

Orange County Zoning Division

SE-20-10-088

APPLICANT:

ITAY GUY

November 10, 2020



Background

APPLICANT:	ITAY GUY
CASE:	SE-20-10-088
ZONING:	R-2 (Residential District)
FUTURE LAND USE:	LMDR (Low-Medium Density Residential)
ADDRESS:	2250 S. Bumby Avenue, Orlando, Florida, 32806
LOCATION:	West side of S. Bumby Ave., north of E. Grant Ave.
TRACT SIZE:	1.32 acres
DISTRICT:	3



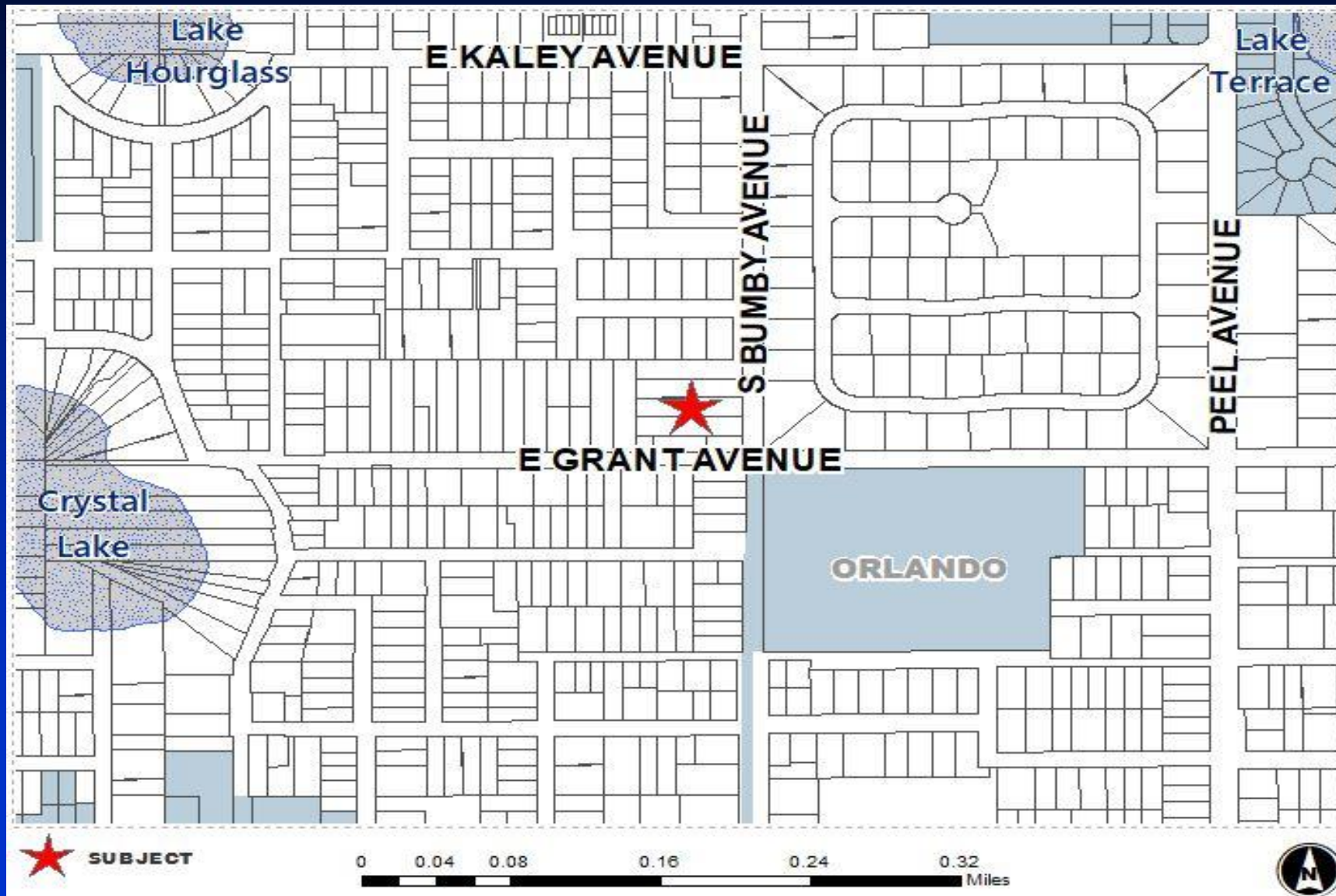
Background

REQUEST: Special Exception and Variance as follows:

- 1) Special Exception to allow a 2-story multi-family development to be located within 100 ft. of the property line of a single-family dwelling district and use, as follows:**
 - **30 ft. from the west property line in lieu of 100 ft.;**
 - **39.9 ft. from the south property line in lieu of 100 ft.;**
 - **86 ft. from the east property line in lieu of 100 ft.;**
 - **15 ft. from the north property line in lieu of 100 ft.**
- 2) Variance to allow a 15 ft. side setback from the north property line in lieu of 30 ft.**

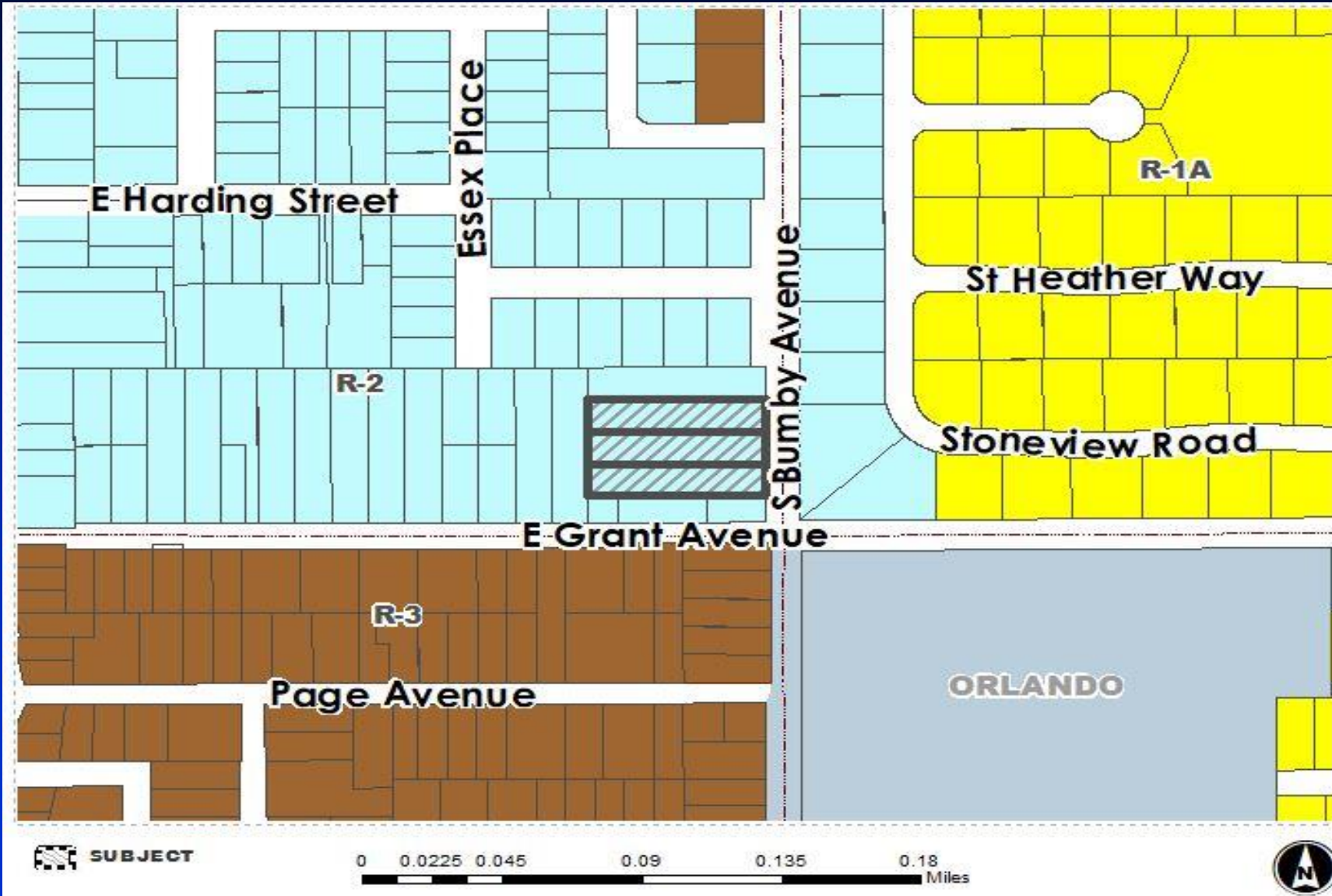


Location Map





Zoning Map





Aerial Map



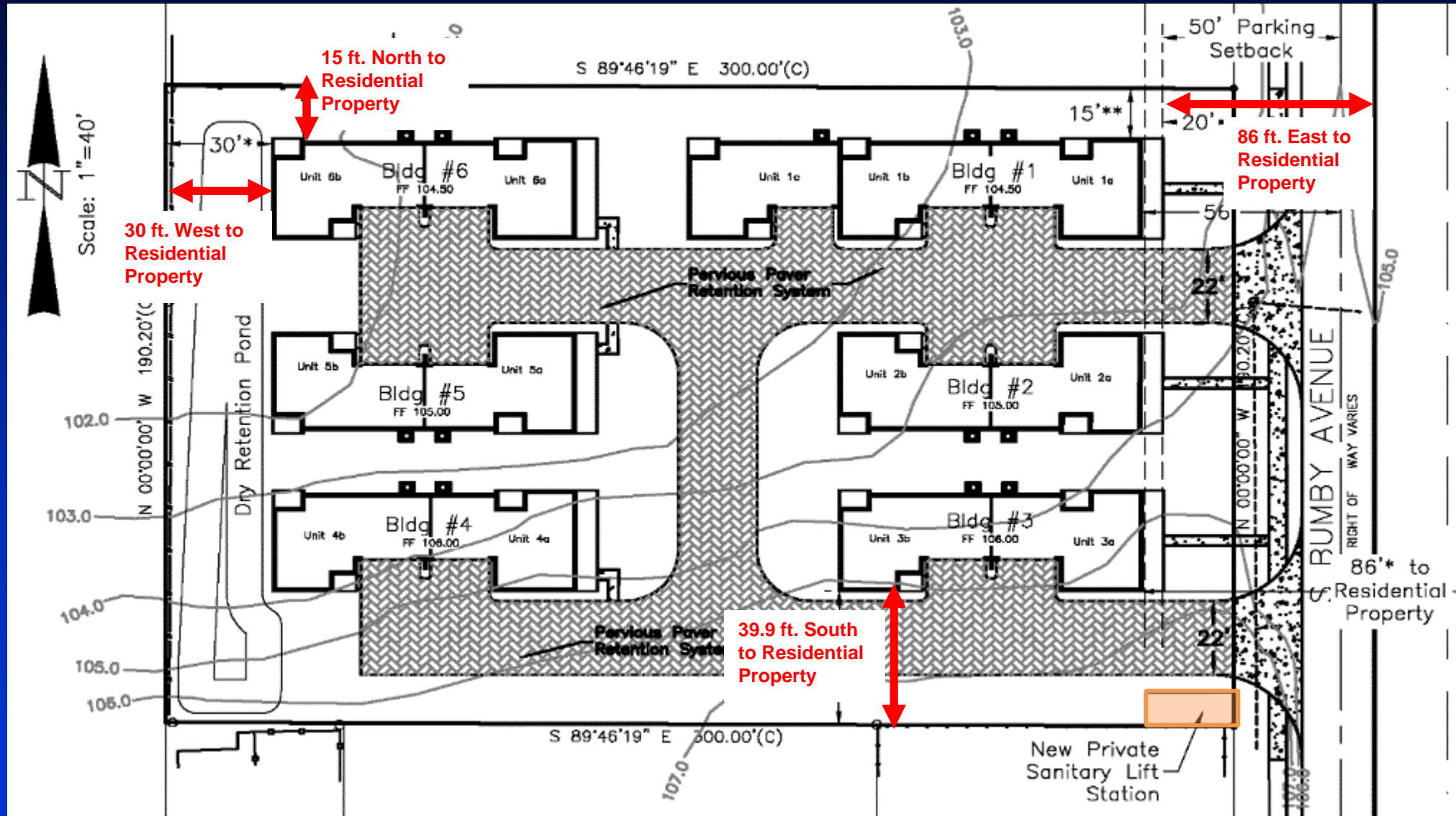


Close-Up Aerial Map



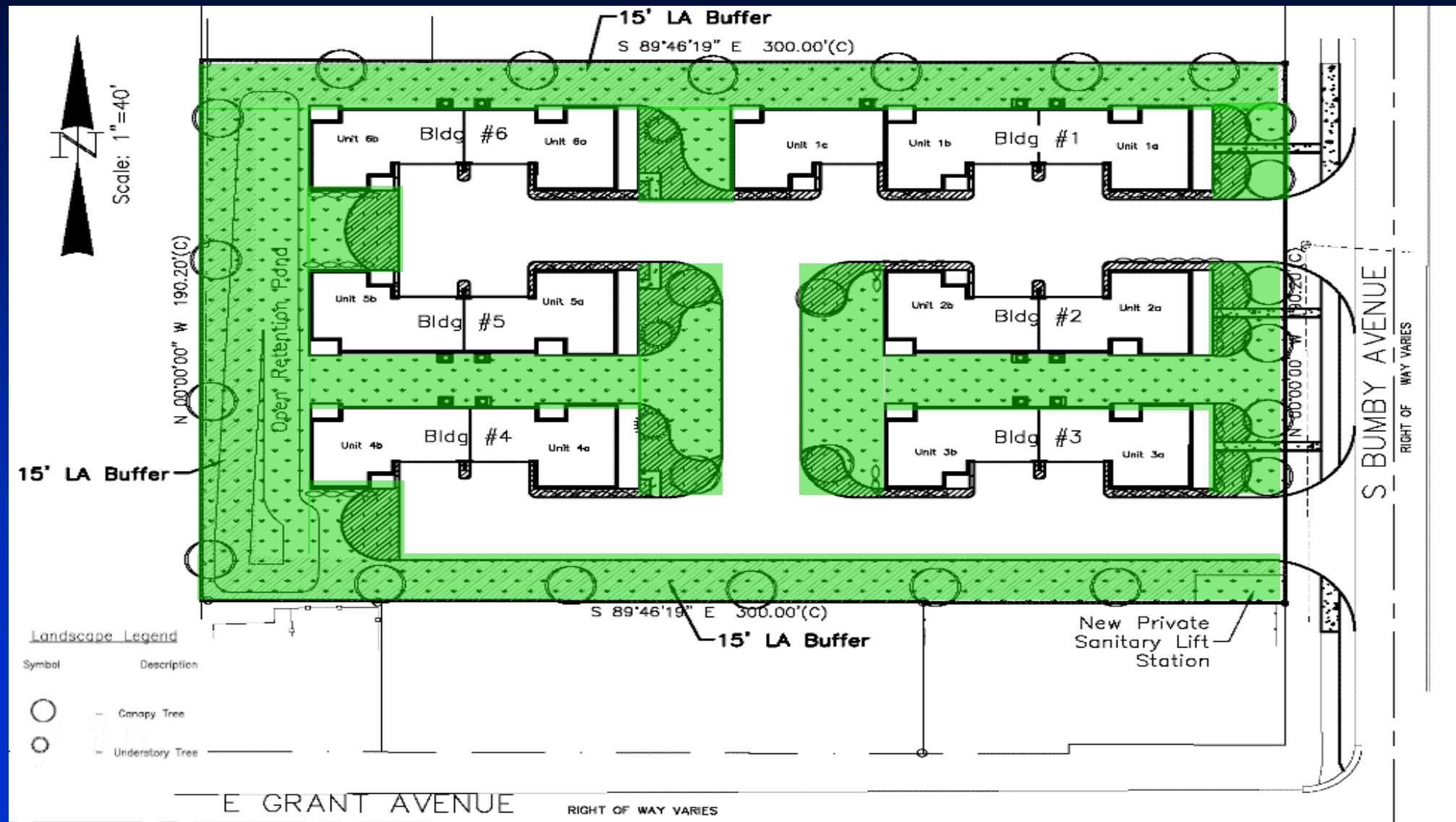


Site Plan





Landscape Plan





Front/East Elevations facing S. Bumby Avenue



FRONT ELEVATION

BUILDING WIDTH: 30'-0"
BUILDING DEPTH: 31'-0"
RIDGE HEIGHT: 27'-2 1/4"

Building 3



FRONT ELEVATION

BUILDING WIDTH: 30'-0"
BUILDING DEPTH: 31'-0"
RIDGE HEIGHT: 27'-4 1/4"

Building 2



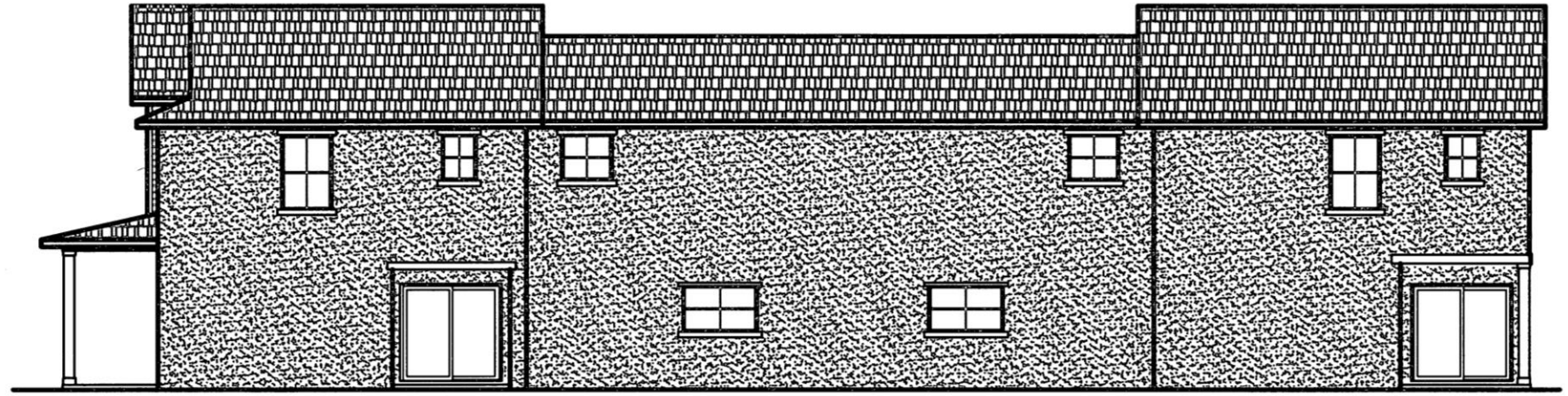
FRONT ELEVATION

BUILDING WIDTH: 30'-0"
BUILDING DEPTH: 31'-0"
RIDGE HEIGHT: 27'-4 1/4"

Building 1



Elevations - Duplex



RIGHT ELEVATION



LEFT ELEVATION



Site Photograph

Subject site from S. Bumby Ave.



10/15/2020 15:30



Site Photograph

Looking southeast on S. Bumby Avenue – across from subject site





Site Photograph

North/side property line. Proposed 15 ft. side setback



07/31/2020 12:33



Site Photograph

West/rear property line. Proposed 30 ft. rear setback



07/31/2020 12:35



Site Photograph

South/side property line. Proposed 39.9 ft. side setback



07/31/2020 12:42



Site Photograph

Multifamily further north of the subject site on S. Bumby Ave.





Site Photograph

Multifamily project at the southeast corner of S. Bumby Ave. and E Grant Ave.





Staff Findings and Analysis

- The area consists of single-family homes in the immediate vicinity and multifamily located to the southeast and north of the subject site.
- Proposing a 13 unit multi-family development
 - 2 stories
 - 27.3 ft. in height
 - 6 buildings: 5 duplexes and 1 triplex
 - Each unit contains an attached 2-car garage
- Two vehicular access points are providing ingress/egress to S. Bumby Avenue.
- Pedestrian access is provided via direct sidewalk connections to the buildings fronting S. Bumby Avenue.



Staff Findings and Analysis

- Subject site abuts single-family residences and districts along all property lines.
- The buildings are proposed to be:
 - 30 ft. from the west property line
 - 39.9 ft. from the south property line
 - 86 ft. from the east property line (across S. Bumby Avenue)
 - 15 ft. from the north property line



Staff Findings and Analysis

- Code requires a special exception for multifamily residential buildings in excess of 1 story within 100 ft. of the property line of any single family district and use (exclusive of 2 story single family and duplexes).
- Since the property is 190 ft. wide, there is no area on the site that would meet the 100 ft. setback requirement.
- The proposed layout also requires a variance for the proposed 15 ft. side setback from the north property line, where a 30 ft. setback is required when 4 dwelling units or more abuts a single-family residential district.



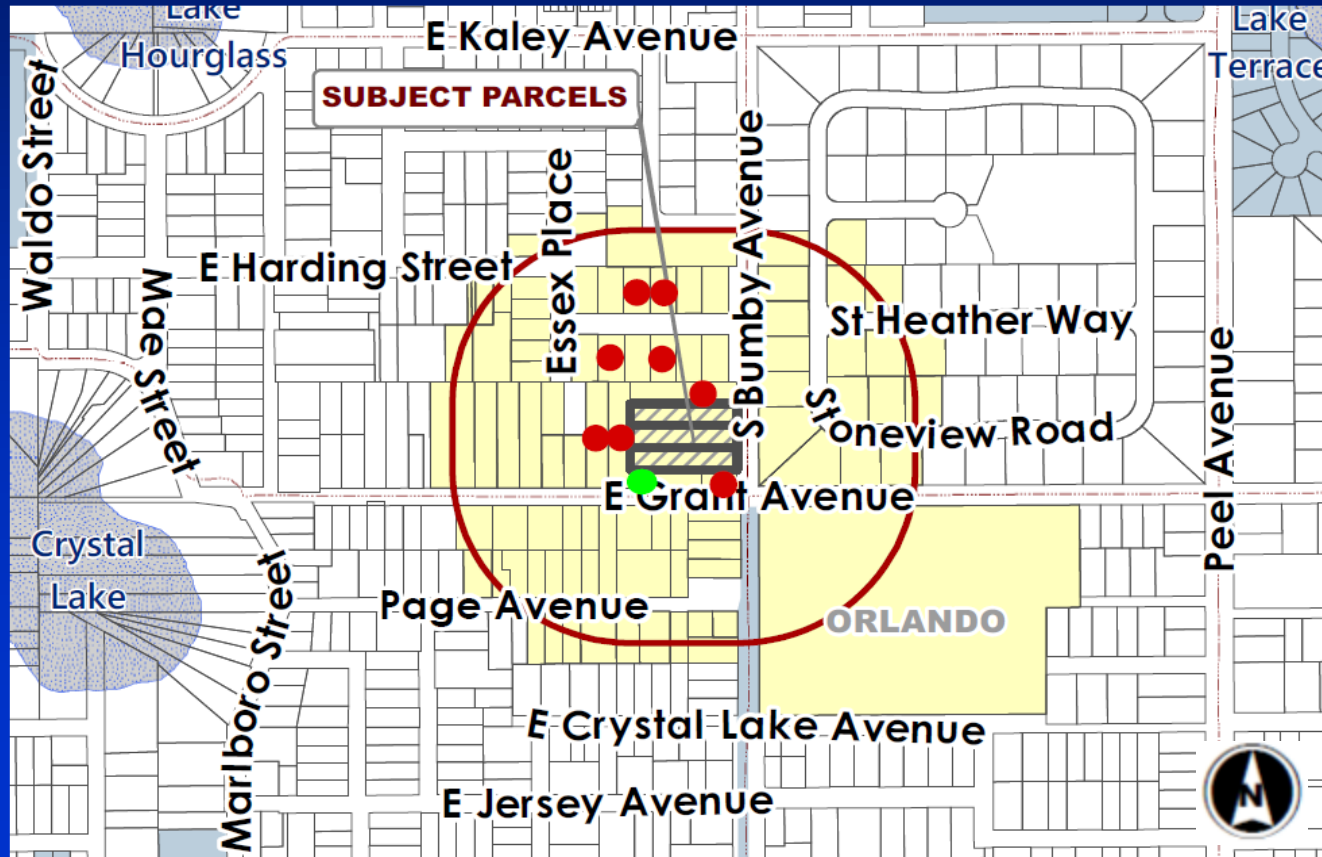
Staff Findings and Analysis

- Staff recommended approval of the special exception, as the proposal is consistent with the Comprehensive Plan, compatible with the surrounding area, and would not be a detrimental intrusion into the surrounding area.
- Staff recommended denial of the variance, as there are no special conditions and circumstances, the need for the variance is self-created, it is not the minimum possible variance, and it does not meet the purpose and intent of the code.



Public Feedback

- Staff mailed a total of 137 notices to adjacent property owners in a 500 ft. radius
 - Staff received 1 (one) correspondence in favor of this request
 - Staff has received 8 (eight) correspondences in opposition to this request





Public Feedback

- **A virtual community meeting was held on Thursday, November 5, 2020. The meeting was attended by the applicant and his business partner, staff, Commissioner Uribe, her aide, and the neighbor to the north. Issues raised included:**
 - Proposed buffers to adjacent residential
 - Confirmed project would connect to sewer



Special Exception Criteria

Section 38-78, Orange County Code

Section 30-43 of the Orange County Code Stipulates specific standards for the approval of variances. No application for 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 property and which are not applicable to other properties**
- 2. Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant**
- 3. No Special Privileges Conferred - Approval will not confer on the applicant any special privilege**
- 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**
- 5. Minimum Possible Variance - The minimum variance that will make possible the reasonable use of the land, building, or structure**
- 6. Purpose and Intent - Approval will be in harmony with the purpose and intent of this Chapter and will not be injurious to the neighborhood**



Variance Criteria

Section 30-43 (3), Orange County Code

Section 30-43 of the Orange County Code Stipulates specific standards for the approval of variances. No application for 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 property and which are not applicable to other properties**
- 2. Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant**
- 3. No Special Privileges Conferred - Approval will not confer on the applicant any special privilege**
- 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**
- 5. Minimum Possible Variance - The minimum variance that will make possible the reasonable use of the land, building, or structure**
- 6. Purpose and Intent - Approval will be in harmony with the purpose and intent of this Chapter and will not be injurious to the neighborhood**



BZA Findings

- The BZA concluded that the development was a benefit to the area, consistent with the Comprehensive Plan, similar and compatible with the development pattern of the surrounding area, would not be a detrimental intrusion into the neighborhood, that there was no special privilege conferred, the variance was a minimum request, and recommended approval of the special exception and variance, subject to the six conditions in the staff report and the deletion of condition #7.



Conditions of Approval

- 1. Development shall be in accordance with the site plan and elevations dated August 13, 2020, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall 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.**



Conditions of Approval

- 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 3 Parcels must be combined prior to permitting. (06-23-30-1428-00-020, 06-23-30-1428-00-030 and 06-23-30-1428-00-040).**
- 5. In order to provide privacy, evergreen trees shall be planted along the north and south property lines at intervals of 25 foot on center to supplement landscape code requirements.**
- 6. Any fencing proposed along S. Bumby Avenue shall not exceed 4 feet in height if opaque, or 6 feet in height if fencing is aluminum, picket or similar. Pedestrian access gates shall be provided for each of the units facing S. Bumby Avenue for Buildings 1, 2 and 3.**



Modified Condition of Approval

Modified #1: Development shall be in accordance with the site plan and elevations dated August 13, 2020, as modified to remove the lift station and show asphalt paving in lieu of pervious pavers, and the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall 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).



New Conditions of Approval

- New #7: The applicant shall obtain building permits no later than November 10, 2023 for this project or this approval is null and void.**
- New #8: A 6 ft. wood privacy fence shall be installed on along the north, south and west property lines outside of the required 20 ft. front yard setback from S. Bumby Avenue.**
- New #9: New septic tanks are prohibited. Connection to City of Orlando sewer shall be required.**

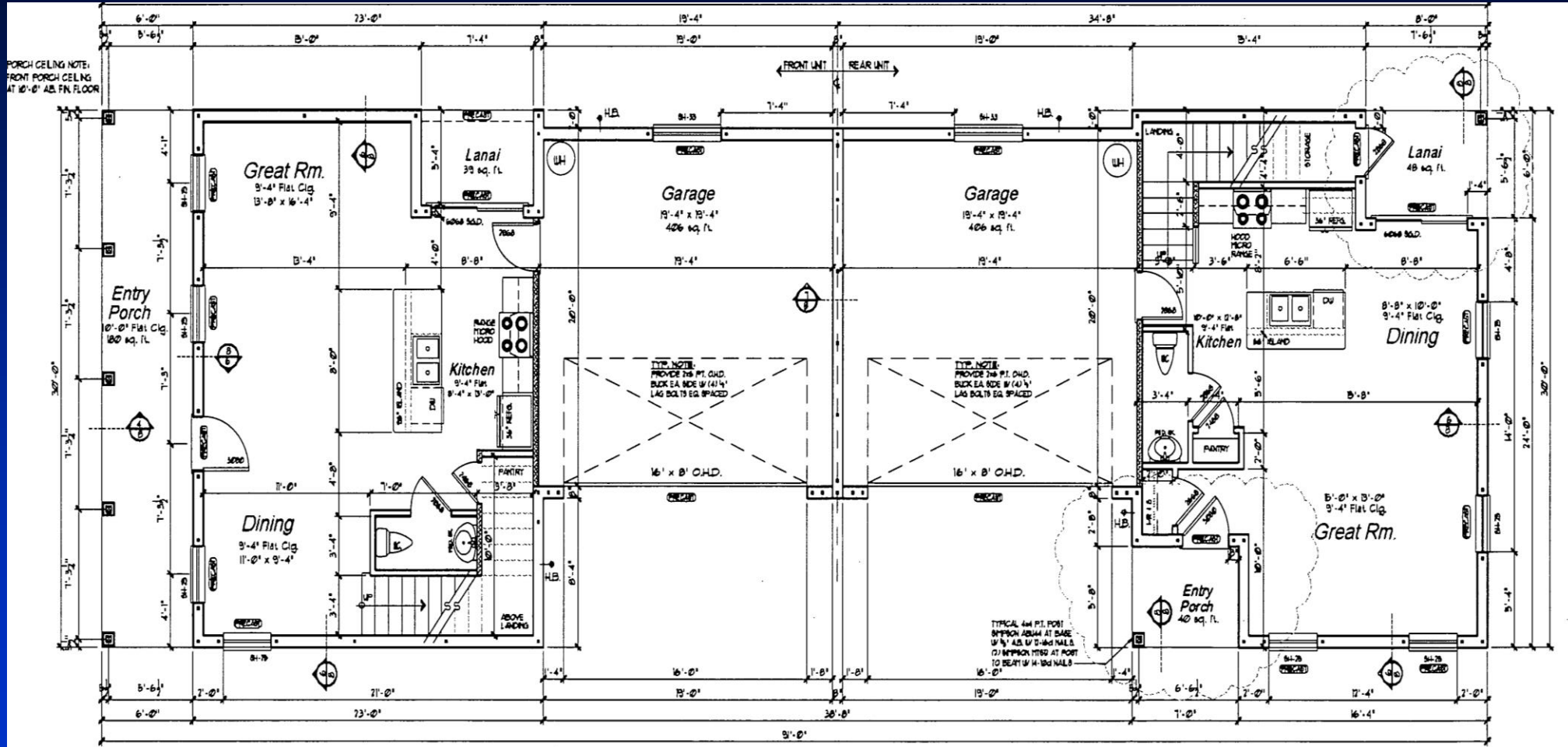


Requested Action

- Approve the applicant's request; or
 - Approve the applicant's request with modifications and/or conditions; or
 - Deny the applicant's request.
- *Any approval is subject to standard conditions of approval.**



1st Floor Plan – Duplex Buildings



1st FLOOR PLAN
SCALE: 1/4" = 1'-0"

INTERIOR GARAGE NOTE:
PROVIDE 2x6 RE. BATT. INSULATION AT ALL INTERIOR FRAMER GARAGE WALLS. W/ 1/4" DRYTALL ON EACH SIDE.

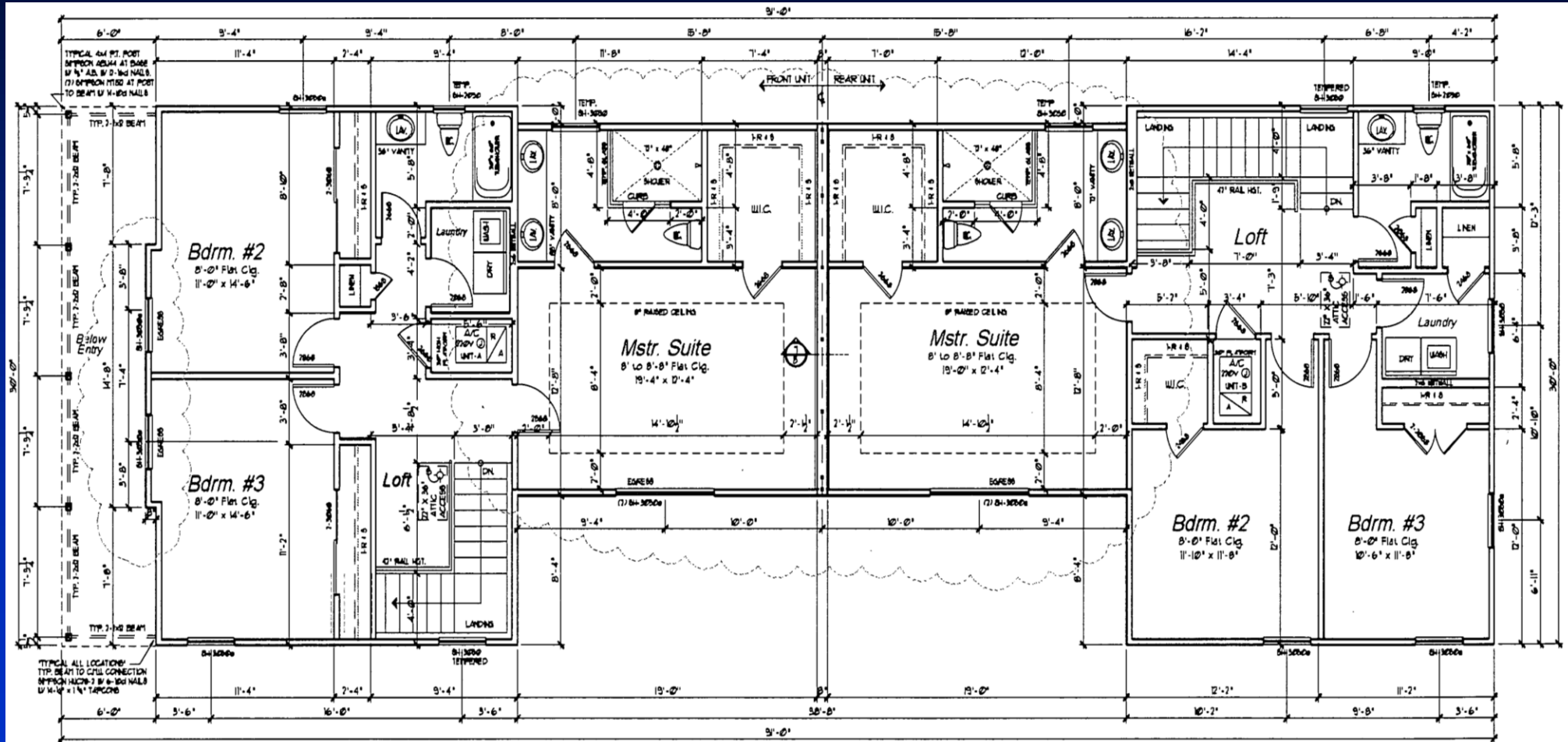
GARAGE CEILING NOTE:
PROVIDE ONE HOUR FIRE RATED AS PER GA FILE NO. FC 590 LOCATED ON PAGE 9

GARAGE ENTRY DOOR NOTE:
PROVIDE A 7x4 1/2" SOLID CORE DOOR AND EXTERIOR JAMB AT GARAGE TO INTERIOR OF HOUSE AS PER FCOR 302.1 (70 MIN. RATED)

- LEGEND**
- 2" x 4" ROD IN FILLED CELL
MAX. SPACING 8'-0" OC. UNO
 - ▨ 8" CMU WALL
W/ 8'-4" P.L.T. HGT.
 - ▤ 2x4 INTERIOR BEARING WALLS
W/ 8'-4" P.L.T. HGT.
 - ▥ 2x4 INT. NON-BEARING WALLS
W/ 8'-4" P.L.T. HGT.



2nd Floor Plan – Duplex Buildings



***SPECIAL BLR NOTE:**
 SOUND LEVEL REDUCTION DETAILS, NOTES AND SPECS LOCATED ON PAGE ONE, TO SUPERCEDE ALL ASSEMBLIES FOR WALL & CEILING INSULATION AND DRIFTWALL ATTACHMENTS AND OVER HANG MATERIALS WITH SEALANTS.

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

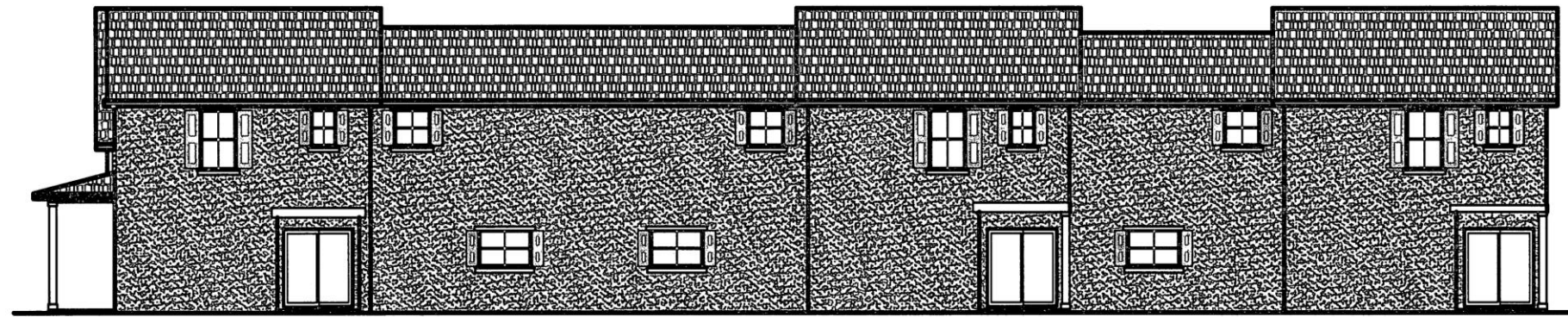
FLOOR DECK NAILING NOTE:
 FLOOR DECK NAILING PATTERN: (3/4" DECK)
 INTERIOR: 8d RING SHANK
 NONCORROSIIVE BOX NAILS
 AT 6" O.C. EDGES, 12" O.C. FIELD

LEGEND

- 2x6 EXTERIOR WALLS W/ 8'-0" P.L.T. HGT.
- 2x4 INT. NON-BEARING WALLS W/ 8'-0" P.L.T. HGT.



Elevations



RIGHT ELEVATION



LEFT ELEVATION

*Triplex * Building - 1*

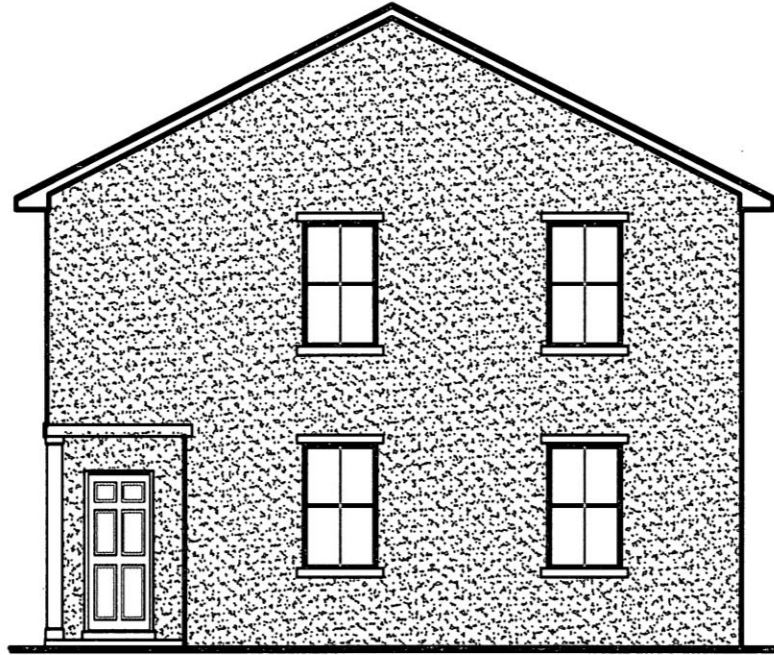


Aerial Map





Elevations



REAR ELEVATION



FRONT ELEVATION

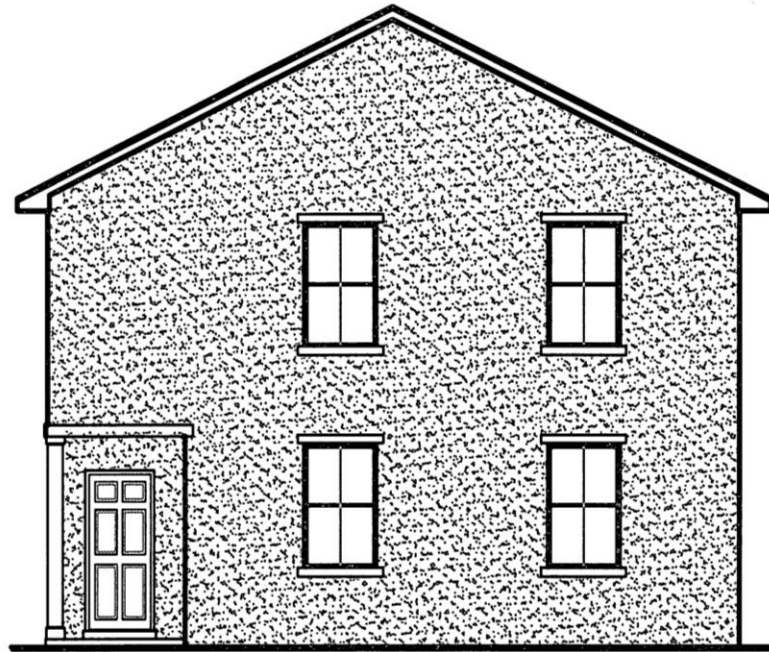
BUILDING WIDTH: 30'-0"
BUILDING DEPTH: 9'-0"
RIDGE HEIGHT: 21'-2 3/4"

*Duplex * Building - 4*

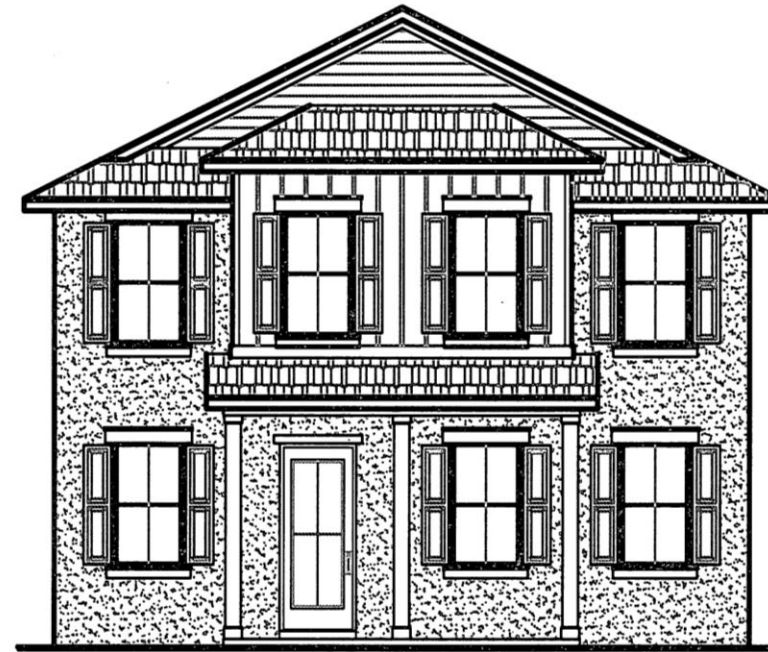
Bumby Avenue



Elevations



REAR ELEVATION



FRONT ELEVATION

BUILDING WIDTH: 30'-0"
BUILDING DEPTH: 9'-0"
RIDGE HEIGHT: 21'-2 1/4"

*Duplex * Building - 6*
Bumby Avenue