

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
MEETING OF MARCH 2, 2017**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **March 2, 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.  
Eugene Roberson  
Vacant – At Large

**BOARD MEMBERS ABSENT:** Deborah Moskowitz  
Wes A. Hodge

**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 9:19 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 February 2, 2017, 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 February 2, 2017, 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.

**ASPIRE HEALTH PARTNERS - SE-17-02-188**

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<b>REQUEST:</b>	<b>Special Exception</b> in R-2 and R-3 zoning districts to allow a clubhouse to be used for social services and job training. (Note: The clubhouse exists and is adjacent to 12 duplexes. It will support the residents of the duplexes and the general public).
<b>ADDRESS:</b>	4094 Ellis Drive, Orlando FL 32804
<b>LOCATION:</b>	East side of Edgewater Dr., north of Fairbanks Ave., south of Lee Rd.
<b>TRACT SIZE:</b>	7.63 acres
<b>DISTRICT#:</b>	5
<b>LEGAL:</b>	LORENA GARDENS P/18 LOTS 4 THRU 6 & NWLY 105 FT OF LOT 7 & 8 BLK A & NWLY 105 FT OF N 51 FT OF LOT 5 BLK 5 OF FAIRVIEW

SPRINGS REP 1ST ADD K/94 & NWLY 38 FT OF ST LYING SELY OF  
LOTS 4 THRU 6 BLK A & 1/6 INT IN & TO E 21 FT OF S 150 FT & E 22  
FT OF N 250 F

**PARCEL ID#:** 03-22-29-5228-01-041

**NO. OF NOTICES:** 198

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

**Staff Recommendation:** Staff gave a brief presentation on the case addressing the request, existing use, zoning in the area, and a brief analysis. 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):** Ken Jacobs (Applicant's representative)

Philip Toal (in Favor)

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

**BZA Discussion:** The BZA confirmed that the facility would not be used as a clubhouse after hours and concurred with the staff recommendations.

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

4. Approval is to use the clubhouse to provide job training skills and social services. It shall not be used as a substance abuse or recovery facility; and,

5. A use permit shall be obtained from Orange County prior to operating the facility.

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

**Absent:** Deborah Moskowitz and Wes A. Hodge

**FRANKIE STUA - VA-17-03-001**

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**REQUEST:** **Variance** in the R-2 zoning district construct accessory building (shed) 5 ft. from the side street property line in lieu of 15 ft. (Note: The shed was constructed without permits. This is the result of code enforcement action).

**ADDRESS:** 1626 Cumbie Avenue, Orlando FL 32804

**LOCATION:** Southeast corner of Cumbie Ave. and Taft Ave.

**TRACT SIZE:** .15 acres

**DISTRICT#:** 5

**LEGAL:** FAIRVILLA PARK L/115 LOT 13 BLK H

**PARCEL ID#:** 15-22-29-2652-08-130

**NO. OF NOTICES:** 103

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

Staff Recommendation: Staff advised the BZA that there was a septic tank and drainfield behind the house as well as the backyard narrows in width. The front yard was the only area that was big enough for a shed. Staff further advised the BZA this request met the Variance Criteria. 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): Frankie Stua (Applicant)

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

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

BZA Action: A motion was made by 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 January 5, 2017, 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. Permits for the accessory building shall be obtained within sixty (60) days or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Wes A. Hodge

#### **DEXTER WILLIAMS - VA-17-03-002**

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**REQUEST:** **Variance** in the R-L-D zoning district to construct a sunroom addition 15 ft. from the rear (north) property line in lieu of 20 ft. (Note: The applicant's HOA and four (4) of the most impacted neighbors have submitted letters of support).

**ADDRESS:** 5418 Lochdale Drive, Orlando FL 32818

**LOCATION:** North side of Lochdale Dr., approximately 175 ft. east of Shale Ridge Trail, 1/4 mile south of Clarcona Ocoee Rd.

**TRACT SIZE:** 58 ft. x 110 ft.

**DISTRICT#:** 2

**LEGAL:** ROBINSON HILLS UNIT 7 68/120 LOT 602

**PARCEL ID#:** 35-21-28-7562-06-020

**NO. OF NOTICES:** 110

**Commentaries:** Four (4) in favor, letter of support from HOA, and none in opposition

**Staff Recommendation:** Staff explained that the R-L-D zoning district was not a very commonly used district. In addition, while the actual rear setback for this district was fifteen (15) feet, it was because the developers had envisioned larger rear yards that they established the setbacks by way of the plat. Therefore, the BZA was actually acting to allow the applicant to do what they would be able to do in any other subdivision with this zoning by right. Finally, staff recommended approval of the request subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

**Speaker(s):** Dexter Williams (Applicant) waived the right to speak and agreed with the staff recommendation.

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

**BZA Discussion:** The BZA found that the applicant was being denied rights enjoyed by others in the same zoning district. Further, the fact that the HOA supported the request showed that this would not be a detriment to the neighborhood. Therefore, the BZA concurred with the staff recommendation.

**BZA Action:** A motion was made by Gregory A. Jackson, seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Variance 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 January 5, 2017, 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 respect to color and materials.

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

**Absent:** Deborah Moskowitz and Wes A. Hodge

## **ORLANDO KART CENTER - SE-17-03-003**

**REQUEST:** **Special Exception** in the IND-4 zoning district to increase the amount of storage space on the east side of the existing track by 12,600 sq. ft. (Note: The addition is internal to the existing operation. The architectural plans submitted with the application show the applicant proposes to construct a new storage building with spectator space on the upper level facing the track).

**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 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: None

Staff Recommendation: Staff gave a brief analysis of the area and the uses existing in this industrial park. 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): Clarence Hoenstine (Applicant's representative)

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

BZA Discussion: The BZA concluded the request met the Special Exception Criteria. Thus, the BZA concurred with the staff recommendation.

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

1. Development in accordance with site plan dated January 17, 2017, 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 two (2) years or this approval becomes null and void; and,
5. All previous conditions of approval from previous Special Exception approvals still apply to this site.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Wes A. Hodge

**WILLIAM HURD - SE-17-03-005**

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**REQUEST:** **Special Exception** in the R-CE zoning district to construct a 900 sq. ft. detached Accessory Dwelling Unit (ADU) for applicant's parents.  
**ADDRESS:** 9133 Kilgore Road, Orlando FL 32836  
**LOCATION:** East side of Kilgore Rd., approximately 975 ft. south of Point Cypress Dr.  
**TRACT SIZE:** 1.4 acres

**DISTRICT#:** 1  
**LEGAL:** S1/2 OF N1/2 OF SE1/4 OF NE1/4 OF NE1/4 (LESS N 145 FT OF W 331 FT THEREOF) OF SEC 04-24-28  
**PARCEL ID#:** 04-24-28-0000-00-035  
**NO. OF NOTICES:** 86  
**Commentaries:** Three (3) in favor and none in opposition

**Staff Recommendation:** Staff indicated that the property was 1.4 acres in size and a flag lot. Staff further stated that no one would be able to see the ADU from Kilgore Road. 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):** William Hurd (Applicant) waived the right to speak and agreed with the staff recommendation to include the additional condition.

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

**BZA Discussion:** The BZA concluded this request met the requirements of the ADU regulations and concurred with the staff recommendation as amended to include an additional condition.

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

1. Development in accordance with site plan dated January 13, 2017, 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 three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first;

5. Permits shall be obtained within two (2) years or this approval becomes null and void; and,

6. The Accessory Dwelling Unit shall be designed to match the principal residence.

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

**Absent:** Deborah Moskowitz and Wes A. Hodge

#### **JASILA LOUIS - SE-17-03-004**

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**REQUEST:** **Special Exception** in the R-1 zoning district to convert existing structure into a 750 sq. ft. detached Accessory Dwelling Unit (ADU) with the following **Variances:** 1) To allow a detached ADU with 6,850 sq. ft. of lot area in lieu of 7,500 sq. ft.; 2) ADU to be located 3 ft. from the rear (north) property line in lieu of 10 ft.; 3) To validate an existing shed located 0 ft. from the side (west) property line in lieu of 5 ft., and 1.5 ft. from the rear

(north) property line in lieu of 5 ft.; and, 4) To validate an existing carport located 20 ft. from the front (south) property line in lieu of 25 ft. (Note: The property is owned by the applicant who intends to reside in the ADU. Her daughter and grandchild will reside in the main residence. This application is the result of Code Enforcement Action).

**ADDRESS:** 4139 Raleigh Street, Orlando FL 32811  
**LOCATION:** North side of Raleigh St., approximately 100 ft. east of Amaros Ave.  
**TRACT SIZE:** 50 ft. x 137 ft.  
**DISTRICT#:** 6  
**LEGAL:** LAKE MANN SHORES P/28 LOT 115  
**PARCEL ID#:** 32-22-29-4604-01-150  
**NO. OF NOTICES:** 136

Commentaries: Two (2) in favor and three (3) in opposition

Staff Recommendation: Staff gave a presentation on the case which addressed the request, photographs of the site, zoning in the area, and a brief analysis. Staff recommended denial of Variances #1, #2, and #3, and approval of Variance #4; however, if the BZA approved the Special Exception and Variances, the conditions as outlined in the staff report should be imposed.

The following person(s) addressed the Board:

Speaker(s): Symonette Lewis (Daughter on behalf of the applicant)

Linda Rials (Neighbor in opposition)

Nikita Price (Tenant in opposition)

Tajuana Collier (Code Enforcement Officer)

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

Two (2) citizens spoke in opposition stating that work was being done on the back building, and the work continued after the applicant was cited. The opposing parties also stated that they observed signs advertising both units for rent.

The Code Enforcement officer confirmed that they responded to a citizen complaint and found that the rear building was being converted into a three (3) bedroom house; and, noted that the applicant pulled a roof permit but the Building Division issued a Stop Work Order for exceeding the Scope of Work.

Material was submitted to the Board by the Code Enforcement officer to be entered into the record prior to the close of the public hearing.

BZA Discussion: The BZA acknowledged that work was done without permits, and stated the building was in the wrong place for the proposal. The BZA further determined the request fell short of meeting the requirements for approval as follows: there were no special circumstances; the structure appeared to be a rental; the problems were self-created; the property was purchased 'as is'; and, allowing the use to continue would confer a special privilege to this applicant. Thus, the BZA concurred with staff recommendation as amended.

BZA Action: A motion was made by Eugene Roberson, seconded by Jose A. Rivas, Jr. voting AYE by voice vote, and Gregory A. Jackson and Carolyn Karraker voting No by voice vote, to **DENY** the Special Exception and Variances #1 and #2, and to **APPROVE** Variances #3 and #4. The motion **FAILED** with a **TIE** vote.

Another motion was made by Eugene Roberson, seconded by Carolyn Karraker and unanimously carried to **DENY** the Special Exception request in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest ; further, to **DENY** Variance requests **#1, #2, and #3**, 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); and further, to **APPROVE** the Variance request **#4**, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended:

1. Development in accordance with site plan dated January 12, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes

require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development; and,
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

AYE (voice vote): All members present  
Absent: Deborah Moskowitz and Wes A. Hodge

**RECESSED AT 10:47 A.M. AND RECONVENED AT 10:53 A.M.**

**RONNIE LOGAN - VA-17-03-006**

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**REQUEST:** Variance in the A-2 zoning district to place a mobile home on a 0.57 acres of land in lieu of 2 acres.  
**ADDRESS:** 16149 Morris Drive, Orlando FL 32833  
**LOCATION:** North side of Morris Dr., west of Lockwood Dr., south of Old Cheney Hwy.  
**TRACT SIZE:** 105 ft. x 235 ft.  
**DISTRICT#:** 5  
**LEGAL:** SEAWARD PLANTATION ESTATES FIRST ADDITION T/124 THE S1/2 LOT 4 BLK B  
**PARCEL ID#:** 19-22-32-7880-02-041  
**NO. OF NOTICES:** 54

Commentaries: One (1) commentary and six (6) letters in favor and thirty-five (35) signatures on petition in opposition.

Staff Recommendation: Staff gave an analysis of the area which included the location of existing mobile homes and single family residences. In addition, staff showed mobile home approvals issued by previous Zoning Managers in the 1960s and 1970s. Staff advised the BZA that the area contained mobile homes on similar sized lots but if the BZA chose, they could require this applicant and all future applicants to meet the two (2) acre requirement by Orange County Code. 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): Ronnie Logan (Applicant)  
Mary Baucom (Neighbor in opposition)  
Tom Baucom (Neighbor in opposition)  
Kathy Glover (Neighbor in opposition)  
Lloyd Glover (Neighbor in opposition)

Four (4) area residents spoke in opposition. They had concerns about property values and aesthetics. They expected Orange County to enforce its standards.

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

BZA Discussion: The BZA denied the request as they determined the request was self-created and the property was still able to be built with a single family residence. Denial of the request did not deprive this applicant of its land use rights since a house can still be built on the property.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Carolyn Karraker and carried 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): Jose A. Rivas, Jr., Carolyn Karraker, Gregory A. Jackson

NAY (voice vote): Eugene Roberson

Absent: Deborah Moskowitz and Wes A. Hodge

#### **LYIZZ KAZYMYRR - VA-17-03-007**

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**REQUEST:** **Variances** in the R-1A zoning district as follows: 1) To validate an existing residence located 25 ft. from the rear property line in lieu of 30 ft.; and, 2) To enclose an existing carport 25 ft. from the rear property line in lieu of 30 ft.

**ADDRESS:** 4203 S. Rio Grande Avenue, Orlando FL 32839

**LOCATION:** Southeast corner of S. Rio Grande Ave. and 42nd St., approximately 1/4 miles west of S. Orange Blossom Trail

**TRACT SIZE:** 70 ft. x 105 ft.

**DISTRICT#:** 6

**LEGAL:** RIO GRANDE SUB 2ND REPLAT U/48 LOT 1 BLK E (LESS RD R/W)

**PARCEL ID#:** 10-23-29-7420-05-010

**NO. OF NOTICES:** 98

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

Staff Recommendation: Staff noted that the house which was constructed in 1957, was located only twenty-five (25) feet from the rear property line in lieu of the required thirty (30) feet in an R-1A zoning district. This rendered the entire home a nonconforming structure. The applicant was not increasing the footprint of the house currently under roof, only converting the area under roof from nonliving to living area. Without the variances, she would not be able to enjoy the same opportunities of others in the same R-1A zoning district. 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): Lyizz Kazymyrr (Applicant) waived the right to speak and agreed with the staff recommendation.

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

BZA Discussion: The BZA recognized that the nonconforming status of the house justified the need for the variance and concurred with the staff recommendation.

BZA Action: A motion was made by Eugene Roberson, 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 January 17, 2017, 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 enclosure shall match the design of the main house to the greatest extent possible including color.

AYE (voice vote): All members present  
Absent: Deborah Moskowitz and Wes A. Hodge

**PHAN'S ASIAN CUISINE - VA-17-03-009**

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**REQUEST:** **Variance** in the IND-2/IND-3 zoning district to sell beer and wine for on-site consumption (2-COP) 53.7 ft. from a religious use in lieu of 1,000 ft. (Note: Applicant is a restaurant specializing in Asian cuisine. The religious use is located in the same building as the proposed restaurant)

**ADDRESS:** 9741 S. Orange Blossom Trail, Orlando FL 32837

**LOCATION:** East side of S. Orange Blossom Trail, approximately .4 mi. south of Taft-Vineland Rd.

**TRACT SIZE:** 1.64 acres

**DISTRICT#:** 4

**LEGAL:** IRLO O BRONSONS SUB Q/156 A PORTION OF LOTS 2 & 3 BLK A DESC AS BEG 150 FT S OF NW COR OF LOT 2 RUN E 310 FT S 243.75 FT W 310 FT N 244.39 FT TO POB (LESS PART TAKEN ON W FOR R/W PER 6599/5565 & PER 6599/5570)

**PARCEL ID#:** 10-24-29-0924-01-023

**NO. OF NOTICES:** 161

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

Staff Recommendation: Staff advised the BZA that this request was extreme and severe, and the 1,000 foot standard should be upheld. However, should the BZA find that the applicant had satisfied the criteria for the granting of a variance, then staff recommended the conditions as set forth in the staff report to be imposed.

The following person(s) addressed the Board:

Speaker(s): Tung Phan (Applicant's representative)

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

BZA Discussion: The BZA agreed with the staff recommendation and denied the request.

BZA Action: A motion was made by Carolyn Karraker, seconded by Eugene Roberson and unanimously carried 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: Deborah Moskowitz and Wes A. Hodge

**OCOEE CHURCH OF GOD - SE-17-03-010**

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**REQUEST:** **Special Exceptions and Variances** in the R-2 zoning district as follows:  
1) Special Exception: To convert an existing single family residence into a school building with three (3) classrooms; 2) Special Exception: To increase the capacity of an existing school operation from 95 students to 140 students; 3) Variance to grassed parking spaces and unpaved drive aisle in lieu of paved in conjunction with the new classrooms; and, 4) Variance to allow existing structure with a 24 ft. front yard setback in lieu of 25 ft. (Note: The Church received approval to operate a school and child care center in 2009. In 2014, the Church obtained approval to install three modular classrooms. In 2016, the Church obtained approval for a fourth modular classroom and to increase the capacity of the school to 95 students).

**ADDRESS:** 105 16th Avenue, Ocoee FL 34761

**LOCATION:** East side of N. Lakewood Ave., west of Greenwood Ave., between 16th and 17th Avenues

**TRACT SIZE:** 2.75 acres

**DISTRICT#:** 2  
**LEGAL:** NORTH OCOEE ADDITION NO 1 O/68 THE E 25 FT OF LOT 4 & ALL OF LOT 3 & W 18.50 FT OF LOT 2 BLK 1  
**PARCEL ID#:** 08-22-28-5956-01-030  
**NO. OF NOTICES:** 91

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

Staff Recommendation: Staff explained that this was the third time the applicant had been before the BZA in the last three (3) years. Each time the request was to expand the school. The first two (2) appearances were to add modular classrooms. This time, however, they had chosen to convert one of the two (2) residences on the block, which they own, to a permanent three (3) classroom facility. Staff noted that condition #4, needed to be amended to reflect that there were to be three (3) new grassed parking spaces not four (4) new grassed parking spaces, as noted. Further, staff indicated that the church had been in existence at this location since 1964, and the school as a K-12 since 2009. This facility was an established part of the neighborhood, and did not have any code enforcement complaints filed against it. The use was completely contained, and all outdoor play areas were internal to the campus. 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): Bishop Thomas Odom (Applicant representative)

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

BZA Discussion: The BZA found that the expansion could be easily accommodated on the site with no negative off-site impacts and concurred with the staff recommendation as amended.

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

1. Development in accordance with site plan dated January 18, 2017, 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 three (3) grassed parking spaces created through SE-17-03-010, shall be fitted with tire stops, which shall be properly anchored and properly maintained (wooden stops in area are acceptable);

5. Unless specifically removed by prior approvals, all conditions of prior approvals shall remain in full force and effect through the approval of SE-17-03-010;

6. Prior to issuance of permits for the conversion of the home on 16th Avenue to classrooms, the applicant shall obtain a letter from the City of Ocoee indicating that they have agreed upon the provision of utilities for the site. This letter shall be submitted with the permit package; and,

7. Construction plans shall be submitted within three (3) years of final action by the Board of County Commissioners or this approval becomes null and void.

AYE (voice vote): All members present  
Absent: Deborah Moskowitz and Wes A. Hodge

**OLIVER CAPPO - VA-17-03-012**

**REQUEST:** **Variance** in the R-1A zoning district to allow a total of 1,200 sq. ft. detached accessory building (shed) in lieu of 500 sq. ft. (Note: Applicant proposes a new storage shed. There is an existing 150 sq. ft. shed on the subject property which is to be removed. This is a result of Code Enforcement Action).

**ADDRESS:** 19302 Oakleaf Street, Orlando FL 32833

**LOCATION:** Southeast corner of Oakleaf Street and Cavalier Avenue

**TRACT SIZE:** 150 ft. x 300 ft.

**DISTRICT#:** 5

**LEGAL:** CAPE ORLANDO ESTATES UNIT 12A 4/66 LOT 1 BLK 20

**PARCEL ID#:** 10-23-32-1184-20-010

**NO. OF NOTICES:** 42

Commentaries: Three (3) commentaries and a letter from HOA in favor and none in opposition.

Staff Recommendation: Staff showed the BZA numerous other similar approvals 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): Oliver Cappo (Applicant)  
Bill Koenig (Senior Code Enforcement Inspector)  
Myron Taylor (Code Enforcement Inspector)

Material was submitted to the Board by the Code Enforcement inspector to be entered into the record prior to the close of the public hearing.

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

BZA Discussion: The BZA agreed that the Wedgefield Development had many large accessory buildings, and this request was compatible to those approvals. Based on the foregoing, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Jose A. Rivas, Jr., 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 January 18, 2017, 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. Existing shed shall be removed prior to or concurrently with the issuance of the permit for the new shed; and,
5. The exterior of the new shed shall match the exterior of the existing residence with regards to color.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Wes A. Hodge

#### **DEAN MOSLOW - VA-17-03-013**

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**REQUEST:** Variance in the R-1A zoning district to allow an accessory structure containing 864 sq. ft. in lieu of 500 sq. ft.  
**ADDRESS:** 3026 Bon Air Drive, Orlando FL 32818  
**LOCATION:** West side of Bon Air Dr., north of Silver Star Rd.  
**TRACT SIZE:** 76 ft. x 138 ft.  
**DISTRICT#:** 6  
**LEGAL:** SILVER STAR ESTATES X/108 LOT 7 BLK A  
**PARCEL ID#:** 11-22-28-8054-01-070  
**NO. OF NOTICES:** 74

Commentaries: Nine (9) in favor and none in opposition

Staff Recommendation: Staff gave a brief presentation on the case addressing the request, zoning in the area, and a brief analysis. 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): Dean Moslow (Applicant) waived the right to speak and agreed with the staff recommendation.

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

BZA Discussion: The BZA noted that the applicant had neighborhood support, and did not see a problem with removing the old shed and replacing it with the new structure. Therefore, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Eugene Roberson, 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 January 18, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development; and,
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Wes A. Hodge

## **COWART MULCH - SE-17-03-014**

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**REQUEST:** **Special Exception** in the Ind-2/Ind-3 zoning district to operate a Yard Trash Processing Facility. (Note: The applicant proposes to use a wood chipper to break down vegetation, tree limbs, and brush into mulch for wholesale. There will be no burning of any kind. The applicant proposes to keep the 5 existing buildings on site. Hours of operation will be Monday-Saturday, 7:00 am to 5:00 pm. An attendant will be present at all times).

**ADDRESS:** 2320 N. Orange Blossom Trail, Apopka FL 32703

**LOCATION:** South and west sides of N. Orange Blossom Trail, across Junction Rd.

**TRACT SIZE:** 20 acres

**DISTRICT#:** 2

**LEGAL:** BEG SW COR OF NW1/4 OF SW1/4 RUN N 846 FT E 130.21 FT TO WLY LINE OF CSX RR R/W RUN SELY ALONG R/W 10.43 FT E 14.19 FT SELY 1156.16 FT TO S LINE OF NW1/4 OF SW1/4 RUN W 916.16 FT TO POB IN SEC 26-20-27 & BEG SE COR OF NE1/4 OF SE1/4 RUN N 680 FT N 48 DEG

**PARCEL ID#:** 26-20-27-0000-00-023

**NO. OF NOTICES:** 46

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

Staff Recommendation: Staff gave a short presentation regarding this request. The area was developing as industrial and there was an airport nearby. The property allowed intense industrial land uses. 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): Bill Burkett (Applicant's representative)

Chris Cowart (Applicant's engineer)

David Brownfield (Applicant's engineer)

Mark Daniel (Neighbor opposed)

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

BZA Discussion: A brief discussion ensued between the BZA and the operator addressing concerns, and were in agreement to lower the mound heights and not commence any grinding until 8:00 a.m. The BZA concluded this request was compatible with the general area and consistent with the Comprehensive Plan. Thus, the BZA concurred with the staff recommendation as amended.

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; further, said approval is subject to the following conditions as amended:

1. Development in accordance with site plan dated January 18, 2017, 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. Burning is prohibited;
5. Hours of operation shall be 7:00 a.m. to 5:00 p.m., Mondays through Saturdays. No grinding or mulching allowed before 8:00 a.m.;
6. Storage piles shall be as located on plan date-stamped, 'Received January 18, 2017'. Storage piles shall not exceed twenty (20) feet in height;
7. No more than 12,000 cubic yards of yard trash may be stored on the site at any given time;
8. All setbacks shall be as shown on plan date-stamped, 'Received January 18, 2017'; and,
9. Permits shall be obtained within two (2) years of Orange County approval or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Wes A. Hodge

#### **ROBERT THOMAS - VA-17-03-016**

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**REQUEST:** **Variance** in the R-1 zoning district to construct accessory structure (new carport with existing shed) containing 936 sq. ft. in lieu of 542 sq. ft. (living area (2,170 sq. ft.) x 25%). (Note: The applicant is removing an existing 320 sq. ft. carport and constructing a new 600 sq. ft. carport on the side of the residence. There is an existing 336 sq. ft. shed which is to remain).

**ADDRESS:** 10275 Cline Avenue, Orlando FL 32825

**LOCATION:** East end of Cline Ave., 1/4 mile south of Flowers Ave.

**TRACT SIZE:** 127 ft. x 413 ft.

**DISTRICT#:** 4

**LEGAL:** ORLANDO IMPROVEMENT CO NO 2 S/98 THE N 413 FT OF S 843 FT OF W1/4 OF LOT 9 & N 413 FT OF S 843 FT OF E1/2 OF LOT 10 BLK D

**PARCEL ID#:** 20-22-31-6350-04-093

**NO. OF NOTICES:** 75

Staff Recommendation: Staff advised the BZA to continue this public hearing to the April 6, 2017, BZA Meeting, to re-advertise the revised request.

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

BZA Action: A motion was made by Gregory A. Jackson, seconded by Eugene Roberson and unanimously carried to **CONTINUE** this public hearing to the April 6, 2017, BZA Meeting.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Wes A. Hodge

**RECESSED AT 12:54 P.M. AND RECONVENED AT 1:24 P.M.**

#### **STEVEN TOKAR - VA-17-03-017**

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**REQUEST:** **Variances** in the R-1A zoning district as follows: 1) Variance to allow existing detached carport 3 ft. from the side (south) property line in lieu of 5 ft.; and, 2) Validate existing residence located 7.4 ft. from the side (north) property line in lieu of 7.5 ft. (Note: There are no permits on file for the carport. This is Code Enforcement related. The carport is open

on all four sides. The applicant has obtained 18 signatures of support from residents in the area).

**ADDRESS:** 2359 Justy Way, Orlando FL 32817

**LOCATION:** East side of Justy Way, approximately 575 ft. south of Trevarthon Rd.

**TRACT SIZE:** 75 ft. x 150 ft.

**DISTRICT#:** 3

**LEGAL:** SUMMER OAKS 13/107 LOT 23

**PARCEL ID#:** 13-22-30-8381-00-230

**NO. OF NOTICES:** 65

Commentaries: One (1) commentary and eleven (11) signatures in favor and none in opposition

Staff Recommendation: Staff gave a presentation on the case addressing the request, zoning in the area, and a brief analysis. Staff recommended denial of Variance #1, and approval of Variance #2, subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Steven Tokar (Applicant)

Bill Koenig (Senior Code Enforcement Inspector)

Jimmie Hobby (Code Enforcement Inspector)

Code Enforcement confirmed that the neighbor called in the violation after he visited the property. Code Enforcement stated that the violation would be resolved if the variance was approved.

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

BZA Discussion: The BZA stated that they would rather see the boat being stored on the slab under the carport at the back of the property versus in front of the property or on the street, and that the request was minimal. Therefore, the BZA concurred with the staff recommendation to include the two (2) additional conditions.

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

1. Development in accordance with site plan dated January 18, 2017, 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. Permits for the carport shall be obtained within sixty (60) days or this approval becomes null and void; and,

5. Prior to the issuance of any permits the applicant shall vacate the utility easement or obtain approval from the Public Works Division to encroach into the utility easement.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Wes A. Hodge



**REQUEST:** **Variances** in the R-1A zoning district to construct a single family residence on two (2) substandard sized lots as follows: 1) 50 ft. lot width in lieu of 75 ft.; 2) 6,750 sq. ft. lot area in lieu of 7,500 sq. ft.; 3) 6 ft. side yard setback in lieu of 7.5 ft.; 4) 25 ft. rear yard setback in lieu of 30 ft.; and, 5) 1,104 sq. ft. minimum living area in lieu of 1,200 sq. ft.

**ADDRESS:** 1019 38th Street, Orlando FL 32805

**LOCATION:** North side of 38th Street, approximately 950 ft.. east of S. Orange Blossom Trail

**TRACT SIZE:** 100 ft. x 135 ft.

**DISTRICT#:** 6

**LEGAL:** ANGE BILT ADDITION NO 2 J/124 LOTS 24 & 25 BLK 98

**PARCEL ID#:** 03-23-29-0182-98-240

**NO. OF NOTICES:** 148

Commentaries: None

Staff Recommendation: Staff noted that the majority of the lots in this area were of the same size as the two (2) lots proposed by the applicant. The majority of the houses that have been built surrounding the subject property were on similar sized lots. Further, staff noted that there have been several variances granted in this area for the same request. 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): Clyde Tucker, (Applicant's representative)

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

BZA Discussion: The BZA found that returning the lots to their original platted condition would be consistent with the development in the neighborhood, and would not be injurious to the neighborhood, but would, in fact, enhance the area. As such, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Eugene Roberson, 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 January 18, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Approval of this request constitutes approval of two (2) substandard sized lots as depicted on plan dated January 18, 2017, and approved by the Board of Zoning Adjustment; and,
5. The front elevation of each unit shall not be identical. Different materials, textures, and colors shall be used to differentiate the two (2) units to avoid monotony.

AYE (voice vote): All members present  
Absent: Deborah Moskowitz and Wes A. Hodge

**ALBERT SEGEV - VA-17-02-193**

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**REQUEST:** **Variances** in the P-O zoning district to construct office building as follows: 1) 10 ft. from front property line (N. Kirkman Rd.) in lieu of 25 ft.; and, 2) 26 ft. from rear property line (east line) in lieu of 30 ft.

**ADDRESS:** N. Kirkman Road, Orlando FL 32811

**LOCATION:** East side of N. Kirkman Rd., approximately 1/4 mile north of Old Winter Garden Rd.

**TRACT SIZE:** 350 ft. x 76 ft.

**DISTRICT#:** 6

**LEGAL:** ORLO VISTA TERRACE ANNEX N/96 LOT 3 BLK J (LESS W 56 FT FOR R/W)

**PARCEL ID#:** 30-22-29-6426-10-030

**NO. OF NOTICES:** 96

Commentaries: None

Staff Recommendation: Staff noted that the subject property was very shallow and fronted on a major six-lane divided roadway. Additionally, there was no way to create a truly viable and functional office development on the property without granting the requested variances. Staff advised that the applicant was providing the buffer yard required through the rezoning to P-O granted in December 2016. However, there will be a need for the applicant to modify the parking and building area to ensure that they provide the required parking. Staff was recommending that the applicant include a six (6) foot tall masonry wall across the east property line. With that said, 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): Alfredo Enrique Bacci (Applicant's representative) waived the right to speak and agreed with the staff recommendation.

Albert Segev (Applicant) waived the right to speak and agreed with the staff recommendation. No one spoke in favor or in opposition to the request at the public hearing.

BZA Discussion: The Board found that due to the size and shape of the property, there was no way to develop the site as it was rezoned by the County without the variances. For this reason, the BZA agreed with the staff recommendation.

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

1. Development in accordance with site plan date-stamped 'January 18, 2017', 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. Plans submitted for non-residential permitting shall have parking provided in accordance with the Sec. 38-1476, of the Orange County Code dealing with off-street parking and loading. All parking requirements shall be met; and,

5. Prior to the issuance of a Certificate of Occupancy, the applicant shall complete construction of a six (6) foot tall masonry wall along the site's eastern property line.


AYE (voice vote): All members present

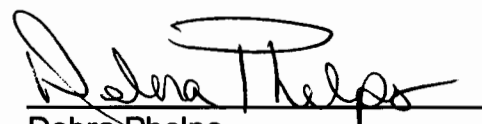
Absent: Deborah Moskowitz and Wes A. Hodge

**ADJOURN:**

There being no further business, the meeting was adjourned at 2:00 p.m.

**ATTEST:**

  
\_\_\_\_\_  
Gregory A. Jackson  
Chairman

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