



**Orange County
Board of Zoning Adjustment
RECOMMENDATIONS
BOOKLET**

June 6, 2019

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



ORANGE COUNTY GOVERNMENT BOARD OF ZONING ADJUSTMENT (BZA)

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

ORANGE COUNTY BOARD OF ZONING ADJUSTMENT**RECOMMENDATIONS**

June 6, 2019

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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
P-T-2	Combination Mobile Home and Single-Family Dwelling District
N-L-D	Residential -Low-Density District
N-R	Neighborhood Residential

Non-Residential Districts

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

Other District

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

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

Basic Requirements

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

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

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

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

District	Min. lot area (sq. ft.) +++	Min. living area (sq. ft.)	Min. lot width (ft.)	*Min. front yard (ft.)	*Min. rear yard (ft.)	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ###	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	*
District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)				
I-1A	35	25	25	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts				
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts				
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts				
I-4	35	10	25	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts				

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

FOOTNOTES

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

are deemed to be vested and shall be considered as conforming lots for width and/or size.

Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.

Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.

Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.

: For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.

Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.

† Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.

†† Based on gross square feet.

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

VARIANCE CRITERIA:

Section 30-43 of the Orange County Code Stipulates specific standards for the approval of variances. No application for a zoning variance shall be approved unless the Board of Zoning Adjustment finds that all of the following standards are met:

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

SPECIAL EXCEPTION CRITERIA:

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

1. The use shall be consistent with the Comprehensive Policy Plan.
2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
3. The use shall not act as a detrimental intrusion into a surrounding area.
4. The use shall meet the performance standards of the district in which the use is permitted.
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.
6. Landscape buffer yards shall be in accordance with Section 24-5, Orange County Code. Buffer yard types shall track the district in which the use is permitted.

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

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2019**

Case Planner: **Sean Bailey**

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

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): BISHOP AND BUTTREY INC.

OWNER(s): HONEY BEE HOLDINGS LLC

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

PROPERTY LOCATION: North side of E. Colonial Dr., east of N County Road 13

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

LOT SIZE: 326 acres

NOTICE AREA: 1 mile

NUMBER OF NOTICES: 2,099

THIS APPLICATION WAS CONTINUED TO A FUTURE BZA MEETING. THE ORANGE COUNTY COMMISSIONER'S OFFICE REQUESTED A COMMUNITY MEETING BE HELD PRIOR TO A PUBLIC HEARING. A STAFF REPORT WAS NOT PROVIDED FOR THIS CASE AS THE CONTINUANCE WAS REQUESTED PRIOR TO PREPARATION OF THE STAFF REPORT.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2019**

Case Planner: **Sean Bailey**

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

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): **LEONARDO GARCIA**

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

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

- 1) Special Exception to operate an open-air market.
- 2) Variance to allow operation 7 days a week in lieu of 3 consecutive days only.
- 3) Variance to allow 28 parking spaces in lieu of 33 spaces.

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

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

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

NOTICE AREA: **500 FT**

NUMBER OF NOTICES: **152**

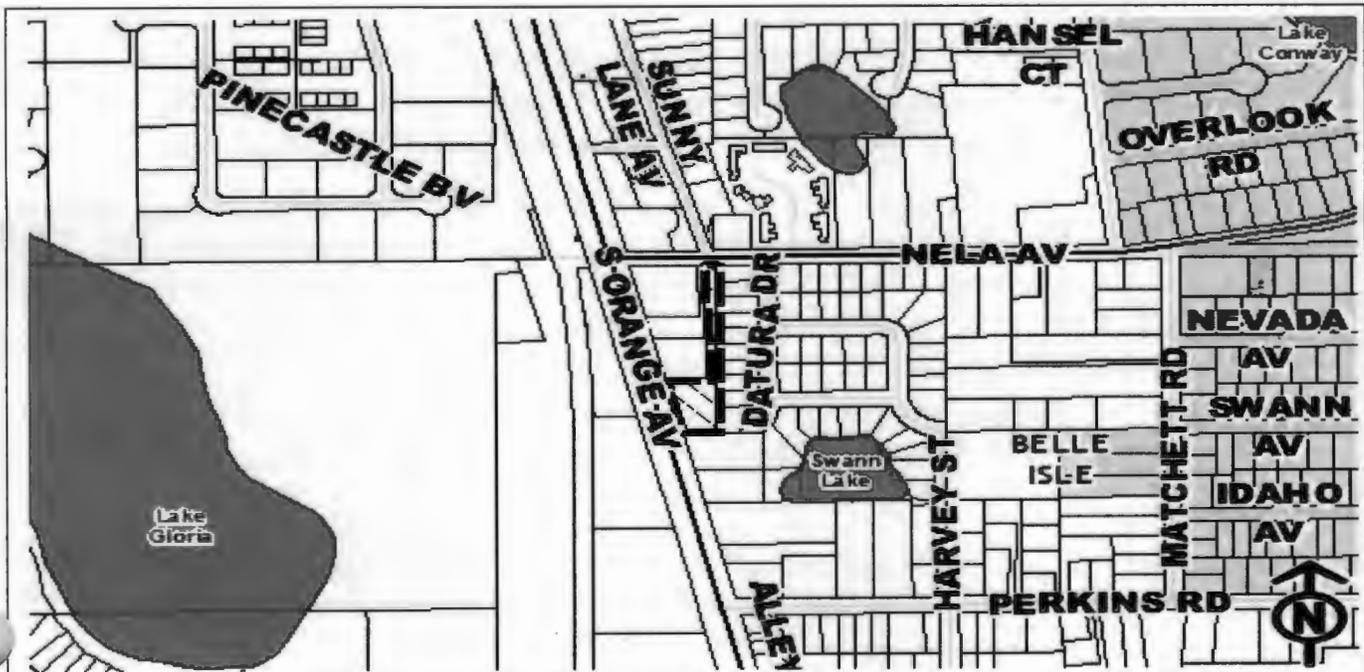
THIS CASE WAS CONTINUED TO A FUTURE BZA MEETING UPON THE REQUEST OF THE APPLICANT PRIOR TO THIS BZA MEETING.

STAFF RECOMMENDATIONS

Approval of the Special Exception with a maximum of eight (8) vendors and approval of Variance #2.

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

LOCATION MAP



SITE & SURROUNDING DATA

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

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned C-2, General Commercial district. The C-2 district allows a variety of commercial businesses including automotive repair/sales, selected trade shops, and other retail uses including outdoor tables/storage. Open-air markets are permitted as a Special Exception in this zoning district per conditions outlined (38-79-10).

This property is located in the Pine Castle Study Area along South Orange Avenue, which is currently undergoing a Future Land Use map amendment and administrative re-zoning. That amendment was approved at the Planning and Zoning Commission on April 18, 2019, and is tentatively scheduled for the Board of County Commissioners on August 6, 2019. As part of that process, this property is proposed to be re-zoned to T5, which will allow open air markets as a permitted use.

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

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

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

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

District Development Standards

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

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

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

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Use shall be consistent with the Comprehensive Policy Plan.

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

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

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

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

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

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

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

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

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

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

the site has an existing twelve (12) foot wide buffer with vegetation and a masonry wall adjacent to the single-family to the east, which will meet the intent of the landscape code. The applicant will provide trees and shrubs on the property in planters as the entire site is paved with asphalt.

VARIANCE CRITERIA

Special Conditions and Circumstances

the use is proposed to be a full-time use and not just a weekend type of outdoor market. Therefore, the three (3) day limit does not apply to this type of use. Regarding the parking, the spaces are existing on site and the applicant has secured an off-site parking agreement for overflow, however, with the recommended eight (8) vendors, the parking variance will no longer be required.

Special Privilege Conferred

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

Minimum Possible Variance

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

Purpose and Intent

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

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated April 25, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Hours of operation for the market shall be from 11:00 a.m. to 11:00 p.m. seven (7) days a week.
5. There shall be no more than eight (8) food trucks on the site at any given time.
6. There shall be no generators used in conjunction with this operation.
7. No outdoor speakers or other audio amplification.
8. There shall be no signage advertising the food trucks visible from any public right-of-way.
9. Prior to the issuance of permits for the project, the applicant must provide a signed, notarized, and recorded shared parking agreement, accompanied by a written detailed description of the activities which take place on each property, on which days of the week, and at what times.
10. The applicant shall install a 30" high permanent raised planter with firecracker plant material (24-30" in height and 18-24" wide) at 30" on center, between the parking spaces provided north of the existing building as shown on the site plan dated April 25, 2019. The applicant shall also install at least twelve (12) understory trees with a minimum height of 7 feet and 2" caliper with ground cover in large barrel style pots. All plant materials to shall have uniform coverage using a permanent automatic irrigation system.

c:

Leonardo Garcia
1375 W Landstreet Rd. Suite 606
Orlando, FL 32824

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

COVER LETTER

ANGEL M. LOPEZ, PE

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

Special Request Cover Letter

March 11, 2019

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

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

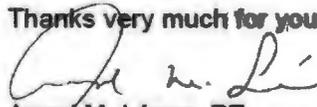
Dear Sirs/Madam

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

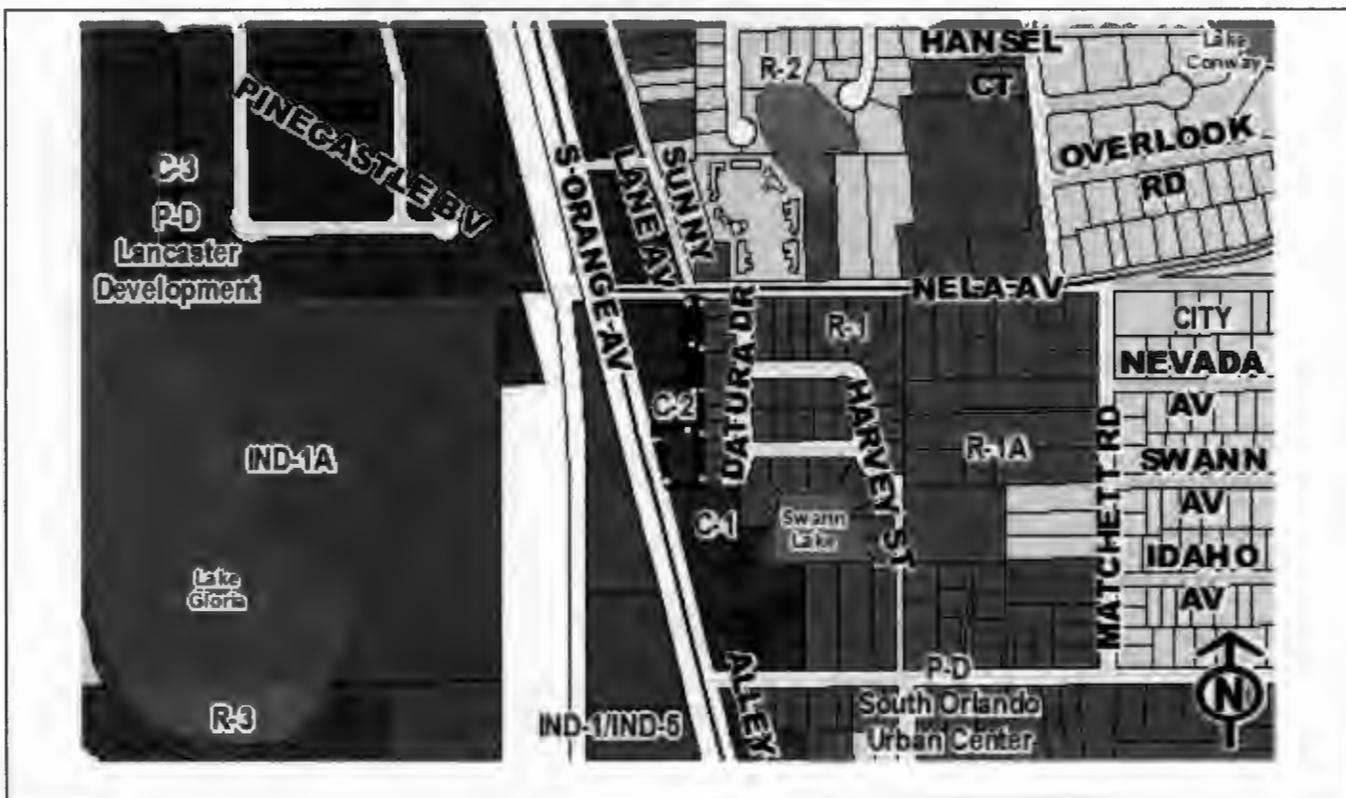
1. This project consists of a series of food trucks that will be parked on this lot to operate as mobile cafeterias that will serve ethnics foods of a variety of cultural backgrounds. This operation will be an outdoor activity and will operate from 11:00 am to 2:00 AM.
2. This property is limited on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

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

Thanks very much for your assistance.


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

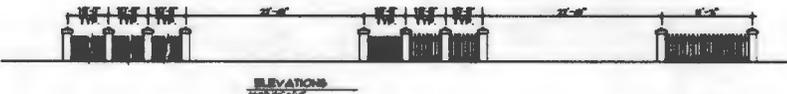
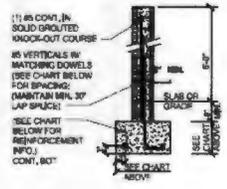
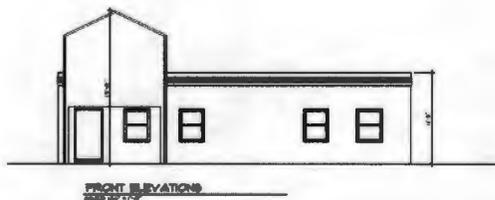
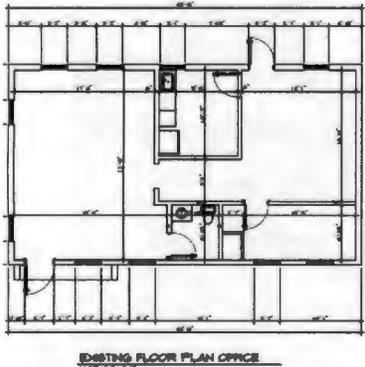
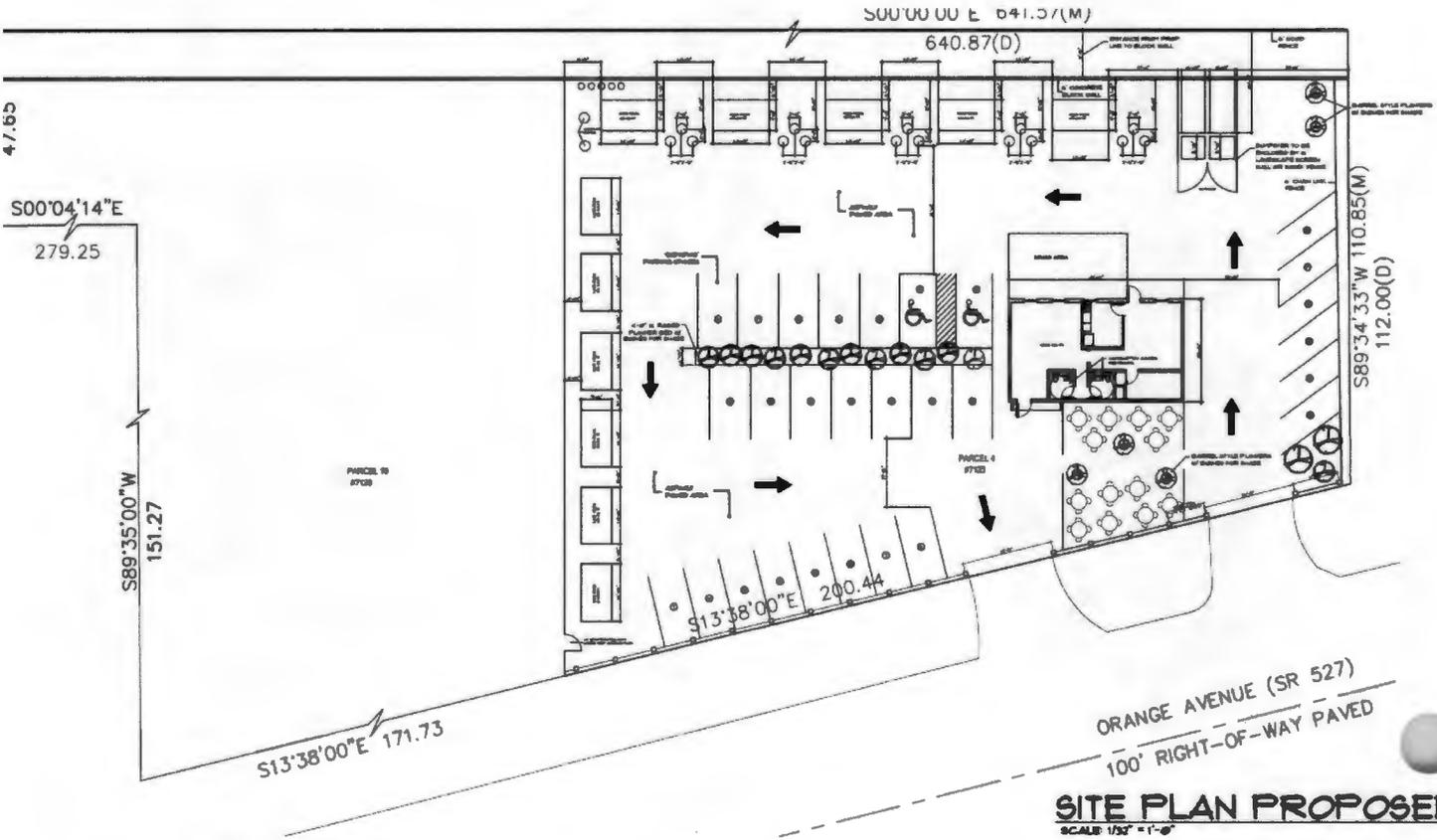
ZONING MAP



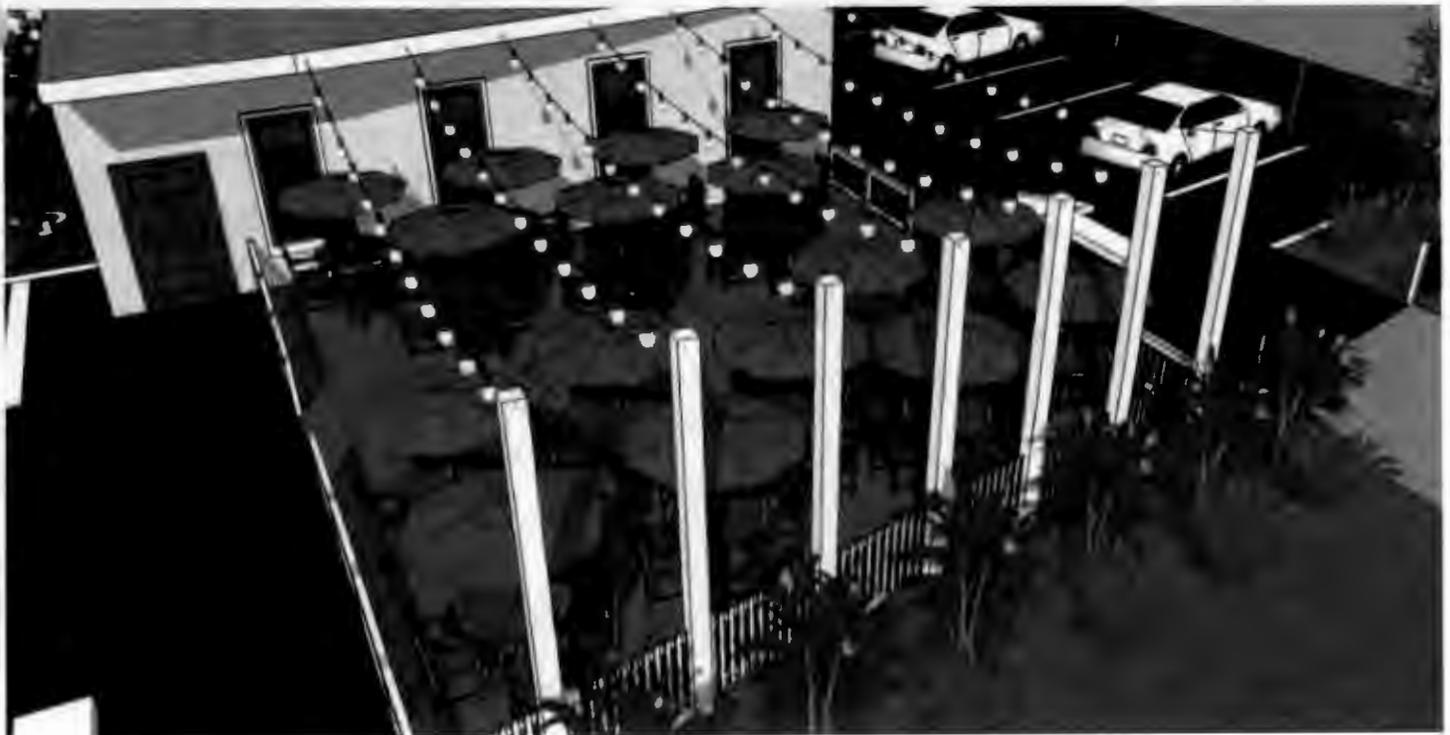
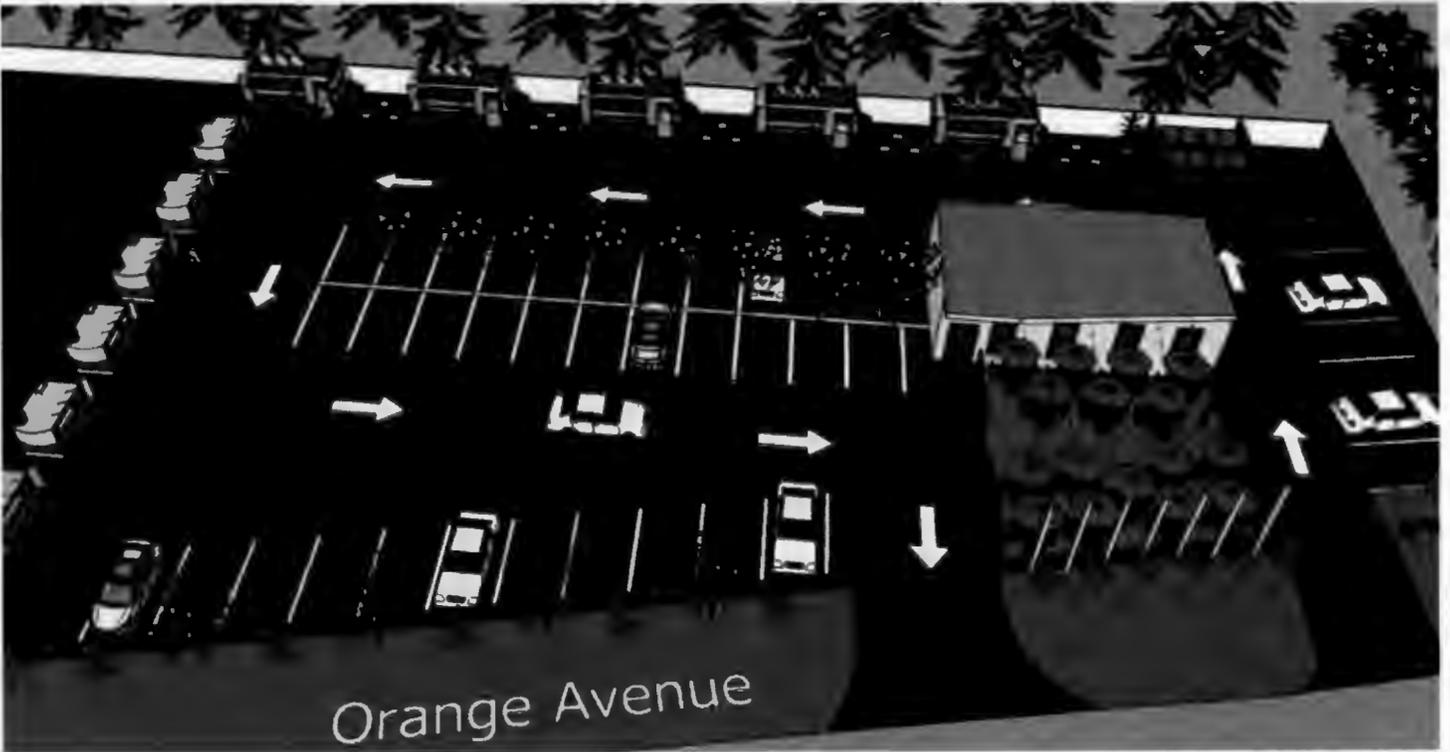
AERIAL MAP



SITE PLAN / SURVEY



RENDERINGS



SITE PHOTOS



View from S. Orange Ave.



Looking towards S. Orange from the rear of the property



View looking towards east



Neighboring lot to the north



Existing Lot looking northwest



View looking across S. Orange Ave. from subject property

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-06-044**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): TOM SULLIVAN

OWNER(s): CRP/CDP EAST ORLANDO OWNER LLC

REQUEST: Variance in the P-D zoning district to allow two (2) secondary signs in lieu of one (1) secondary sign.

PROPERTY LOCATION: 13645 E. Colonial Drive, Orlando, FL 32826, northeast corner of E. Colonial Dr. and Bonneville Dr.

PARCEL ID: 23-22-31-1809-01-000

LOT SIZE: 10.45 acres

NOTICE AREA: 600 ft.

NUMBER OF NOTICES: 110

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 7-0):

Development in accordance with the site plan and sign design dated May 20, 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.

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.

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.

All signage shall be limited to a total of 118 sq. ft. of copy area.

The remaining secondary façade sign shall be located on the façade of the tower nearest to the site's entrance off of Bonneville Drive.

NOTICE: Staff compared the original request against the current request, noting that the applicant had significantly reduced the scale of the application. The proposal is to keep the two (2) approved façade mounted signs, and to have only one (1) ground sign at the main entrance. The design for the ground sign fully complies with the sign code. Also, the proposal is using only 66% of the sign area permitted for the project. This sign will improve safety by clearly

delineating the entrance location to the site. Staff recommended approval of the request. Staff concluded by indicating that they had not received any correspondence regarding this request.

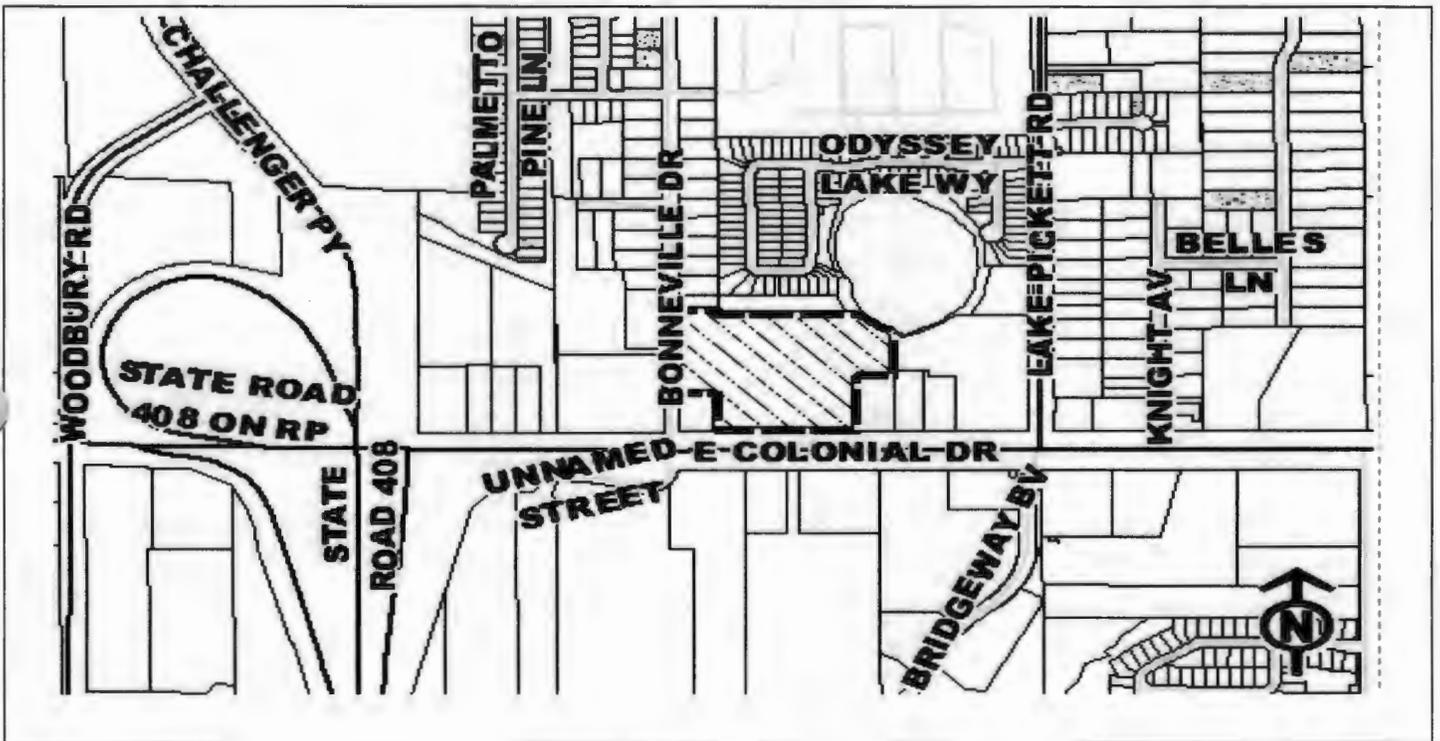
The applicant noted their agreement with the staff recommendation. There being no one present to speak in favor or opposition to the request, the public hearing was closed.

The BZA concluded that given the safety enhancement the proposed sign package would provide that the criteria for granting the requested variance had been met. A motion to recommend approval was passed unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	P-D	P-D & R-1	C-1	P-D	C-1
Future Land Use	P-D/HDR	LMDR	C	C	C
Current Use	Multifamily (Under construction)	Single family detached	Commercial	Under construction	Commercial

BACKGROUND AND ANALYSIS

Description and Context

The property is located in a P-D, Planned Development district, and is part of the Lake Pickett Center P-D. This P-D allows a variety of uses including single-family, multi-family, commercial and industrial.

At the May 2, 2019 BZA meeting, staff informed the BZA that the applicant was revising their proposal, and rather than signing so during the meeting, they requested a continuance. The BZA granted the continuance to allow staff to analyze the revised proposal. This portion of the overall P-D consists of a 10.45 acre parcel of land. The property is currently being developed for a mixed-use project consisting of a 296 unit apartment complex with an integrated restaurant.

The number of entrance signs permitted for multifamily development is based upon the number of entrances the site has, as well as the linear feet of the site's frontage. The site has two (2) entrances, one (1) off East Colonial Drive and one (1) off of Bonneville Drive. Therefore, they are entitled to a total of two (2) entrance signs. Section 31.5-73 of the Orange County code, permits either freestanding ground signage or wall mounted. The applicant obtained permits for a blade sign and wall sign (B19000723), which was issued January 14, 2019. As of the preparation of this report, the blade sign has been installed, but the second façade sign, a secondary entrance sign, has.

The revised proposal now consists of a total of three (3) signs: one (1) ground sign meeting all of the criteria for a ground sign imposed on this P-D, a blade sign, which would be considered a secondary sign; and, a secondary wall sign. The new proposal consists of a combined total of 84.5 sq. ft. of copy area. This is actually 15.28 sq. ft. less copy area than the original proposal in May, and 33.5 sq. ft. less than the actual amount approved for this part of the P-D. They have eliminated the ground sign proposed for Bonneville Drive. As previously noted, the blade sign has been installed on the tower of the building facing East Colonial Drive.

Unlike commercial developments, a residential apartment complex is more of a destination as opposed to a potential impulsive stop. However, it should be noted that unlike a totally residential apartment complex, this project does have a commercial component with a restaurant which will be open to the public. The only sign proposed for the restaurant is a 6.66 sq. ft. sign on the proposed main entrance sign.

District Development Standards

	Code Requirement	Proposed
Max Height:	8 ft.	8 ft.
Min. Lot Width:	N/A	N/A
Min. Lot Size:	N/A	N/A

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The site has a large amount of frontage. However, the main entrance off East Colonial Drive does not have a median break, and one must make a U-turn at Lake Pickett Road to access the site from eastbound East Colonial Drive. The revised sign package will provide a clear view of the main entrance's location.

No Special Privilege Conferred

The applicant is proposing signage with a total copy area of 33.5 sq. ft., 28% less than what the site is actually entitled to have by right. While they may have one more secondary entrance sign than normal, the primary entrance ground sign will improve safety.

Minimum Possible Variance

As previously noted, the applicant is requesting copy area which is 28% less than what the site is entitled to. Given the enhanced driver safety that the ground sign will provide, which now meets the eight (8) foot maximum height, this is the least possible variance.

Purpose and Intent

The purpose and intent of the code is to permit only that amount of signage deemed necessary for the type of development. Most commercial sites have both ground or pole signs and façade signage along East Colonial Drive. This request will not be out of character with the area. Nor will the request impair the integrity of the code and will satisfy the purpose and intent.

CONDITIONS OF APPROVAL

Development in accordance with the site plan and sign design dated May 20, 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.

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.

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.

All signage shall be limited to a total of 118 sq. ft. of copy area.

The remaining secondary façade sign shall be located on the façade of the tower nearest to the site's entrance off of Bonneville Drive.

Thomas R Sullivan
301 East Pine Street, Suite 1400
Orlando, FL 32801

COVER LETTER

GRAY | ROBINSON
ATTORNEYS AT LAW

301 EAST PINE STREET
SUITE 1400
POST OFFICE BOX 3068 (32802-3068)
ORLANDO, FLORIDA 32801
TEL 407-843-8880
FAX 407-244-5690

BOCA RATON
FORT LAUDERDALE
FORT MYERS
GAINESVILLE
JACKSONVILLE
KEY WEST
LAKELAND
MELBOURNE
MIAMI
NAPLES
ORLANDO
TALLAHASSEE
TAMPA
WEST PALM BEACH

THOMAS R. SULLIVAN

407-244-5664
THOMAS.SULLIVAN@GRAY-ROBINSON.COM

March 13, 2019

VIA HAND-DELIVERY

Sean J. Bailey, Chief Planner – BZA Section
Planning, Environmental, and Development Services Department
201 S. Rosalind Avenue
Orlando, FL 32801

Re: Signage Variance Application (13645 E. Colonial Drive)

Dear Sean:

Following-up on our e-mail correspondence, enclosed please find a BZA application and supporting materials for the above-referenced request together with a check in the amount of \$638.00. A sign plan is included among the enclosed application package which is responsive to the portion of the BZA application applicable to signage variance requests.

Additionally, please find the following responses per Section 30-43(3) of the Orange County Code --

1. 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 classification.

This variance request is being submitted in connection the development of a new 4-story 296-unit multifamily project named CODA. The same group developed the EOS project at 12221 E. Colonial Drive. The request is for a total 4 signs (2 existing wall, and 2 proposed ground) in lieu of 2. A sign plan is enclosed with the application and depicts additional details. The CODA project is part of a PD which makes its zoning classification unique. The signage being requested is appropriate for the project being constructed and is similar to the existing signage at EOS. The wall signs are customary in the industry, and the monument signs at E. Colonial and Bonnevillle are still below the maximum amount of allowed copy area. The

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www.gray-robinson.com

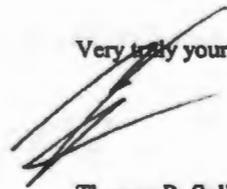
Sean J. Bailey, Chief Planner – BZA Section
Planning, Environmental, and Development Services Department
March 13, 2019
Page 2

signage is also needed to identify Café Mambo which is a retail element included within the project, which is another unique and special circumstance associated with the request.

2. Not self-created. The special condition described above is created by the application of the Code the development of the project (i.e., the limitation in the number of signs), rather than by the property owner.
3. No special privilege conferred. No special privilege denied to others would be conferred by granting the requested variance to the property owner due to the unique circumstances described above.
4. Deprivation of rights. The property is a PD which is a unique site specific zoning district, but the requested signage is in keeping with similar projects featuring the approved development program and associated uses.
5. Minimum possible variance. The requested variance is the absolute minimum necessary and is similar to the EOS project.
6. Purpose and intent. The effect of the variance request is consistent with the general intent of the Code and Comprehensive Plan as it is only a measured increase in the number of signs based on unique circumstances.

Please give me a call if you have any questions, and thank you for your assistance.

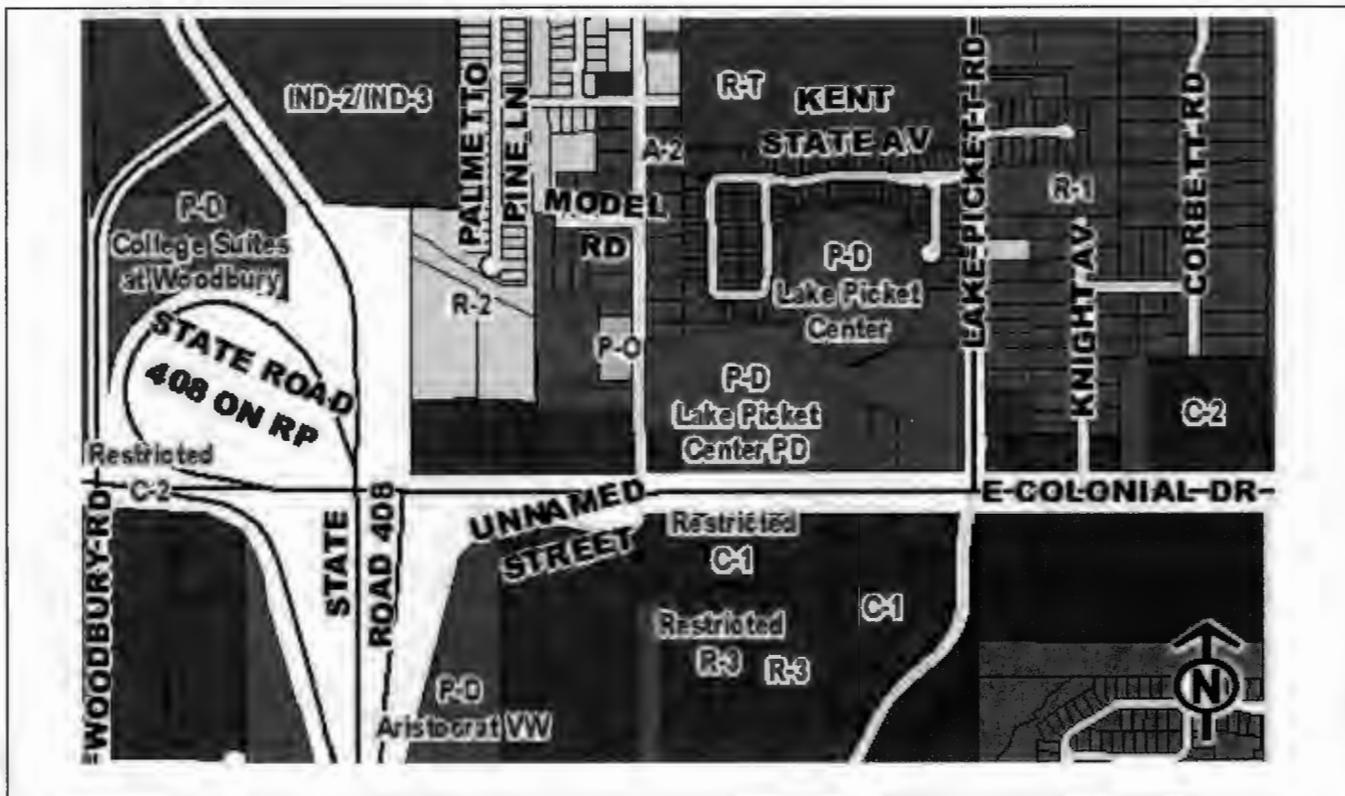
Very truly yours,



Thomas R. Sullivan

Enclosures

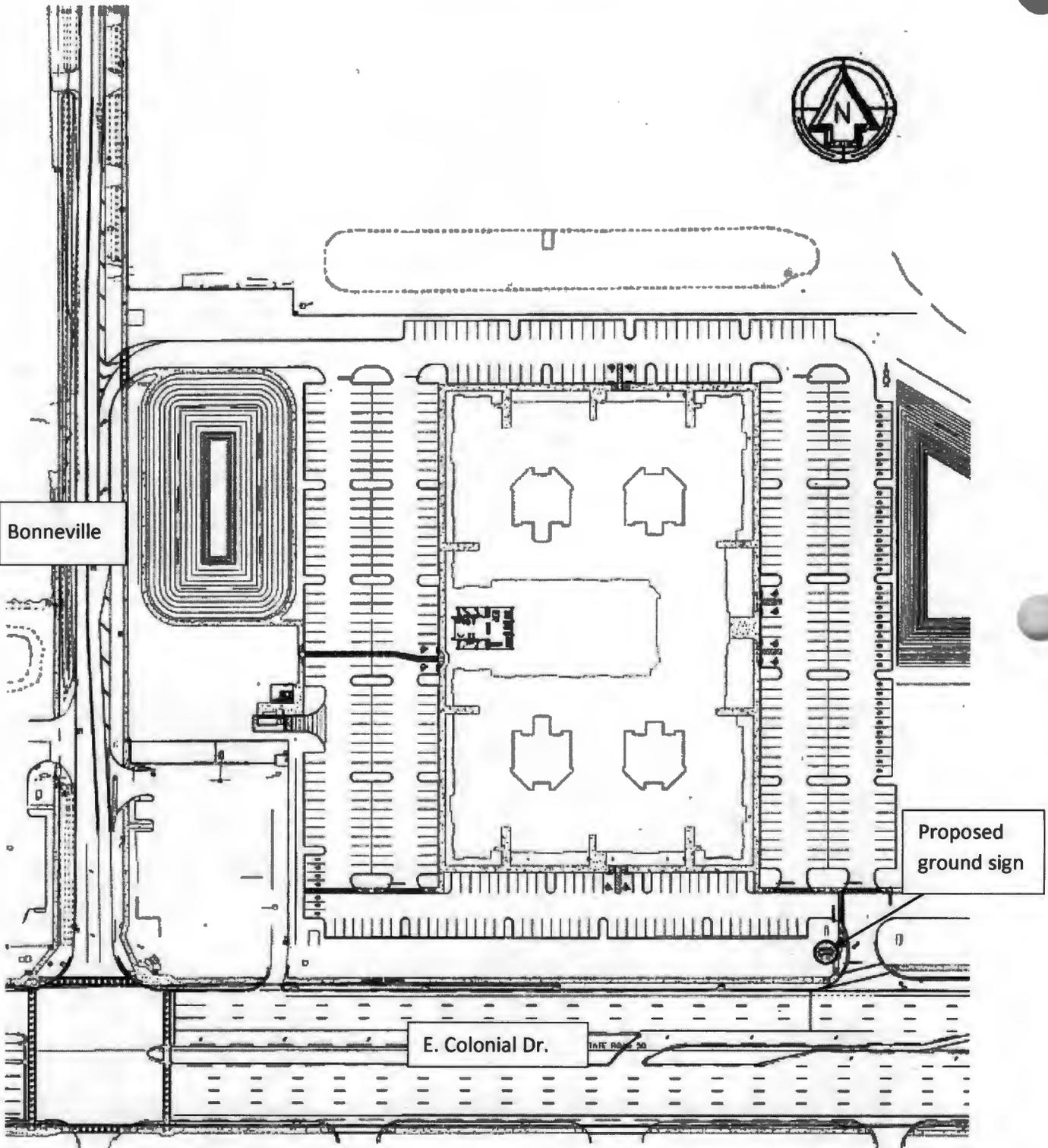
ZONING MAP

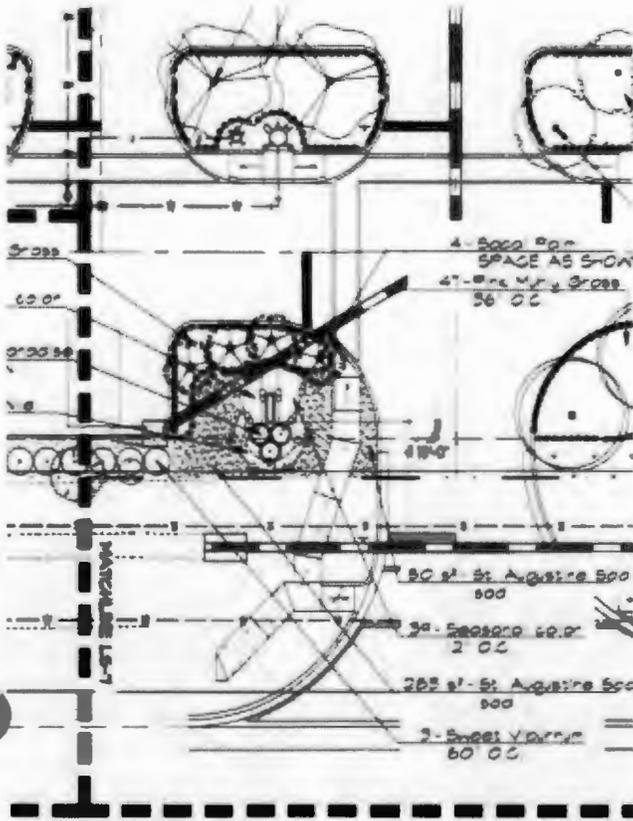


AERIAL MAP



SITE PLAN / SURVEY





Site Plan Detail @ Location 1
Scale: 1" = 20'-0"



Building Elevation (Typical)



1 Sign Elevation - Sign Location 1 (Opposite Side is Similar)
Scale: 1/2" = 1'-0"

SITE PHOTOS



Bonneville Drive Elevation



E. Colonial Drive Elevation showing Blade Sign

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-06-045**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): BENJAMIN VAZQUEZ

OWNER(s): ELOISA SALAS, BENJAMIN VAZQUEZ

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

- 1) To allow the existing residence with a side (east) setback of 5 ft. in lieu of 7.5 ft.
- 2) To allow an addition with a side (east) setback of 5 ft. in lieu of 7.5 ft.
- 3) To allow an existing shed located 4.5 ft. from the side (east) property line in lieu of 5 ft.
- 4) To allow an existing shed 4 ft. from the rear (north) property line in lieu of 5 ft.
- 5) To allow construction on a lot with 49 ft. of frontage in lieu of 75 ft.
- 6) To allow construction on a lot with 6,749 sq. ft. of lot area in lieu of 7,500 sq. ft.

PROPERTY LOCATION: 1501 38th. St., Orlando, FL 32839, north side of 38th St., approximately 250 ft. east of S. Rio Grande Avenue

PARCEL ID: 03-23-29-0183-11-180

LOT SIZE: 50 ft. x 135 ft./ .154 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 121

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

Development in accordance with the site plan dated March 19, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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.

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.

The exterior of the addition shall match the exterior of the existing residence with respect to materials and color.

SYNOPSIS: Staff explained the history of the property, and that the home was constructed before zoning existed in Orange County. The existing home is substandard in living area, and the addition will remedy this. The lot is a lot of record, however, the variances for lot width and area will ensure that the lot is in compliance. The applicant is not increasing the encroachment, and the most impacted neighbor has submitted a letter of support, as did a neighbor across the street. No correspondence in opposition had been received.

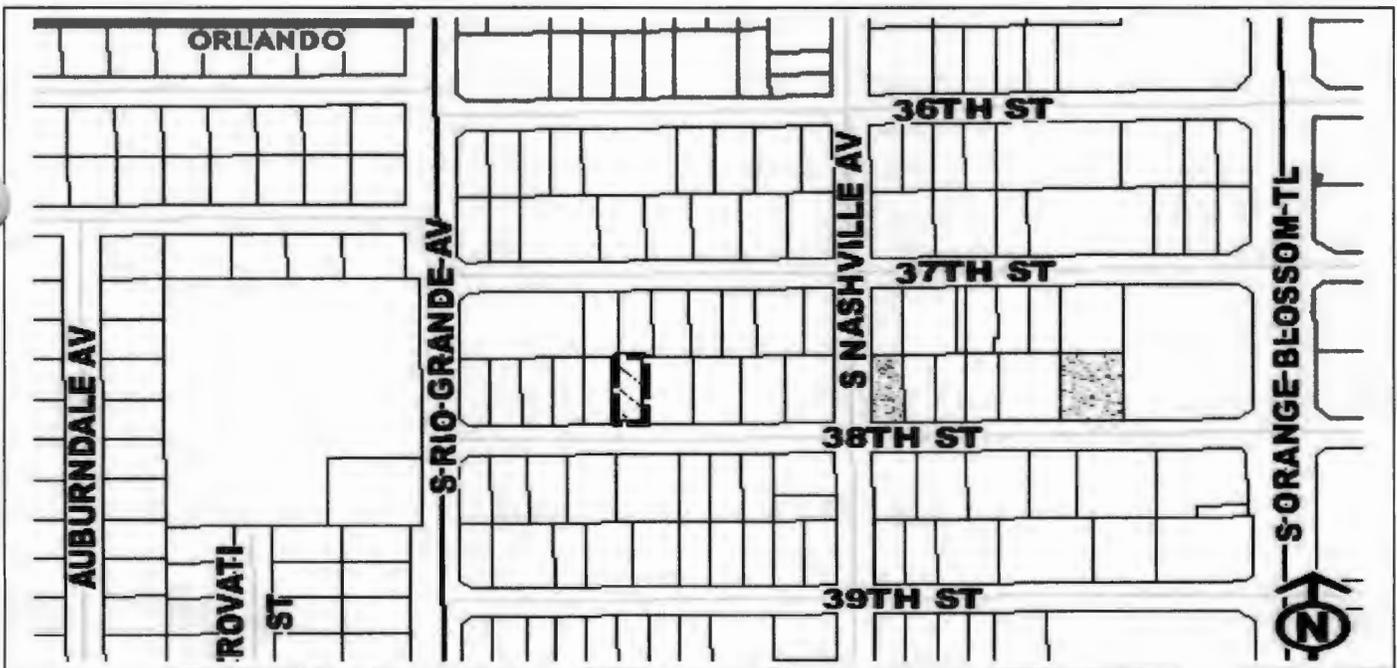
The applicant indicated that they agreed with the staff recommendation and simply wished to add onto the house to meet the needs of their growing family. There being no one present to speak for or against the request, the public hearing was closed.

The BZA concluded that the requests met the criteria for granting a variance, and that the addition would bring the size of the home into compliance with the code. A motion to recommend approval was passed unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

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

BACKGROUND AND ANALYSIS

Description and Context

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

The subject property was created through the Angebilt Addition #2 plat, which was recorded in November 1924. The existing residence was built in 1954, and has 1,234 sq. ft. of total floor area, but only 954 sq. ft. of living area. It was built 5 feet from the side (east) property line. The minimum living area required for a lot in the R-1A zoning district is 200 sq. ft. The applicant purchased the subject property in December 2018, and desires to increase the size of the home to accommodate his family. The addition will make the home fully conforming with regard to the living area. The addition to the rear will follow the existing side building line, will not encroach any further into the side setback, and meet the rear setback.

While the lot is a nonconforming lot of record, staff has included the variances for lot width and area necessary to satisfy the nonconforming aspects of the lot.

The existing shed was properly permitted (B14005862). The permit indicated that the shed would comply with all setbacks, however, when the shed was installed, it was placed 1 foot into the required 5 foot setbacks.

At the time of the preparation of this report, staff has received two (2) letters of support, and no letters of opposition. One (1) of the letters is from the most impacted property owner to the east of the subject property.

Strict Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	16 ft.
Min. Lot Width:	75 ft.	49 ft.
Min. Lot Size:	7,500 sq. ft.	6,749 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	27 ft.
Rear:	30 ft. house/5 ft. shed	40 ft. house/4 ft. shed
Side:	7.5 house/5 ft. shed	5 ft./7.5 ft. house/5 ft. shed
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The lot size and area is more consistent with the R-1, Single Family Dwelling District, than the R-1A district, which requires a minimum of 50 feet of frontage and 5,000 sq. ft. of lot area. This is an attribute shared with a sizable number of the lots in this neighborhood. The R-1A zoning is the initial zoning placed on the property by the County in 1957.

Not Self-Created

The applicant purchased the property in 2018, and the residence is as originally built. The existing shed was properly permitted, however, not properly installed by the contractor.

No Special Privilege Conferred

The house, which was constructed prior to the inception of zoning in Orange County, is located five (5) feet from the side property line. To allow the applicant to follow that established building line is not considered a special privilege.

Deprivation of Rights

Without the variance for the side setback for the addition, the applicant will have to construct the addition 2.5 feet from the existing established corner of the house, resulting in a less functional bedroom layout, and a more complicated roof design.

Least Possible Variance

Given that the applicant wishes to follow the existing side building line, the variance for the addition is the least necessary. The variance for the shed is less than a full foot, again the least necessary.

Purpose and Intent

The requested variances will still leave adequate separation distance from the adjacent properties. Granting of the requested variances will not impair the integrity of the code, and will meet the purpose and intent.

CONDITIONS OF APPROVAL

Development in accordance with the site plan and elevations dated March 19, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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.

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.

The exterior of the addition shall match the exterior of the existing residence with respect to materials and color.

Benjamin Vazquez
1501 38th Street
Orlando, FL 32839

COVER LETTER

To: Board of Zoning Adjustment

Ref#:VA-19-06-045

Project Name: 1501 38th Street

Parcel ID: 03-23-29-0183-11-180

Receipt #: 429283

03/28/2018

I Benjamin Vazquez & Eloisa Salas owners of the property mentioned above, we are writing this letter to ask your consideration and let us add an addition to our house, we purchased this house on 2013, 2 Bedrooms 1 bath, our family has grow and we need extra bedrooms we have 3 kids and has been really uncomfortable for us to be on 2 bedroom house

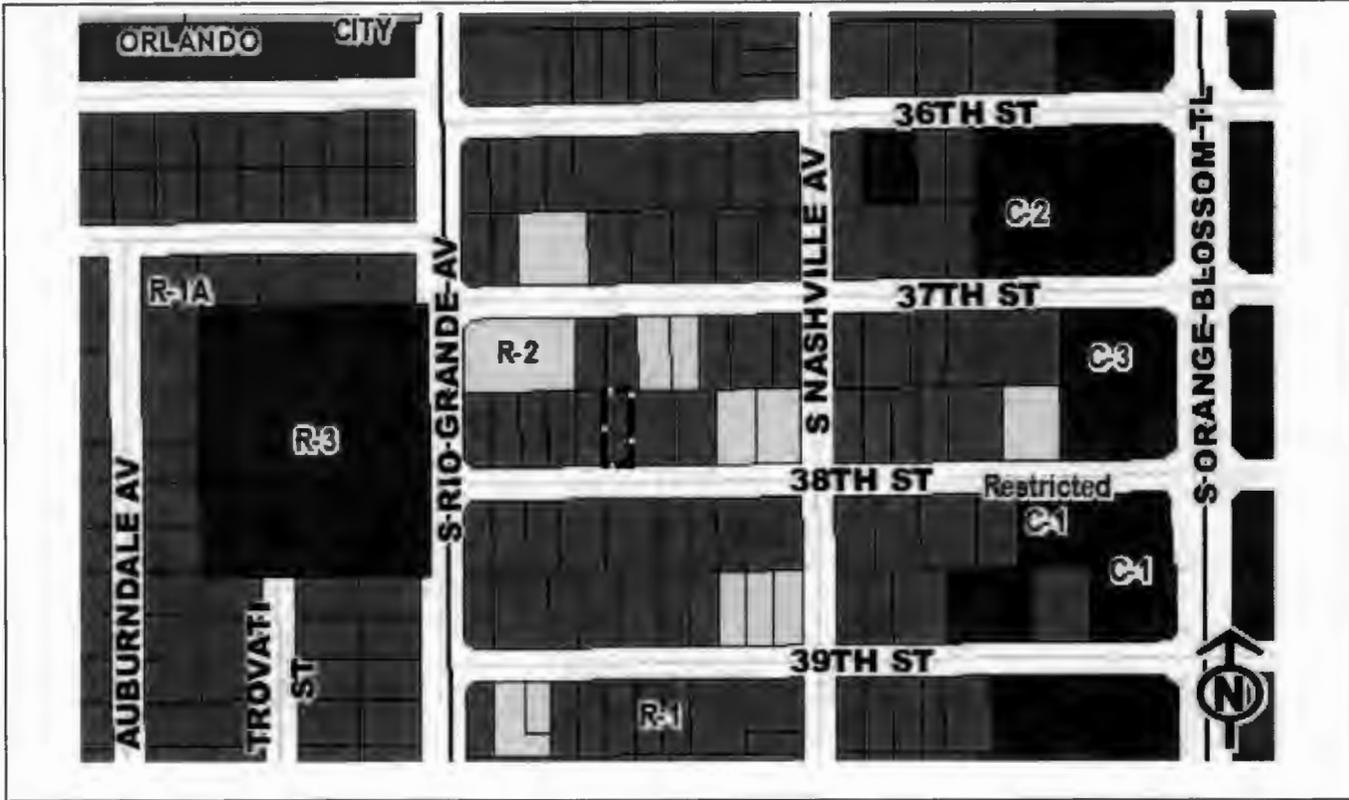
Your kind Consideration to this request will be greatly appreciated

Thank you for your consideration

Sincerely

Benjamin Vazquez & Eloisa Salas

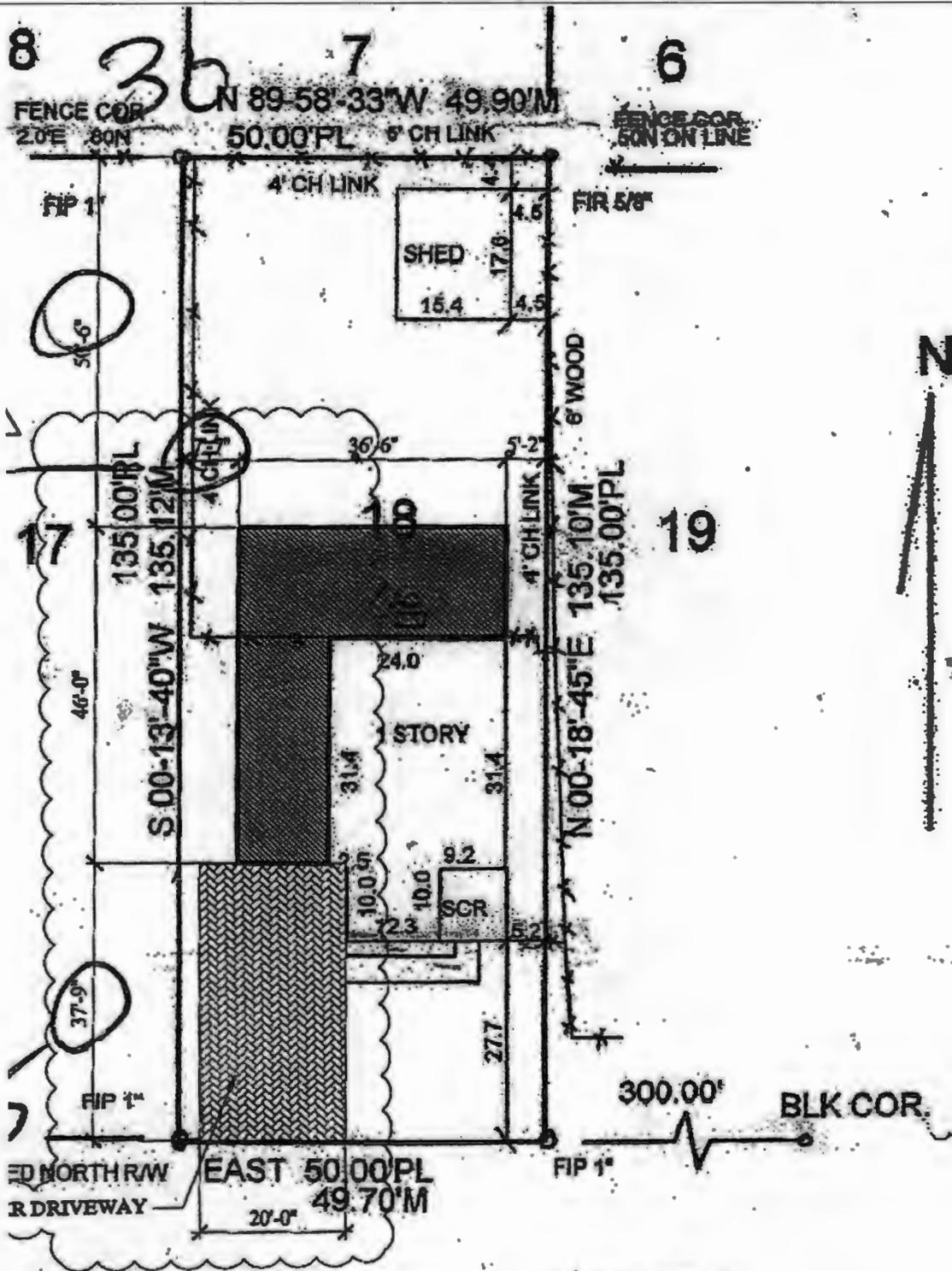
ZONING MAP



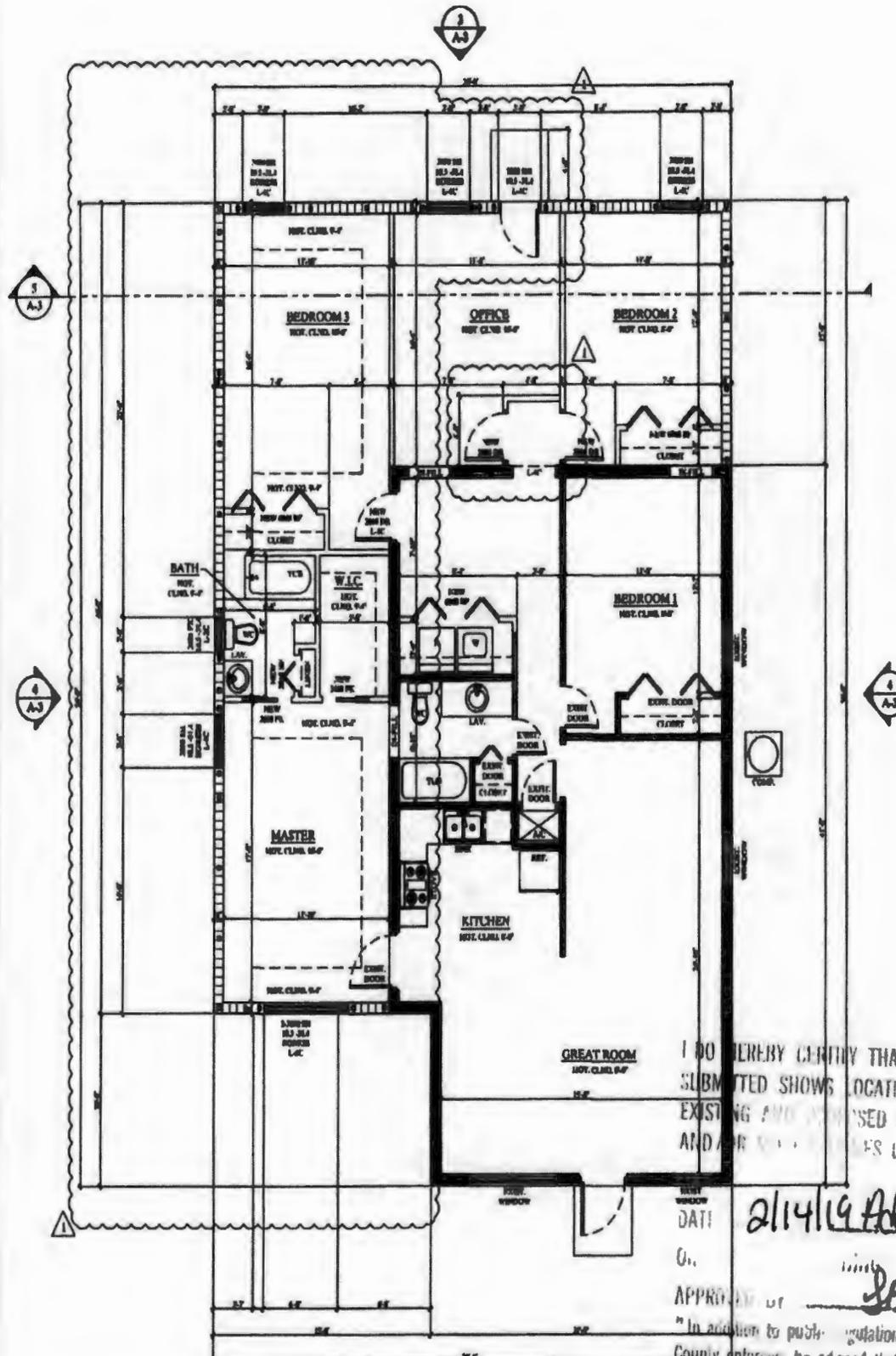
AERIAL MAP



SITE PLAN / SURVEY



1/2 L MESA (PLAT) 60' R/W
 38TH STREET (EXISTING)



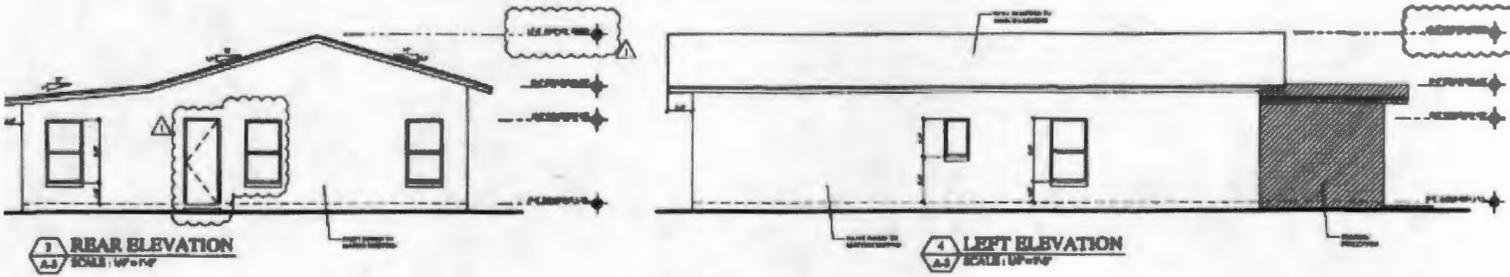
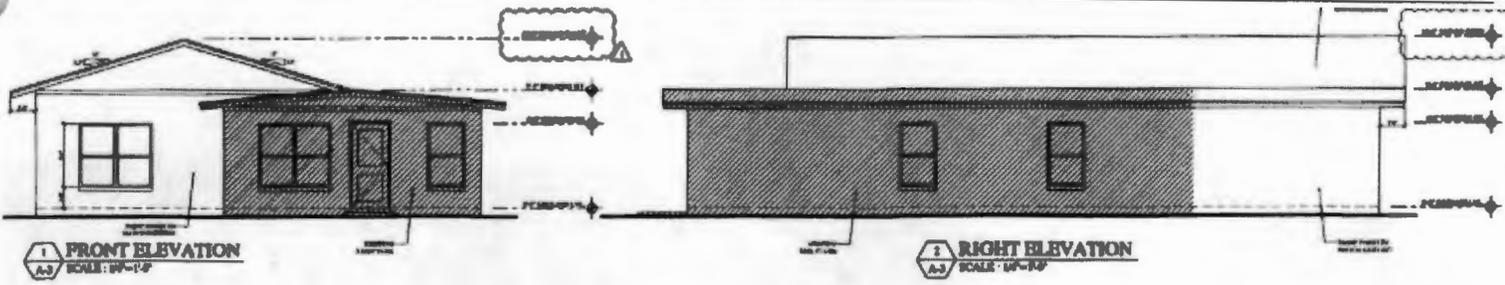
1 PROPOSED FLOOR PLAN
A-2 SCALE: 1/4" = 1'-0"

I DO HEREBY CERTIFY THAT THE SUBMITTED SHOWS LOCATIONS OF EXISTING AND PROPOSED WINDOWS AND DOORS.

DATE: 2/14/19 Ad
 APPROVED BY: [Signature]

"In addition to public regulation, County ordinances be advised that private restrictions or approval may affect your ability to erect this structure. Your deed restrictions and/or other Home Owners Association or Arch...

ELEVATIONS



SITE PHOTOS



Front Looking North



West Side Addition Location



Rear Addition Location



05/13/2019 10:54

Existing Side Yard (East)

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-06-047**

Commission District: **#4**

GENERAL INFORMATION

APPLICANT(s): **DAVID CONE, JR.**

OWNER(s): **DAVID CONE, JR., CARMEN CONE**

REQUEST: **Variance in the R-2 zoning district to allow an addition with a rear (south) setback of 12 ft. in lieu of 25 ft.**

PROPERTY LOCATION: **12744 Woodbury Glen Dr., Orlando, FL 32828, south side of Woodbury Glen Dr., approximately 625 ft. west of Woodbury Rd.**

PARCEL ID: **22-22-31-9465-00-130**

LOT SIZE: **52 ft. x 110 ft./ .131 acres**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **232**

DECISION: APPROVED a lesser variance of 15 ft. in lieu of 25 ft. 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):

Development in accordance with the site plan and elevations dated March 26, 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.

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.

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.

The exterior of the addition shall match the exterior of the existing residence with respect to materials and color.

NOTICE: Staff explained the history of the property, and the fact that the home backed up to the common area of a townhouse community which had no improvements other than landscaping. Staff was recommending that the BZA grant a variance, but that the applicant revise the floor plan to have the addition extend along more of the rear of the home including losing a window. Staff noted that correspondence in favor have been received from one of the most impacted neighbors, three other nearby neighbors, and from the HOA.

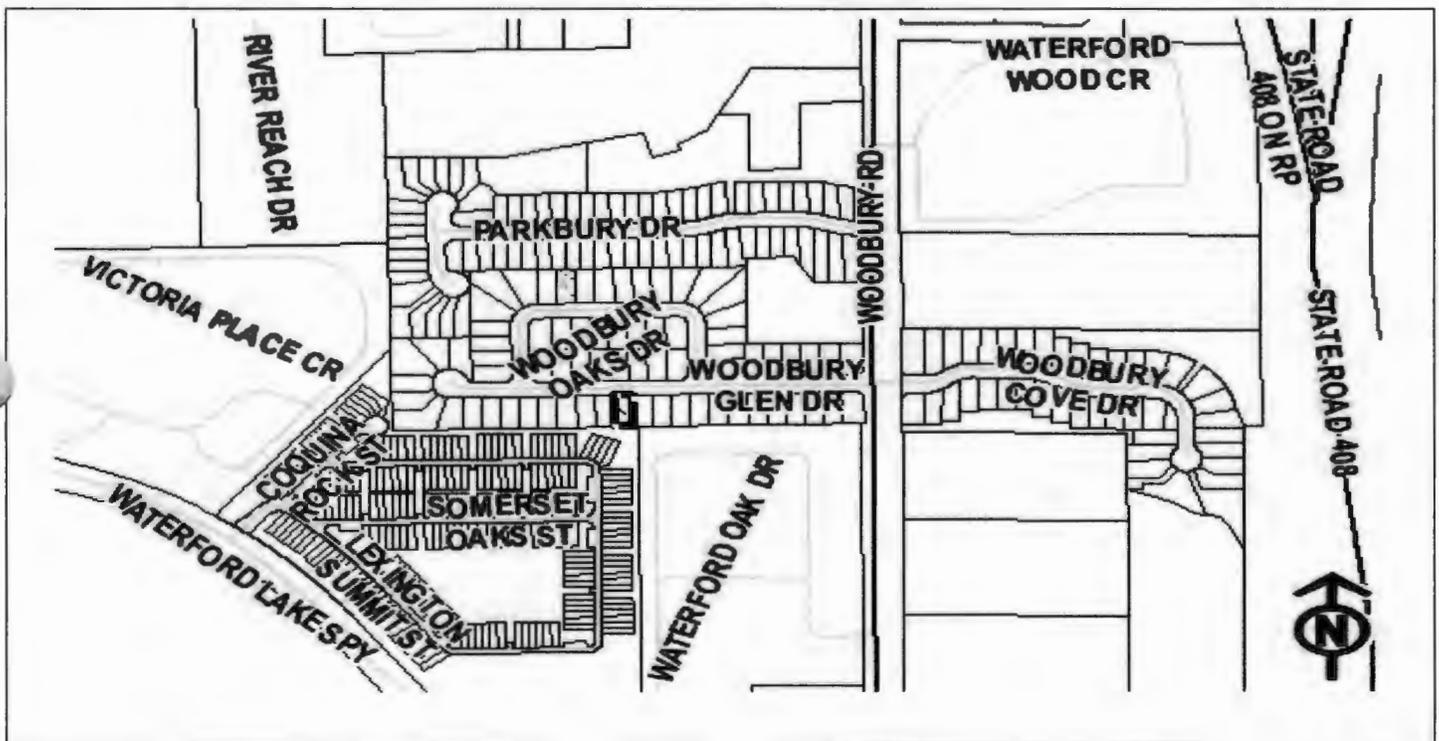
The applicant explained that the window staff was recommending be covered, was a window for their wife's small office area in their master bedroom, and she would be very upset if it were lost. They offered to shorten the addition by three (3) feet to reduce the impact of the variance. There being no one present to speak in favor or opposition to the request, the public hearing was closed.

The BZA asked the applicant if they had already invested in an architect and if the plans were finalized. The applicant indicated that they had done all of the drawings. The BZA concluded that the offer to increase the setback from 12 feet to 15 feet satisfied the variance criteria. A motion to approve a rear setback of 15 ft. in lieu of 25 ft. was approved unanimously.

STAFF RECOMMENDATIONS

Staff recommends approval of a lesser variance than requested subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-2	R-2	P-D	R-2	R-2
Future Land Use	MDR	MDR	MDR	MDR	MDR
Current Use	Single family residence	Single family residence	Townhomes	Single family residence	Single family residence

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the R-2, Residential zoning district, which allows single-family homes, multifamily development, and associated accessory structures.

The subject property is a part of the Woodbury Road Patio Homes plat, which was recorded December 1993. The property is developed with a single-family residence with a total of 1,564 sq. ft. of total floor area, and 1,111 sq. ft. of living space. The applicant would like to add a living room addition to the rear of their home.

The applicant is proposing to add 408 sq. ft. of additional floor space by constructing a 17 ft. wide by 24 ft. long addition to the southwest corner of the house. To accommodate the depth of the new room, the applicant requires a variance of 12 feet, which equates to just over one-half (1/2) of the rear setback. The orientation of the room could be reversed, thereby, reducing the amount of encroachment into the rear setback to six (6) or even (7) feet.

There is an existing screen room in the location where the addition is proposed. A screen room has a rear setback of 12 feet in this zoning district. The rear yard is completely surrounded by a six (6) foot tall opaque vinyl fence. To the south of the subject property is a townhouse community. The subject property backs up to common open space. There is a distance of approximately 40 feet from the rear lot line of the subject property to rear property line of the nearest townhouse lot.

Because the lot was platted prior to March 3, 1997, the rear setback is 25 feet. Had it been platted four (4) years later, the rear setback would only be 20 feet, and the applicant would only be asking for a variance of seven (7) feet.

As of the preparation of this report, staff has received four (4) letters of support from neighbors. One (1) of the letters is from one of the most impacted neighbors abutting the subject property's east property line. In addition, the applicant also obtained the approval of their HOA.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	16 ft.
Min. Lot Width:	45	52
Min. Lot Size:	4,500 sq. ft.	5,720 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	25 ft.
Rear:	25	12 ft.
Side:	6 ft.	6 ft./7 ft.
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Due to the 25 ft. front and rear setbacks, and the depth of the house, there are only 11 feet remaining for an addition. To achieve the desired square footage and remain within the 11 feet, the addition would need to be 37 feet long, which would result in the loss of all windows on the rear of the house, which is only 38 feet long. A lesser variance of 7 feet would allow the applicant to construct the desired square footage in a different configuration.

Not Self-Created

The house was originally constructed in 1995, and the applicant purchased the home in 2008. Had they been the original owner, they may have chosen a different model home, which may have allowed more available useable rear yard out of the setback.

No Special Privilege Conferred

Constructing an addition is a common practice, and allowing an addition on the subject property would not confer any special privilege.

Deprivation of Rights

Without some relief, the applicant will be left with limited options, which will not include attaining the desired rear yard area.

Minimum Possible Variance

A variance of fifty percent (50%) is considered excessive. If the applicant were to flip the floor plan to have the addition with a depth of 17 ft. in lieu of 24 ft., a variance of seven (7) ft. would be sufficient, and would only be a deviation of twenty-eight percent (28%). In covering 24 feet of the rear of the house, one (1) existing window would be lost, or would need to be relocated.

Purpose and Intent

Granting a lesser variance would still result in the retention of a significant amount of rear yard open to above, which meets the purpose and intent of the code.

CONDITIONS OF APPROVAL

- Development in accordance with the site plan and elevations dated March 26, 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.
- 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.
- 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.
- The exterior of the addition shall match the exterior of the existing residence with respect to materials and color.

David Cone, Jr.
12744 Woodbury Glen Drive
Orlando, FL 32828

COVER LETTER

From: David Cone, Jr.
12744 Woodbury Glen Dr.
Orlando, Fl.

Subject: Request for Rear Setback Variance

To: Orange Zoning Division (Board of Zoning Adjustment)

Request:

This request is for a variance to allow a rear setback of 12.5FT in lieu of 25FT for construction of a family room at the rear of the property at 12744 Woodbury Glen Dr. Orlando Fl, 32828.

The family room will be single story and of concrete block construction with a hip roof that matches the existing home.

Proposed dimensions are 17'Lx24'Wx16'H (408 SqFt).

Requirements:

- A) 25Ft required rear setback per Orange County Planning and Zoning Quick Reference Guide page 13, July 2018 .
- B) 25Ft Neighborhood rear setback per Woodbury Glen Declarations and Bylaws. (Article X; Restrictive Covenants Section 3 Dwelling Size/Setback)

Comments:

My closest rear neighbor is approximately 48Ft away separated by two vinyl fences and a vegetation barrier.

Enclosed letter of approval from my neighborhood HOA,

Six standards:

1 Special Conditions and Circumstances

Request variance to increase the living space in my 1111 SqFt home.
This is my permanent residence and my retirement home.
No rear neighbor within 40ft of my rear property line.
Additionally, there are two vinyl fences and a vegetation buffer between my property and my nearest rear neighbor.

2 Not Self Created

My neighborhood was platted before 1997 and requires 25ft setback vs 20ft setback if platted after 1997. Building within the current setback (25ft) would not allow construction of a room of sufficient size considering the expense.

3 No special privilege conferred

Approval of this request does not confer upon me any special privilege not afforded other residents of Orange County in similar situations.

4 Deprivation of rights

I have no close rear neighbors.
Woodbury Glen Neighborhood HOA letter of concurrence included.

5 Minimum possible variance:

The requested setback (12.5ft) is needed to add a room of sufficient size to be a comfortable family room during retirement.

6 Purpose and Intent:

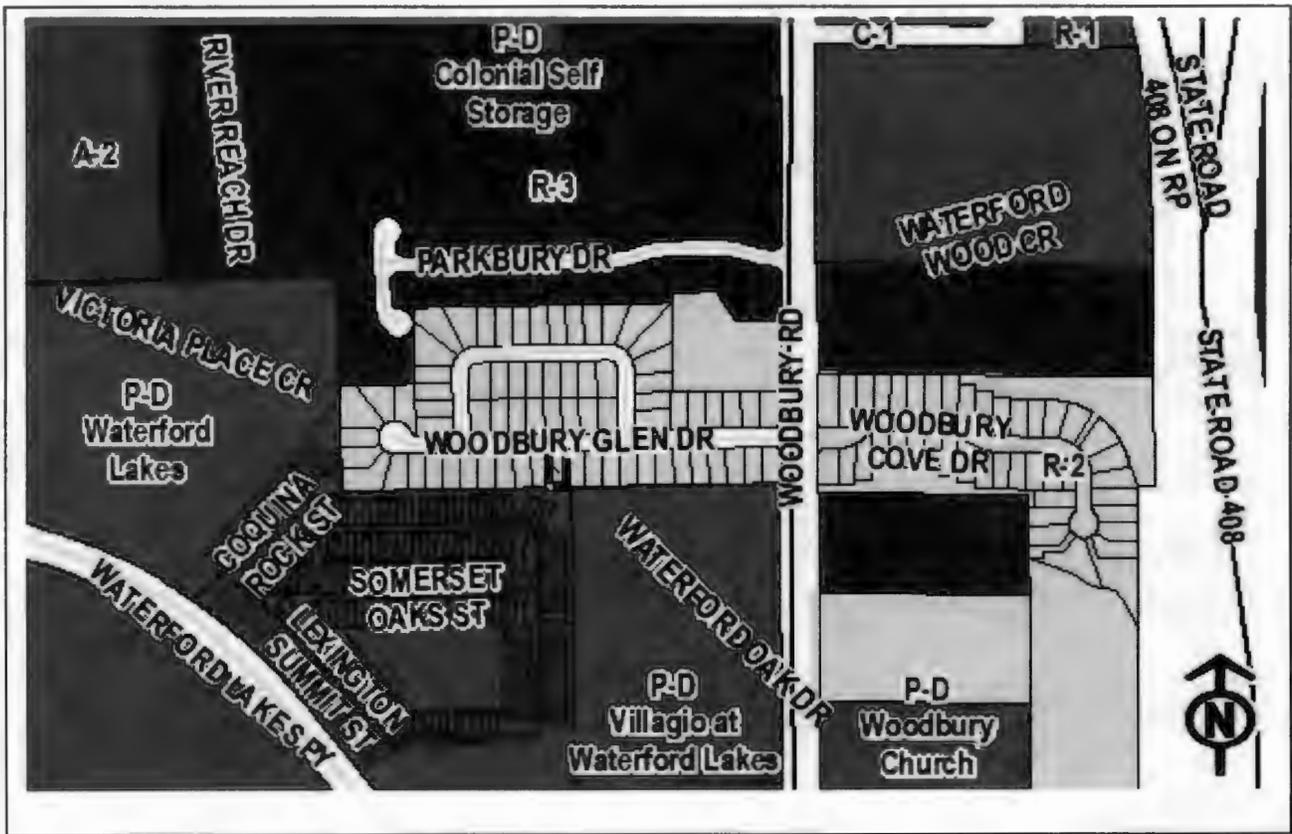
Approval of this zoning variance is in line with the purpose and intent of zoning requirements. This variance will not be detrimental or harmful to my community or any one else. My nearest neighbor (Condo) is at an angle 40ft from my rear property line.

Existing side and front setbacks are unaffected.

Thank You;

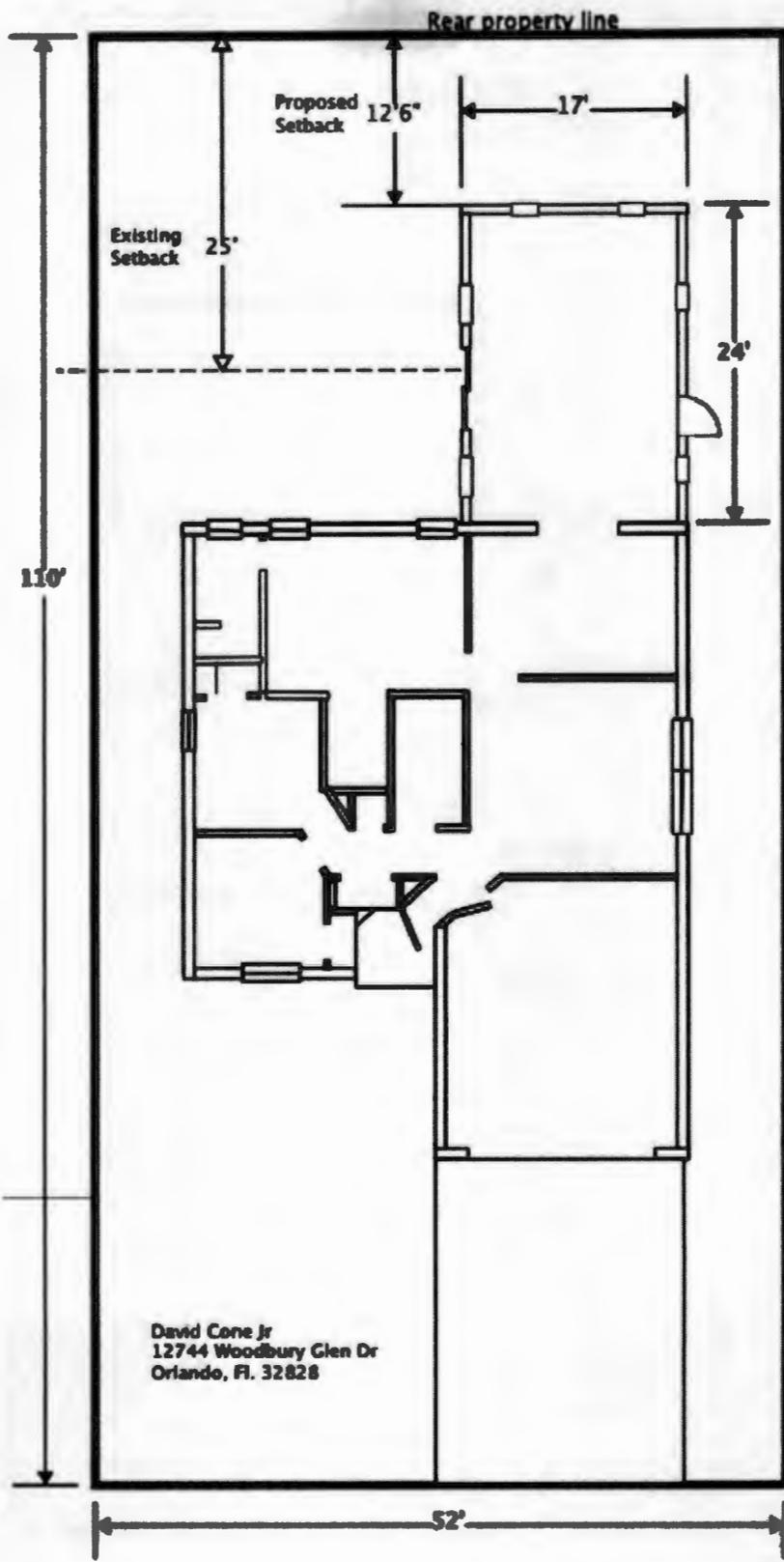
David Cone, Jr.

ZONING MAP

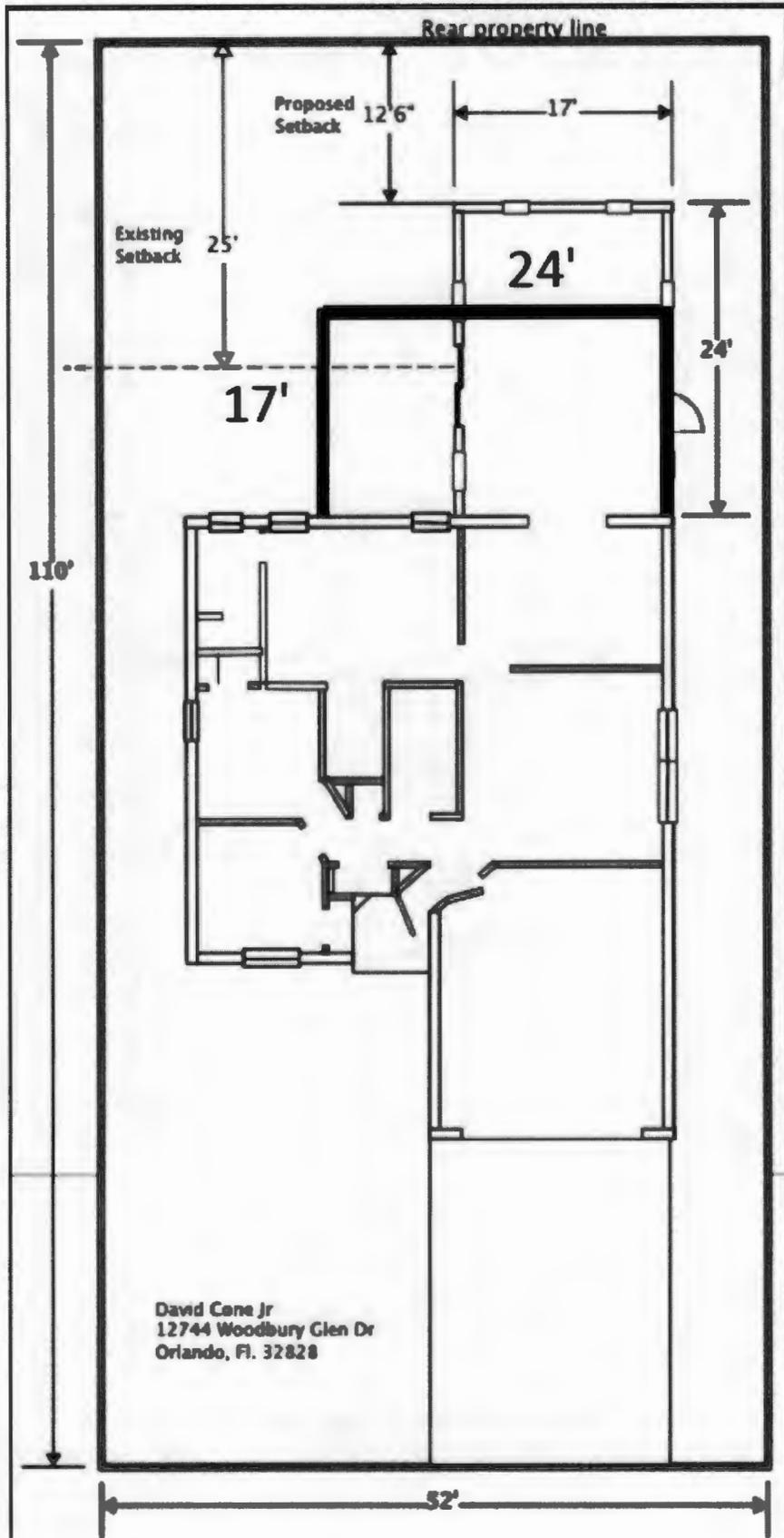


AERIAL MAP



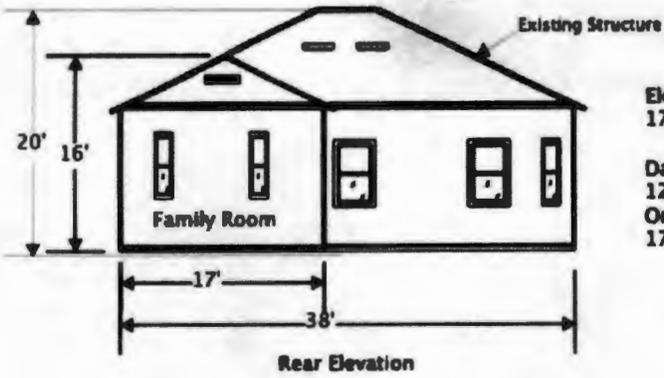


Applicant Proposal



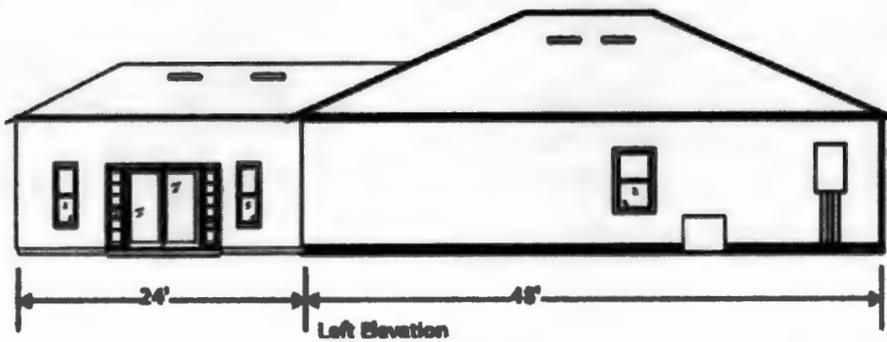
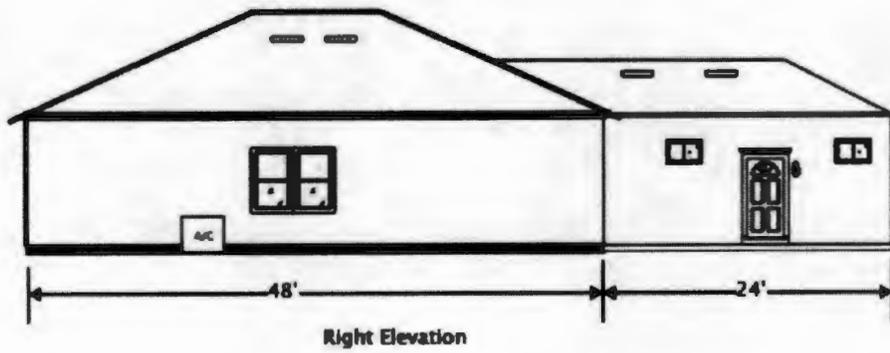
Staff Proposal

ELEVATIONS



Elevations
17'x24' Family Room

David Cone Jr
12744 Woodbury Glen Dr.
Orlando, Fl. 32828
17x24



SITE PHOTOS



Existing Screen room



Neighboring Townhomes

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2019**

Case Planner: **Sean Bailey**

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

Commission District: **#1**

GENERAL INFORMATION

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

OWNER(s): Church of Jesus Christ of Latter-Day Saints

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

- 1) Special Exception to allow a religious use facility.
- 2) Variance to allow a spire with a height of 67 ft. in lieu of 35 ft.

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

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

LOT SIZE: 18.24 acres

NOTICE AREA: 1500 FT

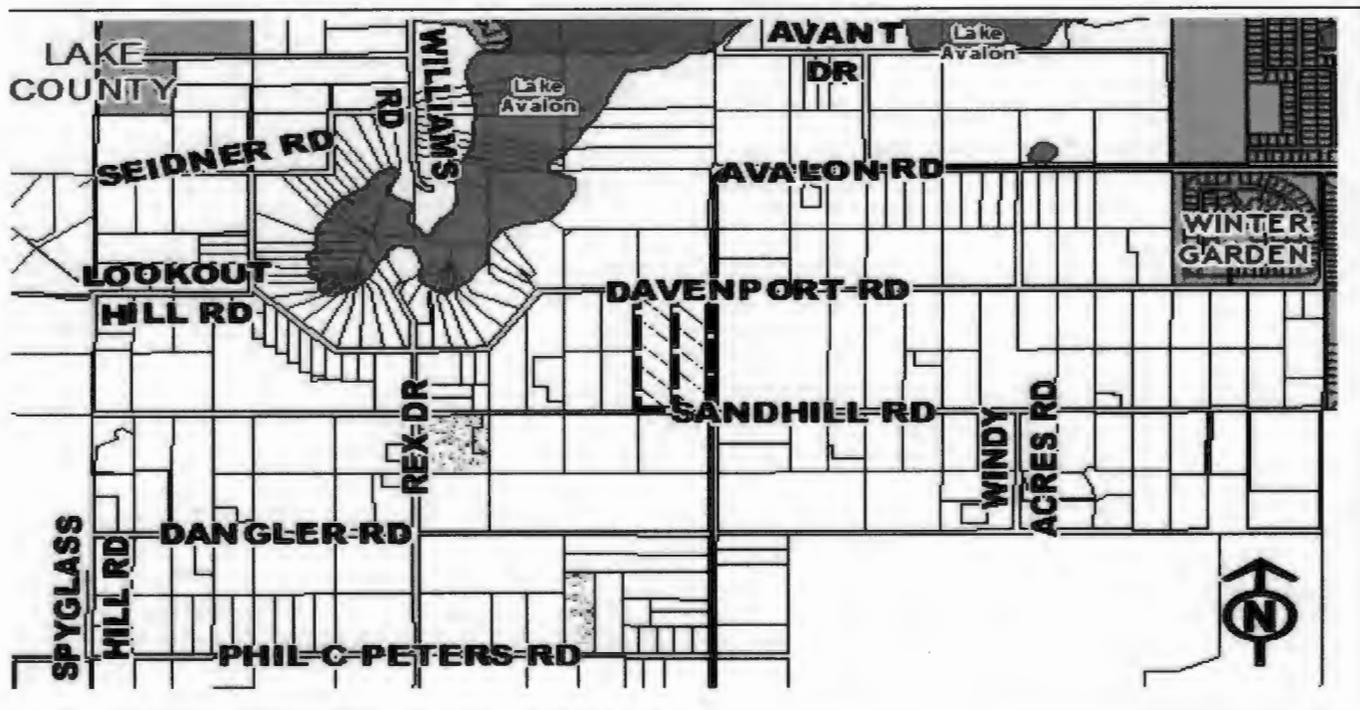
NUMBER OF NOTICES: 68

THIS CASE WAS CONTINUED TO A FUTURE BZA MEETING UPON THE REQUEST OF THE APPLICANT PRIOR TO HIS BZA MEETING.

STAFF RECOMMENDATIONS

Approval of the Special Exception and of a lesser variance, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	A-1	A-1	A-1	A-1
Future Land Use	RS 1/5	RS 1/5	RS 1/5	RS 1/5	RS 1/5
Current Use	Vacant Orange Grove	Single-family residence/farm	Nursery	Religious use facility	Single-family residence

BACKGROUND AND ANALYSIS

Description and Context

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

Religious institutions proposed in the A-1 zoning district with future land use of Rural Settlement are required to go through the Special Exception process.

The property is located in the Lake Avalon Rural Settlement and within the Lake Avalon Rural Settlement Commercial Design Overlay District. However, this overlay district is specific to commercial and office uses, while this is an institutional use, it has been determined that the overlay guidelines do not apply to this application.

The property is comprised of two (2) platted lots (17E and 18E) which were platted in 1949, as part of the Lake Avalon Groves Plat. The applicant is proposing to develop the northernmost 5.72 acres of the site and leave the remaining 12.52 acres vacant to the south.

The applicant is proposing a 16,625 sq. ft. building with a maximum of 576 seats with associate parking spaces, driving aisles, storm water ponds and landscaping. The project is required 198 parking spaces per code and 222 spaces are provided per the site plan.

A religious use facility with 250 members and overall building footprint of 34,307 sq. ft. (including the gymnasium) was approved at the property directly to the east across Avalon Road in 2005, when a Special Exception was not required, and later received Special Exception approval to add a 12,000 sq. ft. gymnasium in February, 2016.

The proposed building is a one story, 27-foot tall structure with a spire that is approximately 66'-4" tall that requires a variance.

The Lake Avalon Rural Settlement is made up of larger residential lots (minimum 5 acres), nurseries, farms, water treatment facilities and equestrian centers.

The property is a corner lot with frontage on Avalon Road, which is a collector road, and Davenport Road, which is non-classified residential right-of-way. Transportation Planning has provided a traffic study, which states that the use will generate 113 new daily trips and 8 new net PM peak hour trips. The traffic study also states that Avalon Road and Marsh Road (which is located north of the subject property), are at a level of service "C" and have capacity available.

Community Meeting was held on Thursday May 23, 2019 at Whispering Oak Elementary. Staff, the District 1 Commissioner, and approximately 120 residents were in attendance. The residents had concerns regarding traffic, lighting, the height of the spire, the hours of operation, outdoor events and noise.

The proposed hours of operation are Sundays from 7AM to 4PM, Tuesday and Wednesdays from 7PM to 9PM, and occasional activities on Friday/Saturday nights.

strict Development Standards

	Code Requirement	Proposed
Max Height:	35 ft. / 45 ft. for spire	27 ft. / 67 ft. for spire
Min. Lot Width:	100 ft.	617 ft.
Min. Lot Size:	.5 acres	18.25 acres

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

	Code Requirement	Proposed
Front:	35 ft.	106 ft.
Rear:	50 ft.	1,086 ft.
Side:	10 ft.	357 ft.
Sidestreet:	15 ft.	66 ft.
NHWE:	n/a	n/a

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan.

The Future Land Use is Rural Settlement and with the approval of the Special Exception, the use will be compatible with the Comprehensive 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 east has a larger existing religious use facility. There have also been other non-residential uses allowed in the area.

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. In addition, 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 height 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 allowed in the A-1 district, which allows such things as farms, nurseries, and other agricultural uses.

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 plan provided meets the landscape buffer requirements per Section 24-5 and the applicant will not remove any of the existing trees on the southern portion of the lot. Staff is including a condition of approval, which will require the applicant to install a fence along the west property line, which shall help to block any car headlights from protruding into the nearby residential properties.

VARIANCE CRITERIA

Special Conditions and Circumstances

A height variance is required to allow proposed the spire height. The code has a provision to allow church spires a ten (10) height extension about the max building height (35 feet) which would allow up to 45 feet, however, the applicant is requesting 67 feet. The spire represents only about one percent (1%) of the total building area and helps to identify the place of worship. Staff is recommending a lesser variance of 55 feet as 67 feet would be excessive.

Special Privilege Conferred

Religious use facilities are typically allowed to have spires or steeples, which protrude higher than the actual structure, and this is typically associated with the architectural design of such facilities. The Church of Latter Day Saints on Reams Road, which is located five (5) miles to the southeast of this location was approved for the exact same height variance in 2005 (67 feet).

Minimum Possible Variance

The requested variance is only for a very small portion of the building and the remainder of the structure will meet the height requirement, and staff is recommending a maximum height of 55 feet, which will be more compatible with the rural settlement.

Purpose and Intent

Approval of this variance will be in harmony with the zoning regulations; the spire will complement the architectural design of the building, and will not be injurious to the neighborhood.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan, landscape plan and elevations dated May 22, 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. Construction plans shall be submitted within three (3) years of final approval or this approval becomes null and void.
5. No outdoor speakers or other audio amplification.
6. 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 30 days prior to the date of each event.
7. Signage shall be in accordance with 31.5-75, Orange County Code.
8. The project shall comply with Article XVI of Chapter 9 and Sec. 38-1099 of the Orange County Code, "Exterior Lighting Standards".
9. The applicant shall install a 6 ft. high opaque fence along the west property line.
10. The hours of operation shall be limited to 7 A.M. to 4 P.M. on Sundays and from 7 P.M. to 9 P.M. Monday through Saturday.
11. The maximum height of the spire shall be 55 ft. and shall not be illuminated.
12. The applicant shall combine parcel ID's 06-23-27-4284-05-170 and 06-23-27-4284-05-180 through the property appraiser's office.

c: Richard Piacente
1242 SW Pine Island Rd. Suite 42-236
Cape Coral, FL 33991
Russell Ottenberg
3737 Lake Joyce Drive
Land O Lakes, FL 34639

COVER LETTER

November 27, 2018

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

Re: Special Exception Application
The Church of Jesus Christ of Latter Day Saints
17000 Davenport Road, Winter Garden, FL 34787

Dear Sean,

Attached is one Special Exception application package consisting of the following items:

- Application fee check in the amount of \$1,355.00
- Completed Special Exception Application
- Proposed Site Plan
- Proposed Site Lighting Plan
- Survey (of entire property)
- Floor plan of proposed Church
- Architectural elevations of proposed Church
- Articles of Incorporation
- CD containing PDFs of the above (except check)

The purpose of this Special Exception request is to permit a new Church on the subject property. While the overall property is 18.25 acres (MOL), the project area is limited to the northern 5.72 acres (MOL). The subject property is currently a citrus grove. The development will consist of a single Church building with a footprint of approximately 16,625 s.f., attendant paved parking, a small shed and a dumpster enclosure. Parking lot lighting is also proposed. The Church is proposed to be 27' tall to the ridge of the roofline; the height to the top of the steeple is proposed to be 66'-4".

The Church will have a maximum seating capacity of 576, necessitating 198 parking spaces. 222 parking spaces are provided. Proposed hours and days of operation are as follows:

- Sunday: 7 AM – 4 PM
- Tuesday: 7 PM – 9 PM
- Wednesday: 7 PM – 9 PM

There will also be occasional activities on Friday nights and Saturdays. These are not regularly scheduled activities.

The Church is proposed to have one full access point on Davenport Road and another full access point on Avalon Road. Avalon Road requires a 25' right-of-way reservation for future widening & dedication. This is shown and noted on the Special Exception Site Plan. Water and wastewater

3737 Lake Joyce Dr., Land O Lakes, FL 34639 P: (813) 962.1752 F: (866) 413-6206

service will be via well and septic. Fire suppression will be provided by an on-site fire tank (as necessary). Stormwater runoff will be accommodated on-site. Buffering and screening will be provided in accordance with Orange County regulations.

Special Exception Criteria:

Following are the special exception criteria prescribed by the County (*in italics*), followed by the justification as to how this application meets each criterion (**in bold**).

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

The subject property lies within the Rural Settlement Area of unincorporated Orange County. The Comprehensive Development Plan allows churches as a Special Exception within this area, subject to meeting certain performance standards such as buffering & screening. The proposed Church meets these performance standards. Consequently, the proposed Church is consistent with the County's Comprehensive Plan Policy.

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

The surrounding area is generally characterized by low density residential and agricultural production. There is another church (Harvest Ministry) approximately 400' east of the subject property on Davenport Road, on the other side of Avalon Road. The proposed Church is an institutional / residential support use. Consequently, the proposed Church is similar to and compatible with the uses in the surrounding area.

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

The Special Exception Site Plan proposes to utilize only a portion of the overall property (5.72 acres MOL out of 18.25 acres MOL). The Church will operate only a few hours out of the week, the majority being on Sunday. Church activities will occur inside the Church building. The limited hours and days of operation combined with the fact all activities will occur inside the Church ensures there will be little or no impact to the surrounding area. Consequently, the proposed Church will not be a detrimental impact to the surrounding area.

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

The proposed Church meets or exceeds the performance standards of the A-1 zoning district (see Special Exception Site Plan).

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 subject property is zoned A-1. The A-1 zoning district provides for a variety of principal permitted uses, including numerous agricultural production uses, that have characteristics such as those listed above that are in excess of those that would be produced by the Church. Furthermore, since the Church will have very limited hours

and days of operation, the noise, vibration, dust, etc. attendant to the Church will be further limited. As a result, the Church will produce less of these types of emissions on fewer days than many of the principal permitted uses currently listed in the A-1 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 are in accordance with Section 24-5 of the Orange County Code. Required buffering and landscaping was confirmed with Sean Bailey prior to preparation of the Special Exception Site Plan.

If you have any questions regarding this matter, do not hesitate to contact me.

Sincerely,

Planeng, Inc.

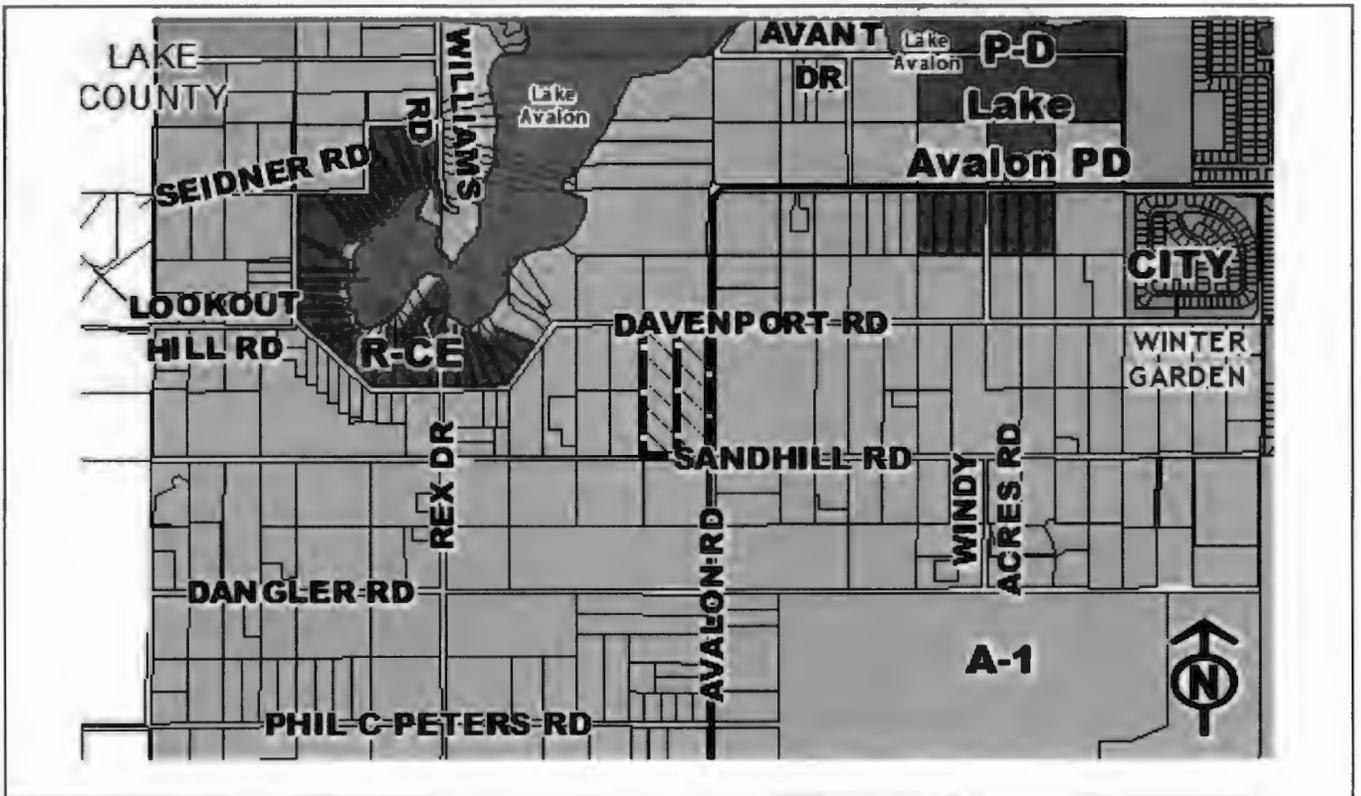


Russell Ottenberg
Vice President

RMO:ro

Attachments

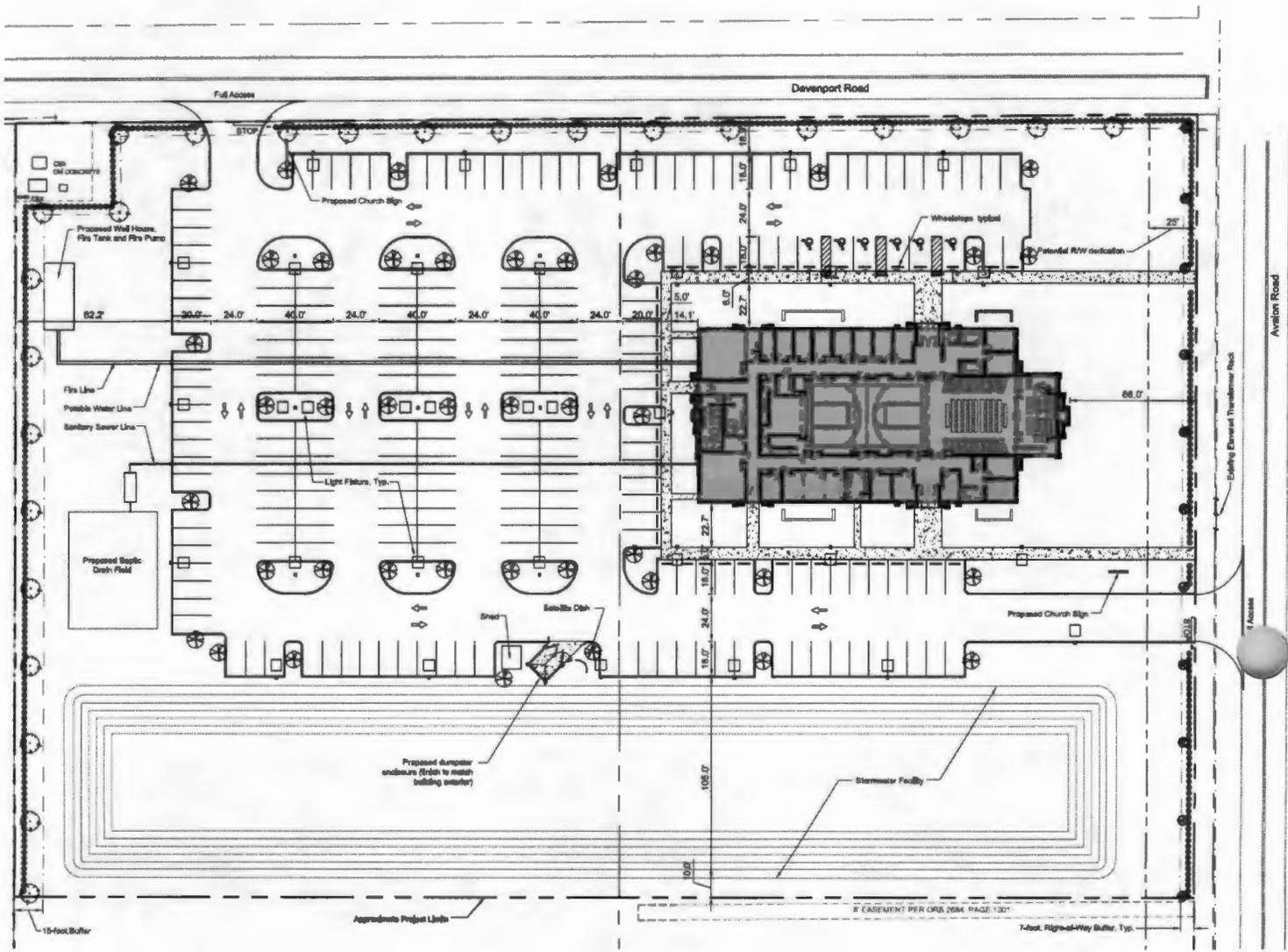
ZONING MAP



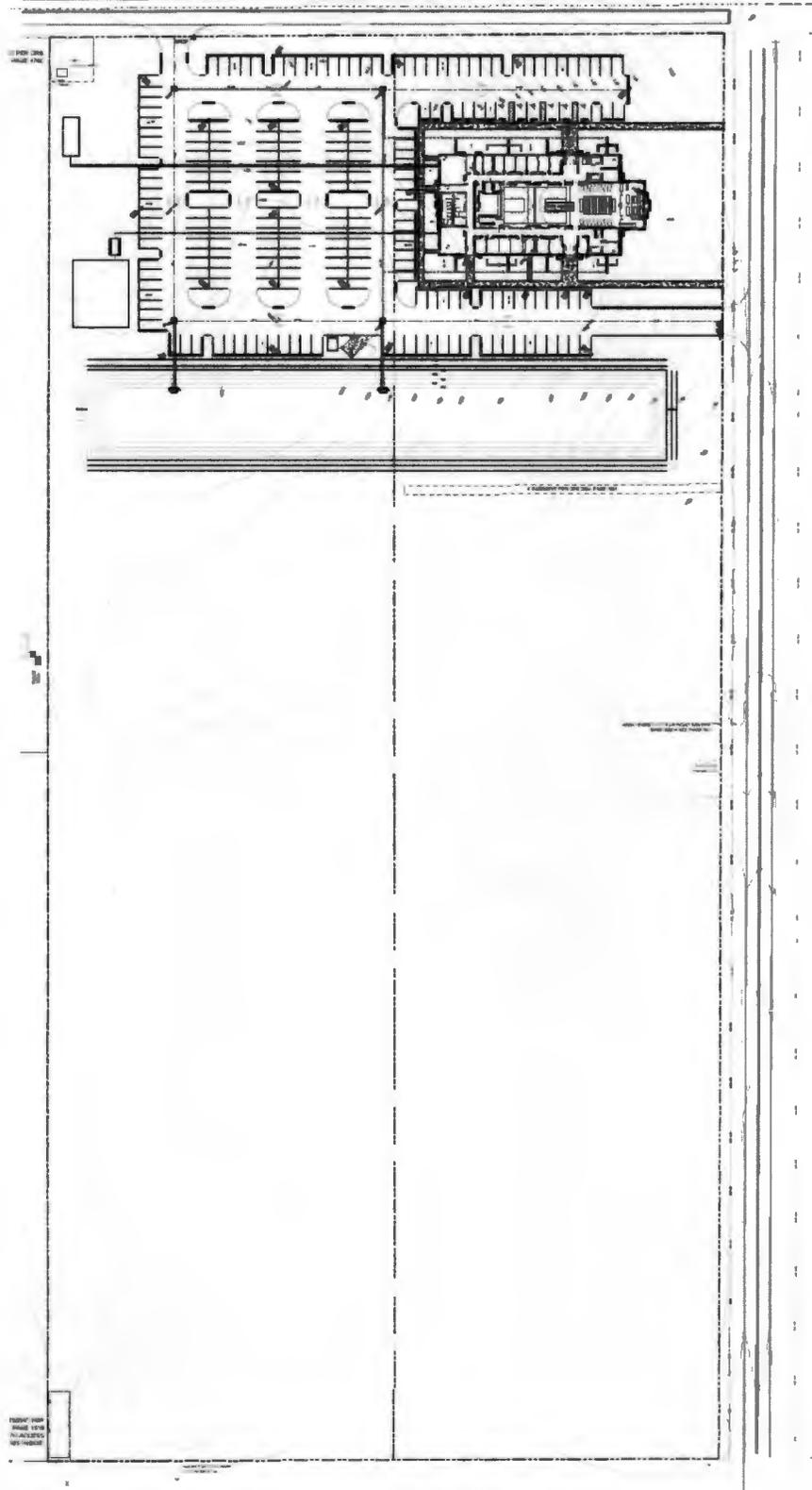
AERIAL MAP



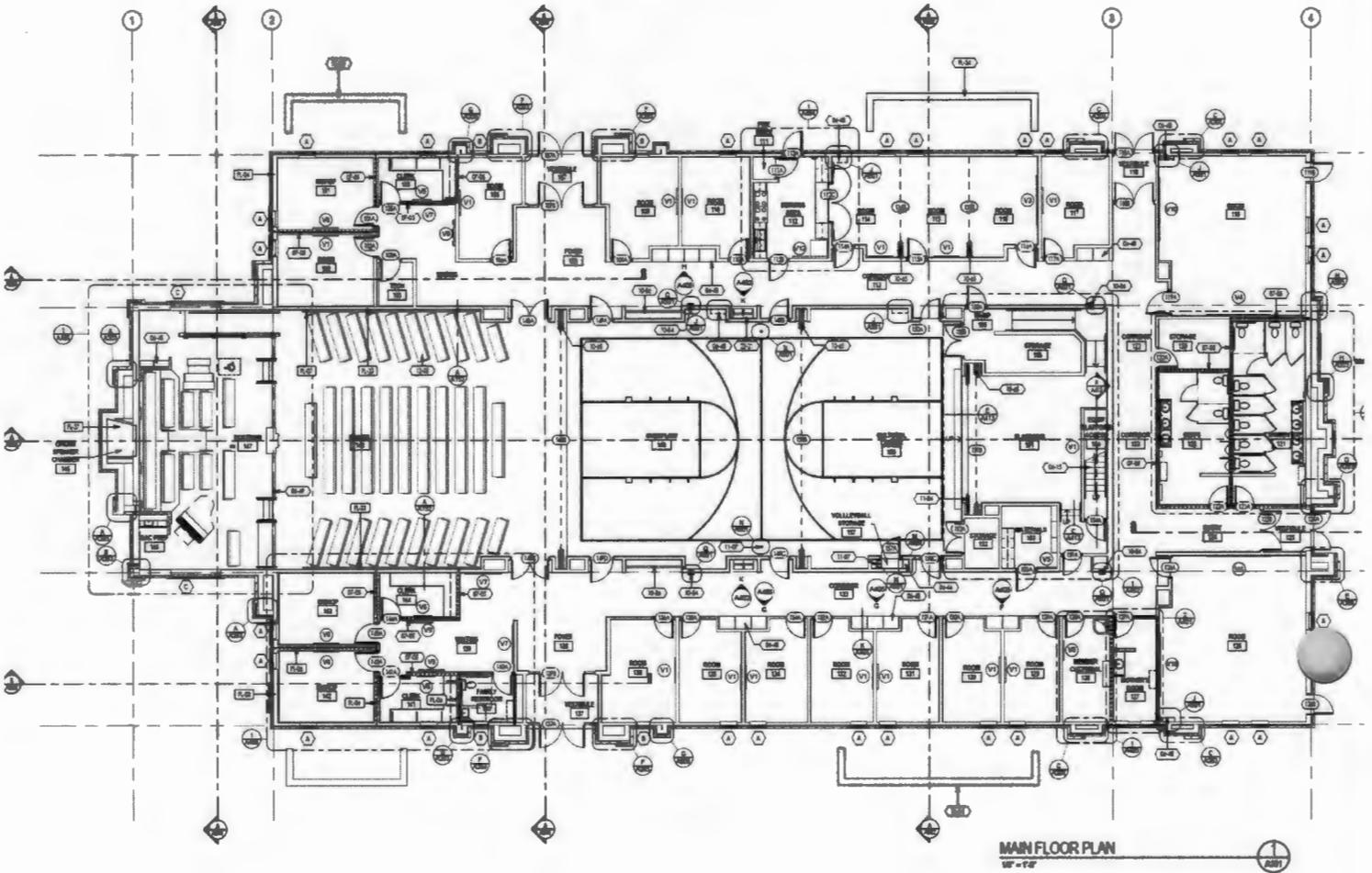
SITE PLAN / SURVEY



Overall Site Plan



FLOOR PLAN



ELEVATIONS



1 RIGHT ELEVATION
SIZE 1/4" = 1'-0"



3 FRONT ELEVATION
SIZE 1/4" = 1'-0"

2 REAR ELEVATION
SIZE 1/4" = 1'-0"

SPLIT FACE SANDSTONE OFFICE

SITE PHOTOS



Existing site conditions



Intersection of Avalon Rd. and Davenport Rd. looking from the subject property



Existing Religious use facility located on the east side of Avalon Rd.



Single-family home to the north



Single-family home to the west

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-06-049**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): TOBY BEST FOR HOMES IN PARTNERSHIP, INC.

OWNER(s): HOMES IN PARTNERSHIP, INC.

REQUEST: Variances in the R-1AAAA zoning district to allow a new single family home as follows:

- 1) To allow a minimum lot size of .2 acre in lieu of .5 acres.
- 2) To allow a minimum lot width of 64 ft. in lieu of 110 ft.
- 3) To allow a minimum living area of 1,453 sq. ft. of living area in lieu of 1,500 sq. ft.

PROPERTY LOCATION: 5111 McDonald Rd., Zellwood, FL 32798, north side of McDonald Rd., approximately 575 ft. east of Winifred Ave.

PARCEL ID: 27-20-27-0000-00-024

LOT SIZE: 64 ft. x 137 ft./ .2 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 66

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 7-0):

1. Development in accordance with the site plan dated April 5, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to issuance of a building permit for the new home, obtain an after the fact demolition permit.

SYNOPSIS: Staff noted that though it appeared to be part of a platted subdivision, the subject property is a meets and bounds parcel. There had been a home on the property up until 2008-2009. However, there was no demolition permit for the property. Staff went over the history of the property noting that when the area was rezoned by the County in 1982, it was stated that vacant properties would need variances to build on. Staff concluded with the fact that while the

It is substandard, the applicant is meeting all setbacks. Staff did not receive any correspondence in favor or opposition to this request.

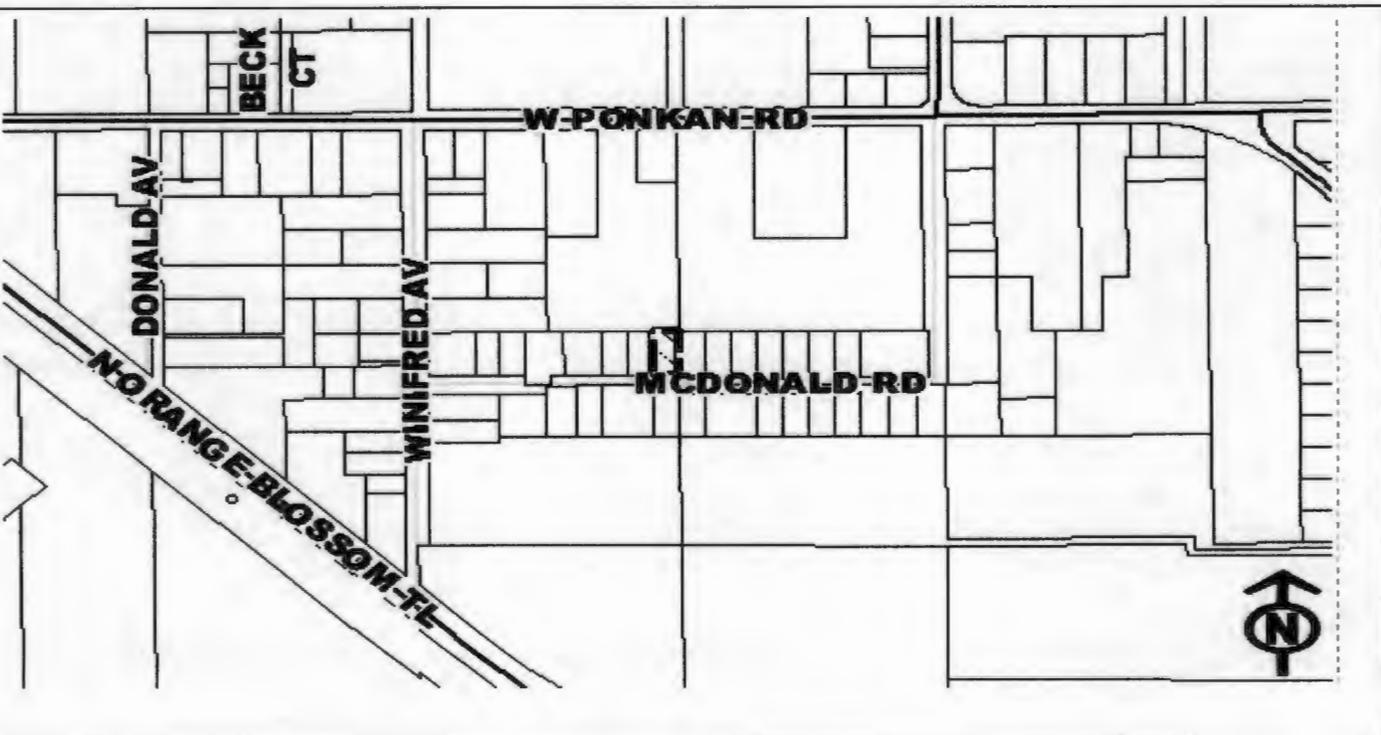
The applicant indicated their agreement with the staff recommendation. There being no one present to speak in favor or opposition to this request, the public hearing was closed.

The BZA concluded that this request was fully justified. A motion to recommend approval of all variances as requested was passed unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1AAAA	R-CE	R-1AAAA	R-1AAAA	R-1AAAA
Future Land Use	LDR	RS 1/1	LDR	LDR	LDR
Current Use	Vacant	Vacant	Single family residence	Single family residence	Single family residence

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-1AAAA, Residential Urban District, which allows single family homes and associated accessory structures on lots a minimum of 21,870 sq. ft. or greater.

A review of the Property Appraiser's maps shows that the subject property appears to be a lot in a platted subdivision. In actuality, it is a nonconforming-unplatted parcel of record. While the subject property is currently vacant, based on a review of historic aerials, the parcel had been developed with a single-family residence, which was demolished during the period between 2008 and 2009. There is no record that a demolition permit was ever obtained.

In October 1982, the County initiated a rezoning of the area to change the zoning from R-1, Single Family Dwelling District to R-CE, Country Estate District. The intent was to make the zoning consistent with the Growth Management Policy, which designated the area as Rural Service Area. The Growth Management Policy is the document, which preceded the original version of the current Comprehensive Plan.

According to the minutes of the October 21, 1982 Planning & Zoning Commission (PZC) meeting, staff recommended R-CE. Staff noted that existing developed properties would be "grandfathered", with lawfully nonconforming uses. Undeveloped properties would need variances in order to be built upon. Members of the PZC opposed this, as it would remove development rights that the owners have had since the inception of zoning in Orange County in 1957. The PZC recommended R-1AAAA.

While the zoning ultimately adopted by the County was R-1AAAA, it did not accomplish what the PZC had intended. The R-1AAAA zoning district requires lots/parcels with a minimum of 1/2 acre and 110 feet of frontage. According to the Property Appraiser's information, a large number of the lots on McDonald Road have 64+ feet of frontage, and are between .2 and .24 acres in size. Variances will still be needed, as in the case of this application.

While the parcel is substandard, the applicant has clearly demonstrated that a home can be constructed on it without the need for variances to the setbacks. This clearly demonstrates that the lot is of sufficient size to be redeveloped.

strict Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	22 ft.
Min. Lot Width:	110 ft.	64 ft.
Min. Lot Size:	.5 Acres	.2 Acres

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

	Code Requirement	Proposed
Front:	30ft.	30 ft.
Rear:	35ft.	49 ft.
Side:	10 ft.	13ft./13 ft.
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

Variance Criteria

Special Conditions and Circumstances

The special circumstances particular to this request is the fact that the conforming zoning of R-1 was changed by the County. In 1982, the County could have amended its Growth Management Policy to recognize that there were pockets of existing land with urban zoning within the Rural Service Area, and the zoning is considered consistent with the Policy Plan.

Not Self-Created

It is uncertain when the subject property was created. It is found in the archived zoning maps used by staff to verify whether a lot or parcel was in existence when zoning was first established in Orange County in October 1957. A review of historic aerials clearly established that until 2008, there was a residence on the parcel. The applicant purchased the parcel in May 2018, assuming that since the lot had at one time had a home on it, that one could be rebuilt.

No Special Privilege Conferred

Many of the developed parcels on McDonald Road have the same size and configuration of the subject property. This demonstrates that no special privilege is being conferred.

Deprivation of Rights

Without the granting of the variances, the land is undevelopable, and failure to grant the variances will deprive the applicant of use of the parcel.

Minimum Possible Variance

The applicant is not proposing to alter the configuration of the lot. This is the least variance needed. The house will meet all setbacks.

Purpose and Intent

The applicant is complying with all required setbacks and lot coverage requirements. Given that the applicant has demonstrated that a home can be sited on the property without need for variances to the setbacks, the lot is large enough to be redeveloped. The granting of the variances will not impair the integrity of the code, and will meet its purpose and intent with sufficiently sized yards and separations.

CONDITIONS OF APPROVAL

Development in accordance with the site plan dated April 5, 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.

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.

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.

Prior to issuance of a building permit for the new home, obtain an after the fact demolition permit.

Toby Best for Homes In Partnership, Inc.
1140 S. Grove Street
Eustis, FL 32726

COVER LETTER



Homes In Partnership, Inc.

*"Providing Central Florida
with affordable housing"*

March 25, 2019

Orange County Zoning
201 S. Rosalind Ave
Orlando FL

To whom it may concern:

We are requesting a variance for the property located at 5111 McDonald Road in Zellwood, FL. Currently this area zoning is calling for a minimum of 1500 sqft under air. We are asking permission to build an affordable home of 2079 sqft under roof and 1453 sqft under air. This home will fit comfortably with the surrounding homes that Homes In Partnership has previously built in the area. In addition it helps revitalize the area.

Thank you,

A handwritten signature in black ink, appearing to read "Toby Best".

Toby Best
Executive Director

CORPORATE OFFICE

T (352) 383-7300 • T (407) 886-2451 • F (407) 886-5304 • www.homesip.org
1140 South Grove Street • Eustis, FL 32726

ZONING MAP

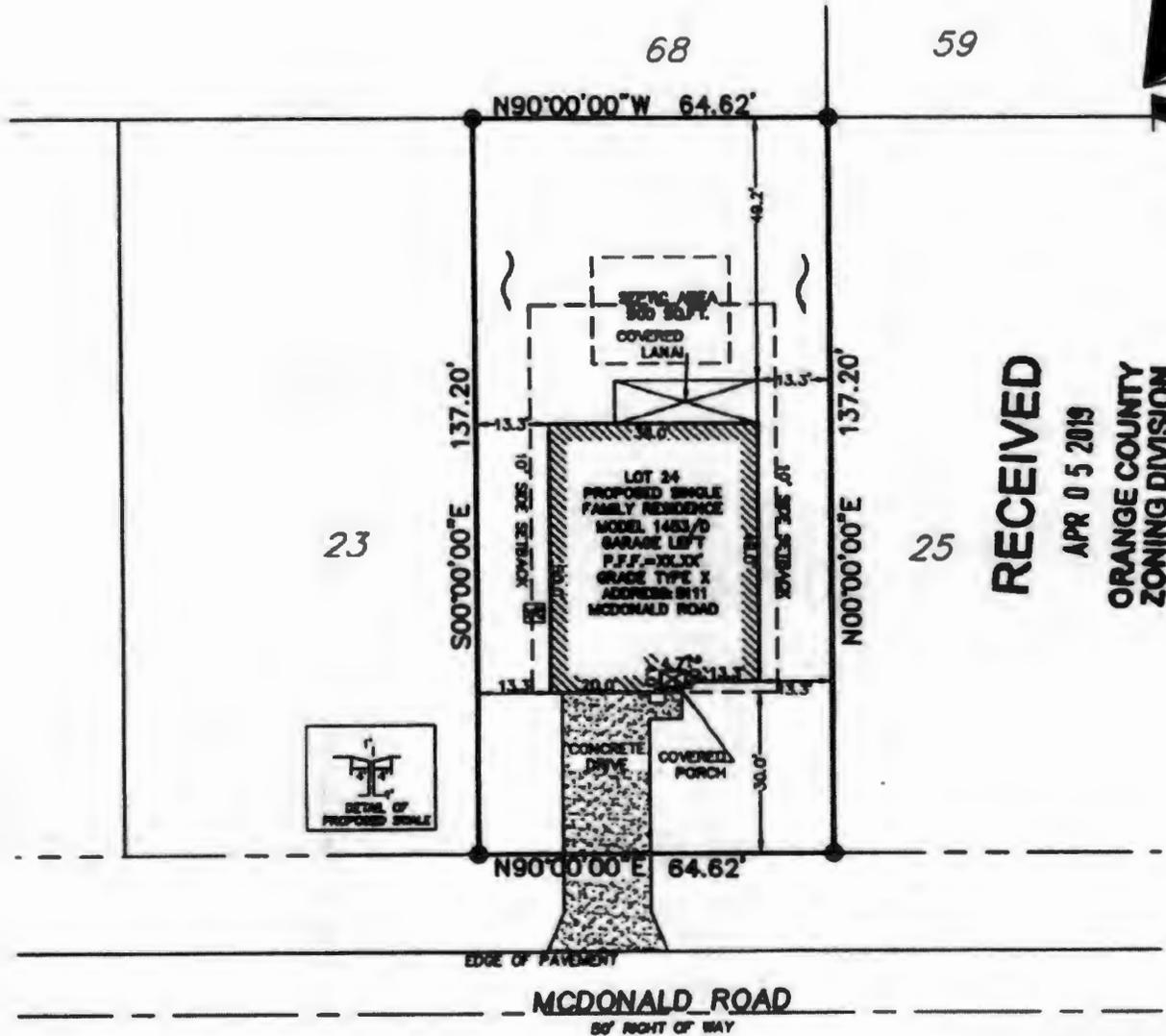


AERIAL MAP



SITE PLAN /

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RECEIVED
 APR 05 2019
 ORANGE COUNTY
 ZONING DIVISION

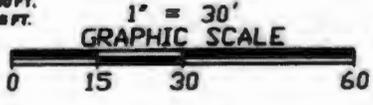


ADDITIONAL SYMBOL LEGEND

- TELE □ - TELEPHONE RIBBER
- CATV □ - CABLE TV RIBBER
- WM □ - WATER METER
- ELECTRIC □ - ELECTRICAL BOX
- XXXXX - PROPOSED GRADE
- XXXXX - FINAL GRADE
- ~ ~ ~ - FIRM FINISH/TYP

CERTIFIED TO:
 COMES IN PARTNERSHIP

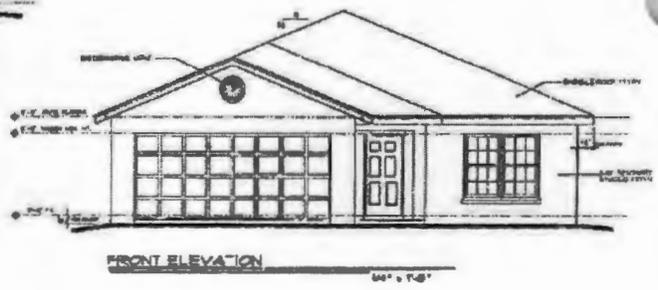
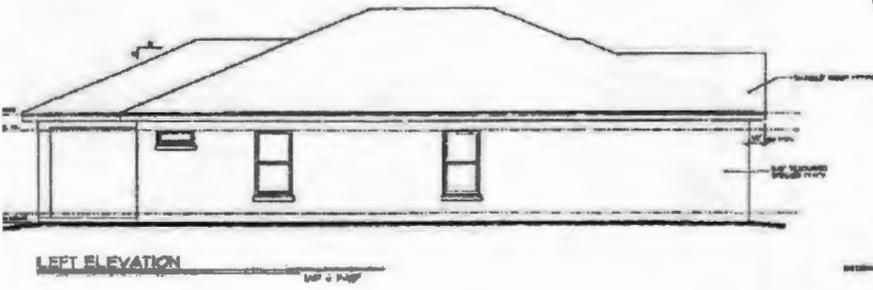
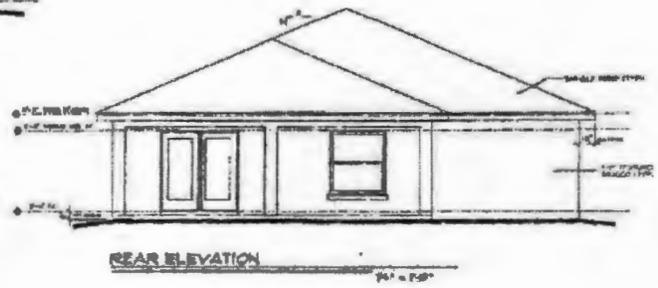
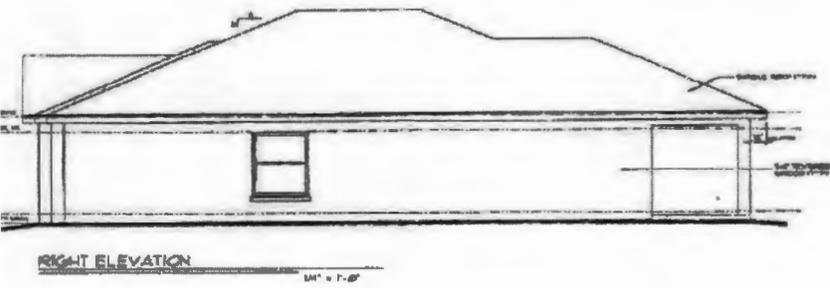
BUILDING SETBACKS
 FRONT 30 FT.
 SIDE 10 FT.
 REAR 20 FT.

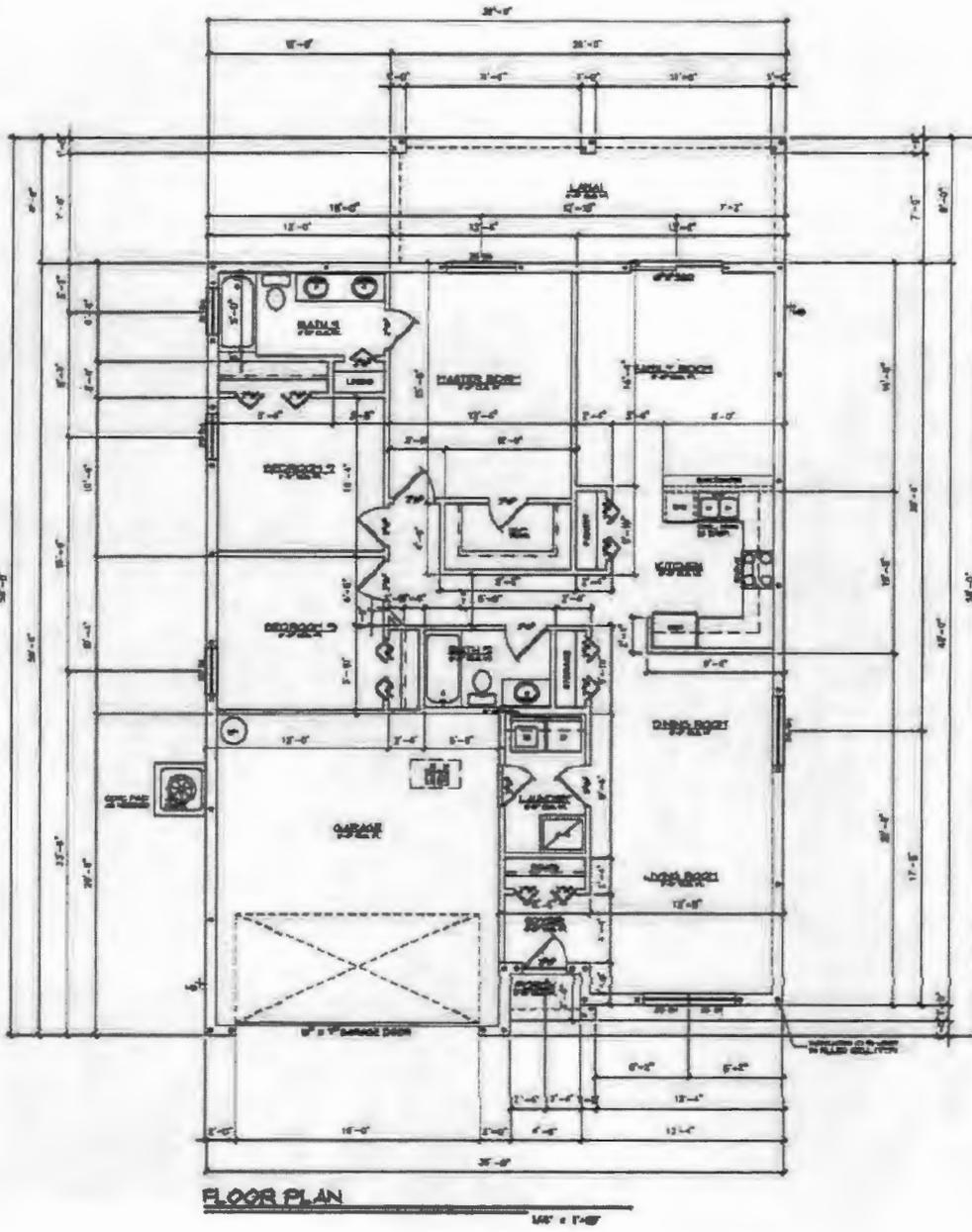


SURVEYOR'S NOTES:

ELEVATIONS

D





WALL LEGEND:	
	6" BLOCK WALL (ALL EXT. PERIMET)
	4" FRAME WALL (ALL INT. WALLS) UNLESS NOTED AS 6" OR 8"

AREA TABULATION:	
LIVING AREA	1453 SF.
GARAGE	403 SF.
LANAI	200 SF.
PORCH	15 SF.
TOTAL LIVING:	1453 SF.
TOTAL UNDER ROOF:	2079 SF.

Floor Plan

SITE PHOTOS



Subject Property Looking North and Neighbor to East



Subject Property Looking North

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2019**

Case Planner: **Nick Balevich**

Case #: **SE-19-06-050**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): **MARK JOHNSON**

OWNER(s): **FOTINE JOHSON AND MARK JOHNSON**

REQUEST: **Special Exception and Variances in the A-R and A-1 zoning districts as follows:**

- 1) **Special Exception to allow an existing Accessory Dwelling Unit (ADU).**
- 2) **Variance to allow an existing ADU in front of the primary dwelling unit in lieu of to the side or rear.**
- 3) **Variance to allow an existing ADU 8 ft. from the side (north) property line in lieu of 10 ft.**
- 4) **Variance to allow an existing single family residence and ADU on a lot with 171 ft. of frontage in lieu of 270 ft.**
- 5) **Variance to allow an ADU on a lot with 2.53 acres in lieu of 3.75 acres.**

This is the result of Code Enforcement action.

PROPERTY LOCATION: **6212 Gilliam Rd., Orlando, FL 32818, west side of Gilliam Rd., approximately .75 miles east of Clarcona Rd.**

PARCEL ID: **35-21-28-0000-00-123**

LOT SIZE: **2.53 acres**

NOTICE AREA: **1200 FT**

NUMBER OF NOTICES: **50**

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, **APPROVED** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 7-0):

Development in accordance with the site plan and elevations dated May 13, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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.

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. Building permits shall be obtained within 180 days of the final County approval, or this approval becomes null and void.
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
6. The exterior of the ADU shall have similar colors and design materials as the primary residence.
7. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
8. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

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

The applicant stated that his in-laws built it, and spend eight (8) months in Greece and four (4) months in the ADU each year.

The BZA confirmed that the ADU is existing and was built without permits.

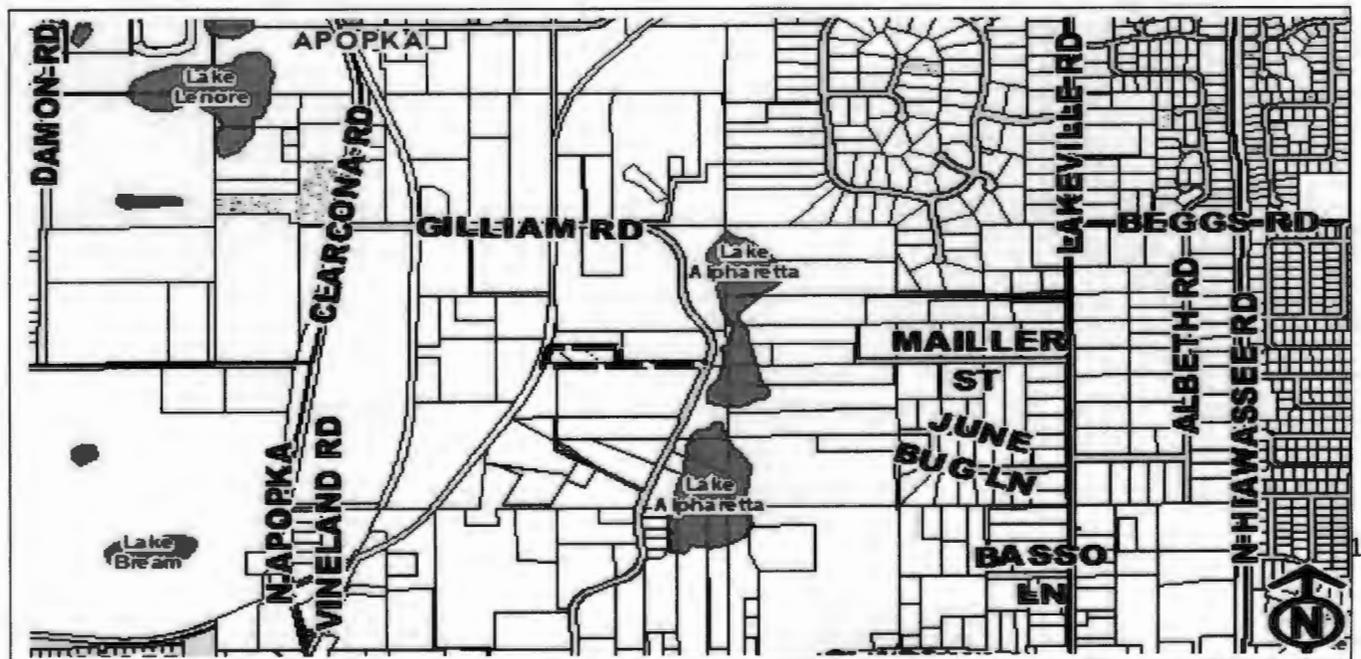
Staff received two (2) commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the Special Exception and variances.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-R & A-1	A-R & A-1	A-1	A-R	A-1
Future Land Use	RS 1/5	RS 1/5	RS 1/5	RS 1/2	RS 1/5
Current Use	Single-family residence w/ADU	Single-family residence	Single-family residence & Vacant	Vacant	Railroad

BACKGROUND AND ANALYSIS

Description and Context

The property is primarily located in the A-R Agricultural Residential Zoning District (2.24 ac.), which allows residential lots in a rural or farm atmosphere and requires a minimum lot size of two and one-half (2.5) acres. A small westernmost portion (.28 acres) is located in the A-1, Citrus Rural Zoning District.

The property is located in the Clarcona Rural Settlement, which is comprised of single-family homes on large lots. The lot was created by a lot split in 1983 (when it was zoned A-1), and is considered to be a substandard lot of record.

Accessory Dwelling Units (ADU) are allowed by special exception in this zoning district. This lot is 2.53 acres, and has a 3,684 sq. ft. (living area) single-family house, constructed in 1988, a swimming pool, detached garage, and an existing 40.25' x 20.31' one story detached ADU on the property. Due to the lot size exceeding 2 acres, a maximum of 1,500 sq. ft. is permitted for the ADU. The detached ADU has 800 sq. ft. of living area. A detached ADU is permitted on a lot that is 1.5 times the required minimum lot area. A-R zoning requires a 5 acre lot, thus, a detached ADU requires a 3.75 acre lot.

The applicant purchased the property in 2008, and states that his father-in-law constructed the ADU without permits (between 2014 and 2015), and resides in the unit for four (4) months per year. The applicant stated that the ADU was constructed in front of the principal structure due to trees located in the rear yard.

Code Enforcement cited the applicant in August of 2018, for erecting an accessory building on the property without obtaining permits or meeting setbacks or development standards (Incident 518685).

In 2006, the BZA granted a variance for the neighboring property to the north, to allow an accessory building to be constructed in front of the principal structure in lieu of being along side or behind. This accessory structure is located close to the south property line, adjacent to the ADU.

In 1982, the BZA granted approval for the neighboring property to the northwest to allow a mobile home and single family home on the same lot for family purposes. (this pre-dates the ADU approval procedure)

The adjacent neighbors to the north have submitted letters of no objection to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	13 ft.
Min. Lot Width:	270 ft.	171 ft.
Min. Lot Size:	2.5 ac.	2.53 ac.

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

	Code Requirement	Proposed
Front:	35	249
Rear:	50	246
Side:	10	8/140
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan.

ADU's are specifically identified in the Comprehensive Plan, and promoted by FLU8.9.1 and UD4.3.8 as a use permitted in all residential areas through the special exception or Planned Development process.

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

The ADU use is similar and compatible with the surrounding area. This residential use as an ADU is consistent with properties in the area.

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

The lot is a flag lot with the driveway portion being over 650 ft. long, and the ADU is located approximately 900 ft. from Gillam Rd. The most impacted neighbor has submitted a letter of no objection to this request. This neighbor also has an accessory building in close proximity to the ADU.

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

the ADU exceeds all required setbacks, except to the side/north property line, for which a variance is being requested.

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 characteristics and impacts of an ADU are consistent with the majority of uses permitted in the A-R and A-zoning districts.

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

Additional landscaping is not required between residential properties.

VARIANCE CRITERIA

Special Conditions and Circumstances

the configuration of the property as a flag lot, and size and depth of the lot, allow the ADU to be located over 100 ft. from Gillam Rd., thus impacting fewer neighbors than a traditional lot.

Minimum Possible Variance

this is the minimum possible variance to allow the applicant to utilize the ADU at a location 8 ft. from the side (north) property line in lieu of 10 ft. The property does not comply with the minimum 3.75 ac. lot requirement for an ADU; however, the 2.53 ac. lot size is substantial enough to provide adequate separation and reduced visibility and impact to most other properties in the area.

Purpose and Intent

approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood. The ADU is located approximately 900 ft. from Gillam Rd.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan and elevations dated May 13, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Building permits shall be obtained within 180 days of the final County approval, or this approval becomes null and void.
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of 3 years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
6. The exterior of the ADU shall have similar colors and design materials as the primary residence.
7. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
8. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

c: Mark Johnson
6212 Gilliam Road
Orlando, FL 32818

COVER LETTER

April 7, 2013

Orange County Zoning Division
201 South Rosalind Avenue
1st Floor
Orlando, FL 32801
407-836-3111

To whom it may concern,

I, Mark Johnson would like to request a special exemption for the mother in law suite located on my property at 6212 Gilliam Rd., Orlando, FL 32818. This was built for my elderly in laws. My mother in law is partially paralyzed on her right side due to back issues and needs assistance. My father in law had prostate cancer a few years ago and a massive heart attack. He suffers from heart disease and type one diabetes. My in laws like to think that they are capable of taking care of themselves and are very stubborn. The fact is that they need assistance, and the only way to assist them is to have them stay on our property. We do not have room in our main house since our son and nephew live with us.

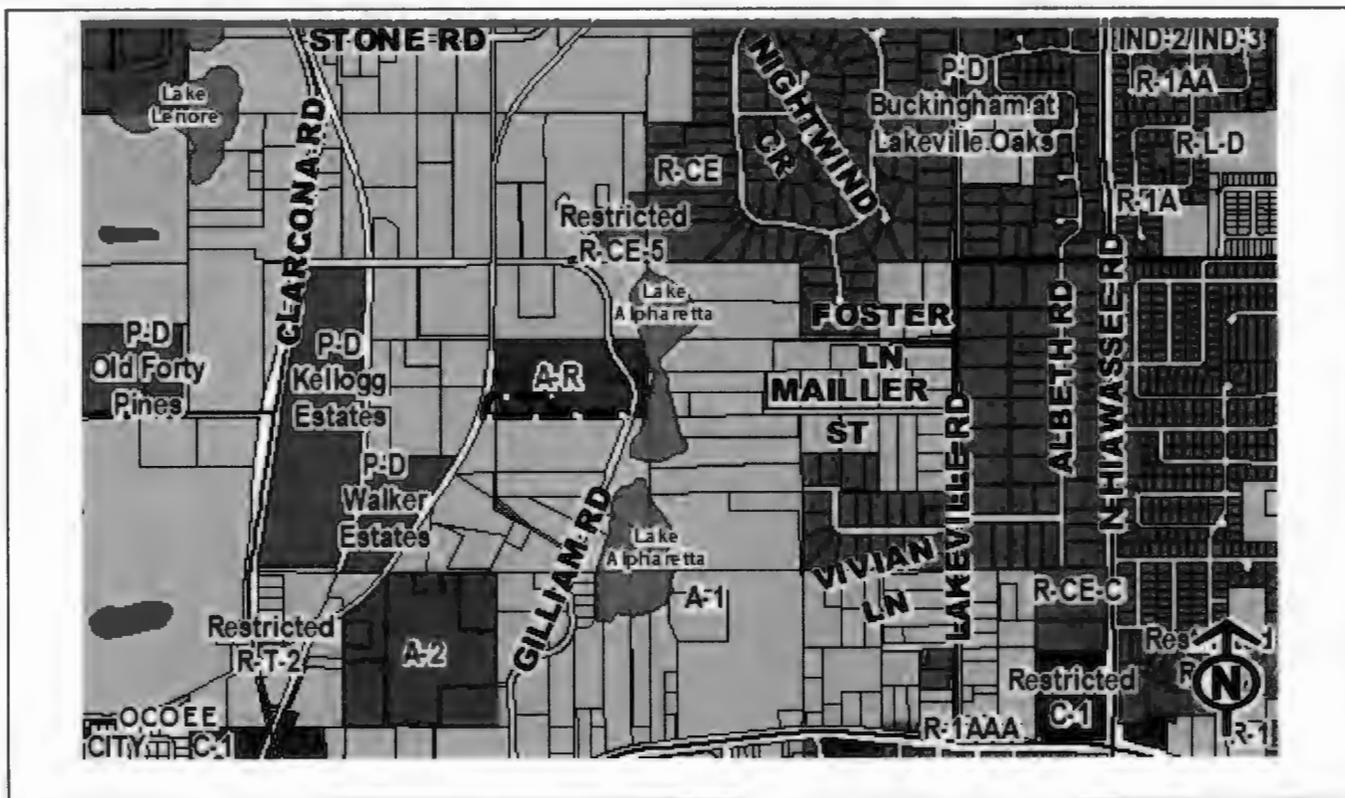
Please consider approving this request so that we can assist my elderly in laws and take care of them on our property so that we can keep a close eye on them and make sure they are taken care of due to their health issues.

Sincerely,



Mark Johnson

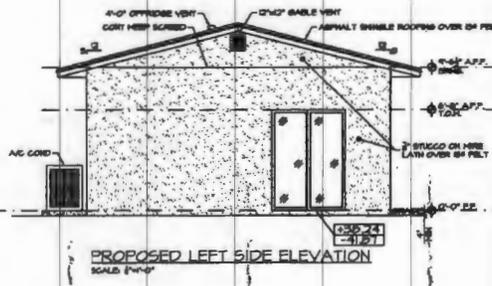
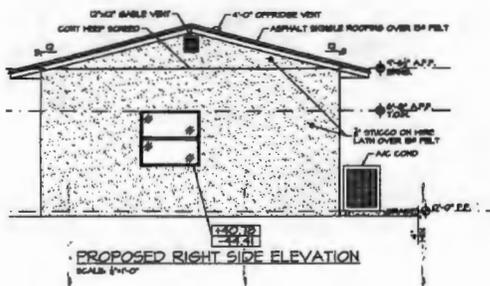
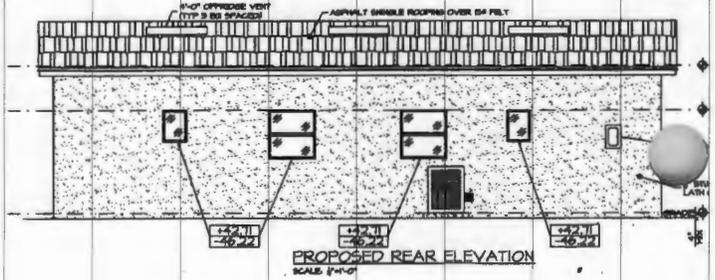
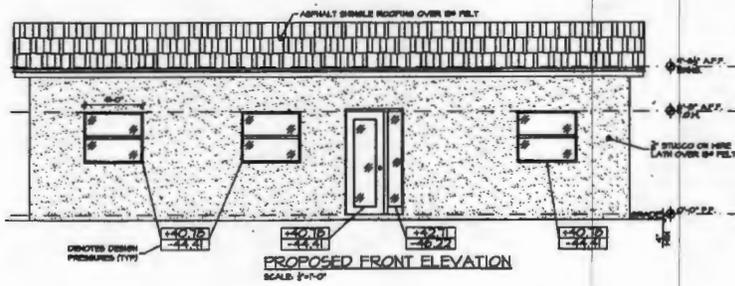
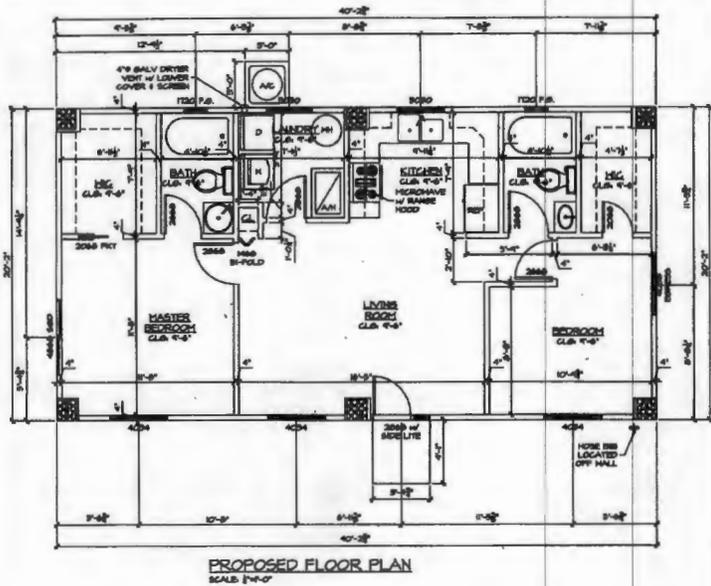
ZONING MAP



AERIAL MAP



ELEVATION and FLOOR PLAN



SITE PHOTOS



House on left. ADU on right.



ADU-Side setback looking from the front of the property



ADU-Side setback looking from the rear

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-06-051**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): JON THETARD

OWNER(s): JON THETARD, SUSAN THETARD, STACIA THETARD

REQUEST: Variances in the P-D zoning district as follows:

- 1) To allow additional construction on a lot with 10,488 sq. ft. of lot area in lieu of 10,890 sq. ft.
- 2) To allow an addition with a rear (northeast) setback of 25 ft. in lieu of 30 ft.

PROPERTY LOCATION: 4817 Breezy Palms Ct., Windermere, FL 34786, northwest corner of Breezy Palms Ct. and Palm Tree Dr.

PARCEL ID: 16-23-28-8070-01-330

LOT SIZE: 90 ft. x 107 ft./ .24 acres

NOTICE AREA: 500 FT

NUMBER OF NOTICES: 83

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

Development in accordance with the site plan dated April 12, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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.

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.

The exterior of the sunroom shall match the exterior of the existing residence with respect to color and materials.

The addition shall comply with the ten (10) foot side yard setback.

SYNOPSIS: Staff noted the history of the project including the fact that part of the subdivision was in the R-1AA zoning district, and the part in which the subject property was located was in the P-D zoning district. For that reason, when the Preliminary Subdivision Plan was approved, it had some less stringent setbacks like 25 ft. front setbacks rather than 30 ft., but had 10 ft. side setbacks instead of 7.5 ft. It also required a 1/4 acre lot in lieu of a 10,000 sq. ft. lot. It was also noted that screen porches with non-permanent roofs could encroach up to 50% into the rear setback. Staff noted that six (6) variances very similar to the applicant's request had been granted in the overall Silver Woods subdivision. In concluding, staff noted that the two (2) most impacted neighbors to the north and west had submitted letters of support, and that there is a six (6) foot tall opaque fence surrounding the rear yard.

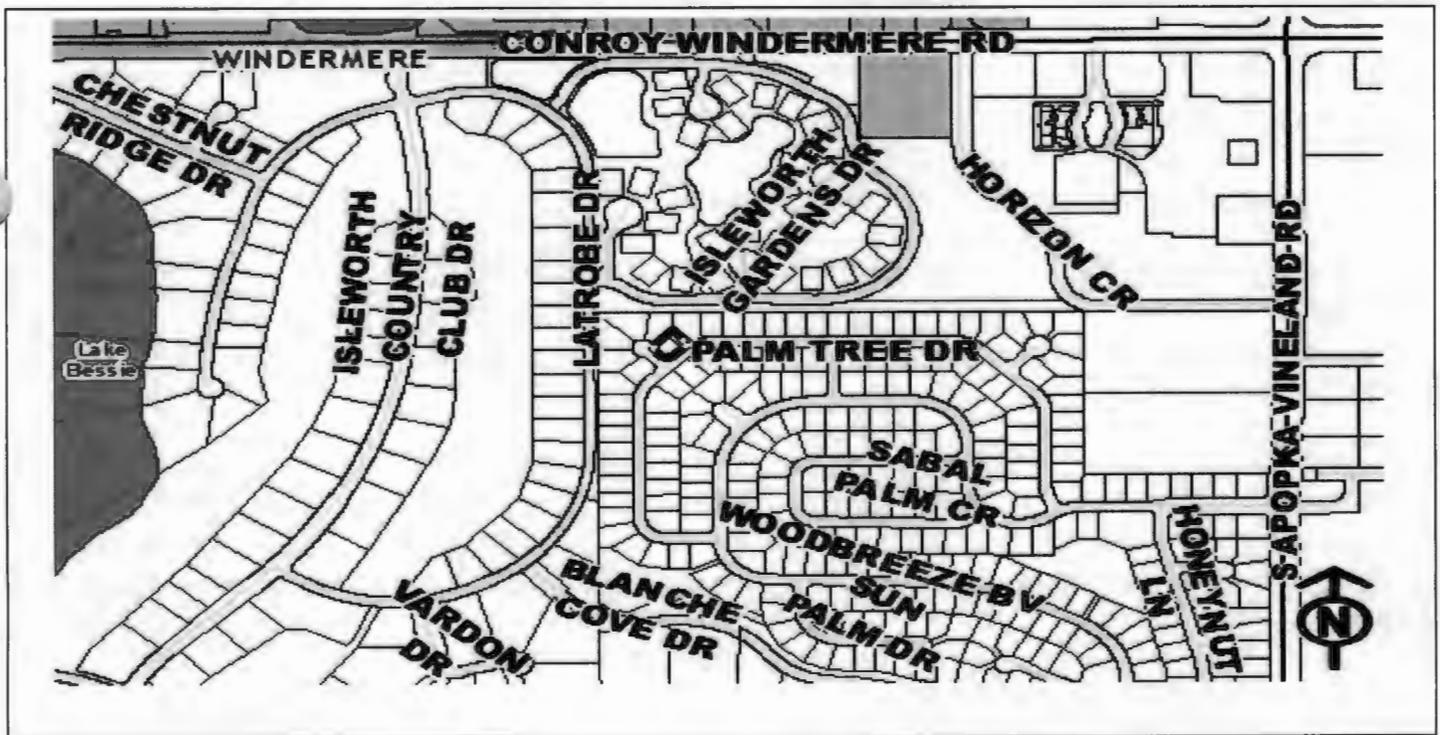
The applicant indicated their agreement with the staff recommendation. There being no one present to speak in favor or opposition to the request, the public hearing was closed.

The BZA concluded that the request satisfied the criteria for a variance. A motion to recommend approval was approved by unanimous vote.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	P-D	P-D	P-D	P-D	P-D
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single family residence				

BACKGROUND AND ANALYSIS

Description and Context

The property is located in a P-D Planned Development District, and is in the Granada P-D. This PD allows a variety of uses including single family, multifamily, and commercial.

The subject property is a lot created through the Silver Woods - Phase Three plat which was recorded in November 1985. This plat is a part of a larger overall P-D known as Granada Properties, which was approved in 1978, which changed the zoning from R-1AA, Single Family Dwelling District to P-D. There are earlier developed portions of the Silver Woods community zoned and developed under the R-1AA zoning guidelines.

When the plat was initially laid out through the Preliminary Subdivision Plan (PSP), some setbacks were modified, most notably, the front setback. The starting point for the setbacks was the R-1AA zoning standards. The front setback for the R-1AA zoning district is 30 feet. The setback for the PSP was reduced to 25 feet. In addition, the side setback was expanded from 7.5 ft. to 10 ft.

The subject property is a corner lot currently developed with a single family residence with 2,142 sq. ft. of gross floor area and 1,492 sq. ft. of living area. This residence was constructed in 1986. The applicant purchased the property in 2017. The applicant is proposing to construct a 12 ft. x 30 ft. sunroom onto the rear of the home in the location of the existing screen room. This addition will comply with the 10 foot setback and will be offset two (2) inches from the side building line.

In addition to the setbacks, the PSP also modified the lot area. The minimum lot area in the R-1AA zoning district is 10,000 sq. ft. The PSP requires 10,890 sq. ft. The subject property is only 10,488 sq. ft., 402 sq. ft. less than the required minimum.

As of the preparation of this report, two (2) neighbors have provided correspondence through the application submittal supporting the request. These neighbors are the two (2) most impacted neighbors to the northwest and northeast of the subject property. In addition, the HOA has issued a letter approving the proposed addition.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	16 ft.
Min. Lot Width:	80 ft.	90 ft.
Min. Lot Size:	10,890 sq. ft.	10,488

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

	Code Requirement	Proposed
Front:	25 ft.	34 ft.
Rear:	30 ft.	25 ft.
Side:	10 ft.	10
Sidestreet:	15 ft.	25 ft.
NHWE:	N/A	N/A

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The special condition and circumstance affecting this application is the location where the house was originally constructed. The house is set 34 feet from the front property line, when the front setback had been reduced through the PSP to 25 feet from 30 feet. Had the home been constructed at the minimum setback, the 38 feet deep rear yard would be 52 feet, and no variance would be needed.

Not Self-Created

The applicant purchased the property in 2017, 31 years after the home was built in its current location. The home, when originally constructed was set back nine (9) feet, further than needed, pushing the rear building line closer to the rear setback. The applicant inherited the excessive front setback.

No Special Privilege Conferred

Staff identified four (4) variances for rear yard setback variances in the portion of the Silverwoods community zoned P-D, plus numerous other in the portion zoned R-1AA.

Deprivation of Rights

Due to the location of the house on the lot, there is no location where the applicant could build the proposed addition without a variance. Further, this is the most logical location, as the proposed sunroom would be placing a screen room, which could be located up to 15 feet into the rear setback.

Minimum Possible Variance

The applicant has submitted a request attempting to minimize the size of the variance, which is a variation of 5.6%. Some of the previous variances granted in the P-D zoned portion of the community were more sizable.

Purpose and Intent

The requested variance is minimal, and only extends across 30 feet of the 54 feet of the rear wall of the house. Sufficient yard area remains open to above to meet the purpose and intent of the code.

CONDITIONS OF APPROVAL

Development in accordance with the site plan and elevations dated April 12, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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.

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.

The exterior of the sunroom shall match the exterior of the existing residence with respect to color and materials.

The addition shall comply with the 10 foot side yard setback.

Jon Thetard
4817 Breezy Palms Court
Windermere, FL 34786

COVER LETTER

TO: Board of Zoning Adjustment
Orange County Florida

RE: 4817 Breezy Palms, Windermere

ENCLOSED: Building plans, site plans

We are requesting a zoning setback variance for a room addition on the back side of a single story residence in the Silver Woods subdivision. The reason for the variance request is that the required setback for this phase of the Silver Woods subdivision is more restrictive than the county setback requirements making it impossible to add any four season addition over 7 feet wide. The county setback is 20' and the phase setback is 30'. It should be noted this restriction is not uniform for the other phases in the subdivision.

The request is being made so we can add a four seasons room to the rear of the existing house which is a single story 1,492 square foot home. The proposed room is a 12' x 30' (360 square feet) block walled and stucco structure with a gabled roof line to match the existing home. The addition will match the existing home wall height of approximately 8', roof height of approximately 16', and in finish and color so it will appear as if it was constructed at the same time as the house. (plans attached) The room will have multiple windows overlooking a future pool.

As proposed the side set back will match the existing home at 10' and the rear setback will be approximately 25' which will violate the phase requirement of 30', but not the county requirement of 20'.

VARIANCE CRITERIA:

1. **Special Conditions and Circumstances.** The setback requirement for this phase of the Silver Woods subdivision is more restrictive than the county requirements and is not consistent with the other phases within the same subdivision. Multiple properties in this subdivision have structures with rear setbacks less than 30'.
2. **Not Self- Created.** The above is not self created.
3. **No Special Privilege Conferred.** No special privilege is being requested. We just ask to be treated like the other properties within the same subdivision and the county.
4. **Deprivation of Rights.** Again we ask for the same rights as other properties within the subdivision and the county.
5. **Minimum Possible Variance.** For the proposed addition we are asking for a variance of 5' (from the required 30' to 25') so a 12' wide structure can be erected.
6. **Purpose and Intent.** The propose is in harmony with the purpose and intent of the county zoning requirements because it meets those requirements. It will not be injurious to the neighborhood because other phases within the subdivision allow such a structure.

The household has become multi generational with an adult daughter and her parents who have some health issues. The father has gastrointestinal problems which affect sleep patterns and often require sitting up during the night and/or keeping awake. He needs a place to go which will not disturb the rest of the household with light or sound. The addition will fulfill that need throughout the entire year. Also, the mother and daughter have had back surgery and one of the ideal exercise and therapy routines is aqua aerobics. A pool is the next phase of construction and the addition with its multiple windows will allow monitoring of people within the pool for security and safety purposes. The current 1,492 square foot home does not offer a place for the father to go nor sufficient windows for pool monitoring. The addition is necessary to accomplish what we need.

The current zoning will allow a screen room with a metal roof the dimensions we propose. This would not meet our needs for a year round space away from the current house layout. Also, it would not be as aesthetically pleasing as the proposed structure because it would simply look like an incompatible add on and not as a part of the original home. The neighbors and the subdivision HOA have approved the plans as submitted. (see attached letters)

We believe what we are proposing meets our needs in the most complete manner and hope to obtain the variances necessary to make it a reality. Thank you for your consideration.

ZONING MAP

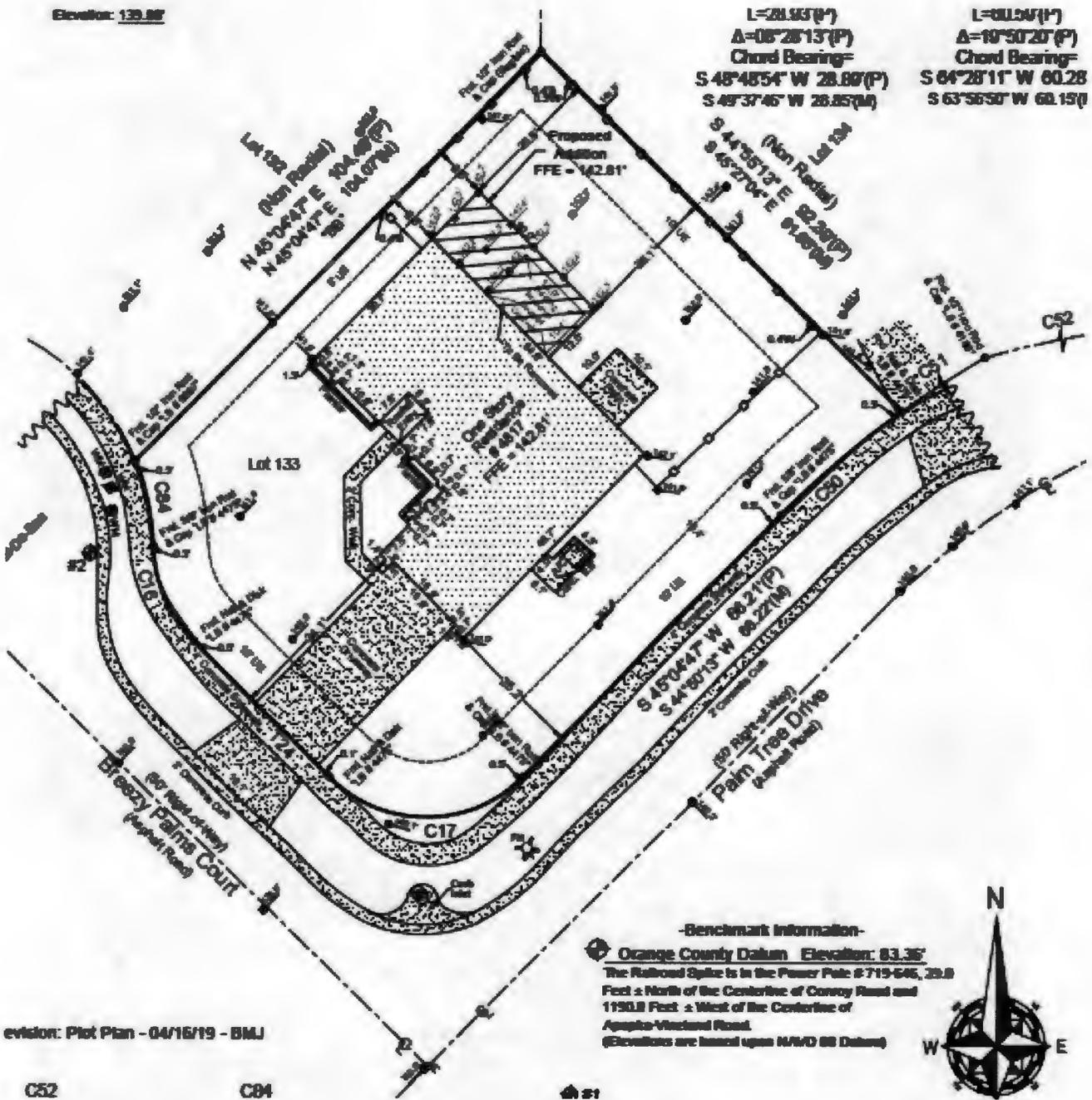


AERIAL MAP



SITE PLAN / SURVEY

Elevation: 139.88'



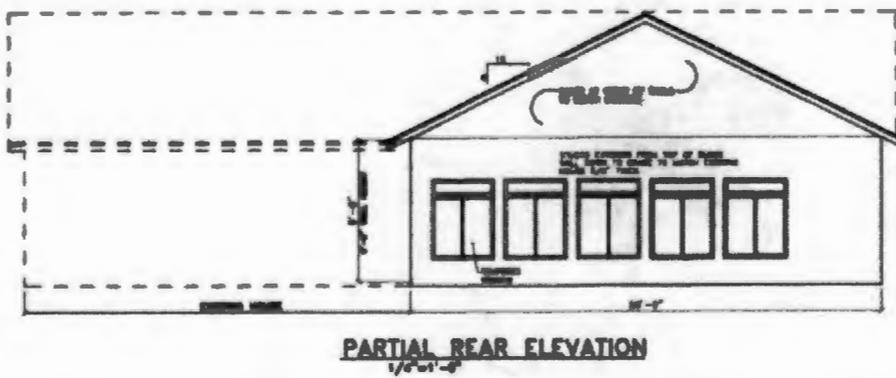
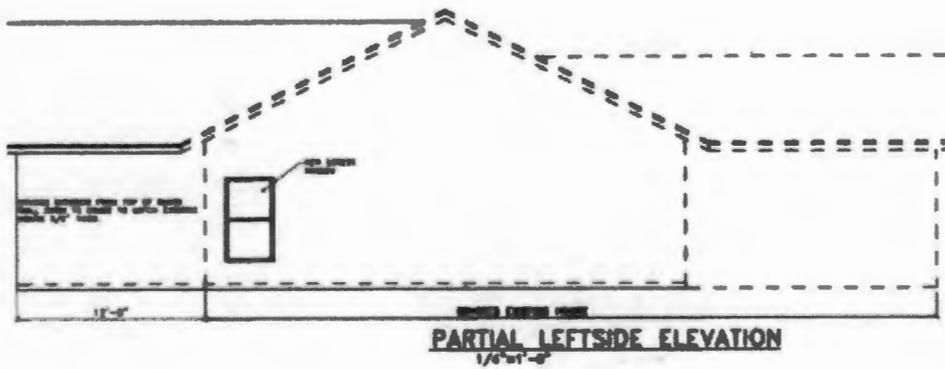
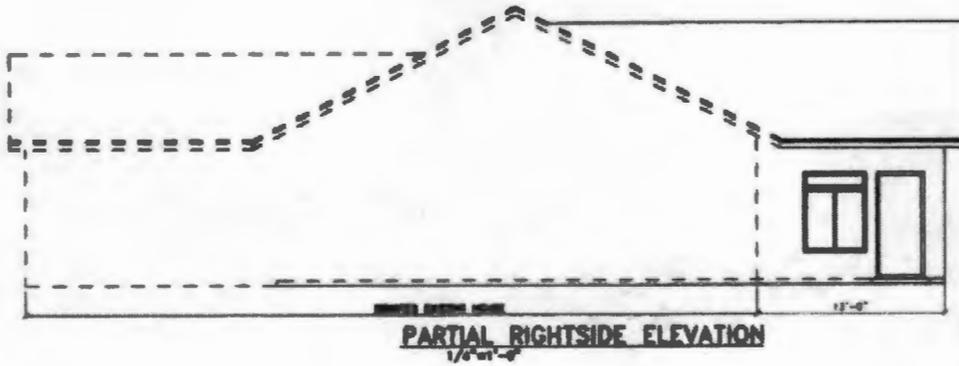
Revision: Plot Plan - 04/16/19 - BMJ

C52

C04

21

ELEVATIONS



SITE PHOTOS



Existing Screen Room Looking North



Existing Screen room looking west

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2019**

Case Planner: **David Nearing, AICP**

Case #: **SE-19-06-053**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): AUSTIN BUTLER

OWNER(s): AUSTIN BUTLER, CHRISTINE BURCHETT

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

- 1) Special Exception to allow a detached Accessory Dwelling Unit (ADU) over a detached garage.
- 2) Variance to allow a detached garage with an ADU 1 ft. from the side (south) property line in lieu of 10 ft.
- 3) Variance to allow a detached ADU on .7 ac. of land in lieu of .75 ac.
- 4) Variance to allow a detached ADU over a detached garage with a height of 27 ft. in lieu of 20 ft.
- 5) Variance to allow a cumulative accessory structure floor area of 1,167 sq. ft. in lieu of 1,000 sq. ft.

PROPERTY LOCATION: 958 Tildenville School Rd., Winter Garden, FL 34787, west side of Tildenville School Rd., approximately .3 miles north of E. Oakland Ave./W. Plant St.

PARCEL ID: 21-22-27-0000-00-052

LOT SIZE: 158 ft. x 189 ft./ .70 acres

NOTICE AREA: 500 FT

NUMBER OF NOTICES: 50

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, **APPROVED** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 7-0):

1. Development in accordance with the site plan and elevation drawings dated April 12, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

Construction plans shall be submitted within three (3) years of final action on this application by Orange County or this approval becomes null and void.

The exterior of the ADU shall match or complement the exterior of the existing residence with respect to materials and colors.

The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

FNOPSIS: Staff explained the history of the property including the fact that the home was constructed in 1901, and any of the large trees located on the property were there when the home was built. The Special Exception Criteria were met with the granting of the variances for the side yard setback and the height. The main concern with relocating the new garage foundation was the impact the changes to the grade and the increased impervious surface would have on the trees' root systems and drainage in the yard. One commentary in favor of the request was on file, with the caveat that the applicant not disturb any trees.

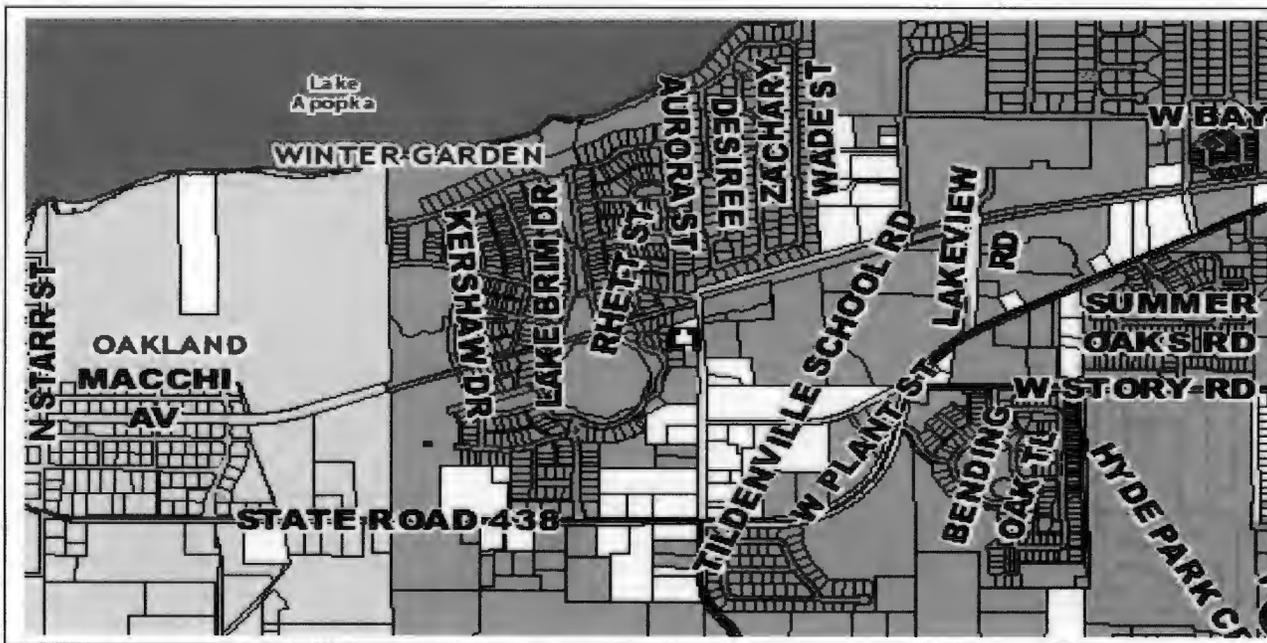
The applicant explained how the site had never had any issues with drainage until the developer of the subdivision to the north cleared the heavily vegetated land to the north, and failed to install the stormwater management system approved by the City of Winter Garden. The applicant must now rebuild their historic home from the foundation up. There being no one in the audience to speak in favor or opposition, the public hearing was closed.

The BZA discussed the possibility of moving the garage further from the side property line but concluded that they did not wish to risk damage to any of the existing healthy trees. A motion to recommend approval of the variances and Special Exception was approved unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	A-1	HOA open space	Vacant	Vacant
Future Land Use	LDR	LDR	City of Winter Garden	City of Winter Garden	City of Winter Garden
Current Use	Single family detached	Single family detached	City of Winter Garden	Single family detached	City of Winter Garden

BACKGROUND AND ANALYSIS

Description and Context

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

The subject property consists of an unplatted parcel located within an enclave of unincorporated property surrounded on all sides by the City of Winter Garden. The property is developed with a single-family residence with 2,381 gross sq. ft. of floor area and 1,889 sq. ft. of living area. In addition, there is a 240 sq. ft. wooden shed (B12009132), and a two-car carport located to the rear of the home on an existing slab. There are no records of when the carport was constructed. A review of historic aerials reveals that the carport was not in existence in 1971; however, it did appear in the next oldest available aerial in 1995. The applicant purchased the property in 2014.

The house, which was constructed in 1901, was recently damaged by flooding, and the interior needs extensive repairs. The applicant wishes to construct a 27 foot by 32-foot garage on the same location of the carport, with a 698 sq. ft. ADU above the garage. The ADU will be occupied by the applicant and their spouse while they repair their home. Once the repairs are complete, the unit will be used for family and friends who come to visit. The applicant understands that they will be required to pay impact fees for the ADU.

The applicant's yard contains numerous large trees, which the applicant wishes to preserve. In addition to the trees, the applicant's property abuts a 20-foot wide recreation tract to the west which contains a trail leading from Tildenville School Road to a new subdivision located to the north of the subject property.

The subject property currently contains over 1,000 sq. ft. of accessory floor area. The final cumulative total upon the demolition of the existing carport and the construction of the garage/ADU will be 1,104 sq. ft., a deviation of just over ten percent (10%).

the side yard variance, while large, is mitigated by the presence of a large 20-foot wide recreation tract, which extends from Tildenville School Road, west to the new subdivision west of the subject property. In essence, the garage will place the carport, and the nearness to the side property line will be virtually imperceptible.

Since the preparation of this report, staff has received one (1) correspondence in support, and no correspondence in opposition to this application. In addition, staff notified the City of Winter Garden staff of the application, with no comment to date.

District Development Standards

	Code Requirement	Proposed
Max Height:	20 ft.	27 ft.
Min. Lot Width:	100 ft.	162 ft.
Min. Lot Size:	.75 ac.	.7 ac.

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

	Code Requirement	Proposed
Front:	35 ft.	80 ft.
Rear:	10 ft.	85 ft.
Side:	10 ft.	1 ft./75 ft.
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Regarding the location, the carport has historically been located in its current location for at least twenty-four (24) years. In addition, the location of the various large trees on the property are situated such that attempting to change the location of the building pad for the garage from that currently used for the carport, will alter the topography and water flow to a point where tree loss will occur.

Not Self-Created

The carport and slab were in their location when the applicant purchased the property. In addition, to relocate the garage/ADU in a new location would require extending concrete for the foundation and driveway extension. Given the location of the trees, the septic system and the well, this will result in loss of one or more of the trees due to root damage. With regard to the height of the structure, in order to have an occupiable ADU above the garage, added height above the normal cap is necessary.

No Special Privilege Conferred

It is common for ADUs above garages to exceed the 20 feet limit due to the need for headroom.

Deprivation of Rights

Without the variance to the side setback, the applicant may lose trees, some of which have been on the property since the house was constructed. Without the height variance, the applicant will have to choose between a less functional lower garage or ADU with a lower ceiling.

Minimum Possible Variance

The applicant is not requesting that the ADU be located any closer to the side property line than the current carport and slab are located, this is the minimum variances needed. With regard to the height, the applicant has indicated that the height may not be 27 feet if a different truss system can be found. If they find such a truss system, then they can build below the 27 feet, but if it cannot be found, this would be the minimum needed.

Purpose and Intent

The purpose and intent of the code is to ensure that there is a sufficient setback to ensure adequate separation distances between structures on adjacent properties. The adjacent property is a recreation tract containing a trail. There will be no structure, other than a fence along the tract edge ever constructed. As such, the purpose and intent of the code are being met.

SPECIAL EXCEPTION CRITERIA**Consistent with the Comprehensive Plan**

ADUs are specifically identified in the Comprehensive Plan and promoted by FLU8.9.1 and UD4.3.8, as a use permitted in all residential areas through the Special Exception or Planned Development process.

Similar and compatible with the surrounding area

Being a scaled down version of a single family detached home, ADUs by their very nature are compatible.

Shall not act as a detrimental intrusion into a surrounding area

Because they are smaller with more limited amenities such as bedrooms, ADUs have less impact than a typical single family home.

Meet the performance standards of the district

With the variance for the side setback and the lot area, the ADU will comply with all district standards.

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

The ADU will generate the same level of the above mentioned as any other single family home.

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

Landscape buffers are not required for single-family development.

CONDITIONS OF APPROVAL

Development in accordance with the site plan and elevation drawings dated April 12, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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.

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.

Construction plans shall be submitted within three (3) years of final action on this application by Orange County or this approval becomes null and void.

The exterior of the ADU shall match or complement the exterior of the existing residence with respect to materials and colors.

The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

Austin Butler
958 Tildenville School Road
Winter Garden, FL 34787

COVER LETTER

Austin K. Butler
958 Tildenville School Road
Winter Garden, FL 34787
April 2, 2019

Orange County Zoning Division
Board of Zoning Adjustment
201 Rosalind Avenue
Orlando, FL 32801

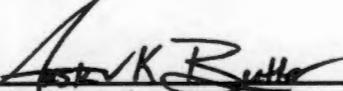
To Whom It May Concern:

This letter serves to request special exception to construct an accessory dwelling unit on the property at 958 Tildenville School Road, Winter Garden, FL 34787 (Parcel ID 21-22-27-0000-00-052). The property description is as follows: FROM SE COR OF NE1/4 RUN S 88 DEG W 321.15 FT N 02 DEG W 354.82 FT TO POB TH W 198 FT N 02 DEG W 152.4 FT N 86 DEG E 192.95 FT TH S 03 DEG E 162.3 FT TO POB IN SEC 21-22-27. Total land area is 30,897 sq.ft. (+/-) or .71 acres (+/-). The property is zoned O103 - Single Fam Class III within Un-Incorporated Orange County. The property is owned by myself and my wife, Christine Burchett Butler, and serves as our primary residence. The existing structures on the property include a, 1,889 sq.ft. single-story house that was constructed in 1901, a 36 sq.ft. carport on slab, a 210 sq.ft. utility shed, and a 15 sq.ft. well house.

I propose to construct a two-story garage that will serve as a garage and apartment for my wife and I to reside in while our home undergoes extensive renovations as a result of damages caused by water intrusion from a nearby development. The original flooring in our home has to be completely replaced, along with much of our foundation due to the negligence of the developer that caused flooding to occur on our property. This is the subject of ongoing litigation that we hope to have concluded in a timely manner; however, our home has deteriorated to the point that we need somewhere else to live for our own safety, thus the request to construct a garage with an upstairs apartment. The proposed structure would be 32'-4" long x 26'-4" wide x 27' tall with a total of 1,577 sq.ft. The height of the building may be shorter than 27' depending on the truss engineering. The proposed structure would be located South of the main house where an existing 432 sq.ft. concrete slab and carport currently are located. The slab and carport would be removed and a new slab poured for the proposed structure. This proposed structure will not be used for lease or rental purposes—the only purpose it will serve will be that of a residence while our home undergoes extensive renovation. Once the renovation is complete, the garage apartment will be used as an office space and guest house for friends and family who come to visit. I appreciate your time reviewing this application and will provide my complete cooperation to get this special

exemption approved. Please reach out to me with any questions or necessary revision. Thank you.

Sincerely,

 April 12, 2019
Austin K. Butler, Property Owner at 958 Tildenville School Road

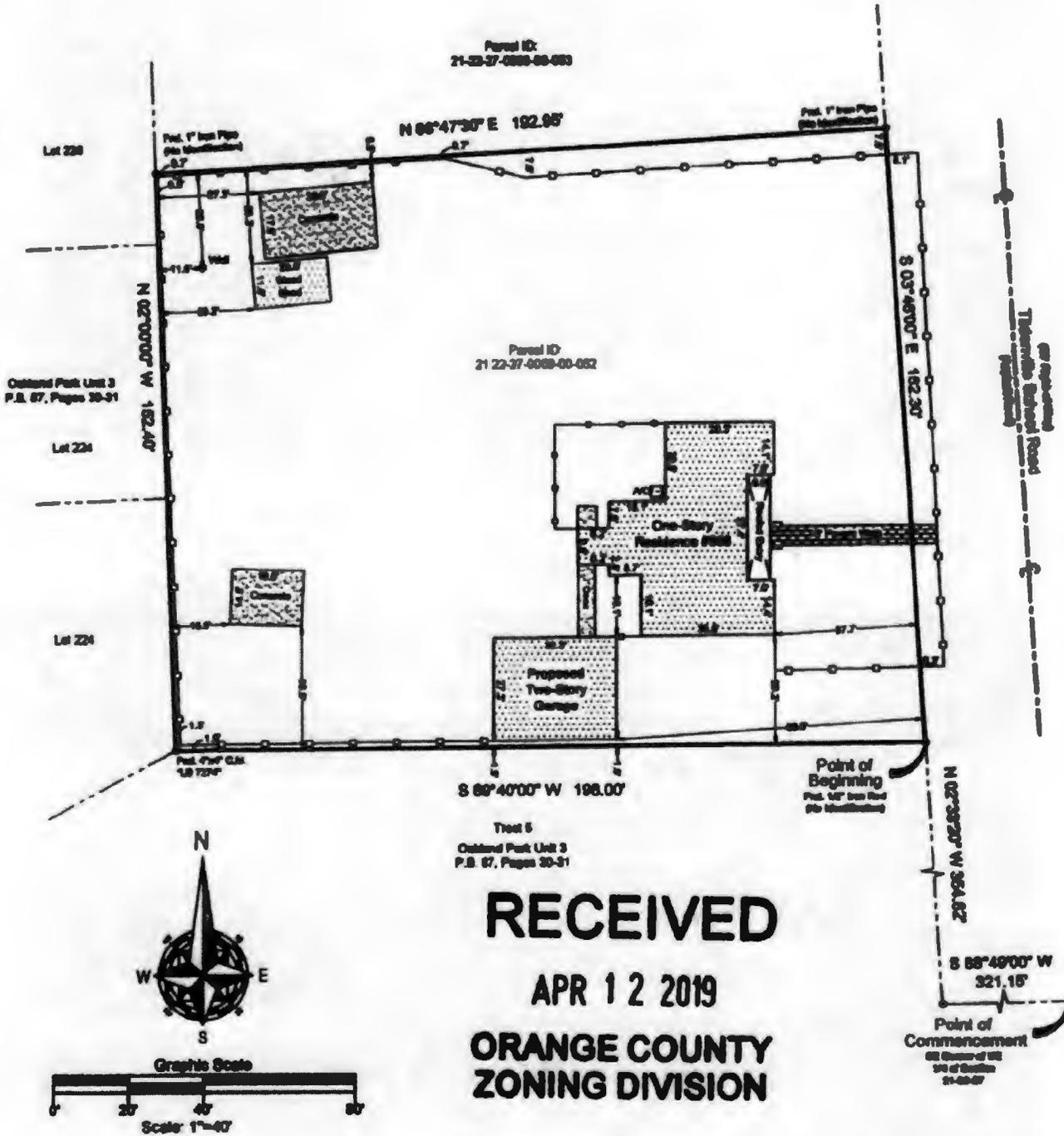
ZONING MAP



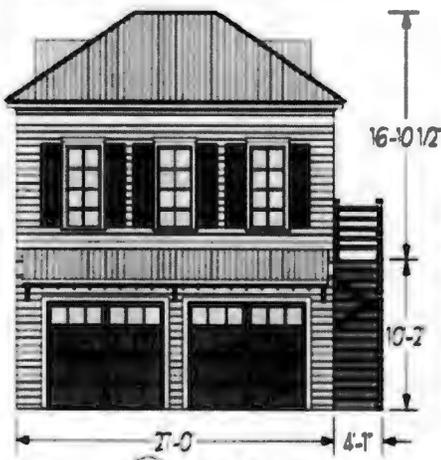
AERIAL MAP



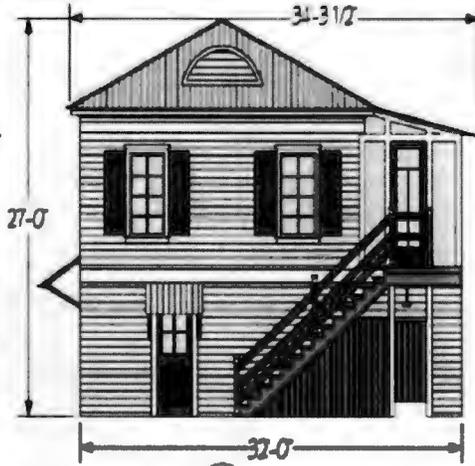
**SITE PLAN /
SURVEY**



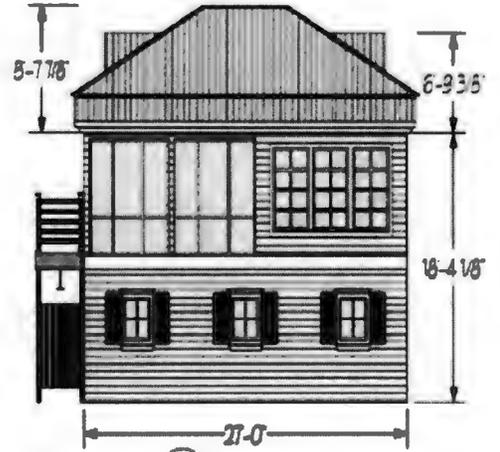
ELEVATIONS AND FLOOR PLAN



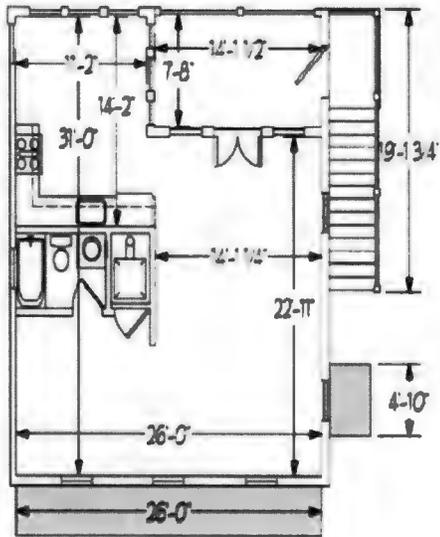
3 Front Elevation
Scale 1/8" = 1'-0"



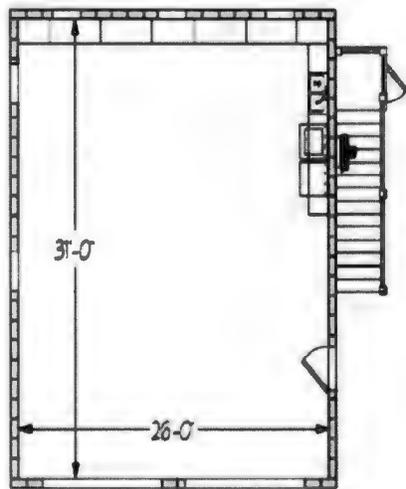
4 Right Elevation
Scale 1/8" = 1'-0"



5 Rear Elevation
Scale 1/8" = 1'-0"



2 2nd Floor Plan
Scale 1/8" = 1'-0"



1st Floor Plan
Scale 1/8" = 1'-0"

958 TILDENVILLE SCHOOL ROAD
GARAGE ADDITION

SITE PHOTOS



958 Tildenville School Rd. Looking West



Existing Carport Looking West



Recreation Tract/Trail, Carport & Residence Looking Northwest

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-06-054**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): BARBARA GEMMELL

OWNER(s): BARBARA GEMMELL

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

- 1) To allow a rear setback for a garage addition of 10 ft. in lieu of 30 ft.
- 2) To allow a rear setback for the existing home to remain at 18 ft. in lieu 30 ft.
- 3) To allow a rear setback for an addition 21 ft. in lieu of 30 ft.
- 4) To allow a side street setback for an addition of 14 ft. in lieu of 15 ft.

PROPERTY LOCATION: 1800 Killarney Drive, Winter Park, Florida, 32789, southwest corner of Killarney Dr. and Clay St. north of W. Fairbanks Ave

PARCEL ID: 12-22-29-4076-01-010

LOT SIZE: 0.159 acres

NOTICE AREA: 500 FT

NUMBER OF NOTICES: 87

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

Development in accordance with the site plan dated April 15, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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.

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.

The exterior of the addition shall have similar colors and design materials as the primary residence.

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

The applicant had nothing to add to the staff presentation.

The BZA agreed that the lot was uniquely shaped and confirmed that the deck would remain.

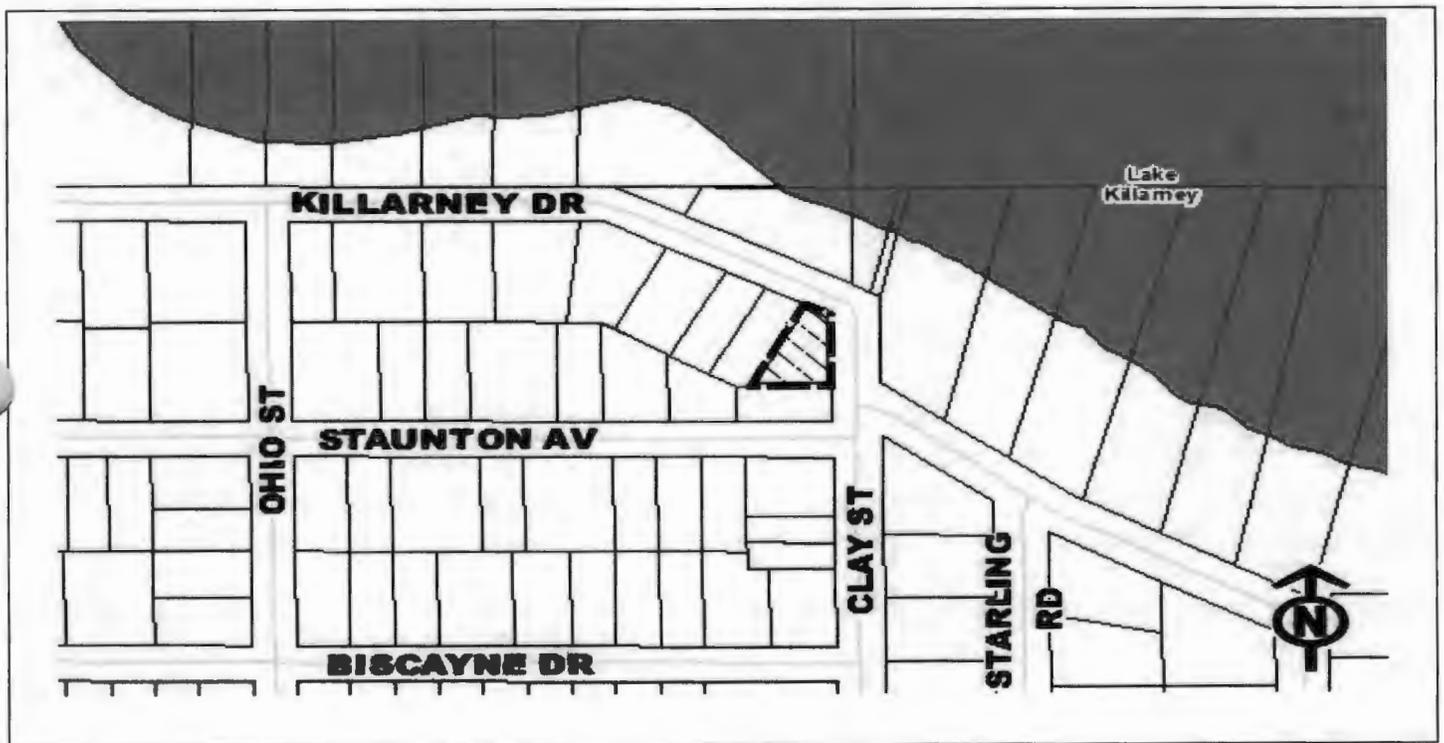
Staff received five (5) commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variances.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

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

The lot is a uniquely shaped triangular lot with frontage on two (2) streets. It was platted in 1925, and is considered a standard lot of record. There is a 1,300 sq. ft. single family home on the lot with an attached 1-car garage, which was constructed in 1935.

The property is located in the Karolina on Killarney Plat, which is comprised of single-family homes.

The applicant is proposing to add 205 sq. ft. of living space to the house, convert part of the house to garage space, and add 255 sq. ft. of garage space to provide a 2- car garage. The home expansion will encroach into the required 15 foot street setback by approximately 1 foot and into the required 30 foot rear yard setback by approximately 9 feet. The garage expansion will encroach into the required 30 feet rear yard (south) setback by approximately 20 feet.

The rear (south) property line backs up to the side property line of the neighbor, thus the neighbor is only required to adhere to a 7.5 foot setback along this line, while the applicant has a requirement of 30 feet. The existing house encroaches by 12 feet into the rear setback. The applicant is requesting a setback similar to the neighbor along the south property line.

Multiple variances have been granted in the area for setbacks. The applicant has provided letters of no objection from adjacent neighbors.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	17 ft.
Min. Lot Width:	75 ft.	93 ft.
Min. Lot Size:	7,500 sq. ft.	6,946 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	30 ft.
Rear:	30 ft.	10 ft.
Side:	7.5 ft.	7.5 ft.
Sidestreet:	15 ft.	14 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The lot is a uniquely shaped triangular lot with frontage on two (2) streets. The rear (south) property line backs up to the side property line of the neighbor. The neighbor is only required to adhere to a 7.5 foot setback along this line, while the applicant has a requirement of 30 feet.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to add a small addition to the side of the house, and a garage to the rear.

Minimum Possible Variance

This is the minimum possible variance to allow additions to the house. The rear addition variance does not encroach more than the existing neighboring home, and a garage is a less intense use. The side street setback is a six percent (6%) deviation from code. In addition, the applicant could install a detached garage instead, which only requires a five (5) foot setback.

Purpose and Intent

Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood. The side addition will only encroach by 1 foot into the side street setback, and the rear addition will have a setback consistent with, or more than the neighbor's side setback.

CONDITIONS OF APPROVAL

Development in accordance with the site plan and elevations dated April 15, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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.

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.

The exterior of the addition shall have similar colors and design materials as the primary residence.

Barbara Gemmell
1800 Killarney Drive
Winter Park, FL 32789

COVER LETTER

To: Orange County Zoning Department
Regarding: 1800 Killarney Drive, Winter Park, FL 32789
To whom it may concern:

Date: 4/15/2019

The proposed renovation is to reconfigure two current bedrooms, a bath, laundry room, and office such that access to the home from the rear flows logically, and creates a two space garage that will provide protection for the automobiles, one of which is antique.

I've attached two letters of no objection from neighbors who are adjacent, or closest to my home.

Variance request details:

1. Much of the encroachment area already has enclosed / conditioned space or covered unconditioned space, i.e. it is "grandfathered" in as an existing variance.
2. The property's rear property line is a neighbor to the south's side property line. This creates a condition where the neighbor's side setback is only 7.5' where this property's rear setback line is 30'. (Not self created)
3. The property is a corner lot so unlike interior lots the setbacks from the streets are greater than for an interior lot creating a smaller buildable footprint. (Not self created)
4. The property is pie shaped which creates a smaller buildable footprint within the prescribed property lines than a more conventional rectangular lot would allow. (Not self created)
5. The addition of a 2 car garage and enhanced master bedroom suite is commensurate with the quality and value of the property. (Commensurate with many of the new and existing homes in the Zip Code)
6. The proposed design intentionally lowers the scale of the addition to the south side of the existing house adjacent to the south and west neighbors. (Intended to minimize the impact of the addition)
7. The overall scale of the addition is done to be in scale with the exiting house and neighborhood. (Intended to minimize the impact of the addition)
8. The parkway space between the property line and the street is unusually wide which gives the appearance of a wider setback from the street. (Not self created)
9. The roof slopes are shallower than the existing original house and kitchen wing. (Intended to minimize the impact of the addition)
10. The overall impervious area of the site remains relatively the same as the existing site. (Intended to minimize the impact of the addition)

Thank you,
Barbara Gemmell



RECEIVED
APR 15 2019
ORANGE COUNTY
ZONING DIVISION

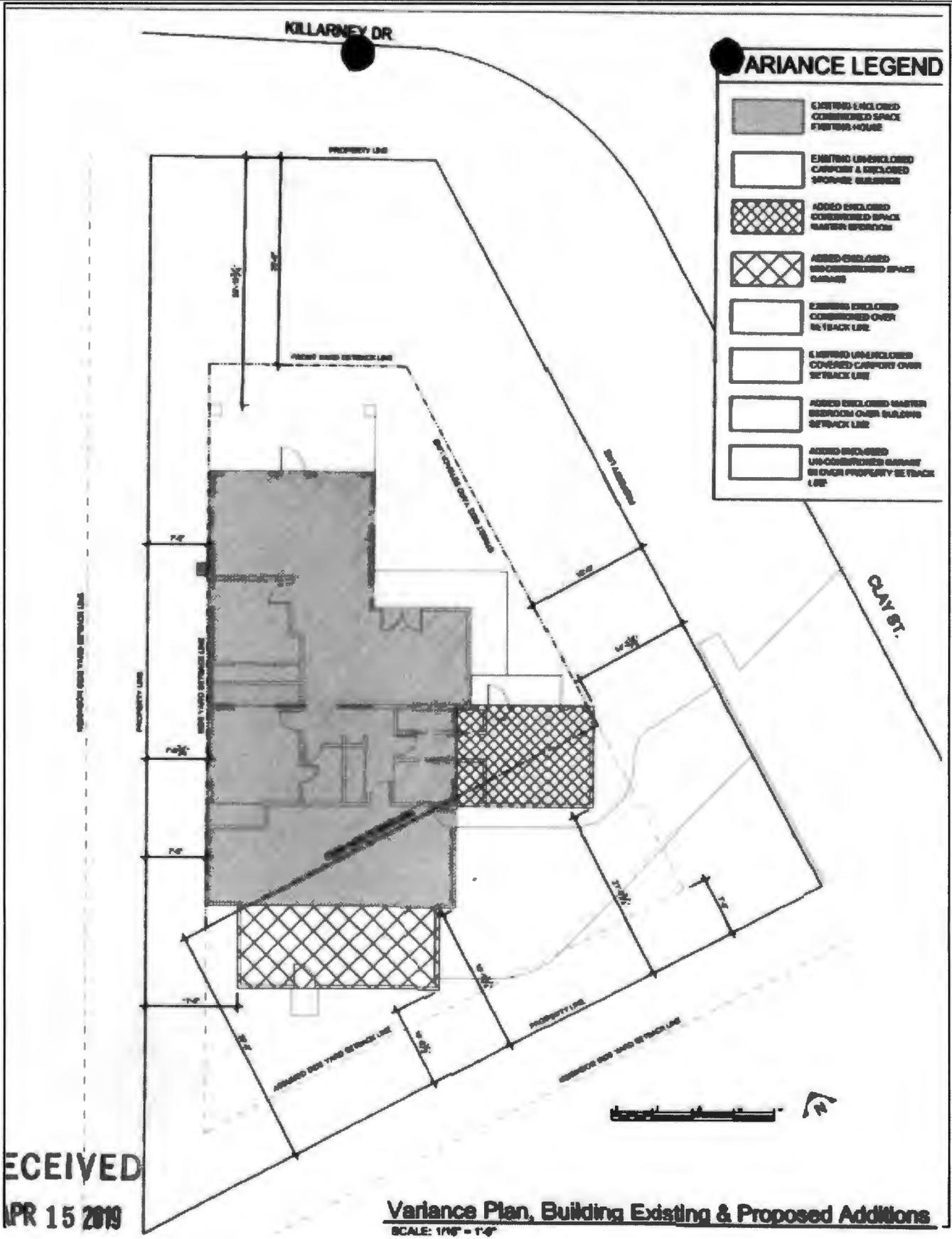
ZONING MAP



AERIAL MAP



PROPOSED SITE PLAN



VARIANCE LEGEND

-  EXISTING ENCLOSED COVERED SPACE EXISTING HOUSE
-  EXISTING UNENCLOSED CARPORT & ENCLOSED STORAGE BUILDING
-  ADDED ENCLOSED COVERED SPACE MASTER BEDROOM
-  ADDED ENCLOSED UNCONDITIONED SPACE GARAGE
-  EXISTING ENCLOSED COVERED OVER REAR BACK YARD
-  EXISTING UNENCLOSED COVERED CARPORT OVER REAR BACK YARD
-  ADDED ENCLOSED MASTER BEDROOM OVER BUILDING REAR BACK YARD
-  ADDED ENCLOSED UNCONDITIONED GARAGE ON OVER PROPERTY RE REAR YARD

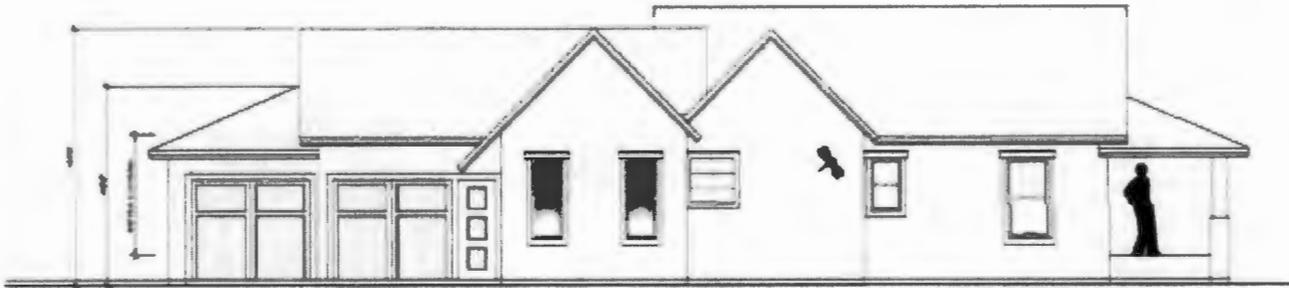
RECEIVED
APR 15 2019

Variance Plan, Building Existing & Proposed Additions
SCALE: 1/4" = 1'-0"

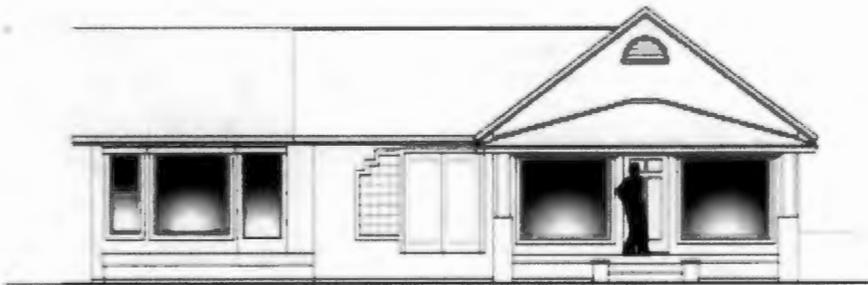


1 Floor Plan - Notations
SCALE: 1/4" = 1'-0"

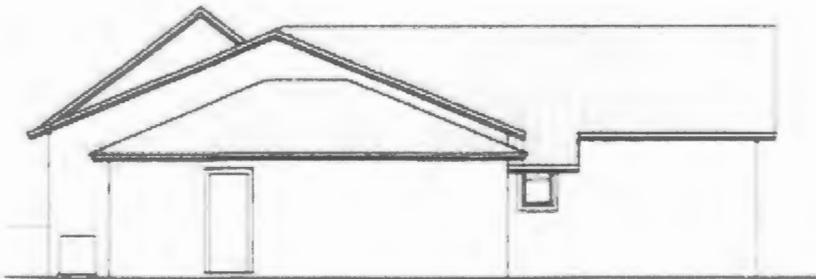




3 East Side Elevation



2 North-Front Elevation



1 South-Back Elevation

SITE PHOTOS



View from Clay St. showing rear setback.



View from Killarney Dr. showing side street setback.



Variance for property in the area. Granted 13 ft. rear in lieu of 30 ft.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-06-055**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): **RAYMOND WEBB FOR KENCO SIGN & AWNING**

OWNER(s): **JOSEPH E MARX CO, INC.**

REQUEST: **Variance in the C-1 zoning district to allow a total of 523 sq. ft. of wall signage in lieu of 180 sq. ft.**

PROPERTY LOCATION: **4649 S. Orange Blossom Trl., Orlando, FL 32839, Northeast corner of Holden Ave. and S. Orange Blossom Trl.**

PARCEL ID: **10-23-29-0000-00-019**

LOT SIZE: **14.19 acres**

NOTICE AREA: **500 FT**

NUMBER OF NOTICES: **161**

DECISION: APPROVED a lesser variance of 240 sq. ft. of wall signage in lieu of 180 sq. ft. 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):

Development in accordance with the site plan and sign specifications dated April 15, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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.

Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

The applicant stated that the sign ordinance is antiquated in relation to big box stores. The applicant also pointed out that the store is set back far from the road, and the trees interfere with visibility, and that it is a safety issue to provide visibility for drivers looking for the sign. The applicant further stated that the old code was more realistic, allowing two (2) square feet of signage for each foot of frontage, and that this was needed to revitalize an old complex.

The BZA noted that the applicant is asking for a larger variance than those previously granted in the area. The BZA discussed reaching a compromise with the applicant.

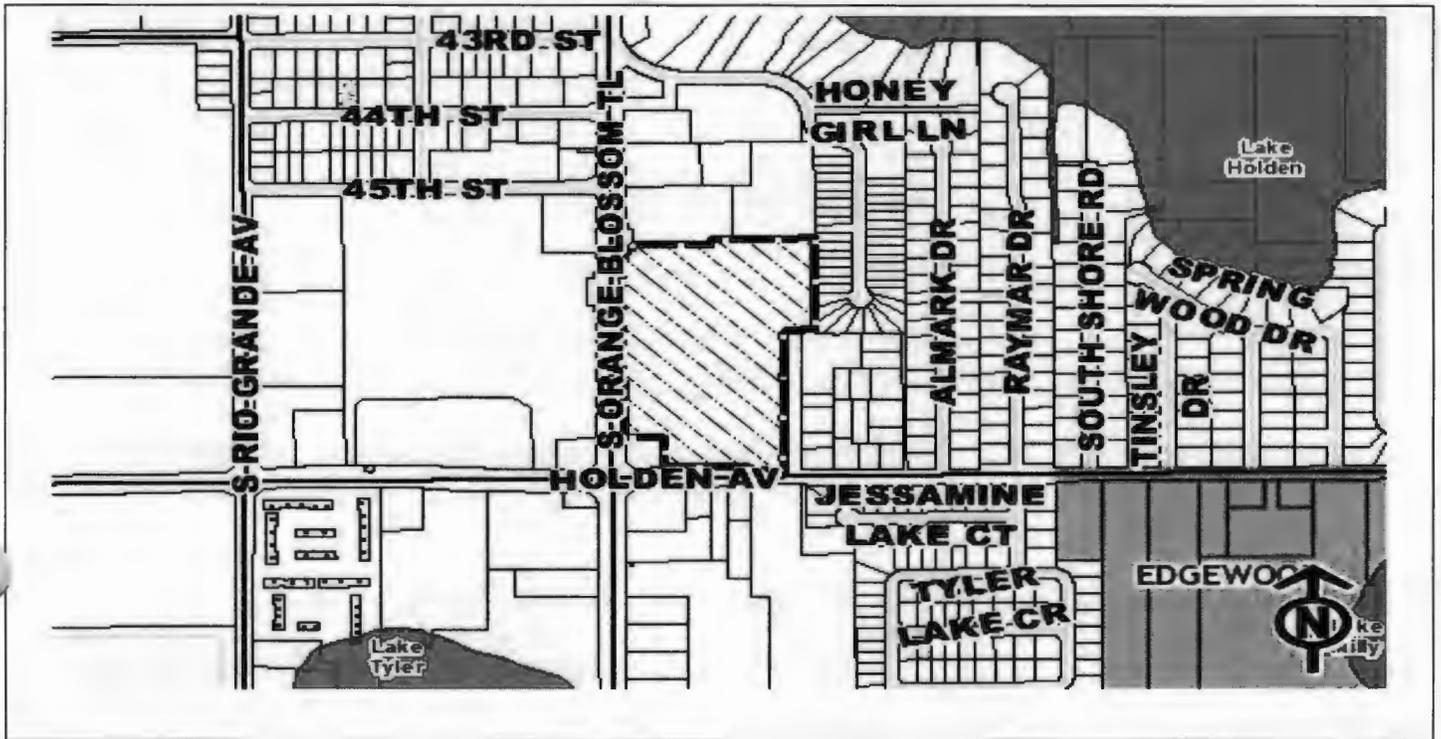
Staff received zero (0) commentaries in favor of the application, and none in opposition to the application.

The BZA approved a variance for a total of 240 sq. ft. of wall signage.

STAFF RECOMMENDATIONS

Denial, however if the board recommends approval it is subject to the conditions in the report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-1	C-1 & C-2	C-2 & R-3	R-1A & R-2	C-2
Future Land Use	C	C	C & LMDR	LDR	C
Current Use	Commercial	Commercial	Commercial & multifamily	Single family & Institutional	Commercial

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the C-1, Retail Commercial district, which allows for restaurants, retail stores, offices, churches, and various other indoor commercial businesses. Signage is regulated by Sec.31.5 of the Orange County Code.

The subject property is an un-platted parcel that conforms with the zoning requirements. There are three existing commercial buildings on the site that were constructed in 1966, 1973, and 1974. DD's Discounts is leasing a portion of the northern building, with 121.1 ft. of frontage.

The property is located on South Orange Blossom Trl., which is a heavily commercialized corridor.

Orange County Sign code section 31.5-15 (a) (2) allows 1.5 sq. ft. of wall signage per linear foot of building frontage. The tenant has 121.1 ft. of frontage facing South Orange Blossom Trl., thus 181.65 sq. ft. of sign area would be allowed. The applicant is proposing 523 sq. ft. of total sign area, which consists of one large 392 sq. ft. wall sign, four façade image signs totaling 109 sq. ft., two smaller wall signs totaling 14 sq. ft., and 2 hanging signs totaling 8 sq. ft. The building is being remodeled and the applicant is proposing new signage as requested.

In addition to the wall signage, the site currently has a pole sign, identifying the tenants on site.

The request constitutes a 288% deviation from code.

VARIANCE CRITERIA

Special Conditions and Circumstances

The applicant has not demonstrated any special conditions or circumstances that are unique to this property that do not apply to all other properties with the same zoning and in the same area, based on frontage.

Not Self-Created

The request is self-created, as the site has a pole sign, and is allowed wall signage that can be installed to meet code without the need for a variance.

No Special Privilege Conferred

Approval of the request will grant the applicant special privilege that is denied to other lands, building, or structures in the same zoning district. The business can be allotted copy area on the multi-tenant sign.

Deprivation of Rights

The applicant would not be deprived of rights commonly enjoyed by other properties in the same zoning district, as the site has a pole sign, and wall signage is permitted.

Minimum Possible Variance

The request is not the minimum variance, as it is a 288% deviation from code. The applicant is proposing a total of 7 wall signs and 2 hanging signs, which is excessive.

Purpose and Intent

Approval of this request will not be in harmony with the purpose and intent of the zoning regulations and will set a precedent in the area, with the amount of deviation being requested at 288%.

CONDITIONS OF APPROVAL

Development in accordance with the site plan dated April 15, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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.

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.

Raymond Webb for Kenco Sign & Awning
1539 Garden Avenue
Holly Hill, FL 32117

COVER LETTER

02/14/2019

Orange County Zoning Division

To Members of the Board,

dd's Discounts (part of Ross Stores, Inc) is a US national chain of off-price department stores, bringing a place to shop and save in your neighborhood. Stores are conveniently located in neighborhood shopping centers so customers can start and finish all of their shopping close to home. dd's is committed to giving back to the local communities and offering many job opportunities to those in the community.

dd's Discounts is seeking a variance to the Orange County sign ordinance so that they may install a wall sign at 72/36" letterset with a 32" tagline cabinet on the storefront elevation. Please reference drawing B72117. Based on the storefront façade this letterset and tagline totaling 394.02 Sq. Ft. is proportional and more appealing to the eye, versus the 180 Sq. Ft. that is code compliant. This signage is planned to be installed at the new dd's location at 4649 South Orange Blossom Trail, Orlando, FL, within the Southgate Shopping Center. The storefront signage is set back approximately 368 ft from South Orange Blossom Trail.

1. **Special Conditions and Circumstances** – In front of the Southgate Shopping Center there are a line of trees; this is blocking many main views of the storefront signage from multiple directions. dd's Discounts would like to give their customers maximum viewing potential with the 72/36" letterset with 36" tagline cabinet from the angles that are not blocked by the foliage located in front of the shopping center. Taking advantage of the angles that are not blocked, gives dd's the peace of mind that their potential customers are not distracted while driving and searching for their store. With the store being set back more than 300 feet from the roadway, and the speed limit on South Orange Blossom Trail being 40 mph, the code compliant sign size could be easily missed.
2. **Not Self-Created** – We feel that none of the above special conditions and circumstances were a result of dd's Discounts' actions. They did not create the hardships for themselves; all circumstances/conditions previously existed.
3. **No Special Privilege Conferred** – Approval of this request will not confer on dd's Discounts, as we believe that having an attractive storefront is important to any business.

4. **Deprivation of Rights** – The requested size increase will not be detrimental to anyone, in any way shape or form. In fact, allowing the increase in size will help the general public in guiding them safely to the store as they will not be searching in a distracting manner while driving.
5. **Minimum Possible Variance** – We believe that the proposed dd's Discounts signage is making reasonable use of the building and layout of the Southgate Shopping Center. The request for the increase in sign size is strictly to help better identify as well as locate, for the general public, the actual dd's Discounts store.
6. **Purpose and Intent** – By allowing the increased sign size, dd's Discounts will be able to prominently advertise to local traffic. They will comfortably know that their store is receiving maximum exposure to local traffic. Not having a visible building sign at an increased size will substantially reduce the ability to bring in customers, which may impact immediate and long term successes at this new location.

We hope you will find our request reasonable and grant us a favorable response to our variance application.

Sincerely,

Marina Nuckles

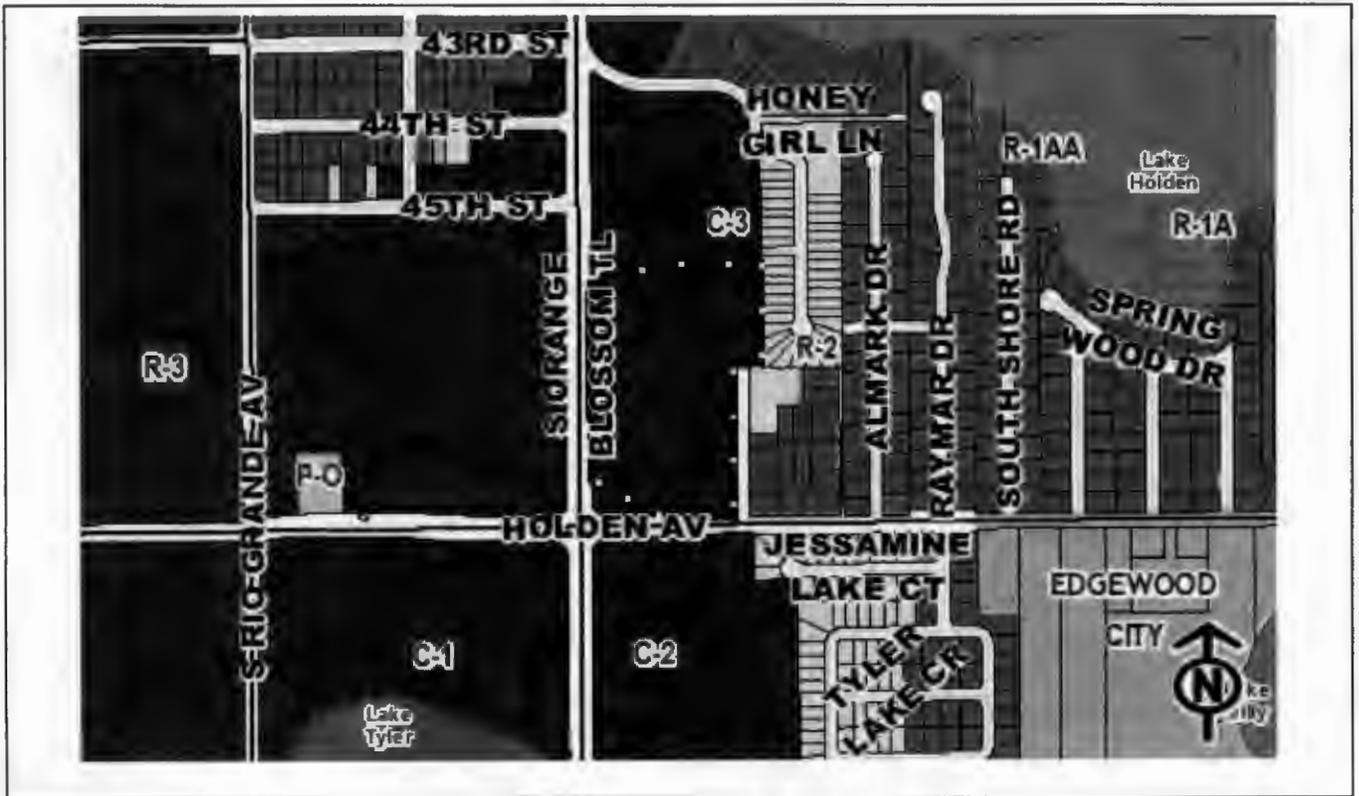
Marina Nuckles

Install Coordinator



Dallas/Ft.Worth | Chicago | Sheboygan | Charlotte

ZONING MAP



AERIAL MAP



ELEVATION

IF ANY SIGNAGE PROPOSED IN THIS EXHIBIT IS ALTERED BY LOCAL GOVERNMENT AUTHORITIES, ROSS STORES INC. RESERVES THE RIGHT TO ADJUST ARCHITECTURAL FEATURES TO BEST ACCOMMODATE THE ALTERED SIGNAGE.

RETURNS: 8"D ALUM. W/ WHITE FINISH
 TRIM CAP: 1" WHITE JEWELITE
 LETTER BACKS: ALUMINUM
 L.E.D.s: INHER. SB LIGHT EDL-BROOK WHITE
 MOUNTING: 1/4"-80 GALVANIZED THRU BOLTS
 PEG OFF: 1/2" SPACERS

ILLUMINATED UNDERCANOPY SIGN, U.L.
 SEE SHEET UCH FOR DETAILS.
 18"H X 88"W X 3/4"D SINTRA DD'S LOGO
 WALL PLAQUE. TWO (2) REQUIRED AS SHOWN.
 SEE SHEET IL FOR DETAILS.

ATTACHMENT BY KUDD
 CONTRACTOR.
 (2) SETS REQUIRED AS
 SHOWN.

TYPICAL WALL PANEL BY ROSS
 CONTRACTOR. IMAGES MAY
 VARY FROM WHAT IS SHOWN.
 SEE SHEET WP FOR DETAILS.



1 STOREFRONT WEST • ORANGE BLOSSOM TRAIL • ELEVATION

4526 HOLDEN HEIGHTS



SITE PHOTOS



Proposed signage location



Building Frontage



Existing Pole Sign

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2019**

Case Planner: **Nick Balevich**

Case #: **SE-19-06-056**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): EDUARD GRANT

OWNER(s): GRANT RITA, EDUARD GRANT

REQUEST: Special Exception in the R-1A zoning district to permit an attached Accessory Dwelling Unit (ADU).

PROPERTY LOCATION: Decker Avenue, Orlando, Florida, 32833, southwest corner of Decker Ave and Overton St. west of Dallas Blvd.

PARCEL ID: 10-23-32-1184-12-040

LOT SIZE: 1.248 acres

NOTICE AREA: 800 FT

NUMBER OF NOTICES: 29

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (unanimous; 7-0):

1. Development in accordance with the site plan and elevations dated April 16, 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. Construction plans shall be submitted within three years of the final County approval, or this approval becomes null and void.
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after

the relative has died, whichever occurs first.

The exterior of the ADU shall have similar colors and design materials as the primary residence.

The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

The applicant shall provide proof of the Homestead Exemption or evidence of pre-filing for the Homestead Exemption for the property prior to issuance of the Certificate of Occupancy for the ADU.

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

The applicant had nothing to add to the staff presentation.

The BZA felt that the case was straightforward.

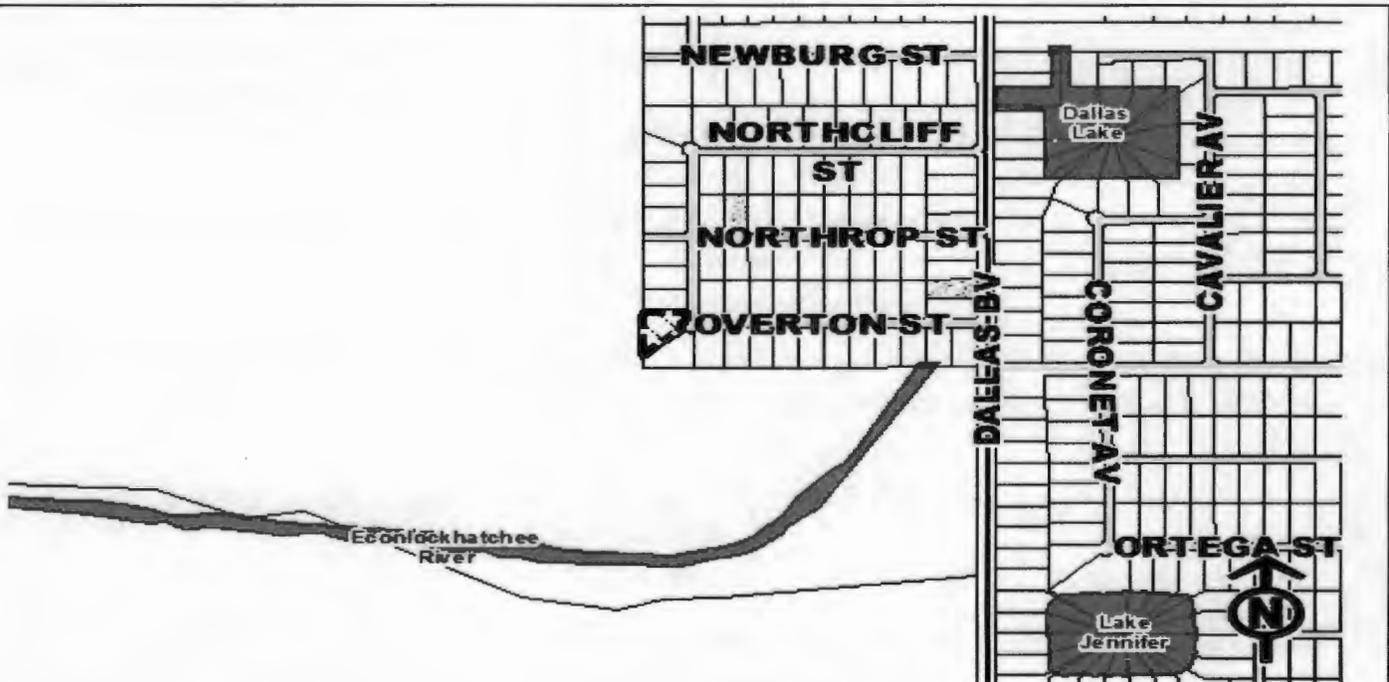
Staff received zero (0) commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the Special Exception.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	R-1A	R-1A	R-1A	A-2
Future Land Use	R	R	R	R	PRE
Current Use	Vacant	Vacant	Vacant	Vacant	Vacant

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-1A, Single Family Dwelling district, which allows single family homes and associated accessory structures on lots a minimum of 7,500 sq. ft. or greater. Accessory Dwelling Units (ADU) are allowed by Special Exception in this zoning district

The lot is 1.248 acres and currently vacant. The applicant is proposing to construct a 4,401 sq. ft. single family home with an 802 sq. ft. attached ADU.

The property is located in the Wedgefield subdivision, which is comprised of single family homes on large acreage lots. The lot was platted in 1972, and is considered a conforming lot of record.

The applicant purchased the property in 2017, and wants the ADU for a relative to live close by.

The ADU will be attached and incorporated into the design of the house with a side entrance that will not be visible from the front.

In 2006, the BZA granted a variance for a property in the area, to allow an attached ADU to be constructed in conjunction with the principal residence on the lot.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	24 ft.
Min. Lot Width:	75 ft.	200 ft.
Min. Lot Size:	7,500 sq. ft.	53,372 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	63 ft.
Rear:	30 ft.	100 ft.
Side:	7.5 ft.	60 ft./40 ft.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan.

Uses are specifically identified in the Comprehensive Plan and promoted by FLU8.9.1 and UD4.3.8, as a use permitted in residential areas through the Special Exception or Planned Development process.

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

The ADU use is similar and compatible with the surrounding area. This residential use as an ADU is consistent with properties in the area.

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

The ADU will be attached and incorporated into the design of the house and will not be noticeable from the outside.

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

The ADU exceeds all required setbacks, the lot exceeds the minimum gross required size of 7,500 sq. ft., and the proposed structure meets the height requirement.

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 characteristics and impacts of an ADU are consistent with the majority of uses permitted in the R-1A zoning district.

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

Additional landscaping is not required between residential properties.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan and elevations dated April 16, 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. Construction plans shall be submitted within three (3) years of the final County approval, or this approval becomes null and void.
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
6. The exterior of the ADU shall have similar colors and design materials as the primary residence.
7. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.
8. The applicant shall provide proof of the Homestead Exemption or evidence of pre-filing for the Homestead Exemption for the property prior to issuance of the Certificate of Occupancy for the ADU.

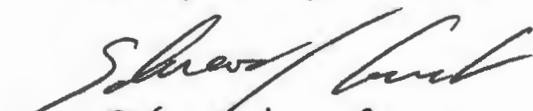
c: Eduard Grant
P.O. Box 782148
Orlando, FL 32878

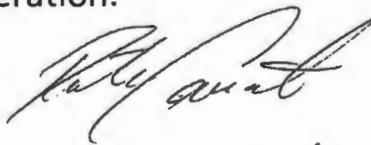
COVER LETTER

ADU Request Cover Letter

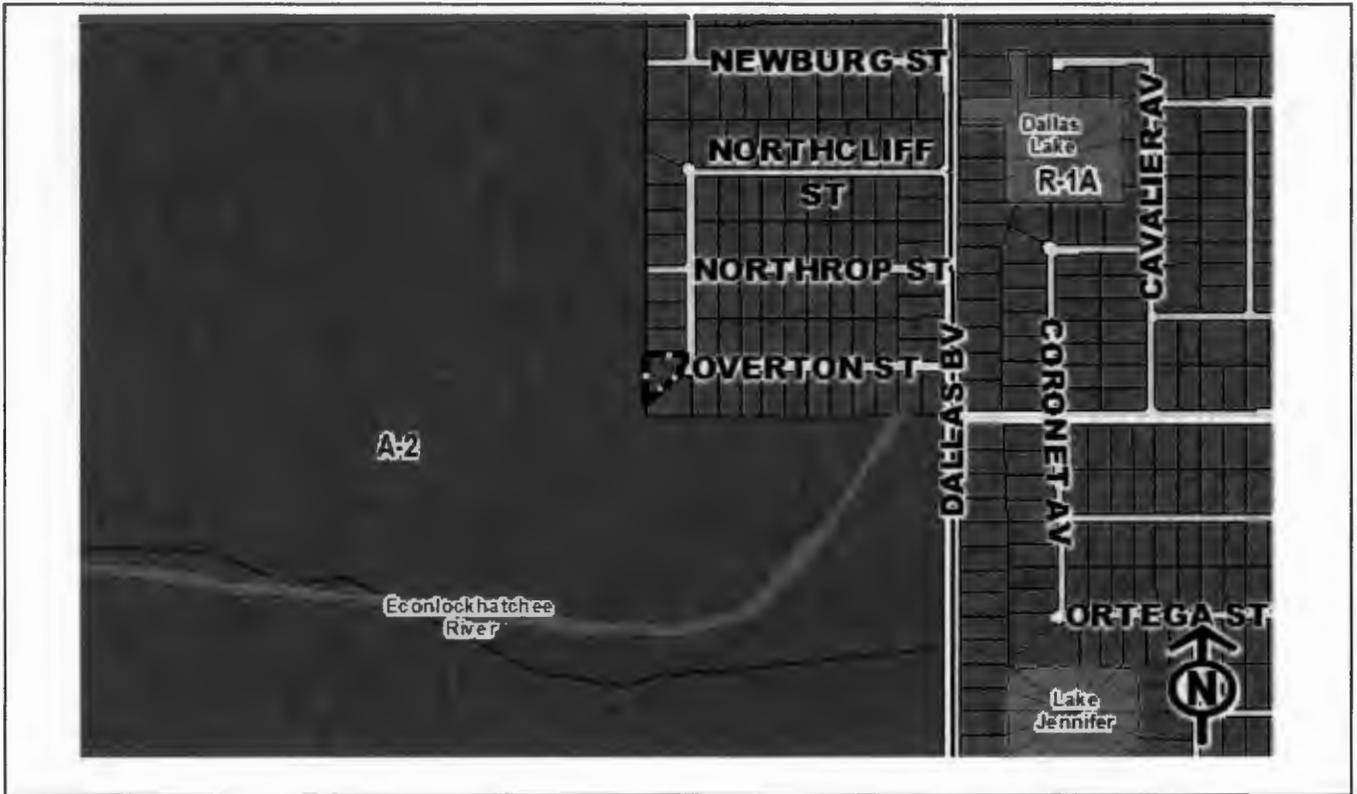
My name is Eduard Grant. My wife and I have been married for 7 years, we have 2 children ages 3 and 5. We are building our first home and are asking for a special exception to have a ADU in the ^{R1A} zoning district. An Adu is allowed in this zoning district thru the special exception process. The Adu will be integrated in to the house in such a fashion that it will not be noticed from the street. The Adu entrance is on the side of the house (north side) the front of the house facing the street is facing east. The ADU will not look like a separate unit. My zoning is R1a and the lot that we have is 1.25 acres. This house will be our home and be homestead exemption. My father recently had open-heart surgery and had a quadruple by-pass. He also was diagnosed with bladder cancer shortly after his open-heart surgery (January of 2018) so he is incapable of doing much of anything. This ADU will allow him to live with us and enjoy the rest of his life with the people that love him and can take care of him. The comprehensive plan allows an Adu by the process we are going through (special exception). This community is a residential area and this ADU will have no negative affect on the surrounding area or neighbors. Since this whole house is new construction, it will comply with all code and building regulations.

Thank you for your time and consideration.

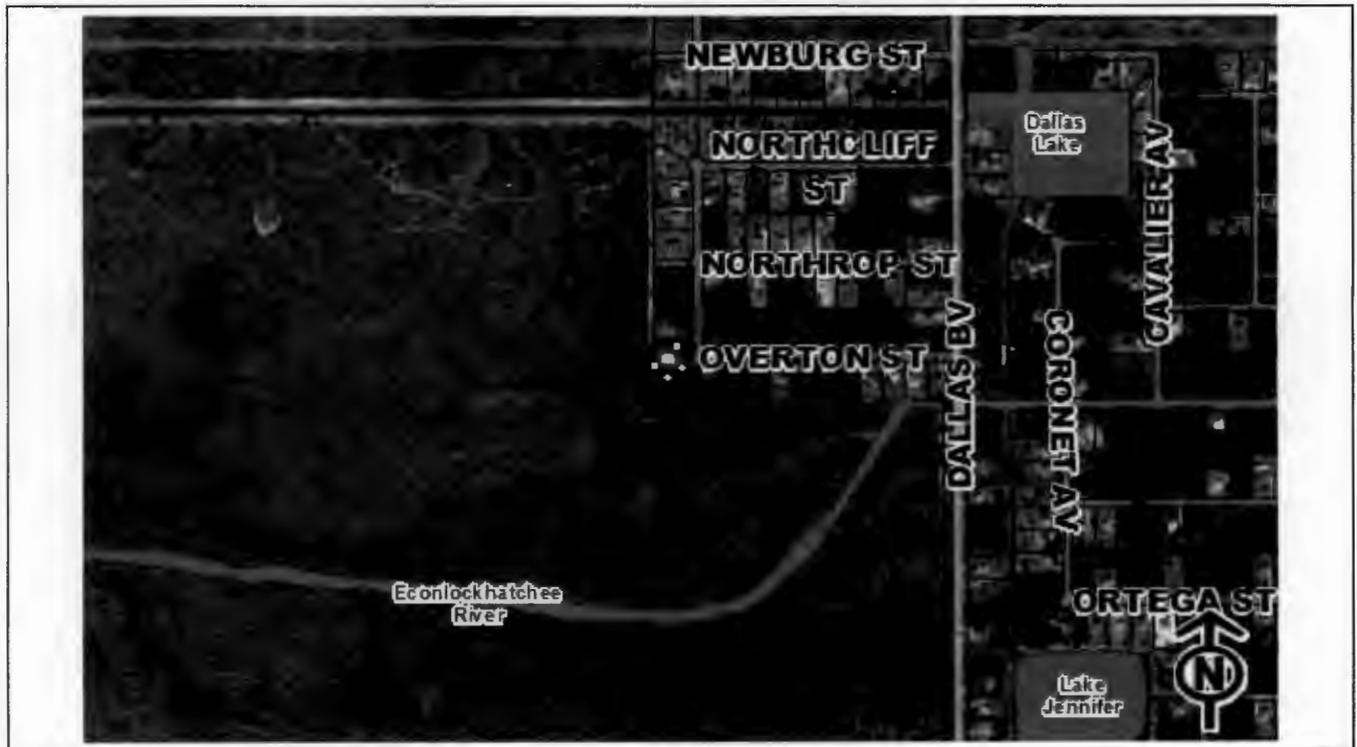

Eduard Grant
4/10/19

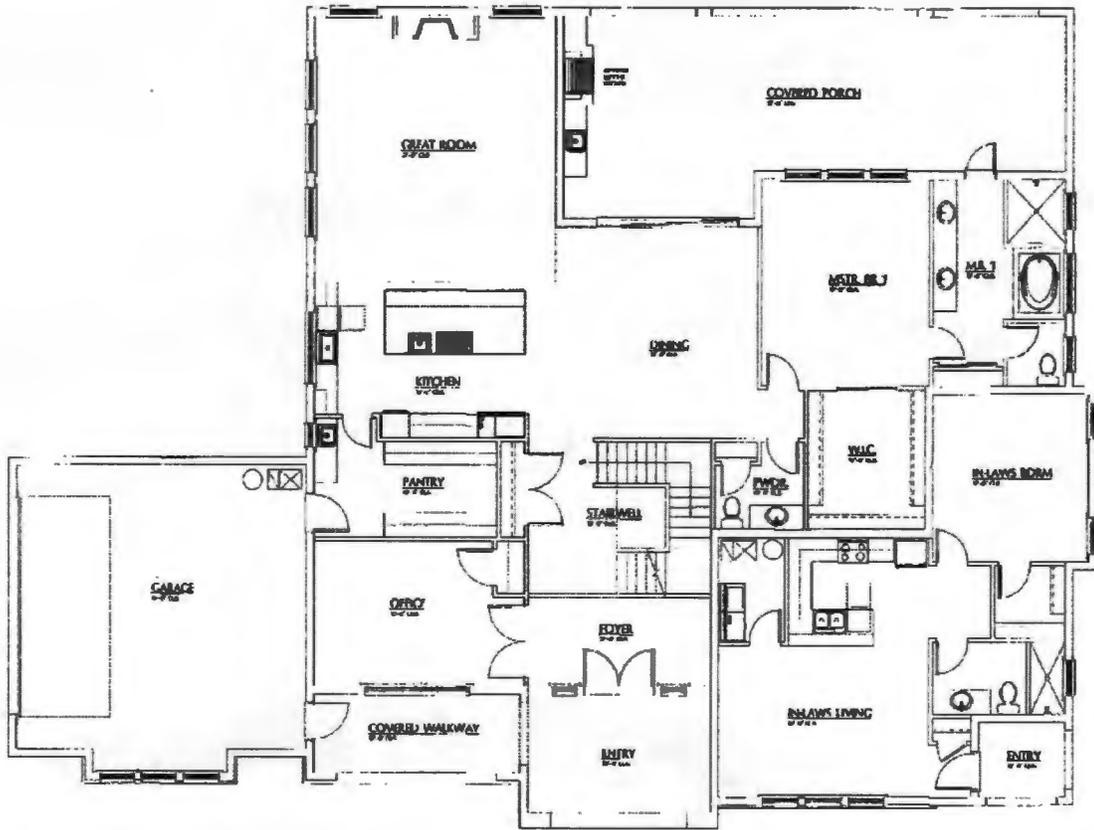

Rita Grant

ZONING MAP



AERIAL MAP





FIRST FLOOR PLAN - DIMENSIONS



ELEVATION



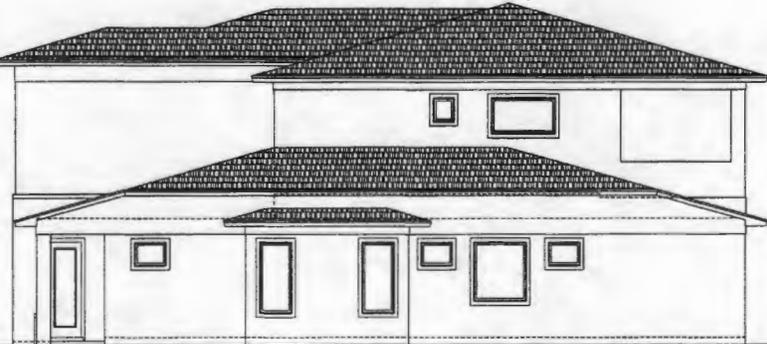
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION



RIGHT SIDE ELEVATION

SITE PHOTOS



Front from Decker Ave.



Approved ADU on Northrop St.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2019**

Case Planner: **David Nearing, AICP**

Case #: **SE-19-06-057**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): ECO-SITE

OWNER(s): SOUTHPARK PROPERTY OWNERS ASSN INC

REQUEST: Special Exception in the IND-2/IND-3 zoning district to construct a 145 ft. high communications cell tower to be camouflaged as a pine tree (monopine tower) with a single user at initial construction.

PROPERTY LOCATION: Commodity Cir., Orlando, FL 32819, north side of Destination Parkway, west of S. John Young Parkway

PARCEL ID: 32-23-29-8221-00-001

LOT SIZE: 393 ft. x 1,853 ft./22.82 acres

NOTICE AREA: 1500 ft.

NUMBER OF NOTICES: 346

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (unanimous; 7-0):

Development in accordance with the site plan dated April 17, 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.

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.

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.

Construction plans shall be submitted within two (2) years of final action on this applicant by Orange County, or this approval becomes null and void.

The appearance of the monopine shall be maintained in a manner that the tower shall resemble a live tree. All faded or damaged camouflage materials shall be promptly replaced.

6. Prior to issuance for any permits specific to the communication tower, the applicant shall resolve the tower location with the Development Engineering Division, and enter into the required use agreement for any improvements located in the drainage easement located over the subject property. Any change in the tower's location shall require submittal of a new Special Exception application.

SYNOPSIS: Staff explained that the proposal was different from many past cell tower applications, in that the nearest residence was .96 miles away. The request required no variances for any separation distances. If the applicant had a second user signed to the tower, a Special Exception would not be required. Staff noted that the Public Works Development Engineering Division did have a condition regarding revising the drainage easement it holds over the pond to ensure that the tower does not interfere with it. Staff concluded by stating that it had not received any commentaries in favor or opposition to the request.

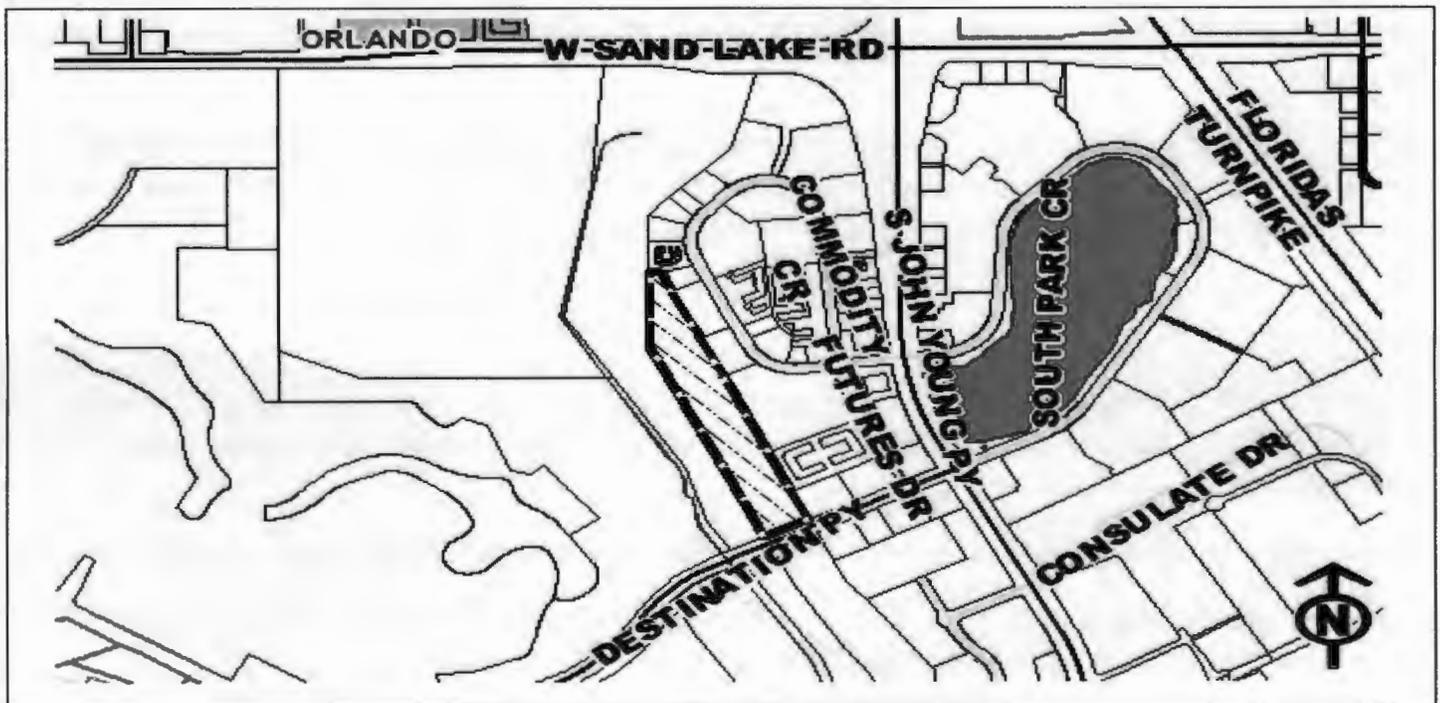
The applicant gave a brief presentation demonstrating the impact on service that the tower would have. They also explained that the reason the tower needed to be on common property is due to the restrictive covenants which required such siting. There being no one present to speak in favor or opposition to the request, the public hearing was closed.

The BZA concluded that the tower was in fact a stealth tower, and met all of the criteria for a Special Exception. A motion to recommend approval was passed by unanimous vote.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	IND-2/IND-3	IND-2/IND-3	IND-2/IND-3 & P-D	IND-2/IND-3	P-D
Future Land Use	I	I	I & P-D	I	P-D
Current Use	Retention Pond	Office	Retention pond & vacant	Office	Vacant

BACKGROUND AND ANALYSIS

Description and Context

The property is zoned IND-2/IND-3, Industrial Park District which allows for warehousing, manufacturing, and certain retail uses. New communication towers with colocations confirmed at submittal are permitted by right. However, if only one service provider is located on the tower at the time of permitting, a Special Exception is required.

The subject property consists of a stormwater management tract created through the Southpark Unit Eight plat, recorded in December 2005. To the east and south is the balance of the Southpark development, which consists of a mix of industrial, office, and retail uses. To the west and north is a portion of the Shingle Creek basin. Further, to the west is the Orange County wastewater treatment facility. To the southwest is an undeveloped mixed use planned development which includes hotel, retail, office, time-share, and possible student housing. However, those locations have yet to be determined.

The site will be accessed from the east through an existing developed parking lot. Currently, there is a gated portion of the parking area, which is used to store company vehicles when not in use overnight. This facility, which is not a part of this application, will be relocated to a portion of the existing parking lot to the north.

The proposed monopine will be 145 feet tall, and is designed to permit up to a total of three (3) carriers to be collocated on the tower.

The applicant has provided a report demonstrating the need for the proposed tower to fill service gaps for the proposed carrier, T-Mobile. The applicant has provided a signed affidavit of their intent to actively pursue other locators within the next three (3) years.

The Development Engineering Division of the County Public Works Department has provided the following comments:

1. Relocate the lease area out of the Orange County drainage easement over the stormwater pond tract (Tract A of Southpark Unit 8) or modify the drainage easement to exclude that area (re-plat).
2. A Use Agreement will be required for any improvements within the 60' drainage and utility easement.

District Development Standards

	Code Requirement	Proposed
Max Height:	N/A	145 ft.
Min. Lot Width:	N/A	N/A
Min. Lot Size:	N/A	22 ac.

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

	Code Requirement	Proposed
Front:	25 ft.	622 ft.
Rear:	10 ft.	2,087
Side:	15ft.	17 ft./334 ft.
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

Cell towers are not specifically addressed in the Comprehensive Plan. Therefore, by being identified as a use which is permitted by either right or through the Special Exception process satisfies the requirements of the code, making the use consistent.

Similar and compatible with the surrounding area

The area is developed in an industrial and commercial manner. As such, the use will be compatible with that pattern of development.

Shall not act as a detrimental intrusion into a surrounding area

Being somewhat disguised as a monopine, the use will not be a detrimental intrusion into the area. Given that the use will fill a gap in the T-Mobile service area may provide a benefit to the area.

Meet the performance standards of the district

Since no variances are needed for this application, performance standards will be fully met. The nearest residentially zoned land is approximately .96 miles from the proposed site.

ilar in noise, vibration, dust, odor, glare, heat producing

l towers do not generate noise, vibration, dust, odor, glare, and heat.

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

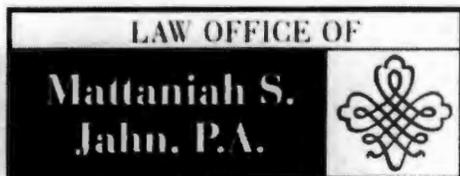
the applicant will be providing the required landscaping, and the fact that the proposal is for the tower to be somewhat disguised will assist in blending with the Shingle Creek basin in the background.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated April 17, 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. Construction plans shall be submitted within two (2) years of final action on this applicant by Orange County, or this approval becomes null and void.
5. The appearance of the monopine shall be maintained in a manner that the tower shall resemble a live tree. All faded or damaged camouflage materials shall be promptly replaced.
6. Prior to issuance for any permits specific to the communication tower, the applicant shall resolve the tower location with the Development Engineering Division, and enter into the required use agreement for any improvements located in the drainage easement located over the subject property. Any change in the tower's location shall require submittal of a new Special Exception application.

Mattaniah Jahn
935 Main Street D1
Safety Harbor, FL 34695

COVER LETTER



935 Main Street, Suite D1
Safety Harbor, FL 34695
Telephone: (727) 773-2221
Facsimile: (727) 773-2616

SENT VIA OVERNIGHT DELIVERY

April 15, 2019

Orange County Zoning Division
Sean J. Bailey
201 S. Rosalind Avenue
Orlando, FL 32801

**RE: Eco-Site II, LLC – FL0102 Equity Row
Commodity Circle, Orlando, FL 32819 – Parcel 32-23-29-8221-00-001
Special Exception Request for 145' AGL Monopine Style Communication Tower**

Dear Mr. Bailey:

On behalf of my client, Eco-Site II, LLC (Eco-Site) please find the included Special Exception with application to allow a 145' AGL monopine style telecommunication tower and support facility on parcel #32-23-29-8221-00-001 along with supporting documentation:

- Filing Fee Check - \$1,560.00
- BZA Application for Special Exception with Variance with Relationship Disclosure Forms bound in
- Agent of Record Affidavits:
 - Southpark Property Owners' Association, Inc. to Mattaniah S. Jahn (County Form)
 - Southpark Property Owners' Association, Inc. to Mattaniah S. Jahn (MSJPA Form)
 - Eco-Site, Inc. to Mattaniah S. Jahn
- Relationship Disclosure Forms
 - Southpark Property Owners' Association, Inc.
 - Eco-Site, Inc.
- Property Card with Property Appraiser Aerial
- Deed – Tower Parcel
- Deed – Access Parcel
- Access Agreement Across Access Parcel
- Ground Lease
- Colocation Affidavit
- FAA Aeronautical Evaluation (Airspace Study)
- T-Mobile RF Package
 - Diligent Search Letter
 - Search Ring
 - Letter of Intent

- Propagation Maps
- Inventory of all Eco-Site owned towers within Orange County
- 911 Call Stats for 2016
- Notarized Statement of Code Compliance with structural codes
- Legal descriptions – 1 set on 8.5 x 11 in Word
- Fall Zone Letter – 3 signed and sealed
- Site Plan Sets with Survey bound in
 - 2 signed and sealed sets at 11 x 17
 - 1 signed and sealed set at 8.5 x 11
 - 1 .pdf copy
- DVD of all Submittal Documents

Summary of Request

Eco-Site respectfully requests a Special Exception approval at Commodity Circle, Orlando, FL 32819, Parcel 32-23-29-8221-00-001, to allow the construction of a 145' AGL monopine style telecommunication tower ("Monopine") and related fenced compound and power meter/telco rack. Access to the Monopine will be provided over Parcel 32-23-29-8207-03-002. The 22.82 Acre parcel is currently developed as multiple stormwater retention structures appurtenant to an industrial office park. Eco-Site's leased area consists of 3,200 square feet and the Monopine will be contained within a locked compound located on a 40' x 80' leased area. The parent parcel currently carries an Industrial/IND Future Land Use designation and an IND-2/IND-3 Industrial zoning designation.

Applicable Land Development Code

Sec. 38-1427. - Communication towers.

- (a) *Legislative findings, intent and purpose.* The board of county commissioners has on numerous occasions and with increasing frequency been confronted with requests to site communications towers. Prior to the adoption of this section, no specific procedures existed to address recurrent issues related to siting communication towers. Accordingly, the board of county commissioners finds that the promulgation of this section is warranted and necessary:

...

- (4) To accommodate the growing need for communication towers;

The proposed Monopine will support Orange County's growing need for communication tower infrastructure by providing coverage for T-Mobile. Additionally, the Monopine will have collocation capacity to accommodate up to 3 carriers total.

- (5) To promote and encourage shared use/co-location of existing and new communication towers as a primary option rather than construction of additional single-use towers;

The proposed Monopine will be constructed with T-Mobile initially and will have the capacity to add 2 additional carriers for a total of 3 carriers on the Monopine.

- (6) To consider the public health and safety of communication towers;

The proposed Monopine will be equipped with antennas and computer technologies. The tower will be in full compliance with FCC and FAA regulations for new cell towers. As of 2016, 83.7% of all 911 calls in Orange County were made on wireless phones. Please see the enclosed 911 statistics.

- (7) To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

The proposed Monopine will be designed to the 2017 Florida Building Code. In the unlikely event that the tower should ever fail, it will not collapse, instead it will buckle at a pre-determined point and fold over onto itself within a 20' fall zone radius. Please see Sheet Z-3.

(b) *Applicability.*

- (1) ...

- (c) *Variations.* Except as provided otherwise for communication towers in planned developments (see section 38-1236), a deviation from any of the requirements of this section shall require variance review and approval by the board of zoning adjustment and the board of county commissioners.

N/A. Eco-Site is not requesting any variances as part of this application.

(d) *Performance standards.*

- (1) *Setbacks.*

- a. Communication tower setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Communication towers shall comply with the minimum setback requirements of the district in which they are located and the major street setbacks outlined in article XV of this chapter, zoning, of the County Code. In cases where there is a conflict between the minimum setback requirements and the major street setbacks, the greater setback shall apply.

The Monopine will be located on a parent parcel abutted to the West by mature, wooded wetlands and surrounded on the North, East and South sides by IND-2/IND-3 zoned lands. The parent parcel is zoned IND-2/IND-3 with an Industrial/IND Future Land Use Designation. The proposed Monopole will be set back from the lot lines as follows:

	Required:	Provided:
North:	15'	622.7'
South:	25'	2087'
East:	10'	17.4'
West:	10'	334.5'

Therefore, the Monopine itself exceeds all required lot setbacks. Please see Sheet Z-2.

- b. ...
- (2) *Separation from off-site uses/designated areas.*
 - a. Communication tower separation shall be measured from the base of the tower to the closest point of off-site uses and/or designated areas as specified in the table set forth in subsection (d)(2)d.
 - b. Separation requirements for communication towers shall comply with the minimum standards established in the table set forth in subsection (d)(2)d.
 - c. Separation distances may be reduced by the zoning manager when notarized written consent is obtained from those affected property owners within the applicable separation distance.
 - d. Communication tower separation from off-site uses/designated areas. (See "Exhibit B," below.)

EXHIBIT B

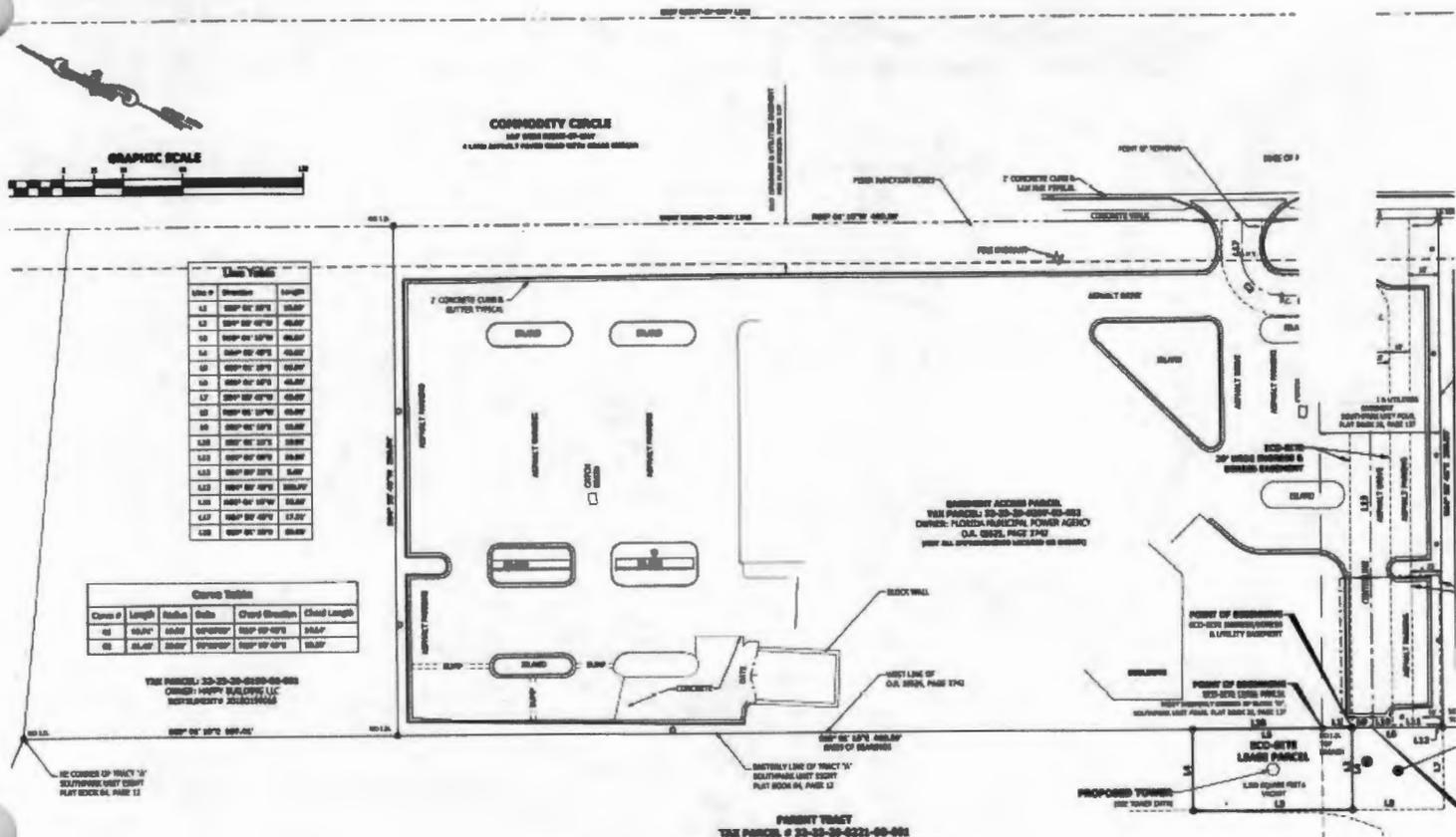
**COMMUNICATION TOWER SEPARATION FROM
OFF-SITE USE OR DESIGNATED AREA**

Proposed Tower Types	Single-Family or Duplex Residential Units ^{1,4}	Vacant Single-Family or Duplex Residentially-	Vacant Unplatted Residentially-Zoned Lands ^{2,3}	Existing Multiple-Family Residential Units	Non-Residentially Zoned Lands or Non-

ZONING MAP



SITE PLAN / SURVEY



Lot Values

Lot #	Dimension	Length
L1	500' BY 500'	500'
L2	500' BY 500'	500'
L3	500' BY 500'	500'
L4	500' BY 500'	500'
L5	500' BY 500'	500'
L6	500' BY 500'	500'
L7	500' BY 500'	500'
L8	500' BY 500'	500'
L9	500' BY 500'	500'
L10	500' BY 500'	500'
L11	500' BY 500'	500'
L12	500' BY 500'	500'
L13	500' BY 500'	500'
L14	500' BY 500'	500'
L15	500' BY 500'	500'
L16	500' BY 500'	500'
L17	500' BY 500'	500'
L18	500' BY 500'	500'

Circle Tables

Circle #	Length	Radius	Chord	Chord Location	Chord Length
01	500'	1000'	500'00"	SEP BY 500'	500'
02	500'	1000'	500'00"	SEP BY 500'	500'

TRACT PARCELS 20-20-20-0000-00-000
 OWNER: HAPPY BUILDING LLC
 DEVELOPMENT: 2000174000

ZONED : IND-2/IND-R
FLU: INDUSTRIAL

FLU: INDUSTRIAL

REFER TO DETAIL
1/2-4 FOR ENLARGED
FENCE PLAN

SOUTH PARK BUSINESS
CENTER CONDOMNIUM PHA:
292332817300001
ZONED : IND-2/IND-3
FLU: INDUSTRIAL

EXISTING
RIGHT OF
WAY (TYP.)

22.5' AS TO NEAREST TOWER
624.0'
569.1'

EXISTING
LIGHT POLE
(TYP.)

FLORIDA MUNICIPA POWER
AGENCY
292332820703002
ZONED : IND-2/IND-3
FLU: INDUSTRIAL

10.0' COMPACT

SURVEY
LIMITS

SOUTHPARK OWNERS
ASSOC.
32-23-29-8221-00-001
ZONED : IND-2/IND-3
FLU: INDUSTRIAL

APPROXIMATE LOCATION OF
EXISTING SEWER SYSTEM
FROM ORLANDO COUNTY
PUBLIC WORKS, RECEIVED
FEBRUARY 4, 2019

307.1'
333.6'

17.0'

EXISTING 60'
DRAINAGE & UTILITY
EASEMENT

PROPOSED
30' ACCESS
EASEMENT

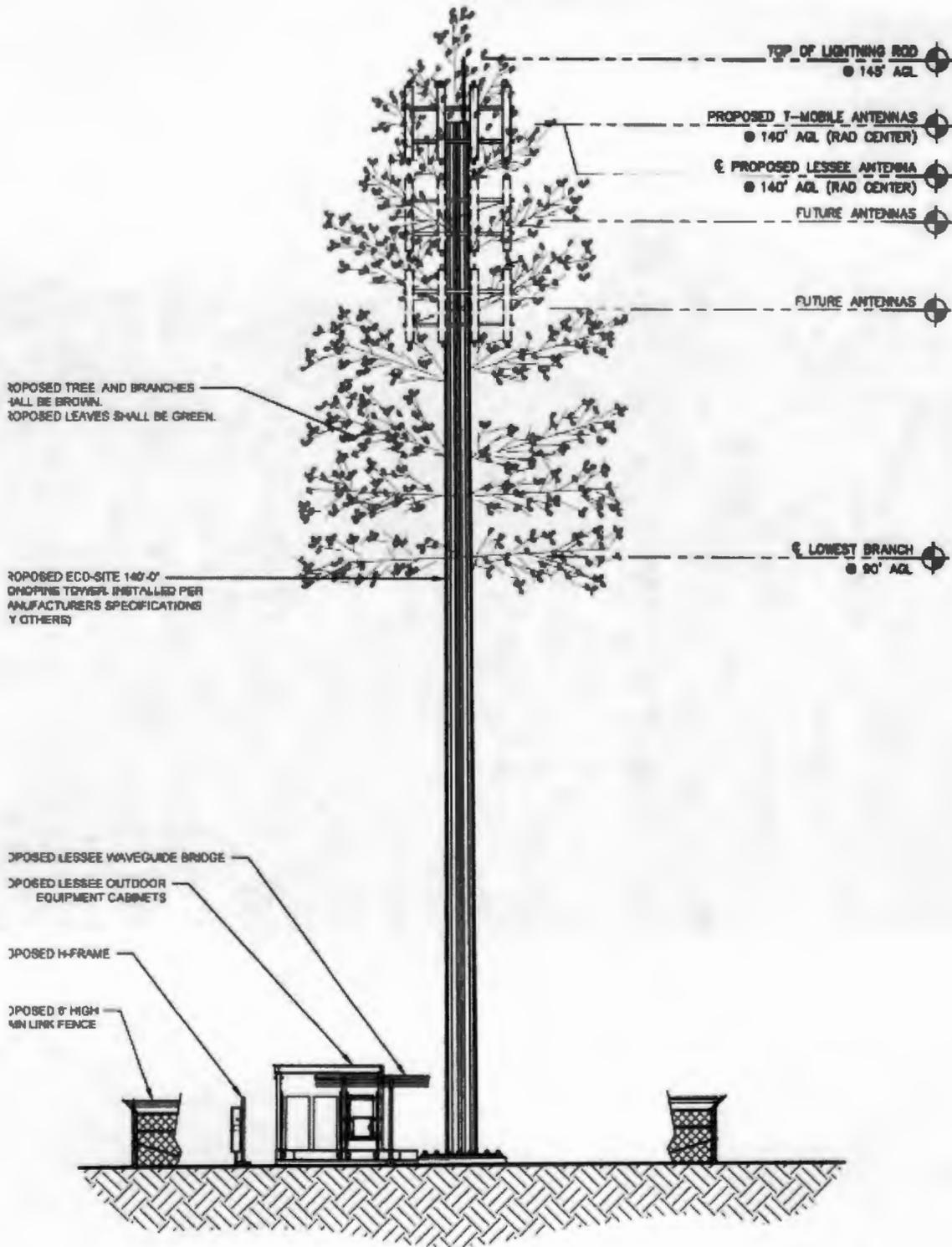
PROPOSED
18' UTILITY
EASEMENT

REFER TO DETAIL 1/2-3 FOR
SITE PLAN

2067.0'
2063.8'

TRUSTWORTHY MORTGAGE/
ARMSTRONG SERVICE
292332820704002
ZONED : IND-2/IND-3
FLU: INDUSTRIAL

ELEVATION



1
2-8 **TOWER ELEVATION**
SCALE: N.T.S.

SITE PHOTOS



Site Facing Southwest



Site Access Facing West

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-06-058**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): GREYFOX CONSTRUCTION CORP.

OWNER(s): HOLLOWAY CHAD D

REQUEST: Variances in the R-CE zoning district to construct a single family home as follows:

- 1) To allow a minimum lot width of 45 ft. in lieu of 130 ft.
- 2) To allow a minimum lot size of .14 acres in lieu of 1 acre
- 3) To allow a front setback of 15 ft. in lieu of 35 ft.
- 4) To allow a side setback (east) of 7 ft. in lieu of 10 ft.
- 5) To allow a rear setback of 7 ft. in lieu of 50 ft.

PROPERTY LOCATION: Downs Cove Rd., Windermere, FL 34786, south of Downs Cove Rd., east of S. Apopka Vineland Rd.

PARCEL ID: 09-23-28-2196-02-002

LOT SIZE: 45 ft. x 102 ft. (avg.) /0.14 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 36

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

Development in accordance with the site plan and elevations dated April 17, 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.

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.

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.

All unpermitted structures on the property shall be removed prior to issuance of permits.

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

The applicant stated that the property used to be an orange grove, then a fish camp, and now the owner wants to use it for family to stay and to store items.

A neighbor spoke in support of the case and had questions about access to the road.

The BZA agreed that the lot had a unique shape and felt that the slope of the lot was also a unique circumstance. The BZA noted that the setback requirements are extreme, so variances are needed, and they felt that it will be beneficial to have a structure on the property.

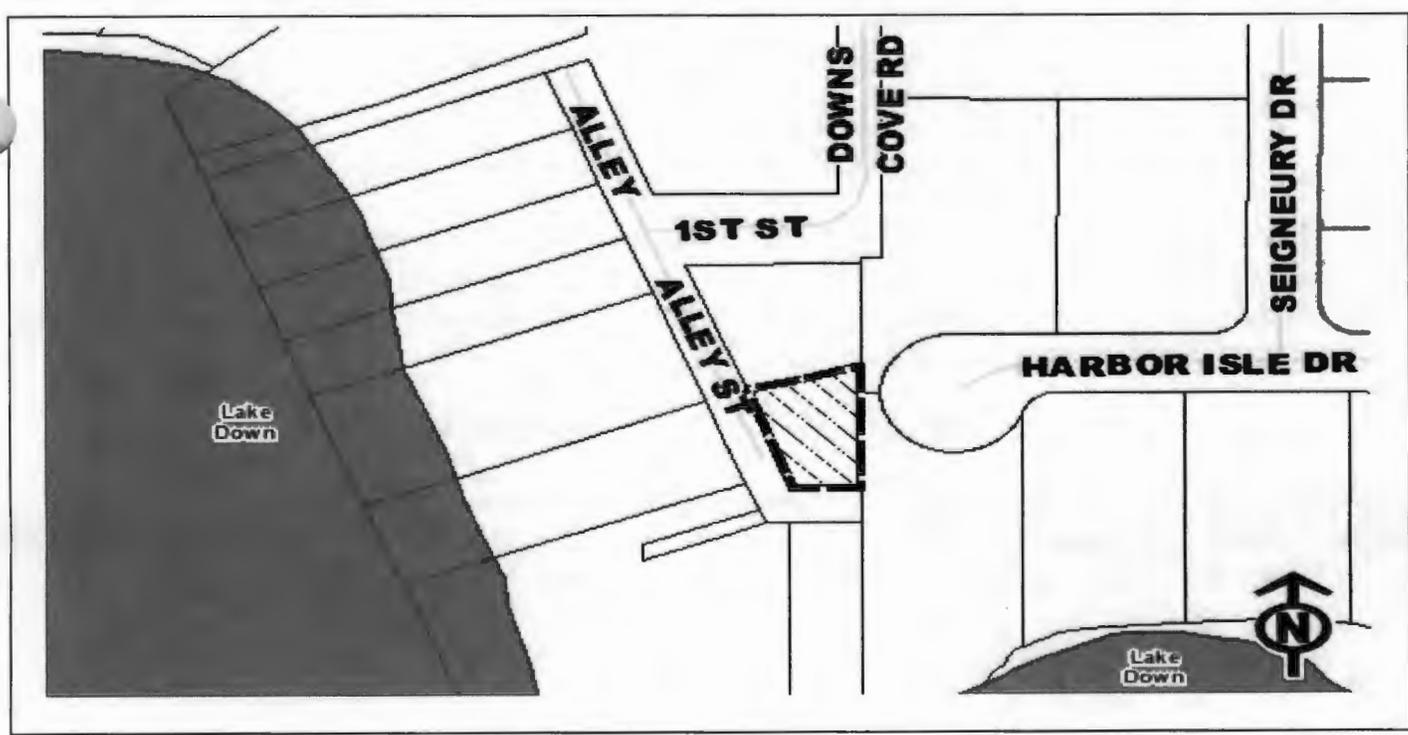
Staff received three (3) commentaries in favor of the application, and none in opposition to the application.

The BZA approved the variances.

STAFF RECOMMENDATIONS

Approval of Variances #1 and #2, and denial of Variances #3, #4, and #5, however if the BZA recommends approval then staff recommends the conditions of approval found in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-CE	R-CE	R-CE	R-CE-C	R-CE
Future Land Use	RS 1//1	RS 1//1	RS 1//1	RS 1//1	RS 1//1
Current Use	Accessory buildings	Single family residence	Single family residence	Vacant	Single family residence

BACKGROUND AND ANALYSIS

Description and Context

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

The lot is a uniquely shaped triangular lot with frontage on a substandard alley on two sides. It was platted in 1945 as Block "B", and was subdivided without approval prior to 1996, and is thus considered to be a substandard lot (the northern portion of Block "B"). There are currently two accessory structures on the property. Staff could not locate permits for these structures, which would not be permitted prior to construction of a principal structure. The applicant is proposing to construct a 4,327 sq. ft. 2 story house with a basement on the property.

The property is located in the Downs Cove Camp Sites Plat, which is comprised of single family homes.

In 1988, the BZA granted variances for the northern portion of Block "B" to allow a front setback of 25 ft. in lieu of 35 ft., and a rear setback of 30 ft. in lieu of 50 ft. This property is significantly wider and is 0.23 ac., which is almost double the size of the subject property, and the variances granted were significantly less than the current request. This site contains a 2,135 sq. ft. house (built in 1988) which is also less than the current request.

Multiple variances have been granted in the area for setbacks with less deviation than the current request.

If the required setbacks were complied with, then a single story house with approximately 800 sq. ft. could be constructed on the site. The R-CE zoning requires a minimum living area of 1,500 sq. ft. This square footage could be met with a 2 story house. The current request is excessive in amounts requested and in relation to the small size of the lot.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	31 ft.
Min. Lot Width:	130 ft.	45 ft.
Min. Lot Size:	1 ac.	0.14 ac.

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

	Code Requirement	Proposed
Front:	35 ft.	15 ft.
Rear:	50 ft.	7 ft.
Side:	10 ft.	7 ft.
Sidestreet:	15 ft.	20.4 ft.

STAFF FINDINGS

VARIANCE CRITERIA for Approval of Variances #1 and #2

Special Conditions and Circumstances

The lot is a uniquely shaped triangular lot with a substandard width and size. These variances will be required to develop the lot.

Not Self-Created

The property was in this configuration when the applicant purchased it in 2013.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to develop the property.

Minimum Possible Variance

These variances are necessary to allow the applicant to develop the property in the current configuration.

VARIANCE CRITERIA for Denial of Variances #3, #4, and #5

Special Conditions and Circumstances

The lot is a uniquely shaped, however a portion of the property could be developed with a smaller 2 story house without variances.

Not Self-Created

The size and location of the proposed house causes the need for variances. If the applicant redesigned the site to maximize the 15 ft. side street setback, the site could be developed without variances or with lesser variances.

Minimum Possible Variance

These are not the minimum possible variances to allow the applicant to develop the property. Lesser variances could be requested. The applicant could build a smaller home than requested.

Purpose and Intent

Approval of this request as submitted will not be in harmony with the purpose and intent of the Zoning Regulations. The request is not consistent with other variances granted and with the pattern of development in the area.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated April 17, 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. All unpermitted structures on the property shall be removed prior to issuance of permits.

CC:

Erich McCartney
1313 Green Forest Court
Winter Garden, FL 34787

COVER LETTER

Greyfox Construction Corp

1313 Green Forest Ct Suite 211

Winter Garden, FL 34787

(P) 407.753.4710



April 17, 2019

Orange County Zoning Division

201 South Rosalind Ave, 1st Floor

Orlando, FL 32801

407-836-3111 | BZA@ocfl.net

Subject: BZA Variance Application, Parcel ID: 09-23-28-2196-02-002

This variance request is on behalf of my client, Chad Holloway whom primary residence is across the street from the parcel identified above at 3266 Downs Cove Rd, Windermere, FL 34786. The purpose of this variance is to construct a 2-story single family residence (SFR) across the street from the owner's primary residence, made of concrete with wooden cladding and metal roofing. The proposed structure is 4,327 square feet. The proposed set backs are: Front 15-ft, Sides 5.5-ft, and Rear 5.5-ft. The overall proposed height above grade is: 31-ft.

The parcel is 0.14 acres and currently zoned R-CE, with a minimum dimension and sizes of: lot area 1 acre, living area: 1,500 sq. ft., width 130-ft, front yard 35-ft, rear yard 50-ft, side yard 10-ft, max building height 35-ft.

The proposed land improvement meets the variance criteria (OCC sec 30-43 (3)), and explained in detail in the below analysis. Special Condition and Circumstance exist where the parcel is of such size and position that it is unusable in its current zoning condition. Currently the parcel contains a storage shed and well house, leaving the balance of the land vacant without purpose on an otherwise fully developed neighborhood street. The rear of the property abuts a fence that opposes a cul-de-sac in a neighboring community and not a private home. This condition is not self-created our client purchased the property its current configuration and did not split or otherwise modify the size of the parcel. This variance would not confer a special privilege to our client as there examples of similarly approved variances adjacent to this parcel, specifically the parcel to the immediate north (parcel ID: 09-23-28-2196-02-001). This variance request is within the rights of our client to us and improves their property to it fullest while conforming with the look, feel, and harmony of the community. This request is the minimum needed to make use of the property while blending with the neighboring structures, purpose and intended uses.

Sincerely,

Erich McCartney
Greyfox Construction Corp
CGC1526119

www.Gfoxcorp.com

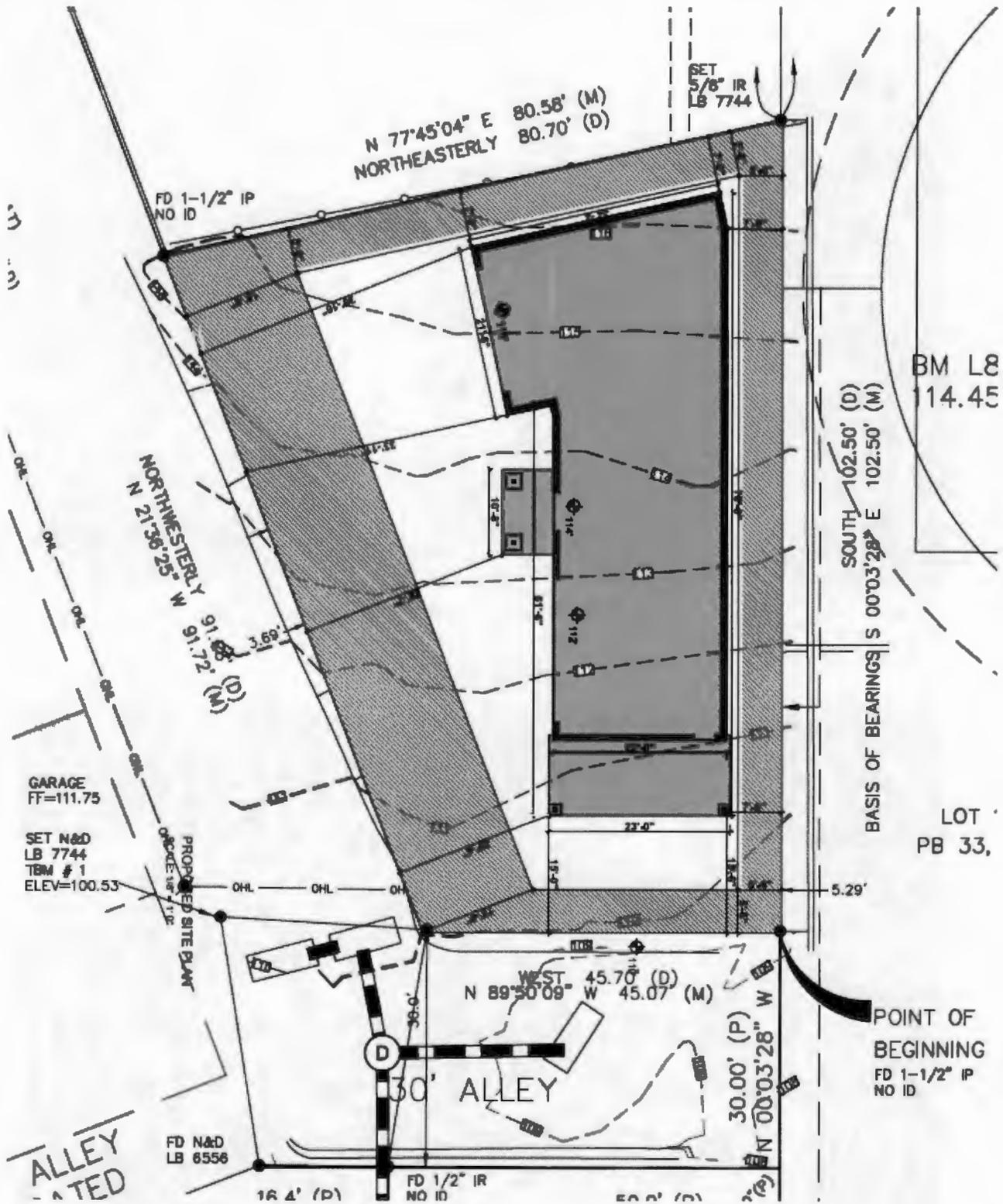
ZONING MAP

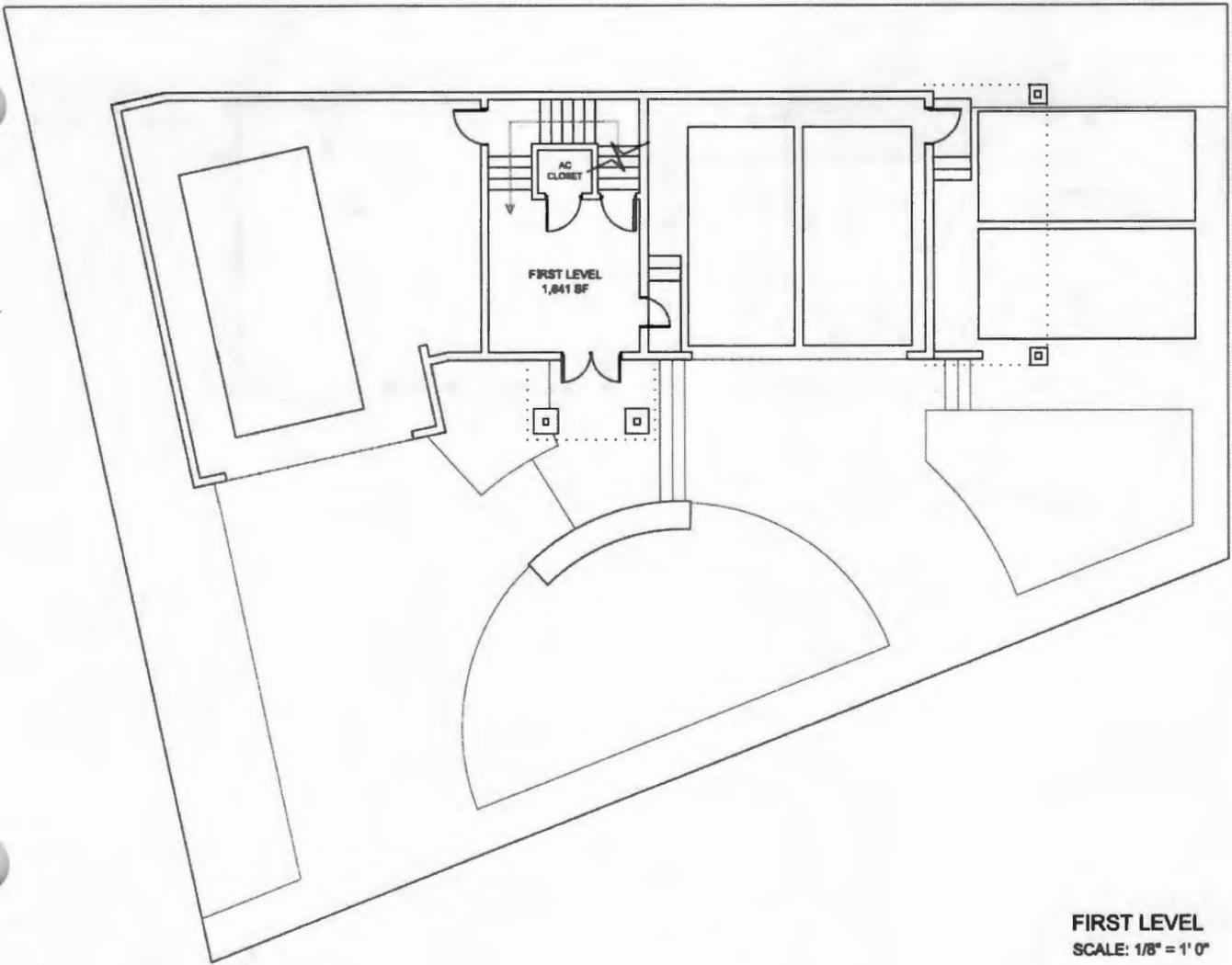


AERIAL MAP



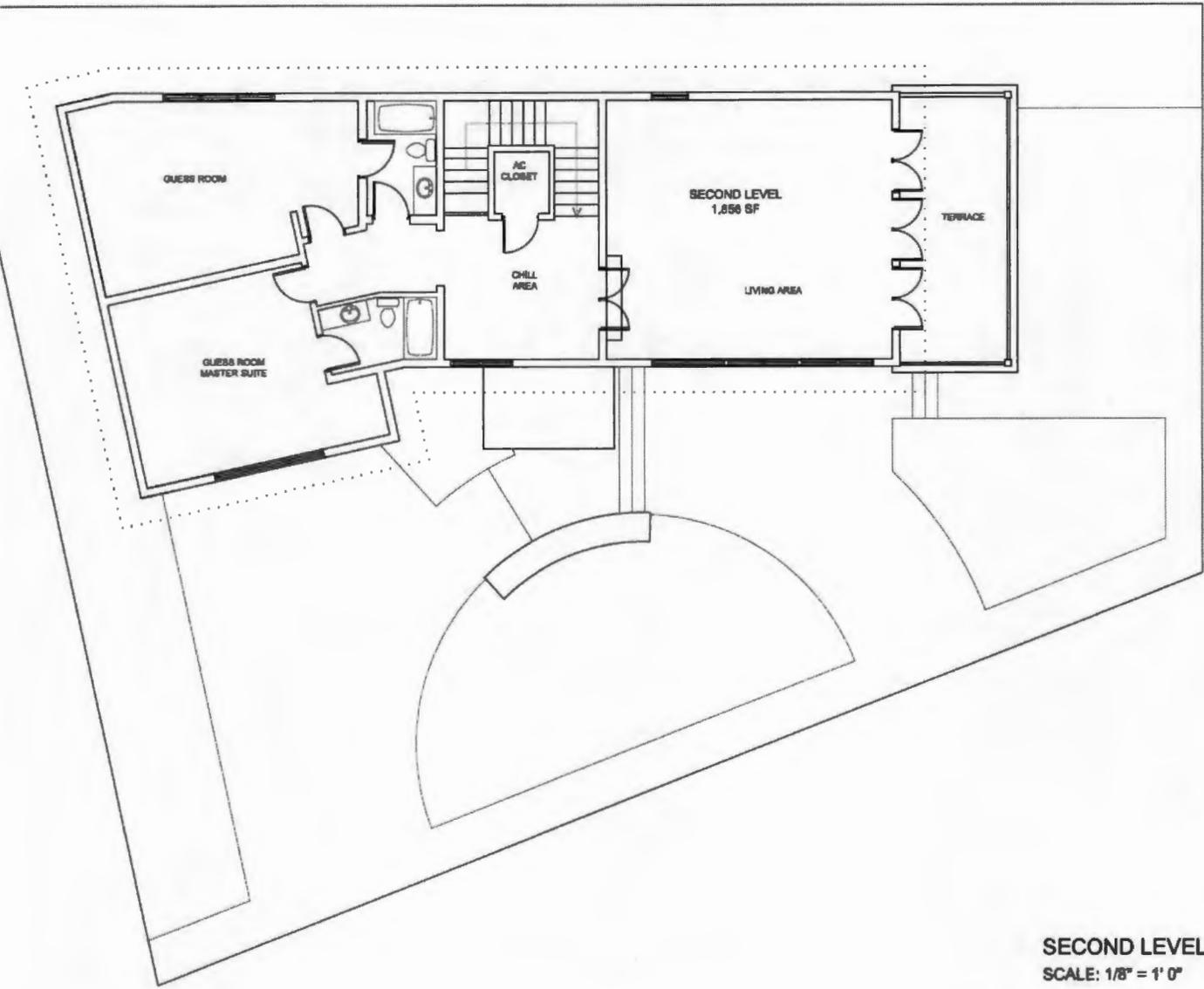
SITE PLAN / SURVEY





FIRST LEVEL
SCALE: 1/8" = 1' 0"

First Level Floor Plan



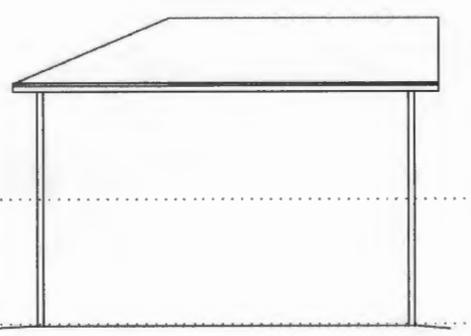
SECOND LEVEL
SCALE: 1/8" = 1' 0"

Second Level Floor Plan



WEST VIEW
 SCALE: 1/8" = 1' 0"

DE ROOF LEVEL 14'
 1E LEVEL 12'
 2ROOMS LEVEL 12'
 1BNG AREA LEVEL 12'
 2DRY LEVEL 12'
 1K GARAGE 11'
 1ANCE 11'
 1 CAR GARAGE 11'
 27 LOWER POINT 11'
 ENGROUND LEVEL 10'



NORTH VIEW



SOUTH VIEW
 SCALE: 1/8" = 1' 0"

14' 2" EDGE ROOF LIN
 12' 2" BAVE LEVEL
 12' 1" BEDROOMS LEVEL
 12' 1" LIVING AREA LE
 12' 1" BALCONY LEVEL
 11' 8" TRUCK GARAGE
 11' 4" ENTRANCE
 11' 2" TWO CAR GARAGE
 11' 4" PLOT LOWER POI
 10' 8" UNDERGROUND LE

SITE PHOTOS



Side from Downs Cove Road



Front from Downs Cove Road

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2019**

Case Planner: **Nick Balevich**

Case #: **SE-19-06-059**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): REBECCA WILSON

OWNER(s): EAST WEST PLACE LLC

REQUEST: Special Exception in the R-1 zoning district to allow a parking lot.

PROPERTY LOCATION: 1507 Jessamine Ave., Orlando, FL 32806, east side Jessamine Ave., south of Curry Ford Rd.

PARCEL ID: 06-23-30-3328-01-010

LOT SIZE: 150 ft. x 218 ft. / .779 acres

NOTICE AREA: 500 FT

NUMBER OF NOTICES: 80

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (5 in favor, 1 opposed and 1 absent):

1. Development in accordance with the site plan dated April 17, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards".
5. The parking lot shall comply with Chapter 38 Article XI.
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.
7. Landscaping shall be in accordance with Chapter 24, Orange County Code.

The structure on the property shall not be used for residential purposes, and shall not be used for commercial purposes until the future land use is amended and the property is re-zoned to commercial.

The property shall be combined with the property to the south under a single parcel ID number, prior to installation of the parking spaces.

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

The applicant stated that they want to change the Future Land Use to Commercial, which will take nine (9) months, and a special exception will allow them to utilize the parking area upon approval.

Staff received seven (7) commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the Special Exception.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A, C-1	C-2	R-1	City of Orlando	R-1, C-1
Future Land Use	LMDR	C	LMDR	City of Orlando	LMDR, C
Current Use	Commercial and Residential	Commercial	Vacant/future parking lot	City of Orlando	Vacant, Commercial

BACKGROUND AND ANALYSIS

Description and Context

The overall property is a combination of platted lots 1 through 5, which were platted as part of the Handsonhurst Park plat in 1925. The property has split zoning, with C-1 on the north half, and R-1A on the southern half. At the time of application submittal, lots 4 and 5 were zoned R-1A, however, the applicant is in the process of rezoning this portion of the property to R-1 to facilitate this Special Exception application. The rezoning is scheduled to be finalized by the Board of County Commissioners on June 4, 2019. The applicant is aware that any delay in the rezoning could result in this application being continued to a later date.

The south side of the subject property is proposed to be zoned R-1, Single Family Dwelling district, which allows single family homes and associated accessory structures on lots a minimum of 5,000 sq. ft. or greater. A parking lot in conjunction with an adjacent commercial use is allowed as a Special Exception in this district.

The area is characterized by commercial zoning and development along Curry Ford Road and Bumby Avenue, and multifamily and single family zoning, with single-family homes to the north and south.

The overall property is 0.78 acres; however, the portion being rezoned contains 0.34 acres, and contains a single-family residence that was built in 1945. The applicant is proposing to keep the structure and to construct 7 parking spaces to the east and 6 parking spaces to the south, which will overlap onto the adjacent property. This parking will support the adjacent 8,836 sq. ft. commercial building to the north. There is no vertical construction proposed with this request.

There is an existing structure on site that was a residential home. The applicant does not plan to use the structure until the Future Land Use and Zoning are changed to Commercial.

In December of 2017, the BZA granted a Special Exception to the same applicant for the property located to the south to allow a parking on a property with an R-1 zoning, and serve the adjacent property with C-1 zoning.

The BZA has also granted two other Special Exceptions in the area to allow a parking on a property with a residential zoning, to also serve the adjacent commercial property.

District Standards	Code Requirement	Proposed
Min. Lot Width:	75 ft.	100 ft.
Min. Lot Size:	7,500 sq. ft.	33,950 sq. ft.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan.

The Future Land Use is Low Medium Density Residential and with the approval of the special exception, the project will be consistent with the Comprehensive Plan.

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 located adjacent to commercial uses to the north, and an approved parking lot that is currently under construction to the south. The use will be consistent with the pattern of the surrounding development of the area. In addition, the same uses were approved for two (2) additional properties in the area. The addition of off-street parking spaces should help relieve any existing parking deficit in this area.

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

The use, in conjunction with the conditions of approval, will not be a detrimental intrusion, as it will be located between commercial use to the north and an approved parking lot to the south. This parking lot will provide necessary off-street spaces in the immediate area.

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

The plan submitted meets the parking space design requirements, including parking space size, driving aisle width, and other requirements per code.

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 use as a parking lot will have similar characteristics as other uses in the area.

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

The applicant is proposing a 7.89 ft. wide landscape buffer along the east side of the parking lot, abutting a County retention pond located in the City of Orlando. The north side of the property abuts the commercial use, and the south side is a continuation of the parking spaces.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated April 17, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards".
5. The parking lot shall comply with Chapter 38 Article XI.
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.
7. Landscaping shall be in accordance with Chapter 24, Orange County Code.
8. The structure on the property shall not be used for commercial purposes until the future land use is amended and the property is re-zoned to commercial.
9. The property shall be combined with the property to the south under a single parcel ID number, prior to installation of the parking spaces.

M. Rebecca Wilson
215 North Eola Drive
Orlando, FL 32801

COVER LETTER



M. REBECCA WILSON

rebecca.wilson@lowndes-law.com
215 North Eola Drive, Orlando, Florida 32801-2028
T: 407-418-6250 | F: 407-843-4444
MAIN NUMBER: 407-843-4600



April 16, 2019

SENT VIA EMAIL AND FEDERAL EXPRESS

Orange County Zoning Division
Attn: Sean Bailey
201 South Rosalind Avenue, 1st Floor
Orlando, Florida 32801

BZAnotices@ocfl.net

**Re: Special Exception Application for portion of 2500 Curry Ford Road (Lots 4 and 5)
(Parcel ID # 06-23-30-3328-01-010)**

To Whom It May Concern:

This firm represents East West Place, LLC ("Owner"), the owner of the property located at 2500 Curry Ford, Orlando FL 32806, Parcel ID 06-23-30-3328-01-010 (the "Property"). The Property consist of Lots 1 through 5, Block A, Handsonhurst Park, according to the plat thereof, as recorded in Plat Book L, Page 87, Public Records of Orange County, Florida.

According to the Orange County Comprehensive Plan, the Property has a Future Land Use designation ("FLU") of Low Medium Density Residential. According to the Orange County Land Development Code ("LDC"), Lots 1 through 3 of the Property are zoned C-1, while Lots 4 and 5 are zoned R-1A. Owner has submitted a rezoning application to rezone Lots 4 and 5 from R-1A to R-1. The Planning & Zoning public hearing for the rezoning application will occur on May 16, 2019, followed by a Board of County Commissioners public hearing on June 4, 2019.

The enclosed application seeks a special exception to add 13 parking spaces to Lots 4 and 5. The proposed parking lot will be used to support current and future commercial uses on Curry Ford Road. There is currently a vacant house on Lots 4 and 5 which will not be effected by this special exception. Owner has no immediate development plans for the vacant house.

Section 38-78 of the LDC details the specific criteria that must be met for all special exception requests. In this case, all of the criteria have been met as is discussed in more detail below.

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

RECEIVED

APR 17 2019

ORANGE COUNTY,

ZONING DIVISION
lowndes-law.com 

Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
0045346\183693\8805723v3

The proposed parking lot is consistent with the goals, objectives and policies of Orange County's Comprehensive Plan. The Property has an FLU of Low Medium Density Residential. Lots 4 and 5 of the Property are zoned R-1A. There is currently a pending application to rezone Lots 4 and 5 from R-1A to R-1. The R-1 zoning district is consistent with Low Medium Density Residential. Parking lots which support commercial uses are a special exception in the R-1 district. As such, contingent upon Lots 4 and 5 being rezoned from R-1A to R-1, the parking lot, if authorized by special exception, is consistent with the Comprehensive Policy Plan. In addition, redeveloping the vacant lot as a parking lot will also further the Comprehensive Policy Plan Goal FLU2, which encourages infill development within the Urban Service Area.

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

Owner is the owner of the properties immediately north, west and south of the Property. Owner has obtained a special exception, SE# 18-01-140, to construct a parking lot on the property to the south, located at 1521 Jessamine Avenue ("1521 Jessamine"). Similar to 1521 Jessamine, Owner intends to use the proposed parking lot to support existing and planned commercial uses on Curry Ford Road. The proposed parking lot will be combined with 1521 Jessamine for a total of 37 parking spaces. The parking lot will significantly alleviate the parking burden which exists in the neighborhood.

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

Owner intends to use the proposed parking lot for the existing and future tenant build-out along Curry Ford Road for commercial use. The commercial uses will include restaurants and retail. The proposed parking lot is intended to support the employees and customers that the commercial uses are likely to generate. As such, the proposed parking lot would not be a detrimental intrusion into the surrounding area, but rather provide support for those that may visit the area. In addition, the proposed parking lot will discourage on street parking near residential dwellings to the south of the Property.

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

The parking lot shall meet those performance standards and site and building requirements as specified in Article X and Article XII of the LDC, respectively.

(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 proposed parking lot will be strictly used by the employees and customers of the adjacent commercial uses to the north. In addition, the proposed parking lot will be combined with the 1521 Jessamine parking lot. As such, the proposed parking lot will produce similar noise, vibration, dust, odor, glare, and heat production as those permitted uses.

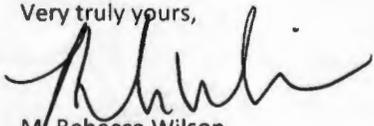
(6) Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

The proposed parking lot will be combined with 1521 Jessamine and will support an adjacent commercial use to the north. Thus, the Property will not be required to provide a buffer yard because it will not be adjacent to any residential uses.

As illustrated above, the proposed use meets all of the required standards for a special exception that are set forth in the LDC. In support of this special exception request, enclosed please find the following:

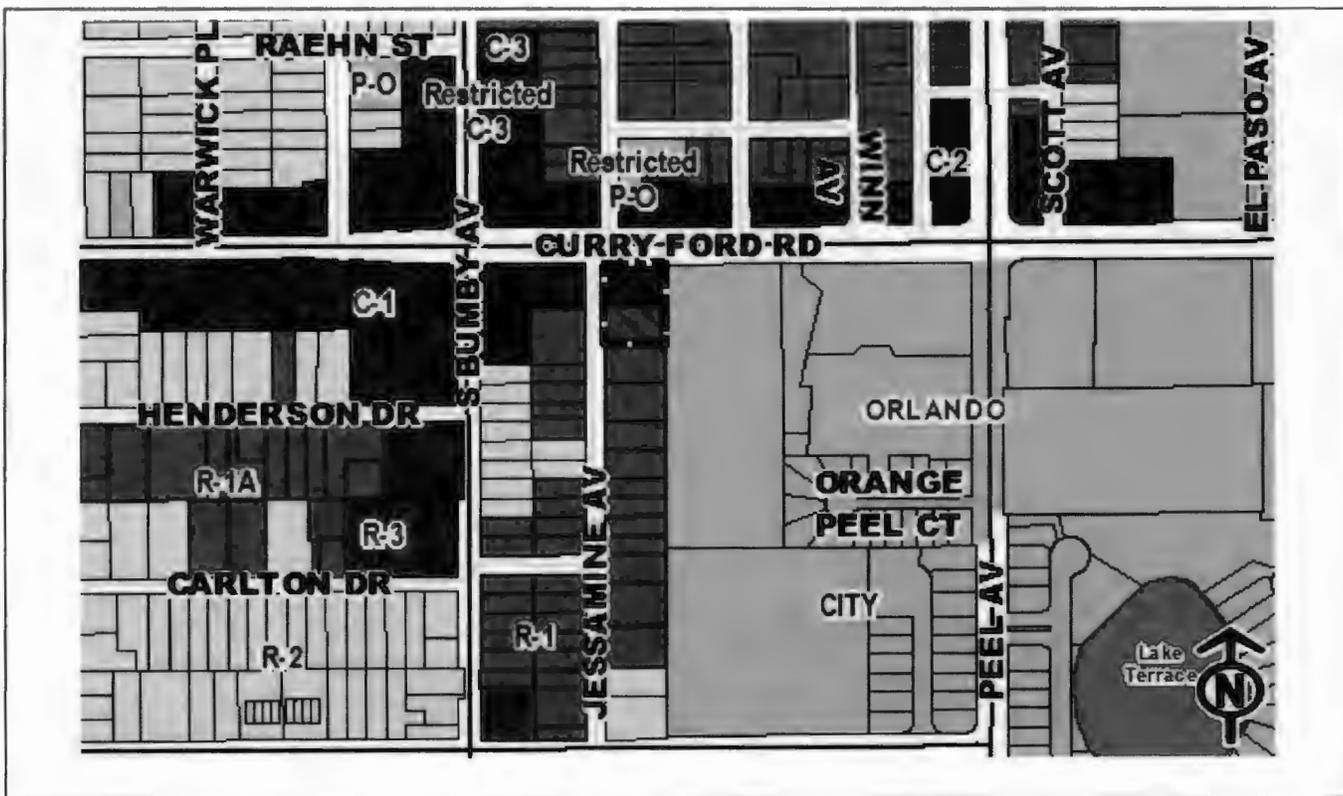
- (a) Application form;
- (b) Application fee;
- (c) Site plan;
- (d) Agent Authorization;
- (e) Specific Project Expenditure Report; and
- (f) Relationship Disclosure Form.

Please do not hesitate to contact me if you have any questions or require any further information.

Very truly yours,

M. Rebecca Wilson

MRW/RJ
Enclosures
cc: Sean Bailey (sent via email)

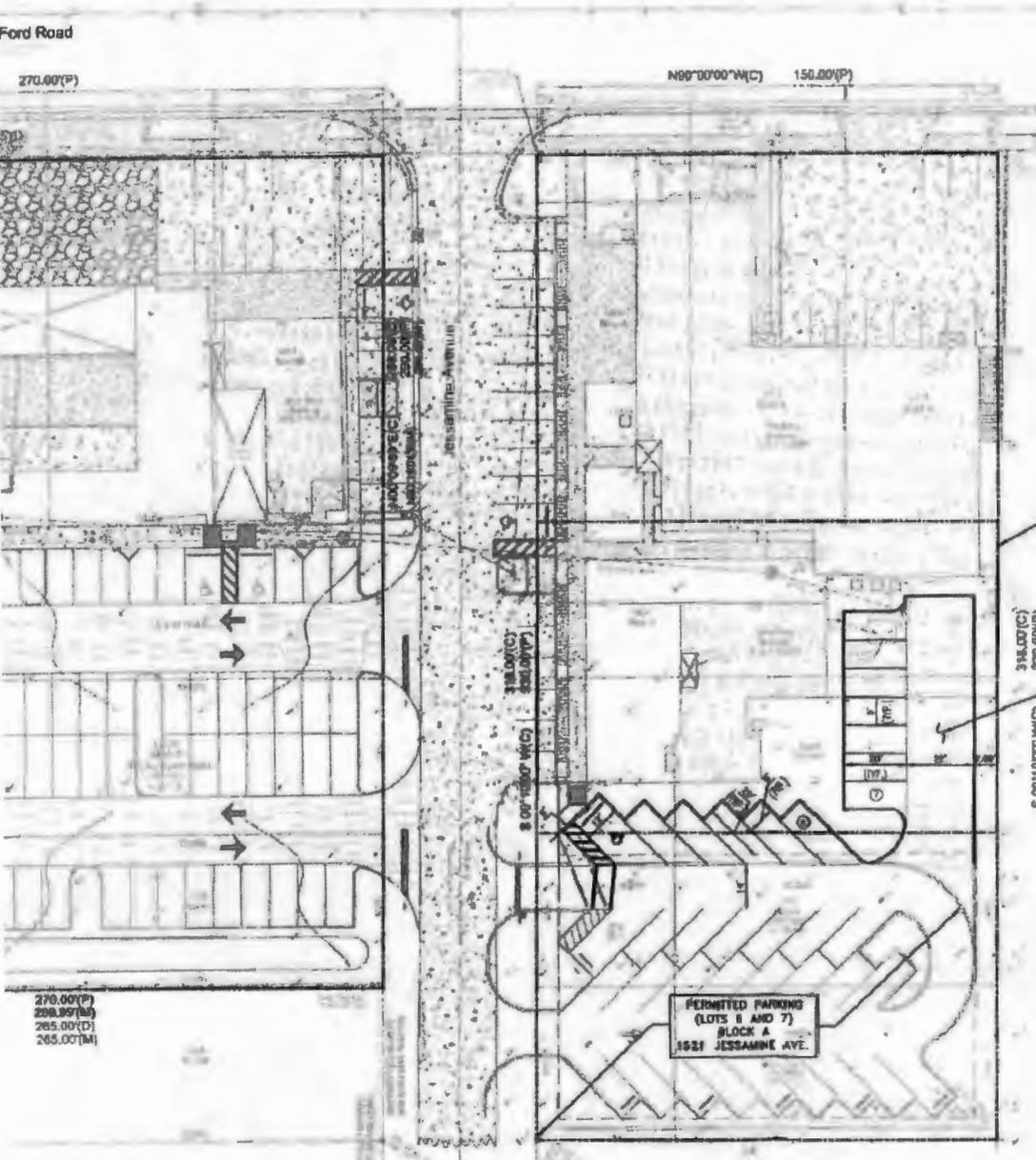
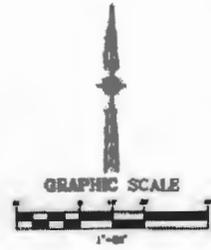
ZONING MAP



AERIAL MAP



SITE PLAN / SURVEY



SPECIAL EXCEPTION PARCEL
(LOTS 4 AND 5)
BLOCK A

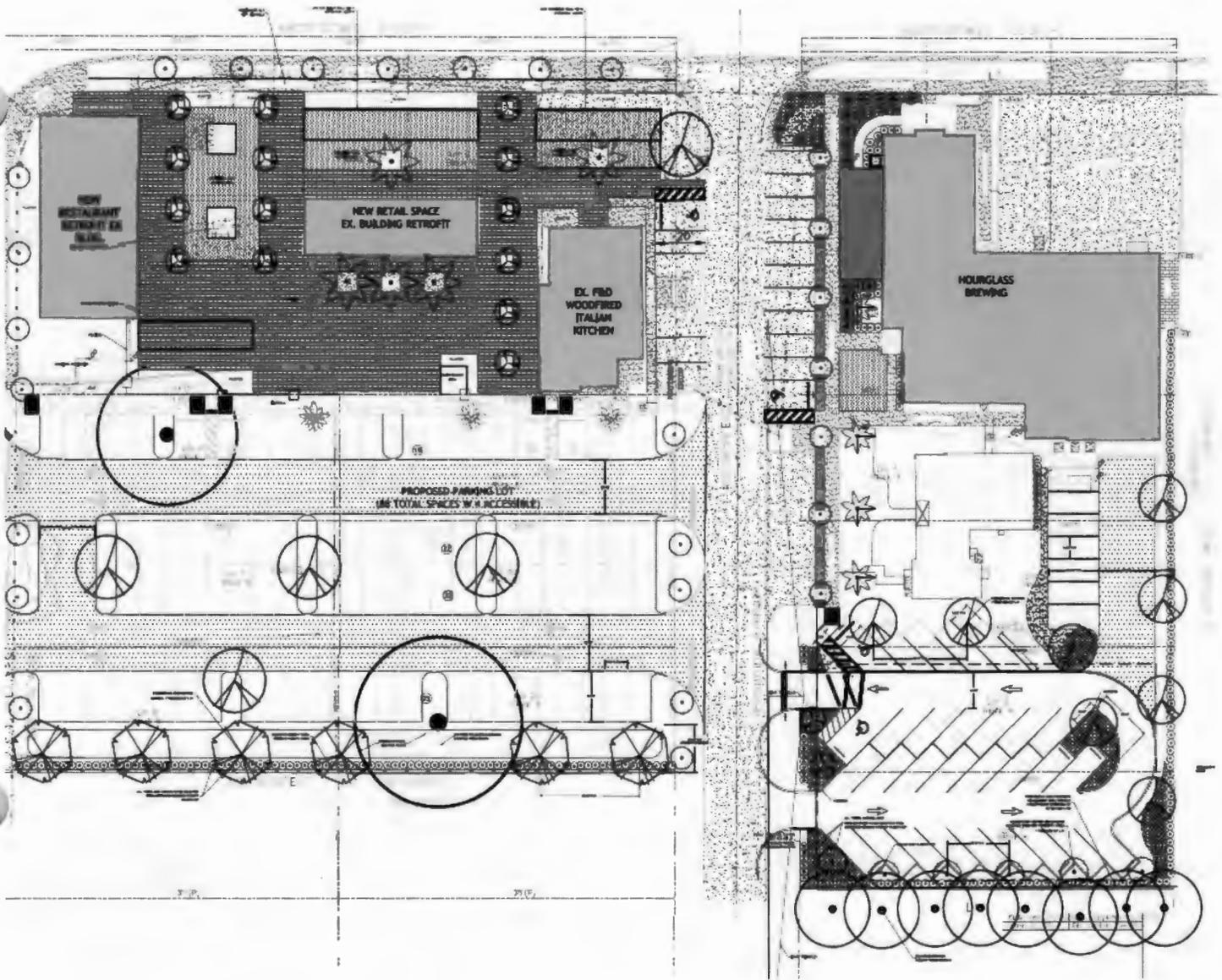
PROPOSED PARKING
(LOTS 4 AND 5)
BLOCK A
ZONE R-1A

PERMITTED PARKING
(LOTS 6 AND 7)
BLOCK A
1621 JESSAMINE AVE.

318.00(C)
300.00(P)
318.00(W)

8 00' 10 00" W(C)
8 00' 10 00" W(C)

270.00(P)
298.99(W)
265.00(D)
265.00(M)



Landscape Plan for Overall Area

SITE PHOTOS



Existing building



Proposed parking area



Existing parking lot to the south

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 06, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-06-060**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): JED PREST

OWNER(s): FDG SOUTH PARK LAND LLC

REQUEST: Variances in the IND-2/IND-3 zoning district to allow two office buildings as follows:

- 1) To allow a height of 84 ft. in lieu of 50 ft.
- 2) To allow a height of 84 ft. in lieu of 50 ft.

PROPERTY LOCATION: Southpark Center Loop, Orlando, FL 32819, west side of S. John Young Pkwy., north of 528

PARCEL ID: 04-24-29-3045-00-080

04-24-29-3045-00-060

LOT SIZE: 30.63 acres

NOTICE AREA: 1500 ft.

NUMBER OF NOTICES: 23

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan and elevations dated April 17, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff gave a presentation on the case covering the location of the properties, the site plans, and photos of the sites.

The applicant agreed with the staff report.

The BZA stated that they would normally be concerned with the amount of variance requested, however they were not concerned due to the size of the lots.

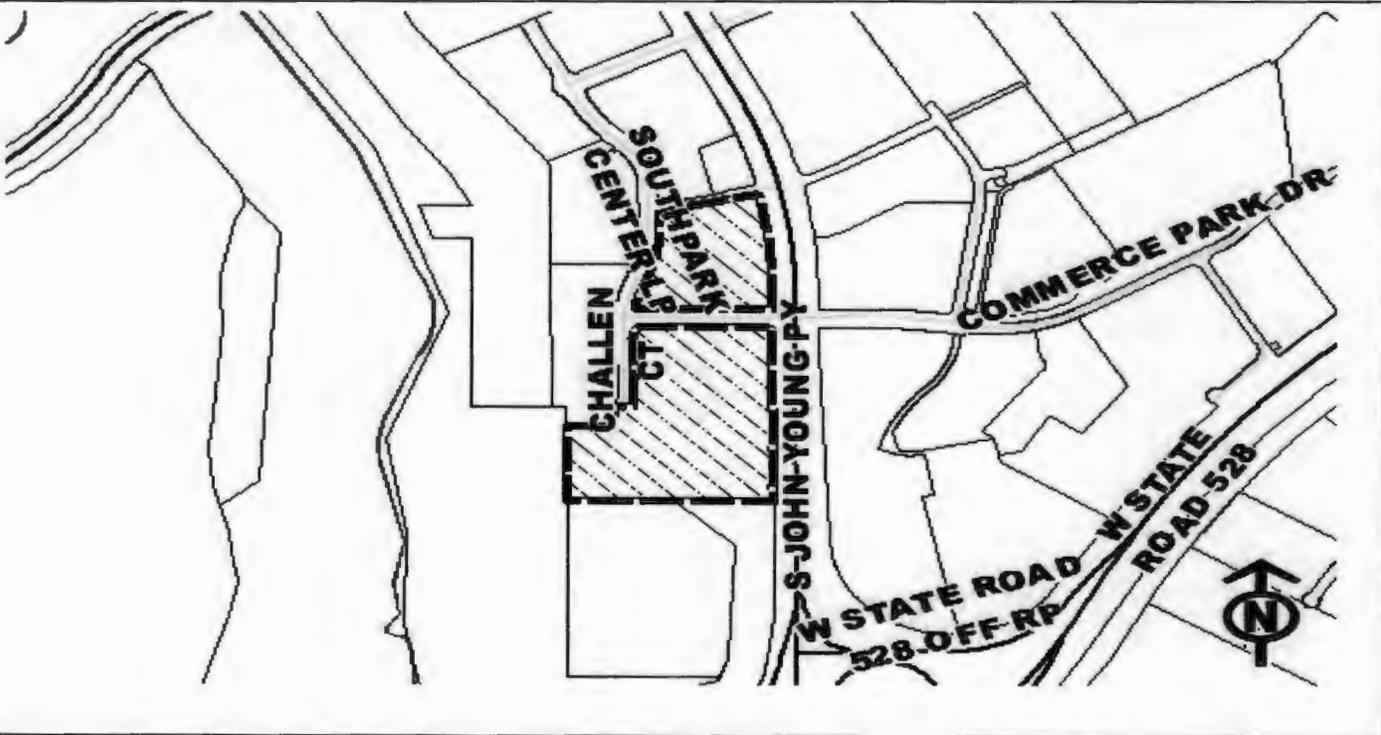
aff received zero (0) commentaries in favor of the application, and none in opposition to the application. There was opposition at the hearing.

e BZA approved the variances.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	IND-2/IND-3	IND-2/IND-3	IND-2/IND-3, P-D	IND-2/IND-3, P-D	IND-2/IND-3, P-D
Future Land Use	IND	IND	IND	IND	IND
Current Use	Vacant	Industrial	Vacant	Vacant	Vacant, Industrial

BACKGROUND AND ANALYSIS

Description and Context

The properties are zoned I-2/I-3, Industrial Park District that allows for warehousing, manufacturing, and certain retail uses. The properties are a combination of platted lots 6, 7, and a portion of lot 8, which were platted as part of the Gran Park at Southpark Phase 2 plat in 2003.

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

The combined subject properties are 30.63 acres in size, and are currently vacant. The applicant is proposing to construct two (2), 221,000 sq. ft. 5-story office buildings. One building will be located on the 9.13 acre northern parcel, and will front on Cordova Park Drive, north of Southpark Center Loop. The other building will be located on the 21.5 acre southern parcel, and will front on Southpark Center Loop, to the north. Both buildings will utilize the same design. The main structure of each building tops out at about 73 feet; however, there is a parapet wall that will shield mechanical equipment, creating a maximum building height of 84 feet, where code allows a 50 feet maximum, which prompts the need for the variance.

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

The properties are located in a heavily industrial area, and there are no residential homes in the vicinity. The nearest homes are about 3,600 feet away.

Prior to a code amendment in 2016, the variances would not be necessary for this proposal, as a building height of 100 feet was permitted at a distance greater than 500 feet from a residential zoning district of Future Land Use designation. These properties meet these requirements.

Several other height variances in the area have been approved.

District Development Standards

	Code Requirement	Proposed
Max Height:	50 ft.	84 ft.

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

	Code Requirement	Proposed
Front:	25 ft.	25 ft.
Rear:	10 ft.	800+ ft.
Side:	15 ft.	25 ft.
Sidestreet:	15 ft.	100 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The overall site is a 30.63 acre industrial property. The increased height will allow the applicant to utilize a single compact building on each parcel, and to screen rooftop equipment. The design will not have any negative visual impacts.

Special Privilege Conferred

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

Deprivation of Rights

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

Purpose and Intent

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

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan and elevations dated April 17, 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.

CC:

Jed Prest

189 South Orange Avenue, Suite 1,700

Orlando, FL 32801

COVER LETTER



Baker Barrios

ORLANDO
189 S. ORANGE AVE.
SUITE 1700
ORLANDO, FLORIDA
32801
407.926.3000
AA027981 | (1-CAN-2477) CDA 10/19

April 17, 2019

Sean Bailey, Chief Planner
Orange County Government, Zoning Division
201 South Rosalind Avenue, 1st Floor
Orlando, FL 32801

RE: **Zoning Variance Request for 9301 Southpark Center Loop**

Dear Mr. Bailey:

We are requesting a variance to the maximum zoning height of 50'-0" in the I-2/I-3 zoning districts. This is commercial office building with steel and concrete construction. We are requesting 72'-8" for the principle building roof height, with elevator overrun, stair tower, and mechanical screens reaching to 83'-9".

The parcels in question are 04-24-29-3045-00-060 and 04-24-29-3045-00-080 at 9301 Southpark Center Loop, Orlando, FL 32819. These parcels are undeveloped but are surrounded by existing development which exceeds the maximum zoning height restriction. The site is 30.633 acres plus or minus. We are proposing two buildings with approximately 221,000 gross square feet each. We are attaching the site plan, floor plan, and elevations to show the size and construction.

VARIANCE CRITERIA

Special Conditions and Circumstances:

The property is a 30.633-acre industrial property. The increased height will allow the applicant to screen rooftop equipment, and will not have any negative visual impact, as the lot size allows the building to be located approximately more than ft. from the front (north) property line and the the side (east) property line, more than 100 ft. from the side (west) property line, and over 500 ft. from the rear (south) property line.

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Deprivation of rights:

Literal interpretation of the code will deprive this applicant of the right to utilize a design consistent with the area. The existing building to the north exceeds the maximum height restriction and the parcel to the south has a PD which greatly exceeds the height restriction.

Minimum Possible Variance:

The request is the minimum variance to utilize the specified design, and to shield the rooftop equipment from view.

Purpose and Intent:

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

Sincerely,

Jed R Prest, AIA
Principal + Architect

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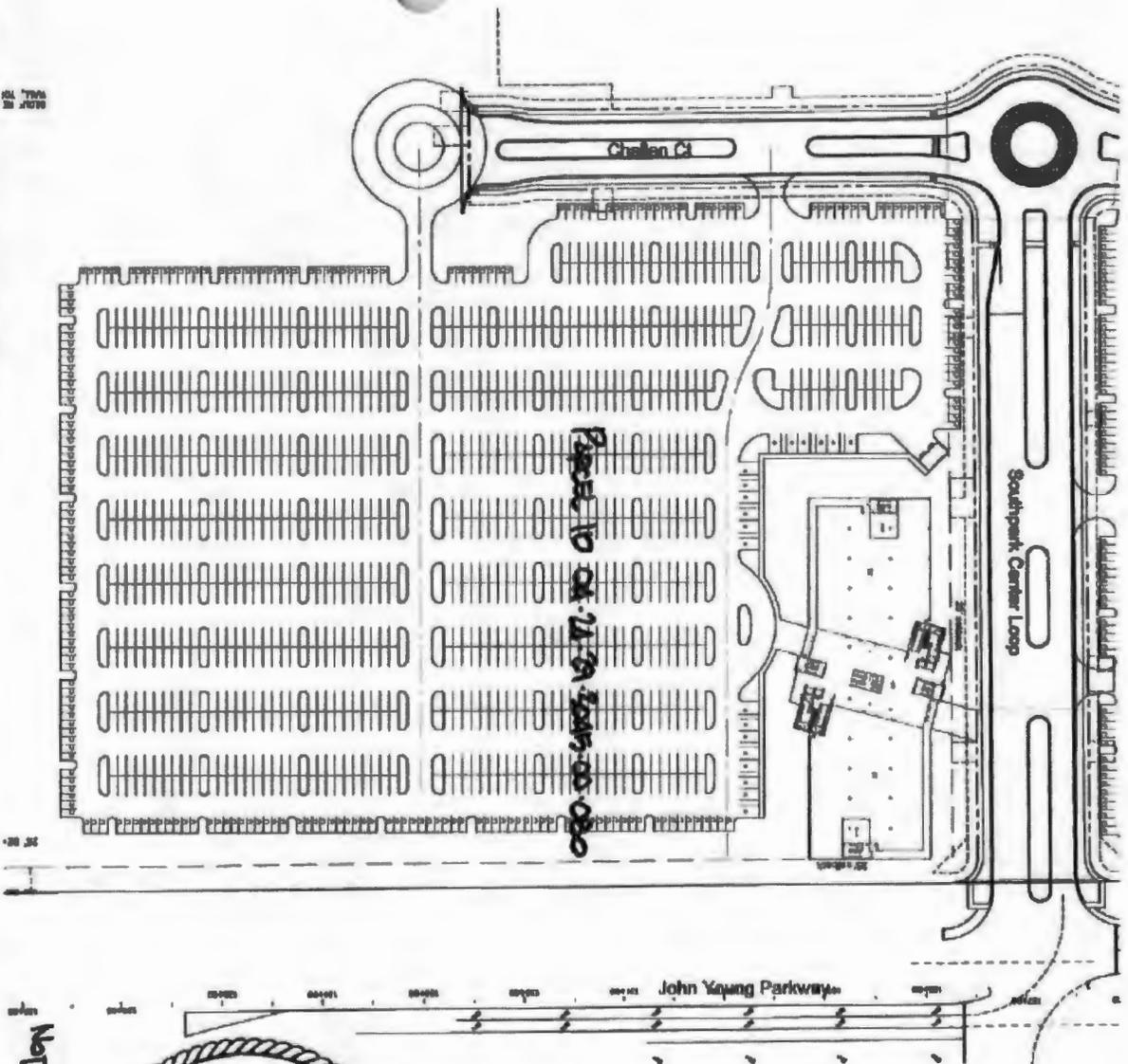
ZONING MAP



AERIAL MAP



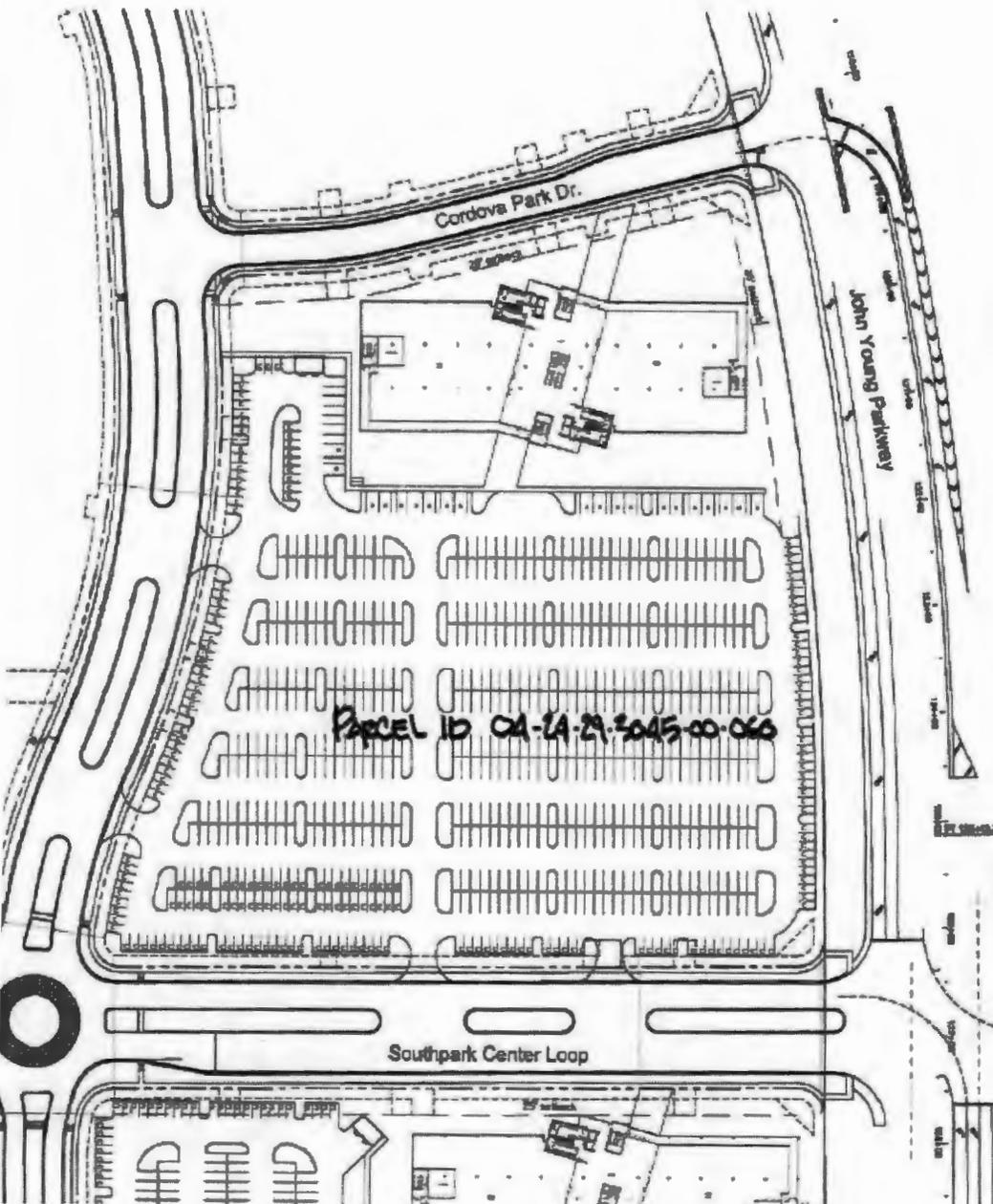
SITE PLAN



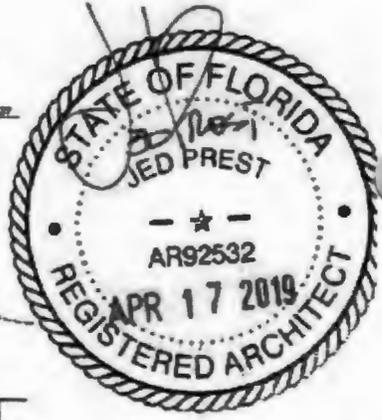
North Carolina
REGISTERED ARCHITECT
APR 17 2017
AR92532
STATE OF FLORIDA
REGISTERED ARCHITECT



ST // CONCEPTUAL SITE PLAN / South Parcel



Parcel ID 01-14-29-3045-00-060

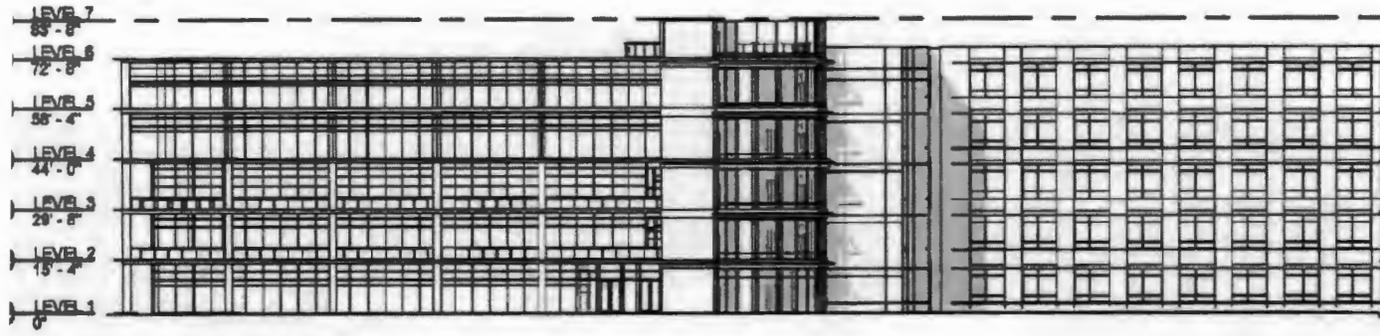


Not for construction

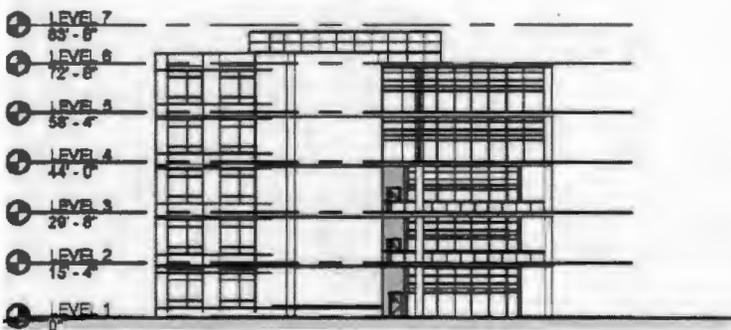
CONCEPTUAL SITE PLAN / North Parcel

ELEVATIONS



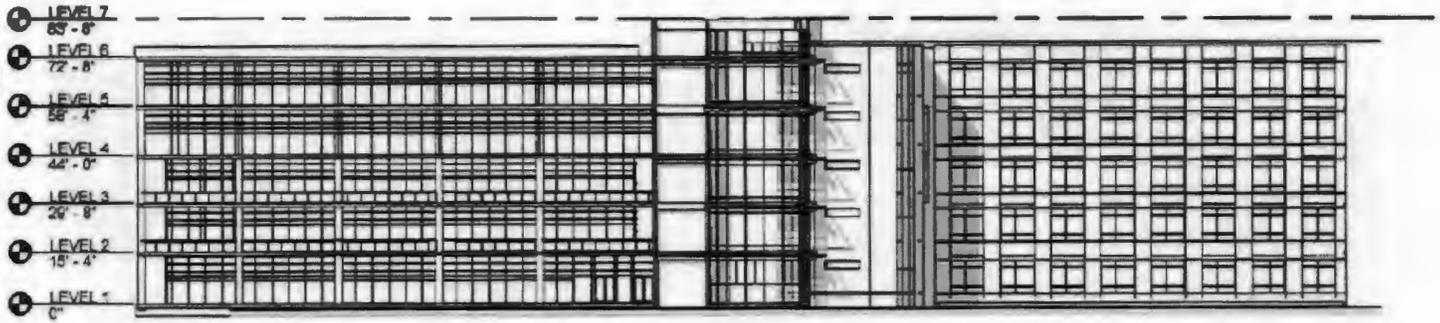


1) BUILDING ELEVATION - NORTH
 1" = 50'-0"

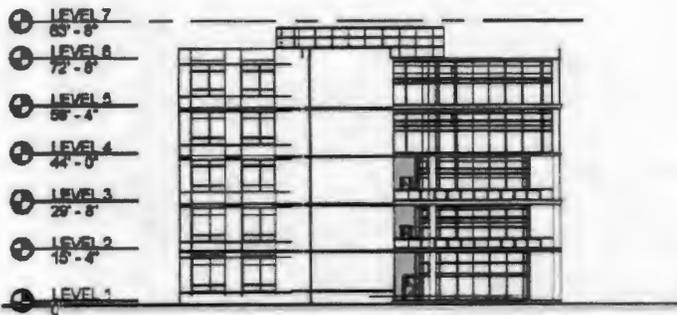


2) BUILDING ELEVATION - WEST
 1" = 50'-0"





① BUILDING ELEVATION - SOUTH
1" = 50'-0"



② BUILDING ELEVATION - EAST
1" = 50'-0"



SITE PHOTOS



Site from Challen Ct.



Site from Southpark Center Loop