



Orange County
Board of Zoning Adjustment
RECOMMENDATIONS
BOOKLET

March 1, 2018

Prepared by:
Community, Environmental & Development Services Department,
Orange County Zoning Division



ORANGE COUNTY GOVERNMENT
BOARD of ZONING ADJUSTMENT
(BZA)

Carolyn C. Karraker
Vice-Chair District #1

Gregory A. Jackson
Chairman District #2

Jose A. Rivas, Jr. District #3

Deborah Moskowitz District #4

Wes A. Hodge District #5

Eugene Roberson District #6

Jessica Rivera At Large

ORANGE COUNTY ZONING DISTRICTS

Agricultural Districts

A-I.....	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-IA & R-IAA.....	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-I.....	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-IA.....	Restricted Industrial District
1-1/1-5.....	Restricted Industrial District
1-2/1-3.....	Industrial Park District
1-4.....	Industrial District

Other District

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



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.

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
March 1, 2018**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
VA-18-01-148	Stefan Knopf	4	Approved w/Conditions	1
VA-18-03-170	Davis Builders, Inc.	2	Approved w/Conditions	8
VA-18-03-171	Theodore Brien	5	Request #1, Approved w/Conditions Requests #2 & #3, Denied	17
VA-18-03-172	Lui Ping Ng	5	Continued	27
SE-18-03-002	Lisa Cline	5	Approved w/Conditions	28
VA-18-03-003	Derek Cook	3	Request #1, Denied Request #2, Approved w/Conditions	39
VA-18-03-004	Zellwin Farms	2	Approved w/Conditions	47
VA-18-03-006	Alain Camacho Borroto	3	Approved w/Conditions	57
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VA-18-03-013	Mario De Caprio	3	Approved w/Conditions	109
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SE-18-03-017	Darrin Griffin	2	Approved w/Conditions	128



STEFAN KNOFF
VA-18-01-148

REQUEST: Variance in the R-T-2 zoning district to permit construction of an accessory structure (carport) with 766 sq. ft. of floor area in lieu of 500 sq. ft.

ADDRESS: 310 1st Street, Orlando FL 32824

LOCATION: South side of 1st St., approximately 750 ft. east of Sidney Hayes Rd.

S-T-R: 01-24-29

TRACT SIZE: 60 ft. x 142 ft.

DISTRICT#: 4

LEGAL: TAFT E/4 LOT 4 BLK 3 TIER 1

PARCEL ID: 01-24-29-8516-10-304

NO. OF NOTICES: 125

DECISION: **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated November 15, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

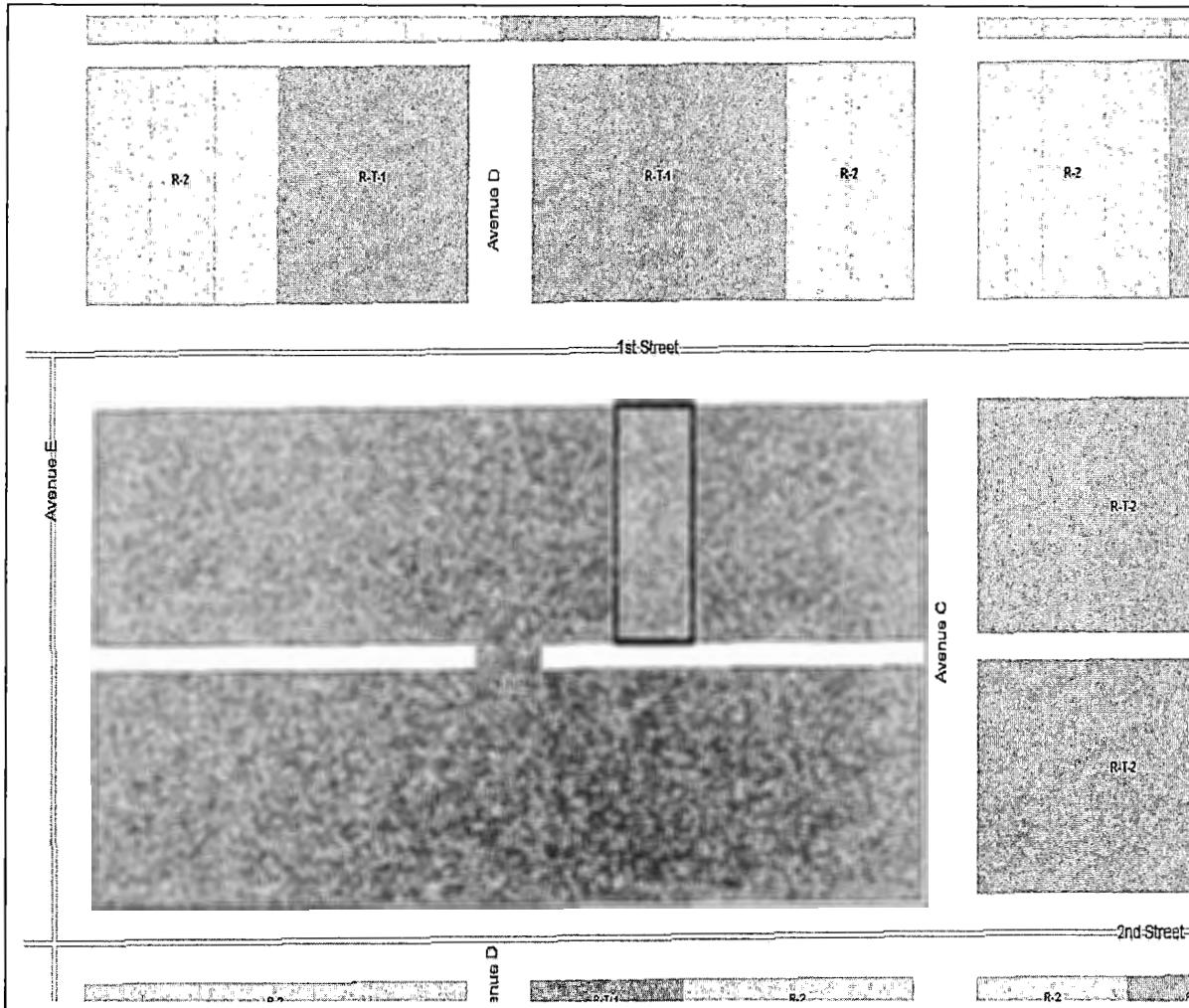
4. The applicant will plant landscaping along the west property line, such as Green Odo Viburnum or Ligustrum, a minimum of three (3) feet in height and thirty-six (36) inches apart from the rear power pole closest to the proposed carport south to the rear property line.
5. An improved surface shall be installed from the street to the accessory structure.
6. The applicant shall obtain an R.V. storage permit in conjunction with the permits for construction.

SYNOPSIS: Staff outlined the case noting that while the applicant had applied for a permit to have the storage container on the property, the permit would not be finalized until the home was issued a CO. The intent of the larger than normal carport was to allow both the storage container and a motorhome to be stored under it. It was noted that the applicant travels extensively, and the container is to keep recreational and yard equipment safe. Finally, staff noted that by fully enclosing the structure, the container will be completely concealed. Staff noted that the three most impacted neighbors were in support of the request, and that there was one person who objected, however they did not live near the subject property.

The applicant indicated that the house would be ready for a Certificate of Occupancy by April, at which time the storage container would be properly permitted. He also noted that each of his neighbors did not oppose the storage container, and that he offered to paint what they could see any color they would like. He also noted that there is not currently any motorhome, he would not be purchasing one until he retires in a couple of years. While he would comply with fully enclosing the carport if required, he preferred that it be open so that the lot is not covered by enclosed buildings.

The BZA asked the applicant if they would oppose installing shrubbery similar to that which exists along the site's First Street frontage. The applicant indicated that they would be happy to do so, as long as they could leave an open area to see and converse with their neighbor to the west. There being no one present to speak for or against the application, the public hearing was closed.

The BZA discussed where the landscaping would be most effective, and chose a location along the west property line from a point starting at the location of a power pole nearest the carport location to the rear property line. A motion to recommend approval with this revised condition replacing the condition to enclose the structure passed unanimously.



Applicant: Stefan Knopf

BZA Number: VA-18-01-148

BZA Date: 03/01/2018

District: 4

Sec/Twn/Rge: 01-24-29-NW-B

Tract Size: 60 ft. x 142 ft.

Address: 310 1st Street, Orlando FL 32824

Location: South side of 1st St., approximately 750 ft. east of Sidney Hayes Rd.



November 16, 2017

Orange County Building Division
201 S Rosalind Ave
Orlando, FL 32801

Project: 310 1st Street Orlando, FL 32824

To Whom It May Concern,

The owner of this property is requesting a special exception to allow the erection of an accessory structure that is 766sf as opposed to the maximum 500sf allowed on this property. The reason for this request is that the owner intends to store a permitted shipping container and a mobile home on the property and a larger cover is therefore required. The shipping container is used as a storage shed and the drawings propose to clad it w/ lap siding.

Please do not hesitate to contact us if there are any objections to this proposal or additional steps which can be taken to acquire approval.

Warm regards,

A handwritten signature in black ink, appearing to be "MA", written over a horizontal line.

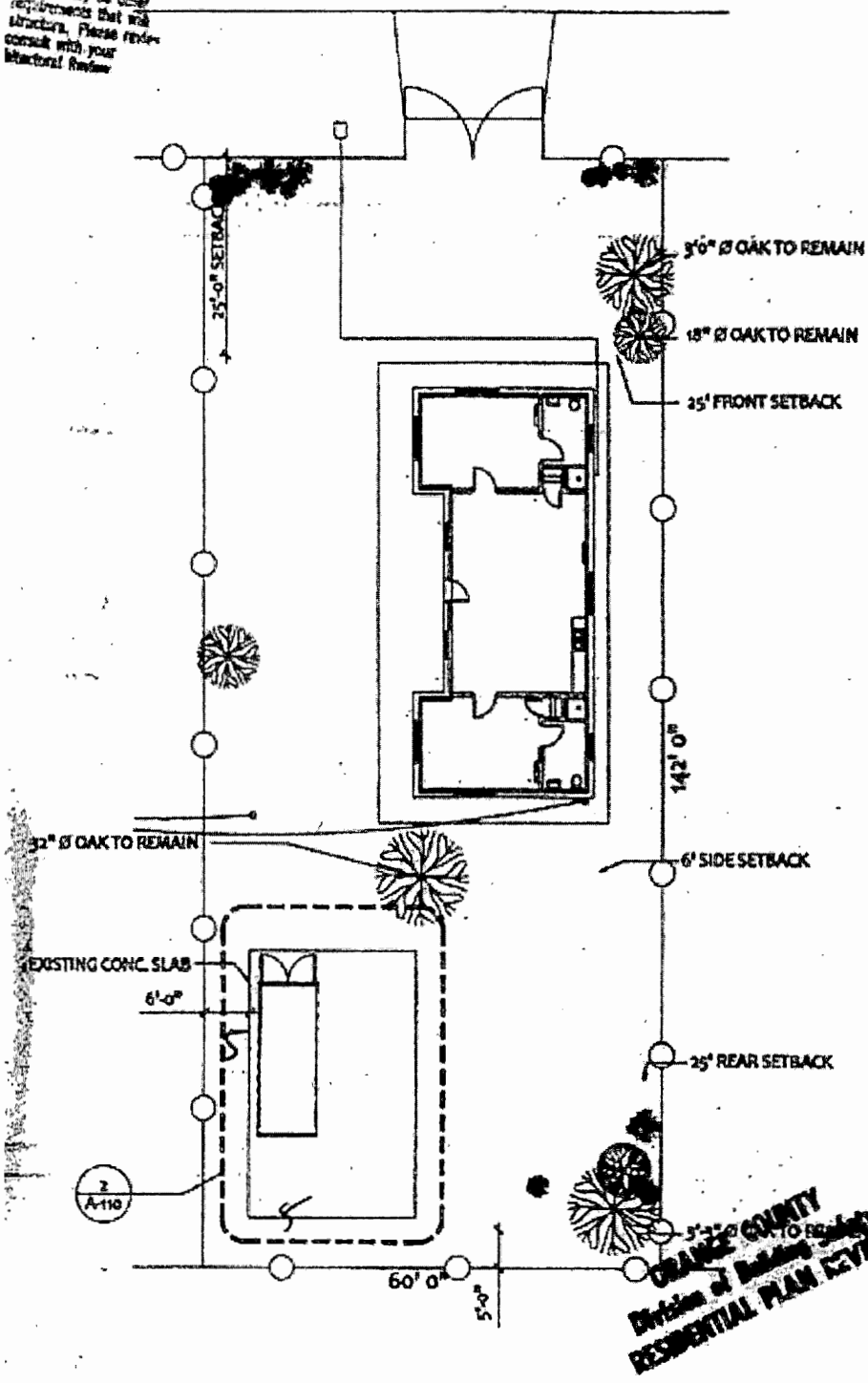
Mark Adams, AIA
Chief Operations Officer

RECEIVED
NOV 15 2017
Zoning Division

ELEVEN18 ARCHITECTURE, PL
Mail: 424 E. Central #542 Orlando FL 32801
Physical: 1011 E. Colonial #307 Orlando FL 32803 407-745-5300
www.eleven18architecture.com

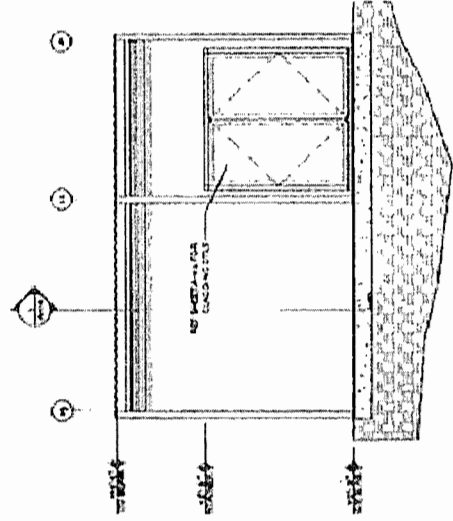
WJK
 look with Orange
 or there may be other
 requirements that will
 structure. Please refer
 consult with your
 structural review

1ST STREET
 (PUBLIC ROW)

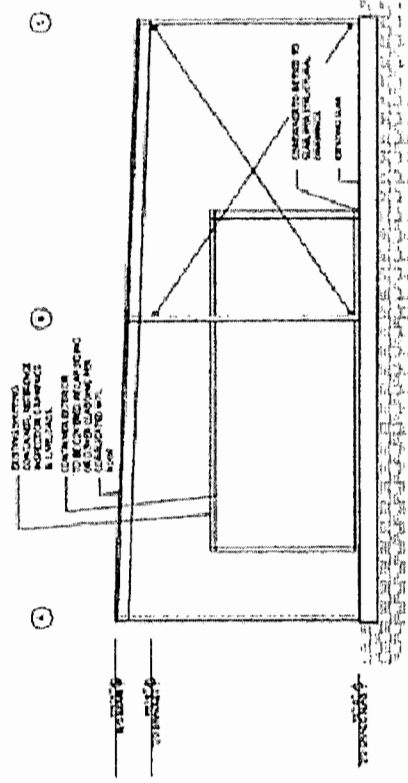


LOCATION PLAN
 1/16" = 1'-0"

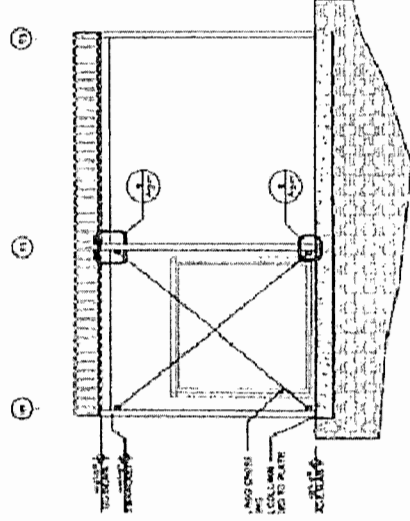




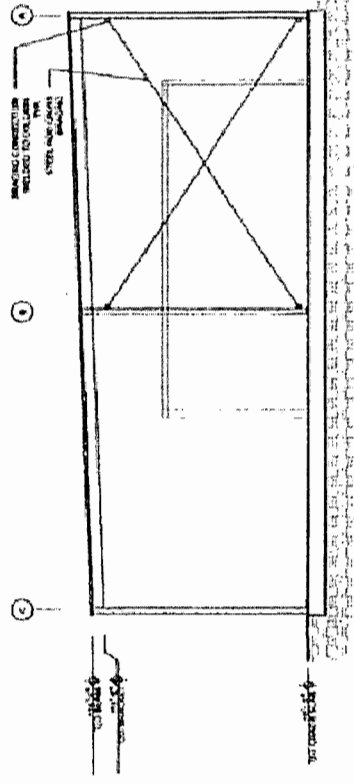
4 NORTH ELEVATION



3 WEST ELEVATION



2 SOUTH ELEVATION



1 EAST ELEVATION



STAFF REPORT
CASE #: VA-18-01-148
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
March 1, 2018
Commission District: 4

GENERAL INFORMATION:

APPLICANT: Stefan Knopf

REQUEST: Variance in the R-T-2 zoning district to permit construction of an accessory structure (carport) with 766 sq. ft. of floor area in lieu of 500 sq. ft.

LOCATION: South side of 1st St., approximately 750 ft. east of Sidney Hayes Rd.

PROPERTY ADDRESS: 310 1st St., Orlando, FL 32834

PARCEL ID: 01-24-29-8516-10-304

PUBLIC NOTIFICATION: 125

TRACT SIZE: 60 ft. x 142 ft.

DISTRICT #: 4

ZONING: R-T-2

EXISTING USE(S): Single Family Residence (Under Construction)

PROPOSED USE(S): Carport

SURROUNDING USES: N - Vacant
S - Undeveloped Platted Alley
E - Mobile Home
W - Mobile Home

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned R-T-2 which is zoning district that allows for a combination of mobile homes and single family homes.
2. The applicant has obtained a permit to place a storage structure on the subject property (B16005577). That permit is on hold until the C/O for the single family home is issued (B15000867). As of the writing of this report the C/O has not been issued for the house. They intend to erect the carport over this container, and also to store an R.V. under it. The storage container is for recreational and yard maintenance equipment. The applicant has obtained letters of support from the three (3) most impacted neighbors.
3. The request will provide the applicant with a place to store both yard and recreation equipment, as well as their motorhome. While placing the R.V. and storage container under the cover of the

carport will improve the appearance, full enclosure will improve the overall appearance of the accessory structure by creating a more residential appearance. Staff is recommending that any approval include a condition that the storage be fully enclosed.

4. The applicant travels extensively, and the carport will ensure that the possessions stored under it will be protected from the elements. While the variance is a fifty-six percent (56%) variance, the articles that the applicant wishes to store are very large and do require more storage space than a typical passenger vehicle.
5. While the request represents a variance of fifty-six percent (56%) from that normally permitted, the subject property is well buffered from the street, and the location of the subject property, while residentially zoned and used, is actually more closely associated with the surrounding industrial uses. As such, the use will not appear to be excessive in nature. Given the items which the applicant wishes to store, this does represent the least minimum variance needed. Further, the use of residential storage is in line with the purpose and intent of the Zoning Code, and will not compromise the integrity of the Code. Full enclosure will eliminate the view of the shipping container.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated November 15, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The accessory structure shall be fully enclosed, and designed to be consistent or compatible with the colors and materials of the residence.
5. An improved surface shall be installed from the street to the accessory structure.
6. The applicant shall obtain an R.V. storage permit in conjunction with the permits for construction.

cc: Stefan Knopf, Applicant
9901 Satellite Blvd.
Orlando, Florida 32834

REQUEST: Variance in the R-CE zoning district to construct a single family home 5 ft. from the side street property line in lieu of 15 ft.
ADDRESS: Lake Ola Circle, Mount Dora FL 32757
LOCATION: North side of Lake Ola Circle, approximately 140 ft. south of Lake Ola Dr.
S-T-R: 08-20-27
TRACT SIZE: 55 ft. x 170 ft.
DISTRICT#: 2
LEGAL: TANGERINE TERRACE ON LAKE OLA N/44 LOT 4 BLK 5
PARCEL ID: 08-20-27-8572-05-040
NO. OF NOTICES: 43

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan, elevations and floor plans dated February 14, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff gave a presentation on the case covering the location, the site plan, and photos.

The applicant agreed with the staff report.

The BZA confirmed that the house could be built without variances.

Neighbors spoke in opposition. They were concerned about the trees and drainage issues. The neighbor did not like the home plan and felt it would be out of place in the neighborhood.

The applicant stated that they will build if the variance is not approved, and that the house will not be large and will fit into the area. The applicant also stated that they will comply with any request.

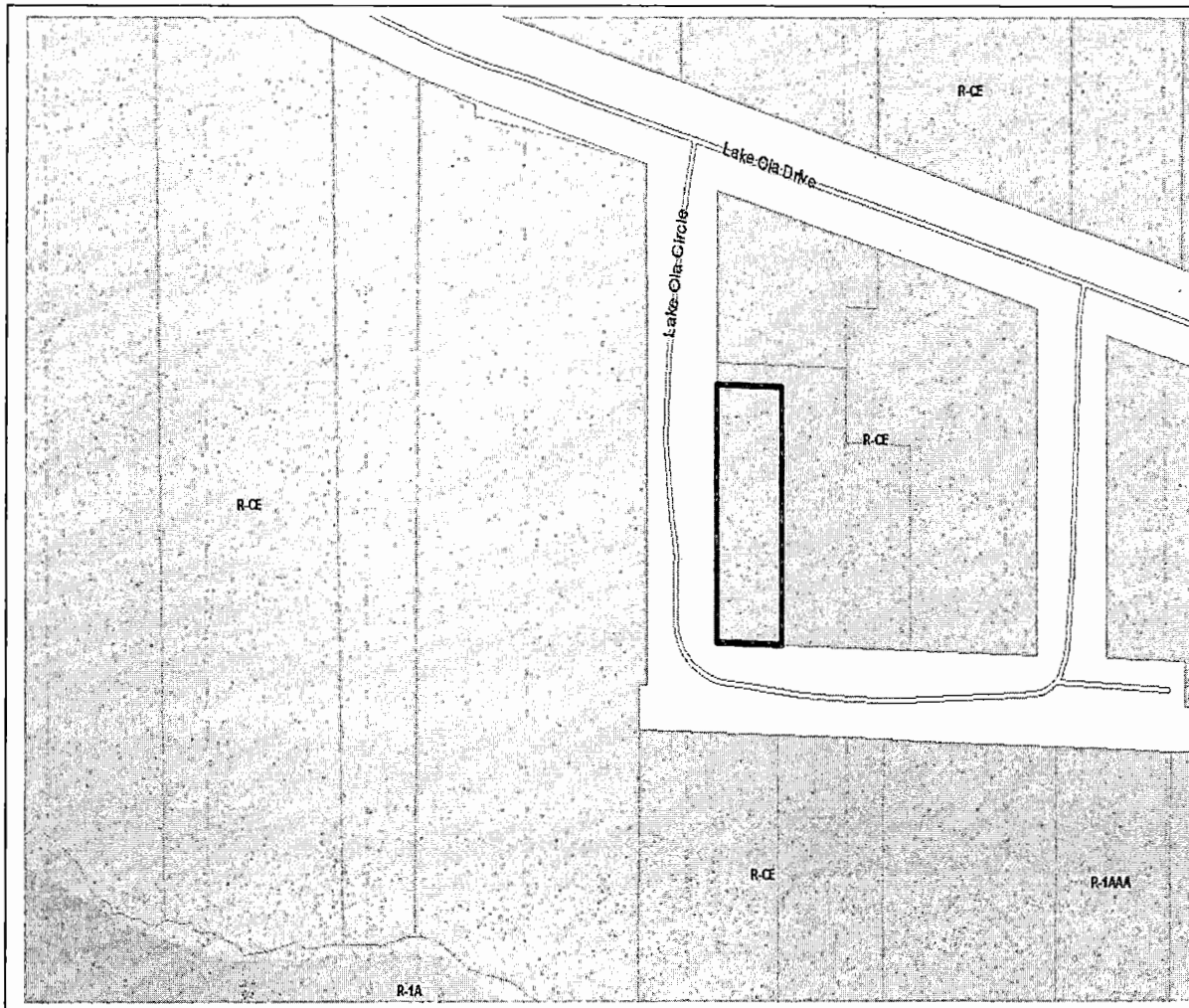
The BZA confirmed that the application is only for a setback variance, not to stop the applicant from building a house. The BZA addressed the variance criteria:

- There were special circumstances, as the applicant is trying to save trees.
- The need for the variance is not self created, as the street side setback inflicts a greater setback
- Approval will not confer special privilege, as the house could be built without variances.
- This is the minimal possible variance to save trees.
- The request meets the purpose and intent of the variance criteria.

The BZA stated that it was persuasive to see other similar variances in the area, and that the request is similar to what has already been granted in the area.

Staff received 0 commentaries in favor of the application, and 5 in opposition to the application.

The BZA approved the variance.



Applicant: Davis Builders, Inc.

BZA Number: VA-18-03-170

BZA Date: 03/01/2018

District: 2

Sec/Twn/Rge: 08-20-27-SE-D

Tract Size: 55 ft. x 170 ft.

Address: Lake Ola Circle, Mount Dora FL 32757

Location: North side of Lake Ola Circle, approximately 140 ft. south of Lake Ola Dr.

To Whom it may concern:

Parcel number 082027857205040 is a vacant lot on Lake Ola Circle. We are proposing moving the one set back on the side closest to the road from 15 feet to five feet. This would allow us to move the proposed house further away from the closest neighbor, and allow us to save 4 mature oak trees. The house being built is a single story 3 bedroom, 2 bathroom with a total square footage of about 2400 square feet. All other setbacks will be met. By moving the proposed setback to 5 feet, there will still be 45 feet from said setback to the midline of the road.

Thank you for your consideration.

Davis Builders, Inc.

RECEIVED

NOV 20 2017

Zoning Division

Proposed

LOT 2, BLOCK 5

55.94' S89°12'52"E

30.00

overhead power lines

OHP OHP OHP

chain link fence

LOT 4 50.00

5.00

30.67

10.26

chain link fence

CARLTON STREET

170.00' S00°00'00"W

PROPOSED RESIDENCE

porch 6'

Four existing mature oaks trees

LOT 5, BLOCK 5

170.00' N00°00'00"W

37.74



55.94' S89°13'13"E

30.00

sp. road

RECEIVED LAKESIDE AVENUE

FEB 14 2018

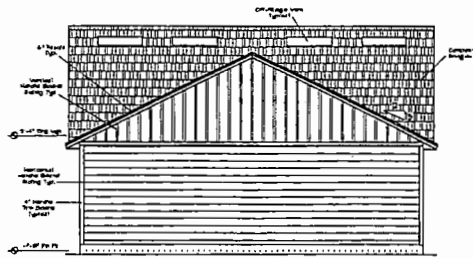
ORANGE COUNTY

ZONING DIVISION

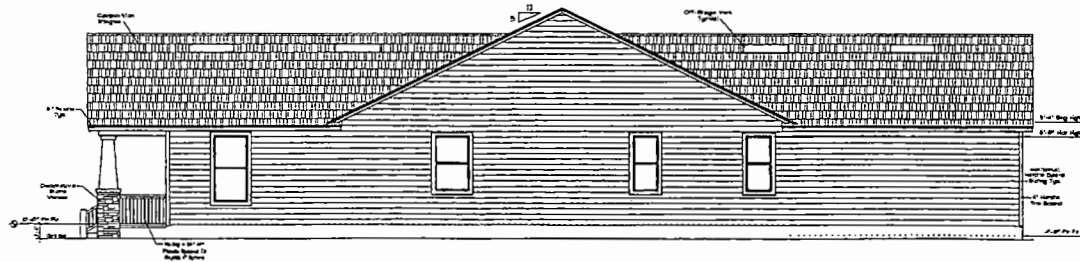
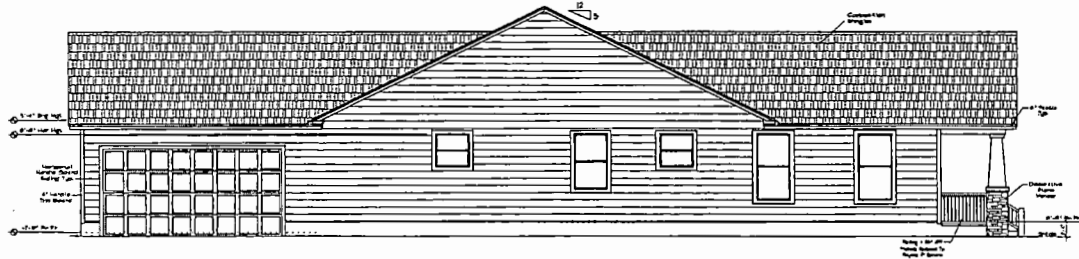




OVERHANGS
SCALE: 1/4" = 1'-0"
A FRONT ELEVATION
SCALE: 1/4" = 1'-0"



B REAR ELEVATION
SCALE: 1/4" = 1'-0"



PRELIMINARY SET OF PLANS
NOT FOR CONSTRUCTION

CONSTRUCTION TYPE: RESIDENTIAL
NUMBER OF STORIES: 1
BUILDING HEIGHT: 20'-0"

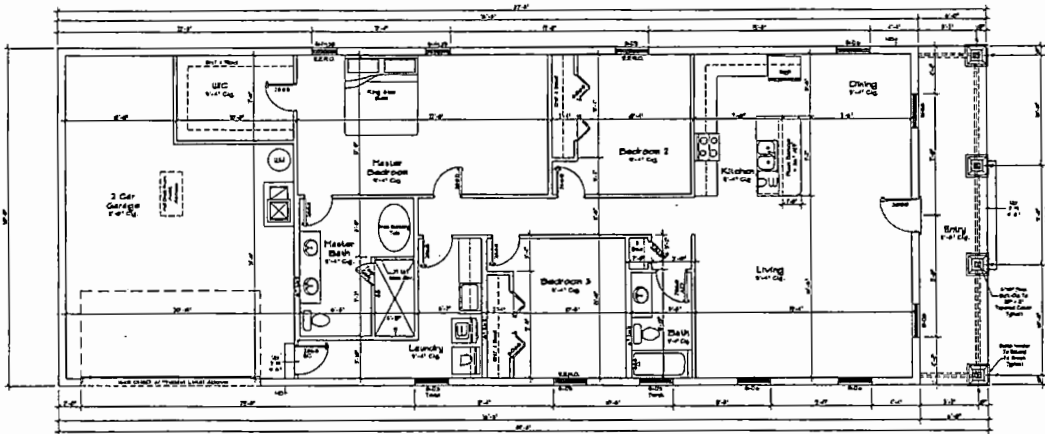
SCOPE OF WORK
NEW CONSTRUCTION
1 STORY BLOCK
75% SOFT RESIDENCE

CONSTRUCTION DESIGN PER:
REC INT RESIDENTIAL, 6th EDITION
REC INT ENERGY CONSERVATION, 6th EDITION

LAKE DRAFTING AND GRAPHICS INC. 11111 S. 100th Ave. Suite 100 Denver, CO 80231 Phone: 303.751.1111 Fax: 303.751.1112	
NEW SPEC HOME FOR Craig Davis Builders	
SQUARE FOOTAGE	1,001.62
CEILING	1,000
FLOOR AREA	1,000
GRAND TOTAL	331
NET AREA	184
FLOOR UNDER ROOF 1,154	
DATE: 02-09-18	
DRAWN BY: GCW	
SCALE: AS NOTED	
JOB # 2020	
SHEET # 1	

RECEIVED

FEB 14 2018
ORANGE COUNTY
ZONING DIVISION



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

RECEIVED
 FEB 14 2018
 ORANGE COUNTY
 ZONING DIVISION

PRELIMINARY SET OF PLANS
 NOT FOR CONSTRUCTION

LAKE DRAFTING AND GRAPHICS INC.
 11111 S. 17th St.
 Suite 100
 Phoenix, AZ 85042
 Phone: 602-998-1111
 Fax: 602-998-1112
 Email: info@lakedrafting.com

NEW SPEC HOME FOR
 Craig Davis Builders

SQUARE FOOTAGE	
LIVING	1,800
TOTAL	1,300
GARAGE	550
OTHER	150
TOTAL UNDER ROOF	3,500

DATE: 02-09-10
 DRAWN BY: GOW
 SCALE: AS NOTED
 JOB # 2029

SHEET #
 3



STAFF REPORT
CASE #: VA-18-03-170
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
March 1, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Davis Builders, Inc.
REQUEST: Variance in the R-CE zoning district to construct 5 ft. from the side street property line in lieu of 15 ft.
LOCATION: North side of Lake Ola Circle, approximately 140 ft. south of Lake Ola Dr.
PROPERTY ADDRESS: N/A Vacant
PARCEL ID: 08-20-27-8572-05-040
PUBLIC NOTIFICATION: 43
TRACT SIZE: 55 ft. x 170 ft.
DISTRICT #: 2
ZONING: R-CE
EXISTING USE(S): Vacant
PROPOSED USE(S): Single Family Residence
SURROUNDING USES: The site is surrounded by single family residences

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting a variance to construct a house five (5) feet from the side street property line in lieu of fifteen (15) feet.
2. The property is located in the R-CE Rural Country Estates zoning district, which allows a single family home and accessory structures.
3. The lot was platted in 1927, and is considered to be a nonconforming lot of record.
4. Special conditions and circumstances exist on the property. The applicant is requesting the variance in order to locate the house in a manner that will preserve mature oak trees on the property. The Orange County Arborist Division has confirmed these trees are viable and worth saving.

5. Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood.
 - The proposal will locate the house further from the most impacted neighbor.
 - The proposal will allow for the preservation of mature trees and a vegetative buffer.
 - Approval of this request will facilitate infill development.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan, elevations and floor plans dated February 14, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

cc: Craig Davis, Applicant's Representative
1446 9th Street
Winter Garden, Florida 34787

**THEODORE BRIEN
VA-18-03-171**

REQUEST: **Variances** in the R-1A zoning district as follows:
1) To permit installation of a 5 ft. tall wrought iron style fence in the front setback in lieu of a 4 ft. fence.
2) To allow an existing accessory structure to remain 1 ft. from the side (north) property line in lieu of 5 ft.
3) To allow a cumulative total of 840 sq. ft. of existing accessory structure to remain on the subject property in lieu of 500 sq. ft.

ADDRESS: 1624 Coletta Drive, Orlando FL 32807

LOCATION: West side of Coletta Dr. at its intersection with Cornelia Ave.

S-T-R: 15-22-30

TRACT SIZE: 100 ft. x 160 ft.

DISTRICT#: 5

LEGAL: LEAWOOD S/82 LOT 64

PARCEL ID: 15-22-30-5024-00-640

NO. OF NOTICES: 51

DECISION: APPROVED the Variance request #1, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended; and further, **DENIED** the Variance requests #2 and #3, in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3)(unanimous; 6-0, 1 absent):

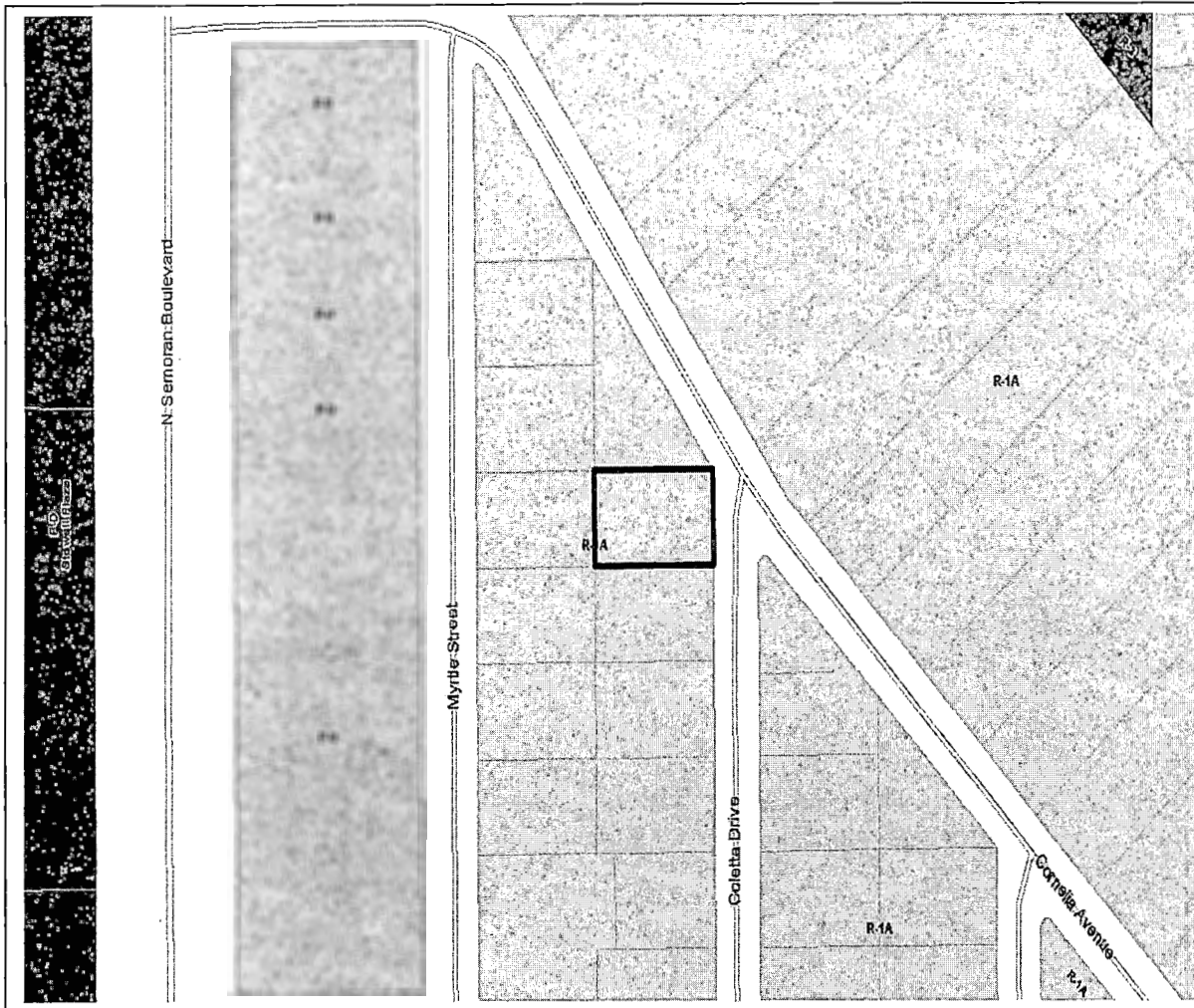
1. Development in accordance with the site plan dated December 27, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The fence shall be similar to that of a traditional wrought iron fence and shall include a spear top to further discourage criminal activity.

5. The non-conforming structures on-site shall be removed or properly located and permitted within 180 days of final action on this application by Orange County.

SYNOPSIS: Staff explained that the applicant had applied for the variance for the fence due to security concerns raised by several institutional uses in the neighborhood. Staff had added the two variances regarding the accessory structures. Staff noted that due to the large expanse of pavement at the intersection of Coletta Dr. and Cornelia Ave. caused by the angled intersect, the subject property faces directly into the intersection. The fence would help to define the applicant's yard, and would be in following with CPTED (Crime Prevention Thru Environmental Design) principles. However due to the age and size of the accessory structures, staff was not supporting the two variances regarding those structures. Staff noted that the applicant had the support of eight (8) neighbors in the area.

The applicant noted that one structure was an aluminum carport which had been brought over from their brother's home to the north. The other was a tarp supported by poles. The BZA asked if the applicant could get permits for the tarp structure. Staff noted that the tarp structure could not remain permanently, as it could not meet Code, especially wind load. It may be possible to obtain permits for the aluminum structure. The applicant would need to obtain specifications for it. The applicant agreed that they would remove the tarp lean-to and move the aluminum structure and obtain permits. There being no one present to speak for or against this application, the public hearing was closed.

The BZA concluded that the variance for the fence was the least variance needed, and that the location at such a large expansive intersection was unusual and specific to the property. The fence was in harmony with the residential nature of the area, and would provide superior security to a four (4) foot tall fence. A motion to recommend approval of Variance #1, and denial of Variances #2 and #3, passed unanimously.



Applicant: Theodore Brien

BZA Number: VA-18-03-171

BZA Date: 03/01/2018

District: 5

Sec/Twn/Rge: 22-22-30-NW-B

Tract Size: 100 ft. x 160 ft.

Address: 1624 Coletta Drive, Orlando FL 32807

Location: West side of Coletta Dr. at its intersection with Cornelia Ave.

RECEIVED

DEC 27 2017

Zoning Division

To whom it may concern

I am seeking a variance to county fence code as to install a 5 foot iron fencing with auto gate in front of my residence. The current fence code is for 4 foot fences.

(5) Except in R-CE, R-CE-2, and R-CE-5, fences and walls in residential and office districts may be created as follows: Limited to a maximum height of four (4) feet in the front yard setback. However, fences or walls located on arterial and collector roadways are limited to a maximum height of six (6) feet in the front yard setback.

Proposing a 5 foot iron fence across the front the front of my property 35 x100 x50 feet with a auto opening front gate and combination lockable walk gate.

Currently with in the last few years with the opening of a Methadone Center and the Covenant House both within a mile of my house. This has brought a lot of unwanted traffic to our neighborhood. There are now 4 places of worship and local business that have increased the traffic thru the neighborhood more are in development. The flow of traffic that cuts the corner, kind of a short cut from east bound hwy 50 to north bound hwy 436. This flows right past the front of my house. I wish to provide some security for my handicapped wife as she arrives at home at dusk before I get off work. Also my grand children as they get off the bus at my house. Know that some one has broke into out vehicles in my drive way. There has been an increase in criminal activity. I actually saw, a young male having sex with a young female next to the Covenant house for homeless youths, when I was leaving AutoZone. My neighbor actually caught two on his front porch in the act. I have experienced things missing from my yard and my cars in the driveway have been gone thought. There are even people sleeping under the over pass at hwy 50 and 436. My one neighbored just told me, she heard her door open and when she called out her husbands name she heard what sounded like someone run away and slam the door. Her husband was not there. My daughter (neighbor) just caught some one trying to steel a ups package of her front door step

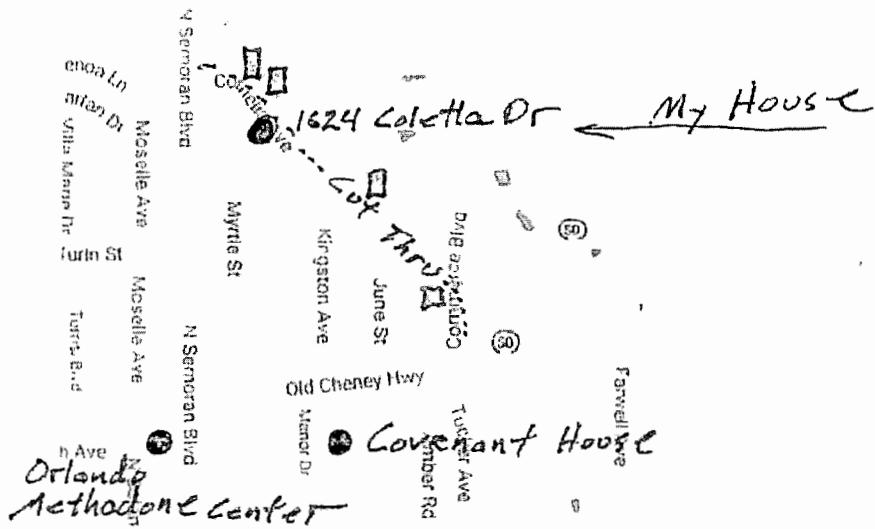
A 4 foot fence is not a real deterrent But at least a 5 foot most will have to climb and not just jump it. I would just like to provide for my family a little more feeling of security by adding a 5 foot iron fence and gate to the front of my property. The fence will look similar to other 5 to 6 foot iron fences on neighboring property and other homes located in the neighborhood.

Orlando Methadone Treatment Center
1002 N Semoran Blvd Orlando FL 32807

Covenant House shelter for run away and homeless youth.
5931 E Colonial Dr Orlando Fl 32807

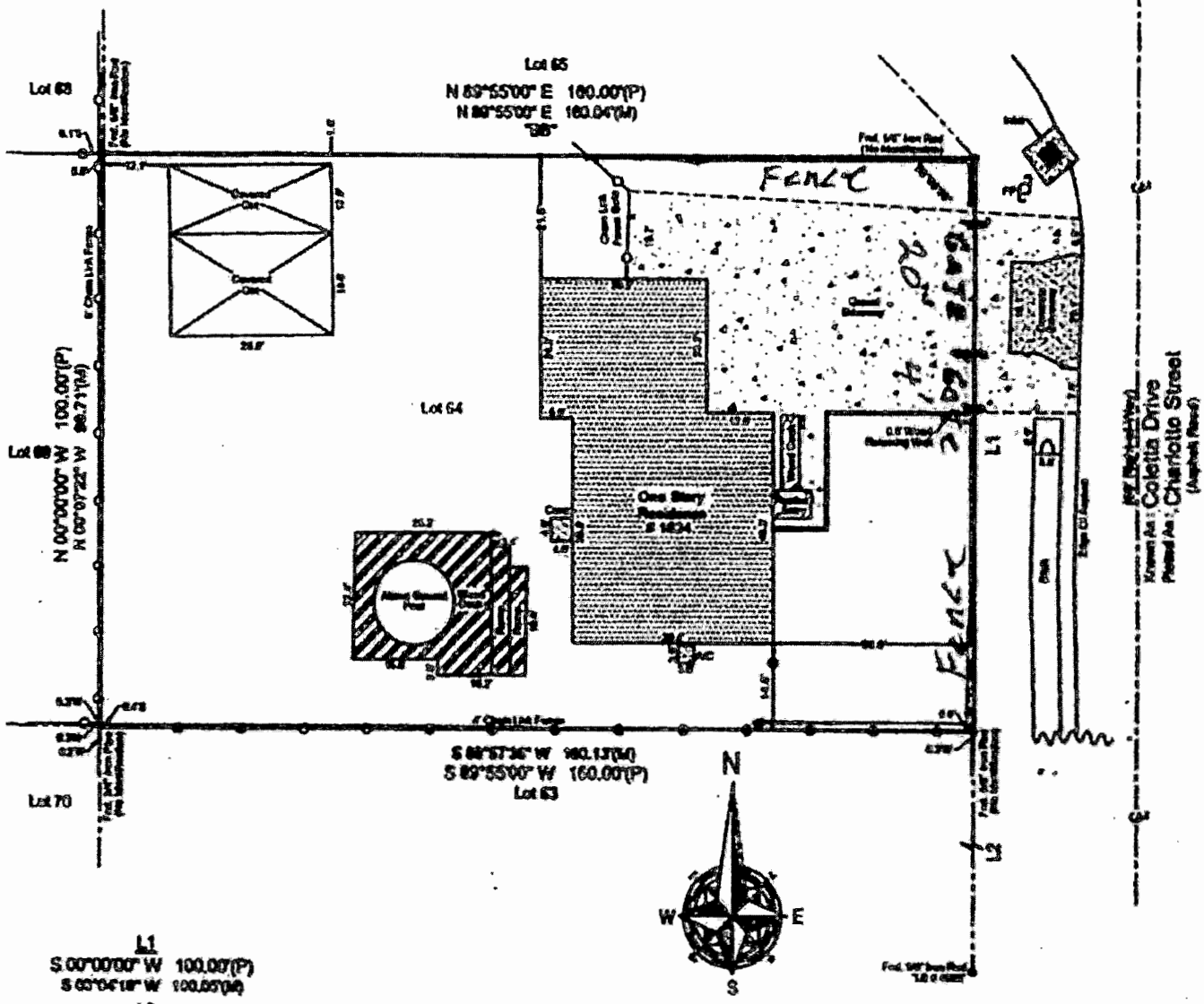
Thank You

Theodore Brien
1624 Coletta Dr
Orlando Fl 32807



Ted Brien
 Design Engineer
 Control Micro Systems
 407-679-9716 x 141
 tedb@cmslaser.com

church





STAFF REPORT
CASE #: VA-18-03-171
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
March 1, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Theodore Brien

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

- 1) To permit installation of a 5 ft. tall wrought iron style fence in the front setback in lieu of a 4 ft. fence.
- 2) To allow an existing accessory structure to remain 1 ft. from the side (north) property line in lieu of 5 ft.
- 3) To allow a cumulative total of 840 sq. ft. of existing accessory structure to remain on the subject property in lieu of 500 sq. ft.

LOCATION: West side of Coletta Dr. at its intersection with Cornelia Ave.

PROPERTY ADDRESS: 1624 Coletta Dr., Orlando, FL 32807

PARCEL ID: 15-22-30-5024-00-640

PUBLIC NOTIFICATION: 51

TRACT SIZE: 100 ft. x 160 ft.

DISTRICT #: 5

ZONING: R-1A

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Wrought Iron Style Fence

SURROUNDING USES: N - Single Family Residence
S - Single Family Residence
E - Single Family Residence/Religious Institution
W -Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The applicant cites security issues due to the presence of several institutional uses in the area.
2. The property is zoned R-1A, which is a single family zoning district that requires larger lots.
3. The applicant has provided seven (7) letters of support from neighbors.

4. A review of past permits for the subject property indicates that the accessory structures were never permitted. A review of historic aerials indicates that the structures have been in existence since at least 2005. This is not a result of code enforcement.
5. There is an existing natural vegetative buffer between the applicant's shed and the neighboring property.
6. Due to the size and configuration of the intersection of Coletta Drive and Cornelia Avenue, the applicant's residence faces the center of the intersection. The fence would serve to create a visual definition to the front of the property, which would be in scale with the surroundings. A five (5) foot tall fence would provide superior security to a four (4) foot fence.
7. Staff is recommending approval of Variance #1, for the following reasons:
 - a) The location at a large intersection is a special condition unique to this lot.
 - b) The one foot variance is the minimum possible variance that would make reasonable use of the structure.
 - c) The style of fence and height would be in harmony with the surrounding uses and not be injurious to the neighborhood.
8. Given the proximity of the existing shed to the side lot line, and its age, it is doubtful that the shed could meet code for the issuance of a permit. The shed could be moved to meet setbacks and is self-created because it was built without a permit. Therefore, staff is not supporting Variances #2 or #3, which would validate the existing shed.

STAFF RECOMMENDATION:

Staff recommends approval of the variance for the fence; however, given the age and location of the existing shed, staff is not supporting Variances #2 and #3. Should the BZA concur with staff's recommendation, Condition #5, should be eliminated and Condition #6, shall remain. Should the BZA find that the request to retain the shed has met the conditions for granting a variance, Condition #5, should be retained and Condition #6, eliminated:

1. Development in accordance with the site plan dated December 27, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The fence shall be similar to that of a traditional wrought iron fence and shall include a spear top to further discourage criminal activity.
5. The applicant shall obtain permits for all unpermitted structures within 120 day of final action on this request or the variance for the shed shall be null and void.
6. The non-conforming structures on-site shall be removed prior to the issuance of a fence permit.

cc: Theodore Brien, Applicant
1624 Coletta Drive
Orlando, Florida 32807

LUI PING NG
VA-18-03-172

REQUEST: **Variations** in the A-2 zoning district as follows:
1) To permit an existing residence to remain on a lot with .25 acres of land in lieu of .5 acres.
2) To allow a covered porch addition to the front of the house with a front (east) setback of 31 ft. in lieu of 35 ft.
3) To allow an existing shed to remain with a side (north) setback of 4.5 ft. in lieu of 5 ft.
Note: A variance was granted May 5, 1989 (#37) to allow a rear setback of 35 ft.

ADDRESS: 2916 Cleburne Road, Orlando FL 32817

LOCATION: West side of Cleburne Rd., approximately 275 ft. south of Buck Rd.

S-T-R: 08-22-31

TRACT SIZE: 110 ft. x 100 ft.

DISTRICT#: 5

LEGAL: THE S 110 FT OF W 130 FT OF E 770 FT OF N 400 FT OF NW1/4 OF SE1/4 (LESS E 30 FT FOR RD R/W) OF SEC 08-22-31

PARCEL ID: 08-22-31-0000-00-106

NO. OF NOTICES: 47

ON FEBRUARY 16, 2018, THE APPLICANT REQUESTED THIS CASE BE CONTINUED TO A DATE UNCERTAIN IN THE NEAR FUTURE.

REQUEST: **Special Exception** in an A-2 zoning district to allow an accessory dwelling unit.
Variance to allow an accessory dwelling unit with 1,072 sq. ft. in lieu of 982 sq. ft. (45% of 2,183 sq. ft. primary residence)

ADDRESS: 19703 Sabal Street, Orlando FL 32833

LOCATION: North side of Sabal St., west of Bancroft Blvd., north of the Beachline Expressway.

S-T-R: 26-23-32

TRACT SIZE: 150 ft. x 300 ft.

DISTRICT#: 5

LEGAL: CAPE ORLANDO ESTATES UNIT 7A 3/103 LOT 111 BLK 1

PARCEL ID: 26-23-32-1173-11-110

NO. OF NOTICES: 51

DECISION: **APPROVED** the Special Exception request in that the Board finds it met 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 further, **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated January 11, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Construction plans shall be submitted within three (3) years of the final County approval, or this approval becomes null and void.

5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
6. The exterior of the ADU shall have similar colors and design materials as the primary residence.
7. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.
8. The applicant shall obtain permits for the existing structure located at the rear of the property.
9. An improved surface shall be installed from the street to the accessory structure.

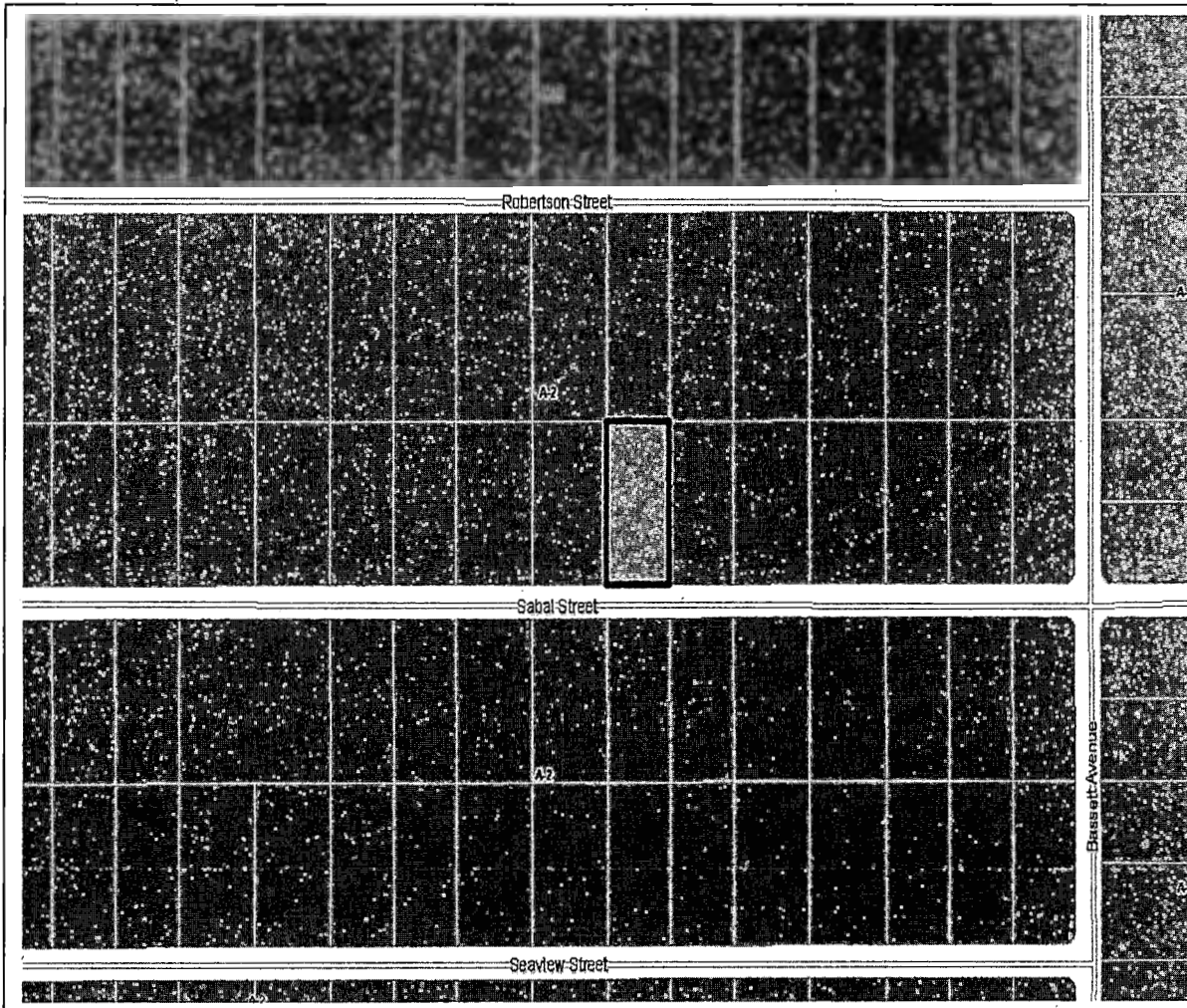
SYNOPSIS: Staff gave a presentation on the case covering the location, the site layout, and photos.

The applicant agreed with the staff report.

The BZA felt that the case was straightforward.

Staff received no commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.



Applicant: Lisa Cline

BZA Number: SE-18-03-002

BZA Date: 03/01/2018

District: 5

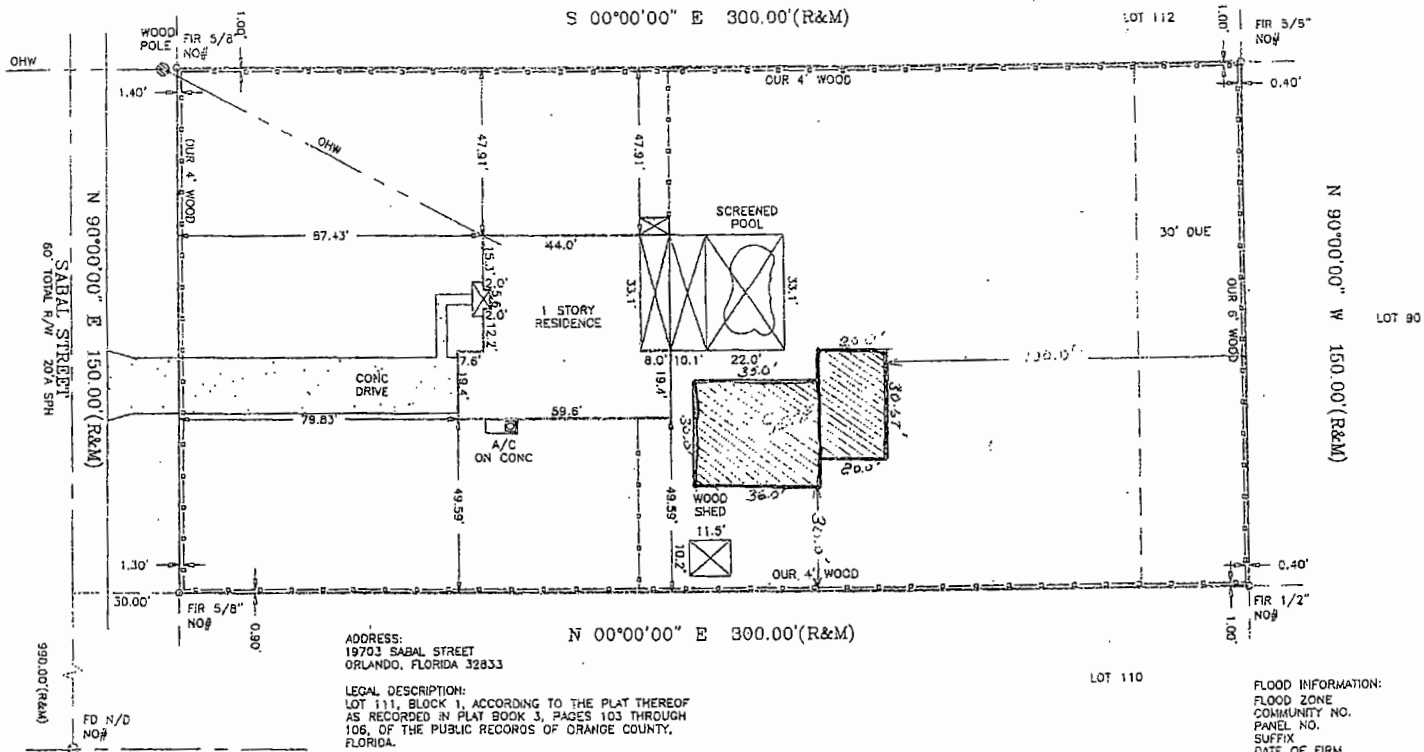
Sec/Twn/Rge: 26-23-32-NE-A

Tract Size: 150 ft. x 300 ft.

Address: 19703 Sabal Street, Orlando FL 32833

Location: North side of Sabal St., west of Bancroft Blvd., north of the Beachline Expressway.

SITE PLAN



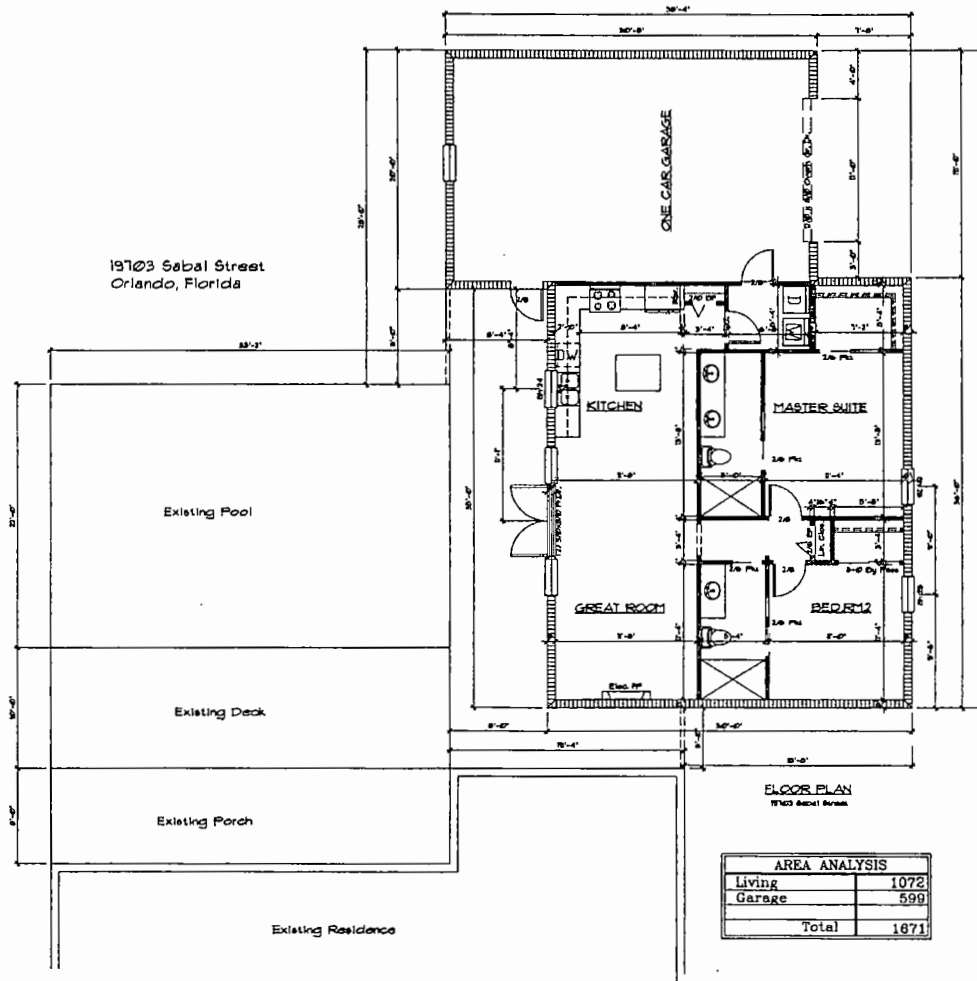
ADDRESS:
19703 SABAL STREET
ORLANDO, FLORIDA 32833

LEGAL DESCRIPTION:
LOT 111, BLOCK 1, ACCORDING TO THE PLAT THEREOF
AS RECORDED IN PLAT BOOK 3, PAGES 103 THROUGH
106, OF THE PUBLIC RECORDS OF ORANGE COUNTY,
FLORIDA.

CERTIFIED TO:
LISA CLINE AND JOSEPH CLINE, DEAN MEAD LAW FIRM,
STANLEY GRAVENMIER, COUNTRYWIDE.

FLOOD INFORMATION:
FLOOD ZONE
COMMUNITY NO. 12017
PANEL NO. 050
SUFFIX 1
DATE OF FIRM 12/6/01
DATE OF SURVEY 9/28/01
SURVEY NO. 20444

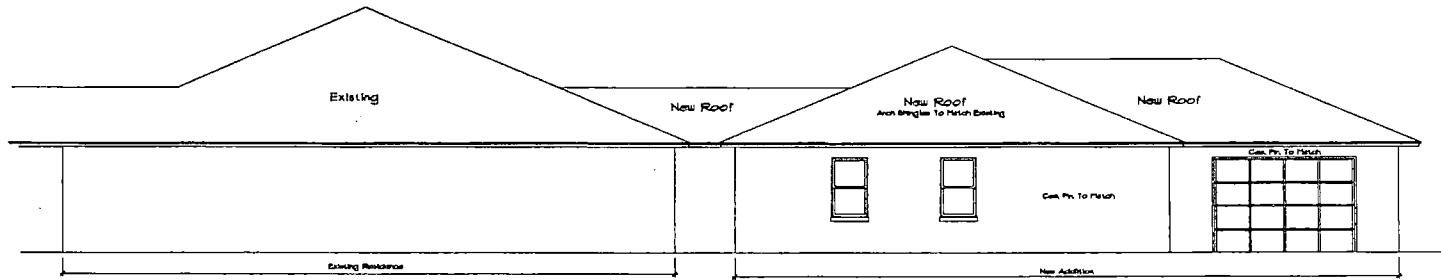
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JAN 11 2016
ORANGE COUNTY
ZONING DIVISION



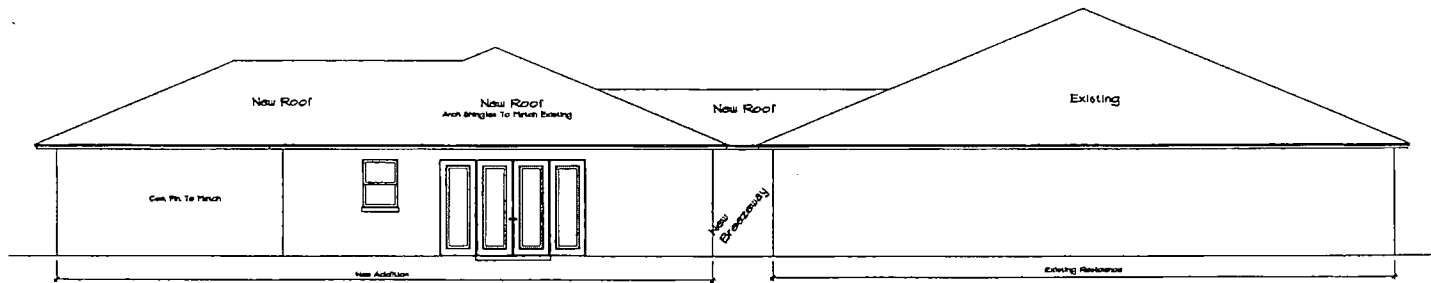
AREA ANALYSIS	
Living	1072
Garage	599
Total	1671

RECEIVED
 JAN 11 2018
 ORANGE COUNTY
 ZONING DIVISION

19703 Sabal Street
Orlando, Florida



RIGHT ELEVATION
19703 Sabal Street



LEFT ELEVATION
19703 Sabal Street

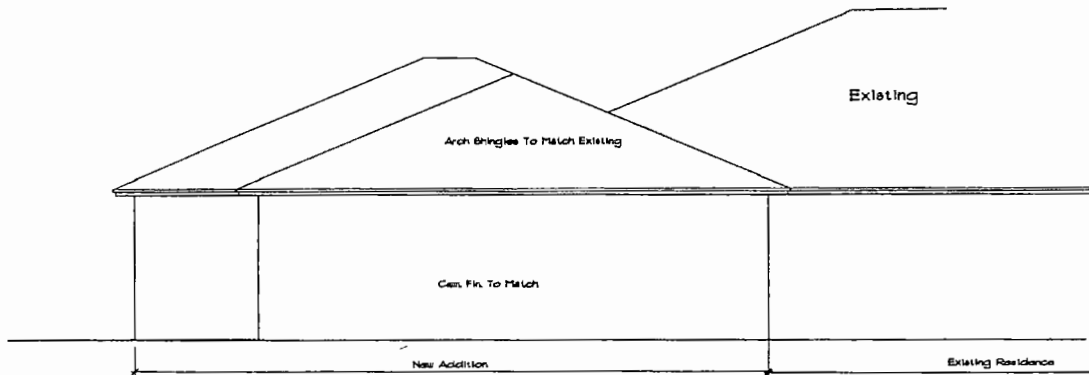
RECEIVED

JAN 11 2018
ORANGE COUNTY
ZONING DIVISION

19703 Sabal Street
Orlando, Florida



FRONT ELEVATION
19703 Sabal Street



REAR ELEVATION

RECEIVED
JAN 11 2018
ORANGE COUNTY
ZONING DIVISION

LISA AND JOSEPH CLINE
19703 SABAL STREET
ORLANDO, FLORIDA 32833

January 10, 2018

Orange County
Board of Zoning Adjustment
201 South Rosalind Avenue
1st Floor
Orlando, FL 32801

To Whom It May Concern:

The purpose of the attached Application is to obtain the County's approval for the construction of an accessory dwelling unit on the property located at 19703 Sabal Street. My husband, Joseph Cline, and I currently reside on this property in a single-family home which is our homestead and desire to build the accessory dwelling unit as a permanent residence for my elderly parents who require our daily care and assistance. The structure will not be rented to anyone at any time.

We live in Cape Orlando Estates Unit 7-A which is a residential subdivision in east Orange County with an A-2 zoning designation. Our property is a platted lot with dimensions of 150' by 300' or approximately 1.03 acres. There is a 30' drainage and utility easement along the rear lot line in favor of Ranger Drainage District which will not be affected by the proposed improvements.

As part of the Special Exception application, we are also requesting a variance with regard to the size of the proposed dwelling. The current criteria for accessory dwelling units states that the maximum living area shall not exceed 45% of the living area of the primary dwelling unit or 1,000 s.f. whichever is less which would be approximately 982 s.f. However, our proposed accessory dwelling unit is 1,072 s.f. of living space and a 599 s.f. garage to allow space for handicap-accessibility. My parents currently use walkers to assist with their mobility, however, my father will soon be using a wheelchair. It will be a hardship if the proposed dwelling is not able to be built with the extra space for this reason.

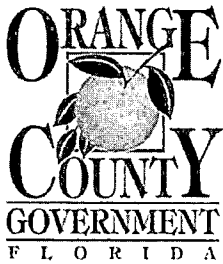
The proposed dwelling will be constructed of concrete block/stucco with architectural shingles and will match the primary dwelling unit in color. The accessory dwelling unit is well within the setback requirements for the primary dwelling unit and the only entrances will be through the rear of the structure and through the garage. The attached garage meets the parking requirements. Additionally, the accessory dwelling unit is compatible with the surrounding land use as it will be used solely as a residence for my elderly parents. The design will be similar and compatible with the existing structure and the character of the neighborhood.

Thank you for your kind consideration.

Sincerely,


Lisa Cline

RECEIVED
JAN 11 2018
ORANGE COUNTY
ZONING DIVISION



STAFF REPORT
CASE #SE-18-03-002
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
March 1, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Lisa Cline

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in an A-2 zoning district to allow an accessory dwelling unit.

Variance to allow an accessory dwelling unit with 1,072 sq. ft. in lieu of 982 sq. ft. (45% of 2,183 sq. ft. primary residence)

LOCATION: North side of Sabal St., west of Bancroft Blvd., north of the Beachline Expressway.

PROPERTY ADDRESS: 19703 Sabal St.

PARCEL ID: 26-23-32-1173-11-110

PUBLIC NOTIFICATION: 51

TRACT SIZE: 150 ft. x 300 ft.

DISTRICT #: 5

ZONING: A-2

EXISTING USE(S): Single family residence

PROPOSED USE(S): Single family residence with ADU

SURROUNDING USES: N – Single family residence
S – Single family residence
E – Vacant
W - Vacant

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting Special Exception approval to construct a detached accessory dwelling unit for their parents in the rear yard. The subject property has a Homestead Exemption.
2. The applicant is also requesting a variance to construct the accessory dwelling unit with 1,072 sq. ft. in lieu of 982 sq. ft.
3. The property is located in the A-2Citrus Rural zoning district, which allows agricultural uses and a single family home with accessory structures.
4. Adequate parking is available to accommodate the ADU. The addition will be to the rear of the existing residence, which will not be readily visible from Sabal Street.
5. Per the aerials there appear to be three (3) structures without permits located in the rear yard. The applicant has indicated two (2) are gardens and has agreed to get a permit for the larger structure per condition #8.
6. Approval of the variance request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood or public welfare:
 - a) The additional ADU square footage is minimal and will not cause any additional negative impact.
 - b) The ADU will be located on a 1.033-acre lot behind the main house.
 - c) The ADU will be located 30 ft. from the side property line, 150 ft. from the street, and 100 feet from the rear.
7. Approval of the Special Exception will comply with the specific criteria:
 - a) Comprehensive Plan Policy FLU8.9.1 promotes the use of accessory dwelling units.
 - b) The ADU use is similar and compatible with the surrounding area.
 - c) The ADU will not be a detrimental intrusion into the surrounding area.
 - d) The use meets the performance standards of the district.
 - e) The characteristics and impacts of an ADU are consistent with the majority of uses permitted in the A-2 zoning district.
 - f) There is no landscape buffer required between residential properties.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan, floor plan, and elevations, dated January 11, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Construction plans shall be submitted within three (3) years of the final County approval, or this approval becomes null and void.
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
6. The exterior of the ADU shall have similar colors and design materials as the primary residence.
7. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.
8. The applicant shall obtain permits for the existing structures located at the rear of the property or remove them prior to obtaining a permit for the ADU.
9. An improved surface shall be installed from the street to the accessory structure.

cc: Lisa Cline, Applicant
19703 Sabal Street
Orlando, Florida 32833

DEREK COOK
VA-18-03-003

REQUEST: **Variances** in the R-1AA zoning district as follows:
1) To allow an existing shed to remain 0 ft. from the side (southerly) property line in lieu of 5 ft.
2) To allow an existing carport to remain 0 ft. from the side (southerly) property line in lieu of 5 ft.

ADDRESS: 3815 Laguna Street, Orlando FL 32805

LOCATION: Easterly side of Laguna St., on the west side of Lake Holden, approximately 65 ft. south of 38th St.

S-T-R: 11-23-29

TRACT SIZE: 1.5 Acres (Approximately .5 Acres upland remainder submerged).

DISTRICT#: 3

LEGAL: BEG 145.2 FT N & 47.19 FT E OF SW COR OF NW1/4 OF SW1/4 OF NW1/4 RUN N 30 DEG E 125 FT S 58 DEG E 150 FT E 423.38 FT S 107.41 FT W 487.13 FT N 58 DEG W 150 FT TO POB SEC 11-23-29

PARCEL ID: 11-23-29-0000-00-054

NO. OF NOTICES: 249

DECISION: **DENIED** the Variance request #1, in that there was no unnecessary hardship shown on the land; further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3); and further, **APPROVED** the Variance request #2, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0, 1 absent).

1. Development in accordance with the site plan dated January 11, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Permits for the accessory structures shall be obtained within sixty (60) days of final approval or

this approval becomes null and void.

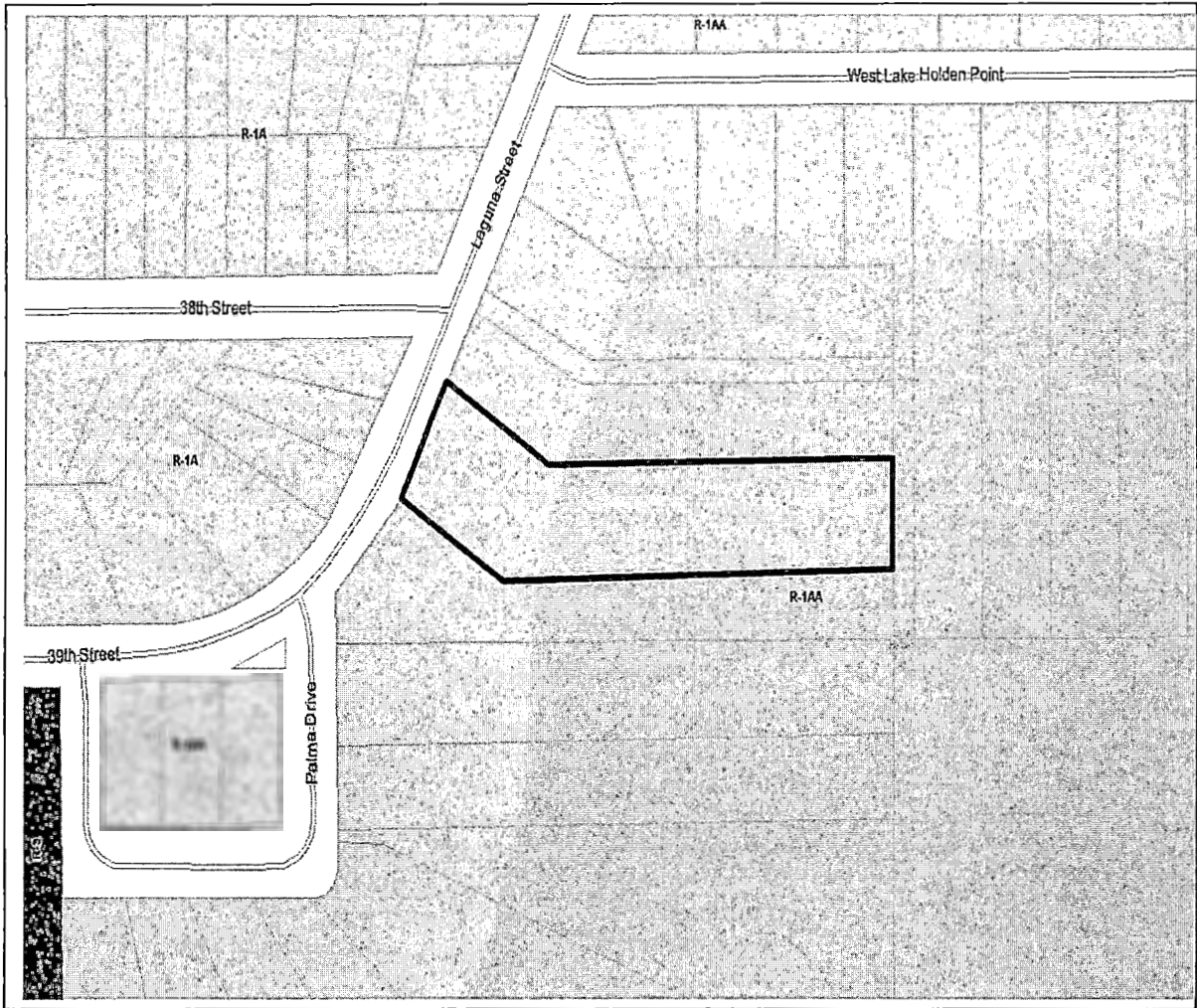
SYNOPSIS: Staff explained that both structures were built on the property line and do not meet the five (5) feet side setback. It appears that both of the structures were existing when the current owner purchased the property. Staff recommended denial of the variances as the request did not meet the variance criteria.

The applicant stated they bought the property "as is" and were not aware of the permitting issues. They stated the shed was built in 1994 and the carport was built in 2016. The applicant also stated they want to get the structures permitted and be code compliant.

Code enforcement staff spoke regarding the case and stated the neighbor to the south called in the violation. The code enforcement officer showed photographs of the fence and the existing shed.

The neighbors to the south spoke in opposition of the application and felt that both structures needed to be moved to meet the side setbacks.

The BZA discussed the case and felt like the shed was a nuisance to the neighbor because it was on the property line. The board felt the carport was less intrusive and agreed to grant Variance #2 and deny Variance #1.



Applicant: Derek Cook

BZA Number: VA-18-03-003

BZA Date: 03/01/2018

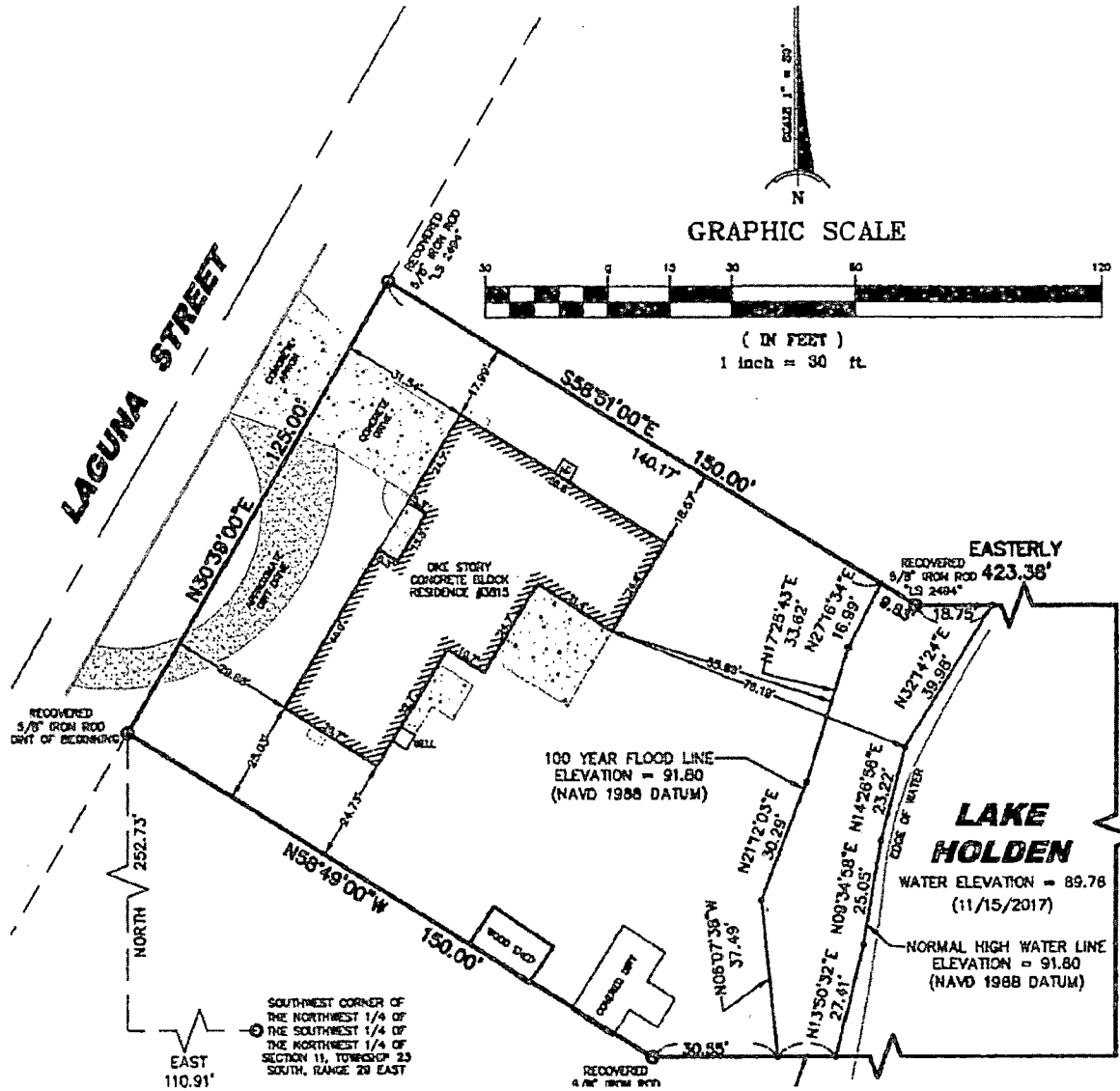
District: 3

Sec/Twn/Rge: 11-23-29-NW-B

Tract Size: 1.5 Acres (Approximately .5 Acres upland remainder submerged.)

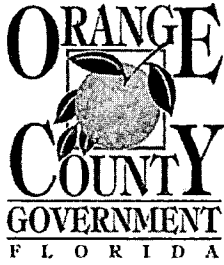
Address: 3815 Laguna Street, Orlando FL 32805

Location: Easterly side of Laguna St., on the west side of Lake Holden, approximately 65 ft. south of 38th St.



Derek Cook
3815 Laguna St
Orlando Fl 32805

Derek and Lisa Cook bought their house at 3815 Laguna St. in May of 2016 "as is". We were un-aware of the shed having an expired permit and the car post not permitted in the back yard. After doing some research, the permit for the shed was pulled in 1993 but was not placed in the proper location. We need the variance to close the permit for the shed and to apply for a permit for the carport. We have erected a 6' wood privacy fence around the rear of the yard, which partly screens the view of the shed and carport from the neighbors.



STAFF REPORT
CASE #: VA-18-03-003
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
March 1, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Derek Cook

REQUEST: Variances in the R-1AA zoning district as follows:
1) To allow an existing shed to remain 0 ft. from the side (southerly) property line in lieu of 5 ft.
2) To allow an existing carport to remain 0 ft. from the side (southerly) property line in lieu of 5 ft.

LOCATION: Easterly side of Laguna St., on the west side of Lake Holden, approximately 65 ft. south of 38th St.

PROPERTY ADDRESS: 3815 Laguna St., Orlando, FL 32805

PARCEL ID: 11-23-29-0000-00-054

PUBLIC NOTIFICATION: 249

TRACT SIZE: 1.5 Acres (Approximately .5 Acres upland)

DISTRICT #: 3

ZONING: R-1AA

EXISTING USE(S): Single Family Residential w/Accessory Structures

PROPOSED USE(S): Single Family Residential w/Accessory Structures

SURROUNDING USES: N - Single Family Residential
S - Single Family Residential
E - Lake Holden
W - Single Family Residential

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned R-1AA, which is a single family zoning district that requires larger lots. This lot meets all the lot size requirements.
2. This is a lake front lot which overlooks Lake Holden. This lake is predominantly surrounded by single family homes.
3. The cumulative square footage of the accessory structures is less than what code allows.
4. A permit was pulled for the existing shed in 1993 (B93014674). The shed was built on the property line instead of five (5) feet away from the property line as indicated in the approved permit. That permit was never closed out and the applicant submitted for a permit to replace the original in 2016 (B16019084). The 2016 permit was not approved by the Building Division and is still in pending status. That permit indicated the structure would meet the side setback.
5. The carport structure was built sometime in 2016, without a permit. This case is a result of a code enforcement violation. The applicant purchased the property in May 2016.
6. The applicant states both structures were existing when they purchased the property. However, a title search or other due diligence should have uncovered the permitting issues on the property.
7. There is no special circumstance or condition preventing the structures from meeting the required side setback, which is five (5) feet. The rear yard is quite large and has adequate space to fit both structures.

STAFF RECOMMENDATION:

Staff recommends denial of both variances, however if the BZA recommends approval, the following conditions shall apply:

1. Development in accordance with the site plan dated January 11, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Permits for the accessory structures shall be obtained within sixty (60) days of final approval or this approval becomes null and void.

cc: Derek Cook, Applicant
3815 Laguna Street
Orlando, Florida 32805

**ZELLWIN FARMS
VA-18-03-004**

REQUEST: **Variations** in the I-4 zoning district as follows:
 1) To allow a rear setback (north property line) of 0 ft. in lieu of 10 ft.
 2) To allow a side setback (west property line) of 6 ft. in lieu of 25 ft.

ADDRESS: 6051 Jones Avenue, Mount Dora FL 32757

LOCATION: North of Jones Ave, east of Highway 441

S-T-R: 21-20-27

TRACT SIZE: 353 ft. x 347 ft.

DISTRICT#: 2

LEGAL: BEG 380 FT W OF SE COR OF NE1/4 OF SE1/4 RUN N 372.4 FT
 W 361.15 FT S 51.88 FT W 6.14 FT S 138.98 FT E 12.45 FT S
 181.97 FT E 353.83 FT TO POB IN SEC 21-20-27 (LESS S 25 FT
 FOR RD)

PARCEL ID: 21-20-27-0000-00-133

NO. OF NOTICES: 101

DECISION: **APPROVED** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0 and 1 absent):

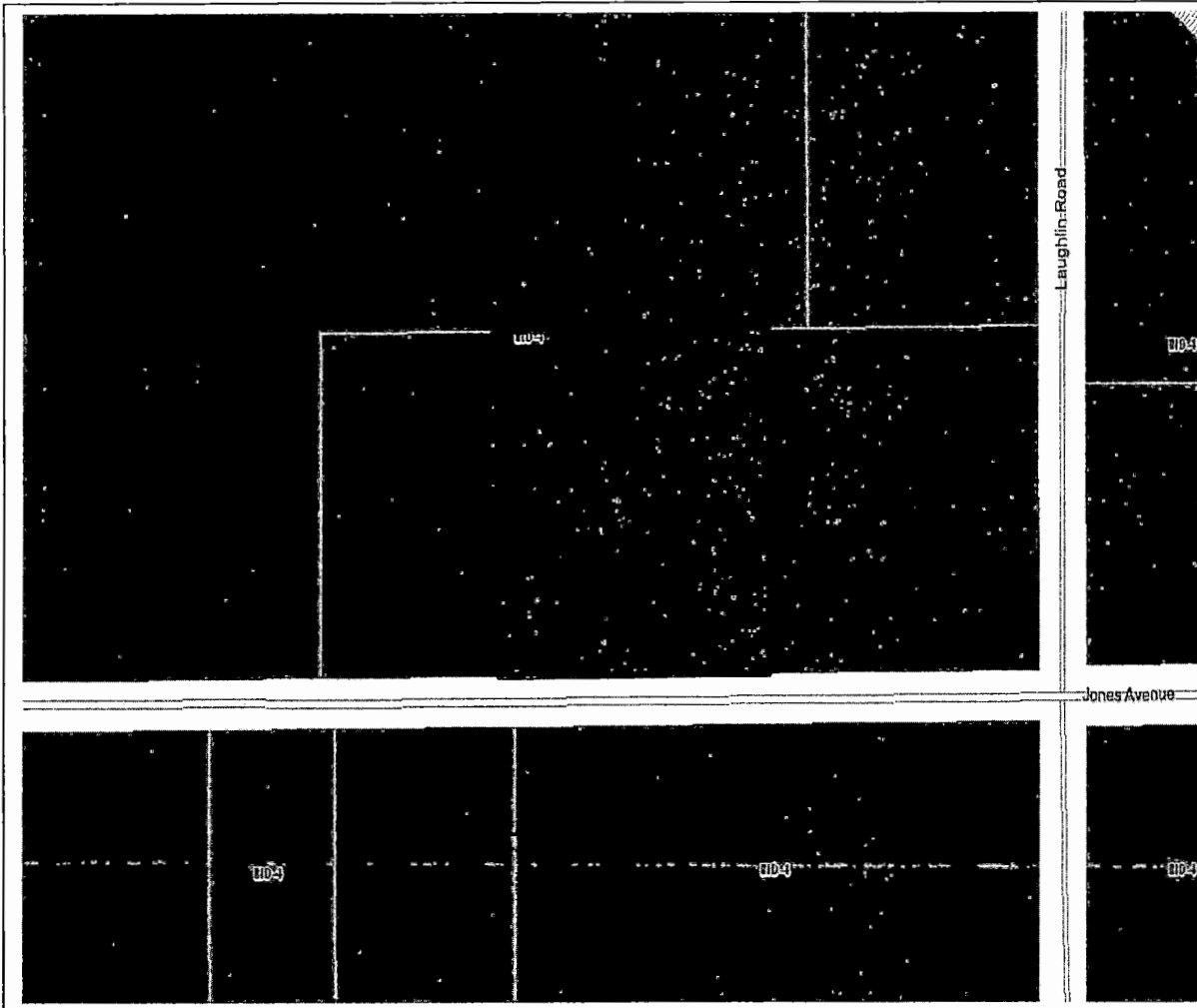
1. Development in accordance with the site plan dated January 12, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff stated the variances were for existing warehouse buildings that were not meeting required setbacks per the I-4 requirements. The applicant submitted for a lot split to rectify this; however, the neighbor was not willing to sign off on the quitclaim deed to allow for lot line reconfigurations. Therefore, the variances were the only option the applicant had.

The applicant agreed with staff's presentation and mentioned this was their last resort to fixing the setback issue.

No one spoke in favor or in opposition of the application.

BZA agreed the request met the variance criteria and the variances were necessary to allow the buildings to remain. The BZA unanimously approved the request.



Applicant: Zellwin Farms

BZA Number: VA-18-03-004

BZA Date: 03/01/2018

District: 2

Sec/Twn/Rge: 21-20-27-SE-D

Tract Size: 353 ft. x 347 ft.

Address: 6051 Jones Avenue, Mount Dora FL 32757

Location: North of Jones Ave, east of Highway 441



Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.
 420 South Orange Avenue, Suite 700
 P.O. Box 2346 (ZIP 32802-2346)
 Orlando, FL 32801

(407) 841-1200
 (407) 423-1531 Fax
 www.deanmead.com

Attorneys and Counselors at Law
 Orlando
 Fort Pierce
 Tallahassee
 Tampa
 Viera/Melbourne

ANNA LONG
 (407) 428-5120
 along@deanmead.com

January 11, 2018

VIA E-MAIL (Sean.Bailey@ocfl.net)
AND FEDERAL EXPRESS
 Orange County Zoning Division
 201 S Rosalind Avenue
 Orlando FL 32801
 Attention: Sean J Bailey, Chief Planner - BZA Section

Re: Variance Application - Zellwin Farms Company
 Parcel ID No.: 21-20-27-0000-00-133

Dear Mr. Bailey:

The applicant, Zellwin Farms Company ("Zellwin"), is requesting a variance to the setback requirements along the north property boundary of Parcel ID No.: 21-20-27-0000-00-133 (the "Property") to address encroachment of two existing buildings.

As set forth in Section 30-43(3), Chapter 30, Orange County Code of Ordinances, this letter, along with the completed Variance Application form and supporting documentation, provides that the variance being requested is due, in part, to special conditions and circumstances, as further described herein. In addition, the need for the variance is not self-created, in that it is the result of the adjacent property owner's refusal to follow through with a lot line reconfiguration, recommended and approved by the Orange County Zoning Division. The adjacent property owner had previously agreed to have Zellwin process the lot line reconfiguration application through Orange County (the "County"). The details of Zellwin's efforts to resolve the setback issue through the lot line reconfiguration process are set forth below. No privilege will be conferred upon Zellwin resulting from approval of the requested variance. Zellwin will face undue hardship if the variance is not approved. Without a variance, the property cannot be offered for sale as contemplated because the location of the buildings are within the required County setback and as such presents as a cloud on the title of the Property. Zellwin had previously pursued the recommended path of seeking a lot line reconfiguration, but as noted herein, the adjacent property owner has reneged on cooperating in finalizing the same. The minimal possible variance is being requested. Zellwin is requesting a variance to the rear setback of two existing buildings along its northern property boundary of 10' for Building 1 and 3' for Building 2. Both of these building locations are depicted in greater detail on the site

.....
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Sean J Bailey, Chief Planner - BZA Section
January 11, 2018
Page 2

plan/survey (page 1 of 2) attached and enclosed with the Application referenced herein. The approval of the requested variance will be in harmony with the purpose and intent of the Zoning Regulations. Approval of the requested variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In July 2006, Zellwin entered into a real estate transaction to sell the Property and an adjacent parcel which it owns (Parcel ID No. 21-20-27-0000-00-083). During the course of conducting its due diligence, the current tenant and potential buyer had a title report prepared (the "Report"). The Report provided that two existing buildings on the Property did not meet the County's required rear setback distance of ten feet (10') from the Property's northern property boundary. Zellwin was unaware of this setback issue prior to being provided with the Report.

In addition to the rear setback encroachment along the northern property line of the Property, the Report also provided that the western property boundary line of Parcel I.D. No. 21-20-27-0000-00-083 was being encroached upon by its neighbor to the west, Industrial Container Services, Inc. ("ICS"). One of ICS's buildings is actually over the property line and located within Parcel I.D. No. 21-20-27-0000-00-083. In addition, ICS has an additional building and three non-registered aboveground storage tanks (totaling approximately 43,000 gallons) all in violation of the required County side setback distance of twenty-five feet (25').

In addition to owning the property abutting Zellwin's property to the west, ICS is the owner of the property abutting Zellwin's property to the north (the "ICS Property"). After speaking with the County Zoning Division in order to address the setback issues, Zellwin approached ICS in June 2017. ICS agreed to join Zellwin in submitting an application to the County on its behalf, as well as Zellwin's to seek approval to reconfigure the lot lines to bring both the ICS Property and the Property into compliance with the County's applicable setbacks standards. ICS signed the required Agent Authorization Form, dated June 29, 2017, confirming the same (see Attachment "A"). After several submittals to the County to address the various encroachments/setback distances, all at Zellwin's expense, the County approved the lot line reconfiguration in a letter dated November 6, 2017 (see Attachment "B").

Zellwin notified ICS as to the County's approval and prepared and provided to ICS quit claim deeds (the "Deeds") for the land swap, as well as a utility and stormwater drainage easement (the "Easement"). ICS notified Zellwin shortly thereafter that it has changed its mind and would not execute the Deeds or the Easement refusing to proceed, rendering both the Property and the ICS Property non-compliant with County Code. The Orange County Zoning Division advised Zellwin to seek a variance for the rear setback distance along the north property boundary of the Property in order to bring same into compliance with County Code.

In addition to the details set forth with this cover letter, please find enclosed:

1. Completed Variance Application and associated documents;
2. Two (2) copies of detailed site plan/survey with dimensions drawn to scale by a surveyor, licensed contractor, architect or engineer. As the variance is for existing

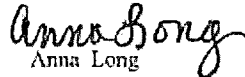
Sean J Bailey, Chief Planner - BZA Section
January 11, 2018
Page 3

buildings, the survey included depicts the existing structures, their dimensions and distances from property lines; and

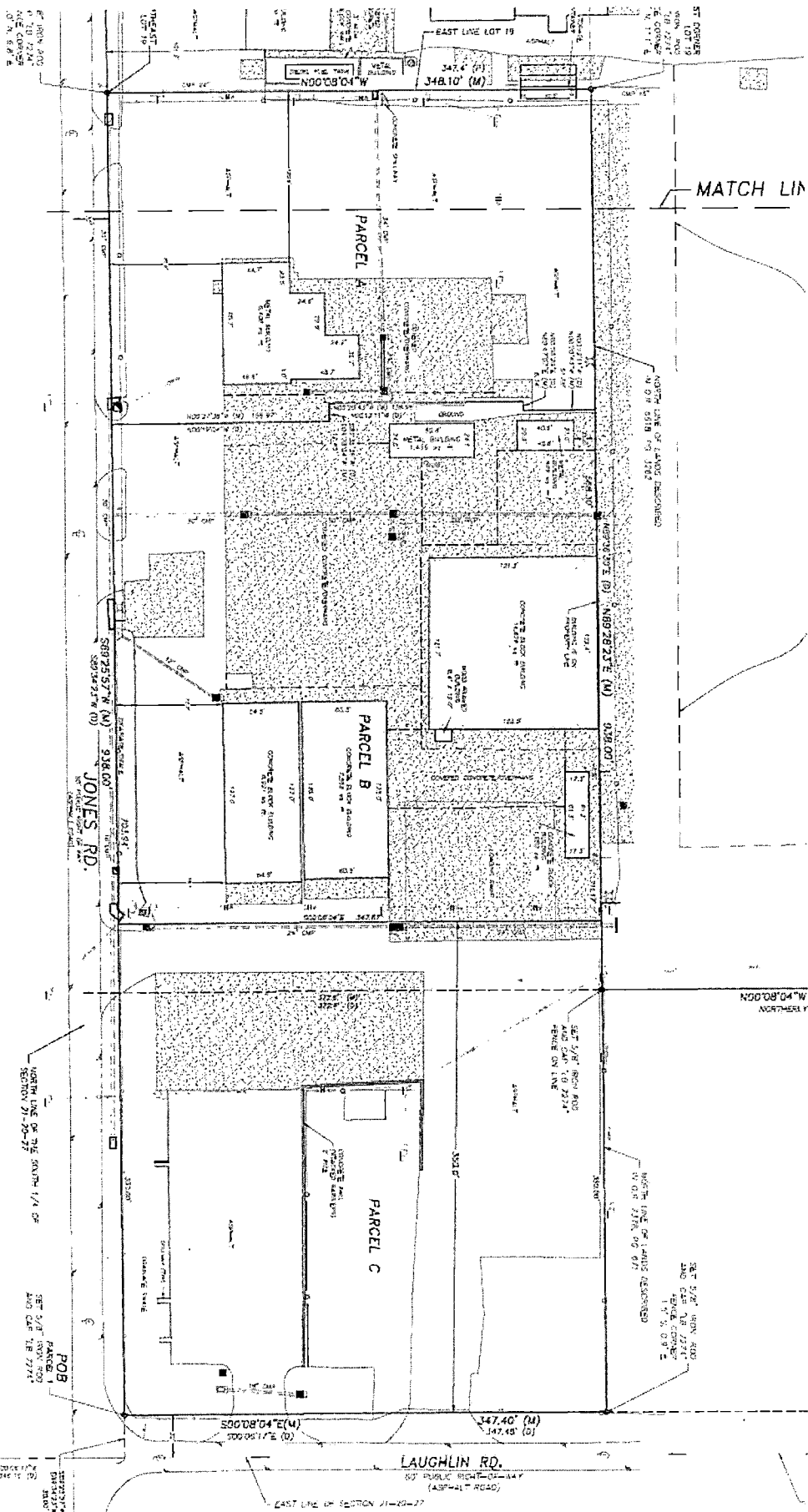
3. Owner's check (No. 021204) in the amount of \$638.00 as required application fee.

Should you have any questions, or require any additional information, please feel free to contact me directly at (407) 428-5120, or Ray Trent directly at (407) 470-0191. Thank you for your attention to this matter.

Sincerely,


Anna Long

AHL:cc
Enclosures
cc: Raymond Trent



MATCH LINE

GRAPHIC SCALE



(3/8" = 100')

1" = 200'

POC
LANDS
SURVEYOR
SECTION 21-20-27

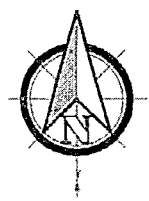
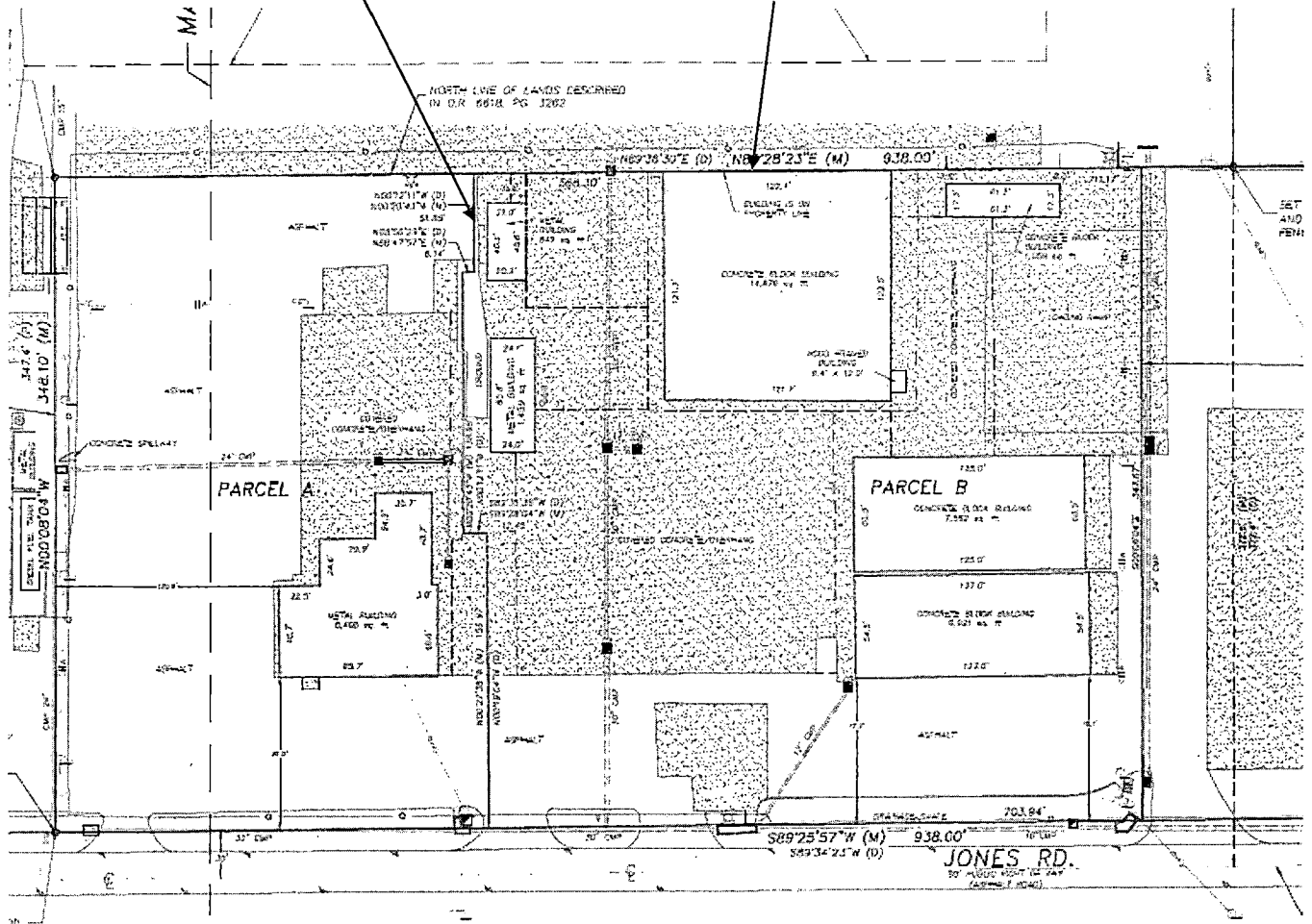
ROB
PATENT
SECTION 21-20-27

LAUGHLIN RD.
PUBLIC RIGHT-OF-WAY
(35'-41' ROAD)

EAST LINE OF SECTION 21-20-27

6 ft. setback in lieu of 25 ft.

0 ft. setback in lieu of 10 ft.





STAFF REPORT
CASE #: VA-18-03-004
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
March 1, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Zellwin Farms

REQUEST: Variances in the I-4 zoning district as follows:
1) To allow a rear setback (north property line) of 0 ft. in lieu of 10 ft.
2) To allow a side setback (west property line) of 6 ft. in lieu of 25 ft.

LOCATION: North of Jones Ave, east of Highway 441

PROPERTY ADDRESS: 6161 Jones Avenue

PARCEL ID: 21-20-27-0000-00-133

PUBLIC NOTIFICATION: 101

TRACT SIZE: 353 ft. x 347 ft.

DISTRICT #: 2

ZONING: I-4

EXISTING USE(S): Warehouse

PROPOSED USE(S): Warehouse

SURROUNDING USES: N - Industrial
S - Industrial
E - Industrial
W -Industrial

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned I-4, which is a heavy industrial district and the most intense zoning district the county has.
2. A lot split was submitted and approved through the Orange County Zoning Division in 2017, under case # LS-17-08-049. The lot split proposed to move the north property line ten (10)

feet to comply with the district setbacks. However, the adjacent property owner never signed off on the deed, therefore, the parcels were not re-configured by the OCPA.

3. The warehouse buildings in question were built in the 1960s and 1970s according to aerials and the property appraiser's website. Staff could not locate these permits, as records from this far back are difficult to find.
4. The property to the north and the subject property are separated by a six (6) foot high chain link fence. This fence creates a buffer between the two (2) properties.
5. The property to the west is owned by Zellwin Farms as well and the side setback variance only affects the applicant. Also, there is an existing structure to the west of the property line that restricts moving the lot line to meet the twenty-five (25) foot setback.
6. The need for the variances is not self-created as the applicant attempted to rectify the setback issue through the lot split process. Due to lack of cooperation from the neighbor, the applicant had no other option but to apply for the variance.
7. Without the variance, the applicant would suffer undue hardship and be forced to demolish existing buildings.
8. Approval of the variance will not be injurious to the surrounding properties due to the industrial nature of the area and existing conditions.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated January 12, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

cc: Anna H. Long, Esq., Applicant's Representative
420 South Orange Avenue, Suite 700
Orlando, Florida 32801

Raymond Trent
P.O. Box 188
Zellwood, Florida 32798

ALAIN CAMACHO BORROTO
VA-18-03-006

REQUEST: Variance in the R-1A zoning district to permit conversion of an existing carport into living area with a side (west) setback of 5 ft. in lieu of 7.5 ft.

ADDRESS: 6134 Mimosa Drive, Orlando FL 32807

LOCATION: South side of Mimosa Dr., approximately 100 ft. east of S. Oxalis Dr.

S-T-R: 27-22-30

TRACT SIZE: 75 ft. x 120 ft.

DISTRICT#: 3

LEGAL: AZALEA PARK SECTION THREE S/118 LOT 2 BLK E

PARCEL ID: 27-22-30-0384-05-020

NO. OF NOTICES: 112

DECISION: **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan and floor plan dated January 12, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall provide two (2) parking spaces (180 square feet each) on an improved surface.
5. The exterior of the conversion shall match the exterior of the existing house.

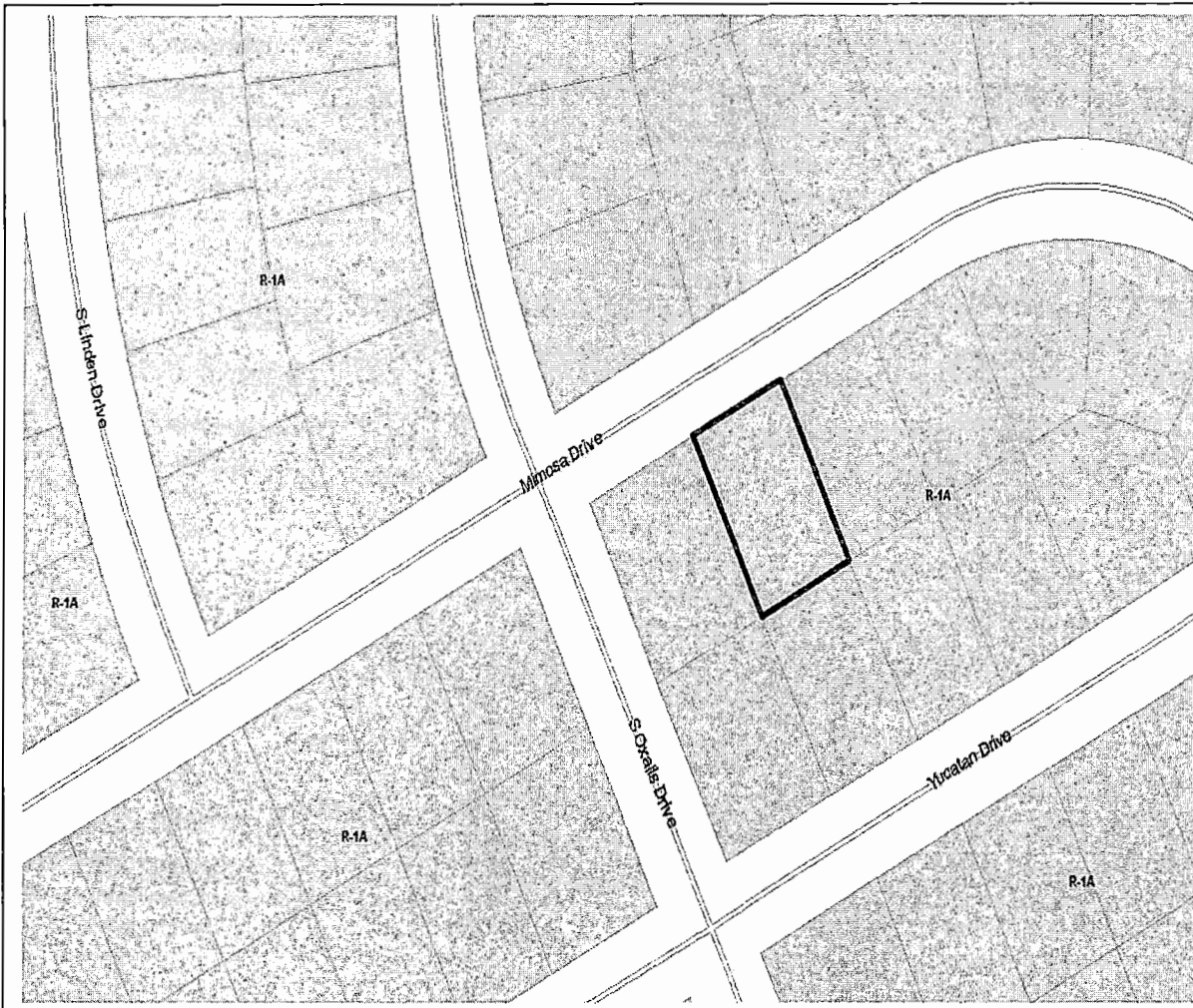
SYNOPSIS: Staff gave a presentation on the case covering the location, floorplan, site layout, and photos.

The applicant was not present.

The BZA felt that the case was straightforward, that they were just continuing the same line as the existing house.

Staff received no commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.



Applicant: Alain Camacho Borroto

BZA Number: VA-18-03-006

BZA Date: 03/01/2018

District: 3

Sec/Twn/Rge: 27-22-30-SE-D

Tract Size: 75 ft. x 120 ft.

Address: 6134 Mimosa Drive, Orlando FL 32807

Location: South side of Mimosa Dr., approximately 100 ft. east of S. Oxalis Dr.

Alain Camacho Borroto
6134 Mimosa Drive
Orlando, FL 32807

January 11, 2018

To whom it may concern;

The following letter is to request a variance for my existing residence, we are converting the existing carport to part of our living space but have an issue with the existing carport encroaching into the 7'-6" setback. We are asking for a variance to change that existing setback to 5'-5" that way we are compliant with zoning regulations and can enclose the carport and convert to new living area.

Thank You for considering this request,

Yours truly

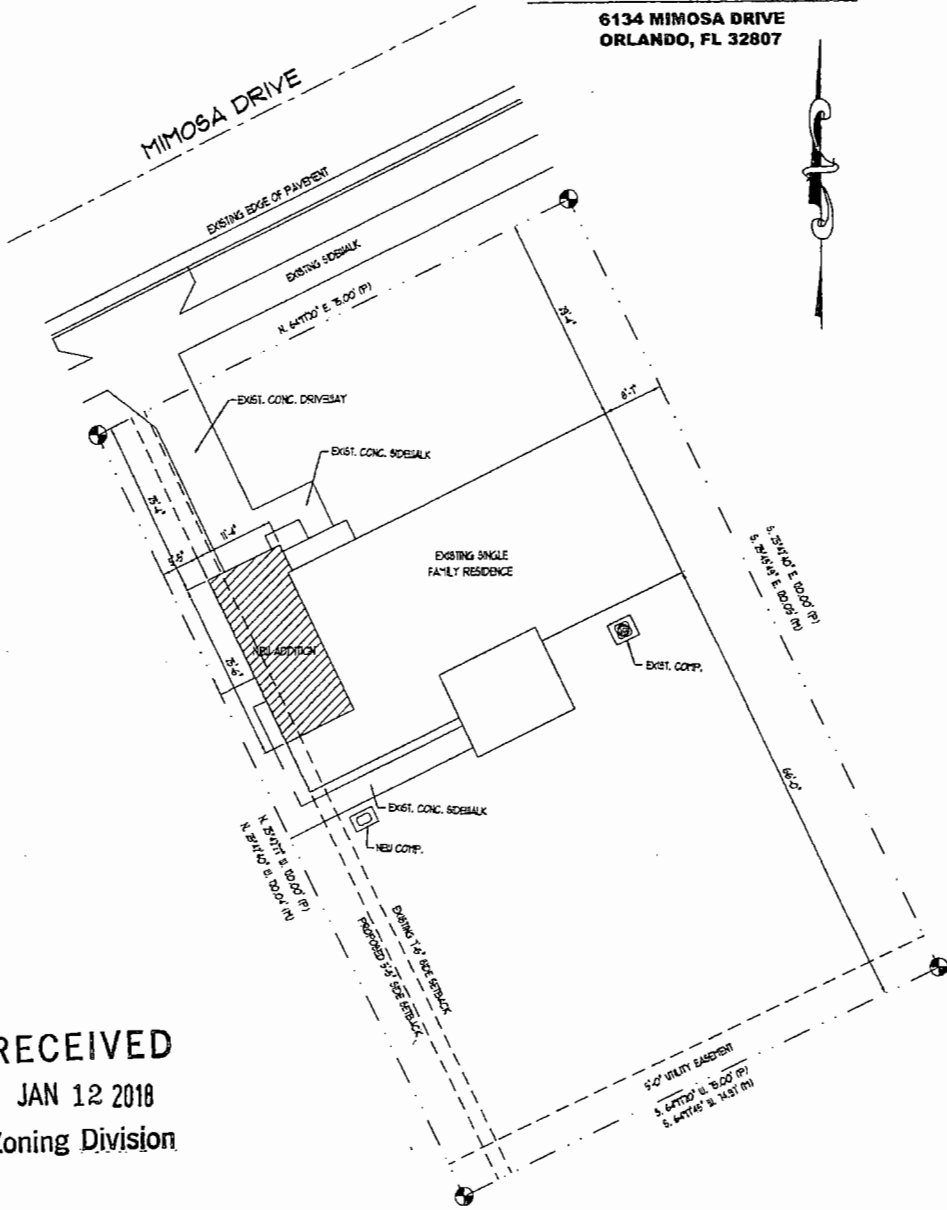
Alain Camacho Borroto

LEGAL DESCRIPTION:

LOT 2, BLOCK E, AZALEA PARK SECTION THREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGES 18-19, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

ADDITION FOR:
ALAIN CAMACHO BORROTO

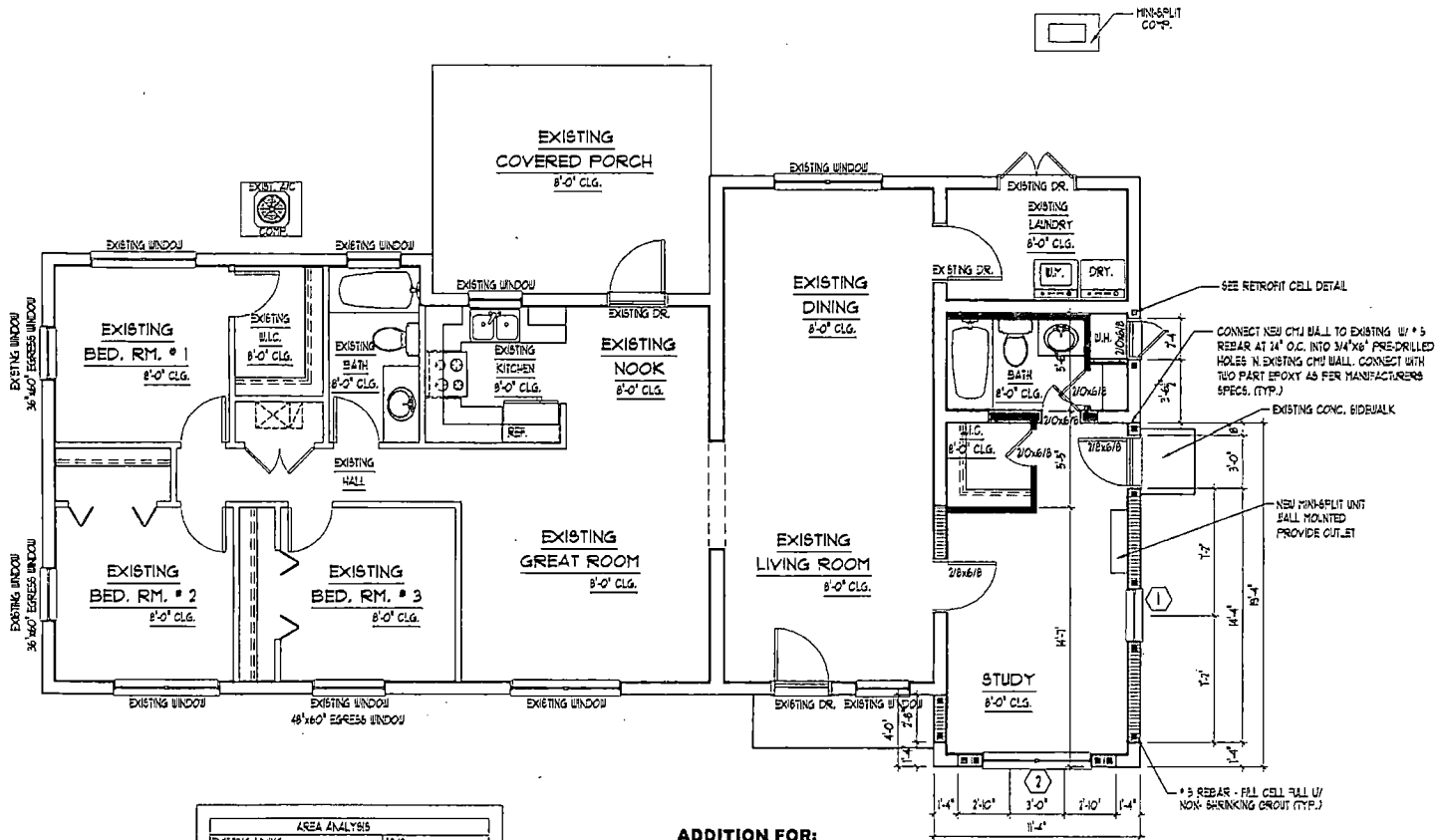
6134 MIMOSA DRIVE
ORLANDO, FL 32807



RECEIVED
JAN 12 2018
Zoning Division

SITE PLAN

SCALE: 1/8\"/>



AREA ANALYSIS	
EXISTING LIVING	1349
NEW LIVING	275
TOTAL LIVING	1624
EXISTING ENTRY	20
EXISTING REAR PORCH	196
TOTAL	1850

ADDITION FOR:
ALAIN CAMACHO BORROTO

6134 MIMOSA DRIVE
ORLANDO, FL 32807

PROPOSED FLOOR PLAN

SCALE: 1/8"=1'-0"



STAFF REPORT
CASE #: VA-18-03-006
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
March 1, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Alain Camacho Borroto

REQUEST: Variance in the R-1A zoning district to permit conversion of an existing carport into living area with a side (west) setback of 5 ft. in lieu of 7.5 ft.

LOCATION: South side of Mimosa Dr., approximately 100 ft. east of S. Oxalis Dr.

PROPERTY ADDRESS: 6134 Mimosa Dr., Orlando, FL 32807

PARCEL ID: 27-22-30-0384-05-020

PUBLIC NOTIFICATION: 112

TRACT SIZE: 75 ft. x 120 ft.

DISTRICT #: 3

ZONING: R-1A

EXISTING USE(S): Single Family Residence w/Carport

PROPOSED USE(S): Additional Living Area

SURROUNDING USES: The site is surrounded by single family residences in all directions

STAFF FINDINGS AND ANALYSIS:

1. The applicant is proposing to enclose an existing carport into living area. The carport is located five (5) feet from the property line. A variance is required to enclose and convert the carport to living space due to the 7.5 foot side setback requirement.
2. The property is located in the R-1A single family residential zoning district, which allows a single family home and accessory structures.
3. Special conditions and circumstances exist on the property. The house was built in 1953, with both the carport and house five (5) feet from the side (west) property line.
4. Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood:
 - (a) No greater deviation is requested than currently exists.

(b) Enclosing the carport with a solid wall will be less intrusive than the existing carport.

5. Two (2) parking spaces (180 square feet each) are required by code for a single family home. Enclosing the carport will remove one of the parking spaces. The applicant will be required to meet code by providing two (2) parking spaces on an improved surface.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan and floor plan dated January 12, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall provide two (2) parking spaces (180 square feet each) on an improved surface.
5. The exterior of the conversion shall match the exterior of the existing house.

cc: Abner Cordero, Applicant's Representative
419 West 19th Street
Sanford, Florida 32773

Alain Camacho Borroto, Applicant
6134 Mimosa Drive
Orlando, Florida 32807

MARGARET FLYNN
VA-18-03-007

REQUEST: Variance in the R-1 zoning district to construct an accessory structure (pergola) in front of the principal structure in lieu of side or rear location.

ADDRESS: 3939 Percival Road, Orlando FL 32826

LOCATION: East side of Percival Rd., north of Lake Pickett Rd.

S-T-R: 12-22-31

TRACT SIZE: 130 ft. x 641 ft.

DISTRICT#: 5

LEGAL: COMM AT NW COR OF SW1/4 OF NE1/4 OF SEC 12-22-31 TH RUN N89-50-27E 53.46 FT TO E R/W LINE OF TANNER RD FOR POB TH N89-50-27E 200.04 FT S01-05-05E 108.23 FT S89-50-27W 209.48 FT N01-17-52W 62.01 FT N88-42-08E 9.84 FT N01-17-52W 46.04 FT TO POB

PARCEL ID: 12-22-31-0000-00-070

NO. OF NOTICES: 46

DECISION: **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0 and 1 absent):

1. Development in accordance with the plans dated January 16, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall preserve the existing vegetation on the front of the lot, along the road.

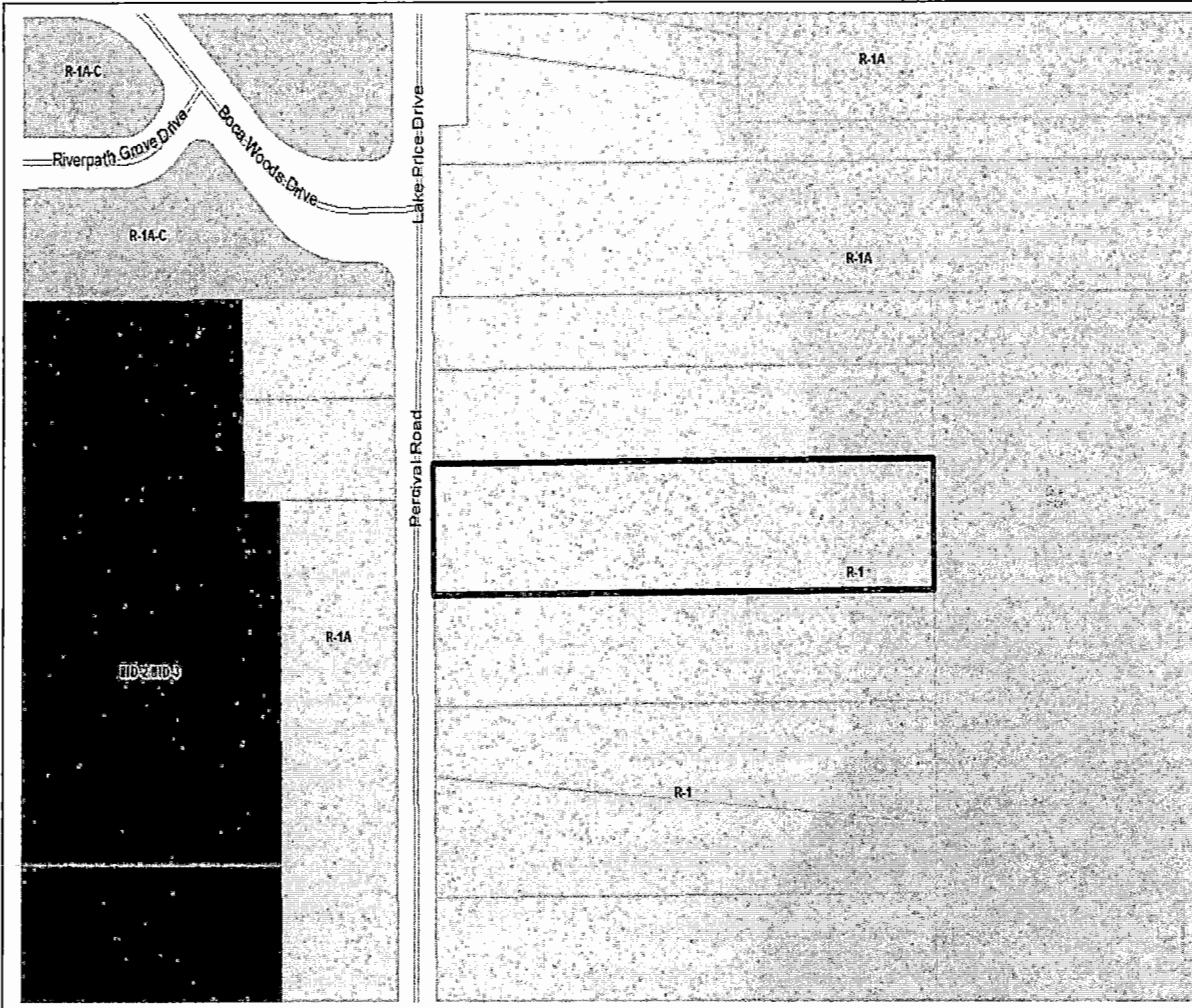
SYNOPSIS: Staff gave a presentation on the case covering the location, site layout, and photos.

The applicant stated that the neighbors were in favor of the request.

The BZA felt that the case was straightforward.

Staff received one commentary in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.



Applicant: Margaret Flynn

BZA Number: VA-18-03-007

BZA Date: 03/01/2018

District: 5

Sec/Twn/Rge: 12-22-31-NW-B

Tract Size: 130 ft. x 641 ft.

Address: 3939 Percival Road, Orlando FL 32826

Location: East side of Percival Rd., north of Lake Pickett Rd.

Letter of Intent

I, MARGARET K. FLYNN, OWNER of
3939 Percival Road, ORLANDO, FL. 32826
would like to put a 14 feet by 18 feet,
Pergola in my front yard. The placement of
the pergola is 140 feet from Percival Road and
60 feet from property line to the NORTH and South.
I have a septic tank on one side of house, a driveway
and garage on other side of house. In front yard
is the septic drain field. The Back of house is
on a lake with limited yard because of cypress
trees, water and swamp. My house is set
260 feet from Road, so it gives me a very large
front yard of trees and grass with limited options for
use. The center placement on the property from the
high water mark would be on the septic tank
drainfield in front of house. This placement is
about 40 feet in front of drain field and 105 feet
from front of house, but is still 140 feet from
Percival Road. This pergola is fiberglass and should
not impact my neighbors or the community. I would
like a variance to locate in front of house.

Margaret K. Flynn

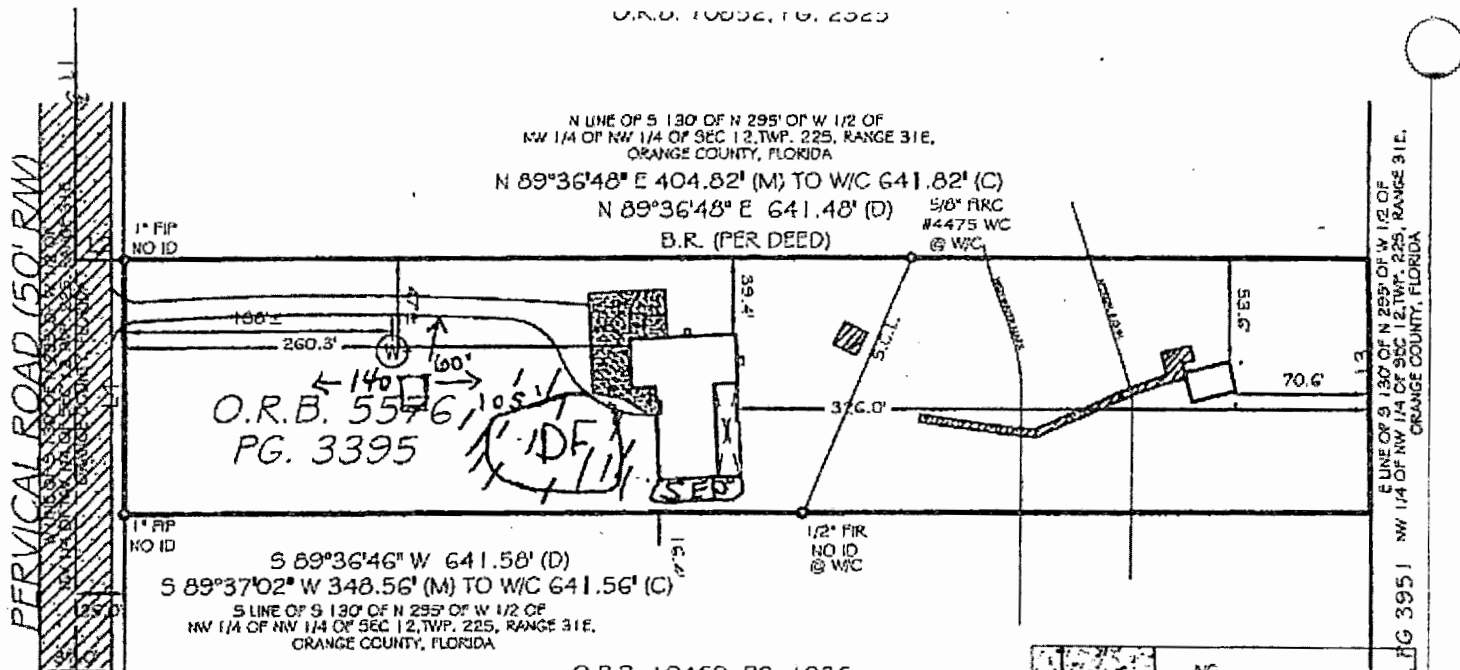
RECEIVED

JAN 16 2018

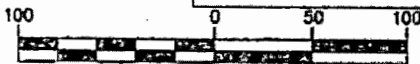
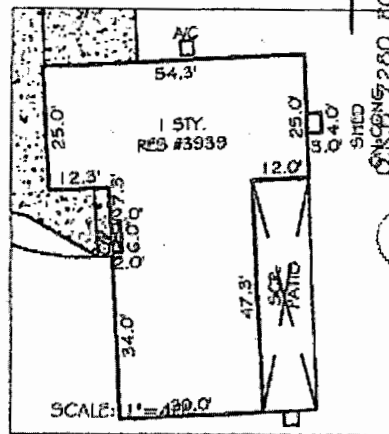
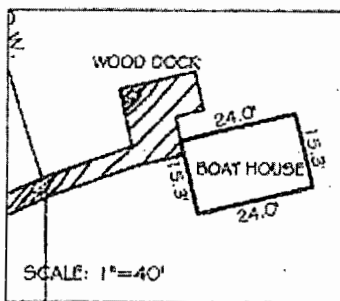
ORANGE COUNTY,

ZONING DIVISION

O.R.B. 10052, PG. 2020



O.R.B. 10460, PG. 1936



RECEIVED GRAPHIC SCALE (In Feet) 1 inch = 100' ft.



hereby certify that this Boundary Survey of the herein described property has been made under my direction, and to the best of my knowledge and belief, it is a true and accurate representation of a survey that meets the Standards of Practice set forth by the Florida Board of Professional Surveyors &appers in Chapter 5J-17 of the Florida Administrative Code.

RONALD W. WALLING

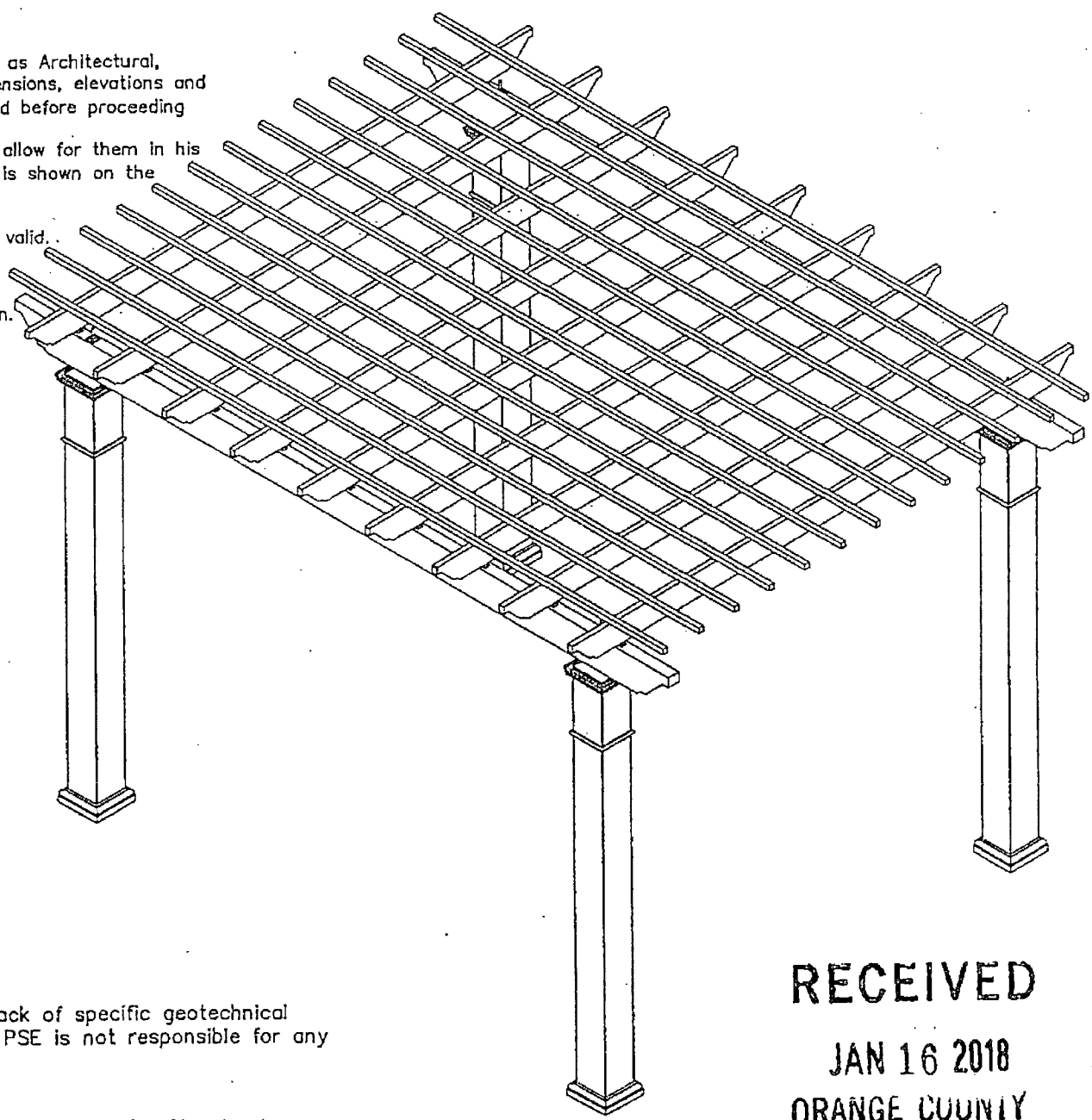
JAN 16 2018

, such as Architectural,
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what is shown on the

all be valid.

edition.



the lack of specific geotechnical
PSF. PSE is not responsible for any

de Requirements for Structural

RECEIVED

JAN 16 2018

ORANGE COUNTY

ZONING DIVISION

3D VIEW OF PERGOLA

Scale: NTS



STAFF REPORT
CASE #: VA-18-03-007
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
March 1, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Margaret Flynn

REQUEST: Variance in the R-1 zoning district to construct an accessory structure (pergola) in front of the principal structure in lieu of side or rear location.

LOCATION: East side of Percival Rd., north of Lake Pickett Rd.

PROPERTY ADDRESS: 3939 Percival Road, Orlando, Florida, 32826

PARCEL ID: 12-22-31-0000-00-070

PUBLIC NOTIFICATION: 46

TRACT SIZE: 130 ft. x 641 ft.

DISTRICT #: 5

ZONING: R-1

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Single Family Residence with pergola

SURROUNDING USES: N - Single Family Residence
S - Vacant
E - Lake Price
W - Vacant

STAFF FINDINGS AND ANALYSIS:

1. The applicant is proposing to construct a 252 sq. ft. pergola in front of the house. An accessory structure may be located on the side or rear of the lot, or on the rear half of the lot. The proposed front location requires a variance.
2. The property is located in the R-1 single family residential zoning district, which allows a single family home and accessory structures.

3. Special conditions and circumstances exist on the property:
 1. The property is a lakefront lot. Locating the pergola in the rear yard is not viable, as the applicant does not want to obscure the lake view, and there is limited upland space in the rear yard.
 2. The pergola cannot be located behind the mid-point of the lot (which would not require a variance) due to the location of the house, septic tank, and drainfield.
4. Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood:
 - a) The pergola will be located 140 feet from the front property line. The required front setback is twenty (20) feet. The proposed structure is 10 foot in height.
 - b) The pergola will be set back further from the street than many homes in the area, including the neighbor to the north. (This neighbor has signed a letter of no objection).
 - c) Existing vegetation on the front of the lot will obscure the view of the pergola from the road.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the plans dated January 16, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall preserve the existing vegetation on the front of the lot along the road.

cc: Margaret Flynn, Applicant
3939 Percival Road
Orlando, Florida 32826

WALTER HUDIBURG
VA-18-03-010

REQUEST: **Variations** in the A-2 zoning district to construct an accessory structure as follows:
1) To allow a maximum height of 26 ft. in lieu of 20 ft.
2) To allow a cumulative square footage of 3,044 sq. ft. of floor area in lieu of 3,000 sq. ft. for accessory structures.
3) To allow an accessory structure (carport) in front of the principal building in lieu of in the side or rear yard.

ADDRESS: 4432 N. Fort Christmas Road, Christmas FL 32709

LOCATION: North of Lake Pickett Rd.; west of N. Fort Christmas Rd.

S-T-R: 02-22-32

TRACT SIZE: 165 ft. x 1286 ft. (AVG)

DISTRICT#: 5

LEGAL: FROM E1/4 COR RUN S 973 FT M/L TO C/L OF FT CHRISTMAS RD TH N 54 DEG W ALONG SAID C/L 838.50 FT FOR A POB TH S 45 DEG W 1286.25 FT N 39 DEG W 197 FT N 47 DEG E 1242.53 FT TO C/L OF FT CHRISTMAS RD S 54 DEG E ALONG SAID C/L 165 FT TO POB IN SEC 02-22-32

PARCEL ID: 02-22-32-0000-00-067

NO. OF NOTICES: 40

DECISION: **APPROVED** the Variance requests, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (unanimous; 6-0 and 1 absent):

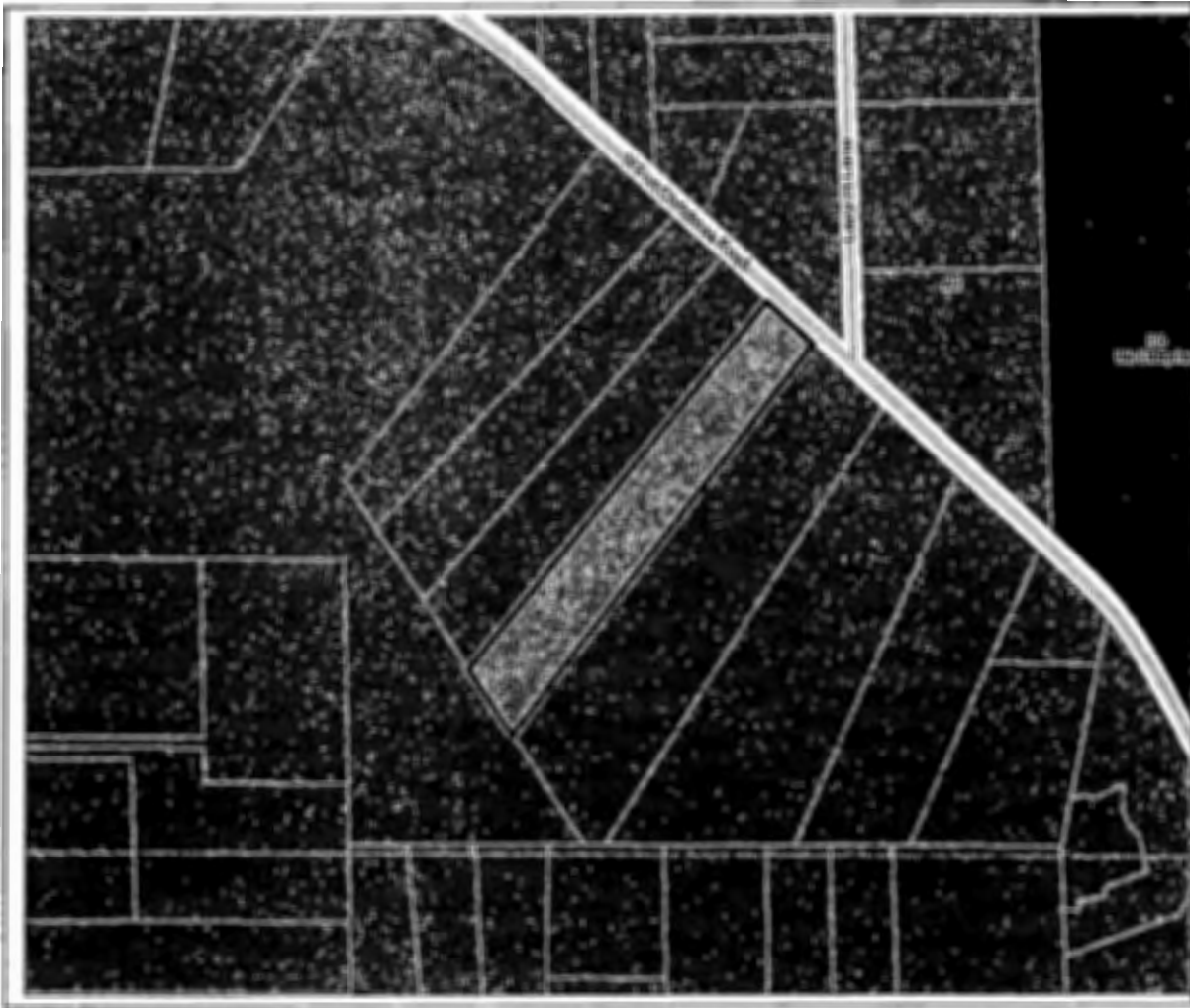
1. Development in accordance with the site plan and elevations dated January 16, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall remove the northern portion of the existing shed.

SYNOPSIS: The applicant proposed a 2,000 sq. ft. accessory structure in the rear yard of an existing A-2 lot. The applicant stated they need the height variance to allow for storage of larger recreational vehicles and farm supplies. Staff recommended approval of both the square footage and height variance based on the size of the lot and that there would be no impact on the surrounding neighbors. The third variance was for the existing carport which was built by a previous owner. Staff believed there was sufficient room to move the carport back behind the house to meet code.

The applicant stated they would like to keep both existing structures, and that the existing carport has been in place for years and was not a nuisance. They also stated the R.V. on site would be removed and not stored in the proposed accessory structure.

No one spoke in favor or in opposition of the application.

The BZA felt the request was reasonable and that the carport had been there for many years and was far enough back from the street that it would not be an issue. The BZA approved all three (3) variances, eliminated Conditions #4 and #5, and a modified condition #6 became condition #4.



Applicant: Walter Hudiburg

BZA Number: VA-18-03-010

BZA Date: 03/01/2018

District: 5

Sec/Twn/Rge: 02-22-32-SE-D

Tract Size: 165 ft. x 1286 ft. (AVG)

Address: 4432 North Fort Christmas Road, Christmas FL 32709

Location: North of Lake Pickett Rd.; west of N. Fort Christmas Rd.



Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.
 420 South Orange Avenue, Suite 700
 P.O. Box 2346 (ZIP 32802-2346)
 Orlando, FL 32801

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Attorneys and Counselors at Law
 Orlando
 Fort Pierce
 Tallahassee
 Tampa
 Viera/Melbourne

ANNA LONG
 (407) 428-5120
 along@deanmead.com

January 16, 2018

VIA E-MAIL (Sean.Bailey@ocfl.net)
AND HAND DELIVERY

Orange County Zoning Division
 201 S Rosalind Avenue
 Orlando FL 32801
 Attention: Sean J Bailey, Chief Planner - BZA Section

Re: Variance Application – Walter Hudiburg
 Parcel ID No.: 02-22-32-0000-00-067

Dear Mr. Bailey:

The applicant, Walter Hudiburg (“Hudiburg”), is requesting a variance from both the building height standard (20 ft. to 26.5 ft.) and the square footage limitation of all accessory structures (3000 sq. ft. to 3044 sq. ft.) for a garage to be constructed on his property located at 4432 N. Fort Christmas Road, Christmas, FL 32709-9378, Parcel ID No.: 02-22-32-0000-00-067 (the “Property”). The building will be used for storage of Hudiburg’s automobiles and recreational vehicles, as well as to serve as storage for food and supplies for his family owned chickens and goats. The Property is zoned A-2 (Farmland Rural District).

Orange County Code of Ordinances provides in part, that residential and agriculturally zoned parcels greater than two acres in size may exceed the size requirements outlined in section 38-79(114) regarding accessory buildings, provided certain criteria are met. (See, Article IV, Section 38-77(39), Orange County Code of Ordinances). The Property is 5.207 +/- acres and all of the conditions as set forth in Section 38-77(39) are met (i.e. the roofline height of the principal residence does not exceed 50’ and roofline appurtenances do not exceed 10’ above the roofline; the principal residence and the detached structure will have similar architectural style; the proposed structure does not exceed 5,000 sq. ft.; the setbacks for the proposed structure are met and/or exceeded; the proposed detached structure does not exceed the size of the principal residence which is 2027 sq. ft.).

As set forth in Section 30-43(3), Chapter 30, Orange County Code of Ordinances, this letter, along with the completed Variance Application form and supporting documentation, provides that the variance being requested is:

Due to special conditions and circumstances that exist which are peculiar to the subject Property. While the Property is zoned A-2 it cannot support the owner's small farm animal use and provide adequate indoor storage for his family's motor vehicles and recreational vehicles without the construction of the proposed garage. Currently the vehicles are stored out in the open. The property owner wants to improve the esthetic appearance of the Property and without the construction of the proposed garage he will not be able to do so. Due to the shape of the Property and the need for vehicle and animal supply storage, as well as the owner's effort to minimize the variance being requested applicable to square footage of accessory structures, the proposed garage will need to be two stories and as such a variance from the applicable height standard is also being requested.

Not Self-Created. The proposed building has not yet been constructed. Hudiburg is following the process he has by right to pursue a variance from the square footage size and height limitations set forth in the County's Code. As noted above, County Code provides for a variance from the size requirements outlined in section 38-79(114) regarding accessory buildings (both height and square footage). (Sec, Article IV, Section 38-77(114)(g) and 38-77(114)(h), Orange County Code of Ordinances). By providing a process to allow for the requested variance, the County contemplated the need and likelihood of property owners requesting the same particularly in the A-2 Zoning District/

No Special Privilege Conferred. Pursuing the requested variance is provided for under the County's code. Hudiburg meets and/or exceeds the criteria for requesting the same, no special privilege will be conferred as a result of approval of the variance.

Deprivation of Rights. Denial of the variance would create an undue hardship on Hudiburg to make the best use of his property as it is currently zoned and to improve the esthetic appearance of the same. The requested variance meets the criteria as outlined in the County Code to approve a variance to exceed size/height requirements of the proposed structure. To deny the request would deprive Hudiburg of enjoying the rights to the Property commonly enjoyed by other properties in the same zoning district.

Minimal Possible Variance. Hudiburg is requesting a 44 sq. ft. variance from the size standard set forth in the County's Code and a 6.5 Ft. variance from the applicable height standard. Both are the minimal necessary for the construction of the proposed garage. The proposed structure will be set back 485 ft. from the front property line, the rear setback will 690 ft. Side setbacks are 80 ft. to the west and 55 ft. to the east. Each of the proposed setback distances are substantially greater than the setback distance requirements set forth in the County's Code. The zoning variance requested for approval is the minimum variance necessary for the construction of the proposed structure. Upon approval of the variance, Hudiburg will take down the north section of the existing chicken coop (depicted on the survey attached to the enclosed Application). This will decrease the overall square footage of existing structures by 187 sq. ft. and provide for a new overall square footage of 3,044 sq. ft. for existing/proposed accessory structure (i.e., a variance of 44 sq. ft.).

Sean J Bailey, Chief Planner - BZA Section
January 16, 2018
Page 3

Purpose and Intent. Approval of the requested 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.

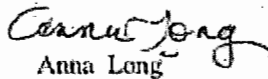
In addition to the details set forth herein, please find enclosed:

1. Completed Variance Application and associated documents;
2. Two (2) copies of detailed site plan/survey with dimensions drawn to scale by a surveyor, licensed contractor, architect or engineer;
3. Two (2) copies of detailed site plan/survey with dimensions drawn to scale by a surveyor, licensed contractor, architect or engineer (including the proposed structure);
4. Two (2) copies of the construction plans for the proposed structure (garage); and
5. Applicant's check (No. 4115) in the amount of \$638.00 as required application fee.

Please note that letters of no objection have been requested of adjacent property owners. One is included with the application. The other two have not been returned.

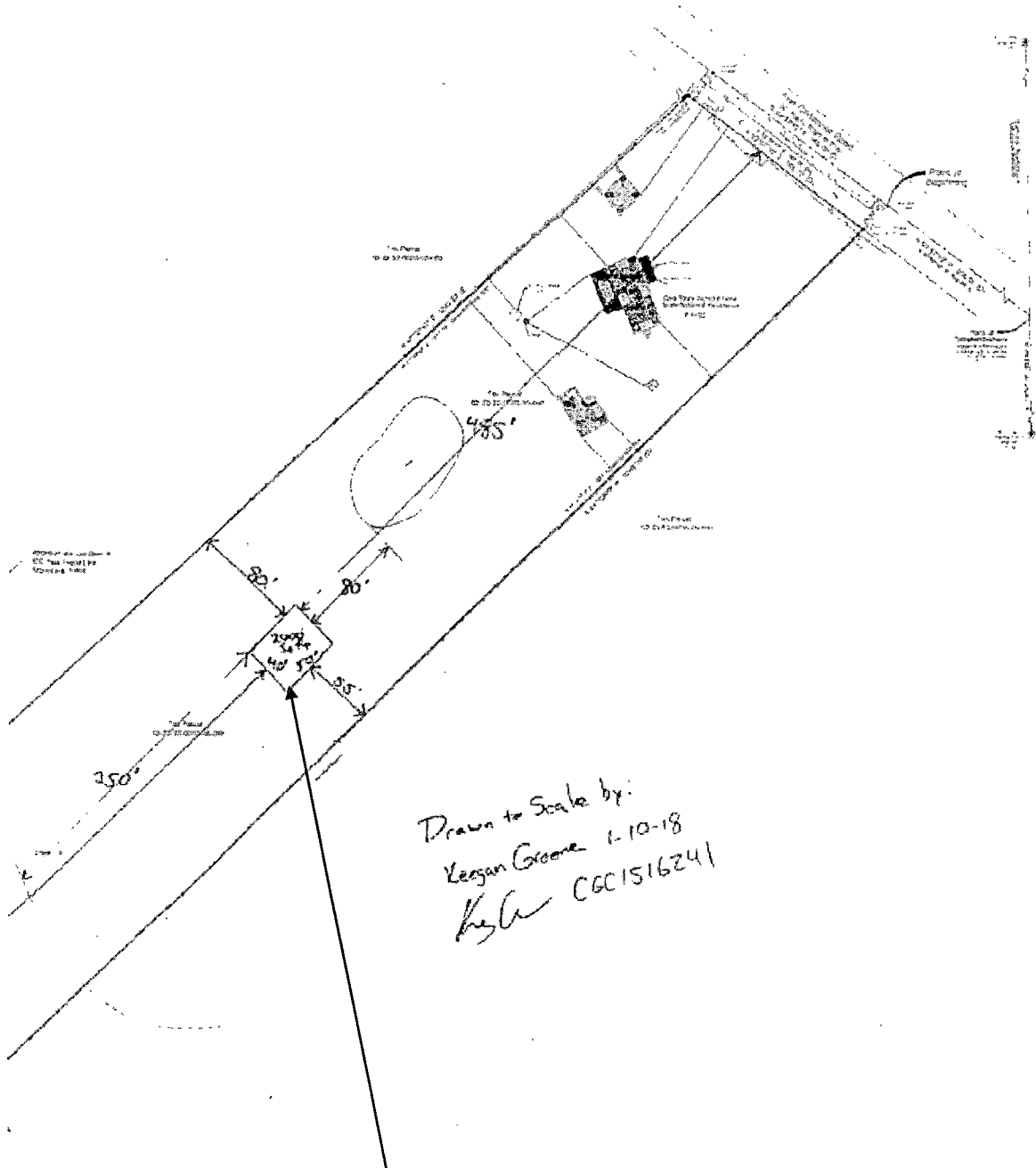
Should you have any questions, or require any additional information, please feel free to contact me directly at (407) 428-5120. Thank you for your attention to this matter.

Sincerely,

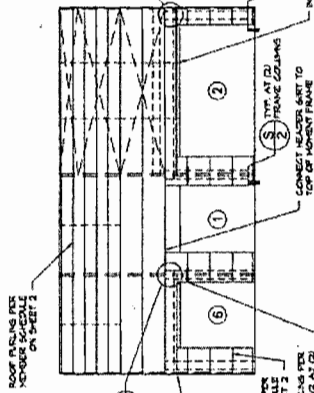
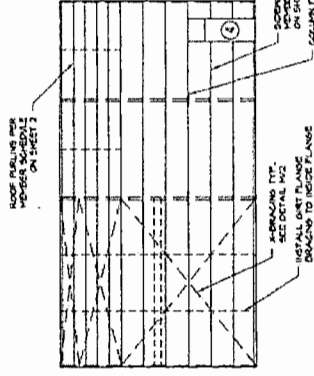

Anna Long

AHL:cc
Enclosures
cc: Walter Hudiburg

Survey with proposed structure

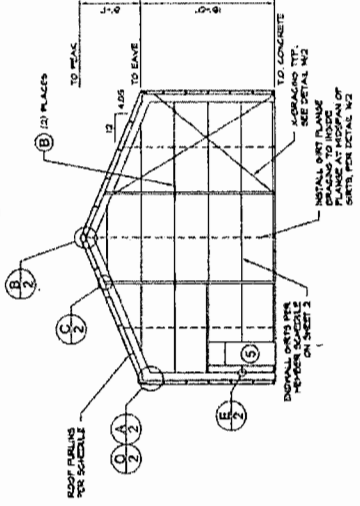


Proposed 2,000 SF garage

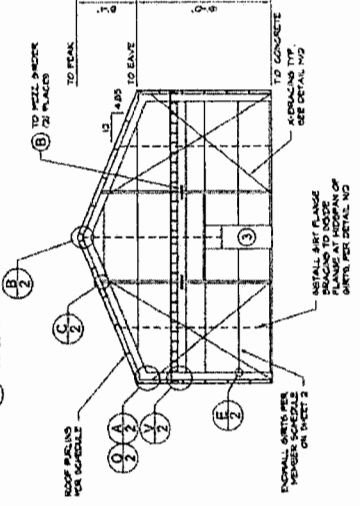


2 SIDEWALL EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"

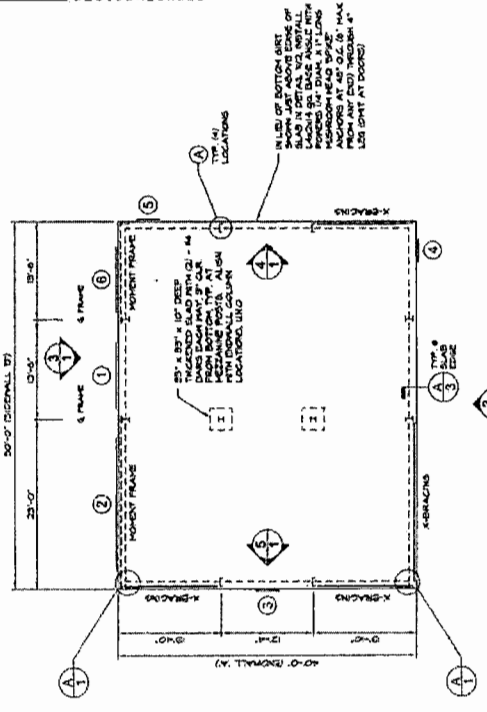
3 SIDEWALL EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



4 ENDWALL INTERIOR ELEVATION
SCALE: 1/8" = 1'-0"

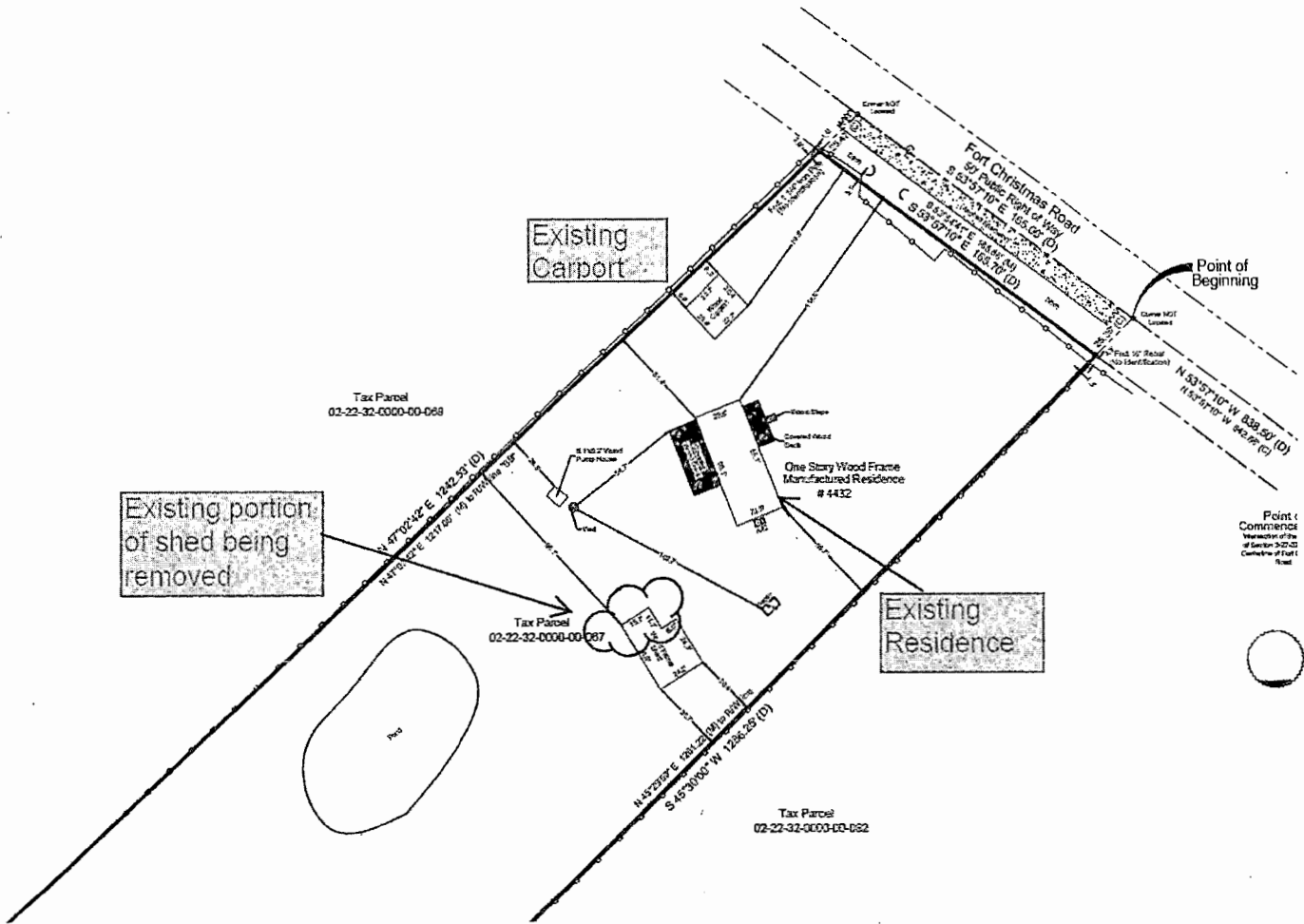


5 ENDWALL INTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



1 FOUNDATION PLAN
SCALE: 1/8" = 1'-0"

Survey of Existing Structures





STAFF REPORT
CASE #: VA-18-03-010
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
March 1, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Walter Hudiburg

REQUEST: Variances in the A-2 zoning district to construct an accessory structure as follows:
1) To allow a maximum height of 26 ft. in lieu of 20 ft.
2) To allow a cumulative square footage of 3,044 sq. ft. of floor area in lieu of 3,000 sq. ft. for accessory structures.
3) To allow an existing accessory structure (carport) in front of the principal building in lieu of in the side or rear yard.

LOCATION: North of Lake Pickett Rd.; west of N. Fort Christmas Rd.

PROPERTY ADDRESS: 4432 N. Fort Christmas Road

PARCEL ID: 02-22-32-0000-00-067

PUBLIC NOTIFICATION: 40

TRACT SIZE: 165 ft. x 1286 ft. (AVG)

DISTRICT #: 5

ZONING: A-2

EXISTING USE(S): Mobile home

PROPOSED USE(S): storage building

SURROUNDING USES: N - Residential
S - Residential
E - Residential
W-Residential

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned A-2, which is an agricultural zoning district that allows for single family homes, agricultural businesses, farm animals, and larger accessory structures.
2. The applicant is proposing a 2,000 sq. ft. accessory structure to store vehicles, equipment, and farm supplies.

3. There are two (2) existing accessory structures on site. The 463 sq. ft. carport is located in front the residence and requires a variance to remain in that location. The structure was built in 1984 however, staff could not locate a permit for it. The other building is a storage shed (771 sq. ft. total) and the applicant has agreed to remove the northern portion (183 sq. ft.) of it to lower their overall square footage.
4. The applicant is requesting the height variance to allow for the storage of their R.V.
5. The property is over 1,200 ft. deep and the proposed structure will be located 485 feet from the front property line.
6. Staff recommends approval on Variances #1 and #2, based on the following:
 - The applicant is requesting a 44 sq. ft. variance, which is minimal in nature and is necessary to store the R.V. The six (6) foot height variance will be mitigated by the location and vegetation surrounding the proposed structure.
 - These variances will meet the intent of the code and will not be detrimental to any of the surrounding properties. The size of the lot and trees on site negate the impact of the proposed structure.
7. Staff recommends denial of Variance #3:
 - The need for the variance is self-created and the depth of the lot provides enough space for the carport to be located behind the principal structure. There are not any special conditions that require the structure to be located in front of the main structure.
8. If the carport is removed Variances #2 & #3, will not be required.

STAFF RECOMMENDATION:

Staff recommends approval of Variances #1 and #2, subject to the following conditions, and denial of Variance #3:

1. Development in accordance with the site plan and elevations dated January 16, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain an R.V. storage permit in conjunction with the permits for construction.
5. The existing carport shall be removed or re-located to meet code requirements prior to obtaining permits for the proposed garage.
6. The applicant shall remove the northern portion (183 sq. ft.) of the existing shed or remove the existing carport prior to obtaining permits for the proposed garage.

cc: Anna H. Long, Applicant's Representative
420 South Orange Avenue, Suite 700
Orlando, Florida 32801

Walter Hudiburg, Applicant
4432 North Fort Christmas Road
Christmas, Florida 32709

LOUIS RHODES
VA-18-03-011

REQUEST: **Variations** in the P-D zoning district as follows:
 1) To permit a cumulative total of 1,296 sq. ft. of accessory floor area
 in lieu of 500 sq. ft.
 2) To permit an existing accessory structure 22 ft. in height in lieu of
 20 ft.

ADDRESS: 10019 Arbor Ridge Trail, Orlando FL 32817

LOCATION: West side of Arbor Ridge Tr., on the east side of N. Dean Road,
 approximately 200 ft. northeast of the intersection of Arbor Ridge Tr.
 and N. Dean Rd.

S-T-R: 08-22-31

TRACT SIZE: 82 ft. x 222.5 ft. (AVG)

DISTRICT#: 5

LEGAL: ARBOR RIDGE SUB UNIT 2 6/125 LOT 81

PARCEL ID: 08-22-31-0202-00-810

NO. OF NOTICES: 86

DECISION: **APPROVED** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan and elevations dated January 17, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a permit for the unpermitted construction within 180 days of final action on this application by Orange County, or this approval becomes null and void.

SYNOPSIS: Staff described the property as being over twice the size of the minimum lot size for the Arbor Ridge P-D. In addition, it backs up to Dean Road, a four-lane divided road. Staff was only able

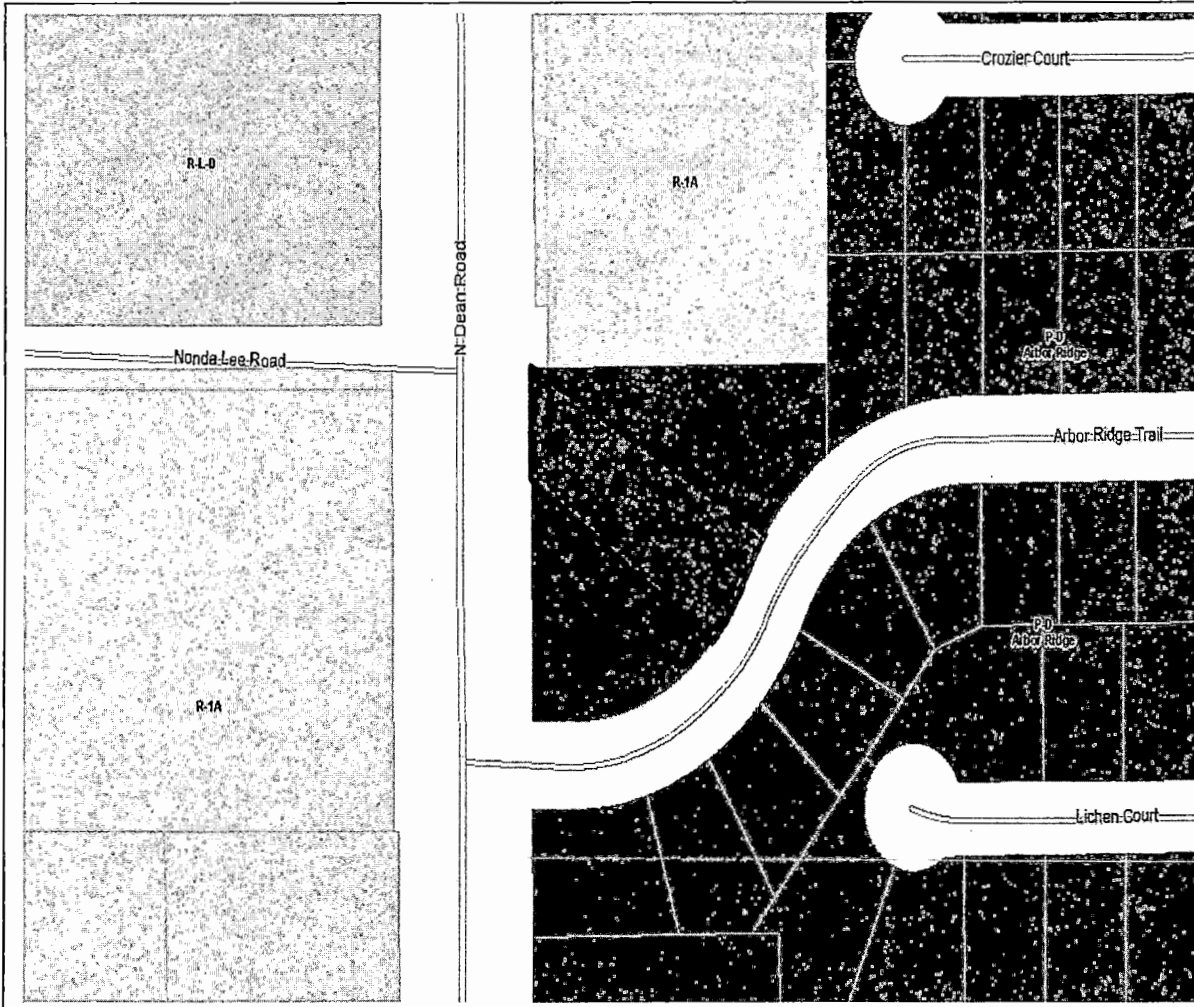
to find records for a permit for a 20x24 ft. garage, not a 24x24 ft. garage. Due to the age of the permit, the records did not indicate whether the permit had ever been closed. No County records for the pole barn addition to the garage or the shed could be located. Staff noted that due to the size of the variance and the lack of satisfying any other criteria, the application could not be supported.

The applicant explained how they had applied originally for a 20x24 ft. garage, but at the recommendation of a County inspector, they poured a footer for a 24x24 ft. garage. They returned to the Building Safety Division where they added the pole barn and shed, which were approved. All of the applicant's records were destroyed by a broken water main and sewer pipe which were damaged during the widening of Dean Rd., which flooded their home and those of their neighbors.

Staff had received 16 signatures from nine (9) residences with the application, and none in opposition. In addition, six (6) neighbors spoke in support of the applicant, noting that the applicant always follows the rules, so they must have obtained permits. In addition they explained that the applicant uses some of the equipment stored under the pole barn to help neighbors with their yard work, and to help clean up after storms. No one was in attendance to speak in opposition to the request.

A representative of the Code Enforcement Division explained that the original complaint, which included a report of multiple families living in the accessory structures, was unfounded. It was noted that the applicant had been very cooperative with the code officer in all ways.

The BZA found that the applicant met the special conditions in that due to the flood, all records of the construction had been destroyed. The need for the variance was not self-created, in that it appeared that County had issued permits for the work. The denial of the request would deny the neighborhood an important resource, resulting in a hardship. Due to the quantity of equipment the applicant stores, which is used to help the residents of the neighborhood, this is the minimum variance necessary. A motion to approve passed unanimously.



Applicant: Louis Rhodes

BZA Number: VA-18-03-011

BZA Date: 03/01/2018

District: 5

Sec/Twn/Rge: 08-22-31-SW-C

Tract Size: 82 ft. x 222.5 ft. (AVG)

Address: 10019 Arbor Ridge Trail, Orlando FL 32817

Location: West side of Arbor Ridge Tr., on the east side of N. Dean Road, approximately 200 ft. northeast of the intersection of Arbor Ridge Tr. and N. Dean Rd.

To Whom It may concern:

We, my wife and I, bought the home at 10019 Arbor Ridge Trail in April, 1977. At that time, it was a slab of concrete with some pipes sticking up.

We moved in after the house was completed, and in April, 1987, we added a storage building in the back yard. A building permit was pulled for the storage building, with a size of 20 feet by 24 feet. At the time of the foundation inspection, the county inspector recommended constructing the building 24 feet by 24 feet as it would be more efficient. So, we did.

A few weeks after the building was pretty much complete, I visited the permit office with a revised drawing reflecting the revised size and adding the awning and a small storage shed. (The awning was to be of wood and storage shed was a steel building purchased from Sears. I believe it was 10 feet by 10 feet.)

Over the years since 1987, I have maintained and repaired the structures as needed.

In early October of 1995, disaster struck the household. This was in the nature of about two to eight inches of raw sewage that was forced into this house and three others on the same street. This pressure pumping of the raw sewage was due to a broken six inch PVC water main that had broken that evening, which in turn broke the 12 inch terra cotta sewage line, with the resulting water pressure pumping the raw sewage into the houses.

Needless to say, it was a dirty, stinky mess! We were out of the home for about three and a half months. What caused the pipe to break? A large-wheeled compactor that was left in front of the house running during lunch hour. It is believed that this led to the rupture of the six inch water main. (This was during the time Dean Road was being re-built and repaved.) Orange county was responsible and put us up in a motel for the entire time the house was renovated and repaired.

Unfortunately, a number of items were destroyed by the raw sewage. Among these were our high school and junior high year books, some of the original paper work from buying the home, and copies of the permits for the building, awning, and shed.

Never thought about the documents since the flood until we were served with a notice that we were in violation of zoning. This was at the end of July, 2017. This was over 30 years after the construction of the storage building, awning, and shed. (Please note the complaint was filed by persons unknown, but with an address in the Lake Nona area.)

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JAN 17 2017

Zoning Division

About 2012, I replaced the metal shed with a wooden one that was slightly smaller. The metal one had rusted completely through and was not repairable.

During the summer of 2016, I was sweeping the leaves off the storage building and when I stepped down onto the awning, it gave way. My leg went through the wood decking up to my knee. It had rotted to the point it was unsafe. I proceeded to replace the decking with new material and several of the supporting posts that were also rotten.

The code inspector is one Mr. Jimmy Hobby. He has been professional and understanding throughout this experience. He has returned my phone calls and answered my questions to the best of his ability.

I now understand that the structures exceed the 500 square footage limitation for storage at a residence, but had no idea 30 years ago when I erected the buildings. As far as I knew at that time, and believed for all these years, that I was fully in compliance with the zoning laws.

I use the structures for storage of my jet ski, boat, RV, riding lawn mower, and my 1968 Mustang, which I plan to restore shortly (it has been off the road since January of 1990 awaiting restoration which has started). There has never been any use for any of the structures other than storage. None of them have ever been used for residential nor commercial use.

I hereby request a variance to cover the additional 940 square feet which will be over the permitted area of storage that has been in place for over 30 years, with no complaints from anyone.

I am attaching copies of a petition of support that are signed by the neighbors in my immediate area. (Along both sides of the street. The property backs up to Dean Road, with no one living behind.)

Thank you for your consideration and, hopefully, a positive decision.

Sincerely,

Louis Rhodes

**APPLICATION FOR LAND USE/BUILDING PERMIT
ORANGE COUNTY, FLORIDA**

PERMIT NUMBER 94002624

PROJECT ADDRESS 119 Arts Ridge Trail, Orlando ZIP 32827
 PROPERTY OWNER Louis P & Joyce Rivisio PHONE (904) 628-4326
 OWNER'S ADDRESS 2000 W. 10th St CITY Orlando STATE FL ZIP 32827
 CONTRACTOR _____ LICENSE NO. _____ PHONE () _____
 ARCHITECT _____ LICENSE NO. _____ PHONE () _____
 CIVIL ENGINEER _____ LICENSE NO. _____ PHONE () _____

PERMIT NUMBER

NATURE OF PROPOSED IMPROVEMENTS: 1/2 of property to store 21' R.V. of rear

FOR ZONING DEPARTMENT USE ONLY:

TAX ID. NUMBER SEC 08 TWP 22 (S) RNG 31 (E) SUB 0003 (S) COORDINATE 00-810
 LEGAL DESCRIPTION LOT _____ BLOCK Unit 2 SUBDIVISION Arbor Ridge Sub
 ZONING CLASS R1A HEIGHT LIMIT _____ NO. OF PARKING SPACES _____ DATE 2-
 ZONING TECH R.S. FLOOD PERMIT NO. _____ N.F.A. NO. _____
 P.L.U. DESIGNATION _____ SIDEWALKS REQ'D. (Y/N) _____ PAVED DRIVE REQ'D. (Y/N) _____
 YARDS - F: 5 S: 10 M: _____ MAJOR STS. - Bldg: _____ C.V.R.C.: _____
 SPECIAL CONDITIONS: See violation notice

FOR BUILDING DEPARTMENT USE ONLY:

NATURE OF WORK: <u>SA</u>	CONSTRUCTION TYPE: <u>SI</u>	TYPE OF STRUCTURE: <u>SI</u>
DATE OF APPLICATION _____	DATE READY TO ISSUE _____	DATE ISSUED _____ BY _____
OWNER EST. VALUE \$ <u>10000</u>	BLDG. DEPT. VALUE \$ <u>10000</u>	SPRINKLERS REQ'D. <input type="checkbox"/>
OCCUPANCY GROUP <u>6</u>	# BLDG. - # UNITS - # STORIES -	GOVT. OWNED <input type="checkbox"/>
TOTAL SQ. FT. _____	SQUARE FEET FLOOR _____	THRESH. INSR. REQ'D. <input type="checkbox"/>
MAX. FLOOR LOAD _____	MAX. OCCPNCY. _____	PLAN (FORMAT?) _____
MIN. FLOOD ELEV. _____	SEER _____	OTHER PERMITS REQ'D.: YES NO
SUBMITTAL FEES _____	COP _____	ELECTRICAL <input type="checkbox"/>
RECENT # _____	AUTHORIZATION # _____	MECHANICAL <input type="checkbox"/>
REG. PERMIT FEES <u>30.00</u>	LOW FLOOR ELEV. _____	PLUMBING <input type="checkbox"/>
IMPACT - LAWS _____	WATER SERVICE _____	ROOFING <input type="checkbox"/>
IMPACT - FEES _____	WASTEWTR. SRVC. _____	HOLD C/O: YES NO DEPRECIATED
IMPACT - ROADS _____	REVIEWER <u>ED</u>	ZONING <input type="checkbox"/> \$ <u>600</u>
IMPACT - SCHOOLS _____	AS OF _____ BY _____	ENGINEERING <input type="checkbox"/> \$ _____
RADON FEES _____	AUTH. NO. _____	FIRE LOSS MIT. <input type="checkbox"/> \$ _____
VIOLATIONS _____		PUBLIC UTILITY <input type="checkbox"/> \$ _____
OTHER FEES \$ _____		ENVIRON. PROT. <input type="checkbox"/> \$ _____
		PLANNING <input type="checkbox"/> \$ _____
		HEALTH <input type="checkbox"/> \$ _____
		BUILDING <input type="checkbox"/> \$ _____
		FINANCE <input type="checkbox"/> \$ _____

I hereby make Application for Permit as outlined above, and if same is granted I agree to conform to all Building Department Regulations and County Ordinances regulating same and in accordance with plans submitted. The issuance of this permit does not grant permission to violate any applicable Orange County and/or State of Florida codes and/or ordinances.

Personally appeared CAROLYN SHERES, who on oath says, that she is the applicant for the foregoing, that all the above statements are true to the best of her/his knowledge, and that the work to be done is authorized by the owner and will be done by contract with _____ Contractor/Owner.
 NAME Carol Sheres ADDRESS S.A.A. ZIP _____

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 19____
 _____ NOTARY PUBLIC, ORANGE COUNTY, FLORIDA

APPLICATION FOR BUILDING PERMIT
ORANGE COUNTY, FLORIDA

PERMIT NUMBER 887-006320

PARCEL NUMBER 9-22-31 SUB 0202-081 OTHER Arbor Ridge Unit # 20

TO THE INSPECTOR OF BUILDING:
I hereby make application for permit as follows, and if same is granted I agree to conform to all Building Department regulations and County ordinances regulating same and in accordance with plans submitted:

LOCATION 10019 Arbor Ridge Tr. Orlando 32817

OWNER Carolyn L. Rhodes ADDRESS same as above

PHONE 273-2675

CONTRACTOR Same LICENSE NO. owner PHONE _____

ARCHITECT _____ LICENSE NO. _____ PHONE _____

CHECK ONE BOX IN EACH COLUMN WHICH MOST CLOSELY DESCRIBES THE WORK TO BE PERFORMED

TYPE OF WORK	CONSTRUCTION TYPE	RESIDENTIAL HOUSEKEEPING	NON-RESIDENTIAL
<input checked="" type="checkbox"/> 01 REPAIR	<input checked="" type="checkbox"/> 01 TYPE VI	<input type="checkbox"/> 01 SINGLE FAMILY	<input type="checkbox"/> 13 MERCHANDISE
<input type="checkbox"/> 02 REPAIR	<input type="checkbox"/> 02 TYPE V	<input type="checkbox"/> 02 TOWNHOUSE	<input type="checkbox"/> 14 CHURCH
<input type="checkbox"/> 03 ADDITION	<input type="checkbox"/> 03 TYPE IV	<input type="checkbox"/> 03 TWO FAMILY	<input type="checkbox"/> 15 PUBLIC WORKS & UTILITIES
<input type="checkbox"/> 04 MAKE ADDITION TO	<input type="checkbox"/> 04 TYPE III	<input type="checkbox"/> 04 THREE/FOUR FAMILY	<input type="checkbox"/> 16 SCHOOLS/EDUCATIONAL
<input type="checkbox"/> 05 RE-ROOF	<input type="checkbox"/> 05 PROTECTED TYPE IV	<input type="checkbox"/> 05 APARTMENT	<input type="checkbox"/> 17 OFFICES/BANKS/PROFESSIONAL
<input type="checkbox"/> 06 RE-DOOR	<input type="checkbox"/> 06 TYPE I	<input type="checkbox"/> 06 MOBILE HOME	<input type="checkbox"/> 18 FACTORY/INDUSTRIAL
<input type="checkbox"/> 07 DEMOLISH	<input type="checkbox"/> 07 TYPE II	<input type="checkbox"/> RESIDENTIAL NON-HOUSEKEEPING	<input type="checkbox"/> 19 WAREHOUSE
<input type="checkbox"/> 08 MOVE	<input type="checkbox"/> 08 PROTECTED TYPE IV	<input type="checkbox"/> 07 HOTEL/MOTEL/TOURIST	<input type="checkbox"/> 20 AUTO STORAGE
<input type="checkbox"/> 09 RELOCATE	<input type="checkbox"/> 09 PROTECTED TYPE V	<input type="checkbox"/> CASH	<input type="checkbox"/> 21 REPAIR GARAGE
<input type="checkbox"/> 10 SITEWORK ONLY	<input type="checkbox"/> 09 PROTECTED TYPE VI	<input checked="" type="checkbox"/> 22 ACCESSORY BUILDING	<input type="checkbox"/> 22 SERVICE STATION
<input type="checkbox"/> 11 FOUNDATION ONLY		MISCELLANEOUS STRUCTURES	<input type="checkbox"/> 23 ACCESSORY BUILDING
<input type="checkbox"/> 12 SKELL ONLY		<input type="checkbox"/> 08 SATELLITE DISK	<input type="checkbox"/> 24 AMUSEMENT/RECREATIONAL
<input type="checkbox"/> 13 INSTALL TANK		<input type="checkbox"/> 10 POOL/SPA	<input type="checkbox"/> 25 HOSPITALS/INSTITUTIONAL
<input type="checkbox"/> 14 CONVERT		<input type="checkbox"/> 11 FENCES/WALLS	<input type="checkbox"/> 26 PRIVATE GARAGE/CARPORT
<input type="checkbox"/> 30 USE PERMIT		<input type="checkbox"/> 12 SIGN	<input type="checkbox"/> 27 OTHER
<input type="checkbox"/> 31 THE DOWN M.M.P.			<input type="checkbox"/> 31 RESTAURANT
<input type="checkbox"/> 32 THE DOWN PRIVATE			

IF CONVERSION, TYPE OF STRUCTURE PRIOR TO COMMENCEMENT OF WORK: _____

NATURE OF REPAIRS OR ALTERATIONS: 24' x 20' Accessory Building used as storage shed

TOTAL SQ. FT. AREA <u>480</u>	SQ. FT./FLOOR	SPRINKLERS REQ'D	YES <input type="checkbox"/> NO <input type="checkbox"/>
NO. OF UNITS	MAX. OCCUPANTS/FLOOR	VACANT SITE	YES <input type="checkbox"/> NO <input type="checkbox"/>
OCCUPANCY GROUP	NO. OF PARKING SPACES	SEWER	YES <input type="checkbox"/> NO <input type="checkbox"/>
HEIGHT LIMIT	NO. OF STORIES	CJO REQ'D	YES <input type="checkbox"/> NO <input type="checkbox"/>
ELEV. OF LOWEST FLOOR	INC./DEC. IN NO. OF UNITS	MAX. COVERAGE	YES <input type="checkbox"/> NO <input type="checkbox"/>
ELEV. OF FLOOD PLAIN	INC./DEC. IN NO. OF BLDGS	PLUMB	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
MAX. FLOOR LOAD ALLOWABLE	ZONING CLASSIFICATION <u>P-12</u>	ALIAS INSR REQ'D	YES <input type="checkbox"/> NO <input type="checkbox"/>
OWNER EST. VALUE \$ <u>3000.00</u>	WATER SYSTEM	THRESHOLD INSR REQ'D	YES <input type="checkbox"/> NO <input type="checkbox"/>
SEER	COP	ORANGE COUNTY WATER & WASTEWATER	YES <input type="checkbox"/> NO <input type="checkbox"/>
NO. OF BUILDINGS	PUBLIC OWNERSHIP	ACCOUNTING DEPT. FEED PAID IN FULL	YES <input type="checkbox"/> NO <input type="checkbox"/>
		AS OF _____ AUTH. NO. _____	

FOR BUILDING DEPARTMENT USE ONLY:

PLAN CHECK NUMBER _____	DATE OF APPLICATION _____	HOLD: LANDSCAPING	YES <input type="checkbox"/> NO <input type="checkbox"/>
FEES: PERMITS <u>36.00</u>	DATE PERMIT ISSUED <u>4/10/87</u>	ENGINEERING	YES <input type="checkbox"/> NO <input type="checkbox"/>
FIRE _____ AREA _____	DATE READY TO ISSUE PERMIT _____	BUILDING DEPT.	YES <input type="checkbox"/> NO <input type="checkbox"/>
SHERIFFS _____	PERMIT EXTENSION DAYS _____	WATER & SEWER	YES <input type="checkbox"/> NO <input type="checkbox"/>
ROADS _____ FONE _____	BUILDING DEPT. VALUE \$ <u>6780.00</u>	HEALTH DEPT.	YES <input type="checkbox"/> NO <input type="checkbox"/>
POWER COMPANY CALLED _____	INSPECTOR INITIALS <u>JWB</u>	FIRE DEPT.	YES <input type="checkbox"/> NO <input type="checkbox"/>
OTHER PERMITS REQUIRED:		FINANCE DEPT.	YES <input type="checkbox"/> NO <input type="checkbox"/>
ELEC. _____ PLUMBING _____		ZONING DEPT.	YES <input type="checkbox"/> NO <input type="checkbox"/>
		APPROVED BY <u>HIRE</u>	

Personally appeared Carolyn L. Rhodes, who on oath says that (he) (she) is the applicant for the foregoing, and that all the above statements are true to the best of (his) (her) knowledge, and that the work to be done thereon is authorized by the owner and will be done by contract with _____ Contractor/Owner.

NAME Carolyn L. Rhodes ADDRESS 10019 Arbor Ridge Orlando, FL. 32817

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ 1987

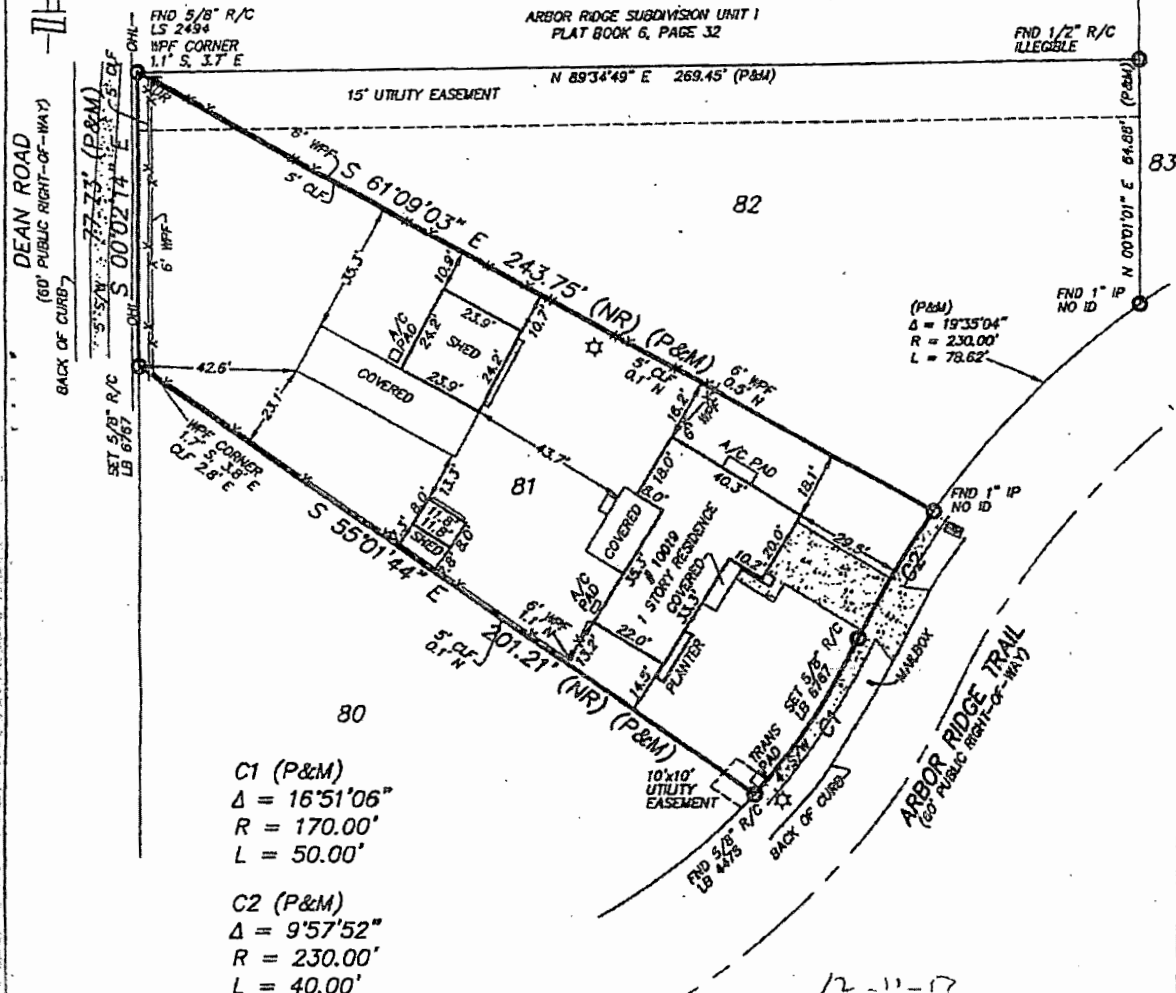
NOTARY PUBLIC, ORANGE COUNTY, FLORIDA

LOT 81

ARBOR RIDGE SUBDIVISION UNIT 2

ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6 ON PAGE 125 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ARBOR RIDGE SUBDIVISION UNIT 1
PLAT BOOK 6, PAGE 32



C1 (P&M)
Δ = 16°51'06"
R = 170.00'
L = 50.00'

C2 (P&M)
Δ = 9°57'52"
R = 230.00'
L = 40.00'

LEGEND

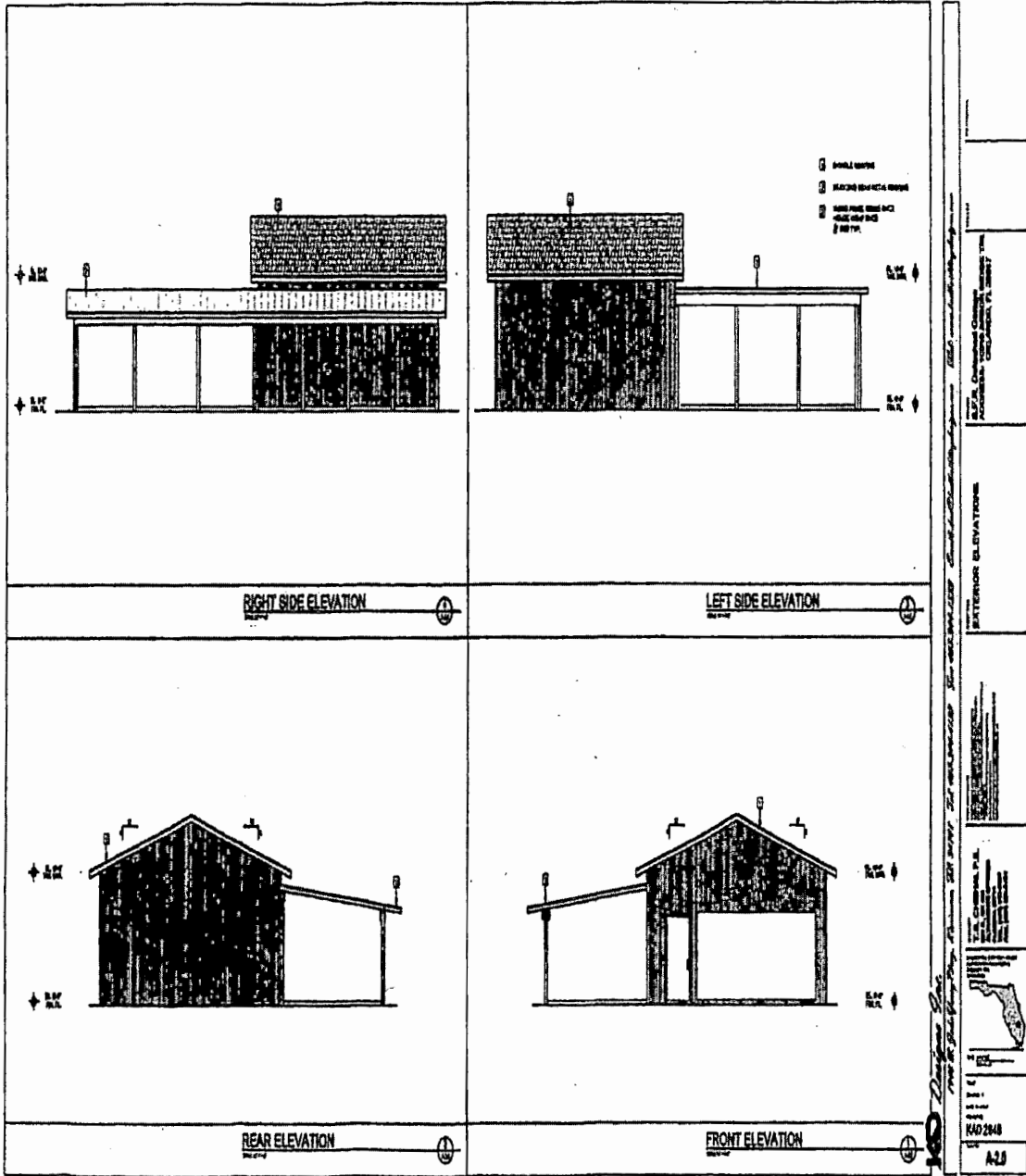
- FND - FOUND
- R/C - IRON ROD/CAP
- IP - IRON PIPE
- LB - LICENSED BUSINESS
- ID - IDENTIFICATION
- CLF - CHAIN LINK FENCE
- A/C - AIR CONDITIONER
- XY - LIGHTPOLE
- WM - WATER METER
- Δ - UTILITY RISER
- (NR) - NON RADIAL
- S/W - SIDEWALK
- (P) - PLAT
- (M) - MEASURED
- TRANS - TRANSFORMER
- OHL - OVERHEAD UTILITY LINE
- WPF - WOOD PANEL FENCE

SURVEY REPORT/NOTES:

- 1) SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 2) DISTANCES SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 3) UNLESS NOTED OTHERWISE, NO UNDERGROUND IMPROVEMENTS, FOUNDATIONS/FOOTERS OR ROOF OVERHANGS HAVE BEEN LOCATED. ENVIRONMENTAL CONDITIONS AND GOVERNMENTAL REQUIREMENTS NOT DETERMINED BY SURVEYOR.
- 4) SYMBOLS NOT TO SCALE.
- 5) OWNERSHIP OF SUBJECT PROPERTY AND IMPROVEMENTS UNDETERMINED BY SURVEYOR.
- 6) THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 40'.
- 7) BUILDING TIES ARE NOT TO BE USED TO CONSTRUCT DEED OR PLATTED LINES
- 8) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, USES OWNERSHIP OR MATTERS OF RECORD BY THIS FIRM.
- 9) THE RELATIVE ACCURACY OF FIELD MEASURED CONTROL EXCEEDS 1 FOOT IN 10,000 FEET.
- 10) BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF SUBDIVISION PLAT BEING N 89°34'49" E PER THE DESIGNER'S PLAT

LIMITATION OF LIABILITY: IN RELIANCE ON THIS SURVEY IS RESTRICTED TO THOSE PARTIES LISTED AS REFERRED TO ON THE FACE OF THIS SURVEY. ASSIGNED AND ASSUMED BY SURVEYOR AND SURVEYOR

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JAN 17 2017
Zoning Division





STAFF REPORT
CASE #: VA-18-03-011
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
March 1, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Louis Rhodes

REQUEST: Variances in the P-D zoning district as follows:

- 1) To permit a cumulative total of 1,296 sq. ft. of accessory floor area in lieu of 500 sq. ft.
- 2) To permit an existing accessory structure 22 ft. in height in lieu of 20 ft.

LOCATION: West side of Arbor Ridge Tr., on the east side of N. Dean Road, approximately 200 ft. northeast of the intersection of Arbor Ridge Tr. and N. Dean Rd.

PROPERTY ADDRESS: 10019 Arbor Ridge Trail, Orlando, FL 32817

PARCEL ID: 08-22-31-0202-00-810

PUBLIC NOTIFICATION: 86

TRACT SIZE: 82 ft. x 222.5 ft. (AVG)

DISTRICT #: 5

ZONING: P-D

EXISTING USE(S): Single Family Residence w/Accessory Structures

PROPOSED USE(S): Existing accessory structures

SURROUNDING USES: N - Single Family Residence
S - Single Family Residence
E - Single Family Residence
W -N. Dean Road

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the Arbor Ridge Planned Development which allows for single family homes. The subject property is more than twice the minimum size of a lot in this P-D (7,000 sq. ft.).
2. The subject property backs up to North Dean Road. There will be no impacts to any properties to the west.
3. The applicant has submitted letters of support from sixteen (16) residents residing in nine (9) neighboring residences. This includes the owners of the lots to the north and south of the subject property. This is the result of code enforcement action.
4. A permit was pulled in April 1987, for an accessory structure (B87-006320). Staff received a copy of the permit from the county's records department. The permit allowed the construction of a 20 ft. x 24 ft. accessory building. The survey attached to that permit record did not reflect the open air structure or the additional 8 ft. x 12 ft. shed.
5. The request is larger than that normally considered within the range of the BZA's support, the request represents a variance of 256%.
 - This lot does not have any special conditions or circumstances unique to it.
 - The need for the variance is self-created as it appears some of the structures were built without permits.
 - The variance proposed is not the minimum possible variance that will make reasonable use of the land.

STAFF RECOMMENDATION:

Staff recommends denial of the variances; however, should the BZA find that the applicant has satisfied the criteria for granting a variance, staff recommends that the following conditions be attached:

1. Development in accordance with the site plan and elevations dated January 17, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a permit for the unpermitted construction within 180 days of final action on this application by Orange County, or this approval becomes null and void.

cc: Louis Rhodes, Applicant
10019 Arbor Ridge Trail
Orlando, Florida 32817

DAVID RUNNELS
SE-18-03-012

REQUEST: **Special Exception** in the R-1AA zoning district to allow a detached guest house.
Variations as follows:
1) To allow a two-story, 685 sq. ft. detached guest house
2) To allow a side setback (east property line) of 5 ft. in lieu of 7.5 ft.

ADDRESS: 1700 Lake Grove Lane, Orlando FL 32806

LOCATION: South side of Lake Grove Ln, south of Gatlin Ave., east of S. Ferncreek Ave.

S-T-R: 18-23-30

TRACT SIZE: 131 ft. x 225 ft. (AVG)

DISTRICT#: 3

LEGAL: NORTSHORE 27/121 LOT 14

PARCEL ID: 18-23-30-5981-00-140

NO. OF NOTICES: 210

DECISION: **APPROVED** the Special Exception request in that the Board finds it met 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, **APPROVED** the Variance request #1, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions; and further, **DENIED** the Variance requests #2, in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3) (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan, elevations and floor plan dated January 17, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Construction plans shall be submitted within three (3) years of the final County approval, or this approval becomes null and void.

5. The Guest House shall be used by family members or guests and shall not be rented out.
6. The exterior of the Guest House shall have similar colors and design materials as the primary residence.
7. The guest house shall not have any 220 outlets, no dishwasher, and, no overhead cabinets. It may have a single compartment sink only and under the counter refrigerator.
8. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
9. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

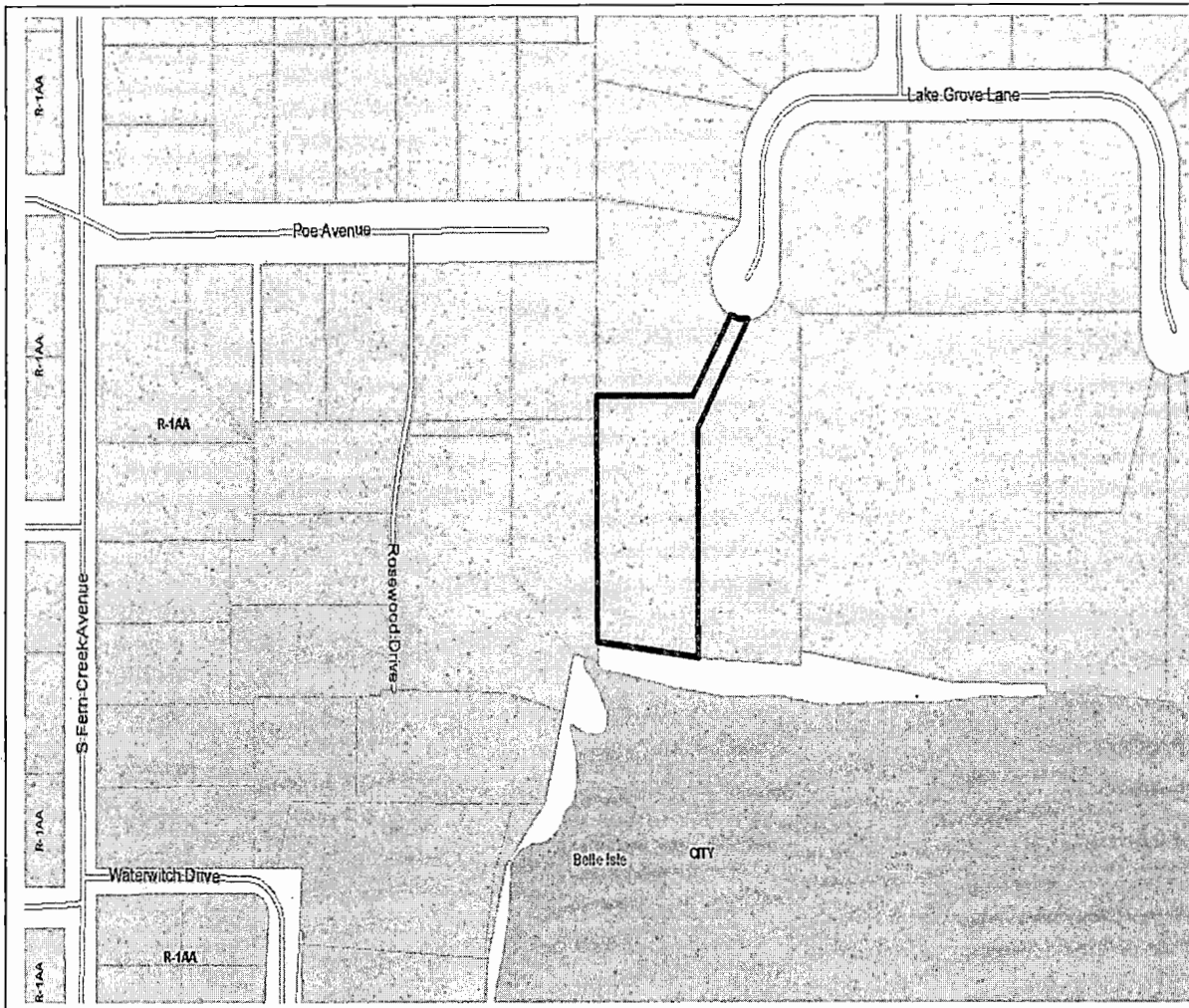
SYNOPSIS: Staff gave a presentation on the case covering the location, site layout, floorplan, and photos.

The applicant stated that they were OK with the 7.5 foot side setback, which will work if they move the structure back 4 feet.

The BZA acknowledged that the applicant was willing to comply.

Staff received no commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.



Applicant: David Runnels

BZA Number: SE-18-03-012

BZA Date: 03/01/2018

District: 3

Sec/Twn/Rge: 18-23-30-NW-B

Tract Size: 131 ft. x 225 ft. (AVG)

Address: 1700 Lake Grove Lane, Orlando FL 32806

Location: South side of Lake Grove Ln, south of Gatlin Ave., east of S. Ferncreek Ave.

David E. Runnels, AIA, P.A.
Architect

License #AR0011659
233 West Park Avenue
Winter Park, Florida 32789
(407) 644-6610
FAX: 644-5914



January 16, 2018

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


RE: 1700 Lake Grove Lane – Variance/Special Exception Request – Cover Letter

This request is for a variance for a 2 story detached building, and for a special exception for a guest area to be built in the detached building. There is not a planned full kitchen for the space, and the Owner has no intent of renting out the structure, but rather it is intended for their visiting family members to use. The detached structure will have a single car garage and some living space on the first floor, and will have a second level guest area. There is also a two-story porch feature planned to face the Owner's rear yard area and the lake. Construction methods and materials are to strictly match the existing single family residence, block construction with brick at the first floor, frame walls with stucco at the second floor. Roofing materials will match the existing flat tile of the main house. Grading and drainage design will be detailed at the time of final construction plans, but all elements will comply with standard lakefront requirements.

The detached structure will have 685 sf of living space total, 318 sf of garage space, and 380 sf of porch (190 per level), for a total of 1,383 sf under roof. (see attached plans for specific dimensions)

The detached structure is proposed to be 5' away from the side property line. Code allows for a 5' setback for detached structures. The proposed structure is planned to be approximately 117' away from the NHWL at the lake.

There is also a letter of approval from the adjacent neighbor for this proposed construction.

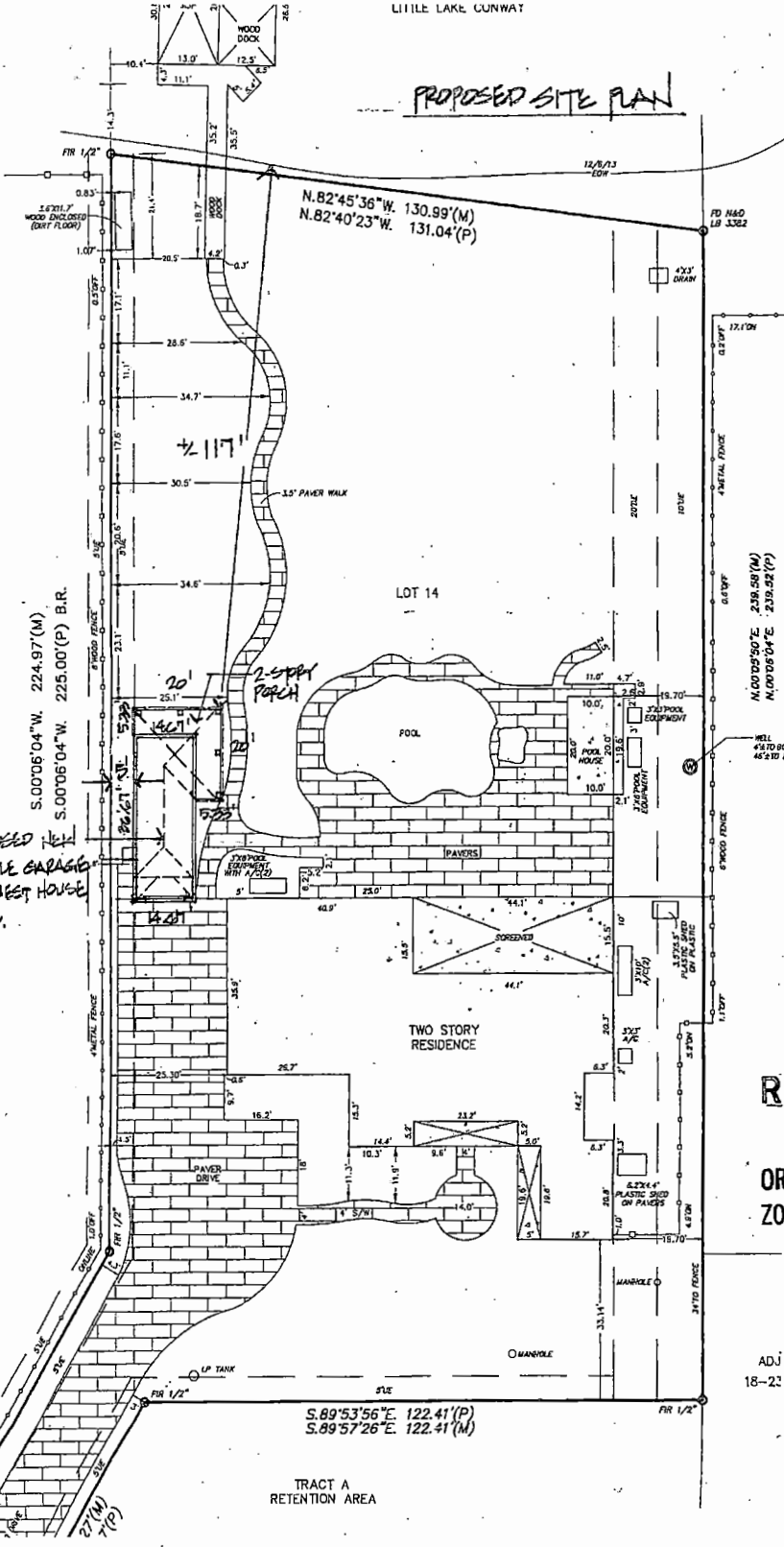

David E. Runnels
Architect

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JAN 17 2018
ORANGE COUNTY
ZONING DIVISION

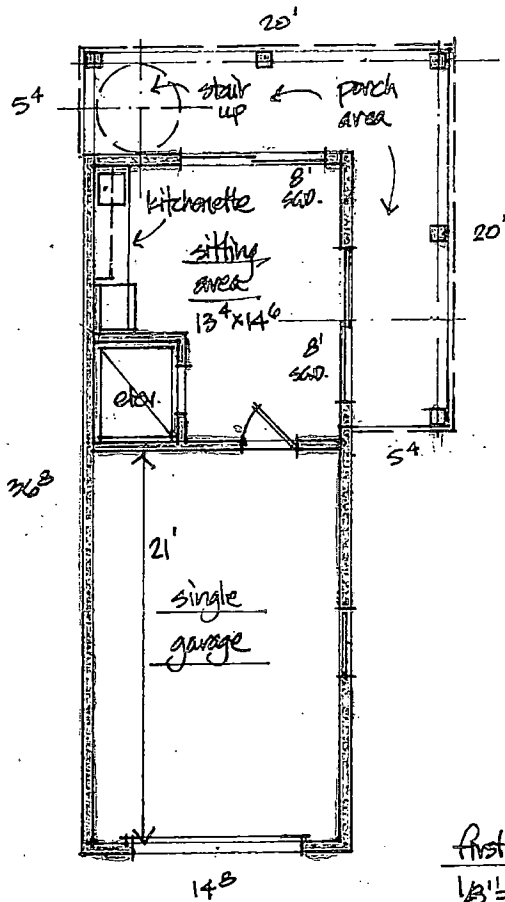
LITTLE LAKE CUNWAY

PROPOSED SITE PLAN



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 ORANGE COUNTY
 ZONING DIVISION

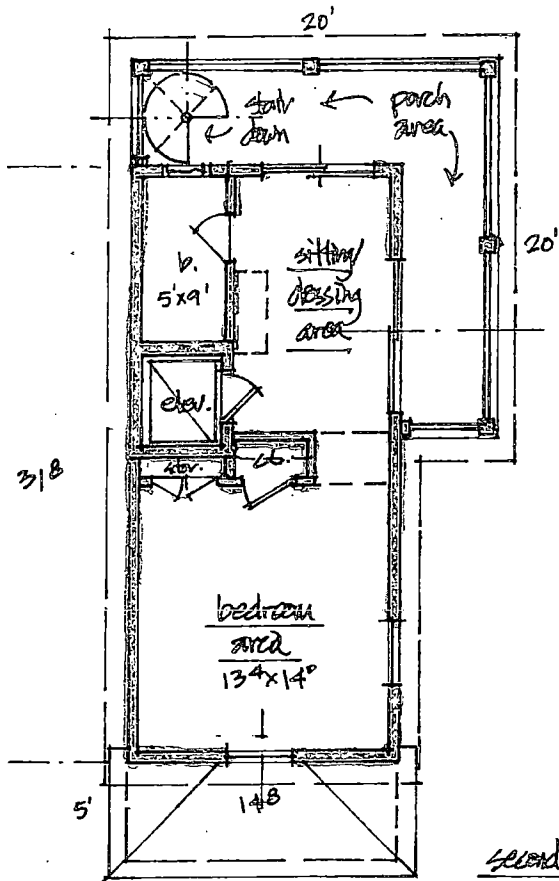




first level - concept plan
 1/8" = 1'-0"

- 538 sf. living/gar.
- 190 sf. porch
- 728 sf.

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 ORANGE COUNTY
 ZONING DIVISION



second level - concept plan

$\frac{1}{8}'' = 1'-0''$

- 465 sf living
- 190 sf porch
- 655 sf.

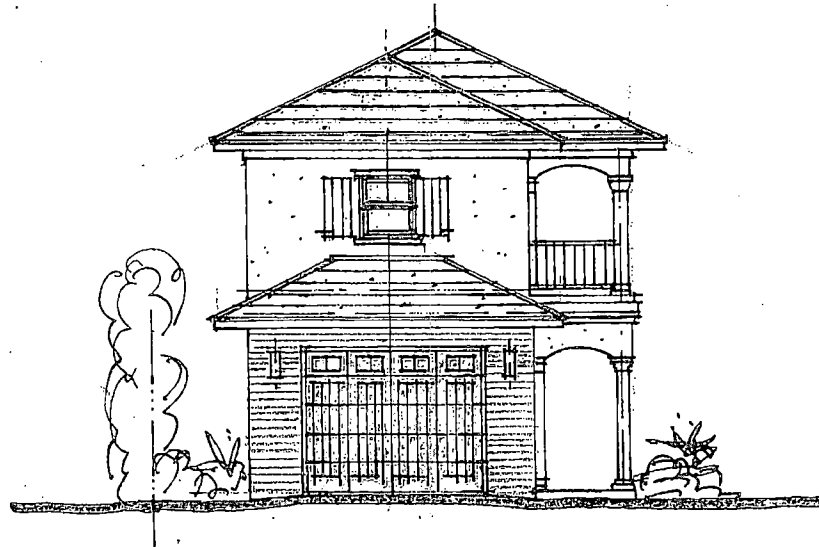
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JAN 17 2013
 ORANGE COUNTY
 ZONING DIVISION



guest house / concept elevation
1/8" = 1'-0"

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ORANGE COUNTY
ZONING DIVISION



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ZONING DIVISION

guest house / view from driveway
1/8" = 1'-0"



STAFF REPORT
CASE #SE-18-03-012
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
March 1, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: David Runnels

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the R-1AA zoning district to allow a detached guest house.

Variances as follows:
1) To allow a two-story, 685 sq. ft. detached guest house
2) To allow a side setback (east property line) of 5 ft. in lieu of 7.5 ft.

LOCATION: South side of Lake Grove Ln, south of Gatlin Ave., east of S. Ferncreek Ave.

PROPERTY ADDRESS: 1700 Lake Grove Ln.

PARCEL ID: 18-23-30-5981-00-140

PUBLIC NOTIFICATION: 210

TRACT SIZE: 131 ft. x 225 ft. (AVG)

DISTRICT #: 3

ZONING: R-1AA

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Single Family Residence with Guest House

SURROUNDING USES:
N – Vacant/retention
S – Lake Conway
E – Single Family Residence
W - Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting Special Exception approval to construct a detached guest house. The subject property has a Homestead Exemption.
2. The applicant is also requesting variances to construct the guest house with two-stories and to allow a reduced side setback of five (5) feet.
3. The property is located in the R-1AA single family residential zoning district, which allows a single family home and accessory structures.
4. Adequate parking is available to accommodate the guest house. The guest house will be located to the rear of the existing residence.
5. Staff recommends denial of Variance #2 (to allow a side setback of 5 ft. in lieu of 7.5 ft.) as it is a self-created hardship and does not deprive their rights. The structure could be built to meet the setback as the yard is large enough.
6. Approval of Variance #1 (to allow a two-story guest house), will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood or public welfare, if the proposal complies with the required 7.5 ft. setback:
 - Allowing a two story structure will reduce the overall impervious area on the property.
 - The guest house will be shorter than the principal residence and other homes in the immediate area.
 - Special conditions and circumstances exist on the property to justify approval of Variance # 1. The property is a lakefront lot and constructing a one story guest house with the same square footage would increase the footprint and expand the structure further into the rear yard. The applicant does not want to obscure the lake view.
7. Approval of the Special Exception will comply with the specific criteria:
 - Comprehensive Plan Policy FLU8.9.1, promotes the use of accessory dwelling units and guest houses.
 - The guest house use is similar and compatible with the surrounding area.
 - The guest house will not be a detrimental intrusion into the surrounding area.
 - The use meets the performance standards of the district.
 - The characteristics and impacts of an ADU are consistent with the majority of uses permitted in the A-1 zoning district.
 - There is no landscape buffer required between residential properties.

STAFF RECOMMENDATION:

Staff recommends denial of Variance #2, and approval of the Special Exception request and Variance #1, subject to the following conditions:

1. Development in accordance with the site plan, elevations and floor plan dated January 17, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Construction plans shall be submitted within three (3) years of the final County approval, or this approval becomes null and void.
5. The Guest House shall be used by family members or guests and shall not be rented out.
6. The exterior of the Guest House shall have similar colors and design materials as the primary residence.
7. The guest house shall not have any 220 outlets, no dishwasher, and, no overhead cabinets. It may have a single compartment sink only and an under the counter refrigerator.
8. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
9. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

cc: David Runnels, Applicant
233 West Park Avenue
Winter Park, Florida 32789

MARIO DE CAPRIO
VA-18-03-013

REQUEST: Variance in the R-3 zoning district to permit construction of an attached duplex on a lot with 50 ft. of lot frontage in lieu of 80 ft.
ADDRESS: 2336 East Jersey Avenue, Orlando FL 32806
LOCATION: South side of E. Jersey Ave., approximately 185 ft. west of S. Bumby Ave.
S-T-R: 06-23-30
TRACT SIZE: 50 ft. x 195 ft.
DISTRICT#: 3
LEGAL: CLOVER HEIGHTS REPLAT P/81 LOT 5 BLK A
PARCEL ID: 06-23-30-1424-01-050
NO. OF NOTICES: 108

DECISION: **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated March 1, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The property shall be developed with a front and back duplex instead of a side by side as proposed.

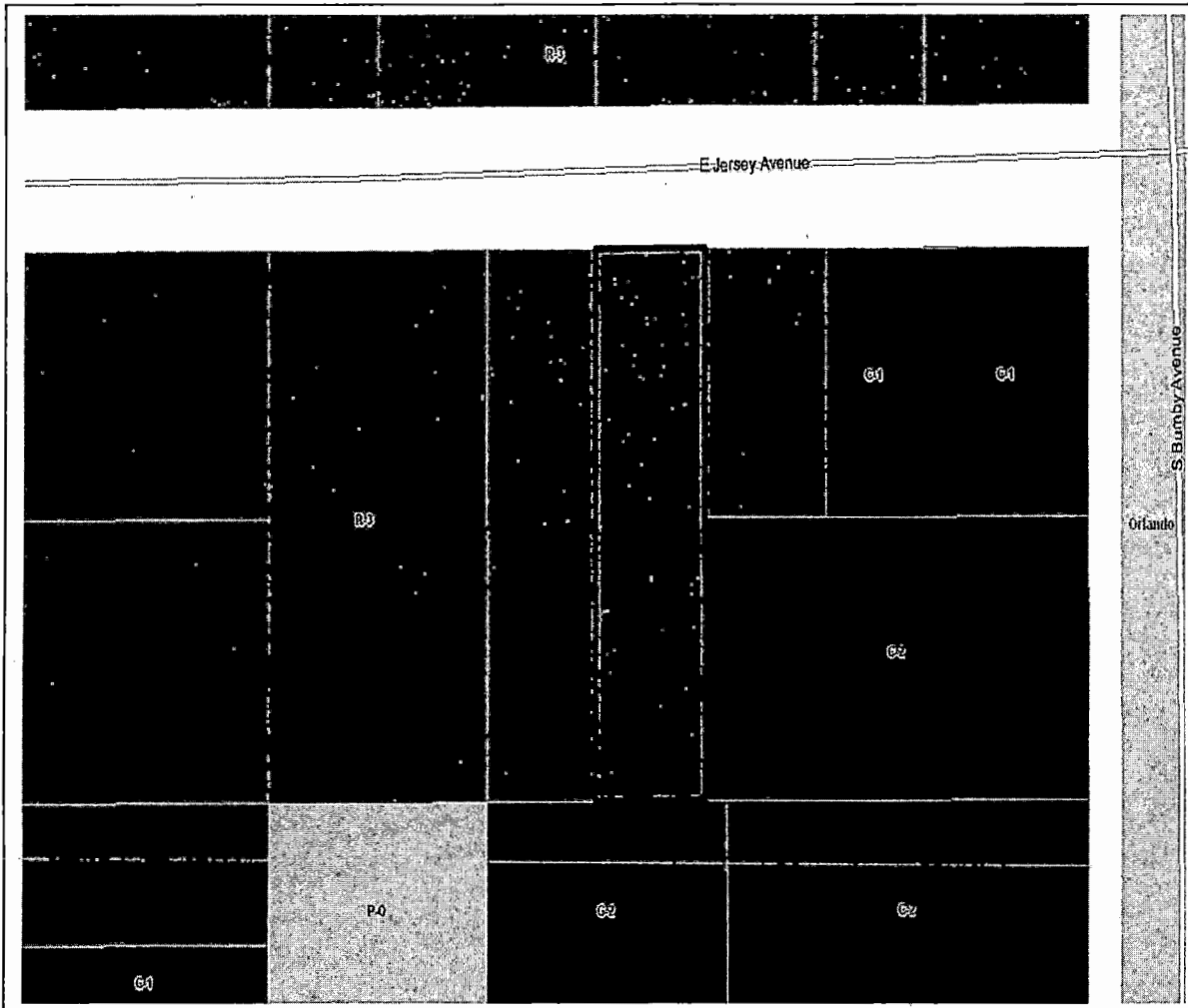
SYNOPSIS: Staff gave a presentation on the case covering the location, site layout, floorplan, and photos.

The applicant stated that they bought the property to build a duplex. The applicant presented an alternate site plan that reduced the duplex from 32 feet wide to 24 feet wide.

The BZA confirmed that the alternate site plan will have greater side setbacks. The BZA noted that the alternate site plan conforms with existing houses on the street, and acknowledged that the applicant has made an effort to accommodate. The BZA also noted that the request will provide needed housing and promote infill development.

Staff received no commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance subject to the alternate site plan, dated March 1, 2018.



Applicant: Mario De Caprio

BZA Number: VA-18-03-013

BZA Date: 03/01/2018

District: 3

Sec/Twn/Rge: 06-23-30-SW-C

Tract Size: 50 ft. x 195 ft.

Address: 2336 East Jersey Avenue, Orlando FL 32806

Location: South side of E. Jersey Ave., approximately 185 ft. west of S. Bumby Ave.

MDC Property Investment llc

January 2, 2017

Orange County Zoning Division, 201 S Rosalind Ave, Orlando FL 32801

RE: 2336 E Jersey Ave, Orlando FL 32806 – VARIANCE -

Cover Letter

In relation to the application attached, the writer is proposing a Duplex House plan on a vacant lot located at 2336 E Jersey Ave, Orlando FL 32806.

The Duplex is one bedroom and one bathroom per unit (n.2 units in the total). The living area per unit is 544 sq ft, so the total living area will be of 1088 sq. ft.

In addition to the living area, there is a little porch in the front house of 128 sq. ft. (32' x 4')

The Duplex width is 32' and the depth is 38', while the vacant lot is 50' x 195'.

Being a narrow lot, it only allows a building of 32' of width. Thus, the proposed distance from the property line will be 9' for each side.

The proposed distance from the front line will be 50', so there will be enough space for n. 4 cars parking. The distance from the duplex to the back line will be 107'.

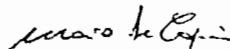
The proposed structure is one story and the height is about 15'-2". It will be made of concrete and shingle roof.

Whereas the Code requires a lot of 80' in width and considering the lot in object is 50' width, the only way to make possible the reasonable use of the land is to approve a minimum zoning variance. It will be in harmony with the purpose and intent of the Zoning Regulations and won't be injurious to the neighborhood or otherwise detrimental to the public welfare.

Moreover, It should be noted that, de facto, the proposed structure shall be similar and compatible with the surrounding area and shall be consistent with pattern of surrounding development.

Awaiting your kind reply, I remain.

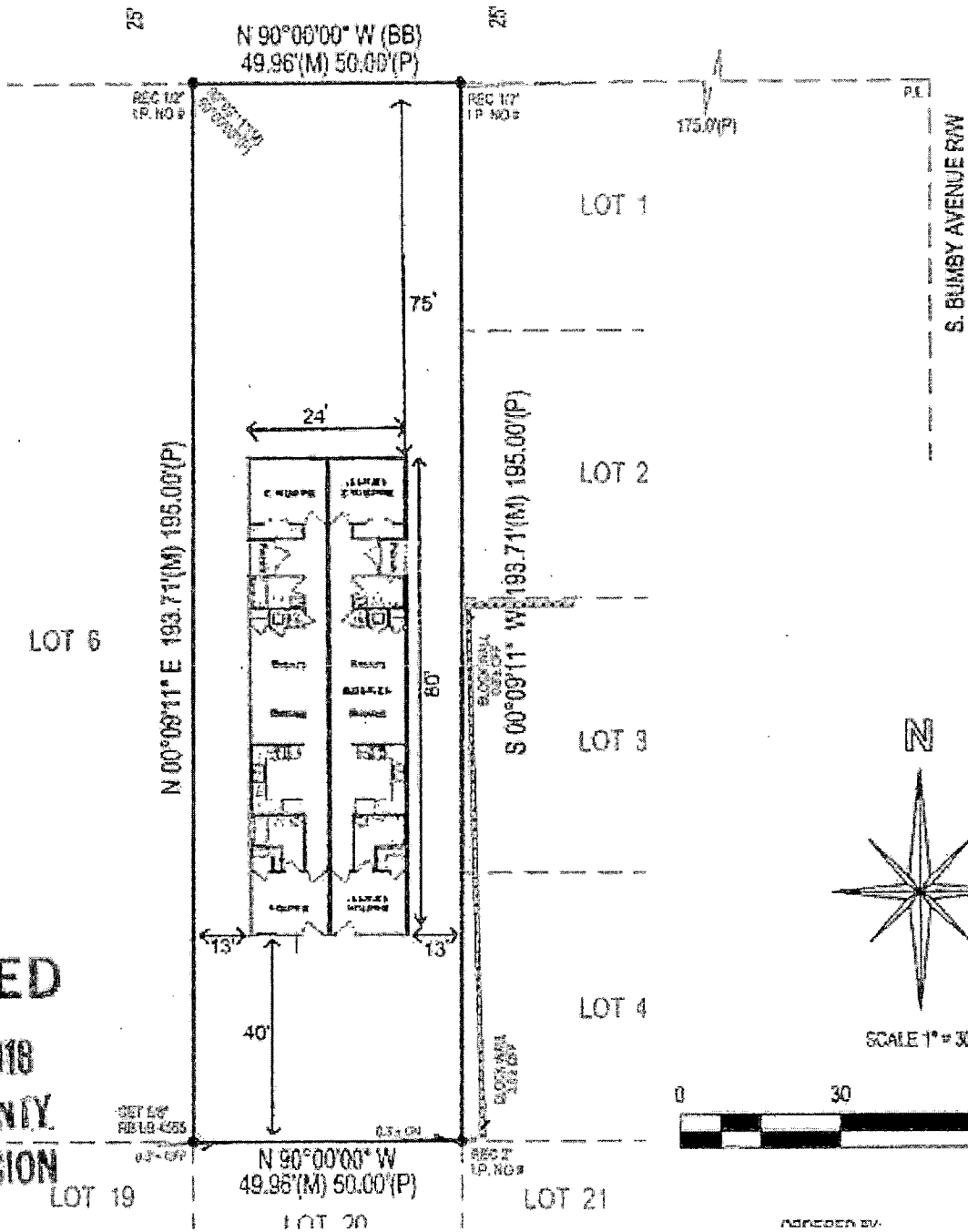
Best Regards.



Mario De Caprio as President of
MDC Property Investment LLC

2324 E. Jersey Ave Orlando, Florida 32806 – Tel. +1 407 590 8103. mariodecaprio@aol.com

C/O E. JERSEY AVENUE

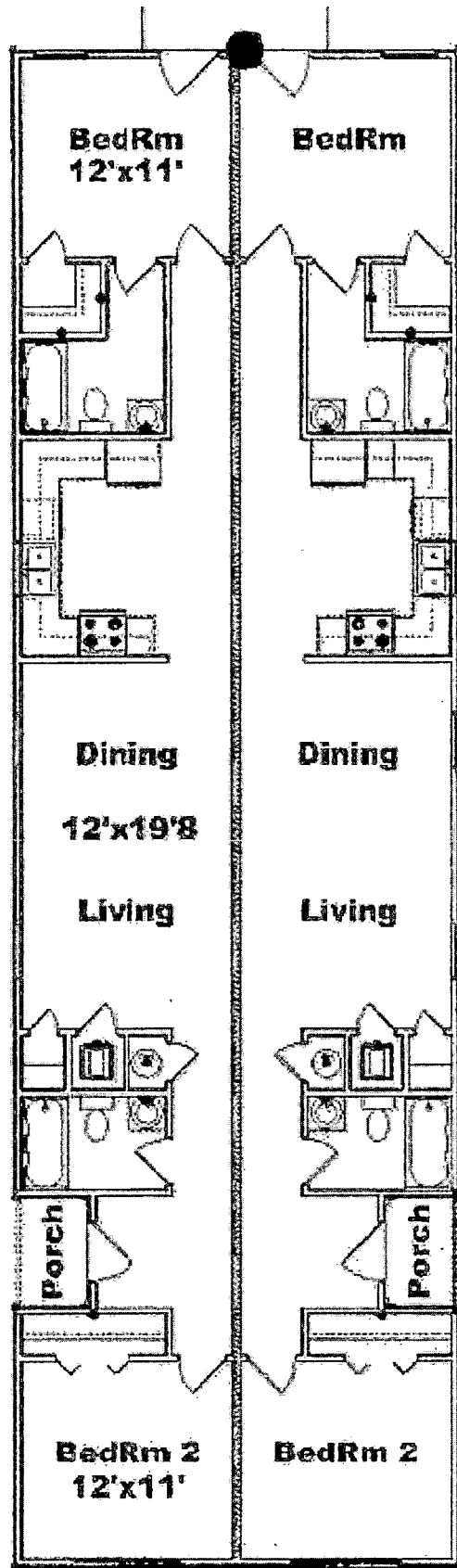


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MAR 01 2018

ORANGE COUNTY

ZONING DIVISION



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MAR 01 2018
 ORANGE COUNTY
 ZONING DIVISION

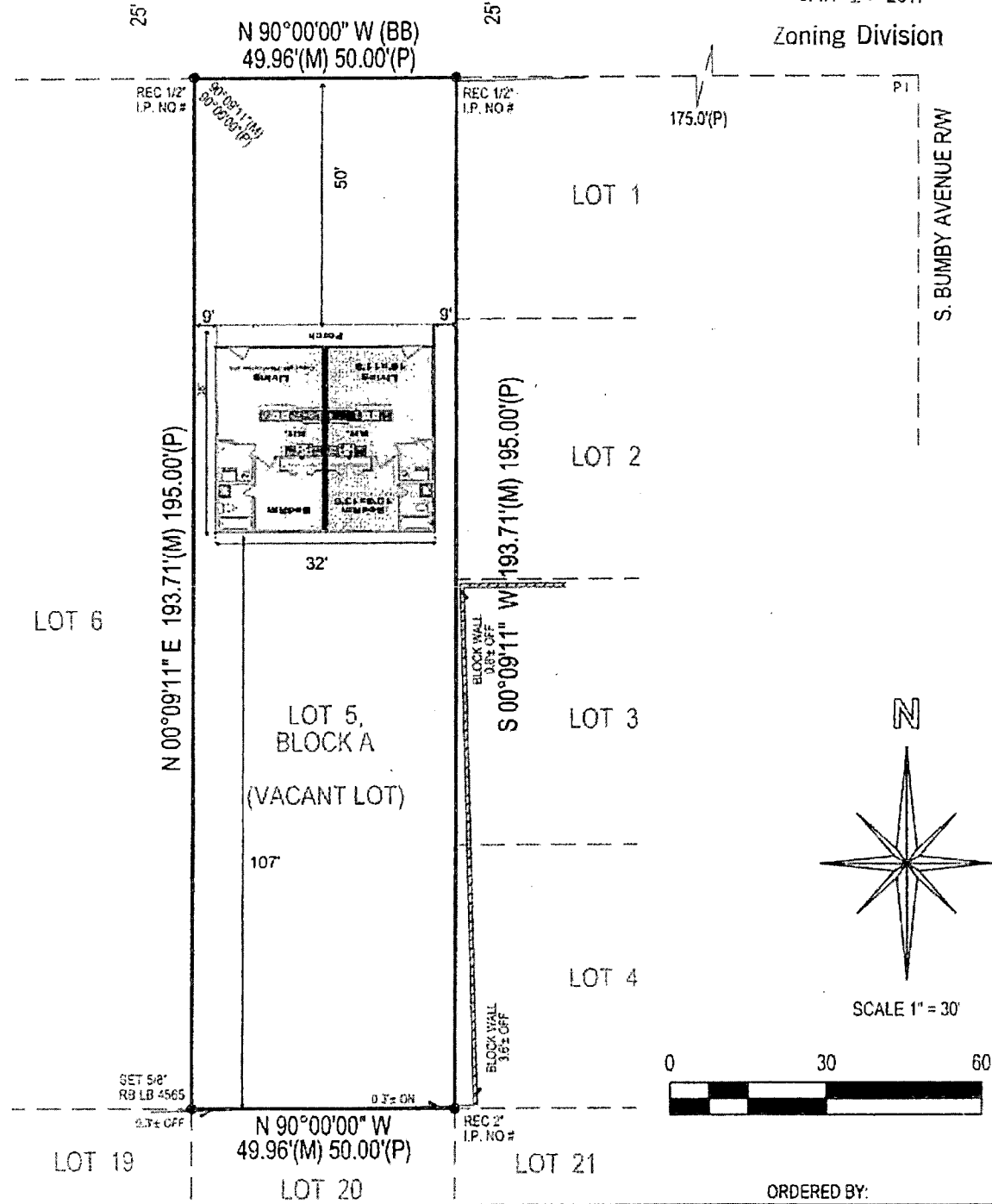
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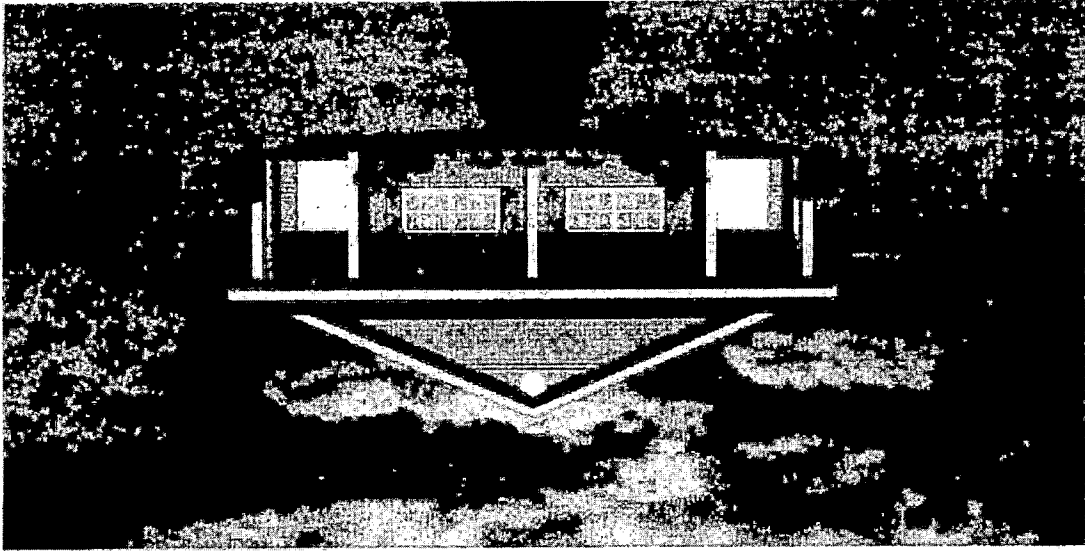
C/L E. JERSEY AVENUE

RECEIVED

JAN 17 2017

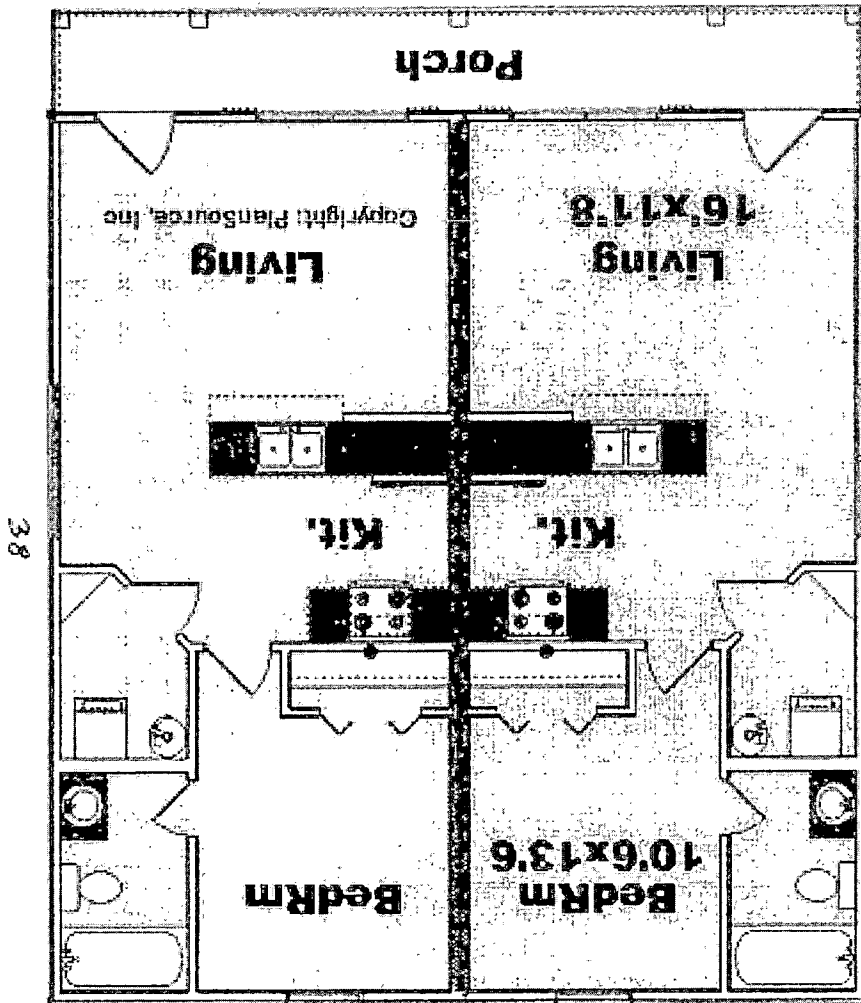
Zoning Division





Exterior view

32



38



STAFF REPORT
CASE #: VA-18-03-013
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
March 1, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Mario De Caprio

REQUEST: Variance in the R-3 zoning district to permit construction of an attached duplex on a lot with 50 ft. of lot frontage in lieu of 80 ft.

LOCATION: South side of E. Jersey Ave., approximately 185 ft. west of S. Bumby Ave.

PROPERTY ADDRESS: 2336 E. Jersey Ave., Orlando, FL 32806

PARCEL ID: 06-23-30-1424-01-050

PUBLIC NOTIFICATION: 108

TRACT SIZE: 50 ft. x 195 ft.

DISTRICT #: 3

ZONING: R-3

EXISTING USE(S): Vacant

PROPOSED USE(S): Attached Duplex

SURROUNDING USES: N - Single Family Residence
S - Vacant Commercial
E - Single Family Residence & Commercial
W - Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting a variance to construct a duplex on a 50 foot wide lot in lieu of the required 80 feet. This constitutes a 37.5% variance.
2. The property is located in the R-3 Multi Family Residential zoning district, which allows single family uses and multifamily uses on lots that comply with the required size and width.
3. The lot was platted in 1929, and is usable for single family development without any variances.

4. A duplex was constructed across the street in 2016; however, said lot is ninety-five (95) feet wide (two (2) platted lots combined) and complies with Code.
5. The request does not meet the Variance criteria:
 - There are no special conditions or circumstances.
 - The need for the variance is self-created.
 - Approval will grant special privilege to the applicant.
 - The request does not comply with the purpose and intent of the Zoning Regulations.
 - Literal interpretation of the code would not deprive the applicant from building a single family home by right on the property.

STAFF RECOMMENDATION:

Staff recommends denial of the request, however, if the BZA recommends approval the following conditions shall be imposed:

1. Development in accordance with the site plan dated Jan. 17, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

cc: Mario De Caprio
2324 East Jersey Avenue
Orlando, Florida 32806

AUGUSTINA PEASAH
SE-18-03-014

REQUEST: Special Exception in the R-1A zoning district to allow a day care for up to 65 children.
ADDRESS: 1436 22nd Street, Orlando FL 32805
LOCATION: East of South Rio Grande Avenue; south of 22nd St.
S-T-R: 03-23-29
TRACT SIZE: 140 ft. x 140 ft.
DISTRICT#: 6
LEGAL: ANGEBILT ADDITION H/79 LOTS 10 11 & 12 BLK 25 (LESS BEG AT NW COR OF LOT 12 TH E 9.28 FT S 141.04 FT W 6.65 FT N 141.03 FT TO POB TAKEN FOR RW PER OR 4203/2712)
PARCEL ID: 03-23-29-0180-25-100
NO. OF NOTICES: 114

DECISION: **APPROVED** the Special Exception request in that the Board finds it met 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 (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated February 14, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The hours of operation shall be limited to 6:00 a.m. to 6:00 p.m., Monday through Friday.
5. No more than fifty (50) children shall be enrolled at the daycare at any one time. Expansion of enrollment or use shall require additional approval by the BZA.

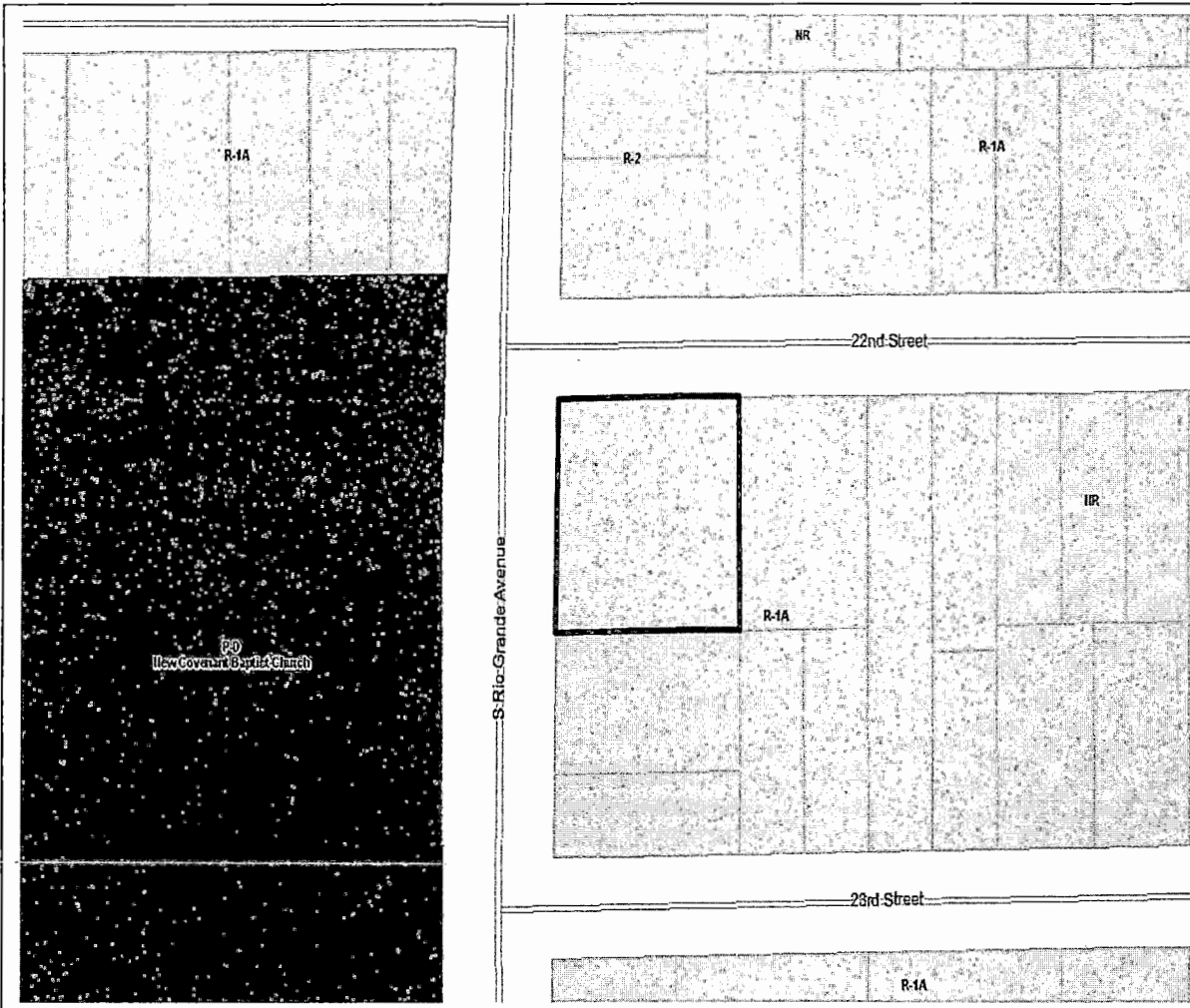
6. Construction plans shall be submitted within two (2) years of final approval or this approval becomes null and void.
7. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
8. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
9. A Type D landscape buffer shall be provided along the east property line except for where the masonry wall exists.
10. Signage shall be in accordance with 31.5-75, Orange County Code.
11. A three (3) foot high masonry knee wall, painted to match the existing masonry wall, shall be installed along the north and west property lines in between the parking area and required landscaping.
12. The applicant shall demonstrate to the satisfaction of the county ownership and agent authorization prior to placement on a BCC agenda.

SYNOPSIS: The applicant is proposing a daycare in an existing residence in the Holden Heights area. The property is located on the corner of a major right-of-way. Staff went over the case, showed photos of the site, and explained the layout. Staff explained that the existing 6 ft. wall would help buffer against the adjacent residential. Also, the fact that the location was at the end of the block would lessen the traffic impact into the neighborhood. Staff recommended approval based on lowering the amount of students to fifty (50) to require less parking and lessen the impact on the surrounding neighbors.

The applicant spoke and was in agreement with staff's recommendation of approval. He also agreed to lessen the amount of students to fifty (50) from the sixty five (65) that was originally requested.

No one spoke in favor or against the application. Staff did receive one correspondence in opposition from the neighbor to the south and that was shared with the board.

The BZA discussed the application, and the children's safety near the right-of-way. The BZA felt the concrete wall provided a sufficient barrier to protect the children. The BZA agreed that the application met the special exception criteria, added condition #12 regarding the ownership issue, and amended the request to lower the number of students to fifty (50).



Applicant: Augustina Peasah

BZA Number: SE-18-03-014

BZA Date: 03/01/2018

District: 6

Sec/Twn/Rge: 03-23-29-NE-A

Tract Size: 140 ft. x 140 ft.

Address: 1436 22nd Street, Orlando FL 32805

Location: East of S. Rio Grande Ave.; south of 22nd St



Unroe Engineering

Civil Engineering/Planning/Scientific Evaluations
PO Box 690942, Orlando, Florida 32869
Ph (407) 299-0650 <- Darcy@UnroeEngineering.com

February 16, 2018

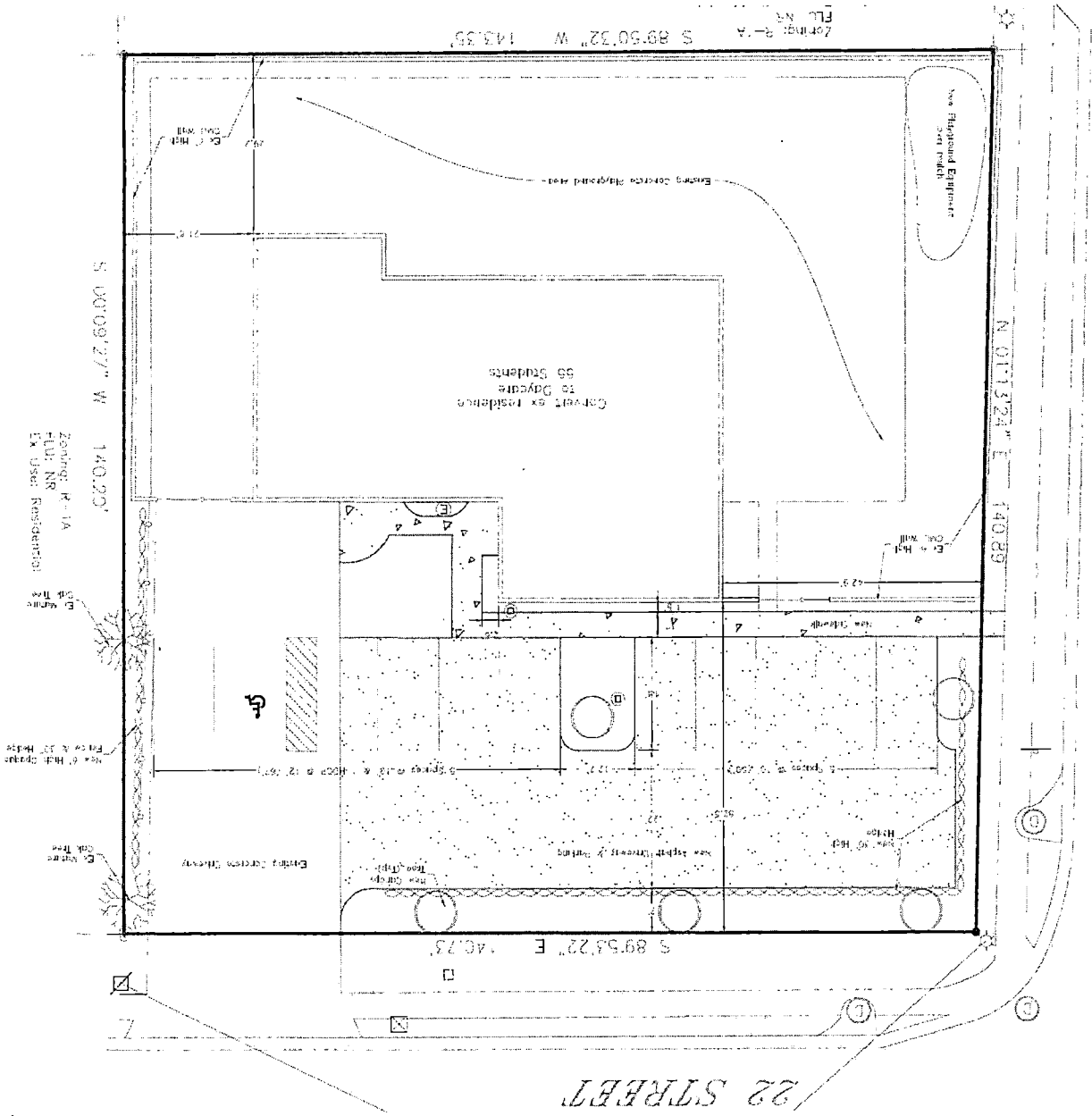
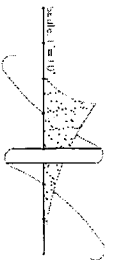
Orange County Board of Zoning Adjustment
201 S. Rosalind Avenue, Orlando, FL 32802-0000

RE: Rio Grande Day Care

1. The use shall be consistent with the Comprehensive Policy Plan.
Daycare is compatible as a special exception with residential as it provides a needed service in residential areas. The proposed site provides the smallest possible encroachment into the residential area, by being located adjacent a large collector type street.
2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
The development is located adjacent a large collector type street. The other development on Rio Grande Avenue is commercial in nature.
3. The use shall not act as a detrimental intrusion into a surrounding area.
The proposed site is located directly adjacent a collector street and has the smallest possible encroachment into the residential area.
4. The use shall meet the performance standards of the district in which the use is permitted.
The development will utilize the existing former residential structure. The driveway entrance to the site is existing. The proposed site construction has been minimized.
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 physical characteristics of the proposed use are similar to residential development. The outdoor play areas are screened from the adjacent properties by a 6' high CMU block wall.
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 required Landscape buffers will be provided.

Darcy Unroe PE

S RIO GRANDE
RIGHT OF WAY VARIES



22 STREET



STAFF REPORT
CASE #SE-18-03-014
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
March 1, 2018
Commission District: 6

GENERAL INFORMATION:

APPLICANT: Augustina Peasah

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the R-1A zoning district to allow a day care for up to 65 children.

LOCATION: East of S. Rio Grande Ave.; south of 22nd St.

PROPERTY ADDRESS: 2201 S. Rio Grande Ave.

PARCEL ID: 03-23-29-0180-25-100

PUBLIC NOTIFICATION: 114

TRACT SIZE: 140 ft. x 140 ft.

DISTRICT #: 6

ZONING: R-1A

EXISTING USE(S): Single family residence

PROPOSED USE(S): Daycare

SURROUNDING USES: N – Duplex
S – Single family
E – Single family
W - Church

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned R-1A, which allows for single family homes, and daycare centers as a Special Exception.
2. The parcel is located in the Holden Heights Overlay District and the Future Land Use is Neighborhood Residential (NR). The intent of the NR district is to provide diverse housing types complemented by parks and civic uses essential to community gathering. A daycare is allowed as a special exception in this district as well.
3. The rear, side and side street yards of the property currently have a six (6) foot high concrete wall surrounding it. This wall will provide a buffer surrounding the proposed playground area.
4. The property is accessed off of 22nd street, wherein, the address will need to be changed to reflect the correct street.
5. Staff visited the site on February 8, 2018, and observed a single family residence that was being renovated. The applicant was issued a code enforcement violation for a temporary storage container on site. A permit was pulled in January 2018 for this container (Z18000469).
6. The applicant is proposing a daycare with a maximum of fifty-five (55) children. The applicant has reduced the amount of children to accommodate the required parking. The applicant's proposal is to convert the existing 2,985 sq. ft. residence into a daycare facility. Staff is recommending that the number of students be reduced to fifty (50) to require less parking and to lessen the impact on the nearby residential. Code requires one parking space for each child at a daycare center, this site would be required ten (10) for fifty (50) students. The current plan proposes fifty-five (55) children and eleven (11) parking spaces.
7. Staff spoke with Development Engineering regarding a possible entrance from S. Rio Grande Avenue. However, there is not enough space to facilitate an additional access point.
8. The zoning code allows daycare homes outright in any residential zoning district. The difference between homes and centers is the number of children. Homes are capped at ten (10) persons per residence.
9. Staff recommends approval based on the Special Exception Criteria:
 1. The use shall be consistent with the Comprehensive Policy Plan.
A daycare center is permitted as a Special Exception in the R-1A and NR zoning districts.
 2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
Daycares typically support residential development and provide childcare opportunities for the community in which they are located. The property is located on the corner of a collector road (S. Rio Grande Avenue) which has several commercial businesses located in the vicinity. The location of the site at the end of the block negates the amount of traffic passing through the existing residential neighborhood.
 3. The use shall not act as a detrimental intrusion into a surrounding area.
The existing masonry wall shall provide buffering from noise, the limited hours of operation shall prevent evening/weekend disturbances, and the corner location of the daycare should prevent the operation from becoming an intrusion. The proposed use will utilize the existing residence and shall match the architectural design of the nearby residences.

4. The use shall meet the performance standards of the district in which the use is permitted.
The residence is existing and meets all required setbacks in the district. The required parking is being provided, driving aisles are sufficient, and fencing around the playground is being provided.

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.

R-1A is a residential zoning district which allows single family homes, home offices, and daycare homes. This use shall primarily be located indoors aside from the parking/dropoff which are limited times and the outdoor play times. The masonry wall and other buffers provided shall help to reduce the noise, dust, and glare associated with the outdoor play 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.

The property has an existing masonry wall in the rear and side yards. The applicant is proposing hedges and canopy trees where the wall is not located. The applicant is also proposing a six (6) foot high fence along the northeast portion of the lot to shield the parking lot from the neighboring residence. However, zoning code only allows a four (4) high fence in the front yard in residential, therefore the plan will need to be amended as such.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated February 14, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The hours of operation shall be limited to 6:00 a.m. to 6:00 p.m., Monday through Friday.

5. No more than fifty (50) children shall be enrolled at the daycare at any one time. Expansion of enrollment or use shall require additional approval by the BZA.
6. Construction plans shall be submitted within two (2) years of final approval or this approval becomes null and void.
7. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
8. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
9. A type D landscape buffer shall be provided along the east property line except for where the masonry wall exists.
10. Signage shall be in accordance with 31.5-75, Orange County Code.
11. A three (3) foot high masonry knee wall, painted to match the existing masonry wall, shall be installed along the north and west property lines in between the parking area and required landscaping.

cc: Darcy Unroe, Applicant's Representative
P.O. Box 690942
Orlando, Florida 32869

Augustina Peasah, Applicant
1307 South Pine Hills Road
Orlando, Florida 32808

DARRIN GRIFFIN
SE-18-03-017

REQUEST: **Special Exception and Variance** in the P-D & C-3 zoning district as follows:
1) Special Exception to permit an attached Accessory Dwelling Unit (ADU) over an attached garage.
2) Variance to permit additional development on an existing flag lot with a 5 ft. wide fee simple connection to a public right-of-way in lieu of a 20 ft. wide connection.

ADDRESS: 1610 Laken Cove Lane, Orlando FL 32804

LOCATION: West side of Interlaken Rd., approximately 700 ft. northwest of N. Rio Grande Ave., on the east side of Lake Fenton.

S-T-R: 10-22-29

TRACT SIZE: 100 ft. x 377.5 ft. (AVG) Developable

DISTRICT#: 2

LEGAL: INTERLAKEN Q/81 PART OF LOT 28 DESC AS COMM SE COR LOT 18 TH W 324.13 FT FOR POB TH RUN N 85 FT E 282.26 FT TO ELY LINE LOT 28 TH NWLY 5.37 FT W 280.31 FT N 9.41 FT TO N LINE LOT 28 TH W ALONG N LINE OF LOT 28 TO W LINE LOT 28 TH SWLY ALONG SAID W LINE TO

PARCEL ID: 10-22-29-3840-00-281

NO. OF NOTICES: 92

DECISION: **APPROVED** the Special Exception request in that the Board finds it met 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 further, **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0 and 1 absent):

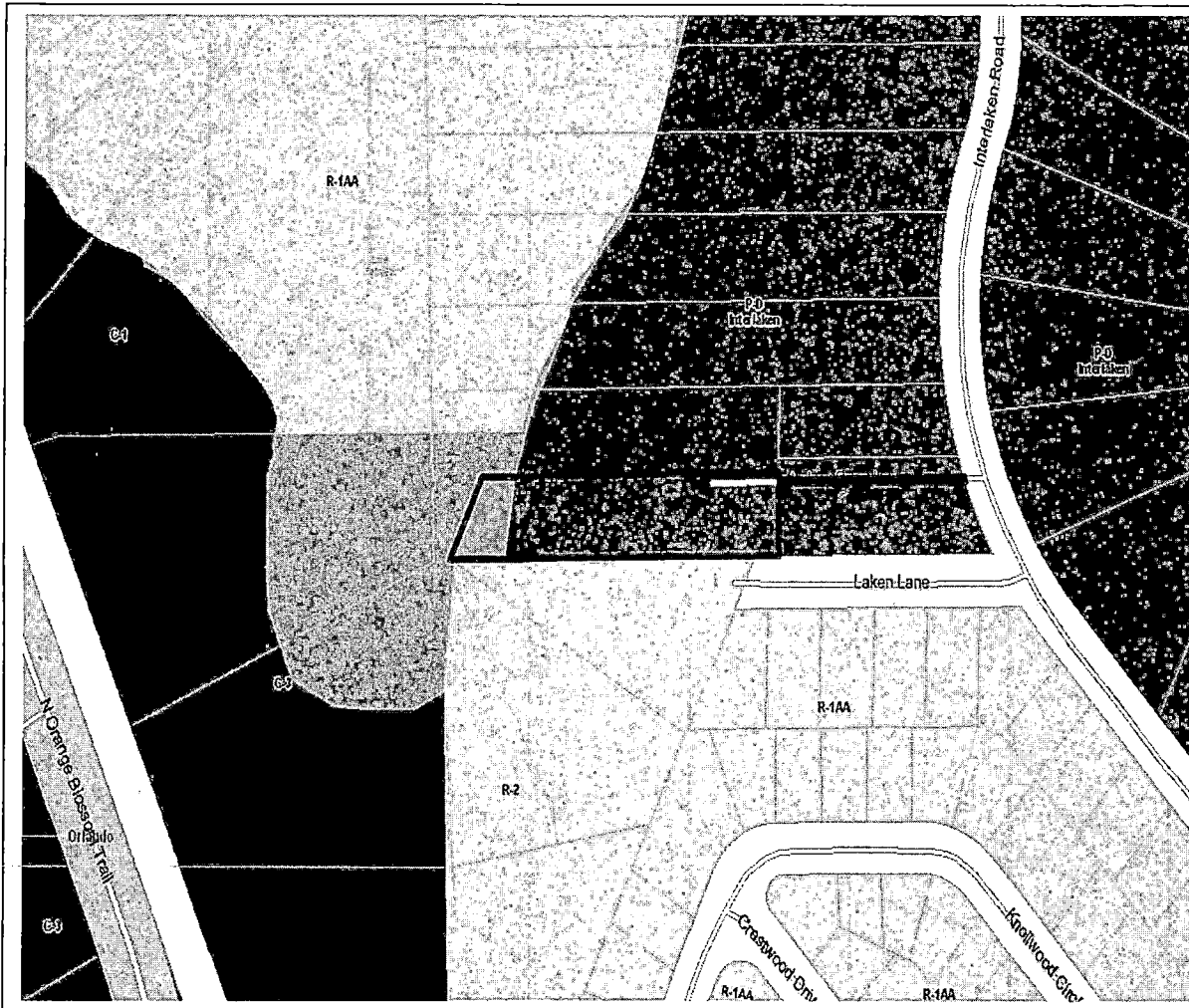
1. Development in accordance with the site plan dated January 17, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
5. The exterior of the addition shall match the exterior of the existing residence with respect to color and materials.

SYNOPSIS: Staff explained that the ADU is for the applicant's parents, and would be located over the attached garage. The addition is designed to blend seamlessly into the main house, which is also a two-story structure. While landscaping is not required between single family structures, there is a significant amount of landscaping surrounding the rear yards. The nature of an ADU is generally similar and compatible to single family homes with respect to noise, odor, and other negative impacts. No variances are being requested, so the ADU will comply with all dimensional requirements of the P-D. While two (2) neighboring property owners are in support of the request, staff did receive one (1) correspondence in opposition. The opponent lives north of the subject property and does not oppose the addition or the height, but is concerned that the ADU may become a rental unit. Staff noted that the ADU guidelines had in fact been changed to allow this. It was staff's position that the proposed ADU will not prove detrimental to the neighborhood.

The applicant waived their right to speak, noting that they were in complete agreement with the staff recommendation. There being no one present to speak for or against the application, the public hearing was closed.

The BZA concluded that the use met the criteria for a Special Exception. A motion to recommend approval was passed unanimously.



Applicant: Darrin Griffin

BZA Number: SE-18-03-017

BZA Date: 03/01/2018

District: 2

Sec/Twn/Rge: 15-22-29-NW-B

Tract Size: 100 ft. x 377.5 ft. (AVG) Developable

Address: 1610 Laken Cove Lane, Orlando FL 32804

Location: West side of Interlaken Rd., approximately 700 ft. northwest of N. Rio Grande Ave., on the east side of Lake Fenton.

Darrin Griffin
1610 Laken Cove Lane
Orlando, FL 32804
PH: 407-702-8724
FAX:407-264-8839

January 23, 2018

David C. "Dave" Nearing, AICP
Development Coordinator
Orange County
201 S. Rosalind Ave., 1st Floor
Orlando, FL 32801
(407) 836-5955

Mr. Nearing,

Please see the enclosed application for special exception to accessory dwelling unit for my home. This request is for the purposes of assisting my mother and father reside on property, due to my father having severe Alzheimer's. My mother will need the full dwelling unit as shown to function as independently as possible with our assistance.

Please let me know if you have any questions.

Sincerely,

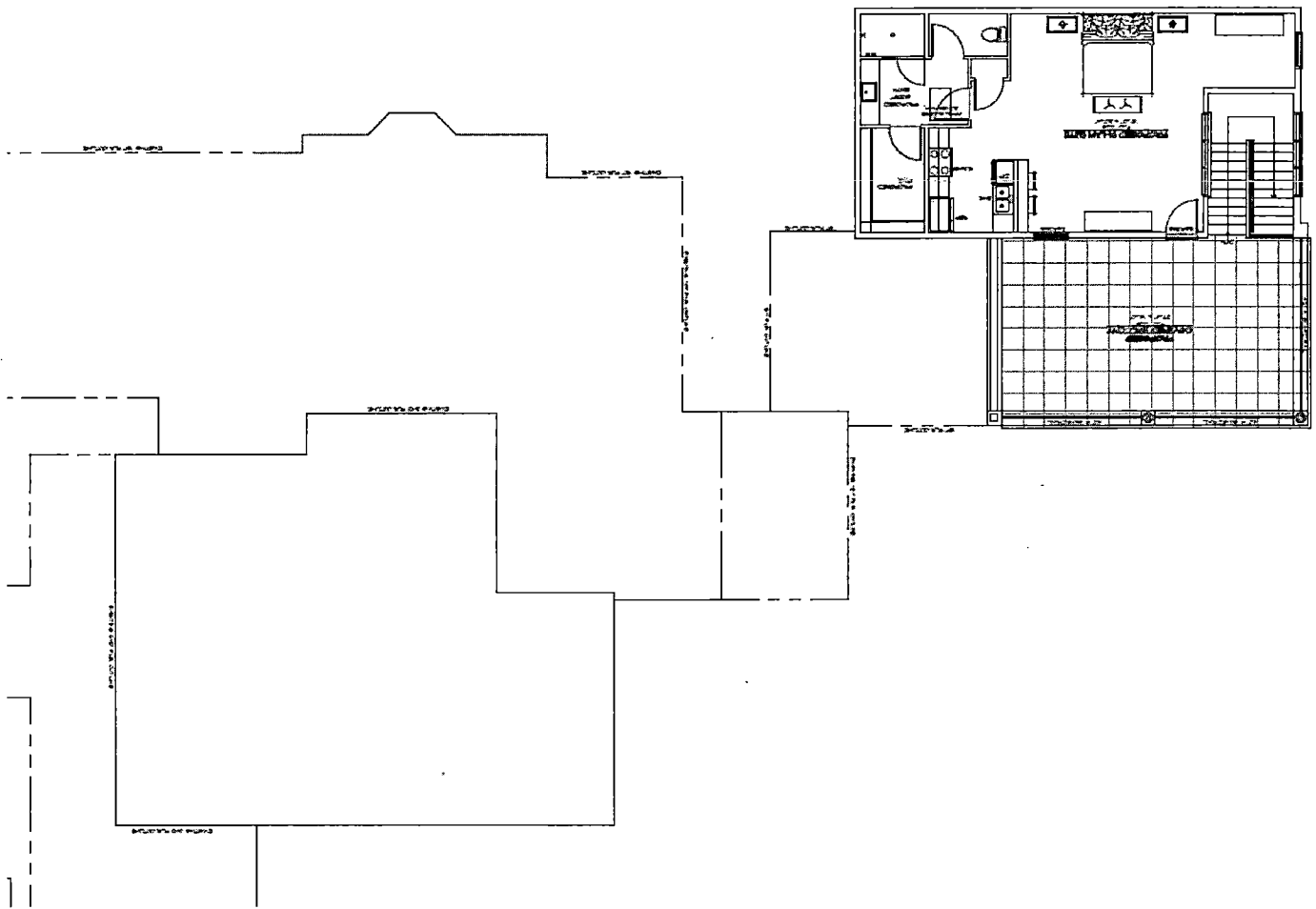


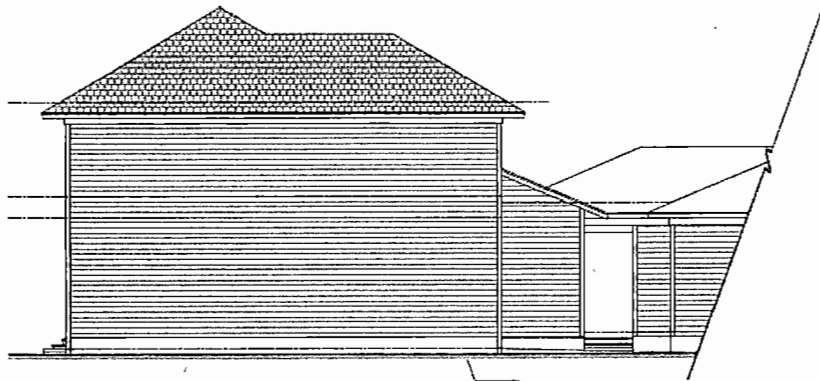
Darrin Griffin

RECEIVED
JAN 17 2018
Zoning Division.

PROPOSED AND FLOOR PLAN

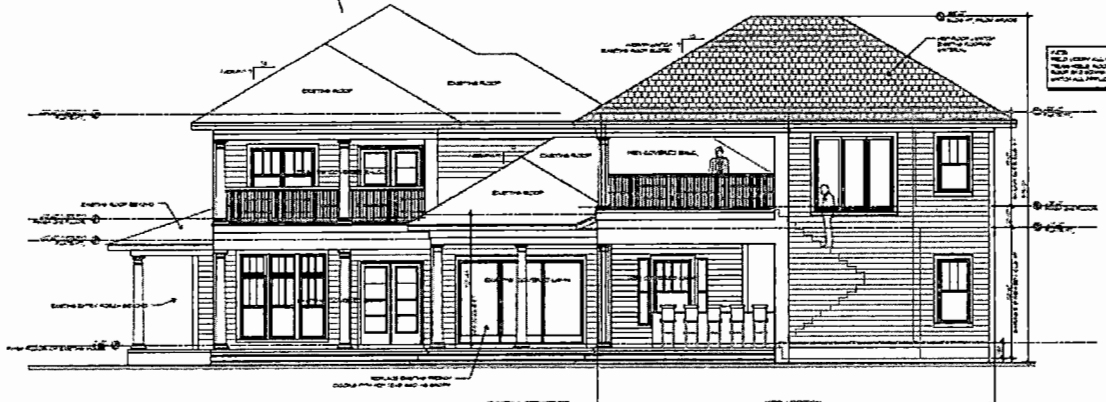
DATE: 10/10/10
PROJECT: [illegible]
DRAWN BY: [illegible]
CHECKED BY: [illegible]
SCALE: 1/8" = 1'-0"
SHEET NO. 134 OF 135





PROPOSED LEFT ELEVATION
AREA: 147' x 14'

PROPOSED RIGHT ELEVATION
AREA: 147' x 14'



PROPOSED REAR ELEVATION
AREA: 147' x 14'



STAFF REPORT
CASE #SE-18-03-017
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
March 1, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Darrin Griffin

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variance in the P-D & C-3 zoning district as follows:

- 1) Special Exception to permit an attached Accessory Dwelling Unit (ADU) over an attached garage.
- 2) Variance to permit additional development on an existing flag lot with a 5 ft. wide fee simple connection to a public right-of-way in lieu of a 20 ft. wide connection.

LOCATION: West side of Interlaken Rd., approximately 700 ft. northwest of N. Rio Grande Ave., on the east side of Lake Fenton.

PROPERTY ADDRESS: 1610 Laken Cove Lane, Orlando, FL 32804

PARCEL ID: 10-22-29-3840-00-281

PUBLIC NOTIFICATION: 92

TRACT SIZE: 100 ft. x 377.5 ft. (AVG) Developable

DISTRICT #: 2

ZONING: P-D & C-3

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): ADU over Attached Garage

SURROUNDING USES: N – Single Family Residence, P-D
S – Single Family Residence, R-1AA & R-2
E – Single Family Residence, P-D
W - Lake Fenton, C-3

STAFF FINDINGS AND ANALYSIS:

1. The applicant is intending to construct a two-story addition to their home. The first story will be a garage. The second story will be an Accessory Dwelling Unit (ADU) which will be occupied by the applicant's parents. The subject property has a homestead exemption.
2. The configuration of the subject property was approved in 2004 through a Land Use Plan for the Interlaken Planned Development. Since that time, the requirement for creating flag lots has been modified.
3. While the neighboring property owners have submitted letters of support for the ADU, the subject property is also very well buffered by existing vegetation. In addition, the existing residence is a two-story structure. The two-story addition will be in character with the existing structure.
4. Adequate parking is available to accommodate the ADU. The addition will be to the rear of the existing residence, which will be imperceptible from Interlaken Road.
5. The use will be compatible and consistent with the pattern of development in the neighborhood.
6. Approval of the variance will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood or public welfare. The lot is accessed through an existing driveway via an easement. The approval of the variance will validate the subject property to ensure that there will never be any issues with obtaining future permits.
7. Approval of the Special Exception will comply with the specific criteria:
 - a. Comprehensive Plan Policy FLU8.9.1 promotes the use of accessory dwelling units.
 - b. The ADU use is similar and compatible with the surrounding area.
 - c. The ADU will not be a detrimental intrusion into the surrounding area.
 - d. The use meets the performance standards of the district.
 - e. The characteristics and impacts of an ADU are consistent with the majority of uses permitted in the P-D zoning district.
 - f. There is no landscape buffer required between residential properties.

STAFF RECOMMENDATION:

Staff recommends approval of the special exception and variance subject to the following conditions:

1. Development in accordance with the site plan dated January 17, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
5. The exterior of the addition shall match the exterior of the existing residence with respect to color and materials.

cc: Darrin Griffin, Applicant
1610 Laken Cove Lane
Orlando, Florida 32804