

Orange County Zoning Division

SE-21-05-024

APPLICANT:

Blueberry Heaven Ranch

APPELLANTS:

**Debra & Donnell Barbour, Patricia
Buchanan, Larry & Mary Murray**

JULY 13, 2021



Background

CASE:	SE-21-05-024
APPLICANT:	BLUEBERRY HEAVEN RANCH (Michaela Fazecas)
ZONING:	A-2 (Farmland Rural Zoning District)
FUTURE LAND USE:	R (Rural)
ADDRESS:	19325 Lake Pickett Road, Orlando, Florida, 32820
LOCATION:	Approximately 1,130 ft. north of Lake Pickett Rd., west of N. Fort Christmas Rd.
TRACT SIZE:	330 ft. x 1,320 ft./+/-10 acres
DISTRICT:	5



Background

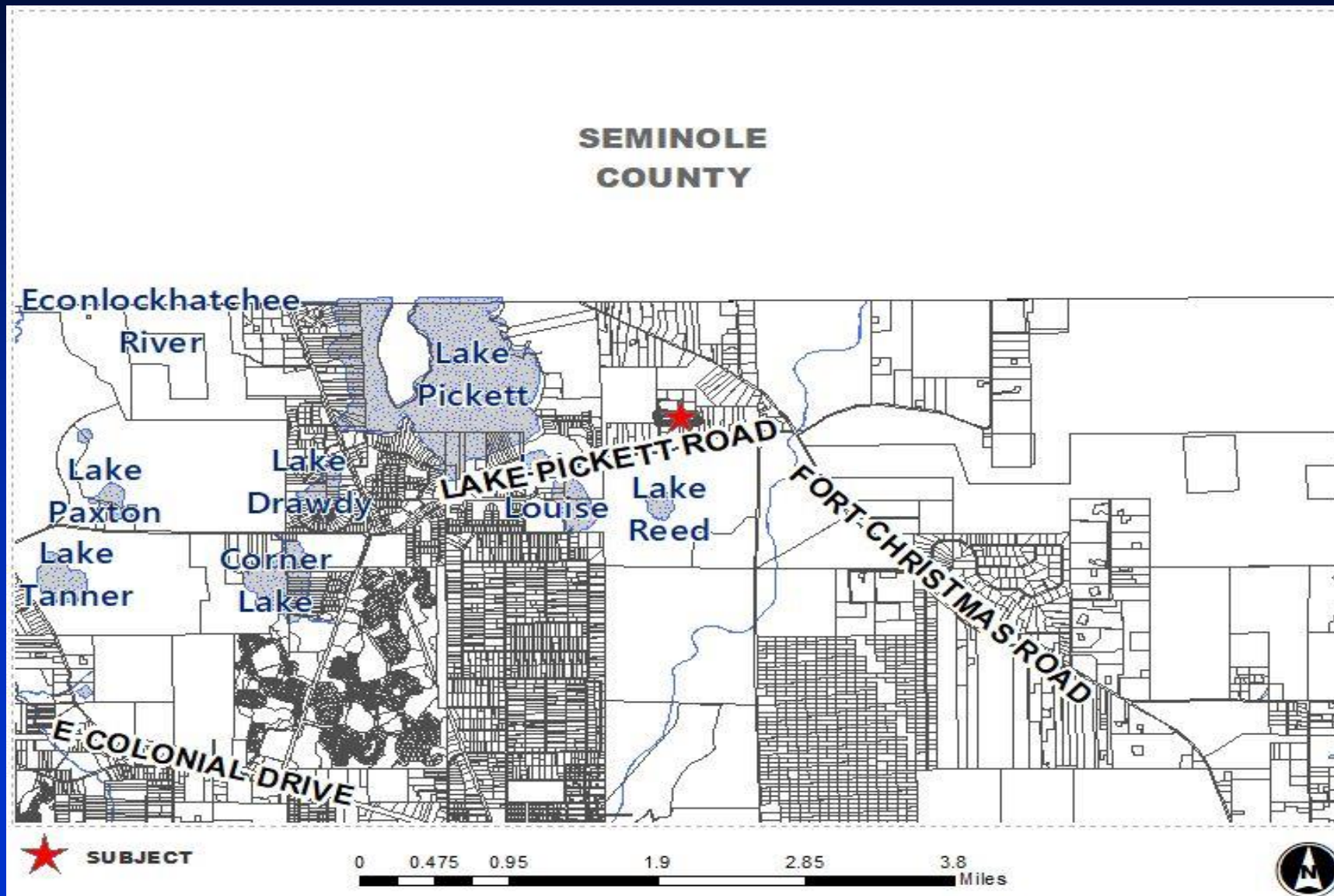
REQUEST: Special Exception and Variances in the A-2 zoning district:

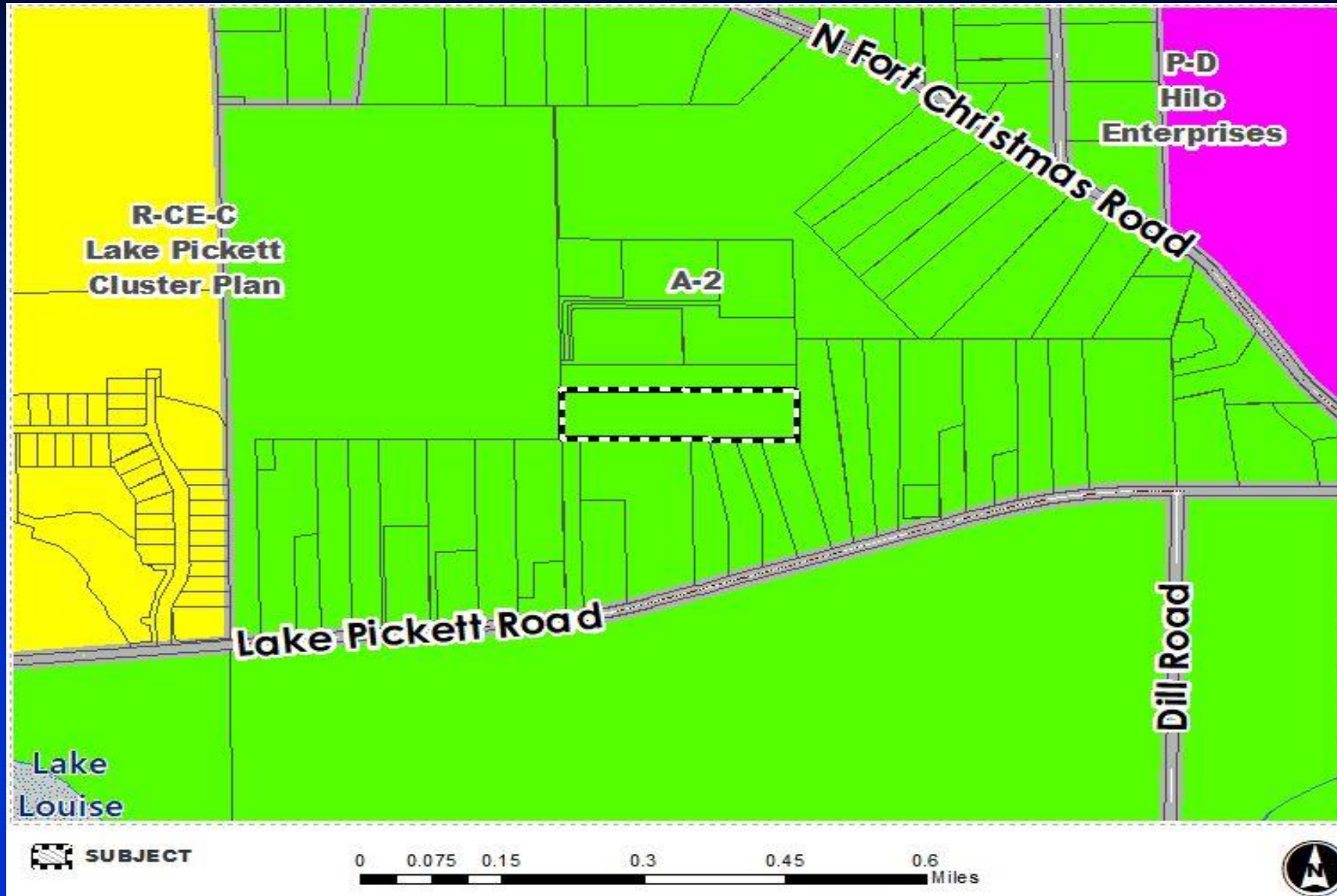
- 1) Special Exception to allow boarding of horses for commercial purposes.**
- 2) Variance to allow an existing detached accessory structure to be located in front of the principal structure in lieu of behind or alongside.**
- 3) Variance to allow an existing 1,200 sq. ft. metal barn with a south side setback of 9 ft. in lieu of 15 ft.**
- 4) Variance to allow grass parking in lieu of improved parking.**
- 5) Variance to allow grass drive aisles in lieu of improved drive aisles.**

This is the result of Code Enforcement action.



Location Map





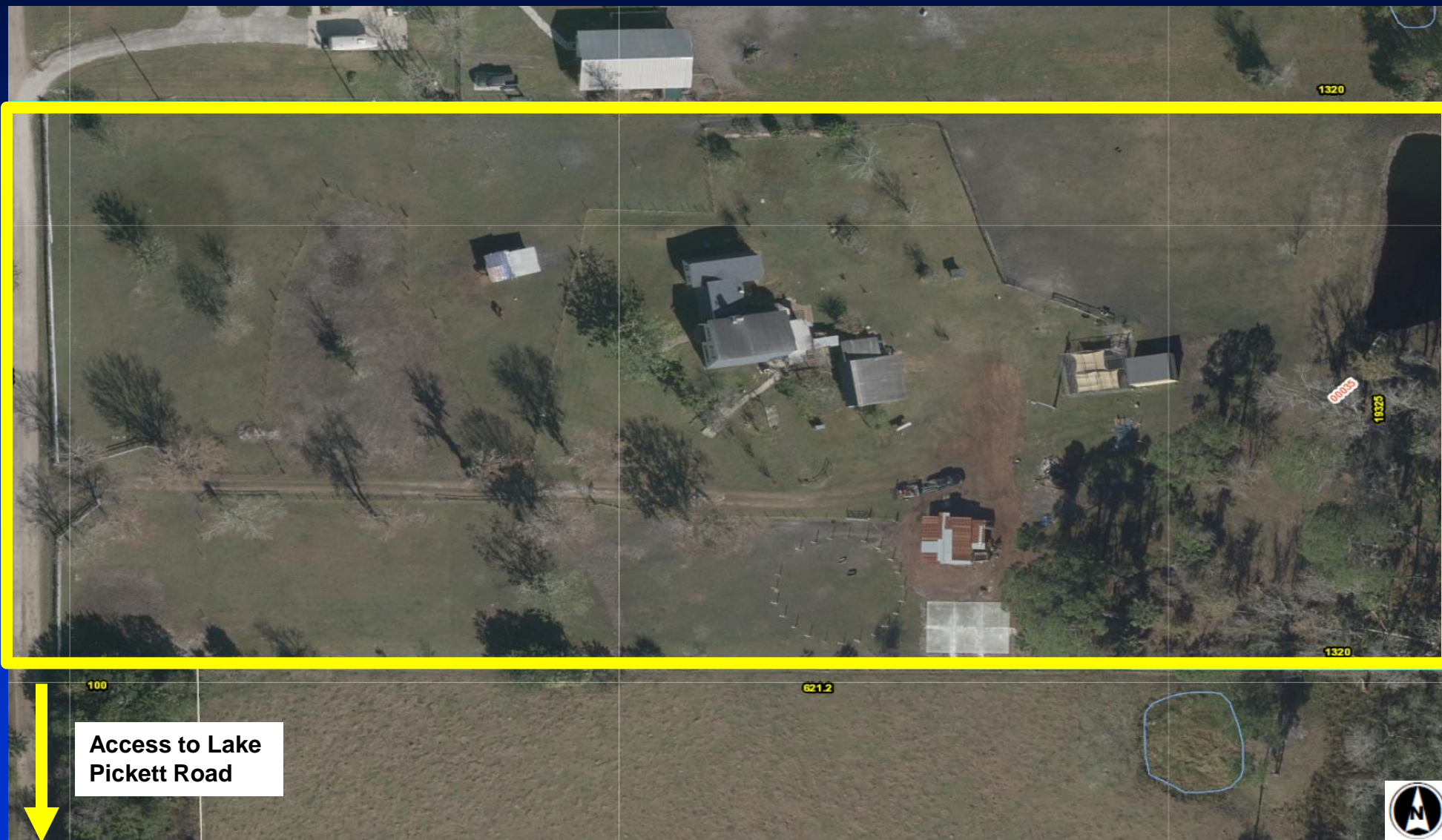


Aerial





Close-Up Aerial





Site Photograph

Jointly owned access parcel from Lake Pickett Road





Site Photograph

Front parking area facing southwest





Site Photograph

Residence





Site Photograph

Metal Barn and Shed looking southeast





Site Photograph

Accessory Structure in front of primary





Site Photograph

Looking south towards subject site from access drive





Staff Findings and Analysis

- Property includes a residence, constructed in 1976, multiple accessory structures, and an unimproved small parking area at the front entrance.
- Access via a jointly owned separate parcel to the south.
- Current owners purchased subject property in 2019.
- In 2020 a 1,200 sq. ft. metal barn constructed.
- Currently house 3 of their own horses and board 4 others
- In 2021 Code Enforcement citation for operating boarding facility without a special exception.



Staff Findings and Analysis

- Special Exception request to allow for boarding of horses for commercial purposes.
- Variances
 - to allow an accessory structure in front of the principal structure
 - to allow a barn with 9 ft. south side setback in lieu of 15 ft.
 - to allow grass parking in lieu of improved surfaces
 - to allow grass drive aisles in lieu of improved surfaces



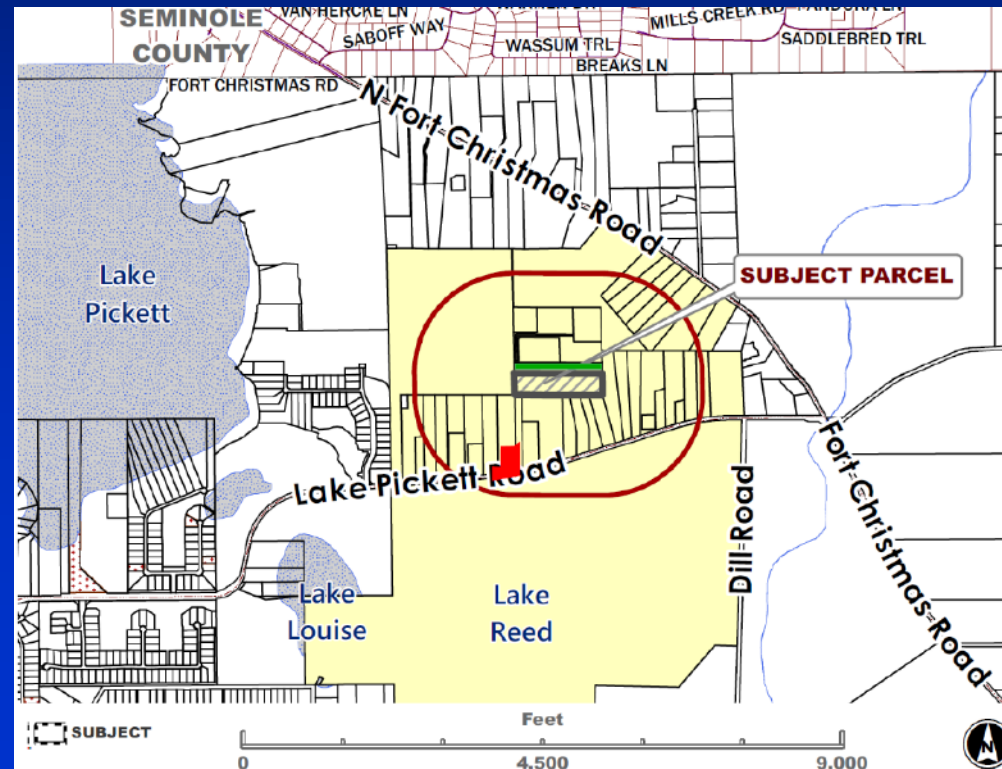
Staff Findings and Analysis

- **Facility caters to retired horses**
 - Maximum of 10 horses, including owners'
 - Monthly farrier services, veterinary visits as needed
 - Average about 1.5 visitors a day based on visitor logs
 - Proposed hours of operation are 8 a.m. to 6 p.m. daily
- **Staff recommended approval of the special exception as it is compatible with the surrounding area, and would not be a detrimental intrusion, and approval of the variances, as there are special conditions and circumstances, they are the minimum possible variances, and they meet the purpose and intent of the code.**



Public Feedback

- Staff mailed a total of 54 notices to adjacent property owners in a 1,500 ft. radius
 - Staff received one (1) letter of support from the neighbor immediately north, and one from one of the borders
 - Staff has received one (1) correspondence in opposition to this request





Special Exception Criteria

Section 38-78, Orange County Code

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 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**



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 Privilege Conferred - Approval will not confer on the applicant any special privilege
4. Deprivation of Rights - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district
5. Minimum Possible Variance - The minimum variance that will make possible the reasonable use of the land, building, or structure
6. Purpose and Intent - Approval will be in harmony with the purpose and intent of this Chapter and will not be injurious to the neighborhood



BZA Findings

- The BZA concluded that the use was consistent with the Comprehensive Plan, similar and compatible with the development pattern of the surrounding area, and would not be a detrimental intrusion into the neighborhood and recommended approval of the Special Exception; and the BZA concluded that there was no special privilege conferred, that it was a minimum request, and recommended approval of the variances, subject to 8 conditions.



Conditions of Approval

- 1. Development shall be in accordance with the site plan and elevations dated March 10, 2021, 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.**



Conditions of Approval

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The site shall be limited to boarding no more than a total of ten (10) horses at any one time, including the owners' horses.
5. Permits for all unpermitted accessory structures shall be obtained within 2 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.
6. Provide one (1) handicap parking space adjacent to the existing residence with a stabilized access trail to the main paddock located behind the residence.
7. Hours of operation shall be limited to 8 a.m. to 6 p.m. daily.
8. Recreational riding of boarded horses shall be limited to the subject property.



Modified Condition of Approval #7

7. Hours of operation shall be limited to 8 a.m. to 6 p.m. daily, except for the occasional veterinary or farrier appointments after 6 p.m.



Requested Action

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

- **Five accessory structures**

- Building #1 - Shed located in front of principal structure, no permit, Variance #2
- Building #2 - Pump house located northeast of the residence, no permit
- Building #3 – Shed located to the east of the residence, no permit
- Building #4 - Shed located to the south of the residence, no permit
- Building #5 - Metal barn with 9 ft. setback, Variance #3



History

- 1995 – Pump house and 2 sheds constructed without permits
- 2015 – Shed constructed in front of principal structure without permits
- 2019 – Current owners purchased subject property
- 2020 – 1,200 sq. ft. metal barn constructed with permit
- 2020 – Commercial boarding of horses began
- 2021 – Code Enforcement citation for operating boarding facility without a special exception



Overall site

