



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

December 5, 2024

Zoning Division

BOARD OF ZONING ADJUSTMENT (BZA)
ORANGE COUNTY GOVERNMENT

<u>Board Member</u>	<u>District</u>
Thomas Moses	1
John Drago (Vice Chair)	2
Juan Velez	3
Deborah Moskowitz (Chair)	4
Chris Dowdy	5
Sonya Shakespeare	6
Roberta Walton Johnson	At Large

BZA Staff

Laekin O'Hara	Chief Planner
Taylor Jones, AICP	Chief Planner
Jenale Garnett	Planner II
Catherine Glase	Planner I

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
DECEMBER 5, 2024**

Case #	Applicant	Commission District	Staff Recommendation	BZA	Page #
VA-24-12-119	Amanda Corbett	5	Request #1 Approval w/Conditions Request #2, Denial	Approval w/Conditions	1
VA-24-12-117	Marie Anjou	6	Denial	Continued to 2/6/25	17
VA-24-12-123	Courtney Hogben, Kable Hogben	5	Denial	Approval w/Conditions	32
VA-24-08-078	Richard Arnold	6	Denial	Approval w/Conditions	48
SE-24-08-067	Logan Opsahl for Satellite Blvd IOS	3	Approval w/Conditions	Denial	61

Please note that approvals granted by the BZA are not final unless no appeals are filed within 15 calendar days of the BZA's recommendation and until the Board of County Commissioner (BCC) confirms the recommendation of the BZA on January 7, 2025.

ORANGE COUNTY ZONING DISTRICTS

Agricultural Districts

- A-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 Site and Principal Building Requirements

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
A-1	SFR 21,780 (½ acre)	850	100	35	50	10	15	35	50 ^A	L	
	Mobile home 2 acres	850	100	35	50	10	15	35	50 ^A	L	
A-2	SFR 21,780 (½ acre)	850	100	35	50	10	15	35	50 ^A	L	
	Mobile home 2 acres	850	100	35	50	10	15	35	50 ^A	L	
A-R	108,900 (2½ acres)	950	270	35	50	25	15	35	50 ^A	L	
R-CE	43,560 (1 acre)	1,500	130	35	50	10	15	35	50 ^A	L	
R-CE-2	2 acres	1,200	185	45	50	30	15	35	50 ^A	L	
R-CE-5	5 acres	1,200	250	50	50	45	15	35	50 ^A	L	
										L	
R-1AAAA	21,780(½ acre)	1,500	110	30	35	10	15	35	50 ^A	L	
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	15	35	50 ^A	L	
R-1AA	10,000	1,200	85	25/30 ^H	30/35 ^H	7.5	15	35	50 ^A	L	
R-1A	7,500	1,200	75	20/25 ^H	25/30 ^H	7.5	15	35	50 ^A	L	
R-1	5,000	1,000	50	20/25 ^H	20/25 ^H	5/6 ^H	15	35	50 ^A	L	
R-2	One-family dwelling, 4,500	1,000	45 ^C	20/25 ^H	20/25 ^H	5/6 ^H	15	35	50 ^A	L	38-456
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit ^D	80/90 ^D	20/25 ^H	25	5/6 ^H	15	35	50 ^A	L	38-456
	Three dwelling units, 11,250	500 per dwelling unit	85 ^J	20/25 ^H	30	10	15	35 ^E	50 ^A	L	38-456
	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^J	20/25 ^H	30	10 ^B	15	35 ^E	50 ^A	L	38-456; limited to 4 units per building
R-3	One-family dwelling, 4,500	1,000	45 ^C	20/25 ^H	20/25 ^H	5/6 ^H	15	35	50 ^A	L	38-481
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit ^D	80/90 ^D	20/25 ^H	20/25 ^H	5/6 ^H	15	35	50 ^A	L	38-481
	Three dwelling units, 11,250	500 per dwelling unit	85 ^J	20/25 ^H	30	10	15	35 ^E	50 ^A	L	38-481
	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^J	20/25 ^H	30	10 ^B	15	35 ^E	50 ^A	L	38-481
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10 ^S	15	35 ^Q	50 ^A	L	38-605
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	15	35	50 ^A	L	38-578
R-T-1 SFR	4,500 ^C	1,000	45	20	20	5	15	35	50 ^A	L	
Mobile Home	4,500 ^C	Min. mobile home size 8 ft. x 35 ft.	45	20	20	5	15	35	50 ^A	L	

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
R-T-2 (zoned prior to 1/29/73)	6,000	SFR 500 Min. mobile home size 8 ft. x 35 ft.	60	25	50	6	15	35	50 ^A	L	
(zoned after 1/29/73)	21,780	SFR 600 Min. mobile home size 8 ft. x 35 ft.	100	35	50	10	15	35	50 ^A	L	
NR	One family dwelling, 4,500	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1748
	Two dwelling units, 8,000	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 ^A	L	38-1748
	Three dwelling, 11,250	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1748
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	50/4 stories	50 ^A	L	38-1748
	Townhouse 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 ^A	L	38-1748
NAC	Nonresidential and mixed use development, 6,000	500	50	0/10 maximum 60% of building frontage must conform to maximum setback	15,20 adjacent to single-family zoning district	10,0 if buildings are adjoining	15	50 feet	50 ^A	L	38-1741
	One family dwelling, 4,500	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1741
	Two dwelling units, 11,250	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 ^A	L	38-1741
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	15	35/3 stories	50 ^A	L	38-1741
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	50 feet/4 stories, 65 feet with ground floor retail	50 ^A	L	38-1741
	Townhouse 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 ^A	L	38-1741
NC	Nonresidential and mixed use development, 8,000	500	50	0/10 maximum 60% of building frontage must conform to maximum setback	15,20 adjacent to single-family zoning district	10,0 if buildings are adjoining	15	65 feet	50 ^A	L	38-1734
	One family dwelling, 4,500	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1734
	Two dwelling units, 8,000	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 ^A	L	38-1734
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	15	35/3 stories	50 ^A	L	38-1734

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	65 Feet, 80 feet with ground floor retail	50 ^A	L	38-1734
	Townhouse 1,800	N/A	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 ^A	L	38-1734
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 feet for each add. Story	15	35	50 ^A	L	38-806
C-1	6,000	500		25	20	0; or 15 ft. when abutting residential district	15	50; or 35 within 100 ft. of any residential use or district	50 ^A	L	38-830
C-2	8,000	500		25	15; or 25 when abutting residential district	5; or 25 when abutting residential district	15	50; or 35 within 100 ft. of any residential use or district	50 ^A	L	38-855
C-3	12,000	500		25	15; or 30 when abutting residential district	5; or 25 when abutting residential district	15	75; or 35 within 100 ft. of any residential use or district	50 ^A	L	38-880
I-1A	N/A	N/A	N/A	35	25, or 30 ft. when abutting residential district ^N	25, or 30 ft. when abutting residential district ^N	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-907
I-1/I-5	N/A	N/A	N/A	35	25, or 50 ft. when abutting residential district ^N	25, or 50 ft. when abutting residential district ^{N/O}	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-932
I-2/1-3	N/A	N/A	N/A	25	10, or 60 ft. when abutting residential district ^P	15, or 60 ft. when abutting residential district ^P	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-981
I-4	N/A	N/A	N/A	35	10, or 75 ft. when abutting residential district ^N	25, or 75 ft. when abutting residential district ^N	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-1008

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
U-R-3	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^J	20/25 ^H	30	10 ^B	15	35	50 ^A	L	

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

A	Setbacks shall be measured 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 Chapter 15, Article VII, Lakeshore Protection, and Chapter 15, Article X, Wetland Protection, 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 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. A lot which is part of a subdivision, the plat of which has been lawfully recorded, or a parcel of land, the deed of which was lawfully recorded on or before August 31, 1982, either of which has a depth of less than one hundred fifty (150) feet above the normal high water elevation contour, shall be exempt from the fifty-foot setback requirement set forth in section 38-1501. Instead, the setbacks under the respective zoning district requirements shall apply as measured from the normal high water elevation contour.
B	Side setback is 30 feet where adjacent to single-family district.
C	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. feet 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.
D	For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet, the minimum duplex lot size is 8,000 square feet, and the minimum living area is 500 square feet. For detached units, the minimum duplex lot width is 90 feet, the minimum duplex lot size is 9,000 square feet, and minimum living area is 1,000 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. Existing developed duplex lots that are either platted or lots of record existing prior to 3/3/97 and are at least 75 feet in width and have a lot size of 7,500 square feet or greater, shall be deemed to be vested and shall be considered as conforming lots for width and/or size.
E	Multifamily residential buildings in excess of one story in height within 100 feet of the property line of any single-family dwelling district and use (exclusive of 2 story single family and 2 story two-family dwellings), requires a special exception.
F	Reserved.
G	Reserved.
H	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.
J	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.
K	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%.
L	Subject to the Future Land Use designation.
M	Developable land area.
N	Rear yards and side yards may be reduced to zero (0) when the rear or side property lines about the boundary of a railroad right-of-way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities.
O	One of the side yards may be reduced to zero (0) feet, provided the other side yard on the lot shall be increased to a minimum building setback of fifty (50) feet. This provision cannot be used if the side yard that is reduced is contiguous to a residential district.
P	Rear yards and side yards may be reduced to zero when the rear or side property lines about the boundary of a railroad right-of-way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities; however, no trackage shall be located nearer than three hundred (300) feet from any residential district.
Q	The maximum height of any structure shall be two stories or thirty-five (35) feet; provided, that no structure (exclusive of single-family and two-family dwellings) shall exceed one story in height within one hundred (100) feet of the side or rear lot line of any existing single-family residential district.
R	A ten-foot front setback may also be permitted for the dwelling unit when a front entry garage is set back at least twenty (20) feet from the front property line.
S	Minimum side building separation is ten (10) feet. The side setback may be any combination to achieve this separation. However, if the side setback is less than five (5) feet, the standards in section 38-605(b) of this district shall apply.

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: **DEC 05, 2024**

Commission District: **#5**

Case #: **VA-24-12-119**

Case Planner: **Catherine Glase (407) 836-9615**

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): AMANDA CORBETT

OWNER(s): AMANDA CORBETT, AARON CORBETT

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

- 1) To allow a mobile home with a minimum developable lot area of 1.73 acres in lieu of a minimum of 2 acres.
- 2) To allow a detached accessory structure in front of the principal structure in lieu of the side or rear.

PROPERTY LOCATION: 24689 E. Colonial Dr., Christmas, FL, 32709, north side of E. Colonial Dr., east of Fort Christmas Rd., south of Wheeler Rd.

PARCEL ID: 34-22-33-0000-00-045

LOT SIZE: +/- 2.64 acres (+/- 1.73 acres upland)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 23

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions as modified (Motion by Chris Dowdy, Second by Juan Velez; unanimous; 6 in favor: John Drago, Juan Velez, Deborah Moskowitz, Thomas Moses, Sonya Shakespeare, Chris Dowdy; 0 opposed; 1 absent: Roberta Walton Johnson):

1. Development shall be in accordance with the site plan date stamped October 7, 2024, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
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 the permit for the mobile home, the accessory structures shall be relocated consistent with code and a permit shall be obtained, or the accessory structures shall be removed.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval for Variance #1 and denial of Variance #2. Staff noted that one comment was received in favor and no comments were received in opposition to the request.

The applicant was present and agreed with the staff presentation regarding the recommendation of Variance request #1 and disagreed with the recommendation of Variance request #2. The applicant explained that they are unable to relocate the mobile home to another location on the property due to the lower elevations and existing trees and wetland area on the lot. The applicant also noted that it would cause financial hardship to attempt to relocate the existing accessory structure.

There was no one in attendance to speak in favor or in opposition to the request.

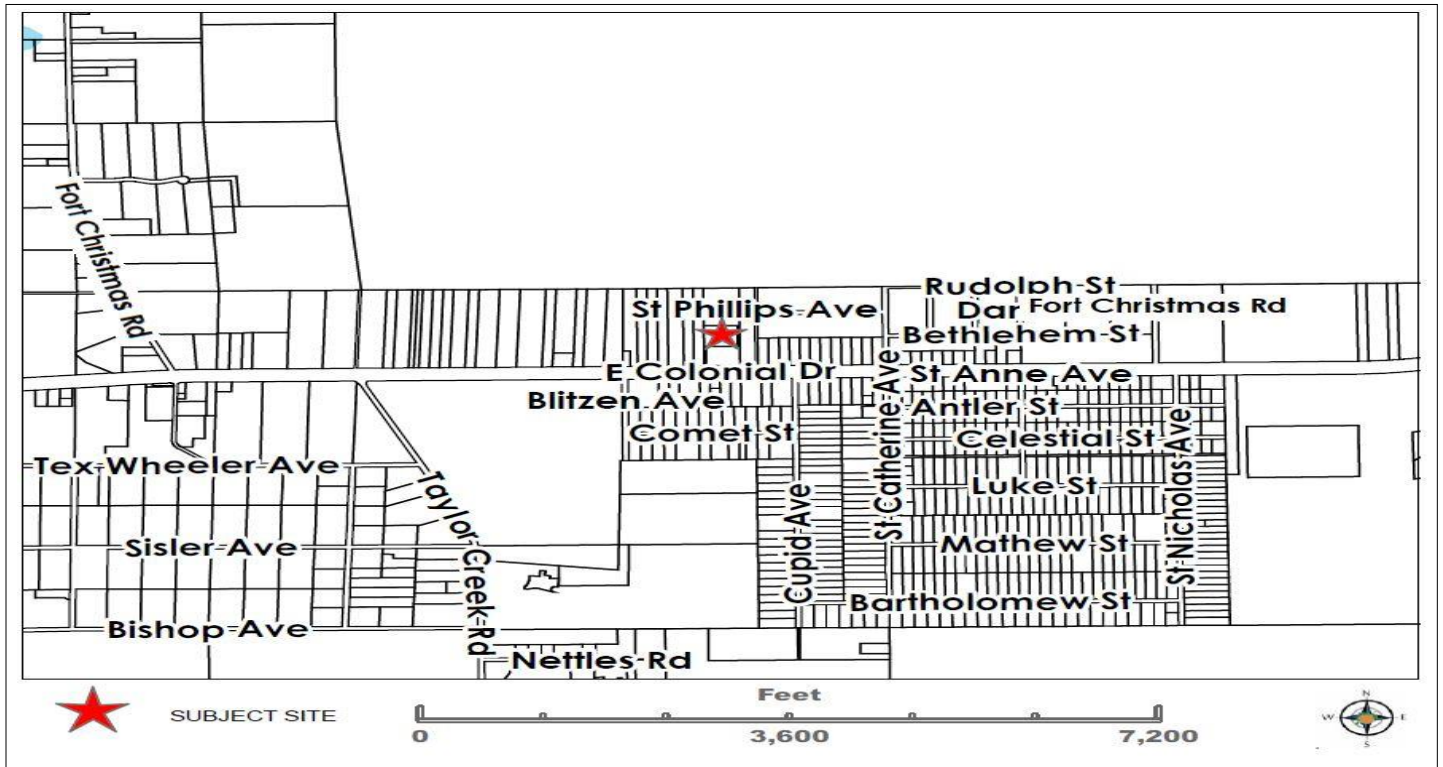
The BZA discussed the wetland constraints on the property and noted that neither structure is visible from the right-of-way, limiting impact on adjacent properties. The BZA recommended approval of the Variances by a 6-0 vote, with one (1) absent, subject to the four (4) conditions found in the staff report, with a modification to Condition #1 as follows:

1. *Development shall be in accordance with the site plan date stamped October 7, 2024, ~~as modified to show the accessory structures in a conforming location or removed,~~ subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).*

STAFF RECOMMENDATIONS

Approval of Variance request #1, subject to the conditions in this report, and Denial of Variance request #2. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of the Variances, 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	A-2
Future Land Use	Christmas Rural Settlement RS 1/1	Christmas Rural Settlement RS 1/1	Christmas Rural Settlement RS 1/1	Christmas Rural Settlement RS 1/1	Christmas Rural Settlement RS 1/1
Current Use	Vacant	Mobile home	Mobile home	Single family residential	Water management land, vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-2, Farmland Rural zoning district, which allows agricultural uses, single-family homes, mobile homes, and associated accessory structures. The Future Land Use is Rural Settlement 1/1 (RS 1/1) which is consistent with the A-2 zoning district.

The subject property is located in the Christmas Rural Settlement. Rural settlements are established through the Comprehensive Plan and are intended to identify areas with unique traits and characteristics which the residents of those areas wish to preserve. The rural settlement designation typically impacts such development factors as residential density, location, and intensity of commercial and other nonresidential

uses. In the Christmas Rural Settlement, the maximum density is one (1) unit per acre for new residential development, and as such, the request is consistent with the Christmas Rural Settlement.

The area around the subject site consists of vacant parcels, single-family homes, and mobile homes. The subject property is unplatted and was created through an approved Lot Split (LS-23-05-031) in June of 2023. The parent parcel was split into two lots, a 7.17 acre Lot (1.48 acres upland) and a 2.64 acre flag lot (1.73 acres upland), which is the subject property. The subject property was purchased by the current owners in January 2024. The site currently contains several unpermitted accessory structures, and a mobile home has been placed on the lot but is not tied down.

Section 38-1501 of Orange County Code requires a minimum of 0.5 developable acres to construct a single-family home and requires a minimum of two (2) developable acres to construct mobile homes in the A-2 zoning district. The proposal is to install a 2,100 gross sq. ft. mobile home on a lot with 1.73 developable acres, requiring Variance #1.

Prior to the lot split, a building permit (B22025842) was issued for an accessory structure in the rear of the original 9.81 acre parcel, but not finalized. This structure was not identified on the surveys submitted for the lot split and is now located on the vacant subject lot. Accessory structures are not permitted on vacant land, and therefore, the building permit for this structure has been reopened with deficiency comments pending the outcome of this Variance application. The location of the existing accessory structure is in front of the proposed mobile home, which is not permitted by code. Per Section 38-1426 (1) c. 2. (iii) of the Orange County Code, a detached accessory structure shall not be located in front of the principal structure unless the principal structure is located in the rear half (1/2) of the lot/parcel. The location of the proposed mobile home extends beyond the midpoint line of the subject property, requiring Variance request #2. The accessory structure meets all other development standards, and if the mobile home location were revised to be located in the rear half of the lot, the need for Variance #2 would be eliminated.

There are an additional three accessory structures located on the property. These structures are also located in front of the proposed mobile home, which is not permitted by code. As the accessory structures are not included in the Variance request, they shall be relocated consistent with code and a permit shall be obtained, or the accessory structures shall be removed, as noted in Condition of Approval #4.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. Based on staff's analysis, Variance request #1 satisfies all 6 criteria. While Variance request #2 meets some of the criteria, it does not meet all the criteria. Therefore, staff is recommending approval of Variance request #1, subject to the conditions in this report and denial of Variance request #2. Based on staff analysis, a mobile home could be placed in the rear half of the lot, which would eliminate the need for a Variance.

The request was routed to all relevant reviewing Divisions. There were no objections noted. As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	15 ft.
Min. Lot Width:	100 ft.	330 ft.
Min. Lot Size:	2 acres for mobile home 0.5 acres for single-family home	Mobile home on 1.73 acres upland (Variance #1)

Building Setbacks (Principal Structure)

	Code Requirement	Proposed
Front:	35 ft.	149 ft. (South)
Rear:	50 ft.	151 ft. (North)
Side:	10 ft.	177 ft. (East) 86 ft. (West)

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

Variance #1 - There are special conditions and circumstances peculiar this property as a large portion of the property is wetland, restricting the developable lot area, and thereby only allowing the construction of a site-built home in a district that would otherwise allow a mobile home.

Variance #2 - There are special conditions and circumstances specific to the accessory structures location as the subject property is a flag lot making the subject lot's front yard border the neighboring property's side and rear yards. Additionally, the building was constructed under an issued building permit prior to the lot split.

Not Self-Created

Variance #1 - The request is not self-created as the wetland area present on the lot greatly reduces the developable lot area creating the need for this request.

Variance #2 - The request is self-created as the mobile home could be located beyond the midpoint of the lot eliminating the need for the request.

No Special Privilege Conferred

Variance #1 - Granting the Variance as requested will not confer special privilege as the use is permitted by the Zoning District by right, and is consistent with the development pattern in the area.

Variance #2 - Granting the Variance as requested will confer special privilege not conferred to others under the same circumstances since the site could be developed in a way to eliminate the request.

Deprivation of Rights

Variance #1 - The property owner would be deprived of the right to place a mobile home on a lot similar to other properties in the area.

Variance #2 - Denial of the Variance would not deprive the applicant the right to keep the existing accessory structure in its current location as the principal structure could be placed on the rear half of the property, eliminating the request.

Minimum Possible Variance

Variance #1 - The request is the minimum possible to install a mobile home on the property.

Variance #2 - The request is not the minimum possible to allow the structure to remain in its current location on the property as the principal structure could be placed on the rear half of the property, eliminating the request.

Purpose and Intent

Variance #1 - Approval of the requested Variance would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The request allows for the installation of a mobile home that will prevent a minimal removal of existing trees, thereby minimizing the impact to the wetlands. Furthermore, the installation of a mobile home is consistent with several of the surrounding properties which contain mobile homes on lots of similar size or smaller.

Variance #2 - Approval of the request will be in harmony with the purpose and intent of the Code as the accessory structure's location abuts the neighboring properties side and rear yards consistent with the allowed location of accessory structures on these lots.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped October 7, 2024, as modified to show the accessory structures in a conforming location or removed, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
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 the permit for the mobile home, the accessory structures shall be relocated consistent with code and a permit shall be obtained, or the accessory structures shall be removed.

C: Amanda Corbett
24689 E. Colonial Drive
Christmas, Florida 32709

COVER LETTER

Dear Board of Zoning Adjustment,

The purpose of this request is for a building zone variance of the required minimum uplands of 87,120 S.F. (2 acres) for a mobile home on zone a-2 to be adjusted to a minimum upland of 76,230 S.F. (1.75 acres) to grant us permission to place a mobile home of wood construction. The home would be 86' from the west property line, 149' from the south property line, 177.7' from the east property line; & 150' from the north property line. The home measures 66' x 30', with a proposed height of 15'2".

With regards to the Orange County Code standards for approval:

1. **Special Conditions & Circumstances:** There are wetlands on the property that do not allow for the county's required minimum uplands of 2 acres for zone a-2, for the use of a mobile home.
2. **Not Self-Created:** Due to the existing wetlands, we cannot impact these conservation areas to meet the county's required 2-acre minimum uplands for mobile home use in zone a-2.
3. **No Special Privilege Conferred:** We understand that no special privilege is to be granted. We are requesting a slight variance to the county's code regarding the minimum uplands of 2 acres for the use of a mobile home in zone a-2.
4. **Deprivation of Rights:** If we are not granted this variance, we would not be able to move forward with the home we have purchased to be able to care for our parents as they age, which is our greatest desire.
5. **Minimum Possible Variance:** If the zoning variance of a minimum upland of 1.75 acres is granted, this would allow us to move forward with the home we have purchased to be able to care for our parents as they age. It would also allow Amanda to have a long overdue surgery & recover in a safe environment.
6. **Purpose & Intent:** The approval of this variance would not negatively impact any of our neighbors, community or the public welfare.

In 2022, we began this process to relocate from Titusville, Florida to our parent's property in Christmas, Florida to care for them as they age. Their property was 9.81 acres in total, with a good portion of it being wetlands. We started an exceptionally lengthy process of getting first a CAD completed in order to do a lot split, which was approved 2/21/2023 (CAD-22-12-249). The lot split was approved 7/12/2023 (LS-23-05-031). We then had to get approval from their mortgage company to deed a partial release of property to us. This was finally completed & the property was deeded to us on 3/13/2024 (DOC # 20240149045). We closed on our special-order mobile home on 7/25/2024.

We have spent roughly \$85,000 on having the property prepared for our family to live on which included environmental engineer fees & surveys for the wetlands delineation, multiple surveys & appraisals, lawyer fees, down payments on our mobile home, land prep/clearing, materials needed for our future home & two years' worth of blood, sweat & tears to make this happen.

COVER LETTER

This was our first time trying to tackle anything like this. When we requested a lot split to put a mobile home on the property in May of 2023 with Orange County Zoning Division, we were told we needed one acre of upland footage. We had our lot split reconfigured to give us 1.76 acres. We have been informed by the building permit department, zoning division that *"At least 2 acres of upland footage is required to have a mobile home in a-2 zoning. Current upland square footage of 75,519 does not meet this requirement. A variance would need to be requested."* We respectfully request for a building zone variance to the required minimum uplands of 87,120 S.F. (2 acres) be adjusted to a minimum upland of 76,230 S.F. (1.75 acres) to grant us permission to place our dream home with the minor shortcoming of upland acreage.

We now are aware that a modular or constructed home only requires us to have one acre of upland, however, we have already closed on the mobile home mortgage & the home has already been constructed & delivered to our property for set up. This has been a long two-year journey & our greatest desire is to be in our new home & being close to my parents as they age. Amanda also has been putting off much-needed surgery from an auto accident until we can be in our new home. She will greatly benefit from having the space to safely to recover, as our current living conditions are very confined & the bathroom is not safe for someone recovering from neck surgery.

Thank you for your consideration,

Aaron & Amanda Corbett

24689 E Colonial Dr

Christmas, FL 32709

parcel ID# 34-22-33-0000-00-045

321.543.0220

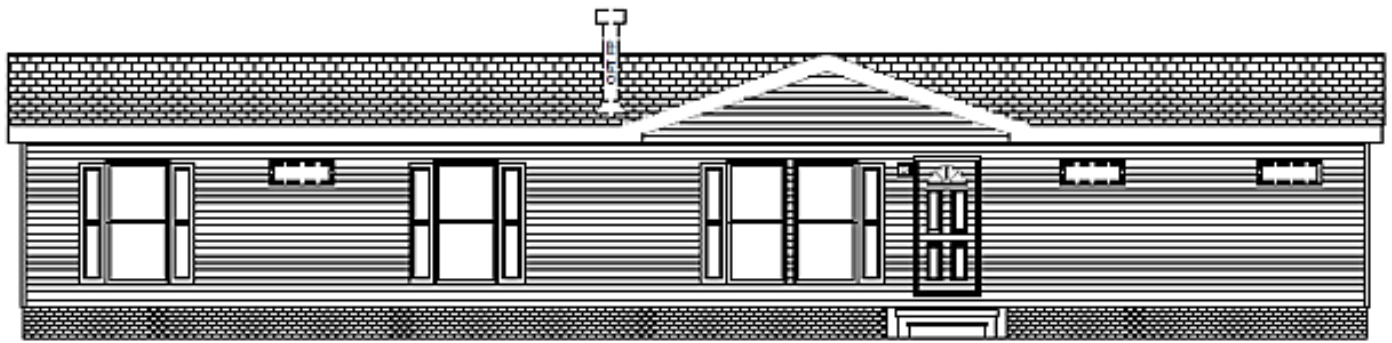
ZONING MAP



AERIAL MAP



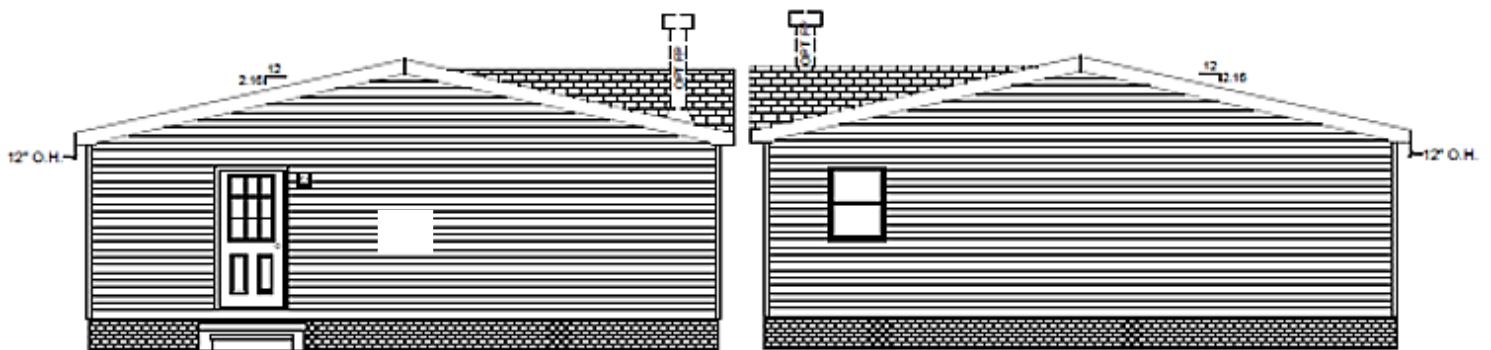
MOBILE HOME ELEVATIONS



FRONT ELEVATION



REAR ELEVATION

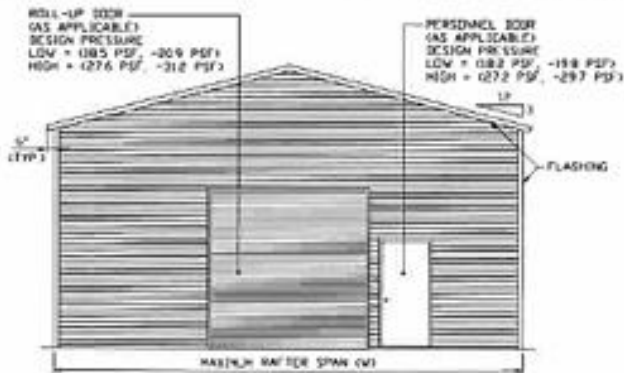


LEFT ELEVATION

RIGHT ELEVATION

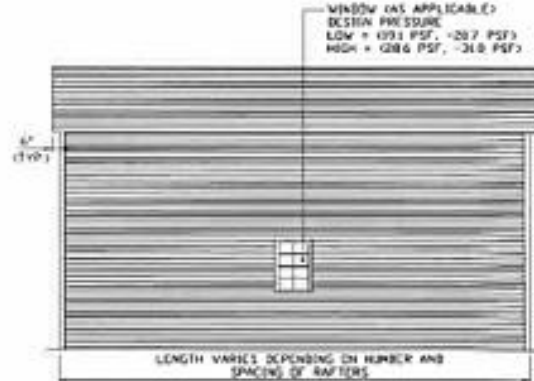
TYPICAL ACCESSORY STRUCTURE ELEVATIONS

BOX EAVE FRAME RAFTER ENCLOSED BUILDING



TYPICAL END ELEVATION

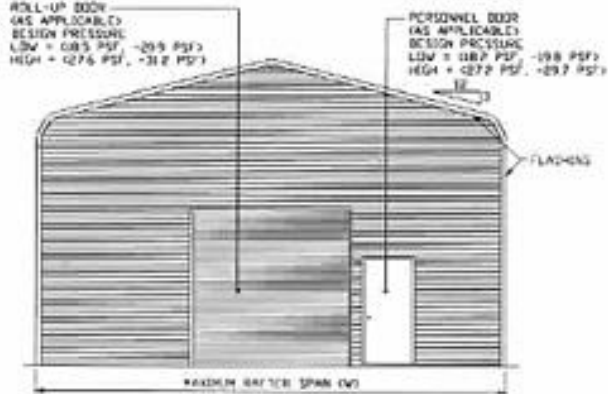
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TYPICAL SIDE ELEVATION

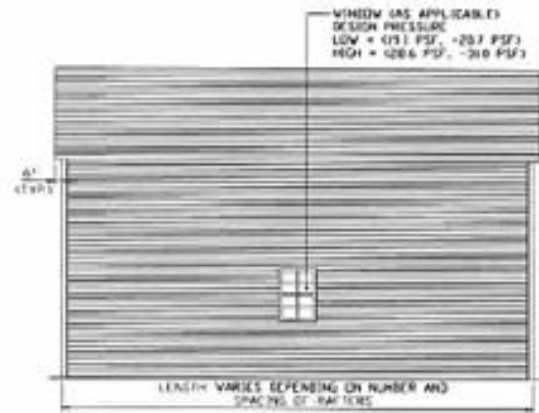
SCALE: NTS

BOW FRAME RAFTER ENCLOSED BUILDING



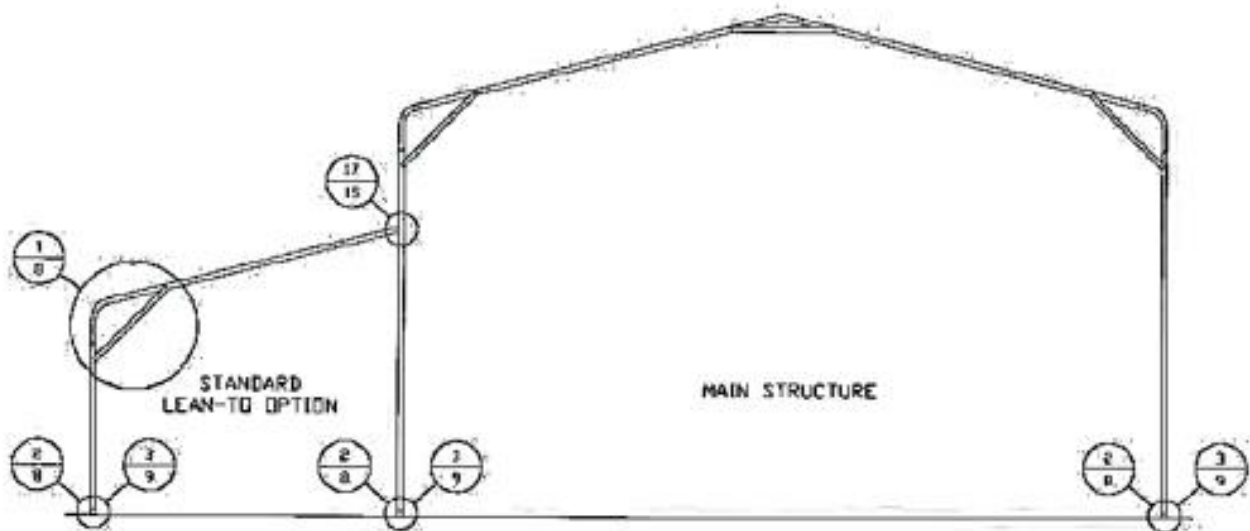
TYPICAL END ELEVATION

SCALE: NTS



TYPICAL SIDE ELEVATION

SCALE: NTS



SITE PHOTOS



Facing north from E. Colonial Drive towards front of subject property



Front yard, facing north towards the proposed mobile home

SITE PHOTOS



Front yard, facing west towards the unpermitted accessory structures



Front yard, facing west towards all structures

SITE PHOTOS



Rear yard, facing south towards the proposed mobile home



Front yard, facing east towards the unpermitted accessory structures

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 05, 2024**

Commission District: **#6**

Case #: **VA-24-12-117**

Case Planner: **Catherine Glase; 407-836-9615**

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): MARIE ANJOU

OWNER(s): DAMIEN AUGUSTIN, MARIE ANJOU

REQUEST: Variance in the R-1AA zoning district to allow an addition with an east rear setback of 11.5 ft in lieu of 35 ft.

Note: This is the result of Code Enforcement.

PROPERTY LOCATION: 915 Buena Vista Ct., Orlando, FL 32818, east side of Buena Vista Ct., south of Silver Star Rd., west of N. Powers Dr., north of W. Colonial Dr., east of N. Hiawassee Rd.

PARCEL ID: 24-22-28-9616-00-190

LOT SIZE: +/- 11,096 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 77

DECISION: Recommended that the case be **CONTINUED TO FEBRUARY 6, 2025, BZA** (Motion by Sonya Shakespeare, Second by Juan Velez; unanimous; 6 in favor: John Drago, Juan Velez, Deborah Moskowitz, Thomas Moses, Sonya Shakespeare, Chris Dowdy; 0 opposed; 1 absent: Roberta Walton Johnson).

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation of denial of the Variance request. Staff noted that two (2) comments were received in favor and no comments were received in opposition to the request.

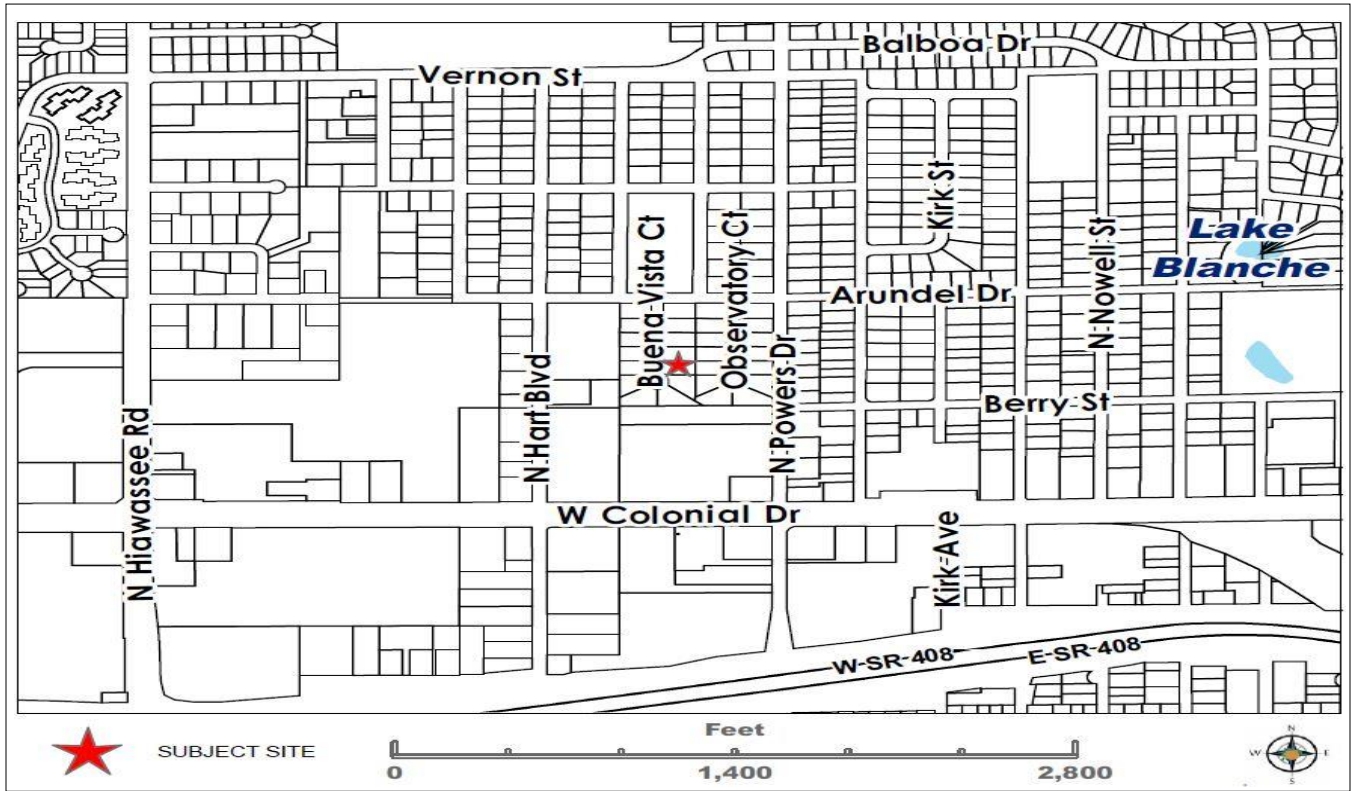
The applicant was present and declined to speak on the application.

The BZA discussed the need for a translator for the applicant. The BZA voted to continue the case to the February 6, 2024 BZA hearing by a 6-0 vote with one (1) absent.

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary 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	R-1AA	R-1AA	R-1AA	R-1AA	R-1AA
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residential	Single-family residential	Single-family residential	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1AA, Single-Family Dwelling district, which allows single-family homes and associated accessory structures. The future land use is Low Density Residential (LDR), which is consistent with the R-1AA zoning district.

The area surrounding the subject site consists of single-family homes and some commercial retail to the south. The subject property is 11,096 sq. ft. in size, was platted in 1964 as Lot 19 of the Nob Hill Plat, and is a conforming lot of record. The property is an interior lot with right-of-way along Buena Vista Ct. The property was purchased by the current owner in 2007, and is developed with a 1-story, 2,832 sq. ft. single-family home, constructed in 1966, and a partially constructed 700 sq. ft. addition at the rear of the residence. A 6 ft. utility easement located along the rear property line. There is also a large wood shed in the rear yard. There is no permit found for this structure. A permit would be required for the structure, or it will be required to be removed from the property, as reflected in Condition of Approval #5.

Code Compliance cited the property owner on August 13, 2024 (CE#: 644137) for construction of the addition without permits. Additionally, the property was cited for a pool that was demolished without a permit and dual rear wheeled vehicles parked on the property. A demolition permit has been obtained for the pool however, a building permit has not been submitted for the addition.

The proposal is to allow the 700 sq. ft. addition to encroach 23.5 ft. into the 35 ft. rear setback, requiring the Variance request for an 11.5 ft. rear south setback in lieu of 35 feet. The request does not impact the utility easement located in the rear yard.

The request was routed to all relevant reviewing Divisions. There were no objections noted. Development Engineering commented, "At permitting stage, appropriate stormwater drainage management will be required."

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. While the request meets some of the criteria, it does not meet all the criteria. Therefore, staff is recommending denial of this request. Based on staff analysis, alternative options exist for an addition to the house to either lessen or eliminate the need for the Variance.

As of the date of this report, two comments have been received in favor and no comments have been received in opposition to this request. Letters of support from neighbors within the subdivision were received with the application; neither property abuts the subject lot.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	11.1 ft. (addition)
Min. Lot Width:	85 ft.	85 ft.
Min. Lot Size:	10,000 sq. ft.	11,096 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front:	30 ft.	29.8 ft. (West)
Rear:	35 ft.	11.5 ft. (East) (Variance)
Side:	7.5 ft.	8.5 ft. (North) 7.9 ft. (South)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

There are no special conditions or circumstances peculiar this property, as the lot is of similar size and configuration as the surrounding properties, and it meets the minimum lot standards for the R-1AA district.

Not Self-Created

The need for the variance is self-created, as there are other options to expand the living area of the home by either converting the garage or placing the addition on the front of the residence therefore not encroaching into the required setbacks.

No Special Privilege Conferred

Granting the variance as requested would confer special privilege as there are no other properties in the area that appear to have rear setbacks similar to the request.

Deprivation of Rights

There is no deprivation of rights as the existing residence could continue to be enjoyed as originally constructed, and an addition could be built at the front of the residence to comply with code setback requirements.

Minimum Possible Variance

The request is not the minimum possible as the addition could have been redesigned to lessen or eliminate the request.

Purpose and Intent

Approval of the requested variance would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The addition will not be significantly visible from any of the surrounding properties due to the 6 ft. tall opaque fence surrounding the property, thereby limiting any quantifiable negative impact to surrounding property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations date stamped November 15, 2024, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
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. A permit shall be obtained within 180 days of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. Prior to the issuance of the permit for the addition, a permit for the accessory structure shall be obtained, or the accessory structure shall be removed.

C: Marie Anjou
1312 Serissa Ct.
Orlando, Florida 32818

COVER LETTER

September 24, 2024

Marie J Anjou

1312 Serissa Ct., Orlando, FL 32818

To: Board of Zoning Adjustment (BZA)

Orange County Zoning Division

201 South Rosalind Avenue, 1st Floor, Orlando, Florida 32801

Phone: (407) 836-3111 ; Email : bza@ocfl.net

RE: Variance Request

Job address: 915 Buena Vista Ct., Orlando, FL 32818

Variance in the R-1AA zoning district to allow a 11.5ft setback in lieu of 35ft, in order to add 700 sq. ft. living space at the rear side of the existing house. The proposed structure size is 25ftx28ft. This is the result of a Code enforcement.

Special Conditions and Circumstances

Due to the current housing market crisis in Florida, the addition at the back of my property will help to alleviate the housing need for my family members that need housing upon their arrival to the US amid their approval from the Humanitarian Parole Program. There is a housing shortage throughout the

country. Housing Affordability is a great challenge. Prices are extremely high, and interest rates are staggering at all-time highs. Hence, I have decided to use the backyard of my property to add 1 bedroom, 1 den, 1 bath and living area, in preparation for providing adequate living space for my family members. I am requesting a variance to be able to complete the project on my property, and I will be applying for the necessary permits and requesting the required inspections to comply with the rules and regulations of the local authorities upon approval of the request.

Not self-Created

Unfortunately, I was not aware of the building department regulations to pull permits in the backyard of my property, nor the zoning requirements, regarding setbacks, height limitations...

No Special Privilege Conferred

The surrounding area falls within the same zoning district, and some have made improvements in the back of their properties. Granting the variance, I will be applying for permitting as requested by the inspector in charge, and I will be working with a design professional to address the issues in order to obtain the building permit along with the required sub-permits. The use will not act as a detrimental intrusion into a surrounding area.

Deprivation of Rights

I have already requested and obtained approval from a few of my surrounding neighbors to continue with the project. I clearly explained the intent of the project and there were no objections from them. The letters of no objection from the neighbors are attached to this submittal. My desire is to schedule and pass the required inspections to provide a safe and sound home for my family members. The use will meet the performance standards of the district in which the use is permitted.

Minimum Possible Variance

As stated earlier, the allowed rear setback of the R1-AA zoning district is 35ft. There is a 6ft high private wood fence surrounding the property from our neighbors. There should be no concern with noise and odor.

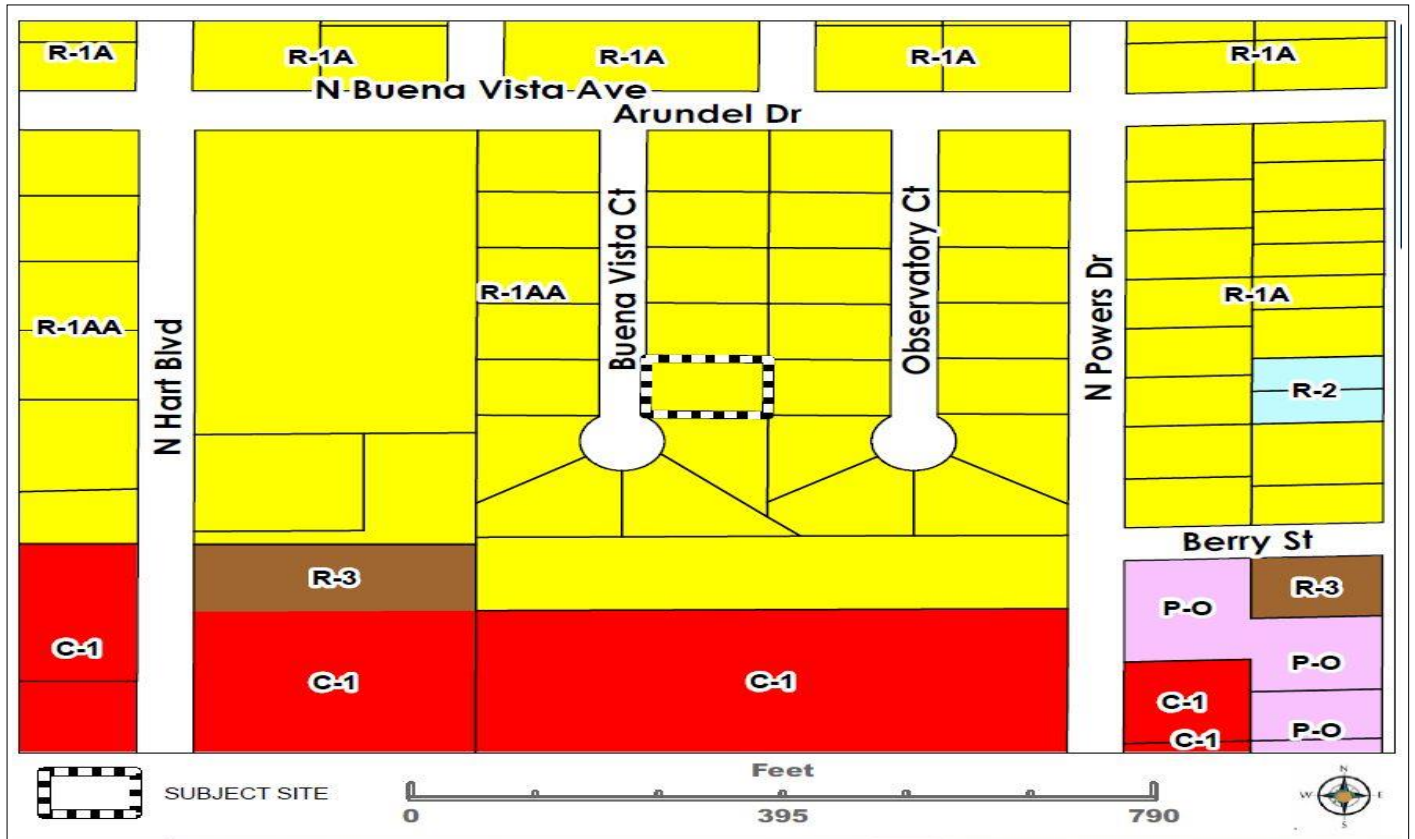
Purpose and Intent

The purpose and intent of this request is to allow the addition of 1 bedroom, 1 den, 1 bathroom and living area to accommodate my family members amid their approval from the Humanitarian Parole Program, since there's not enough space at my house and they won't be able to afford rent elsewhere upon their arrival. Few of my neighbors have provided me with letters of no objection and they are attached to this submittal. The impact on surrounding properties shall be significantly minimal due to the 6ft high privacy wood fence surrounding the property; the project will not be visible from any of our neighbors. There should be no concern with any quantifiable negative impact to the surrounding property owners. Hence, approval of the requested variance would be in harmony with the purpose and intent of the Zoning Regulations. I am hoping this request can be approved. Please see the documentation attached to this request.

Kind regards,

Marie J Anjou

ZONING MAP



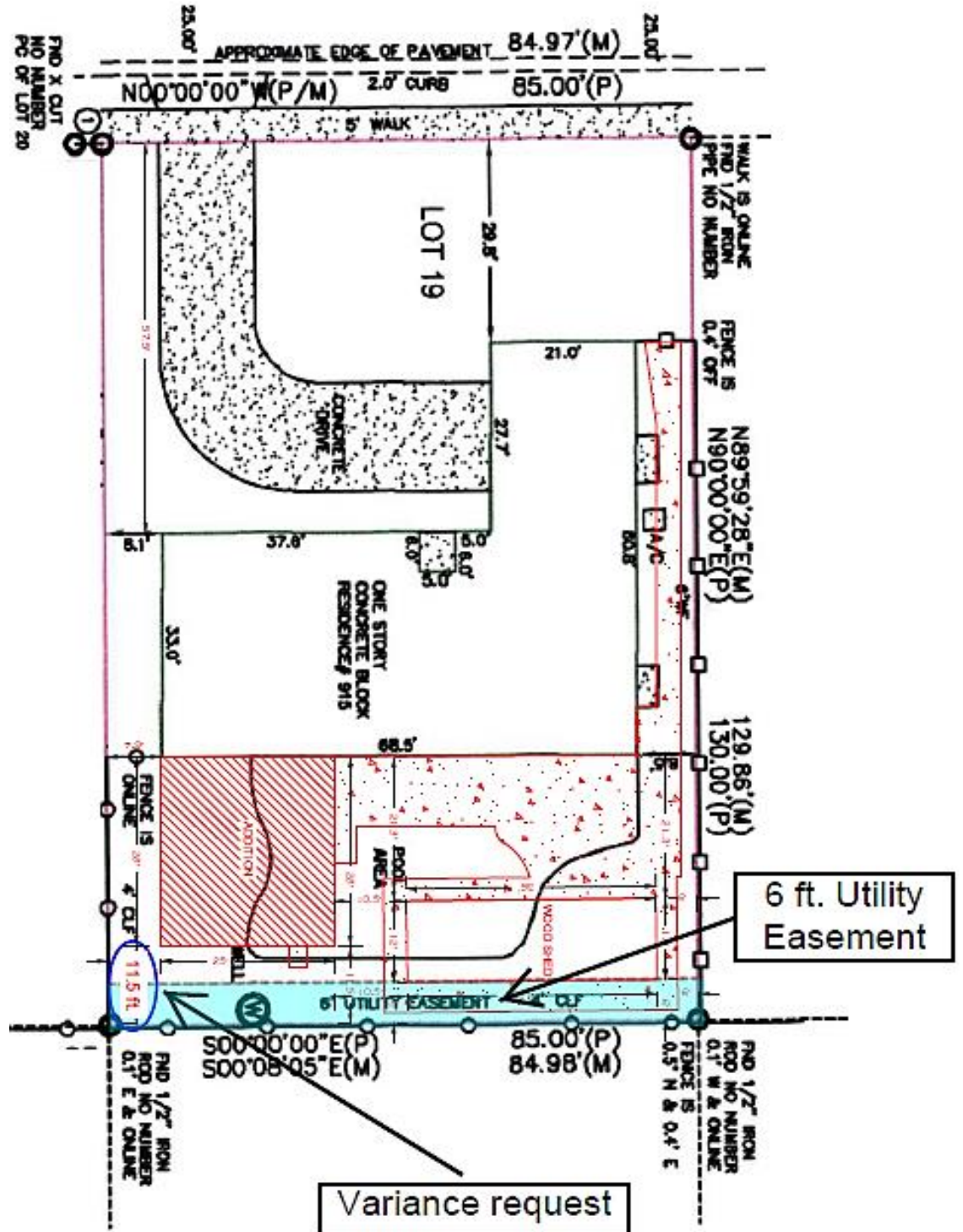
AERIAL MAP



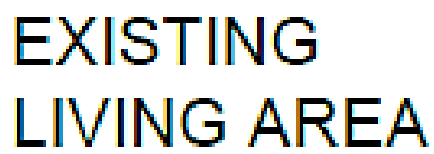
SITE PLAN



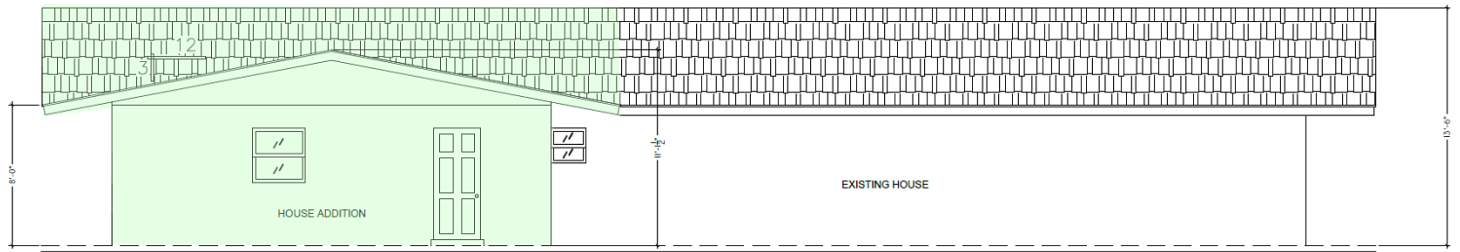
Buena Vista Court



PARTIAL FLOOR PLAN

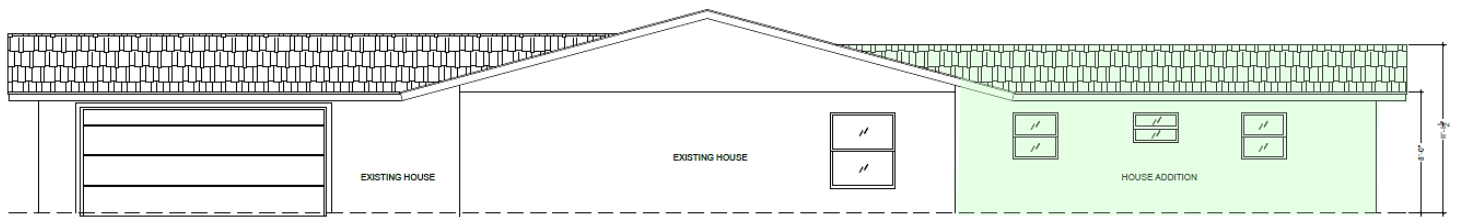


ELEVATIONS



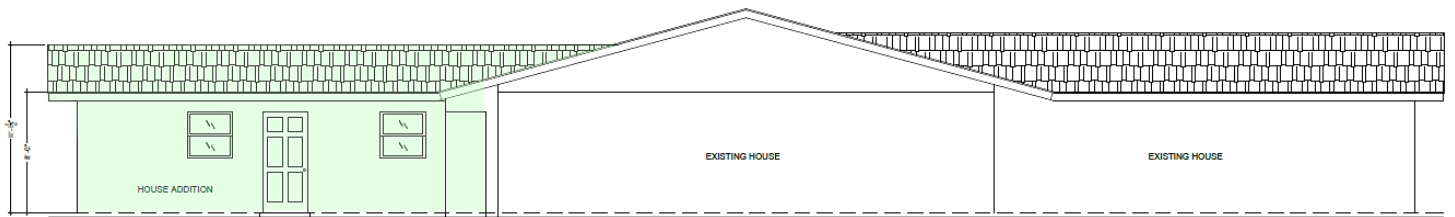
PROPOSED REAR ELEVATION

SCALE 1/4" = 1'-0"



PROPOSED RIGHT ELEVATION

SCALE 1/4" = 1'-0"



PROPOSED LEFT ELEVATION

SCALE 1/4" = 1'-0"

SITE PHOTOS



Facing northeast towards front of subject property



Rear yard, facing south towards addition

SITE PHOTOS



Rear yard, facing southwest towards addition



Rear yard, facing northwest towards addition

SITE PHOTOS



Rear yard, facing southeast (unpermitted accessory structure)



Side yard, facing northeast

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 05, 2024**

Commission District: **#5**

Case #: **VA-24-12-123**

Case Planner: **Jenale Garnett (407) 836-5955**

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): COURTNEY HOGBEN, KABLE HOGBEN

OWNER(s): COURTNEY HOGBEN, KABLE HOGBEN

REQUEST: Variances in the R-1AA zoning district for the construction of a residence as follows:

- 1) To allow a south front setback of 25 ft. in lieu of 30 ft.
- 2) To allow a north rear setback of 25 ft. in lieu of 35 ft.

PROPERTY LOCATION: 2515 Woodside Ave., Orlando, FL 32803, north side of Woodside Ave., east of N. Mills Ave., west of Winter Park Rd., north of Corrine Dr.

PARCEL ID: 18-22-30-0568-00-610

LOT SIZE: +/- 0.31 acres (+/- 13,607 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 100

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Chris Dowdy, Second by Roberta Walton Johnson; unanimous; 7 in favor: John Drago, Juan Velez, Deborah Moskowitz, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Chris Dowdy; 0 opposed; 0 absent):

1. Development shall be in accordance with the site plan and elevations dated October 22, 2024, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
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. A pool and deck permit shall be obtained within one year of the demolition of the existing residence.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for denial. Staff noted that four (4) comments were received in support, and one (1) comment was received in opposition to the request.

The applicant and team discussed the staff recommendation of denial, noting the reason for the design and configuration of the proposed residence is to be similar to the footprint of the existing house that is to be demolished, and the desire to preserve the open space in the side yards. Furthermore, a brief explanation was provided of the impact of using the buildable area of the lot.

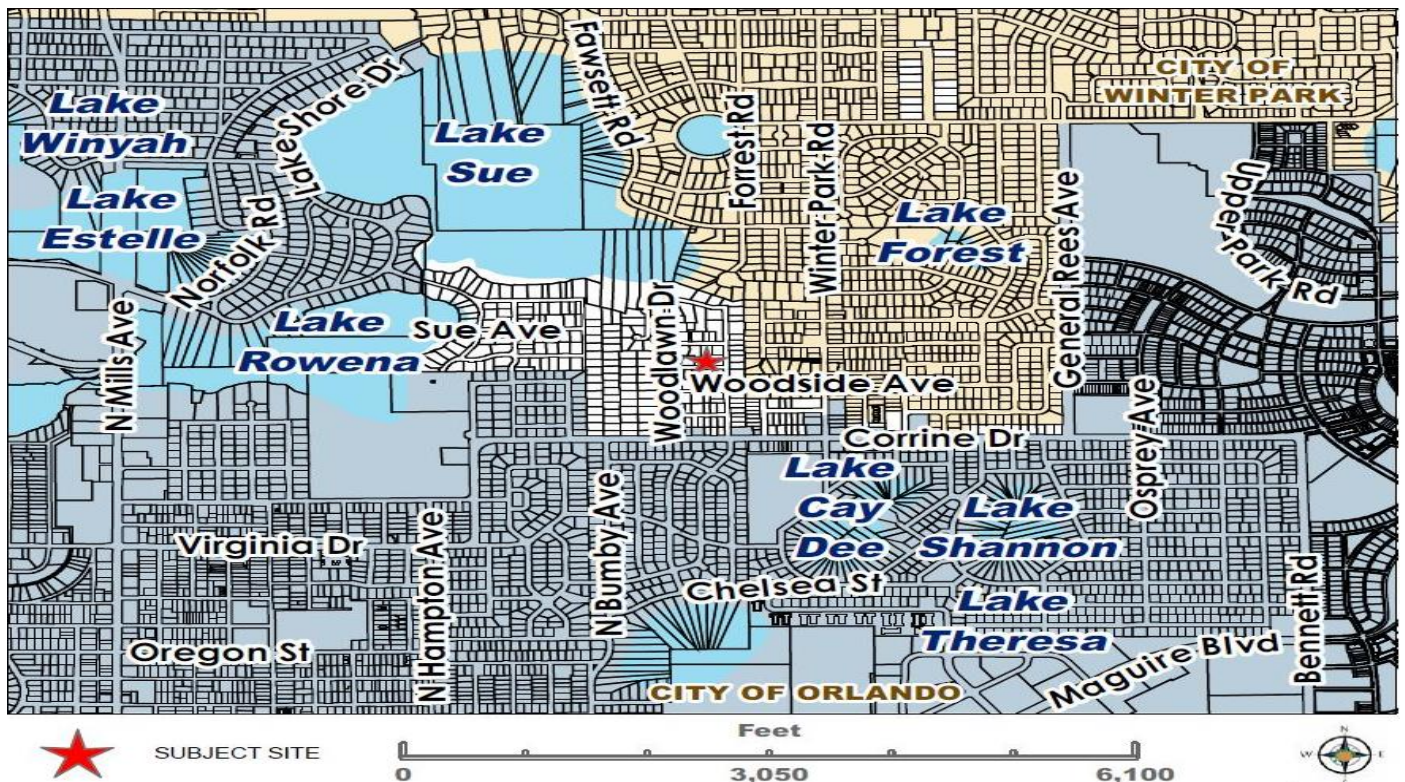
There was no one in attendance to speak in favor or in opposition to the request.

The BZA discussed the request, noting the varying lot sizes and shapes in the subdivision, the proposed residence being consistent with the footprint of the existing residence, and that it would not have any negative impacts to the surrounding area. The BZA unanimously recommended approval of the Variances by a 7-0 vote, subject to the four (4) conditions found in the staff report.

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of the Variances, 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	R-1AA	R-1AA	R-1AA	R-1AA	R-1AA
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residence	Single-family residence	Single-family residence	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1AA, Single-Family Dwelling District, which allows single-family homes and associated accessory structures. The Future Land Use is Low Density Residential (LDR), which is consistent with the R-1AA zoning district.

The area surrounding the subject site consists of single-family homes. The subject property is a 0.31 acre lot, platted in 1925 of the Beeman Park subdivision, and is a conforming lot of record. Although the cover letter states the lot as non-conforming, the lot meets and exceeds the minimum lot width and lot size. It is developed with a two-story 3,339 gross sq. ft. single-family home that was constructed in 1977. Improvements to the property include a pool and deck, which has been on the property since at least 2003 where we have clear aerials available. There is no record of permits for the pool and deck. The property was purchased by the current owners in 2019.

The proposal is to demolish the existing residence and to construct a new 4,960 gross sq. ft., two-story, 5 bedrooms, 3.5 bath single-family home. The existing pool is proposed to remain, and the wood deck is proposed to be replaced with a new concrete deck. The existing residence constructed in 1977, was built with setbacks of 25 ft. front, 25 ft. rear, and 6 ft. on the sides. Although, the proposed residence complies with the side setbacks, the applicant is proposing a 25 ft. south front setback when 30 ft. is required, and a 25 ft. north rear setback in lieu of 35 ft., requiring Variances #1 and #2 respectively.

As the proposed residence is new construction, it could be redesigned to meet code, thereby eliminating the need for the Variances. The lot exceeds the minimum lot width and size for the district allowing ample area for constructing a code-complaint home. For example, the plans could be redesigned to increase the width of the residence since there is sufficient space in the side yards with the current proposed design, thus negating the need for the Variances. Although the surrounding properties in the area contain approved Variances for front and rear yard setbacks, these requests consisted of additions to the existing residences on substandard lots and are therefore not comparable to the subject request.

As of the date of this report, one comment has been received in favor of the request, and no comments have been received in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	26.4 ft.
Min. Lot Width:	85 ft.	126 ft.
Min. Lot Size:	10,000 sq. ft.	13,607 sq. ft.

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	30 ft.	25 ft. (South – Variance #1)
Rear:	35 ft.	25 ft. (North – Variance #2)
Side:	7.5 ft.	36 ft. (East) 36 ft. (West)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

There are no special conditions or circumstances particular to the subject property because this is new construction of a single-family residence on a lot that meets and exceeds the minimum lot width and lot size. Furthermore, the plans could be redesigned to increase the width of the residence since there is sufficient space in the side yards, thus negating the need for the Variances. The allowable buildable area for this property is over 5,000 sq. ft. for which a 4,960 sq. ft. two-story residence could easily be designed to meet.

Not Self-Created

The request is self-created in that it is new construction and there are alternatives to eliminate the requests.

No Special Privilege Conferred

The requests would confer special privilege since there are no surrounding properties with similar reduction in the front and rear yard on parcels with a similar lot width and lot size as the subject property.

Deprivation of Rights

The applicant is not being deprived the right to construct a single-family residence, and there is sufficient space on the property to meet the required setbacks.

Minimum Possible Variance

The Variances are not the minimum, since the house could be redesigned to meet code.

Purpose and Intent

Approval of the requested Variances would not be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding

properties. There are options available to redesign the house to meet the front and rear setbacks so as not to negatively impact the adjacent properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated October 22, 2024, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
 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. A pool and deck permit shall be obtained within one year of the demolition of the existing residence.
- C: Courtney Hogben and Kable Hogben
2515 Woodside Avenue
Orlando, Florida 32803
- Michael Weinstein
855 East Plant Street, Suite 200
Winter Garden, Florida 34787

COVER LETTER

October 16, 2024

Orange County Zoning Division
Board of Zoning Adjustment
201 S. Rosalind Ave, 1st Floor
Orlando, FL 32801

RE: Hogben Residence
2515 Woodside Avenue
Orlando, FL 32803
Parcel ID 18-22-30-0568-00-610

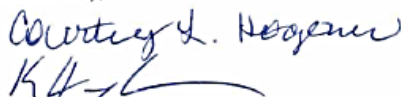

Dear Orange County Zoning Division:

We are the homeowners of 2515 Woodside Avenue (Parcel ID: 18-22-30-0568-00-610), which consists of Lots 62 and 63 less 17 feet in the rear yard. We are proposing a 4,051 square foot home, and current Orange County setbacks do not allow for such a residence given our non-conforming lot. Therefore, we are requesting a variance of the front and rear setbacks to 25 and 25 which conforms with R-1A residential building standards. Our current home was built in 1977 and is aging beyond repair. We love our neighborhood and would like to build a new structure on our lot. Unfortunately, our non-conforming lot significantly limits the structure, and we are proposing a standard size that was originally intended for Lots 62 and 63.

We will be building a 2 story, 5 bedroom, 3.5 bathroom home to be built by L&G Brothers Homes, LLC DBA OLO Builders. The first floor will be constructed using concrete block and the second story will be constructed using wood. The structure will be 25 feet from the rear setback in compliance with forthcoming Orange Code and 25 feet from the front setback. The current code of R-IAA allows for 30 foot front setback and 35 foot rear setback. The goal is to align with Orange Code and request the minimum remaining amount needed that was excluded from Lots 62 and 63. The proposed structure is 26.5 feet tall, and code allows for a maximum of 35 feet to be built in this area.

We appreciate your time and consideration of this matter.

Sincerely,

Hogben Residence

Encl: Six standards for variance approval
Application and Fee
Orange County Specific Expenditure Report
Relationship Disclosure Form
Detailed site survey
Architectural elevation for proposed structure

COVER LETTER

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 a proposed zoning variance.

Due to reasons unknown to current owner, Parcel 18-22-30-0568-00-610 is a nonconforming lot that has excluded 17 feet of Lots 62 and 63 in the rear yard as evidenced by the attached land survey.

2. **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed 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.

Parcel 18-22-30-0568-00-610 has been a nonconforming lot since it was purchased by the current owners in June 2019 per the enclosed survey obtained by owners prior to purchase.

3. **No Special Privilege Conferred** - Approval of the zoning variance 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.

Owner seeks a variance to build a home that would fit on Lots 62 and 63 as is allowable for standard lots in the same zoning district.
Owner's home is the only non-conforming lot in the area in R-1AA.

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 property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

Owner's home is aging beyond a desirable level, including inefficient air ducts and leaking windows, which is uncomfortable and unsafe given conditions in Florida. Repairs have been insufficient and owner seeks to build a new home.

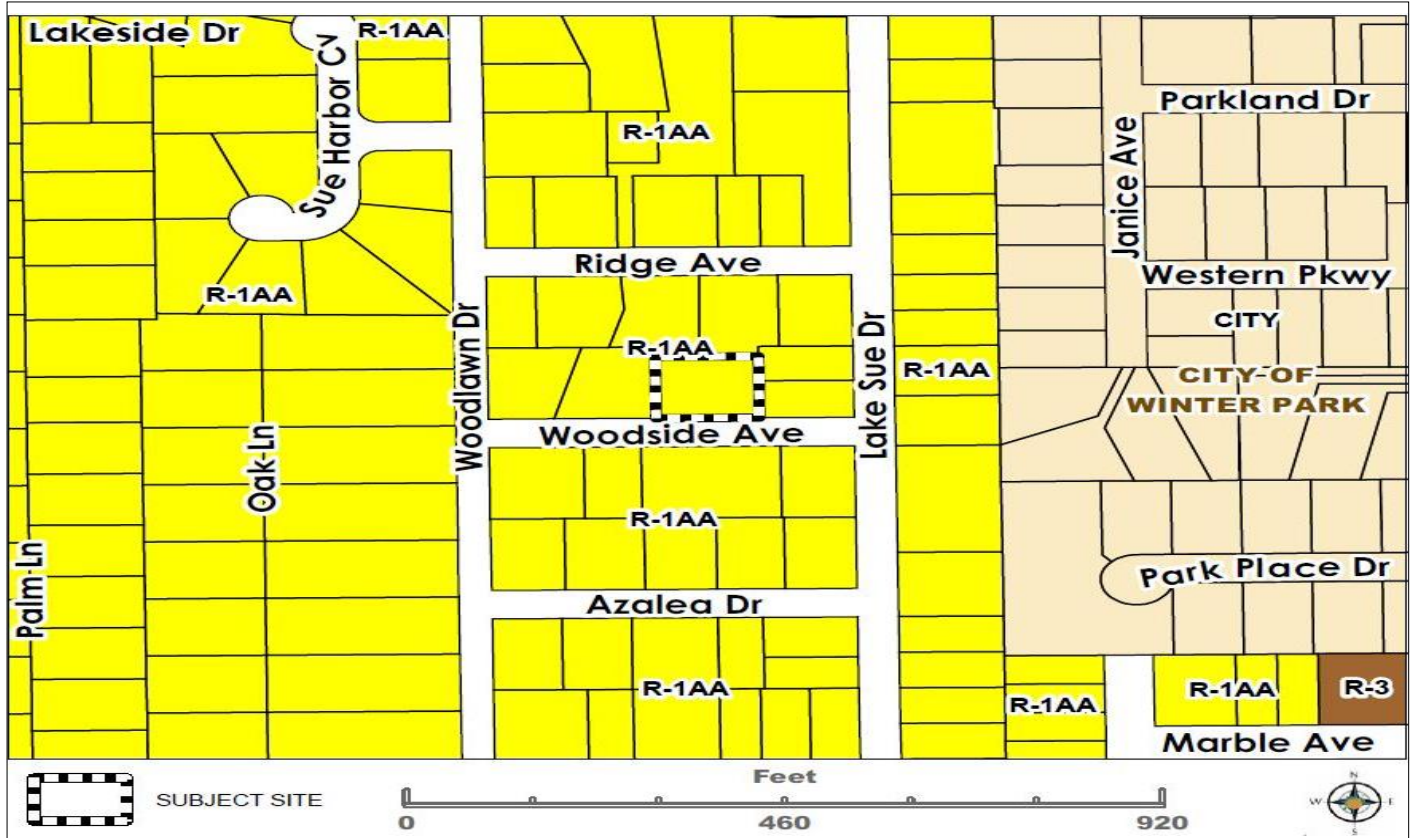
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Owner seeks the minimum variance to replace a portion of the the 17 feet excluded from Parcel 18-22-30-0568-00-610 as originally intended for Lots 62 and 63.

6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The variance will not injure public welfare and would instead improve and beautify the neighborhood as an aging home is replaced.

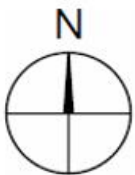
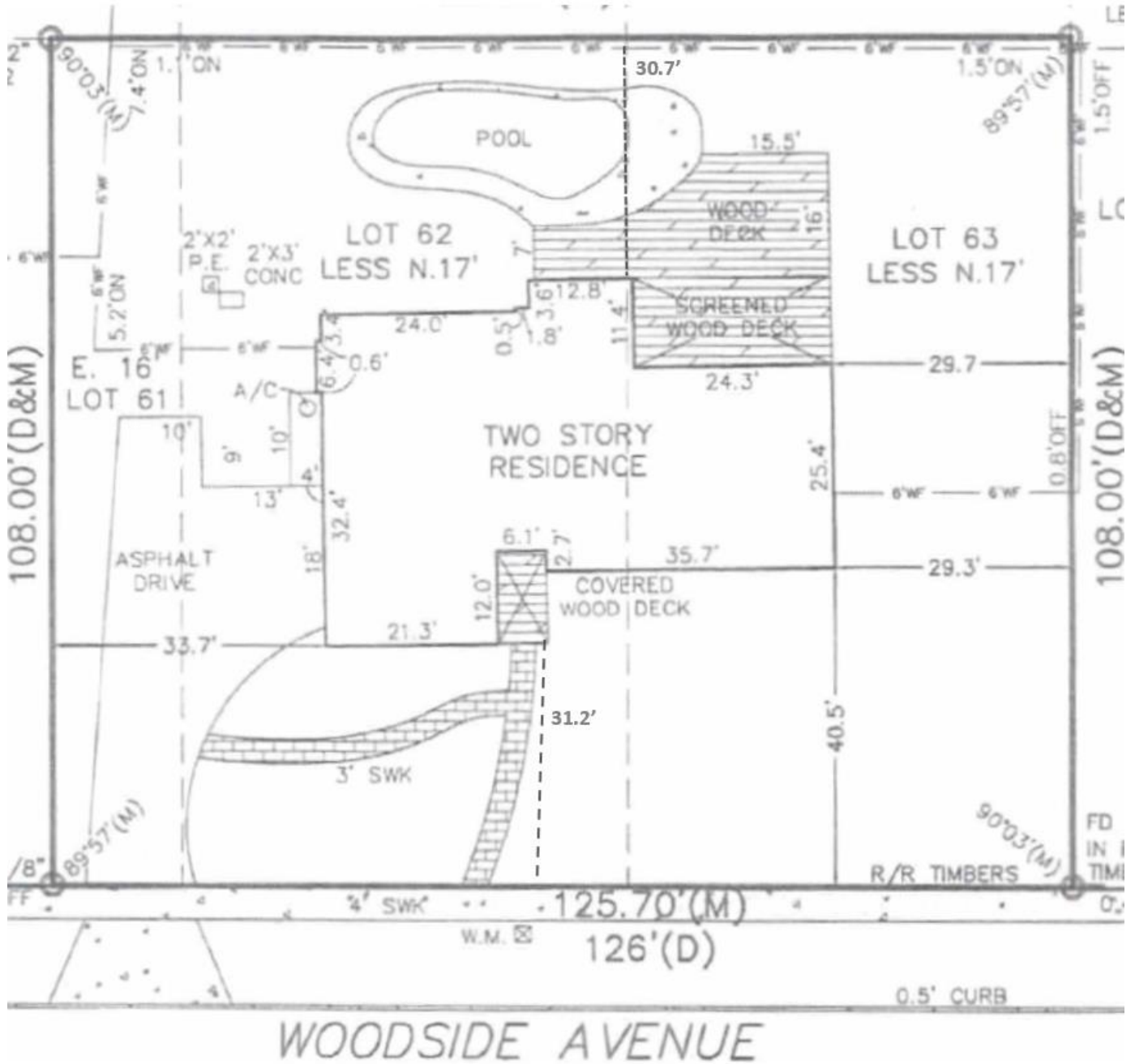
ZONING MAP



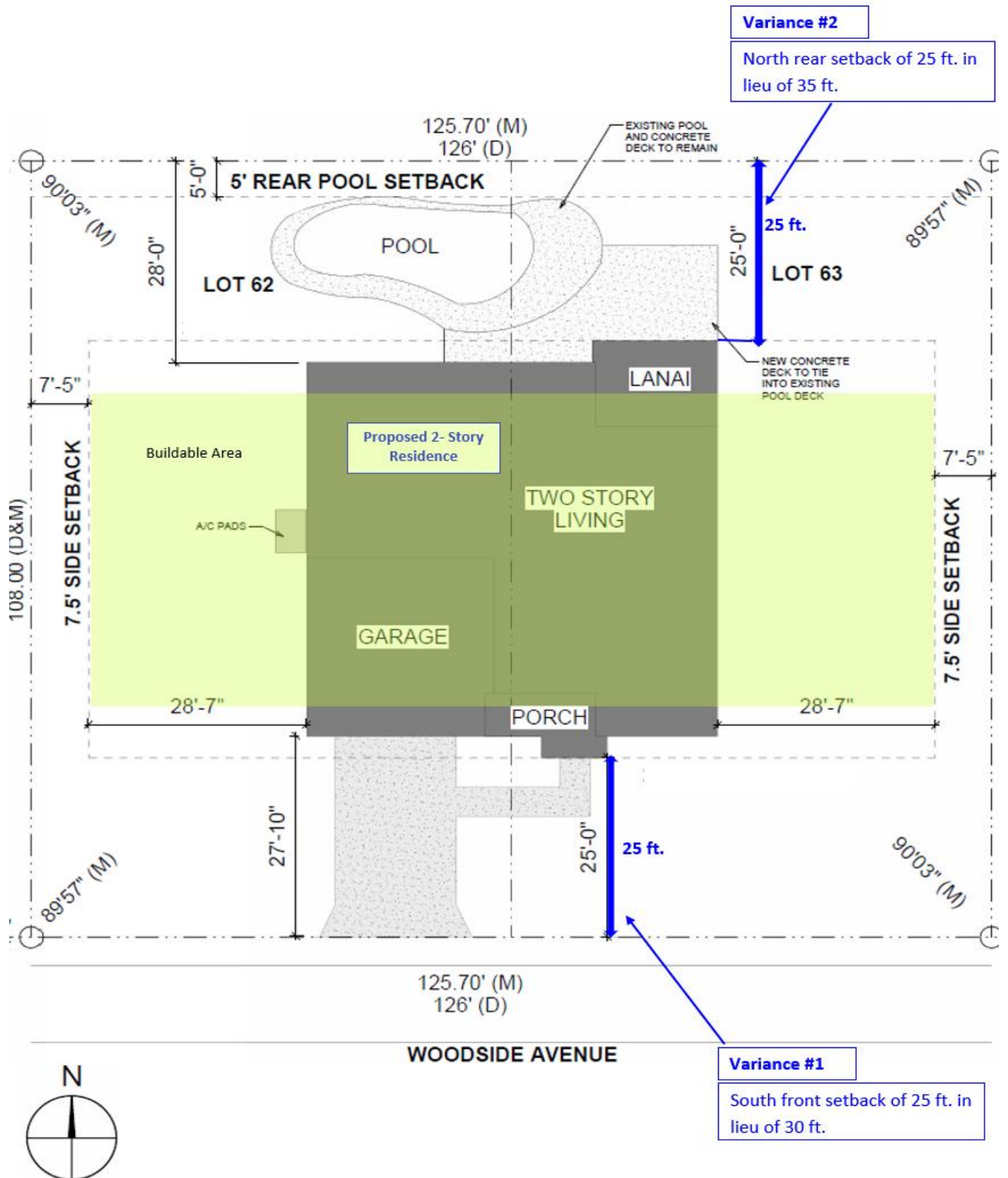
AERIAL MAP



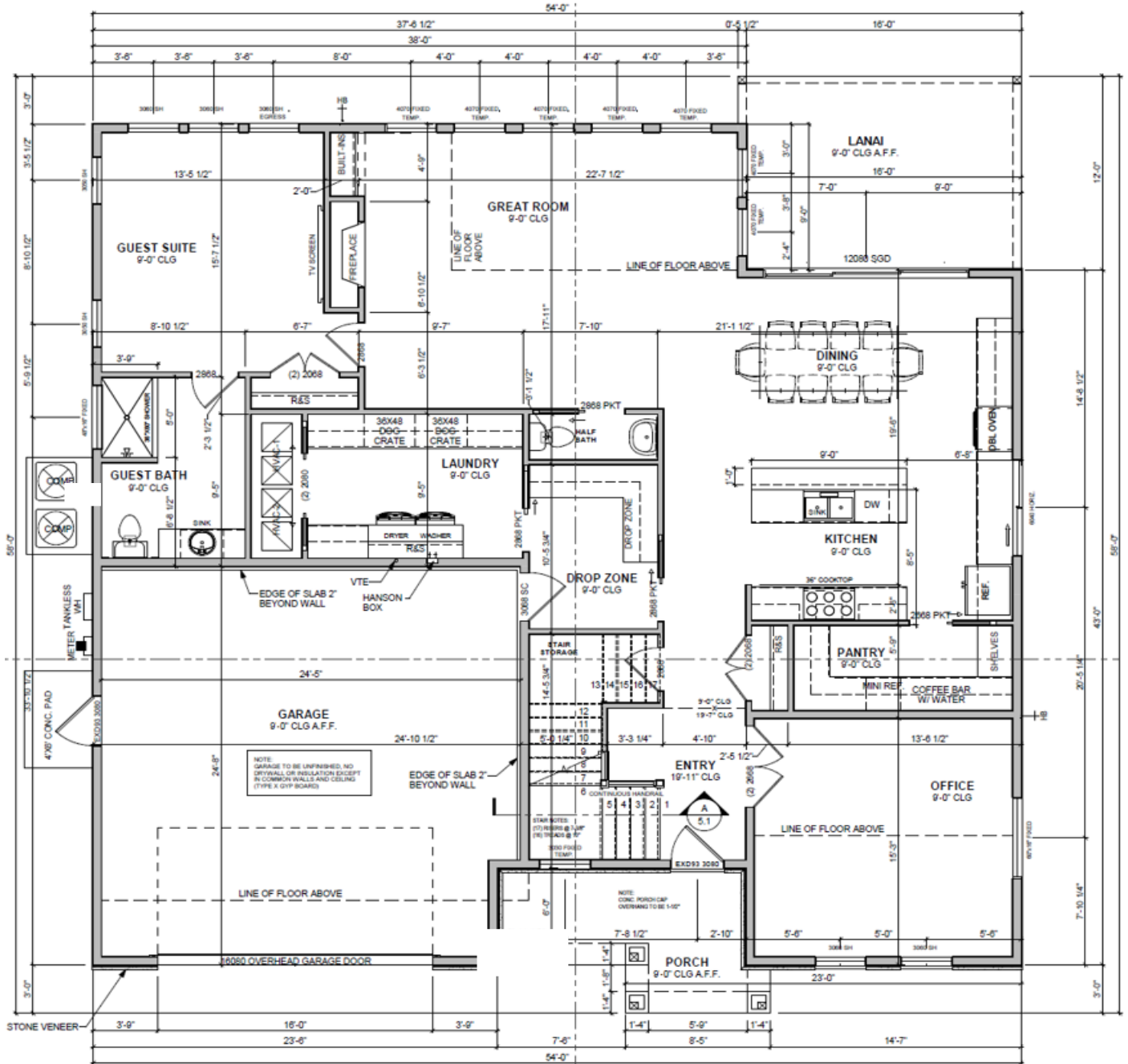
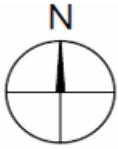
SURVEY

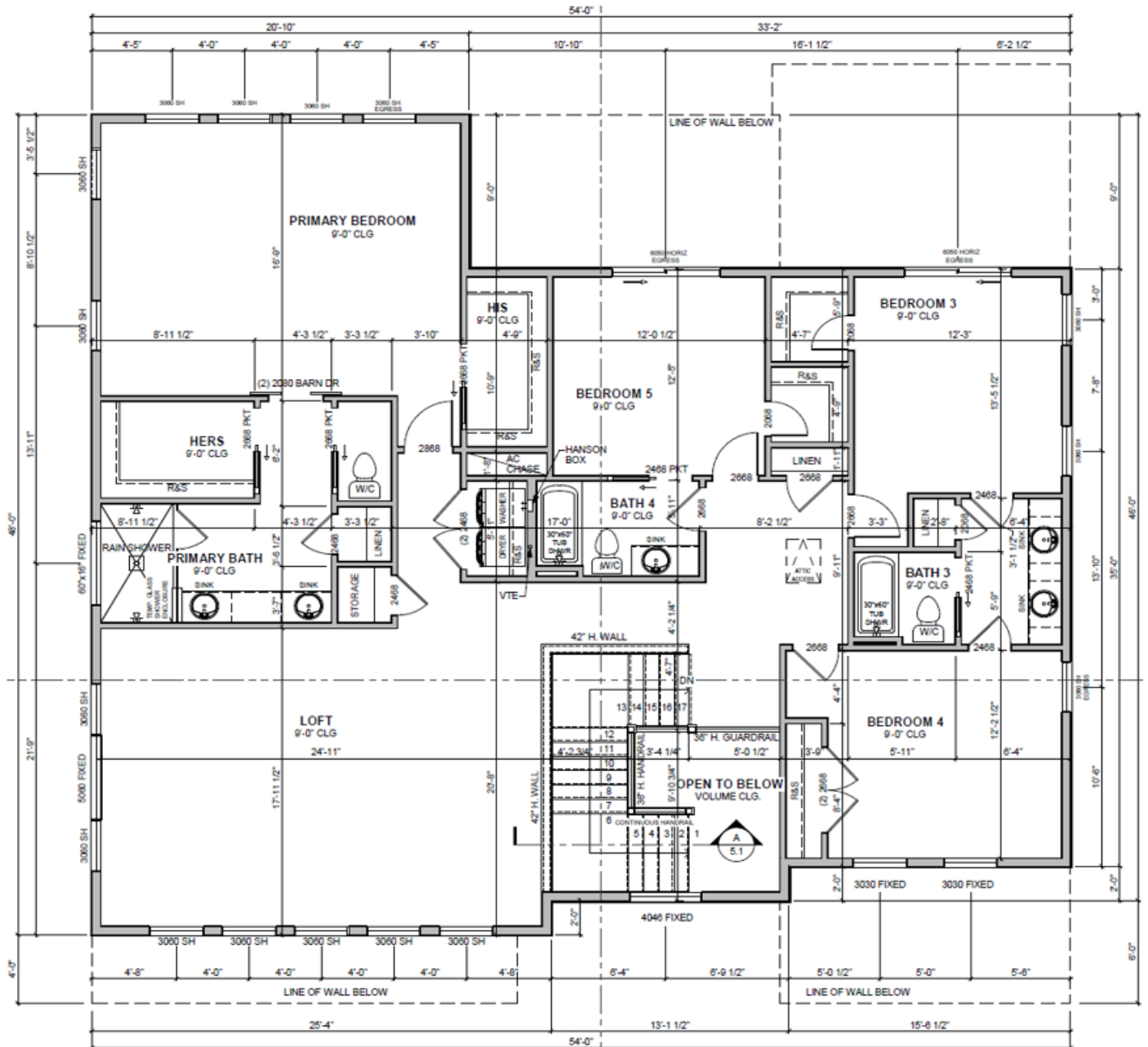


SITE PLAN



FIRST FLOOR PLAN



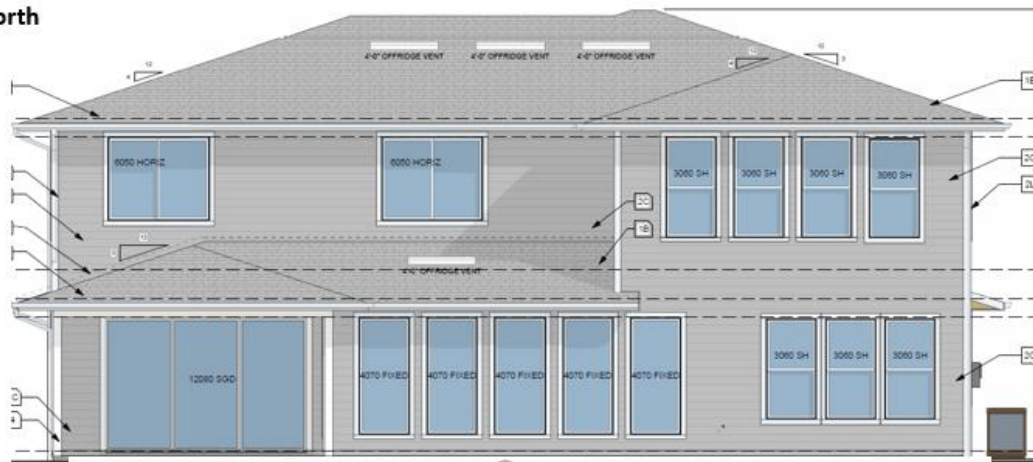


ELEVATIONS

Front Elevation - South



Rear Elevation - North



Right Elevation - East



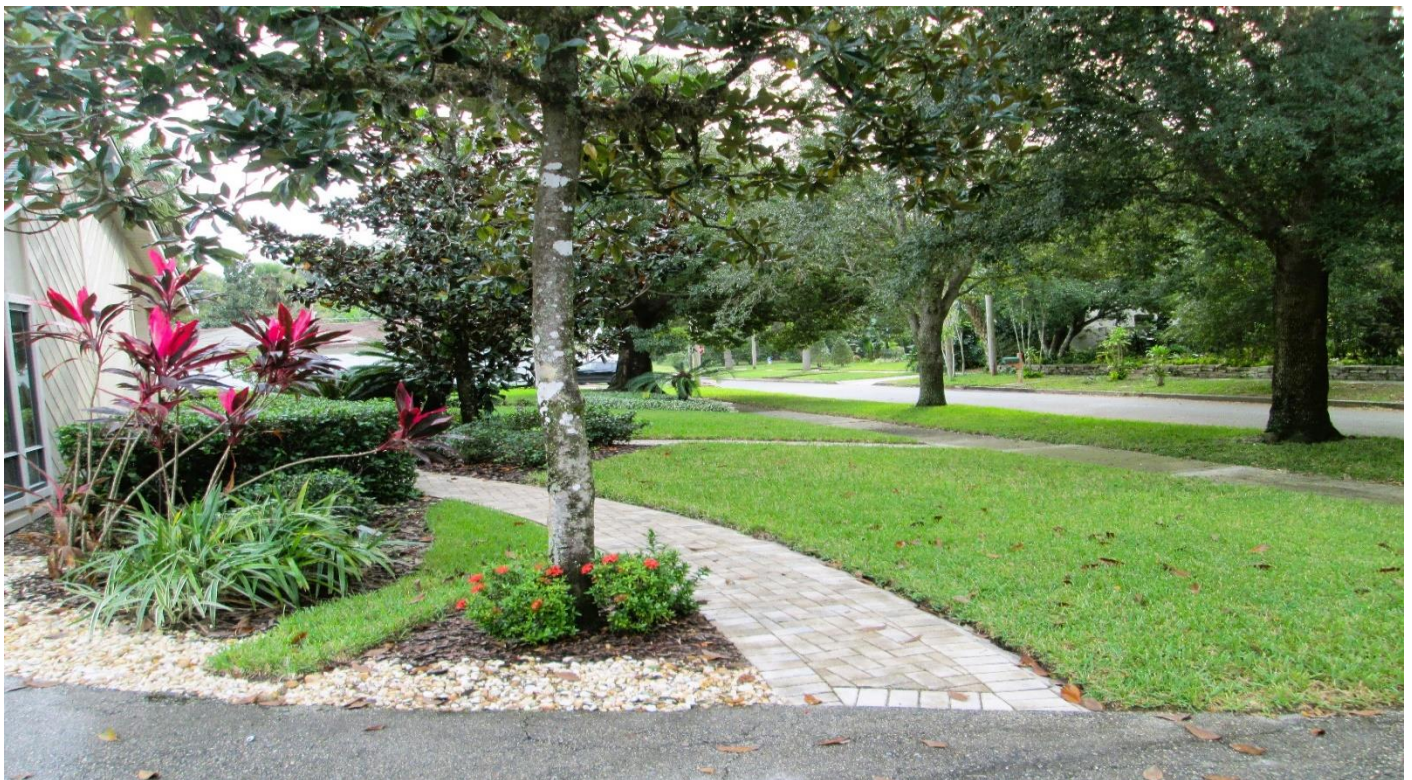
Left Elevation - West



SITE PHOTOS



Facing north from Woodside towards subject property



Front yard, facing east towards Variance #1 request for proposed residence

SITE PHOTOS



Rear yard, facing southwest towards existing rear of residence



Rear yard, facing north towards requested Variance #2 request for proposed residence

SITE PHOTOS



Rear yard, facing northeast towards existing pool and wood deck

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 05, 2024**

Commission District: **#6**

Case #: **VA-24-08-078**

Case Planner: **Jenale Garnett (407) 836-5955**

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): RICHARD ARNOLD

OWNER(s): RICHARD ARNOLD, COSETTE ARNOLD

REQUEST: Variances in the R-1 zoning district as follows:

- 1) To allow an existing raised deck with a north side setback of 3 ft. in lieu of 6 ft.
- 2) To allow an existing raised deck with a Normal High Water Elevation (NHWE) of 27 ft. in lieu of 50 ft.
- 3) To allow an addition with a Normal High Water Elevation (NHWE) of 27 ft. in lieu of 50 ft.
- 4) To allow an addition with a north side setback of 3.5 ft. in lieu of 6 ft.

Note: This is a result of Code Enforcement.

PROPERTY LOCATION: 9001 Spence Ct., Gotha, FL 34734, east terminus of Spence Ct., south of Old Winter Garden Rd., east of Woodlawn Cemetery Rd., west side of Lake Rose, north of Wilkening Farm Rd.

PARCEL ID: 27-22-28-8211-00-050

LOT SIZE: +/- 0.6 acres (+/- 0.5 acres upland)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 133

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Sonya Shakespeare, Second by Chris Dowdy; unanimous; 7 in favor: John Drago, Juan Velez, Deborah Moskowitz, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Chris Dowdy; 0 opposed; 0 absent):

1. Development shall be in accordance with the site plan and elevations dated June 10, 2024, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
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 any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the Variance request and, which shall inform all interested parties that the addition (covered deck) and raised deck is located no closer than 27 feet from the Normal High Water Elevation (NHWE) of Lake Rose.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for denial. Staff noted that one (1) comment was received in support, and nineteen (19) comments were received in opposition to the request.

The applicant and team discussed the staff recommendation of denial, noting the reason for building the unpermitted deck.

There was no one in attendance to speak in favor or in opposition to the request.

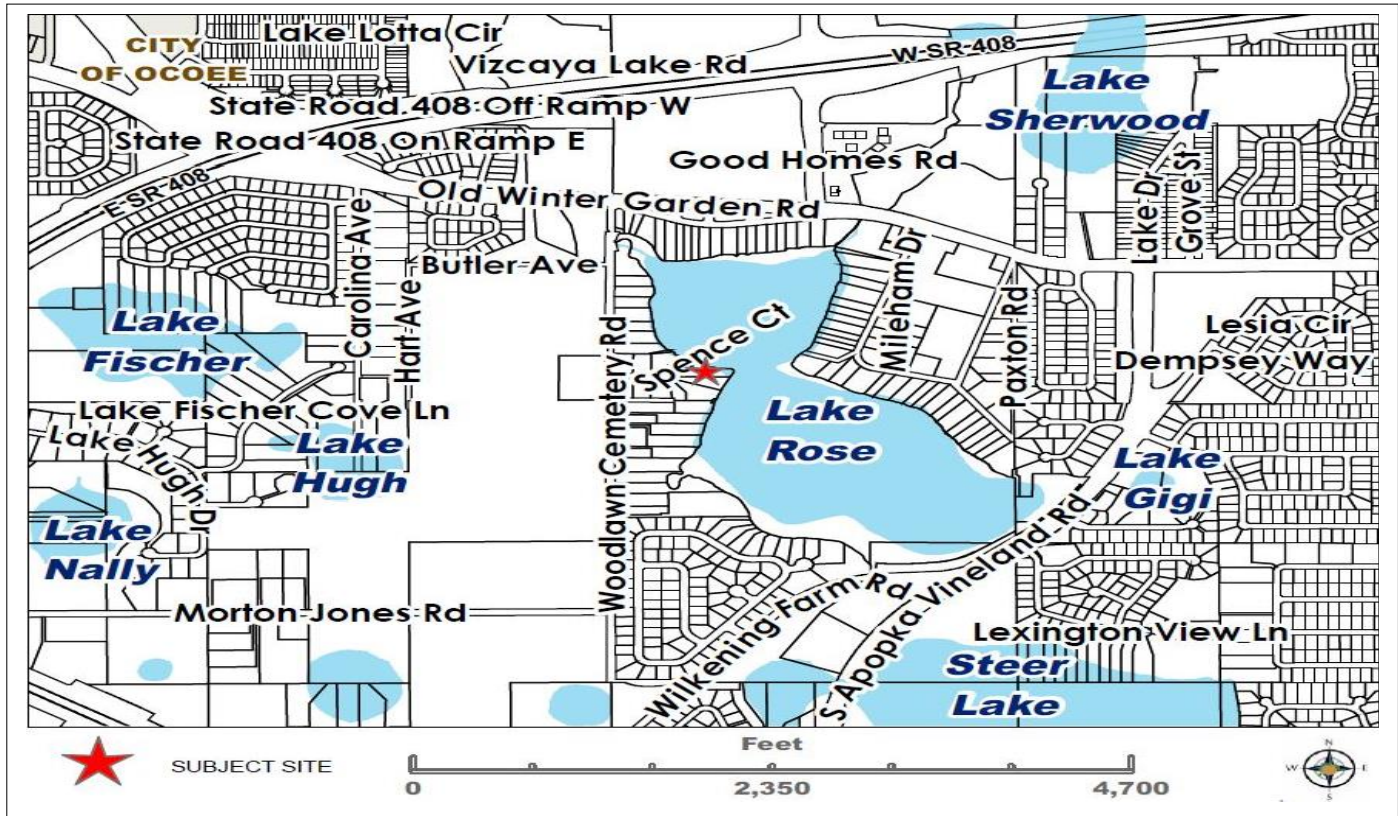
Code Compliance staff was present and had nothing further to add.

The BZA discussed the requests determining there are no negative impacts to the surrounding area and unanimously recommended approval of the Variances by a 7-0 vote, subject to the four (4) conditions found in the staff report.

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria for the granting of the Variances, 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	R-1	R-1	R-1	Lake Rose	R-1
Future Land Use	LDR	LDR	LDR	Lake Rose	LDR
Current Use	Single-family residence	Single-family residence	Single-family residence	Lake Rose	Single-family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1, Single-Family Dwelling District, which allows single-family homes and associated accessory structures. The Future Land Use is Low Density Residential (LDR), which is consistent with the R-1 zoning district.

The area surrounding the subject site is comprised of single-family homes, many of which are lakefront. The subject property is Lot 5 of the Spence's Point Plat located at the terminus of the Spence Court cul-de-sac, recorded in 1987, and is a conforming lot of record. It is a +/- 0.60 acre platted parcel of land located on Lake Rose, of which +/- 0.50 acres is upland. The remainder of the parcel is either wetland or submerged property

under Lake Rose. There is a 7.5 ft. utility easement along the south property line and a 10 ft. utility easement along the west; neither of these easements are affected by the Variances requested. The property was purchased by the current owner in 2014.

The triangular shaped lot is developed with a one-story 3,542 gross sq. ft. single-family house constructed in 1988, an attached screen room and wood deck located on the east side of the existing residence constructed in 2003, and a boat dock. In April 2002, Variances (VA-02-04-024) were approved to allow for the construction of additions to the single-family residence which included a setback from the NHWE of 40 ft. in lieu of 50 ft., and a south side yard setback of 3 ft. in lieu of 6 ft. A wood deck was installed without permits on the northwest side of the existing residence in 2014 according to the owner, and the year of installation cannot be ascertained via aerial imagery due to the heavily vegetated property prior to 2024.

Code compliance cited the property owner on August 23, 2024 (CE#: 645032) for the installation of an elevated deck on the side of the house without permits.

The proposal is to allow the existing 800 sq. ft., 11 ft. tall, unpermitted wood deck to remain with a north side setback of 3 ft. in lieu of 6 ft., requiring Variance #1. The same existing deck is located 27 ft. from the NHWE in lieu of 50 ft., requiring Variance #2. Also, the proposal includes covering 368 sq. ft. of the existing deck. The new covered deck is proposed to be 23.3 ft. in height. The middle section of the proposed covered deck is located 27 ft. from the NHWE in lieu of 50 ft., requiring Variance #3. Additionally, the covered portion of the deck is proposed to be located 3.5 ft. from the north side lot line in lieu of 6 ft., requiring Variance #4. A permit for the construction of the deck (B24007200) is on hold pending the outcome of this request. After assessing the requests, staff recommends denial of the Variances since the existing unpermitted deck and proposed improvement could have been reduced in size to lessen the Variances, or redesigned as a detached structure in a code compliant location, thereby eliminating the Variances.

The Orange County Environmental Protection Division has reviewed the request and has no objections.

As of the date of this report, one (1) comment has been received in favor of the request and seventeen comments have been received in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	23.3 ft. (proposed addition) 11 ft. (uncovered deck)
Min. Lot Width:	50 ft.	50 ft.
Min. Lot Size:	5,000 sq. ft.	29,769 sq. ft. (21,780 acres upland)

Building Setbacks

	Code Requirement	Proposed
Front:	25 ft.	61.6 ft. existing residence (West)
Rear:	25 ft.	75 ft. existing residence (Northeast)
Side:	6 ft.	3 ft. existing uncovered raised deck (North – Variance #1) 3.5 ft. proposed addition (North – Variance #4) 7.5 ft. existing residence (South)
NHWE:	50 ft.	27 ft. existing uncovered raised deck (Northeast – Variance #2) 27 ft. proposed addition (Northeast – Variance #3) 40 ft. screen room (Northeast approved through VA-02-04-024)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

There are no special conditions or circumstances as there are other options such as reducing the size to lessen the Variances, or to redesign the deck and proposed addition as a detached structure in a code compliant location, thereby eliminating the Variances.

Not Self-Created

The request is self-created since there are alternatives available to reduce the size or to redesign the deck and proposed addition to comply with code, thereby eliminating the Variances.

No Special Privilege Conferred

Granting these Variances will confer a special privilege since there are other options to construct an addition and deck that can meet the setback requirement.

Deprivation of Rights

The applicant is not being deprived the right to construct an addition and deck.

Minimum Possible Variance

The Variance requests are not the minimum since there are alternatives to reduce or eliminate the requests.

Purpose and Intent

Approval of the requested Variances will allow improvements to the site, which will be in harmony with the purpose and intent of the Zoning Regulations. The proposed addition and deck will not be significantly visible

from any of the surrounding properties at the terminal end of the Spence Court cul-de-sac due to the existing mature landscaping, thereby limiting any quantifiable negative impact to surrounding property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated June 10, 2024, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
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 any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the Variance request and, which shall inform all interested parties that the addition (covered deck) and raised deck is located no closer than 27 feet from the Normal High Water Elevation (NHWE) of Lake Rose.

C: Rick Arnold
9001 Spence Court
Gotha, Florida 34734

Emiel McNish
3501 Chandler Estates Drive
Apopka, Florida 32712

RICK ARNOLD

9001 Spence Ct. Gotha, FL | 407.578.9607 | rickwarnold@gmail.com

JULY 27, 2024

Orange County
Zoning BZA
201 S. Rosalind Ave
Orlando, FL 32801

BOARD OF ZONING ADJUSTMENT

Please find the attached application for variance at our home in Gotha.

This application is for the addition of a partially covered outdoor deck on the north side of our residence. The reasoning for the request is two-fold. The primary reason being that we love our lake and home and wish to have a better means to enjoy the outdoors with our family. The second reason is to bring everything current with Orange County while enhancing our home appearance and outdoor space.

We did a permitted addition in 2003 that had a deck as part of it. This deck was expanded without a permit out of necessity when we adopted 3 children in 2014 out of safety concerns for our then 2,3,4-year-old sons.

This deck area exceeds code requirements will largely remain as is and it will be augmented per plans for architectural flow as well as usability. The current deck area does not encroach and there are two spots with the new configuration where it will due to the covered area and articulation for aesthetic reasons.

This structure will be a wood frame deck with roof structure consistent with the rest of the home and will be constructed to be a seamless addition visually to the home.

Criteria:

- 1- The lots in this subdivision are all highly irregular as you will see on the survey. We believe this request to be of no impact to anyone or anything.
- 2- We do not believe this request is self-created.
- 3- There are no special privileges expected as part of this request.
- 4- We understand setbacks and the needs, however this request is based on useability of the space and consistent with similar approvals in Gotha.
- 5- The variance requested is specifically for two pinpoint locations along the setback where we would encroach due to the odd property line angle. The two spots put us within 3 & 3.5' of the property line on a 7.5' utility easement that is in the rear of the property and would never be used. We also request that the existing deck remain in the application.
- 6- This request is professionally designed and in complete harmony with the existing structure and will do nothing except raise the value of the homes in the subdivision.

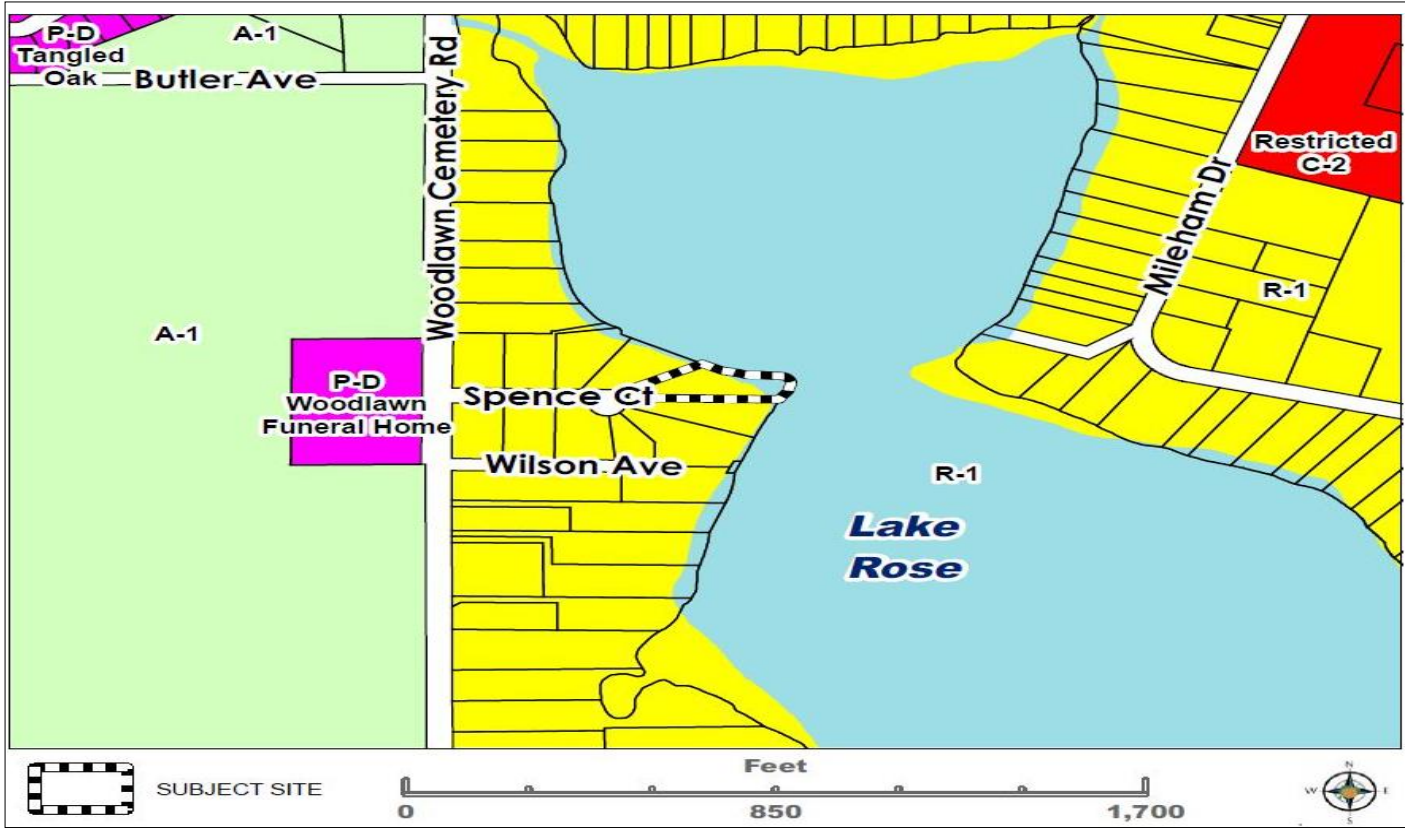
Thank you in advance for your thoughtful consideration.

Respectfully,

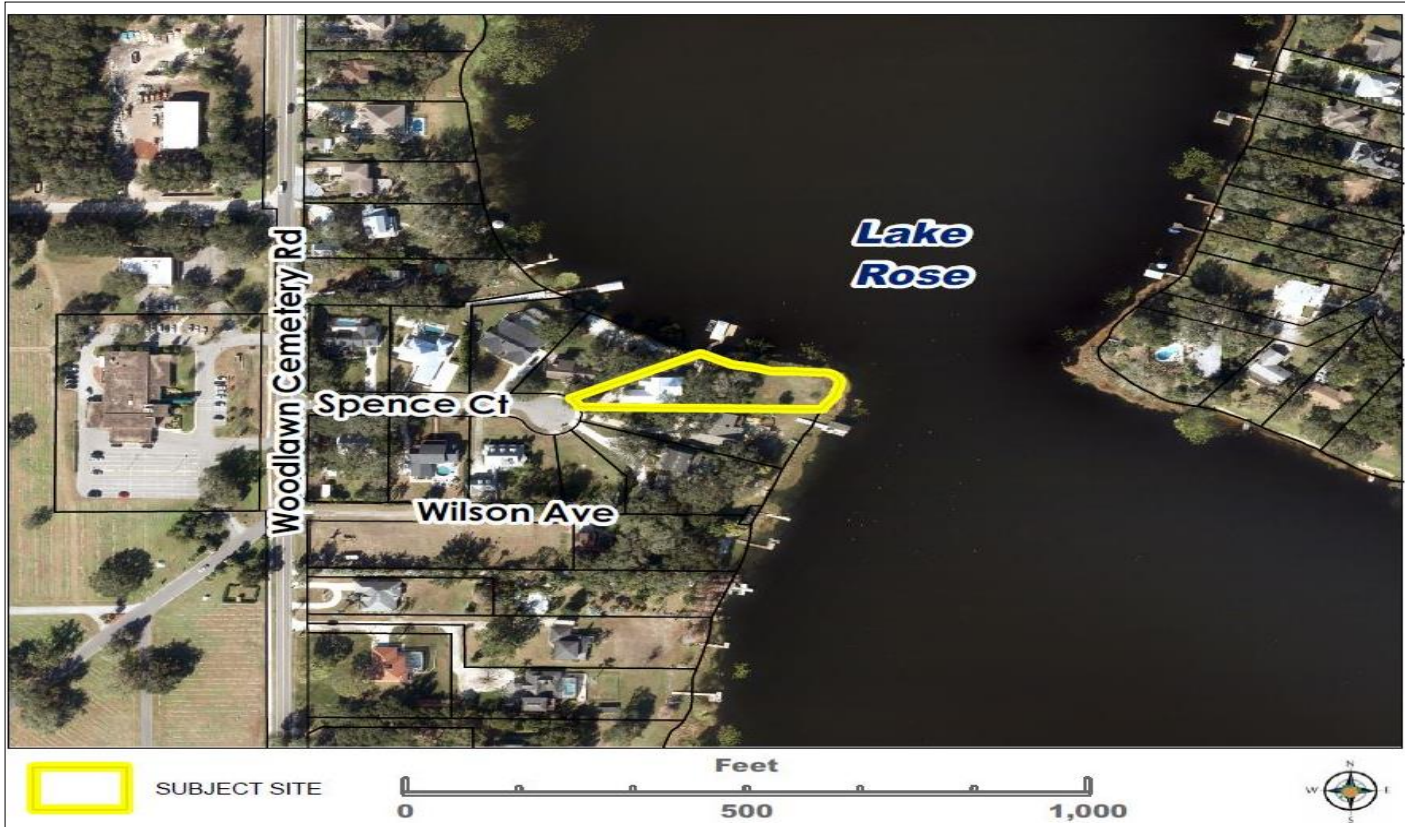


Rick Arnold

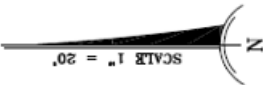
ZONING MAP



AERIAL MAP

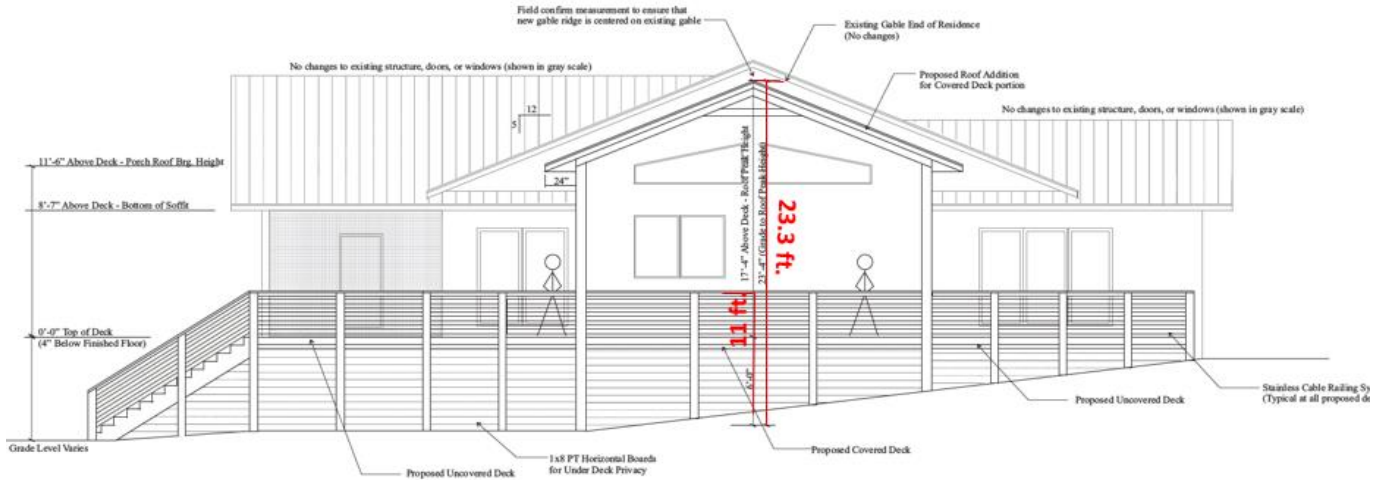


SITE PLAN

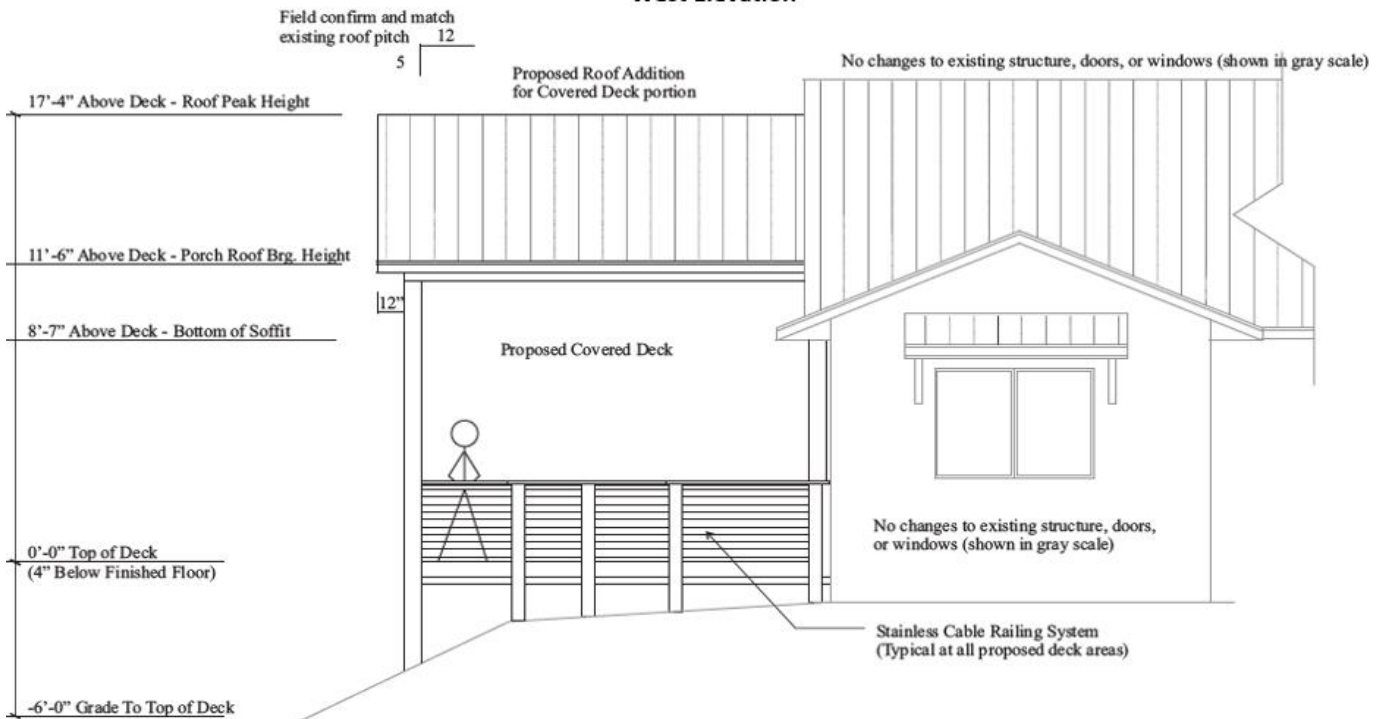


PROPOSED ELEVATIONS FOR ADDITION AND EXISTING RAISED DECK

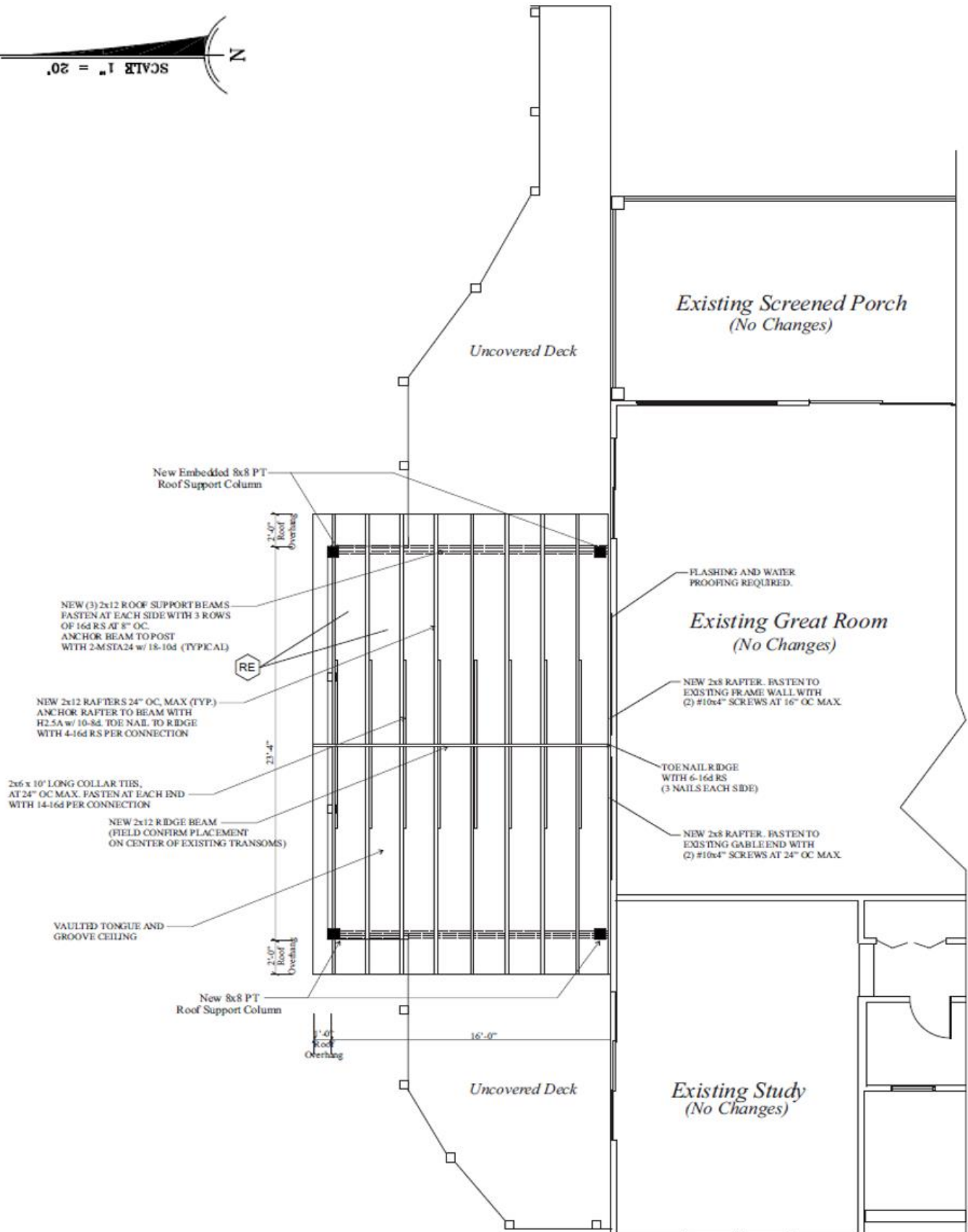
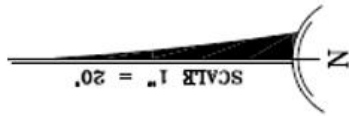
North Elevation



West Elevation



PROPOSED ADDITION ROOF PLAN



SITE PHOTOS



Facing east from Spence Ct. towards front of subject property



Adjacent property, facing southwest towards proposed location of addition and existing uncovered deck

SITE PHOTOS



Front yard, facing northeast towards existing uncovered deck



Side yard, facing northwest towards existing screen porch, deck, boat dock, and Lake Rose

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 05, 2024**

Commission District: **#3**

Case #: **SE-24-08-067**

Case Planner: **Taylor Jones, AICP**

(407) 836-5944

Taylor.Jones@ocfl.net

GENERAL INFORMATION

APPLICANT(s): LOGAN OPSAHL FOR SATELLITE BLVD IOS

OWNER(s): SATELLITE BLVD IOS LLC

REQUEST: Special Exception in the I-4 zoning district to allow a septage management facility.

PROPERTY LOCATION: 10002 Satellite Boulevard, Orlando, Florida 32837, west side of Satellite Blvd., north of Central Florida Pkwy., south of Taft Vineland Rd., east of S. Orange Blossom Trl.

PARCEL ID: 10-24-29-5133-00-052

LOT SIZE: +/- 2.99 acres

NOTICE AREA: 1 Mile

NUMBER OF NOTICES: 2,544

DECISION: Recommended **DENIAL** of the Special Exception request in that the Board finds it does 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 (Motion by Juan Velez, Second by John Drago; 4 in favor: John Drago, Juan Velez, Deborah Moskowitz, Thomas Moses; 3 opposed: Roberta Walton Johnson, Sonya Shakespeare, Chris Dowdy; 0 absent).

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval. Staff noted that one (1) comment was received in support, and eight hundred eleven (822) comments were received in opposition to the request.

The applicant and team agreed with the staff presentation and elaborated on the processes and operation of the facility.

Members of County Staff from the Environmental Protection Division and Utilities Division answered questions from the BZA regarding permitting and oversight of this type of use.

No one spoke in favor of the request. Twenty-two (22) people spoke in opposition to the request.

The BZA discussed the request, citing concerns related to odor and intrusion into the area, compatibility with the surrounding development and the current development pattern in the area, and other similar facilities.

The BZA recommended denial of the Special Exception by a 4-3 vote.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	I-4	I-4	I-4	I-4	I-2/I-3
Future Land Use	IND	IND	IND	IND	IND
Current Use	Warehouse	Warehouse (Brinks Security)	Religious Facility	Warehouses	Multi-tenant industrial and mechanical garages

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

This case was continued at the September 5, 2024, BZA meeting in order to have a second community meeting.

The subject property is located in the 1-4 Industrial zoning district, which allows the most intense industrial uses, including the processing of bulk materials, manufacturing and open storage of materials. In addition, certain uses, such as septage management facilities are permitted through the Special Exception process. The Future Land Use is Industrial (IND), which is consistent with the zoning district.

The area consists of industrial properties, with the properties along Satellite Blvd. and further to the east of Satellite Blvd. having been developed with warehouse buildings, and the properties to the west of the subject

property, which have frontage on S. Orange Blossom Trail, containing a variety of industrial uses, with many being auto related uses, including mechanical garages, auto repair, and auto sales.

The subject property is a 2.99 acre parcel, platted in 1995 as a portion of Lot 5 of the LOCI Park Plat. The subject property was created in its current configuration through a lot split in 1999 (99-135), and is considered a conforming lot. The parcel was developed in 1999 with an 11,140 sq. ft. warehouse/office building used for storage (B99902532). The west rear property line of the parcel contains a 65 ft. wide private drainage easement (OR 3924 PG 0196), and within that easement is an existing drainage ditch and vegetation. A permit (B23906645) was issued to add pavement and a retention pond to the existing site, and those improvements are reflected on the submitted site plan. Additionally, a permit (B24900047) was issued to add additional overhead doors to the existing warehouse. However, the improvements associated with those issued permits have not yet been constructed.

The current request is for a Special Exception for a septage management facility. Orange County code, Sec. 38-1, defines septage, and a septage management facility as follows:

Septage shall mean a mixture of sludge, fatty materials, human feces, and wastewater removed during pumping of an onsite sewage treatment and disposal system. Excluded from this definition are the contents of portable toilets, holding tanks, and grease interceptors.

Septage management facility shall mean a stationary facility that treats only domestic septage or combinations of domestic septage, food establishment sludges, wastes removed from portable toilets, and wastes removed from holding tanks associated with boats, marinas, and onsite sewage treatment and disposal systems, before use or land application.

Septage management facilities are only permitted by special exception in the I-4, A-1, and A-2 districts, subject to Sec. 38-19(181) of code, and are prohibited in all other zoning districts. Sec. 38-79(181) lists the requirements for submittal of applications, as well as specific standards for outdoor storage of septage.

The proposed facility is a liquid waste treatment and disposal facility for storage and processing of non-hazardous septage. The facility will accept non-hazardous wastes from grease traps from restaurants, food processing/packaging, butcher shops and grocery stores, convenience stores, as well as sanitary wastes, septage, and sewage from holding tanks, lift station, and septic tanks. A full description of the proposed operation is included in this report in the applicant's Cover Letter, under the heading "Facilities Processing Description."

The proposed operation will take place completely inside the existing building onsite. All waste materials are stored, processed, and treated inside the existing building, with no storage or processing occurring outside the building. The operation will utilize an air scrubber inside the building to control the odors associated within the use. County code requires a distance separation of 1,300 ft. from this type of use to other off-site buildings when the septage management facility is outdoors. However, when the operation is completely within an enclosed building, and a system is in place to capture, prevent or treat objectionable odors, no distance separation is required. As the proposed use will be completely in an enclosed building with no storage

or treatment outside and will utilize an air scrubber inside the building to prevent objectionable odors, no distance separation is applicable to the proposed use.

The proposal meets all performance standards within the 1-4 zoning district. For buffering, 10 ft. to 65 ft. wide landscape buffers will be maintained and provided around the perimeter of the site, exceeding the 7 ft. minimum requirements for industrial properties, required by Chapter 24, of Orange County Code. Parking requirements for the property are 1 space for each bay, plus 1 space for each 1,000 square feet for industrial uses. The 11,140 sq. ft. building with 7 bays would require 19 spaces. The site currently is providing 27 parking spaces.

The County Environmental Protection Division (EPD) has reviewed the submittal for compliance with county requirements as it pertains to odor and air quality, as well as noise, and have no objections. Based on the information submitted, no Air Permit is required from EPD, as the use is contained completely indoors and the site as proposed would be in compliance with all applicable noise and air quality standards. EPD supports the proposed condition of requiring all uses to remain completely inside, as well as the proposed conditions that at any point in time during the operation, the county can require additional odor control or noise abatement measures, should the need arise.

EPD also noted that environmental review only addresses Orange County environmental regulatory code, however, the project shall also obtain and comply with all other existing environmental permits and applicable environmental regulations of, but not limited to: the Army Corps of Engineers, the Florida Department of Environmental Protection, the applicable Water Management District, the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC). It is possible that one of the other agencies could deny a request even if the County approves it. It is imperative that this proposed plan be addressed on a multi-agency basis. The permittee must comply with the most stringent requirements. The proposed use may require the following permits:

- a. Environmental Resource Permit (ERP) from South Florida Water Management District (SFWMD)
- b. Multi-Sector Generic Permit (MSGP) from Florida Department of Environmental Protection (FDEP)
- c. Industrial Wastewater Permit (IWW) from Florida Department of Environmental Protection (FDEP)

The Transportation Planning has reviewed the request and has provided comments that the number of trips generated by the use is minimal.

On Tuesday, July 23, 2024, a Community Meeting was held at Walker Middle School to allow for input. The meeting was attended by the applicant team, County staff, and 40 attendees. The attendees spoke negatively about the proposal. Comments mainly included concern about the potential for odor impacts, and the effect and impact it would have on abutting properties and property values. There were many questions directed to the applicant on how they would negate odor impacts, and how other sites that they have operated have impacted abutting properties. The applicant team explained the operation in detail, and answered questions about other sites, how the air scrubber worked, and how they intended to utilize the property.

On Monday, November 25, 2024, a second community meeting was held at the Taft Community Center, to allow for additional community input, and information to be provided. This meeting was attended by the applicant team, the District 3 Commissioner, County staff, and at least 60 attendees. The applicant presented, in detail, the process and proposed operation of the use on the site. There were many questions directed to

the applicant on how they would negate owners, as well as questions to county staff on the enforcement of odor impacts. The applicant also answered specific questions on the operation and process. There were many in attendance who were not supportive of the proposed use at the specific location.

Staff recommends approval of the Special Exception because it is consistent and compatible with the surrounding uses since it is in an area that is almost exclusively used for heavy industrial uses, and the use will be entirely indoor, making this an appropriate location for the use.

As of the date of this report's update, no comments have been received in favor of the request and approximately 822 correspondences have been received in opposition to the request.

District Development Standards

	Code Requirement	Proposed
Max Height:	50 ft.	21.6 ft. (existing building)
Min. Lot Width:	N/A	349.55 ft.
Min. Lot Size:	N/A	130,654 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front:	35 ft.	109.3 ft. (East)
Rear:	10 ft.	154.63 ft. (West)
Side:	25 ft.	96.81 ft. (North) 141.71 ft. (South)

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The provision of a septage management facility as conditioned through the Special Exception process is consistent with the Comprehensive Plan since such a use provides a benefit and service to the surrounding residential areas.

Similar and compatible with the surrounding area

The proposed septage management facility is compatible with other existing nearby industrial uses such as warehousing, mechanical garages, truck parking, outdoor storage, and manufacturing, as well as other uses permitted in the I-4 zoning district. Furthermore, the operations and activities of the septage management facility take place completely inside the existing building, which is located approximately 1,500 ft. from the nearest residence.

Shall not act as a detrimental intrusion into a surrounding area

The proposed operation on the subject property will not negatively impact the surrounding area, as there is heavy industrial in the area. The operation proposes to use an existing building, and have all activities take place within that building only.

Meet the performance standards of the district

The use meets all setbacks, height limits, parking requirements, and other performance standards as required for septage management facilities. The proposed operation meets all performance standards for this type of facility.

Similar in noise, vibration, dust, odor, glare, heat production

There are no proposed activities on the property that would generate noise, vibration, dust, odor, glare, or heat that is not similar to the uses permitted in the zoning district, and adjacent and nearby uses. All activities will be taking place completely inside the existing facility, not outdoors, and an air scrubber will be utilized to manage odors, in compliance with code requirements.

Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code

The existing site and building are developed with code compliant landscaping, which currently exists. As the property abuts other properties that are also zoned industrial, no additional buffer yards per Sec. 24-5 are required. In addition to the code compliant landscaping that already exists, the rear property line also contains a drainage ditch and heavy vegetation, which provides additional buffering beyond what is required by code.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated May 16th, 2024, and elevations dated December 15, 2023, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
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. All storage, processing, and treatment of septage materials associated with the operation shall be conducted entirely inside the existing building. No outdoor storage, outdoor processing, or outdoor treatment of septage material shall be permitted.
5. At any time during the operation of the facility, the County may require the implementation of additional odor control measures to address odors found to be in violation of rules, regulations, or laws of Orange County or any other applicable governmental agency.
6. At any time during the operation of the facility, the County may require the implementation of additional noise abatement measures to address sounds or other noise complaints found to be in violation of rules, regulations, or laws of Orange County or any other applicable governmental agency.
7. Building permits for the required building improvements shall be obtained within 3 years of final action on this application by Orange County or this approval becomes null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

C: Logan Opsahl
215 N. Eola Drive
Orlando, Florida 32801



LOGAN J. OPSAHL

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T: (407) 418-6237 | F: 407-843-4444
MAIN NUMBER: 407-843-4600



May 6, 2024

Orange County Zoning Division
201 S. Rosalind Avenue
Orlando, FL 32801
zoning@ocfl.net

Re: **Special Exception Criteria Statement;
10002 Satellite Blvd., Orlando, FL 32837 (the "Property")**

To Whom it May Concern,

The Applicant is requesting a special exception for the Property relating to the Proposed Use of a liquid waste treatment and disposal facility for storage and processing of non-hazardous grease trap waste from restaurants and food preparation/service facilities and sewage from holding tanks, lift stations or similar systems (the "Proposed Use"). Attached to this application is a Use Statement outlining the Proposed Use in detail and specifics relating to the functionality of the Proposed Use on the Property. Please see below Applicant's analysis of the Special Exception Criteria in accordance to and compliance with Section 38-78 of the Orange County Code. A preapplication meeting was held on March 27, 2024.

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

The Property has a Future Land Use designation of Industrial and an I-4 zoning designation which is consistent with the Industrial Future Land Use designation. The Proposed Use is consistent with the Comprehensive Policy Plan and is compatible with the surrounding area. OBJ FLU8.2 provides that "compatibility will continue to be the fundamental consideration in all land use and zoning decisions." The Proposed Use is consistent with the policies set forth under this objective as the entire surrounding area is within the Industrial Future Land Use designation.

FLU1.4.16 provides that the "Future Land Use Map shall reflect appropriate locations for industrial use. Potentially incompatible land use designations, such as residential or neighborhood commercial, shall not be established adjacent to industrial land use designations." Again, the Property is not adjacent to residential or neighborhood commercial use. Additionally, FLU1.4.17 provides that The Future Land Use Map shall reflect a distribution of industrial areas throughout the Urban Service Area to reduce the journey to work, ensure efficient freight movement and operations, avoid large concentrations of freight traffic, provide adequate and



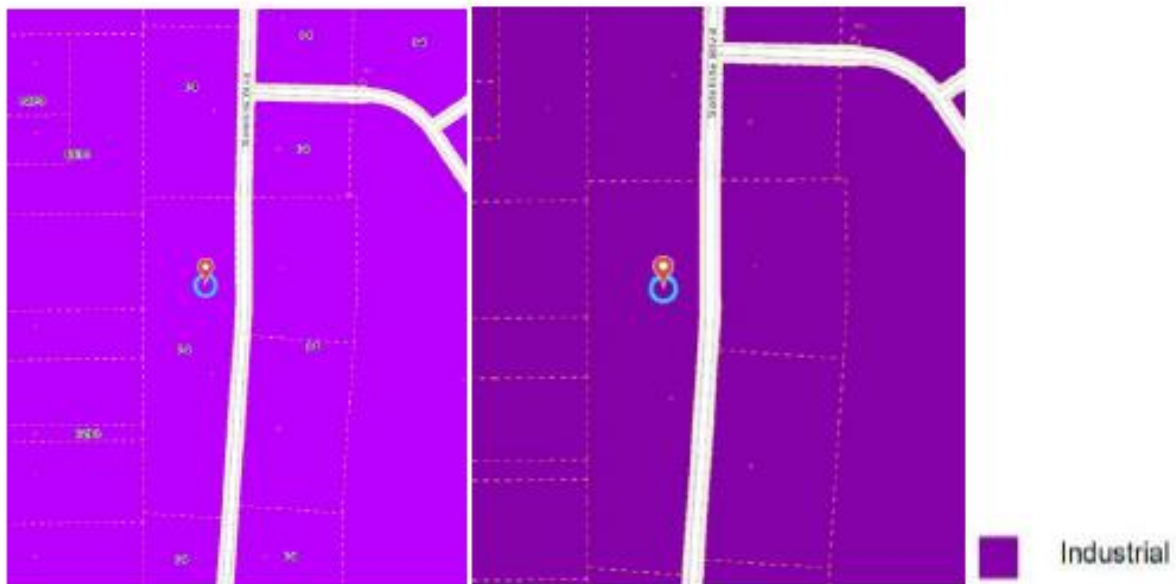
May 6, 2024

Page 2

sufficient locations for industrial uses – *particularly in existing corridors* and areas in proximity to Activity Centers – and provide a variety of locations with different transportation accessibility opportunities.” The Property and Proposed Use is consistent with the goals, objectives, and policies of the Comprehensive plan.

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

The Proposed Use is similar and compatible with the surrounding area and the pattern of surrounding development. As noted below, the Property is surrounded by other properties that have the Industrial Future Land Use designation. Additionally, all properties to the north, east and south of the Property are zoned I-4.



Similar uses to the Proposed Use are located less than 2 miles from the Property.

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

The surrounding area specifically contemplates intensive industrial uses. The Proposed Use shall not act as a detrimental intrusion into the surrounding similarly situated properties. All waste materials are stored within enclosed vented tanks or appropriate containers. All tanks are vented and housed within an enclosed building and do not constitute a fire, safety, or health hazard nor do they provide food or harborage for animals and vectors. All containers actively used or filled in processing or collecting sludge and solids, will be contained within the enclosed building and

May 6, 2024

Page 3

do not constitute a fire, safety, or health hazard, nor do they provide food or harborage for animals and vectors.

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

The Proposed Use shall meet or exceed all performance standards of the I-4 industrial district. The Applicant will work with Staff to ensure compliance with all applicable design and performance standards.

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.

The purpose and intent of the I-4 industrial zoning district is to provide for industrial operations of all types which may produce odor, smoke, dust and noise. It is also created to establish and maintain standards which will permit a wide range of intense industrial uses while protecting adjacent residential developments. The Property is not adjacent to any residential developments and instead surrounded by industrial uses. The Proposed Use and Property are compatible with the surrounding area and uses. The Property and Proposed Use enjoy similar characteristics associated with the vast majority of uses currently permitted in the zoning district and in the immediate vicinity. The Property is surrounded on all sides by industrial uses including properties that have the same I-4 zoning designation to the North, East and South of the Property.

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

The Proposed Use will be in compliance with all applicable requires of Section 24-5 of the Land Development Code. Importantly, Section 24-5 requires landscape buffering between (I-4) Industrial uses and residential uses. The Property is surrounded by other Industrial uses and the Land Development Code does not require a landscape buffering between industrial users.

Sincerely,

A handwritten signature in blue ink, appearing to read "Logan J. Opsahl", written over a light blue grid background.

LOGAN J. OPSAHL

FACILITY PROCESS DESCRIPTION

The Proposed Facility is a liquid waste treatment and disposal facility for storage and process of non-hazardous grease trap waste from restaurants and food preparation/service facilities and sewage from holding tanks, lift stations or similar systems. The facility will accept non-hazardous wastes from off-site of the following types:

1. Material from animal or vegetable fats/oils from grease traps or interceptors generated by facilities engaged in food service activities, such as grease trap waste generated in food preparation (municipal and industrial) facilities, including restaurants, food processors/packaging, butcher shops, grocery stores, convenience stores, corn facilities (corn trap), school cafeterias, and food service companies;
2. Sanitary wastes and wastes of domestic origin including septage and restaurant wastes such as septic tank waste generated by various businesses and residences, including household septic tanks;

All treatment processes will occur on site and all process wastewater will be discharged to Orange County's publicly owned treatment works (POTW) as authorized by the Orange County's Industrial Waste Control / Pretreatment division. The facility will accept waste from the public 24 hours per day, seven days per week.

Grease trap wastes received at the facility will arrive in transport trucks. The transport trucks will unload at a drive through bay within the process building and the waste will be transferred into receiving tanks. The waste will then be pumped from the receiving tanks through a screen. The screen removes large or bulk solids from the waste prior to processing. The process uses mechanical separation process to separate solids from the grease trap waste. The solids collected from the solids screen will be transferred to a roll-off container, which is then hauled offsite to an authorized landfill, processing or compost facility. The liquids from the mechanical separation process will be pumped to process tanks. The process tanks further separate the liquid waste into water and sludge. Polymer chemicals will be added and mixed into the processing tanks. Solids, within the separated water, will

COVER LETTER

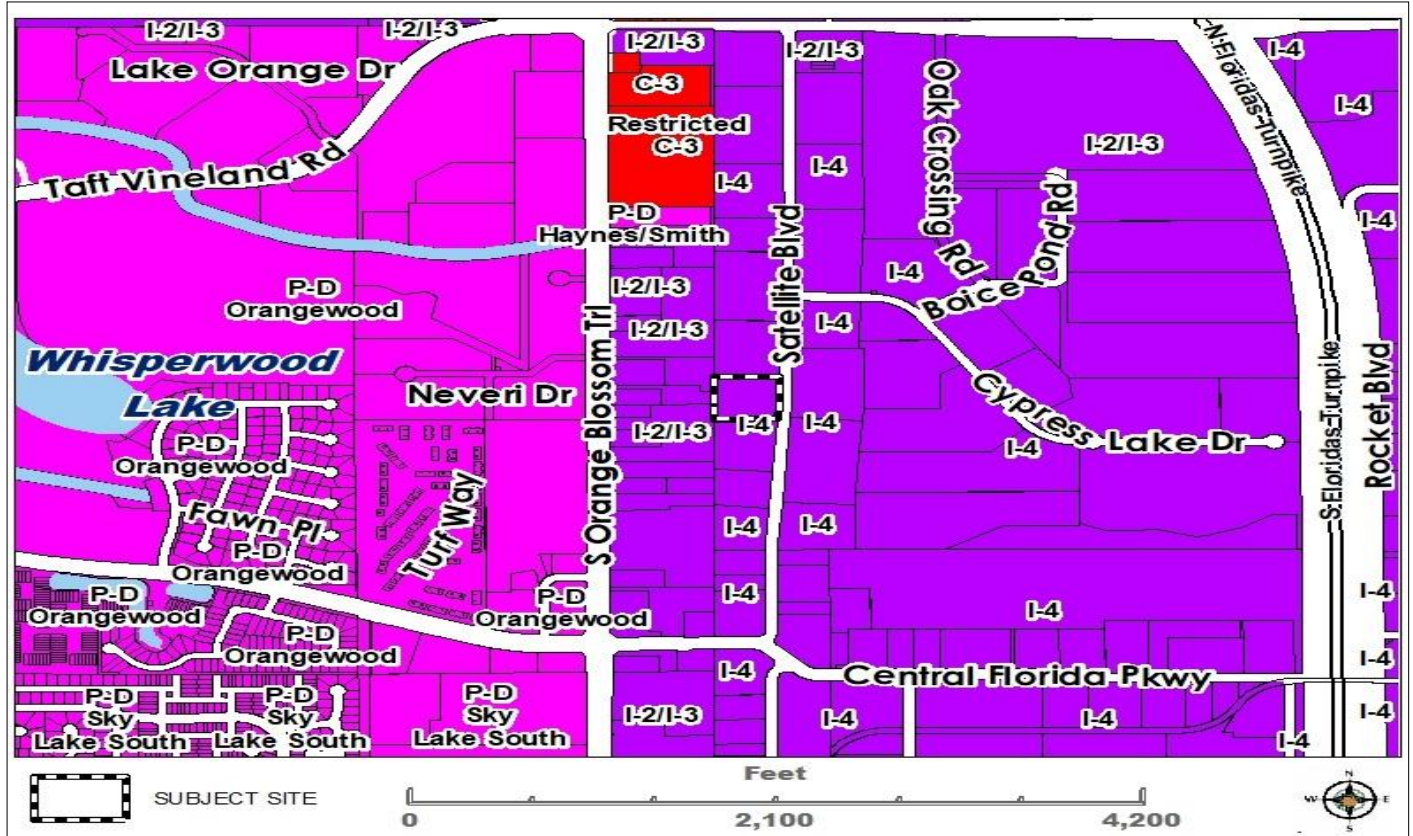
flocculate into sludge and separate from the water. After separation occurs, the wastewater will be pumped to a dissolved air flotation (DAF) clarifier for polishing. The wastewater will then be pumped to the pH adjustment tank where caustic is used to condition the pH for discharge into the Orange County sanitary sewer. Sludge from the separation tanks and skimmed solids from the clarifier will be pumped to sludge holding tanks. The solids collected will be transferred to a screw press which will help in the generation of drier solids in the form of cake. The cake will be stored in roll-of containers, which will be hauled to an authorized landfill.

All waste materials are stored within enclosed vented tanks or appropriate containers. All tanks are vented and housed within an enclosed building and do not constitute a fire, safety, or health hazard nor do they provide food or harborage for animals and vectors. All containers actively used or filled in processing or collecting sludge and solids, will be contained within the enclosed building and do not constitute a fire, safety, or health hazard, nor do they provide food or harborage for animals and vectors. Movable containers, filled and awaiting transport to appropriate disposal facility, may be stored outside, covered, and do not constitute a fire, safety, or health hazard, nor do they provide food or harborage for animals and vectors.

The dewatering unit process area will be within an enclosed building. Building openings such as doors, windows, louvers, and rollup or sliding walls will be controlled for ventilation and to prevent releases of nuisance odors from leaving the property boundary of the facility. Odor will also be controlled at this facility through a scrubbed exhaust air treatment system, minimizing contact between unprocessed waste and air and by following good housekeeping practices. The building design will include an air scrubber to continuously ventilate and control odors in the building during operations. The scrubber water is treated with chemicals selected to oxidize or otherwise neutralize the odor causing chemicals in the building exhaust. Wastes will be transferred in hoses and pipes and stored in enclosed tanks. Under these conditions, airflow is limited over the surfaces of liquid as the waste is transferred and processed, and odors will not be mixed with large volumes of air and widely distributed in the building or throughout the site. Primary activities generating noise onsite are unloading and processing. Unloading waste will involve vacuum truck equipment but conducted entirely within the building. Noise generated by processing involves pumps and air compressor(s).

Because processing and all processing equipment are housed completely within the building, noise and visual impacts should not cause nuisance conditions off site.

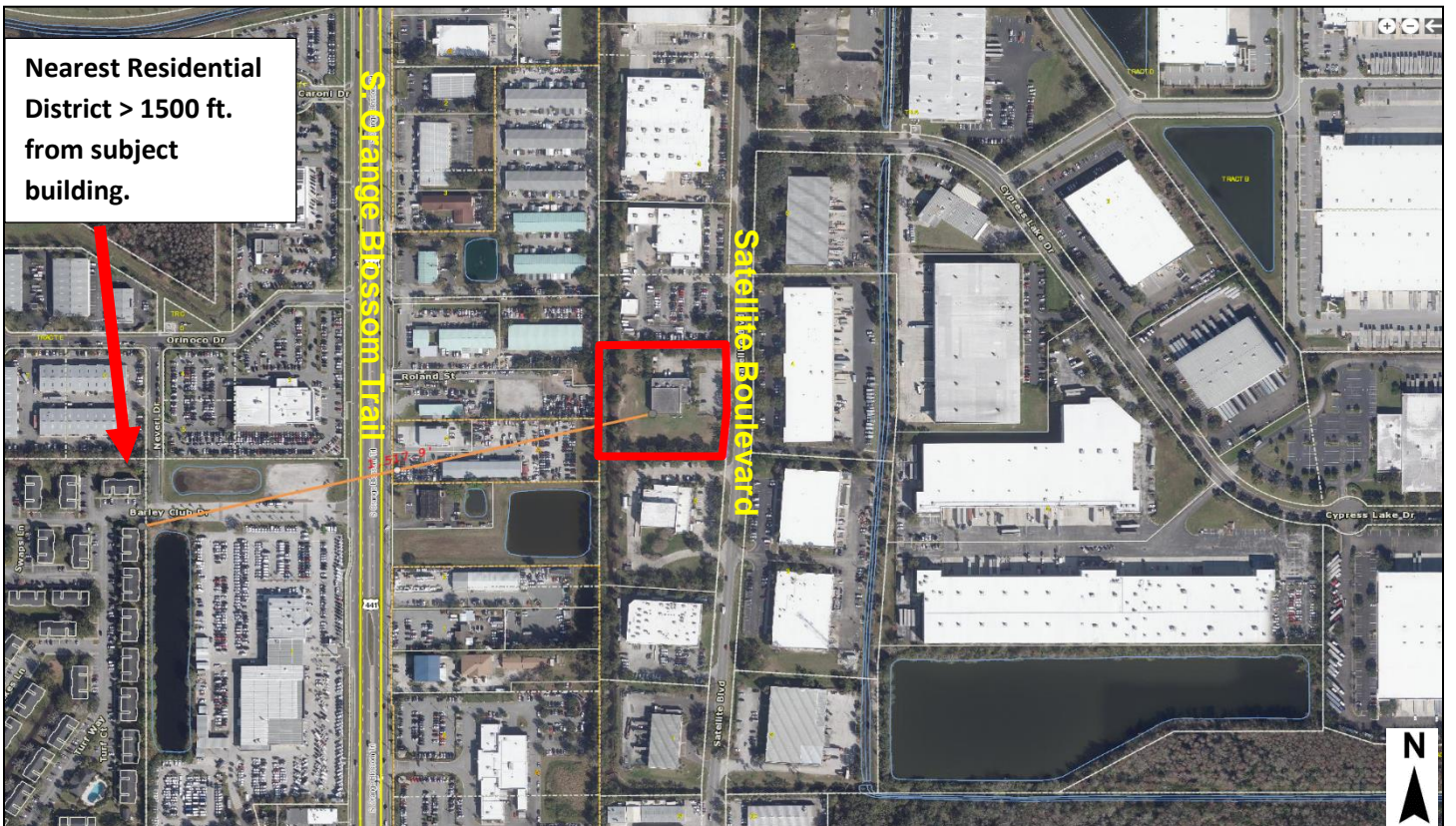
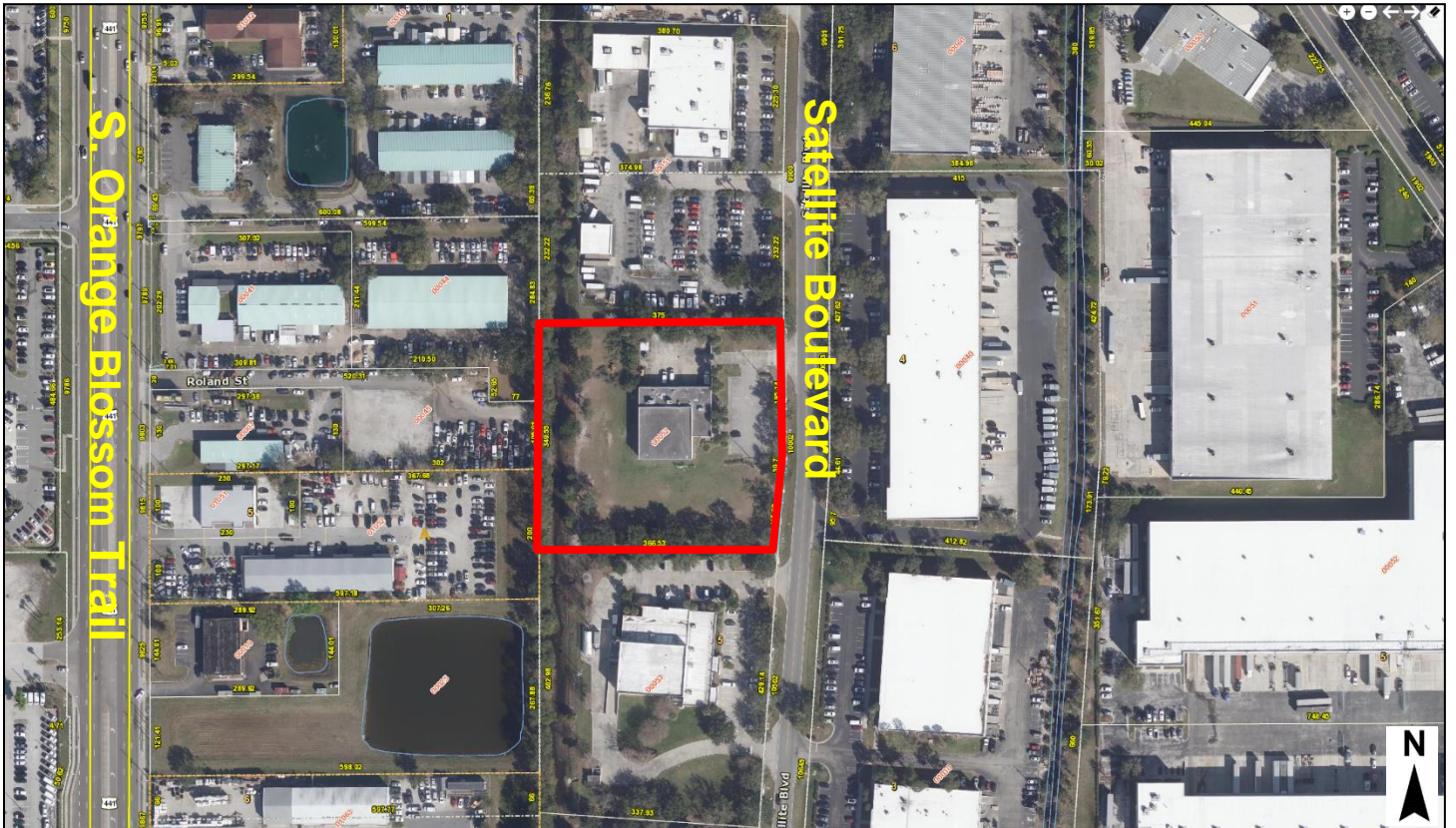
ZONING MAP



AERIAL MAP



ENHANCED AERIAL MAPS



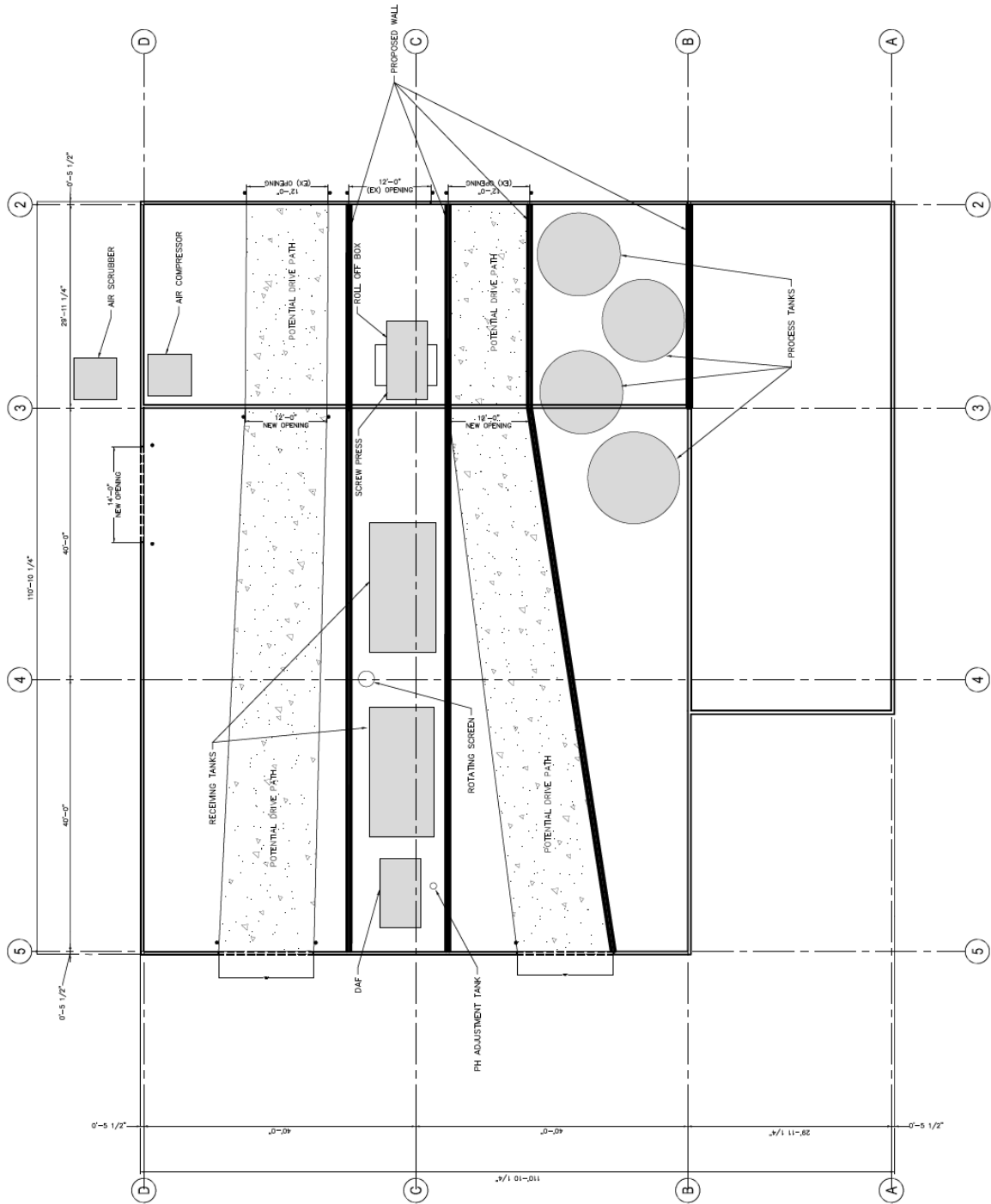
Satellite Boulevard



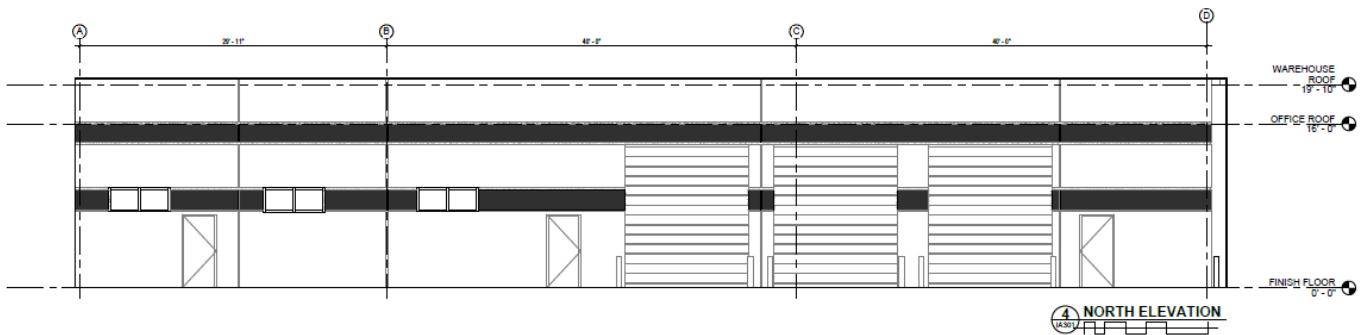
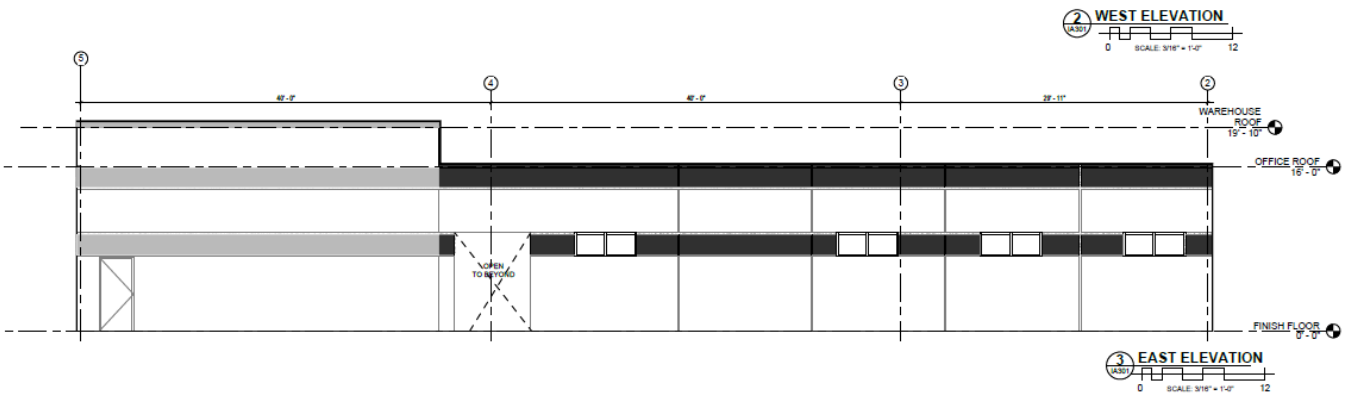
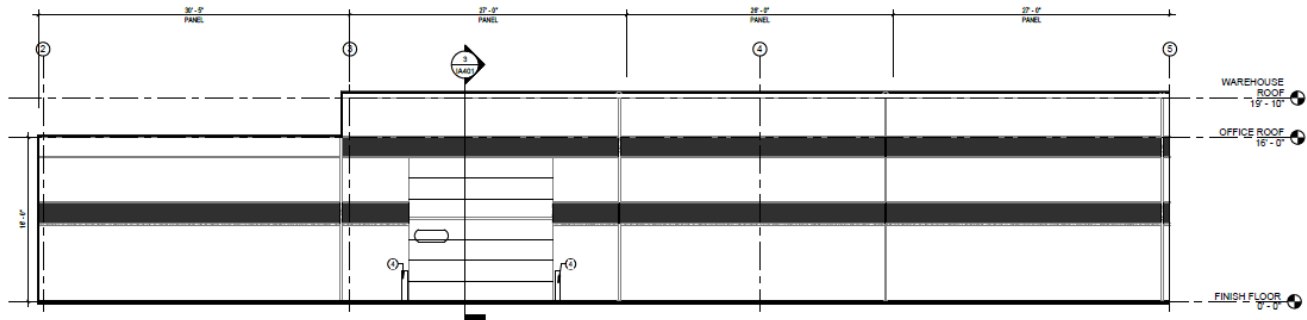
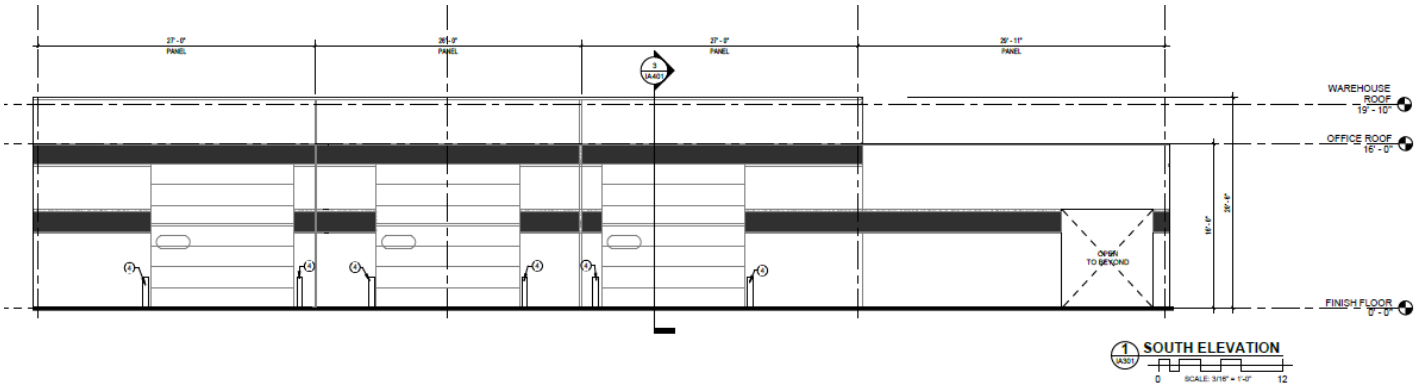
Satellite Boulevard



FLOOR PLAN



ELEVATIONS



SITE PHOTOS



Facing northwest, towards front of subject property



Facing southwest, towards front of subject property

SITE PHOTOS



View of rear yard, facing north



Existing canal at the western, rear yard boundary, facing west

SITE PHOTOS



Rear of existing building, facing east



Side of existing building, facing south

SITE PHOTOS



Sideyard, facing south (toward abutting religious facility) from subject property



From front of property, facing north, down Satellite Blvd.



BOARD OF ZONING ADJUSTMENT