

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
MEETING OF DECEMBER 3, 2020**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **December 3, 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  
Charles J. Hawkins, II – District #6  
Roberta Walton – At Large

**BOARD MEMBERS ABSENT:** Wes A. Hodge – District #5

**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 9:14 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 November 5, 2020, Board of Zoning Adjustment meeting.

A motion was made by: John Drago

seconded by: Roberta Walton

and unanimously carried with a 6-0 vote (Wes A. Hodge was absent) to **APPROVE** the minutes of the November 5, 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.

**NICOLE DEEB - VA-20-11-107**

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**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 from the right-of-way line.  
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

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

Staff Recommendation: Staff explained the specifics of the case which included the code enforcement history and part of the existing fence located in the right-of-way. Further, staff recommended denial; however, should the BZA grant the variance requests, 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): Peter Zachman (Fiancée on behalf of the Applicant)

Nicole Deeb (Applicant)

Steve Marconi (Lead Code Enforcement Officer)

Megan Marshall (Code Enforcement Officer)

The applicant stated that they had hired a fence contractor and assumed that the contractor would handle all aspects of the process to include obtaining permits. They acknowledged that they were now aware and would make certain to procure all permits, should they make any new improvements for future additions.

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

BZA Discussion: The BZA discussed the case and recommended approval of both variances subject to the conditions as identified in the staff report.

BZA Action: A motion was made by Juan Velez, seconded by Roberta Walton and 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 site plan 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 fence within 45 days of final action on this application by Orange County or this approval becomes null and void.

AYE (voice vote): Juan Velez, Carolyn Karraker, John Drago, Roberta Walton, and Charles J. Hawkins, II

NAY (voice vote): Deborah Moskowitz

Absent: Wes A. Hodge

**REQUEST:** **Variances** in the A-1 zoning district for the construction of a 3,041 sq. ft. single-family residence as follows:  
1) To allow a 8,100 sq. ft. lot area in lieu of 21,780 sq. ft. (1/2 acre)  
2) To allow a north rear setback of 22.5 ft. in lieu of 50 ft.

**ADDRESS:** 3413 Fudge Rd., Apopka, FL 32712

**LOCATION:** North side of Fudge Rd., north of W. Orange Blossom Tr.

**TRACT SIZE:** 60 ft. x 135 ft./ 0.18 acres (8,100 sq. ft.)

**DISTRICT#:** 2

**LEGAL:** MORRISONS SUB FIRST ADDITION 1/95 LOT 11 BLOCK B

**PARCEL ID#:** 36-20-27-5754-02-110

**NO. OF NOTICES:** 100

Commentaries: None

Staff Recommendation: Staff described the applicant's proposal on the subject property which included the square footage of the proposed house. Staff indicated that when the plat was recorded, the lot sizes did not comply with the requirements for the A-1 zoning in place at that time. Subsequently, the lots as recorded were substandard; therefore, the lots were lawfully nonconforming. Lastly, staff recommended approval of Variance request #1, subject to the conditions in the staff report; and, denial of the Variance request #2. However, should the BZA grant Variance request #2, 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): Cristine Rosenhaim (Applicant's representative)

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

BZA Discussion: The BZA concluded that there was sufficient criteria to justify approval of both variances subject to the conditions as listed in the staff report.

BZA Action: A motion was made by John Drago, seconded by Roberta Walton 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 site plan and elevations dated September 21, 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 building permit within two (2) years of final action by Orange County on this application, or this approval shall be null and void.

AYE (voice vote): All members present

Absent: Wes A. Hodge

## SHELBY WALKER - VA-20-12-119

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**REQUEST:** Variance in the R-1AA zoning district to allow a covered porch with a north rear setback of 32 ft. in lieu of 35 ft.  
**ADDRESS:** 9219 Buttonwood St., Orlando, FL 32825  
**LOCATION:** Northeast corner of Buttonwood St. and Charleswood Ave., south of Lake Underhill Rd., and west of S. Econlockhatchee Trl.  
**TRACT SIZE:** 0.31 acres  
**DISTRICT#:** 3  
**LEGAL:** DEERWOOD UNIT 2 8/150 LOT 32  
**PARCEL ID#:** 31-22-31-1990-00-320  
**NO. OF NOTICES:** 149

Commentaries: Two (2) letters in favor, HOA in support, and none in opposition

Staff Recommendation: Staff described the property to include site size, site conditions and street orientation, and the history of the subject property, which was developed with a house until 2013. 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): Shelby Walker (Applicant)

No one was in attendance to speak in support or opposition to the request.

BZA Discussion: The BZA clarified with staff the difference between the different setback requirements based upon the time the plat was recorded. Based on the foregoing, the BZA recommended approval of the variance subject to the conditions as outlined in the staff report.

BZA Action: A motion was made by Juan Velez, 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 October 14, 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 building permit within two (2) years of final action on this application by the County, or this approval shall be null and void.

AYE (voice vote): All members present

Absent: Wes A. Hodge

## MARIA PARKER - VA-20-12-116

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**REQUEST:** Variance in the R-CE-2 zoning district to allow the construction of a single-family residence on 1.81 acres in lieu of 2 acres.  
**ADDRESS:** 4106 Dorwood Dr., Orlando, FL 32818  
**LOCATION:** West side of Dorwood Dr., west of N. Apopka Vineland Rd., north of AD Mims Rd.  
**TRACT SIZE:** 266 ft. x 297/ 1.81 acres  
**DISTRICT#:** 2  
**LEGAL:** UNRECORDED PLAT OF DORWOOD MANOR OR 47/424 LOT 24 AKA : S1/4 OF N4/5 OF W1/4 OF NW1/4 OF NE1/4 (LESS E 30 FT RD) SEC 10-22-28  
**PARCEL ID#:** 10-22-28-0000-00-043  
**NO. OF NOTICES:** 62

Commentaries: Five (5) in favor and none in opposition

Staff Recommendation: Staff described the property to include the history of the property and the zoning district. Staff explained how the original size of the property met the minimum parcel size requirements when purchased by the applicant. Additionally, staff stated the County obtained 30 feet of the eastern property for the construction of Dorwood Drive in 1957, thus, reducing the parcel size below the two (2) acre threshold as required by the zoning district. Lastly, staff recommended approval of the request subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Maria Parker (Applicant)

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

BZA Discussion: The BZA briefly discussed the case and concurred with the staff recommendation.

BZA Action: A motion was made by John Drago, seconded by Roberta Walton 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 October 14, 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.

AYE (voice vote): All members present

Absent: Wes A. Hodge

**DANIEL KENNERLY - VA-20-09-085**

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**REQUEST:** Variances in the R-1AA zoning district as follows:  
1) To allow a 952 sq. ft. attached garage 11.5 ft. from the front property line in lieu of 30 ft.

- 2) To allow an existing 85 sq. ft. shed to remain 1.5 ft. from the east side property line in lieu of 5 ft.
- 3) To allow an existing 85 sq. ft. shed to remain 22 ft. from the Normal High Water Elevation (NHWE) in lieu of 35 ft.
- 4) To allow an existing 24 sq. ft. well house to remain 1.5 ft. from the NHWE in lieu of 35 ft.
- 5) To allow an existing pool to remain 15.5 ft., and pool deck to remain 3.1 ft. from the NHWE in lieu of 35 ft.

**ADDRESS:** 1558 Waterwitch Dr., Orlando, FL 32806  
**LOCATION:** South side of Waterwitch Dr. on the north side of Lake Conway, south of Gatlin Ave.  
**TRACT SIZE:** 0.51 acres (22,216 sq. ft.)  
**DISTRICT#:** 3  
**LEGAL:** WATERWATCH CLUB K/69 FROM NE COR LOT 32 RUN S 77 DEG W 15.9 FT ALONG N LINE OF LOT 33 FOR POB TH S 14 DEG E 159.2 FT TO SLY LINE LOT 32 TH CONT S 14 DEG E ALONG PROJECTION OF SAID LINE TO WATERS OF LAKE CONWAY TH RETURN TO POB AND RUN S 77 DEG W 95.4 FT M  
**PARCEL ID#:** 13-23-29-9068-00-330  
**NO. OF NOTICES:** 79

Commentaries: Petition with nine (9) signatures in favor and none in opposition

Staff Recommendation: Staff discussed the proposal to include the location of the property, site plan, and photographs of the site. Further, staff recommended denial; however, should the BZA grant the variance requests, 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): Daniel Kennerly (Applicant)

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

No one attended the public hearing to speak in favor or in opposition to the request.

BZA Discussion: The BZA inquired about other variances in the area and confirmed that other improvements existed prior to the purchase of the property by the current owner. Finally, the BZA recommended approval of the variances subject to the conditions as described in the staff report.

BZA Action: A motion was made by Juan Velez, seconded by John Drago 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 site plan and elevations dated November 9, 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 exterior of the addition shall match the exterior of the existing house, including the roof materials and color.
5. The applicant shall obtain permits for all existing unpermitted improvements prior to obtaining permits for the proposed addition.
6. The applicant shall obtain permits for the proposed addition within 1 year of final action on this application by Orange County, or this approval is null and void.
7. 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 shed is located no closer than 22 feet, the well house is located no closer than 1.5 feet, and the pool is located no closer than 15.5 feet, and the pool deck is located no closer than 3.1 feet from the Normal High Water Elevation (NHWE) of Lake Conway.

AYE (voice vote): All members present

Absent: Wes A. Hodge

#### **BRUTUS ELGGENS - VA-20-12-115**

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**REQUEST:** **Variance** in the P-D zoning district to allow a covered sunroom 19 ft. from the rear (south) property line in lieu of 25 ft.

**ADDRESS:** 12205 Bohannon Blvd., Orlando, FL 32824

**LOCATION:** South side of Bohannon Blvd., south of W. Wetherbee Rd., east of Florida's Turnpike

**TRACT SIZE:** 0.17 acres (7,473 sq. ft.)

**DISTRICT#:** 4

**LEGAL:** SOUTHCHASE PHASE 1B VILLAGE 8 30/131 LOT 80

**PARCEL ID#:** 23-24-29-8221-00-800

**NO. OF NOTICES:** 134

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

Staff Recommendation: Staff discussed the proposal to include 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 outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Daniel Queening (Applicant's representative)

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

BZA Discussion: The BZA clarified the angle of the rear property line and the shape of the lot, and further, confirmed that the roof of the enclosure would not follow the roofline of the house. Based on the foregoing, the BZA recommended approval of the request subject to the conditions as identified in the staff report.

BZA Action: A motion was made by Deborah Moskowitz, seconded by John Drago 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 October 14, 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 exterior of the addition shall match the exterior of the existing house, including the materials and color.

AYE (voice vote): All members present

Absent: Wes A. Hodge

**NAVIN NARESH LOKENATH - VA-20-12-120**

**REQUEST:** Variance in the P-D zoning district to allow a generator 2.8 ft. from the east side property line in lieu of 10 ft.  
**ADDRESS:** 7821 Wandering Way, Orlando, FL 32836  
**LOCATION:** South side of Wandering Way, west of S. Apopka Vineland Rd.  
**TRACT SIZE:** 0.16 acres (7,200 sq. ft.)  
**DISTRICT#:** 1  
**LEGAL:** PHILLIPS GROVE 94/108 LOT 51  
**PARCEL ID#:** 10-24-28-6670-00-510  
**NO. OF NOTICES:** 80

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

Staff Recommendation: Staff discussed the proposal to include the location of the property, site plan, and photographs of the site. In addition, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Navin Naresh Lokenath (Applicant)

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

BZA Discussion: The BZA recognized the constraints of the lot and the location of the electrical box. Therefore, 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 **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 November 9, 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.

5. The applicant shall obtain a permit for the decorative wall and lighting within 90 days of final action on this application by Orange County.

AYE (voice vote): All members present

Absent: Wes A. Hodge

#### **GREENBRIAR LANDSCAPING (JAMES WILLIARD) - SE-21-01-125**

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**REQUEST:** Special Exception to allow a landscaping, irrigation and lawn care business in the A-1 zoning district.

**ADDRESS:** 16900 Sandhill Rd., Winter Garden, FL 34787

**LOCATION:** Southwest corner of Avalon Rd. and Sandhill Rd., approximately 1 mile south of Marsh Rd.

**TRACT SIZE:** 8.97 acres

**DISTRICT#:** 1

**LEGAL:** LAKE AVALON GROVES REPLAT J/90 LOT 33E (LESS ANY PT WITHIN THE 35 FT FOR R/W AS DESC IN DB 402/314)

**PARCEL ID#:** 06-23-27-4292-05-330

**NO. OF NOTICES:** 48

Commentaries: None

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

The following person(s) addressed the Board:

Speaker(s): James G. Willard (Applicant's representative)  
Todd Haag (Applicant's representative)

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

BZA Discussion: The BZA discussed the existing site improvements, site plan, and landscape plan, and further, inquired with staff to confirm the hours and days of operation. As a result, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by Carolyn Karraker, 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 November 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. Days and hours of operation shall be limited to Monday through Friday, 7 a.m. to 5:30 p.m.

5. The applicant shall obtain permits for warehouse buildings, sitework / paving, and signage as applicable.

6. The applicant shall remove the signs in the right-of-way within 90 days of final action on this application by Orange County or this approval is null and void.

AYE (voice vote): All members present

Absent: Wes A. Hodge and Deborah Moskowitz

**FISHBACK DOMINICK (A. KURT ARDAMAN) - ZM-20-08-072**

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**REQUEST:** Appeal of a **Zoning Manager's Decision** that the proposed improvements are considered signage and not art.

**ADDRESS:** 12399 S. Apopka Vineland Rd., Orlando, FL 32836

**LOCATION:** East side of S. Apopka Vineland Rd., approximately 325 ft. south of Palm Parkway, north of Interstate 4

**TRACT SIZE:** 1.15 acres

**DISTRICT#:** 1

**LEGAL:** BEG 704.07 FT E & 153.46 FT N 10 DEG W OF W1/4 COR RUN N 10 DEG W 145.09 FT E 233.58 FT N 21 FT E 116 FT S 163.67 FT W 323.58 FT TO POB IN SEC 22-24-28 SEE 3688/408 & 4127 & 3809/1893

**PARCEL ID#:** 22-24-28-0000-00-023

**NO. OF NOTICES:** 44

This case was continued to the March 4, 2021 BZA Meeting prior to this public hearing.

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

AYE (voice vote): All members present

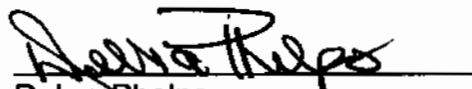
Absent: Wes A. Hodge and Deborah Moskowitz

**ADJOURN:**

There being no further business, the meeting was adjourned at 12:07 p.m.

**ATTEST:**

  
Carolyn Karraker  
Chair

  
Debra Phelps  
Recording Secretary

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

**Addendum I  
WebEx Meeting Chat**

December 3, 2020	from Ted Kozak to Juan Velez (privately): we need to test your mike	9:07 AM
December 3, 2020	from Ted Kozak to Megan Marshall (privately): megan can you hear our audio?	9:09 AM
December 3, 2020	from Ted Kozak to Juan Velez (privately): we can hear you	9:09 AM
December 3, 2020	from Megan Marshall to host (privately): yes but it's not super clear. David needs to speak up to talk over the noise	9:24 AM
December 3, 2020	from Ted Kozak to Megan Marshall (privately): Ok	9:25 AM
December 3, 2020	from Roberta Alfonso to host (privately): Actually, the permit is part of the contract - if contractor wasn't getting it, should have told the owner. I don't want them thinking the fence guy didn't do anything wrong.	9:36 AM
December 3, 2020	from Ted Kozak to Roberta Alfonso (privately): True	9:37 AM
December 3, 2020	from Roberta Alfonso to host (privately): I will make a quick comment before the close out.	9:40 AM
December 3, 2020	from Megan Marshall to host (privately): Portions of the fence are currently on the right of way	9:41 AM
December 3, 2020	from Ted Kozak to Roberta Alfonso (privately): Ok	9:44 AM
December 3, 2020	from Ted Kozak to Robert Dawsey (privately): Good morning, could you let me know which case you are here for?	10:43 AM
December 3, 2020	from Ted Kozak to Robert Dawsey (privately): Also, provide your address	10:43 AM
December 3, 2020	from Ted Kozak to Robert Dawsey (privately): good morning, are you here to speak on a case?	11:00 AM
December 3, 2020	from Robert Dawsey to host (privately): I am a homeowner listening into a case for a generator. The contractor can speak to the permit and variance. I will only contribute if necessary	11:01 AM
December 3, 2020	from Ted Kozak to Robert Dawsey (privately): ok, which case?	11:02 AM
December 3, 2020	from Ted Kozak to Robert Dawsey (privately): I assume Wandering Way application?	11:03 AM
December 3, 2020	from Robert Dawsey to host (privately): Yes	11:03 AM
December 3, 2020	from Robert Dawsey to host (privately): VA-20-12-120	11:04 AM

December 3, 2020	from Ted Kozak to Robert Dawsey (privately): thank you	11:04 AM
December 3, 2020	from Roberta Alfonso to host (privately): the buffer is not part of today's item, so they shouldn't address it - it will be addressed through the permitting process	11:33 AM
December 3, 2020	from Ted Kozak to Roberta Alfonso (privately): True	11:36 AM
December 3, 2020	from Ted Kozak to Roberta Alfonso (privately): i need to speak	11:38 AM
December 3, 2020	from Ted Kozak to Roberta Alfonso (privately): to address landscape	11:39 AM
December 3, 2020	from Roberta Alfonso to host (privately): cool, thanks, I am done :-)	11:39 AM
December 3, 2020	from Roberta Alfonso to host (privately): "as may be amended" will be the additional language	11:41 AM
December 3, 2020	from Roberta Alfonso to host (privately): to COA1	11:41 AM