

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF NOVEMBER 5, 2020**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **November 5, 2020** 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: Carolyn Karraker (Chair) - District #1
John Drago - District #2
Juan Velez – District #3
Deborah Moskowitz (Vice Chair) – District #4
Wes A. Hodge – District #5
Charles J. Hawkins, II – District #6
Roberta Walton – At Large

STAFF PRESENT: Brandy Driggers, Assistant Zoning Manager
Ted Kozak, AICP, Chief Planner, Zoning Division
Nick Balevich, Planner II, Zoning Division
David Nearing, AICP, Planner II, Zoning Division
Roberta Alfonso, Assistant County Attorney
Green Laurie, Development Services Coordinator
Debra Phelps, Recording Secretary, FOS Division
Shamaka Daniels, Development Specialist, FOS Division

The Chair called the meeting to order at 9:03 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 Chair requested a motion approving the minutes of the October 1, 2020, Board of Zoning Adjustment meeting.

A motion was made by: John Drago

seconded by: Juan Velez

and unanimously carried to **APPROVE** the minutes of the October 1, 2020 hearing.

PUBLIC COMMENT: The Chair opened the floor to public comment, seeing none; the Chair closed the hearing for public comment and continued with the regularly scheduled agenda.

CHERYL VANATTI - VA-20-09-089

REQUEST:

Variances in the A-2 zoning district as follows:

- 1) To allow an existing 489 sq. ft. accessory dwelling unit to be located in front of the primary dwelling in lieu of along side or behind.
- 2) To allow an existing 240 sq. ft. accessory structure (carport) to be located in front of the primary dwelling in lieu of along side or behind.
- 3) To allow a 1,720 sq. ft. pole barn to be located in front of the primary dwelling in lieu of along side or behind.

4) To allow an existing 230 sq. ft. wood shed to remain 0.7 ft. from the side (west) property line in lieu of 5 ft.

ADDRESS: 16829 Bearle Rd., Orlando, FL 32828
LOCATION: North side of Bearle Rd. at the intersection of Baron Rd., west of the Econlockhatchee River
TRACT SIZE: 395 ft. x 642 (avg.) / 5.84 acres
DISTRICT#: 4
LEGAL: SEAWARD PLANTATION ESTATES THIRD ADDITION T/135 LOT 33 (LESS THE E 350 FT)
PARCEL ID#: 29-22-32-7884-00-331
NO. OF NOTICES: 33

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

Staff Recommendation: Staff briefly described the property to include the year that the existing single-family residence was constructed along with the approximate years that the accessory dwelling unit and the carport were installed. In addition, staff described the location of the proposed accessory structures in comparison with the improvements on adjacent properties. Lastly, staff recommended denial; however, should the BZA grant the variance request, staff recommended that the approval be subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Cheryl Vanatti (Applicant)
Mark Cross (Applicant's representative)
Megan Marshall (Code Enforcement Officer)

The applicant and the owner discussed the existing structures at the time of purchase, the need for variances, and emphasized that all the structures in the locations proposed were required in order to avoid the wetlands that dominate the site.

There was no one in attendance to speak in favor or in opposition to the request.

BZA Discussion: The BZA discussed the site improvements and the presence of wetlands on the site. The BZA had some concerns regarding the number of improvements on the site and the close proximity of the shed with a setback less than one (1) foot, which was requested as variance #4. Finally, the BZA recommended approval of Variance requests #1, #2, and #3, subject to the four (4) conditions in the staff report, and recommended denial of Variance request #4.

BZA Action: A motion was made by Deborah Moskowitz, seconded by Wes A. Hodge and unanimously carried to recommend **APPROVAL** of the Variance requests #1, #2, and #3 in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions; and, recommended **DENIAL** of the Variance request #4, in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3):

1. Development shall be in accordance with the site plan, floor plans, and elevations dated September 25, 2020, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

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 County Commissioners shall be resubmitted for the Board's review or the plans revised

to comply with the standard.

4. The applicant shall obtain permits within 180 days of final action on this application by Orange County or the variances are null and void.

AYE (voice vote): All members present

BRIAN SANZ - VA-20-10-093

REQUEST: **Variances** in the PD zoning district as follows:
 1) To allow a 10 ft. high wall within the 50 ft. setback from the Normal High Water Elevation (NHWE) in lieu of 4 ft. high.
 2) To allow a west side setback of 0.5 ft. for a pergola in lieu of 5 ft.
 3) To allow an east side setback of 2 ft. for a pergola in lieu of 5 ft.
 4) To allow an east side setback of 0.5 ft. for a summer kitchen in lieu of 5 ft.
 5) To allow an east side setback of zero for pool deck in lieu of 5 ft.
 6) To allow a west side setback of zero for a pool deck in lieu of 5 ft.

ADDRESS: 8102 Firenze Blvd., Orlando, FL 32836
LOCATION: South side of Firenze Blvd. on the north side of Big Sand Lake, 750 ft. west of The Esplanade.
TRACT SIZE: 0.26 acres (11,326 sq. ft.)
DISTRICT#: 1
LEGAL: VIZCAYA PHASE 1 45/29 LOT 19D BLK D
PARCEL ID#: 34-23-28-8880-04-190
NO. OF NOTICES: 136

Commentaries: Three (3) in favor and one (1) in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. Further, staff recommended denial; however, should the BZA grant the variance request, staff recommended that the approval be subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Brian Sanz (Applicant)
Sergio Divine (Applicant's representative)
Daniel Garside (Opposed)

The applicant stated that he wanted to comply with Code, which was the reason for the submittal of the variances and emphasized that there was no Code Enforcement action, and that compliance with HOA regulations was a separate, private matter.

A member of the HOA, on the architectural review board (ARB), spoke in opposition, stating that the wall was built without approval or permits, which no such wall was allowed and should be lowered to the appropriate height, and all variances should be denied.

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

BZA Discussion: The BZA inquired about how the wall was built without permits or HOA approval, and the applicant responded that a contractor was not hired. The BZA sought legal counsel regarding BZA approval of a request that conflicts with HOA regulations. The Legal Division advised that they should not approve a request that conflicts with HOA regulations. The BZA suggested that the applicant work out all issues with the HOA first, then come back to the BZA and discuss the request at a future date. As a result, the BZA continued this public hearing to February 4, 2021.

BZA Action: A motion was made by Carolyn Karraker, seconded by John Drago and carried with a **CONTINUANCE** to the February 4, 2021 BZA Meeting.

AYE (voice vote): Carolyn Karraker, John Drago, Roberta Walton, Charles J. Hawkins, II, Wes A. Hodge, and Deborah Moskowitz

NAY (voice vote): Juan Velez

RECESSED AT 10:47 A.M. AND RECONVENED AT 11:00 A.M.

BRENDA ROWE - VA-20-12-108

REQUEST: Variance in the R-1A zoning district to allow a separation distance of 598 ft. between a residence that meets the definition of a community residential home and another such home, in lieu of 1,000 ft.
ADDRESS: 2420 Fontainebleau Dr., Orlando, FL 32808
LOCATION: Southwest corner of Fontainebleau Dr., and Chantelle Rd., south of Silver Star Rd.
TRACT SIZE: 90 ft. x 115 ft./ 0.23 acres (10,350 sq. ft.)
DISTRICT#: 6
LEGAL: NORMANDY SHORES FIRST SECTION W/63 LOT 24 BLK C
PARCEL ID#: 17-22-29-5928-03-240
NO. OF NOTICES: 425

Commentaries: Eleven (11) in favor and twenty (20) in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, survey, and photographs of the site. Staff conducted a virtual Community Meeting which was held on October 29, 2020, wherein a number of residents expressed concerns related to an overconcentration of group homes, negative impacts to the neighborhood due to how these types of operations were managed, and the potential for crime. Further, staff recommended denial; however, should the BZA grant the variance request, staff recommended that the approval be subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Brenda Rowe (Applicant)
Gary Victor Frazier Sr. (in Favor)
Jacqueline Taylor (Opposed)

BZA Discussion: The BZA noted that the distance separation was required for a reason, opined that approval would set a precedent, and that there were no special circumstances to justify approval. In addition, the BZA recognized the community opposition and the fact that the District Commissioner had concerns. Therefore, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Charles J. Hawkins, II, seconded by John Drago and unanimously carried to recommend **DENIAL** of the Variance request in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3).

AYE (voice vote): All members present

UNIVERSITY UNITARIAN UNIVERSALIST FELLOWSHIP (AMY MOWBRAY) - SE-20-11-101

REQUEST: Amendment to an existing **Special Exception** in the R-1A zoning district to allow a day camp program.
ADDRESS: 11648 McCulloch Rd., Orlando, FL 32817
LOCATION: South side of McCulloch Rd., east of Rouse Rd.
TRACT SIZE: 300 ft. x 660 ft./ 4.33 Acres
DISTRICT#: 5
LEGAL: THE N 660 FT OF W 300 FT OF E1/2 OF NW1/4 OF NE1/4 OF SEC 04-22-31
PARCEL ID#: 04-22-31-0000-00-046
NO. OF NOTICES: 72

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

Staff Recommendation: Staff discussed the proposal, location of the property, site plan, and provided photographs of the site. Further, staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

BOARD OF ZONING ADJUSTMENT
MEETING OF NOVEMBER 5, 2020

Speaker(s): Amy Mowbray (Applicant)

There was no one in attendance to speak in favor or in opposition to the request.

BZA Discussion: The BZA questioned the need for restrictions pertaining to the hours of operation and maximum number of children, and inquired about the applicant renting out the property. Staff discussed the site plan submitted, number of existing parking spaces provided, and need to require a cap to operations due to site restraints. The applicant stated that they desired to keep the operation small as the existing daycare had not survived the pandemic, and were in search of a new operator. Finally, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Wes A. Hodge, seconded by John Drago and unanimously carried to recommend **APPROVAL** of 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 shall be in accordance with the site plan dated September 15, 2020, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The day camp program shall be limited to eighteen (18) children.
5. The hours of operation shall be limited to: Monday to Saturday, 8:00 a.m. to 2:00 p.m.
6. The applicant shall obtain a permit for the decorative wall within ninety (90) days of final action on this application by Orange County, or this approval is null and void.

AYE (voice vote): All members present

MR. AND MRS. CRAB (WEN ZHENG) - VA-20-11-102

REQUEST: **Variances** in the IND-2/IND-3 zoning district to allow a 4COP liquor license for consumption on premises as follows:
1) Located 488 feet from a school in lieu of 500 feet.
2) Located 622 feet from a religious institution in lieu of 1,000 feet.

ADDRESS: 7220 S. Orange Blossom Trl., Orlando, FL 32809

LOCATION: Northwest corner of Premier Row and S. Orange Blossom Tr., north of E. Sand Lake Rd.

TRACT SIZE: 210 ft. x 300 ft./ 1.44 Acres

DISTRICT#: 6

LEGAL: 9746/7671 RECORDED W/O LEGAL DESC ORLANDO CENTRAL PARK NUMBER 1 Z/63 LOT 3 BLK A

PARCEL ID#: 27-23-29-6311-01-030

NO. OF NOTICES: 140

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

Staff Recommendation: Staff discussed the proposal, covering the location of the property, survey, and photographs of the site. Further, staff recommended approval of the request subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s):Wen Zheng (Applicant's representative)

There was no one in attendance to speak in favor or in opposition to the request.

BZA Discussion: The BZA acknowledged that an established business with an existing alcohol license had precedence over a newly established operation and the request to upgrade the existing license allowed the business to remain in operation. Lastly, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Charles J. Hawkins, II, seconded by Juan Velez and unanimously carried to recommend **APPROVAL** of 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 shall be in accordance with the survey dated September 11, 2020, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Approval is contingent on this property remaining a restaurant (deriving 51% or more of income from food sales) and does not allow this property to become a bar or lounge.

AYE (voice vote): All members present

CHARLES FAUST - VA-20-11-103

REQUEST: **Variances** in the R-1A zoning district as follows:
1) To allow an existing pergola 6 ft. from the north street side property line in lieu of 15 ft.
2) To allow an existing residence to remain 8 ft. from the north street side property line in lieu of 15 ft.
3) To allow an existing shed to remain 1 ft. from the south side property line in lieu of 5 ft.
4) To allow an existing shed to remain 1 ft. from the west rear property line in lieu of 5 ft.
This is the result of Code Enforcement action.

ADDRESS: 700 Beryl Pl., Orlando, FL 32835

LOCATION: Southwest corner of Beryl Pl. and Fisher St., west of Hiawassee Rd.

TRACT SIZE: 0.35 acres (15,478 sq. ft.)

DISTRICT#: 1

LEGAL: LAKE HIAWASSA TERRACE O/104 LOTS 1, 2, & BEG 90 FT N OF SE COR OF LOT 3 RUN WLY 143.35 FT TO A PT 125 FT N OF SW COR OF LOT 4 RUN NLY 42.15 FT SELY TO NE COR LOT 3 SLY TO POB

BLK C (SEE 35-22-28-0000-00-107 FOR 1/4 OF 1/39 INT IN PARCEL B
PER OR 2293/856

PARCEL ID#: 35-22-28-4460-03-010

NO. OF NOTICES: 118

Commentaries: Four (4) in favor and four (4) in opposition

Staff Recommendation: Staff described the property, existing improvements, location of the Fisher Street half right-of-way segment compared to the existing improvements, the year the applicant purchased the property, and the vehicular access to the Fischer Street abutting the subject property and the property to the west. Lastly, staff recommended approval of Variance requests #1, and #2, subject to the conditions in the staff report; and, denial of the Variance requests #3 and #4. However, should the BZA grant Variance requests #3 and #4, staff recommended that the approval be subject to the conditions as identified in the staff report.

The following person(s) addressed the Board:

Speaker(s): Charles Faust (Applicant)

Jose Rivera (in Favor)

Carol Edwards (Opposed)

Rick Keppler (Opposed)

Anthony Valente (Opposed)

Peter Valente (Opposed)

Material was submitted to the Board by staff and an opposing resident to be entered into the record prior to the close of the public hearing.

BZA Discussion: The BZA concluded that since Fisher Street would not be open to traffic was a special condition and circumstance and because the structures were on the property when the applicant purchased the property was not self-created. Additionally, the fact that the shed had been in its current location for a very long time with no complaints, including lack of code enforcement action, reflected that there was no special privilege. Therefore, the BZA recommended approval of the variances, subject to the four (4) conditions in the staff report and a new Condition #5, which states "If the shed and /or the pergola is removed or destroyed, any replacement structure shall meet all applicable codes in effect at the time of replacement."

BZA Action: A motion was made by Carolyn Karraker, seconded by Juan Velez and unanimously carried to recommend **APPROVAL** of 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 shall be in accordance with the site plan and elevations dated September 16, 2020, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a permit for the unpermitted structures within 180 days of final action on this application by Orange County or this approval becomes null and void.
5. If the shed and/or the pergola is removed or destroyed, any replacement structure shall meet all applicable codes in effect at the time of replacement.

AYE (voice vote): All members present

Absent: Roberta Walton

RECESSED AT 12:56 P.M. AND RECONVENED AT 1:03 P.M.

JORDAN STRASBERG - VA-20-11-104

REQUEST: Variance in the P-D zoning district to allow pool equipment 4 ft. from the east side property line in lieu of 5 ft.
ADDRESS: 7745 Blue Quail Ln., Orlando, FL 32835
LOCATION: South side of Blue Quail Ln., east of S. Apopka Vineland Rd.
TRACT SIZE: 1.13 acres
DISTRICT#: 1
LEGAL: HAVENCREST PHASE 2 91/101 LOT 84
PARCEL ID#: 03-23-28-3451-00-840
NO. OF NOTICES: 84

Commentaries: One letter of approval by HOA and one (1) in opposition

Staff Recommendation: Staff discussed the proposal, location of the property, and photographs of the site. Further, staff recommended denial; however, should the BZA grant the variance request, staff recommended that the approval be subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Jordan Strasberg (Applicant)

There was no one in attendance to speak in favor or in opposition to the request.

BZA Discussion: The BZA concurred with the staff analysis, and noted that the majority of the windows on the side of the residence where the A/C compressor was located should not be blocked by the pool equipment. As such, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by John Drago and unanimously carried to recommend **DENIAL** of the Variance request in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3).

AYE (voice vote): All members present

Absent: Roberta Walton

BARBARA GOTTLIEB - VA-20-11-106

REQUEST: Variance in the A-2 zoning district to allow a 1,300 sq. ft. detached accessory dwelling unit above a garage in lieu of 1,000 sq. ft.
ADDRESS: 18401 Robertson St., Orlando, FL 32833
LOCATION: North side of Robertson St., west of Dallas Blvd.
TRACT SIZE: 150 ft. x 300 ft./ 1.03 acres
DISTRICT#: 5
LEGAL: CAPE ORLANDO ESTATES UNIT 11A 3/107 LOT 40 BLK 3
PARCEL ID#: 27-23-32-1181-03-400
NO. OF NOTICES: 37

Commentaries: Five (5) in favor including HOA and one (1) in opposition

Staff Recommendation: Staff discussed the proposal, ongoing construction occurring on the site, location of the property, and photographs of the site. Staff noted the intent of the ADU regulations was to ensure that an ADU remains subordinate to the principal residence and explained how the living area of an ADU was calculated. Lastly, staff recommended denial; however, should the BZA grant the variance request, staff recommended that the approval be subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Barbara Gottlieb (Applicant)

There was no one in attendance to speak in favor or in opposition to the request.

BZA Discussion: The BZA concluded the property could be considered as an infill site and, at the advice of a builder, the building lines of the lower level need to be followed in order to allow for appropriate visual aesthetics was considered a special condition and circumstance; the footprint and size was not self-created; and, the granting of the additional 300 sq. ft. for the ADU was a minimal request which would not confer special privilege. Therefore, the BZA recommended approval of the variance subject to the six (6) conditions in the staff report.

BZA Action: A motion was made by Wes A. Hodge, seconded by Deborah Moskowitz and unanimously carried to recommend **APPROVAL** of 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 shall be in accordance with the site plan and elevations dated September 16, 2020, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Unless specifically exempted, the applicant shall be responsible for the payment of all applicable costs and fees associated with the ADU, including impact fees.
5. The elevator may be located inside the covered porch or outside, provided it is located to the rear of the garage/ADU.
6. The applicant shall obtain a permit for the garage/ADU within 180 days of final action by Orange County, or this approval shall become null and void.

AYE (voice vote): All members present

Absent: Roberta Walton

NICOLE DEEB - VA-20-11-107

REQUEST: **Variances** in the R-1A zoning district as follows:
 1) To allow an existing 6 ft. high fence to remain in the front yard (south) setback in lieu of a 4 ft. high fence.
 2) To allow a 6 ft. fence within the clear view triangle area for the driveway.
 This is the result of a Code Enforcement action.

ADDRESS: 5600 Birr Ct., Orlando, FL 32809

LOCATION: North end of Birr Ct., on the southwest side of Lake Conway, north of Hoffner Ave.

TRACT SIZE: 0.58 acres (25,265 sq. ft.)

DISTRICT#: 3

LEGAL: BIRR COURT T/129 LOT 8

PARCEL ID#: 24-23-29-0700-00-080

NO. OF NOTICES: 63

This case was **CONTINUED** to the December 3, 2020 BZA Meeting prior to this public hearing.

BZA Action: A motion was made by Juan Velez, seconded by John Drago and unanimously carried with a **CONTINUANCE** to the December 3, 2020 BZA Meeting.

AYE (voice vote): All members present

Absent: Roberta Walton

SHEILA CICHRA - VA-20-11-100

REQUEST: **Variance** in the P-D zoning district to allow a permanent generator next to the residence 6 ft. from the north side property line in lieu of 10 ft.

ADDRESS: 12150 Montalcino Cir., Windermere, FL 34786

LOCATION: South side of Montalcino Cir., on the northwest side of Lake Burden, east of Winter Garden Vineland Rd.

TRACT SIZE: 0.95 acres (approx. 0.63 acres upland)

DISTRICT#: 1

LEGAL: CASA DEL LAGO - REPLAT 75/60 LOT 12

PARCEL ID#: 25-23-27-1213-00-120

NO. OF NOTICES: 74

Commentaries: One letter of approval by HOA and one (1) in opposition

Staff Recommendation: Staff discussed the proposal, covering the location of the property, site plan, and photographs of the site. Further, staff recommended approval of the request subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): Sheila Cichra (Applicant)

David Raissipour (Owner)

There was no one in attendance to speak in favor or in opposition to the request.

BZA Discussion: The BZA concluded that the proposed location of the generator was appropriate due to the proximity to the electrical connection. Based on the foregoing, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, seconded by Wes A. Hodge and unanimously carried to recommend **APPROVAL** of 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 shall be in accordance with the site plan dated September 10, 2020, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The applicant shall obtain a permit for the generator within 180 days of final action on this application by Orange County or this approval becomes null and void.

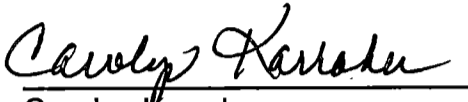
AYE (voice vote): All members present

Absent: Roberta Walton

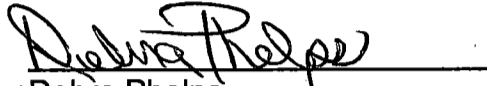
ADJOURN:

There being no further business, the meeting was adjourned at 1:37 p.m.

ATTEST:



Carolyn Karraker
Chair



Debra Phelps
Recording Secretary

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING MINUTES**

**Addendum I
WebEx Meeting Chat**

November 5, 2020	from Cheryl Vanatti to everyone: If Mark is not there to speak for us, I am here if you need me to speak.	9:20 AM
November 5, 2020	from Cheryl Vanatti to everyone: I would like to speak	9:22 AM
November 5, 2020	from Cheryl Vanatti to everyone: Great! Mark is there on our behalf	9:23 AM
November 5, 2020	from Megan Marshall to all panelists: Code Enforcement is present if the Board has any questions for us. Thank you	9:26 AM
November 5, 2020	from Cheryl Vanatti to everyone: I am okay with Mark speaking about the property/buildings, I was simply going to put a personal touch on it, but that's not necessarily needed unless they want to hear from me	9:28 AM
November 5, 2020	from Brandy Driggers to Roberta Alfonso (privately): Can you weigh in on this please?	9:59 AM
November 5, 2020	from Roberta Alfonso (privately): Yes, unmuted myself a minute ago	10:00 AM
November 5, 2020	from Roberta Alfonso (privately): I think we have conditioned that must not be in conflict with HOA. Other times, have seen HOA "ok" in hand from applicant.	10:02 AM
November 5, 2020	from Roberta Alfonso (privately): County should not approve in conflict with HOA standards, especially if we are made aware of such.	10:03 AM
November 5, 2020	from Brandy Driggers to Roberta Alfonso(privately): The HOA is present and are going to speak. We have two letters from the HOA that conflict with each other. One in favor and one against.	10:08 AM
November 5, 2020	from Roberta Alfonso (privately): Gotcha, I can weigh in at the end, maybe.	10:09 AM
November 5, 2020	from Roberta Alfonso (privately): Did we officially open the public hearing? I feel I missed it!	10:11 AM
November 5, 2020	from Brandy Driggers to Roberta Alfonso (privately): No they haven't opened it up to the public. They are still asking questions of the applicant.	10:14 AM
November 5, 2020	from Roberta Alfonso (privately): Awesome, thanks, I heard the Chair start to do so, but didn't hear the official statement that it was open.	10:15 AM
November 5, 2020	from Roberta Alfonso (privately): could you send me that HOA letter?	10:33 AM
November 5, 2020	from Brandy Driggers to Roberta Alfonso (privately): I just sent it sorry I didn't see this earlier	11:11 AM

November 5, 2020	from Roberta Walton to all panelists: Unfortunately, I need to step away for the remaining cases to attend a 1:00pm.	12:21 PM
November 5, 2020	from Megan Marshall to everyone: The feed is broken	12:54 PM
November 5, 2020	from Deborah Moskowitz to everyone: We are definitely experiencing technical difficulties...	12:55 PM
November 5, 2020	from Wes Hodge to everyone: The audio is stuck for us online	12:55 PM
November 5, 2020	from Jordan Strasberg to everyone: My luck!	12:55 PM
November 5, 2020	from Megan Marshall to everyone: Can you mute chambers at all?	12:55 PM
November 5, 2020	from Roberta Alfonso to everyone: I believe video is out, as well. Suggest leaving and then signing back in.	12:56 PM
November 5, 2020	from Wes Hodge to everyone: I left and returned, still having the same issue	12:56 PM
November 5, 2020	from Roberta Alfonso to everyone: Never mind, haha!	12:56 PM
November 5, 2020	from Wes Hodge to everyone: What is the call in # and can we participate by phone, or do we need to be seen?	12:57 PM
November 5, 2020	from Brandy Driggers to everyone: Can you try to log out and log back in?	12:57 PM
November 5, 2020	from Wes Hodge to everyone: It seems to be okay now	12:57 PM
November 5, 2020	from Wes Hodge to everyone: Can someone in chamber speak?	12:58 PM
November 5, 2020	from Deborah Moskowitz to everyone: Now I can't hear anyone	12:58 PM
November 5, 2020	from Megan Marshall to everyone: Brandy, BCC Chambers seems to be the one having issues	12:58 PM
November 5, 2020	from Brandy Driggers to Megan Marshall (privately): Thank you	1:19 PM

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING MINUTES**

**Addendum II
WebEx Meeting Chat**

November 5, 2020	from Ted Kozak to all attendees: Good morning, are you here for Brenda Rowe case?	8:48 AM
November 5, 2020	from jacqueline taylor (privately): I cannot hear	8:52 AM
November 5, 2020	from Ted Kozak to jacqueline taylor (privately): Good morning Ms. Taylor, are you here for the Brenda Rowe case?	8:53 AM
November 5, 2020	from jacqueline taylor (privately): Yes sir	8:53 AM
November 5, 2020	from Ted Kozak to jacqueline taylor (privately): thank you	8:53 AM
November 5, 2020	from Ted Kozak to Daniel Garside (privately): Good morning which case are you here for? Also, please provide your address	8:54 AM
November 5, 2020	from jacqueline taylor (privately): Should I have volume	8:54 AM
November 5, 2020	from Ted Kozak to jacqueline taylor (privately): I will turn your mute off at the time of public comment for agenda #3	8:55 AM
November 5, 2020	from jacqueline taylor (privately): yes sir. Will I hear the meeting, I see people speaking and can not hear.	8:57 AM
November 5, 2020	from Ted Kozak to jacqueline taylor (privately): You will once the meeting starts after 9	8:58 AM
November 5, 2020	from jacqueline taylor (privately): thank you.	8:59 AM
November 5, 2020	from Ted Kozak to Daniel Garside (privately): good morning, wich case are you here for?	9:00 AM
November 5, 2020	from jacqueline taylor (privately): I can not hear	9:04 AM
November 5, 2020	from jacqueline taylor (privately): Mr Ted, I can not hear the meeting.	9:05 AM
November 5, 2020	from Ted Kozak to jacqueline taylor (privately): It might be your own computer. You can also go to Orange Tv and watch there too if you have volume probelems	9:06 AM
November 5, 2020	from Ted Kozak to jacqueline taylor (privately): I cannot control your volume on my end	9:06 AM
November 5, 2020	from Daniel Garside to host (privately): VA-20-10-093 Brian Sanz	9:09 AM
November 5, 2020	from Ted Kozak to jacqueline taylor (privately): Maybe call 407-836-5947 and see if they can help your technical issues	9:09 AM

November 5, 2020	from Ted Kozak to Daniel Garside (privately): Could I have your address for the record?	9:09 AM
November 5, 2020	from Daniel Garside to host (privately): 2514 Butler Bay Dr N Windermere 34786	9:10 AM
November 5, 2020	from Cheryl Vanatti to everyone: If Mark is not there to speak for us, I am here if you need me to speak.	9:20 AM
November 5, 2020	from Cheryl Vanatti to everyone: I would like to speak	9:22 AM
November 5, 2020	from Cheryl Vanatti to everyone: Great! Mark is there on our behalf	9:23 AM
November 5, 2020	from Ted Kozak to Cheryl Vanatti (privately): ok thank you	9:24 AM
November 5, 2020	from Ted Kozak to Cheryl Vanatti (privately): are you going to speak or are you ok with Mark just speaking?	9:24 AM
November 5, 2020	from Megan Marshall to all panelists: Code Enforcement is present if the Board has any questions for us. Thank you	9:26 AM
November 5, 2020	from jacqueline taylor (privately): This is jacqueline taylor, I did phone in	9:27 AM
November 5, 2020	from Ted Kozak to jacqueline taylor (privately): OK, thank you	9:27 AM
November 5, 2020	from Ted Kozak to Megan Marshall (privately): ok thanks	9:28 AM
November 5, 2020	from Cheryl Vanatti to everyone: I am okay with Mark speaking about the property/buildings, I was simply going to put a personal touch on it, but that's not necessarily needed unless they want to hear from me	9:28 AM
November 5, 2020	from Ted Kozak to Megan Marshall (privately): The BZA will ikely want you to say something	9:31 AM
November 5, 2020	from Megan Marshall (privately): I was having issues with my camera so hopefully the mic is working	9:32 AM
November 5, 2020	from Ted Kozak to Megan Marshall (privately): your video now works	9:46 AM
November 5, 2020	from Megan Marshall (privately): Yeah I should be good. Sorry about that, webex hates me	9:47 AM
November 5, 2020	from Daniel Garside to host (privately): Do they have my letter of objection?	9:59 AM
November 5, 2020	from Ted Kozak to Daniel Garside (privately): We received a letter	10:01 AM
November 5, 2020	from Ted Kozak to Daniel Garside (privately): HOA letter, correct?	10:01 AM
November 5, 2020	from Ted Kozak to Daniel Garside (privately): You will have your opportunity to speak in a few minutes	10:01 AM

November 5, 2020	from Daniel Garside to host (privately): Yes, the HOA letter is mine.	10:02 AM
November 5, 2020	from jacqueline taylor (privately): Mr. Kozak this Jacqueline Taylor, my audio works now on the laptop.	10:31 AM
November 5, 2020	from Ted Kozak to jacqueline taylor (privately): Thank you	10:31 AM
November 5, 2020	from Roberta Alfonso to host (privately): no, can't have them in chambers because county policy is for all of us	10:47 AM
November 5, 2020	from Ted Kozak to Roberta Alfonso (privately): understood	11:01 AM
November 5, 2020	from Roberta Alfonso to host (privately): Yes, you already knew that, but wanted you to have 'legal backup' :-)	11:09 AM
November 5, 2020	from Ted Kozak to Russell Kilgore (privately): Mr. Kilgore, will you be speaking for the Rowe case?	11:11 AM
November 5, 2020	from Roberta Alfonso to host (privately): Don't think COA #4 is enforceable, btw. Variance will run with the land. Should have caught that sooner, sorry!	11:11 AM
November 5, 2020	from Roberta Alfonso to host (privately): We can condition that they obtain permits, etc., but not that ownership changes nullify it.	11:12 AM
November 5, 2020	from Ted Kozak to Roberta Alfonso (privately): Got it. If it gets to that, we'll take care of it	11:12 AM
November 5, 2020	from Roberta Alfonso to host (privately): Thanks!	11:12 AM
November 5, 2020	from Ted Kozak to Megan Marshall (privately): Do you have much to say on this one?	12:17 PM
November 5, 2020	from Ted Kozak to Megan Marshall (privately): BZA will probably want you to speak for a moment	12:18 PM
November 5, 2020	from Megan Marshall (privately): I'm here	12:18 PM
November 5, 2020	from Roberta Walton to all panelists: Unfortunately, I need to step away for the remaining cases to attend a 1:00pm.	12:21 PM
November 5, 2020	from Roberta Alfonso to host (privately): Do we have other variances in the area for similar issues? I think someone will ask that.	12:27 PM
November 5, 2020	from Ted Kozak to Roberta Alfonso (privately): Dave will discuss. Yes, we have	12:28 PM
November 5, 2020	from Roberta Alfonso to host (privately): Perfect, thanks.	12:30 PM
November 5, 2020	from Roberta Alfonso to host (privately): Mintues of what? BCC hearing on a PTV?	12:32 PM
November 5, 2020	from Ted Kozak to Roberta Alfonso (privately): Likely	12:32 PM

November 5, 2020	from Roberta Alfonso to host (privately): Let's please ID on the record, when this speaker finishes.	12:32 PM
November 5, 2020	from Roberta Alfonso to host (privately): Good to note that :-)	12:50 PM
November 5, 2020	from Megan Marshall to everyone: The feed is broken	12:54 PM
November 5, 2020	from Roberta Alfonso to host (privately): Something just went wrong	12:54 PM
November 5, 2020	from Roberta Alfonso to host (privately): no video at all and echo	12:54 PM
November 5, 2020	from Roberta Alfonso to host (privately): No one on Webex can see, I suspect	12:54 PM
November 5, 2020	from Deborah Moskowitz to everyone: We are definitely experiencing technical difficulties...	12:55 PM
November 5, 2020	from Wes Hodge to everyone: The audio is stuck for us online	12:55 PM
November 5, 2020	from Jordan Strasberg to everyone: My luck!	12:55 PM
November 5, 2020	from Roberta Alfonso to host (privately): Heard nothing past David's initial sentence.	12:55 PM
November 5, 2020	from Megan Marshall to everyone: Can you mute chambers at all?	12:55 PM
November 5, 2020	from Roberta Alfonso to everyone: I believe video is out, as well. Suggest leaving and then signing back in.	12:56 PM
November 5, 2020	from Wes Hodge to everyone: I left and returned, still having the same issue	12:56 PM
November 5, 2020	from Roberta Alfonso to everyone: Never mind, haha!	12:56 PM
November 5, 2020	from Wes Hodge to everyone: What is the call in # and can we participate by phone, or do we need to be seen?	12:57 PM
November 5, 2020	from Brandy Driggers to everyone: Can you try to log out and log back in?	12:57 PM
November 5, 2020	from Roberta Alfonso to host & presenter: Must be seen	12:57 PM
November 5, 2020	from Wes Hodge to everyone: It seems to be okay now	12:57 PM
November 5, 2020	from Wes Hodge to everyone: Can someone in chamber speak?	12:58 PM
November 5, 2020	from Deborah Moskowitz to everyone: Now I can't hear anyone	12:58 PM

November 5, 2020	from Megan Marshall to everyone: Brandy, BCC Chambers seems to be the one having issues	12:58 PM
November 5, 2020	from Roberta Alfonso to host & presenter: Good now!	12:59 PM
November 5, 2020	from Ted Kozak to Roberta Alfonso (privately): roberta we don't have your mic on	1:03 PM
November 5, 2020	from Ted Kozak to Roberta Alfonso (privately): ok we have you	1:03 PM
November 5, 2020	from Roberta Alfonso to host & presenter Any way we could keep the quorum on the screen, even when showing the PPT ("Chambers 3" on screen)? if not, don't worry about it, I think we are "substantially" compliant, thanks.	1:14 PM
November 5, 2020	from Roberta Alfonso to host & presenter: Make that, "substantially compliant" :-)	1:16 PM
November 5, 2020	from Ted Kozak to Roberta Alfonso (privately): Are you able to hear Juan Velez	1:19 PM
November 5, 2020	from Ted Kozak to Roberta Alfonso (privately): and his mic?	1:19 PM
November 5, 2020	from Roberta Alfonso to host & presenter: I believe so, but very faint	1:19 PM
November 5, 2020	from Roberta Alfonso (privately): Yes, but very faint. DRC yesterday had each of the quorum members with individual headsets, logged into Webex, btw, and it worked great. Maybe we follow up to do that next time (?)	1:20 PM
November 5, 2020	from Ted Kozak to Roberta Alfonso (privately): We could discuss that within the ranks. Probably the BCC hearing on Tuesday will be a good example for BZA to follow	1:22 PM
November 5, 2020	from Roberta Alfonso (privately): Excellent point.	1:29 PM