



Interoffice Memorandum

4

DATE June 6, 2019

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development Services
Department

CONTACT PERSON: **Sean Bailey, Chief Planner, Zoning Division
407-836-5806**

SUBJECT: July 2, 2019 – Board Called Public Hearing
Applicant: House of Prayer Church of the Living God
BZA Case #SE-19-05-041, May 2, 2019; District 6

Board of Zoning Adjustment (BZA) Case # SE-19-05-041, located at 1401 25th St. in District 6, is a Board called public hearing to be heard on July 2, 2019. The applicant is requesting an amendment to an existing special exception to allow an addition to the existing religious use facility and a variance to allow 12 parking spaces in lieu of 33 spaces. While a special exception and parking variance to allow 13 parking spaces was approved by the BZA in January 2019 for this property, it is important to note that the approved site plan showed 15 parking spaces.

The subject property is located on the northwest corner of 25 St. and S. Nashville Ave.

At the May 2, 2019 BZA hearing, staff recommended approval of the special exception and variance, as the sanctuary is compatible with the area, and the use has existed on-site for many years. The BZA had concerns with the amount of parking provided on the site. The applicant stated they have a parking agreement with their neighbor, and have maintained a good working relationship with that neighbor. The BZA approved the special exception request and the variance for parking with a 7-0 vote.

The application for this request is subject to the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy is available upon request in the Zoning Division.

If you have any questions regarding this matter, please contact Sean Bailey at 6-5806.

ACTION REQUESTED: Approve the applicant's request; or approve the applicant's request with modifications and/or conditions; or deny the applicant's request. District 6.

**PLANNING, ENVIRONMENTAL DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT
July 2, 2019**

The following is a public hearing on an appeal before the Board of County Commissioners on July 2, 2019 at 2:00 p.m.

APPELLANT/APPLICANT: HOUSE OF PRAYER CHURCH OF THE LIVING GOD

REQUEST: Special Exception and Variance in the R-1A zoning district to allow for a religious use facility as follows:
1) Amendment to an existing Special Exception to allow an addition to an existing religious use facility.
2) Variance to allow 12 parking spaces in lieu of 33 spaces.

LOCATION: 1401 25th St., Orlando, FL 32805, Northwest corner of 25 St. and S. Nashville Ave.

TRACT SIZE: 100 ft. x 135 ft. / .3 acres

ZONING: R-1A

DISTRICT: #6

PROPERTIES NOTIFIED: 95

BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:

Staff explained the history of the site, the previous approval, the proposed building addition, and surrounding uses. This use had previously been approved in January 2019 for a special exception to allow a religious use facility and a variance to allow 13 parking spaces. The applicant is requesting to amend the request to allow the addition of a multipurpose room.

The applicant is proposing to construct an addition to be used as a multipurpose area on the south side of the building.

The applicant was available to speak, there was no one present the hearing to speak in opposition or in favor of the request.

The District 6 BZA Commissioner had concerns regarding the off-site parking moving forward and the applicant stated they a good relationship with their neighbors and have an agreement with commercial business across the street to use their parking lot during service times.

The BZA felt the proposed use was straightforward and approved the special exception.

BZA HEARING DECISION:

A motion was made by Charles J. Hawkins, II, seconded by Deborah Moskowitz and unanimously carried to APPROVE the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and to APPROVE the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met further, said approval is subject to the following conditions (unanimous; 7-0):

1. Development in accordance with the site plan dated March 14, 2019 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event
5. Construction plans shall be submitted within three (3) years of final approval or this approval becomes null and void
6. No outdoor speakers or other audio amplification.
7. Signage shall be in accordance with 31.5-75, Orange County Code.
8. Prior to the issuance of permits for the project, the applicant must provide a signed, notarized, and recorded shared parking agreement, accompanied by a written detailed description of the activities which take place on each property, on which days of the week, and at what times.

9 A six (6) foot high vinyl fence shall be constructed along the north and west property lines. The fence on the north property line shall terminate ten (10) feet from the easterly property line. The fence on the west property line shall be limited to four (4) feet tall in the required front yard setback.

10. Landscape buffers shall be installed consistent with Sec. 24-5.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 02, 2019**

Case Planner: **Sean Bailey**

Case #: **SE-19-05-041**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): HOUSE OF PRAYER CHURCH OF THE LIVING GOD

OWNER(s): HOUSE OF PRAYER CHURCH OF THE LIVING GOD INC

REQUEST: Special Exception and Variance in the R-1A zoning district to allow for a religious use facility as follows:

- 1) Amendment to an existing Special Exception to allow an addition to an existing religious use facility.
- 2) Variance to allow 12 parking spaces in lieu of 33 spaces.

PROPERTY LOCATION: 1401 25th St., Orlando, FL 32805, Northwest corner of 25 St. and S. Nashville Ave.

PARCEL ID: 03-23-29-0180-37-230

LOT SIZE: .309, 100 ft. x 135 ft. / .3 acres

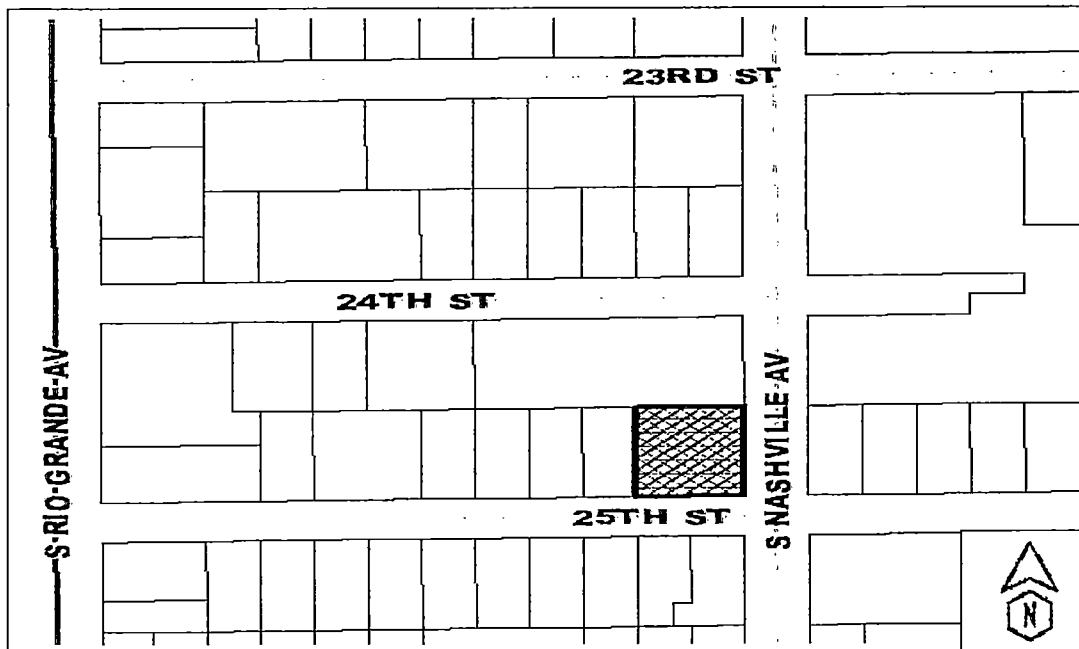
NOTICE AREA: 500 FT

NUMBER OF NOTICES: 95

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	NR	NR	R-1A	R-1A
Future Land Use	NR	NR	NR	NR	NR
Current Use	Religious Facility	Religious Facility	Single-family residence	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

Description and Context

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

Description and Context

The subject property is zoned R-1A, Single Family Dwelling District, which allows single family homes on lots a minimum of 7,500 sq. ft. or greater, and allows for certain uses, including religious use facilities through the special exception process.

The parcel is located in the Holden Heights Overlay District and the Future Land Use is Neighborhood Residential (NR). The purpose of the Overlay District is to facilitate redevelopment in the area. The intent of the NR district is to provide diverse housing types complemented by parks and civic uses essential to community gathering. A religious use facility is allowed as a special exception in this district as well.

The property is a combination of two platted lots as part of the Angebilt Addition plat in 1925. It is a corner lot located at the northwest corner of S. Nashville Ave. and 25th St.

The structure on-site was built as single-family residence in 1968. The existing building has 2,460 sf of living area. The applicant purchased the lot in June 2010.

The applicant plans to provide services on Sunday, Tuesday evenings, and Thursday evenings. Access to the site will provided from S. Nashville Ave. only.

It appears per aerials and old photos that the site has been used as a religious institution dating back to at least 2008. This case is not a result of code enforcement.

The applicant is planning to use the existing building on-site to seat up to 100 people. There will be no vertical construction proposed with this application. Based on that, there are 33 parking spaces required (1 space per each 3 fixed seats). The latest site plan provided indicates there will be 15 parking spaces provided on-site. As a condition of approval, an off-site parking agreement must be submitted to alleviate any parking issues that may occur.

The property to the immediate north was approved as a religious institution with ancillary uses through the special exception process in 2011.

Orange County Transportation Planning provided a traffic study and stated the proposed expansion would add 32 new net daily trips and 5 new net P.M. peak hour trips, which is minimal. This project is located in the Alternative Mobility Area (AMA) and is exempt from transportation concurrency.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft	25 ft.
Min. Lot Width:	75 ft.	100 ft.
Min. Lot Size:	7,500 sq. ft.	13,486 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	27 ft.
Rear:	30 ft.	43 ft.
Side:	7.5 ft.	11 ft.
Sidestreet:	FFSTREETC02	FFSTREETC03
NHWE:	n/a	n/a

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan.

The Future Land Use is Neighborhood Residential and with the approval of the Special Exception, the use will be compatible with the Comprehensive Policy Plan.

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

Religious facilities typically support residential communities and provide a place for local residents to congregate and share ideas. The facility will only be open for limited hours during the week and the majority of the activities will take place on Sunday. The property immediately to the north was approved in 2011 as a religious use facility.

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

The facility is not a full time use and will not generate any noise or traffic during weekdays. Also, Transportation Planning has indicated this use will not create a large increase in traffic.

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

With the granting of the associated variance, the application will meet the performance standards in the district.

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

The proposed religious use facility will not be utilized on a full time basis and all of the activities will be held inside the sanctuary. The use will not produce any characteristics that are not already present in the existing neighborhood.

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

The applicant is required a six (6) foot vinyl fence adjacent to the residential lots and will be planting trees adjacent to the parking lot and landscape buffers shown on the plan, in accordance with Sec. 24-5.

VARIANCE CRITERIA

Special Conditions and Circumstances

The parking variances are required as there is limited space on the site. The use will not generate a large amount of cars on a daily basis.

No Special Privilege Conferred

Allowing the parking variances will not confer any special privilege to this applicant as religious uses are typically allowed to have less parking as they are not full time uses.

Minimum Possible Variance

The requested variances are the minimum possible variances to allow a reasonable use of this site while maintaining the sanctuary in the existing location.

Purpose and Intent

Approval of these variances will be in harmony with the zoning regulations and will not be injurious to the neighborhood.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated March 14, 2019 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
5. Construction plans shall be submitted within three (3) years of final approval or this approval becomes null and void
6. No outdoor speakers or other audio amplification.
7. Signage shall be in accordance with 31.5-75, Orange County Code.
8. Prior to the issuance of permits for the project, the applicant must provide a signed, notarized, and recorded shared parking agreement, accompanied by a written detailed description of the activities which take place on each property, on which days of the week, and at what times.
9. A six (6) foot high vinyl fence shall be constructed along the north and west property lines. The fence on the north property line shall terminate ten (10) feet from the easterly property line. The fence on the west property line shall be limited to four (4) feet tall in the required front yard setback.
10. Landscape buffers shall be installed consistent with Sec. 24-5.

C: HOUSE OF PRAYER CHURCH OF THE LIVING GOD INC
PO BOX 555936
ORLANDO, FL 32855

Mr. Kenneth Patterson
P.O Box 607372
Orlando, FL 32860

COVER LETTER

design solutionsfl, inc.
Civil Engineering • CADD Services • Construction Administration



March 11, 2019

Orange County
Board of Zoning Adjustment
201 S. Rosalind Ave.
Orlando, FL 32801

Re: Request for Special Exception and Variance
House of Prayer Church of the Living God
1401 25th Street Orlando FL 32805

This correspondence is provided to support the accompanying Application – Board of Zoning Adjustment (BZA) application. Outlined in the application is a request for a Special Exception. The additional information required by the application are included in this correspondence.

Introduction

The House of Prayer Church of the Living God (“the church”) has been providing services for the local community from the above noted location for over ten (22) years. The church is applying for a special exception to construct a addition to the existing building.

The Vision ...

To continue using the existing structure as a church and one day expand to a sanctuary structure to accommodate 100 seats. A site plan has been prepared to illustrate

The existing sanctuary will remain a one-storey structure, in keeping with the majority of structures within the near vicinity. Landscaping will be in keeping with buffer requirements noted in the relevant Orange County Code.

Special Exception

As noted in the application the applicant is seeking a Special Exception.

The Special Exception is to allow the proposed religious use facility to exist within the R-1A zoning.

Supporting Documentation

The following supporting materials for this request have been provided:

1. A completed BZA application;
2. Existing floor plan showing existing conditions
3. Existing Site Plan showing existing conditions
4. Table 1 – Summary of Special Exception Criteria

In Closing ...

We have intended to be thorough in the submission of this application and supporting materials. Should you have any questions or requests for further information please contact the undersigned.

design solutionsfl inc.

Kenneth Patterson
President

Encl. Completed BZA Application
Supporting Site and Building Plans
Table 1 – Summary of Special Exception Criteria

Table 1 – Summary of Special Exception Criteria

Special Exception Request: Allow a religious use facility within a R-1A Zoning District

Special Exception Criteria	
1. The use shall be consistent with the Comprehensive Policy Plan.	R-1A zoning provides a Special Exception to allow a religious use facility, the intended use.
2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.	The intended use is similar and compatible with the surrounding area, i.e. similar structure "form and feel", lot coverage, and landscaping.
3. The use shall not act as a detrimental intrusion into a surrounding area.	The intended use includes a structure "form and feel" that is in keeping with the surrounding area, and will not act as a detrimental intrusion.
4. The use shall meet the performance standards of the district in which the use is permitted.	The intended use will meet "most" of the performance standards of the district within the R-1A zoning district.
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 intended use will be similar in all these characteristics to the majority of allowable uses currently permitted in the R-1A zoning district.
6. Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.	Landscape buffer yards as required by Section 24-5 of the Orange County Code will be incorporated into the proposed site plan as required.

ZONING MAP

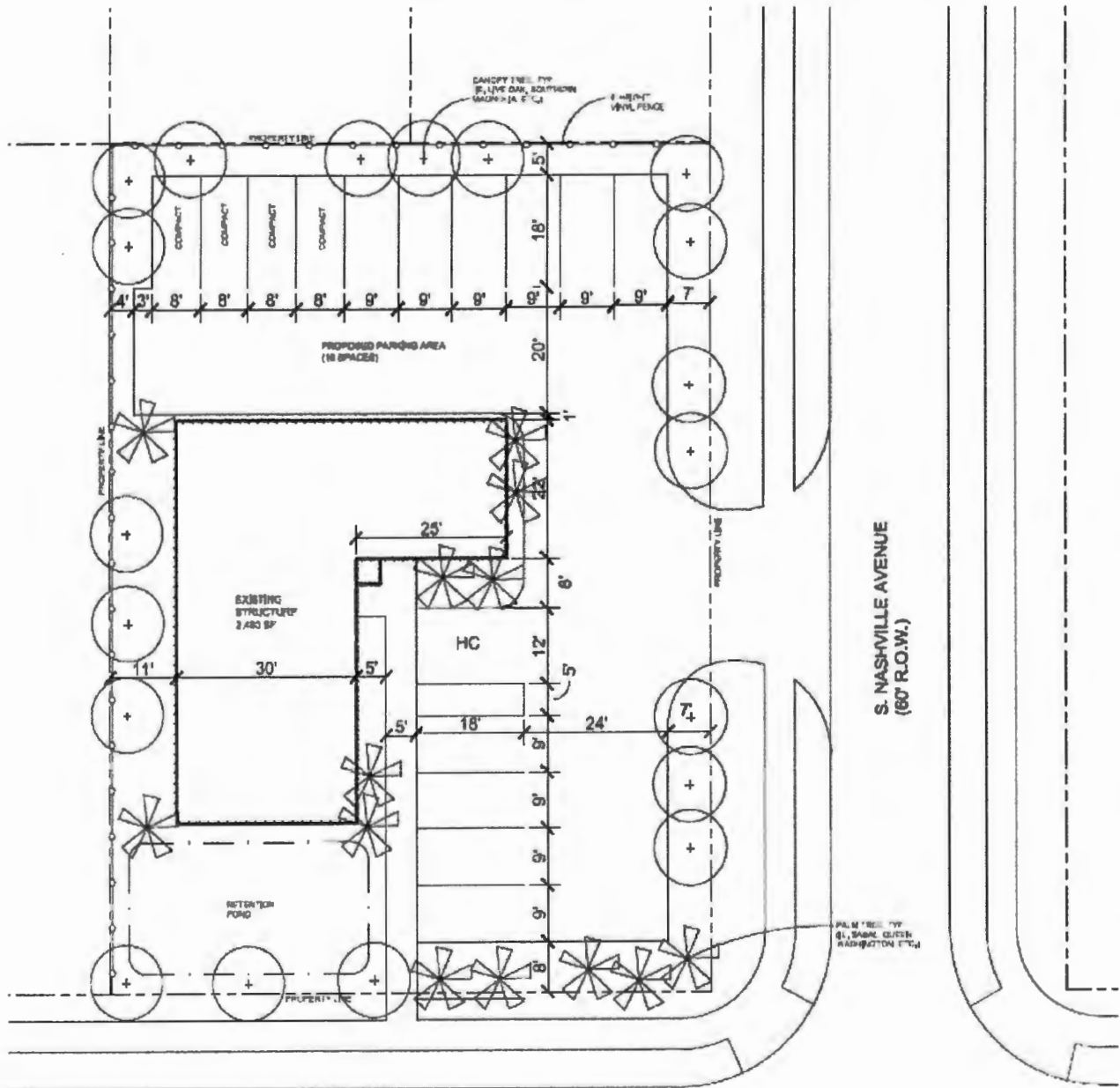


AERIAL MAP



PREVIOUSLY APPROVED SITE PLAN

SPECIAL EXCEPTION - BOARD OF ZONING ADJUSTMENT



25TH STREET (60' R.O.W.)

S. NASHVILLE AVENUE
(60' R.O.W.)



FRONT ELEVATION



SITE PHOTOS



Existing Sanctuary Building



Existing Parking facing 25th Street



Intersection of 25th St. and S. Nashville Ave.



Street view from the intersection