

Orange County Zoning Division

VA-24-11-115

APPLICANT: COREY MILLS

APPELLANT: STEVEN ALCORN

February 11, 2024



Background

APPLICANT:	Corey Mills for Mills Design Group, Inc
CASE:	VA-24-11-115
ZONING:	R-CE-2 (Rural Residential District)
FUTURE LAND USE:	V (Village)
ADDRESS:	9225 Lake Mabel Dr., Orlando, Florida, 32836
LOCATION:	West side of Lake Mabel at the southern terminus of Lake Mabel Dr., southeast of Reams Rd., west of Winter Garden Vineland Rd.
TRACT SIZE:	+/- 25.48 acres (+/- 1.95 acres upland)
DISTRICT:	1



Background

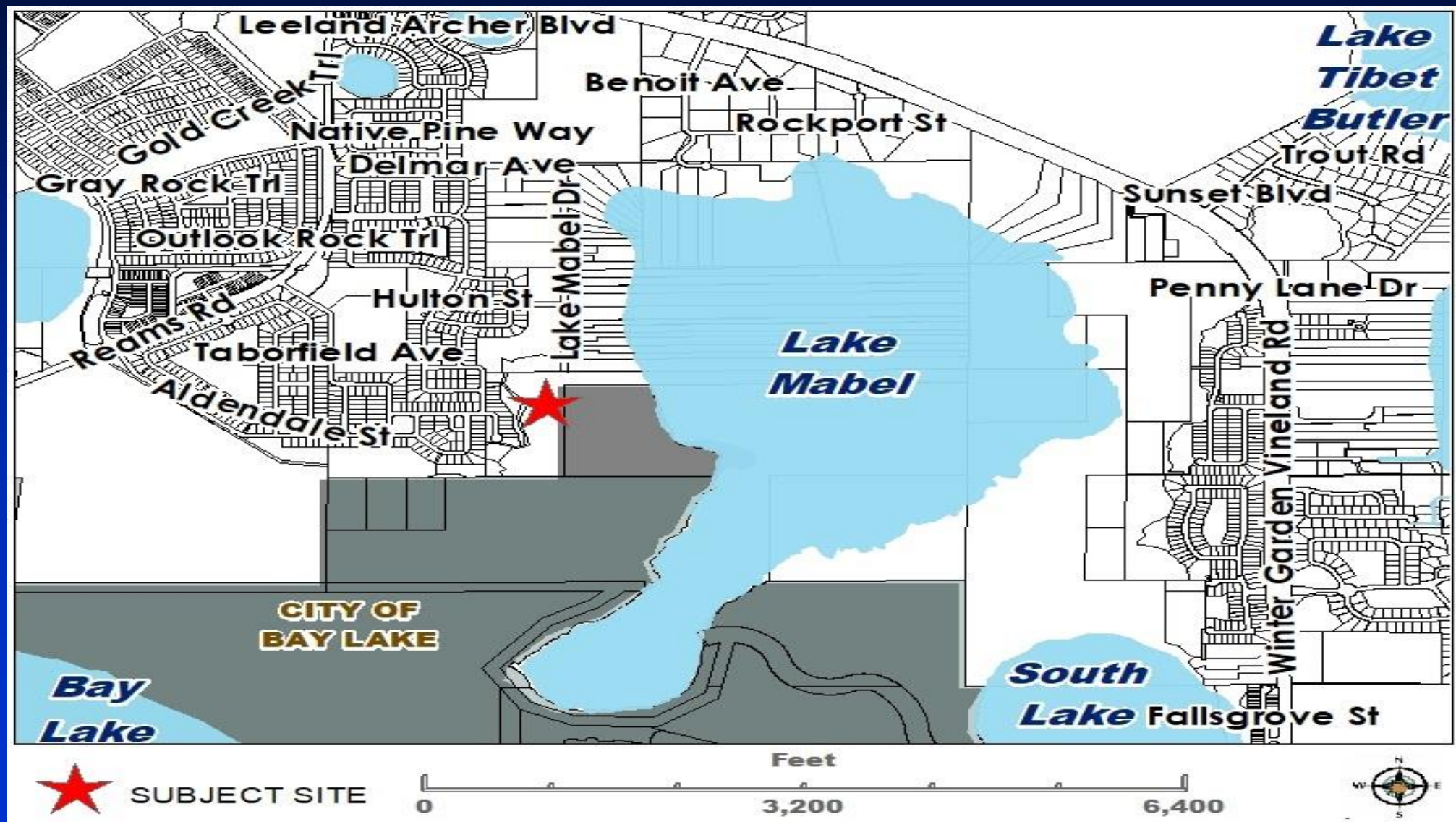
REQUEST:

Variances in the R-CE-2 zoning district as follows:

- 1) To allow a residence with a north side setback of 10 ft. in lieu of 30 ft.**
- 2) To allow a residence with a south side setback of 10 ft. in lieu of 30 ft.**
- 3) To allow a detached structure (garage) in front of the principal structure in lieu of the side or rear**

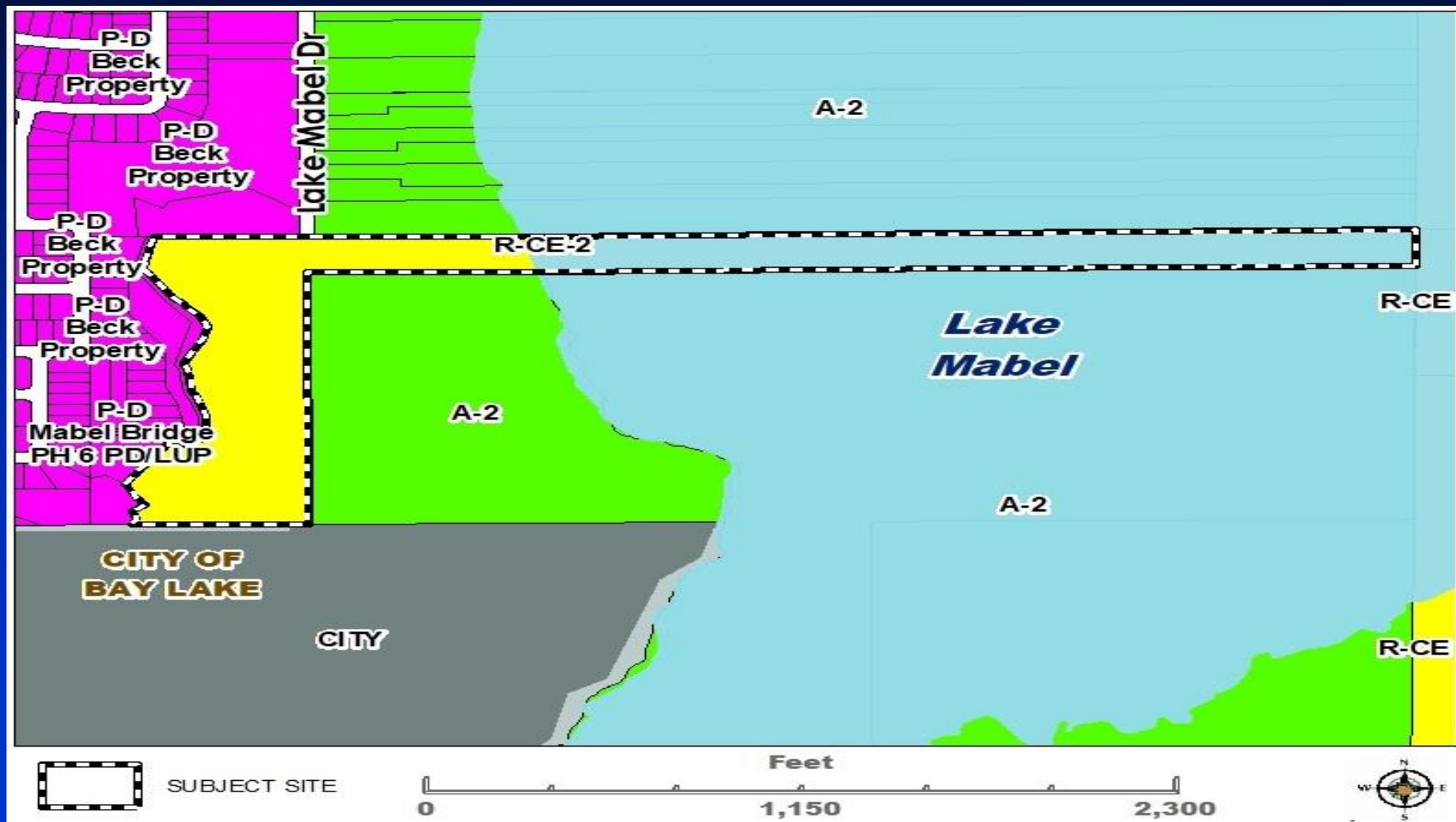


Location Map





Zoning Map





Aerial Map

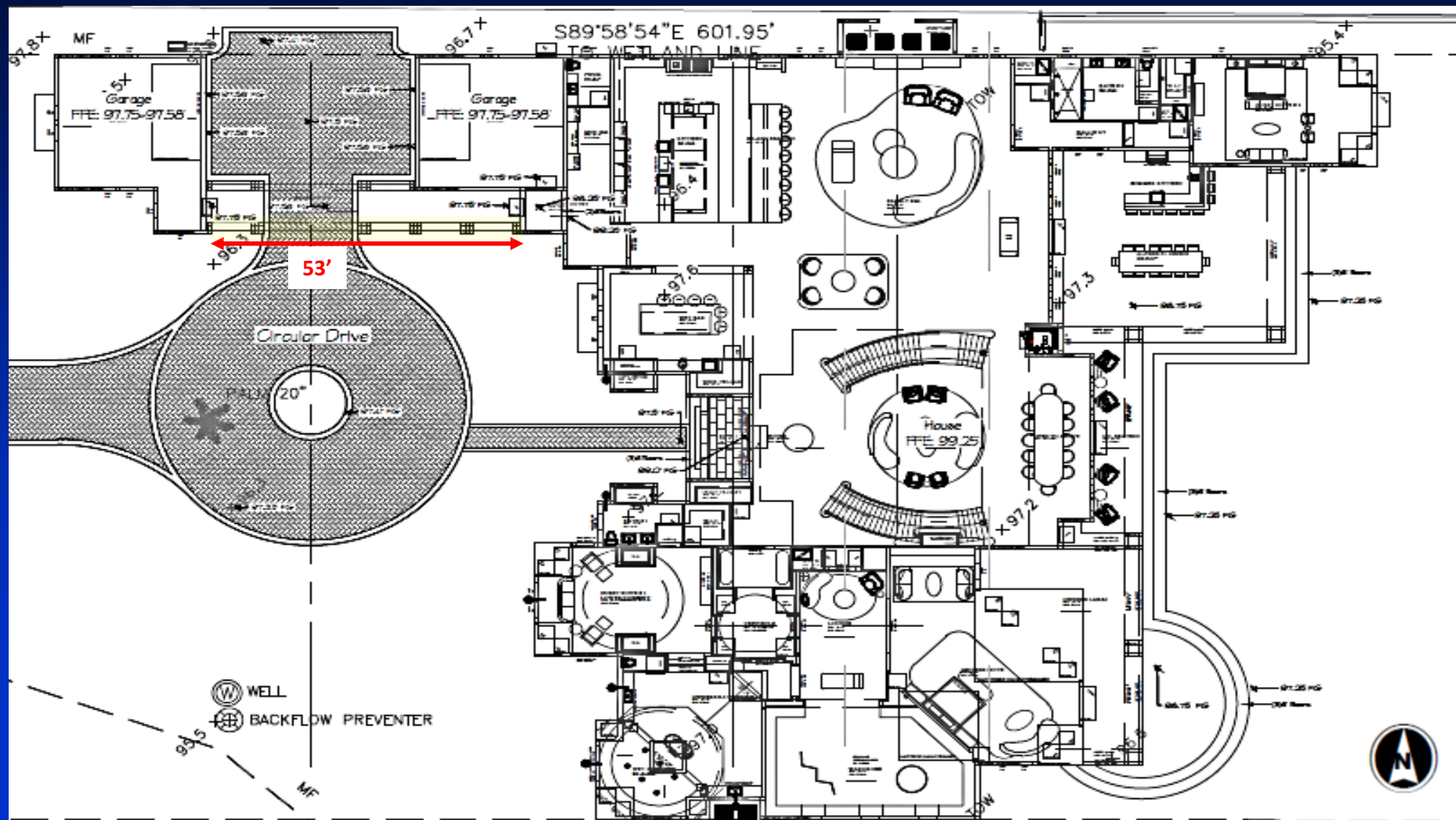


Close-Up Aerial



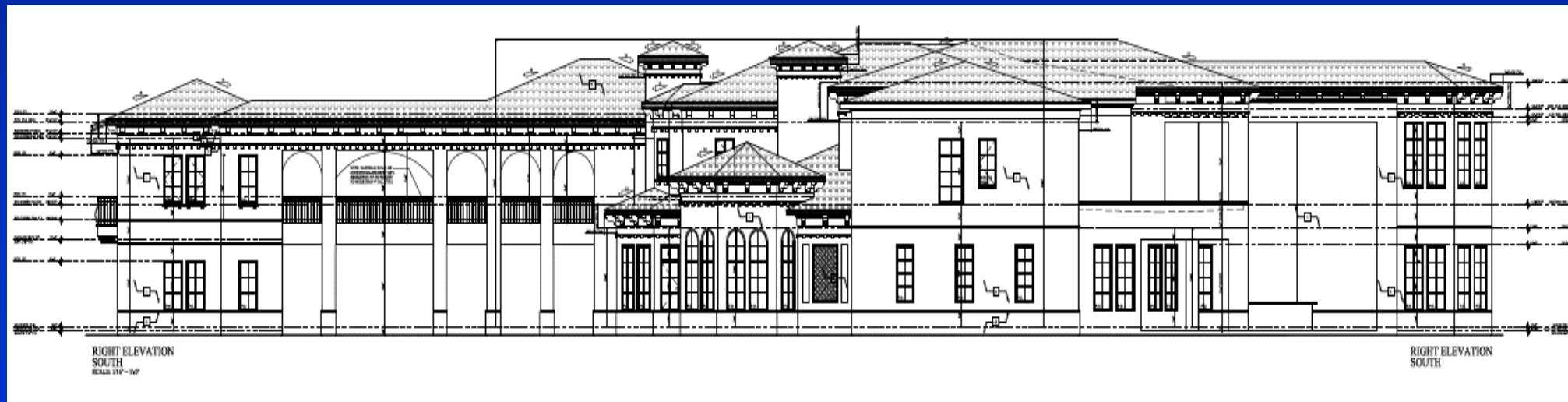


Floor Plan



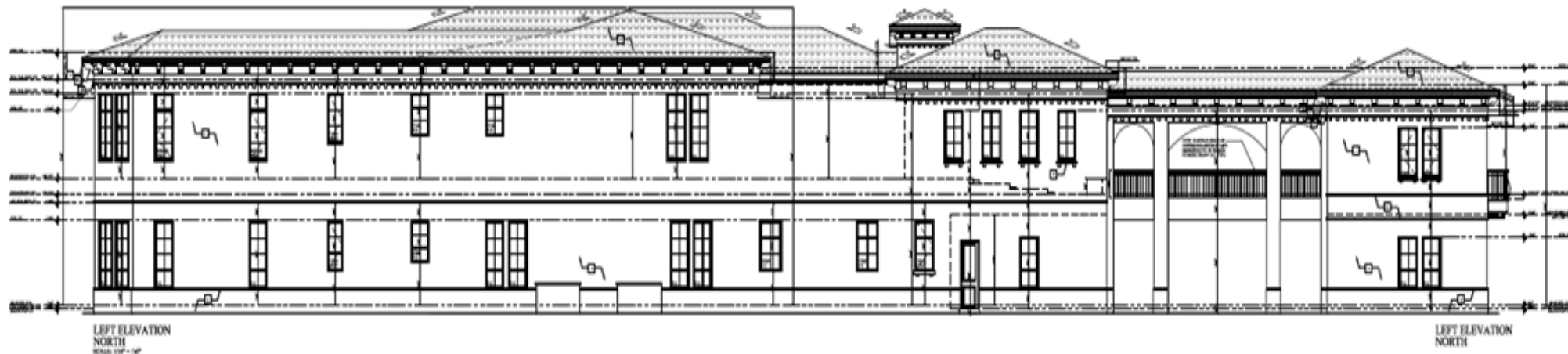
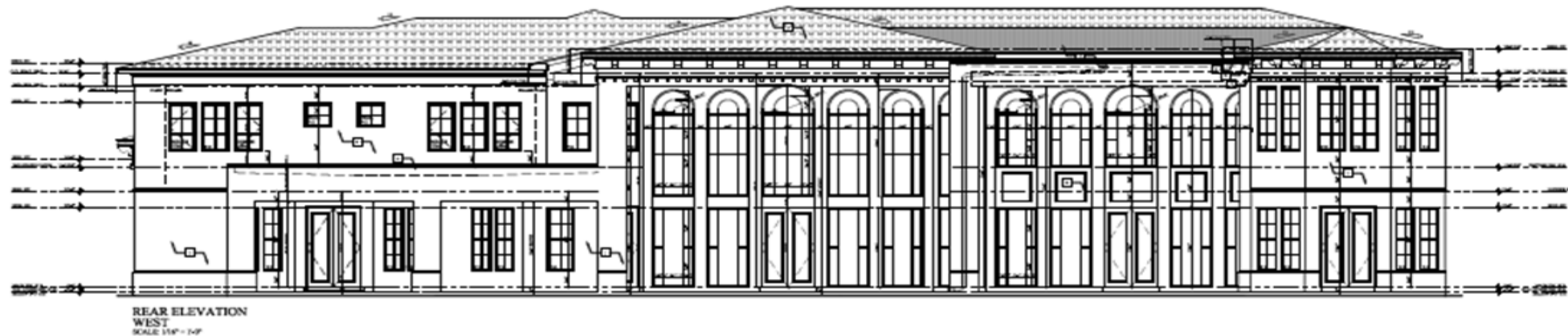


Elevations





Elevations





History

- 1981: Subject property was rezoned from A-2 to R-CE-2
- 1988: Variance was granted for a minimum lot width of 165 ft in lieu of 185 ft.
- 2008: Variance was granted for a residence with 10 ft. side setbacks and 49.67 ft.* (staff report noted 59 ft.) in height
- 2008: The previous home was constructed (14,902 gross sq. ft); House was constructed with a 13.7 ft. north and 14.7 ft. south side setbacks.
- 2014: The property was split into its current configuration
- 2021: The current owner acquired the property
- 2022: The previous home (constructed in 2008) was demolished



Aerial Imagery

2024



Neighboring
residence
footprint

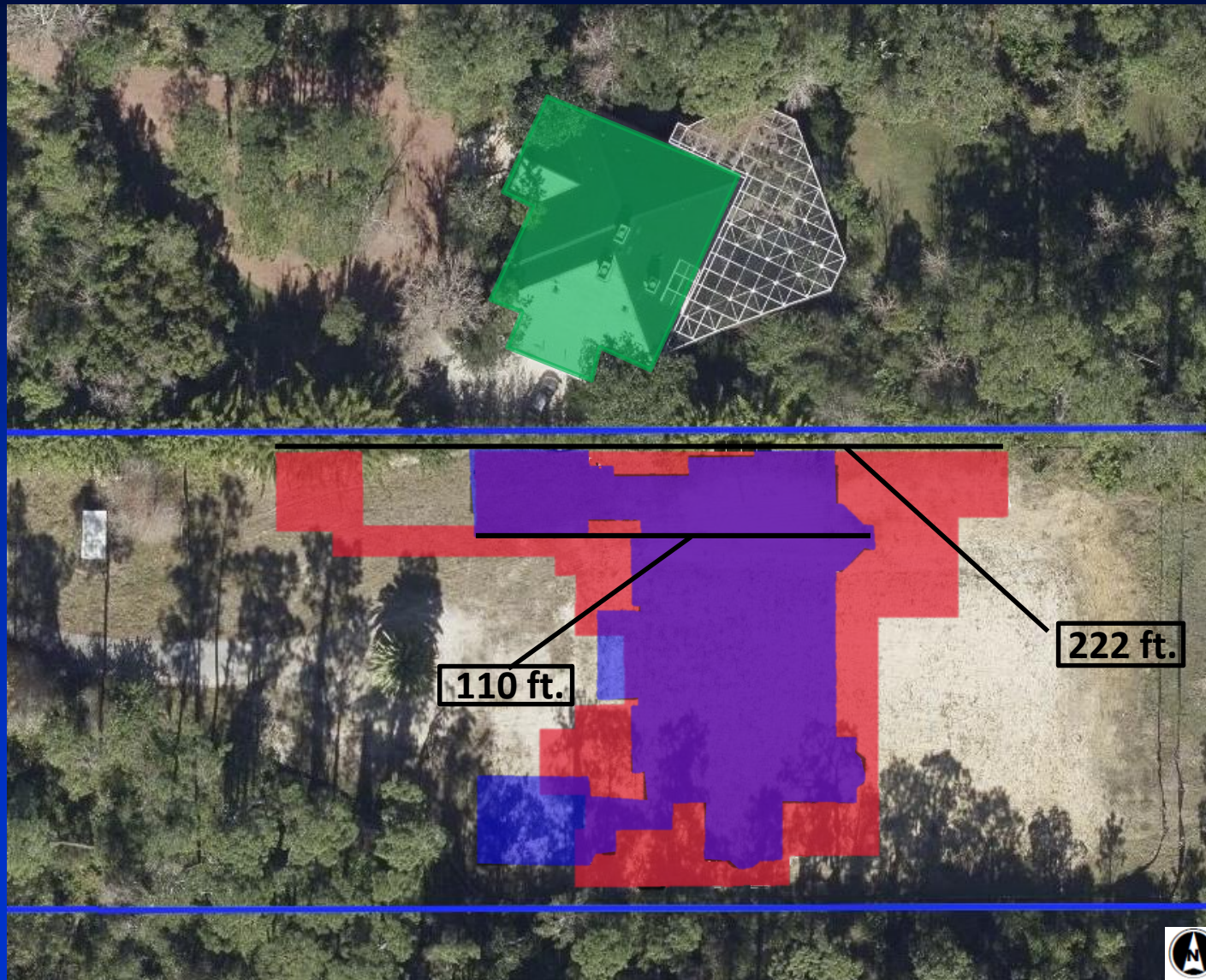
Previous
residence
footprint

Proposed
residence
footprint





Aerial Imagery



Neighboring
residence
footprint

Previous
residence
footprint

Proposed
residence
footprint



Site Photograph

Property facing south from Lake Mabel Drive



September 24, 2024 2:29 PM



Site Photograph

Facing northeast towards neighboring property to the north





Site Photograph

Facing southwest towards neighboring property to the south





Site Photograph

Facing east towards Lake Mabel



September 24, 2024 2:19 PM



Staff Findings and Analysis

- Property is currently vacant with a boat dock
- Proposing to construct a 27,579 gross sq. ft., 35 ft. tall, single-family residence with side setbacks of 10 ft. and an attached accessory structure in front of the principal structure
- Proposed residence has north and south side setbacks of 10 ft. where 30 ft. is required (Variances #1 and #2)
- Proposed accessory structure (garage) is connected to the principal structure by a 53 ft. passageway in the front yard
 - Accessory structures are considered detached if a fully enclosed or open-sided passageway exceeds 20 ft. in length
 - Detached accessory structures may not be located in front of the principal structure, requiring Variance #3



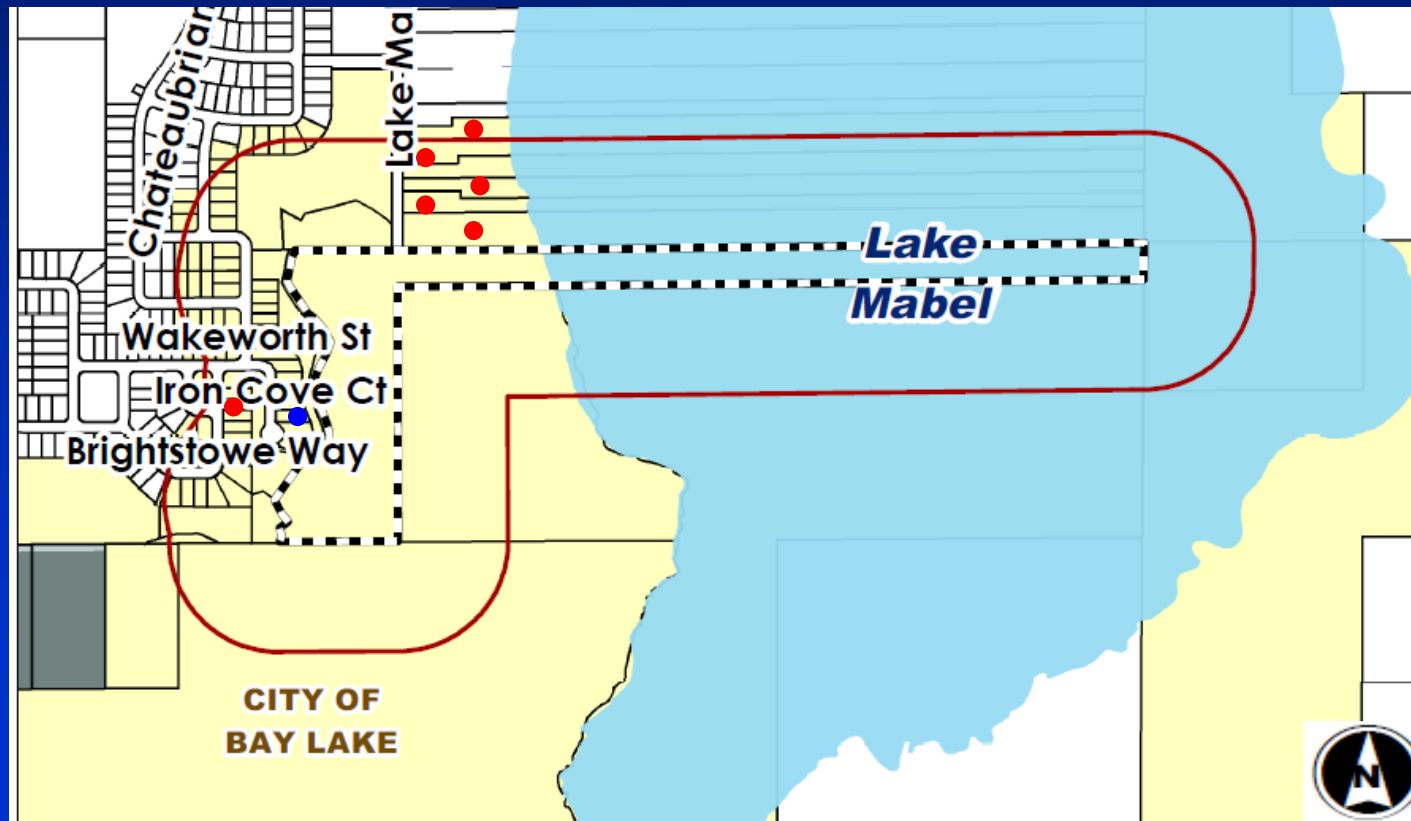
Staff Findings and Analysis

- Staff recommended denial of the Variances as there are no special conditions or circumstances specific to the lot preventing the construction of a home or an attached or detached structure in a code compliant manner and denial of the request does not deprive the applicant's rights to build on the subject property. The home could be redesigned to meet code.



Public Feedback

- Staff mailed a total of 117 notices to adjacent property owners in a 500 ft. radius
 - Staff received no correspondences in favor and one comment of no objection
 - Staff received 13 correspondence in opposition to this request (6 unmapped)





BZA Findings

- The BZA concluded that the approval of the Variance as proposed would be similar and compatible with the surrounding area and recommended approval, subject to three (3) conditions.



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 property, 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 Privilege 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



Conditions of Approval

1. Development shall be in accordance with the site plan date stamped October 14, 2024, as modified to address condition #4, and the elevations plans date stamped September 12, 2024, 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.



Conditions of Approval

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. A swale shall be required in the north and south side yards adjacent to the proposed home to ensure proper drainage. There shall be no mechanical equipment located within the required swales within the north and south 10 ft. side yard setbacks.



Requested Action

- Deny the applicant's request; or
- Approve the applicant's request with conditions



Previously Approved Elevations

