

**RANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF APRIL 6, 2017**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **April 6, 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.
Deborah Moskowitz
Wes A. Hodge
Eugene Roberson
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
Marla Molina, AICP, Development Coordinator, Zoning Division
Debra Phelps, Recording Secretary, FOS Division

The Chairman called the meeting to order at 9:04 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 March 2, 2017, Board of Zoning Adjustment meeting. A motion was made by Carolyn C. Karraker, seconded by Wes A. Hodge, and unanimously carried to **APPROVE** the minutes of the March 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.

ROBERT THOMAS - VA-17-03-016

REQUEST:	Variance in the R-1 zoning district to construct accessory structure (new carport w/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

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

Staff Recommendation: Staff indicated that the lot was almost ten (10) times the size of the typical lot in the R-1 zoning district. Further, if it were zoned R-CE as were the abutting lots to the north, the applicant would actually be entitled to 2,000 sq. ft. of accessory structure. Due to the size of the lot, the carport would actually be set back over 120 feet from the front property line, and would be nine (9) feet from the side lot line. Two other variances for oversized carports or garages had been approved in this neighborhood. 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): Robert Thomas (Applicant)

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

BZA Discussion: The BZA concluded that this case met the criteria for the granting of a variance and concurred with the staff recommendation.

BZA Action: A motion was made by Deborah Moskowitz, 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 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; and,
4. The color and/or hue of the roofing material shall to the greatest extend possible match that of existing residence.

AYE (voice vote): All members present

GENISE RUNYON - VA-17-04-023

REQUEST: **Variances** in the R-1A zoning district to construct an addition to a single family residence and to validate existing structures as follows: 1) New Addition: 20 ft. from front (west) property line in lieu of 25 ft.; 2) New Addition: 17 ft. from rear (east) property line in lieu of 30 ft.; 3) Existing Carport: To validate existing carport 3 ft. from front (west) property line in lieu of 25 ft.; and, 4) Existing Residence: To validate existing residence 20 ft. from front (west) property line in lieu of 25 ft. (Note: Platted 1953, SFR built 1958).

ADDRESS: 1409 Wilton Avenue, Orlando FL 32805

LOCATION: East side of Wilton Avenue and approximately 170 ft. south of Indiana Street

TRACT SIZE: 120 ft. x 100 ft.

DISTRICT#: 6

LEGAL: TROPICAL PARK S/114 LOT 22 BLK A
PARCEL ID#: 34-22-29-8748-01-220
NO. OF NOTICES: 124

Commentaries: Six (6) in favor and none in opposition

Staff Recommendation: Staff indicated that the nonconforming status of the existing residence and carport justified the need to validate the front yard setback for the carport, three (3) feet from the front property line in lieu of twenty-five (25) feet, and to validate the existing residence twenty (20) feet from the front property line in lieu of twenty-five (25) feet. Since staff recommended validating these two items, staff further recommended allowing the proposed addition to encroach twenty (20) feet into the front yard setback in lieu of twenty-five (25) feet.

The following person(s) addressed the Board:

Speaker(s): Genise Runyon (Applicant)
Marlo Dickens (Applicant's general contractor)
Irene Jeralds (in favor)

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

BZA Discussion: The BZA determined that the request was reasonable as amended for Variance #2 which included an additional condition, 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 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 30, 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. Parcels 34-22-29-8748-01-220 and 34-22-29-8748-01-210, must be aggregated prior to applying for building permits;
5. The kitchen in the existing single family residence shall be removed prior to release of Certificate of Occupancy; and,
6. The rear setback for the proposed addition on the east side of the property shall match the existing residence.

AYE (voice vote): All members present

MOISES RIVERA - SE-17-03-008

REQUEST: **Special Exception** in the R-1A zoning district to convert existing 2 story residence into a child daycare center for up to 100 children. (Note: On September 6, 2012, the BZA approved this site for a religious use facility with seating for up to 150 worshipers. The church use is no longer

existing at the site).

ADDRESS: 2805 S. Goldenrod Road, Orlando FL 32822

LOCATION: East side of S. Goldenrod Rd., approximately 1/2 mile south of Curry Ford Rd.

TRACT SIZE: 189 ft. x 290 ft. (AVG)

DISTRICT#: 3

LEGAL: GOLDEN ACRES SECTION B Q/103 BEG SW COR LOT 51 RUN NWLY 166.8 FT NELY 320 FT SELY 208.4 FT TO PT ON S LINE OF LOT 51 W 224 FT TO SE COR OF NE1/4 OF NW1/4 TH WLY 76 FT TO POB

PARCEL ID#: 10-23-30-3032-00-512

NO. OF NOTICES: 190

Commentaries: One (1) in favor and three (3) in opposition

Staff Recommendation: Staff advised the BZA the applicant would be responsible for making any improvements necessary to South Goldenrod Road. Staff found that the use would properly blend into the neighborhood, and recommended approval subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Moises Rivera (Applicant)

Terrance Miller (on behalf of the applicant)

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

BZA Discussion: The BZA concurred with the staff recommendation and added a condition to address the hours of operation.

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

1. Development in accordance with site plan dated February 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. The applicant shall submit construction plans through the commercial site plan review process within three (3) years or this approval is null and void;
5. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail;
6. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations;
7. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 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 and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event;

8. Any expansions of the use beyond 100 students or expansion of grades shall require BZA approval; and,

9. Hours of operation shall be limited to 6:00 a.m. to 7:00 p.m., Monday through Friday.

AYE (voice vote): Jose A. Rivas, Jr., Wes A. Hodge, Carolyn Karraker, Eugene Roberson, Jr.

NAY (voice vote): Deborah Moskowitz and Gregory A. Jackson

BARTLETT TOWING - SE-17-03-015

REQUEST: **Special Exception** in C-3 zoning district to permit an automobile towing business with on-site storage of towed vehicles.

ADDRESS: 2535 Overland Road, Apopka FL 32703

LOCATION: East side of Overland Rd., north of S. Apopka Blvd.

TRACT SIZE: 150 ft. x 170 ft.

DISTRICT#: 2

LEGAL: 10726-0126 INCOMPLETE PROPERTY DESC--AVON VISTA M/58 LOTS 9 12 & 13 BLK C & LOTS 10 11 & 13 BLK B LYING E OF HY 441 & PT OF VAC ST BETWEEN BLKS B & C ADJACENT TO ABOVE DESC LOTS

PARCEL ID#: 30-21-29-0348-03-090

NO. OF NOTICES: 96

Commentaries: One (1) commentary and two (2) letters in favor, and one (1) in opposition

Staff Recommendation: Staff advised the BZA that this area was a heavy commercial and industrial area and this use was compatible with this area. Staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Dana Boyte (Applicant's representative)

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

BZA Discussion: The BZA concluded that the request was reasonable and compatible with the surrounding uses. Thus, the BZA concurred with the staff recommendation to include an additional condition.

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 February 15, 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 standards outlined in Section 38-79 (130) shall be met;
- 5. A six (6) foot high vinyl fence shall be erected along the north and south property lines;
- 6. All applicable permits must be obtained within two (2) years or this approval becomes null and void; and,
- 7. Vehicles cannot be stored on the site for more than fifty (50) days.

AYE (voice vote): All members present

ENRIQUE MALAVE - VA-17-04-019

REQUEST:	Variances in the R-T-2 zoning district as follows: 1) To allow an accessory structure (carport/shed) in front of the principal structure (mobile home) in lieu of alongside or rear; and, 2) To allow a cumulative total of 595 sq. ft. of accessory structure floor area in lieu of 500 sq. ft. (540 sq. ft. carport/shed plus existing 55 sq. ft. structure). (Note: The applicant constructed the carport/shed without building permits. This is a result of code enforcement action).
ADDRESS:	18813 Hewlett Road, Orlando FL 32820
LOCATION:	North side of Hewlett Rd., approximately 475 ft. west of 10th Ave., in the Bithlo area.
TRACT SIZE:	100 ft. x 520 ft.
DISTRICT#:	5
LEGAL:	EAST ORLANDO ESTATES SECTION A X/57 THE W1/2 OF LOT 229
PARCEL ID#:	15-22-32-2330-02-290
NO. OF NOTICES:	68

Commentaries: Three (3) in favor and five (5) in opposition (same property owner).
Staff Recommendation: Staff gave a brief presentation on the case which addressed the request, zoning, and conditions in the area, and a brief analysis. Staff stated if the BZA approved the request, the conditions as listed in the staff report should be imposed.

The following person(s) addressed the Board:

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

BZA Discussion: The BZA inquired about the request and the applicant stated the carport could not be located in the back because there was no room on the sides for vehicles to access due to the septic tank, a light pole, and air conditioning equipment. As a result, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Wes A. Hodge, 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 February 6, 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 carport shall be obtained within sixty (60) days or this approval becomes null and void.

AYE (voice vote): All members present

MARK KINCHLA - VA-17-04-020

REQUEST: **Variance** in the R-3 zoning district to reduce the building setback from the centerline of Old Cheney Hwy. from 55 ft. to 49 ft.
ADDRESS: 5535 Old Cheney Highway, Orlando FL 32807
LOCATION: Northeast corner of Old Cheney Hwy. and Truman Rd., west of Semoran Blvd.
TRACT SIZE: 250 ft. x 152 ft. (AVG)
DISTRICT#: 5
LEGAL: BEG AT A PT 905 FT S & 30 FT E FROM NW COR OF SE1/4 OF NE1/4 RUN S 257.53 FT N 85 DEG E 152.30 FT N 242.97 FT W 152.02 FT TO POB IN SEC 21-22-30
PARCEL ID#: 21-22-30-0000-00-048
NO. OF NOTICES: 89

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

Staff Recommendation: Staff gave a brief presentation on the case which addressed the request, zoning, and a brief analysis. Staff recommended approval subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Mark Kinchla (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 agreed with the staff recommendation.

BZA Action: A motion was made by Wes A. Hodge, 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 February 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; 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

ROSS STORES, INC. - VA-17-04-021

REQUEST: **Variance** in the C-2 zoning district to allow 540 sq. ft. of wall signage copy area in lieu of 225 sq. ft. of wall signage copy area. (Note: Applicant is proposing 504 sq. ft. of wall signage on front and 36 sq. ft. of wall signage on side).

ADDRESS: 7609 S. Orange Blossom Trail, Orlando FL 32809

LOCATION: Northeast corner of S. Orange Blossom Trail and W. Sand Lake Road

TRACT SIZE: 25.84 acres

DISTRICT#: 3

LEGAL: SKYVIEW PLAZA 29/97 LOT 1 (LESS LEASE AREA 1 THROUGH 4) & (LESS BEG SLY COR OF HARDEES AT SKY VIEW PLAZA PB 22/148 RUN NWLY ALONG SUB 172 FT SWLY ALONG R/W 130 FT SELY 238.3 FT NELY 130 FT NWLY 66.3 FT TO POB) & (LESS RD R/W)

PARCEL ID#: 27-23-29-8093-00-010

NO. OF NOTICES: 392

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

Staff Recommendation: Staff gave a presentation and pointed out the reasons for denial. Primarily, another tenant in the same shopping center wanted a similar variance but the BZA denied it in 2013.

The following person(s) addressed the Board:

Speaker(s): Thomas G. Bradford, Jr. (Applicant's attorney)

Ron Sikoda (on behalf of the Applicant)

Kim Harton (Applicant's marketing representative)

Jacqueline Gee (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 was excessive, therefore, modified the variance and added a condition to allow thirty-six (36) additional sq. ft. on the side of the building.

BZA Action: A motion was made by Jose A. Rivas, Jr., seconded by Carolyn Karraker, Gregory A. Jackson voting AYE by voice vote; and, Deborah Moskowitz, Eugene Roberson, Jr., Wes A. Hodge voting No by voice vote, to **APPROVE** the Variance request as amended to a total of 300 sq. ft. wall sign as measured by a single box figure along the west side and a thirty-six (36) sq. ft. wall sign as measured by a single box along the south side. The motion **FAILED** with a **TIE** vote.

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

1. Development in accordance with site plan dated February 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. 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,
4. Approval is for a 225 sq. ft. wall sign as measured by a single box figure along the west side and a thirty (36) sq. ft. wall sign as measured by a single box along the south side.

AYE (voice vote): Jose A. Rivas, Jr., Carolyn Karraker, Gregory A. Jackson, Wes A. Hodge
NAY (voice vote): Deborah Moskowitz and Eugene Roberson, Jr.

RECESSED AT 11:17 A.M. AND RECONVENED AT 11:26 A.M.

ARIEL MALAGON - VA-17-04-022

REQUEST: **Variance** in the R-CE zoning district to permit a cumulative total of 5,169 sq. ft. of accessory floor area in lieu of 2,000. (Note: The applicant states that the structures in question were in existence when the applicant purchased the property in October of 2016. This is a result of code enforcement action after numerous complaints regarding work being done without permits).

ADDRESS: 1616 S. Chickasaw Trail, Orlando FL 32825

LOCATION: West side of S. Chickasaw Trail, approximately 1,000 ft. south of El Prado, and approximately .8 mi. north of Curry Ford Rd.

TRACT SIZE: 163 ft. x 634 ft.

DISTRICT#: 3

LEGAL: S 5 ACRES OF E1/2 OF NE1/4 OF NW1/4 (LESS SLY 164.37 FT & LESS R/W ON E) OF SEC 01-23-30

PARCEL ID#: 01-23-30-0000-00-044

NO. OF NOTICES: 54

Commentaries: None in favor and four (4) opposed

Staff Recommendation: Staff outlined three (3) possible courses of action the BZA could take, noting that staff recommended allowing an amount of accessory floor area equal to that of a free-standing garage which had existed on the site since the late 1980s, and require all floor area in excess of that amount to be removed.

The following person(s) addressed the Board:

Speaker(s): Bill Koenig (Senior Code Enforcement Inspector)
Ariel Malagon (Applicant)
Maria Rodriguez (on behalf of the Applicant – provided material)
Edward Holmes (neighbor opposed)
Harriett A. Coe (neighbor opposed – provided material)
Michelle Hill (neighbor opposed)
Frank Vassell (neighbor opposed)

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

A representative of the Code Enforcement Division explained the chronology of events that took place since late last year when the applicant received the original citation notice for the work done without permits. The documentation indicated that one or more businesses were operating from the property and the applicant was advised to stop work.

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

BZA Discussion: The BZA concluded this property had many code enforcement matters to resolve and the request was excessive. In addition, they discussed the parking area the applicant installed without permits and whether it should be allowed to remain. The BZA chose

the option that required the removal of the excess square footage above what was constructed in the late 1980s and concurred with the staff recommendation as amended to include an added condition.

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

1. Development in accordance with site plan dated February 14, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval, less the two pole barns. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The use of the building shall be limited to residential storage only. No accessory structure shall be used as temporary or permanent dwelling unit without approval by the BZA as an Accessory Dwelling Unit or a Guest House. Nor shall any accessory structure be used for any commercial use not associated with a bona fide home occupation;
5. Any structures in excess of the approved square footage shall be removed within sixty (60) days of final action on this application with proper permits;
6. The applicant shall obtain permits for all remaining unpermitted work within ninety (90) days of final action on this application by the County or this approval becomes null and void and will be turned over to the Code Enforcement Division;
7. The use of the property shall be limited to those uses identified in Chapter 38 of the Orange County Code. No vehicles associated with the applicant's business(es) shall be stored on the subject property;
8. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action; and,
9. This approval is for a total of 2,667 sq. ft. of accessory structure floor area only.

AYE (voice vote): Jose A. Rivas, Jr., Wes A. Hodge, Carolyn Karraker, Eugene Roberson, Jr.
NAY (voice vote): Deborah Moskowitz and Gregory A. Jackson

RECESSED AT 12:23 P.M. AND RECONVENED AT 12:53 P.M.

BOARD MEMBER EXITED: Gregory A. Jackson

POULOS & BENNETT, LLC - VA-17-04-024

REQUEST: **Variance** in the C-1 zoning district to construct a commercial building (storage facility) 40 ft. high in lieu of 35 ft. high adjacent to R-3 zoning

district to the west and south. (Note: The zoning code requires a maximum height of 35 ft. when located within 100 ft. of residential uses. There are multifamily residences to the west and south. Therefore, the storage building is limited to 35 ft. in height).

ADDRESS: N. Semoran Blvd., Orlando FL 32807
LOCATION: Southwest corner of Baldwin Park St. and N. Semoran Boulevard
TRACT SIZE: 1.36 acres
DISTRICT#: 5
LEGAL: COMM AT THE 1/4 CORNER OR THE EAST LINE SEC 16-22-30 TH N89-14-00W 47.32 FT TO A POC CONCAVE SELY HAVING A RADIUS 2989.93 FT DELTA 03-07-21 AN ARC LENGTH 162.94 FT TO THE POB TH CONT ON CURVE CONCAVE SELY HAVING A RADIUS 2989.93 FT DELTA 04-25-12 AN ARC L
PARCEL ID#: 16-22-30-0000-00-038

NO. OF NOTICES: 299

Commentaries: None in favor and seven (7) in opposition

Staff Recommendation: Staff stated there was a two-story apartment complex for multi-family residences to the west and south of the subject property; and further, pointed out that if the apartment complex was not there, the applicant would not need a variance, as the proposed building was not within 100 feet of any single family homes. In addition, the applicant would be allowed to build up to fifty (50) feet high under those circumstances. As noted by staff, the most impacted uses for this request were an apartment building and an apartment complex clubhouse. Lastly, staff recommended approval subject to the condition as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Kathy Hattaway (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 was minor and did not adversely impact any surrounding single family homes. Therefore, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Wes A. Hodge to **DENY** the Variance request and **DIED** for lack of a second vote.

A motion was made by Deborah Moskowitz, seconded by Jose A. Rivas, Jr. 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:

1. Development in accordance with site plan dated February 14, 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. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail;

- 5. Maximum height shall not exceed forty (40) feet; and,
- 6. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

AYE (voice vote): Deborah Moskowitz, Jose A. Rivas, Jr., Carolyn Karraker, Eugene Roberson
NAY (voice vote): Wes A. Hodge
Absent: Gregory A. Jackson

ALMA ROBLES - SE-17-04-025

REQUEST: **Special Exception** in the A-1 zoning district to relocate the daycare/VPK Preschool from the existing sanctuary to a vacant building on the site with three (3) classrooms for up to 40 students.

ADDRESS: 6837 Lakeville Road, Apopka FL 32703

LOCATION: Southwest corner of N. Hiawasse Rd. and SR 414, north of the Florida Central Rail Road tracks.

TRACT SIZE: 9 acres

DISTRICT#: 2

LEGAL: LAKEVILLE B/57 LOTS 111 THROUGH 125 & UNNUMBERED PT W OF LOT 125 (LESS PT TAKEN FOR RD R/W PER 4518/4455) INCLUDING VAC ST LYING BETWEEN LOTS 118 & 119 & BETWEEN LOTS 114 & 115 VAC ON O.R. 3479/2354 & (LESS R/W TAKEN PER OR 6250/5391) ALL IN BLK A

PARCEL ID#: 25-21-28-4936-11-110

NO. OF NOTICES: 70

Commentaries: None

Staff Recommendation: Staff advised the BZA that this site received BZA approval in 2010, to operate a day care for up to eighty-three (83) children. A new church applicant now desired to operate a VPK for up to forty (40) students, moving the school from the sanctuary where the day care had operated, to a vacant structure on the north side of the property. It was also noted by staff, to the north of the site was SR 414 with stormwater ponds and to the south were single family residences. Lastly, staff recommended approval subject to the condition as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Alma Robles (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 this was a simple case of going from one type of educational facility to another and approved the request with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Wes A. Hodge 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 March 14, 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. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 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 and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event;

5. If a school bus is to be stored on the site, it shall be stored on a non-grass surface such as gravel, concrete, etc.;

6. Construction plans shall be submitted within two (2) years or this approval becomes null and void; and,

7. Any expansions of the use shall require BZA approval.

AYE (voice vote): All members present

Absent: Gregory A. Jackson

PARESHKUMAR SHAH - VA-17-05-026

REQUEST: **Variances** in the R-1A zoning district to construct an addition to single family residence as follows: 1) 16 ft. from the rear property line in lieu of 25 ft.; and, 2) To validate existing residence located 7.3 ft. from the side (west) property line in lieu of 7.5 ft. (Note: The applicant obtained approval from the Lake Steer Pointe Homeowners Association).

ADDRESS: 8214 Windsor Ridge Road, Orlando FL 32835

LOCATION: South side of Windsor Ridge Rd., east of S. Apopka Vineland Rd.

TRACT SIZE: 75 ft. x 115 ft.

DISTRICT#: 1

LEGAL: LAKE STEER POINTE 37/107 LOT 65

PARCEL ID#: 34-22-28-4829-00-650

NO. OF NOTICES: 88

Commentaries: Twenty-one (21) in favor and none in opposition

Staff Recommendation: Staff gave a brief presentation on the case which addressed the request, the zoning, and a brief analysis. Lastly, staff recommended approval subject to the condition as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Pareshkumar Shah (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 was impressed by the number of neighbors who were in support of the request. The BZA concluded the request was reasonable and concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** the Variance 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 February 16, 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 design of the addition shall be consistent with the design of the main house.

AYE (voice vote): All members present

Absent: Gregory A. Jackson

BAR TACO - VA-17-05-027

REQUEST:	Variance in the C-1 zoning district to allow wall sign to extend above roof line. (Note: The proposed wall sign meets the size requirements for a wall sign).
ADDRESS:	7600 Dr. Phillips Blvd., Orlando FL 32819
LOCATION:	Northwest corner of Sand Lake Rd. and Dr. Phillips Blvd.
TRACT SIZE:	20 acres
DISTRICT#:	1
LEGAL:	BEG 247 FT N & 50 FT E OF SW COR OF SEC 26-23-28 TH RUN N 643.13 FT E 147 FT S 70 FT E 47.82 FT NELY 26.91 FT N 29 DEG E 115.73 FT NELY 26.18 FT N 214.33 FT E 228 FT N 4.74 FT NLY & ELY 348.91 FT NWLY 132.86 FT N 46 DEG E 152 FT SELY 274.31 FT S 71.3 FT W
PARCEL ID#:	26-23-28-0000-00-015
NO. OF NOTICES:	163
<u>Commentaries:</u>	None

Staff Recommendation: Staff gave a brief overview of the request. Staff's recommendation was for approval since the tenant had a wooden canopy which extended over the entrance. Further, there was not any other location to place the sign but above the roof line.

The following person(s) addressed the Board:

Speaker(s): Thu Pham (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 was reasonable and aesthetically pleasing to the surrounding area. Based on the foregoing, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, 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 February 15, 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. Approval is for Bar Taco only.

AYE (voice vote): All members present
Absent: Gregory A. Jackson

PANCHETA MONTAQUE - VA-17-05-028

REQUEST: Variance in the R-1A zoning district to permit a community residential home for six (6) or fewer clients to be located 960.96 ft. from another community residential home in lieu of 1,000 ft.

ADDRESS: 6425 Gamble Drive, Orlando FL 32818

LOCATION: Northside of Gamble Drive, approximately 615 ft. east of N. Powers Drive

TRACT SIZE: 75 ft. x 110 ft.

DISTRICT#: 6

LEGAL: POWERS PLACE 1/134 LOT 1 BLK A

PARCEL ID#: 13-22-28-7226-01-010

NO. OF NOTICES: 119

Commentaries: None

Staff Recommendation: Staff provided a brief summary of the case regarding the applicant's request, including the location of the subject property, and the distance separation requirements. Staff advised the BZA that there were recent changes relative to locating the distances from other State of Florida operated residential homes.

The following person(s) addressed the Board:

Speaker(s): S. Avery Smith (Applicant's attorney)
Pancheta Montaque (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 agreed with the staff recommendation.

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 February 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. 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,
3. 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.

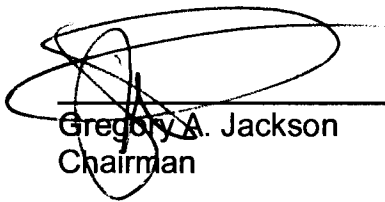
AYE (voice vote): All members present

Absent: Gregory A. Jackson

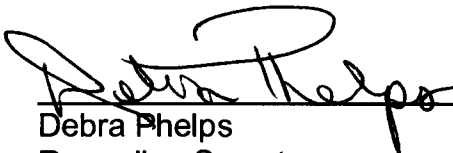
ADJOURN:

There being no further business, the meeting was adjourned at 1:29 p.m.

ATTEST:



Gregory A. Jackson
Chairman



Debra Phelps
Recording Secretary