

# Orange County Government

Orange County  
Administration Center  
201 S Rosalind Ave.  
Orlando, FL 32802-1393

## Corrected Decision Letter

### Board of County Commissioners

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Tuesday, November 28, 2023

2:00 PM

County Commission Chambers

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23-1573 Case # VA-23-07-046

Robert Haines, October 5, 2023; District 1

**Consideration:** Request for variances in the A-1 zoning district as follows: 1) To allow a lot size of 0.25 acres (upland) in lieu of a minimum of 0.5 acres 2) To allow an east front setback of 25 ft. in lieu of 35 ft. for a new single family residence 3) To allow a north side setback of 7.5 ft. in lieu of 10 ft. for a new single family residence 4) To allow a south side setback of 7.5 ft. in lieu of 10 ft. for a new single family residence 5) To allow a pool and deck with a west rear setback of 25 ft. in lieu of 50 ft. 6) To allow a pool and deck with a west setback of 25 ft. from the Normal High Water Elevation (NHWE) of Lake Hickory Nut in lieu of 50 ft.

**Location:** District 1; property located at 9444 Lake Hickory Nut Drive, Winter Garden, Florida 34787; Orange County, Florida (legal property description on file in Zoning Division)

The request consists of six (6) variances. The applicant agreed to withdraw Variances #3, #4, #5, and #6 from his request:

1. To allow a lot size of 0.25 acres (upland) in lieu of a minimum of 0.5 acres.
2. To allow an east front setback of 25 ft. in lieu of 35 ft. for a new single family residence.
- ~~3. To allow a north side setback of 7.5 ft. in lieu of 10 ft. for a new single family residence.~~
- ~~4. To allow a south side setback of 7.5 ft. in lieu of 10 ft. for a new single family residence.~~
- ~~5. To allow a pool and deck with a west rear setback of 25 ft. in lieu of 50 ft.~~
- ~~6. To allow a pool and deck with a west setback of 25 ft. from the Normal High Water Elevation (NHWE) of Lake Hickory Nut in lieu of 50 ft.~~

Revised Condition of Approval #1:

1. Development shall be in accordance with the site plan and elevations received June 2, 2023, as modified to meet the side yard setback and to remove the pool and deck, subject to the

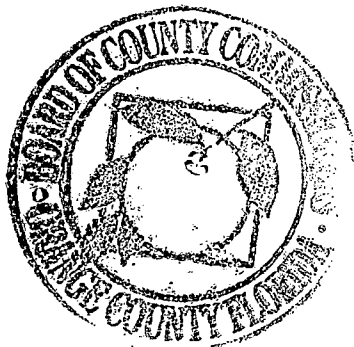
conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

Delete Condition of Approval #4:

~~4. Prior to the issuance of any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the variance request and , which shall inform all interested parties that the pool and deck are located no closer than 25 feet from the Normal High Water Elevation (NHWE) of Lake Hickory Nut.~~

A motion was made by Commissioner Wilson, seconded by Commissioner Scott, to make a finding of consistency with the Comprehensive Plan; further, approve Variances #1 and #2; further, delete Variances #3, #4, #5, and #6; further, approve the request subject to the four (4) conditions of approval with the Board of Zoning Adjustment recommendation dated October 30, 2023; further, modify Condition of Approval #1; and further, delete Condition of Approval #4. The motion carried by the following vote:

**Aye:** 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Scott



THE FOREGOING DECISION HAS BEEN FILED WITH ME THIS 12TH DAY OF DECEMBER 2023.

for J. Nigh  
DEPUTY CLERK  
BOARD OF COUNTY COMMISSIONERS  
ORANGE COUNTY, FLORIDA

*Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board's subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.*

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