



RECOMMENDATIONS BOOKLET

Orange County Board of Zoning Adjustment

Hearing Date:

August 2, 2018

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

ORANGE COUNTY GOVERNMENT

BOARD OF ZONING ADJUSTMENT
(BZA)

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Chairman

District #2

Jose A. Rivas, Jr.

District #3

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District #4

Wes A. Hodge

District #5

Eugene Roberson

District #6

Jessica Rivera

At Large

ORANGE COUNTY ZONING DISTRICTS

Agricultural Districts

A-I.....	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-I, R-IA & R-IAA.....	Single-Family Dwelling District
R-IAAA & R-IAAAA.....	Residential Urban Districts
R-2.....	Residential District
R-3.....	Multiple-Family Dwelling District
X-C.....	Cluster Districts (where <i>X</i> is the base zoning district)
R-T.....	Mobile Home Park District
R-T-I.....	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-IA.....	Restricted Industrial District
1-1/1-5.....	Restricted Industrial District
1-2/1-3.....	Industrial Park District
1-4.....	Industrial District

Other District

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

VARIANCE CRITERIA

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

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

SPECIAL EXCEPTION CRITERIA:

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

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

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

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
August 2, 2018**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
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ALEX PINTO
VA-18-08-094

REQUEST: **Variances** in the R-1AA zoning district to allow an addition to an existing home as follows:
1) To allow a side setback of 4 ft. in lieu of 7.5 ft. **(THE BZA APPROVED a 4 feet, 2 inch side setback in lieu of 7.5 ft.)**
2) To allow a rear setback of 15 ft. in lieu of 35 ft. **(THE BZA APPROVED a 23 feet, 10 inch rear setback in lieu of 35 ft.)**

ADDRESS: 8954 Birkdale Court, Orlando FL 32819

LOCATION: South of Royal Birkdale Lane, west of S. Apopka Vineland Rd.

S-T-R: 22-23-28

TRACT SIZE: 45 ft. x 160 ft. (AVG)

DISTRICT#: 1

LEGAL: BAY HILL SECTION 9 6/43 LOT 324

PARCEL ID: 22-23-28-0542-03-240

NO. OF NOTICES: 87

DECISION: **APPROVED** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (unanimous; 4-0 and 3 absent):

1. Development in accordance with the site plan dated August 2, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the addition shall match the exterior color and design of the existing house.

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

The applicant stated that they do not want to build on the right side because the neighbor's house is closer to the property line, and they have future plans to install a pool in that location.

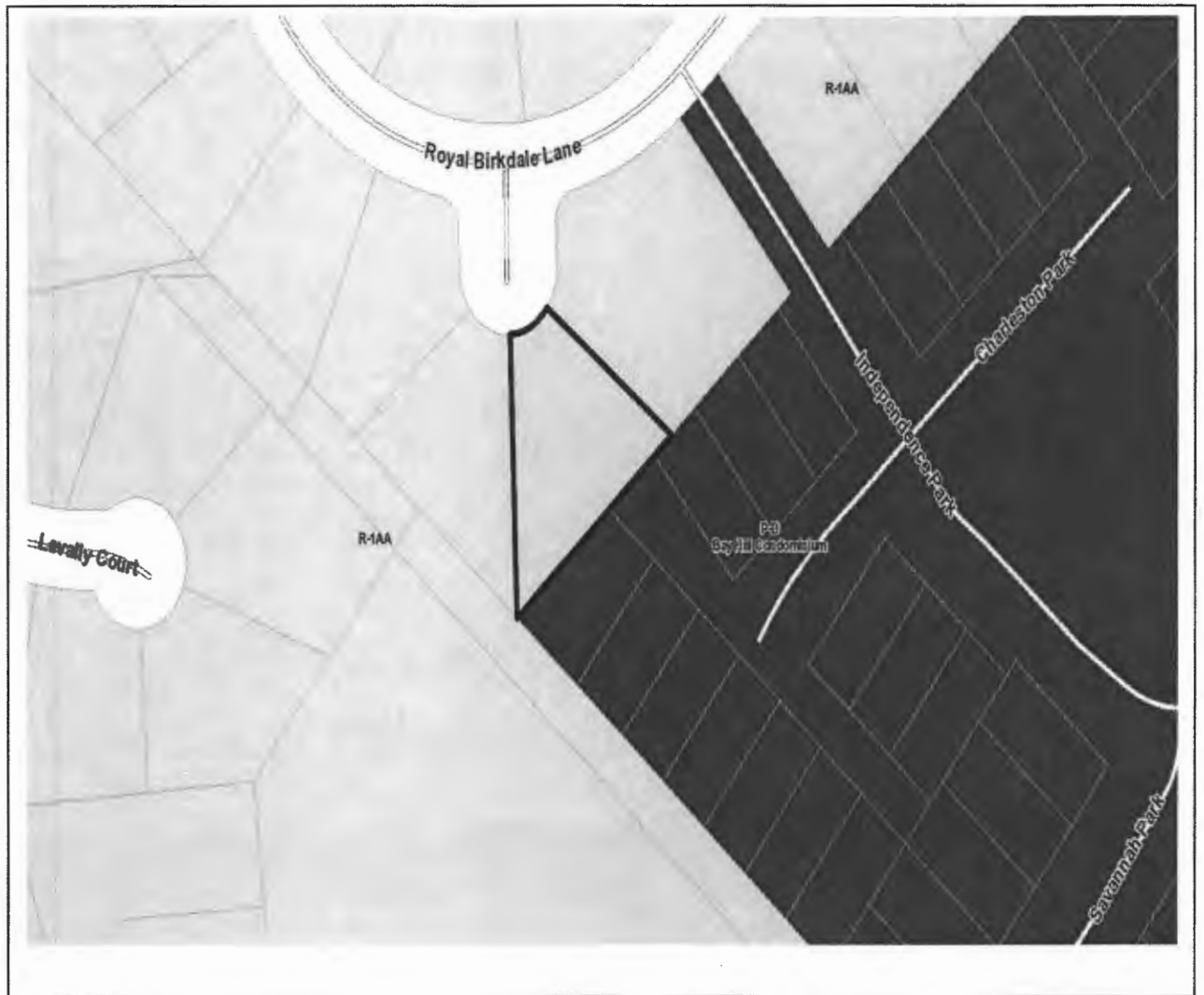
The applicant presented a revised plan with a 4 foot, 2 inch side setback in lieu of 7.5 feet, and a 23 foot, 10 inch rear setback in lieu of 35 feet.

The BZA asked why the addition cannot be built on the right side and confirmed that the neighbor to the left was not against the proposal.

The neighbor to the right at 8958 Birkdale Court, stated that they were initially against the proposal, but they are now in favor. They are okay with the addition on the other side, but do not like the 4 foot setback.

Staff received no commentaries in favor of the application, and eight (8) in opposition to the application.

The BZA approved the variance subject to the revised plan dated August 2, 2018, with a 4 foot, 2 inch side setback in lieu of 7.5 feet, and a 23 foot, 10 inch rear setback in lieu of 35 feet.



Applicant: ALEX PINTO

BZA Number: VA-18-08-094

BZA Date: 08/02/2018

District: 1

Sec/Twn/Rge: 27-23-28-NW-B

Tract Size: 45 ft. x 160 ft. (AVG)

Address: 8954 Birkdale Court, Orlando FL 32819

Application for Variance Cover Letter

Parcel ID:

22-23-28-0542-03-240

Address:

8954 Birkdale Court

Orlando, FL 32819

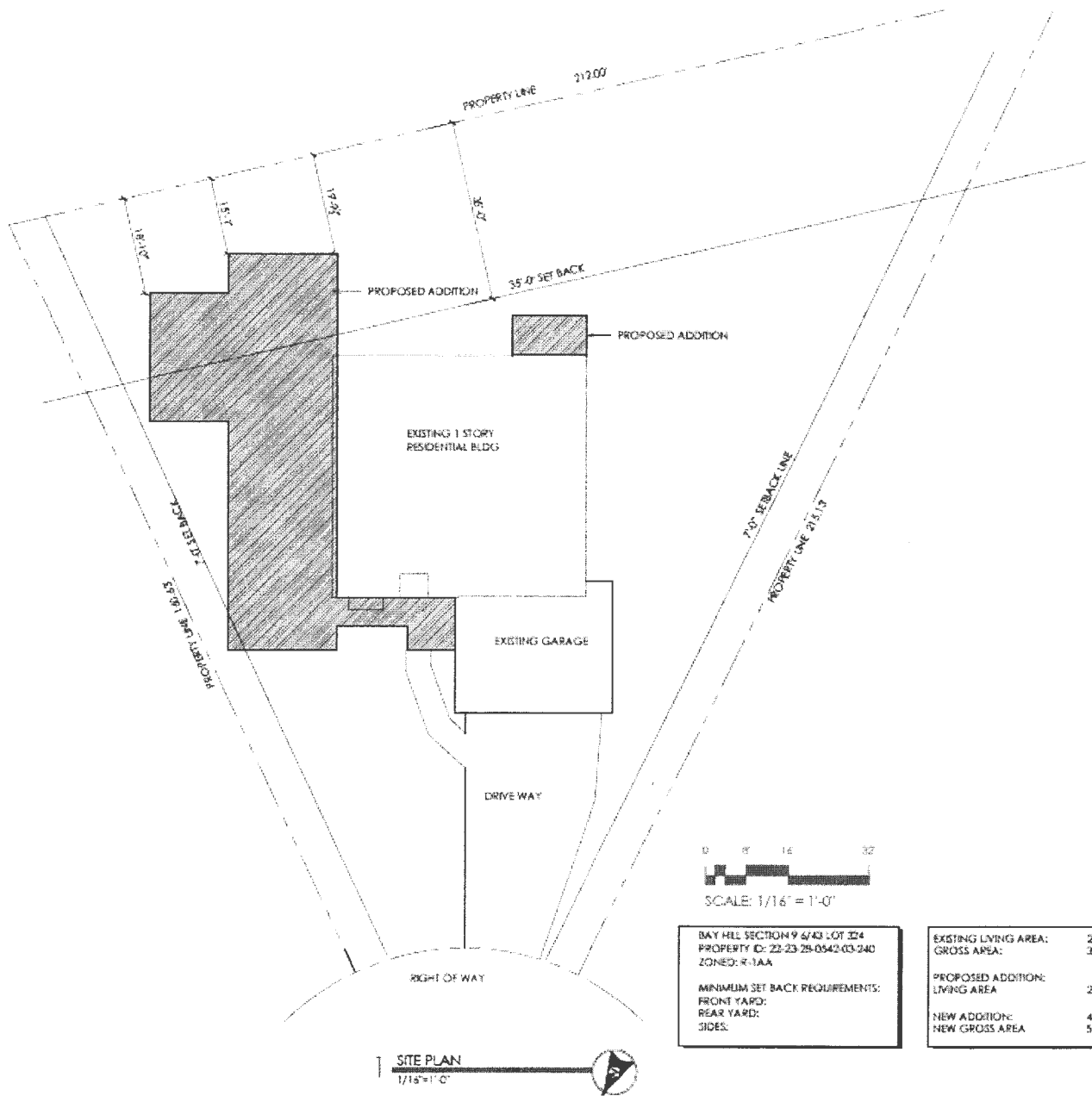
To Whom It May Concern:

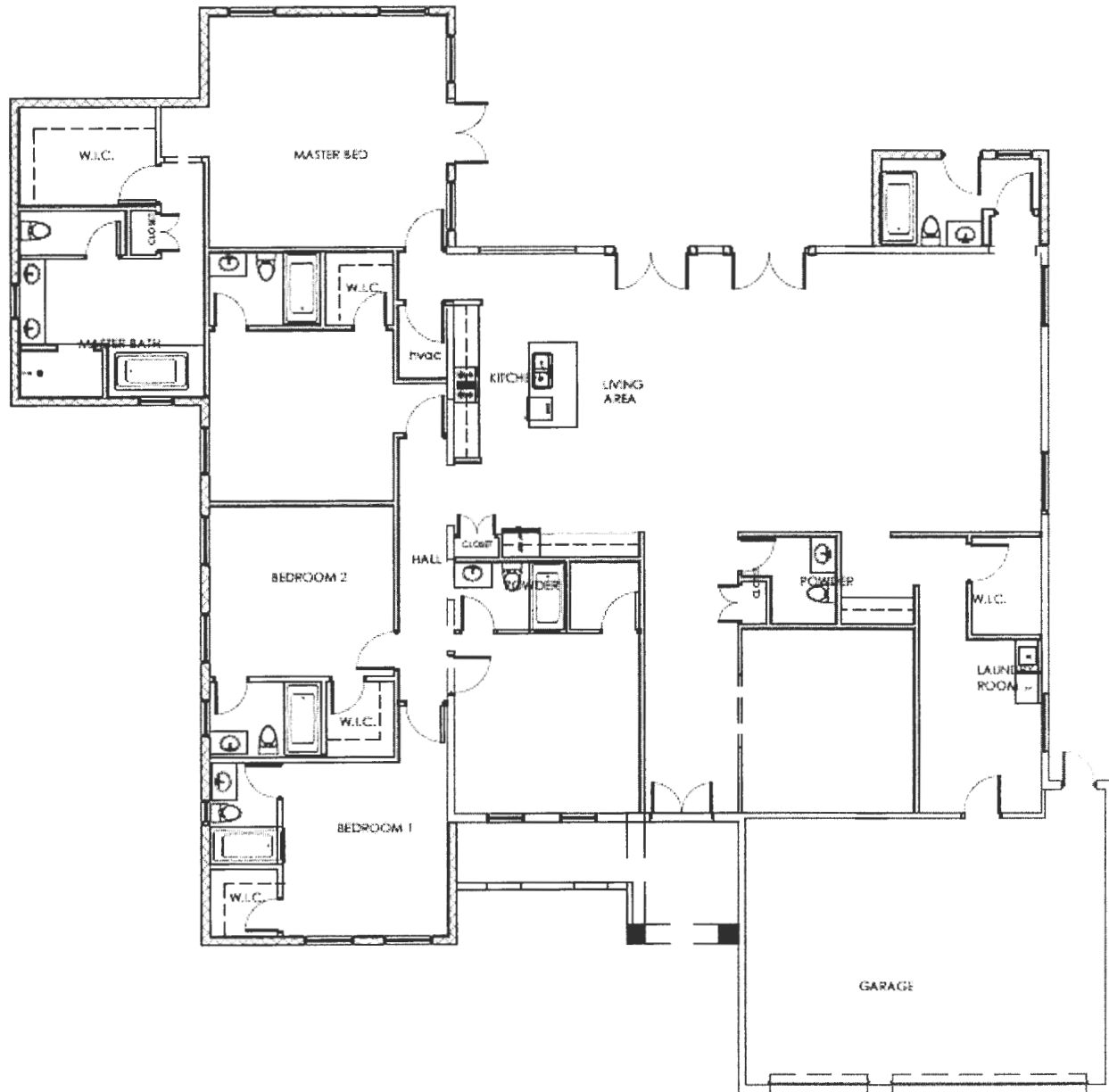
We are applying for a variance for the parcel/address listed above. The variance is for a proposed addition of 2,286 s.f. The addition is on the east side of the property for a new master bedroom and master bathroom, and 3 additional bedrooms with bathrooms in each room. The addition will be 15' 1" at the shortest point to the existing property line, which we have a 35' setback, at the rear of the property and 4' from the existing property line, which we have a 7' setback, on the front side of the addition. The proposed height of the addition will be 10' to the top plate and we will match the existing roof line of the home. The reason for this variance request is due to the irregular lot shape and the need for additional space within the home. The side of the property we are proposing to build is on the east side of the property and the area is not utilized for any indoor or outdoor space. This area would be ideal for the addition so we can maintain the backyard space for outdoor living for our family. Please review the attached drawings and please consider our request. We appreciate your time and consideration. Thank you.

Sincerely,

Alex Pinto

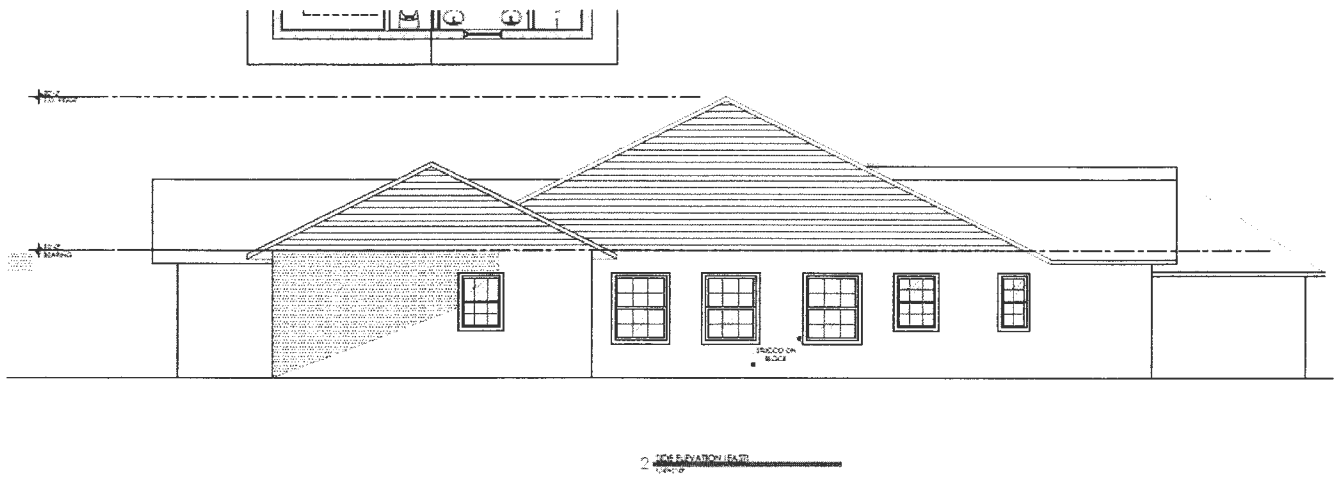
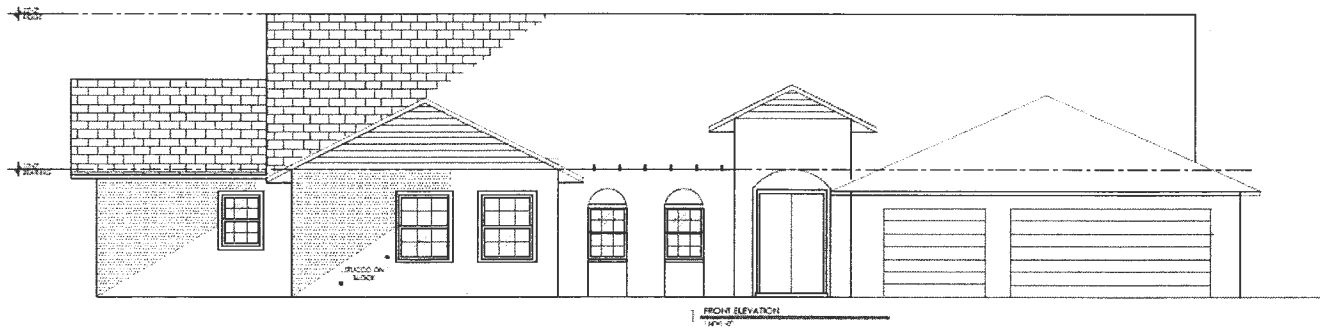
321-663-9730

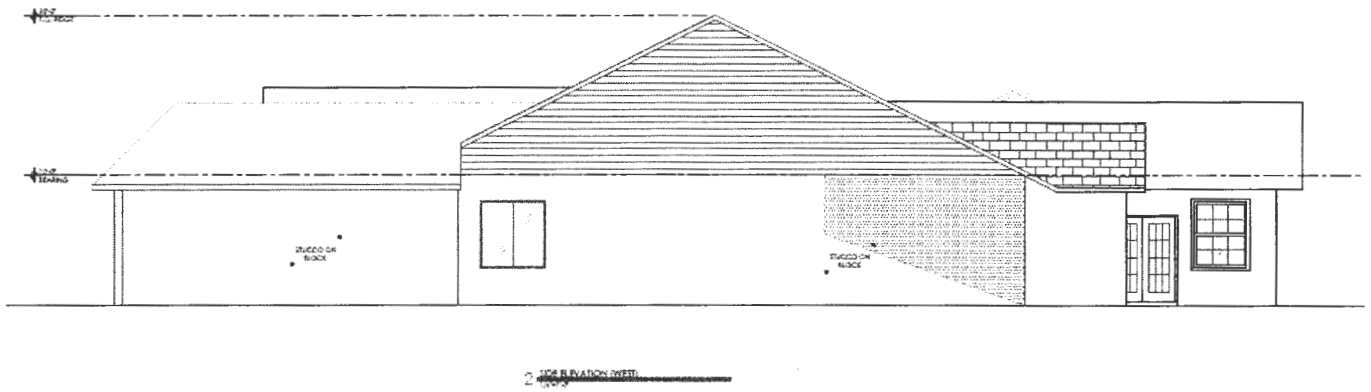
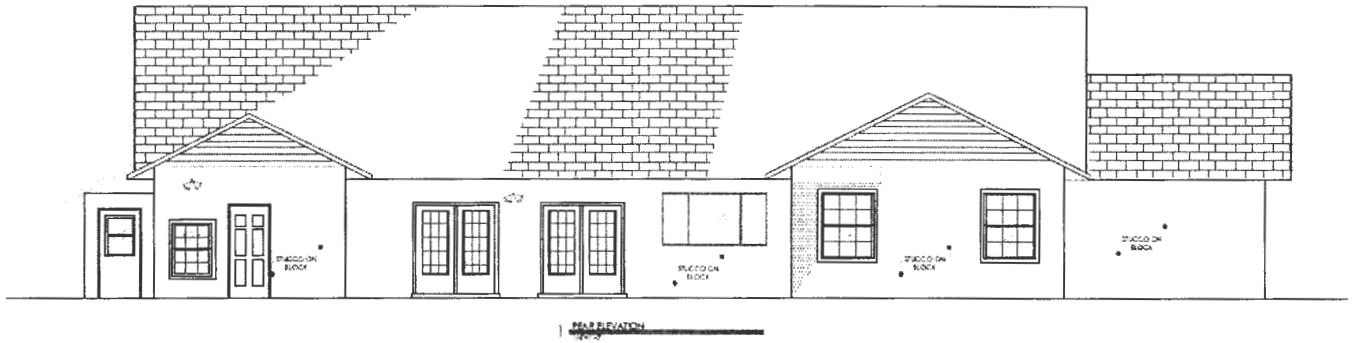


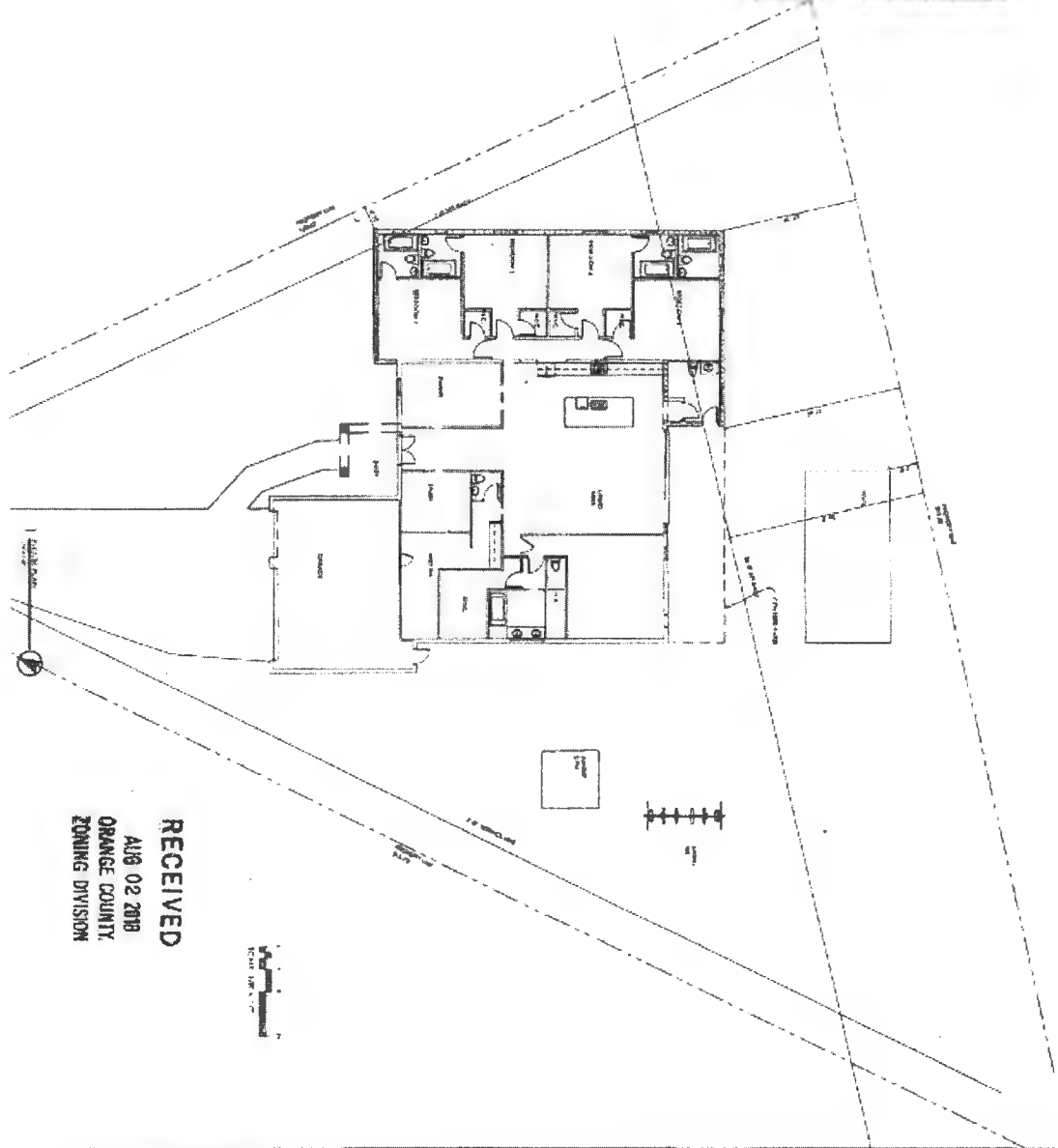


1 FLOOR PLAN
1/4"=1'-0"









RECEIVED
 AUG 02 2018
 ORANGE COUNTY
 ZONING DIVISION

ADDITION FOR
 PINTO RESIDENCE
 8954 BIRKSDALE COURT
 ORLANDO FL 32819



STAFF REPORT
CASE #: VA-18-08-094
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
August 2, 2018
Commission District: 1

GENERAL INFORMATION:

APPLICANT: ALEX PINTO

REQUEST: Variances in the R-1AA zoning district to allow an addition to an existing home as follows:

1) To allow a side setback of 4 ft. in lieu of 7.5 ft.
2) To allow a rear setback of 15 ft. in lieu of 35 ft.

LOCATION: South of Royal Birkdale Lane, west of S. Apopka Vineland Rd.

PROPERTY ADDRESS: 8954 Birkdale Ct., Orlando, Florida, 32819

PARCEL ID: 22-23-28-0542-03-240

PUBLIC NOTIFICATION: 87

TRACT SIZE: 45 ft. x 160 ft. (AVG)

DISTRICT #: 1

ZONING: R-1AA

EXISTING USE(S): Single family home

PROPOSED USE(S): Addition

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

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-1AA Single-Family Dwelling district, which allows a single family home and associated accessory structures, with a minimum lot size of 10,000 sq. ft. and minimum lot width of 85 ft. The lot is 0.48-acres, over double the required minimum lot size.
2. The applicant is proposing to construct a 2,286 square foot addition to a single family home on the property. The existing home is 3,241 gross sq. ft.
3. The applicant is requesting a side setback of 4 feet in lieu of 7.5 feet, and a rear setback of 15 feet in lieu of 35 feet. The addition is proposed on the east side of the property. There is additional space on the west side, but the applicant wants to keep this part of the yard clear.
4. Staff recommends denial of this request for the following reasons:
 - The applicant has not demonstrated special conditions or circumstances to justify the request. The same size addition can be located on the west side of the property without variances.
 - The need for the variance is self-created. A different home design could be used to meet setbacks while attaining the same square footage.
 - Literal interpretation of the Code would not deprive the applicant of rights commonly enjoyed by other properties as there is plenty of room on the west side.
 - Approval would grant special privilege that is not granted to other properties in the area.
 - The applicant is not being deprived of rights, as the addition can be done without the need for variances.
 - The proposal is not the minimum possible variance, as the addition can be done without variances. The requests constitute a 47% deviation to the side setback, and a 57% deviation to the rear setback.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan and elevations, dated May 17, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the addition shall match the exterior color and design of the existing house.

c: Alex Pinto
8954 Birkdale Court
Orlando, FL 32819

TIMOTHY PEPKE
VA-18-08-097

REQUEST: **Variances** in the R-CE zoning District as follows:
1) Variance to allow a cumulative total of 2,455 sq. ft. of accessory floor area in lieu of 2,000 sq. ft.
2) Variance to allow an accessory structure to be located in front of the Principal Structure.
3) Variance to allow an accessory structure with a height of 22 ft. in lieu of 20 ft.

ADDRESS: 21638 Sled Road, Christmas FL 32709

LOCATION: Southerly side of Sled Rd., south of Yule Ct.

S-T-R: 18-22-33

TRACT SIZE: 270 ft. x 403 ft.

DISTRICT#: 5

LEGAL: CHRISTMAS ESTATES UNIT 2 SEC E 14/49 LOT 12 BLK 4

PARCEL ID: 18-22-33-1322-04-120

NO. OF NOTICES: 26

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 4-0 and 3 absent):

1. Development in accordance with the site plan dated June 1, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff explained that due to the presence of a stream, which flows through the rear of the property, the entire rear yard, and the side yard containing the tack room and corral flooded after Hurricane Irma. The applicant had no control over these factors, demonstrating that the variance is not self-imposed. The proposed location is still over 140 feet from the front property line. In addition, while it is unknown if each one is permitted, there are numerous large sheds, stables, and other accessory structure of similar size and location on other lots in the same community. One of these did obtain a variance and permits. Staff noted that it had received two (2) commentaries in support and none in opposition.

The applicant presented the BZA with twelve (12) letters of support from every abutting property owner, including the owners from across the street. The applicant indicated his agreement with the staff recommendation. However, he had been told that he would have to make the shed look like the house. While the shed will have the same color as all of the other accessory structures, it will not match the house. Staff advised the applicant that due to the rural nature of the area, that the condition requiring like materials and color as the residence was not attached to this request. There being no one in attendance to speak for or against the request, the public hearing was closed.

The BZA concluded that due to the stream, the locations where the shed could go which would satisfy the location criteria were prone to flooding. Further, the variance was not self-imposed, as the applicant cannot control the flooding. Also, due to the rural nature of the area, and the size of the property, the Variance criteria have been satisfied. A motion to recommend approval was passed unanimously.



Applicant: TIMOTHY PEPKE

BZA Number: VA-18-08-097

BZA Date: 08/02/2018

District: 5

Sec/Twn/Rge: 18-22-33-NE-A

Tract Size: 270 ft. x 403 ft.

Address: 21638 Sled Road, Christmas FL 32709

Tim
Pepke

21638 Sled Rd, Christmas FL 32709 Phone 407-782-2975

June 1, 2018

Orange County Zoning
Application for Variance Cover Letter

Dear Orange County Zoning:

I am in the process of building a building on my property and was told by your department that I need a Variance to build where I choose.

The location is about 141' south of Sled Rd, 10.5' west of the property line, and about 82" east of the house. This makes it east of the house and slightly ahead of the plane of the front of the house. This is really the only acceptable place to build. Everything about 161' north of the back property line has flooded as recent as September 2017 at the beginning of Hurricane Irma. (see photos) going east of the Loop around the pump house will not work because the building will be overall 30' x 60' (30 x 30 enclosed and 30 x 30 under roof) the dimension from drive east to property line is 64' which will not allow a 60' slab with 10' required set back. There is also a corral in that area and two 40+ year old 50'+ live oaks which I do not wish to remove.

In summary, I wish to build my 30' x 60' single story Carolina Steel building in the location I have marked on the Survey. This is the only location suitable for build on the property. This location is over 73" from the highest flood point and elevated slightly to insure it will stay dry. The building will match all other buildings on the property. I have talked with other home owners in the Estates and my research has discovered the following: there are 5 other properties that have built their buildings where I choose, so this is not without precedent. More then one of them told me their builder was able to be granted a permit in less then 1 week from Orange County Zoning. Thank you for your consideration in this manor

Sincerely,

Tim Pepke

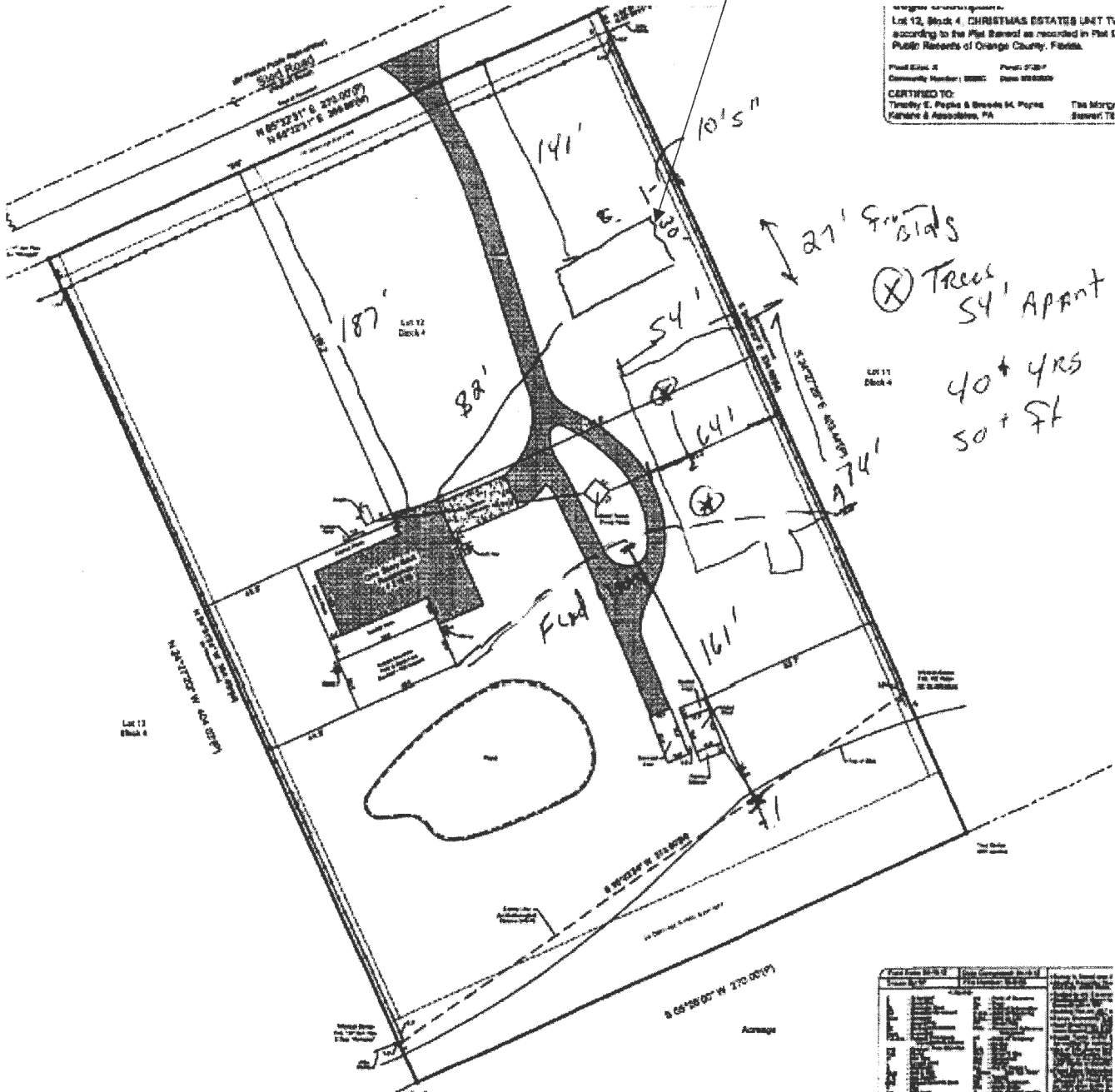
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JUN 01 2018

**ORANGE COUNTY
ZONING DIVISION**

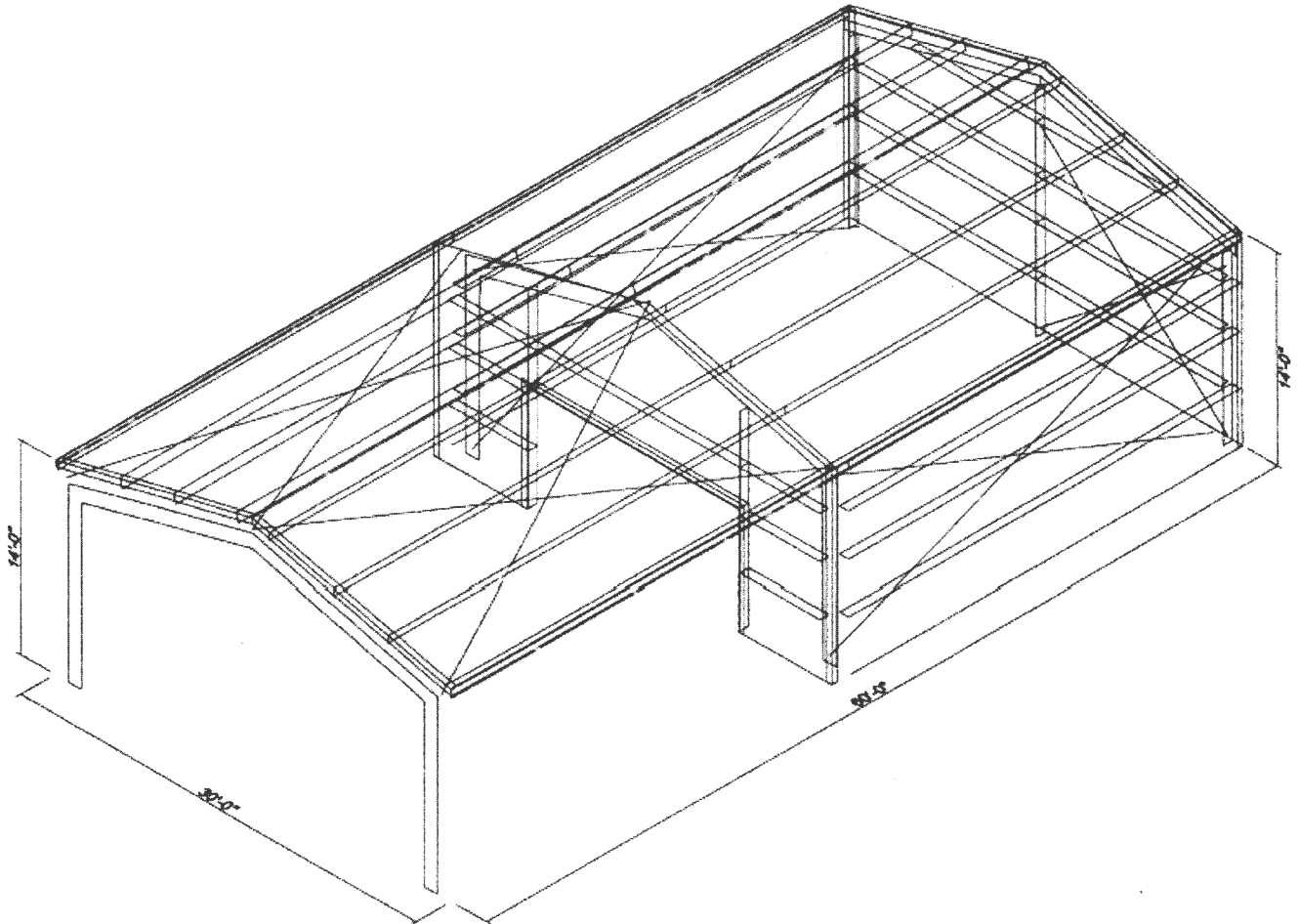
Proposed structure

Original Survey Agreement
 Lot 12, Block 4, CHRISTMAS ESTATES UNIT IV
 according to the Plat thereof as recorded in Plat 1
 Public Records of Orange County, Florida.
 Final Exam. 2 Permit: 21207
 Community Number: 0000 Date: 08/08/08
 CERTIFIED TO:
 Timothy E. Popko & Brenda M. Popko The Mory
 Kahane & Associates, PA Stewart TS



Carport

Enclosed Storage





Example Provided by Manufacturer



STAFF REPORT
CASE #: VA-18-08-097
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
August 2, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Timothy Pepke

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

- 1) Variance to allow a cumulative total of 2,455 sq. ft. of accessory floor area in lieu of 2,000 sq. ft.
- 2) Variance to allow an accessory structure to be located in front of the Principal Structure.
- 3) Variance to allow an accessory structure with a height of 22 ft. in lieu of 20 ft.

LOCATION: Southerly side of Sled Rd., south of Yule Ct.

PROPERTY ADDRESS: 21638 Sled Rd., Christmas, FL 32709

PARCEL ID: 18-22-33-1322-04-120

PUBLIC NOTIFICATION: 26

TRACT SIZE: 270 ft. x 403 ft.

DISTRICT #: 5

ZONING: R-CE

EXISTING USE(S): Single Family Residence, Pump House (43 sq. ft.), Carport, (220 sq. ft.) Tack Room (392 sq. ft.)

PROPOSED USE(S): 60 ft. x 30 ft. Storage (1,800 sq. ft.)

SURROUNDING USES ZONING:

N - Single Family Residence/R-CE

S - Single Family Residence/A-2

E - Single Family Residence/R-CE

W -Single Family Residence/R-CE

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned R-CE, Rural Country Estate District, which allows for primarily single family development on one (1) acre lots. However, it is permitted in more rural areas and in the proximity of agricultural uses; and, it also allows the keeping of animals, citrus groves, and even commercial nurseries.
2. There are currently accessory structures on the subject property, however, they are for very specific purposes, e.g., a pump house and a tack house for the corral. One prime location which would meet the locational criteria, is currently occupied by two (2) large health oaks providing shade to the corral. These would have to be removed, as would the corral.
3. The subject property is 2.5 acres in size, 2 1/2 times the minimum lot size for the R-CE zone. With that acreage, the applicant is entitled to 2,000 sq. ft. of accessory floor area. Typically, accessory structures are limited to being located alongside or behind the principle structure, or in certain cases, in front of the principle structure provided it is located in the rear fifty percent (50%) of the lot.

Variance Criteria.

1. The special condition and circumstance regarding this property is the existence of a stream which runs through the rear of the property. The applicant has provided evidence that when this stream overflows, the rear of the subject property floods. As a result of the heavy rains caused by last year's hurricane, the applicant's property experienced significant flooding, including the tack room. The applicant intends to locate the new main storage structure in a location which was free of flooding, which is generally in front of the tack house.
2. The applicant does not have control over the flooding of the stream. This is not a self-imposed hardship.
3. The granting of the variance will not confer a special privilege on the applicant. While it is not known if all were properly permitted, there are other accessory structures in front of residences in the neighborhood. One of these was granted a variance in 2003, and is properly permitted.
4. Without the variance for the location, the applicant would be required to construct the new accessory structure in the rear, or over the area currently used as a corral, both areas being known for flooding. Without the variance for the square footage, the applicant would need to construct a smaller structure, as this is a pre-fabricated product which comes in set sizes.
5. The requested variance for the floor area constitutes slightly less than a twenty-three percent (23%) deviation from the Code. Given the size of the property, the proposal is minimal and within the range of past variances granted by the BZA. The variance

to the height constitutes a ten percent (10%) variance which is minimal and will be imperceptible.

6. The proposed location will be over 140 feet from the front property line, and 10 feet from the side property line. It will not be out of scale, nor out of character with the rural nature of this neighborhood, meeting the purpose and intent of the Code.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated June 1, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Timothy Pepke
21638 Sled Road
Christmas, FL 32709

KEVIN SHELTON
VA-18-08-101

REQUEST: Variance in the R-1 zoning district to allow a cumulative total of 596 sq. ft. of accessory structure floor area in lieu of 500 sq. ft.

ADDRESS: 4326 S. Chickasaw Trail, Orlando FL 32829

LOCATION: West of S. Chickasaw Trail, South of Curry Ford Rd

S-T-R: 13-23-30

TRACT SIZE: 356 ft. 382 ft. (AVG)

DISTRICT#: 3

LEGAL: COMM AT THE NE COR OF THE NW 1/4 SEC 13-23-30 TH S00-47-49E 1325.75 FT TO THE POB TH S00-47-49E 393.35 FT TH S89-12-11W 278.26 FT TH N57-01-29W 77.1 FT TH N21-46-29W 154.5 FT TH N01-56-29W 114.61 FT TH S89-35-59E 382.81 FT TO A PT ON A NON-TAN CURVE CONCA

PARCEL ID: 13-23-30-0000-00-028

NO. OF NOTICES: 66

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 4-0 and 3 absent):

1. Development in accordance with the site plan dated June 8, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

The applicant agreed with the staff report and had nothing to add.

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

The BZA approved the variance.



Applicant: KEVIN SHELTON

BZA Number: VA-18-08-101

BZA Date: 08/02/2018

District: 3

Sec/Twn/Rge: 13-23-30-NW-B

Tract Size: 356 ft. 382 ft. (AVG)

Address: 4326 S. Chickasaw Trail, Orlando FL 32829

Date: June 4, 2018

To: Orange County Zoning Division

From: Kevin and Rachel Shelton

Re: Application for Variance-

4326 S. Chickasaw Trl., Orlando, FL 32829

Parcel ID# 13-23-30-0000-00-028

We are requesting a variance in order to place a small storage shed on our 2.6-acre property. At this time there are 2 structures on the lot: our house and a detached 2-car garage. We are requesting to be allowed to add the shed in order to store items such as seasonal decorations, tools, ladders, lawn mowers and other landscaping items. We currently are unable to park our vehicles in the garage as it is the only storage we have for the above-mentioned items.

At this time, we have no close-by neighbors that would see or be affected by the proposed shed. The lot to north of us across a canal is occupied by a large church and the lot to the south has not been built on.

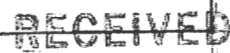
The shed specifications are as follows:

- Manufactured by Tuff Shed-Salt box model
- Base/footprint is 8'x12', Height is 9'
- Siding material-painted LP SmartSide siding
- Roofing material-dimensional shingles to match house
- Painted to match house

Thank you for your consideration,

Kevin and Rachel Shelton

AND LIES AND GOES FOR THE BENEFIT OF PRICE: AS SET FORTH AND REFINED IN NOTARRY DEED IN PUBLIC RECORDS BOOK 361, PAGE 156 PUBLIC RECORDS. THE FOLLOWING DESCRIBED PROPERTY COMMENCE AT THE NORTHWEST CORNER OF LOT 4, CHICKASAW CASHMERE PLOT ACCORDING TO THE PLAT THEREIN AS IS PUBLIC RECORDS OF GRANGE COUNTY, ALABAMA, THENCE RUN SOUTH 21 DEGREES 22' 11" EAST ALONG THE WEST LINE OF SAID LOT 4 TO THE SOUTHERLY LINE OF A 1/4 SEC. 19, PUBLIC RECORDS OF GRANGE COUNTY, ALABAMA, A DISTANCE OF 22 FEET AND THE POINT OF BEGINNING, THENCE RUN NORTH 89 DEGREES 30' 30" EAST ALONG SAID CASHMERE CASHMERE PLOT A DISTANCE OF 15 FEET TO THE EASTERN RIGHT-OF-WAY LINE; 1/4 SEC. CHICKASAW TRACT AND 3/4 SEC. ON A CURVE CONTAINING 6 FEET, THENCE FROM A TANGENT BEARING OF SOUTH 2 DEGREES 32' 27" EAST, RUN SOUTHEAST ALONG THE ARC OF SAID CURVE 13.14 FEET THROUGH A CENTRAL ANGLE CURVE RUN SOUTH 69 DEGREES 20' 22" WEST ALONG A LINE LYING 26 FEET SOUTH OF AND PARALLEL TO THE SOUTHERLY LINE OF SAID CASHMERE CASHMERE PLOT A DISTANCE OF 15 FEET; THENCE RUN NORTH 89 DEGREES 30' 30" WEST ALONG SAID WEST LINE OF SAID LOT 4 A DISTANCE OF 22 FEET TO THE POINT OF BEGINNING.







GENERAL INFORMATION:

APPLICANT: KEVIN SHELTON

REQUEST: Variance in the R-1 zoning district to allow 596 sq. ft. of accessory structure floor area in lieu of 500 sq. ft.

LOCATION: West of S. Chickasaw Trail, South of Curry Ford Rd

PROPERTY ADDRESS: 4326 S. Chickasaw Trail, Orlando, Florida, 32829

PARCEL ID: 13-23-30-0000-00-028

PUBLIC NOTIFICATION: 66

TRACT SIZE: 356 ft. 382 ft. (AVG)

DISTRICT #: 3

ZONING: R-1

EXISTING USE(S): Single family home

PROPOSED USE(S): Shed

SURROUNDING USES: N - Canal
S - Vacant residential
E - Residential
W -Residential

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-1 Single-Family Dwelling district, which allows a single family home with a minimum lot area of 5,000 sq. ft., and associated accessory structures with a maximum of 500 sq. ft. or 25% of the living area of the residence (whichever is greater). The single family home is 1,845 sq. ft., therefore, the 500 sq. ft. minimum applies.

2. There is an existing 22 feet x 22.6 feet detached garage on the property. The applicant is proposing to add a 96 sq. ft. shed to the property, resulting in a cumulative total of 596 sq. ft. of accessory structures.
3. The subject property is a 2.6-acre flag lot, which is over 22 times the required minimum lot size. The proposed shed will be located behind the house, will not be visible from the road, and will be 80 feet from the nearest property line.
4. If the subject property were zoned agricultural, then up to 2,000 sq. ft. of accessory structures would be allowed, based on the 2.6-acre lot size.
5. The request constitutes a nineteen percent (19%) deviation from Code. The requested cumulative accessory structure floor area is approximately thirty-two percent (32%) of the living area of the house (1,845 sq. ft.).
6. Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood.
 - The subject property is much larger than other residential properties in the area, allowing for greater setbacks and less visibility for the accessory structures.
 - The impact will be minimal due to the small square footage deviation, and the distance from the roadway and all property lines.
 - The shed will not be visible from the roadway and will not impact any neighbors due to the location.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated June 8, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Kevin Shelton
4326 S. Chickasaw Trail
Orlando, FL 32829

WAYNE MILLER
VA-18-08-102

REQUEST: **Variance** in the R-CE zoning district to permit a cumulative total of 2,467 sq. ft. of accessory floor area in lieu of 2,000 sq. ft.

ADDRESS: 5875 Dora Drive, Mount Dora FL 32757

LOCATION: East side of Dora Dr., approximately 250 ft. north of Dudley Ave.

S-T-R: 08-20-27

TRACT SIZE: 211 ft. x 587 ft. (AVG)

DISTRICT#: 2

LEGAL: COMM NW COR OF SEC 08-20-27 RUN TH S 88 DEG E 30 FT S 00 DEG E 211.12 FT FOR POB S 88 DEG E 586.55 FT S 00 DEG E 211.12 FT N 88 DEG W 586.78 FT N 00 DEG W 211.12 FT TO POB

PARCEL ID: 08-20-27-0000-00-057

NO. OF NOTICES: 29

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 4-0 and 3 absent):

1. Development in accordance with the site plan dated June 11, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

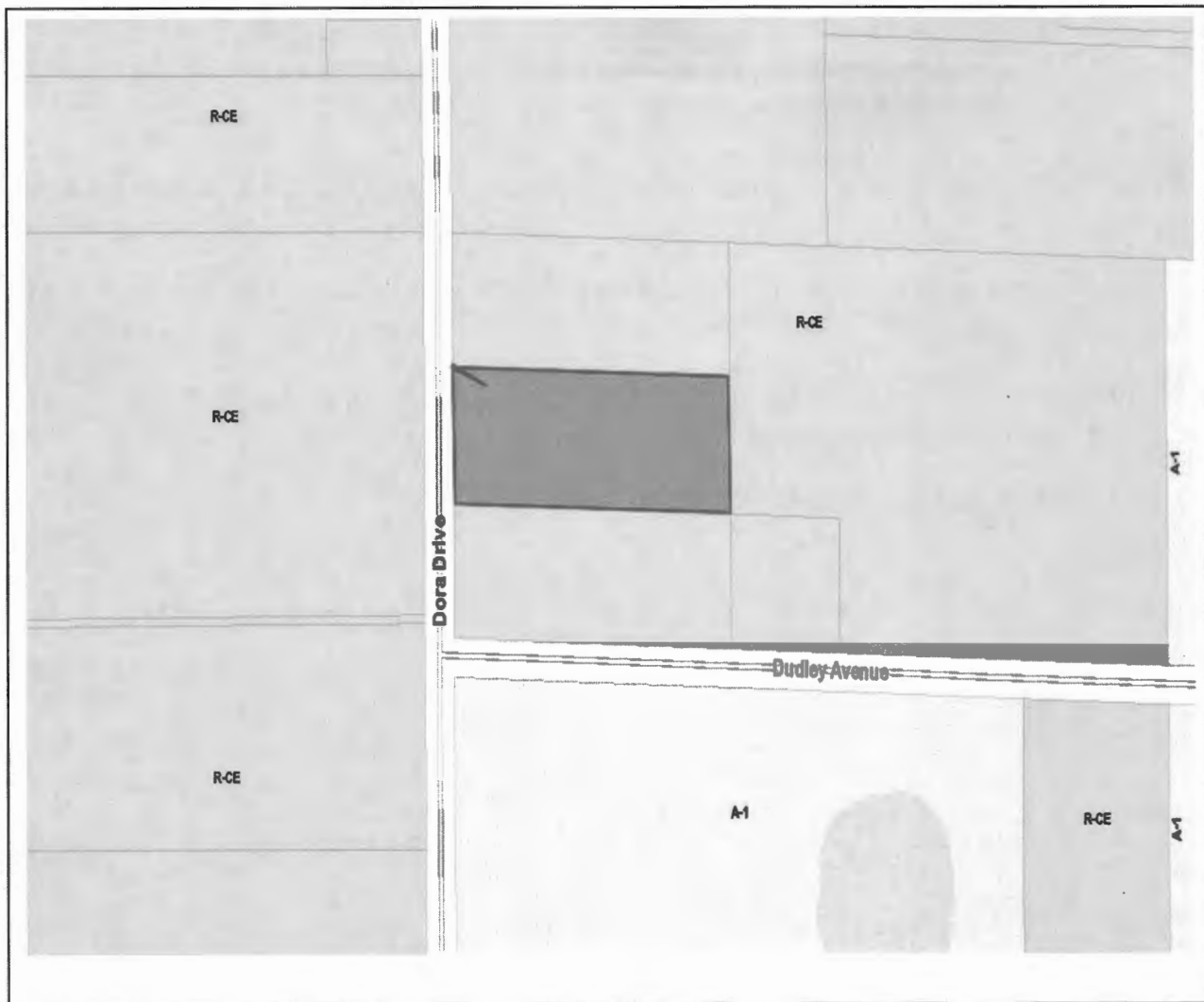
4. The design of the accessory structure shall utilize a design and colors complimentary to the exterior of the existing house.

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

The applicant stated that the staff presentation was clearly laid out, and they had nothing to add.

Staff received four (4) commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.



Applicant: WAYNE MILLER

BZA Number: VA-18-08-102

BZA Date: 08/02/2018

District: 2

Sec/Twn/Rge: 08-20-27-NW-B

Tract Size: 211 ft. x 587 ft. (AVG)

Address: 5875 Dora Drive, Mount Dora FL 32757

06/06/18

To Whom it may concern:

I Wayne Miller the owner of the house and property located at 5875 Dora Dr. Mount Dora, Fl. 32757 am requesting a Variance to build a metal car port. The car port will be 21' wide by 23' deep. Total Sq. Ft. = 483. The peak of the roof is approx. 10' 7" The car port will have no side or back wall siding and will be located on an existing asphalt parking area. The rear of car port will be approx. 34' from the property line.

Thank you


Wayne Miller

BOUNDARY SURVEY

RECEIVED

JUN 11 2018

ORANGE COUNTY
ZONING DIVISION

SCALE: 1" = 50'



FOUND 5/8" IRON ROD &
CAP STAMPED RLS # 1014
CORNER IS
0.7% / 0.4%

PARCEL IDENTIFICATION
08-20-27-0000-00-002
S 89°07'12"E 211.12'(c)
S 00°00'00"W 211.12'(c)
S 00°00'00"E 211.12'(c)

FOUND 5/8" IRON ROD &
CAP STAMPED RLS # 1014
CORNER IS
0.5% / 0.4%

REVISIONS AND ADDITIONS	DATE	BY
10-12-18	SPRUE SURVEYING, INC.	SPRUE
10-12-18	FOUND NEW SURVEY	SPRUE

PARCEL IDENTIFICATION
08-20-27-0000-00-043

S 89°07'12"E 586.55'(c)
S 88°E 586.55'(d)

PARCEL IDENTIFICATION
08-20-27-0000-00-057

N 88°W 586.78'(d)
N 88°07'12"W 586.78'(c)
S 89°07'12"E 586.78'(w)

FOUND 5/8" IRON ROD &
CAP STAMPED RLS # 1014
CORNER IS
0.7% / 0.4%

1" OF SIGNING
2" 1/2" IRON ROD &
CAP STAMPED RLS # 1014
CORNER IS
0.7% / 0.4%

DORA DRIVE

FOUND 5/8" IRON ROD &
CAP STAMPED RLS # 1014
CORNER IS
0.5% / 0.4%

SPRUE SURVEYING, INC.
1011 E. 10TH AVE.
SUITE 100
ORANGE, CA 92667
TEL: 714.944.1111
WWW.SPRUESURVEYING.COM

REFERENCES



STAFF REPORT
CASE #: VA-18-08-102
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
August 2, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: WAYNE MILLER

REQUEST: Variance in the R-CE zoning district to permit a cumulative total of 2,467 sq. ft. of accessory floor area in lieu of 2,000 sq. ft.

LOCATION: East side of Dora Dr., approximately 250 ft. north of Dudley Ave.

PROPERTY ADDRESS: 5875 Dora Dr., Mt. Dora, FL 32757

PARCEL ID: 08-20-27-0000-00-057

PUBLIC NOTIFICATION: 29

TRACT SIZE: 211 ft. x 587 ft. (AVG)

DISTRICT #: 2

ZONING: R-CE

EXISTING USE(S): Single Family Residence w/Detached Garage

PROPOSED USE(S): Carport

SURROUNDING USES: N - Vacant
S - Vacant
E - Grove
W -Single Family Residence w/Agricultural Exemption

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-CE Country Estate district, which allows a single family home on one (1) acre lots, and associated accessory structures with a maximum of 2,000 sq. ft. (on a parcel containing 1 to 5-acres) or 25% of the living area of the residence (whichever is greater). The single family home is 2,522 sq. ft., therefore, the 2,000 sq. ft. minimum applies.

2. The subject property currently has a 1,984 sq. ft. detached garage. The applicant is proposing to add a 483 sq. ft. carport, resulting in a cumulative total of 2,467 sq. ft. of accessory structures.
3. The subject property is a 2.84-acre lot, which is almost three (3) times the minimum lot size. The proposed carport will be located approximately 150 feet from the front property line and 34 feet from the south side property line.
4. The applicant cannot fit his personal vehicle into the existing garage on the property, thus, this carport will be constructed to accommodate said personal vehicle.
5. The most affected adjacent neighbors have signed letters of no objection to this request.
6. A carport is considered less intrusive than an enclosed building, as the sides will be open.
7. The request constitutes a twenty-three percent (23%) deviation.
8. Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood.
 - The subject property is a large lot, with the carport proposed to be located approximately 150 feet from the front property line.
 - The neighbors have signed letters of no objection to this request.
 - The impact will be minimal due to the small square footage deviation, and the distance from the roadway and all property lines.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated June 11, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022,

the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The design of the accessory structure shall utilize a design and colors complimentary to the exterior of the existing house.

c: Wayne Miller
5875 Dora Drive
Mt. Dora, FL 32757

MICHAEL McCOURT
SE-18-08-103

REQUEST: **Special Exception and Variances** in the R-1A zoning District as follows:

- 1) Special Exception to permit a detached Accessory Dwelling Unit (ADU) over a detached garage.
- 2) Variance to allow a detached ADU in front of the principal structure in lieu of along side or behind.
- 3) Variance to allow a detached ADU over a garage with a height of 29 ft. in lieu of 20 ft.
- 4) Variance to allow a cumulative total of 1,144 sq. ft. of accessory structure floor area in lieu of 732 sq. ft. (25% of living area of principal residence).
- 5) Variance to allow a structure 22 ft. from the front property line in lieu of 25 ft.

Note: The existing septic drainfield is located between the principal residence and the proposed ADU, which precludes meeting the front setback.

ADDRESS: 5521 Embassy Street, Orlando FL 32809

LOCATION: South shore of Little Lake Conway, on the east side of the north end of Embassy St., approximately .2 miles north of Hoffner Ave.

S-T-R: 18-23-30

TRACT SIZE: 103 ft. x 249 ft. (AVG)

DISTRICT#: 3

LEGAL: J H LIVINGSTONS SUB B/33 THE NLY 108.32 FT OF LOT 11 & LAND TO WATERS OF LAKE SEE 4023/2750

PARCEL ID: 18-23-30-5120-01-120

NO. OF NOTICES: 206

DECISION: **APPROVED** the Special Exception request, in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and further, **APPROVED** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 4-0 and 3 absent):

1. Development in accordance with the site plan dated June 11, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Construction plans shall be submitted within three (3) years of final action on this application, or this approval becomes null and void.
5. The accessory dwelling unit shall initially be occupied by a relative for the first three (3) years, or until the relative has died, whichever occurs first.
6. The site plan submitted for permitting shall show the existing pavers relocated to the front of the ADU/garage structure with any necessary supplemental pavers as necessary to create a complete paved driving surface to the front of the structure.

SYNOPSIS: Staff explained that the lot is 3 1/2 times the size of a normal lot in the R-1A zoning district. In addition, the main residence was constructed over 100 feet from the front property line to maximize the lot's lake frontage. As a result, from the street, the main residence cannot be seen. Therefore, the ADU/garage will actually appear from the street to be the principal residence. The ADU will be occupied by the applicant's father. The need for the height variance is to make the living area above the garage more functional from a headroom perspective. Staff noted that the three (3) most impacted neighbors have all submitted letters of support. The applicant actually increased the side setback from 10 to 20 feet to accommodate the neighbor to the west. No correspondence in opposition were received.

The applicant noted that they are in complete agreement with the staff recommendation and with the conditions of approval. The applicant did add that the large oak near the future site of the ADU will need to be removed as the ADU will cover too much of the tree's root zone. There being no one in attendance to speak for or against the request, the public hearing was closed.

The BZA concluded that there was no other logical location on the lot to place the use. A motion to recommend approval of the Special Exception and all requested variances passed unanimously.



Applicant: MICHAEL McCOURT

BZA Number: SE-18-08-103

BZA Date: 08/02/2018

District: 3

Sec/Twn/Rge: 24-23-29-NE-A

Tract Size: 103 ft. x 249 ft. (AVG)

Address: 5521 Embassy Street, Orlando FL 32809

To: **Orange County Zoning Division**
201 S. Rosalind Avenue, 1st Floor
Orlando, FL 32801

From: **Michael McCourt**

Date: June 8, 2018

Re: **Special Exception Request**
5521 Embassy Street
Orlando, FL 32809

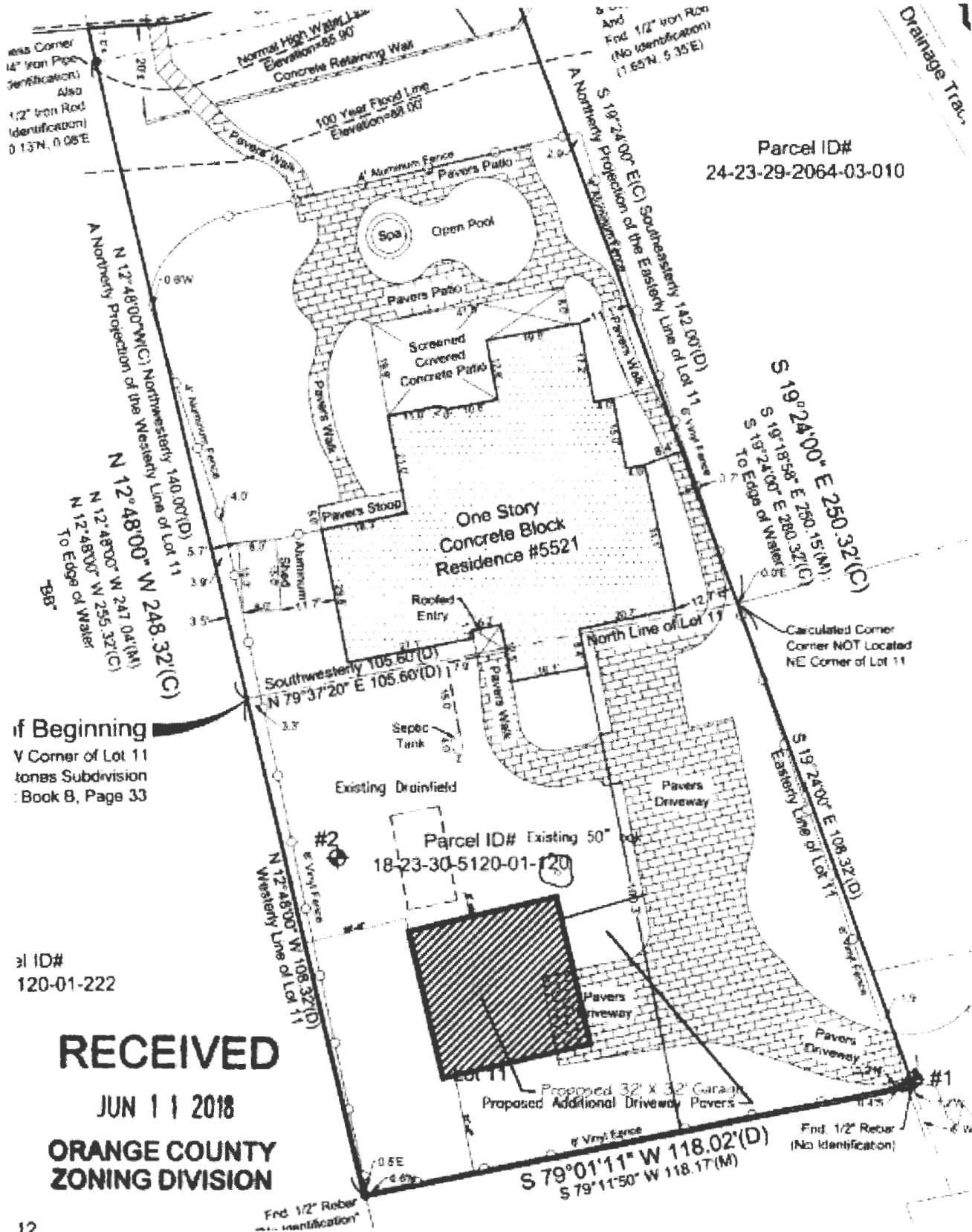
Special Exception Request: Thank you for your assistance in the approval of a **two-story Accessory Dwelling Unit (ADU)** on my property at 5521 Embassy Street. The ADU will have the livable space on the second floor, with the first floor used as garage parking for the ADU occupants. Due to the odd shape of the property, the ADU will be **located adjacent to the front of the property in the (technical) rear yard and in front of the existing single-family dwelling.**

Hardship: This is my primary (homesteaded) residence where I am requesting a special exception for my aging in-laws to reside. Due to the odd shape of the property, the ADU will be **located adjacent to the front of the property in the (technical) rear yard and in front of the existing single-family dwelling.**

The following bulleted points further address this request along with the attached supporting documents:

1. The ADU is 32' x 32' wide x 28' 8" high.
2. The ADU will consist of 140 square feet (bathroom and closet) and 855 square feet for parking on the first floor and 928 square feet of living area on the second floor.
3. The ADU is 20' from the west property line and 22' from the southern property line and conforms to current building codes.
4. The ADU will be built from concrete block with stucco and a metal roof to remain consistent and compatible with the existing single-family residence on the property.
5. The ADU and existing single-family dwelling will be painted the same color to remain consistent and compatible with the neighborhood.
6. Due to the odd shape of the property, placement of existing septic system, and placement of single family dwelling, the ADU will be located adjacent to the front of the property in the (technical) rear yard and in front of the existing single-family dwelling.
7. The property is located at the end of a cul-de-sac, is not visible from the main road (Hoffner), has no thru traffic pattern, and only three adjacent neighbors who are in support of the ADU.
8. The adjacent neighbors have signed their support of the ADU, including their sentiments on increased value and neighborhood appeal.
9. The ADU will serve as residence for my aging in-laws.
10. There is no HOA in this neighborhood.
11. The special conditions and circumstances regarding this variance request were not self-created.
12. The purpose and intent of the ADU will not be injurious to the neighborhood or public welfare.

I look forward to partnering with Orange County for this approval and can be reached at (407) 947-4985 or michaelmccourt74@gmail.com for questions or clarification.

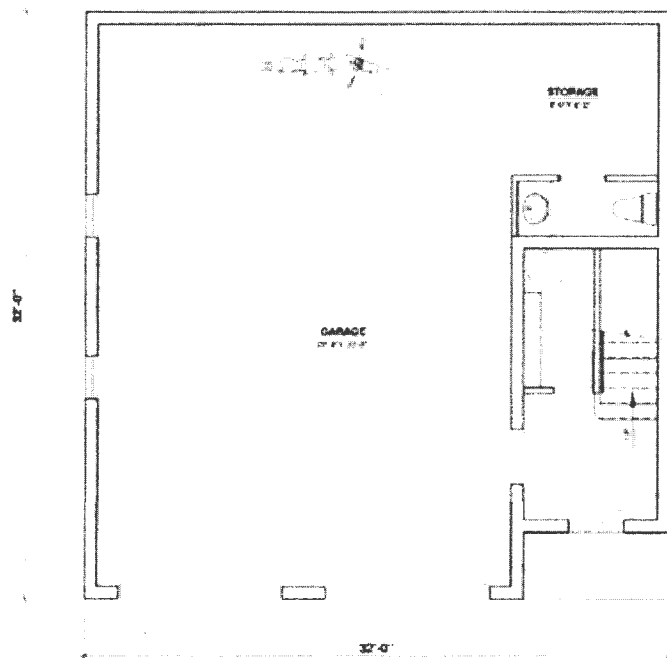
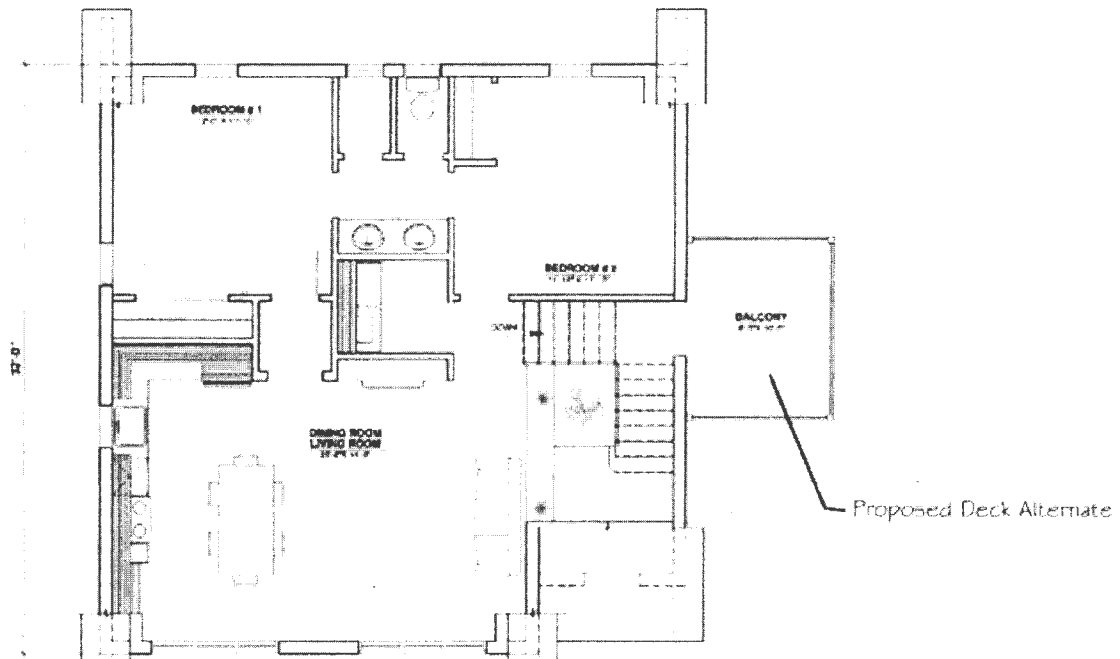


Parcel ID#
24-23-29-2064-03-010

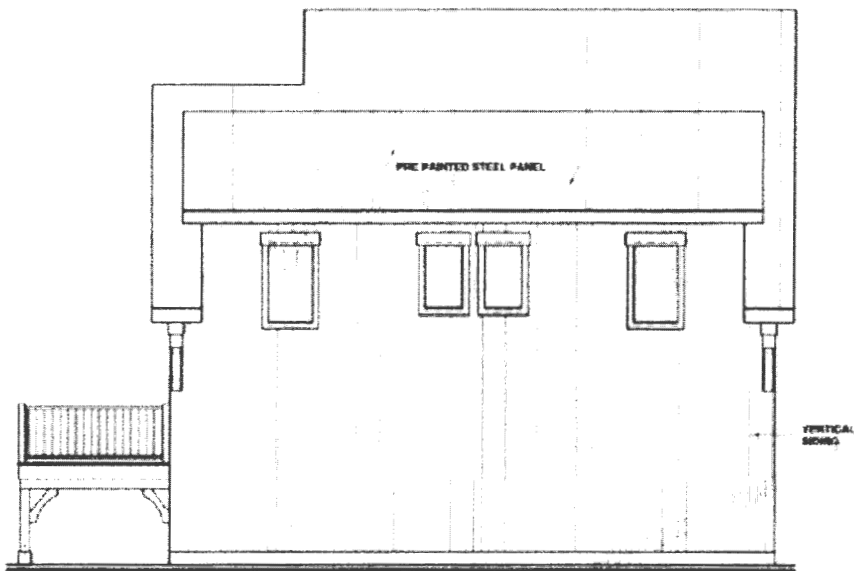
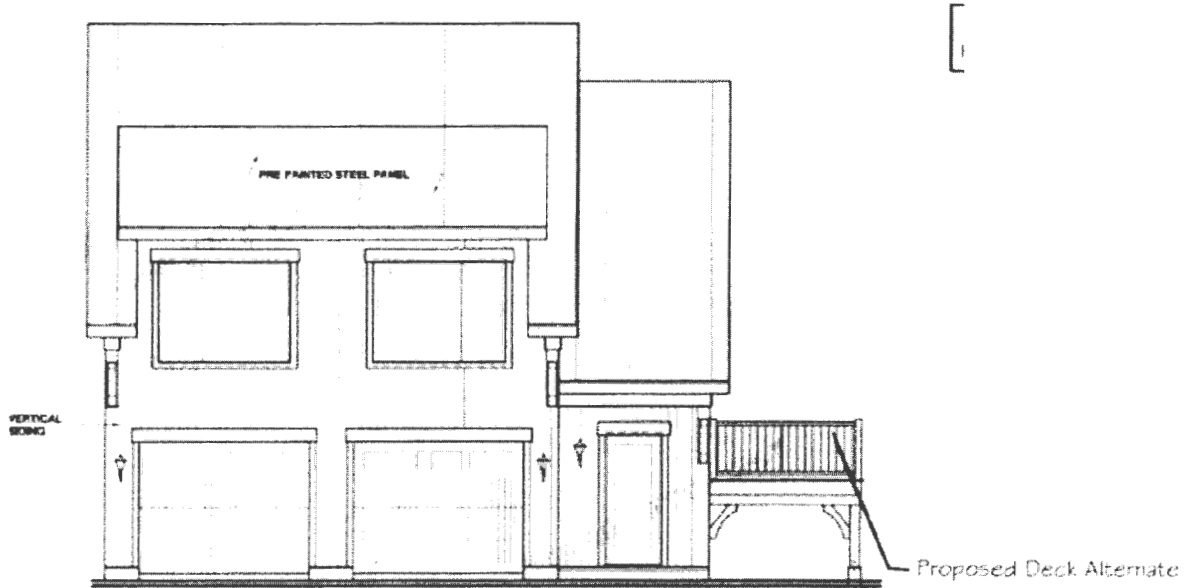
if Beginning
V Corner of Lot 11
Jones Subdivision
Book 8, Page 33

Parcel ID#
120-01-222

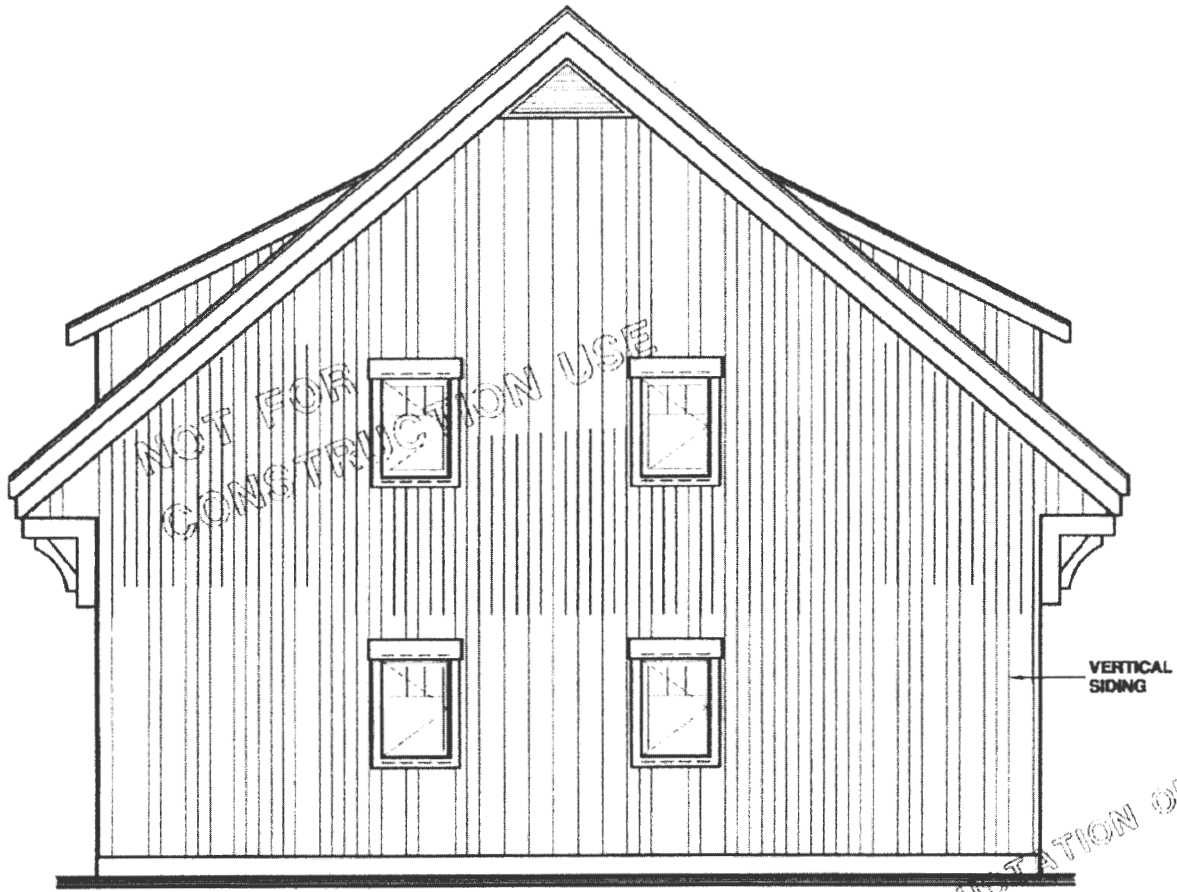
RECEIVED
JUN 11 2018
ORANGE COUNTY
ZONING DIVISION



PROPOSED FLOOR PLAN



PROPOSED ELEVATIONS



FOR QUOTATION ONLY



STAFF REPORT
CASE #SE-18-08-103
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
August 2, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Michael McCourt

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variances in the R-1A zoning District as follows:

- 1) Special Exception to permit a detached Accessory Dwelling Unit (ADU) over a detached garage.
- 2) Variance to allow a detached ADU in front of the principal structure in lieu of alongside or behind.
- 3) Variance to allow a detached ADU over a garage with a height of 29 ft. in lieu of 20 ft.
- 4) Variance to allow a cumulative total of 1,144 sq. ft. of accessory structure floor area in lieu of 732 sq. ft. (25% of living area of principal residence).
- 5) Variance to allow a structure 22 ft. from the front property line in lieu of 25 ft.

LOCATION: South shore of Little Lake Conway, on the east side of the north end of Embassy St., approximately .2 miles north of Hoffner Ave.

PROPERTY ADDRESS: 5521 Embassy St., Orlando, FL 32809

PARCEL ID: 18-23-30-5120-01-120

PUBLIC NOTIFICATION: 206

TRACT SIZE: 103 ft. x 249 ft. (AVG)

DISTRICT #: 3

ZONING: R-1A

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): ADU over detached garage

SURROUNDING USES/ ZONING: N – Little Lake Conway
S – Single Family Residence/R-1A
E – Single Family Residence/R-1A
W - Single Family Residence/R-1A

STAFF FINDINGS AND ANALYSIS:

1. 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. Accessory Dwelling Units (ADU) such as that proposed are permitted by Special Exception.
2. The ADU will be occupied by the applicant's parents. The additional parking will meet all requirements.
3. The subject property is nearly 3 1/2 times the size of the minimum R-1A zoned lot. At the request of a neighbor, the applicant located the ADU 20 feet off of the west property line, only a 10 foot side yard setbacks is required. The subject property is also located at the very end of Embassy Street. With the location of the principal structure so close to the lake, it is not readily visible from the street, creating the illusion that the ADU will actually be the principal structure.

Special Exception Criteria

1. The Comprehensive Plan specifically identifies ADU's as a use compatible with single family development through the Special Exception process. They are also permitted by right in some planned developments.
2. Given the size of the lot, the ADU will not appear out of scale or character with the neighborhood. Since the primary residence is located so far to the rear of the lot (front setback of 100 feet), the ADU will actually appear as the primary residence.
3. The use will not be a detrimental intrusion into the area. It should generate less traffic than a typical single family residence, and it has been designed to appear as a typical single family residence. The fact that all adjacent neighbors have submitted letters of support reinforces this point.
4. With the variances for the front setback, square footage, and height, the ADU will meet all development standards.
5. The use will not generate any more noise, vibration, dust, odor, glare, or heat than any other residence in the neighborhood.

6. Landscaping is not required between single family residences. The applicant does have a five (5) foot tall opaque fence surrounding their property.

Variance Criteria

1. The special condition and circumstance regarding the subject property is the layout of the lot. As previously noted, the principal residence is situated 100 feet from the front property line. It is not physically possible to locate the ADU alongside of or behind that unit. Also, the location of the drainfield serving the site precludes the ADU from meeting the front setback. The height variance is necessary to accommodate the living area over the garage.
2. According to the Property Appraiser's information, the subject property was developed in 1964. The applicant purchased the property in 2014. They are not responsible for the location of the house or the drainfield. Therefore, this is not a self-imposed hardship.
3. Granting the variances will not confer a special privilege upon the applicant. Given the layout of the property, there is no other physical location where the ADU could be situated.
4. Without the variance for the height, either the garage or the ADU would need to have a very low ceiling, rendering one of them less functional. Without the variance from the front setback, the unit will need to encroach into the area needed for the drainfield, requiring a reconfiguration of the drainfield. The need for the location of the ADU and garage is self-evident given the layout of this lakefront lot.
5. The setback variance amounts to a deviation of twelve percent (12%), which is minimal, and will be virtually imperceptible. The height variance amounts to a forty-five percent (45%) deviation. While this may seem high, due to the location of the principal residence so far to the rear of the lot, the garage/ADU will appear to be the principal structure, which typically is allowed to be up to 35 feet tall. Therefore, it will not look out of place or character. The large older trees on the lot will also cause it to look lower than it actually is. The variance needed for the cumulative total accessory square footage amounts to fifty-six percent (56%). However, again, given that this will appear from the road to be a primary structure, it will not appear at all excessive. These are the minimum variances needed.
6. Given the layout of this lot, the variances will be in harmony with the purpose and intent of the Code. There will still be sizable setbacks from the front and side lot lines which will provide visual compatibility with a typical lot in the R-1A zoning district.

STAFF RECOMMENDATION:

Staff recommends approval of the requested Special Exception and Variances subject to the following conditions:

1. Development in accordance with the site plan dated June 11, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Construction plans shall be submitted within three (3) years of final action on this application, or this approval becomes null and void.
5. The accessory dwelling unit shall initially be occupied by a relative for the first three (3) years, or until the relative has died, whichever occurs first.
6. The site plan submitted for permitting shall show the existing pavers relocated to the front of the ADU/garage structure with any necessary supplemental pavers as necessary to create a complete paved driving surface to the front of the structure.

c: Michael McCourt
5521 Embassy Street
Belle Isle, FL 32809

FOX TV
SE-18-08-104

REQUEST: **Special Exception and Variances** in the A-2 zoning district to construct a 1,414 ft. guyed FM communications tower as follows:
1) Tower to be a single user tower (Fox TV).
2) To allow installation of a tower without landscaping as required per Section 38-1427(d)(11).
3) Variance to allow communications tower 421 ft. from single family to the south in lieu of 1,500 ft.
4) Variance to allow a separation distance of 2,300 ft. between guyed towers in lieu of 5,000 ft.
This tower will replace the existing tower on site.

ADDRESS: 4504 N. Fort Christmas Road, Christmas FL 32709

LOCATION: West of N. Fort Christmas Rd., north of Lake Pickett Rd.

S-T-R: 02-22-32

TRACT SIZE: 45.5 acres

DISTRICT#: 5

LEGAL: FROM A POINT ON THE W LINE OF THE SW1/4 OF SEC 02-22-32
RUN S 01 DEG E 120.55 FT FROM THE W1/4 COR OF SAID SEC
TH E 1886.68 FT TO POB TH E 1020 FT N 39 DEG E 624.75 FT S 64
DEG E 287.46 FT SELY ALONG CURVE 199.46 FT S 54 DEG E
318.37 FT S 44 DEG W 1093.7

PARCEL ID: 02-22-32-0000-00-006

NO. OF NOTICES: 69

DECISION: A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and unanimously carried to **CONTINUE** to the September 6, 2018 BZA Meeting.

SYNOPSIS: This case was continued at the request of staff. The advertised height did not include the antenna height, which brings the overall height to 1,473 feet. Staff recommended a continuance of this case until the September hearing. Also, per Sec. 38-1427(b)(4), a Special Exception may not be required as the new tower is of like construction and height of the existing tower.



Applicant: FOX TV

BZA Number: SE-18-08-104

BZA Date: 08/02/2018

District: 5

Sec/Twn/Rge: 02-22-32-NE-A,02-22-32-SE-D,02-22-32-SW-C

Tract Size: 45.5 acres

Address: 4504 N. Fort Christmas Road, Christmas FL 32709



Fox Television Stations, LLC
1551 Briarcliff Road, N.E.
Atlanta, Georgia 30305
T 404 724 4421 F 404 724 4440
carolyn.forrest@foxtv.com

Carolyn Y. Forrest
Vice President
Legal Affairs

June 8, 2018

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

Re: Application of Fox Television Stations, LLC, to the
Orange County Board of Zoning Adjustment

Dear Board Members:

On April 13th, 2017 the Federal Communications Commission ("FCC") gave notice to Fox Television Stations, Inc., predecessor-in-interest to Fox Television Stations, LLC, ("FTS") that its two Orlando television stations, WOFL FOX 35 (operated by FTS affiliate Oregon Television, Inc.) and WRBW MY 65 (operated by FTS affiliate UTV of Orlando, Inc.), have been assigned new channels in the repacking process associated with the broadcast television spectrum incentive auction. As a result, both stations are required to make significant changes to their current broadcast facilities located in East Orange County, Florida. The current deadline issued by the FCC to complete these changes in order to start the testing phase of the process is October 19th, 2019.

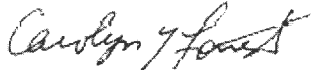
One of the changes involves the 1,400 ft guyed tower currently existing on the company owned property located at 4504 North Fort Christmas Road, Christmas, FL 32709 (the "Tower Site"). This tower is used to support the current antenna for WOFL FOX 35 and was originally built and installed in 1973. The FCC requires that all towers for television stations being repacked meet current standards for antenna supporting structures as defined by the ANSI/TIA-222-G standard. A recent engineering evaluation of the existing tower found that it does not meet these requirements. As a result, WOFL FOX 35 proposed and was approved by the FCC for a tower replacement as part of the channel repack process.

To facilitate the construction of the proposed tower, FTS submits the enclosed application to the Orange County Board of Zoning Adjustment to build a new broadcast tower on the Tower Site. The proposed tower will meet or exceed current ANSI/TIA-222-G standards, which ensure that the structure will be significantly better equipped to withstand the harsh Florida environment as it relates to wind loading and corrosiveness. The proposed tower will be approximately the same height as the current tower and will be built within 40 feet of the existing tower. Because the proposed tower will also be equipped with a "t-bar" at the top, FTS will be able to move the broadcast facilities for WRBW from its existing location at 4652 Brown Road, Christmas, FL 32709, to the Tower Site and to install both WRBW and WOFL on the

proposed tower. Once the construction of the new tower is completed, the current tower will be demolished and removed from the property.

Thank you in advance for your consideration with this request.

Sincerely,


Carolyn Y. Forrest

Allyson Meyers
Vice President and General Manager
WOFL, WRBW, WOGX
(407) 741-5000
allyson.meyers@foxtv.com

Jeff Roberts
Vice President Engineering
WOFL, WRBW, WOGX
(407) 741-5140
jeff.roberts@foxtv.com

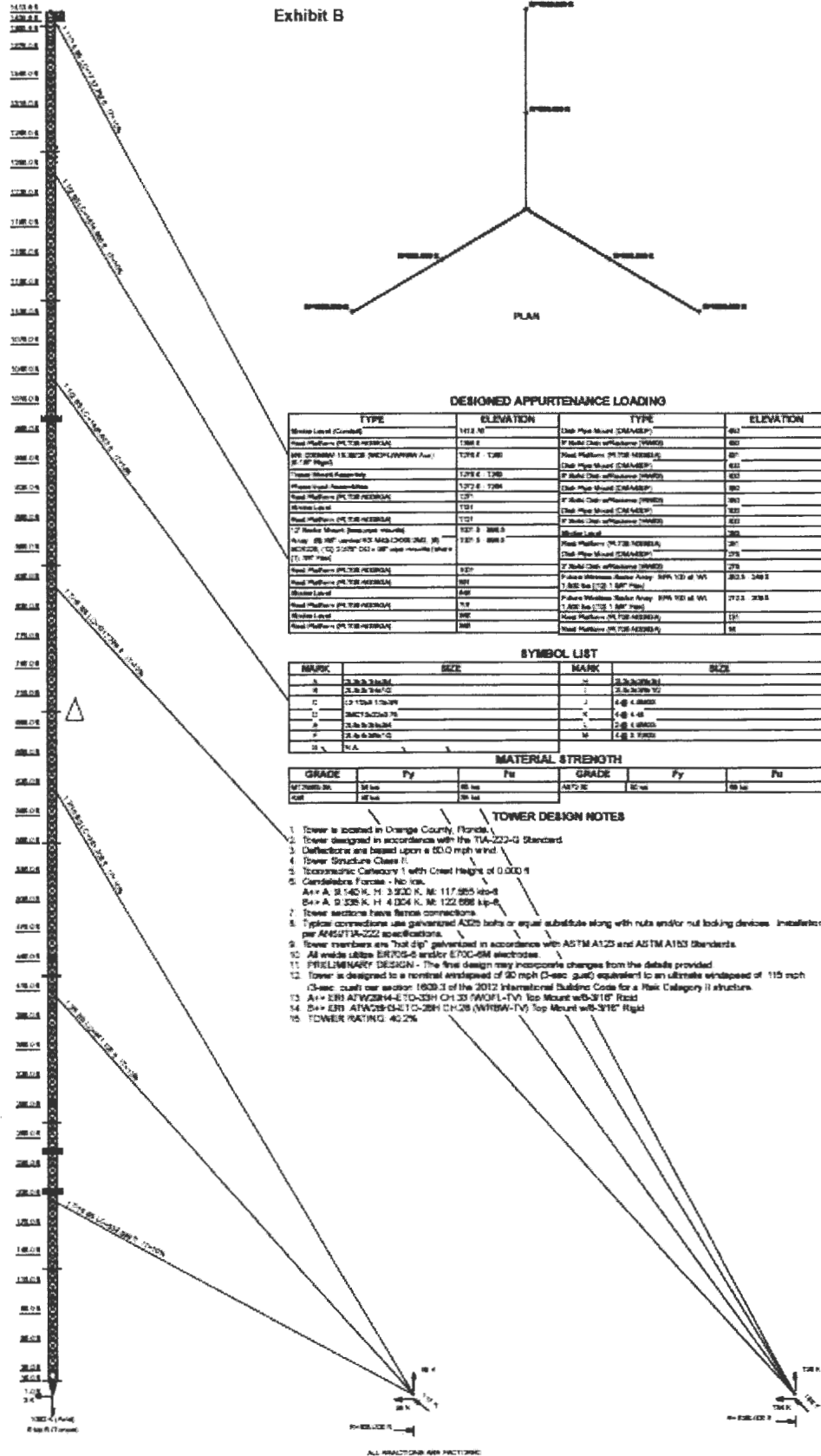
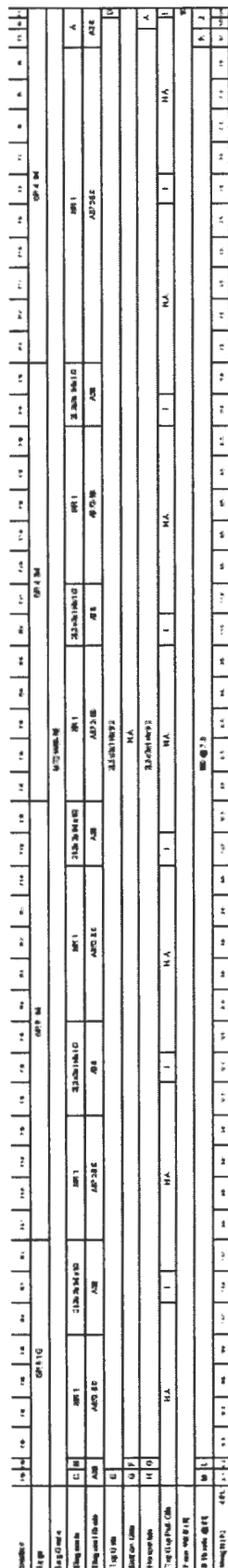
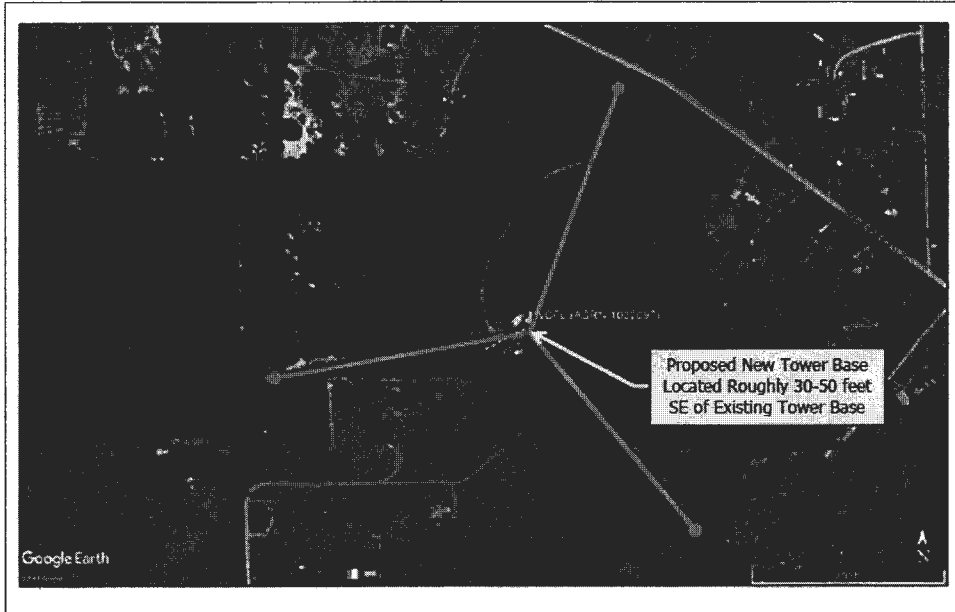


Exhibit B

Site Layout

WOFL-TV * BITHLO, FL * EXISTING ASRN 1032097



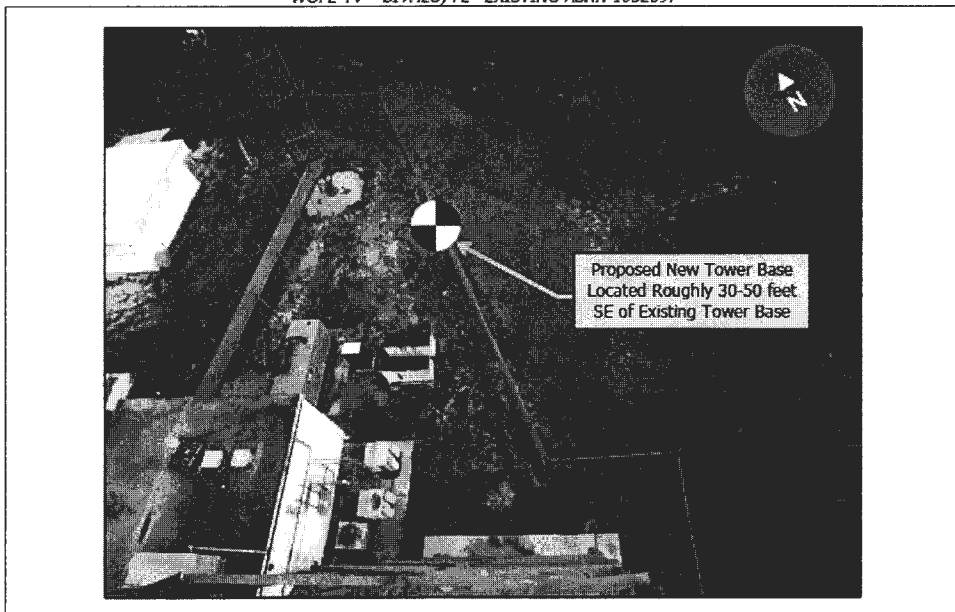
ELECTRONICS RESEARCH, INC. **FRI**



Exhibit B

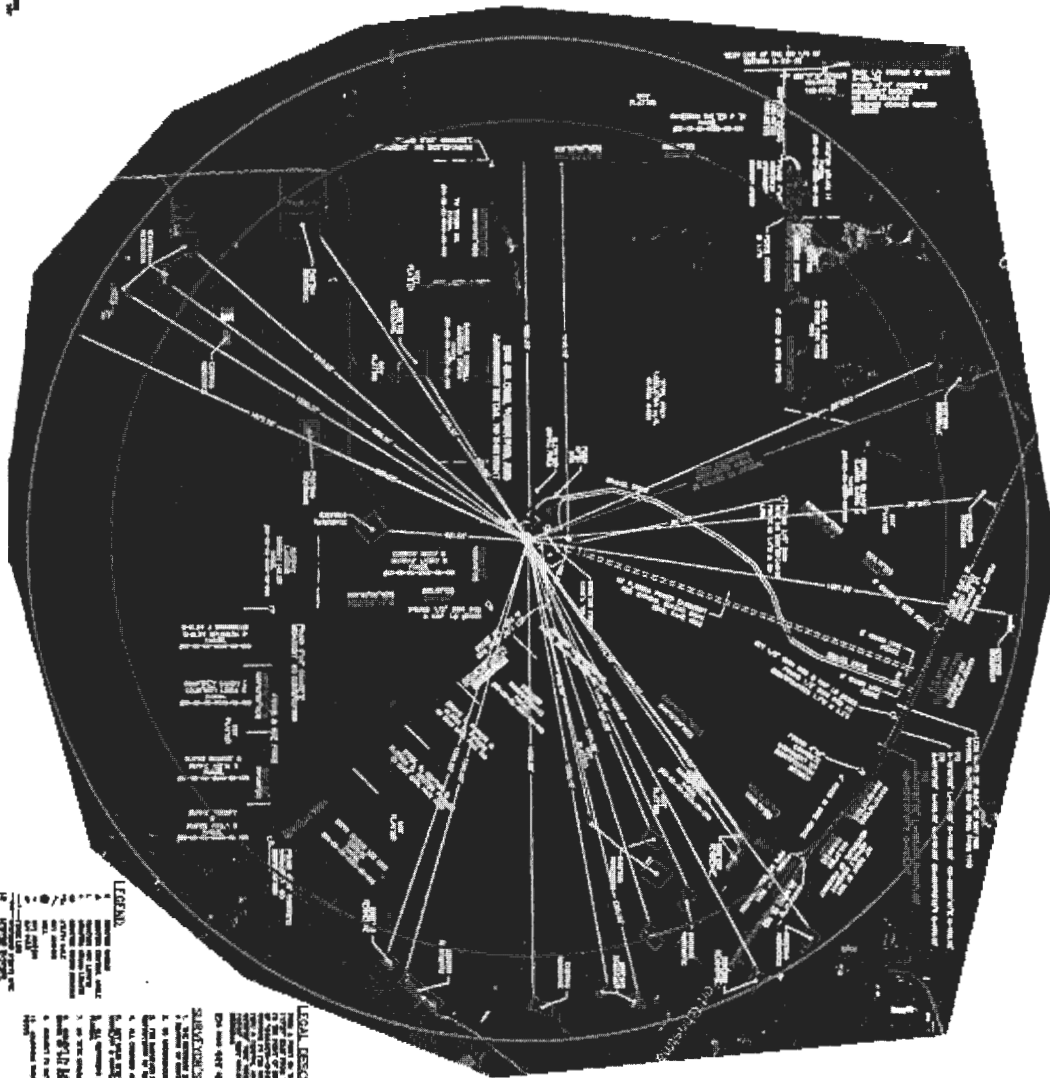
Site Layout

WOFL-TV * BITHLO, FL * EXISTING ASRN 1032097



ELECTRONICS RESEARCH, INC. **FRI**

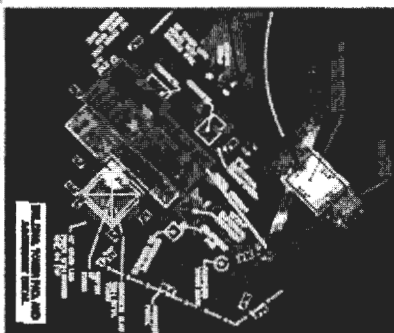


[illegible]

EXPLANATORY NOTES:

1. An interview report should be made in the event incident has or likely to, involve a person or persons, or item.
2. An interview report should be made when incident occurs in a vehicle.
3. The interview should be conducted by the last person leaving the vehicle, after it has been driven away from the scene, or after the car has been towed.
4. All interview reports should be submitted to the nearest police station.
5. The interview report should be made on the spot, after the, or a person leaving the vehicle, has been interviewed.

1994 1993 1992 1991 1990 1989 1988 1987 1986 1985 1984 1983 1982 1981 1980 1979 1978 1977 1976 1975 1974 1973 1972 1971 1970 1969 1968 1967 1966 1965 1964 1963 1962 1961 1960 1959 1958 1957 1956 1955 1954 1953 1952 1951 1950 1949 1948 1947 1946 1945 1944 1943 1942 1941 1940 1939 1938 1937 1936 1935 1934 1933 1932 1931 1930 1929 1928 1927 1926 1925 1924 1923 1922 1921 1920 1919 1918 1917 1916 1915 1914 1913 1912 1911 1910 1909 1908 1907 1906 1905 1904 1903 1902 1901 1900 1899 1898 1897 1896 1895 1894 1893 1892 1891 1890 1889 1888 1887 1886 1885 1884 1883 1882 1881 1880 1879 1878 1877 1876 1875 1874 1873 1872 1871 1870 1869 1868 1867 1866 1865 1864 1863 1862 1861 1860 1859 1858 1857 1856 1855 1854 1853 1852 1851 1850 1849 1848 1847 1846 1845 1844 1843 1842 1841 1840 1839 1838 1837 1836 1835 1834 1833 1832 1831 1830 1829 1828 1827 1826 1825 1824 1823 1822 1821 1820 1819 1818 1817 1816 1815 1814 1813 1812 1811 1810 1809 1808 1807 1806 1805 1804 1803 1802 1801 1800 1799 1798 1797 1796 1795 1794 1793 1792 1791 1790 1789 1788 1787 1786 1785 1784 1783 1782 1781 1780 1779 1778 1777 1776 1775 1774 1773 1772 1771 1770 1769 1768 1767 1766 1765 1764 1763 1762 1761 1760 1759 1758 1757 1756 1755 1754 1753 1752 1751 1750 1749 1748 1747 1746 1745 1744 1743 1742 1741 1740 1739 1738 1737 1736 1735 1734 1733 1732 1731 1730 1729 1728 1727 1726 1725 1724 1723 1722 1721 1720 1719 1718 1717 1716 1715 1714 1713 1712 1711 1710 1709 1708 1707 1706 1705 1704 1703 1702 1701 1700 1699 1698 1697 1696 1695 1694 1693 1692 1691 1690 1689 1688 1687 1686 1685 1684 1683 1682 1681 1680 1679 1678 1677 1676 1675 1674 1673 1672 1671 1670 1669 1668 1667 1666 1665 1664 1663 1662 1661 1660 1659 1658 1657 1656 1655 1654 1653 1652 1651 1650 1649 1648 1647 1646 1645 1644 1643 1642 1641 1640 1639 1638 1637 1636 1635 1634 1633 1632 1631 1630 1629 1628 1627 1626 1625 1624 1623 1622 1621 1620 1619 1618 1617 1616 1615 1614 1613 1612 1611 1610 1609 1608 1607 1606 1605 1604 1603 1602 1601 1600 1599 1598 1597 1596 1595 1594 1593 1592 1591 1590 1589 1588 1587 1586 1585 1584 1583 1582 1581 1580 1579 1578 1577 1576 1575 1574 1573 1572 1571 1570 1569 1568 1567 1566 1565 1564 1563 1562 1561 1560 1559 1558 1557 1556 1555 1554 1553 1552 1551 1550 1549 1548 1547 1546 1545 1544 1543 1542 1541 1540 1539 1538 1537 1536 1535 1534 1533 1532 1531 1530 1529 1528 1527 1526 1525 1524 1523 1522 1521 1520 1519 1518 1517 1516 1515 1514 1513 1512 1511 1510 1509 1508 1507 1506 1505 1504 1503 1502 1501 1500 1499 1498 1497 1496 1495 1494 1493 1492 1491 1490 1489 1488 1487 1486 1485 1484 1483 1482 1481 1480 1479 1478 1477 1476 1475 1474 1473 1472 1471 1470 1469 1468 1467 1466 1465 1464 1463 1462 1461 1460 1459 1458 1457 1456 1455 1454 1453 1452 1451 1450 1449 1448 1447 1446 1445 1444 1443 1442 1441 1440 1439 1438 1437 1436 1435 1434 1433 1432 1431 1430 1429 1428 1427 1426 1425 1424 1423 1422 1421 1420 1419 1418 1417 1416 1415 1414 1413 1412 1411 1410 1409 1408 1407 1406 1405 1404 1403 1402 1401 1400 1399 1398 1397 1396 1395 1394 1393 1392 1391 1390 1389 1388 1387 1386 1385 1384 1383 1382 1381 1380 1379 1378 1377 1376 1375 1374 1373 1372 1371 1370 1369 1368 1367 1366 1365 1364 1363 1362 1361 1360 1359 1358 1357 1356 1355 1354 1353 1352 1351 1350 1349 1348 1347 1346 1345 1344 1343 1342 1341 1340 1339 1338 1337 1336 1335 1334 1333 1332 1331 1330 1329 1328 1327 1326 1325 1324 1323 1322 1321 1320 1319 1318 1317 1316 1315 1314 1313 1312 1311 1310 1309 1308 1307 1306 1305 1304 1303 1302 1301 1300 1299 1298 1297 1296 1295 1294 1293 1292 1291 1290 1289 1288 1287 1286 1285 1284 1283 1282 1281 1280 1279 1278 1277 1276 1275 1274 1273 1272 1271 1270 1269 1268 1267 1266 1265 1264 1263 1262 1261 1260 1259 1258 1257 1256 1255 1254 1253 1252 1251 1250 1249 1248 1247 1246 1245 1244 1243 1242 1241 1240 1239 1238 1237 1236 1235 1234 1233 1232 1231 1230 1229 1228 1227 1226 1225 1224 1223 1222 1221 1220 1219 1218 1217 1216 1215 1214 1213 1212 1211 1210 1209 1208 1207 1206 1205 1204 1203 1202 1201 1200 1199 1198 1197 1196 1195 1194 1193 1192 1191 1190 1189 1188 1187 1186 1185 1184 1183 1182 1181 1180 1179 1178 1177



ATTN: DIRECTOR
FILE NO: 62-10170
DATE: 1-1-68
FROM: SA
ATTACHED: 1-1-68
REMARKS: FILE
ADMINISTRATIVE



WOTL TRANSMISSION BUILDING AND TOWER SITE
OREGON TELEVISION INC./WOTL 35

ORANGE COUNTY, FLORIDA

NO.	DATE	REMARKS
1	08/04/20	AND PROPOSED TYER FAD
3	07/04/20	STIM AGGRAVING RECONOMIES
2	06/04/20	FINISHED TYER

I solemnly swear that the above is true to the best of my knowledge and belief, and that I am not a member of any other organization or society, and that I am not a member of any other organization or society, and that I am not a member of any other organization or society.

SHEET 1 OF 1



STAFF REPORT
CASE #SE-18-08-104
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
August 2, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: FOX TV

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variances in the A-2 zoning district to construct a 1,414 ft. guyed FM communications tower as follows:

- 1) Tower to be a single user tower (Fox TV).
- 2) To allow installation of a tower without landscaping as required per Section 38-1427(d)(11).
- 3) Variance to allow communications tower 421 ft. from single family to the south in lieu of 1,500 ft.
- 4) Variance to allow a separation distance of 2,300 ft. between guyed towers in lieu of 5,000 ft.

This tower will replace the existing tower on site.

LOCATION: West of N. Fort Christmas Rd., north of Lake Pickett Rd.

PROPERTY ADDRESS: 4504 N Fort Christmas Rd., Christmas, FL 32709

PARCEL ID: 02-22-32-0000-00-006

PUBLIC NOTIFICATION: 69

TRACT SIZE: 45.5 acres

DISTRICT #: 5

ZONING: A-2

EXISTING USE(S): Two Communication Towers

PROPOSED USE(S): Communication tower

SURROUNDING USES: N – Residential
 S – Residential
 E – Residential
 W – TV & Doppler Radar Tower

STAFF FINDINGS AND ANALYSIS:

1. The subject property is located in the A-2 (Farmland Rural) zoning district. This district allows agricultural uses, single family homes, and specific non-residential uses, including communication towers through the Special Exception process.
2. The site currently has two (2) existing towers, a television and a Doppler radar tower.
3. Timeline of previous approvals:
On December 6, 1973, the BZA approved a 1,500 foot television tower on the property. According to the property appraiser, the structure was built in 1974.
On May 7, 1992, the BZA approved a Special Exception to allow a mobile home on site for security purposes.
On May 6, 2009, the BZA approved a Special Exception to allow a 110 foot tall lattice tower for Doppler radar weather service.
4. This application is to replace the existing guyed tower with a new tower which is proposed to be 1,414 feet tall. The Federal Communications Commission has informed the applicant that their broadcast facilities must be upgraded to meet current standards. The current tower does not meet those requirements and a new tower is required.
5. The new tower will be located within forty (40) feet of the existing tower. If approved, the new tower will be up simultaneously with the current tower until complete, and at such time, the current tower will be demolished.
6. The property to the west has two (2) towers on site. A 98 foot tall radar tower and 1,600 foot television tower, which were both approved through the Special Exception process.
7. The surrounding area is comprised of A-2 agricultural lots and there are several residential homes in the vicinity. The existing tower pre-dates the majority of the houses in area. The existing vegetation and trees on site provide sufficient screening of the tower; therefore, the variance for the landscaping is justified.

Special Exception Criteria

1. The use shall be consistent with the Comprehensive Policy Plan.
The Future Land Use is Rural and communication towers are allowed as Special Exceptions in this zoning district.
2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
The use has existed on site since 1974 and this is a continuation of the current use. As such, this is consistent with the pattern of development in the surrounding area. Also, there are other towers in the immediate area.
3. The use shall not act as a detrimental intrusion into a surrounding area.

The use is existing and has not been an intrusion in the area.

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

The proposed location meets the setbacks required in the A-2 zoning district, and with the variances associated with this request it meets the Communication tower ordinance performance standards.

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

The new tower will be similar to the existing tower in terms of noise, vibration, dust, odor etc.

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

The area immediately surrounding the proposed tower has dense vegetation and trees. The applicant is applying for a variance from the tower landscaping buffer requirement.

Variance Criteria

1. Special Conditions and Circumstances

This tower is located in a rural area on a 45 acre lot and the new tower will be located within 40 feet of the existing tower.

2. Not Self-Created

There are ten (10) homes in the area, which were built after the existing tower was established on-site. Therefore, the need for the variances is not self-created. The existing tower was also constructed before the adjacent tower, and, per FCC comments an upgrade to this tower is required.

3. No Special Privilege

There are several towers in this area and granting this variance will not confer any privilege to this applicant.

4. Deprivation of Rights

Not approving the variance would deprive the right of the applicant to rebuild an existing structure which is necessary for their operation.

5. Minimum Possible Variance

The separation distance from residential represents a 71% deviation from code. However, as mentioned the houses to the south were built around 2005 well after the tower was built. The separation variance from the other guyed tower to the west is a 54% percent variance, however the distance separation being maintained is 2,300 ft. which is a substantial distance.

6. Purpose and Intent

Approval the variances will not adversely impact the public welfare and will be in harmony with the existing environment.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan and elevations dated June 12, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The existing guyed tower shall be removed once the proposed tower has been constructed and is in operation.
5. The proposed tower shall be constructed within eighteen (18) months of Board of County Commissioners approval or this approval becomes null and void.
6. Lighting on the proposed tower is prohibited unless mandated by State or Federal regulations.
7. The tower height shall not exceed 1,414 feet.
8. The existing trees and vegetation on site shall remain; any tree removal shall be subject to approval by Orange County Zoning Division.

c: Teri Bowley, Applicant's Representative
200 S. Orange Avenue, Suite 2600
Orlando, FL 32801

JORGE NEAEM
VA-18-08-105

REQUEST: **Variances** in the R-2 zoning district as follows:
 1) To allow a front setback of 24 ft. in lieu of 25 ft.
 2) To allow a side street setback of 6 ft. in lieu of 15 ft.

ADDRESS: 2417 Mayer Street, Orlando FL 32806

LOCATION: Northeast corner of Mayer St. and E. Crystal Lake

S-T-R: 01-23-29

TRACT SIZE: 50 ft. x 125 ft.

DISTRICT#: 3

LEGAL: MICHIGAN AVENUE PARK M/87 LOT 28 (LESS RD R/W)

PARCEL ID: 01-23-29-5631-00-280

NO. OF NOTICES: 132

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 4-0 and 3 absent):

1. Development in accordance with the site plan dated June 13, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

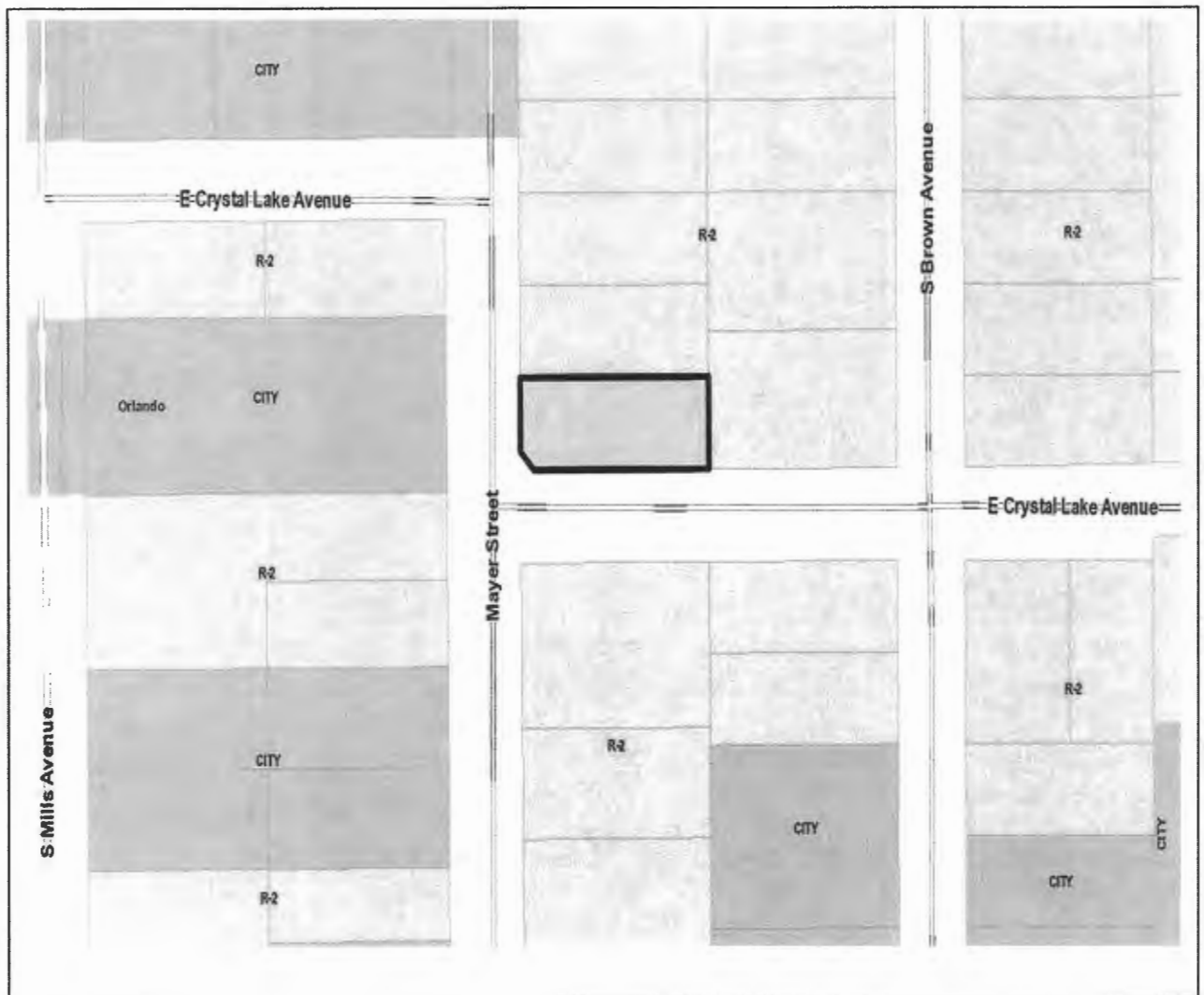
4. The applicant shall obtain a permit for the addition within ninety (90) days of final approval or this approval becomes null and void.

SYNOPSIS: The applicant is proposing to maintain their existing house. The applicant re-constructed his front porch/carport area without a permit and was cited by Code Enforcement. The applicant is not seeking to expand the footprint of the home, he is simply re-building within the existing building area.

Staff presented the site plan, floor plan, and elevations. Staff stated the front variance was the minimal possible variance, and the side street variance was to validate what was existing which was built in 1940. Therefore, staff recommended approval of the variances as they met the criteria.

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

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



Applicant: JORGE NEAEM

BZA Number: VA-18-08-105

BZA Date: 08/02/2018

District: 3

Sec/Twn/Rge: 01-23-29-SE-D

Tract Size: 50 ft. x 125 ft.

Address: 2417 Mayer Street, Orlando FL 32806

06/13/2018

To whom it may concern:

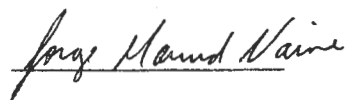
For the purpose of clarification, I would like to present the facts that have led to where we are today.

I hired a contractor to do the hurricane repairs on my house along with some needed updates. The porch roof had been completely peeled off by hurricane Irma and needed to be replaced. I believed all along that the contractor had pulled the necessary permits, which is customary for contractors to do. I ended up firing the contractor because he did not complete the repairs and caused further damage to my property. He basically left me with a mess.

I tried to get a roofing company to come out and replace the roof but because of all the people who needed roof work done, I had difficulty getting responses and the ones I did get were very expensive and made it impossible for me to use them. For that reason, I decided to do the roof repair work myself, thinking that the permit had already been pulled by the contractor for the porch roof. It is important to note that Orange Co. property tax records indicate the footprint of the house has remained the same since prior to 1984. The distance from the edge of the covered porch to the property line of East Cristal Lake Ave. is the same as it was before the hurricane destroyed the roof.

The only thing I did was repair the damage done by hurricane Irma.

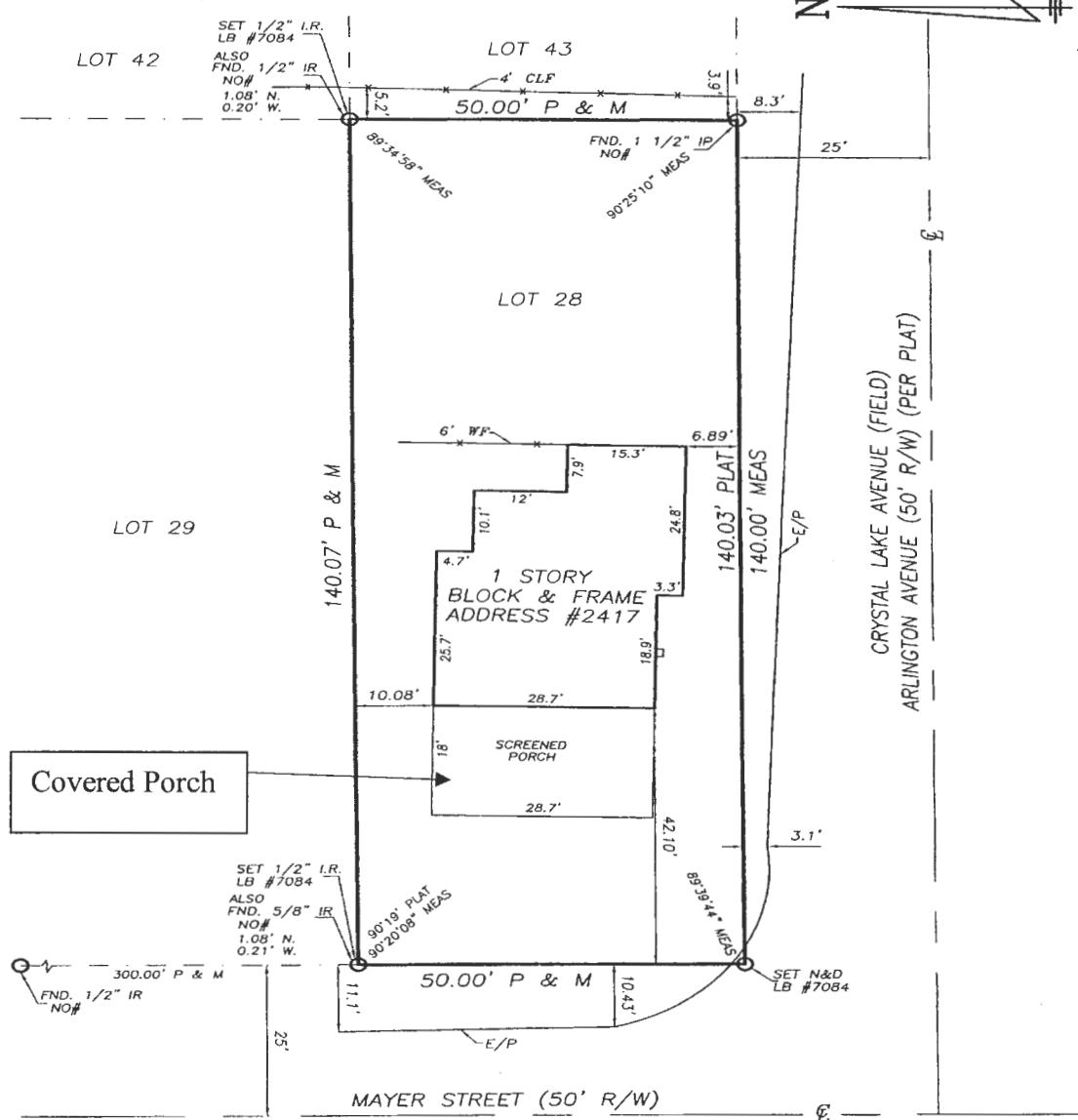
Sincerely,

A handwritten signature in cursive script, reading "Jorge Maurad Naeem", written in black ink.

JORGE MAURAD NAEEM

MAP OF SURVEY DESCRIPTION

LOT 28, MICHIGAN AVENUE PARK, AS RECORDED IN PLAT BOOK M, PAGE 87, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



DF#OCM-87-LOT28

NOTE: UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.

BOUNDARY SURVEY CERTIFIED TO: JORGE MAURAD NEAEM; CENTRAL FLORIDA EDUCATORS FEDERAL CREDIT UNION; CHICAGO TITLE INSURANCE CO.; PEARSON BITMAN LLP.

FIELD DATE: JUNE 21, 2016

SCALE: 1"=20' DRAWN BY: A. R.

BEARING STRUCTURE BASED ON: THE SOUTH RIGHT OF WAY LINE OF MAYER STREET.

THIS BUILDING/LOT IS IN FLOOD ZONE X, BASED ON FLOOD INSURANCE RATE MAP, NO.120179 0265 F, ORANGE COUNTY, FLORIDA.

LEGEND	
BC - BACK OF CURB	IR - IRON ROD
CALC - CALCULATED	L - ARC LENGTH
C - CENTERLINE	LB - LICENSE BUSINESS
Δ - CENTRAL ANGLE	MEAS - MEASURED
CLF - CHAIN LINK FENCE	MS - METAL SHED
CONC - CONCRETE	N&D - NAIL & DISK
CBW - CONCRETE BLOCK WALL	# - NUMBER
CM - CONCRETE MONUMENT	OHE - OVERHEAD ELECTRICAL
CP - CONCRETE PAD	OL - ON LINE
CW - CONCRETE WALKWAY	POB - POINT OF BEGINNING
COVD - COVERED	POC - POINT OF COMMENCEMENT
DESC - DESCRIPTION	PC - POINT OF CURVATURE
DW - DRIVEWAY	PP - POWER POLE
DE - DRAINAGE EASEMENT	P&M - PLAT & MEASURED
ESMT - EASEMENT	R - RADIUS
E/P - EDGE OF PAVEMENT	R/W - RIGHT OF WAY
FEE - FINISHED FLOOR ELEVATION	TYP - TYPICAL
FND - FOUND	UE - UTILITY EASEMENT
IP - IRON PIPE	UB - UTILITY BOX
	WF - WOOD FENCE
	> - GUY WIRE ANCHOR

REVISIONS:

M.A.P.
Land Surveying, Inc.

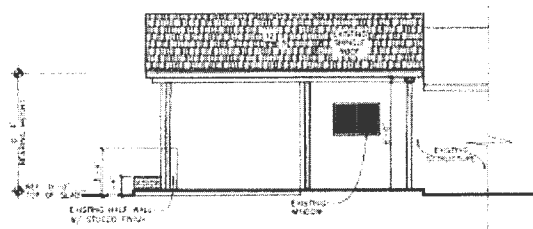


4515 Curry Ford Rd.
Suite C
Orlando FL 32812
PH. 407 896 4557
FAX 407 277 3778

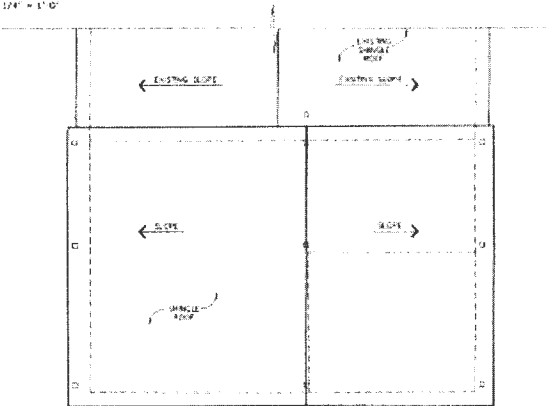
E-Mail: Maplandsurvey@cfl.rr.com

LB #7084

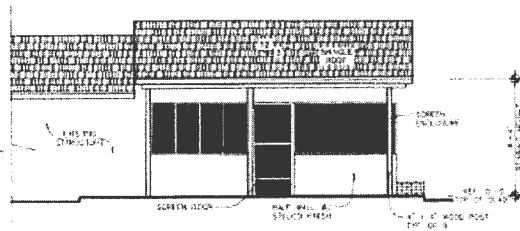
Andrew Perry
Andrew Perry, P.S.M.
Professional Surveyor & Mapper #6124
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OR THE ELECTRONIC SIGNATURE AND SEAL
OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.



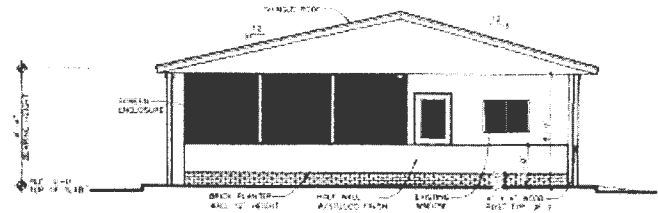
4 PROPOSED PARTIAL RIGHT ELEVATION
1/4" = 1'-0"



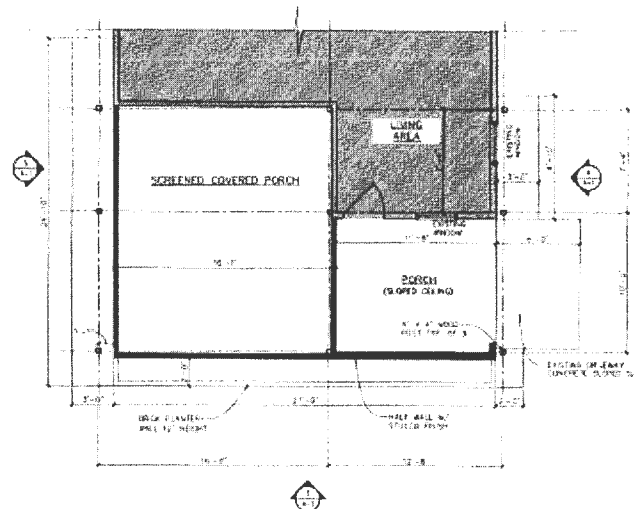
6 PROPOSED PARTIAL ROOF PLAN
1/4" = 1'-0"



5 PROPOSED PARTIAL LEFT ELEVATION
1/4" = 1'-0"



3 PROPOSED FRONT ELEVATION
1/4" = 1'-0"



2 PROPOSED PARTIAL FLOOR PLAN
1/4" = 1'-0"

HATCH INDICATE EXISTING
HALF WALL 1/2 HEIGHT
HATCH INDICATE EXISTING
RESIDENCE



STAFF REPORT
CASE #: VA-18-08-105
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
August 2, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: JORGE NEAEM

REQUEST: Variances in the R-2 zoning district as follows:
1) To allow a front setback of 24 ft. in lieu of 25 ft.
2) To allow a side street setback of 6 ft. in lieu of 15 ft.

LOCATION: Northeast corner of Mayer St. and E. Crystal Lake

PROPERTY ADDRESS: 2417 Mayer St. Orlando, FL 32806

PARCEL ID: 01-23-29-5631-00-280

PUBLIC NOTIFICATION: 132

TRACT SIZE: 50 ft. x 125 ft.

DISTRICT #: 3

ZONING: R-2

EXISTING USE(S): Single-family home

PROPOSED USE(S): Addition

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

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-2 which is a residential district that allows single-family homes, multifamily development, and associated accessory structures.
2. The minimum lot size for R-2 is 4,500 sq. ft. and the minimum lot width is 45 feet. This lot is 50 feet wide and 7,000 sq. ft. The property was platted before 1997, therefore, the required front and rear setbacks are 25 feet. Were the property platted after 1997, the front setback variance would not be required, as the code would only require 20 feet.

3. The property is located on a corner lot; the required side setbacks are 6 feet on the north side, and 15 feet on the side street facing E. Crystal Lake Avenue. The existing house is located 6.89 feet from the street side, 10 feet from north property line, and 24 feet from the front.

4. The house was built in 1940, and the current owner purchased the property in 2011. The property was platted in 1925, as part of the Michigan Avenue Park plat.

5. Staff located a permit for an addition in 1977, but there were no documents scanned with the permit. The applicant was cited by Code Enforcement for constructing an addition to the front of the house in May 2017 (Case # 504874).

6. Per aerial images, there was a porch located in front of the residence, which was destroyed by the recent storms. The applicant attempted to rebuild the porch and hired a contractor who did not pull permits for the project and, was subsequently, cited by Code Enforcement.

Variance criteria

Special Conditions and Circumstances

This is a corner lot which has greater side street setbacks that limit the amount of buildable area. The porch itself is 10 feet from the side street.

Not Self-Created

The house was built in 1940, and the applicant purchased the property in 2011. While the applicant was cited by code enforcement, he is simply re-building within the existing footprint and not expanding the non-conforming structure.

Minimum Possible Variance

The request is the minimum possible variance to allow the structure to remain 'as is'. The front yard variance represents a four percent (4%) deviation from Code, which is minor. The side street variance equates to a fifty-five percent (55%) variance, however, this only applies to the rear portion of the house. The front half of the house is located 10 feet from the south/street side property line.

Purpose and Intent

The house has existed on this lot for several decades and fits in with the existing neighborhood. In addition, the R-2 zoning district allows for duplexes and triplexes, which are more intense uses than the single-family home existing on this property.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated June 13, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative

approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a permit for the addition within 90 days of final approval or this approval becomes null and void.

c: Jorge Neaem
2417 Mayer Street
Orlando, FL 32806

DANIEL SMITH
VA-18-08-106

REQUEST: Variance in the P-D zoning district to allow 233 sq. ft. of wall sign copy area in lieu of 88 sq. ft.
The BZA amended the request and approved 184 sq. ft. of wall signage in lieu of 88 sq. ft.

ADDRESS: 8850 Vineland Avenue, Orlando FL 32821

LOCATION: Southeast corner of Vineland Ave. and State Road 535

S-T-R: 27-24-28

TRACT SIZE: 261 ft. x 381 ft. (AVG)

DISTRICT#: 1

LEGAL: LITTLE LAKE BRYAN PH 1 REPLAT 35/141 LOT 3 SEE 4945/0961

PARCEL ID: 27-24-28-5105-00-030

NO. OF NOTICES: 288

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (unanimous; 4-0 and 3 absent):

1. Development in accordance with the site plan dated June 13, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. This variance shall become null and void when "Saltgrass Steakhouse" terminates their lease.

SYNOPSIS: The applicant is proposing two (2) wall signs for their proposed restaurant. The parcel is located in the Little Lake Bryan PD and within the Tourist Commercial Signage overlay district. The proposed sign on the primary frontage equates to 137 sq. ft., including the name of the restaurant and the faux window. The sign of side façade is 96 sq. ft. The applicant has two (2) existing free-standing signs on site.

Staff presented the location, site photos, proposed sign elevations, and explained how the copy area was calculated. Staff recommended denial of the request as there were no special circumstances and the applicant has two (2) existing free-standing signs.

The applicant stated this is their first location in the Orlando area and the signage is vital to their branding. They mentioned that the proposed signage is much less than they have on their other stores nationwide.

Staff received one (1) commentary in favor of the request and none in opposition. No one spoke at the public hearing regarding the request.

The BZA and the applicant had a discussion and determined that if the faux window was removed on the primary frontage that would lower their overall square footage and still provide them with the sign area necessary.

The BZA concluded that by removing the faux window and reducing the square footage that the request was acceptable. The BZA stated the front façade must not exceed the 88 sq. ft. allowed and they would also allow the additional sign on the side of the building (96 sq. ft.). The BZA approved the amended request to allow 184 sq. ft. of wall signage in lieu of 88 sq. ft.



Applicant: DANIEL SMITH

BZA Number: VA-18-08-106

BZA Date: 08/02/2018

District: 1

Sec/Twn/Rge: 27-24-28-NW-B

Tract Size: 261 ft. x 381 ft. (AVG)

Address: 8850 Vineland Avenue, Orlando FL 32821

Foremark

Landry's recently chose to begin expanding Saltgrass into the Florida market. This site, the 1st Saltgrass in the entire state of Florida with more to come, was strategically chosen as the first because of the proximity to Disney World and Interstate 4 as well as the traffic counts along SR 535. Landry's is extremely excited that their first location in Florida also happens to be right next door to Landry's Seafood. The variance request being presented meets the criteria set forth in Section 30-43(3) of the Orange County Code. The information below is evidence that **Special Conditions and Circumstances do, in fact, exist**; this variance is **not self-created**; **no special privilege** is being conferred; that a **hardship does exist** within the parameters set forth in Orange County code; and that the purpose and intent of **this variance is in harmony with the zoning regulations and does not have a negative impact on any of our neighbors.**

Location: 8850 Vineland Avenue, Orlando, FL 32821. The existing structure was previously the home of Lone Star Steakhouse which is next to Landry's Seafood.

Variance Request: This request is for the BZA to grant Saltgrass Steak House a variance for 2 additional wall signs and 52 additional square feet of total wall signage in lieu of only 88 total square feet of signage. This site is located in the Tourist Commercial Overlay where City code allows only 1 sign and 1 square foot of sign area for each lineal foot of building frontage. Saltgrass' 1 sign allowed by code can only be 88 square feet which is the length of the west façade fronting SR 535.

- **Alternative Request:** If it pleases Staff and the BZA, as an alternative we would ask to box Sign #1 and Sign #2 below and consider sign #3 the 2nd sign. This would revise our request to 1 additional sign and an additional 145 square feet of signage (sign #1 and #2 with a box drawn around them as shown in the sign package = 137 square feet). As you'll notice, only 43.5 square feet of advertised signage will be utilized in this scenario. The remainder area is the applied facade.

Dimensions: The proposed dimensions of the 2 signs can be found below and within the attached sign drawings and the black and white elevations.

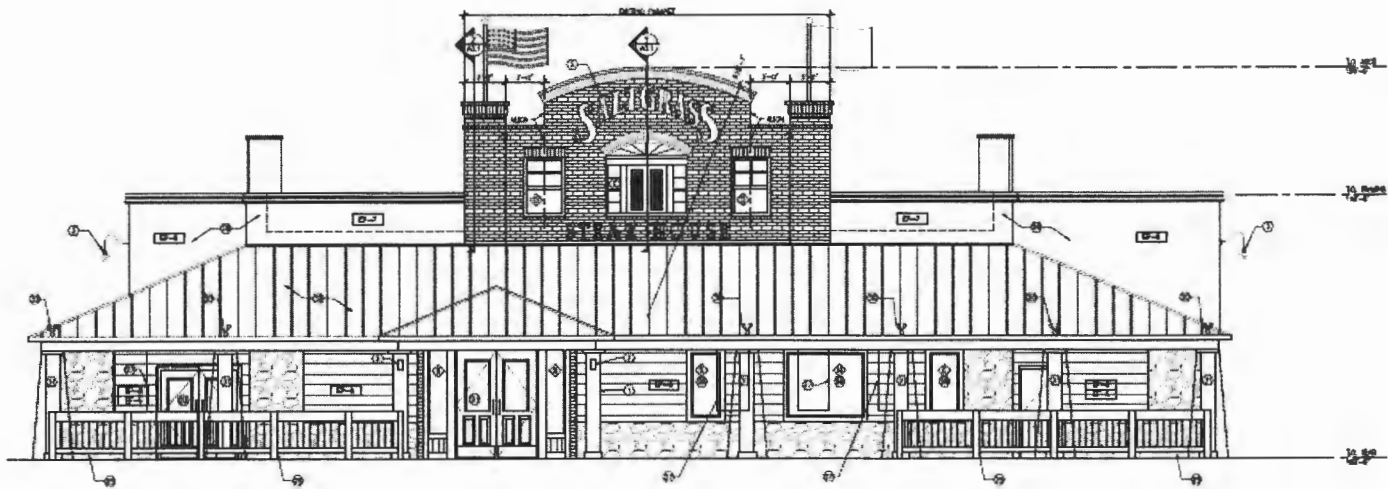
1. **Wall Sign #1:** The "Saltgrass" sign above the entrance on the west façade measures 10'-9" x 4'-3½" = 29 square feet.
 - a. **Distance from property line:** The building façade on the west side facing SR 535 is set back ~97'-8" from the property line and ~162' from the SR 535 right-of-way.
2. **Wall Sign #2:** The "Steak House" sign above the entrance on the west façade measures 12'-0" x 1'-2½" = 14½ square feet.
 - a. **Distance from property line:** The building façade on the west side facing SR 535 is set back ~97'-8" from the property line and ~162' from the SR 535 right-of-way.
3. **Wall Sign #3:** The Saltgrass Steak House wall sign located on the north façade measures 8'-0" x 12'-0" = 96 square feet.
 - a. **Distance from property line:** The building façade on the north side facing Vineland Avenue is set back ~138'-5" from the property line and ~348' from the Vineland Avenue right-of-way.

Height: Signs #1 and #2 on the west façade above the entrance will be located below the top of the arch/parapet which has a proposed height of 25'. Sign #3 on the north façade will be located below the top of the roof framing which has a height of 19'-6". The bottom of this sign will start ~8' above the slab.

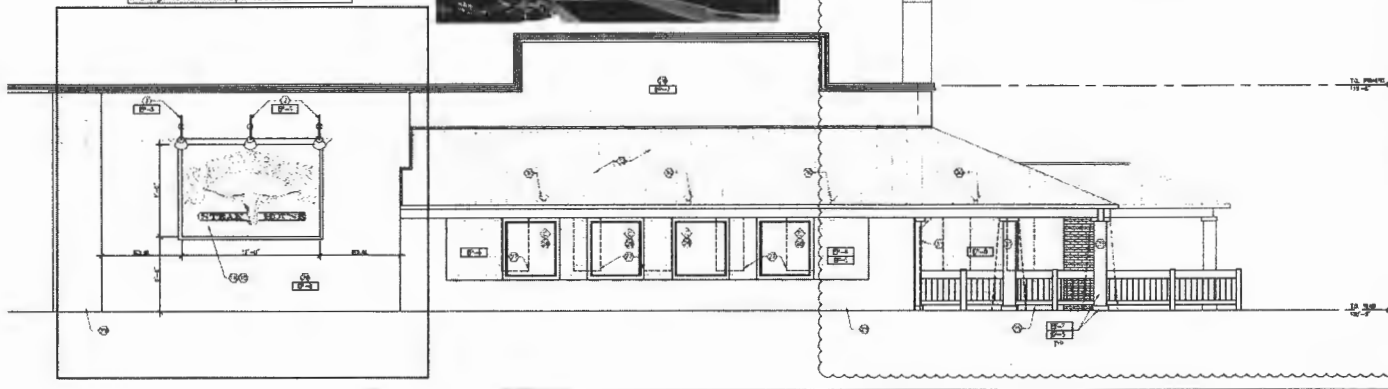
Special Circumstances:

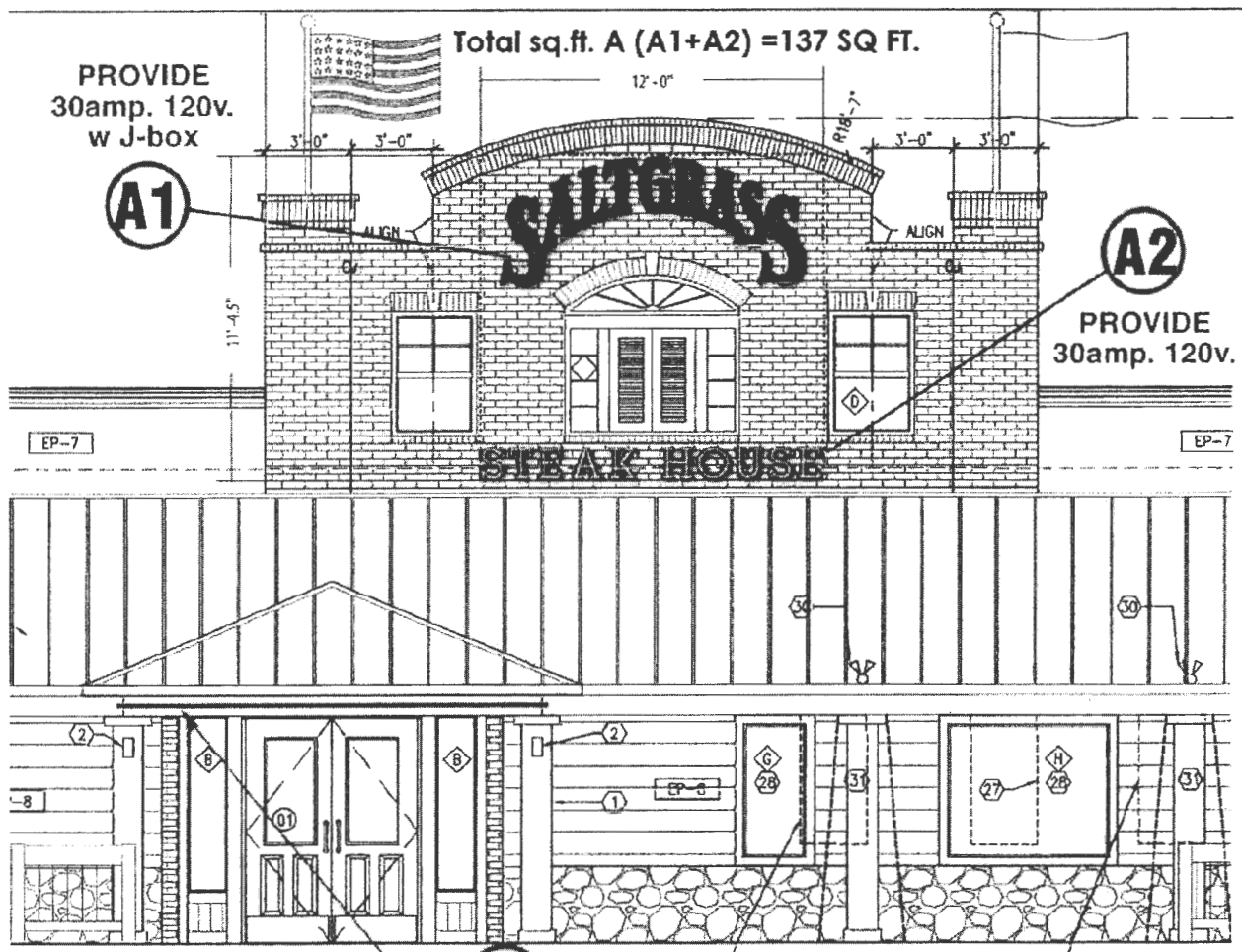
1. **Setback distances** from the 2 rights of way to the west and north of the site
2. Limited **visibility corridors** for drivers along the northbound and southbound lanes of SR 535 due to existing mature trees.
3. Limited signage opportunities **existing sign code** provides a restaurant in the Tourist Commercial Overlay





Wall Sign #3: There is no sign package for this sign as it is fabricated in Landry's warehouse. We can send details of how the sign is fabricated, if needed.







STAFF REPORT
CASE #: VA-18-08-106
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
August 2, 2018
Commission District: 1

GENERAL INFORMATION:

APPLICANT: DANIEL SMITH

REQUEST: Variance in the P-D zoning district to allow 233 sq. ft. of wall sign copy area in lieu of 88 sq. ft.

LOCATION: Southeast corner of Vineland Ave. and State Road 535

PROPERTY ADDRESS: 8850 Vineland Ave., Orlando FL 32821

PARCEL ID: 27-24-28-5105-00-030

PUBLIC NOTIFICATION: 288

TRACT SIZE: 261 ft. x 381 ft. (AVG)

DISTRICT #: 1

ZONING: P-D

EXISTING USE(S): Restaurant

PROPOSED USE(S): Wall signage

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

STAFF FINDINGS AND ANALYSIS:

1. The property is located in a Planned Development District, in the Little Lake Bryan PD. This PD allows a variety of uses including multi-family, commercial, and hotels.
2. This property is located in the Tourist Commercial Signage Overlay District, which allows 1 sq. ft. of wall signage per linear foot of building frontage. The building has 88 feet of frontage facing State Road 535.

3. The tenant has a 4 foot by 6 foot sign allocated on the existing multi-tenant ground sign facing Vineland Avenue.

4. A pole sign was built on site in 1996 (permit B96004077), per the PD conditions pole signs are prohibited. However, the sign was built before that prohibition was in put in effect. The tenant has 96 sq. ft. sign allocated on the existing pole sign, which fronts State Road 535.

5. Saltgrass Steakhouse is currently renovating the building and the location will be opening soon. There are no wall signs on the building for this tenant.

6. Staff has calculated the overall square footage of wall signage at 233 sq. ft. This includes the faux window and both "Saltgrass" and "Steakhouse" on the main sign at the entrance. Per 31.5-15 (b) the copy area shall be determined by drawing geometric shape around all components comprising the copy area.

Variance Criteria

Special Conditions and Circumstances

There is no special condition on this parcel, which would merit additional wall signage. The tenant has two (2) existing ground signs and is permitted 88 sq. ft. of building signage, which help to identify the location.

Not Self-Created

The applicant should have researched the sign code before proposing such signage.

No Special Privilege Conferred

Approving this variance would confer a special privilege on this applicant, which has not been provided to other properties in this P-D.

Deprivation of Rights

Not granting the variance would not deprive this applicant of any rights commonly enjoyed by properties in the vicinity, as they have multiple signs.

Minimum Possible Variance

The variance presented represents a 264% variance from Code, which is not the minimum possible variance.

Purpose and Intent

The Tourist Commercial sign code was created to promote effective use of signage which enhances the appearance of the district.

STAFF RECOMMENDATION:

Staff recommends denial of the request; however, if the board recommends approval, the following conditions shall apply:

1. Development in accordance with the site plan dated June 13, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. This variance shall become null and void when "Saltgrass Steakhouse" terminates their lease.

c: Daniel Smith
8350 N. Central Expy. Suite 1313
Dallas, TX 75206

CHARLES GOODWIN
VA-18-08-107

REQUEST: **Variances** in the R-1AA zoning district as follows:
 1) To validate an existing accessory structure with 1,200 sq. ft. of floor
 area in lieu of 500 sq. ft.
 2) To validate an existing structure with 22 ft. of height in lieu of 20 ft.

ADDRESS: 6924 Oswego Drive, Mount Dora FL 32757

LOCATION: South side of Oswego Dr., approximately 175 ft. east of Ola Beach Dr.,
 and .25 miles west of Orange Blossom Trail

S-T-R: 16-20-27

TRACT SIZE: 100 ft. x 174 ft. (AVG)

DISTRICT#: 2

LEGAL: SECOND REPLAT OF OLA BEACH S/63 LOT 13 BLK 5

PARCEL ID: 16-20-27-6160-05-130

NO. OF NOTICES: 52

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

1. Development in accordance with the site plan dated June 13, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The applicant shall obtain a permit for the accessory structure within 180 days of final action on this application, or this approval becomes null and void.
5. The exterior of the accessory structure shall match or compliment the exterior of the existing with regard to materials and colors.

SYNOPSIS: Staff explained that the subject property was approximately 70% larger than the typical R-1AA zoned piece of property. In addition, because it is located at the base of a small sand ridge which exist within the neighborhood, adjacent structures actually appear to be physically taller than the accessory structure. Given the size and contour of the property, some type of variance is warranted, though, not that requested by the applicant. Staff noted that ten (10) neighbors provided correspondence supporting the request, including all of those abutting the subject property. No correspondence in opposition had been received.

The applicant explained that they had started out with just a pole barn originally. They admitted that they had made a mistake in not submitting for a building permit. The applicant stated that they would like to keep what they have constructed, however, if the BZA did not believe that size of a variance was warranted, they would appreciate it if the BZA would accept removing just the porch. The applicant's wife added that they would love to keep the family compound as it is. The purpose for the larger storage building was to allow them to expand their family in the same neighborhood where the applicant had grown up by moving what is stored in the house out to the new storage, converting the storage to living area to accommodate their growing family. The Chief Code Enforcement Officer gave a brief explanation of the history of the code enforcement case pending against the property, stating that what the BZA decides will be the ultimate compliance requirement. There being no other persons present to speak for or against the request, the public hearing was closed.

The BZA discussed whether 900 or 1,200 sq. ft. was the appropriate size given the specifics of the subject property. A motion was made to recommend that the applicant be allowed to retain the entire 1,200 sq. ft. as constructed. That motion passed by a vote of 3 in favor and 1 opposed.



Applicant: CHARLES GOODWIN

BZA Number: VA-18-08-107

BZA Date: 08/02/2018

District: 2

Sec/Twn/Rge: 16-20-27-NW-B

Tract Size: 100 ft. x 174 ft. (AVG)

Address: 6924 Oswego Drive, Mount Dora FL 32757

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

June 13, 2018

RE: Special Exception Application for Accessory Structure located at 6924 Oswego Drive, Mount Dora, Florida 32757

To Whom It May Concern:

Please accept this letter and the enclosed documentation as my application for a Special Exception. This application relates to an accessory structure that is situated on approximately .4 acres of land in unincorporated Orange County at 6924 Oswego Drive, Mount Dora, Florida 32757. In addition to the structure, the property also includes a single family residence where I live with my wife, Jade Goodwin, and my 11 month old boy, Larry. My property is zoned R1-AA, and has a Future Land Use Designation of Low Density Residential.

I am seeking a special exception from the maximum square footage requirements established by Section 38-78 (Condition #114) of the Orange County Code. The construction of the accessory structure is a project that I am in the process of completing myself. The total footprint of structure is 40' x 30' (1,200 square feet). The structure includes a 30' x 30' enclosed portion that is 16' 7" in height, and the roof on this portion has a 3:12 pitch. The structure also includes a 10' x 30' porch that I would like to enclose with a screen. The 10' x 30' portion of the structure is 10' in height, and the roof on this portion has a 2:12 pitch. As shown in the enclosed site plan, the structure is 34' from my home, and abides by the 5' setback rule established by Section 38-78, (114)(d), Orange County Code.

I have always wanted to build a storage structure on my property. My original plan was to build an enclosed structure for a place to store my boat out of the sun, as well as a place to house my working tools. I enjoy cooking and having friends over for dinner, so I included the porch as a place where I could cook and entertain guests outside, while staying out of the way of the mosquitos that always seem to run my wife, son and myself back inside. As you will see from the pictures included in the application, the building is a well-built structure that took a great deal of time, hard work, and help to construct. I undertook the construction in phases, all with the help of good friends who were nice enough to give me time out of their day to put the building together. I am about 75% of the way finished with the structure.

I did not originally pull a building permit for the structure, and planned to do so once I got further in the process. Time got away from me, and I received a note on my truck from the County Code Enforcement on May 2, 2018. After I received the note, I immediately contacted the County

Code Enforcement Office. I spoke with Vivian Young, and she notified me that I needed to file for a building permit. When I started to file for my building permit, I learned that my building was larger than the maximum square footage allowed by the County Code. From there, I learned that obtaining a special exception for the building would be my next option. County Code Enforcement notified me that if I applied for the special exception, any fines related to the structure would be held while my application progressed.

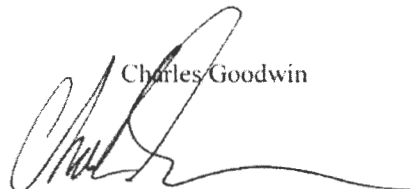
In support of the requested Special Exception, you will see that I included in my application: (i) letters in support of the structure from each of the 5 neighbors that border my property, and 4 other neighbors who live caddy corner and across the street (ii) an aerial map of my block, with an outline of the properties owned by my neighbors who gave letters in support of the structure, and (iii) pictures of the structure at various stages of construction. While my neighbors do not have any complaints about the structure or its appearance, I am certainly willing to install additional fencing or plant bamboo or other landscaping along the border of my property in order to block the view of the structure from the streets and neighboring properties

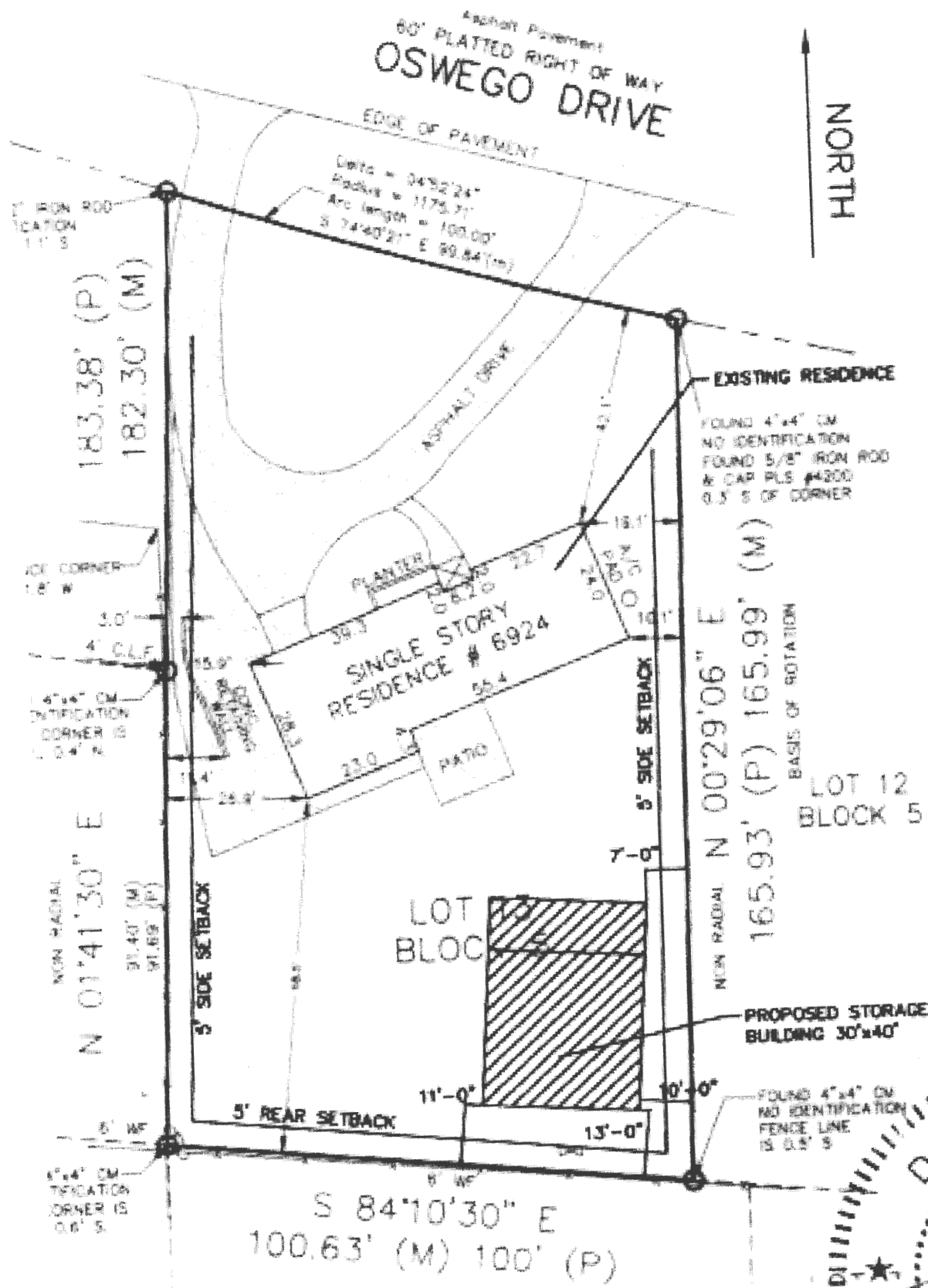
I would like to obtain a special exception in order to avoid tearing down the structure that I have put so much time, effort and money to construct. I used the money from my grandmother's inheritance to pay for the materials (about \$18,000) to construct the structure. The structure is supported by my neighbors, and any views of the structure from the streets and neighboring properties will be blocked by the fence or additional landscaping which I am willing to plant as a condition to the granting of a special exception. Granting a special exception will allow me to complete the construction of the structure on my property, while avoiding losing the money spent on materials, as well as the cost to tear it down and dispose of the materials.

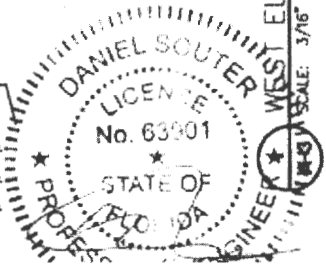
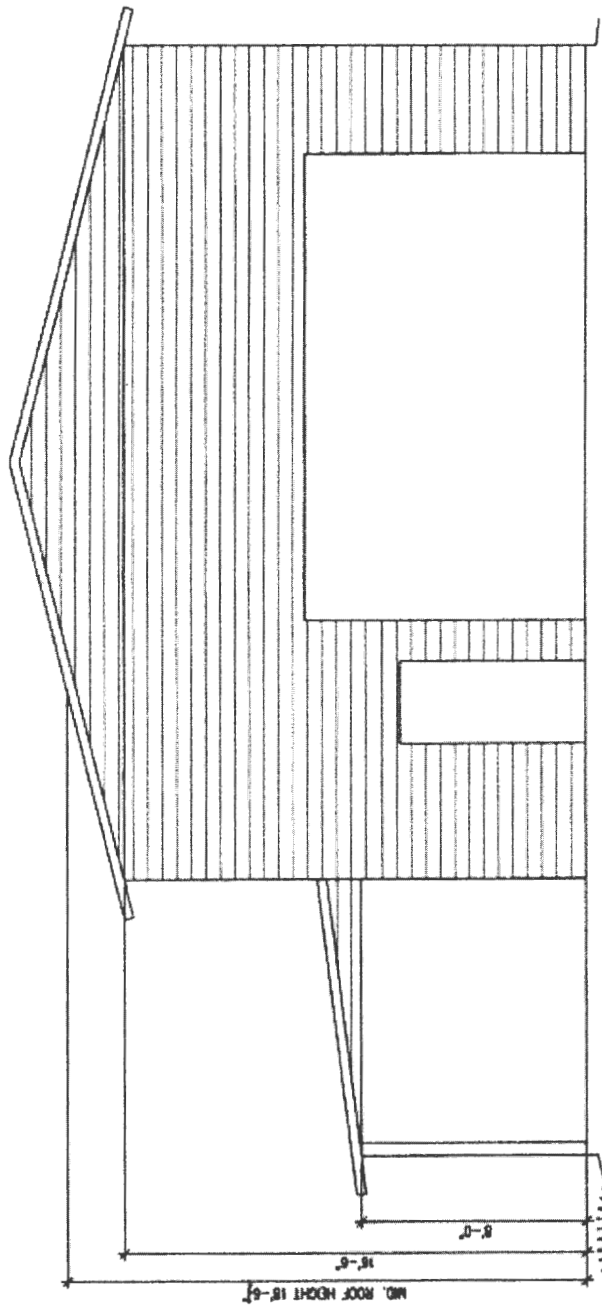
On a final note, I understand that Section 38-78, (114)(g) of the County Code requires the cumulative square footage of all detached accessory buildings to be limited to a maximum of five hundred (500) gross square feet of floor area or to twenty-five (25) percent of the living area of the principal residence on the property, whichever is greater, but in no event larger than one thousand (1,000) square feet. Other than my home, the only other improvement on the property is the structure. I would like to obtain a special exception for one thousand (1,000) square feet. Assuming that I am able to do so, I am also willing to apply for a variance for the extra 200 square feet that the structure exceeds. Please advise as to how I should proceed with this approach.

I appreciate the opportunity to submit this application. I am available to discuss in person, by telephone (407) 388-8272, or e-mail (charles.goodwin1885@gmail.com). Please let me know if I can provide any additional documentation or materials for your review.

Sincerely,

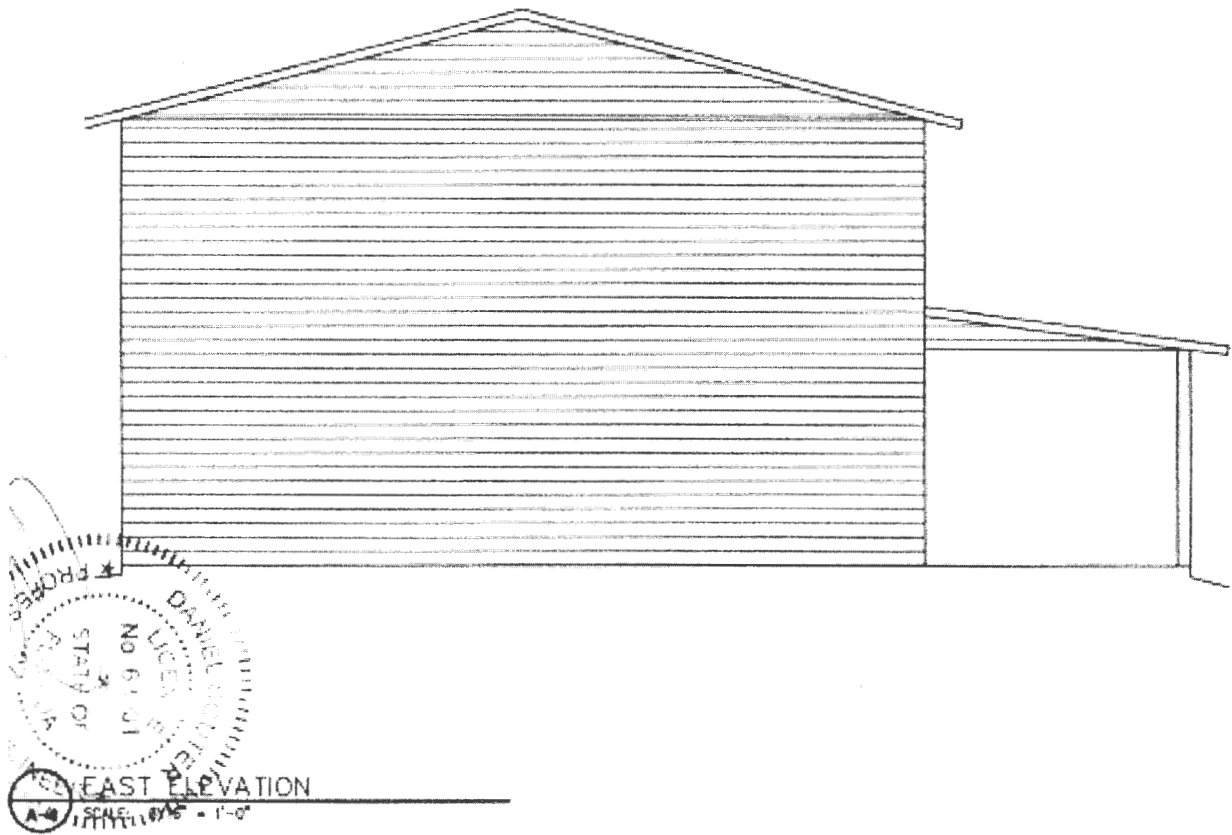

Charles Goodwin

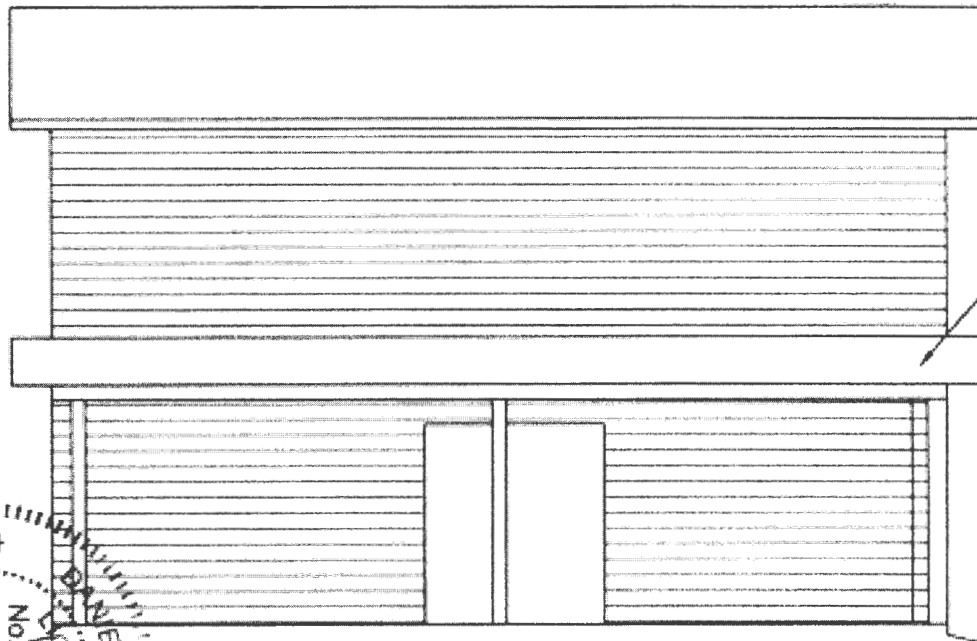




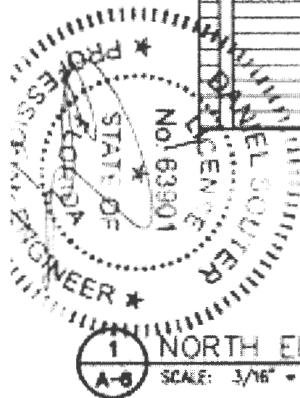
WEST ELEVATION

SCALE: 3/16" = 1'-0"



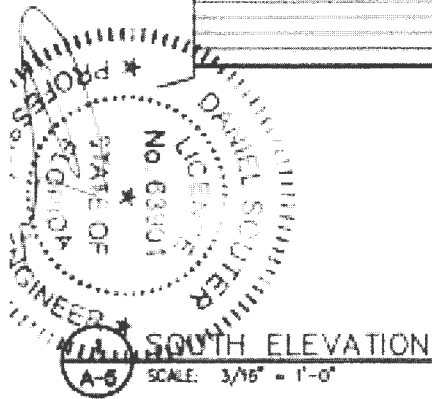
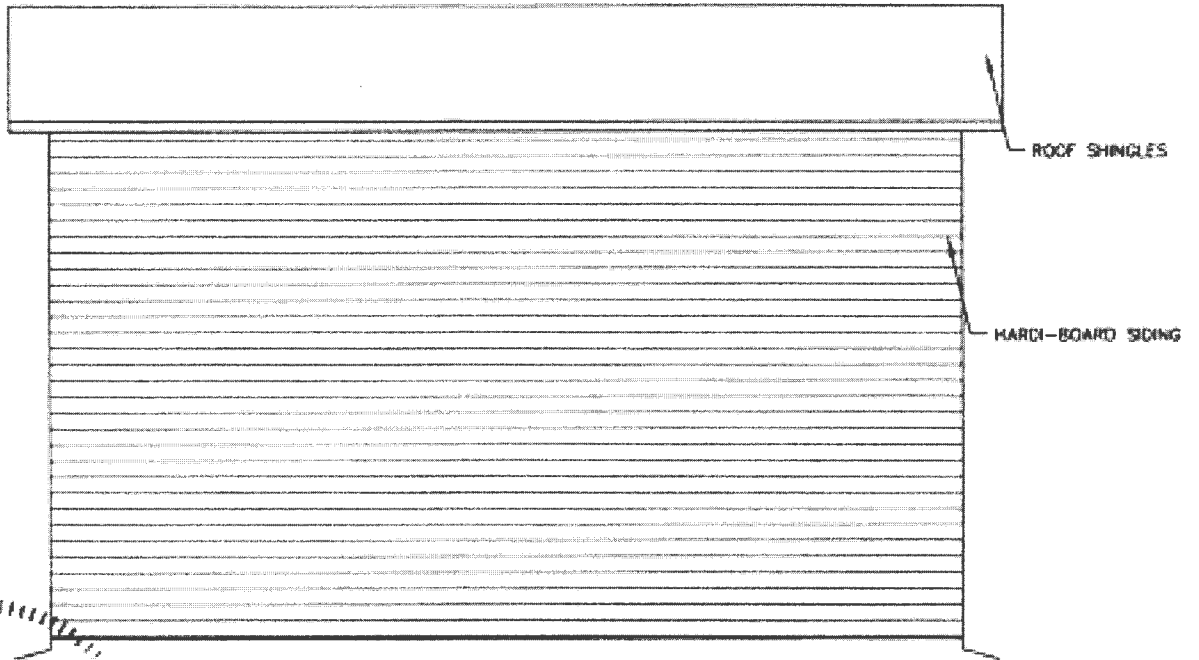


ROLLED ASPHALT ROOFING



NORTH ELEVATION

SCALE: 3/16" = 1'-0"



SOUTH ELEVATION

SCALE: 3/16" = 1'-0"



STAFF REPORT
CASE #: VA-18-08-107
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
August 2, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Charles Goodwin

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

- 1) To validate an existing accessory structure with 1,200 sq. ft. of floor area in lieu of 500 sq. ft.
- 2) To validate an existing structure with 22 ft. of height in lieu of 20 ft.

LOCATION: South side of Oswego Dr., approximately 175 ft. east of Ola Beach Dr., and .25 miles west of Orange Blossom Trail

PROPERTY ADDRESS: 6924 Oswego Dr., Mt. Dora, FL 32757

PARCEL ID: 16-20-27-6160-05-130

PUBLIC NOTIFICATION: 52

TRACT SIZE: 100 ft. x 174 ft. (AVG)

DISTRICT #: 2

ZONING: R-1AA

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Accessory Structure

SURROUNDING USES/
ZONING: N - Single Family Residence/R-1AA
S - Single Family Residence/R-1AA
E - Single Family Residence/R-1AA
W -Single Family Residence/R-1AA

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned R-1AA Single Family Dwelling District, which requires lots with a minimum of 10,000 sq. ft. of lot area. The primary use is single family detached residential. With 16,945 sq. ft. of lot area, the subject property is 6,945 sq. ft., nearly seventy percent (70%) larger than the minimum lot size.
2. This area of the county has elevation changes to the presence of sand ridges of varying heights. The rear of the subject property is the base of a ridge which the applicant has excavated into, and is constructing a retaining wall to protect the new structure. This actually causes the structure to look lower and less conspicuous to the neighbors to the south and southeast.
3. The existing structure consists of 900 sq. ft. of completely enclosed floor space, with a 300 sq. ft. pole barn type porch. The applicant did not obtain a building permit or variance to construct the structure, and as a result, this request is due to code enforcement action.
4. While the lot is nearly 70% larger than the minimum R-1AA zoned lot, a 140% variance is considered excessive, however a 50% deviation would allow for adequate storage and is within the range of past variances granted.

Variance Criteria

1. The special condition and circumstance specific to this property is the fact that it is larger than the typical R-1AA lot by nearly seventy percent (70%). The size of this lot, and the fact that the nearest residences to the south lie above the subject property, do warrant the granting of some variance in excess of 500 sq. ft.
2. Staff is recommending approval of 750 sq. ft., which would allow for a sizeable storage area and is a 50% deviation from code. With regard to the height variance, a variance of two (2) feet would be a minimal variance of ten percent (10%), which is well within the range of past variances granted by the BZA.
3. Since the applicant's lot is larger, there will still be a sizable amount of open lot. No variances to the setbacks are needed. As such, the granting of a variance would still meet the purpose and intent of the Code.

STAFF RECOMMENDATION:

Staff recommends approval of a lesser variance for variance #1 of 750 sq. ft., and recommends approval of variance #2 subject to the following conditions.

1. Development in accordance with the site plan dated June 13, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the

changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The variance shall be limited to a total of 750 sq. ft. of accessory floor area.
5. The applicant shall obtain a permit for the accessory structure within 180 days of final action on this application, or this approval becomes null and void.
6. The exterior of the accessory structure shall match or compliment the exterior of the existing with regard to materials and colors.

c: Charles Goodwin
6924 Oswego Drive
Mount Dora, FL 32757

SORAYA MOREIRA
VA-18-09-109

REQUEST: Variance in the A-2 zoning district to allow a mobile home on a lot with 0.53 acres lot in lieu of 2 acres.
ADDRESS: 7678 Gentian Street, Orlando FL 32822
LOCATION: South side of Gentian St., west of Narcoossee Rd.
S-T-R: 23-23-30
TRACT SIZE: 180 ft. x 127 ft.
DISTRICT#: 3
LEGAL: RUTHWOOD ACRES W/72 LOT 1 BLK A
PARCEL ID: 23-23-30-7792-01-010
NO. OF NOTICES: 33

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 4-0 and 3 absent):

1. Development in accordance with the site plan dated June 14, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain permits for all other structures on the property, or obtain demolition permits prior to issuance of a permit for the new mobile home.

5. The mobile home and property shall be used for residential purposes only. No commercial storage or usage is permitted.

SYNOPSIS: Staff gave a presentation on the case covering: the location of the property, locations of other mobile homes in the area, site plan, neighbor's commentaries, and photographs of the site and adjacent properties.

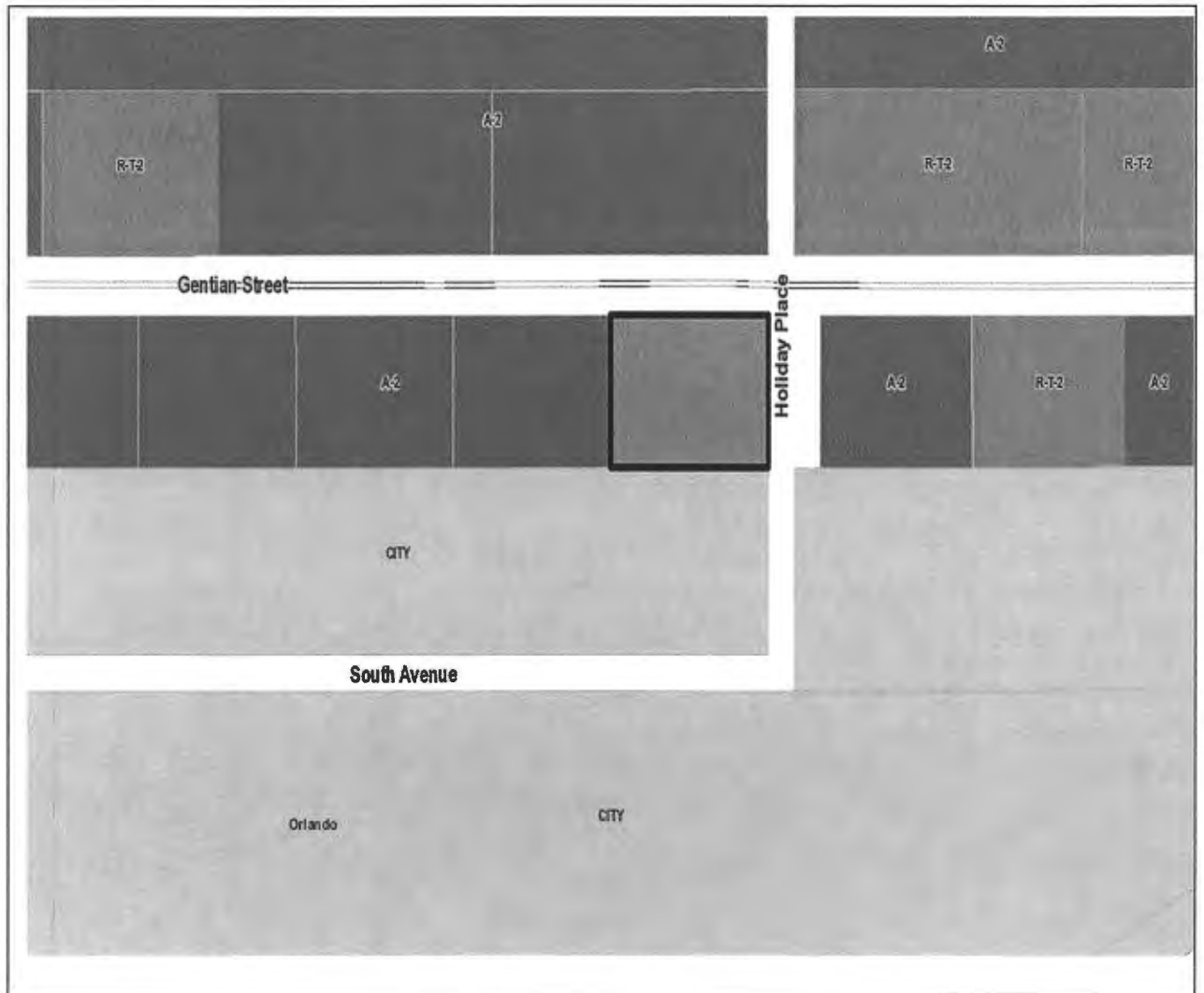
The applicant stated that the sheds were there when they purchased the property, and they intend to remove them. The applicant also said that they understand that a business is not permitted on the property.

The BZA wanted to confirm that the applicant understood that a business is not permitted on the property.

A member of the public spoke in favor of the application, and in favor of the analysis presented by staff.

Staff received no commentaries in favor of the application, and one (1) commentary in opposition to the application.

The BZA approved the variance.



Applicant: SORAYA MOREIRA

BZA Number: VA-18-09-109

BZA Date: 08/02/2018

District: 3

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

Tract Size: 180 ft. x 127 ft.

Address: 7678 Gentian Street, Orlando FL 32822

Wednesday 14, 2018

Board of Zoning Adjustment (BZA)
201 South Rosalind Avenue, 1st Floor
Orlando, FL 32801

**Re: Application Variance request to install a Mobile Home
7678 Gentian St, Orlando, FL 32822**

To whom it may concern,

I Soraya Moreira would like to kindly ask for a variance for my lot located at 7678 Gentian St, Orlando, FL 32822. The lot has 0.53 Acres and it does not meet the minimum requirements for a mobile home installation in Orange County. That is the reason why I'm asking for the variance.

I would like to install a mobile home with the following measurements.

Mobile Home 28'Wx70'L H Peak 16" Total SQ 1,700

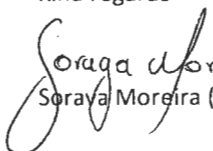
Also, I would like to mention my whole street currently has mobile homes and the majority has less than 1 acre. I have attached an aerial picture of my street, so you can see how the neighborhood looks like. I'm requesting the variance, so it will continue with the consistence of the community.

The following documents are in close

1. Application
2. Two Copies of the detail site plan/survey Copies with propose Mobile home dimensions
3. Original current survey
4. Areal Picture of the street




I greatly appreciate you taking time to review my application also please let me know if you have any questions or concerns. Do not hesitate to contact me at (407)446-1579 or email me at rossalin1@hotmail.com

Kind regards


Soraya Moreira (Owner)

RECEIVED

JUN 14 2018
ORANGE COUNTY
ZONING DIVISION

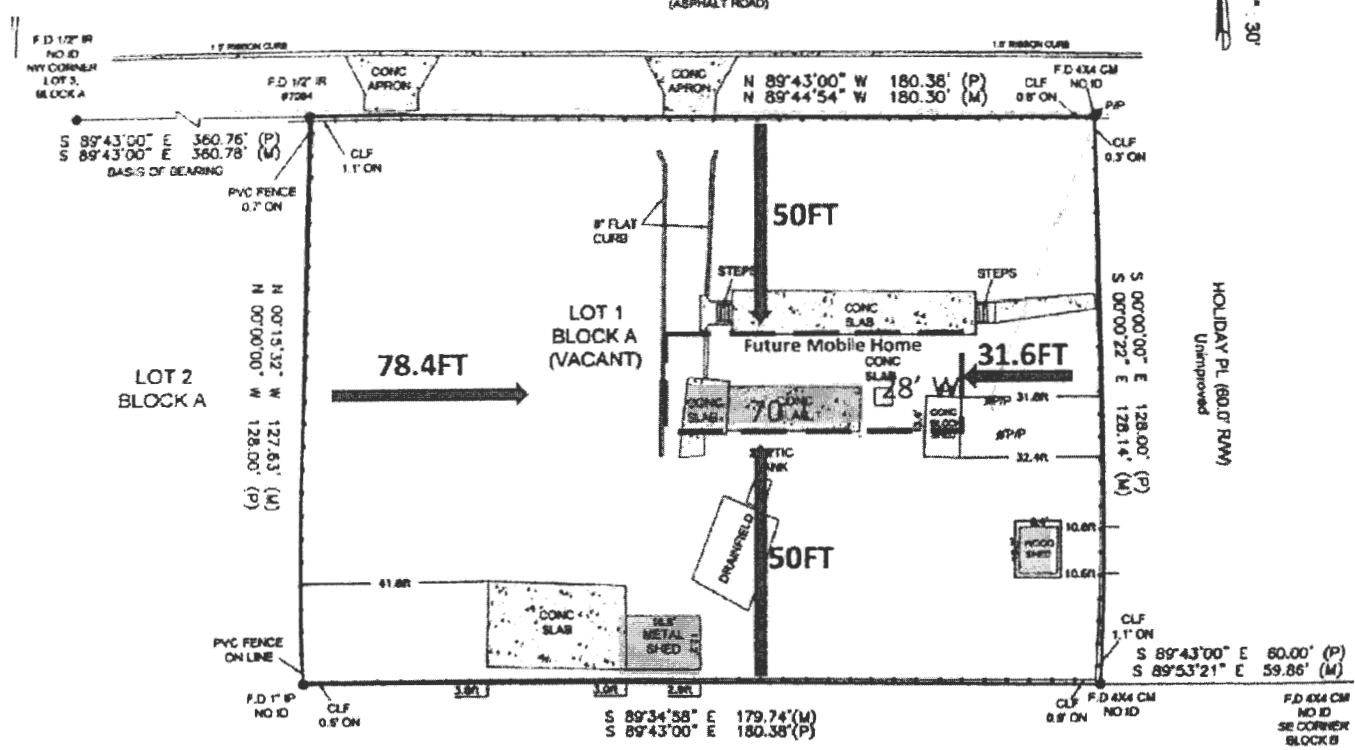
- 
 Mobile Home 28'Wx66'L 1749 SQ FT
 H Peak 16" H Eve 13"
- 
 Slab & Shed to be Remove
- 
 Setbacks Front 50 Left 31.6
 Back 50 Right 78.4

BOUNDARY SURVEY

LEGAL DESCRIPTION

Lot 1, Block A, RUTHWOOD ACRES, according to the plat thereof,
 as recorded in Plat Book W, Page 72, of the Public Records of
 Orange County, Florida

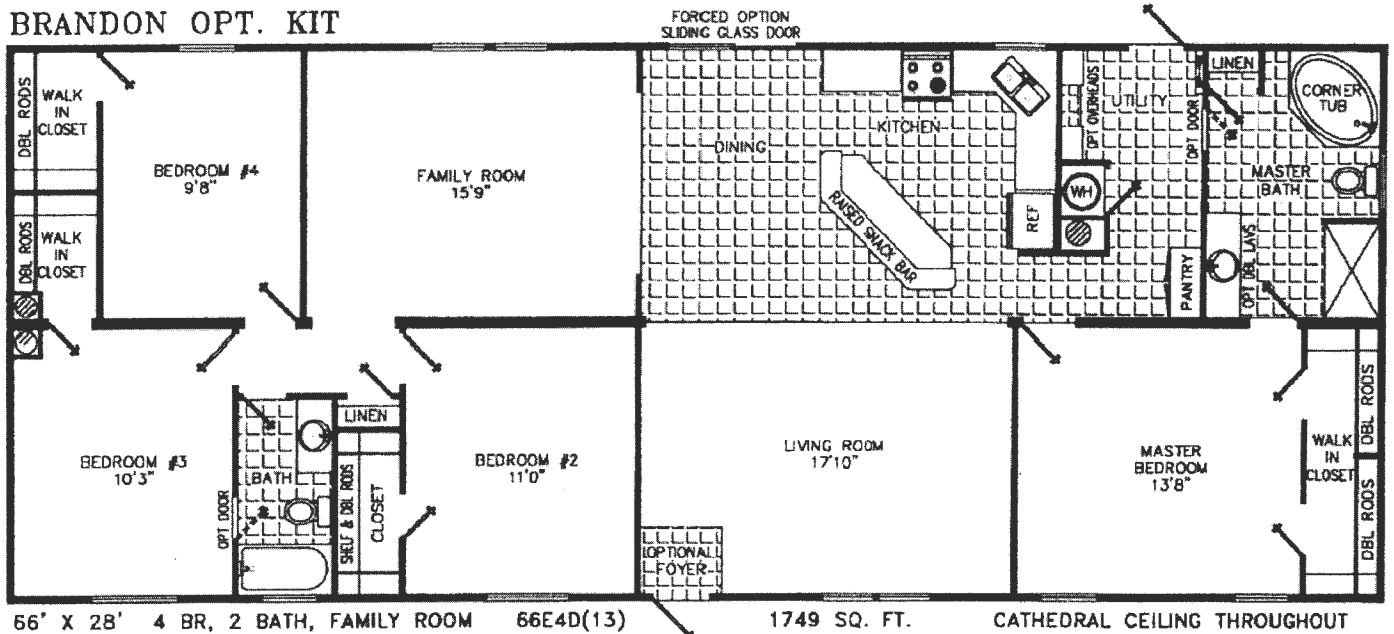
GENTIAN STREET (60.0' RW)
 (ASPHALT ROAD)



SCALE 1" = 30'
 Unimproved

Prestige Home Centers

BRANDON OPT. KIT







GENERAL INFORMATION:

APPLICANT: SORAYA MOREIRA

REQUEST: Variance in the A-2 zoning district to allow a mobile home on a lot with 0.53 acres lot in lieu of 2 acres.

LOCATION: South side of Gentian St., west of Narcoossee Rd.

PROPERTY ADDRESS: 7678 Gentian Street, Orlando, Florida, 32822

PARCEL ID: 23-23-30-7792-01-010

PUBLIC NOTIFICATION: 33

TRACT SIZE: 180 ft. x 127 ft.

DISTRICT #: 3

ZONING: A-2

EXISTING USE(S): Vacant

PROPOSED USE(S): Mobile Home

SURROUNDING USES: N - Mobile Homes
S – Vacant
E - Single Family Residence
W -Mobile Home

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the A-2 Farmland Rural zoning district which allows agricultural uses, and single family residential with associated accessory structures.
2. Per Orange County Code Section 38-79(4)(a)(1), an A-2 zoned property is required to have a minimum of two (2) acres of upland to allow a mobile home. To build a single family or modular home, 1/2 an acre is required in this zoning district.

3. The applicant is requesting a variance to allow a mobile home on a lot with less than two (2) acres in an A-2 zoning district.
4. The property had a mobile home that was removed and/or demolished in 2010, (Permit #B17007809, replaced Permit #B10003664)
5. The 0.53 acre lot was platted in 1958, and is considered to be a conforming lot of record.
6. In the area, there are 28 single family homes and 39 mobile homes. The mobile homes are on lots ranging from 0.21-acres to 0.53-acres.
7. The BZA has granted variances for mobile homes on seven (7) substandard lots in the area. Most of these are on lots that are 0.21-acres.
8. Special conditions and circumstances exist due to the fact that there was a mobile home on the property prior to 2010.
9. Approval of this variance will not confer any special privilege to the applicant, as there are many other properties in the area with mobile homes on similar or smaller lots.
10. Literal interpretation of the code would deprive the applicant of rights commonly enjoyed by other properties in the area with mobile homes.
11. Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood.
 - The proposal is consistent with the development pattern in the area.
 - Similar and greater variances have been granted in the area.
 - Over half of the lots in the area have mobile homes, many are on smaller lots than requested for this variance.
 - Approval of this request will facilitate infill development.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated June 14, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to

obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain permits for all other structures on the property, or obtain demolition permits prior to issuance of a permit for the new mobile home.
5. The mobile home and property shall be used for residential purposes only. No commercial storage or usage is permitted.

c: Soraya Moreira
9639 Bay Pine Lane
Orlando, FL 32832

DARLENE TORRES
VA-18-09-110

REQUEST: **Variances** in the A-2 zoning district as follows:
1) Variance to validate an existing developed substandard parcel with .276 acres of land area in lieu of .5 acres.
2) Variance to validate an existing residence constructed 37 ft. from the rear property line in lieu of 50 ft.
3) Variance to permit construction of a lanai 37 ft. from the rear property line in lieu of 50 ft.
4) Variance to validate an existing residence constructed 9 ft. from the side property line in lieu of 10 ft.
Note: The applicant intends to follow the existing rear building line to extend the lanai across the remainder of the rear of the house. According to the Property Appraiser's information, the home was constructed in 1966.

ADDRESS: 7920 Bates Road, Orlando FL 32807

LOCATION: South side of Bates Rd., approximately .4 miles east of N. Goldenrod Rd.

S-T-R: 14-22-30

TRACT SIZE: 100 ft. x 120 ft.

DISTRICT#: 3

LEGAL: BEG NE COR OF W1/2 OF NE1/4 OF NE1/4 RUN S 150 FT W 100 FT N 150 FT TH E 100 FT TO POB (LESS N 30 FT FOR RD) IN SEC 14-22-30

PARCEL ID: 14-22-30-0000-00-126

NO. OF NOTICES: 63

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (unanimous; 5-0 and 2 absent):

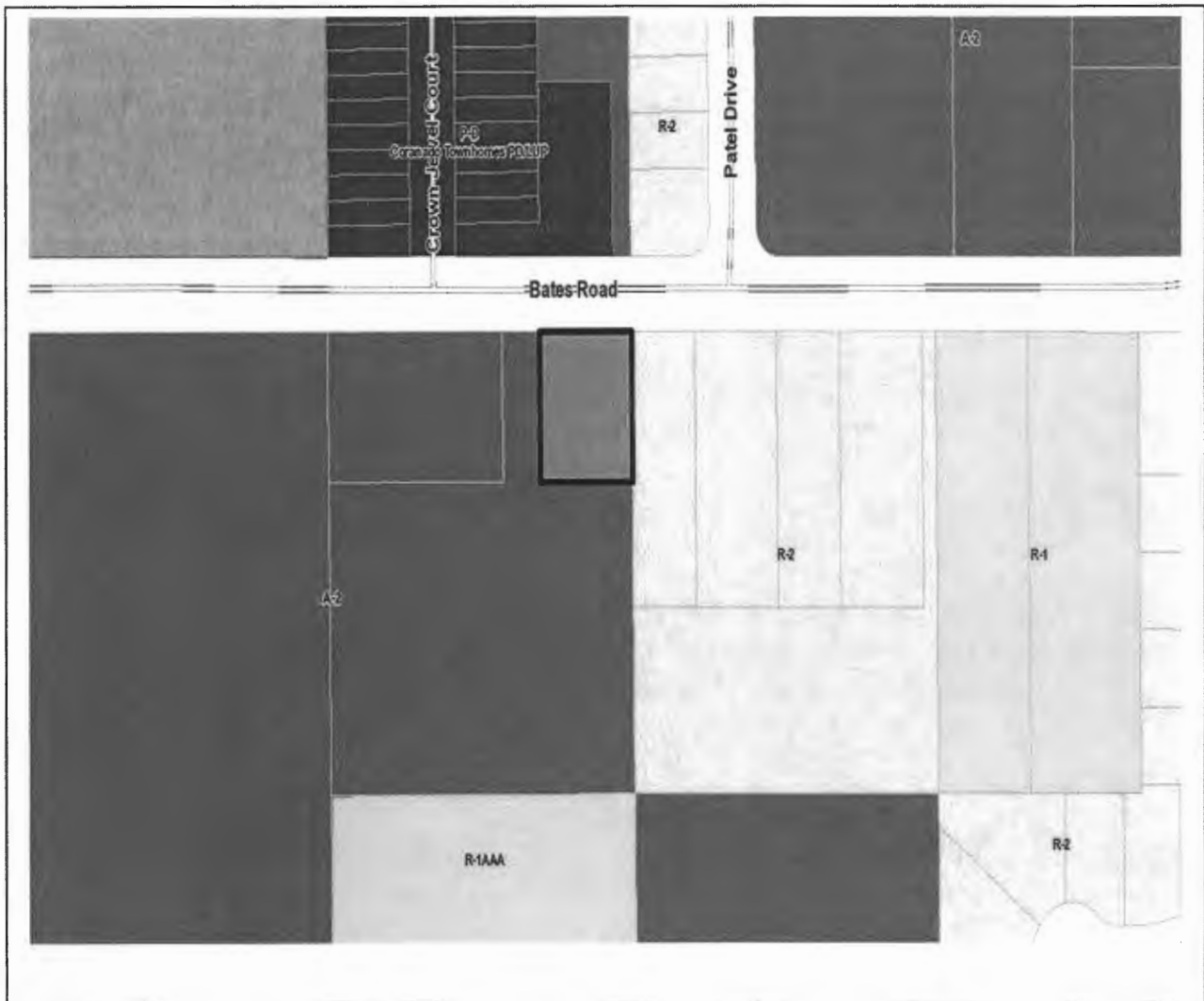
1. Development in accordance with the site plan dated June 22, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A kneewall up to three (3) feet in height may be constructed around the lanai.
5. Prior to, or simultaneously with, obtaining a permit for the lanai, the applicant shall obtain the necessary permits to relocate the existing shed and fence from the neighboring property to their property. The relocation shall be completed before a final inspection has been completed for the lanai. The shed and fence shall comply with all required regulations.

SYNOPSIS: Staff explained that the lot did not appear on the County's historic zoning maps, so it is likely the result of an illegal lot split. However, since there is a home on it, that point is moot. The existing home is only thirty-seven (37) feet from the rear property line, and the applicant simply wishes to construct an open lanai across the remainder of the rear of the house in line with the existing addition. The applicant is not the original owner, so the depth of the lot is not the result of their action. Staff noted that there was an existing shed which straddles the property line with the property to the west, and that a portion of the applicant's fence is located on that property, both constructed without permits. The applicant intends to relocate those improvements back onto the subject property after obtaining the necessary permits. Staff concluded with the fact that no correspondence in favor or opposed to the request has been received.

The applicant indicated their complete agreement with the staff recommendations and conditions. One owner of the property to the west spoke in favor of the application, noting that one of the conditions (#5), could cause a delay in the applicant's obtaining a permit. There being no one else in attendance to speak for or against the request, the public hearing was closed.

The BZA agreed with the one speaker about condition #5. Staff suggested adding language which allowed for all permits to be obtained simultaneously. A motion to recommend approval of the variances with the amended condition passed unanimously.



Applicant: DARLENE TORRES

BZA Number: VA-18-09-110

BZA Date: 08/02/2018

District: 3

Sec/Twn/Rge: 14-22-30-NE-A

Tract Size: 100 ft. x 120 ft.

Address: 7920 Bates Road, Orlando FL 32807

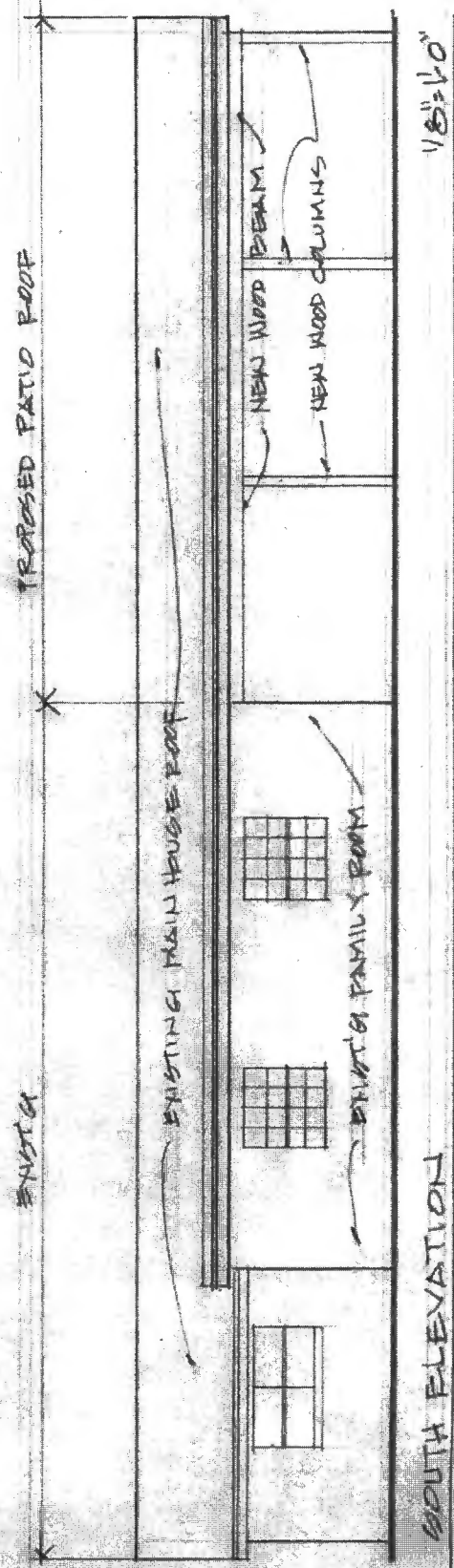
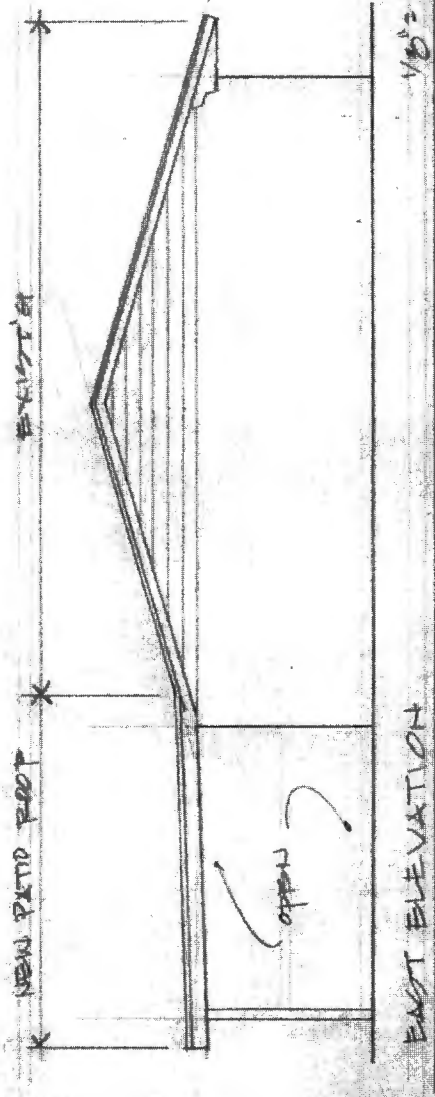
July 10, 2018

Members of the Board of Zoning Adjustment,

Job standard size zone A2 lot is only 120 feet deep from the front of the house. It measures 35 feet from property line. The rear only measures 37 feet from property line, not 50 feet as required. We would like to extend an open air lanai following our existing rear building line to create some shade for a relaxing pool environment. We would appreciate all the help and support from the board of zoning adjustment.

Thankfully,

Darlene Torres





STAFF REPORT
CASE #: VA-18-09-110
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
August 2, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Darlene Torres

REQUEST: Variances in the A-2 zoning district as follows:
1) Variance to validate an existing developed substandard parcel with .276 acres of land area in lieu of .5 acres.
2) Variance to validate an existing residence constructed 37 ft. from the rear property line in lieu of 50 ft.
3) Variance to permit construction of a lanai 37 ft. from the rear property line in lieu of 50 ft.
4) Variance to validate an existing residence constructed 9 ft. from the side property line in lieu of 10 ft.

LOCATION: South side of Bates Rd., approximately .4 miles east of N. Goldenrod Rd.

PROPERTY ADDRESS: 7920 Bates Rd., Orlando, FL 32807

PARCEL ID: 14-22-30-0000-00-126

PUBLIC NOTIFICATION: 63

TRACT SIZE: 100 ft. x 120 ft.

DISTRICT #: 3

ZONING: A-2

EXISTING USE(S): Single Family Residence w/Pool & Shed

PROPOSED USE(S): Lanai

SURROUNDING USES ZONING: N - Single Family Residence/P-D & A-2
S – Vacant/A-2
E - Vacant/R-2
W -Vacant./A-2

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned A-2 (Farmland Rural). This zoning is generally an agricultural district which permits agricultural operations, but also permits residential in the form of single family residential on a minimum of 1/2 acre (dependent on Future Land Use designation), or mobile homes on lots or parcels which are a minimum of two (2) acres in size. The subject property is only .27 acres in size. It also has only 120 feet of depth.
2. The existing home is only 37 feet from the rear property line. The applicant wishes to simply follow the existing building line of the rear of the house to construct a lanai across the remainder of the rear of the house. They are not proposing to encroach any further into the rear setback. No change is being requested to the front setback.
3. To the immediate east is property with an R-2, Residential District which has a rear setback of 20 feet for unplatted parcels such as the subject property. Where the subject property zoned R-2, no variance would be required.
4. To the rear of the subject property is an undeveloped parcel of land. This land is accessed by way of a 50 foot wide strip of land to the immediate west of the subject property. The past owner of the subject property actually placed a shed and a portion of fence for the subject property over the east 10 feet of the access strip. The applicants will be relocating these improvements, which were constructed without permits.

Variance Criteria

1. The special condition and circumstance to the subject property is that the lot is only 120 feet deep, and with a required setback of 35 feet in the front yard and 50 feet in the rear, the building envelope is only 35 feet deep. The existing residence is actually over 47 feet deep, thus, well into the rear setback.
2. According to the Property Appraiser's data, the house was originally constructed in 1967. The applicants purchased the home August 2017 "as is." These are not self-imposed variances.
3. Granting the variances does not confer any special privilege upon the applicant. There is no option if they wish to improve their property.
4. Denying the variances will result in an inability to use that area alongside the rear of the house for covered seating out of the sun. They are not requesting to encroach any further into the rear setback than the existing home already encroaches.
5. As the applicant is not intending to encroach any further into the rear setback than the existing house already does, this is the least variance necessary. In addition, the applicant currently has a portion of their shed and fence encroaching onto the

neighboring property to the west. They will be obtaining permits to relocate these improvements onto their property to correct that situation.

6. Given that there will still be a sizable rear setback, the purpose and intent of the Code is being complied with.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated June 22, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A kneewall up to three (3) ft. in height may be constructed around the lanai;
5. Prior to obtaining a permit for the lanai, the applicant shall obtain the necessary permits to relocate the existing shed and fence from the neighboring property to their property. The relocation shall be completed before a final inspection has been completed for the lanai. The shed and fence shall comply with all required regulations.

c: Darlene Torres
7920 Bates Road
Orlando, FL 32807

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

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

ADDRESS: 6837 Lakeville Road, Apopka FL 32703

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

S-T-R: 25-21-28

TRACT SIZE: 9.022-acres

DISTRICT#: 2

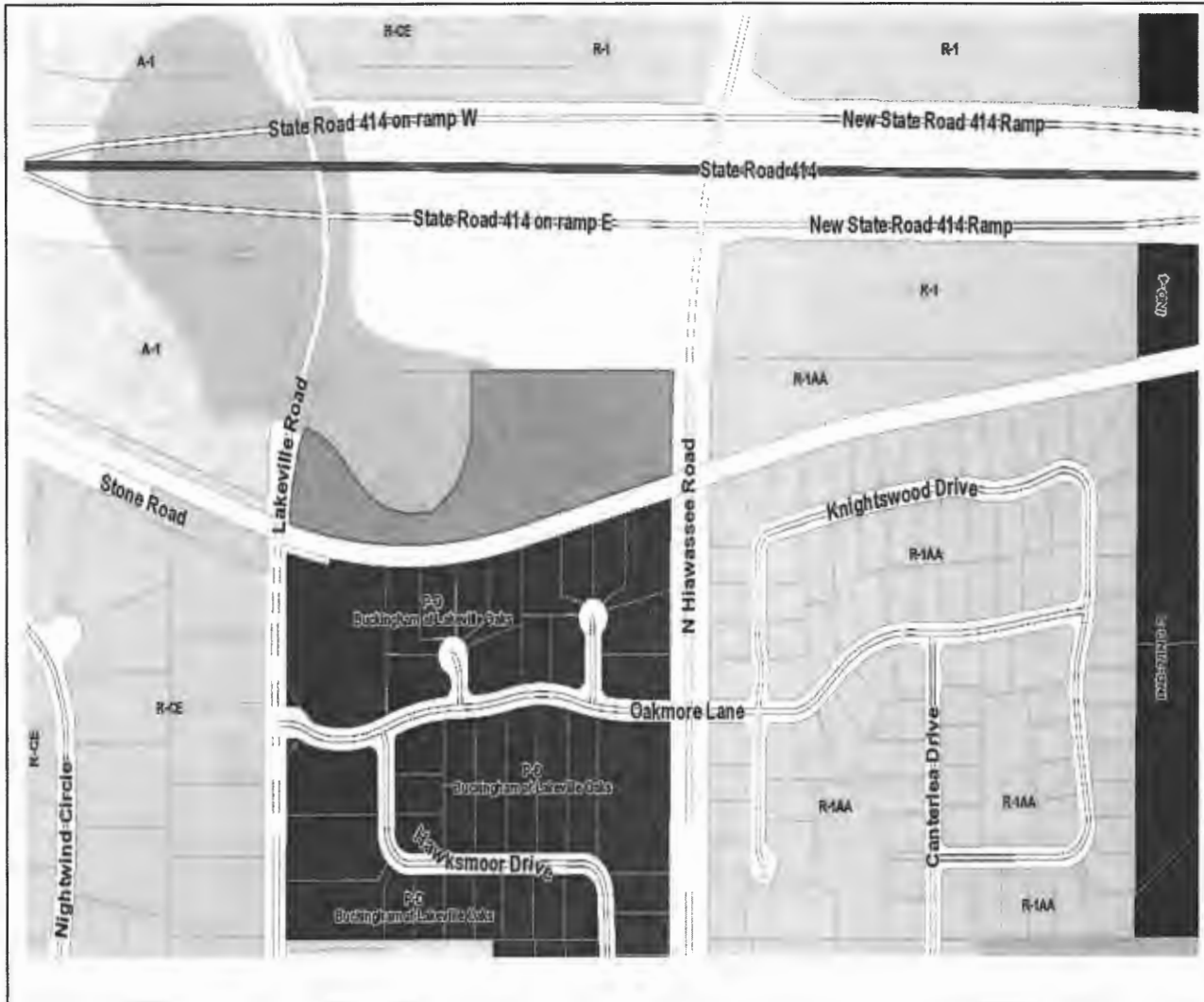
LEGAL: LAKEVILLE B/57 LOTS 111 THROUGH 125 & UNNUMBERED PT W OF LOT 125 (LESS PT TAKEN FOR RD R/W PER 4518/4455) INCLUDING VAC ST LYING BETWEEN LOTS 118 & 119 & BETWEEN LOTS 114 & 115 VAC ON O.R. 3479/2354 & (LESS R/W TAKEN PER OR 6250/5391) ALL IN BLK A

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

NO. OF NOTICES: 76

THIS CASE HAS BEEN CONTINUED BY STAFF PRIOR TO THE BZA HEARING TO THE SEPTEMBER 6, 2018 BZA MEETING, DUE TO THE NEW SUBMISSION OF A REVISED SITE PLAN FROM THE APPLICANT.

DECISION: A motion was made by Gregory A. Jackson, seconded by Carolyn Karraker and unanimously carried to **CONTINUE** to the September 6, 2018 BZA Meeting.



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

BZA Number: SE-18-07-090

BZA Date: 09/06/2018

District: 2

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

Tract Size: 9.022-acres

Address: 6837 Lakeville Road, Apopka FL 32703

JORGE MORA
SE-18-05-048

REQUEST: **Special Exception and Variances** in the A-2 zoning district to construct an 80 ft. tall FM monopole tower as follows:
1) Tower to be camouflaged as a pine tree (monopine tower).
2) To allow a tower 115 ft. from vacant unplatted residential land in lieu of 200 ft.
3) Tower to be a single user tower at initial construction.
4) To allow a tower 500 ft. from an existing lattice tower in lieu of 2,500 ft.
If the BZA determines the proposed tower is not camouflaged then the following variance is required:
5) To allow a tower 115 ft. from vacant unplatted residential land in lieu of 400 ft.

ADDRESS: 1808 S. Tanner Road, Orlando FL 32820

LOCATION: West of S. Tanner Rd., approximately 500 ft. north of E. Colonial Dr.

S-T-R: 19-22-32

TRACT SIZE: 193 ft. x 160 ft. (AVG)

DISTRICT#: 5

LEGAL: SEAWARD PLANTATION ESTATES T/109 THAT PORTION OF LOTS 9 & 10 BLK A DESC AS BEG AT THE NE COR OF LOT 9 LYING WLY OF TANNER RD TH N38-26-25W 261.60 FT S51-33-38W 14.16 FT S03-48-46E 333 FT S88-47-33E 160.52 FT N03-38-55W 139.83 FT TO POB

PARCEL ID: 19-22-32-7876-01-091

NO. OF NOTICES: 59

DECISION: APPROVED the Special Exception Request **#1**, in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, **APPROVED** the Variance requests **#2, #3 and #4**, 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 further, determined as **UNNECESSARY** the Variance Request **#5** (unanimous; 5-0 and 2 absent):

1. Development in accordance with the site plan dated March 14, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are

subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

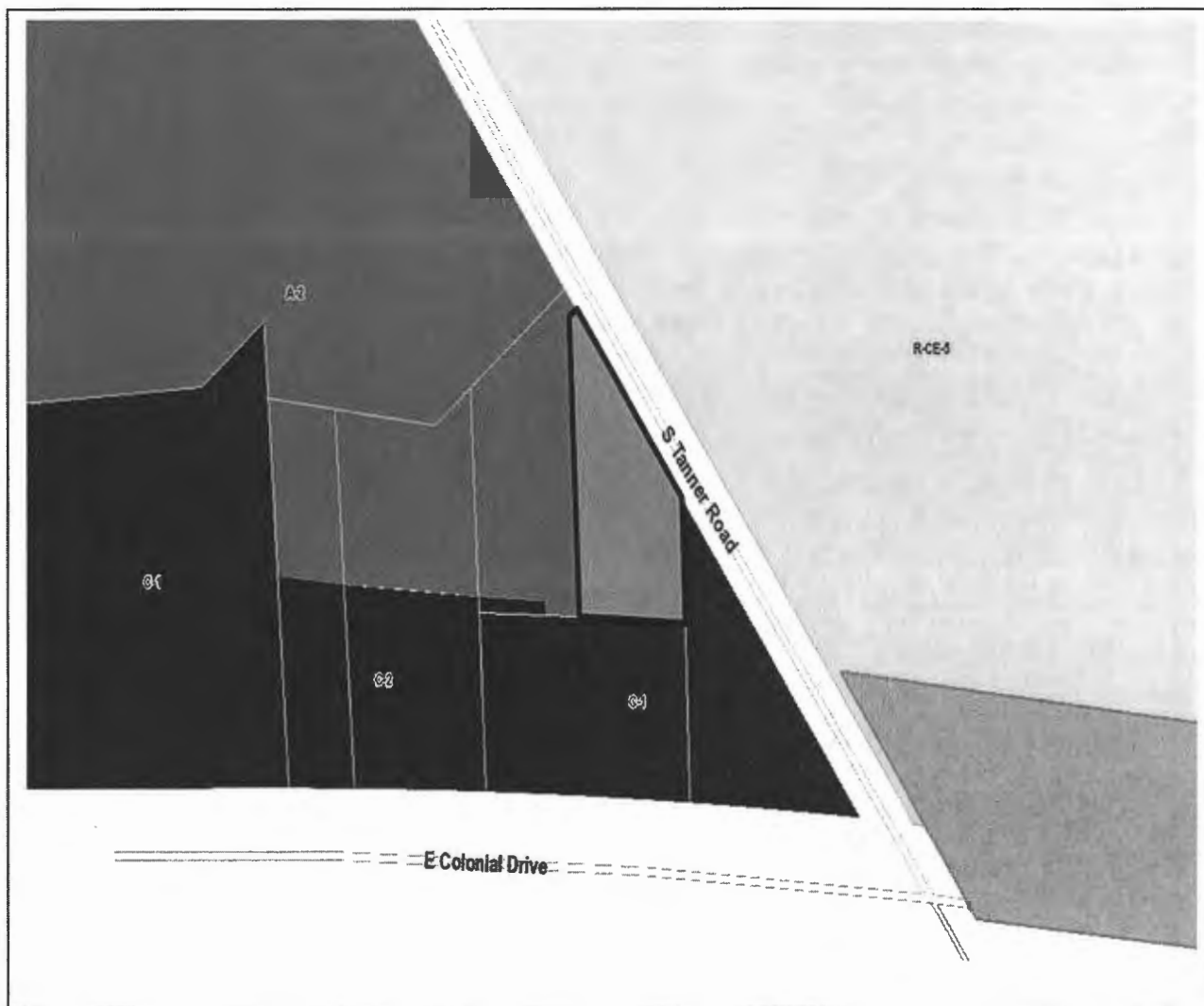
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The subject property shall not be used as a radio stations, a use which is not permitted in the zoning district in which it is located.
5. A hedge consisting of Podocarpus, four (4) feet in height at time of planting three (3) feet on center shall be planted along the sites entire Tanner Road. frontage.
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.
7. The appearance of the monopine shall be maintained in a manner that the tower shall resemble a live tree. All faded or damaged camouflage materials shall be promptly replaced.
8. Failure to comply with the above conditions shall result in Code Enforcement action, not action by the BZA.

SYNOPSIS: Staff explained the history of the case noting that it had been continued from May to allow the applicant to follow the direction given by the BZA. The BZA had asked the applicant to consider lowering the height of the tower from 100 feet to 80 feet, and to consider using a monopole rather than a lattice tower. The applicant had submitted not only an 80 foot tall monopole, but a camouflaged monopine. The BZA needed to find that the proposed monopine did in fact adequately blend with the surroundings to be considered camouflaged. If that finding was made, then the BZA can act on the Special Exception. If the monopine was considered camouflaged, then the BZA should find that

the six criteria for a Special Exception have been met, if the BZA does not make that finding, they should find that the request does not meet all of the six criteria. Staff noted that it had not received any correspondence for or against the request.

The applicant stated that they were in agreement with the staff recommendation and all of the conditions; however, they wanted to reiterate that the portion of "The Grow" which will be located at the Corner of S. Tanner Road and Highway 50 is to be developed as commercial. One person spoke in favor of the proposed tower. There being no other person to speak for or against the request, the public hearing was closed.

The BZA found that the proposed monopole satisfied the intent of a camouflaged tower. They found that with this, they could approve the Special Exception and Variances #2 through #4, and that Variance #5 was not necessary. A motion to that effect was made and seconded, passing unanimously.



Applicant: JORGE MORA

BZA Number: SE-18-05-048 **BZA Date:** 08/02/2018

District: 5

Sec/Twn/Rge: 19-22-32-NE-A

Tract Size: 193 ft. x 160 ft. (AVG)

Address: 1808 S Tanner Road, Orlando FL 32820

Location: West of S. Tanner Rd., approximately 500 ft. north of E. Colonial Dr.

J.E. MORA PROPERTIES LLC

2825 S Tanner Road, Orlando FL. 32828

March 13, 2018

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

To whom it may concern:

We are interested in installing a FM antenna on the property located at 1808 S Tanner Road Orlando, Florida.

This antenna will be used to hold an FM frequency radio station equipment.

If you have any questions please let me know.

Sincerely



J.E. Mora Properties LLC

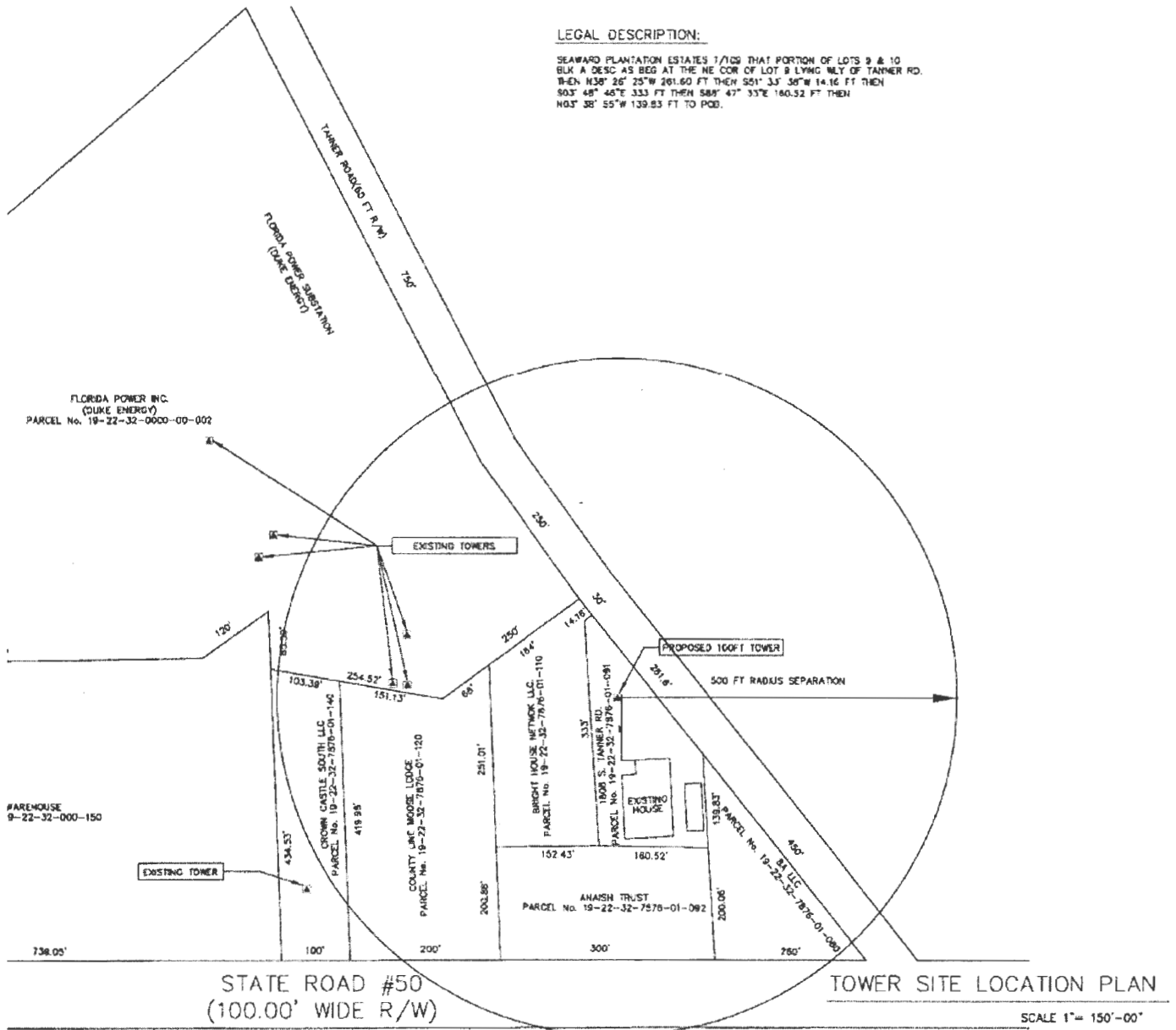
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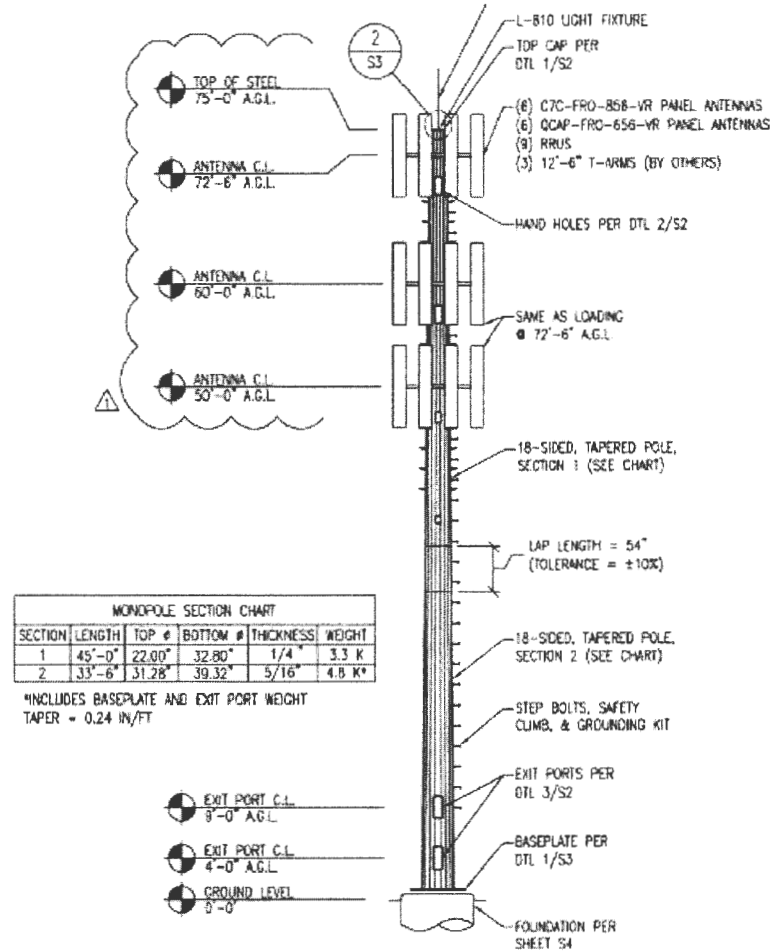
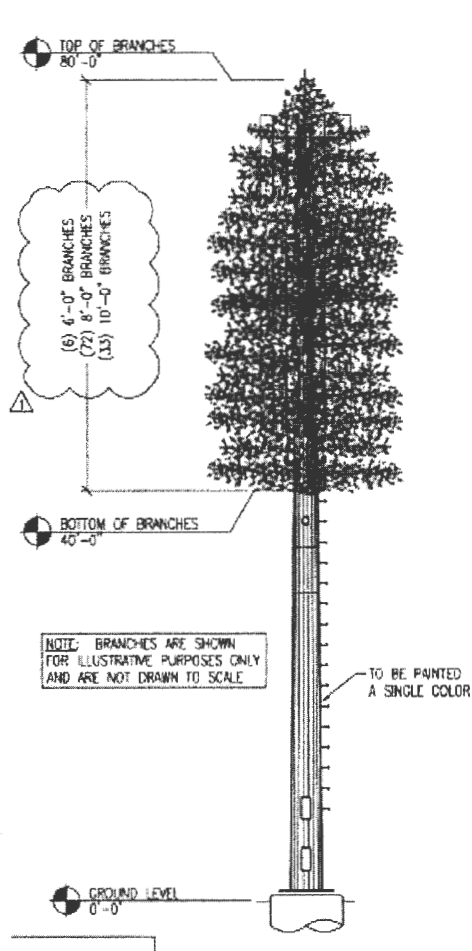
MAR 14 2018

**ORANGE COUNTY
ZONING DIVISION**

LEGAL DESCRIPTION:

SEAWARD PLANTATION ESTATES 1/100 THAT PORTION OF LOTS 9 & 10
BLK A DESC AS BEG AT THE NE COR OF LOT 9 LYING NLY OF TANNER RD.
THEN N30° 26' 25" W 201.60 FT THEN S51° 33' 56" W 14.16 FT THEN
S03° 48' 46" E 333 FT THEN S88° 47' 33" E 160.32 FT THEN
N03° 38' 55" W 139.53 FT TO POB.









STAFF REPORT
CASE #SE-18-05-048
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
August 2, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Jorge Mora

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variances in the A-2 zoning district to construct an 80 ft. tall FM monopole tower as follows:

- 1) Tower to be camouflaged as a pine tree (monopine tower).
- 2) To allow a tower 115 ft. from vacant unplatted residential land in lieu of 200 ft.
- 3) Tower to be a single user tower at initial construction.
- 4) To allow a tower 500 ft. from an existing lattice tower in lieu of 2,500 ft.

If the BZA determines the proposed tower is not camouflaged then the following variance is required:

- 5) To allow a tower 115 ft. from vacant unplatted residential land in lieu of 400 ft.

LOCATION: West of S. Tanner Rd., approximately 500 ft. north of E. Colonial Dr.

PROPERTY ADDRESS: 1808 S Tanner Rd. Orlando, FL 32820

PARCEL ID: 19-22-32-7876-01-091

PUBLIC NOTIFICATION: 59

TRACT SIZE: 193 ft. x 160 ft. (AVG)

DISTRICT #: 5

ZONING: A-2

EXISTING USE(S): Single Family Home

PROPOSED USE(S): FM Communication Tower

SURROUNDING USES: N – Power Substation
S – Vacant Commercial
E – Vacant Agricultural
W - Cable Substation

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned A-2, Farmland Rural District. This zoning district is generally intended for agricultural activities, however, it does also permit single family and mobile homes by right provided certain conditions are met, and will also permit communication towers as a Special Exception.
2. In 2017, a development proposal known as "The Grow" was approved by the BCC. That Comprehensive Plan amendment is in effect, and the owner of that property has the ability to construct several thousand residential units within visual range of the proposed tower.
3. On May 3, 2018, this application came before the BZA proposing a 100 ft. tall lattice tower. After a significant amount of discussion, it was determined that if the applicant would consent to providing a monopole no more than 80 feet in height, the BZA would continue the meeting to review that concept. The applicant has submitted a revised proposal for an 80 foot tall monopole. However, they are also proposing to conceal the monopole as a "monopine", a monopole camouflaged to resemble a pine tree. If the BZA finds that the proposal meets the intent of creating a "camouflage tower", all separation distances are then halved. If the BZA does not concur, all separation distances must be complied with.
4. There is an existing single family residence on the property. To the west is an existing 290 ft. tall lattice tower and to the north is a Florida Power substation.

Camouflage Tower Determination

1. If the BZA finds that the proposed "monopine" (camouflaged monopole) meets the definition of a camouflaged tower, all required separation distances will be halved.
2. The BZA is to determine if the proposed method of camouflage will in fact blend in sufficiently with the area in which the tower is located that it will become inconspicuous enough to be relatively unnoticeable. Should this be found, the percentage of all variances will also be halved.
3. At only 80 feet, the monopine will blend with the treeline to the west, which at some points achieves a height of 70+ feet. If properly maintained, the proposed faux bark covering of the pole will provide, from a distance, enough camouflage to conceal it. In

addition, the existing lattice tower will also draw a great deal of attention away from the monopine. At 290 feet in height, it will tower above the monopine, and be far more visually apparent.

Special Exception Criteria

1. The Comprehensive Plan recognizes Special Exception uses as compatible provided they meet the performance standards, and will not impose negative impacts and pose any inconsistency with the neighborhood. If the BZA finds that the proposed tower meets the criteria for a camouflage tower, this site will be consistent with the Comprehensive Plan. If found otherwise, it is recommended the use be found inconsistent.
2. If found to be a camouflaged pole, the use could be found compatible with the existing uses. Small retail, an existing cell tower located 500 feet away, major power substation, and with the use of the property located immediately east of S. Tanner Road. If not found to be camouflaged, staff recommends that the BZA find the use incompatible with the future uses east of S. Tanner Road.
3. If found to be a camouflaged tower, the use will not pose a detrimental intrusion into the surrounding area. If found otherwise, the use should be found detrimental.
4. Whether the use is found to be camouflaged or not, the requested variance will bring the use into conformance with all performance standards.
5. If found to be a camouflaged tower, the use will not emit any noise, odor, dust, glare or heat detrimental to the area. If not found to be camouflage, dependent on the angle of the sun and time of day, some glare will occur.
6. Landscaping will be required around the base of the tower. Staff is also recommending supplemental landscaping along the site's S. Tanner Road frontage.

Variance Criteria

1. The special conditions and circumstance is the adjacent land uses. If found to be a camouflage tower, the use will not add to the existing negative visual impacts.
2. If found to be a camouflaged tower no special privilege will be conferred as there are other similar structures in the area.
3. The revised request is the minimum possible variance as the applicant has reduced the height from 100 ft. to 80 ft., and is proposing a monopine which is camouflaged and will blend in with the surrounding tree line.
4. If the use is found to be a camouflaged tower, then the purpose and intent of the Code is being met.

STAFF RECOMMENDATION:

Given that:

- the applicant has modified the request to lower the height of the tower;
- the applicant is now proposing a camouflage tower;
- due to the existing treeline this tower has a higher probability than many towers reviewed in the past by the BZA of accomplishing its intended goal; and
- an existing 290 foot tall tower will likely divert most attention from the monopine.

Staff recommends approval of the Special Exception and Variances #2 through #4, with Variance #5 not being necessary as it is replaced by Variance #2; subject to the following conditions:

1. Development in accordance with the site plan dated March 14, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
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4. The subject property shall not be used as a radio station, a use which is not permitted in the zoning district in which it is located.
5. A hedge consisting of Podocarpus, four (4) feet in height at time of planting three (3) feet on center, shall be planted along the sites entire Tanner Road frontage.
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

7. The appearance of the monopine shall be maintained in a manner that the tower shall resemble a live tree. All faded or damaged camouflage materials shall be promptly replaced.
8. Failure to comply with the above conditions shall result in Code Enforcement action, not action by the BZA .

c: Rafael Gonzalez, Applicant's Representative
950 S. Winter Park Drive
Orlando, FL 32707

Jorge Mora, Applicant
1808 S. Tanner Road
Orlando, FL 32820