



**Orange County
Board of Zoning Adjustment
RECOMMENDATIONS
BOOKLET
July 8, 2019**

**Prepared by:
Planning, Environmental & Development Services Department,
Orange County Zoning Division**



ORANGE COUNTY GOVERNMENT BOARD OF ZONING ADJUSTMENT (BZA)

<u>Board Member</u>	<u>District</u>
Carolyn Karraker (Vice Chair)	1
Gregory A. Jackson (Chairman)	2
Jose A. Rivas, Jr.	3
Deborah Moskowitz	4
Wes A. Hodge	5
Charles J. Hawkins, II	6
Roberta Walton	At Large
<u>BZA Staff</u>	
Sean Bailey	Chief Planner
Nick Balevich	Planner II
David Nearing, AICP	Planner II

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
July 8, 2019**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
VA-19-06-052	Jung Soon Cho	2	Approved with Conditions	1
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ORANGE COUNTY ZONING DISTRICTS

Agricultural Districts

1	Citrus Rural
A-2	Farmland Rural
A-R	Agricultural-Residential District

Residential Districts

R-CE	Country Estate District
R-CE-2	Rural Residential District
R-CE-5	Rural Country Estate Residential District
R-1, R-1A & R-1AA	Single-Family Dwelling District
R-1AAA & R-1AAAA	Residential Urban Districts
R-2	Residential District
R-3	Multiple-Family Dwelling District
X-C	Cluster Districts (where X is the base zoning district)
R-T	Mobile Home Park District
R-T-1	Mobile Home Subdivision District
R-T-2	Combination Mobile Home and Single-Family Dwelling District
R-L-D	Residential -Low-Density District
N-R	Neighborhood Residential

Non-Residential Districts

P-O	Professional Office District
C-1	Retail Commercial District
C-2	General Commercial District
C-3	Wholesale Commercial District
I-1A	Restricted Industrial District
I-1/I-5	Restricted Industrial District
I-2/I-3	Industrial Park District
I-4	Industrial District

Other District

P-D	Planned Development District
U-V	Urban Village District
N-C	Neighborhood Center
N-A-C	Neighborhood Activity Center

SITE & BUILDING REQUIREMENTS
Orange County Code Section 38-1501.

Basic Requirements

District	Min. lot area (sq. ft.) †††	Min. living area (sq. ft.)	Min. lot width (ft.)	*Min. front yard (ft.)	*Min. rear yard (ft.)	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	21,780 (½ acre)	850	100	35	50	10	35	*
A-2	21,780 (½ acre)	850	100	35	50	10	35	*
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	*
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	*
R-CE-2	2 acres	1,200	250	45	50	30	35	*
R-CE-5	5 acres	1,200	185	50	50	45	35	*
R-1AAAA	21,780 (½ acre)	1,500	110	30	35	10	35	*
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	*
R-1AA	10,000	1,200	85	25†	30†	7.5	35	*
R-1A	7,500	1,200	75	20†	25†	7.5	35	*
R-1	5,000	1,000	50	20†	20†	5†	35	*
R-2	One-family dwelling, 4,500	1,000	45*****	20†	20†	5†	35	*
	Two dwelling units (DUs), 8,000/9,000 per DU	500/1,000 per DU	80/90*****	20†	20†	5†	35	*
	Three DUs, 11,250	500 per DU	85†	20†	30	10	35**, ***	*
	Four or more DUs, 15,000	500 per DU	85†	20†	30	10*****	35**, ***	*
R-3	One-family dwelling, 4,500	1,000	45*****	20†	20†	5	35	*
	Two DUs, 8,000/9,000	500/1,000 per DU	80/90*****	20†	20†	5†	35	*
	Three dwelling units, 11,250	500 per DU	85†	20†	30	10	35**, ***	*
	Four or more DUs, 15,000	500 per DU	85†	20†	30	10*****	35**, ***	*
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35***	*
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	N/A	*
R-T-1								
SFR	4,500*****	45*****	1,000	25/20 ††	25/20 ††	5	35	*

Mobile home	4,500*****	45*****	Min. mobile home size 8 ft. x 35 ft.	25/20 ††	25/20 ††	5	35	*
R-T-2 (prior to 1/29/73)	6,000	60	SFR 500 Min. mobile home size 8 ft. x 35 ft.	25	25	6	N/A	*
(after 1/29/73)	21,780 ½ acre	100	SFR 600 Min. mobile home size 8 ft. x 35 ft.	35	50	10	N/A	*
NR	One-family dwelling, 4,500	1,000	45*****	20	20	5	35/3 stories ††	*

District	Min. lot area (sq. ft.) +++	Min. living area (sq. ft.)	Min. lot width (ft.)	*Min. front yard (ft.)	*Min. rear yard (ft.)	Min. side yard (ft.)	Max. building height (ft.) ++	Lake setback (ft.)
	Two DUs, 8,000	500 per DU	80/90*****	20	20	5	35/3 stories ++	*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ++	*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories ++	*
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ++	
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet ++	*
	One-family dwelling, 4,500	1,000	45*****	20	20	5	35/3 stories ++	*
	Two DUs, 8,000	500 per DU	80*****	20	20	5	35/3 stories ++	*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ++	*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail ++	*
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ++	*
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet ++	*
	One-family dwelling, 4,500	1,000	45*****	20	20	5	35/3 stories ++	*

	Two DUs, 8,000	500 per DU	80*****	20	20	5	35/3 stories ††	*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ††	*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail ††	*
	Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ††	*
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35** ***	*
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets#; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	*
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ##	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	*

District	Min. lot area (sq. ft.) †††	Min. living area (sq. ft.)	Min. lot width (ft.)	*Min. front yard (ft.)	*Min. rear yard (ft.)	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ###	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	*

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts
I-4	35	10	25	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts

NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

FOOTNOTES

*	Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
**	Buildings in excess of 35 feet in height may be permitted as a special exception.
***	Buildings in excess of 1 story in height within 100 feet of the property line of any single-family residential district may be permitted as a special exception.
****	Side setback is 30 feet where adjacent to single-family district.
*****	For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
*****	For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that: are either platted or lots of record existing prior to 3/3/97, and are 75 feet in width or greater, but are less than 90 feet, and have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
#	Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
##	Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.

###	Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
‡	For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
†	Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
††	Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
†††	Based on gross square feet.

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

VARIANCE CRITERIA:

Section 30-43 of the Orange County Code stipulates specific standards for the approval of variances. No application for a 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 land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of any proposed zoning variance.
2. **Not Self-Created** – The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.
3. **No Special Privilege Conferred** – Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by the Chapter to other lands, buildings, or structures in the same zoning district.
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 under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of the property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval.
5. **Minimum Possible Variance** – The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. **Purpose and Intent** – Approval of the zoning variance will be in harmony with the purpose and intent of this Chapter and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

SPECIAL EXCEPTION CRITERIA:

Subject to Section 38-78, in reviewing any request for a Special Exception, the following criteria shall be met:

1. The use shall be consistent with the Comprehensive Policy 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.

In addition to demonstrating compliance with the above criteria, any applicable conditions set forth in Section 38-79 shall be met.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 08, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-06-052**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): JUNG SOON CHO

OWNER(s): MANG HYUN CHO, JUNG SOON CHO

REQUEST: Variances in the A-1 zoning district to allow an existing accessory structure as follows:

- 1) To allow an accessory structure with 5,628 sq. ft. of floor area in lieu of 2,000 sq. ft. of floor area.
- 2) To allow an accessory structure with a 2:12 roof pitch to be 18 ft. in height in lieu of 15 ft.
- 3) To allow an accessory structure in front of the principal structure in lieu of the side or rear.

This is the result of Code Enforcement action.

PROPERTY LOCATION: 4550 Cemetery Rd., Me. Dora, FL 32757, west side of Cemetery Rd., approximately 500 ft. north of Sadler Rd.

PARCEL ID: 16-20-27-0000-00-012

LOT SIZE: 330 ft. x 630 ft./4.78 acres

NOTICE AREA: 900 ft.

NUMBER OF NOTICES: 32

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (unanimous; 5-0 and 2 absent):

1. Development in accordance with the site plan dated April 12, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. This approval shall be for a total of 5,628 sq. ft. of accessory structure floor area.
5. The applicant shall obtain a permit for the unpermitted structure(s) within 180 days of final action on this application by Orange County or this approval becomes null and void.
6. The applicant shall plant a buffer in front of the accessory structure(s) to consist of a row of hedging for a distance of 80 feet which will be centered at the midpoint of the accessory structure(s), said hedge able to reach a height of five (5) feet in three (3) years with an opacity of not less than 60 percent from ground to height, Behind the hedge a row of canopy trees capable of reaching a mature height of not less than 40 feet shall be planted along the hedge line with a spacing of 30 feet on center.

SYNOPSIS: Staff explained the history of the property, including when a permit was issued to place the existing mobile home on the property, and when certain improvements appeared in historic aerials. Staff noted that the applicant purchased the property in 2017, at which time the older 2,396 sq. ft. portion of the structure had been in place since approximately 1999. They hired a contractor to obtain the necessary permits and construct the addition in 2018. However, the contractor did not obtain a permit, and constructed the 2,400 sq. ft. building and connecting roof. Code enforcement noticed the new structure and checked for permits, finding none. The area is very rural, and because the lot is nearly large enough to qualify for up to 3,000 sq. ft. of accessory floor area, staff believed that granting a variance for the sq. ft. in place at the time the applicant purchased the property would be equitable. Staff concluded by noting that the three (3) most impacted neighbors supported the variance.

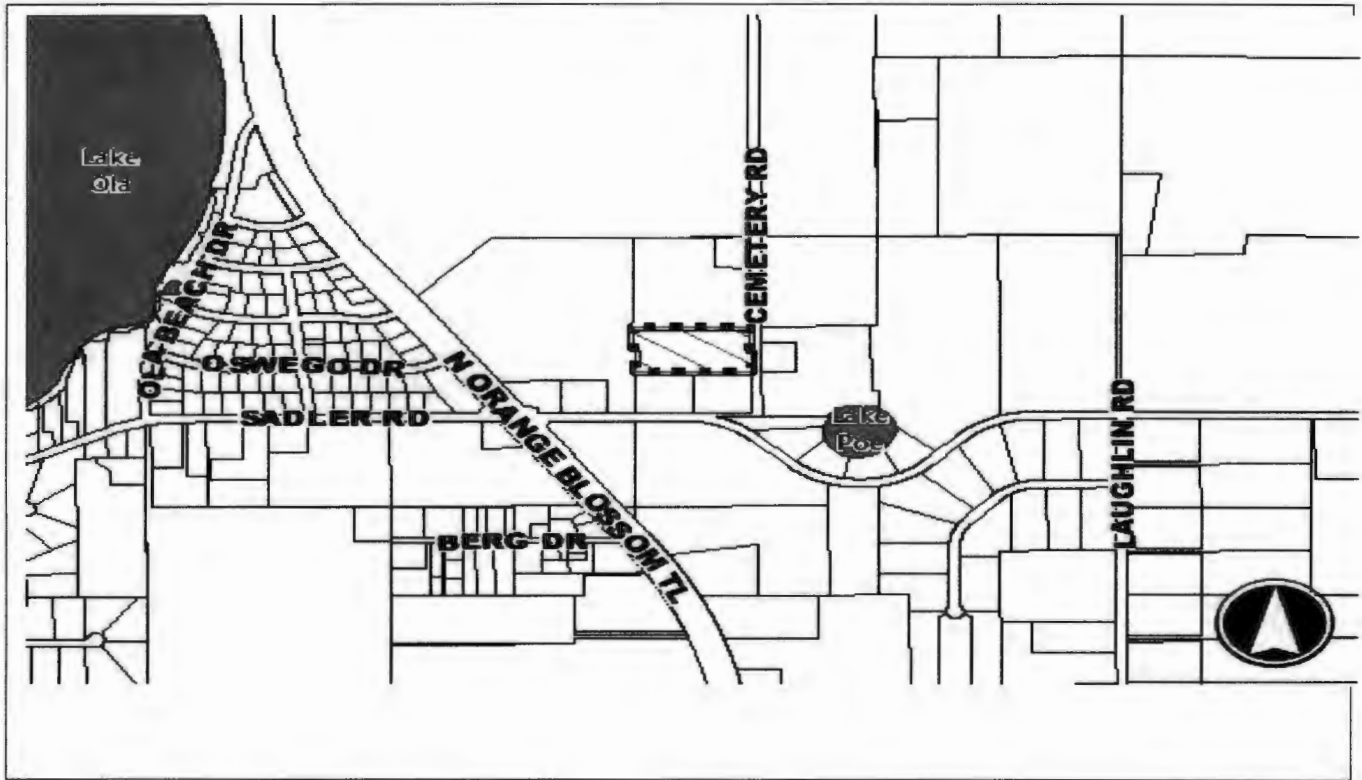
The applicant apologized that their contractor had failed to follow the rules, and asked for the BZA's forgiveness, noting that they need the extra floor space for their belongings. When asked what was stored in the older structure they noted vehicles and yard maintenance equipment. There being no one present to speak in favor or opposition to the request, the public hearing was closed.

The BZA concluded that due to the rural nature of this area, and the size of not only the subject property, but also that of the property to the north, the entire structure looks in scale with the area. A motion to grant all three variances as requested passed unanimously.

STAFF RECOMMENDATIONS

Approval of a lesser variance for Variance #1, approval of Variance #2, and denial of Variance #3, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	A-1	A-1	A-1	A-1
Future Land Use	R	R	R	R	R
Current Use	Mobile home	Agriculture	Single-Family Residential	Single-family residential	Vacant

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the A-1 Citrus Rural zoning district, which allows agricultural uses, mobile homes, and a single-family residence with associated accessory structures on larger lots.

The subject property consists of 4.78 acres of land. It contains a mobile home with additions. Per the Property Appraiser's information, the mobile home has 2,416 gross sq. ft. of floor space, and 1,544 sq. ft. of living area. In addition, there is a 4,796 sq. ft. accessory building which is a combination of two (2) detached accessory structures attached at the roofline. The older of the two (2) structures with 2,396 sq. ft. of floor area appears to have been constructed in 1995, based on a review of historic aerials. The second 2,400 sq. ft. structure was constructed in 2018.

The mobile home was installed in 1987 (B87022771). Based on a review of historic aerials, it appears that several additions were added since then without permits sometime around 2001. The applicant purchased the property in 2017.

According to the applicant, they hired a contractor to install the additional building in 2018, and were told by the contractor that permits would be obtained. Since the property is greater than two (2) acres in size, the site is entitled to up to 2,000 sq. ft. of accessory floor area. If the property were 1/4 acre greater in size, the applicant would be permitted 3,000 sq. ft. of accessory floor area.

Approximately 45 feet of the structures length extends in front of the front building plane of the residence. The residence is located 233 feet from the front property line, 198 feet further than the required 35 foot setback in the A-1 zoning district. The new accessory structure is 186 feet from the front property line.

Due to the distance the accessory structure sits away from the front property line, the pitch of the roof will be imperceptible. The height of the structure, and the fact that the grade rises as it proceeds west add to this factor.

The applicant was cited by Code Enforcement when an officer noticed that the new structure had been added. At that time, since they noticed that the home had additions, they investigated the permit history, and found that no permits were obtained for any additions. The applicants purchased the property after the additions were constructed.

As of the preparation of this report, the owners of the properties abutting the sites north and south property lines, and the owner of the property immediately east across Cemetery Road have submitted letters of support. No letters of opposition have been received.

District Development Standards

	Code Requirement	Proposed
Max Height:	15 ft.	18 ft.
Min. Lot Width:	100 ft.	330 ft.
Min. Lot Size:	.5 ac.	4.78 ac.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	35 ft.	233 ft.
Rear:	5 ft.	334 ft.
Side:	5 ft.	36 ft./630 ft.
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The special condition and circumstance specific to the subject property is the placement of the mobile home by the original owner. Had it been located closer to the front property line, variance #3 would not be needed. Another circumstance is the fact that the older of the two (2) accessory structures was on the property when the applicant purchased the property.

Not Self-Created

While the applicant was under the impression that permits had been obtained, the fact that they were not makes Variance #3 self-created, and to a lesser extent Variance #1, since part of the square footage was in place when they purchased the property.

No Special Privilege Conferred

Had the applicant not constructed the new accessory structure, the granting of a variance for 396 sq. ft. would have been in the realm of past variances granted by the BZA for similar circumstances. However, a variance for 238% more than permitted is excessive. Given the rural nature of the area, and the generally isolated location of the accessory structure, granting a variance to the height of the structure will not grant any special privilege, as larger and taller structures in such a setting are not unusual.

Deprivation of Rights

Without granting variance #1, the applicant will be required to demolish both the new structure and the structure, which was on the property at the time of purchase. With a partial variance, they will need to choose what they demolish, but they will be able to retain a portion. Regarding location of the newer structure, without that variance, they will not be able to keep the newer structure, even if a partial variance is approved for variance #1.

Minimum Possible Variance

The granting of a lesser variance to allow up to 2,396 sq. ft. will allow the applicant to retain square footage equal to that which was present at the time they purchased the property, which would be the least variance needed.

Purpose and Intent

The purpose and intent of the code regarding the amount of accessory structure permitted is to ensure that a property is not over developed. Given the size of the property, granting of all three (3) variances as presented would meet the purpose and intent of the code.

Staff Recommendation

Approval of a lesser variance for Variance #1, approval of Variance #2, and denial of Variance #3, subject to the following conditions:

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated April 12, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
 4. This approval shall be for a total of 2,396 sq. ft. of accessory structure floor area.
 5. The applicant shall obtain a permit for the unpermitted structure within 180 days of final action on this application by Orange County or this approval becomes null and void.
 6. The applicant shall plant a buffer in front of the accessory structure to consist of a row of shrubs for a distance of 80 feet, which will be centered at the midpoint of the accessory structure(s), said hedge able to reach a height of five (5) ft. in three (3) years with an opacity of not less than 60 percent from ground to height. A minimum of four (4) canopy trees shall be installed adjacent to the shrubs with a spacing of 30 ft. on center.
- c: Jung Soon Cho
4550 Cemetery Road
Mount Dora, FL 32757

April 10, 2019

When we purchased
metal building.

A company built on our property
without a permitted

This structure is 2400 sq. ft.

Our property is 4.75 Acres.

It's Allowed to 2000 sq. ft.

And Also the height is 18 feet.

I will never get shed with out
permitted.

We using is as shed storage.

Never get builded any shed.

Thank you

Jung Soon Cho

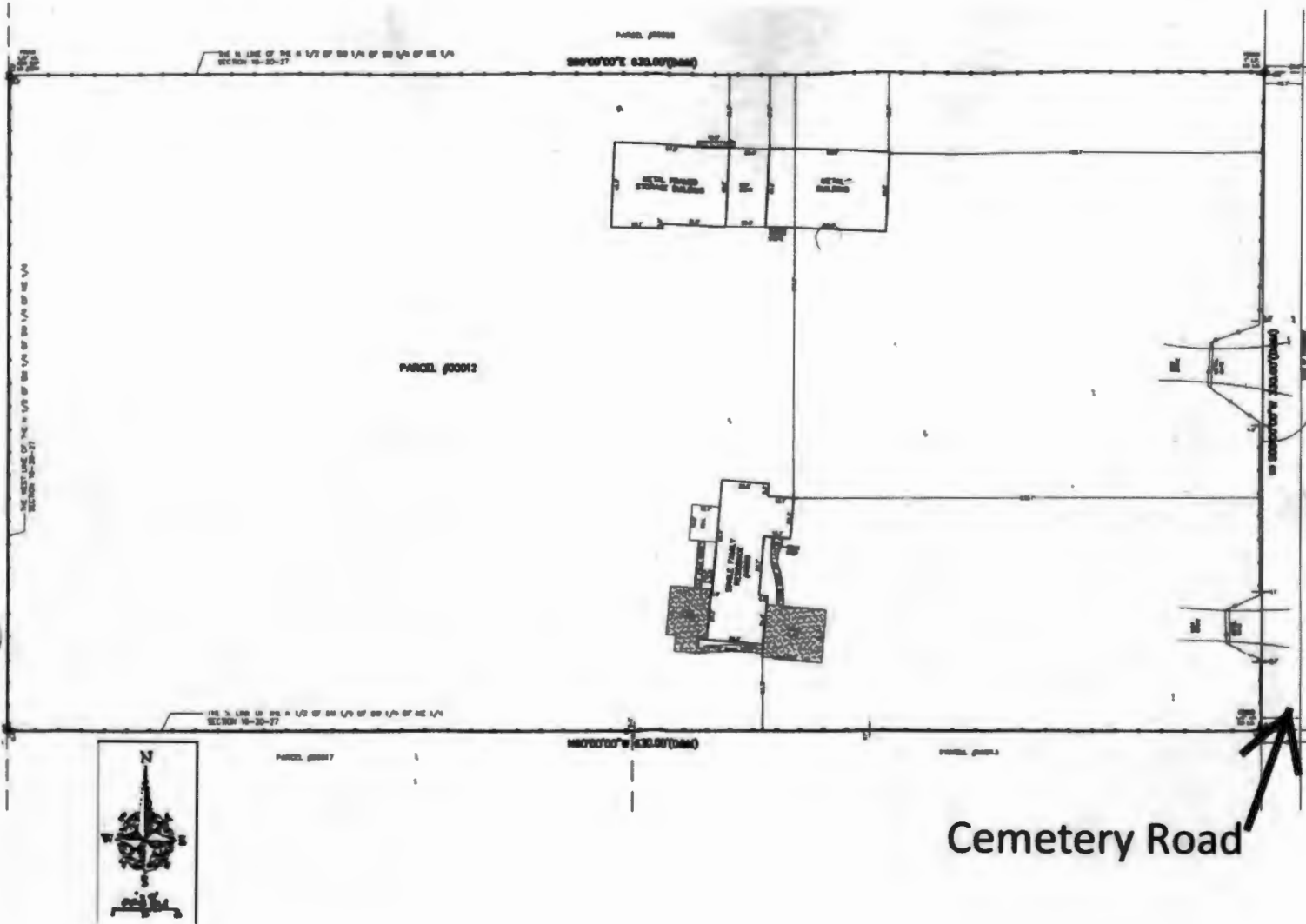
ZONING MAP



AERIAL MAP



SITE PLAN / SURVEY



Cemetery Road

SITE PHOTOS



Subject Structure Looking Northwest



Existing Vegetation in Front of Structure Looking North



View of Structure from Right-of-Way Looking West

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 08, 2019** Case Planner: **David Nearing, AICP**
Case #: **VA-19-07-061** Commission District: **#4**

GENERAL INFORMATION

APPLICANT(s): SHEILA CICHRA
OWNER(s): MICHELLE WOOD, JOHN RYDELL, DIANNE RYDELL LIFE ESTATE
REQUEST: Variances in the A-2 zoning district as follows:
1) To allow an existing shed 3 ft. from the side (south) property line in lieu of 5 ft.
2) To allow an existing shed 45 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
This is the result of Code Enforcement action.
PROPERTY LOCATION: 12575 Narcoossee Rd., Orlando, FL 32832, east side of Narcoossee Rd., on the west shore of Lake Whippoorwill, approximately 375 ft. north of Nemours Parkway
PARCEL ID: 20-24-31-0000-00-016 & 20-24-31-9302-00-013
LOT SIZE: 2.1 acres
NOTICE AREA: 900 ft.
NUMBER OF NOTICES: 120

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (4 in favor, 1 opposed and 2 absent):

1. Development in accordance with the site plan dated April 29, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an indemnification/Hold Harmless Agreement which indemnifies Orange County from any

damages caused by flooding and shall inform all interested parties that the accessory structure is no closer than forty-five (45) feet from the normal high water elevation of Lake Whippoorwill.

5. The applicant shall obtain a permit for the accessory structure within 180 days of the recording of the Hold Harmless Agreement, or this approval becomes null and void.
6. The applicant shall complete the consolidation of the subject property with the parcel to the south within thirty (30) days of final action on this application by Orange County, or the approval shall be null and void.

SYNOPSIS: Staff explained the history of the property, including the timeline for when each of the three (3) units on the property were installed/constructed. Staff also described a lot split which had occurred in the past to transfer property to an adjacent property owner to the south. Due to numerous code violations, the approved split had been rescinded, and a planned consolidation of the subject property with one to the south never occurred. As a result, the property to the south is now landlocked. If the variances were granted, there is a condition that the two (2) properties be consolidated within thirty (30) days of final action on the application. In addition, staff noted that an Interlocal Agreement between the County and Orlando which had been cited in the staff report, does not apply to single family residences on individual lots, unless they are part of a new subdivision. Staff concluded with the fact that no correspondence in favor or opposition to the request had been received.

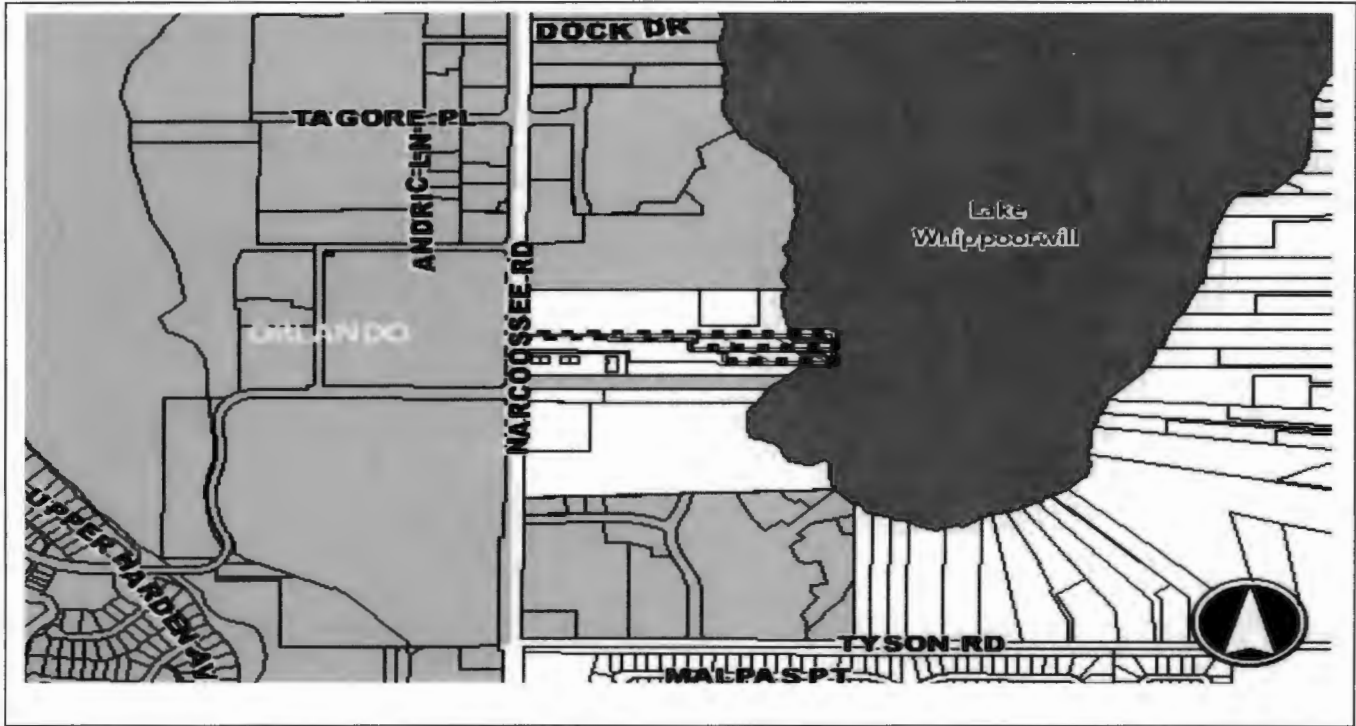
The applicant noted that there has been a structure in the location of the accessory structure for forty (40) years. The erosion resulted in the current structure being only 45 feet from the Normal High Water Line. The original structure became dilapidated, and the applicant replaced it on the same slab. There being no one present to speak for or against the request the public hearing was closed.

The BZA concluded that the request was minimal, and there had been other variances in the area with much less of a setback. A motion to recommend approval of the requested variances passed by a vote of 4-1.

STAFF RECOMMENDATIONS

Denial. However, should the BZA find that the applicant has met the criteria for the granting of a variance, staff recommends that the approval be subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	A-2	A-2	A-2/Lake	A-2 & City of Orlando
Future Land Use	RS 2/1	RS 2/1	RS 2/1	WB	RS 2/1 & City of Orlando
Current Use	Single-family residence & 2 mobile homes	Single-family residence	Single-family residence	Lake	Single-family residence

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the A-2 Farmland Rural Zoning District, which allows agricultural uses, mobile homes, and single-family homes with accessory structures on larger lots.

The subject property consists of a 2.197-acre parcel created through a lot split process (LS-16-12-063). The property contains two (2) mobile homes and one (1) site built single-family residence. The first mobile home nearest the lake was installed in 1985, and has 950 sq. ft. of living space. The site built home, which is furthest west, was constructed in 1998, and contains 1,656 sq. ft. of living area. The middle unit is a replacement unit for a mobile home damaged during the storms of 2004, and was placed on the property in 2005, containing 2,436 sq. ft. of living area. There is also a 600 sq. ft. shed, which is the subject of this request. Finally, there is

an 80 sq. ft. shed near the easternmost unit. These three (3) dwelling units are on the same parcel through the granting of a variance in February 1990, which allowed an additional mobile home on the lot with an existing single family home and mobile home. There was no sunset provision attached to the approval.

In addition to the subject property, the property owner also owns Parcel # 20-24-31-9302-00-013, located immediately south of the subject property which was part of a 2018 lot split application (LS-18-02-010). In that application, the stem connecting the body of the flag lot was combined with an adjacent property to the south, and the body was to have been consolidated with the subject property forming a larger 3.5 acre property. However, after the stem was consolidated into the lot to the south, but before the remnant could be consolidated into the subject property, a decision was made to rescind the approval. This resulted in the creation of a land locked property, which is undevelopable.

The approval was rescinded due to a large number of code violations existing on the property. Since that time, the applicant has been before the Code Enforcement Board and working on compliance. One part of the compliance would be either obtaining the variance to permit the 600 sq. ft. shed in its current location, or to relocate the shed to a location out of the NHWE setback.

If the two (2) properties are joined, variance #1 will not be needed, as that lot line will be eliminated. Staff has attached a condition that if the BZA approves variance #2, the applicant must complete the lot consolidation within thirty (30) days.

The applicant states that the reason that the accessory structure is now only 45 feet from the Normal High Water Elevations (NHWE) is due to erosion of the shoreline. The shoreline is comprised of sand, with no vegetation to stabilize it.

As of the preparation of this application, staff has not received any correspondence in favor of or opposition to the request.

Subsequent to processing this application, staff was informed by Planning Division staff of the existence of an Inter-local Agreement (ILA) between Orange County and the City of Orlando regarding the areas around Lake Whippoorwill and Lake Hart. Part of this ILA is a special NHWE setback, which prohibits development within 100 feet of the NHWE of this lake. Staff interprets development to include accessory structures and fences.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	12Ft.
Min. Lot Width:	20 ft.	20 ft.
Min. Lot Size:	1 acre	2.1 acres

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	50 ft.	63 ft.
Rear:	50 ft.	45 ft.
Side:	5 ft.	70 ft./3 ft.
Sidestreet:	N/A	N/A
NHWE:	50 ft.	45 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Staff did not observe any conditions or circumstances particular to the subject property.

Not Self-Created

The applicant constructed the structure without a building permit. The applicant would have been required to move the shed out of the NHWE setback.

No Special Privilege Conferred

The shed can be located in a conforming location. Granting of the variance would be conferring a special privilege.

Deprivation of Rights

Without the variance, the applicant will be required to remove or relocate the shed.

Minimum Possible Variance

Given that the shed is in place, the granting of the variance would be the minimum necessary for it to remain in place.

Purpose and Intent

The purpose and intent of the NHWE setback is to ensure that improvements are set back from the water's edge far enough that any rise in water elevation will not cause damage to property. Whenever, the County grants a variance to the NHWE setback, they require that the property owner executes and records a Hold Harmless Agreement indemnifying the County from any damage as a result of flooding. With this agreement, the request would satisfy the purpose and intent of the code.

Special Consideration

While not part of the Variance Criteria, staff must advise the BZA of the stipulations in the Narcoossee Roadway Corridor Study Interlocal Agreement (ILA). A portion of this study specifically addresses development along the shores of Lake Whippoorwill. In recognition of the rural character of the land surrounding the two (2) lakes, which comprises the Lake Hart/Lake Whippoorwill Rural Settlement, a special zone was established along the shoreline to prohibit development. Specifically, there is a 100 foot buffer strip landward of the NHWE where no development is to be located. In essence, with the exception of docks, which are located seaward of the NHWE, it is to preclude construction of manmade improvements such as fences and sheds. Even if the variance was approved, it is questionable whether a permit could be issued, as there is no provision in the ILA for the granting of variances or waivers.

- FLU6.3.2.2 (D) Physical Buffering. Development on the eastern boundary of the Study Area must remain compatible with the Rural Settlement. A buffer averaging 300 feet from the normal high water elevation of Lake Whippoorwill shall be retained and included in the 'rural settlement zone'; and in no case shall such buffer be less than 200 feet. ***Within this buffer, a minimum of 100 feet shall remain undeveloped.*** This area may be planted with native species, and invasive species shall be removed as a condition of any future development order.

Approval of the variance would be inconsistent with the Comprehensive Plan

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated April 29, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of a building permit for the shed, the property owner shall record in the official records of Orange County an indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the accessory structure is no closer than 45 feet from the normal high water elevation of Lake Whippoorwill. This

condition shall not impact the obtaining of any other approvals or permits not associated with the shed, including the execution of Condition 6 below.

5. The applicant shall obtain a permit for the accessory structure within 120 days of the recording of the Hold Harmless Agreement, or this approval becomes null and void.
6. The applicant shall complete the consolidation of the subject property with the parcel to the south within 30 days of final action on this application by the County, or the approval will be null and void.

c:
Sheila Cichra
Streamline Permitting
2154 Oak Beach Blvd.
Sebring, FL 33875

Dianne Rydell
12575 Narcoossee Road
Orlando, FL 32832

COVER LETTER



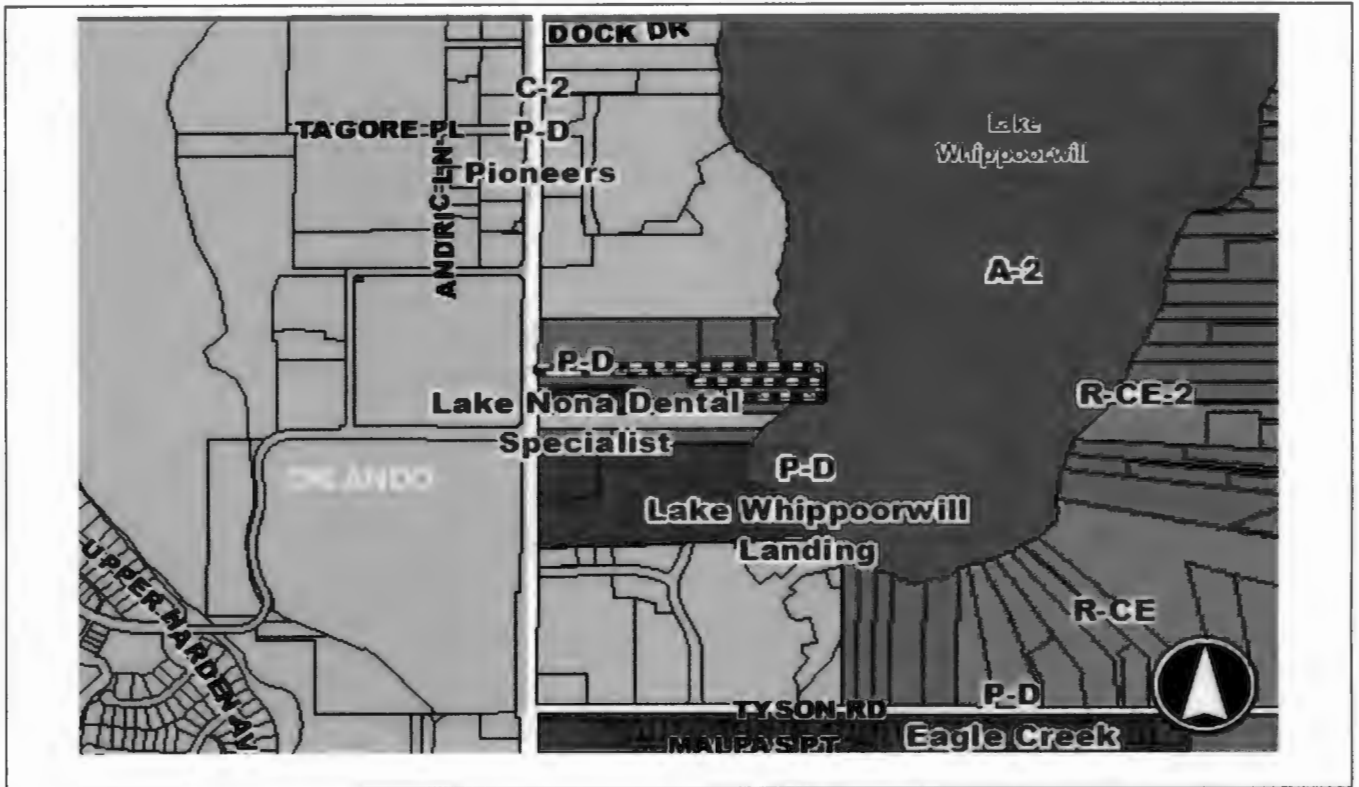
Date: April 28, 2019
To: Orange County Zoning
From: Sheila Cichra
Re: Variance application for 12575 Narcoossee Road

The attached files are a variance application and the supporting documentation for a detached accessory structure that does not meet the side setback or the setback from the NHWE.

- 1) The shed was 50' from the NHWE when it was built, but due to erosion, it isn't now.
- 2) A lot split created the reduced side setback, but the same person owns the adjacent parcel.
- 3) There are several other such variances in the area.
- 4) The shed would have to be torn down and rebuilt, to increase the setbacks by just a few feet and that would be of no advantage to anyone.
- 5) There is no way to minimize this variance application, since the structure is existing.
- 6) The adjacent property owner is the same person – on the tight side and trees completely block the view of the shed, from the other side.

Thank you for your consideration.

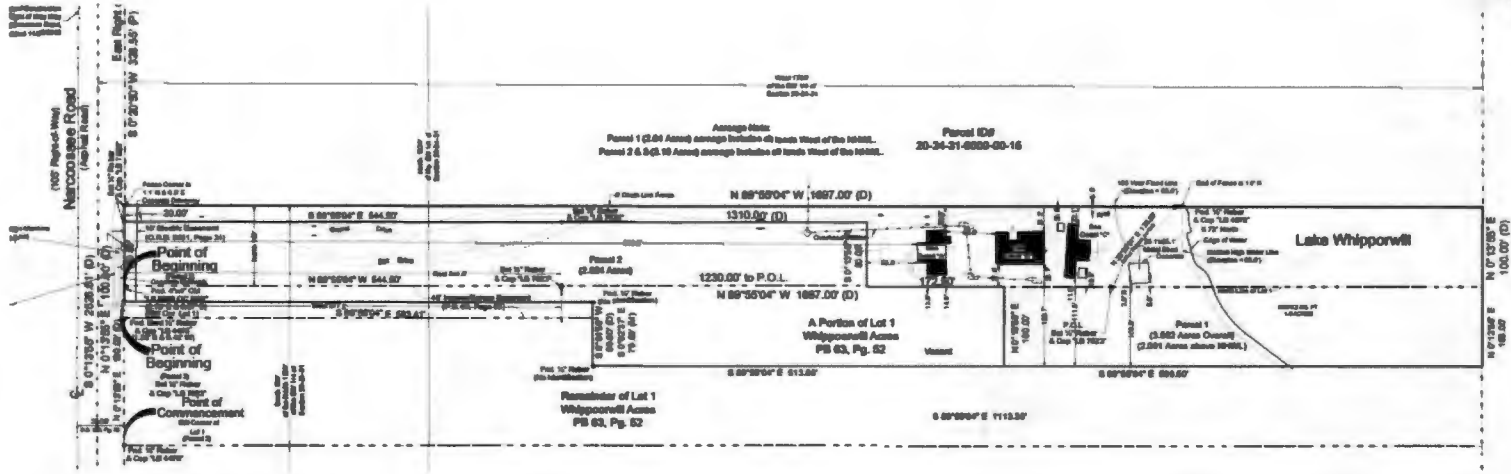
ZONING MAP



AERIAL MAP



SITE PLAN



ELEVATIONS

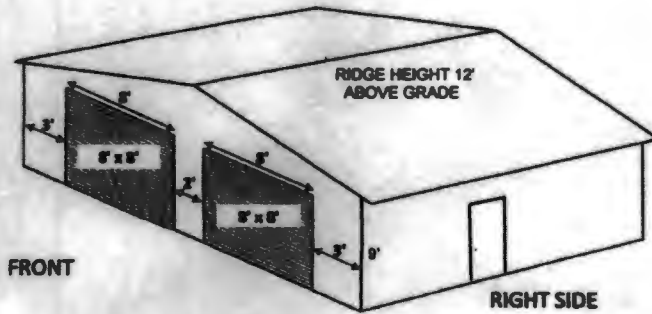
Customer: Dianne Rydell Life Estate
12575 Narcoossee Road, Orlando, FL 32832

Date April 28, 2019



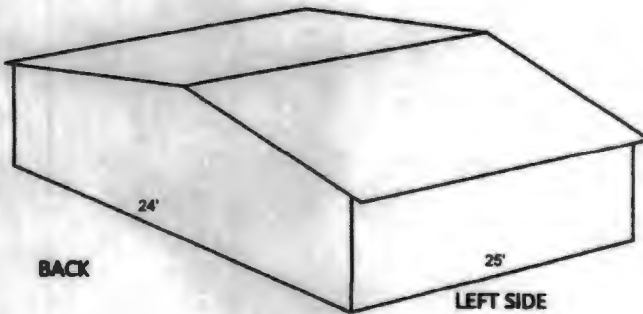
Building Design Specifications

Door and Window Locations



FRONT

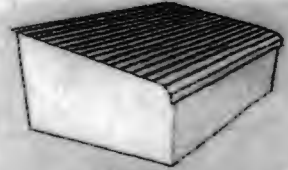
RIGHT SIDE



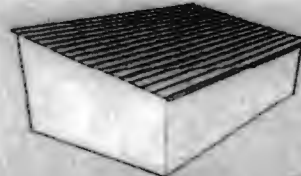
BACK

LEFT SIDE

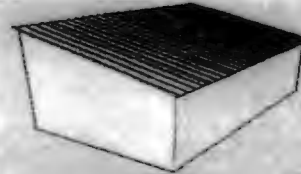
Roof Type



REGULAR



BOXED EAVE



VERTICAL



Side and End Sheeting Type

SITE PHOTOS



600 Sq. Ft. Shed Looking Southeast



Beach Looking East



06/13/2019 13:17

Adjacent Parcel Looking South

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 08, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-07-063**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): **EDDIE LEE CLARK**

OWNER(s): **ELMAREE CLARK, EDDIE LEE CLARK**

REQUEST: **Variances in the A-2 zoning as follows:**

- 1) **To allow construction on a parcel with .3 acres of land area in lieu of .5 acres.**
- 2) **To allow an existing residence to remain 12 ft. from the rear (east) property line in lieu of 50 ft.**
- 3) **To allow an existing accessory structure to remain 1 ft. from the rear (east) property line in lieu of 5 ft.**

This is the result of Code Enforcement action.

PROPERTY LOCATION: **7148 Holly Street, Mount Dora, Florida, 32757, approximately 400 ft. south of Holly St. between George Martin Rd. and Holly Ct.**

PARCEL ID: **20-20-27-0000-00-051**

LOT SIZE: **120 ft. x 110 ft./ .3 acres**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **95**

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (unanimous; 5-0 and 2 absent):

1. **Development in accordance with the site plan dated May 13, 2013, 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.**

4. The applicant shall obtain a permit for the shed within 180 days of final action on this application by Orange County, or this approval becomes null and void.
5. If the current shed is ever removed or destroyed, any replacement shed shall meet the required setbacks in effect at that time.

SYNOPSIS: Staff noted that according to the applicant's cover letter, a structure has existed in the location of the current shed since 1971. In addition, an existing carport located on the north side of the property was to be demolished with appropriate permits, and rebuilt complying with all setbacks. The most impacted property owners, including the owner to the east, have submitted letters of support for the requested variances. The existing home sits 36 ft. from the rear property line, which is covered by variance #2.

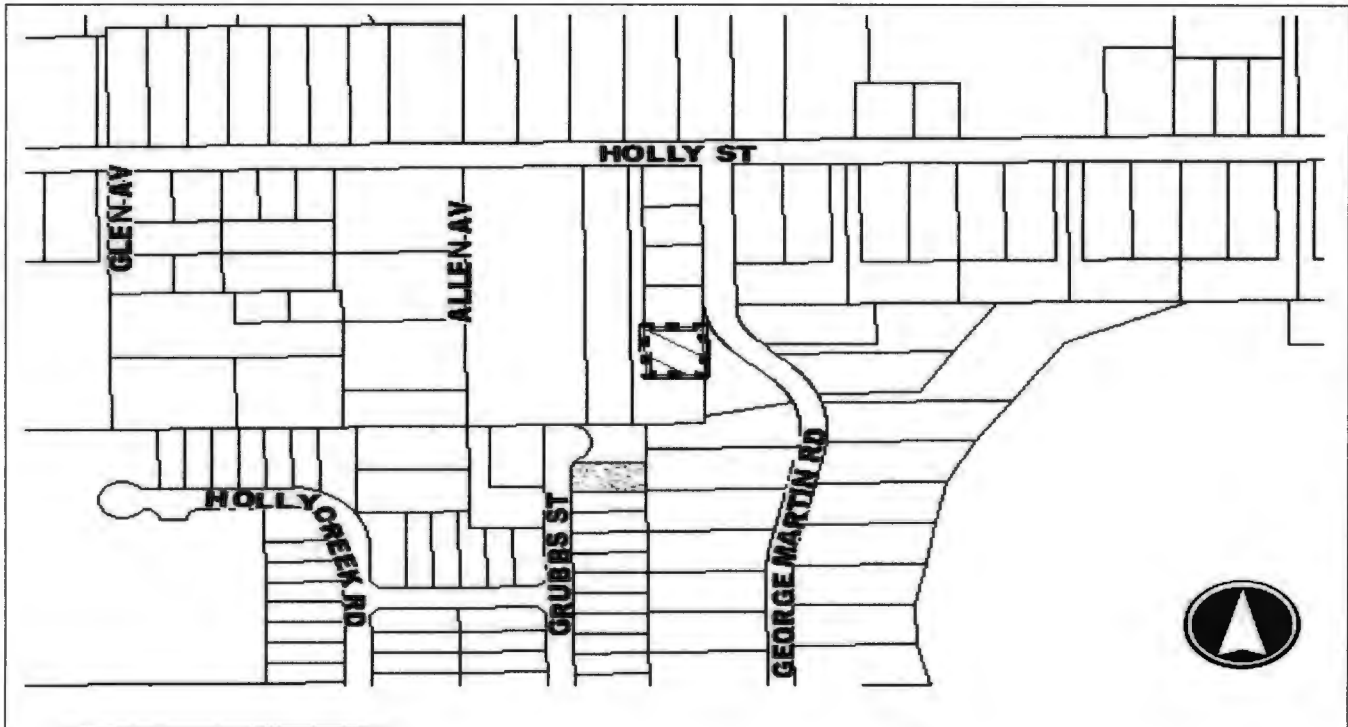
The applicant noted that their septic tank and drain field are located in the rear yard and relocating the shed may have a negative impact on it. They also noted that given the shallowness of the lot, and the front setback of the house, they already have a limited usable rear yard, and relocating the shed would reduce that usable area. There being no one present to speak in support or opposition to the application, the public hearing was closed.

The BZA concluded that given how long the structure has existed on the site in its current location, the variance is warranted. They added a condition which requires that if the shed is ever replaced, it must meet the required setbacks. A motion to recommend approval passed unanimously.

STAFF RECOMMENDATIONS

Approval of variances #1 and #2, denial of variance #3, subject to the conditions contained in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	A-2	A-2	R-1A-R	A-2
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residence w/accessory structures	Single-family residence w/accessory structures	Single-family residence w/accessory structure	Single-family residence w/accessory structure	Vacant

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the A-2 Farmland Rural District, which allows agricultural uses, mobile homes, and single-family homes with accessory structures on larger lots.

The subject property is a parcel of record. This differs from a lawfully nonconforming lot of record, which is part of a plat which was lawfully recorded, but does not comply with the zoning assigned to it. A lawful parcel of record is an unplatted parcel, which existed prior to the inception of zoning in Orange County in October 1957. The current zoning of A-2 is the initial zoning placed on the property by Orange County in October 1957. The property is developed with a single-family residence with 1,614 sq. ft. of living area and a 54 sq. ft. covered front porch, which was constructed in 1971, a 284 sq. ft. shed which is one of the subjects of this

application, and a 655 sq. ft. carport.

The property is addressed off of Holly Street, which is located to the north. This property and all of the other properties north and south of it, have access via access easements. This is a practice that is no longer widely used, as it is not enforceable by the local jurisdiction, as such easements are a civil matter.

While the parcel is a parcel of record, due to its area and depth, staff chose to add the variance for the substandard lot area, and for the rear setback of 36 feet. This will ensure that if a catastrophic event ever occurred, and the home needed to be rebuilt, there would be no questions. Even though the property is a parcel of record, any structure is still required to meet all setbacks, which is not possible given the lots depth.

The carport currently sits 3.8 feet from the side (north) property line. This structure has been severely damaged by time and storms. The applicant will be demolishing the carport through acquisition of a demolition permit (B19009051), and rebuilding the structure to meet the five (5) foot side setback. This will bring that structure into compliance.

According to the applicant's cover letter, the original shed was constructed in 1971 along with the home. Due to storm and termite damage, the original shed was replaced in approximately 1998 by the current shed. A structure has always existed in that location since 1971. There are no records of permits for either the original shed or the replacement shed. The applicant is concerned that if they must relocate the shed, it may interfere with their septic system.

The lot directly east of the subject property is oddly shaped. The portion immediately behind the shed on the subject property has very limited use. The neighbor to the east, plus the two (2) neighbors to the north and south, which constitute the most impacted neighbors, have submitted letters in support of the variance to retain the shed.

District Development Standards

	Code Requirement	Proposed
Max Height:	15 ft.	9.33 ft.
Min. Lot Width:	100 ft.	120 ft.
Min. Lot Size:	.5 acres	.3 acres

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	35 ft.	40 ft.
Rear:	50 (House)/5 ft. (Shed)	36 ft. (House)/1 ft. (Shed)
Side:	10 (House)/5 ft. (Shed)	12 (House)/6 ft. (Shed)
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The lot is small, being only .3 acres in lieu of the .5 acres required in the A-2 zoning district. It is also only 110 feet deep. The home was constructed 40 feet from the front property line in lieu of 35 feet, which is the front setback for the A-2 zoning district. However, even if the home were 35 feet, a rear setback of 41 feet would still not comply with the required 50 foot rear setback.

Not Self-Created

The applicant did not obtain a permit when the original shed was constructed, nor when the replacement shed was installed. If a permit had been obtained, the shed could have been built in a conforming location.

No Special Privilege Conferred

Granting of the variance because the shed was built without a permit would be a special privilege. Granting the variance for the rear setback for the home and site area would ensure the existing site and home are in compliance.

Deprivation of Rights

The applicant has adequate area to meet the required setbacks for the shed; therefore, there is not a deprivation of rights.

Minimum Possible Variance

Since the applicant is not proposing to expand the shed further into the setback, this would be the minimum variance needed to keep the shed where it currently sits. Since there is no additional land area available to meet the minimum parcel size, and the applicant is not proposing to add to the home, thereby, encroaching further into the rear setback, these are the minimum variances needed.

Purpose and Intent

The purpose and intent of setbacks is to provide adequate space to avoid imposing improvements on adjacent property owners, and to provide sufficient space for sunlight and air circulation. While the home is located 14 feet into the rear setback, adequate area exists to meet the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated May 13, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Eddie Lee Clark
P.O. Box 459
Zellwood, FL 32798

May 10, 2019

Mr. David Nearing, AICP
Development Coordinator
Orange County Zoning Division
201 South Rosalind Avenue, 1st Floor
Orlando, FL 32801

Re: Variance Request for 7148 Holly Street, Zellwood, FL
Parcel Identification Number 20-20-27-0000-00-051

Dear Mr. Nearing:

The variance request is being submitted in order to bring my property into compliance as a result of a code enforcement violation that I received from the Orange County Code Enforcement Division (Incident ID 539090 - no accessory structure permit in the zoning system) for the existing shed located on the rear of my property. Originally, an 11' x 24' wooden shed was built on the property in 1971 (48 years ago) when my single-family home was constructed. The wooden shed was replaced approximately 21 years ago with the current metal shed because of extensive termite damage. The metal shed is the same size and was placed in the same location as the original wooden shed. To move the shed will create a hardship because our septic tank and drain field are also located in our backyard and they encompass a large portion of our backyard. To bring my property into compliance with Orange County Code, I am requesting the following variances:

1. To allow the existing metal shed to remain one (1) foot in lieu of five (5) feet from the rear property line; and
2. To allow the existing single-family residence to remain thirty-six (36) feet from the rear property line in lieu of fifty (50) feet.

The existing 17.5' x 37' carport structure which currently does not meet the required five (5) feet side yard setback will be removed and when rebuilt, will meet the required rear and side yard setbacks.

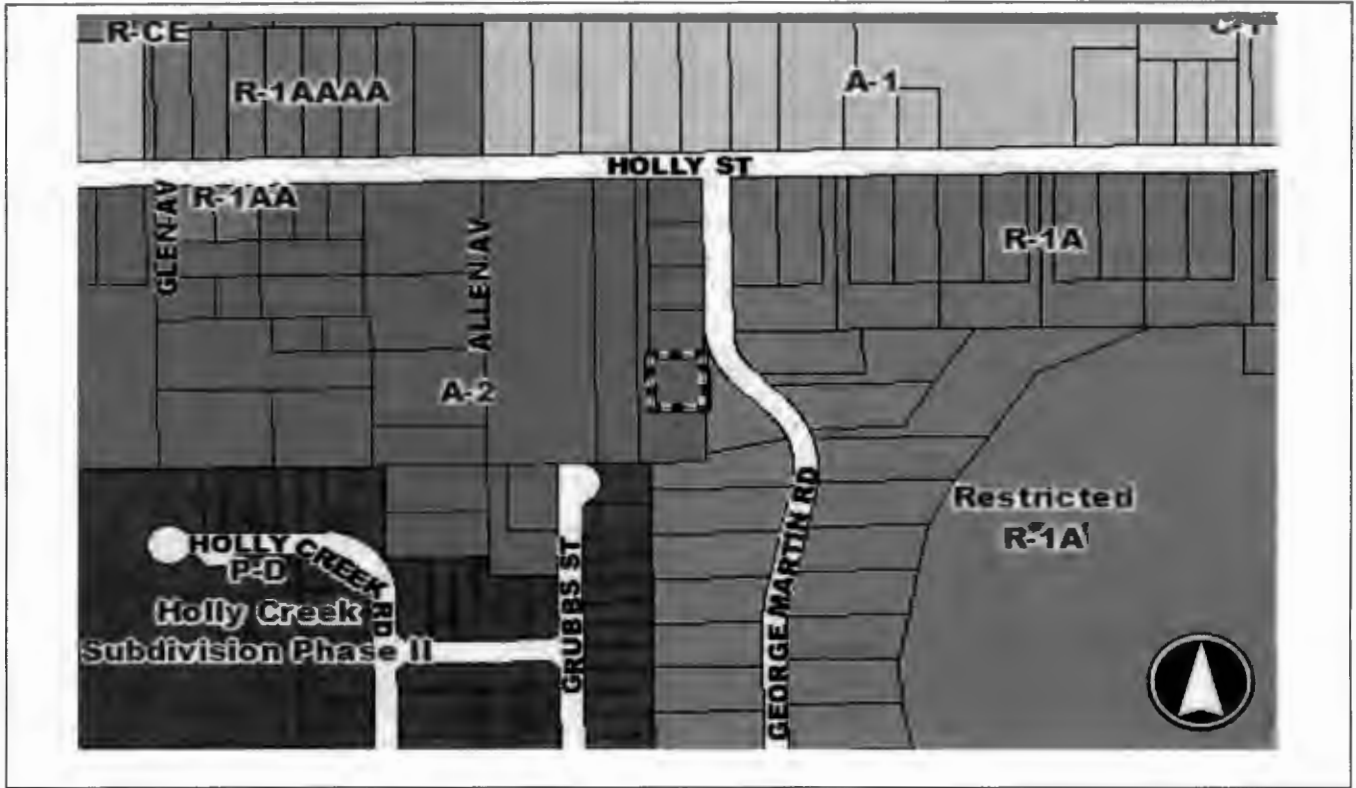
I am also submitting with my variance application, letters of no objection from my three closest neighbors.

Sincerely,



Mr. Eddie L. Clark, Jr.
7148 Holly Street

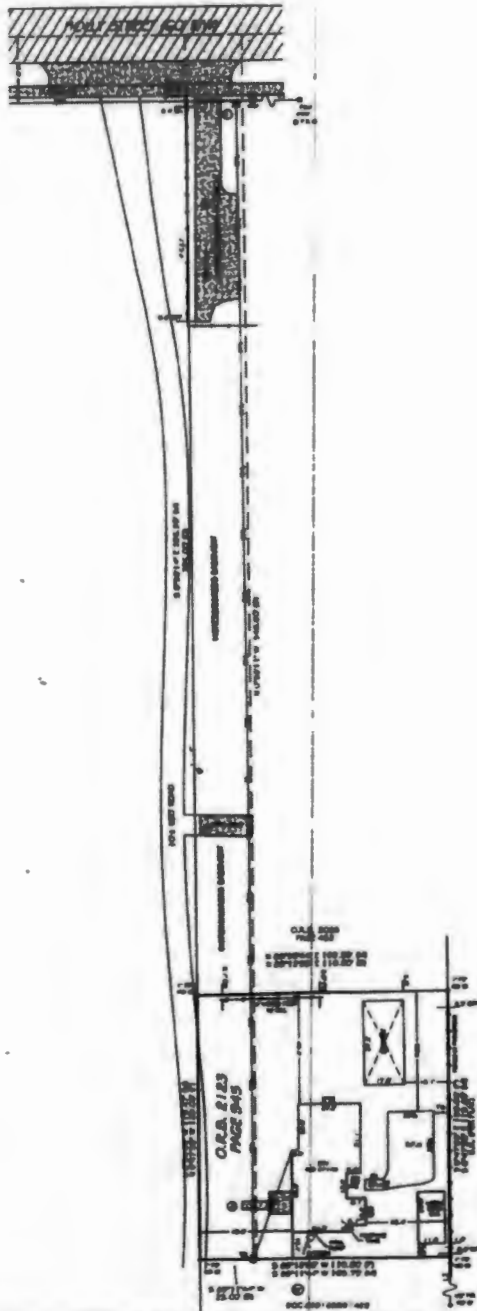
ZONING MAP



AERIAL MAP



SITE PLAN/SURVEY



RECEIVED
MAY 13 2019
ORANGE COUNTY
ZONING DIVISION



SITE PHOTOS



Subject Shed Looking East



Rear Setback Looking South



Neighboring Property Looking Southeast

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 08, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-07-064**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): ADLINE PIERRE

OWNER(s): ADLINE PIERRE, JACFFET PIERRE

REQUEST: Variance in the R-1 zoning district to allow an addition 18 ft. from the rear (south) property line in lieu of 25 ft.

PROPERTY LOCATION: 8028 Aspencrest Ct., Orlando, FL 32835, southwest corner of Aspencrest Ct. and Killington Way, immediately south of SR 408.

PARCEL ID: 27-22-28-9395-00-130

LOT SIZE: 102 ft. x 75 ft. (avg.)/.177 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 64

DECISION: **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 5-0 and 2 absent):

1. Development in accordance with the site plan dated May 13, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff gave a presentation on the case covering the location of the property, site plan, and photos of the site.

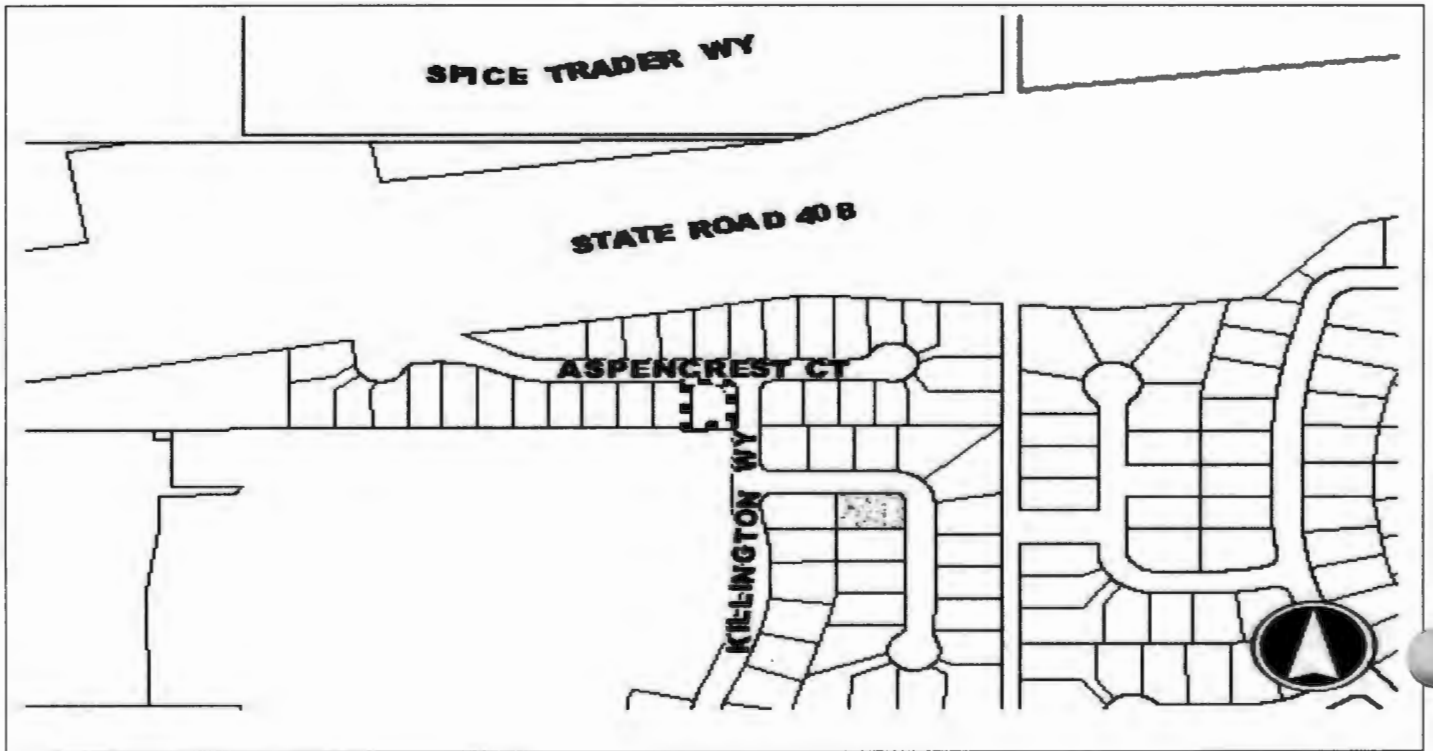
The applicant stated that the addition is to provide a safe place for the children to play. Staff received 1 commentary in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA felt that the information provided was sufficient to approve, and approved the variance as requested.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1	R-1	R-1A	R-1	R-1
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residence	Single-family residence	William Frangus E.S.	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-1, Single Family Dwelling district, which allows single family homes and associated accessory structures on lots a minimum of 5,000 sq. ft. or greater.

The subject property is a corner lot with frontage on Aspencrest Ct., and Billington Way. It was platted in 1993

and is considered to be a conforming lot of record. There is a 1,523 sq. ft. single family home on the lot, with an attached 2-car garage, which was constructed in 1994.

The property is located in the Winter Hill North Addition Plat, which is comprised of single family homes.

The applicant is proposing to add a 408 sq. ft. addition to the rear of the house. The addition will be an enclosed porch with no internal walls and window walls on the exterior. The addition will encroach into the required 25 ft. rear yard setback by approximately 7 ft.

The rear (south) property line backs up to Frangus Elementary School, thus, no residential rear neighbors will be impacted by this request.

Multiple variances have been granted in the area for rear setbacks.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	10 ft.
Min. Lot Width:	50 ft.	75 ft.
Min. Lot Size:	5,000 sq. ft.	7,710 sq. ft.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	25 ft.	25 ft.
Rear:	25 ft.	18 ft.
Side:	6 ft.	9 ft.
Sidestreet:	15 ft.	16 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The subject property is a corner lot with frontage on two (2) streets. The rear (south) property line backs up to Frangus Elementary School; thus, no residential rear neighbors will be impacted by this request. Because it is a corner lot, they are limited in where they can build a conforming addition.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to add an enclosed rear porch in the only location that would be possible.

Minimum Possible Variance

This is the minimum possible variance to allow this addition to the house.

Purpose and Intent

Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood. The addition will only encroach by seven (7) feet into the rear setback, which is adjacent to a school.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated May 13, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Adline Pierre
8028 Aspencrest Ct.
Orlando, FL 32835

COVER LETTER

TO: BZA BOARD MEMBERS
201 S. ROASLIND AVENUE 1ST FLOOR
ORLANDO,FLORIDA 32801

FROM: MR. AND MRS. JACFFET PIERRE
PROJECT: 8028 ASPENCREST COURT ORLANDO,FLA.32835
REQUEST:

WE REQUEST AN ZONING VARIANCE OF SEVEN FEET BACK
YARD SETBACK BECAUSE OUR THREE DAUGHTERS DO NOT HAVE A SAFE
PLACE TO PLAY INDOOR. THIS ROOM OR ADDITION TO OUR HOME
WOULD PROVIDE A PLACE FOR ME , TO MONITOR MY GIRLS AND NOT
BE WORRIED FOR THEIR PROTECTION FROM HARM.

I CAN BE CONTACTED AT 407-694-1028
* ADLINE PIERRE
MRS. ADLINE PIERRE

ZONING MAP

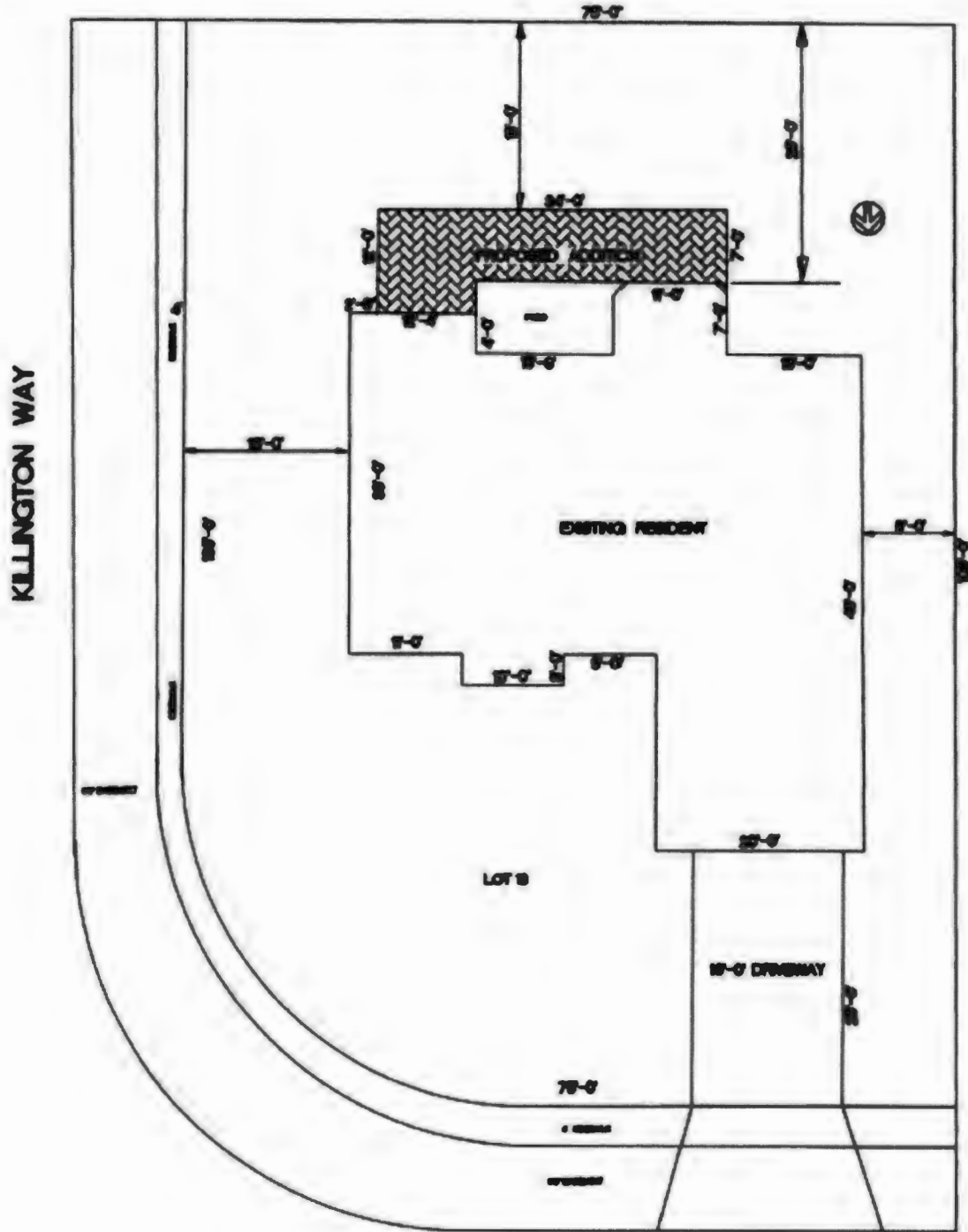


AERIAL MAP



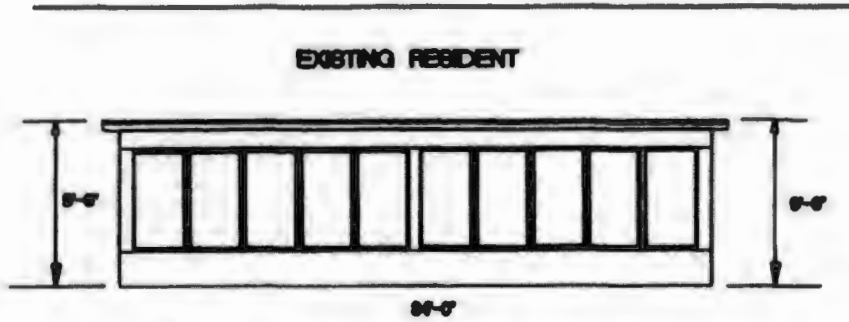
SITE PLAN / SURVEY

PARCEL: 27-22-28-9395-00-130



8028 ASPENCREST COURT

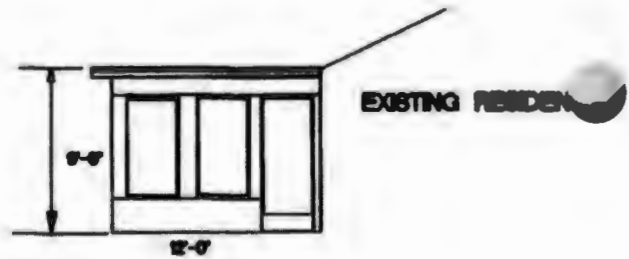
RECEIVED



① NORTH ELEVATION
A-1 SCALE: 3/32" = 1'-0"



② WEST ELEVATION
A-1 SCALE: 3/32" = 1'-0"



③ EAST ELEVATION
A-1 SCALE: 3/32" = 1'-0"

SITE PHOTOS



Front from Aspencrest Ct.



Side from Killington Way



Rear backs up to Frangus School



Rear-area of proposed addition

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 08, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-07-066**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): LEE VAYN OLIVER

OWNER(s): LEE VAYN OLIVER

REQUEST: Variance in the R-1A zoning district to allow an addition 25 ft. from the rear (south) property line in lieu of 30 ft.

PROPERTY LOCATION: Southeast side of Christian Way, approximately .2 miles east of N. Powers Dr.

PARCEL ID: 01-22-28-5844-00-601

LOT SIZE: .35 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 90

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 4-0 and 3 absent):

1. Development in accordance with the site plan dated May 14, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff reviewed the history of the property, including the fact that the subject property was created through a lot split. The property had been a part of the stormwater management tract, which became unnecessary after improvements were made to the drainage system in the area. When the home was originally constructed, it was built 47 feet from the front property line rather than the required 25 feet. This resulted in 12 feet less usable rear yard. Since the house was constructed in 1989, and the applicant did not purchase it until 2000, the current situation was not self-imposed. Staff noted that six (6) of the owners of

property which would be most impacted had agreed with the requested variance, including the neighbor to the south, whose home would be over 100 feet from the new addition.

The applicant indicated their agreement with the staff recommendation. There being no one present to speak for or against the request, the public hearing was closed.

The BZA found that due to the location of the home when originally constructed, and the support of the neighbors, the variance was warranted. A motion to recommend approval was passed by unanimous vote.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	R-1A	R-1A	R-1A	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residence	Single-family residence	Single-family residence	Single-family residence	Vacant

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-1A, Single Family Dwelling district, which allows single family homes and associated accessory structures on lots a minimum of 7,500 sq. ft. or greater.

The subject property is a part of a division of a parcel of land created through the Whisper Ridge Plat, which was recorded in December 1987. The parcel was to have been developed for a stormwater management facility. However, when other improvements were made to the area, the facility was no longer needed, and the parcel was divided through a lot split. Because the new lots resulting from the split of the land were part of the overall plat, the drawing called for a 30-foot rear setback to be consistent with the remainder of the subdivision.

The subject property is currently developed with a 2,689 gross sq. ft. single-family home with 1,816 sq. ft. of living area. The applicant wishes to construct a 645 sq. ft. sunroom to the rear of the existing residence. In order to accomplish this, the applicant must encroach five (5) feet into the rear setback. Had the Whisper Ridge plat been recorded after March of 1993, a variance would not be needed, as the rear setback changed from 30 feet to 25 feet.

The house, which was constructed in 1989, was built 47 feet from the front property line. The front setback for the R-1A zoning district is only 25 feet. Had the house been situated five (5) or more feet closer to the front property line, a variance would not be required.

To the south of the subject property is a lot with an average depth of over 214 feet. The closest part of the structure on that property to the subject property is approximately 100 feet. If granted, there would be at least 125 feet of separation distance between the two (2) structures. In addition, the abutting property is also heavily vegetated.

As of the preparation of this report, the applicant had obtained the support of seven (7) of their neighbors, including the most impacted owners of the four (4) most impacted properties.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	10 ft. (Addition)
Min. Lot Width:	75 ft.	88 ft.
Min. Lot Size:	7,500 sq. ft.	15,296 sq. ft.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	25 Ft.	47 ft.
Rear:	30 ft.	25 ft.
Side:	7.5 ft.	15 ft./16 ft.
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS**VARIANCE CRITERIA****Special Conditions and Circumstances**

When the original owner of the home constructed it, they chose a front setback of 47 ft. in lieu of 25 ft., depriving future owners of 22 feet of useable rear yard. In addition, had the property been subdivided six (6) years later, the rear setback would only be 25 feet rather than 30 feet.

Not Self-Created

The home was constructed in 1989. The applicant purchased the home in 2000.

No Special Privilege Conferred

Sunrooms are a common addition desired by many homeowners in the R-1A zoning district. The granting of the requested variance will not be granting any special privilege to the applicant.

Deprivation of Rights

Without the variance, the applicant would be required to construct a 10 foot deep sunroom. When the block wall depth is subtracted, the actual depth of usable floor area will be slightly over nine (9) feet, which is much less functional than the 14 feet the applicant seeks.

Minimum Possible Variance

When the applicant began discussing the proposed variance with staff, they were under the impression that the roof overhang was not to encroach into rear setback, and they were advised to request a 10 foot variance. However, once they were advised that any roof overhang may encroach up to two (2) feet into any required setback, they reduced the request to five (5) feet. This is the minimum variance needed.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated May 14, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Lee Vayn Oliver
6110 Christian Way
Orlando, Florida, 32808

COVER LETTER

March 11, 2019

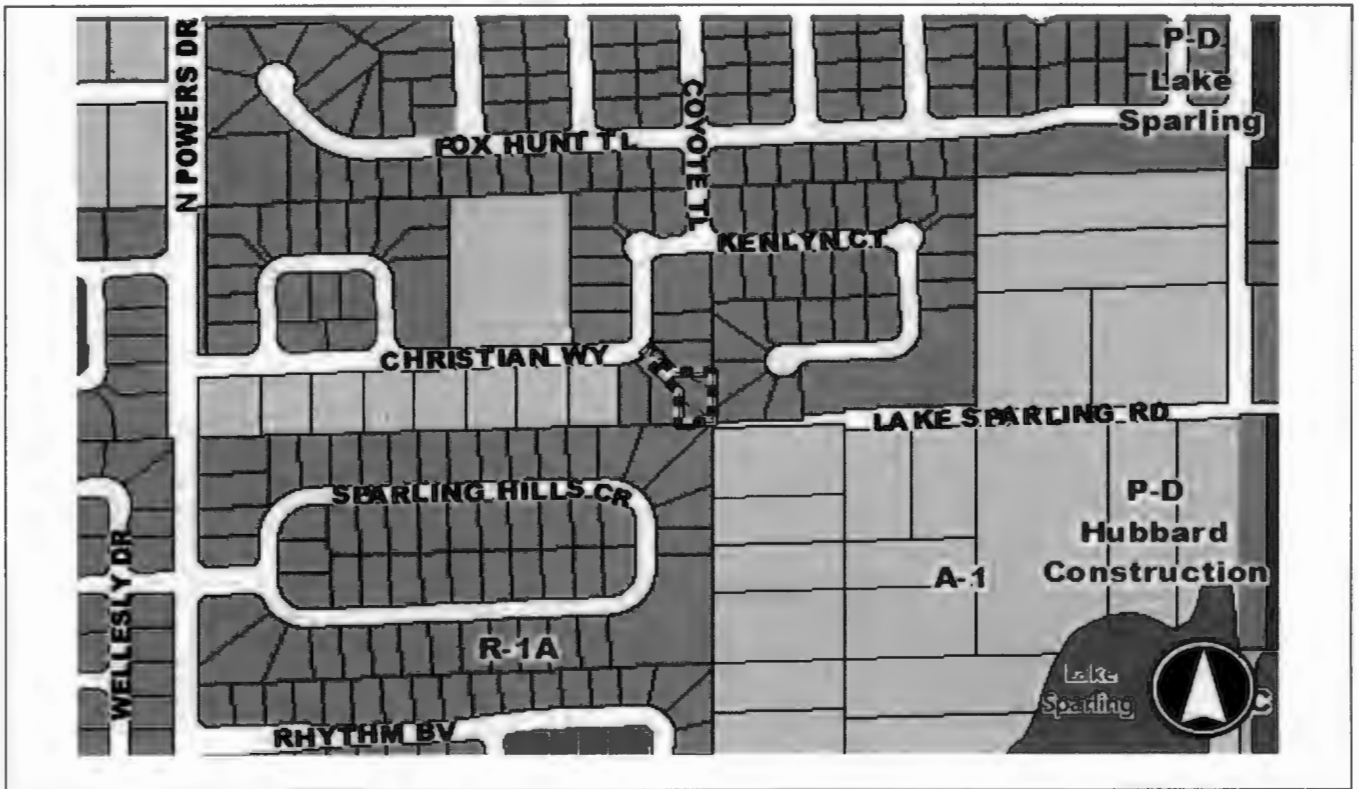
To: Board of Zoning Adjustments

I am proposing a variance as the owner of the property located at [REDACTED], Orlando, FL 32808. When the house was originally built it pushed the rear of the house to only allow for 10 feet of buildable area and only 9 feet of interior floor space, which want leave me enough space to erect a fully functional sunroom as needed. I am requesting an extra 5 feet to make the sunroom more functional. Thanks for your attention to this matter.

Sincerely,

Lee Vayn Oliver
[REDACTED]

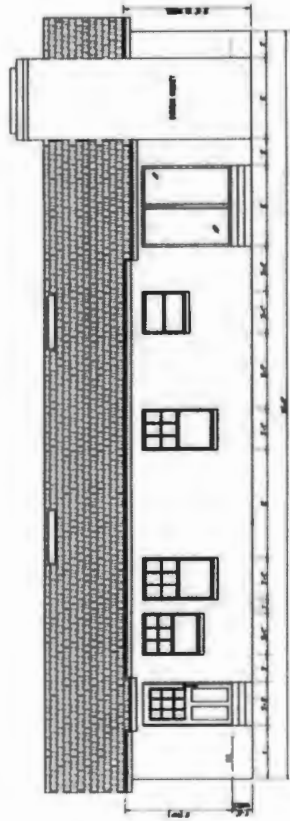
ZONING MAP



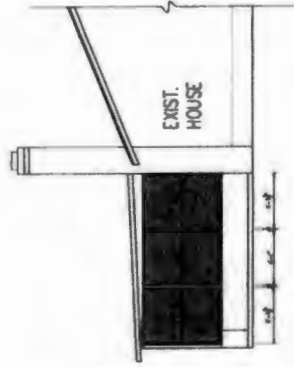
AERIAL MAP



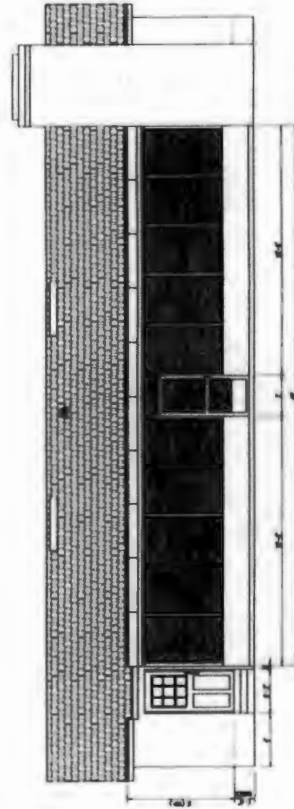
ELEVATIONS



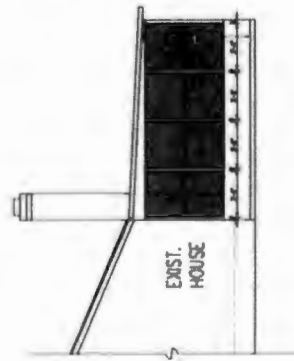
EXISTING REAR ELEVATION
1/4" = 1'-0"



PROPOSED RIGHT REAR SIDE ELEVATION
1/4" = 1'-0"



PROPOSED REAR ELEVATION
1/4" = 1'-0"



PROPOSED LEFT REAR SIDE ELEVATION
1/4" = 1'-0"

SITE PHOTOS



Proposed Location of Sunroom Looking Northwest



Rear Yard Looking East



Neighbor's Yard Looking South

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 08, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-07-067**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): RUSSELL MAYNARD

OWNER(s): SOUTH PARK LODGING, LLC

REQUEST: Variance in the IND-2/IND-3 zoning district to allow a hotel with a building height of 59 ft. in lieu of 50 ft.

PROPERTY LOCATION: Destination Parkway, Orlando, Florida, 32819, south side of Destination Pkwy., west of S. John Young Pkwy.

PARCEL ID: 32-23-29-8221-02-003

LOT SIZE: 299 ft. x 308 ft./ 2.159 acres

NOTICE AREA: 1500 ft.

NUMBER OF NOTICES: 136

DECISION: **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 5-0 and 2 absent):

1. Development in accordance with the site plan dated and elevations May 15, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff gave a presentation on the case covering the location of the property, site plan, and photos of the site.

The applicant agreed with the staff recommendation and conditions.

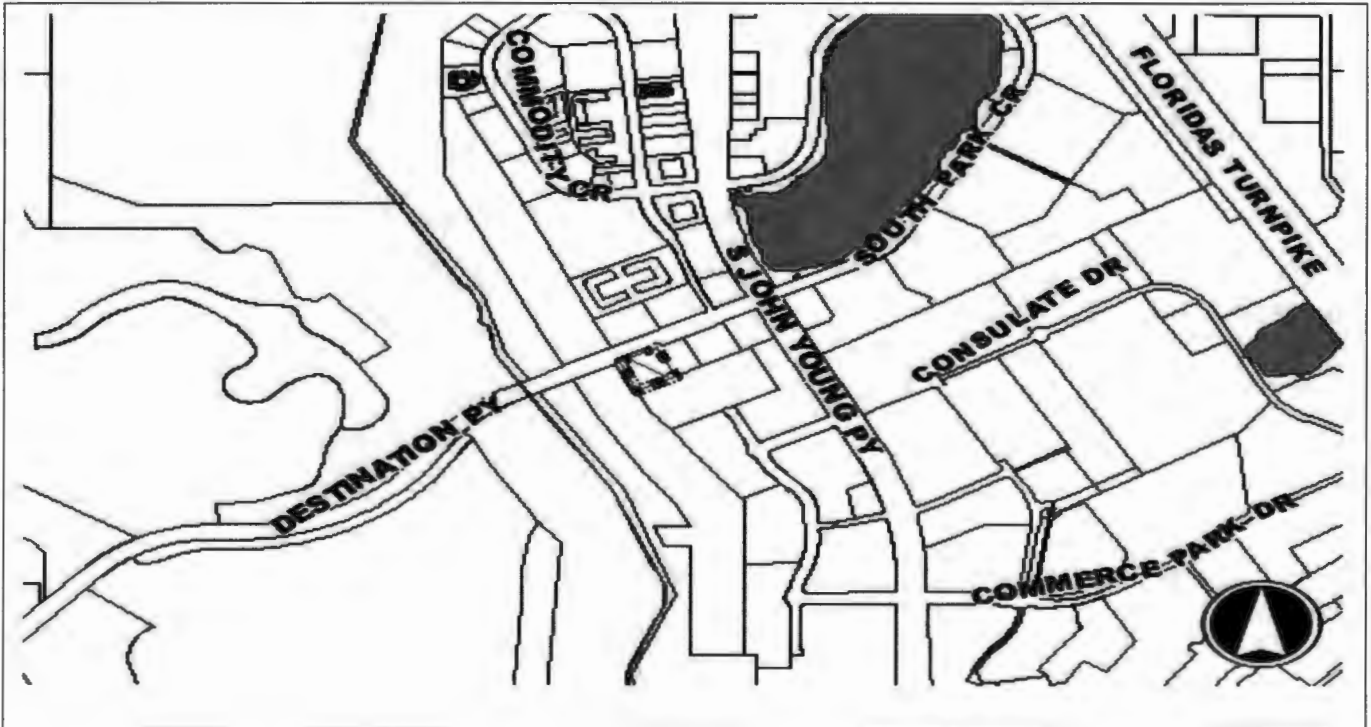
Staff received no commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA felt that the request was clear cut, and approved the variance as requested.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	IND-2/IND-3	IND-2/IND-3	IND-2/IND-3	IND-2/IND-3	IND-2/IND-3
Future Land Use	IND	IND	IND	IND	IND
Current Use	Vacant	Office	Office	Vacant	Retention

BACKGROUND AND ANALYSIS

Description and Context

The property is zoned IND-2/I-3, Industrial Park District that allows for warehousing, manufacturing, and certain retail uses.

The lot was platted in 2005 as part of the Southpark Unit 8 plat, and was split through the Subdivision Determination process in 2018 (LS-18-07-051), to create the present configuration. It is considered to be a conforming lot of record.

The area consists of vacant and developed industrial lots in the vicinity of South John Young Parkway.

The subject property is 2.159 acres in size, and is currently vacant. The applicant is proposing to construct a 66,270 sq. ft., 5-story hotel building. The design proposes a parapet wall that will shield mechanical equipment, and decorative towers that will extend to a height of 59 ft., which prompts the need for the variance, as code allows a 50 ft. maximum.

The design on the building will be consistent with the industrial character of the area, and the deviation will not be noticeable due to the large size of the lot and setbacks being provided in excess of code.

The properties are located in a heavily industrial area, and there are no residential homes in the vicinity. The nearest homes are about one (1) mile away.

Prior to a code amendment in 2016, the variance would not be necessary for this proposal, as a building height of 100 feet was permitted at a distance greater than 500 feet from a residential zoning district or Future Land Use designation. This property meets this requirement.

Several other height variances in the area have been approved.

District Development Standards

	Code Requirement	Proposed
Max Height:	50 ft.	59 ft.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	25 ft.	89 ft.
Rear:	10 ft.	72 ft.
Side:	15 ft.	53 ft./60 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The site is a 2.159 acre industrial property. The increased height will allow the applicant to utilize a single compact building on the parcel to screen rooftop equipment and provide articulation along the roofline. The design will not have any negative visual impacts.

No Special Privilege Conferred

Approval of this variance will not confer any special privilege that is denied to other lands, building, or structures in the same zoning district that were developed prior to 2016, when the code would have allowed a 100 foot building height for these properties.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to utilize a design consistent with the area while screening rooftop equipment and providing articulation.

Purpose and Intent

Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the industrial character of the area. The subject property is a large lot located in an industrial park; and, there are no residential homes in the immediate area. Also, there are several multi-story office buildings in the immediate area.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan and elevations dated -May 15, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Russell Maynard
500 N. Maitland Avenue
Maitland, FL 32751

COVER LETTER



HOTEL DEVELOPMENT & MANAGEMENT

May 10, 2019

Orange County Zoning
201 S Rosalind Avenue
Orlando, FL 32801

Dear Planning and Development:

This variance hereby requested from section 38 - 981 (7) in order to allow a maximum Building height of 59 feet in lieu of a maximum of 50 ft .

This request is being made to allow for the parapet walls and decorative Towers to extend beyond the existing building height requirement of 50 ft.

The subject property is 2.159 acres in size, it lies to the south of Destination Parkway off of John Young Parkway in south Orange County.

At 66,270 square feet, the proposed building will be a 5 story Hotel and the building location within the site will provide an 89 foot set back to the Porte Cochere from Destination Parkway with a 152 foot setback to the main building. As for the other sides of the building, a 60 foot setback is proposed to the west, a 53 foot setback to the east and a 72 foot setback to the south with exception to the pool bath, which is a small single story building and will be 46 feet to the southern property line. The proposed building is slab-on-grade, block and plank construction.

Special conditions and circumstances:

The property is a 2.159 acre industrial, property increased Heights will allow the applicant to screen rooftop equipment it will not have any negative visual effect as a lot is located within an industrial park with no residential uses nearby. The site is also surrounded by other multi-story hotels and office Buildings, with the exception of the western side which borders the South Park Master Retention Pond.

Deprivation of Rights:

Interpretation of the code would deprive us of the right to utilize a design consistent with the area while screening rooftop equipment and adding decorative elements to the building's facade.

Minimum possible variance:

This request is the minimum variance to utilize the specified design, to shield roof top equipment and allow for decorative elements and is a minor deviation from the code of 18%.

Purpose and intent:

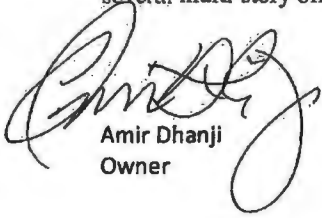
HOSPITALITY FROM OUR FAMILY TO YOURS

1865 Veterans Park Drive #304 Naples, Florida 34109 239.206.4275 napleshotelgroup.com



HOTEL DEVELOPMENT & MANAGEMENT

Approval of this request will be in harmony with the purpose and intent of the zoning regulations and will not be detrimental to the industrial character of the area the subject property is located in an industrial park and there are no residential homes in the immediate area. The taller portions of the building will be located 150 feet from the public right-of-way of Destination Parkway. Also there are several multi-story office and hotel buildings either proposed or existing in the immediate area.

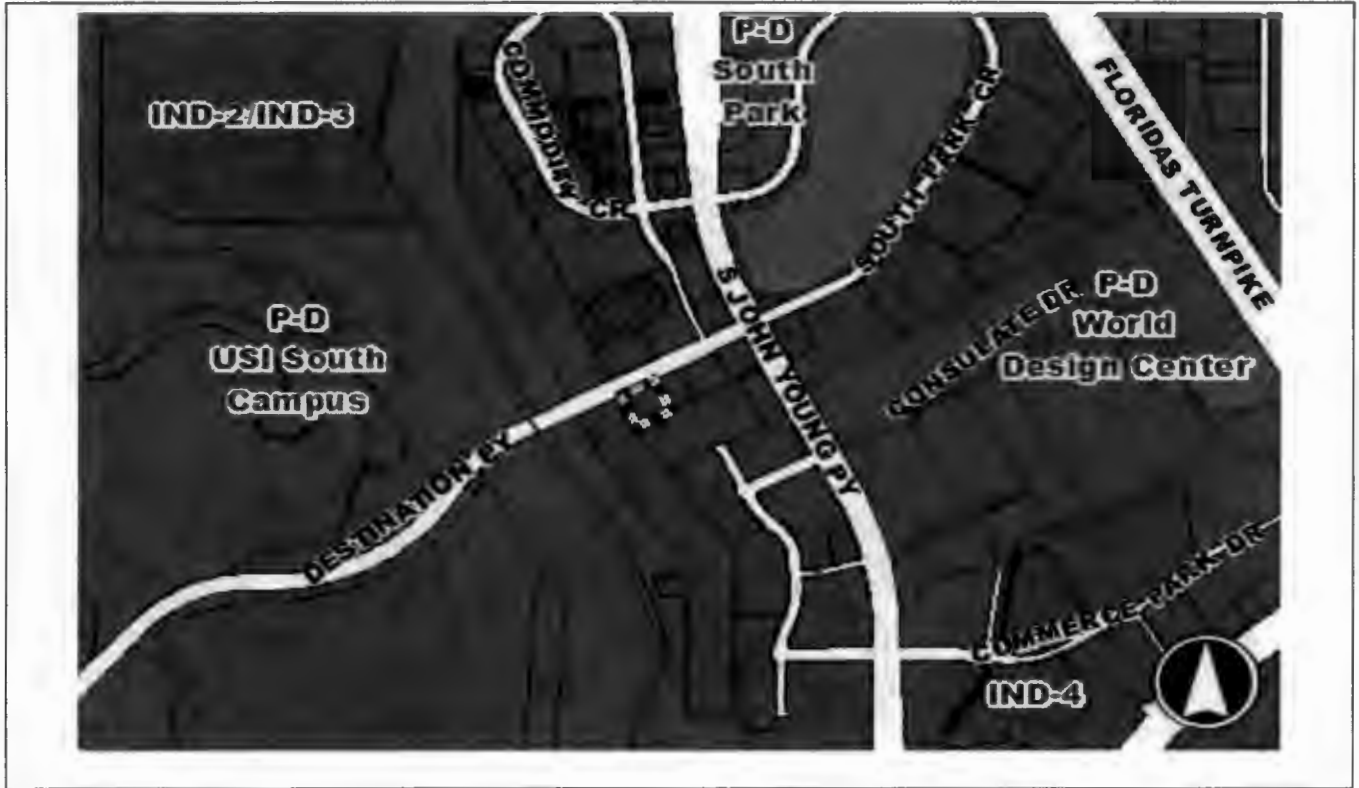


Amir Dhanji
Owner

RECEIVED
MAY 15 2019
ORANGE COUNTY
ZONING DIVISION

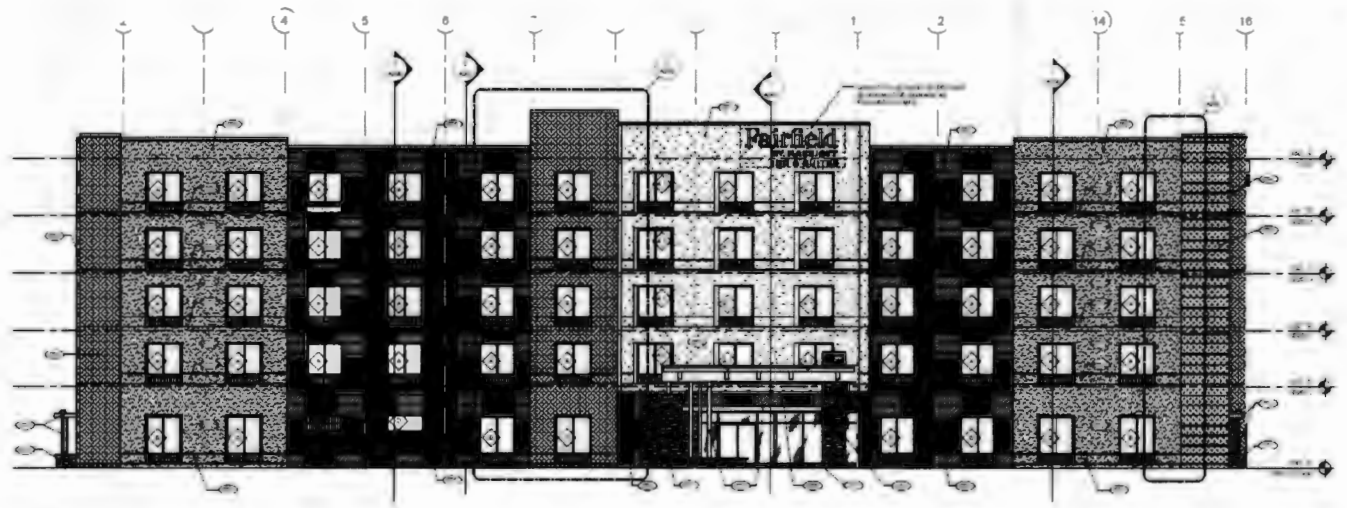
HOSPITALITY FROM OUR FAMILY TO YOURS
1865 Veterans Park Drive #304 Naples, Florida 34109 239.206.4273 napleshotelgroup.com

ZONING MAP



AERIAL MAP





1 FRONT ELEVATION



3 REAR ELEVATION

SITE PHOTOS



Existing Site from Destination Pkwy.



Existing hotel to the east

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 08, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-07-069**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): LATAVIOUS FAILS

OWNER(s): LATAVIOUS FAILS

REQUEST: Variances in the R-3 zoning district as follows:

- 1) To allow an existing structure to remain 27 ft. from the rear (north) property line in lieu of 30 ft.
- 2) To allow a two-story addition with a side yard (west) setback of 7 ft. in lieu of 10 ft.

PROPERTY LOCATION: 12002 Tift Cir., Orlando, FL 32826, northwest side of Tift Cir., west of N. Alafaya Tr.

PARCEL ID: 15-22-31-1133-00-110

LOT SIZE: .379 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 109

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 4-0 and 3 absent):

1. Development in accordance with the site plan and elevations dated May 15, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the addition shall have similar colors and design materials as the existing building.

SYNOPSIS: Staff gave a presentation on the case covering the location of the property, site plan, and photos of the site.

The applicant stated that the additional three (3) feet is to combat erosion, due to the location of the slope.

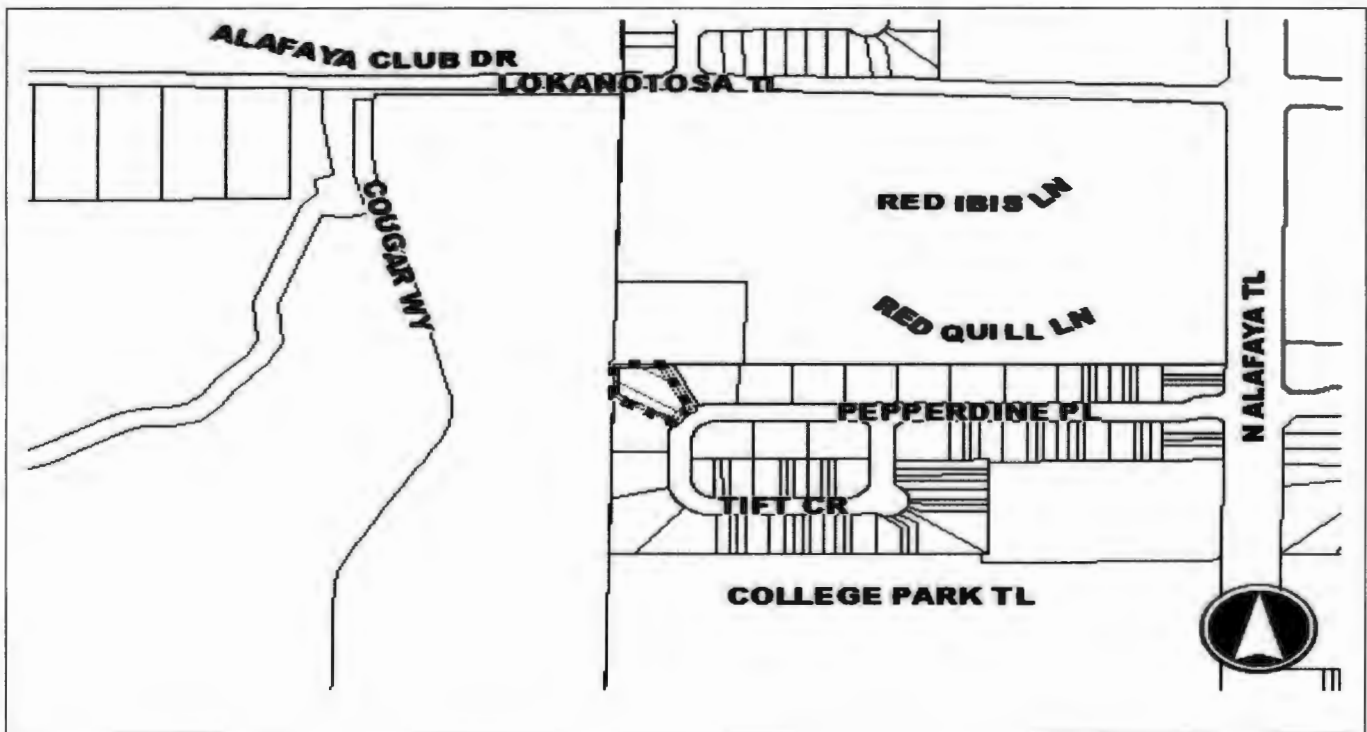
Staff received no commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA felt that the request was in compliance with the rest of the neighborhood, and approved the variances as requested.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-3	R-3	R-3	R-3	R-3
Future Land Use	MDR	MDR	MDR	MDR	INST
Current Use	Triplex	Retention Pond	Quadplex	Quadplex	University Senior High School

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the R-3, Multiple-Family Dwelling district, which allows single-family homes, multifamily development, and associated accessory structures.

The subject property is a triangular shaped lot platted in 1981, which is considered to be a conforming lot of record. There is a 4,884 sq. ft. two story triplex on the lot, which was constructed in 2011.

The property is located in the Cambridge Circle Plat, which is comprised mostly of quadplexes, and two (2) triplexes.

The original permit for construction of the building showed a 30 foot setback for the building; however, the fire suppression equipment enclosures and storage closets were shown extending an additional three (3) feet into the setback. The building was constructed per the building permit plan; therefore, Variance #1 will allow the structure to remain as constructed.

The applicant is proposing to convert the existing 3-unit building into a 4-unit building by constructing a 2,400 sq. ft., 2-story addition to the west side of the building. The addition will encroach into the required 10 foot side yard setback by approximately 3 feet.

The rear (north) property line backs up to a retention pond, and the side (west) property line backs up to University Senior High School; thus, no residential rear or side neighbors will be impacted by this request.

The property is a uniquely shaped triangular lot that is larger in size than most other lots that contain quadplexes in the same subdivision.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	27.5 ft.
Min. Lot Width:	85 ft.	100 ft.
Min. Lot Size:	15,000 sq. ft.	16,545 sq. ft.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	20 ft.	65 ft.
Rear:	30 ft.	27 ft.
Side:	10 ft.	7 ft./11 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The subject property is a uniquely shaped triangular reverse corner lot. The rear (north) property line backs up to a retention pond, and the side (west) property line backs up to University Senior High School. No residential rear or side neighbors will be impacted by this request.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to keep the existing building in the present approved configuration, and the right to have a quadplex consistent with the majority of lots in the subdivision that are smaller in size.

Minimum Possible Variance

This is the minimum possible variance to allow this addition to the structure.

Purpose and Intent

Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood. The property is larger in size than most other lots that contain quadplexes in the same subdivision.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan and elevations dated May 15, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the addition shall have similar colors and design materials as the existing building.

c: Latavious Cartes Fails
12002 Tift Circle
Orlando, FL 32826

Single Family Addition @12002-04-06 Tift Circle

- Conversion of 3 Unit structure to 4 Unit structure.
- Will be primary residence of owner (Latavious Fails)
- Only one address to be assigned... (12000 Tift Circle)
- Orange Co requirement of 2 parking spaces per unit.
- Currently has 10 parking spaces for 3 units.
(See parking diagram)

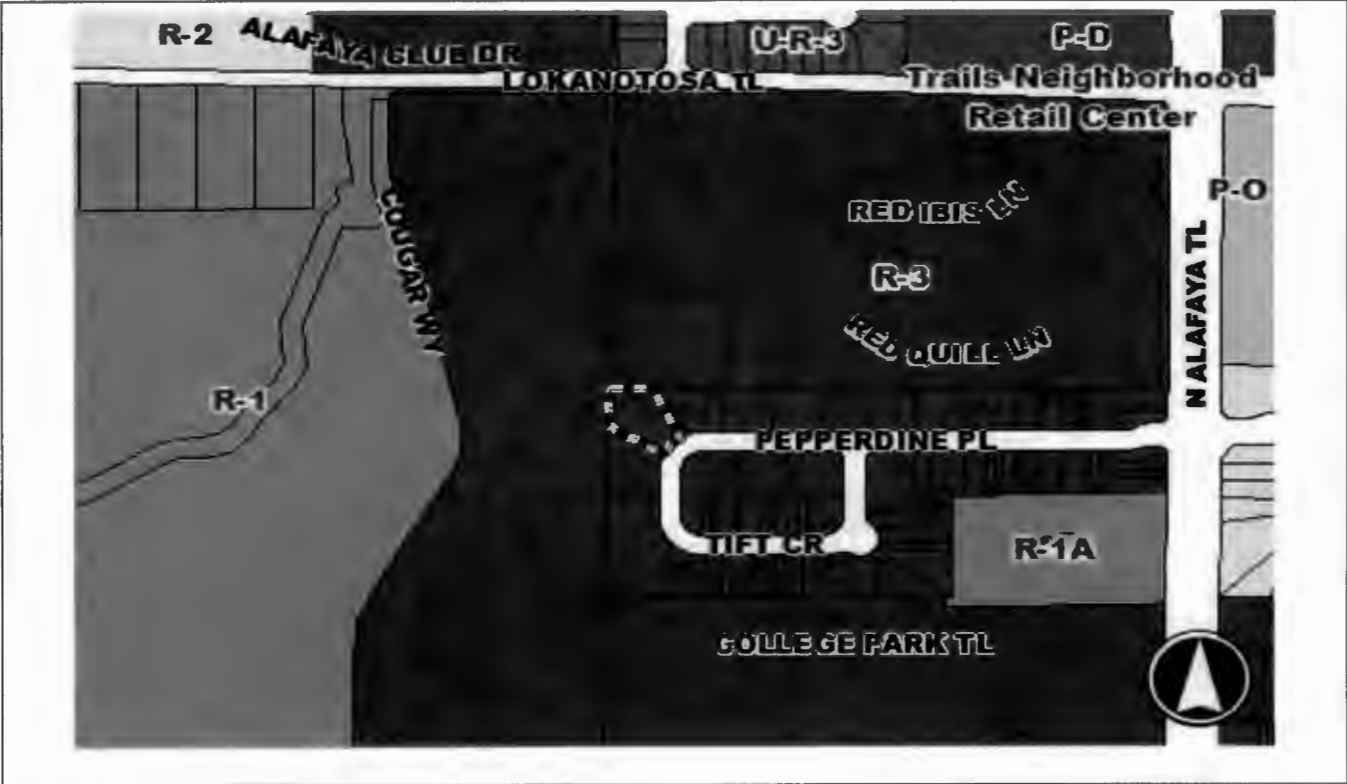
Attached:

Site plan showing current Building, Parking and Proposed Addition.

Building plans showing interior layout and elevations for proposed addition.


Latavious C. Fails

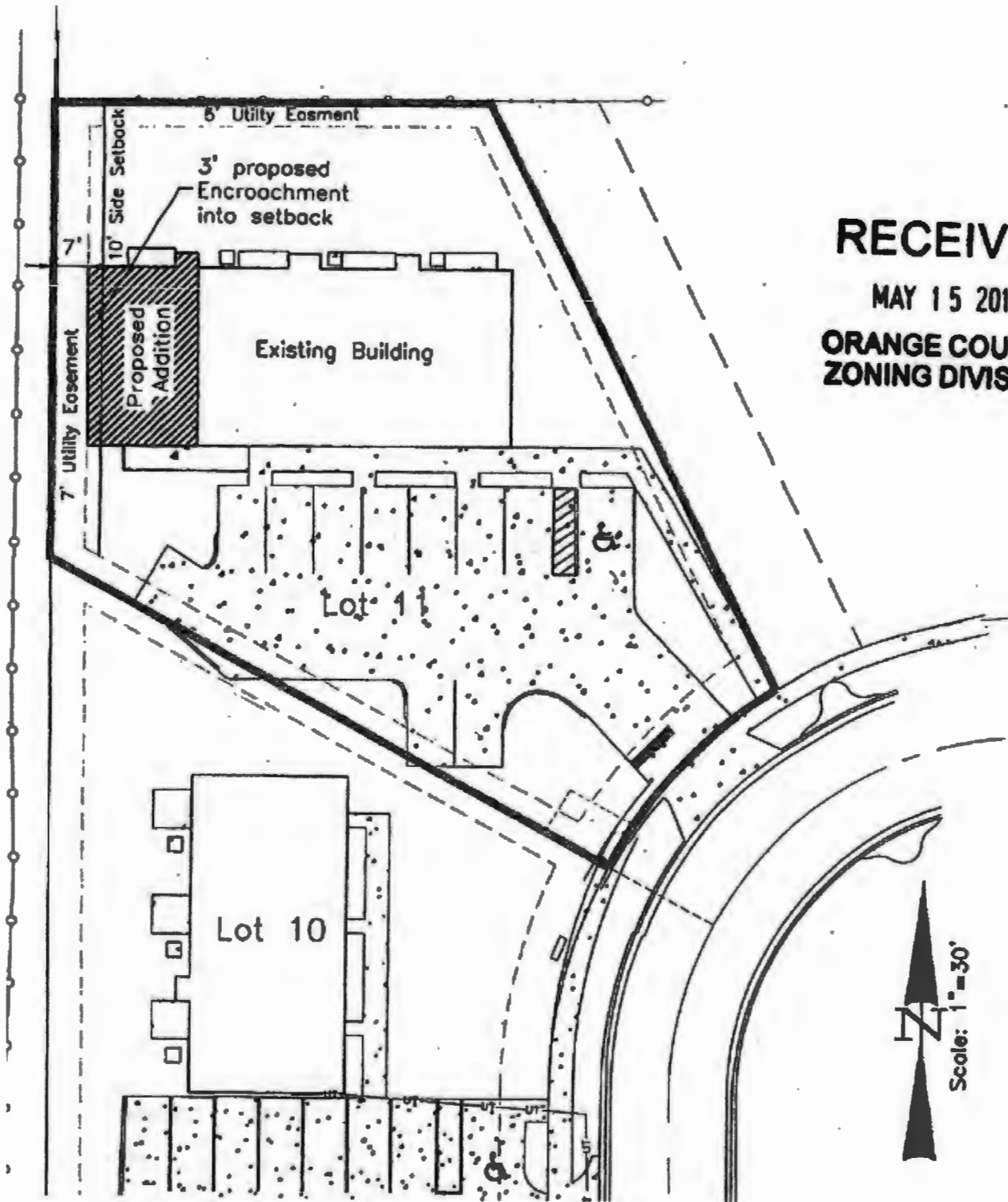
ZONING MAP



AERIAL MAP



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MAY 15 2019
ORANGE COUNTY
ZONING DIVISION



Proposed Variance Site Plan

SITE PHOTOS



Front of Building



Rear setback



Side-Area of Expansion



Side-Area of Expansion



Quadplex in Area on Smaller Lot



Quadplex in Area on Smaller Lot

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 08, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-07-070**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): SHEILA CICHRA

OWNER(s): HOUDE CHRISTINE, HOUDE JOHN

REQUEST: Variance in the R-CE zoning district to allow a rear setback from the Normal High Water Elevation (NHWE) line of 30 ft. in lieu of 50 ft. for a pool and pool cabana.

PROPERTY LOCATION: 9226 Charles E Limpus Road, Orlando, Florida, 32836, south side of Charles E Limpus Rd., west of S. Apopka Vineland Rd.

PARCEL ID: 09-24-28-5844-00-700

LOT SIZE: 150 ft. x 303 ft. / 1.062 acres

NOTICE AREA: 600 ft.

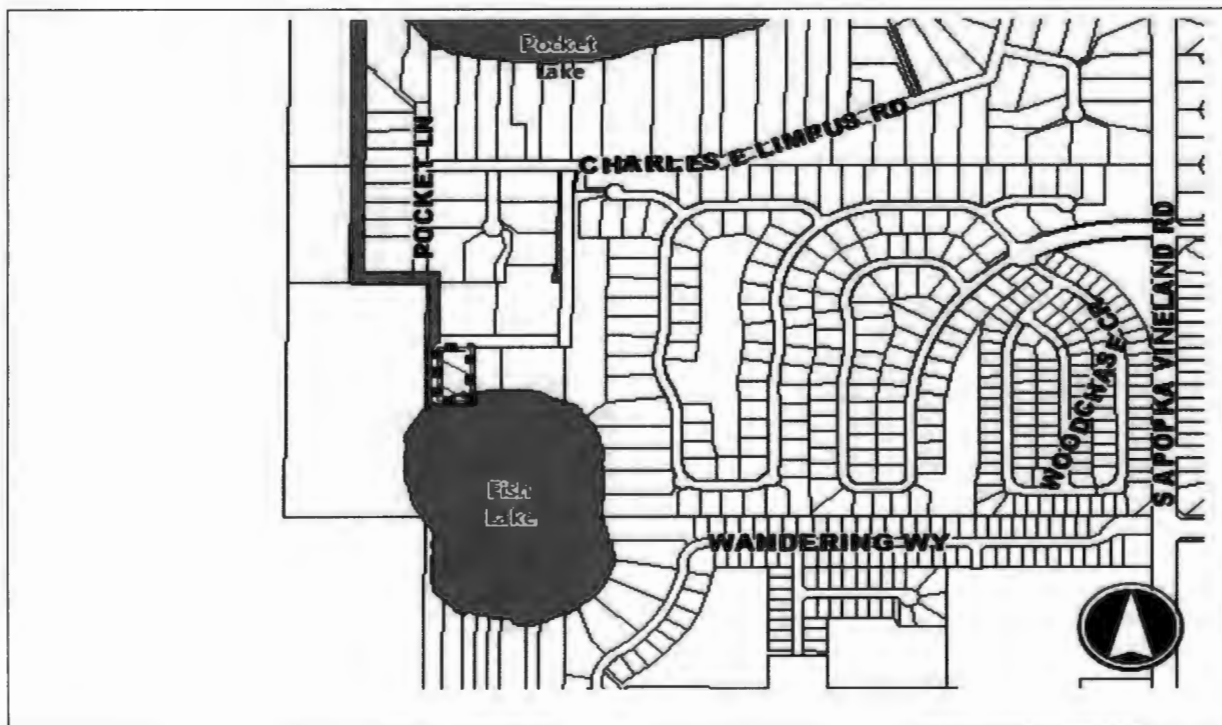
NUMBER OF NOTICES: 35

THIS CASE HAS BEEN CONTINUED AT THE REQUEST OF THE APPLICANT VIA ELECTRONIC MAIL ON JULY 8, 2019 AT 8:49 A.M. FOR FURTHER WORK TO BE COMPLETED WITH THE ORANGE COUNTY ENVIRONMENTAL PROTECTION DIVISION, PRIOR TO THE JULY 8, 2019 BZA MEETING.

STAFF RECOMMENDATIONS

Denial, however if the BZA recommends approval then staff recommends the conditions of approval found in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-CE	R-CE	PD/Fish Lake	R-CE	R-CE
Future Land Use	R	R	Fish Lake	R	R
Current Use	Vacant	Single family residence	Fish Lake	Single family residence	canal

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-CE, Rural Country Estate district, which allows for single family development on one (1) acre lots and certain rural uses.

This lot is unique in that the combination of the canal and lake result in the NHWE setback of 50 feet applies to both the southern and western portion of the lot.

The property is a portion of a lot that was platted prior to 1960. It is considered to be a conforming lot of record. The lot abuts Fish Lake to the rear (south) and a canal on the side (west). The lot currently has a house under construction.

The property is located in the Mungers Land Sub Plat, which is comprised of single family homes, many of which are lakefront.

The applicant is building an 8,779 sq. ft. home on the property. All setbacks for the home (including 50 feet from the NHWE) are being met. The applicant is proposing a swimming pool and cabana, over a deck that encroaches up to 30 feet from the rear property line, where a 50 property line and NHWE setback is required.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	18 ft.
Min. Lot Width:	130 ft.	150 ft.
Min. Lot Size:	1 acre	1.062 acres

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	35 ft.	35 ft.
Rear:	50 ft.	30 ft.
Side:	10 ft.	50 ft./10 ft.
NHWE:	50 ft.	30 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The canal and lake result in the NHWE setback of 50 feet applies to both the southern and western portion of the lot.

Not Self-Created

The need for the variance is self-created, as the applicant is constructing a sizeable new house, and could have incorporated all of their plans into the initial site plan so that the site design could accommodate all of the required setbacks.

Deprivation of Rights

The applicant is not being deprived of the right to develop the property or to have a pool and gazebo in a conforming location.

Minimum Possible Variance

This is not the minimum possible variance as the property could be developed in a manner that would not require variances.

Purpose and Intent

Approval of this request will not be in harmony with the purpose and intent of the Zoning Regulations and could be detrimental to the neighborhood.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated June 19, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Sheila Cichra
2154 Oak Beach Blvd.
Sebring, FL 33875

COVER LETTER



Date: May 15, 2019
To: Orange County Zoning
From: Sheila Cichra
Re: Houde pool and cabana variance app for 9226 Charles E Limpus Rd

The attached files are a variance application and the supporting documentation for a pool and pool cabana with 30' setbacks from the NHWE, in lieu of the required 50' setback.

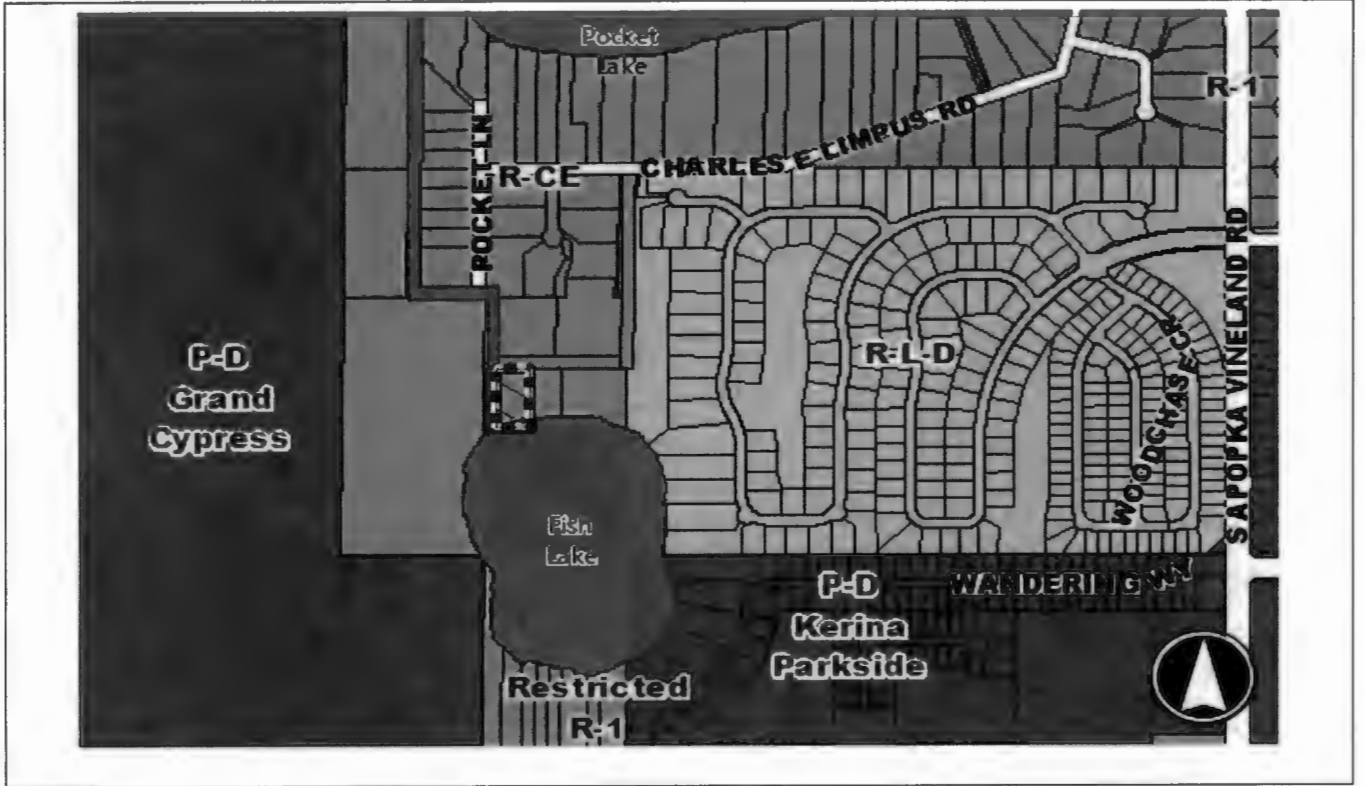
- 1) The location that the house had to be placed in limits the size of the back yard.
- 2) The required location of the house was not known when the property was purchased.
- 3) There was a similar variance granted in the area – VA-17-06-042.
- 4) There isn't room to build the pool or cabana and meet the lake setback.
- 5) The locations were chosen for best view, safe foot traffic flow and aesthetics.
- 6) The adjacent property owner does not have a direct view, due to vegetation.

Thank you for your consideration.

RECEIVED
MAY 15 2019
ORANGE COUNTY
ZONING DIVISION

2154 Oak Beach Boulevard, Sebring, FL 33875 C (407) 450-4241 O (863) 314-6711
sheilacichra@gmail.com

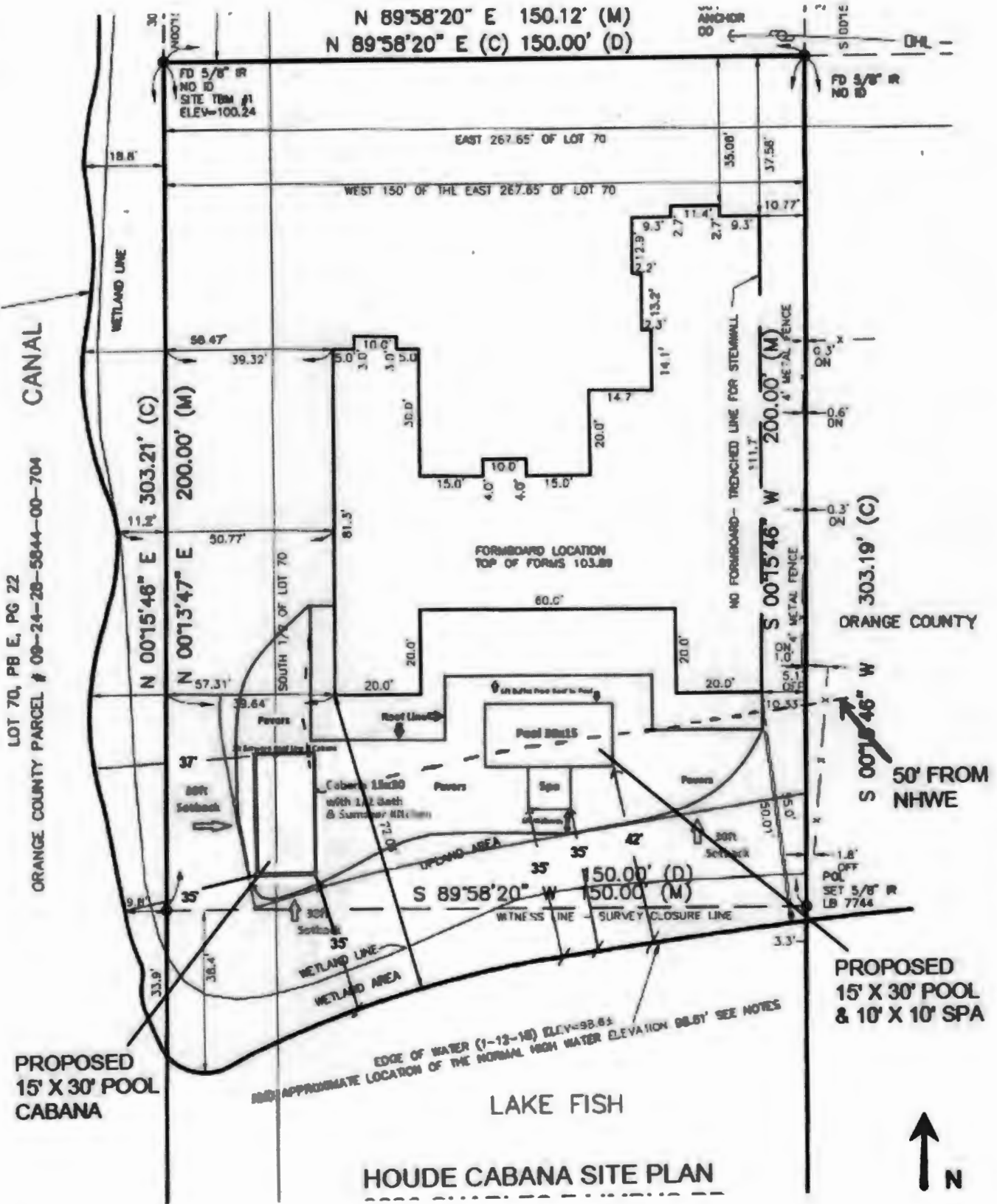
ZONING MAP



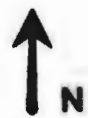
AERIAL MAP



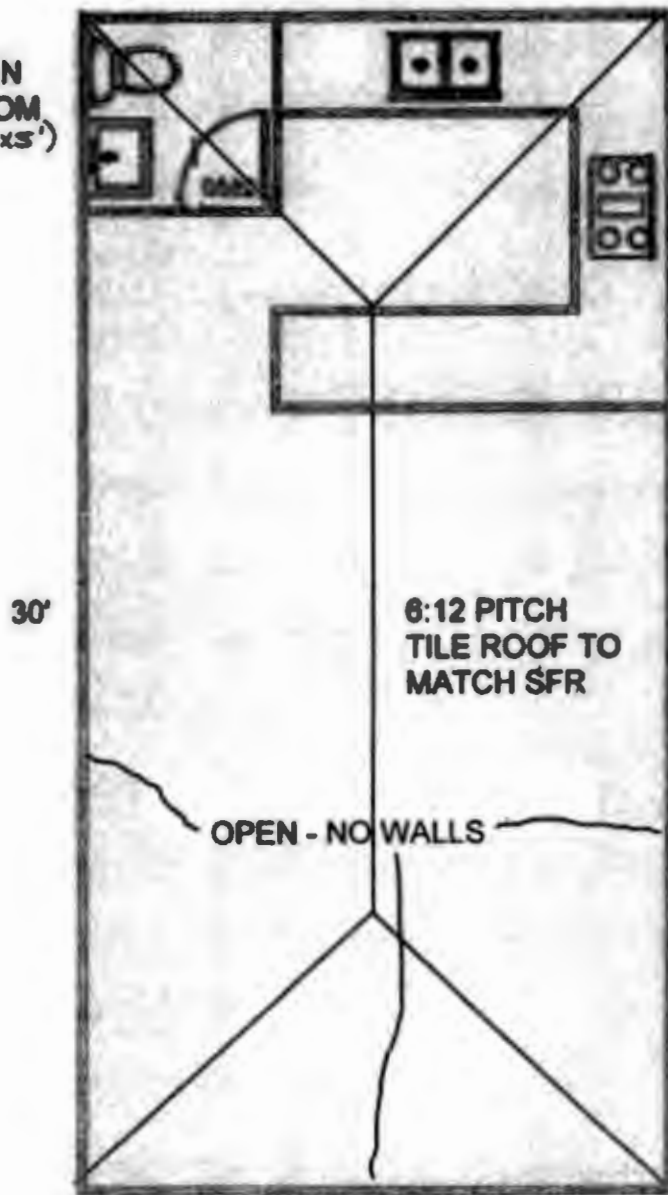
SITE PLAN / SURVEY



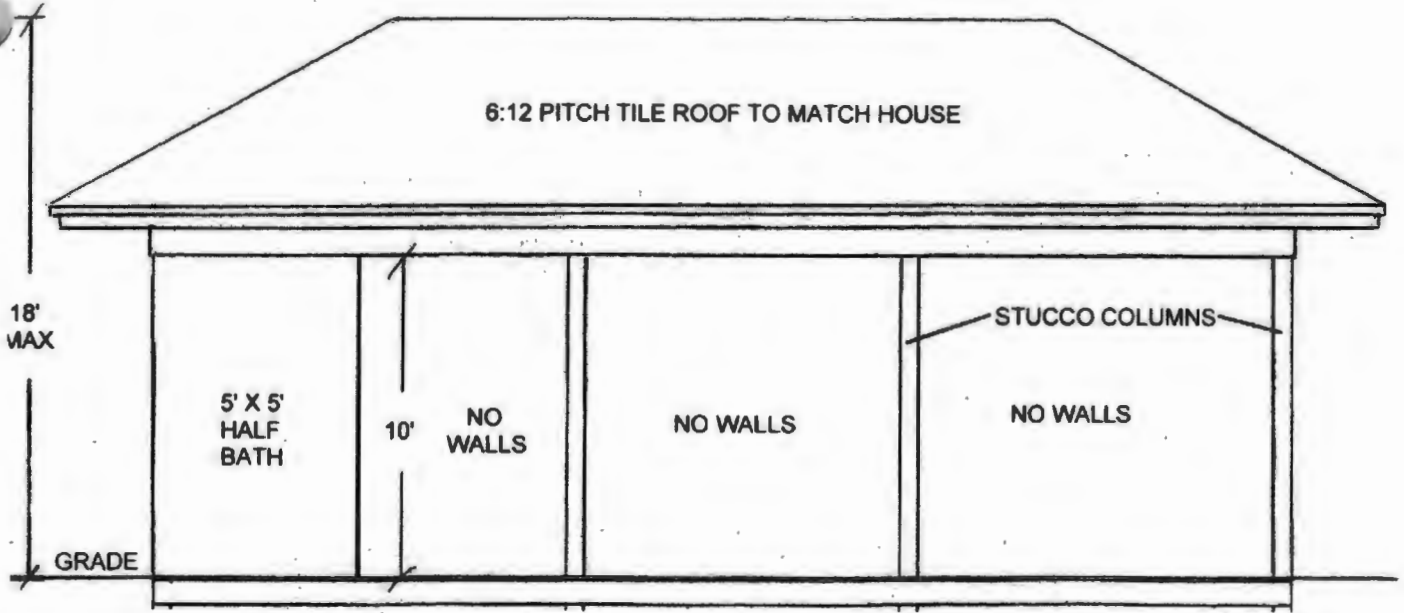
HOUDE CABANA SITE PLAN



WALLS ON
BATHROOM
ONLY (5'x5')



**HOUDE CABANA PLAN VIEW
9226 CHARLES E LIMPUS RD
ORLANDO, FL 32836**



HOUDE CABANA WEST ELEVATION
9226 CHARLES E LIMPUS RD
ORLANDO, FL 32836

SITE PHOTOS



West side looking south



Side area of construction

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 08, 2019**

Case Planner: **David Nearing, AICP**

Case #: **SE-19-07-072**

Commission District: **#4**

GENERAL INFORMATION

APPLICANT(s): **WORSHIP AND PRAISE CENTER**

OWNER(s): **WORSHIP AND PRAISE CENTER, INC.**

REQUEST: **A Special Exception to allow a private K-12 school for up to 50 students using existing Sunday School classrooms in the A-2 zoning district.**

PROPERTY LOCATION: **14152 Boggy Creek Rd., Orlando, FL 32812, west side of Boggy Creek Rd., approximately .3 miles south of Lake Nona Blvd.**

PARCEL ID: **33-24-30-0000-00-003**

LOT SIZE: **182 ft. x 1,718 ft./7.17 acres**

NOTICE AREA: **1000 ft.**

NUMBER OF NOTICES: **60**

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions as amended (unanimous; 4-0 and 3 absent):

1. Development in accordance with the site plan dated May 15, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a use permit prior to operating the facility
5. Any expansions of the use shall require BZA approval.

6. No more than four (4) outdoor special events per calendar year in conjunction with the school, and the hours of such events shall be limited to 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.
7. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met.
8. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.
9. If the existing mobile home is not be used for residential purposes, it must be removed from the property unless it can be demonstrated that the current use is permitted by the Florida Building Code. It can be replaced by a modular office, if that is the current use.

SYNOPSIS: Staff explained that due to the existing zoning and Future Land Use, a Special Exception was not needed for the current use. However, a school is required to obtain a Special Exception in the A-2 zoning district. It was explained that no exterior changes would occur to the outside of the existing structure, but only to the interior to accommodate the new students. Staff did note that there was a mobile home located on the site which was not currently being used as a residence, but rather as a meeting room. The applicant must demonstrate that the current use of the mobile home meets the current building codes. Staff noted that they had not received any commentaries in favor or opposition to the request.

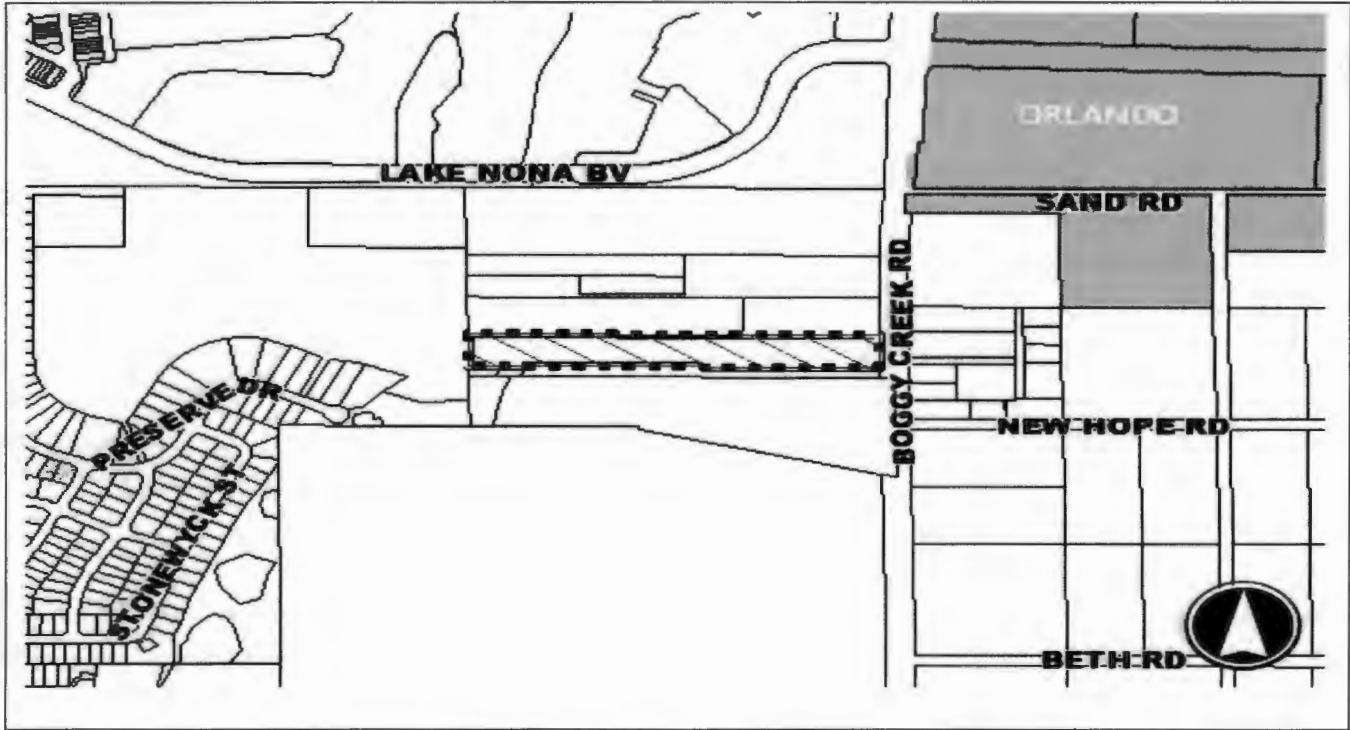
The applicant indicated their agreement with the staff recommendation. There being no one present to speak in favor or opposition to the request, the public hearing was closed.

The BZA concluded that the proposed school met all of the requirements for granting a Special Exception. A motion to recommend approval was passed unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	A-2	P-D	A-2	P-D
Future Land Use	R	R-	PD-LDR/LMDR	R	PD-LDR/LMDR
Current Use	Religious institution	Single family Residential	Vacant	Single family residential	Stormwater management tract

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the A-2 Farmland Rural Zoning District, which allows agricultural uses, mobile homes, and single-family homes with accessory structures on larger lots. Private schools are permitted in the A-2 zoning district through the Special Exception process.

The subject property is a 7.17 acre parcel. It has been developed with a 7,722 sq. ft. sanctuary built in 2002 (B02902274). There is also a 1,500 sq. ft. mobile home which has been converted to an office. The converted mobile home was placed on the property in 1990. Mobile homes cannot be used for any other purpose than a living unit. The applicant will need to remove the unit from the property if it is not being used as a dwelling unit.

A religious institution is a use which is permitted by right when located on property with a Future Land Use of R, Rural

(up to 1 unit per 10 acres) with one of the Agricultural zoning districts. As such, there is no Special Exception on this property for the current use. However, regardless of the FLU, a Special Exception is required for a school, public or private, in the A-2 zoning district.

The applicant will not be doing any exterior work. They will utilize the three (3) existing Sunday School classrooms for the school. They intend to have a maximum of 50 students based on the class size requirements. According to the applicant, they currently have an enrollment for the 2019-20 school year of seven (7) students. They will have kindergarten through high school. They intend to follow the standard school year, with classes between 8:30 a.m. and 3:00 p.m.

There is an existing looped driveway for normal drop-off and pick-up, and a porte cochere for drop-off and pick-up in inclement weather. The porte cochere is 20 feet wide, which could handle two (2) cars at a time. There is sufficient length on the loop drive to cue up to nine (9) cars if a 20 foot cue distance is used, or 12 cars if 15 feet is applied. The school is required to provide four (4) parking spaces per classroom for grades K-8, and one (1) space per three (3) high school students. The school will have three (3) classrooms, which will require 12 parking spaces. At present, the school has no high school students enrolled. Currently, there is a total of 89 parking spaces provided.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	30 ft.
Min. Lot Width:	100 ft.	182 ft.
Min. Lot Size:	1/2 Acre	7.17 Acres

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	35 ft.	220 ft.
Rear:	50 ft.	925 ft.
Side:	10 ft.	15 FT.
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

With the approval of the Special Exception, the use will be consistent with the Comprehensive Plan.

Similar and compatible with the surrounding area

Immediately to the south of the subject property is a vacant property owned by the subdivision to the west. Beyond that is a property containing another religious institution. It does not have a school. This facility predates the subject property by over ten (10) years. These uses have evolved with the neighborhood, making

them both compatible. Allowing a small school to operate out of the existing institution will have minimal impact on the neighborhood, and will continue to have a minimal impact.

Not act as a detrimental intrusion

Transportation Planning provided an analysis of the anticipated impact the proposed use will have on the adjacent roads, and found that there will be less than a 1% increase in traffic during the p.m. peak hour of travel. The lot is large and well buffered from adjacent single family residences. As such, any noise from outdoor activity during recess will be buffered.

Meet the performance standards of the district

The existing facilities currently comply with all performance standards for the zoning district. Since all improvements will be internal, with no changes to exterior, all performance standards will continue to be met.

Similar in noise, vibration, dust, odor, glare, and heat producing

The school will not produce noise, vibration, dust, odor, glare or heat similar to the current place of worship. The only audible exterior increase in sound will be during recess.

In accordance with section 24-5 of the Orange County Code

Since the church is not performing any new exterior improvements, no additional landscaping will be required.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated May 15, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a use permit prior to operating the facility.
5. Any expansions of the use shall require BZA approval.
6. No more than four (4) outdoor special events per calendar year in conjunction with the school, and the hours of such events shall be limited to 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 thirty (30) days prior to the date of each event.
7. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06), shall be met.
8. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.
9. If the existing mobile home is not being used for residential purposes, it must be removed from the property. It can be replaced by a modular office, if that is the current use.

c: Elizabeth Colon for Worship and Praise Center
14152 Boggy Creek Drive
Orlando, FL 32824

COVER LETTER



May 17, 2019

Orange County Zoning Division
201 South Rosalind Avenue 1st Floor
Orlando, FL 32801

Re: Deficiencies

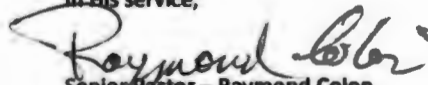
To whom it may concern:

Our church, Worship and Praise Center, located on 14152 Boggy Creek Rd. Orlando, FL 32824 would like to extend its facilities to its own Christian academy which is presently registered under its umbrella. The name of the academy is: U R Important Christian Academy. This will be a Christian based facility, with the ACE curriculum (Accelerated Christian Education). Due to the different adversities coming up in our present school system we felt it in our hearts to give children a Godly foundation with the hope that they will become our brighter future.

Our facility has the capacity for 199 people in our main sanctuary. We have been using our church facility for approximately 10-11 years already. We presently have three classrooms that are already used for Sunday school and Friday night Bible studies. **WE WILL PRESENTLY NOT BE ADDING ANY STRUCTURES, WALLS ETC. TO OUR ALREADY EXISTING FACILITIES.** The TOTAL permitted occupancy for the three rooms is 50. So that is the total of students that we will allow to register. The grades will be from Kindergarten to 12th grade. We will have field days with different sport competitions, seasonal festivals, nature walks etc.

The school year will be aligned to the Orange County school system. Our operating hours will be from 8:45 to 3:00. We have provided all necessary documents (plans) to each department with deficiencies. Please contact us at 407-701-1821 or raylizcolon@hotmail.com for any questions.

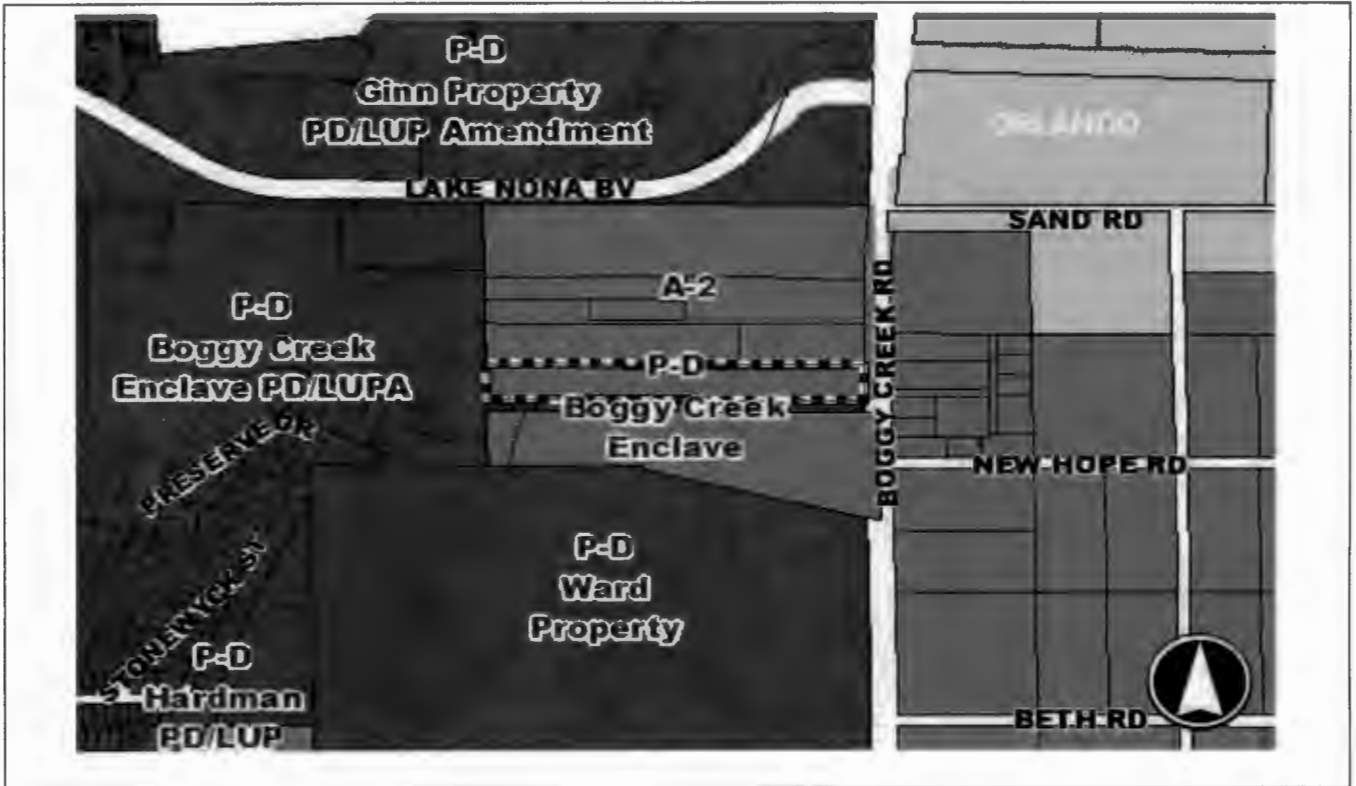
In His service,


Senior Pastor - Raymond Colon

Cc: Mr. Josue Nina

14152 Boggy Creek Rd. • Orlando, FL 32824 • Tel (407) 857-5100 • Fax (407) 857-5530
Email: raylizcolon@hotmail.com • www.worshippraisecenter.webs.com

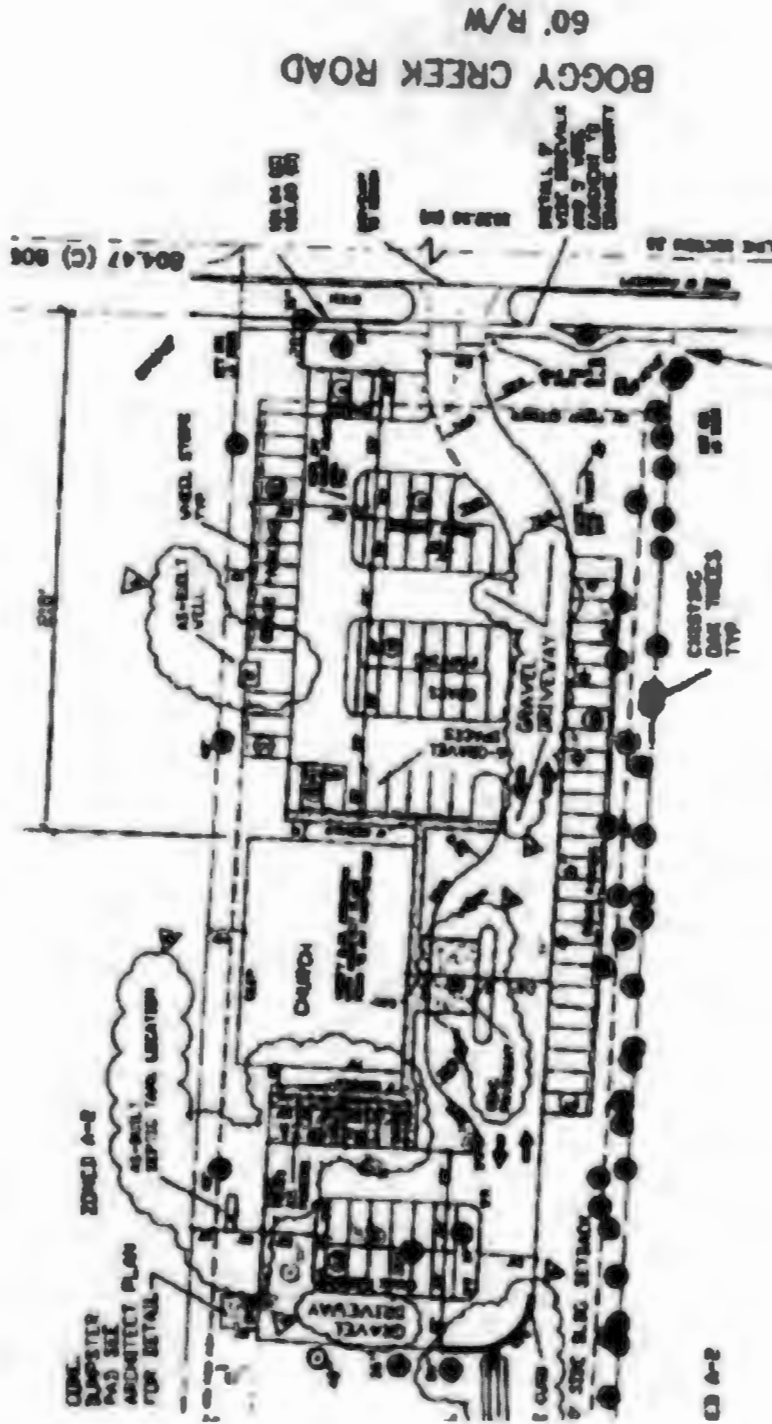
ZONING MAP



AERIAL MAP



SITE PLAN / SURVEY



SITE PHOTOS



Existing Sanctuary



Overhang area for drop-off



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JULY 8, 2019**

Case Planner: **Sean Bailey**

Case #: **SE-19-05-043**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): **LEONARDO GARCIA**

OWNER(s): **VICAR ORLANDO INVESTMENTS CORP**

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

1) **Special Exception to operate an open air market.**

2) **Variance to allow operation 7 days a week in lieu of 3 consecutive days only.**

3) **Variance to allow 28 parking spaces in lieu of 33 spaces.**

PROPERTY LOCATION: **7133 S. Orange Ave., Orlando, FL 32809, east side of S. Orange Ave., south of Nela Ave.**

PARCEL ID: **25-23-29-0000-00-004**

LOT SIZE: **200 ft. x 112 ft. (avg.) / 1.014 acres**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **152**

DECISION: DENIED the Special Exception request in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest; and, **DENIED** the Variance requests in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3) (3 in favor, 1 opposed, and 3 absent).

SYNOPSIS: The applicant is proposing an open air market to allow up to eleven (11) food trucks on the property. Staff presented the case, explained the site plan, showed site photos, and provided a synopsis of the Community Meeting.

The applicant was not present at the hearing. Three nearby residents spoke in opposition to the request. They raised concerns regarding loud music, excessive traffic, lighting, and how this proposal may affect the nearby residential community.

The District 5 Commissioner had a question regarding the signage for each individual food truck. It was determined that the food trucks are not permitted free-standing signage (signs on the actual truck do not count), but the overall business was permitted signage per Chapter 31.5.

The Board had a discussion regarding the proposal, signage, noise the use may produce, proximity to residential, and debated whether or not this property was the right location for this use.

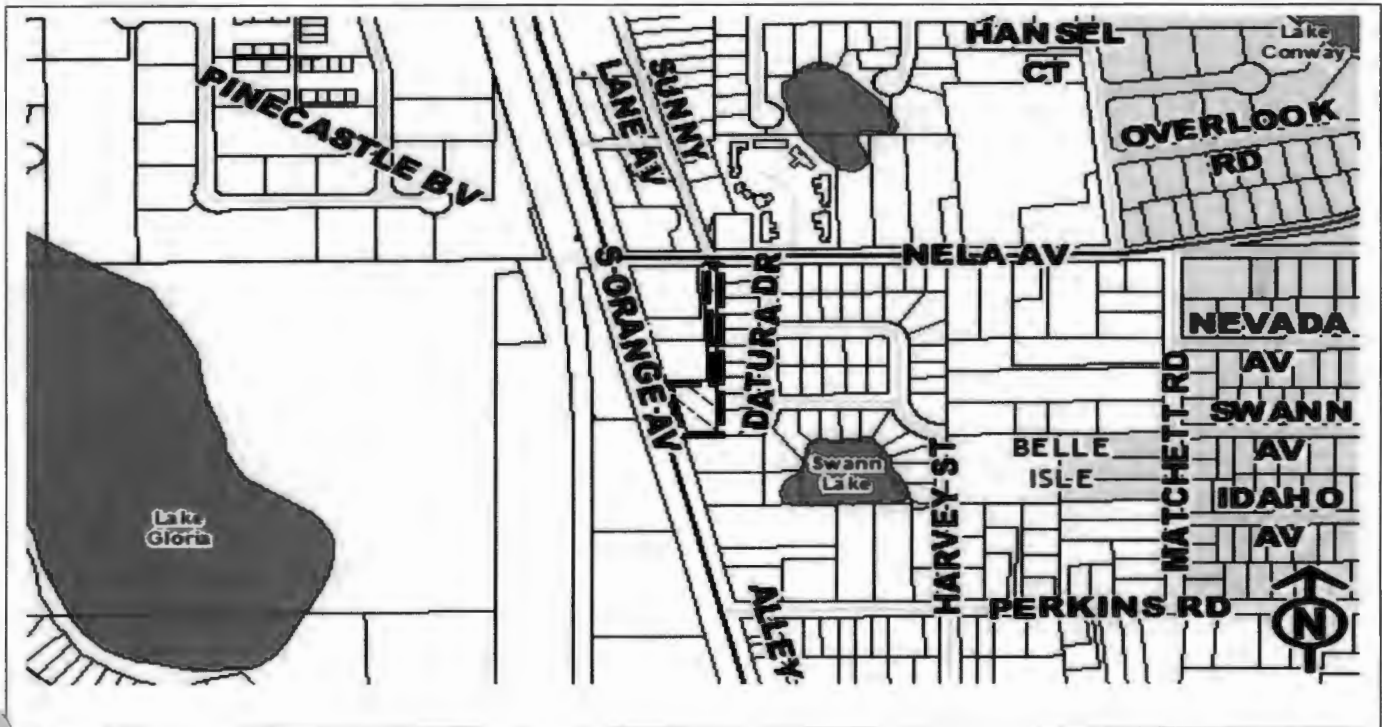
Several members of the Board felt the proposal was out of character for the area and the BZA denied the Special Exception and variance requests.

STAFF RECOMMENDATIONS

Approval of the special exception with a maximum of eight (8) vendors and approval of variance #2.

Variance #3 would not be required with eight (8) vendors, subject to the conditions found in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-2	C-2	C-1	R-1	IND-1/IND-5
Future Land Use	C	C	C	LMDR	IND
Current Use	Automobile Sales	Car Rental Business	Vacant commercial	Single-family residence	Automobile repair/Warehouse

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned C-2, General Commercial district. The C-2 district allows a variety of commercial businesses including automotive repair/sales, selected trade shops, and other retail uses including outdoor sales/storage. Open air markets are permitted as a Special Exception in this zoning district per conditions outlined 38-79 (110).

This property is located in the Pine Castle Study Area along South Orange Avenue, which is currently undergoing a Future Land Use map amendment and administrative re-zoning. That amendment was approved

at the Planning and Zoning Commission on April 18th and is tentatively scheduled for the Board of County Commissioners meeting in September. As part of that process, this property is proposed to be re-zoned to T5, which may allow open air markets as a permitted use.

There is an existing automobile sales business on the site today and that use would cease to operate if this request is approved.

The site has 200 feet of frontage along S. Orange Avenue and an approximately 40 foot wide flag that connects to Nela Avenue. The applicant is proposing to access the site only from S. Orange Avenue. There is an existing 1,075 sq. ft. office building on-site, which the applicant plans to use for restrooms and a possible café (which would require additional parking) in the future.

The applicant is proposing up to eleven (11) portable food vendors, and the code requires three (3) parking spaces for each vendor. The site has 28 existing parking spots on-site, the code requires 33 spaces. The applicant has submitted a draft cross access parking agreement with the property to the north to utilize their parking lot for an overflow parking. This lot is owned by the same property owner as the subject property. There is an outdoor patio area proposed in front of the existing building on-site. Staff is recommending to allow a maximum of eight (8) portable food vendors as the actual developable area is approximately .62 acres and any more than eight (8) vendors would be excessive. This would eliminate the need for the parking variance. The applicant originally requested to operate until 2:00 a.m.; however, after discussing with staff and the District 3 Commissioner, they have agreed to close at 11:00 a.m.

The property is located along the commercial corridor of S. Orange Avenue, which contains a variety of uses including restaurants, gas stations, automobile sales and repair, and some industrial uses located on the west side of the right-of-way. There is an existing single-family neighborhood located to the east of the property.

A Community Meeting will be held on Monday, July 1, 2019, for this request. Staff will provide a synopsis of that meeting at the BZA hearing.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	20 ft.
Min. Lot Width:	100 ft.	200 ft.
Min. Lot Size:	8,000 sq. ft.	44,191 sq. ft.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	25 ft.	29 ft.
Rear:	20 ft.	65 ft.
Side:	5 ft.	41 ft./5 ft.
Sidestreet:	n/a	n/a
NHWE:	n/a	n/a

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Use shall be consistent with the Comprehensive Policy Plan.

The future land use is Commercial and with the Special Exception approval, the use will be consistent with the Comprehensive Plan. Also, this area is undergoing a zoning and future land use change in the very near future which may allow this use outright.

The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.

The area is comprised of commercial uses and this use would be consistent with the existing development in the area, and will be in-line with the proposed Pine Castle Study area objectives moving forward. This property is located approximately one-half (1/2) mile north of the Sand Lake Sunrail Station.

The use shall not act as detrimental intrusion into a surrounding area.

The site has C-2 zoning which allows outdoor uses and is surrounded by commercial to the north and south. There is an existing 6 foot high masonry wall and landscape buffer existing between the property and the existing residential to the east. Also, all the ingress/egress will be directed onto S. Orange Avenue.

The use shall meet the performance standards of the district in which the use is permitted.

The existing building meets setbacks and the dumpster enclosure will meet code requirements. With the approval of the variances, the request meets all of the development standards.

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.

The C-2 zoning district allows a large variety of uses and this use will not produce any characteristics not already present in the area.

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.

The site has an existing 12 foot wide buffer with vegetation and a masonry wall adjacent to the single-family to the east, which will meet the intent of the landscape code. The applicant will provide trees and shrubs on the property in planters as the entire site is paved with asphalt. Staff is also recommending an additional green space adjacent to S. Orange Ave. in which the applicant will be required to plant trees and shrubs.

VARIANCE CRITERIA

Special Conditions and Circumstances

The use is proposed to be a full-time use and not just a weekend type of outdoor market. Therefore, the three (3) day limit does not apply to this type of use. Regarding the parking, the spaces are existing on site and the applicant has submitted a draft off-site parking agreement for overflow. That agreement has not been reviewed by legal and does not have an expiration date. There is a condition of approval regarding this parking agreement. However, with the recommended eight (8) vendors, the parking variance will no longer be required.

No Special Privilege Conferred

Approving these variances will not confer any special privilege to this applicant as similar uses have been allowed to operate seven (7) days a week and the parking variance would not be necessary if the lesser number of vendors is allowed.

Minimum Possible variance

The parking spaces variance requested represents a 15% deviation from code, which is minor, and the variance for days of the week will allow the applicant to operate on a daily basis. Staff is proposing to allow only up to eight (8) trucks, which would eliminate the need for the parking variance.

Purpose and Intent

Approval of the variances will meet the intent of the code; there will be approximately 45 parking spaces provided between the two (2) lots and the open-air market will not be injurious to the neighborhood.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated April 25, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Hours of operation for the market shall be from 11:00 a.m. to 11:00 pm seven days a week.
5. There shall be no more than eight (8) food trucks on the site at any given time.
6. There shall be no generators used in conjunction with this operation.
7. No outdoor speakers or other audio amplification.
8. There shall be no signage advertising the food trucks visible from any public right-of-way.
9. Prior to the issuance of permits for the project, the applicant must provide a signed, notarized, and recorded shared parking agreement, accompanied by a written detailed description of the activities which take place on each property, on which days of the week, and at what times.
10. The applicant shall install a 30" high permanent raised planter with firecracker plant material (24-30" in height and 18-24" wide) at 30" on center, between the parking spaces provided north of the existing building as shown on the site plan dated April 25, 2019. The applicant shall also install at least twelve (12) understory trees with a minimum height of 7 ft., 2" caliper with ground cover in large barrel style pots. All plant materials to shall have uniform coverage using a permanent automatic irrigation system.
11. The applicant shall install a landscaped area at the front of the parking lot adjacent to S. Orange to include canopy trees and shrubs as depicted in "Exhibit A".

C: Leonardo Garcia
1375 W. Landstreet Road, Suite 606
Orlando, FL 32824

Angel M. Lopez
7133 S. Orange Avenue
Orlando, FL 32809

ANGEL M. LOPEZ, PE

1637 W. OAK RIDGE RD. APT. B
ORLANDO, FL 32809
321.746.3945

Special Request Cover Letter

March 11, 2019

ORANGE COUNTY ZONING DIVISION
201 South Rosalind Avenue,
Orlando, Florida 32801

Ref: Food Truck Open Market
7133 S. Orange Ave
Orlando, FL 32863

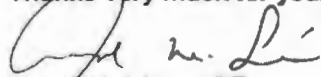
Dear Sirs/Madam

This communication is to describe the proposed project at the referenced address.

1. This project consists of a series of food trucks that will be parked on this lot to operate as mobile cafeterias that will serve ethnics foods of a variety of cultural backgrounds. This operation will be an outdoor activity and will operate from 11:00 am to 2:00 AM.
2. This property is limited on the front with Orange Avenue, on the north and south sides with commercial properties of the same owner, at the east side (rear), with residential properties separated with a buffer area of 11'-9" ft. The buffer area at rear contains several trees and have a 6 ft. concrete block and a 6 ft wood fence contiguous to the residential lots delineating an alley.
3. The food truck units will be of a size ranging from 7.5' wide and 14'-18'. We are planning to provide around 10 to 12 units depending of the size and parking availability.
4. These units will not be powered by portable generators.
5. There is an existing building of 43'-6"X25'-00", and 12 ft height, (1088 s.f.), within the property and will house the business office and a unisex handicap restroom. The reminder of the required bathroom facilities will be provided with a mobile restroom trailer to be accommodated at rear of the property by the dumpster area. A set of two dumpsters of 6'x6' with a capacity of 432 c.f. will be provided.
6. The proposed use for this property is consistent with the Comprehensive Policy Plan and is compatible with the surrounding uses in the area, like; restaurants, shops, gas stations, offices, car dealers and various service businesses.
7. We also point out that the use is of equal or lesser impact characteristics than the ones currently permitted in this zoning district, C-2.
8. The property will be improved to meet the county requirements and the beautification of the area.

If you need any additional information, please do not hesitate to contact us.

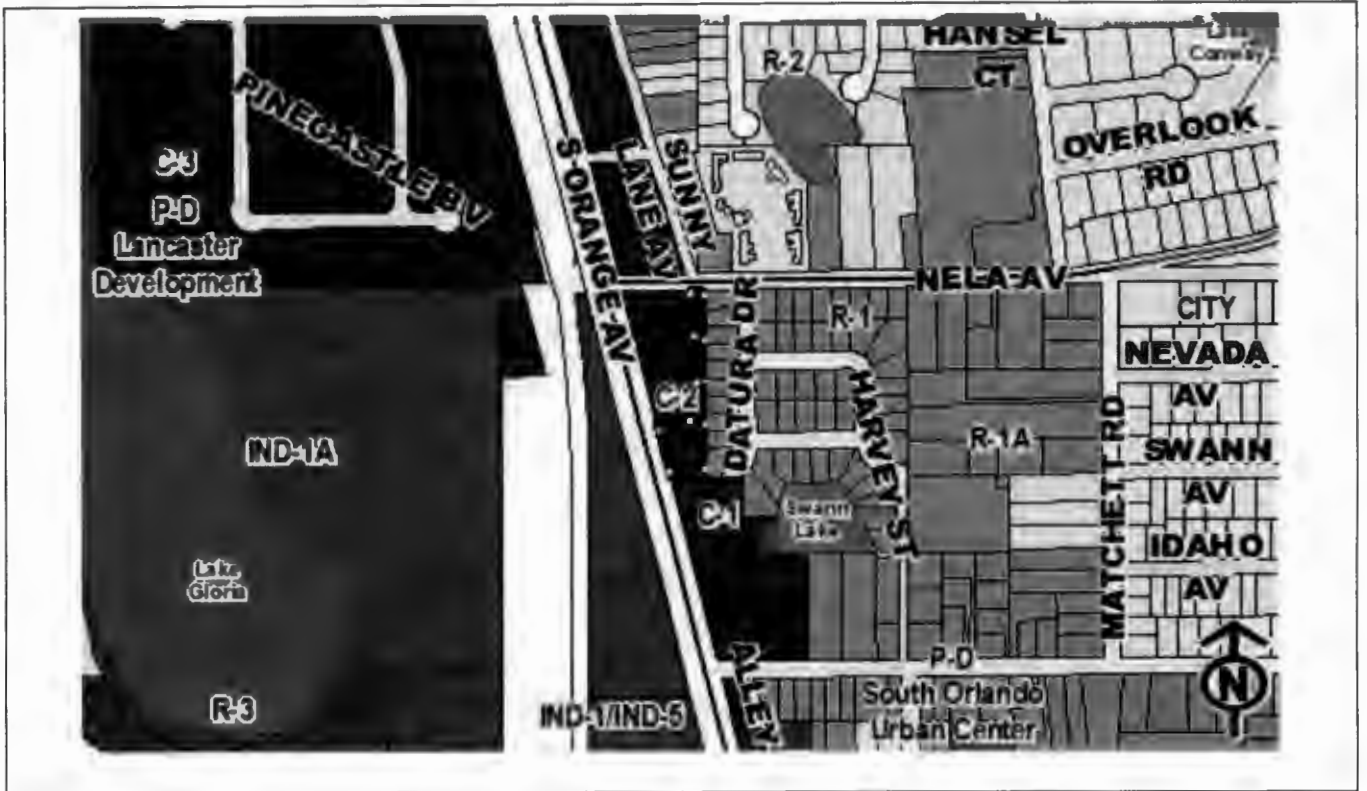
Thanks very much for your assistance.



Angel M. López, PE
State of Florida Lic. 65179
alopez.engineer@gmail.com

c:

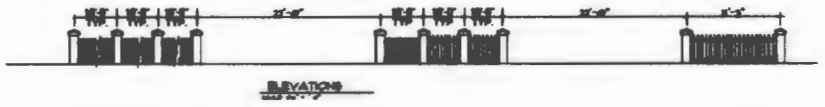
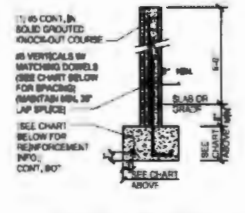
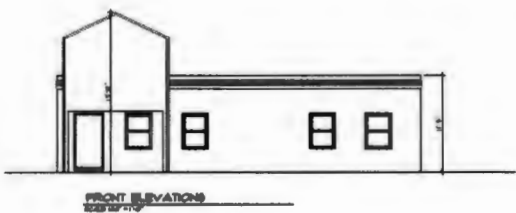
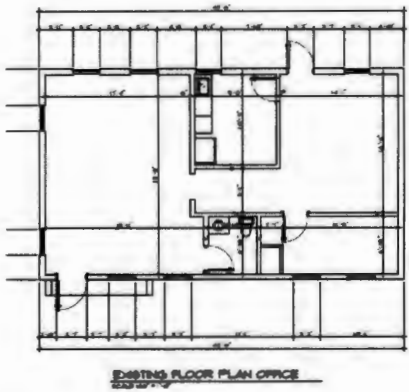
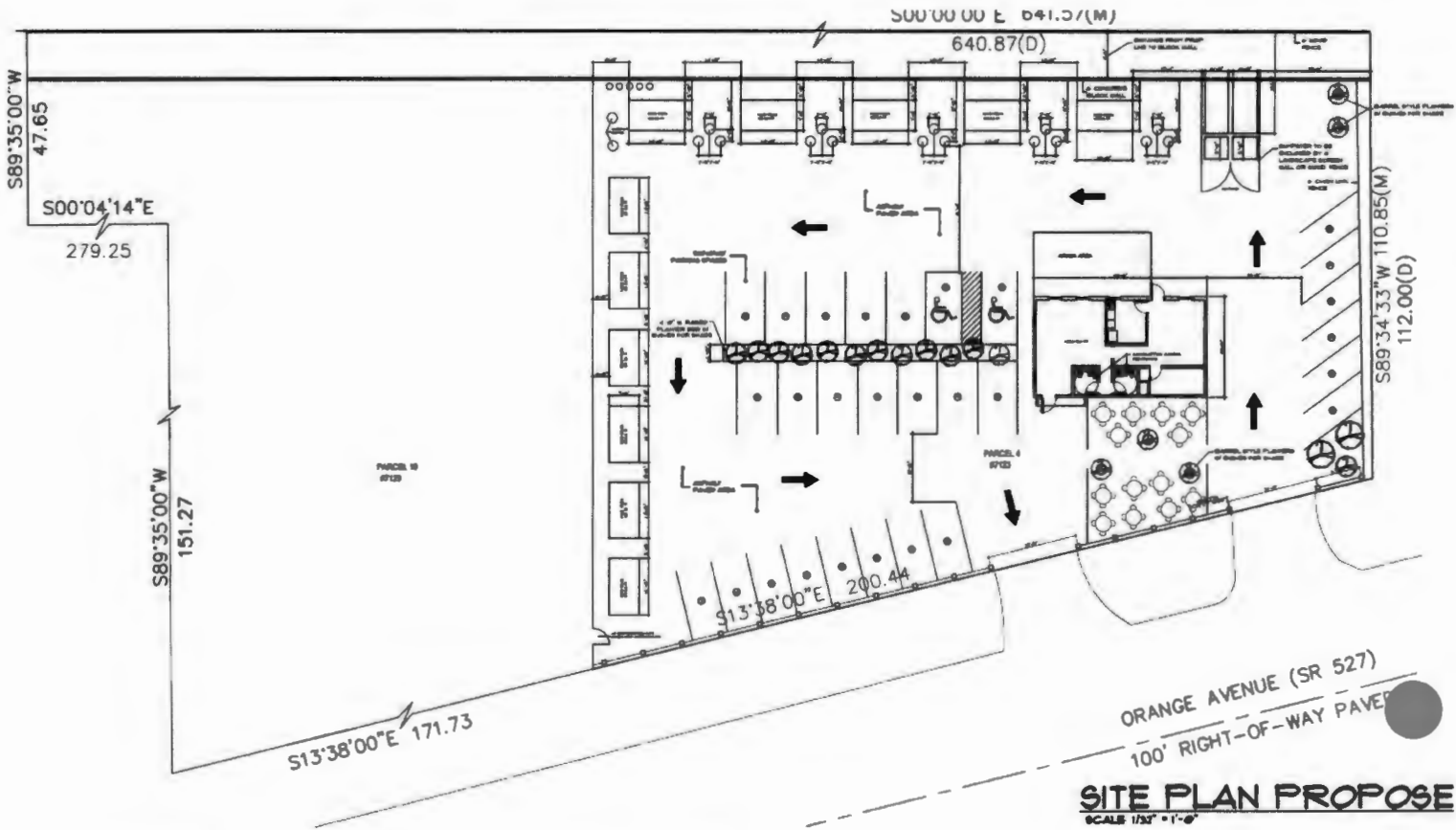
ZONING MAP

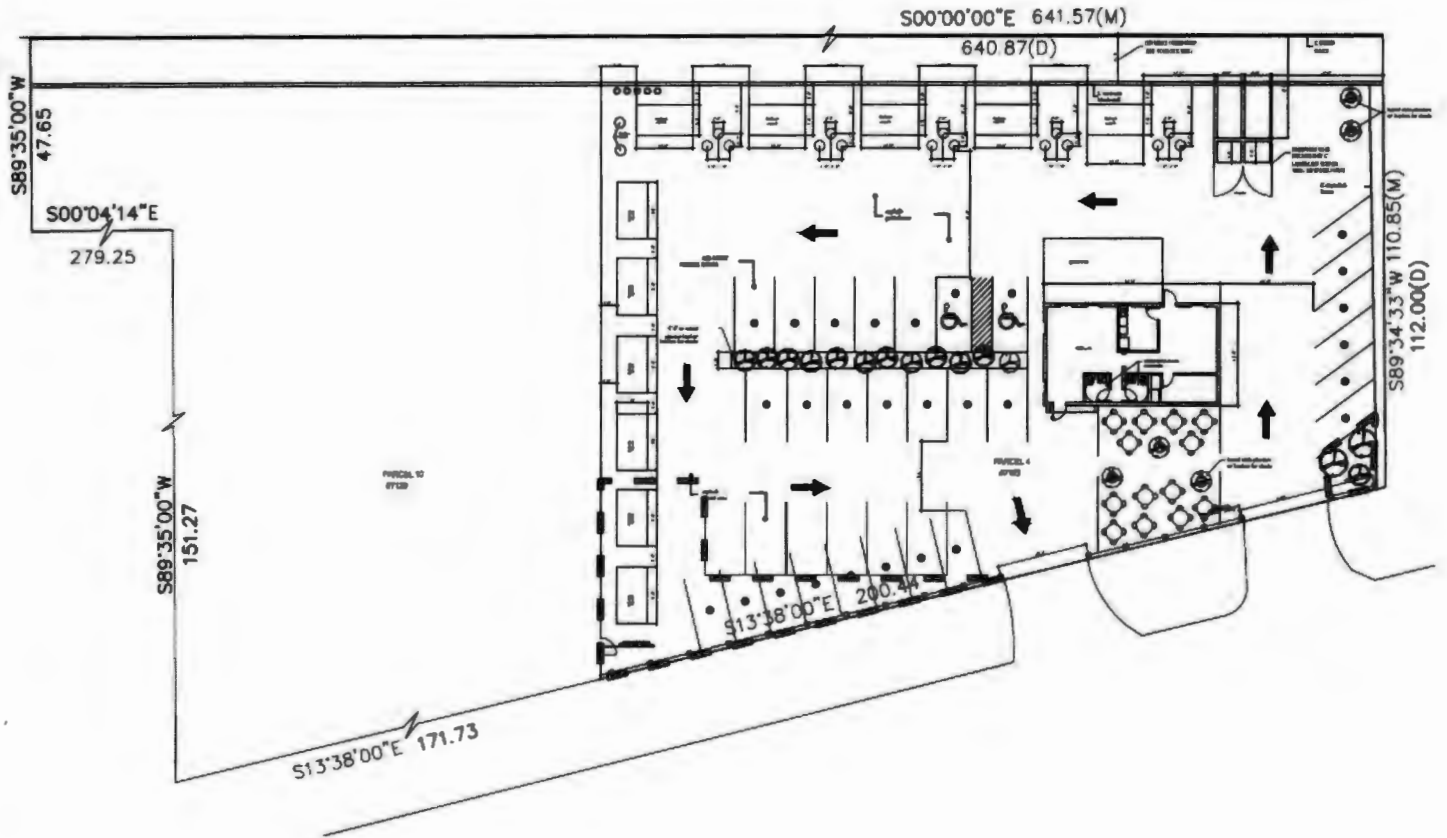


AERIAL MAP



SITE PLAN / SURVEY





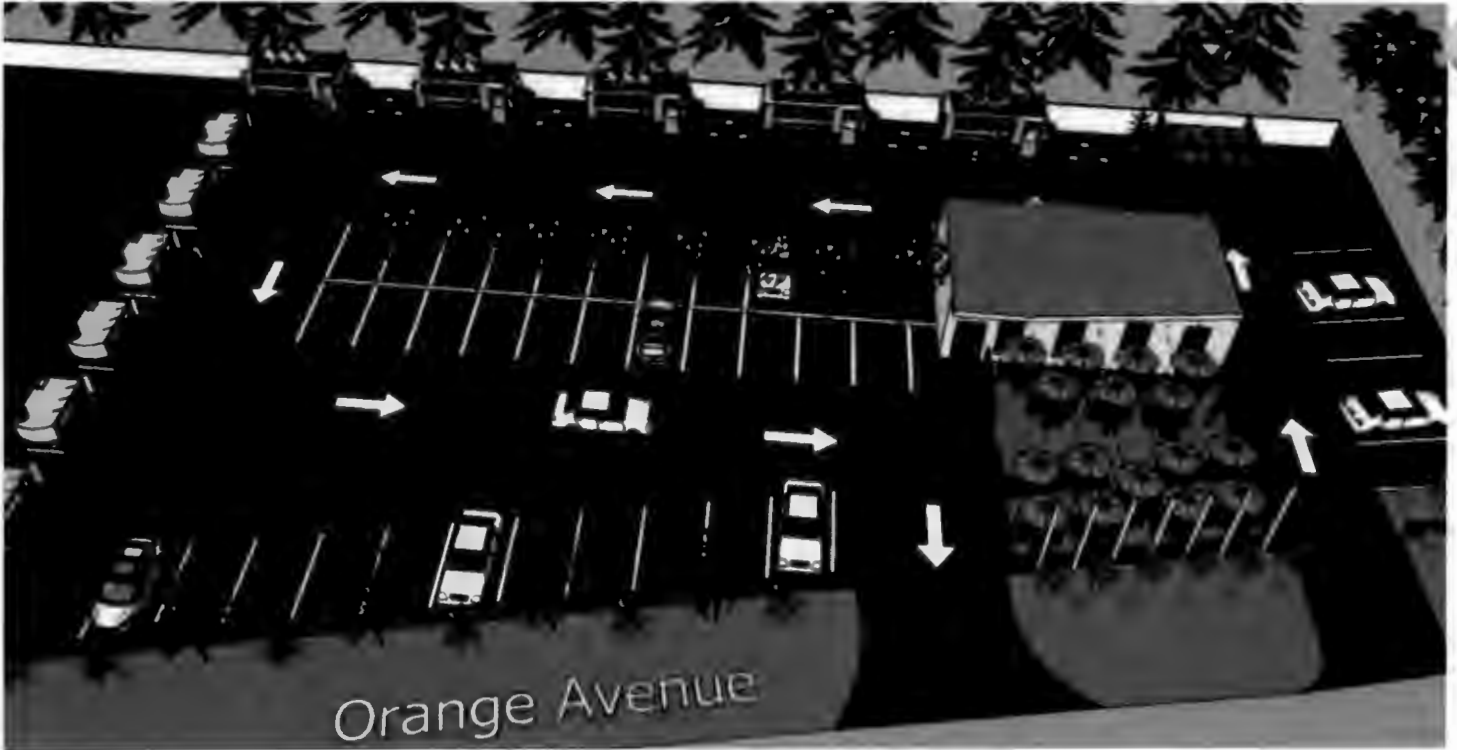
Landscape Buffer planted in ground and to include canopy trees, understory trees and shrubs to provide a buffer along Orange Avenue. Planting material shall meet minimum planting requirements of Orange County Landscaping Code



Recommended new parking stall location

Exhibit A

RENDERINGS



SITE PHOTOS



View from S. Orange Ave.



Looking towards S. Orange from the rear of the property



View looking towards east



Neighboring lot to the north



Existing Lot looking northwest



View looking across S. Orange Ave. from subject property

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 08, 2019**

Case Planner: **Sean Bailey**

Case #: **SE-19-05-039**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): BISHOP AND BUTTREY, INC.

OWNER(s): HONEY BEE HOLDINGS LLC

REQUEST: Special Exception in the A-2 zoning district to allow a yard trash processing facility.

PROPERTY LOCATION: E Colonial Dr., Orlando, FL 32820, north side of E. Colonial Dr., east of N County Road 13

PARCEL ID: 23-22-32-0000-00-004

LOT SIZE: 326 acres

NOTICE AREA: 1 mile

NUMBER OF NOTICES: 2099

DECISION: The BZA made a motion by Wes A. Hodge, seconded by Juan Velez voting AYE by voice vote, and Carolyn Karraker and Deborah Moskowitz voting No by voice vote, (Gregory A. Jackson, Charles J. Hawkins, II, and Roberta Walton were absent), to APPROVE the Special Exception as amended. The **motion FAILED** with a **TIE** vote (2 in favor and 2 opposed).

A second motion was made by Wes A. Hodge, seconded by Juan Velez voting AYE by voice vote, and Carolyn Karraker and Deborah Moskowitz voting No by voice vote, (Gregory A. Jackson, Charles J. Hawkins, II, and Roberta Walton were absent), to APPROVE the Special Exception with the original conditions. The **motion FAILED** with a **TIE** vote (2 in favor and 2 opposed).

A third motion was made by Wes A. Hodge, seconded by Juan Velez and unanimously carried to **CONTINUE** the public hearing to a later date as determined by the applicant to conduct a formalized study (unanimously; 4-0 and 3 absent).

SYNOPSIS: The applicant is proposing a yard trash processing facility on the easternmost sixty (60) acres of the subject property. The proposed location of the facility is approximately 4,500 feet away from the closest residence to the west.

Staff explained the site, location map, showed site photos, and provided a recap of the Community meeting. Staff recommended approval of the use as there is an existing borrow pit on-site and the use is isolated from any nearby residential properties.

The applicant stated they understood the neighbor's concerns and submitted a study in response to the citizen's concerns. The applicant's engineer explained the proposed request, how the operation would function, the timeline of the different processes, and how the applicant will monitor the proposed use.

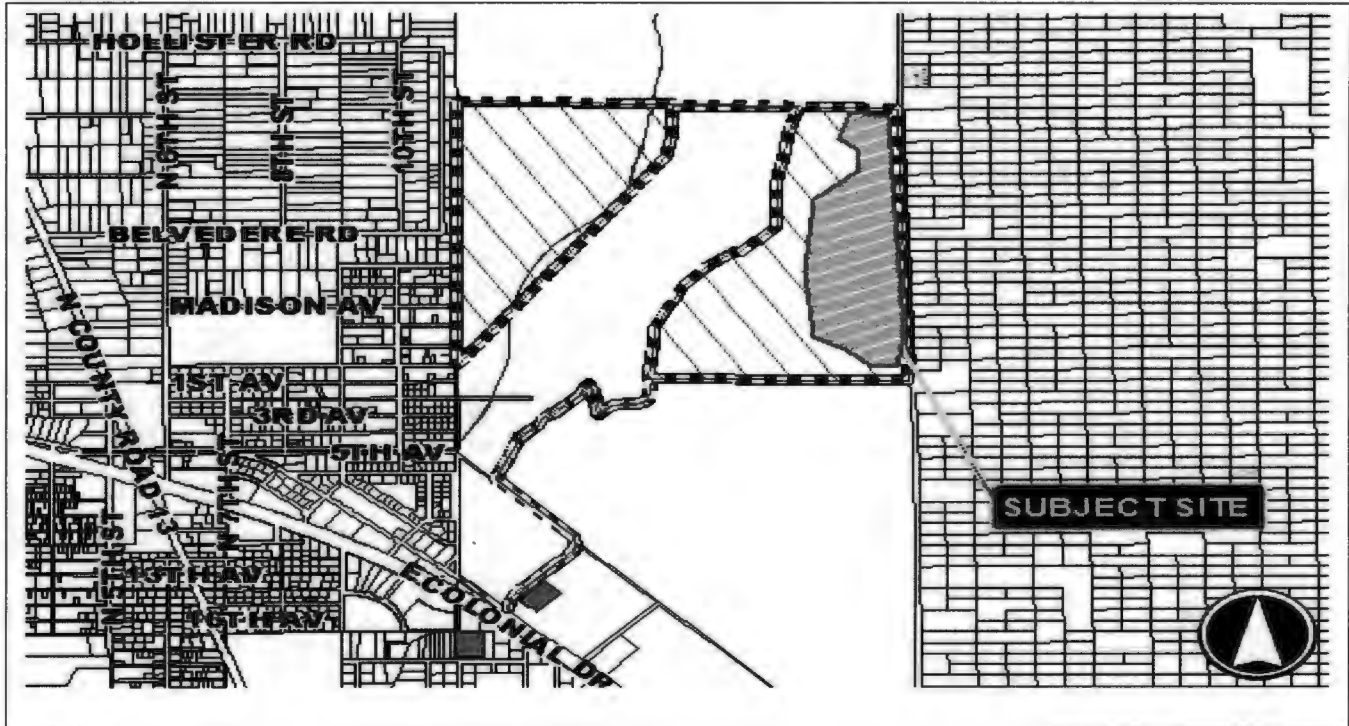
Approximately ten (10) people spoke in opposition of the request. They had concerns about traffic, vibrations/noise, pollution into the groundwater and impacts to wildlife, and believed this would be an intrusion.

The BZA discussed the case, the use proposed, and the location of the property. A vote was made to approve the request with amended conditions, that vote ended in a 2-2 tied vote. There was discussion regarding the conditions of approval and another vote was made which also ended in a 2-2 vote. The applicant was given the option to continue the case to work on the noise study and the applicant agreed that a continuance would be acceptable. The case was continued until a later date as determined by the applicant.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2/ P-D	A-2	A-2	A-2	R-T-2
Future Land Use	Rural	Rural	Rural	Rural	RS 1/1
Current Use	Borrow Pit	Vacant	Vacant	Vacant	Residential

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the A-2 Farmland Rural zoning district, which allows agricultural uses, mobile homes, and single-family homes with accessory structures on larger lots. Yard Trash facilities are allowed as a Special Exception in this zoning district.

The property is an irregular shaped property with two large areas, which are connected by strips of land. The front portion of the property is zoned P-D and is located in the Shadow Pines P-D. This P-D allows mobile homes and commercial uses. The service road for the subject property that bisects this P-D, is allowed per the P-D documents on file.

There is an existing borrow pit on site and the applicant is requesting to add the yard trash processing facility use. According to the applicant, the operation will be developed in seven (7) phases. The overall acreage of the proposed use is approximately 60 acres, and it will be located in the easternmost portion of the 326 acre property.

A yard trash processing facility is designed as "a yard trash transfer station or a facility at which yard trash is processed into a size-reduced, usable material or is composted, but does not include a facility used for the disposal of yard trash."

The project area is surrounded by vacant agricultural properties on all sides. The closest residence is located approximately 4,500 feet to the west of the proposed yard trash facility.

A Construction and Debris Landfill facility was approved on the adjacent property (was all one lot at the time) in 2000, however that facility was never developed.

In December 2017, a yard trash processing facility was approved on the property to the west, which was permitted to have up to 12,000 cubic yards and is an existing operation.

The applicant plans to use the leftover soil from this proposed operation to fill in the existing borrow pit. This process must be approved by EPD and Development Engineering and is not part of the request today.

This project was approved by DRC on June 26, 2019, and DRC deemed the use compatible with the surrounding land uses, which is required by Chapter 32 prior to being heard by the BZA.

A Community Meeting was held on Tuesday June 18, 2019 at East River High School. Staff, the District 5 Commissioner, District 5 Aide and approximately 50 residents were in attendance. The residents had concerns regarding traffic, dust, noise, soil contamination, and the operation of heavy equipment. The applicant is preparing a noise study and soil study, and will coordinate with Public Works regarding the traffic to address the concerns brought up at the community meeting.

District Development Standards

	Code Requirement	Proposed
Max Height:	35	25
Min. Lot Width:	100	3,000
Min. Lot Size:	.5 acres	326 acres

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	35 ft.	200
Rear:	50	400
Side:	10 / 10	50 / 200 +
Sidestreet:	n/a	n/a
NHWE:	n/a	n/a

STAFF FINDINGS**SPECIAL EXCEPTION CRITERIA**

The use shall be consistent with the Comprehensive Policy Plan.

The future land use is Rural and with the approval of the Special Exception, the use will be consistent with the Comprehensive Plan.

The use shall be similar and compatible with the surrounding area and shall be consistent with pattern of surrounding development.

There is an existing borrow pit on the property which utilizes large equipment. This proposed use will be compatible with the surrounding uses on the property. The parcels directly to the east are undeveloped parcels of land. Another yard trash processing facility was approved in 2017, on the parcel to the west and is operating at this time.

The use shall not act as a detrimental intrusion into a surrounding area.

The borrow pit has been on-site for several years, and the uses surrounding the proposed development area include other borrow pits, wetlands and undeveloped agricultural land.

The use shall meet the performance standards of the district in which the use is permitted.

The use is meeting all zoning development standards outlined in Chapter 38; however, they are requesting waivers from Chapter 32 solid waste requirements, which are not under the purview of the BZA.

The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of the uses currently permitted in the zoning district.

The agricultural zoning district allows a variety of uses including farming, keeping of livestock, residential homes, plant nurseries, etc. The proposed use may produce some noise, dust, and vibrations. However, as the proposed use is located over 4,500 feet away from any residential homes, the use shall not affect the

surrounding residential community. The applicant will prepare a noise study based on the equipment that is going to be utilized.

Landscape buffers shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

There is existing vegetation surrounding the property and there is no vegetative buffer required by Chapter 24 between agricultural properties.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated May 8, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Concrete, asphalt, or rock crushing shall be prohibited.
5. No impacts to any approved Conservation Areas without Orange County approval.
6. Outdoor burning shall be prohibited.
7. Fire suppression and water supply shall be subject to the review and approval of the Fire and Rescue Division of Orange County at the time of permit review.
8. A minimum twenty-five (25) feet wide access fire lane shall be provided and maintained around the perimeter of the processing area and down the center of the processing area.
9. Hours of operation shall be Monday to Friday, from 7:00 a.m. to 7:00 p.m.
10. All required permits shall be obtained within two (2) years or this approval is null and void.
11. The wood chipper and grinder shall only be used for a one (1) week period on a quarterly basis.

c: James E. Golden
6140 Edgewater Drive
Orlando, FL 32810

COVER LETTER



March 13, 2019

EMAIL/HAND DELIVERY

Mr. Sean Bailey, Chief Planner
BZA Section, Orange County Zoning Division
Community, Environmental, and Development Services Department
201 South Rosalind Ave.
Orlando, FL 32801

Subject: Special Exception and Variance Request
Yard Trash Processing Facility
Bishop and Buttrey, Inc. 18993 Old Cheney Road
Bithlo, Florida
Parcel ID: 23-22-32-0000-00-004
Project No. 291430

Dear Mr. Bailey:

On behalf of Bishop and Buttrey, Inc. (B&B), Grove Scientific & Engineering Co. (GSE) is submitting this special exception and variance application to the Board of Zoning Adjustment (BZA) for the subject yard trash processing facility operation in Orange County, Florida. The B&B yard trash, or source-separated organics processing facility (SOPF), is proposed to be located on their existing permitted 60 acre excavation, Pit # 164, Orange County (permit # 07-E5-0717) on the far east side of the 326 acre parcel. The Facility would comply with the requirements of Chapter 32, Article V, of the Orange County Solid Waste Management code. An OCEPD permit application has been filed, in addition to a DRC application.

The required BZA application forms, ownership documentation and site boundary survey for the variance and special exception requests are attached in Appendix 1. Appendix 2 presents the Operations Plan and Engineering drawings for the B&B SOPF to support the subject request. A check for the \$1,355 fee is enclosed.

Variance Request

The B&B site is zoned agricultural A-2, which allows for this type of land use under the County solid waste management code. However, under the Section 32-216 of the code, a 150-foot setback is required from an abutting property to the solid waste facility use. OC code section 32-215 (a) allows for a variance from the "landfill" setbacks for a yard trash facility. All other code setbacks are met on all sides of the site, except to the immediate east, where Orange County agricultural property exists along the east and north sides of the 60 acre site.

This application requests that the setback from the OCBCC property be 50 feet, see attached Site Plan, Appendix 2, Sheet 4. These reduced setbacks in no way will affect the performance of the OCBCC agricultural property or dirt roadway. The abutting County property is also not

6140 EDGEWATER DRIVE • SUITE F • ORLANDO, FLORIDA 32810-4810
PHONE (407)298-2282 • FAX (407)290-9038 • www.grovescientific.com

occupied, nor used for any other active use, other than open space. The closest residential neighborhood is more than 4,000 feet to the west of the site, see Operations Plan, Figure 1.

The following standards of approval have been met for this variance request:

- **Special Conditions and Circumstances** - Special conditions and circumstances exist which are peculiar to the B&B yard trash facility which are not applicable to other lands, structures or buildings in the same zoning district. The current pit #164 location has been accepted by the OC Development Engineering. This request is not to nullify a zoning violation or nonconformities on neighboring properties.
- **Not Self-Created** - The special conditions and circumstances of the subject site were not result from the actions of the applicant. The applicant has received a variance of a 25-foot setback, from the code required 50- foot setback for the excavation along the east and north sides, see attached excavation permit conditions, Appendix 1.
- **No Special Privilege Conferred** - Approval of the zoning variances requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.
- **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 under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.
- **Minimum Possible Variance** - The zoning variance of a 50-foot setback from the OC property and from the dirt road are the minimum variances that will make possible the reasonable use of the land.
- **Purpose and Intent** - Approval of the zoning variances will be in harmony with the purpose and intent of the A-2 Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Special Exception Request

Under Orange County Code Chapter 32, all solid waste facilities, which includes a yard trash processing facility, must obtain a special exception from the BZA. This facility will comply with the OC solid waste management code and the following Section 38-78, Orange County Code specific criteria to be met for all Special Exception requests:

- **The use shall be consistent with the Comprehensive Policy Plan-** The proposed use is consistent with the County Comprehensive Plan, in that it is within an A-2 zoning, complies with OC Solid Waste facility code, and FDEP rules. It is also consistent with

the County's Orange to Green Plan, Comp Plan, Solid Waste Element, Objective OBJ SW1.2 "to implement alternative means of solid waste management to reduce landfill disposal", and the State of Florida's 75% recycling goal.

- The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development. The wood recycling use is similar and compatible with the surrounding agricultural and excavation uses. It is also consistent with the surrounding development, which is rural-open space, vegetated lands or lakes. A similar facility, 19161, LLC yard trash processing facility is located on the western portion of the 326 acre property, see Appendix 2, Sheet 1.
- The use shall not act as a detrimental intrusion into a surrounding area. The use has been in operation on adjacent parcels for almost 30 years on the property. The site is surrounded by agricultural, undeveloped land and borrow pits.
- The use shall meet the performance standards of the district in which the use is permitted. The use meets the performance standards of the A-2 district.
- 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. The Operations Plan for the facility, and the OCEPD permit conditions, will be followed to control any noise, vibration, dust, odor, glare, heat producing impacts from the use, see attached Operations plan.
- Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted. A natural buffer of more than 2,500 feet of open, vegetated land surrounds the use on the west and south sides, and a 50-foot buffer along the east and north sides, which meets the intent of the landscape buffer yard.

We trust that this application meets the Zoning Division's variance and special exception approval requirements. Please contact us with any questions.

Sincerely,
Grove Scientific & Engineering Company



James Golden, P.G.
Vice President, Senior Scientist

Attachments

Cc: Anna Long, Dean Mead; Vic McCall, B&B; David Bromfield, OCEPD

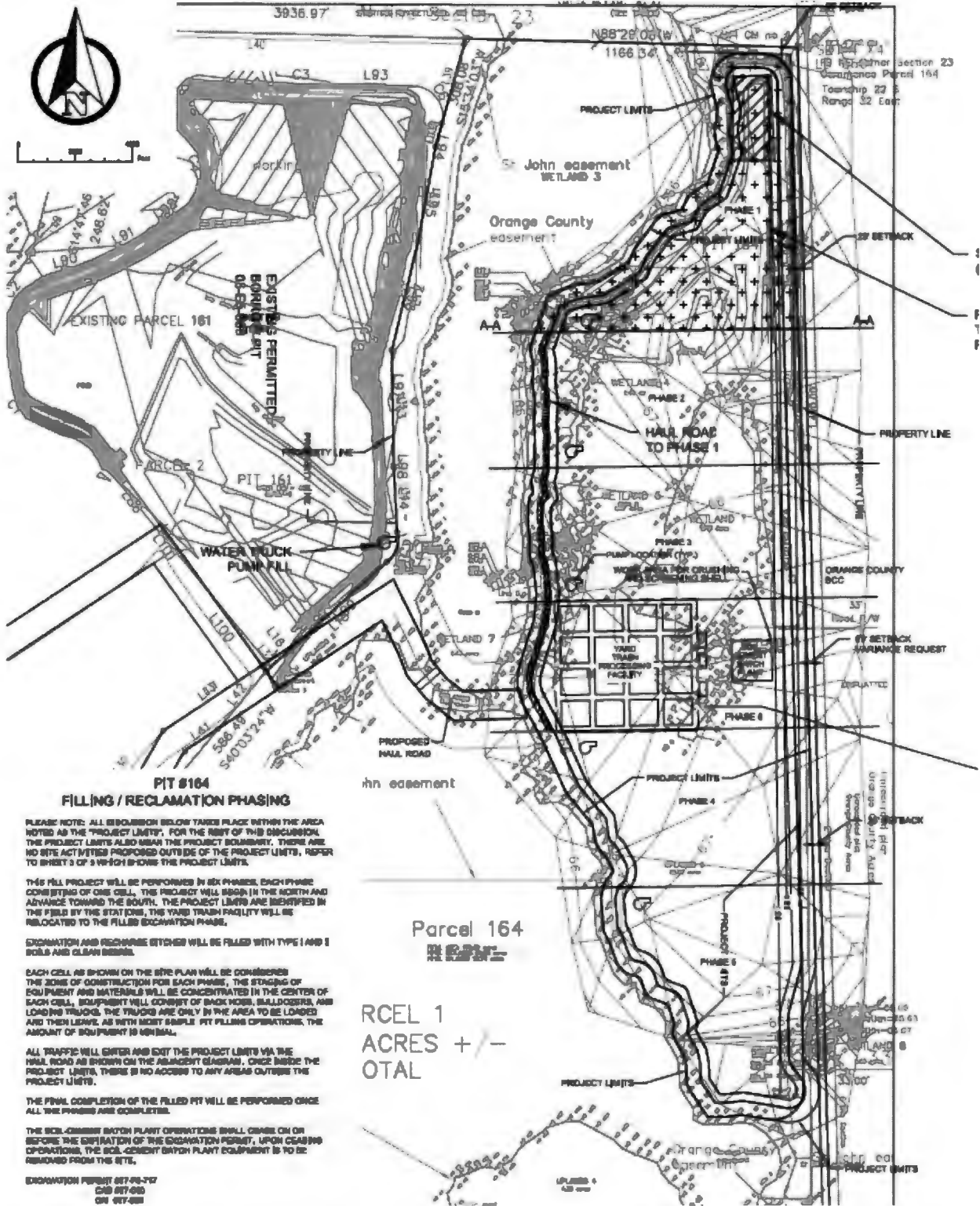
ZONING MAP



AERIAL MAP



SITE PLAN / SURVEY



**PIT #164
FILLING / RECLAMATION PHASING**

PLEASE NOTE: ALL DISCUSSION BELOW TAKES PLACE WITHIN THE AREA NOTED AS THE "PROJECT LIMITS". FOR THE REST OF THIS DISCUSSION, THE PROJECT LIMITS ALSO MEAN THE PROJECT BOUNDARY. THERE ARE NO SITE ACT VIETED PROPOSED OUTSIDE OF THE PROJECT LIMITS. REFER TO SHEET 3 OF 3 WHICH SHOWS THE PROJECT LIMITS.

THE FILL PROJECT WILL BE PERFORMED IN SIX PHASES. EACH PHASE CONSISTS OF ONE CELL. THE PROJECT WILL BEGIN IN THE NORTH AND ADVANCE TOWARD THE SOUTH. THE PROJECT LIMITS ARE IDENTIFIED IN THIS FIELD BY THE SIX (6) PHASES. THE TRUCK TRASH FACILITY WILL BE RELOCATED TO THE FILLED EXCAVATION PHASE.

EXCAVATION AND RECLAIMED EARTH WILL BE FILLED WITH TYPE I AND II SOILS AND CLEAN SAND.

EACH CELL AS SHOWN ON THE SITE PLAN WILL BE CONSIDERED THE ZONE OF CONSTRUCTION FOR EACH PHASE. THE STAGING OF EQUIPMENT AND MATERIALS WILL BE CONCENTRATED IN THE CENTER OF EACH CELL. EQUIPMENT WILL CONSIST OF BACKHOES, BALLDOZERS, AND LOADING TRUCKS. THE TRUCKS ARE ONLY IN THE AREA TO BE LOADED AND THEN LEAVE. AS WITH MOST SIMPLE PIT FILLING OPERATIONS, THE AMOUNT OF EQUIPMENT IS MINIMAL.

ALL TRAFFIC WILL ENTER AND EXIT THE PROJECT LIMITS VIA THE HALL ROAD AS SHOWN ON THE ADJACENT SHEETS. ONCE BEYOND THE PROJECT LIMITS, THERE IS NO ACCESS TO ANY AREAS OUTSIDE THE PROJECT LIMITS.

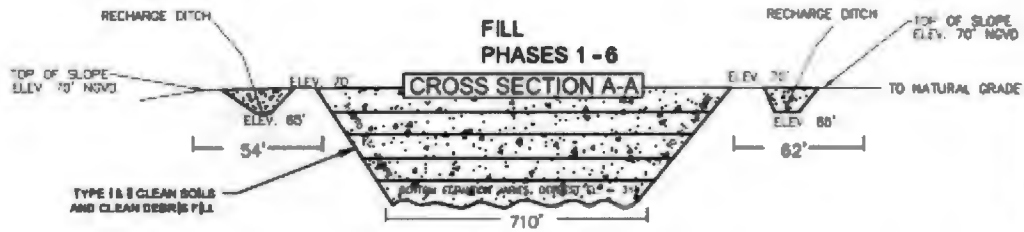
THE FINAL COMPLETION OF THE FILLED PIT WILL BE PERFORMED ONCE ALL THE PHASES ARE COMPLETE.

THE SOIL-CORRECTION BATCH PLANT OPERATIONS SHALL CEASE ON OR BEFORE THE EXPIRATION OF THE CLEANUP PERMIT. UPON CEASING OPERATIONS, THE SOIL-CORRECTION BATCH PLANT EQUIPMENT IS TO BE REMOVED FROM THE SITE.

EXCAVATION PERMIT 027-PS-727
CNS 027-020
ON 027-020

Parcel 164
IN EXISTENCE
RCEL 1
ACRES +/-
OTAL

MISCELLANEOUS

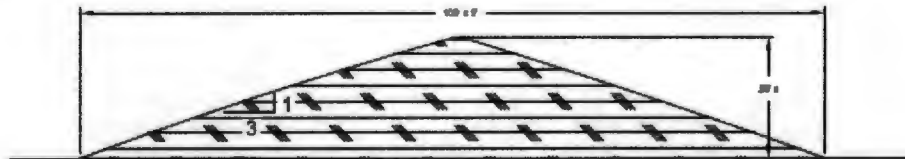


EXCAVATION FILL SECTION A-A (TYP.)

NTS

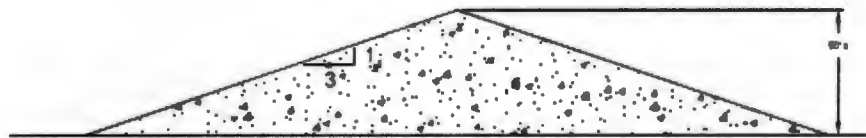
SOIL / FILL STOCKPILE AREA
(EST. 50,000 CY) (TYP.)

PHASE 1
TYPE I & II SOIL
FILL AREA (TYP.)



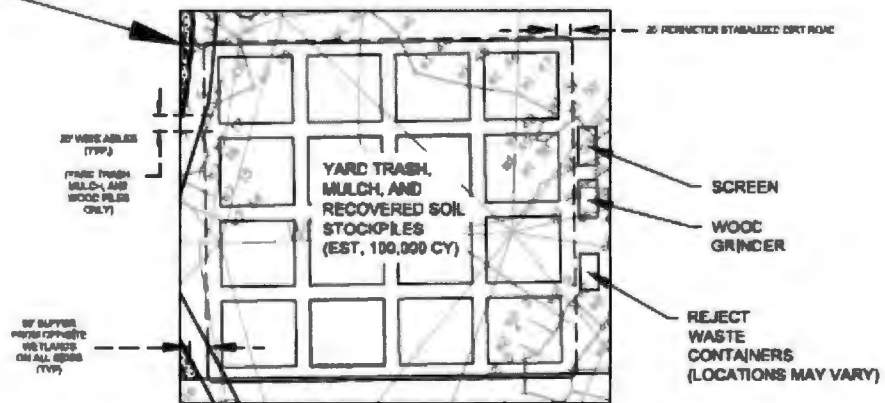
YARD TRASH & WOOD STOCKPILE SECTION (TYP.)

NTS



SOIL TYPE I & II FILL STOCKPILE SECTION (TYP.)

NTS



YARD TRASH PROCESSING AREA DETAILS

NTS

SITE PHOTOS



Existing Borrow Pit



Proposed area of the yard trash processing facility

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JULY 8, 2019**

Case Planner: **Sean Bailey**

Case #: **SE-19-06-048**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

OWNER(s): CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

REQUEST: Special Exception and Variance in the A-1 zoning district as follows:

1) Special Exception to allow a religious use facility.

2) Variance to allow a spire with a height of 67 ft. in lieu of 35 ft.

PROPERTY LOCATION: 17000 Davenport Rd., Winter Garden, FL 34787, southwest corner of Davenport Rd. and Avalon Rd.

PARCEL ID: 06-23-27-4284-05-170 & 06-23-27-4284-05-180

LOT SIZE: 18.24 acres

NOTICE AREA: 1500 FT

NUMBER OF NOTICES: 68

THIS CASE HAS BEEN CONTINUED AT THE REQUEST OF THE APPLICANT

VIA ELECTRONIC MAIL ON JUNE 24, 2019, PRIOR TO THE JULY 8, 2019 BZA MEETING.

The logo for Orange County Government, Florida. It features the word "ORANGE" in a large, serif font at the top. Below it is a stylized illustration of an orange with two leaves, positioned over a square frame. Underneath the illustration is the word "COUNTY" in a large, serif font. Below "COUNTY" is the word "GOVERNMENT" in a smaller, serif font, underlined. At the bottom, the word "FLORIDA" is written in a small, spaced-out, serif font.

ORANGE
COUNTY
GOVERNMENT
F L O R I D A

BOARD OF ZONING ADJUSTMENT