

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
MEETING OF AUGUST 02, 2007**

BOARD MEMBERS PRESENT: Frank DeToma, Chairman  
Scott Richman  
Rod Love  
Joe Roberts  
Peter Betterman  
Marcus Robinson

BOARD MEMBERS ABSENT: Asima Azam, Vice Chairman

STAFF PRESENT: Rocco Relvini, Chief Planner, AICP, Zoning Division  
Gail Tyree, Development Coordinator, Zoning Division  
Joy Rambaram, Development Coordinator, Zoning Division  
Rosetta Brogneri, Recording Secretary, Zoning Division

The Chairman called the meeting to order at 9:01a.m. Following the Pledge of Allegiance to the Flag, the following applications, as advertised, were called up for public hearing.

**SERGEY SHASHELEV VA-07-08-013**

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**REQUEST:** Variances in A-2 (agricultural) zone to construct addition (attached garage) to single-family residence 9 ft. from side property line in lieu of 10 ft.

**LOCATION:** The site is located on the east side of Broleman Road, east of Kirby Smith Road or 12617 Broleman Road.

SW 1/4 21-24-31 Tract Size: 1.7 acres

**DISTRICT #:** 4

**LEGAL:** See legal description on file in Zoning Division.

**PARCEL ID:** 21-24-31-0000-00-011

A site plan was submitted prior to the public hearing.

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini stated the applicant proposes to add a second story to the existing garage and use the second story for storage. The proposed structure will be set back 250 feet from the street and will not be visible. The structure will match the main house. Staff's recommendation is for approval with three conditions.

Sergey Shashelev, 12617 Broleman Road, Orlando, Florida 32832, applicant, and Karen Ingram, 6531 Banner Lake Circle, #16202, Orlando, Florida 32821, interpreter for the applicant, addressed the Board concerning the request.

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

A motion was made by Peter Betterman, seconded by Joe Roberts (Asima Azam was absent), 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 have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated February 22, 2006, and all other applicable

regulations;

2. Prior to the issuance of any permits, the applicant shall obtain a flood plain permit; and
3. The structure shall not be used as a separate dwelling unit.

**CHASE ROAD P-D/RYLAND HOMES SE-07-07-009 – Continued from 7/5/07**

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**REQUEST:** Special Exception in Village Home District to allow up to 114 townhome units. (NOTE: The entire parcel is 40 acres in size. The townhomes are proposed on the western side of the 40 acre parcel).

**LOCATION:** The site is located on the south side of Chase Road, east of Winter-Garden Vineland Road.

30-23-28 Tract Size: 10.42 acres

**DISTRICT #:** 1

**LEGAL:** See legal description on file in Zoning Division.

**PARCEL ID:** 30-23-28-0000-00-002

Board member Scott Richman abstained from this case and filed the appropriate Conflict of Interest forms.

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini stated this request was continued from last month due to a lack of a quorum. The applicant proposes 114 townhouse units. Single-family homes will be constructed between the townhomes and the existing homes to the east. The project was reviewed and approved by the Development Review Committee. Staff advised the BZA this request complied with the goals and objectives of the Horizons West project and the Chase Road P-D. Staff received eight commentaries in opposition and none in favor to the request. Mr. Relvini stated staff's recommendation is for approval subject to the conditions in the staff report.

Dulcy Miller, 111 North Orange Avenue, Suite 1800, Orlando, Florida 32801, on behalf of the applicant, addressed the Board concurring with staff's recommendation.

Jennifer Roper, 202 East 1<sup>st</sup> Avenue, Windermere, Florida 34786, area resident, addressed the Board with concerns regarding accessing Chase Road and the amount of additional traffic on Chase Road.

John Smogor, planning administrator, Orange County Planning Division, addressed the Board concerning the request. Mr. Smogor advised the BZA that sixteen property owners have entered into an agreement with Orange County to address traffic impacts and improvements.

The BZA discussed the case and concluded this request was consistent with the development pattern of townhome development in this area.

A motion was made by Frank DeToma, seconded by Rod Love (Asima Azam was absent and

Scott Richman abstained), 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 Received July 30, 2007; the DRC conditions of January 24, 2007; the Chase Road Planned Development BCC approvals 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. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement;
3. Access, drainage, roadway improvements and concurrency management shall be determined by the Public Works Department;
4. Prior to platting, a MSTU shall be established for the operation and maintenance of secondary and connector trails;
5. The minimum living area of the units shall be 1,000 sq. ft. under heat and air;
6. The applicant shall install signage informing prospective buyers and existing residents of the proposed project. Said signage shall be in accordance with Section 38-1257, Orange County Code;
7. Construction plans shall be submitted within 3 years or this approval becomes null and void.

**WEST ORANGE CHRISTIAN CHURCH SE-07-08-001**

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**REQUEST:** **Special Exception** in R-CE (single-family - 1 acre lots) zone to add child daycare/pre-school for up to 60 children ancillary to existing church use. (NOTE: No new construction is proposed).

**LOCATION:** The site is located on the north side of Conroy-Windermere Road, 500 ft. east of Hiawasse Road and 1/4 mile west more or less of Turkey Lake Road or 7325 Conroy-Windermere Road.

SE 1/4 11-23-28 Tract Size: 1.6 acres

**DISTRICT #:** 1

**LEGAL:** See legal description on file in Zoning Division.

**PARCEL ID:** 11-23-28-0000-00-039

A site plan was submitted prior to the public hearing.

Development Coordinator Joy Rambaram explained the location of the subject property and the

request. Ms. Rambaram stated the subject site was granted a special exception for a religious use facility in January 1964. The applicant proposes to operate a daycare/pre-school at an existing religious use facility. No new construction is proposed. The applicant proposes a maximum of 60 children and hours of operation would be 7:30 a.m. to 6:00 p.m., Monday through Friday. The applicant conducted a public information meeting on July 23. Six attendees were at the information meeting.

Ms. Rambaram stated staff received seven commentaries in favor and four in opposition to the request. Staff's recommendation is for approval subject to the conditions in the staff report.

Deborah O'Neal, education director of the school, 4775 Lincoln Avenue, Orlando, Florida 32819, on behalf of the applicant, addressed the Board concerning the request.

Reverend Stan Johnson, 11672 Jureane Drive, Orlando, Florida 32836, on behalf of the applicant, addressed the Board citing the need for the proposed use in the community.

Donald Rustin, 7641 Conroy-Windermere Road, Orlando, Florida 32835, addressed the Board in opposition to the request. Mr. Rustin was concerned with additional traffic, and children's safety entering and exiting the site.

Kathleen Weising, 4512 South Hiawasse Road, Orlando, Florida 32835, area resident, addressed the Board in opposition to the request. Ms. Weising was concerned with additional traffic in the neighborhood.

Deborah O'Neal addressed the Board in rebuttal. Ms. O'Neal discussed in detail how the children would be brought to the site and that clients would not be coming to the site at one specific time.

The BZA discussed the case and concluded the proposed request would not be a detriment and would benefit the immediate community.

A motion was made by Scott Richman, seconded by Joe Roberts (Asima Azam was absent), 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 July 12, 2007 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. All signage shall comply with section 31.5-75 of the Orange County sign code;
3. Landscaping shall be installed along the easterly property line with evergreen trees every forty feet and intermittent shrubbery plants three feet high at time of planting; and
4. The applicant must apply for commercial permitting within three (3) years from the date of Board of Zoning Adjustment approval or the Special Exception approval is null and void.

**ERNEST PENAROQUE SE-07-08-002**

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**REQUEST:** Special Exception in R-CE (single-family - 1 acre lots) zone to convert existing cottage into a detached Accessory Dwelling Unit for applicant's sister-in-law.

**LOCATION:** The site is located on the east side of North Econlockhatchee Trail, north of S.R. 417 or 25 North Econlockhatchee Trail.

SE 1/4 30-22-31 Tract Size: 2.5 acres

**DISTRICT #:** 3

**LEGAL:** See legal description on file in Zoning Division.

**PARCEL ID:** 30-22-31-0000-00-039

A site plan was submitted prior to the public hearing.

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini stated the applicant proposes to convert the existing storage building at the rear of the property into a detached accessory dwelling unit for the applicant's sister-in-law. There are commercial uses surrounding this property. The most affected neighbor submitted a letter of no objection. Staff advised the BZA the request was consistent with the Accessory Dwelling Unit Regulations. Staff's recommendation is for approval subject to the conditions in the staff report. Ernest Penaroque, 25 North Econlockhatchee Trail, Orlando, Florida 32825, applicant, addressed the Board asking for more time frame to condition #3 because of the expense.

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

The BZA discussed the case and determined the proposed use will have no adverse impact to the surrounding properties. The BZA amended condition #3 to obtain permits within one year versus 90 days.

A motion was made by Joe Roberts, seconded by Rod Love (Asima Azam was absent), 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 12/23/91 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. The accessory dwelling unit shall be used by family members only and shall not be rented out or used by non-family members;
3. Permits shall be obtained within one (1) year or this approval becomes null and void.

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**BRADLEY STOCK VA-07-08-003**

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**REQUEST:** Variance in P-D zone to construct addition (bedroom and recreation room) to single-family residence 25 ft. from rear property line in lieu of 50 ft.

**LOCATION:** The site is located on the east side of Willow Lauren Lane, north of Windermere Road or 2019 Willow Lauren Lane.

SW 1/4 06-23-28 Tract Size: 1/2 acre

**DISTRICT #:** 1

**LEGAL:** Lot 33, Willows at Lake Rhea, Phase 3, as recorded in Plat Book 31, Page 50, Public Records of Orange County, Florida.

**PARCEL ID:** 06-23-28-9323-00-330

Board member Rod Love left the public hearing at 10:17 a.m.

A site plan was submitted prior to the public hearing.

Development Coordinator Joy Rambaram explained the location of the subject property and the request. Ms. Rambaram stated the subject property's rear yard abuts a large recreational tract. The applicant submitted approval from Lake Rhea Architectural Review Board and also two letters in favor from his neighbors whose side yards abut the subject property. Staff received two commentaries in favor and two in opposition to the request. Staff's recommendation is for approval of the request.

Bradley Stock, 2019 Willow Lauren Lane, Windermere, Florida 34786, applicant, addressed the Board concurring with staff's recommendation.

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

A motion was made by Scott Richman, seconded by Joe Roberts (Asima Azam and Rod Love were absent), 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 have been met.

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**RANDOLPH G. SMITH VA-07-08-004**

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**REQUEST:** Variances in R-1AA (single-family - 10,000 sq. ft. lots) zone to modify single-family residence as follows:

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1) Convert carport into garage 21 ft. from rear property line in lieu of 35 ft.; and  
2) Convert screen porch into an open porch 11 ft. from side street property line in lieu of 15 ft.  
**LOCATION:** The site is located on the northeast corner of Merritt Park Drive and Rowena Avenue, 1/4 mile north of Corrine Drive or 2101 Merritt Park Drive.  
SW 1/4 18-22-30 Tract Size: 64 ft. x 133 ft.  
**DISTRICT #:** 5  
**LEGAL:** See legal description on file in Zoning Division.  
**PARCEL ID:** 18-22-30-5596-00-610

Board member Rod Love returned to the public hearing at 10:22 a.m.

A site plan was submitted prior to the public hearing.

Development Coordinator Gail Tyree explained the location of the subject property and the request. Ms. Tyree stated the house was built in 1954 and is grandfathered-in as to current setback requirements. The applicant is renovating the house, which simply includes enclosure of the exiting carport and removing the enclosing elements of the existing porch for an updated open porch appearance. None of the setbacks will change. Staff received nineteen commentaries in favor and one in opposition to the request. Staff's recommendation is for approval of the request.

Randolph G. Smith, 2101 Merritt Park Drive, Orlando, Florida 32803, applicant, addressed the Board concerning the request.

Brian Smith, 2107 Merritt Park Drive, Orlando, Florida 32803, area resident, addressed the Board in favor stating this house is in need of renovation to keep pace with the redevelopment trend of the area.

A motion was made by Frank DeToma, seconded by Marcus Robinson (Asima Azam was absent), 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 have been met.

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**RAM N. MOHAPATRA VA-07-08-005**

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**REQUEST:** Variance in R-1AA (single-family - 10,000 sq. ft. lots) zone to construct bathroom and study room addition to single-family residence 26 ft. from rear property line in lieu of 35 ft.  
**LOCATION:** The site is located on the south end of Muzante Court, just south of University Boulevard or 3927 Muzante Court.  
NE 1/4 12-22-30 Tract Size: 1/4 acre  
**DISTRICT #:** 5  
**LEGAL:** Lot 65, Lake Irma Estates, Unit 2, as recorded in Plat book 9, Page 25, Public Records of Orange County, Florida.  
**PARCEL ID:** 12-22-30-4513-00-650

A site plan was submitted prior to the public hearing.

Development Coordinator Joy Rambaram explained the location of the subject property and the

request. Ms. Rambaram stated the subject property is an irregular shaped lot. The applicant submitted three letters in support of the request and approval from Lake Irma Estates Architectural Review Board. Staff received six commentaries in favor and one in opposition to the request. Staff's recommendation is for approval of the request.

Ram N. Mohapatra, 3927 Muzante Court, Orlando, Florida 32817, applicant, addressed the Board concerning the request.

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

The BZA discussed the case and determined the request was minimal and noted the hardship of the land due to its irregular shape.

A motion was made by Frank DeToma, seconded by Joe Roberts (Asima Azam was absent), 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 have been met.

**STEVEN AND DENISE CORBETT SE-07-08-006**

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**REQUEST:** **Special Exception** in P-D zone to construct detached Accessory Dwelling Unit (856 sq. ft. of living area) for applicant's disabled mother.

**LOCATION:** The site is located on the east side of Great Heron Circle, west of South Apopka-Vineland Road or 9040 Great Heron Circle.

SE 1/4 33-23-28 Tract Size: 3/4 acre

**DISTRICT #:** 1

**LEGAL:** Lot 97, Cypress Point, Phase III, as recorded in Plat Book 26, Pages 27 and 28, Public Records of Orange County, Florida.

**PARCEL ID:** 33-23-28-1887-00-970

Board member Marcus Robinson left the public hearing at 10:31 a.m.

A site plan was submitted prior to the public hearing.

Development Coordinator Joy Rambaram explained the location of the subject property and the request. Ms. Rambaram stated the applicant's propose to construct a detached Accessory Dwelling Unit (ADU) for their mother and have submitted medical documentation citing the need to have their mother reside nearby. The applicant submitted approval from Cypress Point Architectural Review Committee and also from the most affected neighbor whose property is located along the northerly side yard property line. The proposed ADU meets the spirit and intent of the Accessory Dwelling Unit regulations.

Ms. Rambaram stated staff received four commentaries in favor and none in opposition to the request. Staff's recommendation is for approval subject to the conditions in the staff report.

Steven C. Corbett, 9040 Great Heron Circle, Orlando, Florida 32836, applicant, addressed the



Board concurring with staff's recommendation.

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

The Board discussed the case and felt the request met the spirit and intent of the special exception criteria.

A motion was made by Scott Richman, seconded by Joe Robets (Asima Azam and Marcus Robinson were absent), 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 July 12, 2007 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. Only relatives of the property owner shall use the accessory dwelling unit. The accessory dwelling unit shall not be rented out;
3. The proposed accessory dwelling unit will be designed with architectural features to match the primary residence; and
4. Construction plans shall be submitted within 3 years or this approval becomes null and void.

**DAVID GOFF    VA-07-08-007**

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**REQUEST:**    **Variance** in R-L-D (residential low density) zone to construct screened porch addition to single-family residence 11 ft. from rear property line in lieu of 15 ft.

**LOCATION:**    The site is located on the south side of Sunset View Circle, west of North Lake Pleasant Road or 1736 Sunset View Circle.

NE 1/4            11-21-28 Tract Size: 45 ft. x 100 ft.

**DISTRICT #:**    2

**LEGAL:**            Lot 64, Sunset View, as recorded in Plat Book 33, Pages 63 and 64, Public Records of Orange County, Florida.

**PARCEL ID:**    11-21-28-8463-00-640

Board member Marcus Robinson returned to the public hearing at 10:37 a.m.

A site plan was submitted prior to the public hearing.

Development Coordinator Joy Rambaram explained the location of the subject property and the request.    Ms. Rambaram stated the applicant submitted a letter in favor from the homeowner's

association and a letter of approval from the neighbors at each side of the applicant's residence. Staff received seven commentaries in favor and none in opposition to the request. Staff's recommendation is for approval of the request.

Kathryn Rokkeki, 1736 Sunset View Circle, Apopka, Florida 32703, agent for the applicant, addressed the Board concerning the request.

No one appeared in favor or in favor of the request.

The BZA acknowledged the request was reasonable and the subject property's rear yard abuts a retention pond.

A motion was made by Rod Love, seconded by Joe Robers (Asima Azam was absent), 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 have been met.

#### **DC 1 HOMES VA-07-08-008**

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**REQUEST:** Variances in A-1 (agricultural) zone to construct a single-family residence on each substandard lot as follows:

- 1) Lot Width: 55 ft. wide in lieu of 100 ft.; and
- 2) Lot Size: 8,360 sq. ft. in lieu of 1/2 acre (21,780 sq. ft.)

**LOCATION:** The site is located on the south side of 2nd Avenue, north side of 3rd Avenue, 1/4 mile south of Clarcona-Ocoee Road.

SW 1/4 05-22-28 Tract Size: 55 ft. x 152 ft. (each lot)

**DISTRICT #:** 1

**LEGAL:** Lots 1, 2, 3, and 19 through 22, Block D, Oak Level Heights, as recorded in Plat Book L, Page 31, Public Records of Orange County, Florida.

**PARCEL ID:** 05-22-28-6052-04-011

A site plan was submitted prior to the public hearing.

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini stated the applicant proposes to construct single-family homes on lots that are zoned agricultural. The lots are not being used for agricultural purposes. Instead, the neighborhood is being developed as single-family housing. Staff advised the BZA this request was consistent with numerous similar variances granted by the BZA. Staff's recommendation is for approval of the request. Staff received one commentary in favor and two in opposition to the request.

Frank Morris, 1205 Kimball Drive, Ocoee, Florida 34761, on behalf of the applicant, addressed the Board concerning the request.

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

A motion was made by Scott Richman, seconded by Peter Betterman (Asima Azam was absent), 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 have been met.

**DAVID AND LISA BUGDEN VA-07-08-009**

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**REQUEST:** Variance in P-D zone to construct sunroom addition to single-family residence 21 ft. from rear property line in lieu of 25 ft.

**LOCATION:** The site is located on the north side of Blackmoor Drive, west of the Florida Turnpike within the Southchase project or 11561 Blackmoor Drive.

SE 1/4 15-24-29 Tract Size: 75 ft. x 100 ft.

**DISTRICT #:** 4

**LEGAL:** Lot 51, Southchase, Unit 2, as recorded in Plat Book 24, Pages 117 and 118, Public Records of Orange County, Florida.

**PARCEL ID:** 15-24-29-8173-00-510

A site plan was submitted prior to the public hearing.

Development Coordinator Joy Rambaram explained the location of the subject property and the request. Ms. Rambaram stated the subject property's rear yard abuts open space. The applicant submitted approval from Southchase Property Community Association and two letters in favor from neighbors whose property abuts the applicant's side yards. Staff received six commentaries in favor and none in opposition to the request. Staff's recommendation is for approval of the request.

Lisa Bugden, 11561 Blackmoor Drive, Orlando, Florida 32837, applicant, addressed the Board stating she was looking forward to the sunroom.

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

A motion was made by Peter Betterman, seconded by Marcus Robinson (Asima Azam was absent), 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 have been met.

**DAVID J. HANNA VA-07-08-010**

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**REQUEST:** Variance in R-CE (single-family - 1 acre lots) zone to construct detached accessory building (garage) 41 ft. from rear property line in lieu of 50 ft.

**LOCATION:** The site is located on the west side of Chuluota Road, south of Lake Pickett Court or 3800 Chuluota Road.

09-22-32 Tract Size: 12,260 sq. ft.

**DISTRICT #:** 5

**LEGAL:** See legal description on file in Zoning Division.

**PARCEL ID:** 09-22-32-0000-00-022

A site plan was submitted prior to the public hearing.

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini stated the applicant proposes a detached garage at the side of his house. Due to the shape of the lot and the amount of wetlands on the site, this location is the most suitable for the garage.

The applicant submitted ten letters of no objection from his neighbors. Staff's recommendation is for approval of the request with three conditions.

David J. Hanna, 3800 Chuluota Road, Orlando, Florida 32820, applicant, addressed the Board concurring with staff's recommendation.

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

A motion was made by Frank DeToma, seconded by Joe Roberts (Asima Azam was absent), 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 have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated May 21, 2007, and all other applicable regulations;
2. Prior to the issuance of any permits, the applicant shall obtain a flood plain permit; and
3. There shall be no encroachment into any Conservation Area unless approved by Orange County. The applicant shall comply with the requirements of Chapter 15, Orange County Code.

**TOSCANA OFFICE PARK VA-07-08-011**

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**REQUEST:** Variance in C-2 (general commercial) zone to construct pole sign with 122 sq. ft. of copy area in lieu of 57.5 sq. ft.

**LOCATION:** The site is located on the west side of North Goldenrod Road, north of East Colonial Drive, west of North Forsyth Road or 1720 North Goldenrod Road.

SW 1/4 14-22-30 Tract Size: 2.19 acre

**DISTRICT #:** 3

**LEGAL:** See legal description on file in Zoning Division.

**PARCEL ID:** 14-22-30-0000-00-045

A site plan was submitted prior to the public hearing.

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini stated the applicant is constructing an office-warehouse building with multiple tenant space. Due to the limited amount of road frontage, the applicant has limited signage. Staff advised the BZA that approval of this request would set an undesirable precedent and allow for more clutter along Goldenrod Road. Alternatively, the applicant could reduce the size of the main sign's cabinet and still advertise his clients without the need for an excessive variance. The request is for a deviation of 212% from the code requirement.

Xabier Guerricagoitia, 976 Lake Baldwin Lane, Suite 201, Orlando, Florida 32814, on behalf of the applicant, addressed the Board concerning the request.

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

The BZA discussed the case and concluded the request was excessive.

A motion was made by Joe Roberts, seconded by Rod Love (Asima Azam was absent), 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.

**MARITZA FLOWERS    VA-07-08-012**

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**REQUEST:**    **Variance** in P-D zone to construct a Florida room addition to single-family residence 11 ft. from rear property line in lieu of 25 ft.

**LOCATION:**    The site is located on the east side of Bentry Street, 1/4 mile north of Wetherbee Road or 11920 Bentry Street.

18-24-30 Tract Size: 50 ft. x 110 ft.

**DISTRICT #:** 4

**LEGAL:**        Lot 127, Wetherbee Lakes Subdivision, Phase II, as recorded in Plat Book 49, Pages 57 through 61, Public Records of Orange County, Florida.

**PARCEL ID:** 18-24-30-8874-01-270

Board member Rod Love left the public hearing at 11:05 a.m.

A site plan was submitted prior to the public hearing.

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr.

Relvini stated the applicant proposes a 25 feet x 14 feet Florida room onto the back of her house.

The property backs up to a wide Progress Energy overhead transmission easement. There won't be any adverse impacts to anyone. Staff received no opposition to the request. Staff's recommendation is for approval of the request.

Maritza Flowers, 11920 Bentry Street, Orlando, Florida 32824, applicant, addressed the Board concerning the request.

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

A motion was made by Peter Betterman, seconded by Marcus Robinson (Asima Azam and Rod Love were absent), 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 have been met.

**LUIS AND TERRY SANCHEZ    VA-07-08-014**

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**REQUEST:**    **Variance** in R-1A (single-family - 7,500 sq. ft. lots) zone to construct garage addition to single-family residence 18 ft. from front property line in lieu of 25 ft.

**LOCATION:**    The site is located on the south side of Cristobal Circle, north side of Lake Underhill Road, east of South Palermo Avenue or 8304 Cristobal Circle.

SE 1/4            25-22-30 Tract Size: 75 ft. x 101 ft.

**DISTRICT #:** 3

**LEGAL:**        Lot 20, Block B, Pinar, as recorded in Plat Book W, Page 109, Public Records of Orange County, Florida.

**PARCEL ID:** 25-22-30-6908-02-200

Board member Rod Love returned to the public hearing at 11:17 a.m.

A site plan was submitted prior to the public hearing.

Development Coordinator Gail Tyree explained the location of the subject property and the request. Ms. Tyree stated the applicant proposes a garage addition to a single-family residence. Staff received five commentaries in favor and one in opposition to the request. The opposition was concerned that this addition would be turned into a business. One similar variance was granted in the neighborhood.

Luis Sanchez, 8304 Cristobal Circle, Orlando, Florida 32835, applicant, addressed the Board concerning the request. Mr. Sanchez stated he is a government employee with the City of Oviedo, and his family owns four cars that need to be sheltered. Mr. Sanchez stated the existing garage will be converted into a laundry room as a part of the house.

The BZA questioned the number of cars located on the applicant's property and expressed concern that the existing garage and new garage would be used for a car repair business. The applicant assured the BZA that he is not in the car repair business.

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

The BZA discussed the case and proposed a condition to ensure the existing garage would be converted into living area as the applicant stated.

A motion was made by Joe Roberts, seconded by Scott Richman (Asima Azam was absent), 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 have been met; further, said approval is subject to the following condition: Remove existing garage door and enclose with permanent construction. Interior door passage way allowed between new garage and converted single-car garage.

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**FRANCIS JACKOWSKI SE-07-08-015**

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**REQUEST:** **Special Exception** in R-1A (single-family - 7,500 sq. ft. lots) zone to convert detached accessory building into a detached Accessory Dwelling Unit for applicant's daughter.

**LOCATION:** The site is located on the north side of Edge O Grove Circle, east of South Apopka-Vineland Road or 6378 Edge O Grove Circle.

SE 1/4 22-23-28 Tract Size: 127 ft. x 175 ft. (irregular shaped)

**DISTRICT #:** 1

**LEGAL:** Lot 34, Orange Bay, as recorded in Plat Book 9, Page 60, Public Records of Orange County, Florida.

**PARCEL ID:** 22-23-28-6200-00-340

A site plan was submitted prior to the public hearing.

Development Coordinator Joy Rambaram explained the location of the subject property and the request. Ms. Rambaram stated this case is a result of Code Enforcement action. The Code Enforcement Division issued a notice of violation to the property owner citing conversion of a detached garage into a dwelling unit without required zoning approval. The applicant proposes to convert the garage into a detached Accessory Dwelling Unit for his daughter to reside. The applicant submitted eleven letters from neighbors in favor. Staff received ten commentaries in opposition to the request. Ms. Rambaram stated if the BZA approves the request the three conditions in the staff report should be applied.

Francis Jackowski, 6378 Edge-O-Grove Circle, Orlando, Florida 32819, applicant, addressed the Board and acknowledged using what had been permitted as a detached garage, as an Accessory Dwelling Unit without acquiring County approval.

Janet Collins, 6417 Edge-O-Grove Circle, Orlando, Florida 32819, area resident, addressed the Board in favor of the request.

Two residents spoke in opposition at the hearing, stating the structure has been used as an Accessory Dwelling Unit since initial construction.

The following area residents addressed the Board in opposition to the request:

Dwight Holcombe, 6390 Edge-O-Grove Circle, Orlando, Florida 32819;

Mark Preston, 6390 Edge-O-Grove Circle, Orlando, Florida 32819.

Francis Jackowski addressed the Board in rebuttal. Mr. Jackowski acknowledged someone is living in the accessory building.

The BZA discussed the case and determined there was no hardship, and the applicant failed to demonstrate how the special exception criteria was being met.

A motion was made by Scott Richman, seconded by Joe Roberts (Asima Azam was absent), 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.

**MEETING ADJORNED, 11:48 a.m.**

**MEETING RECONVENED, 11:58 a.m.**

Board member Marcus Robinson was not present at the public hearing when the meeting reconvened at 11:58 a.m.

**GABRIEL VALLADARES VA-07-08-016**

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**REQUEST:** Variance in R-1AA (single-family - 10,000 sq. ft. lots) zone to construct a 6 ft. block wall in front yard in lieu of 4 ft.

**LOCATION:** The site is located on the north side of East Welch Road, 1 mile east of North Thompson Road, west of North Wekiwa Springs Road or 2143 East Welch Road.

NW 1/4 36-20-28 Tract Size: 1.18 acres

**DISTRICT #:** 2

**LEGAL:** Lot 18, Sweetwater Park Village, as recorded in Plat Book 20, Page 81, Public Records of Orange County, Florida.

**PARCEL ID:** 36-20-28-0000-00-009

A site plan was submitted prior to the public hearing.

Development Coordinator Joy Rambaram explained the location of the subject property and the request. Ms. Rambaram stated the applicant proposes to construct a six foot block wall in the front yard of the residence to reduce noise and dust from vehicular traffic on East Welch Road. Staff noted directly across the street from the subject site is a newly erected six foot subdivision block wall. Staff received two commentaries in favor and none in opposition to the request. Staff's recommendation is for approval with one condition.

Gabriel Valladares, 2143 East Welch Road, Apopka, Florida 32712, applicant, addressed the Board concerning the request.

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

A motion was made by Rod Love, seconded by Scott Richman (Asima Azam and Marcus Robinson were absent), 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 have been met; further, said approval is subject to the following condition: Development in accordance with site and elevation plan dated July 12, 2007, and all other applicable regulations.

**SOOKDEO AND SANDRA SINGH VA-07-08-017**

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**REQUEST:** Variance in R-1AA (single-family - 10,000 sq. ft. lots) zone to convert screened room to sunroom addition 18 ft. from rear property line in lieu of 35 ft.

**LOCATION:** The site is located on the west side of Vickers Court, 100 ft. north of White Road, east of Good Homes Road or 8412 Vickers Court.

22-22-28 Tract Size: 116 ft. x 177 ft. (irregular shaped)

**DISTRICT #:** 6

**LEGAL:** Lot 54, Village Green, Phase 1, as recorded in Plat Book 6, Page 37, Public Records of Orange County, Florida.

**PARCEL ID:** 22-22-28-8892-00-540

A site plan was submitted prior to the public hearing.

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini stated the applicant proposes to convert the existing porch behind his house into a



sunroom. Only a small portion of the sunroom will encroach into the setback. Staff's recommendation is for approval of the request.

Alan Howard, Sun Room Designs, LLC, 3601 Vineland Road, Orlando, Florida 32811, on behalf of the applicant, addressed the Board concerning the request.

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

A motion was made by Frank DeToma, seconded by Joe Roberts (Asima Azam and Marcus Robinson were absent), 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 have been met.

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**DAVID F. LONG    VA-07-08-018**

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**REQUEST:**    **Variance** in R-1AA (single-family - 10,000 sq. ft. lots) zone to construct a 6 ft. high privacy fence in front yard in lieu of 4 ft.

**LOCATION:**    The site is located on the east side of Wise Avenue, west of South Primrose Drive, north of Curry Ford Road or 1501 Wise Avenue.

SE 1/4            31-22-30 Tract Size: 50 ft. x 96 ft.

**DISTRICT #:**    4

**LEGAL:**        Lot 5, Block D, Conway Homesites, as recorded in Plat Book L, Page 129, Public Records of Orange County, Florida.

**PARCEL ID:**    31-22-30-1676-04-050

A site plan was submitted prior to the public hearing.

Development Coordinator Gail Tyree explained the location of the subject property and the request. Ms. Tyree stated the owner resides in a home to the north of the subject lot. He purchased the subject lot to extend his backyard as a playground area for his grandchildren. The lot has been striped and ready for re-sodding. The applicant wants to extend the existing fencing currently along the side of his house straight across the front of the subject lot, where the front abuts Wise Road.

Ms. Tyree stated this is a dead-end road with the congregation of cars and other activities. The fence at 6 feet in height will block the view of the street and secure the area for his grandchildren. The fence type is opaque, consisting of environmentally-friendly materials, and it has an aesthetically pleasing appearance. Staff received four commentaries in favor, none in opposition, and one with no-opinion to the request. Staff's recommendation is for approval of the request.

David Long, 2796 Vine Street, Orlando, Florida 32806, applicant, addressed the Board concerning the request.

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

The BZA discussed the case and noted the fence in this location would not have a detrimental impact to the area and served a practical purpose.

A motion was made by Peter Betterman, seconded by Joe Roberts (Asima Azam and Marcus Robinson were absent), 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 have been met.

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**LORI ANN NIEVES VA-07-08-019**

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**REQUEST:** Variance in R-1A (single-family - 7,500 sq. ft. lots) zone to allow existing shed to remain 5 ft. from side street (Cardamon Drive) in lieu of 15 ft.

**LOCATION:** The site is located on the northwest corner of Sorrel Drive and Cardamon Drive, north of Lake Underhill Road or 8727 Sorrel Drive.

SE 1/4 25-22-30 Tract Size: 85 ft. x 110 ft.

**DISTRICT #:** 3

**LEGAL:** Lot 193, Peppertree, Fifth Addition, as recorded in Plat Book 8, Page 107, Public Records of Orange County, Florida.

**PARCEL ID:** 25-22-30-6840-01-930

Board member Marcus Robinson returned to the public hearing at 12:11 p.m.

A site plan was submitted prior to the public hearing.

Development Coordinator Gail Tyree explained the location of the subject property and the request. Ms. Tyree stated this case comes to the BZA as a result of Code Enforcement action generated by a complaint. A total of nine letters/commentaries were received in favor. Five commentaries were received in opposition. Staff's recommendation is for denial of the request because it is out of character with the building alignment along the road, and it stands out.

Lori Ann Nieves, 8727 Sorrel Drive, Orlando, Florida 32825, applicant, addressed the Board, stating she and her friends built the shed without a permit.

Discussion ensued between Board members, staff and the applicant regarding relocating the shed to the northwest corner of the rear yard since the shed was not on a foundation but on pavers. Ms. Nieves stated she did not want to move it there because it would be aesthetically displeasing next to the pool.

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

The BZA discussed the case and reasoned this was a self-imposed hardship, and the view of the shed was out of alignment with other buildings along the roadside. Further, the applicant was not willing to take advantage of relocating the shed to an area that would not require a variance.

A motion was made by Joe Roberts, seconded by Peter Betterman (Asima Azam was absent), 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.

**MIGLIACCIO ENTERPRISES, INC. VA-07-08-020**

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**REQUEST:** Variance in R-T-1 (mobile homes on individual lots) zone to construct wood deck and handicap ramp 12 ft. from front property line in lieu of 25 ft.

**LOCATION:** The site is located on the west side of Usher Avenue, north of Charlin Parkway or 4416 Usher Avenue.

14-23-30 Tract Size: 76 ft. x 80 ft.

**DISTRICT #:** 4

**LEGAL:** Lot 128, Charlin Park, Second Addition, as recorded in Plat Book 1, Page 142, Public Records of Orange County, Florida.

**PARCEL ID:** 14-23-30-1250-01-280

A site plan was submitted prior to the public hearing.

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini stated the applicant proposes a handicapped ramp and covered carport in front of his house. The applicant is a Vietnam veteran. The impacts will be minimal. Staff received seven commentaries in favor and one in opposition to the request. Staff's recommendation is for approval of the request.

John Murphy, 4416 Usher Avenue, Orlando, Florida 32822, owner of the subject property, addressed the Board concerning the request.

Board member Peter Betterman disclosed prior to the hearing he met John Murphy and his wife.

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

A motion was made by Peter Betterman, seconded by Rod Love (Asima Azam was absent), 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 have been met.

**JEFFREY D. WILSON VA-07-08-021**

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**REQUEST:** Variance in R-1 (single-family - 5,000 sq. ft. lots) zone to construct family room addition to single-family residence 13 ft. from rear property line in lieu of 25 ft.

**LOCATION:** The site is located on the north side of Oak Manor Circle, 1/4 mile north of Valencia College Lane or 609 Oak Manor Circle.

SW 1/4 19-22-31 Tract Size: 50 ft. x 100 ft.

**DISTRICT #:** 3

**LEGAL:** Lot 154, Valencia Gardens, Section 4, as recorded in Plat Book 17, Page 75, Public Records of Orange County, Florida.

**PARCEL ID:** 19-22-31-8848-01-540

A site plan was submitted prior to the public hearing.

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini stated the applicant proposes a family room addition behind his house. Staff advised the BZA that numerous similar variances were granted in this subdivision. The impacts would be minimal. Staff's recommendation is for approval of the request. Staff received six commentaries in favor and one in opposition to the request. Prior to the public hearing the opposition has withdrawn her opposition.

Jeffrey Wilson, 609 Oak Manor Circle, Orlando, Florida 32825, applicant, addressed the Board concerning the request.

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

A motion was made by Joe Roberts, seconded by Rod Love (Asima Azam was absent), 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 have been met.

**MARK F. SHAPIRO VA-07-08-022**

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**REQUEST:** Variances in R-1A (single-family - 7,500 sq. ft. lots) zone to construct bedroom addition to single-family residence as follows:

1. 6 ft. from side property line in lieu of 7.5 ft.; and
2. 28 ft. from normal high water elevation of Lake Killarney in lieu of 50 ft.

**LOCATION:** The site is located on the north side of Killarney Drive, 1/4 mile north of West Fairbanks Avenue or 1795 Killarney Drive.

NW 1/4 12-22-29 Tract Size: 3/4 acre

**DISTRICT #:** 5

**LEGAL:** Lot 18, Block C, Flamingo Shores, as recorded in Plat Book S, Page 144, Public Records of Orange County, Florida.

**PARCEL ID:** 12-22-29-2722-03-180

Board member Rod Love left the public hearing at 12:36 p.m.

A site plan was submitted prior to the public hearing.

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini stated the applicant is making renovations to his home. He is adding a bedroom behind the house. The addition will encroach into the lake setback. The addition will be at least three feet above the 100 year flood line. Staff advised the BZA the conditions would protect the County from any claims due to damages caused by any flooding. Mr. Relvini stated if the BZA approves the request staff has prepared five conditions to be applied. Staff received one commentary from the neighbor to east in favor and one commentary in opposition to the request.

Mark Shapiro, 1795 Killarney Drive, Winter Park, Florida 32789, applicant, addressed the Board concerning the request.

Becky Shapiro, 1795 Killarney Drive, Winter Park, Florida 32789, wife to the applicant, addressed the Board and asked for clarification of the Hold Harmless Agreement.

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

A motion was made by Frank DeToma, seconded by Scott Richman (Asima Azam and Rod Love were absent), 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 have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated May 23, 2007, and all other applicable regulations;
2. Approval of this request does not constitute approval of the use of septic tanks and well. The use of septic tanks and wells shall be in accordance with all applicable regulations;
3. Prior to final inspection approval, a berm and swale shall be installed above the normal high water elevation along the rear of the property. Said berm and swale shall be subject to Environmental Protection Division approval and be maintained indefinitely;
4. Prior to the issuance of any permits, the applicant shall obtain a flood plain permit;
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 addition is located no closer than 28 ft. from the normal high water elevation of Lake Killarney.

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**BETTY HAYNIE VA-07-08-023**

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**REQUEST:** Variances in R-1 (single-family - 5,000 sq. ft. lots) zone to construct 2-story addition to single-family residence as follows:

1. 15 ft. from front property line in lieu of 25 ft.; and
2. 15 ft. from rear property line in lieu of 25 ft.

**LOCATION:** The site is located on the north side of Polaris Street, south of Vanguard Street, 3/4 mile north of West Sand Lake Road or 5001 Polaris Street.

NE 1/4 30-23-29 Tract Size: 50 ft. x 115 ft. (irregular)

**DISTRICT #:** 6

**LEGAL:** Lot 35, Block 9, Tangelo Park, as recorded in Plat Book Y, Page 61, Public Records of Orange County, Florida.

**PARCEL ID:** 30-23-29-8557-09-350

Board member Rod Love returned at 12:42 p.m.

A site plan was submitted prior to the public hearing.

Development Coordinator Gail Tyree explained the location of the subject property and the

request. Ms. Tyree stated the proposal is to expand across the front of the house with a garage and expanded kitchen and living room at one story in height. The rear yard variance is for a two-story addition, including a master bedroom at ground level and two bedrooms on the second level. The property sits at an angle on the property to where only a portion of the rear yard variance encroaches into the setback area.

Ms. Tyree stated staff's recommendation is for approval of the request. The request is consistent with previous variance approvals in the Tangelo Park Subdivision for home expansion and improvement projects. Staff received two commentaries in favor and none in opposition to the request.

Betty Haynie, 5001 Polaris Street, Orlando, Florida 32819, applicant, addressed the Board concerning the request.

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

A motion was made by Marcus Robinson, seconded by Rod Love (Asima Azam was absent), 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 have been met.

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**FLORIDA ENGINEERING GROUP SE-07-08-024**

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**REQUEST:** **Special Exception and Variance** in R-1 (single-family - 5,000 sq. ft. lots) zone to expand religious use facility as follows:

- 1) **Special Exception** to construct a 16,000 sq. ft. cultural center; and
- 2) **Variance** to allow 40 ft. building height (for parapet wall) in lieu of 35 ft.

**LOCATION:** The site is located on the east side of South Klondike Avenue, 325 ft. south of the intersection of South Klondike Avenue and west Church Street or 269 Klondike Avenue.

SE 1/4 30-22-29 Tract Size: 12.58 acres

**DISTRICT #:** 6

**LEGAL:** See legal description on file in Zoning Division.

**PARCEL ID:** 30-22-29-0000-00-148

A site plan was submitted prior to the public hearing.

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini stated the applicant proposes a 16,000 square feet cultural center. The site operates as a religious use campus. The new building will be constructed behind the existing sanctuary near the dense vegetation. The request is a logical expansion of a religious use campus. The applicant held a public information meeting on July 16, three area residents attended with no opposition. Staff's recommendation is for approval subject to the conditions in the staff report.

Sam Sebaali, Florida Engineering Group, Inc., 718 Garden Plaza, Orlando, Florida 32803, on behalf of the applicant, addressed the Board concurring with staff's recommendation.

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

A motion was made by Marcus Robinson, seconded by Joe Roberts (Asima Azam was absent), 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 **approve** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43 have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated June 12, 2007 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. All outdoor lighting shall be in accordance with Chapter 9, Orange County Code;
3. Access, drainage, roadway improvements and concurrency management shall be determined by the Public Works Department;
4. Landscaping shall be in accordance with Chapter, 24, Orange County Code;
5. Noise and sound shall be subject to Chapter 15, Orange County Code;
6. Elevation plans shall be in accordance with plans submitted by the application; and
7. Construction plans shall be submitted within 3 years or this approval becomes null and void.

**LEONARD LARRY LOVELAND    VA-07-08-025**

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**REQUEST:**    **Variance** in R-CE (single-family - 1 acre lots) zone to construct detached accessory building (garage) 18 ft. in height in lieu of 15 ft. (NOTE: Additional height is to accommodate peak roof).

**LOCATION:**    The site is located on the north side of Foxfire Drive, 570 ft. east of Thompson Road, 1/2 mile south of Welch Road or 1249 Foxfire Drive.

NW 1/4            35-20-28 Tract Size: 1 acre

**DISTRICT #:**    2

**LEGAL:**            Lot 5, Foxborough, as recorded in Plat Book 6, Page 110, Public Records of Orange County, Florida.

**PARCEL ID:**    35-20-28-2854-00-050

A site plan was submitted prior to the public hearing.

Development Coordinator Joy Rambaram explained the location of the subject property and the request.    Ms. Rambaram stated the height variance is to accommodate the applicant's recreational vehicle. The applicant submitted six letters in support of the request. Staff received

four commentaries in favor and none in opposition to the request. Staff's recommendation is for approval of the request with one condition.

Leonard Larry Loveland, 1249 Foxfire Drive, Apopka, Florida 32712, applicant, addressed the Board concerning the request.

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

A motion was made by Rod Love, seconded by Joe Roberts (Asima Azam was absent), 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 have been met; further, said approval is subject to the following condition: Development in accordance with site and elevation plan dated July 12, 2007, and all other applicable regulations.

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**MEDIANET OF CENTRAL FLORIDA, INC. VA-07-08-026**

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**REQUEST:** Variances in Ind-4 (heavy industrial) zone to erect billboard as follows:

- 1) 70 ft. in height in lieu of 40 ft.; and
- 2) Allow 25 ft. setback in lieu of 50 ft. setback from right-of-way line on the south. (Note: Variances necessary due to elevation of proposed elevated Maitland Boulevard and new right-of-way line created by Federal Department of Transportation for retention pond site in conjunction with road project (setback).

**LOCATION:** The site is located within the Seaboard System Railroad right-of-way running east and west, lying between Overland Road on the west and South Apopka Boulevard on the east or 2671 Overland Road.

30-21-29 Tract Size: 20 ft. x 50 ft.

**DISTRICT #:** 2

**LEGAL:** See legal description on file in Zoning Division.

**PARCEL ID:** 30-21-29-0000-00-087

A site plan was submitted prior to the public hearing.

Development Coordinator Gail Tyree explained the location of the subject property and the request. Ms. Tyree stated the applicant obtained permit approval for the billboard in compliance with Code. He later learned the Maitland Boulevard Extension would be elevated to a height that would block visibility of the billboard, hence the height variance. The setback variance doesn't involve a road, but a retention pond in conjunction with the road extension. The billboard exceeds the billboard-to-residential separation requirement (200 feet minimum; 300 feet actual).

Mr. Tyree stated staff received twenty-eight letters in favor and two commentaries in opposition to the request. Staff's recommendation is for approval of the request.

David Cholak, 404 East Division Street, Clermont, Florida 34715, on behalf of the applicant, addressed the Board concerning the request.



Maurine Buckley, 2842 Apopka Lane, Apopka, Florida 32703, a resident due south of the Maitland Boulevard project, addressed the Board in opposition, citing visual and lighting obtrusions.

David Cholak addressed the Board in rebuttal indicating that County Code limits lighting directly onto the billboard face only and not surrounding areas.

The BZA discussed the case. Some BZA members were concerned about setting a precedent in the area. It was noted that the number or amount of billboards in an area is controlled by separation between them as per code. BZA reasoned this was a self-imposed hardship, and the applicant acted in good faith. No precedent would be set unless the circumstances were the same. Further, the billboard would not be seen by the residential area due to the 300 feet wide roadway that is 50 feet in height between the billboard location and the residential area.

A motion was made by Joe Roberts, seconded by Marcus Robinson, with Scott Richman and Frank DeToma voting AYE, Peter Betterman and Rod Love voting NO, (Asima Azam was absent), and carried to **approve** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43 have been met.

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**RHONWYN AND JOE GODWIN SE-07-08-027**

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**REQUEST:** **Special Exception** in A-2 (agricultural) zone for Accessory Dwelling Unit attached to principal residence. (NOTE: Proposed unit is for Mrs. Goodwin's mother). **And Variance** to allow 1,200 sq. ft. living area in lieu of 1,000 sq. ft.

**LOCATION:** The site is located on the north side of Quinella Street, 960 ft. east of Dallas Boulevard (C.R.13), north of the Beachline Expressway.

23-23-32 Tract Size: 1.1 acres

**DISTRICT #:** 5

**LEGAL:** See legal description on file in Zoning Division.

**PARCEL ID:** 23-23-32-9630-00-310

A site plan was submitted prior to the public hearing.

Development Coordinator Gail Tyree explained the location of the subject property and the request. Ms. Tyree stated the applicants prepared plans to build their own residence on the subject property. The total living area, which includes the Accessory Dwelling Unit (ADU), is a total of 4,350 square feet. The proposed ADU living area is 1,200 square feet. Zoning standards limit the living area to 1,000 square feet. Therefore, a variance is requested for the additional 200 square feet. The ADU is for Mrs. Goodwin's mother, who needs to be close to her family due to age. The ADU is attached to the primary residence via a covered porch.

Ms. Tyree stated staff received two commentaries in favor and none in opposition to the request.

Staff's recommendation is for approval of the request subject to the conditions in the staff report. The special exception for an ADU is consistent with other similar requests in the Wedgefield community.

Rhonwyn Godwin, 12809 Ben Rogers Court, Orlando, Florida 32828, applicant, addressed the Board concurring with staff's recommendation. Mrs. Godwin stated the extra square footage in the ADU is needed in order to accommodate her mother's sister, who frequently visits.

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

The BZA discussed the case and did not have an issue with the 200 square foot overage because this ADU is attached to the primary residence and is all under one roofline; therefore, it would not be visually noticeable.

A motion was made by Frank DeToma, seconded by Scott Richman (Asima Azam was absent), 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 **approve** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43 have been met; further, said approval is subject to the following conditions:

1. Development in accordance with the site plan dated 2/19/07, and all other applicable governmental rules and 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. Applicant shall apply for permitting within two (2) years from the date of Special Exception approval, or said approval is null and void;
3. Only immediate family members of the family related to the residents of the primary dwelling unit, or, a health care provider for the ADU resident, may occupy the accessory dwelling unit;
4. Variance: Living area of ADU is approved at 1,200 sq. ft.

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**NOREMAC CONSTRUCTION    VA-07-08-028**

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**REQUEST:**    **Variances** in R-2 (residential - 1 to 4 unit structures) zone to construct 2-story duplex as follows:

- 1) 50 ft. lot width in lieu of 90 ft.;
- 2) 7,250 sq. ft. in size in lieu of 9,000 sq. ft.;
- 3) 5 ft. side street setback (Unit B) and 13 ft. side street setback (Unit A) in lieu of 15 ft.

**LOCATION:** The site is located on the northeast corner of Shine Street and Crystal Lake Avenue, 80 ft. west of Ferncreek Avenue, 150 ft. north of Michigan Avenue or 2419 Shine Street.

SE 1/4 01-23-29 Tract Size: 50 ft. x 145 ft.

**DISTRICT #:** 4

**LEGAL:** Lot 1, Block D, Floyd King Subdivision, as recorded in Plat book J, Page 49, Public Records of Orange County, Florida.

**PARCEL ID:** 01-23-29-2816-04-010

A site plan was submitted prior to the public hearing.

Development Coordinator Gail Tyree explained the location of the subject property and the request. Ms. Tyree stated the single-family residence current exists on-site. The applicant proposes to tear it down and build a 2-story duplex unit. The area is a mixture of single-family homes and duplexes. The cover letter from the applicant indicates the purpose of the variance application is to allow the applicant to develop this lot in a manner that would be consistent with the new character that is currently being established in this neighborhood. The area the applicant is referring to are several lots to the north annexed into the City of Orlando currently under development into the City. The lots are zoned R-2A with a traditional City Overlay District.

Ms. Tyree stated staff received three commentaries in favor and three in opposition to the request. Staff's recommendation is for denial of the request; the request does not meet the variance criteria. The applicant has the option, just like the developers to the north, to request annexation into the City and comply with the detailed standards of the Overlay District.

Mark Cameron, Noremac Construction, 2039 Notwen Lane, Oviedo, Florida 32765, on behalf of the applicant, addressed the Board concerning the request.

Discussion ensued among the Board members, staff and the applicant concerning how to eliminate the setback variances. The BZA felt this case should be continued to allow applicant to revise the site plan that would reduce the total living area to a maximum of 3,800 square feet and eliminate the setback variances.

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

A motion was made by Peter Betterman, seconded by Joe Roberts (Asima Azam was absent), and unanimously carried to **continue** to September 6, 2007, to allow applicant to revise site plan that reduces the total living area to a maximum of 3,800 square feet and eliminates setback variances.

**MARK NASRALLAH SE-07-08-029**

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**REQUEST: Special Exception and Variance** in R-CE (single-family - 1 acre lots) zone to construct guest cottage/house (508 sq. ft.) 18.2 ft. in height in lieu of 15 ft. (NOTE: The guest

house will not have a kitchen).

**LOCATION:** The site is located on the south side of Hideaway Cove Court, south of Winter-Garden Vineland Road or 11258 Hideaway Cove Court.

SE 1/4 31-23-28 Tract Size: 4 acres

**DISTRICT #:** 1

**LEGAL:** Lot 2, Hideaway Cove, as recorded in Plat Book 34, Page 112 and 113, Public Records of Orange County, Florida.

**PARCEL ID:** 31-23-28-3618-00-020

A site plan was submitted prior to the public hearing.

Chief Planner Rocco Relvini explained the location of the subject property and the request. Mr. Relvini stated the applicant proposes a guest house without a kitchen. It will be located adjacent to the principal residence. Staff received one commentary in favor and none in opposition to the request. Staff's recommendation is for approval of the request.

Louis Torres, 507 North New York Avenue, Winter Park, Florida 32789, on behalf of the applicant, addressed the Board stating the guest house will not be used as a separate dwelling unit.

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

A motion was made by Scott Richman, seconded by Rod Love (Asima Azam was absent), 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.

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**PETER HETHERMAN VA-07-07-017 – Continued from 7/5/07**

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**REQUEST:** Variances in P-D zone as follows:

- 1) Construct 2-story addition to single-family residence 14 ft. from rear property line in lieu of 20 ft.;
- 2) To exceed maximum 2,200 sq. ft. ground floor area requirement.

**LOCATION:** The site is located on the east of Darlington Drive, 1/4 mile east of South John Young Parkway or 11521 Darlington Drive.

NW 1/4 16-24-29 Tract Size: 77 ft. x 100 ft.

**DISTRICT #:** 4

**LEGAL:** Lot 799, Sky Lake South, Unit 5D, as recorded in Plat Book 10, Page 145, Public Records of Orange County, Florida.

**PARCEL ID:** 16-24-29-8149-07-990

**Withdrawn** by applicant, per letter dated July 16, 2007.

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**LOCKHART BAPTIST CHURCH SE-07-07-018 – Continued from 7/5/07**

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**REQUEST:** **Special Exception and Variances** in R-1 (single-family - 5,000 sq. ft. lots) zone to expand and renovate existing religious use facility as follows:

- 1) **Special Exception** for new 500 seat sanctuary. (NOTE: Existing sanctuary to be demolished due to road widening);
- 2) **Variance** for a new unpaved parking lot (177 grassed spaces; 45 paved spaces);

3) **Variance** to allow sanctuary building 37 ft. in height at roof pitch in lieu of 35 ft.

**LOCATION:** The site is located on the northeast corner of Edgewater Drive and Rose Avenue, 1/2 mile north of South Orange Blossom Trail, east of Beggs Road or 7601 Edgewater Drive.

NW 1/4 32-21-29 Tract Size: 5.2 acres

**DISTRICT #:** 2

**LEGAL:** See legal description on file in Zoning Division.

**PARCEL ID:** 32-21-29-0000-00-034

Development Coordinator Gail Tyree explained the location of the subject property and the request. Ms. Tyree stated the expansion project was prompted by the need to build a new sanctuary; the existing sanctuary will be demolished due to the right-of-way acquisition for the widening of Edgewater Drive. The Zoning and Public Works offices have been working with the church and its engineers for nearly a year prior to the public hearing to ensure the proposed site plan for expansion/renovation is consistent with the roadway improvement project. Staff received one commentary in favor and none in opposition to the request. Staff's recommendation is for approval subject to the conditions in the staff report.

Pastor Stan Hannan, 7601 Edgewater Drive, Orlando, Florida 32703, on behalf of the applicant, addressed the Board concurring with staff's recommendation

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

A motion was made by Rod Love, seconded by Joe Roberts (Asima Azam was absent), 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 **approve** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43 have been met; further, said approval is subject to the following conditions:

1. Development in accordance with site plan, fence buffer plan, and elevation plan dated 5/10/07, and all other applicable regulations. Any deviations, changes, or modifications to the plans are subject to the Zoning Manager's approval. 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. All outdoor lighting and building design per Chapter 9, landscaping per Chapter 24, and signage per Chapter 31.5, Orange County Code;
3. Access, drainage, roadway improvements, and concurrency management shall be determined

by the Public Works Department;

4. Cross appurtenance shall not be lighted;
5. Each parking space, paved or grassed, shall be provided with wheel stops;
6. Construction plans shall be submitted within five (5) years, or this approval is null and void.

**UCF FOUNDATION INC./UCF ATHLETIC ASSOCIATION, INC. SE-07-06-028 –  
Continued from 6/7/07**

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**REQUEST:** Amend condition #10 (building restrictions) under **Special Exception** of May 2, 2002, for UCF crew/rowing practice facility.

**PROPOSAL:** Build 2 smaller buildings with combined square footage less than original building, reduced height, and building location moved inward of site, further away from lake. All other May 2, 2002, Special Exception conditions remain the same.

**LOCATION:** The site is located on the north side of Lake Pickett Road, 1/2 mile east of Chuluota Road, on the southern shore of Lake Pickett or 18011 Lake Pickett Road.

NW 1/4 10-22-32 Tract Size: 6 acres

**DISTRICT #:** 5

**LEGAL:** See legal description on file in Zoning Division.

**PARCEL ID:** 10-22-32-0000-00-001

Development Coordinator Gail Tyree explained the location of the subject property and the request. Ms. Tyree stated this public hearing had been continued from last month's meeting due to a concern raised by the adjacent property owner to the west with respect to certain elements of the building design. An agreement was negotiated and documented. Both the applicant and the neighbor requested BZA to enter the agreement on record as a part of the conditions of approval. Ms. Tyree stated the reason for change in building design was based on funding for the project. The primary changes resulted in less building construction on-site and minor alterations to the site plan. Residential lot owners around the lake indicated their approval at the public information meeting. Staff's recommendation is for approval of the request subject to the conditions in the staff report.

Mickey Grindstaff, Shutts & Bowen LLP, 300 South Orange Avenue, Orlando, Florida 32801, on behalf of the applicant, addressed the Board concurring with staff's recommendation.

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

The BZA discussed the case and did include the agreement, the revised site plan, and new drawings which the neighbor also agreed to, as a part of the conditions of approval.

A motion was made by Frank DeToma, seconded by Marcus Robinson (Asima Azam was absent), and unanimously carried to **approve** the Special Exception request to amend condition #10 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:

All 16 conditions from the May 2, 2002, Special Exception approval remain in force and in effect, excepting amended Conditions 9 and 10:

9) Landscape Buffers: Per the Landscape Plan dated/received July 27, 2007, with respect to road frontage, and, per the further additional landscaping enhancement specifications indicated in Item B below. All other landscaping requirements in accordance with Chapter 24, Orange County Code.

10) Building: Only two (2) buildings are permitted on the property as follows:

Clubhouse: Maximum floor area of 6,000 sq. ft. to include exercise rooms, workout facilities, shared offices, work room, electrical room, mechanical room, coach's locker room, restrooms and shower facilities, team locker room, training and equipment room, and equipment storage room; maximum height is 22 feet.

Boathouse: Maximum floor area of 12,000 sq. ft. used for storage and maintenance of rowing shells, coaching motor boats, and other ancillary equipment; maximum height is 22 feet.

B) Plans: Approval per the Revised Architectural Site Plan and Floor Plans for the Women's Rowing Facility prepared by Hellmuth, Obatta and Kassabaum, Inc. date/received July 27, 2007, and per the Building Design Plans dated July 24, 2007, and with the building/property improvement specifications per letter dated August 1, 2007 between UCF and Arthur Evans.

(Agreement between UCF and Arthur Evans see page 32)



UCF Athletics Association, Inc.  
Office of Internal Operations  
P.O. Box 163555 • Orlando, FL 32816-3555  
Phone: (407) 823-0499

August 1, 2007

Mr. Arthur F. Evans  
Nelson and Company, Inc.  
P.O. Box 620789  
Oviedo, FL 32762-0789

Post-It® Fax Note	7671	Date	8/1/07	# of pages	1
To	David Hansen	From	A. Evans		
Co./Dept.		Co.			
Phone #	1274	Phone #	407-365-6631		
Fax #	407-823-4293	Fax #			

Dear Mr. Evans:

Thank you for taking the time to meet on Monday, July 23. Below are the details of the meeting.

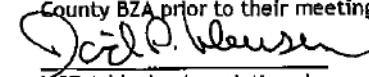
**Attendees:**

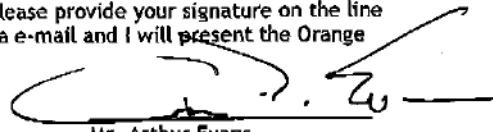
Marcos Marchena, Attorney at Law, Marchena and Graham  
Arthur Evans, Nelson and Company  
Tom Thomas, HOK Architects  
Keith Tribble, Director of Athletics, UCF Athletics Association  
David Hansen, Senior Associate Athletics Director, UCF Athletics Association  
Jessica Reo, Associate Athletics Director, UCF Athletics Association

You have expressed concern with the exterior design of the two *UCF Intercollegiate Rowing Center* buildings that are to be built on UCF's property at Lake Pickett. Reservations have also been expressed concerning the property aesthetics. Below are items that were agreed upon at the July 23 meeting between both parties and that the UCFAA, Inc. is committed to in revising the facility design:

1. The horizontal metal siding previously prescribed for portions of the exterior of the buildings will be replaced with an exterior hard board system.
2. The exposed exterior steel beams of both buildings will be clad.
3. The previous exterior west elevation of the boat storage building called for a split-face block (bottom half) with horizontal metal (top). The revised design will call for vertical block pilasters to be inserted along the west and south exterior walls of the boathouse, as well as the south exterior wall of the club house (at column lines).
4. The exterior outriggers, previously shown as steel, will be treated as ornamental wood objects.
5. The roof of both buildings will be green in color - as opposed to the black color currently prescribed.
6. The revised design for the property calls for an enhanced landscaping plan to include:
  - a. Asphalt or solid concrete drive - as opposed to crushed concrete.
  - b. A decorative front fence and gate (south property line). Gate to be ornamental aluminum with concrete columns. The gate and fence will have an upscale wrought-iron appearance.
  - c. A hedge will be planted along the east and west property lines. A plant will be chosen that will grow to at least 8 feet in height and that will create a solid hedgeline along the property lines.
7. Portals will be placed above the exterior glass on the north (lake side) and west elevations of the club house building to improve the aesthetics.

If this accurately reflects what was discussed at the meeting please provide your signature on the line provided. Please return the fully executed document to me via e-mail and I will present the Orange County BZA prior to their meeting on Thursday, August 2.

  
UCF Athletics Association, Inc.

  
Mr. Arthur Evans



- C) Parking: Maximum 136 parking spaces: 7 paved, balance grassed; all grassed spaces shall be delineated and marked with railroad ties (wheel stops).
- D) Fencing/Sign: Provide 8-foot high chain link security fencing along side property lines. Install decorative wrought iron fencing maximum 6 ft. in height on or north of the front building setback as indicated on the Revised Site Plan. Signage limited to one 3' x 8' plaque on gate for identification.
- E) Security: On-site security system shall be installed.
- F) Lighting/Architectural Building design: Article 9, Orange Co. Code.



Conservation Area Determination: As per EPD, prior to permitting.

**APPROVAL OF MINUTES:**

The Chairman requested a motion approving the minutes of the July 5, 2007, Board of Zoning Adjustment meeting.

A motion was made by Marcus Robinson, seconded by Joe Roberts (Asima Azam was absent), and unanimously carried to **approve** the minutes of the July 5, 2007, Board of Zoning Adjustment meeting.

**ADJOURN:**

There being no further business, the meeting was adjourned at 3:08 p.m.

**ATTEST:**

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Frank DeToma  
Chairman

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Rosetta Brogneri  
Recording Secretary