



*Orange County Zoning Division*

**SE-18-12-172**  
**APPLICANT/APPELLANT:**  
**MICHAEL HARDING**

**FEBRUARY 26, 2019**



# Background

<b>CASE:</b>	<b>SE-18-12-172</b>
<b>APPLICANT:</b>	<b>Michael Harding</b>
<b>ZONING:</b>	<b>R-1, Single Family Dwelling District</b>
<b>FUTURE LAND USE:</b>	<b>LDR, Low Density Residential (4 du/ac)</b>
<b>ADDRESS:</b>	<b>1510 Russell Ave., Orlando, FL 32810</b>
<b>LOCATION:</b>	<b>North of Curry Ford Rd., west of Russell Ave.</b>
<b>TRACT SIZE:</b>	<b>50 ft. x 150 ft.; 0.17 acres</b>
<b>DISTRICT:</b>	<b>3</b>

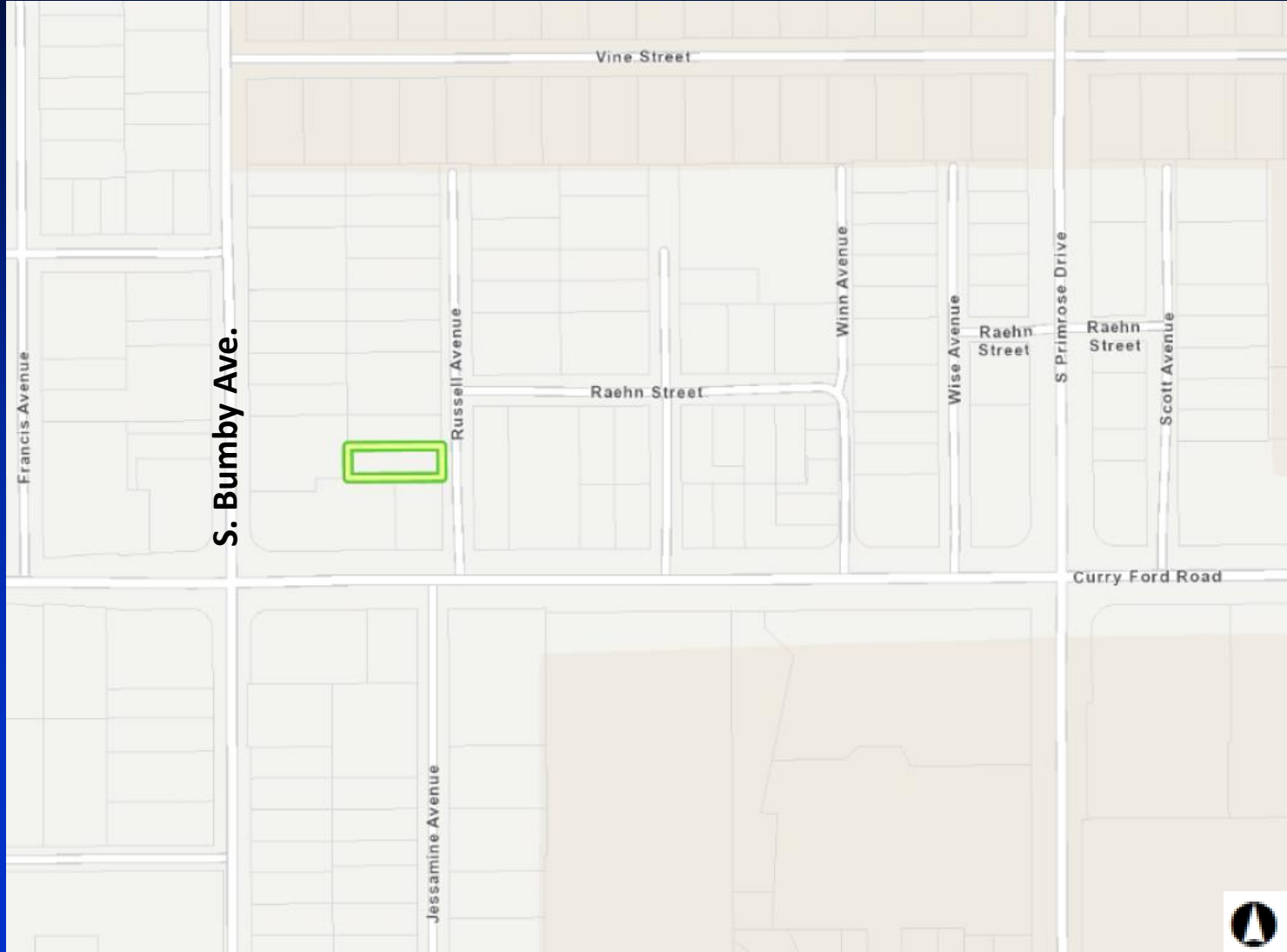


# Background

**REQUEST:** To amend condition of approval #8 from a previously approved special exception to allow vehicular access to and from Russell Ave.

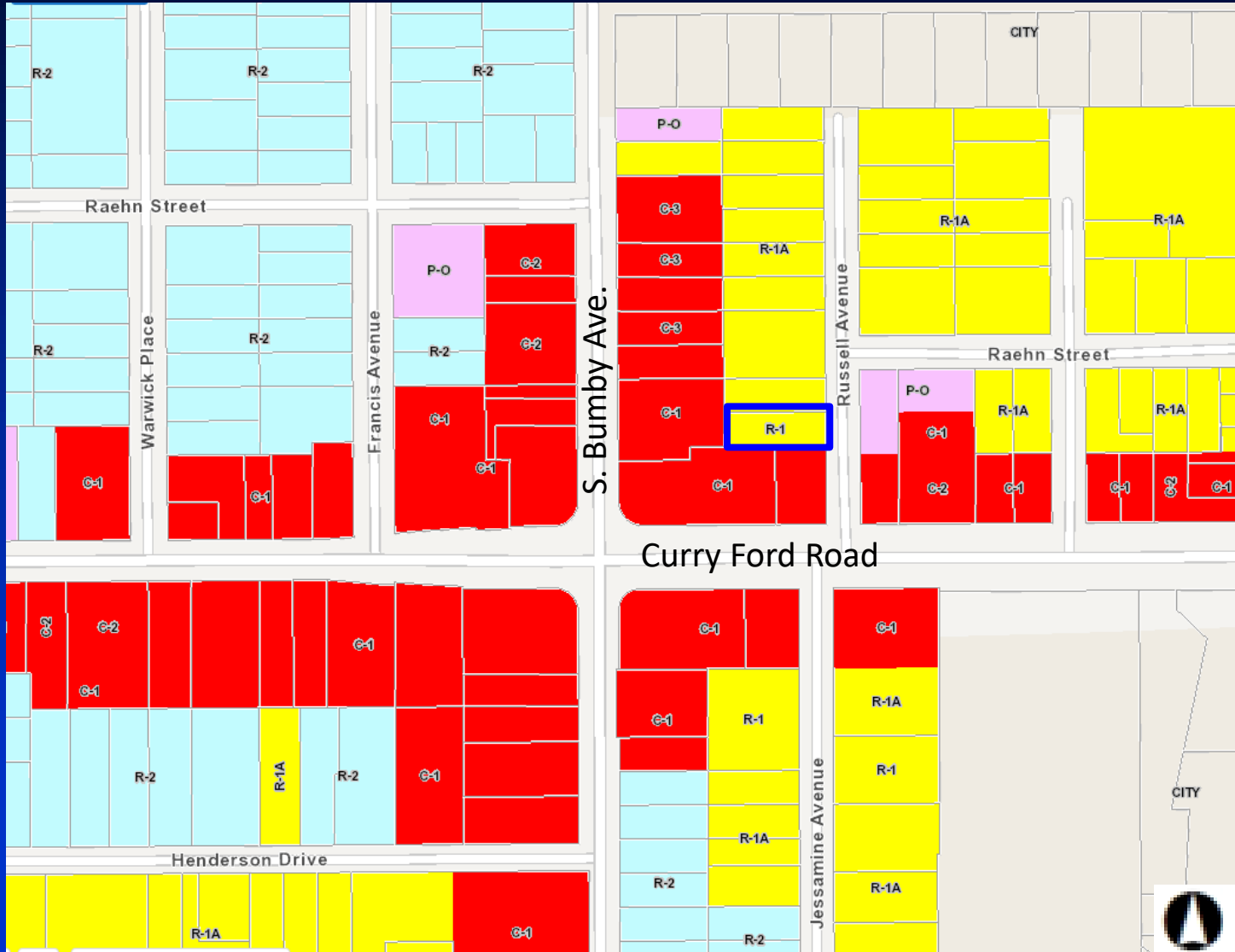


# Location Map



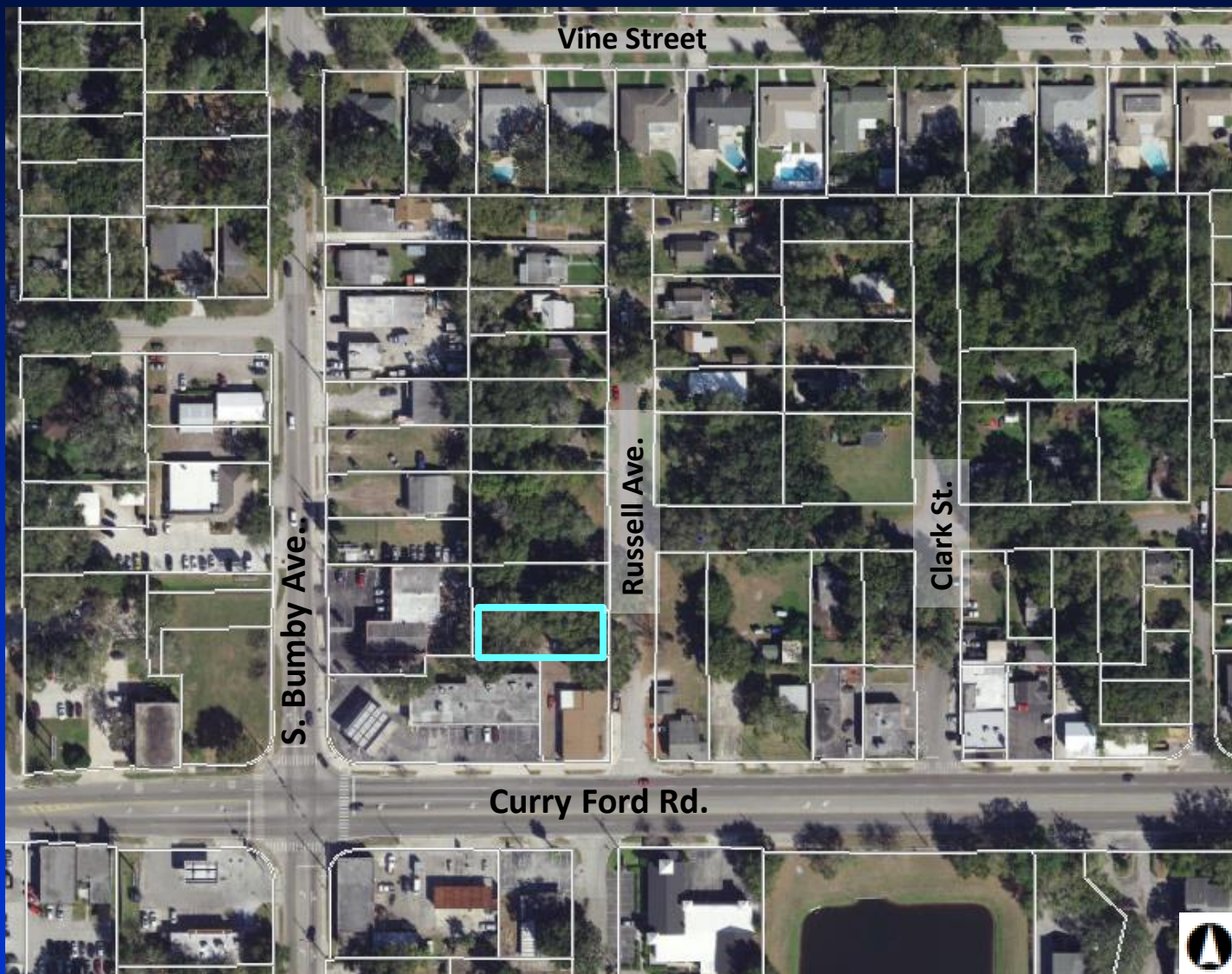


# Zoning Map





# Aerial Map









# History

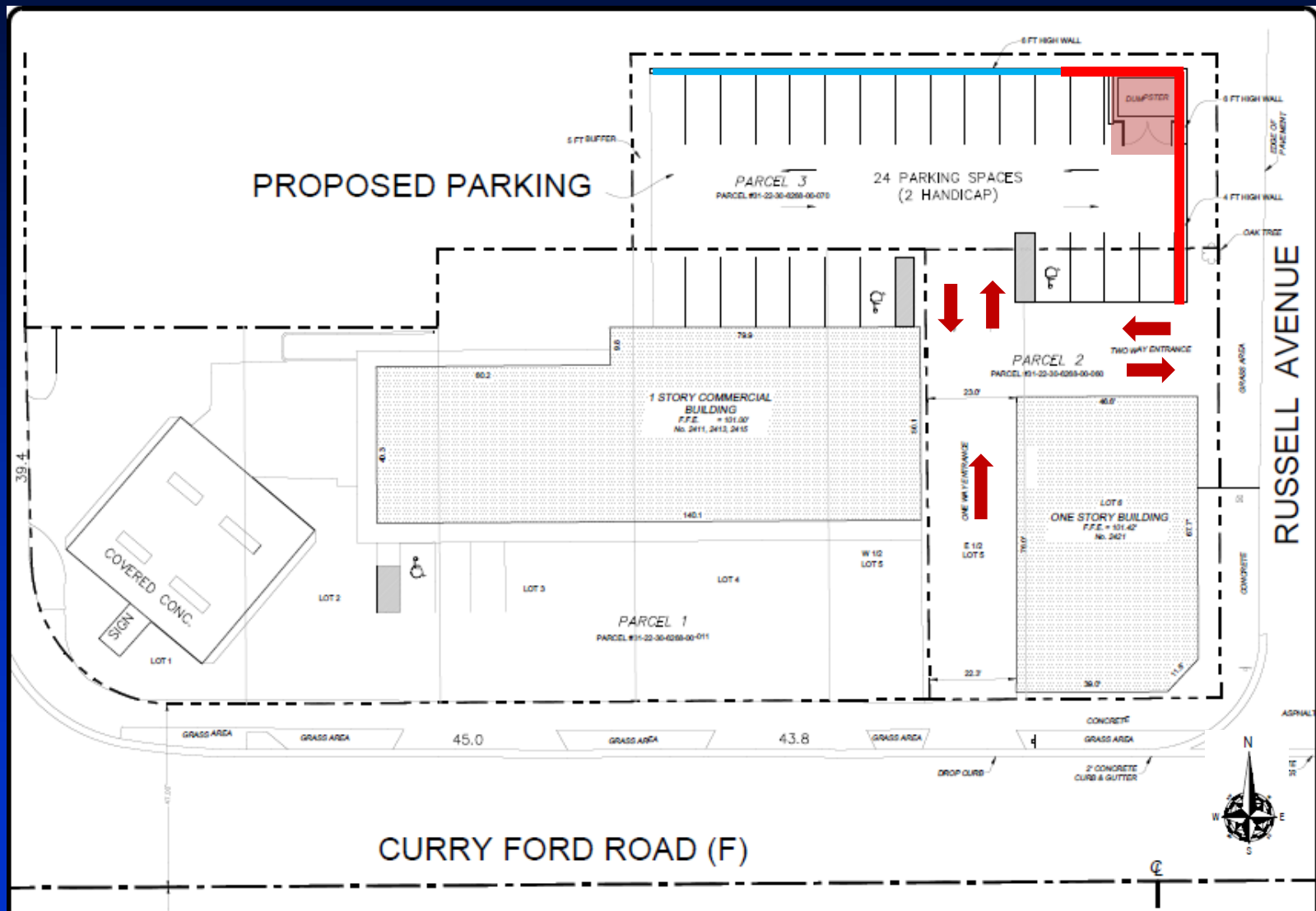
- **October 25, 2016 – Applicant purchased the property**
- **November 16, 2017– Property was re-zoned from R-1A to R-1**
- **December 20, 2017 – Demolition permit issued for existing single family residential**
- **February 1, 2018 – Special exception approved allowing a commercial parking lot to serve the adjacent commercial uses to the south**
- **Feb-May 2018 – Parking lot constructed without a permit and inconsistent with the approved special exception**
- **June 29, 2018 – Permit application submitted for the parking lot**
- **October 9, 2018 – Owner was cited by code enforcement for construction without an approved permit and for violating the conditions of approval of the special exception**





# Approved Site Plan

February 1, 2018, SE-18-02-154









# Site Photograph

Looking west across Russell Ave. at subject property







# Site Photograph

Looking northwest along Russell Ave. towards subject site







# Site Photograph

Looking north from subject site







# Site Photograph

Looking east towards Russell Ave.







# Site Photograph

Looking south towards subject site



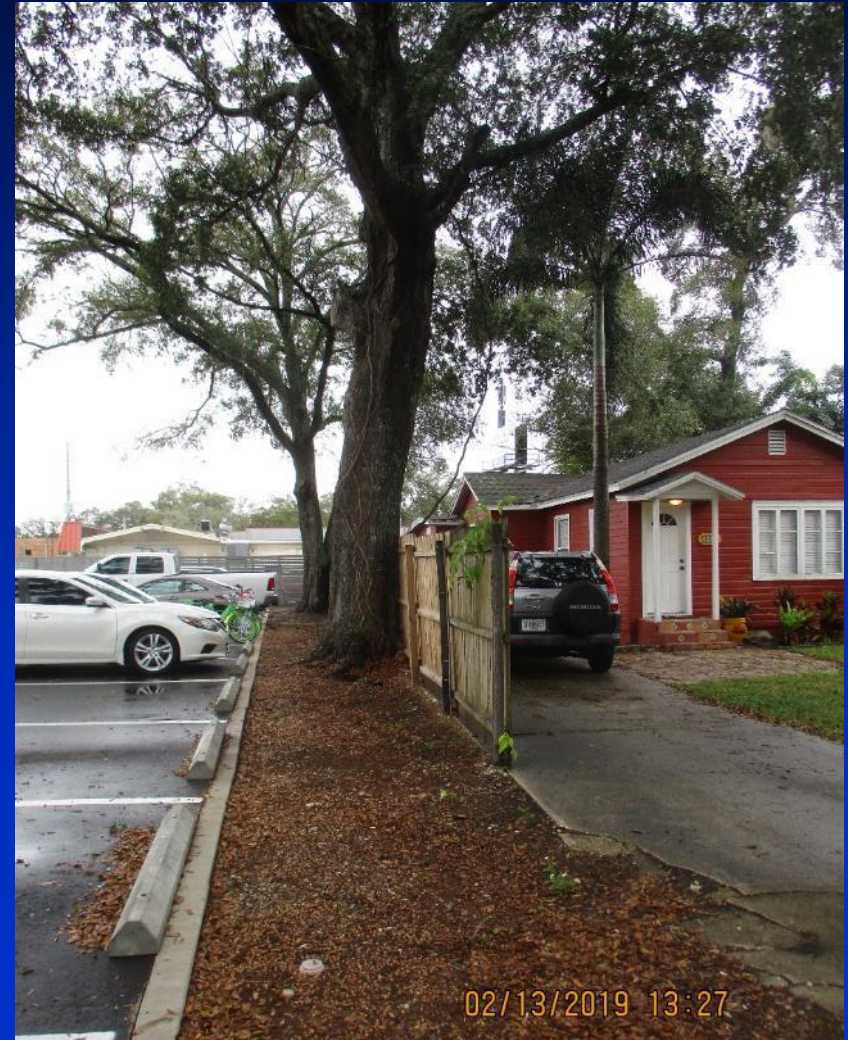
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# Site Photograph

Existing fencing adjacent to parking







# Staff Findings and Analysis

- 1. The subject site is a residentially zoned lot adjacent to a residential neighborhood to the north and commercial to the south.**
- 2. There were 8 conditions tied to the approval of the February 2018 special exception that were intended to protect the residential neighborhood to the north.**
- 3. The February 2018 approved site plan limited vehicular access to Russell Ave. through the commercial parcel to the south.**
- 4. Upon approval of the special exception, the applicant constructed the parking lot in its current configuration without a permit and inconsistent with the site plan and special exception conditions of approval.**



# Staff Findings and Analysis

5. The request is to revise the original conditions of approval #5 and #8 to allow for the installation of a dumpster on the subject site and to remove the condition regarding the 4 ft. screen wall along Russell Ave. This includes a revised site plan that allows for vehicular access from the subject site to Russell Ave.
6. The original conditions are as follows:
  - Condition #5: “The parking lot shall comply with Chapter 38-1476 and the dumpster shall not be located on the residential lot.”
  - Condition #8: “The applicant shall install an 8 foot high concrete or masonry wall on the north property line. The applicant shall install a 4 ft. high concrete or masonry wall along the east property line abutting Russell Avenue.”
7. The commercial dumpster meant to serve the commercial uses to the south is not a permitted use on this residentially zoned lot, which is why the original condition was added. The BZA cannot grant variances for use, therefore this request was not advertised.



# Staff Findings and Analysis

8. With the addition of the driveway from the parking lot to Russell Ave., only a smaller portion of the 4 ft. wall can be built. There are also several large trees on the north side of the property where the construction of a concrete or masonry wall might impact the root system.
9. The revised site plan includes vehicular access to Russell Ave. from the residentially zoned lot. There is another curb cut onto Russell Ave. approximately 10 ft. to the south of the subject site that also serves the commercial properties. The location of the two curb cuts so close to each other could cause conflicts.
10. While staff has concerns about the two curb cuts so close together, the functionality of the parking lot is better served by access to Russell Ave. from the subject site.



# Staff Findings and Analysis

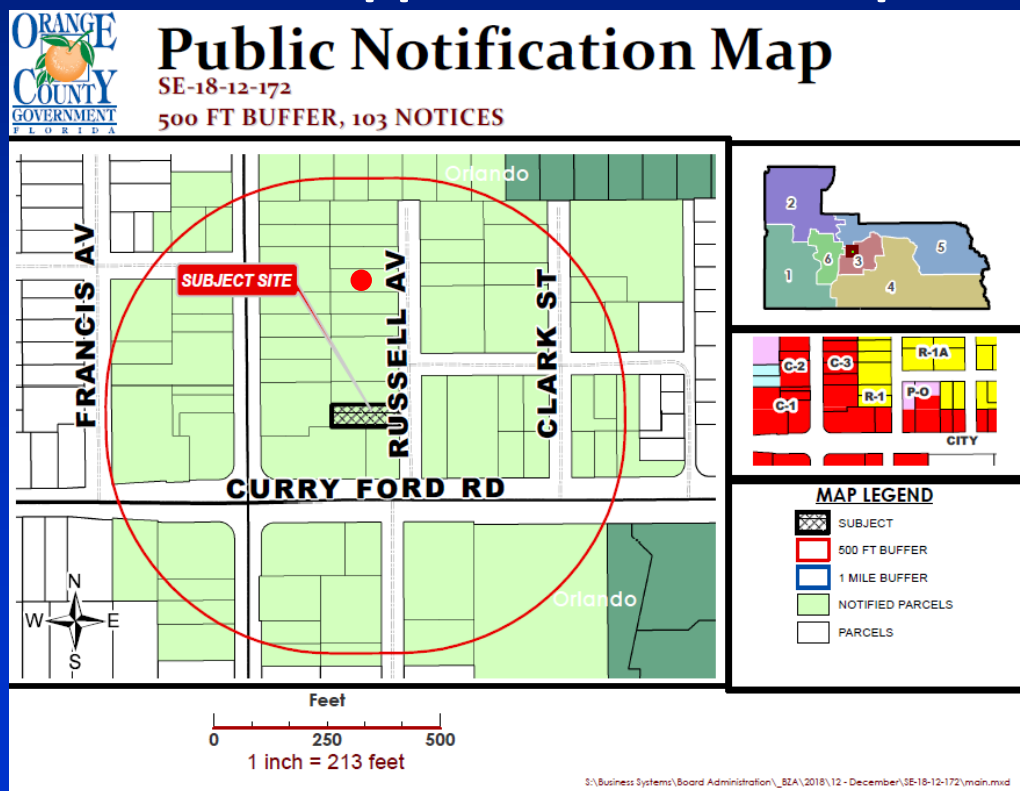
- 11. Staff found that the request met the criteria for special exception approval in that the proposed use is located adjacent to the commercial uses to the south. With the recommended conditions of approval to protect the residential areas to the north, it will be consistent with the pattern of the surrounding development of the area. The use, in conjunction with the conditions of approval, will not be a detrimental intrusion as it will act as a transition between the commercial and residential zoning districts.**
- 12. Staff recommended approval of the request subject to 8 conditions of approval.**
  - Landscaping
  - Buffer/screen walls





# Public Feedback

- Mailed 103 notices to property owners within 500 ft. radius of the property:
- Staff received 0 letters in support of the request.
- Staff received 1 letter in opposition to the request.





# **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 BZA stated the condition regarding the wall was to protect the residential neighborhood to the north, the applicant constructed the parking lot without a permit and contrary to the site plan and conditions of approval.



## BZA Recommendation

- BZA recommended denial of the request with a 4-2 vote.



## 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.**





# Conditions of Approval

- 1. Development in accordance with the site plan and elevations dated November 18, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.**



# Conditions of Approval

4. The parking lot shall comply with Article XI, Off Street Parking and Loading Regulations, Chapter 38 of the Orange County Code.
5. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
6. All required permits, including a site work permit, wall permits and right-of-way utilization permits shall be issued and work associated with such permits shall be inspected and approved within 6 months (by not later than August 26, 2019) or the special exception approval shall automatically become null and void.
7. Landscaping shall be in accordance with Chapter 24, Orange County Code.
8. An eight (8) foot high post and panel wall shall be installed along the western 125 ft. of the north property line. A four (4) foot high concrete or masonry knee wall shall be installed along the eastern 25 feet of the north property line and along the eastern property line from the north property line south to the access along Russell Avenue.



# Site Photograph

Looking south along Russell Ave.

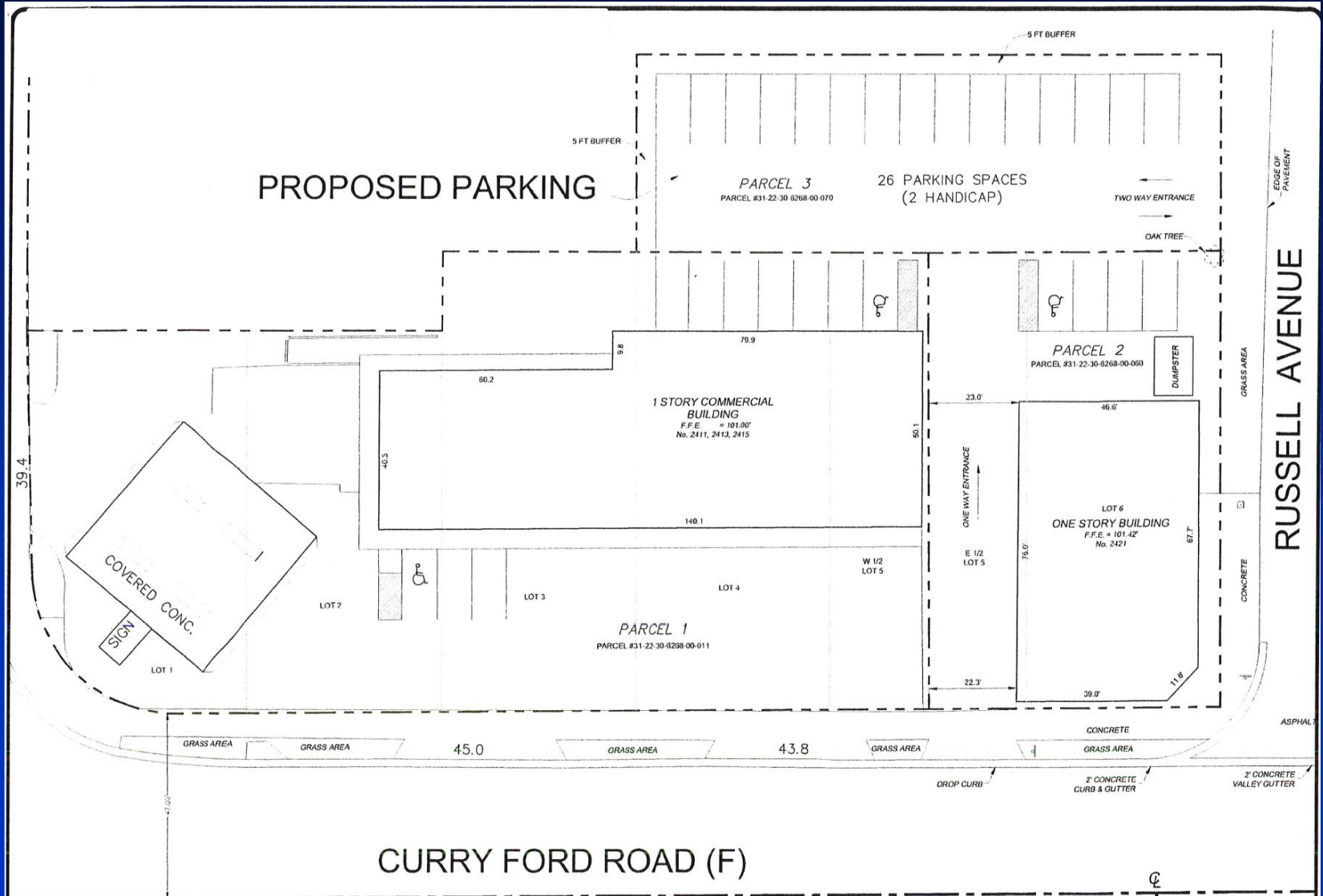






# Originally Submitted Site Plan

SE-18-02-154





# Jan. 10, 2018 Site Photos







# Jan. 10, 2018 Site Photos

