

RECOMMENDATIONS BOOKLET

Orange County Board of Zoning Adjustment

Hearing Date:

JULY 5, 2018

**Community, Environmental & Development Services Department
Orange County Zoning Division**

ORANGE COUNTY GOVERNMENT

BOARD OF ZONING ADJUSTMENT
(BZA)

Carolyn Karraker <i>Vice Chair</i>	District #1
Gregory A. Jackson <i>Chairman</i>	District #2
Jose A. Rivas, Jr.	District #3
Deborah Moskowitz	District #4
Wesley A. Hodge	District #5
Eugene Roberson	District #6
Jessica Rivera	At Large

ORANGE COUNTY ZONING DISTRICTS

Agricultural Districts

A-1.....	Citrus Rural
A-2.....	Farmland Rural
A-R.....	Agricultural-Residential District

Residential Districts

R-CE.....	Country Estate District
R-CE-2.....	Rural Residential District
R-CE-5.....	Rural Country Estate Residential District
R-1, R-1A & R-1AA.....	Single-Family Dwelling District
R-1AAA & R-1AAAA.....	Residential Urban Districts
R-2.....	Residential District
R-3.....	Multiple-Family Dwelling District
X-C.....	Cluster Districts (where X is the base zoning district)
R-T.....	Mobile Home Park District
R-T-1.....	Mobile Home Subdivision District
R-T-2.....	Combination Mobile Home and Single-Family Dwelling District
R-L-D.....	Residential -Low-Density District
N-R.....	Neighborhood Residential

Non- Residential Districts

P-O.....	Professional Office District
C-1.....	Retail Commercial District
C-2.....	General Commercial District
C-3.....	Wholesale Commercial District
I-1A.....	Restricted Industrial District
1-1/1-5.....	Restricted Industrial District
1-2/1-3.....	Industrial Park District
1-4.....	Industrial District

Other District

P-D.....	Planned Development District
U-V.....	Urban Village District
N-C.....	Neighborhood Center
N-A-C.....	Neighborhood Activity Center

VARIANCE CRITERIA

Section 30-43 of the Orange County Code Stipulates specific standards for the approval of variances. No application for a 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 land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of any proposed zoning variance.
2. Not Self-Created – The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.
3. No Special Privilege Conferred – Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by the Chapter to other lands, buildings, or structures in the same zoning district.
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 under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of the property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval.
5. Minimum Possible Variance – The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. Purpose and Intent – Approval of the zoning variance will be in harmony with the purpose and intent of this Chapter and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

SPECIAL EXCEPTION CRITERIA:

Subject to Section 38-78, in reviewing any request for a Special Exception, the following criteria shall be met:

1. The use shall be consistent with the Comprehensive Policy Plan.
2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
3. The use shall not act as a detrimental intrusion into a surrounding area.
4. The use shall meet the performance standards of the district in which the use is permitted.
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.
6. Landscape buffer yards shall be in accordance with Section 24-5, Orange County Code. Buffer yard types shall track the district in which the use is permitted.

In addition to demonstrating compliance with the above criteria, any applicable conditions set forth in Section 38-79 shall be met.

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS ON JULY 5, 2018**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
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JOHN SMITH
SE-18-07-071

REQUEST: **Special Exception** in the A-1 zoning district to allow a yard trash processing facility.
ADDRESS: Hermit Smith Road, Apopka FL 32703
LOCATION: West of Hermit Smith Rd., South of W. Orange Blossom Trail
S-T-R: 01-21-27
TRACT SIZE: 648 ft. x 653 ft.
DISTRICT#: 2
LEGAL: NW1/4 OF SE1/4 OF SW1/4 SEC 01-21-27
PARCEL ID: 01-21-27-0000-00-061
NO. OF NOTICES: 16

DECISION: APPROVED 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 (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated April 24, 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.
4. All mounds shall have a minimum fifty (50) foot setback from any approved conservation areas.
5. Concrete, asphalt, or rock crushing shall be prohibited.
6. Outdoor burning shall be prohibited.

7. All required permits shall be obtained within two (2) years or this approval is null and void. The applicant may request an extension of this deadline to the Zoning Division prior to the two (2) years.
8. Hours of Operation shall be Monday to Friday from 7:00 a.m. to 7:00 p.m.
9. Fire suppression and water supply shall be subject to the review and approval of the Fire and Rescue Division of Orange County at the time of permit review.
10. No impacts to any approved Conservation Areas without Orange County approval.
11. Access to the site shall be approved by the City of Apopka, prior to the issuance of a business tax receipt.
12. The existing accessory structure shall be permitted or demolished within 180 days of final approval.

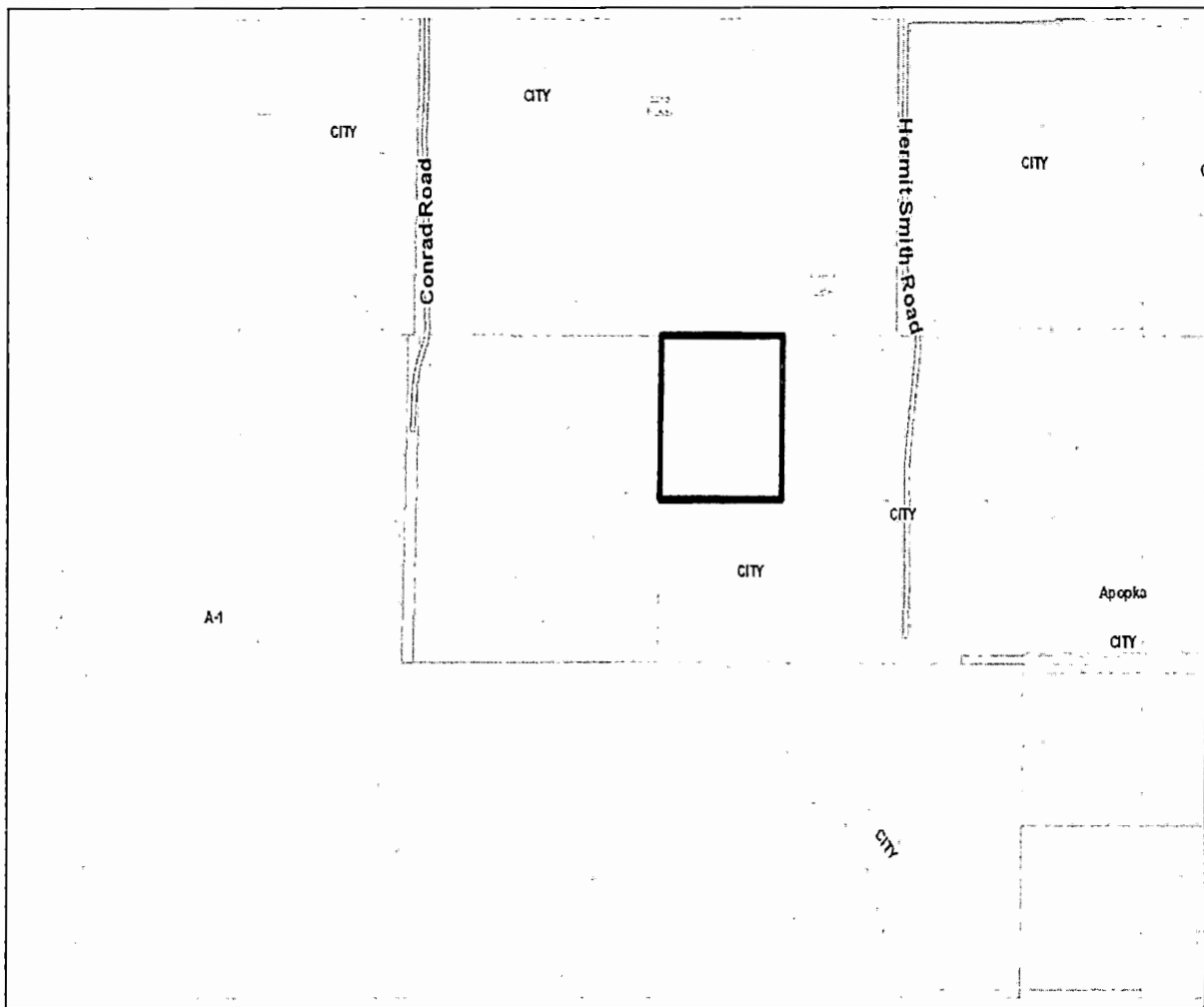
SYNOPSIS: The applicant would like to expand their existing yard trash processing facility onto this property. The parcel is located in an enclave surrounded by the City of Apopka. Staff outlined the case, went over the site plan, and recommended approval, as the use is compatible with the surrounding area.

The City of Apopka has objected to the request due to the access and code enforcement issues.

The BZA had a discussion regarding the access issue. The applicant stated they had submitted an access easement, which has been recorded with the comptroller, which gave them access to Hermit Smith Road.

No one spoke in favor or in opposition of the application at the hearing.

The BZA found that the access easement was sufficient and satisfied the access issue. The Board found that the application met the Special Exception criteria and approved the case.



Applicant: JOHN SMITH

BZA Number: SE-18-07-071

BZA Date: 07/05/2018

District: 2

Sec/Twn/Rge: 01-21-27-SW-C

Tract Size: 648 ft. x 653 ft.

Address: Hermit Smith Road, Apopka FL 32703

Location: West of Hermit Smith Rd., South of W. Orange Blossom Trail



11 Lake Gatlin Road
Orlando, FL 32806
Phone: 407.649.5475
Fax: 407.649.6582
www.hsagolden.com

April 12, 2018

VIA UPS AND ELECTRONIC MAIL

Orange County Zoning Division
201 South Rosalind Avenue, 1st Floor
Orlando, Florida 32801
ZoningInternetMail@ocfl.net

Subject: Zoning Board of Adjustment Special Exception Application
Soil Blending Properties, LLC
Yard Trash Facility
Hermit Smith Road, Apopka, Florida 32703
Parcel ID 01-21-27-0000-00-061
HSA Golden Project No. 17-912.002

RECEIVED
APR 16 2018
ORANGE COUNTY
ZONING DIVISION

Dear Zoning Board of Adjustment Members:

On behalf of Soil Blending Properties, LLC, HSA Golden is submitting this application for a special exception to operate a yard trash facility on the above-referenced parcel (subject site). The subject site is approximately 10 acres and zoned A-1. Other properties in the area are predominantly agricultural or industrial. The property to the west of the subject site has a current use as a landscape nursery and is in Unincorporated Orange County, Zone A-1. The property to the north of the subject site is vacant and in the City of Apopka, Zone R-1AA. The East and south sides of the parcel are bounded by the existing Raynor Apopka Land Management, LLC (Raynor Shine) facility, and is in the City of Apopka, Zones R-1AA, I-1, and I-4.

Soil Blending Properties and Raynor Shine are under common management, and existing Raynor Shine facility employees will conduct processing and storage operations on the subject site. The existing buildings, employee parking, and sanitary facilities on the adjacent Raynor Shine site will support all operations on the subject site and no new structures or support facilities are proposed. Access to the subject site is through an easement across the adjacent Raynor Shine property to Hermit Smith Road.

The subject property was recently purchased by Soil Blending Properties, LLC and the Property Appraiser's website does not yet reflect this sale. To show ownership, we have attached the following documents to this application (see Attachment 1):

- Special Warranty Deed for the property, filed 04/02/2018.
- Access Easement, filed 04/02/2018.
- Limited Liability Company Affidavit showing Michael Dinkel is Manager of Soil Blending Properties, LLC, filed 04/04/2018.



Environmental and Engineering Consultants Since 1989

- Limited Liability Company Affidavit showing Michael Dinkel is Manager of Raynor Apopka Land Management, LLC, filed 04/04/2018.

Operations on the subject site will be under a conditional permit exemption in accordance with the Orange County Solid Waste Ordinance, Section 32-214(c)(9)iv. Key requirements include:

- Submission of an *Annual Notice of Intent to Operate a Permit Exempt Yard Trash Processing Facility* to Orange County Environmental Protection Division (OCEPD). A draft of the form is attached (see Attachment 2).
- No more than 12,000 cubic yards of yard trash or yard trash derived materials may be stored on the site.
- Yard trash processing and storage shall be setback 150 feet from property boundary.
- Pile height limited to 25 feet.
- Type C opaque buffer at perimeter.
- Perimeter access road, 20 feet wide.
- Effective barrier (fence).
- Hours of operation: 7 am - 7 pm (Monday - Saturday)

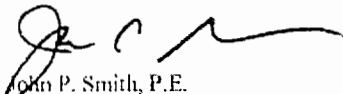
The complete list of requirements is shown on the OCEPD form in Attachment 2.

Plans to support this application are included in Attachment 3. The plans show the zoning and land use, the relationship of the subject site to the adjacent Raynor Shine facility, and a site plan showing the yard waste processing/storage area, setbacks, buffers, and other pertinent information. A recent boundary survey is also attached. In addition to the 8½ x 11 plan copies, we have attached 11x17 scaled copies for your use.

Also attached is a check for \$1,355.00 to cover the applicable fees. We trust this submittal will meet with the Zoning Board's approval. Please call us if you have any questions or need any further information.

Sincerely,

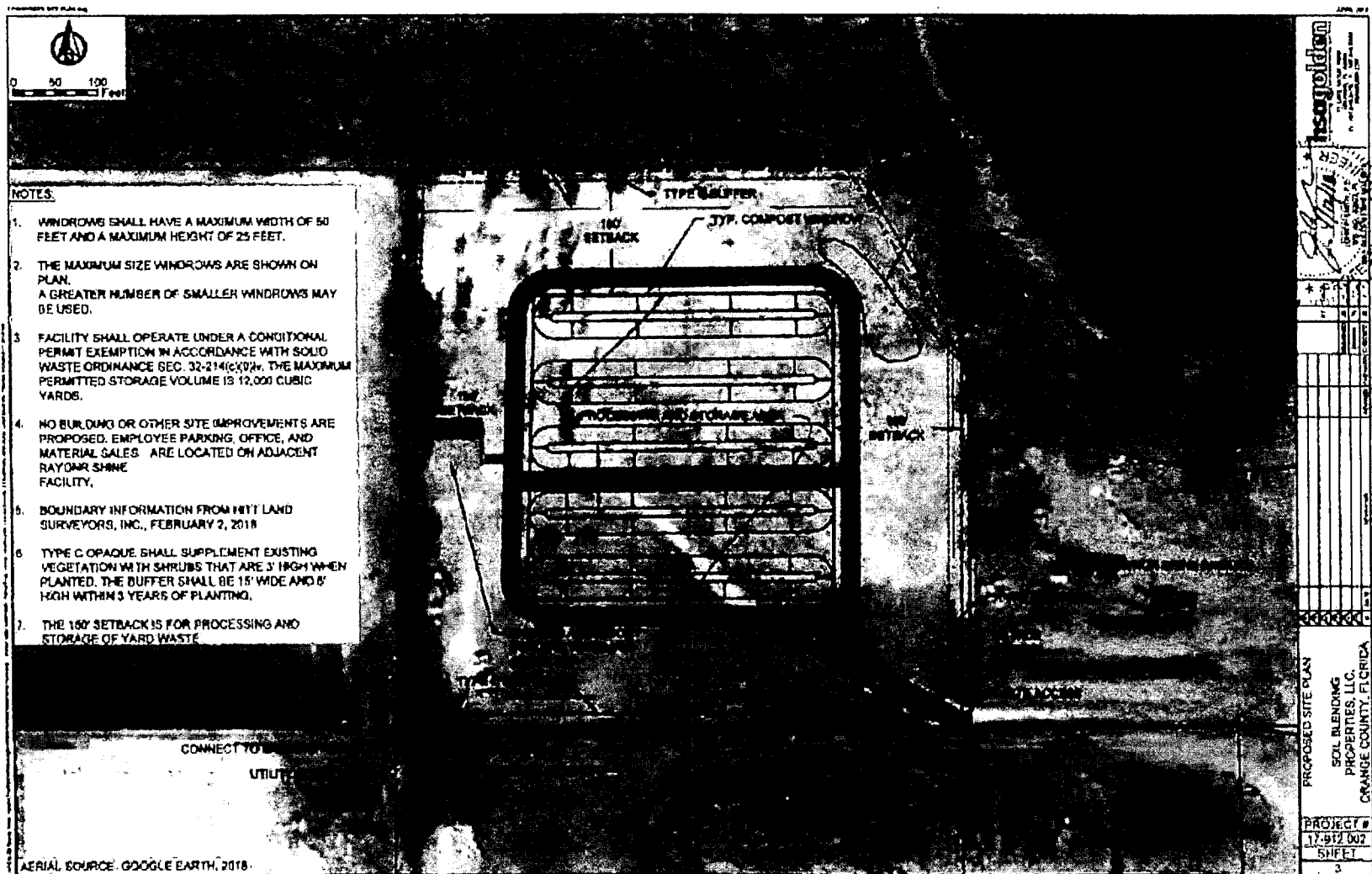
HSA GOLDEN



John P. Smith, P.E.
Vice President, Principal Engineer

Attachments

cc: Michael Dinkel, Soil Blending Properties, LLC
David Bromfield, Orange County Environmental Protection Division





STAFF REPORT
CASE #SE-18-07-071
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
June 7, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: JOHN SMITH

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the A-1 zoning district to allow a yard trash processing facility,

LOCATION: West of Hermit Smith Rd., South of W. Orange Blossom Trail

PROPERTY ADDRESS: Hermit Smith Rd.

PARCEL ID: 01-21-27-0000-00-061

PUBLIC NOTIFICATION: 16

TRACT SIZE: 648 ft. x 653 ft.

DISTRICT #: 2

ZONING: A-1

EXISTING USE(S): Industrial

PROPOSED USE(S): Yard Trash Processing facility

SURROUNDING USES: N – Vacant
S – Yard Trash Processing Facility
E – Yard Trash Processing Facility
W – Nursery

STAFF FINDINGS AND ANALYSIS:

1. The subject property is located in the A-1 (Citrus Rural) zoning district. This district allows agricultural uses, single family homes, and specific non-residential uses, including yard trash processing facilities as special exceptions.

2. The parcel is located in an enclave of Unincorporated Orange County. To the east and north of the property is the City of Apopka and to the west is Lake Apopka.
3. The closest residence is located to the north approximately 2,400 feet away in the City of Apopka jurisdiction.
4. A Yard Trash Processing Facility is a site that collects landscaping waste, grinds, colors and breaks it down (typically via a grinder or wood chipper) to produce mulch and other products. The processing and open storage of yard trash and yard trash derived materials is subject to a setback of 150 feet from any property line.
5. The applicant currently operates a similar operation on the parcel to the south located in the City of Apopka jurisdiction. This proposed use would be an expansion of the current use. The applicant does not plan to annex into the City of Apopka.
6. This area is comprised of mostly agricultural and industrial type uses. Those uses include large-scale nurseries, landscaping businesses, and warehouses.
7. The Environmental Protection Division has reviewed this application and indicated that a Conservation Area Determination (CAD), is required. The applicant submitted their CAD application on May 18, 2018 to EPD (CAD-18-05-082), and it has been approved.
8. Access to the site is provided via Hermit Smith Road and is required to be approved by the City of Apopka.
9. There is an existing accessory structure on site. Staff could not locate permits for this structure utilizing county records, and there is no code enforcement action of file for this parcel.

Special Exception Criteria

1. The use shall be consistent with the Comprehensive Policy Plan.

The Future Land Use is rural which allows one (1) dwelling unit per 10 acres. The use requires a special exception in both agricultural districts and in areas designated rural on the Future Land Use map.

2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.

The property is surrounded by agricultural and industrial uses. The applicant currently uses the property to the south for the exact same use.

3. The use shall not act as a detrimental intrusion into a surrounding area.

The closest residence is located to the north approximately 2,400 feet away in the City of Apopka jurisdiction. The use will be isolated from residential and will be buffered by the existing surrounding uses.

4. The use shall meet the performance standards of the district in which the use is permitted.

The use meets the setbacks for yard waste facilities outlined in Chapter 32. The mounds proposed meet the 150 foot setback requirement and must be less than 25 feet tall.

5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

The use is similar to other uses in the area, which are permitted by right or by Special Exception in the A-1 zoning district.

6. Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

The submitted site plan is providing Type C buffer yards on the north, west, and east sides which meets the code requirement.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated April 24, 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.
4. All mounds shall have a minimum fifty (50) foot setback from any approved Conservation Areas.
5. Concrete, asphalt, or rock crushing shall be prohibited.
6. Outdoor burning shall be prohibited.
7. All required permits shall be obtained within two (2) years or this approval is null and void.

The applicant may request an extension of this deadline to the Zoning Division prior to the two (2) years.

8. Hours of Operation shall be Monday to Friday from 7:00 a.m. to 7:00 p.m.
9. Fire suppression and water supply shall be subject to the review and approval of the Fire and Rescue Division of Orange County at the time of permit review.
10. No impacts to any approved Conservation Areas without Orange County approval.
11. Access to the site shall be approved by the City of Apopka prior to the issuance of a business tax receipt.
12. The existing accessory structure shall be permitted or demolished within 180 days of final approval.

c: John P. Smith
11 Lake Gatlin Road
Orlando, FL 32806

DANA SCOTT OF GREEN TREE ASSISTED LIVING, LLC
SE-18-06-062

REQUEST: **Special Exception and Variances** in the R-3 zoning district as follows:
1) Special Exception to expand an existing Assisted Living Facility (ALF) from 80 beds to 98 beds. (APPROVAL)
2) Variance to decrease the number of parking spaces from 49 spaces to 27 spaces. (APPROVAL)
3) Variance to provide 0 bicycle parking spaces in lieu of 5 bicycle parking spaces. (DENIED)

ADDRESS: 8207 Forest City Road, Orlando FL 32810

LOCATION: East side of Forest City Road, approximately 525 ft. south of Pembroke Drive

S-T-R: 28-21-29

TRACT SIZE: 129 ft. x 615 ft.

DISTRICT#: 2

LEGAL: S 129.50 FT OF S1/2 OF NW1/4 OF NE1/4 OF SE1/4 (LESS THAT PT LYING W OF E R/W LINE OF FORREST CITY RD) & (LESS PT TAKEN FOR RD R/W PER 3806/4018) OF SEC 28-21-29

PARCEL ID: 28-21-29-0000-00-021

NO. OF NOTICES: 106

DECISION: **APPROVED** the Special Exception request **#1**, 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, **APPROVED** the Variance request **#2**, 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; and, **DENIED** the Variance request **#3**, 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) (unanimous; 6-0 and 1 absent).

1. Development in accordance with the site plan dated March 17, 2017, 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

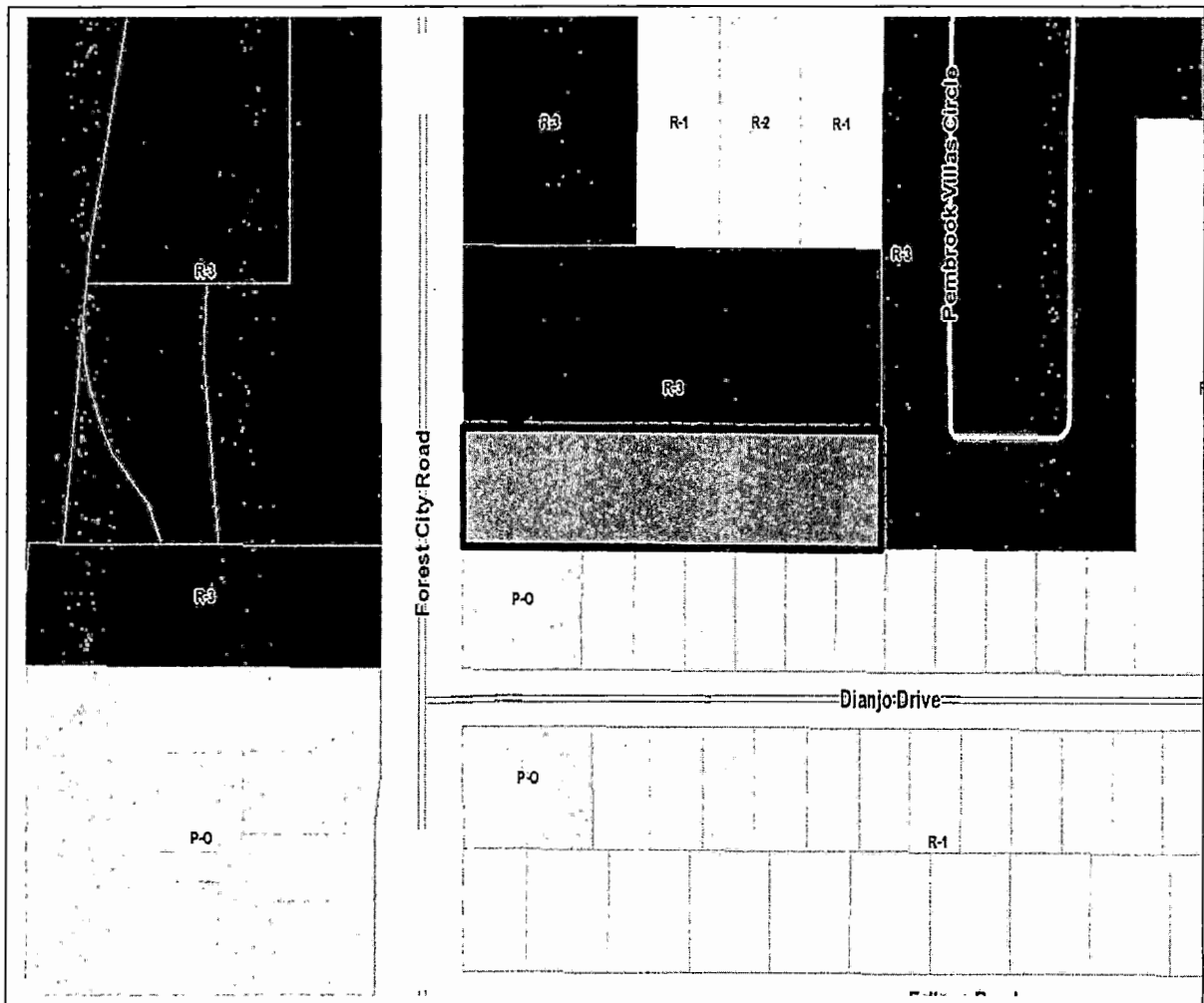
other applicable state or federal permits before commencement of development.

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.
4. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
5. The wall along the south property line shall be four (4) feet in height for the first twenty-five (25) feet east of the front property line, and rise to six (6) feet for the remainder of the site.

SYNOPSIS: Staff discussed the history of the property, and explained that the parking was actually being increased. The use has existed for a long enough period that it is actually the center of the neighborhood, which has grown around it. The residents of the facility do not drive either automobiles or bicycles. However, the County does advocate bicycle parking.

The applicant waived their right to speak, agreeing with the staff recommendation. There being no one present to speak for or against the request, the public hearing was closed.

The BZA concluded that the Special Exception was warranted. In addition, the variance criteria for the parking was met. However, the variance for the parking was not fully justified. A motion was made to recommend approval of the Special Exception and the Variance request #2, for the parking, while recommending denial of the Variance request #3, for the bicycle parking was passed unanimously.



Applicant: DANA SCOTT OF GREEN TREE ASSISTED LIVING, LLC

BZA Number: SE-18-06-062

BZA Date: 07/05/2018

District: 2

Sec/Twn/Rge: 28-21-29-SE-D

Tract Size: 129 ft. x 615 ft.

Address: 8207 Forest City Road, Orlando FL 32810

Location: East side of Forest City Road, approximately 525 ft. south of Pembroke Drive

DATE: April 17, 2018

TO: Orange County Zoning Division
201 South Rosalind Avenue
1st Floor
Orlando, FL 32801

FROM: Green Tree Assisted Living, LLC
8207 Forest City Road
Orlando, FL 32810

RE: Variance & Special Exception

To Orange County Zoning Division,

We have been the owners and operators of Green Tree Assisted Living, LLC, located at 8207 Forest City Road, Orlando, FL 32810 for slightly over 4 years now. We have been working on improving both the quality of the physical building along with enhancing the level of care provided since our acquisition, back in September 28, 2013. Due to the success of our endeavors, we would like to request an additional 18 beds to be added to our existing zoning of 80 beds. We have two other senior living communities located in Florida, but this location is the one that has the highest demand for quality "lower cost" beds.

We hope that this project will be approved and more residents who can no longer take care of themselves, but also cannot afford \$5,000 - \$6000 a month, will have a nice but lower cost option.

Sincerely,



Dana Scott, President
Green Tree Assisted Living, LLC

RECEIVED

MAR 17 2018

**ORANGE COUNTY
ZONING DIVISION**

Nearing, David C

From: Kevin Moore <kevin@butlermoore.com>
Sent: Thursday, May 31, 2018 4:02 PM
To: Nearing, David C
Cc: Adham Dandache; Dana Scott
Subject: RE: June 7, 2018 - Board of Zoning Adjustments Public Hearing Poster **PLEASE READ**
Attachments: BZA_Approval_2005.04.21.pdf

Dave,

See attached BZA approval document for this property from 2005. Approval at this time was based upon 80 beds with 22 parking spaces. Using this logic, our increased bed count request would require only 27 spaces. Our conceptual plan currently shows 25 spaces and we can easily add 2 more spaces.

The facility has a max. of 8 staff cars at any given time. The residents do not have their own vehicles nor do they use vehicles. In addition the facility has never encountered any lack of parking issues.

We respectfully request that the property be approved with the condition of providing a min. of 27 parking spaces based upon this historical data.

Based upon this can we remain on the June 7th Agenda?

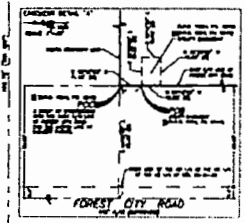
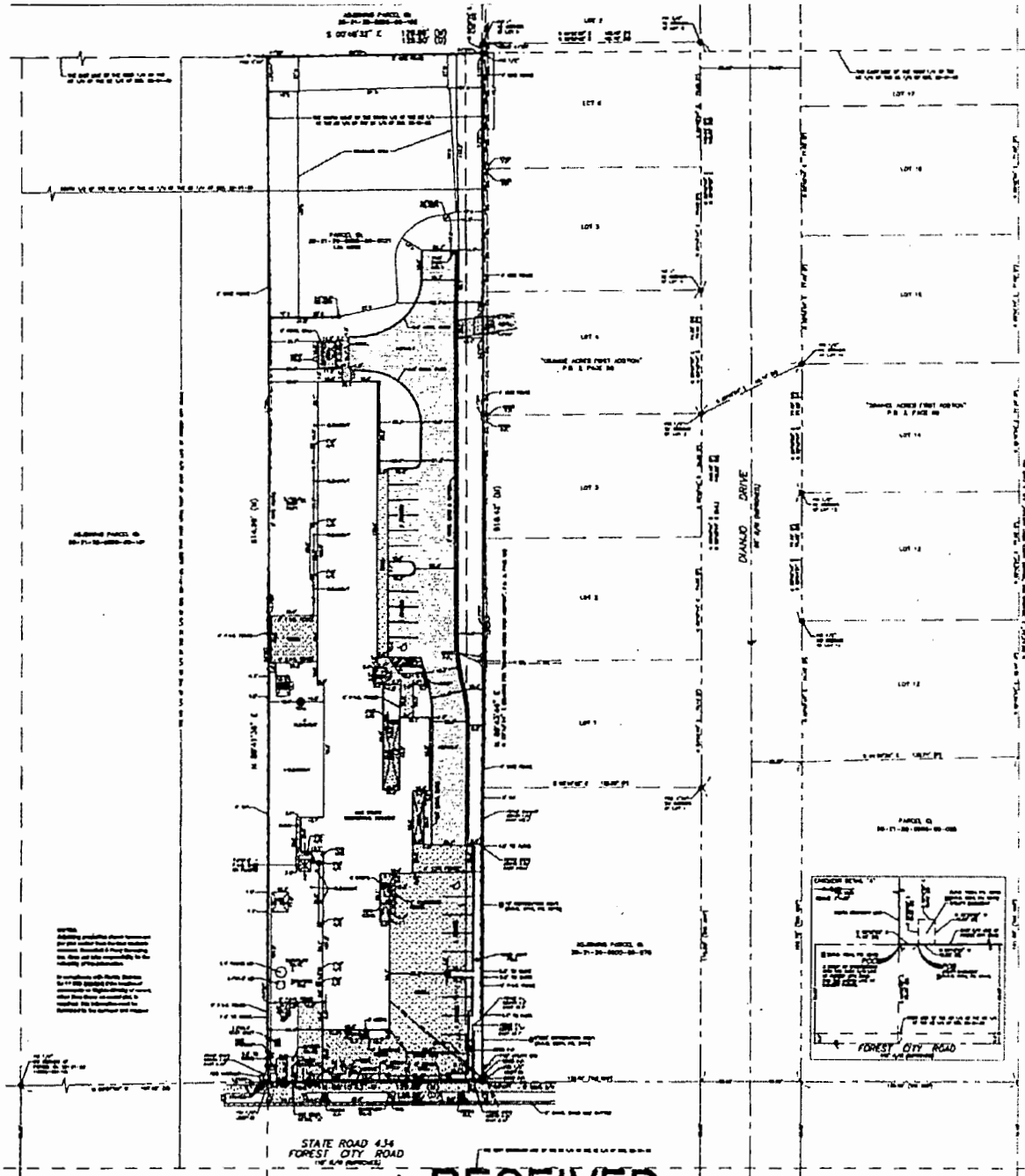


From: Dana Scott <dana.scott@greenalifs.com>
Sent: Tuesday, May 22, 2018 10:39 AM
To: Kevin Moore <kevin@butlermoore.com>
Cc: Adham Dandache <adham.dandache@greenalifs.com>
Subject: FW: June 7, 2018 - Board of Zoning Adjustments Public Hearing Poster **PLEASE READ**

Dave's comments. No, our residents do not go shopping or travel much either. We have never had any issues with parking.



Dana D. Scott - Administrator
President
Dana.Scott@greenalifs.com



THIS SURVEY WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE FLORIDA SURVEYING BOARD AND THE FLORIDA SURVEYING ACT OF 1905, AS AMENDED, AND THE FLORIDA SURVEYING BOARD'S RULES AND REGULATIONS, AND THE FLORIDA SURVEYING ACT OF 1905, AS AMENDED, AND THE FLORIDA SURVEYING BOARD'S RULES AND REGULATIONS, AND THE FLORIDA SURVEYING ACT OF 1905, AS AMENDED.

PER DEED

GRAPHIC SCALE

1" = 100'

RECEIVED

MAR 17 2018

ORANGE COUNTY ZONING DIVISION

Legal Description

The South 129.59 feet of the South 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 31 Township 21 South Range 29 East being more or less as shown on Orange County Florida

Community number 120179 Parcel 0185

Staff: F.F.R.M. Date: 9/25/2009 Final Date: X

Date of field work: 1/29/2018 Completion Date: 1/19/2018

Certified by: Green Tree Assisted Living, LLC a Florida limited liability company

Shirley A. Brown, L.L.P., Fidelity National Title Insurance Company

Bank County T.S.A. of successors and/or assigns

Property Address: 8207 Forest City Road Orlando, FL 32816

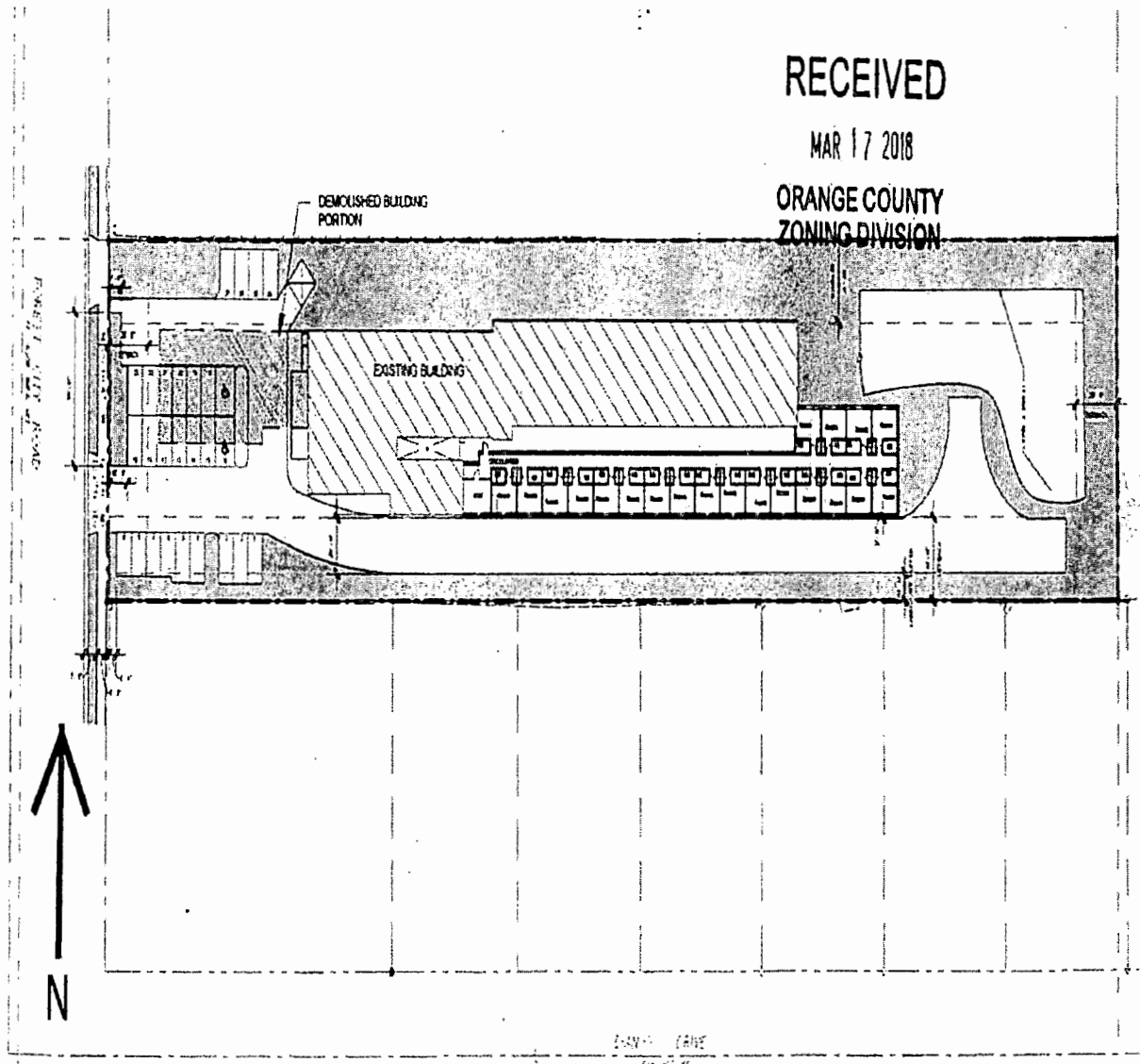
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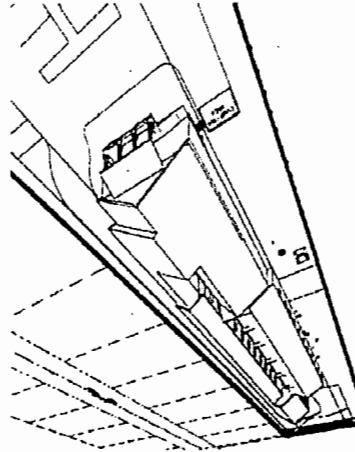
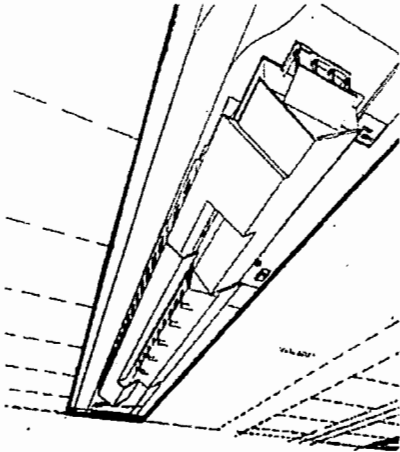
LOCATION MAP

RECEIVED

MAR 17 2018

ORANGE COUNTY
ZONING DIVISION







STAFF REPORT
CASE #SE-18-06-062
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
July 5, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Dana Scott of Green Tree Assisted Living, LLC

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variances in the R-3 zoning district as follows:

- 1) Special Exception to expand an existing Assisted Living Facility (ALF) from 80 beds to 98 beds.
- 2) Variance to decrease the number of parking spaces from 49 spaces to 27 spaces.
- 3) Variance to provide 0 bicycle parking spaces in lieu of 5 bicycle parking spaces.

LOCATION: East side of Forest City Road, approximately 525 ft. south of Pembroke Drive

PROPERTY ADDRESS: 8207 Forest City Rd., Orlando, FL 32810

PARCEL ID: 28-21-29-0000-00-021

PUBLIC NOTIFICATION: 106

TRACT SIZE: 129 ft. x 615 ft.

DISTRICT #: 2

ZONING: R-3

EXISTING USE(S): 80 bed ALF

PROPOSED USE(S): 98 bed ALF

SURROUNDING USES: N – Vacant - R-3
S – Single Family Residences - R-1
E – Multifamily - R-3
W - Forest City Road

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-3 Multi Family Residential zoning district, which allows single family uses and multifamily uses on lots that comply with the required size and width. In addition, through the Special Exception process, certain institutional uses, such as an Assisted Living Facility (ALF) can also be allowed.
2. The oldest portion of the existing building was originally constructed in 1926. This predates zoning in Orange County by 31 years. In 2005, the facilities capacity was expanded from 40 residents to 80. This was accomplished through a Special Exception (SE-05-05-004). The applicant now requests to increase the occupancy by 18 residents to a total of 98. The applicant intends to demolish a portion of the oldest part of the structure closest to Forest City Road. They will then add the new rooms along the south side of the rear 3/4 of the remaining structure.

Special Exception Criteria

1. The use is a Special Exception in the Zoning Code, which must, by State Statutes, be consistent with the Comprehensive Plan. Therefore, the use is consistent.
2. The ALF is a one-story structure, compatible with the one-story single family residences to the south, and provides a transition between those residences and the existing multifamily to the east, and any future multifamily which may be developed in the future on the R-3 zoned property to the north.
3. The use has existed on the site since 1926. The residence to the south abutting Forest City Road was built in 1945. The remainder of the homes were built in 1971. The neighborhood has actually grown around the subject property.
4. With the granting of the requested variances, and the buffering being proposed, the use will meet all of the performance standards for the R-3 zoning district. Given that the largest shift at the facility consists of eight (8) employees, there will still be 15 parking spaces for visitors.
5. There are no documented incidents of excessive noise being generated by the subject property. Nothing exists on the site to generate dust, odor, glare, or heat.
6. The applicant will be providing a 10-foot wide landscape buffer in lieu of 15-feet on the west side with a six (6) foot tall wall for an enhanced buffering.

Variance Criteria - Parking

1. The special conditions and circumstances regarding the variance to reduce the vehicular parking is the fact that none of the residents drive. The applicant has stated that, historically, there has never been an issue with parking.
2. The fact that the applicant provides a service at this location to a clientele with absolutely no dependence on a personal vehicle does not constitute a self-imposed hardship. It will allow the applicant to reduce the amount of unnecessary paving to reduce runoff.

3. Given the difference between the clientele at this facility and the clientele which one may find at a congregate living facility or senior apartment complex, the granting of the variance will not confer any special privilege on the applicant. The prior uses have residents who are far more independent, and may still drive, or even work. While the need for parking for such facilities is less than for conventional housing, there is still a demand.
4. Denial of the variances will deprive the applicant of the ability to increase their capacity and extend their services to a growing population in need of them.
5. The variance is the minimum necessary to accommodate the clientele of this facility. The applicant is actually increasing the parking from what is currently provided, 21 spaces, to 27 spaces.
6. The granting of this variance will not be detrimental to nor impair the purpose and intent of the Zoning Code.

Variance Criteria – Bicycle Parking

1. The particular circumstance regarding this application is the fact that the residence of this facility do not ride bicycles. However, some of the employees may.
2. Not requiring bicycle parking for this facility would be granting a special privilege in that bicycle parking is required for many uses for which one would not envision bicycle traffic.
3. Providing bicycle parking will not deprive the applicant of any rights not enjoyed by others in the same zoning district.
4. Orange County advocates the provision of bicycle parking.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Exception and Variance #1, but does not support Variance #2. If the BZA finds that the Special Exception and one or both variances are warranted, staff recommends the following conditions:

1. Development in accordance with the site plan dated March 17, 2017, 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.
4. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
5. The wall along the south property line shall be four (4) feet in height for the first twenty-five (25) feet east of the front property line, and rise to six (6) feet for the remainder of the site.

c: Dana Scott
8207 Forest City Road
Orlando, FL 32810

MICHAEL PROVINI
VA-18-07-072

REQUEST: **Variance** in the R-1A zoning district to permit a cumulative total of 1,350 sq. ft. of accessory floor area in lieu of 567 sq. ft. (25% of living area).

ADDRESS: 1330 Perkins Road, Orlando FL 32809

LOCATION: South side of Perkins Rd., approximately .2 miles east of S. Orange Ave.

S-T-R: 25-23-29

TRACT SIZE: 115 ft. x 290 ft. (AVG)

DISTRICT#: 3

LEGAL: BEG 623 FT W & 30 FT S OF NE COR OF SE1/4 RUN W 138 FT S 5 DEG E 290 FT E 93.63 FT N 3 DEG E 290 FT TO POB IN SEC 25-23-29

PARCEL ID: 25-23-29-0000-00-047

NO. OF NOTICES: 96

DECISION: APPROVED 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 as amended (5 in favor, 1 opposed and 1 absent):

1. Development in accordance with the site plan dated April 24, 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. The applicant shall obtain a permit for the remaining 1,350 sq. ft. accessory structure within 180 days of final action on this application by Orange County, or this approval becomes null and void.
4. The exterior of the remaining accessory structure shall be treated to resemble the finish and color of the residence.

5. Prior to the final inspection of the remaining accessory structure, the applicant shall obtain an after the fact demolition permit for the 350 sq. ft. shed which has already been demolished, and obtain and complete a second demolition permit for the remaining 250 sq. ft. shed located behind the remaining structure.
6. The remaining accessory structure shall be used for residential storage only, and shall not be used for any commercial activity of any kind.

SYNOPSIS: Staff noted that the subject property was over four (4) times the size of the standard R-1A zoned lot. Due to the distance the structure in question was from the road, it appeared in scale with the property. Additionally, the applicant had already dismantled one (1) shed, and will dismantle a second to reduce the amount of variance needed. The shed has been in existence for at least eight (8) years. The cause of the code enforcement action was due to a complaint that the applicant was operating a business from the property, which the Code Enforcement Officer found not to be valid.

The applicant waived their right to speak, agreeing with the staff recommendation. There being no one to speak for or against the application, the public hearing was closed.

The BZA discussed the case and determined that there should be an additional condition prohibiting the structure from being used for non-residential purposes. Staff prepared a new condition limiting the use of the structure to residential storage only. The BZA adopted a motion as amended to recommend approval of the staff recommendation by a vote of 5-1.



Applicant: MICHAEL PROVINI

BZA Number: VA-18-07-072

BZA Date: 07/05/2018

District: 3

Sec/Twn/Rge: 25-23-29-SE-D

Tract Size: 115 ft. x 290 ft. (AVG)

Address: 1330 Perkins Road, Orlando FL 32809

Location: South side of Perkins Rd., approximately .2 miles east of S. Orange Ave.

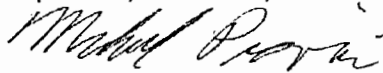
Michael Provini
1330 Perkins Rd.
Orlando, FL 32809

Orange County Zoning Division
201 South Rosalind Avenue 1st Floor
Orlando, FL 32801

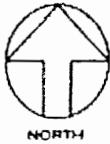
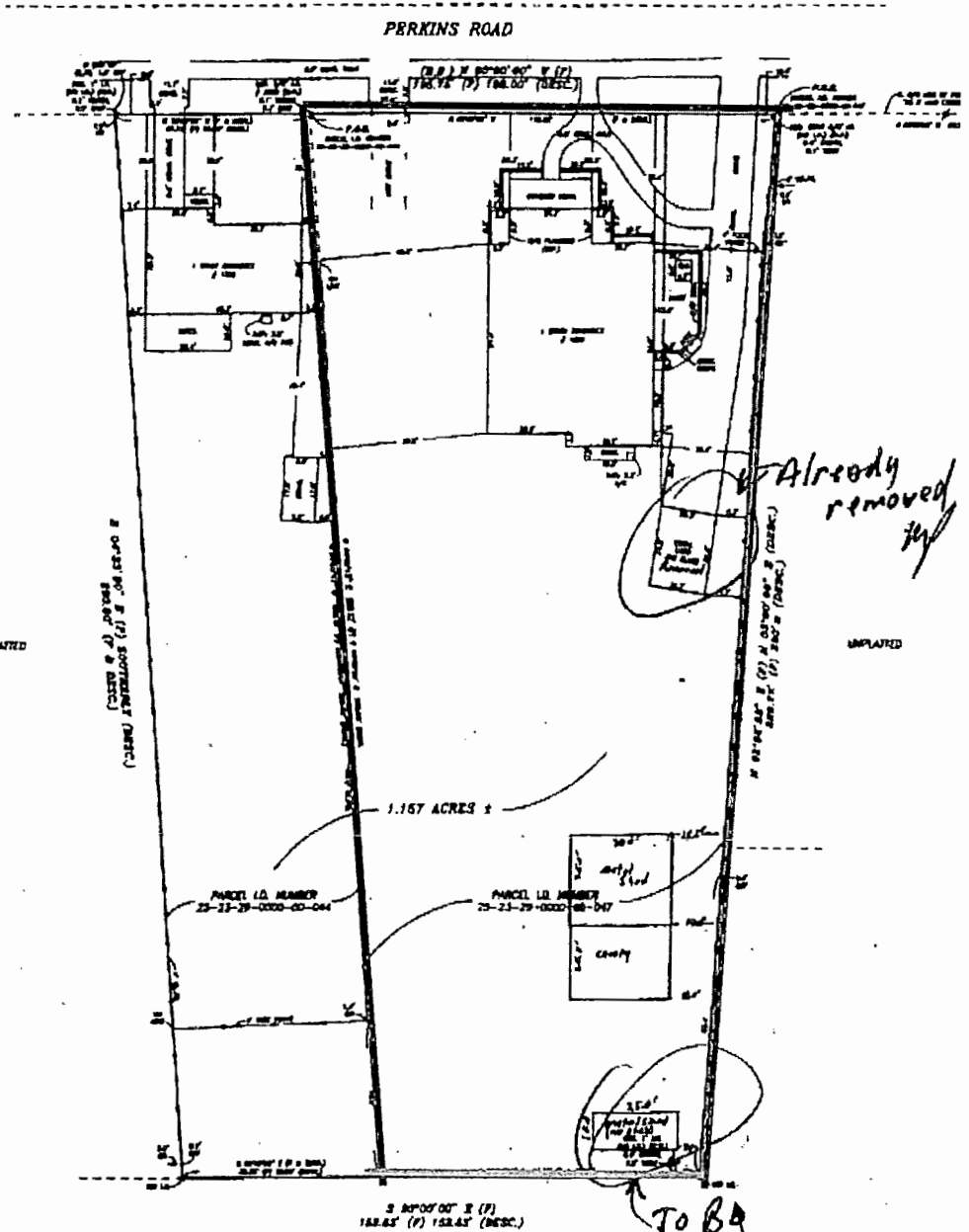
February 20, 2018

My name is Michael Provini and I am the property owner at 1330 Perkins Rd Orlando, FL 32809 a SFR in unincorporated Orange County. I am applying for variance for an existing accessory building (storage shed) on my property which is larger than the current code allows. It is 25' x 30' with a 20' x 30' canopy attached to the back side. The building is 12' high at the highest point. It is constructed on a concrete slab with 18 gage 3 5/8" structural metal studs on 16" center, 20 gage horizontal "hat channel" strapping, 8" 18 gage LGM roof framing and sheathed with 26 gage MBR panels. It was constructed in 2009 to replace a similar size shed that was on the property when purchased in 1981 which was demolished upon constructing its replacement. My property is 138' wide and runs 290' deep so I relocated the structure to the back of the property after building 2000 sf addition to my home. I also own the property adjacent to me to the west where my son resides and have a vacant lot to the east. Both properties have 8 acres of undeveloped woods to the south of them. The structure is located 13' and 60' from the east and west side boundary lines respectively and 68' from the back line. The structure is sound, in excellent condition and to date has endured three hurricanes without incident. I have included an abundance of letters of support from my immediate neighbors and deeply hope you will find in favor of request. Thank you for your consideration to this matter.

Respectfully submitted,



Michael Provini



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APR 24 2018

Subject Property



STAFF REPORT
CASE #: VA-18-07-072
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
July 5, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: MICHAEL PROVINI

REQUEST: Variance in the R-1A zoning district to permit a cumulative total of 1,350 sq. ft. of accessory floor area in lieu of 567 sq. ft. (25% of living area).

LOCATION: South side of Perkins Rd., approximately .2 miles east of S. Orange Ave.

PROPERTY ADDRESS: 1330 Perkins Rd., Orlando, FL 32809

PARCEL ID: 25-23-29-0000-00-047

PUBLIC NOTIFICATION: 96

TRACT SIZE: 115 ft. x 290 ft. (AVG)

DISTRICT #: 3

ZONING: R-1A

EXISTING USE(S): Single Family Residential w/Accessory Structures

PROPOSED USE(S): Accessory Structure

SURROUNDING USES: N - Single Family Residential – R-1A
S – Vacant – R-1A
E - Single Family Residential – R-1A
W -Single Family Residential – R-1A

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-1A, Single-Family Dwelling district, which allows a single family home with a minimum lot area of 7,500 sq. ft., and associated accessory structures with a maximum of 500 sq. ft. or 25% of the living area of the residence (whichever is greater). In this case, twenty-five percent (25%) of the living area of the residence equals 576 sq. ft. Therefore, the 500 sq. ft. limit is not applied.

2. The applicant purchased the property in 1990. Based on a review of historic aerials, it appears that the applicant constructed the existing structure in late 2009 or early 2010. The structure was constructed without permits.
3. The Code Enforcement Division received a complaint (Incident ID: 496498) that the applicant was operating a contractors business on the property. The result of a review showed that no such business was located at the subject property, however, a review of records revealed that the subject structure did not have permits, as was the case with two other accessory structures noted on the survey.

Variance Criteria

1. The special circumstance regarding this property is the fact that it is over 3/4 of an acre in size. This is nearly 4.5 times larger than the typical R-1A zoned lot, and a 1/4 of an acre larger than the minimum lot size for an agriculturally zoned property. Were the property actually zoned agricultural, it would automatically be entitled to 1,000 sq. ft. of accessory floor area. Were it a full acre, it would be entitled to 2,000 sq. ft.
2. To minimize the size of the variance needed, the applicant has already demolished a 350 sq. ft. shed, and will be demolishing another 250 sq. ft. shed located to the rear of the subject structure.
3. Given the size of the subject property, the subject structure is not out of scale. The subject structure is located over 200 feet, south of Perkins Road. When viewed from the intersection of Perkins Road and Matchette Road, the subject structure is completely screened by the applicant's residence. As such, the variance would not be contrary to, nor would it impair the intent of the Zoning Code.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated April 24, 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. The applicant shall obtain a permit for the remaining 1,350 sq. ft. accessory structure within 180 days of final action on this application by Orange County, or this approval becomes null and void.

4. The exterior of the remaining accessory structure shall be treated to resemble the finish and color of the residence.
5. Prior to the final inspection of the remaining accessory structure, the applicant shall obtain an after the fact demolition permit for the 350 sq. ft. shed which has already been demolished, and obtain and complete a second demolition permit for the remaining 250 sq. ft. shed located behind the remaining structure.

c: Michael Provini
1331 Perkins Road
Orlando, FL 32809

REQUEST: **Special Exception and Variances** in the R-CE zoning district as follows:
1) Special Exception: To construct 2 story detached Accessory Dwelling Unit (ADU)
2) Variance to allow an ADU in the front yard in lieu of the side or rear yards.
3) Variance to allow the max height of an ADU of 29 ft. in lieu of 20 ft.
4) Variance to allow a minimum lot width of 111 ft. in lieu of 130 ft.
5) Variance to allow 2,472 sq. ft. of accessory structure floor area in lieu of 2,000 sq. ft.

ADDRESS: 8844 Darlene Drive, Orlando FL 32836
LOCATION: South of Darlene Dr., west of S. Apopka Vineland Rd.
S-T-R: 10-24-28
TRACT SIZE: 2.17 acres (upland)
DISTRICT#: 1
LEGAL: 10372/8247 & 10412/2153 ERROR IN DESC -- COMM AT NW COR SEC 10-24-28, TH N89-36-00E 556 FT, TH S00-44-00W 33FT TO SOUTH LINE OF R/W PER DB 781/678 AND POB; TH RUN S00-44-00W 537 FT, TH S84-13-17W 326.91 FT, TH S89-43-31W 233.27 FT TO WEST LINE SEC 10, TH

PARCEL ID: 10-24-28-0000-00-014
NO. OF NOTICES: 99

DECISION: **APPROVED** 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** 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 (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated May 1, 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.
4. Construction plans shall be submitted within three years of the final County approval, or this approval becomes null and void.
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
6. The exterior of the ADU shall have similar colors and design materials as the primary residence.
7. 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.
8. The applicant shall be responsible for payment of all applicable fees and assessments, including, but not limited to, impact fees.
9. The accessory structure shall be used for residential purposes only. No commercial storage or usage is permitted.

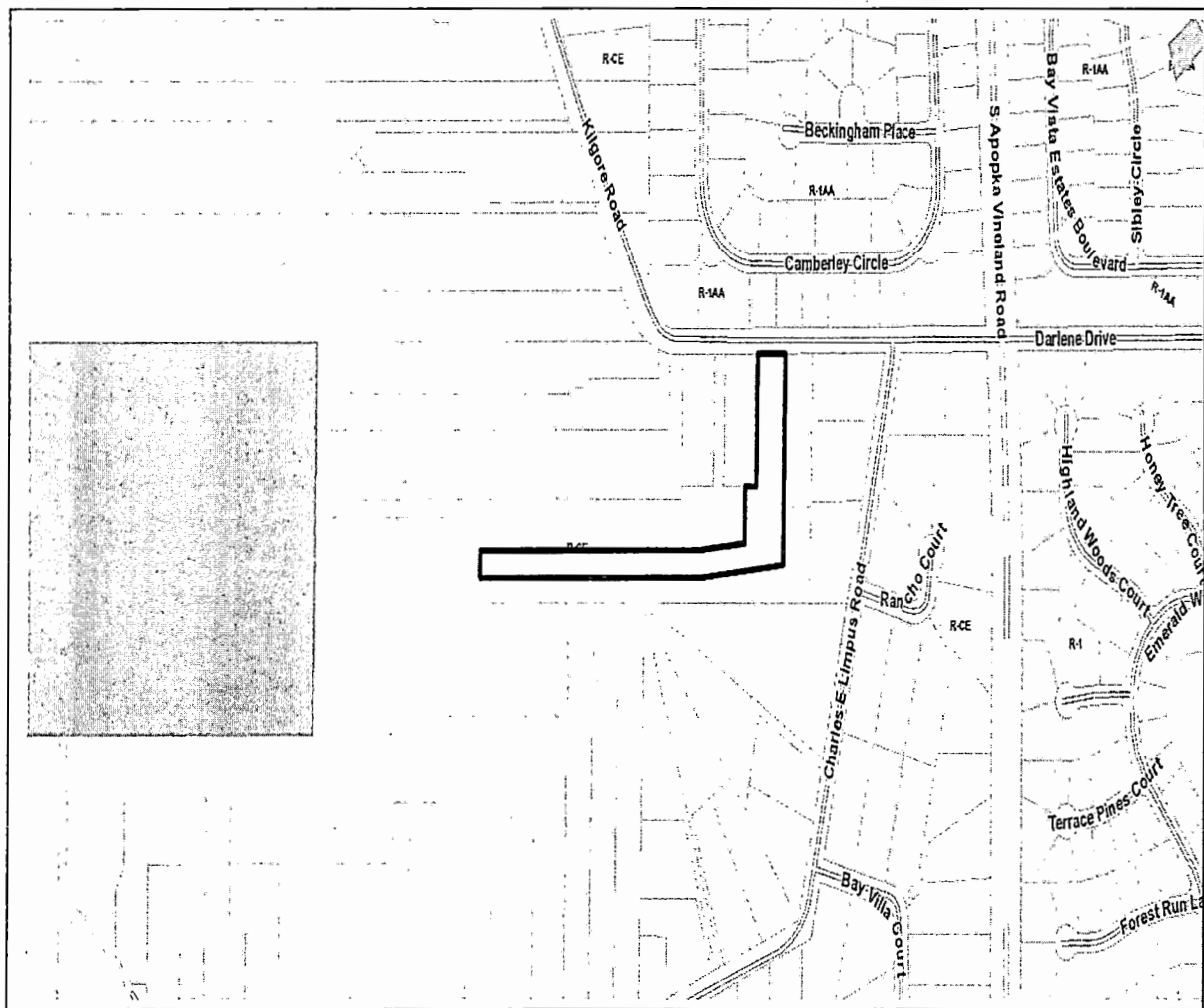
SYNOPSIS: Staff gave a presentation on the case covering the location, site layout, elevations, floorplan, and photos.

The applicant did not have anything to add to the staff presentation.

The BZA acknowledged the unique circumstances due to the shape of the lakefront lot. The BZA asked about the wall across the street and confirmed the location of the neighbor who was opposed to the request.

Staff received no commentaries in favor of the application, and one in opposition to the application. There was no opposition at the hearing.

The BZA approved the Special Exception and Variances.



Applicant: PAUL SCHICK

BZA Number: SE-18-07-073

BZA Date: 07/05/2018

District: 1

Sec/Twn/Rge: 09-24-28-NE-A, 10-24-28-NW-B

Tract Size: 2.17 acres (upland)

Address: 8844 Darlene Drive, Orlando FL 32836

Location: South of Darlene Dr., west of S. Apopka Vineland Rd.

May 1, 2018

RE: Special Exception for Accessory Dwelling Unit 8844 Darlene Drive Orlando, FL 32819

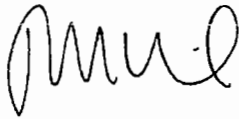
Dear Board of Zoning Adjustment,

Please be advised that I am requesting consideration of a special exception that would allow the new construction of a detached in-law suite on the front portion of my property. The new structure would be suitable additional square footage for my parents to move onto the property with my family.

The new structure would be 3919 square feet under roof, 1447 square feet under air, and 28 feet in height. It would have a garage storage area on the first floor with the living space on the second floor. The structure would be consistent with the usage of the neighbors' accessory detached structures both next door at 8846 Darlene Drive and to the southeast side of my property at 8801 Charles E Limpus Rd.

I appreciate your consideration and look forward to your response.

Sincerely,

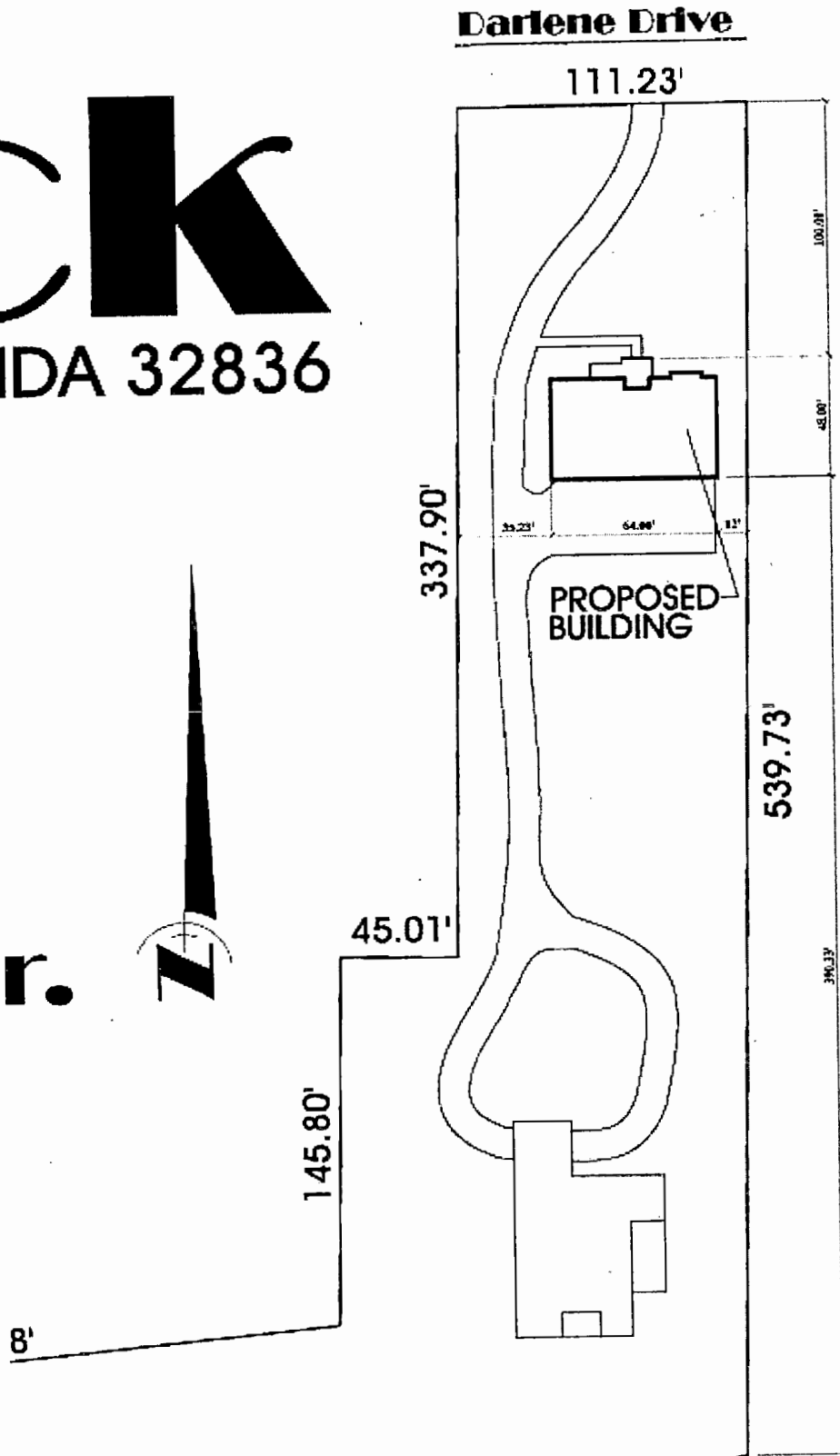


Paul Schick

8844 Darlene Drive Orlando, FL 32836

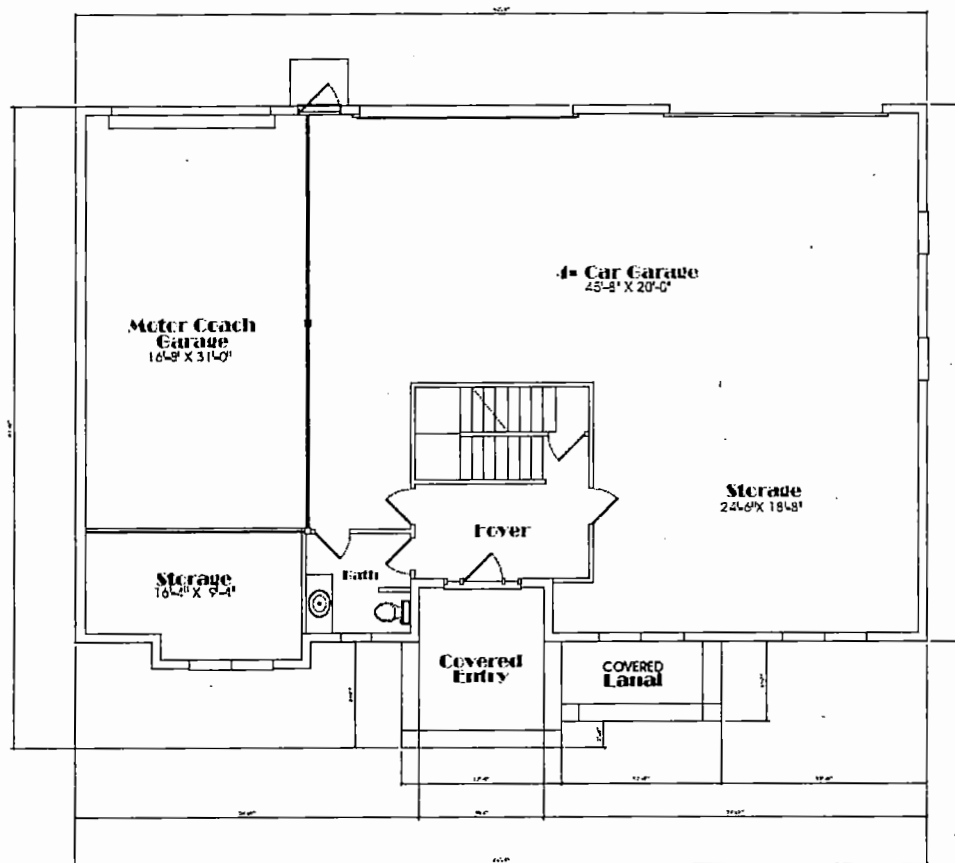
Paul Schick
8844 Darlene Dr. Orlando, FL 32836
schickconstruction@gmail.com
407-310-6484

K
IDA 32836





Front Elevation
Scale 1/4" = 1'-0"

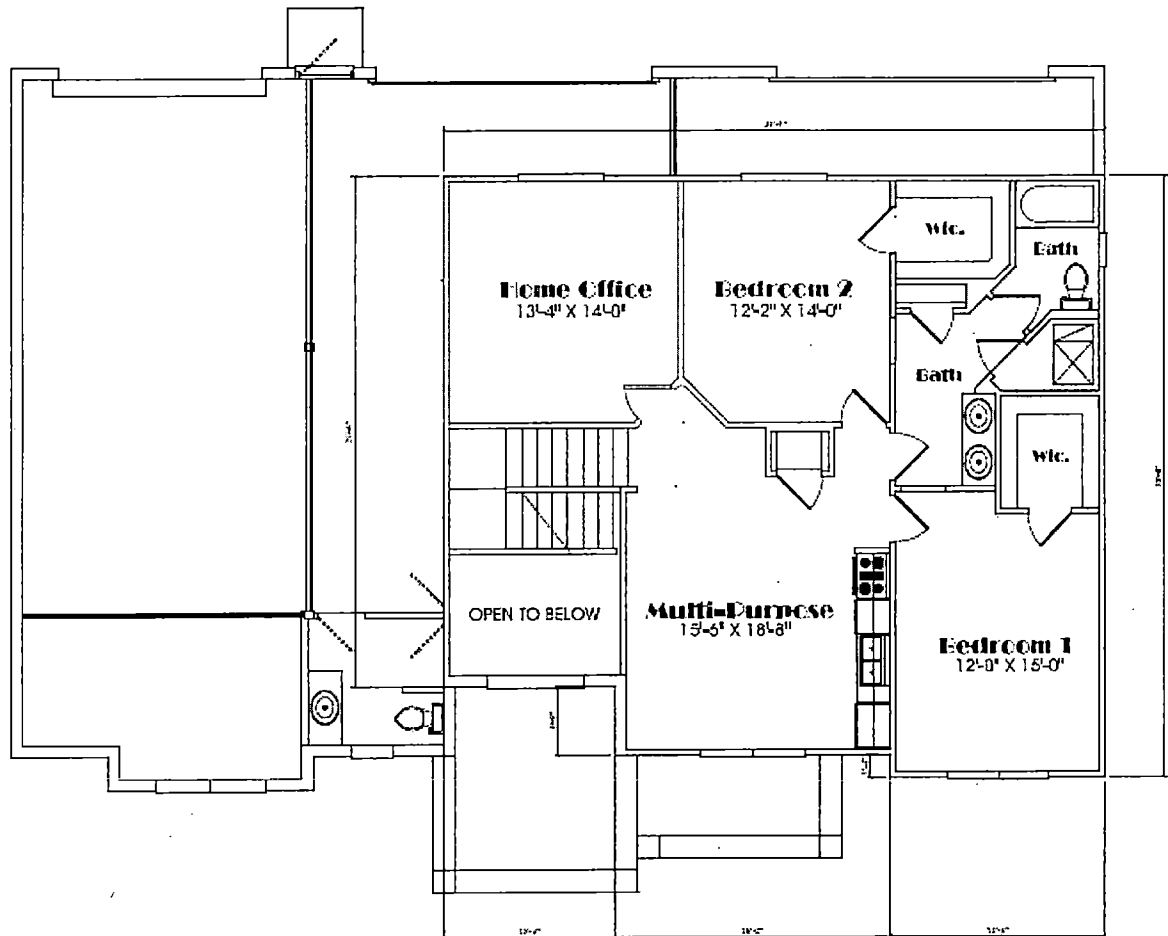


Calculations:

Living Area Floor One	280
Living Area Floor Two	1,167
Total Living Area	1,447
Total Garage & Storage	2,267
Covered Entry & Lanai	205
Total Area Under Roof	3,919

First Floor Plan

Scale 1/4" = 1'-0"



Second Floor Plan
 Scale 1/4" = 1'-0"



STAFF REPORT
CASE #SE-18-07-073
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
July 5, 2018
Commission District: 1

GENERAL INFORMATION:

APPLICANT: PAUL SCHICK

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variances in the R-CE zoning district as follows:

- 1) Special Exception: To construct a 2 story detached Accessory Dwelling Unit (ADU).
- 2) Variance to allow an ADU in the front yard in lieu of the side or rear yards.
- 3) Variance to allow the max height of an ADU of 29 ft. in lieu of 20 ft.
- 4) Variance to allow a minimum lot width of 111 ft. in lieu of 130 ft.
- 5) Variance to allow 2,472 sq. ft. of accessory structure floor area in lieu of 2,000 sq. ft.

LOCATION: South of Darlene Dr., west of S. Apopka Vineland Rd.

PROPERTY ADDRESS: 8844 Darlene Dr.

PARCEL ID: 10-24-28-0000-00-014

PUBLIC NOTIFICATION: 99

TRACT SIZE: 2.17 acres (upland)

DISTRICT #: 1

ZONING: R-CE

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Single Family Residence with ADU

SURROUNDING USES: N – Single Family Residence
S – Single Family Residence
E – Single Family Residence
W – Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-CE, Rural Country Estate district, which allows a single family home and associated accessory structures on minimum one (1) acre lots. ADU's are allowed by Special Exception. This lot is 2.17-acres, more than double the required lot area.
2. The applicant is requesting Special Exception approval to construct a detached 2nd story accessory dwelling unit (above a garage/storage building) for their parents. The subject property has a Homestead Exemption.
3. The applicant is also requesting variances: to construct the ADU in the front yard in lieu of the side or rear yards, for height of the ADU, accessory structure floor area, and lot width.
4. Due to the shape of the lot and location of the principal structure, it would be impossible to locate the ADU/accessory building in the rear yard. This is a lakefront lot.
5. The building will be setback over 100 feet from the front property line. This is consistent with, or exceeds the front setbacks of other properties in the area.
6. The design of the building will be generally consistent with other homes in the area. The garage on the ground floor will be rear loaded.
7. The ADU will be located above a 4-car garage; thus, adequate parking will be available to accommodate the ADU.
8. The unique shape of the lot and location of the existing house are special conditions and circumstances that prevent locating an accessory structure or ADU behind the house.
9. Approval of the variances requested will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood or public welfare:
 - The ADU/accessory building will have an appearance similar to a single family home, thus, locating it in front of the main house will not cause any additional negative impact.
 - The ADU/accessory building will be located over 100 feet from the front property line, with side setbacks of over 12 feet and 35 feet.
 - The ADU/accessory building will be located approximately 50 feet from any adjacent residence, and will be less than the 35 feet allowed height for single-family residences.
10. Approval of the Special Exception will comply with the specific criteria:
 - The Comprehensive Plan states that ADU's are compatible with residential zoning through the Special Exception process.
 - The ADU use is similar and compatible with the surrounding area.
 - The ADU will not be a detrimental intrusion into the surrounding area.
 - The characteristics and impacts of an ADU are consistent with the majority of uses permitted in the R-CE zoning district.
 - No additional landscaping is required when a residential use abuts other residential property.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated May 1, 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.
4. Construction plans shall be submitted within three (3) years of the final County approval, or this approval becomes null and void.
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
6. The exterior of the ADU shall have similar colors and design materials as the primary residence.
7. 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.
8. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.
9. The accessory structure shall be used for residential purposes only. No commercial storage or usage is permitted.

c: Paul Schick
8844 Darlene Drive
Orlando, FL 32836

CARMEN VAZQUEZ
VA-18-07-074

REQUEST: **Variances** in the R-1 zoning district as follows:
1) To allow an above ground swimming pool to 2 ft. from the rear property line in lieu 5 ft. (DENIED BY BZA)
2) To allow an above ground swimming pool 12 ft. from the side street property line in lieu of 15 ft. (DENIED BY BZA)
3) To allow a 6 ft. high fence in the reverse corner triangle in lieu of 4 ft. (APPROVED BY BZA)

ADDRESS: 10102 Jepson Street, Orlando FL 32825
LOCATION: Southeast corner of Jepson St. and Wages Way
S-T-R: 20-22-31
TRACT SIZE: 140 ft. x 120 ft. (AVG)
DISTRICT#: 4
LEGAL: PARK MANOR ESTATES UNIT 12A 17/113 LOT 508
PARCEL ID: 20-22-31-6698-05-080
NO. OF NOTICES: 142

DECISION: **DENIED** the Variance requests **#1 and #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); and, **APPROVED** the Variance request **#3**, 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 (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated May 2, 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.

4. The applicant shall obtain permits within ninety (90) days of this meeting or this approval becomes null and void.

SYNOPSIS: Staff gave a presentation on the case covering the location, site layout, and photos.

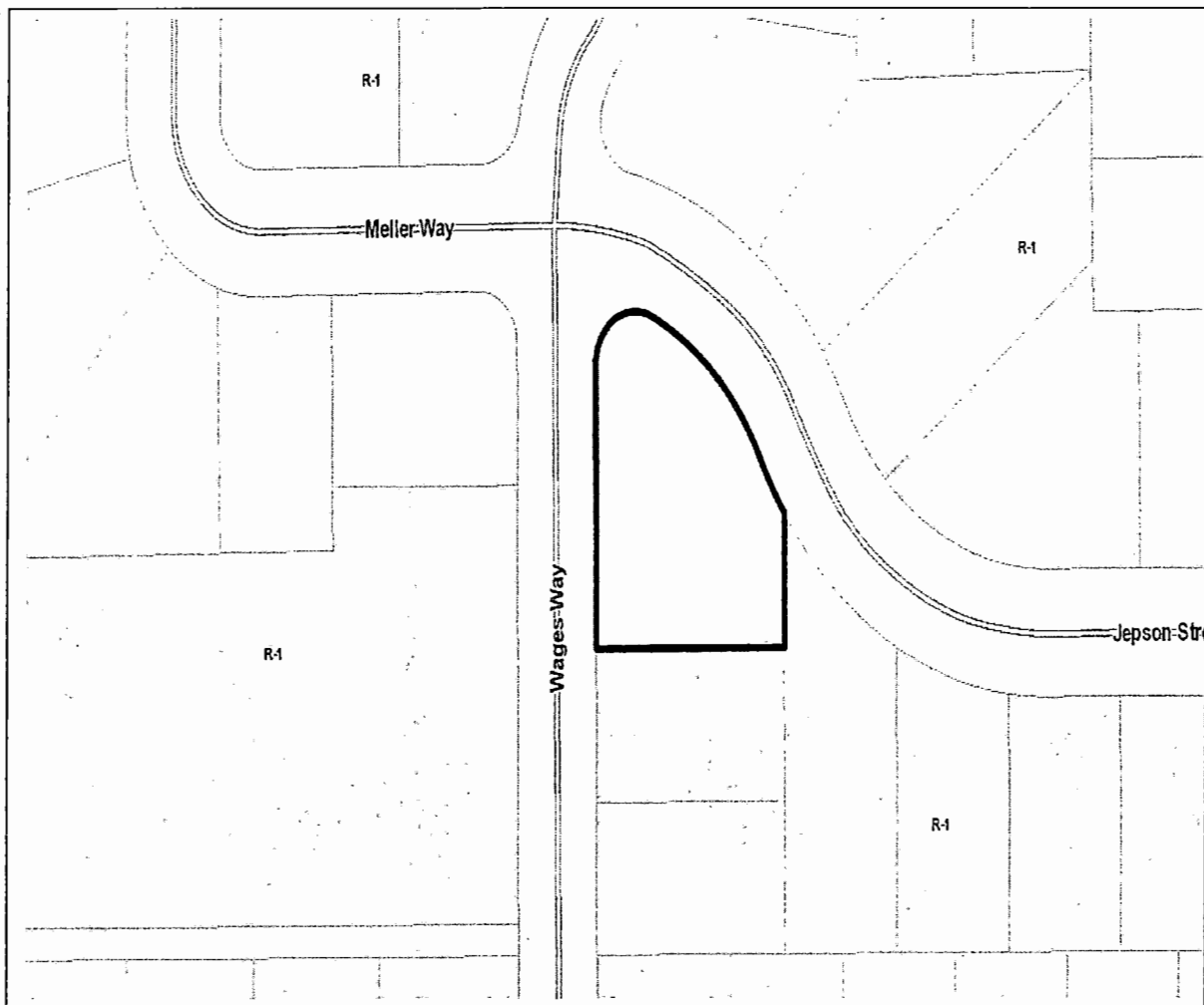
Code Enforcement explained that they cited the property, and if the BZA approves the requests, then the applicant will be in compliance, otherwise a fine will accrue.

The applicant stated that she constructed the pool with her husband. The applicant also stated that she is more concerned with the fence than the pool.

The BZA confirmed that the work was done without permits and the fence height. The BZA confirmed that the adjacent affected neighbor supports the fence.

Staff received one commentary in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA denied Variance requests #1 and #2, and approved Variance request #3.



Applicant: CARMEN VAZQUEZ

BZA Number: VA-18-07-074

BZA Date: 07/05/2018

District: 4

Sec/Twn/Rge: 20-22-31-SW-C

Tract Size: 140 ft. x 120 ft. (AVG)

Address: 10102 Jepson Street, Orlando FL 32825

Location: Southeast corner of Jepson St. and Wages Way

April 13, 2018

Board of Zoning Adjustment
Orange County Florida

This proposal letter is to request and substantiate the grant of a Variance for a residence at 10102 Jepson St Orlando, FL 32825.

- Property Fence

The petitioner requests a Variance allowing a fence to keep around the residential property, generally following the property line, but which in one area is a reverse corner the required fence has a 4 feet height because followed by a neighbor drive way. This encroachment would occur in primarily one area on the side of the property on 857 Wages Way, Orlando FL 32825. The reason for following the proposed fence line is primarily to bring the property into visual harmony with the existing white PVC fence. The petitioner's equally important need for this fence is to ensure harmony and peaceful coexistence with the neighbors, with regard to the petitioner's Red Nose Pit bull Dog. It has long been established that (when neighbors walk their dogs near the petitioner's current residence at 10102 Jepson St the petitioner's dog begins barking and running back and forth along the sections of reduce white PVC fence that she jump on multiply time attacking other dogs, thanks God nothing mayor because the petitioner is always home and take immediately action when this situations take place. The proposed fence's 6 foot height is requested in order to provide both a sound barrier and for increased home security. Both of these concerns are due to the proximity of the rear neighbor property 857 Wages Way which is only a few feet away. The requested Variance would provide a security barrier and reduce the noise level in the home. It is the absolute intent of the petitioner.

- Above Ground Pool

The petitioner additionally requests a Variance allowing an above the ground pool was built without a building or zoning permit. This pool has a size of 27 x 52, is located at the rear side of the property backyard, petitioner follow all the building and safety requirements. This above the ground pool has 5 feet's inside the reverse corner area, also the side street set back are 15 feet and the pool is just 9.9 feet from that set back. Actually the pool is surrounded by a 6 feet height fence and gate to retain general access. No complains was made about the pool location or pool existence, due to no visibility to the backyard for the White PVC fence a neighbor make an statement a in ground pool was made at the backyard, which was totally wrong. The petitioner communicate with Building to evaluate the pool construction and they approve the same one but because of location the can grand a permit for that reason petitioner is requesting this variance. This pool doesn't represent a mayor violation, is correctly installed, meet all the security and safety requirements, and don't disturb any of near neighbors.

Support of Favorable Findings

The petitioner is confident that the proposed Variances fall within these guidelines, notably;

- A) "...an exceptional or extraordinary circumstance..." The petitioner's desire to be a good neighbor by creating a situation where his dog barks less at pedestrians walking their own dogs, and the neighbors' desire to have a more peaceful neighborhood are enough to justify allowing the petitioner to achieve that goal in any circumstance. However, the fact that the property in question is an extremely large lot for (Orlando), means this property will have a lower fence

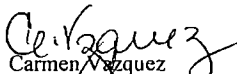
height, creating a greater number of neighbors / pedestrians that would be affected by the potential of a barking dog or even attacking situations. As such, this situation is in fact somewhat an exceptional or extraordinary circumstance compared to other properties in Orlando;

- B) "... A Notarized Letter of acceptance and no objection from the near neighbor was received and included in this petition.
- C) "The granting of such Variance will not be materially detrimental to the public welfare..." the proposed Variance does no harm to either public or private interests, and is not injurious to any property or interest. In fact, granting the proposed Variance will serve only to create a more pleasing visual harmony and security for both the petitioner and the neighbors.
- D) "The granting of the Variance will not constitute a grant of special privileges..." As stated, there are at least two other houses on the same street with 6 feet fence at the reverse corner, and the intended fence is specifically proposed to use the identical materials, design, and finish as similar fences in the same neighborhood, and ;

Additionally, the proposed fence and Above Ground Swimming Pool that this Variance is being requested for does not encroach or infringe on any neighboring residential properties, nor would it impose any hardship on any neighbors, nor would it serve to create a situation where any neighbor's quality of life, property value, or peaceful co-existence would be negatively affected. Quite the contrary, the proposed Variance would allow the petitioner to become a quieter neighbor, with quieter dogs, enjoying greater personal security, and achieve a lower noise level in his home.

Photographs and diagrams in support of the requested Variance are attached hereto.

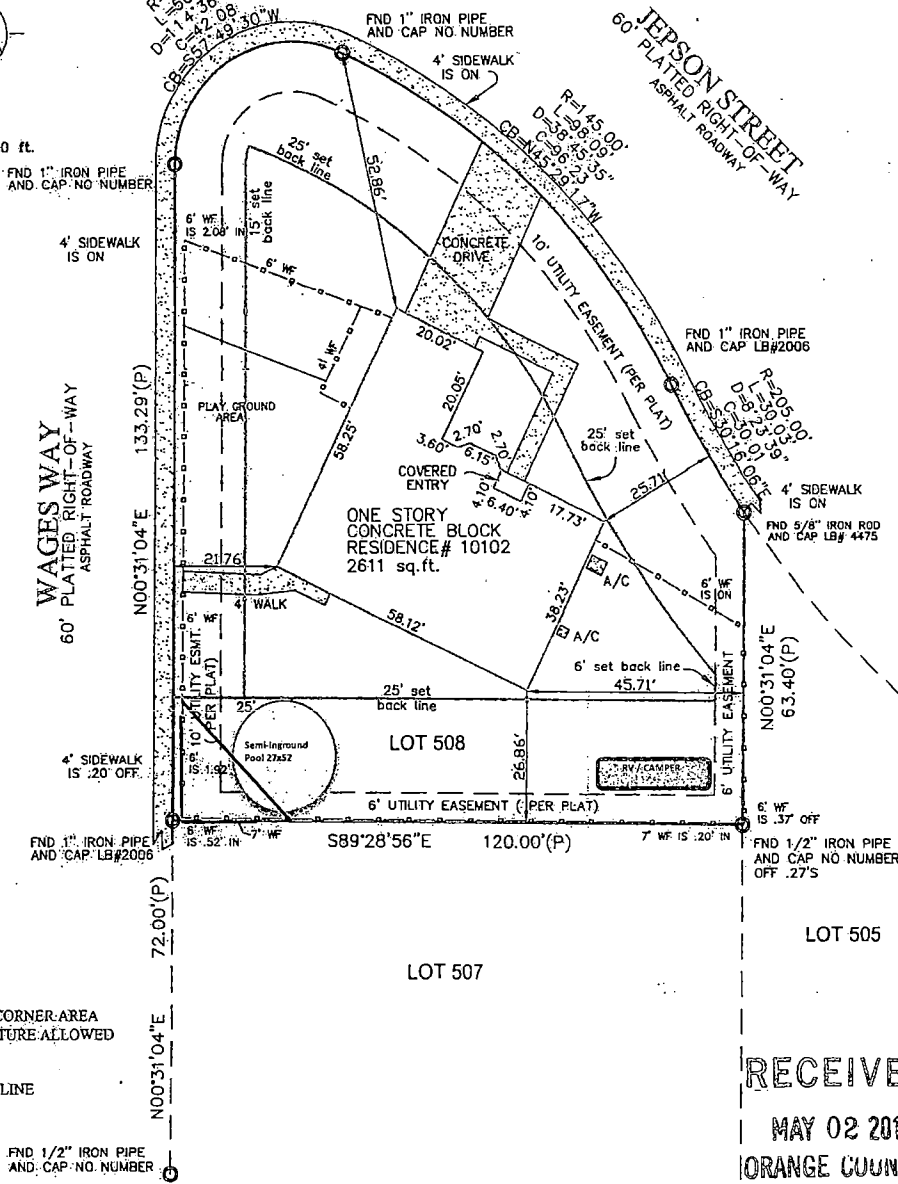
Respectfully submitted,


Carmen Vazquez
10102 Jepson St Orlando, FL 32825
407-928-6123/ 407-929-4119
vazquezg928@gmail.com

BOUNDARY SURVEY



SCALE
1 inch = 30 ft.



NOTE:
25' X 25'
REVERSE CORNER AREA
NO STRUCTURE ALLOWED
SET BACK LINE

RECEIVED
MAY 02 2018
ORANGE COUNTY
ZONING DIVISION

Surveying & Mapping Services Inc.

LB 7439

P	= PLAT
M	= MEASURE
UP	= IRON PIPE
IR	= IRON ROD
C.M.	= CONCRETE ENCUMBRANCE
SET L.R.	= 1/2" L.R. LB 7439
REC	= RECOVERED
P.O.B.	= POINT OF BEGINNING
R.O.C.	= POINT OF COMMENCEMENT
C.L.	= CENTER LINE
N&D	= NAIL AND DISK
R/W	= RIGHT OF WAY
ESMT.	= EASEMENT
COVD	= COVERED
UTL.	= UTILITY
C.L.F.C.	= CHAIN LINK FENCE

Surveyor's Notes:

1. Except as shown, hereon, no underground features, utilities or foundations were located by this survey.
2. The lands shown hereon were not abstracted for easements or other recorded encumbrances not shown on the plat.
3. Bearing shown hereon are based on the West line of Lot 508, being N00°31'04" per Plat.

Legal Description:

LOT 502, PARK MANOR ESTATES, UNIT TWELVE "A", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGE 113, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Property Address:

* 10102 JEPSON STREET



STAFF REPORT
CASE #: VA-18-07-074
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
July 5, 2018
Commission District: 4

GENERAL INFORMATION:

APPLICANT: CARMEN VAZQUEZ

REQUEST: Variances in the R-1 zoning district as follows:

- 1) To allow an above ground swimming pool to 2 ft. from the rear property line in lieu 5 ft.
- 2) To allow an above ground swimming pool 12 ft. from the side street property line in lieu of 15 ft.
- 3) To allow a 6 ft. high fence in the reverse corner triangle in lieu of 4 ft.

LOCATION: Southeast corner of Jepson St. and Wages Way

PROPERTY ADDRESS: 10102 Jepson St., Orlando, FL 32825

PARCEL ID: 20-22-31-6698-05-080

PUBLIC NOTIFICATION: 142

TRACT SIZE: 140 ft. x 120 ft. (AVG)

DISTRICT #: 4

ZONING: R-1

EXISTING USE(S): SFR

PROPOSED USE(S): Swimming pool and fence

SURROUNDING USES: N - Residential

S - Residential

E - Residential

W - Residential

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting variances for setbacks for a swimming pool and for fence height within the reverse corner visibility triangle.

2. The property is located in the R-1, Single-Family Dwelling district, which allows a single family home and associated accessory structures.
3. A swimming pool is allowed to be installed five (5) feet from side and rear property lines, and fifteen (15) feet from a side street setback. The applicant installed a partially in ground pool without permits, in violation of required setbacks. The pool also encroaches into a utility easement. The Building Division has confirmed that the existing pool would not be permitted as proposed and must be fully above ground.
4. When the rear yard of a property abuts the neighbor's front yard, a reverse corner visibility triangle must be maintained, measuring twenty-five (25) feet along each of the property lines. Fences may not exceed four (4) feet in height in this area. The applicant installed a six (6) foot high fence in this area without permits. The neighbor's driveway is immediately adjacent, and visibility is considered to be a life safety issue, especially since there is a pedestrian sidewalk adjacent to the fence.
5. Code Enforcement cited the applicant in July of 2017, for installing a fence and pool without permits (CEB-2018-355724Z/Incident 488980).
6. Staff has received letters from the adjacent neighbor in favor of the fence request.
7. Staff recommends denial of these requests.
 1. The applicant has not demonstrated special conditions or circumstances to justify the requests. Based on the site plan provided, the applicant has adequate room in the rear yard to have the pool and meet the setbacks.
 2. The need for the variance is self-created as the work was done without permits.
 3. Approval would grant special privilege that is not granted to other properties in the area.
 4. The applicant is not being deprived of the right to have a swimming pool or fence on the property, as they could install both while still meeting the Code.

STAFF RECOMMENDATION:

Staff recommends denial; however, if the BZA approves the requests the following conditions should be imposed:

1. Development in accordance with the site plan dated May 2, 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.
 4. The applicant shall obtain permits within ninety (90) days of this meeting or this approval becomes null and void.
- c: Carmen Vazquez and Andres Vazquez
10102 Jepson Street
Orlando, FL 32825

JOHN BROWN
VA-18-07-075

REQUEST: Variance in the I-4 zoning district to allow a side (east) yard setback of 15 ft. in lieu of 25 ft.
ADDRESS: 5850 Jones Avenue, Mount Dora FL 32757
LOCATION: South side of Jones Avenue and north side of W. Ponkan Road, southwest of N. Orange Blossom Trail
S-T-R: 22-20-27
TRACT SIZE: 9.79 Acres
DISTRICT#: 2
LEGAL: REV FLEMINGS ADD TO ZELLWOOD A/64 LOTS 1 TO 4 (LESS E 75 FT OF S 100 FT OF LOT 3) & E1/2 OF VAC ST W OF LOT 4 BLK 14 & THE W 1/2 OF VAC ST LYING E OF LOTS 1 2 & 3 (LESS THE S 100 FT) PER 9666/0067
PARCEL ID: 22-20-27-2736-14-010
NO. OF NOTICES: 64

DECISION: **APPROVED** 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 (unanimous; 5-0, 1 abstained and 1 absent):

1. Development in accordance with the site plan dated May 4, 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.

SYNOPSIS: Staff explained the background of the property. It was noted that the initial staff recommendation has changed based on new information provided by the applicant's engineer. The County traffic engineer found the required setback would require a large truck to cross over the property line to accomplish a backing maneuver. The traffic engineer concluded that a

twenty (20) foot setback "should" accommodate the maneuver. However, when staff factored in the required landscaping, it was recommended that the entire variance be granted.

The applicant was not present. There being no one present to speak for or against the request, the public hearing was closed.

The BZA conclude that since the width of the property was not sufficient to properly accommodate a proper turning maneuver without the variance, the variance was warranted. A motion to recommend approval of the request was passed unanimously.

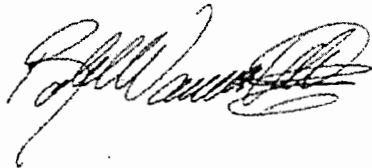
Variance Request

Mr. John Brown Jr.
ROP Holding Group Inc.
1350 Sheeler Avenue
Apopka, FL 32703
(407) 886-3003
jrbrown@go-tpc.com

We are requesting a variance for the development of the parcel located at 5850 Jones Ave, Mount Dora, FL 32757, Parcel ID # 22-20-27-2736-14-010. The variance requested is to reduce the east property line setback from 25' to 15'. The existing zoning for the parcels is IND-4. The reason that the variance is being requested is to enable trucks with a safe distance for accessing the dock located on the proposed metal building. The metal building is 35' in height and has an area of 6,440 square feet. The site plan is attached.

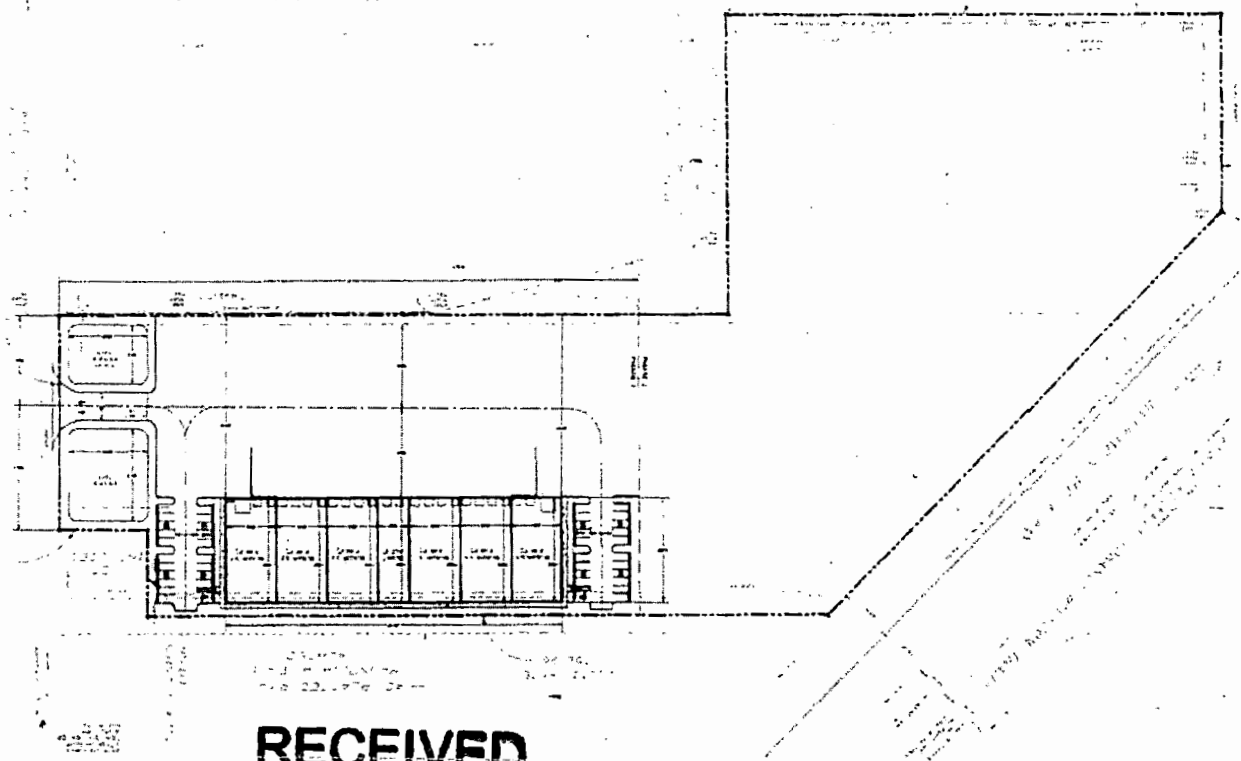
If there are any questions, please don't hesitate to contact me.

Sincerely,



Rob Wassum PE
Project Engineer

RECEIVED
MAY 04 2018
ORANGE COUNTY
ZONING DIVISION

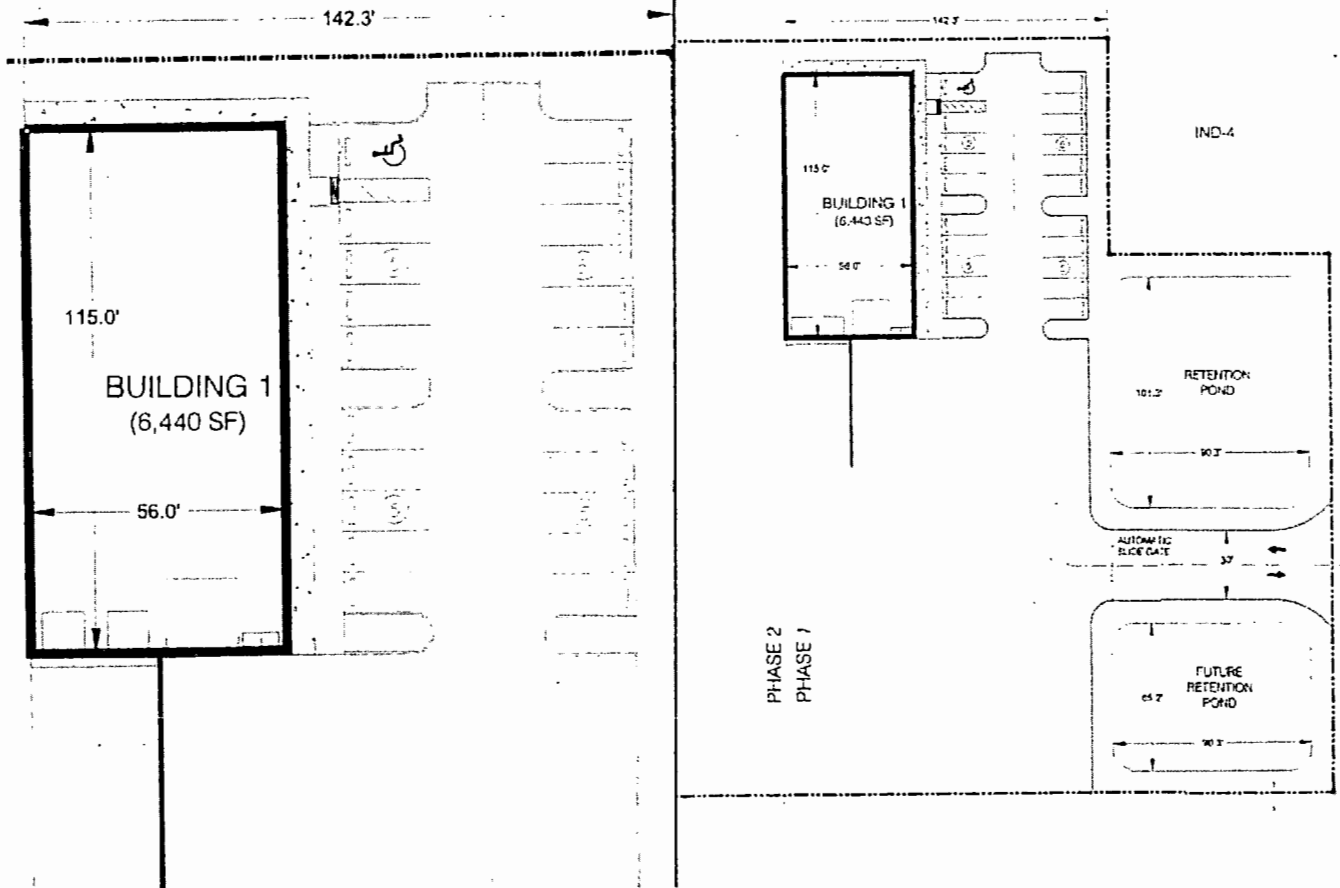


RECEIVED

MAY 04 2018

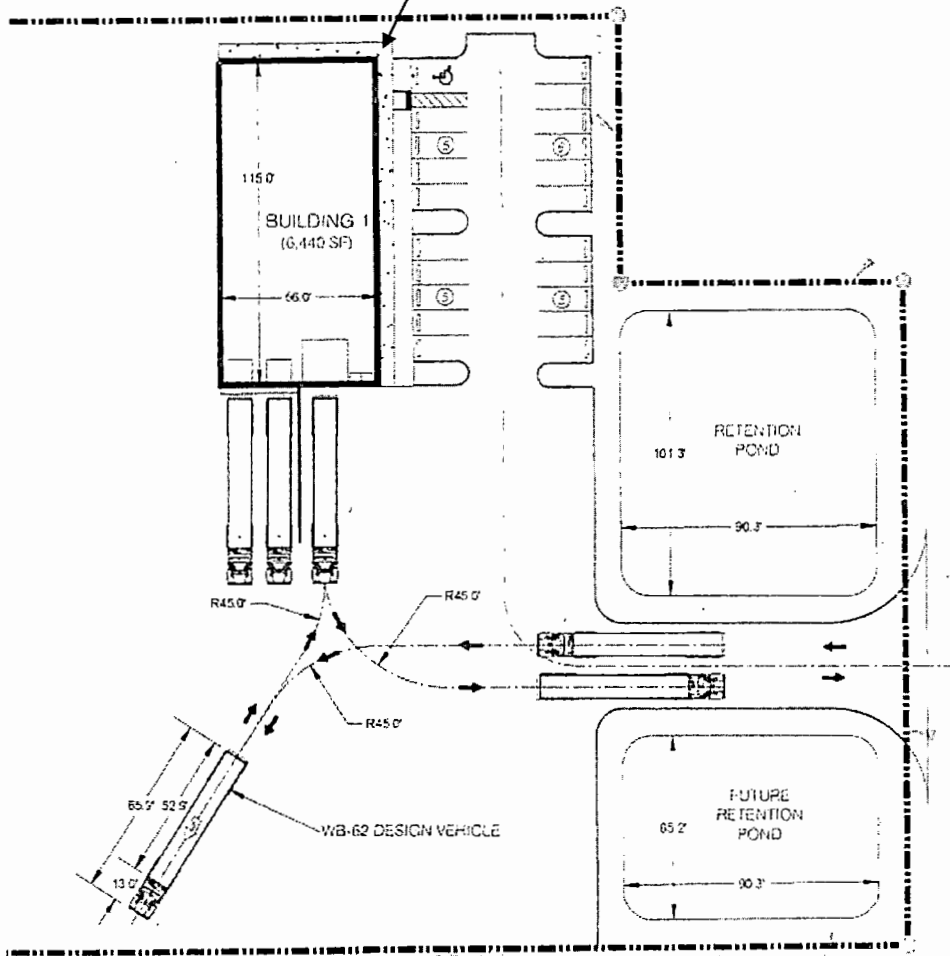
**ORANGE COUNTY
ZONING DIVISION**







15 ft. in lieu of 25 ft. on the East
property line





STAFF REPORT
CASE #: VA-18-07-075
Orange County Zoning Division
Planner: David Nearing
Board of Zoning Adjustment
July 5, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: JOHN BROWN

REQUEST: Variance in the I-4 zoning district to allow a side (east) yard setback of 15 ft. in lieu of 25 ft.

LOCATION: South side of Jones Avenue and north side of W. Ponkan Road, southwest of N. Orange Blossom Trail

PROPERTY ADDRESS: 5850 Jones Ave., Mt. Dora, FL 32757

PARCEL ID: 22-20-27-2736-14-010

PUBLIC NOTIFICATION: 64

TRACT SIZE: 9.79 Acres

DISTRICT #: 2

ZONING: I-4

EXISTING USE(S): Vacant

PROPOSED USE(S): Warehouse

SURROUNDING USES: N - Rail Road & Vacant - I-4
S - Vacant & Warehouse - A-1 & I-4
E - Vacant/Cell Tower - I-4
W -Auto Salvage - I-4

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned I-4, Industrial District. This is the most intense zoning district in Orange County. It is this zoning, which supports manufacturing, scrap yards, and similar more intense uses. The setbacks for the I-4 district are as follows: Front, 35 ft.; Side, 25 ft.; and, rear 10 ft.

2. The adjacent property immediately east of the subject property is currently vacant, with the exception of a cell tower and support structure. To the west is an auto salvage operation. These properties, as are the remaining properties on Ponkan Rd., are also zoned I-4.
3. The property has access to both Ponkan Road as well as Jones Rd to the north. The applicant intends to access off Ponkan, as access off Jones would require a rail crossing. The portion of the Road abutting Ponkan Road is the narrower portion of the property with 235 ft. of frontage.
4. The applicant wishes to construct a multi-bayed industrial building. The applicant is attempting to design the site to accommodate the turning movements of large semi tractors with 63 ft. trailers. To maximize the maneuverability, they are seeking a variance to allow a side setback for the buildings of 15 ft. in lieu of 25 ft. Approval of this variance is intended to be for all seven buildings to avoid the need, if successful, to return for a variance on each building.

Variance Criteria

1. The special condition and circumstance of this property is the width of the property. The applicant indicates that the additional 10 ft. make turning maneuvers for large trucks safer and more efficient. However, the Engineer with the Traffic Engineering Division has indicated that the information provided is not conclusive enough to substantiate that point.
2. Without being able to substantiate the turning maneuver issue, it is not possible to find that without the variance the applicant would be deprived the full use of the property.
3. The applicant will still be maintaining a sizeable side setback. Therefore, the granting of the variance will be consistent with the purpose and intent of the Zoning Code, and will not impair its integrity.

STAFF RECOMMENDATION:

Staff cannot support the request for the following reason:

The applicant has not provided sufficient evidence to justify that the reduced setback is necessary to permit the full utilization of the property.

However, should the BZA find that there is sufficient justification to warrant the needed variance, staff recommends that the following conditions be applied:

1. Development in accordance with the site plan dated May 4, 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.

c: John Brown
1350 Sheeler Avenue
Apopka, Florida 32703

VEGA INTERNATIONAL MINISTRIES, INC.
SE-18-07-078

REQUEST: Special Exception in the R-1A and P-O zoning districts to allow a learning center at an existing church.
ADDRESS: 5235 Hoffner Avenue, Orlando FL 32812
LOCATION: North of Hoffner Ave., west of Kempston Dr.
S-T-R: 16-23-30
TRACT SIZE: 458 ft. x 340 ft. (AVG)
DISTRICT#: 3
LEGAL: BEG 33 FT N & 40 FT E OF SW COR OF SE1/4 RUN N 360 FT E 186 FT N 40 FT E 106 FT S 400 FT W 292 FT TO POB IN SEC 16-23-30 ST OF FL NC (LESS COMM FROM NW COR OF NE 1/4 OF SECTION 16 TH RUN S00-04-52E 5268.09 FT TO N R/W LINE SR 15 TH N89-58-18E 40 FT TO POB
PARCEL ID: 16-23-30-0000-00-047
NO. OF NOTICES: 98

DECISION: **APPROVED** 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 (5 in favor, 1 opposed and 1 absent):

1. Development in accordance with the site plan dated June 20, 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.
4. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met.

5. This approval is for a maximum of eighty (80) children, any expansion shall require Board of Zoning Adjustment approval.
6. No more than four (4) outdoor special events 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 thirty (30) days prior to the date of each event.
7. All driving aisles and required handicapped spaces shall be paved.
8. The applicant shall aggregate parcel ID 16-23-30-0000-00-054 with the existing parcel.
9. Vehicular ingress/egress shall be prohibited via Petroff Avenue.
10. A Type D landscape buffer (to include a six (6) foot vinyl fence and trees) shall be provided along the north and east property lines abutting residential. A seven (7) foot wide landscape strip per Sec. 24-4 (a), shall be installed along the south property line facing Hoffner Avenue.
11. The applicant shall obtain permits for the required paved parking spaces for the learning center within ninety (90) days.
12. Per the provision of the Conway Road Overlay District, the following shall be placed on the cover page of any site plan submitted for nonresidential permit review in lettering 2 inches in height: "THIS APPLICATION [OR THESE PLANS] RELATE TO THE CONWAY ROAD/HOFFNER AVENUE CORRIDOR OVERLAY DISTRICT, WHICH IS CODIFIED AT SECTION 38-1059 THROUGH SECTION 38-1065 OF THE ORANGE COUNTY CODE."

SYNOPSIS: The applicant is proposing a learning center for up to eighty (80) children at the existing church. The proposed use will utilize the buildings and playground on site and no vertical construction is proposed.

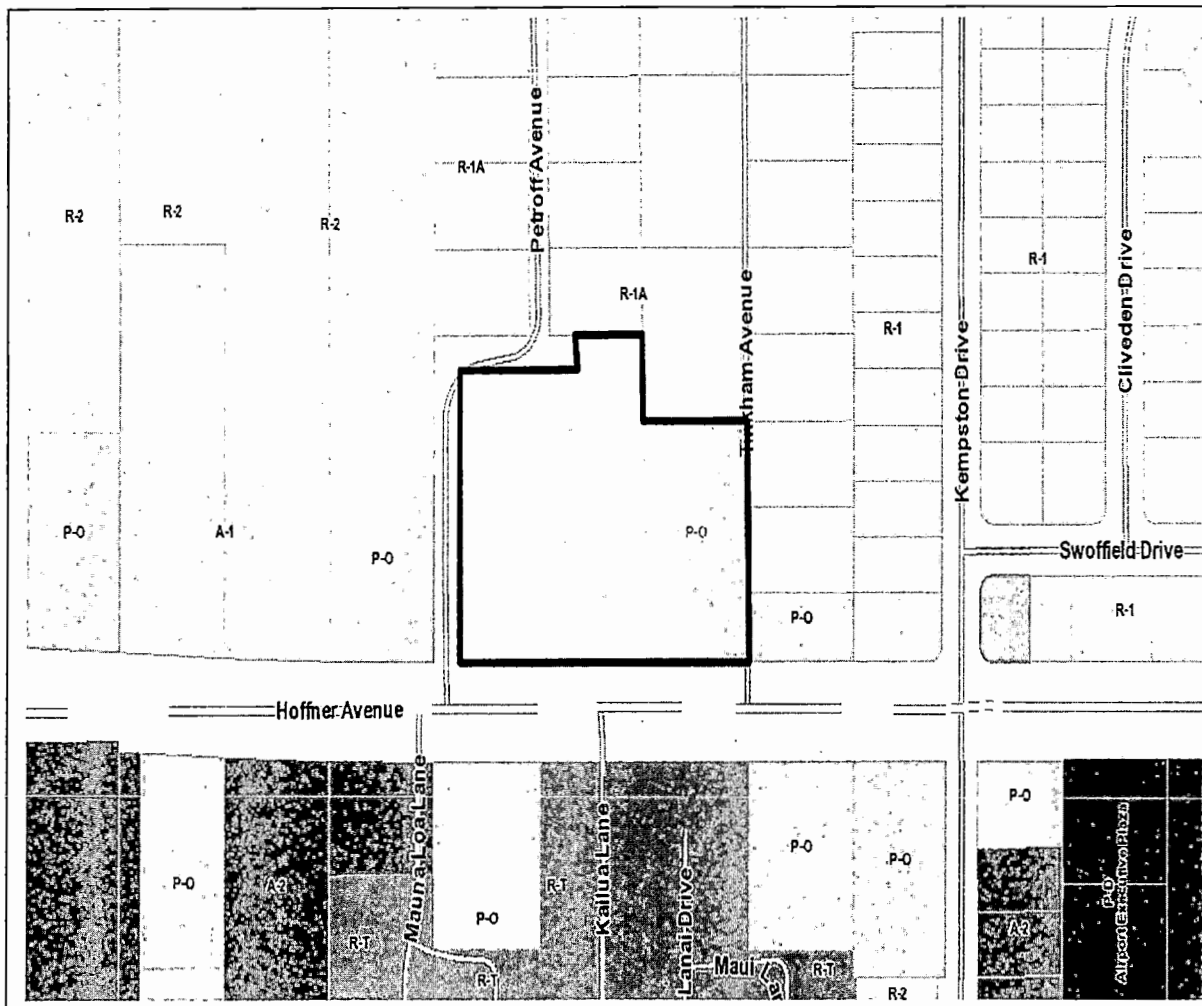
The applicant stated they are in agreement with staff and will be providing the fence per the conditions.

The BZA had a discussion regarding the drop-off/pick-up times and how the school would handle this process. The school principal stated the parents would drop off their children with staff and would not park at this location.

One (1) person spoke in opposition of the request. He stated that the traffic on Hoffner was already a problem and that everyone leaving the church would be required to make a U-turn if they wanted to head east. He also stated the church has maintenance issues on their property and adding the school would increase the traffic.

Staff did not receive any correspondence in favor or in opposition of the request.

The BZA agreed the request was straightforward and approved the Special Exception request.



Applicant: VEGA INTERNATIONAL MINISTRIES, INC.

BZA Number: SE-18-07-078

BZA Date: 07/05/2018

District: 3

Sec/Twn/Rge: 16-23-30-SE-D

Tract Size: 458 ft. x 340 ft. (AVG)

Address: 5235 Hoffner Avenue, Orlando FL 32812

Location: North of Hoffner Ave., west of Kempston Dr.



EL REY JESÚS ORLANDO | KING JESUS ORLANDO

March 16, 2018

Orange County Zoning Division
Attn: Special Exceptions Department
201 South Rosalind Avenue, 1st Floor
Orlando Florida 32801
(407) 836-3111

To Whom It May Concern:

Vega International Ministries Inc. (DBA: King Jesus Orlando / El Rey Jesus Orlando) is hereby requesting an update to the previously approved Special Exception to open a Learning Center with After School, Elective Programs and Summer Camp. In October of 2012, the existing property was granted approval of an amendment to the original Special Exception for Church use. The amendment was approved under case #SE-12-10-079.

As you know from our recent application, the property is currently developed with a house of worship with associated office / recreational building and parking facility. The religious complex consists of two (2) building connected by a covered walkway. The sanctuary building, a 1-story masonry block building with gabled shingle roof, measures approximately 7,000 square feet and has a capacity of 430 seats. The office / recreational building, to the west of the sanctuary building, is a 1-story masonry block comprised of three-wing, u-shaped, building housing the Church offices, educational and meeting rooms, and a fellowship hall. The educational rooms consist of children's classrooms classified by age and totaling a seating capacity of 80 children of ages from 3 to 9 years old (VPK through 5th Grade). There is also a fenced outdoor playground area which measures approximately 5,700 square feet and is located on the north side of the office / recreational building.

The church respectfully requests to be allowed to add a learning center to our facility. No construction or alteration whatsoever of the existing site or buildings will be necessary to be able to conduct these activities. The proposed schedule will be Monday through Friday from 8:30am to 5:00pm. Parents are responsible for their children's transportation. There will be 1 hour drop off time from 7:30am to 8:30am in the morning and for pick-up there will be 30 minutes from 5:00pm to 5:30pm in the evening. (*Please see attachment for details of entry and exit to drop-off and pick-up children*). Parking for employees will be on the south side of the office / recreational building. No religious services will coincide with the learning center activities.

The daily schedule will include physical education and recess time from 10:45am up to 3:30pm in a rotation by classroom in the existing playground. During different times of the year the children will have the opportunity to have a learning experience that will enhance the curriculum by attending a field trip to local museums, library, the zoo, or visit an aquarium and so on.

"Yo te he llamado a traer mi poder sobrenatural a esta generación"

Traffic Study

The project is located on the northwest corner of the intersection of Hoffner Avenue and Tinkham Avenue, and will consist of a school with a maximum enrollment of 80 students. The school will utilize the existing church buildings at their time of operation during weekdays. The proposed project is expected to generate 329 new daily trips, and 21 new P.M. peak hour trips.

ITE Code	Land Use	Size	Daily		PM Peak Hour			
			Rate	Trips	Rate	Total	In	Out
534	Private School (K-8)	80	4.11	329	0.26	21	10	11

The project's one-mile impact area includes segments specified in the Concurrency Link Information. The project trips, as distributed on the roadway segments were assigned trips as per the following table:

Seg ID	Road	Limits	Lns	Min LOS	Capacity	PM Pk	Pk Dir	Comm Trips	Trip Dist %	Project Trips	Total	Available Cap	LOS
80.0	Conway Rd	Judge Rd to Hoffner Ave	4	E	1,700	1,341	NB	2	13%	1	1,344	356	D
81.0		Hoffner Ave to Gatlin Ave	4	E	2,000	1,525	SB	2	17%	2	1,529	471	C
159.0	Gatlin Ave	Conway Gardens Rd to Kennedy Rd	2	E	880	575	EB	0	4%	0	575	305	C
159.1		Kennedy Rd to Semoran Blvd	2	E	880	517	EB	0	1%	0	517	363	C
185.1	Hoffner Ave	Oak Island Rd to Conway Rd	2	E	800	906	EB	0	5%	0	906	0	F
186.0		Conway Rd to Semoran Blvd	4	E	2,000	1,217	EB	14	63%	7	1,238	762	C
187.0		Semoran Blvd to Goldenrod Rd	4	E	2,000	987	WB	74	11%	1	1,062	938	C
252.5	Lee Vista Blvd	Semoran Blvd to Narcoossee Rd	4	E	2,000	1,232	EB	11	2%	0	1,243	757	C
402.0	Semoran Blvd	Beachline Expy to Hoffner Ave	6	E	3,020	2,799	NB	17	10%	1	2,817	203	C
403.0		Hoffner Ave to Pershing Ave	6	E	3,020	2,928	NB	17	42%	5	2,950	70	D

All roadway segments will operate within their adopted capacity upon addition of project trips except for the segment of Hoffner Avenue from Oak Island Road to Conway Road which currently operates at Level of Service "F". The project is not adding any trips on this segment.



STAFF REPORT
CASE #SE-18-07-078
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
July 5, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: VEGA INTERNATIONAL MINISTRIES, INC.
HEARING TYPE: Board of Zoning Adjustment
REQUEST: Special Exception in the R-1A and P-O zoning districts to allow a learning center at an existing church.
LOCATION: North of Hoffner Ave., west of Kempston Dr.
PROPERTY ADDRESS: 5235 Hoffner Ave.
PARCEL ID: 16-23-30-0000-00-047

PUBLIC NOTIFICATION: 98

TRACT SIZE: 458 ft. x 340 ft. (AVG)

DISTRICT #: 3

ZONING: P-O and R-1A

EXISTING USE(S): Church

PROPOSED USE(S): Learning center

SURROUNDING USES: N – Residential
S – Mobile Home Park
E – Residential
W – Vacant

STAFF FINDINGS AND ANALYSIS:

1. The subject property has split zoning, the west portion is zoned R-1A, (Single-Family Dwelling district) and the east portion is zoned P-O (Professional Office). The Future Land Use of the entire property is O (Office). This is located in the Conway Road Corridor Overlay District which prohibits certain uses and chain link fencing.

2. The existing site consists of two (2) buildings which total approximately 15,000 sq. ft. and there are 143 parking spaces provided. The applicant is proposing to allow a learning center

for up to eighty (80) children on the site. There are no new buildings proposed and the use would occupy the existing office building and playground on site.

3. Orange County Transportation Planning has reviewed the application and has provided a traffic study that states this use will add 329 new daily trips (21 new P.M. peak hour).

4. The applicant proposes to provide a paved stacking lane on-site for drop-off and pick-up. They are also providing twenty-four (24) paved parking spaces per the site plan.

5. Timeline of previous approvals:

- On February 15, 1966, the BZA approved a Special Exception for a church and kindergarten/nursery on the western portion of the lot.
- On February 4, 1971, the BZA approved a Special Exception for a church expansion to include an additional parcel where the existing sanctuary sits.
- On September 1, 1983, the BZA approved a Special Exception to include the rear portion.
- On October 4, 2012, the BZA approved a Special Exception (SE-12-10-079) to modify the site due to the widening of Hoffner Avenue and to expand parking and retention onto the northeast parcel.

Special Exception Criteria

1. The use shall be consistent with the Comprehensive Policy Plan.

The proposed use will be consistent with the Comprehensive Plan with the approval of the Special Exception. The Future Land Use is Office which requires a Special Exception for schools and churches.

2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.

Hoffner Avenue contains a mixture of uses, both residential and non-residential. There are medical office buildings, single family homes, mobile home parks and office complexes in the immediate area. Allowing a learning center in conjunction with the church would be compatible.

3. The use shall not act as a detrimental intrusion into a surrounding area.

The property is located on Hoffner Avenue and the use is not proposing any vertical construction. The use will utilize the existing buildings and all car stacking shall be contained on site. The traffic study indicates the peak hour trips will be minimal.

4. The use shall meet the performance standards of the district in which the use is permitted.

The existing buildings will remain and there will be sufficient shared parking to support both uses. The use will meet all the performance standards.

5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing, and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

The proposed use shall have limited Hours of Operation and all activities (except for any play areas) shall be indoors. The conditions regarding buffering will mitigate any noise, glare, dust, or other characteristics associated with this use.

6. Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

The applicant will be required to install a seven (7) foot wide landscape strip along Hoffner Avenue. A Type D landscape buffer will be required along the north and east property lines. The applicant proposing a six (6) foot vinyl fence abutting the residential properties to the north and trees which meets the buffer requirements.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated June 20, 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.
4. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met.
5. This approval is for a maximum of eighty (80) children, any expansion shall require Board of Zoning Adjustment approval.
6. No more than four (4) outdoor special events 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 thirty (30) days prior to the date of each event.

7. All driving aisles and required handicapped spaces shall be paved.
8. The applicant shall aggregate Parcel ID 16-23-30-0000-00-054, with the existing parcel.
9. Vehicular ingress/egress shall be prohibited via Petroff Avenue.
10. A Type D landscape buffer (to include a six (6) foot vinyl fence and trees) shall be provided along the north and east property lines abutting residential. A seven (7) foot wide landscape strip per Sec. 24-4 (a), shall be installed along the south property line facing Hoffner Avenue.
11. The applicant shall obtain permits for the required paved parking spaces for the learning center within ninety (90) days.
12. Per the provision of the Conway Road Overlay District, the following shall be placed on the cover page of any site plan submitted for nonresidential permit review in lettering two (2) inches in height:

"THIS APPLICATION [OR THESE PLANS] RELATE TO THE CONWAY ROAD/HOFFNER AVENUE CORRIDOR OVERLAY DISTRICT, WHICH IS CODIFIED AT SECTION 38-1059 THROUGH SECTION 38-1065 OF THE ORANGE COUNTY CODE."

c: Alice Lugo
5235 Hoffner Avenue
Orlando, FL 32812

JOHN MORRIS
VA-18-07-079

REQUEST: **Variance** in the R-1A zoning district to permit a lanai with permanent roof 20 ft. from the rear (north) property line in lieu of 30 ft.
ADDRESS: Melville Street, Orlando FL 32833
LOCATION: North side of Melville St., approximately 350 ft. east of Bancroft Blvd.
S-T-R: 01-23-32
TRACT SIZE: 80 ft. x 125 ft.
DISTRICT#: 5
LEGAL: ROCKET CITY UNIT 4 Z/74 A/K/A CAPE ORLANDO ESTATES
UNIT 4 1855/292 LOT 18 BLK 37
PARCEL ID: 01-23-32-7602-37-180
NO. OF NOTICES: 85

DECISION: **APPROVED** 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 (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated May 11, 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.

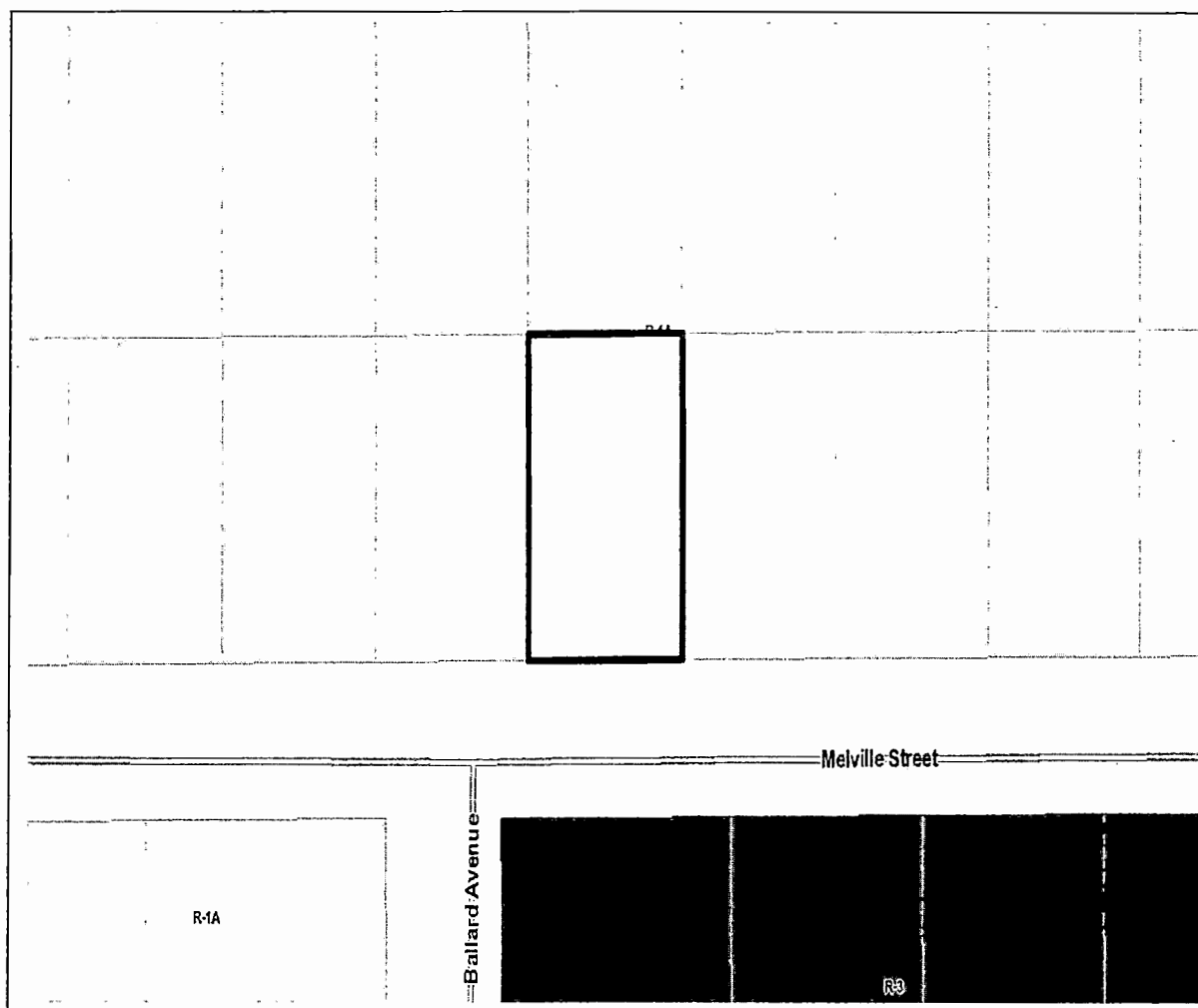
SYNOPSIS: Staff gave a presentation on the case covering the location, site plan, lot layout and photos; and, outlined other options that would not require variances.

The applicant stated that they preferred not to use a screen roof, and stated that 1,600 sq. ft. of rear yard will be adequate. The applicant also stated that the proposal would create a smaller building footprint and allow a greater side setback to accommodate boat and R.V. parking. The applicant also wanted the BZA to know that they have HOA approval for the request.

The BZA acknowledged that there was no opposition from the HOA. The BZA confirmed that such variances had been approved in the area and set a precedent, and that the proposal will be consistent with the area.

Staff received one (1) commentary in favor of the application, and none in opposition to the application.

The BZA approved the Variance request.



Applicant: JOHN MORRIS

BZA Number: VA-18-07-079

BZA Date: 07/05/2018

District: 5

Sec/Twn/Rge: 12-23-32-NW-B

Tract Size: 80 ft. x 125 ft.

Address: Melville Street, Orlando FL 32833

Location: North side of Melville St., approximately 350 ft. east of Bancroft Blvd.

May 10, 2018

Orange County Zoning Division
201 S. Rosalind Ave.
Orlando, FL 32801

Re: Melville Street Variance Request

To Whom It May Concern,

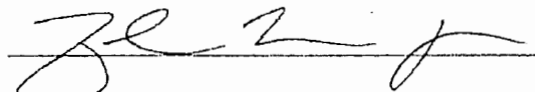
I am seeking a Variance to amend the rear yard setback to 20 ft. I would like to construct a new single-family detached home located on Melville Street in the "City Lot" section of Wedgfield. The Parcel ID for the reference property is 01-23-32-7602-37-180, and the property is 80'x125'.

The new home design has been design to accommodate a 40'x80' structure. The home is 2,150 sq. ft. under air and 3,060 sq. ft. in total. This design has a rear-covered porch, which will be 400 sq. ft., which extends 10 ft. out from the main living, and is 40 ft. wide. The rear porch eneroaches into the rear yard setback. I am requesting a variance to amend the rear yard setback to 20 ft. to allow for the covered porch. The porch will be approximately 20 ft. from the property line.

The design of the home will meet 2017 Florida Building Code. The home will be constructed out of concrete block material. The rear porch columns will also be constructed out of concrete block material. The entire home will have a stucco finish. The home and covered porch will have asphalt shingles as the roofing material. The approximate height of the home will be 16 ft.. The interior finishing of the porch will be drywall ceilings, and painted to match the overall home.

The overall design of the home conforms to the surrounding existing homes and the new homes, which are currently being constructed in the community.

Sincerely,



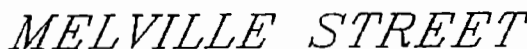
John Morris
2426 Bancroft Blvd
Orlando, FL 32833
Cell: 772-971-5659
jdmorrisjr81@gmail.com

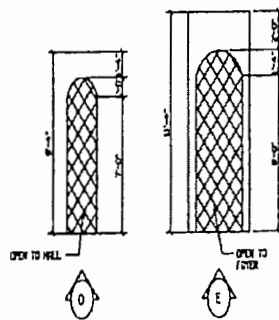
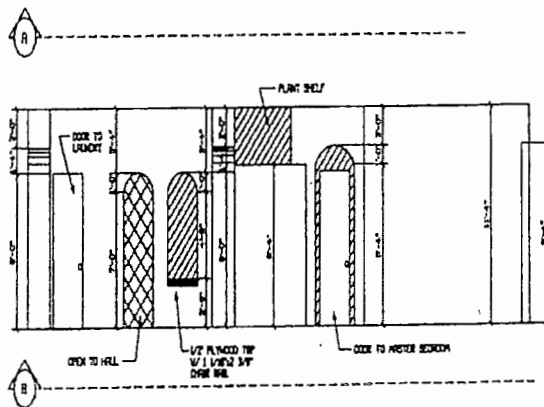
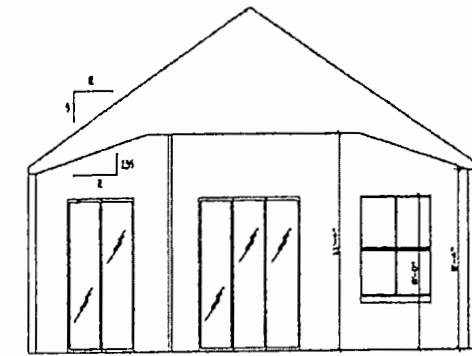
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MAY 11 2018

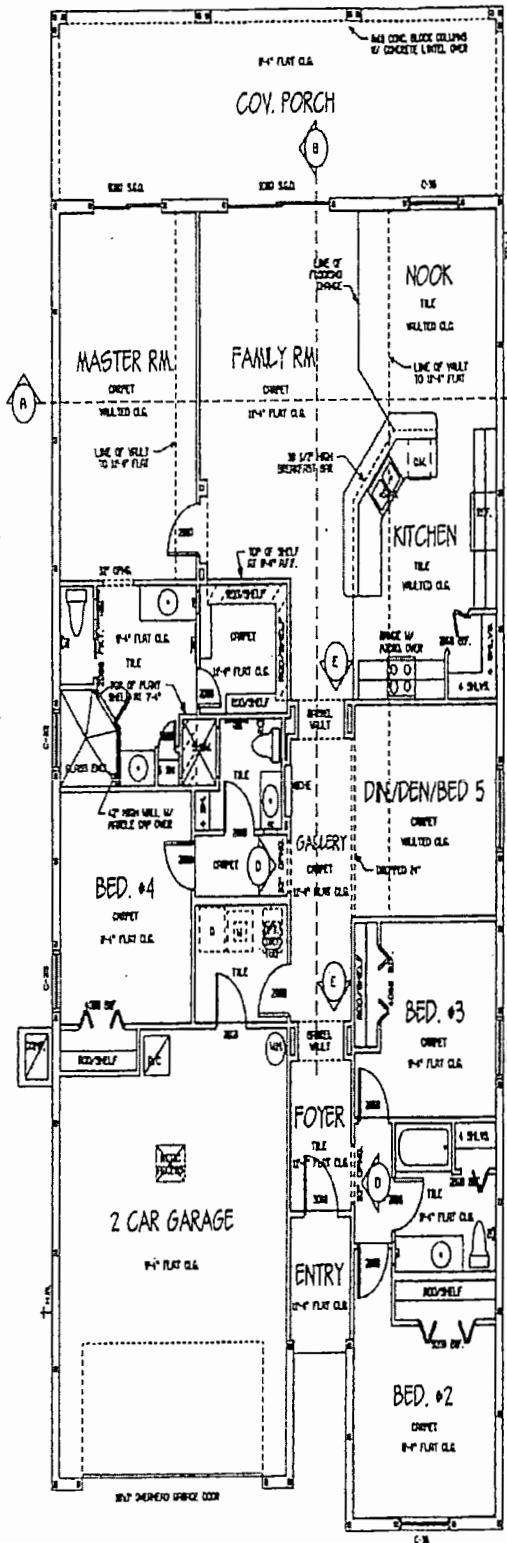
**ORANGE COUNTY
ZONING DIVISION**

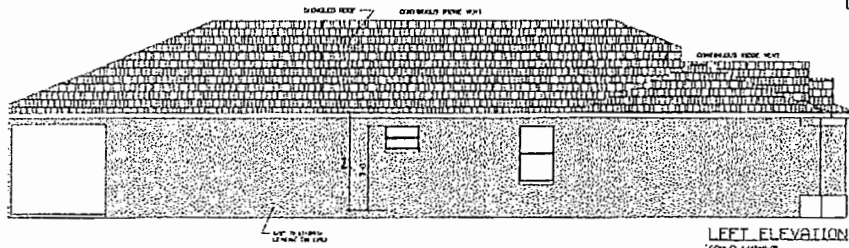
**ORANGE COUNTY
ZONING DIVISION**



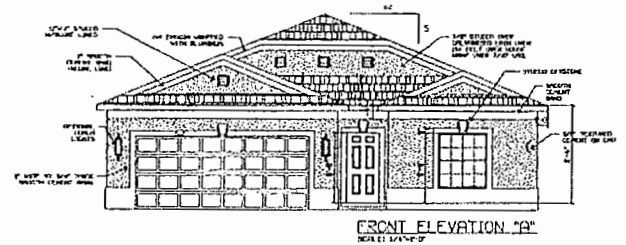


SQUARE FOOTAGE	
A/C LIVING	260 sq. feet
GARAGE	480 sq. feet
COVERED PORCH	400 sq. feet
COVERED ENTRY	37 sq. feet
TOTAL UNDER ROOF 1177 SQ. FT.	

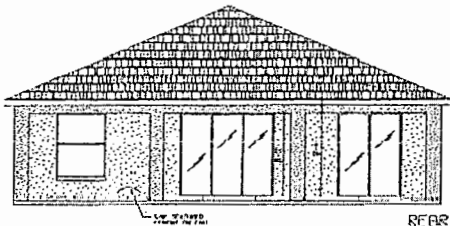




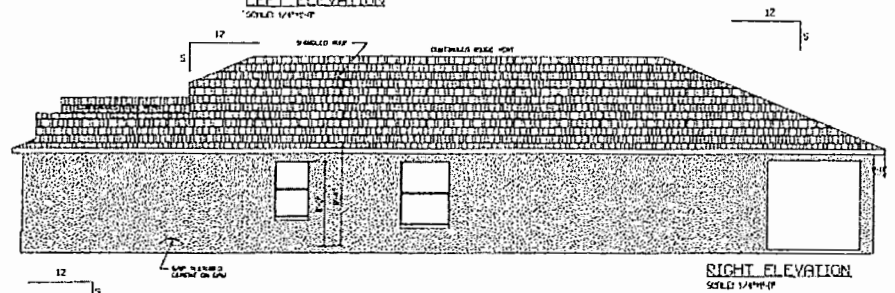
LEFT ELEVATION
SCALE 1/4"=1'-0"



FRONT ELEVATION "A"
SCALE 1/4"=1'-0"



REAR ELEVATION
SCALE 1/4"=1'-0"



RIGHT ELEVATION
SCALE 1/4"=1'-0"



STAFF REPORT
CASE #: VA-18-07-079
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
July 5, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: JOHN MORRIS

REQUEST: Variance in the R-1A zoning district to permit a lanai with permanent roof 20 ft. from the rear (north) property line in lieu of 30 ft.

LOCATION: North side of Melville St., approximately 350 ft. east of Bancroft Blvd.

PROPERTY ADDRESS: Vacant, no address

PARCEL ID: 01-23-32-7602-37-180

PUBLIC NOTIFICATION: 85

TRACT SIZE: 80 ft. x 125 ft.

DISTRICT #: 5

ZONING: R-1A

EXISTING USE(S): Vacant

PROPOSED USE(S): Single Family Residence

SURROUNDING USES: N - Vacant
S - Single Family Residence
E - Single Family Residence
W - Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The applicant is proposing to construct a new single family home on the property with a lanai with a structural roof 20 feet from the rear (north) property line in lieu of 30 feet.

2. The property is located in the R-1A Single-Family Dwelling district, which allows a single family home and associated accessory structures, with a minimum lot size of 7,500 sq. ft. and minimum lot width of 75 feet.
3. A lanai or screen room with a structural roof is required to meet the primary structure rear setback of 30 feet. Other options are available that would not require variances. A screen room with an aluminum/metal roof may extend thirteen (13) feet into the required rear setback. A screen enclosure with a screen roof may be located five (5) feet from the rear property line.
4. The lot is 10,000 sq. ft. and 80 feet wide, exceeding the minimum standards for the area. Due to the size and width of the lot, it would be possible to use a different (wider) home design and eliminate the need for the rear setback variance. The minimum side yard setback in this district is 7.5 feet. The proposed home is setback 25 feet from the west and 15 feet from the east.
5. Staff recommends denial of this request.
 - The applicant has not demonstrated special conditions or circumstances to justify the request. The property is a platted rectangular shaped lot that exceeds the minimum lot size requirement by 2,500 sq. ft., and is not an irregular shape that could cause any hardship.
 - The need for the variance is self-created. A different home design could be used to accommodate the width and size of the lot.
 - Approval would grant special privilege that is not granted to other properties in the area.
 - The applicant is not being deprived of rights, as the lot is buildable and can be developed with an alternate design.
 - The proposal is not the minimum possible variance to develop the lot, as the lot could be developed without variances.

STAFF RECOMMENDATION:

Staff recommends denial of this request, however if the BZA approves the request, the following conditions should be imposed:

1. Development in accordance with the site plan dated May 11, 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.

c: John Morris
2426 Bancroft Blvd.
Orlando, FL 32833

JOHN MORRIS
VA-18-07-080

REQUEST: Variance in the R-1A zoning district to permit a lanai with permanent roof 20 ft. from the rear (east) property line in lieu of 30 ft.
ADDRESS: Bancroft Blvd, Orlando FL 32833
LOCATION: East side of Bancroft Blvd., south of Maxim Pkwy., West of State Road 520.
S-T-R: 01-23-32
TRACT SIZE: 80 ft. x 125 ft.
DISTRICT#: 5
LEGAL: ROCKET CITY UNIT 1A Z/71 A/K/A CAPE ORLANDO ESTATES
UNIT 1A 1855/292 LOT 6 BLK 65 IN SEC 12-23-32-NW1/4
PARCEL ID: 01-23-32-7598-65-060
NO. OF NOTICES: 78

DECISION: **APPROVED** 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 (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated May 11, 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.

SYNOPSIS: Staff gave a presentation similar to the previous case covering the location, site plan, lot layout and photos; and, outlined other options that would not require variances.

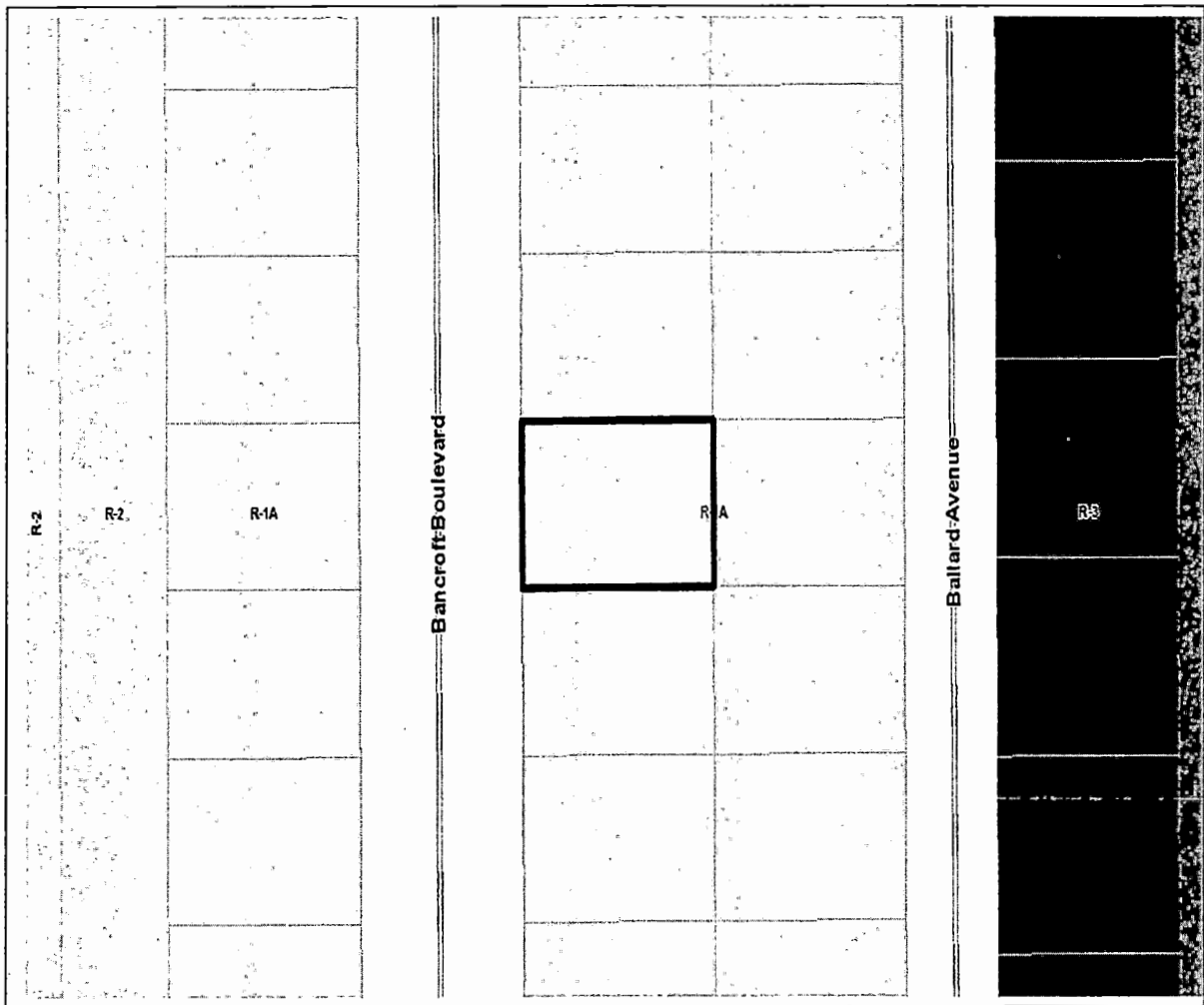
Similar to the previous case, the applicant stated that they preferred not to use a screen roof, and stated that 1,600 sq. ft. of rear yard will be adequate. The applicant also stated that the proposal would create a smaller building footprint and allow a greater side setback to

accommodate boat and R.V. parking. The applicant also wanted the BZA to know that they have HOA approval for the request.

Similar to the previous case, the BZA acknowledged that there was no opposition from the HOA. The BZA confirmed that such variances had been approved in the area and set a precedent, and that the proposal will be consistent with the area.

Staff received 0 commentaries in favor of the application, and none in opposition to the application.

The BZA approved the Variance request.



Applicant: JOHN MORRIS

BZA Number: VA-18-07-080

BZA Date: 07/05/2018

District: 5

Sec/Twn/Rge: 12-23-32-NW-B

Tract Size: 80 ft. x 125 ft.

Address: Bancroft Blvd., Orlando FL 32833

Location: East side of Bancroft Blvd., south of Maxim Pkwy., West of State Road 520.

May 10, 2018

Orange County Zoning Division
201 S. Rosalind Ave.
Orlando, FL 32801

Re: Bancroft Blvd Variance Request

To Whom It May Concern,

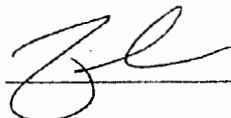
I am seeking a Variance to amend the rear yard setback to 20 ft. I would like to construct a new single-family detached home located on Bancroft Blvd in the "City Lot" section of Wedgfield. The Parcel ID for the reference property is 01-23-32-7598-65-060, and the property is 80'x125'.

The new home design has been design to accommodate a 40'x80' structure. The home is 2,150 sq. ft. under air and 3,060 sq. ft. in total. This design has a rear-covered porch, which will be 400 sq. ft., which extends 10 ft. out from the main living, and is 40 ft. wide. The rear porch encroaches into the rear yard setback. I am requesting a variance to amend the rear yard setback to 20 ft. to allow for the covered porch. The porch will be approximately 20 ft. from the property line.

The design of the home will meet 2017 Florida Building Code. The home will be constructed out of concrete block material. The rear porch columns will also be constructed out of concrete block material. The entire home will have a stucco finish. The home and covered porch will have asphalt shingles as the roofing material. The approximate height of the home will be 16 ft.. The interior finishing of the porch will be drywall ceilings, and painted to match the overall home.

The overall design of the home conforms to the surrounding existing homes and the new homes, which are currently being constructed in the community.

Sincerely,



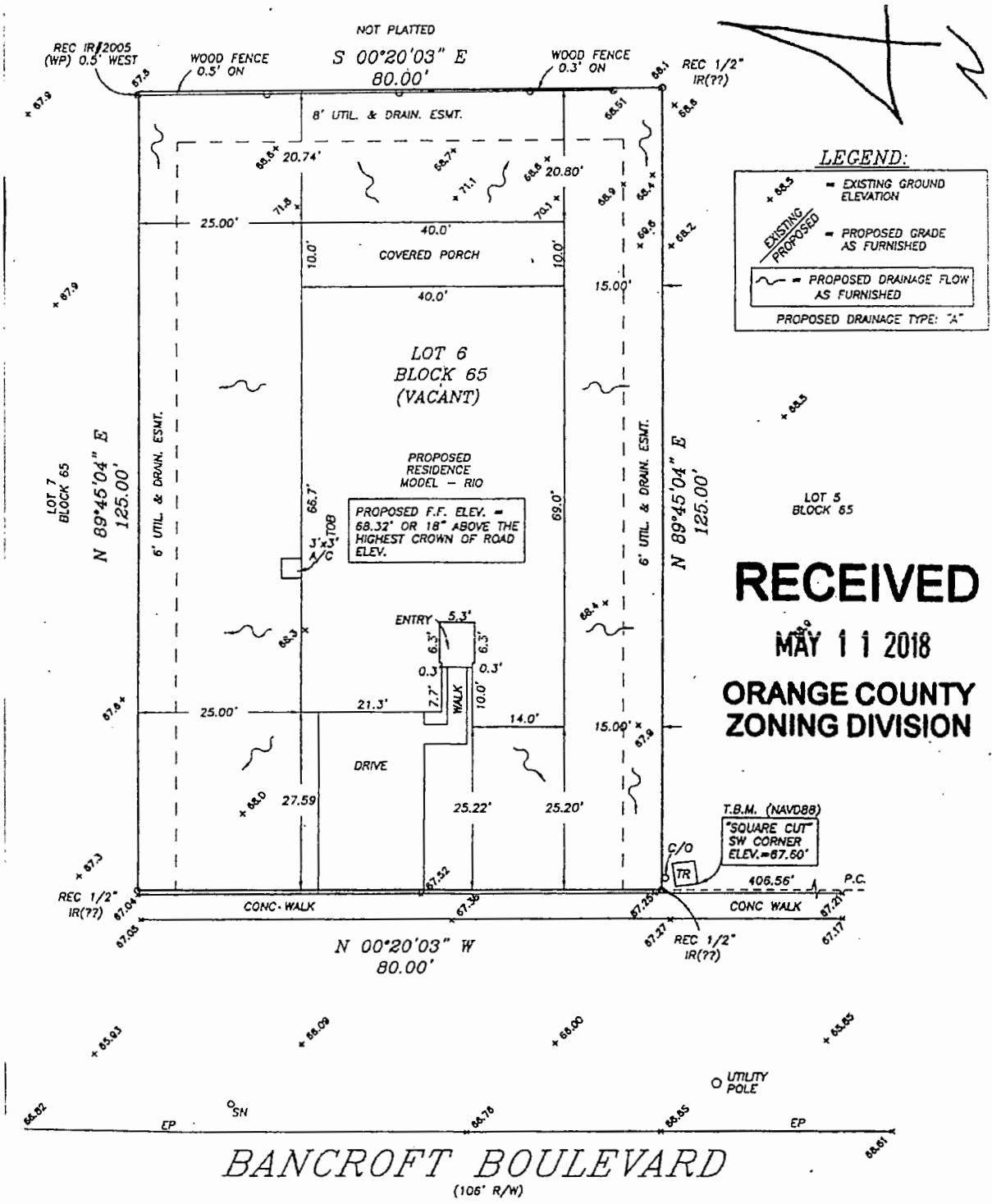
5/10/2018

John Morris
2426 Bancroft Blvd
Orlando, FL 32833
Cell: 772-971-5659
jdmorrisjr81@gmail.com

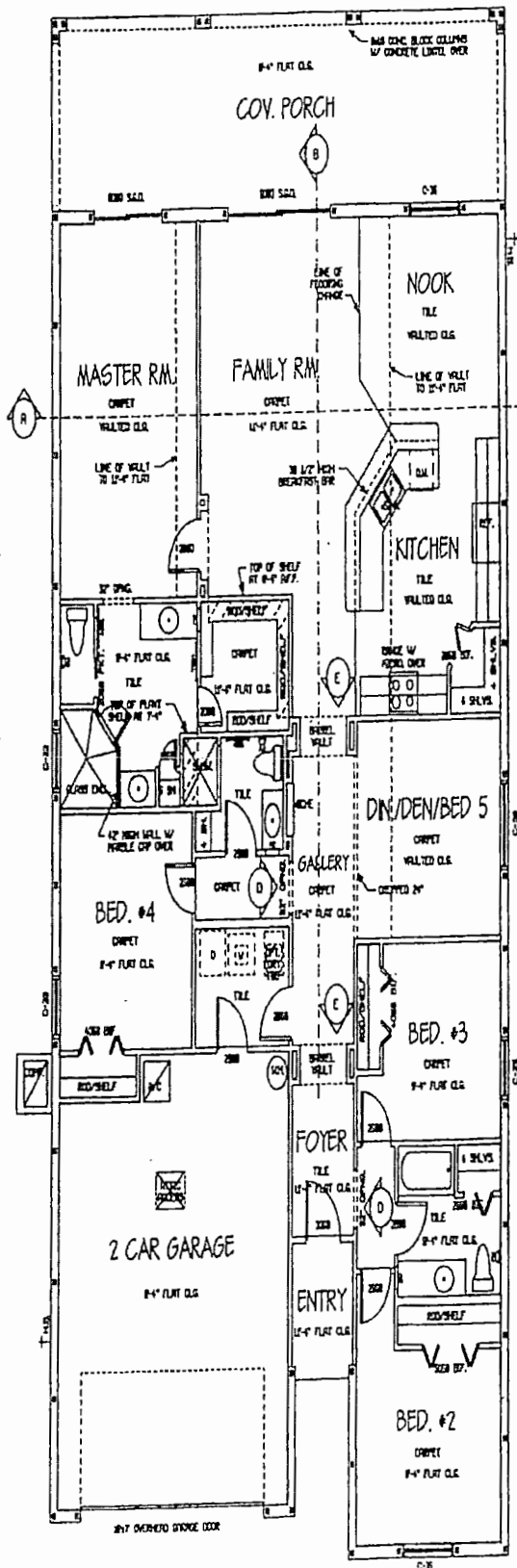
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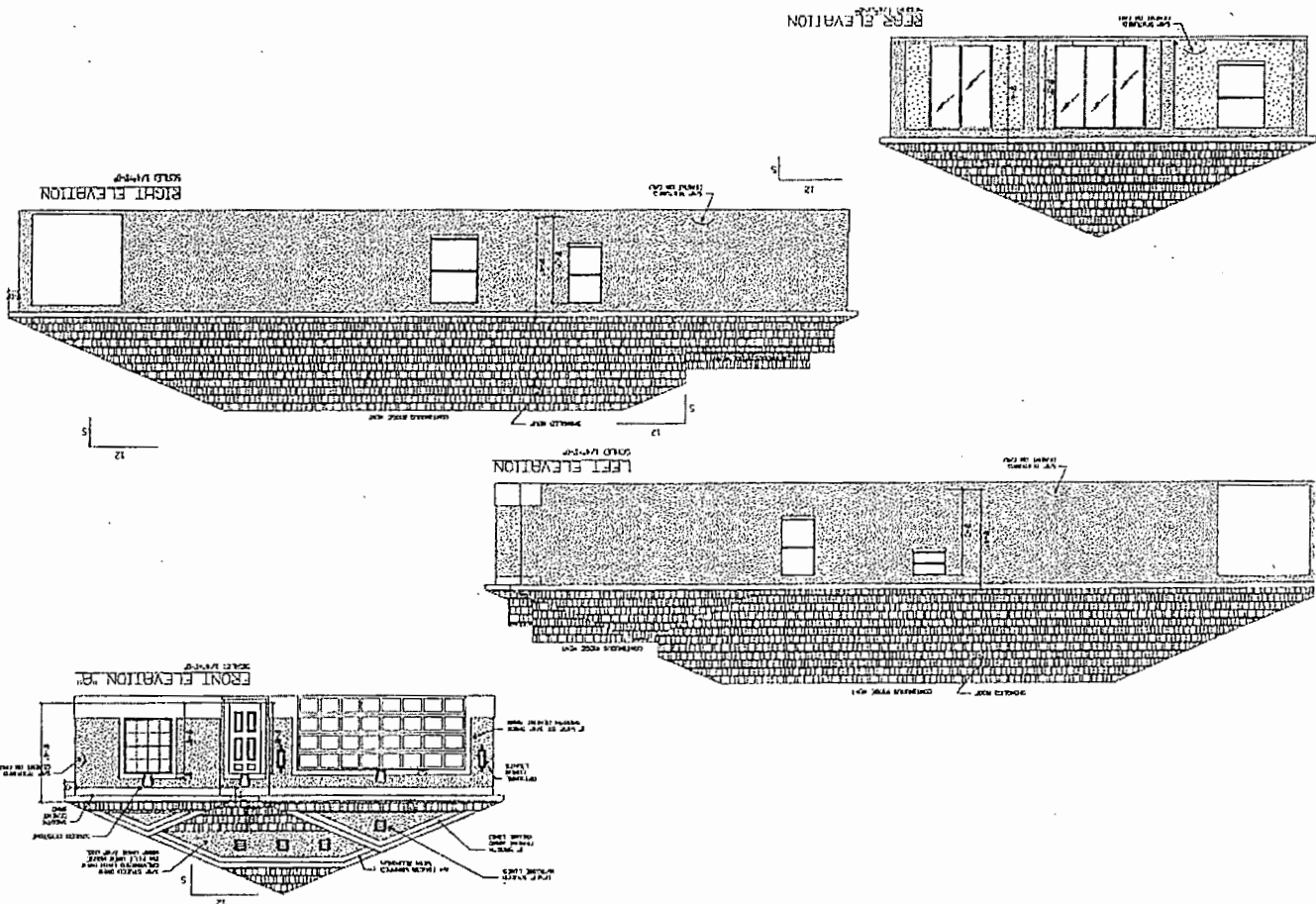
MAY 11 2018

**ORANGE COUNTY
ZONING DIVISION**



RECEIVED
MAY 11 2018
ORANGE COUNTY
ZONING DIVISION







STAFF REPORT
CASE #: VA-18-07-080
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
July 5, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: JOHN MORRIS

REQUEST: Variance in the R-1A zoning district to permit a lanai with permanent roof 20 ft. from the rear (east) property line in lieu of 30 ft.

LOCATION: East side of Bancroft Blvd., south of Maxim Pkwy., West of State Road 520.

PROPERTY ADDRESS: Vacant, no address

PARCEL ID: 01-23-32-7598-65-060

PUBLIC NOTIFICATION: 78

TRACT SIZE: 80 ft. x 125 ft.

DISTRICT #: 5

ZONING: R-1A

EXISTING USE(S): Vacant

PROPOSED USE(S): Single Family Residence

SURROUNDING USES: N - Single Family Residence
S - Vacant
E - Single Family Residence
W - Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The applicant is proposing to construct a new single family home on the property with a lanai with a structural roof 20 feet from the rear (east) property line in lieu of 30 feet.

2. The property is located in the R-1A Single-Family Dwelling district, which allows a single family home and associated accessory structures, with a minimum lot size of 7,500 sq. ft. and minimum lot width of 75 feet.
3. A lanai or screen room with a structural roof is required to meet the primary structure rear setback of 30 feet. Other options are available that would not require variances. A screen room with an aluminum/metal roof may extend thirteen (13) feet into the required rear setback. A screen enclosure with a screen roof may be located five (5) feet from the rear property line.
4. The lot is 10,000 sq. ft. and 80 feet wide, exceeding the minimum standards for the area. Due to the size and width of the lot, it would be possible to use a different (wider) home design and eliminate the need for the rear setback variance. The minimum side yard setback in this district is 7.5 feet. The proposed home is setback 25 feet from the north and 15 feet from the south.
5. Staff recommends denial of this request.
 - The applicant has not demonstrated special conditions or circumstances to justify the request. The property is a platted rectangular shaped lot that exceeds the minimum lot size requirement by 2,500 sq. ft., and is not an irregular shape that could cause any hardship.
 - The need for the variance is self-created. A different home design could be used to accommodate the width and size of the lot.
 - Approval would grant special privilege that is not granted to other properties in the area.
 - The applicant is not being deprived of rights, as the lot is buildable and can be developed with an alternate design.
 - The proposal is not the minimum possible variance to develop the lot, as the lot could be developed without variances.

STAFF RECOMMENDATION:

Staff recommends denial of this request; however, if the BZA approves the request the following conditions should be imposed:

1. Development in accordance with the site plan dated May 11, 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.

c: John Morris
2426 Bancroft Blvd.
Orlando, FL 32833

ARUNAS JASAITIS
VA-18-07-083

REQUEST: Variance in the R-1A zoning district to allow a rear setback of 25 ft. in lieu of 30 ft.
ADDRESS: 715 High Street, Orlando FL 32803
LOCATION: South of High St., east of Wingo St.
S-T-R: 21-22-30
TRACT SIZE: 50 ft. x 135 ft.
DISTRICT#: 5
LEGAL: LAKE BARTON SHORES O/17 LOT 4 BLK 7
PARCEL ID: 21-22-30-4316-07-040
NO. OF NOTICES: 119

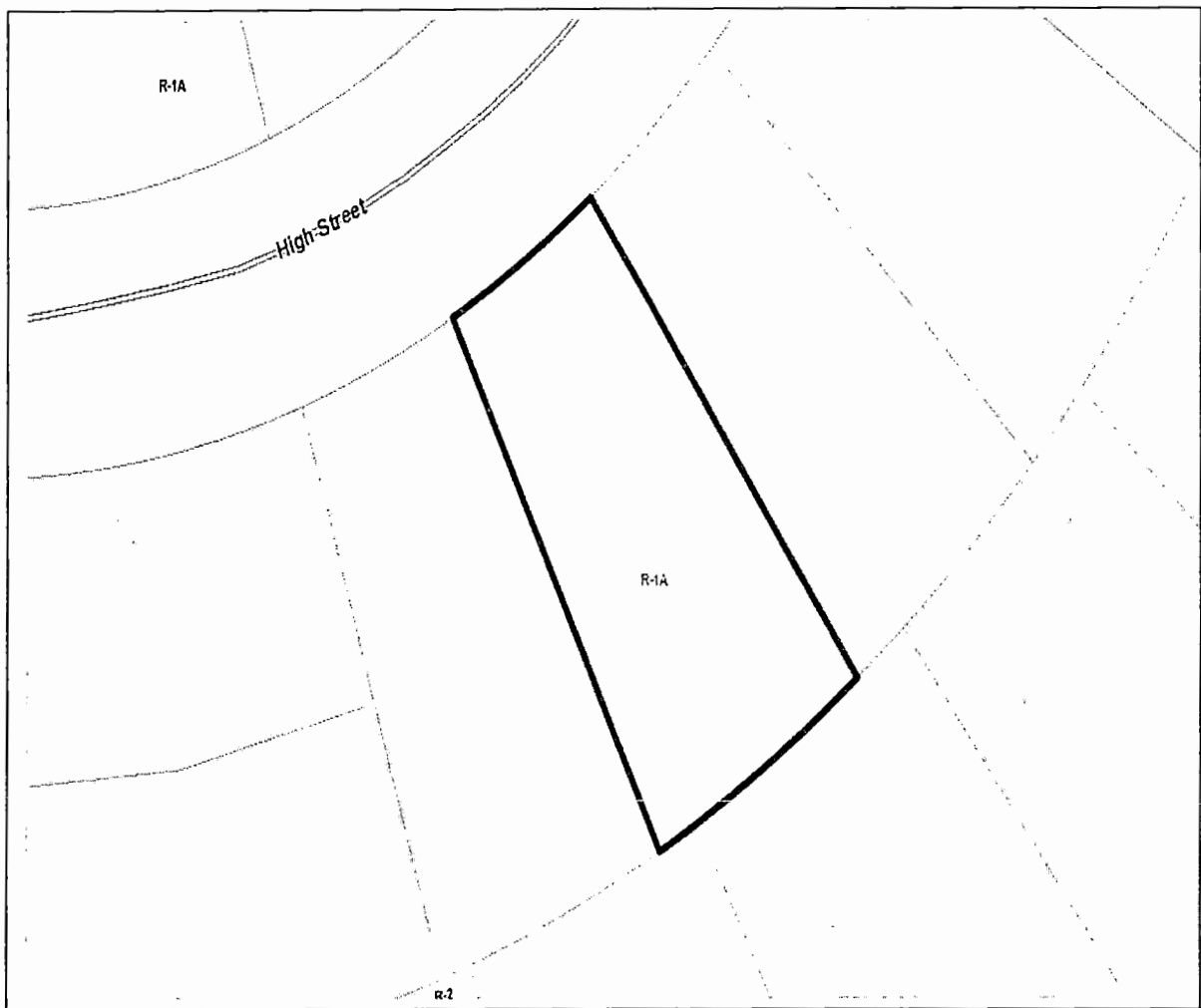
DECISION: **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 5-0, 1 abstained and 1 absent):

1. Development in accordance with the site plan dated May 14, 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.
4. The exterior of the addition shall match the exterior of the existing residence with respect to materials and color.

SYNOPSIS: Staff noted that the work which the applicant had completed was done so after obtaining permits, including the plumbing, which was fully inspected and approved. The applicant was requesting approval to complete the work, which was initially completed through the approved appropriate permits.

The applicant waived their right to speak, noting agreement with the staff recommendation. There being no one in attendance to speak for or against the request, the public hearing was closed.

The BZA concluded that the applicant had followed all required steps in the process, and that the variance was necessary to complete that which had been properly started. A recommendation to approve the request was passed unanimously.



Applicant: ARUNAS JASAITIS

BZA Number: VA-18-07-083

BZA Date: 07/05/2018

District: 5

Sec/Twn/Rge: 21-22-30-SW-C

Tract Size: 50 ft. x 135 ft.

Address: 715 High Street, Orlando FL 32803

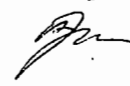
Location: South of High St., east of Wingo St.

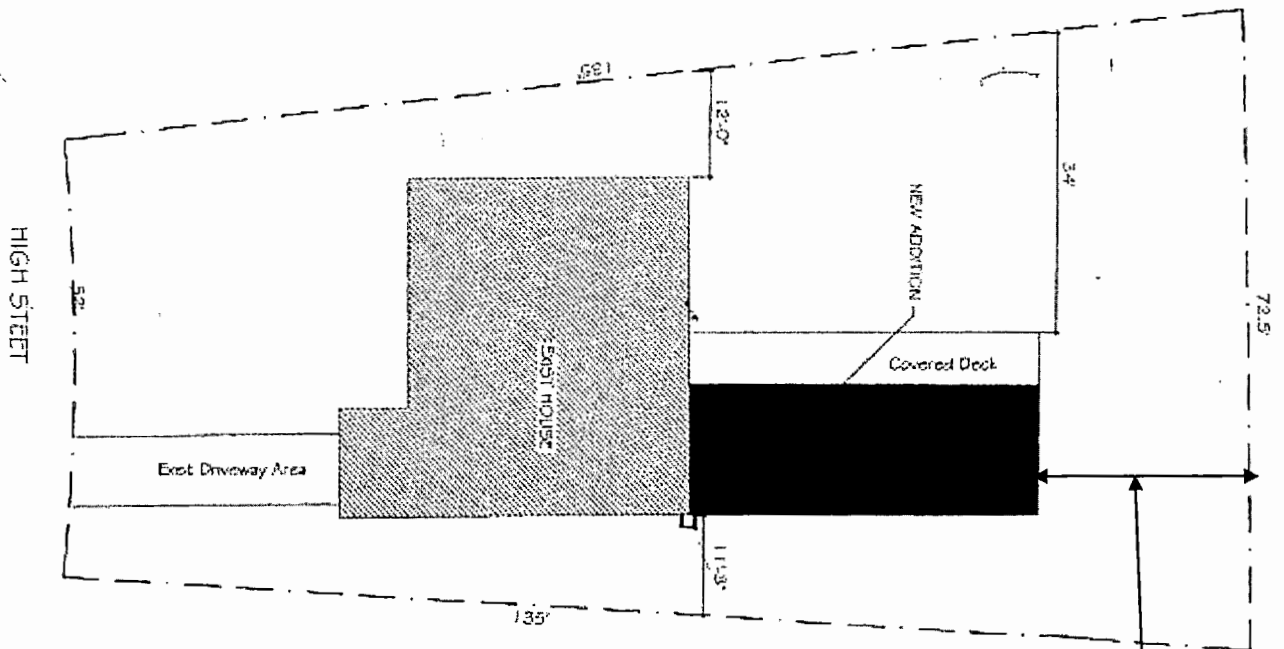
To whom it concerns:

In 2015 we decided to build an addition. We did call zoning department to find out what would be legal setback and other legal requirements. Zoning department advised us that it has to be 25 feet setback in the backyard to build a structure. Based on given information we submitted our desired sketch to our architect. He executed blueprints based on information given by Orange county zoning department. But then for personal reason we decided to postponed construction. 2018 early April we decided to go ahead and continue on original plans for our property. On April 9th, 2018 I did go to Orange county building department with my 2015 blue prints. Front desk personnel told me that first I need to go to zoning department. Zoning department reviewed my blueprints and granted permission to build a slab with 25 feet setback in the backyard. Building department did not approved remaining blueprints since it was missing mechanical layout and codes had to be updated. I did go back to see my architect. While I was waiting on architect to review my blueprints and update all codes I did hire licensed concrete company and build foundation for a slab (permit number B18007090). Then licensed plumber got a permit and installed underground plumbing. I did use a licensed termite company to treat the site for termites required by code. On 04/27/2018 plumbing inspector approved plumbing job. (Permit P18-4895) On 05/02/2018 Orange county inspector approved slab site. On 05/05/2018 we poured the concrete and slab was made. Same day my architect provided updated blueprints with all up to day requirements. On 05/07/2018 I went back to building department and they told me that I have to see zoning first again. At Orange County zoning department I received news that setback in the backyard actually has to be 30 feet not 25. We are hard working family with two small kids. We have been saving hard earned money for this construction for over 7 years.. This slab with plumbing and all other fees cost us over \$10000. We are devastated by news about setback. We just wanted to add a room for our kids. We were following rules and regulations and advice given by Orange County Zoning Department. We do not have much knowledge about zoning. We do not hire licensed contractor since budget is very tight. We definitely not investors or not looking to flip this house. This is our primary residence. This is our kids home and we just wanted to make this place beautiful and cozy followed by Orange County zoning codes and regulations. At that point Orange county zoning department worker apologized for such a situation, that someone who approved the slab permit did not overlooked actual regulations for my property and advised us to fill out Variance form. Please, let us continue building our dream house on now existing slab. Thank you very much. Please see attached supporting documents. Thank you.

Arunas and Gladys Jasaitis
715 High st.
Orlando FL 32803

Due to location of septic tank and drained field, that was the best layout for new addition. Plus, I could not go wider, it would block my existing kitchen window. Thank you. A. Jasaitis

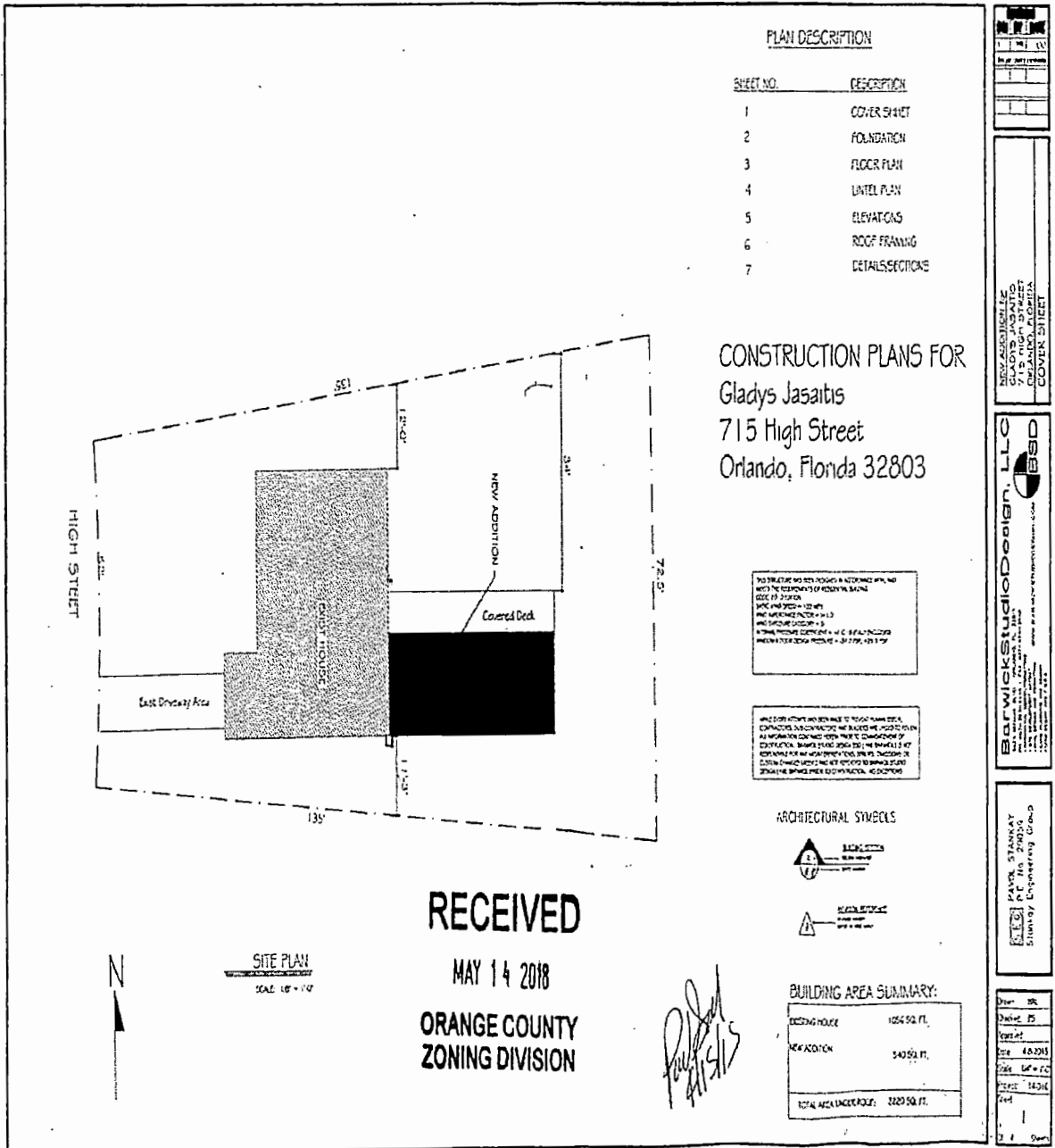


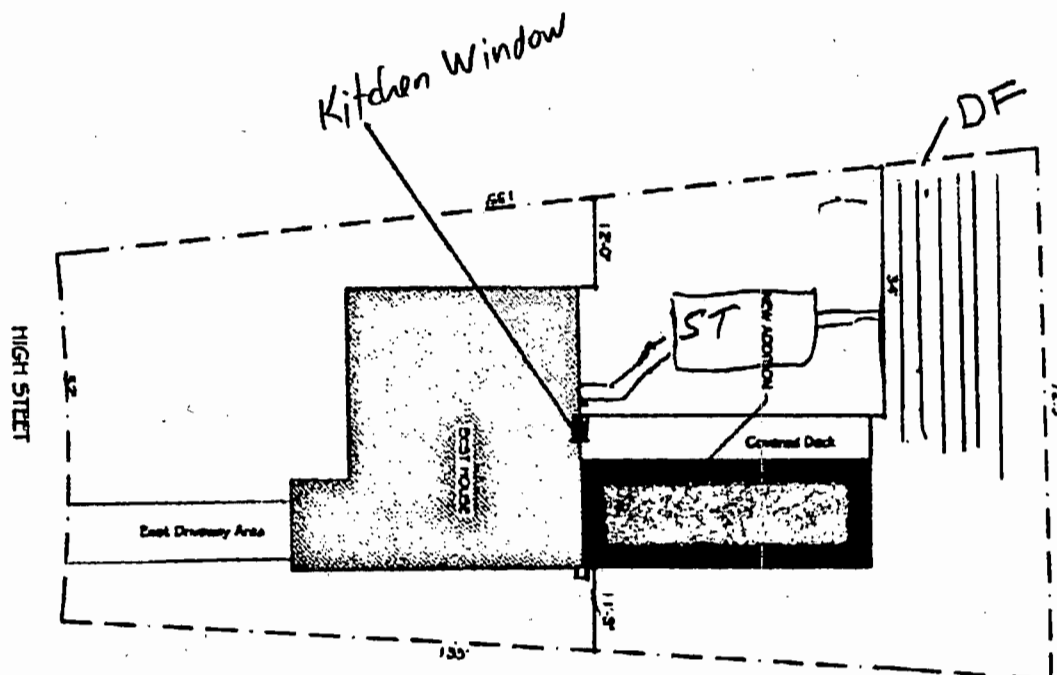


SITE PLAN
SCALE: 1/8" = 1'-0"

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MAY 14 2018
ORANGE COUNTY

25 ft. in lieu of 30 ft.





N

SITE PLAN
SCALE: 1" = 1'-0"

RECEIVED

MAY 14 2018

**ORANGE COUNTY
ZONING DIVISION**

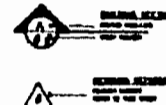
Paul
4/15/12

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	FOUNDATION
3	FLOOR PLAN
4	LINTEL PLAN
5	ELEVATIONS
6	ROOF FRAMING
7	DETAILS/SECTIONS

CONSTRUCTION PLANS FOR
Gladys Jasaitis
715 High Street
Orlando, Florida 32803

[illegible][illegible]

ARCHITECTURAL SYMBOLS

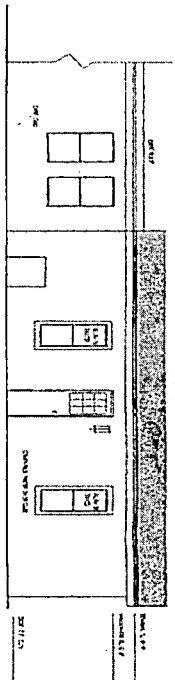


BUILDING AREA SUMMARY:

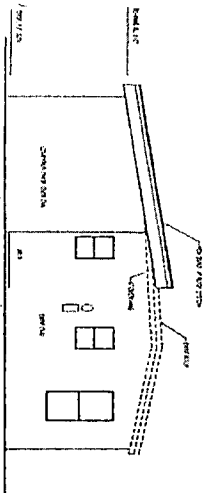
STOCKING HOUSE	1066 SQ. FT.
NEW ALLEYWAY	940 SQ. FT.
TOTAL AREA UNDER ROOF	2210 SQ. FT.

Page	126
Section	73
Approved	
Date	4/2/83
Order	104 - 100
Project	12
Order	

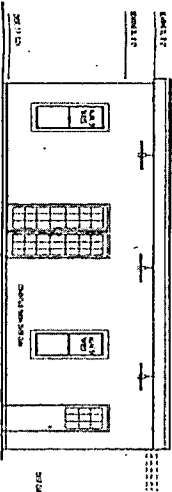




SOUTH SIDE ELEVATION



EAST SIDE ELEVATION



NORTH SIDE ELEVATION



DATE	10/10/10
SCALE	1/8" = 1'-0"
PROJECT	NEW ADDITION
CLIENT	CLAY'S JASATIS
LOCATION	715 HIGH STREET
CITY	DADE COUNTY, FLORIDA

21. 10. 2010

BarwickStudioDesign, LLC
 1000 10th Ave. N. Suite 100
 St. Petersburg, FL 33710
 Phone: 727.444.1000
 Fax: 727.444.1001
 Email: info@barwickstudio.com
 Website: www.barwickstudio.com

NEW ADDITION
 CLAY'S JASATIS
 715 HIGH STREET
 DADE COUNTY, FLORIDA
 ELEVATIONS

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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STAFF REPORT
CASE #: VA-18-07-083
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
July 5, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: ARUNAS JASAITIS

REQUEST: Variance in the R-1A zoning district to allow a rear setback of 25 ft. in lieu of 30 ft.

LOCATION: South of High St., east of Wingo St.

PROPERTY ADDRESS: 715 High St., Orlando, FL 32803

PARCEL ID: 21-22-30-4316-07-040

PUBLIC NOTIFICATION: 119

TRACT SIZE: 50 ft. x 135 ft.

DISTRICT #: 5

ZONING: R-1A

EXISTING USE(S): Single Family Home

PROPOSED USE(S): addition

SURROUNDING USES: N - Single Family Residential
S - Single Family Residential
E - Single Family Residential
W -Single Family Residential

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-1A Single-Family Dwelling district, which allows for single-family homes and associated accessory structures. The site and building requirements in the R-1A district are as follows: minimum lot size of 7,500 sq. ft.; minimum lot width of 75 ft.; and, minimum living area of 1,200 sq. ft. The required setbacks in R-1A are 20 feet in the front, 25 feet in the rear, and 7.5 feet on the sides. However, lots platted prior to March 3, 1997, are required to meet 25 ft. in the front and 30 ft. in the rear. The plat, which created the subject property, was recorded in 1926; therefore, the latter setbacks apply.

2. The applicant wishes to construct an addition to their home to better accommodate their growing family. In April 2018, the applicant obtained two (2) permits. The first, B18007090, was issued for a slab with foundation requiring termite treatment located 25 ft. from the rear property line. The second, P18004895, was issued to install two (2) lavatories (hand sinks), two water closets (toilets) and one shower. All work for both permits was inspected and approved. The majority of the plumbing fixtures are to be located at the south end of the slab to serve the master bath. Because the work was broken into phases, the reviewer from Zoning did not realize that the slab was for an addition, rather than a patio. There is no actual setback for a patio, though Public Works typically requires that it be kept one (1) ft. off the property line to accommodate drainage, and it is not to be located in an easement.
3. There is an existing septic system and drain field, which restrict the location of the addition.

Variance Criteria

1. The Special condition and circumstance on this property is the location of the drain field for the applicant's septic. Due to the location of the drain field to the north of the proposed addition, there was no other location to place the addition.
2. The granting of this variance would not confer any special right on the applicant. The residence on the adjacent lot, which was constructed in 1956, one (1) year prior to the introduction of zoning to Orange County, is located well into the rear setback. Were the applicant's property platted after the 1997 date, a variance would not be necessary.
3. To deny the variance would prohibit the applicant from utilizing the improvements which he legally constructed with valid permits, especially the plumbing which is located within the southernmost five (5) feet of the slab.
4. The applicant is not requesting to encroach further into the rear setback than the permit was approved for. This is the least variance necessary.
5. The applicant's property will still maintain a sizable setback, which is equal to that for newly platted lots in the R-1A zoning district. The purpose and intent of the Zoning Code are being met.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated May 14, 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. The exterior of the addition shall match the exterior of the existing residence with respect to materials and color.
 4. 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.
- c: Arunas Jasaitis
715 High Street
Orlando, FL 32803

REQUEST: **Special Exception** to allow an ADU (**APPROVED** by BZA); and, **Variances** in the R-1A zoning district as follows:

- 1) To validate an existing two-story accessory dwelling unit (ADU) located in front of the principal structure. (**UNNECESSARY** by BZA)
- 2) To allow an existing accessory structure (carport) 18 ft. in height in lieu of 15 ft. (**DENIED** by BZA)
- 3) To allow a cumulative total of 768 sq. ft. of accessory structure floor area in lieu of 500 sq. ft. (**APPROVED** by BZA)
- 4) To allow a detached carport 1 ft. from the side (east) property line in lieu of 5 ft. (**AMENDED TO ALLOW 2.5 FT. IN LIEU OF 5 FT. - APPROVED** by BZA)
- 5) To allow a front setback of 21 ft. in lieu of 25 ft. (**APPROVED** by BZA)

ADDRESS: 5325 Brosche Road, Orlando FL 32807

LOCATION: North of Brosche Rd., west of N. Semoran Blvd.

S-T-R: 28-22-30

TRACT SIZE: 88 ft. x 225 ft. (upland)

DISTRICT#: 3

LEGAL: BROSCHE SUB S/86 LOT 7 BLK A

PARCEL ID: 28-22-30-0956-01-070

NO. OF NOTICES: 77

DECISION: **APPROVED** 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, deemed the Variance request **#1**, as **UNNECESSARY**, further, **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); and, **APPROVED** the Variance requests **#3**, **#4** and **#5**, 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 as amended (4 in favor, 2 opposed and 1 absent):

1. Development in accordance with the site plan dated January 22, 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.
4. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
5. The applicant shall obtain a permit for the accessory structure within ninety (90) days of final approval or this approval becomes null and void.
6. The exterior of the accessory structure shall match the exterior of the existing house.

SYNOPSIS: The applicant constructed a detached garage without a permit and is also looking to validate the existing ADU on their property. Staff shared photos of the site, the site plan, and gave background on the case.

Staff explained that Variance #1 was no longer required as the ADU is attached to the house via a breezeway.

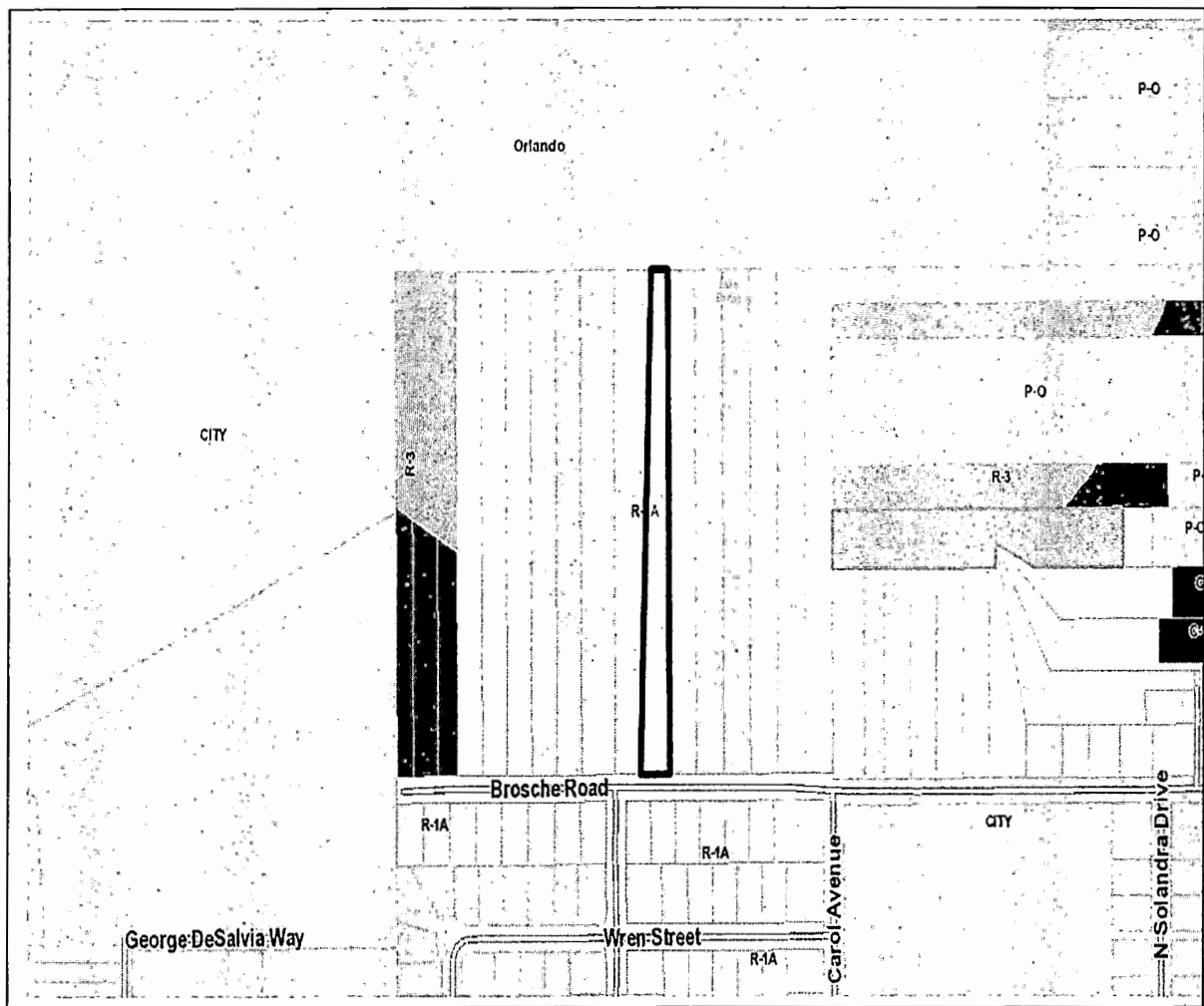
The applicant stated the ADU was in place when they purchased the property. Regarding the detached garage, the applicant stated they would be open to moving the garage but that would block the view of the lake.

There was a discussion regarding reducing the overall size, removing the sides of structure, and/or lowering the height of the detached garage.

Three (3) neighbors spoke in opposition of the request. They stated the structure blocked their view of the lake, was too tall, and objected to the size of the structure. No one spoke in favor of the application.

Code Enforcement stated they issued a notice for the detached garage and are awaiting the decision of the BZA to see how to proceed with their case.

The BZA had a lengthy discussion regarding the options before the Board. They discussed that moving the garage behind the house would block everyone's view of the lake. The Board ultimately decided the following: Variance #1, was deemed as unnecessary by staff. The BZA denied Variance #2, and instructed the applicant to lower the structure to meet the fifteen (15) feet requirement. The Board approved Variance #3 and #5, as they were minimal. Lastly, the BZA amended Variance #4, to allow the garage to remain 2.5 feet from the side property line in lieu of 5 feet.



Applicant: JUSTIN PETERSON

BZA Number: SE-18-07-084

BZA Date: 07/05/2018

District: 3

Sec/Twn/Rge: 28-22-30-NE-A

Tract Size: 88 ft. x 225 ft. (upland)

Address: 5325 Brosche Road, Orlando FL 32807

Location: North of Brosche Rd., west of N. Semoran Blvd.

Justin and Gemma Peterson
5325 Brosche Road
Orlando FL 32807
Cell: 407-437-4226

5/8/2018

To whom it may concern;

We purchased this property 6 years ago with the property being advertised as having a mother in law suite included. We pay property taxes on this additional heated square feet from the unit as did the previous owner who has owned it since the 1960s.

We recently installed a non-permanent structure/carport which is not permanently attached to the ground and had a company install it next to our residence. We were visited by the code enforcement officer who stated that even though it was not permanently attached we would still need a permit, in this case we would need a variance due to the distance from the property line and the square footage of the carport. The carport is 2ft from the property line, and the requirements for this needs to be 5ft in distance. Our neighborhood has homes from the 1950s and beyond, this being said these custom homes were constructed less than 5ft from the property lines and constructed before permit records existed. The carport we had installed is next to our primary residence and a fence separating our home from our neighbors. Our neighbors home is less than 5ft from our property line. We do not have much space to add any additional structures but the one we have installed fits perfectly in between the home and the fence, see photos attached.

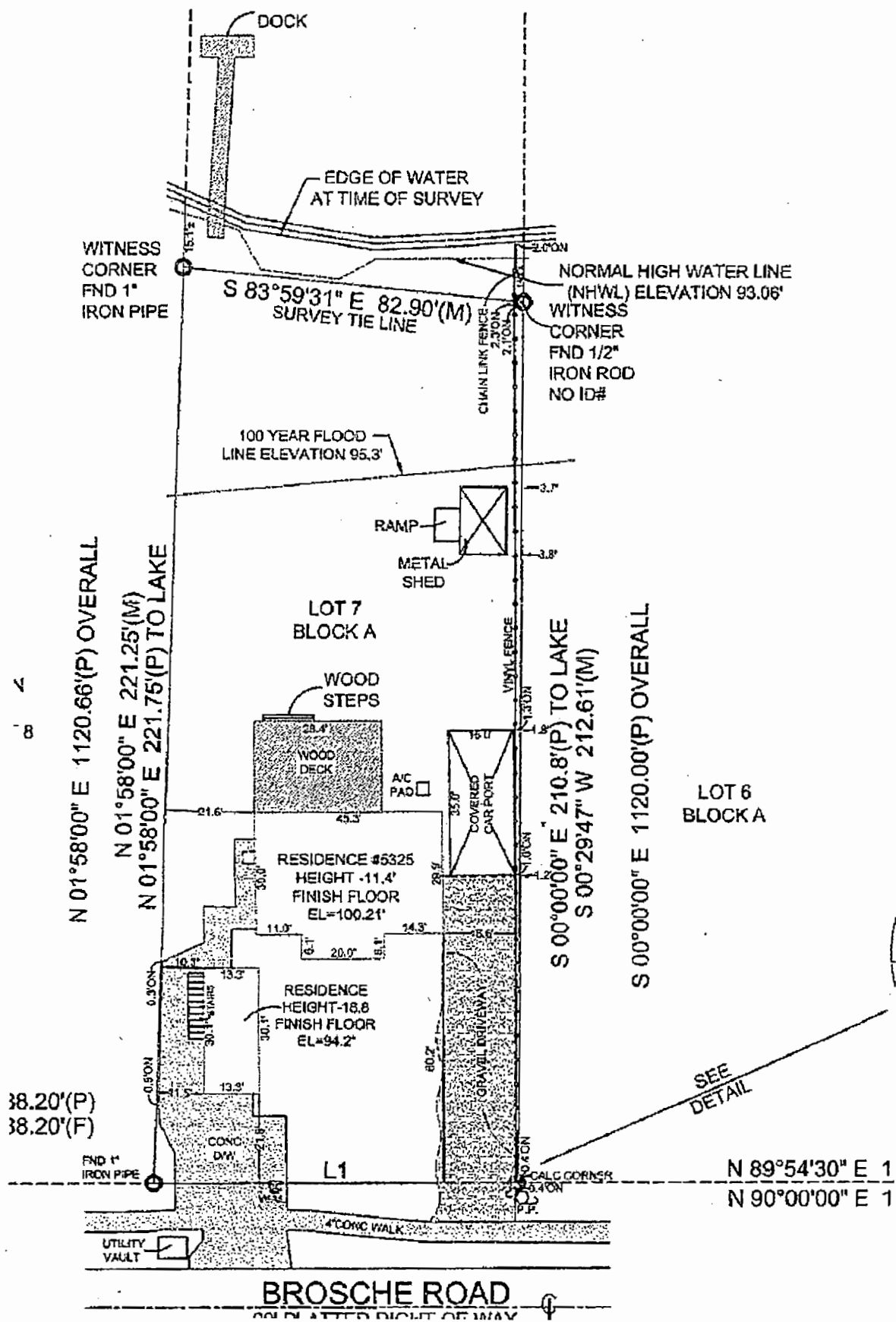
This carport structure is 16'x36' with 14-foot legs (576sqft), the enclosed size being 16x35. The allowed accessory dwelling square footage on a property is 500sqft. We do have one additional storage shed on our property which brings our total accessory dwelling structures on property to 768sqft. We are asking for a variance to allow this additional square footage as we are on 1.75 acres. We are also asking for the variance to allow the distance from the property line as right now it's 2ft, separated by a fence (no easement as the fence is on our property along with an additional foot on the other side of the fence towards the neighbor's property) and the allowed distance is 5ft, even though even the SFHs do not conform to that in our neighborhood. We placed the carport at the side of our home as it seemed to be the perfect place, the colors even match our main home and looks to be all one. We can, if need be move the carport to the 5ft requirements, but that will entail knocking down an established mango tree and moving it to the back side of our residence which will make it hard to back the vehicles into and make it an eye sore for our neighbors on the lake. The location it's currently in blocks nobodies view and fits perfectly as you can see in the photos.

While pulling this variance, we were alerted that the additional Mother in law suite is also classed as an additional dwelling unit and not a part of our primary residence, this will put a hurting on our "actual" accessory dwelling unit as this will now make it over 1200sqft as the mother in law suite is 510sqft. This mother in law suite has been here since the 1960s per the property appraiser records and we believe it should be grandfathered in since it was build prior to permits ever being recorded. Our neighborhood has many of homes that also have mother in law suites (see photos provided). In my opinion this street on the lake should be zoned R2 as stated many of homes have these additional dwellings which are mother in law suites/guest homes and some are renting out to 3rd parties but are all zoned R1. We do have a R3 property zoned property on our street already along with a commercial assisted living.

We have spoken to Orange County Property Appraisers and they have told me numerous times that the mother in law suite was constructed prior to permits being recorded, so we are not sure if one was created. This being said, there may of already been one in place but we cannot prove as no records were kept. We are not the original owners and we are trying to make this right so we can keep the carport we installed. We are willing to work with you on anything that you require for us to keep these as they are.

Sincerely,

Justin and Gemma Peterson
Owners







STAFF REPORT

CASE #SE-18-07-084
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
July 5, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: JUSTIN PETERSON

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception to allow an ADU and Variances in the R-1A zoning district as follows:

- 1) To validate an existing two-story accessory dwelling unit (ADU) located in front of the principal structure.
- 2) To allow an existing accessory structure (carport) 18 ft. in height in lieu of 15 ft.
- 3) To allow a cumulative 768 sq. ft. of accessory structure floor area in lieu of 500 sq. ft.
- 4) To allow a detached carport 1 ft. from the side (east) property line in lieu of 5 ft.
- 5) To allow a front setback of 21 ft. in lieu of 25 ft.

LOCATION: North of Brosche Rd., west of N. Semoran Blvd.

PROPERTY ADDRESS: 5325 Brosche Rd.

PARCEL ID: 28-22-30-0956-01-070

PUBLIC NOTIFICATION: 77

TRACT SIZE: 88 ft. x 225 ft. (upland)

DISTRICT #: 3

ZONING: R-1A

EXISTING USE(S): Single family home

PROPOSED USE(S): Accessory Dwelling Unit / Garage

SURROUNDING USES: N – Lake Barton
S – Residential

STAFF FINDINGS AND ANALYSIS:

1. The subject property as well as the entire neighborhood, is located in the R-1A Single-Family Dwelling District, which allows for single-family homes and associated accessory structures. The site and building requirements in the R-1A district are as follows: minimum lot size of 7,500 sq. ft.; minimum lot width of 75 ft.; and, minimum living area of 1,200 sq. ft.
2. The lot was platted as part of the Brosche Subdivision in 1952, therefore, the greater front and rear setbacks apply to this property because it was platted before 1997. The front setback is required to be 25 feet and 50 ft. from the NWHE line in the rear.
3. The house was built in 1958, and it appears the ADU was built at that time as well. Staff was not able to locate any permits for the original house and/or ADU.
4. The applicant constructed the detached garage without a permit. Code Enforcement cited the applicant in December 2017, for the accessory structure (Case #499996).
5. The ADU is attached to the house via a breezeway and is located above the existing garage. Therefore, it is considered attached and Variance #1, is not necessary.
6. The property has an existing 12 ft. x 16 ft. shed in the rear of the house.

Staff recommends approval of the Special Exception and Variance #5, for the Accessory Dwelling Unit. Staff recommends denial of Variances #2 through #4, for the accessory structure.

Special Exception Criteria

- The use shall be consistent with the Comprehensive Plan Policy.

ADU's are specifically mentioned in the Comprehensive Plan as being compatible with residential zoning through the Special Exception process.

- The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.

The residential use of the ADU in a neighborhood ensures it is compatible with the pattern of development. In addition, there is an existing Assisted Living Facility two (2) lots away which was approved for up to thirteen (13) residents.

- The use shall not act as a detrimental intrusion into a surrounding area.

This ADU is existing and has not caused any detrimental intrusion into the area.

4. The use shall meet the performance standards of the district in which the use is permitted.

The ADU meets the parking, square footage, height and lot size requirements outlined in Code. The only variance needed is for the front setback which is minimal (16%) and was not self-created.

5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing, and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

The ADU is essentially a residential unit and does not have any attributes that would produce any uncharacteristic noises, odors, or vibrations.

6. Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

There is no landscaping buffer required between residential properties.

Variance Criteria for ADU (Variance #5)

Special Conditions

The house and structure were built in 1958, and have existed on site since. If the property were platted after 1997, the variance would not be required as the setback would be 20 feet not 25 feet.

Not Self-created

The ADU existed when the applicant purchased the property.

Minimum Possible Variance

The variance requested is a sixteen percent (16%) deviation from Code, which is minimal.

Variance Criteria for accessory structure (Variance #2-4)

Special Conditions and Circumstances

This lot does not have any special conditions which make it unique or different than other parcels in the area.

Not Self-Created

The applicant constructed the structure without a permit and this is self-imposed.

No Special Privilegee.

Approval of this variance would grant special consideration for this applicant.

Deprivation of rights. The applicant may place the structure in the rear yard of their lot and not be required a variance.

Minimum Possible Variance

The applicant is requesting to allow the existing structure to remain approximately 1.2 feet from the property line which represents a seventy-six percent (76%) variation from Code.

Purpose and Intent

The neighbor to the east has expressed opposition to the location of this structure. A building of this size shall be placed in the rear yard of the lot, not in the side yard.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Exception and Variance #5, for the Accessory Dwelling Unit. Staff recommends denial of Variances #2 through #4, for the accessory structure.

1. Development in accordance with the site plan dated January 22, 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.

If the BZA approves Variances #2 through #4, the following additional conditions shall apply:

4. The applicant shall obtain a permit for the accessory structure within ninety (90) days of final approval or this approval becomes null and void.
5. The exterior of the accessory structure shall match the exterior of the existing house.

c: Justin Peterson
5325 Brosche Road
Orlando, FL 32807

FREDRICK GARRICK
SE-18-07-085

REQUEST: **Special Exception** and **Variance** in the R-1A zoning district as follows:
1) Special Exception to allow a Religious Institution.
2) Variance to allow grassed parking spaces in lieu of paved parking spaces.
Note: The subject property received approval as a religious institution in March 2013, however the approval expired due to inactivity.

ADDRESS: 4116 N. Pine Hills Road, Orlando FL 32808

LOCATION: West side of N. Pine Hills Road, approximately 750 ft. south of North Lane

S-T-R: 07-22-29

TRACT SIZE: 76 ft. x 180 ft.

DISTRICT#: 2

LEGAL: BEG 790 FT S OF NE COR OF NW1/4 RUN S 76.66 FT W 230 FT N 76.66 FT E 230 FT TO POB (LESS E 50 FT FOR RD) IN SEC 07-22-29

PARCEL ID: 07-22-29-0000-00-011

NO. OF NOTICES: 88

DECISION: **APPROVED** 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** 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 (unanimous; 5-0 and 2 absent):

1. Development in accordance with the site plan dated May 14, 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

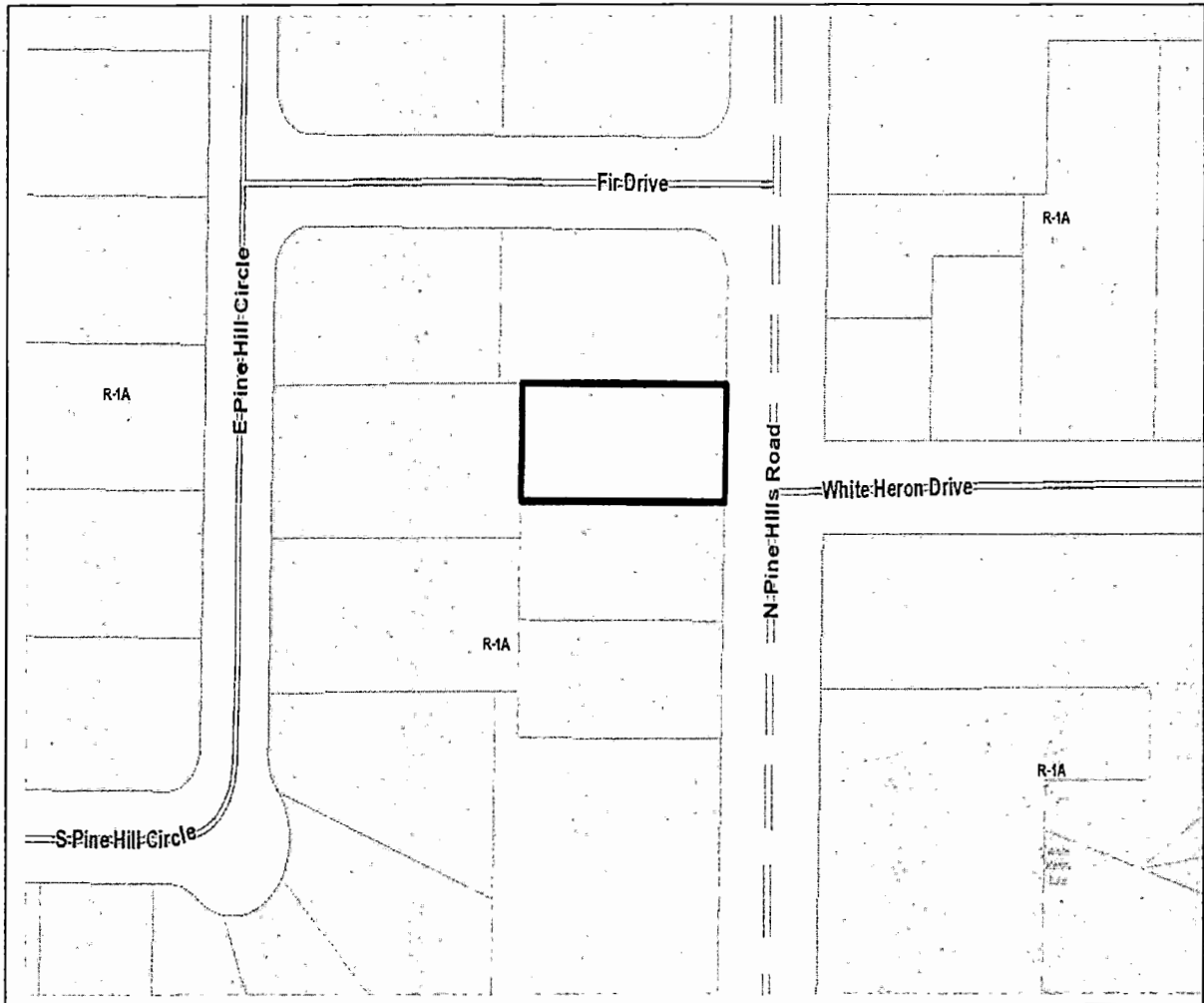
other applicable state or federal permits before commencement of development.

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.
4. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
5. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
6. Due to the small size of the subject property, and its proximity to residential, outdoor special events shall be prohibited.
7. All non-handicap spaces may be grassed. However, the drive aisle and the handicap space must be paved. In addition, each parking space shall be equipped with a tire stop firmly affixed to the ground. Railroad ties, each held in place by two lengths of re-bar, will satisfy this condition.
8. If lighting is proposed, the project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards".
9. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.
10. The sign currently located on the property shall be removed prior to issuance of building permits for the interior renovations or site work on the drive aisle. The applicant shall submit an application for properly located signage prior to issuance of a use permit.

SYNOPSIS: Staff explained the history of the subject property, and noted that while the last application to use the property was approved, and the congregation did use the property, they never filed for any permits, and the approval lapsed. This explains why there is a sign at the site, but no improvements. Staff noted that the need for paved parking for all but the handicap space was typical for smaller religious institutions such as this. The paved drive aisle will look like a residential driveway. There will be no intrusion into the adjacent neighborhoods. Staff noted that it had not received any written correspondence; however, they had been in contact with the Pine Hills Neighborhood Improvement District. The District did not oppose the plans.

The applicant noted their agreement with the staff recommendation and the conditions. There being no one in attendance to speak for or against the application, the public hearing was closed.

The Board concluded that this use was a compatible use with the area, and that the requested variance was warranted. A motion to recommend approval of both the Special Exception and the Variance was unanimously adopted.



Applicant: FREDRICK GARRICK

BZA Number: SE-18-07-085

BZA Date: 07/05/2018

District: 2

Sec/Twn/Rge: 07-22-29-NW-B

Tract Size: 76 ft. x 180 ft.

Address: 4116 N. Pine Hills Road, Orlando FL 32808

Location: West side of N. Pine Hills Road, approximately 750 ft. south of North Lane

605 Ivanhoe Way
Casselberry FL 32707
April 10th, 2018

Orange County Zoning Division

201 South Rosalind Avenue

1st Floor, Orlando FL32801

The bearer, pastor Fredrick Garrick hereby request your honorable consideration in granting favorable response to application submitted for exception for the property addressed at 4116 N Pine Hills Rd, Orlando FL, 328108.

Documented purposes are as follows:

1-This request is to have present facility to be used as a religious facility to house congregants of Church of the Living Waters Apostolic, Inc.

2-The building is not currently documented on official records to be able to accommodate same.

3- Number of building-1

4-Number of current members: approx. 35

5-Employees: None.

6-Students: None

7-Days and hours of operation: Sundays 9am-1pm, Wednesdays 7pm-pm.

8-Outdoor Activities: None

This property is currently vacant of any operation conducted thereon.

This property is intended to be purchased to house members as a church.


F. Garrick/ Pastor

RECEIVED
MAY 14 2018
ORANGE COUNTY
ZONING DIVISION

605 Ivanhoe Way
Casselberry FL 32707
May 15th, 2018

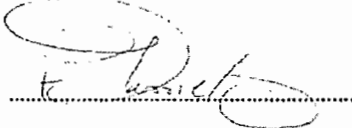
Orange County Zoning Division
201 South Rosalind Avenue
1st Floor, Orlando FL32801

The bearer, pastor Fredrick Garrick hereby request your honorable consideration in granting favorable response to application submitted for variance to have grass parking for the property addressed at 4116 N Pine Hills Rd, Orlando FL, 32808.

This property is intended to be purchased to house members as a church.

Grateful this request be given favorable consideration by your honorable office.

Thanking you.



F. Garrick/ Pastor.

fcg28@hotmail.com

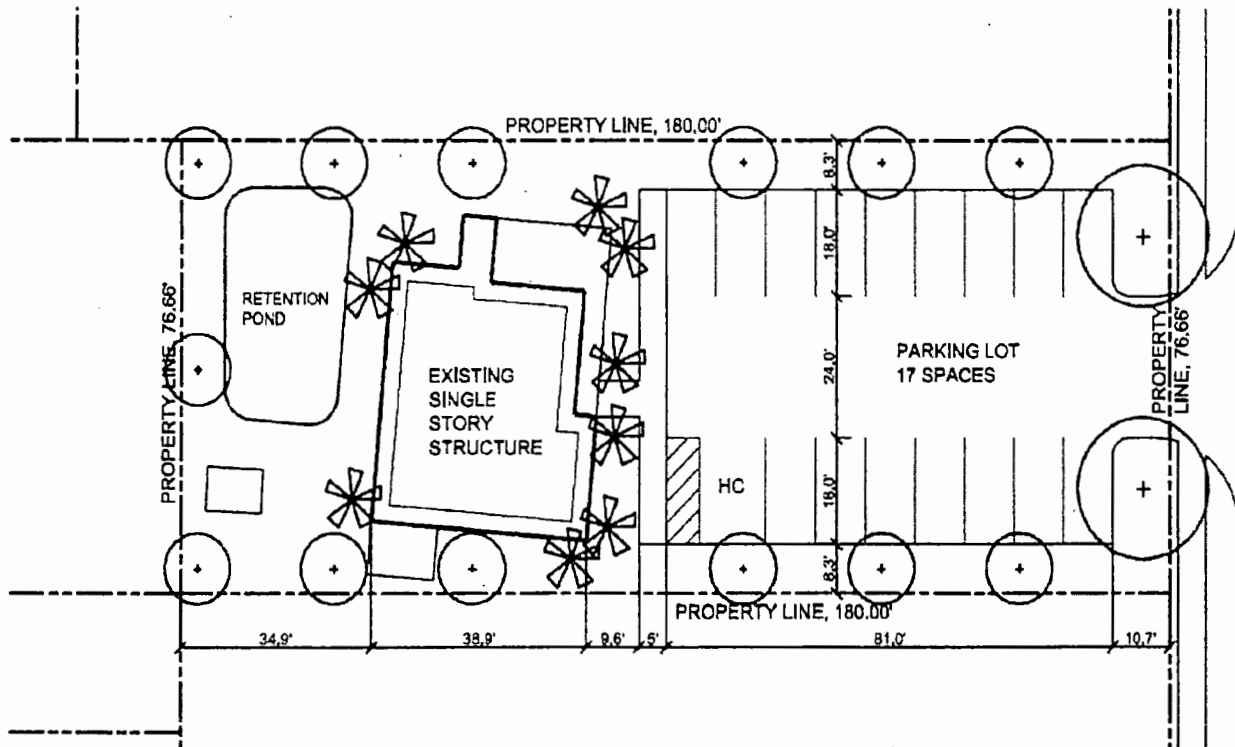
407-924-6538

RECEIVED

MAY 14 2018

**ORANGE COUNTY
ZONING DIVISION**

EXISTING BUILDING ELEVATION



RECEIVED

MAY 14 2018

NORT

Site Plan



STAFF REPORT
CASE #SE-18-07-085
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
July 5, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Fredrick Garrick

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variances in the R-1A zoning district as follows:
1) Special Exception to allow a Religious Institution.
2) Variance to allow grassed parking spaces in lieu of paved parking spaces.

LOCATION: West side of N. Pine Hills Road, approximately 750 ft. south of North Lane

PROPERTY ADDRESS: 4116 N. Pine Hills Rd., Orlando, FL 32808

PARCEL ID: 07-22-29-0000-00-011

PUBLIC NOTIFICATION: 88

TRACT SIZE: 76 ft. x 180 ft.

DISTRICT #: 2

ZONING: R-1A

EXISTING USE(S): Single Family Residence - R-1A

PROPOSED USE(S): Religious Institution

SURROUNDING USES: N – Vacant - R-1A
S – Single Family Residence - R-1A
E – County Stormwater Retention Pond/Single Family Residential - R-1A
W - Single Family Residence - R-1A

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-1A Single-Family Dwelling district, which allows for single-family homes and associated accessory structures. It also allows for religious institutions by Special Exception. The site and building requirements in the R-1A district are as follows: minimum lot size of 7,500 sq. ft.; minimum lot width of 75 ft. While these are residential standards, they are also applied to nonresidential uses. The applicant is not requesting any variances to these standards, but rather to Sec. 38-1476, "Quantity of Off-street Parking."
2. The applicant is requesting permission to convert the existing single family residence to a religious use. They intend to use the building for a congregation of up to 35 members.
3. In 2009, the BZA approved SE-09-07-002, to allow the subject property and the adjacent lot to the north to be developed with a larger structure for up to 120 worshipers. This application was never acted on. In March 2013, another religious institution was approved for the subject property only through SE-13-03-005. No size was given for that congregation. While no permits were ever pulled, the presence of an unpermitted sign on the subject property indicates that that congregation did in fact use the building. However, since no permits were ever pulled, nor a use permit granted, that approval has lapsed, and the applicant must go through the same process.
4. As of the writing of this report, no correspondence has been received. In 2013, a Community Meeting was conducted for that request. According to the synopsis of the meeting, the neighbors were generally supportive.

Special Exception Criteria

1. The Comprehensive Plan recognizes that religious institutions can coexist in residential areas provided they are given the proper review. In single family zoning districts that review is a public hearing in conjunction with a Special Exception application.
2. The use will be similar and compatible with the surrounding uses. There is no plan to significantly change the exterior of the existing structure. Except when services are taking place, the site will retain its residential character, with the exception of a sign, for which the applicant must obtain a permit. Also, the paved drive aisle will resemble a traditional driveway.
3. The site will only have access to North Pine Hills Drive. There will be no detrimental intrusion into the neighborhood.
4. With the granting of the variance, the use will meet all of the performance criteria.
5. With the exception of when services are in session, the site will generally be empty except for the pastor and any caretakers. It will not generate any different impacts than a normal single family residence.
6. The site will be required to provide all required landscaping per Chapter 24 of the Orange County Code. Buffer yards will be needed along all property lines.

Variance Criteria

1. The applicant will be providing a paved drive aisle. Since it is common to allow grassed parking for religious institutions, the applicant is not requesting something uncommon. Therefore, the request is not self-imposed.
2. No special privilege is being conferred. Religious institutions, especially smaller ones, are routinely permitted grassed parking spaces.
3. Denial of the variance will require the applicant to install an entirely paved parking lot requiring the applicant to provide improvements routinely waived.
4. The applicant will be providing a paved drive aisle and paved handicap parking space. Since variances for paved parking are routinely granted, this is the least variance needed.
5. The applicant's site plan shows that all improvements needed to meet the purpose and intent of the Zoning Code can be met.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated May 14, 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.
4. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
5. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.

6. Due to the small size of the subject property, and its proximity to residential, outdoor special events shall be prohibited.
 7. All non-handicap spaces may be grassed. However, the drive aisle and the handicap space must be paved. In addition, each parking space shall be equipped with a tire stop firmly affixed to the ground. Railroad ties, each held in place by two lengths of re-bar, will satisfy this condition.
 8. If lighting is proposed, the project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards".
 9. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.
 10. The sign currently located on the property shall be removed prior to issuance of building permits for the interior renovations or site work on the drive aisle. The applicant shall submit an application for properly located signage prior to the issuance of a use permit.
- c: Fredrick Garrick
605 Ivanhoe Way
Casselberry, FL 32707

DHANRAJ (DANNY) INDERDEO
VA-18-07-086

REQUEST: **Variances** in the II-1/I-5 zoning district to validate 3 existing structures and to construct 1 new structure as follows:
1) Building 1 (existing): Side (west) buffer yard adjacent to a single family lot of 37 ft. in lieu of 50 ft.
2) Building 2(existing): a) Side (west) setback of 18 ft. in lieu of 25 ft.
b) Side (west) buffer yard adjacent to a single family lot of 18 ft. in lieu of 50 ft.
3) Building 3 (existing): a) Side (west) setback of 23 ft. in lieu of 25 ft.
b) Side (west) buffer yard adjacent to a single family lot of 23 ft. in lieu of 50 ft.
4) Building 4 (proposed): a) Side (west) setback of 15 ft. in lieu of 25 ft.; b) Side (west) buffer yard adjacent to a single family lot of 15 ft. in lieu of 50 ft.; c) Side (east) setback of 14 ft. in lieu of 25 ft.; d) Rear (south) setback of 14 ft. in lieu of 25 ft.

ADDRESS: 11775 Airport Park Drive, Orlando FL 32824

LOCATION: East side of Airport Park Dr., approximately 899 ft. west of Boggy Creek Road

S-T-R: 17-24-30

TRACT SIZE: 1+ Acres

DISTRICT#: 4

LEGAL: FROM NW COR OF SW1/4 OF SE1/4 RUN S 266.2 FT TH E 30.04 FT FOR POB RUN S 63 DEG E 167.70 FT S 75 FT E 70 FT N 138.33 FT N 22 DEG W 244.83 FT SWLY ALONG CURVE 253.31 FT TO POB

PARCEL ID: 17-24-30-0000-00-022

NO. OF NOTICES: 32

DECISION: **APPROVED** 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. (unanimous; 6-0 and 1 absent):

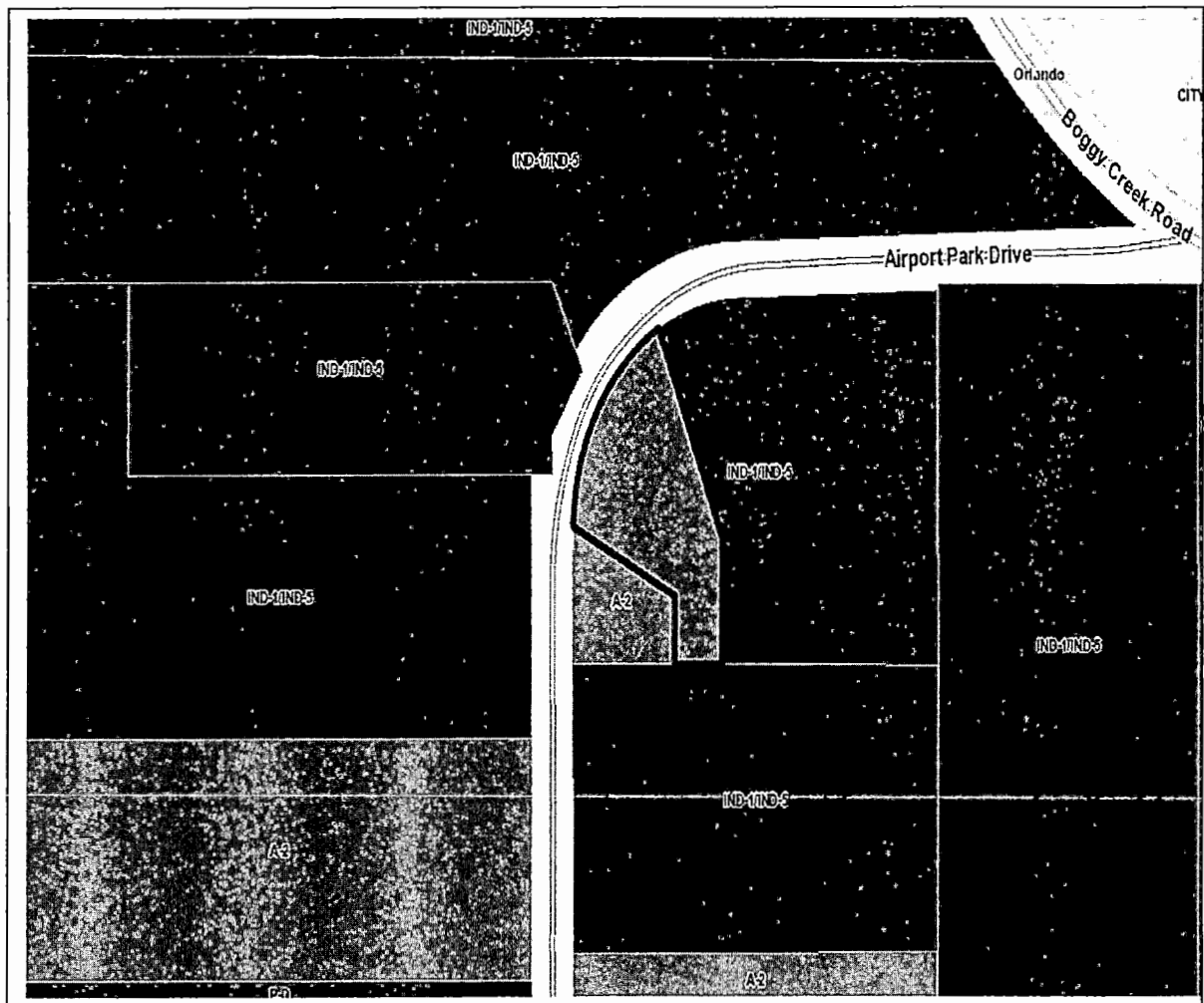
1. Development in accordance with the site plan dated May 15, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) 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.
4. The applicant shall obtain a permit for all unpermitted structures within 180 days of final action by Orange County on this application or this approval becomes null and void.
5. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
6. Provide a non-vegetative opaque barrier a minimum of six (6) feet in height along the common property line with residential property at 11823 Airport Park Dr. bearing Parcel ID # 17-24-30-0000-00-017.

SYNOPSIS: Staff explained the history of the property from its initial rezoning to present, including the fact that they have actually dismantled one of the buildings to correct a code violation, and they are storing the building on site hoping to obtain the needed variances to reassemble it. The applicant purchased the property 'as is' and actually inherited the violations. They wish to correct them and restore the site to the way it was when they purchased it. Staff also noted that the only resident, who abuts the subject property, had submitted a letter of support for the request.

The applicant indicated their agreement with the staff recommendation to include the conditions. There being no one present to speak for or against the request, the public hearing was closed.

The BZA concluded that due to the odd shape of the lot, a portion of it was completely unusable without variances. In addition, since the abutting property would ultimately be rezoned to I-1/I-5, not granting the variances would penalize the applicant. A motion to approve all requested variances was passed unanimously.



Applicant: DHANRAJ (DANNY) INDERDEO

BZA Number: VA-18-07-086

BZA Date: 07/05/2018

District: 4

Sec/Twn/Rge: 17-24-30-SE-D

Tract Size: 1+ Acres

Address: 11775 Airport Park Drive, Orlando FL 32824

Location: East side of Airport Park Dr., approximately 899 ft. west of Boggy Creek Road

MEMBERS OF THE BOARD
ZONING AND ADJUSTMENTS

05-15-2018

Dhanraj Inderdeo
11775 Airport Park Dr.
Orlando FL. 32824

Dear Zoning Committee Members,

My name is Dhanraj Inderdeo I am a minority Electrical Contractor located at 11775 Airport Park Drive Orlando FL. 32824, I am in the process of converting a two story house in to a commercial office and storage, our working hours here are 7:00 am to 5:00 pm Monday thru Saturday I am requesting Variances for three storage sheds, two which are existing to remain sizes are 20' X 20' 12'-8" high constructed with cinder blocks and brick stucco with shingle roof, this building is 18'-10 1/2" and 23'-1" off the property line, the other is a 21'-6" X 20'-8" X 15'-9" high Metal building constructed with steel frame and metal siding which is 23'-1" and 27'-6" off the property line.

The third building was demolished to be rebuild the size are 40' x 40' X 19'-3" high Metal building constructed with steel frame and metal siding which is, 14'-5", 14'-7" and 15'-10" off the property line. Please see attached detailed plans and letters from my neighbors

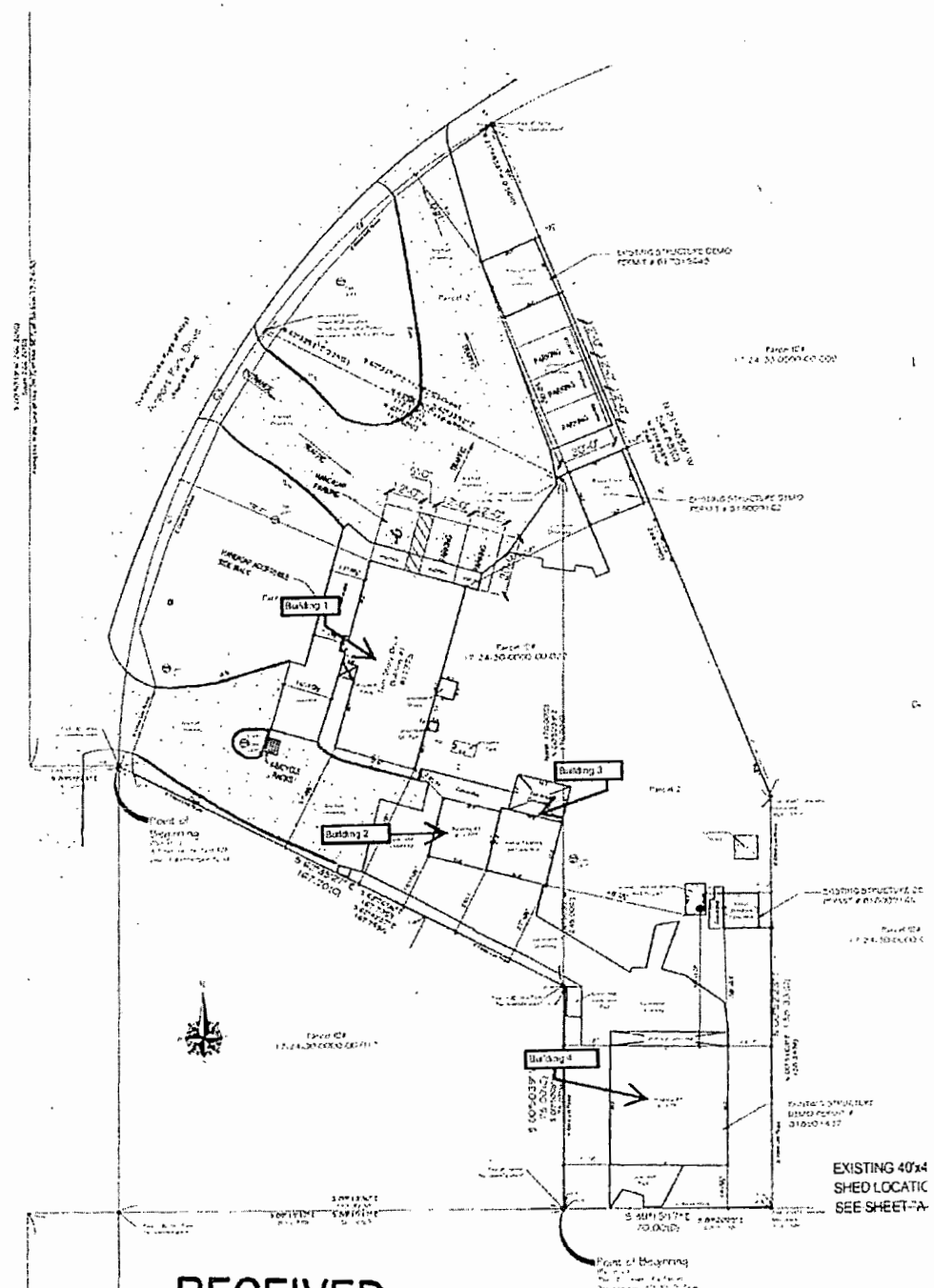
I would really appreciate if you can grant me these variances, due the shape and angles of my property and the setback requirements, it will be very difficult to build a storage adequate enough to store material and equipment for my business.

Thank you for your consideration of this matter

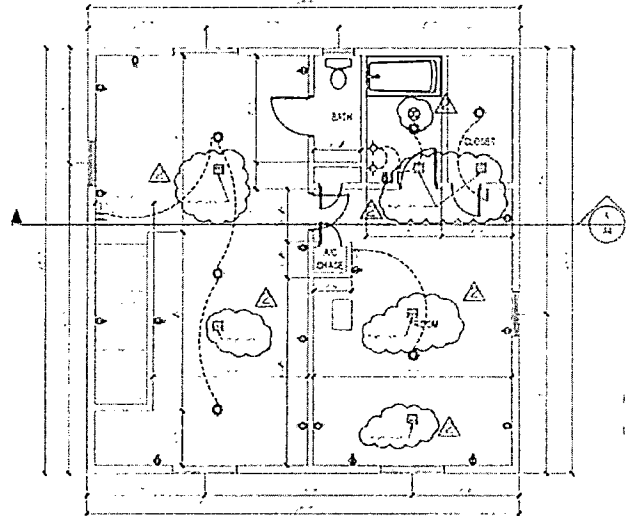
Sincerely,



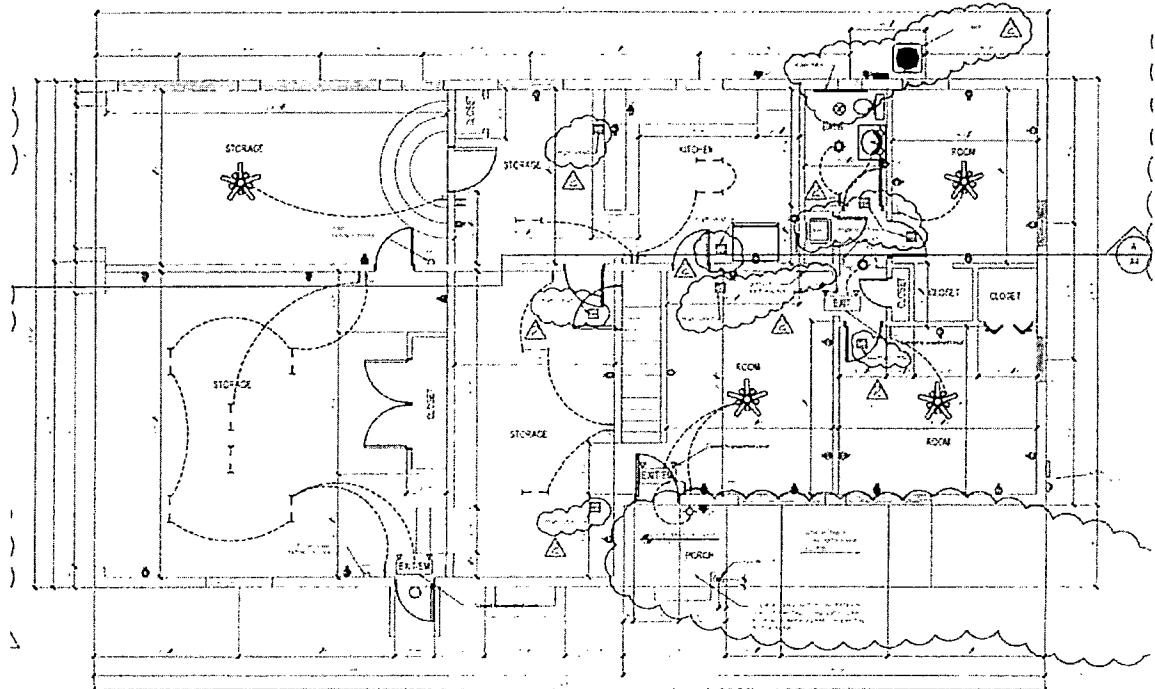
Dhanraj Inderdeo



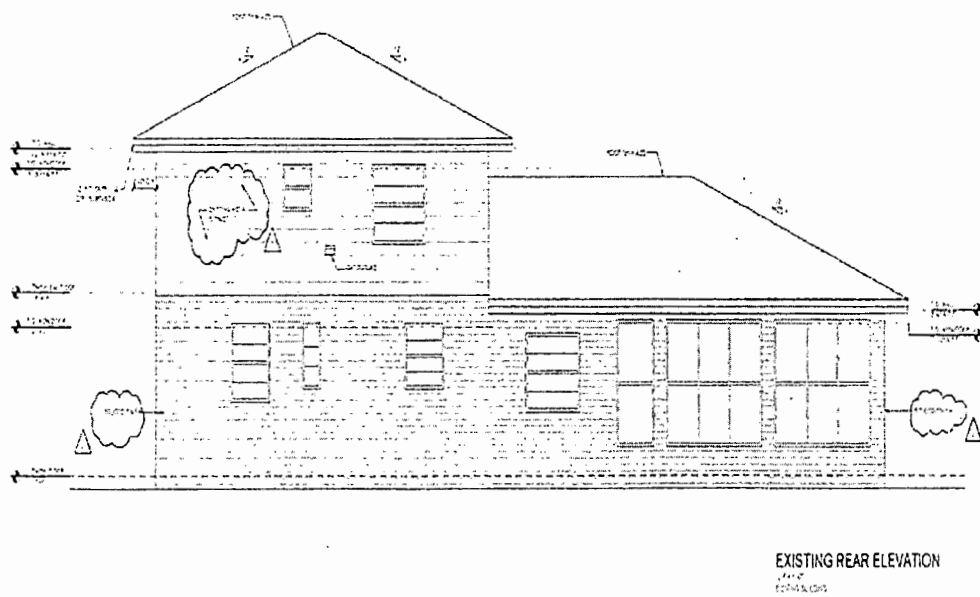
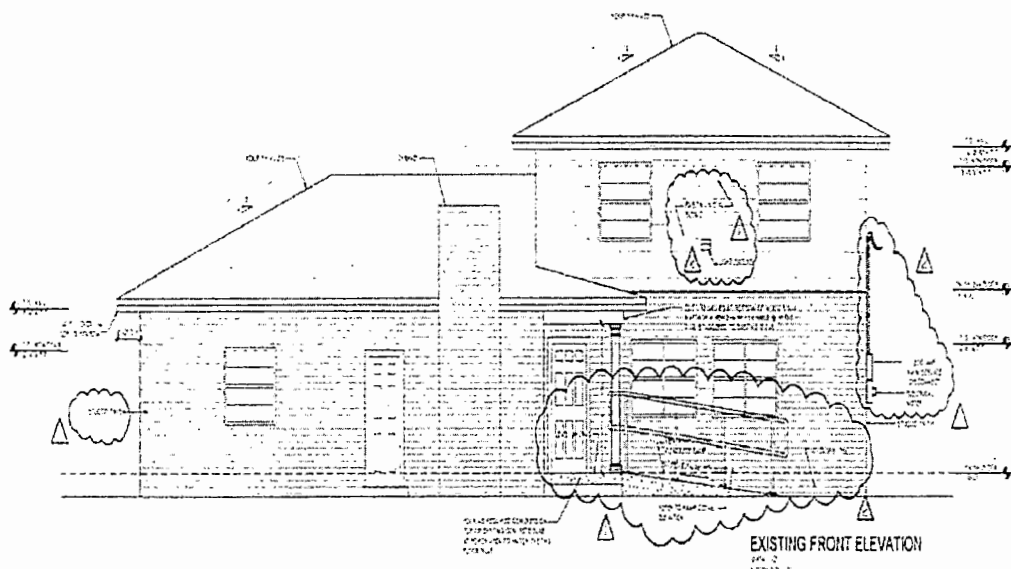
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ORANGE COUNTY
ZONING DIVISION

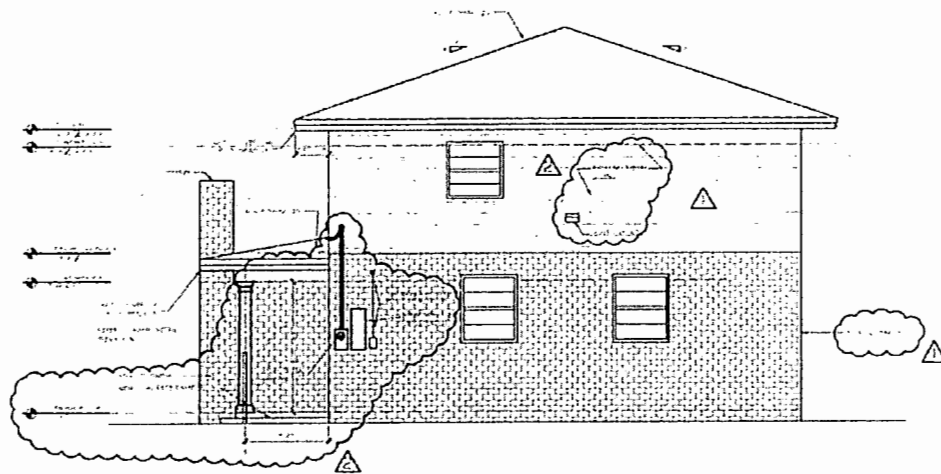


EXISTING 2nd FLOOR & ELECTRICAL PLAN

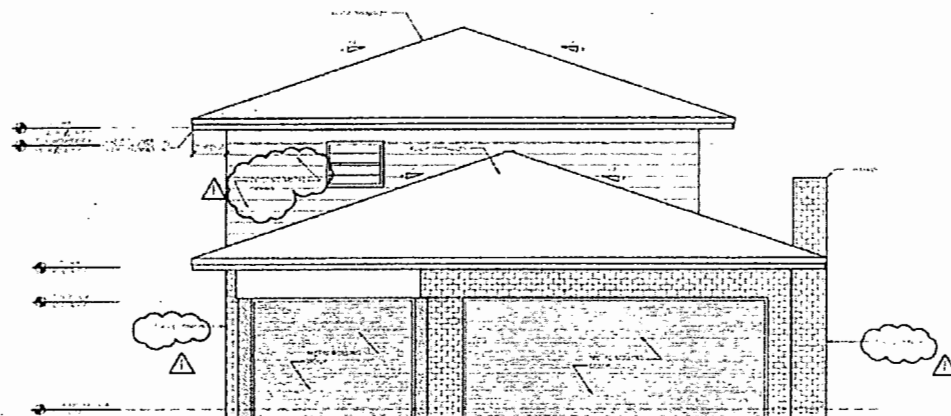


EXISTING 1st FLOOR & ELECTRICAL PLAN



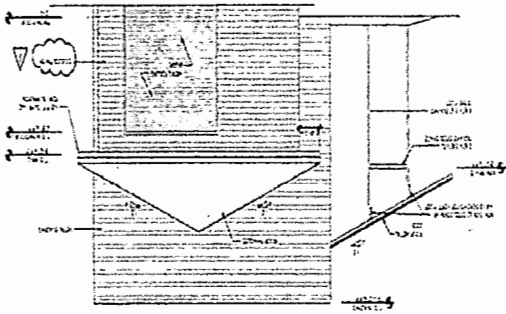


EXISTING RIGHT ELEVATION
AS OF
 02/26/2015

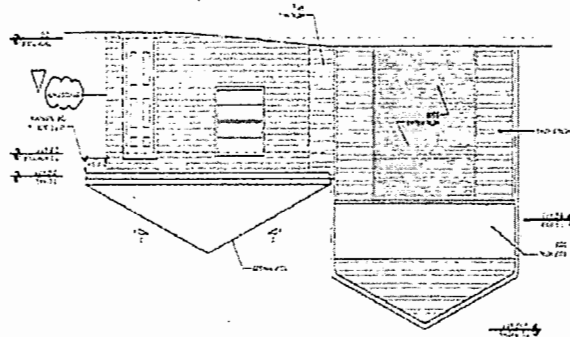


EXISTING LEFT ELEVATION
AS OF
 02/26/2015

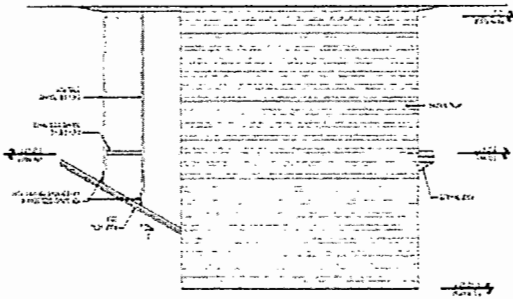
EXISTING LEFT ELEVATION



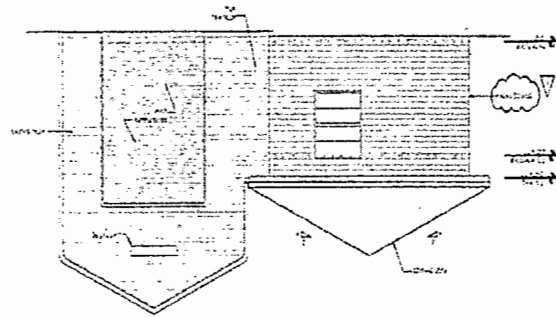
EXISTING REAR ELEVATION

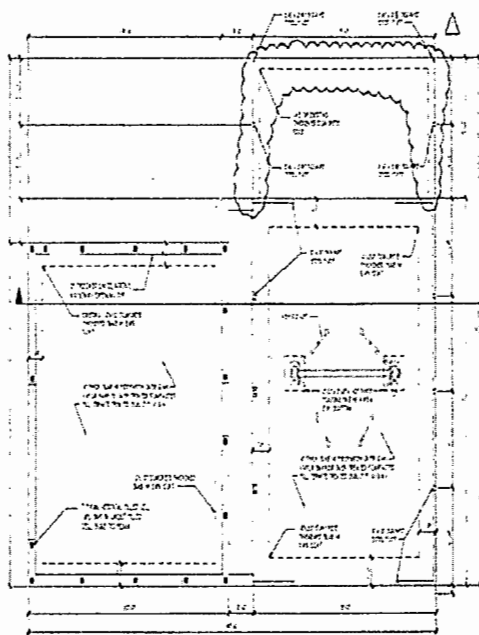


EXISTING RIGHT ELEVATION



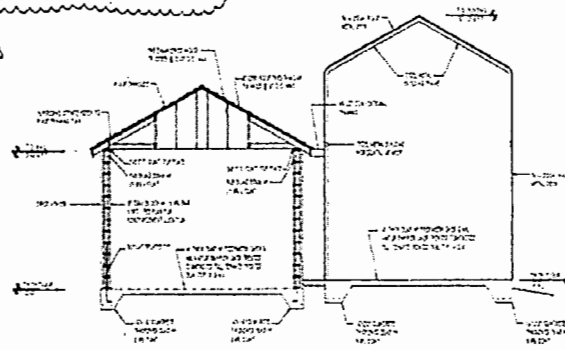
EXISTING FRONT ELEVATION





EXISTING FOUNDATION PLAN
JAN 12
CONSTRUCTION

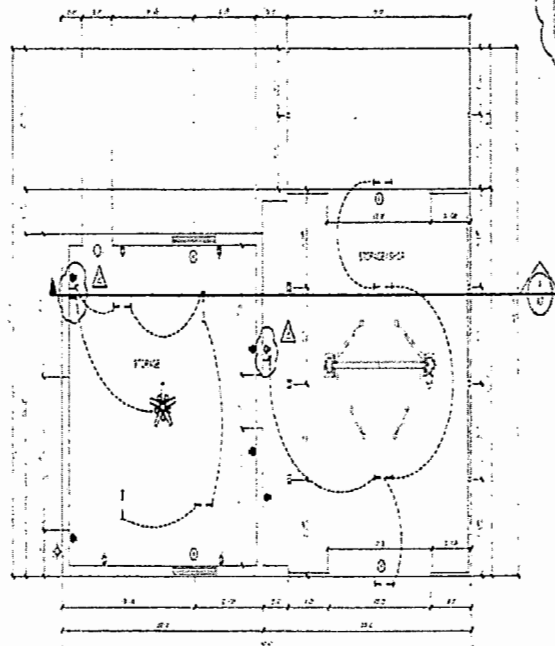
REMARKS		REVISION	DATE
1	NOTED FOUNDATION DETAILS	1	1/12/12
2	NOTED FOUNDATION DETAILS	2	1/12/12
3	NOTED FOUNDATION DETAILS	3	1/12/12
4	NOTED FOUNDATION DETAILS	4	1/12/12
5	NOTED FOUNDATION DETAILS	5	1/12/12
6	NOTED FOUNDATION DETAILS	6	1/12/12
7	NOTED FOUNDATION DETAILS	7	1/12/12
8	NOTED FOUNDATION DETAILS	8	1/12/12
9	NOTED FOUNDATION DETAILS	9	1/12/12
10	NOTED FOUNDATION DETAILS	10	1/12/12
11	NOTED FOUNDATION DETAILS	11	1/12/12
12	NOTED FOUNDATION DETAILS	12	1/12/12
13	NOTED FOUNDATION DETAILS	13	1/12/12
14	NOTED FOUNDATION DETAILS	14	1/12/12
15	NOTED FOUNDATION DETAILS	15	1/12/12
16	NOTED FOUNDATION DETAILS	16	1/12/12
17	NOTED FOUNDATION DETAILS	17	1/12/12
18	NOTED FOUNDATION DETAILS	18	1/12/12
19	NOTED FOUNDATION DETAILS	19	1/12/12
20	NOTED FOUNDATION DETAILS	20	1/12/12



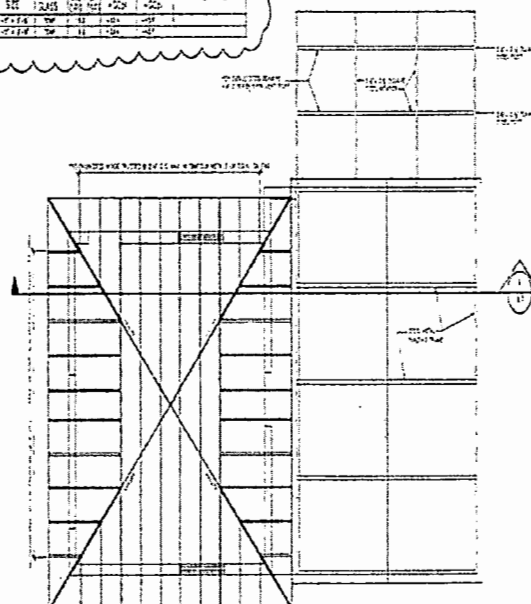
A EXISTING BUILDING SECTION
JAN 12
CONSTRUCTION

DOOR SCHEDULE (1)	
NO.	DESCRIPTION
1	DOOR 1
2	DOOR 2
3	DOOR 3
4	DOOR 4
5	DOOR 5
6	DOOR 6
7	DOOR 7
8	DOOR 8
9	DOOR 9
10	DOOR 10
11	DOOR 11
12	DOOR 12
13	DOOR 13
14	DOOR 14
15	DOOR 15
16	DOOR 16
17	DOOR 17
18	DOOR 18
19	DOOR 19
20	DOOR 20

WINDOW SCHEDULE (1)	
NO.	DESCRIPTION
1	WINDOW 1
2	WINDOW 2
3	WINDOW 3
4	WINDOW 4
5	WINDOW 5
6	WINDOW 6
7	WINDOW 7
8	WINDOW 8
9	WINDOW 9
10	WINDOW 10
11	WINDOW 11
12	WINDOW 12
13	WINDOW 13
14	WINDOW 14
15	WINDOW 15
16	WINDOW 16
17	WINDOW 17
18	WINDOW 18
19	WINDOW 19
20	WINDOW 20



EXISTING FLOOR & ELECTRICAL PLAN
JAN 12
CONSTRUCTION



EXISTING ROOF FRAMING PLAN
JAN 12
CONSTRUCTION

SHED W/ STORAGE



STAFF REPORT
CASE #: VA-18-07-086
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
July 5, 2018
Commission District: 4

GENERAL INFORMATION:

APPLICANT:

DHANRAJ (DANNY) INDERDEO

REQUEST:

Variances in the I-1/I-5 zoning district to validate 3 existing structures and to construct 1 new structure as follows:

- 1) Building 1 (existing): Side (west) buffer yard adjacent to a single family lot of 37 ft. in lieu of 50 ft.
- 2) Building 2(existing): a) Side (west) setback of 18 ft. in lieu of 25 ft. b) Side (west) buffer yard adjacent to a single family lot of 18 ft. in lieu of 50 ft.
- 3) Building 3 (existing): a) Side (west) setback of 23 ft. in lieu of 25 ft. b) Side (west) buffer yard adjacent to a single family lot of 23 ft. in lieu of 50 ft.
- 4) Building 4 (proposed): a) Side (west) setback of 15 ft. in lieu of 25 ft. b) Side (west) buffer yard adjacent to a single family lot of 15 ft. in lieu of 50 ft. c) Side (east) setback of 14 ft. in lieu of 25 ft. d) Rear (south) setback of 14 ft. in lieu of 25 ft.

LOCATION:

East side of Airport Park Dr., approximately 899 ft. west of Boggy Creek Road

PROPERTY ADDRESS:

11775 Airport Park Dr., Orlando, FL 32824

PARCEL ID:

17-24-30-0000-00-022

PUBLIC NOTIFICATION:

32

TRACT SIZE:

1+ Acres

DISTRICT #:

4

ZONING:

I-1/I-5

EXISTING USE(S):

Single Family Residence w/Accessory Structures

PROPOSED USE(S):

Industrial Office and Storage

SURROUNDING USES:

N - Industrial - IND-1/IND-5

S - Industrial - IND-1/IND-5

E - Industrial - IND-1/IND-5

W -Single Family Residence - A-2

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned I-1/I-5, Restricted Industrial zoning district. This zoning district allows for a mix of lighter industrial uses such as warehousing, contractors, towing services with storage, and truck terminals. The setbacks for this district are as follows: Front, 35 ft.; rear, 25 ft.; side, 25 ft.; and, side street, 15 ft. The maximum Floor Area Ratio is .75. The maximum building height is 50 ft. and parking, which is based on the square footage of the office (Building 1) may be anywhere onsite. Open storage of equipment and materials is permitted. Company vehicles may also be parked anywhere on the property except for the first 50% of the front setback.
2. The property consists of a single family residence and accessory structure which have been converted to an office and storage building for the industrial yard after property was rezoned from A-2 to I-1/I-5 in 2005 (RZ-05-05-065). With the exception of the A-2 zoned property to the southwest of the site, the remaining abutting properties are zoned I-1/I-5. However, all abutting properties, including the A-2 zoned property have an underlying Future Land Use of I, Industrial. The I-1/I-5 guidelines require a 50-foot buffer from residentially zoned properties. Normally, A-2 zoned property is not treated as residential unless its sole use is residential, as is this case. However, the owner/resident of this property has provided a letter in support of the requested variances. Other owners of abutting and adjacent businesses have also submitted letters of support. Should the variance be approved, staff has also attached a condition which would require a six (6) foot tall opaque fence or wall along the common lot line with the A-2 zoned property.
3. Based on a review of historic aerials, Buildings 1 and 2, have been on the property since prior to its rezoning from A-2 to I-1/I-5. Building 3, appears to have appeared in 2008. Building 4, appeared in 2012. The applicant and current owner took possession of the property in 2014.
4. In March of 2017, the applicant was cited by the Code Enforcement Division for operating without a valid Business Tax receipt. In addition, even though historic aerials show that the property had been used as a nonresidential use since it was rezoned in 2005, the property had not been properly converted from residential to industrial through an approved site plan and use permit. It was also determined that Buildings 3 and 4, have never been permitted. Buildings 1 and 2, predate the current permit record system.
5. The applicant is now attempting to rectify the situation. In order to satisfy one of the unpermitted building violations, the applicant dismantled Building 4, and is storing it on the site in hopes that the variances needed to reassemble the building are granted.

Variance Criteria

1. The special conditions and circumstances regarding this case are the irregular shape of the property. The setbacks and restrictions on storage render all but the east 20 feet of the southern end of the property useless. Storage is not permitted within any required

buffer. This buffer also renders nearly 28% of the site unusable, including the pre-existing residence, now office (Building 1), the pre-existing garage, now storage (Building 2), and Building 3. In addition, Buildings 1 and 2, are pre-existing to the conversion of the property to industrial, and thereby, lawfully nonconforming structures. However, since buildings are not permitted in the buffer, they technically should not be used.

2. All of the structures for which variances are being sought existed prior to the applicant taking possession of the property. Two, Buildings 1 and 2, existed before the property was rezoned. The variances are inherited, not self-imposed.
3. No special privilege will be conferred by the granting of the variance. The applicant is simply attempting to obtain permission to use that which they purchased.
4. The applicant wishes to make use of their property. Were the residence to the southwest used as an industrial site, as its Future Land Use allows, no buffer would be required. The fact that the owner/resident of that property supports the variances indicates that they acknowledge that ultimately, their property will be industrial, and the buffer will no longer apply.
5. The variances for Buildings as they existed when the applicant purchased the property are the least variances needed to restore the site to the configuration it was in when the applicant purchased the property.
6. Since the Future Land Use of the A-2 zoned property is industrial, the granting of the variances would not be detrimental to the purpose and intent of the Zoning Code, nor would they impair its integrity. Since the intent of the Zoning Code is to protect dissimilar uses from each other, the fence or wall will accomplish that. The fact that the entire area will ultimately be zoned industrial also shows that the intent of the Code will be met.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated May 15, 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.

4. The applicant shall obtain a permit for all unpermitted structures within 180 days of final action by Orange County on this application or this approval becomes null and void.
5. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
6. Provide a non-vegetative opaque barrier a minimum of six (6) feet in height along the common property line with residential property at 11823 Airport Park Drive bearing Parcel ID # 17-24-30-0000-00-017.

c: Dhanraj (Danny) Inderdeo
11775 Airport Park Drive
Orlando, FL 32827

BILLY WALTERS
VA-18-07-087

REQUEST: **Variances** in the R-1A zoning district (to construct a carport) as follows:
1) To allow a front street (east) setback of 20 ft. in lieu of 25 ft.
2) To allow a side (north) setback of 6.5 ft. in lieu of 7.5 ft.

ADDRESS: 140 Randia Drive, Orlando FL 32807

LOCATION: West side of Randia Dr., north of Dahlia Dr., east of N. Semoran Blvd.

S-T-R: 27-22-30

TRACT SIZE: 78 ft. x 118 ft.

DISTRICT#: 3

LEGAL: AZALEA PARK SECTION EIGHT T/118 LOT 10 BLK D

PARCEL ID: 27-22-30-0392-04-100

NO. OF NOTICES: 73

DECISION: APPROVED 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 (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated May 15, 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.

4. The exterior color of the carport shall match the exterior color of the existing house.

SYNOPSIS: Staff gave a presentation on the case covering the location, site plan, lot layout and photos.

The applicant agreed with the staff report.

The BZA was familiar with the area and felt the request was straightforward.

Staff received 0 commentaries in favor of the application, and none in opposition to the application.

The BZA approved the variance.



Applicant: BILLY WALTERS

BZA Number: VA-18-07-087

BZA Date: 07/05/2018

District: 3

Sec/Twn/Rge: 27-22-30-NE-A

Tract Size: 78 ft. x 118 ft.

Address: 140 Randia Drive, Orlando FL 32807

Location: West side of Randia Dr., north of Dahlia Dr., east of N. Semoran Blvd.

May 14th, 2018

Anthony Ruggieri
140 Randia Drive
Orlando, Fl. 32807

VARIANCE REQUEST—

This request for a variance is for a carport on the front of the property covering the driveway. We do not meet the required setback requirements for the proposed carport.

The requirements are 25 feet for the front setback & 7' 6" for the side. We are proposing to go into the front setback by 5 feet and the side setback for 1 foot. The current setback based on the proposed carport is 20 feet for the front and 6' 6" for the side. The height will start at 7'9" and slope to 7'5".

There is a lot of carports in the neighborhood, several on the same street. A lot of them are closer to the property line than what we are proposing.

Thank you,
Anthony Ruggieri

RECEIVED

MAY 15 2018
ORANGE COUNTY
ZONING DIVISION

- 146 -



STAFF REPORT
CASE #: VA-18-07-087
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
July 5, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: BILLY WALTERS

REQUEST: Variances in the R-1A zoning district (to construct a carport) as follows:

- 1) To allow a front street (east) setback of 20 ft. in lieu of 25 ft.
- 2) To allow a side (north) setback of 6.5 ft. in lieu of 7.5 ft.

LOCATION: West side of Randia Dr., north of Dahlia Dr., east of N. Semoran Blvd.

PROPERTY ADDRESS: 140 Randia Drive, Orlando, Florida, 32807

PARCEL ID: 27-22-30-0392-04-100

PUBLIC NOTIFICATION: 73

TRACT SIZE: 78 ft. x 118 ft.

DISTRICT #: 3

ZONING: R-1A

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Single Family Residence with Carport

SURROUNDING USES:

- N - Single Family Residence
- S - Single Family Residence
- E - Single Family Residence
- W - Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting variances from the front and side setbacks to construct a carport to provide covered parking for two (2) cars.
2. The property is located in the R-1A Single-Family Dwelling district, which allows a single family home and associated accessory structures.
3. The lot was platted in 1955, and is considered to be a conforming lot of record. If the lot was platted after March 3, 1997, the requested front variance would not be needed, as the required front setback would be 20 feet.
4. The required front setback applies to the principal structure. Since the carport will be attached it also applies, however, an open-air carport could be considered less intrusive.
5. The proposed carport will be located approximately 40 feet from the edge of pavement on Randia Drive. Furthermore, a 20-foot setback would allow for adequate parking depth in the driveway without encroaching into the right-of-way.
6. The house was built at an angle in relation to the side property lines. To continue the carport parallel to the existing house along the same plane, will result in a portion of said carport intruding by a 1 foot into the side setback. This is a special condition/circumstance.
7. This is the minimum possible variance to allow covered parking for two (2) cars, and represents a twenty percent (20%) deviation from Code.
8. Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood.
 - The proposal is consistent with the development pattern in the area.
 - The 20 ft. setback will allow for adequate parking depth while providing adequate spacing to prevent the carport from being a detrimental intrusion.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated May 15, 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.
 4. The exterior color of the carport shall match the exterior color of the existing house.
- c: Billy Walters
3005 Forsyth Road
Orlando, FL 32792

HOWARD AXNER
VA-18-07-089

REQUEST: **Variance** in the R-2 zoning district to permit construction of a new home with a rear setback of 21 ft. in lieu of 25 ft.
ADDRESS: 2103 Raehn Street, Orlando FL 32806
LOCATION: Northeast corner of Cloverlawn Ave. and Raehn St., approximately 525 ft. north of Curry Ford Rd.
S-T-R: 31-22-30
TRACT SIZE: 50 ft. x 146 ft.
DISTRICT#: 3
LEGAL: CONWAY TERRACE G/119 LOT 8 BLK B
PARCEL ID: 31-22-30-1700-02-080
NO. OF NOTICES: 150

DECISION: **APPROVED** 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 (unanimous; 6-0 and 1 absent):

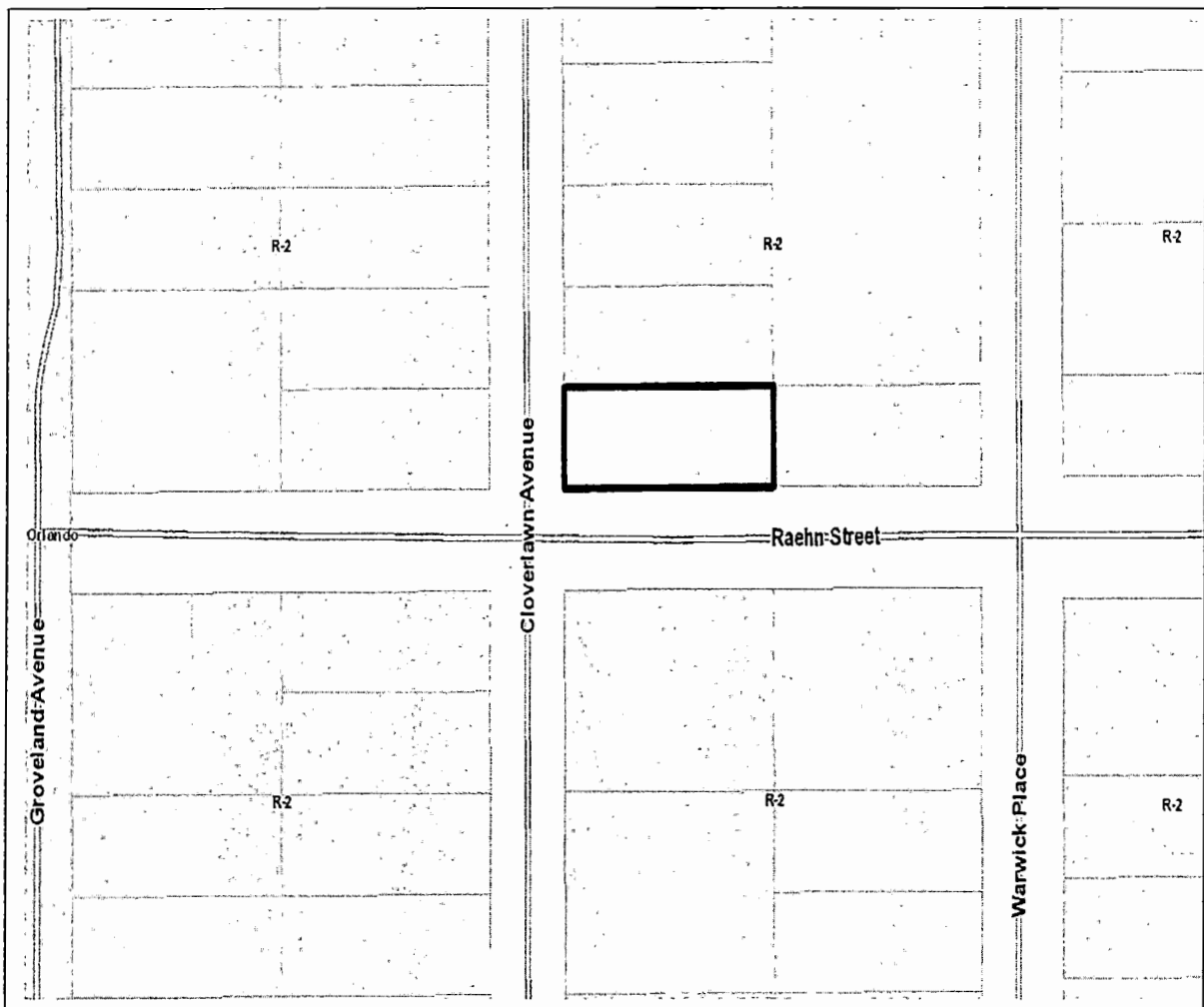
1. Development in accordance with the site plan dated May 15, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) 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.

SYNOPSIS: Staff described the character of the neighborhood, including the fact that several lot on the block where the subject property was located have two homes on them, including the one to the east. Further, it was noted that the lot immediately to the east not only had two homes, but the oldest of the two was only feet from the rear property line. Staff concluded by noting that they had received three correspondence in support of the request, and none in

opposition. Each of the correspondence indicated that the property owner was happy to see a new home coming to the neighborhood.

The applicant indicated their agreement with the staff recommendation and conditions of approval. There being no one present to speak for or against the request, the public hearing was closed.

The BZA concluded that the proposed variance would result in desirable infill, which was supported by the Comprehensive Plan. A motion to recommend approval passed unanimously.



Applicant: HOWARD AXNER

BZA Number: VA-18-07-089

BZA Date: 07/05/2018

District: 3

Sec/Twn/Rge: 31-22-30-SW-C

Tract Size: 50 ft. x 146 ft.

Address: 2103 Raehn Street, Orlando FL 32806

Location: Northeast corner of Cloverlawn Ave. and Raehn St., approximately 525 ft. north of Curry Ford Rd.

Variance Cover Letter for 2103 Raehn Street, Orlando FL 32806

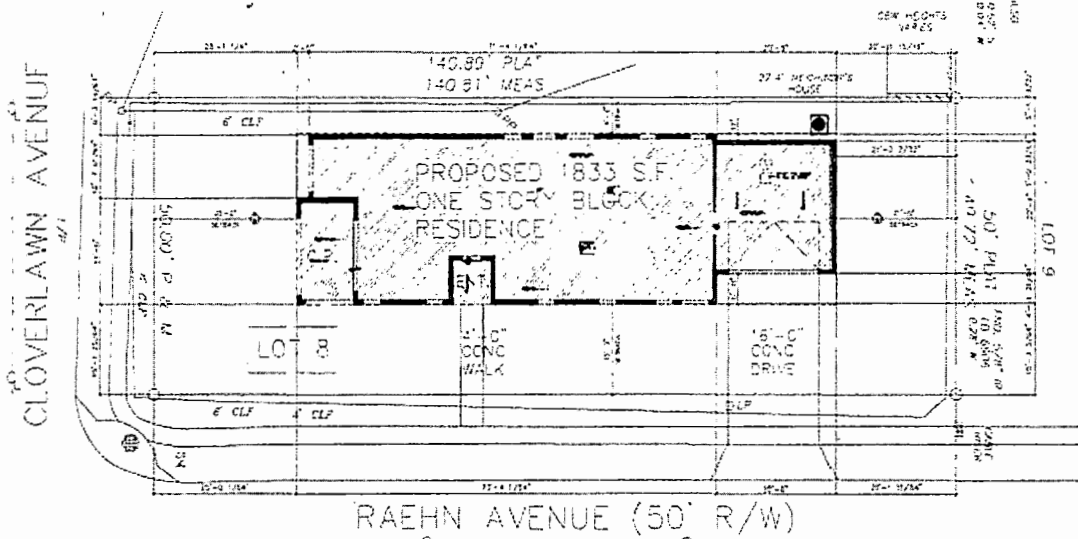
This petition is for the purpose of seeking a minimal variance to the setback requirements at 2103 Raehn Street, Orlando FL 32806. The normally required minimum rear setback is 25 feet. A variance is being sought to allow for the rear setback to be 21.22 feet.

The reason for this request is to allow for the optimal architectural design of a new home to be constructed on the property per attached floor plan and rendering, on what is currently vacant land. It is believed that this design would offer the home owners outstanding function and design without disturbing the integrity of the adjoining neighbors or the surrounding neighborhood. Rather it is deemed to significantly enhance both.

It should be noted that the adjoining neighbor to the north has an existing building that sits directly on our shared property line. That building contains a garage and a living structure. It should also be noted that the only other adjoining property (to the east), has a home built on it that is about 2-feet away from our shared property line. An aerial photo is attached, which clearly illustrates these facts. The point is, this minimal variance would not confer the applicant with any special privileges that are not already enjoyed by existing neighbors.

Unlike the above cited examples, the requested variance is minimal. But it would allow for outstanding use of the land, offering the homeowner splendid living conditions and offering the neighborhood beautification and a point of pride.

The proposed variance is deemed to be in harmony with the general purpose and intent of existing zoning regulations. It would in no way be injurious to the neighborhood or otherwise be detrimental to the public welfare, but rather it is deemed to be an enhancement.



1 SITE PLAN
2 SCALE 1/8" = 1'

RECEIVED
MAY 15 2018
ORANGE COUNTY
ZONING DIVISION

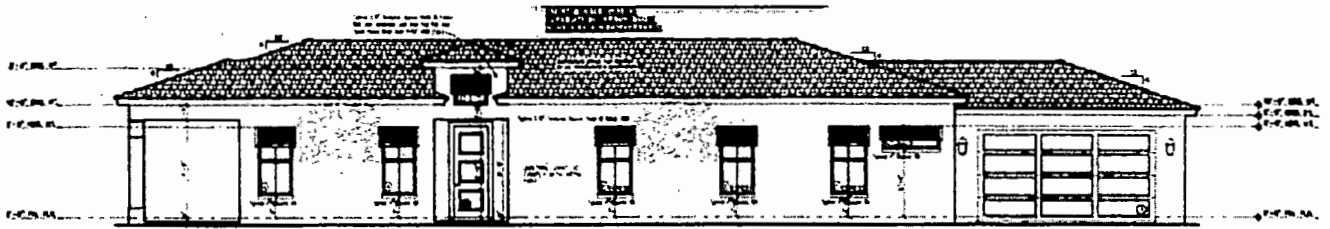
Site Area Tabulation

TOTAL SITE S.F.	6000 S.F.
IMPERVIOUS S.F. OF STRUCTURE	4300 S.F.
% OF LOT	71.7%

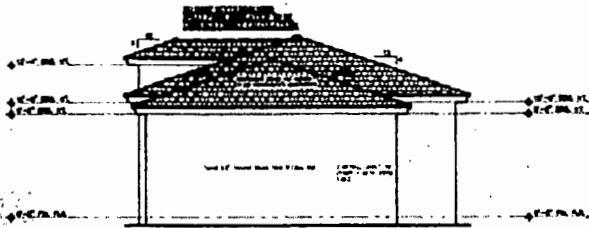
THIS IS NOT
A SURVEY

Legal Description
LOT 6, BLOCK 18, COUNTRY TERRACE,
AS RECORDED IN PLAT BOOK 10
PAGE 119, PUBLIC RECORDS
OF ORANGE COUNTY, FLORIDA

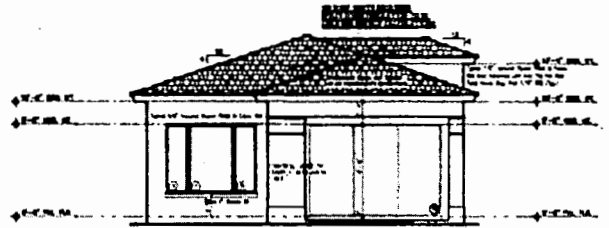
Site Plan Notes
This is not a survey. The user assumes all responsibility for the accuracy. The Owner and Contractor are jointly responsible for placing the building on the property.
The Owner and Contractor are jointly responsible for obtaining all necessary permits from the local government.
The user assumes all responsibility for the accuracy of the information provided. The user assumes all responsibility for the accuracy of the information provided.



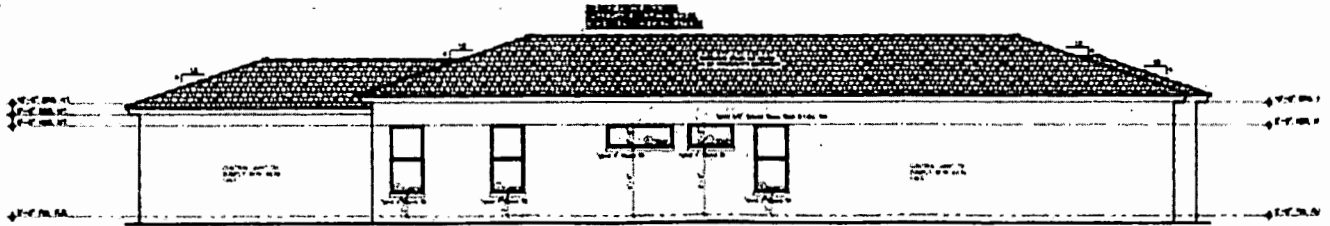
1 FRONT ELEVATION
SCALE 1/4" = 1'



3 RIGHT ELEVATION
SCALE 1/4" = 1'



2 LEFT ELEVATION
SCALE 1/4" = 1'



4 REAR ELEVATION
SCALE 1/4" = 1'

NOT TO SCALE



STAFF REPORT
CASE #: VA-18-07-089
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
July 5, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: HOWARD AXNER

REQUEST: Variance in the R-2 zoning district to permit construction of a new home with a rear setback of 21 ft. in lieu of 25 ft.

LOCATION: Northeast corner of Cloverlawn Ave. and Raehn St., approximately 525 ft. north of Curry Ford Rd.

PROPERTY ADDRESS: 2103 Raehn St., Orlando, FL 32806

PARCEL ID: 31-22-30-1700-02-080

PUBLIC NOTIFICATION: 150

TRACT SIZE: 50 ft. x 146 ft.

DISTRICT #: 3

ZONING: R-2

EXISTING USE(S): Vacant

PROPOSED USE(S): Single Family Residence

SURROUNDING USES: N - Single Family Residences (2) - R-2
S - Single Family Residence - R-2
E - Single Family Residences (2) - R-2
W - Single Family Residence - R-2

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-2, Residential District, which allows single family and multifamily developments and associated accessory structures. The density of development is based upon the underlying Future Land Use (FLU). The FLU for the subject property Low-Medium Density Residential which permits up to 10 units per acre. Setbacks for newer developments platted after 3/3/97 for single family detached are as follows: 20 ft. front; 20 ft. rear; 5 ft. sides; and, 15 ft. side street. If platted prior to the

above date, the setbacks are as follows: 25 ft. front; 25 ft. rear; 6 ft. sides; and, 15 ft. side street. Lot widths can be as little as 45 ft.

2. The plat creating the subject property was recorded in 1922. Were the lot recorded after the 1997 date, a variance would not be needed.
3. The applicant wishes to provide infill housing by constructing a new home on the subject property. In order to accommodate a home they feel is marketable, they are requesting a variance to the rear setback. This is actually preferable to requesting a variance to the front or side street setback. If the applicant wished, they could build a detached garage located five (5) ft. from the side and rear property line. However, this could actually result in less functional usable rear yard.

Variance Criteria

1. The granting of the variance will not bestow any special privilege on the applicant. Based on a review of an aerial of the block on which the subject property is located, it is found that there are numerous homes located at various setbacks. The property immediately to the east has a home constructed in 1925, which is only mere feet from the rear property line. In addition, several nearby lots have more than one residence on the property. Some through variances, others, with no history.
2. Without the variance, the applicant would be forced to construct a home with a detached garage, which could be located five (5) ft. from the side and rear property line. This would be a much less functional design.
3. This is the least amount of variance needed to provide a home with a functional two-car attached garage. To reduce the appearance of visual encroachment, at staff's request, the applicant shifted the garage back five (5) ft. from the front of the home. This also provides a sense of depth and interest. The requested variance represents a 16% variance which is well within the ranged of variances previously granted by the BZA.
4. The applicant is still providing a setback that would be sufficient were the lot located in a newer subdivision. However, given the pattern of development in this area, the reduced setback will likely be imperceptible. As such, the variance will continue to meet the purpose and intent of the Zoning Code, and will not impair its integrity.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated May 15, 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.

c: Howard Axner
1810 Chippewa Trail
Maitland, FL 32751

IGLESIA HISPANA EL CAMINO LA VERDAD Y LA VIDA, INC.
SE-18-07-090

REQUEST: **Special Exception** in the A-1 zoning district to allow a private school (with 55 students) in an existing building on an existing Church property.

ADDRESS: 6837 Lakeville Road, Apopka FL 32703

LOCATION: Between N. Hiawassee Rd. and Lakeville Rd, south of the Apopka Expressway

S-T-R: 25-21-28

TRACT SIZE: 9.022-acres

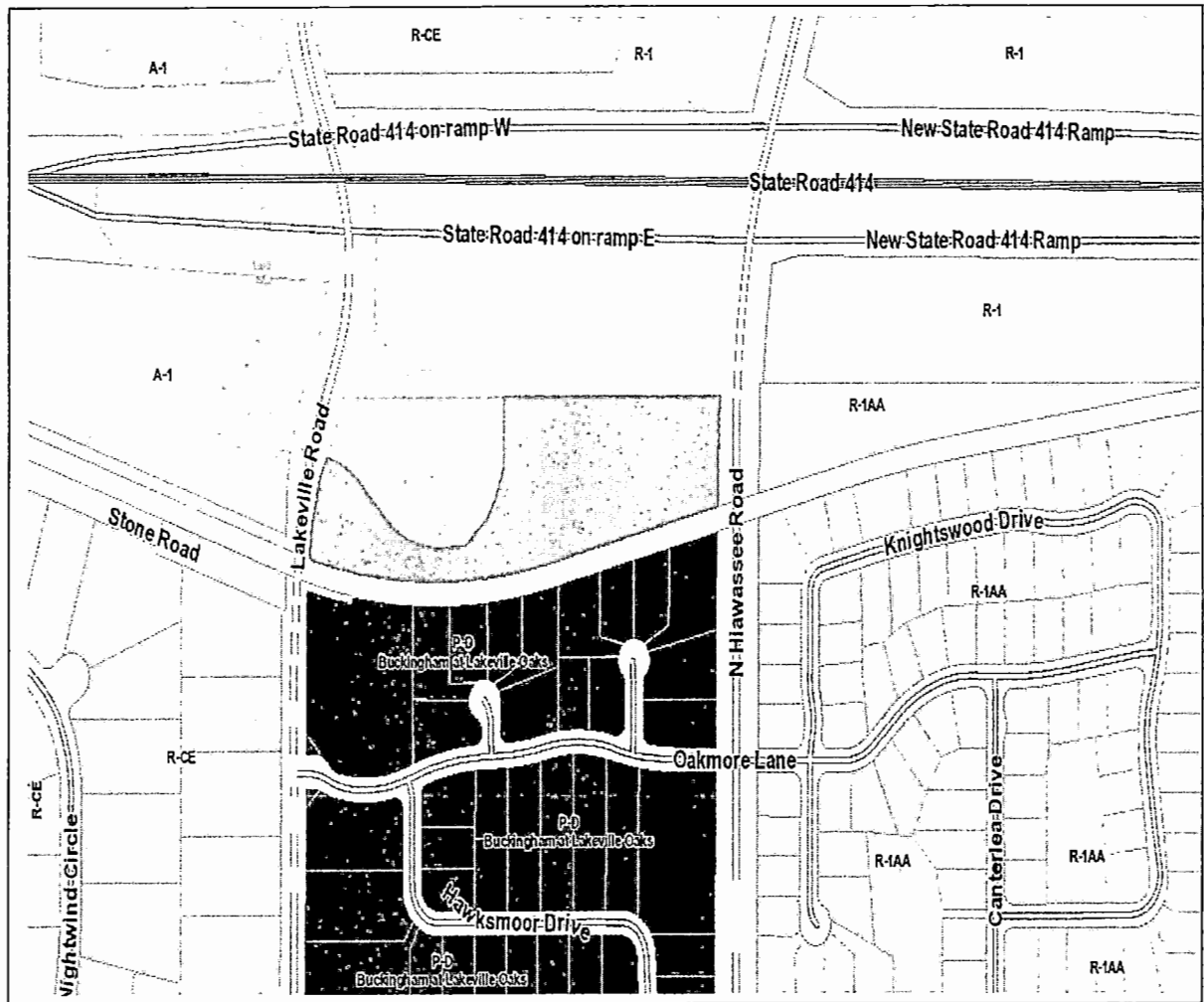
DISTRICT#: 2

LEGAL: LAKEVILLE B/57 LOTS 111 THROUGH 125 & UNNUMBERED PT W OF LOT 125 (LESS PT TAKEN FOR RD R/W PER 4518/4455) INCLUDING VAC ST LYING BETWEEN LOTS 118 & 119 & BETWEEN LOTS 114 & 115 VAC ON O.R. 3479/2354 & (LESS R/W TAKEN PER OR 6250/5391) ALL IN BLK A

PARCEL ID: 25-21-28-4936-11-110

NO. OF NOTICES: 76

THIS CASE HAS BEEN CONTINUED BY THE REQUEST OF THE APPLICANT PRIOR TO THE BZA HEARING TO THE AUGUST 2, 2018 BZA MEETING, DUE TO THE NEW SUBMISSION OF A REVISED SITE PLAN.



Applicant: IGLESIA HISPANA EL CAMINO LA VERDAD Y LA VIDA, INC.

BZA Number: SE-18-07-090

BZA Date: 07/05/2018

District: 2

Sec/Twn/Rge: 26-21-28-SE-D

Tract Size: 9.022-acres

Address: 6837 Lakeville Road, Apopka FL 32703

Location: Between N. Hiwassee Rd. and Lakeville Rd, south of the Apopka Expressway

KERRI DRAKE FOR PREMIER EXHIBITIONS
VA-18-07-091

REQUEST: **Variance** in the C-2 zoning district with a Tourist Commercial Overlay to allow a cumulative total of 1,265.65 sq. ft. of façade signage in lieu of 108 sq. ft.
Note: Current approved façade sign totals 138.65 sq. ft. which exceeds approved (B17018912) sign dimensions of 98.7 sq. ft. (39.95 sq. ft. over approved dimensions).

ADDRESS: 7308 International Drive, Orlando FL 32819

LOCATION: West side of International Drive, approximately 125 ft. south of Carrier Drive

S-T-R: 25-23-28

TRACT SIZE: 194 ft. x 489 Ft.

DISTRICT#: 6

LEGAL: INTERNATIONAL CENTER 31/123 LOT 1

PARCEL ID: 25-23-28-3858-00-010

NO. OF NOTICES: 197

DECISION: APPROVED 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 as amended (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan and elevations/sign specs., dated May 16, 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.

4. This approval shall be limited to a cumulative total of 1,238.65 sq. ft. of façade signage. No additional signage or outdoor graphics shall be permitted on the building without authorization of the BZA.
5. The applicant shall obtain a permit for the signage within ninety (90) days of final County action or this approval becomes null and void.
6. Any violations of these conditions shall be subject to action by the Code Enforcement Board, not the BZA.
7. This variance shall become null and void when the current tenant terminates their lease.

SYNOPSIS: Staff gave a presentation on the case covering the location, elevations, and photos.

The applicant stated that they have been there for thirteen (13) years, and formerly had a large painting of the ship on the façade, which they removed to scale down to comply with the changing sign code. They have had some type of window signage for many years, before the code changed. The window signage is currently nineteen (19) inches back from the glass. If they had to move back to three (3) feet, it will force them to move artifacts and to do alterations and lose square footage. Further, the window signage blocks heat and light from entering the building. The building contains rare artifacts that cannot be exposed to heat and light, including a \$500,000 piece of coal and an iceberg.

The applicant further stated that the Dinosaur Exhibit next door has closed due to signage restrictions, and that they were told that the signage was grandfathered in, and that moving and/or changing it would have a negative impact on the business.

Code Enforcement confirmed that the window signage was there prior to the code change in 2015.

A member of the public spoke in favor of the case, objecting to the hardship caused to the applicant by the changing codes.

The BZA stated that the County has already lost a business due to signage; the code keeps changing; and, the applicant should be grandfathered-in. Further, the BZA stated Souvenir shops on International Drive have merchandise in the windows, which looks worse.

The Board also confirmed that the window signage helps to regulate the heat and light, and that losing the window signage would have a negative impact on the business.

The BZA added a 7th condition, stating, "This variance shall become null and void when the current tenant terminates their lease."

Staff received no commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance with the addition of condition #7.



Applicant: KERRI DRAKE FOR PREMIER EXHIBITIONS

BZA Number: VA-18-07-091

BZA Date: 07/05/2018

District: 6

Sec/Twn/Rge: 25-23-28-SW-C

Tract Size: 194 ft. x 489 Ft.

Address: 7308 International Drive, Orlando FL 32819

Location: West side of International Drive, approximately 125 ft. south of Carrier Drive

PREMIER

EXHIBITIONS

Case Reference # VA-18-07-091

Premier Exhibitions is requesting a Signage Variance be granted for their, world renowned exhibition, Titanic The Artifact Exhibition, located at 7324 International Drive in Orlando. This exhibit has been housed on Orlando's, tourist attracting, International Drive for more than 20 years and has brought millions of tourists and guests from all over the world to Orlando itself. Since the exhibit has resided at 7324 International Drive, it has always maintained the banners (interior signage content) in question or recent code violation in the same location of use - facing out of the front windows of the building. Although, these banners have changed in material and overall look and feel, they have never changed in content or messaging. These banners tell part of the Titanic story, which is now part of American History. The tragedy of the sinking of Titanic happened in 1912, which is over 105 years ago and the integrity of the stories told through our signage environment is integral to the historical significance we are trying to portray as part of our guest experience. As a high profile, tourist attracting business, our goal is to always maintain great relationships with our trade partners, community and Orange County. However, we were a little surprised to receive this recent violation, considering we've operated in this location for over the last 10 years and in our previous location, (Mercado) for an additional 10+ years, with the same style banners in place that are now in question.

We understand that the code has recently changed and were informed a few months ago, in person, by Code Enforcement Officer, Steve Marconi of this change and at that time, Mr. Marconi indicated that we were likely "Grandfathered in".

We understand that the new code requires any interior signage that is visible from the front façade be setback 36" from the window. Our banners currently have a setback of 17-1/2" from the window and any additional setback of our banners, encroaching into our lobby, will jeopardize valuable real estate and our ability to maintain important revenue streams in our lobby, box office, photo opportunity and retail gift shop. The potential hardships of these revenue streams will affect our ability to operate our business as we have in the past. We already have the challenges of this portion of International Drive not attracting as many tourists as many years ago, in addition to the challenges of being a 'small fish' in a very 'large' pond of Family Entertainment options in Orlando, Florida. Removing or relocating a part of our messaging, will only result in potentially losing more guests and more business.

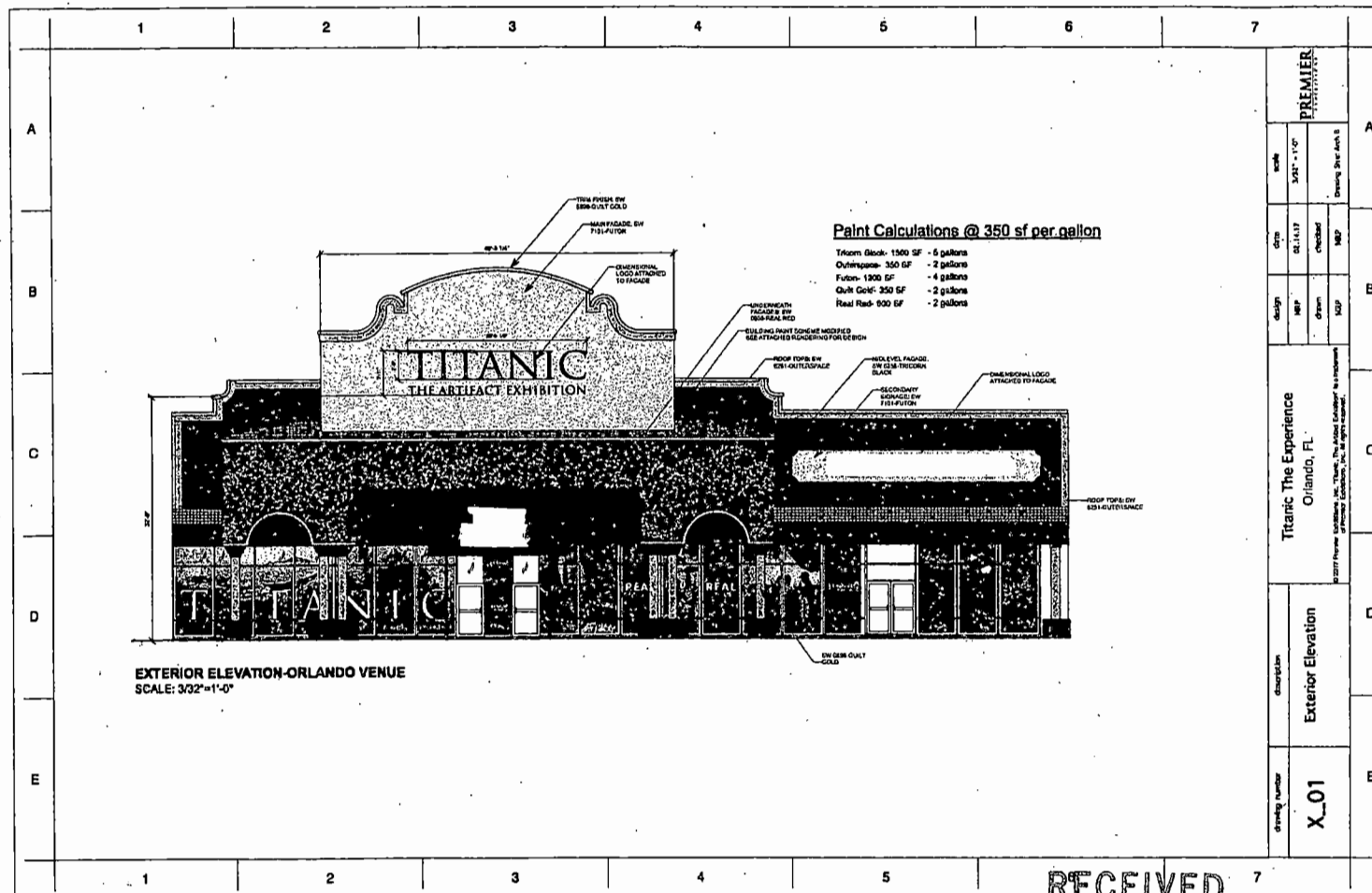
These banners also provide some sun/light/heat protection from our very popular, bow of the ship, photo opportunity and help in keeping our A/C bills to manageable costs.

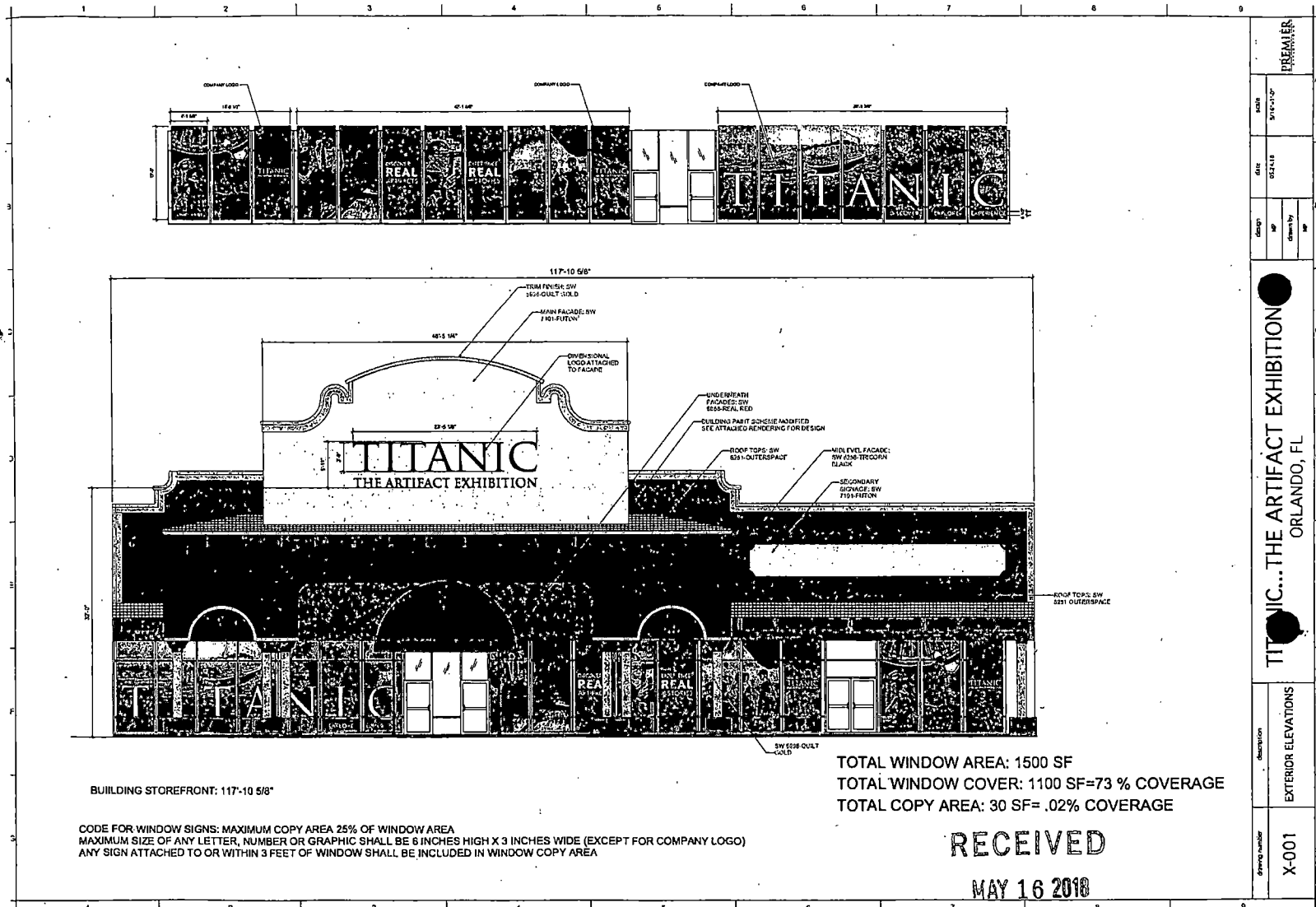
Premier Exhibitions is respectfully requesting variance approval to leave our existing banners, in their current location.

Thank you for your attention to this matter.

Sincerely,

Kerri Drake, PM
Representing Premier Exhibitions
kerridrake@icloud.com
404.512.1962





RECEIVED

MAY 16 2018

ORANGE COUNTY,
ZONING DIVISION



STAFF REPORT
CASE #: VA-18-07-091
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
July 5, 2018
Commission District: 6

GENERAL INFORMATION:

APPLICANT: KERRI DRAKE FOR PREMIER EXHIBITIONS

REQUEST: Variance in the C-2 zoning district with a Tourist Commercial Overlay to allow a cumulative total of 1,238.65 sq. ft. of façade signage in lieu of 108 sq. ft.

LOCATION: West side of International Drive, approximately 125 ft. south of Carrier Drive

PROPERTY ADDRESS: 7324 International Drive, Orlando, FL 32819

PARCEL ID: 25-23-28-3858-00-010

PUBLIC NOTIFICATION: 197

TRACT SIZE: 194 ft. x 489 Ft.

DISTRICT #: 6

ZONING: C-2

EXISTING USE(S): Tourist Commercial

PROPOSED USE(S): Window Signage

SURROUNDING USES: N - Commercial - C-2
S - Commercial - C-2
E - Commercial - C-2
W -Commercial - C-2

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned C-2, which is a general commercial zoning district, which allows retail/commercial uses and structures. It is also located in the Tourist Commercial Overlay.

2. Allowable wall signage in the Tourist Commercial Overlay is calculated at an amount equal to one (1) sq. ft. of copy area per linear foot of building frontage. The building frontage is 108 ft. (per the sealed plans submitted for the wall sign permit B17018912), allowing for 108 sq. ft. of sign area on a single sign per the Tourist Commercial Overlay. The sign was permitted at the allowed 108 sq. ft. but was constructed at 138 sq. ft. The applicant is requesting a cumulative total of 1,238.65 sq. ft. of façade signage, which includes wall and window signage.
3. Sign code section 31.5-170 (a) states the max sign area for window signs is up to twenty-five (25) percent of the window area. The total window area is 1,296 sq. ft., which allows up to 324 sq. ft. of window signage per code. The applicant is proposing 1,100 sq. ft. of window signage, thus a variance is being requested for 776 sq. ft. of additional window signage. The Zoning division has determined that the additional square footage of window signage shall count towards their wall sign copy area as it serves the same purpose as wall signage. Therefore, the actual variance requested for wall signage is 914 sq. ft. (138 on wall, 776 on windows) in lieu of 108 sq. ft. This represents an 846% variance from code. Window Sign Code states that any signage located within 3 ft. of a window counts as signage. The applicant could move the signage back to meet the 3 ft. requirement and a variance would not be required.
4. There is an existing pole sign on the property adjacent to International Drive which also advertises this establishment. This pole sign provides the needed visibility from the right-of-way.
5. Code Enforcement cited the applicant in March of 2018 for near 100% window coverage (Incident 507919).

Staff cannot support this request.

- The applicant has not demonstrated special conditions or a hardship to justify the request.
- There is a pole sign on the property which provides visibility from the street.
- The additional square footage is not necessary.
- The applicant is not being deprived of the right to have signage on the property, and the need for the variance is self-created and approval would grant special privilege that is not granted to other properties in the area.

STAFF RECOMMENDATION:

Staff recommends approval of 138 sq. ft. of wall signage and denial of the requested window signage. If the BZA approves the window signage request, the following conditions should be imposed:

1. Development in accordance with the site plan dated May 16, 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.
 4. This approval shall be limited to a cumulative total of 1,238.65 sq. ft. of façade signage. No additional signage or outdoor graphics shall be permitted on the building without authorization of the BZA.
 5. The applicant shall obtain a permit for the signage within ninety (90) days of final County action or this approval becomes null and void.
 6. Any violations of these conditions shall be subject to action by the Code Enforcement Board, not the BZA.
- c: Kerri Drake for Premier Exhibitions
1241 Valley Creek Run
Winter Park, FL 32792-8156

ANA MARIA CALLEJAS
VA-18-07-092

REQUEST: **Variance** in the R-1 zoning district to allow a cumulative total of 1,060 sq. ft. of accessory structure floor area in lieu of 500 sq. ft.

ADDRESS: 506 2nd Street, Ocoee FL 34761

LOCATION: Northwest corner of Nye Avenue and 2nd Street, approximately 125 ft. east of Whittier Avenue

S-T-R: 17-22-28

TRACT SIZE: .58 Acres

DISTRICT#: 2

LEGAL: HILLCREST HEIGHTS M/98 LOTS 1 2 & 3 & E 55 FT OF LOTS 22 & 23 BLK B

PARCEL ID: 17-22-28-3624-02-010

NO. OF NOTICES: 93

DECISION: APPROVED 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 as amended (unanimous; 6-0 and 1 absent):

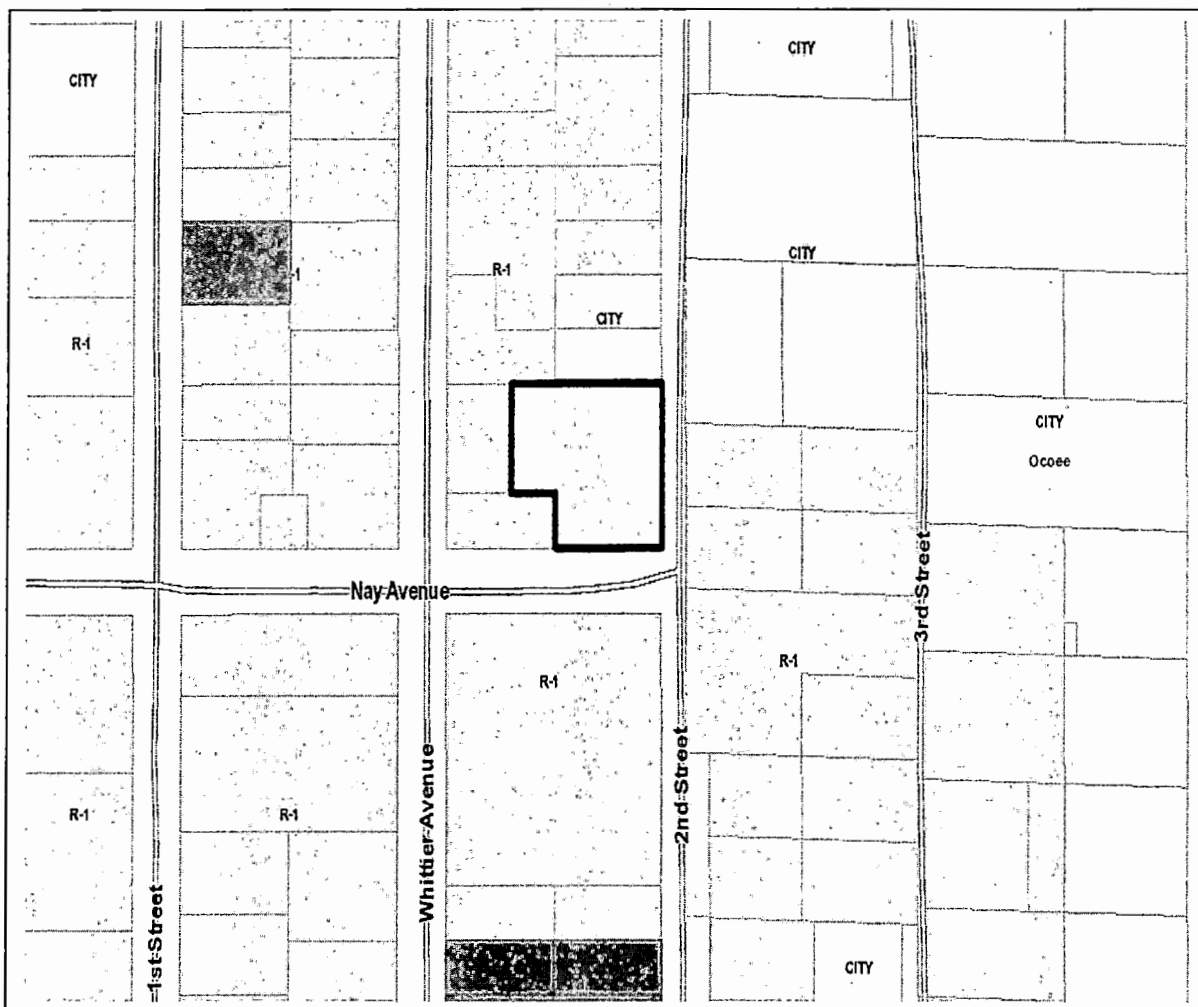
1. Development in accordance with the site plan dated May 16, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) 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. The exterior of the accessory structure shall be finished to match the finish of the residence, including stucco and paint color.
4. The 900 sq. ft. accessory structure shall not be enclosed, but remain open sided unless this condition is amended by the BZA.

SYNOPSIS: Staff noted that while the applicant's property was over five (5) times the size of a typical R-1 zoned lot, the request was very large at 112%. While a variance is warranted, it should be for a lesser square footage.

The applicant indicated that the structure was to be a carport with open sides. They will keep their yard equipment in the smaller shed at the rear of the yard. The new structure would be for their vehicles and trailers.

There being no one present to speak for or against the request, the public hearing was closed.

The BZA discussed the merits of the case, noting that the property was very large, and if there were no walls, the accessory structure would not be as obtrusive. The BZA requested that staff draft a condition which would preclude the structure from being enclosed. A condition was offered and accepted. A motion to recommend approval of the request with the added condition passed unanimously.



Applicant: ANA MARIA CALLEJAS

BZA Number: VA-18-07-092

BZA Date: 07/05/2018

District: 2

Sec/Twn/Rge: 17-22-28-NE-A

Tract Size: .58 Acres

Address: 506 2nd Street, Ocoee FL 34761

Location: Northwest corner of Nye Avenue and 2nd Street, approximately 125 ft. east of Whittier Avenue

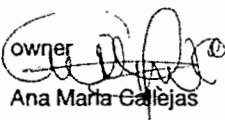
05/15/18

To whom it my concern :

carport size is 30'x30' =900sf.

approval by orange county is 320 sf.

request difference by owner 580 sf.

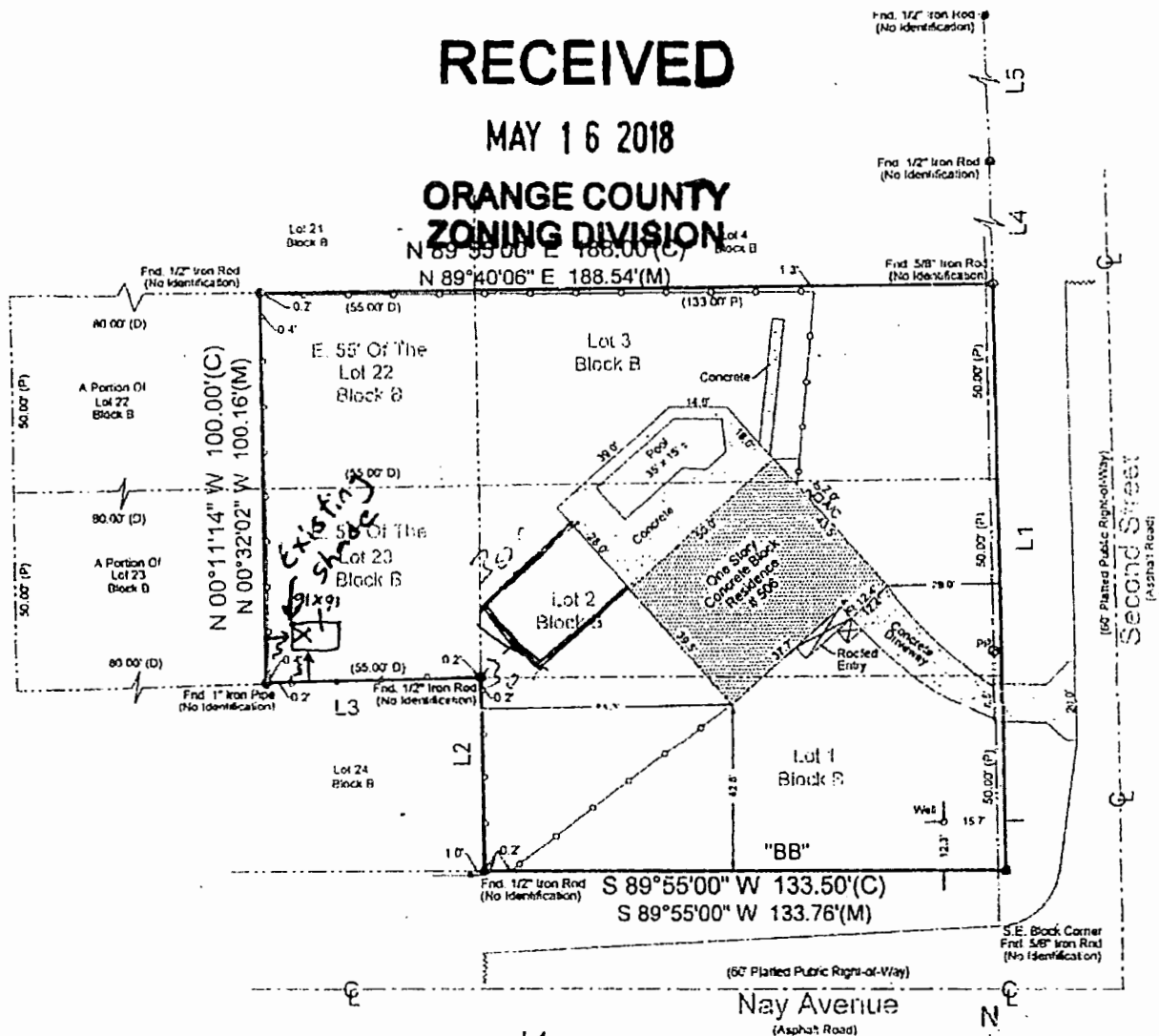
owner 
Ana Marta Callejas

506 2nd street
Ocoee florida 34761
Tel 407 5451013

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MAY 16 2018

ORANGE COUNTY ZONING DIVISION



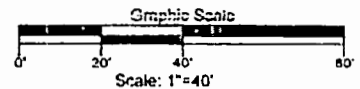
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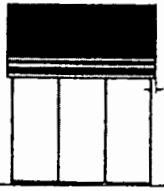
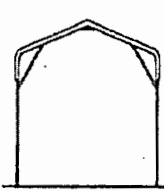
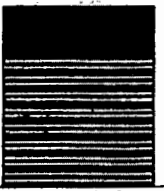
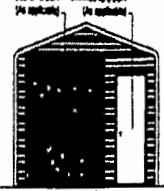
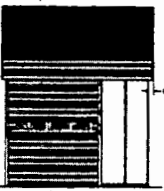
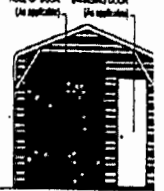
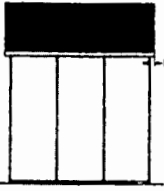
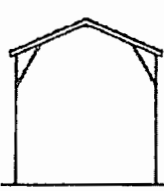

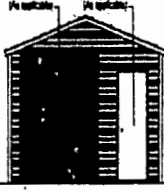
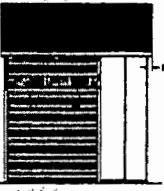
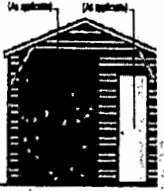
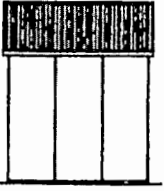
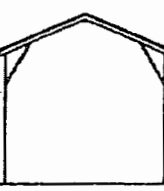
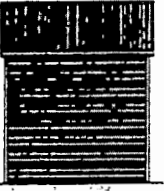

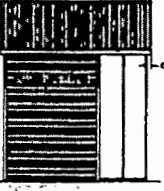
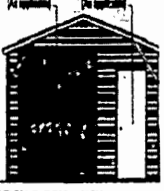
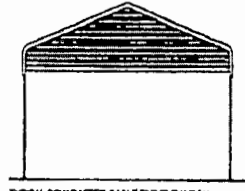
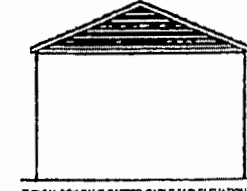
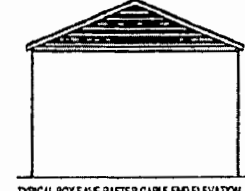
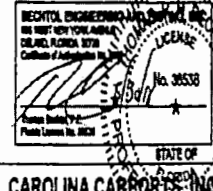
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N 00°53'35" W 50.12'(M)

L3
S 89°55'00" W 55.00'(C)
S 89°00'55" W 55.13'(M)

L4
S 00°00'00" E 100.00'(C)
S 00°49'54" E 100.01'(M)

L5
S 00°00'00" E 100.00'(C)
S 01°19'29" E 100.91'(M)



<p>BOW FRAME RAFTER OPEN CARPORT - HORIZONTAL ROOF</p>  <p>TYPICAL SIDE ELEVATION NOT TO SCALE</p>  <p>TYPICAL END ELEVATION NOT TO SCALE</p>	<p>BOW FRAME RAFTER ENCLOSED BUILDING - HORIZONTAL ROOF</p>  <p>TYPICAL SIDE ELEVATION NOT TO SCALE</p>  <p>TYPICAL END ELEVATION NOT TO SCALE</p>	<p>BOW FRAME RAFTER UTILITY BUILDING - HORIZONTAL ROOF</p>  <p>TYPICAL SIDE ELEVATION NOT TO SCALE</p>  <p>TYPICAL END ELEVATION NOT TO SCALE</p>									
<p>BOX EAVE FRAME RAFTER OPEN CARPORT - HORIZONTAL ROOF</p>  <p>TYPICAL SIDE ELEVATION NOT TO SCALE</p>  <p>TYPICAL END ELEVATION NOT TO SCALE</p>	<p>BOX EAVE FRAME RAFTER ENCLOSED BLDG - HORIZONTAL ROOF</p>  <p>TYPICAL SIDE ELEVATION NOT TO SCALE</p>  <p>TYPICAL END ELEVATION NOT TO SCALE</p>	<p>BOX EAVE FRAME RAFTER UTILITY BLDG - HORIZONTAL ROOF</p>  <p>TYPICAL SIDE ELEVATION NOT TO SCALE</p>  <p>TYPICAL END ELEVATION NOT TO SCALE</p>									
<p>BOX EAVE FRAME RAFTER OPEN CARPORT - VERTICAL ROOF</p>  <p>TYPICAL SIDE ELEVATION NOT TO SCALE</p>  <p>TYPICAL END ELEVATION NOT TO SCALE</p>	<p>BOX EAVE FRAME RAFTER ENCLOSED BLDG - VERTICAL ROOF</p>  <p>TYPICAL SIDE ELEVATION NOT TO SCALE</p>  <p>TYPICAL END ELEVATION NOT TO SCALE</p>	<p>BOX EAVE FRAME RAFTER UTILITY BLDG - VERTICAL ROOF</p>  <p>TYPICAL SIDE ELEVATION NOT TO SCALE</p>  <p>TYPICAL END ELEVATION NOT TO SCALE</p>									
 <p>TYPICAL BOW RAFTER GABLE END ELEVATION NOT TO SCALE</p>	 <p>TYPICAL BOX EAVE RAFTER GABLE END ELEVATION NOT TO SCALE</p>	 <p>TYPICAL BOX EAVE RAFTER GABLE END ELEVATION NOT TO SCALE</p>	 <p>CAROLINA CARPORTS, INC. GENERIC PLANS FOR USE IN THE STATE OF FLORIDA</p> <table border="1"> <tr> <td>DATE</td> <td>3/1/18</td> </tr> <tr> <td>BY</td> <td>3/1/18</td> </tr> <tr> <td>CHECKED</td> <td>3/1/18</td> </tr> <tr> <td>APPROVED</td> <td>3/1/18</td> </tr> </table>	DATE	3/1/18	BY	3/1/18	CHECKED	3/1/18	APPROVED	3/1/18
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APPROVED	3/1/18										



STAFF REPORT
CASE #: VA-18-07-092
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
July 5, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Ana Maria Callejas

REQUEST: Variance in the R-1 zoning district to allow a cumulative total of 1,060 sq. ft. of accessory structure floor area in lieu of 500 sq. ft.

LOCATION: Northwest corner of Nye Avenue and 2nd Street, approximately 125 ft. east of Whittier Avenue

PROPERTY ADDRESS: 506 2nd St., Ocoee, FL 34761

PARCEL ID: 17-22-28-3624-02-010

PUBLIC NOTIFICATION: 93

TRACT SIZE: .58 Acres

DISTRICT #: 2

ZONING: R-1

EXISTING USE(S): Single Family Residence w/Shed (10 ft. x 16 ft.)

PROPOSED USE(S): Shed

SURROUNDING USES: N - Single Family Residence
S - Single Family Residence
E - Single Family Residence
W - Single Family Residence and Vacant

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned R-1, Single Family Dwelling district, which allows single family homes and associated accessory structures on lots a minimum of 5,000 sq. ft. or greater. The amount of square footage permitted for an accessory structure is the greater

of either 500 sq. ft. or an amount equal to 25% of the total living area of the primary residence. For this application, the total is 500 sq. ft.

2. The applicant currently has a 10 ft. x 16 ft. shed on the property (B17009843), leaving a total of 340 sq. ft. of accessory floor area available. The applicant is requesting an additional shed which is proposed to be 30 ft. x 30 ft. (900 sq. ft.). This would result in a cumulative total of 1,060 sq. ft. of floor area, 560 sq. ft. more than permitted.
3. While the minimum square footage of a typical R-1 zoned property is 5,000 sq. ft., the applicant's property has over 25,000 sq. ft. of lot area, or 5 times the minimum. While the lot is irregularly shaped, the applicant is not requesting any variances to setbacks. In fact, as proposed, the shed is to be located eight (8) ft. from the nearest property line, which is the rear corner of the neighboring property.

Variance Criteria

1. The special circumstance and condition particular to this property is the sheer size of the property. At nearly .6 acres, the property exceeds the minimum size of a property zoned agricultural, which is .5 acre.
2. At this size, proposed special privilege would be conferred upon the applicant. Staff was able to locate three (3) other properties in the area for which similar variances have been granted. However, those variances ranged in sizes of between 700 sq. ft. and 900 sq. ft.
3. Given that others have obtained similar variances, some on smaller sized parcels, denial of the variance would deprive the applicant of rights enjoyed by others in the same area and same zoning district.
4. This is not the minimum variance necessary. The applicant is requesting a variance amounting to 112% of the maximum allowed. The three previously mentioned variances amounted to 40 to 80% variances, with the latter on a parcel larger than the applicant's parcel. The requested variance would be excessive. While criteria has been met to grant a variance, staff is recommending a lesser variance more in line with what has been approved in the past. This would allow the applicant additional storage space while remaining consistent with those past approvals.
5. Given the size of the applicant's property, the granting of a variance would not result in excessive lot coverage or building clutter. In addition, the applicant has a seven (7) foot tall fence enclosing the entire rear yard. Further, the two (2) most impacted neighbors to the west support the applicant's proposal. As such, the request will not impair the purpose and intent of the Zoning Code.

STAFF RECOMMENDATION:

Staff is recommending approval of the request, however, not for the amount of variance being requested, which is considered excessive. Regardless of what the BZA ultimately chooses to do, if the decision is for approval, staff recommends that the following conditions be included in their motion:

1. Development in accordance with the site plan dated May 16, 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. The exterior of the accessory structure shall be finished to match the finish of the residence, including stucco and paint color.

c: Ana Maria Callejas
506 2nd Street
Ocoee, FL 34761

JASON BERTONE
VA-18-08-099

REQUEST: Variance in the P-D zoning district to allow the construction of a new single family residence on a lot with a minimum width of 73 ft. in lieu on 90 ft.

ADDRESS: 5849 Emerington Crescent, Orlando FL 32819

LOCATION: West of S. Apopka Vineland Rd., south of Emerington Crescent

S-T-R: 21-23-28

TRACT SIZE: 45 ft. x 380 ft. (AVG)

DISTRICT#: 1

LEGAL: EMERSON POINTE 58/93 PT OF LOTS 23 & 24 DESC AS COMM MOST NELY COR OF LOT 23 POINT BEING ON SWLY R/W LINE OF EMERINGTON CRESCENT TH S36-33-13E 64.09 FT TO POINT OF CURVATURE OF A CURVE CENT ANG 18-45-15 RAD 75 FT TH SELY ALONG ARC 24.55 FT TO POB CONT NEL

PARCEL ID: 21-23-28-2463-00-240

NO. OF NOTICES: 118

DECISION: **APPROVED** 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 (unanimous; 6-0 and 1 absent):

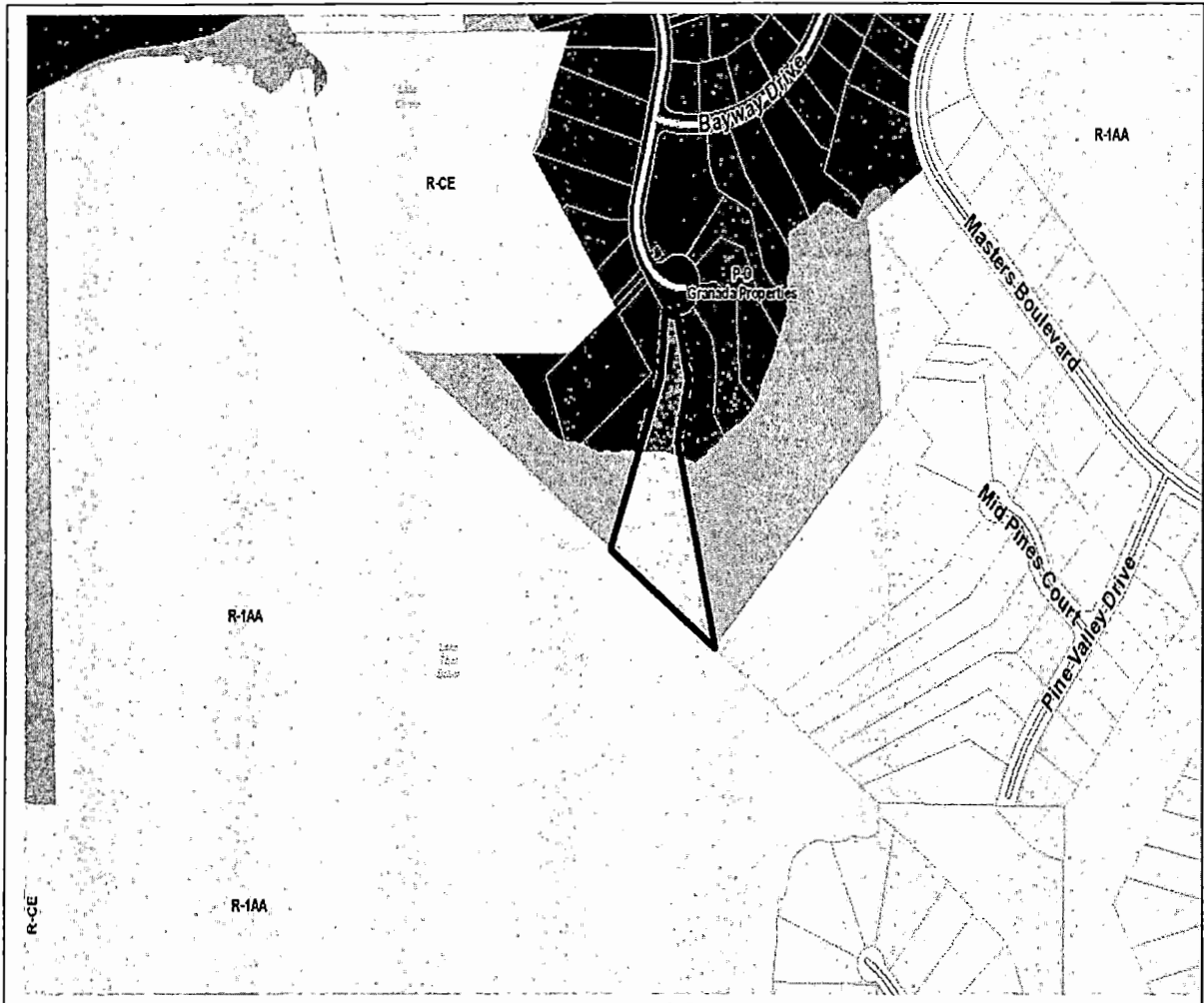
1. Development in accordance with the site plan dated June 8, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) 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.

SYNOPSIS: The applicant is proposing a new single family home on a vacant lakefront lot. Zoning requires the front façade of the house to be at or behind where the lot meets the minimum lot width, which is ninety (90) feet in this development.

Staff presented the site plan, floor plan, and elevations. Staff stated the variance was the minimal possible variance, only the garage encroached on the ninety (90) feet line, and the house would be located over eighty (80) feet back from the front property line. Therefore, staff recommended approval of the variance as it met the criteria.

The applicant agreed with staff's presentation and was available for any questions. No one spoke in favor or in opposition of the request. Staff did not receive any correspondence regarding this case.

The BZA felt the request was reasonable and approved the variance.



Applicant: JASON BERTONE

BZA Number: VA-18-08-099

BZA Date: 07/05/2018

District: 1

Sec/Twn/Rge: 21-23-28-SW-C

Tract Size: 45 ft. x 380 ft. (AVG)

Address: 5849 Emerington Crescent, Orlando FL 32819

Location: West of S. Apopka Vineland Rd., south of Emerington Crescent

Board of Zoning Adjustment - BZA

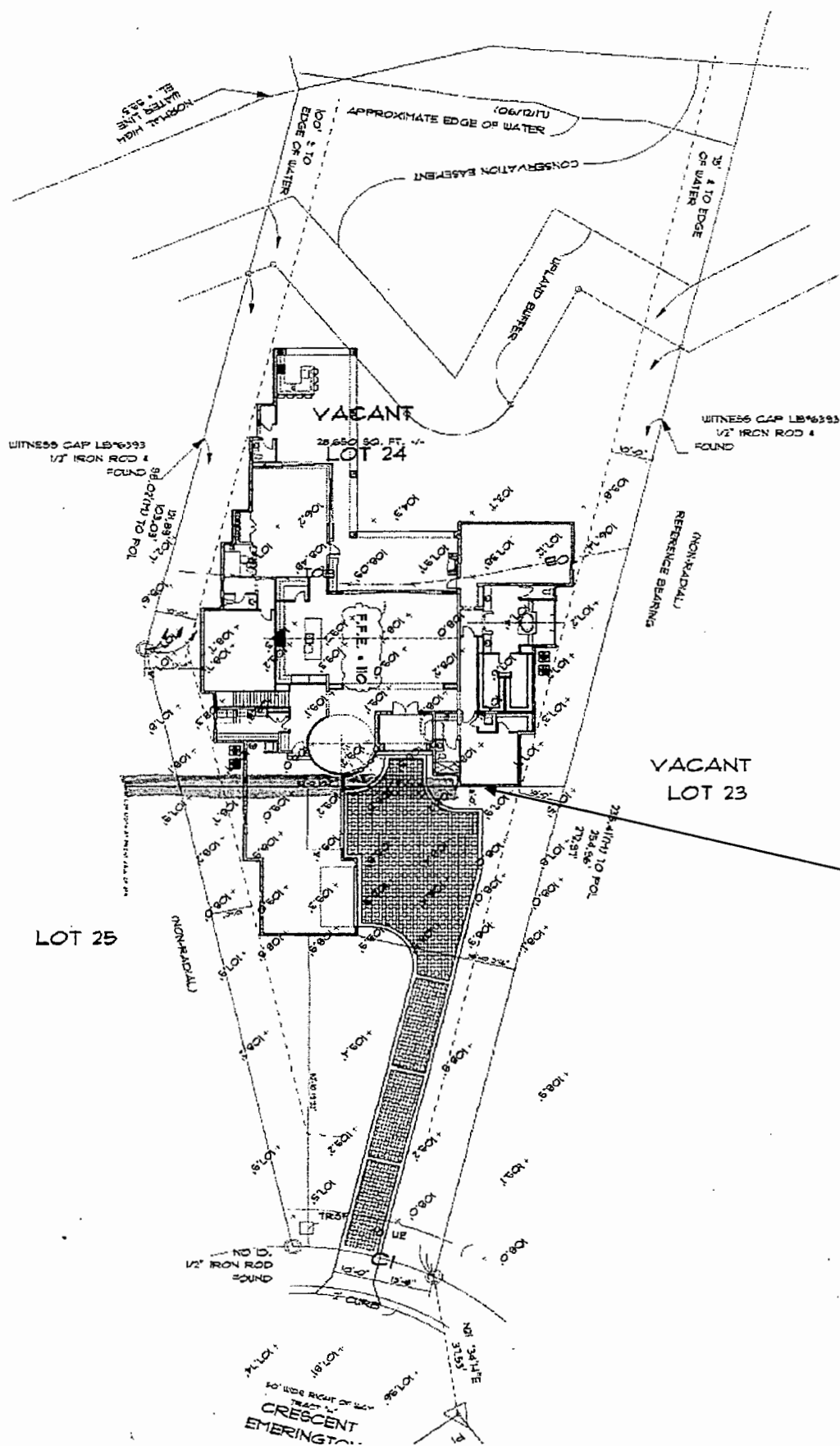
RE: Variance Request - 5849 Emerington Crescent, Orlando, FL 32819

Request is for a variance for a proposed single family residence because the front plane of the home starts before the 90ft minimum lot width. The attached garage projects approximately 40ft before the 90ft minimum lot width even though it meets the required setbacks of the community.

Thank you,

Tom Harvey, President
Image Builders of Central Florida, Inc.

SEE SHEET 2 FOR
LOT CONTINUATION







STAFF REPORT
CASE #: VA-18-08-099
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
July 5, 2018
Commission District: 1

GENERAL INFORMATION:

APPLICANT: JASON BERTONE

REQUEST: Variance in the P-D zoning district to allow the construction of a new single family residence on a lot with a minimum width of 73 ft. in lieu on 90 ft.

LOCATION: West of S. Apopka Vineland Rd., south of Emerington Crescent

PROPERTY ADDRESS: 5849 Emerington Crescent, Orlando, FL 32819

PARCEL ID: 21-23-28-2463-00-240

PUBLIC NOTIFICATION: 118

TRACT SIZE: 45 ft. x 380 ft. (AVG)

DISTRICT #: 1

ZONING: P-D

EXISTING USE(S): Vacant

PROPOSED USE(S): Single Family Home

SURROUNDING USES: N - Residential
S - Lake Tibet
E - Residential
W -Residential

STAFF FINDINGS AND ANALYSIS:

1. The property is located in a PD Planned Development district, and is located in the Granada PD. This PD allows a variety of uses including single-family, multi-family, commercial, and hotels.

2. This lot is located in the Emerson Pointe Preliminary Subdivision Plan which requires a minimum lot size of 90 ft. wide x 125 ft. deep. The required setbacks are 25 feet in the front, 10 feet on the sides and 100 feet in the rear from the NHWE line.

3. This lot is pie-shaped lot which is narrow at the right-of-way and widens as it gets closer to the lake.

4. On pie shaped lots, the county requires the forward-most portion of the house to be behind the point at which the lots meets the minimum lot width. The forward most portion of the house is located at the 73 ft. wide mark.

5. This lot was platted as Lot #24, on the Emerson Pointe plat in 2004. In 2005, a lot split was approved that took a portion of Lot #25, to provide wider lake access to Lot #23, to the west.

Variance Criteria

Special Conditions and Circumstances.

The pie shaped configuration and location of the upland buffer to the rear is special condition, which results in a smaller buildable area on the lot, requiring a portion of the house to be pushed closer to the right-of-way.

Not Self-Created:

The applicant purchased the subject property in its current configuration.

Deprivation of Rights:

There are similar shaped lots within this subdivision which have similar sized houses.

Minimum Possible Variance:

The variance requested represents a twenty percent (20%) deviation from Code. In addition, the only portion of the house in front of the 90 ft. line is the garage. The entire main house is located behind the 90 ft. minimum lot width line.

Purpose and Intent:

This house is similar in size to the houses in the neighborhood. In addition, the house will be located approximately 80 feet back from the front property line which is further back than other houses on the block.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan and elevations dated June 8, 2017, 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.

c: Sandy Harvey
5619 Emerington Crescent
Orlando, FL 32819

Jason Bertone
9131 Panzani Place
Windermere, FL 34786

CHARLES WHITTALL
VA-18-05-041

REQUEST: **Variances** in the P-D zoning district to allow package sales of alcohol within 5,000 ft. of another licensed vendor as follows:
 1) 1,258 ft. from 7611 International Drive (ABC Liquors).
 2) 3,696 ft. from 8739 International Drive (Plaza Liquors).

ADDRESS: 8021 International Drive, Orlando FL 32819

LOCATION: Southeast corner of International Dr. and W. Sand Lake Rd.

S-T-R: 36-23-28

TRACT SIZE: 1.48 Acres

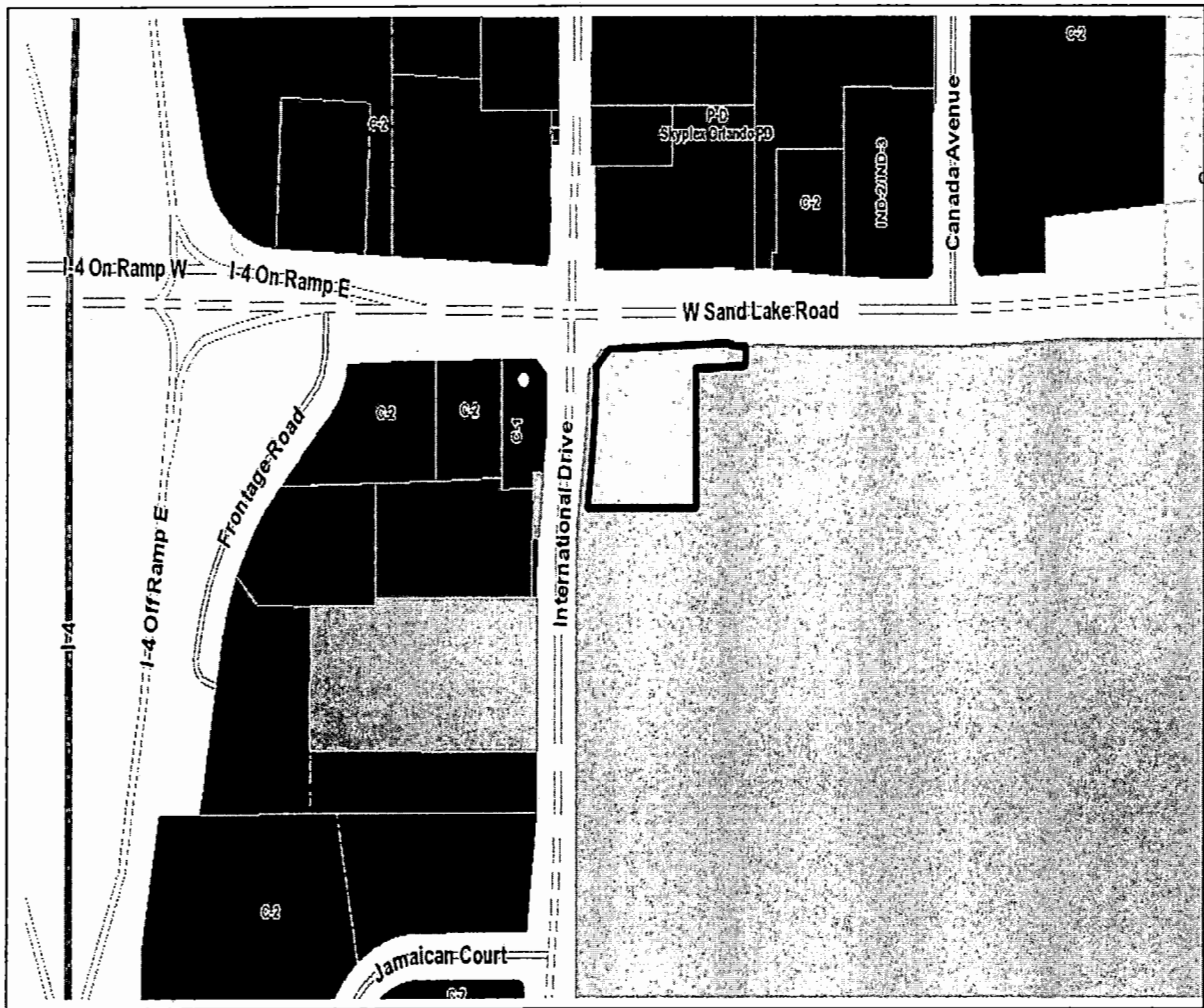
DISTRICT#: 6

LEGAL: I SHOPS 89/101 LOT 8

PARCEL ID: 36-23-28-3865-08-000

NO. OF NOTICES: 1964

THIS CASE HAS BEEN CONTINUED UPON THE REQUEST OF THE APPLICANT PRIOR TO THE BZA HEARING, FOR UP TO A NINETY (90) DAY PERIOD.



Applicant: CHARLES WHITTALL

BZA Number: VA-18-05-041

BZA Date: 07/05/2018

District: 6

Sec/Twn/Rge: 36-23-28-NW-B

Tract Size: 1.48 Acres

Address: 8021 International Dr, Orlando FL 32819

Location: Southeast corner of International Dr. and W. Sand Lake Rd.

PLAZA LIQUORS
VA-18-05-045

REQUEST: Variance in the C-2 zoning district to allow a 3PS license 3,696 ft from another location.

ADDRESS: 8739 International Dr, Orlando FL 32819

LOCATION: East of International Dr., south of Austrian Row

S-T-R: 36-23-28

TRACT SIZE: 60 ft. x 175 ft.

DISTRICT#: 6

LEGAL: PLAZA INTERNATIONAL UNIT ELEVEN 28/5 FROM NLY MOST COR OF LOT 1 RUN SLY 299.06 FT FOR POB TH RUN S 64 DEG E 172.86 FT S 25 DEG W 60 FT N 64 DEG W 174.65 FT NLY 60.03 FT TO POB

PARCEL ID: 36-23-28-7165-00-012

NO. OF NOTICES: 890

THIS CASE HAS BEEN CONTINUED UPON THE REQUEST OF THE APPLICANT PRIOR TO THE BZA HEARING, FOR UP TO A NINETY (90) DAY PERIOD.



Applicant: PLAZA LIQUORS

BZA Number: VA-18-05-045

BZA Date: 07/05/2018

District: 6

Sec/Twn/Rge: 36-23-28-SW-C

Tract Size: 60 ft. x 175 ft.

Address: 8739 International Dr, Orlando FL 32819

Location: East of International Dr., south of Austrian Row

CLEAN SLATE OF FLORIDA
SE-18-07-082

REQUEST: **Special Exception** in the P-O zoning district to allow a Specialty Outpatient Center (Drug and Alcohol Rehab Counseling).
Note: This location will only provide counseling and no other services.

ADDRESS: 2000 N. Alafaya Trail, Orlando FL 32826

LOCATION: West side of Alafaya Trail at its intersection with Challenger Parkway

S-T-R: 15-22-31

TRACT SIZE: 16 Acres

DISTRICT#: 5

LEGAL: MORNINGSIDE O/82 BLK C (LESS BEG SW COR LOT 3 BLK C TH RUN N 31 DEG E 222 FT S 59 DEG E 167.09 FT S 44 DEG W TO SE COR LOT 3 TH N 56 DEG W TO POB) & BLK D & VAC R/W LYING BETWEEN BLKS C & D & W 322.15 FT OF N 99.07 FT OF LOT 3 BLK B & THAT PT OF VAC R/W L

PARCEL ID: 15-22-31-5748-03-010

NO. OF NOTICES: 428

DECISION: **APPROVED** 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 as amended (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated May 14, 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.
4. Pedestrian and vehicular access to Crescent Blvd. shall be prohibited.
5. There shall be no medication provided on site.

6. This approval is for this applicant only, and any other such operation shall require approval by the BZA.
7. There shall be no outdoor special events.
8. Hours of Operation shall be limited to Monday through Friday, from 9:00 a.m. to 5:00 p.m. Except that one weekday, the operation may stay open until 8:00 p.m. The tenant may be allowed to operate until 8:00 p.m., one additional weekday at the discretion of the Zoning Manager.
9. The applicant shall obtain their Business Tax Receipt and Use Permit within ninety (90) days of final approval or this approval is null and void.

SYNOPSIS: The applicant is proposing a drug/alcohol addiction treatment facility. The location will not provide any medication or drugs to the clients on site. The facility will only provide medical consultations, counseling, and issue prescriptions for the clients to fill at a pharmacy.

A Community Meeting was held on June 12, 2018, regarding the case. The residents expressed concerns over safety, customers loitering outside, and potential traffic issues.

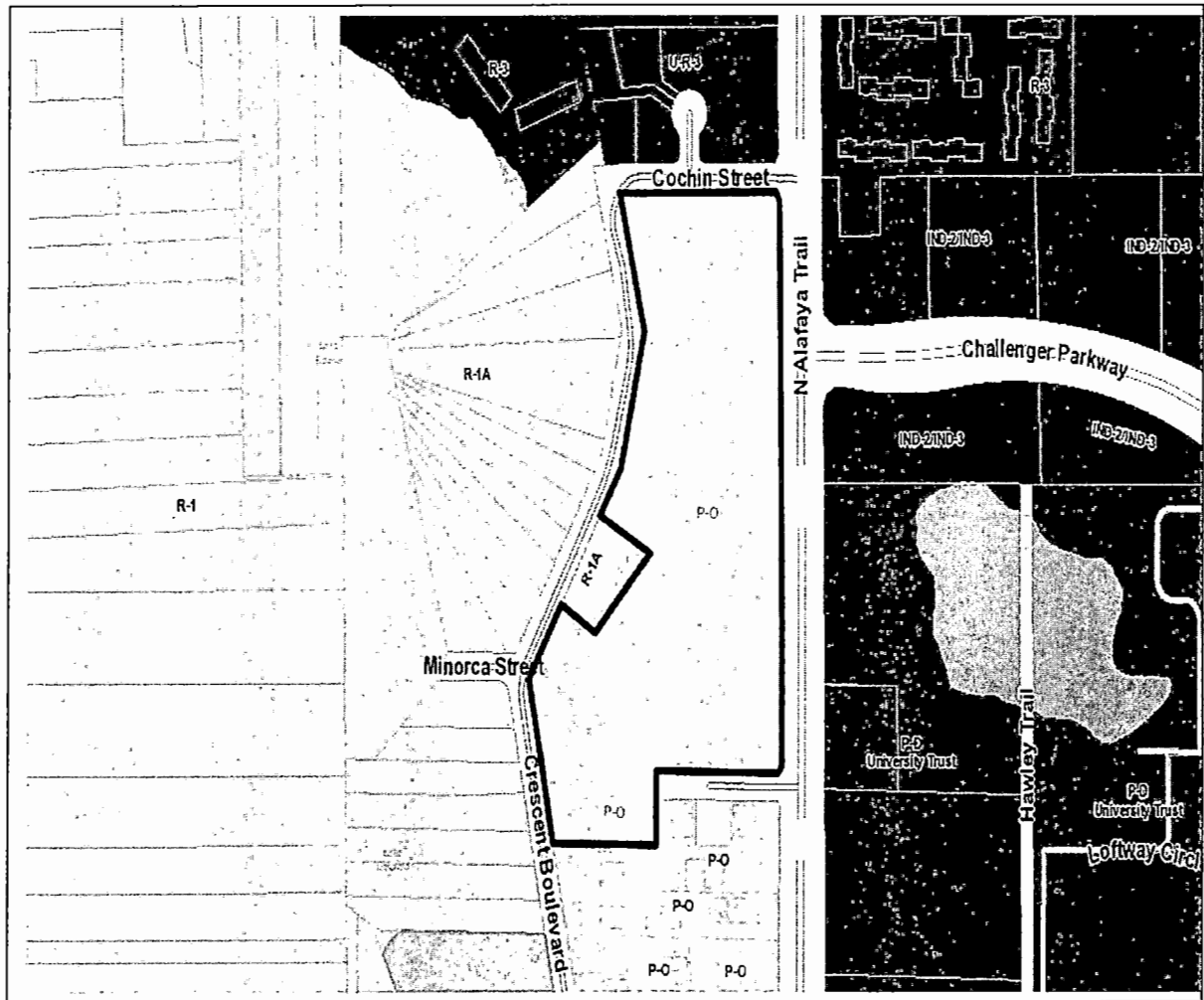
The property owner stated that they vetted this tenant and believes this use will not be a nuisance to the area. The applicant discovered when pursuing their Business Tax license that a Special Exception was required.

The applicant stated their operation is by appointment only and operates like any medical office. The BZA and the applicant had a discussion regarding the details of the services provided and logistics of the office.

One (1) neighbor spoke in opposition of the request stating concerns with safety and how this could affect their community. Another citizen spoke regarding the application and stated they were neutral.

The applicant requested amending Condition #8, to allow the operation to be open until 8:00 p.m. on two (2) weeknights instead of only one (1) weeknight. The Board decided to leave that decision up to the Zoning Manager. The Board also amended Condition #9, requiring the applicant to get permits within ninety (90) days.

The BZA agreed the use operated like a medical office; therefore, it would be compatible with the area and approved the request.



Applicant: CLEAN SLATE OF FLORIDA

BZA Number: SE-18-07-082

BZA Date: 07/05/2018

District: 5

Sec/Twn/Rge: 15-22-31-SW-NW, 15-22-31-SW-SW

Tract Size: 16 Acres

Address: 2000 N. Alafaya Trail, Orlando FL 32826

Location: West side of Alafaya Trail at its intersection with Challenger Parkway

RECEIVED

MAY 14 2018

ORANGE COUNTY
ZONING DIVISION

May 10, 2018

Board of Zoning Adjustment
Orange County Zoning Division
201 Rosalind Avenue
Orlando, Florida 32801

RE: Zoning Special Exception Petition

Dear Board of Zoning Adjustment:

Alafaya Corporate Center located at 2000 N Alafaya Trail, Orlando, FL 32826 is currently zoned Professional Office (PO). Alafaya Corporate Center, LC (ACC) owns the building as well as 1900 and 2100 and 2200 N Alafaya Trail, the buildings on either side of the subject building. We are a special exception for a Specialty Outpatient Facility Required under Orange County Professional Office zoning. Per Orange County Code, a Special Exception is required for Alcohol and Drug Treatment facilities, SIC Group 8093 – Specialty Outpatient Facilities.

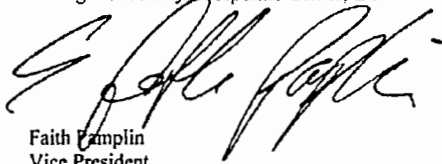
- The proposed tenant is CleanSlate Addiction Treatment Centers – an Alcohol and Opioid Outpatient Treatment Center which does not dispense drugs to patients on site
- CleanSlate's facilities are currently located within buildings zoned for office throughout the southeast and they have not had prior issues with zoning approval
- CleanSlate does not dispense drugs on site
- CleanSlate is not a Methadone Clinic
- CleanSlate has 44 locations throughout the United States
- CleanSlate meets with patients by appointment only
- CleanSlate's patients are voluntary and treatment is not court mandated
- CleanSlate patients do not stay overnight. There are no overnight facilities on site.
- CleanSlate does not provide food for patients
- CleanSlate does not require solid waste disposal
- CleanSlate operates more like a typical Office of Medical Doctor or Counseling/advising, both of which are permitted uses within Professional Office zoning.
- CleanSlate operates a typical office during normal business hours. Hours of Operation are Monday, Tuesday, Thursday 9-5PM, Wednesday 9-8PM, Friday 9-2PM
- CleanSlate's patients are not bussed to the facility.
- CleanSlate will utilize 4 rooms for treatment/counseling patients
- The current and proposed use is consistent with the Future Land Use: Office. The proposed use requires a special exception for both the current and future land use.
- The proposed use consistent with other medical uses in the building and surrounding area therefore it is not a detrimental intrusion into a surrounding area.
- The proposed use meets the performance standards of the district
- The proposed use does not create a nuisance, is not loud, does not cause any vibrations, dust, glare or odors.
- The existing building and landscaping was constructed and permitted in 2004 and was consistent with current Orange County codes.
- The existing 2000 building totals 51,507 Rentable Square Feet. ACC owns 1900, 2000 and 2200 N Alafaya Trail (OC Parcel ID Number 15-22-31-5748-03-010) consisting of 149,000 square feet.
- The proposed suite is 4,856 Rentable Square Feet (Suite 200)
- The proposed suite has the capacity to see 29 patients per day with a maximum of 11 staff at one time. The typical daily staff consists of a Medical Director, Center Manager, Care Coordinator, Medical Assistants (capacity for 4) and Nurse Practitioners (Capacity for 1 to 4)
- The lease provides a parking allowance of 18 parking spaces. The building received a Certificate of Occupancy in 2004 and parking requirements were met at the time of CO. There are approximately 650 parking spaces on the property.

- The existing 2000 building reaches 35 feet at its highest point. It was permitted, constructed, and CO'd in 2004.
- The existing 2000 building sits 85 feet west of Alafaya Trail and 360 feet east of Crescent Boulevard

CleanSlate Medical Group of Florida provides Specialty Outpatient Treatment for Alcohol and Opioid Addictions. CleanSlate operates a typical office during normal business hours. They have a small reception area and patients are seen by appointment only and it is not a high traffic operation. CleanSlate is not a methadone clinic and does not prescribe methadone. No opiates or any other drugs are stored at or administered at the premises. If a patient is given a prescription, the patient must go to his or her pharmacy to fill the order. CleanSlate's location is in the 2000 Building, adjacent to the 1900 and 2100 building within Alafaya Corporate Center, owned by Alafaya Corporate Center, LC. CleanSlate is approximately 500 feet from the closest residential neighbor to the West; 450 feet from the closest business/owner to the East, Hilton Garden Inn; Over 1,000 feet from the closest neighbor/landowner to the North; and 360 feet from the closest business/owner to the South. Alafaya Corporate Center has been granted with special exceptions within the 2000 building in prior years. Suite 200 at 2000 N Alafaya Trail will be used exclusively for CleanSlate Centers for Counseling/Treatment of Alcohol and Opioid Addiction.

Thank you for your consideration. Should you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,
Equity Partners, Inc.
 Manager of Alafaya Corporate Center, LC



Faith Pamplin
 Vice President
 Equity Partners, Inc.
 1300 N Semoran Boulevard
 Suite 225
 Orlando, Florida 32807
 407.660.4949 phone
 407.808.2656 cell
 407.660.4995 fax



April 11, 2018

Orange County
Division of Building Safety
201 South Rosalind Avenue
1st Floor
P.O. Box 2687
Orlando, FL 32802-2687

RE: Application for Use Permit – CleanSlate Medical Group of Florida, PLLC

Ladies and Gentlemen:

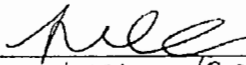
We have been asked to submit an explanation of CleanSlate's use in connection with our Application for Use Permit.

CleanSlate operates a typical office during normal business hours. We have a quite small reception area, patients are seen by appointment only and it is not a high traffic operation.

CleanSlate is not a methadone clinic and does not prescribe methadone. No opiates or any other drugs are stored at or administered at the premises. If a patient is given a prescription, the patient must go to his or her pharmacy to fill the order.

If you need any additional information, please do not hesitate to contact the undersigned.

CLEANSLATE CENTERS, INC.

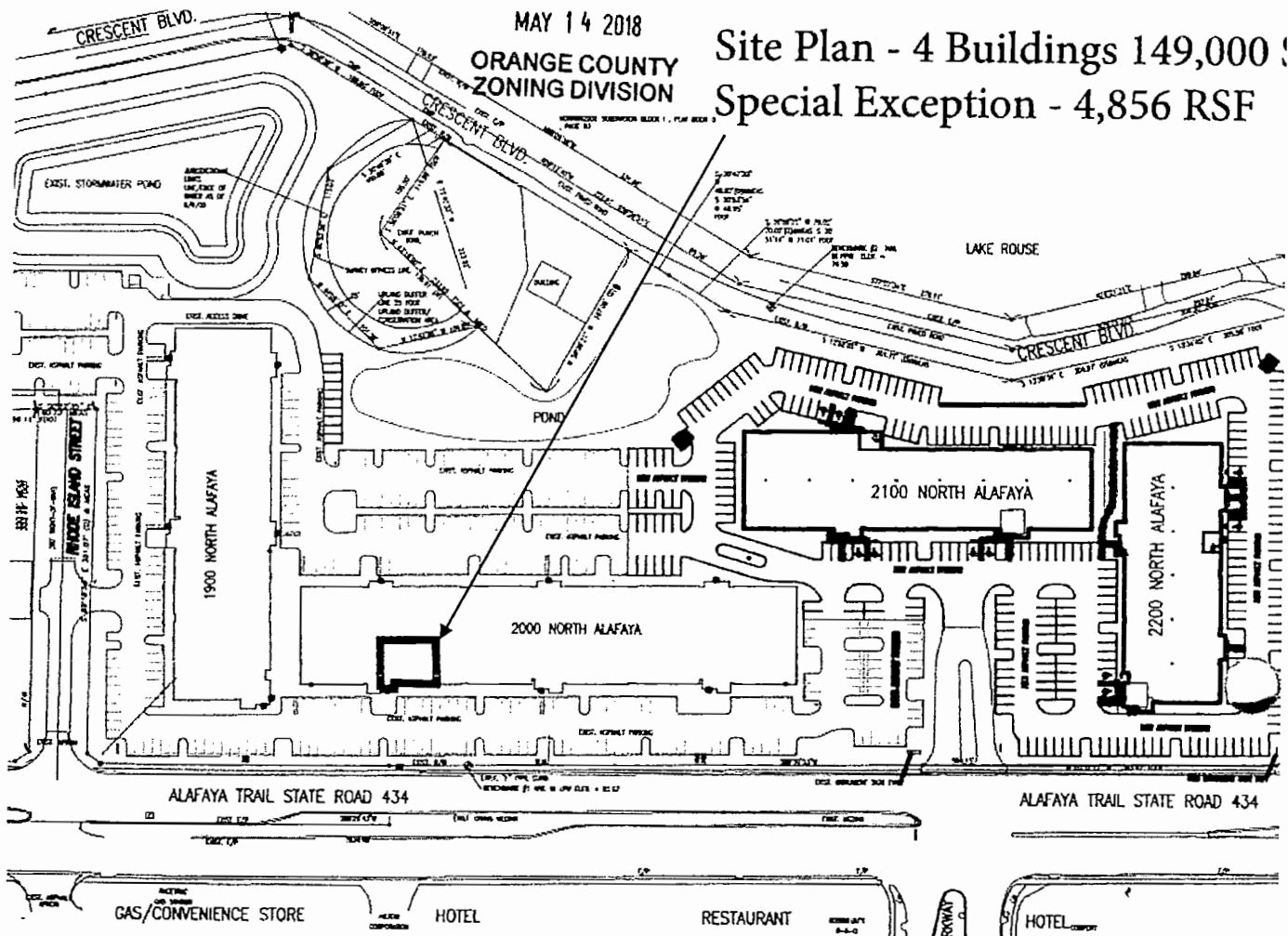
By: 
Its: Jessica George
Center Manager

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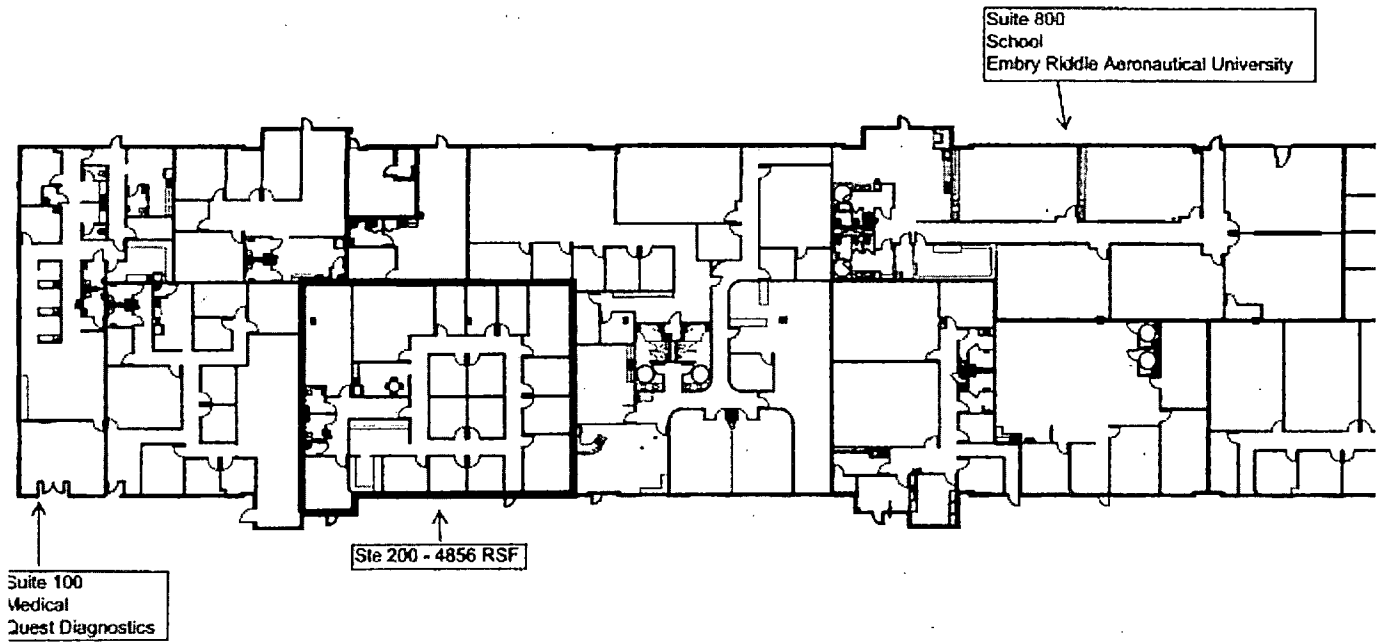
MAY 14 2018

ORANGE COUNTY
ZONING DIVISION

Site Plan - 4 Buildings 149,000 S
Special Exception - 4,856 RSF



Special Exception Full Building Plan





2000 N. ALAFAYA TRAIL, SUITE 200
FLOOR
scaled to fit

This schematic plan is conceptual in nature, intended to establish the basis for the final design. As such, the final design may differ based on field conditions yet to be discovered or be completed.



STAFF REPORT
CASE #SE-18-07-082
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
July 5, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: CLEAN SLATE OF FLORIDA

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the P-O zoning district to allow a Specialty Outpatient Center (Drug and Alcohol Rehab Counseling).

LOCATION: West side of Alafaya Trail at its intersection with Challenger Parkway

PROPERTY ADDRESS: 2000 N. Alafaya Trail Suite 200

PARCEL ID: 15-22-31-5748-03-010

PUBLIC NOTIFICATION: 428

TRACT SIZE: 16 Acres

DISTRICT #: 5

ZONING: P-O (Professional Office)

EXISTING USE(S): Office

PROPOSED USE(S): Drug & Alcohol Rehab Counseling Center

SURROUNDING USES: N – Multi-family
S – Office
E – Motel
W – Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned P-O, Professional Office District. This zoning district provides for an array of professional and service oriented uses. Various institutional uses, such as

religious institutions and outpatient treatment centers are permitted through the Special Exception process.

2. A Community Meeting was held on June 12, 2018 at Riverdale Elementary School. The applicant's team, staff, and the District Commissioner's Aide were in attendance. The residents had concerns about safety, and increased vehicular/pedestrian traffic.

3. The applicant is proposing a drug/alcohol outpatient treatment center. The facility will operate like a medical doctor's office providing medical consultations and issuing prescriptions. There will be no medication given to patients on-site, the patients will be required to fill their prescriptions at a local pharmacy.

4. The center does not take walk-ins and consultations are made by appointment only.

5. The applicant is proposing to utilize an existing suite within an existing office complex. The proposed location fronts Alafaya Trail and the office building it is located in, is located furthest away from the single-family residential to the west.

6. The property was re-zoned from R-2 (Residential District) to P-O in 2001. That re-zoning had conditions requiring a 25 foot buffer abutting Crescent Blvd., which creates the western border of the property and prohibits any access from this property to Crescent Blvd.

Special Exception Criteria

1. The use shall be consistent with the Comprehensive Policy Plan.

The Future Land Use is O (Office), granting a Special Exception for this use will make it compatible with the Comprehensive Plan. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.

2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.

The use will operate similar to a physician's office, and there are several other medical offices in this complex.

3. The use shall not act as a detrimental intrusion into a surrounding area.

This use will not be a detrimental intrusion as the suite in which this operation will be located faces a major right-of-way and will be located furthest away from the residential to the west and north.

4. The use shall meet the performance standards of the district in which the use is permitted.

The buildings and infrastructure are existing on site. This office complex was constructed in 2002, and meets the development standards in the P-O zoning district. The office complex has sufficient parking to support this use.

5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing, and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

The proposed use will have limited Hours of Operation and all operations will be indoors, ensuring that the use will be similar to other characteristics associated with uses in this zoning district.

6. Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

The landscaping is existing on-site and shall be maintained by the applicant and/or owner. No additional landscaping is required by the addition of this use.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated May 14, 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.
4. Pedestrian and vehicular access to Crescent Blvd. shall be prohibited.
5. There shall be no medication provided on site.
6. This approval is for this applicant only, and any other such operation shall require approval by the BZA.
7. There shall be no outdoor special events.
8. Hours of Operation shall be limited to Monday through Friday, from 9:00 a.m. to 5:00 p.m. Except that one weekday the operation may stay open until 8:00 p.m.

9. The applicant shall obtain their Business Tax Receipt and Use Permit within one (1) year of final approval or this approval is null and void.

c: Faith Pamplin
1300 N. Semoran Blvd., Suite 225
Orlando, FL 32807