

Orange County Zoning Division

SE-18-12-159

APPLICANT:

IGLESIA DE DIOS EN BITHLO

JUNE 4, 2019



Background

CASE: SE-18-12-159

APPLICANT: Iglesia De Dios En Bithlo

ZONING: R-T-2, Combination Mobile Home and Single Family Dwelling District & A-2, Farmland Rural District

FUTURE LAND USE: RS 1/1

ADDRESS: 2049 8th St and 18606 Hollister Rd., Orlando FL 32820

LOCATION: Southeast corner of Hollister Rd. and 8th St., in Bithlo

TRACT SIZE: 3.7 Acres

DISTRICT: 5



Background

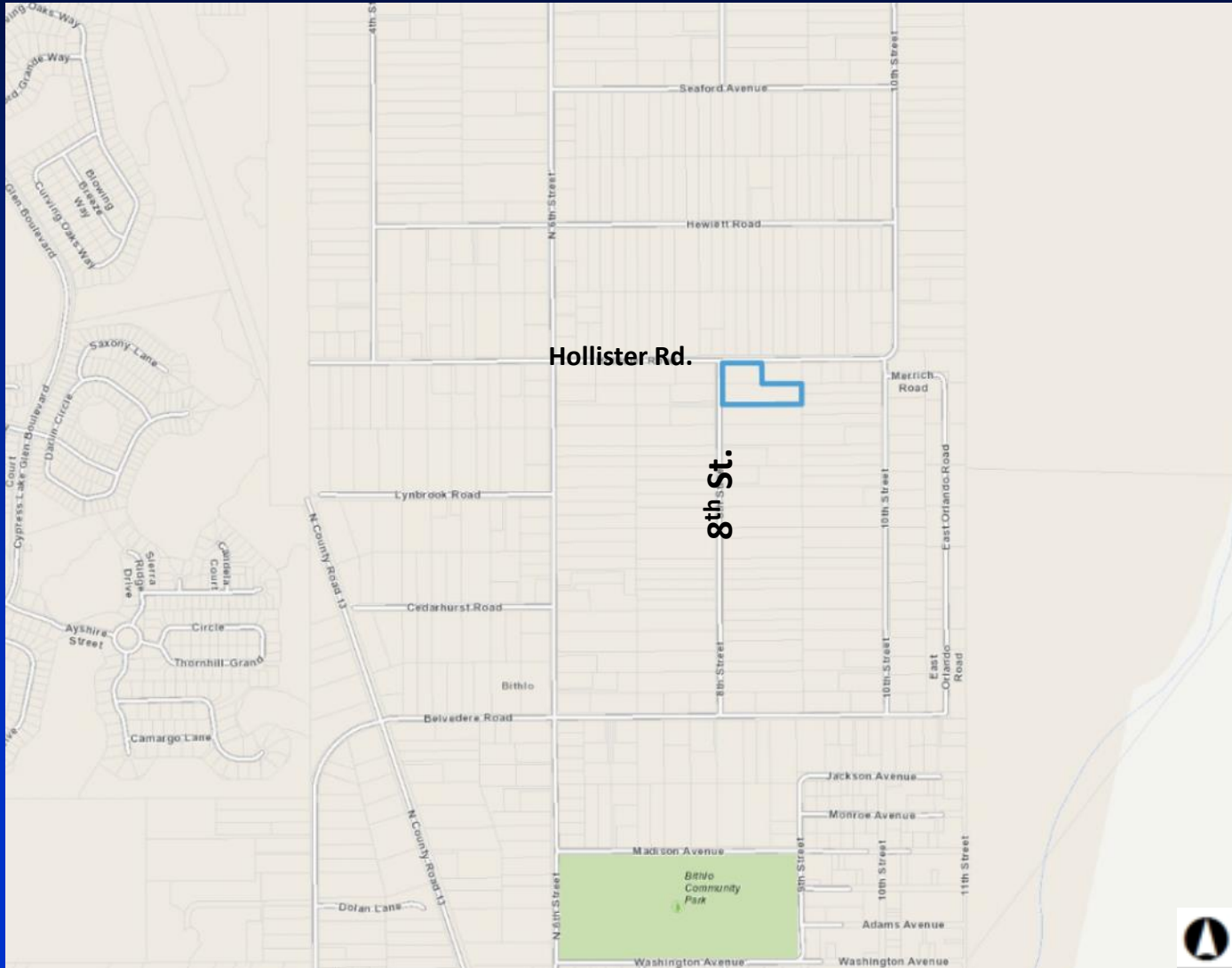
REQUEST:

Special Exceptions and Variances in the A-2 and R-T-2 zoning districts as follows:

- 1) Special Exception to allow an existing religious institution to remain.**
- 2) Special Exception to allow the construction of a new 500 seat sanctuary building with ancillary uses.**
- 3) Variance to allow the continued use of unpaved parking.**
- 4) Variance to allow a church spire to extend 20 ft. above the 35 ft. maximum height in lieu of 10 ft.**

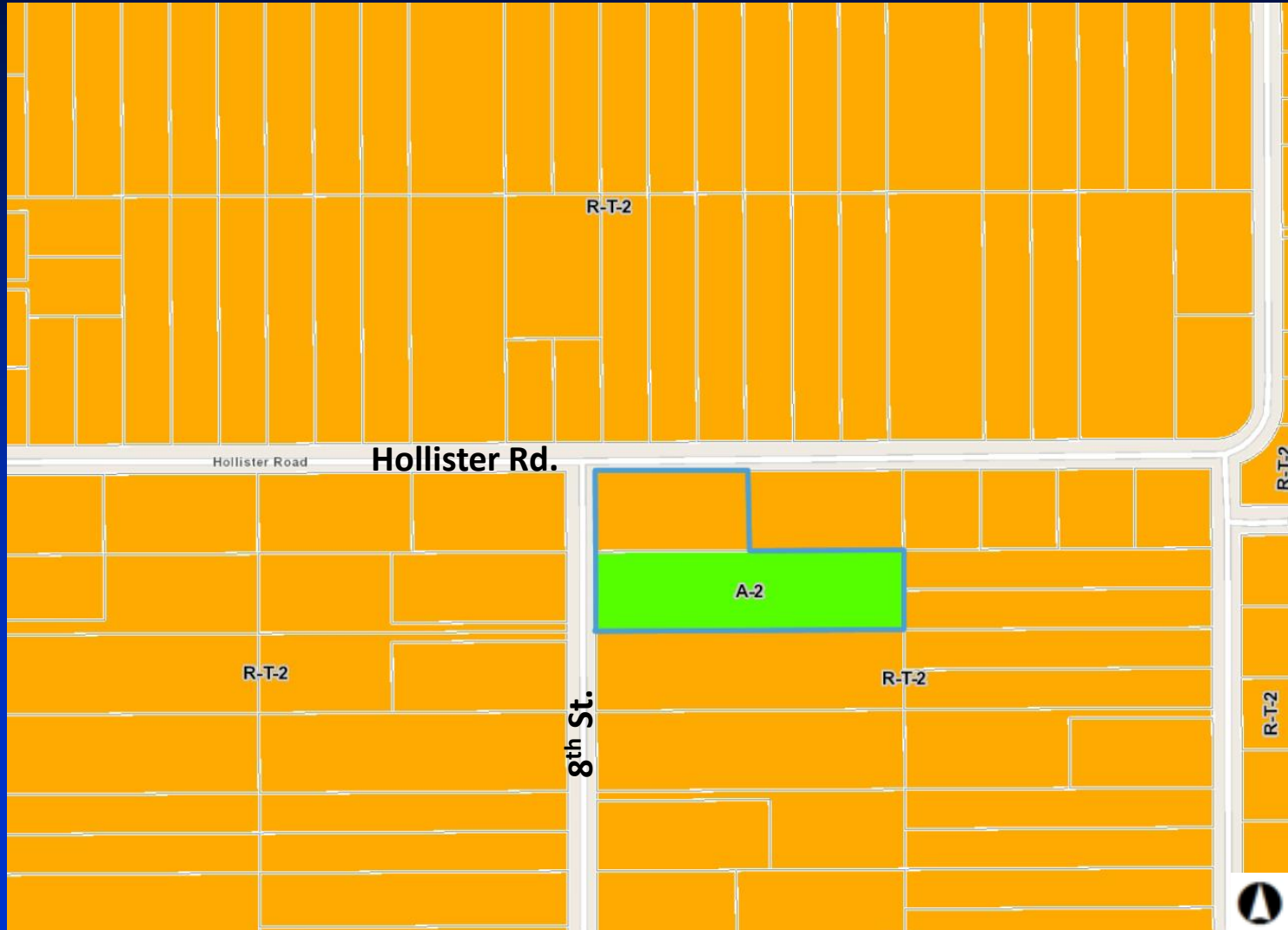


Location Map





Zoning Map



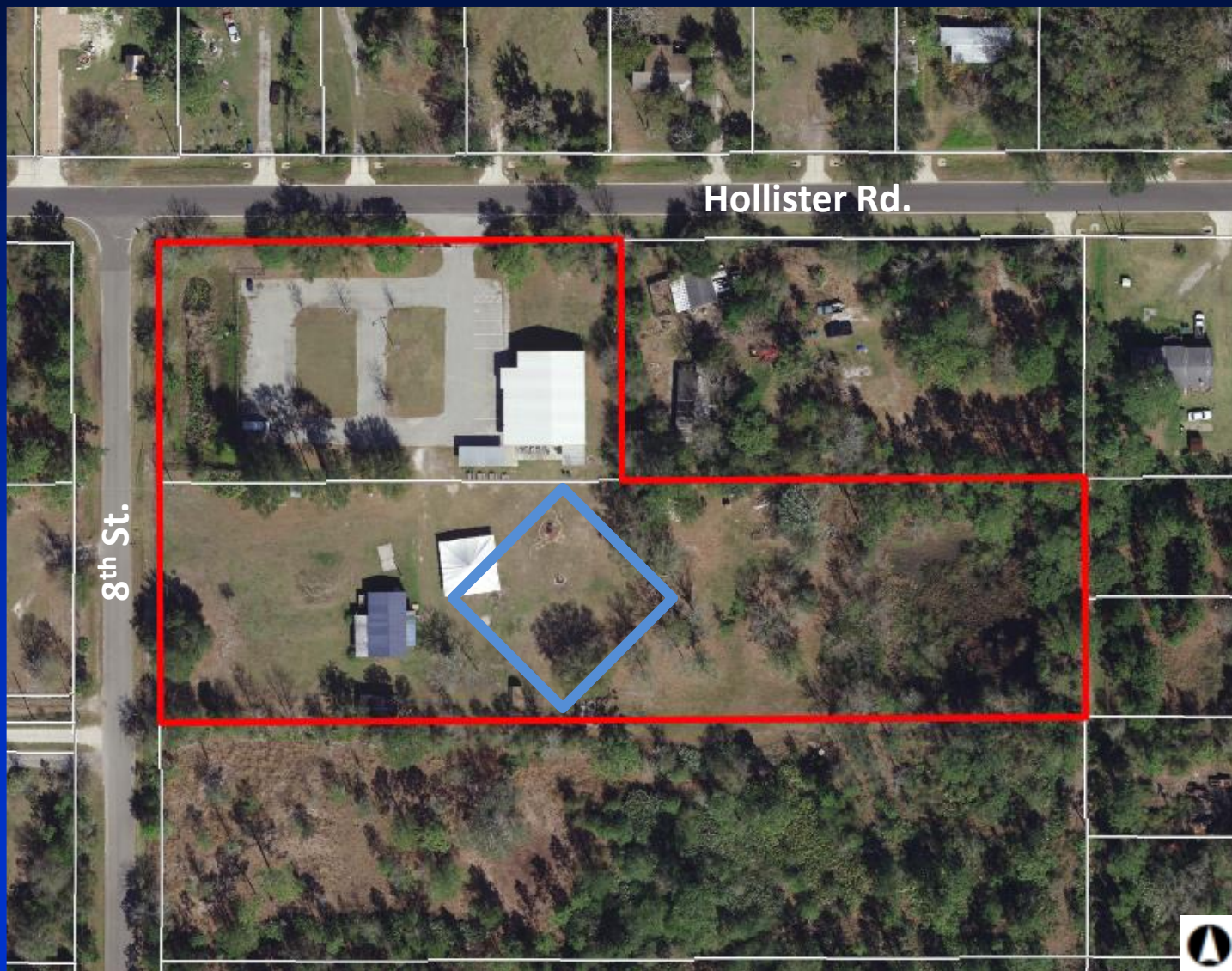


Aerial Map





Close-Up Aerial Map



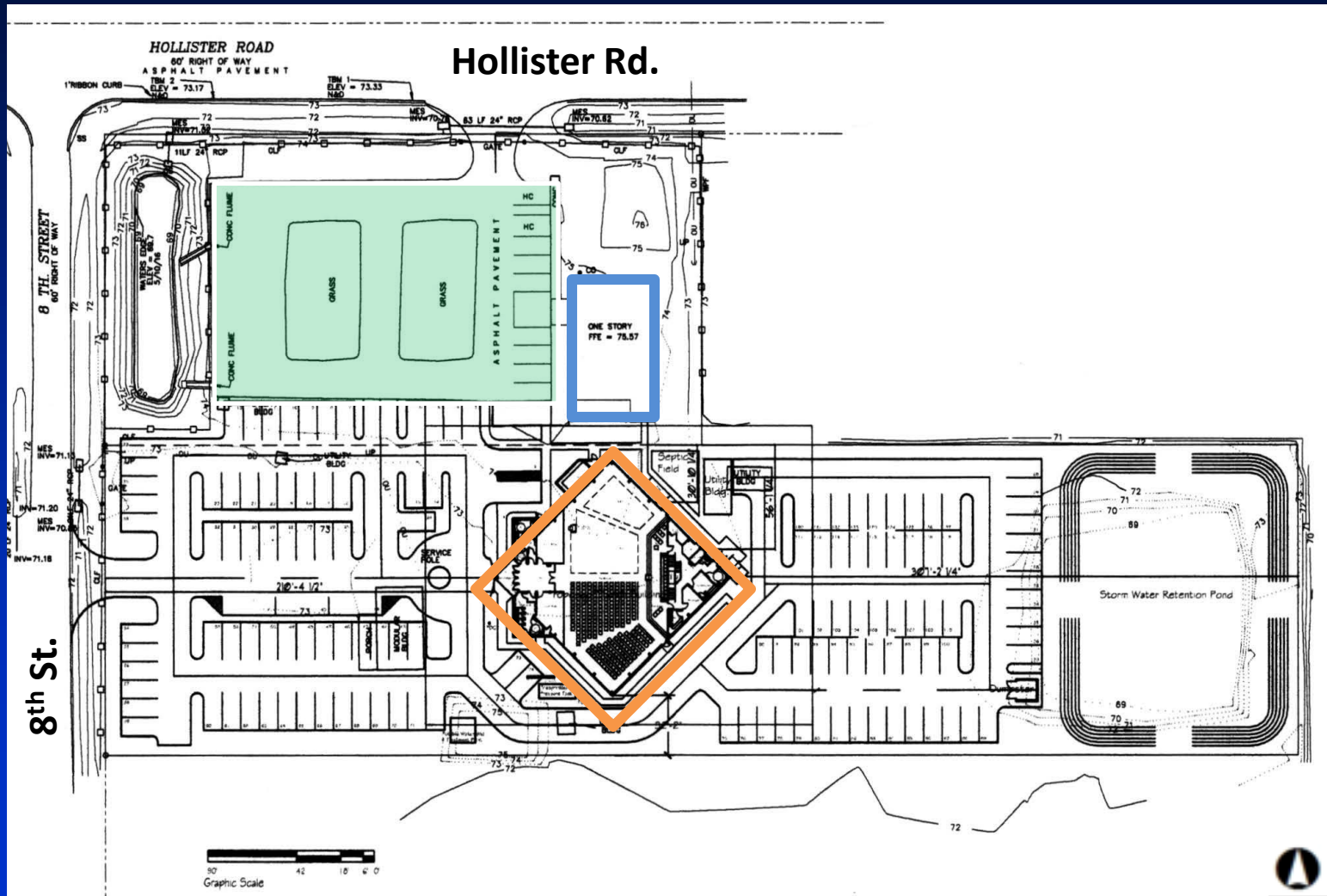


History

- **1957 – A-2 zoning designation was assigned to the areas located around the City of Bithlo**
- **1964 – Administrative re-zoning to R-T-2 was approved**
- **1991 – Orange County adopts Comprehensive Plan; Bithlo Rural Settlement created**
- **2000 - Building Permit issued to construct existing sanctuary on corner parcel**
- **2009 – Church acquires southern property where new sanctuary is proposed**
- **2012 – Church rezoned southern property to A-2 with the intent of utilizing the property as a daycare associated with the church.**

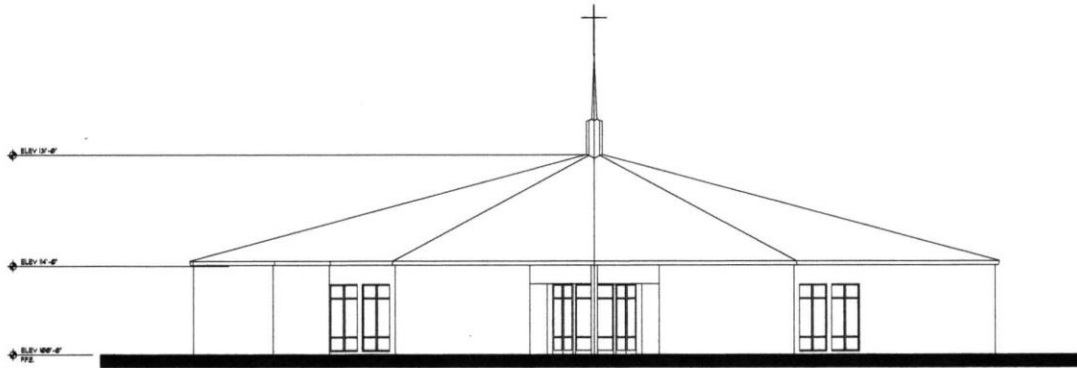


Proposed Site Plan

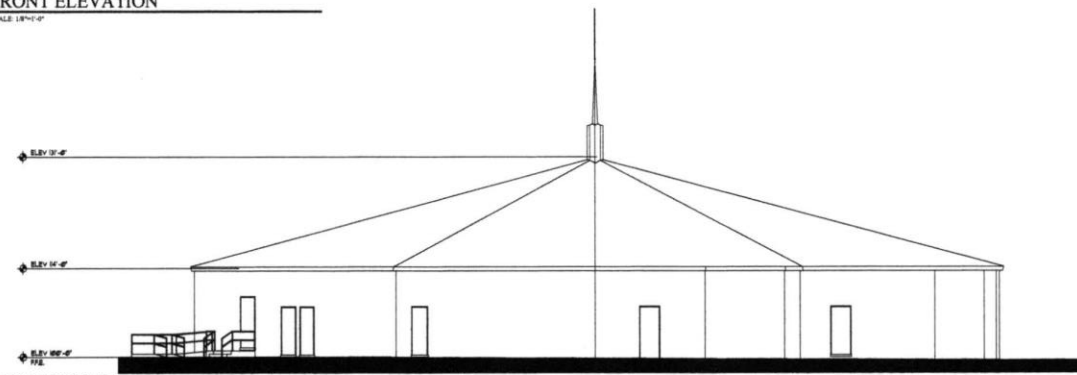




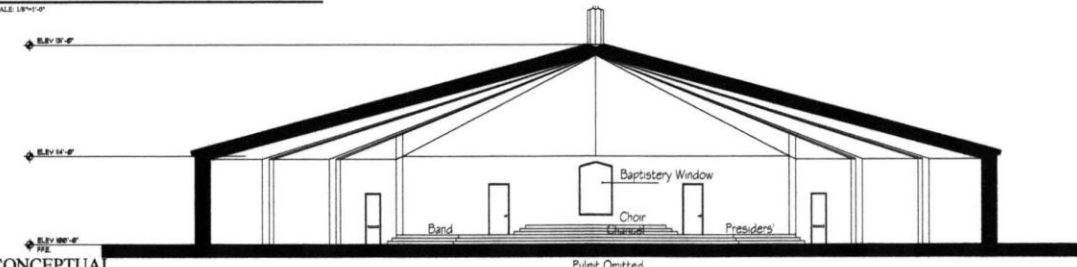
Elevations



1
CONCEPTUAL
FRONT ELEVATION
SCALE 1/8"=1'-0"



2
CONCEPTUAL
SIDE ELEVATION
SCALE 1/8"=1'-0"



3
CONCEPTUAL
BUILDING SECTION
SCALE 1/8"=1'-0"



Site Photograph

Front of existing sanctuary from Hollister Road





Site Photograph

Site of new proposed sanctuary from 8th Street





Site Photograph

Existing parking lot with unpaved parking





Staff Findings and Analysis

- The neighborhood consists primarily of single family and mobile homes.
- The current sanctuary, constructed in 2000 on the northern parcel, is 3,558 sq. ft. and seats 204 in the sanctuary. This lot also contains a parking area with unpaved parking spaces. The permit for this property was issued without the required special exception to allow a church and without the required variance to allow the unpaved parking, prompting the need for the requests now.
- Applicant is also requesting a special exception to allow the construction of an approximately 8,700 sq. ft. building with seating for up to 500 people, kitchen facilities, and storage space. It also includes a paved parking lot with 119 parking spaces. If this request is approved, the existing sanctuary would be converted to offices and classrooms for Sunday School.



Staff Findings and Analysis

- **The Church operates a food pantry on a once-a-month schedule, which provides food for immediate needs. On a second day once a month, they have a major food distribution to the needy. A semi-trailer loaded with food is delivered and unloaded, and the food is packaged for distribution. This day attracts a large number of participants to the site.**
- **The request was continued by the BZA at its December 6, 2018 hearing to allow the church to address some of the concerns regarding the impacts of the major food distribution event. The BZA requested that the applicant attempt to modify the normal operations to reduce the backup and congestion on Hollister Road.**



Staff Findings and Analysis

- At the April 4, 2019 hearing, the applicant indicated that they now open a gate off 8th Street to allow those waiting for the distribution to queue on the currently vacant portion of the site where the new sanctuary is proposed. If approved, the new sanctuary's parking lot will serve as the new queueing area for the major food distribution.
- Staff recommended approval of the existing sanctuary as it has existed in the area for years and is a scale and size that is appropriate in a residential area. Staff recommended denial of the new sanctuary as it is too large for the residential area in which it is proposed. Staff recommended approval of the unpaved parking variance as this is common for religious facilities and the applicant withdrew the variance for the height of the spire at the hearing.



Public Feedback

On Monday, November 12, 2018, a Community Meeting was held to allow the Church to discuss their plans with the residents of the area, and to attempt to address any concerns that may be raised. The meeting was attended by the Head Pastor, two (2) members of the Church Board, staff, a representative from Commissioner Bonilla's office, and approximately 12 neighbors. Issues raised included:

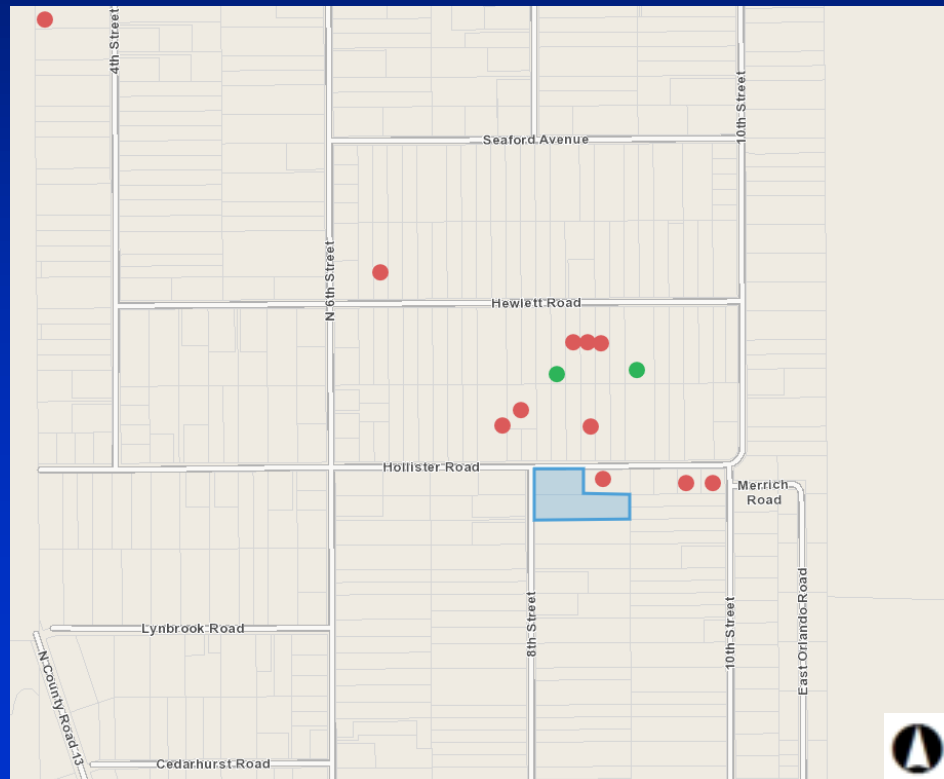
- The proposed size of the new sanctuary
- Traffic issues on the day of the major food distribution
- Crime, particularly illegal drug abuse and sales
- Lack of law enforcement presence



Public Feedback

Mailed 108 notices to property owners within 800 ft. radius of the property:

- Staff received 2 letters in support of the request.
- Staff received 11 letters in opposition to the request.





Variance Criteria

Section 30-43 (3), Orange County Code

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

1. Special Conditions and Circumstances - Special conditions and circumstances exist which are peculiar to the property and which are not applicable to other properties
2. Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant
3. No Special Privileges Conferred - Approval will not confer on the applicant any special privilege
4. Deprivation of Rights - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district
5. Minimum Possible Variance - The minimum variance that will make possible the reasonable use of the land, building, or structure
6. Purpose and Intent - Approval will be in harmony with the purpose and intent of this Chapter and will not be injurious to the neighborhood



Special Exception Criteria

Section 38-78, Orange County Code

- 1. The use shall be consistent with the Comprehensive 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.**



BZA Findings

- **The special exception to retain the existing sanctuary was warranted, as the church was an asset to the community, and the structure was constructed with a valid building permit.**
- **The variance for the grassed parking for the existing sanctuary was justified based on the fact that this is how it has been since constructed.**
- **The proposed sanctuary was out of scale and proportion for the neighborhood, and too intense for the location.**



BZA Recommendation

- BZA recommend approval of special exception #1 and variance request #3, subject to 10 conditions of approval and denial of special exception #2.
- Variance request # 4 was withdrawn by the applicant.



Conditions of Approval

- 1. Development in accordance with the site plan and elevations, dated January 16, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.**
- 2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.**
- 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.**



Conditions of Approval

4. Any expansions of the use shall require BZA and BCC approval.
5. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
6. Prior to the issuance of any permits or the clearing and/or alteration of any lands, a CAD shall be prepared and approved by EPD, and if necessary a Conservation Area Impact permit must be obtained.
7. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
8. Construction plans shall be submitted within three (3) years or this approval becomes null and void.



Conditions of Approval

9. **The Special Exception and Variance shall expire upon the sale of the property. Any further use of the property as a religious institution after its sale shall require approval of another Special Exception and Variance.**

10. **No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event. This shall exclude any major food distribution which does not involve the use of tents, tables, or on-site consumption of food.**



Requested Action

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

***Any approval is subject to standard conditions of approval.**