

Orange County Zoning Division

VA-18-10-125

APPLICANT: ALEXIS DE JESUS

APPELLANT: KENDALL L. RAY

DECEMBER 18, 2018



Background

CASE:	VA-18-10-125
APPLICANT:	Alexis De Jesus
ZONING:	R-1, Single Family Dwelling District
FUTURE LAND USE:	LDR, Low Density Residential (4 du/ac)
ADDRESS:	1900 Corbett Rd., Orlando, FL 32826
LOCATION:	West side of Corbett Rd., approximately 250 ft. north of Belles Lane
TRACT SIZE:	100 ft. x 304 ft.; 0.7 Acres
DISTRICT:	5



Background

REQUEST:

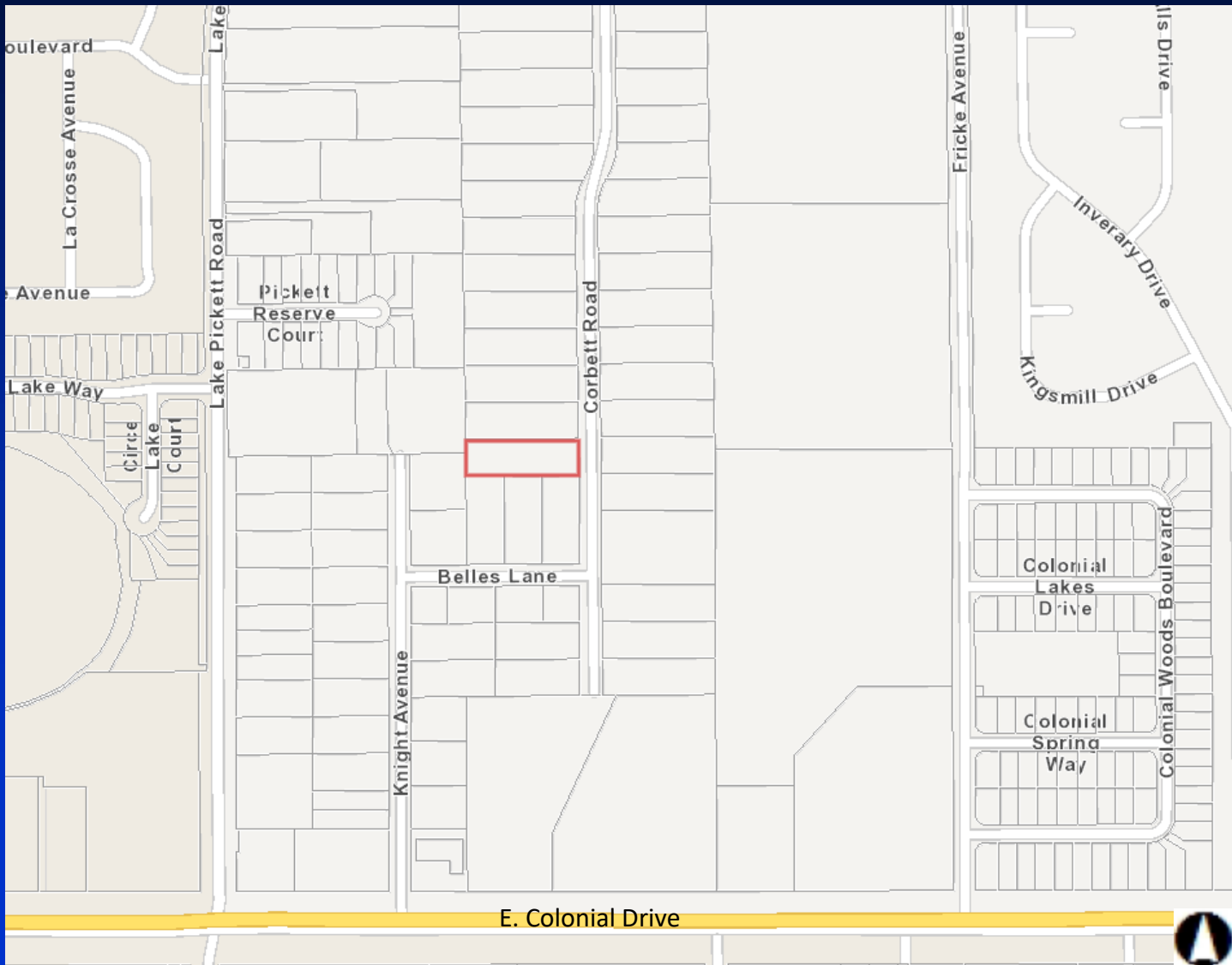
Variances in the R-1 zoning district as follows:

- 1) To allow two existing accessory buildings (a metal carport and shed) with a cumulative square footage of 1,077 sq. ft. of floor area in lieu of 500 sq. ft.**
- 2) To allow an existing accessory structure (the carport) to remain in front of the principal building in lieu of the side or rear.**

This request is the result of code enforcement action.

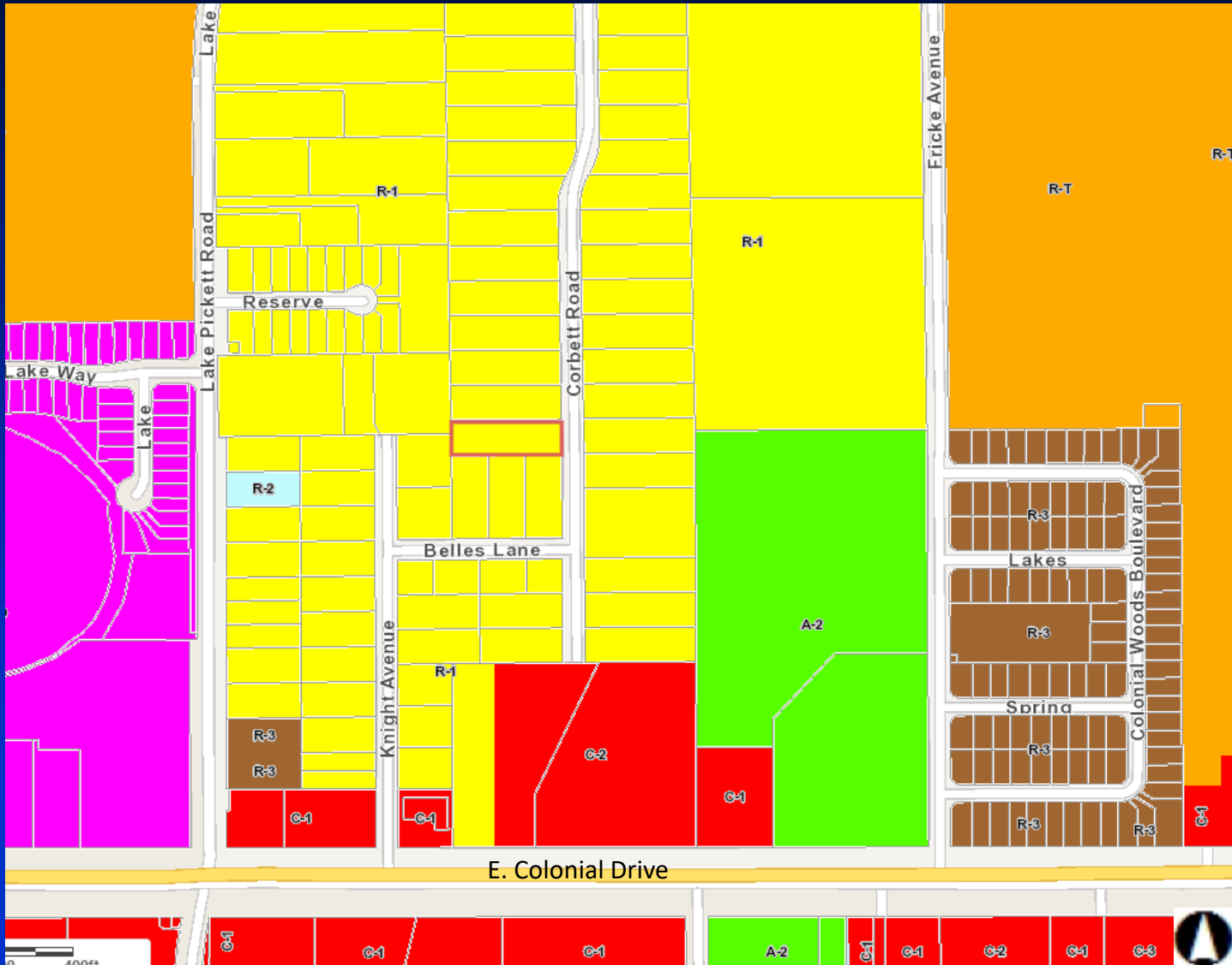


Location Map



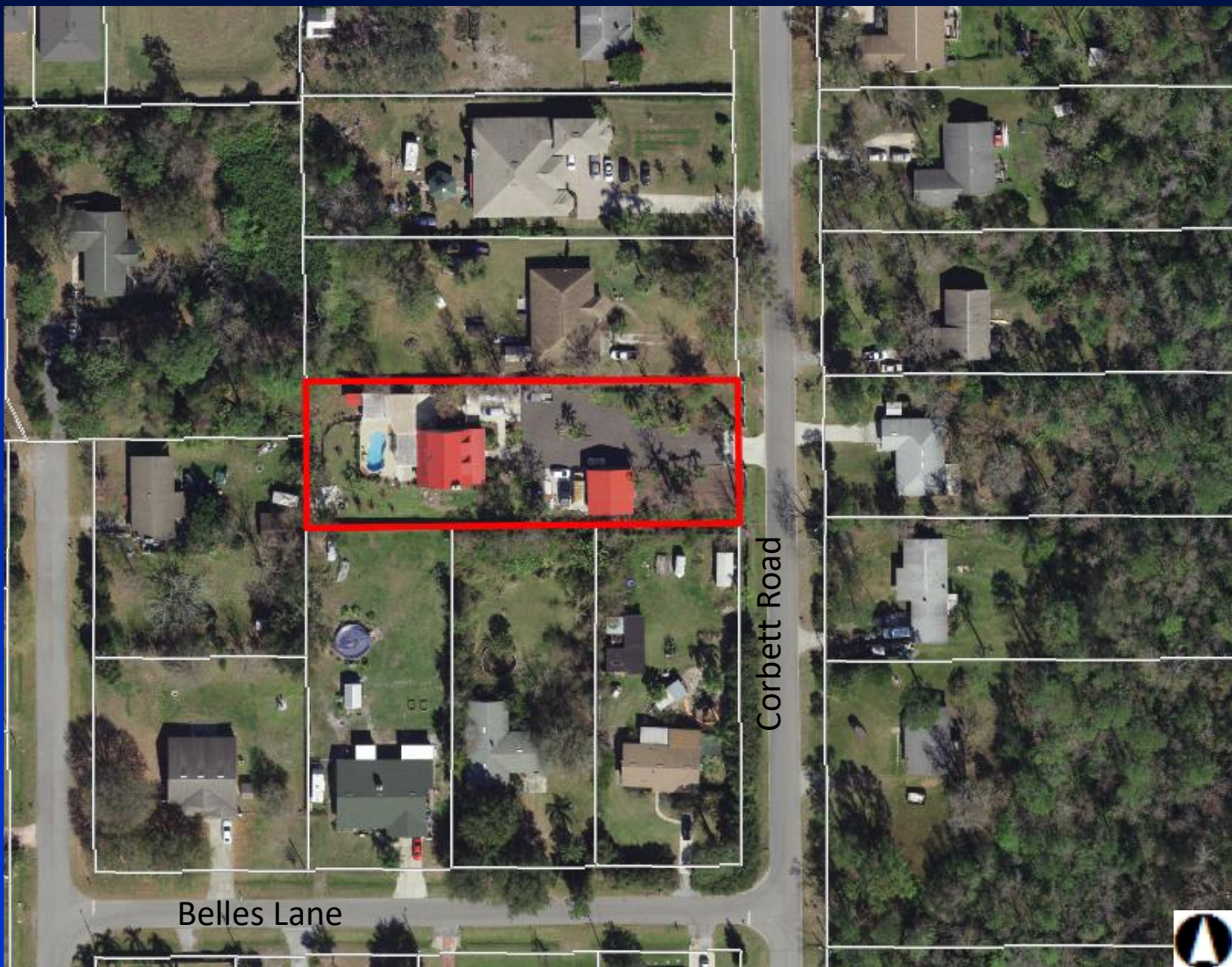


Zoning Map



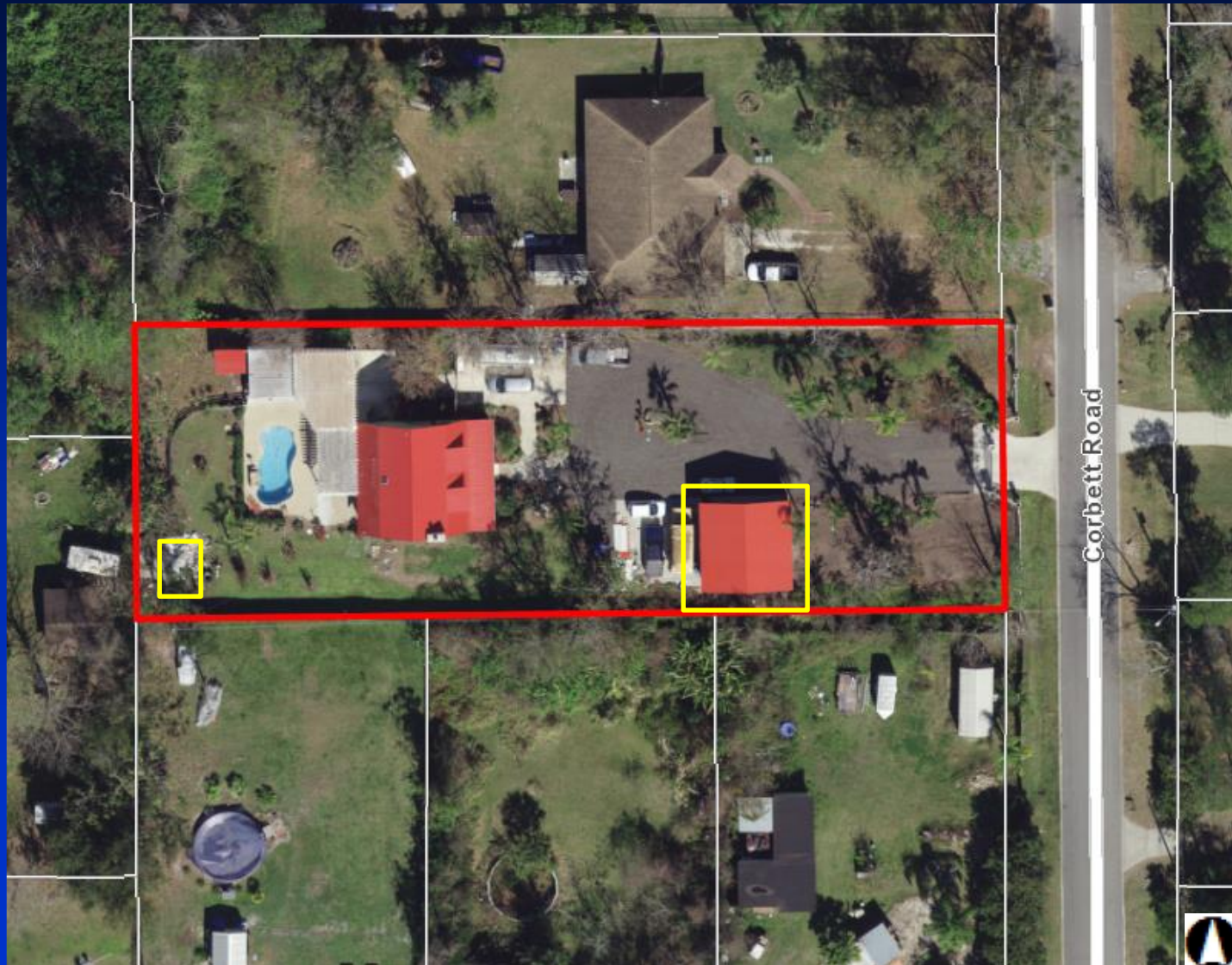


Aerial





Close-Up Aerial





History

- House constructed in 1976.
- Applicant purchased the property in 2012.
- Permit for pool issued in 2013.
- A rear pergola and outdoor kitchen appear to have been built around 2013-2014 without a permit.
- A shed in the southwest corner of the lot appears to have been placed on the property without a permit sometime around 2014.
- There is a chicken coop located behind the shed, which is not an allowed use in this zoning district.

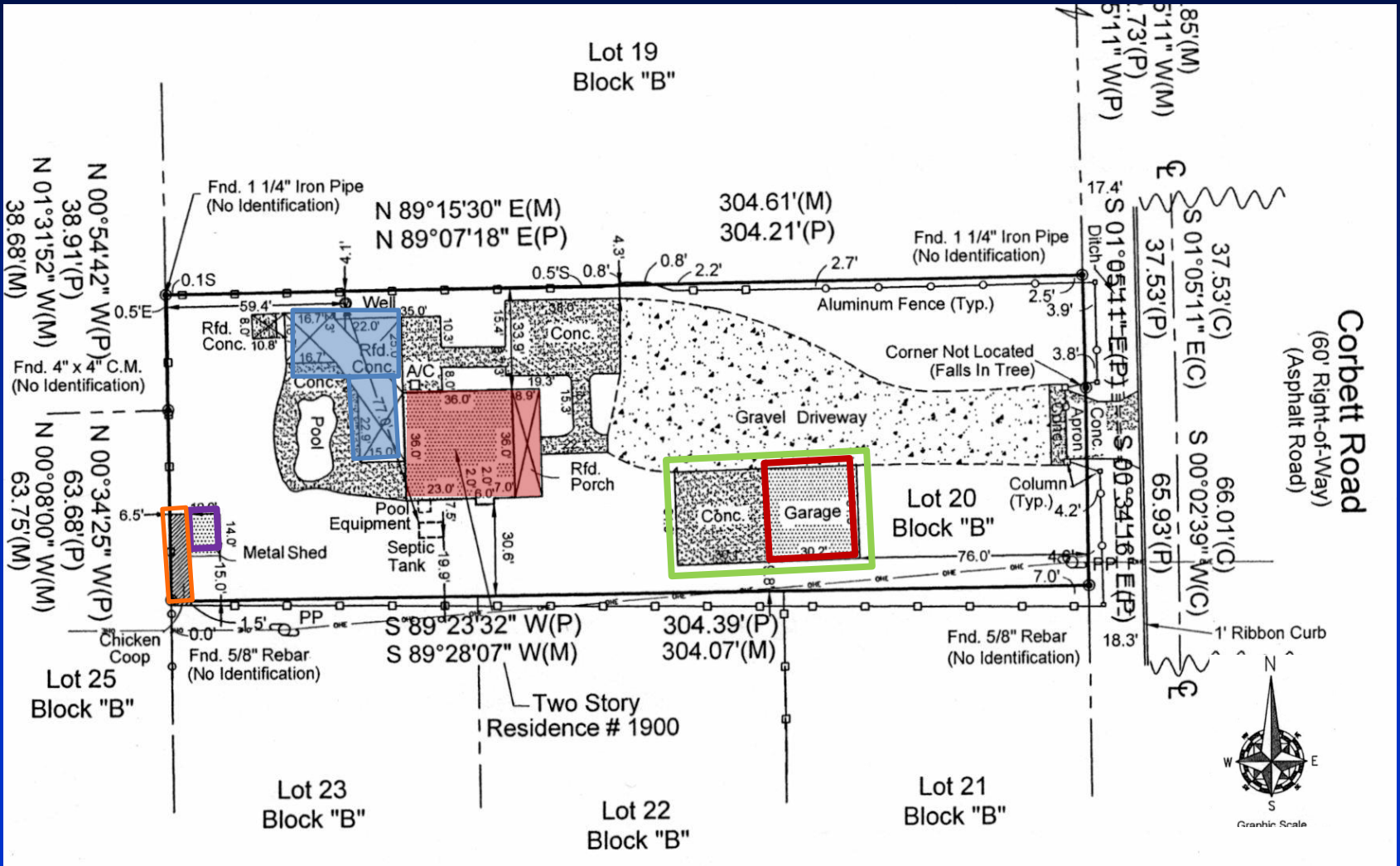


History

- A 30 x 60' concrete pad was constructed between 2015-2016 without a permit.
- The walled carport was constructed between 2016-2017 without a permit.
- Applicant cited by Code Enforcement in March 2018 for construction of an accessory structure without a permit.

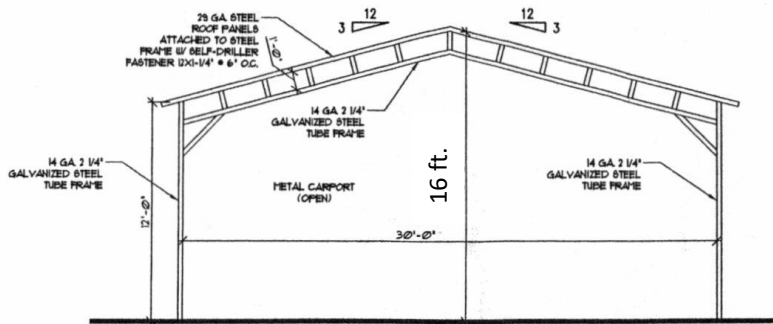


Site Plan



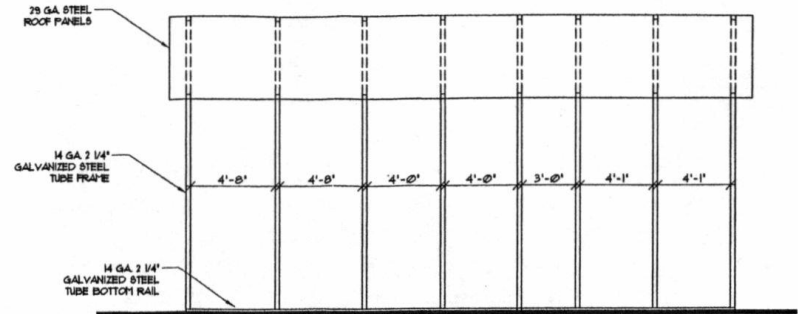


Building Elevations of the Carport



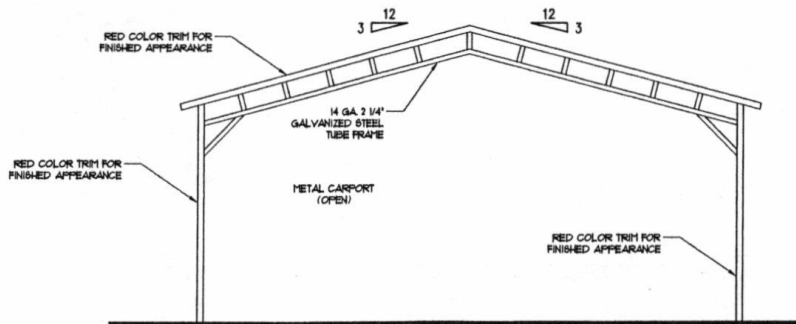
Frame Front & Rear Elevation

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)



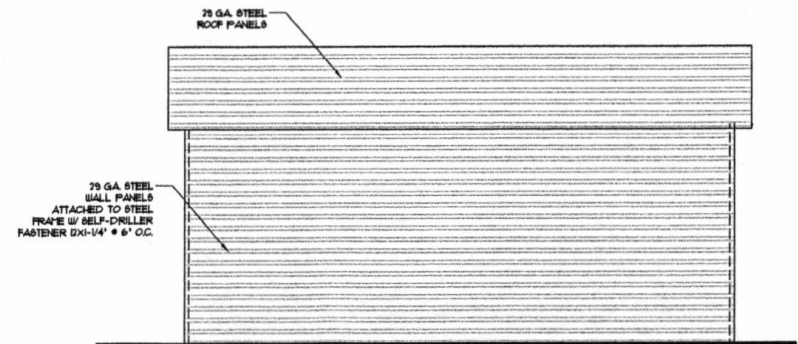
Left & Right Elevation

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)



Front & Rear Elevation

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)

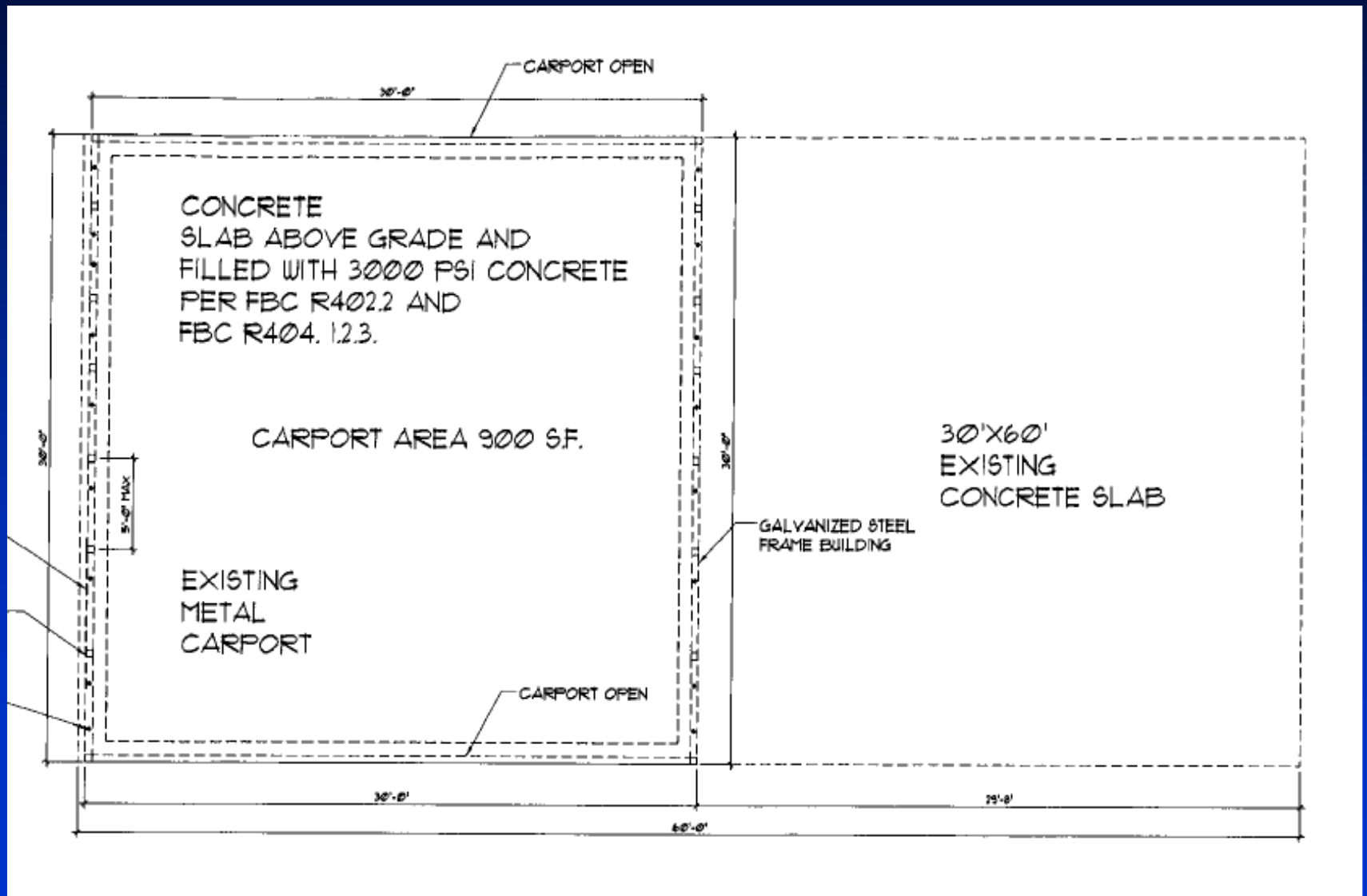


Left & Right Elevation

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)



Floor Plan





Site Photograph





Site Photograph





Site Photograph





Site Photograph





Site Photograph



12/11/2018 11:07



Site Photograph





Site Photograph





Site Photograph





Site Photograph



09/21/2018 14:03



Site Photograph



12/11/2018 11:10



Staff Analysis

- 1. The property is zoned R-1, Single Family Dwelling district, which allows single family homes on lots a minimum of 5,000 sq. ft. The subject site is 30,492 sq. ft.**
- 2. Accessory structures are permitted with a total cumulative floor area of 500 sq. ft. or 25% of the living area of the principal residence up to 1,000 sq. ft., whichever is greater. The house was constructed in 1976, and has 1,984 sq. ft. of living area. The existing total cumulative floor area of the metal carport and shed is 1,077 sq. ft.**
- 3. An accessory structure is permitted in front of the principal structure if it is located on the rear 50% of the lot. The existing structure is located in the front 50% of the lot.**
- 4. The applicant restores old vehicles as a hobby, which is the purpose for constructing the 936 sq. ft. walled carport.**
- 5. The applicant was cited in March 2018 for constructing the carport without a permit.**



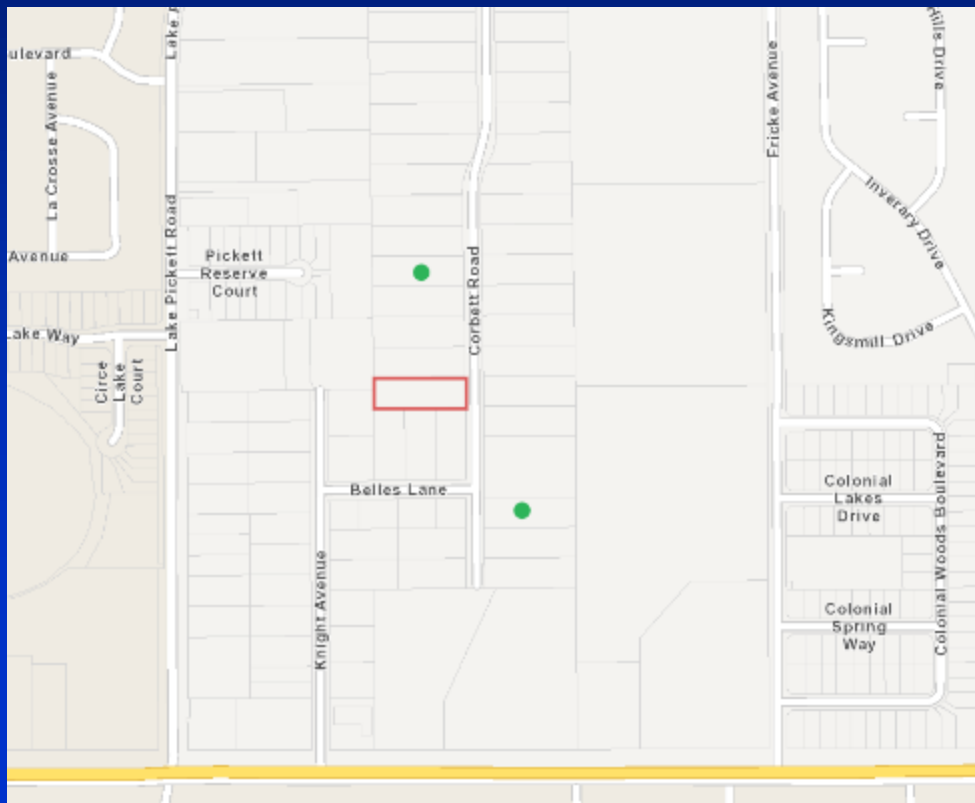
Staff Analysis

6. The applicant indicated he intends to remove the existing 140 sq. ft. shed in the rear of the property if the variance for the carport is granted (which would reduce the variance required to 936.2 sq. ft.). Behind this shed is a chicken coop. The raising of chickens is not a permitted use in the R-1 zoning district. Therefore, the chicken coop must also be removed.
7. Given the location of the pool, and the elevated drain field located along the south side the home, and the pergola and outdoor kitchen on the west side of the home, it is not possible to place an accessory structure of this size behind the home.
8. However, an accessory structure smaller than the existing 936 sq. ft. carport could be located in the rear 50% of the lot , or along the north side of the home.
9. Staff recommended denial as literal interpretation of the zoning ordinance would not restrict the applicant from having a smaller accessory structure on the property in a conforming location, and the two variances were was not the minimum necessary.



Public Feedback

- Staff mailed out 76 notices within a 500 ft. radius
- Staff received 2 letters in support of the request
- Staff received 1 letter in opposition to the request





Variance Criteria

Section 30-43 (3), Orange County Code

VARIANCE CRITERIA

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

- Due to the location of the house, the septic system, and the pool the only possible location for the walled carport was in front of the existing residence.
- The lot is larger than most residential lots and did merit a larger square footage for accessory structures.
- The location of the walled carport is superior to relocating it further to the rear, as it acts as a buffer to the outdoor storage of other vehicles and materials.
- The size of the lot leaves adequate open space in the front of the yard, thus meeting the purpose and intent of the code.



BZA Recommendation

- The BZA made the finding that the standards of variance criteria were met and approved the variance requests with the following conditions:



Conditions of Approval

- 1. Development in accordance with the site plan dated August 13, 2018, 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. 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.**



Conditions of Approval

4. The existing chicken coop shall be removed within forty-five (45) days from the date of final action on this application by Orange County.
5. The applicant shall obtain permits for all unpermitted structures within 180 days of final action on this application by Orange County or this approval becomes null and void.
6. A row of Podocarpus shall be planted between the side of the carport/garage and the front property line. The plants shall be in seven (7) gallon containers at time of planting and planted 30 inches on-center for the entire length of the structure.
7. The carport/garage shall be used for residential storage only.
8. This approval is for 950 sq. ft. of cumulative total square footage of accessory structure floor area.
9. Prior to final inspection of the 900 sq. ft. garage/carport, the applicant shall obtain a demolition permit and remove the existing 10 ft. x 14 ft. shed.



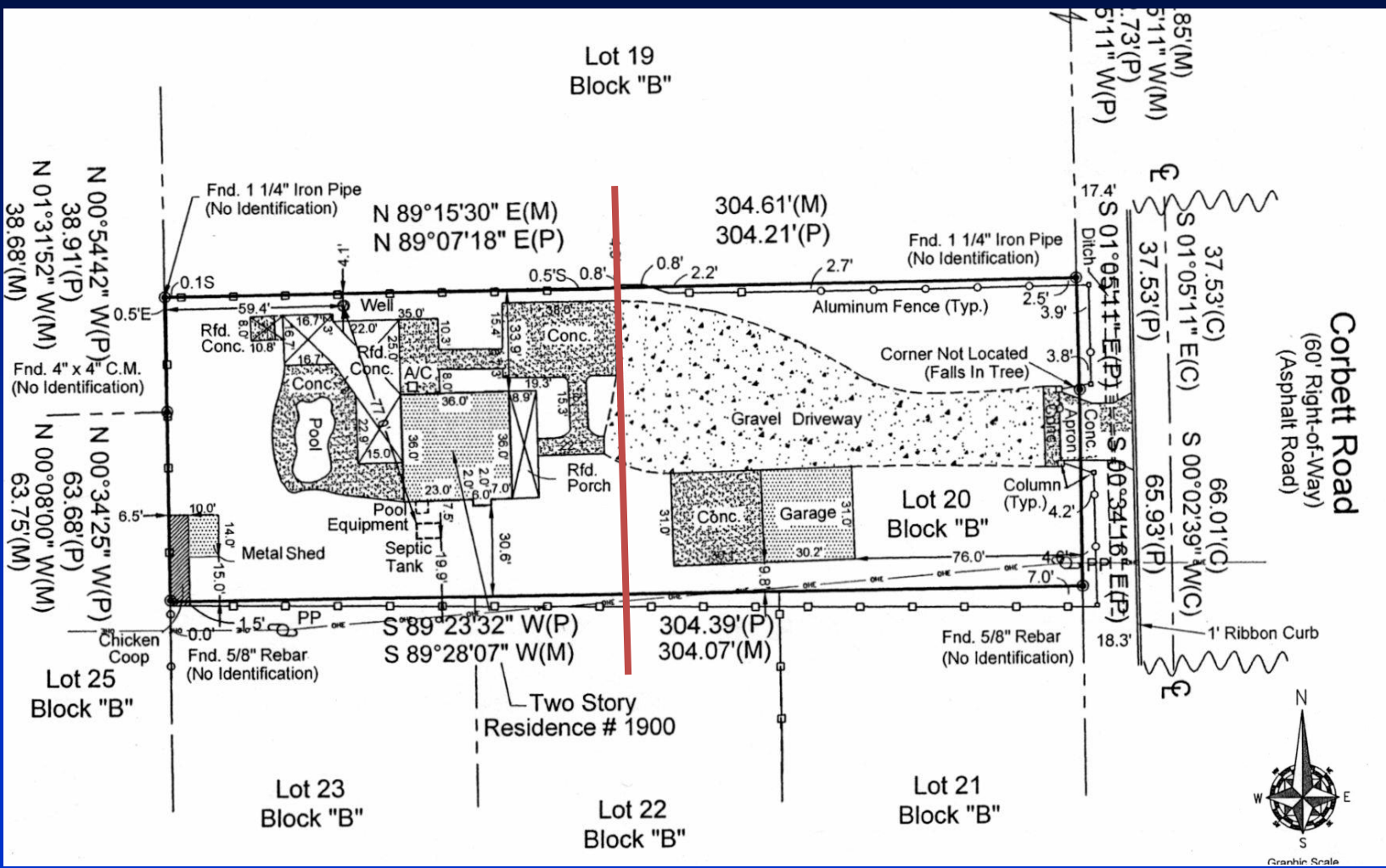
Requested Action

- Approve the applicant's request; or
- Approve the applicant's request with modifications and/or conditions; or
- Approve the applicant's request in part and deny it in part; or
- Deny the applicant's request.

*Any approval is subject to standard conditions of approval.



Site Plan





2013-2014 Aerials

