



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

March 2, 2023

Zoning Division

BOARD OF ZONING ADJUSTMENT (BZA)

ORANGE COUNTY GOVERNMENT

Board Member

District

Thomas Moses

1

John Drago (Vice Chair)

2

Juan Velez

3

Deborah Moskowitz (Chair)

4

Joel Morales

5

Charles J. Hawkins, II

6

Roberta Walton Johnson

At Large

BZA Staff

Ted Kozak, AICP

Chief Planner

Nick Balevich

Planner II

Laekin O'Hara

Planner II

Jenale Garnett

Planner I

Tiffany Chen

Planner II

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
MARCH 2, 2023**

Case #	Applicant	Commission District	Staff Recommendation	BZA	Page #
VA-22-06-043	Kevin Hebert For Construct Two Group	6	Approval with Conditions	Approval with Conditions	1
VA-23-03-001	Derrick Chandler	3	Approval with Conditions	Approval with Conditions	15
SE-23-02-175	Esteban Hernandez For Triangle Group Services	6	Approval with Conditions	Approval with Conditions	29
VA-23-03-000	Yanier Fraile	5	Approval with Conditions	Approval with Conditions	48
VA-23-03-004	Mila Pak	4	Approval with Conditions	Approval with Conditions	59
VA-23-03-002	Jade Malek	5	Continuance	Continuance	76
SE-22-11-116	Juan Balbuena For One Accord Christian Ministries	2	Approval with Conditions	Approval with Conditions	77
SE-23-02-160	Samuel Cort Sr. For South Orlando Christian Academy	3	Continuance	Continuance	91
VA-23-02-177	Matthew Humphrey For The Disney Store	6	Withdrawn	Withdrawn	92
SE-22-08-071	Shawn Casey For Kiwanis Scout House	5	Approval with Conditions	Approval with Conditions	93
SE-23-02-149	Juan Rodriguez For Sci Funeral Services	1	Approval with Conditions	Approval with Conditions	108
SE-21-12-130	George Sharp For Aroma Church	3	Approval with Conditions	Approval with Conditions	124
SE-23-02-166	Donn Sharpe	4	Approval with Conditions	Approval with Conditions	155
SE-23-02-159	Heath Williams For Cityswitch	3	Denial	Denial	167

Please note that approvals granted by the BZA are not final unless no appeals are filed within 15 calendar days of the BZA's recommendation and until the Board of County Commissioner (BCC) confirms the recommendation of the BZA on Mar 21, 2023.

ORANGE COUNTY ZONING DISTRICTS

Agricultural Districts

- A-1** Citrus Rural
- A-2** Farmland Rural
- A-R** Agricultural-Residential District

Residential Districts

- R-CE** Country Estate District
- R-CE-2** Rural Residential District
- R-CE-5** Rural Country Estate Residential District
- R-1, R-1A & R-1AA** Single-Family Dwelling District
- R-1AAA & R-1AAAA** Residential Urban Districts
- R-2** Residential District
- R-3** Multiple-Family Dwelling District
- X-C** Cluster Districts (where X is the base zoning district)
- R-T** Mobile Home Park District
- R-T-1** Mobile Home Subdivision District
- R-T-2** Combination Mobile Home and Single-Family Dwelling District
- R-L-D** Residential -Low-Density District
- N-R** Neighborhood Residential

Non-Residential Districts

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

Other District

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

SITE & BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	<i>a</i>
A-2	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	<i>a</i>
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	<i>a</i>
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	<i>a</i>
R-CE-2	2 acres	1,200	250	45	50	30	35	<i>a</i>
R-CE-5	5 acres	1,200	185	50	50	45	35	<i>a</i>
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	<i>a</i>
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	<i>a</i>
R-1AA	10,000	1,200	85	25 <i>h</i>	30 <i>h</i>	7.5	35	<i>a</i>
R-1A	7,500	1,200	75	20 <i>h</i>	25 <i>h</i>	7.5	35	<i>a</i>
R-1	5,000	1,000	50	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
R-2	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	30	5 <i>h</i>	35	<i>a</i>
	Three DUs, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	<i>a</i>
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	<i>a</i>
R-3	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5	35	<i>a</i>
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
	Three dwelling units, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	<i>a</i>
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	<i>a</i>
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	<i>a</i>
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	35	<i>a</i>
R-T-1								
SFR	4,500 <i>c</i>	1,000	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	<i>a</i>
Mobile home	4,500 <i>c</i>	Min. mobile home size 8 ft. x 35 ft.	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	<i>a</i>
R-T-2	6,000	SFR 500	60	25	25	6	35	<i>a</i>
(prior to 1/29/73)		Min. mobile home size 8 ft. x 35 ft.						
R-T-2 (after 1/29/73)	21,780 ½ acre	SFR 600	100	35	50	10	35	<i>a</i>
		Min. mobile home size 8 ft. x 35 ft.						

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
NR	One-family dwelling, 4,500	1,000	45 ^c	20	20	5	35/3 stories ^k	^a
	Two DUs, 8,000	500 per DU	80/90 ^d	20	20	5	35/3 stories ^k	^a
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ^k	^a
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories ^k	^a
	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 ^k	^a
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 ^k	^a
	One-family dwelling, 4,500	1,000	45 ^c	20	20	5	35/3 stories ^k	^a
	Two DUs, 11,250	500 per DU	80 ^d	20	20	5	35/3 stories ^k	^a
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ^k	^a
	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 ^k	^a
	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 ^k	^a
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 ^k	^a
	One-family dwelling, 4,500	1,000	45 ^c	20	20	5	35/3 stories ^k	^a
	Two DUs, 8,000	500 per DU	80 ^d	20	20	5	35/3 stories ^k	^a
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ^k	^a
	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 ^k	^a
	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 ^k	^a
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	^a
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets ^e ; 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	^a

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ^f	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	^a
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ^g	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	^a

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 any residential use or district
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
I-4	35	10	25	50, or 35 within 100 ft. of any residential use or district

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

FOOTNOTES

- ^a Setbacks shall be 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.
- ^b Side setback is 30 feet where adjacent to single-family district.
- ^c For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. 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.
- ^d 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:
- (i) are either platted or lots of record existing prior to 3/3/97, and
 - (ii) are 75 feet in width or greater, but are less than 90 feet, and
 - (iii) 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.
- ^e Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- ^f Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- ^g Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
- ^h For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
- ^j Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
- ^k Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
- ^m 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: **MAR 02, 2023**

Commission District: **#6**

Case #: **VA-22-06-043**

Case Planner: **Nick Balevich (407) 836-0092**

Nick.Balevich@ocfl.net

GENERAL INFORMATION

APPLICANT(s): KEVIN HEBERT FOR CONSTRUCT TWO GROUP

OWNER(s): GRANDUER CORP

REQUEST: Variances in the C-3 zoning district as follows:

1) To allow a south front building setback of 15 ft. in lieu of 25 ft.

2) To allow 10 parking spaces in lieu of 21 parking spaces for a 4,110 sq. ft. office building.

PROPERTY LOCATION: 4409 Old Winter Garden Rd., Orlando, FL 32811, north side of Old Winter Garden Rd. at the terminal end of N. Ivey Ln., east side of Kerry Dr., south side of S.R. 408.

PARCEL ID: 29-22-29-0000-00-033

LOT SIZE: +/- 0.31 acres (13,919 sq. ft.)

NOTICE AREA: 900 ft.

NUMBER OF NOTICES: 69

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Charles Hawkins, II, Second by Juan Velez; unanimous; 5 in favor: John Drago, Juan Velez, Deborah Moskowitz, Joel Morales, Charles Hawkins, II; 0 opposed; 2 absent: Thomas Moses, Roberta Walton Johnson):

1. Development shall be in accordance with the site plan and elevations dated received April 29, 2022, 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. An offsite parking agreement between the subject property owner and the property owner of 4426 Old Winter Garden Road for five additional parking spaces, prepared in compliance with the joint use off-street parking requirements in Section 38-1478 of the Orange County Code, as amended from time to time, and reviewed and approved by the County Attorney's Office for compliance with the Code, prior to execution and recordation of the parking agreement in the public records.

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

The applicant had nothing to add.

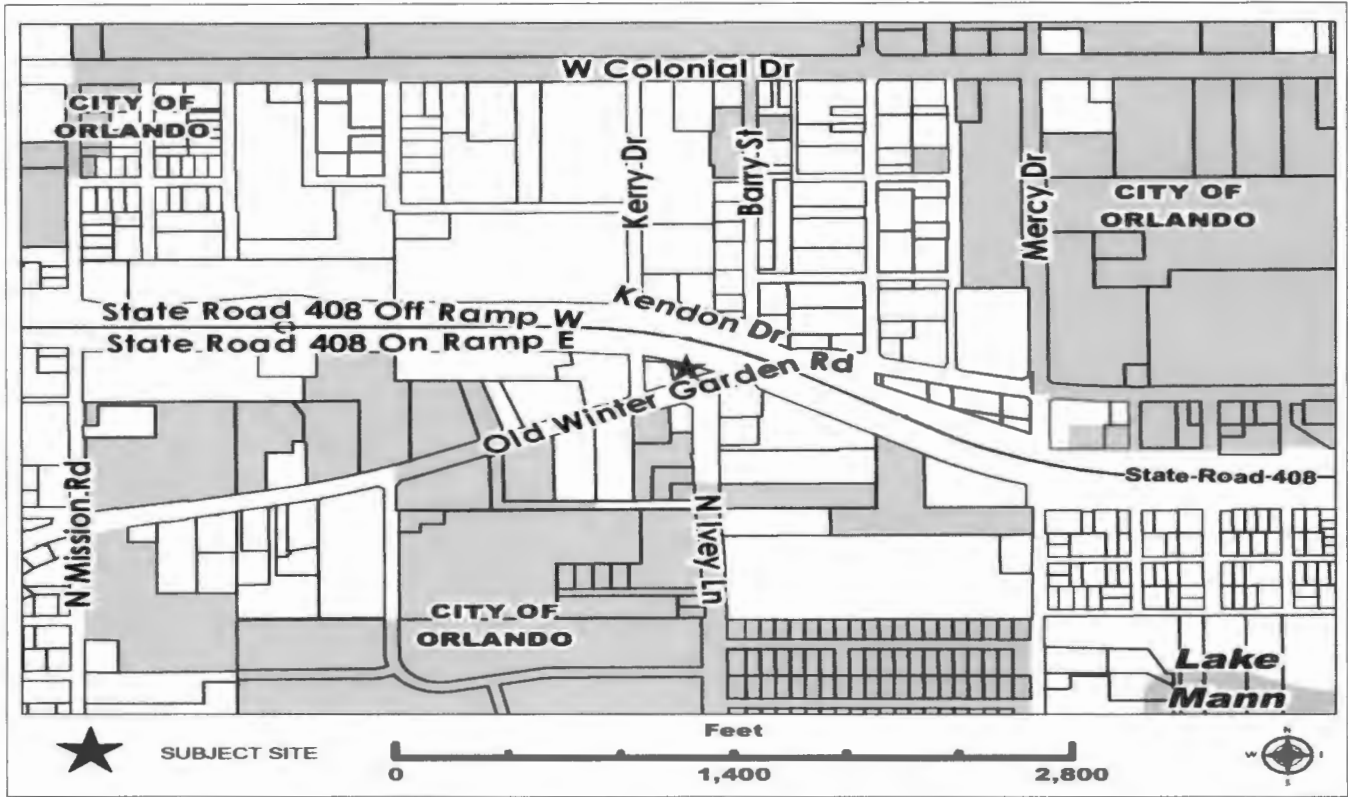
Two were in attendance to speak in opposition to the request, expressing concern about additional traffic and accidents in the area.

The BZA discussed the billboard, the traffic issues countywide, the need for the Variances to develop the property, stated justification for the six (6) criteria and unanimously recommended approval of the Variances by a 5-0 vote, with two absent, subject to the four (4) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-3	C-3	C-3	C-3	C-3
Future Land Use	C	C	C	C	C
Current Use	Vacant	S.R. 408	Commercial Building, Vacant	Single-family residential	Commercial Building, Religious Use

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the C-3, Wholesale Commercial district, which allows for office, commercial, and light manufacturing uses. The Future Land Use is Commercial, which is consistent with the C-3 zoning district.

The area around the subject site consists of Commercial uses and vacant lots. The subject property is an unusually shaped 0.31 acre unplatted lot that is undeveloped with the exception of an existing billboard. The property shape is essentially 2 triangles connected together with frontage on Old Winter Garden Rd. and Kerry Drive. Given the unique shape of the lot, the Zoning Manager has determined that the front yard is measured from Old Winter Garden Rd., a side street yard would be applied to the Kerry Dr. frontage, and a side yard would be applied to all other property lines. The owner purchased the property in 2019.

Previous approvals include:

- December 1997: Variance approval (VA-97-12-005) to allow a building setback of 70 ft. from centerline of Old Winter Garden Road along front (south) property line in lieu of 100 ft. The building was not constructed.
- November 2003: Variance approval (VA-03-11-114) to allow a front setback of 12 ft. in lieu of 25 ft. This building was never constructed and the current proposal is for a new building in a new location.

The applicant is proposing to construct a 2 story 4,110 sq. ft. office building, containing stairs, an elevator and lobby on the ground floor, with the useable space located on the 2nd floor, above the proposed entrance and parking lot. The building is proposed to be 15 ft. from the front property line, in lieu of 25 ft., requiring Variance #1. Old Winter Garden Road is currently considered to be a minor arterial road, with a required setback of 60 ft. from centerline, which is being met by the current proposal. Vehicular and pedestrian access to the property will be provided from Old Winter Garden Rd. to the south.

Parking requirements for the development:

Type	Parking Requirement	Bldg. sq. ft.	Required # of Spaces	Provided # of Spaces
Office	1 space per 200 sq. ft.	4,110 sq. ft.	21	10

Based upon the above calculations, the total number of required parking spaces is 21. The proposal is to provide 10 parking spaces in lieu of 21 parking spaces requiring Variance #2.

The applicant has submitted a parking study, comparing similar uses in the area, and noting an agreement to allow additional parking, if necessary, on a site across the street. The Orange County Traffic Engineering Division has reviewed the parking study and provided comments that based on the parking analysis submitted requesting a rate 2.39 spaces per 1,000 Square feet resulting in 10 parking spaces and the agreement with property located on 4409 Old Winter Garden and with the property located on 4426 Old Winter Garden to utilize 5 additional spaces, a total of 15 spaces should be enough to satisfy the parking requirements.

The site is a uniquely shaped triangular lot, with an unusable 'flagpole' portion to the northwest, and contains an existing billboard located on the west side of the property, thus the lot is extremely constrained, making it difficult to develop the site without the need for Variances. The applicant has designed the site with a unique design, by elevating the useable space to the 2nd floor, with parking and the entrance underneath the building, on the ground floor.

As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	75 ft.	35 ft.
Min. Lot Width:	100 ft.	175 ft.
Min. Lot Size:	12,000 sq. ft.	13,919 sq. ft.

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front (Old Winter Garden Rd.):	25 ft.	15 ft. (South Variance #1)
Rear:	15 ft.	N/A
Side:	5 ft.	5 ft. (Northeast), 5 ft. (West)
Side Street (Kerry Dr.):	15 ft.	115 ft. (West)
Major Street Setback from Centerline of Old Winter Garden Rd.:	Building 60 ft. Parking 55 ft.	Building 75 ft. Parking 81 ft.
Major Street Setback from Centerline of State Road 408:	Building 70 ft. Parking 65 ft.	Building 155 ft. Parking 155 ft.

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

The special condition and circumstance particular to the subject property is its shape which renders any development difficult without Variances.

Not Self-Created

The request is not self-created since the owners are not responsible for the shape of the subject property. Any development of the site is difficult without the need for Variances.

No Special Privilege Conferred

Granting the requested Variances will not confer any special privilege conferred to others under the same circumstances since meeting the literal interpretation of the code would prohibit any reasonable development of the property.

Deprivation of Rights

Without the requested Variances, any improvement to the site would be difficult.

Minimum Possible Variance

The requested Variances are the minimum necessary to make any improvements on the site. The applicant has proposed a unique design, by elevating the useable space to the 2nd floor, with parking and the entrance underneath the building, on the ground floor.

Purpose and Intent

Approval of the requested Variances will allow improvements to the site, which will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to adjacent properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated received April 29, 2022, 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. An offsite parking agreement between the subject property owner and the property owner of 4426 Old Winter Garden Road for five additional parking spaces, prepared in compliance with the joint use off-street parking requirements in Section 38-1478 of the Orange County Code, as amended from time to time, and reviewed and approved by the County Attorney's Office for compliance with the Code, prior to execution and recordation of the parking agreement in the public records.

C: Kevin Hebert
1035 S. Semoran Boulevard, Suite 1029
Winter Park, Florida 32792



MEI PN: 145003

April 29, 2029

Orange County Zoning Division
201 South Rosalind Avenue, 1st Floor
Orlando, Florida 32801

RE: CTG Office Building
4409 Old Winter Garden Road, Orlando, Florida 32811 PI: 29-22-29-0000-00-033
VARIANCE APPLICATION

Dear Sir or Madam:

Please accept this submittal for variance requests for the above-mentioned property as a follow up to our pre-application meeting on February 24, 2022 and preliminary comments received April 21, 2022. We are requesting variances to current zoning code (C-3) for building/parking setbacks and off-street parking count. The potential project would propose a front building and parking setback of 15-ft each. The current zoning requires a front building setback of 25 ft and a front parking setback of 20-ft. This request results in a reduction of 10 ft and 5 ft for front building and parking setbacks respectively. In addition and from the centerline of Old Winter Garden Road, a front setback of 70-ft and a front parking setback of 65 ft is required. This request results in an increase from centerline setbacks of 5-ft and 10-ft for building and parking respectively. Similar building setback variances were approved in 1997 and 2006 without improvements being made.

In addition, a potential office building approximately 4,110-sf is being proposed accompanied by ten (10) parking spaces. Current code requires 1 parking space per 200 sf which would result in a minimum of 21 parking spaces being required. The existing site's configuration and size will not allow for this many spaces. Therefore, we are also requesting a variance from the parking code to allow a parking ratio of approximately 1 parking space per 420-sf.

As this project proposes approximately 4,110-sf of general commercial office, the Average Daily Trips (ADT) results in 45 ADT (ITE Trip Generation – 9th Edition). Due to the low trip count and intensity of the proposed development, ITE trip rates were used in lieu of a parking study.

I trust the variance application and supporting material satisfy County criteria. Thank you in advance for your time in this matter. Should you have any questions for require additional information, please do not hesitate to contact me directly.

Sincerely,

MEI PARTNERS, LLC

Kevin S. Hebert, PE, LEED AP
Principal

XC: Calvin Woolfork / CTG Development Company
File

COVER LETTER

1. **Special Conditions and Circumstances** - Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.

The existing irregular shape of the property restricts the development potential for building and associated parking. The main

portion of the parcel is triangular in shape.

2. **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.

The hardship is due to the existing land configuration.

3. **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

Approval will not present special privilege to the owner.

4. **Deprivation of Rights** - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

Noted

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.

True

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

Similar building setback reductions/variances were approved in 1997 and 2006 with improvements being made.

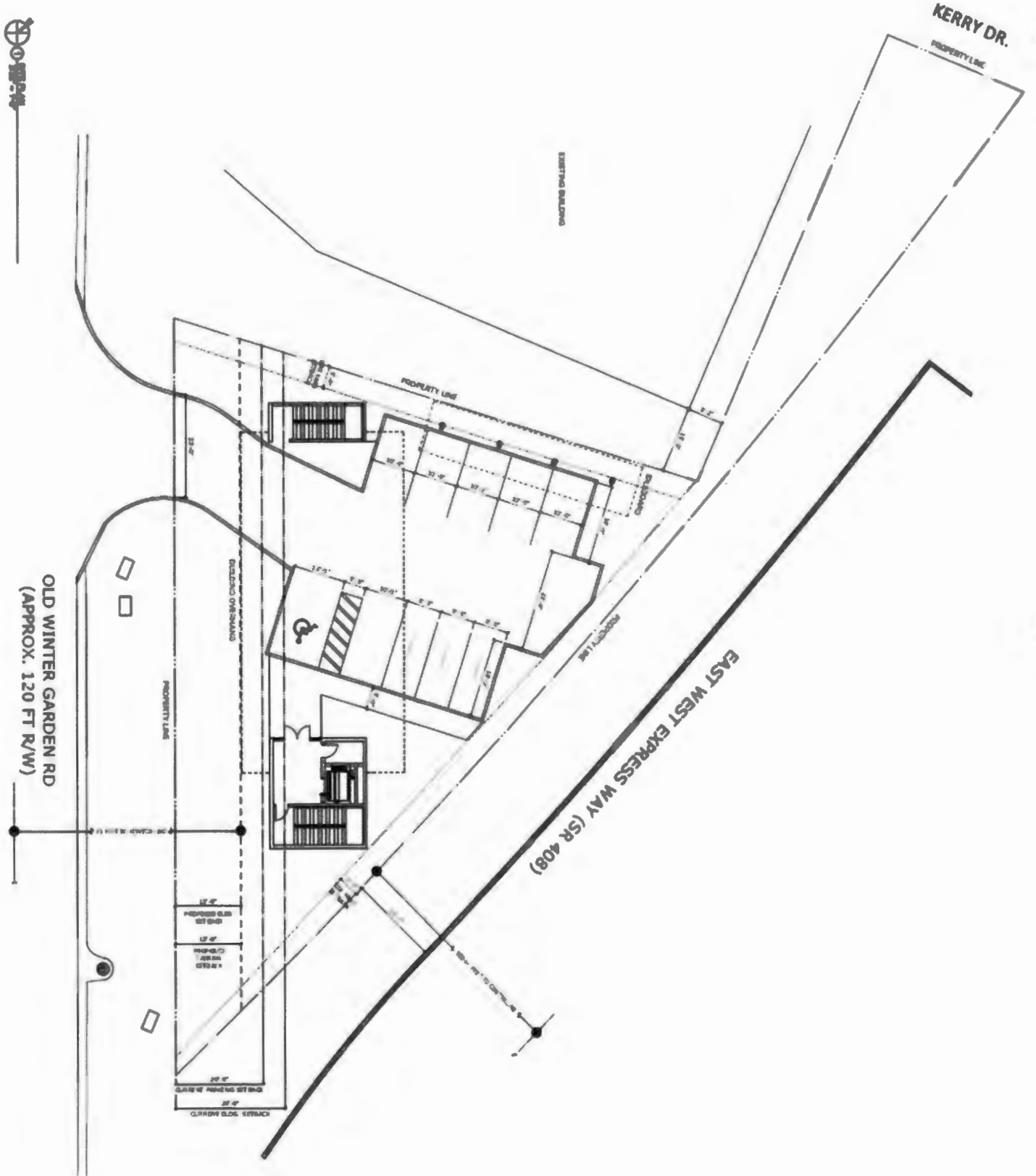
ZONING MAP



AERIAL MAP



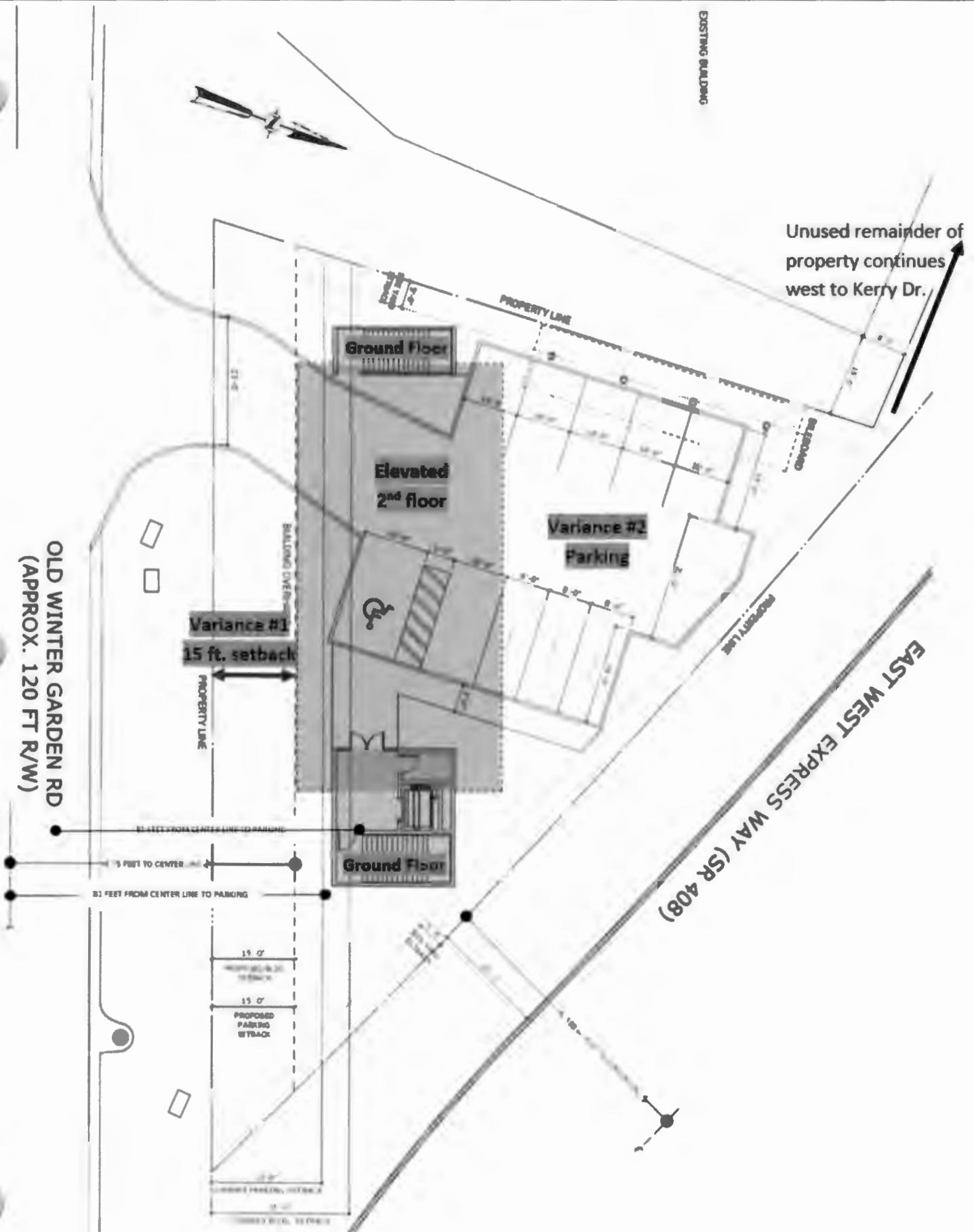
OVERALL SITE PLAN



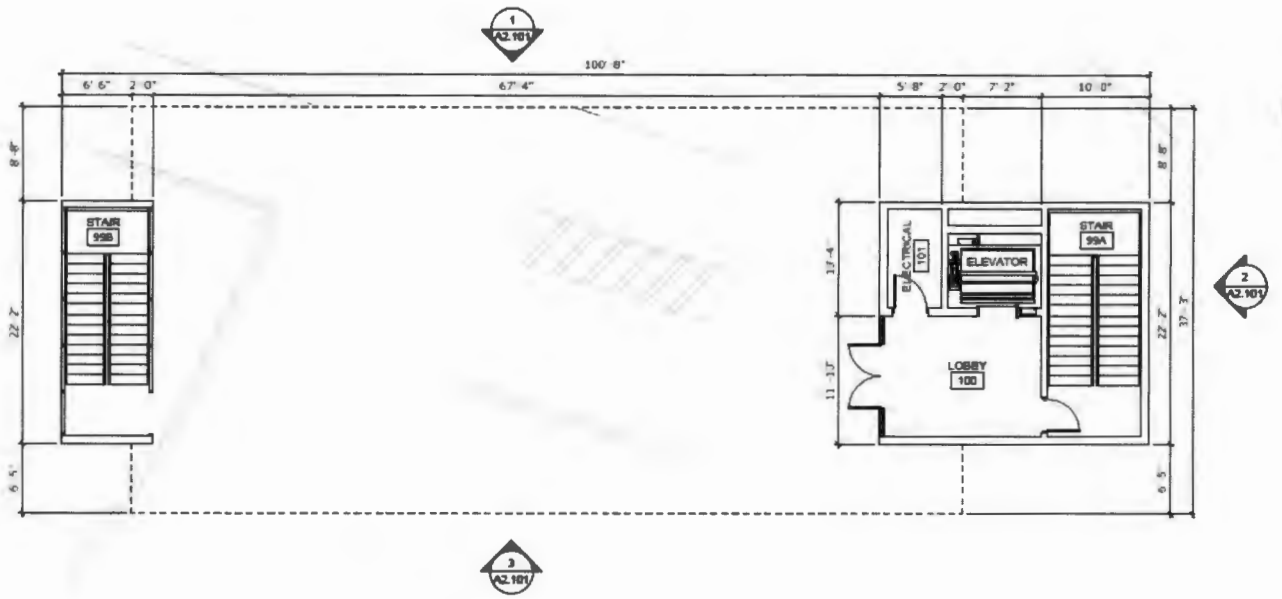
ZOOMMED IN SITE PLAN

EXISTING BUILDING

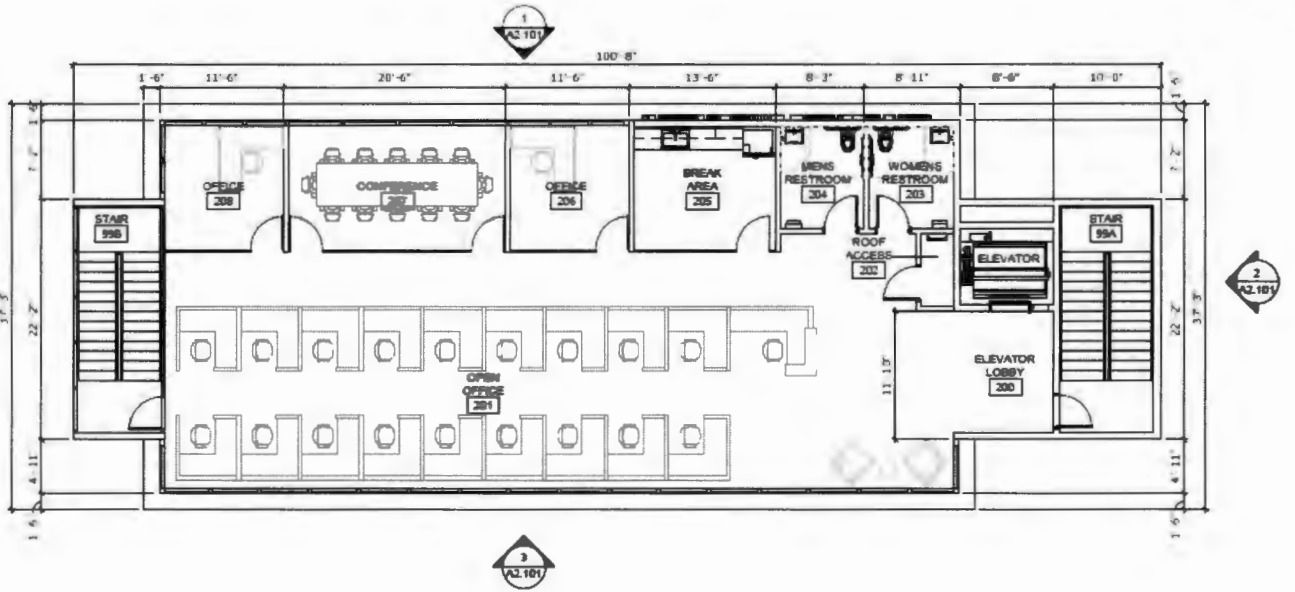
Unused remainder of property continues west to Kerry Dr.



FLOOR PLANS



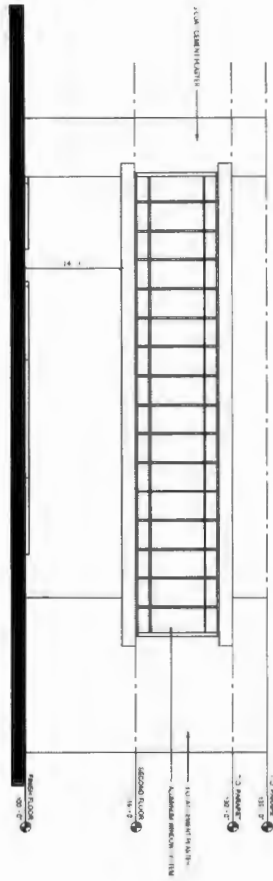
① FIRST FLOOR PLAN
1/8" = 1'-0"



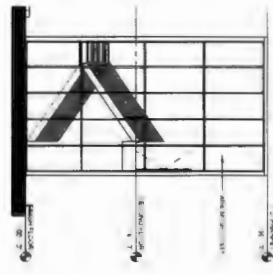
② SECOND FLOOR PLAN
1/8" = 1'-0"

ELEVATIONS

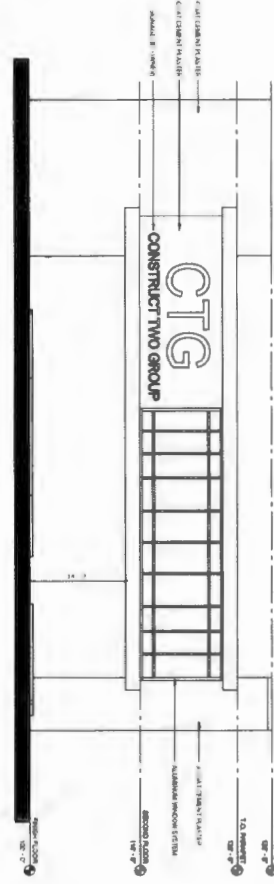
1 NORTH ELEVATION



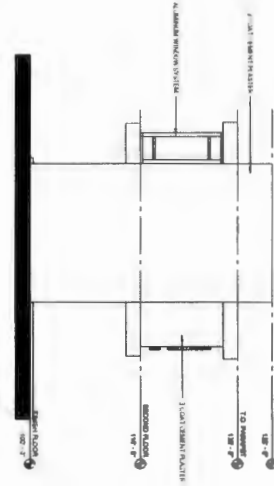
2 WEST ELEVATION



3 NORTH ELEVATION



4 EAST ELEVATION



Signage is permitted separately and will be required to meet code requirements.

SITE PHOTOS



Property from Old Winter Garden Rd. facing North



Property facing West

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 02, 2023**

Commission District: **#3**

Case #: **VA-23-03-001**

Case Planner: **Nick Balevich (407) 836-0092**

Nick.Balevich@ocfl.net

GENERAL INFORMATION

APPLICANT(s): DERRICK CHANDLER

OWNER(s): LIN UY, DERRICK CHANDLER

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

- 1) To allow the construction of a covered porch with a setback of 41.6 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
- 2) To allow an existing wooden deck with a setback of 31.2 ft. from the Normal High Water Elevation (NHWE) in lieu of 35 ft.

PROPERTY LOCATION: 2422 Gem Mary Court, Orlando, FL 32806, terminal end of Gem Mary Ct., north side of Lake Gem Mary, east of S. Summerlin Ave., north of Gatlin Ave., west of S. Fern Creek Ave.

PARCEL ID: 30-23-29-8554-06-040

LOT SIZE: +/- 0.87 acres (0.32 acres upland)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 91

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Juan Velez, Second by John Drago; unanimous; 5 in favor: John Drago, Juan Velez, Deborah Moskowitz, Joel Morales, Charles Hawkins, II; 0 opposed; 2 absent: Thomas Moses, Roberta Walton Johnson):

1. Development shall be in accordance with the site plan and elevations dated received February 8, 2023, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. 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 covered porch is located no closer than 41.6 feet, and the wooden deck is located no closer than 31.2 feet from the Normal High Water Elevation (NHWE) of Lake Gem Mary.

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

The applicant chose not to speak.

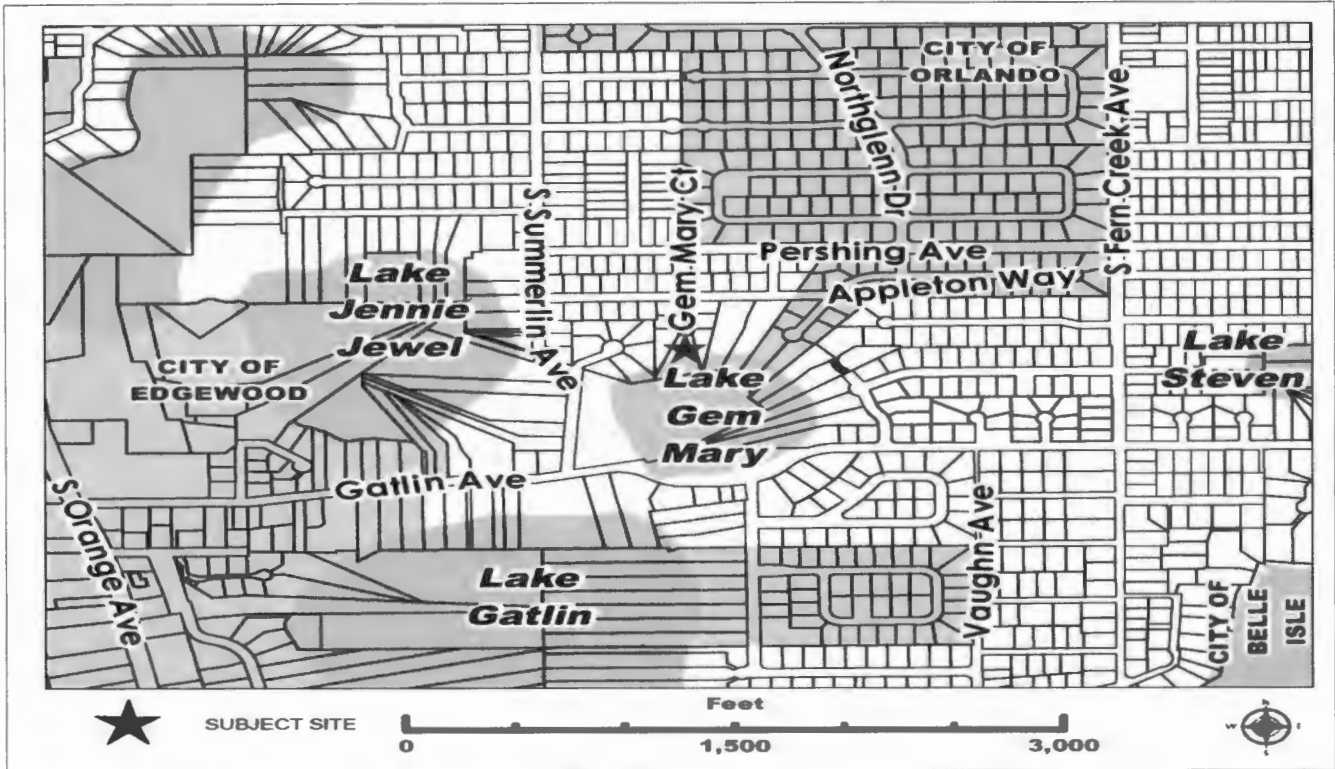
There was no one in attendance to speak in favor or in opposition to the request.

The BZA concurred with the request, discussed the Variances, stated justification for the six (6) criteria and unanimously recommended approval of the Variances by a 5-0 vote, with two absent, subject to the four (4) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1AA	R-1AA	Lake Gem Mary	R-1AA	R-1AA
Future Land Use	LDR	LDR	Lake Gem Mary	LDR	LDR
Current Use	Single-family residential	Single-family residential	Lake Gem Mary	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1AA, Single-Family Dwelling District, which allows single-family homes and associated accessory structures on lots with a minimum of 10,000 square feet. The Future Land Use is LDR, which is consistent with the R-1AA zoning district.

The area around the subject site consists of single-family homes, many of which are lakefront. The subject property is 0.87 acres in size (0.32 acres upland), located in the Orangewood Estates Plat, recorded in 1959, and is considered to be a conforming lot of record. It is developed with a 2,614 gross sq. ft. single-family home and a deck, constructed in 1978, and a boat dock that was constructed in 1988. The applicant purchased the property in 2021. The property abuts Lake Gem Mary, with a Normal High Water Elevation (NHWE) line along the south side of the property.

The property has an existing two level deck located 31.2 ft. from the south Normal High Water Elevation (NHWE) line. The top level of the deck is 10 ft. x 41 ft. (with an additional triangular portion that extends 3.4

ft. further south) and is 41.6 ft. from the NHWE. The applicant is proposing to install a roof over this portion of the deck, making it an addition to the house, which requires conformance with the 50 ft. setback to the NHWE. Thus, Variance #1 is being requested to allow a 41.6 ft. setback to the NHWE in lieu of 50 ft. The owner has applied for a building permit for this conversion (Permit # B22019836) which is on hold pending the outcome of this request. The lower level of the deck is approximately 18 ft. by 20 ft. and is generally in the shape of a modified/ half octagon. This portion of the deck is proposed to remain, and is 31.2 ft. from the NHWE in lieu of the required 35 ft. for decks, requiring Variance #2.

In November 1978, a Variance (#17) was approved to allow a setback of 27.4 ft. from the front property line in lieu of 30 ft.

Staff has assessed the request and has determined that there is no other reasonable location to add a covered porch. The deck is existing, and the proposal does not result in it being expanded any closer to the NHWE line.

The Orange County Environmental Protection Division does not have any concerns regarding the requests for Variances for reduction of the setback from the Normal High Water Elevation.

As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	15 ft. (Covered porch)
Min. Lot Width:	85 ft.	87 ft.
Min. Lot Size:	10,000 sq. ft. (0.23 acres)	0.87 acres (0.32 acres upland)

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	27.4 ft.	27.4 ft. (North)
Rear:	35 ft.	41.6 ft. Covered porch (South)
Side:	7.5 ft.	19 ft. (East), 22 ft. (West)
NHWE:	50 ft.	41.6 ft. Covered porch (Variance 1) 31.2 ft. Deck (Variance 2)

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions and circumstances particular to the subject property are its size, layout, and location of the house, which renders any addition difficult without a Variance. Further, the deck is existing, and the conversion to a covered porch will be utilizing the existing footprint.

Not Self-Created

The request is not self-created since the owners are not responsible for the configuration and location of the home and deck in relation to Lake Gem Mary. The improvements were added prior to when the applicants purchased the property in 2021, and no expansion is proposed beyond the existing footprint. Any improvements to the residence are difficult without the need for Variances.

No Special Privilege Conferred

Granting the requested Variances will not confer any special privilege conferred to others under the same circumstances since meeting the literal interpretation of the code would prohibit the addition of a roof to an existing deck.

Deprivation of Rights

Without the requested Variances, improvements to the home would be difficult.

Minimum Possible Variance

The requested Variances are the minimum necessary to make any improvements at the rear of the property, due to the lot size, location of the house, and existing location of the deck.

Purpose and Intent

Approval of the requested Variances will allow improvements to the site which will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to adjacent properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated received February 8, 2023, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. 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 covered porch is located no closer than 41.6 feet, and the wooden deck is located no closer than 31.2 feet from the Normal High Water Elevation (NHWE) of Lake Gem Mary.

C: Derrick Chandler
2422 Gem Mary Court
Orlando, FL 32806

January 10, 2023

Orange County Zoning Division
201 S. Rosalind Avenue 1st Floor
Orlando, FL 32801

Address of Subject Property
2422 Gem Mary Ct
Orlando, FL 32806

To the Board of Zoning Adjustments:

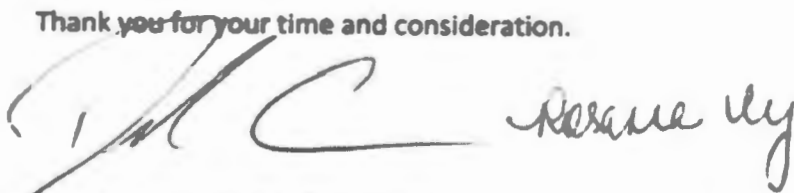
We are writing to request a variance for the above address to seek relief of the required rear yard setback. The proposed reduction of the rear yard setback would allow us, as the property owners, to add a partial roof to the existing wood deck providing much needed shade and coverage to fully utilize the enjoyment the existing deck.

We are kindly requesting a reduction in the required rear setback to 41'-8" feet from the Normal High Water Elevation in lieu of 50 feet, to add a partially covered wood roof measuring 420 sq ft approximately 40'-8" x 10'-8".

Granting the variance will not be materially detrimental to the public welfare or injurious to the property and would have no effect on any adjoining properties.

We believe we fulfill the hardship requirements for a variance and kindly ask you to review and grant such variance.

Thank you for your time and consideration.



Derrick Chandler and Rosanna Uy
Property Owners

COVER LETTER

1. **Special Conditions and Circumstances** - Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.

The house is at the end of a cul-de-sac and sits closer to the lake than the surrounding homes. None of the surrounding homes have a sightline to the rear of the proposed addition. Adding the addition would provide much needed shade and intended enjoyment of the existing deck.

2. **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.

The special conditions are not self-created and are a result of where the existing house was built.

3. **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

No special privileges are conferred. Similar homes along the lake are on larger lots and not on a cul-de-sac, so setback isn't an issue.

4. **Deprivation of Rights** - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

Currently we aren't able to fully enjoy the current deck because of the lack of permanent shade and coverage depriving us of enjoying the natural beauty of the lake.

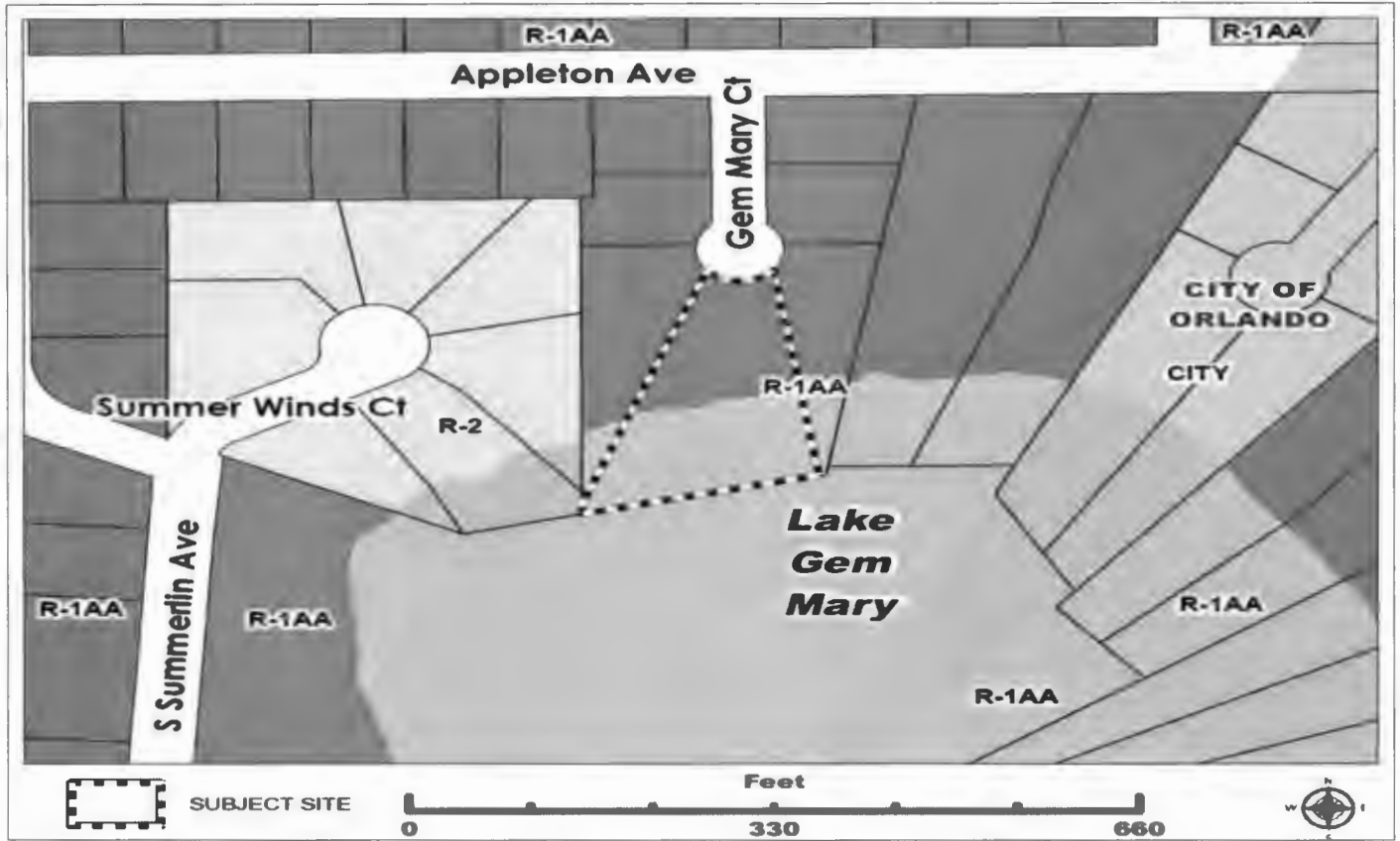
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Allowing the reduced setback variance would make it possible to provide the necessary shade and coverage needed to fully utilize the outdoor deck the way it was intended.

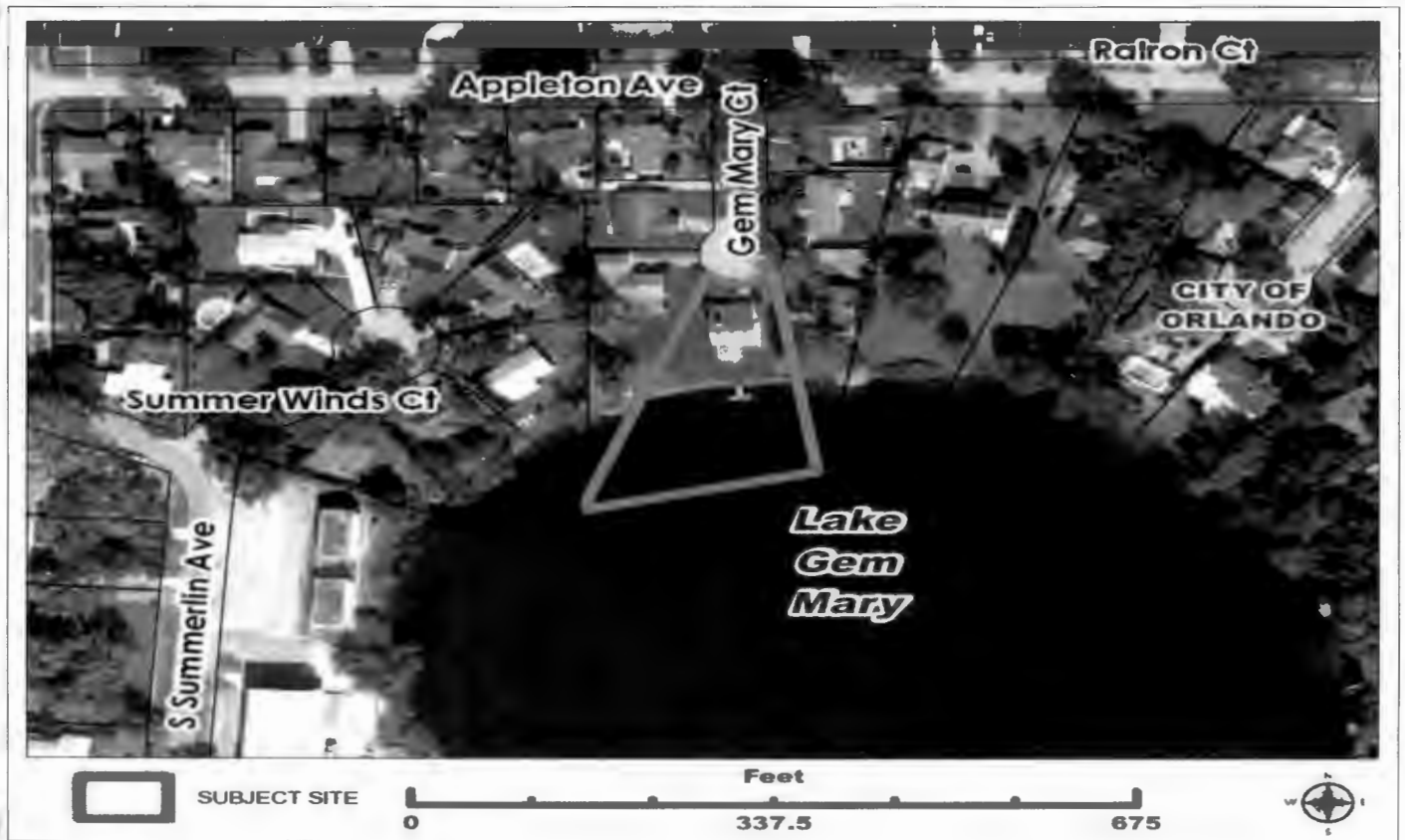
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Allowing of the variance would only enhance the value of the property and the surrounding neighborhood. Neighbors would not be affected by the approval of the variance.

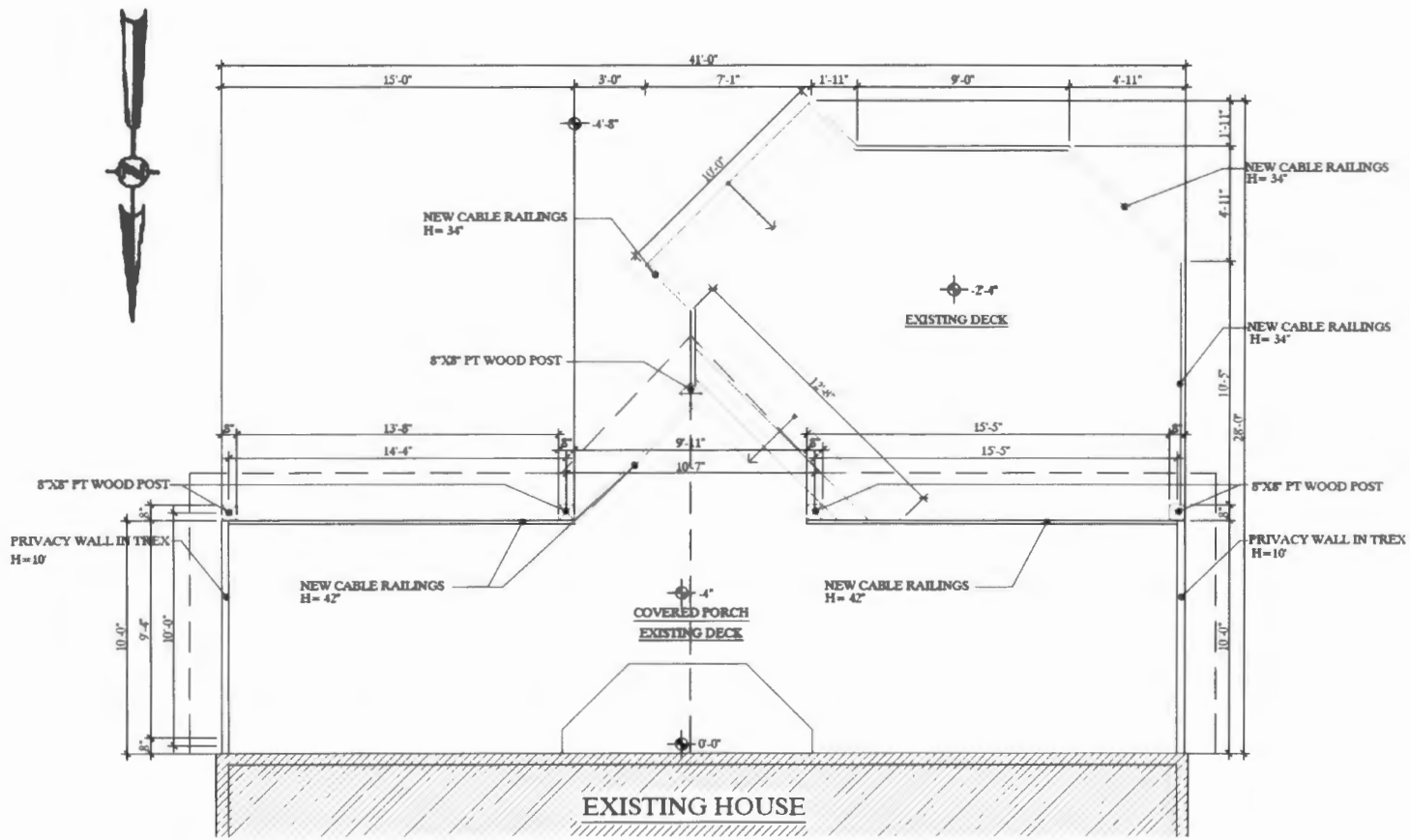
ZONING MAP

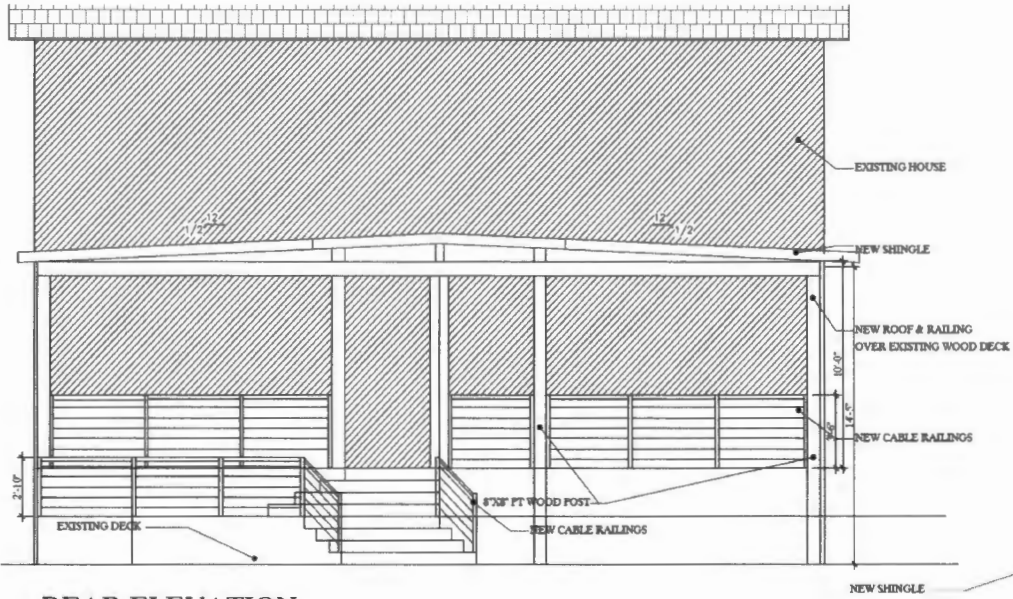


AERIAL MAP



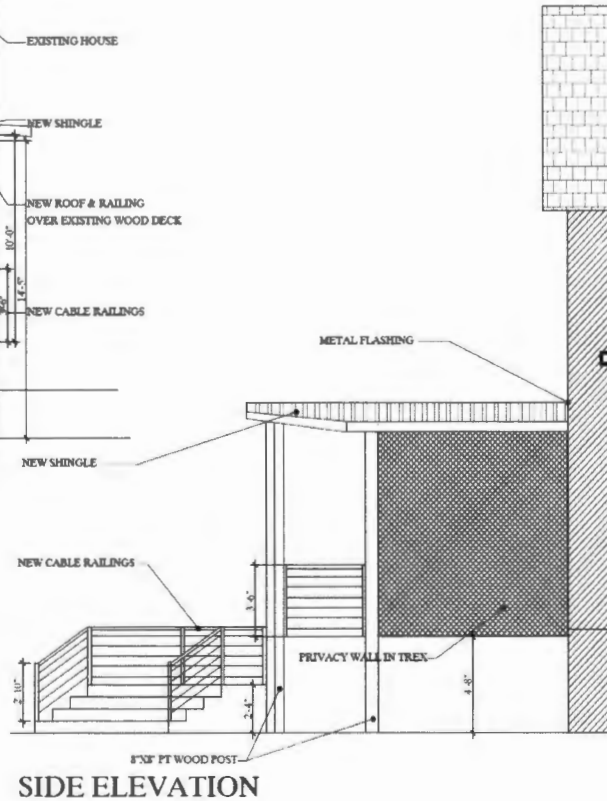
FLOOR PLAN





REAR ELEVATION

SCALE: 3/16" = 1'-0"



SIDE ELEVATION

SITE PHOTOS



Front from Gem Mary Ct. facing south



Deck facing east

SITE PHOTOS



Deck and rear yard facing north

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 02, 2023**

Commission District: **#6**

Case #: **SE-23-02-175**

Case Planner: **Nick Balevich (407) 836-0092**

Nick.Balevich@ocfl.net

GENERAL INFORMATION

APPLICANT(s): ESTEBAN HERNANDEZ FOR TRIANGLE GROUP SERVICES

OWNER(s): TRIANGLE GROUP SERVICE CORP

REQUEST: Special Exception and Variance in the Restricted C-2 zoning district for a single portable food vendor as follows:

1) Special Exception to allow a single portable vendor (food truck).

2) Variance to allow a west side setback of 4 ft. in lieu of 5 ft.

PROPERTY LOCATION: 5855 W. Colonial Dr., Orlando, FL 32808, north side of W. Colonial Dr., east side of N. Hudson St., west of N. Hastings St.

PARCEL ID: 24-22-28-6240-13-021

LOT SIZE: +/- 0.42 acres (18,419 sq. ft.)

NOTICE AREA: 900 ft.

NUMBER OF NOTICES: 106

DECISION: Recommended **APPROVAL** of the Special Exception, in that the Board finds it meets 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, **APPROVAL** of the Variance, in that the Board finds it meets that the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Charles Hawkins, II, Second by John Drago; unanimous; 6 in favor: John Drago, Juan Velez, Deborah Moskowitz, Joel Morales, Roberta Walton Johnson, Charles Hawkins, II; 0 opposed; 1 absent: Thomas Moses):

1. Development shall be in accordance with the site plan dated received February 9, 2023, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Hours of operation for the food truck shall be limited to between 9:00 a.m. and 10:00 p.m., daily.
5. Outdoor seating is prohibited.
6. Audio equipment and video equipment shall be prohibited, as well as the use of any outdoor amplification of any sound.
7. The operation shall be moved nightly to a conforming location for outdoor storage.
8. Use of on or off-site signage, such as A-Frames, banners, temporary directional signs, etc., shall be prohibited.
9. No more than one portable food vendor, or food truck shall be permitted on the site at any one time.
10. One understory tree and five shrubs shall be planted along Colonial Dr. to the west of the drive aisle.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) Special Exception criteria and the six (6) Variance criteria and the reasons for a recommendation for approval. Staff noted that no comments were received in support, and no comments were received in opposition.

The applicant discussed the use of the existing building, noted the food truck location behind the billboard post, and confirmed the location of the required landscaping.

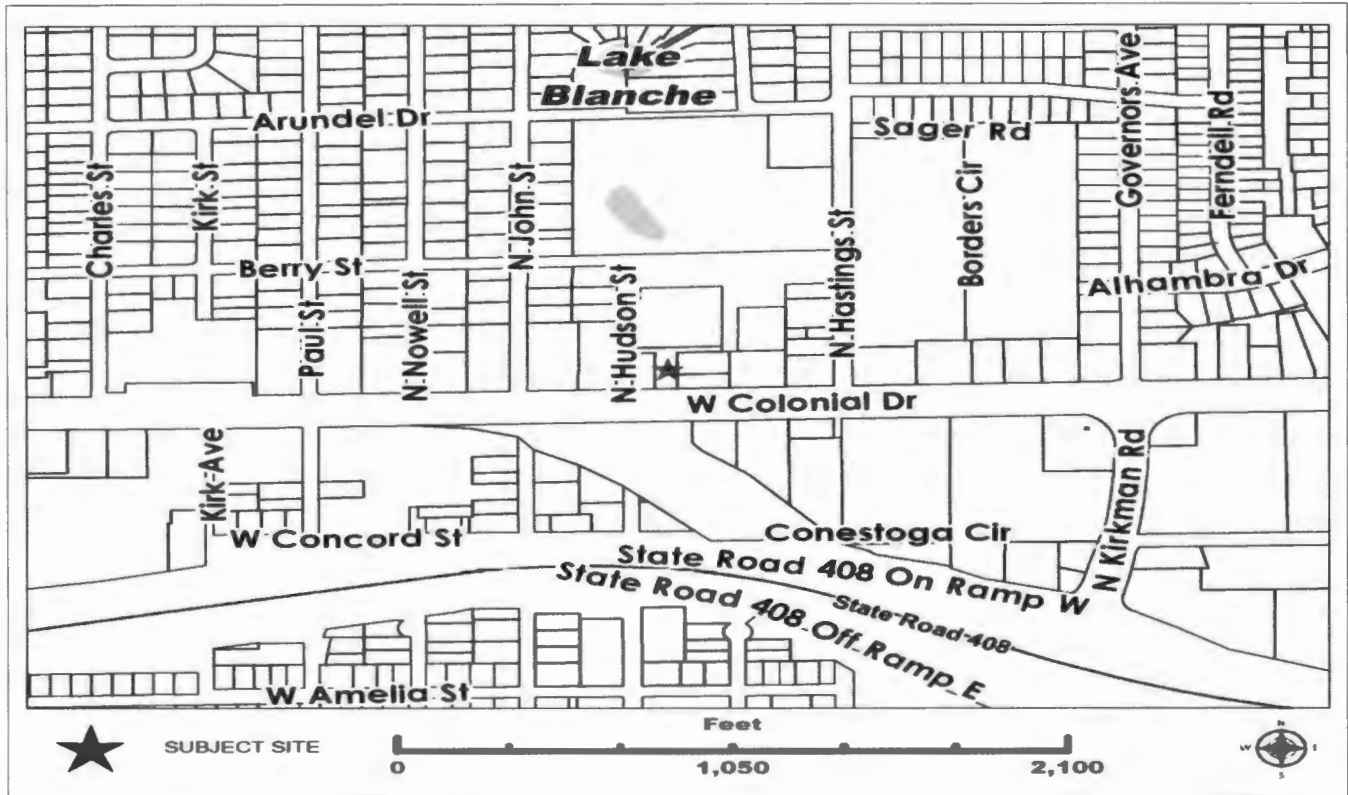
There was no one in attendance to speak in favor or in opposition to the request.

The BZA discussed the Special Exception and Variance, stated justification for the six (6) criteria and unanimously recommended approval by a 6-0 vote, with one absent, subject to the ten (10) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	Restricted C-2	C-1	Expressway Retention	C-1	C-1
Future Land Use	C	O	Expressway Retention	C	C
Current Use	Commercial	State D.O.T. Retention	Expressway Retention	Vacant-N. Normandale Ave.	Commercial building-N. Hudson St.

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the Restricted C-2, General Commercial District, which allows a variety of commercial businesses. The future land use is C, which is consistent with the Restricted C-2 zoning district.

The subject property is 0.42 acres, located in the Orange Heights Plat, recorded in 1929, and is considered to be a conforming lot of record. It is developed with a 7,552 gross sq. ft. commercial building that was constructed in 1969. The current owner purchased the property in 2020.

The property was rezoned (RZ-22-08-070) on October 25, 2022, from C-1 to Restricted C-2, subject to the following restrictions:

- 1) Uses shall be limited to C-1 uses plus the C-2 use of outdoor storage of materials;

- 2) Use or storage of heavy machinery shall be prohibited;
- 3) Storage of outdoor materials shall be in the rear of the property only;
- 4) New billboards and pole signs shall be prohibited; and
- 5) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any C-2 uses.

The proposal is to place a food truck on the property that is not located under the canopy of the principal building, thus a Special Exception is required. The food truck is required to meet the same side setback (5 ft.) as the principal structure. The proposed location is beside the principal building, 4 ft., from the west property line, in lieu of 5 ft., requiring a Variance.

Orange County Code Sec. 38-79(87)(j) requires a single portable food vendor in the C-1 zoning district to be located under the canopy of the principal building on-site. Further, Sec. 38-79(87)(k) states the proposed (food truck) may be permitted as a Special Exception in an area that is not located under the canopy of the principal building on-site. The proposal will comply with all other requirements in Orange County Code Sec. 38-79(87) as outlined below:

- a) Hours of operation shall be limited to between 7:00 a.m. and 12:00 a.m.
The proposal is to limit the hours of operation to between 9:00 a.m. and 10:00 p.m.;
- b) Outdoor seating shall be prohibited.
No outdoor seating is proposed.
- c) Audio equipment and video equipment shall be prohibited.
No audio equipment or video equipment is proposed.
- d) Overnight stay shall be prohibited unless the use is located in a zoning district that permits outdoor storage, in which case the vehicle, truck and any other equipment stored overnight shall be placed in an area that is not visible from a public right-of-way.
The proposal is to move the operation nightly to an area in the rear of the property that is not visible from a public right-of-way.
- e) The operation shall not be located within a public right-of-way, and if it abuts a public right-of-way the operator shall first obtain a right-of-way utilization permit for construction of a driveway to provide access to the site, as required by section 21-239 of the Orange County Code, and the operation shall be setback a minimum of ten (10) feet from any such public right-of-way.
The proposal is not located within a public right-of-way, and does not abut a public right-of-way, and is located more than ten (10) feet from a public right-of-way.
- f) Pursuant to section 31.5-144(a), signage is prohibited.
The proposal does not include any signage.
- g) The operation shall not be located within any driveway, driving aisle or on any parking spaces required pursuant to article XI of chapter 38 of the Orange County Code.
The proposal is not located within any driveway, driving aisle or on any required parking spaces.
- h) The operation shall not be permitted on any property not containing a licensed and approved business or on any vacant property or vacant building.
The property contains a licensed and approved business and is not vacant.
- i) The vendor shall provide the county with a notarized affidavit from the property owner approving a food vending operation.
The vendor is the property owner.

- j) In the C-1 zoning district, the operation shall be located under the canopy of the principal building on-site, except as may be permitted as a special exception under subsection.

A Special Exception is being applied for to allow a portable vendor in an area that is not located under the canopy of the principal building on-site.

- k) In the C-1 zoned district, an operation may be permitted as a special exception in an area that is not located under the canopy of the principal building on-site, provided the length and width of the mobile trailer are equal to or greater than seven (7) feet by fourteen (14) feet, such an operation satisfies the standards in subsections a. through i., and such an operation is situated at least one thousand (1,000) feet from any other such operation (the distance being measured from property line to property line).

The length and width of the mobile trailer are greater than seven (7) feet by fourteen (14) feet. The operation is situated at least one thousand (1,000) feet from any other such operation.

The proposed location is the only location available that is not in front of the principal building, and it will be located behind a billboard post, which partially obstructs the view from Colonial Dr. Relocating the food truck to the rear of the property would not work from a viability standpoint, and the food truck cannot be located further from the west property line, as it would then block a sidewalk. Further, the property line is indiscernible as the area between the building on the subject property and neighboring building is paved. The proposed location will not occupy any parking spaces. The applicant is proposing operating hours daily, between 9:00 a.m. and 10:00 p.m., after which the food truck will be stored on the rear of the property, behind the building. The site currently does not have any landscaping in the front along Colonial Dr. Thus, with the addition of a new use to the site, staff is proposing a condition requiring the addition of one understory tree and five shrubs to be planted along Colonial Dr. to the west of the drive aisle.

As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	50 ft.	9.5 ft.
Min. Lot Width:	100 ft.	70 ft. (site is developed, request is only for a food truck)
Min. Lot Size:	8,000 sq. ft.	18,419 sq. ft.

Food Truck Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	25 ft.	53.5 ft. (South)
Rear:	15 ft.	65 ft. (North)
Side:	5 ft.	57 ft. (East) 4 ft. (West-Variance)

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The provision of a portable food vendor (food truck) as conditioned through the Special Exception process is consistent with the Comprehensive Plan.

Similar and compatible with the surrounding area

The portable food vendor (food truck) will be located on an existing developed site and will be similar and compatible with the surrounding area.

Shall not act as a detrimental intrusion into a surrounding area

The proposal is commercial in nature and will have minimal visibility from the road. It is adjacent to other commercial uses, and with the addition of new landscaping for screening, it will not be a detrimental intrusion to the surrounding area.

Meet the performance standards of the district

With approval of the Variance, the operation meets the performance standards of the district.

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

The characteristics and impacts of the operation are consistent with the majority of uses permitted in the zoning district.

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

The proposed use will be located within an existing developed site and therefore no additional buffer yards are required.

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions and circumstances particular to the subject property are its size, width, layout, and location of the building, which renders the placement of a food truck on the site difficult without a Variance.

Not Self-Created

The request is not self-created since the applicant is not responsible for the configuration and location of the building in relation to side property lines. Any improvements to the site are difficult without the need for a Variance.

No Special Privilege Conferred

Granting the requested Variance will not confer any special privilege conferred to others under the same circumstances since meeting the literal interpretation of the code would prohibit the addition of a food truck on the site.

Deprivation of Rights

Without the requested Variance, the addition of a food truck on the site would not be possible without relocating it to the rear.

Minimum Possible Variance

The requested Variance is the minimum necessary to place a food truck in the proposed location, as shifting it farther from the west property line to conform with the setback requirement would block the sidewalk.

Purpose and Intent

Approval of the requested Variance will allow improvements to the site which will be in harmony with the purpose and intent of the Zoning Regulations, will not be detrimental to adjacent commercial properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated received February 9, 2023, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Hours of operation for the food truck shall be limited to between 9:00 a.m. and 10:00 p.m., daily.
5. Outdoor seating is prohibited.
6. Audio equipment and video equipment shall be prohibited, as well as the use of any outdoor amplification of any sound.
7. The operation shall be moved nightly to a conforming location for outdoor storage.
8. Use of on or off-site signage, such as A-Frames, banners, temporary directional signs, etc., shall be prohibited.
9. No more than one portable food vendor, or food truck shall be permitted on the site at any one time.
10. One understory tree and five shrubs shall be planted along Colonial Dr. to the west of the drive aisle.

C: Esteban Hernandez
920 Hastings Street
Orlando, Florida, 32808

C: J.B. Bricklemeyer
26736 US Hwy 27, Suite 202
Leesburg, FL 34749-1357



Reply to: J.B. Bricklemeyer 352.787.1241

December 7, 2022

Orange County Planning Division
Comprehensive Planning Section
201 South Rosalind Avenue, 2nd Floor
Orlando, FL. 32801

Re: Special Use Application for 5855 W Colonial Dr., Orlando, FL 32808 for operation and storage of a single portable food vendor. "Food Trailer"

To Whom It May Concern:

The purpose of this letter is to provide the intent and details of the Special Use application to allow 1) Food Trailer Operation and 2) Food Trailer Storage at 5855 W Colonial Dr., Orlando, FL 32808.

The original documents required, including a plotted copy of the survey, were delivered in person on 12/6/2022 to Nicki (spelling?).

Please find attached in support of the application:

1. Application to the Board of Zoning Adjustment - Special Exceptions for 5855 W Colonial
2. RZ-22-08-070 (5855 W. Colonial Dr) - BCC Staff Report Prior Rezoning allowing for C-2 use of Open Storage (also provided in hardcopy on 12/6/2022).
3. 5855 W Colonial Dr Property Record Card Property Card for the property, 5855 W Colonial Dr 24-22-28-6240-13-021 showing TRIANGLE GROUP SERVICE, CORP as the owner.
4. Sunbiz Record Triangle Group Service Corporation Sunbiz Record for TRIANGLE GROUP SERVICE, CORP., Document # P08000088672 showing Esteban Hernandez as the Manager
- 5.
6. Survey-5855 W Colonial Dr. MBLG1018-LT
7. Survey Showing Operation and Storage Location-5855 W Colonial Dr. MBLG1018-LT
8. Maps 5855 W Colonial Dr.
9. Site Pictures Operating and Storage Location
10. Trailer Design Plan showing Length, Width and Height.



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The applicant, in accordance with Sec. 38-79. - Conditions for permitted uses, special exceptions, etc. will comply with the requirements as shown below:

(87) A single portable food vendor, including a food Trailer or vehicle, shall be a permitted use on a parcel or lot may be permitted as a special exception in a C-1 zoned district pursuant to subsection j., subject to the requirements in subsections a. through h. and j. below. Applicant shall meet the requirements per the below.

- a. Hours of operation shall be limited to between 9:00 AM and 10:00 PM
- b. There will be no outdoor seating.
- c. There will be no audio equipment or video equipment.
- d. The Food Trailer will Operated on the side of the building to the rear of the Billboard pole. See scaled depiction on the survey. This is NOT a travel area as the rear area depicted on the survey is at least a 20' drop-off from the front of the building. This is not a driveway or driveway aisle and does not constitute any of the required 6 parking spaces.
Please see the pictures showing Operating Location and Storage Location. The Food Trailer will be stored on the rear portion of the parcel which is accessed via N. Hudson Street as depicted on the survey.
See copy of the Final Decision Letter for RZ-22-08-070 allowing Outdoor Storage on-site.
- f. There will be no signage in accordance with section 31.5-144(a).
- g. The operation is not located within any driveway, driving aisle or on any parking spaces required pursuant to article XI of chapter 38 of the Orange County Code given the access to the rear of the building can only occur via N. Hudson Street given the 20' drop-off between the front and rear of the property.
- h. There is a licensed and approved business operating out of the building located at 5855 W. Colonial Dr.
- i. The vendor is the property owner. Triangle Services Group Corp. is the Owner. the Manager. Esteban Hernandez is the Applicant.
- j. N/A.
- k. All of the criteria under paragraph k. are met.

i. The length and width of the mobile trailer is 17.5" L x 8.6' W x 9.5' H equal to or greater than seven (7) feet by fourteen (14) feet. such an operation satisfies the standards in subsections a. through i., and such an operation is situated at least one thousand (1,000) feet from any other such operation (the distance being measured from property line to property line).

- 1. Provide a detailed cover letter including, but not limited to, the purpose of the request(s):
 - a. The applicant wishes to operate and store a single portable food vendor, hereinafter "Food Trailer" on the Commercially zoned and Future Land Use Commercial property located at 5855 W. Colonial Dr.



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- b. The single Food Trailer is 17.5" L x 8.6' W x 9.5' H
- c. The Food Trailer will operate between 9:00 AM and 10:00 PM
- d. The Food Trailer will serve food.
- e. The number of clients is unknown as there is no precedence for operating a food trailer at this location.
- f. The number of employees will be one to two operating the trailer depending on the volume of customers.
- g. Currently there is nothing in the space where the Food Trailer will operate.

Special Exception Criteria: Section 38-78, Orange County Code

- 1. The use shall be consistent with the Comprehensive Policy Plan.
 - a. Current Zoning and Future Land Use are both Commercial
- 2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
 - a. There are a number of restaurants on the adjacent blocks, thus the use of a Food Trailer is consistent with the pattern of development and uses in the area.
- 3. The use shall not act as a detrimental intrusion into a surrounding area.
 - a. Given there are a number of restaurants on the adjacent blocks, thus the use is consistent with the pattern of development and uses in the area. The Food Trailer operation would be the only restaurant operation on this block.
 - b. There is a Smoke Shop on the parcel to the West and a vacant lot with a significant drop-off from the street to the East. The operation of a Food Trailer would not have a negative impact on the surrounding properties.
- 4. The use shall meet the performance standards of the district in which the use is permitted.
 - a. Per Sec. 38-79. - Conditions for permitted uses, special exceptions, etc. (87) Food Trailer operations and storage are permitted assuming compliance with the requirements of sub-section (87) allows for operation and storage (if open storage is permitted, which it is, see C-1 conditional C-2 zoning approval attached.
- 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.
 - a. The operation and storage of a Food Trailer would not create any nuisance uses greater than those in the surrounding area.



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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.
 - a. Compliance with Sec. 38-79. - Conditions for permitted uses, special exceptions, etc. (87) would allow for the operation of the Food Trailer as no buffers are noted.

2. Detailed site plan/survey (8 ½" x 11" or 11" x 17") with dimensions drawn to scale by a surveyor, licensed contractor, architect or engineer showing the following information:

- a. Location of the Operating Location
- b. Location of the Storage Location

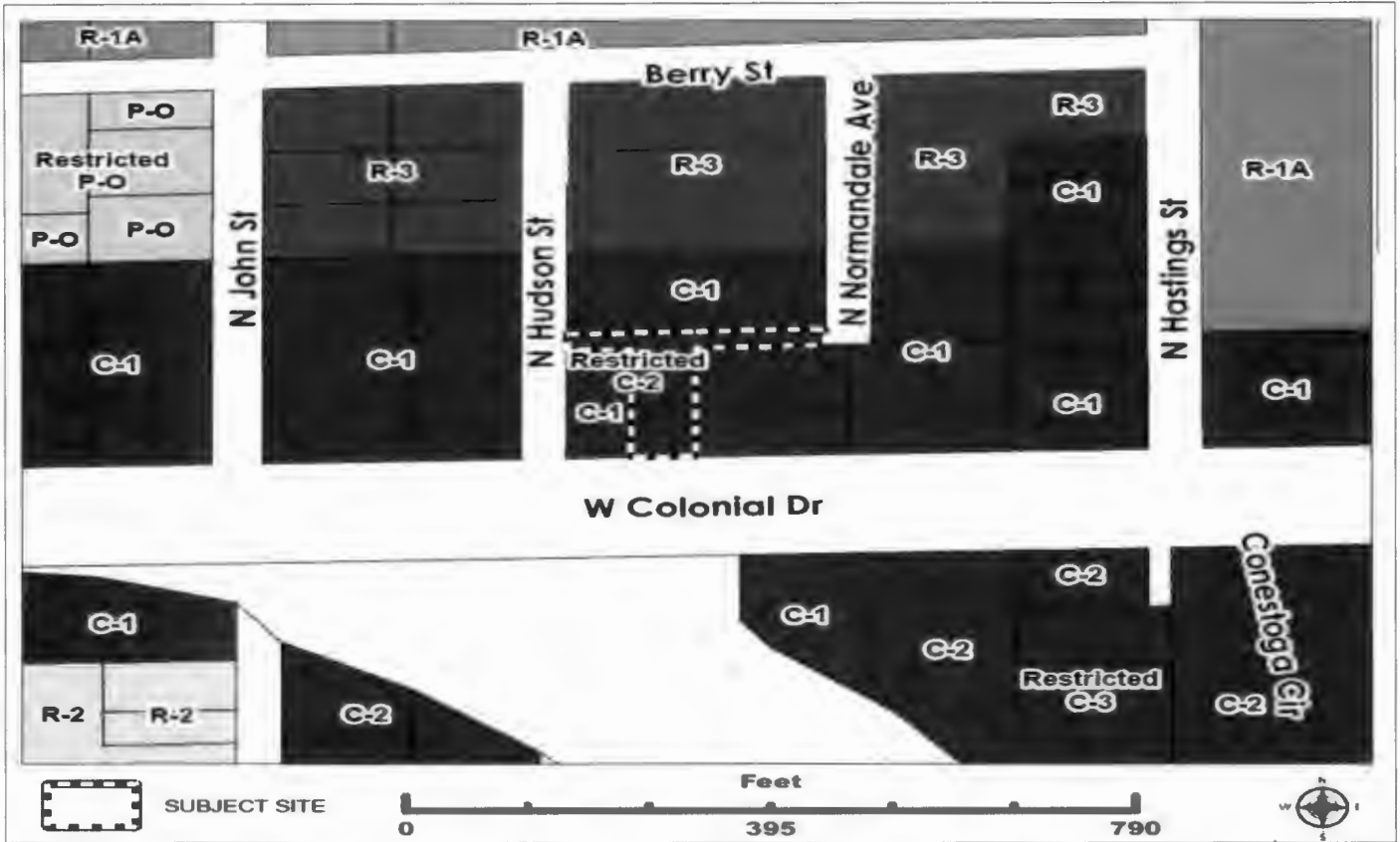
Kindest regards,

McLin Burnsed, PA

Joseph B. Bricklemyer

J. B. Bricklemyer, Attorney

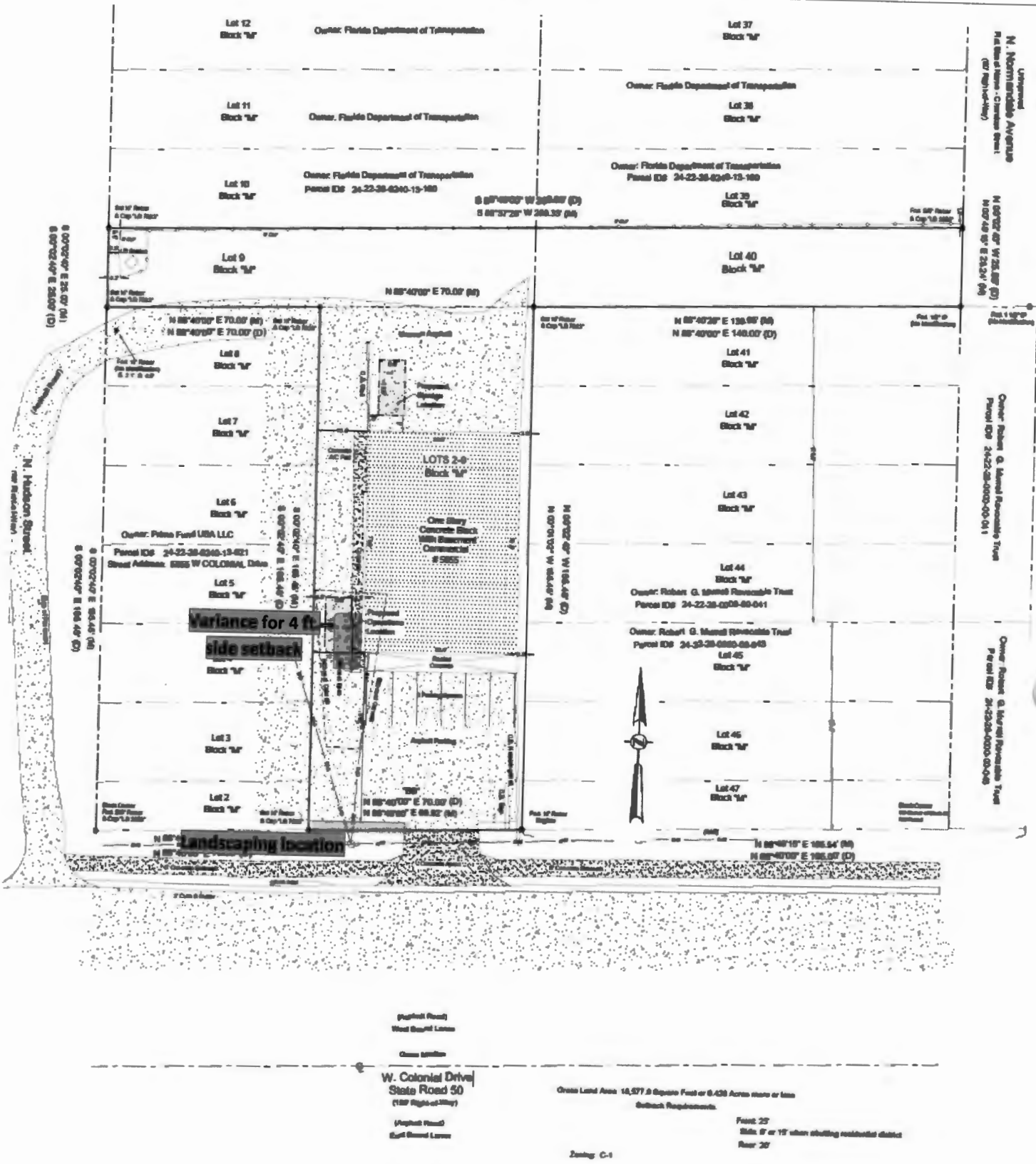
ZONING MAP



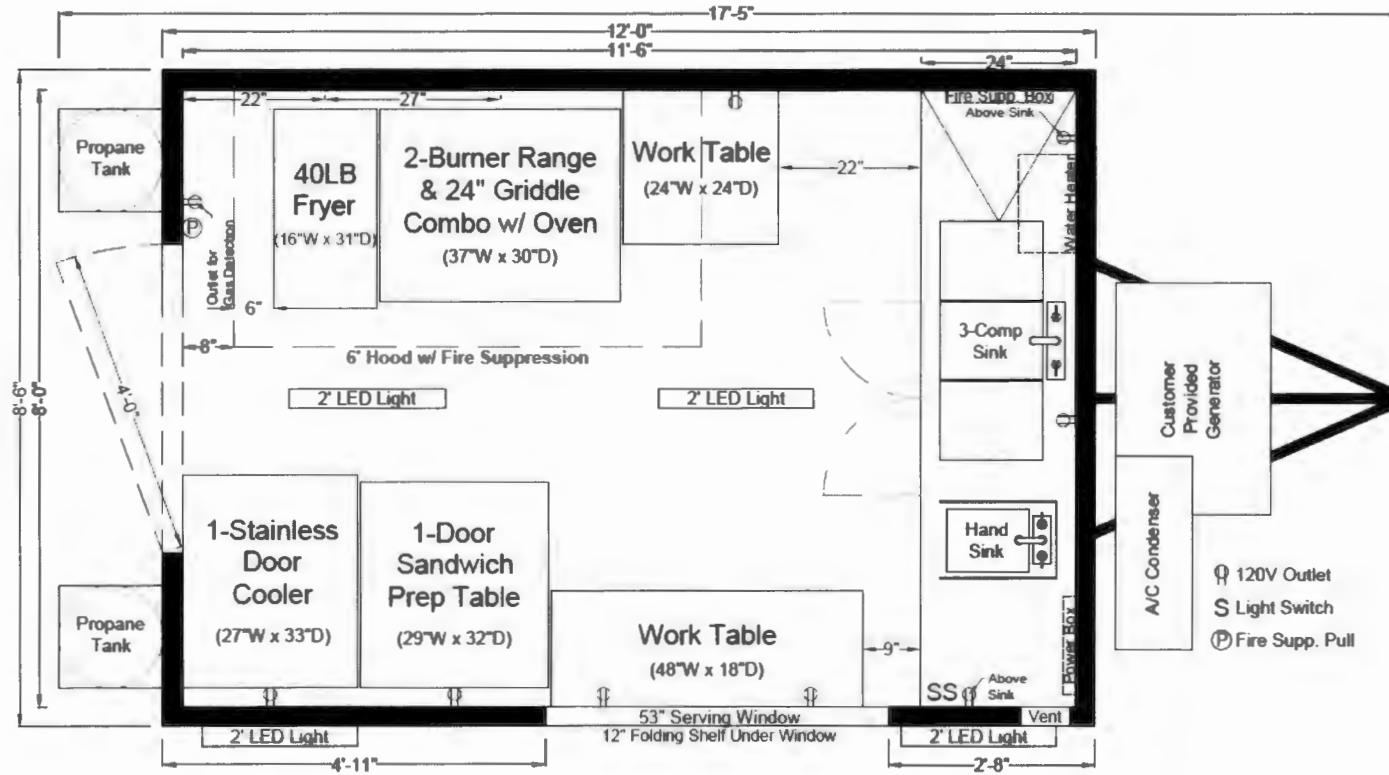
AERIAL MAP



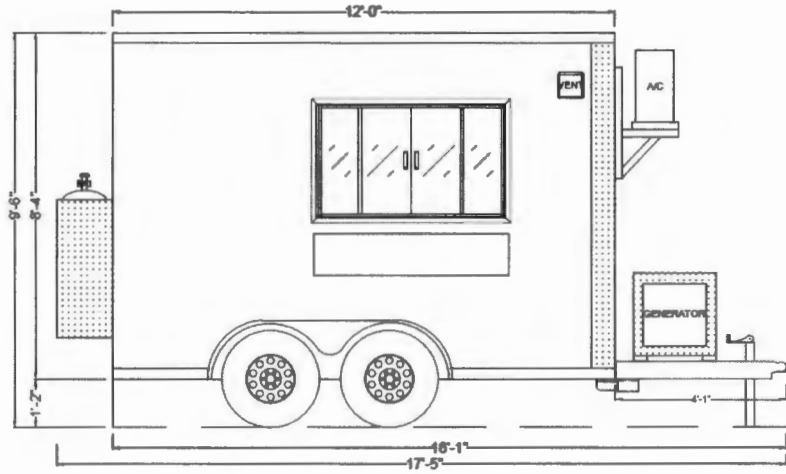
SITE PLAN



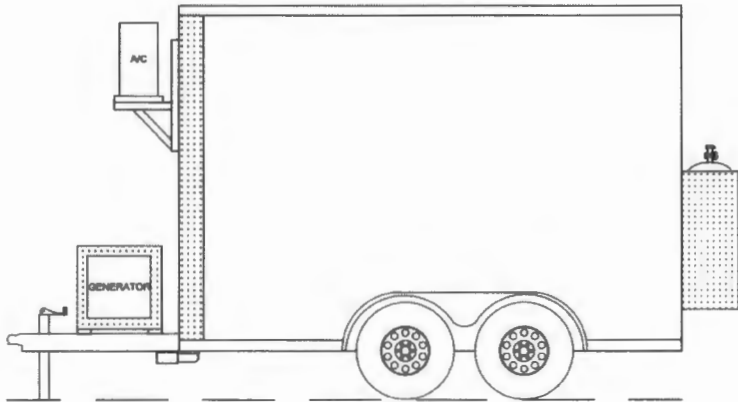
FOOD TRUCK PLAN



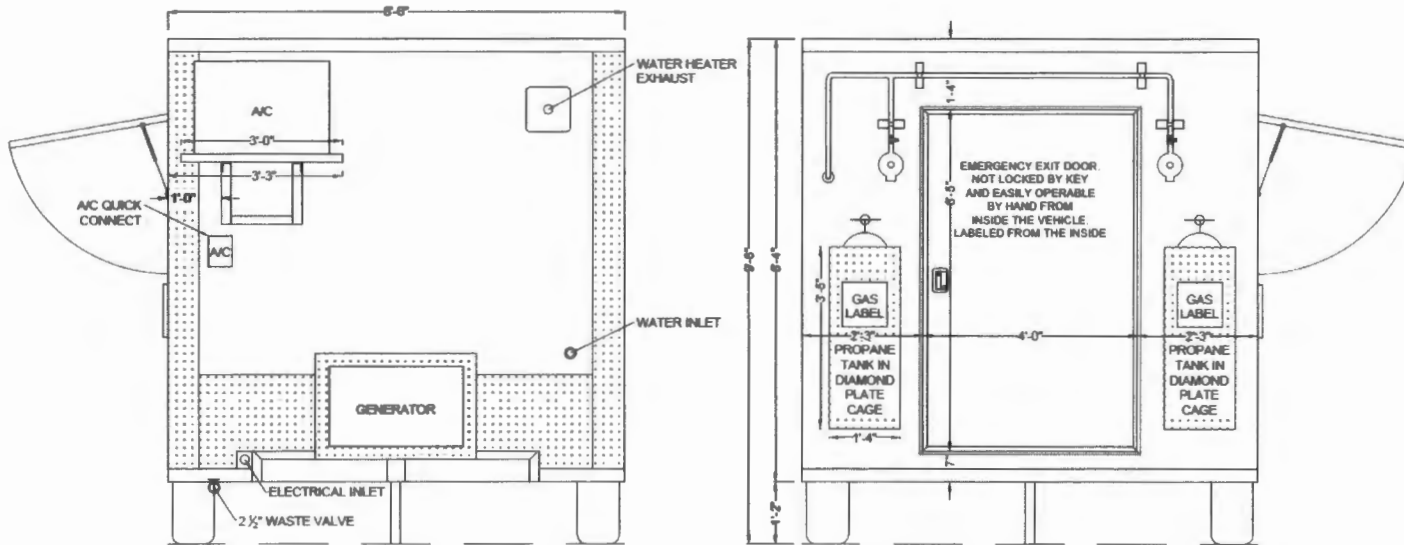
ELEVATIONS



1 Serving Side Elevation
Scale: 3/8" = 1'-0"



2 Non-Serving Side Elevation
Scale: 3/8" = 1'-0"



1 **Front Elevation**
Scale: 1/2" = 1'-0"

2 **Rear Elevation**
Scale: 1/2" = 1'-0"

SITE PHOTOS



Front from W. Colonial Dr. facing north



Food truck location (behind billboard pole) facing north

SITE PHOTOS



Food truck storage location (behind wall) facing south

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 02, 2023**

Commission District: **#5**

Case #: **VA-23-03-000**

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

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): YANIER FRAILE

OWNER(s): FRAILE PROPERTIES LLC

REQUEST: Variance in the A-2 zoning district to allow a lot size of 0.46 acres in lieu of a minimum of 0.5 acres.

PROPERTY LOCATION: 14672 Congress Street, Orlando, FL 32826, south side of Congress St., north of E. Colonial Dr., east of Lake Pickett Rd., and west of S. Tanner Rd.

PARCEL ID: 24-22-31-1052-03-170

LOT SIZE: +/- 0.46 acres (20,090 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 72

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Joel Morales, Second by John Drago; unanimous; 6 in favor: John Drago, Juan Velez, Deborah Moskowitz, Joel Morales, Roberta Walton Johnson, Charles Hawkins, II; 0 opposed; 1 absent: Thomas Moses):

1. Development shall be in accordance with lot width and dimensions shown on the site plan received January 10, 2023, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

The applicant team agreed with the staff presentation and provided a brief description of the property.

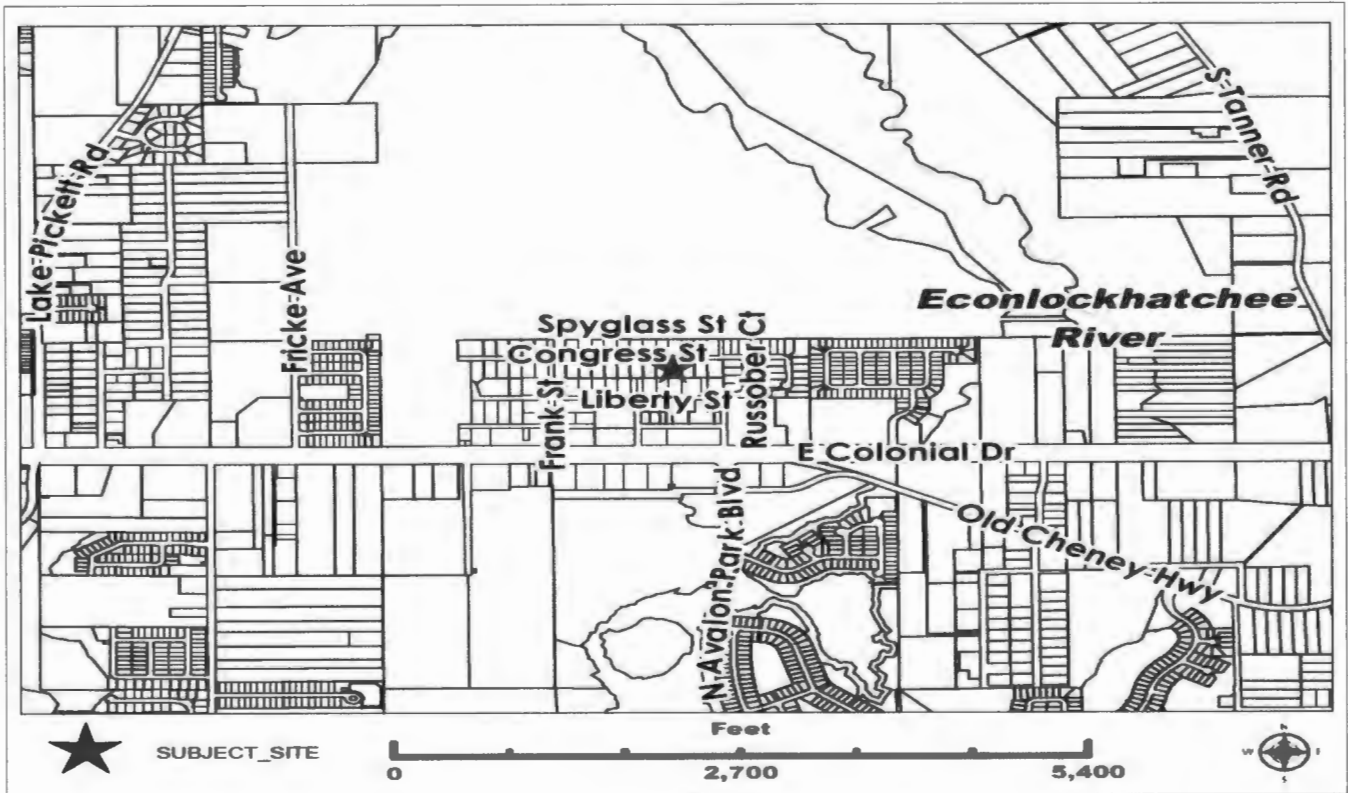
There was no one in attendance to speak in favor or in opposition to the request.

The BZA unanimously recommended approval of the Variance by a 6-0 vote, with one absent, subject to the three (3) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	R-T-2	A-2	A-2	R-T-2
Future Land Use	LMDR	LMDR	LMDR	LMDR	LMDR
Current Use	Vacant	Single-family residential	Single-family residential	Single-family residential	Mobile home

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-2, Farmland Rural zoning district, which allows agricultural uses, mobile homes, and single-family homes with accessory structures on larger lots. The future land use is Low-Medium Density Residential (LMDR), which is inconsistent with the zoning district. Per Comprehensive Plan Policy FLU8.2.5.1, a rezoning may not be required for properties with inconsistent zoning and Future Land Use Map (FLUM) designations for residential uses when the proposed use is single-family detached residential, and the Zoning and Future Land Use are both residential.

The area surrounding the subject site consists of single-family homes and mobile homes. The subject property is a vacant 0.46 acre lot, platted in 1925 as Lot 17 of the Bunker Hill plat, and is a non-conforming lot of record, as it does not meet the minimum lot size. The current owners acquired the property in August 2021.

In September 1980, a Variance (Case #44) was approved to park a mobile home for living purposes on a sub-standard land area. The request was specifically for a mobile home, which was not installed, and the current request is for a single-family residence.

Per Orange County Code Sec. 38-1401, if two or more adjoining lots were under single ownership on or after October 7, 1957, and one of the lots has a frontage or lot area less than what is required by the zoning district, such substandard lot or lots shall be aggregated to create one conforming lot. The subject property was purchased on December 6, 2019 by German Seda, who also owned lot 18 to the west. On March 20, 2021, lot 17 was sold to Mervez LLC. On August 16, 2021, lot 17 was sold to the current owner. Thus, the parcel cannot be considered to be a substandard lot of record, and a variance is required for the lot size in order to build a single-family home on the property.

The parcel is 0.46 acres, but the A-2 zoning district requires a minimum lot size of 0.5 acres, requiring the Variance in order to construct a new one story 2,326 gross sq. ft. single-family home on the property. The proposed home meets the setback and code requirements. As stated previously, since the lot was under common ownership with an adjacent one, it cannot be considered to be a substandard lot of record. The current request is in harmony and consistent with the size of lots in the surrounding neighborhood, several of which required a variance for lot size. A permit, B22024586, to construct a new single-family home is on hold pending the outcome of this request.

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

As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	16.7 ft.
Min. Lot Width:	100 ft.	100 ft.
Min. Lot Size:	1/2 acre	0.46 acres (Variance)

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	35 ft.	35 ft. (North)
Rear:	50 ft.	104.3 ft. (South)
Side:	10 ft.	25 ft. (East) 35.6 ft. (West)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions and circumstance particular to the subject property is that the owner will not be able to construct a single-family home without the Variance for lot size.

Not Self-Created

The owners are not responsible for the existing lot configuration. Therefore, the substandard aspects of the lot are not self-created.

No Special Privilege Conferred

Granting the Variance will not establish special privilege since there are other properties in the area developed with single-family homes with similar lot sizes.

Deprivation of Rights

Without approval of the requested Variance, the owners will be deprived of the ability to construct a residence on the parcel, as the adjacent parcels to the east and west are developed.

Minimum Possible Variance

The requested Variance is the minimum necessary to construct any improvements on the property. The lots to the east and west are already developed with a single-family home, so there is no possibility of acquiring additional land to meet the code requirements. Furthermore, a home design that meets setback requirements has been proposed.

Purpose and Intent

Approval of this request will be in harmony with the purpose and intent of the of the Code, which is to allow infill development of lawfully constructed residences. The lot size as proposed will not be detrimental to the neighborhood as the proposed residence will be consistent with the lots in the area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with lot width and dimensions shown on the site plan received January 10, 2023, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
 2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
- C: Fraile Properties LLC (Yanier Fraile)
985 Humphrey Boulevard
Deltona, FL 32738`

COVER LETTER

FROM THE DESK OF YANIER FRAILE

To Whom May Concern,

I am writing this letter with the intent on building my dream home, on my vacant land located on 14672 Congress ST Orlando FL, 32826.

The proposed house will have 2326 sf which 1604 sf will be under A/C, 3 Bedrooms, 2 Bathrooms and 2 Car garage, Front Porch and Back Porch, The dimensions of the perimeter of the house are 39' 4" wide 60' 7" on one side that the other side will have 44' even,

Setbacks are 25' on left side of the house if facing from the street, 35' right side, 35' front and 104' 3" back.

Thanking you in advance.

Sincerely,

Yanier Fraile.

 _____ Date 01-11-2023.

COVER LETTER

- 1 **Special Conditions and Circumstances** - Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.

NOT SPECIAL CONDITIONS OR CIRCUMSTANCES EXISTING, JUST A VARIANT LAND

- 2 **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance, i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.

NOT SELF-CREATED, NOT SPECIAL CONDITIONS VARIANT LAND

- 3 **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

NOT SPECIAL PRIVILEGE, LOT MEETS SETBACKS FROM 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 property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

NOT DEPRIVATION OF RIGHTS, PROPERTY MEETS MINIMUM REQUIREMENTS.

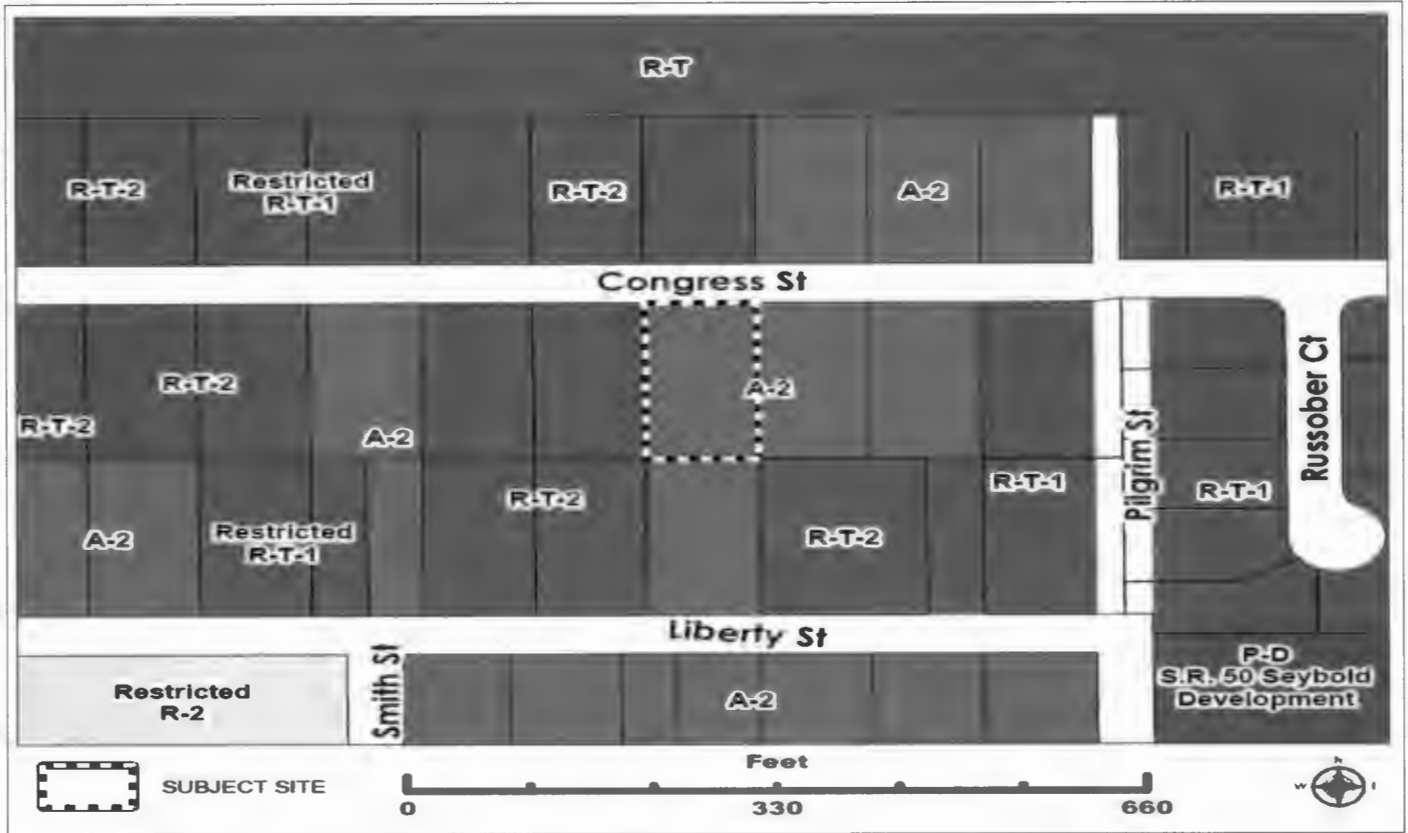
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

PROPERTY MEETS MINIMUM REQUIREMENTS SETBACKS.

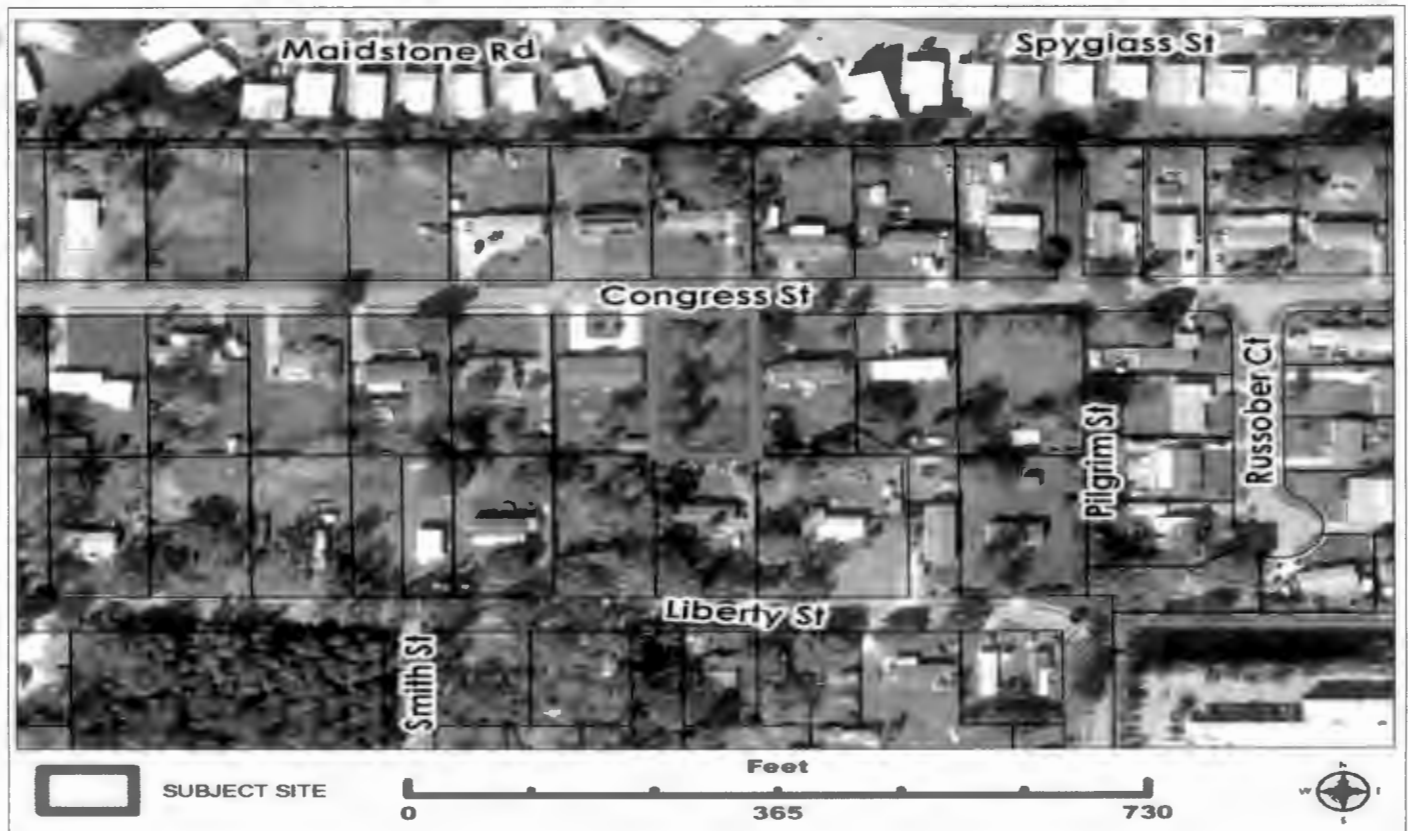
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

PROPERTY AND FUTURE HOME WILL NOT INJURIOUS OR IMPACT ANY NEIGHBORS.

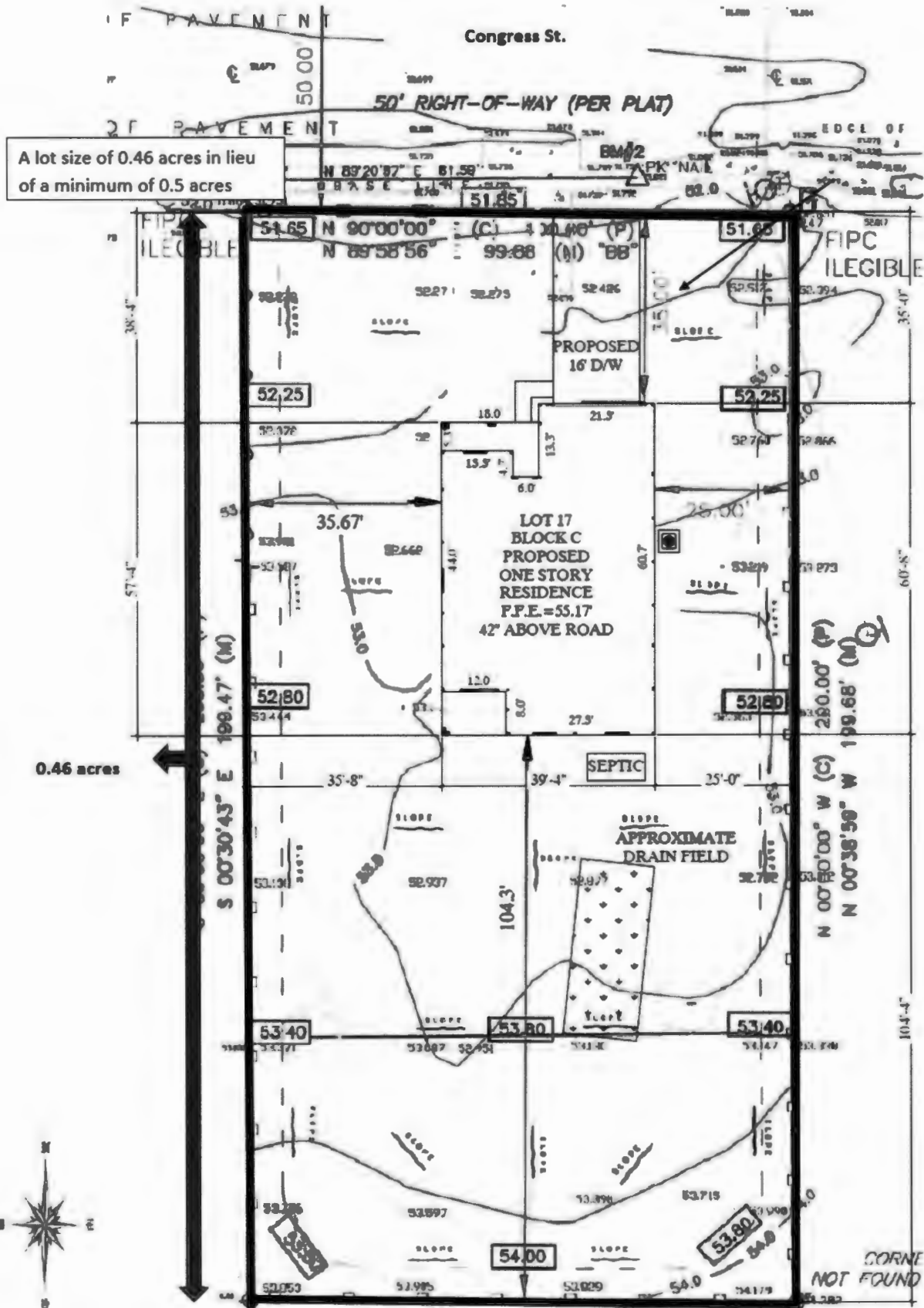
ZONING MAP



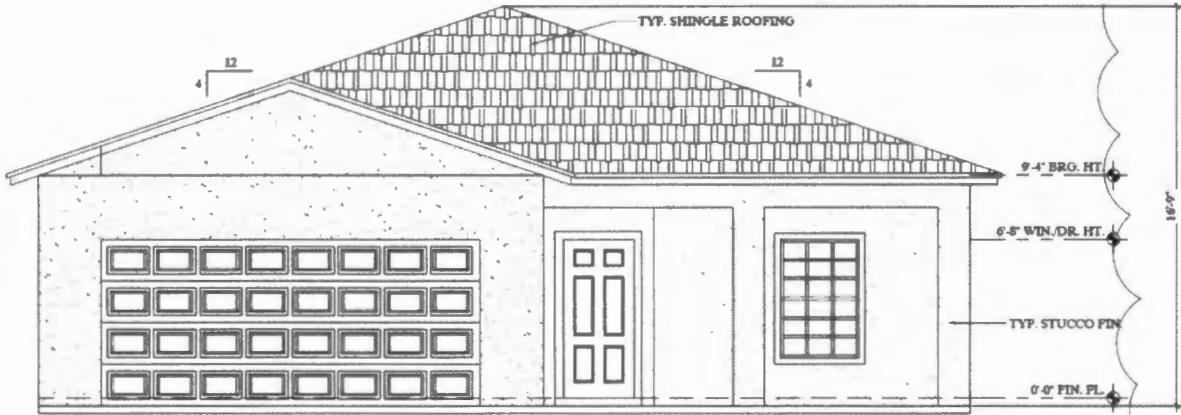
AERIAL MAP



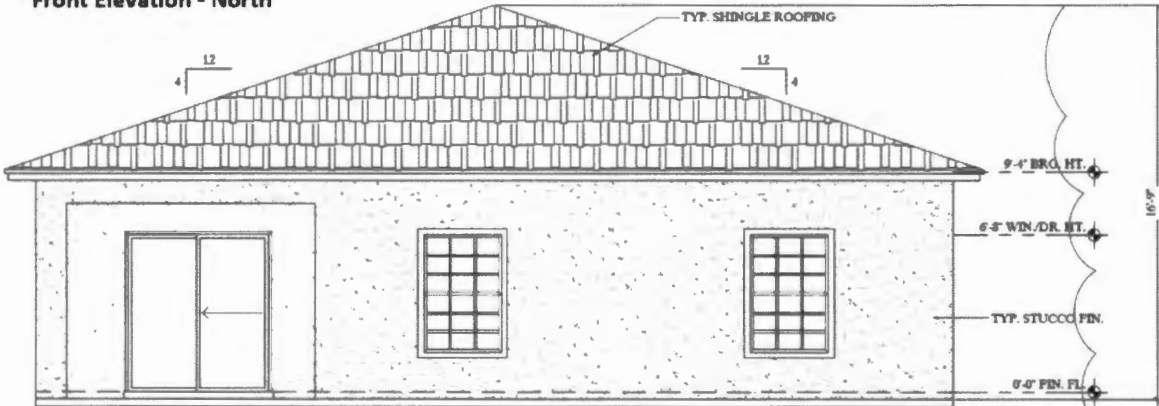
SITE PLAN



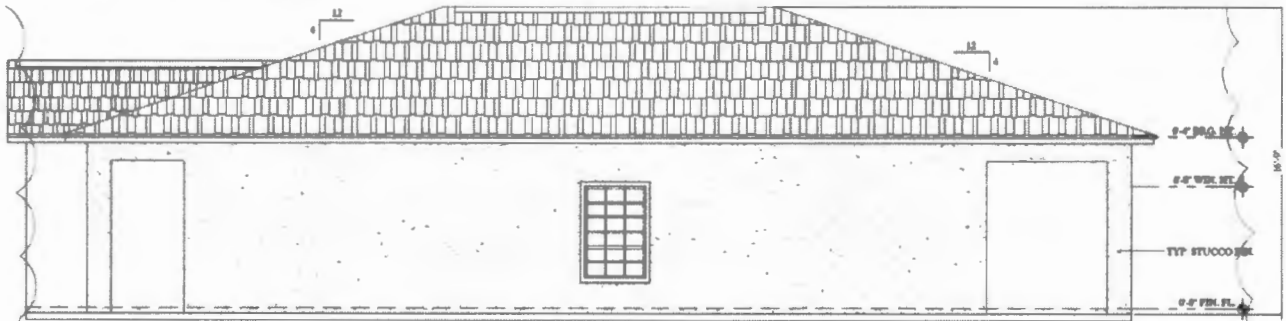
ELEVATIONS



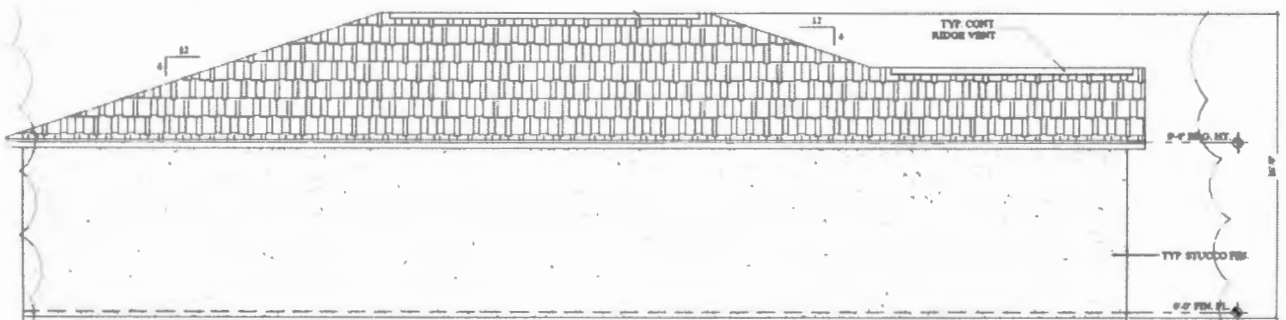
Front Elevation - North



Rear Elevation - South



Right Elevation - West



Left Elevation - East

SITE PHOTOS



Facing south from Congress St. towards front of subject property



Rear yard, facing north towards future house location

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 02, 2023**

Commission District: **#4**

Case #: **VA-23-03-004**

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

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): MILA PAK

OWNER(s): PAK YOUNG LIFE ESTATE, PAK MILA LIFE ESTATE, REM: YOUNG AND MILA PAK REVOCABLE LIVING TRUST

REQUEST: Variance in the A-2 zoning district to allow a detached ADU in front of the primary structure.

PROPERTY LOCATION: 11102 Shady Oak Street, Orlando, FL 32832, southwest corner of Shady Oak St. and Shady Oak St., east of Kirby Smith Rd., west of Lake Hart, east of Narcoossee Rd.

PARCEL ID: 21-24-31-4458-00-050

LOT SIZE: +/- 1.09 acres (+/- 0.91 acres upland)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 21

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (unanimous; 6 in favor, 0 opposed and 1 absent): (Motion by Deborah Moskowitz, Second by Roberta Walton Johnson; unanimous; 6 in favor: John Drago, Juan Velez, Deborah Moskowitz, Joel Morales, Roberta Walton Johnson, Charles Hawkins, II; 0 opposed; 1 absent: Thomas Moses):

1. Development shall be in accordance with the site plan and elevations received February 2, 2023, as modified to have a design similar and compatible to the primary dwelling unit with the same exterior finish material and similar arch details to the materials and colors of the house, 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. The design of the ADU shall be modified to be similar and compatible with the principal structure with the same exterior finish material and similar arch details.
5. A permit for the shed shall be obtained prior to the issuance of the permit for the ADU or the shed shall be removed.

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

The applicant chose not to speak.

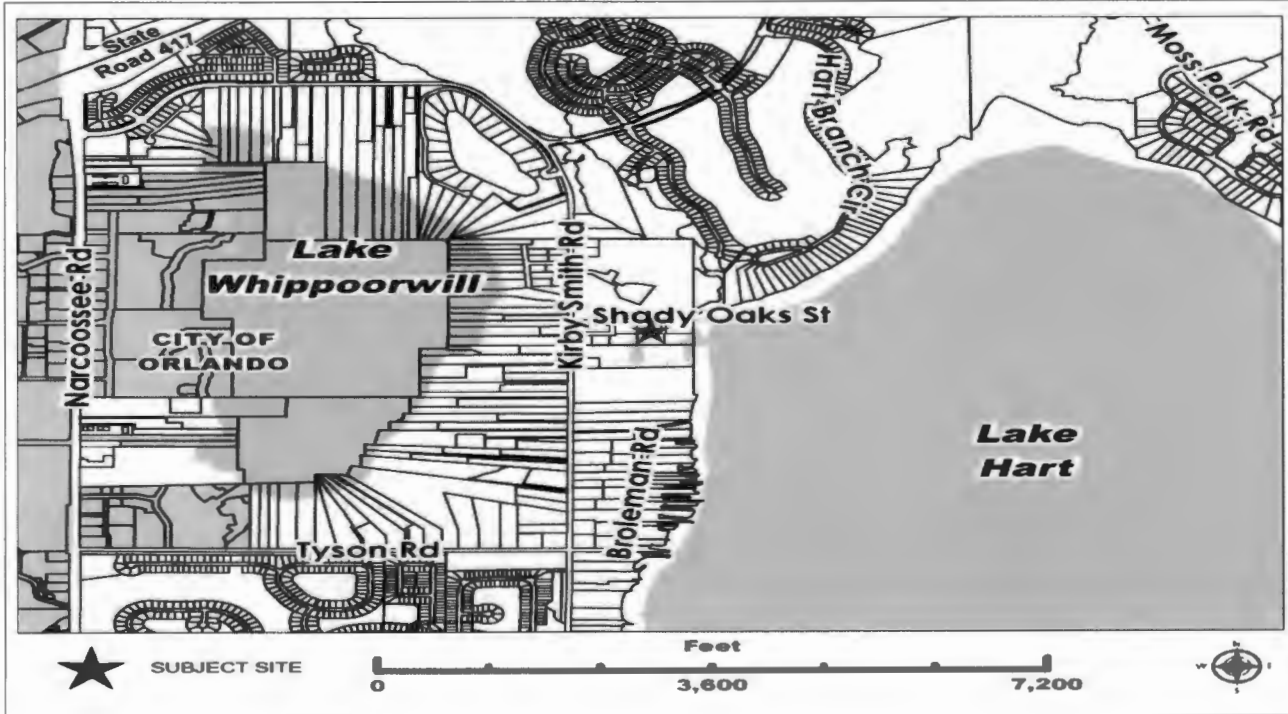
There was no one in attendance to speak in favor or in opposition to the request.

The BZA discussed the natural constraints of the property and unanimously recommended approval of the Variance by a 6-0 vote, with one absent, subject to the five (5) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	A-2	A-2	A-2	A-2
Future Land Use	Lake Hart/Lake Whipoorwill Rural Settlement RS 1/2	Lake Hart/Lake Whipoorwill Rural Settlement RS 1/2	Lake Hart/Lake Whipoorwill Rural Settlement RS 1/2	Lake Hart/Lake Whipoorwill Rural Settlement RS 1/2	Lake Hart/Lake Whipoorwill Rural Settlement RS 1/2
Current Use	Single-family residential	Single-family residential	Single-family residential	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-2, Farmland Rural zoning district, which allows agricultural uses, mobile homes, and single-family homes with accessory structures on larger lots. The Future Land Use is Rural Settlement 1/2 (RS 1/2), and it is located in the Lake Hart/Lake Whipoorwill Rural Settlement. Rural settlements are established through the Comprehensive Plan and are intended to identify areas with unique traits and characteristics which the residents of those area wish to preserve. The rural settlement designation typically impacts such development factors as residential density, location, and intensity of commercial and other nonresidential uses, and with the exception of density, have no impact on single-family development. In the Lake Hart/Lake Whipoorwill Rural Settlement, the maximum density is one (1) unit per two (2) acres for new development. The Future Land Use is consistent with the A-2 zoning district.

The subject property is a +/- 1.09 acre lot, of which +/- 0.91 acres is upland, located on the east side of a canal. A 15 ft. drainage easement runs along the west side of the property over a portion of the canal. The area surrounding the subject site consists of single-family homes that run along a canal or abut Lake Hart. The property is Lot 5 of the Lake Hart Estates plat, recorded in 1965, and is considered to be a conforming lot of record. It is located on the southwest corner of Shady Oak Street and Shady Oak Street and is developed with a 1-story, 2,533 gross sq. ft. single-family home. The frontage is considered Shady Oak Street to the east since it is the narrowest portion of the lot abutting a public street and the side street is Shady Oak Street to the north. Shady Oak Street to the east terminates at the southeast property line of the subject site. There is also a 30 ft. by 12 ft., 11 ft. high shed located at the front of the property, which was installed without permits. The year of installation cannot be ascertained due to the tree cover on the aerial photography images. The property was purchased by the current owners in 2021.

The proposal is to construct a 27 ft. by 27 ft., 729 sq. ft., 18 ft. high accessory dwelling unit (ADU), which will consist of 1 bedroom and 1 bathroom, concurrent with a proposed 1,119 sq. ft. addition to the house. The proposed ADU will be located in front of the primary residence, requiring a Variance. Per Sec. 38-1426 (b) (3) (f) (2) of the Orange County Code, "A detached accessory dwelling unit shall not be located in front of the primary dwelling unit unless the primary dwelling unit is located in the rear half of the lot".

Although the detached ADU meets code setbacks and size requirements, the proposed exterior appearance is not designed to be similar and compatible with the primary dwelling unit as required and as such a condition of approval has been added to require the elevations to be modified to comply with code. Sec. 38-1426 (b)

(3) (j) of the Orange County Code states that “The accessory dwelling unit shall be designed to be similar and compatible with the primary dwelling unit, with the same exterior finish material and similar architectural details. Examples of similar architectural details include, but are not limited to, windows, doors, roof style, cornice detailing, vents, and dormers....”

The existing unpermitted shed located in front of the primary structure will be relocated to a conforming location prior to obtaining a permit for the ADU.

Staff has reviewed the request and recommends approval. Although there is a sizeable amount of space in the side and rear yard available, the property consists of natural constraints such as the canal along the west property line and heavy vegetation with mature trees. Any other location of the proposed ADU would require removal of the trees. Additionally, there are limited impacts to other neighboring properties since the proposed location is at the terminal end of Shady Oak Street. Further, the residence located to the immediate west of the subject property received a Variance for the same request for a detached accessory structure in front of the primary structure in lieu of the rear.

The Orange County Environmental Protection Division has no objection to the request.

As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	18 ft. (ADU)
Min. Lot Width:	100 ft.	180 ft.
Min. Lot Size:	1/2 acre	0.91 acres upland

Building Setbacks for ADU

	Code Requirement	Proposed
Front (Shady Oak St.):	35 ft.	35 ft. ADU (East)
Rear:	50 ft.	196 ft. ADU (West)
Side:	10 ft.	128 ft. ADU (South)
Side Street (Shady Oak St.):	15 ft.	25 ft. ADU (North)
NHWE	50 ft.	136 ft. ADU (West)

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions and circumstance particular to the subject property are its natural constraints and existing location of the home on the lot, which renders any additional site improvements on the site difficult without the removal of existing mature trees, or a Variance.

Not Self-Created

The request is not self-created since there are no other options available to relocate the proposed ADU to meet code requirements. Further, the owner is not responsible for the configuration of the lot or the existing location of the house.

No Special Privilege Conferred

Granting the requested Variance will not confer any special privilege conferred to others under the same circumstances since the adjacent property was approved for a similar request.

Deprivation of Rights

Without the requested Variance, the construction of a reasonably sized ADU in a code compliant location will not be possible without removing mature trees.

Minimum Possible Variance

Given the location of existing improvements and existing natural constraints, the request is the minimum possible.

Purpose and Intent

Approval of the requested Variance would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The ADU will not be significantly visible from any of the surrounding properties at the terminal end of the street due to the existing mature trees; thereby limiting any quantifiable negative impact to surrounding property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations received February 2, 2023, as modified to have a design similar and compatible to the primary dwelling unit with the same exterior finish material and similar arch details to the materials and colors of the house, 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. The design of the ADU shall be modified to be similar and compatible with the principal structure with the same exterior finish material and similar arch details.
5. A permit for the shed shall be obtained prior to the issuance of the permit for the ADU or the shed shall be removed.

C: Mila Pak
11102 Shady Oak Street
Orlando, FL 32832

COVER LETTER

Cover Letter

January 9, 2023

Mila and Young Pak

11102 Shady Oak Street

Orlando, FL 32832

Orange county Zoning Division

201 South Rosalind Avenue, 1st floor

Orlando, Florida 32801

To the Chair of the Board of Adjustments:

We are writing to request a variance to our property. We do aware and respect the zoning regulation of Orange County that ADU should not be placed in front of the primary house. However, we believe the front corner lot will be an idea for our situation. Therefore, we are requesting a variance of building this ADU in the front corner of our property.

This ADU is a concrete/block unit, a single story, 729 sq in total size (27 ft x 27 ft). The maximum height from the top of the roof to the ground is 14 ft tall, from ceilings in the rooms to ground is 10 ft tall. The setback from the road of my neighborhood would be max 15ft, so we propose placing this ADU 20 ft from the road.

Due to the unique location of our house being on a canal, there are some limitations to place an in-law suite (ADU) in our property. The lake side (side part of the house) is not possible to build, the back side of the house is too narrow that will be too close to our neighbor's house, and there are 5 beautiful mature oak trees in the back that is not possible to even consider without cutting them. In the other side (not on canal side), there are 5-6 very mature oak trees along with gigantic azalea bushes that will be devalued not only my house but entire neighborhood if we must cut these beautiful trees and bushes. Therefore, the ideal place would be the front corner area where is seldom used currently. Except the location of this ADU placement, we will follow the exact regulation of Orange County Zoning in building this ADU.

COVER LETTER

As our parents grow older, we would like to cherish every moment possible to stay close to our parents. They currently live in South Korea; however, they would be so happy to have their place near us, so they enjoy more time staying here with us. The placement of this ADU will enhance the entire property aesthetics by tying with updating our current property while it is not obtrusive, nor does it break up the yard. The location of the ADU will not block or hinder our neighbor's view or aesthetics in any way. Rather, it will enhance the beauty and harmony of our entire neighborhood.

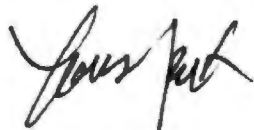
We believe we fulfill the hardship requirements for a variance and kindly ask you to review and grant such variance.

Thank you so much for your time and consideration.

Mila Pak:



Young Pak:



COVER LETTER

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

This variance request, and approval will be consistent with
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.

My local zoning is A2, many of my neighbors have ADUs.

Building an ADU in the front corner will enhance the landscape
harmony in our neighborhood.

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

Building an ADU in the front corner of my house will not hinder
or obstruct our neighborhood.

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

The use of ADU is for our parents to stay in whenever they
couldn't stay alone or want to be close to us.

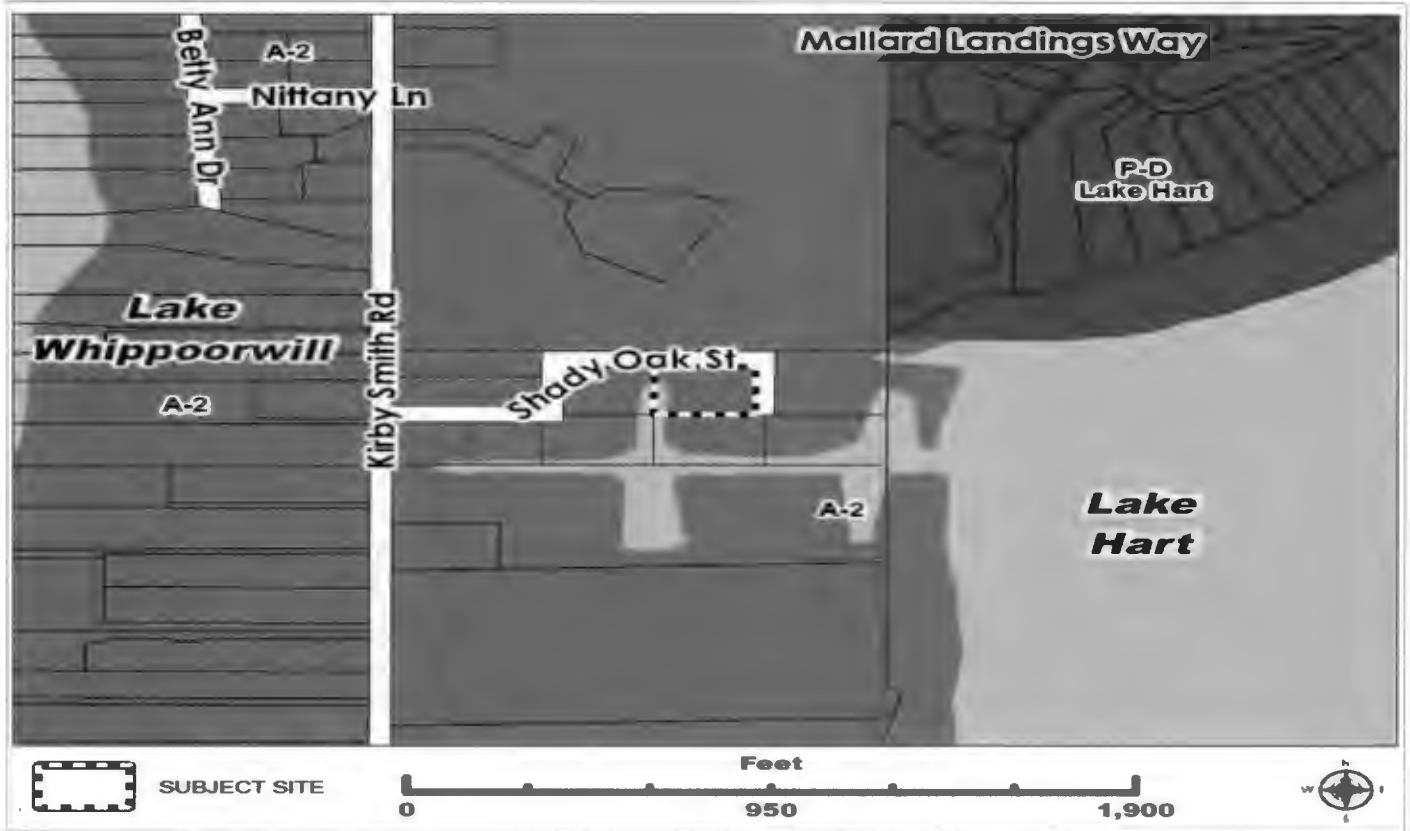
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

This proposed ADU will contain similar aesthetic elevations to
the primary house. This ADU will meet high standards of characteristics
of exterior and interior of the house

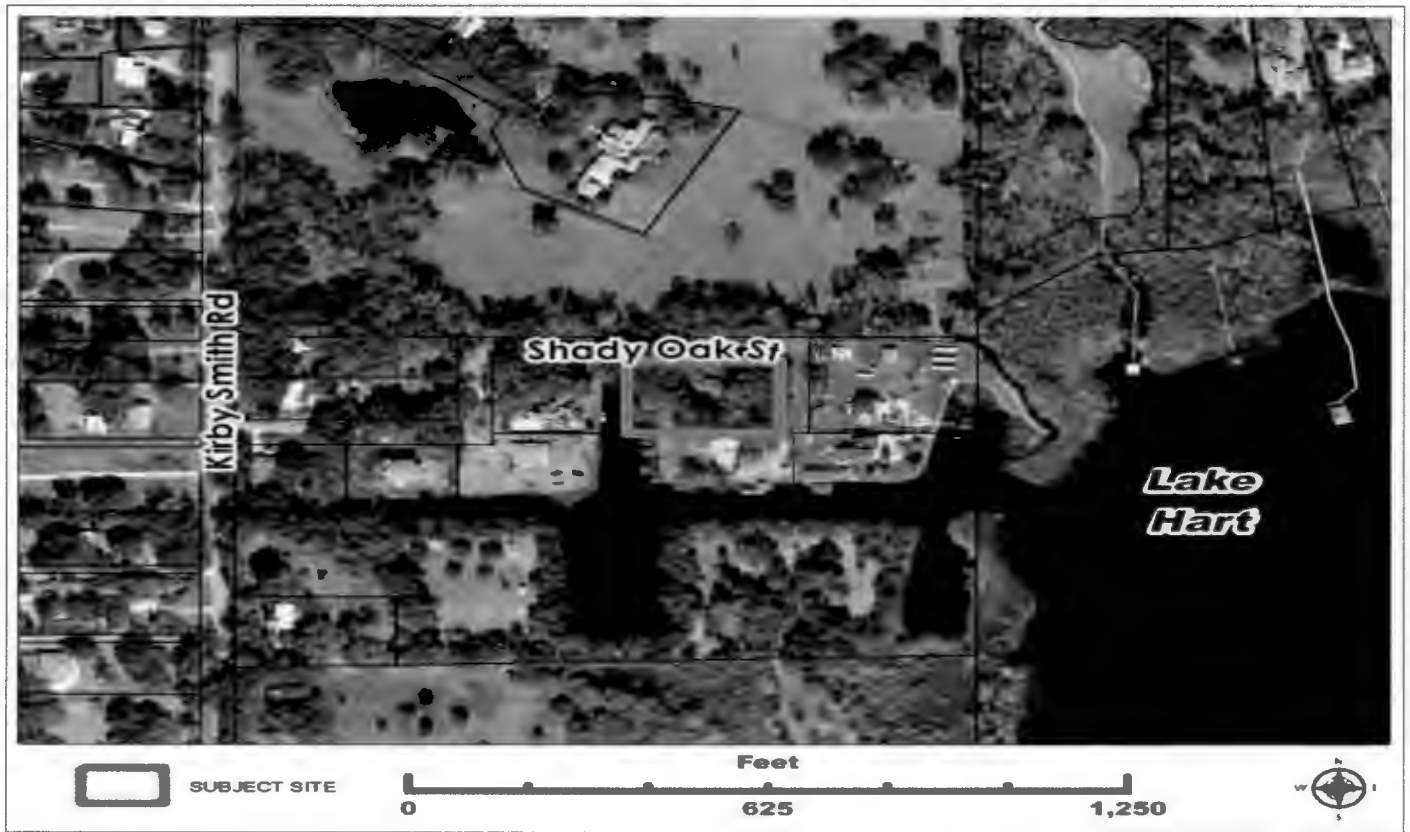
6. Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

The lot size of my property is 1.10 Ac. We keep the harmony
and beauty, not to mention of buffer, of the entire landscape in this
property

ZONING MAP



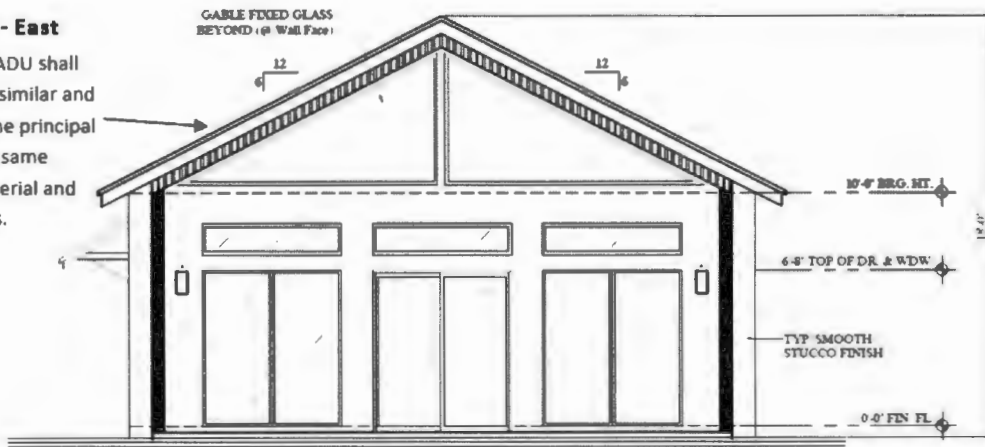
AERIAL MAP



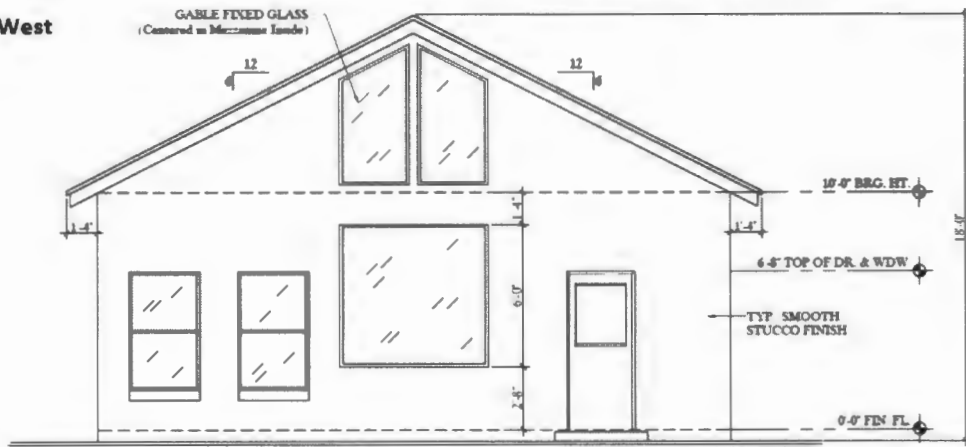
ADU ELEVATIONS

Front Elevation - East

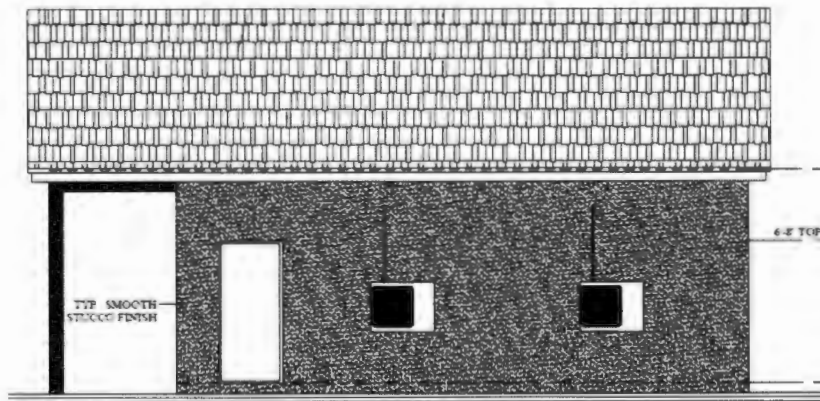
The design of the ADU shall be modified to be similar and compatible with the principal structure with the same exterior finish material and similar arch details.



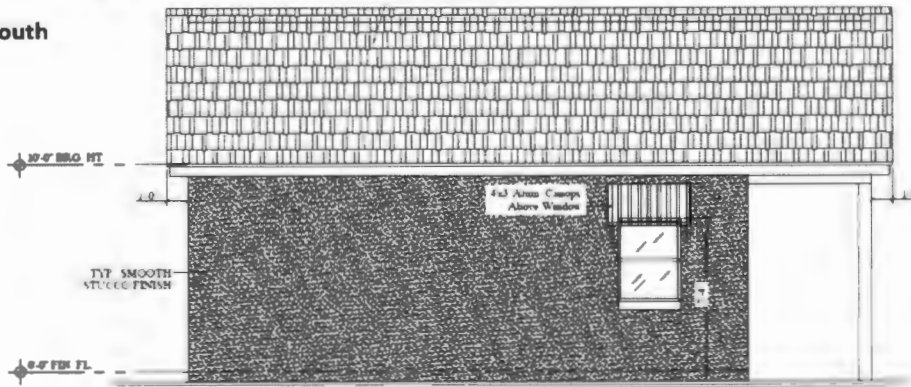
Rear Elevation - West



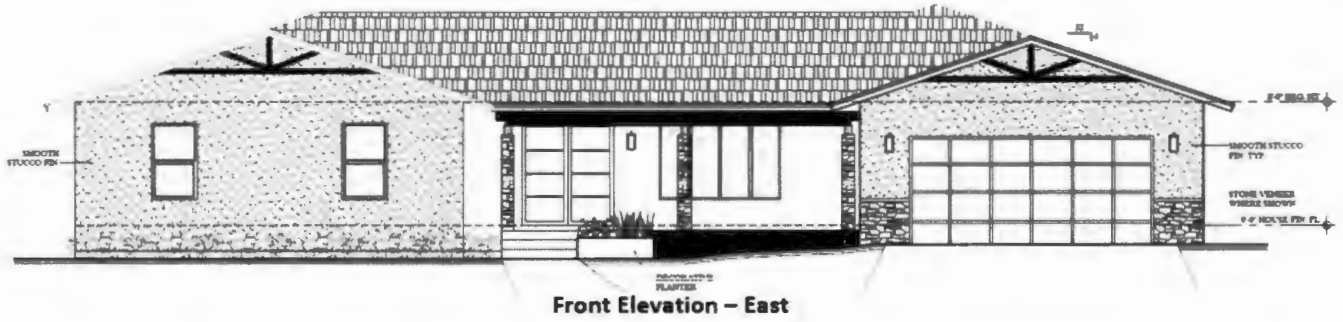
Right Elevation - North



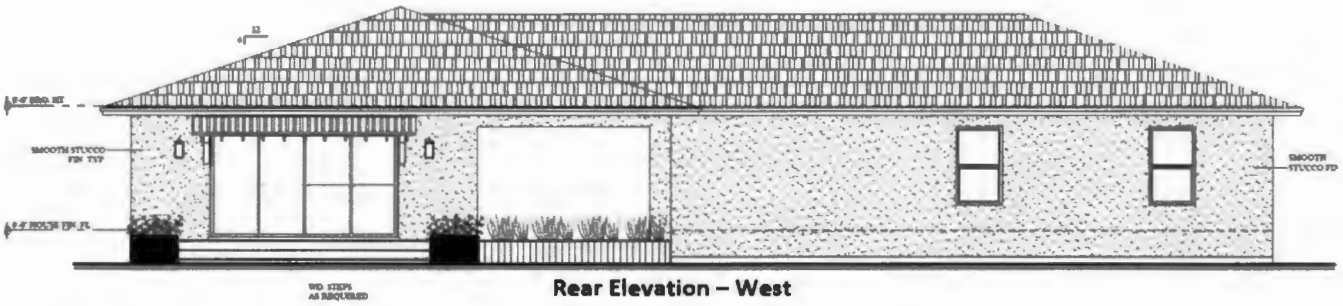
Left Elevation - South



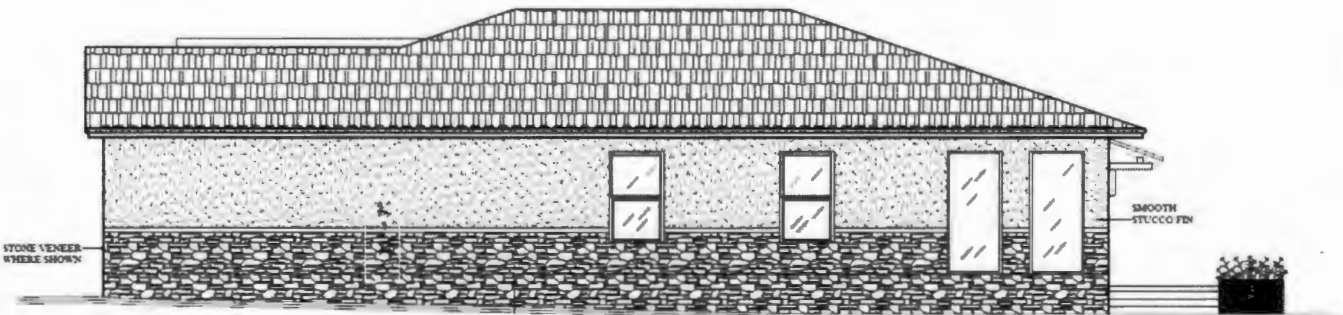
PRIMARY RESIDENCE ELEVATIONS AFTER RENOVATION



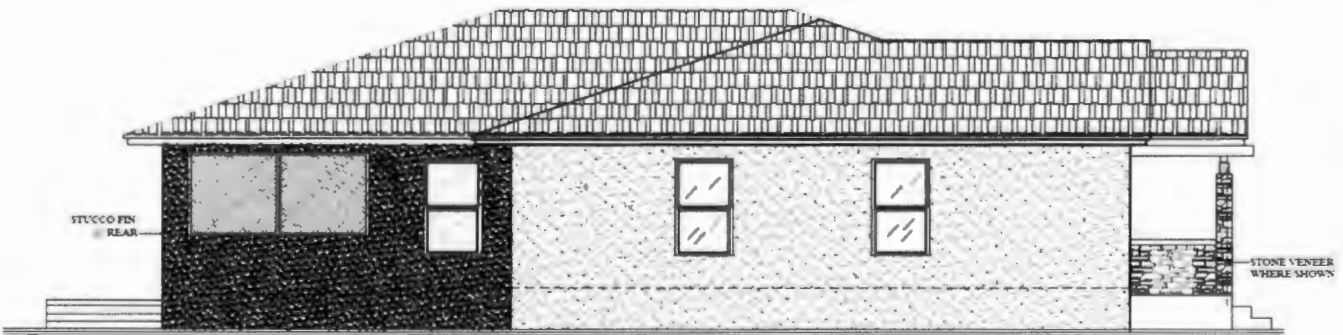
Front Elevation - East



Rear Elevation - West



Right Elevation - West



Left Elevation - East

SITE PHOTOS



Facing northwest from Shady Oak St. east towards side of storage structure



Facing east from Shady Oak St. towards side street of subject property

SITE PHOTOS



Facing south from Shady Oaks St. north towards front of residence



Side yard, facing east towards proposed ADU location

SITE PHOTOS



Facing southwest from Shady Oak St. and Shady Oak St. towards proposed ADU location



Front yard, facing west towards proposed storage structure location, proposed addition, and canal

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 02, 2023**

Commission District: **#5**

Case #: **VA-32-03-002**

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

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JADE MALEK

OWNER(s): JADE MALEK

REQUEST: Variance in the R-1A zoning district to allow a deck with an east side setback of zero in lieu of 7.5 ft.

PROPERTY LOCATION: 1898 Killarney Drive, Winter Park, FL 32789, southeast corner of Killarney Dr. and Ohio St., on the south side of Lake Killarney, north of W. Fairbanks Ave.

PARCEL ID: 12-22-29-4076-01-130

LOT SIZE: +/- 0.16 acres (7,138 sq. ft.)

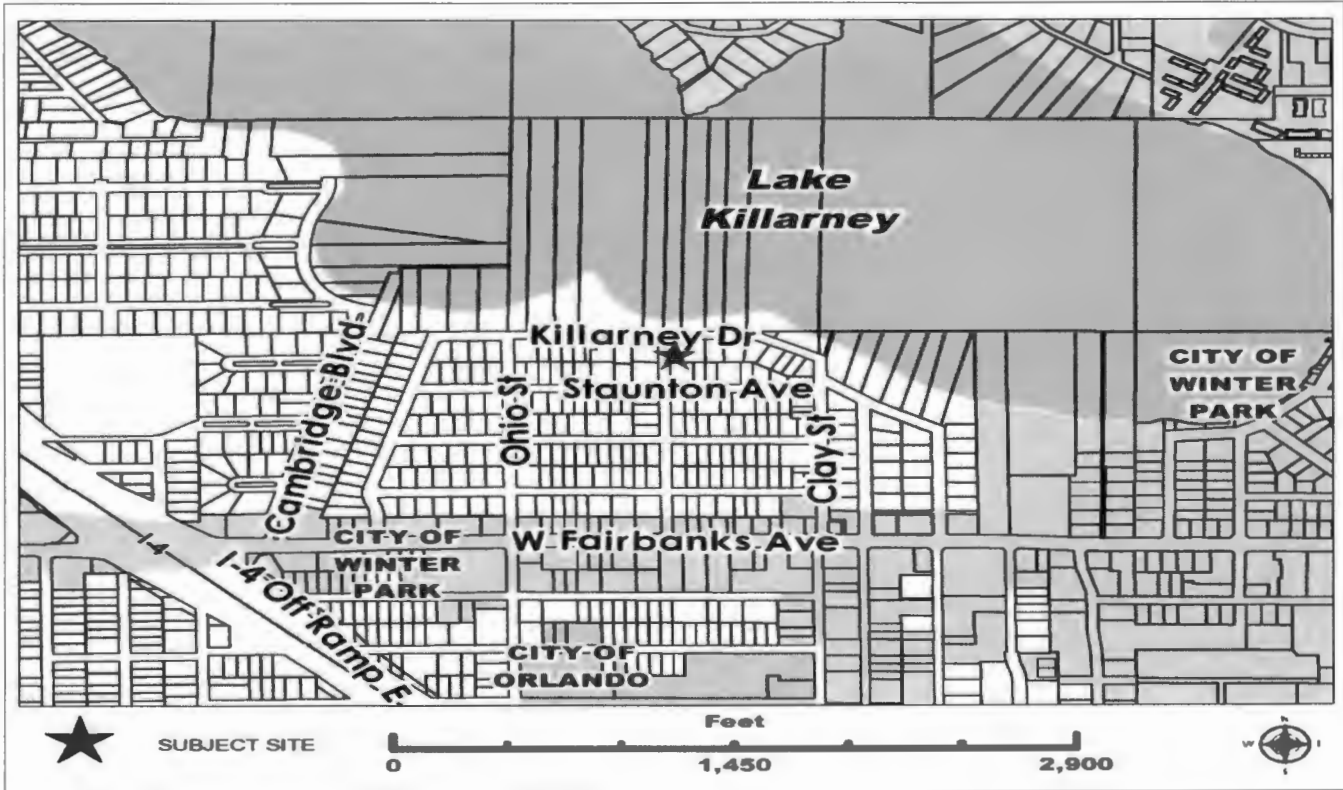
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 91

STAFF RECOMMENDATIONS

CONTINUED BY APPLICANT TO THE APRIL 6, 2023 BZA HEARING

LOCATION MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 02, 2023**

Commission District: **#2**

Case #: **SE-22-11-116**

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

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JUAN BALBUENA FOR ONE ACCORD CHRISTIAN MINISTRIES

OWNER(s): JUAN BALBUENA

REQUEST: Special Exception in the R-1 zoning district to allow a private school to include 1-12 grades with a maximum of 100 students.

Note: This is the result of Code Enforcement.

PROPERTY LOCATION: 7301 Edgewater Drive, Orlando, FL 32810, northeast side of Edgewater Dr., west side of Mott Ave., north of N. Orange Blossom Trl., east of N. Pine Hills Rd., south of W. Maitland Blvd.

PARCEL ID: 32-21-29-0000-00-013

LOT SIZE: +/- 2.99 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 182

DECISION: Recommended **APPROVAL** of the Special Exception request in that the Board finds it meets 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 (Motion by John Drago, Second by Juan Velez; unanimous; 6 in favor: John Drago, Juan Velez, Deborah Moskowitz, Joel Morales, Roberta Walton Johnson, Charles Hawkins, II; 0 opposed; 1 absent: Thomas Moses):

1. Development shall be in accordance with the site plan and elevations received January 27, 2023, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Hours of operation for the school shall be limited to 7:00 a.m., to 3:00 p.m., Monday through Friday.
5. The maximum number of students shall be 100.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval. Staff noted that sixteen (16) comments were received in support and one (1) was received in opposition.

The applicant team agreed with the staff presentation and provided a brief history of the private school.

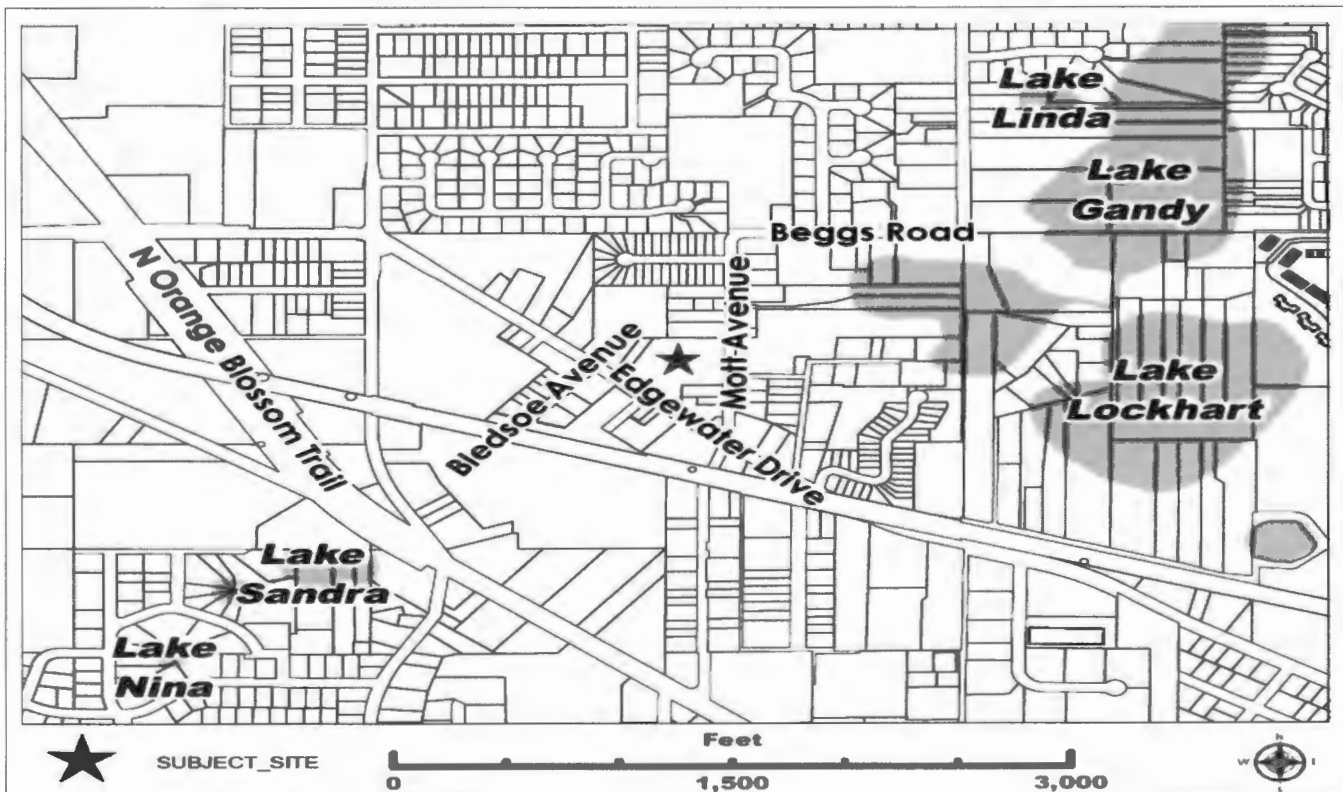
There was one (1) in attendance to speak in favor of the request and no one in attendance to speak in opposition to the request.

The BZA unanimously recommended approval of the Special Exception by a 6-0 vote, with one absent, subject to the five (5) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1	R-1	R-1, C-2	R-1	C-3
Future Land Use	LDR	LDR	LDR, C	LDR	C
Current Use	Religious Institution, Kindergarten, Day Care Center	Single-family residences	Single-family residential, Commercial	Single-family residences	Commercial

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1, Single-Family Dwelling District, which allows single-family homes and associated accessory structures and requires a minimum lot area of 5,000 sq. ft. Certain uses such as private schools are permitted through the Special Exception process. The Future Land Use is Low Density Residential (LDR), which is consistent with the R-1 zoning district.

The area around the subject site consists of single-family homes to the north and east, and commercial uses to the south. The unplatted irregularly shaped subject property is 2.99 acres in size and is considered to be a conforming lot of record. The parcel abuts Edgewater Drive to the southwest and Mott Avenue to the east. The frontage is considered Edgewater Drive due to the right-of way having the heaviest flow of traffic and the property having a commercial use. The site is currently used as a church, daycare, and kindergarten through 12th grade private school and is developed with 5 one-story interconnected buildings consisting of a chapel, classrooms, cafeteria, and offices that were constructed in 1960 per the Orange County Property Appraiser's office, totaling 16,915 sq. ft. of gross floor area. According to the owner the school has been in operation since 2009. The property was purchased by the current owner in 2007.

Previous requests:

- In February 1965: Special Exception (Case #3) was approved to allow the use of a church, kindergarten, and a day care.
- In May 1984: Variance (Case #31) was approved to allow for a day care center with the maximum of 150 children, infants to twelve years old, Monday through Friday, 7:00 a.m. – 6:00 p.m. in conjunction with the church.
- November 2006: a Special Exception (SE-07-01-017) was submitted with a request to allow overnight religious retreats in conjunction with existing use. It was continued by the Board of Zoning Adjustment indefinitely to allow the applicant to seek an alternative site. The request did not come before the Board of Zoning Adjustment again.

Code enforcement cited the property owner on August 22, 2022 (CE#: 611804) for use without permits for the day care center and K-12 school. A Business Tax Receipt for the private school is on hold pending the outcome of this request.

Since the original Special Exception approval was only for kindergarten, the applicant is requesting a Special Exception to allow the continuation of the use of classrooms adjacent to the courtyard for a private school to include 1st to 12th grades with a maximum of 100 students. No new construction is proposed and to accommodate the school, the day care will be eliminated. The school operating hours will be from 7:00 a.m. to 3:00 p.m., Monday through Friday. The existing hours of operation for church services are at different times than the school on the site, which are Sunday from 9:00 a.m. to 12:00 p.m. and 6:00 p.m. to 8:00 p.m., and Thursday from 7:00 p.m. to 9:00 p.m.

Parking requirements for the subject property are as follows:

- School: 7 classrooms, @ 4 parking spaces per classroom, requiring 28 spaces
- High school students: 10 students, @ 1 parking space per 3 students, requiring 4 spaces

The total parking spaces required for the entire campus is 32 parking spaces. The existing campus shares a parking area that contains 34 paved parking spaces of which 2 of the spaces are handicapped parking. Per Sec. 38-1478 of the Orange County Code, "No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this chapter shall be included as part of an off-street parking area similarly required for another building or use, except in the case where the parking demands of different uses occur at different times or where the uses are part of a unified development". Since the parking demands of each operation occur at different times, the parking code requirement is met.

The Orange County Transportation Planning Division has reviewed the request and indicated that the additional trips will have no significant impact on the surrounding roadway segments, including specifically Edgewater Drive.

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

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The provision of private schools as conditioned through the Special Exception process is consistent with the Comprehensive Plan.

Similar and compatible with the surrounding area

The private school use will utilize existing structures located on an existing developed site, which contains existing landscaping and buffers, and as such will be similar and compatible with the surrounding area.

Shall not act as a detrimental intrusion into a surrounding area

The proposed school use will be in existing structures on an existing developed site that has existed for over 58 years, and will not negatively impact the surrounding area. It will be located within an existing building complex, and the number of students is a decrease from the approved day care center of 150 children in 1984.

Meet the performance standards of the district

The existing campus and the conversion to a private school meets the performance standards of the district.

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

There are no proposed activities on the property that would generate noise, vibration, dust, odor, glare, or heat that are not associated with the majority of the uses permitted in the zoning district.

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

The proposed new educational use will be located entirely within an existing building on an existing campus on a developed site and therefore no additional buffer yards are required.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations received January 27, 2023, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Hours of operation for the school shall be limited to 7:00 a.m., to 3:00 p.m., Monday through Friday.
5. The maximum number of students shall be 100.

C: Juan Balbuena (One Accord Christian Ministries)
7301 Edgewater Drive
Orlando, Florida 32810



One Accord Christian Ministries Inc.
7301 Edgewater Drive
Orlando, FL 32810

September 9, 2022

To The Board of Zoning:

We are desiring to amend our current Special Exemption or variance to accommodate us. On May 3, 1984 the approved exemption was for K to 12 years old. We now need to amend the requirements to K to Grade 12. Listed are the requirements to amend our Special Exemption:

- School Services operate Monday through Friday from 7:00am to 3:00pm.
- Church Services operate Sundays 9:00am to 12:00pm and 6:00pm to 8:00pm and also Thursdays 7:00 to 9:00pm.
- School service times and Church service times do not conflict at any given time.
- We currently have 34 marked parking spaces which includes 2 handicapped parking. We also have much more parking available on our property.
- Parking requirements are met according to the public school siting regulations at chapter 38, article XVIII. The greater which totals 32 spots: 7 classrooms multiplied by 4 spaces equals to 28 spaces plus an additional 4 spots (10 high school students divided by 3) the total spaces available are 34 which is 2 over the required amount.

One Accord Christian Ministries purchased 7301 Edgewater Drive Orlando, FL 32810 by the help of God in April 2008. We obtained our permit and Certificate of Occupancy in 4/22/2008 (B08003957).

In 2008 I applied for a Certificate of Occupancy for our facilities. The certificate of occupancy issued to us, that was filled out by an Orange County personnel was written for "Non-Profit Business Office" and not church and school when we currently had both the church and school operating. The reason for this request is to clear that matter so we can use our property for both church and school.

When the buildings were originally constructed in 1965, the plan called for educational and Church usage. The Special Exemption obtained and are approved for in 1965 reads: Church, Kindergarten and day nursery. We would like to add the grade 1 to 12 as we have been operating for the past 14 years. When the property was built it was to be used for much more than Kindergarten and daycare and it is adequate to accommodate those original plans and plus more. It could've been added in phases as the church grew. On May 3, 1984 the approved exemption was for K to 12 years old. We now need to amend the requirements to K to Grade 12.

COVER LETTER

We are requesting a Special Exemption for our Church and K-12 School that we may continue to service the community of Lockhart and its families.

We have used the property for over 14 years operating both a church and school. In those 14 years, we have consistently complied with all county/state requirements and regulations. Attached you will find the following forms showing we are in compliance with all standards for the Florida Department of Education:

Articles of Incorporation (1999)
Fiscal Accountability (Annual 2022)
Florida Department of Education Compliance Letter (Annual 2022)
Fire Department Inspection Report for School (3/3/2022)
Health Department Inspection Report for School (8/24/2022)
Certificate of Occupancy (04/04/2019)
Application for Use Permit (4/22/2008)
Lockhart Methodist Church Meeting Notes (2/16/1965)
Plat of Survey (8/22/2008)
Code Violation Notice (08/2022)

Our facility includes 6 Buildings with an estimated 15,500 square feet. Our property is approximately 132,000 square feet on 3.04 acres. Our buffet areas are included in our Plat of Survey Detail survey copy.

In addition, our school provides the following services:

1. Our school currently includes 46 students (includes 10 High School) and 14 staff and volunteers.
2. K-12th grade education using the Accelerated Christian Education curriculum (ACE).
3. Approve and receive scholarships for low-income families.
4. Provide free breakfast, lunch through the National School Lunch Program and the School Breakfast Program which are approved by the State Health Department.
5. Provide before and aftercare for students.
6. Provide transportation.
7. Our Academy utilizes the USDA's Community Eligibility Program since 2015.

There is so much more than we can write about our Church and School. We would welcome a visit from you so that you can see firsthand the honor that we take in providing this service and so much more in our community. We endeavor to make our community safer, better and stronger together by helping the next generation of young leaders.

We want to thank you for giving us the opportunity to continue this ministry to the community.



Pastor Juan Balbuena
One Accord Christian Ministries Inc.

COVER LETTER

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

"We are" NOT CHANGING THE plans
already approve AND will continue with
the POLICY AND PLAN.

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

LOCKHART ELEMENTARY IS .2 MILES FROM 45
ON EDGEWATER DRIVE. LOCKHART MIDDLE IS 1 MILE.
CONSISTENT WITH THE PATTERN OF SURROUNDING
DEVELOPMENT.

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

Our school IS ADDING MORE SCHOOL CHOICE
AND PROVIDING AN EXISTING SERVICE IN OUR AREA.
CHILDREN NOW HAVE ANOTHER SCHOOL AND SERVICE
PROVIDED.

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

All permits have being obtain by the
FLORIDA DEPT OF EDUCATION, PROVIDING LOW INCOME
FAMILIES WITH FREE SCHOOL EDUCATION.

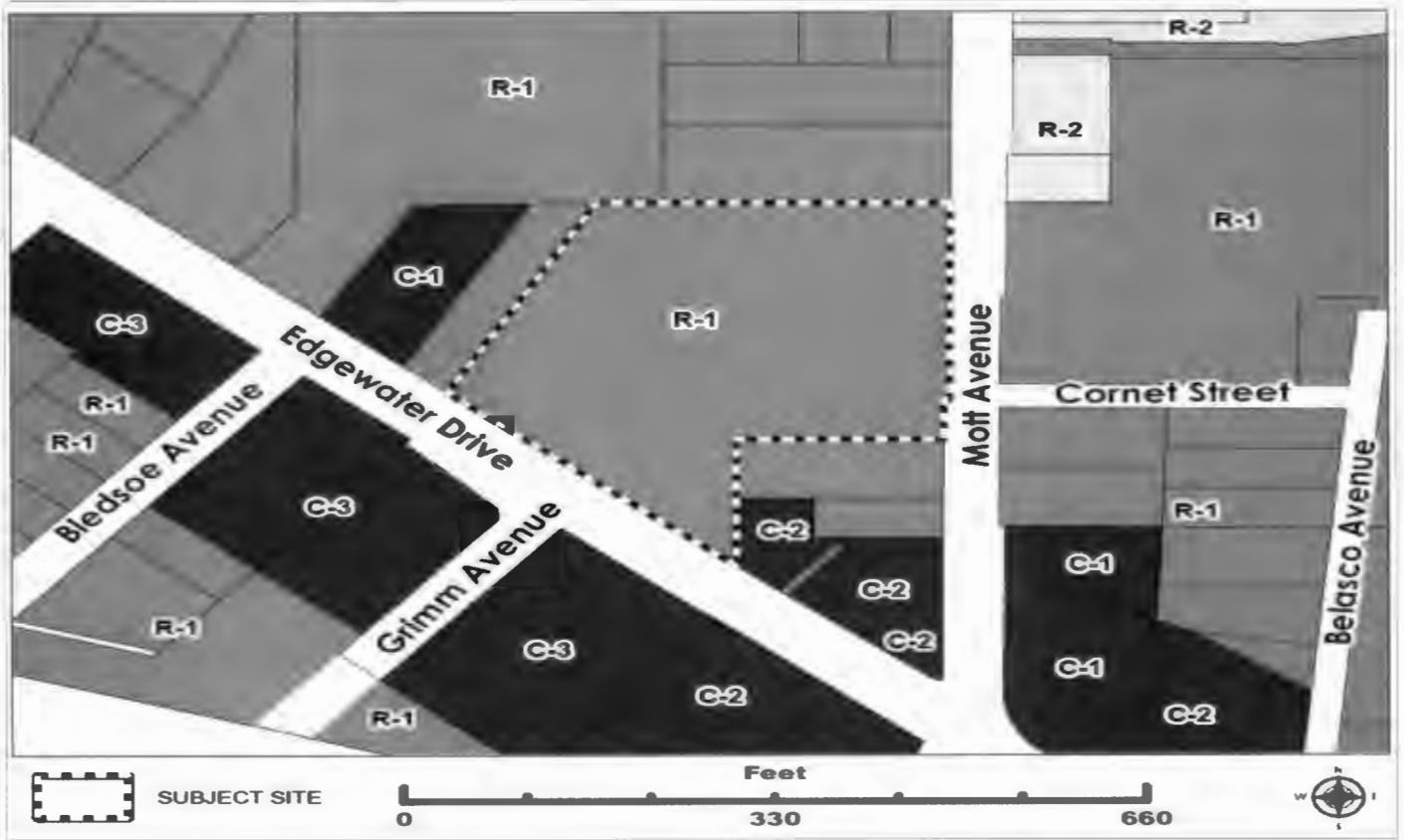
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

We have being currently in our district
for over 14 years. The use is similar with
the majority of uses in our area.

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.

Buffer codes have being in place in according
to ORANGE COUNTY CODES. WE HAVE BEING
APPROVE AND IN COMPLIANCE TO ALL PERMITS.

ZONING MAP

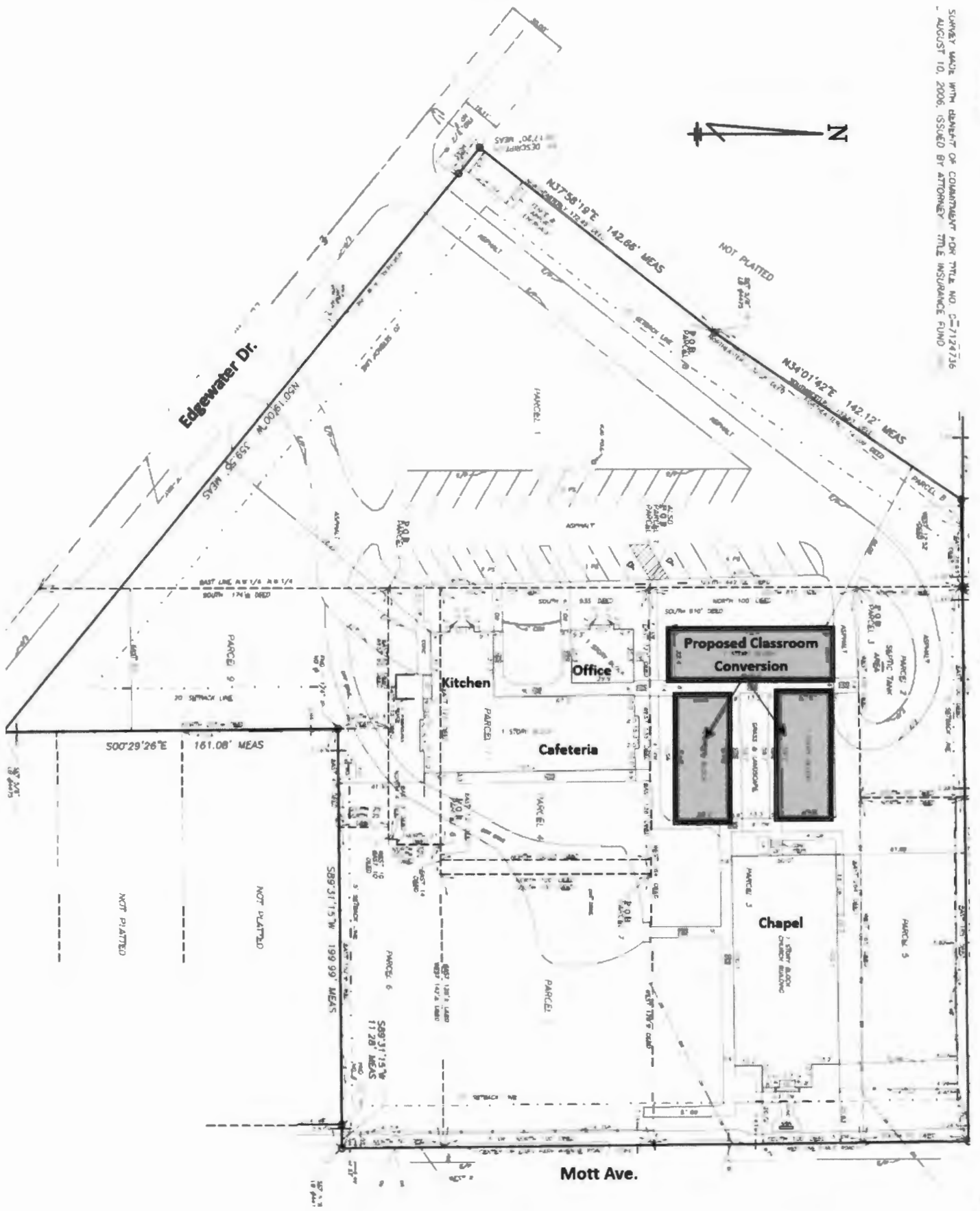


AERIAL MAP

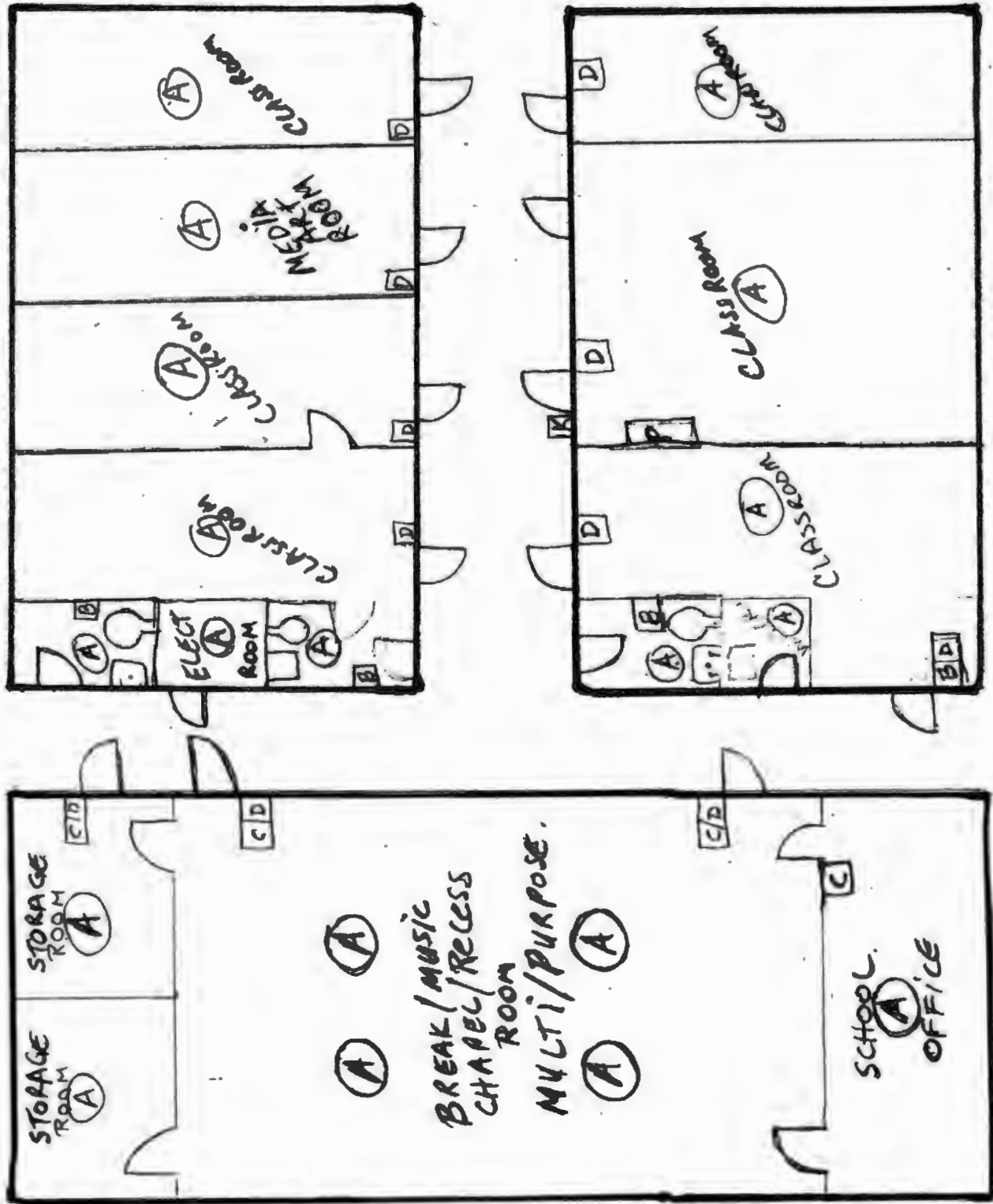


SITE PLAN

SURVEY MADE WITH DEEDS OF COMMITMENT FOR TITLE NO. C-7124736
 - AUGUST 10, 2006, ISSUED BY ATTORNEY TITLE INSURANCE FUND



CLASSROOM FLOOR PLAN



SITE PHOTOS



Facing north from adjacent property towards Edgewater Dr. and front of subject property



Facing west from Mott Ave. towards rear of subject property

SITE PHOTOS



Facing west from Mott Ave. towards front of chapel



Courtyard, facing east towards classrooms and rear of chapel

SITE PHOTOS



Courtyard, facing west towards classrooms

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 02, 2023**

Commission District: **#3**

Case #: **SE-23-02-160**

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

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): SAMUEL CORT SR. FOR SOUTH ORLANDO CHRISTIAN ACADEMY

OWNER(s): SOUTH ORLANDO CHRISTIAN ACADEMY INC

REQUEST: Amendment to a Special Exception in the C-1 and P-O zoning districts to construct a new 11,660 sq. ft. gymnasium for an existing private school.

PROPERTY LOCATION: 5815 Makoma Dr., Orlando, FL 32839, East side of Makoma Dr., north side of W. Oak Ridge Rd., west side of Tomoka Dr., east of S. Orange Blossom Trl.

PARCEL ID: 22-23-29-2792-08-100

LOT SIZE: +/- 1.73 acres

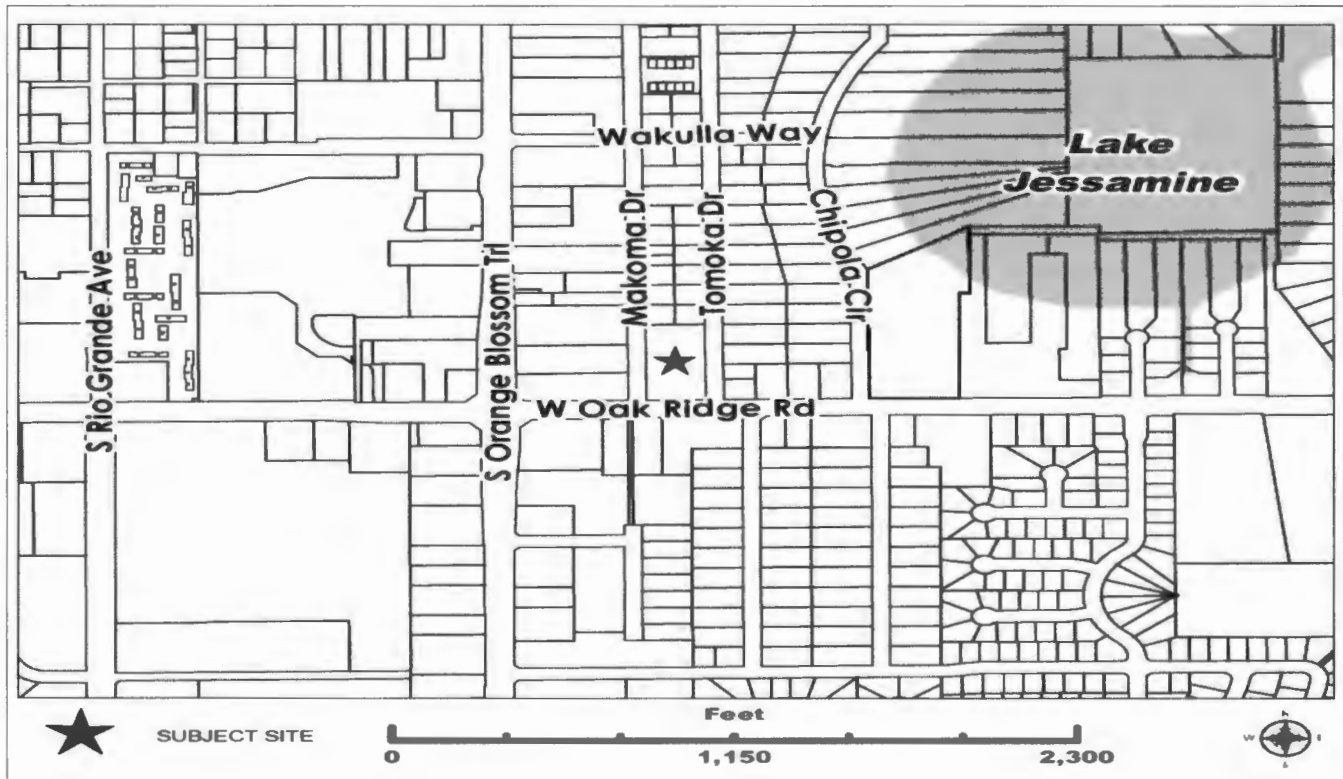
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 95

STAFF RECOMMENDATIONS

CONTINUED BY APPLICANT TO THE MAY 4, 2023 BZA HEARING

LOCATION MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 02, 2023**

Commission District: **#6**

Case #: **VA-23-02-177**

Case Planner: **Tiffany Chen (407) 836-5549**

Tiffany.Chen@ocfl.net

GENERAL INFORMATION

APPLICANT(s): MATTHEW HUMPHREY FOR THE DISNEY STORE

OWNER(s): HOLLYWOOD PLAZA GARAGE REALTY LLC

REQUEST: Variances in the PD zoning district as follows:

- 1) To allow for three wall signs in lieu of one maximum wall sign.
- 2) To allow for 72.78 sq. ft. of cumulative wall sign area in lieu of 60.97 sq. ft.

PROPERTY LOCATION: 8050 International Drive, Orlando, Florida, 32819, west side of International Dr., south of W. Sand Lake Rd., east of I-4.

PARCEL ID: 36-23-28-3787-00-010

LOT SIZE: +/- 1.55 acres

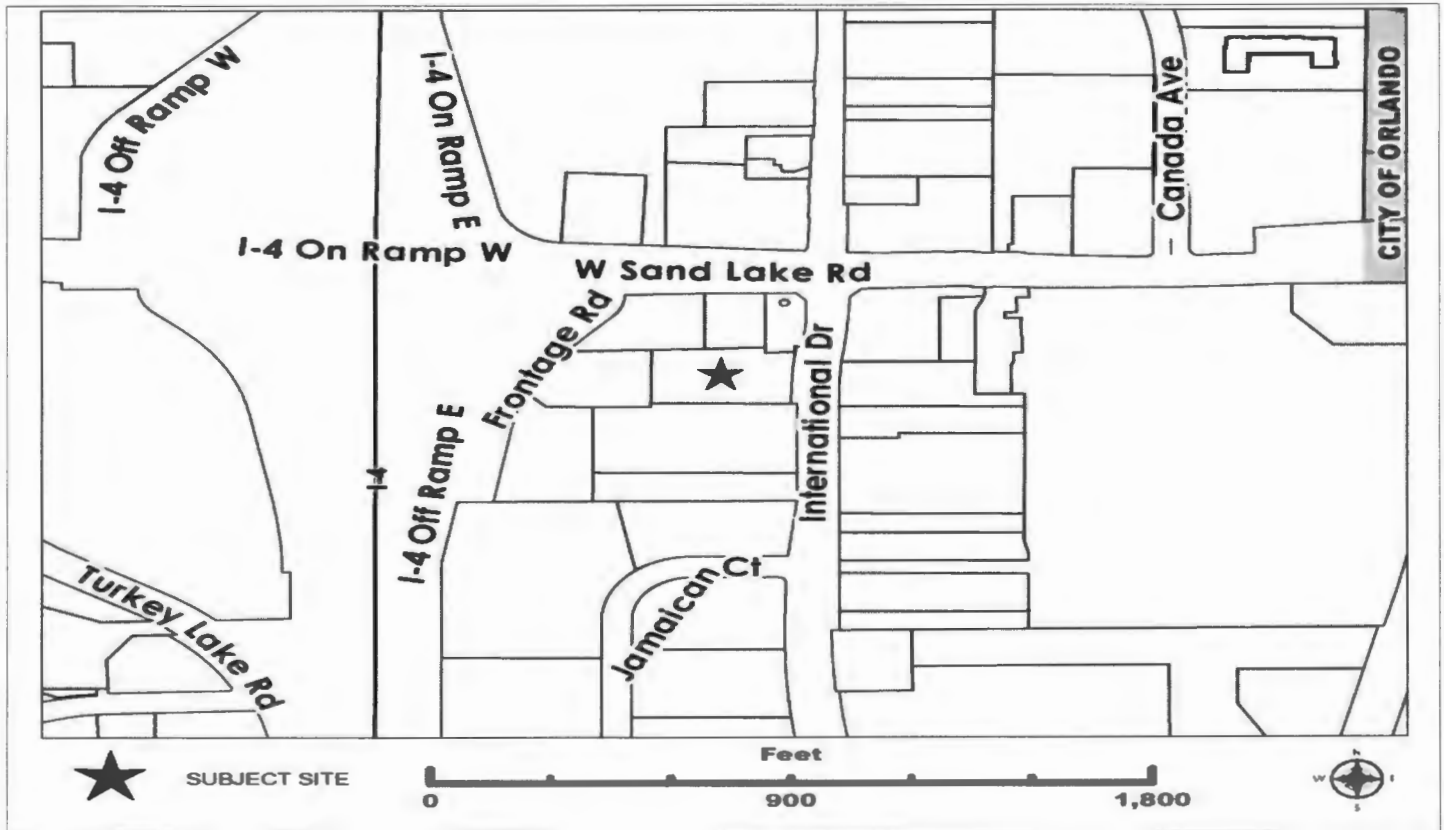
NOTICE AREA: 1,500 ft.

NUMBER OF NOTICES: 189

STAFF RECOMMENDATIONS

WITHDRAWN BY APPLICANT

LOCATION MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 02, 2023**

Commission District: **#5**

Case #: **SE-22-08-071**

Case Planner: **Laekin O'Hara (407) 836-5943**

Laekin.O'Hara@ocfl.net

GENERAL INFORMATION

APPLICANT(s): SHAWN CASEY FOR KIWANIS SCOUT HOUSE

OWNER(s): FOUNDATION OF KIWANIS CLUB OF GREATER ORLANDO-WINTER PARK INC

REQUEST: Special Exception in the R-1A zoning district to allow 2,038 sq. ft. indoor recreation (Kiwaniis Scout House)

PROPERTY LOCATION: 1925 Killarney Drive, Winter Park, FL 32789, north side of Killarney Dr., south side of Lake Killarney, west of N. Orlando Ave., north of W. Fairbanks Ave., east of Interstate 4.

PARCEL ID: 01-22-29-0000-00-001

LOT SIZE: +/- 8.4 acres (+/- 0.39 acres upland)

NOTICE AREA: 600 ft.

NUMBER OF NOTICES: 140

DECISION: Recommended **APPROVAL** of the Special Exception request in that the Board finds it meets 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 as amended (Motion by Joel Morales, Second by Juan Velez; 5 in favor: Deborah Moskowitz, Juan Velez, Joel Morales, Roberta Walton Johnson, Charles Hawkins, II; 1 opposed: John Drago; 1 absent: Thomas Moses):

1. Development shall be in accordance with the site plan dated February 9, 2023 and elevations dated February 21, 2023, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. A permit shall be obtained within 5 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. All installed exterior lighting, including exterior wall or soffit or canopy lighting shall be compliant with the county's exterior lighting ordinance, as described in Chapter 9, of the County Land Development Regulations. All exterior light fixtures, including wall and soffit fixtures, shall meet the full cutoff mandate. The fixture color temperature may not exceed 3,500 K. In addition, glare visors shall be installed, and field-adjusted, on any fixtures which may generate off-site light spill. The photometric plan shall be submitted and approved by Orange County staff as part of the Building Permit process.
6. Scouting activities will take place on the site a maximum of two nights per week, with an additional meeting up to two times per month. No outdoor scouting activities shall occur after 9:00 PM. The use of outdoor amplified sound and music shall be prohibited.
7. The facility shall be limited to 45 members at a time.
8. The parking area material shall be 57 stone.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval. Staff noted that six (6) comments were received in support, and seventeen (17) comments were received in opposition, as well as numerous calls in opposition.

The applicant agreed with staff's presentation, and briefly discussed the issues by those in opposition. The applicant stated that they would be willing to create an operational agreement regarding the site. The applicant also indicated that the number of meetings held on the property would be consistent with staff's condition, and that there are no plans to propose a boat dock, no boats or canoes, there will be no overnight stays, rental of the property for events, or public fundraisers on site.

There was no one in attendance to speak in favor of the request. There were thirteen (13) in attendance to speak in opposition to the request, raising concerns about maintenance of the site, flooding, traffic, wildlife disruption, parking, commercial activity in a residential area, and vagrancy.

In rebuttal, the applicant noted the drainage concerns will be reviewed and addressed at time of permitting. Further, the applicant also stated that the property cannot be sold or be used to allow for the construction of a single family home because of the deed restrictions that requires the property to be used solely for Scouting operations.

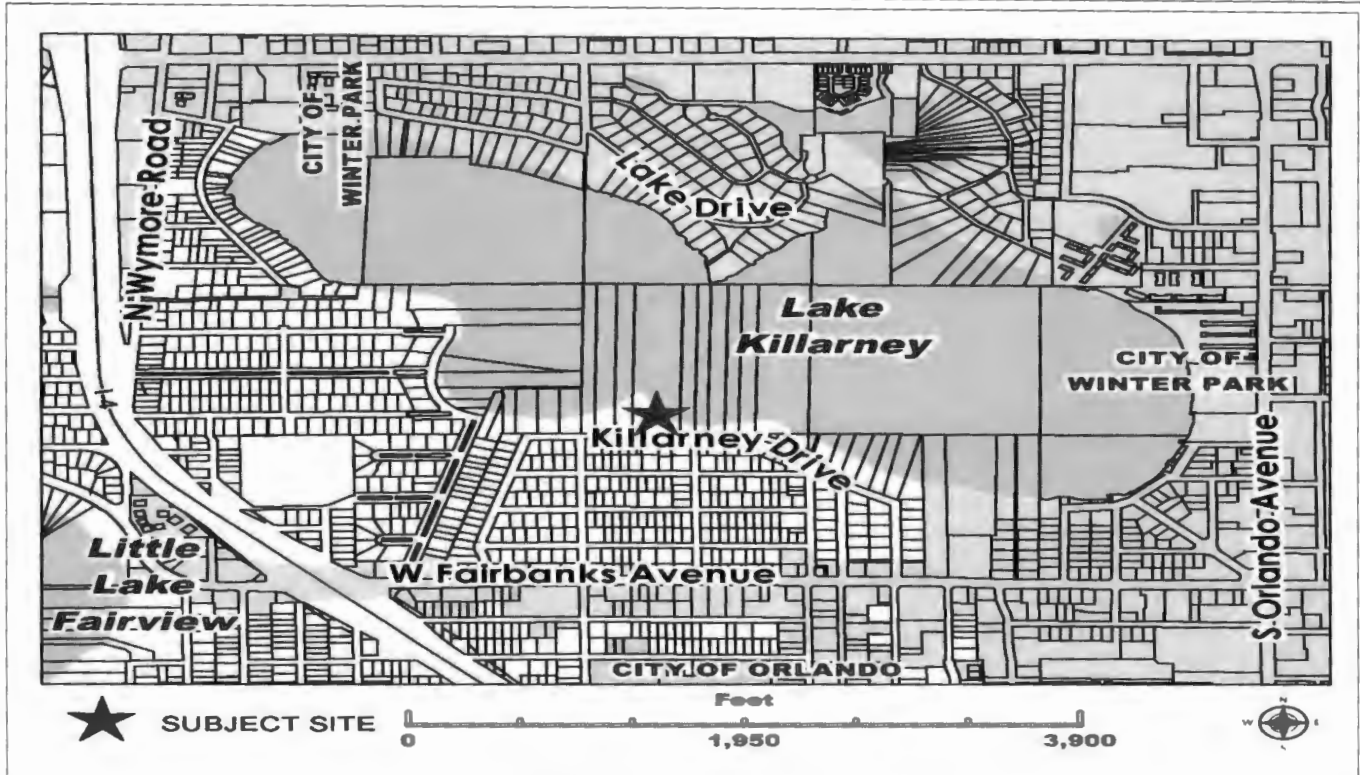
The BZA asked questions related to the indoor operations and use of the property, discussed at length the request for a continuance by the City of Winter Park, discussed the requested Special Exception and the compatibility of a parking lot in a residential area, and alternatives to concrete. The BZA recommended approval of the Special Exception by a 5-1 vote, with one absent, subject to the seven (7) conditions in the staff report, with an amended Condition #6, which states "Scouting activities will take place on the site a maximum of two nights per week, with an additional meeting up to two times per month. No outdoor scouting activities shall

occur after 9:00 PM. The use of outdoor amplified sound and music shall be prohibited." and the addition of Condition #8, which states "The parking area material shall be 57 stone."

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	Lake Killarney – City of Winter Park	R-1A	R-1A	R-1A
Future Land Use	LDR	Lake Killarney – City of Winter Park	LDR	LDR	LDR
Current Use	Vacant	Lake Killarney	Single-family	Single-family	Single-family

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1A, Single-family dwelling district, which allows single-family residential by right, and indoor recreation by Special Exception. The future land use is Low Density Residential, which is consistent with the R-1A zoning district.

The subject property is 8.4 acres in size, with 0.39 acres upland, and is improved with accessory structures including a shed, flagpole, and firepit. The area consists of one-story single-family homes in the immediate vicinity, and Lake Killarney to the north. The property previously was improved with a one-story 1,869 sq. ft. scout house, which was demolished in 2007 under permit # B07013665.

Proposed is a 2,038 sq. ft. building for scouting activities, with associated infrastructure including parking and the relocation of an existing shed. The building will be used by two scouting groups for 1-2 hours weekly, and for 1-2 monthly meetings to discuss scouting activities and site maintenance. The proposed building is complying with all setback requirements. Outside the building, rear lawn and vegetated areas will be used for outdoor projects such as flag raising, rope tying and landscape maintenance. Vehicular access to the site will be provided from Killarney Drive to the south. The proposed landscaping plan for the project provides a landscape buffer with canopy trees and shrubs along the perimeter, meeting code. There are trees existing on site that are proposed to be removed, which is subject to Chapter 15 of the Orange County Code. The existing trees to the west are to remain. A photometric plan has not been provided, however, exterior lighting shall be compliant with the county's exterior lighting ordinance, as described in Chapter 9, of the County Land Development Regulations.

The parking requirements for the proposed scout house is:

Type	Parking Requirement	Number of bedrooms	Members	Required # of Spaces	Provided # of Spaces
Clubs, lodges, fraternities	1 space for each bedroom, plus 1 space for each 5 members	0	Up to 45	9	9

Transportation Planning has no concerns regarding the request as there is not an anticipated increase in traffic.

As of the date of this report, 4 comments have been received in favor of this request, and one comment has been received in opposition.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	21 ft.
Min. Lot Width:	75 ft.	+/- 276 ft.
Min. Lot Size:	7,500 sq. ft.	+/- 8.4 acres (+/- 0.39 acres upland)

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front (Killarney Dr.):	20 ft.	20 ft. (South)
Rear:	25 ft.	+/- 1,235 ft. (North)
Side:	7.5 ft.	15 ft. (West) 209.8 ft. (East)
Normal High Water Elevation:	50 ft.	70 ft. (North)

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The addition of the indoor recreation building is consistent with FLU Policy 8.1.1 which states that the future land and zoning correlation table shall be used to determine zoning consistency with the Future Land Use Map. The Future Land Use is Low Density Residential, which is consistent with the R-1A zoning district. The Comprehensive Plan provides that certain institutional uses as conditioned are consistent with the residential Future Land Uses, and with approval of the Special Exception, the proposed indoor recreation use will be consistent with the Comprehensive Plan.

Similar and Compatible with the Surrounding Area

The proposed operations will be compatible with the adjacent properties in the area as the use of the site will be minimal. The one-story building design is consistent with the other one- and two-story buildings in the area and the proposed maximum height of 21 ft. is compatible with the surrounding single-family residences. Furthermore, the proposed scout house is replacing a structure that existed on-site until 2007.

Shall Not Act as a Detrimental Intrusion into a Surrounding Area

The development as proposed will not act as a detrimental intrusion into the surrounding area. The proposed building is designed to look similar to the one-story single-family homes in the area. Further, the use of the site is limited to scouting activity twice a week, with up to two additional meetings per month and as such will not negatively impact the surrounding area.

Meet the performance standards of the district

The development as proposed will meet the performance standards of the districts.

Similar in Noise, Vibration, Dust, Odor, Glare, Heat Producing

No activity takes place on the property that would generate noise, vibration, dust, odor, glare, or heat that is not similar to other uses allowed within the Zoning district.

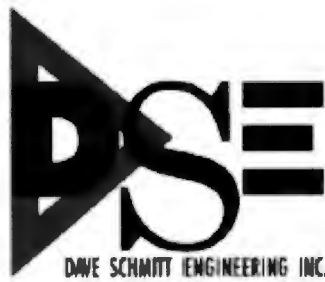
Landscape Buffer Yards Shall be in Accordance With Section 24-5 of the Orange County Code

The applicant has provided a landscaping plan which addresses perimeter landscaping in compliance with Section 24-5 of Orange County Code.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated February 9, 2023 and elevations dated February 21, 2023, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit shall be obtained within 5 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. All installed exterior lighting, including exterior wall or soffit or canopy lighting shall be compliant with the county's exterior lighting ordinance, as described in Chapter 9, of the County Land Development Regulations. All exterior light fixtures, including wall and soffit fixtures, shall meet the full cutoff mandate. The fixture color temperature may not exceed 3,500 K. In addition, glare visors shall be installed, and field-adjusted, on any fixtures which may generate off-site light spill. The photometric plan shall be submitted and approved by Orange County staff as part of the Building Permit process.
6. Scouting activities will take place on the site a maximum of two nights per week, with an additional meeting up to two times per month. No outdoor scouting activities shall occur after 9:00 PM.
7. The facility shall be limited to 45 members at a time.

C: Shawn Casey
621 Wilks Ave.
Orlando, Florida, 32809



August 24, 2022

Mr. Michael Rosso
Project planner
Zoning Division
4200 South John Young Parkway
Orlando, Florida 32839

Re: Kiwanis Scout House
App. No: SE-22-08-071
DSE Job: SAC-3
Cover Letter – Special Exception Requests

Dear Mr. Rosso:

This letter is to notify Orange County of purpose of the building and property use of 1925 Killarney Dr. Parcel ID: 01-22-29-0000-00-001. The property will be used for boys and girls scouting, they will have their weekly 1-to-2-hour meeting there where they do their scouting projects. The grounds will be used for outdoor scouting projects like flag raising, exercise, Rope tying, landscaping, and learning about the lake. There are currently no set operating hours, however, we anticipate two scouting groups to utilize it once a week for 1 to 2 hours and the Kiwanis group that will oversee the Scout house will use it 1 to 2 times per month to discuss scouting activities and the maintenance of the house.

We are proposing the construction of a 2038 sq-ft building with a total of 9 parking spaces including 1 handicap parking space along Killarney Drive. We have included additional spots in the parking lot to avoid any issues with parking on the street that may disrupt the residents in the neighborhood. The proposed building is 209.1 feet West, 5 feet East, and 25 feet North of the property boundary this includes a proposed 24' access drive located in the Orange County Jurisdiction.

Special Exception Criteria:

1. The use shall be consistent with Comprehensive Policy Plan.
 - The Scout House project will be consistent with the Comprehensive Policy Plan as this has already been approved by the County before. As mentioned above, this project is to rebuild that was once the original scout house on the property.
2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.

12301 Lake Underhill Road Suite 241, Orlando, FL 32828
• Phone: (407) 207-9088 • FAX: (407) 207-9089
www.dseorl.com

COVER LETTER

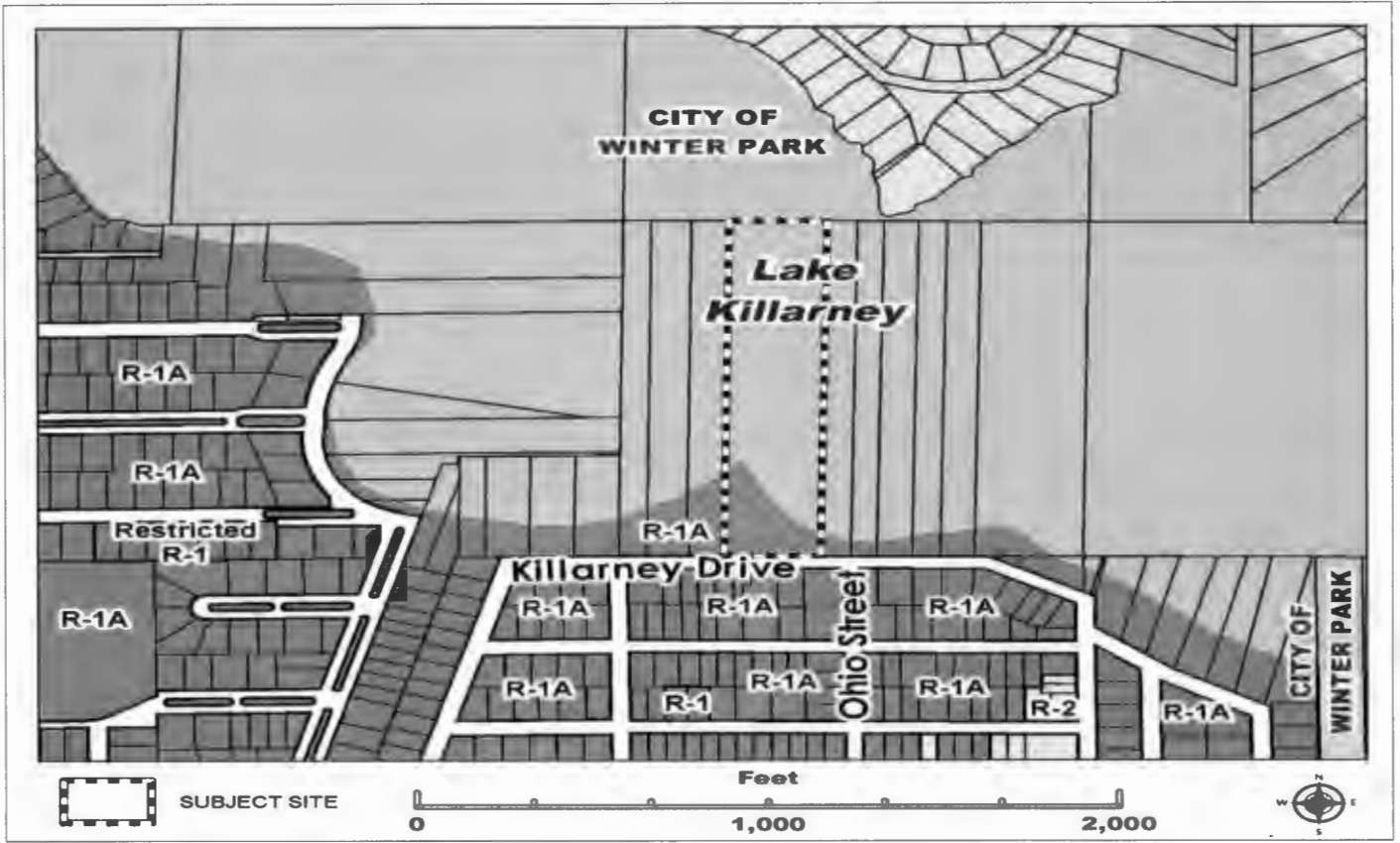
- As mentioned above, the original scout house on the property was damaged beyond repair in a hurricane in 2004. The original building had to be demolished due to the damage it had received from the hurricane. The proposed one-story building will be in compliance with the surrounding neighborhood and be similar in design as the rest of the single-family homes within the area.
3. The use shall not act as a detrimental intrusion into a surrounding area.
 - The proposed building will replace the original scout house that was damaged from the 2004 hurricane.
 4. The use shall meet the performance standards of the district in which the use is permitted.
 - The performance standards shall remain the same with the proposed one-story building that will replace the original scout house.
 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.
 - This project will be in compliance with the noise, vibration, dust, odor, glare, heat producing and other characteristics that is associated with the majority of uses within the community.
 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 landscape buffer for this project is in accordance with section 24-5 of the Orange County Code.

12301 Lake Underhill Road Suite 241, Orlando, FL 32828

• Phone: (407) 207-9088 • FAX: (407) 207-9089

www.dseorl.com

ZONING MAP



AERIAL MAP



SITE PLAN

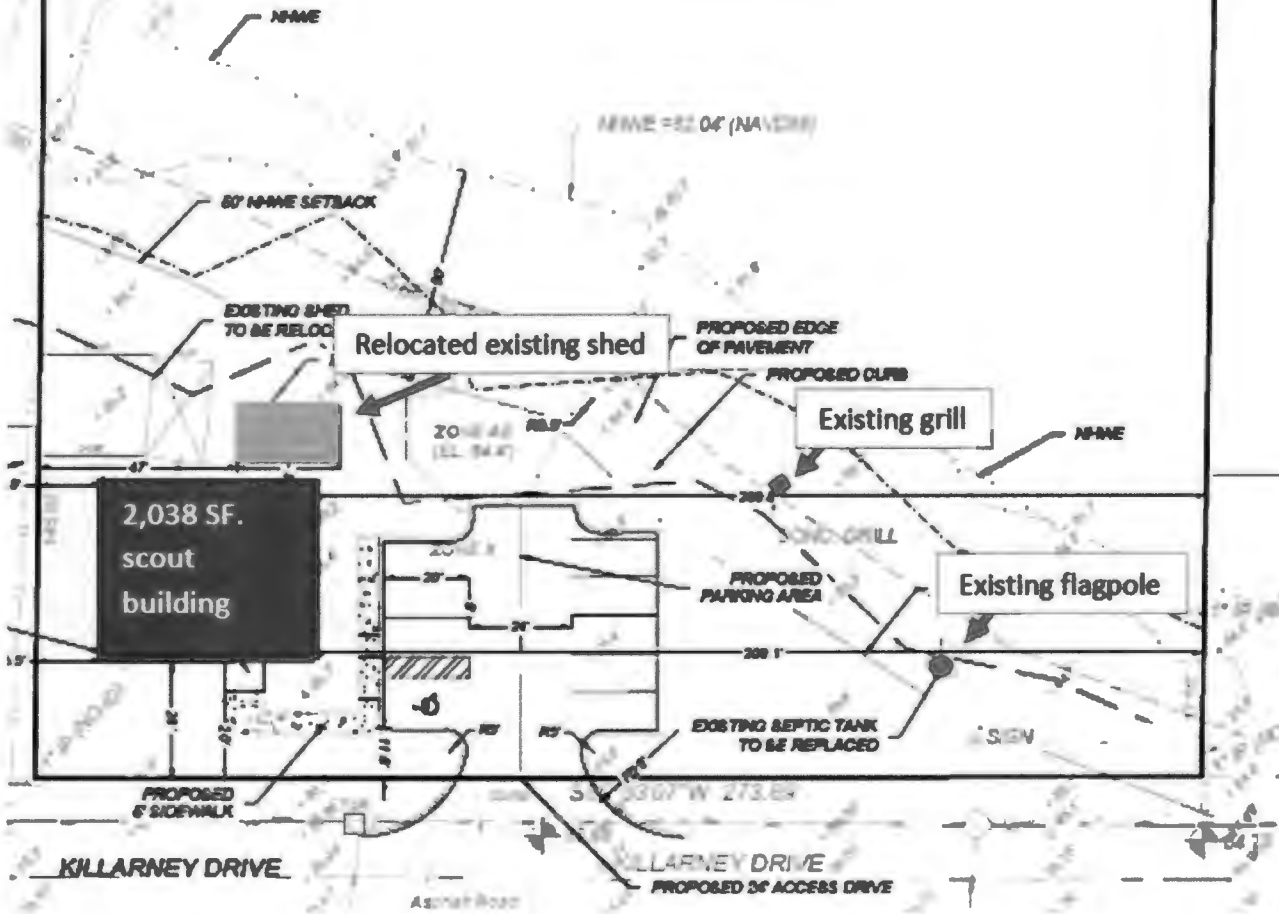
S 732811' W 282.87' (L2)



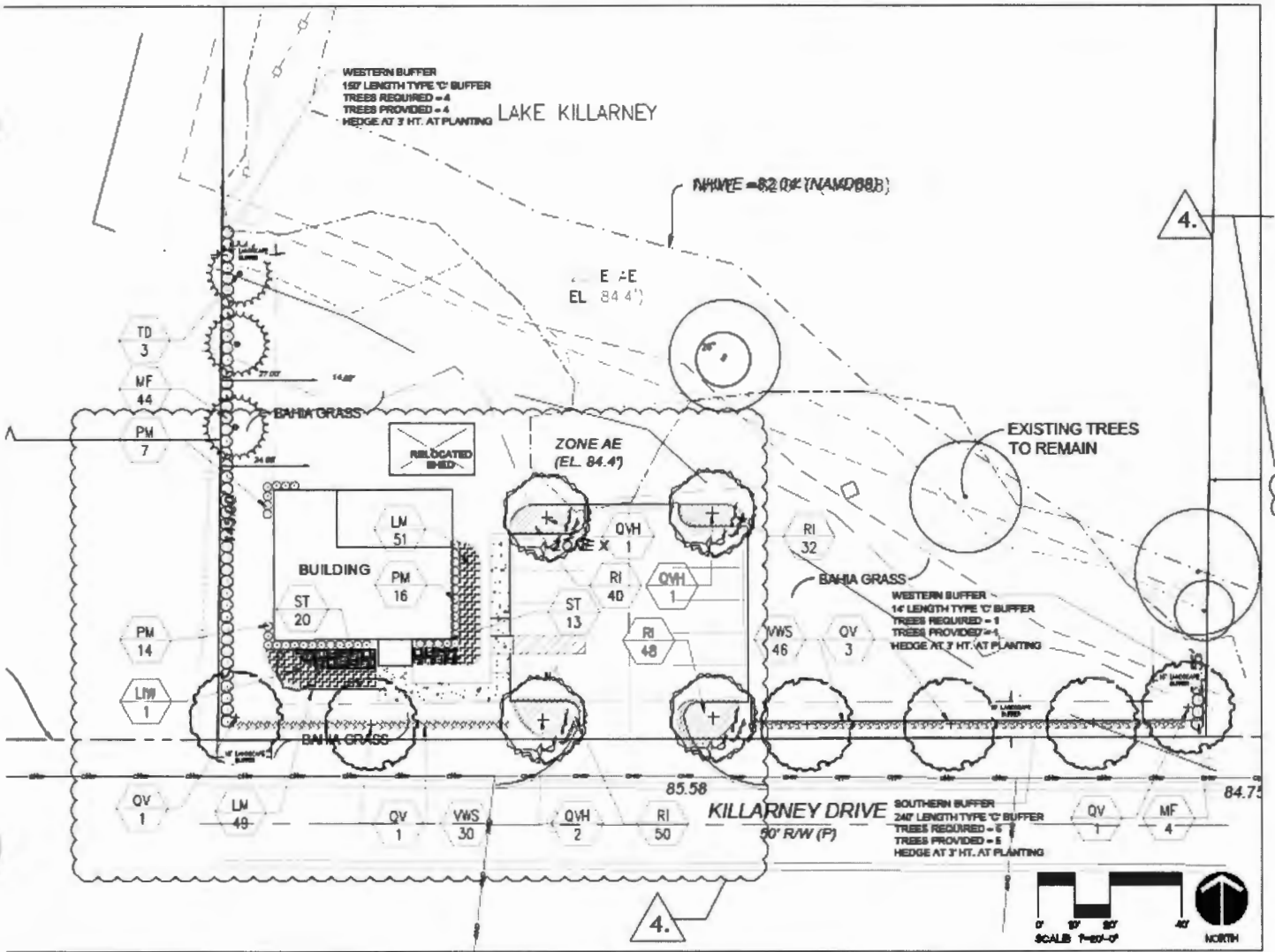
LAKE KILLARNEY

LAKE KILLARNEY
RESIDENTIAL
ZONING R-1A

PID: 01-22-29-0000-00-001
OWNER: KIWANIS CLUB OF GREATER
ORLANDO-WINTER PARK, INC.
QUIT CLAIM DEED DOC # 2022014705
+/- 8.43 ACRES



LANDSCAPE PLAN

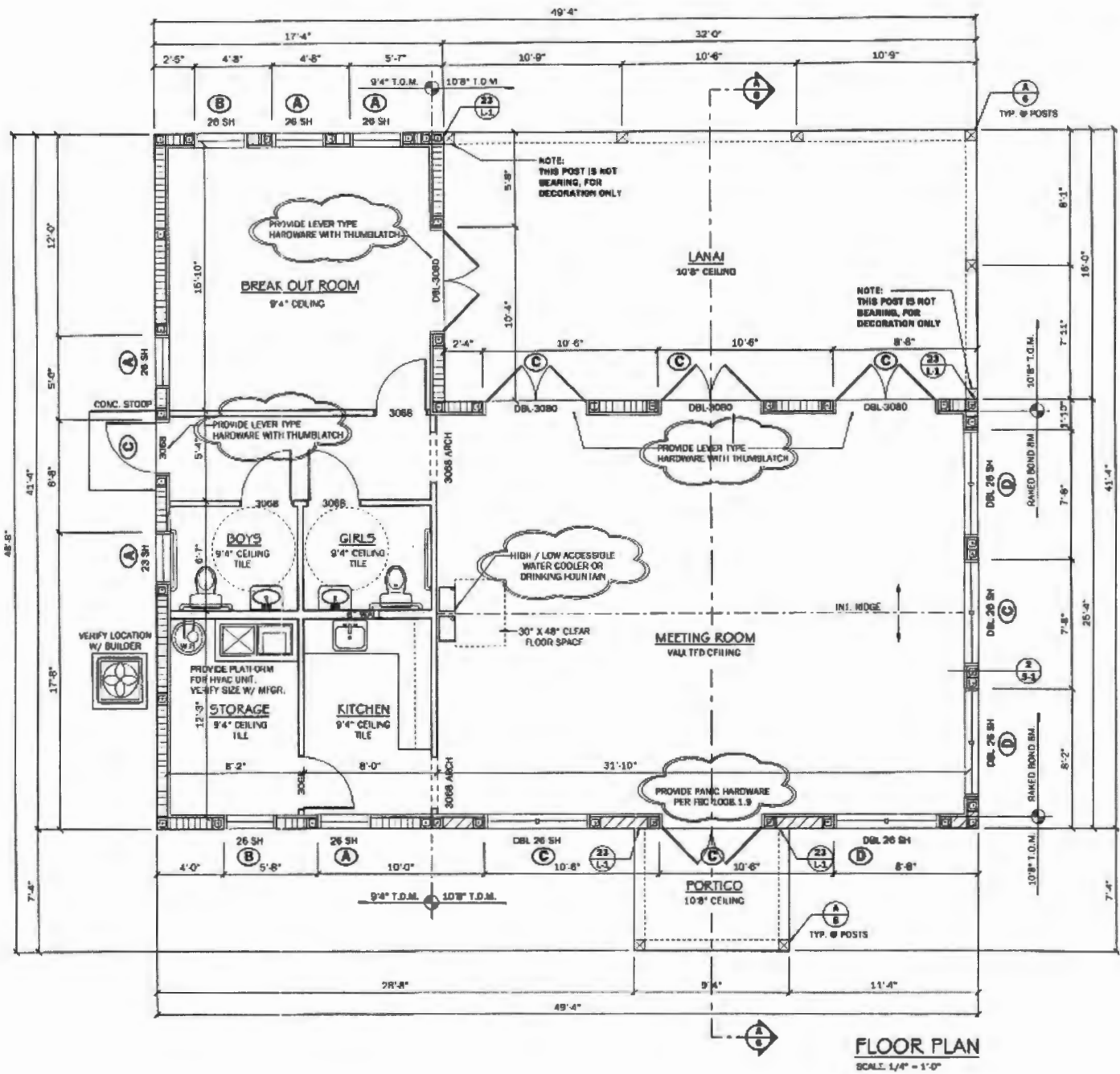


A PLANTING PLAN
1" = 20'-0"

SCOUT HOUSE LANDSCAPE PLANT LIST

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	DESCRIPTION	REMARKS
TREES					
LW	1	LAGERSTROEMIA INDICA 'WATERMELON RED'	GRAPE MYRTLE	10'-12" HT x 6'-8" SPR, 3" CAL; STANDARD	SPACE AS SHOWN GUY
QV	6	QUERCUS VIRGINIANA	LIVE OAK	14'-16" HT x 6'-8" SPR, 3.5" CAL	SPACE AS SHOWN GUY
QVH	4	QUERCUS VIRGINIANA	LIVE OAK	12'-14" HT x 4'-5" SPR, 3" CAL	SPACE AS SHOWN GUY
TD	3	TAXODIUM DISTICHUM	BALD CYPRESS	14'-16" HT; 6'-8" SPRD; 3" CAL	SPACE AS SHOWN GUY
SHRUBS					
MF	48	MYRSINANTHES FRAGRANS	SIMPSON'S STOPPER	36" HT. x 36" SPRD., FULL 7 GAL	36" O.C.
PM	37	PODOCARPUS MACROPHYLLA 'MAKI'	JAPANESE YEW	24" HT x 18" SPRD., FULL 3 GAL	30" O.C.
ST	33	SCHEFFLERA ARBICCLA 'TRINETTE'	VAR. DWARF SCHEFFLERA	24" HT. x 24" SPRD. / FULL TO GROUND/ 3G	30" O.C.
VWS	76	MBURNUM OBOVATUM 'MRS SHILLERS DELIGHT'	DWARF WALTER'S MBURNUM	24" HT. x 24" SPRD. / FULL TO GROUND/ 3G	30" O.C.
GROUNDCOVERS					
LM	100	LIRIOPE MUSCARI 'ESERALO COESPECK'	BORDER GRASS	14" DA, MIN 7 BIBS, FULL 1 GAL	24" O.C.
RI	170	RHAPHIOLEPIS INDICA 'ALBA'	DWARF INDIAN HAWTHORN	15" HT. x 15" SPRD., FULL 3 GAL	24" O.C.
SEE PLANS		PASPALUM NOTATUM	BAHIA GRASS	SOLD, FREE OF PESTS AND DISEASES	FIELD VERIFY QTY

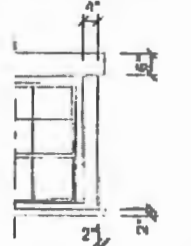
FLOOR PLAN



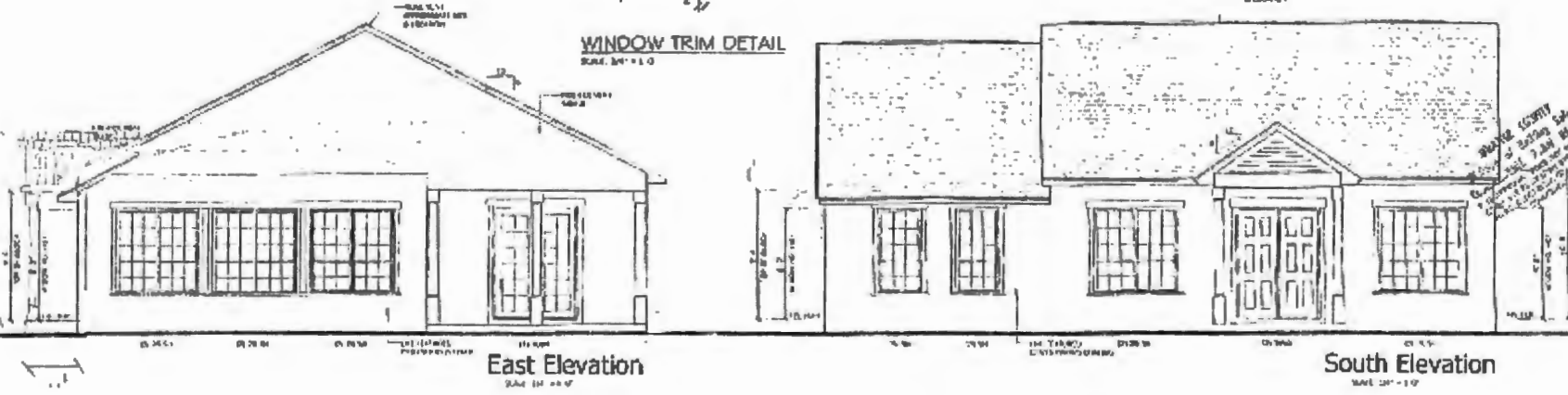


West Elevation
Scale 1/4" = 1'-0"

North Elevation
Scale 1/4" = 1'-0"



WINDOW TRIM DETAIL
Scale 3/4" = 1'-0"



East Elevation
Scale 1/4" = 1'-0"

South Elevation
Scale 1/4" = 1'-0"

SITE PHOTOS



Facing the subject property from Killarney Dr.



From subject property facing southwest towards proposed building location

SITE PHOTOS



Existing shed – to be relocated on site



Existing firepit and flagpole on east side of property to remain

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 02, 2023**

Commission District: **#1**

Case #: **SE-23-02-149**

Case Planner: **Laekin O'Hara (407) 836-5943**

Laekin.O'Hara@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JUAN RODRIGUEZ FOR SCI FUNERAL SERVICES

OWNER(s): SCI FUNERAL SERVICES OF FLORIDA LLC

REQUEST: Special Exception in the R-CE zoning district to allow the installation of a building for a Cemetery service.

PROPERTY LOCATION: 400 Woodlawn Cemetery Road, Gotha, Florida, 34734, west side of Woodlawn Cemetery Rd., south of Old Winter Garden Rd., west of S. Apopka Vineland Rd., north of Florida's Turnpike

PARCEL ID: 33-22-28-3100-01-100

LOT SIZE: +/- 19 acres

NOTICE AREA: 1,200 ft.

NUMBER OF NOTICES: 480

DECISION: Recommended **APPROVAL** of the Special Exception request in that the Board finds it meets 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 (Motion by Roberta Walton Johnson, Second by Joel Morales; 4 in favor: John Drago, Juan Velez, Joel Morales, Roberta Walton Johnson; 1 opposed: Deborah Moskowitz; 2 absent: Charles Hawkins, II and Thomas Moses):

1. Development shall be in accordance with the site plan and elevations dated January 19, 2023, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. A permit shall be obtained within 5 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval. Staff noted that one (1) comment was received in support and no comments were received in opposition. It was also noted that during the community meeting it was requested that conditions be added pertaining to the prior Special Exception on the adjacent property, relating to lighting exterior sound and security.

The applicant had nothing to add.

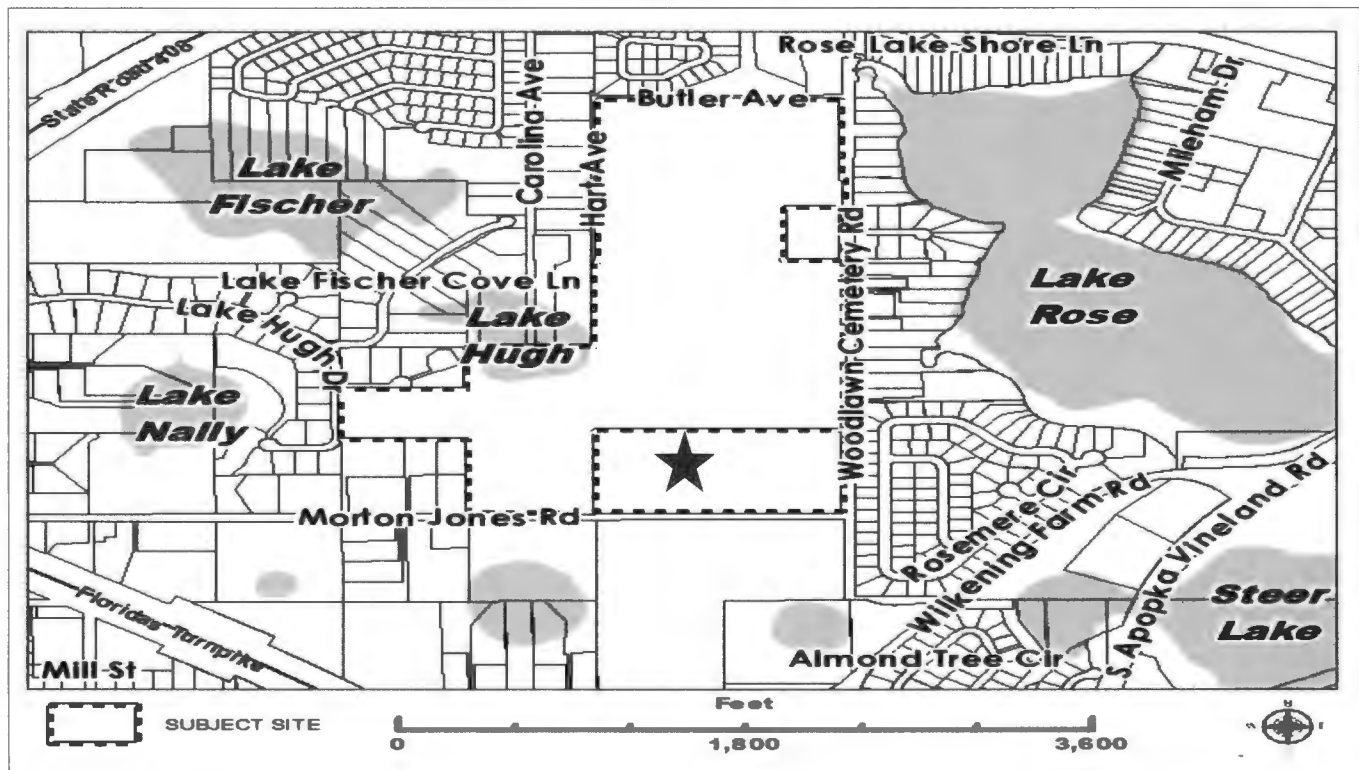
There was no one in attendance to speak in favor or in opposition to the request.

The BZA briefly discussed the prior approval of the Special Exception on the adjacent property and the applicability of the requested conditions to match the prior request, discussed the requested Special Exception, stated justification for the six (6) criteria and recommended approval of the Special Exception by a 4-1 vote, with two absent, subject to the four (4) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-CE (Country Estate District)	A-1, PD Woodlawn Funeral Planned Development	Gotha Middle School PD	R-1	A-1
Future Land Use	Gotha Rural Settlement RS 1/1	INST	INST	LDR	Gotha Rural Settlement RS 1/1
Current Use	Cemetery	Cemetery, Funeral Home, Crematorium	School	Single-family	Cemetery

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-CE, Country Estate district, which allows single family residences by right as well as cemeteries, mausoleums, and associated accessory structures by Special Exception. The future land use is Rural Settlement 1/1, which is consistent with the R-CE zoning district.

The subject property is located in the Gotha Rural Settlement. The Gotha Rural Settlement is identified in the Orange County Future Land Use Element as one of five Rural Settlements within the County that has maintained its historically rural character, and mandates that every effort shall be made to preserve this rural character as part of Orange County’s heritage and historic preservation efforts. Rural Settlements restrict non-residential uses to those that support existing residential uses and serve the residents of the community.

The subject property is +/- 19 acres in size, with cemetery plots and roads connecting to the rest of the adjacent Woodlawn Cemetery site. This lot is part of the overall Woodlawn Cemetery, which has a separate Special Exception for a funeral home, mausoleum, and other accessory structures associated with the cemetery development. This lot has right-of-way frontage on Morton Jones Road and Woodlawn Cemetery Road. Woodlawn Cemetery Road is considered the front, as frontage for commercial property is determined by the width of the lot abutting the street with heaviest traffic usage, and Morton Jones Road is considered a side street. The area consists of one-story single-family homes in the immediate vicinity, a communications tower to the north, a middle school, the cemetery, funeral home, crematorium, mausoleums, and some vacant lots.

There is an existing steel maintenance building, accessory to the existing cemetery, on the property to the north. The proposal is to relocate the 6,000 sq. ft. maintenance building to the subject site, and construct associated infrastructure including a dry pond, access road, and parking. Vehicular access to the site will be provided from Morton Jones Road to the south and connect to the internal cemetery road. One new point of access from Morton Jones Road is proposed. The proposed landscaping plan for the project provides a landscape buffer with canopy trees and shrubs along the perimeter, meeting code. There are trees existing on site that are proposed to be removed, which is subject to Chapter 15 of the Orange County Code. The existing buffer to the east and west of the proposed retention pond are to remain.

Previous approvals include:

- December 6, 1973: Special Exception to allow a cemetery that had existed on site since 1926.
- March 1, 1990: Special Exception to expand the existing cemetery.

The proposed maintenance building is ancillary to the existing funeral home, located on the adjacent property, and cemetery, and therefore does not require its own parking. The existing funeral home provides 89 parking spaces, and the crematorium provides 25 spaces on the adjacent site. The applicant is proposing 6 parking spaces adjacent to the maintenance building.

Transportation Planning has no concerns regarding the request as there is not an anticipated increase in traffic.

A Community Meeting was held on Monday, January 30, 2023, at Gotha Middle School to allow for input. The meeting was attended by 13 people, including staff and the applicants. The tone of the meeting was generally neutral, with questions related to the proposed access along Morton Jones Rd., speeding and traffic, and timing of the proposal. It was indicated that the community would like the conditions from the previous Special Exception case on the adjacent parcel related to lighting, exterior sound, and security be added to this proposal as well.

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

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	20 ft.
Min. Lot Width:	130 ft.	+/- 640 ft.
Min. Lot Size:	43,560 (1 acre)	19 acres

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front (Woodlawn Cemetery Rd.):	35 ft.	1,153 ft. (East)
Rear:	50 ft.	89 ft. (West)
Side:	10 ft.	117 ft. (North)
Side Street (Morton Jones Rd.):	15 ft.	405 ft. (South)

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The addition of the 6,000 sq. ft. (50 ft x 120 ft) detached maintenance building to be used in conjunction with the existing cemetery use is consistent with FLU Policy 8.1.1 which states that the future land and zoning correlation table shall be used to determine zoning consistency with the Future Land Use Map. The Future Land

Use is Gotha Rural Settlement – Rural Settlement 1/1 and with approval of the Special Exception, the project will be consistent with the Comprehensive Plan. The intent of the Rural Settlements is to preserve the existing character of the area, and consistent with the Comprehensive Plan, the property serves as a necessary resource for public services.

Similar and Compatible with the Surrounding Area

The proposed one-story building is internal to the site and is consistent with the other one-story buildings already existing on the cemetery property. The proposed maximum height of 20 ft. is consistent with the surrounding single-family residences and institutional uses. Furthermore, the maintenance building is already existing on the cemetery parcel directly to the north, which is not a part of this request.

Shall Not Act as a Detrimental Intrusion into a Surrounding Area

The development as proposed will not act as a detrimental intrusion into the surrounding area. The proposed maintenance building is consistent with the existing development, as the cemetery has been in existence since 1926 and the use is ancillary to the cemetery.

Meet the performance standards of the district

The development as proposed will meet the performance standards of the districts.

Similar in Noise, Vibration, Dust, Odor, Glare, Heat Producing

The proposed maintenance building is replacing the existing maintenance building on the cemetery property to the north, and the characteristics and impacts of the proposed development will not change.

Landscape Buffer Yards Shall be in Accordance with Section 24-5 of the Orange County Code

The applicant has provided a landscaping plan which addresses perimeter landscaping in compliance with Section 24-5 of Orange County Code.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated January 19, 2023, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit shall be obtained within 5 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

Juan Rodriguez
189 S Orange Avenue, Suite 1000
Orlando, Florida, 32801

Kimley»Horn

November 1, 2022

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

**SCI Funeral Services of Florida, LLC – 400 Woodlawn Cemetery Road, Gotha, Florida 34734
Proposed Maintenance Building/Shed/Barn**

Special Exception Project Description:

The proposed project site is owned by SCI Funeral Services of Florida, LLC ("SCI") and is located at 400 Woodlawn Cemetery Road, Gotha, Florida 34734, Orange County, Florida (the "Property"). The Parcel ID is 33-22-28-3100-01-100 and is currently zoned for Residential-Country Estate (R-CE), which allows for Maintenance building/storage/shed for cemetery services but requires a Special Exception.

SCI will be developing the ±19.2-acre tract for a ± 6,000 square foot maintenance building, at 20 feet in height, (the "Proposed Project") to replace an existing ± 5,000 square foot building at Woodlawn Memorial Park and Funeral Home (the "Existing Project"). The Existing Project is located at the Northwest corner of Woodlawn Cemetery Road and Butler Avenue in Gotha, FL (lots 39, 36 and 35 of Parcel ID is 33-22-28-0000-00-001).

Once built, the Proposed Project will not create increased traffic. The Existing Project on-site will function as it did previously during construction and the Existing Project will be removed once the Proposed Project is built and operational.

Why this request is consistent with Orange County's Special Exception Criteria (38-78):

The use shall be consistent with the comprehensive plan

GOAL FLU1 URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County.

According to the Orange County Comprehensive Plan, the Property already serves as a necessary resource of public services; therefore, the Proposed Project and Existing Project qualify and serve the purposes as enumerated therein.

The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development; the use shall not act as a detrimental intrusion into a surrounding area; the use shall meet the performance standards of the district in which the use is permitted; and 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.

Kimley»Horn

Page 2

As noted above, the Property and Proposed Project will merely serve as a replacement structure for an already existing, approved, storage/shed/barn pursuant to the County's Land Development Code.


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

As evinced in the attached application, the Proposed Project meets all applicable criteria of the County's Land Development Code regarding buffering and landscaping

If you have any further questions, please do not hesitate to contact me at 407-768-3230 or by email at juanp.rodriquez@kimley-horn.com.

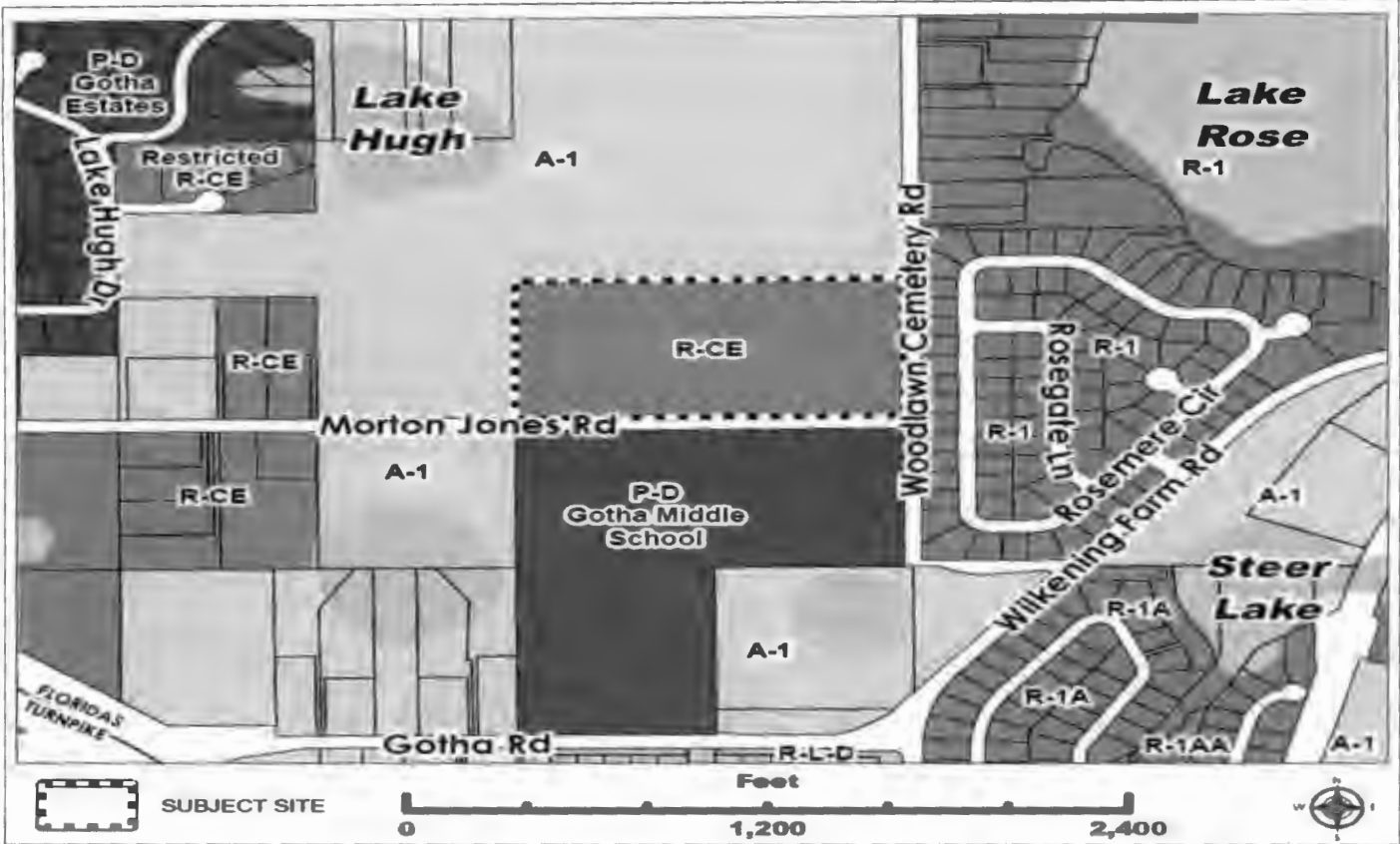
Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Juan P. Rodriguez, P.E.

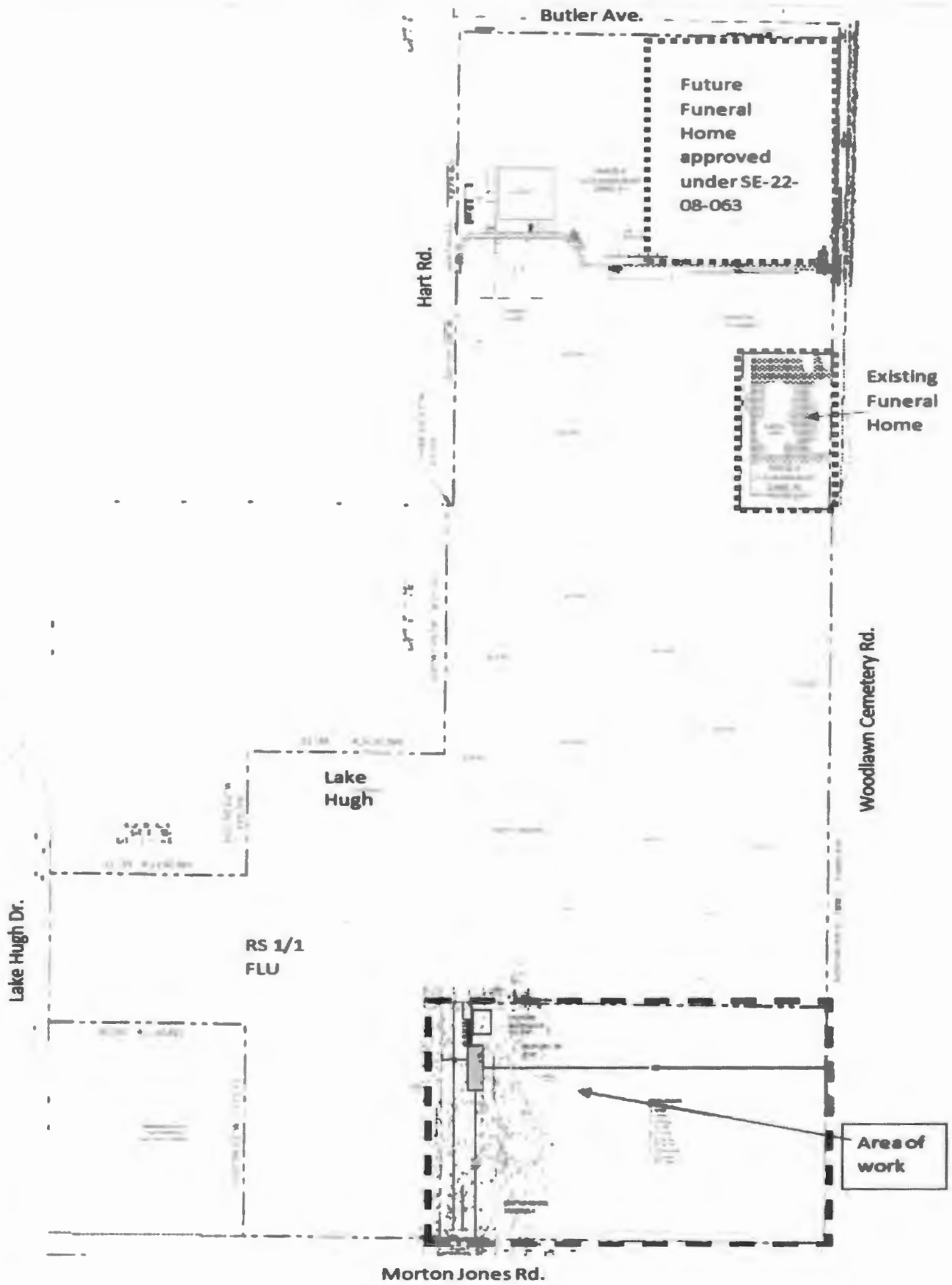
ZONING MAP



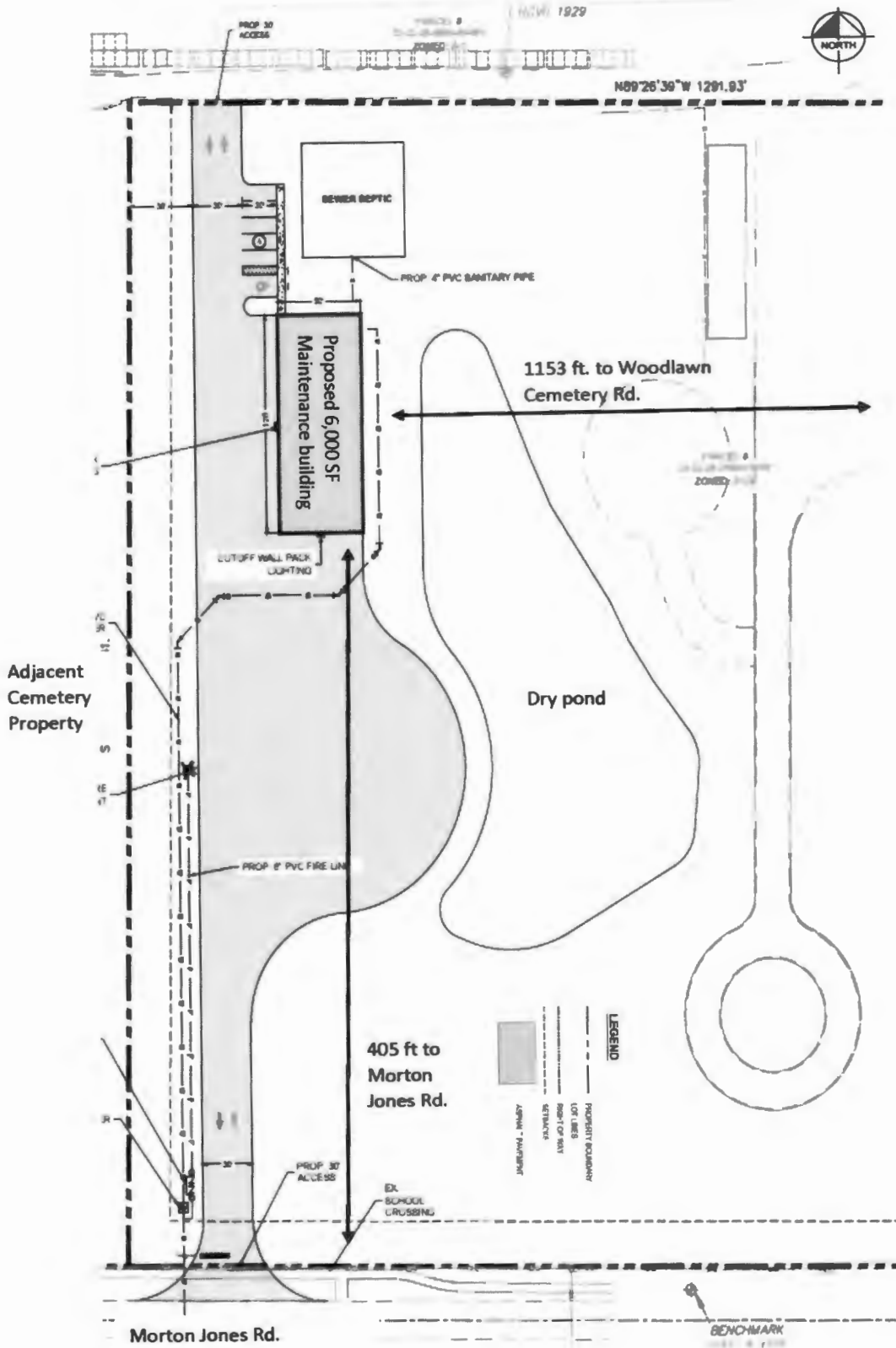
AERIAL MAP



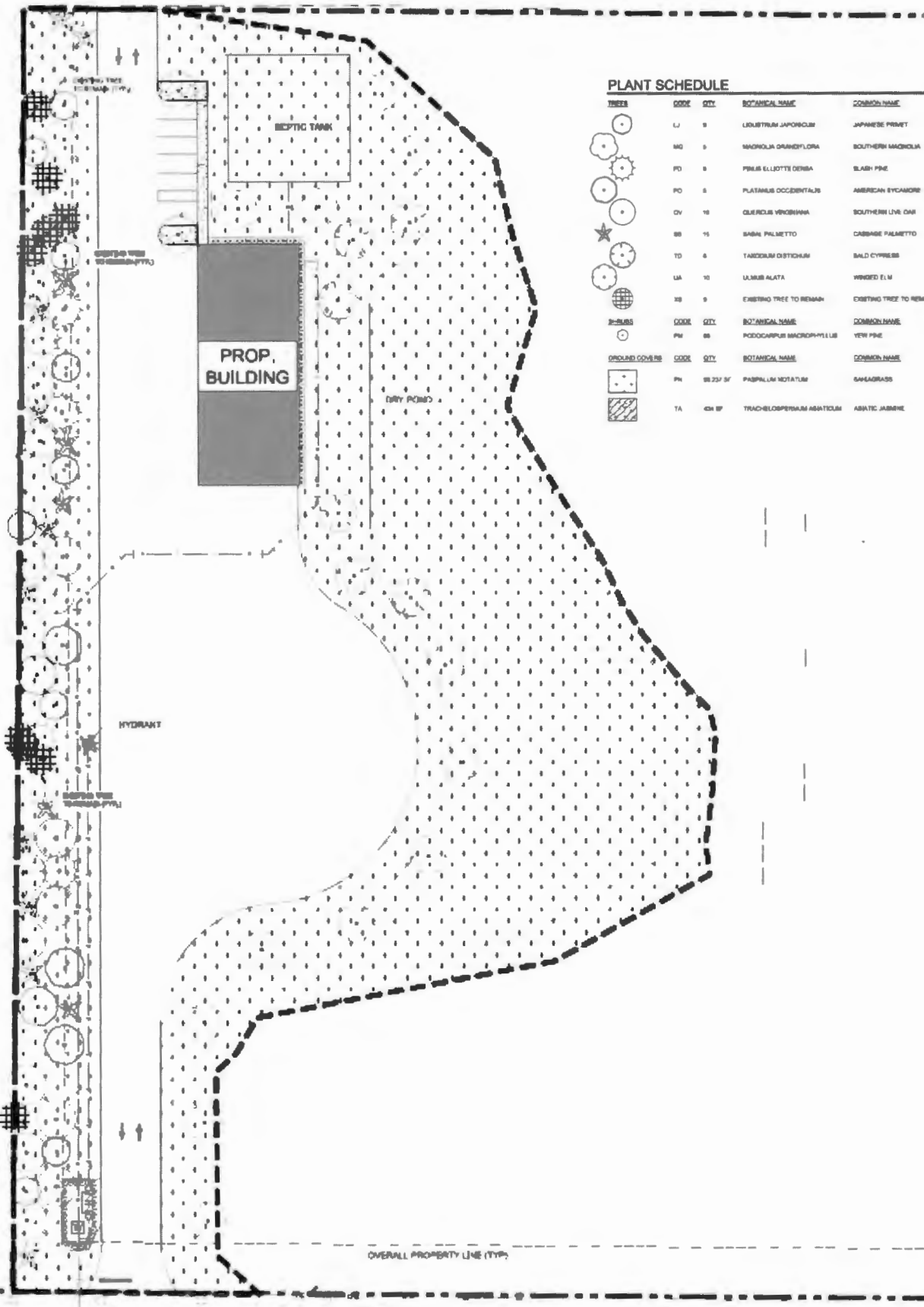
OVERALL SITE PLAN



PARTIAL SITE PLAN



PARTIAL LANDSCAPE PLAN

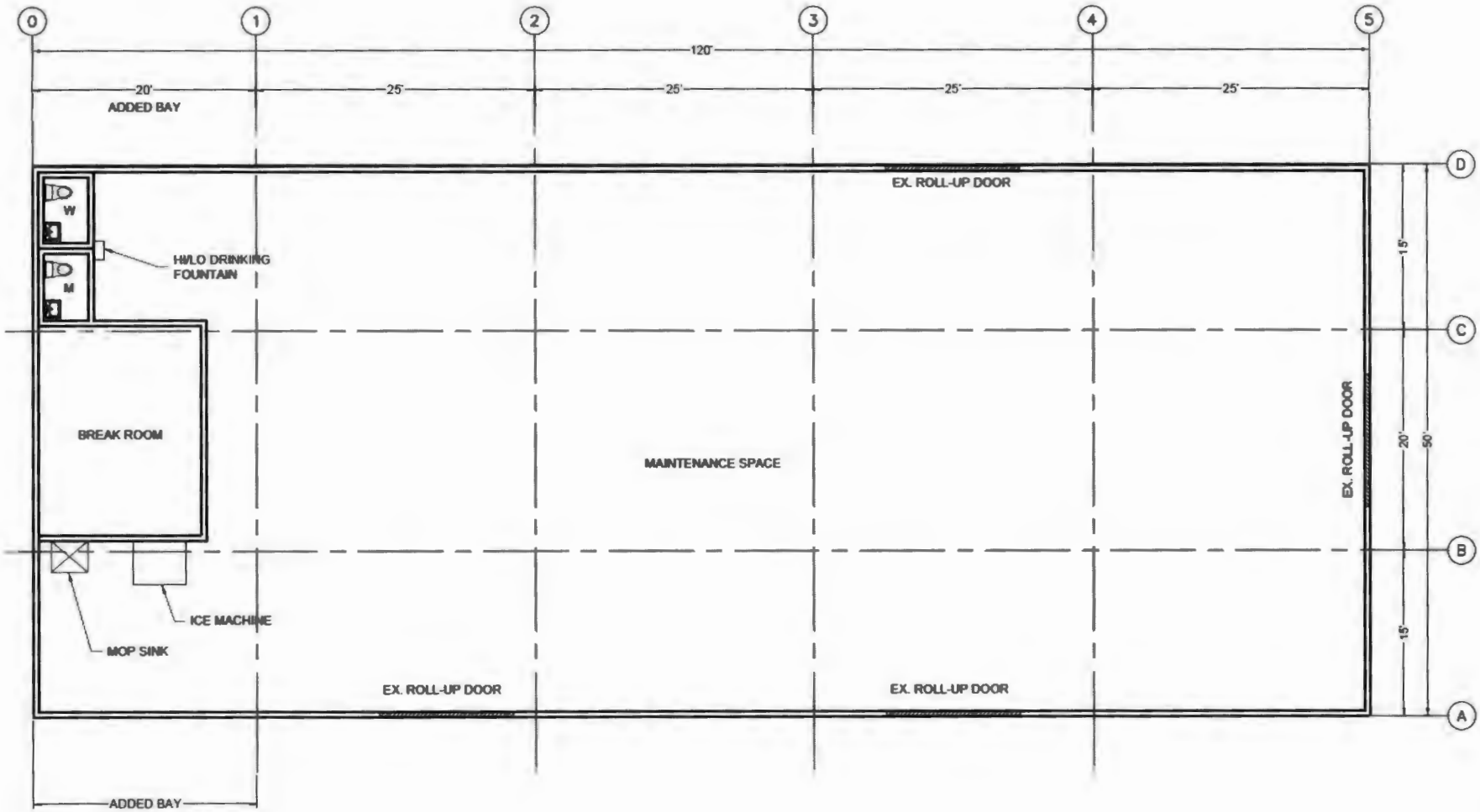


PLANT SCHEDULE

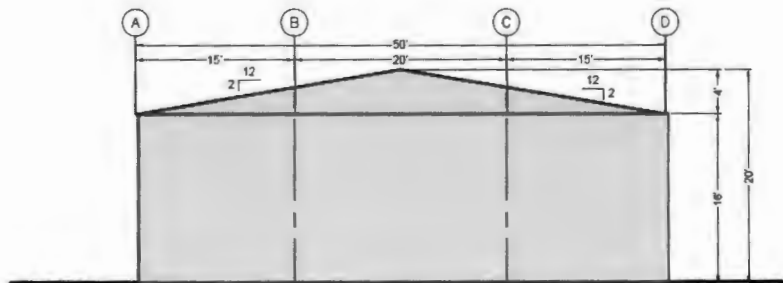
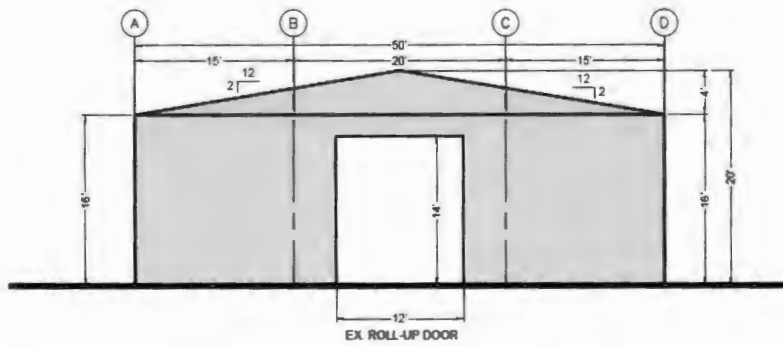
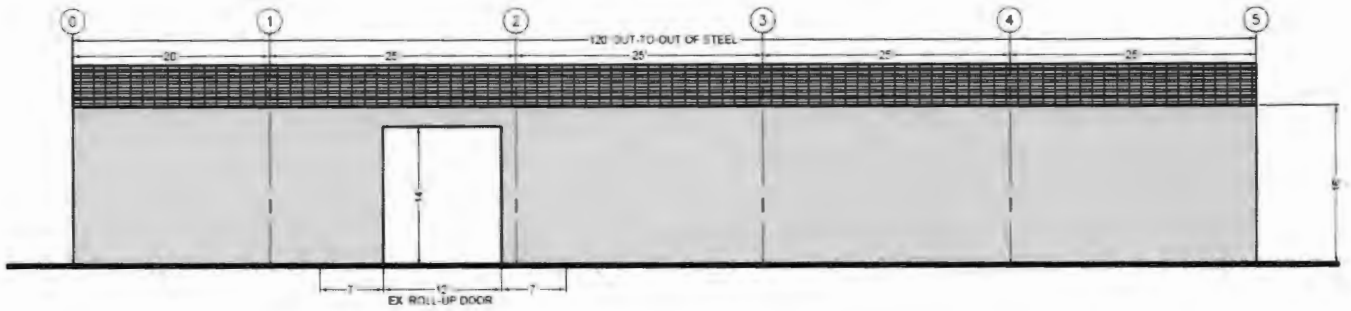
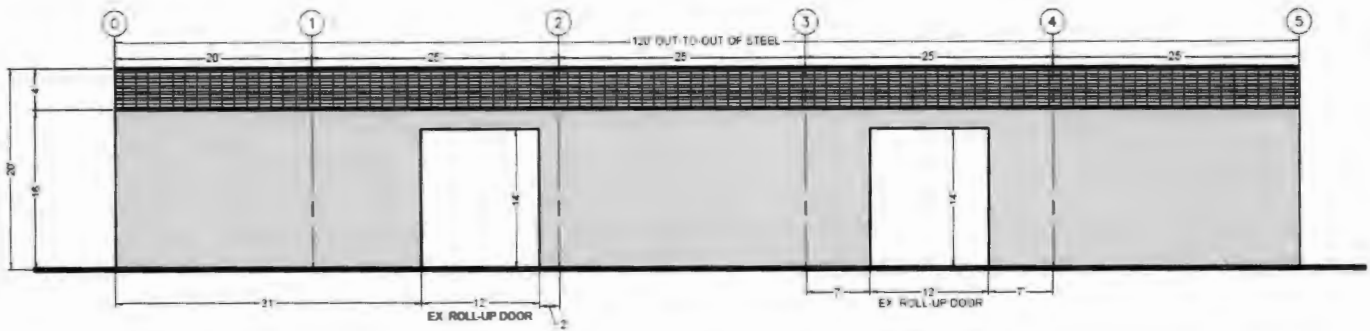
TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	COBT	CAL	SEX
	LJ	9	LEUCISTYLIUM JAPONICUM	JAPANESE PRIVET	FO	2' CAL MIN	4' HT MIN
	MG	9	MAGNOLIA DANNEYI/LORA	SOUTHERN MAGNOLIA	FO	3' CAL MIN	18' HT MIN
	PD	9	PIRUS ELIOTTEI DENSA	SLASH PINE	FO	3' CAL MIN	18' HT MIN
	PO	9	PLATANUS OCCIDENTALIS	AMERICAN SYCAMORE	FO	3' CAL MIN	18' HT MIN
	DV	18	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	FO	3' CAL MIN	18' HT MIN
	BB	15	SABAL PALMETTO	CABBAGE PALMETTO	FO	HEAVY	12' - 18' CT VARIES
	TD	9	TAXODIUM DISTICHUM	BALD CYPRESS	FO	3' CAL MIN	18' HT MIN
	UA	10	ULMUS ALATA	WINGED ELM	FO	3' CAL MIN	18' HT MIN
	XB	9	EXISTING TREE TO REMAIN	EXISTING TREE TO REMAIN	-	-	-
SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	COBT	SPACING	AGE
	PH	99	PODOCARPUS MACROPHYLLUS	VEW PINE	1.8M	30' OC	30' HT MIN
GROUND COVER	CODE	QTY	BOTANICAL NAME	COMMON NAME	COBT	SEX	SPACING
	PH	99,25' 3"	PASPALUM NOTATUM	SAHAGRASS	80D		
	TA	424 8"	TRACHELOSPERMA ASATICUM	ASATIC JASMINE	1.8M	12' PALL	18' OC



FLOOR PLAN



ELEVATIONS



SITE PHOTOS



Facing west on Morton Jones Rd., subject property to the right



From Woodlawn Cemetery Rd. facing north, subject property to the left

SITE PHOTOS



Facing tree removal area adjacent to proposed maintenance building



Existing maintenance
building - to be relocated

From internal road adjacent to crematory along Woodlawn Cemetery Rd. on property north of subject site

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 02, 2023**

Commission District: **#3**

Case #: **SE-21-12-130**

Case Planner: **Ted Kozak, AICP (407) 836-5537**

Ted.Kozak@ocfl.net

GENERAL INFORMATION

APPLICANT(s): GEORGE SHARP FOR AROMA CHURCH

OWNER(s): IGLESIA DE DIOS AROMA INC

REQUEST: Amendment to an existing Special Exception and Variance in the A-2 zoning district as follows:

1. Amendment to a Special Exception for a religious institution to allow a 28,427 sq. ft. expansion, including a new sanctuary for a total of 564 patrons, a new fellowship hall and offices.
2. Variance to allow a maximum building height of 45 ft. in lieu of 35 ft.

PROPERTY LOCATION: 4114 S. Goldenrod Rd., Orlando, FL 32822, west side of S. Goldenrod Rd., north of Hoffner Ave., south of Pershing Ave., east of S. Semoran Blvd.

PARCEL ID: 14-23-30-5240-17-012; 14-23-30-5240-17-031

LOT SIZE: +/- 7.94 acres (7.6 acres upland)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 240

DECISION: Recommended **APPROVAL** of the Special Exception request, in that the Board finds it meets 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, **APPROVAL** of the Variance request, in that the Board finds it meets that the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Juan Velez, Second by John Drago; unanimous; 5 in favor: John Drago, Juan Velez, Deborah Moskowitz, Joel Morales, Charles Hawkins, II; 0 opposed; 2 absent: Roberta Walton Johnson and Thomas Moses):

1. Development shall be in accordance with the site plan and landscape plan received January 11, 2023 and elevations dated August 8, 2022, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. Hours of operation for services shall be Sundays from 7:30 a.m. to 5:00 p.m., and Tuesdays, Wednesdays, and Thursdays from 7:00 p.m. to 10:00 p.m.
6. The sanctuary shall be limited to 564 seats.
7. Prior to issuance of a permit for the expansion, a permit shall be obtained for the detached accessory structures, or they shall be removed.
8. Prior to issuance of a permit, a Lot Split shall be obtained for Parcels 12 and 31.
9. Landscaping shall be in accordance with Chapter 24 (Landscaping, Buffering and Open Space).
10. Exterior lighting shall be compliant with the county's exterior lighting ordinance. In addition, all pole mounted fixtures shall be full cutoff and with fixture color temperature of 3,500 K maximum. The photometric plan shall be submitted and approved by Orange County staff prior to the issuance of a Building Permit. In addition, glare visors shall be installed, and field-adjusted to prohibit off-site light spill.
11. No more than four (4) outdoor special events per year between the hours of 8:00 a.m. to 9:00 p.m. will be allowed on the overall campus. The use of outdoor amplified sound and music is prohibited.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, landscape plan, and photos of the site. Staff provided an analysis of the six (6) Special Exception and Variance criteria and the reasons for a recommendation for approval. Staff noted that no comments were received in support of the request and no comments were received in opposition.

The applicant agreed with staff's presentation.

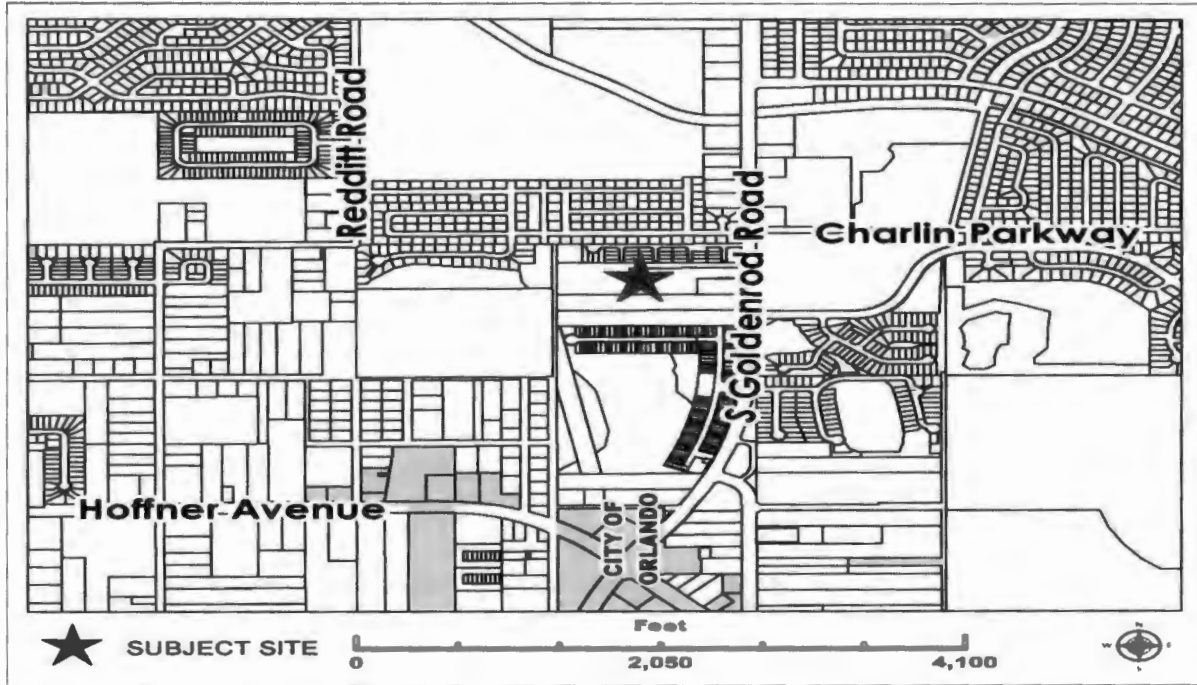
There was no one attendance to speak in favor or in opposition to the request.

The BZA unanimously recommended approval of the Amendment to the Special Exception and approval of the Variance by a 5-0 vote, with 2 absent, subject to the eleven (11) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	R-2	A-2	Goldenrod PD	A-2, RT-1
Future Land Use	LMDR	LMDR	LMDR	LMDR	LMDR
Current Use	Religious Institution	Single Family Residential, County Retention Pond	Vacant, Nursery	Multi-Family Residential	Single-Family Residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject site is comprised of two properties, located in the A-2, Farmland Rural district, which allows religious institutions by Special Exception. The Future Land Use is Low-Medium Density Residential (LMDR), which is inconsistent with the zoning district. Per Comprehensive Plan Policy FLU8.2.5.1 (2), a rezoning may not be required for properties with inconsistent zoning and Future Land Use Map (FLUM) designations for non-residential and residential uses when the proposed use is permitted in the existing zoning district.

The subject site is a total of 7.94 acres in size, containing wetland areas reducing the net useable area of the property to 7.6 acres upland. Parcel #14-23-30-5240-17-031 (Parcel 31) is 3.5 acres, and Parcel #14-23-30-5240-17-012 (Parcel 12) is 4.4 acres. They are platted as portions of Lots 3, 4, 5 and 6, Block 17 of the Los Terrano Plat, recorded in 1928, and are conforming lots of record. The east front parcel, Parcel 31, adjacent to S. Goldenrod Rd., contains an existing 5,700 sq. ft. sanctuary containing 380 seats, constructed in 1972 and a 1,344

sq. ft. modular building used for offices, constructed in 1978, according to the Property Appraiser's Office. The west rear parcel, Parcel 12, is heavily vegetated and contains an existing 3,400 sq. ft. single-family residence constructed in 1974 and two detached accessory structures, with access to S. Goldenrod Rd. provided via an easement through the front parcel. There are no records of permits for any of the structures, likely due to age.

Parcel 12 has frontage along Pasco St. to the west, which is a substandard 30 ft. wide unopened, unimproved right-of-way. As a result of that frontage, the front yard for Parcel 12 is measured from the west/Pasco St. property line, and the rear yard is measured from the east property line. For Parcel 31 the front yard is to the east, S. Goldenrod Rd. and the rear yard is to west. There is 20 ft. drainage easement on the south side of Parcel 12 which does not affect the requests. The area consists of single-family homes in the immediate vicinity, a County retention area to the northwest, a vacant property and abandoned nursery to the south, and multi-family residential to the east, across S. Goldenrod Rd.

Parcels 31 and 12 were reconfigured without County approval after 2017, removing the required access for Parcel 12 from S. Goldenrod Rd. and replacing it with a 20 ft. access easement across Parcel 31. In May 2022, a Lot Split (LS-22-03-016) was submitted to recognize the new configuration of the two parcels, but was denied and subsequently appealed to the Development Review Committee (DRC). It was denied on appeal since both parcels are not recognized as non-residential uses and as stated, Parcel 12 contains a single-family residence. However, during DRC, County Staff indicated that a future Lot Split would be eligible for approval after such time the existing residence was converted to a non-residential use, such as a religious institution.

Previous approvals include:

- September 9, 2017: Variance approval for a 20 ft. front setback in lieu of 35 ft. to allow the construction of a 3,500 sq. ft. sanctuary addition to an existing religious institution. At the time the proposal was apparently determined to have an existing Special Exception and therefore, perhaps, a new Special Exception or amendment to the existing Special Exception was not required. This approval included the rear half of the property, including the single-family residence, but was conditioned to only allow improvements to the front half of the property adjacent to S. Goldenrod Rd. The expansion was not constructed.

Proposed is a 28,427 sq. ft. expansion, to the existing 5,700 sq. ft. religious institution on Parcel 31, which includes the conversion of the existing 3,400 sq. ft. single-family residence on Parcel 12 to an auxiliary building to the main campus containing offices and a chapel, all constructed in one phase. Prior to construction, the existing 1,344 sq. ft. modular office building will be removed, and all existing detached accessory structures will be removed. After construction, the total building area on the overall campus will be 34,127 sq. ft. All the proposed and existing structures to remain meet the setback requirements of the zoning district.

Vehicular and pedestrian access to the property will be provided from S. Goldenrod Rd. to the east. The proposed building will meet the minimum building setback requirements for the A-2 district, as well as the Major Street setback requirements from S. Goldenrod Rd., a County Minor Arterial. The proposed landscaping plan for the project will provide a 15 ft. landscape buffer with trees and shrubs along the south and north perimeters, with the exception of the provision of a 12 ft. buffer with a 6 ft. high fence along the north property line of Parcel 31, a 25+ ft. landscape strip along the east (S. Goldenrod Rd.) property line and 100+ ft. natural vegetation buffers containing trees to be preserved along the north, south and west (Pasco St.) property lines of Parcel 12. All proposed perimeter landscaping buffers along property lines and landscape strips adjacent to public rights-of-way will exceed the minimum landscape requirements.

Parking requirements for the development:

Type	Parking Requirement	Number of seats	Number of employees	Required # of Spaces	Provided # of Spaces Parcel 12	Provided # of Spaces Parcel 31
Religious Institution	1 space for each 3 seats for patron use, plus 1 space per employee	564	6	194	46	194

Based upon the above seating and employees, the total number of required parking spaces is 194. The proposal includes 46 spaces on Parcel 12 and 194 spaces on Parcel 31 at the main sanctuary, for a total of 240 spaces for overall campus, which meets the requirement.

A Conservation Area Impact permit (CAI-22-07-049) was issued by the Environmental Protection Division (EPD) to mitigate 0.34 acres of Class III surface waters on the property and is considered consistent with Chapter 15, Article X, Conservation Ordinance. The required mitigation does not affect the proposal.

The County Transportation Planning Division provided comments that all roadway segments within the area will operate within their adopted capacity upon addition of project trips. Further the applicant may be required to submit a traffic study prior to obtaining an approved capacity encumbrance letter and building permit and the project will be subject to review and approval under capacity constraints of the County’s Transportation Concurrency Management System.

The hours of operation for the campus operations are not proposed to change: the typical hours for the church offices are Monday through Friday, 11:00 a.m. to 2:30 p.m., Sundays from 7:30 a.m. to 5:00 p.m., with the regular services scheduled at 9:00 a.m., 11:00 a.m. and 1:00 p.m. and Tuesday, Wednesday and Thursdays, with regular serviced scheduled from 7:00 p.m. to 10:00 p.m.

Comprehensive Planning staff reviewed the request and determined that the proposal is consistent with the policies contained within the Comprehensive Plan. The Planning Division reviewed the exterior lighting photometric plan submitted by the applicant and confirmed that the proposed foot candle levels along the perimeter property lines are compliant with the county’s exterior lighting ordinance.

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

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	45 ft. (Variance #2)
Min. Lot Width:	100 ft.	316 ft.
Min. Lot Size:	21,780 sq. ft. (0.5 acres)	7.94 acres (7.6 acres upland)

Parcel 31 Building Setbacks

	Code Requirement	Proposed
Front (S. Goldenrod Rd.):	35 ft.	98 ft. (Building #1, East)
Rear:	50 ft.	214.5 ft. (Building #1, West)
Side:	10 ft.	20 ft. (Building #1, South) 100 ft. (Building #1, South) 62.5 ft. (Building #1, North) 20 ft. (Building #1, Southeast)
Major Street (S. Goldenrod Rd.)	60 ft. building (from street centerline) 55 ft. parking area (from street centerline)	150 ft. (Building #1) 100 ft.

Parcel 12 Building Setbacks

	Code Requirement	Proposed
Front (Pasco St.):	35 ft.	90.8 ft. (Building #2, West)
Rear:	50 ft.	297.4 ft. (Building #2, East)
Side:	10 ft.	70 ft. (Building #2, North) 183.6 ft. (Building #2, South)

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The Comprehensive Plan provides that certain uses, such as religious institutions, as conditioned are consistent through the Special Exception process.

Similar and Compatible with the Surrounding Area

The size and scale of the proposal within an existing church campus is appropriate relative to the size of the overall site and the proposed setbacks. Further, although there is a proposed maximum height of 45 ft. for the tower feature and as such requires a Variance, it is only for a minor architectural projection, and the remainder of the site improvements will meet performance standards.

Shall Not Act as a Detrimental Intrusion into a Surrounding Area

The development as proposed will not act as a detrimental intrusion into the surrounding area. The proposal is consistent with the footprint of the existing development, as the site has been used for religious uses since 1972.

Meet the performance standards of the district

If the Variance is granted, the request would meet the performance standards of the district.

Similar in Noise, Vibration, Dust, Odor, Glare, Heat Producing

The proposal is to expand the building area of the existing religious institution, and the characteristics and impacts of the proposed development will not substantially change.

Landscape Buffer Yards Shall be in Accordance with Section 24-5 of the Orange County Code

The applicant has proposed a 12 ft. wide landscape Type C buffer with the provision of a 6 ft. high PVC fence, along the north property line buffer for additional screening. Further, landscape buffers are proposed along the south and east property lines as well as the proposed preservation of the heavy vegetation to the west, northwest and southwest, which is consistent with the Orange County Landscape Code. Landscaping will be in accordance with Chapter 24 (Landscaping, Buffering and Open Space) of the Orange County Code.

VARIANCE CRITERIA

Special Conditions and Circumstances

The proposed tower structure exceeding the 35 ft. height is proportionally appropriate and only a minimal element in the overall elevations and it does not contain occupiable space. Further, the provision of minor tower features and/ or spires are commonly included in the overall design of religious institutions, which is a special condition.

Not Self-Created

The need for the Variance is not self-created since the proposal is requesting to provide only the height necessary to construct a tower feature, similar to a spire.

No Special Privilege Conferred

Granting this request would not confer special privilege since there are other height deviations for church spires within the general area.

Deprivation of Rights

There would be deprivation of rights to erect an architecturally appropriately sized tower, typically installed on a church structure.

Minimum Possible Variance

The requested Variance is the minimum possible to allow for a tower which will be architecturally and proportionally consistent with the proposal.

Purpose and Intent

Approval of the requested Variance, relative to the substantial distance of tower location from the adjacent residences to the north or from S. Goldenrod Rd., will allow a tower feature which will be in harmony with the purpose and intent of the Code, and will not be detrimental to adjacent properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and landscape plan received January 11, 2023 and elevations dated August 8, 2022, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. Hours of operation for services shall be Sundays from 7:30 a.m. to 5:00 p.m., and Tuesdays, Wednesdays, and Thursdays from 7:00 p.m. to 10:00 p.m.
6. The sanctuary shall be limited to 564 seats.
7. Prior to issuance of a permit for the expansion, a permit shall be obtained for the detached accessory structures, or they shall be removed.
8. Prior to issuance of a permit, a Lot Split shall be obtained for Parcels 12 and 31.
9. Landscaping shall be in accordance with Chapter 24 (Landscaping, Buffering and Open Space).
10. Exterior lighting shall be compliant with the county's exterior lighting ordinance. In addition, all pole mounted fixtures shall be full cutoff and with fixture color temperature of 3,500 K maximum. The photometric plan shall be submitted and approved by Orange County staff prior to the issuance of a Building Permit. In addition, glare visors shall be installed, and field-adjusted to prohibit off-site light spill.
11. No more than four (4) outdoor special events per year between the hours of 8:00 a.m. to 9:00 p.m. will be allowed on the overall campus. The use of outdoor amplified sound and music is prohibited.

C: George Sharp
2886 Aloma Oaks Dr.
Oviedo, FL 32765

Herbert Betancourt
4112 Firewater Ct.
Orlando, FL 32829



2886 Aloma Oaks Drive, Oviedo, Florida 32765
Phone: (407) 232-4579; email: gsharp@cfi.rr.com

Fla. Lic. # AA26002910

January 12, 2023

Orange County Zoning Division
201 S. Rosalynd Ave.
Orlando, Fl. 32801

Re: **Application for Special Exception & Variance**
4114 S. Goldenrod Rd., (Aroma East) Parcel ID # 14-23-30-5240-17-031
4110 S. Goldenrod Rd., (Aroma West) Parcel ID # 14-23-30-5240-17-012
Orlando, Fl.

To Whom It May Concern:

We hereby submit for your consideration, our application for a Special Exception and a Variance in the further development of an existing church facility as cited above. This request consists of four parts:

- Item 1. Change of use for Aroma West from residential to church and offices.
- Item 2. A reduction of the required landscape buffer of 15 feet adjacent to residential along the north of Aroma East to 12 feet.
- Item 3. A variance for the size of the building proposed for Aroma East. A prior variance request was approved in 2017, but this building configuration is different.
- Item 4. An increase of the proposed Aroma East height from 35 feet to 45 feet for the church tower. The remaining church building will be less than 35 feet high.

These requests are further explained as follows:

Special Exception Narrative:

Item 1. A change of use from residential to church and offices is proposed for the existing building located on the Aroma West parcel.

S. Goldenrod Rd. is an FDOT road with a large amount of traffic. It is our intent to construct one single, safe driveway entrance for both parcels. FDOT is receptive to this configuration. We met with DRC and were directed to request the change of use of the Aroma West property, which we will call Aroma West, from residential to church and offices. This is a new request.

An easement has prepared to allow Aroma West parcel access to S. Goldenrod Rd. via this proposed single entrance. We were directed to do this as it is permitted to access a commercial property through another commercial property. The proposed development of the front parcel, and initial development of the rear parcel will allow each parcel to park independently.

Special Exception Application
Iglesia De Dios Aroma, Inc.
January 12, 2023
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Per conversations with Staff, we have performed a tree survey of the Aroma West property and have prepared a preliminary landscaping plan for it. Full landscape plants and full site plans have been prepared for the Aroma East parcel and have previously been submitted for Orange County site plan approval. These documents are part of this re-submittal package.

Item 2. The proposed development site is south of an existing residential (R) neighborhood. Therefore a Type 'C' opaque buffer zone on the north side of the property will be required.

LDC Section 24-5 - Buffer Yards: This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years. 1 tree per 40 LF required.

Per LDC Sec. 24-6, we are allowed to reduce the Type 'C'- 15' wide buffer by 20% or 3' if the buffer incorporates the following:

Utilize plantings and berms to meet minimum buffer requirements.

Utilize plantings, berms and wall to meet minimum buffer requirements, where wall is combined with berm to meet minimum height requirements.

Utilize wall with plantings, where the plantings are parallel for at least seventy-five (75) percent of the linear length of the wall, and covers at least twenty-five (25) percent of the required buffer width.

Accordingly the following exception is requested:

Our current 12' wide buffer (please see Landscape plans L001 and L002 attached) is not wide enough to install a 3' berm, and a cmu wall is very expensive, so we are proposing two exceptions:

- 1) Reduce buffer width from 15' to 12' (a 20% reduction).
- 2) We propose 6' white pvc fence in lieu of 6' cmu wall to run along the North property line for a distance of approximately 1,000 feet fronting both portions of properties.

To mitigate for the 20% reduction in buffer width we are reducing the spacing of the required north buffer trees from 40 LF on center to 30 LF on center (increasing the quantity of buffer trees from 19 to 30). We are also proposing a mix (Magnolia & Slash Pine) of evergreen trees to provide a year round visual screen of our property.

Special Exception Criteria:

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

The proposed use, as a church, is consistent with policy. It is an allowable use and is an expansion of an existing building of the same use.

COVER LETTER

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

As there are clusters of residential development around the site, it is typical for there to be a number of places of worship to serve multiple faiths. The proposed project is an expansion of an existing church to accommodate the increasing number of parishioners and look to the future and a growing congregation.

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

The use is a benefit to the surrounding area, as it is a place of spiritual guidance and community building.

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

The use is consistent with the zoning district and is a permitted use.

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 use, once constructed, will not generate undue dust, odor or heat beyond what is typically associated with the use. Services are held on Sunday and midweek, so there will be some traffic and noise associated with that, but consistent with the activity, and similar to other churches throughout the area along major thoroughfares, such as 8703 Curry Ford Road.

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.

A variance is sought for the landscape buffer along the northern perimeter. A Type C buffer is required, for which a 20% reduction is allowed under certain conditions. We propose a 6' high vinyl fence as a visual screen and enhanced landscaping, as described in this application. Evergreens proposed will provide year round visual screening.

Item 3. According to Variance Application of 7/19/17 (VA-17-09-089), an allowance was granted for an increase in the building area.

However, the conditions for approval cited therein did not specify the area increase allowance. Therefore we are asking for an allowance to increase the allowable area from 5,760 square feet (existing portion of building to remain) to a total of 34,075 square feet (including tower and 3,288 square foot building on the West property). The new total building area is well within the allowable area as cited in the 2020 Florida Building Code, Table 506.2 (38,000 sq. ft.). The required parking area for this new occupancy level has been calculated and reflected on the current Civil Site Plan (please see attached drawing C007 - Site Plan).

Please note: all the above exception requests are reflected in the construction documents as submitted for permitting under permit application #'s B20907508 (building), and B20905830 (site development).

The facility use conditions, as cited in the original VA-17-09-089 Approval Conditions will remain the same: "There shall be no more than 4 outdoor special events per calendar year."

Special Exception Application
Iglesia De Dios Aroma, Inc.
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Item 4. The current Zoning Ordinance limits the height of the proposed tower (steeple) to 35'. The 2020 FBC does not have a height limit when applied in a religious institution.

The proposed tower structure will be located on the proposed building's southeast corner facing South Goldenrod Road, at a distance of 93'-4" from the east property line (please see drawing A003 Architectural Site Plan). The tower dimensions will be 9'-4" wide x 6'-8" deep.

Variance Criteria:

1. Special Conditions and Circumstances - Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.

A height variance is requested to increase the allowable church steeple height by 10'-0" above the 35'-0" limit to a total height of 45'-0". This condition is peculiar to the structure as it is a place of worship. As such, the tower will serve as an icon for the parishioners to be drawn to. It will be 6'-8" in depth and 9'-4" in width from its base to the parapet. It will be constructed of construction masonry units with a tall window facing the east. There will be no sounds emanating from this structure.

2. Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.

Due to the distance from the right of way line (approx. 100 feet), it became necessary to raise the height of the tower where the resulting height exceeded 10 feet above the allowable.

3. No Special Privilege Conferred - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

We are not requesting for a variance that would not be allowed on other structures of similar use.

4. Deprivation of Rights - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

Most churches or places of worship in the surrounding neighborhoods enjoy the privilege of having such a steeple on their grounds for similar reasons. We are asking that such a privilege be granted to us in the same fashion.

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.

In order to accommodate the number of projected parishioners, the building expansion to its proposed configuration is the minimum width that will allow for the congregation to sit

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Iglesia De Dios Aroma, Inc.
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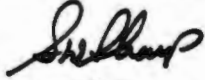
comfortably and not feel walled-in. The area north of the building is similar to the previously approved variance where there was a landscape buffer, two way drive and parking.

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

The proposed building is an allowable use and an expansion of the existing. It is consistent with neighborhood churches and in concert with zoning regulations. No proposed activities will be detrimental to the public welfare, in fact, it will increase the sense of community.

Should you have further questions and or concerns, please feel free to contact me. Trusting this letter has provided detail to the purpose of our request, I remain,

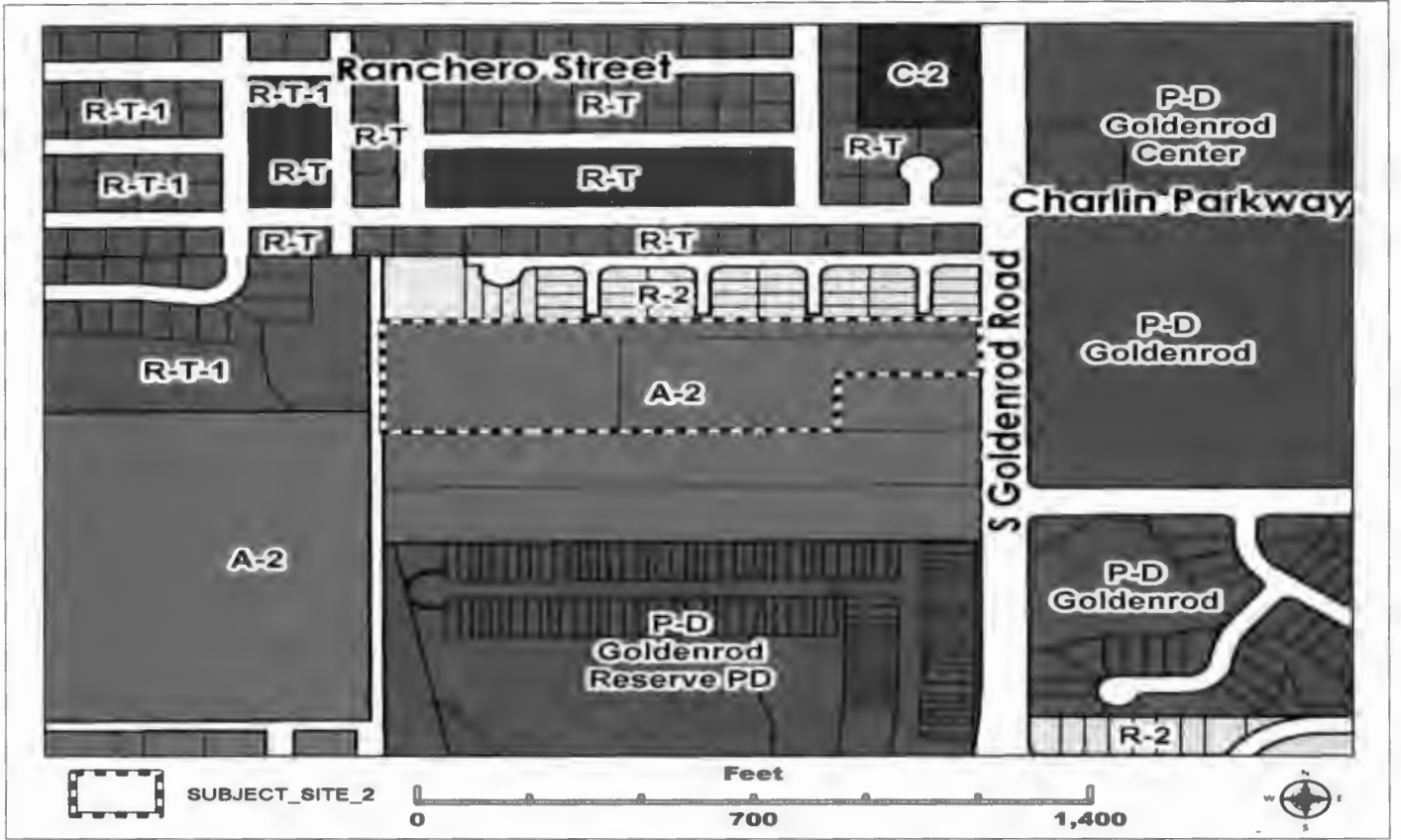
Sincerely,
Sharp Architecture, LLC



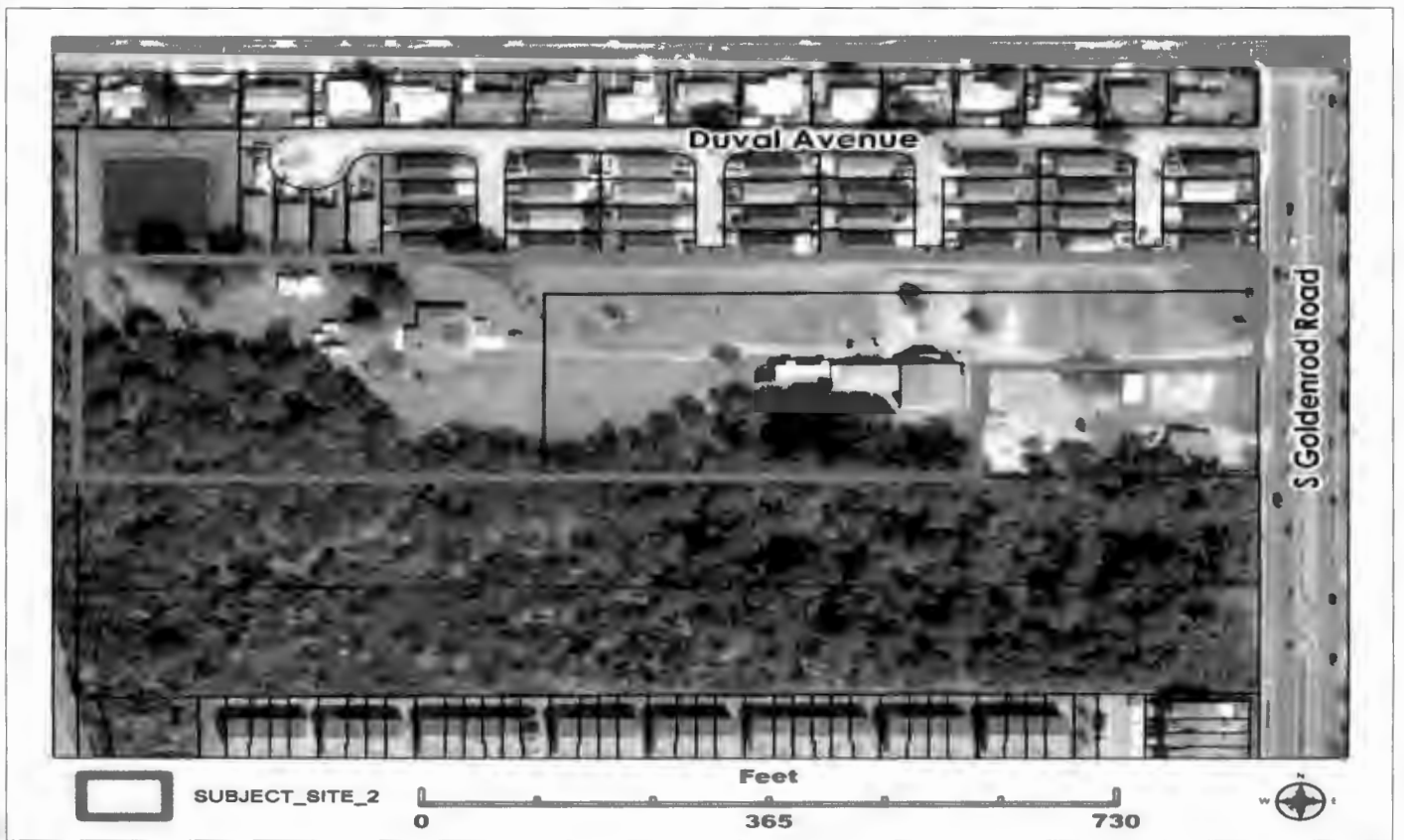
George W. Sharp, AIA
Architect

Cc: Herbert Betancourt, Owner's Rep.

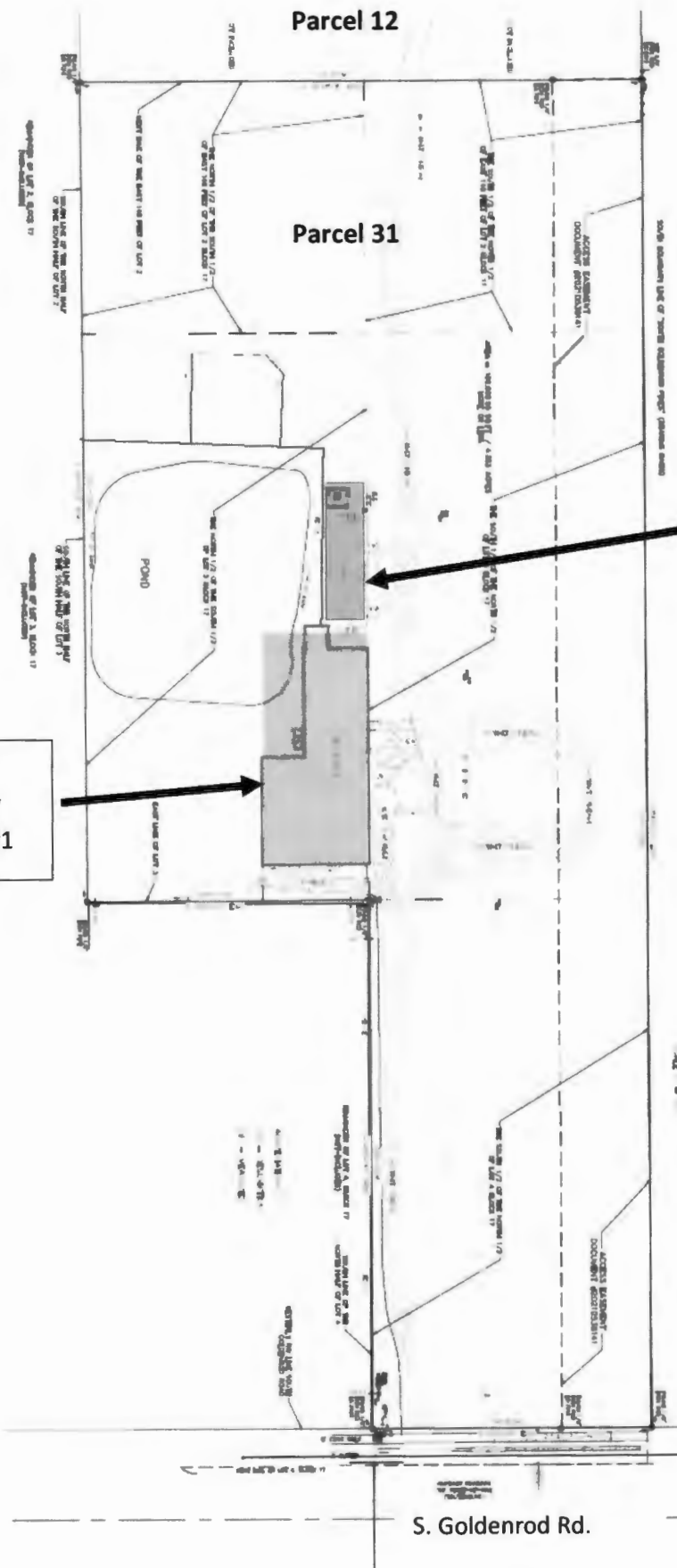
ZONING MAP



AERIAL MAP



SURVEY - EAST



Existing
Modular to
be removed

Existing
Sanctuary
Building #1

Pasco St. ROW

Parcel 12

Existing sheds to be removed

Existing Residence, Building #2 Conversion

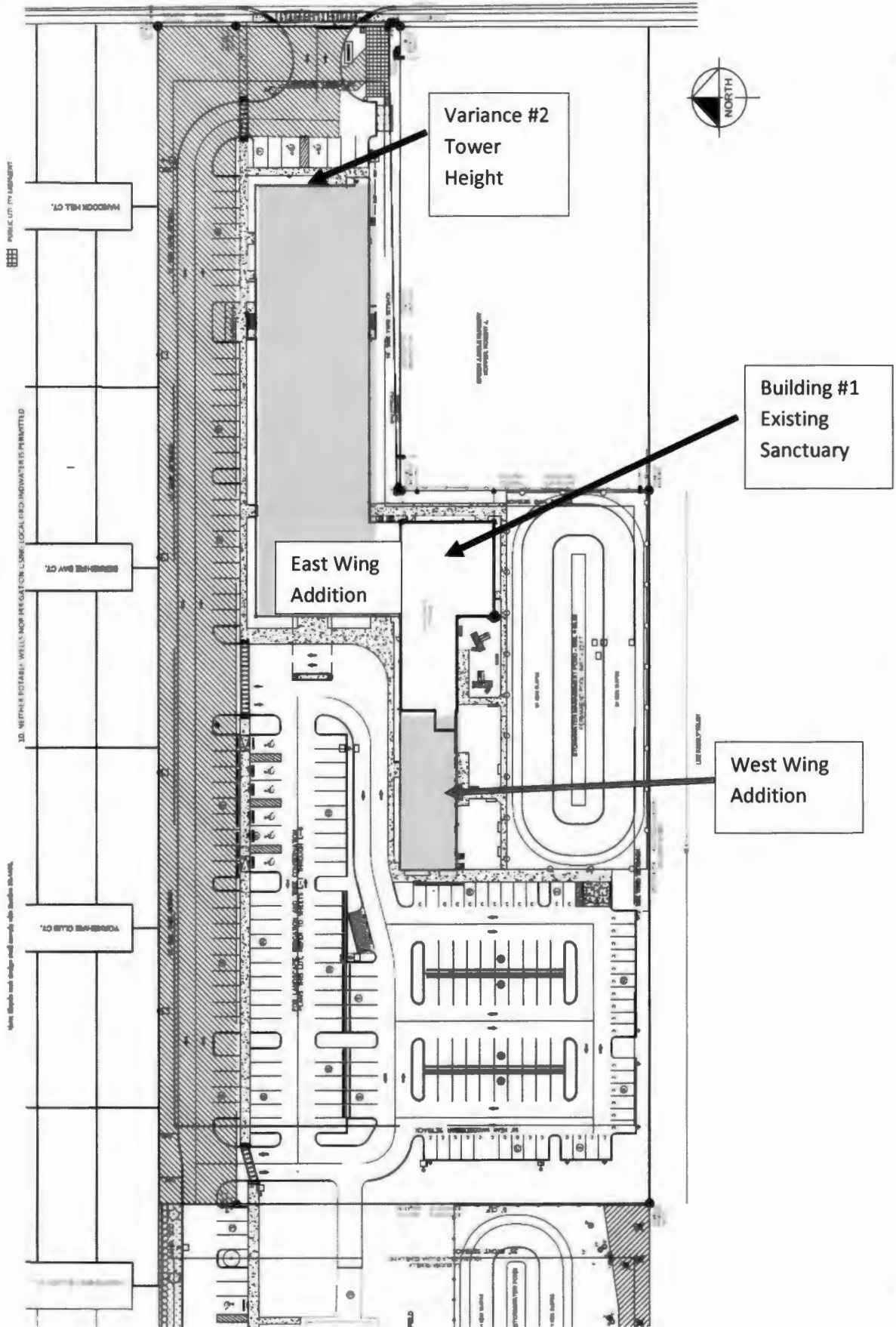
Parcel 31

POND



SITE PLAN – EAST PARCEL 31

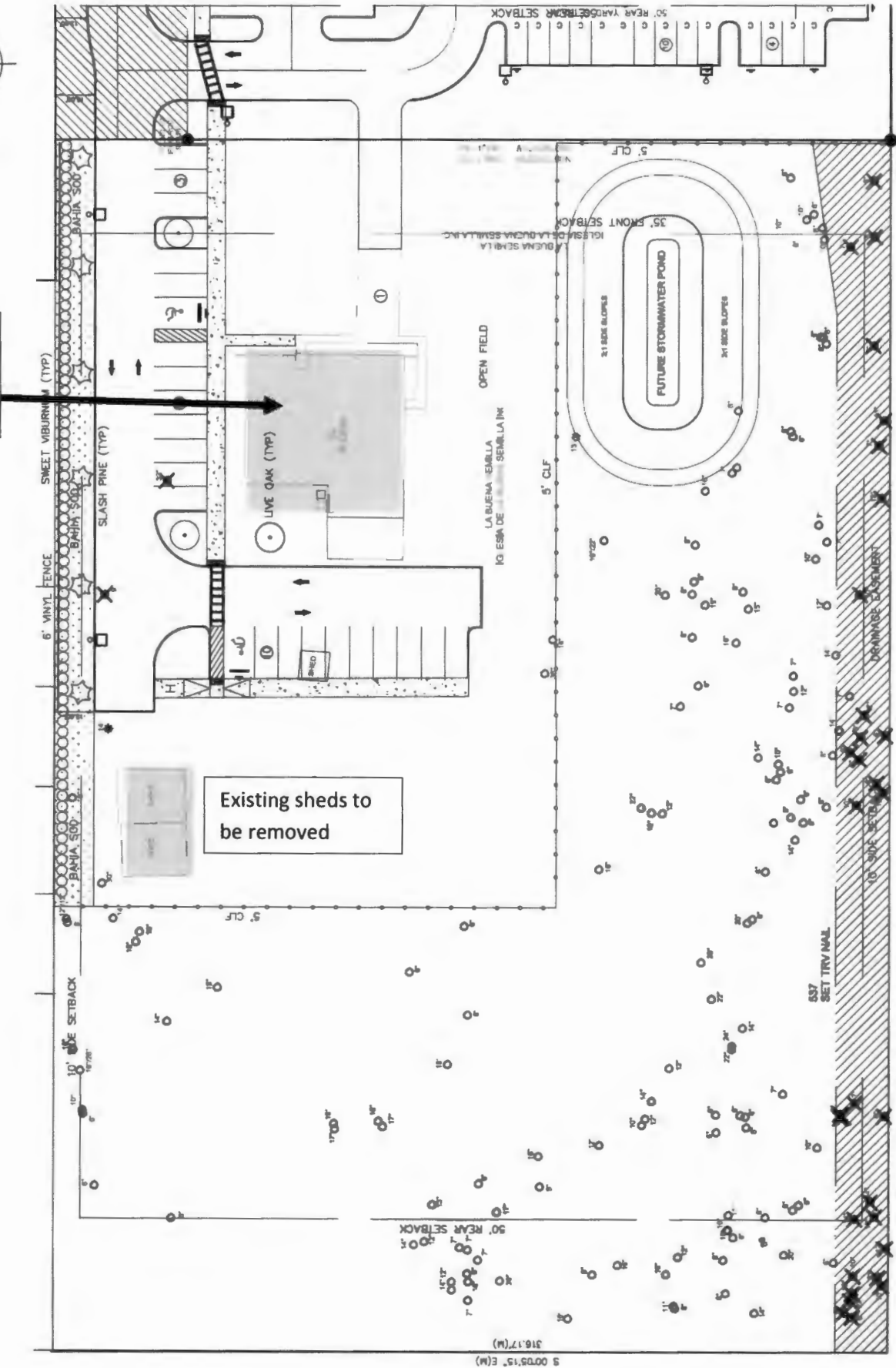
S. Goldenrod Rd.



SITE PLAN – WEST/PARCEL 12



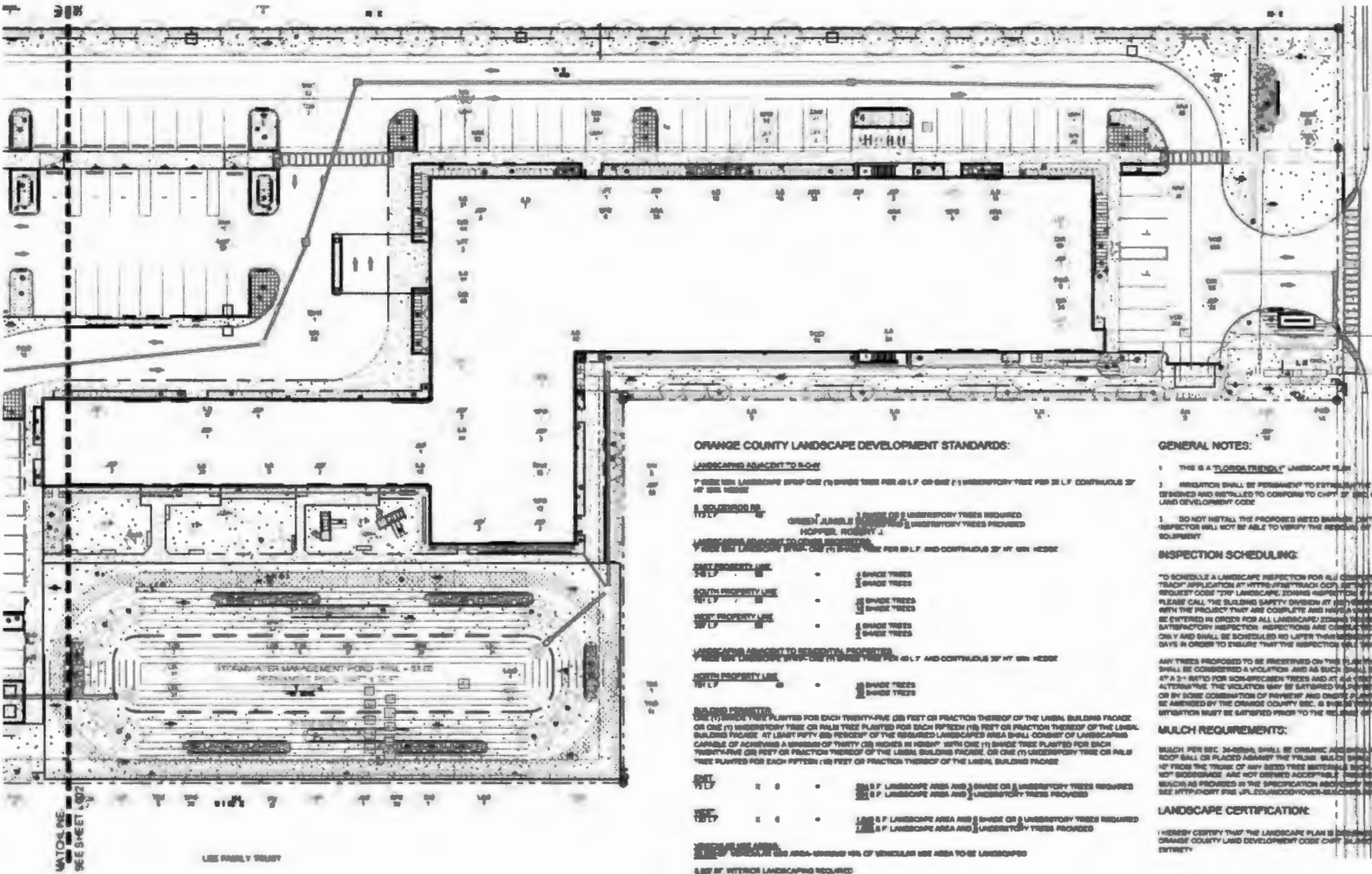
Building #2
Residence
Conversion





LANDSCAPE PLAN – EAST PARCEL 31

SOUTH GOLDENROD ROAD
SR 961



ORANGE COUNTY LANDSCAPE DEVELOPMENT STANDARDS:

- LANDSCAPES ADJACENT TO HIGHWAY**
- 7 FEET MIN. LANDSCAPE STRIP ONE (1) SHADE TREE PER 40 LF OR ONE (1) UNDERSTORY TREE PER 20 LF CONTIGUOUS TO HIGHWAY
 - 2. REDUCED OR ZERO GREEN AREAS UNDERSTORY TREES PROVIDED
- LANDSCAPES ADJACENT TO OTHER PROPERTIES**
- WEST SIDE PROPERTY LINE ONE (1) SHADE TREE PER 40 LF AND CONTIGUOUS TO HIGHWAY
 - EAST PROPERTY LINE ONE (1) SHADE TREE PER 40 LF AND CONTIGUOUS TO HIGHWAY
 - SOUTH PROPERTY LINE ONE (1) SHADE TREE PER 40 LF AND CONTIGUOUS TO HIGHWAY
 - NORTH PROPERTY LINE ONE (1) SHADE TREE PER 40 LF AND CONTIGUOUS TO HIGHWAY
- BUILDING PERIMETER**
- ONE (1) SHADE TREE PLANTED FOR EACH TWENTY-FIVE (25) FEET OR FRACTION THEREOF OF THE LINEAL BUILDING PERIMETER OR ONE (1) UNDERSTORY TREE OR PALM TREE PLANTED FOR EACH FIFTY (50) FEET OR FRACTION THEREOF OF THE LINEAL BUILDING PERIMETER. AT LEAST FIFTY (50) PERCENT OF THE REQUIRED LANDSCAPING AREA SHALL CONSIST OF LANDSCAPING CAPABLE OF ACHIEVING A BIODIVERSITY INDEX OF 100% WITH ONE (1) SHADE TREE PLANTED FOR EACH TWENTY-FIVE (25) FEET OR FRACTION THEREOF OF THE LINEAL BUILDING PERIMETER OR ONE (1) UNDERSTORY TREE OR PALM TREE PLANTED FOR EACH FIFTY (50) FEET OR FRACTION THEREOF OF THE LINEAL BUILDING PERIMETER.
- | | | | | |
|---------------------|---|---|---|--------------------------------------------------------|
| WEST PROPERTY LINE | 0 | 0 | • | ONE (1) SHADE TREE PER 40 LF AND CONTIGUOUS TO HIGHWAY |
| EAST PROPERTY LINE | 0 | 0 | • | ONE (1) SHADE TREE PER 40 LF AND CONTIGUOUS TO HIGHWAY |
| SOUTH PROPERTY LINE | 0 | 0 | • | ONE (1) SHADE TREE PER 40 LF AND CONTIGUOUS TO HIGHWAY |
| NORTH PROPERTY LINE | 0 | 0 | • | ONE (1) SHADE TREE PER 40 LF AND CONTIGUOUS TO HIGHWAY |
- INTERIOR LANDSCAPING REQUIRED**
- ONE (1) SHADE TREE PER 40 LF AND CONTIGUOUS TO HIGHWAY

GENERAL NOTES:

- THIS IS A "FLORIDA FRIENDLY" LANDSCAPE PLAN
 - INSPECTOR SHALL BE PERMITTED TO EXAMINE THE PLANT MATES DESIGNED AND INSTALLED TO CONFORM TO CHAPTER 252, F.S. 252.04-013 OF THE LAND DEVELOPMENT CODE.
 - DO NOT INSTALL THE PROPOSED REED BANKING UNTIL TOP OF ROOTS INSPECTOR WILL NOT BE ABLE TO VERIFY THE REDUCED OR NON-EXISTENT SOILMENT
- INSPECTION SCHEDULING:**
- TO SCHEDULE A LANDSCAPE INSPECTION FOR ALL DEVELOPED PERMITS, "TRAC" APPLICATIONS BY 47776 (P&F) TRUCK CODE, SETBACKS/SETBACKS PROTECTIVE CODE "TR" LANDSCAPE, EDWARDS INSPECTION, EDWARDS TRUCKS PLEASE CALL THE BUILDING SAFETY DIVISION AT 714-948-1111. ALL PERMITS WITH THE PROJECT THEY ARE OCCUPYING AND HOLD A LANDSCAPE OR JOB BE ENTERED IN ORDER FOR ALL LANDSCAPE EDWARDS TRUCKS TO BE RELEASED SATISFACTORY INSPECTIONS ARE CONDUCTED ON THESE DAYS ONLY AND SHALL BE SCHEDULED NO LATER THAN 10:00 AM ON THE NEXT DAY IN ORDER TO ENSURE THAT THE INSPECTION WILL TAKE PLACE.
- ANY TREES PROPOSED TO BE PRECIPPED ON THIS PLAN THAT ARE BURNED SHALL BE CONSIDERED A VIOLATION AND AS SUCH SHALL BE REPLACED AT A 3:1 RATIO FOR NON-APPLICABLE TREES AND AT 4:1 RATIO FOR SPECIES ALTERNATIVE. THE VIOLATION MAY BE SATISFIED BY REPLACING THE C OR BY SOME COMBINATION OF PLANTING AND OTHER PLANTING. THE DUES BE ASSURED BY THE ORANGE COUNTY REC. IS SUBJECT TO INSURANCE IN ALL C1 SITUATION MUST BE SATISFIED PRIOR TO THE RELEASE OF THE LANDSCAPE.

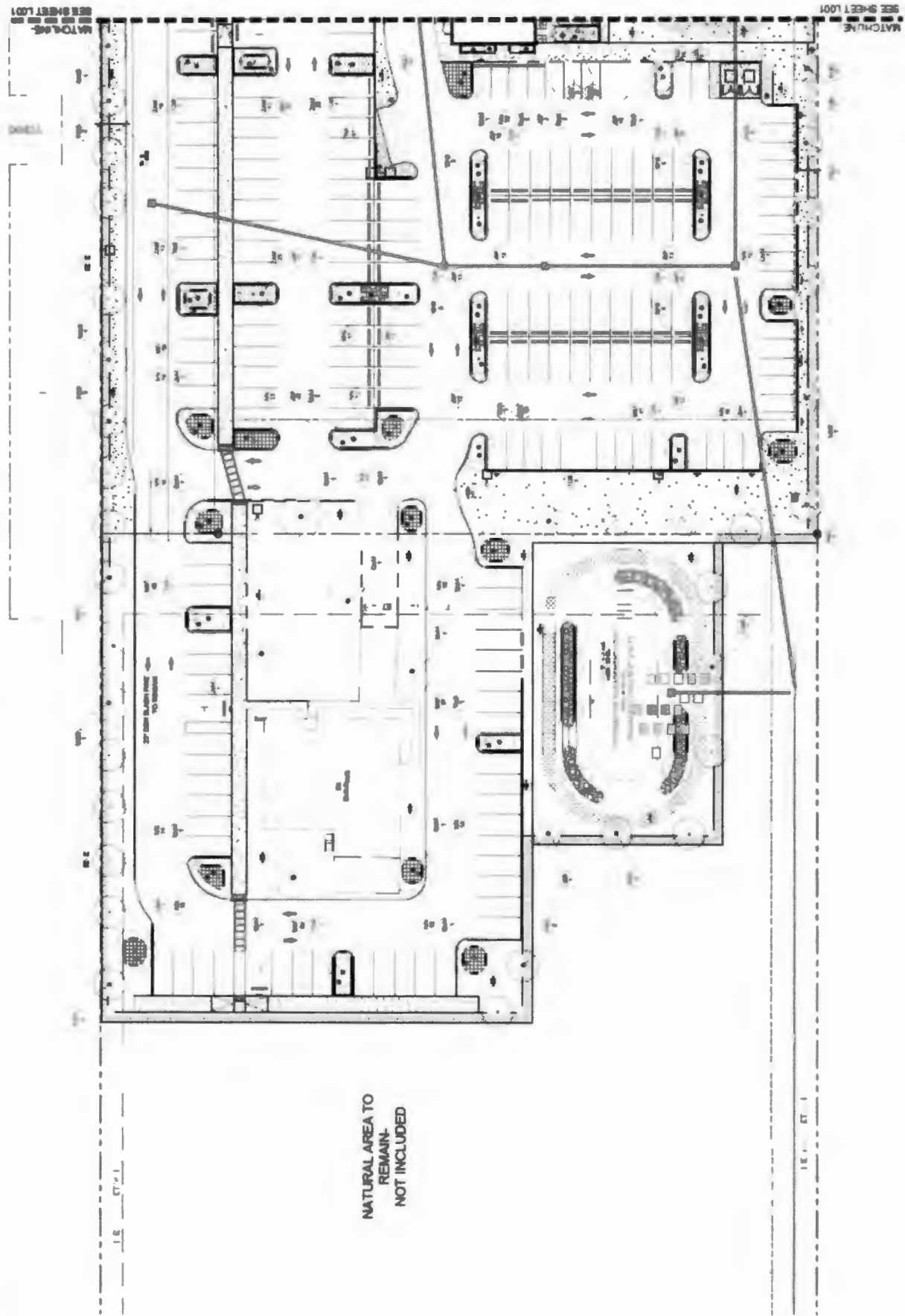
MULCH REQUIREMENTS:

MULCH PER SPEC. MATERIAL SHALL BE ORGANIC AND SHALL NOT BE PLACED ON ROOF BALL OR PLACED AGAINST THE TRUNK. MULCH SHALL BE APPLIED 4" DEEP FROM THE TRUNK OF ANY LIVED TREE MATERIALS SHALL BE 2" DEEP AND NOT BODORANGE ARE NOT DEEMED ACCEPTABLE. MULCH TO INSTALL & MULCH AS PROVIDED IN THE SPECIFICATION AND COUNTY RESOLUTION IN A FILE SEE WITHIN SHORT PERIOD OF TIME. EDWARDS/EDWARDS/EDWARDS/EDWARDS/EDWARDS

LANDSCAPE CERTIFICATION:

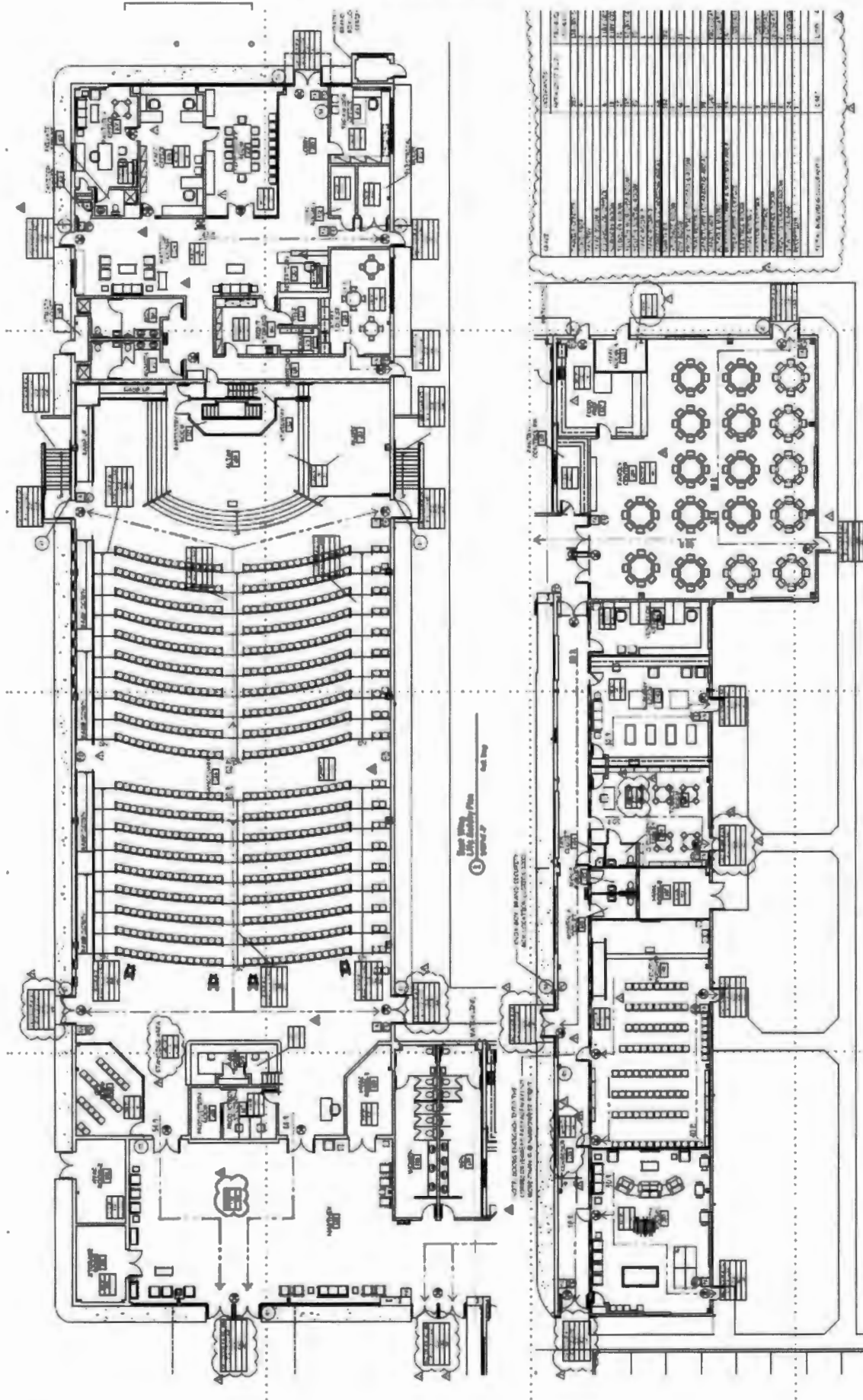
I HEREBY CERTIFY THAT THE LANDSCAPE PLAN IS DRAWING IN ACCORDANCE WITH ORANGE COUNTY LAND DEVELOPMENT CODE CHAPTER 252.04-013 (B) ENTRY.

LANDSCAPE PLAN – WEST PARCEL 12

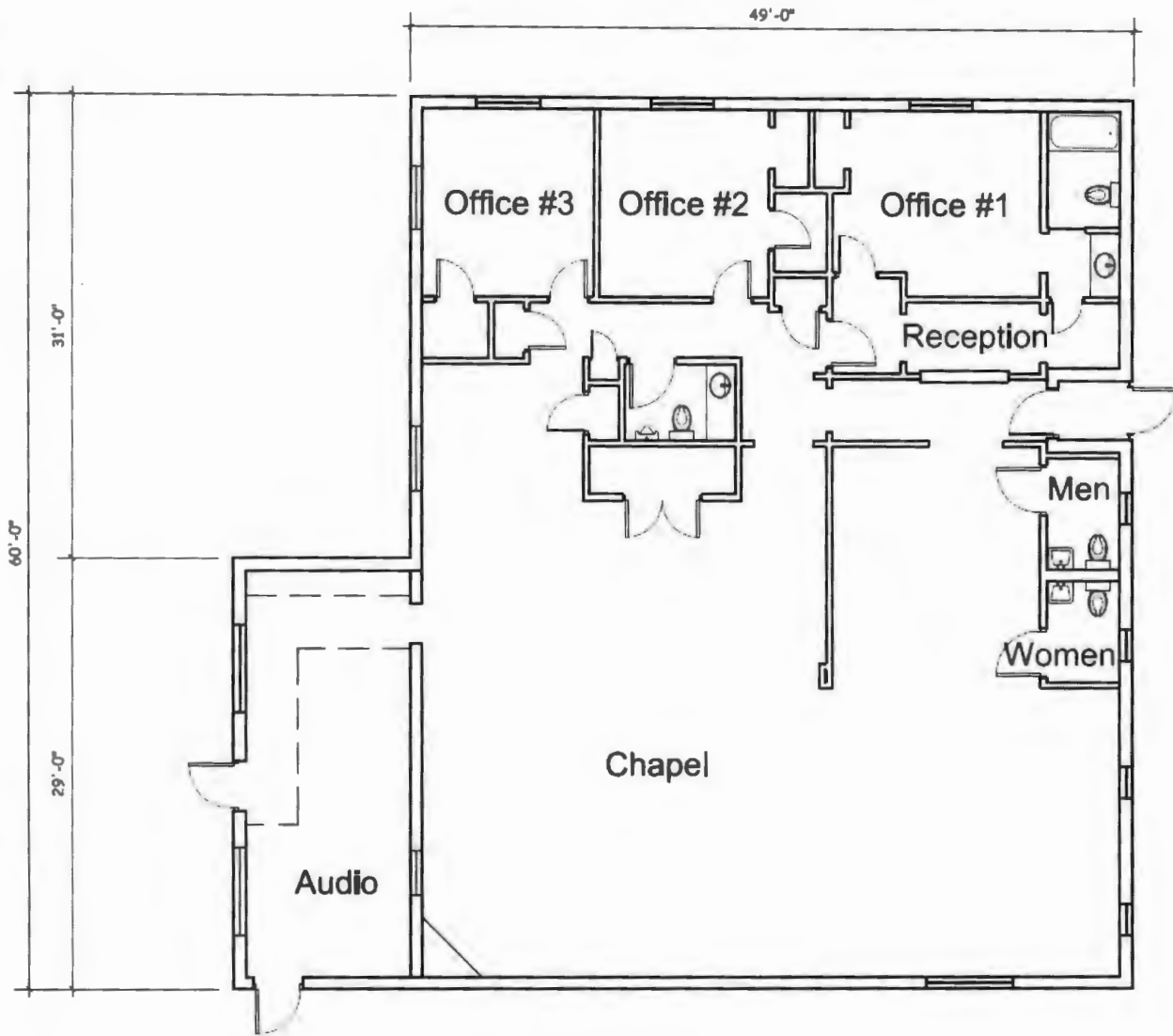


NATURAL AREA TO
REMAIN -
NOT INCLUDED

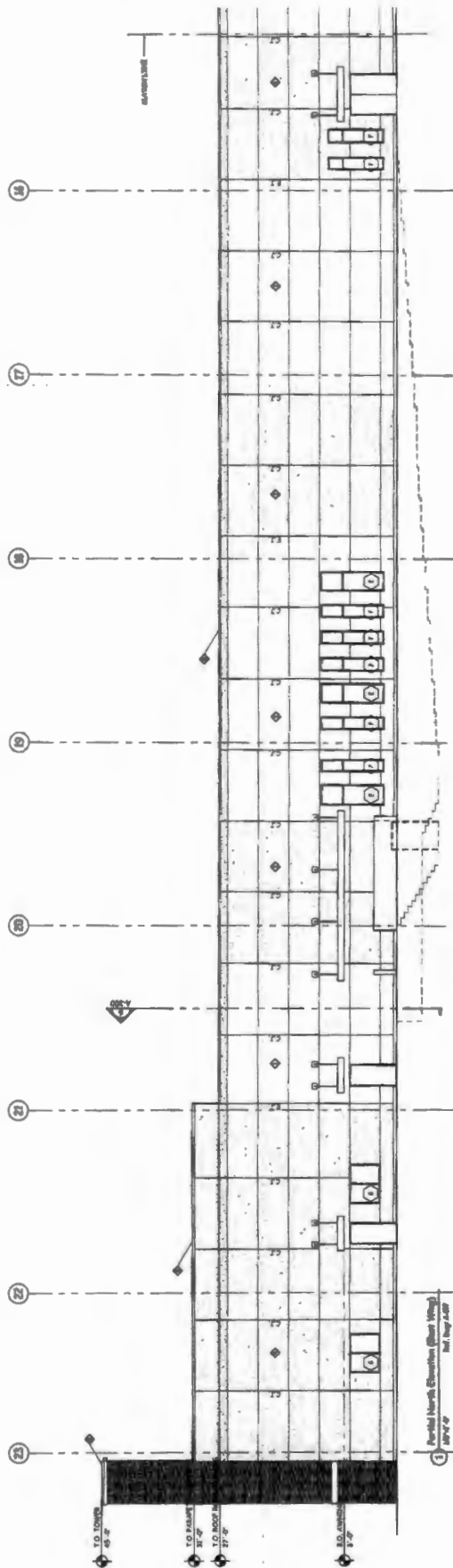
BUILDING #1 EXPANSION FLOOR PLANS



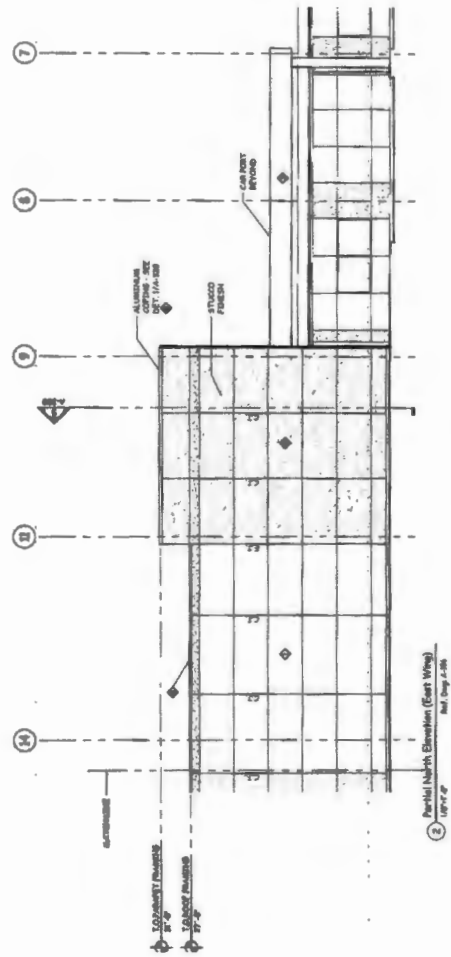
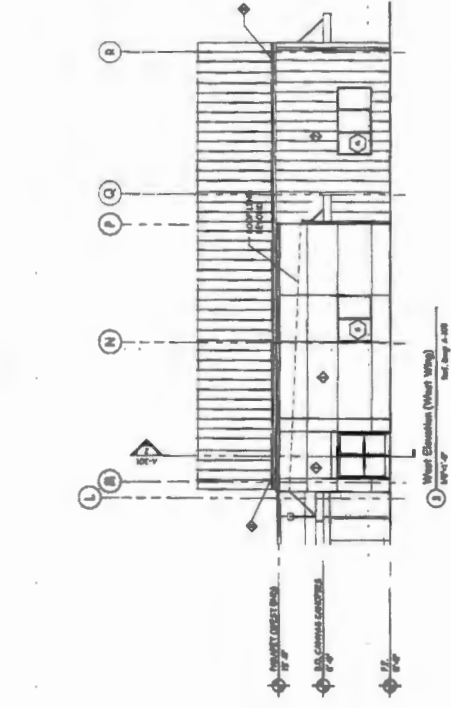
FLOOR PLAN - BUILDING #2

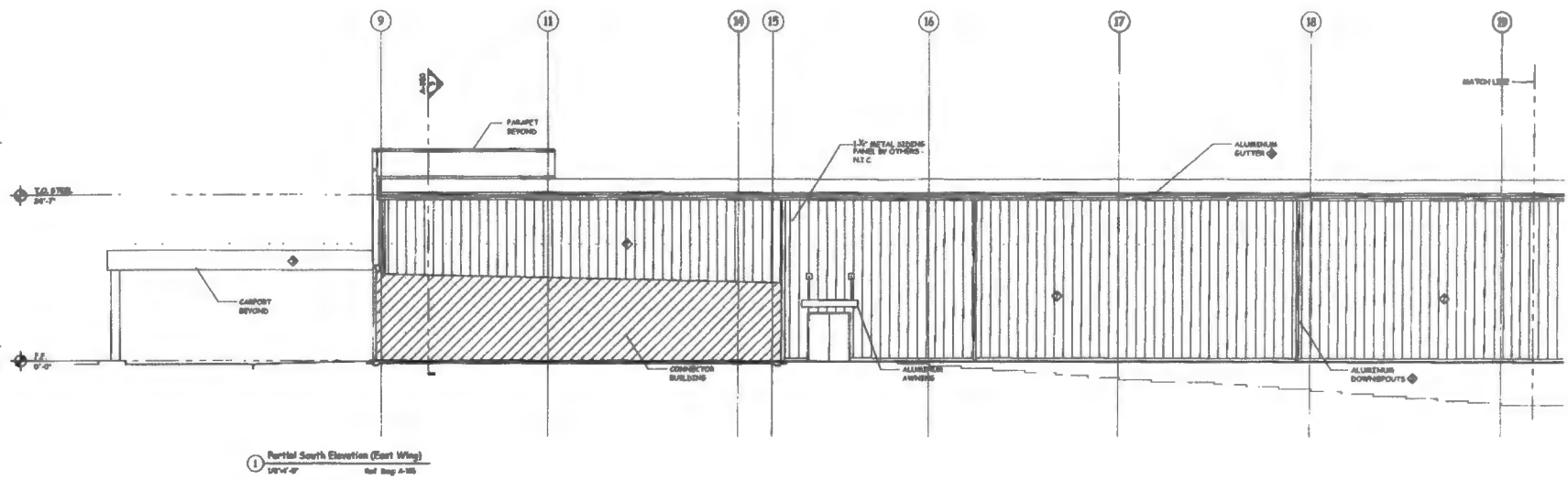


NORTH AND WEST ELEVATIONS – EAST WING BUILDING #1

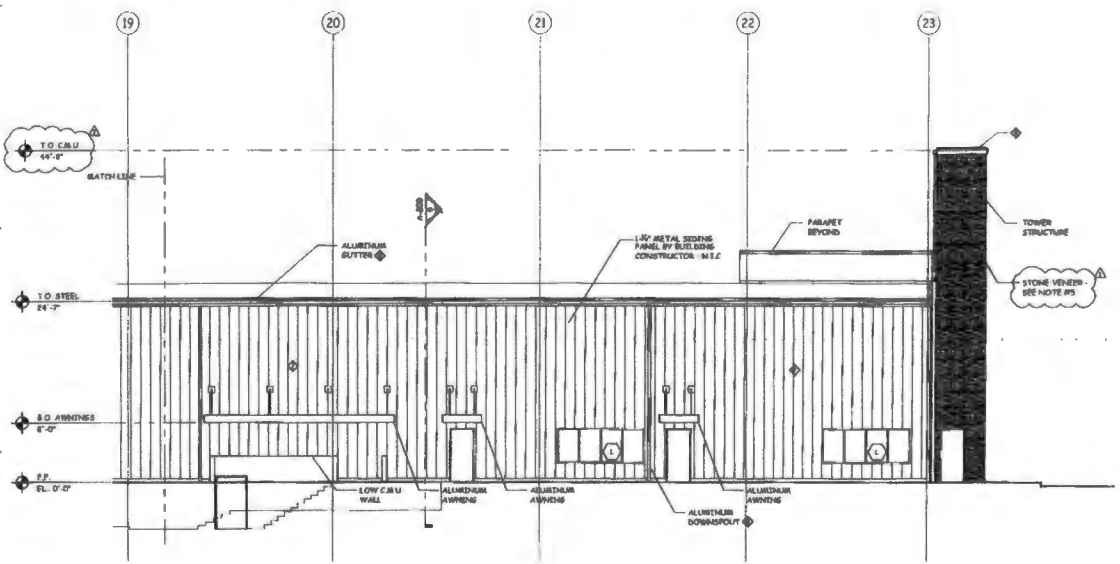


SEE SECTION 1.0 FOR FINISH AND MATERIALS FOR CONCRETE, FORMS, AND EXPANSION JOINTS (E7) DETAILS.





1 Partial South Elevation (East Wing)
10'x4'-0" Ref: Sup A-105



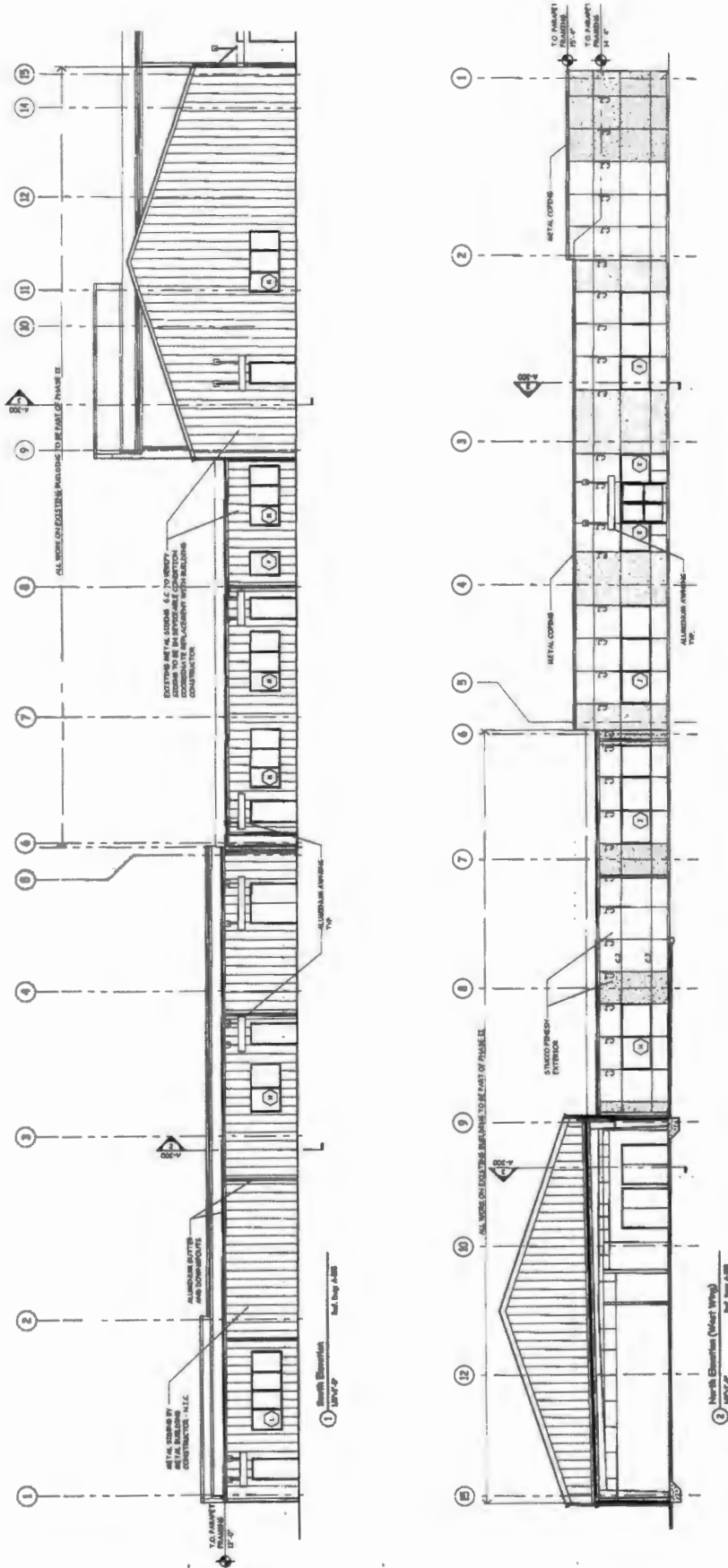
2 Partial South Elevation (East Wing)
10'x4'-0" Ref: Sup A-107

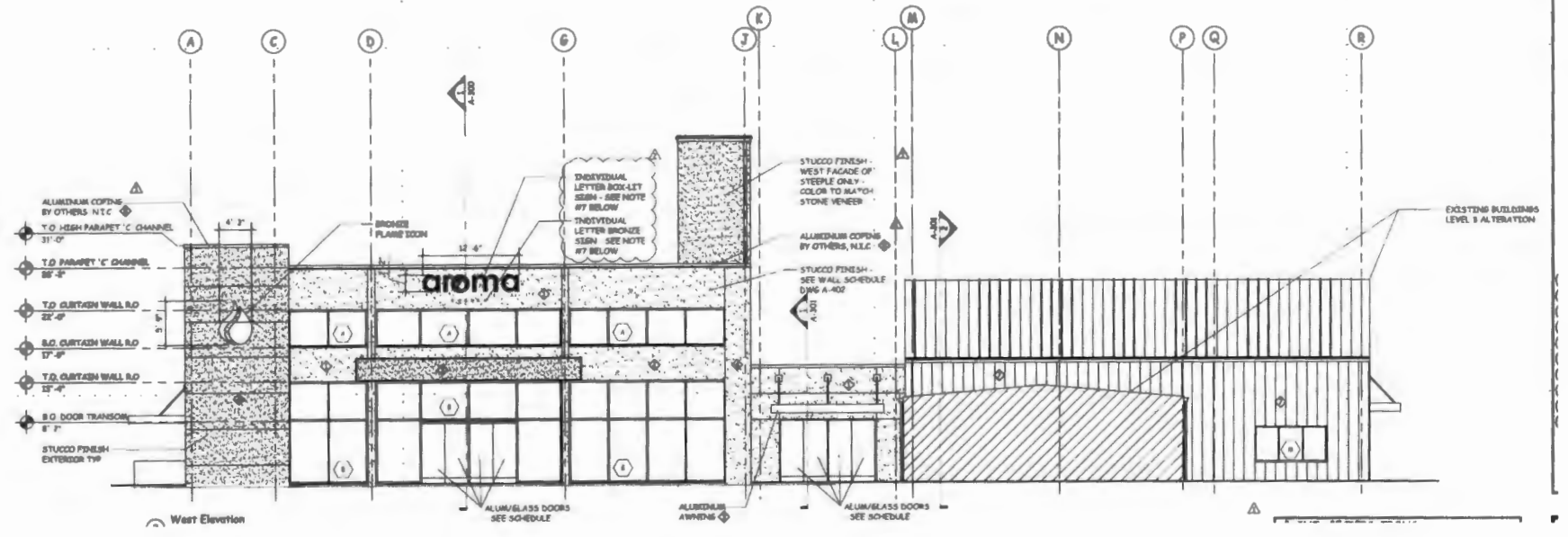
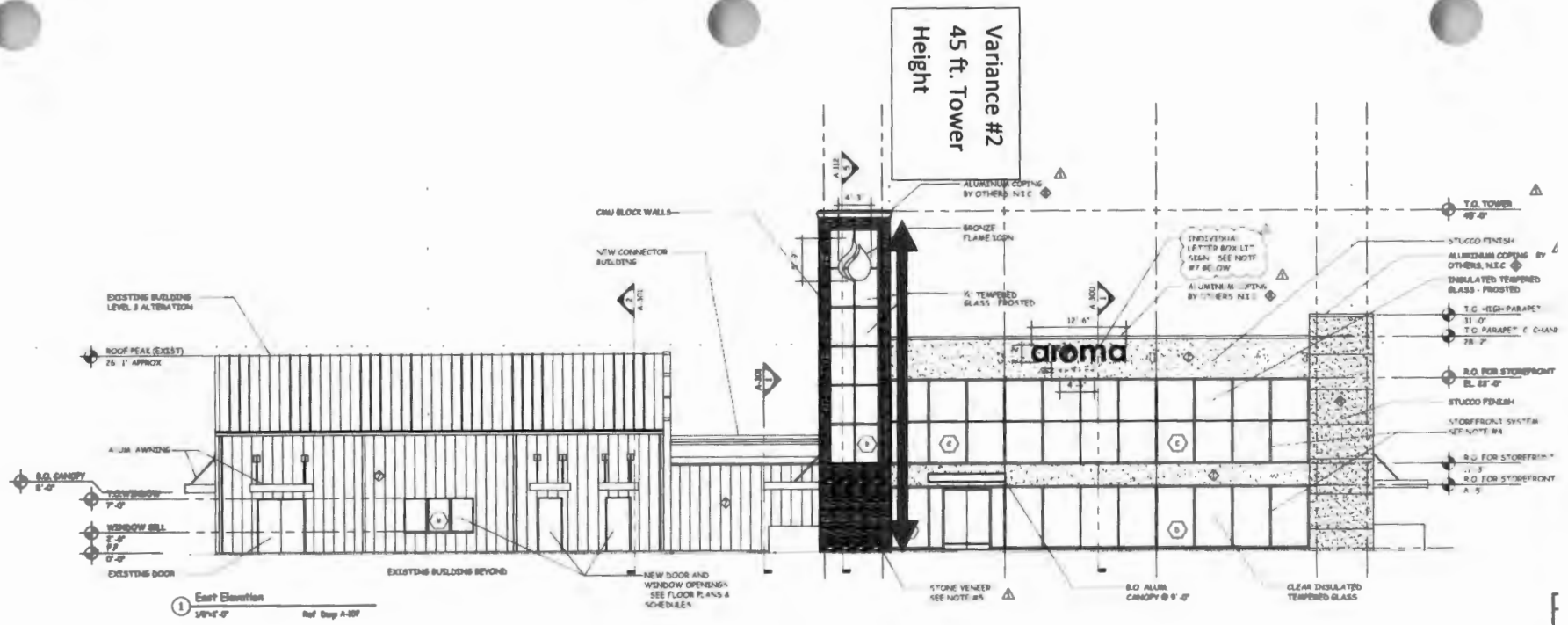
- NOTES**
- METAL DOORS & DOOR FRAMES TO BE PAINTED WITH GLOSS FINISH COLOR TO MATCH SUBMITTALS ON FIELD.
 - UNLESS OTHERWISE NOTED, PAINT COLORS NOTED HEREIN ARE AS MANUFACTURED BY BGR.
 - ALL DOWNSPOUTS TO BE CONNECTED TO UNDERGROUND STORM SYSTEM WITH TRANSMITTORIAL BOOTS - SEE CIVIL.
 - DESIGN BASES FOR ALL CURTAIN WALLS IS FINNER ALUMINUM CURTAIN WALL SYSTEM 1600. CONTACT AREA REPRESENTATIVE FRANK (PHIL) LITTLE, JR. @ (407) 241-2324
 - STONE VENER ON STEEPLE'S NORTH, EAST AND SOUTH FACES TO BE GRANITE BRAND "IRON ONE" - COLOR TO BE SELECTED BY OWNER.
 - EXPOSED METAL BUILDING WALLS SHALL HAVE FACTORY FINISH COLORS BY STAR BUILDING SYSTEMS. COLORS SHALL BE S35MATHUR 300 SERIES, POLYMERBLENDED FLUORINE (PVDF) LOW GLOSS FINISH AS INDICATED IN PAINT SPECIFICATIONS SCHEDULE BELOW.

- PAINT SPECIFICATIONS**
- ◆ PPHS-11 - 'PERFECT TAPE'
 - ◆ UPW - 'ULTRA PURE WHITE'
 - ◆ HHD-7 - 'THE BLACK'
 - ◆ AQJ-44 - 'WILD BOWBERRY'
 - ◆ PPHS-11 - 'CLASSIC SILVER'
 - ◆ HOC-83-09 - 'WHISPER WHITE'
 - ◆ S35MATHUR 300 - 'BROWNSTONE'
 - ◆ S35MATHUR 300 - 'REDWOOD BRIDGE'

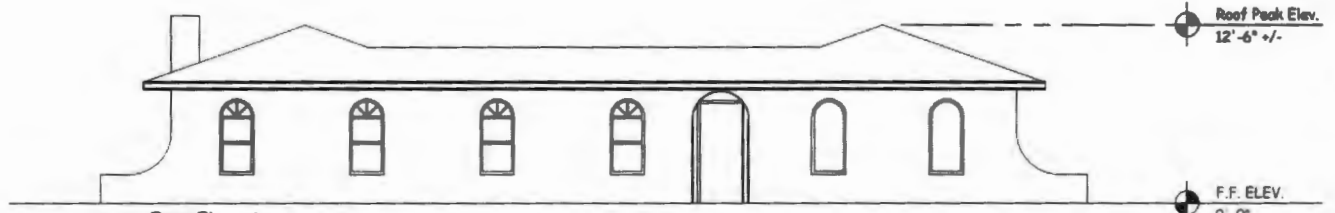
- DOOR & WINDOW FINISH NOTES**
- STORMDOOR SYSTEM SHALL BE BK BRONZE. SEE DWG. A-102 FOR ADDITIONAL INFORMATION.
 - SEE DWG. A-111 FOR FLORIDA PROTECTIVE FINISH MATERIALS.
 - FINISH SHALL BE DARK BRONZE ANODIZED ALUM.
 - SEE WINDOW SCHEDULE DWG. A-101.
 - SUBSTITUTE BRANDS MUST HAVE THE SAME SPECIFICATIONS AND MEET THE SAME

NORTH AND SOUTH ELEVATIONS – WEST WING BUILDING #1

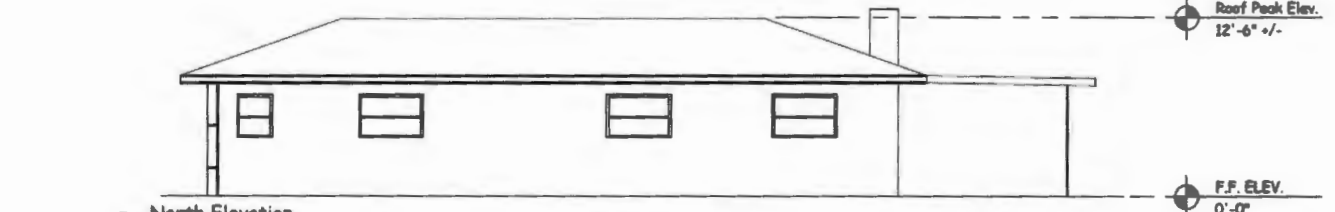




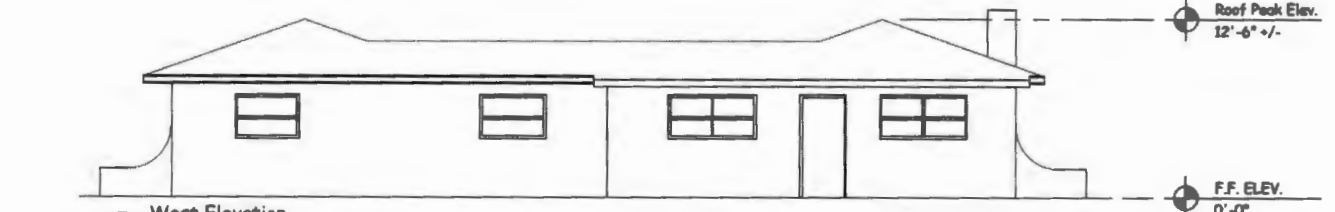
BUILDING #2 ELEVATIONS



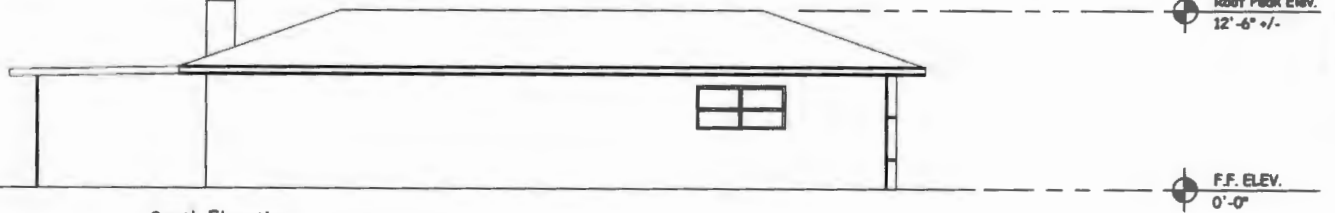
1 East Elevation
1/8"=1'-0" Ref. Dwg: -



2 North Elevation
1/8"=1'-0" Ref. Dwg: -



3 West Elevation
1/8"=1'-0" Ref. Dwg: -



4 South Elevation
1/8"=1'-0" Ref. Dwg: -

SITE PHOTOS



Facing southwest from S. Goldenrod Rd. towards existing church and residence in background



Facing south adjacent to S. Goldenrod Rd., subject property to the right

SITE PHOTOS



Facing northwest from southeast property line towards sanctuary expansion from S. Goldenrod Rd.



Facing east towards existing sanctuary and location of expansion, modular building to be removed, right

SITE PHOTOS



Facing southeast towards rear of residence to be converted, accessory structures to be removed at right



Facing west, towards front of residence to the converted

SITE PHOTOS



Facing northwest towards adjacent retention pond at north property line, Parcel 12



Facing south near southwest property line, Parcel 12

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 02, 2023**

Commission District: **#4**

Case #: **SE-23-02-166**

Case Planner: **Ted Kozak, AICP (407) 836-5537**

Ted.Kozak@ocfl.net

GENERAL INFORMATION

APPLICANT(s): DONN SHARPE FOR CONFIDENTIAL

OWNER(s): CONFIDENTIAL

REQUEST: Amendment to an existing Special Exception and Variance in the A-2 and I-1/ I-5 Zoning districts to allow the construction of a 19,095 sq. ft. government facility as follows:

1) Amendment to a Special Exception to allow a government facility.

2) Variance to allow a maximum building height of 46.2 ft. in lieu of 35 ft.

PROPERTY LOCATION: 19040 Cocoa Water Plant Rd., Orlando, FL 32834, east side of S. County Rd. 13, south of S.R. 528, west of Nova Rd.

PARCEL ID: 13-24-32-0000-00-001

LOT SIZE: 4,734 acres

NOTICE AREA: 3,000 ft.

NUMBER OF NOTICES: 5

DECISION: Recommended **APPROVAL** of the Special Exception request, in that the Board finds it meets 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, **APPROVAL** of the Variance request, in that the Board finds it meets that the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Deborah Moskowitz, Second by John Drago; unanimous; 5 in favor: John Drago, Juan Velez, Deborah Moskowitz, Joel Morales, Charles Hawkins, II; 0 opposed; 2 absent: Roberta Walton Johnson and Thomas Moses):

1. Development shall be in accordance with the plans received November 30, 2022, 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. Permits shall be obtained within 5 years of final action on this application by Orange County, or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

SYNOPSIS: Staff described the proposal and indicated the location of the property. Staff provided an analysis of the six (6) Special Exception and Variance criteria and the reasons for a recommendation for approval. Staff noted that no comments were received in support of the request and no comments were received in opposition.

The applicant had nothing to add.

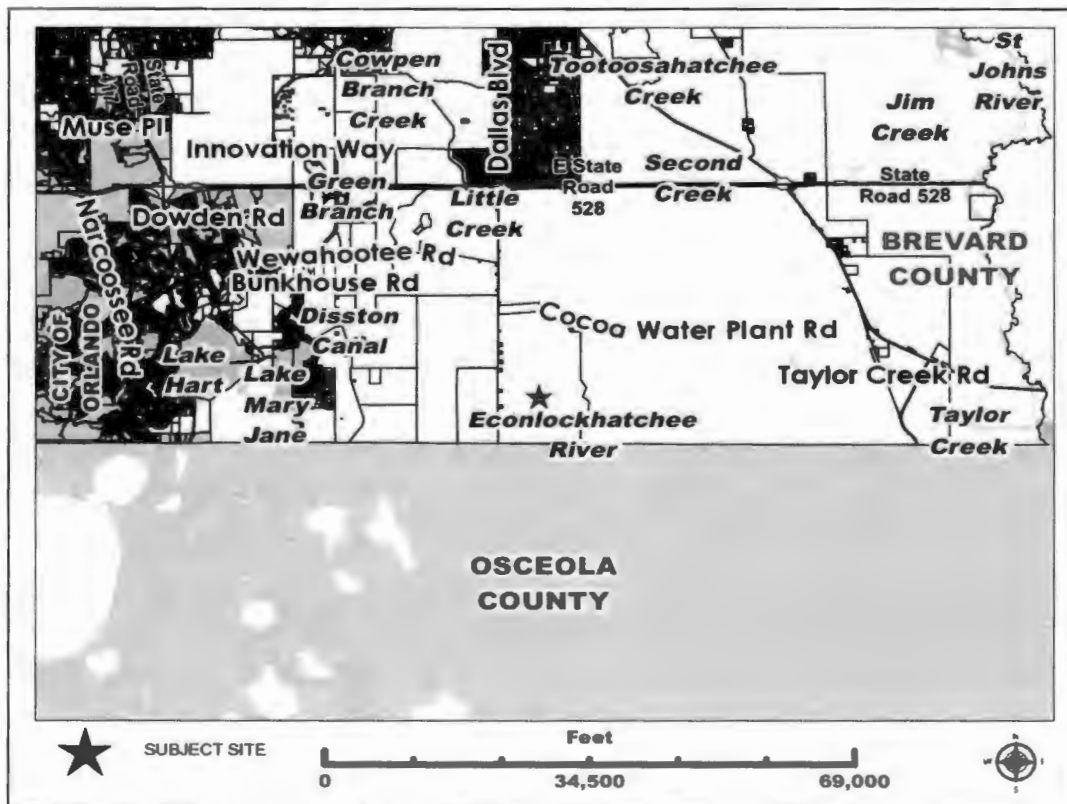
There was no one in attendance to speak in favor or in opposition to the request.

The BZA unanimously recommended approval of the Amendment of the Special Exception and Variance by a 5-0 vote, with 2 absent, subject to the four (4) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2, I-1/ I-5	A-2	Osceola County	A-2	A-2
Future Land Use	R	R	Osceola County	R	R
Current Use	Government Facility	Farmland Reserve, City of Cocoa water	Vacant – Agricultural	Vacant – Farmland Reserve	Orange County Preserve/ Wetlands, Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The majority of the subject property is located in the A-2, Farmland Rural district with an approximate 727 acre portion of the property located within the I-1/ I-5, Industrial district. All zoning districts allow a government facility, such as National Defense facilities by Special Exception. The Future Land Use is Rural (R) for the property and the Rural Future Land Use designation is consistent with the A-2 zoning district, however the portion of the site within the I-1/ I-5 zoning district is inconsistent with the Rural designation. Per Comprehensive Plan Policy FLU 8.2.5.2., if a proposed use is subject to a Special Exception and has inconsistent zoning and future land use map (FLUM) designations, a rezoning may not be required, provided that the proposed use is permitted only through the Special Exception process; and the zoning district required to correct the inconsistency between the FLUM and zoning designations also requires a Special Exception for the same use.

The immediate area consists of agricultural and agriculturally related uses. The subject property consists of approximately 4,734 acres and is considered a conforming parcel. The site is developed with one 88 ft. high laser testing and observation tower, one 128 ft. high laser testing and observation tower, clear zones for the laser testing, a one-story 5,040 sq. ft. building containing offices, and two 13,000 sq. ft. warehouse buildings, all consisting of a total of 39,548 sq. ft. of gross floor area. The property has been used in conjunction with National Defense purposes, such as laser testing, for well over 40 years. The full scope of operations taking place on the site are classified.

Previous approvals include:

1. February 1983: Rezone (Case #23) from A-2 to Ind-1 (now considered I-1/ I-5) for the use of an electronics laboratory, laser testing and a 5,000 sq. ft. administration building.
2. March 2001: Special Exception (Case #12) to allow an electro-optical (laser) equipment testing range (National Defense facility) with an 88 ft. high observation tower containing electronic and optical equipment.
3. May 2008: Special Exception (SE-08-06-002) to allow a testing facility (National Defense facility) with a 128 ft. high observation tower for laser equipment.

The proposal is an amendment to the Special Exception to allow the installation of a 19,095 sq. ft. structure in the center of the property on the portion of the property in the A-2 zoning district, for defense purposes. The

proposed location is currently wooded. Other than the swath of trees to be removed for installation, all existing vegetation will remain. The remainder of the property is also heavily wooded and the remaining mature trees will continue to serve as buffering to the adjacent properties.

The proposed operation will be private, and the general public will not be allowed to enter the property. Access to the new structure will be paved, as well as parking spaces and drive aisles meeting code requirements. The siting of the improvements is intended to avoid impacts to wetland areas.

As required by Sec. 38-79 (94) of the County Code, the proposal meets all the following general performance standards for a National Defense facility:

National defense related uses may be permitted as a special exception which, either because of (i) the activities to be performed or carried out on the land, (ii) the improvements then existing or thereafter to be placed on the land, (iii) the products and/or materials necessarily or incidentally associated with the use of the land or improvements then existing or thereafter to be placed thereon, or (iv) the testing or other development of fabrication activities occurring or to occur on the land or in the improvements then or thereafter to be located thereon:

- a. Constitutes a potential security or safety concern which, in the interest of public health, safety and welfare, is more appropriately carried out in remote rural locations away from population centers; and
- b. Is the subject of and are required to comply with national security regulations and classifications promulgated by the United States government or any division or department thereof; and
- c. Is directly related to, is the subject and a part of the national defense program of the United States of America.
- d. Application for such use shall include a site plan.

For buffering, an equivalent to Type B landscape buffers will be provided around the perimeter of the site but ranging in depth from 1,700 ft. to the west to over 8,000 ft. to the north, adjacent to all existing agricultural, vacant and wetland areas, all of which will consist of existing mature trees.

The parking requirements for the proposal most closely align with for warehouse uses which require 1 parking space per 1,000 sq. ft., requiring 20 spaces for the 19,095 sq. ft. building. The site includes 20 parking spaces, meeting the requirement. Further, the number of employees and visitors will continue to be classified.

As of the date of the writing of this report, no comments have been received in support or in opposition to the request.

A-2 District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	46.2 ft. (Variance)
Min. Lot Width:	100 ft.	18,837 ft.
Min. Lot Size:	0.5 acres	4,734 acres

A-2 District Building Setbacks

	Code Requirement	Proposed
Front:	35 ft.	4,061 ft. (S. County Rd. 13)
Rear:	50 ft.	6,461 ft. (East)
Side:	10 ft.	8,723 ft. (North) 11,500 ft. (South)

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The provision of a National Defense facility as conditioned through the Special Exception process is consistent with the Comprehensive Plan.

Similar and compatible with the surrounding area

The proposed use is compatible with other nearby uses to the north, south, east and west. As proposed, it is substantially setback from all property lines and will not impact adjacent properties.

Shall not act as a detrimental intrusion into a surrounding area

The proposed operations on the subject property will not negatively impact the surrounding area. The proposed use meets and exceeds all performance standards for this type of facility with the exception of the height.

Meet the performance standards of the district

With the approval of the Variance, the use meets all setbacks, parking requirements, and other performance standards as required for a National Defense facility. With the preservation of existing trees and natural scrub, the adjacent properties will be afforded thousands of acres of natural buffering.

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

The applicant has not proposed any activity on the property that would generate noise, vibration, dust, odor, glare, or heat that is not similar to the existing use of the site. Further, the adjacent properties will not be impacted since the property is heavily vegetated, providing natural buffers.

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

The proposal includes preservation of thousands of acres of existing vegetation. Furthermore, the site contains existing uses and as such no new landscaping is required.

VARIANCE CRITERIA

Special Conditions and Circumstances

The special condition and circumstance is the need for the additional height to allow for observation within this defense facility.

Not Self-Created

The need for the Variance is not self-created since the proposal is requesting to provide only the height necessary for observation purposes.

No Special Privilege Conferred

Granting this request would not confer special privilege since there are other existing buildings constructed elsewhere on the property at far greater heights.

Deprivation of Rights

There would be deprivation of rights to erect a building on the property for observation purposes.

Minimum Possible Variance

The requested Variance is the minimum possible to allow for a building for National Defense observation purposes.

Purpose and Intent

Approval of the requested Variance, relative to the thousands of feet of distance between the proposal and the closest property lines, will be in harmony with the purpose and intent of the Code, and will not be detrimental to adjacent properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the plans received November 30, 2022 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. Permits shall be obtained within 5 years of final action on this application by Orange County, or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

C:
Donn Sharpe
2700 Westhall Lane, Suite 148
Maitland, FL 32751



donn@goldstandard-res.com

Orange County Board of Zoning Adjustment,

Lockheed Martin is proposing a national defense test facility at this location. The project will be similar in use and design as the existing facility on the property. The national defense use is allowed by special exception. In conjunction with the special exception, we are also requesting a variance on the height from 35' to the proposed 46'-2" shown on the plans. The increased height will allow for the national defense projects planned for this facility. Most of the facility is located in the A-2 zoned portion of the property and requires board approval as a special exception. The facility will only contain approximately a dozen employees who will run the national defense operations at the facility. The project is approximately 19,094.88 sq ft, 46'-2" tall and is a combination of office and open area work space with a hanger design and is being built on a 4733 acre property. The project will not act as a detrimental intrusion of the surrounding area and will comply with all performance standards.

Respectfully,

Donn Sharpe
Agent for Lockheed Martin

2700 Westhall Lane Suite 148 Maitland, FL 32751

Mobile: 734.716.2383 Office: 407.591.6117

Permitting

Consulting

Expediting

SPECIAL EXCEPTION COVER LETTER

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

THIS USE IS PERMITTED AS A SPEICAL EXCEPTION

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

WE HAVE AN EXISTING TEST FACILITY ON THE PROPERTY IN WHICH THIS ONE WILL BE SIMILAR TO

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

SURROUNDING AREA IS REMOTE AND WILL NOT IMPACT THE SURROUNDING AREA

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

THIS PROJECT WILL MEET APPLICABLE CODES

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.

PROJECT USE IS PERMITTED AS A SPEICAL EXCEPTION AND WILL BE SIMILAR TO THE EXISTING FACILITY ON THE PROPERTY

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.

ANY LANDSCAPE BUFFERS WILL COMPLY WITH CODE

VARIANCE COVER LETTER

1. **Special Conditions and Circumstances** - Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.

THIS IS A REMOTE PROPERTY WITH AN EXISTING NATIONAL DEFENSE FACILITY ON IT. THE USE IS PERMITTED AS A SPECIAL EXCEPTION. ALSO DUE TO THE REMOTE LOCATION OF THIS PROJECT AND TESTING REQUIREMENTS OF THE PROJECTS, WE ARE REQUESTING A VARIANCE ON THE HEIGHT

2. **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.

THIS PROJECT IS NOT A SELF-CREATED CONDITION OR CIRCUMSTANCE

3. **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

THERE ARE NO SPECIAL PRIVILEGES BEING REQUESTED

4. **Deprivation of Rights** - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

THERE ARE NO DEPRIVATION OF RIGHTS RELATED TO THIS PROJECT

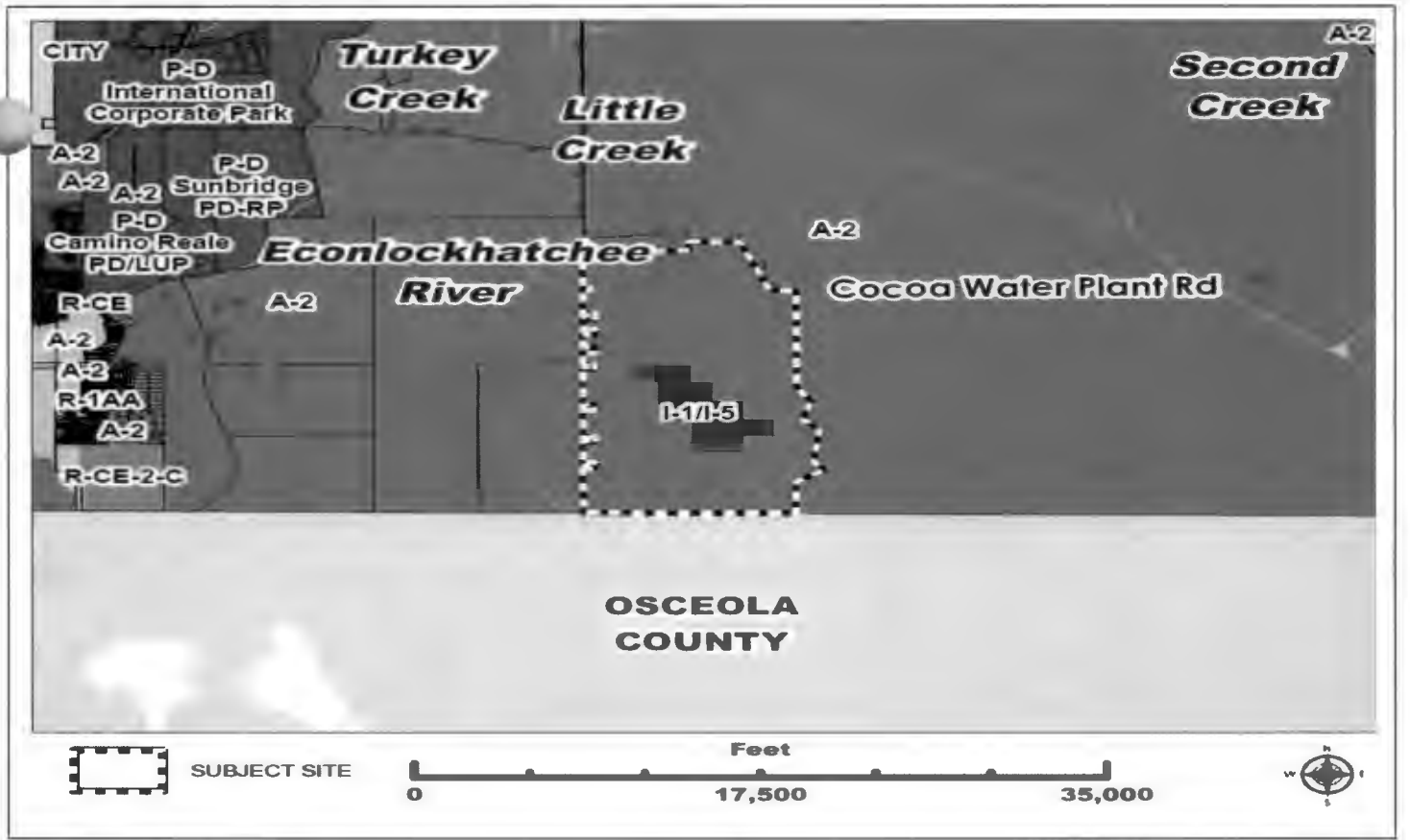
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

N/A - SPECIAL EXCEPTION

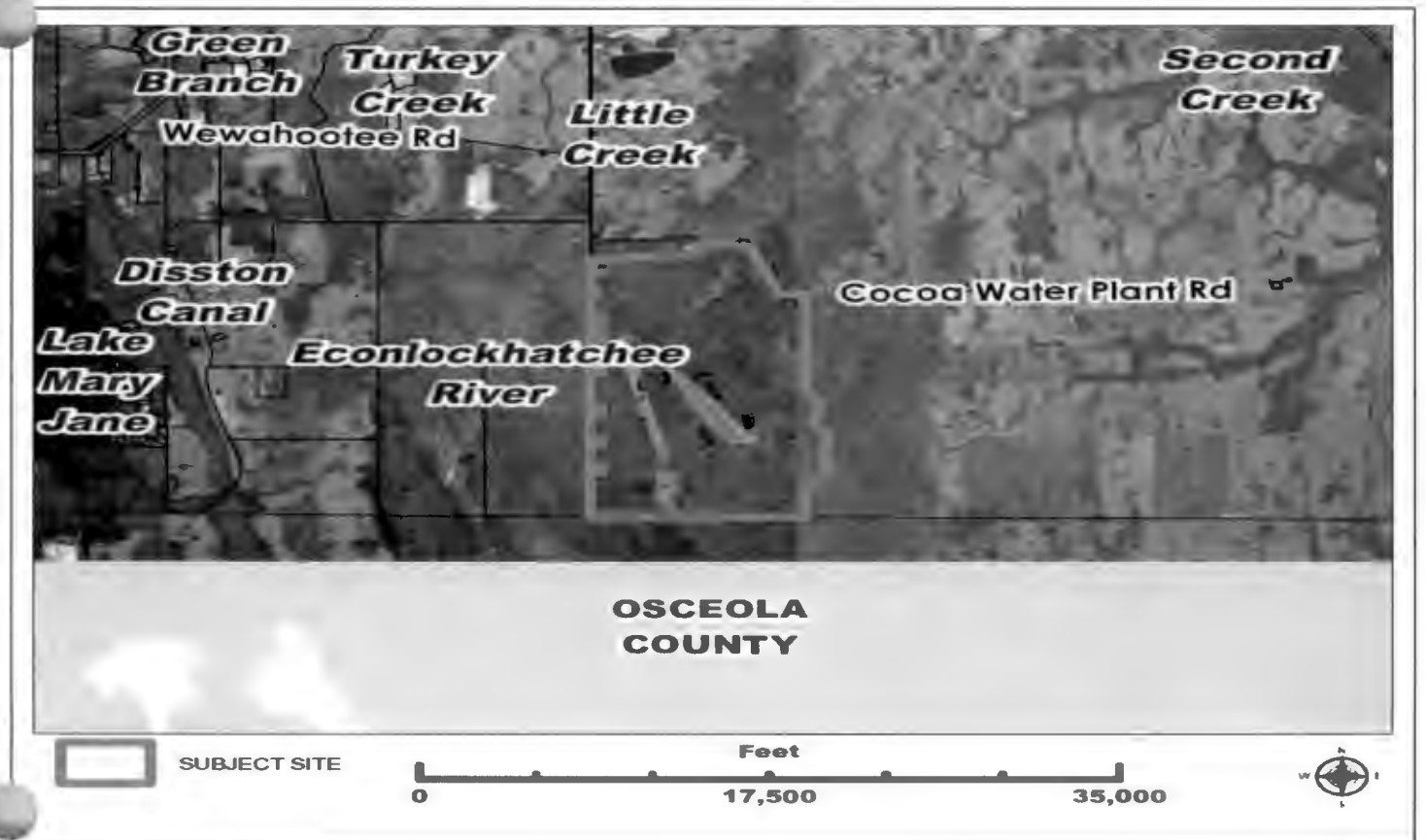
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

THIS PROJECT IS ON A REMOTE PROPERTY WITH ALMOST 4000 ACRES AND WILL NOT BE INJURIOUS OR DETRIMENTAL TO THE SURROUNDING AREAS

ZONING MAP



AERIAL MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 02, 2023**

Commission District: **#3**

Case #: **SE-23-02-159**

Case Planner: **Ted Kozak, AICP (407) 836-5537**

Ted.Kozak@ocfl.net

GENERAL INFORMATION

APPLICANT(s): HEATH WILLIAMS FOR CITYSWITCH

OWNER(s): CSX TRANSPORTATION INC

REQUEST: Special Exception and Variance in the I-2/ I-3 zoning district as follows:

- 1) Special Exception to allow the construction of a 165 ft. high monopole communication tower.
- 2) Variance to allow a residential distance separation of 151 ft. in lieu of 1,155 sq. ft.

PROPERTY LOCATION: 8729 Boggy Creek Rd., Orlando, FL 32824, east side of Boggy Creek Rd., north of E. Landstreet Rd., south of S.R. 528 and S.R. 453.

PARCEL ID: 31-23-30-0000-00-021

LOT SIZE: +/- 0.7 acres (31,178 sq. ft.)

NOTICE AREA: 1,500 ft.

DECISION: Recommended **DENIAL** of the Special Exception request, in that the Board finds it does not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest; and, **DENIAL** of the Variance request, in that there was no unnecessary hardship shown on the land; and further, it does not meet the requirements governing Variances as spelled out in Orange County Code, Section 30-43(3) (Motion by Juan Velez, Second by John Drago; unanimous; 5 in favor: John Drago, Juan Velez, Deborah Moskowitz, Joel Morales, Charles Hawkins, II; 0 opposed; 2 absent: Roberta Walton Johnson and Thomas Moses):

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, elevations, landscape plan, and photos of the site. Staff provided an analysis of the six (6) Special Exception and Variance criteria and the reasons for a recommendation for denial since the proposed communication tower will be located within close proximity of residences to the east and that there are alternatives to meet code. Staff noted that no comments were received in support of the request and eight (8) comments were received in opposition, plus a petition against the request and a letter of opposition from the airport authority pertaining to the height.

The applicant described the request with a Power Point presentation, indicating the need for the tower at the proposed location to increase cell service in the area.

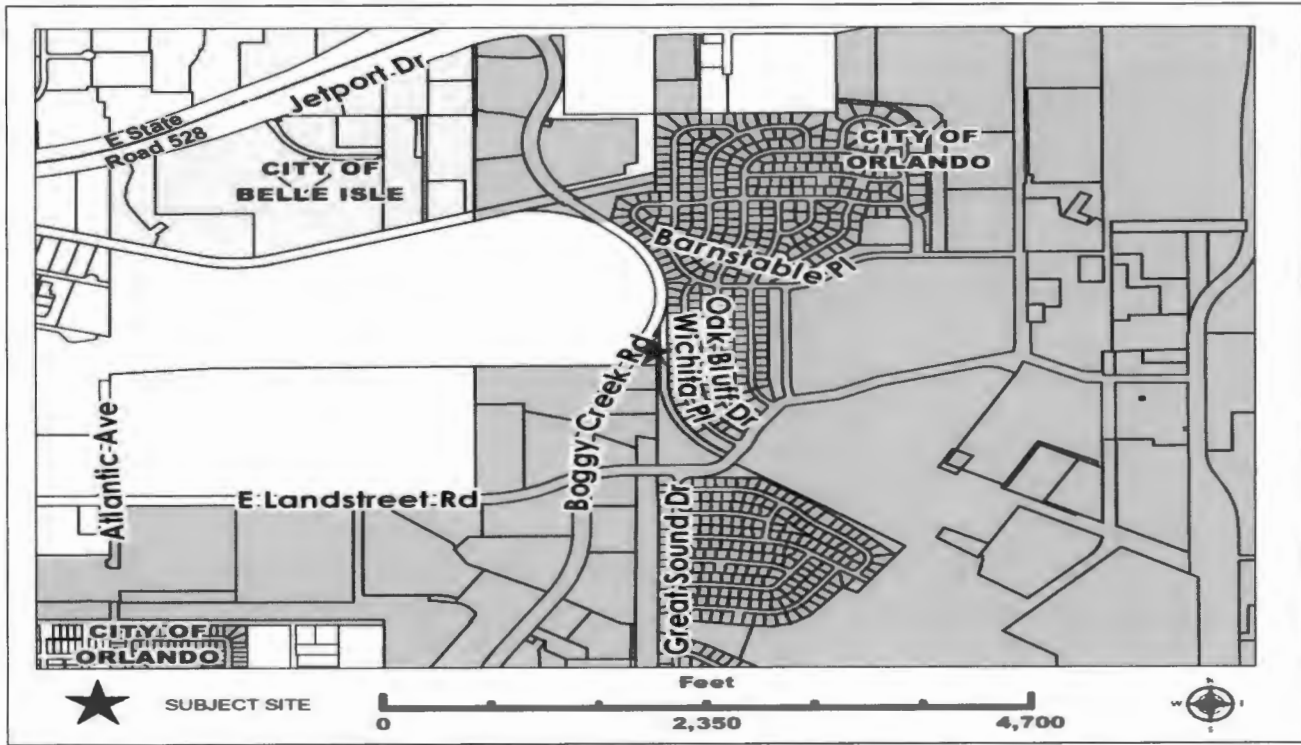
There was no one in attendance to speak in favor of the request and two were in attendance to speak in opposition to the request.

The BZA discussed the distance separation requirements to the closest residences, the tower's incompatibility with the surrounding area and recommended denial of the Special Exception and Variance by a 5-0 vote, with 2 absent.

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of the Special Exception and the Variance, staff recommends that the approval be subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	I-2/ I-3	I-2/ I-3	Orlando	Orlando	I-2/ I-3
Future Land Use	IND	IND	Orlando	Orlando	IND
Current Use	Vacant	Boggys Creek Rd.	Warehouses	Common Area Tract, ROW, Residential	Boggys Creek Rd.

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the I-2/ I-3, Industrial district, which allows the general industrial and related activities such as warehousing, manufacturing and accessory retail uses. A monopole communications tower is

permitted by right or by Special Exception in the I-2/ I-3 zoning district, depending on whether or not it meets a variety of requirements. The Future Land Use is Industrial, which is consistent with the zoning district.

The subject property is 0.7 acres in size and is a vacant conforming lot. It is a triangular shaped lot bounded on the south side by warehouses, on the northwest by Boggy Creek Rd., and on the east by a home-owner's association common area tract, an unimproved right-of-way, and farther east by single-family residences.

The request is to erect a 165 ft. high monopole communication tower, which includes a 5 ft. high lightning rod, designed for multiple carriers and colocation opportunities, within a 30 ft. by 100 ft. leased compound facility.

Orange County Code Section 38-1427 provides performance standards for communication towers, including but not limited to, separation from off-site uses and distance separation between communication towers. Additional conditions related to permitted towers and those requiring a special exception are contained within Section 38-79, conditions 135, 142, and 143. Condition 135, allows a communication tower by-right when within the maximum building height of the zoning district, which is 50 feet for the subject site. Condition 142 allows a co-located communication tower by-right. Condition 143 allows a monopole up to 170 ft. in height by right if there is co-location and distance separations are met, otherwise a Special Exception is required. Although it is being designed for colocation opportunities, the proposed tower will have no colocation at the time of installation, and since all performance standards have not been met, such as not meeting off-site distance separation requirements, the applicant is requesting a Special Exception.

The proposed monopole tower complies with the required performance standards pertaining to setbacks, landscaping for the tower and the distance separation from the nearest tower. It is 6,032 ft. from the nearest monopole communication tower where a minimum of 1,500 ft. is required. However, the tower is proposed to be located 151 ft. from the nearest off-property residential use, where a minimum of 1,155 ft. is required, prompting the request for a Variance. Based on staff analysis, the proposal will impact the nearest residential properties. Since the height of the tower is proportionally related to the required distance separation to off-site uses, staff recommends denial of the requests since there are alternatives such as locating the tower elsewhere on the site, reducing the height to lessen the adjacent impacts or locating the tower on another property within the general area, but within an industrial property which will meet distance separation requirements.

On Monday, February 20, 2023, a Community Meeting was held at Walker Middle School to allow for input. The meeting was attended by the applicant, County staff, and 6 attendees. The attendees spoke negatively about the proposal, stating concerns about the closeness of the proposed tower and its height, the aesthetic impacts due to tower height with the removal of trees, the more appropriate locations for towers within the adjacent industrial areas and the inappropriateness of the height of the tower, noting that it will negatively affect the property values of the residents of the area.

A balloon test was conducted on February 21st and 22nd, as required by the Orange County Code for Special Exception requests, which provided visual evidence that the proposal will have aesthetic impact with respect to height and closeness of the communication tower in proximity to the nearest residential use.

As of the date of this report, 8 comments have been received in opposition to this request and no comments have been received in favor.

District Development Standards

	Code Requirement	Proposed
Max Height:	50 ft. building 170 ft. tower (if meets 6 standards)	165 ft. (Special Exception)
Min. Lot Size:	None	0.7 acres

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

	Code Requirement	Proposed
Front: Boggy Creek Rd.	25 ft.	53.2 ft. (West)
Rear:	10 ft.	25.5 ft. (East)
Side:	15 ft.	112 ft. (North) 180 ft. (South)

Communication Tower Distance Separation Standards

	Code Requirement	Proposed
Tower Separation:	1,500 ft.	6,032 ft.
Off-Site Uses Separation:	1,155 ft.	151 ft. (Variance)

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA FOR COMMUNICATION TOWERS

This request has been assessed based upon the six Special Exception criteria as set forth in Section 30-43(2) as well as the two additional criteria as set forth in Section 1427(n)(7) and as such staff recommends denial of the request.

Consistent with the Comprehensive Plan

The provision of telecommunication towers as conditioned through the Special Exception process is consistent with the Comprehensive Plan.

Similar and compatible with the surrounding area

The new communication tower will be located generally at the center of the property, over 112 feet from the nearest adjacent property line to the north, 151 feet from the nearest residential use to the east and 6,032 ft. from the nearest communication tower. It will not be similar and compatible with the surrounding uses in the

area since the proposed tower location would be located very close to the adjacent residences and as such cannot minimize adjacent visual impacts.

Shall not act as a detrimental intrusion into a surrounding area

The proposed communication tower will be bounded on two sides by Boggy Creek Rd. and adjacent warehouses. However, it will negatively impact the surrounding area since the closest residences are homes located only 151 ft. from the adjacent residential properties, and as such will be a detrimental intrusion to the surrounding area.

Meet the performance standards of the district

The proposed communication tower does not meet all the performance standards of the district without the requested variance for which staff is recommending denial.

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

The proposed monopole tower will not generate noise, vibration, dust, odor, glare, or heat that is not similar to the existing uses in the surrounding area.

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

The proposal will be located within a vacant site and equivalent buffer yards are required in addition to plantings as required by Section 1427(d)(11) to be installed along the perimeter of the fenced tower compound. Existing vegetation and trees will satisfy the buffer requirements.

Aesthetic Impact. View of a tower that is not camouflaged. Aesthetic impact shall take into consideration, but not be limited to, the amount of the tower that can be viewed from surrounding residential zones in conjunction with its proximity (distance) to the residential zone, mitigation landscaping, existing character of surrounding area, or other visual options proposed.

The tower is proposed to be located 151 feet from the nearest residential use and approximately 6,032 ft. from the nearest communication tower. The tower location relative to the very close proximity of the closest residences will have an aesthetic impact.

Compatibility. The degree to which the proposed tower is designed and located is not compatible with the nature and character of other land uses and/or with the environment within which the tower proposes to locate. The proposed tower will be placed in close proximity to nearby residential properties and as such will not be compatible.

VARIANCE CRITERIA

Special Conditions and Circumstances

There are no special condition and circumstances. The closest residences are at a distance which will establish potential visual impacts.

Not Self-Created

The request is self-created since the tower could be located elsewhere on the site, reduced in height to lessen the adjacent impacts, or could be located on a property which will meet distance separation requirements.

No Special Privilege Conferred

Granting the Variance as requested will confer special privilege.

Deprivation of Rights

The applicant will not be deprived of the ability to erect a communication tower in a manner meeting code requirements or on a site in an appropriate location to minimize adjacent visual impacts.

Minimum Possible Variance

The requested Variance is not the minimum possible since there are other alternatives to meet code requirements.

Purpose and Intent

Approval of the requested Variance will not be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. Due to the close proximity of the nearest residences to the east, the proposed will be detrimental to the area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and tower specifications received January 10, 2023, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit for the communication tower shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. All new communication towers shall be designed and constructed to accommodate at least one (1) other service provider.
6. The applicant for a new communication tower shall provide a notarized letter acknowledging that the communication tower is designed and will be constructed to accommodate at least one (1) other service provider.
7. All service providers shall cooperate in good faith with other service providers to accomplish co-location of additional antennas on communication towers which are existing, permitted, or otherwise authorized by Orange County, where feasible.

C: Heath Williams
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Annapolis, MD 21401

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Birmingham, AL 35203

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E-Mail Address: phahn@bakerdonelson.com

October 28, 2022

VIA ELECTRONIC MAIL (Nick.Balevich@ocfl.net)
and FEDERAL EXPRESS

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

Re: Cover letter for application for a variance and special exception permit to construct a wireless communications facility

Dear Sir or Madam:

This firm represents CitySwitch II-A, LLC ("CitySwitch"). On behalf of CitySwitch, we submit this letter and the attachments thereto as an application for a special exception permit and for a variance from Section 38-1427(d)(2) of the Orange County, Florida's (the "County") Zoning Ordinance to allow construction of a wireless facility (the "Proposed Facility") located off of Boggy Creek, Orlando, Florida 32824 (the "Proposed Site").

The Proposed Site has a latitude of 28°26'26.28"N and a longitude of 81°20'49.47"W degrees. The Proposed Site is owned by CSX Transportation ("CSX"). CitySwitch has an agreement with CSX to construct wireless facilities on CSX controlled property. Space will be reserved on these facilities for CSX equipment and the facilities will be available to traditional wireless carriers. In this instance, T-Mobile plans to locate equipment on the Proposed Facility.

CitySwitch proposes to construct a 160' monopole tower (the "Proposed Facility") at the Proposed Site within a 30'x100' fenced compound. The proposed tower will be setback 112' from the northern lot line, 25'6" to the eastern lot line, 180' to the southern lot line, and 53'3" to the western lot line. Plans for the Proposed Facility are attached hereto.

CitySwitch seeks a variance from the separation requirement contained in Section 38-1427(d)(2) which requires that the base of a proposed 160' monopole communication tower shall be separated at a distance from single-family or duplex residential units 980' or 700% of height of the tower, whichever is greater. We believe CitySwitch meets all of the applicable criteria for granting a variance contained in Section 30-43 of the Zoning Ordinance.

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October 28, 2022
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Strict application of the residential separation requirement contained in Section 38-1427(d)(2) would prevent CitySwitch from making use of this property to construct the proposed telecommunications facility. Because of the small size of the parcel and location adjacent to residential areas, CitySwitch cannot proceed with its proposed facility absent the granting of a variance. The hardship is exclusively the result of conditions that are peculiar to the property – specifically, its size and its general location near residential areas – and cannot be altered. These hardships are not common to the general public or surrounding parcels.

The hardship does not result from any actions taken by the applicant. The size and location of the parcel near residential areas are existing and peculiar to the industrial zoned property owned by CSX. CitySwitch believes the requested variance and special exception permit are consistent with the spirit, purpose and intent of the County's ordinance as described in Attachment A and B.

CitySwitch would also like to point out that it undertook to locate a parcel of private land where it could meet the separation requirement of Section 38-1427(d)(2). As shown on the attached map, CitySwitch evaluated several surrounding industrial properties which could meet Orange County or the City of Orlando's separation requirements, but surrounding properties either did not meet the client needs, did not have sufficient land space for placement, or wetlands exist on available land space. In other words, CitySwitch has no other place where it could construct the Proposed Facility; the Proposed Site is the least intrusive means of closing a gap in T-Mobile's coverage and capacity in the area.

The Proposed Facility complies with all other requirements of Section 38-1427.

Please let me know when this special exception permit and variance application can be considered by the Board of Zoning Adjustment. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

BAKER, DONELSON, BEARMAN, CALDWELL &
BERKOWITZ, PC



W. Patton Hahn

Attachments

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Attachment A
Variance Criteria

1. **Special Conditions and Circumstances** - Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.

Telecommunication towers are subject to separation requirements found in Section 38-1427(d)(2), which is not required of any other development within an industrial district zoned I-2/I-3. The proposed 160' monopole telecommunications tower is to be located on a small parcel owned by CSX Transportation, Inc. within the I-2/I-3 zoning district. The proposed tower must be separated from single-family or duplex residential units a distance of 980' or 700% of the height of the tower, whichever is greater. The proposed tower will be 160' with a 5' lightning rod, for a total height of 165', which must be separated a minimum 1,155' from surrounding residences. Other developments within the I-2/I-3 districts are not required to meet any similar separation requirements which would similarly restrict its use.

2. **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.

The parcel is an existing shape and size which the applicant has not caused.

3. **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

Monopole towers exceeding building height requirements are a permitted use on I-2/I-3 parcels when they are co-located by a wireless carrier and such co-location is evidenced by a recorded memorandum of lease or without evidence of co-location through approval of a special exception permit. The applicant is seeking a special exception permit for the proposed tower and approval of the zoning variance would not confer any special privilege that is denied to other towers on parcels within the I-2/I-3 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 property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

The required tower separation from residences specific for this use on this property prohibit such opportunity to place a tower on the property. The hardship is exclusively the result of conditions that are peculiar to the property – specifically, its size and its general location near residential areas – and cannot be altered. These hardships are

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not common to the general public or surrounding parcels. Such a large separation requirement would deprive the applicant the right to construct the tower on I-2/I-3 property and cause such hardship based solely on the size and general location of this parcel.

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.

Based on size, shape, and location of the extraordinarily different I-2/I-3 property, the applicant is requesting the minimum variance needed to accommodate this allowed use.

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

The proposed facility is in harmony and intent of the Zoning Regulations to site towers in largely commercial and industrial areas, such as the location of this tower on I-2/I-3 zoned property. In addition, the proposed facility poses no threat to public safety and will not create any noise, dust, or odors.

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Attachment B
Special Exception Criteria

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

Monopole towers are a permitted or special exception use on I-2/I-3 properties. The proposed 160' monopole tower will have space for co-location of 4 wireless carriers' equipment and is currently working to fully execute a lease agreement with the first wireless carrier. Towers without a recorded co-location agreement are permitted via special exception and the proposed tower 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.

The surrounding area to the north, west, and south of the proposed tower site is all industrial property and a tower within this area is consistent with the pattern of surrounding development.

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

The use of the property for a telecommunications tower will be consistent with the surrounding properties use for industrial purposes and will not be a detrimental intrusion into a surrounding area.

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

The use shall meet the performance standards of the I-2/I-3 district, and the county's zoning ordinance, as outlined in that certificate of compliance enclosed within.

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 facility poses no threat to public safety and will not create any noise, dust, or odors.

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.

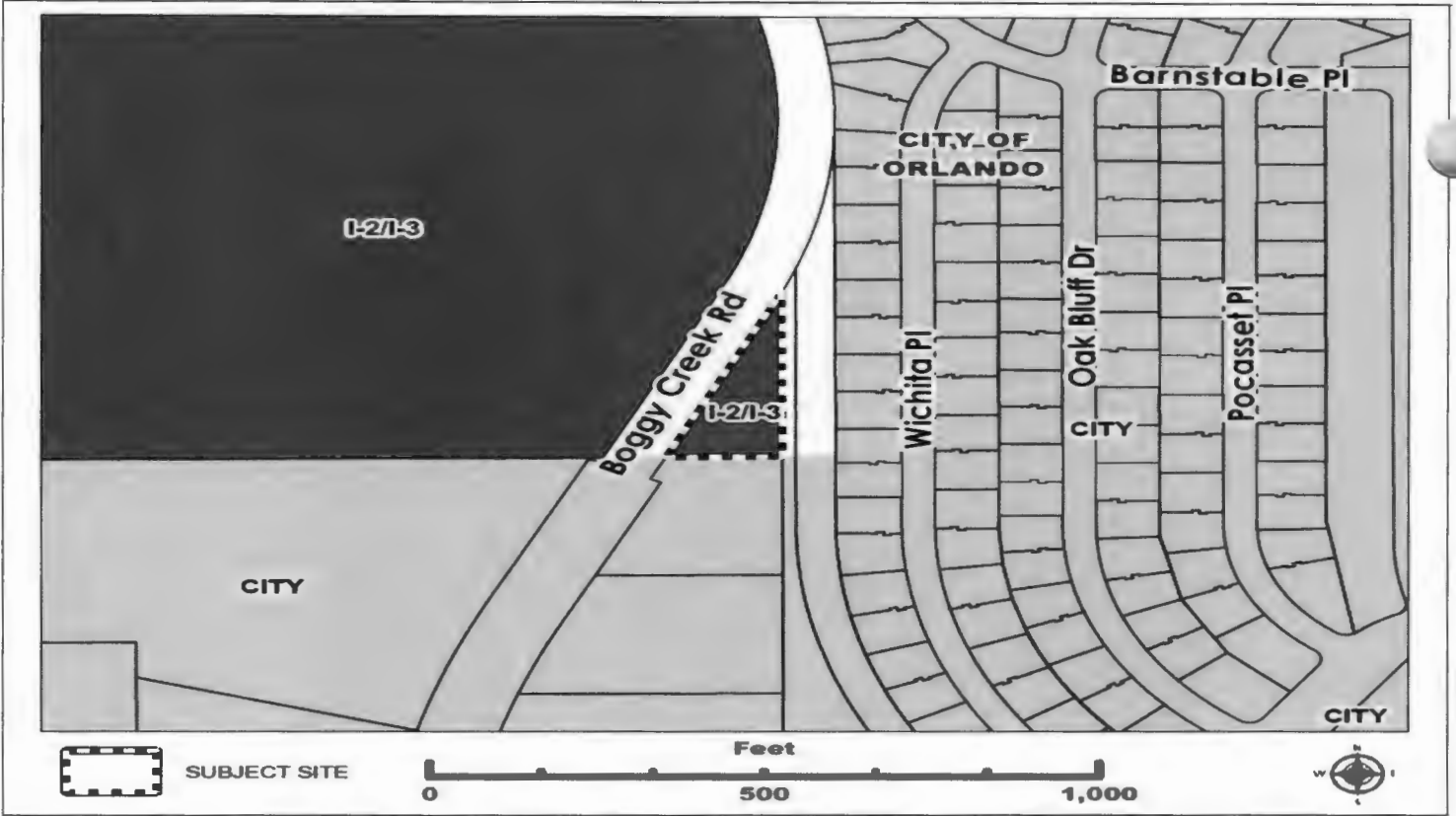
Section 38-1427(d)(11) of the Orange County Zoning Ordinance requires that "landscaping shall be installed on the outside of fences. Further, the use of existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute of or in supplement toward meeting landscaping requirements." The proposed site intends to utilize existing vegetation for the screening of the proposed tower as shown on the enclosed site plans.

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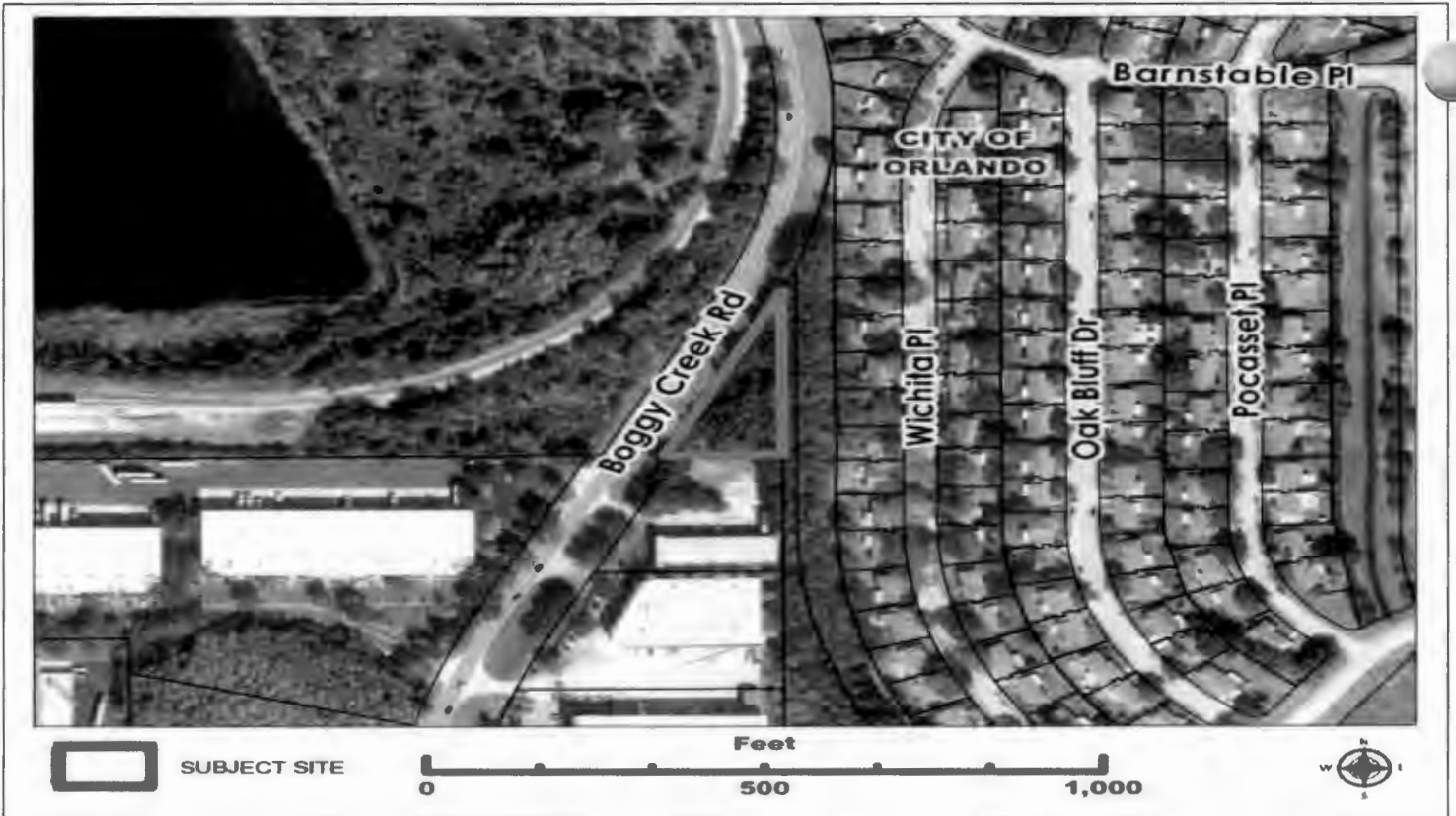
**Exhibit C
Elimination Map**

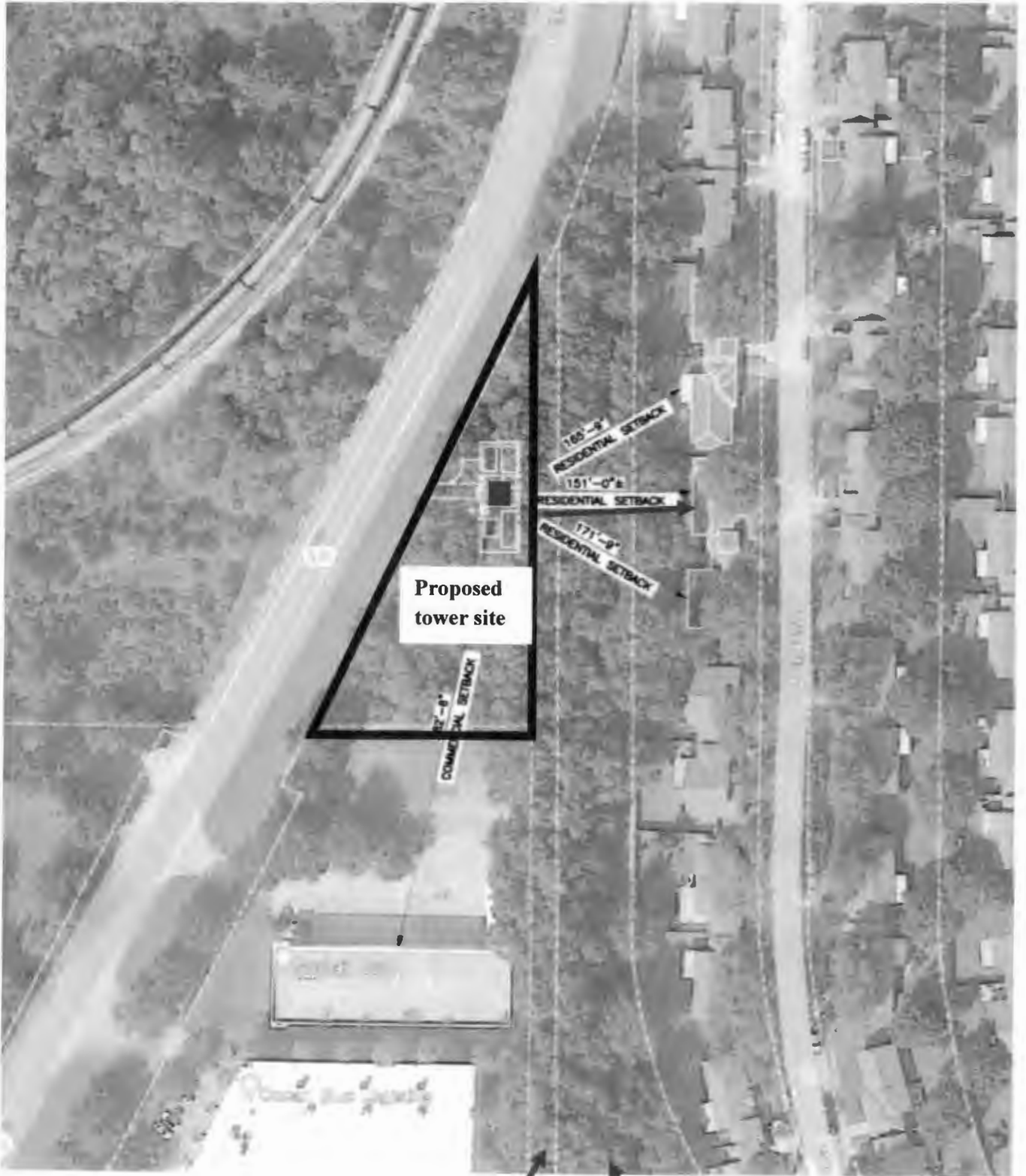


ZONING MAP



AERIAL MAP





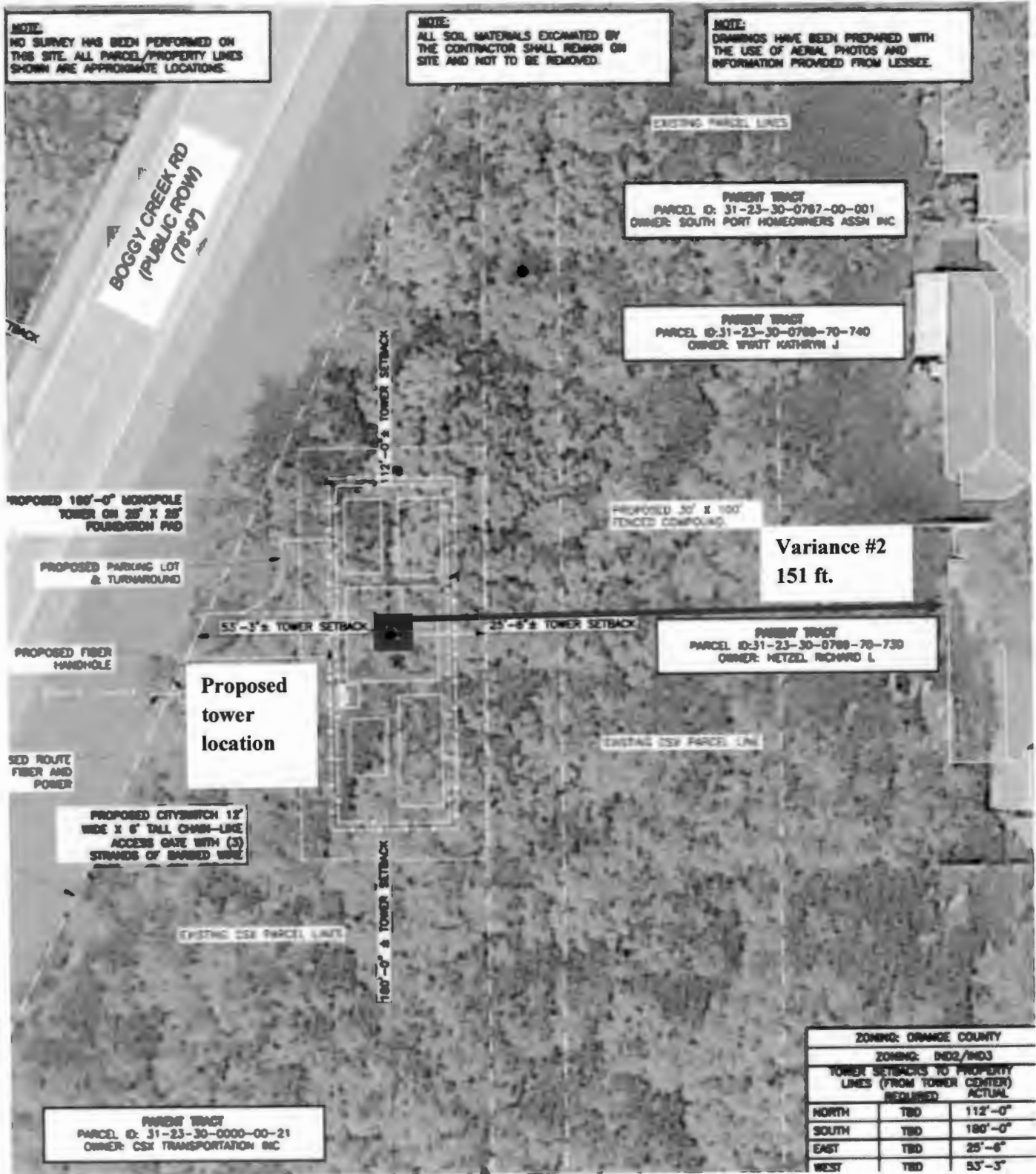
Proposed tower site

HOA common area tract

Unimproved ROW (City of



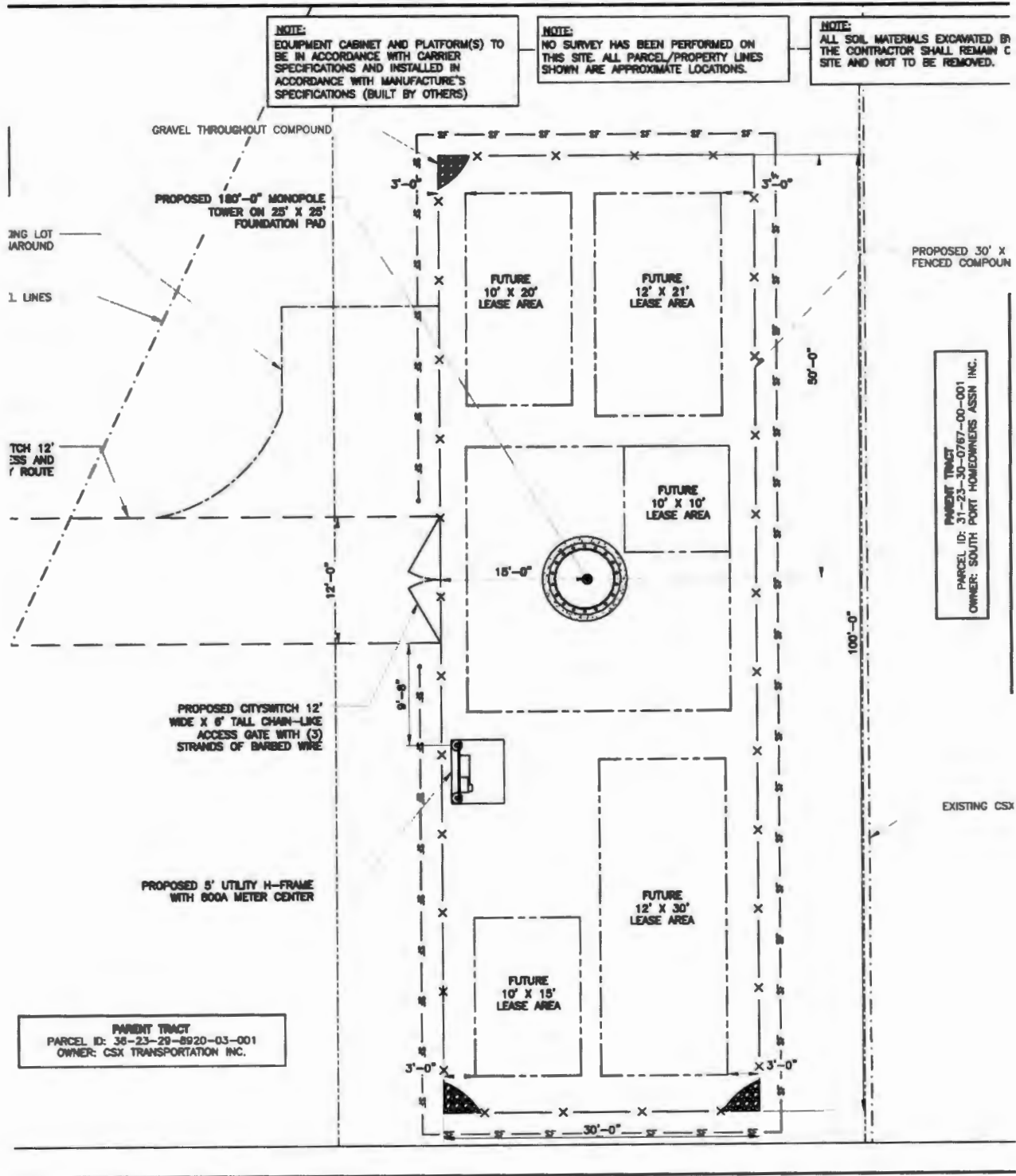
ZOOMED IN RESIDENTIAL DISTANCE SEPARATION



DISTANCE SEPARATION TO NEAREST TOWER



TOWER LOCATION LAYOUT



TOWER ELEVATION

PROPOSED TOP OF MONOPOLE TOWER =
ELEV: 160'-0" AGL

PROPOSED 160'
MONOPOLE TOWER

PROPOSED 5' LIGHTING ROD

PROPOSED 5' WHIP ANTENNA
TOP OF TOWER

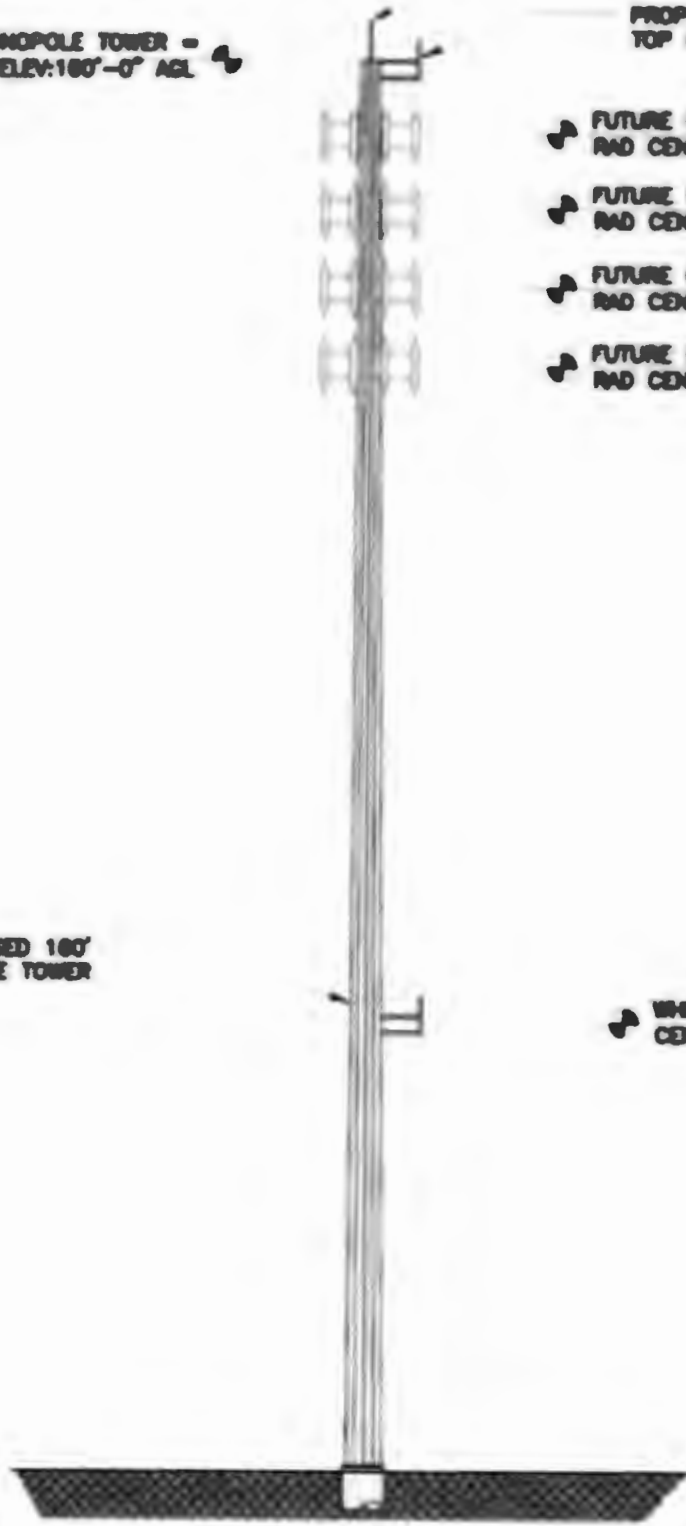
FUTURE CARRIER ANTENNAS
RAD CENTER ELEV. = 155' ± A

FUTURE CARRIER ANTENNAS
RAD CENTER ELEV. = 145' ± A

FUTURE CARRIER ANTENNAS
RAD CENTER ELEV. = 135' ± A

FUTURE CARRIER ANTENNAS
RAD CENTER ELEV. = 125' ± A

WHIP ANTENNA RAD
CENTER ELEV. = 60' AGL



SITE PHOTOS



Front of property facing northeast from Boggy Creek Rd.



Facing east at east property line towards proposed tower location, closest residences in background

SITE PHOTOS



Facing northeast towards closest residences – 151 ft. from proposed tower



Facing west towards proposed tower location from closest residences within adjacent neighborhood

SITE PHOTOS



Facing northeast towards proposed tower in distance from industrial area adjacent to Boggy Creek Rd.



Facing northeast from E. Landstreet Rd. to closest tower – 6,032 ft. to the southwest



BOARD OF ZONING ADJUSTMENT
201 S. Rosalind Ave.
Orlando, FL 32801