

Orange County Zoning Division

VA-24-10-095

APPLICANT: KATELYND O'NEAL

APPELLANT: ORANGE TREE ESTATE HOMES

SECTION ONE MAINTENANCE

ASSOCIATION, INC.

October 29, 2024



Background

APPLICANT: Katelynd O'Neal

CASE: VA-24-10-095

ZONING: PD (Orange Tree Country Club Planned Development)

FUTURE LAND USE: LDR (Low Density Residential)

ADDRESS: 6042 Shore Line Dr., Orlando, FL 32819

LOCATION: West side of Shore Line Dr., south of Lake Marsha Dr., east of Dr. Phillips Blvd., west of Turkey Lake Rd., north of Wallace Rd., east side of Lake Marsha.

TRACT SIZE: +/- 0.45 acres (+/- 0.35 acres upland)

DISTRICT: 1



Background

REQUEST: Variances in the PD zoning district as follows:

- 1) To allow a pool deck with a Normal High-Water Elevation (NHWE) of 25 ft. in lieu of 50 ft.**
- 2) To allow a spa with a Normal High-Water Elevation (NHWE) of 34 ft. in lieu of 50 ft.**

Note: This is the result of Code Enforcement.



Location Map



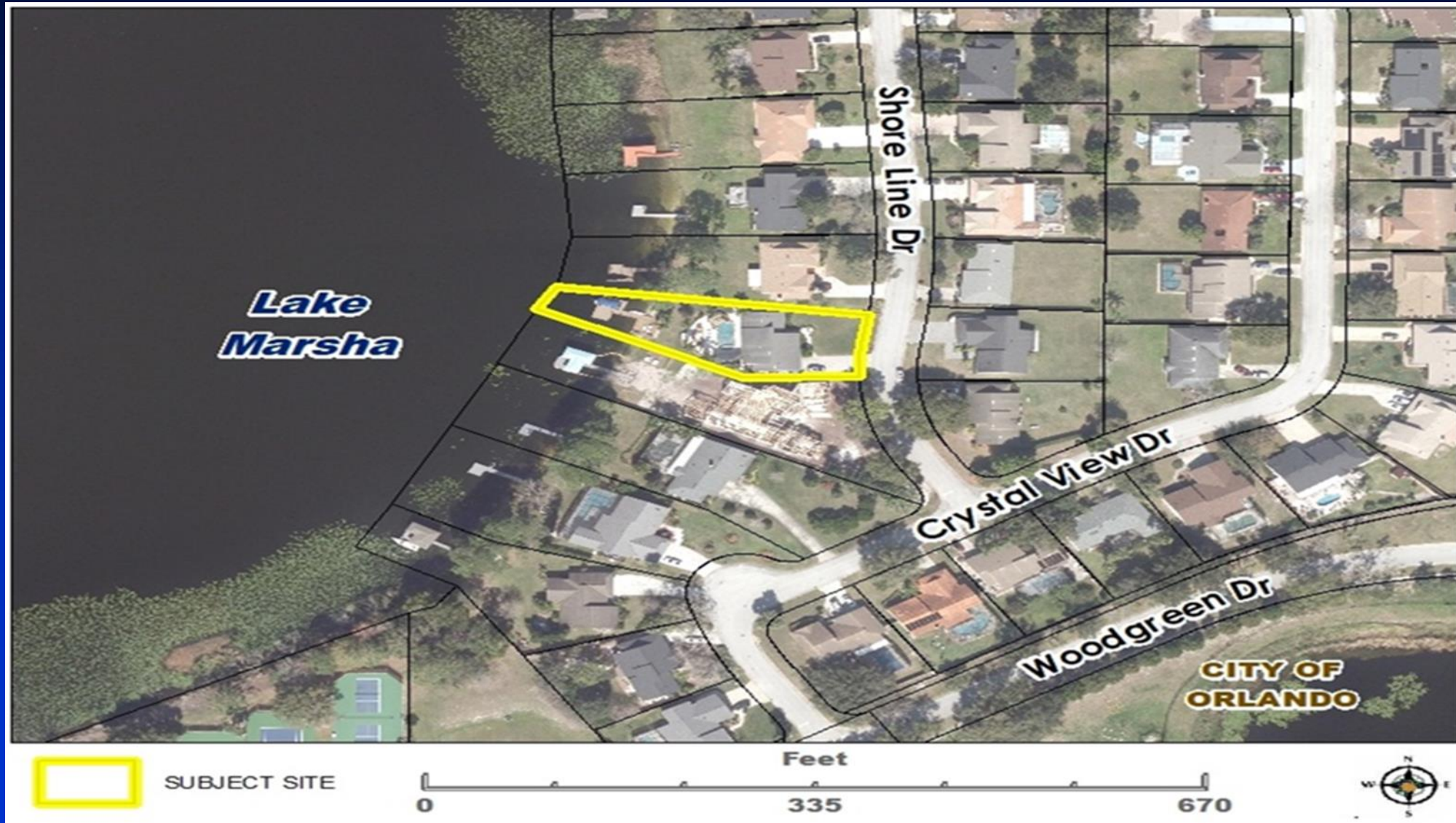


Zoning Map



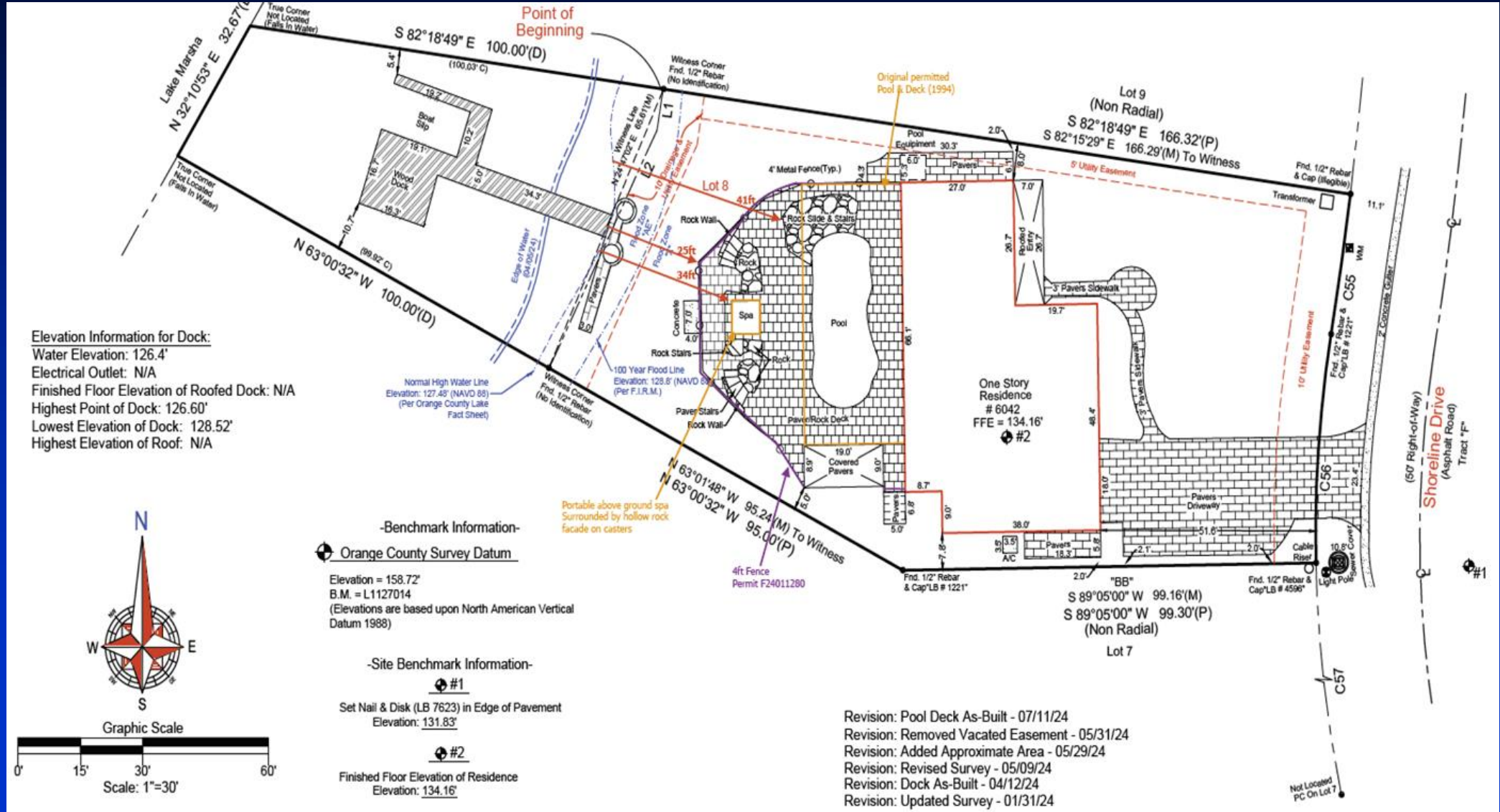


Aerial Map





Site Plan





Aerial Imagery

2003



2006



Site Photograph

Front of house facing west





Site Photograph

Unpermitted pool deck, facing north





Site Photograph

Pool deck and permitted gazebo, facing south





Site Photograph

Rear yard from the permitted boat dock facing east





Site Photograph

View of the rear yard from the north side property line facing south





Staff Findings and Analysis

- **1989:** 3,253 gross sq. ft. single-family home constructed
- **1994:** Original pool and pool deck permitted with a 50 ft. setback from NHWE.
- **November 2023:** property owner was issued a notice of violation for work without a permit.
 - expansion of the pool deck
 - the spa
 - gazebo
 - paver walkway
 - paver expansion of the existing driveway.
- The gazebo, paver walkway, and expansion of the existing driveway have since received permits.



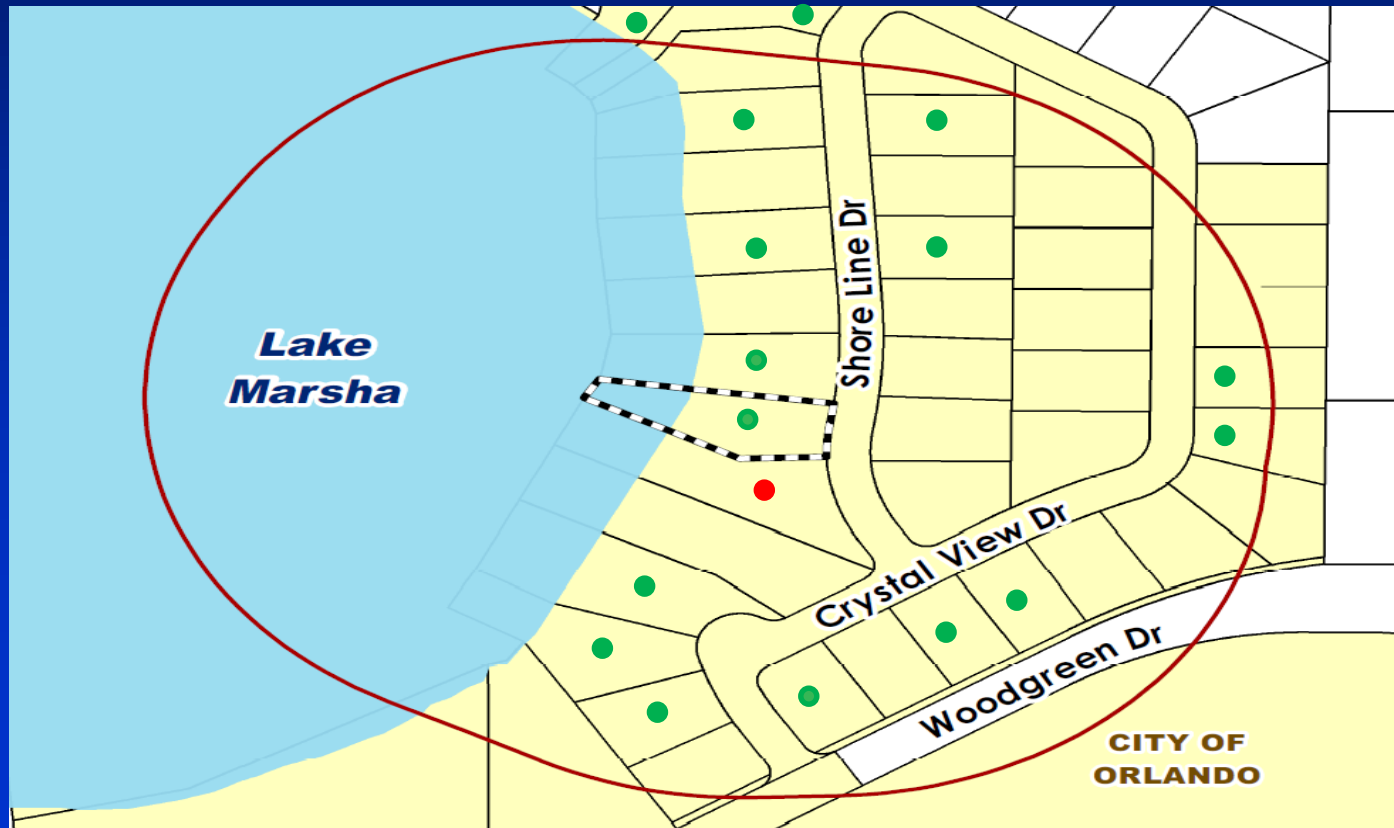
Staff Findings and Analysis

- **Proposed - To allow a pool deck with a NHWE setback of 25 ft. in lieu of 50 ft (Variance #1) and a spa with a NHWE setback of 34 ft. in lieu of 50 ft. (Variance #2).**
- **Staff Recommended denial based on an analysis of the six (6) criteria finding that the application only met one (1) of the six (6) criteria.**



Public Feedback

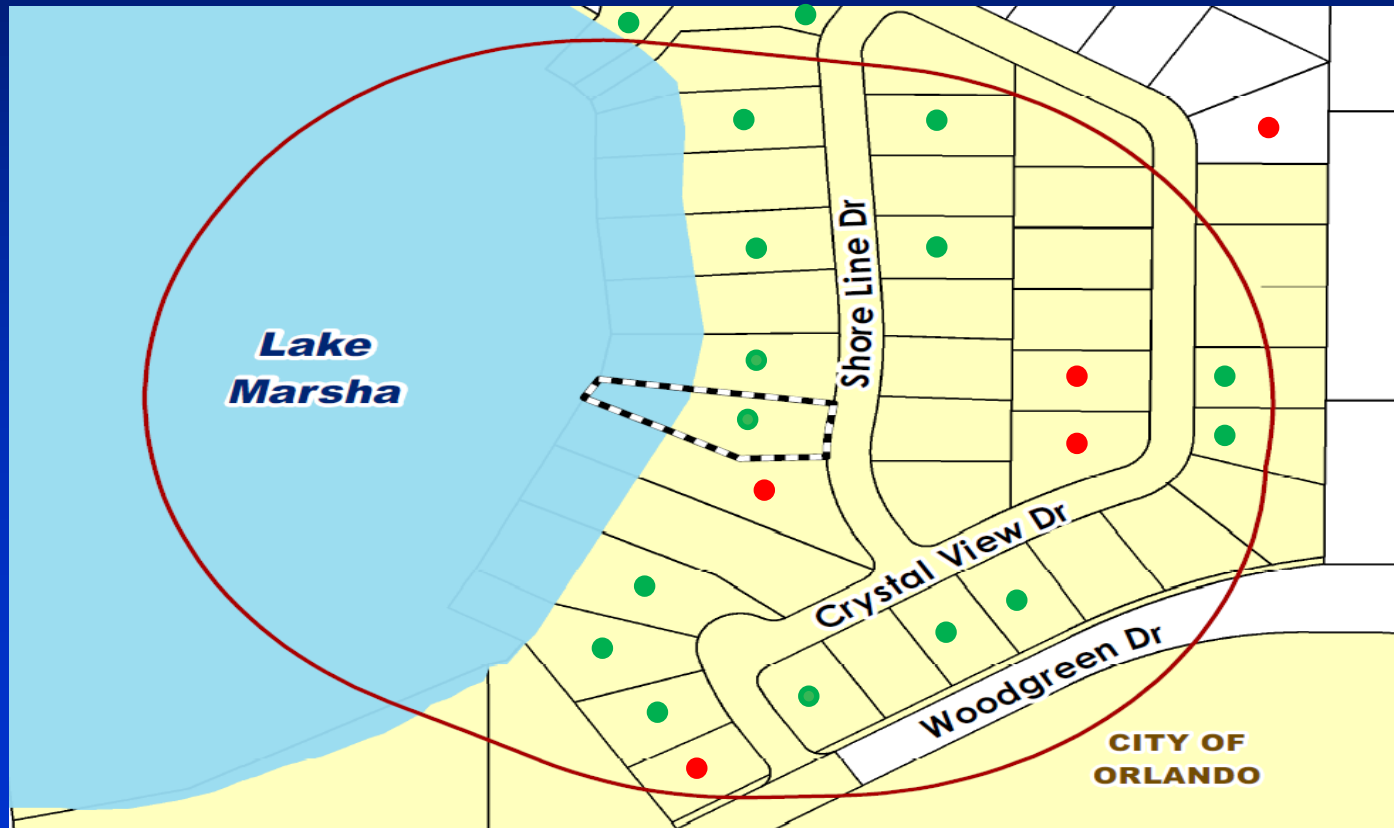
- Staff mailed a total of 76 notices to adjacent property owners in a 500 ft. radius
 - Staff received 16 correspondences in favor of this request (16 mapped)
 - Staff received 2 correspondences in opposition to this request (1 mapped)





Public Feedback

- Staff mailed a total of 76 notices to adjacent property owners in a 500 ft. radius
 - Staff received 16 correspondences in favor of this request (16 mapped)
 - Staff received 13 correspondences in opposition to this request (6 mapped)





Variance Criteria

Section 30-43 (3), Orange County Code

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

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



BZA Findings

- The BZA concluded that the approval of the Variance as proposed would be similar and compatible with the surrounding area and recommended approval, subject to four (4) conditions.



Conditions of Approval

- 1. Development shall be in accordance with the site plan date stamped July 12, 2024, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).**
- 2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.**



Conditions of Approval

- 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.**
- 4. Prior to the issuance of any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the Variance request and, which shall inform all interested parties that the pool deck and spa are located no closer than 25 ft. And 34 ft. respectively from the Normal High Water Elevation (NHWE) of Lake Marsha.**



Requested Action

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



Site Photograph

Side yard facing west





Site Photograph

Side yard and permitted gazebo facing west



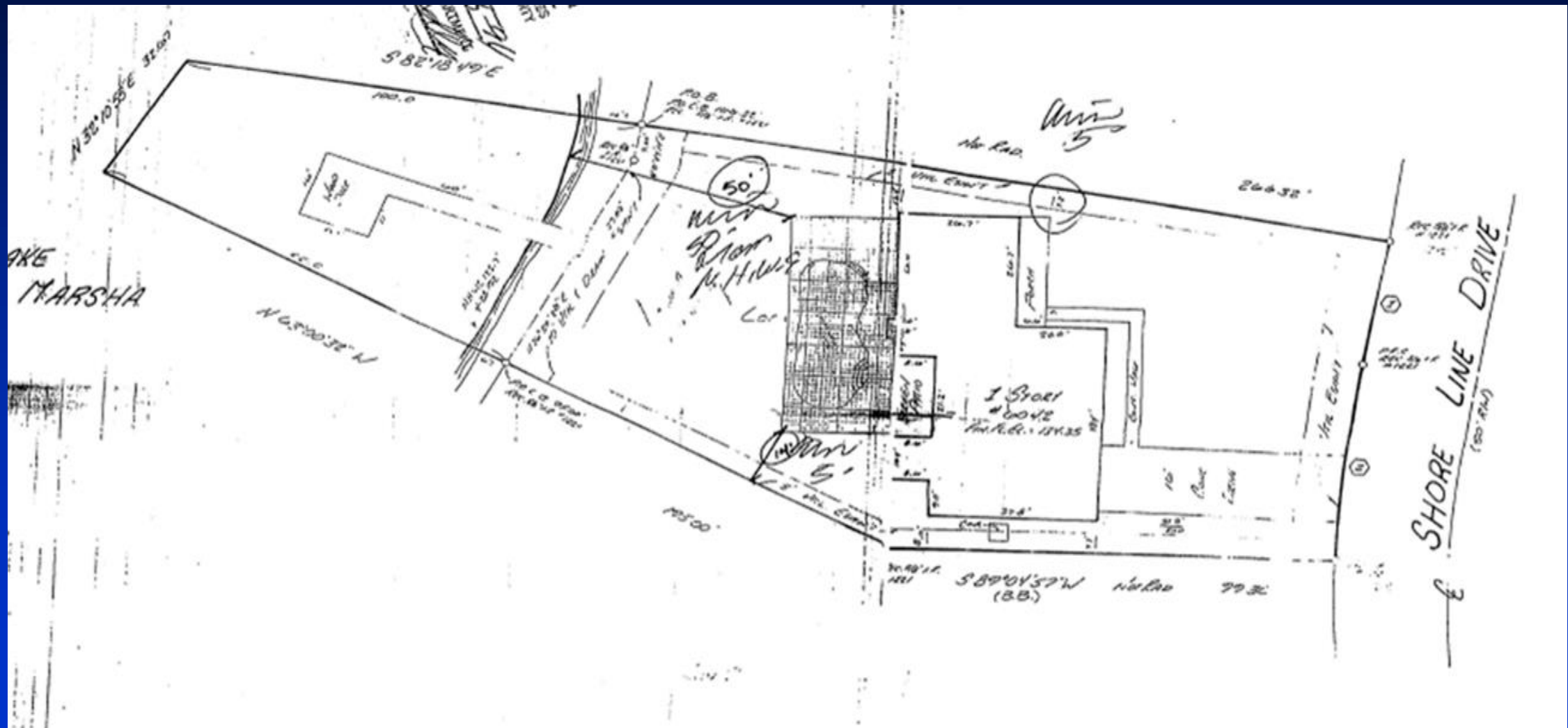


Site Photograph

Rear yard from the pool deck facing west

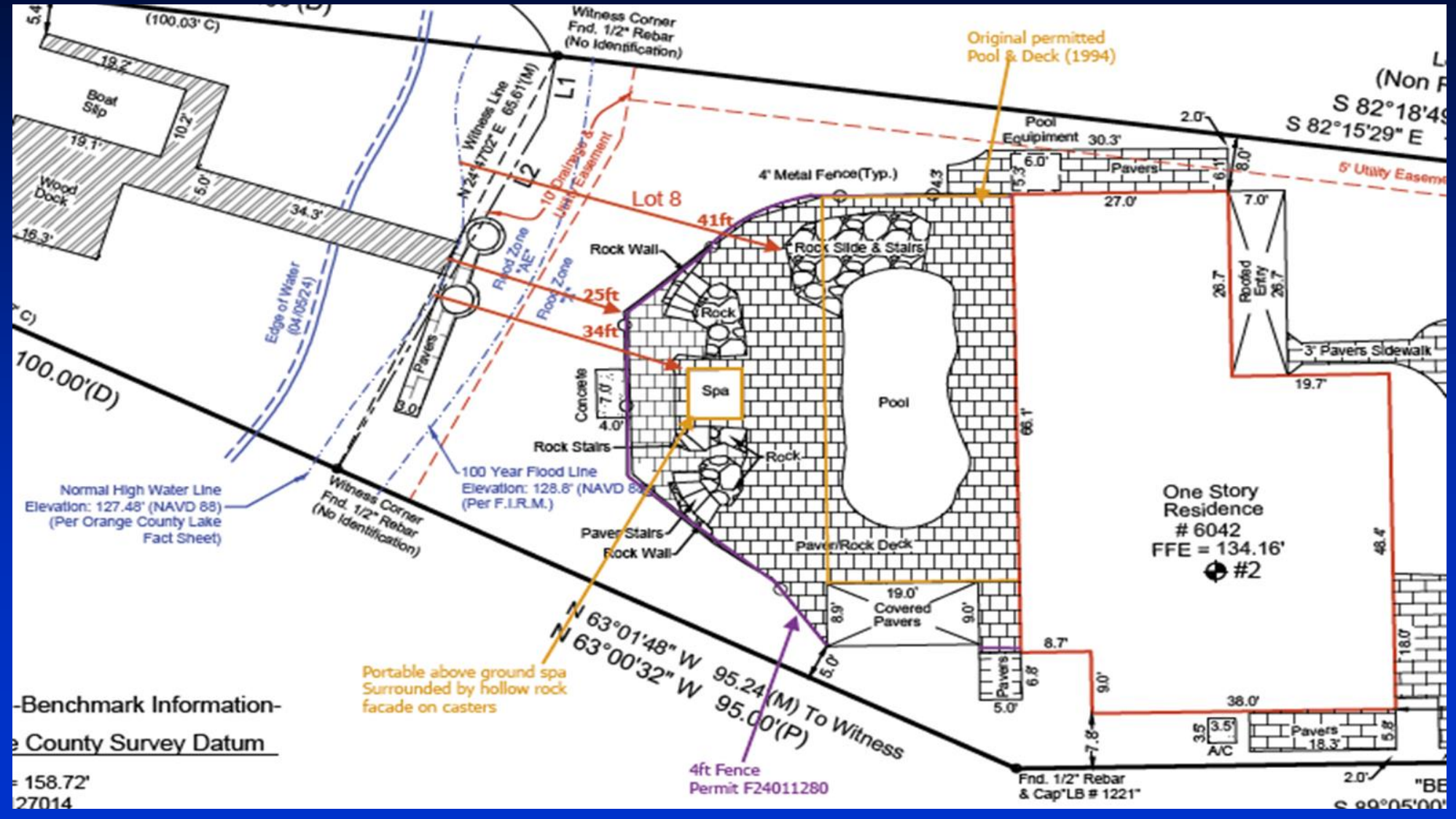


Original Pool Permit Site Plan





Enhanced Site Plan



Benchmark Information
 County Survey Datum
 = 158.72'
 27014