

Orange County Zoning Division

VA-23-08-052
APPLICANT:
ASIMA AZAM

December 12, 2023



Background

APPLICANT: ASIMA AZAM

CASE: VA-23-08-052

ZONING: R-1A (Single-Family Dwelling) District

FUTURE LAND USE: LDR (Low Density Residential)

ADDRESS: 14157 Lake Price Dr., Orlando FL 32826

LOCATION: Northwest side of Lake Price Dr., northwest of Lake Price, southwest of N. Tanner Rd., south of Mcculloch Rd., northwest of Lake Pickett Rd.

TRACT SIZE: +/- 0.34 acres (15,033 sq. ft.)

DISTRICT: 5



Background

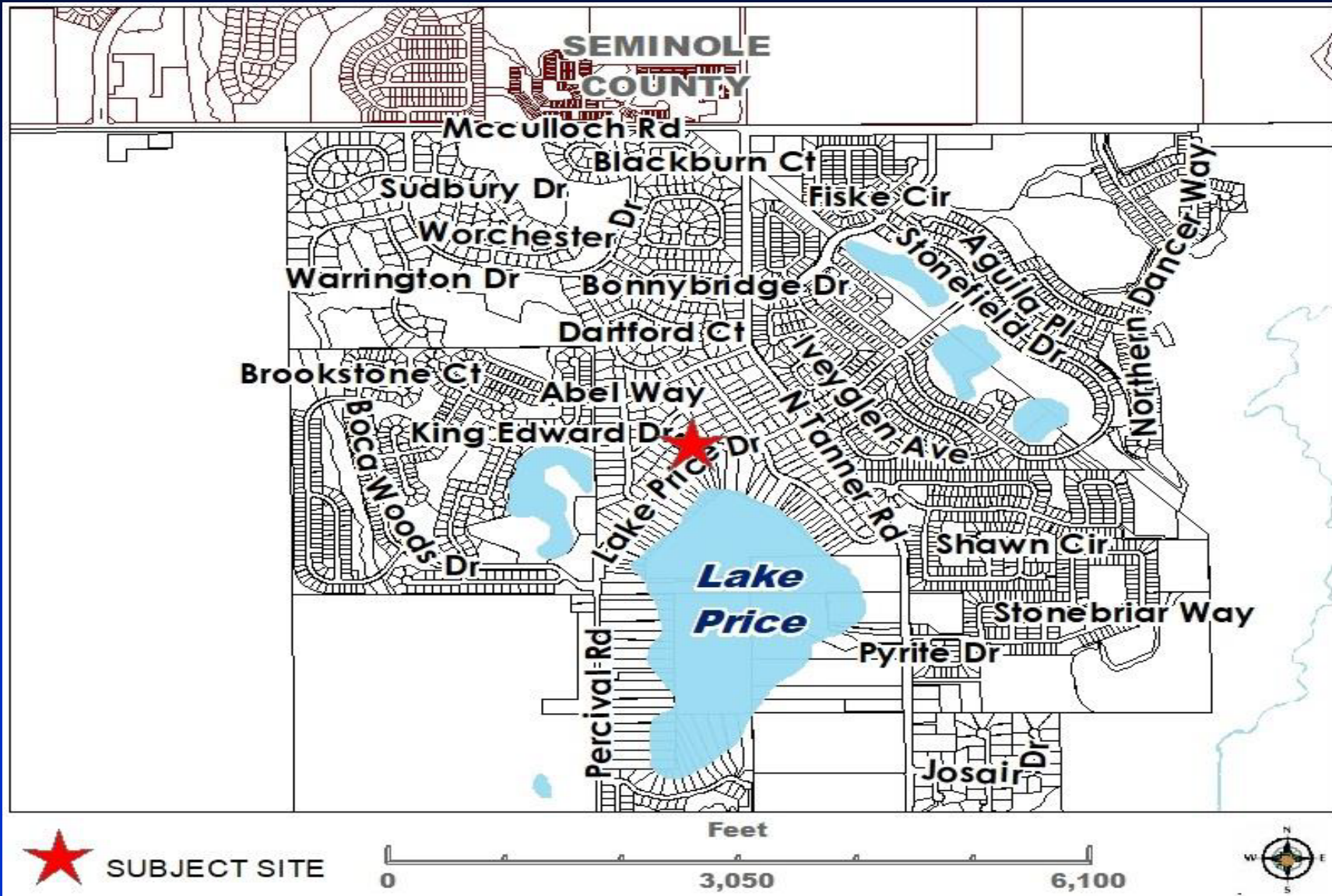
REQUESTS: Variances in the R-1A zoning district as follows:

- 1) To allow an existing detached accessory structure (carport) in front of the principal structure in lieu of the rear or side.**
- 2) To allow a south front setback of 6 ft. in lieu of 25 ft. for an existing detached accessory structure (carport).**
- 3) To allow a 6 ft. high fence within the clear view triangle.**
- 4) To allow an 8.55 ft. high gate within the clear view triangle.**

***Result of Code Enforcement**



Location Map





Zoning Map



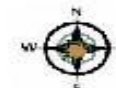
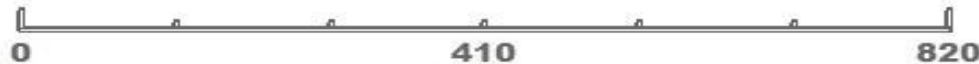


Aerial Map



SUBJECT SITE

Feet





Close-Up Aerial Map





Site Photograph

Accessory structure with a 6 ft. front setback, facing north



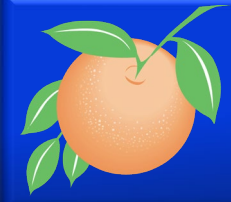


Site Photograph

Front facing west from Lake Price Dr. towards fencing & gate



07/10/2023 16:06



Site Photograph

Front of the property from Lake Price Dr. facing north





Site

Birds Eye View - 2008





Site

Birds Eye View - 2011





Site Photograph

Google Street View 2011





Site Photograph

Birds Eye View - 2015





Site Photograph

Google Street View 2016





History

- **1987: Owner Purchased the property**
- **Prior to 2008: 6 ft. high fence, no permit**
- **Prior to 2001: 2 sheds installed in the rear without permit**
- **2015: 200 sq. ft. detached accessory structure, no permit**
- **June 2022: Code Compliance Citation (CE #609340)**
 - **For the installation of fence & gates without a permit, not meeting code**
 - **For the location of multiple accessory structures in the front yard**
 - **Except for the requested carport, all other accessory structures in the front yard have been removed**
- **January 2023: Permit submitted for carport (B23001003), on hold pending the outcome of the requests**



Staff Findings and Analysis

- **2,640 sq. ft. single-family home**
- **Detached accessory structure (carport)**
 - In front of the principal structure in lieu of rear or side, Variance #1
 - 6 ft. south front setback in lieu of 25 ft., Variance #2
- **Fence & gates**
 - 6 ft. high fence within clear view triangle, Variance #3
 - 8.55 ft. high gate within clear view triangle, Variance #4
- **Clear view triangle encroachment**
 - Safety considerations regarding pedestrian safety when using the adjacent sidewalk



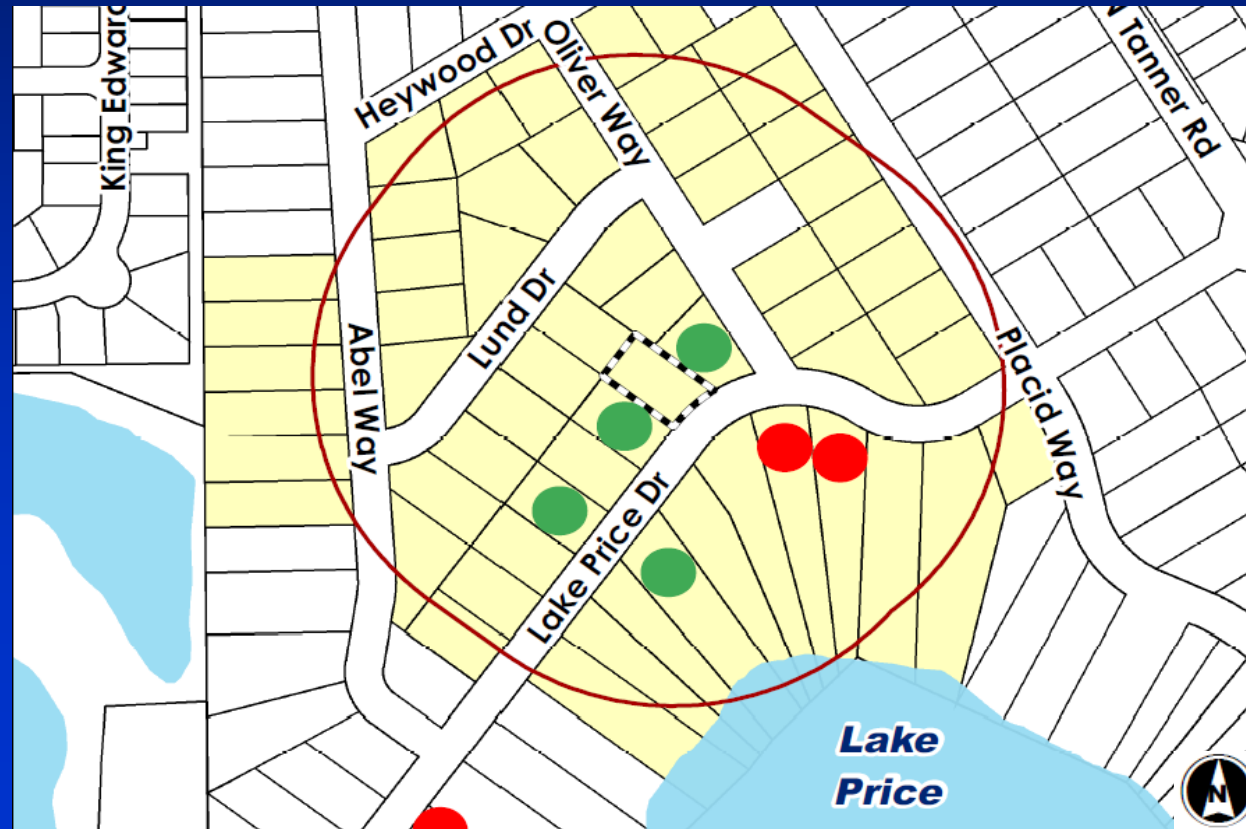
Staff Findings and Analysis

- **Staff recommended denial of the Variances as there are no special conditions and circumstances since the fencing, gate and accessory structure could have been installed to meet Code, the need for the Variances are self-created and result from the construction of improvements without permits, they are not the minimum possible and the requests do not meet the purpose and intent of the code and could be detrimental to the surrounding area, including pedestrian safety on the adjacent sidewalk since the fence and gate are completely opaque and could block visibility.**



Public Feedback

- Staff mailed a total of 45 notices to adjacent property owners in a 500 ft. radius
 - Staff received four (4) correspondences in favor of this request.
 - Staff received five (5) correspondences in opposition to this request (2 off map).





Variance Criteria

Section 30-43 (3), Orange County Code

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

1. Special Conditions and Circumstances - Special conditions and circumstances exist which are peculiar to the property and which are not applicable to other properties
2. Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant
3. No Special Privileges Conferred - Approval will not confer on the applicant any special privilege
4. Deprivation of Rights - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district
5. Minimum Possible Variance - The minimum variance that will make possible the reasonable use of the land, building, or structure
6. Purpose and Intent - Approval will be in harmony with the purpose and intent of this Chapter and will not be injurious to the neighborhood



BZA Findings

- The BZA concluded that there would not be special privilege conferred, the Variances were the minimum requests, and that the existing setback of the accessory structure and the height of the fences and gates would not be detrimental to the neighborhood, and recommended approval of the Variances (3-2 vote).



Conditions of Approval

- 1. Development shall be in accordance with the site plan and fence specifications received July 17, 2023, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).**
- 2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.**



Conditions of Approval

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Permits shall be obtained for the 2 sheds at the rear of the property, or they shall be removed, prior to the issuance of building permits for the carport and fence.



Conditions of Approval

5. Prior to the issuance of a building permit, the property owner shall record in the Official Records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies and holds harmless Orange County from any claims, lawsuits, and any other damage caused by the locating of the fence and gates in the clear view triangles adjacent to Lake Price Dr., as requested by the property owner, and shall inform all interested parties, including any future purchasers of the property, that the fence and gates are is located within the clear view triangles and that the property owner, and the property owner's heirs, successors, and assigns shall be responsible for any claims, lawsuits, and other damage caused by installing the fence and gates in that location.
6. The gates shall be transparent.



Requested Action

- Deny the applicant's request; or
- Approve the applicant's request with conditions

