

Orange County Zoning Division

VA-20-04-017

APPLICANT: SOLANGE DAO

ZM-20-09-080

APPELLANT: SOLANGE DAO

March 23, 2021



Background

APPLICANT:	SOLANGE DAO
CASE:	VA-20-04-017/ZM-20-09-080
ZONING:	IND-2/ IND-3 – Restricted (Industrial District)
FUTURE LAND USE:	Industrial (IND)
ADDRESS:	6682 Hoffner Ave., Orlando, FL 32822
LOCATION:	South side of Hoffner Ave., north side of Seminole Ave., approximately 0.3 miles west of S. Goldenrod Rd.
TRACT SIZE:	187 ft. x 1,269 ft./ 5.45 acres
DISTRICT:	3

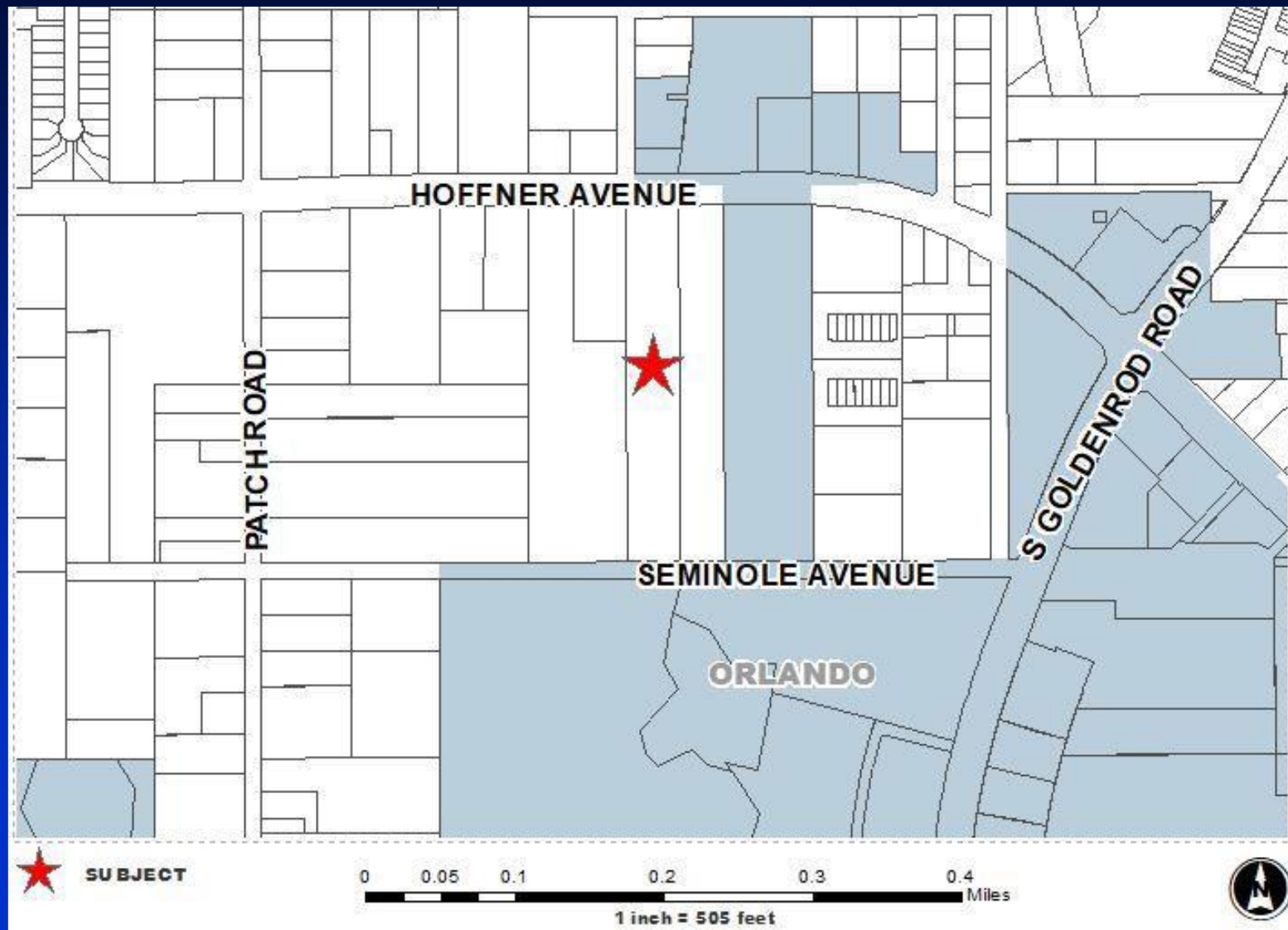


Requests

- VA-20-04-017** **Variance in the IND-2/ IND-3 district to allow for the construction of 7 industrial buildings with a 15 ft. (east) setback from a residential zoning district in lieu of an increased setback of 60 ft.**
- ZM-20-09-080** **Appeal of the Zoning Manager's Determination requiring a 25 foot Type "B" landscape buffer.**

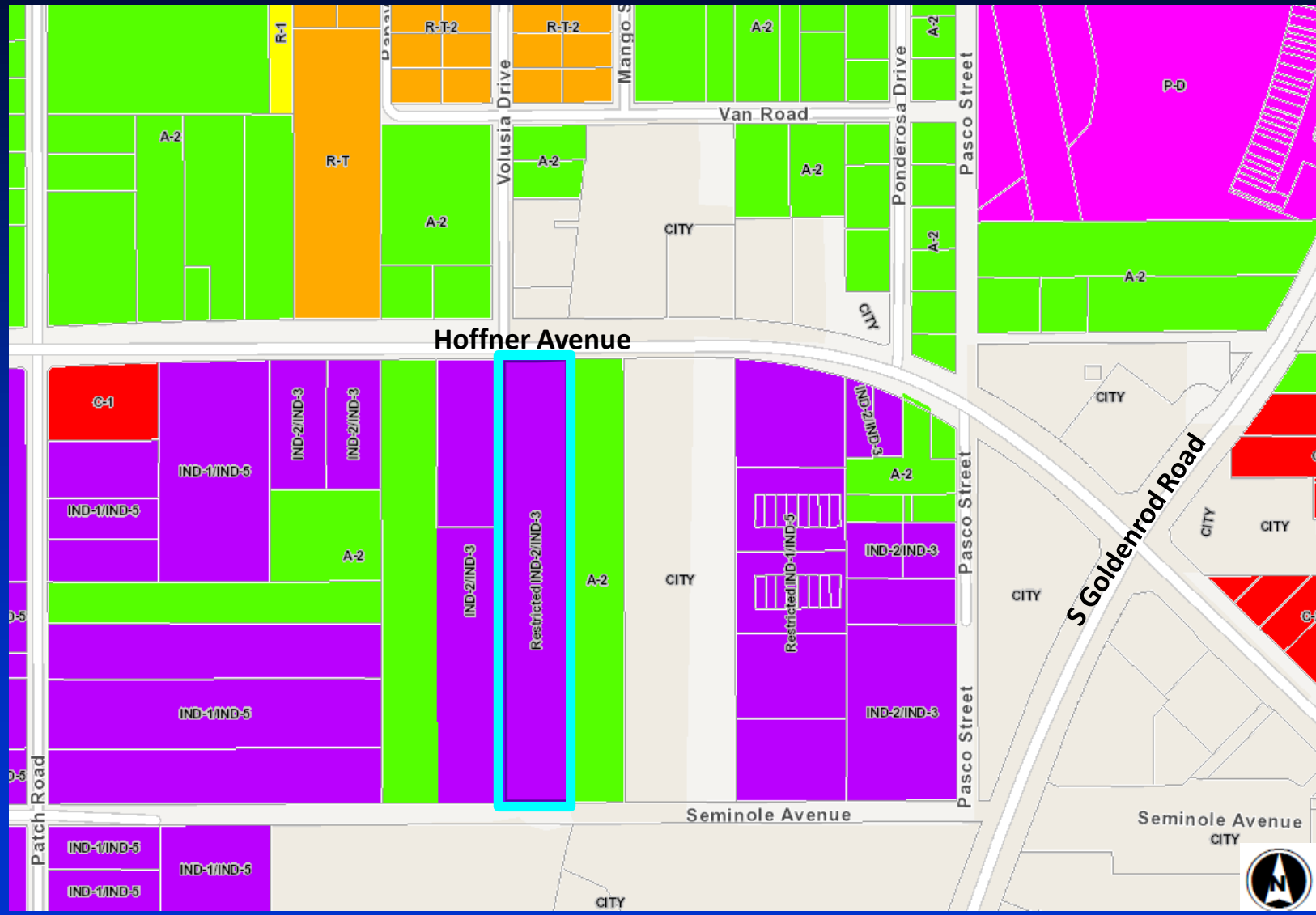


Location Map



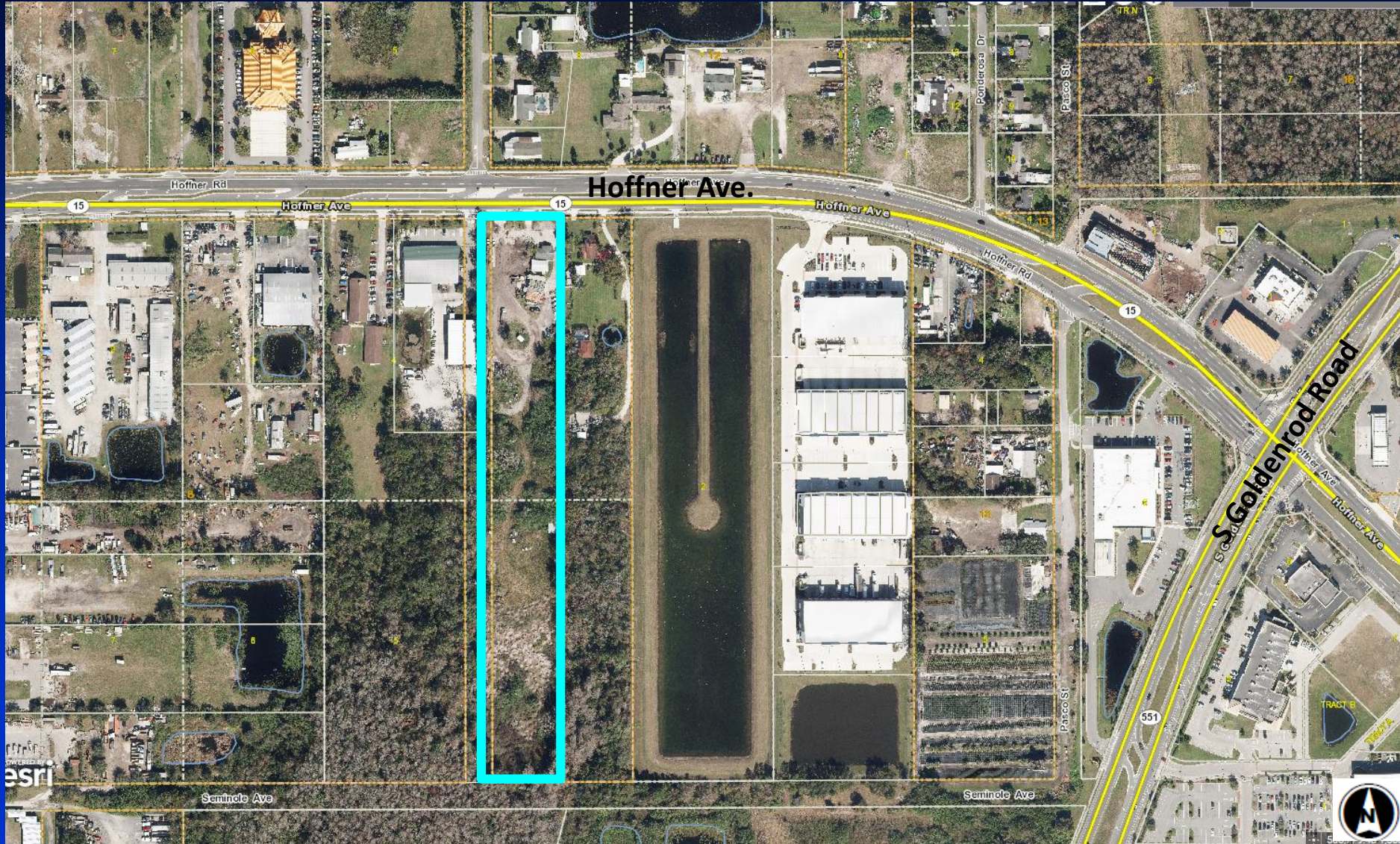


Zoning Map



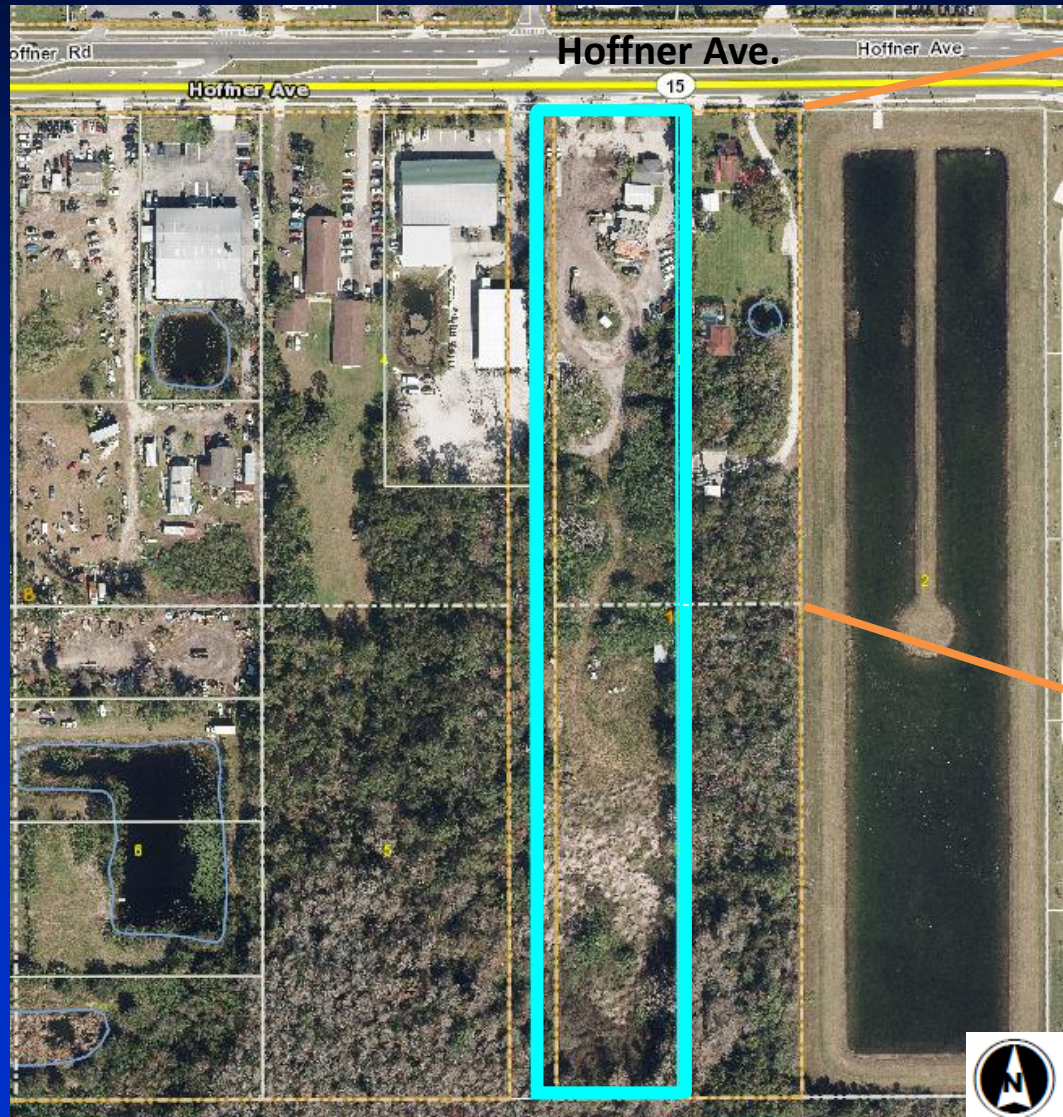


Aerial Map





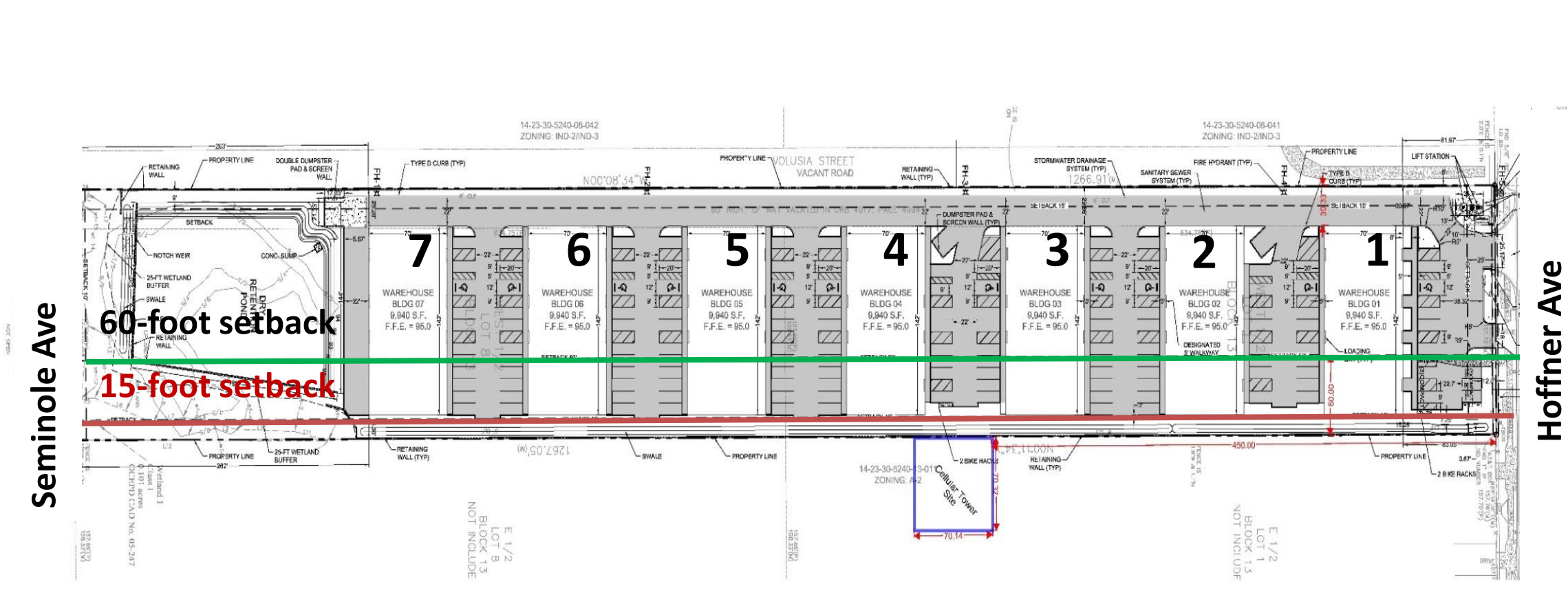
Close-Up Aerial





Proposed Site Plan

Variance Request



Seminole Ave

Hofner Ave

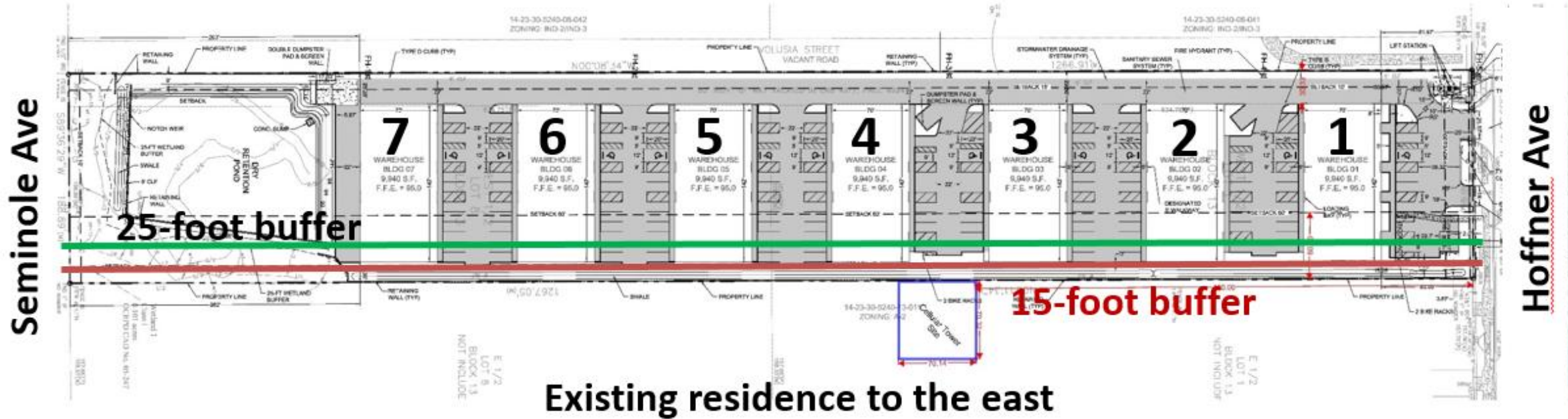
7 buildings @ 9,940 sq. ft.





Proposed Site Plan

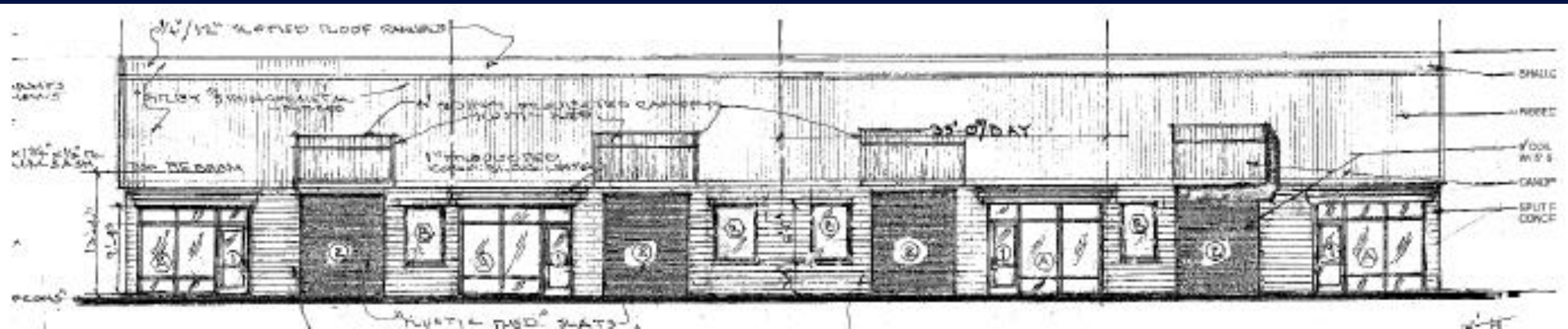
Landscape Buffer Request



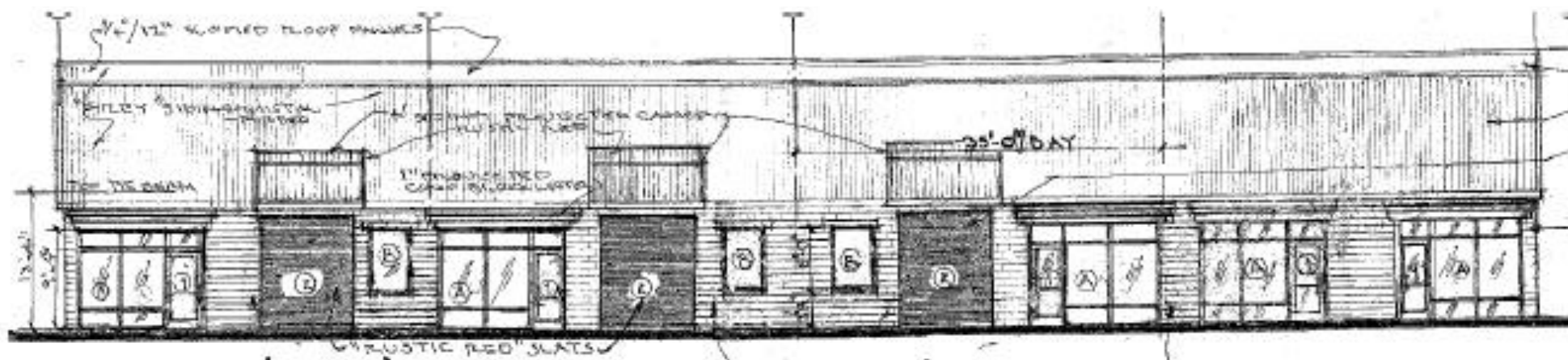
Existing residence to the east



Proposed Elevations



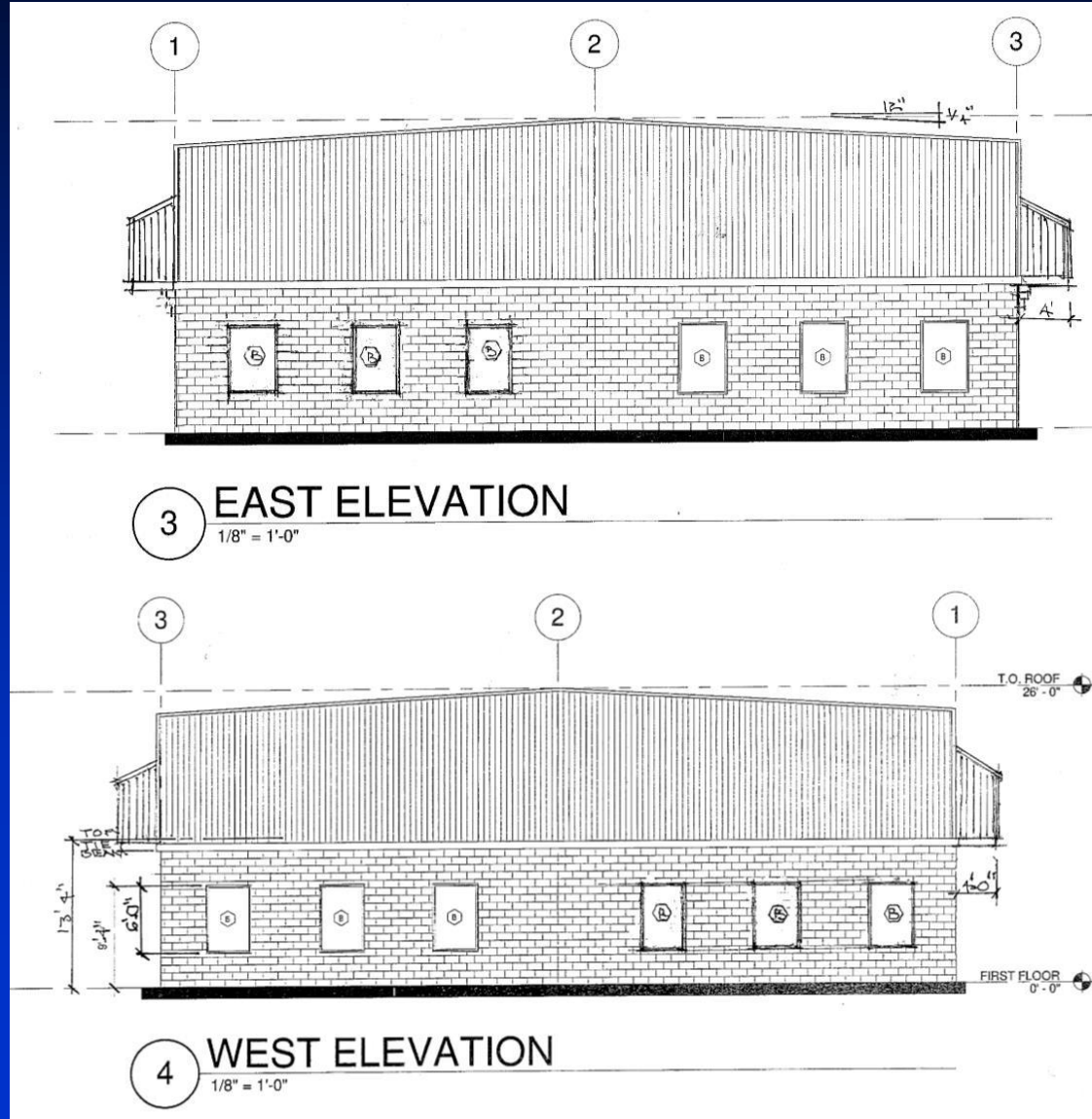
FRONT ELEVATION (BUILDING #1)



REAR ELEVATION (BUILDING #1)/FRONT & REAR ELEVATIONS (BUILDINGS 2-7)



Proposed Side Elevations (All buildings)





Site Photograph

Subject property facing south





Site Photograph

Subject property facing south along the east property line





Site Photograph

Property to east facing south





Site Photograph

Industrial property further east





Site Photograph

Property to west facing south





Staff Findings and Analysis

- The site is developed with a 902 sq. ft. building and associated parking, and it was most recently used as an office for a commercial nursery operation.
- Existing site is approximately 187 ft. wide and over 1,269 ft. deep.
- The applicant proposes to redevelop the site with the construction of 7 industrial buildings, each containing 9,940 sq. ft. of floor area for a total of 69,580 sq. ft.
- The property to the east contains a single-family residence, and is zoned A-2, Farmland Rural district with an Industrial FLU.



Staff Findings and Analysis

- The standard side yard setback in the IND-2/IND-3 zoning district is 15 feet, but the code requires an increased setback of 60 feet when abutting a residential zoning district.
- Section 24-5 of the landscape code requires that an industrial use provide a 25 foot “Type B” landscape buffer when abutting a residential use. Completely opaque screen six feet in height which can consist of any combination of masonry walls, berms, and planted and existing vegetation.
 - Cannot be used for vehicular use areas such as parking, or for storage.
 - The minimum buffer width may be decreased by 20 percent if a wall is provided.



Staff Findings and Analysis

for Variance Request

- Staff recommended to the BZA denial of the variance, as there were no special conditions and circumstances tied to the redevelopment of the rectangular shaped lot, the request was self-created, denying the variance would not deprive the applicant of utilizing the site, it was not the minimum variance possible, and it did not meet the purpose and intent of the code.



Staff Findings and Analysis

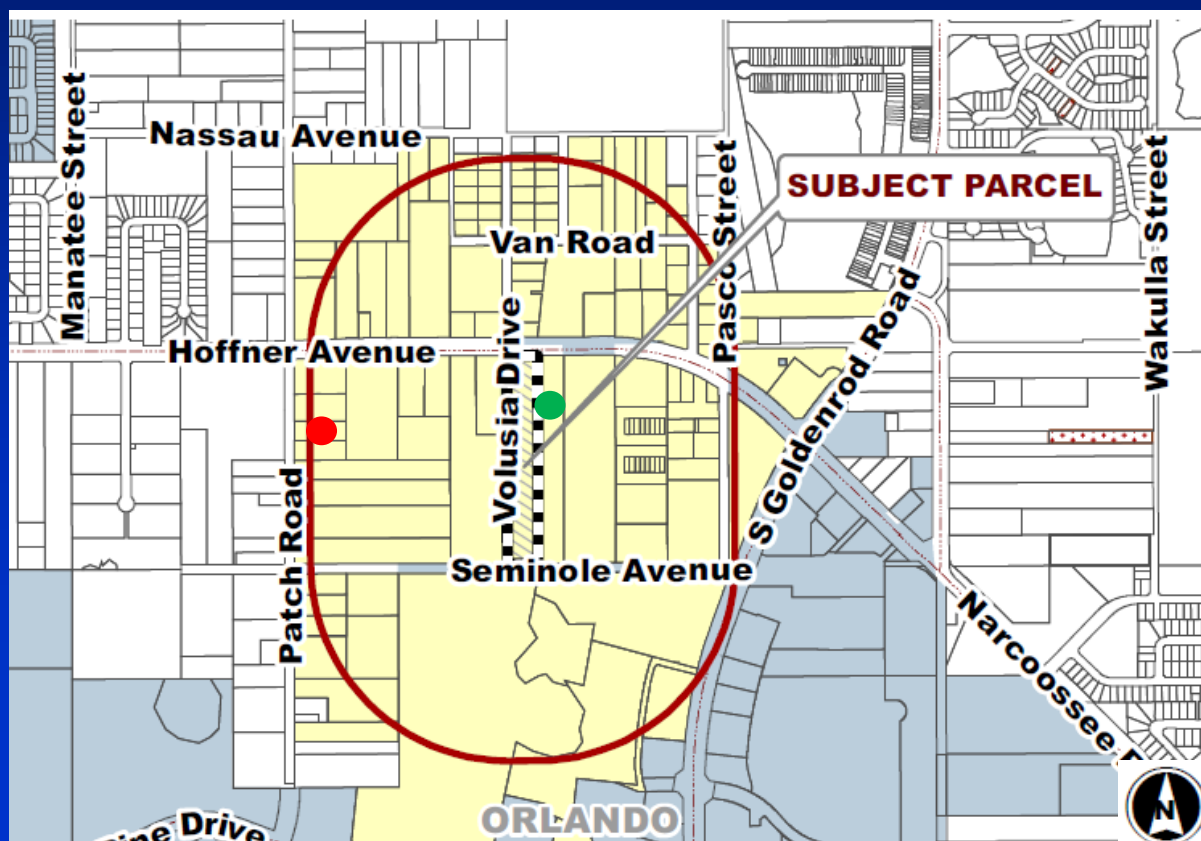
for Zoning Manager's Determination

- **County Code Chapter 24 gives the Zoning Manager the authority to decrease landscape requirements in the event of practical difficulty or physical hardship.**
- **The applicant requested that the Zoning Manager reduce the landscape buffer from 25 ft. to 15 ft. to match the variance setback request.**
- **Zoning Manager did not find sufficient justification:**
 - **New construction does not present practical site design difficulties**
 - **No physical hardship in that a modified site plan could meet the code requirements**
 - **Could negatively impact adjacent single-family residence**



Public Feedback for Variance Request

- Staff mailed a total of 142 notices to adjacent property owners in a 1,200 ft. radius
 - Staff received one (1) correspondence in favor of this request
 - Staff has received one (1) correspondence in opposition to this request





Variance Criteria

Section 30-43 (3), Orange County Code

Section 30-43 of the Orange County Code Stipulates specific standards for the approval of variances. No application for zoning variance shall be approved unless the Board of Zoning Adjustment finds that all of the following standards are met:

1. Special Conditions and Circumstances - Special conditions and circumstances exist which are peculiar to the property and which are not applicable to other properties
2. Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant
3. No Special Privileges Conferred - Approval will not confer on the applicant any special privilege
4. Deprivation of Rights - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district
5. Minimum Possible Variance - The minimum variance that will make possible the reasonable use of the land, building, or structure
6. Purpose and Intent - Approval will be in harmony with the purpose and intent of this Chapter and will not be injurious to the neighborhood



BZA Findings

for Variance Request

- **The BZA concluded that the loss of almost a 1/3 of the width of the site due to an adjacent property that will likely be rezoned to industrial in the future was a hardship and a special condition and recommended approval of the variance with a 6-0 vote subject to six (6) conditions.**



Conditions of Approval

- 1. Development shall be in accordance with the architecture and site plan dated April 16, 2020, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall 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.**



Conditions of Approval

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
5. Noise shall be regulated by Chapter 15, Orange County Code "Environmental Control", specifically Article V "Noise Pollution."
6. The applicant shall provide a "Type B" buffer along the east property line.



Modified Conditions of Approval

- 1. Development shall be in accordance with the ~~architecture elevations and site plan~~ dated April 16, 2020, and the site plan dated July 27, 2020, as modified by conditions 6, 7, and 8 below, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall 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).**
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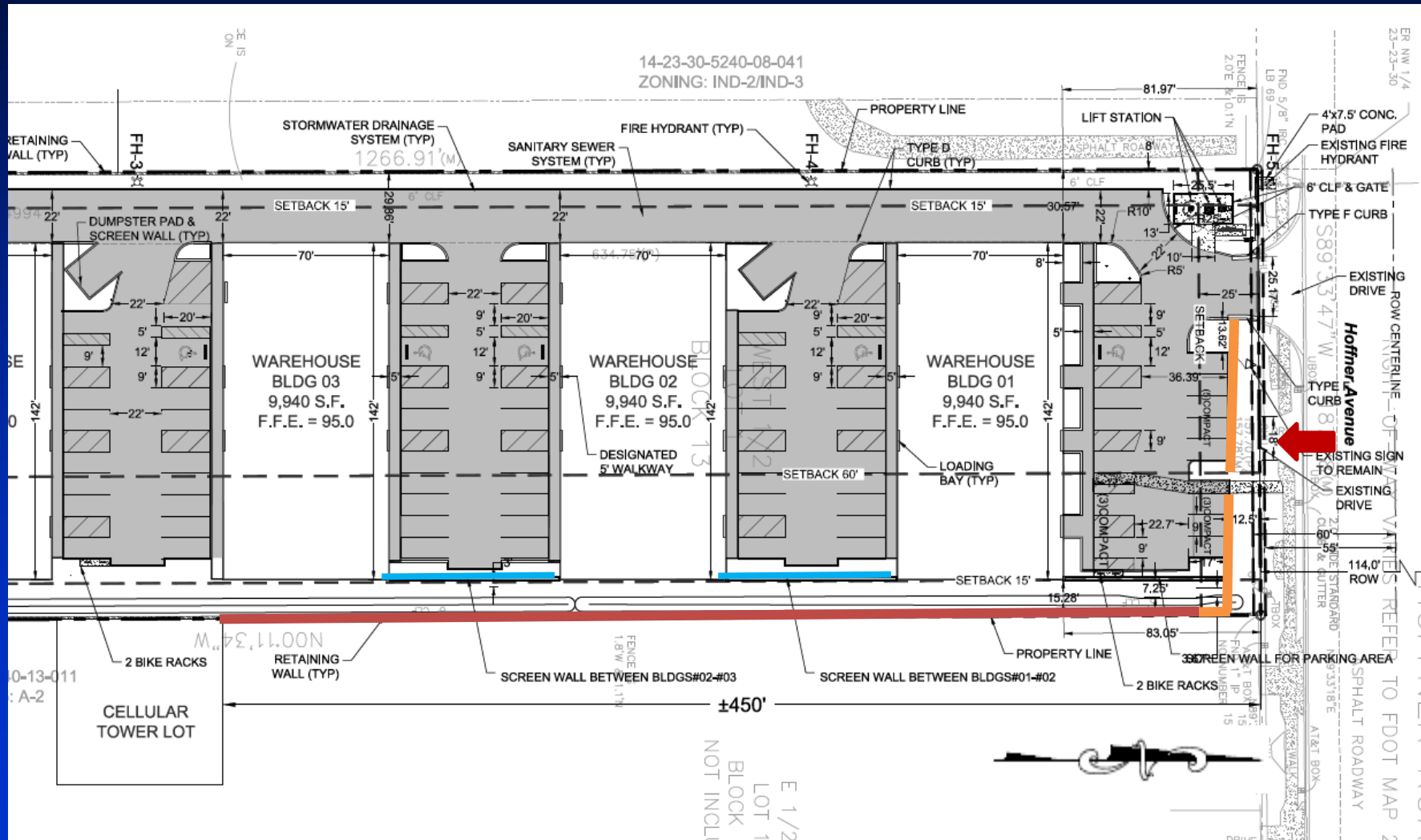
Modified Conditions of Approval

6. The applicant shall provide a 6 ft. tall masonry wall starting 25 ft. south of the northeast corner of the property, running south along the east property line for 425 feet. The required plantings for a "Type B" buffer yard shall be provided between the wall and the proposed buildings and parking areas, and the screen walls shown on the site plan between buildings #1-#2 and #2-#3 shall be removed. ~~The applicant shall provide a "Type B" buffer along the east property line.~~
7. A 3 ft. tall masonry street wall shall be installed along the northern edge of the parking lot adjacent to Hoffner Avenue and extended south along the east property line to connect to the 6 ft. tall masonry wall. The street wall shall be painted to match the color of the buildings. Landscaping, as required per. Chapter 24, shall be installed between the street wall and the street.
8. The existing nonconforming pole sign shall be removed prior to issuance of permits for the redevelopment of the site.



Updated Site Plan

Dated July 27, 2020





Requested Action

- **For Variance Request - VA-20-04-017**
 - Deny the applicant's variance request; or
 - Approve the applicant's variance request with conditions.
- **For Appeal of Zoning Manager's Determination - ZM-20-09-08**
 - Uphold the Zoning Manager's Determination; or
 - Overturn the Zoning Manager's Determination.