



**Orange County  
Board of Zoning Adjustment  
RECOMMENDATIONS  
BOOKLET**

**November 3, 2016**

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



**ORANGE COUNTY GOVERNMENT**

**BOARD of ZONING ADJUSTMENT**  
**(BZA)**

Carolyn C. Karraker <i>Vice-Chair</i>	District #1
Gregory A. Jackson	District #2
Vacant	District #3
Deborah Moskowitz	District #4
Zachary Seybold <i>Chairman</i>	District #5
Eugene Roberson	District #6
Chuck Norman	At Large

## ***ORANGE COUNTY ZONING DISTRICTS***

### **Agricultural Districts**

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

### **Residential Districts**

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

### **Non- Residential Districts**

P-O.....	Professional Office District
C-1.....	Retail Commercial District
C-2.....	General Commercial District
C-3.....	Wholesale Commercial District
I-1A.....	Restricted Industrial District
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  
November 3, 2016**

<b><u>PUBLIC HEARING</u></b>	<b><u>APPLICANT</u></b>	<b><u>DISTRICT</u></b>	<b><u>BZA Recommendations</u></b>	<b><u>PAGE #</u></b>
SE-16-09-118	Madison Landing Apartments	6	Continued	1
VA-16-11-140	Joseph Hembree	1	Approved w/Conditions	3
VA-16-12-149	Hien Le	3	Approved w/Conditions	11
VA-16-11-139	Thomas Otto	1	Approved w/Conditions	19
VA-16-11-141	Roger Dale Hull, Jr.	3	Request #1 Approved w/Conditions Request #2 Denied Request #3 Unnecessary	27
VA-16-10-127	Ramadan Seyam	6	Denied	38
SE-16-11-142	Michael Blair	2	Approved w/Conditions	46
SE-16-11-144	Troy D. Rivera	5	Approved w/Conditions	55
VA-16-11-145	Riccy Carabeo	3	Request #1 Approved w/Conditions Request #2 Denied	65
SE-16-11-146	Adam Dionna, Agent for ATT Corporation	1	Approved w/Conditions	73
SE-16-11-147	Diane Arias	2	Approved w/Conditions	85
SE-16-11-148	Rehoboth Evangelical Baptist Church	6	Requests #1-3 Approved w/Conditions Request #4 Denied	95
VA-16-11-143	Cafe Caobana	3	Denied	109
VA-16-08-093	Loren McHenry	2	Approved w/Conditions	118
VA-16-09-117	Kevin Costin	1	Approved w/Conditions	127

**MADISON LANDING APARTMENTS**  
**SE-16-09-118**

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**REQUEST:** Variance in the R-3 zoning district to permit two (2) multifamily structures with a height of seventy-two (72) feet in lieu of thirty-five (35) feet.  
(Note: The applicant is in the process of amending the future land use designation and zoning of the subject property to allow the multifamily land use. The proposed structures will be used for elderly affordable housing. There are no single family structures within 100 ft. of the subject property).

**ADDRESS:** 1701 West Oak Ridge Road, Orlando, FL 32809

**LOCATION:** West side of S. Rio Grande Ave., 425 ft. north of the northwest corner of Rio Grande Ave. and W. Oak Ridge Rd.

**S-T-R:** 22-23-29

**TRACT SIZE:** 5.4 acres

**DISTRICT#:** 6

**LEGAL:** PLAN OF BLK 1 PROSPER COLONY D/109 LOTS 57 58 & S1/2 OF 39 & 40 (LESS W 200 FT OF LOT 58 & W 200 FT OF S1/2 OF LOT 39) & (LESS RD R/W ON S & E THEREOF) & (LESS R/W TAKEN PER OR 4269/1528)

**PARCEL ID:** 22-23-29-7268-57-000

**NO. OF NOTICES:** 165

The BZA **CONTINUED** this case to the December 1, 2016 BZA Meeting.



**Applicant:** Madison Landing Apartments

**BZA Number:** SE-16-09-118

**BZA Date:** 12/01/2016

**District:** 6

**Sec/Twn/Rge:** 22-23-29-NW-B

**Tract Size:** 5.4 acres

**Address:** 1701 W. Oak Ridge Rd, Orlando, FL 32809

**Location:** West side of S. Rio Grande Ave., 425 ft. north of the northwest corner of Rio Grande Ave. and W. Oak Ridge Rd.

**JOSEPH HEMBREE**  
**VA-16-11-140**

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**REQUEST:** Variance in the RCE-C zoning district to construct addition to existing single family residence (porch with solid roof) 20 ft. from the rear property line in lieu of 25 ft.  
**ADDRESS:** 1528 Maravilloso Loop, Windermere, FL 34786  
**LOCATION:** Northwest corner of Park Ridge, Gotha Rd., and Maravilloso Loop  
**S-T-R:** 32-22-28  
**TRACT SIZE:** .70 acre  
**DISTRICT#:** 1  
**LEGAL:** WOODS OF WINDERMERE 75/96 LOT 1  
**PARCEL ID:** 32-22-28-9470-00-010  
**NO. OF NOTICES:** 80

**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):

1. Development in accordance with site plan dated September 7, 2016 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; and,
4. The design of the addition shall be consistent with the design of the main house.

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

The applicant agreed with the staff report and recommendation.

The BZA confirmed that the addition will not encroach into the drainage easement.

The BZA was familiar with the area and the minimal impact of the request.

Staff received no commentaries in favor or in opposition to the application. There was no opposition at the hearing. The BZA approved the variance.





**Applicant:** Joseph Hembree

**BZA Number:** VA-16-11-140

**BZA Date:** 11/03/2016

**District:** 1

**Sec/Twn/Rge:** 05-23-28-NE-A,32-22-28-SE-D

**Tract Size:** .70 acre

**Address:** 1528 Maravilloso Loop, Windermere, FL 34786

**Location:** Northwest corner of Park Ridge Gotha Rd., and Maravilloso Loop

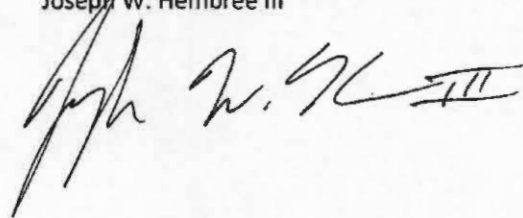
Orange County Zoning Division

To Whom It May Concern:

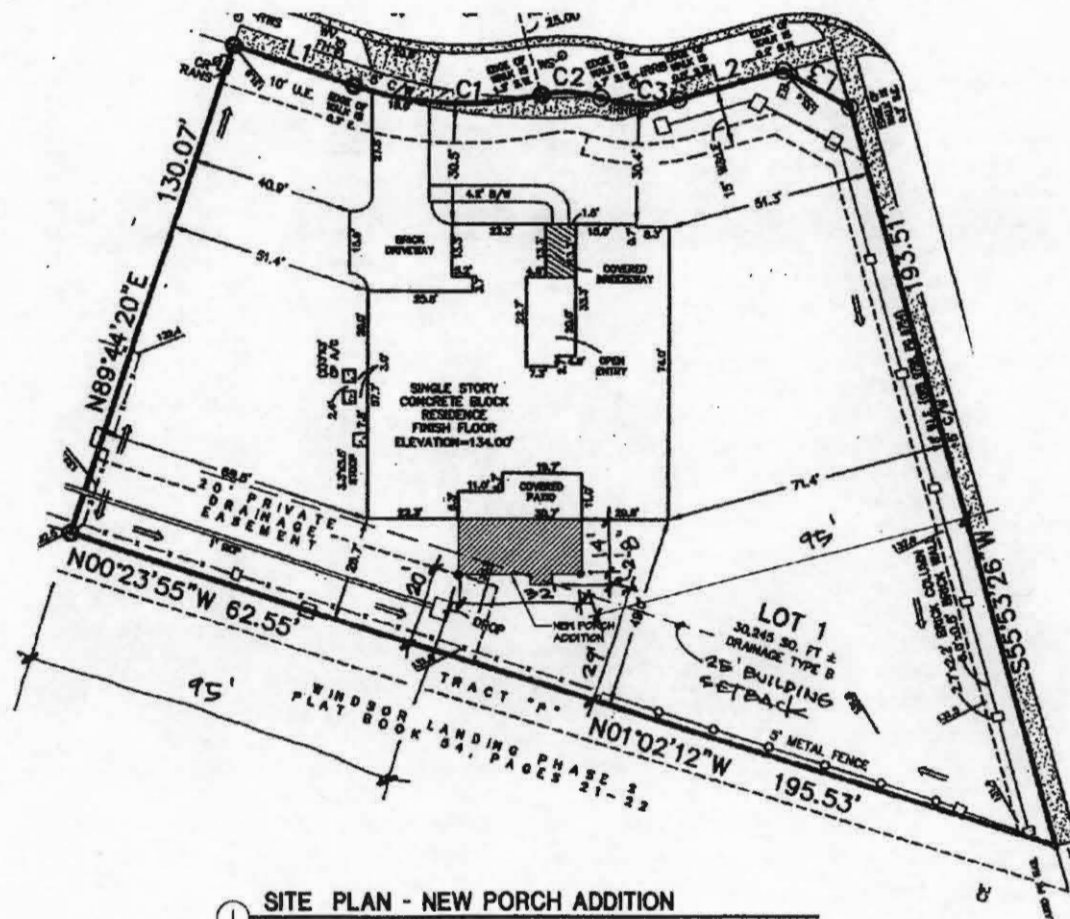
I am requesting a variance for the porch I would like to build on the back of my house. The Building setback on the rear of my property is 25' I found out when I submitted my building plans. I was told by the builder of the house when I bought it that it was 20' on this side of the property that was the same as the drainage easement. But when I tried to submit the plans I found out that was not the case. This is the only place I can extend my porch to attach to the pool that is already permitted which we had to move out to the side to meet all the setback requirements for it. My lot is oddly shaped and it is very difficult where they put the covered porch to do anything about extending it out to have enough room without going into the setback on the one corner of the porch. There will only be a small triangular piece of the porch that will be in the setback as you can see on the attached plans. I am requesting to go 5' into the setback and have unanimous approval from my Homeowner's Association and from my neighbors as well. I do not have any rear neighbors where the porch is going as there is a public bike path and fence on the rear of my property. The porch will be made out of block, with screens, wood trusses, and the exterior finishes will match the house. The porch will be a total of 448 SF and only approximately 85 SF of that will be beyond the 25' existing setback. The porch is 32' wide and 14' deep. The porch is 8' tall. I am requesting the porch be allowed to go 20' from the rear property line. *Roof will be Barrel tile to match existing on Home.*

Thank you,

Joseph W. Hembree III

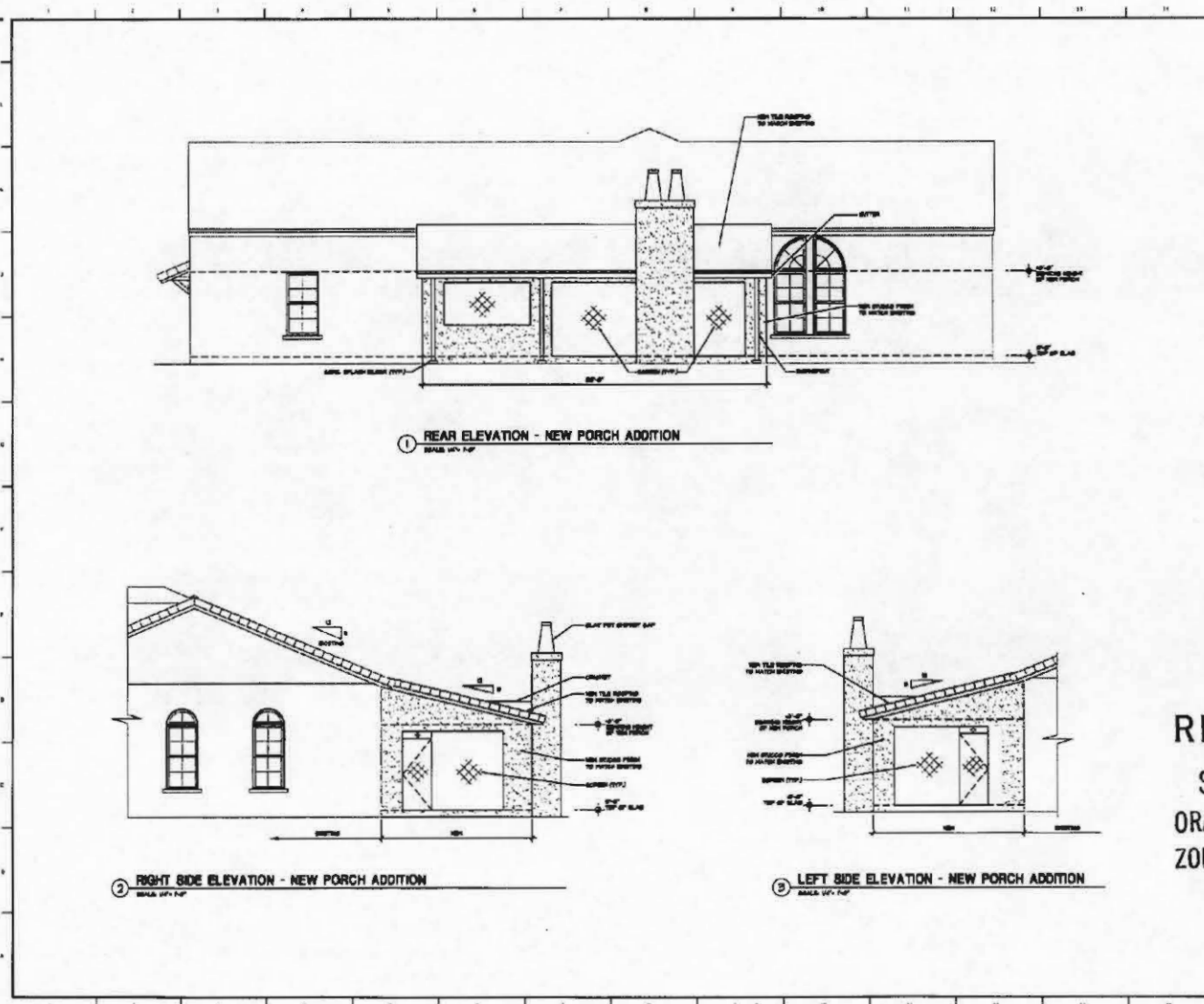


RECEIVED  
SEP 07 2016  
ORANGE COUNTY  
ZONING DIVISION



① SITE PLAN - NEW PORCH ADDITION  
SCALE: 1" = 20'

RECEIVED  
SEP 07 2016  
ORANGE COUNTY  
ZONING DIVISION





STAFF REPORT  
CASE #VA-16-11-140  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
November 3, 2016  
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Joseph Hembree

REQUEST: Variance in the RCE-C zoning district to construct addition to existing single family residence (porch with solid roof) twenty (20) feet from the rear property line in lieu of twenty-five (25) feet.

LOCATION: Northwest corner of Park Ridge Gotha Rd., and Maravilloso Loop

PROPERTY ADDRESS: 1528 Maravilloso Loop

PARCEL ID: 32-22-28-9470-00-010

TRACT SIZE: .70 acre

DISTRICT #: 1

ZONING: R-CE-C

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes an addition to a single family residence (porch with solid roof). A Variance is requested from the rear yard setback.
2. Only eighteen percent (18% )of the addition encroaches into the rear setback.
3. The rear property line is at an angle in relation to the house and street. This constitutes a valid hardship on the land.
4. The applicant has agreed to use the same roof material as the main house.
5. The HOA and the adjacent neighbors have signed letters of no objection to this proposal.
6. Staff has no objections to this request as it meets the variance criteria.



STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated, September 7, 2016, 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; and,
4. The design of the addition shall be consistent with the design of the main house.

cc: Joseph Hembree  
1528 Maravilloso Loop  
Windermere, Florida 34786

**HIEN LE**  
**VA-16-12-149**

---

**REQUEST:** Variance in the R-1A zoning district to allow a 506 sq. ft. accessory building (shed) to remain in lieu of 500 sq. ft.  
(This is the result of Code Enforcement action).

**ADDRESS:** 444 N. Forsyth Rd., Orlando, FL 32807

**LOCATION:** Southwest corner of Southern Charm Dr., and N. Forsyth Rd., south of E. Colonial Dr.

**S-T-R:** 27-22-30

**TRACT SIZE:** 198 ft. x 104 ft.

**DISTRICT#:** 3

**LEGAL:** BEG 126 FT S OF NE COR OF SE1/4 OF NE1/4 THN W 228 FT S 104 FT E 228 FT N 104 FT TO POB (LESS 30 FT RD R/W ON E) IN SEC 27-22-30

**PARCEL ID:** 27-22-30-0000-00-006

**NO. OF NOTICES:** 67

**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):

1. Development in accordance with site plan dated September 16, 2016, 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. Poultry is not permitted on-site unless Orange County regulations are amended to permit them;
5. The exterior of the accessory building shall match the exterior color of the existing house; and,
6. The applicant shall obtain a permit for the shed within ninety (90) days, or this approval becomes null and void.

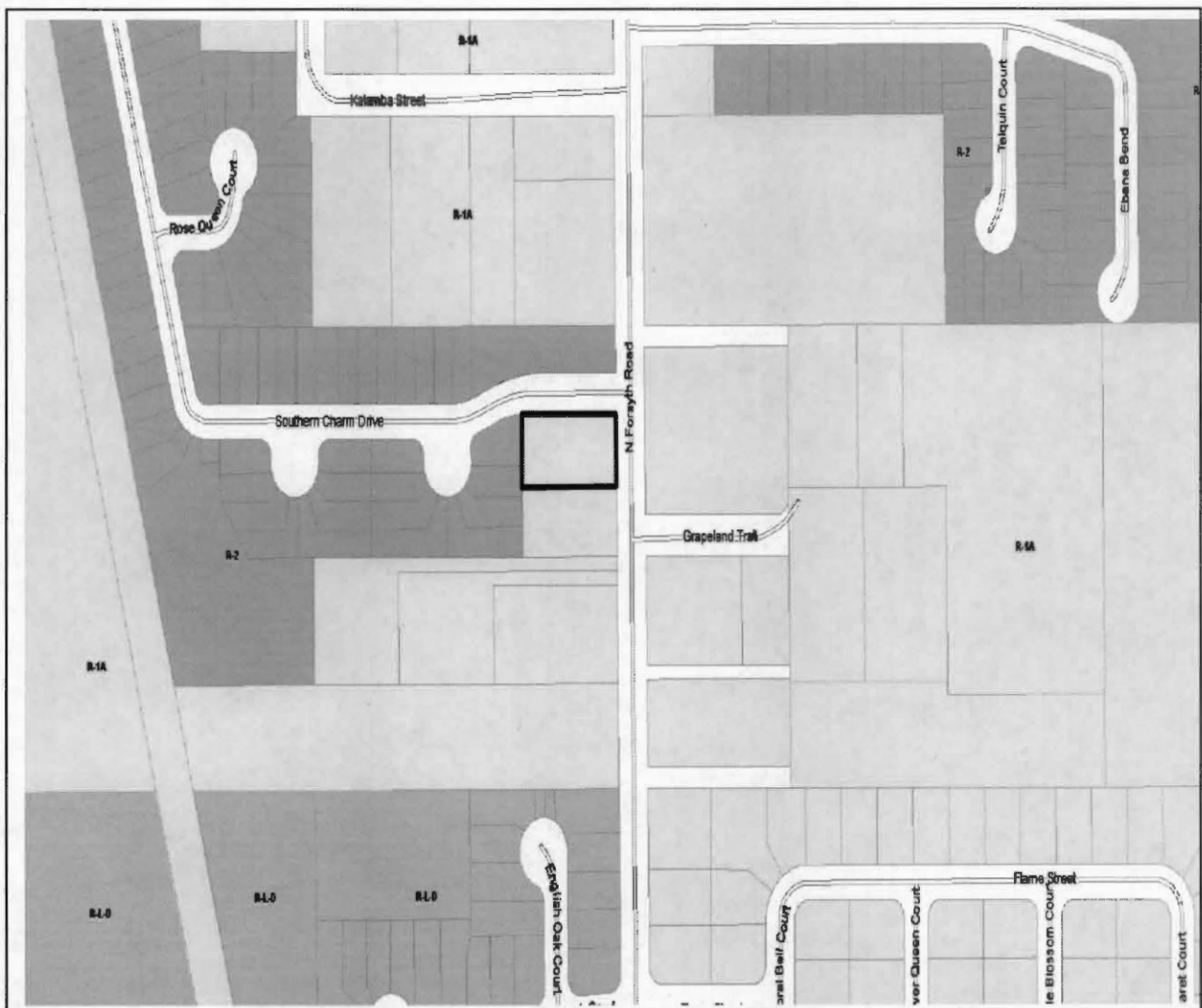
**SYNOPSIS:** Staff gave a brief presentation on the case, showed photographs, and the location.

The applicant agreed with the staff report and recommendation.

The BZA confirmed the shed was there when the applicant purchased the property, and stated that 506 sq. ft. in lieu of 500 sq. ft. was a minimal request.

Staff received no commentaries in favor of, or in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.



**Applicant:** Hien Le

**BZA Number:** VA-16-12-149

**BZA Date:** 11/03/2016

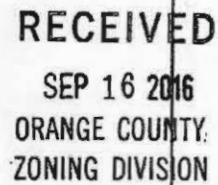
**District:** 3

**Sec/Twn/Rge:** 27-22-30-NE-A

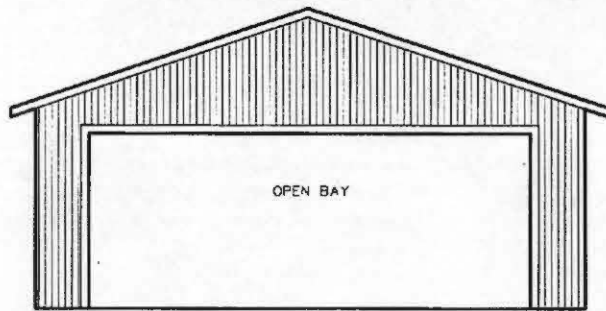
**Tract Size:** 198 ft. x 104 ft.

**Address:** 444 N. Forsyth Rd., Orlando, FL 32807

**Location:** Southwest corner of Southern Charm Dr., and N. Forsyth Rd., south of E. Colonial Dr.

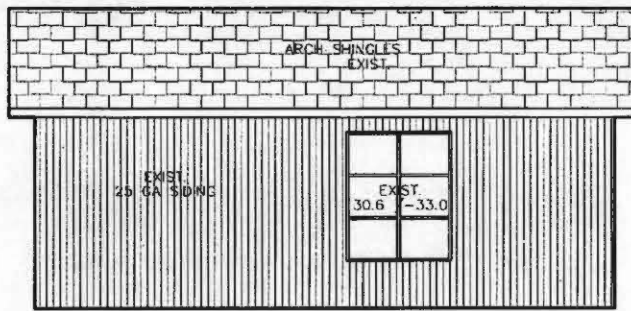






FRONT ELEVATION

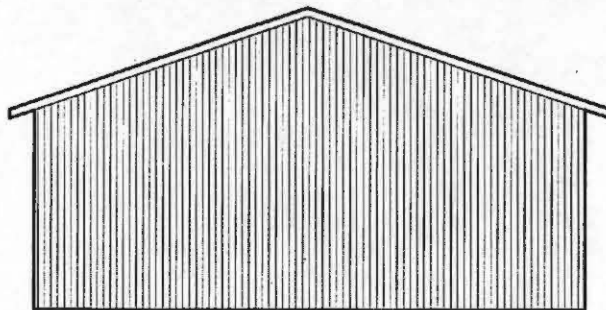
SCALE: 1/4" = 1'-0"



TYP. SIDE ELEV.

OTHER SIDE SIMILAR

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

RECEIVED  
SEP 16 2016  
ORANGE COUNTY  
ZONING DIVISION

DATE: 8/24/16

PRO

E

SHE

Hien Le

6721 Heather Rd.,

Orlando, FL 32807

The property in concerns is 444 N. Forsyth, Orlando, FL 32807

To whom it may concerns,

I am writing this letter to confirm that we bought the house on 3/22/2013. At the time we bought the property, the shed in concerns has been already exited in the property.

I would like to obtain a permit for the shed.

Building code from Orange County requires that the maximum size of shed is 500 square feet. But the area of the exited shed is 506 square foot. It is 6 feet over requirement. Please accept that footage as it is already built before we purchased and give me the required permit.

Sincerely yours,

Hien Le



09/16/2016

**RECEIVED**

SEP 16 2016  
ORANGE COUNTY  
ZONING DIVISION



STAFF REPORT  
CASE #VA-16-12-149  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
November 3, 2016  
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Hien Le

REQUEST: Variance in the R-1A zoning district to allow a 506 square feet accessory building (shed) to remain in lieu of 500 square feet.  
(This is the result of Code Enforcement action).

LOCATION: Southwest corner of Southern Charm Dr., and N. Forsyth Rd., south of E. Colonial Dr.

PROPERTY ADDRESS: 444 N Forsyth Road

PARCEL ID: 27-22-30-0000-00-006

TRACT SIZE: 198 ft. x 104 ft.

DISTRICT #: 3

ZONING: R-1A

STAFF FINDINGS AND ANALYSIS:

1. The applicant purchased the property in 2013, with the shed existing on the property.
2. The applicant has been cited by the Code Enforcement Division for the unpermitted shed.
3. The amount of variance deviation requested is 1.2%.
4. The applicant has also been cited by the Code Enforcement Division for having chickens on the property. Approval of this variance will address the shed only.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated, September 16, 2016, 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. Poultry is not permitted on-site unless Orange County regulations are amended to permit them;
5. The exterior of the accessory building shall match the exterior color of the existing house; and,
6. The applicant shall obtain a permit for the shed within ninety (90) days, or this approval becomes null and void.

cc: Hien Le  
6721 Heather Road  
Orlando, Florida 32807

**THOMAS OTTO**  
**VA-16-11-139**

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**REQUEST:** Variances in the R-1AA zoning district as follows:  
1) To construct new single family residence 26 ft. from the Normal High Water Elevation (NHWE) of Lake Tibet Butler in lieu of 35 ft.; and,  
2) To construct a pool and pool enclosure 9 ft. from the NHWE in lieu of 35 ft.  
(Note: The applicant proposes to demolish the existing home and rebuilding a new home. The applicant has letters of support from the HOA and from both adjacent neighbors).

**ADDRESS:** 9161 Bay Point Dr., Orlando, FL 32819

**LOCATION:** East side of Bay Point Dr., approximately 550 ft. north of Crichton Wood Dr.

**S-T-R:** 28-23-28

**TRACT SIZE:** 107 ft. x 122 ft.

**DISTRICT#:** 1

**LEGAL:** BAY POINT 7/49 LOT 7

**PARCEL ID:** 28-23-28-0600-00-070

**NO. OF NOTICES:** 46

**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; 5-0, and 1 abstained):

1. Development in accordance with site plan dated August 30, 2016 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. Prior to the issuance of any permits, the applicant shall obtain a flood plain permit; and,
5. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the house and pool/pool enclosure are no closer than twenty-six (26) feet and nine (9) feet from the Normal High Water Elevation of Lake Tibet Butler.

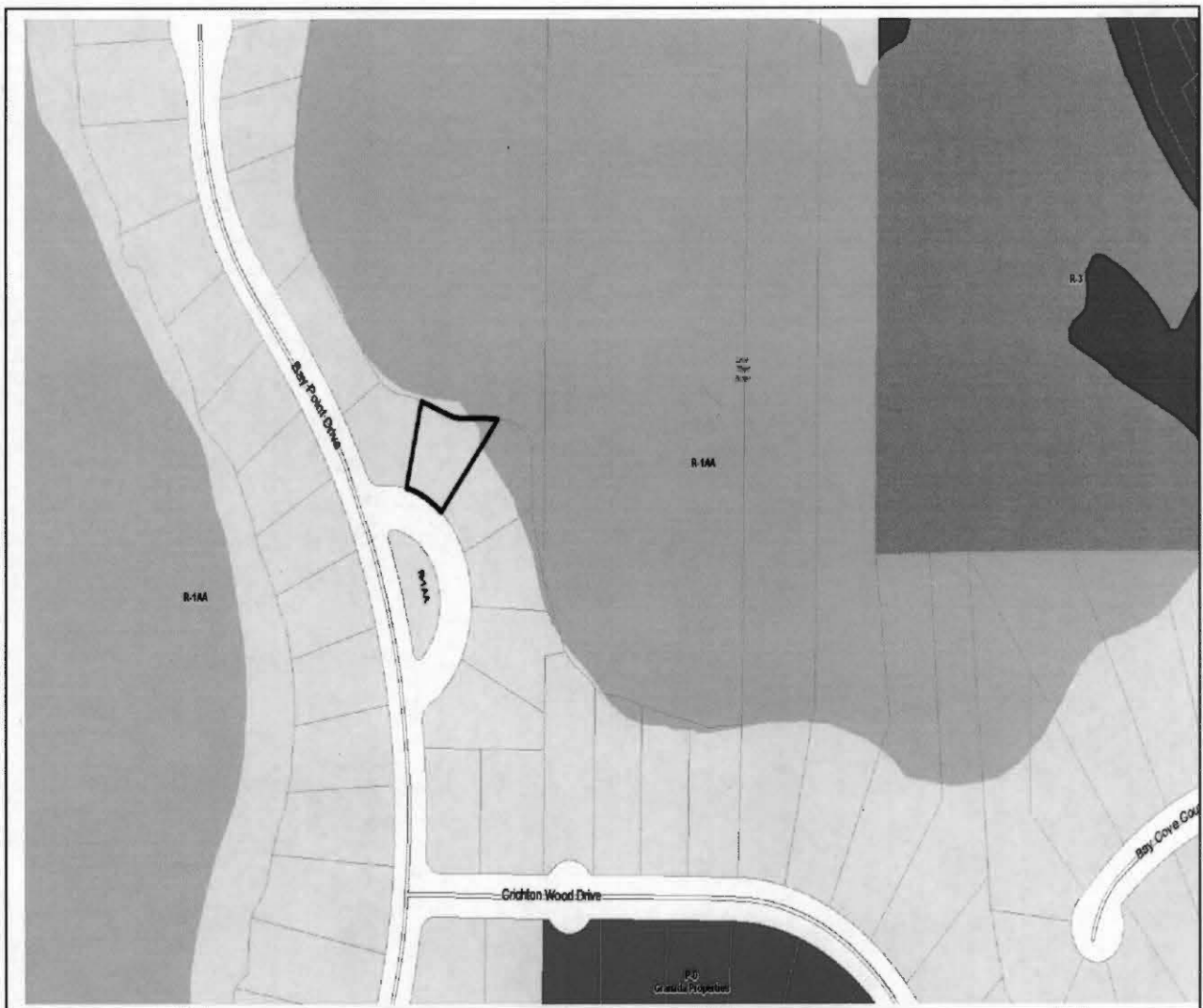
**SYNOPSIS:** The applicant is rebuilding his new home and wants to install a pool and pool enclosure as well. The new home, pool and enclosure will encroach into the lake setback.

Staff gave a brief presentation and advised the BZA that ten (10) other lots nearby received similar variances. Staff further advised the BZA that the proposed house size is comparable in size with the other homes in the area.

The applicant agreed with the staff recommendation.

The BZA approved the request and ensured the applicant secure a Hold Harmless Agreement with Orange County.

There was no opposition.



**Applicant:** Thomas Otto

**BZA Number:** VA-16-11-139

**BZA Date:** 11/03/2016

**District:** 1

**Sec/Twn/Rge:** 28-23-28-SW-C

**Tract Size:** 107 ft. x 122 ft.

**Address:** 9161 Bay Point Dr., Orlando, FL 32819

**Location:** East side of Bay Point Dr., approximately 550 ft. north of Crichton Wood Dr.

August 27, 2016

Orange County Zoning Division  
Board of Zoning Adjustment  
201 S. Rosalind Ave  
Orlando, FL 32802

Re: Variance application for rear property setback  
9161 Bay Point Dr., Orlando, 32819

To whom it may concern:

Our current residence is in need of a major update/remodel, the home was originally built in 1980. We intend to remain in our home for many years to come, this has been our home since 1997. After careful consideration with several professionals in the residential construction industry we have decided to simply build a new home on our beautiful lakefront lot.

In the process we intend to downsize to a one story pool home. In order to make a one story home possible on our lot we are kindly requesting a rear setback of 26 feet and pool setback of 9 feet. This will provide reasonable use of our property to build our new home. Both requests have been approved by our adjacent neighbors and our HOA; please see enclosed letters.

Our new proposed residence will consist of approximately 4339 gross sf and 3031 square feet under air. Roof height will be at 29 feet, side setback at 7.5 feet, front setback at 30 feet and rear setback at the requested 26 feet along with a 9 foot pool setback. Please see submitted site plan by our Architect for any further details. Construction will be of block/concrete, we intend to use all the latest and best building materials available for both energy efficiency and environmental considerations.

Please upon your review let me know if any further information is required.

Sincerely,



Tom Otto

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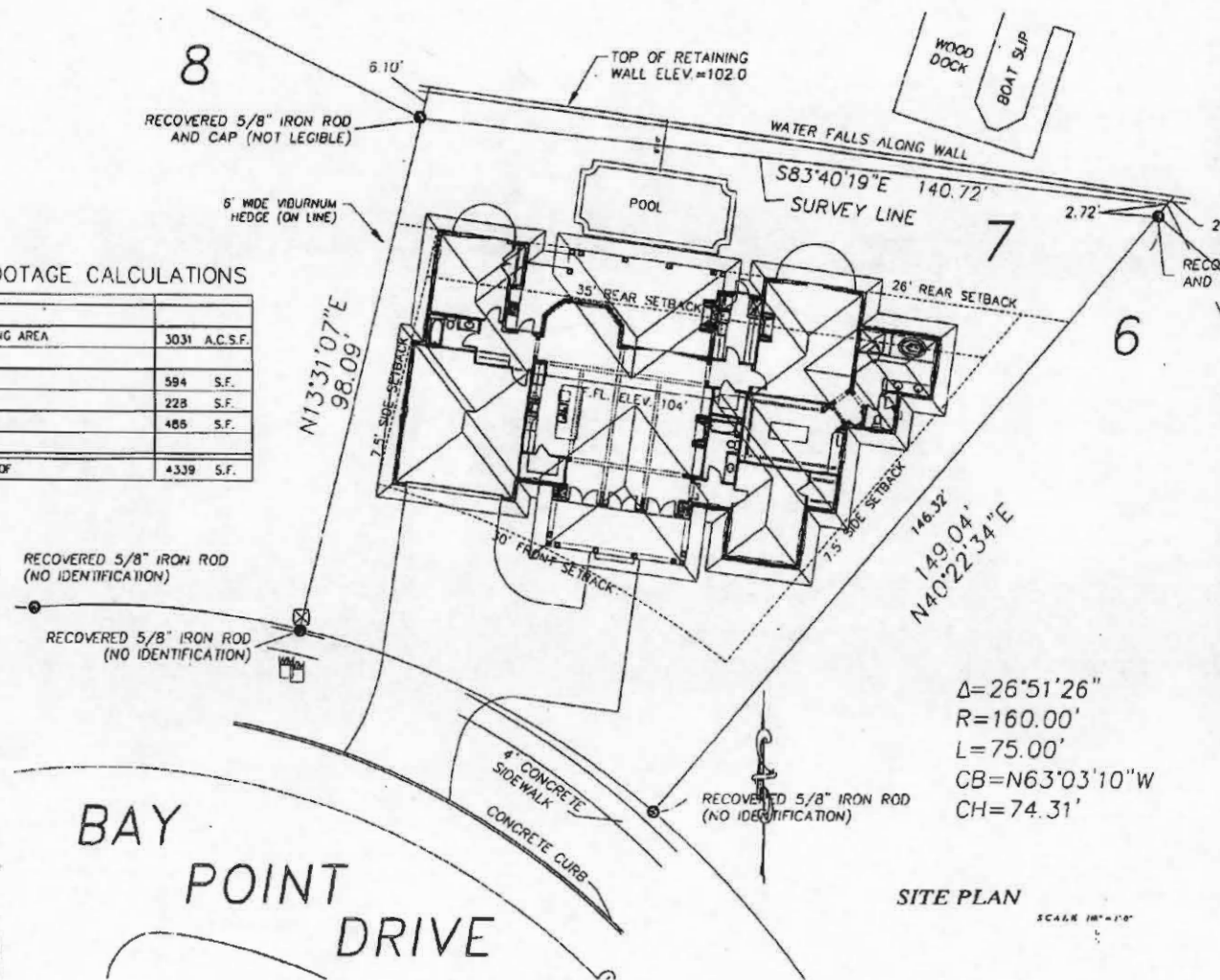
AUG 30 2016

Zoning Division

# SQUARE FOOTAGE CALCULATIONS

FIRST FLOOR LIVING AREA	3031 A.C.S.F.
GARAGE	594 S.F.
FRONT PORCH	228 S.F.
OUTDOOR LIVING	485 S.F.
TOTAL UNDER ROOF	4339 S.F.

RECEIVED  
AUG 30 2016  
Zoning Division



$\Delta = 26^{\circ}51'26''$   
 $R = 160.00'$   
 $L = 75.00'$   
 $CB = N63^{\circ}03'10''W$   
 $CH = 74.31'$

SITE PLAN

SCALE 1/8" = 1'-0"

Jeana Golden Burt

ARCHITECT

1100 N. 10th St., Suite 100, Phoenix, AZ 85004

(602) 944-1100

jeana@jeanagolden.com

www.jeanagolden.com

SCALE

Tom & Sarah Otto

9161 Bay Point Dr

Phoenix, AZ 85024

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT NO.

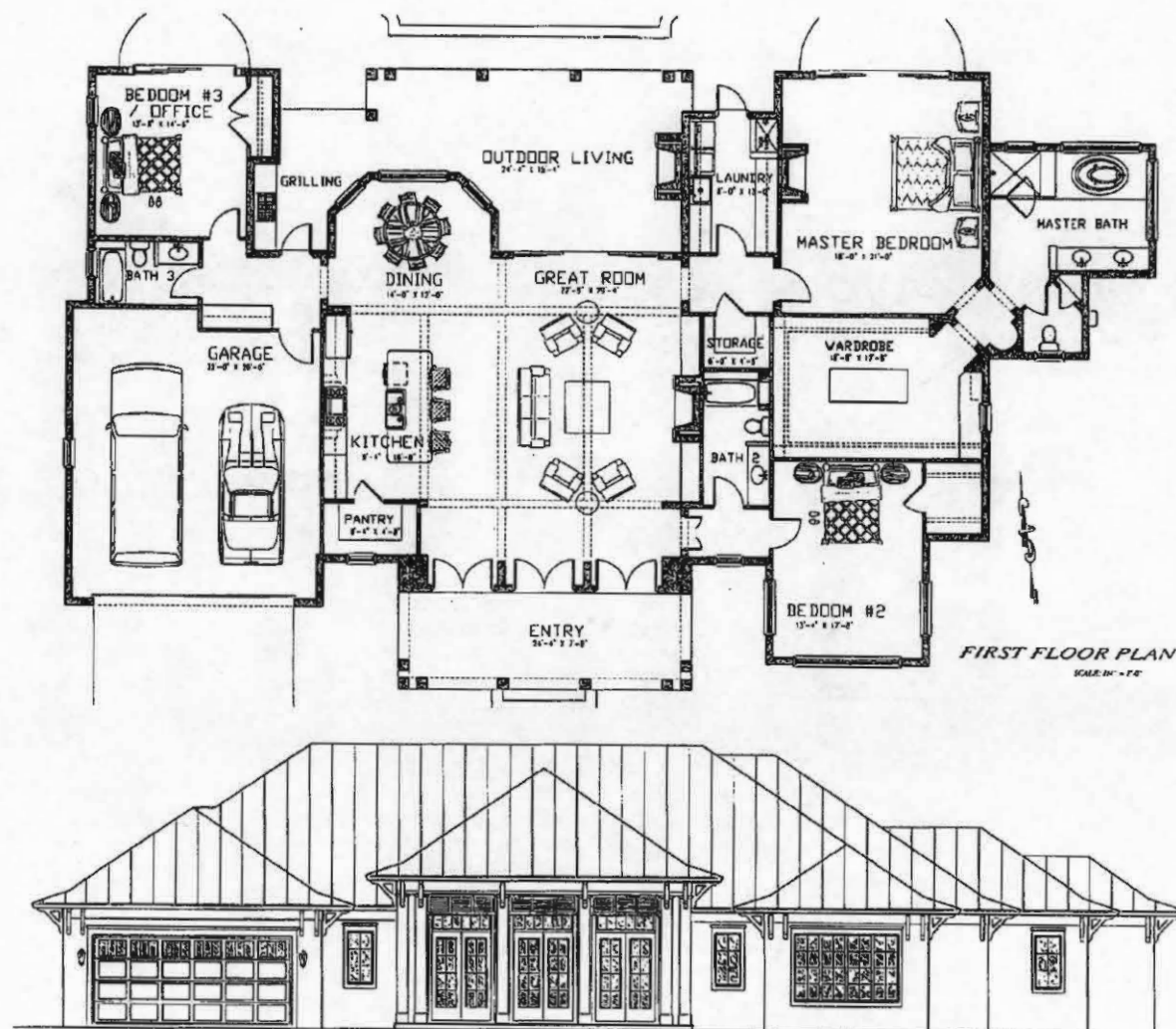
10000

DATE

8-10-16

SHEET NO.

CS



<b>Jeana Golden Burt</b> ARCHITECT 17200 SW 4th St. Ft. Lauderdale, FL 33304 (954) 583-1000 jeana@jeanagolden.com www.jeanagolden.com	
SCALE:	
and Sarah Otto <b>Tom &amp; Sarah Otto</b> 9161 Bay Point Dr. Orlando, FL 32819	
REVISIONS:	
PROJECT NO: 1004	
DATE: 8-15-10	
SHEET NO: A1	



STAFF REPORT  
CASE #VA-16-11-139  
Orange County Zoning Division  
Planner: Rocco Relvini  
Board of Zoning Adjustment  
November 3, 2016  
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Thomas Otto

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

- 1) To construct new single family residence twenty-six (26) feet from the Normal High Water Elevation (NHWE) of Lake Tibet Butler in lieu of thirty-five (35) feet; and,
- 2) To construct a pool and pool enclosure nine (9) feet from the NHWE in lieu of thirty-five (35) feet.  
(Note: The applicant proposes to demolish the existing home and rebuilding a new home. The applicant has letters of support from the HOA and from both adjacent neighbors).

LOCATION: East side of Bay Point Dr., approximately 550 feet north of Crichton Wood Drive

PROPERTY ADDRESS: 9161 Bay Point Drive

PARCEL ID: 28-23-28-0600-00-070

TRACT SIZE: 107 ft. x 122 ft.

DISTRICT #: 1

ZONING: R-1AA

STAFF FINDINGS AND ANALYSIS:

1. The applicant is proposing to rebuild a new home on the subject property. The new home and new pool will require variances from the normal high water elevation of Lake Tibet Butler.
2. Initially, staff had concerns about this request. However, after researching the character of the area, staff found numerous similar variances that were granted on the surrounding lakefront lots. In addition, the applicant's proposed house size is



compatible with the house sizes on the lake. Therefore, this request is consistent with the development trend of the area and staff supports this request.

3. Applicant is advised that a Hold Harmless legal agreement must be processed, approved by the Board of County Commissioners and recorded in the Recording Department prior to the issuance of any permits. This process may take up to two (2) or more months. Applicant is advised.

**STAFF RECOMMENDATION:**

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

1. Development in accordance with site plan dated, August 30, 2016, 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. Prior to the issuance of any permits, the applicant shall obtain a flood plain permit; and,
5. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the house and pool/pool enclosure are no closer than twenty-six (26) feet and nine (9) feet from the normal high water elevation of Lake Tibet Butler.

cc: Thomas Otto  
9161 Bay Point Drive  
Orlando, Florida 32819

**ROGER DALE HULL, JR.**  
**VA-16-11-141**

---

**REQUEST:** Variances in the R-1A zoning district to allow accessory structure (shed) to remain as follows:  
1) 740 sq. ft. in size in lieu of 500 sq. ft.  
2) 3 ft. from side (south) property line in lieu of 5 ft.; and,  
3) Built with materials that are not used for typical single family home construction.  
(Note: This is a result of code enforcement action).

**ADDRESS:** 2926 Touraine Avenue, Orlando, FL 32812

**LOCATION:** West side of Touraine Ave., north of Lake Margaret Dr., east of Conway Garden Rd.

**S-T-R:** 05-23-30

**TRACT SIZE:** 77 ft. x 135 ft.

**DISTRICT#:** 3

**LEGAL:** CONDEL GARDENS U/62 LOT 4 BLK A

**PARCEL ID:** 05-23-30-1624-01-040

**NO. OF NOTICES:** 114

**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; further, **DENIED** the Variance request #2, in that there was no unnecessary hardship shown on the land; furthermore, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3); and further, determined Variance request #3, as **UNNECESSARY** (unanimous; 6-0):

1. Development in accordance with site plan dated, September 8, 2016, 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 shall be obtained within 180 days or this approval becomes null and void; and,
5. The accessory building shall be no greater than 608 sq. ft.

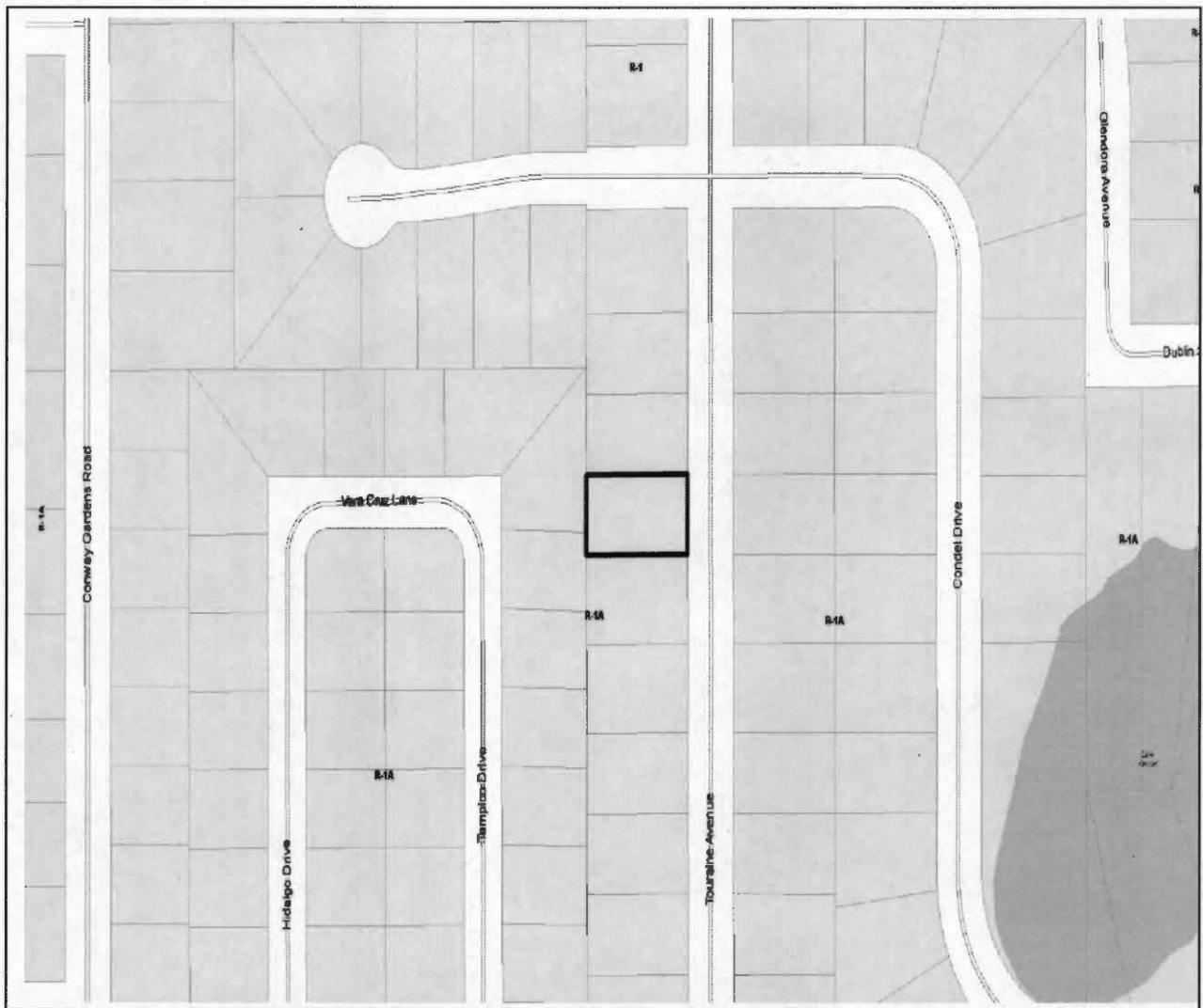
**SYNOPSIS:** The applicant built a detached storage shed in his yard without permits. The shed is too large and needs a variance.

Staff gave a brief presentation and advised the BZA the request was too extensive and the amount of deviation was forty-eight percent (48%), which is too great.

The applicant advised the BZA a company from North Carolina built the shed and did not get permits.

The BZA stated they should review this request as if it was not built yet. And if the applicant was proposing this request today, the BZA would not support it.

The BZA approved up to 608 sq. ft. of accessory use area and gave the applicant 180 days to reduce it in size and meet the side yard setback. There was no opposition at the hearing.



**Applicant:** Roger Dale Hull, Jr.

**BZA Number:** VA-16-11-141

**BZA Date:** 11/03/2016

**District:** 3

**Sec/Twn/Rge:** 08-23-30-NW-B

**Tract Size:** 77 ft. x 135 ft.

**Address:** 2926 Touraine Ave, Orlando, FL 32812

**Location:** West side of Touraine Ave., north of Lake Margaret Dr., east of Conway Garden Rd.

REQUEST FOR VARIANCE – LETTER

SEPTEMBER 08, 2016

RE: ROGER DALE HULL

2926 TOURAINE AVE.

ORLANDO, FL. 32812

(407)761-6916

To Whom It May Concern, I Roger Dale Hull, purchased my residence located at, 2926 Touraine Ave. Orlando, FL. 32812 approx. in June of 2014. This was my first time purchasing a home. As I was not made aware of all the difficulties, "Do's" or the "Do not's". Therefore, I am learning more every day, and this whole permitting ordeal, has been a HUGE lifelong lesson, that I will never forget!

My property survey shows, the original homeowner, had 3 separate sheds located in the back yard. All which I had removed after purchasing the residence. I am from the country, where permits were never a big thing. So, when my girlfriend, Desiree Cirrincione, purchased myself a House Warming gift, back on June 30, 2016. From "TNT Metal Buildings", located out of North Carolina. She was told that she did NOT have to pull permits for this metal shop/shed. She was unaware of the permitting process as well. However, her uncle Joe Crum, was on the Orange County Board of Commissioners, for the Building & Permitting division, for 27-years. She contacted him, after the building was installed, and Code enforcement came out to my residence.

RECEIVED

SEP 08 2016  
ORANGE COUNTY  
ZONING DIVISION



I was told that I had to pull a permit NO MATTER THE CIRCUMSTANCES! Which, Desiree Cirrincione, and myself, were both told otherwise, by TNT Metal Buildings. Which was, due to the fact that "This metal shop/Shed is NOT a permanent structure, nor attached to the residence, that permits where not necessary."

Well, we found out the hard way, that they most certainly ARE MANDATORY! Unfortunately, I am a day late, on pulling the permit(s) BEFORE, allowing the TNT Buildings to install the gift my girlfriend, Desiree Cirrincione purchased for me. As well as the concrete slab (Which IS to code requirements By Orange County) and the Concrete driveway, starting from my gate into my backyard, on the North side of my residence, and goes around the side with a small curve to the left and up to the TNT shop/shed, which TNT Metal Buildings Installed at my residence while I was at work on July 15 , 2016.

Therefore, I was unaware of the gift, Desiree Cirrincione had purchased for myself. She was giving this gift to me, Roger Hull, as I needed somewhere to store my 27' flats boat, and my airboat, safely. Some place which I could lock these items up, along with all my yard equipment and tools, (Lawn Mower, Weed eater, etc.) to keep these expensive and important items of mine, locked up and secure from any unwanted thieves, and/or people. Also, for insurance purposes, it was beneficial for me to have these items in a locked & secured area, in order to protect my belongings that I not only enjoy, yet truly work extremely hard, in order to be able to have and enjoy in my life.

Also, as you can see on the home survey, I do not have a closed in garage, or any closed area for that matter, in order to store any of these items in. Because of the way my home was built, the garage is a simple drive up with an overhang of roof. This leaving me no storage area for any of my belongings. Therefore, Desiree knew that I had been seeking out ideas for a Shed or Shop in order to store these items.



I had Desiree contact the company about returning this building, or exchanging it even. Due to the fact that this building had to be 24x30 with 12ft tall walls, interior, in order for me to be able to store both of my boats inside of it properly. This being said, the buildings TOTAL Square footage is 740sqft. There is a maximum square footage allowed for this Orange County zoning area, which I reside in. Unfortunately, that is only a total square footage of 500.

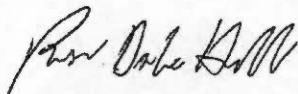
Unfortunately, Desiree Cirrincione is not allowed the opportunity to return or even exchange the installed shed/shop which has already been installed on my property. She made certain to stay away from the septic tank and entire septic system, as well as 3ft off all corners of the property line, per the County Survey. I am asking, with respect, to please allow me this variance of the total square footage of 740. Otherwise, I have no option of returning the Shed which was gifted to me as a House Warming gift. I honestly assumed when seeing the building that, the contractor/TNT Metal Building Company, would have and should have, pulled all necessary permits in order to install this shed, regardless. However, this was not the case. Though, I learnt it in the most unfortunate way, after the fact!

Also, I'd like to say that, I take extreme pride in my residence, and my yard. I try extremely hard to keep up with my hard, and my home, period. I was not only appreciative of Desiree purchasing this gift for myself, yet too, I was happy for the simple fact that, I could store all of my personal belongings and toys, in a neat and tidy way. With absolute, security and yet keeping my residence, front and back, extremely organized and looking very clean & neat!

I was hoping that the fact that I had ONE bigger shed, totaling 740 sf, versus the prior home owners, 3 individual sheds, totaling 1210 sf, (Though each one BARELY under that 500 total square foot maximum) would not only keep my yard from looking trashy and cluttered, as it did with the several sheds in it. Yet too, my neighbors would be happy with the fact that it looks very clean and organized from all angles of looking into my yard, and/or residence.

Please take into consideration when deciding on my Variance for this Shed that, I cannot return or even exchange this shed. The concrete slab poured, I can prove was up to code, as well as the driveway. Had I known then what I have learnt today, I'd never EVER have anything installed, or even build anything myself, as I did with the small wooden deck out my back door, to upgrade, better, or even organize my residence, without pulling permits, or driving myself down to the Orange County Building Division office personally, and asking you all myself, if this or that needs to have a permit pulled to be able to complete! ☺ I promise! I understand and respect that I will have to pay any and all fee's associated with these permits for my concrete slab, drive and metal building/shop.

Thank you kindly for your time!!



Roger Dale Hull

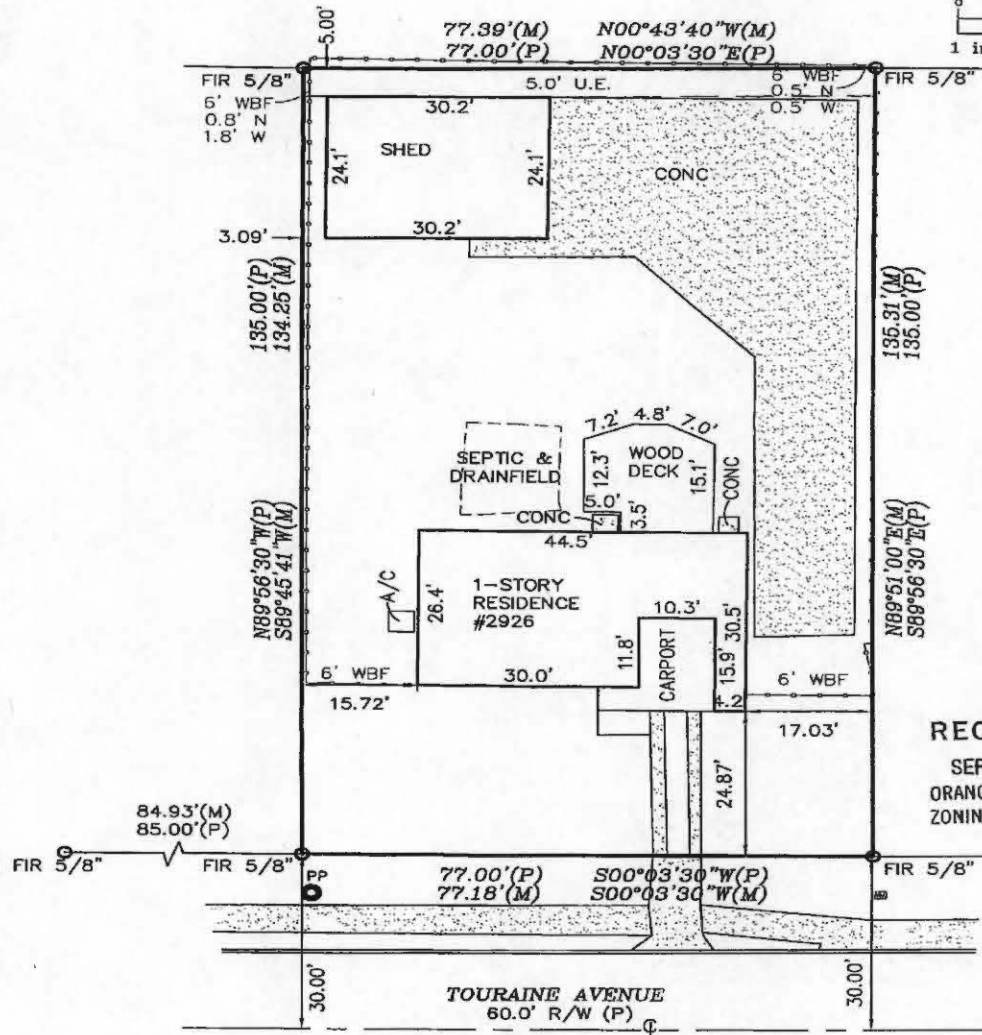
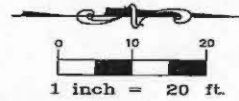
Home Owner

2926 Touraine Ave.

Orlando, FL. 32812



**LEGAL DESCRIPTION**  
LOT 4, BLOCK 'A',  
CONDEL GARDENS,  
AS RECORDED IN PLAT BOOK U, PAGE 62,  
PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



**RECEIVED**  
SEP 08 2016  
ORANGE COUNTY  
ZONING DIVISION

**PROPERTY ADDRESS:**  
2926 TOURAINE AVENUE  
ORLANDO, FL 32812

**LEGEND & ABBREVIATIONS**

FIR = FOUND IRON ROD  
SIR = SET IRON ROD  
CMON = CONCRETE MONUMENT  
PSM = PROFESSIONAL SURVEYOR  
& MAPPER  
R/W = RIGHT OF WAY  
E/P = EDGE OF PAVEMENT  
FT = FENCE TIE  
PP = POWER POLE  
A/C = AIR CONDITIONER  
D.U.E. = DRAINAGE & UTILITY ESM'T  
WVF = WHITE VINYL FENCE  
CLF = CHAIN LINK FENCE  
LB = LICENSED BUSINESS  
(P) = PLAT DIMENSION  
(M) = FIELD MEASURED  
CL = CENTERLINE  
WM = WATER METER

**SURVEYOR'S NOTES:**

1. BASIS OF BEARING - THE SOUTHERLY LINE OF LOT 4, BLOCK 'A', CONDEL GARDENS, AS RECORDED IN PLAT BOOK U, PAGE 62, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AS BEING S00°03'30"W, PER PLAT.
2. DATE OF FIELD SURVEY: 8/25/16; ADD SHED & CONC 8/29/16.
3. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING SURVEYOR.
4. PROPERTY LINES SHOULD NOT BE ESTABLISHED USING FENCE OR BUILDING TIES.
5. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO, BURIED UTILITIES, FOUNDATIONS AND FOOTERS WERE LOCATED.
6. SURVEY FILE NUMBER: 16-OR-060

I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 31-17 FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 427.027 FLORIDA STATUTES.

FAUN M. HOFFMEIER, P.S.M., L.S. 6552  
H&H SURVEY CONSULTANTS, LLC LB 7821  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
IMBRED SEAL OF A FLORIDA LICENSED SURVEYOR  
DATE OF SURVEY: AUGUST 25, 2016



STAFF REPORT  
CASE #VA-16-11-141  
Orange County Zoning Division  
Planner: Rocco Relvini  
Board of Zoning Adjustment  
November 3, 2016  
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Roger Dale Hull, Jr.

REQUEST: Variances in the R-1A zoning district to allow accessory structure (shed) to remain as follows:

1. 740 square feet in size in lieu of 500 square feet;
2. Three (3) feet from side (south) property line in lieu of five (5) feet; and,
3. Built with materials that are not used for typical single family home construction.  
(Note: This is a result of code enforcement action).

LOCATION: West side of Touraine Ave., north of Lake Margaret Dr., east of Conway Garden Rd.

PROPERTY ADDRESS: 2926 Touraine Ave

PARCEL ID: 05-23-30-1624-01-040

TRACT SIZE: 77 ft. x 135 ft.

DISTRICT #: 3

ZONING: R-1A

STAFF FINDINGS AND ANALYSIS:

1. Applicant was cited by the Code Enforcement division for installing an accessory building without permits. Said accessory building is oversized and requires a variance.

2. The request constitutes a forty-eight percent (48%) deviation from code requirements. This is a significant deviation.
3. Zoning records indicate the property directly to the east of the subject site received a variance in 1995 to allow a 608 square foot accessory building in lieu of 500 square feet.
4. Staff has three concerns:
  - a. the structure is too big;
  - b. the structure is too close to the south side property line; and,
  - c. the structure is not made of typical residential construction materials.

Due to these factors, staff cannot support the request. In addition, the request does not show how it meets the variance criteria.

5. Typically, when a homeowner desires an oversized accessory building, staff recommends at the minimum to move the accessory building further away from adjacent properties. This structure is closer to the adjacent property to the south.

#### STAFF RECOMMENDATION:

Staff cannot support the request because the deviation is excessive and the structure does not blend into the area.

If the BZA approves this request, the following conditions should be imposed:

1. Development in accordance with site plan dated, September 8, 2016, 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; and,

4. Permits shall be obtained within ninety (90) days or this approval becomes null and void.

cc: Roger Dale Hull, Jr.  
2923 Touraine Avenue  
Orlando, Florida 32812



**RAMADAN SEYAM**  
**VA-16-10-127**

---

**REQUEST:** Variances in the C-2 zoning district to allow 4 separate buildings (3 metal structures and 1 masonry building) to remain at 2.77 ft. from the west and east side property lines in lieu of 5 ft.  
(Note: This is a result of code enforcement action).

**ADDRESS:** 4885 W. Colonial Dr., Orlando, FL 32808

**LOCATION:** North side of W. Colonial Dr., approximately 825 ft. east of N. Pine Hills Dr.

**S-T-R:** 19-22-29

**TRACT SIZE:** 150 ft. x 243 ft.

**DISTRICT#:** 6

**LEGAL:** E 150 FT OF W 815 FT OF S 325 FT OF S1/2 OF SE1/4 OF SE1/4 SEC 19-22-29 (LESS RW)

**PARCEL ID:** 19-22-29-0000-00-009

**NO. OF NOTICES:** 124

**DECISION:** **DENIED** the Variance request 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).

**SYNOPSIS:** Staff gave a presentation showing the location, layout, and photographs of the site; and, work being performed outside.

The applicant stated they have no history of when the buildings were placed on the property.

The BZA confirmed that the applicant was informed by the code enforcement inspector to stop performing work outside, but this is still continuing to take place.

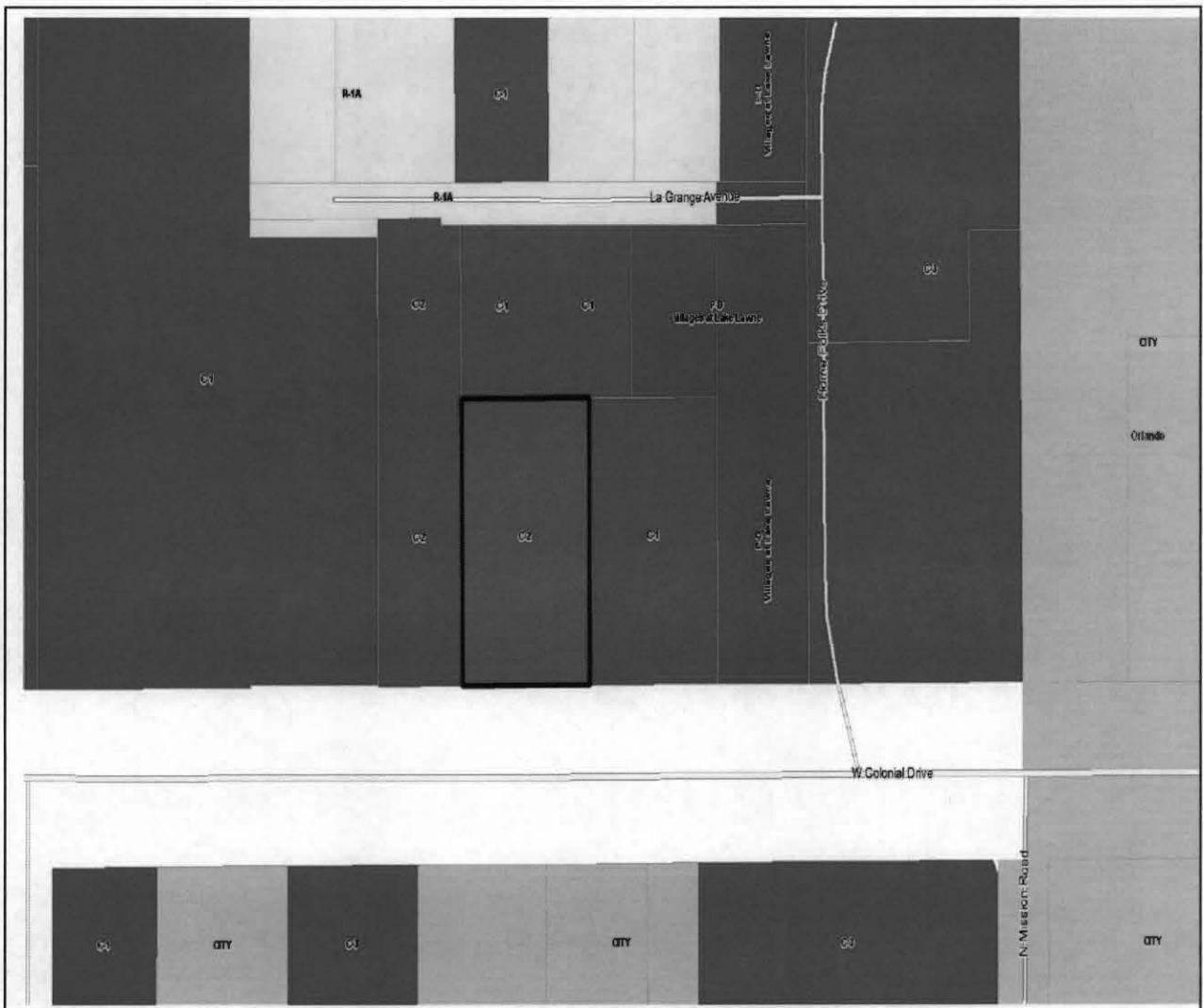
An attorney representing an adjacent owner spoke against the case. His client owns six (6) properties in the area. He stated that all of his properties are in compliance, and he wants the area to be cleaned up, and that this site is overburdened and unattractive; and, sets a bad precedent for the area.

Code Enforcement stated they received a citizen complaint in June, and cited the property for unpermitted sheds, merchandise in setbacks and outdoor repair. The merchandise has been moved, and the applicant has until December 2, 2016, to comply with the other items or daily fines will accrue.

Staff received one (1) commentary in favor of the application and three (3) commentaries in opposition.

The BZA stated that the metal buildings are bolted to the ground and can be moved.

The BZA denied the variance.



**Applicant:** Ramadan Seyam

**BZA Number:** VA-16-10-127

**BZA Date:** 11/03/2016

**District:** 6

**Sec/Twn/Rge:** 19-22-29-SE-D

**Tract Size:** 150 ft. x 243 ft.

**Address:** 4885 W. Colonial Dr., Orlando, FL 32808

**Location:** North side of W. Colonial Dr., approximately 825 ft. east of N. Pine Hills Dr.

# ZOSER

Design Consultants, LLC.  
ARCHITECTURE, PLANNING, INTERIOR DESIGN, CONSTRUCTION

August 29, 2016  
Orange country  
Planning and zoning  
Board of Adjustments  
201 South Rosalind Avenue  
Orlando, Florida 32802

RE: Request of Variance  
4885 W. Colonial Drive  
Orlando, FL 32839  
Parcel ID: 19-22-29-0000-00-009

Madam, Sir:

This letter is to kindly request a variance to reduce side set back on C2 property mentioned above from 5 feet to 2 and a half feet.

#### THE SITE:

See attached:

The site is 36,580.9 Sq. Ft. approx. 1.19 acres. Zoned C2.

The site contains:

Main office, sales and storage building 675 Sq. Ft.

Metal mechanic shop in the back 420 Sq. ft

Second metal shop 520 Sq. Ft.

The building subject for variance are:

Building A: A metal structure 16' high and 420 Sq. Ft. it is 2.77' from property line

Building B: A metal structure 12' high and 160 Sq. Ft. it is 2.77' from property line

Building C: A masonry building with roof trusses 10' high and 170 Sq. Ft. existing since 12/6/200 survey (see attached.)

Building D: A metal structure 12' high and 360 Sq. Ft. it is 2.77' from property line

GC - C060454  
GB - 0006442

Rszoser214@gmail.com

AR - 0014518  
AA - C002096

317 Ridgewood Street  
Altamonte Springs, FL 32701  
PHONE 407-636-5519  
Cell (407) 267-7898

# ZOSER

Design Consultants, LLC.  
ARCHITECTURE, PLANNING, INTERIOR DESIGN, CONSTRUCTION

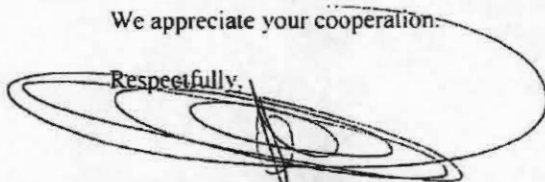
All other buildings are in existence since 2002.

We appreciate you granting us our request,

**Unfortunately we will be out of the country till October 10, therefore we ask that this case to be continued till November 3<sup>rd</sup> 2016.**

We appreciate your cooperation:

Respectfully,



Ramadan (Sam) Seyam, R.A.  
AIA.APA.NCARB.ARA  
President  
Zoser Design Consultants, LLC

GC - C060454  
GB - 0006442

Rszoser214@gmail.com

AR - 0014518  
AA - C002096

317 Ridgewood Street  
Altamonte Springs, FL 32701  
PHONE 407-636-5519  
Cell (407) 267-7898







STAFF REPORT  
CASE #VA-16-10-127  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
November 3, 2016  
Commission District: 6

GENERAL INFORMATION:

APPLICANT: Ramadan Seyam

REQUEST: Variances in the C-2 zoning district to allow four (4) separate buildings (three (3) metal structures and, one (1) masonry building) to remain at 2.77 feet from the west and east side property lines in lieu of 5 feet.  
(Note: This is a result of code enforcement action).

LOCATION: North side of W. Colonial Dr., approximately 825 ft. east of N. Pine Hills Drive

PROPERTY ADDRESS: 4885 W Colonial Drive

PARCEL ID: 19-22-29-0000-00-009

TRACT SIZE: 150 ft. x 243 ft.

DISTRICT #: 6

ZONING: C-2

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting side setback Variances for four (4) existing structures. The site is being used for tire sales and tire installation.
2. The property has multiple Code Enforcement violations/citations, including: unpermitted sheds, automotive work being performed outside of an enclosed structure, and outdoor display of equipment and merchandise within setbacks. If this request is approved, it will not allow this applicant to conduct any work outdoors or outside of an enclosed structure. On October 13, 2016, staff visited the site and observed work being performed outside, and outdoor display of equipment and merchandise.

3. Staff is reviewing this request as if the structures did not exist and were proposed. If these structures were proposed, staff would not support this request because the request does not meet the variance criteria.

STAFF RECOMMENDATION:

If the BZA approves these Variance requests, then the following conditions should be imposed:

1. Development in accordance with site plan dated, August 12, 2016, 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 all unpermitted structures within 180 days of final action by the BCC or this approval becomes null and void;
5. No repair activity shall take place in any unenclosed structure; and,
6. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.

cc: Ramadan Seyam  
317 Ridgewood Street  
Altamonte Springs, Florida 32701

**MICHAEL BLAIR**  
**SE-16-11-142**

---

**REQUEST:** Special Exception in the A-2 zoning district to allow a detached Accessory Dwelling Unit (ADU) for applicant's daughter.  
(Note: Applicant proposes a 1,445 sq. Ft. Manufactured home on the property for his daughter and her family).

**ADDRESS:** 2609 Haas Rd., Apopka, FL 32712

**LOCATION:** North side of Haas Rd., approximately 1/3 mile east of Plymouth Sorrento Rd.

**S-T-R:** 06-20-28

**TRACT SIZE:** 11.27 acres

**DISTRICT#:** 2

**LEGAL:** W 820 FT OF E 1130 FT OF S 630 FT OF SW1/4 (LESS S 30 FT FOR R/W) OF SEC 06-20-28

**PARCEL ID:** 06-20-28-0000-00-012

**NO. OF NOTICES:** 41

**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 (unanimous; 6-0):

1. Development in accordance with site plan dated September 12, 2016 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 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 non-relative 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. 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; and,
8. 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 showing photographs and the location, and size of the lot in comparison to other surrounding properties.

The applicant stated they explained the request to the neighbors and clarified the distance the ADU would be from the road.

The BZA confirmed the square footage of the ADU was acceptable due to the size of the property, and felt the request was reasonable.

Staff received five (5) commentaries in favor of the application and none in opposition. There was no opposition at the hearing.

The BZA approved the Special Exception.



**Applicant:** Michael Blair

**BZA Number:** SE-16-11-142

**BZA Date:** 11/03/2016

**District:** 2

**Sec/Twn/Rge:** 06-20-28-SW-C

**Tract Size:** 11.27 acres

**Address:** 2609 Haas Rd, Apopka, FL 32712

**Location:** North side of Haas Rd., approximately 1/3 mile east of Plymouth Sorrento Rd.



Sep 9, 2016

Orange County Zoning Division  
201 S Rosalind Avenue  
Orlando, FL 32802-2687

**RE: 2609 Haas Road – Accessory Dwelling Unit Request**

We are requesting a variance to place a 1,445 sq. ft. manufactured/doublewide home on the east side of our 11.37 acre property for our daughter, Shelley, along with her husband and daughter. They help on Haas Road Farms, LLC my container nursery raising live oaks, podocarpus, crape myrtles, and ligustrums, in the near future Judy's parents, Evelyn and Delmer Wagner, will be coming to live with us. Delmer has dementia and needs a lot of care, and Shelley will be helping with that care. Therefore, we really would like to have them live on the property.

Legal Description of Property: W 820 FT OF E 1130 FT OF S 630 FT OF SW1/4 (LESS S 30 FT FOR R/W) OF SEC 06-20-28

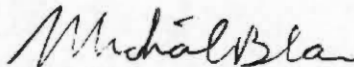
The proposed home will be a manufactured doublewide with 2 bedrooms and 2 bathrooms, and at 1445 sq. feet, meets both the bedroom and sq. footage requirements for ADU's on more than 2 acres. The dimensions are approx. 60' by 26'4", with part of one end being a porch. Total height is 14'6". The siding will be vinyl, painted in a complementary color to the main dwelling. The roof will be shingles. We will have a concrete parking pad next to the home and the home will have a similar color to our home.

There are other manufactured homes in the neighborhood to the east side of our property.

Placement will be on the east side of the property, set 45' to 50' from the east side, 250' from the property line at the street, and 287'8" from the rear of the property.

The proposed driveway will go from the accessory dwelling unit straight to Haas Rd and will not be paved.

Sincerely,



Michael C. Blair  
2609 Haas Road  
Apopka, FL 32712  
303-518-9688  
michael@blairmc.com

**RECEIVED**

SEP 12 2016  
Zoning Division



[illegible]

RECEIVED  
SEP 12 2016  
Zoning Division

# Yatesville

Silver Springs Limited Series

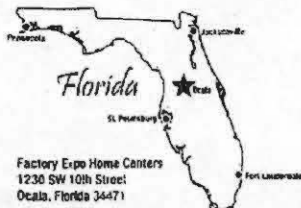
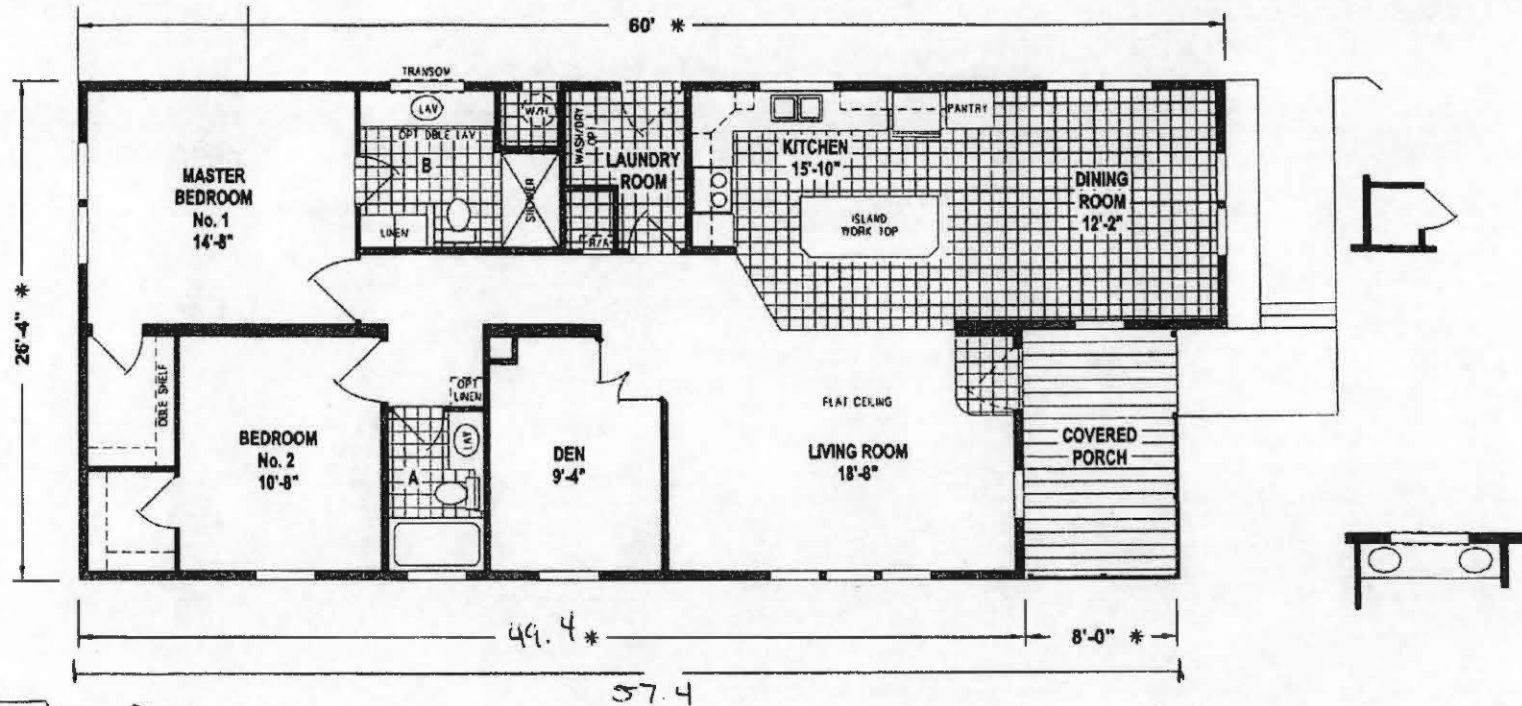


## Factory Expo

"Factory Direct Value" HOME CENTERS

2 Bedroom, 2 Bath  
Approx. 1,445 Sq. Ft.

Last Updated: 11-18-15



I authorize Factory Expo to build my house, per this plan.

X

Customer Signature/Date

1-800-748-2654

www.FloridaFactoryDirect.com

1-800-748-2654

www.FloridaFactoryDirect.com

Important: Due to our policy of constant improvement, all information in our brochures may vary from actual home. The right is reserved to make changes at any time, without notice or obligation, in colors, materials, specifications, processes, and models. All dimensions and square footage calculations are nominal and approximate figures. Please check with your sales person for specific and current information.



STAFF REPORT  
CASE #SE-16-11-142  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
November 3, 2016  
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Michael Blair

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the A-2 zoning district to allow a detached Accessory Dwelling Unit (ADU) for applicant's daughter.  
(Note: Applicant proposes a 1,445 square ft. manufactured home on the property for his daughter and her family).

LOCATION: North side of Haas Rd., approximately 1/3 mile east of Plymouth Sorrento Rd.

PROPERTY ADDRESS: 2609 Haas Road

PARCEL ID: 06-20-28-0000-00-012

TRACT SIZE: 11.27 acres

DISTRICT #: 2

ZONING: A-2

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): ADU

SURROUNDING USES: Single Family Residences to the north, east and west  
Single Family Residence, Grove and Mobile Home to the south

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting approval of a Special Exception for a detached Accessory Dwelling Unit (ADU) for family use.

2. The applicant is proposing a double wide manufactured home to be used as an ADU to be occupied by their family.
3. The property exceeds eleven (11) acres, and the proposed ADU will be greater than 100 feet from the road and forty-five (45) feet from the nearest property line.
4. The proposed density will be lower than the densities of properties in the area.
5. The applicant has agreed to paint the siding a complimentary color to the main house.
6. The proposed ADU will comply with all requirements for a Special Exception and the requirements found in Chapter 38 of the Orange County Code.
7. The applicant is advised that additional impact fees will be assessed in accordance with ADU regulations.

**STAFF RECOMMENDATION:**

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

1. Development in accordance with site plan dated, September 12, 2016, 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 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 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. 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; and,
8. The applicant shall be responsible for payment of all applicable fees and assessments, including, but not limited to, impact fees.

cc: Michael Blair  
2609 Haas Road  
Apopka, Florida 32712



**TROY D. RIVERA**  
**SE-16-11-144**

---

**REQUEST:** Special Exception in the A-2 zoning district to construct detached Accessory Dwelling Unit (ADU) for applicant's mother.  
**ADDRESS:** 20575 Racine St., Orlando, FL 32833  
**LOCATION:** North side of Racine St., ¼ mile west of Abney Ave., in the Wedgefield development  
**S-T-R:** 24-23-32  
**TRACT SIZE:** 1.24 acres  
**DISTRICT#:** 5  
**LEGAL:** CAPE ORLANDO ESTATES UNIT 3A 3/101 LOT 58 BLK 2  
**PARCEL ID:** 24-23-32-1165-20-580  
**NO. OF NOTICES:** 44

**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 (unanimous; 5-0 and 1 abstained):

1. Development in accordance with site plan dated September 13, 2016 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 two (2) years 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 non-relative 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. 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; and,
8. 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 showing photographs, the location, and the proposed layout of the ADU.

The applicant stated the ADU was for his mother. He and his wife are working parents and need their mother to watch his children. He also stated there were many other ADUs in the area and the HOA is not mandatory.

The HOA President spoke in opposition to the request. He stated that Wedgefield is a deed restricted community which only allows one (1) single family residence per lot. He stated Orange County should not approve such requests when the community has such a deed restriction. Further, he objected to the possibility that this ADU would be rented out. Many ADUs were built with BZA approval, and after the family moves out, they are used as rentals.

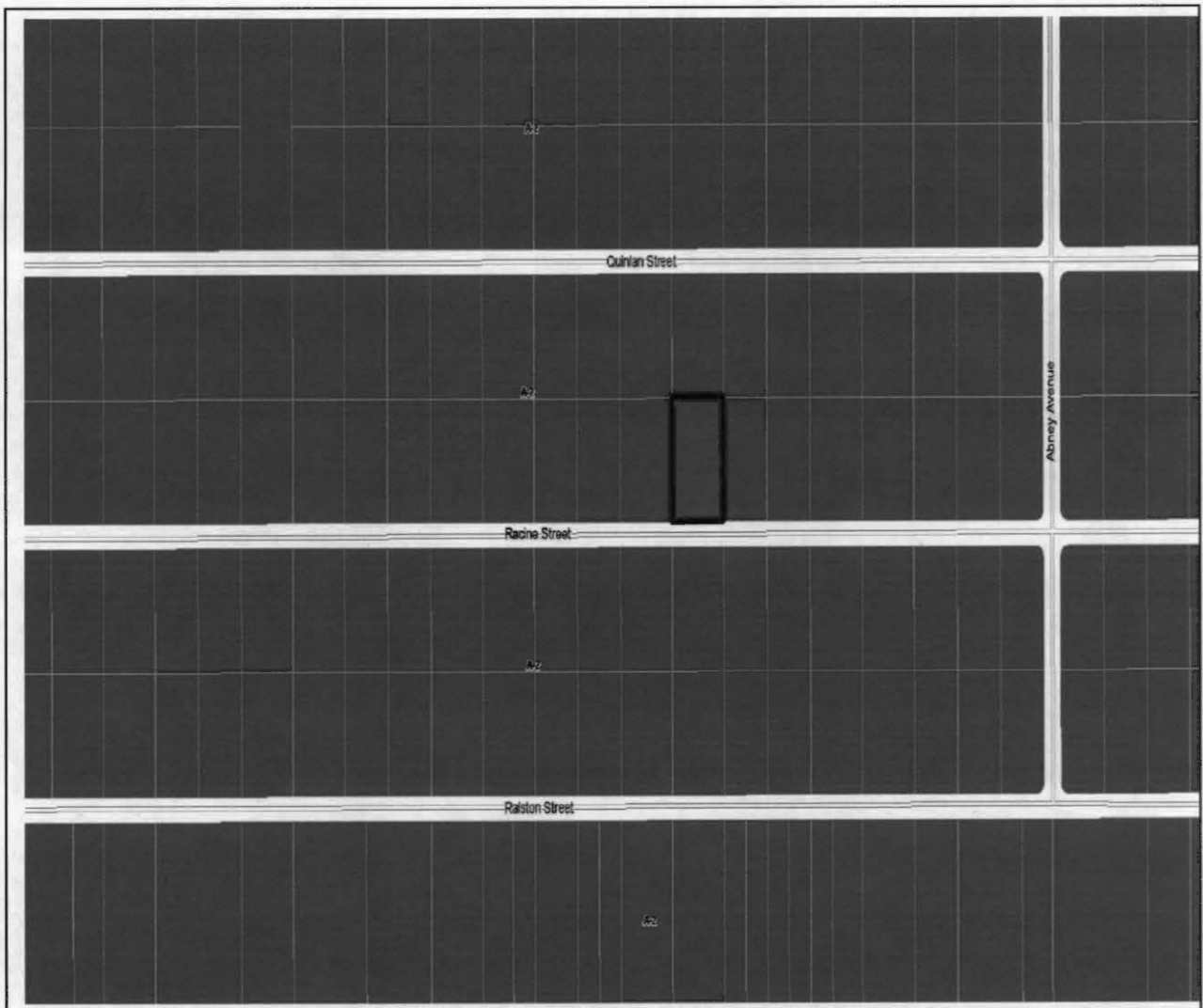
The BZA informed the HOA President that Orange County must respond to all valid applications. The HOA's review is entirely separate from the County's review.

The BZA asked the applicant if they could move the ADU closer to the house and attach them with a breezeway.

The applicant stated that the ADU could not be attached to the house due to the layout and location of the master bedroom window. He stated this was the plan and design they have committed to.

Staff received two (2) commentaries in favor of the application and one (1) in opposition.

The BZA advised the HOA President that rental prohibitions are up to the HOA to enforce and approved the Special Exception.



**Applicant:** Troy D. Rivera

**BZA Number:** SE-16-11-144

**BZA Date:** 11/03/2016

**District:** 5

**Sec/Twn/Rge:** 24-23-32-SE-D

**Tract Size:** 1.24 acres

**Address:** 20575 Racine St., Orlando, FL 32833

**Location:** North side of Racine St., 1/4 mile west of Abney Ave., in the Wedgefield development

Troy D. Rivera  
20575 Racine Street  
Orlando, Florida 32833-4970  
904-704-2792  
troyrivera@gmail.com  
September 10, 2016

RECEIVED  
SEP 12 2015  
ORANGE COUNTY  
ZONING DIVISION

Orange County Board of Zoning Adjustment  
Orange County Zoning Division  
201 S. Rosalind Avenue Post Office Box 2687  
Orlando, Florida 32802-2687  
407-386-3111

To Whom It May Concern:

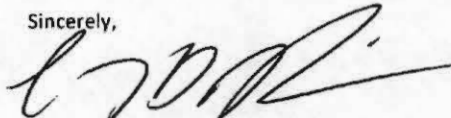
The purpose of this Zoning Variance Application is for a detached in-law suite with a garage. My 69 year old mother recently sold her home in Jacksonville, and she will be moving in with my family (my wife and two children). As children and seniors require special care and attention, it will be greatly beneficial for all of us to have my mother living here. However, in order for the dynamics of the situation to function smoothly, my mother and my family will require the personal space that an in-law suite will provide. The rooms have been sized for future use as a game room and home gym.

The proposed structure is a concrete block (concrete finish), shingle roof in-law suite with garage. The exterior (finish, paint, and shingle) will match that of the existing structure. In addition to matching the existing structure, the in-law suite is similar and compatible with the surrounding area and consistent with the pattern of surrounding development.

The living area is 998 square feet plus a 556 square feet garage. The total dimensions of the structure will be 52 feet, 4 inches by 35 feet. The structure will be 34.8 feet from the east property line, 72.9 feet from the west property line, 50 feet from the north property line, and 90.5 feet from the existing structure. The proposed height is 15 feet.

Please see enclosed site plans, floor plans, elevation drawings, letters of no objection.

Sincerely,

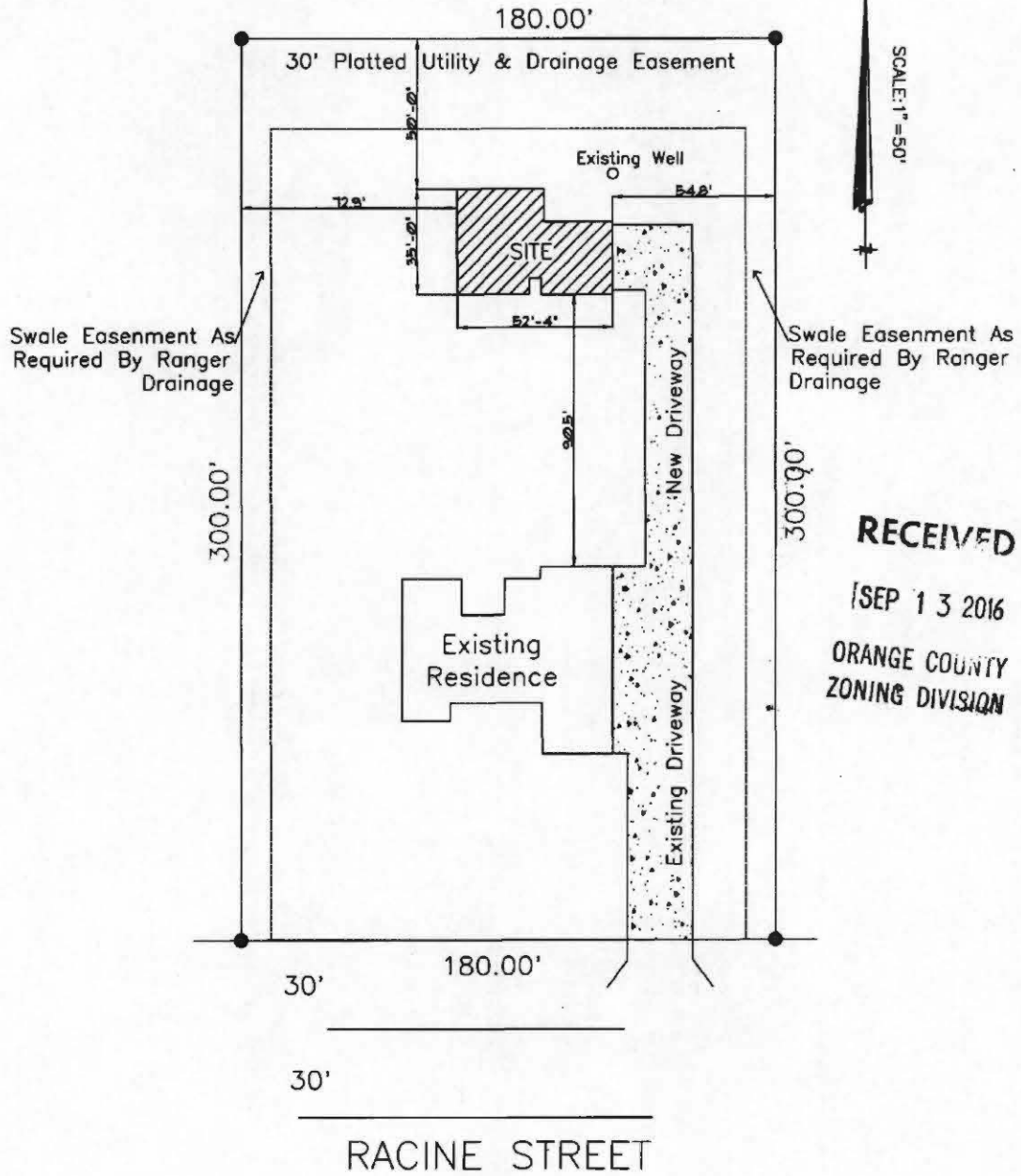


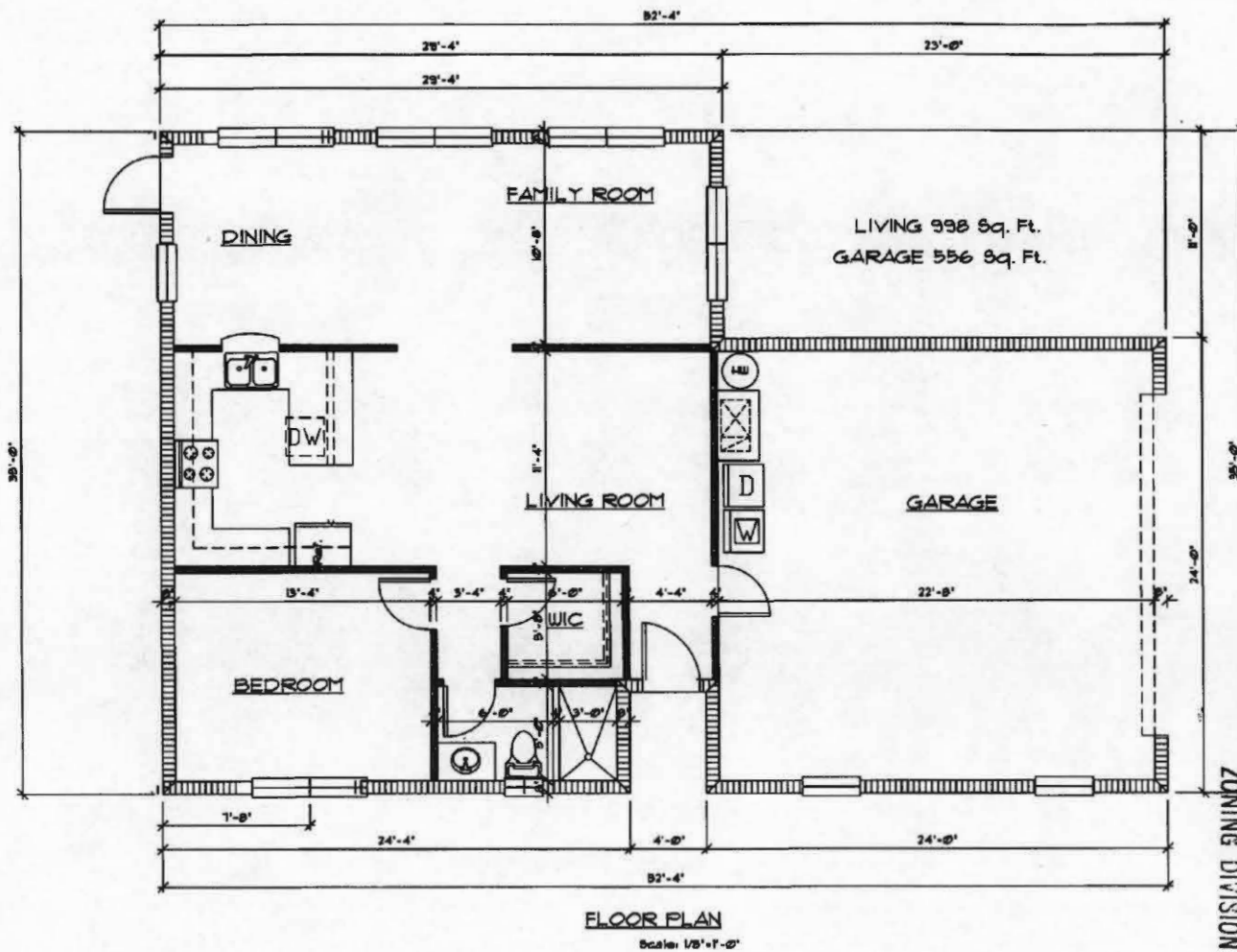
Troy D. Rivera

# SITE PLAN

## LEGAL DESCRIPTION:

LOT 58, BLOCK 2, CAPE ORLANDO ESTATES UNIT 3A.  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN  
PLAT BOOK 3, PAGES 101 THROUGH 102 PUBLIC  
RECORDS OF ORANGE COUNTY, FLORIDA





REC'D

SEP 13 2015

ORANGE COUNTY  
ZONING DIVISION





STAFF REPORT  
CASE #SE-16-11-144  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
November 3, 2016  
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Troy D. Rivera

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the A-2 zoning district to construct detached Accessory Dwelling Unit (ADU) for applicant's mother.

LOCATION: North side of Racine St., 1/4 mile west of Abney Ave., in the Wedgefield development

PROPERTY ADDRESS: 20575 Racine Street

PARCEL ID: 24-23-32-1165-20-580

TRACT SIZE: 1.24 acres

DISTRICT #: 5

ZONING: A-2

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Single Family Residence with detached ADU

SURROUNDING USES: The property is surrounded by Single Family Residences

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting approval of a Special Exception for a detached Accessory Dwelling Unit (ADU) for family use.
2. The applicant is proposing a one (1) bedroom, one (1) bathroom ADU to be occupied by their mother.

3. The applicant has agreed to build the ADU using materials complimentary to the main house.
4. The applicant has provided letters of support from adjacent neighbors. However, staff has received information from the HOA stating they do not support an attached ADU. Notwithstanding opposition from the HOA, staff would typically support this request.
5. The BZA has approved previous Special Exceptions for ADUs in the Wedgefield area, including a property located 600 feet from the applicant.
6. The proposed ADU will comply with all requirements for a Special Exception and the requirements found in Chapter 38 of the Orange County Code.
7. The applicant is advised that additional impact fees will be assessed in accordance with ADU regulations.

**STAFF RECOMMENDATION:**

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

1. Development in accordance with site plan dated, September 13, 2016, 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 two (2) years 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. 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; and,
8. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

cc: Troy D. Rivera  
20575 Racine Street  
Orlando, Florida 32833

**RICCY CARABEO**  
**VA-16-11-145**

---

**REQUEST:** Variances in the A-2 zoning district as follows:  
1) To construct single family residence on lot with 92 ft. of width in lieu of 100 ft.; and,  
2) To allow a side street setback (north) of 12 ft. in lieu of 15 ft.

**ADDRESS:** 4104 S. Chickasaw Trl., Orlando, FL 32829

**LOCATION:** West side of S. Chickasaw Trail, approximately 500 ft. south of Cascade Oaks Dr.

**S-T-R:** 13-23-30

**TRACT SIZE:** 92 ft. x 289 ft.

**DISTRICT#:** 3

**LEGAL:** N 93.33 FT OF E1/2 OF NE1/4 OF NE1/4 OF NW1/4 (LESS E 30 FT FOR R/W) OF SEC 13-23-30

**PARCEL ID:** 13-23-30-0000-00-014

**NO. OF NOTICES:** 81

**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; further, **DENIED** the Variance request #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):

1. Development in accordance with site plan dated September 13, 2016, 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; and,

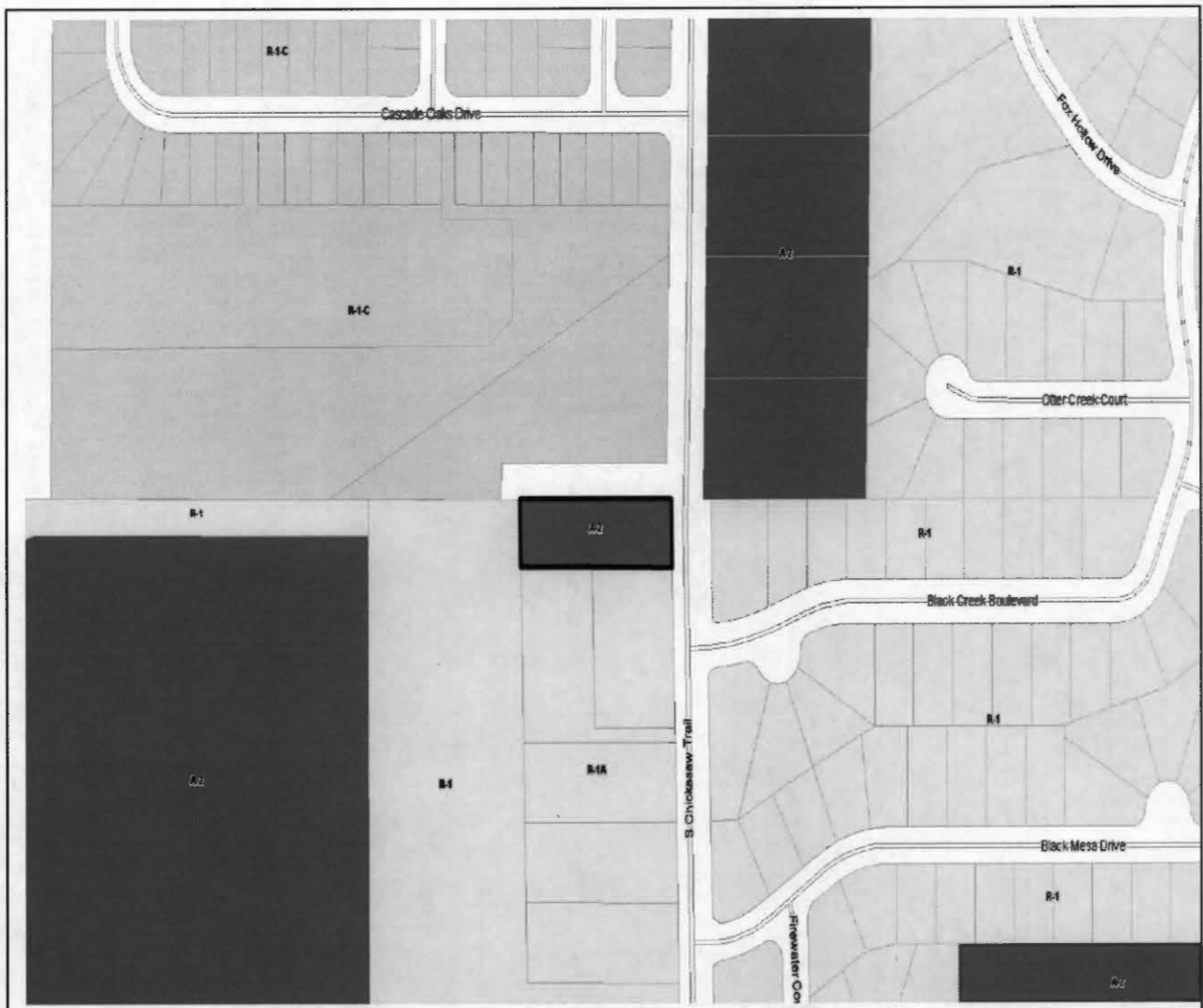
4. All A-2 building setbacks shall be met.

**SYNOPSIS:** Staff gave a brief presentation on the case, and showed photographs and the location.

The applicant stated they are willing to move the house 2.5 feet to the south to eliminate the need for one of the variances.

The BZA felt the issue was reasonable due to the applicant being willing to eliminate the need for Variance request #2.

Staff received one (1) commentary in favor of the application and none in opposition. There was no opposition at the hearing.



**Applicant:** Riccy Carabeo

**BZA Number:** VA-16-11-145

**BZA Date:** 11/03/2016

**District:** 3

**Sec/Twn/Rge:** 13-23-30-NW-B

**Tract Size:** 92 ft. x 289 ft.

**Address:** 4104 S Chickasaw Trl., Orlando, FL 32829

**Location:** West side of S. Chickasaw Trail, approximately 500 ft. south of Cascade Oaks Dr.





**Bogin, Munns  
& Munns, P.A.**

Attorneys at Law ■ Since 1979

S Avery Smith  
2601 Technology Drive, Orlando, FL 32804  
P.O. Box 2807, Orlando, FL 32802

Ph: (407) 578-1334  
Fax: (407) 578-2347  
[asmith@boginmunns.com](mailto:asmith@boginmunns.com)

September 9, 2016

**Via Hand Delivery**

Mr. David Nearing  
Orange County, Zoning Division  
201 S. Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, FL 32801

**Re: Riccy Carabeo**

**Property Address: 4104 S. Chickasaw Trail, Orlando, FL 32829**

**Our File No.: 216-2125**

**PIN: 13-23-30-0000-00-014**

Dear Mr. Nearing:

Please find attached to this correspondence an application for a variance completed by Mr. Carabeo to allow him to the building of a single-family home for the above-referenced property.

In 2016, Mr. Carabeo, as part of his due diligence for the prospective purchase of the above-referenced property visited the Orange County Building/Permitting Department to inquire about the feasibility of building a single-family home on the property to determine if there were any barriers which would prevent him from building on the lot. He spoke to "Nelson" at your office who, during my Client's personal visit to your office, looked up the property online. Nelson then assured my Client that the lot was suitable for a single-family home.

Relying upon Nelson's information, my Client proceeded with the purchase of the vacant lot - \$85,000.00 plus closing costs. My Client then went back to your office to apply for a permit to build a home whereupon he was told by Nelson that he must first purchase a "demolition permit" for a mobile home that used to be located on the property several years ago, but was no longer located on the property at the time of purchase. My Client explained that the lot was vacant and he had never moved any such mobile home from the property. Nevertheless, Nelson insisted that my Client had to pay the \$200.00 cost of the demolition permit before he could receive a building permit for his new single-family home.

At that point, my Client asked Nelson why wasn't this information disclosed during the prior visit to which Nelson smiled and "shrugged" in lieu of responding to the question posed by my Client. My Client felt like he had no choice, but to pay the cost of the demolition permit in the amount of \$200.00. After paying the cost of the demolition permit, Mr. Carabeo then applied for a building permit. At this point, Nelson informed my Client that his lot was only 93 feet in width and the minimum buildable lot size is 100 feet. He also went on to tell my Client that the zoning for that property would not permit a single-family home either. Nelson went on to tell my Client that there was "no way" for my Client to receive a building permit due to the current lot size and current zoning. When my Client demanded to know why Nelson did not reveal these facts at the prior meetings, Nelson replied, "Well, mistakes happen and there is nothing you can do." (Apparently, Nelson no longer works in this department).

But for Nelson's numerous assurances that the lot was buildable, that zoning was consistent with a single-family home to be built thereon, my Client spent \$85,000 plus closing costs to purchase the lot as well as other fees to produce the necessary engineering drawings for his new home - the type of home

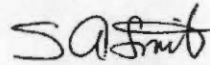
[www.BoginMunns.com](http://www.BoginMunns.com)

Orlando ■ Clermont ■ Daytona ■ Deltona ■ Gainesville ■ Kissimmee ■ Leesburg ■ Melbourne ■ Ocala ■ The Villages

that is consistent with the other homes in the area. Not only will this new home benefit the neighborhood, it will add to the tax base of Orange County and increase the valuation of the property. I attached to this letter a copy of the boundary survey and site plans for the prospective home.

Mr. Carabeo respectfully requests his request for a variance be granted with respect to the side setbacks and zoning. Should you need anything further, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "S Avery Smith". The signature is stylized with a large, looped "S" and a cursive "A" and "Smith".

S Avery Smith, Esquire

Attachments





STAFF REPORT  
CASE #VA-16-11-145  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
November 3, 2016  
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Riccy Carabeo

REQUEST: Variances in the A-2 zoning district as follows:

- 1) To construct single family residence on lot with ninety-two (92) feet of width in lieu of 100 feet; and,
- 2) To allow a side street setback (north) of twelve (12) feet in lieu of fifteen (15) feet.

LOCATION: West side of S. Chickasaw Trail, approximately 500 ft. south of Cascade Oaks Dr.

PROPERTY ADDRESS: 4104 S Chickasaw Trail

PARCEL ID: 13-23-30-0000-00-014

TRACT SIZE: 92 ft. x 289 ft.

DISTRICT #: 3

ZONING: A-2

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes a new single family residence on the parcel. The on-site zoning requires a minimum lot width of 100 ft., and a minimum side street setback of fifteen (15) feet. The subject lot is only 92.88 feet wide.
2. The area is developed with similar sized lots.
3. This request constitutes infill development on a reasonable sized lot.
4. Discussion is requested regarding Variance # 2. If the applicant moved the house 2.5 feet to the south, all setbacks would be met, eliminating the need for the additional variance for the side street setback.

5. Staff supports Variance # 1, because it is consistent with the areas development trend.

**STAFF RECOMMENDATION:**

Staff recommends approval of Variance # 1 (lot width) and denial of Variance # 2 (side street setback), subject to the following conditions:

1. Development in accordance with site plan dated, September 13, 2016, 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; and,
4. All A-2 building setbacks shall be met.

cc: Avery Smith (Representative)  
2601 Technology Drive  
Orlando, Florida 32804

Riccy Carabeo (Applicant)  
4855 Red Bay Drive  
Orlando, Florida 32829

**ADAM DIONNA, AGENT FOR ATT CORPORATION**  
**SE-16-11-146**

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**REQUEST:** Special Exception in the R-CE zoning district to allow additional improvements to existing ATT facility.  
(Note: The applicant wants to add 3 additional modular equipment buildings at the southwest portion of the site. The new buildings will be approximately 150 ft. from the Apopka-Vineland Rd. R/W line).

**ADDRESS:** 1717 S Apopka Vineland Rd., Orlando, FL 32835

**LOCATION:** East side of Apopka-Vineland Rd., east of Westover Roberts Rd., adjacent to the Florida Turnpike

**S-T-R:** 03-23-28

**TRACT SIZE:** 15.45 acres

**DISTRICT#:** 1

**LEGAL:** N 500 FT OF SW1/4 OF NW1/4 LYING S & W OF TURNPIKE R/W & E OF APOPKA- VINELAND RD & THAT PART OF NW1/4 OF NW1/4 LYING S & W OF SUNSHINE STATE PARKWAY & E OF APOPKA- VINELAND RD IN SEC 03-23-28

**PARCEL ID:** 03-23-28-0000-00-011

**NO. OF NOTICES:** 108

**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 (unanimous; 6-0):

1. Development in accordance with site plan dated September 14, 2016 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 modular units shall be setback a minimum of 150 feet from the right-of-way line of Apopka-Vineland Road;
5. Construction plans shall be submitted within two (2) years or this approval becomes null and void; and,
6. The applicant shall place evergreen trees ten (10) feet at planting and twenty-five (25) feet apart along the west side of the 16,000 sq. ft grassy area to screen the modular units from Apopka-Vineland Road.

**SYNOPSIS:** The applicant is requesting approval to place three (3) modular units on the site to operate and store fiber optic equipment.

Staff gave a brief presentation and advised the BZA that this was the fifth (5th) Special Exception request for this site. This request is consistent with the previous expansions. However, additional trees should be planted along Apopka-Vineland Road for further screening.

The applicant asked the BZA to consider a fourth (4th) modular unit. Staff advised the applicant that a fourth (4<sup>th</sup>) modular building would require re-advertising. The applicant decided to follow the original three (3) modular unit plan.

The BZA concluded the request was compatible with the surrounding uses and approved the request. There was no opposition.



**Applicant:** Adam Dionna, Agent for ATT Corporation

**BZA Number:** SE-16-11-146

**BZA Date:** 11/03/2016

**District:** 1

**Sec/Twn/Rge:** 03-23-28-NW-B

**Tract Size:** 15.45 acres

**Address:** 1717 S. Apopka Vineland Rd., Orlando, FL 32835

**Location:** East side of Apopka-Vineland Rd., east of Westover Roberts Rd., adjacent to the Florida Turnpike



September 13, 2016

Mr. Rocco Relvini  
Orange County Zoning Division  
201 S. Rosalind Ave.  
Orlando, FL 32801

RE: Special Exception Application; FL2016-042\_S23898-Windermere-MTS Site  
ATT PROTOTYPE - SW Orange County

Rocco:

Please accept this letter and accompanying application as formal request to seek a *fifth* Special Exception to allow proposed improvements at the existing AT&T Facility located in Windermere area of SW Orange County. Based on the existing zoning, (R-CE), any significant improvement must be applied for through the Orange County BZA.

An approximate area of 16,000 sf is being considered to accommodate building structures and parking in the southwestern portion of the property. Traditional modular buildings are proposed to insulate the complex nature of electrical/fiber optic communication equipment. The units will also serve as acoustical containers to minimize any noise created by operations. The operations at these type facilities are not known to exceed ambient noise levels. Proposed buildings will be unmanned and potable water or sewage collection systems are not proposed. Existing water management permits will be modified to account for increase in impervious area.

It should be noted that the site has an extensive history with regard to expansion dating back to first petition in 1965. All together there have been four Special Exceptions granted by Orange County to allow AT&T to expand and modernize their infrastructure in a highly competitive industry that relies on advancement in technology.

The second Special exception was granted in 1985, and subsequent approvals were gained in 2000 and 2002. All were approved by BZA. Copies of Request and staff reports are attached for your convenience. During these periods, substantial landscaping has been installed to visually screen improvements (from Apopka-Vineland road). There are residential homes to the west of the right of way and are further screened by an 8' high brick perimeter wall. Aerials and previous surveys, as well as Orange County data, confirm the intensity of existing landscaping. Additional planting would be redundant, particularly considering the vicinity of the proposed buildings. Buildings will be recessed further from Apopka-Vineland road than the existing

1100 S Orlando Ave, 301

Maitland, FL 32751 Tele (407) 937-9499 Facs.(407) 599-5263

email adamd@urbandresources.com



building to the north. This is illustrated on the site plan attached with this application. As a continued part of this application, the following documents have been properly executed and notarized.

- Relationship Disclosure Form
- Orange County Specific Project Expenditure Report
- Agent Authorization Form indicating Urban Land Resources as agent.

Items III, Sections A-E of the application have been also been completed and a check, in the amount of \$1,355.00 made payable to Orange County Zoning Division is also included. It is intended that you find this application complete, however, if you should have any questions or require any additional information, please do not hesitate to contact me.

Very Truly Yours,

URBAN LAND RESOURCES, LLC

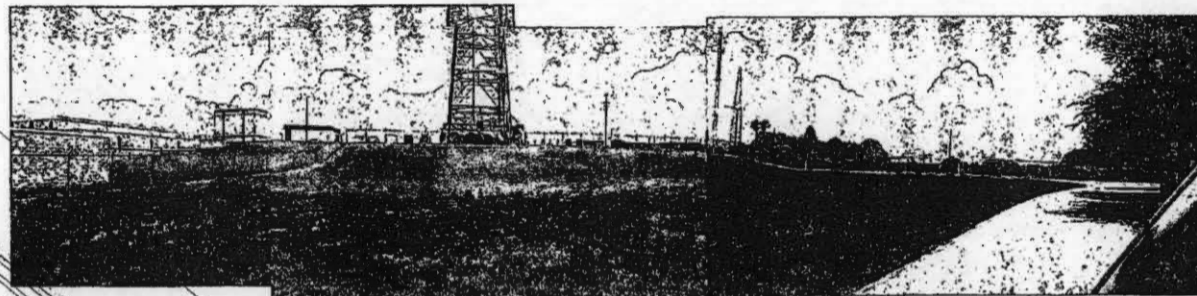
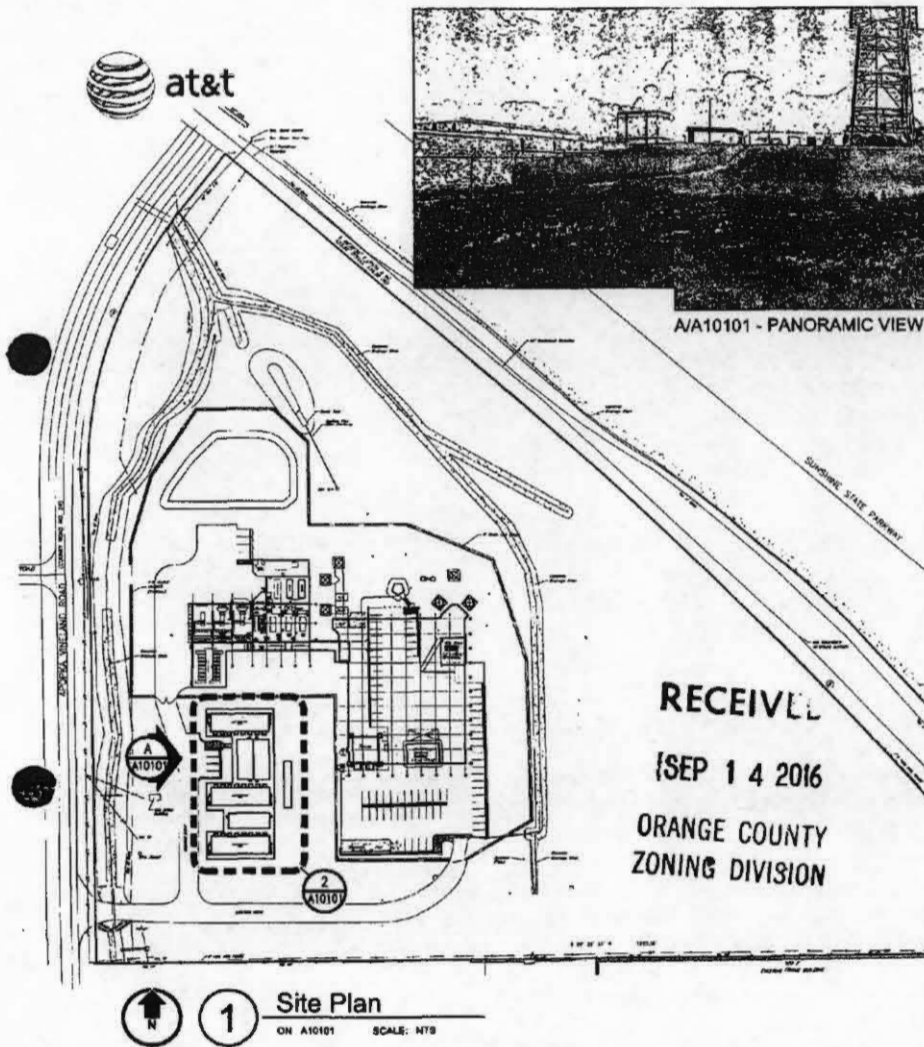
Adam A. Dionna  
Principal

cc: Henry Jones, ATT Corp. Real Estate  
Brian Woessner, Duffy SE

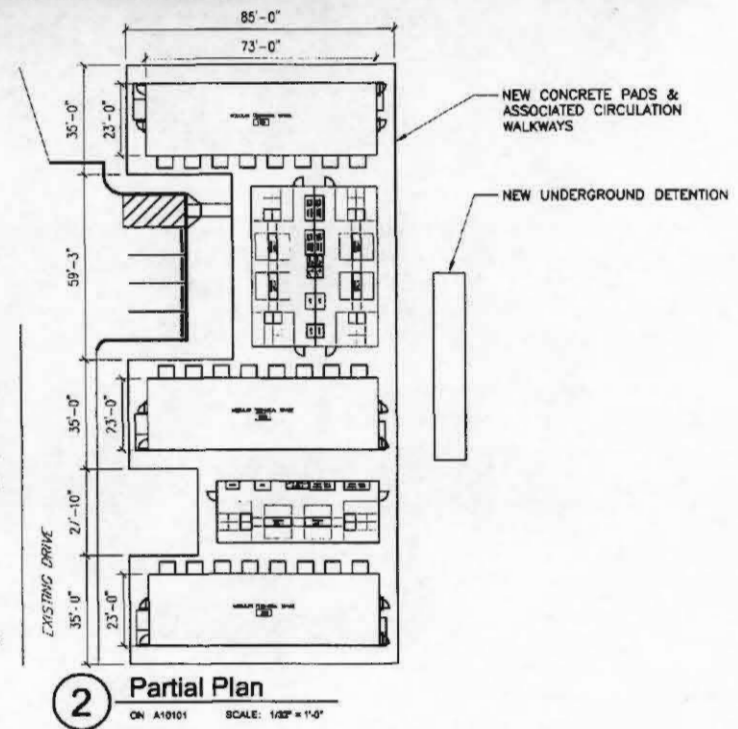
1100 S Orlando Ave, 301

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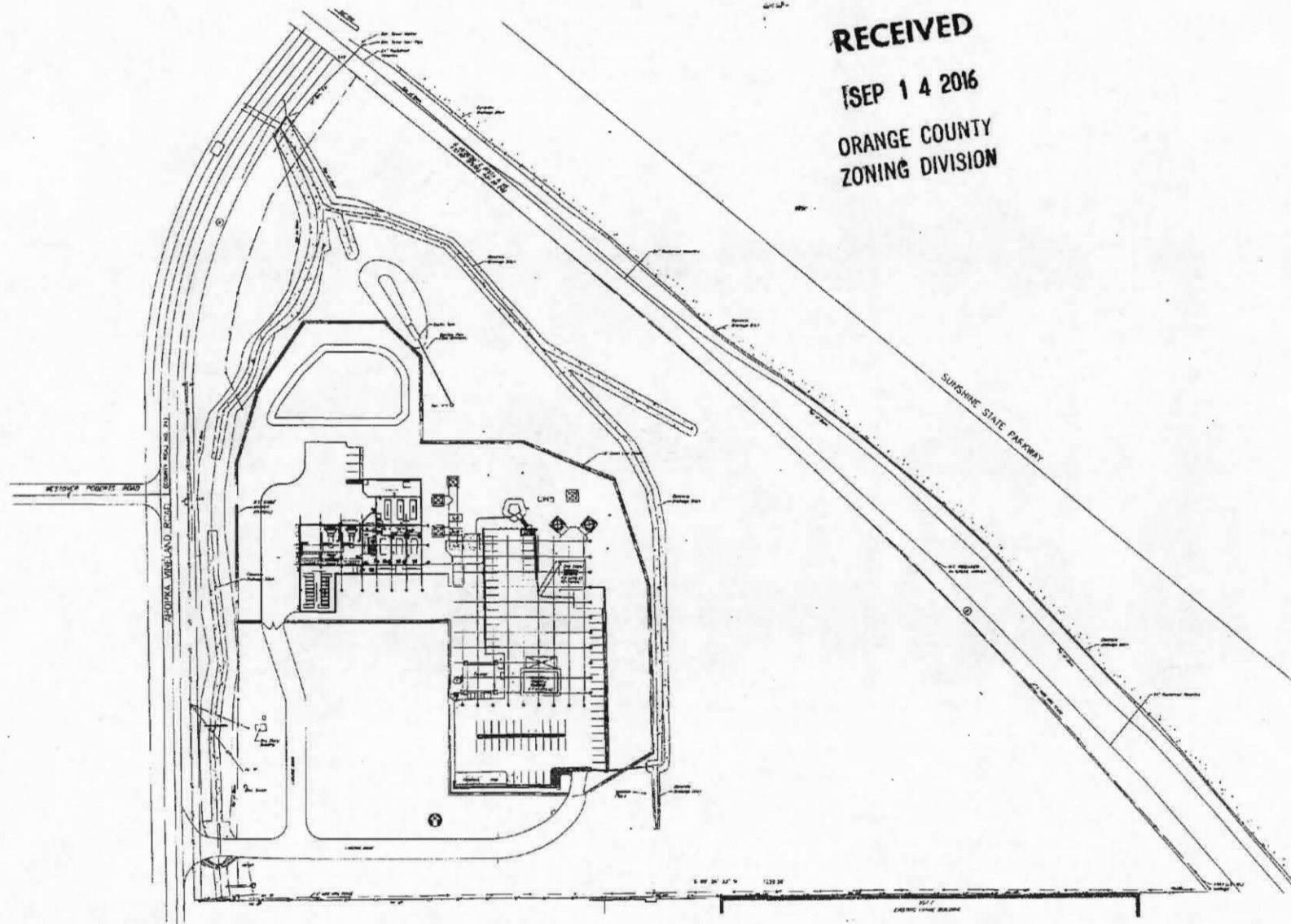
email adamd@urbandresources.com



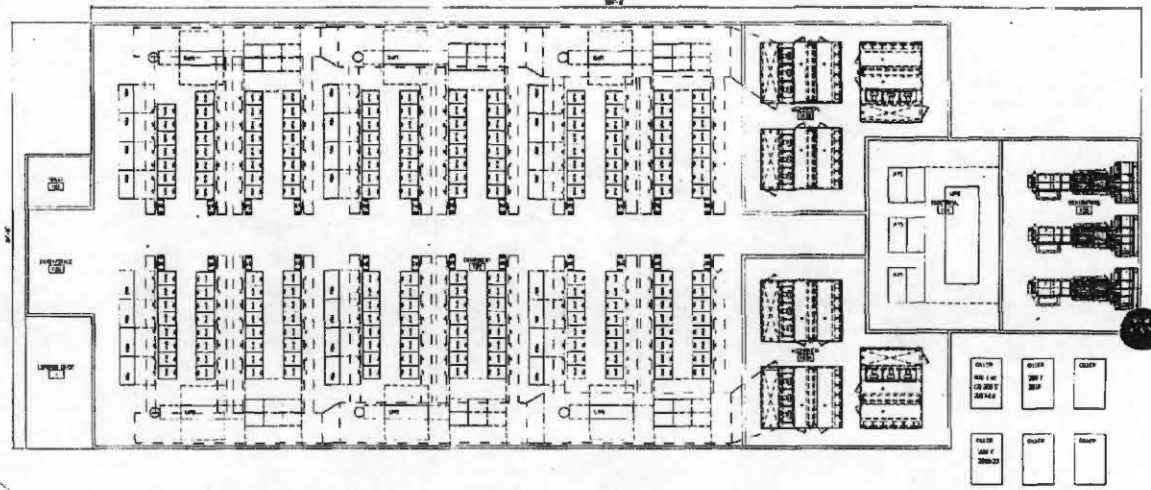
A/A10101 - PANORAMIC VIEW



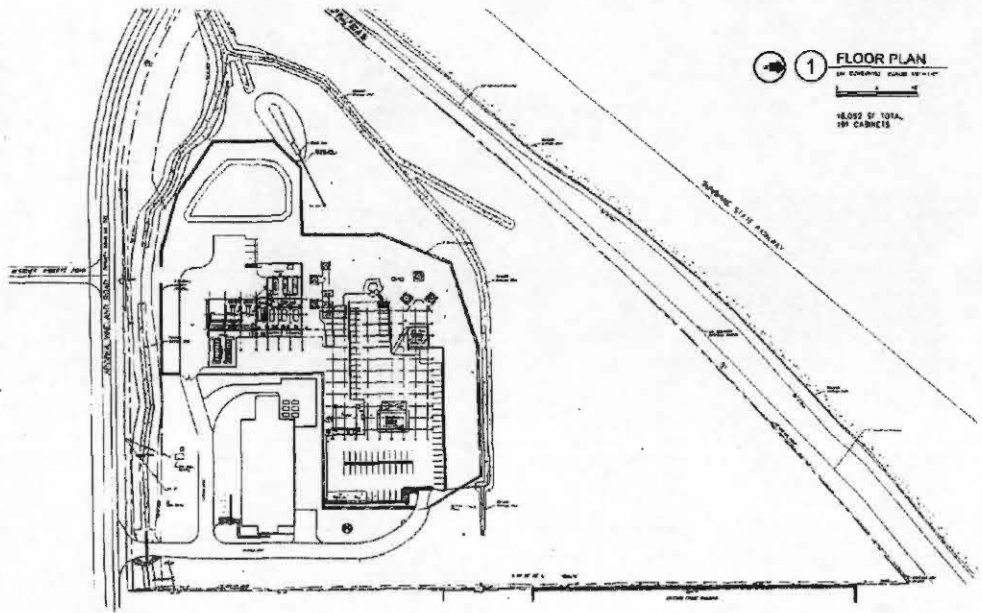
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SEP 14 2016  
ORANGE COUNTY  
ZONING DIVISION







1 FLOOR PLAN  
 IN CORRESPONDING SCALE 1/8" = 1'-0"  
 16,092 SF TOTAL  
 191 CABBETS



K SITE PLAN  
 IN CORRESPONDING SCALE 1/8" = 1'-0"

RECEIVED  
 SEP 14 2016  
 ORANGE COUNTY  
 ZONING DIVISION

## Power Modules with Flywheels backup – Michigan

### **Casino Customer– Power Modules**



#### **Background**

- Casino customer was looking to use Emerson UPS based on its reliability and efficiency. Needed a complete turnkey solution
- Emerson was pitched as complete turnkey solution provider by Michigan LBP
- Solution required one power modules with UPS and flywheel

#### **Emerson White Paper**

- Emerson Network Power delivered an integrated modular solution with
  - Emerson NX 400KVA Power systems (N+1)
  - Vycon Flywheel systems
  - Marvelair – external wall mounted counter flow HVAC (N+1)
  - Siemens – Input and Output low voltage switchboard

#### **Result**

- 6 months delivery time - delivered late early Aug '15
- PO placed in February; Core design firm and approved by end customer by Apr 30. Module production, assembly, testing and shipping to site – Aug 25



**RECEIVED**  
SEP 14 2016  
ORANGE COUNTY  
ZONING DIVISION

Emerson Network Power  
Proposal Dated Aug 24, 2016

49

All information contained in this proposal should be considered **proprietary and confidential**



STAFF REPORT  
CASE #SE-16-11-146  
Orange County Zoning Division  
Planner: Rocco Relvini  
Board of Zoning Adjustment  
November 3, 2016  
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Adam Dionna, Agent for ATT Corporation

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the R-CE zoning district to allow additional improvements to existing ATT facility.  
(Note: The applicant wants to add three (3) additional modular equipment buildings at the southwest portion of the site. The new buildings will be approximately 150 feet from the Apopka-Vineland Rd. R/W line).

LOCATION: East side of Apopka-Vineland Rd., east of Westover Roberts Rd., adjacent to the Florida Turnpike

PROPERTY ADDRESS: 1717 S. Apopka Vineland Road

PARCEL ID: 03-23-28-0000-00-011

PUBLIC NOTIFICATION: 108

TRACT SIZE: 15.45 acres

DISTRICT #: 1

ZONING: R-CE

EXISTING USE(S): Private Utility

PROPOSED USE(S): Three (3) equipment building modular units

SURROUNDING USES: To the north and east is the Florida Turnpike. To the west are homes and a fire station. To the south is a landscape nursery.

#### STAFF FINDINGS AND ANALYSIS:

1. The applicant (ATT) is proposing three (3) modular buildings at the southwestern portion of the site. Each modular unit measures approximately 73 ft. x 23 ft. (1679 sq. ft. each).
2. The modular units will be unmanned.
3. The site is being used by ATT to operate and store electrical/fiber optic communication equipment.
4. This application represents the 5th Special Exception for the site.
5. The request is a logical extension of the utility uses on the site. The modular buildings will be setback a minimum of 150 ft. from the Apopka-Vineland Rd. R/W line.
6. Staff inspected the site. The proposed modular units need to have better screening from Apopka-Vineland Rd. Looking at the site plan there is ample space for the applicant to install evergreen trees ten (10) feet at planting on the west side of the 16,000 sq. ft. Area, where the modular units are being placed. This will be addressed by condition of approval.

#### STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated, September 14, 2016, 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 modular units shall be setback a minimum of 150 ft. from the right-of-way line of Apopka-Vineland Rd;
5. Construction plans shall be submitted within two (2) years or this approval becomes null and void; and,
6. The applicant shall place evergreen trees ten (10) feet at planting and twenty-five (25) feet apart along the west side of the 16,000 square feet grassy area to screen the modular units from Apopka-Vineland Rd.

cc: Adam Dionna, Agent for ATT Corporation (Representative)  
1100 S. Orlando Avenue, Suite 301  
Maitland, Florida 32751



**DIANE ARIAS**  
**SE-16-11-147**

---

**REQUEST:** Special Exception and Variances in the R-CE zoning district as follows:  
1) Special Exception: To convert existing accessory building into a detached Accessory Dwelling Unit for applicant's son;  
2) Variance to permit a detached ADU to be located in front of the principal structure in lieu of side or rear;  
3) Variance to validate a total of 2,500 sq. ft. of accessory structure floor area in lieu of 2,000 sq. ft.;  
4) Variance to validate three (3) accessory structures located 2-3 ft. from the side (south) property line in lieu of 5 ft.; and,  
5) Variance to validate an existing pool and install future screen enclosure located 3 ft. from the side (south) property line in lieu of 5 ft.  
(Note: The subject property is 4.6 acres in size. The applicant purchased the property in March of 2015. The applicant's son and wife will move into the ADU. The variances were included to address the existing non-conformities).

**ADDRESS:** 304 E Country Ln., Apopka, FL 32712

**LOCATION:** South side of E. Country Ln., on the east side of Mt. Plymouth Rd., approximately 1/2 mile north of W. Kelly Park Rd.

**S-T-R:** 09-20-28

**TRACT SIZE:** 4.6 acres

**DISTRICT#:** 2

**LEGAL:** ROCK SPRINGS SUB Q/118 THE S 165.99 FT OF LOT 3 (LESS E 470 FT)

**PARCEL ID:** 09-20-28-7608-00-031

**NO. OF NOTICES:** 111

**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 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):

1. Development in accordance with site plan dated September 14, 2016 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 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. 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; and,
8. 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 showing photographs and the location, and layout of buildings on the property.

The applicant stated they would like their family to remain close, and to help them maintain the property which is very large.

The BZA confirmed that all structures were existing when the applicant purchased the property. The BZA observed the property was large with significant setbacks from the road.

There was no opposition at the hearing.

The BZA approved the Special Exception and Variances.



**Applicant:** Diane Arias

**BZA Number:** SE-16-11-147

**BZA Date:** 11/03/2016

**District:** 2

**Sec/Twn/Rge:** 09-20-28-SE-D,09-20-28-SW-C

**Tract Size:** 4.6 acres

**Address:** 304 E. Country Ln., Apopka, FL 32712

**Location:** South side of E. Country Ln., on the east side of Mt. Plymouth Rd., approximately 1/2 mile north of W. Kelly Park Rd.

Diane E. Arias & Carlos M. Arias  
304 East Country Lane  
Apopka, FL 32712  
Parcel ID # 09 20 28 7608 00 031  
*Special Exception for Accessory Dwelling Unit*

To whom it may concern:

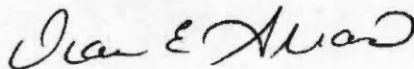
About a year and a half ago, my husband and I bought our house in Florida hoping to get away from New Jersey. Since we've owned the property, my son and his wife have been living here and have taken care of not only the house, but the surrounding 4.6 acres. We have always carried a very close relationship and been there to support one another through everything.

My husband and I still like to consider ourselves "young," but that is a relative term. The truth is that as we grow older, we won't be able to take care of as much as we'd like. Because of this fact, we'd like to expand an existing structure for my son and his wife to move into. Not only would it be great to have help in maintaining the property, but we've moved down here knowing only two other people and would like to stick together as much as possible. It isn't exactly sensible for my son and his wife to live in the primary house along with my husband and I, being as they are married and would like to live in their own space.

From what we understand, the structure was previously used as an office for a business. Our idea was to expand it from the current 500 sq. ft. to 1,200 sq. ft., measuring approximately 40 ft. x 25 ft. when completed. With the expansion, our floor plan would include a small living room and kitchen, 2 bedrooms, 2 bathrooms, a pantry, and a small room to be used as a study room. My son would reside here with his wife permanently should our request be granted. We have spoken about this idea since the day we first viewed the house and he and his wife are very hopeful to be living on the property along with my husband and I.

Having this request granted would mean the world to all of us, as we are very keen on making sure one another is ok. We greatly appreciate your time and hope you can assist us in this matter by approving our request.

Sincerely,



Diane E. Arias

RECEIVED  
SEP 14 2016  
Zoning Division

THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'X', AREA OF MINIMAL FLOODING, AS PER F.I.R.M. COMMUNITY PANEL NO. 12095C0050 F, ORANGE COUNTY, FLORIDA. MAP DATED DECEMBER 15, 2009.

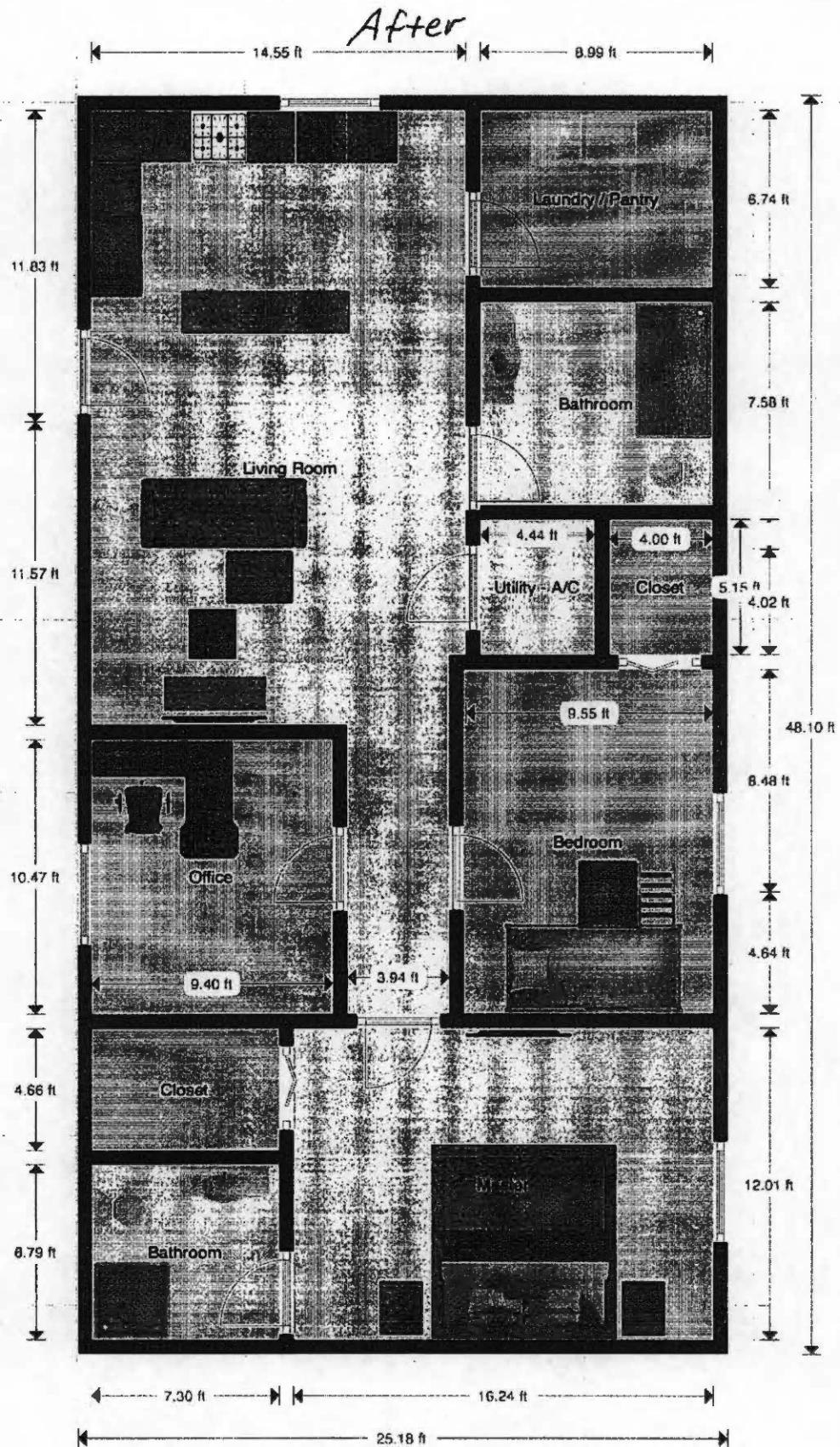


AS PROVIDED BY THE CLIENT.  
EXCEPT AS SHOWN.  
PLATS BEYOND THE FINAL  
PLAT OR RIGHT-OF-WAY OF  
THIS PLAT THAT MAY BE FOUND IN  
PLANS NOTED OTHERWISE.

1. BEARINGS ARE BASED ON RECORD PLAT.  
2. THE SURVEY SHOWN HEREON WAS SURVEYED BY THE LEGAL DESCRIPTION PROVIDED BY THE CLIENT.  
3. THE OVERLAP AND FOLDING ARE NOT BEEN LOCATED.  
4. NO IMPROVEMENTS OR UNDERGROUND UTILITIES HAVE BEEN LOCATED EXCEPT AS SHOWN.  
5. THIS SURVEY IS NOT USED WITHOUT DATED SEAL.  
6. NOT VALID FOR ANY YEAR OR DATE, TRANSACTIONS ON DATE BEYOND THE FINAL  
7. SURVEY DATE SHOWN.  
8. THE SURVEYOR HAS NOT ABSTRACTED THE LANDS HEREON FOR EASEMENTS OR RIGHT-OF-WAY OF  
9. THE STATE OR OTHER JURISDICTION.  
10. THERE MAY ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN  
11. THE PUBLIC RECORDS OF THE COUNTY.  
12. ALL BEARINGS / ANGLES AND DISTANCES ARE PLAT AND MEASURED UNLESS NOTED OTHERWISE.

LOT SURVEY DATE:	
FOUNDATION DATE:	
FINAL SURVEY DATE:	3-9-15
DRAWN DATE:	3-9-15
SCALE:	1" = 60'
PAGE	1 OF 1
REVISION DATE:	









STAFF REPORT  
CASE #SE-16-11-147  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
November 3, 2016  
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Diane Arias

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variances in the R-CE zoning district as follows:

- 1) Special Exception: To convert existing accessory building into a detached Accessory Dwelling Unit for applicant's son;
- 2) Variance to permit a detached ADU to be located in front of the principal structure in lieu of side or rear;
- 3) Variance to validate a total of 2,500 square feet of accessory structure floor area in lieu of 2,000 square feet;
- 4) Variance to validate three accessory structures located 2-3 ft. from the side (south) property line in lieu of 5 ft.; and,
- 5) Variance to validate an existing pool and install future screen enclosure located three (3) ft. from the side (south) property line in lieu of five (5) feet.

(Note: The subject property is 4.6 acres in size. The applicant purchased the property in March of 2015. The applicant's son and wife will move into the ADU. The Variances were included to address the existing non-conformities).

LOCATION: South side of E. Country Lane, on the east side of Mt. Plymouth Road., approximately 1/2 mile north of W. Kelly Park Road

PROPERTY ADDRESS: 304 E Country Lane

PARCEL ID: 09-20-28-7608-00-031

TRACT SIZE: 4.6 acres  
DISTRICT #: 2  
ZONING: R-CE  
EXISTING USE(S): Single Family Detached Dwelling w/various out buildings  
PROPOSED USE(S): ADU  
SURROUNDING USES: Single Family Residences

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting approval of a Special Exception to expand a home office structure from 500 sq. ft. to 1,200 sq. ft., to be used as an ADU, occupied by family members.
2. The applicant is also requesting variances for existing accessory structures on the property for total size and setbacks to property lines.
3. The property is 4.6 acres in size. If the property was five (5) acres, then 3,000 sq. ft. of accessory structure floor area would be allowed.
4. The proposed ADU will be greater than 800 feet from the road and 250 feet from the main house.
5. The proposed density will be lower than the densities of properties in the area.
6. The proposed ADU will comply with all requirements for a Special Exception and the requirements found in Chapter 38 of the Orange County Code.
7. The applicant is advised that additional impact fees will be assessed in accordance with ADU regulations.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated, September 14, 2016, 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 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. 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; and,
8. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

cc: Diane Arias  
304 E. Country Lane  
Apopka, Florida 32712

**REHOBOTH EVANGELICAL BAPTIST CHURCH**  
**SE-16-11-148**

---

**REQUEST:** Special Exception and Variances in the C-1, C-2, and R-2 zoning districts as follows:  
1) Special Exception to construct a religious use facility institution with approximately 10,000 sq. ft. of floor area and seating for up to 150 members;  
2) Variance to allow partial grassed parking in lieu of paved;  
3) Variance to allow 47 parking spaces in lieu of 50; and,  
4) Variance to allow a 6 ft. setback side street on south for the sign in lieu of 10 ft.

**ADDRESS:** 1309 23rd St., Orlando, FL 32805

**LOCATION:** Northeast corner of 23rd St. and S. Nashville Ave., approximately 275 ft. west of S. Orange Blossom Trail

**S-T-R:** 03-23-29

**TRACT SIZE:** 135 ft. x 335 ft.

**DISTRICT#:** 6

**LEGAL:** ANGEBILT ADDITION H/79 LOTS 17 18 & 19 (LESS E 15 FT LOT 19) & LOTS 13 THROUGH 16 BLK 26

**PARCEL ID:** 03-23-29-0180-26-170

**NO. OF NOTICES:** 113

**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 requests **#2 & #3**, 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, to **DENIED** the Variance request **#4**, 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. Development in accordance with site plan dated September 14, 2016 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. All signage shall comply with Chapter 31.5, Orange County Code;

5. Landscaping shall be provided in accordance with Chapter 24, Orange County Code;

6. Construction plans shall be submitted within two (2) years or this approval becomes null and void;

7. No more than four (4) outdoor special events between the hours of 9:00 a.m. to 9:30 p.m.;

8. Days and hours of worship services on Sundays shall be from 9:00 a.m. to 9:30 p.m.; and, on Wednesdays and Fridays shall be from 7:30 p.m. to 9:30 p.m.; and,

9. Outdoor sound devices or the amplification of sound is prohibited.

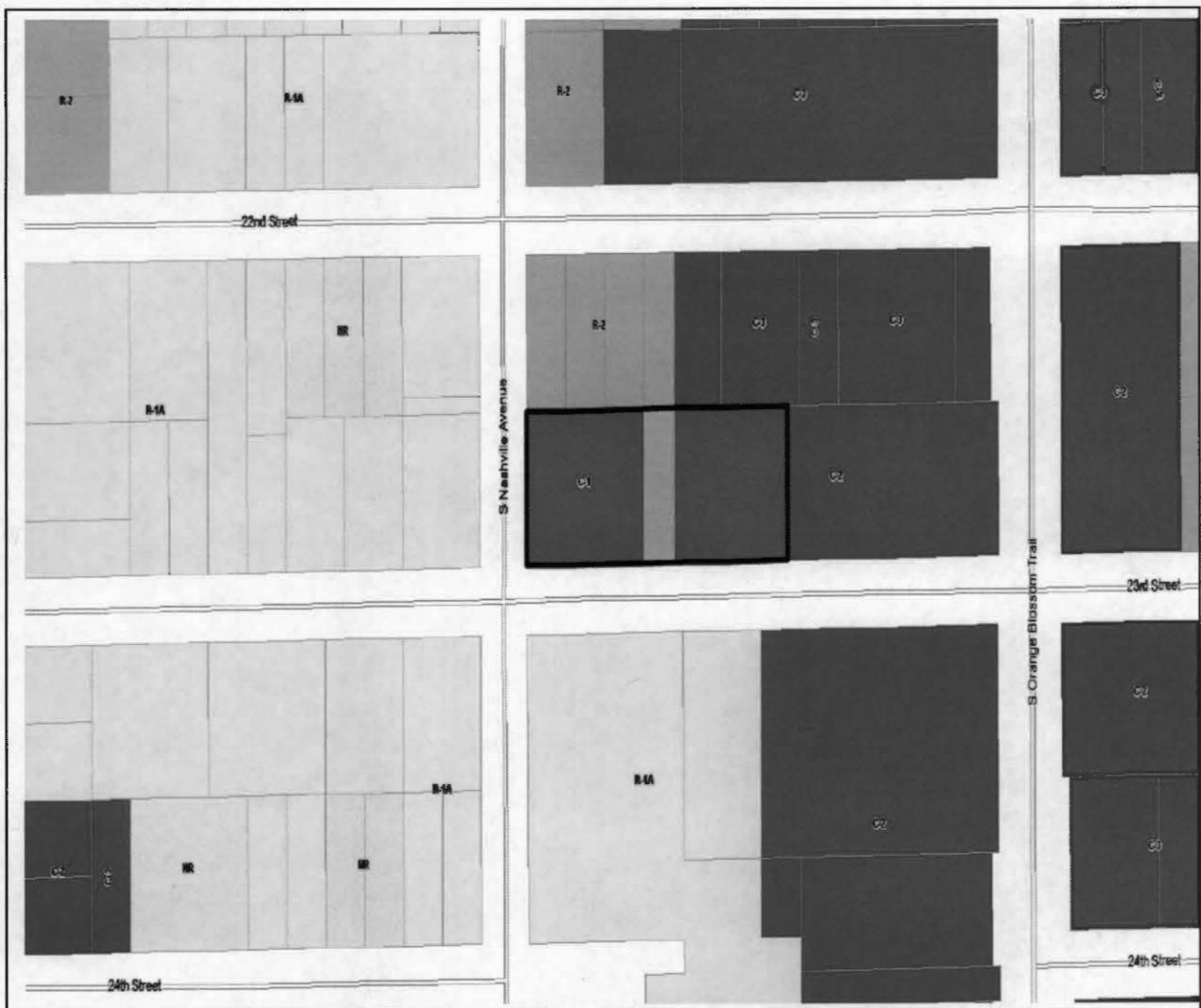
**SYNOPSIS:** The applicant is proposing a 9,120 sq. ft. sanctuary. It will be 1-story in height.

Staff advised the BZA that ninety percent (90%) of this site allows for church use but there was a small parcel included that is zoned R-2. That small parcel requires a Special Exception approval. Staff supported this request.

The applicant gave a brief presentation and advised the BZA they were trying to preserve as many trees as possible.

The BZA had concerns about the parking variance. The District BZA Commissioner advised the BZA there was plenty of overflow parking. The BZA approved the request. There was no opposition.





**Applicant:** Rehoboth Evangelical Baptist Church, Inc.

**BZA Number:** SE-16-11-148

**BZA Date:** 11/03/2016

**District:** 6

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

**Tract Size:** 135 ft. x 335 ft.

**Address:** 1309 23rd ST, Orlando FL 32805

**Location:** Northeast corner of 23rd St. and S. Nashville Ave., approximately 275 ft. west of S. Orange Blossom Trail



**RH Ruth Hamberg**

**Landscape Architecture & Urban Design  
Green Town Planning**

1573 George St.  
Orlando, FL 32806  
FL LA #0001273  
Phone: 407.896.9656  
[www.greentownplan.com](http://www.greentownplan.com)

**RECEIVED**

**SEP 14 2016**

**Zoning Division**

Sept. 14, 2016

**ORANGE COUNTY, FL BOARD OF ZONING ADJUSTMENT**

Orange County Administration Building  
201 Rosalind Avenue  
Orlando, FL 32801

**Re: APPLICATION FOR SPECIAL EXCEPTION 1309 23<sup>rd</sup> Street, Orlando, FL  
32805**

Dear Board of Zoning Adjustment,

I am representing the Rehoboth Evangelical Baptist Church, currently located on W. Kaley Street in Orlando, FL. The Church recently purchased a vacant property located at 1309 23<sup>rd</sup> Street to build a new church. The Site location is on the northeast corner of 23<sup>rd</sup> Street and Nashville Avenue in the Holden Heights Neighborhood of Orlando, FL.

Orange County Planning Staff confirmed Churches are a permitted use in the zoning district and the Holden Heights Overlay district. Upon researching the Future Land Use (FLU) and Zoning designations for the property, a pre-existing discrepancy in the FLU and zoning was discovered. Orange County staff confirmed the FLU map and zoning issues with this site go back to the 1950's. The FLU and Zoning designations do not match. The staff explained they must refer to the Growth Management Plan Future Land Use Element policies in such situations. Those policies call for a Special Exception when the Future Land Use and Zoning are not consistent.

The Future Land Use Designation for the site is C-1 (Commercial) Neighborhood Residential/ Holden Heights Overlay district. The Zoning on the site is:

- C-1 on Lots 13, 14, 15, east 10 feet of lot 16, lots 17, 18 (Commercial)
- R-2 on the west 40 feet of Lot 16 (Residential)

Summary of Land Use Issues:

- The zoning on the site is not consistent with the future land use map.
- The C-1 commercial zoning on the site is split by an R-2 lot in the middle.

A Special Exception is intended to ensure the proposed use is compatible with the surrounding neighborhood. The staff and board will consider the use, building size, appearance, height, scale, parking, other exterior uses, fencing, existing trees, landscape, etc. The board will also consider whether there is support or opposition to the proposed use.

Requests for Special Exception and Variances to the BZA in order to develop the property:

1. Growth Management Plan Policies require a Special Exception be granted by the Board of Zoning Adjustment due to the conflict between the FLU map and the zoning plus due to the R-2 lot that splits the C-1 zoning.
2. Orange County staff explained that the most restrictive zoning standards of R-2 apply to the entire site despite most of the site being zoned C-1. The more restrictive setbacks cause difficulty configuring the church and parking on the site. Therefore, we are requesting a setback variance that would allow the C-1 setbacks instead of the R-2 setbacks.
  - a. C-1 North/ Rear setback is 20 feet, R-2 is 30 feet. Variance request is for 10 less feet for a rear setback of 20 feet minimum. Parking adjacent to the residential uses along the north property line will be grassed spaces, except for the Handicap spaces, with a Type C bufferyard provided.
  - b. Both the C-1 and R-2 South/ Front setback is 25 feet. We request a variance to allow a small 24 square foot monument sign with a 6 foot front setback.
3. There are several large oak trees on the site that are proposed to be saved. To do so, we are requesting that 25 parking spaces be grassed. We also request a variance to allow 47 spaces instead of 51 to enable tree preservation. There is on-street parking on 23<sup>rd</sup> Street.

Compatibility with the Neighborhood

The Church site is located on a block that is transitioning from commercial uses along US 441/ Orange Blossom Trail to residential uses to the west. The site abuts commercial uses to the east and north that are near to and adjacent to Orange Blossom Trail, a major commercial corridor. There are a few residential homes adjacent to the site to the north and east across Nashville. There is also a church adjacent to the north. Most surrounding single family buildings are single story ranch or front gable style homes. A nearby apartment two blocks

away on west Kaley Street is two stories. An Orange County storm water retention facility is located across the street to the south. The following aerial photo shows the context of the site, the residential area to the west, the nearby commercial uses near Orange Blossom Trail (mostly white roof buildings) and the numerous other churches in the neighborhood.

There are many other churches in the neighborhood, including Greater Central Church of God adjacent to the north at 1316 22<sup>nd</sup> Street. The Bethel Tabernacle is at 1401 W. Kaley Street, The Restoration of Life Mission is at 2023 Rio Grande Ave., The PM Tabernacle is at 2327 Rio Grande Ave and Faith Home Church is at 2300 Orange Blossom Trail.



Context Aerial Photo 2016 from Orange County Property Appraiser's website.

The proposed church use and building will be compatible with the surrounding uses because it will be a moderately sized, single story, gable roof church which will be in scale with nearby residential uses. The Church building will be located closer to the commercial properties to the north and east. The proposed building size is approximately 76 feet by 120 feet and will include a front porch at the southwest corner. Some existing oak trees will be saved. The trees with help to moderate the scale of the church. The church will be landscaped and buffered. 23rd Street would be considered the front, as it is a more active street. The building will have windows on the street facing wall. The new church building is to

be situated on the east of the site closer to commercial uses. Thus configured, the church will facilitate the transition from commercial to the east to residential on the west. Commercial properties adjacent to the north on the same block include Trail-R-Sign, Big Apple Taxi and a vacant warehouse/ garage. The commercial site to the east is vacant.

The church is proposed for a maximum of 150 persons per service. The seating will be moveable rather than fixed in the sanctuary. The worship services will occur on Sundays between the hours of 9:00 a.m. to 9:30 p.m., bible study, committees and choir practice Wednesdays and Fridays 7:30 to 9:30 p.m. The church may have special earlier or later hours for major Christian holiday services and events such as Easter and Christmas. Funerals, weddings, vacation bible school, adult and youth group meetings may occasionally occur between 9:00 a.m. and 9:30 p.m. any day of the week. Traffic should not be a big concern to neighbors as it will primarily be routed on 23<sup>rd</sup> Street to and from Orange Blossom Trail.

#### Tree Preservation and Parking

The site has several large oak trees that are intended to be preserved. The parking for the church could have a number of occasional use grass spaces to help save the trees. We request that the Board of Zoning Adjustment give us a variance for using the occasional grass spaces. In exchange for a shorter 15 foot rear setback, the spaces near adjacent residential will be grass. The proposed church will meet all other codes for landscaping, buffers, setbacks, signs and screening.

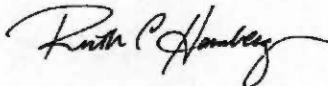
#### Sign

We request a variance that the Church be permitted a small ground mounted sign, no taller than 4 feet and 6 feet wide, along 23<sup>rd</sup> Street, with a setback of 6' from the right of way line. This sign may have modest lighting.

The application submittals include the conceptual site plan layout for the new church, which will be refined when an architect is hired.

We look forward to working with the BZA to solve this zoning glitch.

Sincerely,



Ruth C. Hamberg, RLA ASLA AICP

---

**RH Ruth Hamberg**

**Landscape Architecture & Urban Design  
Green Town Planning**

1573 George St.  
Orlando, FL 32806  
FL LA #0001273  
Phone: 407.896.9656  
[www.greentownplan.com](http://www.greentownplan.com)

Sept. 22, 2016

**ORANGE COUNTY, FL BOARD OF ZONING ADJUSTMENT**

Orange County Administration Building  
201 Rosalind Avenue  
Orlando, FL 32801

**Re: APPLICATION FOR SPECIAL EXCEPTION 1309 23<sup>rd</sup> Street, Orlando, FL  
32805 and a REQUEST FOR PARKING REDUCTION**

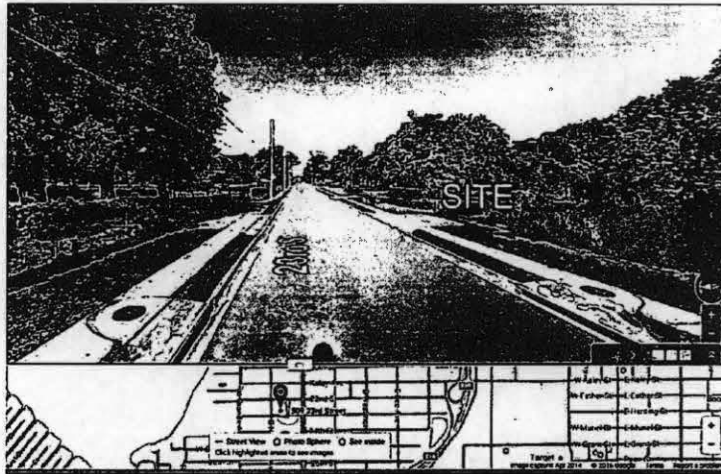
Dear Board of Zoning Adjustment,

The Rehoboth Evangelical Baptist Church has an application for a special exception plus some variance requests scheduled to be heard at the November meeting. The Church plans to build a new church at 1309 23<sup>rd</sup> Street in Orlando. In addition to the special exception request, the Church is asking for some variances to the minimum parking standards. This letter is a supplement to our application submittals to provide additional justification for the Church's request for 4 fewer parking spaces than what is normally required.

The reasons for the reduced parking request are as follows:

1. Tree preservation: There are several large mature live oaks on the property. These trees provide shade, cooling to reduce energy use, beauty and will help to the church be more compatible with the neighborhood. Meeting the minimum parking standard would require removal of more trees. Paving and severing the tree roots may kill the trees or cause them to be less stable, thus be a hazard.
2. On-street parking: Street parking is available on 23<sup>rd</sup> street along one side. The street does not have any signs restricting parking. There are commercial and stormwater sites across the street from the church site, thus there are no residents affected by parking along this block face. Approximately 6 spaces are available adjacent to the site. More are available further down the block towards US 441. Below is a screen shot of Google Street View looking west in front of the site showing the street parking potential.





3. Walking: Members who live nearby and can walk to church. There are a few neighborhood residents that attend the church. There are sidewalks throughout the neighborhood.
4. Van Pool: The church uses a van to provide rides to members to attend church. 15 people use this van for each service today and more are planned for the future.
5. Shared Rides: Members often carpool to attend services. The Pastor said he has 10 to 11 cars with 5 to 7 people in each arriving for Sunday services.
6. Bus Service: Lynx bus service is provided along Orange Blossom Trail and Rio Grande Ave. near the site. Routes 08 and 107 run on Sundays from Downtown Lynx Station to a stop along 441. The ride takes 25 minutes. A bus stop is located on US 441/ S. Orange Blossom Trail at 23<sup>rd</sup> Street. It is a half block walk to the Church site. Route 36 connects the Downtown Lynx Station to the area along Rio Grande Ave. with a stop at 22<sup>nd</sup> St. It is a one and a half block walk to the Church site from this stop.

We hope that these reasons provide the County Staff and the BZA with sufficient justification to grant the requested reduction in required parking for the proposed church.

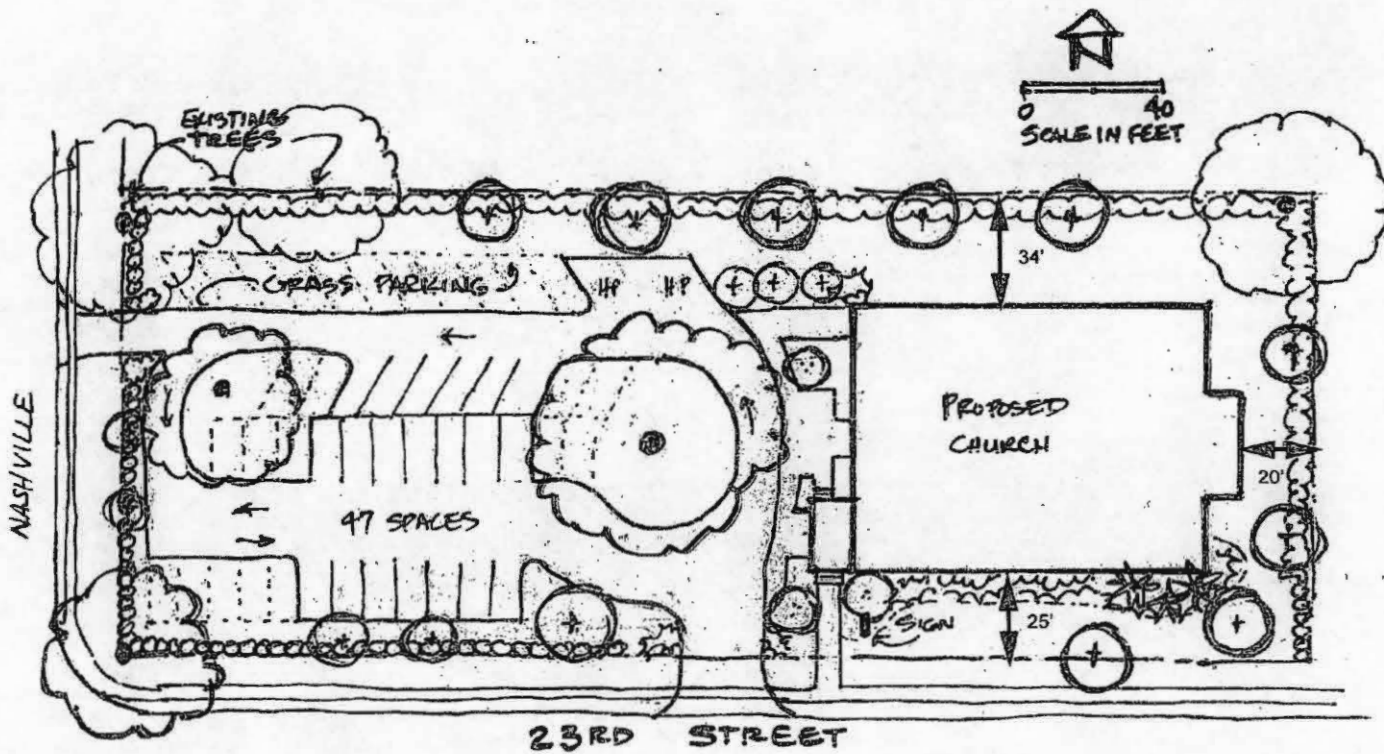
Sincerely,

Ruth C. Hamberg, RLA ASLA AICP  
Planning Consultant for the Rehoboth Evangelical Baptist Church



# REHOBOTH EVANGELICAL BAPTIST CHURCH CONCEPTUAL SITE PLAN

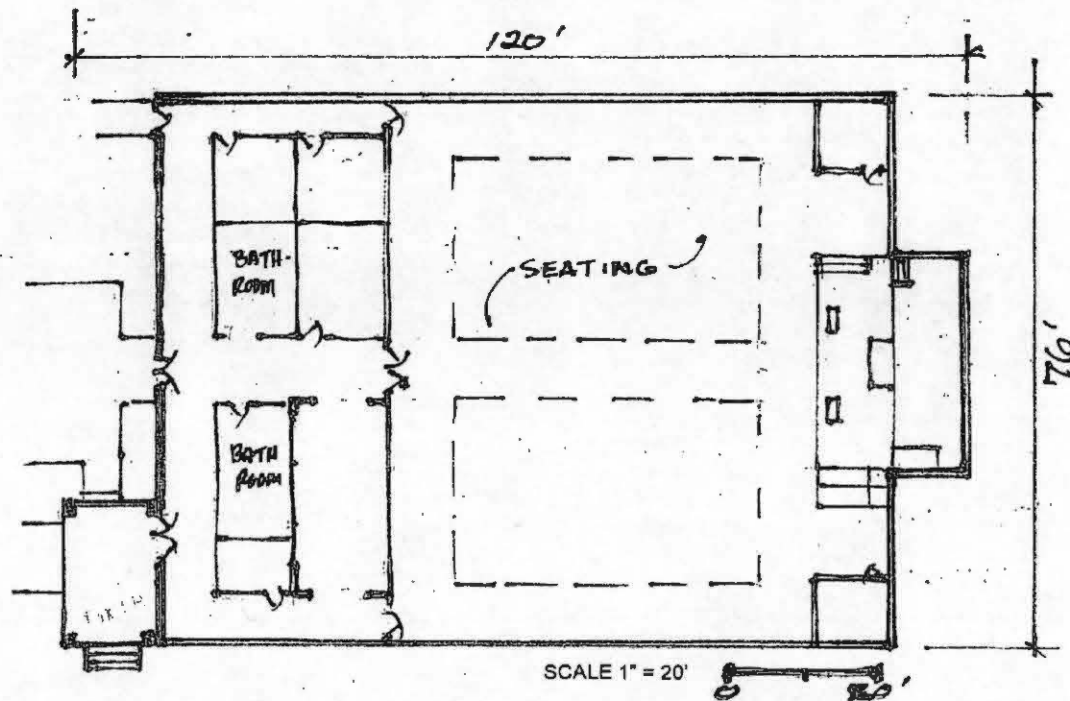
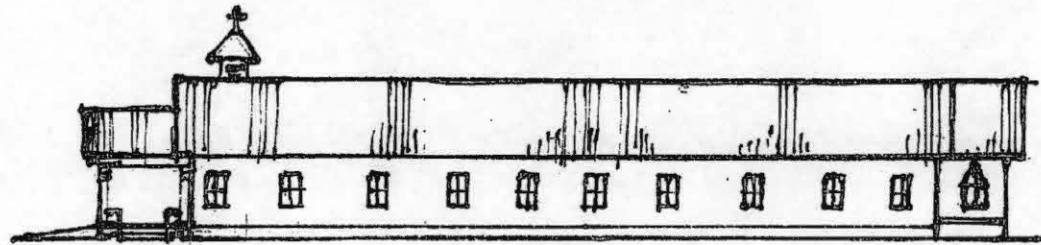
1309 23RD STREET ORLANDO, FL 32805



PREPARED BY RUTH HAMBERG  
LANDSCAPE ARCHITECTURE & URBAN DESIGN  
1573 GEORGE ST ORLANDO FL 32806  
SEPT. 14, 2016

RECEIVED  
SEP 14 2016  
Zoning Division

**REHOBOTH EVANGELICAL BAPTIST CHURCH**  
**CONCEPTUAL CHURCH ELEVATION AND PLAN**  
 1309 23RD STREET ORLANDO FL 32805



PREPARED BY  
 RUTH HAMBERG  
 LANDSCAPE ARCHITECTURE  
 & URBAN DESIGN  
 1573 GEORGE ST  
 ORLANDO, FL 32806



STAFF REPORT  
CASE #SE-16-11-148  
Orange County Zoning Division  
Planner: Rocco Relvini  
Board of Zoning Adjustment  
November 3, 2016  
Commission District: 6

GENERAL INFORMATION:

APPLICANT: Rehoboth Evangelical Baptist Church, Inc.

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variances in the C-1, C-2, and R-2 zoning districts as follows:

1. Special Exception to construct a religious use facility institution with approximately 10,000 sq. ft. of floor area and seating for up to 150 members;
2. Variance to allow partial grassed parking in lieu of paved;
3. Variance to allow 47 parking spaces in lieu of 50; and,
4. Variance to allow a 6 ft. setback side street on south for the sign in lieu of 10 ft.

LOCATION: Northeast corner of 23rd St. and S. Nashville Ave., approximately 275 ft. west of S. Orange Blossom Trail

PROPERTY ADDRESS: 1309 23rd Street

PARCEL ID: 03-23-29-0180-26-170

TRACT SIZE: 135 ft. x 335 ft.

DISTRICT #: 6

ZONING: C-2, C-1, & R-2

EXISTING USE(S): Vacant

PROPOSED USE(S): Religious Use Facility

**SURROUNDING USES:** The surrounding area is primarily non-residential. There are single family homes to the northwest.

**STAFF FINDINGS AND ANALYSIS:**

1. Approximately ninety percent (90%) of the property is zoned commercial which permits religious uses. There is a small portion of the property that is zoned R-2 which requires the special exception.
2. The adjacent land uses and zoning are primarily commercial. There are a few homes to the northwest. Staff's position is this use blends in with the commercial zoning and will not impact the few homes to the northwest.
3. Staff has no objection to grassed parking provided the driving aisles are paved. This is consistent with past BZA recommendations.
4. The parking space number Variance is minimal. It constitutes a six percent (6%) deviation. Staff has no objection to Variance #3.
5. Staff cannot support Variance #4. There is ample space to meet the ten (10) sign setback. The site is vacant.
6. Applicant is advised that Landscaping shall be provided in accordance with Chapter 24, Orange County Code.

**STAFF RECOMMENDATION:**

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

1. Development in accordance with site plan dated, September 14, 2016, 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. All signage shall comply with Chapter 31.5, Orange County Code;
5. Landscaping shall be provided in accordance with Chapter 24, Orange County Code; and,
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

cc: Ruth Hamberg (Representative)  
1573 George Street  
Orlando, Florida 32806

**CAFE CAOBA NA**  
**VA-16-11-143**

**REQUEST:** Variances in the C-2 zoning district to permit on-site consumption of beer and wine (2-COP) at a restaurant located within 1,000 ft. of three (3) places of worship as follows:

1) 600 ft. from Iglesia Mas Que Vencedores located at 69 Semoran Blvd. in lieu of 1,000 ft.;

2) 544 ft. from Iglesia Christiana Pentecostal located at 65 Semoran Blvd. in lieu of 1,000 ft.; and,

3) 512 ft. from Ministerio De La Hora 25 located at 61 and 57 Semoran Blvd. in lieu of 1,000 ft.

(Note: On October 30, 2007, the Board of County Commissioners denied a similar request for this property to sell beer wine and liquor with meals within 1,000 ft. of 3 different religious use facilities. Those religious use facilities were located from 710 ft. to 808 ft. from the subject property).

**ADDRESS:** 73 S Semoran Blvd, Orlando, FL 32807

**LOCATION:** East side of S. Semoran Blvd., approximately 550 south of Dahlia Dr.

**S-T-R:** 27-22-30

**TRACT SIZE:** 100 ft. x 50 ft.

**DISTRICT#:** 3

**LEGAL:** BEG 1890.81 FT N & 188.5 FT E OF SW COR RUN E 50 FT S 100 FT W 50 FT N 100 FT TO POB IN SEC 27-22-30

**PARCEL ID:** 27-22-30-0000-00-052

**NO. OF NOTICES:** 643

**DECISION: DENIED** the Variance requests 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) (5 in favor and 1 opposed).

**SYNOPSIS:** The applicant is proposing a restaurant with on-site consumption of beer and wine. The restaurant is too close to three (3) separate churches.

Staff gave a brief history of this site and advised the BZA that a similar restaurant was denied the same variances in 2007. Staff advised the BZA that the community standards should be upheld again.



The applicant advised the BZA that her business was affected by the inability to sell beer and wine.

The BZA advised the applicant that the BCC had an opportunity to amend the 1000 feet separation distance this past September but decided to retain the 1000 feet separation. The BZA denied the request.

There was no opposition at the hearing.



**Applicant:** Cafe Caobana

**BZA Number:** VA-16-11-143

**BZA Date:** 11/03/2016

**District:** 3

**Sec/Twn/Rge:** 27-22-30-SW-C

**Tract Size:** 100 ft. x 50 ft.

**Address:** 73 S Semoran Blvd, Orlando, FL 32807

**Location:** East side of S. Semoran Blvd., approximately 550 south of Dahlia Dr.

# REGUI M. FLOHR

Interior design, architecture, complete planning, restaurant accessories, legal filings, mediation.  
☎ 407-459-2172 E-mail REGUIFLOHR@GMAIL.COM WWW.HOSPITALITYSERVICE.US  
5558-B Cinderlane Pky Orlando FL 32808

To the Orange County Board of Zoning Adjustment (BZA) Application for Zoning  
Variance or Special Exception. Appeal of Zoning Manager's Determination.  
201 S. Rosalind Ave.  
P.O. Box 4970  
Orlando FL 32801

Monday September 12 2016

Attn: Ms. Carol Knox  
Zoning Mgr.

Dear Ms. Knox,

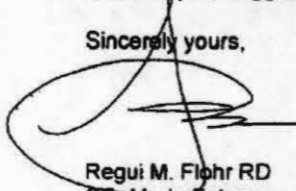
This letter is to cover an application for variance or exemption on the current zoning rule regarding the application for COP2 for a dining establishment named Café Caobana located on 73 S. Semoran Blvd. ORG.

History shows that in 2007 a zoning variance was issued to a previous restaurant for COP 2 when a the distance between an existing fixed church was 750-800 feet from the establishment. This license was maintained until a new owner purchased the establishment. A transitional congregation rented a bay in a shopping center within 520 feet, canceling out the application approval for Café Caobana, thereby effectively reducing the revenue for the restaurant.

Beside the required documents needed to review and determine this appeal, I enclosed signed petitions from the property owner, owners/operators of surrounding businesses, including the congregation's pastor to consider approval.

In behalf of Caobana's Café's owner/operator Maria Fukuara I hereby beckon you to consider your suggestion of approval to the Board of Commissioners.

Sincerely yours,



Regui M. Flohr RD  
CC: Maria Fukuara,  
Manuel Messegue

Enclosed: 2 site plans, OCZ parcel documentation, 6 petitions, Zoning Variance request forms.

RECEIVED

SEP 13 2016

Zoning Division

*35 years of World wide Hospitality Service*



Arturo Interiano  
Assistant Manager

Chief Planners

Christopher Schmitt  
Permitting

Rocco Revent  
Customer Relations

Bob Winslow  
Project Review

## ZONING DIVISION

CAROL KNOX HOSSFELD, Manager

201 South Rosalind Avenue, 1st Floor • Reply To: Post Office Box 2687 • Orlando, Florida 32802-2687  
407-836-3111 • Fax 407-836-5507  
www.orangecountyfl.net

September 29, 2016

Rick Flohr  
Café Caobana Cuban Restaurant and Bakery  
73 S. Semoran Boulevard  
Orlando, FL 32807

Dear Mr. Flohr:

We have received your application for a new alcoholic beverage license for Café Caobana Cuban Restaurant and Bakery located at 73 S. Semoran Boulevard, Orlando, FL 32807.

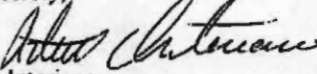
On September 28, 2016 we conducted a distance check to see if the proposed location satisfied the separation requirement contained in the Orange County Code. The result of our inspection reveals that the proposed location is within 1,000 feet from three religious institutions:

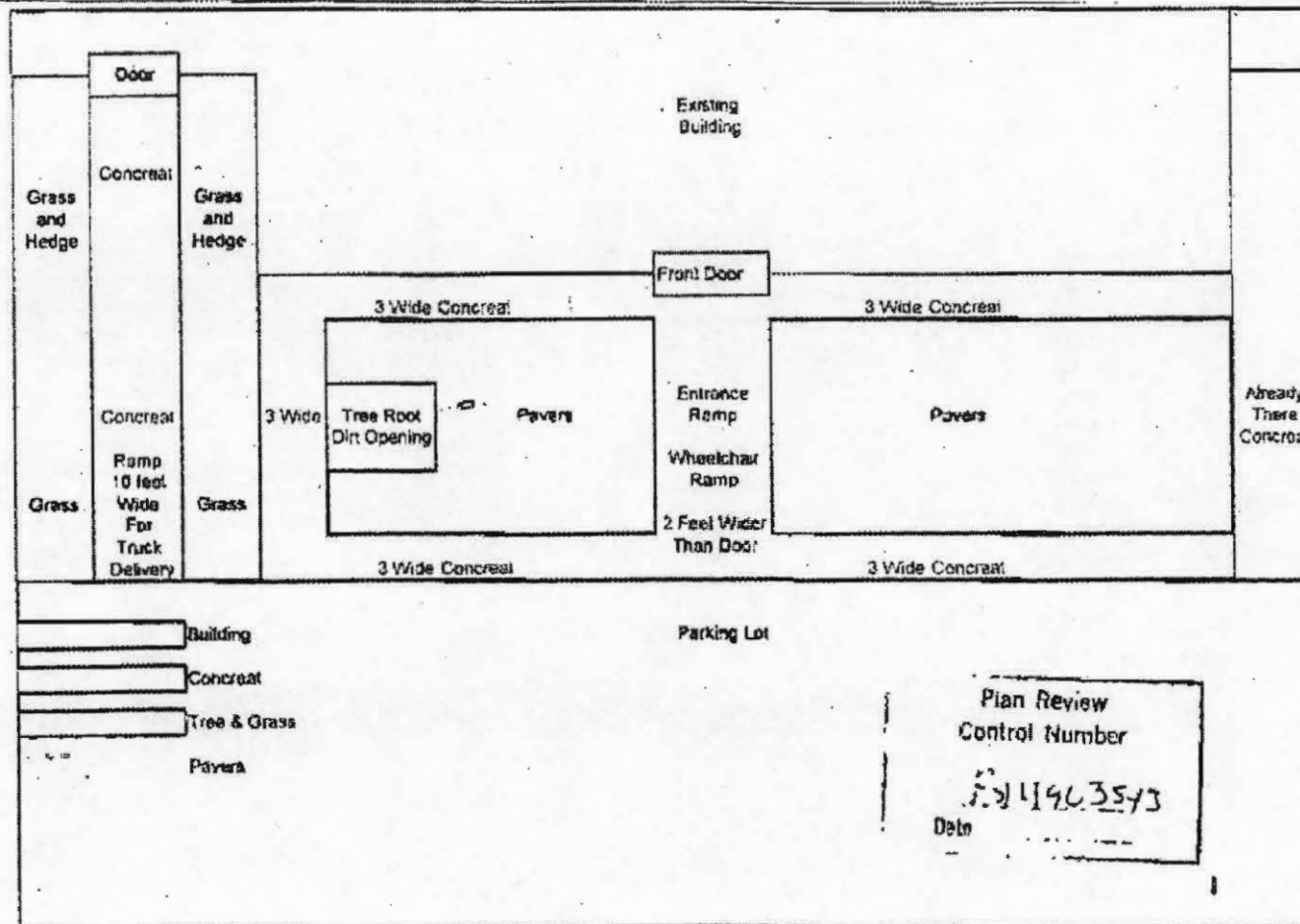
- 1) 600 feet from Iglesia Mas Que Vencedores, Inc. located at 69 Semoran Boulevard, Orlando, FL 32807,
- 2) 544 feet from Iglesia Cristinana Pentecostal located at 65 Semoran Boulevard, Orlando, FL 32807 and
- 3) 512 feet from Ministerio De La Hora 25 located at 61 and 57 Semoran Boulevard, Orlando, FL 32807.

Since this location does not satisfy the 1,000 ft. separation requirement from the nearest religious institution, this office cannot issue zoning approval.

Should you have any questions, please contact our office at your convenience.

Sincerely,

  
Art Interiano  
Zoning Manager



RECEIVED  
 SEP 13 2016  
 Zoning Division



STAFF REPORT  
CASE #VA-16-11-143  
Orange County Zoning Division  
Planner: Rocco Relvini  
Board of Zoning Adjustment  
November 3, 2016  
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Cafe Caobana

REQUEST: Variances in the C-2 zoning district to permit on-site consumption of beer and wine (2-COP) at a restaurant located within 1,000 ft. of three (3) places of worship as follows:

- 600 ft. from Iglesia Mas Que Vencedores located at 69 Semoran Blvd. in lieu of 1,000 ft.;
- 544 ft. from Iglesia Christiana Pentecostal located at 65 Semoran Blvd. in lieu of 1,000 ft.; and,
- 512 ft. from Ministerio De La Hora 25 located at 61 and 57 Semoran Blvd. in lieu of 1,000 ft.  
(Note: On October 30, 2007, the Board of County Commissioners denied a similar request for this property to sell beer wine and liquor with meals within 1,000 ft. of three (3) different religious use facilities. Those religious use facilities were located from 710 ft. to 808 ft. from the subject property).

LOCATION: East side of S. Semoran Blvd., approximately 550 south of Dahlia Dr.

PROPERTY ADDRESS: 73 S. Semoran Blvd

PARCEL ID: 27-22-30-0000-00-052

TRACT SIZE: 100 ft. x 50 ft.

DISTRICT #: 3

ZONING: C-2



#### STAFF FINDINGS AND ANALYSIS:

1. Applicant is proposing a 2 COP license (on-site consumption of beer and wine). The zoning requirement states that these establishments must be a minimum of 1,000 ft. from religious uses. There are three (3) religious use facilities located within 1,000 ft. They range in distance from 512 ft. to 600 ft. These measurements were performed by Zoning Staff on September 28, 2016.
2. From an analysis standpoint the amount of deviation is 40% to 48.8%. This is too great of a variance to approve. No evidence has been submitted to justify granting this applicant a special privilege that is not granted to other restaurants in the area.
3. On September 6, 2007, the BZA granted a previous restaurant applicant Variances for this same parcel. However, County Commissioner Pete Clarke from District 3 called a public hearing on this case. On October 30, 2007, the BCC overturned the BZA's decision and denied the request. The Variances that were denied ranged from 710 ft. to 808 ft. from religious uses.
4. Staff supports the existing rules governing separation distances between alcohol serving establishments and religious uses. These are community standards that should be upheld. On September 13, 2016, the Board of County Commissioners had an opportunity to amend these distance requirements pertaining to 2COP licenses and religious uses. The BCC agreed to maintain the existing standards. Therefore, staff cannot support these Variances.

#### STAFF RECOMMENDATION:

Staff cannot support the request because the deviations are too great, and there is no evidence to deviate from Orange County standards regarding the separation requirements between establishments that serve alcohol and religious uses. Community standards should be upheld.

If the BZA approves these Variance requests, then the following conditions should be imposed:

1. Development in accordance with site plan dated, September 13, 2016, 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; and,
4. Approval of this variance requests is for this applicant only. If the property is sold or leased to a new tenant then BZA approval is required.

cc: Rick Flohr (Representative)  
5558-B Cinderlane Pkwy  
Orlando, Florida 32808

**LOREN MCHENRY**  
**VA-16-08-093**

---

**REQUEST:** Variance in the A-1 zoning district to allow a mobile home on a 1 acre of land in lieu of 2 acres.  
**ADDRESS:** 6087 Terrell Rd., Mount Dora, FL 32757  
**LOCATION:** East side of Terrell Rd., north of Wadsworth Rd.  
**S-T-R:** 04-20-27  
**TRACT SIZE:** 1 acre  
**DISTRICT#:** 2  
**LEGAL:** 1 ACRE IN NW COR OF SE1/4 OF SE1/4 OF SW1/4 OF SEC 04-20-27  
**PARCEL ID:** 04-20-27-0000-00-050  
**NO. OF NOTICES:** 42

**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):

1. Development in accordance with site plan date stamped "Received August 1, 2016", 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; and,
4. The applicant shall obtain a permit for the mobile home within 180 days or this approval becomes null and void.

**SYNOPSIS:** Staff gave a presentation on the case, covering the location, site plan, and history of violations.

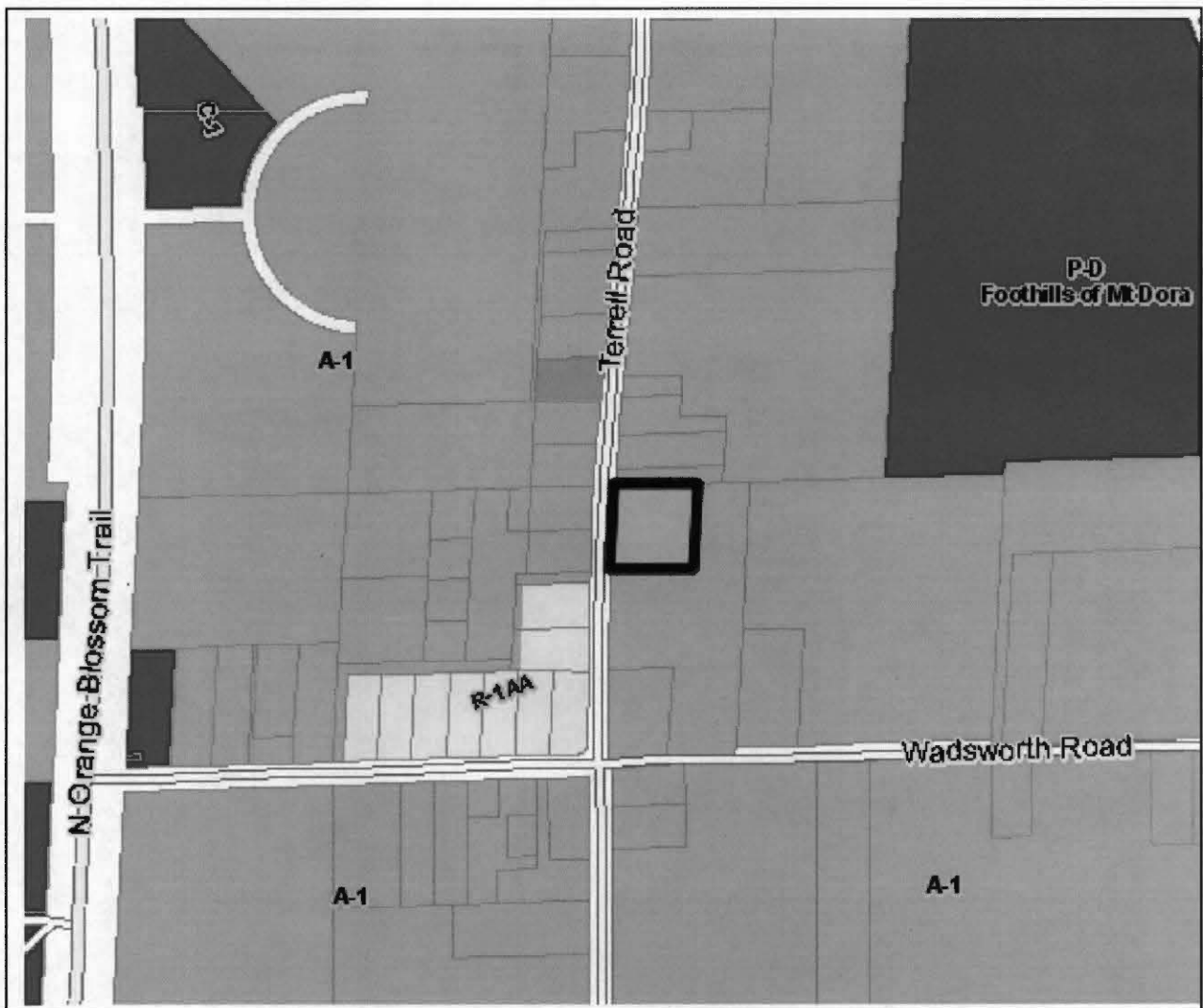
Code Enforcement confirmed they inspected the property on October 28, 2016, the violations were corrected, and the property was deemed compliant.

The applicant stated that they had communicated with Code Enforcement and resolved all issues.

The BZA informed the applicant that they must comply with all regulations and that BZA approval will not alleviate any future violations.

There was no opposition at the hearing.

The BZA approved the variance.



**Applicant:** Loren McHenry

**BZA Number:** VA-16-08-093

**BZA Date:** 11/03/2016

**District:** 2

**Sec/Twn/Rge:** 04-20-27-SW-C

**Tract Size:** 1 acre

**Address:** 6087 Terrell Rd., Mount Dora, FL 32757

**Location:** East side of Terrell Rd., north of Wadsworth Rd.

Monday, June 13, 2016

Loren H. McHenry  
Veronica McHenry  
6087 Terrell Rd  
Mount Dora, FL 32757  
(305) 281-7712  
(305) 562-2756

Re: Variance for 6087 Terrell Rd, Mount Dora, FL 32757,  
1 ACRE IN NW COR OF SE1/4 OF SE1/4 OF SW1/4 OF SEC 04-20-27

Application to Board of Zoning Adjustment  
Orange County Zoning Division  
201 S. Rosalind Avenue Post Office Box 2687  
Orlando, Florida 32802-2687  
407-836-3111

Dear Orange County Board of Zoning Adjustment.

*mobile Home*

We respectfully request a variance to place a NEW Perry by Skyline Home Builders, 1833 Sq. Ft.,  
Three Bedroom, two bath on 6087 Terrell Rd, Mount Dora, FL 32757 on One Acre, not the two.

North: 6088 Terrell Rd, Mount Dora, FL 32757, Vacant lot.

South and East: Park

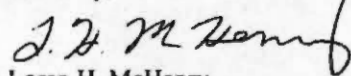
East: on other side of Park: Large Farm, with a large variety of animals.

West: Vacant lot and 6064 Terrell Rd, Mount Dora, FL 32757 Single Family Home, Rental.

Caddy corner from our property 6100 Terrell Rd, Mount Dora, FL 32757, Three Trailer/mobile  
Home on .37 Acres, also 6108 Terrell Rd, Mount Dora, FL 32757 Trailer/mobile Home

There are 15 Trailer/mobile Home and 2 Family Homes on are Block.

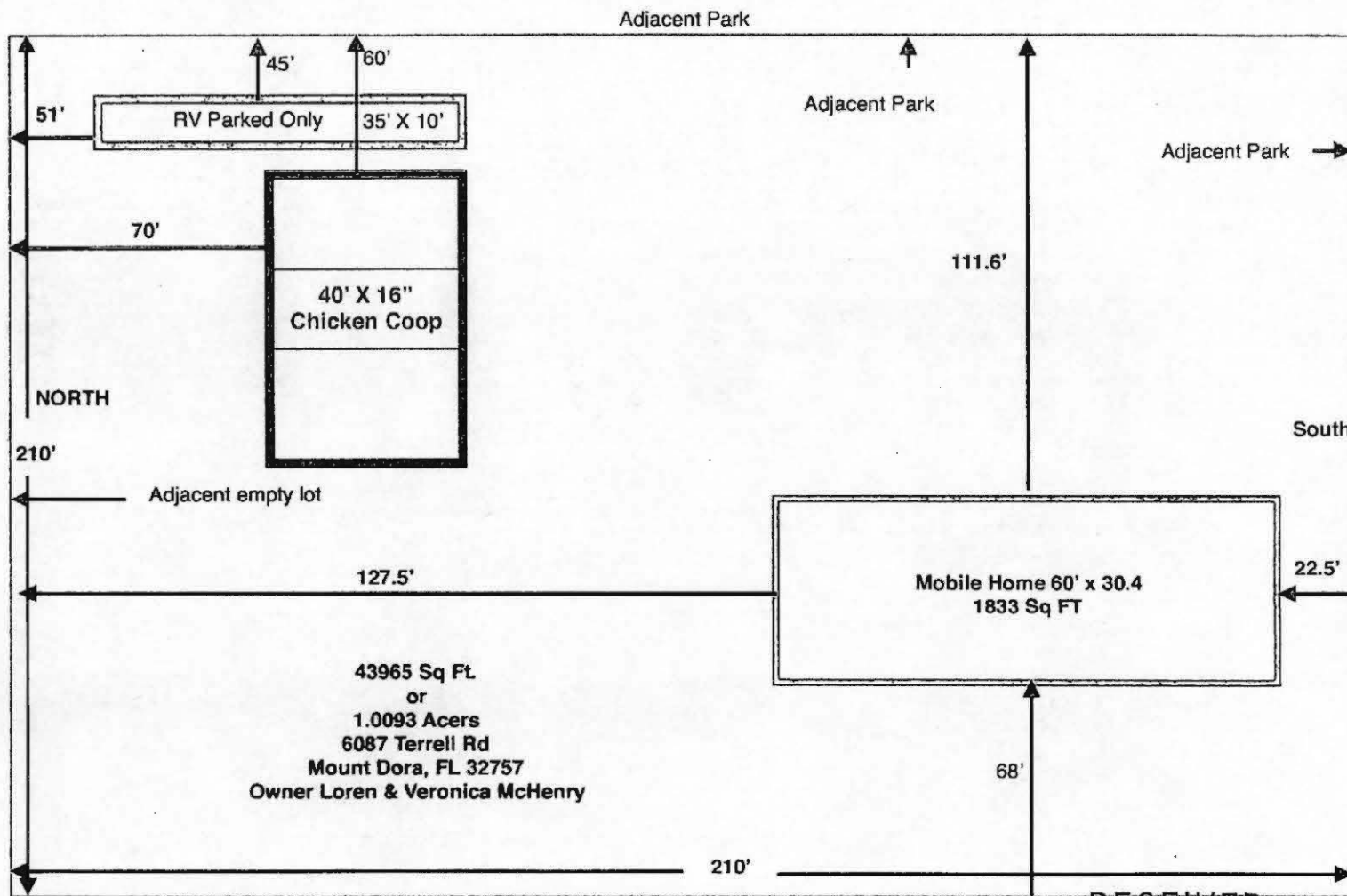
Sincerely,

  
Loren H. McHenry

RECEIVED

JUN 14 2016  
ORANGE COUNTY  
ZONING DIVISION





43965 Sq Ft.  
or  
1.0093 Acres  
6087 Terrell Rd  
Mount Dora, FL 32757  
Owner Loren & Veronica McHenry

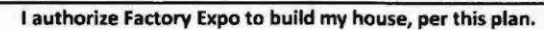
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AUG 01 2016  
ORANGE COUNTY  
ZONING DIVISION

*Palm Bay Series*



Last Updated: 12-30-14



1

**Customer Signature/Date**

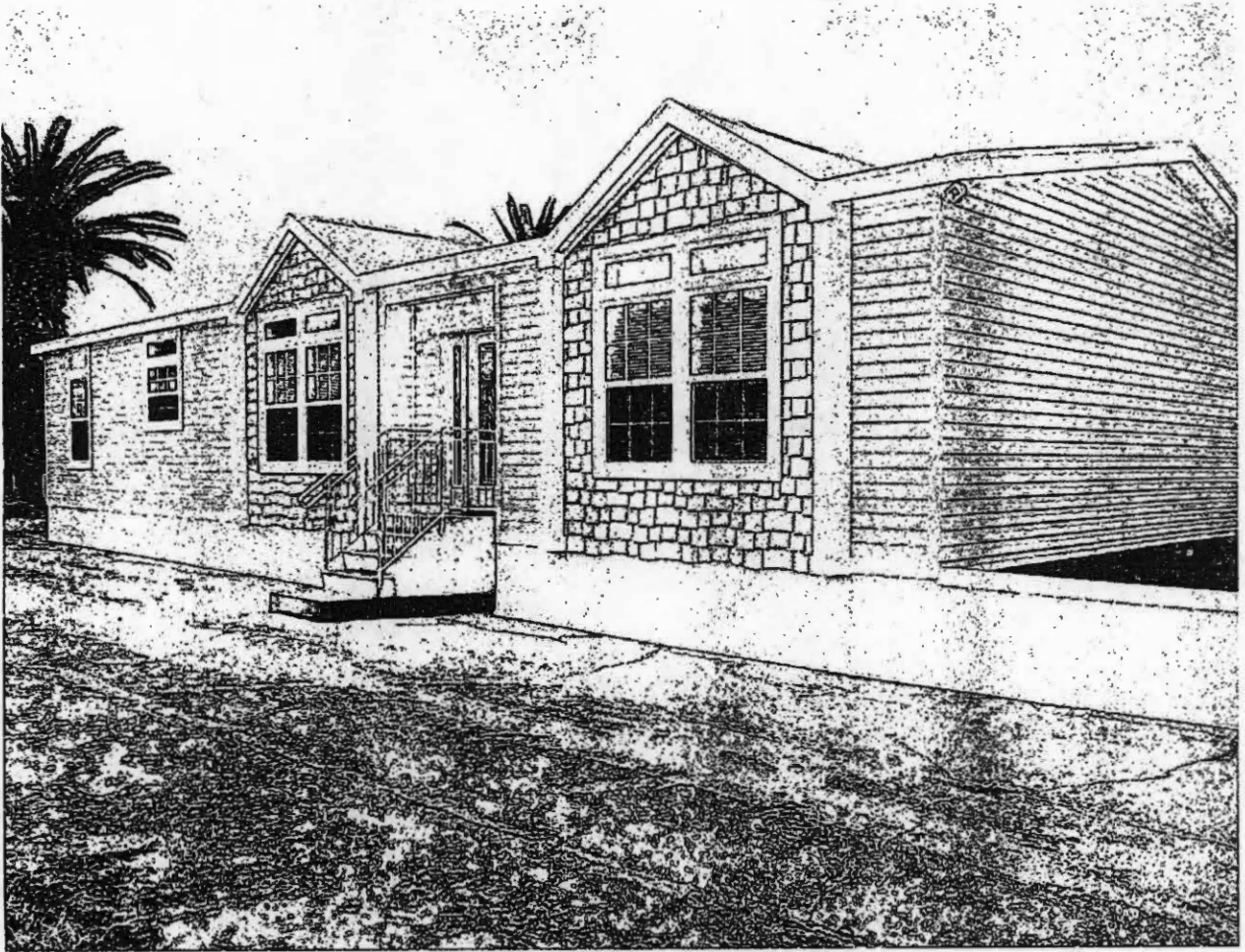
**-800-748-2654**

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**STAFF REPORT**  
**CASE #VA-16-08-093**  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
November 3, 2016  
Commission District: 2

**GENERAL INFORMATION:**

**APPLICANT:** Loren McHenry

**REQUEST:** Variance in the A-1 zoning district to allow a mobile home on a 1 acre of land in lieu of 2 acres.

**LOCATION:** East side of Terrell Rd., north of Wadsworth Road

**PROPERTY ADDRESS:** 6087 Terrell Road

**PARCEL ID:** 04-20-27-0000-00-050

**TRACT SIZE:** 1 acre

**DISTRICT #:** 2

**ZONING:** A-1

**STAFF FINDINGS AND ANALYSIS:**

1. On August 4, 2016, the BZA continued this case to October 6, 2016, to allow time for the applicant to mitigate the violations on the property.
2. On October 6, 2016, the BZA continued this case to November 3, 2016, to obtain a status report on the property by Code Enforcement Staff, due to conflicting testimony regarding the status of the property. The property still had zoning violations (photos showed outside storage of items, junk and debris).
3. Notwithstanding the zoning code violations, the applicant proposes to place a mobile home on a 1-acre lot. The code requirement for a mobile home is two (2) acres. While the variance seems excessive, three (3) smaller parcels across the street contain mobile homes, and seven (7) parcels on the same street have mobile homes (There are 12 single family residences on the same street).

4. On November 3, 2016, Code Enforcement Staff will be present to address the status of the property.

**STAFF RECOMMENDATION:**

Staff will make a recommendation at the public hearing on November 3, 2016, after all the evidence and testimony has been entered into the record.

If the BZA approves the request, the following conditions should be imposed:

1. Development in accordance with site plan date-stamped "Received August 1, 2016", 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; and,
4. The applicant shall obtain a permit for the mobile home within 180 days or this approval becomes null and void;

cc: Loren McHenry  
6087 Terrell Road  
Mount Dora, Florida, 32757



**KEVIN COSTIN**  
**VA-16-09-117**

---

**REQUEST:** Variance in the P-D zoning district to construct an addition to existing single family residence 27 ft. from the rear (west) property line in lieu of 35 ft.

**ADDRESS:** 10132 Culpepper Ct., Orlando, FL 32836

**LOCATION:** West side of Culpepper Ct., approximately 350 ft. south of Pointview Circle, in the Sand Lake Point PD

**S-T-R:** 03-24-28

**TRACT SIZE:** 90 ft. x 141 ft.

**DISTRICT#:** 1

**LEGAL:** SAND LAKE POINT UNIT 1 20/69 LOT 28

**PARCEL ID:** 03-24-28-7841-00-280

**NO. OF NOTICES:** 60

**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; 5-0, 1 absent):

1. Development in accordance with site plan dated October 12, 2016, 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; and,



4. The exterior of the addition shall match the exterior of the existing residence with respect to color and materials; and,
5. The proposed addition shall be setback thirty (30) feet from the rear property line.

**SYNOPSIS:** The applicant's family is increasing and he is proposing a bedroom addition. The addition will encroach into the rear yard setback by five (5) feet leaving a thirty (30) foot rear yard setback.

Staff gave a brief presentation. Staff advised the BZA that the adjacent lot is not a lakefront lot and has no legal rights to a lake view. Staff supported the request.

The applicant advised the BZA that he has amended the site plan to reduce the amount of variance needed.

The adjacent neighbor spoke in opposition. He stated he was opposed because the addition would block his view of the lake.

The BZA advised the neighbor that he was not entitled to a view of the lake, and if he wanted a view of the lake, he could have purchased a lakefront lot.

The BZA approved the request and imposed a condition which minimized the extent of the variance.



**Applicant:** Kevin Costin

**BZA Number:** VA-16-09-117

**BZA Date:** 11/03/2016

**District:** 1

**Sec/Twn/Rge:** 03-24-28-SE-D

**Tract Size:** 90 ft. x 141 ft.

**Address:** 10132 Culpepper Ct., Orlando, FL 32836

**Location:** West side of Culpepper Ct., approximately 350 ft. south of Pointview Circle, in the Sand Lake Point PD

July 13, 2016

Orange County Zoning Division  
201 S. Rosalind Ave.  
PO Box 2687  
Orlando, FL 32802

**RE: Variance Application for Sand Lake Point Unit 1 20/69 Lot 28**

Dear Board of Zoning Adjustment:

I am writing this detailed letter requesting a zoning adjustment and variance for an addition to my existing single family residence. The existing single family structure I currently reside in today; my family has now outgrown and we need more space.

In detail, the request I am asking is for an addition to the exiting house structure. This addition would be on the back side or the west side of the structure. The type of construction would be similar to the existing home, which is concrete foundation with cinder block exterior walls. The roof of the addition will complement the existing roof on the existing house structure which will be shingle GAF Timberline HD architectural style.

The proposed square footage of the addition would be four hundred and eighty square feet (480sqft., 16' 1/16" x 29' 6 5/8"). The existing structure now is 45' from the back property line and 10' from the side property line. With the proposed variance of 7' along with the 10' variance already allowed, when finished, the structure will be 28 feet away from the back property line and 10' from the side property line. The proposed height of the addition will reflect the same height as the existing house structure and will not exceed the 35' height limit.

I have included in this application a recent survey along with the proposed floor plan information.

Thank you for taking your time in reviewing my application for the zoning variance. I look forward to the next step to getting the variance approved.

Sincerely,



Kevin Costin

**RECEIVED**

**JUL 13 2016**

**Zoning Division**

# BOUNDARY SURVEY

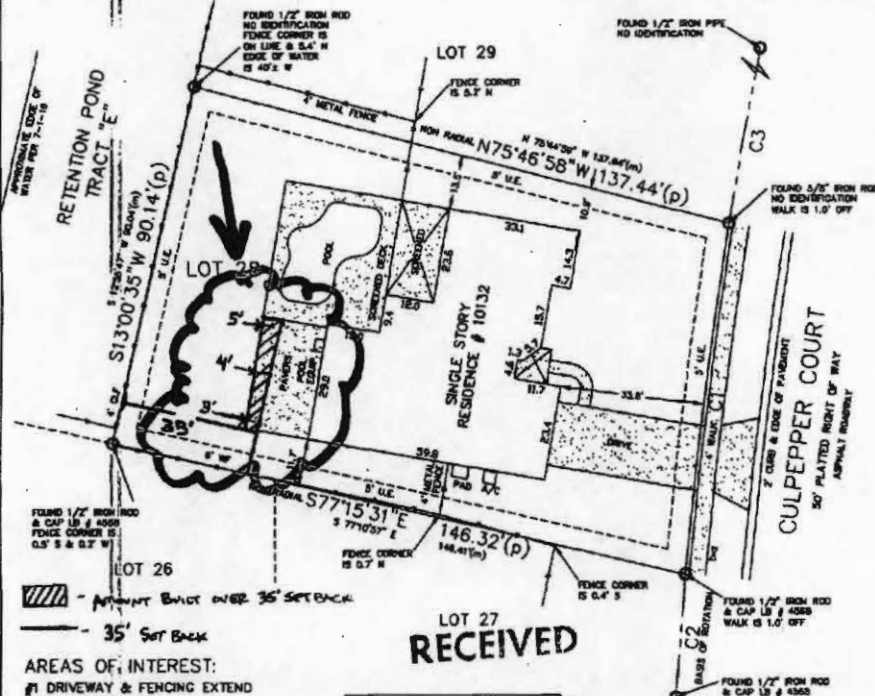
DESCRIPTION (As Furnished)

LOT 28, SAND LAKE POINT UNIT 1, according to the plat thereof as recorded in Plat Book 20, Page 69 of the Public Records of Orange County, Florida.

C1  
Delta = 03-57-19  
Radius = 1280.86'  
Arc length = 87.03'  
Chord Bearing & Distance = S07°07'44"W 87.01'(p)  
S07°07'18"W 87.03'(m)

C2  
Delta = 01-22-59  
Radius = 1280.86'  
Arc length = 30.43'  
Chord Bearing & Distance = S04°27'35"W 30.43'(p)  
S04°29'27"W 30.33'(m)

SCALE: 1" = 30'



AREAS OF INTEREST:  
#1 DRIVEWAY & FENCING EXTEND THROUGH EASEMENTS

CERTIFIED TO:  
GUARANTEED RATE INC.  
KEVIN S. COSTIN & EDELWEISS A. COSTIN  
TITLE RESOURCES GUARANTY COMPANY  
REAL ESTATE CLOSING SOLUTIONS, LLC

RECEIVED  
OCT 12 2016  
ORANGE COUNTY  
ZONING DIVISION

Based on the FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, Orange County, Florida, Community Panel Number 120170 0415 F, last dated 09/23/2008, it appears from a reading of said map that the land described herein is shown to be in Zone "X" & "AC", (AREA OF MINIMAL & 0.2% 100 YEAR FLOOD); SFE = 100.5' PER FEMA. Said FEMA map is not a Survey and no responsibility is taken for the information contained in or the accuracy of the above referenced map.

- This Plat represents a Boundary Survey of the description as furnished DSW Surveying and Mapping, P.L.C. per client's instruction and makes no claims regarding ownership or rights of possession.
- Boundaries shown herein are based on the SOUTHW line of Lot 28, Basing S 77°10'31" E, POB PLAT.
- This surveyor has not searched the public records or abstracted the land shown herein for easements, right of ways, covenants and restrictions or other pertinent documents which may be found in the public records of this county. This research was not included in the scope of services of this firm.
- The relative distance accuracy for boundary dimensions shown herein is in excess of 1 Foot in 10,000 Feet.
- Underground improvements and utilities have not been located.
- This survey performed by DSW Surveying and Mapping, P.L.C. is for the singular use by the clients named herein for the express stated purposes listed herein. This drawing is not to be used for any other purpose without the express written consent of DSW Surveying and Mapping, P.L.C. No third party is authorized to use this drawing in any way, and the surveyor shall not be held liable for damages resulting from the unauthorized or illegal execution or attempts at circumventing prescribed laws or professional fee payments. All plats, reports, notes, plans, specifications, computer files, field notes or data, other documents and instruments prepared by this firm as instruments of service shall remain the property of this firm. This firm shall retain all common law, statutory and other reserved rights, including the copyright therein. The original of this drawing remains the property of DSW Surveying and Mapping, P.L.C.
- Building Use, Fences, Etc. are not to be used as a way to reconstruct boundary line location.

\*\*\*\* PLEASE VISIT OUR WEBSITE: WWW.DSWSURVEYS.COM \*\*\*\*



PROFESSIONAL SURVEYORS AND MAPPERS  
CERTIFICATION OF AUTHORIZATION #LB7845  
4900 ORANGE BOULEVARD, SUITE 1000  
SANFORD, FLORIDA 32771  
Phone: (352) 735-3708

JOB NO. 16.1706 Sheet 1 of 1

## REVISIONS AND ADDITIONS

### LEGEND:

- ☆ = Light Pole
- Δ = Delta (Intersection Angle)
- R = Radius
- L = Arc Length
- U.E. = Utility Easement
- PC = Point of Curvature
- PT = Point of Tangency
- PE = Plot Point
- POB (S) = Point of Beginning
- POC = Point of Reverse Curvature
- CLF = Chain Link Fence
- AL = Air Conditioner
- R/W = Right-Of-Way
- POC = Point of Compound Curvature
- P = Per Plat
- C = Centerline
- COL = Column
- TYS = Tied
- RP = Radius Point
- R = Radial
- NR = Non Radial
- SFE = Base Flood Elevation
- EQSP = Equipment
- W = Wood Fence
- M = Measured
- CBW = Concrete Block Wall
- CHI = Corner Not Found
- OUAL = Overhead Utility Lines
- POB = Point of Beginning
- POC = Point of Curvature
- POB = Point of Beginning
- BSL = Building Setback Line
- DU = Denotes Utility Pole
- W = Well
- SM = Meter Man
- CH = Corner
- CHA = Corner Not Accessible
- (C) = Calculated
- DAUE = Driveway & Utility Easement
- DAUE = Driveway, Access & Utility Easement

\* PLEASE VISIT OUR WEBSITE: WWW.DSWSURVEYS.COM \*

DRAWING: 16.1706 DWG SURVEY DATE: 07/01/16

INTENDED DISPLAY SCALE: 1" = 30' DRAWN: RBB

EXPECTED USE OF THIS LAND: RESIDENTIAL PURPOSES

IT IS CERTIFIED THAT THE SURVEY REPRESENTED HEREON MEETS OR EXCEEDS THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER 54-13, F.L.A.C., ADMINISTRATIVE CODE.

PURSUANT TO SECTION 475.067, FLORIDA STATUTES.

NOT VALID WITHOUT THE ORIGINAL AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DOUGLAS S. WILLIS, Florida Registration # 5084 FOR THE FIRM:

PDF Created with deskPDF PDF Writer - Trial :: http://www.docudesk.com



STAFF REPORT  
CASE #VA-16-09-117  
Orange County Zoning Division  
Planner: David Nearing  
Board of Zoning Adjustment  
November 3, 2016  
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Kevin Costin

REQUEST: Variance in the P-D zoning district to construct an addition to existing single family residence 27 ft. from the rear (west) property line in lieu of 35 ft.

LOCATION: West side of Culpepper Ct., approximately 350 ft. south of Pointview Circle, in the Sand Lake Point PD

PROPERTY ADDRESS: 10132 Culpepper Court

PARCEL ID: 03-24-28-7841-00-280

TRACT SIZE: 90 ft. x 141 ft.

DISTRICT #: 1

ZONING: P-D

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes to add living area to the existing home to accommodate their expanding family.
2. The property backs up to a wet retention pond.
3. The request represents a variance of twenty (20%) from the required setback, which is within the range of prior BZA approvals.
4. On September 1 2016, the BZA recommended that this application be continued, as the applicant had not obtained approval of the proposed addition from the Homeowners' Association (HOA). On October 6, 2016, the applicant submitted a response from the HOA which disapproved the request. Further, it directed the



applicant to obtain Orange County zoning approval prior to re-submitting to the HOA.

5. The adjacent neighbor to the south objects to this request. He is objecting to the obstruction of his view of the lake located behind his house located approximately 700 feet away.
6. The applicant, as requested by staff, submitted a site plan that notates the portion of the addition that encroaches into the thirty-five (35) feet setback. It shows an encroachment of five (5) feet. If that were the case the requested rear yard setback should be thirty (30) ft. not twenty-eight (28) ft. Does the applicant agree to a 30 ft. setback? This needs to be resolved at the BZA hearing.
7. Staff does not object to this request because the deviation is minimal and the adjacent neighbor has no legal rights to a view of the lake located 700 ft. away since it is not a lakefront lot.

**STAFF RECOMMENDATION:**

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

1. Development in accordance with site plan dated, October 12, 2016, 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 exterior of the addition shall match the exterior of the existing residence with respect to color and materials; and,



5. The proposed addition shall be setback \_\_\_\_ ft. from the rear property line.

cc: Kevin Costin  
10132 Culpepper Court  
Orlando, Florida 32836