



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

November 7, 2019

Zoning Division

**ORANGE COUNTY GOVERNMENT
BOARD OF ZONING ADJUSTMENT (BZA)**

<u>Board Member</u>	<u>District</u>
Carolyn Karraker (Vice Chair)	1
Gregory A. Jackson (Chairman)	2
Juan Velez	3
Deborah Moskowitz	4
Wes A. Hodge	5
Charles J. Hawkins, II	6
Roberta Walton	At Large
<u>BZA Staff</u>	
Steven Thorp, AICP	Chief Planner
Nick Balevich	Planner II
David Nearing, AICP	Planner II

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
November 7, 2019**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
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SE-19-11-121	City Of Cocoa Utilities (Katherine Ennis)	4	Continued to December 5, 2019	13
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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
- I-1/I-5** Restricted Industrial District
- I-2/I-3** Industrial Park District
- I-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

SITE & BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	<i>a</i>
A-2	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	<i>a</i>
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	<i>a</i>
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	<i>a</i>
R-CE-2	2 acres	1,200	250	45	50	30	35	<i>a</i>
R-CE-5	5 acres	1,200	185	50	50	45	35	<i>a</i>
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	<i>a</i>
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	<i>a</i>
R-1AA	10,000	1,200	85	25 <i>h</i>	30 <i>h</i>	7.5	35	<i>a</i>
R-1A	7,500	1,200	75	20 <i>h</i>	25 <i>h</i>	7.5	35	<i>a</i>
R-1	5,000	1,000	50	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
R-2	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	30	5 <i>h</i>	35	<i>a</i>
	Three DUs, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	<i>a</i>
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	<i>a</i>
R-3	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5	35	<i>a</i>
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
	Three dwelling units, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	<i>a</i>
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	<i>a</i>
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	<i>a</i>
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	35	<i>a</i>
R-T-1								
	SFR 4,500 <i>c</i>	1,000	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	<i>a</i>
	Mobile home 4,500 <i>c</i>	Min. mobile home size 8 ft. x 35 ft.	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	<i>a</i>
R-T-2	6,000	SFR 500	60	25	25	6	35	<i>a</i>
	(prior to 1/29/73)	Min. mobile home size 8 ft. x 35 ft.						
R-T-2	21,780 ¼ acre	SFR 600	100	35	50	10	35	<i>a</i>
	(after 1/29/73)	Min. mobile home size 8 ft. x 35 ft.						

<i>District</i>	<i>Min. lot area (sq. ft.)^m</i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>Min. front yard (ft.)^a</i>	<i>Min. rear yard (ft.)^a</i>	<i>Min. side yard (ft.)</i>	<i>Max. building height (ft.)</i>	<i>Lake setback (ft.)</i>
NR	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80/90 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories <i>k</i>	<i>a</i>
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 11,250	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail <i>k</i>	<i>a</i>
Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>	
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail <i>k</i>	<i>a</i>
Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>	
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	<i>a</i>
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets <i>e</i> ; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	<i>a</i>

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ^f	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	^a
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ^g	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	^a

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
I-4	35	10	25	50, or 35 within 100 ft. of any residential use or district

NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

FOOTNOTES

- ^a Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
- ^b Side setback is 30 feet where adjacent to single-family district.
- ^c For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
- ^d For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that:
 - (i) are either platted or lots of record existing prior to 3/3/97, and
 - (ii) are 75 feet in width or greater, but are less than 90 feet, and
 - (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
- ^e Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- ^f Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- ^g Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
- ^h For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
- ^j Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
- ^k Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
- ^m Based on gross square feet.

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

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.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 07, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-10-120**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): CAROL MARRERO

OWNER(s): CAROL MARRERO

REQUEST: Variances in the P-D zoning district as follows:

- 1) Variance to allow a pool 12.5 ft. from the side street property line in lieu of 15 ft.
- 2) Variance to allow a screen enclosure and pool deck 10 ft. from the side street property line in lieu of 15 ft.

PROPERTY LOCATION: 14779 Peekskill Dr., Winter Garden, FL, 34787, northeast corner of Peekskill Dr. and Castilear Way, north of New Independence Pkwy.

PARCEL ID: 22-23-27-8124-03-490

LOT SIZE: .139 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 167

DECISION: Recommended **APPROVAL** of 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; 4-0 and 3 absent):

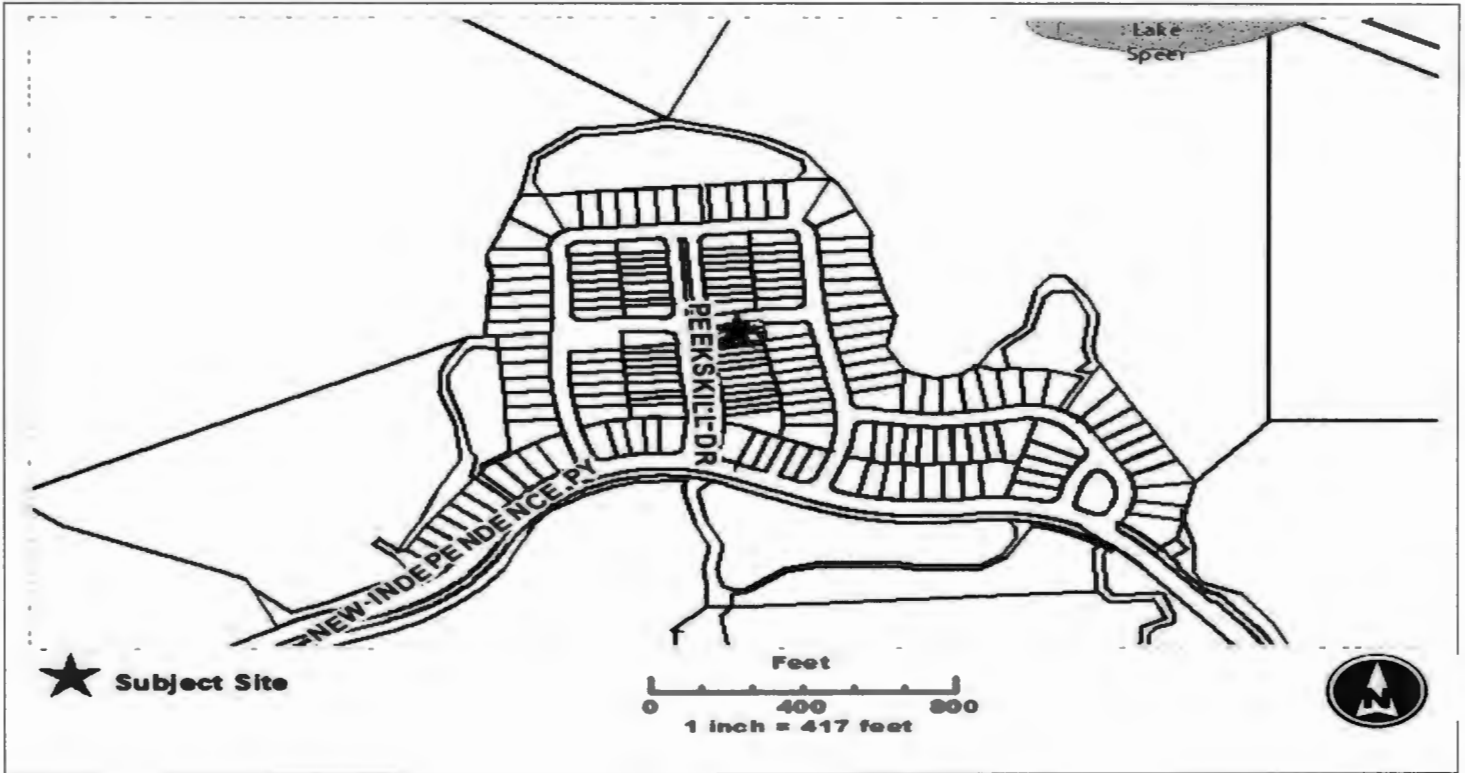
1. Development in accordance with the site plan dated October 4, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) 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 County Commissioners 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 of the property, the site plan, and photos of the site. The applicant was present and agreed with staff's recommendation. The BZA had questions on the whether or not the interior units can also construct a pool, of which staff confirmed that they could. Staff received two commentaries in favor of the application, and three in opposition to the application. There were no members of the public present to discuss this request. The BZA made a motion to recommend approval of the variances, subject to staff's conditions. The BZA approved the motion unanimously.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	PD	PD	PD	PD	PD
Future Land Use	Village	Village	Village	Village	Village
Current Use	Single Family Residence	Single Family Residence	Single Family Residence	Single Family Residence	Single Family Residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is located in a PD Planned Development district, and is within the Signature Lakes PD. This PD allows a variety of uses, including single-family and multi-family.

The subject property is an end unit townhouse that is located on a corner lot. It was platted in 2005 and is considered a conforming lot of record. There is a 1,816 sq. ft. townhouse on the lot, with an attached 2 car garage, which was constructed in 2007.

The property is located in the Signature Lakes Parcel 1B Plat, which is comprised of townhomes and single-family homes.

The applicant is proposing to install a swimming pool and screen enclosure 10 ft. from the side street (north) property line, where 15 ft. is required.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	35 ft.
Min. Lot Width:	40 ft.	46 ft.
Min. Lot Size:	5,000 sq. ft.	6,086 sq. ft.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	15 ft.	15 ft.
Rear:	5 ft.	37 ft.
Side:	0 ft.	0 ft.
Sidestreet:	15 ft.	10 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The subject property is an end unit townhouse that is located on a corner lot. The property abuts approximately 13 additional feet of sidewalk/swale, which provide additional separation from the edge of the road.

No Special Privilege Conferred

Approval of the variance as requested will not confer special privilege that is denied to other properties in the same area and zoning district, as interior units can install a similar swimming pool and deck with a 0 ft. setback, due to the fact that the internal units are zero lot line.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to have a pool and screen enclosure in the only location that would be possible.

Minimum Possible Variance

This is the minimum possible variance to allow this pool, deck, and screen enclosure.

Purpose and Intent

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.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated October 4, 2019 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
- c: Carol Marrero
14779 Peekskill Drive
Winter Garden, FL 34787

COVER LETTER

Zoning Application Cover Letter for Carol A. Marrero

14779 Peekskill Drive, Winter Garden, FL 34787 | (239) 398-3116 | marreroca@aol.com

August 13, 2019

To Members of the Board of Zoning Adjustment

Dear Zoning Board Members:

This request is for a screen enclosure variance and an inground swimming pool variance on the side street property line, currently the Code is a 15' setback from property line.

The reason for the request is based on making the best utilization of the small space available, without building pool against a property wall requiring a footer and a waiver.

The type of construction is an aluminum screen pool enclosure and a fiberglass pool.

The total square footage for both the screen enclosure and pool is 640 square feet.

The screen enclosure measures 16'x40'x11' with 9' walls and a 12' peak.

The inground pool measures 9.5'x23' with depth from 4'3" to 5'7".

The screen enclosure and pool will be fenced by 6' high PVC fence with lattice 17'x48'x15'.

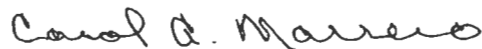
The screen enclosure will be 10' from side street property line, a 5' variance from Code.

The inground pool will be 12.5' from side street property line, a 2.5' variance from Code.

The pool is the one of the narrowest fiberglass pools on the market, is low maintenance and can be utilized for general health purposes low impact/aerobic exercising on a daily bases.

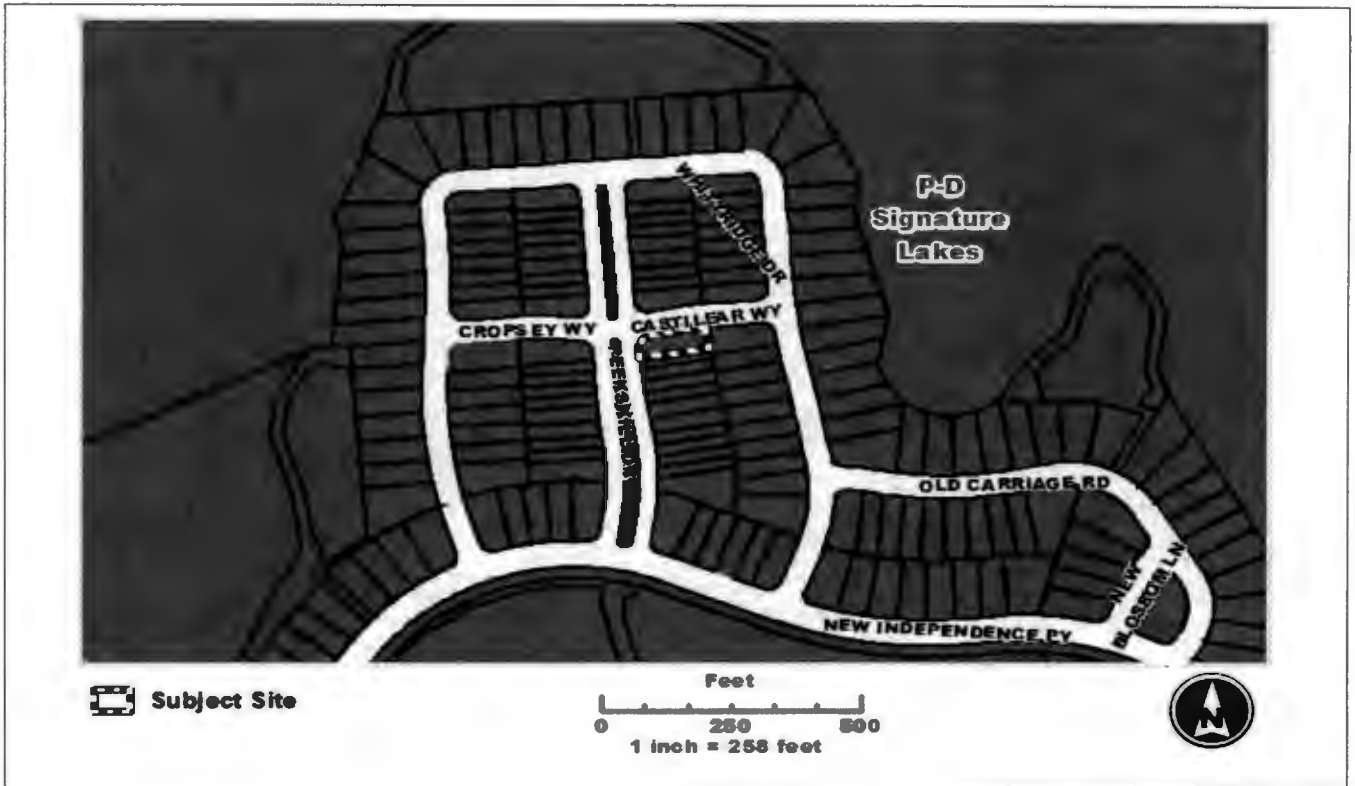
The requested screen enclosure variance of 5' and pool variance of 2.5' are the very minimum needed for the project and have been approved by my Homeowner's Association.

Sincerely,



Carol A. Marrero

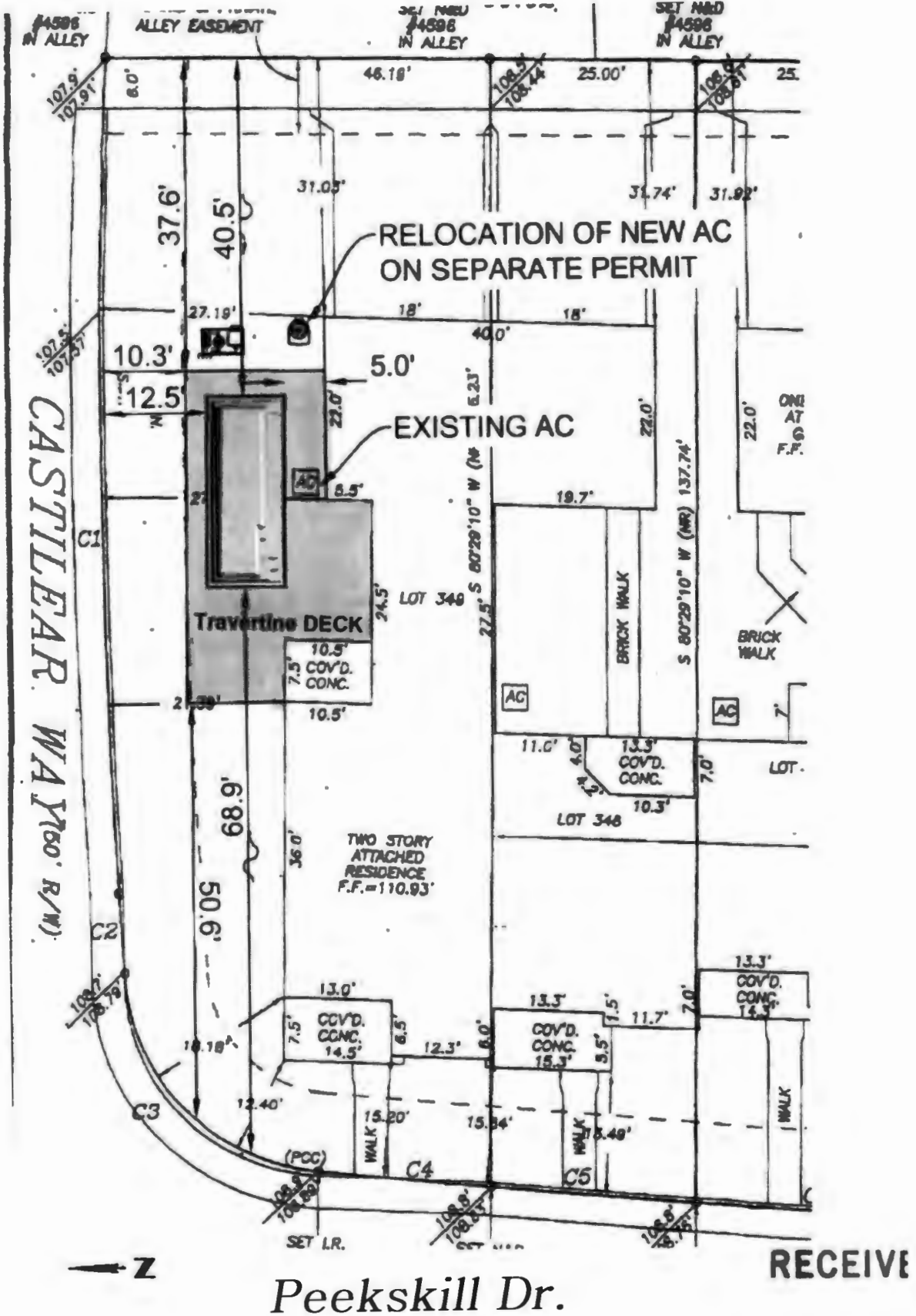
ZONING MAP



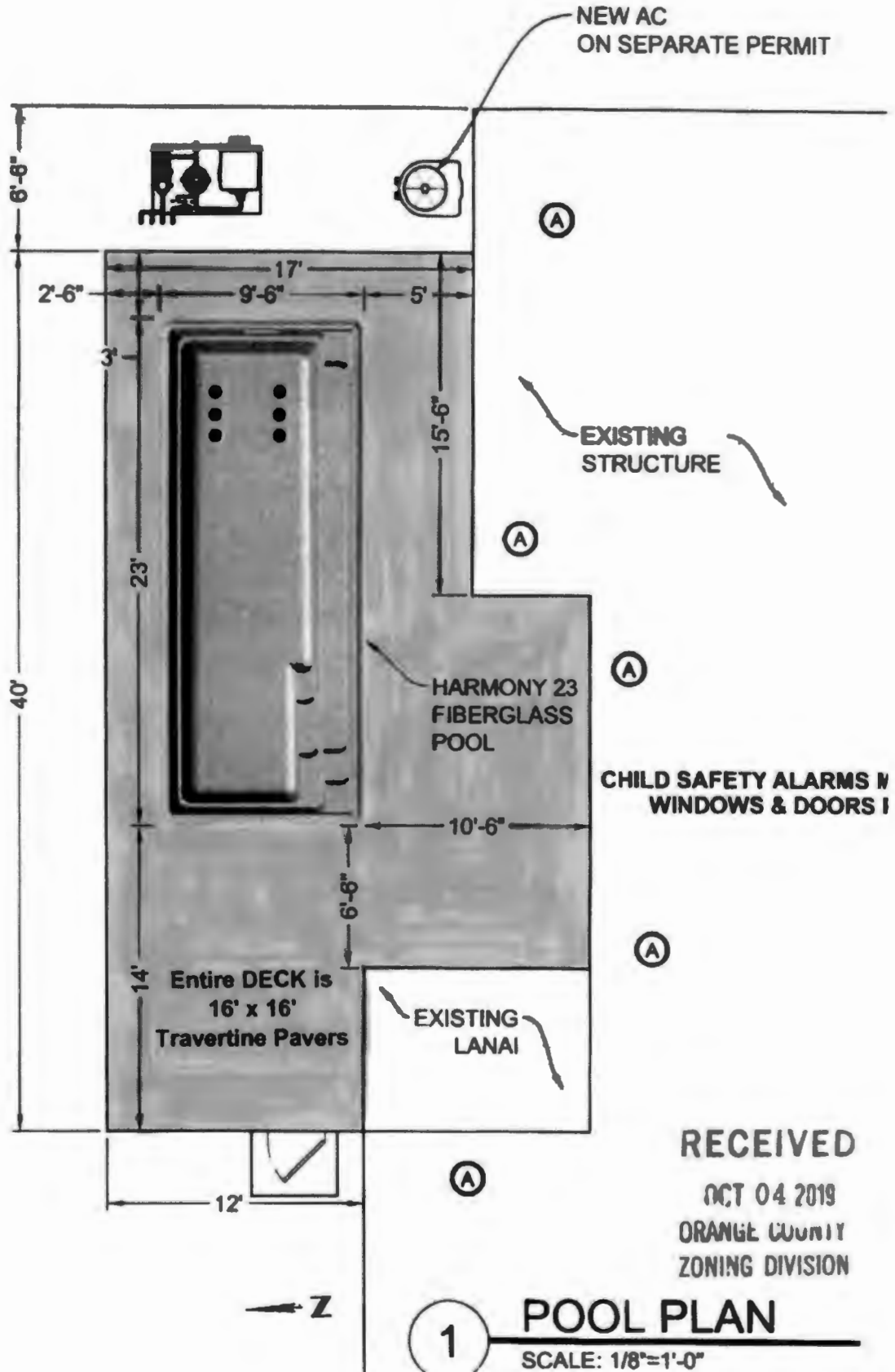
AERIAL MAP



SITE PLAN



POOL PLAN



RECEIVED

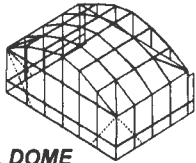
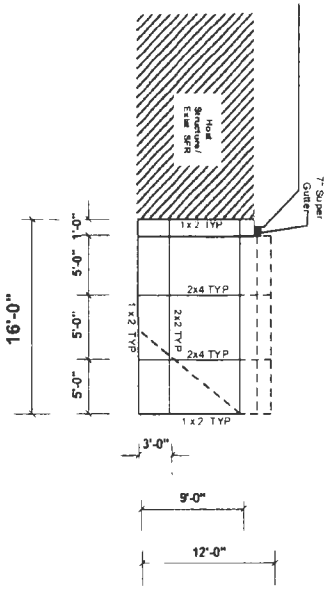
OCT 04 2019
ORANGE COUNTY
ZONING DIVISION

1 POOL PLAN

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

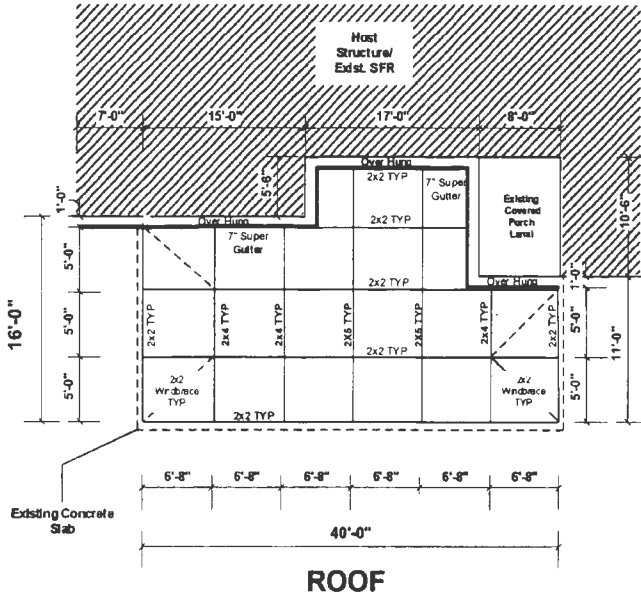
ELEVATIONS

SIDE

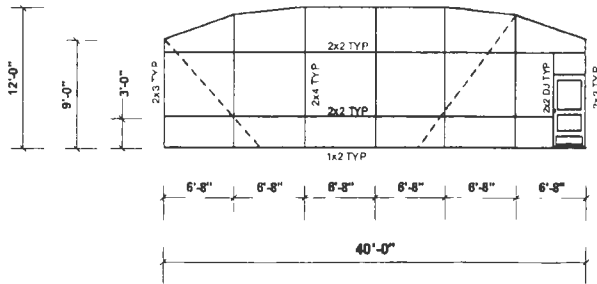


TYPICAL DOME ROOF

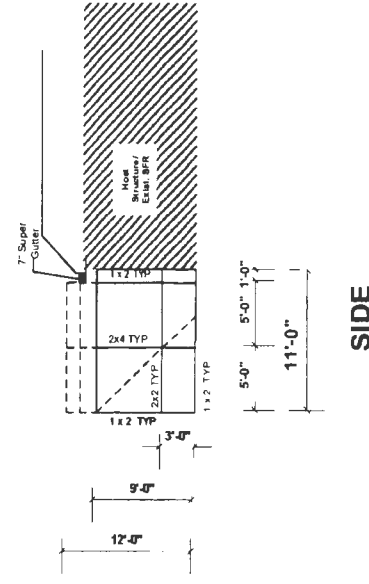
NEW POOL SCREEN ENCLOSURE OVER EXISTING CONCRETE SLAB



ROOF




FRONT



SIDE

Page 1

 <p>US ALUMINUM SVCS CORP. 2211 West Washington St Orlando - FL 32805</p>	<p>Date: 08/15/19</p>
	<p>Client Information: Client: Carol Marrero Address: 14779 Peakskill Rd Winter Garden, FL 34787</p>
	<p>Project Information: Style: Dome Color: Bronze Screen: 18/14 Screen Door: 1 Door</p>
<p>Scale: 1/8" = 1'-0"</p>	

SITE PHOTOS



Front from Peekskill Dr.



Side from Castilear Way

SITE PHOTOS



Side from Castilear Way



Rear from Alley

SITE PHOTOS



Rear



Proposed Pool Location

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 07, 2019**

Case Planner: **David Nearing, AICP**

Case #: **SE-19-11-121**

Commission District: **#4**

GENERAL INFORMATION

APPLICANT(s): CITY OF COCOA UTILITIES (KATHERINE ENNIS)

OWNER(s): CITY OF COCOA

REQUEST: Special Exception and Variances in the A-2 zoning district as follows:

1) Amendment to a Special Exception to allow expansion of an existing water treatment facility to include a training building, water tanks, and associated site improvements.

2) Variance to allow a front (west) setback of 25 ft. in lieu of 35 ft. for the existing maintenance building.

3) Variance to allow a front (west) setback of 18 ft. in lieu of 35 ft. for a new training building.

4) Variance to allow a structure housing High Service Pump Station No. 2 with a height of 36 ft. in lieu of 35 ft.

PROPERTY LOCATION: 28400 State Rd. 520, Christmas, FL 32709, west side of S.R. 520, between Taylor Creek Rd. and S.R. 520, south of Cocoa Water Plant Rd.

PARCEL ID: 20-24-34-0000-00-001, 20-24-34-0000-00-003, 20-24-34-0000-00-005, & 20-24-34-0000-00-005

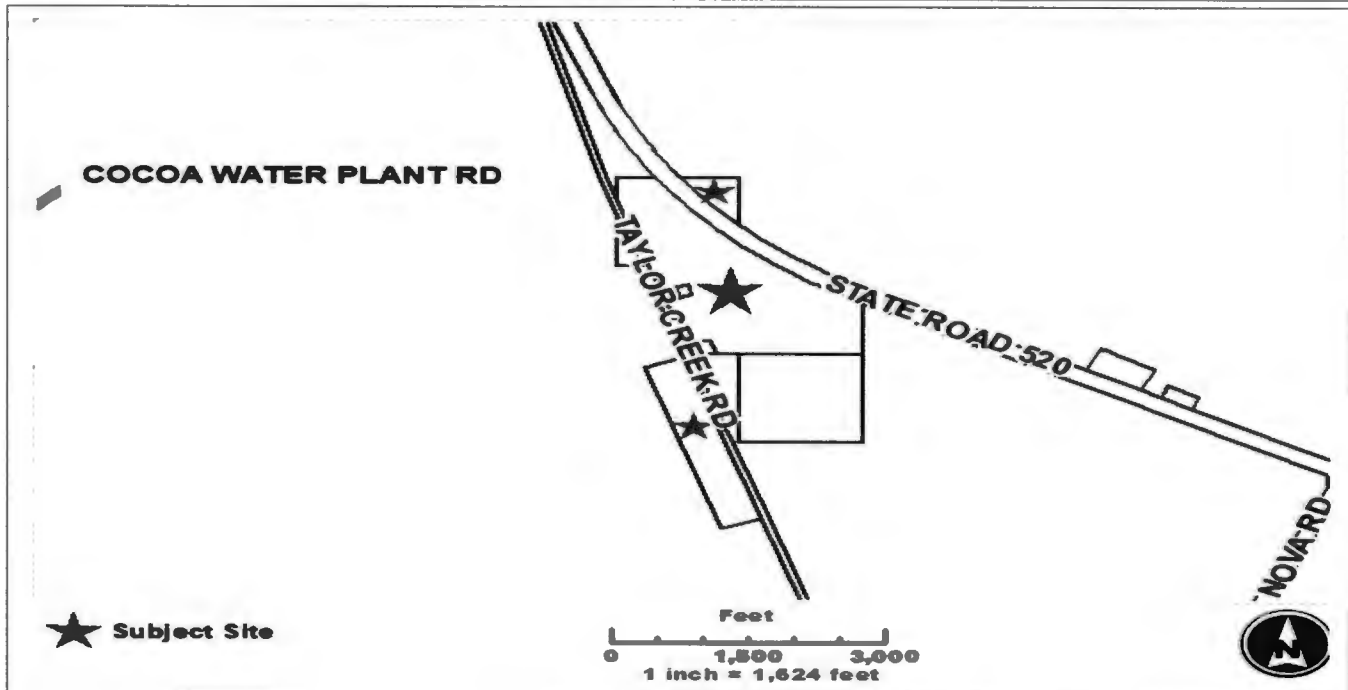
LOT SIZE: 117.77 acres

NOTICE AREA: 1500 ft.

NUMBER OF NOTICES: 7

THIS CASE WAS CONTINUED TO THE DECEMBER 5, 2019 BZA MEETING

LOCATION MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 07, 2019**

Case Planner: **Taylor Jones**

Case #: **VA-19-11-124**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): **BOYD CIVIL ENGINEERING (STEVE BOYD)**

OWNER(s): **BIG PIG I INC.**

REQUEST: **Variances in the I-2/I-3 zoning district for a new hotel as follows:**

1) **To allow a maximum building height of 100 ft. in lieu of 50 ft., except 35 ft. within 100 ft. of any residential use or district.**

2) **To allow parking of passenger vehicles in the front 50% of the front yard in lieu of in any required yard except the front 50% of required front yards and portions of the buffer yards.**

3) **To allow a setback of 50 ft. in lieu of the increased setback of not less than 60 ft. along each I-2/I-3 zoning district boundary line which abuts any residential district, for the hotel building.**

4) **To allow a setback of 13 ft. in lieu of the increased setback of not less than 60 ft. along each I-2/I-3 zoning district boundary line which abuts any residential district, for the proposed outdoor patio, pool, pool deck, and dumpster.**

PROPERTY LOCATION: **South side of Challenger Pkwy. and east of Alafaya Tr.**

PARCEL ID: **15-22-31-1218-23-020**

LOT SIZE: **3.047 acres**

NOTICE AREA: **800 FT**

NUMBER OF NOTICES: **301**

DECISION: Recommended **APPROVAL** of the Variance requests #1, #3 and #4, as recommended by staff 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 to Recommended **NOT APPLICABLE** of the Variance request #2, as no longer required, since applicant has modified the site plan to comply with code (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan and elevations dated October 17, 2019 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Approval of this variance is contingent upon the approval by Orange County, Florida, of a re-plat to release the development rights dedicated to Orange County via Note 4 on the plat of Central Florida Research Park Section - IV, recorded in the Public Records of Orange County, Florida, at Plat Book 28, Pages 65 - 72. Such re-plat shall be recorded on or before May 7, 2020, and a mandatory pre-application/sufficiency review meeting for the re-plat shall be required prior to re-plat submittal; the applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the re-plat to the County. In no event shall any development permits or development orders be issued prior to the recording of the re-plat.

SYNOPSIS: Staff gave a presentation of the case, and explained that the property was previously in the CFRP Development of Regional Impact (DRI), and that the Development Order (DO) had expired. Staff further explained that the case had initially gone to the Development Review Committee (DRC), but was then sent to the BZA, as the DO had expired, and DRC could not take action. Staff noted that the previous standards of the DO would have permitted buildings with this height, and also noted that a letter of support had been provided by the CFRP Executive Director.

The BZA inquired of staff why the DO had expired, and if there were other buildings in the CFRP that had the same building height. The BZA also inquired whether this was a self-created hardship, as it was new construction. The BZA then further discussed the intent of the CFRP and the surrounding area near UCF. The applicant confirmed they were in agreement with staff recommendation, and that they had worked extensively with staff to reduce the need for further variances. The applicant explained that the height was required to get to the needed 142 rooms for the hotel. The BZA agreed that the height was needed to attain the highest and best use of the property.

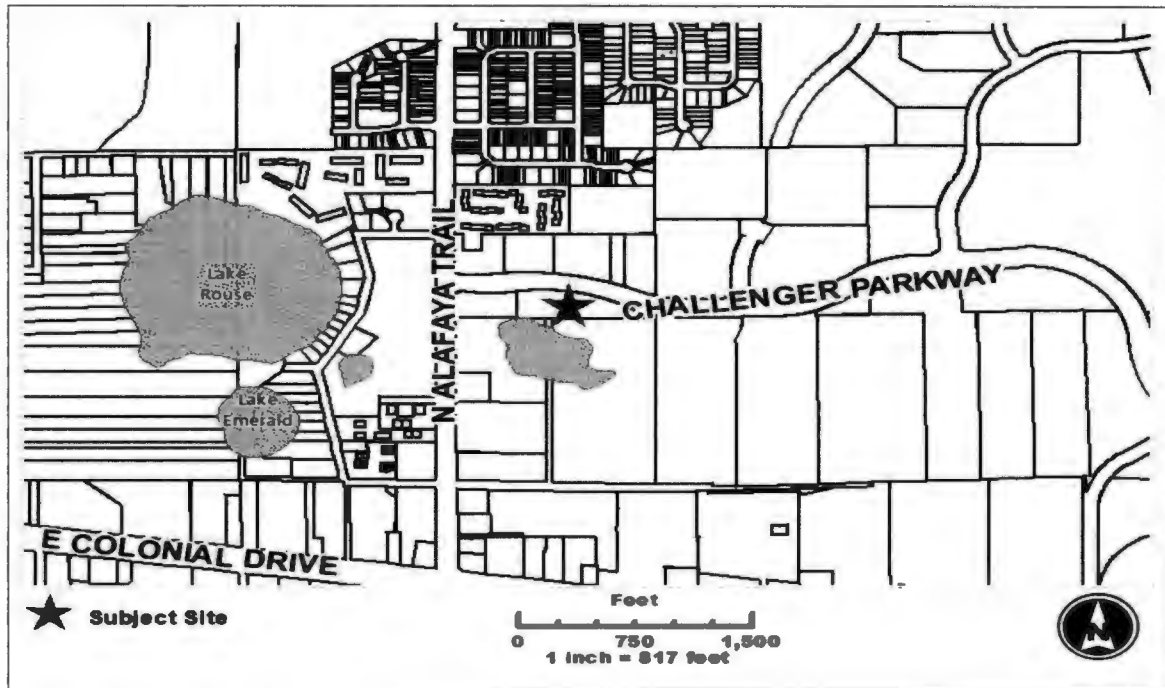
There were no members of the public present to discuss this request. The BZA made a motion to recommend approval of the variances, subject to conditions. The BZA approved the motion unanimously.

STAFF RECOMMENDATIONS

Approval of a lesser variance for Variance # 1 (for a variance of 94 ft. of building height in lieu of 50 ft., except 35 ft. within 100 ft. of any residential use or district), approval of Variance #3, and approval of Variance #4 without the requested dumpster, subject to the conditions listed in the staff report.

Variance # 2 is no longer required, as applicant has modified the site plan to comply with code.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	I-2/I-3	I-2/I-3	PD	I-2/I-3	I-2/I-3
Future Land Use	IND	IND	IND & PD-C/O/ Student Housing/Cons	IND	IND
Current Use	Vacant	Office	Student Housing, Conservation	Office	Restaurant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

This property is zoned I-2/I-3, Industrial Park District, which allows for office, hotel, restaurant, and warehouse uses.

This property is located within the Central Florida Research Park (CFRP). The Central Florida Research Park is a Research and Development Authority, authorized by Florida Statutes, created for the purpose of promoting scientific research and development in affiliation with and related to the research and development activities of a state based, public institution of higher education, in this instance, the University of Central Florida (UCF).

This property was once a part of the Central Florida Research Park Development of Regional Impact (DRI). A Development of Regional Impact, as defined by State Statutes is "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety or welfare of citizens of more than one county". The DRI was established with the original Development Order (DO) approved by the

County in 1984. The Development Order expired in 2013, and because of this, the standards set forth in the DO are no longer applicable, and the standards of the I-2/I-3 zoning district apply.

This parcel is undeveloped and was platted in 1991, as a part of the CFRP Section IV plat, and is part of the CFRP Preliminary Subdivision Plan, which was most recently amended by the Board of County Commissioner’s in 2002. Due to wetlands on the property, a Conservation Area Impact permit to be approved prior to any development, through EPD. Currently, an impact permit is in process with EPD; permit CAI-19-02-005.

The applicant is proposing to build an 111,000 square foot, 8-story, 142-room hotel on the subject property that is 93.08 ft. tall, with an ancillary pool and outdoor patio area. Abutting the parcel to the west is a restaurant. There is a cross access and drainage easement located on the front 30 ft. of the subject property. Initially, the applicant had the parking area within the front 50% of the required front yard, which necessitated variance request # 2. However, the applicant has worked with staff to modify the proposed site plan to move the parking out of this area, and no longer needs variance request number 2. Similarly, the initial height request was for a 100 ft. tall building, but the applicant has reduced the proposed height of the building to 93.08 ft. Due to the reduction of the building height, staff is recommending approval of a lesser variance of 94 ft., and not 100 ft.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	93.08 ft.
Min. Lot Width:	N/A	911 ft.
Min. Lot Size:	N/A	3.047 acres

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	25 ft.	55 ft.
Rear:	60 ft.	51 ft. (hotel) and 13 ft. (pool, deck, outdoor patio)
Side:	25 ft.	220+ ft.

STAFF FINDINGS

VARIANCE CRITERIA

Purpose and Intent

The purpose of the hotel is to serve both the Research Park and the University of Central Florida. The original DRI had an allowance of 700 hotel rooms, and proposed a number of sites within the DRI as hotel. However, to date only one hotel was developed in the former DRI, with a total of 130 hotel rooms. Much of the rest of the former DRI has been developed as offices used for Research and Development, as intended.

The CFRP is a unique entity in that it allows businesses to engage in technology and research transfer with UCF, which is an important institution in the County both socially and economically. The CFRP is also home to many technology and simulation companies. This proposed hotel will serve both the university and the research park, and the proposed 93.08 ft. height will allow the hotel to be built at its maximum floor area ratio (FAR). The FAR

is the measure of the ratio of the building's total floor area to the size of the lot, and is used to put a cap on the allowable floor area of the building. The height increase will allow the hotel to maximize its allowable FAR, and utilize the property to the fullest extent, while also providing open space on the site, a modern design and aesthetic to the research park.

Special Conditions and Circumstances

Under the DRI, the maximum allowable height for buildings was 100 ft. tall. The proposed height of 93.08 ft. is below that, however, as the I-2/I-3 standards now apply, the maximum height is 50 ft. for any building, and 35 ft. within 100 feet of any residential use. There is a student housing complex south of a portion of this property, which necessitates the setback and height variances. That project was approved in 2002 (after the original DRI was approved). This student housing project is developed at a higher density, and the existing buildings are 40 ft. tall and 3 stories. The proposed location of the hotel is not directly adjacent to any of the student housing buildings, but rather is adjacent to existing wetland and vegetation on the student housing parcel.

Both the conventional code, and the original DRI, have enhanced requirements for the separation of industrial uses from residential. The intent of these code setback and height requirements adjacent to residential are due to the nature of uses permitted in industrial districts, which includes manufacturing, outdoor storage of heavy equipment, and warehousing. The use of the property as a hotel would not have the same impact as a typical industrial use. Commercial districts have only a 20 ft. setback requirement from residential, while Planned Developments have a 25 ft. setback, and both of these districts permit hotels.

At the time of the approval under the original DRI, the hotel as proposed could have been built at a setback of 25 ft. from the southern property line, and a height of 100 ft. (as the property to the south was not residentially zoned until 2002).

Today, the proposed setback of 50 ft. for the hotel building is within 10 ft. of the I-2/I-3 code requirements. The 13 ft. setback for the pool and outdoor patio is a larger percentage setback; however, these structures are single story. The impact of the hotel on the existing student housing would be negligible compared to the hotel's impact on other types of residential zoning. Some of the existing vegetation on the student housing would appear to be remaining as it consists of trees (which are required by code). This provides a natural buffer between the two uses. Additionally, the hotel is proposing to put its retention pond immediately next to the student housing buildings, rather than buildings, dumpsters, parking, or the outdoor areas.

Minimum Possible Variance

This property is oddly shaped, as it is curved at the front, which makes it difficult to bring the building forward. It is also a narrow property, as it is only 220 ft. deep at its deepest portion, and 22 ft. deep at its shallowest portion. There is also a 30 ft. drainage and access easement running along the front of the property. The hotel's porte-cochere is built almost to the edge of the easement, so the building is being put as far forward as possible. The easement is to facilitate cross access between the properties, which is a desired goal of the Comprehensive Plan.

With the building being pulled as far forward as possible, and designed as thin as possible, the requested rear setback for the buildings and the outdoor areas are the minimum possible variance. Additionally, the applicant has worked with the staff to reduce parking space size, so that variance request # 2 is no longer needed for the front parking buffer (as originally requested).

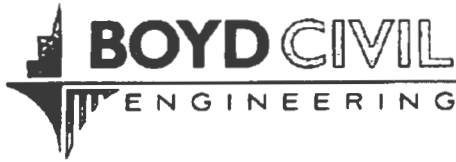
Lastly, the applicant has also worked with staff on relocating the dumpster further away from the residential use, therefore removing necessity including the dumpster in Variance #4, as reflected in staff recommendation, and providing more desirable site planning.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan and elevation dated October 17, 2019 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Approval of this variance is contingent upon the approval by Orange County, Florida, of a re-plat to release the development rights dedicated to Orange County via Note 4 on the plat of Central Florida Research Park Section - IV, recorded in the Public Records of Orange County, Florida, at Plat Book 28, Pages 65 - 72. Such re-plat shall be recorded on or before May 7, 2020, and a mandatory pre-application/sufficiency review meeting for the re-plat shall be required prior to re-plat submittal; the applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the re-plat to the County. In no event shall any development permits or development orders be issued prior to the recording of the re-plat.

c: Steven Boyd
6816 Hanging Moss Rd.
Orlando, FL 32807

COVER LETTER



6816 Hanging Moss Road • Orlando, Florida 32807

407-494-2693 • www.BoydCivil.com

September 10, 2019

Mr. Nick Balevich
Orange County Zoning Division
201 South Rosalind Ave, 1st Floor
Orlando, FL 32801

Re: Request for Variances from I-2 / I-3 Performance Standards (Sec. 38, Article VII, Division 9)
Central Florida Research Park Section 4 Plat Book 28 Page 65 Block 23 Lots 1 and 2
(Parcel IDs 15-22-31-1218-23-010 and 15-22-31-1218-23-020)

Dear Mr. Balevich:

This request is associated with the proposed development of a 142 room Staybridge Suites Hotel on the subject property. The hotel will support the need for additional hotel rooms resulting from the continued success and growth of the Central Florida Research Park (CFRP). The CFRP has reviewed the proposed development plan and has provided a letter of support which is included as one of the supporting documents.

The Parcels included in this application are Lots 1 and 2 within the Central Florida Research Park Section IV Master Plan. These lots were platted through Central Florida Research Park Section -IV Plat, Plat Book 28, Page 66, Block 23, Lots 1 and 2 and area zoned I-2 / I-3.

Although the zoning is I-2 / I-3, the current Development Standards for Lots 1 and 2 were originally defined in the Central Florida Research Park- Section IV Master Plan as approved by Orange County (See Exhibit 4A).

As part of the development approval process for the proposed site plan(See Exhibit 6A), Orange County Zoning Dept Staff required a submittal to DRC to amend the previously approved Master Plan to allow for the requested changes to the development standards. Upon DRC review of the request, it was determined that the prior Development Order for the Central Florida Research Park Section IV had expired and as a result, the application for revised development standards needed to be submitted as a variance application through BZA.

Although DRC deferred the requested changes to BZA, County Staff has previously reviewed the requested changes and stated in DRC that there were no technical objections to the requested development standard changes.



COVER LETTER

Mr. Nick Balevich
September 10, 2019
Page 2

This variance request is summarized below. Please refer to the attached supporting narrative for a complete description of the request, explanation of need and supporting information.

- Section 38-981 (1):** Request a Maximum Floor area ration (FAR) of 0.81 in lieu of 0.75.
- Section 38-981 (6):** Variance Request is to modify the requirement of Section 38-981(6) to reference the 50ft. setback form the natural surface water body in the post development condition.
- Section 38-981 (7):** Maximum building height: Ninety Five (95) feet. In lieu the requirement of Fifty (50) feet, except thirty-five (35) feet within one hundred (100) feet of any residential use or district.
- Section 38-981 (11):** Request a Waiver of the requirement of Section 38-981(11).
- Section 38-981 (12):** Request a Waiver of the requirement of Section 38-981(12) for any structures associated with the swimming pool including shade structures, or other landscaping or hardscape elements that are not associated with the primary structure.
- Section 24-4 (a)(3)(d)(1):** A landscaped area shall be provided between all buildings and the public right-of-way and along the primary facade. (1) The landscaped area shall be equal to the full linear length of the building base oriented toward the public right-of-way and have an average depth of 12 ft. in lieu of a minimum depth of eight (8) feet.
- Section 24-5 (a)(2):** Request a Waiver of the requirement of Section 24-5(a)(2).

The following required and supporting information is included with this submittal:

- I. Application Documents:
 - a. BZA Variance Application
 - b. Agent Authorization Form
 - c. Orange County Specific Project Expenditure Report
 - d. Relationship Disclosure Form
 - e. Check for Application Fee of \$638

- II. Narrative Variance Request Description and Statement of Need

- III. Exhibits:
 - Exhibit 1– Property Location Map with Surrounding Uses and Zoning
 - Exhibit 2 – Parcel ID Cards
 - Exhibit 3 – Existing Overall CFRP Master Plan
 - Exhibit 4A – Existing CFRP Section IV Master Plan with Existing Development Standards
 - Exhibit 4B – Proposed CFRP Section IV Master Plan Amendment as Presented to DRC

COVER LETTER

Mr. Nick Balevich
September 10, 2019
Page 3

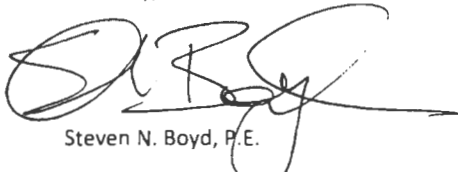
Exhibit 5 – Boundary and Existing Conditions Survey
Exhibit 6A – Proposed Site Plan and Development Standards
Exhibit 6B – Proposed Site Plan with Aerial of Surrounding Properties.
Exhibit 7 - Building Frontage Landscape Area
Exhibit 8 – Proposed Change to Lot Line separating Lots 1 and 2.
Exhibit 9 – Letter of Support from CFRP
Exhibit 10 – Building Elevation

A CD ROM is attached with PDF copies of this cover letter and the supporting documents listed above.

We look forward to working with you during the review and processing of this application with a public hearing scheduled for November 7, 2019 in accordance with the published BZA schedule.

Please contact me with any questions or concerns.

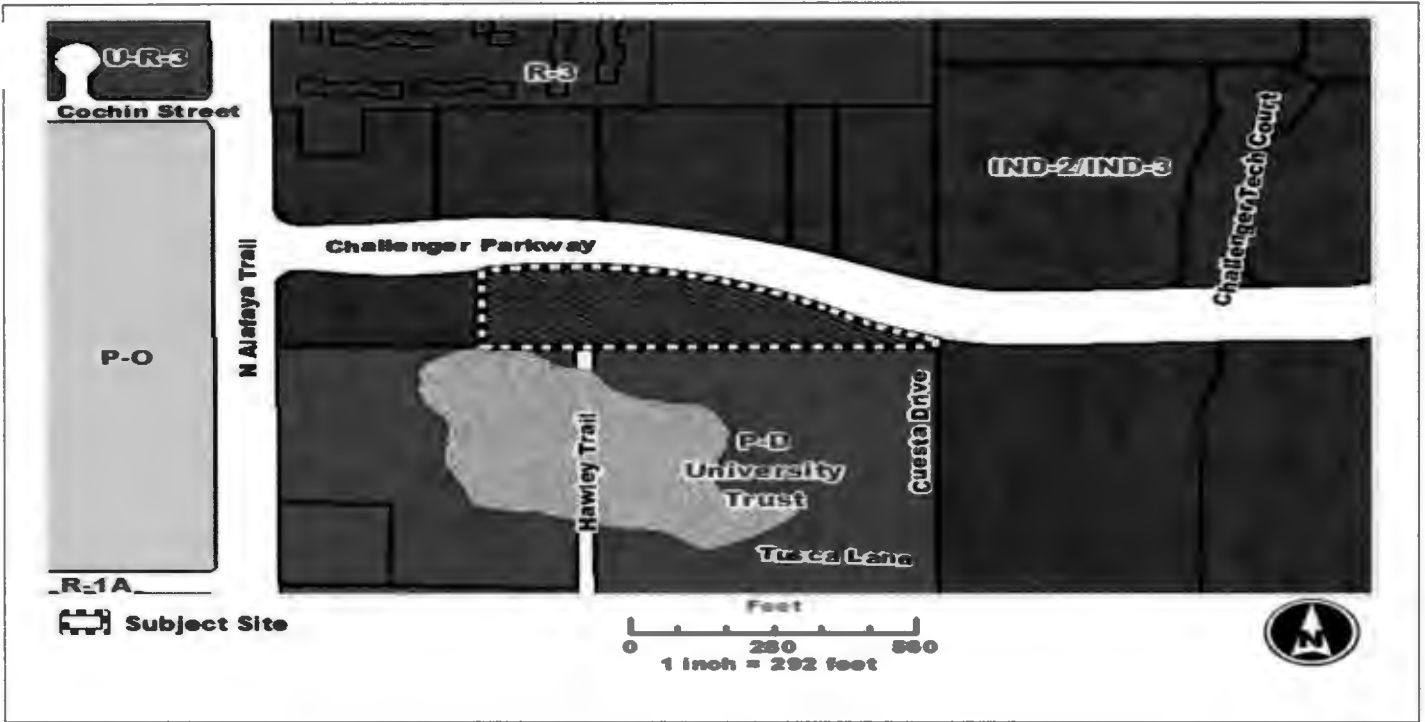
Sincerely,



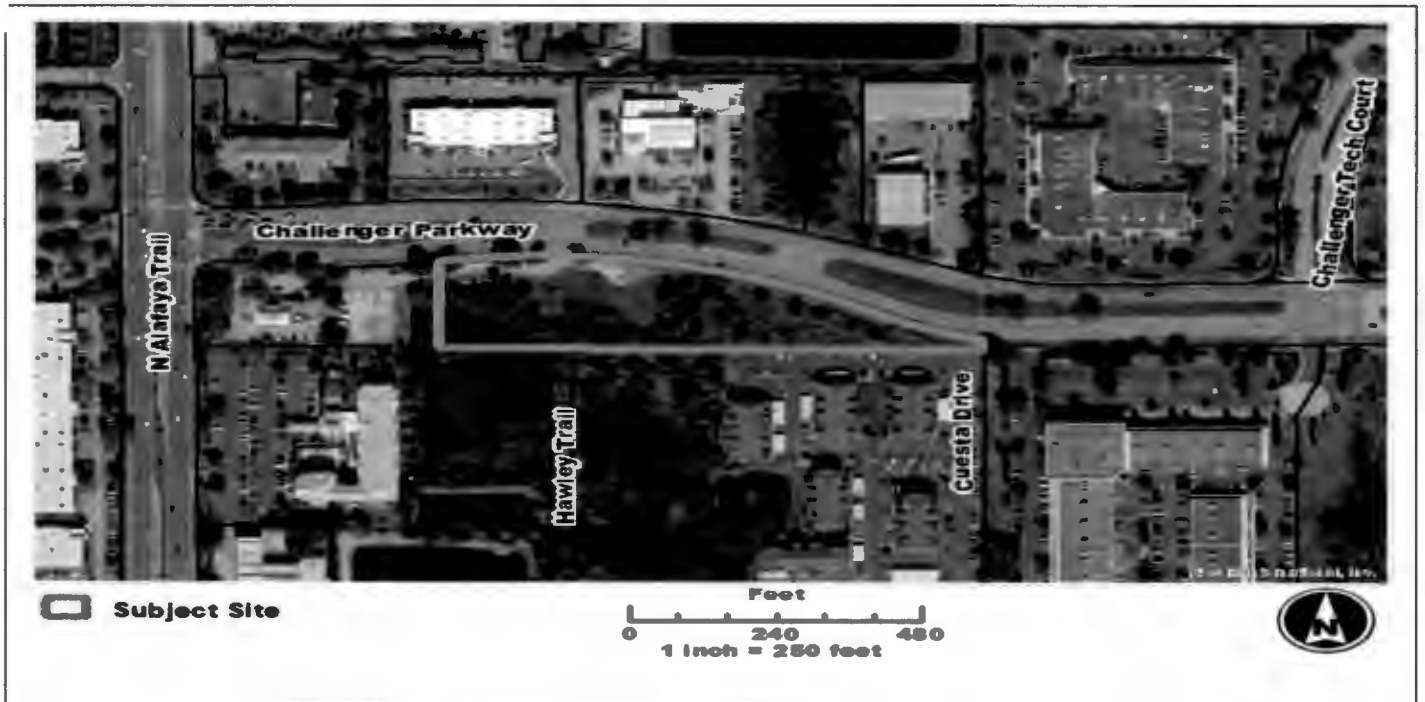
Steven N. Boyd, P.E.

Cc: Martin Yousef
Sam Meiner
Terry Marks
Joe Wallace

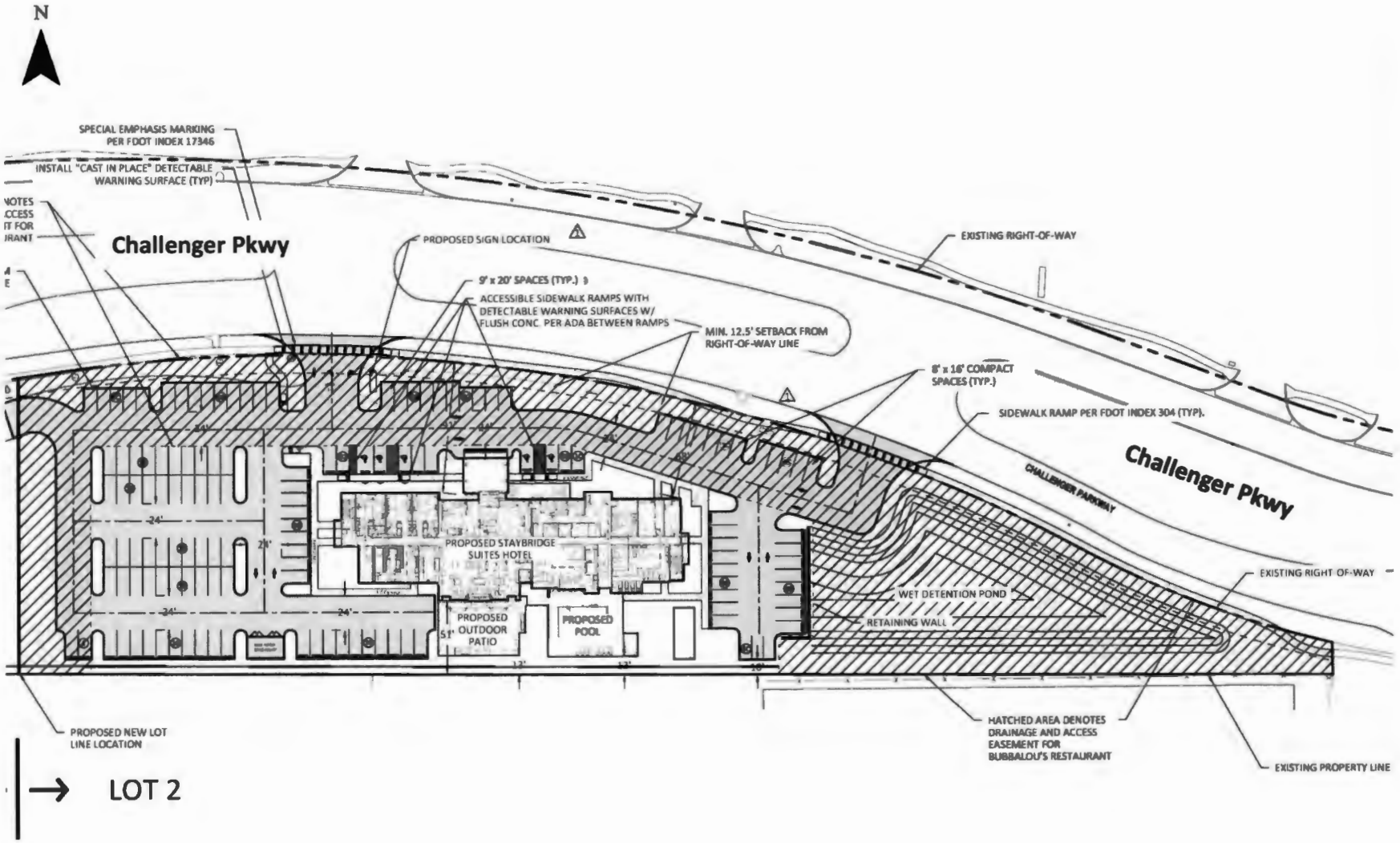
ZONING MAP



AERIAL MAP



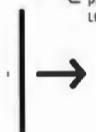
SITE PLAN



NOTES ACCESS IT FOR RIRANT

4 E

D



LOT 2

SPECIAL EMPHASIS MARKING PER FDOT INDEX 17346

INSTALL "CAST IN PLACE" DETECTABLE WARNING SURFACE (TYP.)

Challenger Pkwy

PROPOSED SIGN LOCATION

EXISTING RIGHT-OF-WAY

9' x 20' SPACES (TYP.)

ACCESSIBLE SIDEWALK RAMP WITH DETECTABLE WARNING SURFACES W/ FLUSH CONC. PER ADA BETWEEN RAMP

MIN. 12.5' SETBACK FROM RIGHT-OF-WAY LINE

8' x 16' COMPACT SPACES (TYP.)

SIDEWALK RAMP PER FDOT INDEX 304 (TYP.)

Challenger Pkwy

PROPOSED STAYBRIDGE SUITES HOTEL

PROPOSED OUTDOOR PATIO

PROPOSED POOL

WET DETENTION POND

RETAINING WALL

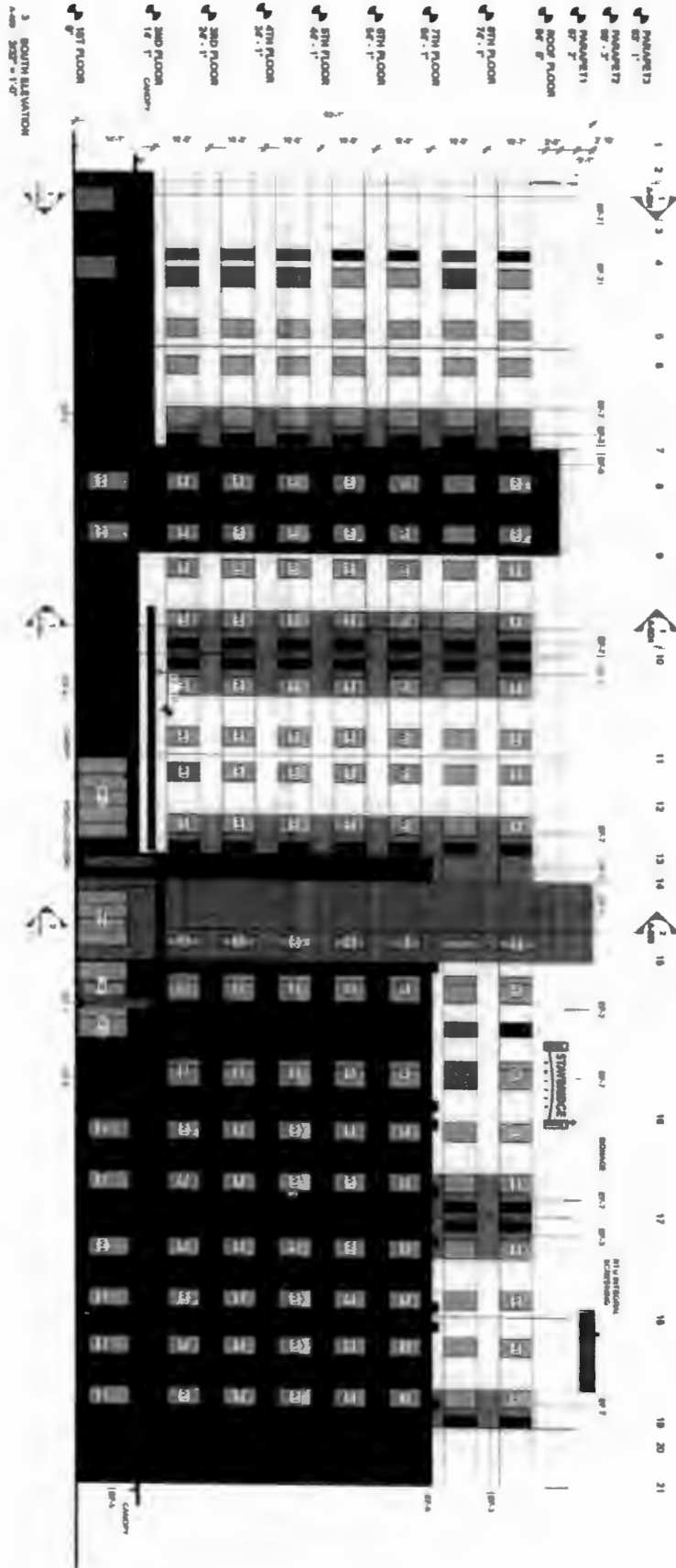
EXISTING RIGHT OF-WAY

HATCHED AREA DENOTES DRAINAGE AND ACCESS EASEMENT FOR BUBBALOUL'S RESTAURANT

EXISTING PROPERTY LINE

CHALLENGER PARKWAY

FRONT (NORTH) ELEVATION



SITE PHOTOS



View of property from opposite site of Challenger Parkway, facing south, looking at existing driveway.



View of property from opposite site of Challenger Parkway, facing southeast.

SITE PHOTOS



View of property from front property line, facing southeast.



View from property, facing south, looking at abutting student housing.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 07, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-11-126**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): **ALTHEA COLLINSWORTH**

OWNER(s): **ALTHEA COLLINSWORTH**

REQUEST: **Variances in the A-2 zoning district as follows:**

- 1) **To allow a rear setback of 39 ft. in lieu of 50 ft. for a 504 sq. ft. addition to the rear of the house.**
- 2) **To allow a lot size of 0.33 acres in lieu of 0.5 acres.**

PROPERTY LOCATION: **3112 Evelyn Scott Street, Apopka, Florida, 32712, west side of Evelyn Scott St., north of E. Ponkan Rd.**

PARCEL ID: **21-20-28-0032-01-050**

LOT SIZE: **107 ft. x 135 ft. / .333 acres**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **56**

DECISION: Recommended **APPROVAL** of 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; 5-0, 1 abstained, and 1 absent):

1. **Development in accordance with the site plan dated September 17, 2019, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.**

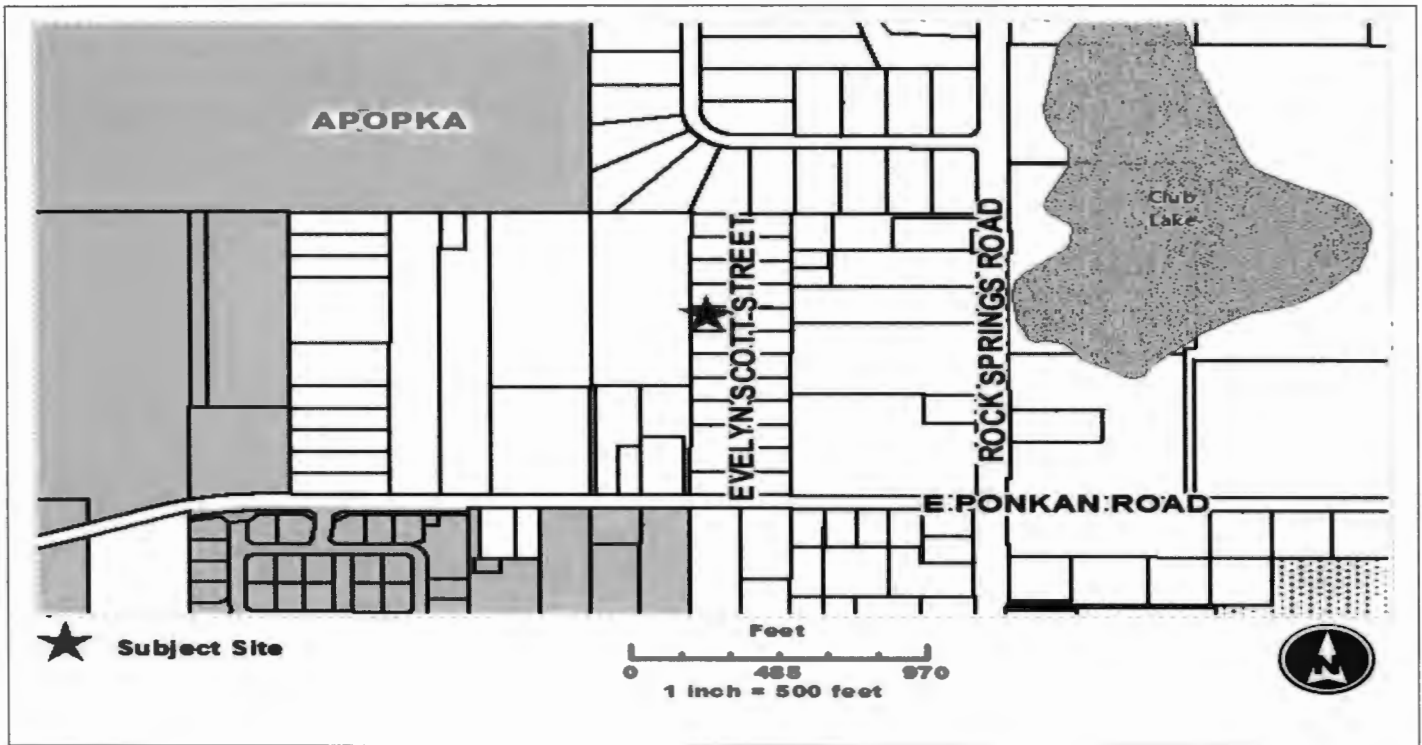
SYNOPSIS: Staff gave a presentation on the case covering the location of the property, the site plan, and photos of the site. The applicant was present and agreed with staff's recommendation. The BZA felt that the case was straightforward. Staff received 2 commentaries in favor of the application, and none in opposition to the application.

There were no members of the public present to discuss this request. The BZA made a motion to recommend approval of the variances, subject to conditions. The BZA approved the motion unanimously.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	A-2	A-2	A-2	A-2
Future Land Use	LDR	LDR	LDR	LDR	RS 1/1
Current Use	Single Family Residence	Single Family Residence	Single Family Residence	Single Family Residence	Single Family Residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is located in the A-2 Farmland Rural zoning district, which allows agricultural uses, mobile homes, and single-family homes with accessory structures on larger lots.

The subject property was platted in August of 1957, and the A-2 zoning was subsequently established on October of 1957, rendering these lots nonconforming. Because the lot existed prior to zoning, it is considered to be a nonconforming lot of record. There is a 1,344 sq. ft. single family home on the lot, which was constructed in 1983. The applicant purchased the property in 2004, and permitted & installed a metal shed in 2009.

The property is located in the Ahern Park Plat, which is comprised of single family homes, all on 0.33 acre lots.

The applicant is proposing to convert an existing 12 ft. x 30 ft. patio (with a metal roof) into an enclosed livin space, and to add another 12 ft. x 13 ft. to make the addition even with the side wall of the existing house, for a total of 504 additional square feet. This addition cannot be installed on either side of the house, as both sides contain bedrooms without a location for a hallway to access a proposed addition.

The adjacent neighbors have submitted letters of no objection to the request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	12 ft.
Min. Lot Width:	100 ft.	107 ft.
Min. Lot Size:	0.5 acres	0.33 acres

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	35 ft.	44 ft.
Rear:	50 ft.	39 ft.
Side:	10 ft.	24 ft./40 ft.

STAFF FINDINGS

VARIANCE CRITERIA FOR VARIANCE #1

Special Conditions and Circumstances

The subject property is zoned A-2, and has been since the initial zoning designation in October of 1957, however the size and dimensions of the lots in the subdivision are more suited to R-1 or R-1A zoning, which have 25 ft., and 30 ft. rear setbacks respectively. Therefore, if the property had one of those zonings, then the variance would not be needed. Also, due to the layout of the existing house, the addition cannot be installed on either side of the house, as both sides contain bedrooms without a location for a hallway to access a new room, other than through an existing bedroom.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to install an addition that would be allowed in other zoning districts with similar sized lots.

Minimum Possible Variance

This is the minimum possible variance to allow the addition to the house, when there is no other place on the property that could be utilized in these circumstances.

Purpose and Intent

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.

VARIANCE CRITERIA FOR VARIANCE #2

Special Conditions and Circumstances

The subject property was platted in 1957. All lots in the subdivision are 0.33 acres in lieu of the required 0.5 acres.

Not Self-Created

The need for the variance is not self-created, as all lots in the subdivision were platted at this size.

No Special Privilege Conferred

All lots in this subdivision have the same dimensions and are 0.33 acres.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to keep an existing house on an existing platted lot.

Minimum Possible Variance

This is the minimum possible variance to allow the house to remain, and the lot to be utilized.

Purpose and Intent

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.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated September 17, 2019, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Althea Collinsworth
3112 Evelyn Scott St.
Apopka, FL 32712

COVER LETTER

Fred and Althea Collinsworth
3112 Evelyn Scott St,
Apopka, FL 32712

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

Sept.11, 2019

To Whom it may concern,

We are asking for a variance to be able to convert the existing patio into a room addition.

Our property, located at 3112 Evelyn Scott St, is zoned A2 Agriculture. It is defined as being a minimum of 1/2 acre with a rear setback of 50 feet, a front setback of 35 feet and the sides at 10 feet. (Orange County Code Section 38-1501. Basic Requirements", Attached)

The actual Plat size of all the lots on our street is 1/3 acre. 7262 Square feet less than the minimum size defined. (Survey and plat maps included)

The house and patio were built in 1983 and is currently 1344 sqft.

The house is positioned 44.2 feet from the front lot line, 24.4 feet from the right (north) property line, 31.3 feet from the left (south) property line and 52 feet from the rear property line.

The existing patio is currently 40 feet from the rear property line.

A precedence has already been set that allows for this same type of variance with the property located at 3135 Evelyn Scott St. Please refer to VA-16-04-016. It now has a house of 2200 sqft under roof.

The property behind ours is privately owned. The part of that property directly behind us is old growth woods. Their house is not visible from our house and the room addition will not be visible to them. In fact, our permitted metal building blocks their view to our house and the planned room addition.

Our plan is to enclose the patio and extend it to be even with the right side of the house. Adding an additional 504 square feet to the existing 1344 square feet of living space.

The room addition will be used as my art studio allowing me the room to do my art.

COVER LETTER

We cannot add a room addition on either side of the house due to the layout. The North side has a bedroom, bathroom and garage. The South side has two bedrooms and a bathroom. Neither one has a place for a door or hallway to access another room unless we go through one of those bedrooms or turn a bedroom into a hallway. That would eliminate one of the bedrooms.

We feel we are being deprived of our rights to enlarge our home to suit our needs because we are zoned A2 with the setback allowance of 50 feet. Which does not apply to a lot of .33 acres. The setback allowance for A2 agriculture, is as I understand, to prevent contamination of a natural water area or a preservation area. Neither of which borders our property.

For all of the reasons stated above we ask that this variance be granted.

Sincerely,

Althea Collinsworth
Althea324@cfl.rr.com
407-739-2075

COVER LETTER

BZA case VA-19-11-126

In Accordance with Section 30-43 (3) of the Orange County Code the following qualifications have been met.

Special Conditions and Circumstances

Our property, located at 3112 Evelyn Scott St and all other lots on this street were Platted and Zoned as A2. Which is supposed to have lots a minimum of 1/2 acre in size. None of the properties on this street are larger than 1/3 acre. But all are governed by the A-2 description of a 50 foot set back from the back property line.

Not Self-Created

We did not re-plot this property. We did not create the wrong size of the property. It is over 7000 square feet smaller than the minimum A-2 size described. Which has caused the need for the variance. If the Property was the 1/2 acre as described we would not need the variance to be able to build the room addition.

No Special Privilege Conferred

We will not be receiving any special privilege. The property located at 3135 Evelyn Scott Street, about 4 properties north of our location, has been granted a variance, (*Refer to VA-16-04-016*), for the same reason we are asking for ours. I have attached a copy of their request.

Deprivation of Rights

To not grant this variance would indeed deprive us of our right to use our property to improve our house. We cannot build onto either side of the house nor on the front, due to the layout. The only way to increase the size of our house is to build on the back or build a second story. Stairs at our age is not an option. To deny our request would also discriminate against us because a precedence has already been set that granted a variance to the rear setback allowance. That property has a new structure built that is closer to the rear property line.

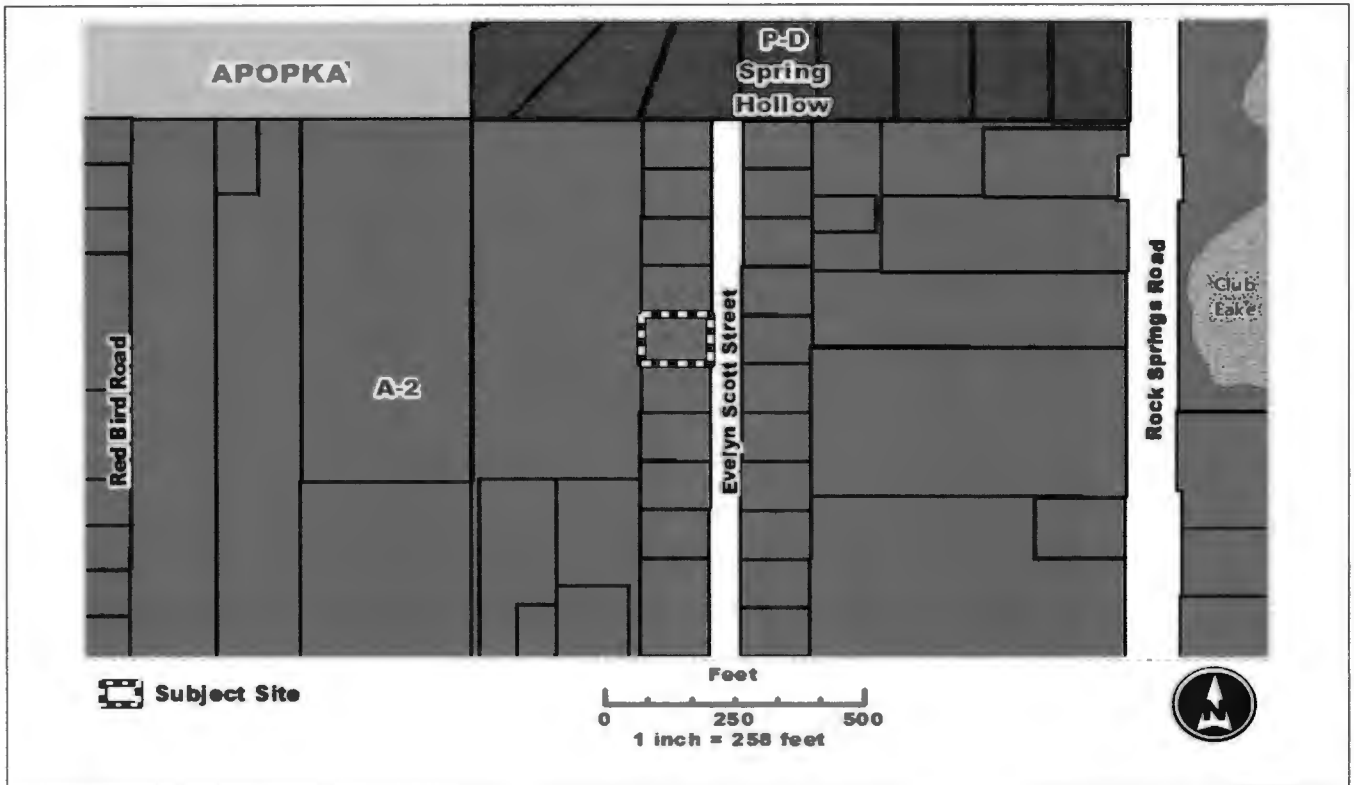
Minimum Possible Variance

The proposed room addition will add 504 square feet to the existing structure. It will enclose the existing screened patio which is currently 12 feet wide. That slab measure 40 feet from the back-lot line. By enclosing the patio, the room will be 10 feet into the set-back allowance.

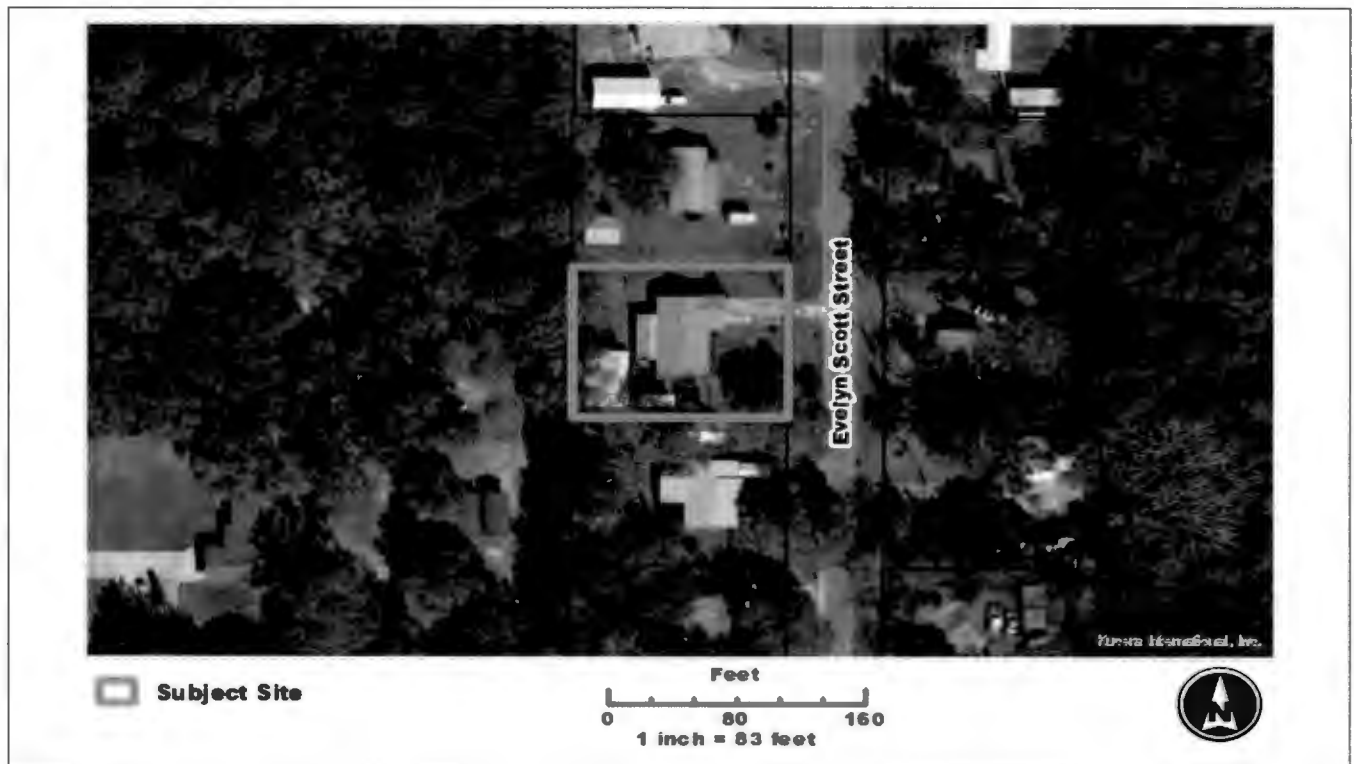
Purpose and Intent

The room will be used as my art studio. The room addition will not only add square footage to our house but it will improve the property and structure. The addition will be constructed out of concrete blocks and a new metal roof will be added to the entire house. Which will improve the durability against hurricane force winds.

ZONING MAP



AERIAL MAP



AT

NOT PLATTED

N 00°07'06" E 107.57' (M)
N 00°08'00" E 107.60' (P)

PD 4746' CM
NO ID



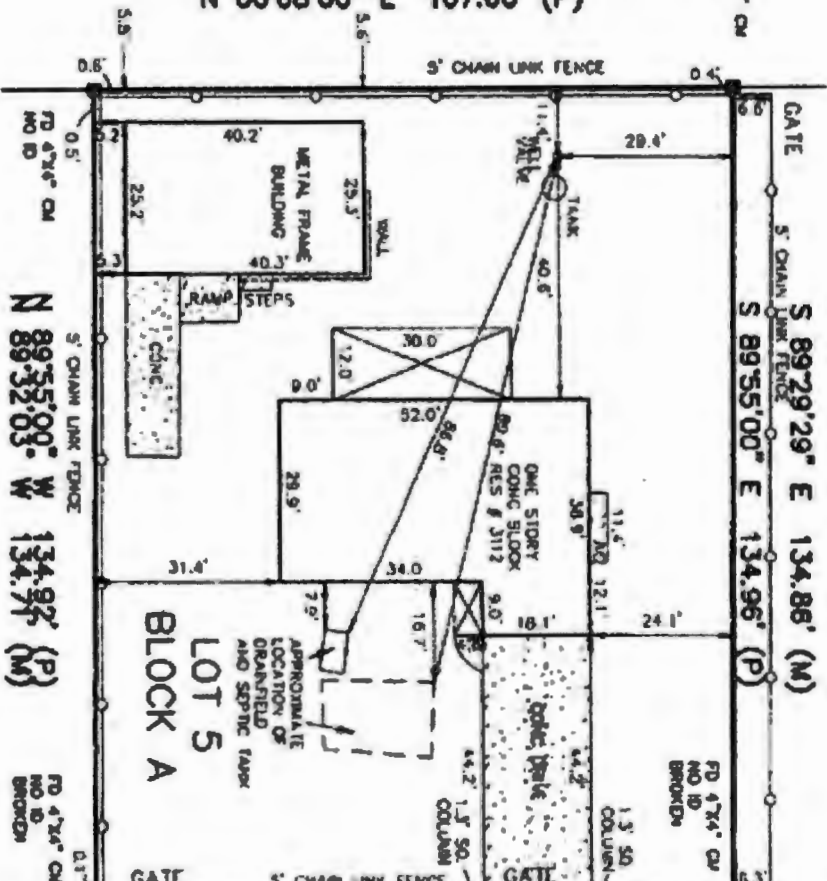
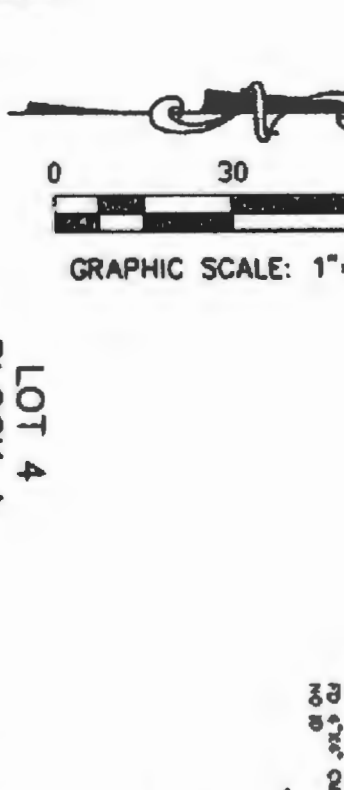
0 30 60



GRAPHIC SCALE: 1"=30'

LOT 4
BLOCK A

PD 4746' CM
NO ID



LOT 6
BLOCK A

N 89°35'00" W 134.97' (P)
N 89°32'03" W 134.97' (M)

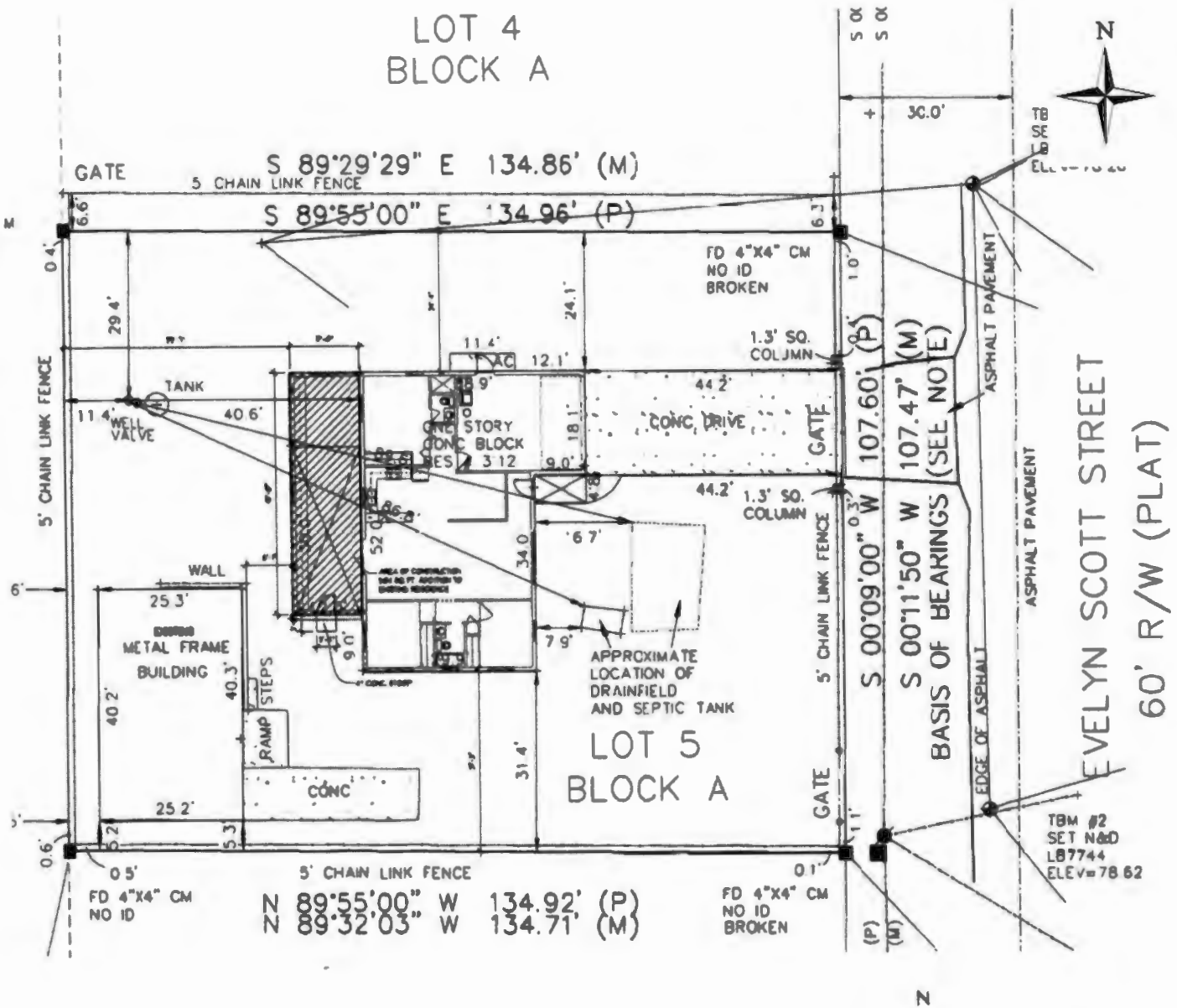
PD 4746' CM
NO ID
BROKID

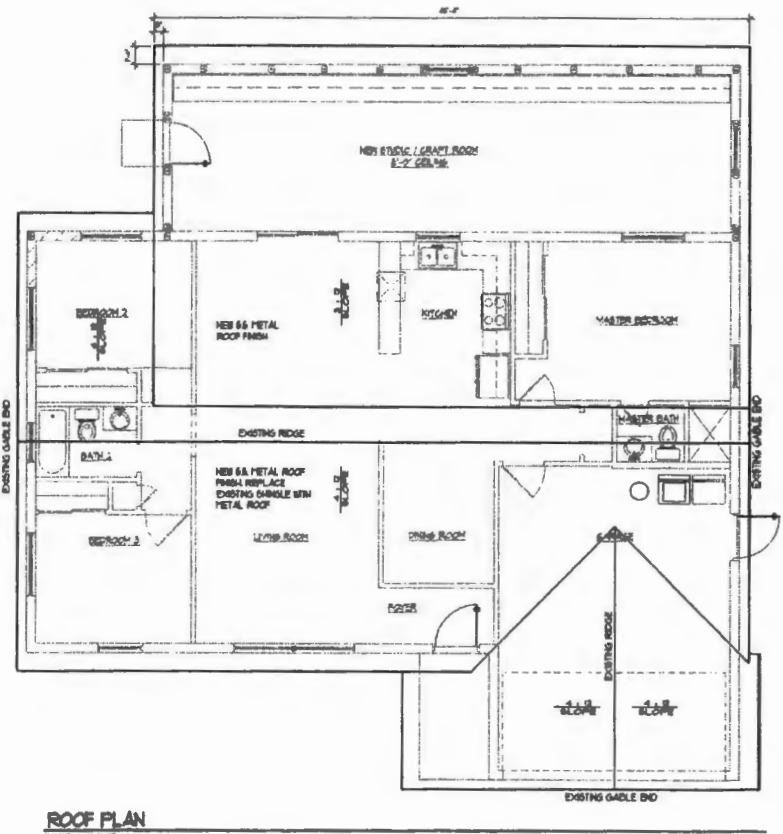
S 00°09'00" W 107.60' (P)
S 00°11'50" W 107.47' (M)
BASIS OF BEARINGS (SEE NOTE)

S 00°09'00" W 107.60' (P)
S 00°23'44" W 107.63' (M)
S 00°09'00" W 107.57' (P)
S 00°19'39" W 107.96' (M)

EVELYN SCOTT STREET
60' R/W (PLAT)

SITE PLAN





ROOF PLAN
SCALE: 1/4" = 1'-0"

SEE VENT/ROOF CALCULATIONS
 ROOF AREA: 5448 SQ. FT.
 TOTAL AREA: 4341 SQ. FT. (SHEDDED)
 T. L. AREA: 2800 SQ. FT. (NEW 6A METAL ROOF)
 TOTAL AREA: 5448 SQ. FT. (NEW 6A METAL ROOF)

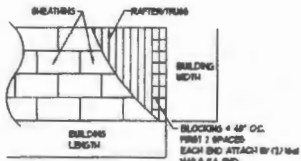
NAILING SCHEDULE

*R024	1 1/2" x 4" x 1/4" DRY JOINTED EXISTING ROOF (SMA. BAYED CH) C. SPACES: 16" BAYED 3" C. 1/4" 1/2" SPACES: 16" BAYED 3" C. 1/4"
-------	--

* 1/2" DIA. 24" BUCKLES @ 4' R.C. (SEE PLAN)

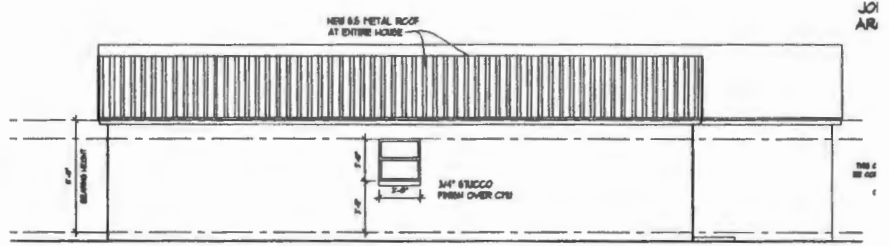
INSULATION VALUES

INSULATION LOCATION	INSULATION TYPE	THICKNESS
ROOF DECK	R-19 POLYSTYRENE	1 1/2"



NOTE: PROVIDE 2x4 ROOF JOIST BRACE PERMANENTLY SETTING WALLS.
 NOTE: PROVIDE 4x4 ROOF DECK BRACE AS PER IBC ATTACHED WITH STRUCTURAL STEEL BOLTS.

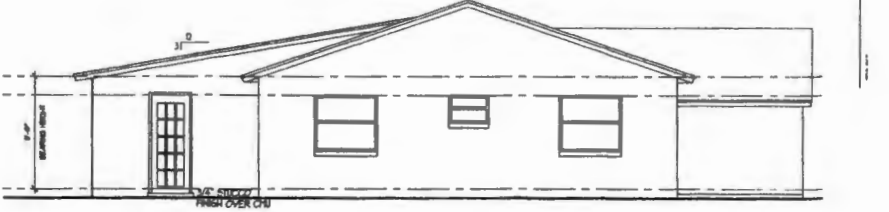
ROOF SHEATHING LAYOUT
R.T.S.



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



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



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

SITE PHOTOS



Front from Evelyn Scott St.



Rear Patio Looking North

SITE PHOTOS



Rear Patio Looking South



Patio from the Rear

SITE PHOTOS



Rear Yard

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV. 07, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-11-127**

Commission District: **#4**

GENERAL INFORMATION

APPLICANT(s): SAFET OMEROVIC

OWNER(s): SAFET OMEROVIC

REQUEST: Variances in the P-D zoning district as follows:

- 1) To allow a 3.92 ft. P-D boundary setback on the east side of the property in lieu of 25 ft.
- 2) To allow a separation distance of 9 ft. between individual dwelling units in lieu of 10 ft.

PROPERTY LOCATION: 11901 Blackheath Circle, Orlando, Florida, 32837, northeasterly corner of Isle of Wright Dr. and Blackheath Cir., approximately .2 miles north of Wetherbee Rd.

PARCEL ID: 22-24-29-8181-00-010

LOT SIZE: .32 acres

NOTICE AREA: 500 FT

NUMBER OF NOTICES: 123

DECISION: Recommended **APPROVAL** of 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 and elevations dated September 13, 2019, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff explained the request, and history of the property, and presented site photos of the property. Staff noted that one person submitted correspondence in opposition, and staff had a phone conversation with another, who supported the request, but failed to note their location.

The applicant was present and indicated their agreement with the staff recommendation. No one was present to speak in favor of the request. One person spoke in opposition, who abutted the rear (north) property line. They opposed the request due to the fact that they thought the home was to be two-stories in height, and would be too close to their property line, creating a fire hazard. Staff clarified that the residence was to be only one-

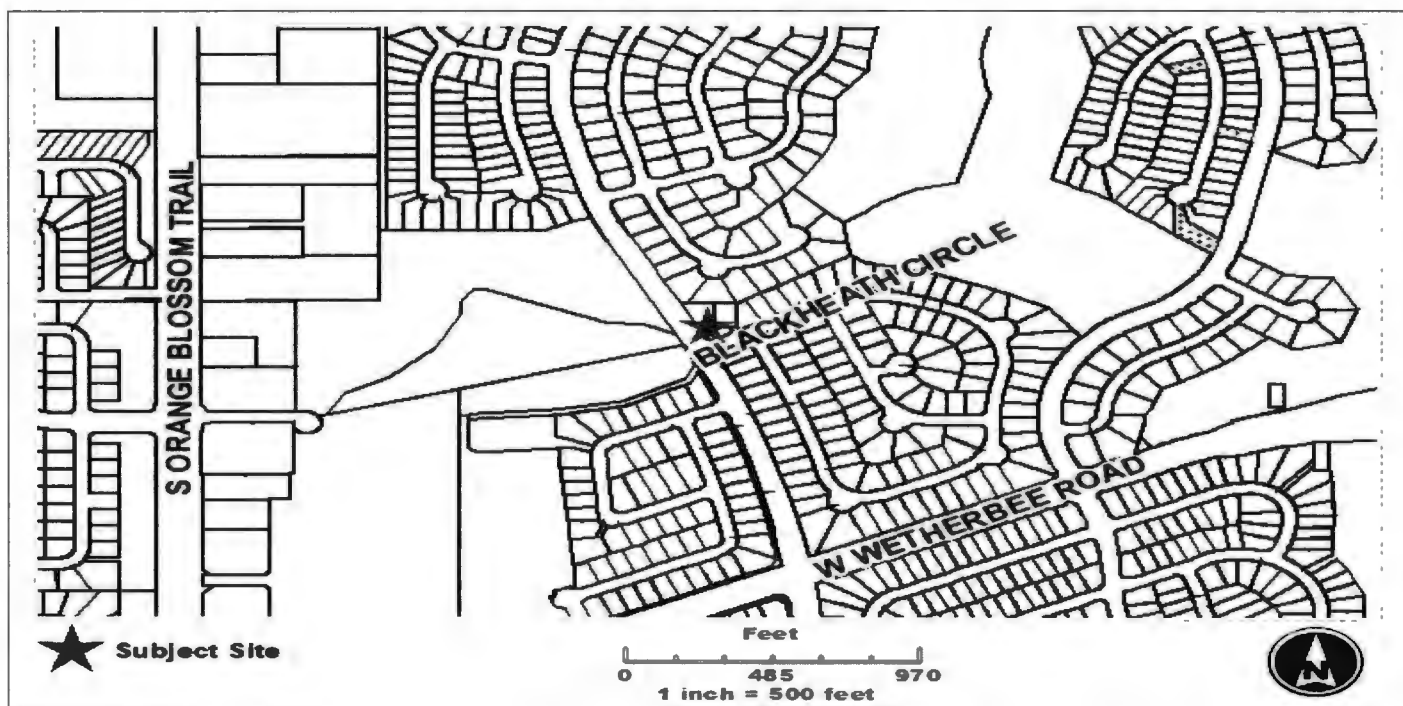
story in height and will meet the rear setback. The applicant explained the history of the home on the R-1 zoned lot which belonged to their mother, and which was where they and their family have been residing for a number of years.

The BZA requested clarification of where the person who submitted correspondence in opposition lived. The BZA concluded that due to the odd shape of the lot, and the location of the bay window on the home to the east. There was no way to develop the home without the requested variances. The BZA made a motion to recommend approval of the variances, subject to conditions. The BZA approved the motion unanimously.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	P-D	P-D	P-D	R-1	P-D
Future Land Use	LDR	LDR	LDR	LDR	LDR & MDR
Current Use	Vacant	Single family residence	Single family residence	Single family residence	Stormwater management pond & wetlands

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is zoned P-D (Planned Development District), and is located within the Southchase P-D. This P-D allows a variety of uses including single-family, multi-family, and commercial.

The subject property is an irregularly shaped lot created through the Southchase Unit 6 plat, recorded in 1989. The lot contains .32 acres of developable land, and is currently vacant.

The applicant wishes to construct a one-story residence containing 3,678 of gross sq. ft. of floor area, including 2,816 sq. ft. of living area and an integrated two-car garage.

The lot abutting the east side of the lot is not a part of the Southchase project, but is a remnant lot from the Flamingo Subdivision, which was platted in 1925. The two-story home on that lot was constructed in 2005, and consists of 3,971 gross sq. ft. of floor area with 3,007 sq. ft. of living area. The lot is zoned R-1, the only lot zoned as such in the area.

The setbacks for the subject property are not typical. The front setback is 20 ft., the rear setback is 25 ft., and the setback from the side street property line is 15 ft. However, for this portion of the Southchase development, the side setback from an interior lot line is between 0 to 10 ft., with a minimum of a 10 ft. separation between individual units. In addition, any lot located on the perimeter of the P-D has a 25 ft. wide perimeter setback requirement. As the lot on the east side is not a part of the P-D, the east side of the lot is considered on a perimeter, and the 25 ft. setback is applied.

The applicant is requesting to reduce the perimeter setback from 25 ft. to 3.92 ft. on the east property line. The home to the east of the R-1 zoned lot was built in 2007, and is not 25 ft. from its west property line. Records indicate that variances were not required prior to development.

The property to the east of the subject property has a bay window on the side of the house which protrudes into the west side of the lot. This protrusion places the side of the new unit within the required 10 ft. separation distance of 9 ft.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	15 ft.
Min. Lot Width:	50 ft.	89 ft.
Min. Lot Size:	5,000 sq. ft.	13,808 sq. ft.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	20 ft.	56 ft.
Rear:	25 ft.	25 ft.
Side:	0-10 ft.	3.92 ft. (9 ft. from adjacent unit)
Side Street:	15 ft.	15 ft.
P-D Perimeter Setback:	25 ft.	3.92 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions and circumstances particular to the subject property are the odd shape of the subject property and the presence of a neighboring property which is not part of the Southchase P-D. Due to the presence of this lot, it forced the designers of the subdivision to create such an odd lot configuration.

Not Self-Created

The applicant purchased the property in 2016. They did not design the subdivision.

No Special Privilege Conferred

Applying the 25 ft. perimeter setback to their uniquely shaped lot would severely limit the buildable area of this lot. Therefore, approval of the variance will not confer a special privilege.

Deprivation of Rights

Without the variances, the applicant will not be able to construct a house of a size and dimension to meet the needs of their family.

Minimum Possible Variance

The applicant has designed the house to match the general appearance of the neighborhood, while still complying with the front, rear and side street setbacks. With regard to the separation distance, the reduction will be imperceptible, and will only be reduced adjacent to the bay window.

Purpose and Intent

The applicant will still have ample lot area open to above, and will have an adequate separation distance to the adjacent home. The requests meet the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan and elevations dated September 13, 2019, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Safet Omerovic
11903 Blackheath Circle
Orlando, FL 32837

COVER LETTER

Safet Omerovic
11903 Blackheath Circle
Orlando, FL 32837
407-948-2407
newhousecfl@gmail.com
9/8/2019

Orange County Zoning Division
Board of Zoning Adjustment
201 S Rosalind Ave, 1st floor
Orlando, FL 32801
BZA@ocfl.net

Dear Orange County Zoning Division:

My name is Safet Omerovic. I'm married and father of two beautiful girls age 11 & 13. As a father and a husband, my responsibility is to take care of my family and provide for them in the best way I can.

After my parents have built their house (11903 Blackheath Circle, Orl. FL 32837) in 2005, I wanted to build or buy a house for my family. That was my dream. We have noticed that nobody was taking care of the vacant lot next to my parents' house and that we should keep an eye on that lot in case sign for sale would come up, it never did. Grass would always get 3'-4' tall before someone would come to cut the grass. It was a bit concerning that nobody cared for the vacant lot but at the same time a bit encouraging that there is a chance maybe one day the lot would be for sale.

In February of 2006, my father passed away on his 52nd birthday. My mother was devastated. She was crushed. She lost her best friend, and they were married for 28 years. At that time of my father's death, I was still living at my parents' house, so now that my father was gone, I could not leave my mother alone, and our dream of owning my own house was on hold. My family decided to stay with my mom until she could comfortably leave alone. My mother was very happy that we stayed with her, my two kids keep grand-daughter mind occupied. Many years passed away, and unfortunately, I was still living at my mother's house with my family.

It was time to find our own house and start creating our memories as a family. Everywhere we looked, it was either very expensive or too far from my mother's house. We didn't want to move too far away, in case she needed something and the best part, we wanted to stay close to the best babysitter in town, the Grandmother. (I come from culture, where you need to take care of your parent's, the way they took care of you when you needed them the most).

COVER LETTER

Orange County Zoning Division

9/8/2019

Page 2

I know for a fact that my mother would like me and my family to stay in her house forever, but she also knew that we needed our own place. To keep us close, she suggested investigating a bit more about the vacant lot next to her house. It's been vacant for a very long, and it would be an ideal place for us to have a house built next to hers. We would be living next to each other but not together. Perfect combination.

After a short period of research, I have found out that the vacant lot was owned by a Church located in Saint Augustine, FL. I have reached out to the Church, explained them I was living next door to the lot, and that nobody is maintaining the property and asks them if they would be willing to sell the property to my family. A few days later, they called me back, with great news, that they are willing to sell the property to us. We agreed on the price, and paperwork preparation started. Couple weeks later we got a call that the church that they can not sell the lot to us, and we should contact previous owners. We tried sending letters, but without success, there were no replies to our inquiries.

After talking to few friends, they suggested checking with the building department (zoning department) if the vacant lot is buildable and if it is, I should consider buying Tax certificate for that property, and couple years later we would have the opportunity to buy the vacant lot. I talked to zoning department back in 2012 and was told that the property is buildable, and they gave me setbacks that I need to follow to be able to build house on the property. After that we purchased few Tax certifications, and in 2016, we were able to buy the property at the Orange County auction.

The vacant lot purchase was the first step toward our dream of owning a home. Because of the odd shape of the lot, we had trouble finding a pre-designed blueprint plan to fit the vacant lot. So finally, we hired a licensed Architect to help us with the project. He suggested to go back to the zoning department in my county and double-check with them setbacks requirements before he starts designing the house. I spoke to a very nice lady that day (unfortunately did not take her business card, so I do not know her name), she gave me setback requirements written on yellow sticky note, that I still have it today. I forwarded setback requirements to our Architect, and he suggested that we should go with two-story house design. My family was fine with that. In December of 2017 the design for the house was done. Unfortunately, a month before that November of 2017, my mother was diagnosed with stage 3 Colon cancer. So, our dream of owning our house was on hold again. I had to take care of my mother, helping her with surgery, going with her to chemo, doctors' appointments. One year of battle with cancer, my mom managed to survive and changed her a lot. She is more cautious'; she is a better Grandma and willing to help more than before.

My mother has seen how much I have sacrificed for her and her health, that she is willing to help me achieve my dream of owning my own home with my family. She suggested that I should start the project again of building the house on the vacant lot. I had explained to my mother that

COVER LETTER

Orange County Zoning Division
9/8/2019
Page 3

finances are not as they used to be before she got sick and that I could not build our already designed house. My mother suggested to talk to the Architect again and to see if it is possible to design a one-story house. One setback requirement was bit unclear for the Architect, so he wanted me to go back to the zoning department and clear the confusion. The confusion was side setback 0'-10' (between my new house and my mothers' house). I spoke with Andrew in zoning department (window #2); he wasn't completely sure, so he had to ask some else to confirm before giving me explanation. He told me that minimum 10' needs to be between the units. I gave the info to my Architect, and it took us almost five months to design the one-story house that would meet setback requirements for the house to fit in the odd-shaped lot.

On August 5, 2019, it was a very exciting day for my family; it was a day that we submitted plans for the review. Now it was a waiting game. Unfortunately, the game did not last very long. A couple of days later we received an email from the zoning department, telling us that the lot is not buildable, that the vacant lot is landscape lot Tract Y, and the setback requirements are not meet. I will be honest with you; I was very angry. I know I asked the right questions before purchasing the property, and I asked questions before designing the blueprint so that I could avoid these issues.

I was able to get an appointment with Taylor Jones (Planner III). He explained to me that whoever gave me info about a lot being buildable and setbacks requirements, that it was a mistake, and that they supposed to check all paperwork, maps, etc... from 1988-89, something about PSP, PD development. I honestly did not understand all details. I only wanted to know what was the next step, what to tell my family how to tell them that our dream is sinking again. Mr. Jones was very nice and polite and told me that he would need some time to investigate a bit further, to see what it can be done and that he will let me know.

On August 16, 2019, we have received an email from Mr. Jones, stating that a lot can be used to build a house, that the Zoning Department was Ok to build the house. Unfortunately, the setback on the side is changed from 0'-10' to 25' to meet PD perimeter. That setback requirement would not work for us. The house plan is already designed according to setbacks requirements that were provided to us by the Zoning Department. The lot is already odd-shaped and that 25' setback makes it impossible to redesign the house plan that would fit on that lot. Mr. Jones suggested applying for the Variance.

I am writing this letter/essay asking you to keep the setback requirements 0'-10' given to me a few times from the Zoning Department in the last few years. Even furthermore it would help if the setback requirement on side street would be 10' instead of 15'. That would help us very much, leaving few extra feet between the units. Your help would be greatly appreciated!

Sincerely,

Safet Omerovic

COVER LETTER

Safet Omerovic
11903 Blackheath Circle
Orlando, FL 32837
407-948-2407
newhousecfl@gmail.com
10/01/2019

Orange County Zoning Division
Board of Zoning Adjustment
201 S Rosalind Ave, 1st floor
Orlando, FL 32801
BZA@ocfl.net

Dear Orange County Zoning Division:

This letter is to address how I will meet the six criteria for granting a variance. And they are:

- ***Special Conditions and Circumstances:***
The vacant lot is very odd-shaped. Adjacent to the only lot that the perimeter is not PD.
- ***Not Self-Created:***
I bought the vacant lot about 3 ½ years ago in the current condition.
- ***No Special Privilege Conferred:***
All other buildable lots are all developed.
- ***Deprivation of Rights:***
Without the variance, it would be very difficult to build a functional house.
- ***Minimum Possible Variance:***
Trying to comply with all other setbacks.
- ***Purpose and Intent:***
There will be the intent lot area open to the above to satisfying code.

I hope this will meet the criteria for granting a variance change. And Thank you for considering to approve the variance change.

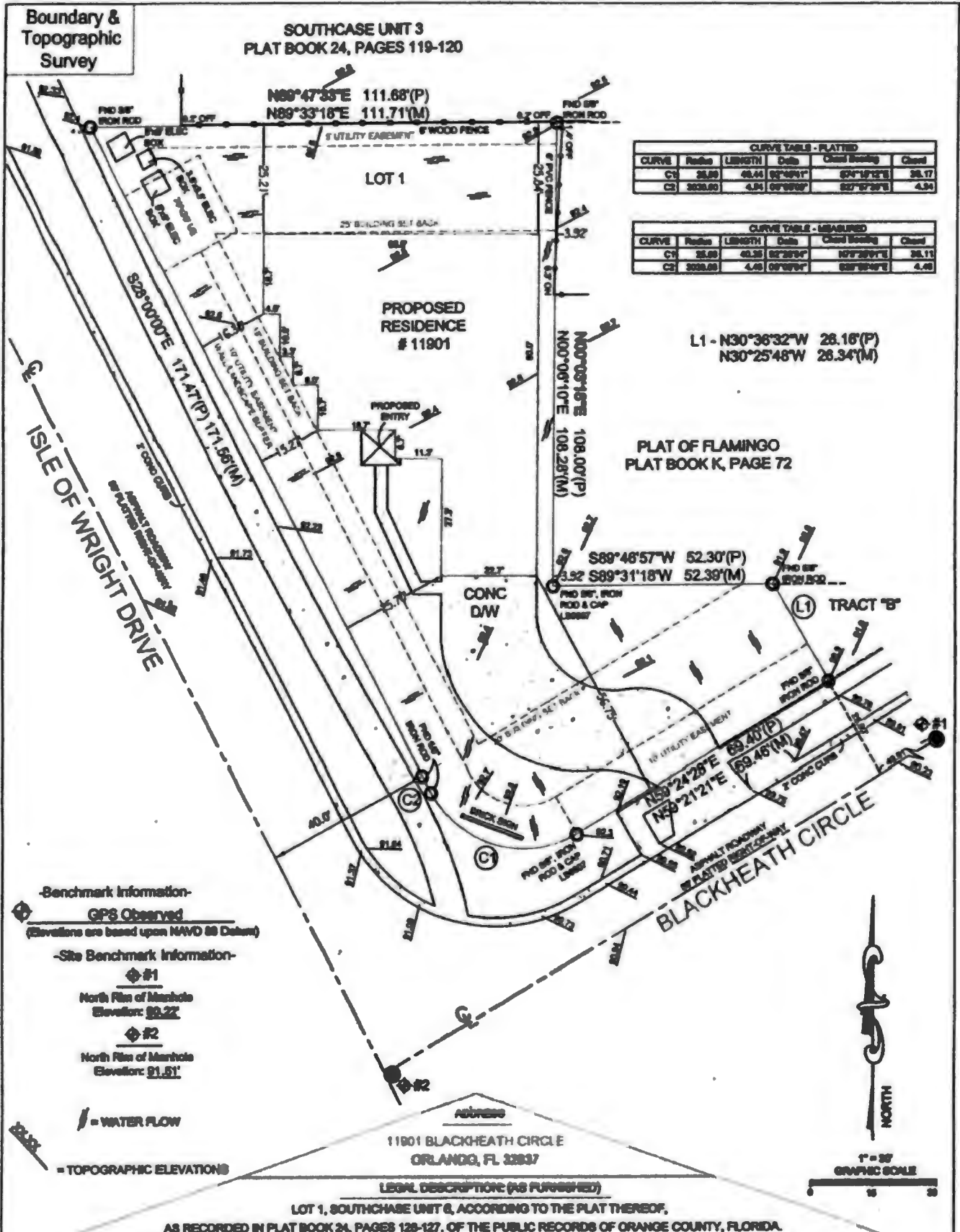
ZONING MAP



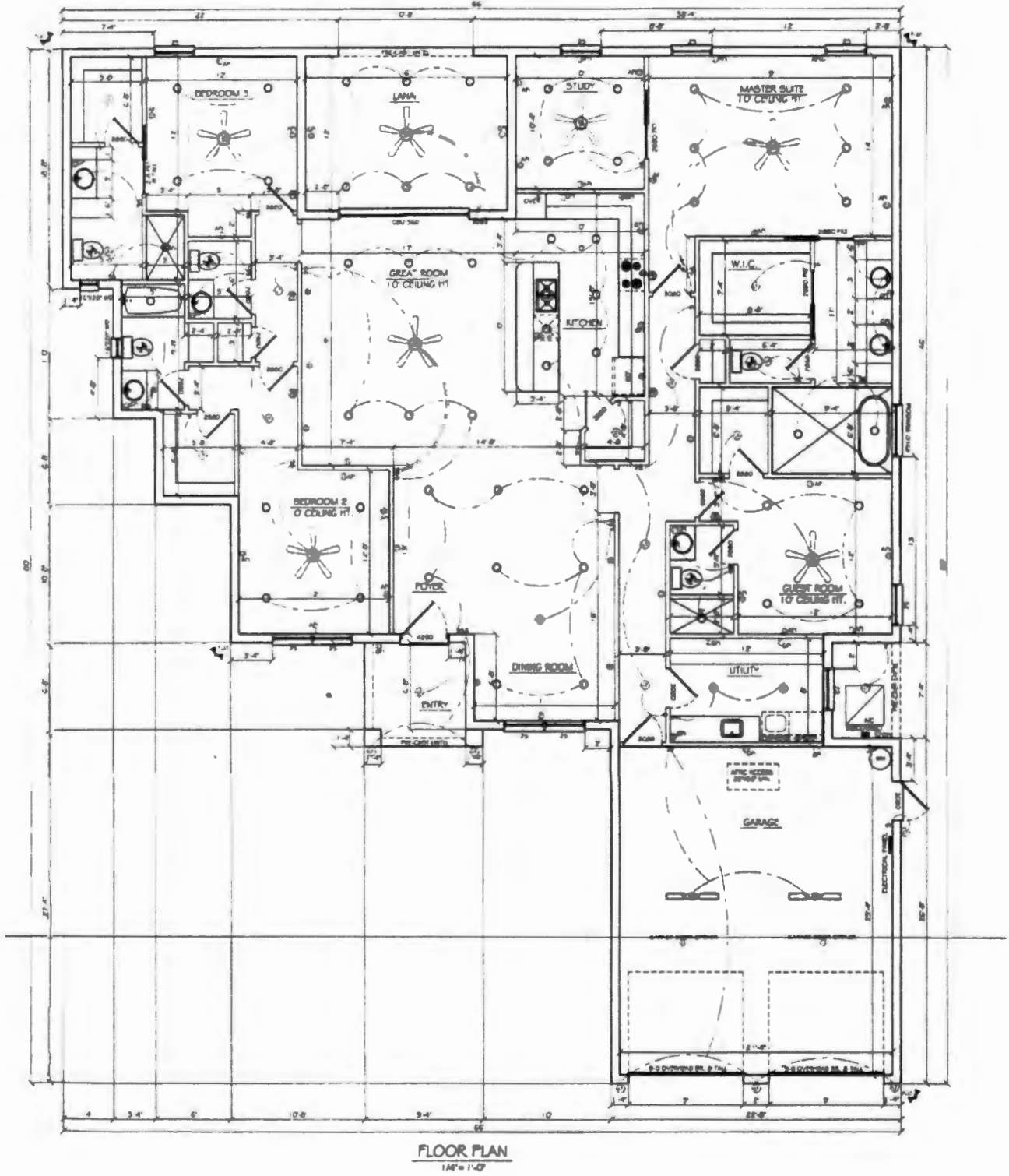
AERIAL MAP



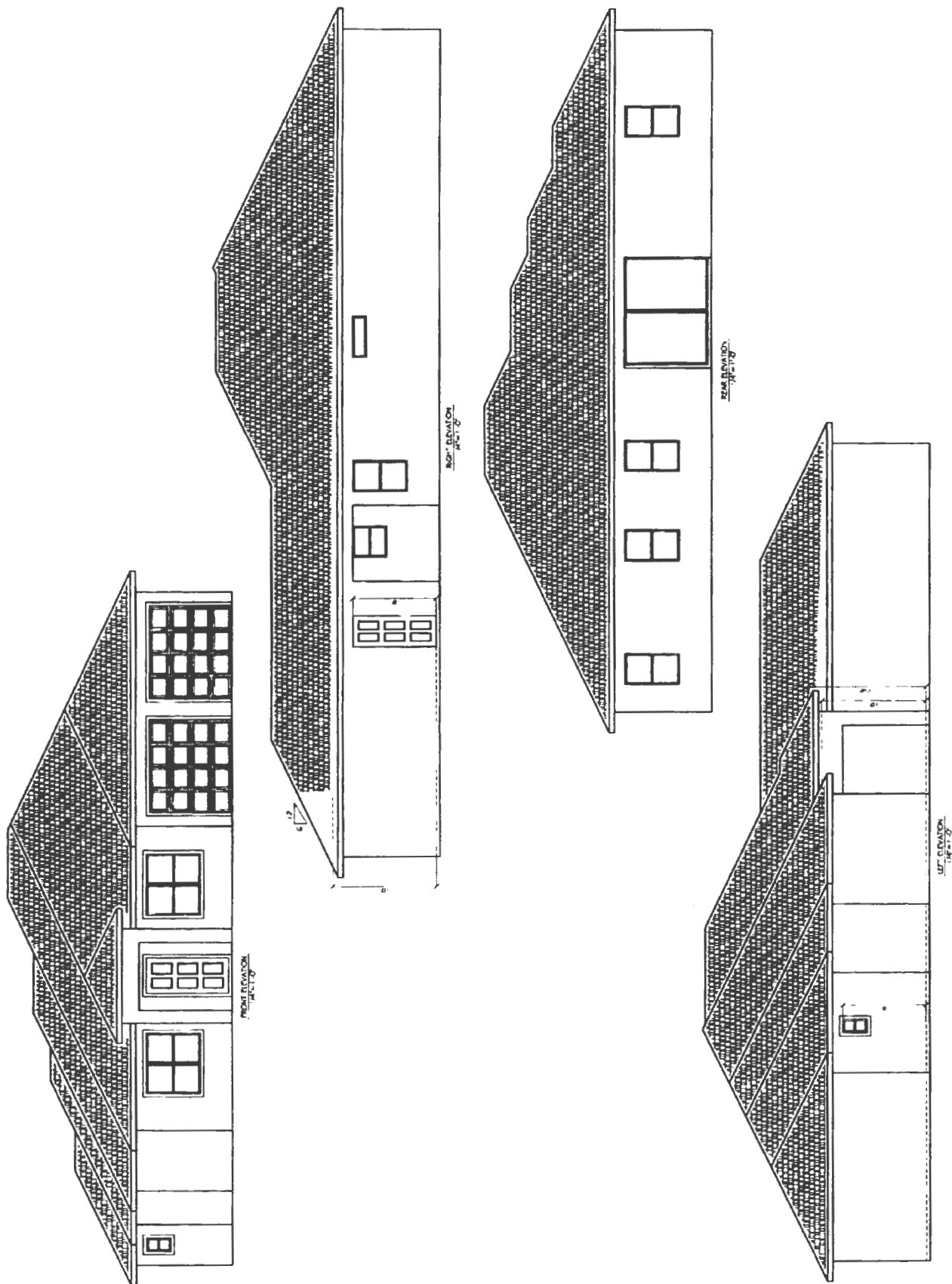
SITE PLAN



FLOOR PLAN



ELEVATIONS



SITE PHOTOS



Subject Property Looking North



Subject Property From Neighbor's Driveway Looking Northwest

SITE PHOTOS



Subject Property Looking Southeast. Bay Window to Left



Close-Up View of Subject Property Looking North

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 07, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-11-128**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): SANDRA VELANDIA

OWNER(s): LEONARDO CERUTTI, SANDRA VELANDIA

REQUEST: Variances in the R-CE & A-1 zoning districts as follows:

1) To allow an existing pole barn 3 ft. from the side (east) property line in lieu of 5 ft.

2) To allow construction of an accessory structure (detached garage) in front of the principal structure in lieu alongside or behind.

PROPERTY LOCATION: 17513 Seidner Rd., Winter Garden, FL 34787, south side of Seidner Rd., approximately 150 ft. west of Williams Rd., on the north side of a westerly cove of Lake Avalon

PARCEL ID: 06-23-27-4296-00-020

LOT SIZE: 122 ft. x 582 ft./1.74 acres

NOTICE AREA: 700 ft.

NUMBER OF NOTICES: 30

DECISION: Recommended **DENIAL** of the Variance request #1, 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, to

Recommended **APPROVAL** of 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 (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated August 16, 2019, 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 County Commissioners 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 the pole barn prior to issuance of the permit for the garage.
5. The shed shall be demolished prior to issuance of the permit for the garage.

- The proposed garage shall be constructed of materials commonly used throughout Orange County for single-family residential construction, such as stucco, brick, vinyl, aluminum or wood for the siding or walls; and shingles, tiles or corrugated metal for the roof.

SYNOPSIS: Staff gave a presentation on the case covering the location of the property, the site plan, and photos of the site. The applicant stated that they are renovating the house, and do not want the garage to block their daughter's window or remove a mandarin tree to utilize an alternate location. The applicant also stated that there would be a significant setback from the road, and that the location was chosen because there are no trees on that part of the property, the trees at the front of the property will block the view, and they are willing to plant more trees.

The applicant informed the BZA that they are willing to move the pole barn, which would eliminate the need for Variance #1.

The BZA confirmed that the neighbors on both sides had written in approval of the proposal, and noted that the applicant was willing to plant more trees, and to move the pole barn.

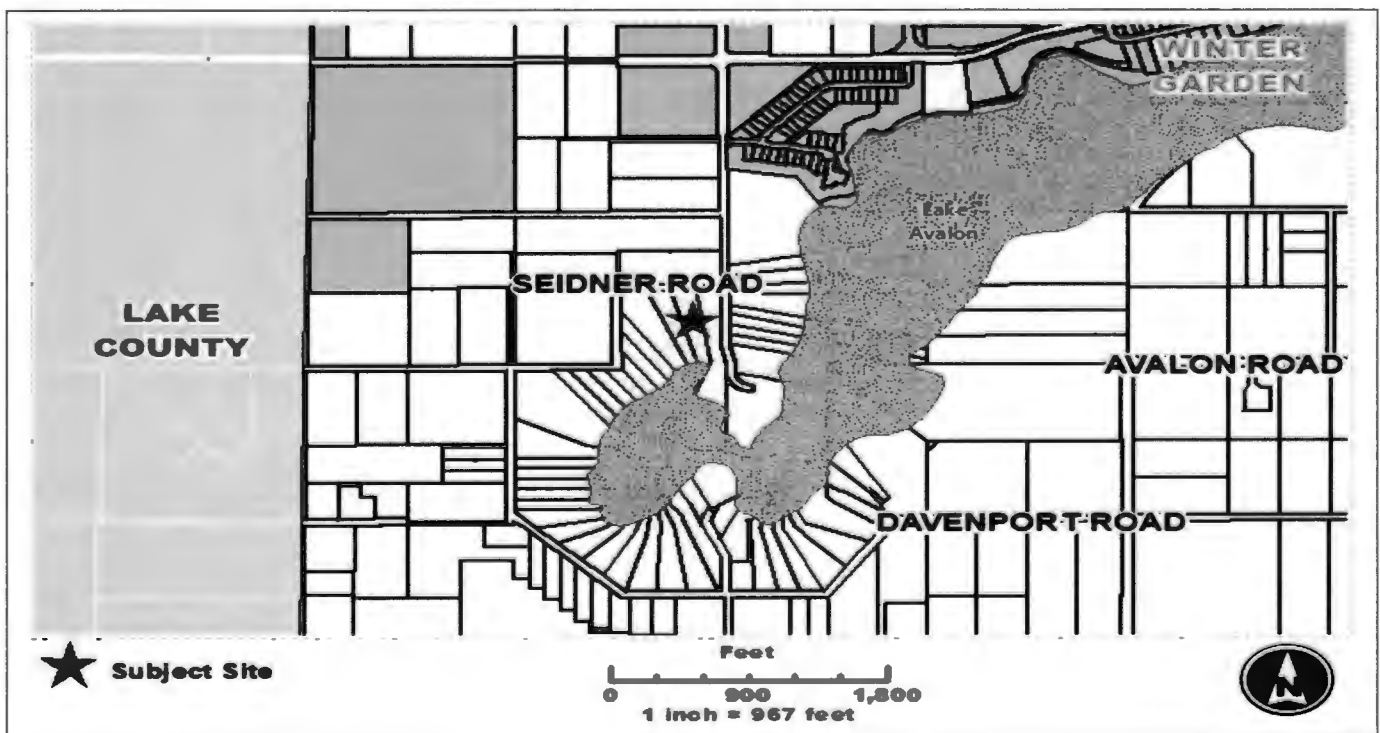
Staff received two commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

There were no members of the public present to discuss this request. The BZA made a motion to recommend denial of Variance #1 and approval of Variance #2, subject to conditions. The BZA approved the motion unanimously.

STAFF RECOMMENDATIONS

Denial, however if the BZA recommends approval, then staff recommends the conditions of approval found in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-CE & A-1	A-1	Lake	R-CE & A-1	R-CE & A-1
Future Land Use	RS 1/1 & WB	RS 1/2	WB	RS 1/1 & WB	RS 1/1 & WB
Current Use	Single family residence	Vacant	Lake Avalon	Single family residence	Single family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned R-CE, Rural Country Estate, which allows for single family development on one (1) acre lots and certain rural uses. The portion of the property that extends into the lake is zoned A-1 and is not developable, therefore the R-CE standards are applicable to the request.

The area consists of single family homes on large lots, many of which are lakefront. The subject property is a 1.74 acre pie shaped lot that was platted in 1952, as part of the Lake Avalon Heights Plat, and is considered to be a conforming lot of record. There is a 1,568 sq. ft. single family home on the lot, which was constructed in 1967, and a shed and pole barn that were added in 2015. Staff was unable to locate permits for these structures. The applicant purchased the property in 2017.

The applicant is proposing to install a 1,200 sq. ft. accessory structure (garage) to be located in front of the existing principal structure when it is required to be along side or behind. Code allows an accessory structure to be in front of the principal structure if it is behind the midpoint of the property. The proposed garage is in front of the midpoint. The existing pole barn is behind the midpoint (but does not conform with the required 5 ft. side setback). The other shed on the property will be removed (Demo permit # B19016384).

As shown in the rendering in the staff report, the proposed garage may not meet Code requirement and proposed Condition of Approval #6. The proposed garage will need to conform to this requirement during permitting.

The adjacent neighbors have submitted letters of no objection to the proposal.

District Development Standards

	Code Requirement	Proposed
Max Height:	25 ft. (Accessory structure)	14 ft. (garage) 12 ft. (pole barn)
Min. Lot Width:	130 ft.	162 ft.
Min. Lot Size:	1 ac.	1.74 ac.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	35 ft.	152 ft. (garage)
Rear:	50 ft.	378 ft. (garage)
Side:	5 ft. (garage and pole barn)	5 ft./100 ft. (garage) 3 ft./86 ft. (pole barn)
NHWE:	50 ft.	425 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The unique shape of the lot, narrowing towards the rear, which backs up to a lake, and the location of the existing house on the lot are special conditions and circumstances.

Not Self-Created

The need for the variances are self-created, and does result from the request by the applicant to place the garage in front of the midpoint line, and to keep the unpermitted pole barn in a location that does not conform with the side setback.

No Special Privilege Conferred

Approval of the variances as requested will confer special privilege that is denied to other properties in the same area and zoning district, as there is room on the lot for both structures in conforming locations.

Deprivation of Rights

The applicant is not being deprived of the right to have accessory structures on the property in conforming locations. The property is 1.74 acres, which allows for many other options to locate accessory structures.

Minimum Possible Variance

The request for the location in front of the midpoint, and the request to keep the pole barn in a location that violates the side setback, are not the minimum possible variances, as accessory structures can be placed on the property in a manner that would not require variances.

Purpose and Intent

Approval of this request will not be in harmony with the purpose and intent of the Zoning Regulations and could be detrimental to the neighborhood.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated August 16, 2019 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 County Commissioners 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 the pole barn prior to issuance of the permit for the garage.
5. The shed shall be demolished prior to issuance of the permit for the garage.
6. The proposed garage shall be constructed of materials commonly used throughout Orange County for single-family residential construction, such as stucco, brick, vinyl, aluminum or wood for the siding or walls; and shingles, tiles or corrugated metal for the roof.

Sandra Velandia
3094 Anquilla Ave.
Winter Garden, FL 34787

COVER LETTER

October 3, 2019

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

Dear Orange County Zoning Division members,

I write this letter to you as a special request for a variance for my family to be able to build a new detached garage structure in front of our main house and in the front half of the property as well as a variance to an existing pole barn to remain in front of the main house in lieu of behind or along side, and to remain 3 ft. from the side (east) property line in lieu of 5 ft. Please understand that the location proposed for the addition of the detached garage has been studied carefully to preserve all the existing trees, the neighborhood aesthetics and the lake view of the house.

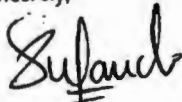
The pole barn structure mentioned above was already in the property before we acquired it back in 2017. We understand that it is not following the Orange County Codes precisely but it is a structure that we find useful as we plan to turn it into a playhouse/study space for our daughters. So if you allow it to remain in this specific location, we would greatly appreciate it.

At the moment the proposed addition of the new detached garage exceeds the maximum allowable square footage of 2000 sq. ft. but I have obtained a Demo permit #B19016636 to remove the wood shed currently located in front of the main house which was probably build by the previous property owners as well.

The primary purpose for the addition of the detached structure is to serve as garage for our vehicles, lawn equipment and general storage due to the architectural renovation design of our new home which does not include a garage but a carport. In addition to finding the best possible location for the building without compromising the character of the neighborhood, we have planted 28 trees around the property, and we will continue to plant some more once the project is completed.

Our greatest intention is that the proposed location and structural design of the detached garage and the upcoming renovation of the main house along with the new buffer added to the property will have a positive impact on the neighborhood and result in an increase in property value.

Sincerely,


Sandra Velandia

VARIANCE CRITERIA

1. Special Conditions and Circumstances- The special aspects of this property are that the lot is cone shaped being more narrow on the rear part which connects to Lake Avalon and wider in front, and the main house is located about ¾ to the rear of the property close to the lake, and there is no available square footage on either side of the main house for any other building. One of the most important reasons why my family has decided to locate the detached garage structure in the front half of the property is to preserve the lake view of the house and make the best use of the land while also preserving the beautiful trees. The only open area we have on the property available for building a detached structure of the size we need it is about 90 ft. from the half of the lot to the front which is where we believe is the best option we have.

- The pole barn which is located in front of the main house as well, I believe for the same reason of not blocking the view of the lake from the house. It is located in the half rear of the property and we believe its located in a very convenient and reasonable area for us to give it good use without disturbing any of our neighbors.

2. Not Self-Created- The only structure that this Variance Criteria relates to is the 20'X24' pole barn located in front of the main house. The structure was already there when we purchased the property back in November, 2017. We never meant to build it against the zoning codes.

3. No Special Privilege Conferred- My family is not related in any way to the individuals of the zoning district in charge of the decisions made to approve or deny any of our petitions.

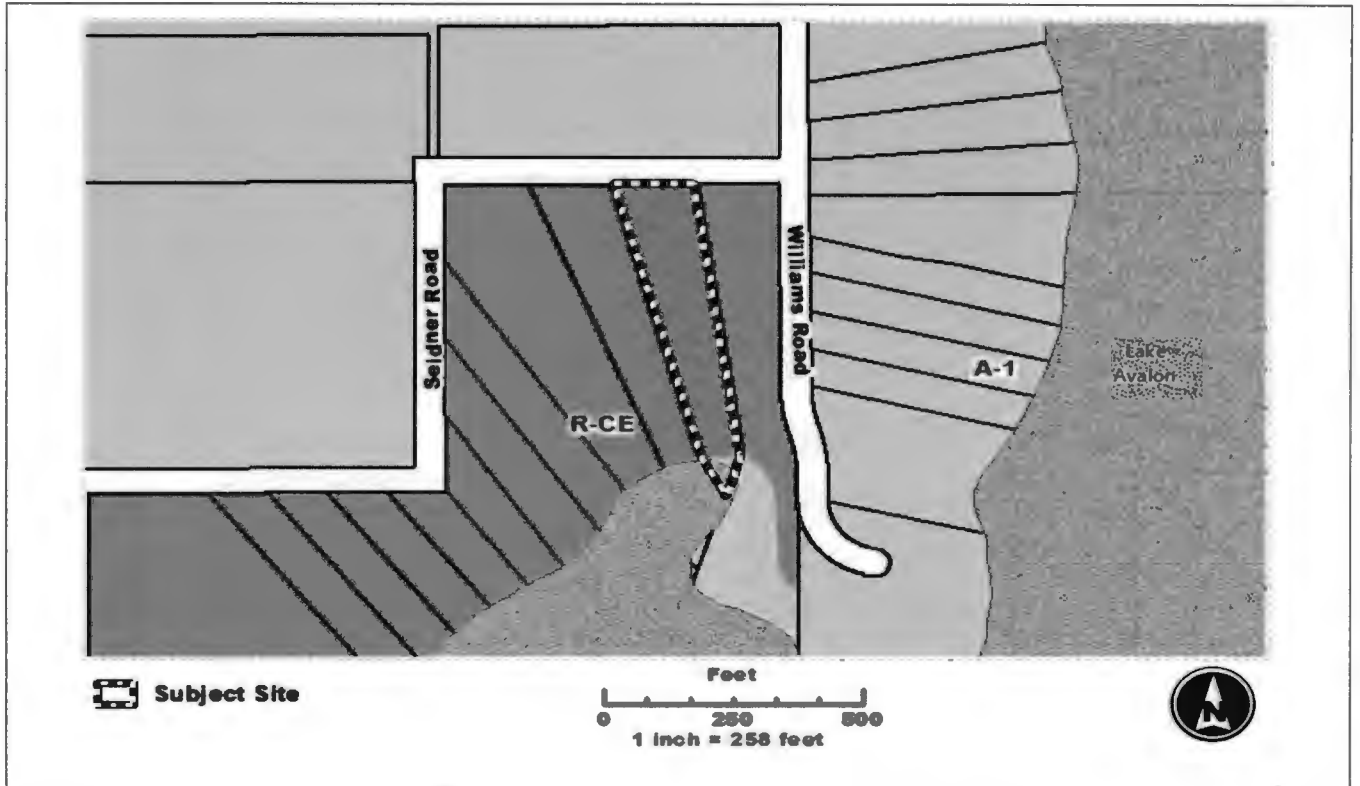
4. Deprivation of Rights- The project we have planned for the new addition of the detached garage and the desire to keep the existing pole barn are being carefully thought and will not harm in any way the owners of the properties around us or the aesthetics and environment of the neighborhood.

5. Minimum Possible Variance- As mentioned before, we have carefully analyzed our options and have come up with the best possible location for the detached garage structure so it works for us in the property and will not harm but improve the character of our neighborhood. We believe that maintaining the existing location of the pole barn is also positive.

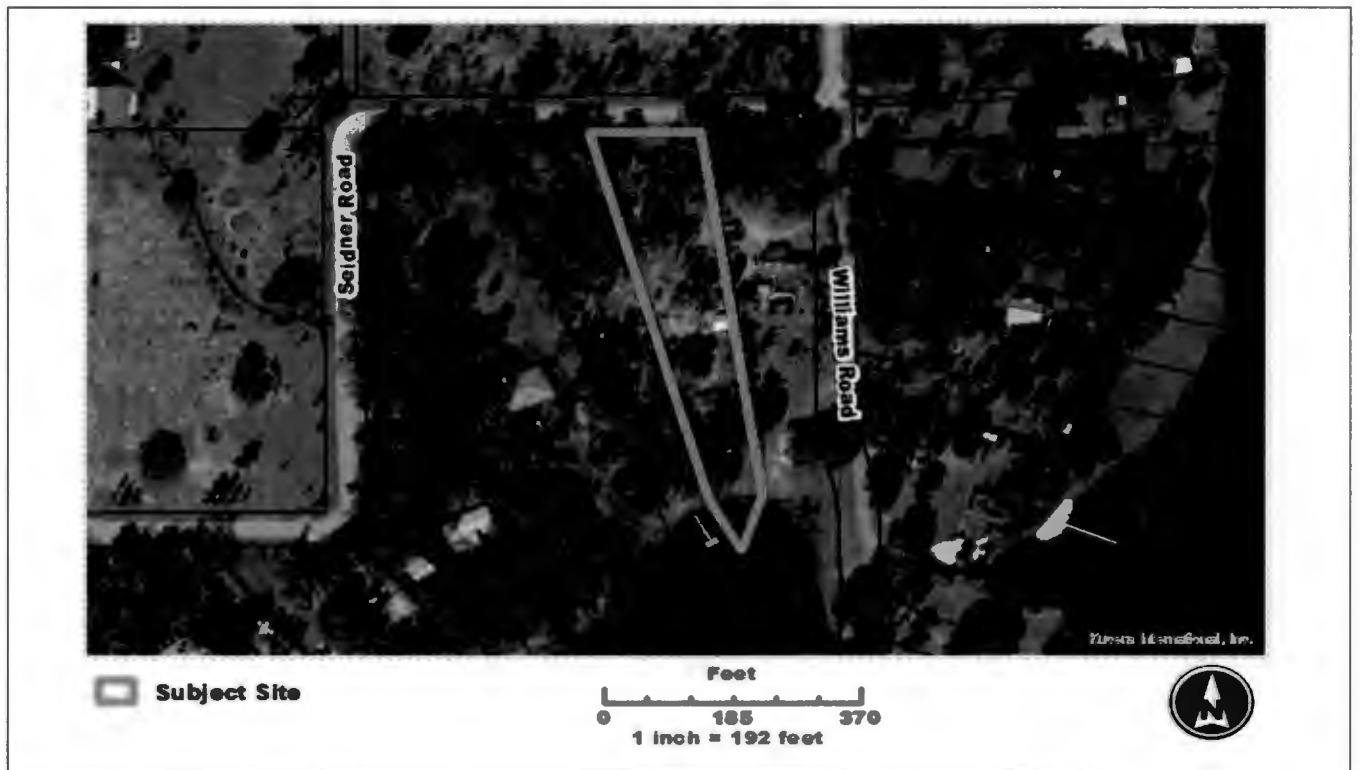
6. Purpose and Intent- The purpose for the detached garage structure will be to provide a comfortable space for us to use as storage and vehicle garage, and we strongly believe that it's proposed location will improve the aesthetics of the land being that it will be a new, modern/industrial building following the new house design surrounded by trees and buffer, subtle looking but inviting. The intention is to make a positive impact on the neighborhood by preserving the beauty and the country feeling of the environment around.

The purpose for the existing pole barn is to take advantage of the structure and convert it into a playhouse/study for our daughters where they can have their own space close from the house.

ZONING MAP

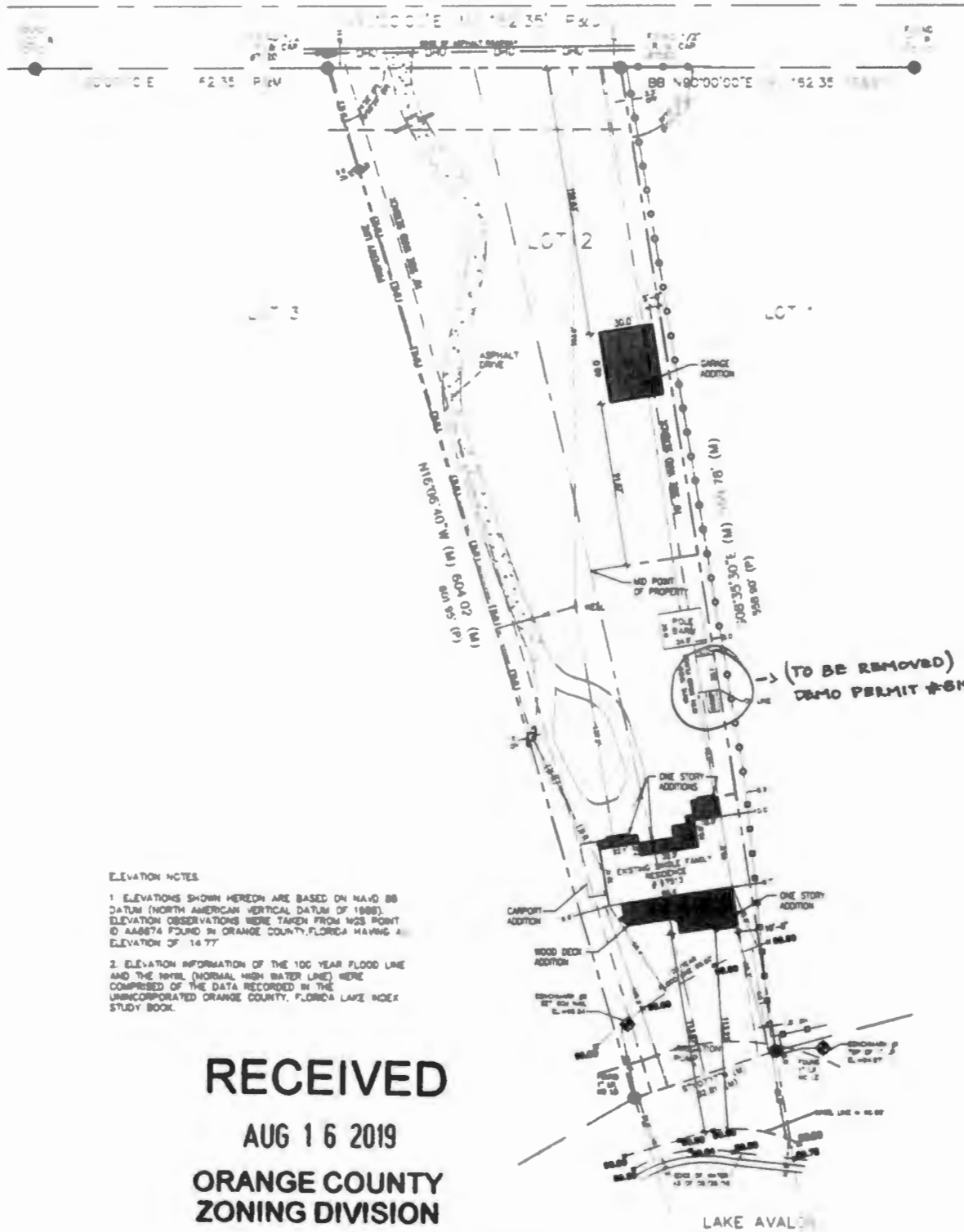


AERIAL MAP



SITE PLAN

SEIDNER ROAD



ELEVATION NOTES

1. ELEVATIONS SHOWN HEREON ARE BASED ON NAVD 88 DATUM (NORTH AMERICAN VERTICAL DATUM OF 1988). ELEVATION OBSERVATIONS WERE TAKEN FROM WGS POINT ID #A48874 FOUND IN ORANGE COUNTY, FLORIDA HAVING AN ELEVATION OF 14.77

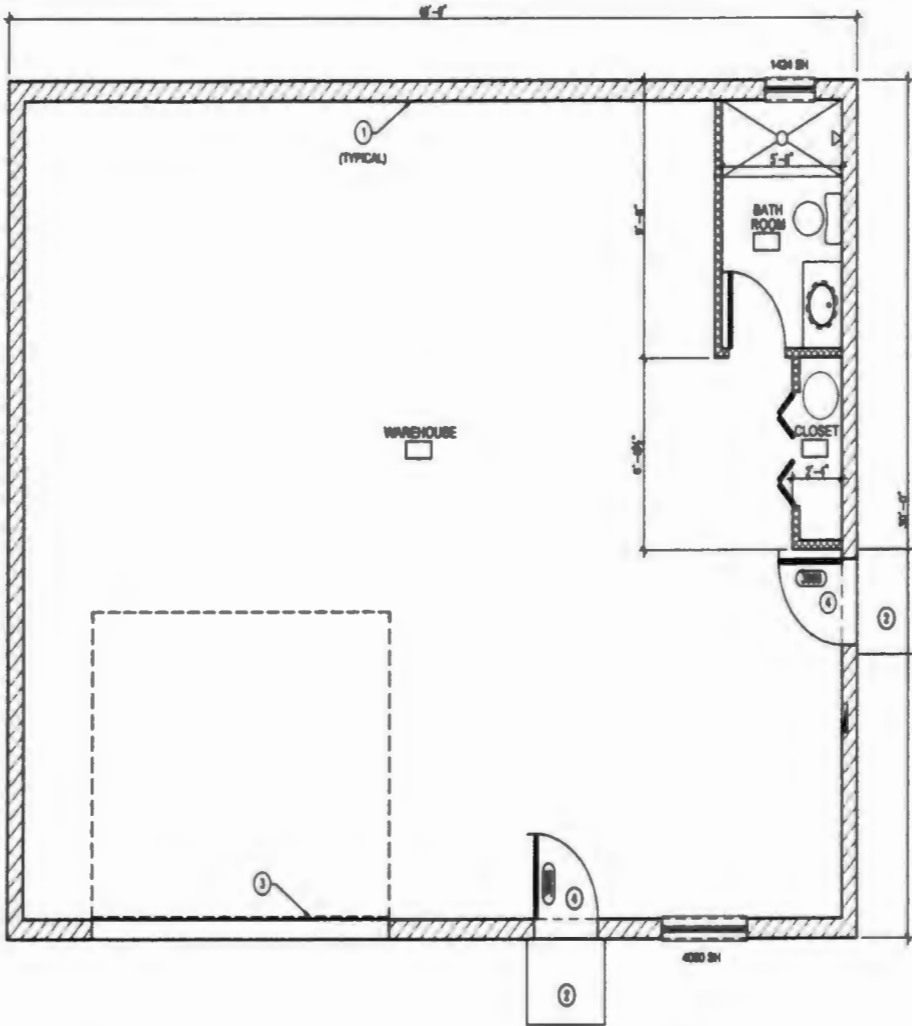
2. ELEVATION INFORMATION OF THE 100 YEAR FLOOD LINE AND THE NHWL (NORMAL HIGH WATER LINE) WERE COMPRISED OF THE DATA RECORDED IN THE UNINCORPORATED ORANGE COUNTY, FLORIDA LAKE HOEK STUDY BOOK.

RECEIVED
 AUG 16 2019
 ORANGE COUNTY
 ZONING DIVISION



1 SITE PLAN
 C201 SCALE 1" = 40'

FLOOR PLAN



LEGEND:

- 3000 BH WINDOW LABEL - MODEL # (SIZE INDICATED IN FT-INCHES, 3'-0"15'-0")
- DOOR LABEL (SIZE INDICATION IN FT-INCHES, 3'-0"15'-0")
- DINING ROOM ROOM NAME
- NEW EXTERIOR WALL, SEE PRE-ENG. METAL BLDG. DRAWINGS.
- NEW INTERIOR NON-LOAD BEARING WALL, NOM. 2x4's 2x4" O.C. WITH 1/2" GYP. BD. EA. SIDE. SOLE PLATE TO BE P.I. 2x4 PER IRC I317.1.2.

FLOOR PLAN NOTES:

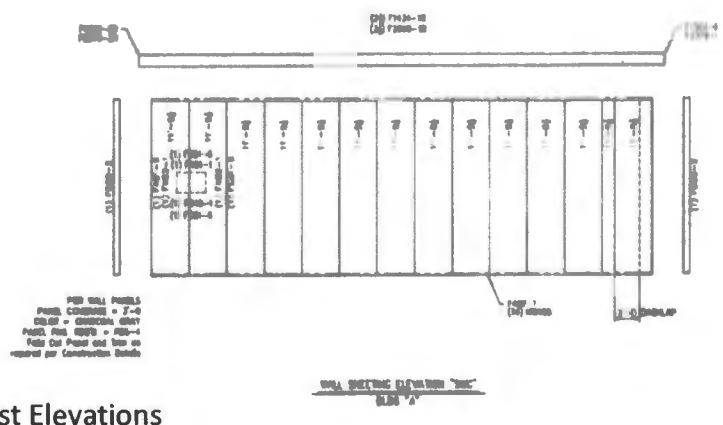
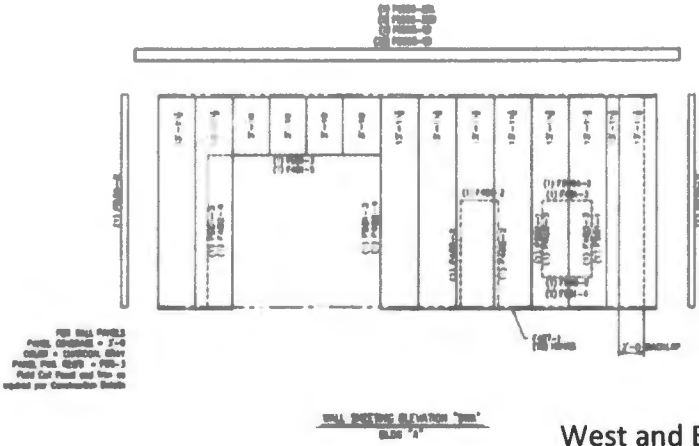
- 1 EXTERIOR WALL SYSTEM BY METAL BUILDING MFR. SEE PRE-ENG. METAL BLDG. DI
- 2 PRE-CAST CONC. STOOP
- 3 OVERHEAD DOOR, COORDINATE WITH METAL BLDG. MFR. SPECS.
- 4 ENTRY DOOR, COORDINATE WITH METAL BLDG. MFR. SPECS.

This item has been electronically signed and sealed by John Doe on the Date and/or Time Stamp shown using a digital signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copy.

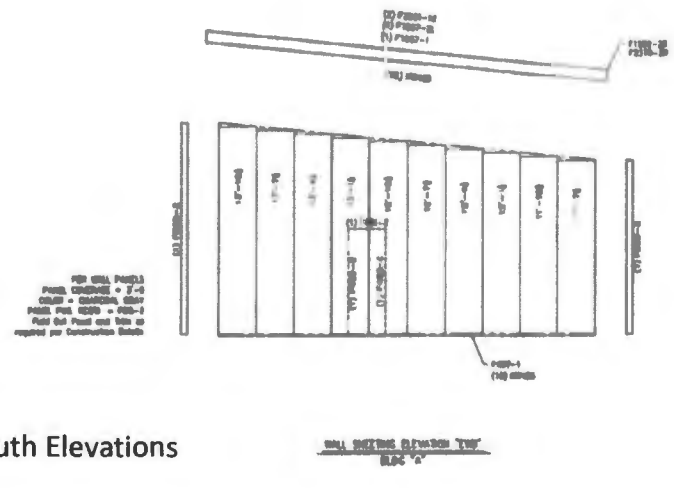
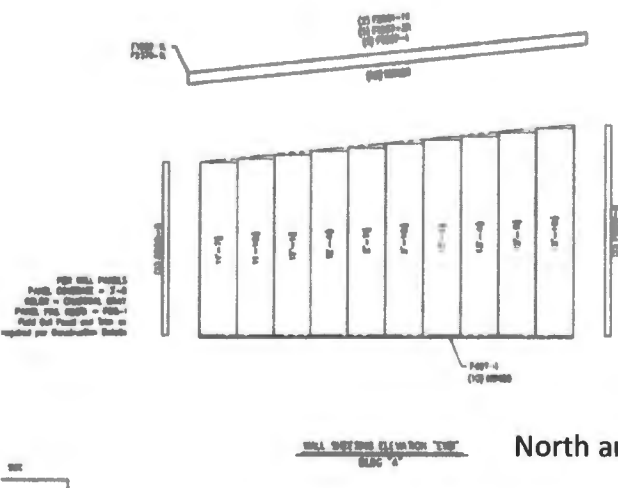


2 FLOOR PLAN
E201PR SCALE 1/4" = 1'-0"

ELEVATIONS



West and East Elevations



North and South Elevations

RENDERING



SITE PHOTOS



Front from Seidner Rd.



Front of House and Pole Barn

SITE PHOTOS



Pole Barn and Shed that will be removed



Side Yard

SITE PHOTOS



Rear Yard

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 07, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-11-129**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): MATHEW BEERS
OWNER(s): MATHEW BEERS & MEGAN BEERS
REQUEST: Variances in the R-1A zoning district as follows:
1) To allow a lot width of 50 ft. in lieu of 75 ft.
2) To allow a minimum side (north) setback for the existing structure of 6.5 ft. in lieu of 7.5 ft.
3) To allow construction of an addition located 6.5 ft. from the side (north) lot line in lieu of 7.5 ft.
PROPERTY LOCATION: 833 Greens Ave., Winter Park, FL 32789, west side of Greens Ave., approximately 30 ft. north of its intersection with Minnesota Ave., on the east side of Little Lake Fairview
PARCEL ID: 11-22-29-8320-00-170
LOT SIZE: 50 ft. x 660 ft./ .73 acres
NOTICE AREA: 500 ft.
NUMBER OF NOTICES: 73

DECISION: Recommended **APPROVAL** of 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; 5-0 and 2 absent):

1. Development in accordance with the site plan dated September 17, 2019, 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 County Commissioners 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 regard to materials and construction.

SYNOPSIS: Staff explained the history of the property, including the fact that the subdivision which created the subject property was recorded in 1924, 33 years before zoning was introduced in Orange County. In 1957, when Orange County initially placed zoning on all of the property within the County, the subject property and another property in the area was placed in the R-1A zoning district, which requires 75 ft. of lot width. This rendered every

lot in the subdivision but one nonconforming. The existing residence was built in 1988, one (1) foot into the side (north) property line. The applicant purchased the subject property in 2016. Without the variance for the existing home, it would remain a nonconforming structure, and if ever destroyed, could not be rebuilt to its current footprint. Without the variance for the addition, the addition would need to be offset from the existing side building line one (1) ft. Staff noted that it had not received any correspondence regarding this application.

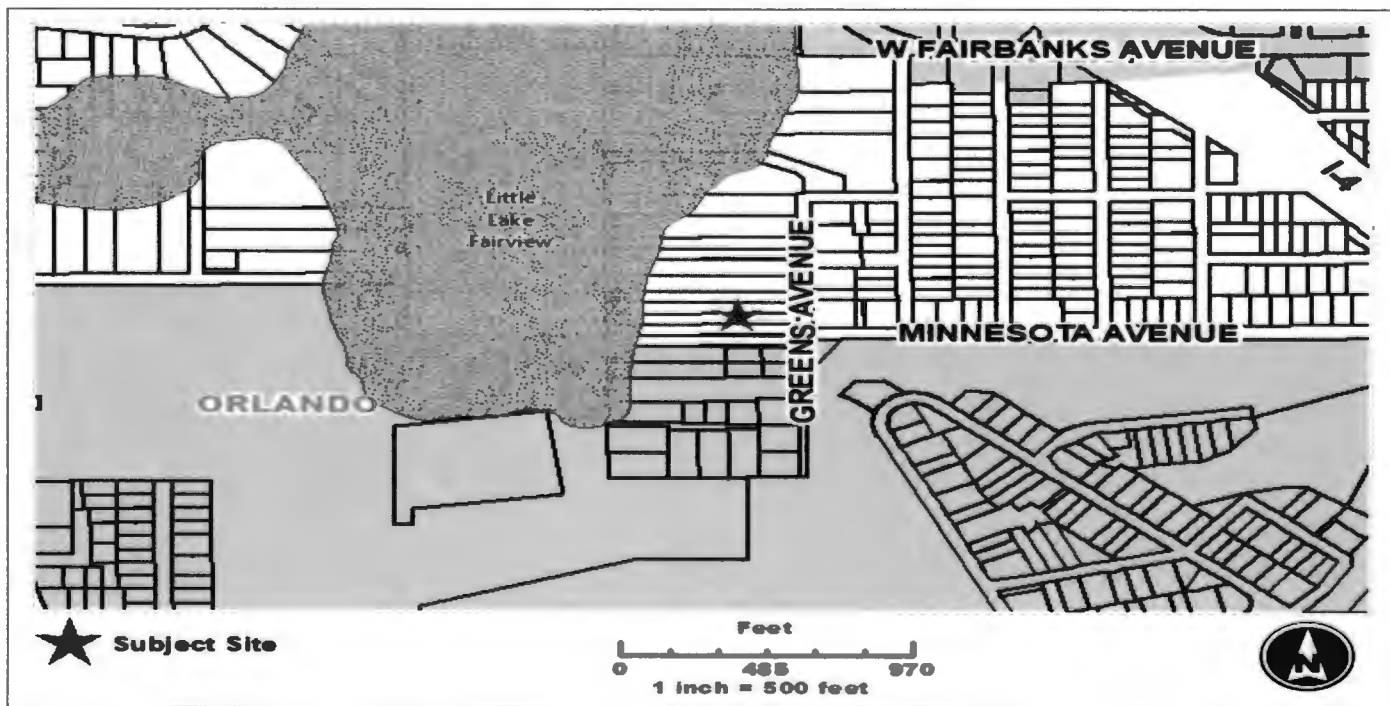
The applicant noted their agreement with the staff recommendation.

There were no members of the public present to discuss this request. The BZA concluded that the initial zoning caused the issue with the lot width, the prior builder caused the issue with the location of the existing residence, and not granting the variance for the addition would impose a hardship. The BZA made a motion to recommend approval of the variances, subject to conditions. The BZA approved the motion unanimously.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	R-1A	R-1A	R-1A	Lake
Future Land Use	LDR & WB	LDR & WB	LDR & WB	LDR	WB
Current Use	Single family residence	Single family residence	Single family residence	Single family residence	Lake

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned R-1A, Single Family Dwelling District, which allows single family homes and associated accessory structures on lots a minimum of 7,500 sq. ft. or greater.

The subject property is part of the Stokes Subdivision, which was recorded in 1924. The subject property is .73 acres in size; however, it is only 50 ft. wide, where 75 ft. is required. With the exception of Lot 1, the remaining 17 lots, which comprise the Stokes Subdivision, are 50 ft. wide.

The subject property is developed with a two-story residence, constructed in 1988. The residence contains 3,414 gross sq. ft. of floor area, including 2,468 sq. ft. of living area and an attached one-story two-car garage.

The applicant, who purchased the property in 2016, wishes to construct a two-story addition to the front of the home, adding a total of 951 sq. ft. of living area, and also, a second story onto the garage.

In order to allow the addition to follow the existing side (north) building line of the home, the applicant requires a variance to allow the addition at 6.5 ft. from the side property line. A variance is also being requested for the existing home, which is currently located 6.5 ft. from the side property line to ensure that, if a catastrophic event took place destroying the home, it could be rebuilt to the existing footprint.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	24 ft.
Min. Lot Width:	75 ft.	50 ft.
Min. Lot Size:	7,500 sq. ft.	33,000 sq. ft.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	25 ft.	228 ft.
Rear:	30 ft.	196 ft.
Side:	7.5 ft.	8.5 ft. (South)/6.5 ft. (North)
Side Street:	N/A	N/A
NHWE:	50 ft.	179 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions and circumstances particular to the subject property are the age of the plat which created it, and the zoning initially placed on the property by the County. The property was platted in 1924, 33 years prior to the County assigning the R-1A zoning to it. Had the property been assigned an initial zoning of R-1, which requires a width of 50 ft., a variance would not be needed as the side setback would be six (6) ft. in lieu of 7.5 ft.

Not Self-Created

The home was built in 1988, 1 ft. into the side setback; the applicant purchased it in 2016.

No Special Privilege Conferred

Granting of the variance will not confer any special privilege. It is common for a growing family to add onto their existing home when space allows.

Deprivation of Rights

Without the variances, the applicant will be required to construct the 1 ft. offset from the existing structure, which may result in much more difficult construction, and a less aesthetically pleasing design.

Minimum Possible Variance

The applicant is not proposing to encroach any further into the setback than the existing structure is currently located. This is the minimum variance needed.

Purpose and Intent

The current two-story residence and addition will not intrude further into the setback. The home to the north is constructed closer to the front property line, and there will not be a noticeable encroachment. The purpose and intent of the code are being met.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated September 17, 2019, 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 County Commissioners 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 regard to materials and construction.

c: Mathew Beers
833 Greens Ave.
Winter Park, FL 32789

COVER LETTER

COVER LETTER

September 10th, 2019

Mathew C Beers
833 Greens Ave
Winter Park, FL 32789
(305) 608-4053

Subject: Variance Application

I am submitting a variance application for 833 Greens Avenue, Winter Park, FL 34789 ("Existing Structure"), my personal residence, for the purpose of building an addition to the Existing Structure consisting of 2 bedrooms, 1 utility room, 1 full bath, 1 half bath, and an office (the "Proposed Addition"). According a recent survey, the north wall of the Existing Structure is 6.5 feet from the property line. The code requires a minimum of 7.5 feet of setback. I was unaware of this when I purchased the home in 2016. The Proposed Addition would extend the north wall of the Existing Structure further east along the same line (i.e., no closer to the property line). I am requesting a variance to build the Proposed Addition with a 6.5' setback from the north property line, consistent with the Existing Structure. I have contacted my neighbors, reviewed the Proposed Addition plans with them, and received verbal commitments of no objection from all. Formal letters of support and/or letters of no objection can be obtained upon request.

Additional details of the Proposed Addition:

- Wood construction (same as Existing Structure)
- 951 SF of additional conditioned space
 - 1st floor: 250 SF
 - 2nd floor: 701 SF
- Dimensions
 - 1st Floor: 13' 8" x 18' 8"
 - 2nd Floor: 32' 8" x 24' 0"
- No component of the Proposed Addition extends closer to any property line than the footprint of the Existing Structure.
- The height will be approximately 23.5', well within max height requirements of 35' max. Note, the Proposed Addition does not call for a roof height that would exceed the Existing Structure.

Variance Criteria:

1. The variance request is to build the Proposed Addition consistent with the existing footprint. I am not requesting a variance that intrudes on the setback required by the code any more than the Existing Structure does.
2. I purchased the Existing Structure in 2016 in its current footprint. It was not self-created.
3. I suspect this is a routine request that the zoning board has considered and approved for other applicants under similar circumstances. Thus, no special privilege should be conferred upon approval.

COVER LETTER

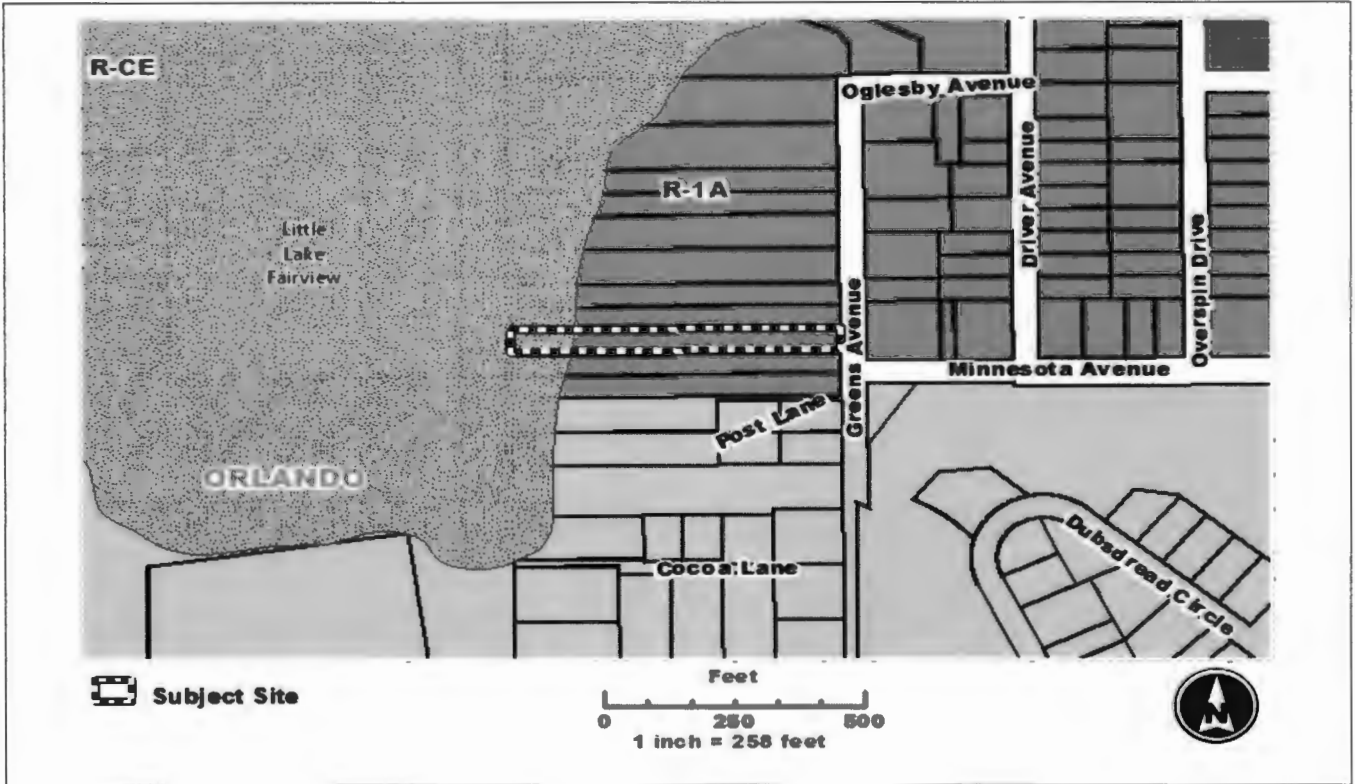
4. Literal interpretation of the relevant provisions would require the Proposed Addition be built approximately one foot south of the Existing Structure creating a structure that is not aesthetically pleasing nor practical as the north wall would not be uniform with the Existing Structure.
5. The requested variance of 1 foot (consistent with the Existing Structure) is the minimum possible variance for reasonable use of the Proposed Addition.
6. I believe approval of the variance is within the purpose and intent of the zoning regulations. As discussed above, I've received support from my surrounding neighbors. Investment in the neighborhood that is not detrimental to the public welfare only stands to increase not only my property value but also that of the surrounding community.

Thank you for your consideration.

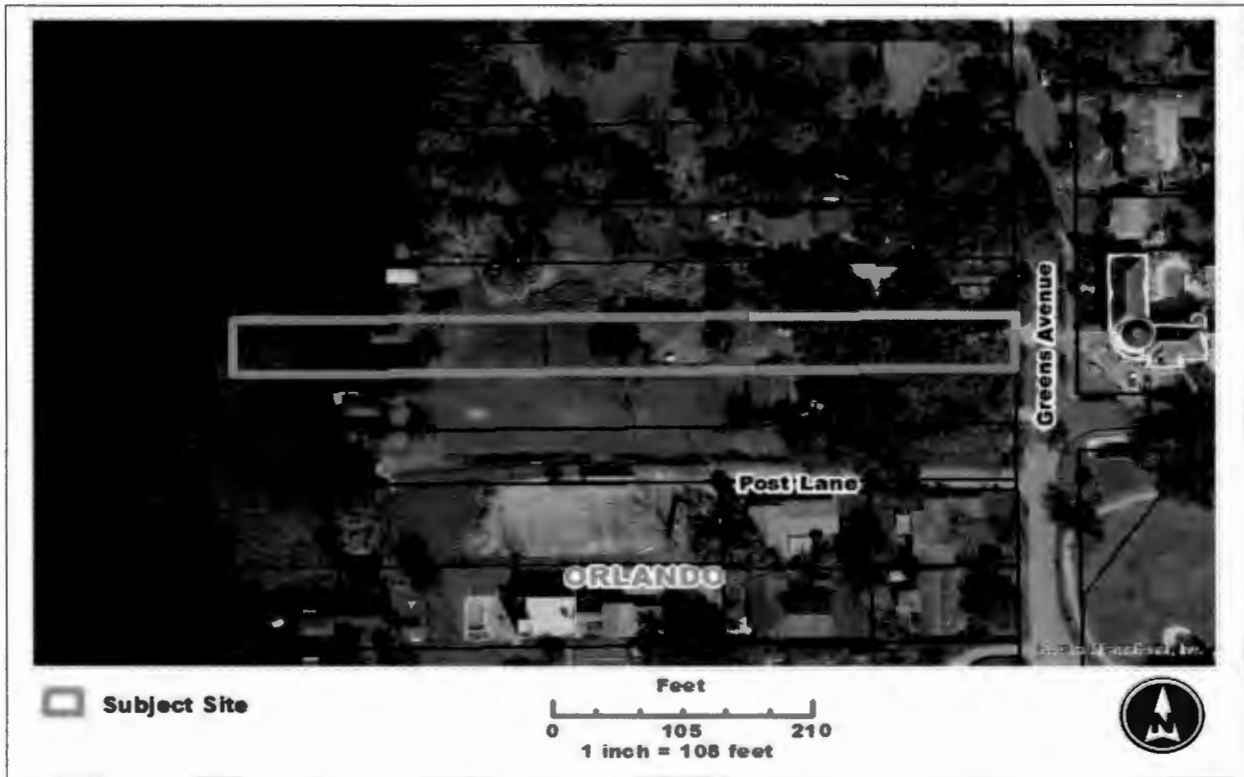
 9/10/19

Mathew C Beers

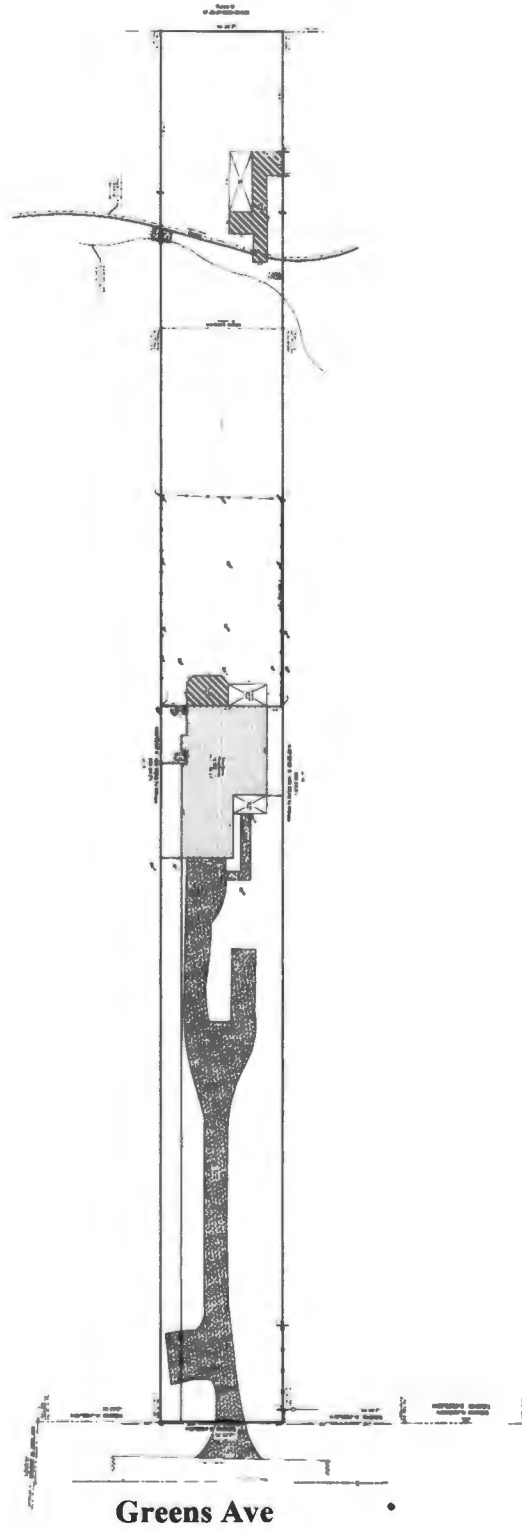
ZONING MAP



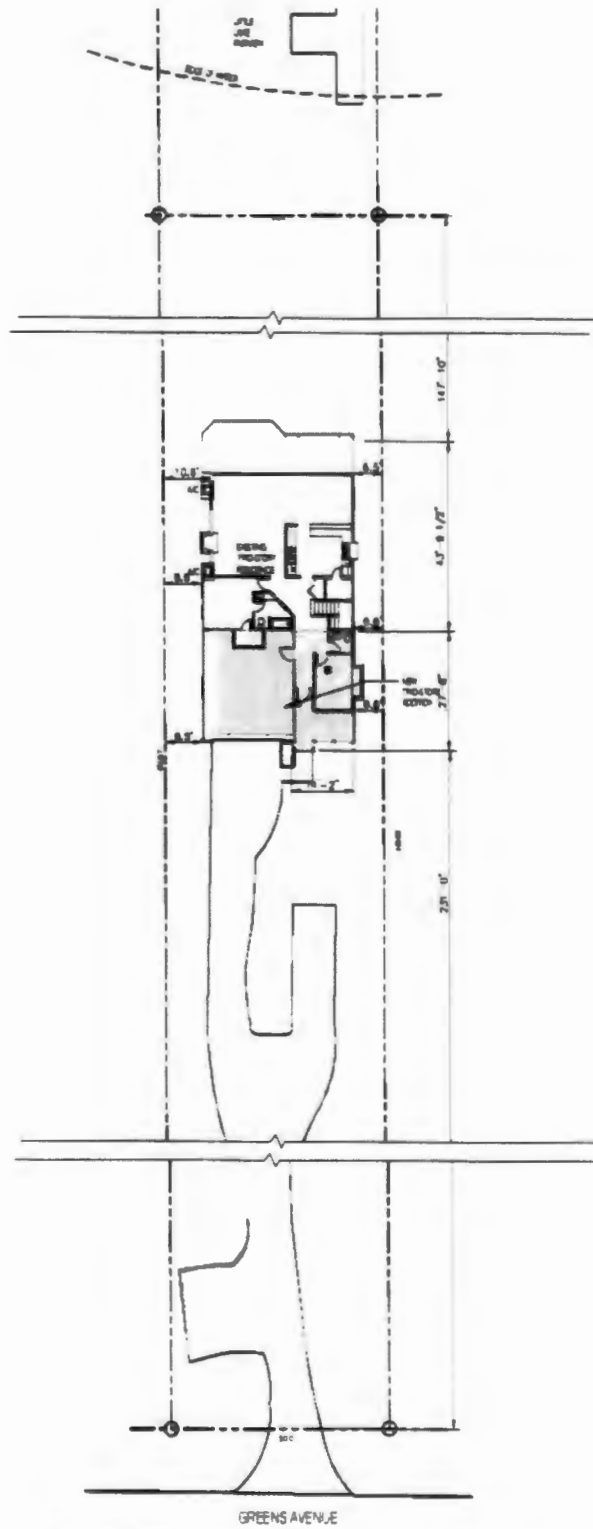
AERIAL MAP



SURVEY

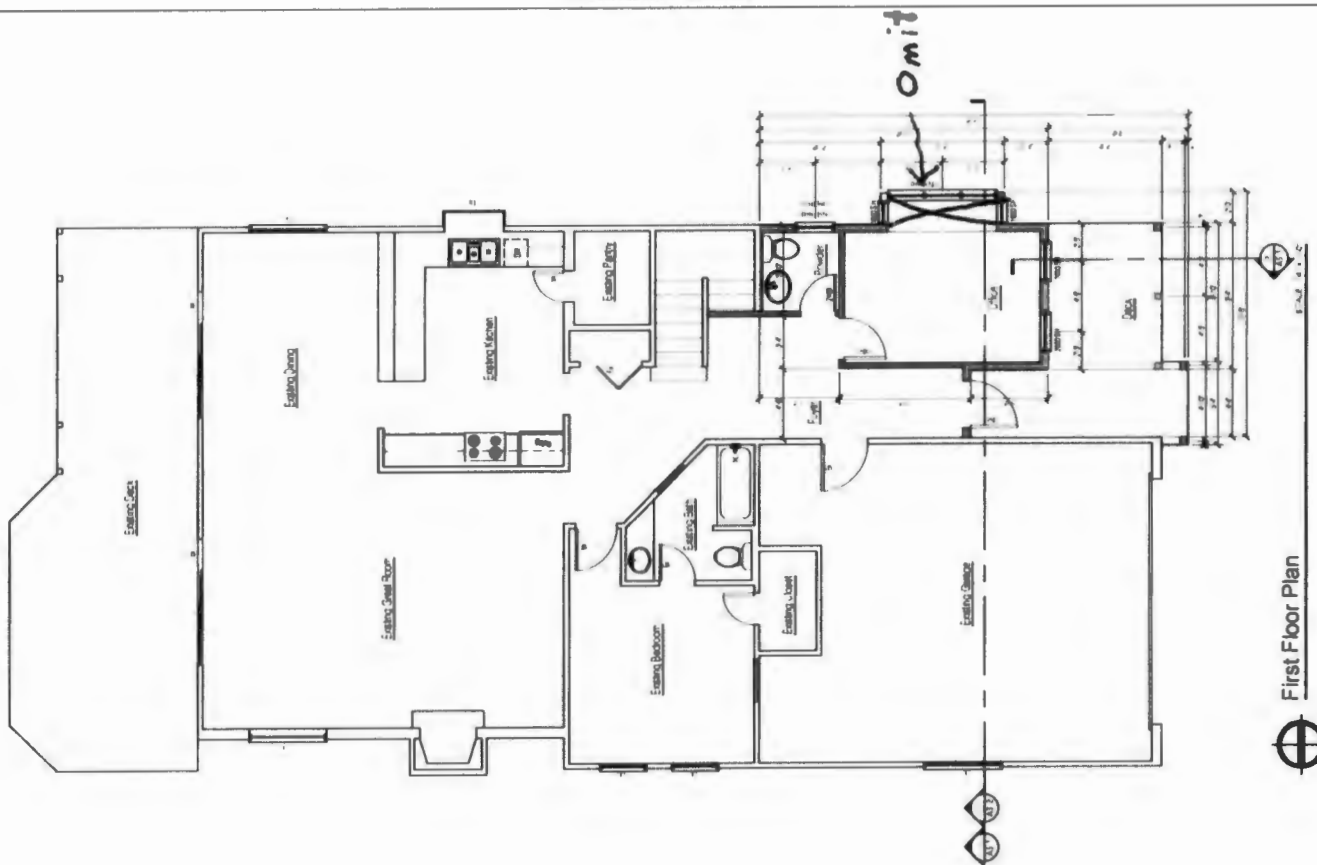


SITE PLAN

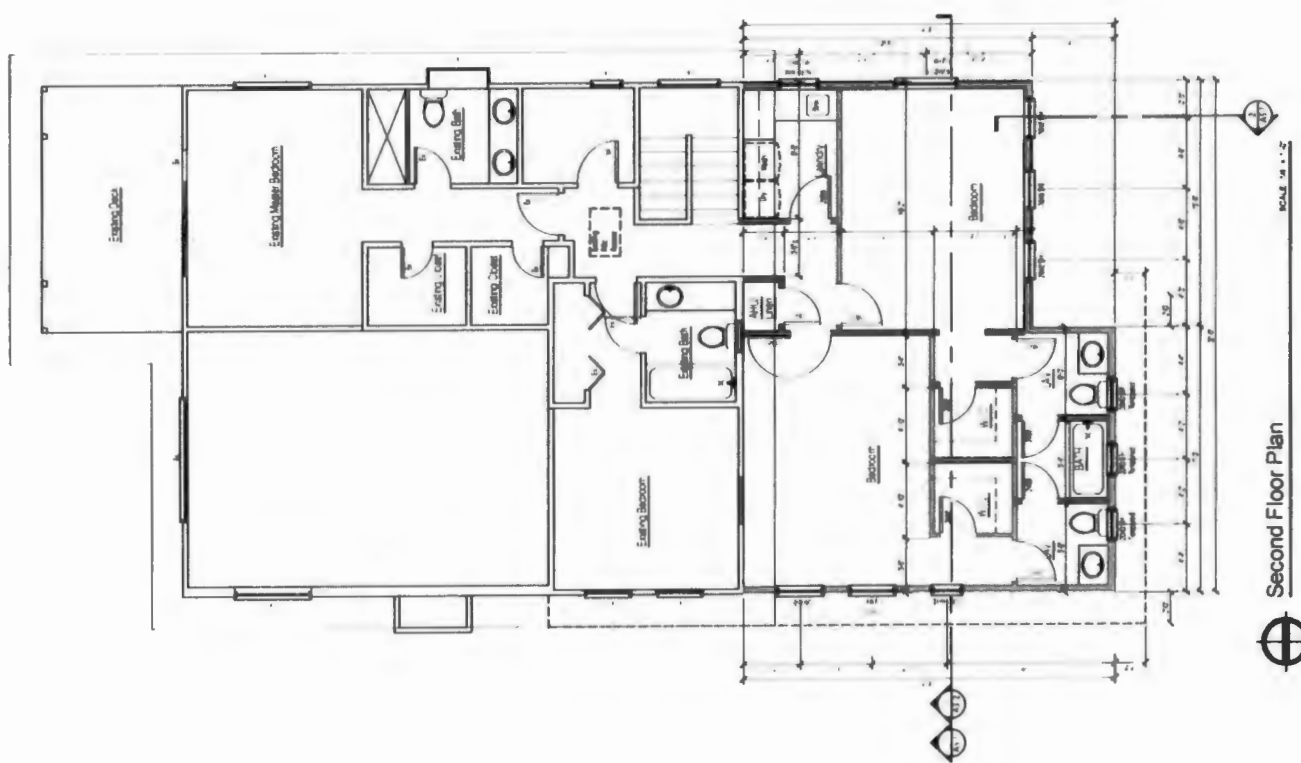


Site Plan

FLOOR PLANS

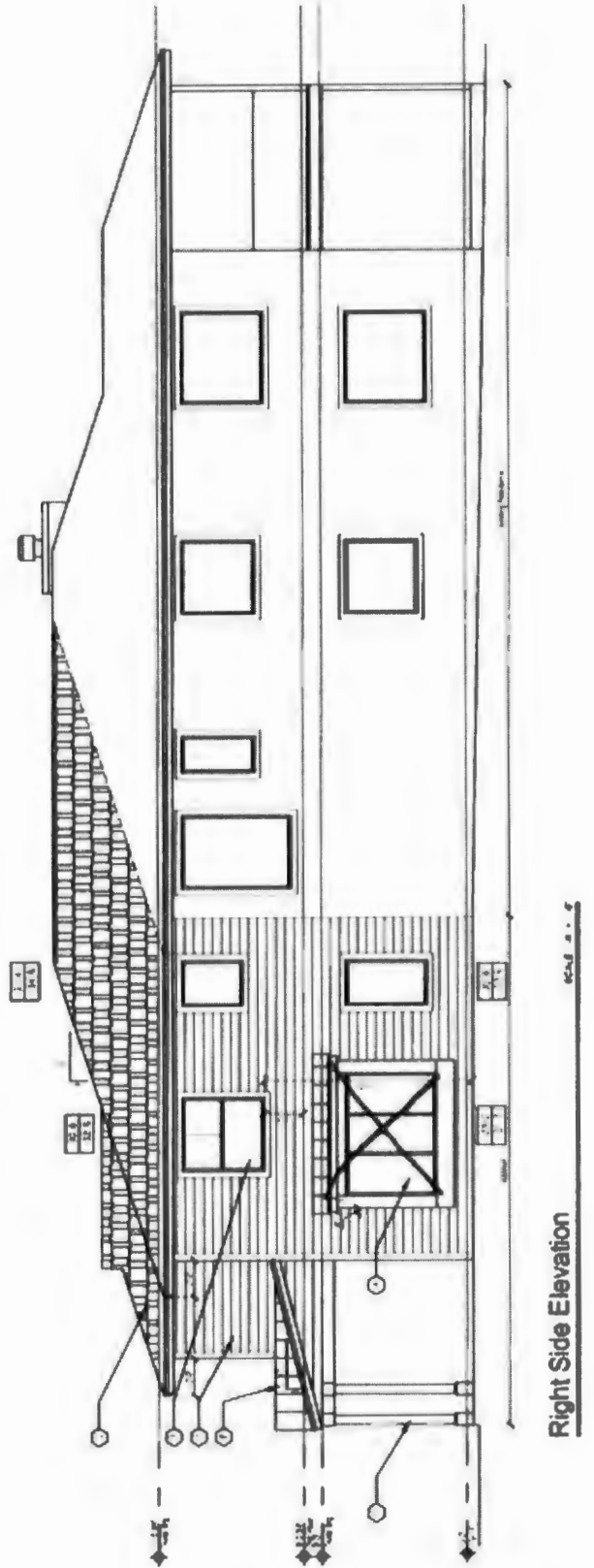
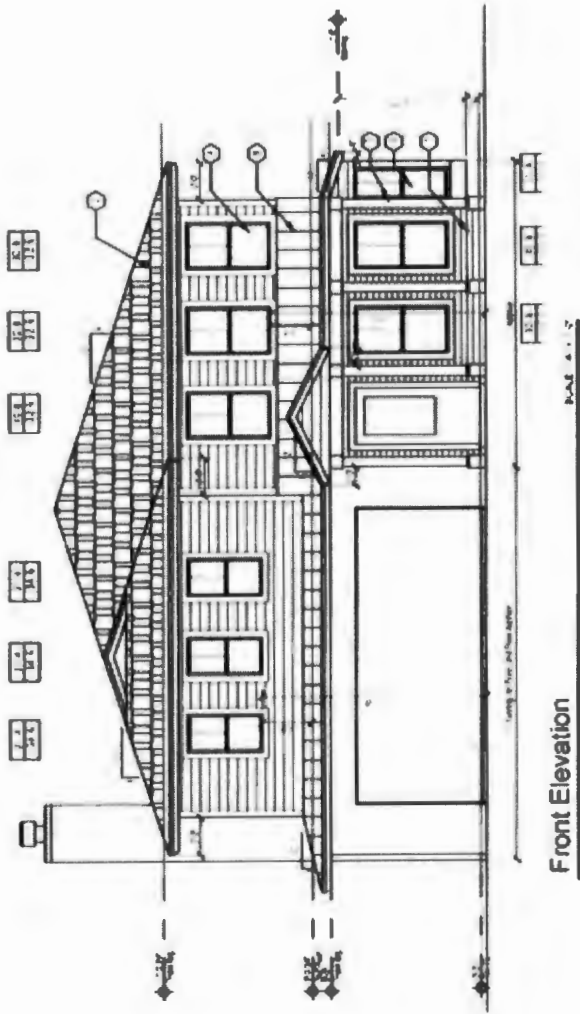


First Floor Plan



Second Floor Plan

ELEVATIONS





Left Side Elevation SCALE 1/4" = 1'-0"



Building Section SCALE 1/4" = 1'-0"

SITE PHOTOS



Subject Property Looking West from Greens Ave.



Side (North) Property Line Looking West

SITE PHOTOS



Side (North) Property Line Looking East



Rear Yard Looking West

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 07, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-11-131**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): IQBAL GAGAN

OWNER(s): IQBAL GAGAN, RAFAT SALMA

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

- 1) To allow an existing home 8 ft. from the side (south) property line in lieu of 10 ft.
- 2) To allow a second story addition 8 ft. from the side (south) property line in lieu of 10 ft.
- 3) To allow an existing home 9 ft. from the side (north) property line in lieu of 10 ft.
- 4) To allow a 1 story addition 9 ft. from the side (north) property line in lieu of 10 ft.
- 5) To allow an existing home 40 ft. from the rear (west) property line in lieu of 50 ft.
- 6) To allow a second story addition 40 ft. from the rear (west) property line in lieu of 50 ft.
- 7) To allow a lot size of 0.21 acres in lieu of 1 acre.
- 8) To allow a lot width of 75 ft. in lieu of 130 ft.

PROPERTY LOCATION: 11456 Commercial St., Orlando, FL, 32836, west side of Commercial St., north of Lake St., west of S. Apopka Vineland Rd.

PARCEL ID: 15-24-28-6211-67-070

LOT SIZE: 75 ft. x 120 ft./ .206 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 45

DECISION: Recommended **APPROVAL** of 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 September 18, 2019 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 County Commissioners 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 of the property, the site plan, and photos of the site. The applicant was present and agreed with staff's recommendation. The BZA noted that the road did not continue beyond the applicant's house.

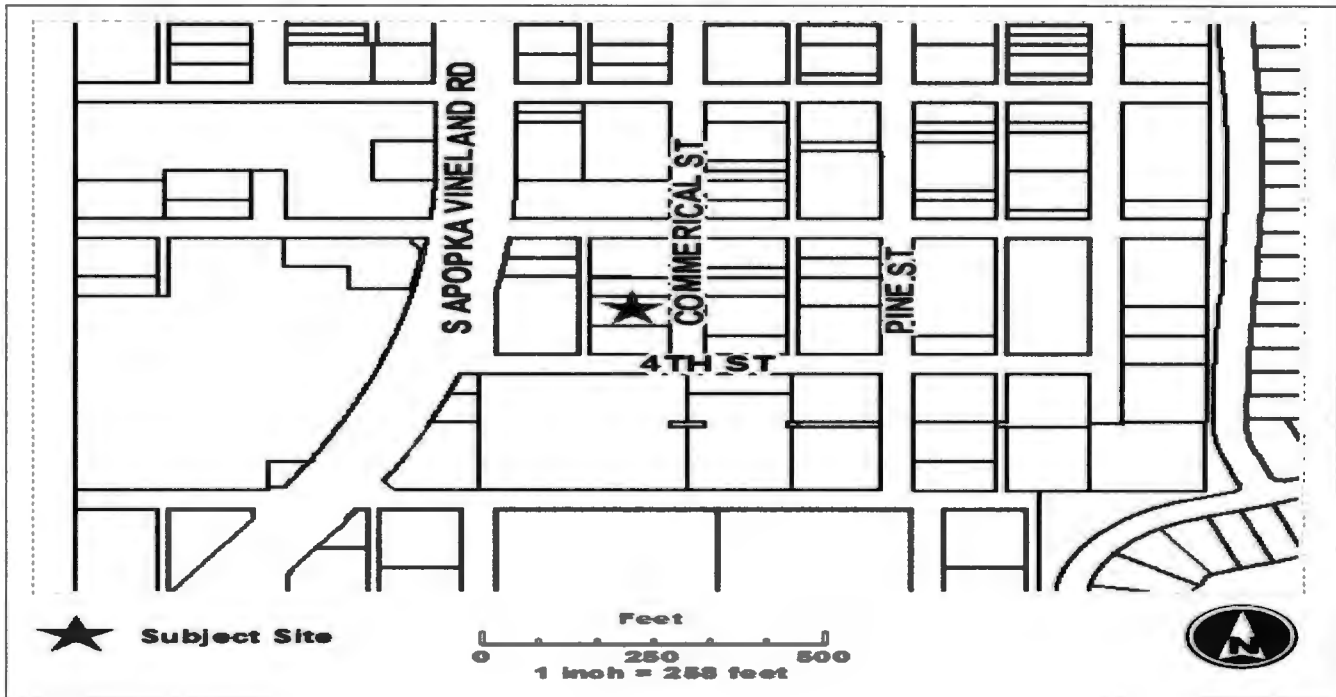
Staff received 16 commentaries in favor of the application, and none in opposition to the application.

There were no members of the public present to discuss this request. The BZA made a motion to recommend approval of the variances, subject to conditions. The BZA approved the request unanimously.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-CE	R-CE	R-CE	R-CE	R-1AA
Future Land Use	O	O	O	O	O
Current Use	Single Family Residence	Vacant	Single Family Residence	Vacant	Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned R-CE, Rural Country Estate, which allows for single family development on one (1) acre lots and certain rural uses.

The subject property consists of 3 combined lots that were platted in 1911, and is considered to be a lawfully nonconforming lot of record due to the lot size of 0.21 acres in lieu of 1 acre, and the lot width of 75 ft. in lieu of 130 ft. (Variances #7 and 8 are being requested in case the house will ever need to be rebuilt in the future.) There is a 2,068 sq. ft. single family home on the lot, which was constructed in 1995. The applicant purchased the property in 2012.

The property is located in the Orange Center Plat, which is comprised of single family homes, vacant lots, and religious facilities.

The applicant is proposing to convert an existing covered patio into living space (Florida room), and a 2 story 672 sq. ft. addition.

Neighbors in the area have submitted letters of no objection to the request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	35 ft.
Min. Lot Width:	130 ft.	75 ft.
Min. Lot Size:	43,560 sq. ft.	8,999 sq. ft.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	35 ft.	35 ft.
Rear:	50 ft.	40 ft.
Side:	10 ft.	8 ft./9 ft.

STAFF FINDINGS

VARIANCE CRITERIA for Variances #1, 3, 5, 7, 8

Special Conditions and Circumstances

The subject property consists of 3 lots that were platted in 1911. The majority of the developed lots in the subdivision do not meet the minimum lot size or width.

Not Self-Created

The need for the variances is not self-created, as all lots in the subdivision were platted at this substandard size and width.

No Special Privilege Conferred

The individual lots were platted at 25 ft. x 120 ft. with an area of 3,000 sq. ft. This property has combined 3 of said lots to be closer to conformity.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to keep an existing house on an existing platted lot.

Minimum Possible Variance

These are the minimum possible variances to allow the house to remain, and the lot to be utilized.

Purpose and Intent

Approval of these requests will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood.

VARIANCE CRITERIA for Variances # 2, 4, 6

Special Conditions and Circumstances

The subject property is zoned R-CE, however, the size and dimensions of the platted lots in the subdivision are smaller than those permitted in R-1 zoning, which has 25 ft. rear and 6 ft. side setbacks. If the property had R-1 zoning, then the variances would not be needed. Also, due to the layout of the existing house, any addition that follows the existing lines of the house would require a variance.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to install an addition that would be allowed in other zoning districts on similar sized lots.

Minimum Possible Variance

These are the minimum possible variances to allow the additions to the house, when there is no other place on the property that could be utilized in these circumstances.

Purpose and Intent

Approval of these requests will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated September 18, 2019 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Iqbal Gagan
11456 Commercial St.
Orlando, FL 32836

COVER LETTER

September 10, 2019

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

To Whom It May Concern:

Enclosed is the application for variance to enclose a existing lanai and for a room addition at the left/rear side of the existing single family two story home.

Original building was built in 1994 as "R1A" zoning.

Original front setback was 35', rear setback was 40' (to existing porch) and side setbacks were 8' on the left side (south) and 9.3' on the right side (North).

We were told that current zoning of our property is RCE.

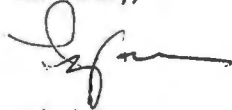
We want to add 2 story addition at the left/rear side of the existing structure and it will be attached to the existing structure. We have a lanai in rear under the existing roof structure, we would like to enclose it. We need this addition to accommodate our 4 grown up children. This is an absolute necessity.

We need to leave 8'-0" setback on left side to line up with our existing structure. We also need to line up with our rear setback of 40'-0"

Since you approved the existing structure with 8'-0" side setback and 40'-0" rear setback, we appeal to approve new addition with same setback so that addition looks like the part of existing structure.

This addition will beautify and enhance the ambience of the neighborhood.

Sincerely,



Iqbal Gagan

11456 Commercial Street
Orlando FL 32836

COVER LETTER

October 2, 2019

Nick Balevich, Planner II
Orange County Zoning Division
201 South Rosalind Avenue, 1st Floor
Orlando, FL 32801

Reference: VA-19-11-131

Dear Mr. Balevich,,

In response to your email dated September 27, 2019, I submit the following for your consideration;

1, Special conditions and circumstances: The existing house was built in 1994 as R1A and now is RCE. Therefore, I'm requesting R1A setbacks, so that left side building line continues with the addition to maintain the same plane.

2, Not self created: The applicant is not creating any new scenarios, it occurred because of zoning change since the house was built with plan approved as R1A.

3, No special privilege conferred: As other houses in area were built in the same manner. The house on the south (left side) will not have any impact as currently the setback is 8'-0".

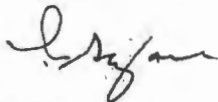
4, Deprivation of rights: County allowed existing building to be built as R1A. Therefore, addition to the existing house will enhance quality of the area and will increase property value for the neighborhood.

5, Minimum possible variance: Very minimal variance is requested by staying within the existing foot print of the structure and filling in south west corner in rear with same setbacks as before.

6, Purpose and intent: This will not harm but stay in harmony of the neighborhood and will not be detrimental to the public welfare. Rather it will enhance property value of the whole neighborhood.

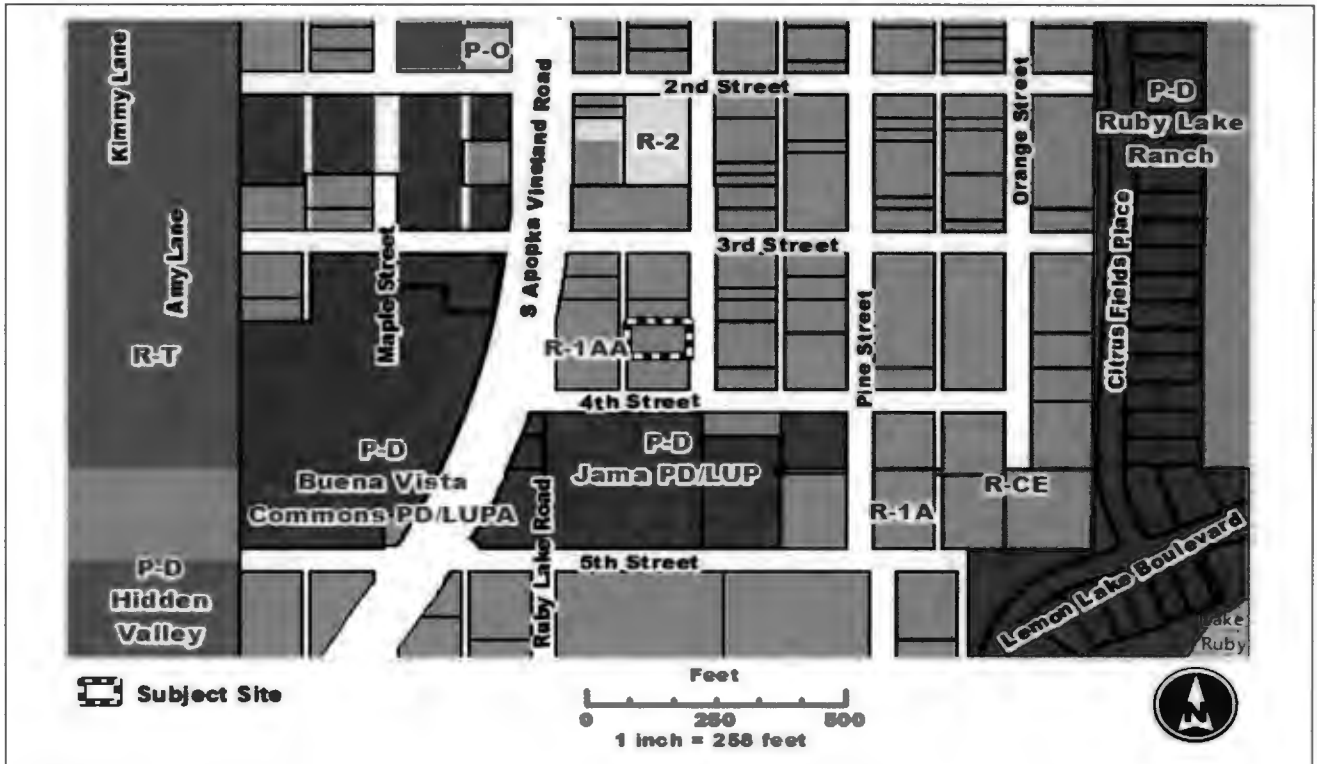
I request your help in the approval process.

Thank you

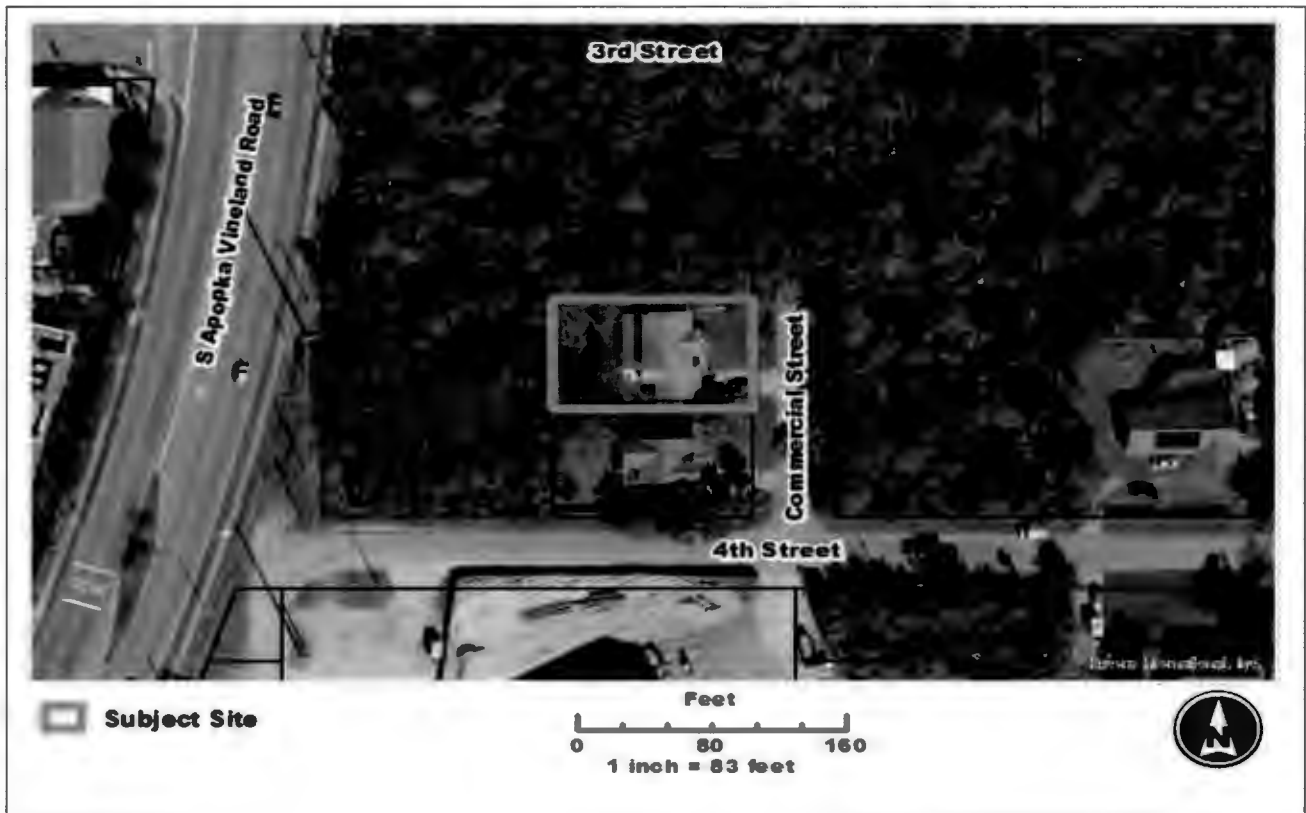


Iqbal Gagan
11456 Commercial st.
Orlando, FL 32836

ZONING MAP



AERIAL MAP



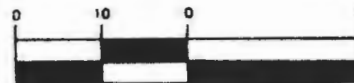
SURVEY

LOTS 7, 8 AND 9, BLOCK 67 OF ORANGE CENTER FLA., AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 'D', PAGE 147, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

SURVEY NOTES

1. THE INTENDED PURPOSE OF THIS SURVEY IS FOR BOUNDARY INFORMATION AND IMPROVEMENTS ONLY, AS SHOWN HEREON.
2. THE UNDERSIGNED SURVEYOR HAS NOT BEEN PROVIDED A CURRENT TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY. IT IS POSSIBLE THAT THERE ARE DOCUMENTS OF RECORD, UNRECORDED DEEDS, EASEMENTS OR OTHER INSTRUMENTS THAT COULD AFFECT THE BOUNDARIES TO THE SUBJECT PROPERTY.
3. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
4. THIS SURVEY MEETS OR EXCEEDS THE MINIMAL HORIZONTAL CONTROL ACCURACY OF 1:7500 FOR A SUBURBAN SURVEY.
5. MEASUREMENTS SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF.
6. DIMENSIONS TAKEN ARE AT THE EXPOSED AREAS OF IMPROVEMENTS, UNDERGROUND FOOTERS, FOUNDATIONS, UTILITIES OR OTHER SUBSURFACE STRUCTURES ARE NOT LOCATED FOR THE PURPOSE OF THIS SURVEY.
7. BEARINGS ARE REFERENCED TO THE WEST RIGHT OF WAY LINE OF COMMERCIAL STREET AS BEING S00°02'23"E.
8. GAGE INDUSTRIES, INC. RESERVES THE RIGHT TO UTILIZE ANY AND ALL INFORMATION OBTAINED IN THE PREPARATION OF THIS SURVEY INCLUDING THIS MAP OF LAND SURVEY, FOR ANY OTHER PURPOSES.
9. THIS SURVEY MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE PERMISSION OF GAGE INDUSTRIES, INC.
10. THIS DRAWING IS NOT VALID UNLESS BEARING AN ORIGINAL SIGNATURE AND EMBOSSED LAND SURVEYOR'S SEAL.

GRAPHIC SCALE

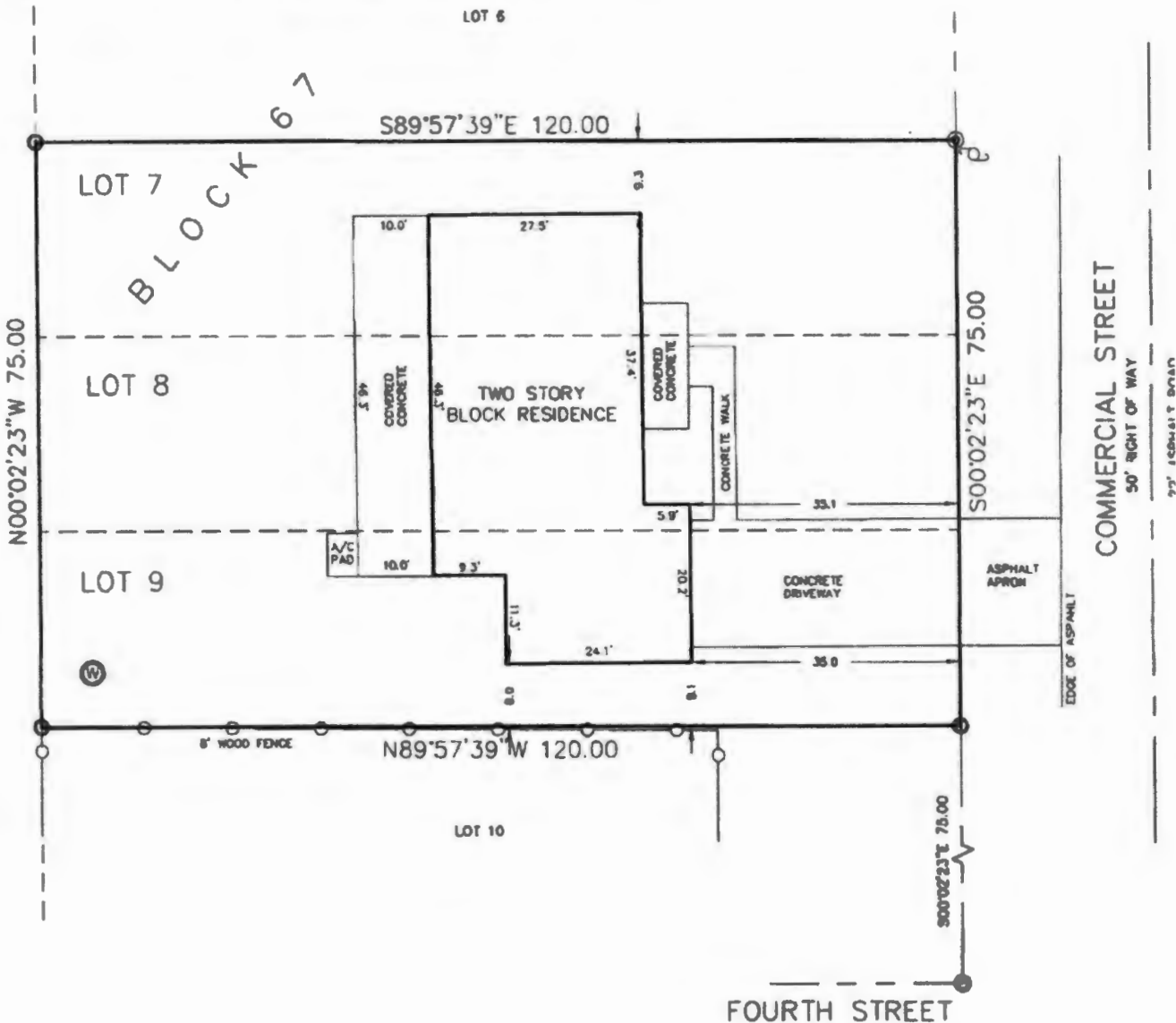


(IN FEET)

1 inch = 20 ft

LEGEND:

- Found 5/8" Iron Rod & Cap
- No Identification
- ⊙ Set 5/8" Iron rebar
- LS # 6104
- ⊕ Power Pole
- ⊙ Well
- P.U.D.E. Public Utility and Drainage Easement
- ▨ Denotes concrete



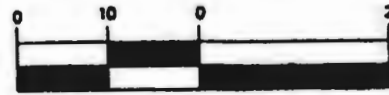
SITE PLAN

LOTS 7, 8 AND 9, BLOCK 67 OF ORANGE CENTER FLA., AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 'D', PAGE 147, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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GRAPHIC SCALE

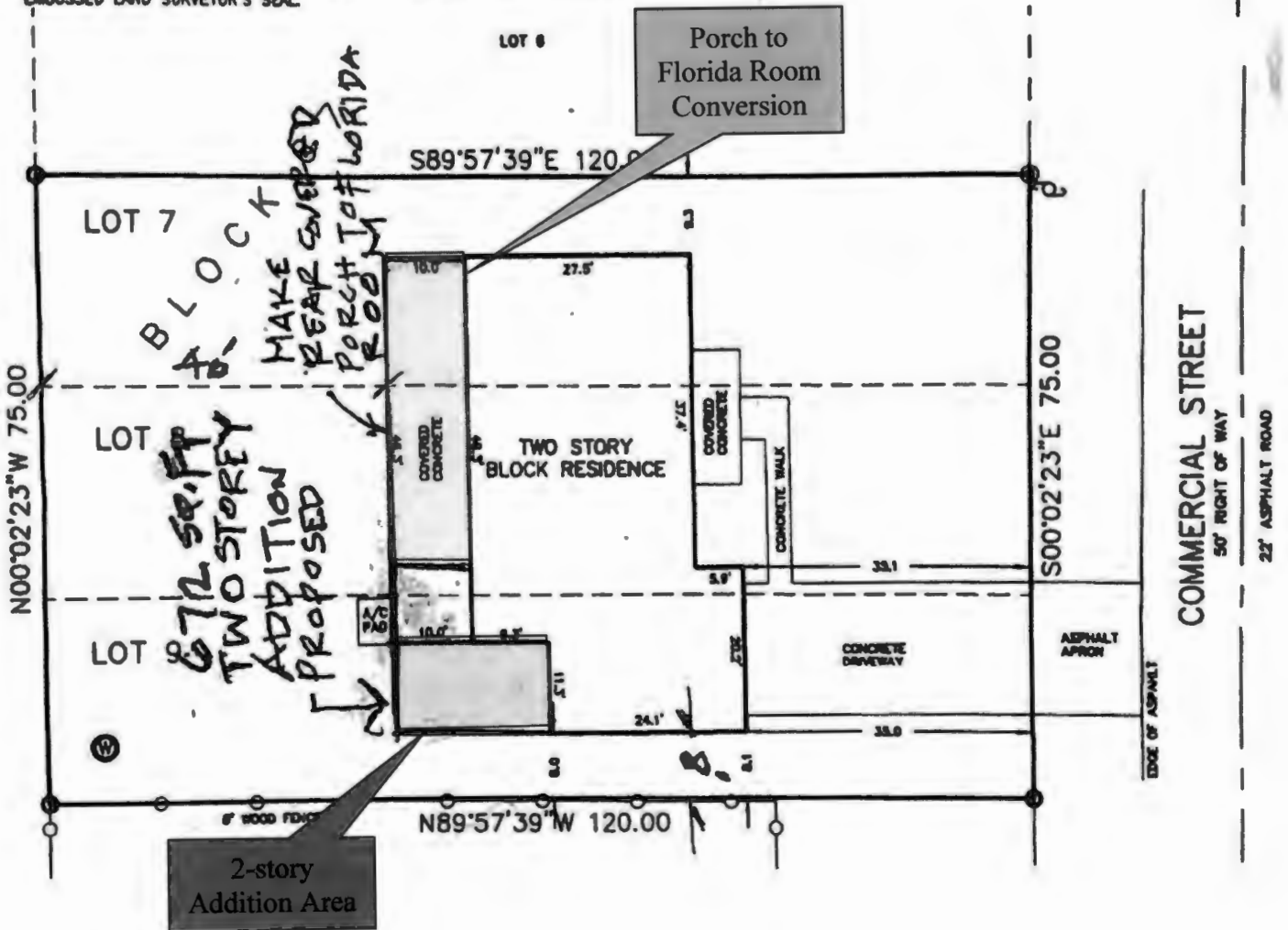


(IN FEET)

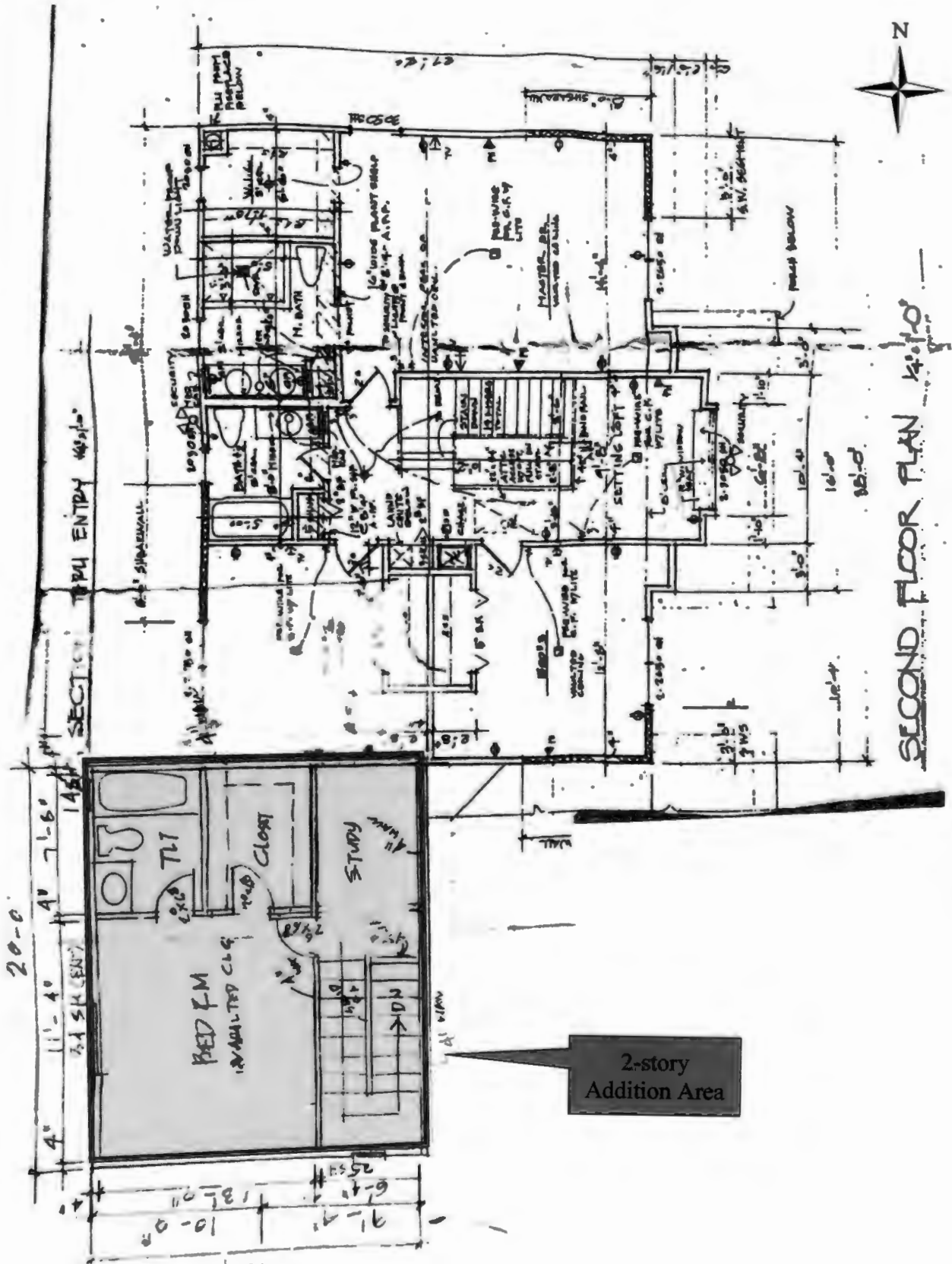
1 inch = 20 ft.

LEGEND:

- Found 5/8" Iron Rod & Cap
No Identification
- ⊙ Set 5/8" iron rebar
LS # 6104
- ⊕ Power Pole
- ⊙ Well
- P.U.D.E. Public Utility and Drainage Easement
- ▨ Denotes concrete

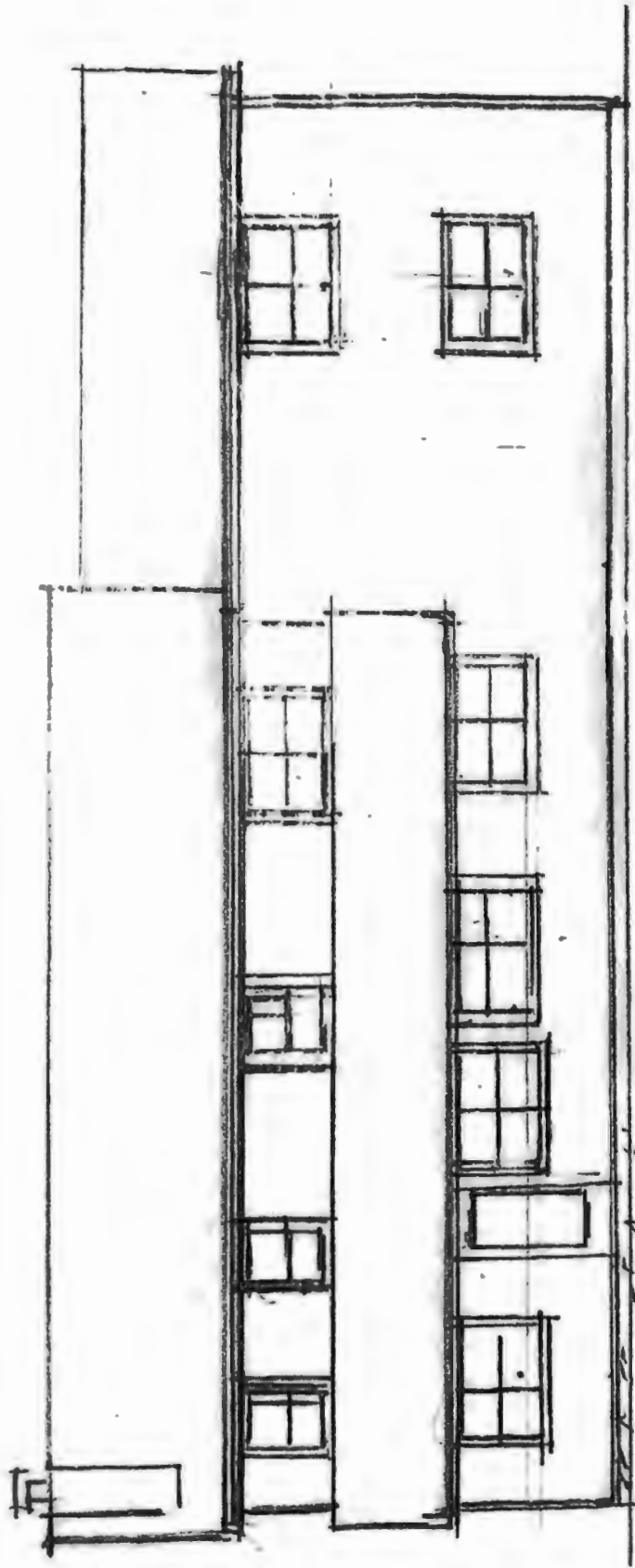


FLOOR PLAN - SECOND FLOOR



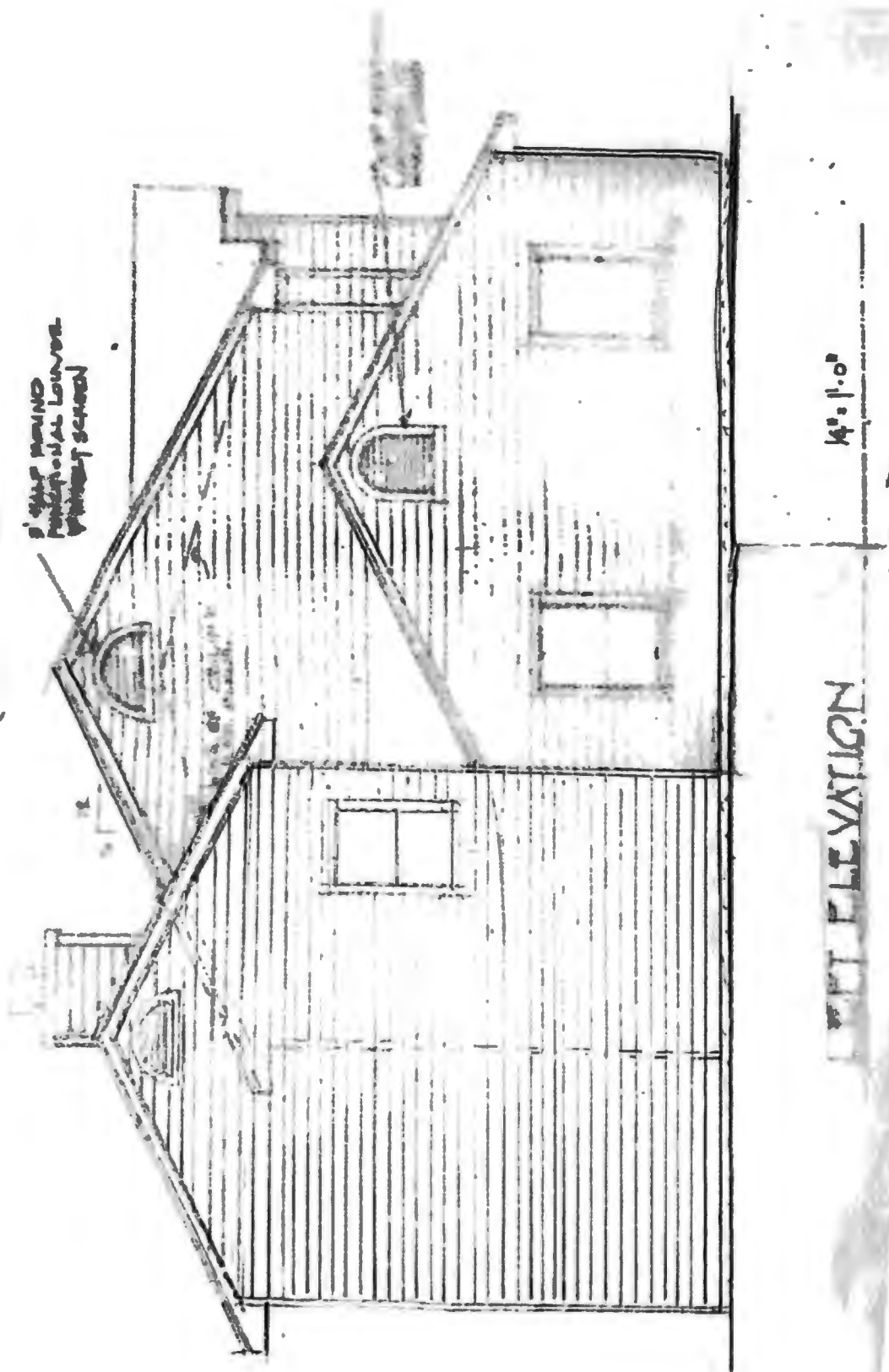
2-story
Addition Area

ELEVATION - REAR (WEST)



REAR ELEVATION | 1/8" = 1'-0"

ELEVATION - LEFT (SOUTH)



SITE PHOTOS



Front from Commercial St.



Patio from rear yard

SITE PHOTOS



Location of proposed 2nd story addition



Rear yard

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 07, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-11-123**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): CHEDDARS (LONDON WHITE)

OWNER(s): WESTWOOD BLVD, LLC

REQUEST: Variances in the P-D zoning district as follows:

- 1) To allow wall signage with 149.51 sq. ft. of cumulative copy area in lieu of 98 sq. ft.
- 2) To allow 2 signs on a building face in lieu of 1 sign.

PROPERTY LOCATION: 6121 Westwood Boulevard, Orlando, Florida, 32821, northwest corner of International Dr. and Westwood Blvd., on the south side of S.R. 528

PARCEL ID: 12-24-28-0000-00-023

LOT SIZE: 7.29 acres

NOTICE AREA: 1500 ft.

NUMBER OF NOTICES: 31

DECISION: Recommended **APPROVAL** of 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 September 10, 2019, 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 County Commissioners 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 of the property, the site plan, and photos of the site and existing signs. The applicant was present and agreed with staff's recommendation. The BZA discussed how the sign was constructed and attached to the building.

Staff received no commentaries in favor of the application, and none in opposition to the application. There were no members of the public present to discuss this request. The BZA made a motion to recommend approval of the variances, subject to conditions. The BZA approved the motion unanimously.

The subject property is an un-platted parcel that conforms with the zoning requirements. There are three existing commercial buildings on the site that were constructed in 1986. Cheddar's is refurbishing the building on the southeast portion of the property.

The property is a corner lot, with frontage on Westwood Boulevard and International Drive. The property also backs up to State Road 528.

It is also located within the Tourist Commercial signage overlay district, which allows 1 square foot of copy area for wall signage per linear foot of building frontage, and 1 sign per building face. The building has 98 feet of frontage, which allows for a total of 98 square feet of copy area to be placed on the building. The applicant is proposing 149.51 sq. ft. of cumulative copy area on 4 wall signs. One sign is proposed on the south facade and one on the east facade, and two signs are proposed for the west facade of the building. One of the 2 signs on the west facade is to direct customers to the to-go pickup area.

There are 2 freestanding signs on the property facing International Drive. The applicant is proposing a face replacement the pole sign that was utilized by the previous tenant at the space. The applicant should also be allotted space on the multi-tenant ground sign.

The request to increase the wall sign square footage constitutes a 53% deviation from code.

STAFF FINDINGS

ARIANCE CRITERIA

Special Conditions and Circumstances

Code only allows the building frontage to be counted on the side with the front door. The property fronts on 2 roads and has multiple entries, necessitating additional sign area and number of signs.

Not Self-Created

The Tourist Commercial Sign Code does not allocate additional sign area or number of signs for additional frontage. The lot being a corner lot with 2 frontages is not self created.

Deprivation of Rights

The applicant is being deprived of any consideration being given to the multiple road frontages, multiple entrances and setbacks.

Minimum Possible Variance

The request is the minimum variance to allow visibility considering the double frontage.

Purpose and Intent

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, as the amount of increase being requested is 53% when there is a second road frontage involved, which could double the amount of signage allowed, if this frontage was considered.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated September 10, 2019, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Landon White
6001 Nimitz Pkwy.
South Bend, IN 46628

COVER LETTER



To Whom It May Concern:

Cheddars Scratch Kitchen is proposing to install four (4) wall signs on three (3) elevations at their new location at 6109 Westwood Blvd. The proposed total is 149.51 square feet. Per the interpretation of code, we would be limited to 98 square feet based on the frontage of the building. Our proposal will exceed the square footage allowed and we are placing signs on multiple elevations; however, the proposal is not egregious and would aesthetically fit within the corridor.

Special Conditions and Circumstances: This site has existing special circumstances as it has frontage on two (2) public right-of-way's and has high visibility. The proposed Cheddar's will have visibility to International Dr., Westwood Blvd., and 1528.

Not Self-Created: The building has a significant setback, from the ROW which decreases visibility. *This is not self-imposed, rather a requirement of the city and increases the need for signage.* The proposed signage will help meet that need.

No Special Privilege Conferred: No special privilege would be conferred as what is being requested would not be significantly greater square footage or provide an unfair practical advantage to the Cheddars Scratch Kitchen.

Deprivation of Rights: Not allowing the increase of square footage would not lead to a deprivation of rights commonly shared by other sites, as those sites are limited to the square footage of their business frontage. However, the Cheddars does have multiple entries to the building as well as frontage on a second, potentially third right of way.

Minimum Possible Variance: The proposed signage is the brand standard signage and is only being requested on two additional elevations.

Purpose and Intent: The purpose and intent of the zoning regulations will be upheld in the event this proposal is approved. The proposed signage will assist in promoting safety within the surrounding area by providing navigational assistance to motorists in the area and the proposed signage will fit aesthetically within the corridor.

If you have any questions or need any additional information, please contact me at 574-232-6933 or law@sesbranding.com.

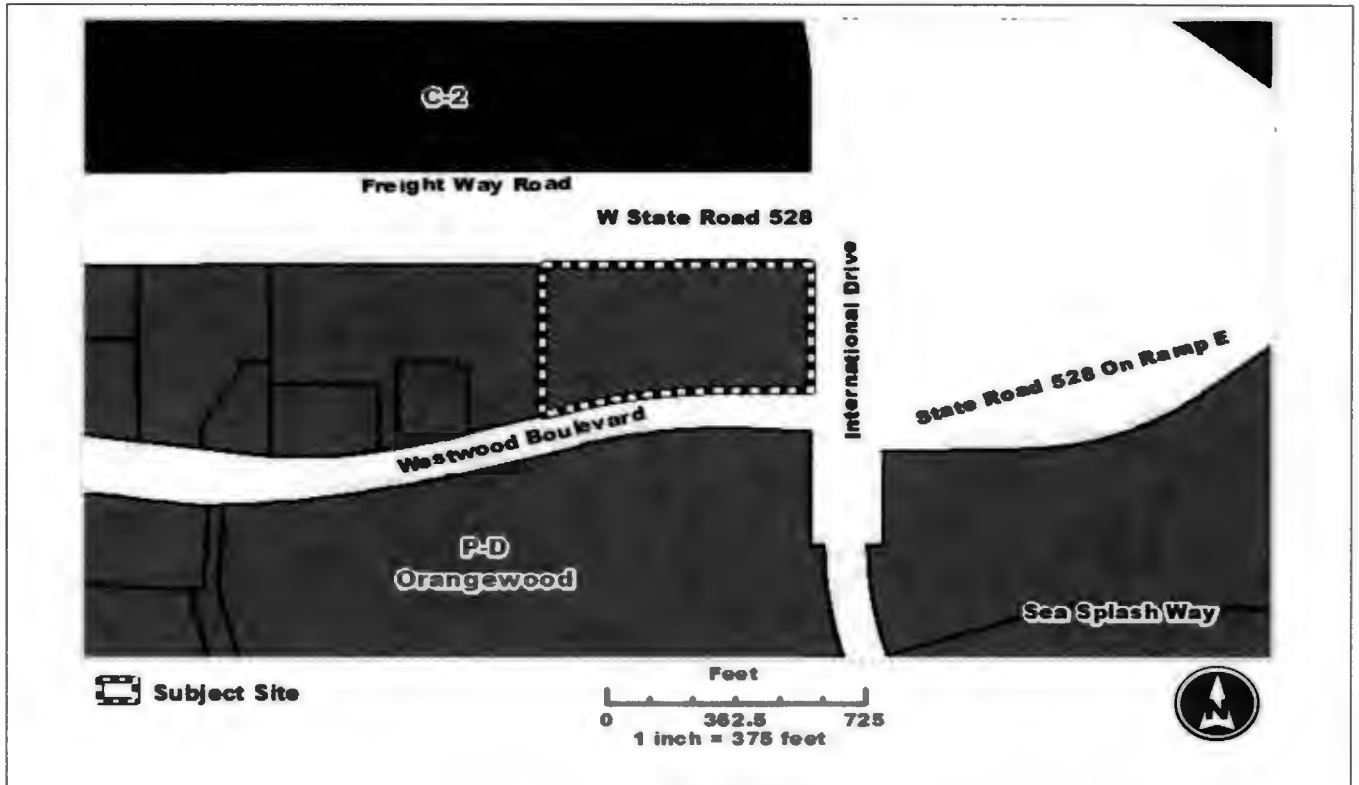
Thank You,

A handwritten signature in black ink, appearing to read 'Landon White', written over a light blue horizontal line.

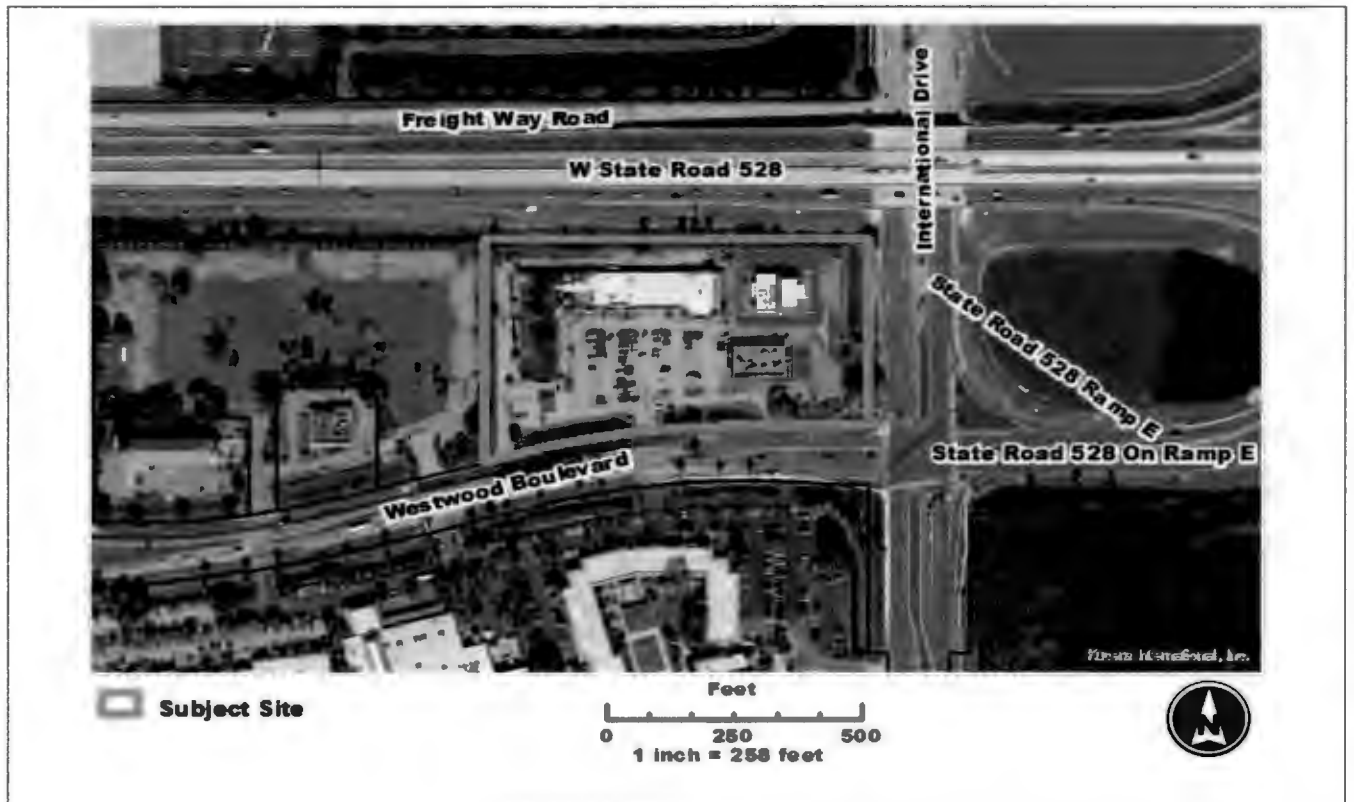
Landon White
Zoning Specialist
Site Enhancement Services
6001 Nimitz Parkway
South Bend, IN 46628
P: 574-232-6933
F: 574-237-6166
law@sesbranding.com

SOUTH BEND
6001 Nimitz Pkwy | South Bend, IN 46628 | P: 888.276.7407 | F: 574.237.6166

ZONING MAP

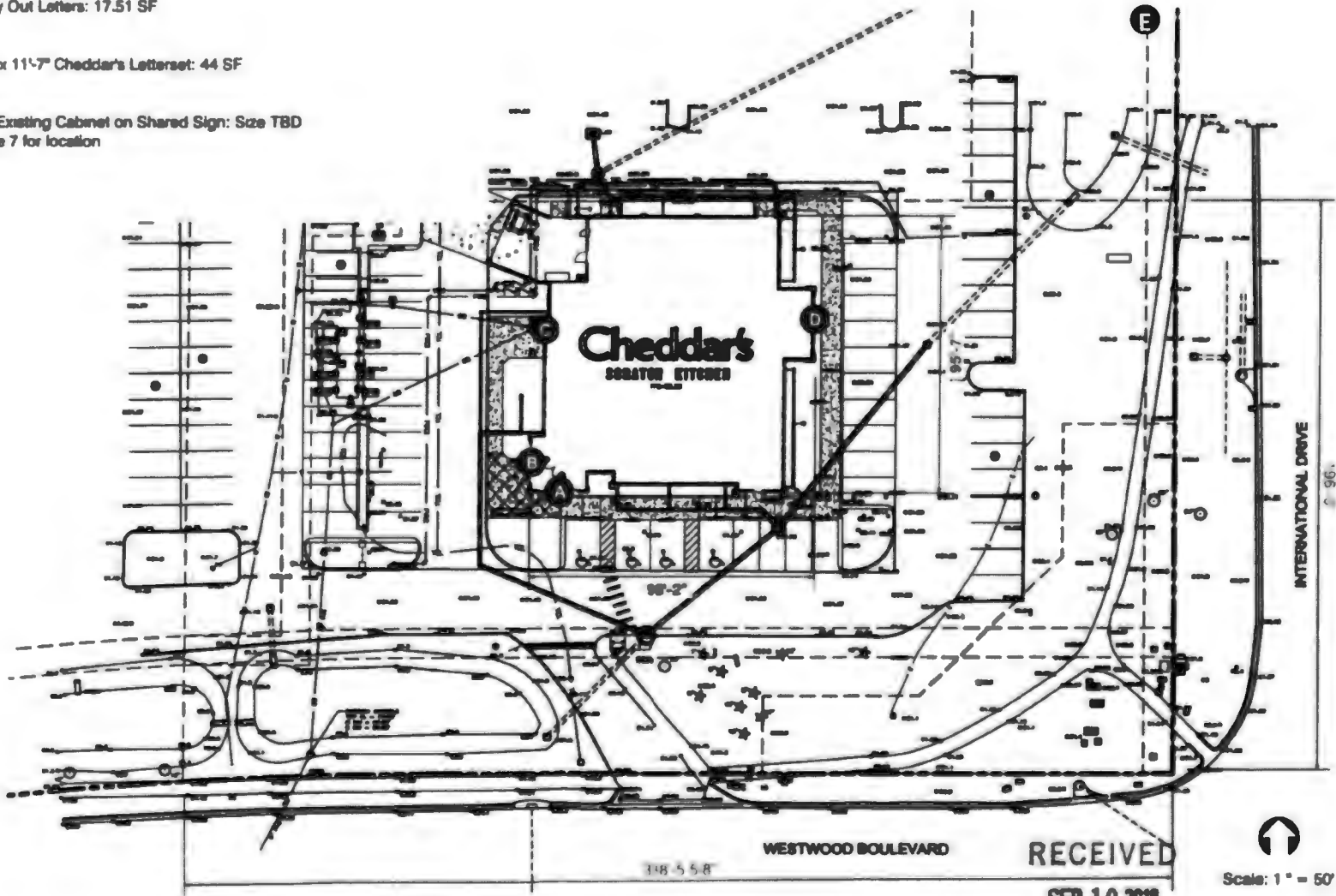


AERIAL MAP



Site Plan
Store #TBD

- A** 4'-1 5/8" x 11'-7" Cheddar's Letterset: 44 SF
- B** 4'-1 5/8" x 11'-7" Cheddar's Letterset: 44 SF
- C** 15" Carry Out Letters: 17.51 SF
- D** 4'-1 5/8" x 11'-7" Cheddar's Letterset: 44 SF
- E** Re-face Existing Cabinet on Shared Sign: Size TBD
See page 7 for location

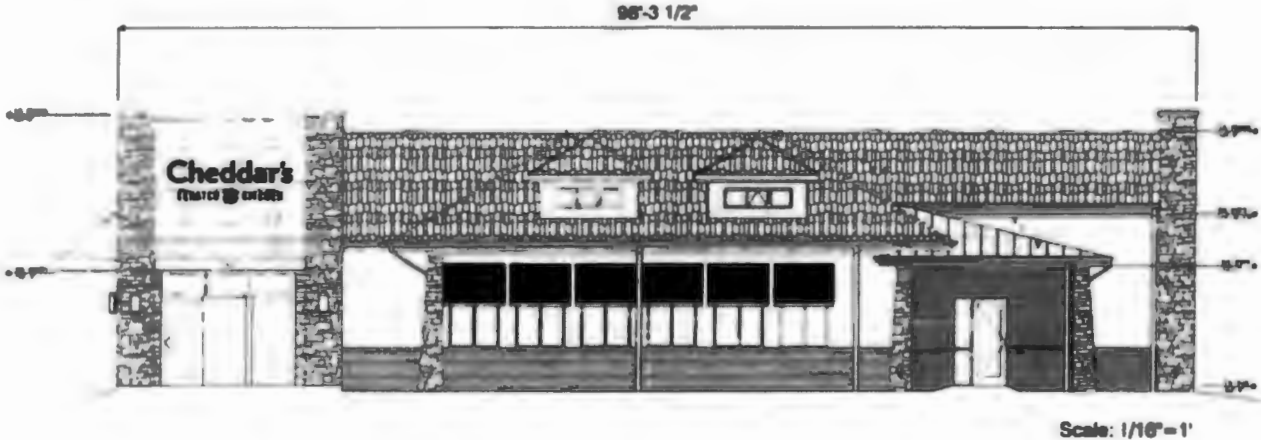


SIGN LOCATION SITE PLAN

RECEIVED
SEP 10 2019
ORANGE COUNTY
ZONING DIVISION

Scale: 1" = 50'

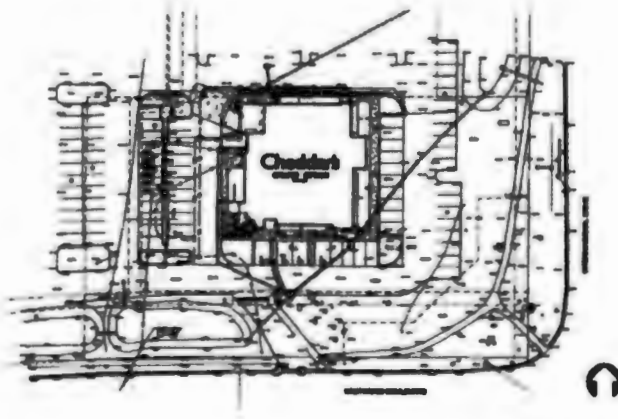
Front Elevation
Store #TBD



Scale: 1/16"=1'



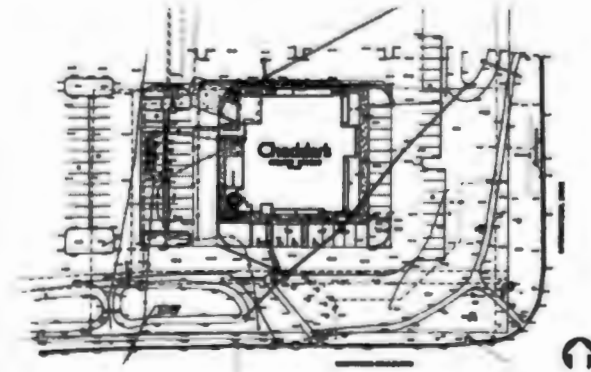
Wall Sign
44 SF
Scale: 3/8"=1'



Page 3 of 11

SIGN "A" DETAILS (SOUTH FAÇADE FACING WESTWOOD BLVD)

Left Elevation
Store #TBD

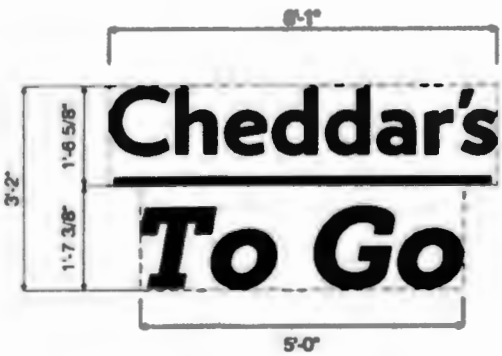


SIGN "B" DETAILS (WEST FAÇADE)

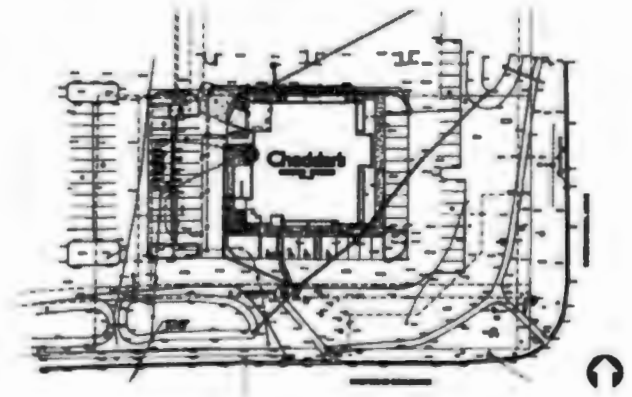
Left Elevation
Store #TBD



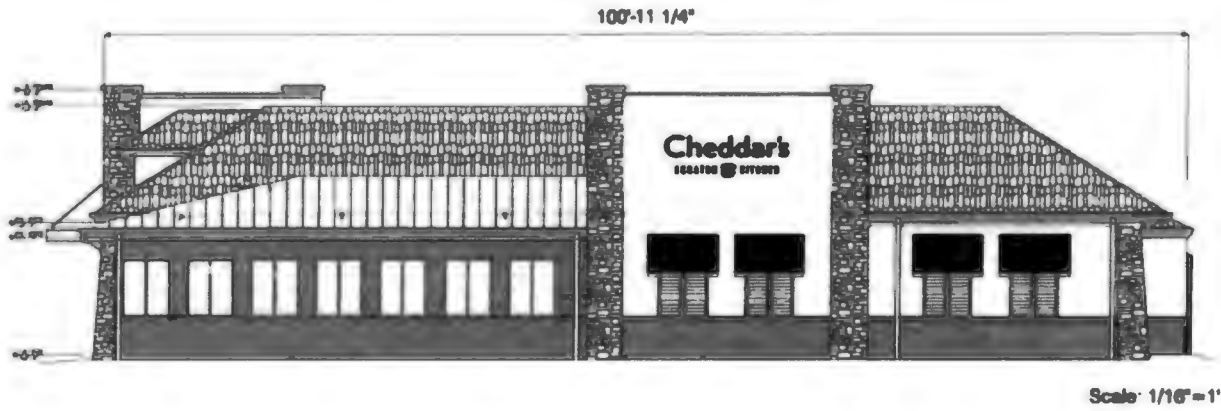
SIGN "C" DETAILS (WEST FAÇADE)



To Go Sign
17.51 SF
Scale: 3/8" = 1'



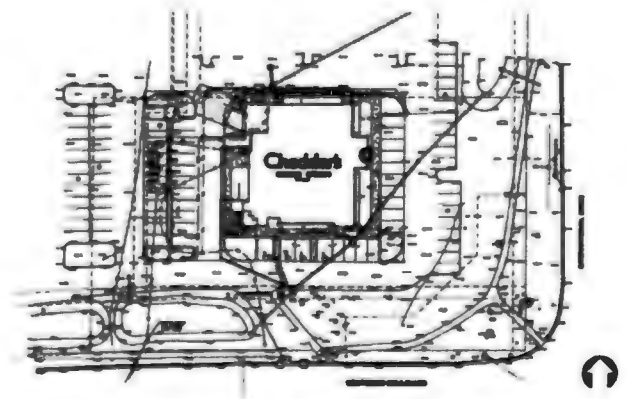
Right Elevation
Store #TBD



Scale: 1/16"=1'



Wall Sign
44 SF
Scale: 3/8"=1'



SIGN "D" DETAILS (EAST FAÇADE FACING INTERNATIONAL DR)

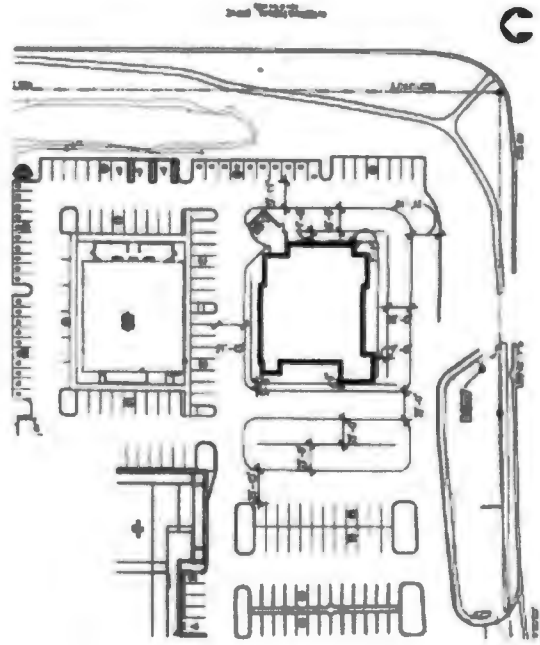
SIGN "E" DETAILS (NORTHEAST CORNER OF PROPERTY)

Face Replacement
Store #TBD

A variance is not requested for Sign E, this detail is shown for reference only.



Face Replacement
Utilized Square Footage: TBD
Scale: TBD



SITE PHOTOS



Site looking Northeast



Site looking East

SITE PHOTOS



10/10/2019 12:30

Site looking West



10/10/2019 12:30

Sign on International Dr. for Shopping Center

SITE PHOTOS



Pole sign on International Dr. to be replaced with Cheddars



Overall site

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 07, 2019**

Case Planner: **Nick Balevich**

Case #: **SE-19-11-130**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): ORLANDO BAPTIST TEMPLE (XAVIER SMALL)

OWNER(s): ORLANDO BAPTIST TEMPLE INC

REQUEST: An amendment to an existing Special Exception in the R-1A zoning district to allow the expansion of a private school (K-12) from 38 students to 60 students, utilizing existing classrooms. No new construction is proposed with this request.

PROPERTY LOCATION: 4400 N. Powers Drive, Orlando, FL, 32818, west side of N. Powers Dr., northwest of the intersection of North Ln. and N. Powers Dr., and south of Lake Horseshoe Dr.

PARCEL ID: 01-22-28-0000-00-013

LOT SIZE: 16.36 acres

NOTICE AREA: 800 ft.

NUMBER OF NOTICES: 371

DECISION: Recommended **APPROVAL** of the amendment to the existing Special Exception 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 October 7, 2019, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

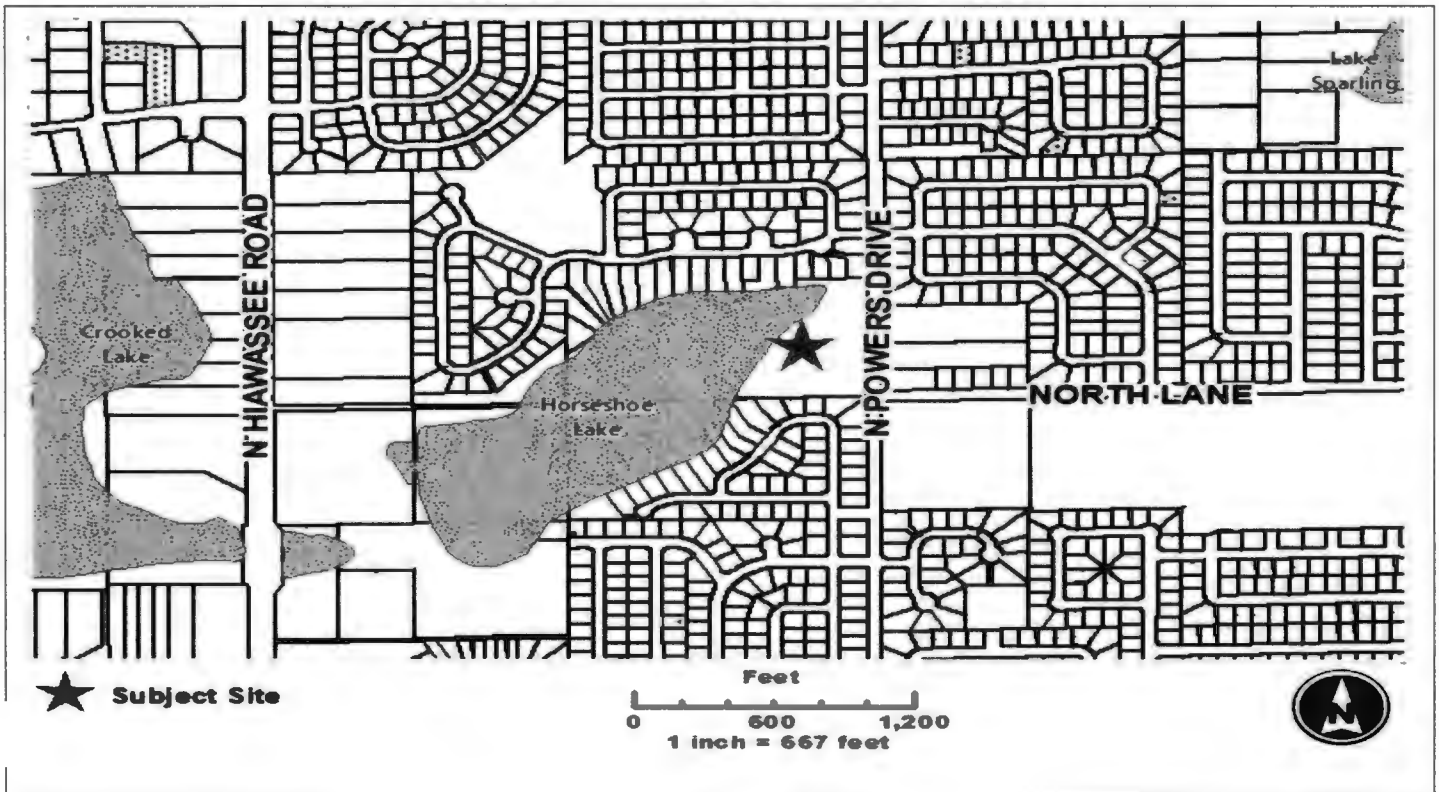
SYNOPSIS: Staff gave a presentation on the case covering the location of the property, the site plan, and photos of the site. The applicant was present and agreed with staff's recommendation, noting that they were pursuing this request to serve the community. The BZA discussed the number of bathrooms and parking spaces, noting that they were adequate to serve the property.

Staff received no commentaries in favor of the application, and one in opposition to the application. There were no members of the public present to discuss this request. The BZA made a motion to recommend approval of the amendment to the Special Exception, subject to conditions. The BZA approved the motion unanimously.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	R-1A	R-1A	R-1A	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Religious	Single Family Residence	Single Family Residence	Religious	Single family Residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned R-1A, Single Family Dwelling district, which allows single family homes and associated accessory structures on lots a minimum of 7,500 sq. ft. or greater.

The subject property is a 16.36 acre property that fronts on N. Powers Dr. and is considered to be a conforming lot of record. The property was granted a Special Exception in 1972 to allow a religious facility and educational building on the property. The property contains 3 church related buildings, and associated parking.

The area consists mostly of single family homes on large lots to the north, south and west, with religious facilities and schools to the east, across N. Powers Dr.

The applicant is proposing to increase the number of students from 38 to 60. No new construction is proposed, as existing classrooms will be utilized. The applicant has also provided parking calculations to show that all required parking is being provided with existing paved spaces.

District Development Standards

	Code Requirement	Existing
Max Height:	35 ft.	N/A
Min. Lot Width:	75 ft.	667 ft.
Min. Lot Size:	7,500 sq. ft.	71,2518 sq. ft.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Existing
Front:	20 ft.	60 ft.
Rear:	25 ft.	Over 1,000 ft.
Side:	7.5 ft.	38 ft./385 ft.
NHWE:	50 ft.	170 ft.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

Through Special Exception approval, the use is consistent with the Comprehensive Plan.

Similar and compatible with the surrounding area

The area is developed in a residential manner north, south and west, with religious facilities and schools to the east. The site is 16.16 acres, and is already being used for a church and school. The request is for a modest expansion to the school use, and as such, the use will be compatible with the pattern of development.

Shall not act as a detrimental intrusion into a surrounding area

Due to the large size of the property, distance separations, and existing heavy vegetation, the use will be buffered and will not be a detrimental intrusion into the area.

Meet the performance standards of the district

This use is already established and meets the performance standards for the zoning district. Since all improvements will be internal, with no changes to the exterior, all performance standards will continue to be met.

Similar in noise, vibration, dust, odor, glare, heat producing

This use is already established, and has similar characteristics as those associated with the majority of uses currently permitted in the zoning district.

Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code

No additional landscaping will be required.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated October 7, 2019 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Xavier Small
226 Mosswood Cir.
Winter Springs, FL 32708

COVER LETTER

To Whom It May Concern:

Orlando Baptist Temple is currently in a residential neighborhood, and we are seeking a special exemption to have a Private Christian School in our building.

Student Capacity

Orlando Baptist Temple currently has the classroom and restroom capacity to accommodate 60 students. The parking lot has 45 parking spots, and a seating capacity for 80 patrons/ church members. The reason that the parking spot to seating ratio is so vast, is because Orlando Baptist Temple breaks up in to three services per week, and very seldom reaches full capacity in parking because of that. During the school day, only 6 cars will be on the property, with much of the parking lot being available for plenty of vehicles. We currently have 8 class rooms, but only 3 of them will be in use for the school.

Church and School Existence

Orlando Baptist Temple's church services will not coincide with the general program of the school, as both entities will not have programs at the same time. The current student listing for the school is currently 38 students, however, our building has the capacity for 60. Therefore, we are requesting a special exemption for 60 students. The school will follow a 7am to 5pm schedule, Monday through Friday. ICA will have all grades, K-12.

Child Pick Up/Drop off

There is an underpass at the front of the property where children are dropped off and picked up during the school day. The property has signs at both entrances creating a steady direction of traffic. The north entrance is where the cars are allowed to come in and the south entrance is where the cars exit.

Parking Variance

ICA is not requesting a parking variance.

Parking Calculations

Church

There is one space for every three patrons/ church members. There are 80 church members. 80 divided by three is 27. I am the only full-time official., so there is only need for one space. Therefore, there are 28 spaces needed for the church body.

School

There are four spaces needed per room. There will be three rooms in use for ICA. Therefore, there will need to be 12 spaces just for the room.

There needs to be one space per three high school students. There are 12 (being generous with the number) high school students. Therefore, we will need 4 spaces for the high school students.

COVER LETTER

In total, between the church and the school, there will need to be 44. Orlando Baptist Temple currently has 45 spaces.

Construction

ICA will use three existing class rooms. There is also an increase from 38 students to 60 students.

There will be no new construction, ICA will utilize all existing spaces and will need no more room.

Please contact us with any questions!

In Him,

Xavier Small
Senior Pastor
Orlando Baptist Temple
4400 N. Powers Dr. Orlando, FL. 32818
407-535-9863
Xaviersmall5683@gmail.com

COVER LETTER

Special Exemption Criteria

1. ICA will only help to improve Orange Country. ICA is a healthy alternative to public schooling that will be able to give children one on one learning experiences and special attention they may not receive in broader settings. The quality of life, though small, will improve through the workings of ICA and other private institutions like it.
2. ICA will not make any changes to the general use of the surrounding area. There will not be any building changes, traffic interference or congestion, or require any change from neighbors or surrounding entities in order for it to operate.
3. ICA will use one of our two buildings and will not cause or require overflow on to the property of Orlando Baptist Temple's neighbors or any public property. ICA will be able to operate on the property AS IS without having to extend itself, elsewhere.
4. ICA will be in compliance with health regulations and inspections, fire regulations and inspections, and scholastic regulations set up by Orange County. ICA swears to continue to meet all regulations that are required by any other entity in the area.
5. There will be no environmental shifts that could disrupt the present flow of the area. ICA will be on the same schedule as Orange County schools and will follow its patterns and guidelines. There will be no characteristic changes.
6. We will be contacting the Property Owner's Association to get the proper buffers needed in order to make sure we are meeting Orange County Standards.

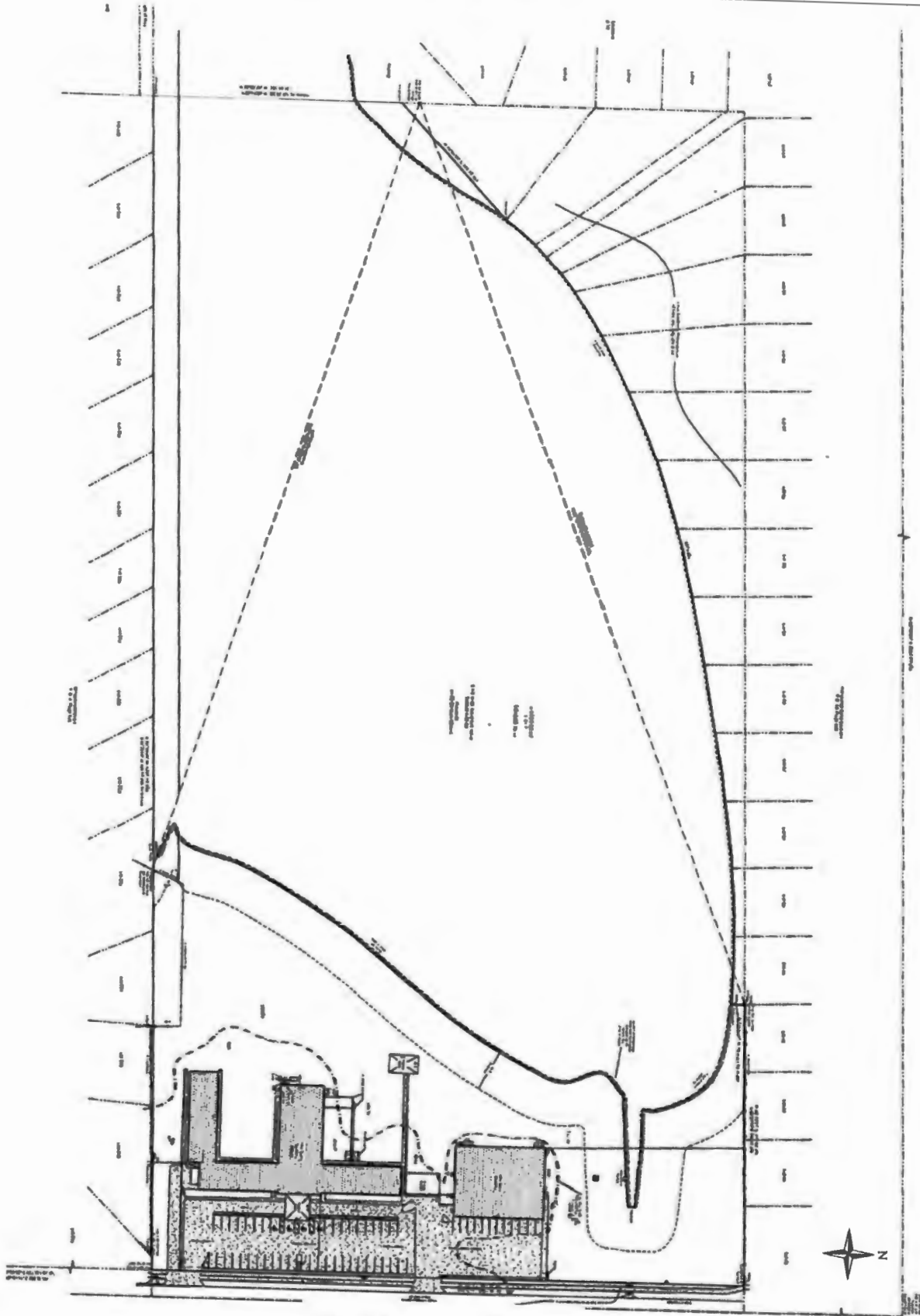
ZONING MAP



AERIAL MAP

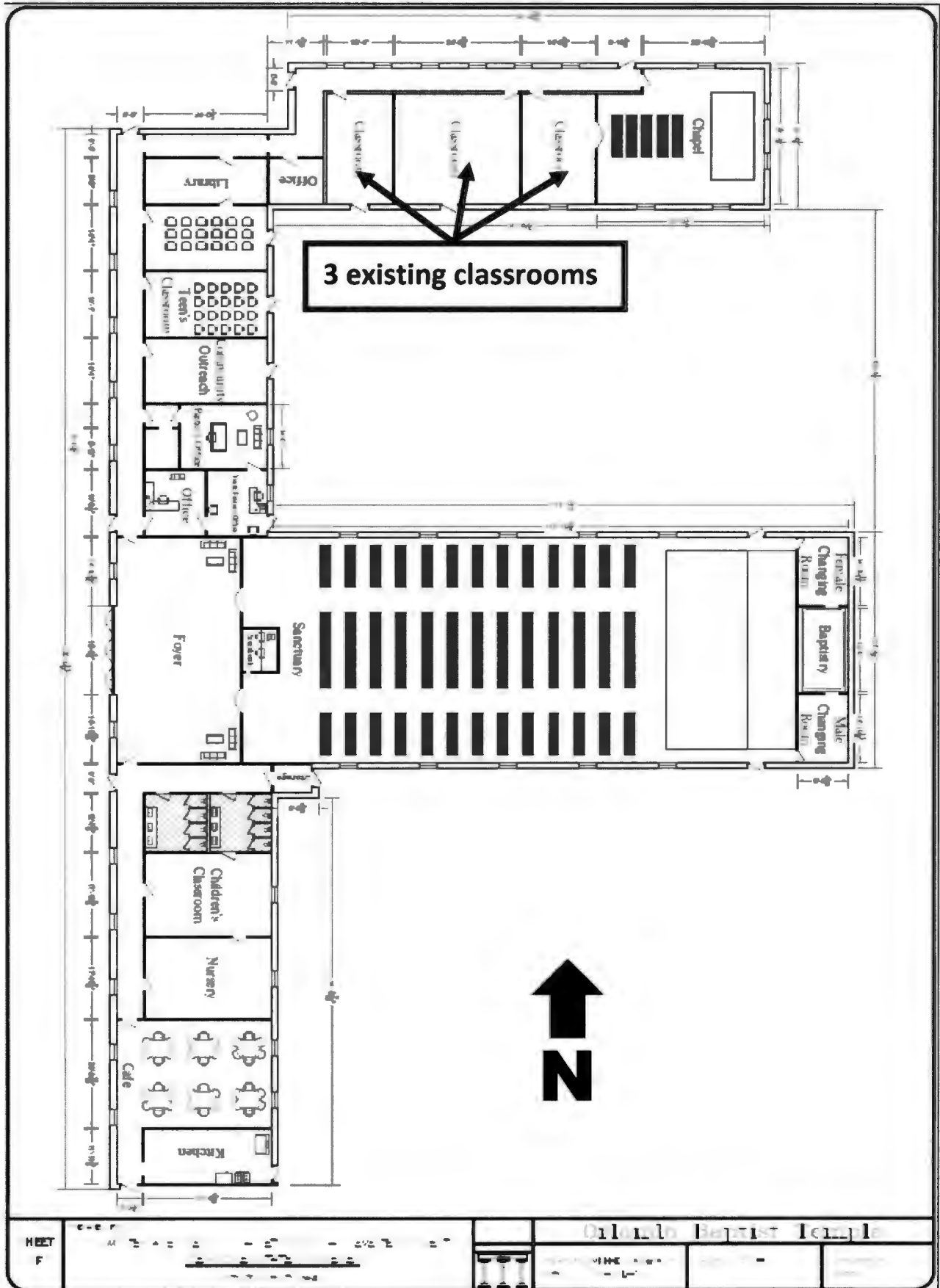


SURVEY



N. Powers Drive

FLOOR PLAN



SITE PHOTOS



Front from N. Powers Dr.



Front Parking Lot

SITE PHOTOS



Front-classrooms



Side-classrooms

SITE PHOTOS



Rear-classrooms



Rear

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 07, 2019**

Case Planner: **Steven Thorp, AICP**

Case #: **SE-19-11-132**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): THE CROSS OF CENTRAL FLORIDA (DAVE STREM)

OWNER(s): COOL BREEZE OF CENTRAL FLORIDA LLC 50% INT, LWC INVESTMENTS LLC 50% INT

REQUEST: Special Exception and Variance in the A-1 zoning district as follows:

- 1) Special Exception for a 2 phase, 81,500 sq. ft. religious institution with a total of: 1,200 seat worship center with associated office space; 250 seat children's worship center; 300 seat gymnasium; 200 seat wedding chapel; 250 seat outdoor performance pavilion; and a 6 vehicle bus barn.
- 2) Variance to allow 525 grass parking spaces in lieu of paved.

PROPERTY LOCATION: 5505 N. Orange Blossom Tr., Mount Dora, FL 32757, east side of N. Orange Blossom Tr., north side of Terrell Rd.

PARCEL ID: 09-20-27-0000-00-014

LOT SIZE: 34.3 acres

NOTICE AREA: 1500 FT

NUMBER OF NOTICES: 432

DECISION: Recommended **APPROVAL** of 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, Recommended **APPROVAL** of 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 (4 in favor, 1 opposed and 2 absent):

1. Development in accordance with the site plan dated "Received October 17, 2019" 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall submit construction plans through the commercial site plan review process within 3 years of final approval for Phase 1 of the Development and within 7 years of final approval for Phase 2 of the Development, or this approval is null and void. The required parking and infrastructure for each phase shall be provided at time of permitting.

5. Grass parking spaces, may be unpaved. Each grass parking space shall be delineated by installation of a tire stop. Railroad ties are acceptable. Each tire stop shall be affixed to the ground by use of rebar.
6. Development shall comply with Chapter 24 (Landscaping). In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
7. The applicant shall construct a Type "C" buffer along the north and east property lines in accordance with the approved site plan.
8. Split rail fencing with landscaping shall be provided along the perimeter of the property adjacent to N. Orange Blossom Trail and Terrell Road. This condition does not apply to the legally non-conforming Feed Store use, unless improvements to the Feed Store site are made.
9. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards." Exterior lighting shall not illuminate the identified grass recreation fields on the site plan.
10. No more than six (6) 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. 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 30 days prior to the date of each event. This does not apply to outdoor religious services not affiliated with approved outdoor special events.
11. Sound amplification shall be permitted for approved outdoor special events only.
12. Any Code Enforcement violations shall be resolved and satisfied prior to issuance of any building permit for the proposed use.

SYNOPSIS: Staff gave a presentation on the case covering the location of the property, the site plan, and photos of the site. Staff recommended approval of the Special Exception, and a lesser approval of the Variance to allow 360 grass parking spaces instead of the requested 525 grass parking spaces.

The applicant agreed with the staff presentation, with modifications requested to Conditions #10 and 11 to allow for an increased number of outdoor special events and to allow sound amplification. Staff received one commentary in favor of the application, and none in opposition. There were three (3) members of the public who spoke in support and none in opposition.

The BZA discussed at length the applicant's request to modify the staff recommended conditions, citing concerns with compatibility with surrounding single-family development as well as what constitutes an outdoor special event.

Staff provided clarification that a religious service held outside does not constitute a special event, but any festival, gathering, or non-religious use of the property outside where large gatherings of people occur are considered an outdoor special event. Additionally, staff noted that even if sound amplification was approved, the applicant would still be subject to the County's noise ordinance. Additionally, there was discussion to allow additional colors for the split rail fencing that was recommended by staff in condition #8 to provide additional flexibility for the applicant.

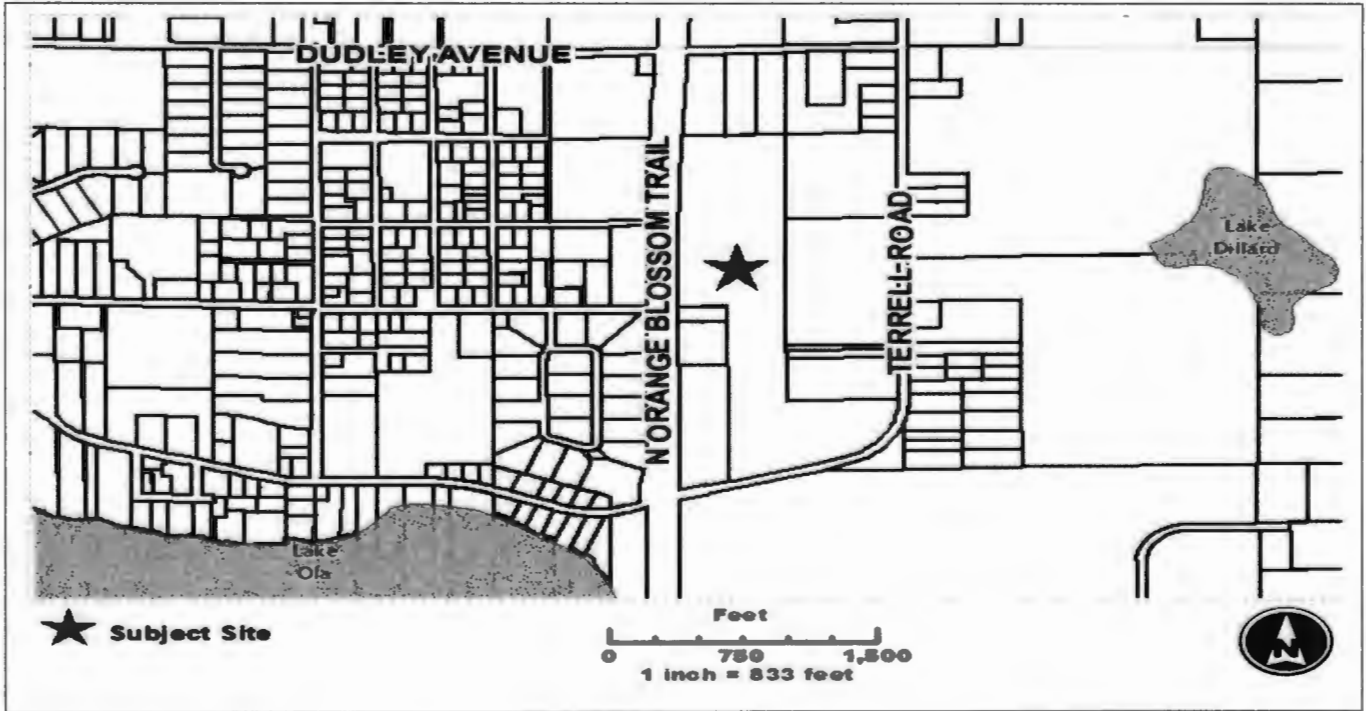
A motion was made by the BZA to recommend approval of the special exception and the lesser variance of 360 grass parking spaces, subject to the staff recommended conditions, with modifications made to Condition #8 to remove the word "White", modification to Condition #10 to increase the number of outdoor special events to six (6) and to add another sentence at the end of the condition stating that "This does not apply to outdoor religious services not affiliated with approved outdoor special events.", and a modification to Condition #11 to

allow sound application for approved outdoor special events. The motion was seconded and was carried on a 4-1 vote.

STAFF RECOMMENDATION

Approval of the Special Exception, with a lesser variance of 360 grass parking spaces, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	A-1	A-1/PD	A-1	A-1
Future Land Use	RS 1/1	RS 1/1	RS 1/1	RS 1/1	LDR
Current Use	Commercial/Agricultural	Single-family residential/Vacant	Vacant	Single-family residential/Vacant	Single-family residential / Agriculture

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is located in the A-1 Citrus Rural zoning district, which allows agricultural uses, mobile homes, and a single family residence with associated accessory structures on larger lots. The property has a Future Land Use of Rural Settlement 1/1 and is located within the Tangerine Rural Settlement. Within Rural Settlements, uses such as Religious Institutions are permitted through the Special Exception process.

The 34.3 acre, unplatted subject property is generally undeveloped with open grassland and a clustering of trees. It is a unique shaped lot that has dual frontages on N. Orange Blossom Trail and Terrell Road. The front building setbacks are applied from the rights-of-way, the rear setback from the eastern property line, and side setbacks for the remainder of the property. The west side of the subject property adjacent to N. Orange Blossom Trail is developed with a 1,496 sq. ft. commercial building with 1,800 sq. ft. warehouse, as well as a 1,758 sq. ft. single-family dwelling.

The immediate developed area is comprised primarily of agricultural and single-family detached development with sporadic retail commercial uses along the N. Orange Blossom Trail corridor. There are four religious institutions within 4,000 feet of the subject property: the Tangerine Community Church, Greater Mt. Carmel Church, the First Baptist Church of Tangerine, and the Mount Zion Primitive Baptist Church.

The applicant is proposing a 2 phase, 81,500 sq. ft. religious institution comprised of a: 1,200 seat (Phase 1 with 800 seats, Phase 2 with 400 seats), 30,000 square foot worship center with associated office space; 250 seat children's worship center; 300 seat gymnasium; 200 seat wedding chapel; 250 seat outdoor performance pavilion; and a 6 vehicle bus barn. The bus barn will be built in Phase 1 to allow for the storage of church buses on the property.

Per the site plan, the phasing of the development is as follows:

Phase 1		Phase 2			
Structure	Sq. Ft.	Structure	Sq. Ft.		
Auditorium (800 seats)	25,000	Auditorium (400 seats)	5,000		
Sunday School	16,500	Sunday School	8,500		
Youth Gym	4,000	Youth Gym	6,000		
Office	2,500	Office	2,000		
Bus Barn	5,000	Chapel	4,500		
		Pavilion	2,500		
Total	53,000	Total	28,500	Overall Total	81,500 Sq. Ft.

Phase 1 will require 281 parking spaces for patrons and employees (based on the 800-seat auditorium and 14 employees) and Phase 2 will require an additional 133 spaces for the 400-seat expansion of the auditorium, therefore the project will require 414 parking spaces. The applicant is proposing 166 of the required parking spaces to be paved and 248 of those spaces to be grass. Development of Phase 1 will require all 166 paved parking spaces to be constructed, as well as 115 grass parking spaces to meet the parking requirement. Additionally, the applicant is proposing 112 additional grass parking spaces on-site for overflow parking during peak facility usage when services are being held.

The requested variance for the grass parking is to allow for up to 525 grass vehicle parking spaces. The applicant has indicated that only 360 grass spaces will be required (248 required spaces, 112 additional spaces); therefore, staff is recommending approval of the lesser variance of 360 spaces.

The project is proposed to have two access points on N. Orange Blossom Trail, aligning with the existing median cuts, as well as a single access to Terrell Road.

As the subject property is located within the Tangerine Rural Settlement, commercial development has a maximum Floor to Area (FAR) ratio, which is calculated as the amount of building square footage divided by the square footage of the property, of 0.15, which is 224,116 square feet. Additionally, there is a use restriction that these uses must be neighborhood serving. The applicant is proposing a FAR of 0.05 and the religious institution... use is considered a neighborhood serving use.

This property is also located within the Wekiva Study Area, where at least 25% of permanently protected open space is required of commercial uses within Rural Settlements in order to provide effective drainage into the Wekiva aquifer and spring shed. The applicant is proposing 65% open space with this site plan.

As shown on the site plan, there is an active commercial use on the subject property today. The commercial use, known as the B&W Feed Store, received its Non-Conforming Use determination letter on February 26, 1990, which stated that a commercial building has been on-site since 1936 and retail commercial uses are permitted to operate. The non-conforming use and single-family dwelling are anticipated to remain on the property after the Religious Institution is developed and may remain operating on the property in its current state until such time the commercial use ceases operation.

While the size and scale of this proposed use appears out of proportion compared to the rest of the development within the Rural Settlement, the existing development is generally on smaller parcels and not located on a major thoroughfare. Given the large size of the property, the use of a Contemporary Rural architectural style to preserve the existing character of Tangerine, and the placement of the majority of the proposed use near N. Orange Blossom Trail; the development of this use, subject to Staff's conditions, is determined to be compatible with the area.

A letter of support for the request was received from the Tangerine Improvement Society, a neighborhood organization, on October 17, 2019.

Community Meeting Information

A community meeting for this request was held on October 17, 2019 at the Tangerine Improvement Society where 24 people were in attendance. The applicant showed the full site plan of the property, the proposed building renderings, as well as indicated the construction of a white, split rail fencing along N. Orange Blossom Trail and Terrel Road. Those in attendance were generally supportive of the project, though raised concerns of traffic impacts during service times and status of the existing Feed Store on-site when the church is developed.

Code Enforcement Information

There are two Code Enforcement violations on the subject property that were issued on October 25, 2019. The first violation is Incident #557687, which identified the existing single-family structure having an illegal conversion to a duplex, as well as the outdoor display and storage of sheds not being permitted under the approved non-conforming use determination. The second violation is Incident #557692, which identified two signs on the building not being permitted, as well as the use of flags, banners, and pennants on the existing fence.

While approval of the requested Special Exception will not rectify these issues, a Condition of Approval requiring the rectification and satisfaction of these Code Violations prior to issuance of any building permit related to the request is proposed by staff.

Transportation Planning Information

A traffic study was completed by Orange County Transportation Planning where the study indicated that the proposed use will generate 95 new PM peak hour trips to adjacent roadways. Additionally, the study indicated that there was one failing roadway: Orange Blossom Trail between Sadler Road and the Lake County Line. The applicant will need to submit a new traffic study showing the traffic generated and its impacts prior to obtaining an approved Capacity Encumbrance Letter and building permit.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	35 ft.
Min. Lot Width:	100 ft.	1,314 ft. N. OBT/628 ft. Terrell Rd.
Min. Lot Size:	1/2 ac.	34.3 ac.

Building Setbacks (that apply to structures in question) (Measurements in feet)

	Code Requirement	Proposed (at full buildout)
Front:	35 ft. (along ROW frontage)	60.47 ft. (from N. OBT) 1,404.25 ft. (from Terrell Rd.)
Rear:	50 ft. (East Property Line)	103.67 ft.
Side:	10 ft. (all other property lines)	299.01 ft.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

A use permitted through the Special Exception process is considered consistent with the Comprehensive Plan if it meets the criteria. Additionally, the applicant is meeting the intent of the Rural Settlement and Wekiva Open Space polices addressed previously in this report.

Similar and compatible with the surrounding area

Since the use is for intermittent occupancy, the existence of other near-by religious institutions, the request for a grass parking variance to preserve the open space and visual appearance of the property, as well as the proposed elevations having an architectural style consistent with modern rural development, this use can be considered similar and compatible with the surrounding area.

Shall not act as a detrimental intrusion into a surrounding area

While the campus size of the religious institution is larger than many of the uses of the surrounding neighborhood and area, the location of the use along a major corridor (US 441), as well as the intermittent service times that will be primarily during the day on weekends, the proposed use is not considered a detrimental intrusion into a surrounding area.

Meet the performance standards of the district

The applicant is not requesting any variances to the performance standards of the A-1 zoning district. With the granting of the variance for grass parking, this project will meet the performance standards of the district.

Similar in noise, vibration, dust, odor, glare, heat producing

The surrounding area is developed with single-family residential uses and small-scale commercial & agricultural uses. The proposed religious institution, in conjunction with the staff recommended conditions, will not increase the noise, vibration, dust, odor, glare, or heat production compared to existing uses.

Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code

The proposed use is not requesting any deviations from Section 24-5 and the site plan as presented conforms to the Code required buffers.

VARIANCE CRITERIA

Special Conditions and Circumstances

The proposed use, at full build-out of Phases 1 and 2, requires 414 parking spaces. Given the nature of this use, those parking spaces are typically not utilized on a daily basis. The variance would permit the majority of the required spaces, as well as the additional spaces requested, to be grass parking. This would allow additional pervious surface area for the Wekiva Open Space requirement and reduces the need for an oversized water retention pond.

No Special Privilege Conferred

The provision of grass parking will not provide any special privilege, as the applicant must still meet the Code minimum parking requirements.

Minimum Possible Variance

The variance requested is a minimum variance possible to still provide adequate paved parking spaces for daily usage by the church, but while also providing enough parking available for times when congregations meet for service.

Purpose and Intent

The approval of this variance will not prove injurious to the neighborhood or detrimental to the public welfare.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated "Received October 17, 2019" 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall submit construction plans through the commercial site plan review process within 3 years of final approval for Phase 1 of the Development and within 7 years of final approval for Phase 2 of the Development, or this approval is null and void. The required parking and infrastructure for each phase shall be provided at time of permitting.
5. Grass parking spaces, may be unpaved. Each grass parking space shall be delineated by installation of a tire stop. Railroad ties are acceptable. Each tire stop shall be affixed to the ground by use of rebar.
6. Development shall comply with Chapter 24 (Landscaping). In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
7. The applicant shall construct a Type "C" buffer along the north and east property lines in accordance with the approved site plan.
8. White, split rail fencing with landscaping shall be provided along the perimeter of the property adjacent to N. Orange Blossom Trail and Terrell Road. This condition does not apply to the legally non-conforming Feed Store use, unless improvements to the Feed Store site are made.
9. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards." Exterior lighting shall not illuminate the identified grass recreation fields on the site plan.
10. 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. 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 30 days prior to the date of each event.
11. Sound amplification shall be prohibited for all outdoor events.
12. Any Code Enforcement violations shall be resolved and satisfied prior to issuance of any building permit for the proposed use.

c: Dave Strem for the Cross of Central Florida
18800 N. Orange Blossom Trl.
Mount Dora, FL 32757

COVER LETTER



RECEIVED
SEP 26 2019
ORANGE COUNTY
ZONING DIVISION

September 18, 2019

Greetings from theCross Family

theCross is an eight year old Lutheran church (LCMS) currently centered in Mount Dora, Florida. We offer three weekly services in the facilities of Mount Dora High School and Apopka High School. Our office and small group meeting areas are hosted in four leased units at the Mt Dora Plaza, 18800 US Highway 441. We currently serve approximately 1000 parishioners with 750 in weekly attendance.

After eight years in leased facilities, we now desire a more permanent site. The 34 acre property at 5505 Orange Blossom Trail, Mount Dora, is desired for that site. We are currently under contract to purchase that land December 30, 2019 and are in the Due Diligence phase (ending November 30,2019) to assure a smooth and proper development process. While the property uses a Mount Dora address, it is actually located in Orange County in the Rural Settlement of Tangerine. Our senior pastor and several lead members also reside in that Rural Settlement area. We met with the leadership of the *Tangerine Improvement Society* on July 2nd in the Tangerine Community Center and presented our desire and plan to them, receiving unanimously favorable reviews. We anticipate letters of support from them will be available in the near future for submission. We also met with the Orange County Commissioner District 2, Christine Morris, in June, and received a favorable response.

Our plans are for a **Worship Center** (Phase One: 800 seats; Phase Two: 1,200 seats total,) a **Children's Wing** (Ph1: 150 children; Ph2: 250 children total) with **Office Space** (Ph1 20 staff; Ph2 30 staff total,) and a **Youth Center** with **Gym** (Ph1: 150 youth; Ph2: 300 youth total.) Other smaller structures would include a **Wedding Chapel** seating 200, an **Outdoor Performance Pavilion** seating 250, and a **Bus Barn** to shelter 6 trucks/trailers for future church plant sites. Phase One would total roughly 53,000sqft and Phase Two would add an additional 28,500sqft. A possible future school (Phase 3) would add an additional 26,500sqft. All planned facilities (**WC, CW, YC**) would be two story in height.

We have designed the finished facility able to serve 1000 adults, 200 children and 200 youth at each service. We will likely offer three Sunday worship services, probably at 9am, 11am, and 5pm. We anticipate several weekly small group meetings at the facility on weekdays and youth meeting one or two evenings a week. Most all of our events will be inside. Outdoor events might include Easter Sunrise services and Easter Egg hunt, Halloween Trunk-or-Treat, and youth sporting events on the open grassy play areas.

We anticipate initiating construction of Phase One during 2020-2022 and Phase Two 2023-2025. Currently the property is mostly open pasture land. There is a small feed store and storage shed sales lot, as well as a small residence currently leasing part of the road-front property on Hwy 441. We are investigating allowing those uses to continue into the foreseeable future. A future school facility may preclude those uses in years to come.

Respectfully Submitted,

Dave Strem for theCross Family
Director of Operations

theCross 18800 Highway 441 Mount Dora Florida 32757 352.409.8464 theCross family



RECEIVED

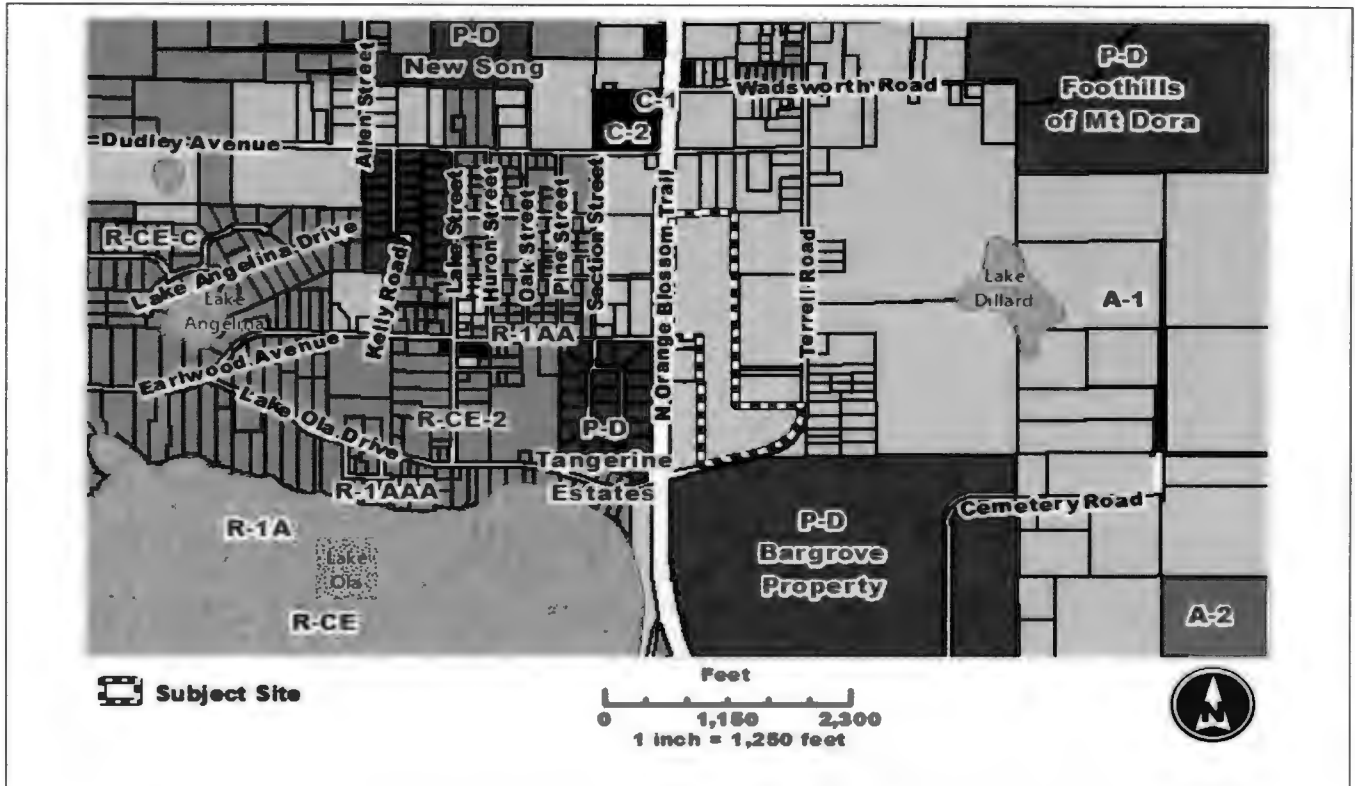
SEP 26 2019

ORANGE COUNTY
ZONING DIVISION

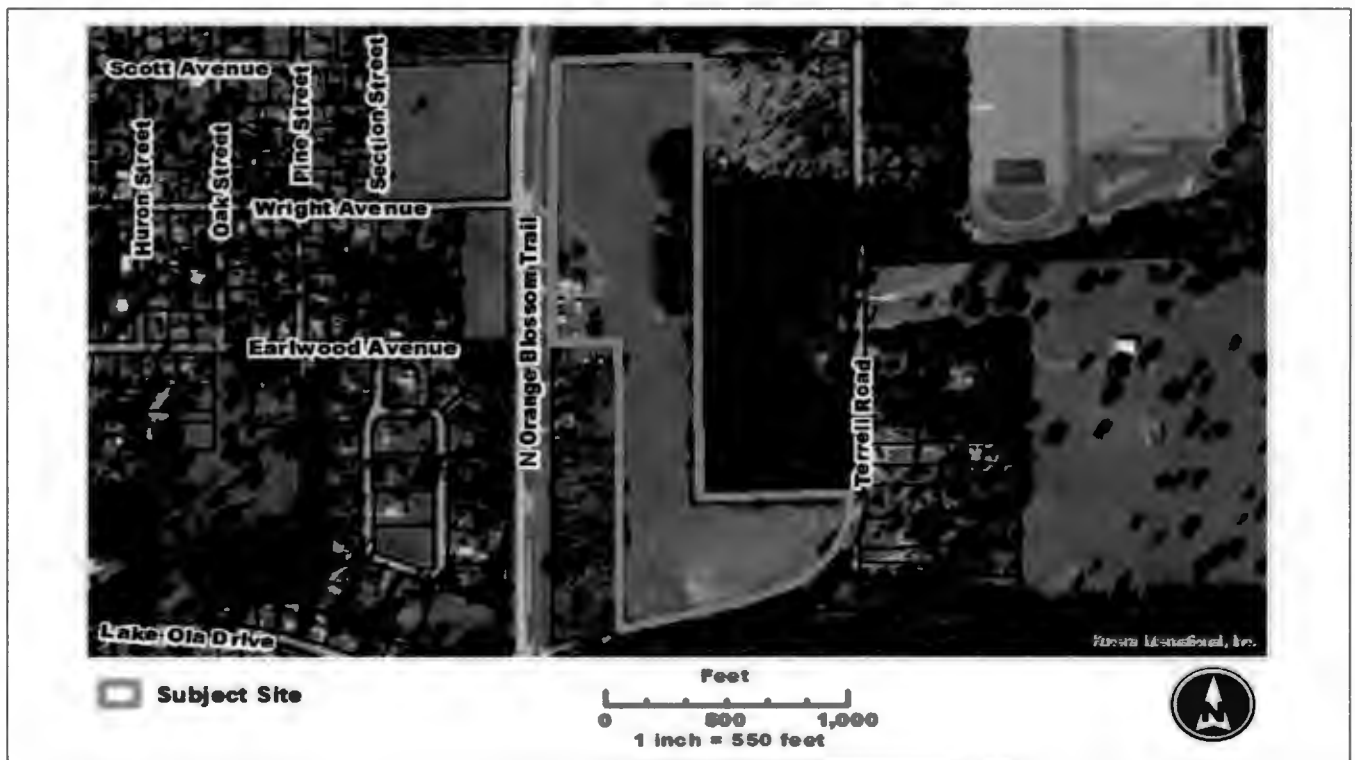
SPECIAL EXCEPTION CRITERIA

1. The Comprehensive Policy Plan works to guide the growth of the community to assure the quality of life its residents desire. The Tangerine Rural Settlement has been primarily a rural area and is very proud of its history dating back to 1875. The Tangerine Improvement Society has watched over the development of the community for 110 years, working diligently to maintain the rural and community feel of their neighborhood. We were pleased when meeting with their leadership, that they felt our church would be an asset to the area. We have a history of substantially assisting the community and engaging in projects community leaders have deem worthy. **Our intention is to enhance and secure the quality of life the community desires** and has preserved.
2. In considering the construction of a facility, great thought was put into how to maintain the rural feel of the development and fit in with the existing lands and structures. The **"Farm-dustrial" motif** was selected to guide our decisions. We trust the designs express the feel the community desires.
3. We are basically a **low impact facility**, used mostly on Sundays, adding little weekday busyness to the quiet community. We celebrate Sundays as "family time" offering gathering points for people to come together in community. During the traditional holidays we provide free community wide events where all around can join together to celebrate and interact.
4. theCross believes in giving our best to God and one another. We are not satisfied with mediocre or "getting by." At the same time we welcome all to join in and enjoy life together. There is no dress code (the pastor teaches wearing jeans and a t-shirt) or economic prejudice. We work to exhibit the same grace and love that Jesus offers to each one of us. We believe our **facility and activities will exceed all expected standards**.
5. We work to be **good neighbors**, respecting others rights to a quiet and secure homelife.
6. We are pleased that 34 acres gives us a great deal of space and offers excellent **buffer zones** for our activities. The design and layout of the property with appropriate landscaping will assure our activities are unobtrusive to the surrounding neighbors.

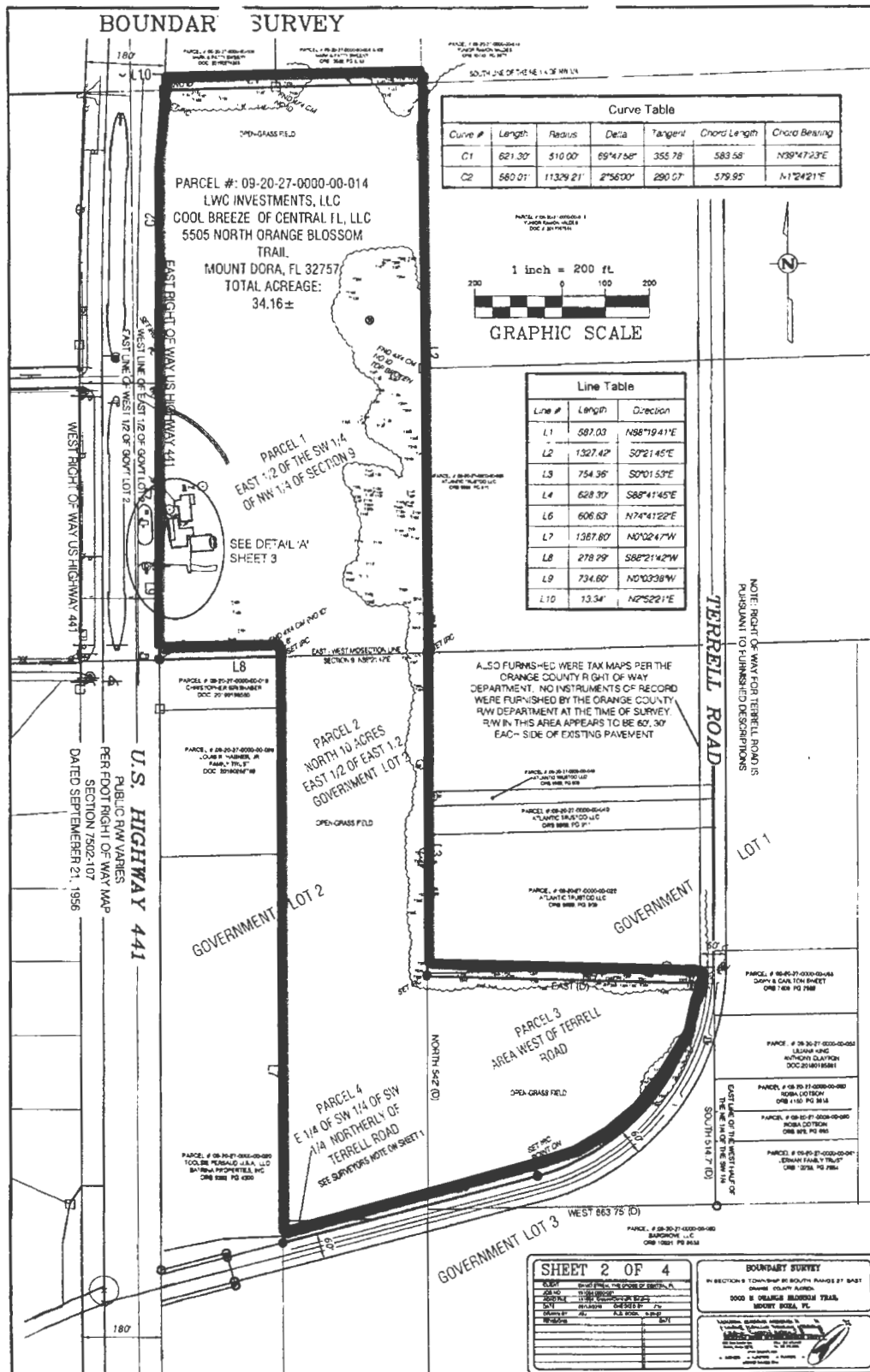
ZONING MAP



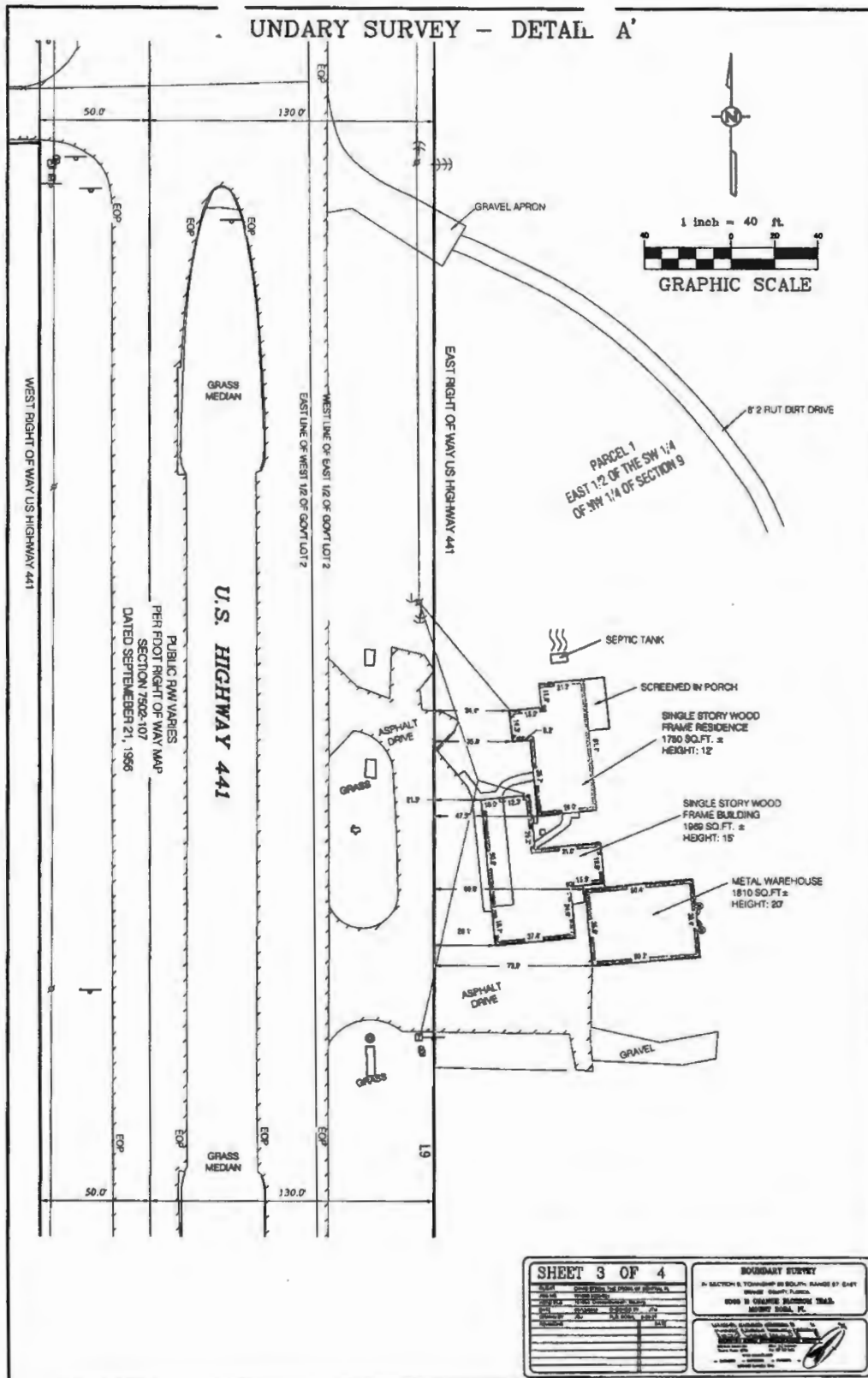
AERIAL MAP



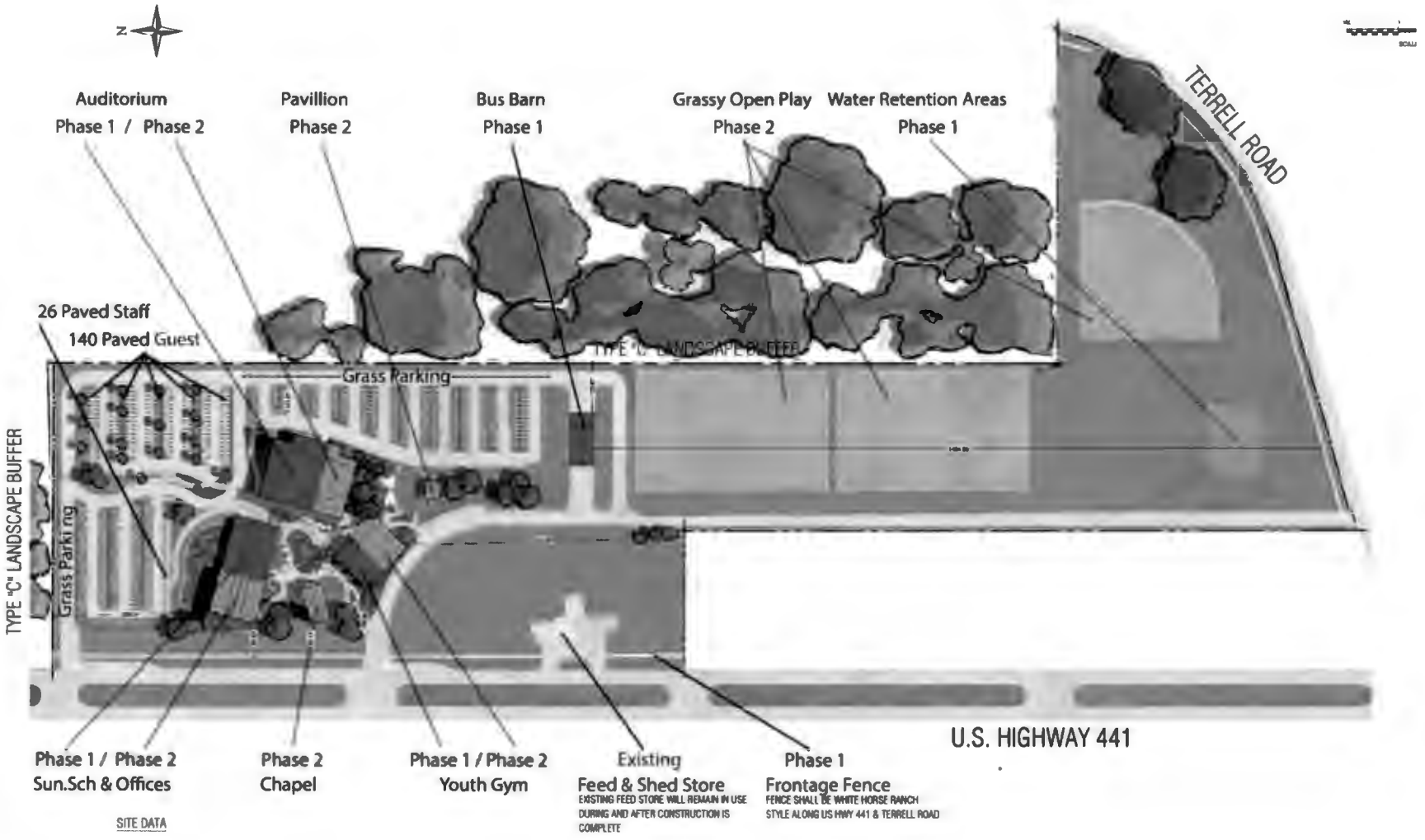
SURVEY



DETAILS OF SURVEY SHOWING EXISTING USES ON SITE



SITE PLAN







RENDERINGS – PHASE 1 AUDITORIUM AND OFFICE



SPECIAL EVENT CHAPEL



RENDERING – PHASE 1 BUS BARN



SITE PHOTOS



Facing East Towards North Side of Subject Property from N. Orange Blossom Tr.



Looking North Towards Subject Property from Terrell Rd.

SITE PHOTOS



Facing East Towards the South Side of the Subject Property Behind Feed Store



Feed Store from N. Orange Blossom Tr.

SITE PHOTOS



Outdoor Display of Sheds at the Feed Store



Single-Family Dwelling Adjacent to Feed Store



BOARD OF ZONING ADJUSTMENT