 OF SW1/4 (LESS W 30 FT FOR RD) OF SEC 24-22-31
<b>PARCEL ID#:</b>	24-22-31-0000-00-054
<b>NO. OF NOTICES:</b>	67
<u>Commentaries:</u>	None

Staff Recommendation: Staff gave a brief presentation and advised that most of the religious services would be held outdoors in honor of Mother Nature. Further, staff indicated the BZA needed to differentiate between special outdoor events and the normal services that occur on site as it appears the retreats would be conducted indoors and outdoors. Staff had no objection to the applicant's proposed plan for indoor/outdoor services since the area was very isolated and the outdoor activities would occur behind the existing house. Furthermore, there was a 600 to 700 foot dense vegetative buffer between the back of the house and the parcels to the east. Finally, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Brent Spain (Applicant's attorney)  
Christopher Young (Applicant's representative)

The applicant agreed to restrict themselves to the noise and sound limitations as required by the County's Noise Ordinance. The applicant advised the BZA that their outdoor worshipping would not be using outdoor sound devices or amplification of sound.

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

BZA Discussion: The BZA had concerns about the outdoor worshipping and the potential impacts to neighbors. However, the BZA felt the request was reasonable given the rural nature of the area and the buffers to the rear of the parcel. Therefore, the BZA concurred with the staff recommendation as amended to include an additional condition addressing the Noise Control Ordinance relative to residential use.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Carolyn Karraker and 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 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. Gravel parking and driving aisles may be unpaved. All handicapped spaces shall be paved;

5. No amplified sound devices or amplification of music;

6. No more than four (4) special outdoor events. Said events shall operate between the hours of 9:00 a.m. and 9:00 p.m. Said special outdoor events shall not include the religious/spiritual retreats;

7. Use permits for the new use shall be submitted within two (2) years or this approval becomes null and void; and,

8. The use shall comply with Section 15.182 (Noise Control Ordinance), Orange County Code for residential uses.

AYE (voice vote): All members present

NAY (voice vote): Charles Norman

### **RADIANT LIFE ASSEMBLY OF GOD OF ORLANDO FLORIDA, INC. - SE-16-12-167**

**REQUEST:** **Special Exceptions** in the A-1 zoning district to expand an existing religious/school as follows: 1) Add a two story 13,000 sq. ft. School/Administration Building; and, 2) Increase enrollment from 150 children (Grades K-5) to 400 students in Grades K-12.

**ADDRESS:** 8151 Clarcona Ocoee Road, Orlando FL 32818

**LOCATION:** North side of Clarcona Ocoee Rd., approximately 900 ft. east of N. Apopka Vineland Rd.

**TRACT SIZE:** 4.2 acres

**DISTRICT#:** 2

**LEGAL:** BEG 449.92 FT E OF NW COR OF SE1/4 OF SE1/4 OF SEC 34-21-28 RUN S 616.07 FT ELY ALONG RD RW 314.78 FT N 631.95 FT W 314.2 FT TO POB (LESS PT TAKEN ON S FOR RW PER 6977/3080 03-CA-2425) & 7054/3491 ERROR IN LEGAL BEG SW COR OF NE1/4 OF SE1/4 RUN N 589 F

**PARCEL ID#:** 34-21-28-0000-00-085

**NO. OF NOTICES:** 56

Commentaries: None

Staff Recommendation: Staff gave a brief overview of the existing operation and how this proposal would allow expansion from a K-5 to a K-12 grade school. It was noted that the proposed building, while two-stories was actually not as tall as the existing sanctuary. It was also explained that the parking would ultimately determine the number and grades of students. Lastly, staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Rev. Jeff Cromwell (Applicant's Representative)

Jimmy Davis (Applicant's Representative)

Ed Misicka (No Opinion)

The applicant was in agreement with the staff recommendation and conditions of approval. Two (2) individuals spoke in support of the request. One (1) individual indicated that they were not opposed; however, they had concerns regarding traffic and congestion. It was explained that these issues would be reviewed as part of the non-residential permitting process, and if it was found that improvements were needed to the road, the applicant would be responsible for them.

BZA Discussion: The BZA found that the proposed school expansion met the criteria for a Special Exception and that the conditions as amended would ensure a balance between parking and enrollment. Therefore, the BZA agreed 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 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 October 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. Construction plans shall be submitted within three (3) years or this approval becomes null and void.;
5. Actual enrollment shall be regulated through the availability of parking in accordance with Sec. 38-1476.(a) of the County Code. Any expansion of the parking lot shall require paved drive aisle and parking spaces;
6. No more than four (4) outdoor special events in conjunction with the school per calendar year between the hours of 9:00 a.m. and 9:00 p.m.;
7. No outdoor speakers or other audio amplification, exception during outdoor special events;
8. Lighting for the outdoor recreational areas shall be prohibited;
9. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, Exterior Lighting shall be shielded and down lit using "Dark Sky" lighting principles. Lighting fixtures in parking lots shall be mounted to the shortest poles possible to provide safe lighting;
10. Signage shall be in accordance with 31.5, Orange County Code for non-residential uses in a residential zoning district; and,
11. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.

AYE (voice vote): All members present

#### **MADISON LANDING APARTMENTS - SE-16-09-118**

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<b>REQUEST:</b>	<b>Variance</b> in the R-3 zoning district to construct two (2) multifamily structures 72 ft. in height in lieu of 35 ft. (Note: The applicant is in the process of amending the future land use designation and zoning of the subject property to allow the multifamily land use. The proposed structures will be used for elderly affordable housing. There are no single family structures within 100 ft. of the subject property).
<b>ADDRESS:</b>	1701 W Oak Ridge Road, Orlando FL 32809
<b>LOCATION:</b>	West side of S. Rio Grande Ave., 425 ft. north of the northwest corner of Rio Grande Ave. and W. Oak Ridge Rd.
<b>TRACT SIZE:</b>	5.4 acres
<b>DISTRICT#:</b>	6
<b>LEGAL:</b>	PLAN OF BLK 1 PROSPER COLONY D/109 LOTS 57 58 & S1/2 OF 39 & 40 (LESS W 200 FT OF LOT 58 & W 200 FT OF S1/2 OF LOT 39) & (LESS RD R/W ON S & E THEREOF) & (LESS R/W TAKEN PER OR 4269/1528)
<b>PARCEL ID#:</b>	22-23-29-7268-57-000
<b>NO. OF NOTICES:</b>	165
<u>Commentaries:</u>	Three (3) in favor and none in opposition

Staff Recommendation: Staff advised the BZA this applicant originally submitted this request as a Special Exception but on September 20, 2016, the BCC changed the zoning rules and converted this to a Variance request as opposed to a Special Exception request. Further, staff stated if the BZA determined there were no special circumstances related to this request, the

recommendation should be for denial. However, if the BZA determined there were circumstances that were not self-created, then the recommendation was for approval with the conditions as listed in the staff report to be imposed.

The following person(s) addressed the Board:

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

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 hardship was caused by County action and the project constituted an asset to this community. For the foregoing reasons, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Eugene Roberson, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** 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:

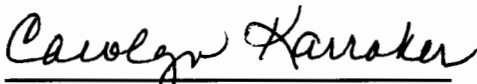
1. Development in accordance with site plan dated July 13, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for 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. No permits shall be issued until the Future Land Use is amended and approved by the Board of County Commissioners;
5. Lighting and architectural design shall be in accordance with Chapter 9, Orange County Code; and,
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

AYE (voice vote): All members present

#### ADJOURN:

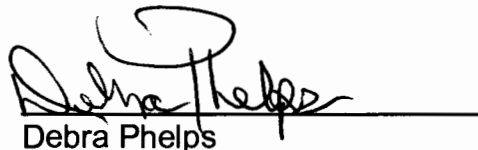
There being no further business, the meeting was adjourned at 2:37 p.m.

#### ATTEST:



Zachary Seybold  
Chairman

Carolyn Karraker  
acting chair



Debra Phelps  
Recording Secretary