

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
MEETING OF JANUARY 7, 2021**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **January 7, 2021** 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:** 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 9:05 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 December 3, 2020, Board of Zoning Adjustment meeting.

A motion was made by: Deborah Moskowitz

seconded by: John Drago

and unanimously carried with a 6-0 vote (Juan Velez was temporarily absent) to

**APPROVE** the minutes of the December 3, 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.

**DIX GENERATORS (SCOTT PREWITT) - VA-20-12-113**

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<b>REQUEST:</b>	<b>Variance</b> in the P-D zoning district to allow a generator 2 ft. from the east side property line in lieu of 10 ft.
<b>ADDRESS:</b>	3116 Crystal Creek Blvd., Orlando, FL 32837
<b>LOCATION:</b>	North side of Crystal Creek Blvd., west of S. John Young Pkwy.
<b>TRACT SIZE:</b>	50 ft. x 110 ft./ 0.12 acres (5,500 sq. ft.)
<b>DISTRICT#:</b>	1

**LEGAL:** CRYSTAL CREEK 36/149 LOT 29  
**PARCEL ID#:** 20-24-29-1810-00-290  
**NO. OF NOTICES:** 102

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

Staff Recommendation: Staff discussed the proposal covering the location of the property, site plan, location of the generator, and photographs of the site. 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): The applicant was not present for the request at the public hearing. There was no one in attendance to speak in favor or in opposition to the request.

BZA Discussion: The BZA recognized the constraints of the lot and determined that the request was straightforward. Therefore, 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 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 December 3, 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 is null and void.

AYE (voice vote): All members present

#### **ORRA HEADQUARTERS (MATTHEW CORMIA) - VA-21-02-134**

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**REQUEST:** Variance in the C-2 zoning district to allow the construction of a 48,091 sq. ft. office building with a 70 ft. height in lieu of 50 ft.  
**ADDRESS:** 5421 Diplomat Cir., Orlando, FL 32810  
**LOCATION:** North side of Diplomat Cir., west side of Interstate 4, north of Lee Rd.  
**TRACT SIZE:** 3.8 acres  
**DISTRICT#:** 2  
**LEGAL:** ORLANDO EXECUTIVE PARK FIRST REPLAT 71/10 LOT 3  
**PARCEL ID#:** 02-22-29-6304-03-000 and 02-22-29-6304-04-000  
**NO. OF NOTICES:** 197

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

Staff Recommendation: Staff discussed the proposal 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

outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Cliff Long (Applicant's representative)

Matthew Cormia (Applicant's representative)

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

BZA Discussion: The BZA confirmed with the applicant that the site plan was designed to accommodate the area for road dedication and would not reduce the number of provided parking spaces nor affect the buildable area. The BZA further confirmed that the billboard was leased by a separate entity and the site was designed to accommodate drainage. The BZA inquired about why the higher floors did not match the first floor footprint in order to maintain the same total square footage while eliminating the need for the variance request. Additionally, the BZA confirmed that other height variances were approved in the county. Lastly, the BZA stated that the project was a significant improvement compared to what currently existed and that this investment would create a domino effect in the area which should be embraced by the county. Based on the foregoing, the BZA recommended approval of the variance request subject to the conditions as described 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 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 December 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. Lots 3 and 4 shall be combined into one parcel prior to permitting.
5. The applicant shall obtain permits within 3 years of final action on this application by Orange County or this approval is null and void.

AYE (voice vote): All members present

**LARRY GRUBB - VA-21-01-126**

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<b>REQUEST:</b>	<b>Variance</b> in the P-D zoning district to allow a covered porch with a rear (east) setback of 10 ft. in lieu of 20 ft.
<b>ADDRESS:</b>	14460 Magnolia Ridge Loop, Winter Garden, FL 34787
<b>LOCATION:</b>	Northeast corner of Magnolia Ridge Loop and Orchard Hills Blvd., east of SR 429 and south of Tilden Rd.
<b>TRACT SIZE:</b>	0.17 acres (7,635 sq. ft.)
<b>DISTRICT#:</b>	1
<b>LEGAL:</b>	ORCHARD HILLS PHASE 1 81/18 LOT 223
<b>PARCEL ID#:</b>	09-23-27-5844-02-230

BOARD OF ZONING ADJUSTMENT  
MEETING OF JANUARY 7, 2021

**NO. OF NOTICES:** 61

Commentaries: Ten (10) in favor and none in opposition.

Staff Recommendation: Staff described the proposal including 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): Larry Grubb (Applicant)

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

BZA Discussion: The BZA asked why the addition was proposed to have a solid roof rather than screen and if the openings would be screened. The applicant stated that he wanted the roof to allow for use in the summer, and that he was exploring the possibility of using manual or mechanically operated screens. The BZA noted the number of neighbors in support and that the property backed up to open space. Finally, the BZA recommended approval of the variance request subject to the conditions as set forth in the staff report.

BZA Action: A motion was made by Carolyn Karraker, 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 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 roof color.

AYE (voice vote): All members present

**NV5, INC. (JASON MAHONEY) - VA-21-01-132**

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<b>REQUEST:</b>	<b>Variance</b> in the R-2 zoning district to allow a lot reversion of a platted lot of record with 44 ft. of frontage in lieu of 45 ft.
<b>ADDRESS:</b>	1632 Roosevelt Ave., Orlando, FL 32804
<b>LOCATION:</b>	Southeast corner of Taft Ave. and Roosevelt Ave., south of Silver Star Rd., east of N. Orange Blossom Trl.
<b>TRACT SIZE:</b>	0.45 acres (20,020 sq. ft.)
<b>DISTRICT#:</b>	5
<b>LEGAL:</b>	FAIRVILLA PARK L/115 N 25 FT OF LOT 14 & ALL LOTS 15,16 & 17 BLK G
<b>PARCEL ID#:</b>	15-22-29-2652-07-141
<b>NO. OF NOTICES:</b>	84
<u>Commentaries:</u>	None

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

The following person(s) addressed the Board:

**Speaker(s):** Jason Mahoney (Applicant's representative)

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

**BZA Discussion:** The BZA stated that the request was straightforward and concurred with the staff recommendation.

**BZA Action:** A motion was made by Wes A. Hodge, 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 survey/proposed lot 17 configuration 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.

**AYE (voice vote):** All members present

## **LORETTA BRUNETTI - VA-20-12-112**

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<b>REQUEST:</b>	<b>Variances</b> in the R-1AA zoning district as follows: 1) To allow an accessory dwelling unit (ADU) on a parcel containing 8,540 sq. ft. of lot area in lieu of 10,000 sq. ft. 2) To allow an attached ADU with a front (south) setback of 24 ft. in lieu of 30 ft. 3) To allow an attached ADU with a west side setback of 4.6 ft. in lieu of 7.5 ft.
<b>ADDRESS:</b>	3505 Corrine Dr., Orlando, FL 32803
<b>LOCATION:</b>	North side of Corrine Drive, east of E. Winter Park Rd. and west of General Rees Ave.
<b>TRACT SIZE:</b>	70 ft. x 122 ft./ 0.19 acres
<b>DISTRICT#:</b>	5
<b>LEGAL:</b>	NORTHWOOD TERRACE S/16 LOT 6 BLK A (LESS R/W ON S)
<b>PARCEL ID#:</b>	17-22-30-5996-01-060
<b>NO. OF NOTICES:</b>	97

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

**Staff Recommendation:** Staff discussed the proposal including the location of the property, survey, and photographs of the site. Staff explained that the property size was established through the plat prior to the 1957 R-1AA zoning designation and was subsequently reduced in size when the County obtained the south 10 feet of the lot to expand the Corrine Drive right-of-

way. Staff noted that in 2016, a variance for the existing front and side setbacks was approved for a garage conversion, however, since now the garage was proposed to be converted to an attached accessory dwelling unit; it must comply with the site and building requirements for an attached accessory dwelling unit. Lastly, staff recommended approval of the requests subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Loretta Brunetti (Applicant)

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

BZA Discussion: The BZA concluded that the request was in harmony with the neighborhood. Therefore, the BZA agreed with the staff recommendation.

BZA Action: A motion was made by Wes A. Hodge, 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 site plan and elevations dated October 13, 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 windows on the front of the ADU shall match the style and details of those on the front of the existing residence.
5. The applicants shall obtain permits for the construction of the garage to an ADU within 180 days of final action on this application by Orange County, or this approval is null and void.

AYE (voice vote): All members present

#### **FREEDOM RIDE (AMY DALY) - SE-21-01-123**

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- REQUEST:** Amendment to an approved **Special Exception** and **Variances** in the R-1A zoning district to allow for an updated site plan as follows:
- 1) Special Exception to allow a therapeutic riding center (indoor/outdoor recreation use).
  - 2) Variance to allow grass parking for an overflow parking area in lieu of parking on an improved surface.
  - 3) Variance to allow grass drive aisles for an overflow parking area in lieu of parking on an improved surface.
  - 4) Variance to allow an accessory structure (dumpster enclosure) to be located in front of the principal structures in lieu of along side or behind.
  - 5) Variance to allow grass parking for the overflow parking associated with the riding arena in lieu of paved parking.

**ADDRESS:** 3919 Bay Lake Rd., Orlando, FL 32808



**LOCATION:** North side of Bay Lake Rd., west of N. John Young Pkwy.  
**TRACT SIZE:** 24.4 acres  
**DISTRICT#:** 2  
**LEGAL:** A R DANIELS SUB D/82 LOTS 49 THRU 52 (LESS THAT PT OF LOTS 50 & 51 LYNG N OF THE FOLLOW- ING LINE BEING AT A PT ON E LINE OF LOT 51 & 1836.77 FT S OF N LINE OF SEC RUN W 1329.77 FT TO W LINE SEC)  
**PARCEL ID#:** 08-22-29-1900-00-490  
**NO. OF NOTICES:** 196  
Commentaries: None

Staff Recommendation: Staff discussed the proposal covering the location of the property, survey, site plan, floor plans and elevations, and photographs of the site. Staff noted that the request was a revision to the Special Exception and Variances granted in May 2020. Lastly, staff recommended approval of the requests subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Amy Daly (Applicant's representative)  
Brad Davis (Chairman of Board for Applicant)

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

BZA Discussion: The BZA concluded that the proposed Special Exception and use was compatible with the surrounding area and approval of the Variances would allow the property to continue to operate in a similar manner and appearance as it currently existed. For these reasons, the BZA concurred with the staff recommendation.

BZA Action: A motion was made by John Drago, seconded by Wes A. Hodge 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; and, **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 October 20, 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. Construction plans shall be submitted within 3 years of final action on this application by Orange County or this approval is null and void. The site plan shall be updated to reflect all commercial development standards.
5. Hours of operation of the therapeutic riding facility shall be limited to 8:30 a.m. to 5:00 p.m., Monday through Saturday; and, hours for horse care will be 7:00 a.m. to 6:00 p.m., Sunday through Saturday.

6. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.

7. No outdoor speakers or other audio amplification shall be used on site.

8. No more than two (2) outdoor special events advertised as open to the public per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.

9. The number of horses shall be capped at 20. Any increase shall required an additional Special Exception.

10. Use of the property is limited to an indoor/outdoor recreation use (therapeutic riding center).

11. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."

12. Development shall comply with Chapter 24 (Landscaping) and Chapter 15 Article VIII (Tree Protection and Removal). In the event there is a conflict between Chapter 24 or Chapter 15 and the site plan, the provisions of Chapter 24 and Chapter 15 shall prevail.

AYE (voice vote): All members present

**RECESSED AT 10:44 A.M. AND RECONVENED AT 10:54 A.M.**

**KETTLY FRANCOIS - VA-21-01-124**

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<b>REQUEST:</b>	<b>Variances</b> in the A-1 zoning district as follows: 1) To allow an existing 1,752 sq. ft. residence 48 ft. from the rear (east) setback in lieu of 50 ft. 2) To allow a 2,916 sq. ft. addition 22 ft. from the west front property line in lieu of 35 ft. 3) To allow a 2,916 sq. ft. addition 5 ft. from the north side property line in lieu of 10 ft. 4) To allow a 2,916 sq. ft. addition 42 ft. from the rear (east) property line in lieu of 50 ft. 5) To allow an existing 126 sq. ft. shed to remain 4 ft. from the rear (east) property line in lieu of 5 ft. 6) To allow an existing 316 sq. ft. shed to remain 3 ft. from the south side property line in lieu of 5 ft.
<b>ADDRESS:</b>	4753 Florence St., Apopka, FL 32712
<b>LOCATION:</b>	East side of Florence St., west of Rock Springs Rd. and south of W. Kelly Park Rd.
<b>TRACT SIZE:</b>	132 ft. x 144 ft./ 0.43 acres (19,000 sq. ft.)
<b>DISTRICT#:</b>	2
<b>LEGAL:</b>	ROCK SPRINGS HOMESITES S/12 THE S1/2 OF LOT 1 BLK K
<b>PARCEL ID#:</b>	16-20-28-7612-11-011
<b>NO. OF NOTICES:</b>	46

Commentaries: Four (4) in favor and none in opposition.

Staff Recommendation: Staff described the proposal including the location of the property, lot size, site plan and elevations, and photographs of the site. Lastly, staff recommended approval of Variance request #1, subject to the conditions in the staff report; and, denial of the Variance requests #2 through #6. However, should the BZA grant Variance requests #2 through #6, 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): Kettly Francois (Applicant)

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

BZA Discussion: The BZA determined that the special conditions and circumstances particular to this property was a direct result of previous recorded lot splits which created non-conforming lots, therefore, depriving the applicant the full use of their property; further, the applicant was not responsible for the current configuration of the lot; the structures or setbacks because of the lot split creating the non-conformity; the previous owner of this property and other owners in the area set a precedent when they split their lots creating non-conforming lots; without the approval of variance requests #2 through #4, the applicant would be deprived of their right to construct their desired home; and, the approval of variance requests #5 and #6, would allow the applicant to enjoy the use of existing accessory structures; the non-conforming lot size was established by the previous owner when the larger lot was split into two lots; therefore, approving variance requests #2 through #6, would be the minimum variances required to construct the applicant's home and maintain the two (2) accessory structures in their current location; and furthermore, the purpose and intent was satisfied with these approvals which would be consistent to cure non-conforming lot configurations for residents to develop lawfully created lots and parcels. As a result, the BZA recommended approval of the variances subject to the conditions as outlined in the staff report.

BZA Action: A motion was made by John Drago, seconded by Wes A. Hodge 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 October 23, 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 for the accessory structures prior to the issuance of a permit to construct the addition.
5. The applicant shall obtain permits for the addition within 180 days of final action on this application by Orange County, or this approval shall be null and void.

AYE (voice vote): All members present

#### **COWART MULCH (WILLIAM BURKETT) - SE-21-01-127**

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<b>REQUEST:</b>	Amendment to an existing site plan associated with an approved <b>Special Exception</b> in the I-2/I-3 zoning district to allow a reduction of the south and west buffer requirements from 150 ft. to 50 ft. for an existing Yard Trash Processing Facility.
<b>ADDRESS:</b>	2320 N. Orange Blossom Trl., Apopka, FL 32712
<b>LOCATION:</b>	Northwest corner of N. Orange Blossom Trail and Wesley Rd., west of SR 429.

**TRACT SIZE:** 20 acres  
**DISTRICT#:** 2  
**LEGAL:** BEG SW COR OF NW1/4 OF SW1/4 RUN N 846 FT E 130.21 FT TO WLY LINE OF CSX RR R/W RUN SELY ALONG R/W 10.43 FT E 14.19 FT SELY 1156.16 FT TO S LINE OF NW1/4 OF SW1/4 RUN W 916.16 FT TO POB IN SEC 26-20-27 & BEG SE COR OF NE1/4 OF SE1/4 RUN N 680 FT N 48 DEG  
**PARCEL ID#:** 26-20-27-0000-00-023  
**NO. OF NOTICES:** 39  
Commentaries: None in favor and two (2) in opposition.

Staff Recommendation: Staff described the proposal including the location and history of the property, existing and proposed site plan, and photographs of the site. Staff stated that in 2020, the City of Apopka annexed the 349+ acres abutting the west and south of the property with an industrial Future Land Use Designation and an industrial planned development zoning designation. Staff clarified that the request was to reduce the setbacks from 150 ft. to 50 ft. as indicated on the Site Plan. Lastly, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): William Burkett (Applicant's representative)

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

BZA Discussion: The BZA concluded that there was sufficient criteria to justify approval of the Special Exception and concurred with the staff recommendation.

BZA Action: A motion was made by John Drago, seconded by Juan Velez 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 12, 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 amended by this application, all previously approved conditions of SE-17-03-014 shall remain in full force and effect.

AYE (voice vote): All members present

#### **HECTOR BENTANCOURT - VA-21-01-130**

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**REQUEST:** **Variance** in the R-1A zoning district to allow the addition of an existing 138 sq. ft. addition to a residence with a 6.5 ft. east side setback in lieu of 7.5 ft.  
This is the result of Code Enforcement action.

**ADDRESS:** 601 Kendale St., Orlando, FL 32809  
**LOCATION:** North side of Kendale St., east of Winegard Rd., south of W. Lancaster Rd.  
**TRACT SIZE:** 0.18 acres (7,954 sq. ft.)  
**DISTRICT#:** 3  
**LEGAL:** SKY LAKE UNIT ELEVEN A 3/90 LOT 1385  
**PARCEL ID#:** 26-23-29-8108-13-850  
**NO. OF NOTICES:** 104

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

Staff Recommendation: Staff described the proposal including the location of the property, site plan, elevations and floor plans, and photographs of the site. Staff noted the prior unpermitted improvements including the addition to the east side of the home. Further, staff stated that due to the odd shape of the lot, only the front portion of the addition encroached into the required side setback. 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): Brenda Aviles (Applicant's representative)

Megan Marshall (Code Enforcement Officer)

Hector Bentancourt (Applicant)

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

BZA Discussion: The BZA discussed the case and recommended approval of the variance request subject to the conditions as set forth 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 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 November 12, 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 for the addition within 180 days of final action on this application by Orange County, or this approval shall be null and void.

AYE (voice vote): All members present

#### **ELECTION OF OFFICERS:**

Chairperson, Carolyn C. Karraker entertained nominations for Chairman to the Board of

Zoning Adjustment for the year 2021.

Board member, Wes A. Hodge nominated Deborah Moskowitz to be Chairperson. The Board voted unanimously to appoint Deborah Moskowitz as Chairperson.

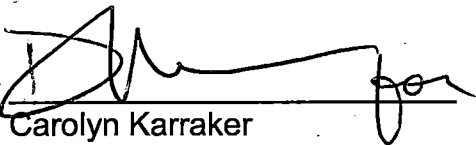
Board member, Roberta Walton nominated John Drago to be Vice Chair. However, Board member, John Drago declined the nomination as Vice Chair.


Board member, Juan Velez nominated Wes A. Hodge to be Vice Chair. The Board voted unanimously to appoint Wes A. Hodge as Vice Chair.

**ADJOURN:**

There being no further business, the meeting was adjourned at 12:10 p.m.

**ATTEST:**

  
Carolyn Karraker  
Chair

  
Debra Phelps  
Recording Secretary

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

**Addendum I  
WebEx Meeting Chat**

January 7, 2021	from Ted Kozak to Jane Heppner (privately): Good morning, which case are you here for? Also, please provide your address	9:08 AM
January 7, 2021	from Jane Heppner to host (privately): I am here for case SE 21-01-127	9:10 AM
January 7, 2021	from Ted Kozak to Jane Heppner (privately): thank you, please provide your address	9:11 AM
January 7, 2021	from Jane Heppner to host (privately): I am with the Orange County EPD located at 3165 McCrory Place, Suite 200, Orlando, FL 32803. I am not sure if I will need to speak. Thank you.	9:12 AM
January 7, 2021	from Ted Kozak to Jane Heppner (privately): ok thank you, no problem	9:13 AM
January 7, 2021	from Wes Hodge (privately): Are we not elected a new Chair and Vice Chair today?	9:14 AM
January 7, 2021	from Ted Kozak to Wes Hodge (privately): Yes, at the end of the meeting today	9:14 AM
January 7, 2021	from Wes Hodge (privately): Got it, thank you.	9:15 AM
January 7, 2021	from roberta alfonso to host (privately): I see Mr. Velez just joined (?)	9:16 AM
January 7, 2021	from Ted Kozak to roberta alfonso (privately): yes he did	9:16 AM
January 7, 2021	from Ted Kozak to roberta alfonso (privately): We will make a note when it comes times for discussion and vote	9:17 AM
January 7, 2021	from roberta alfonso to host (privately): Thanks :-)	9:19 AM
January 7, 2021	from Ted Kozak to Scott Prewitt (privately): Scott, you missed your agenda item hearing. However, the BZA chose to move forward and approve.	9:40 AM
January 7, 2021	from Scott Prewitt (privately): Sorry, technical issues... Thank you Sir!	9:42 AM
January 7, 2021	from Scott Prewitt (privately): May I leave the meeting?	9:42 AM
January 7, 2021	from Ted Kozak to Scott Prewitt (privately): yes, if you wish	9:42 AM
January 7, 2021	from Ted Kozak to Stacy Banach (privately): Good morning, which case are you here for?	10:18 AM
January 7, 2021	from Ted Kozak to roberta alfonso (privately): would you be comfortable introducing Joy today? Its up to you.	10:24 AM

January 7, 2021	from Ted Kozak to Rov Churaman (privately): Good morning are you here to speak on a case?	10:36 AM
January 7, 2021	from Rov Churaman to host (privately): I'm an Air Permitting Engineering w/ EPD in support of Wanda Parker regarding Air Permitting.	10:38 AM
January 7, 2021	from Ted Kozak to Rov Churaman (privately): ok thanks	10:38 AM
January 7, 2021	from Ted Kozak to Rov Churaman (privately): Please let me know if you plan to speak	10:38 AM
January 7, 2021	from roberta alfonso to host (privately): hi, yes, how about at the end of the meeting? And, thanks for the recess!	10:44 AM
January 7, 2021	from roberta alfonso to host (privately): P.S. On the next one, I will listen to Mr. Drago's motion to make sure that all COAs apply to all the waivers, assuming he moves to approve them all	10:46 AM
January 7, 2021	from Ted Kozak to roberta alfonso (privately): Yes, at the end of the meeting after the election?	10:52 AM
January 7, 2021	from Ted Kozak to Megan Marshall (privately): You might get some questions regarding Cowart Mulch and it being unkept...	10:54 AM
January 7, 2021	from roberta alfonso to host (privately): Perfect, thanks.	10:54 AM
January 7, 2021	from Ted Kozak to Megan Marshall (privately): emailed you photos that may be discussed	10:55 AM
January 7, 2021	from Megan Marshall (privately): I don't have an open case so we will need to do a site visit and issue a violation for the debris	11:02 AM
January 7, 2021	from roberta alfonso to host (privately): Haha, silly me - I should have confirmed that with Mr. Drago yesterday. Ah, well, not the first time I have "spoken out of turn"	11:12 AM
January 7, 2021	from Ted Kozak to roberta alfonso (privately): No worries. I'm sure he is fine with clarification	11:13 AM
January 7, 2021	from Wanda Parker (privately): Ted, will EPD be able to comment on dust and PM issues.	11:20 AM
January 7, 2021	from Ted Kozak to Wanda Parker (privately): Ok, thank you	11:21 AM
January 7, 2021	from roberta alfonso to host (privately): :-)	11:25 AM
January 7, 2021	from Wanda Parker (privately): This was a waste. We'll move forward with formal enforcement.	11:27 AM
January 7, 2021	from Wanda Parker (privately): Sorry. That was intended for my enforcement coordinator. I thought we would be able to address Coward concerning the AQM issues.	11:27 AM
January 7, 2021	from Ted Kozak to Wanda Parker (privately): No problem. The BZA had no questions anyway	11:28 AM



January 7, 2021	from Wanda Parker to everyone: You can drop off the call. I'll give you a call.	11:29 AM
January 7, 2021	from roberta alfonso to host (privately): if they call in, please be sure they mute their computer	11:34 AM
January 7, 2021	from Ted Kozak to HECTOR BETANCOURT (privately): are you able to hear us?	11:34 AM
January 7, 2021	from Brandy Driggers to host (privately): 1-408-792-6300 Call-in toll number (US/Canada)	11:35 AM
January 7, 2021	from Ted Kozak to BRENDA AVILES (privately): would you like to speak?	11:37 AM
January 7, 2021	from Wes Hodge to everyone: They appear to be back	11:37 AM
January 7, 2021	from Ted Kozak to Brandy Driggers (privately): They came back under a different account	11:39 AM