




Interoffice Memorandum

October 1, 2024

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

FROM: Tanya Wilson, AICP, Director 
Planning, Environmental, and Development Services Department

**CONTACT PERSON: Allen McNeill, Chief Planner, Zoning Division
(407) 836-9620**

SUBJECT: October 29, 2024 - Appeal Public Hearing
Applicant: Katelynd O'Neal
Appellant: Orange Tree Estates Homes Section One Maintenance Association, Inc.
BZA Case # VA-24-10-095, September 5, 2024; District 1

Board of Zoning Adjustment (BZA) Case # VA-24-10-095 located at 6042 Shore Line Dr., Orlando, FL 32819, in District 1, is an appeal to the Board. The applicant is requesting variances in the PD zoning district as follows:

- 1) To allow a pool deck with a Normal High Water Elevation (NHWE) setback of 25 ft. in lieu of 50 ft., and
- 2) To allow a spa with a Normal High Water Elevation (NHWE) setback of 34 ft. in lieu of 50 ft. Note:

This variance application for work without a permit is the result of Code Enforcement violation (CE #640460) issued to the owner. The applicant was advised to seek zoning approval and permits.

At the September 5, 2024, BZA hearing, staff recommended denial of the variance requests. There was one person in attendance to speak in favor and four to speak in opposition to the requests. It was also noted that prior to the BZA hearing, sixteen comments were received in favor and sixteen comments were received in opposition to the request. The BZA recommended approval, and the appellant Orange Tree Estates Home Section One Inc. subsequently appealed the BZA recommendation because they believe the opposition was not afforded equal time to present its case, among other reasons cited in the appeal.

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

If you have any questions regarding this matter, please contact Allen McNeill at (407) 836-9620 or Allen.McNeill@ocfl.net.

ACTION REQUESTED: Deny the applicant's request; or approve the applicant's request with conditions. District 1.

BD/ag

Attachment: Zoning Division public hearing report, Appeal with exhibits, and BZA staff report.

**PLANNING, ENVIRONMENTAL, AND DEVELOPMENT, SERVICES DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT
October 29, 2024**

The following is a public hearing on an appeal before the Board of County Commissioners on October 29, 2024, at 2:00 p.m.

APPLICANT: KATELYND O'NEAL

APPELLANT: ORANGE TREE ESTATES HOMES SECTION ONE MAINTENANCE ASSOCIATION, INC.

REQUEST: Variances in the PD zoning district as follows:
1) To allow a pool deck with a Normal High-Water Elevation (NHWE) of 25 ft. in lieu of 50 ft.
2) To allow a spa with a Normal High-Water Elevation (NHWE) of 34 ft. in lieu of 50 ft.
Note: This is the result of Code Enforcement.

LOCATION: 6042 Shore Line Dr., Orlando, FL 32819, west side of Shore Line Dr., south of Lake Marsha Dr., east of Dr. Phillips Blvd., west of Turkey Lake Rd., north of Wallace Rd., east side of Lake Marsha

LOT SIZE: +/- 0.45 acres (+/- 0.35 acres upland)

ZONING: PD (Planned Development)

DISTRICT: #1

PROPERTIES NOTIFIED: 76

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

Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for denial for both Variances. Staff noted that as of the date of the meeting, sixteen (16) comments were received in favor and two (2) comments were received in opposition to the request.

The applicant discussed the recommendation of denial, and why they disagreed with this recommendation. The applicant also provided more information on the property, how changes in code over the years have resulted in the need for the Variances, and that the setback of twenty-five feet should be recognized as a legal nonconforming use.

There was one (1) person in attendance to speak in favor and four (4) in attendance to speak in opposition to the requests.

The BZA discussed the requests, determining the requests as proposed would be similar and compatible with the surrounding area and unanimously recommended approval of the Variances by a 5-0 vote, with one absent and one seat vacant, subject to the four (4) conditions found in the staff report.

BZA HEARING DECISION:

A motion was made by Deborah Moskowitz, seconded by Juan Velez, carried to recommend **APPROVAL** of the variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3) (5 in favor: Deborah Moskowitz; John Drago, Juan Velez, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Thomas Moses; 1 vacant)



Board of Zoning Adjustment (BZA) Appeal Application

Appellant Information

Name: Orange Tree Estate Homes Section One Maintenance Association, Inc.

Address: 7201 Woodgree Drive

Email: cindy@orangetreecommunity.com Phone #: (407) 351-8747

BZA Case # and Applicant: VA-224-10-095 - Katelynd O'Neal for Kelly Klatt

Date of BZA Hearing: 09/05/2024

Reason for the Appeal (provide a brief summary or attach additional pages of necessary):

See attached "Reasons for Appeal"

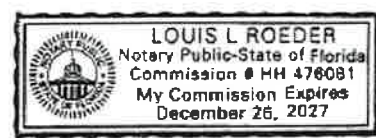
Signature of Appellant: *Cindy Lane* Date: 09/18/2024

STATE OF Florida
COUNTY OF Orlando

The foregoing instrument was acknowledged before me this 18 day of September, 2024, by Cindy Lane, President of OT Estates HOA who is personally known to me or who has produced drivers license as identification and who did/did not take an oath.

Louis L. Roeder
Notary Public Signature

Notary Stamp:



NOTICE: Per Orange County Code Section 30-45, this form must be submitted within 15 days after the Board of Zoning Adjustment meeting that the application decision was made.

Fee: \$691.00 (payable to the Orange County Board of County Commissioners)

Note: Orange County will notify you of the hearing date of the appeal. If you have any questions, please contact the Zoning Division at (407) 836-3111.

See Page 2 of application for the Appeal Submittal Process.



Appeal Submittal Process

1. Within 15 calendar days of the decision by the Board of Adjustment, the appellant shall submit the Board of Zoning Adjustment (BZA) Appeal Application to the Zoning Division **in person**. The application will be processed and **payment of \$691.00** shall be due upon submittal. All justification for the appeal shall be submitted with the Appeal Application.
2. Zoning Division staff will request a public hearing for the subject BZA application with the Board of County Commissioners (BCC). The **BCC hearing will be scheduled within forty-five (45) days after the filing of the appeal application**, or as soon thereafter as the Board's calendar reasonably permits. Once the date of the appeal hearing has been set, County staff will notify the applicant and appellant.
3. The BCC Clerk's Office will provide a mailed public hearing notice of the hearing to property owners at a minimum of 500 feet from the subject property. Area Home Owner Associations (HOA) and neighborhood groups may also be notified. This notice will provide a map of the subject property, as well as a copy of the submitted appeal application.
4. Approximately one week prior to the public hearing, the memo and staff report of the request and appeal will be available for review by the applicant, appellant, and the public.
5. The decision of the BCC is final, unless further appealed to the Circuit Court. That process is detailed in [Section 30-46](#) of the Orange County Code.

VA 24-10-095
Hearing of Sept 5, 2024

For clarification: *The Applicant is listed in the Variance Request as a Katelynd McNeal, an unlicensed consultant, while the Owner, Kelly Klatt, is the real Applicant.*

Reasons for Appeal

1. Opposition was not afforded equal time to present its case:

- a) **While the Public Hearing Notice posted indicated that “two minutes is allowed to each person during public comment,” the Klatts and the Applicant were allowed an unlimited time to speak at the BZA hearing. Only the Opposition speakers were limited to 2 minutes each.** The Applicant should have been similarly limited; or the Opposition should have been allowed unlimited time as well. This speaking advantage did not allow the Opposition time to present its case, much less address the Applicant’s subsequent presentation of new evidence.
- b) **Opposition was not allowed to have its evidence reviewed by the BZA.** After the opposition exhausted its limited time to speak, the Opposition asked the Board if they had reviewed the Opposition’s report, a **40-pg package which filed by the Opposition with BZA Staff on July 29th**. The Chair immediately acknowledged that **the BZA board members had not received the report**. Instead of stopping the public hearing and rescheduling another hearing so as to allow the BZA time to review the evidence of both sides, the Chair allowed the hearing to continue. The result was that the Opposition was denied a chance to have its case fully reviewed by the BZA, while the Applicant was allowed unlimited time, not only to present its case, but to proffer new evidence as well – which the Chair denied the Opposition the chance to correct.

The combination of the above limitations seriously prejudiced the Opposition and prevented the BZA or the public from fully weighing in on the many errors and misstatements within the Applicant’s variance request. In fact, most of the issues the BZA discussed during their deliberations, could have quickly been answered if the Opposition had been allowed to respond; but instead, this led to **erroneous conclusions by the BZA**; and

- 2. Certified Engineering Report unjustifiably ridiculed:** After one of the Opposition presented a Civil Engineer’s certified opinion letter, with exhibits, regarding the negative impact of stormwater drainage from the Applicant’s property upon the property of an adjacent lakefront homeowner, one of the BZA members, without any evidence, belittled the Engineer’s report by opining that the Engineer “didn’t look at the actual site plan” and “just made an observation probably from the road on a drive-by inspection anyway.” That was highly prejudicial to the Opposition; and
- 3. False Testimony Allowed:** Applicant presented blatantly false testimony and evidence, which the Opposition asked to correct; but the Chair denied. For example, the Applicant presented false evidence claiming that the nearby HOA Recreation Center violated the 50 ft setback from NHW (*when commercial really on requires a 25 ft setback, as subsequently verified by County Staff*), and that a nearby home of one of the Opposition also violated the 50 ft setback from NHW (*which a 2016 survey shows that it does not*). How is it that the Owners’ consultant, Ms. McNea, did not know this? Or did she? and

4. **Opposition Letters Not Provided to the BZA Board.** Compared to letters supporting the variance request, letters in Opposition that had previously been provided to Staff, were NOT provided to the BZA for the hearing.

5. **To Summarize:**

Klatt does not deny that he knowingly installed improvements without ever securing a County Building Permit in 2005; but instead claims, while offering no proof, that County Staff had *told him* that a permit was not required. It should be noted that this is but only one of several improvements made by the Klatts over the years without first securing County building permits.

Klatt then claims that the "required 50 ft setback from the NHW" (the rule) did not apply to him because the Code that made the rule applicable to PD zoning was not amended to do so until Dec 2024, some 18 years after he installed the improvements - again, without a permit. **THE APPLICANT'S CLAIM IS SIMPLY FALSE.** As the BZA Staff and Opposition explained during the hearing, the "required 50 ft setback from the NHW" existed as a County-imposed condition of the Preliminary Subdivision Plan since 1987, several years before the Applicant knowingly installed the improvements without a permit.

For these reasons, and as required by Sec. 30-43(3) of the Orange County Code, any hardship created from the installation of improvements within the prohibited 50 ft setback from the NHW is a hardship of the Klatts' own making. As such, as originally recommended by BZA Staff, ...

THE KLATTS' VARIANCE REQUEST SHOULD BE DENIED.

SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	Orange Tree Country Club Planned Development (PD)	Orange Tree Country Club Planned Development (PD)	Orange Tree Country Club Planned Development (PD)	Orange Tree Country Club Planned Development (PD)	Orange Tree Country Club Planned Development (PD)
Future Land Use	LDR	NA	LDR	LDR	LDR
Current Use	Single-family residential	Lake Marsha	Single-family residential	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the Orange Tree Country Club Planned Development (PD), which allows single-family homes and associated accessory structures and requires a minimum lot area of 12,270 sq. ft. The Future Land Use is Low Density Residential (LDR), which is consistent with the PD zoning district.

The subject property is a 0.45 acre parcel, 0.35 acres of which is upland, that conforms with the zoning regulations for the district. The property is a lakefront lot located on Lake Marsha, and is 79.26 ft. wide at the front of the lot and narrows to 66 ft. towards the rear. It is developed with a 3,253 gross sq. ft. single-family home constructed in 1989 with a permit (B89006323). The current owner purchased the property in 1999. There is a 5 ft. utility easement on the north property line and a 10 ft. drainage and utility easement that runs along the NHWE line. There is no impact to these easements.

The proposal is to allow an existing pool deck and spa located within the Normal High-Water Elevation (NHWE) setback. Per the development standards established within the planned development, the minimum setback distance from the NHWE is 50 ft. Thus, the applicant is applying for a Variance for the proposed pool deck and spa to encroach into the NHWE setback at 25 ft. and 34 ft. respectively.

The home was built in 1989 with a permit to construct the home 60.63 ft. from the NHWE. In 1994 a previous owner built the original pool and pool deck with a proposed 50 ft. setback from the NHWE (B94010736). In 2005 the current owner expanded the pool deck to where it is currently located, and installed the spa without permits. In November of 2023 the current property owner was issued a notice of violation (CE# 640460) for work without a permit including the expansion of the pool deck, the addition of the spa, a gazebo, a paver walkway, and a paver expansion of the existing driveway. The property owner was directed to obtain zoning approval and subsequent building permits for all the improvements constructed without permits.

In order to bring the property into compliance the property owner has applied for and competed a permit for the gazebo (outdoor kitchen) on the pool deck in the rear yard (B24000122), applied for and competed approved permits for the unpermitted driveway expansion and pavers (Z24001156), obtained a fence permit for a 4 foot high fence surrounding the pool deck in the rear yard (F24011280), and received approval to vacate a portion of a 5 foot wide utility easement located along the south property line (PTV-24-01-001). The property owner has also modified their existing boat dock to remove a portion constructed without permits. The property owner has also applied for a building permit (B24010749) for the existing pool deck expansion and spa that are currently on hold pending approval of this Variance.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **SEP 05, 2024**

Commission District: **#1**

Case #: **VA-24-10-095**

Case Planner: **Allen McNeill (407) 836-9620**

Allen.McNeill@ocfl.net

GENERAL INFORMATION

APPLICANT(s): KATELYND O'NEAL

OWNER(s): KELLY S KLATT LIFE ESTATE, SAMANTHA KLATT LIFE ESTATE, REM: KYLE C KLATT, REM: SEAN C KLATT

REQUEST: Variances in the PD zoning district as follows:

- 1) To allow a pool deck with a Normal High-Water Elevation (NHWE) of 25 ft. in lieu of 50 ft.
- 2) To allow a spa with a Normal High-Water Elevation (NHWE) of 34 ft. in lieu of 50 ft.

Note: This is the result of Code Enforcement.

PROPERTY LOCATION: 6042 Shore Line Dr., Orlando, FL 32819, west side of Shore Line Dr., south of Lake Marsha Dr., east of Dr. Phillips Blvd., west of Turkey Lake Rd., north of Wallace Rd., east side of Lake Marsha

PARCEL ID: 23-23-28-6300-00-080

LOT SIZE: +/- 0.45 acres (+/- 0.35 acres upland)

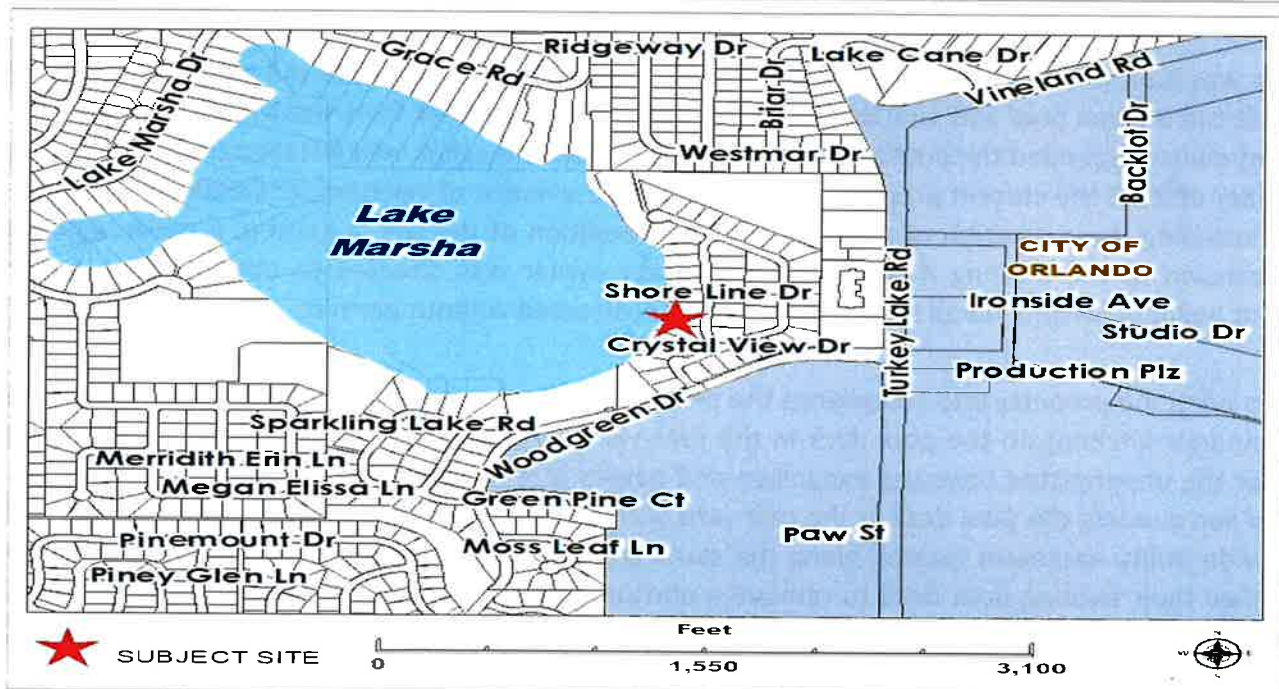
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 76

STAFF RECOMMENDATIONS

Denial. However, should the BZA find that the applicant has satisfied the criteria necessary to grant the Variances, staff recommends that the approval be subject to the conditions in this report.

LOCATION MAP



Staff has reviewed the request and recommends denial of both Variances #1 and #2 as the request is not detrimental to the use of the property or a pool located on the property as a code compliant pool/deck was approved and constructed on the property.

Stormwater, Public Works, and EPD reviewed the request and no comments were provided.

As of the date of this report, thirteen (13) comments have been received in favor to the request and one (1) comment has been received in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	N/A
Min. Lot Width:	75 ft.	94.06 ft.
Min. Lot Size:	12,270 sq. ft.	15,246 sq. ft. upland

Building Setbacks

	Code Requirement	Proposed
Front:	N/A	N/A
Rear:	5 ft.	N/A
Side:	5 ft.	5 ft. (South) 14 ft. (West)
NHWE	50 ft.	25 ft. existing deck (West – Variance #1) 34 ft existing spa (West – Variance #2)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

There are no special conditions and circumstances particular to the subject property as it is of similar size and has a similar configuration to other properties in the area that are improved with a code compliant pool deck and spa.

Not Self-Created

The request is self-created since the existing pool deck was expanded and the spa was added by the current owner without permits when a code compliant pool deck was already located on the property.

No Special Privilege Conferred

Granting the requested Variances will confer special privilege not conferred to others under similar circumstances as no other properties in the area have a pool deck located as close to the NHWE as the applicant is proposing with this request. Including the neighboring property to the south.

Deprivation of Rights

Denial of these Variances would not constitute a deprivation of the property owner’s rights as they would be permitted to reduce the size of their pool deck to meet the NHWE setback and could build a spa in a compliant location.

Minimum Possible Variance

The requested Variances are the minimum possible request to allow the existing pool deck and spa to remain.

Purpose and Intent

Approval of the request would not be in harmony with the purpose and intent of with the code. The code is primarily focused on minimizing the impact structures have to surrounding properties. The expanded deck and spa were built without permits and as originally approved complied with code.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped July 12, 2024, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the Variance request and, which shall inform all interested parties that the pool deck and spa are located no closer than 25 ft. and 34 ft. respectively from the Normal High Water Elevation (NHWE) of Lake Marsha.

C: Katelynd O'Neal
900 W. Lake Holden Pt.
Orlando, FL 32805

Kyle Klatt and Sean Klatt
6042 Shore Line Dr.
Orlando, FL 32819

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

To the Board of Zoning Adjustment,

I am writing to request a variance to Sec. 38-1254 (a) the 50ft setback from NHWE at the residence of 6042 Shore Line Drive for recognition of an existing extended pool deck at 25ft instead of 50ft. Property is zoned P-D.

The original pool and deck were permitted and constructed in 1994 (Permit B94010736) as a rectangular structure with a domed screen enclosure. In 2004 the home sustained extensive hurricane damage including damage of the domed screen enclosure. The homeowner opened multiple permits for reconstruction for the property in 2005. During this process, the homeowner was advised by Orange County Building & Permits department that the planned outdoor projects of an extended lower pool deck and 4ft fence surrounding the pool and proposed extended deck would not require a permit. The reasoning provided was that the fence was shorter than 5ft and the extended pool deck did not support a wall greater than 48" (the deck abuts a retaining wall at 38"). HOA approval was requested and approval was granted for the fence on August 12, 2005 and for the extended pool deck on September 20, 2005.

In 2021, the property next door at 6048 Shore Line Drive was purchased and after demolishing the prior SFR, the new owner began the process for building a new construction SFR in 2023. This neighbor has been frustrated that the subject property has improvements that were allowed and/or approved at the time they were built but are no longer allowed by current zoning code. They have placed complaints to code enforcement on several occasions and the subject property owners have spent several thousand dollars defending their improvements, and receiving after the fact permits and inspections for all of these old projects. The current code enforcement complaint (Ref 631554) from November 6, 2023 includes the extended pool deck that is the subject for this variance request and states that zoning approval, permits, and inspections are needed to resolve this complaint.

The 4ft pool fence that surrounds the extended pool deck and pool was recently approved for permit on 5/29/2024 (Permit F24011280) and was not impacted by any setback requirement. A permit has been requested (B24010749) for the extended deck which has triggered the need for this variance request. Zoning review of the permit application states deficiencies with the setback requirement for the extended lower pool deck, that is fully enclosed by the now permitted fence. This 50ft setback from NHWE code was not added to the P-D zoning code until Ordinance No. 2023-46 adopted in December of 2023, while the extended pool deck has been in place since 2005.

Special Conditions and Circumstances:

The extended lower pool deck was built in 2005 when code did not require a permit for installation and there was no setback requirement from NHWE. The homeowner and contractor followed the appropriate process in consulting with Orange County Building department and the neighborhood HOA for approval, ensuring the project did not impact drainage easements and met code. New zoning code requires a setback that was not in place when the improvements were constructed creating a special circumstance and meets the definition of a "non-conforming use".

Not Self-Created:

When the structures were built, they were approved and inspected. Setback requirement from NHWE was enacted in 12/12/2023 through Ordinance No 2023-46. These requirements did not exist at the time the structure was built in 2005, therefore this is not self-created.

No Special Privilege Conferred:

Property owner observed all appropriate actions in receiving approval from the required agencies in 2005. Approval of this variance would allow for the homeowner to keep their extended lower pool deck, which is in line with the neighborhood. Several homes on Lake Marsha also have improvements that are closer to NHWE than 50ft.

- In Nov 2021, a pool permit (B21021412) was requested at 5934 Crystal View Drive, 7 houses away from the subject property, in which an early zoning deficiency letter stated the setback requirement must be 25ft from NHWE contour line.
- 6140 Crystal View Drive, pool at 44ft to NHWE
- 8317 Lake Bryan Beach Blvd, neighborhood club house, tennis courts at 20ft to waterline
- 7524 Lake Marsha Dr, 40ft to waterline
- 5739 Kevin Ave, 42ft to waterline

Deprivation of Rights:

A pool deck is a common accessory use that is permitted within the P-D zoning district. This also follows the definition of non-conforming use which Sec 38-46 defines as lawful use of any structure existing at the time of adoption which may be continued although such structure does not conform with the current provisions. The extended pool deck was constructed 18 years ago when the code did not require a permit as it did not support a wall that was either structural or greater than 48" in height. The code has since changed with the addition of the 50ft from NHWE setback requirement only being added in December 2023 through Ordinance 2023-46. Therefore, failure to grant this variance request would deprive the homeowners of their right to enjoyment of their property through use of structures that have been in place for 18 years, as well as financial hardship in removal of these structures.

Minimum Possible Variance:

The existing extended pool deck has been in place since 2005 and is entirely enclosed within the now permitted fence structure. This request is therefore the minimum possible to allow for continued use of the improvement.

Purpose and Intent:

Variance would be in harmony with the purpose and intent of the existing zoning regulations and does not adversely affect the neighborhood. HOA approved the improvement and stated that after additional review the improvement did not impact the drainage easement.

In summary, I am requesting a variance for the property owner at 6042 Shore Line drive for a pool deck extension that has been in place for 18 years at a setback of 25ft in lieu of 50ft from the NHWE.

Respectfully,

Katie O'Neal

Appendix

May 31, 2024 Current Version of P-D Zoning code

VERSION: MAY 31, 2024 (CURRENT) -

- ▼ DIVISION 3. - SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL DEVELOPMENTS
 - Sec. 38-1251. - General Provisions
 - Sec. 38-1252. - Open space and lot coverage
 - Sec. 38-1253. - Recreation facilities
 - Sec. 38-1254. - Setbacks and building heights.**
 - Sec. 38-1255. - Landscaping
 - Sec. 38-1256. - Solid waste storage areas
 - Sec. 38-1257. - Notification
 - Sec. 38-1258. - Multi-family development. [mod fix](#)
 - Sec. 38-1259. - Student housing
 - Sec. 38-1260. - Accessory structures
 - Secs. 38-1261—38-1270. - Reserved
- DIVISION 4. - SITE DEVELOPMENT STANDARDS FOR COMMERCIAL DEVELOPMENTS

Sec. 38-1254. - Setbacks and building heights.

(a) Setbacks from PD boundaries, lakes, and internal and external rights of way for all types of residential development shall be as follows:

- (1) PD Boundary: Twenty-five (25) feet.
- (2) Functionally Classified Road: Twenty-five (25) feet (measured from abutting property line)
- (3) All other existing street rights-of-way: Twenty (20) feet (measured from abutting property line)
- (4) Normal High Water Elevation (NHWE) measured from the contour line: fifty (50) feet.

(b) Setbacks for individual lots within a single-family detached or duplex residential development shall be proposed by the applicant. Setbacks for individual lots within a single-family attached (townhouse) residential development shall comply with [Section 38-12120](#).

(c) Setbacks for multi-family developments shall be as follows:

- (1) Front yard setback: Twenty-five (25) feet.
- (2) Side yard setback: Ten (10) feet.
- (3) Rear yard setback: Twenty-five (25) feet.
- (4) Adjoining single-family district or use: Twenty-five (25) feet.

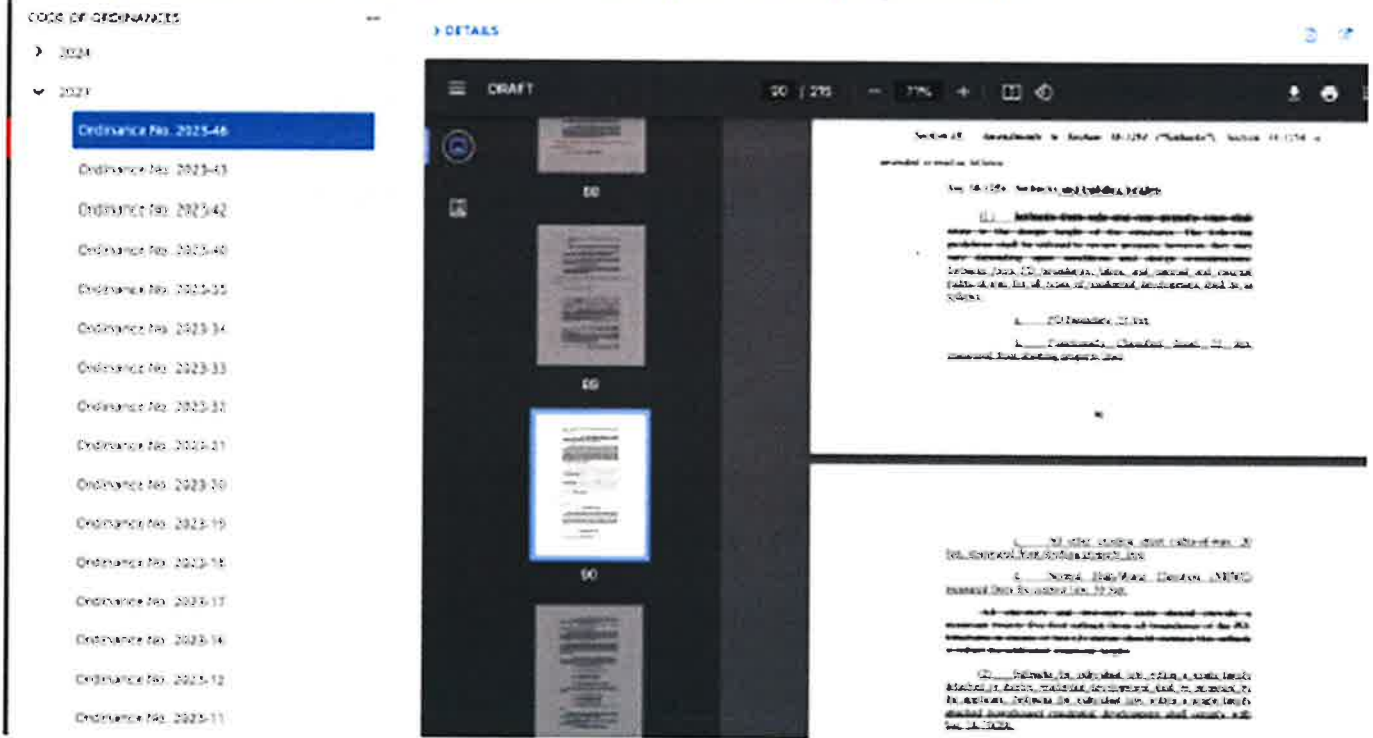
Multi-family development shall also comply with the requirements of [Article 38-1258](#) where applicable.

(d) Maximum building height for residential development shall be as follows:

- (1) Single-family dwellings: Thirty-five (35) feet.
- (2) Multi-family buildings: Forty (40) feet, except thirty-five (35) feet within one hundred (100) feet of any single-family residential use or district.

(P & Z Res., art. XXIX, § 10(b)(4); Ord. No. 98-37, § 19, 12-15-98; Ord. No. [2008-06](#), § 16, 5-13-08; [Ord. No. 2024-05](#), § 38, 12-12-23)

Ordinance adopted December 2023 adding NHWE setback requirement



Picture of extended pool deck under construction September 15, 2005



Excerpt from HOA letter granting approval on Sept 20, 2005

*Estate Homes at Orange Tree
Maintenance Association, Inc.
7201 Woodgreen Drive
Orlando, Florida 32819
Phone (407) 351-8747
Fax (407) 351-0305*

September 20, 2005

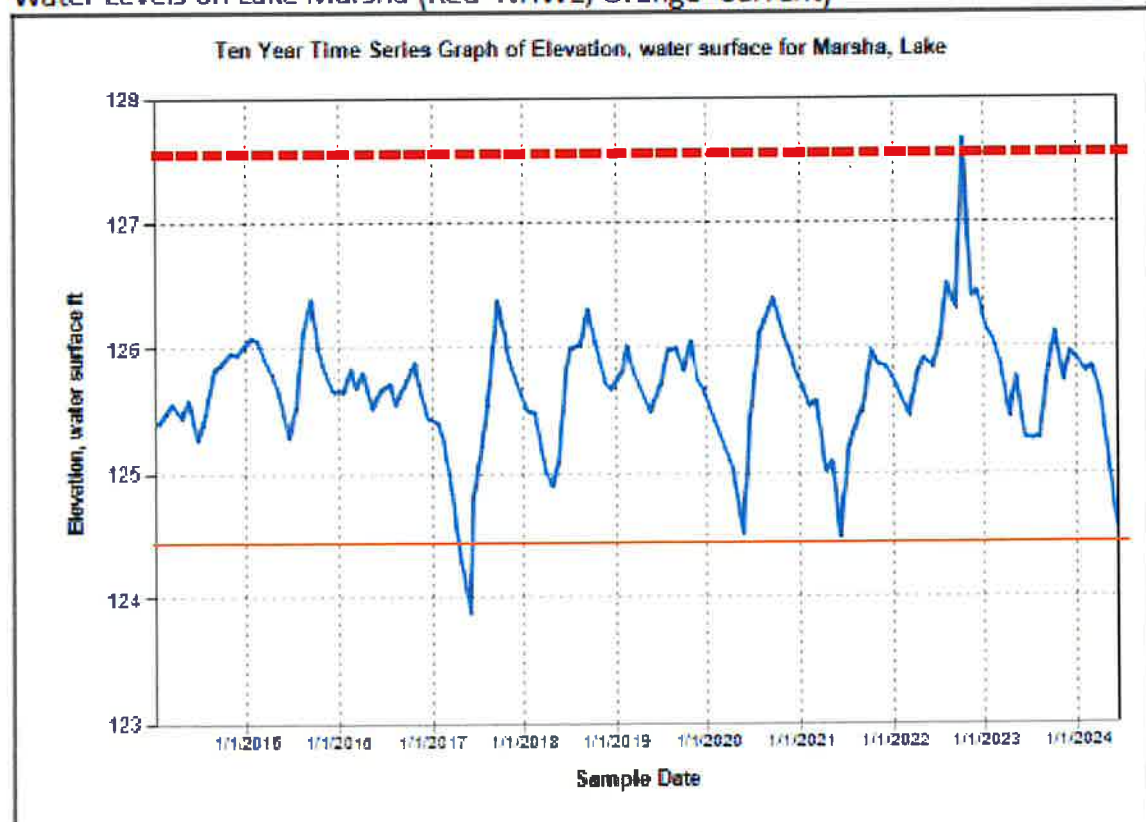
Mr. Kelly Klatt
6042 Shoreline Drive
Orlando, Florida 32819

Re: Architectural Approval
6042 Shoreline Drive
Orlando, Florida 32819

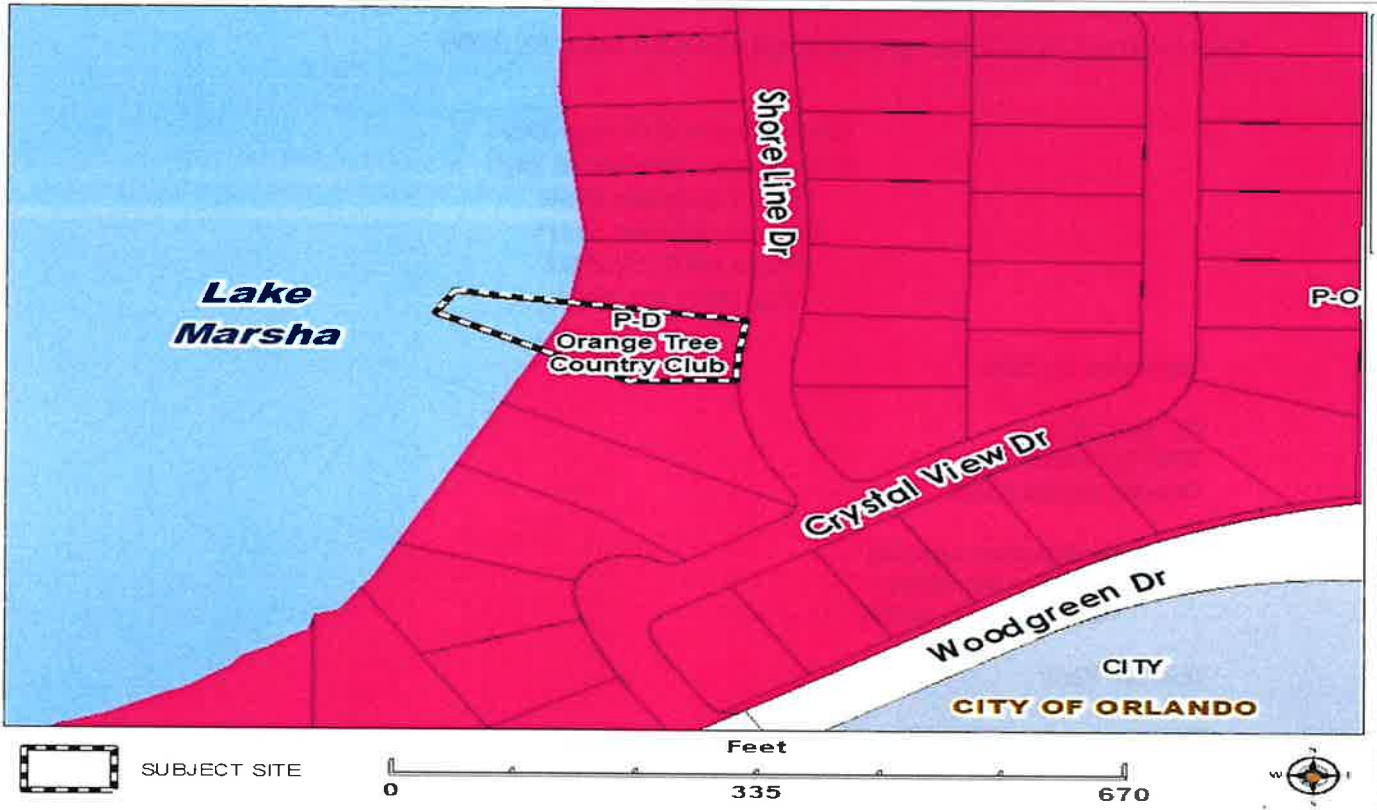
Dear Mr. Klatt:

Upon review by the members of the Architectural Control Board of the Estate Homes and the Architectural Control Committee of the Orange Tree Master Maintenance Association, the Committee has approved your request for a lower deck addition pending all required permits from the county. Approval is granted as per submitted plans and specifications.

Water Levels on Lake Marsha (Red=NHWE, Orange=Current)



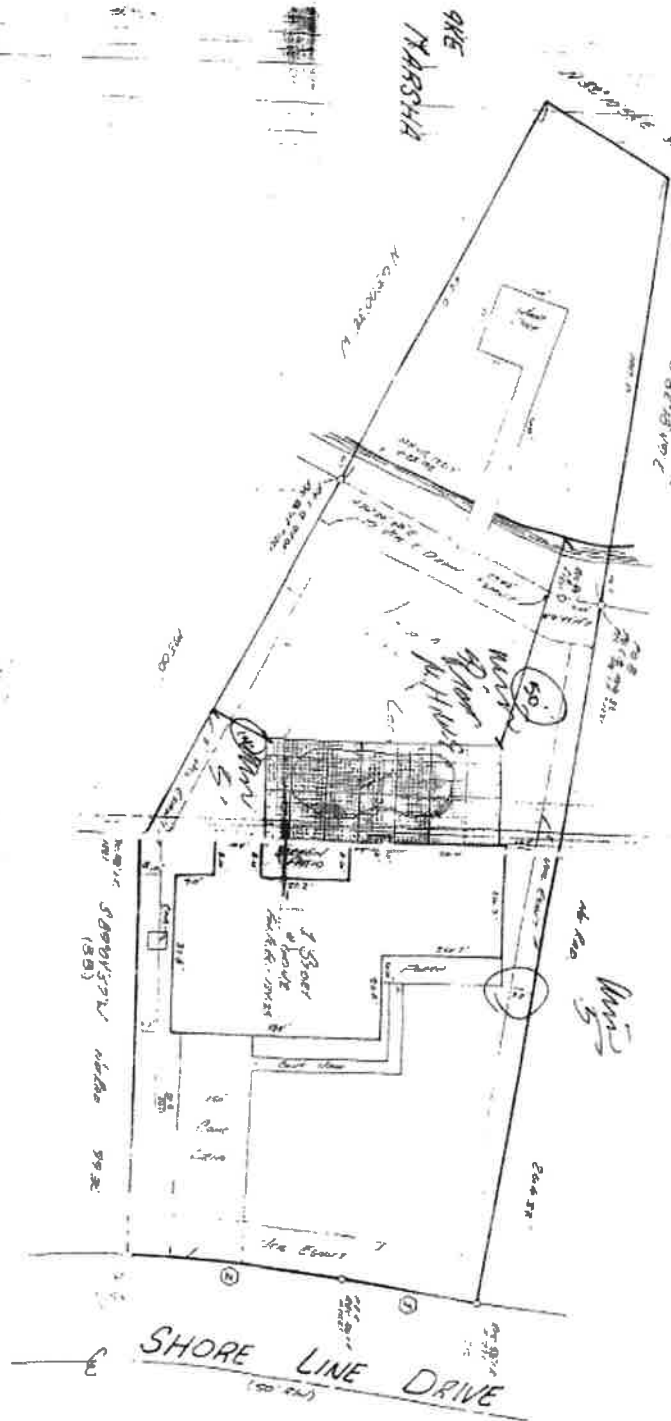
ZONING MAP



AERIAL MAP



I DO HEREBY CERTIFY THAT THIS SITE PLAN
 SUBMITTED AND PROPOSED LOCATIONS OF ALL
 APPLICANT
 DATE: 12/19/19
 DESIGNED BY: [Signature]
 DRINKING WATER ZONING DISTRICT



CURVE DATA
 1. 776.83'
 2. 1,200.00'
 3. 1,200.00'
 4. 1,200.00'
 5. 1,200.00'
 6. 1,200.00'

THE APPLICANT HAS BEEN ADVISED THAT THE CITY OF TAMPA, FLORIDA, HAS A ZONING DISTRICT...
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RU AT PER SECT & ASSOC, INC. - LAND SURVEYOR

Professional seal and signature area for the land surveyor, including a circular seal with the text 'STATE OF FLORIDA' and 'LAND SURVEYOR'.

SITE PHOTOS



Front of House facing west



Side yard facing west

SITE PHOTOS



Side yard and permitted gazebo facing west



South end of the existing pool deck facing north

SITE PHOTOS



Unpermitted accessory structure, part of the pool deck, facing west



Pool deck and permitted gazebo (outdoor kitchen) facing south

SITE PHOTOS



Rear yard from the pool deck facing west



Rear yard from the permitted boat dock facing east

SITE PHOTOS



View of Lake Marsha from the deck facing west



Side yard to the north of the home facing east