

All Applicants And Speakers: Please Sign In at the Reception Desk



ORANGE COUNTY BOARD OF ZONING ADJUSTMENT August 2, 2012

Hearing #'s	Applicant	District	P.H. Time
VA-12-08-050	Bethany Assembly	4	9:00 AM
VA-12-08-051	Anthony Lightman	1	9:00 AM
SE-12-08-053	Scott Langton	5	9:00 AM
SE-12-08-056	John J. Sudeep	5	9:00 AM
VA-12-08-057	Nashir I. Rahmatullah	1	9:00 AM
VA-12-08-047	Joseph A. Ruggieri	3	10:00 AM
SE-12-08-052	Margie M. Heffner	3	10:00 AM
SE-12-08-055	Daniel Toffoli , Agent for AMIkids Orlando, Inc.	2	10:00 AM
VA-12-09-058	Charles And Nancy Calamis	1	10:00 AM

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**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF AUGUST 2, 2012**

BOARD MEMBERS PRESENT: Peter Betterman - Chairman
Jamie Poulos - Vice Chairman
Vishaal S. Gupta
Johnny Alderman
Zachary Seybold
Ka'Juel J. Washington
Rebecca Martinez

STAFF PRESENT: Tim McClendon, Development Coordinator, Zoning Division
Jeffrey Ball, Development Coordinator, Zoning Division
Debra Phelps, Recording Secretary, ADS Division

The Chairman called the meeting to order at 9:00 a.m.

Following the Pledge of Allegiance to the Flag, the following applications, as advertised, were called up for public hearing.

APPROVAL OF MINUTES:

The Chairman requested a motion approving the minutes of the July 5, 2012, Board of Zoning Adjustment meeting.

A motion was made by Peter Betterman, seconded by Zachary Seybold, and unanimously carried to **approve** the minutes of the July 5, 2012, Board of Zoning Adjustment meeting.

BETHANY ASSEMBLY SE-12-08-050

REQUEST: Special Exception in R-3 zone to expand an existing religious use facility. Expansion to include the use of four (4) modular units.
(NOTE: This is a result of Code Enforcement action)

ADDRESS: 6115 Winegard Rd.

LOCATION: East side of Lancaster Rd., 1,000 ft north of Winegard Rd.

S-T-R: 23-23-29

TRACT SIZE: 1.7 acres

DISTRICT#: 4

LEGAL: S 250 FT OF N 420 FT OF W 330 FT OF SW1/4 OF SE1/4

PARCEL ID: 23-23-29-0000-00-070

Development Coordinator Tim McClendon explained the location of the subject property and the request. Mr. McClendon stated the applicant is proposing to expand the existing church on-site. Four (4) modular units were purchased from Oak Ridge High School located directly across the Winegard Road. These four (4) units were placed on the subject property without proper permitting. Mr. McClendon presented the findings of the case; and determined that the expansion of units will have minimal impact on the surrounding community. Staff received 2 commentaries in opposition with no comments to the request. Mr. McClendon stated staff recommended approval of the Special Exception request provided the church meet several conditions.

The applicant did not appear before the Board.

No one appeared in favor or opposition to the request.

The Board discussed the case and found the modular units were compatible with the surrounding area; thus, concurred with staff's recommendations.

A motion was made by Peter Betterman, seconded by Johnny Alderman and unanimously carried to **approve** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions:

1. Development in accordance with site plan dated January 12, 2012 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. The modular units shall be removed within 5 years of Orange County approval;
3. The applicant shall apply for a permit within 90 days, and obtain a permit within 180 days of Orange County approval or this case shall be remanded to the Code Enforcement Board; and
4. The modular units shall be painted to match the existing sanctuary.

ANTHONY LIGHTMAN VA-12-08-051

REQUEST: Variance in PD zone to construct a single family residence 38 ft. from the Normal High Water Elevation (NHWE) of Lake Whitney in lieu of 50 ft.

(NOTE: Approximately 160 sq. ft. of residence is within setback area)

ADDRESS: 1208 Lake Whitney Dr.

LOCATION: South side of Lake Whitney Dr., approximately 350 ft. east of Windermere Rd.

S-T-R: 31-22-28

TRACT SIZE: .38 acres

DISTRICT#: 1

LEGAL: RESERVE AT BELMERE PH 2 48/144 LOT 8 BLK A

PARCEL ID: 31-22-28-7353-01-080

Development Coordinator Tim McClendon explained the location of the subject property and the request. Mr. McClendon explained that there were unique circumstances as the lot was the smallest lot on Lake Whitney. Staff received 13 commentaries in opposition to the request.

The applicant did not appear before the Board.

No one appeared in favor or opposition of the request.

The Board discussed the case regarding the opposition's concerns of the Conservation Lake Area, not approved by HOA, custom house too close to shoreline versus building the house to fit the lot, and determined to continue this hearing for 30 days to allow the applicant to appear to answer some of the BZA questions relative to the request.

A motion was made by Vishaal S. Gupta, seconded by Rebecca Martinez and unanimously carried to **continue** to September 6, 2012 BZA Meeting.

SCOTT LANGTON SE-12-08-053

REQUEST: **Special Exception** in A-2 zone to allow an existing 3,456 sq. ft. barn to be used for veterinary services.

(NOTE: Veterinary services are for care of equine patients)

ADDRESS: 2930 Chuluota Rd., Chuluota Rd.

LOCATION: West side of Chuluota Rd., 1/4 mile south of Lake Pickett Rd.

S-T-R: 16-22-32

TRACT SIZE: 8.2 acres

DISTRICT#: 5

LEGAL: (NOTE: HOMESTEAD PORTION OF THE FOLLOWING DESCRIBED PROPERTY) N 184.5 FT OF NW1/4 LYING W OF ST RD 419 IN SEC 16-22-32 SEE 9777/3468

PARCEL ID: 16-22-32-0000-00-004 16-22-32-0000-00-018

A revised staff report was submitted to the Board prior to the public hearing.

Development Coordinator Tim McClendon explained the location of the subject property and the request. Mr. McClendon stated the applicant constructed a 3,600 square feet open air barn on Agriculturally Exempt land with permits. The applicant enclosed the barn, then, in June 2012 pulled, after the fact, permits for the work done. The applicant is proposing to treat horses, an equine species not considered, "livestock", inside the enclosed barn. The subject property is bordered to the south by a Planned Development subdivision and large Agriculturally Exempt parcels to the north and north east. The proposed use is consistent with and has similar characteristics associated with Ag Exempt parcels. Veterinary services for livestock are a permitted use in the A-2 zoning district and would NOT require Special Exception approval. Mr. McClendon stated staff received 2 commentaries in favor and 2 in opposition, one of which is directly affected to the request. Also, staff received 6 commentaries in opposition to the request that were outside of the buffer area. Staff's recommendation is for approval subject to the conditions in the staff report.

Scott Langton, 2930 Chuluota Road, Orlando, Florida 32820, addressed the Board concerning the request. Mr. Langton stated that he is a Large Animal Veterinarian having practiced in Orange County for the past 12 years, and is proposing to monitor and provide short term treatment for the care of equine patients. While the vast majority of all future patient interactions will occur at the location the animal is housed at, it would be beneficial to the welfare of a few to have monitoring in his barn, allowing a higher quality of medicine to be provided. Mr. Langton noted, generally, in these rare, but important instances, outcomes for the livestock/equine are more optimal when observed/treated on-site.

Mr. Langton stated the expected number of patient interactions would likely range from zero per month, to possibly as many as 10-15. In most instances, the patient would be monitored or treated for 24-48 hours, and then returned back to their home. Additionally, since the care of equine patients is treated on-site, he would not have any way of posting specific business hours. The nature of the practice is more "on

demand,” as there is no way to predict injury, and especially those necessitating monitoring in the barn. Mr. Langton explained how he is permitted to treat livestock or other animals which are more noisy and smelly than horses such as: cows, goats, pigs, and poultry. Typically, horses are cleaner animals. Furthermore, the enclosure of the barn would help to minimize any noise.

The following citizens addressed the Board in opposition of the request:

Lar Zamonll, 3820 Chuluota Road, Orlando, Florida 32820, stated there was a lot of noise late at night from the construction while the barn was being built.

Patryk Ozim, 300 S. Orange Avenue, Suite 1200, Orlando, Florida 32801, attorney for the HOA to the south, stated concerns about the buffering between the barn and the single family homes to the south; the removal of the privacy fence maintained by the HOA; and the removal of unsightly trailers on the property.

Kenneth Lind, 3030 Leeshore Loop, Orlando, Florida 32820, neighbor closest to the enclosed barn, referenced his concerns with the size of the barn and the need for more buffering because sounds coming from the barn are amplified and can be heard in his bedroom; the noise and odor from the horses; and the traffic activity. Mr. Lind stated that according to Orange County building code, “No detached accessory building shall be located in front of the principal building unless it is located in the rear one-half (1/2) of the lot.” This criterion was a deciding factor to finalizing the purchase of the home he currently owns. A year later, Dr. Langston began the construction of the current 3,456 square feet structure. Dr. Langston’s home is located all the way back closer to Corner Lake.

Mr. Lind stated this business facility for the treatment of animals would be close to the premises of four families living in the Country Lakes Estates (CLE) subdivision. The barn facility is closer to his home and the homes of the neighbors than it is to Dr. Langston’s own home. Mr. Lind stated his family should not be required to give up their comfort and peace of mind on Mr. Langton’s behalf; endure the noise from the operation of his business until late at night; the increase flow of customer traffic; and the noise from the construction late at night. There is a place for everything and this certainly is not a place for an Equine Hospital/facility.

Delma Lind, 3030 Leeshore Loop, Orlando, Florida 32820, wife of Mr. Lind, neighbors closest to the enclosed barn echoed the concerns of her husband, and concerns about lighting the area.

Anna Marie Damico, 3024 Leeshore Loop, Orlando, Florida 32820, stated concerns about cleanliness of the barn and the effect on the re-sale of properties in the area.

Arthur Diserafino, 17209 Long Boat Lane, Orlando, Florida 32820;

Bobby R. Beagles, 21302 Fort Christmas Road, Christmas, Florida 32709, resident outside of the notification area. Mr. Beagles was concerned about opening a commercial business inside of an agricultural property. Mr. Beagles stated that there is a facility in Bithlo where horses can be treated, and he has taken his own horse to this facility for treatment.

Mr. Langton readdressed the Board and stated the majority of the fence was improperly placed on his property and was dilapidated. The personal trailers have been moved and there would not be any alarm system installed.

Discussions ensued between the Board and applicant regarding the request. The BZA determined the request to be an agricultural business and not a commercial business. The Board made several comments about the buffering and determined that a 6 foot privacy fence along with a hedge would be the most effective buffer to protect the community to the south. The BZA concluded to amend condition #1, addressing the fence and hedge; add condition #2, addressing the trailers; and add condition #3, addressing the lighting on the barn. The applicant agreed to the conditions. The Board encouraged the neighbors to attempt to work cooperatively together as a community, respect the privacy of a neighbor, and overall, to be a good neighbor.

A motion was made by Zachary Seybold, seconded by Ka'Juel J. Washington and unanimously carried to **approve** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions:

1. Applicant shall place a 6 foot privacy fence along the southern property line with a hedge that shall be a minimum of 3 feet at planting and must be irrigated. Once grown the hedge must be kept at a minimum of 8 feet in height.
2. Visiting trailers shall be removed daily and shall not be allowed to stay overnight.
3. Lighting on the barn shall be per code.

JOHN J. SUDEEP SE-12-08-056

REQUEST: Special Exception in C-1 zone for a portable food vendor at existing convenience store/gas station site.
ADDRESS: 7235 University Blvd.
LOCATION: Northeast corner of University Blvd. and Metric Dr.
S-T-R: 02-22-30
TRACT SIZE: 2.3 acres
DISTRICT#: 5
LEGAL: COMMERCE SQUARE PHASE 1 6/27 LOT 18 (LESS RD RW ON S)
PARCEL ID: 02-22-30-1572-00-180

Development Coordinator Jeffrey Ball explained the location of the subject property and the request. Mr. Ball stated the applicant is proposing a mobile food vendor cart on the property of an existing convenience store and gas station. The property is zoned C-1 and has a huge parking lot. Mr. Ball advised the applicant that no more than one mobile food vendor is permitted on a parcel. Staff received 2 commentaries in favor of the request. Mr. Ball stated staff's recommendation is for approval subject to the conditions in the staff report.

John Sudeep, 540 Ridgeview Way, #108, Altamonte Springs, Florida 32714, addressed the Board and concurred with staff's recommendations. Mr. Sudeep stated he has a pending lease with the owner.

No one appeared in favor or opposition of the request.

Discussions ensued between BZA and the applicant regarding the no overnight parking condition and the hours of operation. The Board advised the applicant that magnetic signage is allowable on the truck only. Additionally, the BZA questioned the operation of garbage and wastewater disposal. The BZA amended condition #3, addressing no overnight parking and the applicant agreed to the conditions.

A motion was made by Zachary Seybold, seconded by Rebecca Martinez and unanimously carried to **approve** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions:

1. Development in accordance with the site plan dated April 14th, 1999 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or determine if the applicant's change would require another BZA public hearing.
2. No more than one mobile food vendor cart is permitted on the property.
3. No unattended overnight parking of the mobile food cart allowed.
4. No signage allowed.
5. Compliance with all standards outlined in Chapter 38-79 (87), Orange County Code.
6. No outdoor seating areas.
7. The mobile food vendor cart shall not be parked in the landscaped area. It shall be parked in the paved parking lot.

NASHIR I. RAHMATULLAH VA-12-08-057

REQUEST: Variance in R-CE to construct a swimming pool and pool deck 30 ft. from the Normal High Water Elevation (NHWE) of Lake Down in lieu of 50 ft.

ADDRESS: 9710 Maywood Dr.

LOCATION: Western most lot of Maywood Dr., south of Hemple Ave.

S-T-R: 04-23-28

TRACT SIZE: 6.3 acres

DISTRICT#: 1

LEGAL: LAKE DOWN SHORES REPLAT 4/31 LOT 2

PARCEL ID: 04-23-28-4406-00-020

Development Coordinator Tim McClendon explained the location of the subject property and the request. Mr. McClendon stated the applicant proposed a pool and pool deck along the shoreline of Lake Down. The pool is 30 feet from the normal high water elevation line. Staff noted there has been at least 9 other variances from the NHWE line on Lake Down, each variance greater than what the applicant has applied for. Staff received 4 commentaries in favor, 2 commentaries in opposition, and 1 letter in support of

the request. Mr. McClendon stated staff recommended approval of the request subject to conditions.

R.C. Crotty, 1416 Neptune Road, Kissimmee, Florida 34744, agent for the applicant, addressed the Board and agreed with staff's recommendations.

No one appeared in favor or opposition of the request.

The BZA discussed the case and concluded the request was the least intrusive of other variances granted in the surrounding area and concurred with staff's recommendations.

A motion was made by Vishaal S. Gupta, seconded by Zachary Seybold and unanimously carried to **approve** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with the site plan submitted with the application and all other applicable regulations;
2. Prior to issuance of any permits, the applicant shall obtain a flood plain permit; and
3. Prior to 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 pool and pool deck is no closer than 30 feet from the normal high water elevation of Lake Down.

JOSEPH A. RUGGIERI VA-12-08-047

REQUEST: Variance in P-D zone to erect screen enclosure and deck pavers as follows:

1) 0 ft. from the rear (north) property line in lieu of 5 ft.

2) 0 ft. from both sides (east and west property lines) in lieu of 5 ft.

(NOTE: Applicant proposes a pool screen enclosure and deck pavers in the rear yard)

ADDRESS: 516 Cypress Tree Ct.

LOCATION: North side of Cypress Tree Ct., south of Bloomfield Dr., west of Rouse Rd.

S-T-R: 28-22-31

TRACT SIZE: 50 ft. x 105 ft.

DISTRICT#: 3

LEGAL: CYPRESS LAKES PHASE TWO 38/11 LOT 24

PARCEL ID: 28-22-31-1918-00-240

Development Coordinator Jeffrey Ball explained the location of the subject property and the request. Staff received 6 commentaries in favor and 1 commentary in opposition to Variance request #1. Mr. Ball stated staff, also, received 4 commentaries in favor of Variance request #2.

Joe A. Ruggieri, 516 Cypress Tree Court, Orlando, Florida 32825, applicant, addressed the Board and stated that he needed the extra room to build the pool deck and screen enclosure within the 5 foot setback; and that the pool he was building was a small pool size of 23 feet by 13 feet with the dimensions only allowing for 2 feet of walking space around three sides of the pool. Mr. Ruggieri presented a site plan showing the pool and setback dimensions. Mr. Ruggieri stated that the property adjacent to the rear of his

property is an easement considered to be a common area.

No one appeared in favor or opposition of the request.

Discussions ensued between the Board and applicant concerning maintenance and encroachment issues. The Board stated that Variance request #2 is not a minimal variance and did not meet the criteria for a variance. The Board stated that the variance was self-imposed and would set a precedent. The Board amended Variance request #1 to 4 feet setback from the rear property line.

A motion was made by Jamie Poulos, seconded by Ka'Juel J. Washington and unanimously carried to **approve** the Variance request #1, as amended, 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 condition: four (4) feet rear setback for screen enclosure\pool deck. And

Denied the Variance request #2 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).

MARGIE M. HEFFNER SE-12-08-052

REQUEST: **Special Exception** in A-2 zone to allow detached Accessory Dwelling Unit (ADU) and **Variance** to allow ADU to be 1188 sq. ft. in size in lieu of 1000 sq. ft.
(NOTE: ADU to be used by applicant's daughter only; not a rental unit; proposed ADU is a manufactured home located behind main house).

ADDRESS: 8985 Millinockett Ln.

LOCATION: North side of Millinockett Ln., 2/3 of a mile west of N. Econlockhatchee Trl.

S-T-R: 24-22-30

TRACT SIZE: 1.15 acres

DISTRICT#: 3

LEGAL: S1/2 OF W1/2 OF E1/2 OF SW1/4 OF SE 1/4 OF NE1/4 (LESS S 30 FT RD RW) OF SEC 24-22-30

PARCEL ID: 24-22-30-0000-00-054

Development Coordinator Tim McClendon explained the location of the subject property and the request. Mr. McClendon stated the applicant is proposing to place an Accessory Dwelling Unit behind their principle dwelling. The ADU is to be used for their sick daughter and is not to be rented out. The A-2 zoning district allows the use of a modular or manufactured home as an ADU. The request meets the spirit and intent of the ADU regulations. Mr. McClendon stated staff received 3 commentaries in favor and 8 in opposition to the request. Staff recommended approval of the request subject to minimum conditions in the staff report.

Lawrence Heffner, 8985 Millinockett Lane, Orlando, Florida 32825, husband of the applicant, addressed the Board concerning the request. Mr. Heffner explained that the proposed 3-bedroom and 2-bath, double-wide, has a better layout for a little more cost than the smaller 2-bedroom, 2-bath.

Margie M. Heffner, 8985 Millinockett Lane, Orlando, Florida 32825, applicant, addressed the Board concerning the request.

No one appeared in favor or opposition of the request.

The Board discussed the case and determined to add condition #5, addressing the bottom area of the manufactured home should either be flush to the ground or a skirt will be required to cover the exterior area.

A motion was made by Jamie Poulos, seconded by Vishaal S. Gupta and unanimously carried to **approve** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and **approve** the Variance 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 condition:

1. Development in accordance with the site plan submitted with the application and all other applicable regulations;
2. Permits to occupy the Accessory Dwelling Unit shall be obtained within 1 year or this approval becomes null and void;
3. The Accessory Dwelling Unit shall match the principle residence in color;
4. The Accessory Dwelling Unit shall not be rented out and shall be used by family members only.
5. The manufactured home shall be skirted around the exterior.

DANIEL TOFFOLI, AGENT FOR AMIKIDS ORLANDO, INC. SE-12-08-055

REQUEST: **Special Exception** in A-1 zone to allow a counseling center for up to 53 adjudicated youths in an existing 8,160 sq. ft. building and **Variance** to provide 15 parking spaces in lieu of 24 spaces.
(NOTE: No new construction is proposed. There will be no overnight stays).

ADDRESS: 1461 S Lake Pleasant Rd.

LOCATION: East side of S. Lake Pleasant Rd., 800 ft. south of N. Orange Blossom Trl.

S-T-R: 13-21-28

TRACT SIZE: .93 acres

DISTRICT#: 2

LEGAL: F B LYNCHS SUB H/88 THE W 318 FT OF S 1/2 OF LOT 7 & W 318 FT OF N 77 FT OF LOT 8 BLK B

PARCEL ID: 13-21-28-5300-02-071

Board member, Johnny Alderman of District #2, abstained from this case and filed the appropriate Conflict of Interest form.

Development Coordinator Jeffrey Ball explained the location of the subject property and the request. Mr. Ball stated the applicant proposes to use the existing 8,160 square feet building as a community counseling center for youth. The applicant has contracts with the Florida Department of Juvenile Justice and Orange County Public Schools. Based on the submitted floor plan, it was determined that six (6) rooms were being used. Mr. Ball stated staff removed condition #2, regarding landscaping since the site is

exempt. Staff received 2 commentaries in opposition to the request. Mr. Ball stated staff's recommendation is for approval subject to the conditions in the staff report.

Daniel V. Toffoli, 1461 S. Lake Pleasant Road, Apopka, Florida 32703, on behalf of the applicant, addressed the Board concerning this request. Mr. Toffoli explained that they only use four (4) classrooms as instructional rooms. There have not been any issues with available parking to adequately accommodate the students attending class in the morning or in the evening. At one time, a room was being used as a computer lab, but now, the room has been converted to a mini-library. Currently, the busses parked on the site are not in use and are in the process of being removed from the site. Mr. Toffoli stated that he has had discussions regarding cross-parking with the property owner to the north, but does not have a signed agreement. They do not use a public addressing system during outdoor activities.

Matt Cecil, 1461 S. Lake Pleasant Road, Apopka, Florida 32703, on behalf of the applicant, addressed the Board and stated that there are 10 or 11 vacant parking spaces at all times; and the approximately 13 to 19 students are not allowed to drive.

Sarah Marshall, 1461 S. Lake Pleasant Road, Apopka, Florida 32703, treasurer of the applicant, spoke in support of the request. Ms. Marshall stated that the non-profit organization has been in operation for the past 43 years helping the youth; and have been in this building for the last 9 years.

No one appeared in favor or opposition of the request.

The Board discussed the case and determined to modify the variance for the required parking to 16 spaces based upon testimony provided; and remove condition #7, regarding the shared parking agreement. The hours of operation were discussed and the applicant was agreeable to modify condition #2, to 8:00 a.m. to 8:00 p.m., seven days a week.

A motion was made by Peter Betterman, seconded by Zachary Seybold, Johnny Alderman abstained, and unanimously carried to **approve** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; And

Approved a Variance, as modified, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with submitted site plan dated May 31st, 2012. All other applicable regulations apply. Any changes to this approval shall be subject to the Zoning Manager's approval.
2. Hours of operation shall be between 8 a.m. to 8 p.m., seven days a week.
3. A Business Tax License for a community counseling center for youths must be obtained within 3 years from the date of approval or the Special Exception will become void.
4. No special event outdoor activities allowed.

5. Parking of vehicles shall only occur in designated spaces.
6. No overnight stays allowed.

CHARLES AND NANCY CALAMIS VA-12-09-058

REQUEST: Variance in R-1 zone to construct one-story addition to single family residence 9 ft. from rear property line in lieu of 25 ft.
ADDRESS: 10032 Honey Tree Ct.
LOCATION: West side of Honey Tree Ct., south of Darlene Dr., east of Apopka-Vineland Rd.
S-T-R: 10-24-28
TRACT SIZE: 65 ft. x 113 ft.
DISTRICT#: 1
LEGAL: EMERALD FOREST UNIT 2 35/119 LOT 210
PARCEL ID: 10-24-28-2495-02-100

Development Coordinator Jeffrey Ball explained the location of the subject property and the request. Mr. Ball stated staff received 1 commentary in favor and 2 commentaries in opposition to the request.

Charles Calamis, 10032 Honey Tree Ct., Orlando, Florida 32836, addressed the Board concerning the request. Mr. Calamis stated that he needed the extra room to accommodate family members who had moved in because of the economy. The applicant stated the structure would be in line with the existing screen enclosure and match the existing home. Mr. Calamis indicated that he had HOA approval.

No one appeared in favor or opposition of the request.


Discussions ensued between the Board and applicant regarding whether or not a 2-story structure could be built. The applicant stated that it was cost prohibitive since the roof would have to be removed and the house was not designed for a vertical structure. The BZA concluded that the addition would not be visible to other houses, and was not intrusive; therefore, approved the request with no conditions.

A motion was made by Vishaal S. Gupta, seconded by Johnny Alderman and unanimously carried to **approve** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met.

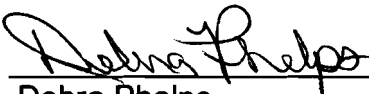
ADJOURN:

There being no further business, the meeting was adjourned at 12:57 p.m.

ATTEST:



Peter Betterman
Chairman



Debra Phelps
Recording Secretary