



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

February 6, 2020

Zoning Division

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

<u>Board Member</u>	<u>District</u>
Carolyn Karraker (Chairperson)	1
Gregory A. Jackson	2
Juan Velez	3
Deborah Moskowitz (Vice Chair)	4
Wes A. Hodge	5
Charles J. Hawkins, II	6
Roberta Walton	At Large

BZA Staff

Vacant	Chief Planner
Nick Balevich	Planner II
David Nearing, AICP	Planner II

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
February 6, 2020**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
VA-20-02-154	Arnold Olson	2	Approved w/Conditions	1
VA-20-02-159	Daniel Palladino	1	Approved w/Conditions	13
VA-20-02-161	James Green	5	Approved w/Conditions	25
SE-20-02-164	Ocoee Church of God (Thomas Odom)	2	Approved w/Conditions	38
VA-20-02-165	Jeffrey Sobek	1	Approved w/Conditions	51
VA-20-02-166	Richard Wayne Madden	1	Approved w/Conditions	66
VA-20-02-150	Lilian Segarra	2	Approved w/Conditions	78
VA-20-02-160	Lisbon Portuguese Cuisine	1	Approved w/Conditions	92
VA-20-02-152	Lechoneria (Ezequiel Cuevas)	3	Withdrawn	102
SE-20-01-151	Amateur Athletic Union Sports Facility (John Frith)	1	Approved w/Conditions	103

**ORANGE COUNTY
ZONING DISTRICTS**

Agricultural Districts

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

Residential Districts

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

Non-Residential Districts

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

Other District

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

SITE & BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

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

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

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

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

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

FOOTNOTES

^a	Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
^b	Side setback is 30 feet where adjacent to single-family district.
^c	For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
^d	For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that: <ul style="list-style-type: none"> (i) are either platted or lots of record existing prior to 3/3/97, and (ii) are 75 feet in width or greater, but are less than 90 feet, and (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
^e	Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
^f	Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
^g	Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
^h	For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
^j	Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
^k	Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
^m	Based on gross square feet.

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

VARIANCE CRITERIA:

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

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

SPECIAL EXCEPTION CRITERIA:

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

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

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

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 06, 2020**

Case Planner: **David Nearing, AICP**

Case #: **VA-20-02-154**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): **ARNOLD OLSON**

OWNER(s): **ARNOLD OLSON, NOI T NGUYEN**

REQUEST: **Variations in the R-1 zoning district as follows:**

- 1) To allow an existing accessory structure over 15 ft. in height to remain 5 ft. from the rear (south) property line in lieu of 10 ft.
- 2) To allow an accessory structure with more than 150 sq. ft. of floor area and which is greater than 10 ft. in height to be constructed of materials not commonly used throughout Orange County for single-family residential construction, such as stucco, brick, vinyl, aluminum or wood for the siding or walls, and shingles, tiles or corrugated metal for the roof.

Note: This is the result of a Code Enforcement action.

PROPERTY LOCATION: **728 E. 10th Street, Apopka, Florida 32703, south side of E. 10th St., approximately 750 ft. west of Sheeler Ave.**

PARCEL ID: **15-21-28-0000-00-174**

LOT SIZE: **110 ft. x 115 ft./ .29 acres**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **63**

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

1. Development in accordance with the site plan dated November 25, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a permit and a final inspection for the garage within 180 days

of final action on this application by Orange County, or this approval becomes null and void.

5. Prior to final inspection of a permit for the garage, the applicant shall obtain an RV permit.

SYNOPSIS: Staff noted that the garage first appeared in the 2019 aerial, which meant that it was constructed in either late 2018 or early 2019. There are no special condition or circumstances particular to this property. It could have been installed to meet code. With regard to the exterior finish of the structure, staff noted that the code required that any accessory structure over 10 ft. in height, or with more than 150 sq. ft. of floor area be finished with materials commonly used on residential homes, such as stucco, vinyl siding, brick, etc. Staff noted that it had not received any correspondence regarding this application.

The applicant indicated that he had hired the contractor to construct the building, but he paid the manufacturer directly for the building. He assumed that all the necessary permits had been obtained, but he was out of the state when the building was erected. He stated that he was not aware that permits had not been applied for until September of 2019 when Code Enforcement cited him for construction of the garage without permits.

In reviewing the exterior of the building they did find that the colors complimented the applicant's residence. They asked the applicant if they would consider putting some type of finish on the structure, such as stucco.

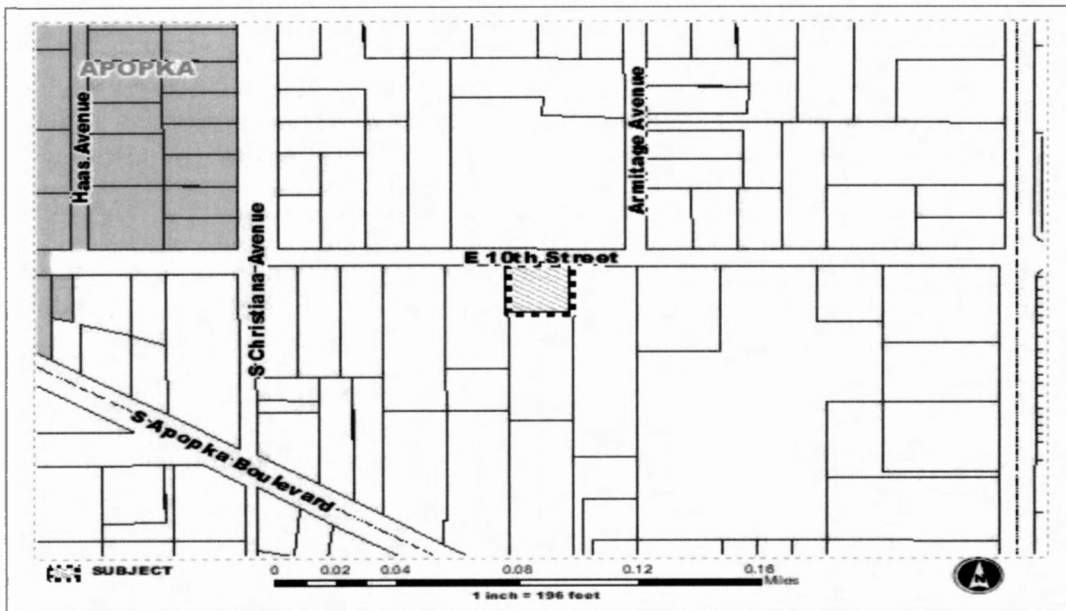
The applicant indicated that they were not financially capable of doing so. With no one in the audience to speak in favor or opposition to the request, the public hearing was closed.

The BZA unanimously recommended approval of Variances #1 and #2, subject to the five (5) conditions found in the staff report.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1	R-1	R-T-2	R-1	R-T-2
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single family residence	Single family residence	Mobile home	Mobile home	Mobile home

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The subject property consists of a .29 acre parcel of land. The property is developed with a 1,008 sq. ft. single family residence with an attached carport, which was constructed in 1962.

In addition to the residence, there is a small 10 ft. x 10 ft. accessory structure that was permitted via #B19021736, and a large 30 ft. x 25 ft. garage that appears to have been installed in late 2018 or early 2019. The garage is a prefabricated structure that the applicant purchased and had installed; however, the contractor did not secure a permit. The applicant was cited by Code Enforcement for doing work without permits in September 2019. The applicant uses the garage to store their RV and another vehicle, as well as, tools and other personal property. No permit was found for storing the RV on residential property.

On November 1, 2019, revisions to the code regarding accessory structures went into effect. One of the revisions requires that any accessory structure in excess of 15 feet in height must now be set back 10 feet from any side or rear property line. Prior to this revision, any accessory structure up to 20 feet in height only needed to be set back five (5) feet from a side or rear property line. Had the applicant's contractor secured the appropriate permits, the applicant's garage would now be a lawfully nonconforming structure. However, since permits were not pursued until after the revisions went into effect, a variance must now be obtained to keep the structure in its current location.

The code specifies that any accessory structure with more than 150 sq. ft. of floor area, and which is greater than 10 feet in height must be constructed of materials commonly used throughout Orange County for single-family residential construction. This would include stucco, brick, vinyl, aluminum or wood for the siding or walls, and shingles, tiles or corrugated metal for the roof. The garage is constructed of painted aluminum. This is not a material commonly used on the exterior of single family homes. A variance would be necessary to keep the exterior as it currently is, or the applicant would be required to finish it with one of the materials noted above.

District Development Standards

	Code Requirement	Proposed
Max Height:	25 ft.	17 ft.
Min. Lot Width:	50 ft.	110 ft.
Min. Lot Size:	5,000 sq. ft.	12,760 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	46 ft. (Accessory structure)
Rear:	10 ft. (Accessory structure over 15 ft. tall)	5 ft. (Accessory structure)
Side:	10 ft. (Accessory structure over 15 ft. tall)	30 ft. (East)/49 ft. (West)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Regarding the location of the garage, the subject property is not irregularly shaped, and is relatively flat. There are no special conditions or circumstances particular to this property. It could have been installed to meet with code. The shed is constructed of painted aluminum. This is not a typical material used on single family residences.

Not Self-Created

The applicant should have verified that their contractor who installed the building had obtained the necessary permits. Had the applicant obtained the necessary permits, the issue of the materials the garage is constructed of would have been addressed at that time.

No Special Privilege Conferred

Had the applicant's contractor obtained the necessary permits prior to construction, the garage would have met code at the time it was constructed. However, since the permits were pursued after the changes to the code, granting variance would be allowing the applicant to keep the shed where it is located, while others with similar sized structures would need to meet the required setback.

Deprivation of Rights

Without the variance, the applicant will be required to relocate the garage to meet the 10 ft. setback from the rear property line. They will also need to finish the exterior of the garage with materials typically used on residences, such as stucco or siding.

Minimum Possible Variance

If the applicant had come in at time of construction to obtain the needed permits, a variance would not be needed for the structure to remain in its current location.

Purpose and Intent

The purpose and intent of the code revision for the increased setback for taller structures was to reduce visual encroachment by moving the mass of the taller structure further from the neighboring properties. The purpose and intent for the exterior finish was to avoid constructing commercial or industrial appearing structures in residential areas. Neither of these factors are being met.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated November 25, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The applicant shall obtain a permit and final inspection for the garage within 180 days of final action on this application by Orange County, or this approval becomes null and void.
5. Prior to final inspection of a permit for the garage, the applicant shall obtain an RV permit.

c: Arnold Olson
728 10th St.
Apopka, FL 32703

COVER LETTER

Arnold Olson
728 East 10th Street
Apopka, Florida 32703
Case Number: VA-20-02-154

Board of Zoning Adjustment
Orange County Administration Building
Orange County Commission Chambers
201 S. Rosalind Avenue, 1st Floor
Orlando, Florida 32801

Dear BZA Board Members,

I am requesting a zoning variance adjustment to apply for a building permit of a metal accessory structure at my home. My residence is 728 East 10th Street, Apopka, Florida 32703. Currently the structure is in violation with Code Enforcement for not having a building permit. The reason for the request is because the contractor who built the structure did not obtain a building permit. It was my understanding that the contractor would take care of the building permit. Last year, before the structure was built, I had a family emergency in Minnesota. My Mother had a stroke and passed away shortly afterwards. I remained with my family in Minnesota to take care of her paperwork. While in Minnesota, the contractor called me only to let me know the structure was complete.

The accessory structure dimensions are 25 feet wide by 30 feet long, with 14 foot side walls. The roof pitch makes the building 17 feet tall at the roof peak. The setback is 5 feet from the back property line. The purpose of the accessory structure is for personal storage.

Prior to the recent zoning code change, accessory buildings could be up to 20 feet in height and with a 5 foot setback from the back property line. There is still adequate space on my property for this structure to exist.

We have lived in our home since 2005 and have good relationships with all of our neighbors.

Respectfully,

Arnold Olson

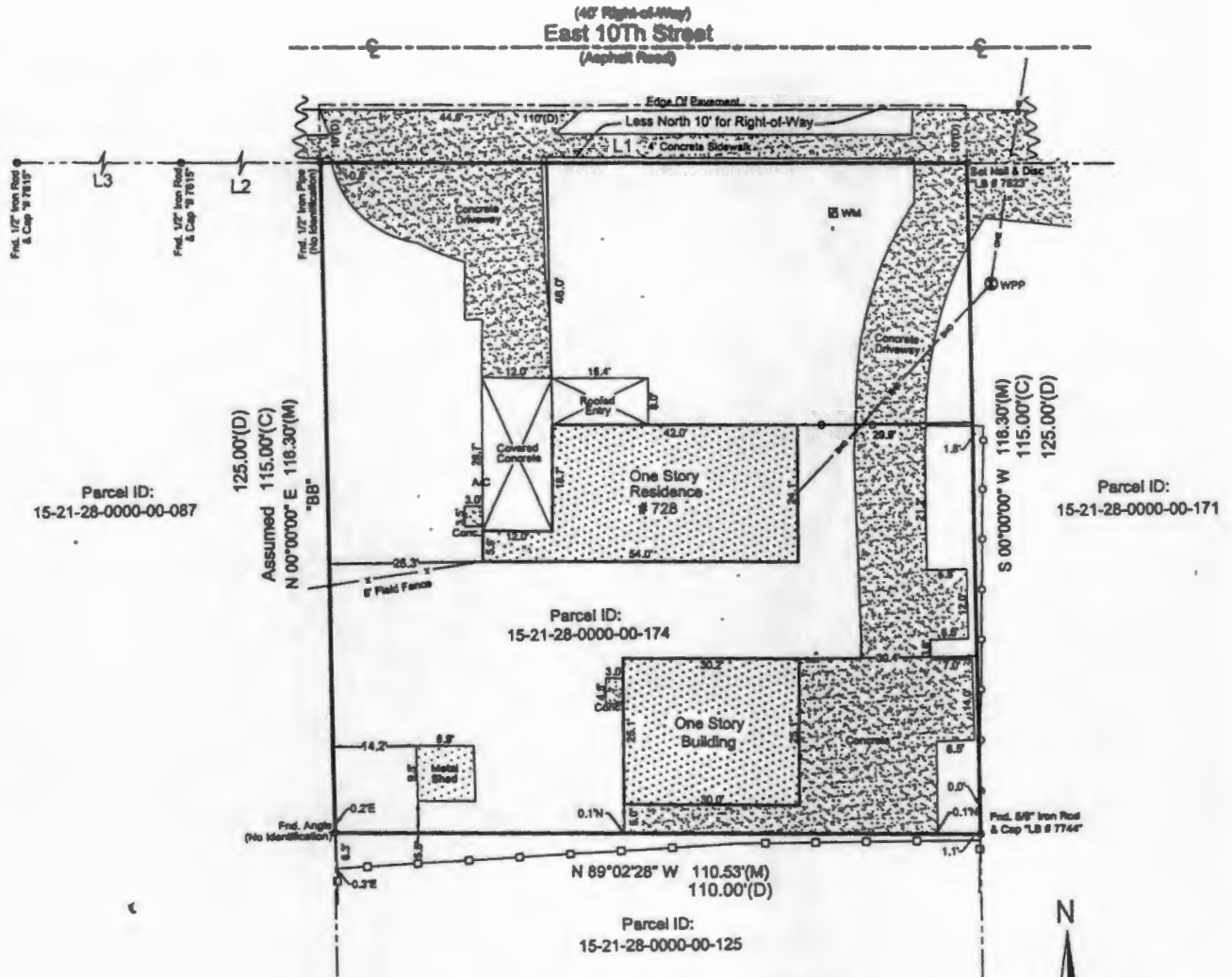
ZONING MAP



AERIAL MAP



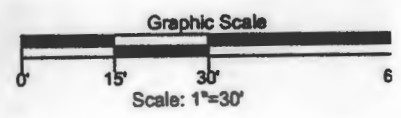
SURVEY



RECEIVED

NOV 25 2019

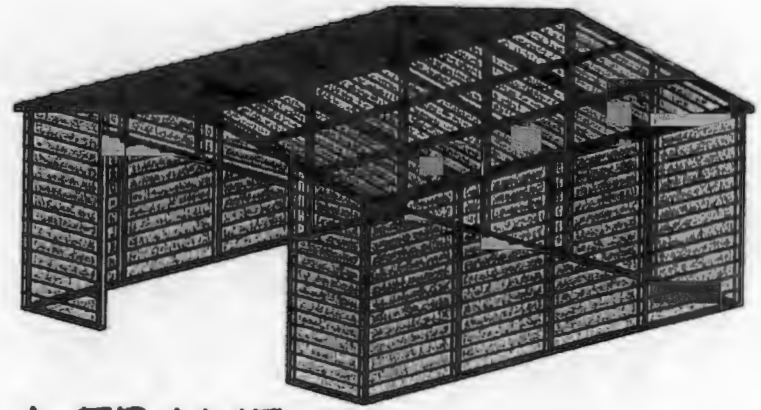
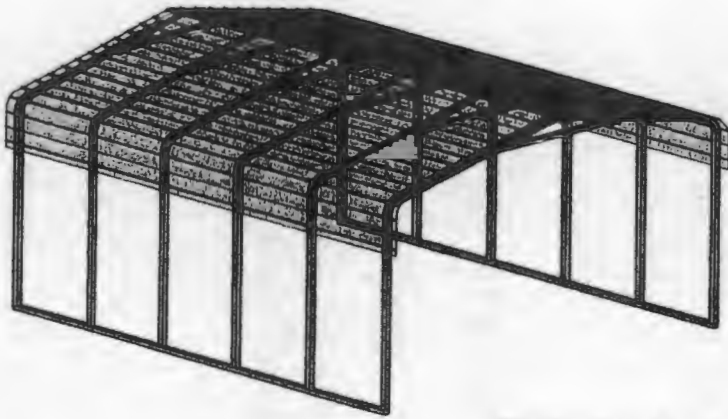
ORANGE COUNTY ZONING DIVISION



L1
 110.00'(D)
 S 89°02'28" E 110.53'(M)

L2
 110.00'(D)
 S 88°58'53" E 110.07'(M)

L3
 110.00'(D)
 S 88°40'18" E 109.21'(M)



REGULAR / A-FRAME
24'-0" WIDE
CARPORT STYLE BUILDINGS

SITE PHOTOS



Rear of Garage Looking East



Front of Garage Looking South

SITE PHOTOS



Rear Yard Setback Looking West



North Side of Garage Looking East

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 06, 2020**

Case Planner: **David Nearing, AICP**

Case #: **VA-20-02-159**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): DANIEL PALLADINO

OWNER(s): DEBRA PALLADINO, DANIEL PALLADINO JR, DANIEL PALLADINO

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

- 1) To allow a new pool/pool deck/cabana 21 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
- 2) To allow an existing residence 28 ft. from the front property line in lieu of 35 ft.
- 3) To allow an existing residence 7 ft. from the side (west) setback of in lieu of 10 ft.
- 4) To allow the existing residence to remain 41 ft. from the NHWE in lieu of 50 ft.

PROPERTY LOCATION: 10033 Lone Tree Lane, Orlando, Florida, 32836, north side of Lone Tree Ln., on the south shore of Lake Tibet Butler, approximately .4 mi. east of Sunset Blvd.

PARCEL ID: 32-23-28-1874-00-070

LOT SIZE: .72 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 314

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

1. Development in accordance with the site plan dated December 10, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all

interested parties that the pool/pool deck/cabana is no closer than 21 feet from the Normal High Water Elevation (NHWE) of Lake Tibet Butler.

SYNOPSIS: Staff explained the history of the property, including the fact that the County had administratively rezoned the subject property and all of the lots in the subdivision to R-CE from R-1 or R-1A. This rendered all lots nonconforming and increased setbacks, making many of the homes nonconforming. Staff explained that if a lot has a depth of less than 150 ft. above the Normal High Water Elevation (NHWE), the setback to the NHWE line reverts from 50 ft. to the rear setback for the zoning district in which it is located. Had the property not been rezoned, then the rear setback would have been 25 or 30 ft., rather than the 50 ft. required for R-CE and the amount of variance for the rear setback would have been greatly reduced. Additionally, there would have been no need for a variance for the front setback at all, and the side setback would be compliant or need a minimal variance. Staff noted that the applicant had provided letters of support from three (3) of their neighbors, and that staff received one (1) correspondence in support. There was no correspondence in opposition.

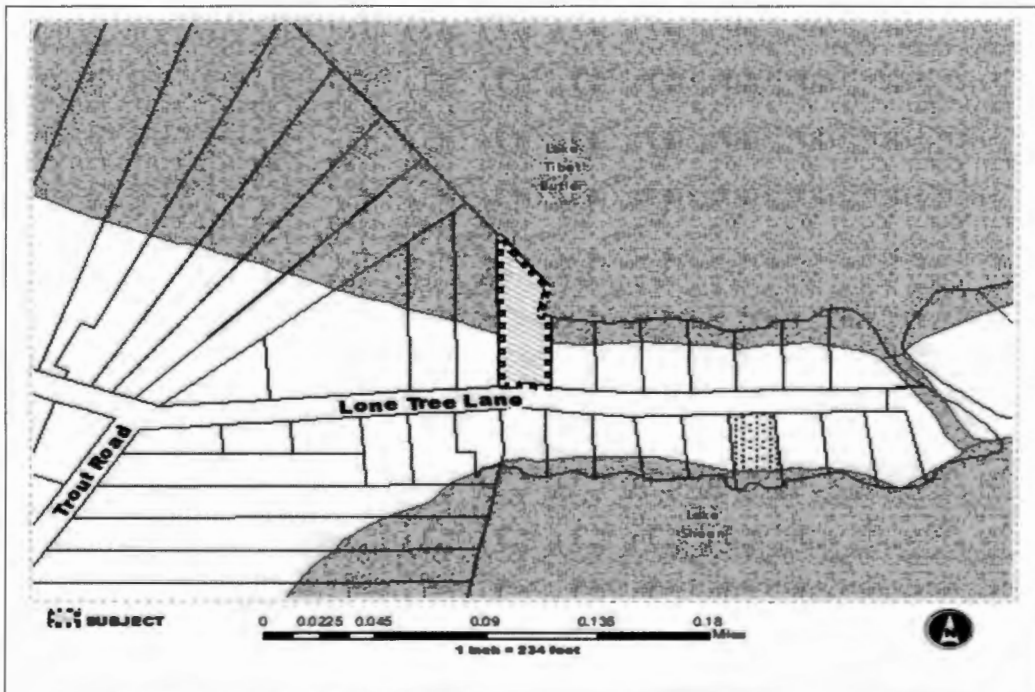
The applicant indicated their agreement with the staff recommendation and conditions. There being no one present to speak in support or opposition, the public hearing was closed.

The BZA unanimously recommended approval of Variances #1 through #4, subject to the four (4) conditions contained in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-CE	Lake Tibet Butler	R-CE	R-CE	R-CE
Future Land Use	R	Lake Tibet Butler	R	R	R
Current Use	Single family residence	Lake Tibet Butler	Single family residence	Single family residence	Single family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The subject property consists of a .72 acre lot created through the Cypress Shores - First Addition plat, which was recorded in 1954. The property is developed with a 2,565 sq. ft. single family residence with an attached two car garage built in 1956. A variance was granted in 2002 (VA-02-04-040), to allow an enclosed rear porch to be 42 feet from the Normal High Water Elevation (NHWE). The applicant purchased the property in June 2016.

The applicant is proposing to construct a pool with deck and a cabana structure in the rear yard. The pool/deck and cabana will be located between the existing patio and the seawall. The northeast corner of the structures will be closest to the seawall. Due to the angle of the shoreline/seawall, the southwest corner will be further from the NHWE.

In 1967, Orange County administratively rezoned the subject property and all of the property in this area from either R-1 or R-1A to R-CE. This rendered the subject property and most other lots in the area nonconforming. It also changed the required rear setback from 25 feet for R-1 zoned property or 30 feet for R-1A zoned property to 50 feet for R-CE. The front setback changed from 25 ft. to 35 ft., and the side setbacks went from 6 ft. for R-1 and 7.5 ft. for R-1A to 10 ft. for R-CE.

If a lot has an average depth of 150 feet or less from the front property line to the NHWE, then the setback from the NHWE is reduced from 50 feet to a distance equal to the rear setback for the zoning district in which it is located. If the property had not been rezoned, depending on what the property had been zoned before the 1967 rezoning, this would have eliminated the need for the variance from the front property line, which would have been 25 feet, and the variance from the NHWE for the existing residence, which would have been 25 or 30 feet. It would also greatly reduce the variance needed for the pool/pool deck/cabana, and would have either eliminated the need for the side yard variance if it were zoned R-1, or reduced it to a minimal amount if zoned R-1A.

Due to the angle of the shoreline, only the northeast corner of the pool/pool deck/cabana are 21 feet from the NHWE. The distance increases further west of the structure to a setback of 37 feet from the NHWE, which is seaward of the sea wall.

The rear yard is also shallow. Even with the house at 28 feet from the front property line in lieu of 35 feet, the depth of the rear yard from the northeast corner of the house is 31 feet to the sea wall.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft. (Home)/25 ft.(Accessory structure)	18 ft. (Home)/14 ft. (Cabana)
Min. Lot Width:	130 ft.	100 ft.
Min. Lot Size:	1 ac.	.72 ac.

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

	Code Requirement	Proposed
Front:	35 ft.	28 ft.
Rear:	50 ft.	200+ ft.
Side:	10 ft.	7 ft.(West)/18 ft. (East)
NHWE:	50 ft.	21 ft. (Pool/Pool deck/Cabana)/ 41 ft.(Home)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions and circumstances particular to this property are the lot depth, the angle of the shoreline, and the rezoning of the property to R-CE by the County. If the property had not been rezoned, some variances would not be needed and some would be much more minimal.

Not Self-Created

The applicant purchased the property in 2016. They did not request the rezoning of the land.

No Special Privilege Conferred

Numerous properties abutting and near the subject property have obtained variances for setbacks from front, side, and NHWE setbacks to allow for improvements commonly enjoyed by homeowners, such as decks and pools.

Deprivation of Rights

If the applicant’s property was ever destroyed, they would need the same variances to allow it to be rebuilt as it currently exists. Also, without the variances, the applicant could not install a pool and cabana in the proper location.

Minimum Possible Variance

The requests are the minimum possible variances to allow the home to remain in its current configuration and to allow for a pool with a concrete deck and cabana.

Purpose and Intent

While the rear yard is small, the applicant minimized the size of the pool to retain sufficient open area for other uses and open space. The requested variances are consistent with the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated December 10, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the pool/pool deck/cabana is no closer than 21 feet from the Normal High Water Elevation (NHWE) of Lake Tibet Butler.

c: Daniel Palladino
10033 Lone Tree Ln.
Orlando, FL 32836

COVER LETTER

To: Board of Zoning

From: Daniel A. Palladino, Debra A. Palladino, & Daniel A. Palladino Jr
10033 Lone Tree Lane
Orlando, Fl. 32836

Subject: Variance Request for 10033 Lone Tree Lane

We are requesting a rear set back variance for 10033 Lone Tree Lane, Orlando, Florida 32836.

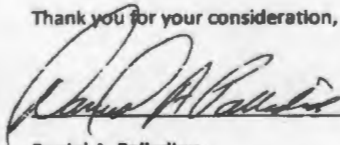
We are requesting a 22' foot rear setback variance from NHWE to construct a pool and cover cabana.

The lot is substandard due to the County rezoning it to R-CE in 1967. This caused the lot to have setbacks which would preclude construction of that which we purchased in 2016 as is. Due to the unique dimensions of the lots in our neighborhood many requests have already been approved for variances in the front, side and rear setbacks. The following properties on Lone Tree Lane have been granted similar variances: 1008,9924,9931,9948,9916,9932,10042,10017 as well as others. Residing on a peninsula gives uniqueness to the lots, but also offers great challenges due to the current setbacks. Without the variance, the pool and cabana cannot be constructed. We are requesting the minimum necessary to meet our needs. The variance will permit construction in line with the development patterns of the neighborhood, and there will still be sufficient yard area available for other uses.


Included with this application are No objections letters from the adjacent as well as some property owners on the same street. We are unaware of any objections to this request.

Due to the recent variance approvals, mentioned above, we feel granting this variance request would not be create an adverse impact and our home improvements would blend in with the surrounding homes.

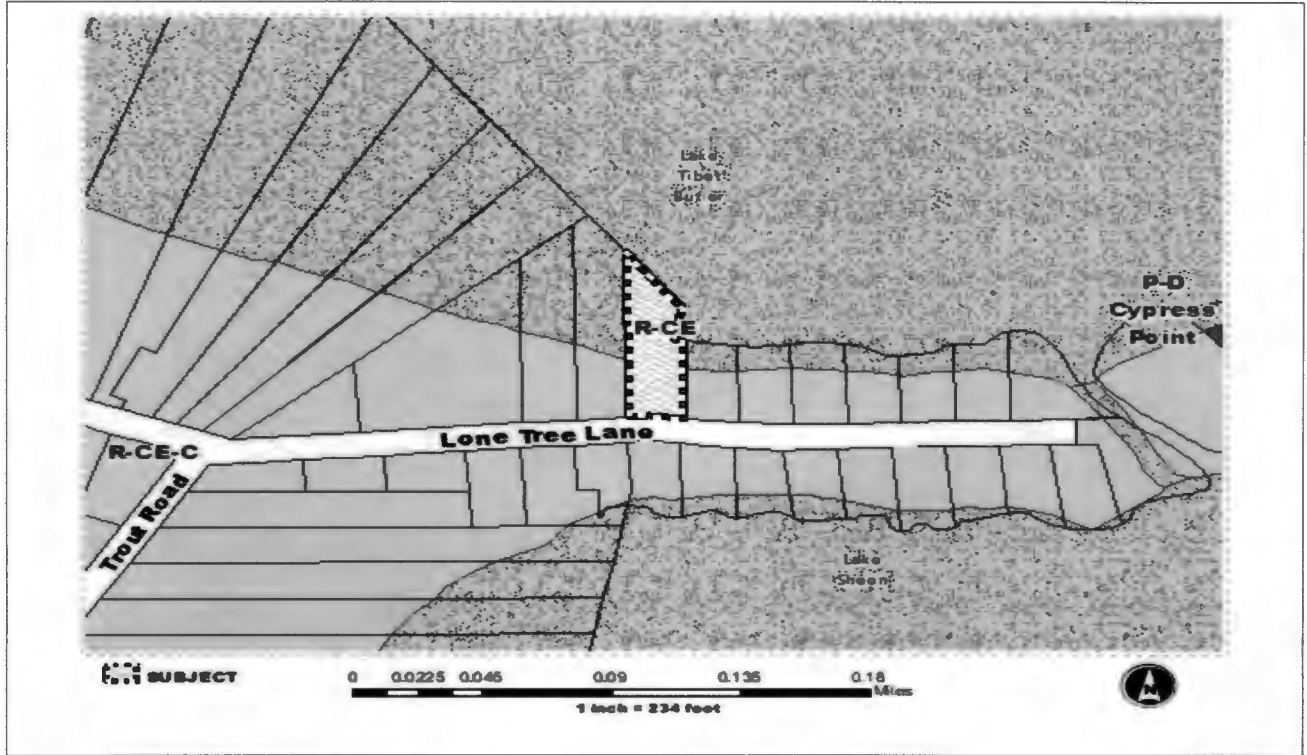
Thank you for your consideration,


Daniel A. Palladino


Debra A. Palladino


Daniel A. Palladino Jr.

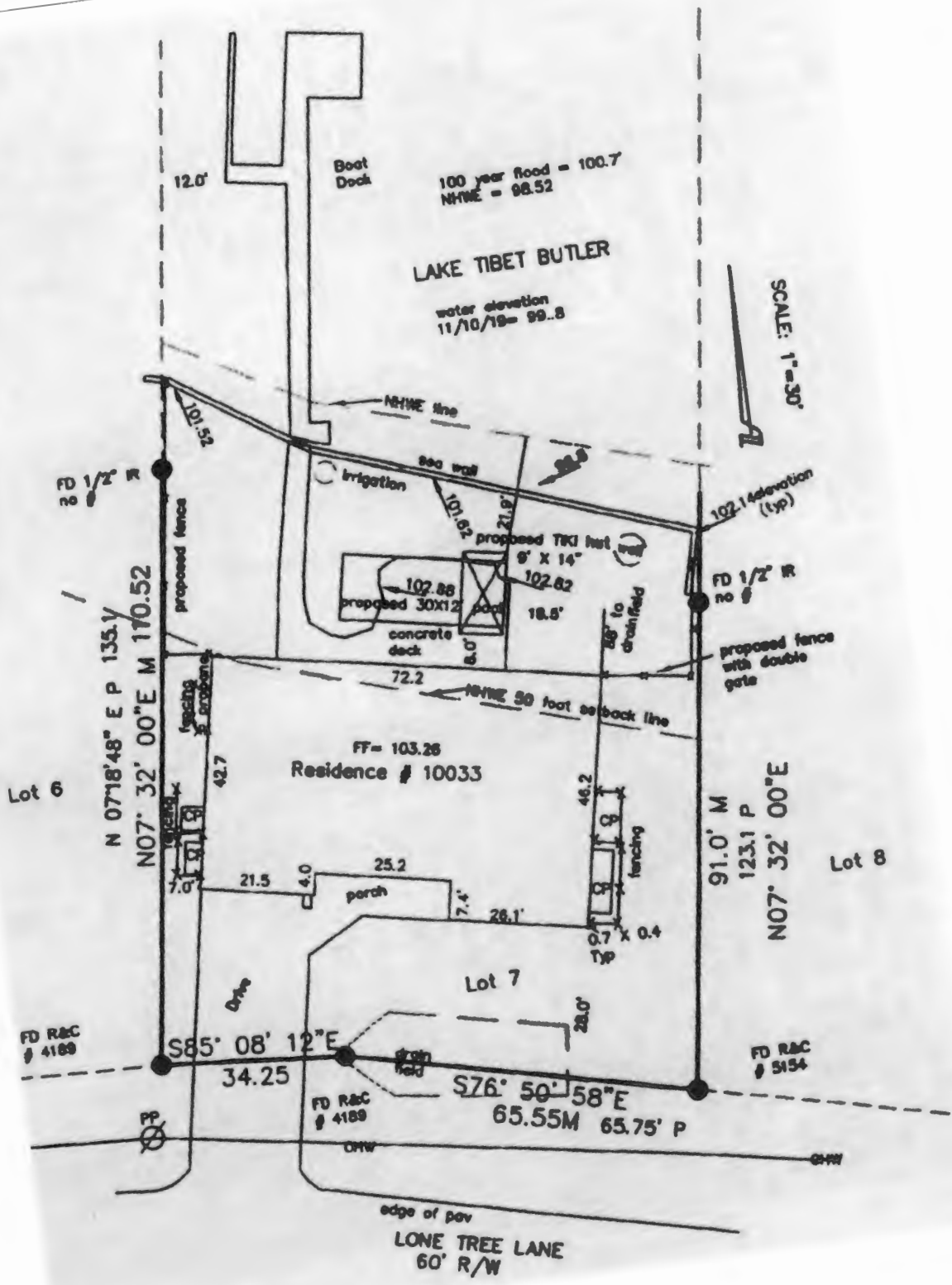
ZONING MAP

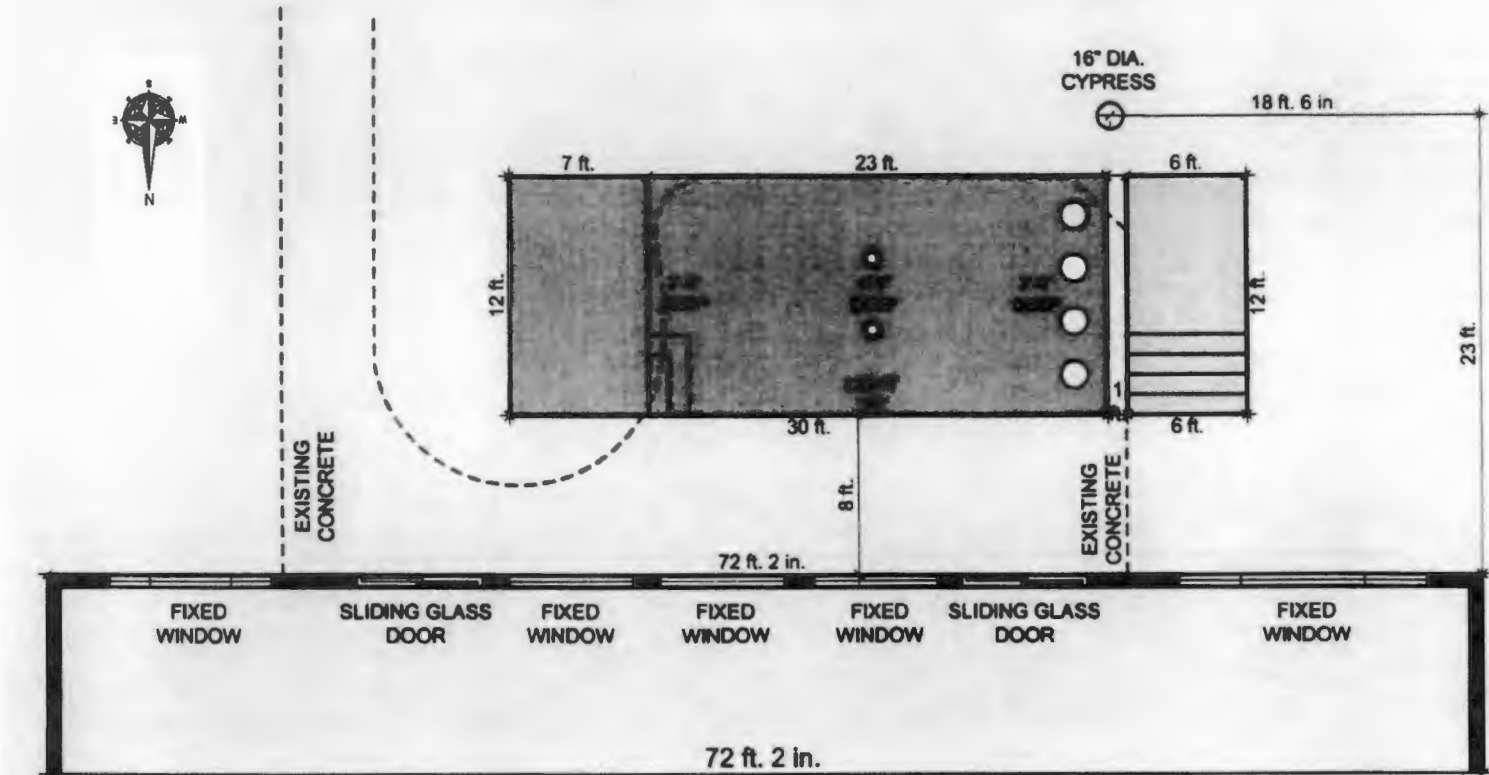


AERIAL MAP

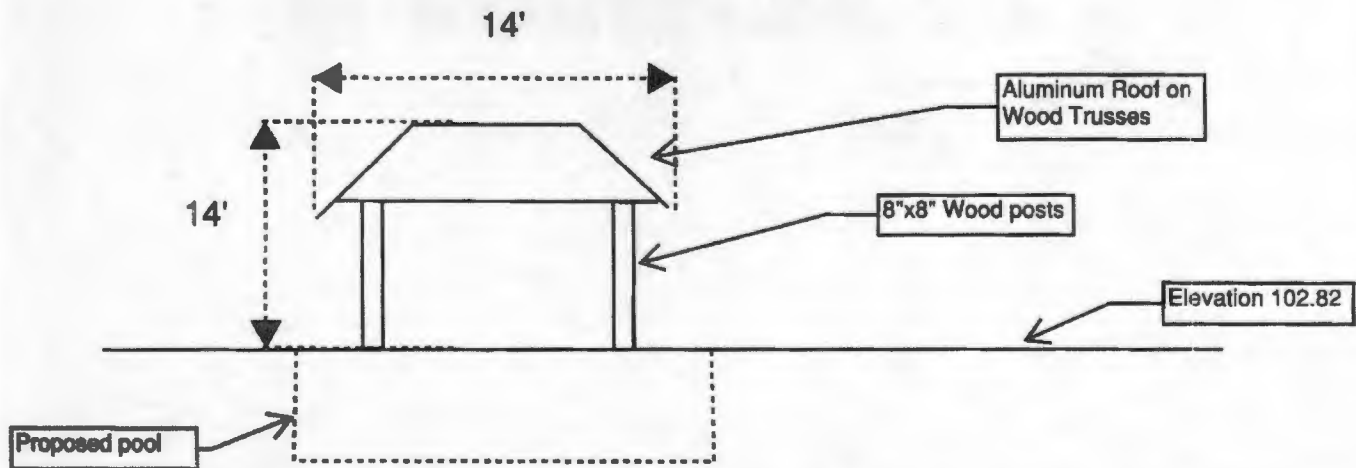
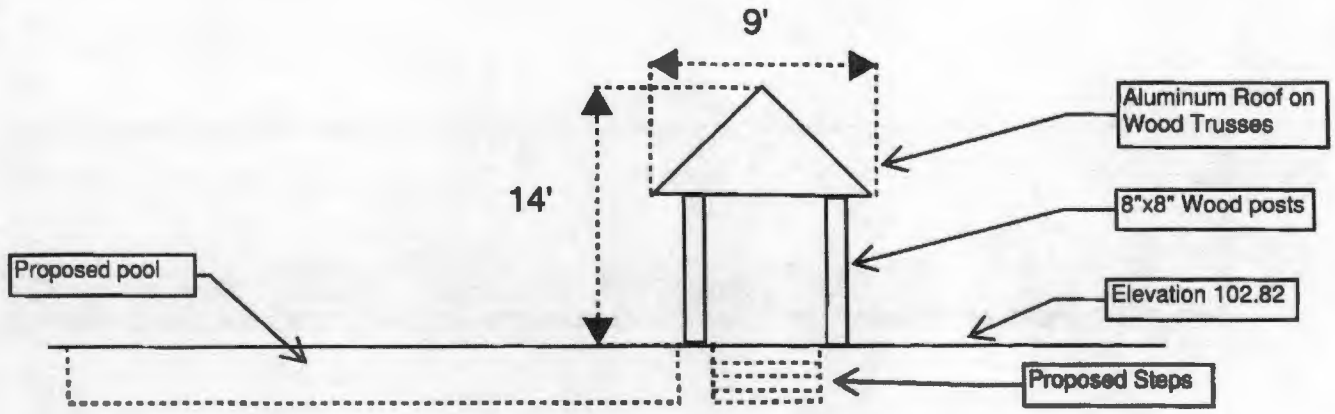


SITE PLAN





SITE PLAN DETAIL SHEET



SITE PHOTOS



01/06/2020 12:37

Rear Yard Looking East



01/06/2020 12:37

Rear Yard Looking Southeast

SITE PHOTOS



Rear Yard Looking Southwest



Rear of Residence Looking West

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 06, 2020**

Case Planner: **David Nearing, AICP**

Case #: **VA-20-02-161**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): JAMES GREEN

OWNER(s): JAMES GREEN

REQUEST: Variance in the R-T-2 zoning district to allow a mobile home on a .33 acre lot in lieu of .5 acres.

PROPERTY LOCATION: 631 Belvedere Rd., Orlando, FL 32820, northeast corner of Belvedere Rd. and 2nd Ave., approximately 550 ft. north of E. Colonial Dr.

PARCEL ID: 15-22-32-2336-05-180

LOT SIZE: 100 ft. x 144 ft./ .33 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 49

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

1. Development in accordance with the site plan dated December 10, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff explained that the subject property was part of a large unrecorded plat, and was once within the incorporated City of Bithlo. However, in 1977, the City of Bithlo dissolved its Charter, and the County assumed control of the land, assigning it the R-T-2 zoning designation. The property had previously been developed with a single family residence. In 2012, the then owner obtained an alteration permit and demolished all but a portion of the front and rear walls. Through review of

historic aerials, those walls remained standing through the beginning of 2018. The applicant purchased the property in mid 2018. The walls did not appear in the 2019 aerial. Since the property was vacant for 180 contiguous days, it lost its lawful nonconforming status. Therefore, a variance for the substandard land area is now needed. Staff noted that the properties to the north and east are developed with mobile homes, as are three (3) smaller lots on 2nd Ave. Staff concluded with the fact that they had not received any correspondence in favor or opposition.

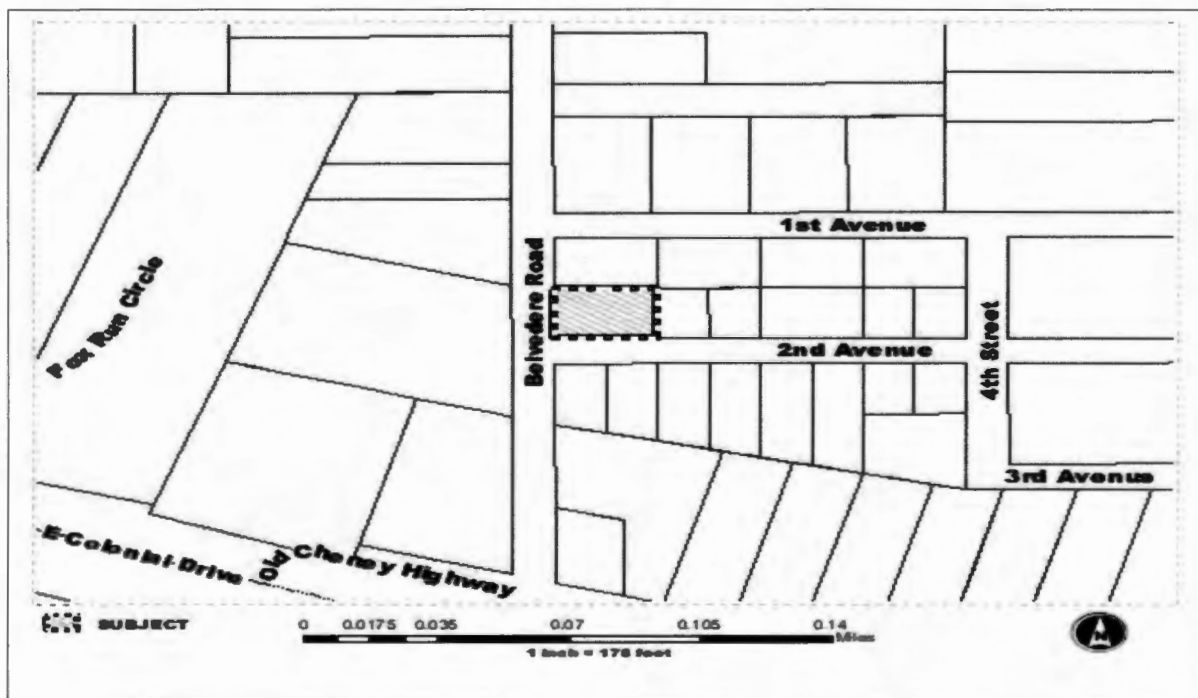
The applicant indicated her agreement with the staff recommendation and conditions. There being no one present to speak for or against the application, the public hearing was closed.

The BZA unanimously recommended approval of the Variance subject to the three (3) conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-T-2	R-T-2	R-T-2	R-T-2	A-2
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Vacant	Mobile home	Single family home	Mobile home	Religious institution

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is zoned R-T-2, which is a zoning district that allows for a combination of mobile homes and single family homes on fee simple lots.

The subject property consists of .33 acres of land, which was part of an undated and unrecorded plat of East Orlando Estates. This area was once the Town of Bithlo. Bithlo was an incorporated part of Orange County until July 1977, when the town was dissolved. At that time, the County had to assign zoning to the property. The R-T-2 zoning on the subject property is that which was assigned to the property in 1977.

The subject property had been developed with a single family residence. However, in 2012, the then owner had applied for an alteration permit to allow partial demolition of the home for renovation. The partial demolition took place, leaving part of the front and rear walls standing. In reviewing historic aerials, it was found that the two walls remained standing until the 2018 aerial, which showed that the walls had been removed. All that currently remains of the home is a part of the foundation slab. While the Orange County Property Appraiser's data has a photo of the former residence, it does not have any data on the year of construction or floor area.

The applicant proposes to install a 1,120 sq. ft. mobile home on the subject property. However, while it was part of the unrecorded plat, it was not an actual buildable lot, but rather part of a large undivided parcel of land, which has since been divided by the recordation of deeds. The property is zoned R-T-2, but unplatted, therefore, it must develop in accordance with the development guidelines for lots created after January 29, 1973. This requires that the lot be 1/2 acre in size. Due to the fact that the lot is substandard in size, and the property has been vacant for more than 180 days, the lot is now nonconforming and requires a variance for redevelopment.

The owner, who purchased the property in July 2018, is proposing to place the home such that it will meet or exceed all required setbacks. The abutting properties to the north and east are both mobile homes. To the south is a single family residence and to the west is a religious institution. Both mobile homes and single family residences are permitted in the R-T-2 zoning district.

Three (3) lots on 2nd Street, which are only half the size of the subject property, have been developed with mobile homes. Units were placed on these parcels between the years of 1970 and 2000. A review of past BZA activity reveals that no variances have been granted for any parcels in this portion of the unplatted subdivision.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	18 ft.
Min. Lot Width:	100 ft.	100 ft.
Min. Lot Size:	21,780 sq. ft.	14,410 sq. ft.

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

	Code Requirement	Proposed
Front:	35 ft.	35 ft.
Rear:	50 ft.	69 ft.
Side:	10 ft.	10 ft.
Sidestreet:	15 ft.	64 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The special circumstance particular to this property is the fact that until 2012, there was a single family residence on the property, and until at least 2018, remnants of which remained. In addition, the property was not assigned the R-T-2 zoning until 1977, due to the fact that it was located in the Town of Bithlo until that town dissolved its charter.

Not Self-Created

The owner purchased the property in July 2018. He is not responsible for the demolition of the former residence, nor for the creation of a substandard lot.

No Special Privilege Conferred

Several smaller lots on the same street have been developed with mobile homes. Allowing the applicant to place a mobile home on a larger lot will not confer any privilege not already enjoyed by existing residents.

Deprivation of Rights

Without the variance, the lot cannot be developed. This will render the property virtually useless.

Minimum Possible Variance

The applicant is not requesting any other variance. The proposed mobile home will meet all setback requirements. This is the least variance needed.

Purpose and Intent

To permit the owner to place a conforming use on the property, meeting all development standards with the exception of the .5 acre parcel requirement, would be consistent with the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated December 10, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Diane Vazquez
20241 Maxim Pkwy.
Orlando, FL 32833

COVER LETTER

To Whom It May Concern,

I am writing this letter to request a variance for the property 631 Belvedere Road Orlando, FL 32820. I purchased the vacant property on July 25, 2018. After purchasing the said property, I then learned the history on it. There used to be a cement home that later was taken down. I also learned that after 1973 the property 518, and 519 were combined into one property being the 631 Belvedere Road Parcel ID# 15-22-32-2336-05-180. The property now measures 144.00'x100.00', setbacks being 10.00'N 50.00'E 15.00'S 35.00'W. It is my intention to put a mobile home on the property meeting the setback requirements. The home was to be placed 10.00'N 69.00'E 64.50'S 35.00'W. The mobile home is 28'x40' being 18' high and 1,120sqft.

After reviewing the R-T-2 site and building requirements prior to 1973 the minimum lot area (sqft) was 6,000, with lot 518, and 519 being combined after 1973 I had to review the R-T-2 site and building requirements after 1973, having a minimum lot area (sqft) of 21,780 ½ acres. With the combined lots I have a total of 14,410 sqft which is .33 acres. I am also able to meet the setback required for the property with the mobile home being 28'x40'. After further research I learned that all the properties surrounding mine have the same lot sizes, and have mobile homes already existing on their land. The zoning for my property is in fact zoned for a manufactured home.

Special Conditions and Circumstance: The mobile home that I intend to put on the property meets all zoning/setback requirements except the minimum lot area. Zoning requires (R-T-2 after 1973) 21,780 ½ acre, I currently have 14,410 .33 acre. The property before 1973 was two separate lots 518 and 519 they were then combined sometime after 1973, therefore not allowing me to make the requirements for the minimum lot area. My surrounding neighbors have the same property size as I do, and they have mobile homes on their properties as well. I am uncertain if their property history has the similar circumstances as mine.

Not Self-Created: When I purchased the property on July 25, 2018 the property was as is, I have not made any modifications to the property since purchasing.

No Special Privilege Conferred: As I mentioned previously other homeowners on my street have the same lot size being 144.00'x 100.00'. I am unsure if the

surrounding neighbors are the original homeowner or if any modification were made allowing them to meet the required minimum lot area.

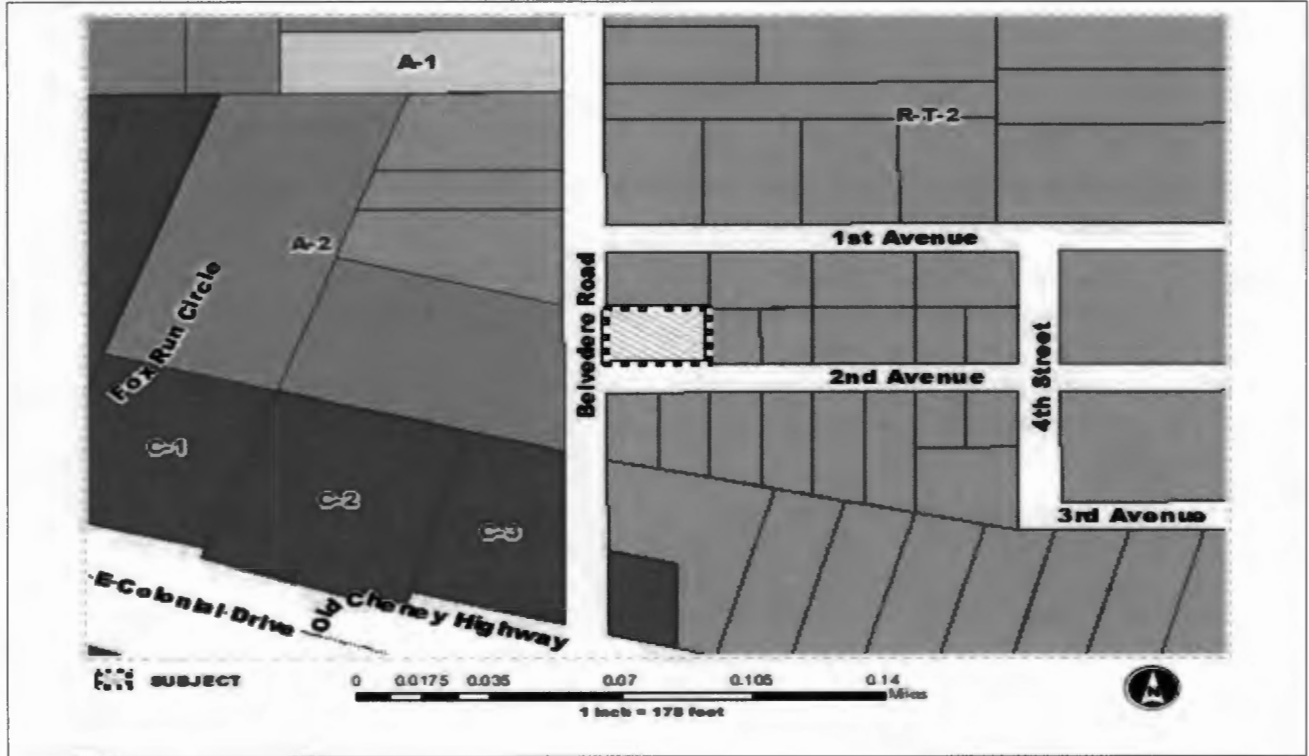
Minimum Possible Variance: I am requesting the variance so that I may continue the process of building my future home on my property. By not meeting the minimum lot area requirements I will not be able to put my purchased mobile home on my property. I am asking for the approval of the minimum lot area to be waived, in doing this I will still be able to meet all the setback/zoning requirements.

Purpose and Intent: It is my intentions to build my mobile home in a safe and orderly development. We will have a contractor pull all the appropriate permits and make sure everything is according to code.

I am kindly asking for this Variance so that I can have my future home placed on this property. I have already begun the process by purchasing my mobile home. I wasn't aware until my contractor notified me about the requirements zoning had before he could pull any permits for my property. With all the research that I have done I have learned that 631 Belvedere Rd is zoned for a trailer with the mentioned setbacks previously. I can provide any further information needed upon request. You can contact me by phone at: (321) 303-9042 or via email at:

watersoftenersolutionsinc@yahoo.com

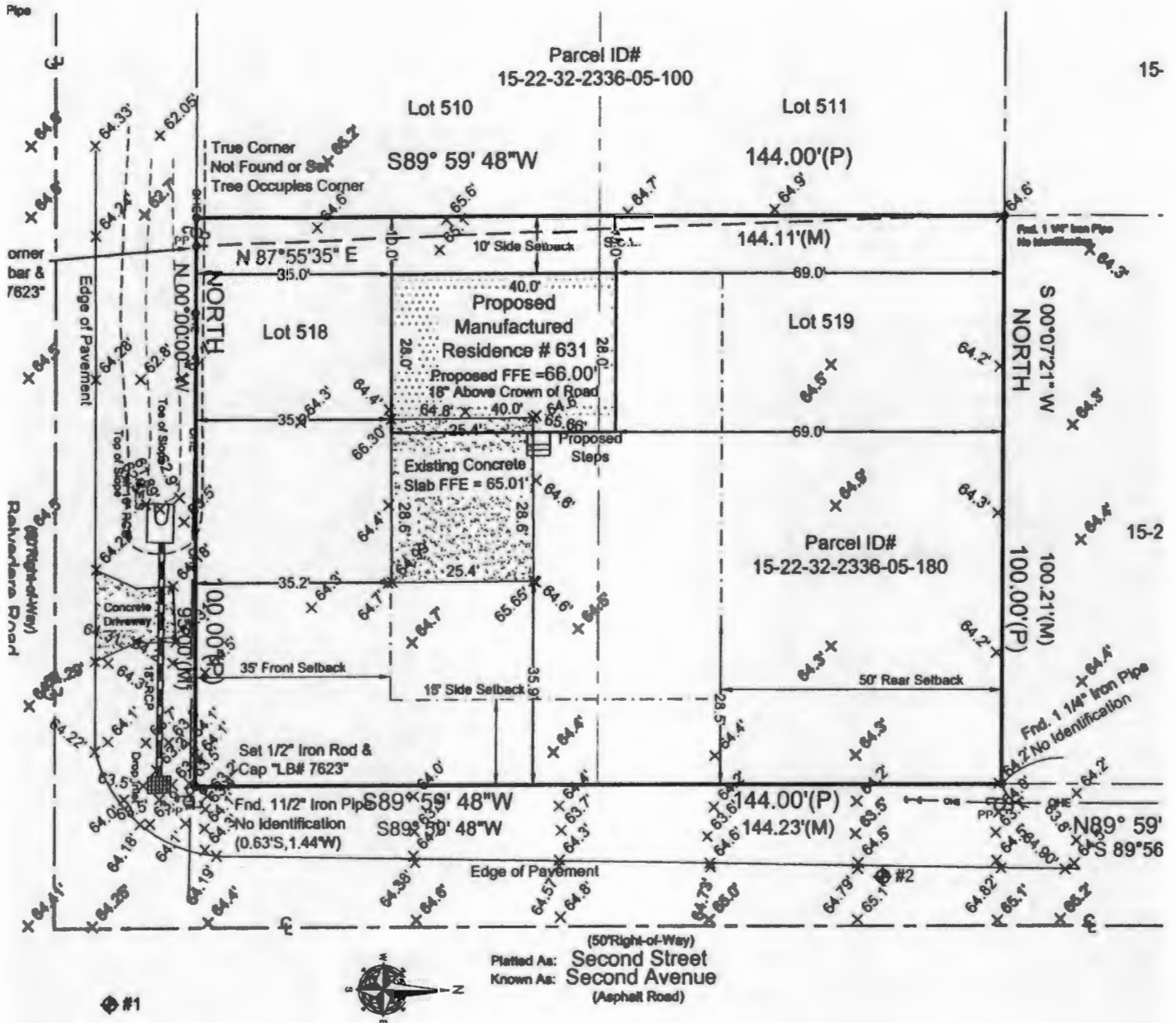
ZONING MAP



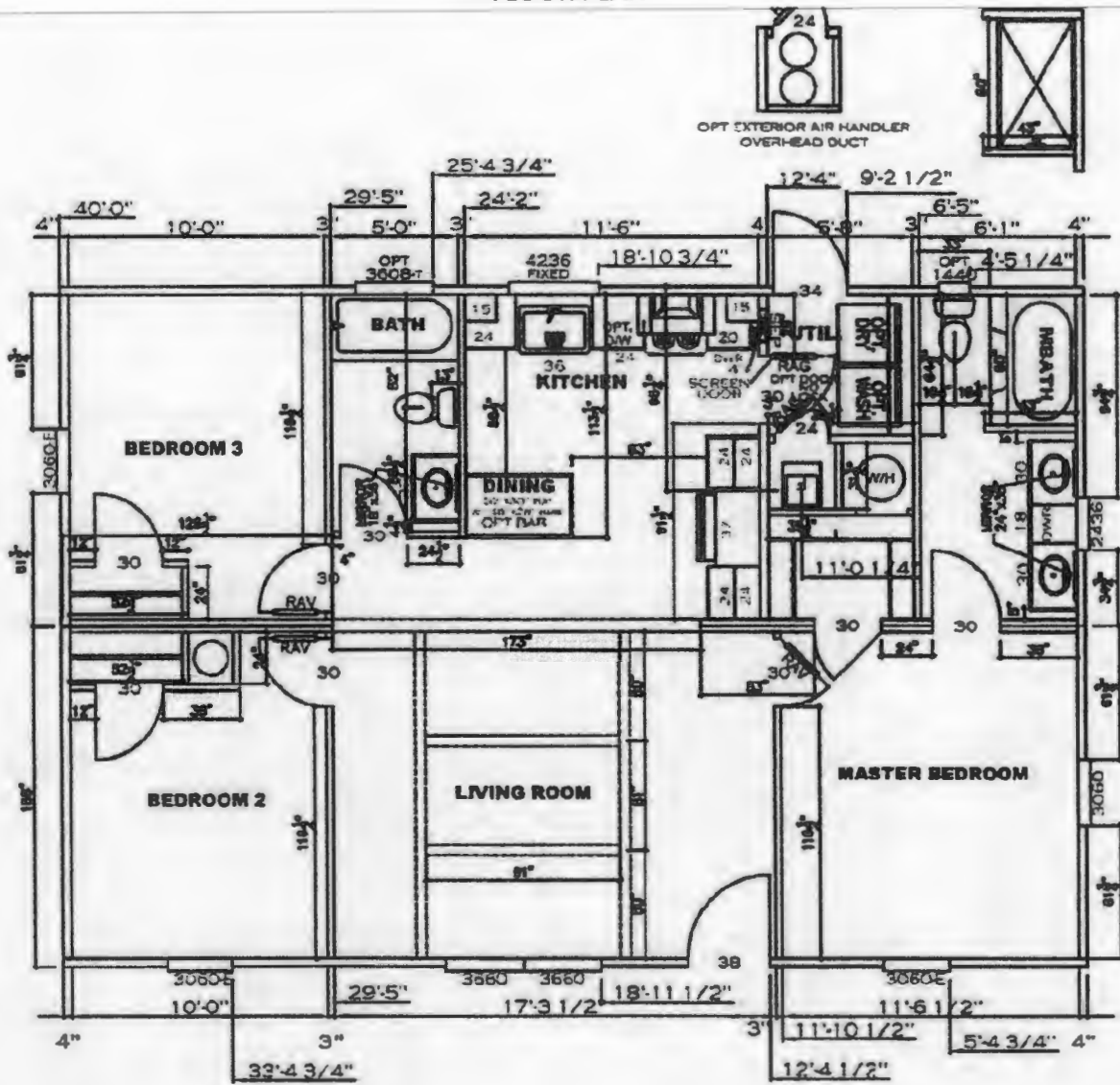
AERIAL MAP



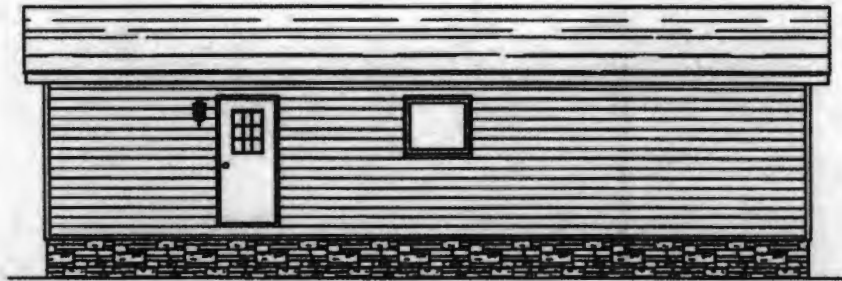
SITE PLAN



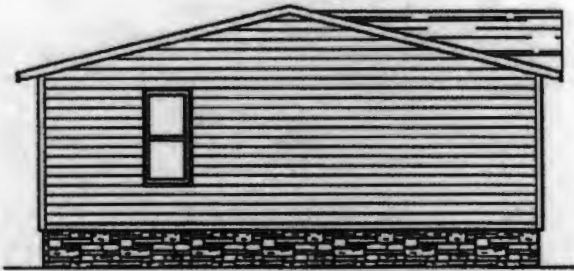
FLOOR PLAN



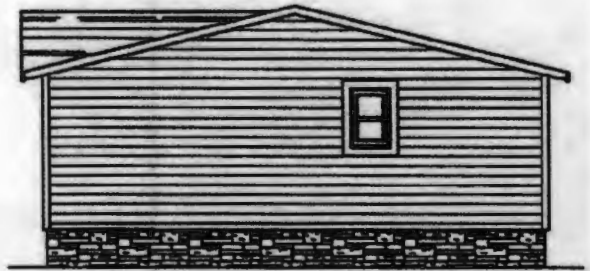
ELEVATIONS



REAR ELEVATION



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION



FRONT ELEVATION

1,083 SQ.FT. (STD)

SITE PHOTOS



Subject Property Looking East



Subject Property Looking Northeast

SITE PHOTOS



Property to the North Looking Northeast



Property to the East Looking East

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 06, 2020**

Case Planner: **David Nearing, AICP**

Case #: **SE-20-02-164**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): OCOEE CHURCH OF GOD (THOMAS ODOM)

OWNER(s): PASTOR THOMAS ODOM

REQUEST: An amendment to an existing Special Exception in the R-2 zoning district to allow for up to 175 students for a K-12 school and add two additional modular buildings for classrooms.

PROPERTY LOCATION: 1105 N. Lakewood Ave., Ocoee, FL 34761, east side of N. Lakewood Ave., between 16th Ave. and 17th Ave.

PARCEL ID: 08-22-28-5956-01-030, 08-22-28-5956-01-050, and 08-22-28-5956-01-120

LOT SIZE: 300 ft. x 400 ft./2.75 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 86

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

1. Development in accordance with the site plan dated December 11, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall submit construction plans through the commercial site plan review process within 3 years of final approval by Orange County, or this approval is null and void.
5. The modularity shall be fitted with skirting to conceal the understorey from the bottom of the frame to the natural grade.

6. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
7. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met.
8. Consolidate parcels 08-22-28-5956-01-050 & 08-22-28-5956-01-030 under one parcel identification number.

SYNOPSIS: Staff described the history of the property, including prior Special Exceptions to add modular classrooms, increase enrollment, and convert an existing single family home to a day care. They explained that one of the new modular buildings will replace some of the existing classrooms in the sanctuary building, and provide additional capacity for the school increasing enrollment. Currently, the property consists of three (3) separate properties. Staff is recommending that the two large properties be consolidated under one parcel number. Eventually, the third parcel will be combined as well. Staff noted that they had received two (2) correspondence from adjacent property owners in support, and no correspondence in opposition.

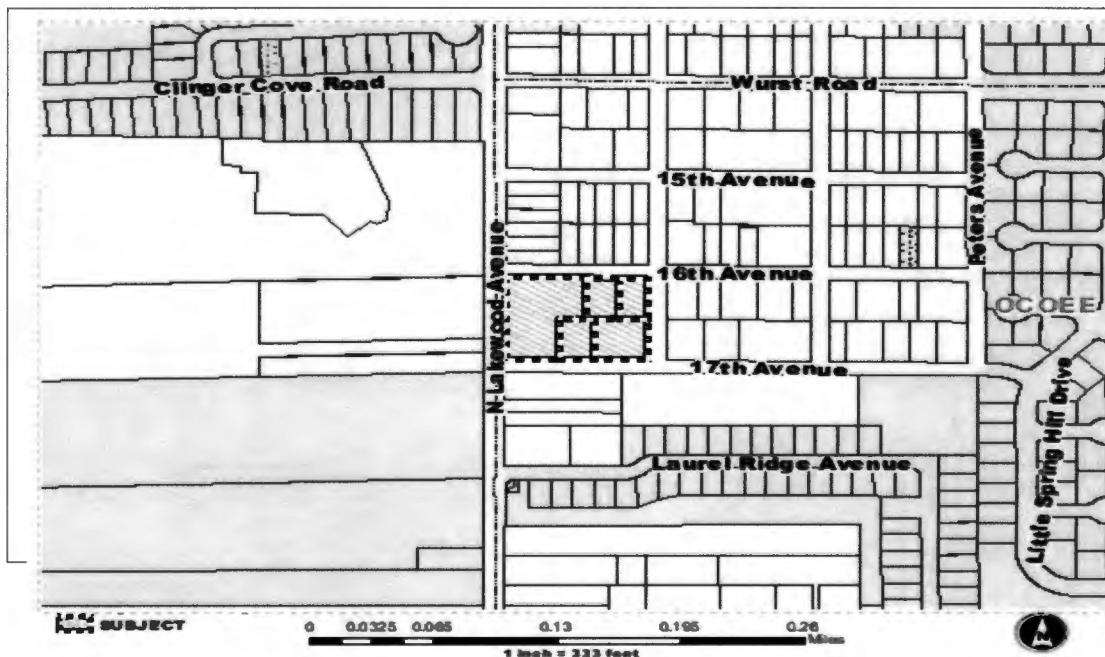
The applicant indicated their agreement with the staff recommendation and conditions. There being no one in the audience to speak in favor or opposition to the request, the public hearing was closed.

The BZA unanimously recommended approval of the amendment to the Special Exception, subject to the eight (8) conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-2	R-2	R-2	R-2	A-1
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Church Sanctuary, Modular Classrooms, Daycare/Pre-school & Single Family Residence	Single Family Residences	Single Family Residences	Single Family Residences	Single Family Residences

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is located in the R-2, Residential District, which allows single-family homes, multifamily development, and associated accessory structures. Other institutional uses such as religious institutions, and public and private schools are permitted through the Special Exception process.

The applicant owns the entire block, which is made up of three (3) separate parcels. The first parcel, which is where the two new modular buildings will be located, consists of 1.12 acres, and is developed with a former single family residence that was converted to a three (3) room daycare facility through B17901413 and B17902603. The structure, which was constructed in 1947, contains a total of 2,304 sq. ft. of gross floor area.

The second parcel is located to the west of the subject property and consists of a 1.29 acre property developed with a sanctuary, four (4) modular classrooms, a 2,720 sq. ft. fellowship hall, and parking. The sanctuary was constructed in 1950 and the fellowship hall was built in 1983.

The initial Special Exception that permitted the church was granted on October 20, 1964. In 2009, the applicant obtained approval of SE-09-08-011, which approved the site for a 35 student daycare and a 35 student K-12 school. In 2014, the applicant obtained approval to install three (3) of the modular classrooms through SE-14-06-025. In 2016, the fourth modular classroom was approved, and the capacity of the daycare and school was increased to 95 students through SE-16-04-026. In 2017, the Special Exception (SE-17-03-010) which approved the daycare on the subject property also increased the total capacity of the daycare and school to 140 students. This property was acquired by the applicant in 2011.

The third parcel is a 15,002 sq. ft. lot located on the north side of 17th Avenue, between the two (2) larger parcels. It is developed with a single family residence constructed in 1981, containing a total of 2,889 sq. ft. of gross floor area.

The applicant is now in the process of developing a comprehensive master plan for the campus, which will ultimately include expansion of the support facilities for the overall operation. In anticipation of this, they are requesting one (1) of the new modular buildings to replace two (2) smaller classrooms in the fellowship hall and to use the other to reduce some classroom size and accommodate the increase in students.

Parking for schools is based on the number of classrooms for K-8 and the number of students for grades 9-12. With 11 classrooms, at four (4) spaces per classroom, that would equate to 44 parking spaces. Parking for a high school is one (1) space per 3 students. With 18 high school students, six (6) additional spaces are required for a total of 50 spaces. There are 48 standard spaces and two (2) handicap spaces for a total of 50 spaces on site.

Historically, since the applicant owns both large parcels, and they are all used for the overall church/school campus, the internal parcel lines have been ignored. The third parcel containing the single family residence is also owned by the applicant, however, it is not yet integrated into the campus, as it is being used as collateral for a loan, and must remain separate. Staff is recommending that the applicant consolidate the two (2) large parcels under one (1) parcel identification number. At such time as the loan is retired, the single family lot also needs to be consolidated with the main parcel.

As of the preparation of this staff report, staff had not received any correspondence regarding this application.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	25 ft.
Min. Lot Width:	45 ft.	300 ft.
Min. Lot Size:	4,500 sq. ft.	2.75 ac.

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

	Code Requirement	Proposed
Front:	25 ft.	40 ft. (Greenwood Ave.)
Rear:	25 ft.	N/A
Side:	6 ft.	N/A
Sidestreet:	15 ft.	106 ft. (16 th Ave.)/135 ft. (17 th Ave.)

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The Comprehensive Plan provides that certain institutional uses are consistent with residential Future Land Use designations through the Special Exception process, this includes religious institutions, daycares, and, public and private schools.

Similar and compatible with the surrounding area

A religious institution has existed in this location since 1964 and a school has been operating since 2009.

Shall not act as a detrimental intrusion into a surrounding area

The applicant owns the entire block and has no plans to expand beyond that; therefore, they will not be a detrimental intrusion into the neighborhood.

Meet the performance standards of the district

The applicant is complying with all siting criteria and providing the required parking.

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

No activity takes place on the property that would generate vibration, dust, odor, glare or heat and increases in noise only occurs during recess periods and are limited to children at play.

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

The applicant will provide the required landscaping.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated December 11, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall submit construction plans through the commercial site plan review process within 3 years of final approval by Orange County, or this approval is null and void.
5. The modularity shall be fitted with skirting to conceal the understorey from the bottom of the frame to the natural grade.
6. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
7. If the school converts to a charter school then all requirements of the new school siting ordinance

(Ordinance No. 2017-06), shall be met.

8. Consolidate Parcel I.D.s 08-22-28-5956-01-050 and 08-22-28-5956-01-030, under one (1) parcel identification number.

c: Pastor Thomas Odom
1105 N. Lakewood Ave.
Ocoee, FL 34761

COVER LETTER



Church of God

Rebuilding lives from the inside out!

1105 N. Lakewood Avenue · Ocoee, FL · 34761 · p: 407-656-8011 · f: 407-656-8028

December 11, 2019

Orange County Zoning Division

Re: Ocoee Church of God Special Exception

To Whom It May Concern:

In 2009, Ocoee Church of God received a special exception to operate a private school and child care facility. Since then, the church has been able to minister to our community by providing the option of affordable private education through our school, Light Christian Academy. Due to increasing enrollment, we applied for and received a special exception in 2014 to add three modular buildings to our campus in order to provide additional space. In 2016, we received a third special exception, allowing us to add a fourth modular building and increase capacity to 95 students. In 2017, we received another special exemption, allowing us to convert a single family residence into a school building with two classrooms and increase capacity to 140 students. Currently, there are 9 classrooms on site.

We are now seeking a special exception to add two additional modular units consisting of a total of four classrooms. The addition of these four classrooms would provide us an increase of 2 classrooms (11 classrooms total), as we intend to relocate two classrooms from our current main building to these modular units. There will be no change to our hours of operations. There will be no change in the age of students served; we will continue to be a K3-12th grade school. We also request an increase of our capacity from 140 students to 175 students.

Our current property already contains sufficient parking to accommodate the addition of these modular units. With a total of 11 classrooms, a minimum of 44 parking spaces would be needed. With up to 15 high school students, an additional 6 parking spaces would be needed. The existing campus includes 50 parking spaces, including 2 handicap spaces.

Ocoee Church of God has been in existence at this location for more than 50 years and is an established part of the neighborhood. To our knowledge, we have not had any code enforcement complaints filed against us. As shown on the proposed site plan, the use is completely contained and all outdoor play areas are internal to our campus. Additionally, these modular units will connect via sidewalks to our existing structures.

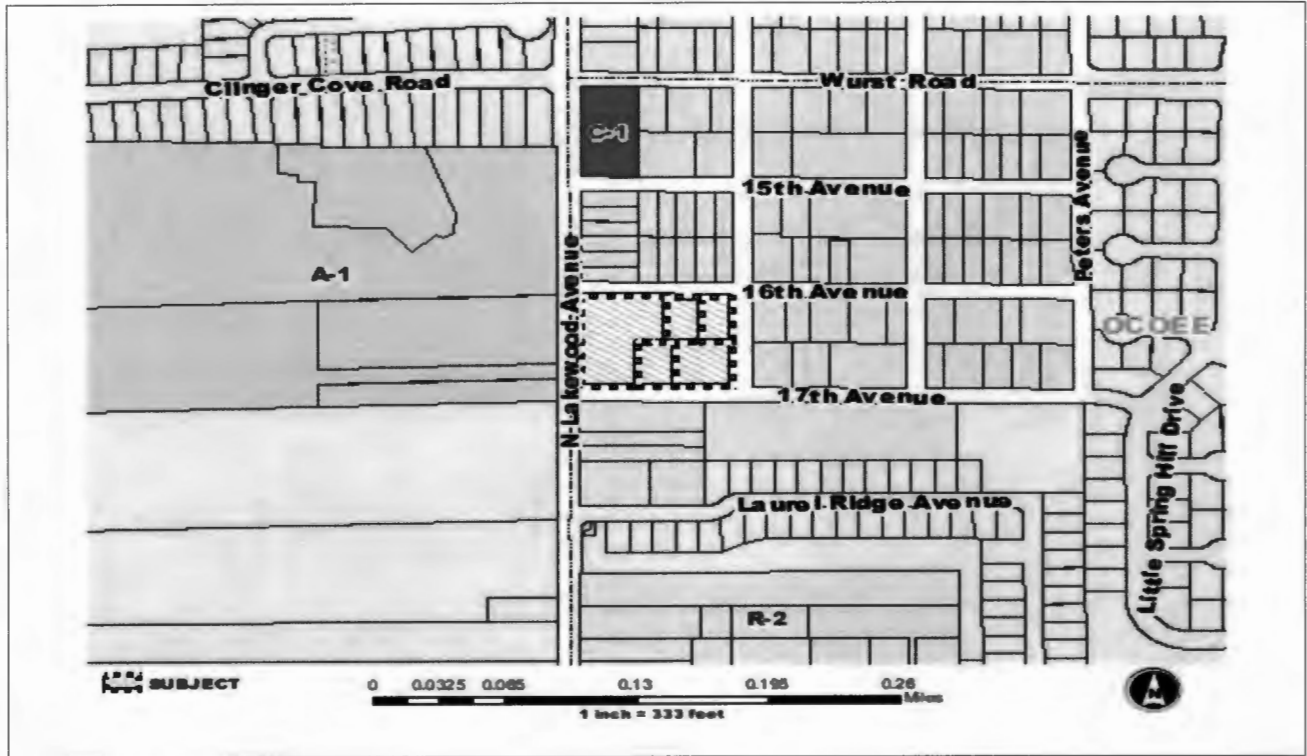
Our future plans consist of working with our engineering firm to create a master site plan for the next phase of Ocoee Church of God. We believe that the placement of these two modular units brings us to the completion of a season, and it is now time for us to determine the next steps for our future.

Thank you for your consideration. If you have any further questions, please feel free to contact me at the church office by calling 407-656-8011 or on my cell phone by calling 407-509-7852.

Sincerely,

Bishop Thomas Odom, Lead Pastor

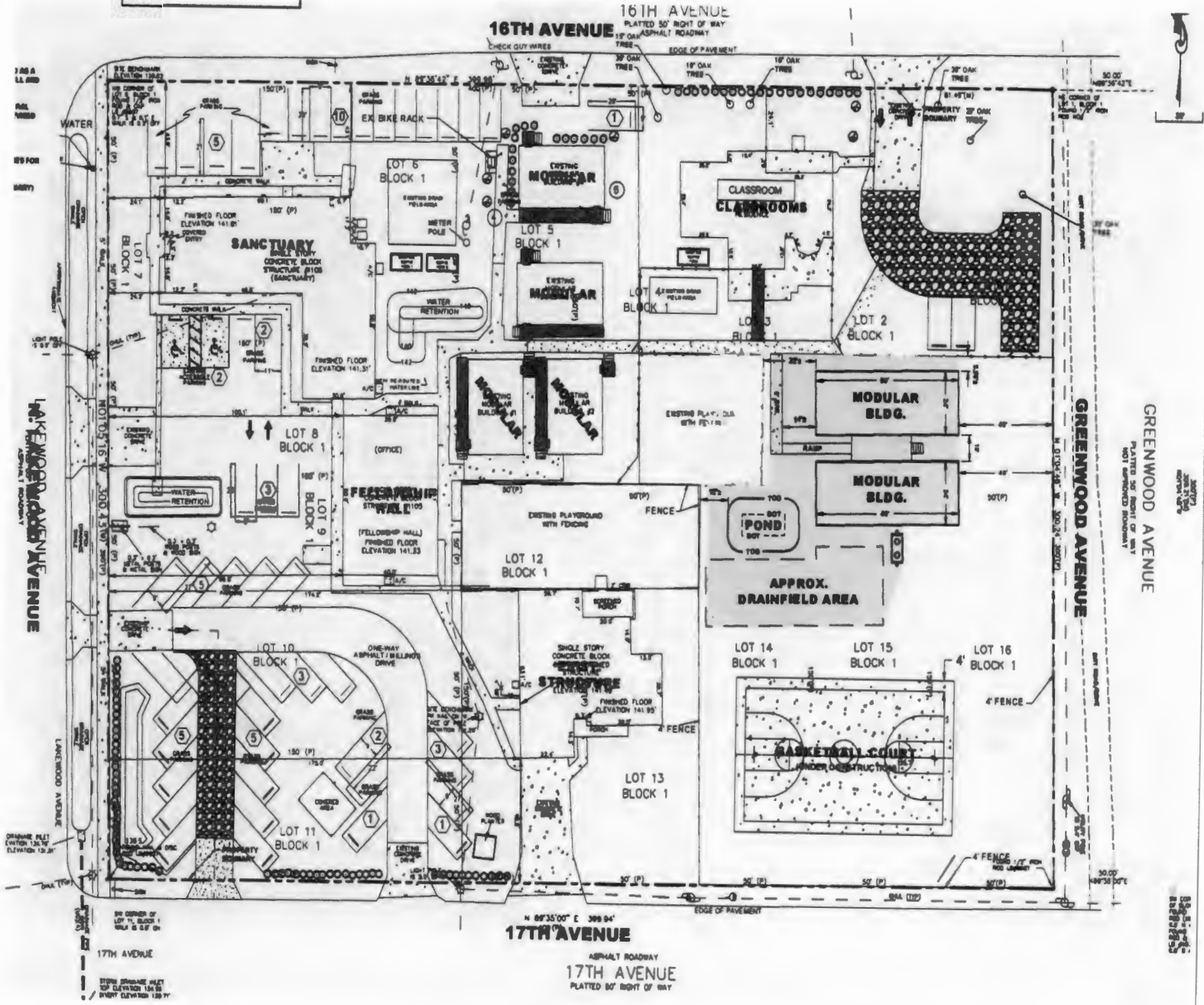
ZONING MAP



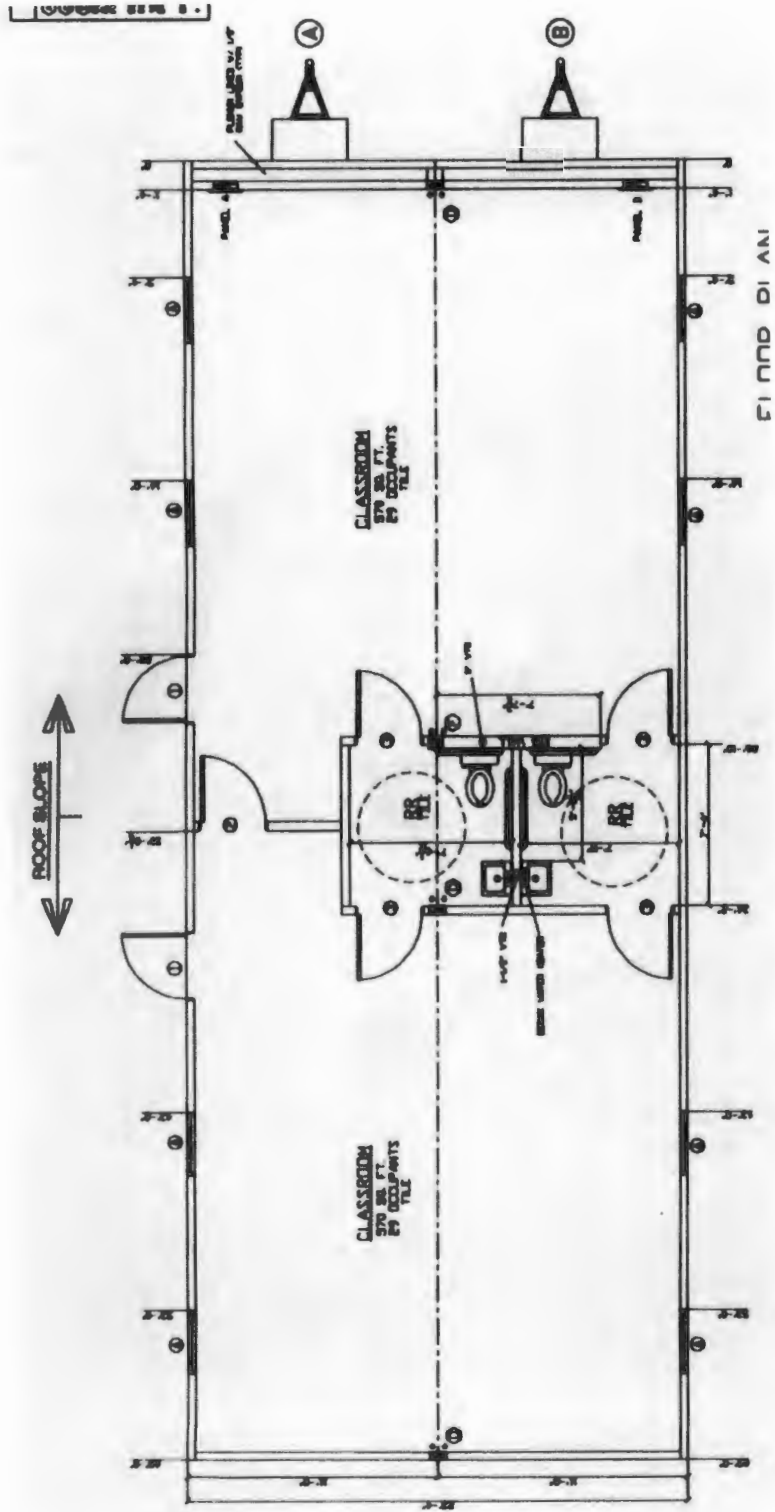
AERIAL MAP



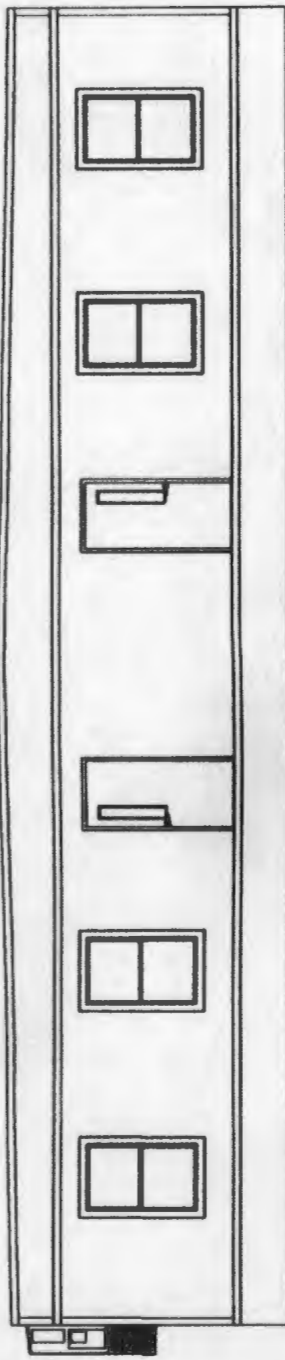
SITE PLAN



FLOOR PLAN



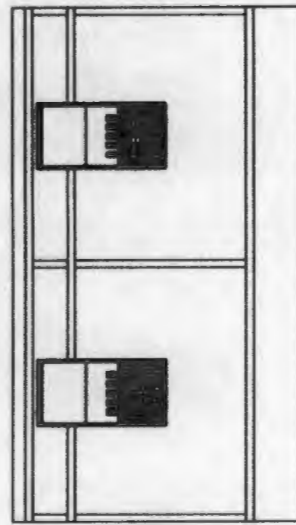
ELEVATIONS



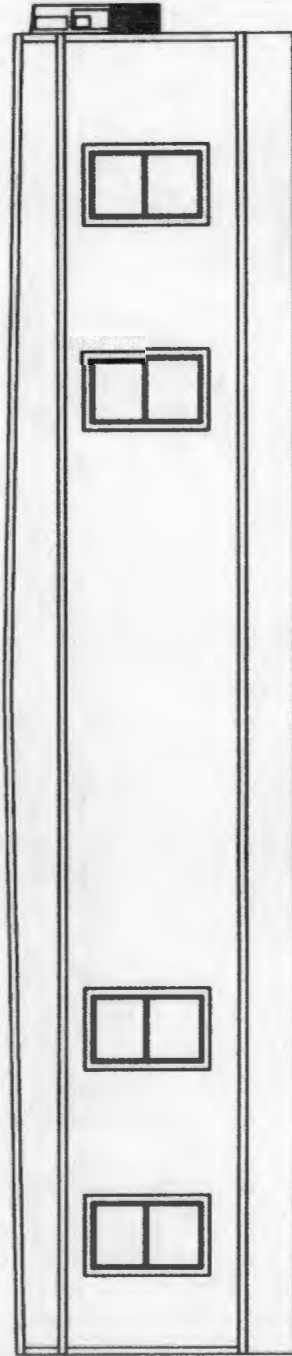
FRONT ELEVATION
2015 10-27-17



RIGHT ELEVATION
2015 10-27-17



LEFT ELEVATION
2015 10-27-17



BACK ELEVATION
2015 10-27-17



SITE PHOTOS



Proposed Modular Location from 17th Ave. Looking North



Proposed Modular Location from Greenwood Ave. Looking West

SITE PHOTOS



View of the Modular Location from Greenwood Ave. Looking Northwest



View of the Church Campus from Greenwood Ave. Looking West

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 06, 2020**

Case Planner: **David Nearing, AICP**

Case #: **VA-20-02-165**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): JEFFREY SOBEK

OWNER(s): JEFFREY S. SOBEK REVOCABLE TRUST

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

- 1) To allow an existing residence to remain 5.4 ft. from the south side property line in lieu of 10 ft.
- 2) To allow a second story addition to an existing one-story home at 5.4 ft. from the south side property line in lieu of 10 ft.
- 3) To allow a pool deck at 21.5 ft. from the rear yard setback in lieu of 50 ft.
- 4) To allow a pool at 27.3 ft. from the rear yard setback in lieu of 50 ft.
- 5) To allow a pool deck at 21.5 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
- 6) To allow a pool at 27.3 ft. from the NHWE in lieu of 50 ft.
- 7) To allow a detached accessory structure to remain with a side (south) setback of 5 ft. in lieu of 10 ft.

PROPERTY LOCATION: 12036 Sandy Shores Dr., Windermere, FL 34786, east side of Sandy Shores Dr., on the west shore of Lake Butler

PARCEL ID: 24-23-27-7808-00-052

LOT SIZE: 46 ft. x 286 ft. (avg.)/.27 acres

NOTICE AREA: 1000 ft.

NUMBER OF NOTICES: 495

DECISION: Recommended **APPROVAL** of Variance requests # 1, 2 & 7, and a lesser Variance of 23.5 ft. for #3 & 5, and 29.3 ft. for #4 & 6 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 December 11, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of

development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain permits for the garage within 180 days of final action on this application by Orange County or this variance is null and void.
5. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the pool deck is no closer than 23.5 feet and pool no closer than 29.3 feet from the normal high water elevation of Lake Butler.

SYNOPSIS: Staff explained the history of the property, including the fact that in 1967, the County administratively rezoned the property from A-1, R-1 and R-1A to R-CE. The rezoning resulted in 10 ft. side setbacks, which made both the house and the garage nonconforming structures. The variances for the existing structures will ensure that they can be rebuilt if necessary and the variance for the 2nd story addition will allow the side wall to follow the same line as the 1st floor wall. Staff recommended a reduction of seven (7) ft. from the overall length of the combined improvement for the deck and pool. Staff noted that it had received three (3) correspondences in support, two (2) in opposition, and one (1) via telephone, which agrees with a reduction in the overall length of the deck and pool, but would like more stringent water quality protection than normal.

The applicant's agent explained that the issue with reducing the deck between the house and pool was one of space. They contended that due to the narrowness of the lot and house, reducing the patio to a depth of 10 ft. would leave little room if a table and chairs were placed there. They offered to reduce the depth of the deck to 15 ft., which would result in setbacks of 23.5 ft. for the deck and 29.3 ft. for the pool from the rear property line and NHWE. The applicant noted that they have two (2) young children and reducing the depth of the deck to 10 ft. would leave less room for play and safety. They were also offering to install a swale to collect the runoff from the patio.

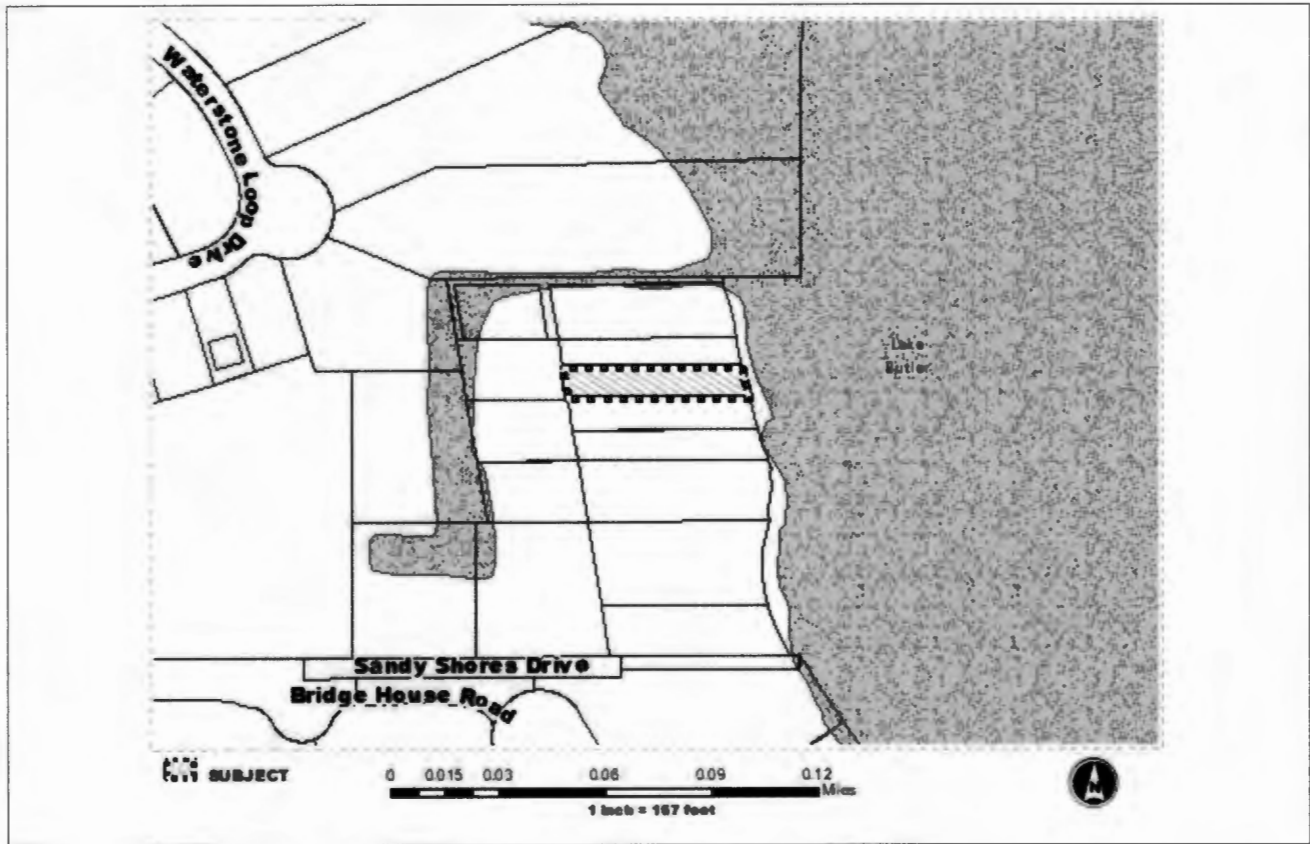
There being no one present to speak in favor or opposition to the request, the public hearing was closed.

The BZA discussed the design and concluded that the applicant's compromise would increase the separation distance, but leave the applicant with sufficient room. The BZA unanimously recommended approval of Variances #1, #2 and #7 as proposed, and for reduced variances of 23.5 ft. for Variances #3 and #5, and 29.3 ft. for Variances #4 and #6, subject to the five (5) conditions recommended by staff, including Condition #5 as amended.

STAFF RECOMMENDATIONS

Approval of variances 1, 2, & 7, and recommendation of a lesser variances for 3, 4, 5, & 6, to allow for the pool deck to be 28.5 ft. from the rear property line and NHWE, and the pool to be 34.3 ft. from the rear setback and NHWE, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-CE	R-CE	R-CE	Lake Butler	R-CE
Future Land Use	RS 1/1	RS 1/1	RS 1/1	Lake Butler	RS 1/1
Current Use	Single family residence	Single family residence	Single family residence	Lake Butler	Single family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The property is located in the West Windermere Rural Settlement. Rural settlements are areas of the County identified in the Comprehensive Plan that recognize and preserve existing development patterns, provide for a rural residential lifestyle, and strive to manage the transition of rural areas to urbanizing areas. Rural

Settlements typically limit the types of commercial development that can occur and seek to limit density to maintain the rural character of the area.

The subject property is a .27 acre property comprised of the south half of Lot 5 of the Sandy Shores plat, recorded in mid 1952. It is developed with a single family residence, built in 1958, containing 1,591 sq. ft. of gross floor area. The property also contains a detached two-car garage. There are no permits for the garage, and the Orange County Property Appraiser's data does not indicate what year the garage was built. However, a review of historic photos reveals that the garage has existed since at least 1971.

The applicant, who purchased the property in May 2018, intends to construct a second story addition to the home. The addition will add over 1,000 sq. ft. of living space to the home. A variance is needed for the addition to follow the existing building line upward, due to the fact that the house was constructed 5.4 feet from the side (south) property line, where 10 feet is required.

The applicant also wishes to construct a pool and deck, which will encroach into the required 50 ft. rear setback and the 50 ft. Normal High Water Elevation (NHWE). The code requires that any improvements in a rear yard of a lakefront lot such as sheds and pools must remain outside of the rear setback, as opposed to inland lots, where such improvements can go to within five (5) feet of a rear or side property line.

The proposed pool and deck consist of a 17 ft. patio between the house and the pool, then a spa and pool with a combined width of 20 feet and finally a six (6) ft. wide deck between the pool and sea wall for a total of 43 feet. This requires a 58% deviation from the rear and NHWE setbacks for the deck at the end of the pool.

Reducing the deck between the house and the pool by seven (7) feet would allow for a minimum 10 ft. patio between the house and pool, then pool and six (6) ft. deck, or that patio could be reduced to 15 feet, with a one (1) ft. deck on the east side of the pool. Either option would allow for a reasonable sized deck area while also reducing the amount of variance needed. By reducing the total deck area by seven (7) feet, the total would be reduced to a deviation of 44%.

Code allows detached accessory structures to be located in front of the principle structure as long as the principal structure is located entirely in the rear 50% of the lot, which is the case for the subject property. However, the accessory structures must respect all required setbacks for the principal structure, as opposed to accessory structures in rear yards, which may be as close as five (5) feet to a rear or side property line. In this case, the side setback for a side yard in the R-CE zoning district is 10 feet. The garage needs a variance to remain five (5) feet from the side property line.

In early 1967, Orange County administratively rezoned the subject property and other properties around Lake Butler from A-1, R-1, and R-1A to R-CE, rendering many, including the subject property, nonconforming. The subject property is only 45+ ft. wide. If the property had previously been zoned R-1, then the garage would not need a variance, and the residence would need a much smaller variance. If the property were zoned R-1A, then much smaller variances would be needed for the garage and addition.

As of the preparation of this report, staff had received three (3) commentaries in favor of this request and two (2) in opposition. One of three (3) commentaries in favor came from an adjacent property owner. One (1) of the commentaries in opposition was received from a property owner on the east side of Lake Butler, the other was a phone conversation.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft. (Home)/25 ft. (Accessory structure)	22 ft. (House) /12 ft. (Accessory Structure)
Min. Lot Width:	130 ft.	45 ft.
Min. Lot Size:	1 ac.	.27 ac.

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

	Code Requirement	Proposed
Front:	35 ft.	107 ft. (Garage)/167 (House)
Rear:	50 ft.	21 ft. (Pool deck)/27 ft. (Pool)
Side:	10 ft.	11 ft. (North)/5 ft. (South)
NHWE:	50 ft.	21 ft. (Pool deck)/27 ft. (Pool)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Given the narrowness of the lot, and the placement of the structures by past owners, the applicant has minimal options in constructing the addition. Had the property not been rezoned, the side setback would be much less, and the required variances greatly reduced.

Not Self-Created

The applicant purchased the property in 2018, and is not responsible for the placement of the house and garage nor did they request the rezoning.

No Special Privilege Conferred

The applicant is attempting to utilize the space that they have available. The neighbor abutting the south property line has a two-story home set even closer to the NHWE. There is no variance identified on that property.

Deprivation of Rights

Without the variance for the second floor, the applicant would be required to move the second floor wall over to comply with the 10 ft. side setback. This will require complicated angles to accomplish the shift. It may also result in an aesthetically less desirable final product. With regard to the setbacks for the pool and deck, the prohibition of constructing in the rear setback on a lakefront lot, and within the NHWE limits the space for a functional pool/deck area. However, a smaller deck can be constructed that will reduce the amount of variance required.

Minimum Possible Variance

Granting the variance to allow the addition in the setback will allow the applicant to construct a similar home to their neighbor's home without the need to make difficult and costly design changes. Without the variance for the NHWE, the applicant will be severely limited to the location, shape and size of the pool, which is compounded by the angle of the shoreline. However, with regard to the pool deck, the requested variances are not the least variances needed. The applicant can reduce the depth of the deck between the house and the spa to 10 feet and still have ample space to have furniture, while reducing the amount of deviation from 58% to 44%.

Purpose and Intent

The granting of the variances for the addition to allow the garage to remain will not impede the integrity of the code, and will meet the purpose and intent. Granting a lesser variance for the setback of the pool deck and pool will increase the amount of green space between the impervious deck and Lake Butler, which may reduce unwanted runoff from the deck.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated December 11, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain permits for the garage within 180 days of final action on this application by Orange County or this variance is null and void.
5. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the pool deck is no closer than 28.5 feet and pool no closer than 34.3 feet from the Normal High Water Elevation of Lake Butler.

C: Sheila Cichra
2154 Oak Beach Blvd.
Sebring, FL 33875



Date: December 11, 2019
To: Orange County Zoning
From: Sheila Cichra
Re: VA-20-02-165 for 12036 Sandy Shores Drive

The attached files are for a variance from the required 50' setback from the NHWE to allow a pool to be constructed in the rear of an existing single family residence.

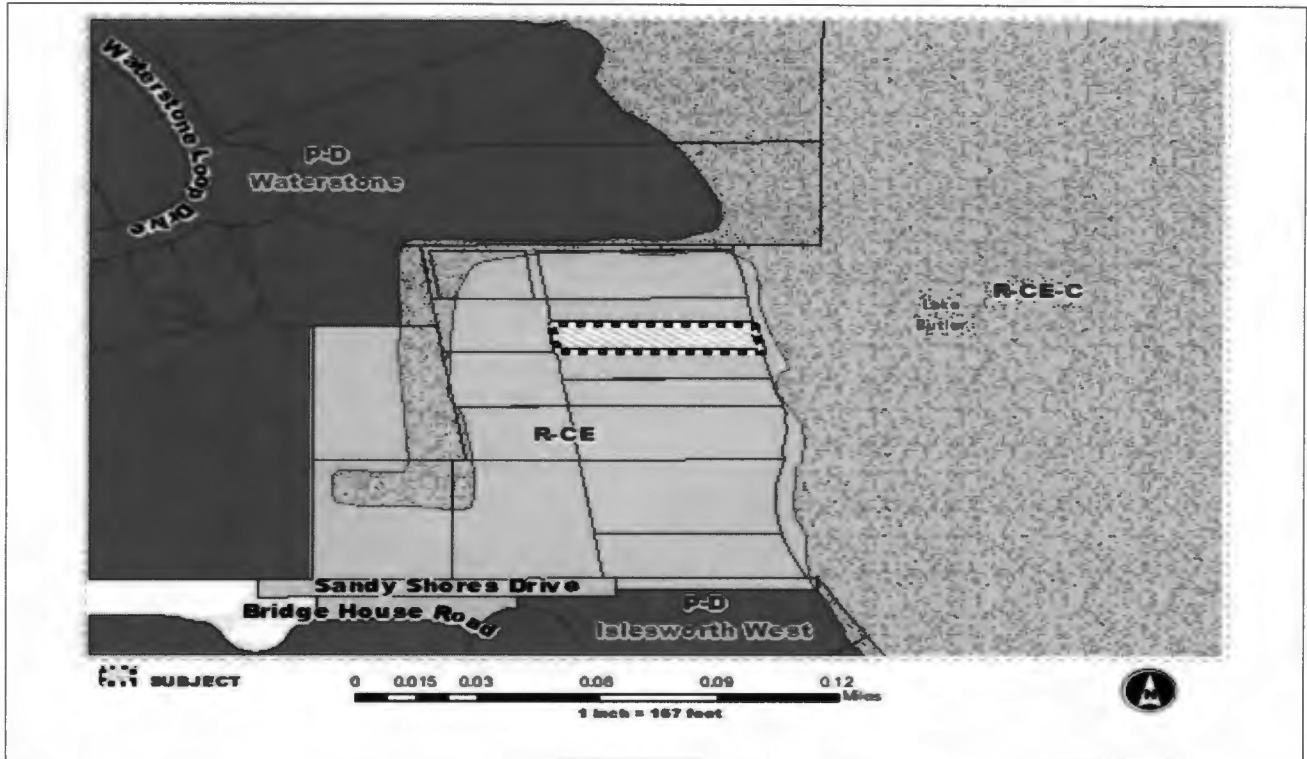
- 1) The house was constructed too close to the water to allow a pool to be built at the required 50' setback.
- 2) The house and pool were constructed by a previous owner.
- 3) Many of the adjacent parcel's pools do not meet the 50' setback.
- 4) There isn't any way to construct a pool and pool deck with the currently required setback of 50'. There wouldn't be any room between the pool and the house for outdoor furniture and safe travel around said furniture.
- 5) We believe that this is the minimum variance request. Anything less would create an unusable and unsafe deck area, due to it's limited size.
- 6) The adjacent property owners have no objection. Letters attesting to this are forthcoming.

Thank you for your consideration.

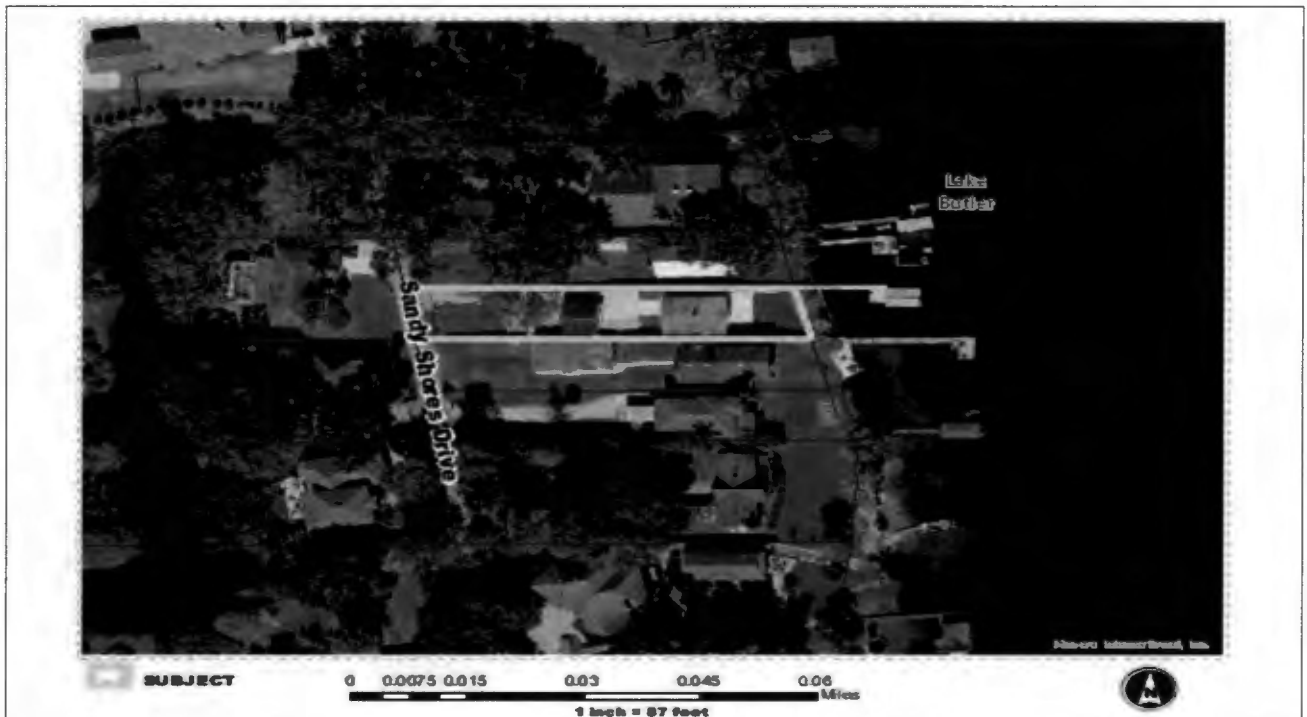
A handwritten signature in black ink, appearing to read "Sheila Cichra".

2154 Oak Beach Boulevard, Sebring, FL 33875 C (407) 450-4241 O (863) 314-6711
sheilacichra@gmail.com

ZONING MAP

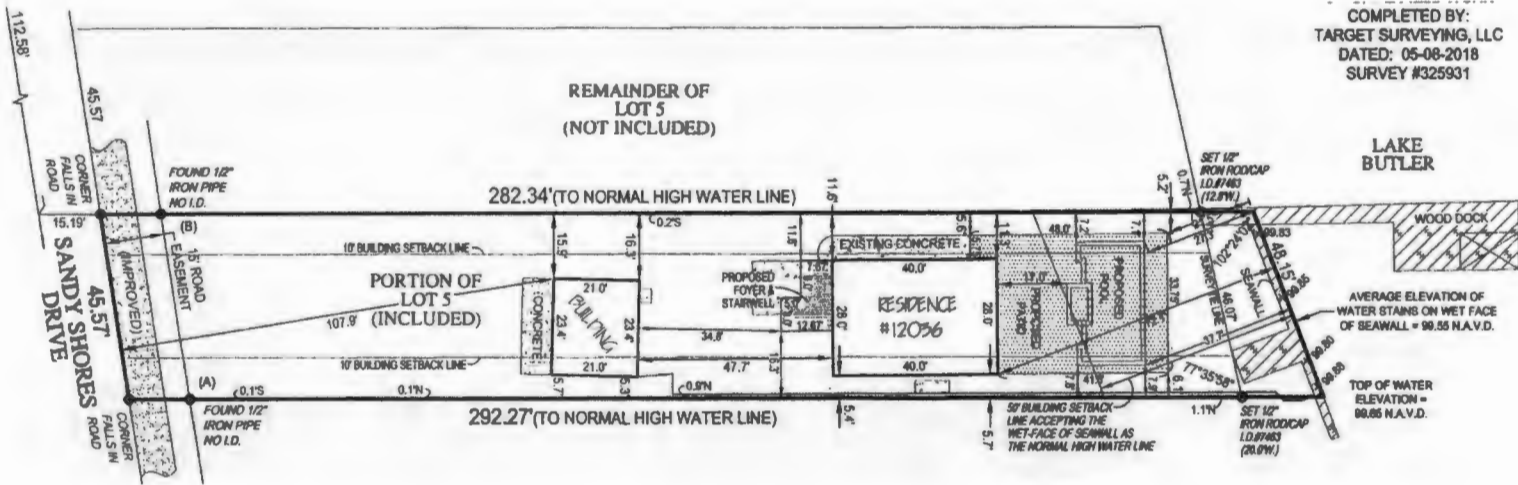


AERIAL MAP

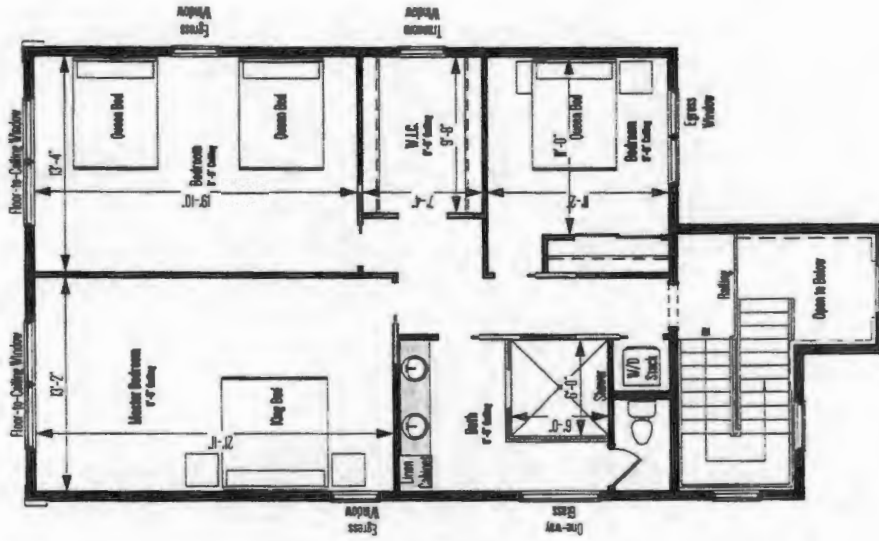


SITE PLAN

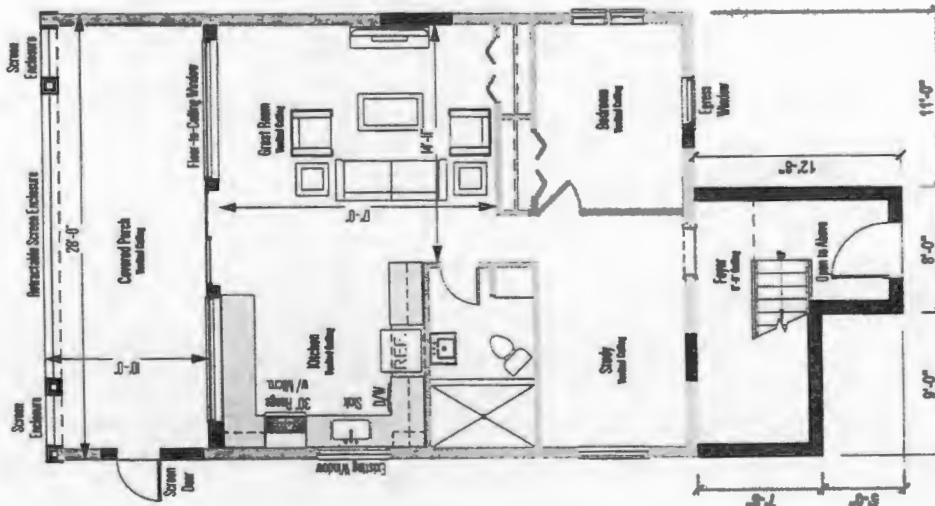
COMPLETED BY:
 TARGET SURVEYING, LLC
 DATED: 05-08-2018
 SURVEY #325931



PROPOSED FLOOR PLANS

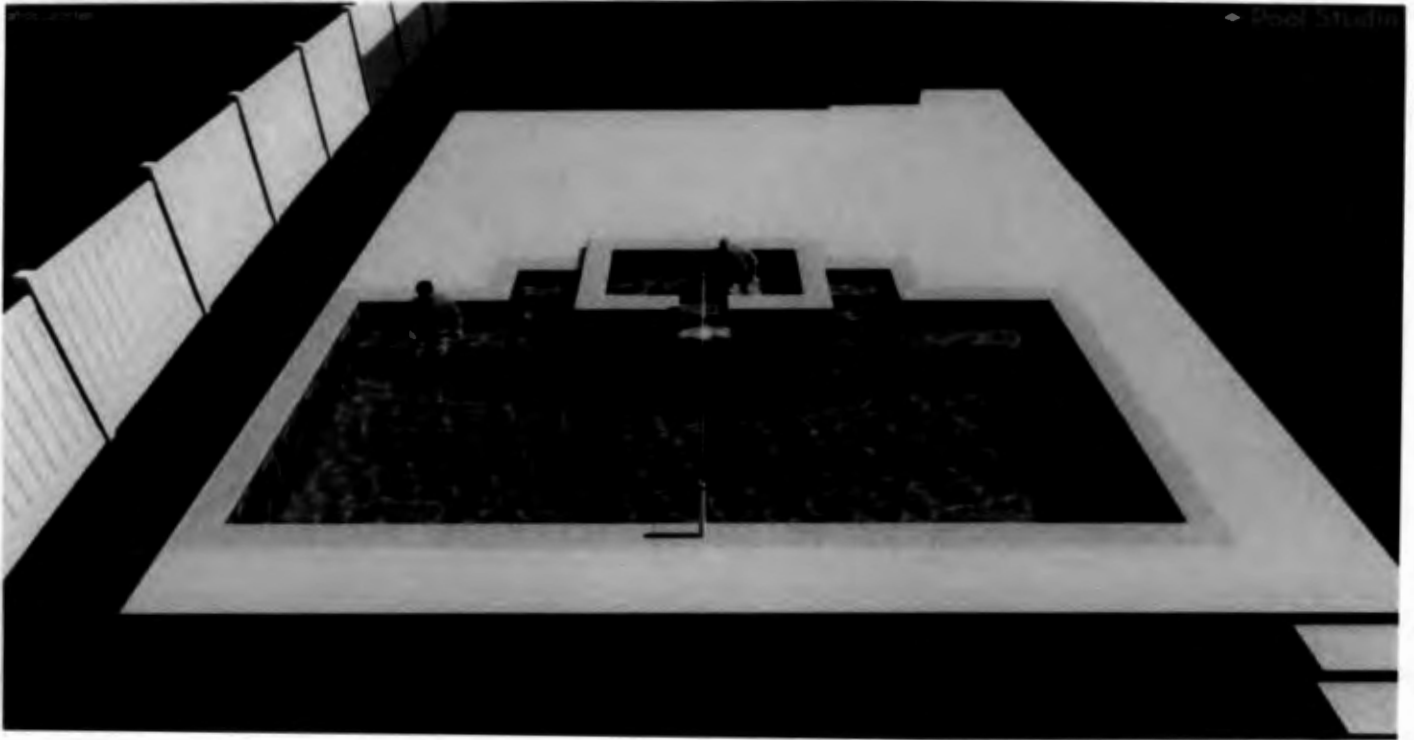


2ND FLOOR PLAN - PROPOSED | SCALE: 1/8" = 1'-0"

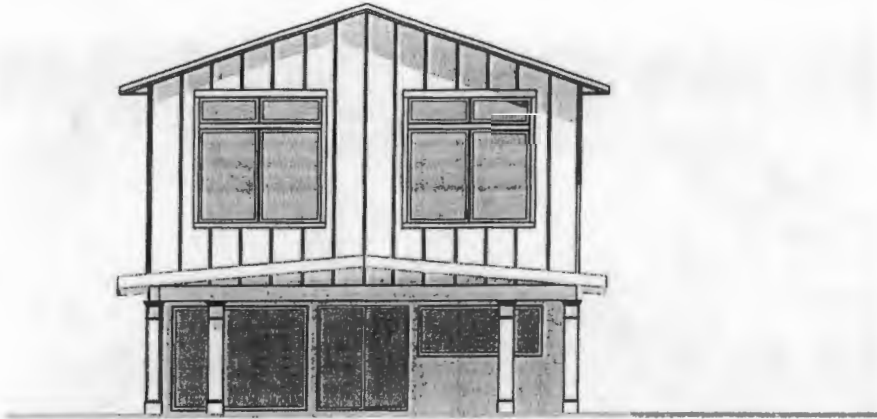


1ST FLOOR PLAN - PROPOSED | SCALE: 1/8" = 1'-0"

POOL LAYOUT



REAR AND FRONT ELEVATIONS

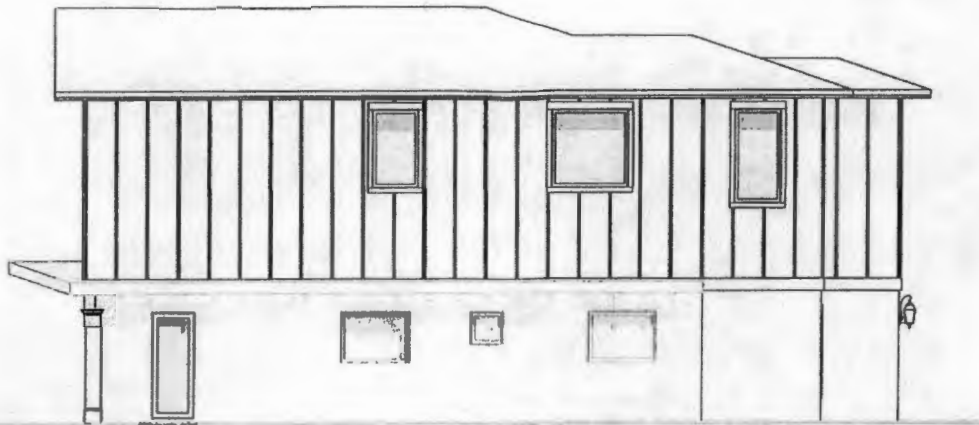


REAR ELEVATION - PROPOSED | SCALE: 1/8" = 1'-0"

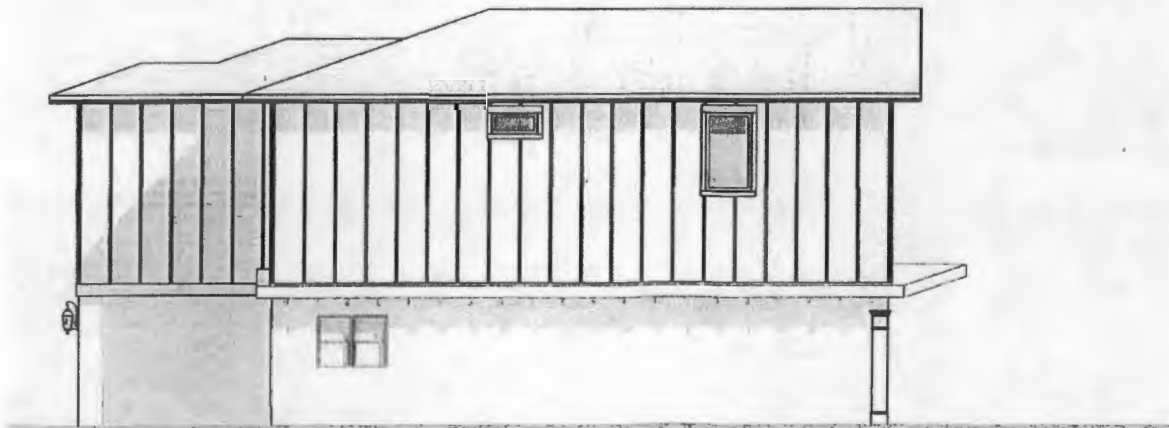


FRONT ELEVATION - PROPOSED | SCALE: 1/8" = 1'-0"

SIDE ELEVATIONS



LEFT ELEVATION - PROPOSED | SCALE: 1/8" = 1'-0"



RIGHT ELEVATION - PROPOSED | SCALE: 1/8" = 1'-0"

SITE PHOTOS



Subject Property & Garage Looking East



Residence Looking East

SITE PHOTOS



Rear Yard Looking Southeast



Rear Yard Looking Northeast

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 06, 2020**

Case Planner: **Nick Balevich**

Case #: **VA-20-02-166**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): RICHARD WAYNE MADDEN

OWNER(s): DANCAT INVESTMENTS LLC

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

1) To replace a pool deck 11 ft. from the Normal High Water Elevation (NHWE) in lieu of 35 ft.

2) To replace a pool 13.6 ft. from the NHWE in lieu of 35 ft.

PROPERTY LOCATION: 9138 Bay Point Drive, Orlando, Florida, 32819, West side of Bay Point Dr., north of Crichton Wood Dr., west of S. Apopka Vineland Rd.

PARCEL ID: 28-23-28-0600-00-200

LOT SIZE: .407 acres

NOTICE AREA: 1,500 ft.

NUMBER OF NOTICES: 99

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

1. Development in accordance with the site plan dated December 11, 2019 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the pool is no closer than 13.6 feet, and deck is no closer than 11 feet from the Normal High Water Elevation (NHWE) of Lake Tibet Butler.

SYNOPSIS: Staff gave a presentation on the case covering the location of the property, the site plan, and photos of the site. The applicant had nothing to add.

Staff received four (4) commentaries in favor of the application and none in opposition to the application.

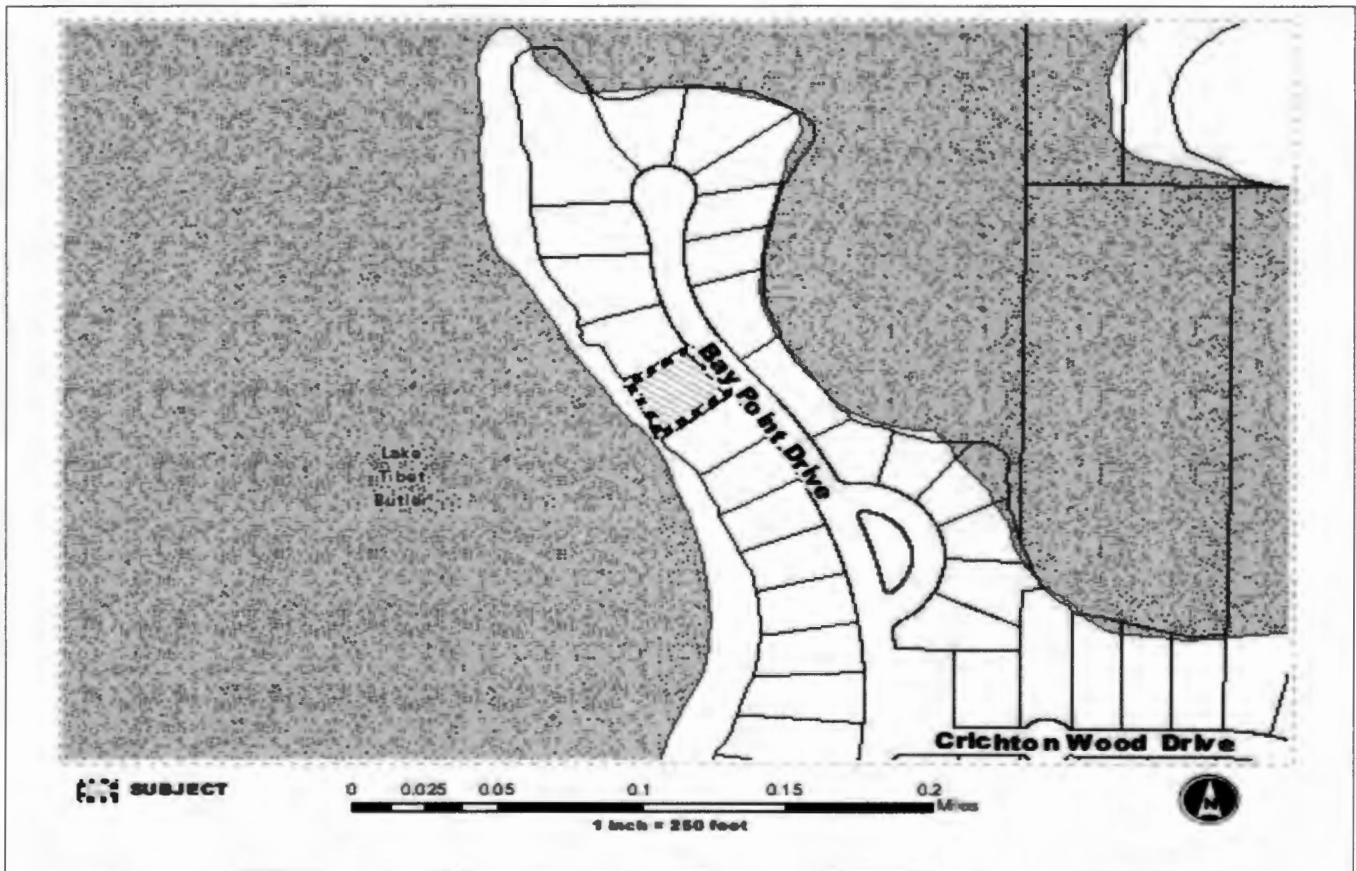
There being no one present to speak in favor or opposition to the request, the public hearing was closed.

The BZA unanimously recommended approval of the variances, subject to the four (4) conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1AA	R-1AA	R-1AA	R-1AA	R-1AA
Future Land Use	R	R	R	R	R
Current Use	Single Family Residential	Single Family Residential	Single Family Residential	Single Family Residential	Lake Tibet Butler

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned R-1AA, Single Family Dwelling district, which allows single family homes and associated accessory structures on lots a minimum of 10,000 sq. ft. or greater.

The area consists of single family lakefront homes. The subject property is a 0.41 acre lot that was platted in 1978, as part of the Bay Point plat. It is considered to be a conforming lot of record. There is a 4,926 sq. ft. single family home, a swimming pool, and a boat dock on the lot, all of which were constructed in 1997.

The applicant is requesting variances to replace the existing pool, and deck, 13.6 ft. and 11 ft. respectively, from the NHWE, in lieu of 35 ft. All setbacks for the home (including 35 ft. from the NHWE) are being met, however the home is only 35.5 ft. from the NHWE where 35 ft. is required, essentially eliminating the ability to place anything in the rear yard without a variance.

District Development Standards

	Code Requirement	Proposed
Min. Lot Width:	85 ft.	120 ft.
Min. Lot Size:	10,000 sq. ft.	17,769 sq. ft.

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

	Code Requirement	Proposed
Side:	5 ft. (pool/deck)	14.6 ft./60.2 ft.
NHWE:	35 ft.	11 ft. deck/13.6 ft. pool

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The subject property has an existing pool that encroaches into the NHWE setback already. The applicant is proposing to replace the pool in the only location available in the rear yard.

No Special Privilege Conferred

The majority of homes in the area have pools. The applicant is asking to replace the existing pool. Given the location of the house on the property at 35.5 ft. from the NHWE, the request is the only way to allow a pool/deck on the property.

Deprivation of Rights

Literal interpretation of the code will deprive the applicant of the right to have a pool/deck on the property.

Minimum Possible Variance

This is the minimum possible variance to allow the applicant to rebuild the swimming pool.

Purpose and Intent

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

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated December 11, 2019 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of a building permit, the property owner shall record in the official records of

Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the pool is no closer than 13.6 feet, and deck is no closer than 11 feet from the Normal High Water Elevation (NHWE) of Lake Tibet Butler.

c: Richard Wayne Madden
272 Springside Rd.
Longwood, FL 32779

COVER LETTER

12/10/2019

Orange County Zoning Division

Board of Zoning Adjustment

Subject: Variance Request for 9138 Bay Point Dr.

We are requesting a variance approval to remove the existing concrete inground swimming pool, spa, deck and construct a new concrete inground swimming pool, spa with paver deck at 9138 Bay Point Dr.

The current pool, spa and deck which were constructed in 1996 are currently 10 ft. off of the rear property line with overall measurement of 24 ft. x 44 ft. (total surface area of 1056 sq.ft.) The deck is 11ft. 6 in. from the normal high water line.

The new pool, spa, and deck would be the within the same 10ft. setback from the property line as the existing pool with a deck extension of 8 ft. to the northwest side with an overall dimension of 24 ft. x 52 ft.. This would also put the new proposed pool and deck 11 ft. 6 in from the normal high water line. The new setback per Code is 35 ft. from high water line.

As for specific standards for variance criteria:

1. Special Conditions and Circumstances:

We request to be able to construct a new pool & deck at a distance of 11.5 ft from the NHWL as is the existing pool instead of the required 35 ft..

2. Not Self Created:

The circumstance and special conditions requested is to correct an existing pool which is not functional and in great structural disrepair.

3. No Special Privilege Conferred:

There is no special privilege requested.

4. Deprivation of Rights:

By not being able to rectify the pool situation, the existing pool would devalue the home and not measure up to the standard of the neighborhood.

5. Minimum Possible Variance:

The requested 11.5 ft from the normal high waterline is necessary to replace the existing pool footprint. Setbacks had changed since the existing pool was built in 1996.

6. Purpose and Intent :

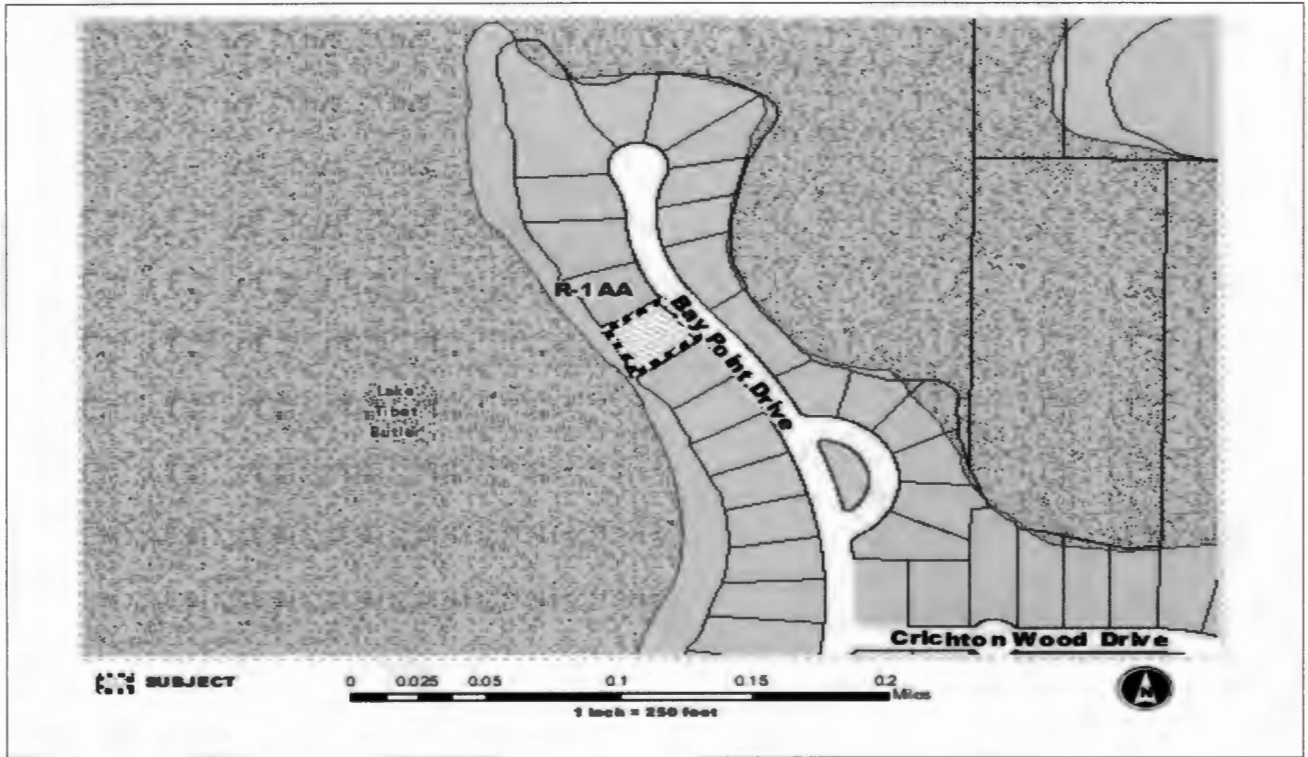
Our intent is to replace the pool that exists today and that there is no additional physical impact on the land and neighborhood. HOA and adjacent neighbors have no objection, letters attached.

Thank you for your consideration to this matter.

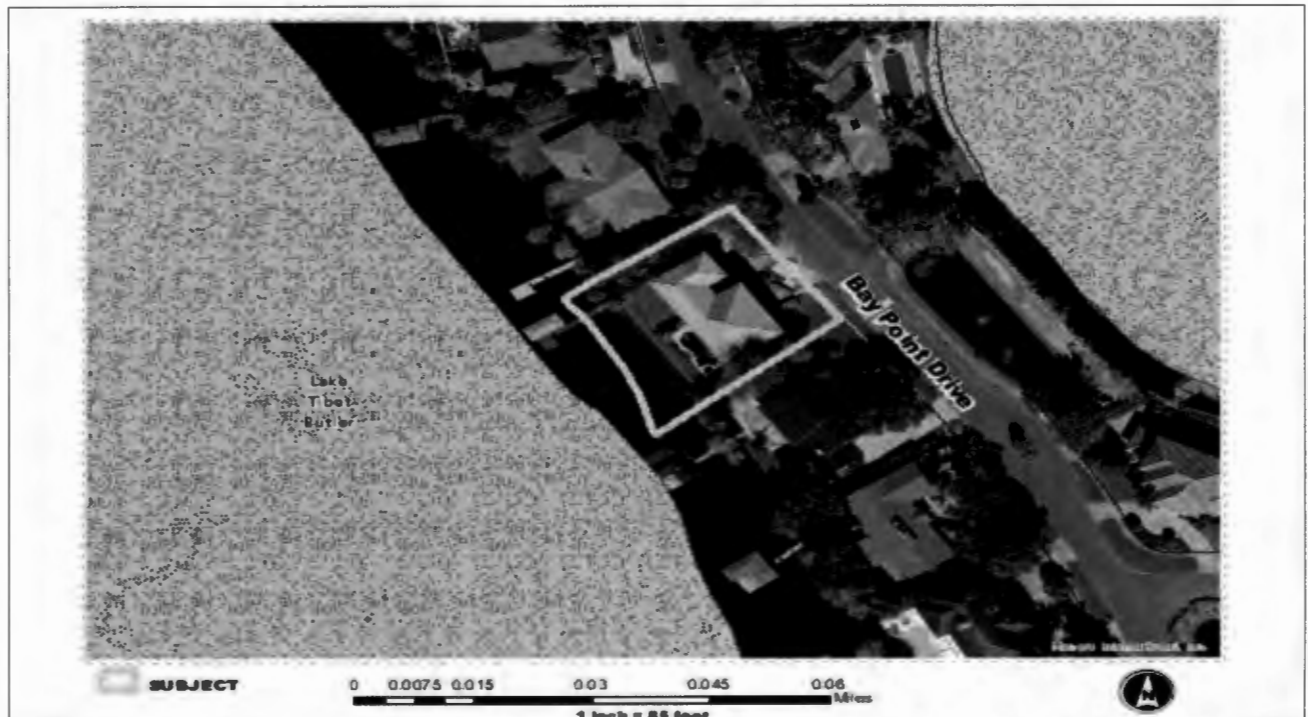
Sincerely,

Dancat Investments LLC

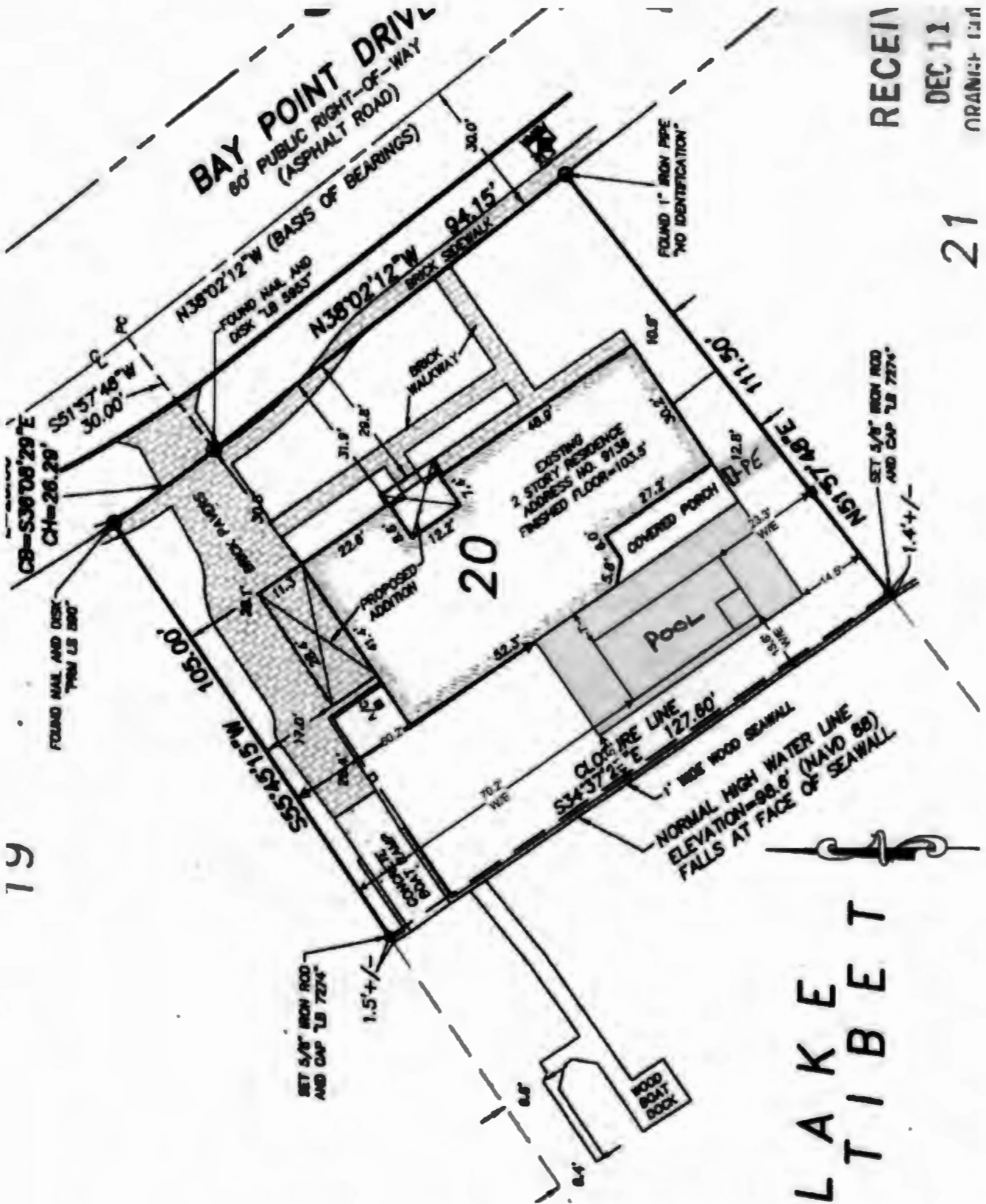
ZONING MAP



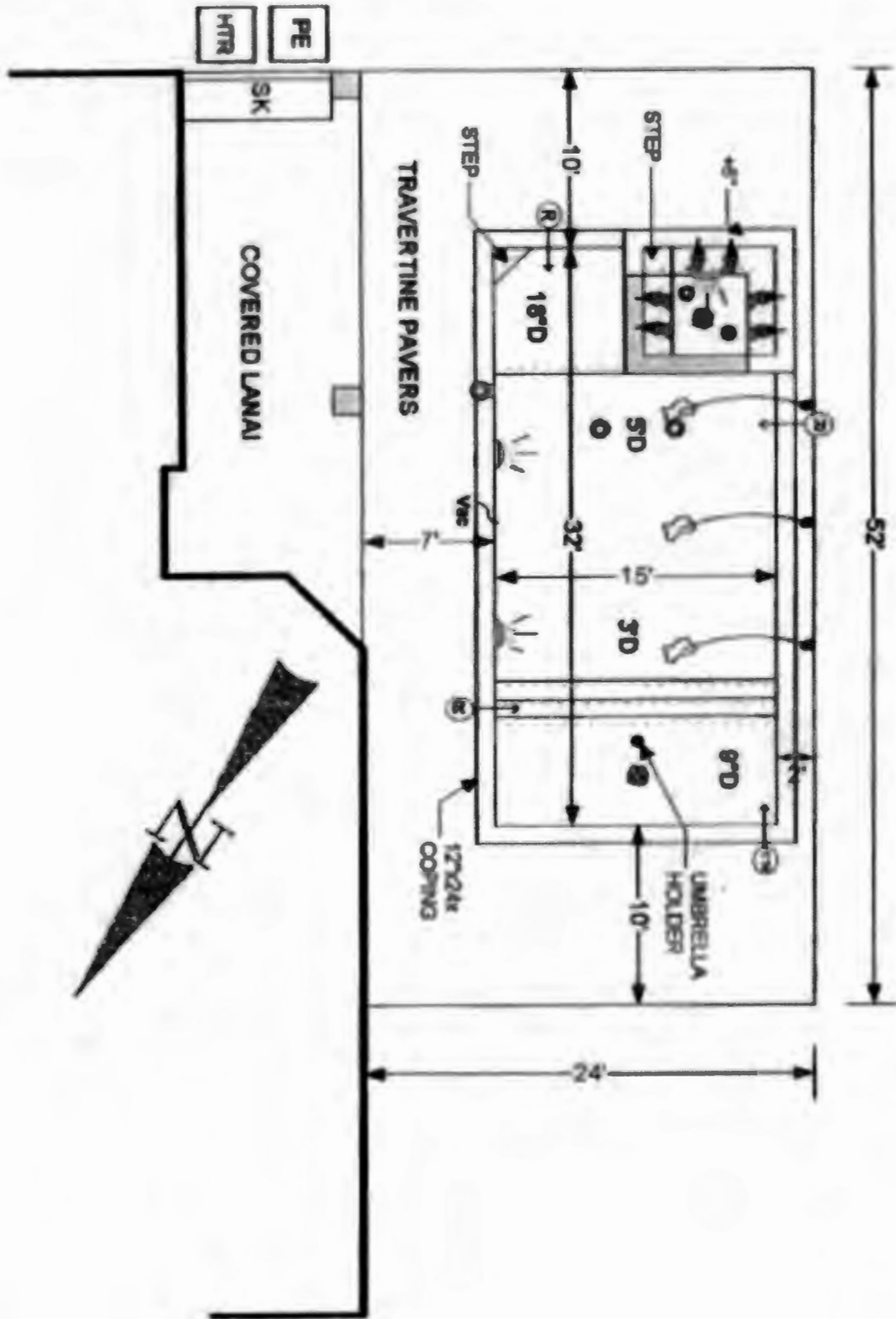
AERIAL MAP



SITE PLAN



POOL PLAN



SITE PHOTOS



Front from Bay Point Drive



Pool location

SITE PHOTOS



Pool location

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 06, 2020**

Case Planner: **Nick Balevich**

Case #: **VA-20-02-150**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): LILIAN SEGARRA

OWNER(s): LILIAN SEGARRA

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

1) To allow an existing addition 3.3 ft. from the south side property line in lieu of 7.5 ft.

2) To allow an existing addition 20 ft. from the rear property line in lieu of 30 ft.

Note: This is the result of Code Enforcement action.

PROPERTY LOCATION: 8007 Meadowglen Drive, Orlando, Florida, 32810, east side of Meadowglen Dr., south of Falkner Rd., east of Forest City Rd.

PARCEL ID: 27-21-29-7140-04-030

LOT SIZE: 75 ft. x 134 ft./ .231 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 130

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

1. Development in accordance with the site plan dated January 2, 2020 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain permits for the addition within 180 days of final action on this application by Orange County, or this approval is null and void.

SYNOPSIS: Staff gave a presentation on the case covering the location of the property, the site plan, and photos of the site. The applicant had nothing to add to staff's presentation. The BZA asked about fines and confirmed that a contractor had constructed the addition. They were also concerned about

the safety of the structure, and wanted to know why it took 2 years to apply for the variance.

The applicant stated that the reason for the delay was due to not knowing how to file and being unable to find anyone to help with the plans. The applicant also stated that they hired a contractor who stated that they took care of everything, including permits, and they cannot locate the contractor now. Code Enforcement confirmed that the addition had been built without permits, that a fine was accruing every day, and that a permit was needed to stop the fines. Code Enforcement also confirmed that they were not able to enter the building.

Staff received one (1) commentary in favor of the application, and one (1) in opposition to the application.

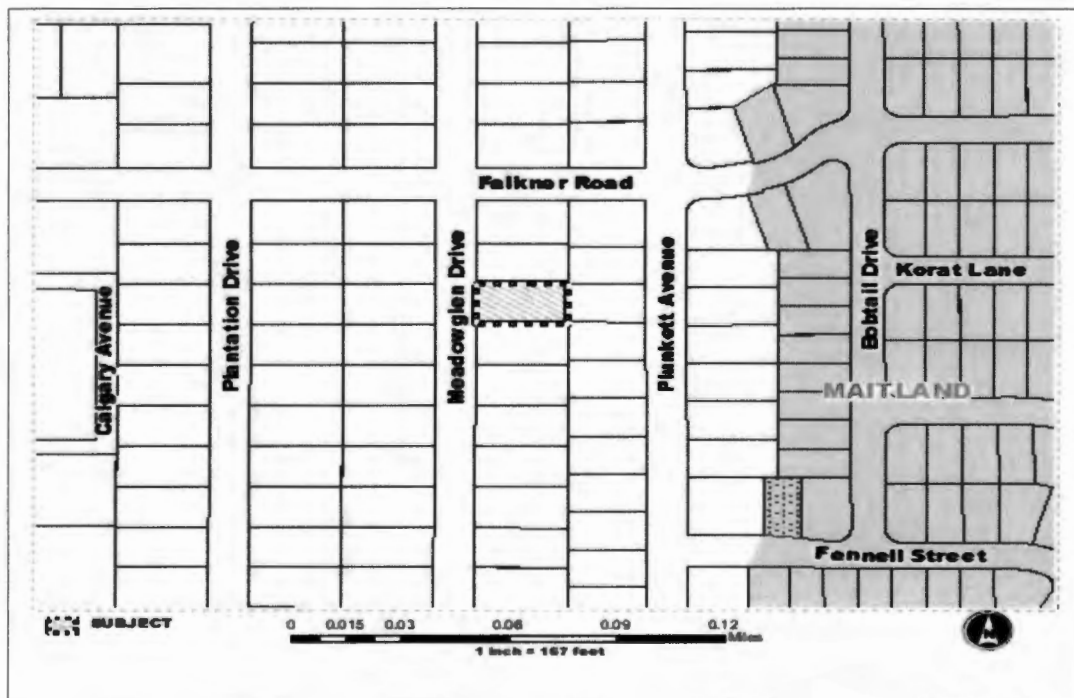
There being no one present to speak in favor or opposition to the request, the public hearing was closed.

The BZA made a motion to deny the application, which failed. A second motion was made to recommend approval, which passed with a 3-1 vote, subject to the four (4) conditions found in the staff report.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

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

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The subject property is a 0.23 acre lot that was platted in 1958. The property is located in the Plantation Unit One plat, which is comprised of single family homes. It is considered to be a conforming lot of record. There is a 1,130 sq. ft. single family home on the lot which was constructed in 1959, prior to the unpermitted addition. The applicant purchased the property in 2012.

The applicant installed a 45.6 ft. x 16.2 ft. master bedroom/bath addition to the side, and a 23 ft. x 25.3 ft. family room addition rear of the house, and a 6 ft. x 12 ft. metal canopy to the rear of the house without permits.

Code Enforcement cited the applicant in May of 2017 for building an addition to the rear and side of the house without permits (Incident # 486148). The case went before the Code Enforcement Board (CEB# 347423Z) in October of 2017, they were found guilty, and fines have accrued, resulting in a lien in excess of \$111,000. The applicant is requesting the variances due to the addition being in violation of the side and rear setbacks.

The adjacent neighbor to the south has submitted a letter of no objection to the proposal.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	15 ft.
Min. Lot Width:	75 ft.	75 ft.
Min. Lot Size:	7,500 sq. ft.	10,082 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	32 ft.
Rear:	30 ft.	20.2 ft.
Side:	7.5 ft.	3.3 ft./9.6 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

There are no special conditions and circumstances, as the addition to the house could have been designed in a manner that would not require any variances.

Not Self-Created

The need for the variance is self-created and does result from the applicant constructing the addition without permits, in a non-conforming location.

No Special Privilege Conferred

Approval of the variances as requested will confer special privilege that is denied to other properties in the same area and zoning district, as the applicant could propose a site layout utilizing conforming locations.

Deprivation of Rights

The applicant is not being deprived of the right to have an addition to the house on the property in a conforming location. There is space in the back yard that would allow the addition in a location that would comply with the zoning code standards.

Minimum Possible Variance

The request to have the addition in the current location is not the minimum possible variance as the addition can be placed on the property in a manner that would not require variances.

Purpose and Intent

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

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated January 2, 2020 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of

development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain permits for the addition within 180 days of final action on this application by Orange County, or this approval is null and void.

c: Lilian Segarra
8007 Meadow Glen Dr.
Maitland, FL 32810

COVER LETTER

December 30, 2019

Orange County Building Dept.

RE: 8007 Meadowglen Drive, Orlando, FL

VARIANCE CRITERIA

Section 30-43 (3) of the Orange County Code stipulates specific standards for the approval of variances. No application for a zoning variance will be approved unless the Board of Zoning Adjustment finds that the following standards are met:

- **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 a proposed zoning variance.

The extension was for the purpose of realizing a true master bedroom in the home, which it did not have. The variance applies to 50% or only half of the house. From the back right-hand side of the fence, the addition is 12'3" away. From the left hand side of the house is approximately 30 feet away from the back fence as noted on the survey.

- **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed 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.

I hired and paid a contractor to be responsible for submitting permits and constructing the room. I was unaware permits were not submitted until I received a letter. I was assured the permits were being submitted. All attempts in trying to call, email and meet with the contractor have been unsuccessful. It has left me no other option but to try to navigate the difficult task of gathering and submitting information as homeowner.

- **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, buildings, or structures in the same zoning district.

Once I became aware the paperwork was not submitted and my multiple attempts in contacting the contractor were not going anywhere, I began the due diligence of rectifying the situation on my own by going down to the county offices and meeting with inspectors. With English being my second language and with the assistance of some family members, I have been able to take small steps to make it right since I want to be responsible homeowner and not be penalized.

- **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 property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for a proval or objection.

The neighborhood is of single level/single family homes most of which are made up of 3 bedroom/2 bathroom or 4 bedroom/2 bathroom spaces. The home was not for monetary gain but solely for the comfort of a family.

- **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

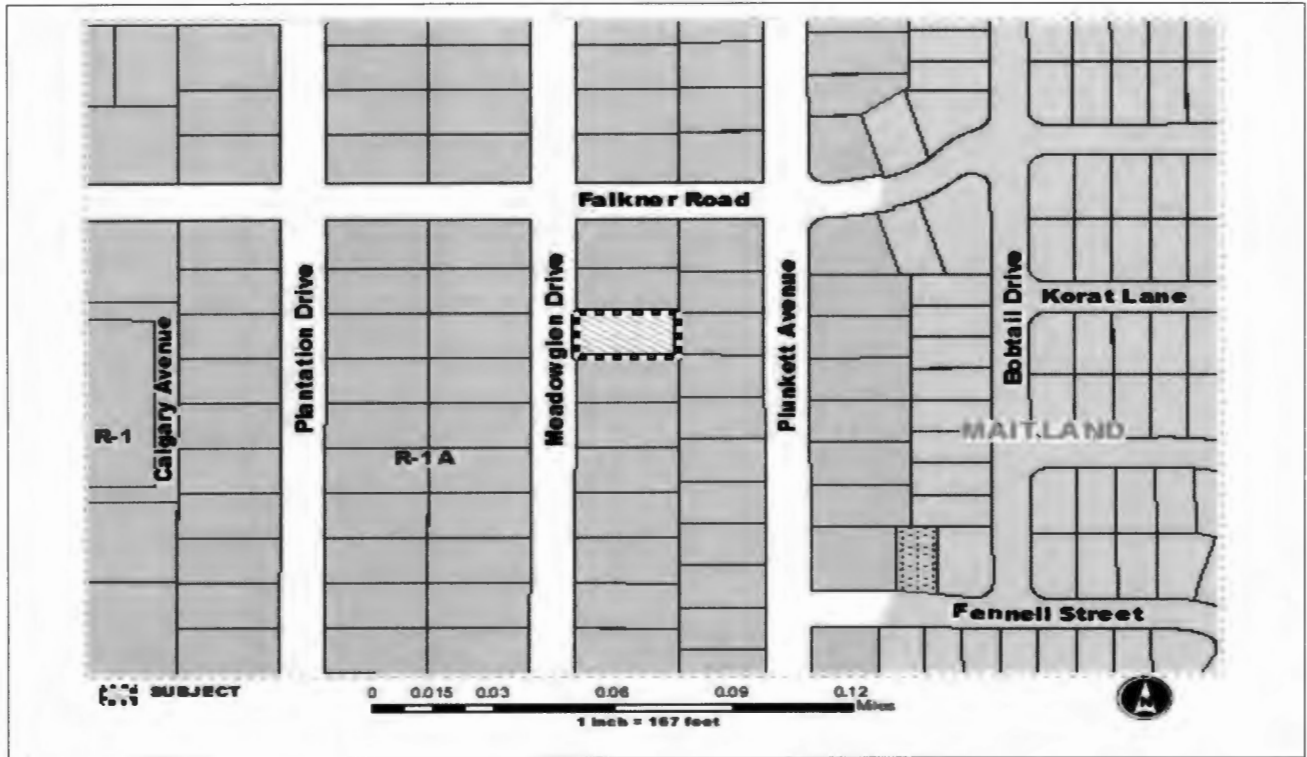
The hope of the approval of the variance would allow the home to have a master bedroom and bathroom comfortably equipping a family of adults and children.

- **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

I have submitted a letter written by neighbors and also discussed with other neighbors the confirmation the variance doesn't pose a bother/nuisance or any injury from the side of the home. The intent was not to injure or pose any issues with the neighbors.

Lilian Segarra

ZONING MAP



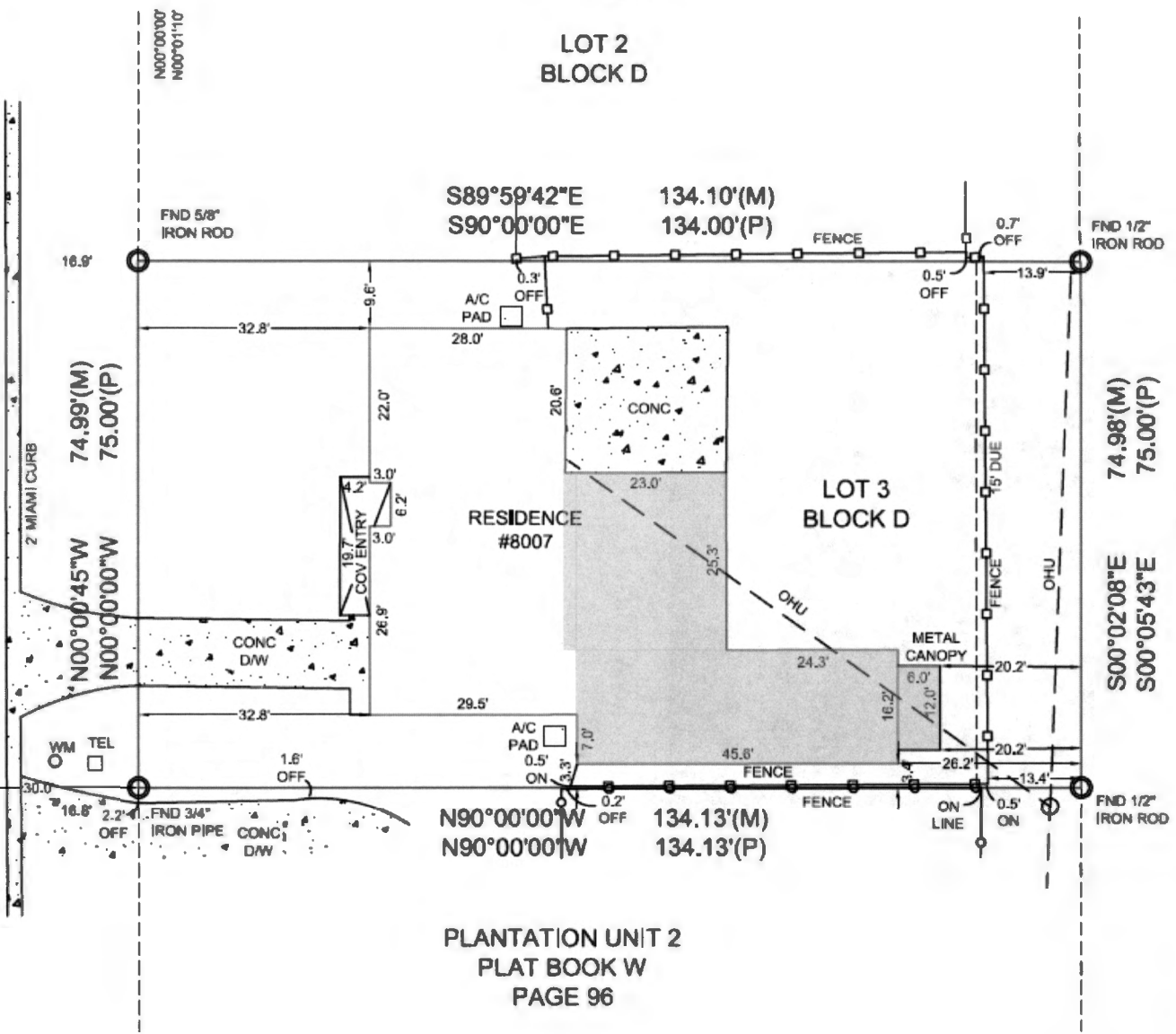
AERIAL MAP



SURVEY

MEADOWGLEN DRIVE

50' PLATTED RIGHT-OF-WAY
ASPHALT ROADWAY



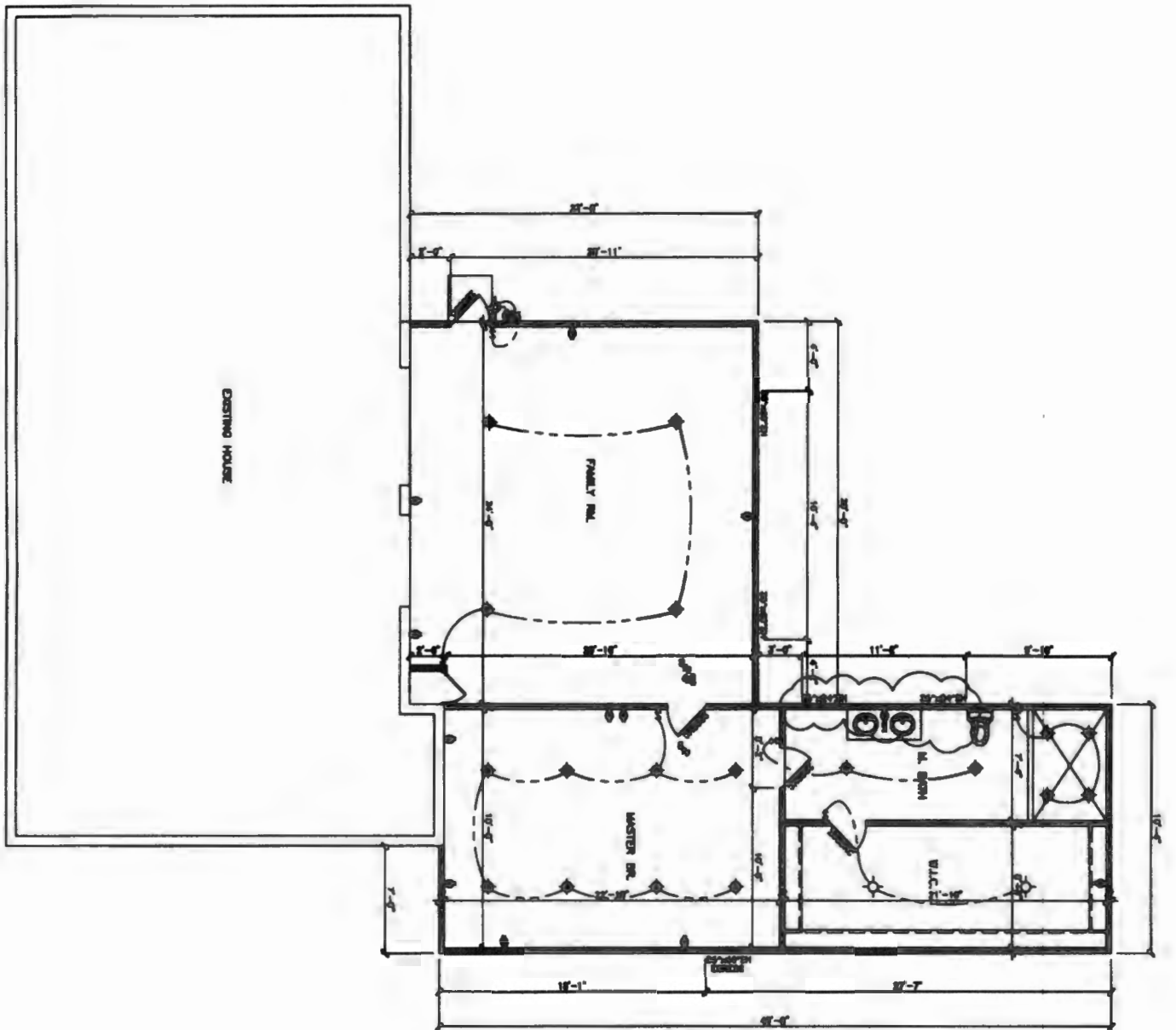
PLANTATION
ESTATES
PLAT BOOK X
PAGE 120

PLANTATION UNIT 2
PLAT BOOK W
PAGE 96

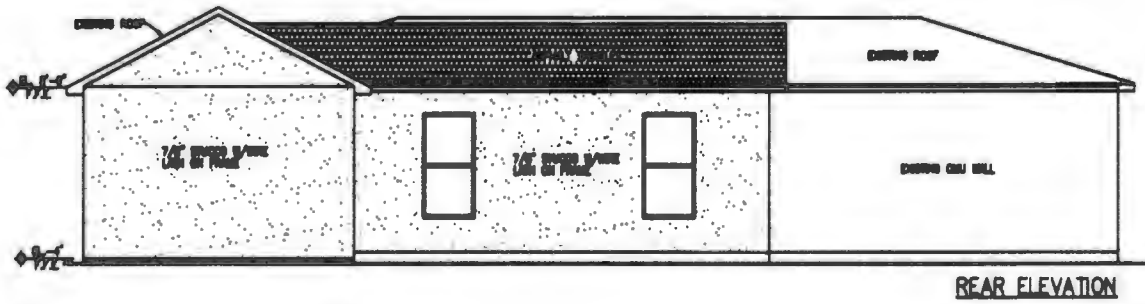
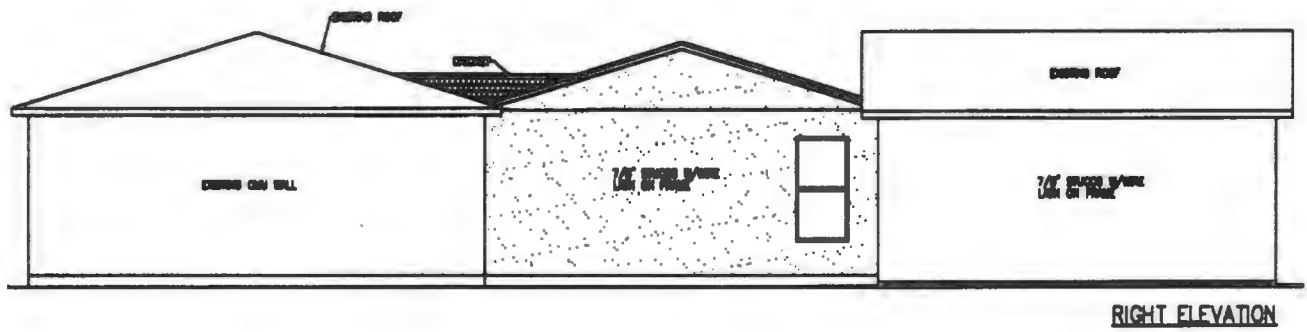
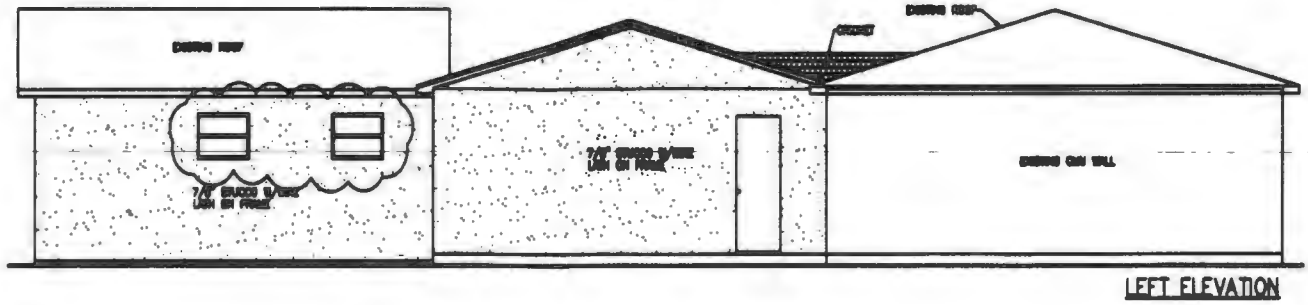
ADDRESS
8007 MEADOWGLEN DRIVE



FLOOR PLAN



ELEVATIONS



SITE PHOTOS



Front from Meadowglen Drive



South side setback from front

SITE PHOTOS



Rear addition



Rear setback

SITE PHOTOS



South side setback from rear

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 06, 2020**

Case Planner: **David Nearing, AICP**

Case #: **VA-20-02-160**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): LISBON PORTUGUESE CUISINE

OWNER(s): WRI-TC MARKETPLACE AT DR PHILLIPS LLC

REQUEST: Variance in the C-1 zoning district to allow a wall sign to extend 18 inches above the roofline.

PROPERTY LOCATION: 7600 Dr. Phillips Blvd. #12, Orlando, FL 32824, Northwest corner of W. Sand Lake Rd. and Dr. Phillips Blvd.

PARCEL ID: 26-23-28-0000-00-015

LOT SIZE: 20 acres

NOTICE AREA: 500 FT.

NUMBER OF NOTICES: 183

DECISION: Recommended **APPROVAL** of a lesser Variance, to allow a wall sign to extend 12 inches above the roofline, 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 December 10, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a permit for the sign within 120 days of final action on this application by Orange County, or this approval becomes null and void.

SYNOPSIS: Staff noted that while the variance was advertised for 18 inches, a variance for only 12 inches is necessary based on information the applicant provided. Staff explained the timeline for the

project leading up to the variance, including the fact that the applicant had hired a sign contractor who submitted for a permit for the sign. However, the contractor was advised that the permit could not be approved because the sign extends above the roofline. The contractor proceeded to install the sign without a permit. The first that the applicant knew that there was no permit was when she was contacted by the property manager, who had been cited by Code Enforcement for installing a sign without a permit. Staff noted that the applicant could modify the design of the sign, reduce the size of the sign, or a combination of both, to make the sign comply with the sign code. Staff concluded by noting that they had received one (1) correspondence in support from the property manager, and one (1) in opposition from the Dr. Phillip's Co.; however, that objection was withdrawn.

The applicant noted that they had paid over \$600 to the sign contractor for the permit. When they confronted the contractor, the contractor insisted that there was a permit. However, after contacting County staff and being informed that the permit was never issued due to the sign's location, the contractor broke off correspondence.

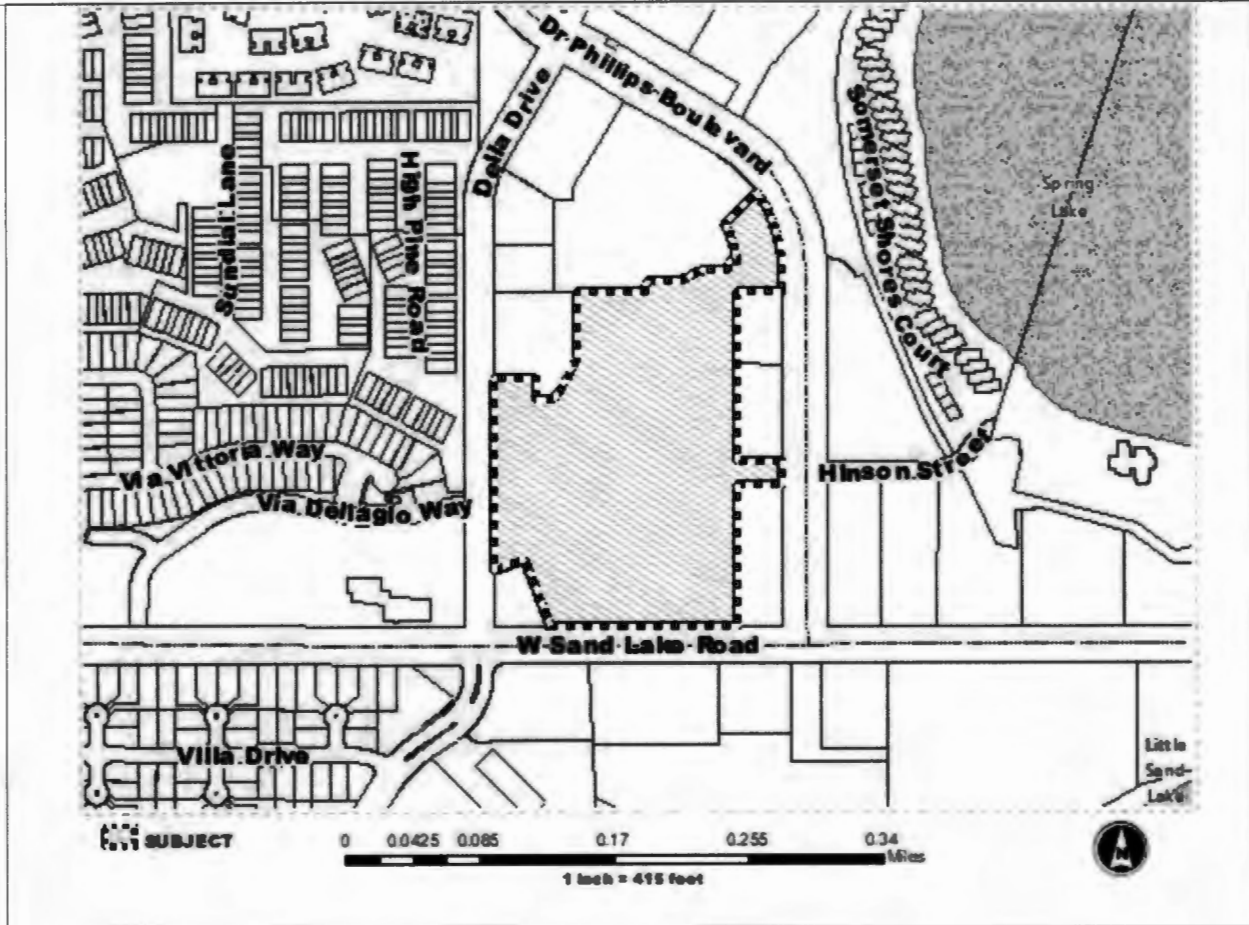
There being no one in attendance to speak for or against the request, the public hearing was closed.

The BZA felt that due to the location of the storefront and that both storefronts on either side of the subject property had overhangs obstructing the view of the sign, that there were special conditions and circumstances regarding this application. Further, the need for the variance was not self-created and other signs similar in design had been approved. Based on these factors, the variance was granted. The BZA unanimously voted to recommend approval of the variance for a 12 inch extension above the roofline, subject to the four (4) conditions found in the staff report.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-1	C-1	P-D	C-1	R-3 & P-D
Future Land Use	C	C	MDR	O & C	LMDR & MDR
Current Use	Commercial/ Retail	Commercial/ Retail	Commercial/ Retail	Commercial/ Retail/ Office	Multifamily Residential/ Single Family Residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is located in the C-1 Retail Commercial district, which allows for restaurants, retail stores, offices, churches, and various other indoor commercial businesses.

The subject property is a 32 ft. wide storefront located in The Marketplace plat, which was recorded in April 1989. The applicant operates a restaurant at this location.

Based on permit history, it appears that the applicant began occupying the space in May 2019. In June 2019, a permit was submitted for a wall sign (B19012313); however, zoning staff had informed the sign contractor that the sign could not be permitted as proposed due to the fact that it extended above the roofline, making it a roof sign, which was not permitted. The permit was never issued, but the sign was installed. In October 2019, the owner of the shopping center was cited by Code Enforcement for erecting a wall sign without a permit. The applicant was under the impression that the sign had been properly permitted.

Wall signage is calculated based on 1.5 sq. ft. of copy area per each linear foot of frontage. With 32 feet of frontage, the applicant is entitled to a total of 48 sq. ft. of copy area. The current sign, which was brought by the applicant from a prior location, measures 30.58 sq. ft. of copy area, which meets code; however, the height of the sign extends above the roofline.

The existing sign could be revised to fit onto the fascia area available. The eight (8) inch copy area along the bottom of the sign could be relocated to run alongside the larger sign. In addition, the shield could be reduced in height, as could the L and b in the word Lisbon.

Staff did locate one (1) variance that had been granted in the same center for a storefront with similar limitations (VA-17-05-027), however, there are multiple businesses that have been able to comply with the code.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

There are other storefronts with similar limitations with compliant signage. There are no special circumstances.

Not Self-Created

The applicant's sign contractor was informed of the deficiencies in the proposed sign, and still chose to install it without a permit.

No Special Privilege Conferred

One (1) variance has been granted for a similarly designed storefront in the same shopping center.

Deprivation of Rights

Literal interpretation of the code would not deprive the applicant of the right to have a wall sign. There is no deprivation of rights.

Minimum Possible Variance

The minimum possible variance would be a sign in compliance with the code.

Purpose and Intent

The applicant's cover letter states that they are not creating sign clutter, which is in part a purpose and intent of the code. However, they are not compliant with the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated December 10, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a permit for the sign within 120 days of final action on this application by Orange County, or this approval becomes null and void.

c: Sandra Andrade
3462 Puxton Dr.
Orlando, FL 32824

COVER LETTER



7600 Dr. Phillips Blvd. #12
Orlando, FL 32819
407.635.0002

January 8, 2020

To whom it may concern:

I am writing this to request a sign variance based on the following criteria:

Special Conditions and Circumstances- The architecture of the building does not provide any other location for a sign, and to install a sign with the permissible copy area we must extend over the roofline. If we lower it to meet the roofline, the letters may not have the appropriate ground clearance to meet code.

Not Self-Created- we did not design the building.

No Special Privilege Conferred-A prior variance has been granted in the same center for the same issues for other tenants.

Deprivation of Rights- Without a variance we will have no chance to use the available copy area, or it will be very difficult to read.

Minimum Possible Variance- We are only trying to use the copy area that we are entitled to.

Purpose and Intent- We are not trying to create sign clutter, just use what is available.

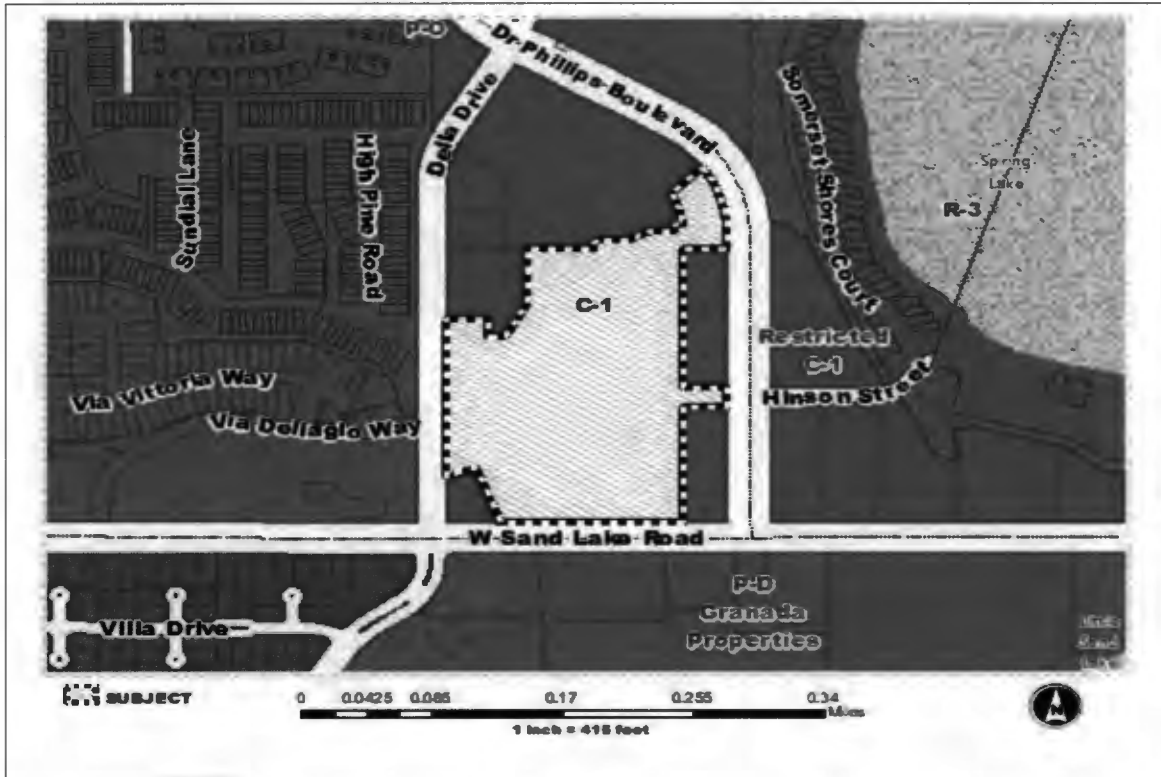
The sign is 34 inches above the roofline.

Sincerely,

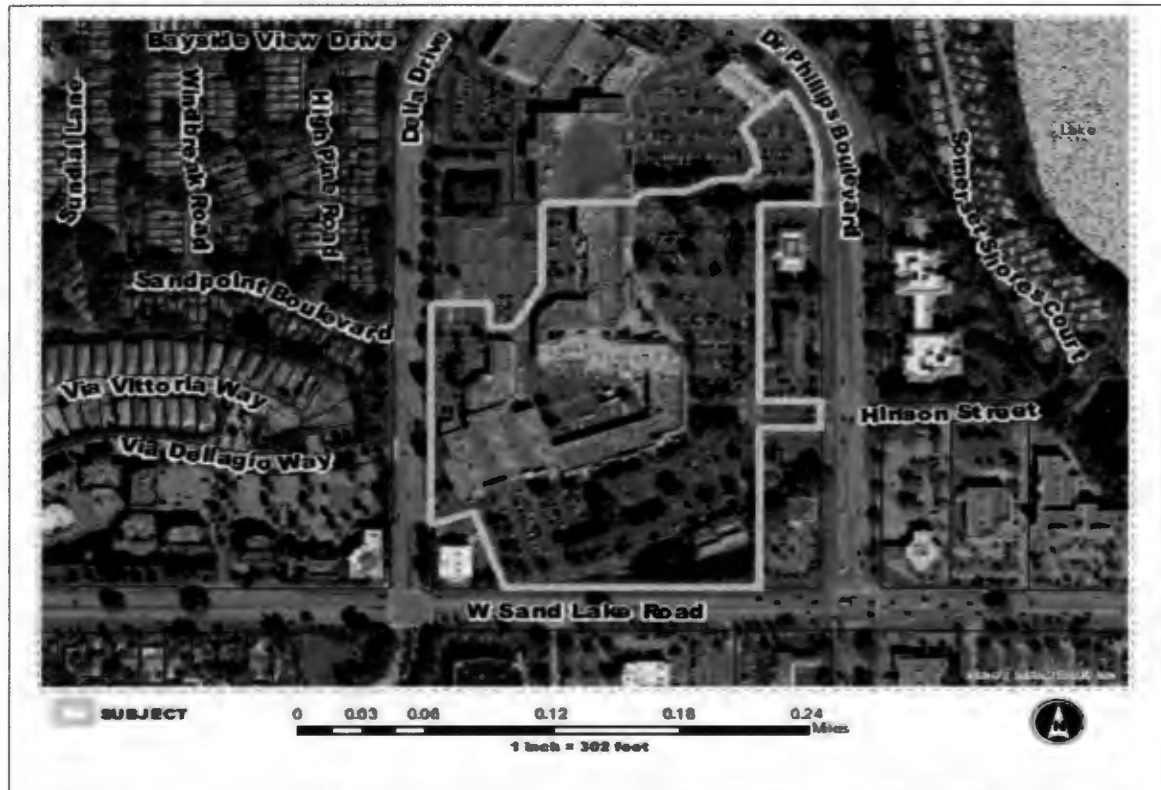
Sandra Andrade

Sandra Andrade
Owner

ZONING MAP



AERIAL MAP



SIGN DETAIL



| 29.5sqft |
Raceway Added



SITE PHOTOS



Subject Storefront with Existing Sign Looking West



Two Compliant Signs Looking West

SITE PHOTOS



Alternating Architectural Styles with Compliant Signs Looking Northwest



Sign Granted Variance in 2017 Looking Southwest

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 06, 2020**

Case Planner: **Nick Balevich**

Case #: **VA-20-02-152**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): **LECHONERIA (EZEQUIEL CUEVAS)**

OWNER(s): **LECHONERA LATINA 1 INC**

REQUEST: Variance in the C-1 zoning district to allow 236 sq. ft. cumulative copy area of wall signage in lieu of 120 sq. ft.

Note: This is the result of a Code Enforcement action.

PROPERTY LOCATION: 9998 E. Colonial Drive, Orlando, Florida, 32817,, Southwest corner of E. Colonial Dr., and N. Dean Rd.

PARCEL ID: 18-22-31-0000-00-072

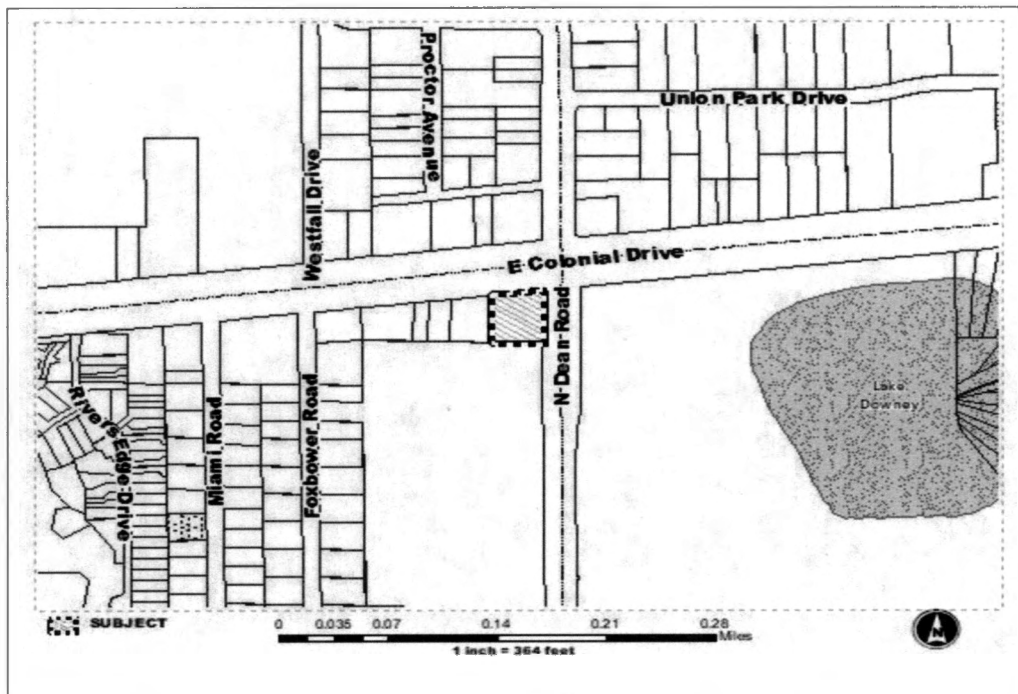
LOT SIZE: .84 acres

NOTICE AREA: 1200 FT

NUMBER OF NOTICES: 159

THIS CASE WAS WITHDRAWN UPON THE REQUEST OF THE APPLICANT VIA EMAIL DATED JANUARY 23, 2020, PRIOR TO THE BZA MEETING.

LOCATION MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 06, 2020**

Case Planner: **Nick Balevich**

Case #: **SE-20-01-151**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): AMATEUR ATHLETIC UNION SPORTS FACILITY (JOHN FRITH)

OWNER(s): AMATEUR ATHLETIC UNION OF THE UNITED STATES, INC.

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

- 1) Special Exception to establish an indoor recreation facility.
- 2) Variance to allow a building height of 39 ft. in lieu of 35 ft.

PROPERTY LOCATION: Fenton Street, Orlando, Florida, 32836, south of Fenton St., west of S. Apopka Vineland Rd.

PARCEL ID: 16-24-28-0000-00-008

LOT SIZE: 9.60 acres

NOTICE AREA: 1,400 ft.

NUMBER OF NOTICES: 93

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

1. Development in accordance with the site plan dated November 21, 2019 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The subject parcel will be subject to a Conservation Area Determination (and a Conservation Area Impact if wetland impacts are proposed) prior to the development of

the property.

5. Prior to development, the applicant must obtain approval from the Board of County Commissioners for the release of any existing conservation easement areas that are existing within the proposed development area.
6. There shall be no outdoor activities or events on the site.
7. The applicant shall improve Fenton Street to County standards from S. Apopka Vineland Road up to their entrance. The improvement shall be submitted as an E-Permit to the Orange County Development Engineering Division. The improvement shall be completed prior to the issuance of the Certificate of Occupancy for the building.
8. Hours of operation shall be limited to 8 am to 9 pm.
9. Lighting shall comply with Orange County Lighting Standards.
10. Landscaping, including materials and buffers shall comply with Section 24-5 of Orange County Code.
11. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

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

The applicant described the function and history of the Amateur Athletic Union, and stated that they want to be a good neighbor. They confirmed that major tournaments would be held elsewhere, and that this facility would be for offices, training and mentoring.

A member of the public spoke in favor of the case stating that it was approved before, and they would like to see it built.

A member of the public spoke against the case, stating that they wanted to preserve the Rural Country Estates lifestyle. They were concerned about traffic, the look of the building and signage, which they wanted scaled down. They were pleased with the 8 pm closing restriction, but wanted Fenton Street to be constructed in front of their property.

The applicant stated that it would be confusing to the public if they built a roadway parallel to the driveway on their property, and it would increase traffic. They stated that the signage will be behind existing foliage, and that the original design was for a plain metal building, which was redesigned to be more pleasing. They also stated that an extra hour in the evening would be good.

The BZA discussed allowing an extra hour in the evening.

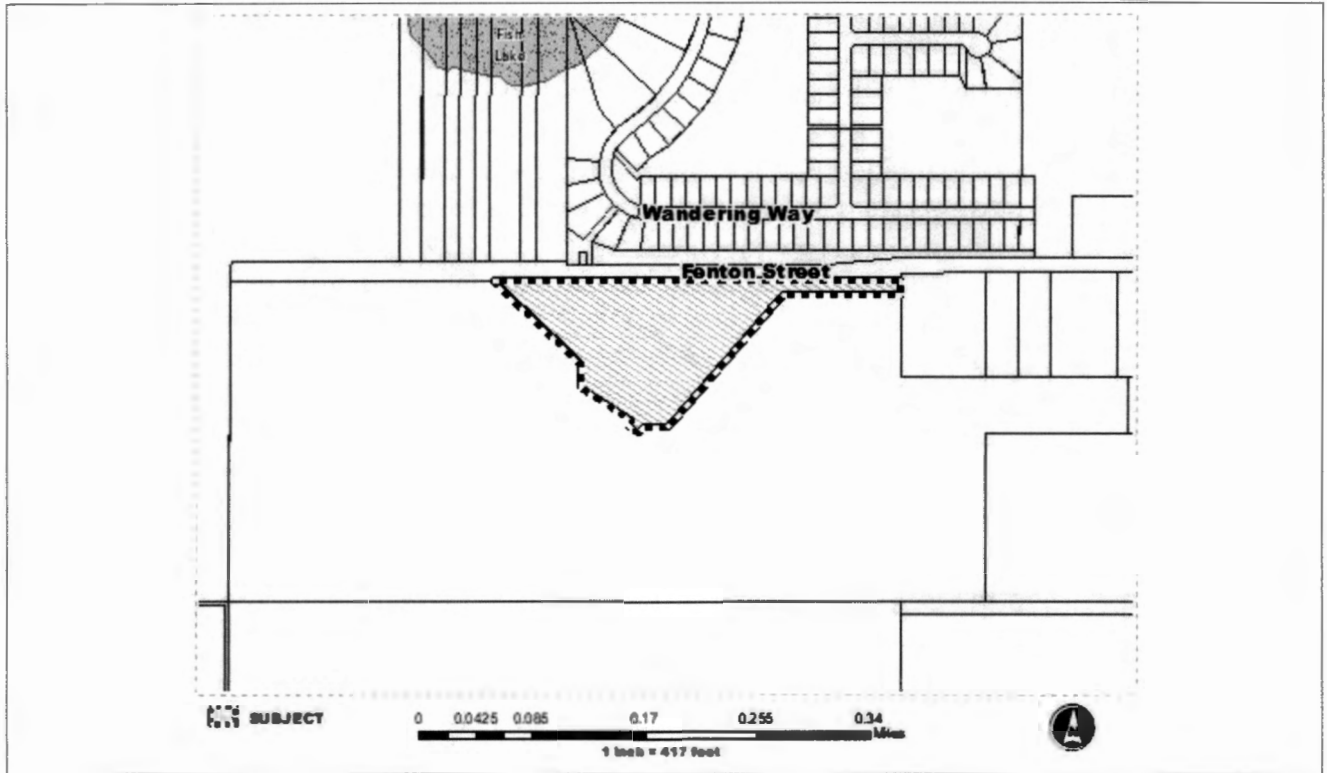
Staff received no commentaries in favor of the application, and two (2) in opposition to the application.

The BZA unanimously recommended approval of the Special Exception and the variance, subject to the eleven (11) conditions found in the staff report, and the amending of condition #8 to state, "Hours of operation shall be limited to 8 am to 9 pm."

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-CE	P-D/R-1 (Restricted)/ R-CE	P-D	R-CE	P-D
Future Land Use	LDR/R	LDR	LDR/R	R	LDR/R
Current Use	Concrete slab with steel frame	Vacant & Single Family Residential	Vacant	Single Family Residential	Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned R-CE, Rural Country Estate, which allows for single family development on one (1) acre lots and certain rural uses. It also allows for an indoor recreation facility through the Special Exception process.

The subject property is a 9.6 acre unplatted parcel that conforms with the zoning regulations. The lot is triangular, with a panhandle portion extending to the east to provide access, and angular property lines to the south, which are considered to be the sides, and a straight property line at the south apex of the triangle, which is considered to be the rear property line.

The area consists of single family homes on large lots to the east and northwest, vacant land to the south and west, and the Phillips Grove Subdivision to the north, on which single family homes are being built on mostly 60 ft. wide, 7,200 sq. ft. lots, along with some larger properties.

In 1999, the property was granted a Special Exception (SE-8/5/99 #8) to construct an indoor/outdoor recreational facility, with a two (2) story building and six (6) outdoor volleyball courts, and a variance to allow a building height of 43 ft. in lieu of 35 ft. A permit was issued for a 38,172 sq. ft. building, and construction was started, but only the slab and steel framing was built. The current applicant is proposing to use this and add to it by constructing a new 59,671 sq. ft. indoor sports facility and a 3,250 sq. ft. security residence building. There will be no outdoor uses on the site. All sports activities will be contained within the sports facility building, along with offices. The site will provide parking in excess of that required by Orange County Code.

The applicant is requesting a height variance to allow for 39 ft. in lieu of 35 ft. The previous approval in 1999 granted a height variance to build up to 43 ft. The height variance is necessary to accommodate the increased ceiling height for indoor sports activities.

A Community Meeting was held on January 7, 2020, and was attended by both the District Commissioner and BZA Commissioner, and 21 other people. The public was interested in the project and the implications for the area. The concerns raised by the public in attendance:

- Preservation of the rural lifestyle in the area;
- Maintaining access to their homes during construction;
- Timeframe for construction;
- Uses proposed in the building;
- Traffic, improvements to Fenton Rd., and access for existing residents;
- That all proposed uses will be contained in the building;
- Parking lot lighting; and
- Hours of operation.

The plan proposes a connection to Fenton St., through the eastern panhandle portion of the property. The Orange County Public Works Department –Traffic Engineering Division is requiring the applicant to improve Fenton Street to County Standards from S. Apopka Vineland Road up to their entrance.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	39 ft.
Min. Lot Width:	130 ft.	1,623 ft.
Min. Lot Size:	43,560 sq. ft.	418,419 sq. ft.

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

	Code Requirement	Proposed
Front:	35 ft.	35 ft.
Rear:	50 ft.	80 ft.
Side:	10 ft.	25 ft. (west), 104 ft. (east)

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

Through the Special Exception process, indoor recreation facilities are considered consistent with the Comprehensive Plan.

Similar and compatible with the surrounding area

The area is developed with single family homes on large lots to the east and northwest, Phillips Grove Subdivision to the north, and vacant land to the south and west. The size of the property (9.6 acres) will allow for adequate buffering and space from the residential uses. The proposed building will be over 190 ft. from the nearest residential property line. All uses and activities will be contained in the building.

Shall not act as a detrimental intrusion into a surrounding area

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

Meet the performance standards of the district

All activities will be contained within the building which is setback over 190 ft. from the nearest residential property line. The hours of operation will be limited to 8 am to 8 pm. Lighting of the parking lot will have to comply with Orange County Lighting Code Standards which includes dark sky provisions.

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

This proposed use has similar characteristics as those associated with the majority of uses currently permitted in the zoning district.

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

The applicant is proposing to preserve natural areas on site, and to install additional landscaping. They will also be required to comply with Section 24-5 of Orange County Code.

VARIANCE CRITERIA

Special Conditions and Circumstances

The size of the property (9.6 acres) is a special circumstance that will allow for adequate buffering and space from the residential uses and thus, the granting of the height variance will not result in any increased visibility of the building.

Minimum Possible Variance

The request is the minimum possible variance to allow the applicant to use the site in the manner proposed.

Purpose and Intent

Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the area. The subject property is a large lot, with a unique layout and access.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated November 21, 2019 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The subject parcel will be subject to a Conservation Area Determination (and a Conservation Area Impact if wetland impacts are proposed) prior to the development of the property.
5. Prior to development, the applicant must obtain approval from the Board of County Commissioners for the release of any existing conservation easement areas that are existing within the proposed development area.
6. There shall be no outdoor activities or events on the site.

7. The applicant shall improve Fenton Street to County Standards from S. Apopka Vineland Road up to their entrance. The improvement shall be submitted as an E-Permit to the Orange County Development Engineering Division. The improvement shall be completed prior to the issuance of the Certificate of Occupancy for the building.
8. Hours of operation shall be limited to 8 am to 8 pm.
9. Lighting shall comply with Orange County Lighting Standards.
10. Landscaping, including materials and buffers shall comply with Section 24-5 of Orange County Code.
11. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

c: John Frith
8811 Great Cove Dr.
Orlando, FL 32819

COVER LETTER

FRITH & ASSOCIATES, INC.

Civil Engineering & Land Planning

8811 Great Cove Drive · Orlando, Florida 32819 · (407) 363-0739

November 12, 2019

Zoning Department
Orange County Administration Center
201 South Rosalind Avenue
Orlando, Florida 32801

Re: Amateur Athletic Union Sports Facility Project
9120 Fenton Street
Orlando, Florida 32836
Zoning: RCE with Special Exception Request

To Whom It May Concern,

Attached are the following:

1. Detailed plans/survey;
2. Floor Plan;
3. Architectural elevations;
4. AAU Check for \$1,355.00 for application fee;
5. Non-Profit Organization Documents – Articles of Incorporation/IRS Tax Docs.
6. Completed Orange County Application for the Special Exception.

The purpose of this Special Exception request is to modify or approve the AAU Sports Facility Project. The Orlando Volleyball Academy project was previously approved for this site in 1999/2000. AAU is a non-profit organization. The AAU project is as follows:

The project is to provide an indoor sports facility for the community thru the AAU Organization.

Number of Buildings – 1 Sports Facility and 1 Residence

Size of Building - 59,671 s.f. (Orlando Volleyball Academy Bldg was 37,560 s.f.) The increase in size would add a new court inside the building and eliminate all previously approved outside activity.

Height of Building – Is the same as Orlando Volleyball Academy Building (we are using the existing concrete slab, structural steel framing, and concrete walls).

Number of Employees – 20

Hours of Operation – 8 am to 7 pm

Days of Operation – 7 days depending on tournaments or special events

The current property contains the finished floor slab, the structural steel framing for the building, and the concrete walls for the Orlando Volleyball Academy building. Also, the site was cleared and the retention pond was installed in 2000.

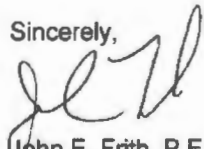
The proposed project will increase the original building size from 37,560 s.f. to 59,671 s.f. This will move all outside activity to inside the new building. The parking area will increase from 192 parking spaces to 221 parking spaces. Both the Orlando Volleyball Academy project and the AAU Sports Facility project sites are very similar in design and layout.

Special Exception Criteria:

1. The use is the same that was previously approved for this site.
2. The site was approved for a similar project (Orlando Volleyball Academy) in 1999/2000 with the special exception. Construction was started in 2000 with the building being partially constructed.
3. The site is isolated by existing wetlands and buffers have been provided to the north.
4. The use will meet all performance standards of the district.
5. The use is similar to the existing JCC project located to the south on Apopka-Vineland Road. The use will also benefit the new high school proposed for the east side of Apopka-Vineland Road.
6. Landscape buffer yards are provided along the north property line. The Landscape Plans show the site landscaping. The other property lines are located adjacent to existing wetlands.

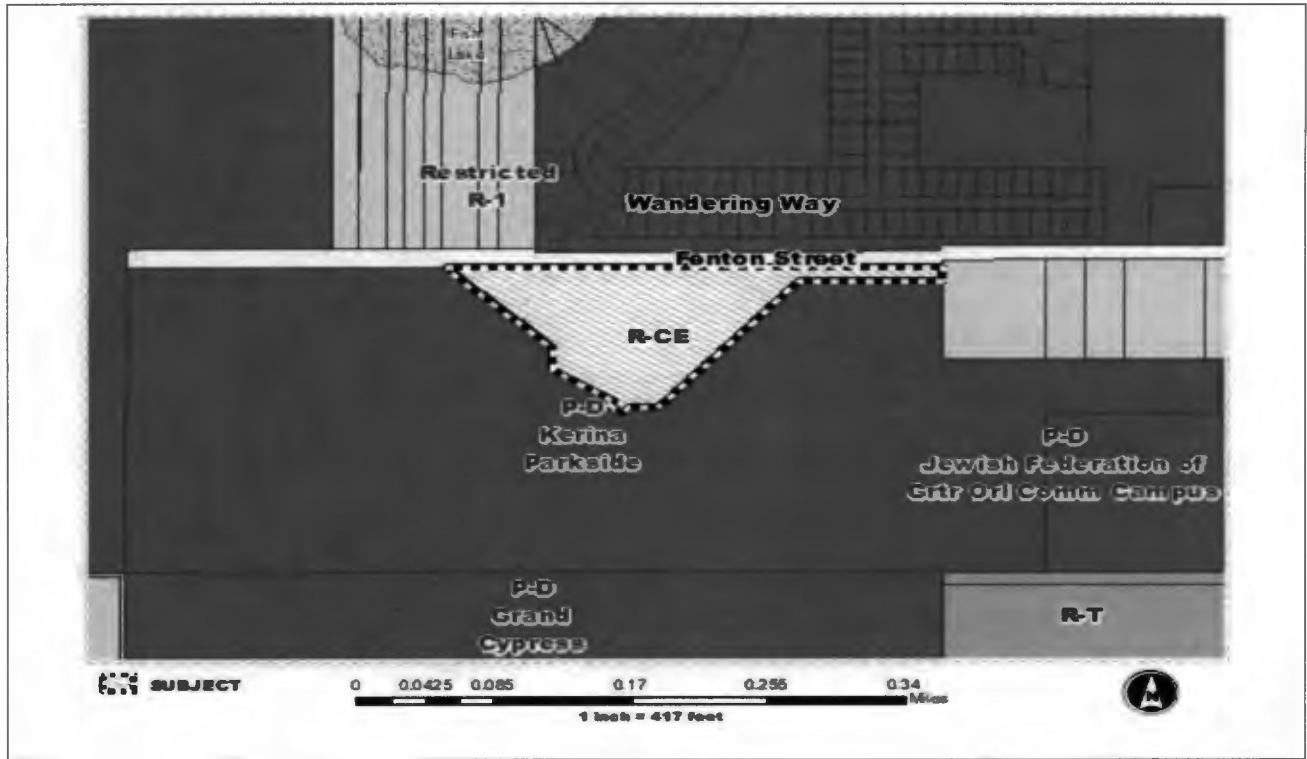
Please review the above and if you have any questions or require additional information, please feel free to call.

Sincerely,

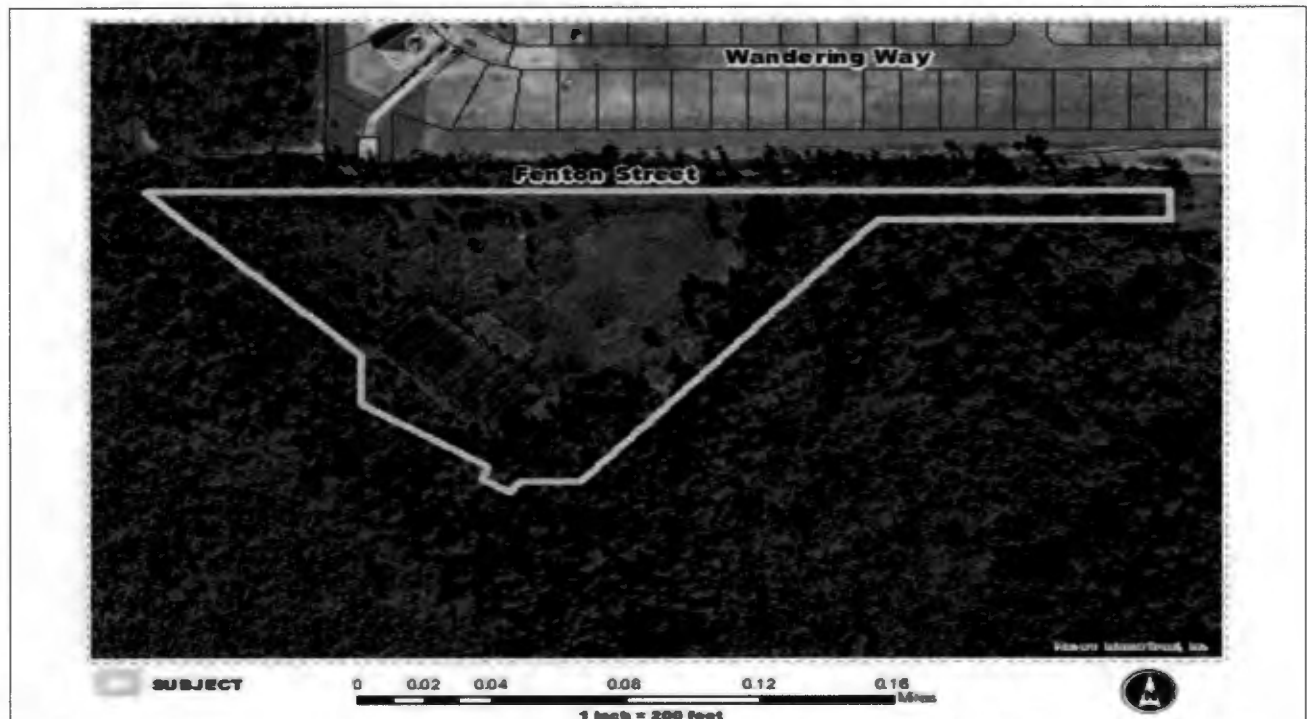


John E. Frith, P.E.
President
Frith & Associates, Inc.
(407) 363-0739 Office
(407) 761-8608 Cell

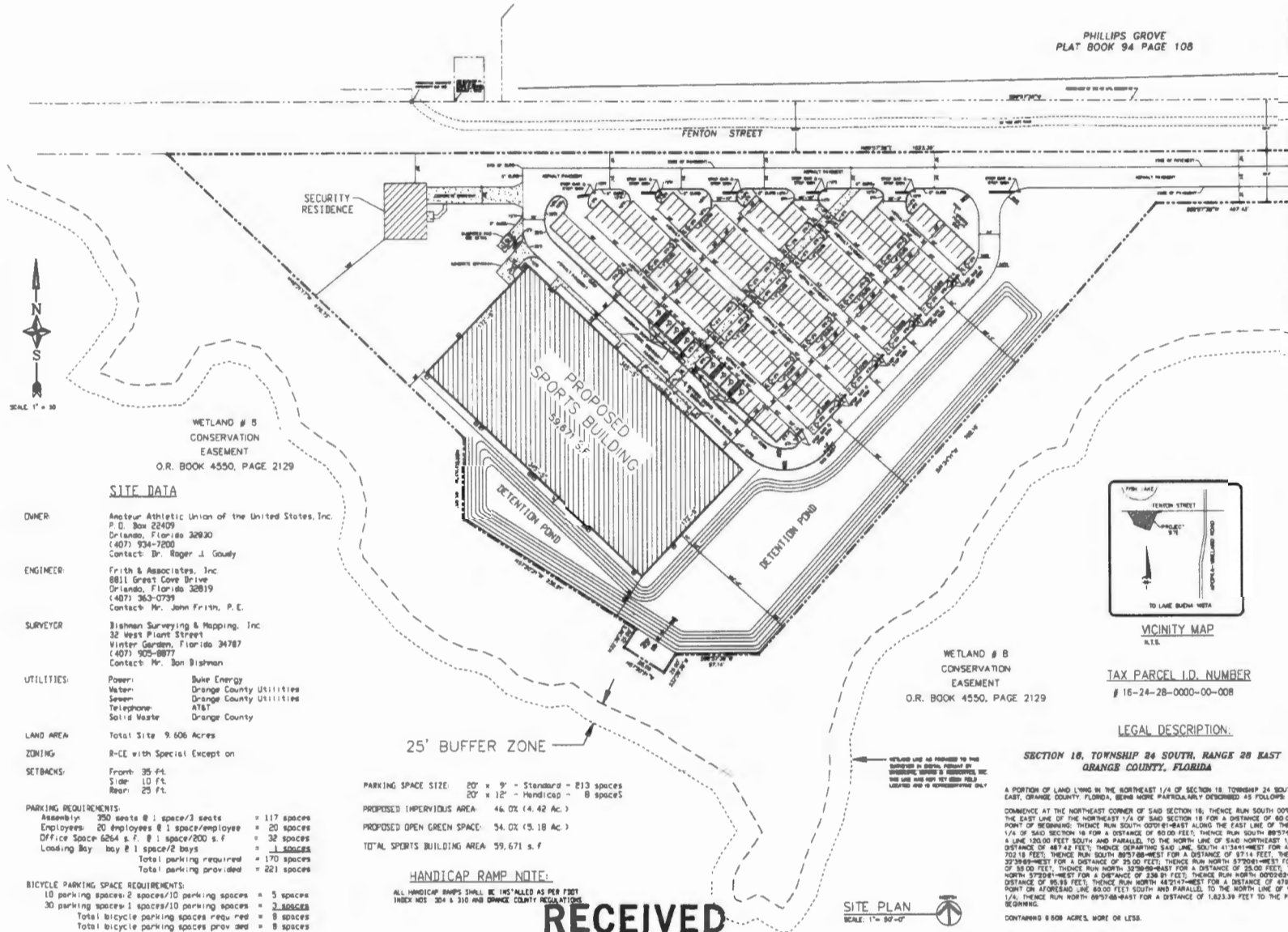
ZONING MAP



AERIAL MAP



PHILLIPS GROVE
PLAT BOOK 94 PAGE 108



SITE DATA

OWNER: Amateur Athletic Union of the United States, Inc.
P. O. Box 22409
Orlando, Florida 32820
(407) 934-7200
Contact: Dr. Roger J. Gaudy

ENGINEER: Frith & Associates, Inc.
8811 Great Cove Drive
Orlando, Florida 32819
(407) 363-0739
Contact: Mr. John Frith, P.E.

SURVEYOR: Bisham Surveying & Mapping, Inc.
32 West Plant Street
Winter Garden, Florida 34787
(407) 925-8877
Contact: Mr. Don Bisham

UTILITIES: Power: Duke Energy
Water: Orange County Utilities
Sewer: Orange County Utilities
Telephone: AT&T
Solid Waste: Orange County

LAND AREA: Total Site 9.606 Acres

ZONING: R-CE with Special Except on

SETBACKS: Front: 35 ft.
Side: 10 ft.
Rear: 25 ft.

PARKING REQUIREMENTS:
Assembly: 350 seats @ 1 space/3 seats = 117 spaces
Employees: 20 employees @ 1 space/employee = 20 spaces
Office Space: 6264 s.f. @ 1 space/200 s.f. = 32 spaces
Loading Bay: bay @ 1 space/2 bays = 1 space
Total parking required = 170 spaces
Total parking provided = 221 spaces

BICYCLE PARKING SPACE REQUIREMENTS:
10 parking spaces @ 2 spaces/10 parking spaces = 5 spaces
30 parking spaces @ 1 space/10 parking spaces = 3 spaces
Total bicycle parking spaces required = 8 spaces
Total bicycle parking spaces provided = 8 spaces

PARKING SPACE SIZE: 20' x 9' - Standard = 213 spaces
20' x 12' - Handicap = 8 spaces

PROPOSED IMPERVIOUS AREA: 46.0% (4.42 Ac.)

PROPOSED OPEN GREEN SPACE: 54.0% (5.18 Ac.)

TOTAL SPORTS BUILDING AREA: 59,671 s.f.

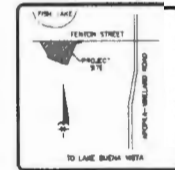
HANDICAP RAMP NOTE:

ALL HANDICAP RAMP SHALL BE 1% SLOPED AS PER FOOT
INDEX 405-204 & 310 AND ORANGE COUNTY REGULATIONS

RECEIVED

SITE PLAN
SCALE: 1" = 50'-0"

WETLAND # 8
CONSERVATION
EASEMENT
O.R. BOOK 4550, PAGE 2129



VICINITY MAP
N.T.S.

TAX PARCEL I.D. NUMBER
16-24-28-0000-00-008

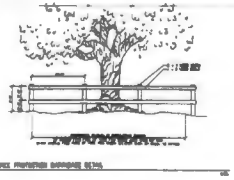
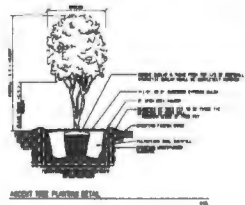
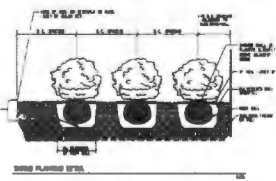
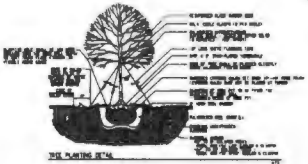
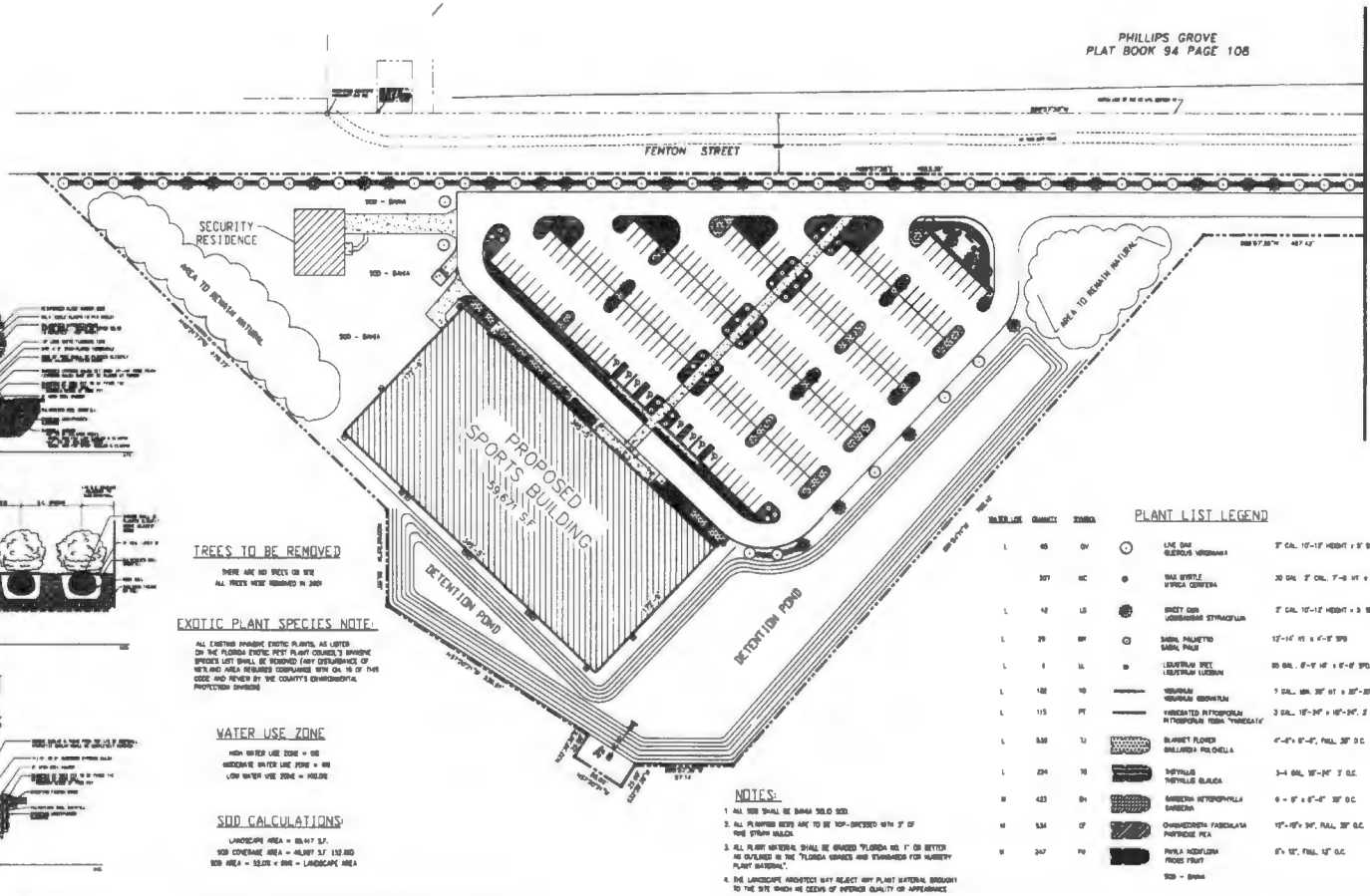
LEGAL DESCRIPTION:

**SECTION 18, TOWNSHIP 26 SOUTH, RANGE 28 EAST
ORANGE COUNTY, FLORIDA**

A PORTION OF LAND LYING IN THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 26 SOUTH, R. 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 18; THENCE RUN SOUTH 00°01'41" E THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 18 FOR A DISTANCE OF 80.00 FEET TO POINT OF BEGINNING; THENCE RUN SOUTH 00°01'41" EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 18 FOR A DISTANCE OF 80.00 FEET; THENCE RUN SOUTH 88°57'18" WEST A LINE 120.00 FEET SOUTH AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST 1/4 TO A DISTANCE OF 487.42 FEET; THENCE DEPARTING SAID LINE, SOUTH 41°54'41" WEST FOR A DISTANCE OF 702.18 FEET; THENCE RUN SOUTH 88°57'18" WEST FOR A DISTANCE OF 871.8 FEET; THENCE 1/4 TURN WEST FOR A DISTANCE OF 70.00 FEET; THENCE RUN NORTH 87°00'00" WEST FOR A DISTANCE OF 58.00 FEET; THENCE RUN NORTH 32°38'55" EAST FOR A DISTANCE OF 25.00 FEET; THENCE NORTH 57°00'00" WEST FOR A DISTANCE OF 238.00 FEET; THENCE RUN NORTH 80°00'00" WEST FOR A DISTANCE OF 80.00 FEET; THENCE RUN NORTH 48°21'42" WEST FOR A DISTANCE OF 478.75 FEET TO POINT OF BEGINNING; THENCE RUN SOUTH 88°57'18" WEST PARALLEL TO THE NORTH LINE OF SAID 1/4; THENCE RUN NORTH 88°57'18" EAST FOR A DISTANCE OF 1,623.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.608 ACRES, MORE OR LESS.

SITE PLAN



TREES TO BE REMOVED
THERE ARE NO TREES ON SITE
ALL TREES WERE REMOVED IN 2001

EXOTIC PLANT SPECIES NOTE:
ALL EXOTIC PLANTS SHOULD BE LISTED AS LISTED ON THE FLORIDA EXOTIC PLANT CONTROL BOARD'S EXOTIC SPECIES LIST SHALL BE REMOVED (ANY DETERMINATION OF WHETHER AN AREA REQUIRES COMPLIANCE WITH OR IS OF THIS CODE AND REVIEW BY THE COUNTY'S ENVIRONMENTAL PROTECTION DIVISION)

WATER USE ZONE
HIGH WATER USE ZONE = 100
MODERATE WATER USE ZONE = 50
LOW WATER USE ZONE = 10/20

SDD CALCULATIONS
LANDSCAPE AREA = 88,147 SF
SDD COVERAGE AREA = 48,547 SF, 55% SDD
SDD AREA = 52,000 SF = LANDSCAPE AREA

LANDSCAPE INSPECTION SCHEDULING NOTE:

TO SCHEDULE A LANDSCAPE INSPECTION FOR ALL COMPLETED PERMITS USE THE "Tree-Tree" APPLICATION AT <http://www.floridaplant.com/permits/permits.asp> AND REQUEST A CODE 2700 LANDSCAPE/ZONING INSPECTION. IF HAVING TROUBLE SCHEDULING PLEASE CALL THE BUILDING SAFETY DIVISION AT (407) 838-5650. ALL PERMITS ASSOCIATED WITH THE PROJECT THAT ARE COMPLETE AND HAVE A LANDSCAPE OR ZONING HOLD SHOULD BE ENTERED IN ORDER FOR ALL LANDSCAPE/ZONING HOLDS TO BE RELEASED UPON SATISFACTORY INSPECTION. INSPECTIONS ARE CONDUCTED ON TUESDAYS AND FRIDAYS ONLY AND SHALL BE SCHEDULED NO LATER THAN MIDNIGHT ON THE NIGHT BEFORE THOSE DAYS IN ORDER TO ENSURE THAT THE INSPECTION WILL TAKE PLACE. **** ANY TREES PROPOSED TO BE PRECISED ON THIS PLAN THAT ARE SUBSEQUENTLY REMOVED, SHALL BE CONSIDERED A VIOLATION, AND AS SUCH SHALL BE REPLACED IN KINDS ON SITE AT A 2:1 RATIO FOR NON-SPECIES TREES AND AT 4:1 FOR SPECIES TREES. AS AN ALTERNATIVE, THE VIOLATION MAY BE SATISFIED VIA PAYMENT INTO THE COUNTY TREE FUND OR BY SOME COMBINATION OF PAYMENT AND QUANT PLANTING. THE CURRENT FEE, AS MAY BE INDICATED BY THE DADE COUNTY ECC, IS \$100.00 PER INCH. IN ALL CIRCUMSTANCES THE VIOLATION SHALL BE SATISFIED PRIOR TO THE RELEASE OF THE LANDSCAPE/ZONING HOLD(S).

- NOTES:**
1. ALL SDD SHALL BE BARRI SOLO SDD.
 2. ALL PLANTER BOXES ARE TO BE TOP-SIDED WITH 2" OF THE STYRE FOAM.
 3. ALL PLANT MATERIAL SHALL BE GRADED FLORIDA 60-1" OR BETTER AS OUTLINED IN THE FLORIDA VARIETAL AND STANDARD FOR HARDY PLANT MATERIAL.
 4. THE LANDSCAPE ARCHITECT MAY SELECT ANY PLANT MATERIAL SUBMITTED TO THE SITE WHICH MEETS OR EXCEEDS SUPERIOR QUALITY OR APPEARANCE.
 5. ALL LANDSCAPE MATERIALS ARE TO BE VERIFIED.
 6. ALL LANDSCAPE SHALL BE INSTALLED ACCORDING TO ACCEPTED COMMERCIAL PLANTING PROCEDURES.

IRRIGATION CERTIFICATION NOTES:

THE IRRIGATION SYSTEM HAS BEEN DESIGNED IN ACCORDANCE WITH SEC. 24-1 AND SEC. 24-7 AND HAS BEEN OBSERVED AND WILL BE INSTALLED IN COMPLIANCE WITH CH. 27, SECTIONS 801-813 OF THIS CODE.

THE IRRIGATION SYSTEM IS TO BE MAINTAINED FOR THE PURPOSE OF ESTABLISHING PLANT MATERIAL.

PLANT LIST LEGEND

PLANT USE	QUANTITY	SYMBOL	PLANT NAME	SIZE
L	45	○	1.5M DIA. GERMANY VIBURNUM	7' CAL. 10'-12' HEIGHT x 12' SPD.
	307	●	2.5M BOTTLE BRUSH CERISEA	30 GAL. 7' CAL. 7'-8' HT x 6'-8' SPD.
L	14	○	SHRUB GEM JASMINE STRAUCH	7' CAL. 10'-12' HEIGHT x 8' SPD.
L	29	○	SABAL PALMETTO SABAL PALM	12'-14' HT x 4'-8' SPD.
L	1	○	LAUREL WAX YACONTHUS LINDLEYI	30 GAL. 8'-10' HT x 8'-10' SPD. 10'7, 10'8
L	128	○	VERONICA VERONICA BUCHANAN	7 GAL. 10"-30" HT x 20"-20", 20" D.C.
L	115	○	HYDRANGEA HYDRANGEA TOM THOMAS	3 GAL. 18"-24" x 18"-24", 3 D.C.
L	538	○	BLUENET FLOUNDER BILVERDIA POLYCELLA	4"-6" 8"-8", FULL 20" D.C.
L	224	○	STYLLIS STYLLIS CALIDA	3-4 GAL. 18"-24" 3 D.C.
B	423	○	GARDEN HYDRANGEA GARDEN	6" 8" x 8"-8" 20" D.C.
B	134	○	OHIOBETHEA FASCICULARIS PASTORIS PCA	12"-18" 24", FULL 20" D.C.
B	247	○	PINKA REDFLOWER PINKA FLOWER	8" 12", FULL 12" D.C.

LANDSCAPE CERTIFICATION NOTES:

THE LANDSCAPE PLAN HAS BEEN REVIEWED IN ACCORDANCE WITH SEC. 24-2(B) AND SEC. 24-7(B)(1) OF SEC. 24-2(B) AND 24-7(B)(1) OF THE CODE IN THESE SPECIFICATIONS.

MULCH REQUIREMENTS:

MULCH PER SEC. 24-6(B)(4) SHALL BE ORGANIC AND SHALL NOT BE PLACED ON TOP OF THE ROOT BALL OR PLACED AGAINST THE TRUNK. MULCH SHALL BE APPLIED A MINIMUM OF 12" TO 18" FROM THE TRUNK OF ANY SIZED TREE. MATERIALS SUCH AS ROCK AND SHELLS THAT DO NOT BIODEGRADE, ARE NOT DEEMED ACCEPTABLE. FAILURE TO INSTALL MULCH (AND TYPE OF MULCH) AS PROVIDED IN THE SPECIFICATION ABOVE MAY RESULT IN A FAILURE INSPECTION. SEE [HTTP://WWW.FLORIDAPLANT.COM/PERMITS/PERMITS.ASP](http://www.floridaplant.com/permits/permits.asp) FOR MORE INFORMATION.

MATCH LINE 'A-A'
SEE SHEET L2

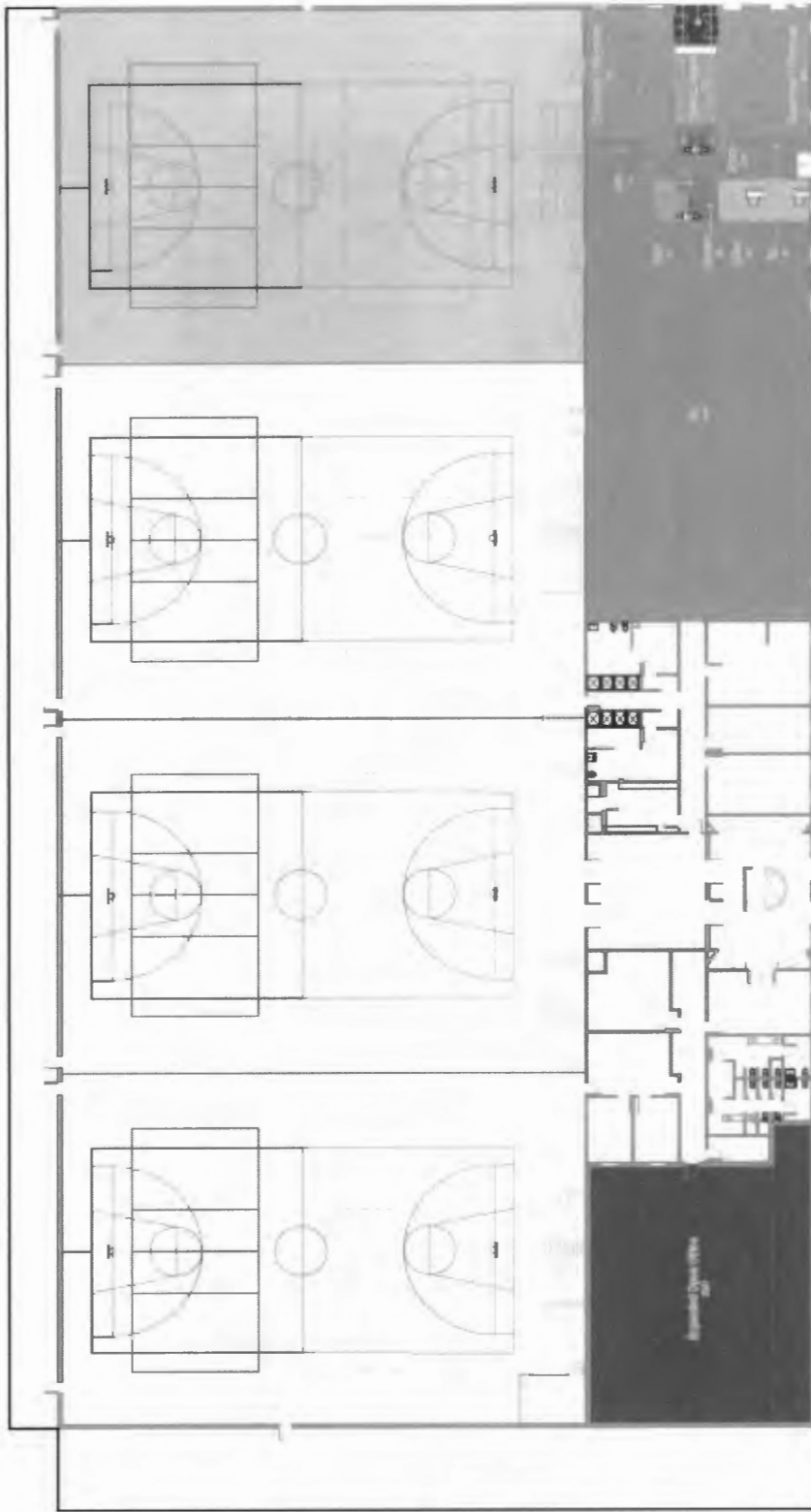
LANDSCAPE PLAN

LANDSCAPE PLAN
SCALE: 1" = 50'-0"

RECEIVED

FLOOR PLAN

345'-5"



172'-9"

- Classroom / Playroom
- Entry
- Expanded Open Office
- Jen.
- Men
- Office
- Rest.
- Shared Space
- Side Entry
- Stair
- Volleyball Court
- Women



New Expansion Area: 20,677 S.F.

ELEVATIONS



Front Elevation



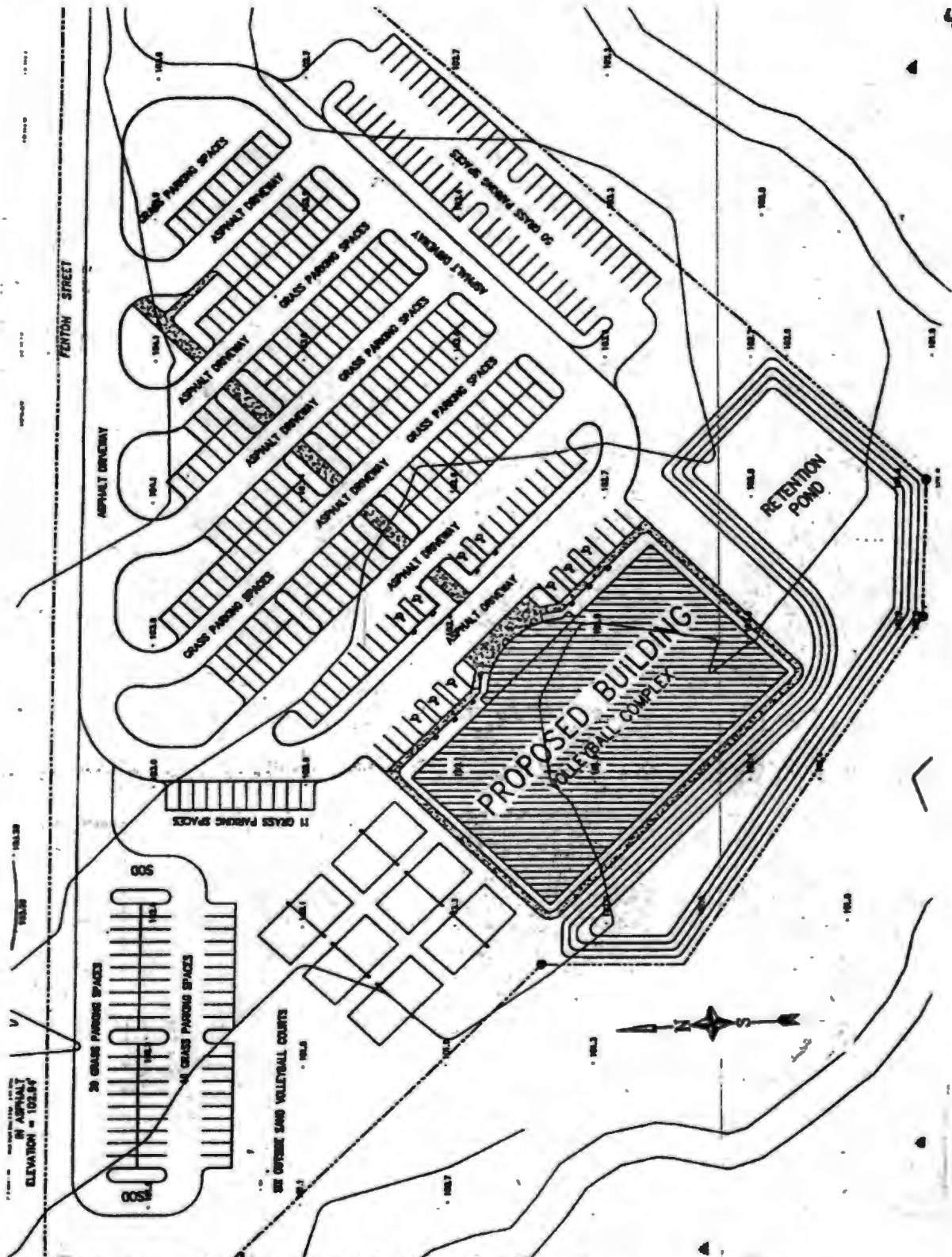
Left Side Elevation



Right Side Elevation



Rear Elevation



BZA #8, Orlando Volleyball Academy. 8/5/99

SITE PHOTOS



Front Fenton St. (Subject site to left)



Site looking south from Fenton St.

SITE PHOTOS



Structure to be expanded



Structure to be expanded



BOARD OF ZONING ADJUSTMENT