

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
MEETING OF JUNE 1, 2017**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **June 1, 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

**BOARD MEMBERS ABSENT:** Jessica Rivera

**STAFF PRESENT:** Rocco Relvini, AICP, Chief Planner, Zoning Division  
Nicholas Balevich, Development Coordinator, Zoning Division  
David Nearing, AICP, Development Coordinator, Zoning Division  
Marla Molina, 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 May 4, 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 May 4, 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.

**WILLIAM BARFIELD - VA-17-06-043**

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<b>REQUEST:</b>	<b>Variance</b> in R-1AA zoning district to allow a building height of 37.4 ft. in lieu of 35 ft.
<b>ADDRESS:</b>	5511 Osprey Isle Lane, Orlando FL 32819
<b>LOCATION:</b>	East side of Osprey Isle Ln., north of Masters Blvd., west of S. Apopka Vineland Rd.
<b>TRACT SIZE:</b>	2.34 acres
<b>DISTRICT#:</b>	1
<b>LEGAL:</b>	ISLE OF OSPREY AT DR PHILLIPS 24/4 LOTS 13 & 14

**PARCEL ID#:** 21-23-28-3870-00-130

**NO. OF NOTICES:** 40

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

Staff Recommendation: Staff gave a brief presentation on the case, covering the location, site plan, previous variance approval in the area, and photographs. Lastly, staff recommended approval subject to the condition as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): William Barfield, Applicant

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

BZA Discussion: The BZA recognized that the property was a double lot in an area of large houses with extremely large setbacks compared to the other lots. Additionally, the other house that was granted the height variance did not look out of place. The BZA concurred with the staff recommendation.

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

1. Development in accordance with site plan dated April 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; 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: Jessica Rivera and Jose A. Rivas, Jr.

#### **ANTHONY PHIPPS - VA-17-06-045**

**REQUEST:** **Variances** in P-D zoning district for a new screen enclosure and to validate the existing pool deck and existing spa as follows: 1) New screen enclosure: 0 ft. from rear property line in lieu of 5 ft.; 2) Existing pool deck: 0 ft. from rear property line in lieu of 5 ft.; and 3) Existing spa: 4 ft. from the rear property line in lieu of 5 ft.

**ADDRESS:** 12458 Montalcino Circle, Windermere FL 34786

**LOCATION:** West side of Montalcino Cir., east of Winter-Garden Vineland Rd., south of Overstreet Rd.

**TRACT SIZE:** 68 ft. x 130 ft.

**DISTRICT#:** 1

**LEGAL:** CASA DEL LAGO - REPLAT 75/60 LOT 43

**PARCEL ID#:** 25-23-27-1213-00-430

**NO. OF NOTICES:** 53

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

Staff Recommendation: Staff noted that the surrounding land uses included an elementary



school to the north and a stormwater retention pond to the west, after which there were undevelopable wetlands. The lot was irregularly shaped, which resulted in only the southern portion of the deck being located on the property line, while the northern portion was approximately three (3) feet off the property line. The majority of the lot was covered by the residence, which is pushed back to the rear of the lot, leaving minimal room for amenities such as a pool/spa and screen enclosure. Additionally, a variance identical to this request had been approved in 2013, for a property to the south end of Montalcino Drive. Lastly, staff recommended approval subject to the condition as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Angella Phipps, wife of Applicant

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

BZA Discussion: The BZA noted that the lot was irregularly shaped, and that due to the size of the houses in this neighborhood, there was minimal room for improvements in the rear yard. Further, the request would not have any adverse impact on anyone. Thus, the BZA concurred with the staff recommendation.

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

1. Development in accordance with site plan dated April 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; 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: Jessica Rivera and Jose A. Rivas, Jr.

**MIKE LOPEZ - VA-17-07-052**

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<b>REQUEST:</b>	<b>Variance</b> in the R-3 zoning district to allow a 5 ft. high fence in the front yard in lieu of 4 ft. (Note: This is the result of Code Enforcement Action.)
<b>ADDRESS:</b>	1925 Wakulla Way, Orlando FL 32839
<b>LOCATION:</b>	North side of Wakulla Way, west of S. Rio Grande Ave.
<b>TRACT SIZE:</b>	1.43 acres
<b>DISTRICT#:</b>	6
<b>LEGAL:</b>	INST NO 20160669886 INCOMPLETE PROPERTY DESC-- PLAN OF BLK 1 PROSPER COLONY D/109 THE W 60 FT OF LOT 27 (LESS N 190 FT) & E 20.71 FT OF LOT 28 (LESS N 190 FT) & W 88.9 FT OF E 109.61 FT OF S 285.78 FT OF LOT 28
<b>PARCEL ID#:</b>	22-23-29-7268-27-004
<b>NO. OF NOTICES:</b>	95
<u>Commentaries:</u>	Four (4) in favor and one (1) in opposition

Staff Recommendation: Staff gave a presentation on the case, covering the location of the

fence, site plan, previous variance denial in the area, and photographs. Staff recommended approval subject to the condition as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Mike Lopez, Applicant

The applicant explained that the property had been vacant for three (3) years and had become a dumping ground with crime and vagrants, and further, indicated that a four (4) foot fence would not keep anyone out of the subject property. In addition, the applicant stated the neighbors were in favor of the fence.

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

BZA Discussion: The BZA confirmed the subject property was not a corner lot and that a chain link fence would not affect visibility. The BZA affirmed that a five (5) foot fence would provide the necessary security, and advised the applicant to get proper permits. Therefore, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Eugene Roberson, seconded by Deborah Moskowitz and unanimously carried to **APPROVE** 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 April 20, 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 applicant shall obtain a permit for the fence within ninety (90) days or this approval is null and void.

AYE (voice vote): All members present

Absent: Jessica Rivera and Jose A. Rivas, Jr.

#### **ARLENE VALDEZ - VA-17-06-044**

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<b>REQUEST:</b>	<b>Variances</b> in the R-1 zoning district as follows: 1) To allow existing accessory building to remain with 787 sq. ft. of area in lieu of 500 sq. ft.; and 2) To allow existing accessory building to remain 0 ft. from the side property line in lieu of 5 ft. (Note: This is the result of code enforcement action. Applicant advised the rear shed has been removed, batting cage poles will be removed and tent canopy behind pool will be removed).
<b>ADDRESS:</b>	14352 Model Road, Orlando FL 32826
<b>LOCATION:</b>	South side of Model Rd., west of Bonnevill Dr., north of E Colonial Dr.
<b>TRACT SIZE:</b>	80 ft. x 300 ft.
<b>DISTRICT#:</b>	5
<b>LEGAL:</b>	PALM LAKES ESTATES U/71 LOT 23
<b>PARCEL ID#:</b>	14-22-31-6528-00-230
<b>NO. OF NOTICES:</b>	87



Commentaries: None

Staff Recommendation: Staff gave a presentation on the case, covering the location of the fence and shed, site plan, and photographs. Further, 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): Winford Alleyne, Code Enforcement Officer

Arlene Valdez, Applicant

Code Enforcement confirmed the batting cage and gazebo/canopy behind the pool and rear yard shed have all been removed.

The applicant explained that the buildings were on the site when they purchased the property. The applicant stated that they have removed the batting cage and the gazebo/canopy behind the pool and the rear yard shed; and, stated they only want to keep the side shed.

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

BZA Discussion: The BZA appreciated that the applicant addressed the issues identified by Code Enforcement before coming before the BZA. As a result, the BZA was in agreement 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 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 April 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. Prior to issuance of permits, the applicant shall remove: the batting cage (and all poles), the gazebo/canopy behind the pool and rear yard shed; and

5. The applicant shall obtain a permit for the accessory building within 120 days, or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Jessica Rivera and Jose A. Rivas, Jr.

#### **LYMARI SIERRA - VA-17-06-048**

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<b>REQUEST:</b>	<b>Variances</b> in the R-1 zoning district as follows: 1) To construct a 750 sq. ft. accessory building (garage) in lieu of 500 sq. ft.; and, 2) To construct a 5 ft. high fence along the front of the property in lieu of 4 ft.
<b>ADDRESS:</b>	1724 Bonneville Drive, Orlando FL 32826
<b>LOCATION:</b>	West side of Bonneville Dr., north of E. Colonial Dr.
<b>TRACT SIZE:</b>	100 ft. x 200 ft.
<b>DISTRICT#:</b>	5

**LEGAL:** PALM LAKES ESTATES U/71 LOT 17

**PARCEL ID#:** 14-22-31-6528-00-170

**NO. OF NOTICES:** 106

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

Staff Recommendation: Staff gave a presentation on the case, covering the location of the fence and shed, site plan, and photographs. Lastly, staff recommended approval subject to the condition as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Lymari Sierra, Applicant

Material was submitted to the Board by the applicant 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 confirmed there was no HOA and other properties had fences in the front yard. The BZA was concerned about the type of fence and wanted a fifth condition added stating that the fence shall be consistent with the design as submitted. Thereafter, the BZA concurred with the staff recommendation as amended.

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

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

5. The fence shall be consistent with the design as submitted.

AYE (voice vote): All members present

Absent: Jessica Rivera and Jose A. Rivas, Jr.

**RECESSED AT 9:45 A.M. AND RECONVENED AT 10:00 A.M.**

**BOARD MEMBER ENTERED: Jose A. Rivas, Jr.**

**JONATHAN McGRATH - VA-17-06-042**

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**REQUEST:** **Variances** in the R-CE zoning district as follows: 1) To construct detached accessory structure (summer kitchen and bathroom) 20 ft. from the Normal High Water Elevation of Pocket Lake in lieu of 50 ft.; and, 2) To construct swimming pool and pool deck 20 ft. from the Normal High Water Elevation of Pocket Lake in lieu of 50 ft. (Note: The property backs up to a canal that leads into Pocket Lake).

**ADDRESS:** 10330 Pocket Lane, Orlando FL 32836

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**LOCATION:** West side of Pocket Lane, west of S. Apopka Vineland Road, south of Kilgore Road

**TRACT SIZE:** 1 acre

**DISTRICT#:** 1

**LEGAL:** WILLIS R MUNGERS LAND SUB E/22 COMM SE COR LOT 39 RUN N00-01-28W 360 FT TH RUN N89-24-08W 60FT TH RUN S00-01-28E 34.28 FT FOR POB TH RUN N44-36-00W 280.9 FT N25-42-59E 7.74 FT N63-54-55W 44.06 FT N26-11-20E 7.72 FT N44-36-00W 62.34 FT TO A PT ON W LINE OF

**PARCEL ID#:** 09-24-28-5844-00-398

**NO. OF NOTICES:** 29

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

Staff Recommendation: Staff gave a presentation of the property, noting that multiple variances had been granted on Pocket Lane and one (1) approved on the subject property in 2009. Finally, staff recommended approval subject to the condition as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Jonathan McGrath, Applicant

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

BZA Discussion: The BZA discussed existing buildings on the subject property and the adjacent property to the north. Inasmuch, the BZA determined to concur with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Wes A. Hodge 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 April 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;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations;
5. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the detached accessory structure and the swimming pool and pool deck is no closer than 20 feet from the Normal High Water Elevation of Pocket/Fish Lake Canal;
6. Prior to the issuance of any permits, the applicant shall complete a Conservation area determination with the Environmental Protection Division. Any impacts to any conservation areas shall be in accordance with all Orange County regulations; and
7. Prior to the issuance of any permits, the applicant shall obtain a flood plain permit.

AYE (voice vote): All members present

Absent: Jessica Rivera

## CHRISTIAN LEARNING ACADEMY - SE-17-06-051

**REQUEST:** **Special Exception** in the A-1 zoning district to convert existing residence into a private school for up to 40 students, grades K-12. (Note: The applicant wants to convert a residence into 1 classroom building. No new vertical construction is proposed).

**ADDRESS:** 820 Roger Williams Road, Apopka FL 32703

**LOCATION:** West side of Roger Williams Rd., north of N. Orange Blossom Tr.

**TRACT SIZE:** 4.2 acres

**DISTRICT#:** 2

**LEGAL:** E 318 FT OF S1/2 OF NE1/4 OF NE1/4 OF NW1/4 OF SEC 14-21-28 (LESS N 151.25 FT & LESS S 30 FT & LESS E 30 FT FOR R/W)

**PARCEL ID#:** 14-21-28-0000-00-045

**NO. OF NOTICES:** 99

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

Staff Recommendation: Staff advised the BZA that there was an elementary school located directly across Roger Williams Road and that the neighborhood was already coping with those impacts. Staff supported this request because the proposal was minimal with minor impacts. Lastly, staff recommended approval subject to the condition as expressed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Louis Pfleger, on behalf of the Applicant

Chris Bravo, Agent for Applicant

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

BZA Discussion: The BZA concluded this request was reasonable as well as the most impacted property owner had submitted a letter of support. Based on the foregoing, 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 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 April 19, 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. A twenty-four (24) inch high evergreen hedge supplemented with evergreen trees twenty-five (25) feet on-center and ten (10) feet tall shall be planted along the north line of Parcel #14-21-28-0000-00-045 and along the east line of same parcel along Roger William Road. Landscaping around the building perimeter shall be in accordance with Chapter 24, Orange County Code.



Existing trees and/or vegetation may be used to meet the landscaping requirements;

5. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met;

6. No access onto Oakville Lane to the west; and

7. Obtain permits within two (2) years or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Jessica Rivera

**GEMMA E. JACKSON - VA-17-06-049**

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**REQUEST:** **Variances** in the R-CE zoning district to construct an accessory use (sports court) as follows: 1) In the front yard in lieu of side or rear yards; and, 2) To allow 10 ft. high fence in lieu of 6 ft. in the front yard. (Note: Proposed multi-sport court includes basketball hoops, two soccer goals, 10 ft. high nylon mesh netting and a 15 ft. high light pole).

**ADDRESS:** 9085 Charles E. Limpus Road, Orlando FL 32836

**LOCATION:** West side of Charles E. Limpus Rd., south of Darlene Dr.

**TRACT SIZE:** 2.61 acres

**DISTRICT#:** 1

**LEGAL:** BEG 869.51 FT N & 102 FT W OF SE COR OF NE1/4 RUN S 68 DEG W 109.75 FT N 1171.38 FT M/L TO N LINE OF S S1/2 OF NE1/4 OF NE1/4 E 102 FT S 1130.89 FT M/L TO POB SEC 09-24-28

**PARCEL ID#:** 09-24-28-0000-00-014

**NO. OF NOTICES:** 79

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

Staff Recommendation: Staff gave a brief presentation on the case, addressing the location, site plan, and photographs. Staff advised that multiple and similar variances have been granted on Charles E. Limpus Road. Also, staff discussed variances approved for the subject property in 2003. Lastly, staff recommended approval subject to the condition as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Alan Hanel, on behalf of the Applicant

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

BZA Discussion: The BZA discussed the case and 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 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 14, 2006, 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;

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;

4. The light pole shall have down lit fixtures. Light glare shall be directed downward and not out towards adjacent properties; and

5. For homeowners and their guests use only.

AYE (voice vote): All members present

Absent: Jessica Rivera

#### **MARK NASRALLAH - SE-17-06-047**

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**REQUEST:** **Special Exception** in the R-CE-C zoning district to construct a 1,060 sq. ft. attached Accessory Dwelling Unit (ADU) for applicant's parents.

**ADDRESS:** 3401 Chaine Du Lac Blvd., Windermere FL 34786

**LOCATION:** Southwest corner of Chaine Du Lac Blvd., and Lake Butler Blvd.

**TRACT SIZE:** 1 acre

**DISTRICT#:** 1

**LEGAL:** CHAINE DU LAC 27/60 LOT 10 (LESS PT TAKEN N/K/A PARK AVE WEST PB69 PG59)

**PARCEL ID#:** 12-23-27-1306-00-100

**NO. OF NOTICES:** 46

Commentaries: One (1) in favor and two (2) in opposition

Staff Recommendation: Staff advised the BZA that the new home would blend in with the other houses in the area and the proposed ADU would not be visible from the outside. Additionally, staff recommended approval subject to the condition as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): John Nasrallah, on behalf of the 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 met the criteria for an ADU. Thus, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Jose A. Rivas, Jr. 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 April 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 Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.

AYE (voice vote): All members present

Absent: Jessica Rivera

#### **LIVING WORD CHURCH - SE-17-06-046**

**REQUEST:** **Special Exception and Variance** in the R-3 and A-2 zoning districts as follows: 1) Special Exception: To place a 4,480+/- sq. ft. modular unit on the property to be used as a private school for up to 140 students, grades K-8; and 2) Variance: To permit grassed parking and driving aisle in lieu of paved. (Note: The property is approved for child care and religious use sanctuary. There are two residences on the property. One of the residences is being used for storage. The request is to construct a 4,480 sq. ft. structure to be used as a classroom building.)

**ADDRESS:** 653 E. Wetherbee Road, Orlando FL 32824

**LOCATION:** North side of E. Wetherbee Road, approximately 1/2 mile east of Landstar Boulevard.

**TRACT SIZE:** 6,660 x 625

**DISTRICT#:** 4

**LEGAL:** PLAN OF BLK T PROSPER COLONY D/113 LOTS 118 & 119

**PARCEL ID#:** 13-24-29-7268-01-180

**NO. OF NOTICES:** 62

Commentaries: One (1) in favor and two (2) in opposition

Staff Recommendation: Staff gave a brief analysis of the existing uses and the surrounding uses, noting Wetherbee Elementary School to the east of the subject property. Finally, staff recommended approval subject to the condition as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Chris Bravo, Applicant's Representative

Abner Adorno, on behalf of the Applicant

The applicant and the applicant's representative spoke and notified the BZA that the school drop-off and pick-up times were staggered from the Wetherbee Elementary School.

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

BZA Discussion: The BZA discussed the possible traffic issues. The BZA requested that the applicant submit a structural report of the proposed modular unit after five (5) years for a Zoning Manager Determination to make sure that the modular unit meets all codes. In addition, the BZA discussed the number of students currently enrolled and the request for an additional 140 students. A condition was added to address that the school has a maximum of 350 students enrolled. Based on the foregoing, the BZA concurred with the staff recommendation as amended.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Carolyn Karraker and unanimously carried to **APPROVE** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, 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 April 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. Construction plans shall be submitted within three (3) years or this approval becomes null and void;
5. There shall be no impacts or encroachments to any Orange County Conservation Areas unless approved by Orange County;
6. Allow grassed parking and driving aisle in lieu of paved. However, handicapped spaces and associated drive aisles shall be paved;
7. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, Exterior Lighting Standards;
8. There shall be no more than four (4) outdoor special events per calendar year between the hours of 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed 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;
9. Any expansions of the use shall require BZA approval;
10. Signage shall be in accordance with 31.5, Orange County Code;
11. 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;
12. All overflow parking shall be contained on the subject site, and shall not be located in any required landscape areas, buffers, and yards. No off-site parking on adjacent lots shall be permitted. No parking shall encroach into any Conservation Areas. No parking shall take place in East Wetherbee Road right-of-way;
13. Capacity in the modular classroom area shall be limited to 140 persons per the site plan. Any expansion shall require approval by the BZA;
14. The building shall be finished in muted earth tones;
15. Modular unit approval is valid for up to five (5) years. After that the applicant is required to submit a structural report to the Zoning Division for review and approval. If the report shows the modular unit is safe to occupy the Zoning Manager may grant an extension of the modular unit approval. Otherwise, the applicant may apply to the BZA for an extension beyond the initial five (5) years; and
16. The school shall have a maximum of 350 students.

AYE (voice vote): All members present

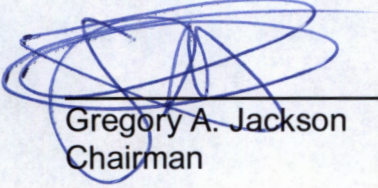
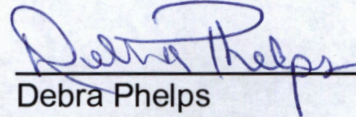
Absent: Jessica Rivera



**ADJOURN:**

There being no further business, the meeting was adjourned at 11:15 a.m.

**ATTEST:**

  
\_\_\_\_\_  
Gregory A. Jackson  
Chairman  
\_\_\_\_\_  
Debra Phelps  
Recording Secretary