

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF JANUARY 5, 2017**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **January 5, 2017** 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: Gregory A. Jackson - Chairman
Carolyn C. Karraker - Vice Chair
Jose A Rivas, Jr.- District #3
Deborah Moskowitz – District #4
Vacant – District # 5
Eugene Roberson – District # 6
Vacant – At Large

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 9:05 a.m.

ELECTION OF OFFICERS:

First call of order was to elect a new Chairman to the Board of Zoning Adjustment. Vice Chair, Carolyn C. Karraker entertained a motion. A motion was made by Eugene Roberson, seconded by Deborah Moskowitz and unanimously carried to nominate Gregory A. Jackson as Chairman to the Board.

The Board proceeded to elect a new Vice Chair. A motion was made by Gregory A. Jackson, seconded by Eugene Roberson and unanimously carried to nominate Carolyn C. Karraker, Vice Chair to the Board.

The new Chairman lead 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 December 1, 2016, Board of Zoning Adjustment Meeting.

A motion was made by Carolyn C. Karraker, seconded by Eugene Roberson, and unanimously carried to **APPROVE** the minutes of the December 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.

STEPHEN ALLEN, PE, AGENT FOR CALIBRE BEND APARTMENTS - VA-17-01-171

REQUEST: **Variance** in the R-3 zoning district to allow 359 parking spaces in lieu of 388 parking spaces.
(Note: The multifamily project is built and occupied. The applicant voluntarily submitted this request to avoid title complications in the future).

ADDRESS: 3924 Calibre Bend Lane, Winter Park, FL 32792

LOCATION: South side of University Blvd., 1/4 mile west of N. Goldenrod Rd.
S-T-R: 11-22-30
TRACT SIZE: 14.75 acres
DISTRICT#: 5
LEGAL: BEG 8 FT E OF NW COR OF NE1/4 OF NW 1/4 RUN S 41 DEG E 173 FT SELY & & SWLY 183.58 FT W 55.35 FT N 53.07 FT NWLY 184.64 FT S 1322.49 FT E 663.18 FT N 660.68 FT W 245 FT N 396.69 FT N 81 DEG W 198.12 FT N 222.65 FT WLY 214.77 FT TO POB IN SEC 11-22-30
PARCEL ID: 11-22-30-0000-00-004
NO. OF NOTICES 135

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

Staff Recommendation: Staff advised the BZA that this was a cleanup item. The applicant wanted to avoid any future complications should the project be re-financed. 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): Adam Greene, Civil Engineer for applicant answered questions for the Board. No one spoke in favor or in opposition to this request at the public hearing.

BZA Discussion: The BZA agreed the request met the variance criteria and concurred with the staff recommendations.

BZA Action: A motion was made by Eugene Roberson, 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 November 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. Prior to issuance of a Certificate of Occupancy for the new residence, the applicant shall unify the property under one Tax ID #.

AYE (voice vote): All members present

Absent: District # 5 and At Large were vacant.

OUR LADY OF FATIMA CATHOLIC CHURCH - SE-17-01-179

REQUEST: **Special Exceptions and Variance** in the R-1 zoning district for religious use as follows:
1) Special Exception: To construct new 6,000 sq. ft. church use building;
2) Special Exception: To convert existing residence into church office use;
and,
3) Variance: To allow grassed parking spaces and driving aisles in lieu of

paved.

ADDRESS: 7401 Mott Avenue, Orlando FL 32810

LOCATION: East side of Mott Avenue, 1/4 mile north of Edgewater Drive

S-T-R: 32-21-29

TRACT SIZE: 5.73 acres

DISTRICT#: 2

LEGAL: ERROR IN LEGAL: BEG 10 CH S AND 4 CH E OF NW COR OF NE 1/4 OF NW1/4; RUN E 2 CH, TH N 180 FT, TH W 14 CH +/- TO W LINE OF NE 1/4, TH S 180 FT ALONG SAID W LINE, TH W 663.96 FT ALONG N LINE OF BLK C LOCKHART SUB NO. 1 H/127, TH SWLY 120.4 FT ALONG W LINE O

PARCEL ID: 32-21-29-0000-00-082

NO. OF NOTICES: 127

Commentaries: None in favor and six (6) in opposition

Staff Recommendation: Staff supports this request as the proposed church will blend in the area. 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): Ray Bradick (Applicant's representative)

Juan Balbucua (Pastor for applicant)

Debbie Salamone (neighbor opposed)

David Crawford (in Favor)

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

BZA Discussion: After lengthy discussion ensued , the BZA approved the request with additional conditions.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Jose A. Rivas, Jr. 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 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 November 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. No more than four (4) outdoor special events per calendar year between the hours of 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed by the Orange County Fire Marshal's Office;
5. Parking shall be provided as shown on plan dated November 29, 2016. Handicapped parking shall be provided in accordance with all applicable regulations;

6. Landscaping shall be in accordance with Chapter 24, Orange County Code;
7. Construction plans shall be submitted within two (2) years of Orange County approval or this approval is null and void;
8. The two (2) trees adjacent to 7101 Cornet Street shall be removed prior to the issuance of any building permits in accordance with photos dated Received December 29, 2016;
9. A six (6) foot vinyl PVC fence shall be erected as shown on the site plan dated November 29, 2016. Said fence shall be constructed prior to the issuance of a Certificate of Occupancy for the new church building; and,
10. Soup kitchen, homeless shelter, private school, day care or substance abuse rehabilitation uses shall be prohibited.

AYE (voice vote): All members present

Absent: District # 5 and At Large were vacant.

TINA HAYNES - SE-17-01-183

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

- 1) Special Exception to construct a 520 sq. ft. detached Accessory Dwelling Unit (ADU) for applicant's daughter; and,
- 2) Variance to permit a detached ADU on a lot with 10,624 sq. ft. of lot area in lieu of 11,250 sq. ft.

(Note: The ADU is intended for the applicant's daughter. The applicant has letters of support from six (6) neighbors.)

ADDRESS: 7149 Steffie Lane, Orlando FL 32818

LOCATION: Southeast corner of Steffie Ln. and BJ Creek Way, approximately 125 ft. east of Ironwood Dr.

S-T-R: 23-22-28

TRACT SIZE: 83 ft. x 123 ft.

DISTRICT#: 6

LEGAL: WALNUT CREEK 25/40 LOT 83

PARCEL ID: 23-22-28-8985-00-830

NO. OF NOTICES: 105

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

Staff Recommendation: Staff gave a presentation showing photographs, the location, and the proposed layout. 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): Tina Haynes (Applicant), answered questions posed by the board. The applicant agreed with the staff report.

BZA Discussion: The BZA confirmed the access to the ADU and concurred with the staff recommendation.

BZA Action: A motion was made by Eugene Roberson, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and, 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 November 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 of the final County approval, 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 3 years. The ADU may be occupied by a nonrelative 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: District # 5 and At Large were vacant

SHEILA CICHRA - VA-17-01-187

REQUEST:	Variance in the R-1A zoning district to permit construction of a new two-story residence and garage 18 ft. from the rear (west) property line in lieu of 30 ft. (Note: The lot contains wetlands and uplands. Applicant submitted letters of no objection from some of the affected adjacent owners.)
ADDRESS:	12980 S. Lake Mary Jane Road, Orlando FL 32832
LOCATION:	West side of S. Lake Mary Jane Rd., approximately 400 ft. south of Storys Ford Rd.
S-T-R:	25-24-31
TRACT SIZE:	330 ft. x 281 ft.
DISTRICT#:	4
LEGAL:	ISLE OF PINES U/97 LOT 1
PARCEL ID:	25-24-31-3872-00-010 & 25-24-31-3872-00-016
NO. OF NOTICES:	63

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

Staff Recommendation: Staff found that the applicant's property would be rendered virtually unusable without the approval of the requested variance.

The following person(s) addressed the Board:
The applicant was present but chose not to speak at the public hearing.
No one spoke in favor or opposition at the public hearing.

Speaker(s): No one spoke in favor or in opposition to the request.

BZA Discussion: The BZA found that without the variance the land would be undevelopable. Further, due to the dense vegetation in the wetland, the new house would be barely visible. Also, the most impacted property owners were in support. Therefore, the BZA concurred with the staff recommendation.

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

1. Development in accordance with site plan dated November 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. Prior to issuance of a Certificate of Occupancy for the new residence, the applicant shall unify the property under one Tax ID #; and,
5. Approval of this request does not constitute approval of the use of wells and/or septic tanks . The use of septic tanks and wells shall be in accordance with all applicable regulations.

AYE (voice vote): All members present
Absent: District # 5 and At Large were vacant

JODY DEVOE - SE-17-01-185

REQUEST:	Special Exception in the A-2 zoning district to allow an attached Accessory Dwelling Unit (ADU) for applicant's mother.
ADDRESS:	20172 Racine Street, Orlando FL 32833
LOCATION:	South side of Racine St., east of Bancroft Blvd., north of the Beachline Expwy.
S-T-R:	24-23-32
TRACT SIZE:	180 ft. x 300 ft.
DISTRICT#:	5
LEGAL:	CAPE ORLANDO ESTATES UNIT 3A 3/101 LOT 78 BLK 2
PARCEL ID:	24-23-32-1165-20-780
NO. OF NOTICES:	35
<u>Commentaries:</u>	None

Staff Recommendation: Staff indicated that this request was consistent with numerous other ADU approvals granted to properties in the Wedgefield development. 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): Jody DeVoe (Applicant)

No one spoke in favor or in opposition to the request.

BZA Discussion: BZA agreed that the request met the criteria for a Special Exception 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 November 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 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 (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first; and,
5. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

AYE (voice vote): All members present

Absent: District # 5 and At Large were vacant.

BIBI KAHN - SE-17-01-172

REQUEST:	Special Exception and Variance in the R-T-2 zoning district as follows: 1) Special Exception: To allow a detached Accessory Dwelling Unit (ADU) for applicant's mother; and, 2) Variance: To allow a 1,440 sq. ft. ADU in lieu of 604 sq. ft.
ADDRESS:	2557 4th Street, Orlando FL 32820
LOCATION:	East side of 4th St., north of Hewlett Rd., north of E. Colonial Dr.
S-T-R:	15-22-32
TRACT SIZE:	1.6 acres
DISTRICT#:	5
LEGAL:	EAST ORLANDO ESTATES SECTION B X/122 THE N1/2 OF LOT 389
PARCEL ID:	15-22-32-2331-03-891
NO. OF NOTICES:	60

Commentaries: Seven (7) in opposition and applicant provided a petition with twenty-two (22) signatures in favor at the public hearing.

Staff Recommendation: Staff had no objections to placing a second dwelling unit on the property for applicant's family. However, the code limits the size to 604 sq. ft. of living area (a maximum of forty-five percent (45%) of living area of primary residence). It is not practical for two (2) elderly adults to share 604 sq. ft. Additionally, staff would support a maximum of 1,000 square feet so as to not start an undesirable size precedent in this community. Staff advised the BZA that it had received numerous citizen inquiries since the staff report was completed. Also, there were pending zoning code violations on-site. The property was scheduled to appear before the Code Enforcement Board on January 18, 2017.

The following person(s) addressed the Board:

Speaker(s): Bibi Khan (Applicant)

Brenda Rogers (Neighbor opposed)

Jeffery Shellhammer (Code Enforcement Inspector)

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

The Code Enforcement Inspector, Shellhammer gave the Board a history of the property and current violations to include documentation which was entered into the record prior to the close of the public hearing.

BZA Discussion: The BZA discussed the case and concluded that this request did not meet the Special Exception criteria and advised the applicant to resolve the numerous violations on-site.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Deborah Moskowitz and unanimously carried to **DENY** the Special Exception request in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and to **DENY** the Variance request in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3).

AYE (voice vote): All members present

Absent: District # 5 and At Large were vacant

ALENA KOLYADCHIK - VA-17-01-173

REQUEST: **Variance** in the R-1A zoning district to construct single family residence 5 ft. from front (west) property line in lieu of 25 ft.
(Note: On August 4, 2016, the applicant obtained a Special Exception to validate an existing ADU on the site with variances for non-compliant setbacks; and, to reconstruct the principal residence 7 ft. from the north side street property line (Fisher Street) in lieu of 15 ft.)

ADDRESS: 701 Lake Hiawassee Drive, Orlando, FL 32835

LOCATION: East side of Lake Hiawassee Dr., approximately 275 ft. north of Carlene Dr.

S-T-R: 35-22-28

TRACT SIZE: 100 ft. x 141 ft.

DISTRICT#: 1

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

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

NO. OF NOTICES: 78

Commentaries: Four (4) in favor and one (1) in opposition

Staff Recommendation: Due to the size of this variance, staff could not support the request. However, should the BZA find that there were sufficient grounds to find that the application meets the criteria for granting of a variance, staff recommended that the conditions as outlined in the staff report be attached to the approval.

The following person(s) addressed the Board:

Speaker(s): Alena Kolyadchik (Applicant)

Natalia Balic (Building Designer on behalf of the applicant)

Abi Nakhjavani (neighbor in Favor)

Rick Keppler (Opposed)
Peter Valente (Opposed)

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 asked if they could reduce the requested amount of the variance. The applicant's architect indicated that to keep the garage a two-car, they would need to maintain the width; however, they could reduce the width of the balcony to bring the variance down to a seven (7) foot setback (72%).

The BZA informed the opposing individuals that the case at hand had nothing to do with Fisher Street but rather it was about the setback for the new addition. Each noted that they thought the setback should be complied with.

The BZA discussed the amount to the variance, noting that the lot was irregularly shaped, the house was at the end of the road, and that the most affected property owner was in support of the request. A motion was made to recommend approval of a seven (7) foot front setback in lieu of twenty-five (25) feet. Staff noted that condition #5, should be deleted.

BZA Action: A motion was made by Carolyn Karraker, seconded by Jose A. Rivas, Jr., Gregory A. Jackson, voting AYE by voice vote; Eugene Roberson voting No by voice vote; and Deborah Moskowitz abstained and carried to **APPROVE** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (3 in favor, 1 opposed, 1 abstained, and 2 absent):

1. Development in accordance with site plan dated November 7, 2016 a seven (7) ft. setback from the front property line in lieu of 25 ft. setback, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

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

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

4. The exterior of the addition shall match the exterior of the existing residence with regard to color and materials.

AYE (voice vote): Carolyn Karraker, Jose A. Rivas, Jr. Gregory A. Jackson

NAY (voice vote): Eugene Roberson

Abstained: Deborah Moskowitz (due to temporary absence)

Absent: District # 5 and At Large were vacant

LAWRENCE AND KAREN FUSAN - VA-17-01-174

REQUEST:	Variance in the P-D zoning district to construct addition to single family residence 7 ft. from side (north) property line in lieu of 10 ft.
ADDRESS:	2112 Ridgewind Way, Windermere FL 34786
LOCATION:	East side of Ridgewind Way, 1/4 mile west of McKinnon Rd.
S-T-R:	12-23-27
TRACT SIZE:	110 ft. x 200 ft.
DISTRICT#:	1
LEGAL:	ESTATES AT WINDERMERE FIRST ADDITION 37/109 LOT 2

PARCEL ID: 12-23-27-2520-00-020

NO. OF NOTICES: 66

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

Staff Recommendation: Staff indicated that the amount of variance deviation requested was thirty percent (30%). Although, the most affected property owner and the HOA had no objection, staff could not support any variance request that clearly did not meet any of the variance criteria. However, should the BZA approve this request, staff recommended conditions of approval to be imposed as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Karen Fusan (Applicant)

BZA Discussion: The BZA noted that the most affected neighbor was in favor, and the shrubs/buffer was in place. Therefore, the BZA approved the request.

BZA Action: A motion was made by Carolyn Karraker, seconded by Jose A. Rivas, Jr. 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 November 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; and,
4. The design of the addition shall be consistent with the design of the main house.

AYE (voice vote): All members present

Absent: District # 5 and At Large were vacant

SUE SORRENTINO - VA-17-01-176

REQUEST: **Variance** in the R-1A zoning district to construct an addition to single family residence (an open air lanai with a permanent roof extension) 18 ft. from rear property line in lieu of 30 ft.
(Note: The subject property is a through lot which backs onto Kaley St. The current residence fills the building envelope from front to rear.)

ADDRESS: 2541 Stoneview Road, Orlando FL 32806

LOCATION: North side of Stoneview Rd., south of Kaley St., between S. Bumby and Peel Aves.

S-T-R: 06-23-30

TRACT SIZE: 110 ft. x 132 ft. (AVG)

DISTRICT#: 3

LEGAL: PORTER PLACE 28/111 LOT 3

PARCEL ID: 06-23-30-7218-00-030

NO. OF NOTICES: 78

Commentaries: Seven (7) neighbors, including one of the most impacted, and the HOA had all sent in commentaries recommending approval and none in opposition.

Staff Recommendation: Staff recommended approval of the request as the applicant's HOA and the most impacted neighbor to the East have both submitted letters of support for the request.

The following person(s) addressed the Board:

Speaker(s): Sue Sorrentino (Applicant)

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

BZA Discussion: The BZA discussed the case and concluded that the request met the criteria for the variance. Thus, the BZA concurred with the staff recommendation.

BZA Action:

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

1. Development in accordance with site plan dated November 10, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The exterior of the porch shall match the exterior of the existing residence; and,
5. The porch shall not be enclosed with glass without approval of the BZA. Any walls shall not exceed a height of three (3) feet.

AYE (voice vote): All members present

Absent: District # 5 and At Large were vacant

BASSEM WAHAB - VA-17-01-182

REQUEST:	Variances in the R-2 zoning as follows: 1) Variance to validate the side (westerly) setback of existing residence at 4 ft. in lieu of 6 ft.; 2) To construct an addition (lanai with a permanent roof extension) 17 ft. from rear property line in lieu of 25 ft.; and, 3) To construct an addition (lanai with a permanent roof extension) 4 ft. from the side (westerly) property line in lieu of 6 ft.
ADDRESS:	2916 Barrymore Court, Orlando FL 32835
LOCATION:	Southerly side of Barrymore Ct., approximately 150 ft. south of Hunterdon Ct.
S-T-R:	02-23-28
TRACT SIZE:	61.5 ft. x 135.5 ft. (AVG)
DISTRICT#:	1
LEGAL:	PEMBROOKE 22/7 LOT 107A

PARCEL ID: 02-23-28-6801-01-070

NO. OF NOTICES: 132

Commentaries: Three (3) in favor along with the applicant's HOA and none in opposition.

Staff Recommendation: Staff recommended approval of the request subject to the conditions as set forth in the staff report. The property was irregularly shaped with a sloping rear property line. As a result of the angle of the rear lot line, a portion of the lanai was actually located thirty-six (36) feet from the rear lot line. Only a portion of the addition was actually in the setback. Further, the property backed up to a stormwater management area.

The following person(s) addressed the Board:

Speaker(s): Hader Dabah (on behalf of the applicant)

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

BZA Discussion: The BZA discussed the case and concluded that the irregular shape of the lot warranted the need for a variance. Therefore, 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 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 November 15, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The exterior of the new lanai shall match the exterior of the existing residence with respect to color and shingles;and,
5. The lanai may be screened, however, it cannot be enclosed with glass without further approval by the BZA. Any walls shall not exceed three (3) ft. in height.

AYE (voice vote): All members present

Absent: District # 5 and At Large were vacant

MILEIDYS POLO - VA-17-01-184

REQUEST:	Variance in the R-1A zoning district to construct a 840 sq. ft. accessory building in lieu of 500 sq. ft.
ADDRESS:	603 Dee Dee Street, Orlando FL 32807
LOCATION:	Northeast corner of Dee Dee St., and Kalamba St., west of N. Forsyth Rd.
S-T-R:	27-22-30
TRACT SIZE:	.53 acres
DISTRICT#:	3
LEGAL:	COMM AT THE NE COR OF NE1/4 TH RUN S 660.11 FT W 30 FT

S 300.79 FT W 454.11 FT TO POB CONT W 151.37 FT N 150.39
FT E 151.37 FT S 150.39 FT TO POB

PARCEL ID: 27-22-30-0000-00-147

NO. OF NOTICES: 122

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

Staff Recommendation: Staff had concerns about the amount of deviation from the code (68%).

The following person(s) addressed the Board:

Speaker(s): Mileidys Polo (Applicant)

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

BZA Discussion: The BZA was concerned about the proposed size. The BZA discussed the size of the boat and trailer and the least variance possible that would help the applicant. The BZA made a motion to approve the variance as submitted. The motion failed. The BZA made a second motion to approve a variance for 800 sq. ft. The motion failed. The BZA made a 3rd motion to approve a variance for 700 sq. ft. The motion was approved by the BZA.

BZA Action:

A motion was made by Jose A. Rivas, Jr. seconded by Carolyn Karraker voting AYE by voice vote, and Deborah Moskowitz, Gregory A. Jackson, Eugene Roberson, Jr. voting No by voice vote, to **APPROVE** the Variance request as submitted. The motion **FAILED** for lack of a majority vote.

Another motion was made by Jose A. Rivas, Jr. to **APPROVE** the Variance request as amended to a total of 800 sq. ft. The motion **DIED** for lack of a second vote.

A third motion was made by Eugene Roberson, Jr., seconded by Deborah Moskowitz and carried to **APPROVE** the Variance request as amended to a total of 700 sq. ft., 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 November 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 exterior of the proposed accessory structure shall match the exterior color of the existing house; and,
5. The BZA approved a variance for 700 sq. ft.

AYE (voice vote): Eugene Roberson, Jr., Deborah Moskowitz, Gregory A. Jackson, Carolyn Karraker

NAY (voice vote): Jose A. Rivas, Jr.

Absent: District # 5 and At Large were vacant

REQUEST: **Variances** in the A-2 zoning district as follows:
1) To allow an accessory structure with a floor area of 2,925 sq. ft. in lieu of 2,000 sq. ft.; and,
2) To allow accessory structure height of 26 ft. in lieu of 20 ft.

ADDRESS: 20439 Sheldon Street, Orlando, FL 32833

LOCATION: North side of Sheldon St., east of Bancroft Blvd., north of the Beachline Expwy.

S-T-R: 25-23-32

TRACT SIZE: 4.77 acres

DISTRICT#: 5

LEGAL: ROCKET CITY UNIT 4A Z/110 A/K/A CAPE ORLANDO ESTATES UNIT 4A 1855/292 TRACT 45

PARCEL ID: 25-23-32-9632-00-450

NO. OF NOTICES: 42

Commentaries: One (1) letter from HOA in favor and none in opposition

Staff Recommendation: Staff recommended approval of the request subject to the conditions as outlined in the staff report. Staff advised the BZA that the Wedgefield development had a mix of 1-5 acre parcels. Many of the parcels had oversized accessory buildings. Therefore, this request was consistent with the existing development trend of the area.

The following person(s) addressed the Board:

Speaker(s): Harold Cooke (Applicant)

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

BZA Discussion: The BZA agreed this request was typical of the properties in this development and concurred with the staff recommendation.

BZA Action:

A motion was made by Jose A. Rivas, Jr., seconded by Eugene Roberson 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 November 10, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

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

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

4. The proposed garage shall be constructed of materials that are typically used for single family residential construction.

AYE (voice vote): All members present

Absent: District # 5 and At Large were vacant.

REQUEST: **Special Exception and Variance** in the P-O zoning district as follows:
1) Special Exception to operate a VPK-K5 preschool; and,
2) Variance to validate existing side yard (north) setback of 7 ft. in lieu of 10 ft.
(Note: The applicant was cited by the Code Enforcement Division for the enclosure of carport by a previous owner without a permit. When the property was rezoned to P-O on 6/20/02, the Planning & Zoning Commission also granted variances to the lot width and lot area.)

ADDRESS: 1223 N. Pine Hills Road, Orlando FL 32808

LOCATION: East side of N. Pine Hills Rd., approximately .4 miles north of Balboa Dr.

S-T-R: 19-22-29

TRACT SIZE: 65 ft. x 125 ft.

DISTRICT#: 6

LEGAL: PINE HILLS MANOR NO 2 S/84 LOT 12 BLK H

PARCEL ID: 19-22-29-6976-08-120

NO. OF NOTICES: 155

Commentaries: None

Staff Recommendation: Staff advised the BZA that this use was consistent with the uses located along the Pine Hills Road corridor. Also, the on-site parking was satisfactory to accommodate the parking needs of the school. Lastly, staff recommended approval of the request subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Vivian Rich (Applicant) provided the board with project specifics.

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

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 concluded this request blended with the other uses along Pine Hills Road and concurred with the staff recommendation.

BZA Action: A motion was made by Eugene Roberson, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and 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 November 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. No more than twenty (20) students;
5. No additional landscaping is required for this project; and,
6. Prior to operating the school, the applicant shall obtain a use permit.

AYE (voice vote): All members present

Absent: District # 5 and At Large were vacant

DARREN ENGLE - VA-17-01-180

REQUEST: **Variances** in the R-1A zoning district as follows:
 1) Total accessory structure floor area of 720 sq. ft. in lieu of 529 sq. ft. (25% of total living area); and,
 2) Locate two accessory structures in front of principal structure in lieu of along side or behind.
 (Note: The subject property is a lakefront lot. There is an existing 96 sq. ft. (8 ft. x 12 ft.) shed located in front of the home on the southerly side of the property. The applicant is proposing to construct a new 624 sq. ft. (26 ft. x 24 ft.) garage.)

ADDRESS: 5832 N. Dean Road, Orlando FL 32817

LOCATION: West side of N. Dean Rd., approximately 500 ft. south of Lake Georgia Rd.

S-T-R: 06-22-31

TRACT SIZE: 114 ft. x 789 ft. (AVG)

DISTRICT#: 5

LEGAL: BEG 30 FT W & 570 FT S OF NE COR SEC RUN S 88.25 FT SELY ALONG CURVE 16.8 FT S 51 DEG W 699.62 FT W 123.53 FT N 51 DEG E 861.41 FT TO POB IN SEC 06-22-31

PARCEL ID: 06-22-31-0000-00-075

NO. OF NOTICES: 77

Commentaries: None

Staff Recommendation: Staff recommended approval of the request subject to the conditions as outlined in the staff report. Staff advised the BZA that it was common for lakefront property owners to place accessory buildings in the front yard.

The following person(s) addressed the Board:

Speaker(s): Charlie Howell (Contractor on behalf of the applicant)

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

BZA Discussion: The BZA concluded this request was consistent with the other parcels on Lake Georgia. As such, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Variance 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 November 15, 2016 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite

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

- 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
- 4. The accessory structure shall be constructed of materials commonly used for single family construction.

AYE (voice vote): All members present
Absent: District # 5 and At Large were vacant

MATTHEW MARKS - VA-17-01-181

REQUEST: Variance in the R-1AA zoning district to construct addition to single family residence 20 ft. from front property line in lieu of 30 ft.
ADDRESS: 2538 Overlake Avenue, Orlando FL 32806
LOCATION: South side of Overlake Ave., approximately 650 ft. east of Bayfront Parkway
S-T-R: 07-23-30
TRACT SIZE: 77 ft. x 159 ft.
DISTRICT#: 3
LEGAL: WATERFRONT ESTATES 4TH ADDITION U/89 LOT 19 BLK F
PARCEL ID: 07-23-30-9064-06-190
NO. OF NOTICES: 92

Commentaries: Seven (7) in favor and two (2) in opposition
Staff Recommendation: Staff recommended approval of the request subject to the conditions as listed in the staff report. The most impacted neighbors had signed letters of no objection to this proposal.
The following person(s) addressed the Board:
Speaker(s): Matthew Marks (Applicant)
No one spoke in favor or in opposition to this request at the public hearing.
BZA Discussion: The BZA felt the request was reasonable and met the criteria for a Variance. Therefore, the BZA concurred with the staff recommendation.
BZA Action:

A motion was made by Jose A. Rivas, Jr., 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 November 15, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
- 2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

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

AYE (voice vote): All members present

Absent: District # 5 and At Large were vacant.

DAYALAL BHARADVA - VA-17-01-190

REQUEST: **Variances** in the R-CE zoning district as follows:
 1) Lot width of 52 ft. in lieu of 130 ft.;
 2) Rear setback of 36 ft. in lieu of 50 ft.;
 3) Principal structure located 11 ft. from the side street property line in lieu of 15 ft.;
 4) Accessory structure (garage) located 12 ft. from the side street property line in lieu of 15 ft.;
 5) To allow a lot area of .35 acres in lieu of 1 acre;
 6) House with a gross floor area of 4,130 sq. ft. in lieu of the 3,200 gross sq. ft. as approved by the BZA on July 3, 2013; and,
 7) A pool and deck located 10 ft. in the front of the principal structure in lieu of the side or rear yards.
 (Note: The purpose of this application is to cure the zoning requirement non-conformities that currently exist).

ADDRESS: 9900 Kilgore Rd., Orlando FL 32836
LOCATION: West side of Kilgore Rd., north of Darlene Dr.

TRACT SIZE: .35 acres

DISTRICT#: 1

LEGAL: 20150228995 & 20160118277- ERROR IN DESC: FROM A POINT ON THE E LINE & 537.72 FT N0-22-2E OF THE SE CORNER OF THE SE 1/4 OF SEC 4-24-28 TH W 277.25 FT TO THE POB SAID POINT BEING ON THE WLY RIGHT OF WAY OF KILGORE RD TH CONTINUE W 72 FT TH S0-22-0W 178.86

PARCEL ID#: 04-24-28-0000-00-011

NO. OF NOTICES: 46

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

Staff Recommendation: Staff recommends approval of the request since the variances were based on the unique shape and size of the subject property.

The following person(s) addressed the Board:

Speaker(s): Jaime Rodriguez (on behalf of the applicant)
 John Link (neighbor in Favor)

There was no one present to speak against the request at the public hearing.

BZA Discussion: The BZA concluded that the variances were needed to correct the current non-conformities and encroachments into the public right-of-way. In addition, there aren't many solutions since the structure was already built. As a result, 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 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 November 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; 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: District # 5 and At Large were vacant

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 Rd., 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: Two (2) in favor and five (5) in opposition

Staff Recommendation: Staff withheld a recommendation until all evidence and testimony was submitted into the record. Based on lack of opposition at the public hearing, staff recommended approval with the conditions as proposed.

The following person(s) addressed the Board:

Speaker(s): Lorezo Thompson (Applicant's representative)
Gilson Mortimer (Applicant)

There was no one present to speak for or against the request at the public hearing.

BZA Discussion: The BZA asked if they needed to have the facility opened as late as 11:00 p.m.? The applicant indicated that it would facilitate those who worked late. The BZA was concerned with loitering at late hours. The applicant indicated that they would not allow loitering. When asked how, they indicated that they would have someone at the facility during operating hours to prevent any loitering. The BZA concluded that adding a condition to secure against loitering should be part of this approval. Staff asked if the BZA would like to include that requirement as a condition. The BZA responded affirmatively. Thus, the BZA concurred with the staff recommendation as amended.

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

1. Development in accordance with site plan dated November 7, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

- AYE (voice vote): All members present
Absent: District # 5 and At Large were vacant.

The following person(s) addressed the Board:

Speaker(s): Sam Staton (Applicant)

Meredith Harewood (neighbor in Favor)

There being no one in attendance to speak against the request at the public hearing.

BZA Discussion: The BZA determined to recommend approval of Variances #1 and #2; and, found Variance #3, as no longer necessary.

BZA Action:

A motion was made by Jose A. Rivas, Jr., seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Variance requests #1 and # 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; and, deemed Variance #3, as **UNNECESSARY**:

1. Development in accordance with site plan dated November 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 BZA's review or the plans revised to comply with the standard; and,
4. The exterior of the addition shall match the exterior of the existing structure with regard to materials and color.

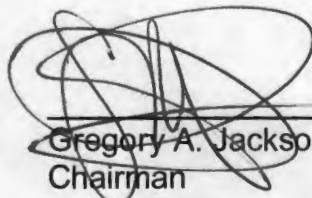
AYE (voice vote): All members present

Absent: District # 5 and At Large were vacant

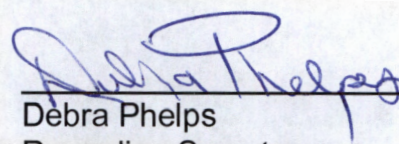
ADJOURN:

There being no further business, the meeting was adjourned at 1:55 P.M.

ATTEST:



Gregory A. Jackson
Chairman



Debra Phelps
Recording Secretary