



*Orange County Zoning Division*

**SE-18-07-077**

**APPLICANT: HUDSON FORTUNE**

**DECEMBER 18, 2018**



# Background

|                         |                                                           |
|-------------------------|-----------------------------------------------------------|
| <b>CASE:</b>            | <b>SE-18-07-077</b>                                       |
| <b>APPLICANT:</b>       | <b>Hudson Fortune</b>                                     |
| <b>ZONING:</b>          | <b>R-CE-2</b>                                             |
| <b>FUTURE LAND USE:</b> | <b>Rural Settlement 1/2 (Lake Hart/Lake Whippoorwill)</b> |
| <b>ADDRESS:</b>         | <b>11111 Tindall Rd. Orlando, FL 32832</b>                |
| <b>LOCATION:</b>        | <b>North of Tindall Rd., southwest of Lake Hart</b>       |
| <b>TRACT SIZE:</b>      | <b>2.11-acres</b>                                         |
| <b>DISTRICT:</b>        | <b>4</b>                                                  |



# Background

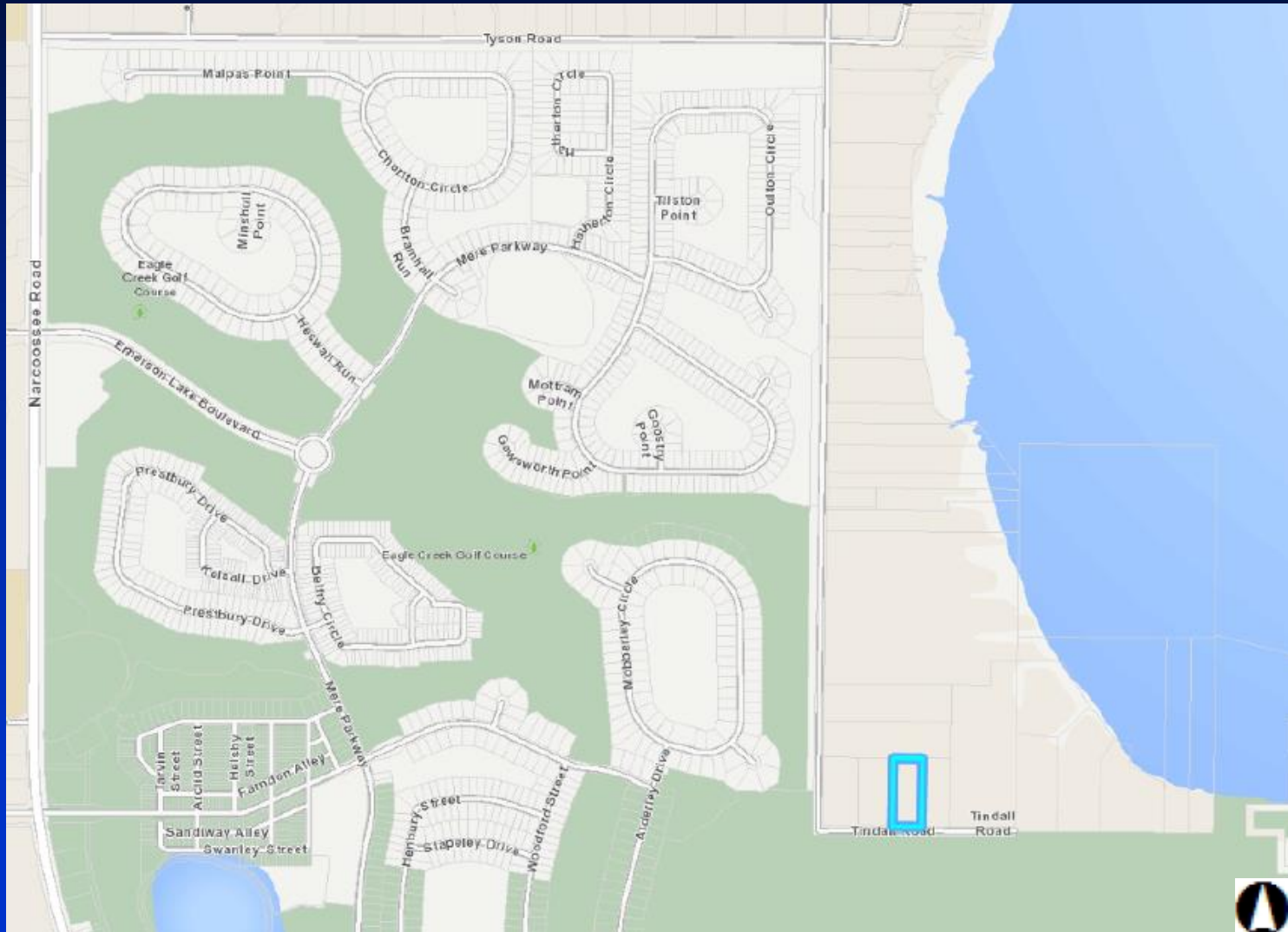
**REQUEST:** Special Exception and Variances in the R-CE-2 zoning district as follows:

- 1) Special Exception: To allow an existing 1 story detached Accessory Dwelling Unit (ADU) to remain.**
- 2) Variance to allow an ADU on a lot with 2.11 acres in lieu of 3 acres.**
- 3) Variance to allow a minimum lot width of 199 ft. in lieu of 250 ft.**

**This request is the result of code enforcement action.**



# Location Map



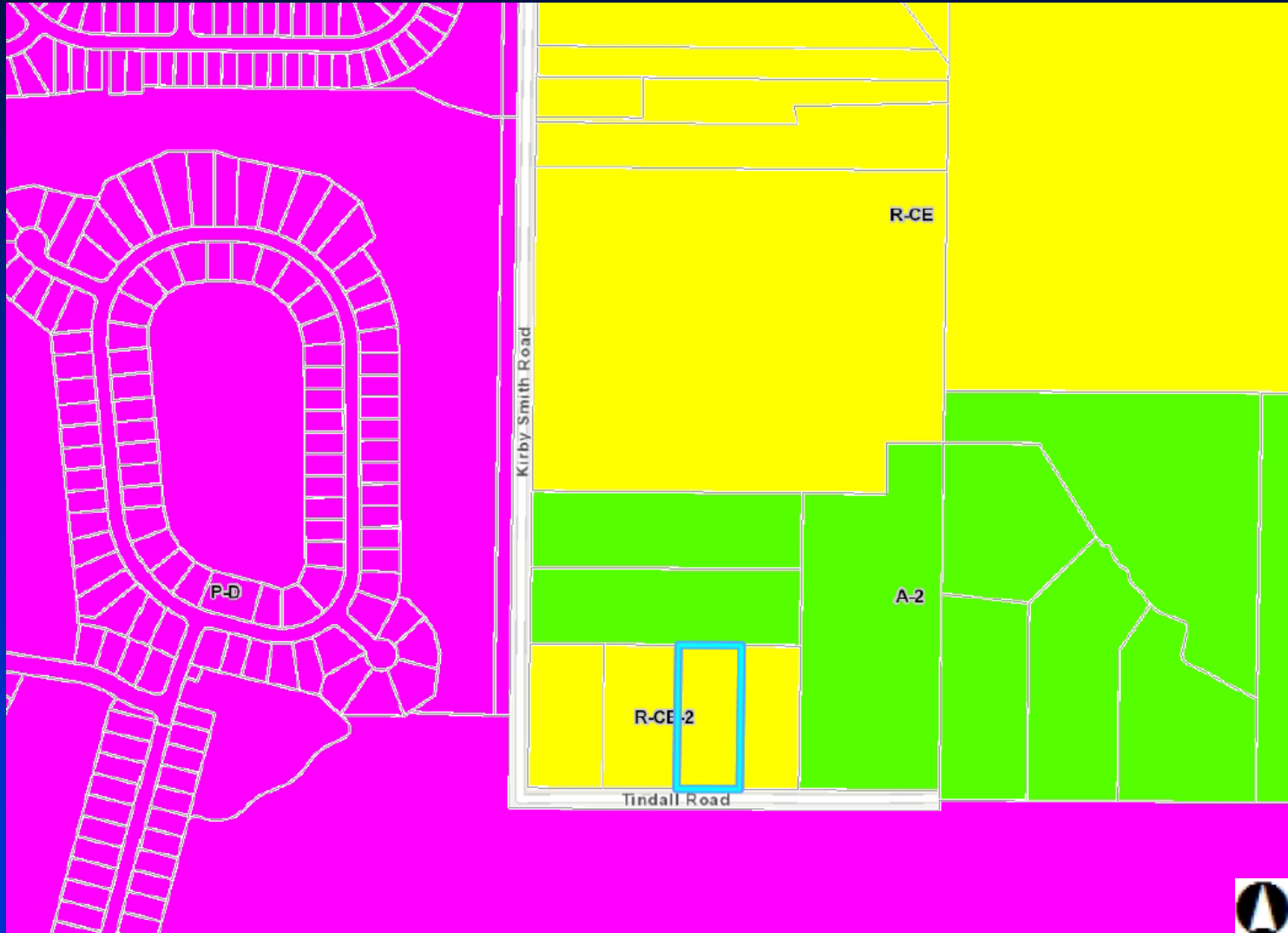


# Aerial Map





# Zoning Map





# Close-Up Aerial





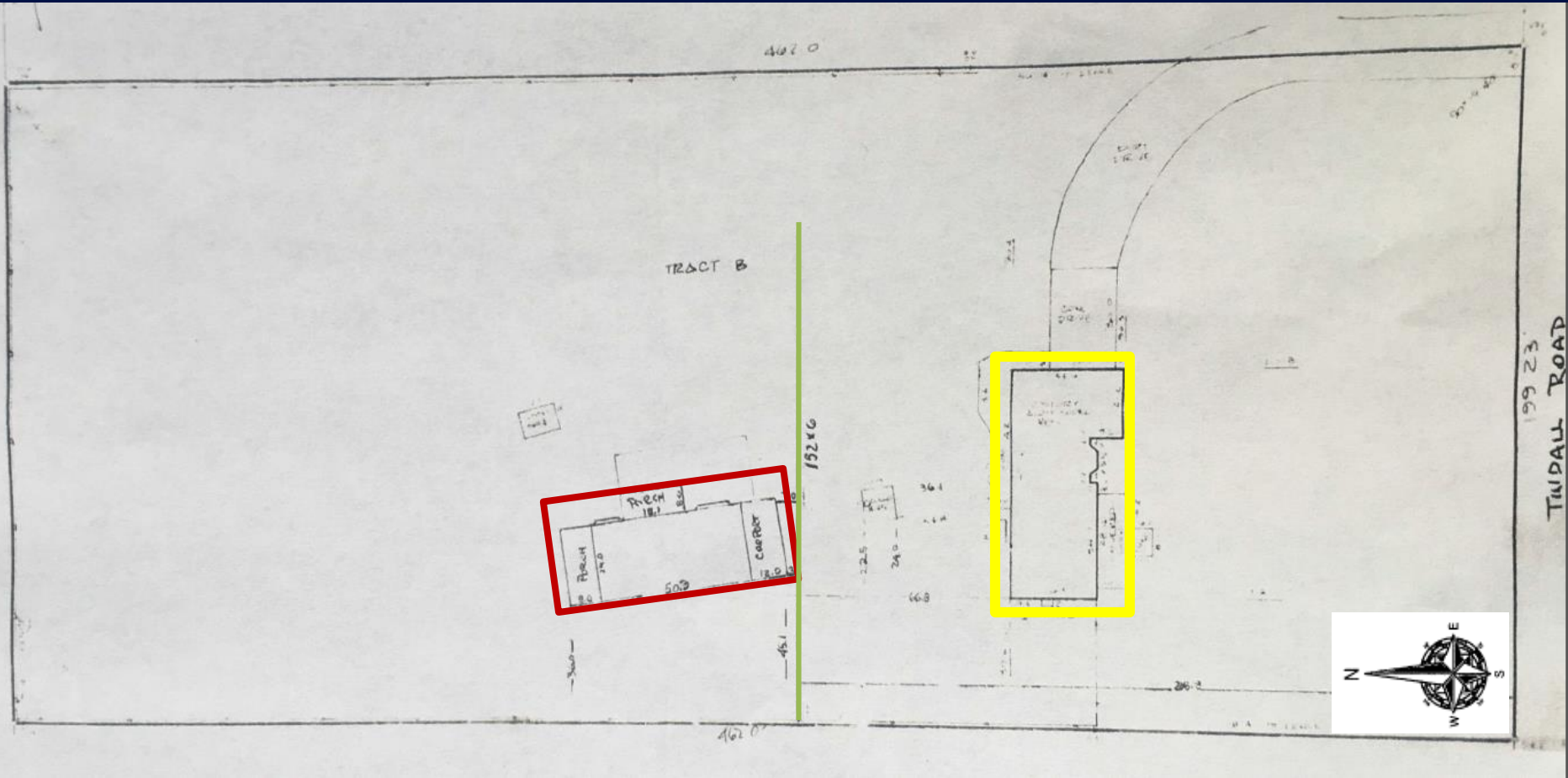
# History

- **February 2016** – The applicant purchased the property under an LLC. There was an existing single family home and accessory structure on site.
- **2016-2017** the applicant remodeled, expanded, and converted the accessory structure to an ADU without permits.
- **December 2017** – The applicant was cited by Code Enforcement.
- **March 2018** – The applicant deeded the property from the LLC to his daughter's, wife's and his name.
- **July 11, 2018** – The applicant received Homestead Exemption status from the Orange County Property Appraiser's office.





# Site Plan

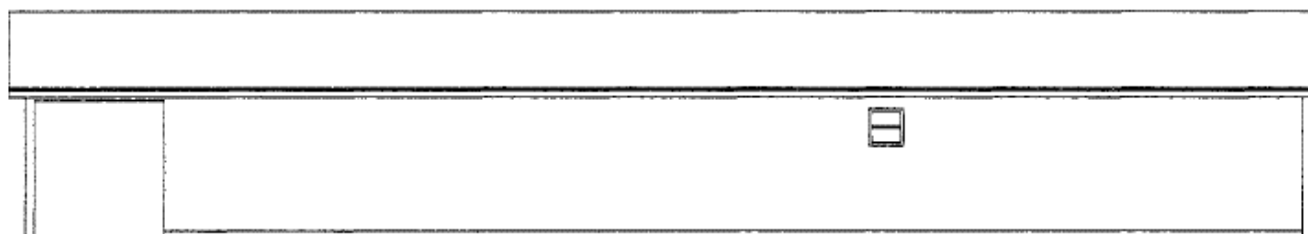




# ADU Elevations



FRONT ELEVATION



REAR ELEVATION



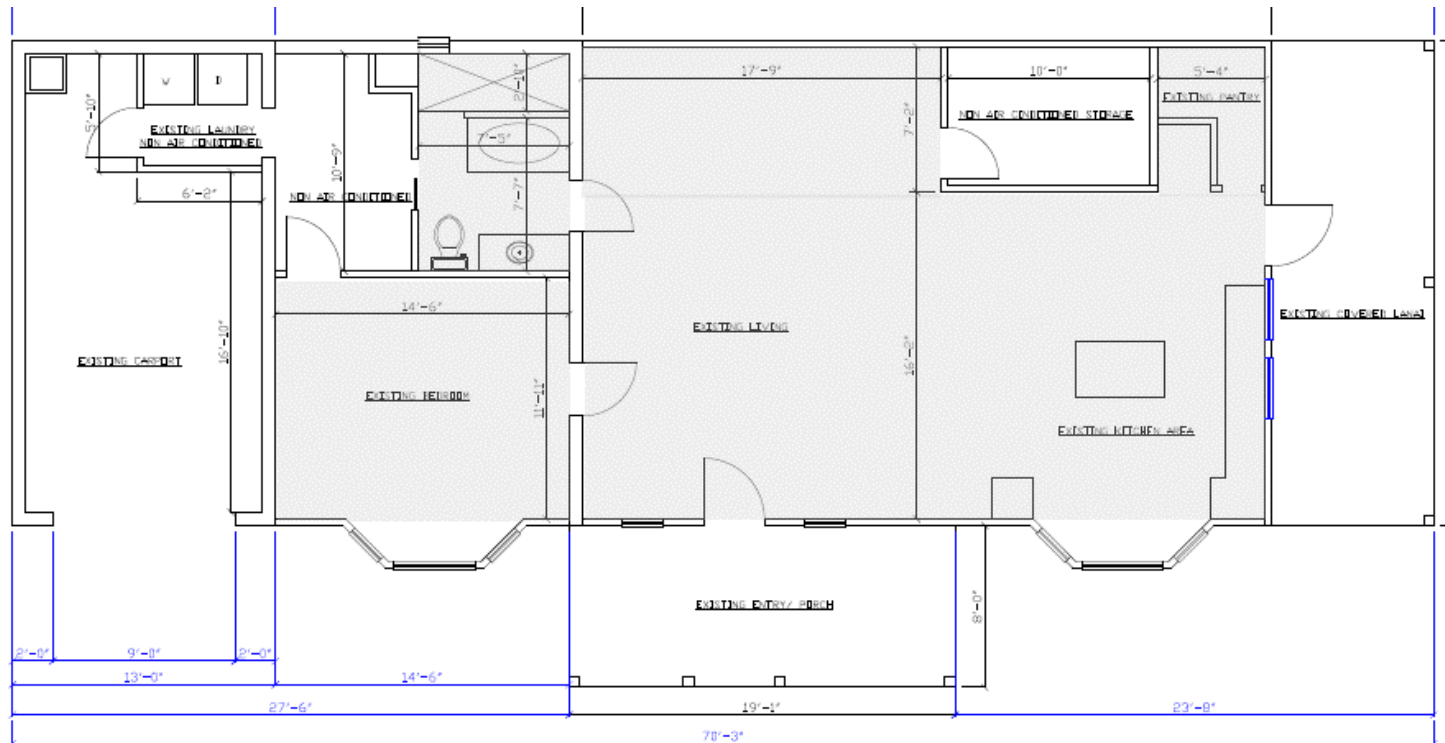
LEFTSIDE ELEVATION



RIGHTSIDE ELEVATION



# ADU Floor Plan





# Site Photograph – Principal residence





# Site Photograph – Principal residence





# Site Photograph – Existing ADU





# Site Photograph – ADU looking south





# Site Photograph – ADU looking south







# Staff Analysis

- 1. The subject property is zoned R-CE-2, Rural Residential District, which allows for single family development on two (2) acre lots and certain rural uses.**
- 2. The future land use is Rural Settlement 1/2, which requires at least two (2) acres for each parcel, the subject property is 2.11 acres.**
- 3. The property is located in the Lake Hart/Lake Whippoorwill Rural Settlement. This is a rural area with larger lots located on the west side of Lake Hart.**
- 4. ADU's are permitted on lots with at least 1 1/2 times the minimum lot area required in the zoning district and are permitted through the Special Exception process. A variance is required to allow an ADU on this 2.11 acre lot where 3 acres is required.**

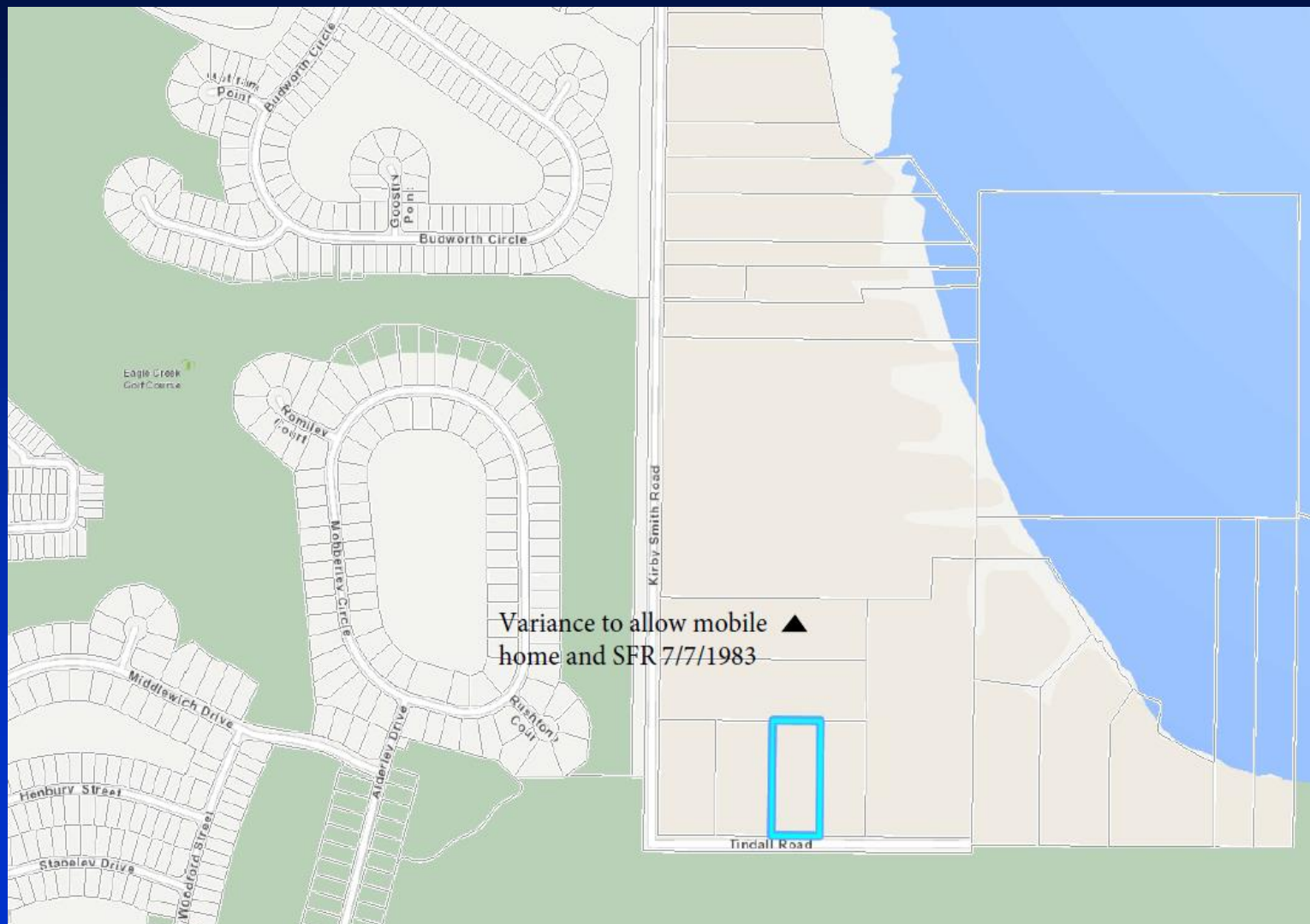


# Staff Analysis

5. The ADU meets the setback, height, and square footage requirements.
6. This property and the three (3) properties adjacent are zoned R-CE-2, however, the remainder of the properties in the Rural Settlement are zoned R-CE and A-2, which require a minimum of 1 acre and 1/2 acre lots, respectively. If the property were zoned R-CE or A-2, the variances would not be required.
7. Staff recommended approval of the variances and the special exception in finding that the ADU was consistent with the comprehensive plan, similar and compatible with the surrounding development pattern, and would not act as a detrimental intrusion into a surrounding area.



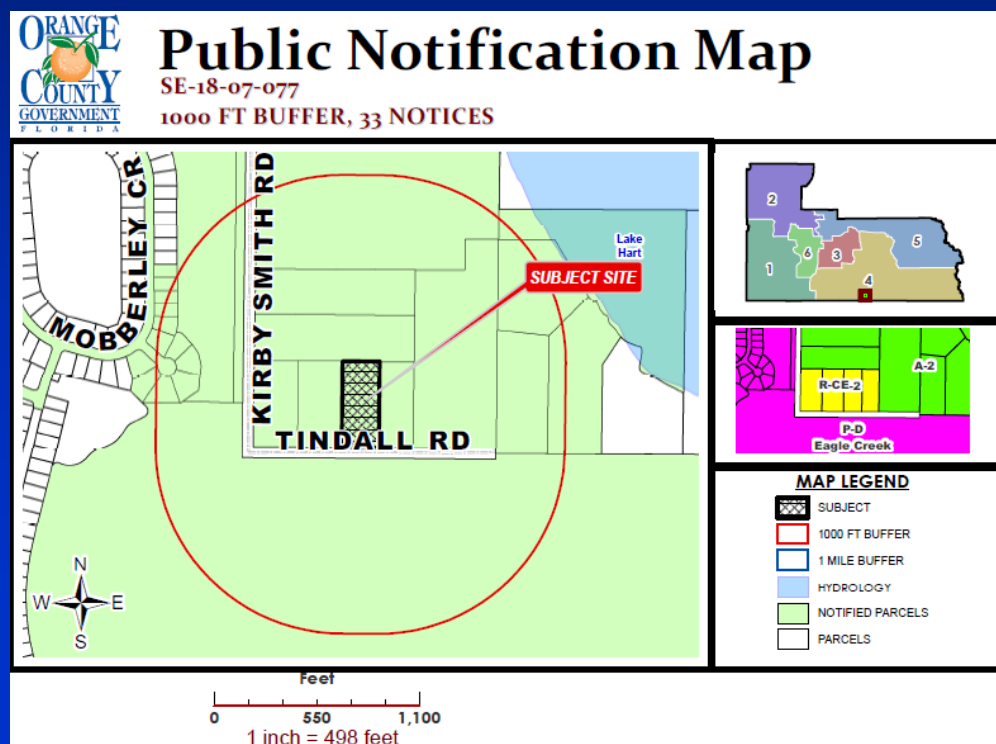
# Previous BZA Action





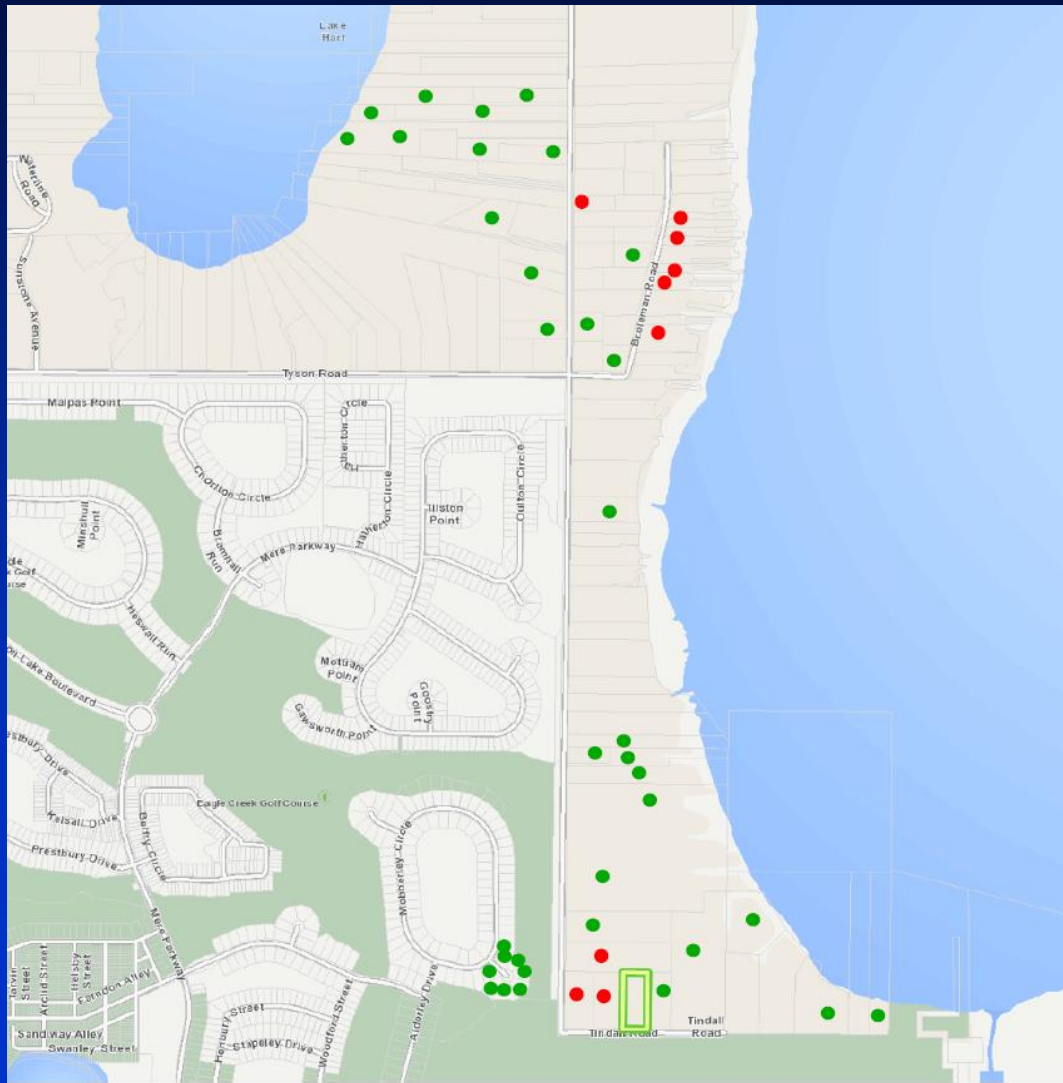
# Public Feedback

- Mailed 33 notices to property owners within 1,000 ft. radius of the property.
- Staff received 55 letters in support of the request.
- Staff received 10 letters in opposition to the request.





# Map of Responses





# **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.**



# Variance Criteria

## Section 30-43 (3), Orange County Code

### VARIANCE CRITERIA

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



## BZA Findings

- The lot is over 2 acres in size and the ADU matches the existing single family residence.
- The ADU is meeting the height, setbacks and sq. ft. requirements outlined in Orange County Code and will allow both of the applicant's daughters to live on the same lot.





## BZA Recommendation

- The BZA made the finding that the standards of variance criteria and standards of special exception criteria were met and recommended approval of the special exception and variances subject to the following conditions:



# Conditions of Approval

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



# Conditions of Approval

4. The applicant shall obtain a permit for the ADU within ninety (90) days of final approval or this approval becomes null and void
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
6. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.



## Requested Action

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

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



# Urban Service Area

