

*Orange County Zoning Division*

**VA-23-07-046**

**APPLICANT:**

**ROBERT HAINES**

**November 28, 2023**



# Background

**APPLICANT:** Robert Haines

**CASE:** VA-23-07-046

**ZONING:** A-1 (Citrus Rural) District

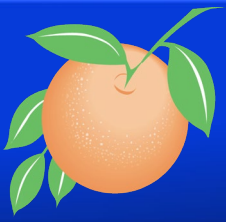
**FUTURE LAND USE:** V (Village)

**ADDRESS:** 9444 Lake Hickory Nut Dr., Winter Garden, FL 34787

**LOCATION:** West side of Lake Hickory Nut Dr., east side of Hickory Nut Lake, south of Old YMCA Rd., west of Avalon Rd.

**TRACT SIZE:** +/- 0.74 acres (0.25 acres upland)

**DISTRICT:** 1



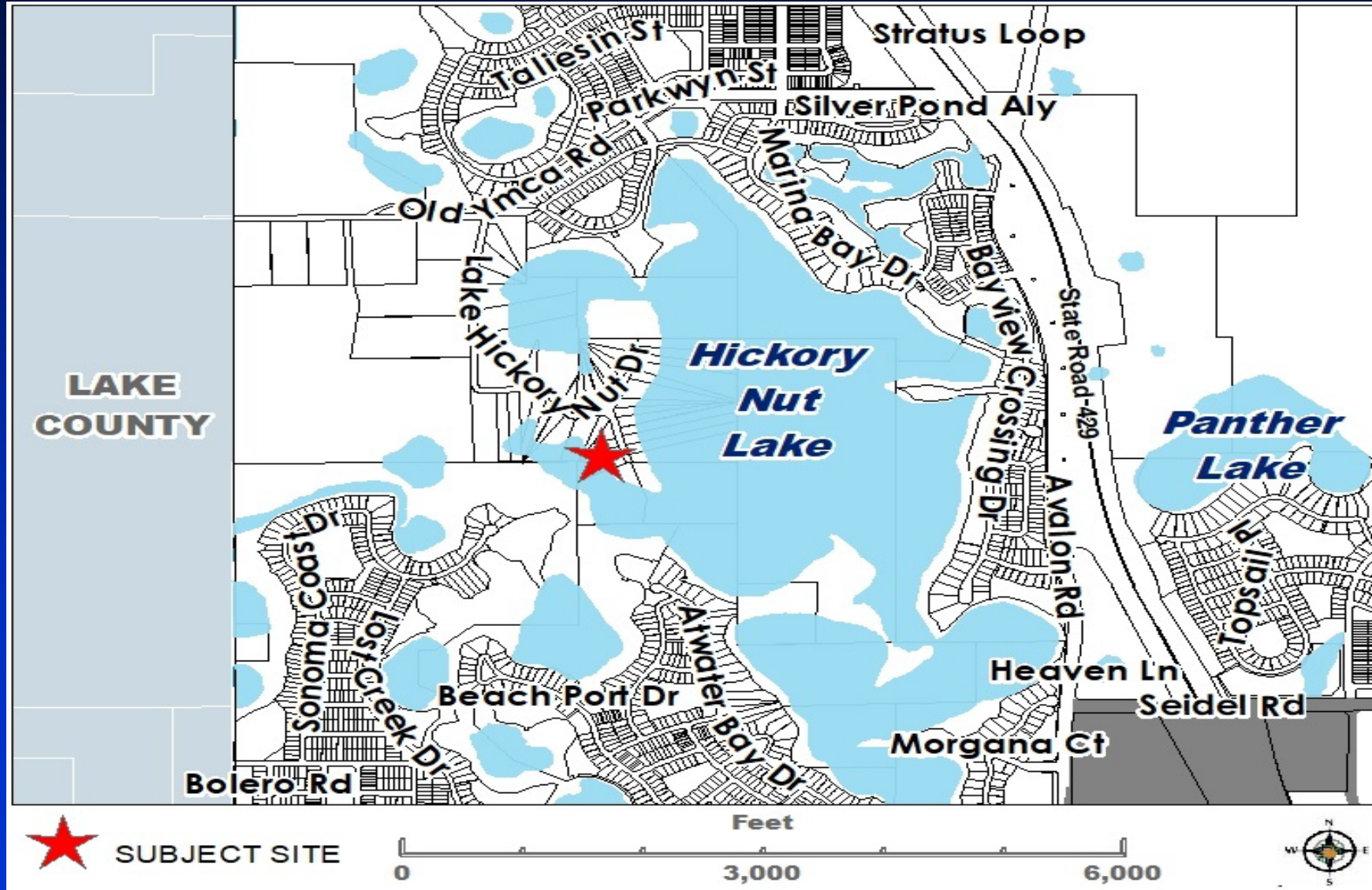
# Background

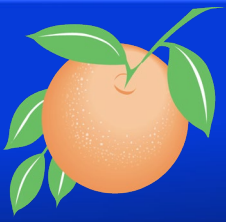
**REQUESTS: Variances in the A-1 zoning district:**

- 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.**

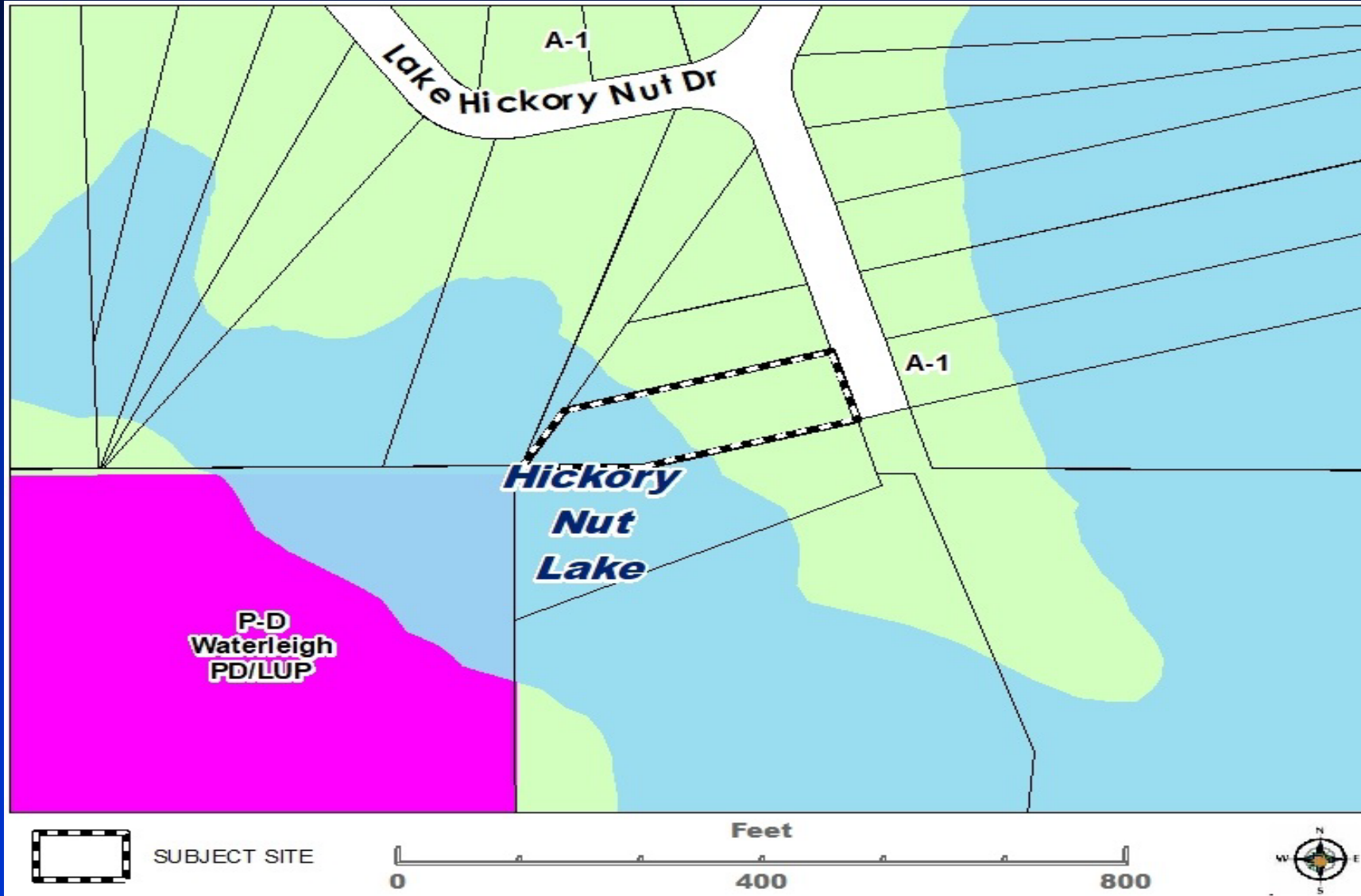


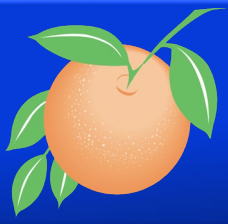
# Location Map





# Zoning Map

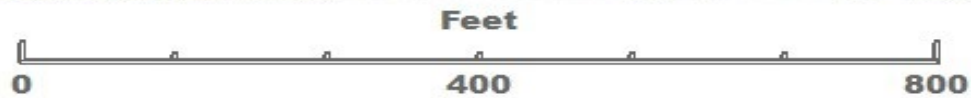


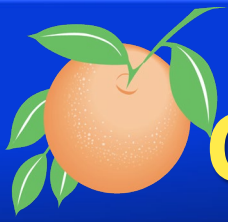


# Aerial Map



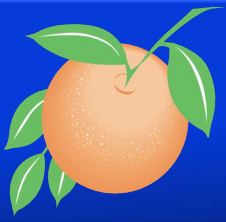
SUBJECT SITE



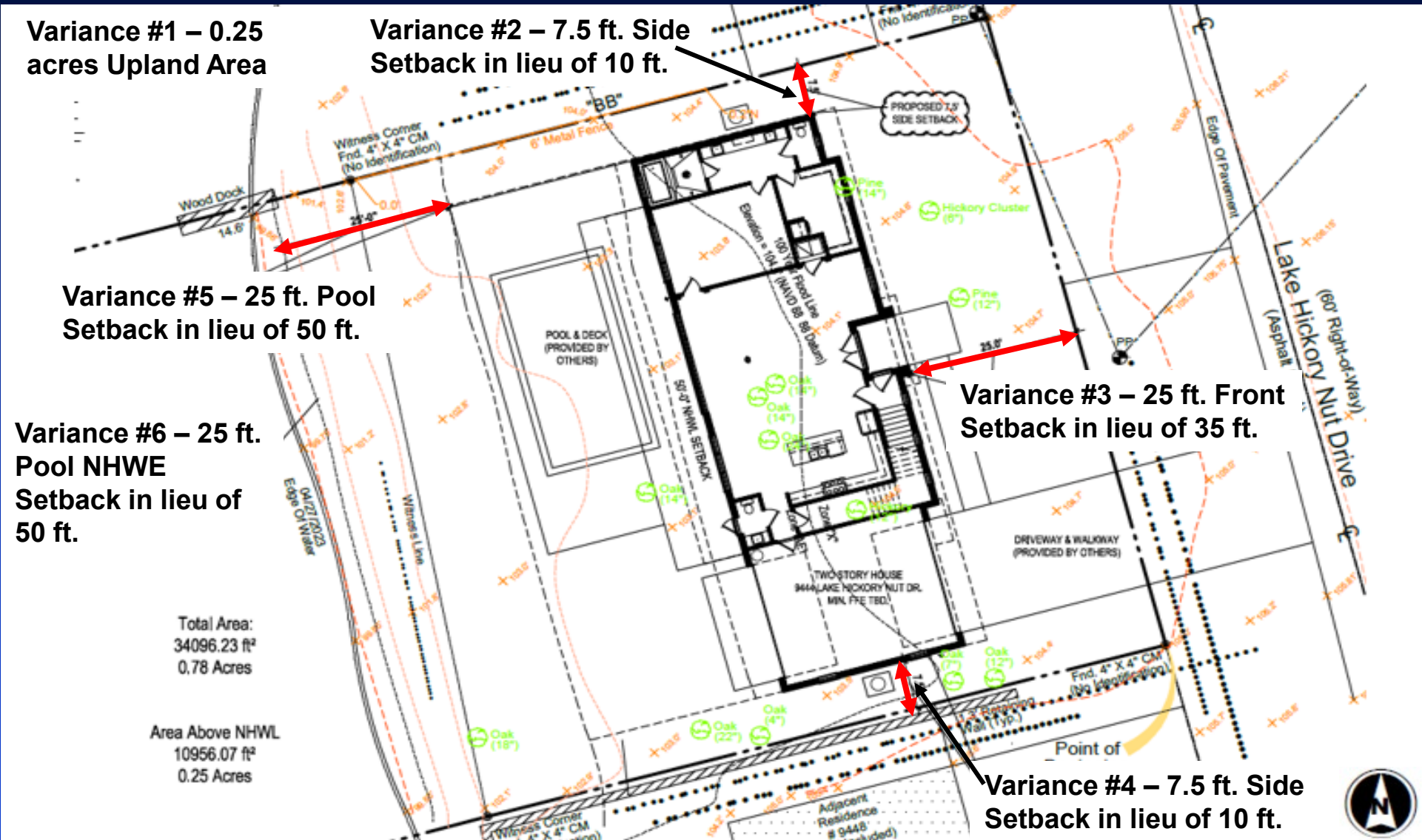


# Close-Up Aerial Map

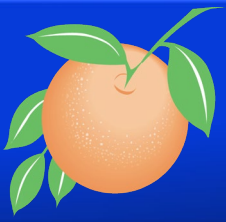




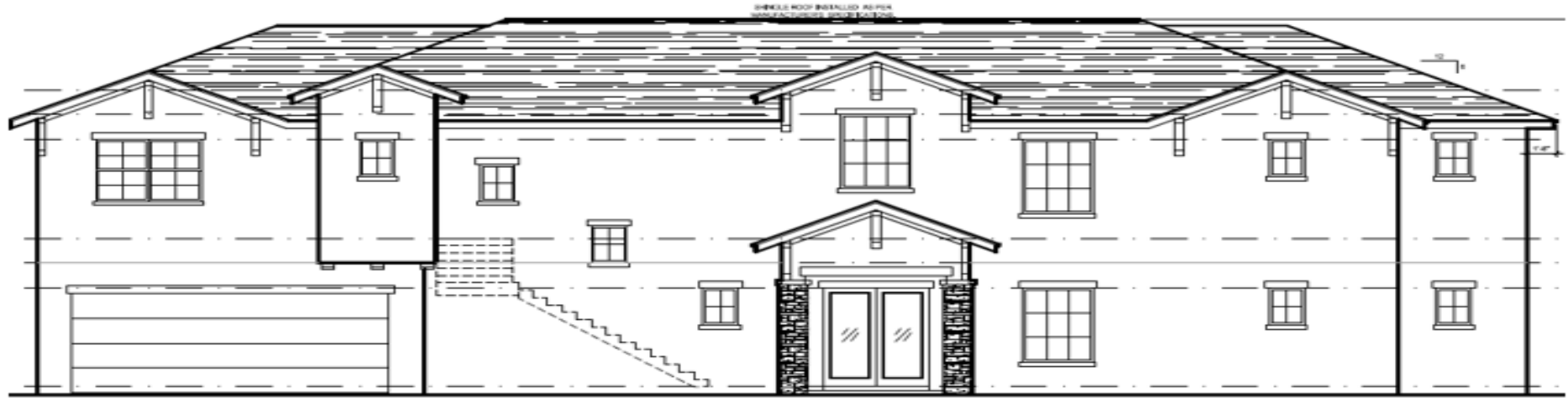
# Site Plan



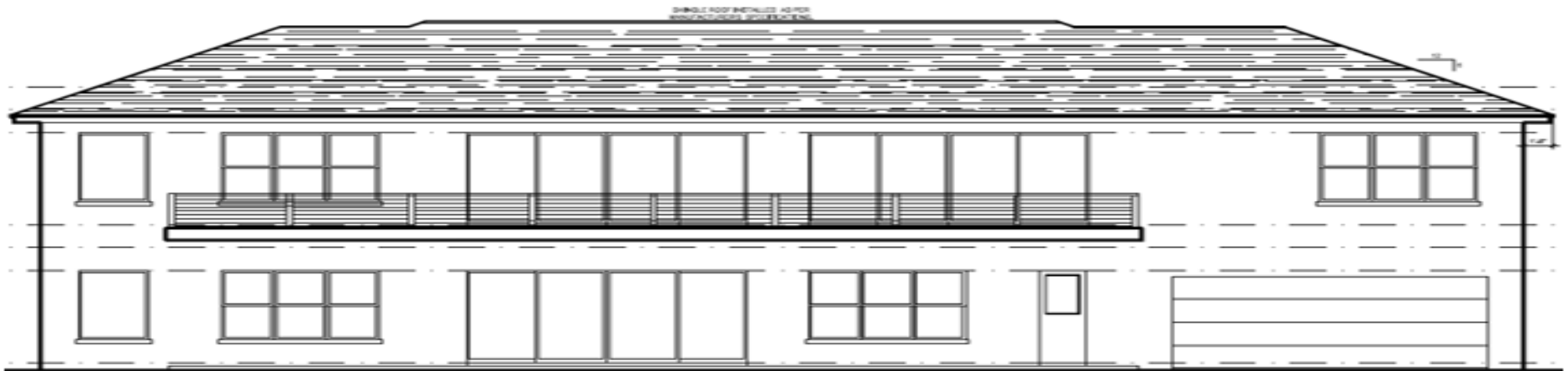




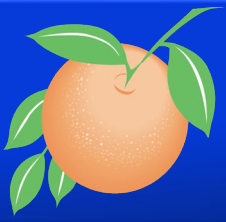
# Elevations



**FRONT ELEVATION (EAST)**



**REAR ELEVATION (WEST)**



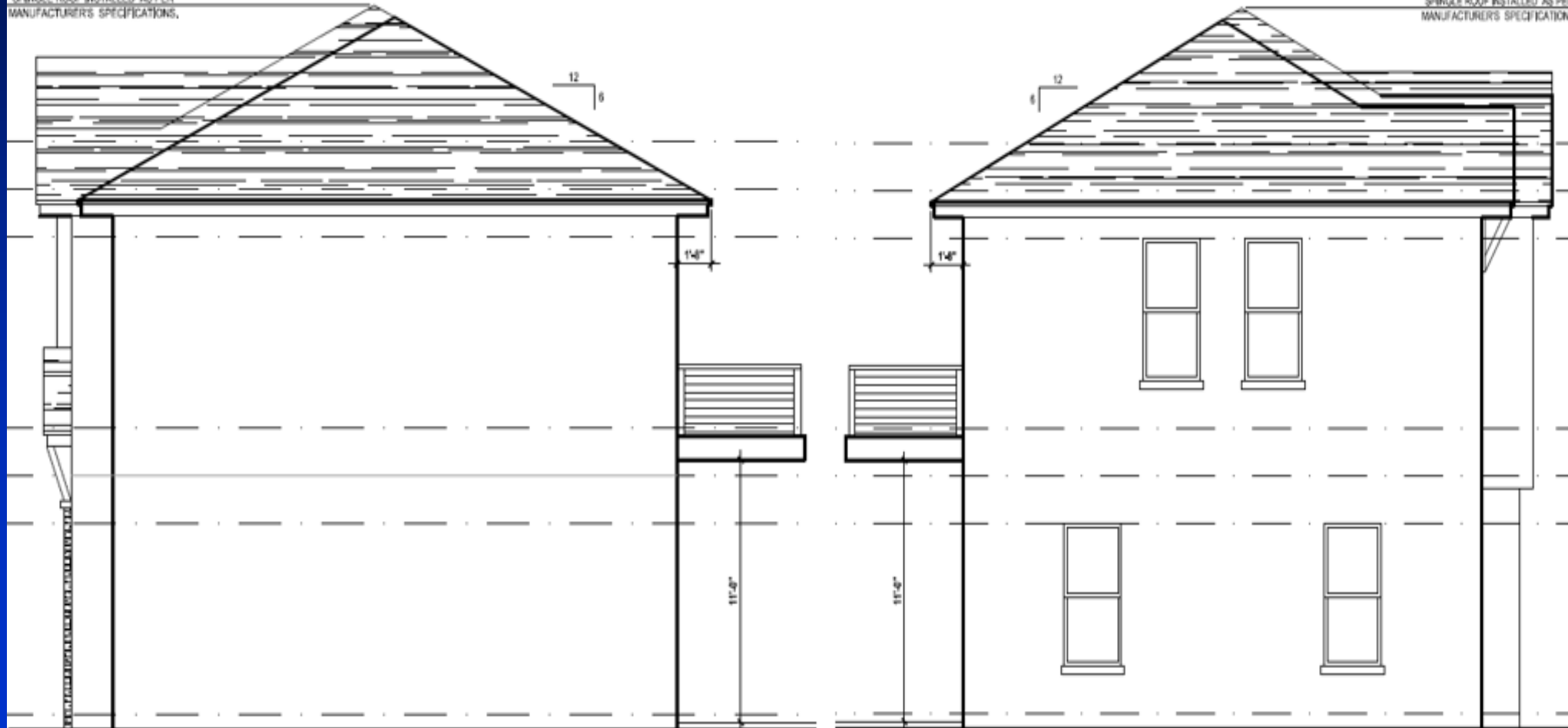
# Elevations

SIDE ELEVATION (NORTH)

SIDE ELEVATION (SOUTH)

SHINGLE ROOF INSTALLED AS PER  
MANUFACTURER'S SPECIFICATIONS.

SHINGLE ROOF INSTALLED AS PER  
MANUFACTURER'S SPECIFICATION





# Site Photograph

Property from Lake Hickory Nut Dr. facing west



06/08/2023 13:34

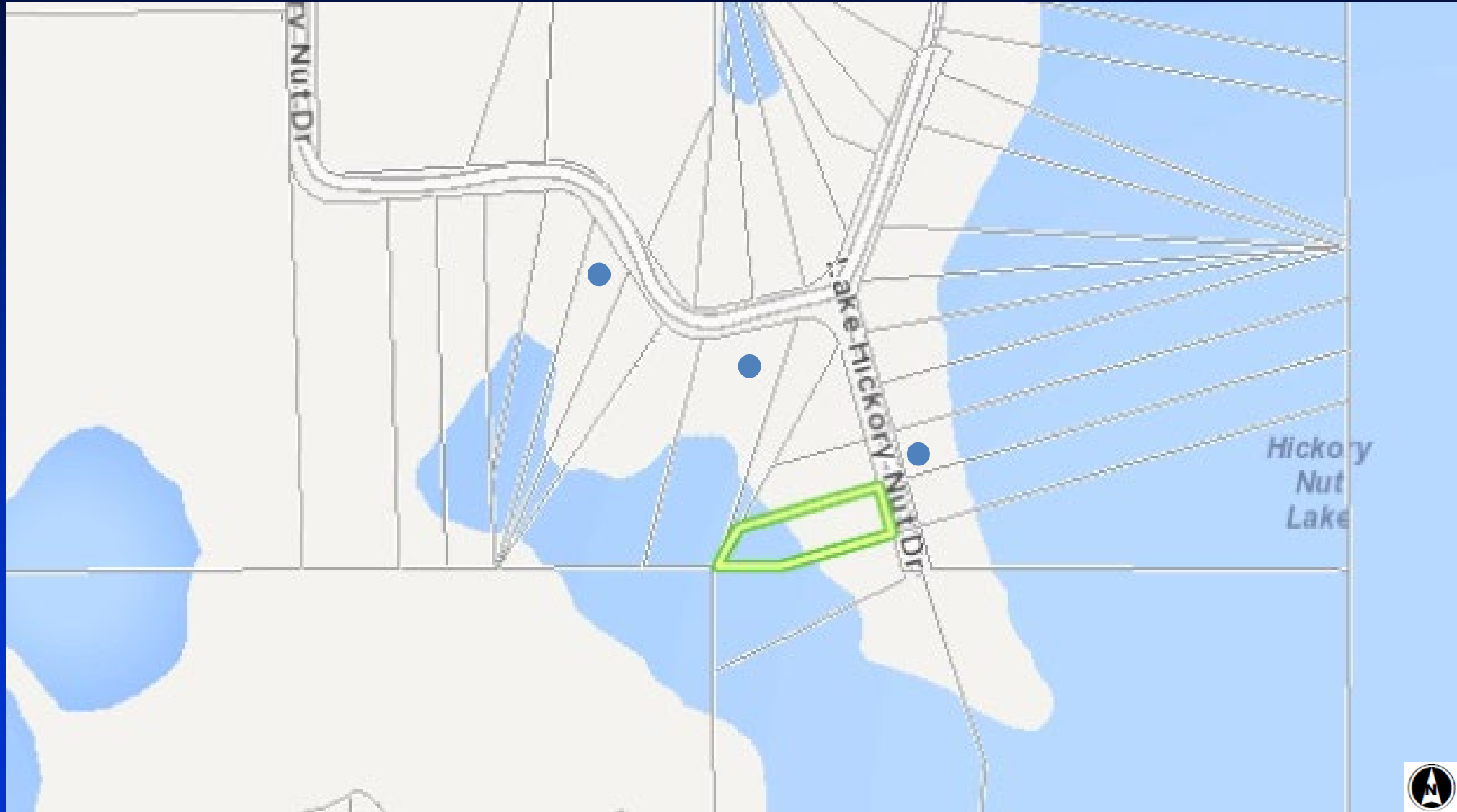


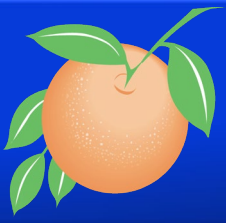
## Staff Findings and Analysis

- **Property is vacant, adjacent to Hickory Nut Lake**
  - 0.25 acres (upland) in lieu of a minimum of 0.5 acres, Variance #1
- **Proposed 2 story, 4,960 gross sq. ft. residence with swimming pool**
  - East front setback of 25 ft. in lieu of 35 ft., Variance #2
  - North & south side setbacks of 7.5 ft. in lieu of 10 ft., Variances #3 & #4
  - West rear setback of 25 ft. in lieu of 50 ft., Variance #5
  - Setback of 25 ft. from the Normal High Water Elevation (NHWE) of Lake Hickory Nut in lieu of 50 ft., Variance #6



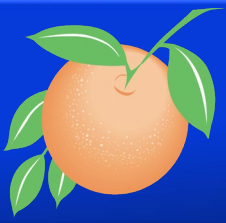
# Previous Approvals





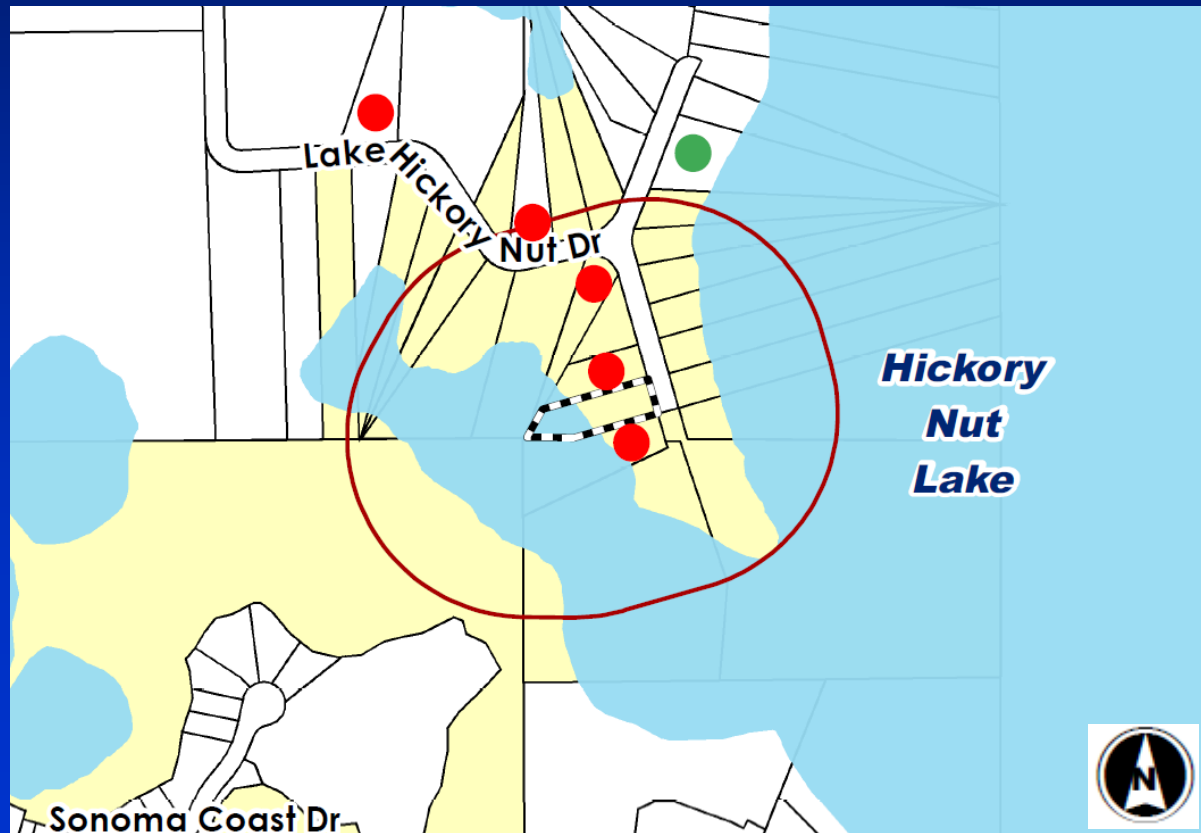
## Staff Findings and Analysis

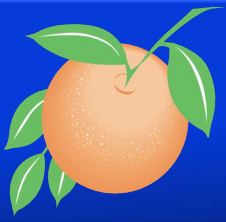
- Staff recommended approval of the requests as the owner is not responsible for the existing lot size, granting the requests will not establish special privilege since there are other properties in the area developed with similar lot sizes and setbacks, and the requests are in harmony with the purpose and intent of the Code.



# Public Feedback

- Staff mailed a total of 29 notices to adjacent property owners in a 500 ft. radius
  - Staff received one (1) correspondence in favor of this request
  - Staff received eight (8) correspondences in opposition to this request (3 unmapped)





# 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 Privilege 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**





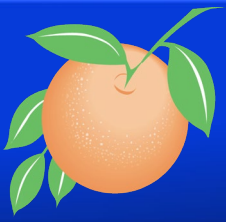
## BZA Findings

- The BZA concluded that the requests were the minimum possible, would not be detrimental to the surrounding area and recommended approval, subject to four conditions.



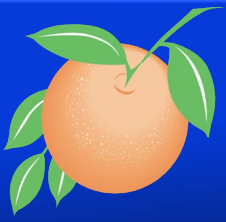
# Conditions of Approval

- 1. Development shall be in accordance with the site plan and elevations received June 2, 2023, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall 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).**



## Conditions of Approval

- 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.**



## Conditions of Approval

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.



## Requested Action

- Deny the applicant's request; or
- Approve the applicant's request with conditions

