



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

September 3, 2020

Zoning Division

BOARD OF ZONING ADJUSTMENT (BZA)

ORANGE COUNTY GOVERNMENT

| <u>Board Member</u> | <u>District</u> |
|-----------------------------------|------------------------|
| Carolyn Karraker (Chairperson) | 1 |
| John Drago | 2 |
| Juan Velez | 3 |
| Deborah Moskowitz (Vice Chair) | 4 |
| Wes A. Hodge | 5 |
| Charles J. Hawkins, II | 6 |
| Roberta Walton | At Large |

BZA Staff

| | |
|---------------------|---------------|
| Ted Kozak, AICP | Chief Planner |
| Nick Balevich | Planner II |
| David Nearing, AICP | Planner II |

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
SEPTEMBER 3, 2020**

| <u>PUBLIC HEARING</u> | <u>APPLICANT</u> | <u>DISTRICT</u> | <u>BZA RECOMMENDATIONS</u> | <u>PAGE #</u> |
|-----------------------|---|-----------------|----------------------------|---------------|
| SE-20-09-084 | Iglesia Casa Del Alfarero (William R. Hockensmith) | 3 | Approved w/Conditions | 1 |
| VA-20-09-081 | Alan Fredrickson | 3 | Continued | 18 |
| VA-20-09-082 | Dee Brandt | 1 | Approved w/Conditions | 19 |
| VA-20-09-083 | Teddy Rosario | 5 | Approved w/Conditions | 35 |
| VA-20-09-087 | Justice and Wood Builders (Bill Wood) | 3 | Approved w/Conditions | 48 |
| SE-20-10-088 | Itay Guy | 3 | Approved w/Conditions | 64 |
| VA-20-10-090 | Stellar Sign And Design LLC (Caryn Torres) | 1 | Approved w/Conditions | 95 |

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
- I-1/I-5** Restricted Industrial District
- I-2/I-3** Industrial Park District
- I-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

SITE & BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

| District | Min. lot area (sq. ft.) ^m | Min. living area (sq. ft.) | Min. lot width (ft.) | Min. front yard (ft.) ^a | Min. rear yard (ft.) ^a | Min. side yard (ft.) | Max. building height (ft.) | Lake setback (ft.) |
|----------|--|--|--|--|-----------------------------------|----------------------|----------------------------|--------------------|
| A-1 | SFR - 21,780 (½ acre) Mobile Home - 2 acres | 850 | 100 | 35 | 50 | 10 | 35 | a |
| A-2 | SFR - 21,780 (½ acre) Mobile Home - 2 acres | 850 | 100 | 35 | 50 | 10 | 35 | a |
| A-R | 108,900 (2½ acres) | 1,000 | 270 | 35 | 50 | 25 | 35 | a |
| R-CE | 43,560 (1 acre) | 1,500 | 130 | 35 | 50 | 10 | 35 | a |
| R-CE-2 | 2 acres | 1,200 | 250 | 45 | 50 | 30 | 35 | a |
| R-CE-5 | 5 acres | 1,200 | 185 | 50 | 50 | 45 | 35 | a |
| R-1AAAA | 21,780 (1/2 acre) | 1,500 | 110 | 30 | 35 | 10 | 35 | a |
| R-1AAA | 14,520 (1/3 acre) | 1,500 | 95 | 30 | 35 | 10 | 35 | a |
| R-1AA | 10,000 | 1,200 | 85 | 25 h | 30 h | 7.5 | 35 | a |
| R-1A | 7,500 | 1,200 | 75 | 20 h | 25 h | 7.5 | 35 | a |
| R-1 | 5,000 | 1,000 | 50 | 20 h | 20 h | 5 h | 35 | a |
| R-2 | One-family dwelling, 4,500 | 1,000 | 45 c | 20 h | 20 h | 5 h | 35 | a |
| | Two dwelling units (DUs), 8,000/9,000 | 500/1,000 per DU | 80/90 d | 20 h | 30 | 5 h | 35 | a |
| | Three DUs, 11,250 | 500 per DU | 85 j | 20 h | 30 | 10 | 35 | a |
| | Four or more DUs, 15,000 | 500 per DU | 85 j | 20 h | 30 | 10 b | 35 | a |
| R-3 | One-family dwelling, 4,500 | 1,000 | 45 c | 20 h | 20 h | 5 | 35 | a |
| | Two DUs, 8,000/ 9,000 | 500/1,000 per DU | 80/90 d | 20 h | 20 h | 5 h | 35 | a |
| | Three dwelling units, 11,250 | 500 per DU | 85 j | 20 h | 30 | 10 | 35 | a |
| | Four or more DUs, 15,000 | 500 per DU | 85 j | 20 h | 30 | 10 b | 35 | a |
| R-L-D | N/A | N/A | N/A | 10 for side entry garage, 20 for front entry garage | 15 | 0 to 10 | 35 | a |
| R-T | 7 spaces per gross acre | Park size min. 5 acres | Min. mobile home size 8 ft. x 35 ft. | 7.5 | 7.5 | 7.5 | 35 | a |
| R-T-1 | | | | | | | | |
| | SFR 4,500 c | 1,000 | 45 | 25/20 k | 25/20 k | 5 | 35 | a |
| | Mobile home 4,500 c | Min. mobile home size 8 ft. x 35 ft. | 45 | 25/20 k | 25/20 k | 5 | 35 | a |
| R-T-2 | 6,000 | SFR 500 | 60 | 25 | 25 | 6 | 35 | a |
| | (prior to 1/29/73) | Min. mobile home size 8 ft. x 35 ft. | | | | | | |
| R-T-2 | 21,780 ½ acre | SFR 600 | 100 | 35 | 50 | 10 | 35 | a |
| | (after 1/29/73) | Min. mobile home size 8 ft. x 35 ft. | | | | | | |

| <i>District</i> | <i>Min. lot area (sq. ft.)^m</i> | <i>Min. living area (sq. ft.)</i> | <i>Min. lot width (ft.)</i> | <i>Min. front yard (ft.)^a</i> | <i>Min. rear yard (ft.)^a</i> | <i>Min. side yard (ft.)</i> | <i>Max. building height (ft.)</i> | <i>Lake setback (ft.)</i> |
|------------------|--|-----------------------------------|---|---|--|--|--|---------------------------|
| NR | One-family dwelling, 4,500 | 1,000 | 45 <i>c</i> | 20 | 20 | 5 | 35/3 stories <i>k</i> | <i>a</i> |
| | Two DUs, 8,000 | 500 per DU | 80/90 <i>d</i> | 20 | 20 | 5 | 35/3 stories <i>k</i> | <i>a</i> |
| | Three DUs, 11,250 | 500 per DU | 85 | 20 | 20 | 10 | 35/3 stories <i>k</i> | <i>a</i> |
| | Four or more DUs, 1,000 plus 2,000 per DU | 500 per DU | 85 | 20 | 20 | 10 | 50/4 stories <i>k</i> | <i>a</i> |
| | Townhouse, 1,800 | 750 per DU | 20 | 25, 15 for rear entry driveway | 20, 15 for rear entry garage | 0, 10 for end units | 40/3 stories <i>k</i> | <i>a</i> |
| NAC | Non-residential and mixed use development, 6,000 | 500 | 50 | 0/10 maximum, 60% of building frontage must conform to max. setback | 15, 20 adjacent to single-family zoning district | 10, 0 if buildings are adjoining | 50 feet <i>k</i> | <i>a</i> |
| | One-family dwelling, 4,500 | 1,000 | 45 <i>c</i> | 20 | 20 | 5 | 35/3 stories <i>k</i> | <i>a</i> |
| | Two DUs, 11,250 | 500 per DU | 80 <i>d</i> | 20 | 20 | 5 | 35/3 stories <i>k</i> | <i>a</i> |
| | Three DUs, 11,250 | 500 per DU | 85 | 20 | 20 | 10 | 35/3 stories <i>k</i> | <i>a</i> |
| | Four or more DUs, 1,000 plus 2,000 per DU | 500 per DU | 85 | 20 | 20 | 10 | 50 feet/4 stories, 65 feet with ground floor retail <i>k</i> | <i>a</i> |
| Townhouse, 1,800 | 750 per DU | 20 | 25, 15 for rear entry driveway | 20, 15 for rear entry garage | 0, 10 for end units | 40/3 stories <i>k</i> | <i>a</i> | |
| NC | Non-residential and mixed use development, 8,000 | 500 | 50 | 0/10 maximum, 60% of building frontage must conform to max. setback | 15, 20 adjacent to single-family zoning district | 10, 0 if buildings are adjoining | 65 feet <i>k</i> | <i>a</i> |
| | One-family dwelling, 4,500 | 1,000 | 45 <i>c</i> | 20 | 20 | 5 | 35/3 stories <i>k</i> | <i>a</i> |
| | Two DUs, 8,000 | 500 per DU | 80 <i>d</i> | 20 | 20 | 5 | 35/3 stories <i>k</i> | <i>a</i> |
| | Three DUs, 11,250 | 500 per DU | 85 | 20 | 20 | 10 | 35/3 stories <i>k</i> | <i>a</i> |
| | Four or more DUs, 1,000 plus 2,000 per DU | 500 per DU | 85 | 20 | 20 | 10 | 65 feet, 80 feet with ground floor retail <i>k</i> | <i>a</i> |
| Townhouse | 750 per DU | 20 | 25, 15 for rear entry driveway | 20, 15 for rear entry garage | 0, 10 for end units | 40/3 stories <i>k</i> | <i>a</i> | |
| P-O | 10,000 | 500 | 85 | 25 | 30 | 10 for one- and two-story bldgs., plus 2 for each add. story | 35 | <i>a</i> |
| C-1 | 6,000 | 500 | 80 on major streets (see Art. XV); 60 for all other streets <i>e</i> ; 100 ft. for corner lots on major streets (see Art. XV) | 25 | 20 | 0; or 15 ft. when abutting residential district; side street, 15 ft. | 50; or 35 within 100 ft. of all residential districts | <i>a</i> |

| District | Min. lot area (sq. ft.) ^m | Min. living area (sq. ft.) | Min. lot width (ft.) | Min. front yard (ft.) ^a | Min. rear yard (ft.) ^a | Min. side yard (ft.) | Max. building height (ft.) | Lake setback (ft.) |
|----------|--------------------------------------|----------------------------|--|--|--|---|--|--------------------|
| C-2 | 8,000 | 500 | 100 on major streets (see Art. XV); 80 for all other streets ^f | 25, except on major streets as provided in Art. XV | 15; or 20 when abutting residential district | 5; or 25 when abutting residential district; 15 for any side street | 50; or 35 within 100 feet of all residential districts | ^a |
| C-3 | 12,000 | 500 | 125 on major streets (see Art. XV); 100 for all other streets ^g | 25, except on major streets as provided in Art. XV | 15; or 20 when abutting residential district | 5; or 25 when abutting residential district; 15 for any side street | 75; or 35 within 100 feet of all residential districts | ^a |

| District | Min. front yard (feet) | Min. rear yard (feet) | Min. side yard (feet) | Max. building height (feet) |
|-----------|------------------------|-----------------------|-----------------------|---|
| I-1A | 35 | 25 | 25 | 50, or 35 within 100 ft. of any residential use or district |
| I-1 / I-5 | 35 | 25 | 25 | 50, or 35 within 100 ft. of any residential use or district |
| I-2 / I-3 | 25 | 10 | 15 | 50, or 35 within 100 ft. of any residential use or district |
| I-4 | 35 | 10 | 25 | 50, or 35 within 100 ft. of any residential use or district |

NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

FOOTNOTES

- ^a Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
- ^b Side setback is 30 feet where adjacent to single-family district.
- ^c For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
- ^d For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that:
 - (i) are either platted or lots of record existing prior to 3/3/97, and
 - (ii) are 75 feet in width or greater, but are less than 90 feet, and
 - (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
- ^e Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- ^f Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- ^g Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
- ^h For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
- ^j Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
- ^k Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
- ^m Based on gross square feet.

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

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.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **SEP 03, 2020**

Case Planner: **Ted Kozak, AICP**

Case #: **SE-20-09-084**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): **IGLESIA CASA DEL ALFARERO (WILLIAM R. HOCKENSMITH)**

OWNER(s): **IGLESIA CASA DEL ALFARERO INC**

REQUEST: **An amendment to an existing Special Exception in the A-2 zoning district to allow the enclosure of a drop off area and the installation of a 6,179 sq. ft. modular multi-purpose building for an existing private school.**

PROPERTY LOCATION: **7051 Pershing Avenue, Orlando, Florida, 32822, north side of Pershing Ave., approximately 0.4 miles west of S. Goldenrod Rd.**

PARCEL ID: **10-23-30-3032-01-000**

LOT SIZE: **13.7 acres**

NOTICE AREA: **600 ft.**

NUMBER OF NOTICES: **301**

DECISION: Recommended **APPROVAL** of 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 and 1 absent):

1. Development shall be in accordance with the site plan and elevations dated July 6, 2020, 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.
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.

SYNOPSIS: Staff described the property, the surrounding area, and the religious institution's existing and proposed operations. Staff provided an analysis of the six (6) criteria, and the reasons for a recommendation

for approval, including the compatibility with the surrounding area, since there is no proposed increase of intensity of operations because the number of students will not increase, hours of operation will not change, and the overall site and campus area will not be expanded. Staff noted that that one comment was received in support and one comment was received in opposition.

The applicant had no additional information to supplement the staff presentation, but instead provided a response to comments received via email from an adjacent resident, indicating that no additional traffic will be anticipated, that no new structures are proposed any closer to the adjacent residences than currently, and that all stormwater requirements will be met at permitting. He also noted that the location of all structures onsite, including the proposed new modular building, are located relatively far from any adjacent residential properties and that existing landscaping provides adequate buffering. There was no one in attendance to speak in favor or in opposition to the request.

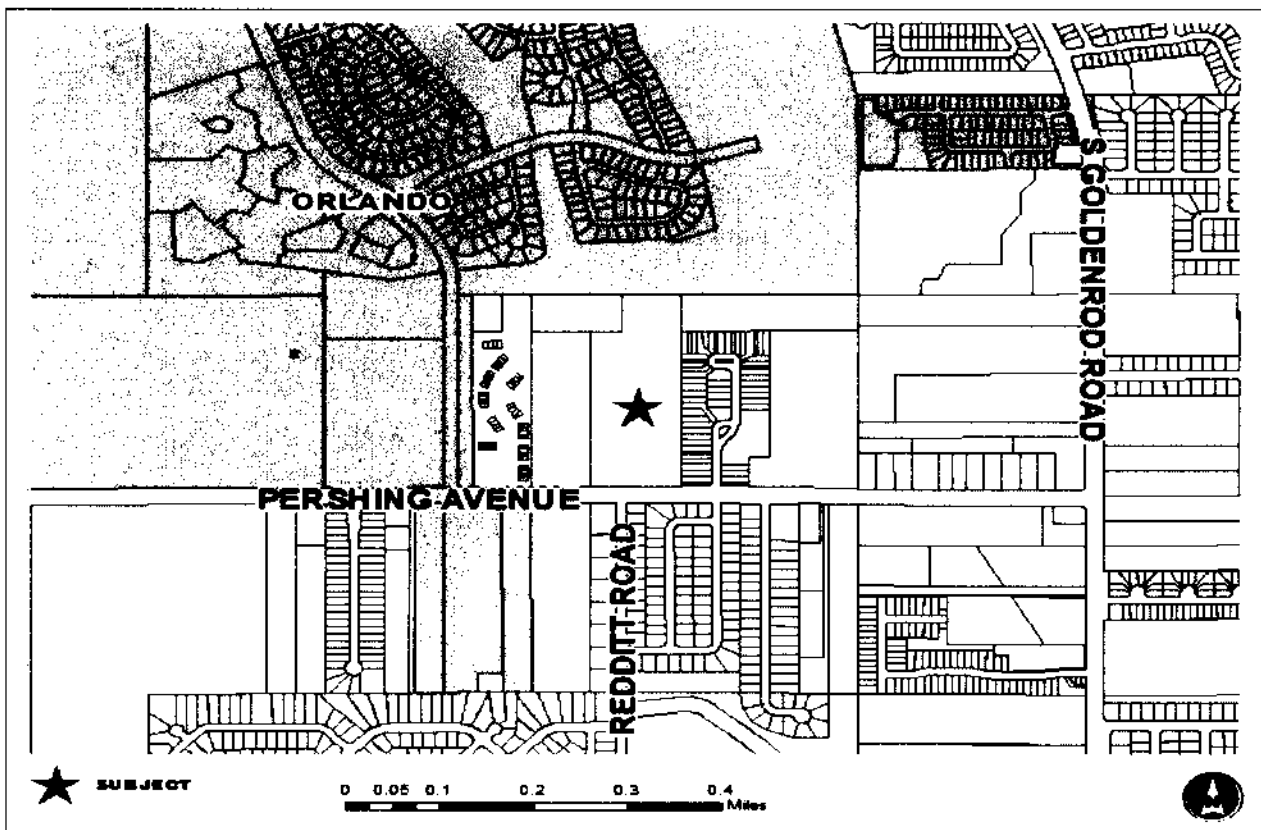
The BZA briefly discussed the neighbor's comments and asked clarifying questions regarding site improvements.

The BZA unanimously recommended approval of the Special Exception, subject to the three (3) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | Property | North | South | East | West |
|-----------------|--|--------------------------|-------------------------|----------|---------------------------------------|
| Current Zoning | A-2 | City of Orlando/ A-2 | R-1 & R-3 | R-3 | R-3 |
| Future Land Use | LMDR | City of Orlando/ LMDR | LMDR | LMDR | LMDR |
| Current Use | Religious institution, Daycare and K-12 school | Venture Golf Course | Single-family & Daycare | Duplexes | Fountains at Pershing Park Apartments |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is located in the A-2 Farmland Rural district, which allows agricultural uses, mobile homes, and single-family homes on larger lots. Certain uses, such as private schools, are permitted through the Special Exception process.

The subject property totals 13.7 acres, consisting of portions of lots 101 through 103 of the Golden Acres, Section - B Plat, and recorded in 1945. The site is developed with a one-story building containing a sanctuary and interior offices and classrooms, 4 portables, consisting of a total of 36,956 sq. ft. of gross floor area, and a 3,100 sq. ft. storage building. The storage building was originally built as a barn prior to 1971, and remains on the site from the time the property was initially constructed and utilized as a residential use. The barn was converted to a storage building in 2001 after the property was purchased by the current owner, Iglesia Casa Del Alfarero, in order to construct a religious institution building.

In July 2003, the applicant, Iglesia Casa Del Alfarero was approved for a special exception to allow a daycare with an outside playground area, proposing 25 children, as an additional use to the building campus, which consisted of 12,000 sq. ft. of building area at the time. The daycare was not conditioned with a limitation on the maximum number of students. The BZA, confirmed by the BCC, considered the use as an appropriate use, given its location along a major thoroughfare.

In July 2012, the same religious institution was approved for a special exception to allow a private school with up to 300 students grade K-12, a variance to allow unpaved parking spaces in lieu of paved and a variance to allow proposed buildings 40 ft. in height in lieu of 35 ft. The initial proposal included a two-phase project, which proposed a Phase I to allow 300 students in 4 portables, and a Phase II to allow an increase to 550 students in a larger two-story structure to replace the 4 portables. The BZA, confirmed by the BCC, concluded that the Phase I improvements were appropriate, but the Phase II increase of students was too excessive due to traffic and noise concerns. The 4 portables have since been installed and a 6,000 sq. ft. second floor building addition was constructed in 2013 and 2014 (B13903341).

The applicant, William R. Hockensmith, is proposing a 6,179 sq. ft. modular building, which will be located northwest of the existing main church building, generally in the same location of the existing 3,100 sq. ft. storage building, which will be demolished as a part of this proposal. The new building will contain 9 classrooms and 2

restrooms, providing for additional classroom space for the same number of students, 300 including daycare, as now exists. Further, the applicant proposes to enclose the existing covered drop-off area with a 592 sq. ft. enclosure at the front of the building to provide more room for the interior entry area. No other site improvements or modifications to the parking area are proposed.

The parking requirements for the overall campus are as follows:

- Church assembly (sanctuary): 692 seats, @ 1 parking space per 3 seats, requiring 231 spaces
- Church employees: 7 employees, @ 1 parking space per employee, requiring 7 spaces
- School: 9 classrooms, @ 4 parking spaces per classroom, requiring 36 spaces
- High school: 54 students, @ 1 parking space per 3 students, plus 4 classrooms, @ 1 parking space per classroom, requiring 22 spaces
- Daycare: 35 children, @ 1 parking space per 10 children, plus extra 1 parking space per 5 children, in lieu of providing a drop-off lane, requiring 11 spaces

The total parking spaces required for the entire campus is 308 parking spaces. The existing campus parking area contains 67 paved parking spaces, 277 grass parking spaces, plus 10 handicap spaces for a total of 354 spaces, thus meeting the parking code requirement.

The hours of operation for all the campus operations are not proposed to change: For the daycare, Monday through Friday between 6:30 a.m. and 6:30 p.m.; for the private school, Monday through Friday and from 7 a.m. to 6 p.m.; and for the church services, Wednesday 7:00 p.m. to 8:30 p.m., Friday 7:00 p.m. to 8:30 p.m., and Sunday from 9:00 a.m. to 1:00 p.m.

District Development Standards

| | Code Requirement | Proposed |
|-----------------|--------------------------------|---|
| Max Height: | 40 ft. (via previous variance) | 40 ft. (church campus) 15 ft. (portables) |
| Min. Lot Width: | 100 ft. | 504 ft. |
| Min. Lot Size: | 1/2 acre | 13.7 acres |

Building Setbacks (that apply to structure in question) (Measurements in feet)

| | Code Requirement | Proposed |
|--------|-----------------------|--------------------------------|
| Front: | 55 ft. (Major street) | 351 ft. (South) |
| Rear: | 50 ft. | 580 ft. (North) |
| Side: | 10 ft. | 133 ft. (East)/ 220 ft. (West) |

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The provision of educational facilities as conditioned through the Special Exception process is consistent with the Comprehensive Plan, since a needed community institution continues to be provided as a benefit to the surrounding residential areas.

Similar and compatible with the surrounding area

The expansion will be compatible with other existing uses located on the religious institution campus, as well as compatible with the adjacent residential properties, which are located over 450-feet to north, 110-feet to the west, 133-feet to the east, and 150-feet to the south across Pershing Avenue from any religious institution onsite improvements. There is no additional impact to adjacent properties. The proposed enclosure of the covered drop-off area will be within the existing building footprint and the proposed new school modular building will be contained within the existing school campus, in the location of the dilapidated barn structure proposed to be demolished.

Shall not act as a detrimental intrusion into a surrounding area

The proposed enclosure of the drop-off area and the installation of a new modular building for the existing educational use will not negatively impact the surrounding area. It will be located within an existing building complex, and the number of students, including the number of children in the daycare, will continue to be limited to 300.

Meet the performance standards of the district

The proposed improvements, including the installation of the new modular building, as conditioned, will meet the performance standards of the district.

Similar in noise, vibration, dust, odor, glare, heat production

The applicant has not proposed any activity on the property that would generate noise, vibration, dust, odor, glare, or heat that is not similar to the existing religious institution and educational campus to surrounding area in that no additional students are proposed.

Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code

The proposal will be located entirely within an existing campus on a developed site. There are no additional buffer yards required.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan and elevations July 6, 2020, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
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.

C: Mr. William R. Hockensmith
5127 S Orange Ave. Suite 200
Orlando, FL 32809

COVER LETTER



FLORIDA
ENGINEERING
GROUP

5127 S. Orange Avenue, Suite 1
Orlando, FL 32809
Phone: 407-895-0324
Fax: 407-895-0325

Improve the future

INGLESIA CASA DEL ALFARERO 7051 PERSHING AVENUE SPECIAL EXCEPTION CRITERIA

Inglesia Casa Del Alfarero is an existing church and private school (grades K-12) located on 13.7 acres. The church developed this site starting in 2001 with building expansions in 2010 and 2014. Following approval of Special Exception SE-12-06-033, four portable school classrooms were added in 2013. The approved Special Exception provided a maximum of 300 students, a 40' building height, unpaved parking (except handicap and drive aisles) together with a future 3 story classroom building (which was not constructed).

The church and school are proposing the following Improvements:

Enclosure of the covered drop-off area to provide a 592 SF church entry that can serve as a welcome area and eating area for school students.

Demolition of a 3,100 SF + storage barn and replacement with a 6,179 SF modular building providing meeting space for both the church and school use.

The 692-seat church has a congregation of about 1,000 members. The typical church services are Wednesday 7:00 PM – 8:30 PM, Friday 7:00 PM – 9:00 PM and Sunday 9:00 AM – 1:00 PM.

The school current serves 281 students in grades K-12. The maximum number of students will remain at the previously approved 300 students. The school hours are Monday through Friday 7:00 AM – 6:00 PM which includes before and after school programs.

The staff consists of 7 church and 55 school employees.

The requested improvements meet the following Special Exception Criteria:

1. The use shall be consistent with the Comprehensive Plan Policy.
The church/school expansion is consistent with the Comprehensive Plan.
2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
The church/school is an expansion of the current use which has been in operation for almost 20 years. There are other churches along this section of Pershing Avenue.
3. The use shall not act as a detrimental intrusion into a surrounding area.
The church/school building proposed improvements are located near the center of this 13.7 acre site within the currently developed area. The building envelope area is surrounded by existing paved drive aisles and parking with wide open spaces between the buildings and adjacent developments.

COVER LETTER

4. The use shall meet the performance standards of the district in which the use is permitted.
The church/school meet the performance standards of this A2 zoning district.

5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.
The church/school expansion will not increase noise, dust, odor, glare or heat producing characteristics.

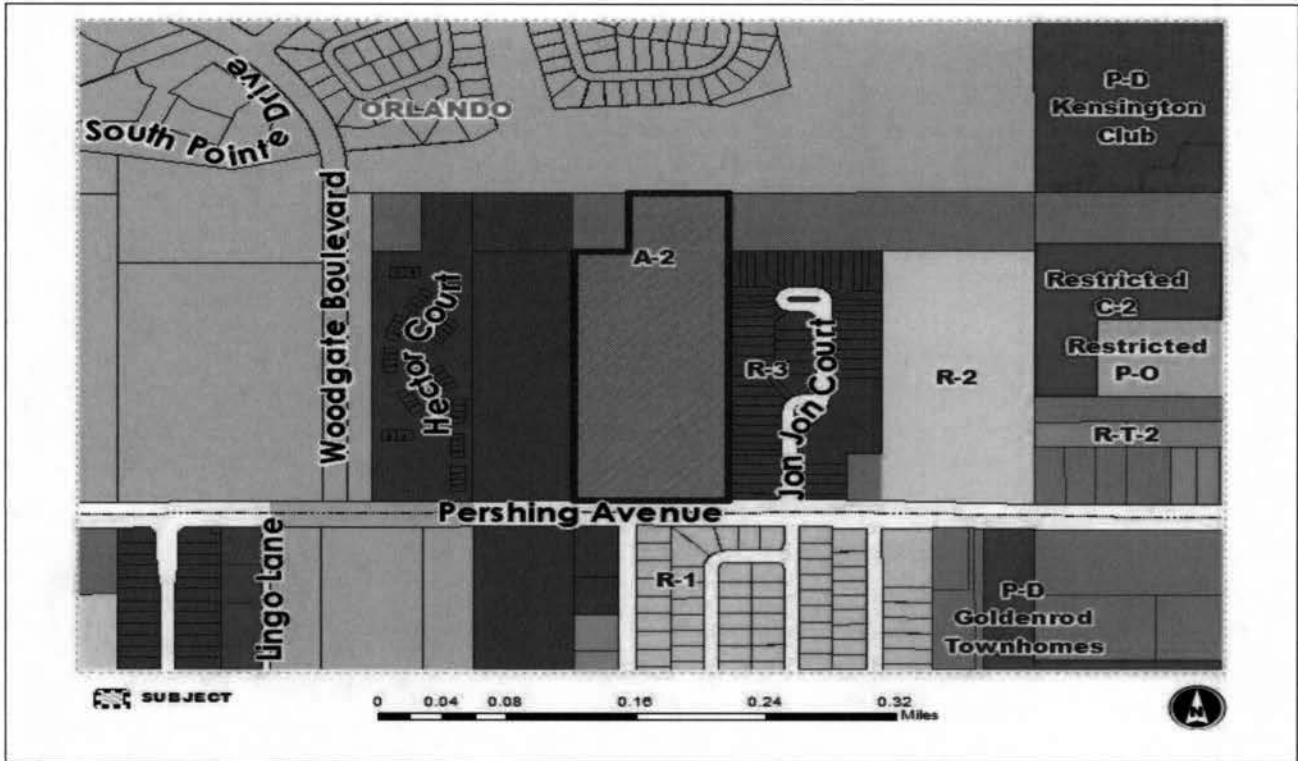
6. Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.
Landscape requirements will be met for the expansion.



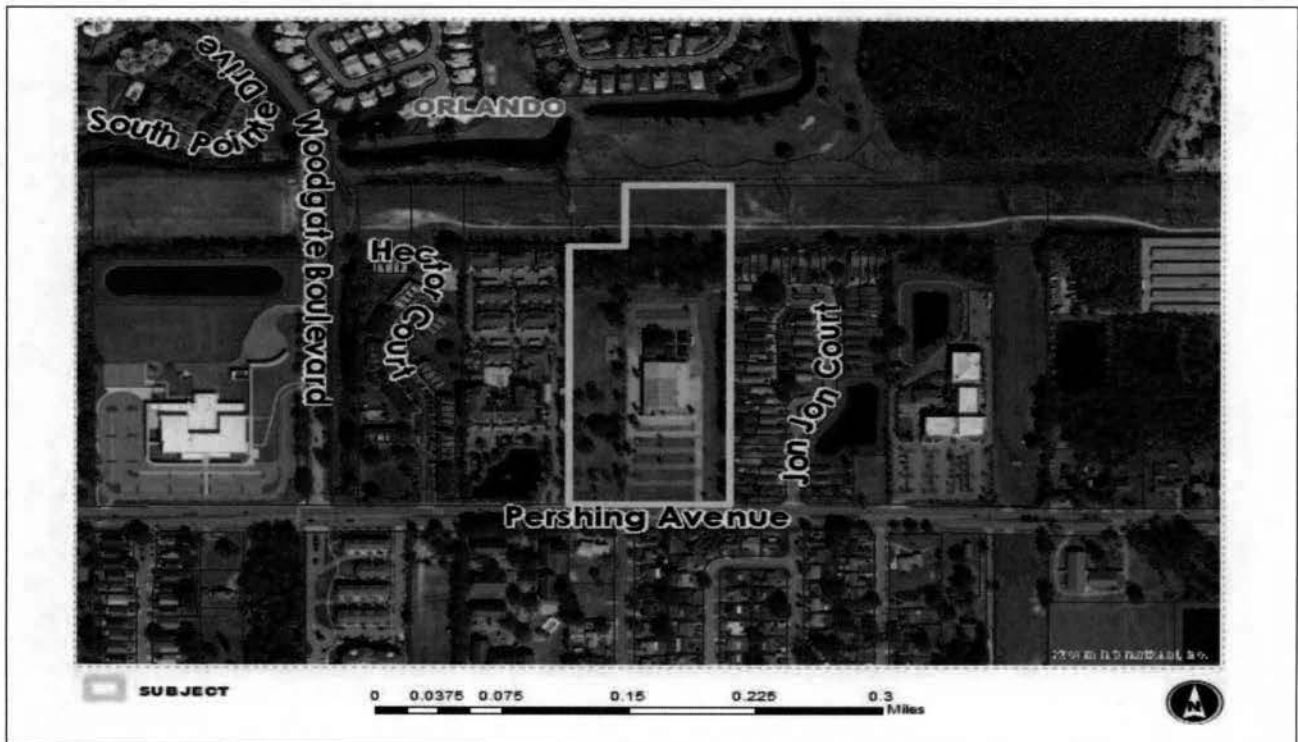
5127 S. Orange Avenue, Suite
200 Orlando, FL 32809
Phone: 407.895.0324
Fax: 407.895.0325

Engineering the future

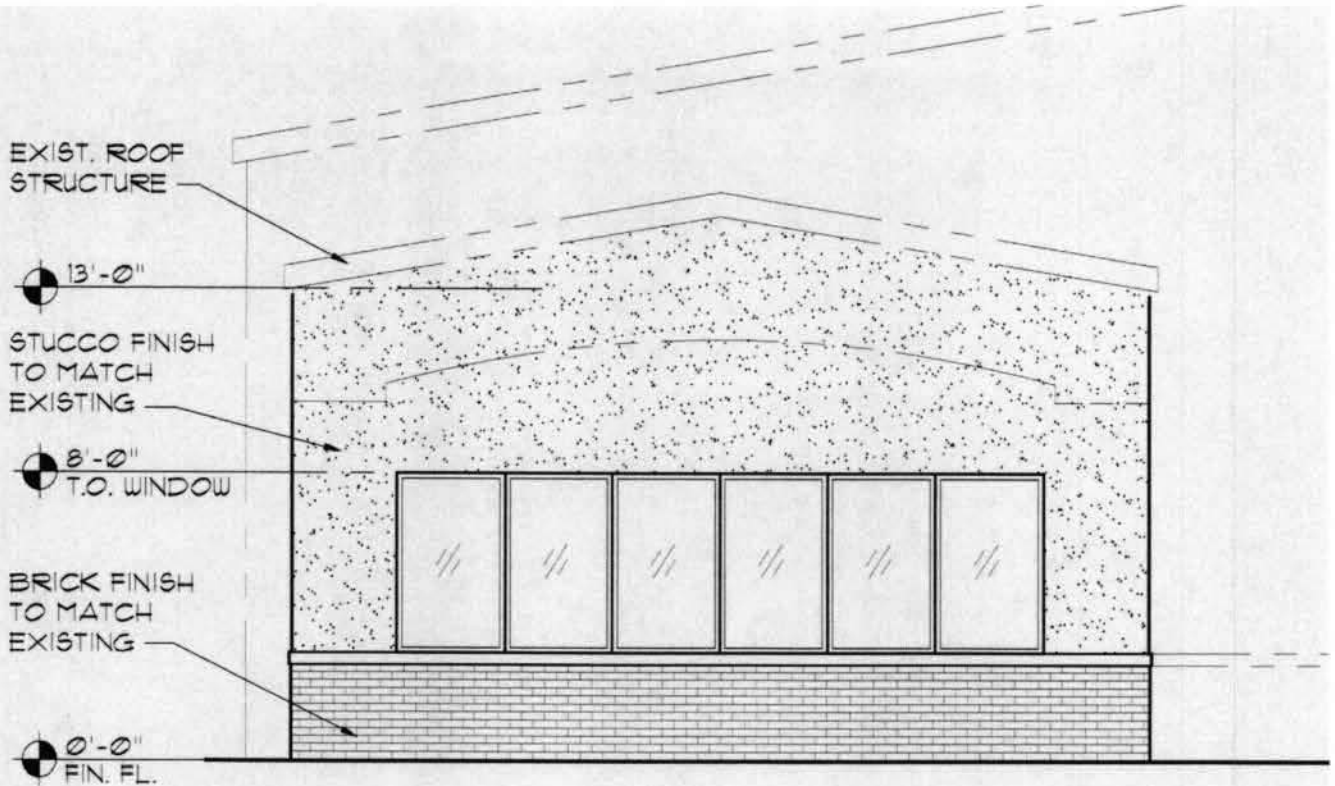
ZONING MAP



AERIAL MAP



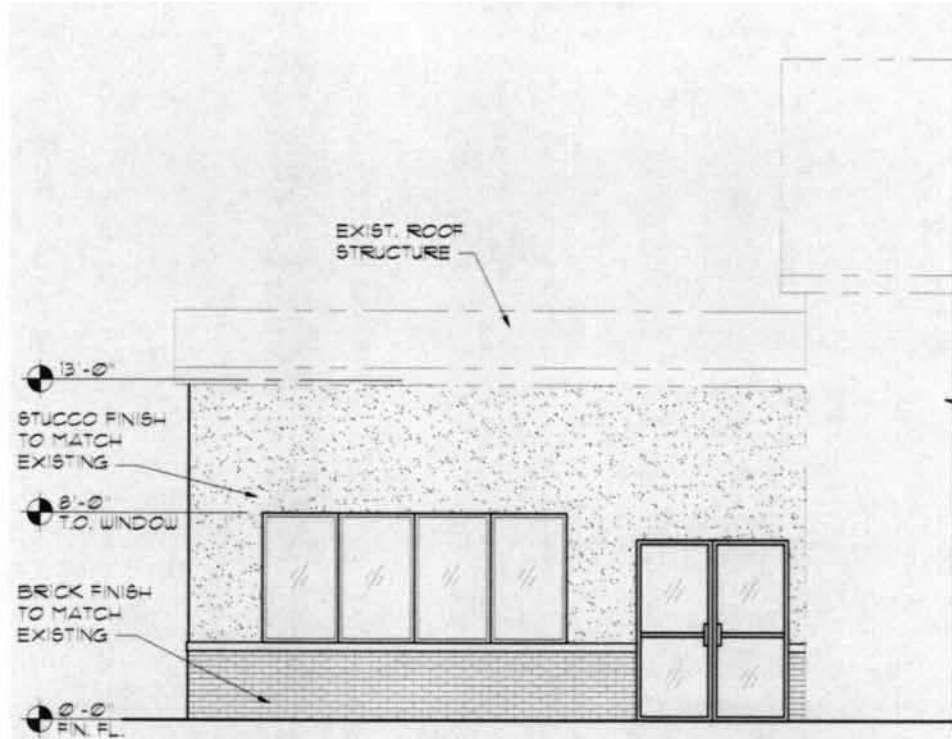
FRONT ELEVATION - ENTRY



PROPOSED SOUTH ELEVATION

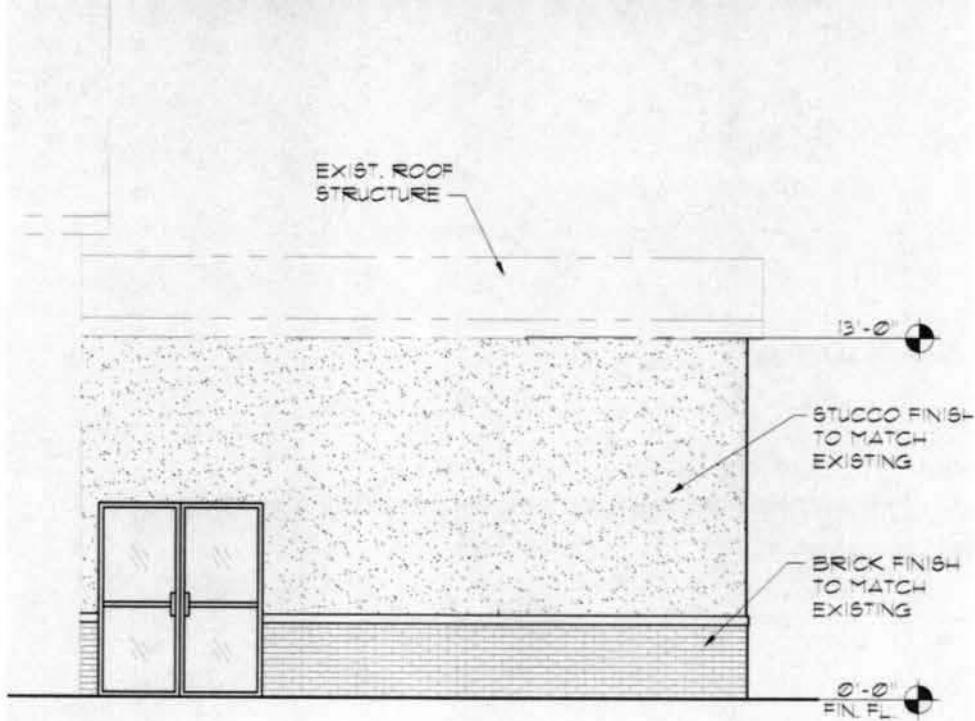
SCALE: 3/16" = 1'-0"

FRONT ELEVATION – ENTRY



PROPOSED WEST ELEVATION

SCALE: 3/16" = 1'-0"



PROPOSED EAST ELEVATION

SCALE: 3/16" = 1'-0"

SITE PHOTOS



View of front façade facing north towards proposed drop off area enclosure location



View of existing drop off area proposed to be enclosed facing east

SITE PHOTOS



Existing storage barn to be demolished facing northeast towards location of proposed modular building



Facing south towards location of proposed modular building

SITE PHOTOS



Facing west with existing church to the left, exiting portables to the right, and barn at back



Facing northwest towards Iglesia Casa Del Alfarero from Pershing Ave.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **SEP 03, 2020**

Case Planner: **Ted Kozak, AICP**

Case #: **VA-20-09-081**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): ALAN FREDRICKSON

OWNER(s): ALAN J. FREDRICKSON

REQUEST: Variance in the R-1AA zoning district to allow an attached carport to be located 5.25 ft. from the front property line in lieu of 30 ft.

PROPERTY LOCATION: 700 Lillian Dr., Orlando, FL 32806, South side of Lillian Dr. and the north side of Lake Jennie Jewel, west of S. Summerlin Ave.

PARCEL ID: 12-23-29-0516-00-541

LOT SIZE: 0.86 acres (37,505 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 99

THIS CASE WAS CONTINUED TO THE OCTOBER 1, 2020 BZA MEETING

LOCATION MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **SEP 03, 2020**

Case Planner: **Ted Kozak, AICP**

Case #: **VA-20-09-082**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): DEE BRANDT

OWNER(s): JAMES BRANDT, DEE BRANDT

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

- 1) To allow an attached accessory structure with a north side setback of 5 ft. in lieu of 10 ft.
- 2) To allow an attached accessory structure with a total of 667 sq. ft. of non-living floor area in lieu of 500 sq. ft. of non-living floor area.
- 3) To allow an existing residence to remain 7.8 ft. from the north side property line in lieu of 10 ft.
- 4) To allow an existing residence to remain 9.7 ft. from the south side property line in lieu of 10 ft.
- 5) To allow a second story addition to be constructed 7.8 ft. from the north side property line in lieu of 10 ft.
- 6) To allow a second story addition to be constructed 9.7 ft. from the south side property line in lieu of 10 ft.
- 7) To allow an existing residence to remain 47 ft. from the Normal High Water Elevation (NHWE) line in lieu of 50 ft.

PROPERTY LOCATION: 12030 Sandy Shores Drive, Windermere, Florida, 34786, east side of Sandy Shores Dr. on the west side of Lake Butler.

PARCEL ID: 24-23-27-7808-00-051

LOT SIZE: 45 ft. x 253 (avg.)/ 0.27 acres

NOTICE AREA: 500

NUMBER OF NOTICES: 465

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

1. Development shall be in accordance with the site plan and elevations dated July 13, 2020, 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.

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. The applicant shall obtain permits for the garage and house addition within 180 days of final action on this application by Orange County or this variance is null and void.
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 covered porch is no closer than 47 feet from the Normal High Water Elevation of Lake Butler.

SYNOPSIS: Staff briefly described the property, including the year the existing single-family residence and rear covered porch was constructed and the rationale for the construction of the second story addition to the existing house, as it will be located in the same footprint as existing. Staff also described the location of the proposed two-story attached accessory structure and the location of the 216 sq. ft. covered porch. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for denial of variance #1, and for a recommendation for approval of variances #2 through #7. Staff noted that a total of three (3) comments were received in support and no comments were received in opposition.

The applicant discussed the need for variance #1, and emphasized that the construction of the structure in the location proposed is required to provide adequate space for the existing septic system on the south side of the lot as well as to stagger the position of the accessory structure relative to the remainder of the single-family residence for security. The applicant also provided information regarding comparative building setbacks within the neighborhood. There was no one in attendance to speak in favor or in opposition to the request.

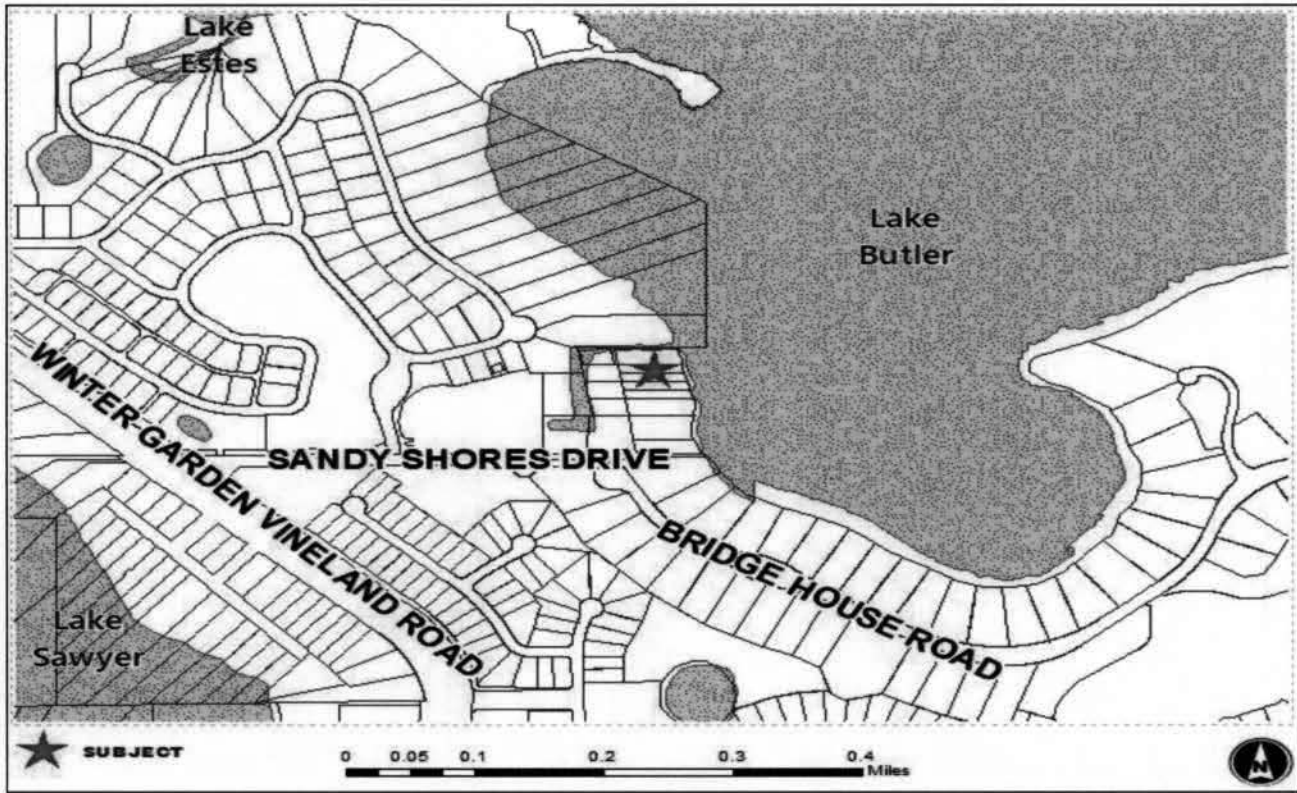
The BZA discussed the applicant's plans and asked questions about landscaping requirements, the north side setback requirements, and the Normal High Water Elevation (NHWE) at the rear of the property. It was noted that there are lots in the area with narrow widths, resulting in a number of existing structures which contain setbacks that do not meet the 10 foot side setback requirement for the R-CE zoning district.

The BZA unanimously recommended approval of the variance, subject to the five (5) conditions in the staff report.

STAFF RECOMMENDATIONS

Denial of Variance #1. Approval of Variances #2 through #7, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | Property | North | South | East | West |
|-----------------|---|---|---|-------------|---|
| Current Zoning | R-CE | R-CE | R-CE | Lake Butler | R-CE |
| Future Land Use | RS 1/1 West Windermere Rural Settlement | RS 1/1 West Windermere Rural Settlement | RS 1/1 West Windermere Rural Settlement | Lake Butler | RS 1/1 West Windermere Rural Settlement |
| Current Use | Single-family residence | Single-family residence | Single-family residence | Lake Butler | Single-family residence |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-CE, Rural Country Estate, which allows for single-family development on one (1) acre lots and certain rural uses.

It is located within the West Windermere Rural Settlement, which is an area designated by the Comprehensive plan for limited urban types of development. The designation comes with limitations on locating certain uses in the settlement, and limitations on the intensity of certain types of development, such as commercial. The intent is to preserve the character of the area, but not to restrict the use of residential properties.

In 1966, Orange County administratively rezoned the subject property and other properties around Lake Butler from A-1, R-1, and R-1A to R-CE, rendering a number of lots nonconforming, including the subject property.

The subject property is a 0.27 acre, 45-foot wide lot consisting of the north half of Lot 5 as part of the Sandy Shores Plat, recorded in 1952. The lot contains an existing 925 sq. ft. single-family house built in 1958 that was extended with a rear covered porch addition, permitted in 2001, and an existing 200 sq. ft. shed installed without permits. The applicant purchased the property in 2017.

The applicant is proposing to remove the existing 10' by 20', 200 sq. ft. shed located in front of the house to allow for the construction of an attached 21.7 ft. high two-story attached accessory structure containing 667 sq. ft. of non-living area with an approximately 450 sq. ft. second floor loft connected to the principal house with a covered walkway. The proposed structure is to be located 5-feet from the north property line in lieu of 10 ft., requiring variance #1. This new attached accessory structure contains 667 sq. ft. of non-living garage area in lieu of 500 sq. ft., requiring variance #2.

The applicant also proposes to add a 29.5 ft. high second story 925 sq. ft. master suite addition to the existing house and to add a 216 sq. ft. covered front porch that connects to the new garage via a breezeway. The existing residence is located 7.8 ft. from the north side property line in lieu of 10 ft. and 9.7 ft. from the south side property line in lieu of 10 ft., requiring variances #3 and #4, respectively. The second story addition to the house proposes to match the footprint of the first floor, requiring the same 7.8 ft. north and 9.7 south variances (variances #5 and #6, respectively). The exterior of the additions propose painted brick or siding and a shingle roof that will match the design of the existing house. The existing rear covered porch is located 47 ft. from the Normal High Water Elevation (NHWE) line in lieu of 50 ft., requiring variance #7.

Since the property is only 45 ft. wide and 0.27 acres in area, the nonconforming width and area creates side setback constraints for the RC-E zoning district. These circumstances leave very little available yard space to allow for the expansion for the relatively small existing house without the need for multiple variances.

The applicant has submitted a letter of no objection from the property owners of the adjacent property to the north.

District Development Standards

| | Code Requirement | Proposed |
|-----------------|------------------|---|
| Max Height: | 35 ft. | 29.5 ft. (Residence)/ 21.7 ft. (Garage) |
| Min. Lot Width: | 130 ft | 45 ft. |
| Min. Lot Size: | 1 acre | 0.27 acres |

Building Setbacks (that apply to structure in question) (Measurements in feet)

| | Code Requirement | Proposed |
|--------|------------------|----------------------------------|
| Front: | 35 ft. | 124 ft. (West) |
| Rear: | 50 ft. | 47 ft. (East) |
| Side: | 10 ft. | 7.8 ft. (North)/ 9.7 ft. (South) |
| NHWE: | 50 ft. | 47 ft. (East) |

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variance #1

There are no special conditions and circumstances pertaining to the need for variance #1 since there are other options to shift 5 ft. to the south a completely new accessory structure without impacting the design or functionality of the attached single-family house.

Variances #2 through #7

Since Sandy Shores was platted prior to the current requirements, the special conditions and circumstances particular to this lot are the narrow shape of the lot and the siting of the home that leads to a need to construct a garage and a second story addition on top of the existing house footprint, confirming the need for variances #2 through #7. Further, in consideration to variance #2, the requested net non-living floor area is likely close to the code requirement of 500 sq. ft. since the inclusion of an interior second story stairway for aesthetic and setback purposes increases the gross non-living floor area beyond the code requirement.

Not Self-Created

Variance #1

The request for variance #1 is self-created in that there are other options in order to lessen or negate the need for the variance by shifting the new accessory structure an additional 5 ft. to the south.

Variances #2 through #7

The current owners are not responsible for the size and configuration of the lot, or the orientation of the residence, including the setback from Lake Butler, since they purchased the property in 2017, long after the residence was built in 1958.

No Special Privilege Conferred

Variance #1

Variance #1 would confer special privilege since there are other options available in order to meet code requirements.

Variances #2 through #7

Granting the variances will not grant any special privilege. Due to the configuration of the lot and the existing location and layout of the home, variances #2 through #7 are appropriate.

Deprivation of Rights

The orientation and location of the existing improvements as well as the width of the lot makes it difficult to locate new improvements elsewhere on the property.

Minimum Possible Variance

Variance #1

Variance request #1 is not the minimum, since there are alternatives to lessen or remove the request.

Variances #2 through #7

Variances #2 through #7 are minimum variances since these setbacks are existing and the construction of the new improvements is not increasing the non-conformity.

Purpose and Intent

Approval of the proposed requests allow improvements for the single-family use and the concurrent requests will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated July 13, 2020, 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.
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. The applicant shall obtain permits for the garage and house addition within 180 days of final action on this application by Orange County or this variance is null and void.
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 covered porch is no closer than 47 feet from the Normal High Water Elevation of Lake Butler.

C: Dee Brandt
12030 Sandy Shores Dr.
Windermere, FL 34786

COVER LETTER

To : BOARD OF ZONING ADJUSTMENT (BZA):

Parcel Number: 24232778080051

Address: 12330 Sandy Shores Dr, Windermere, FL 34786

Date: 7-12-2020

From: Jim and Dee Brandt

DUE TO THE LOCATION AND SIZE OF OUR EXISTING HOME, WE WISH TO APPLY FOR A VARIANCE TO ALLOW FOR A FRONT GARAGE STRUCTURE WITH 5' SIDE SETBACK AS WELL AS TO UTILIZE THE EXISTING FOOTPRINT TO BUILD A SECOND STORY ON TOP OF THE EXISTING STRUCTURE. WE CURRENTLY DO NOT HAVE AN ENCLOSED GARAGE. WE WILL ALSO BE REMOVING THE EXISTING SHED TO BUILD THE NEW GARAGE AND CONNECT THIS TO THE MAIN HOUSE FOR FUNCTION AND SECURITY REASONS.

AS YOU CAN SEE FROM OUR SURVEY, THERE ARE NO OTHER OPTIONS OR LOCATIONS ON THE SITE TO EXPAND TO ACHIEVE OUR GOALS. THIS VARIANCE REQUEST WAS NOT CAUSED BY US, NOR DOES IT GIVE ANY SPECIAL PRIVILEGES OR LAND USAGES THAT OTHER UTILIZE FOR THIS ZONING. WE SIMPLY NEED TO HAVE AN ENCLOSED GARAGE AND EXPAND OUR HOME TO MEET OUR NEEDS.

PLEASE SEE BELOW AS WE MEET ALL OF THE CRITERIA REQUIRED TO PASS THIS VARIANCE AS REQUESTED.

THANK YOU FOR YOUR CONSIDERATION.

DEE AND JIM BRANDT

Variance Criteria: Section 30-43 (3) of the Orange County Code stipulates specific standards for the approval of variances. No application for a zoning variance will be approved unless the Board of Zoning Adjustment finds that the following standards are met:

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 a proposed zoning variance.

THE SPECIAL CONDITIONS OF THIS LOT ARE SUCH THAT THE EXISTING BUILDING AND LOCATION DO NOT ALLOW FOR A CONSTRUCTION OF A GARAGE ON THE SIDE OR REAR OF THE MAIN STRUCTURE. THUS, THE GARAGE STRUCTURE MUST BE LOCATED IN THE FRONT. ALSO, THE EXISTING LOCATION AND SIDE SETBACKS OF THE EXISTING STRUCTURE ARE NON-CONFORMING, AND THE 2-STORY ADDITION NEEDS TO MATCH THE EXISTING BLOCK WALLS AND EXISTING SIDE SETBACKS OF THE EXISTING FOOTPRINT.

Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed 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.

THE EXISTING LOCATION AND SIDE SETBACKS OF THE EXISTING STRUCTURE WERE APPROVED WHEN THE PROPERTY WAS PURCHASED BY THE OWNER. THE OWNER DID NOT CAUSE NOR CREATE THESE HARDSHIPS DUE TO THE LOCATION OF THE EXISTING MAIN STRUCTURE.

COVER LETTER

No Special Privilege Conferred - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

ADDING AN ENCLOSED CAR GARAGE AND ADDING MORE LIVING SPACE ABOVE THE MAIN HOUSE IS NOT A SPECIAL PRIVILEGE.

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 property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

YES, BY THE LITERAL INTERPRETATION OF THESE CODES WOULD DEPRIVE THE OWNER RIGHTS THAT ARE COMMONLY ENJOYED BY OTHER PROPERTIES: HAVING AN ENCLOSED GARAGE, AS WELL AS HAVING THE MINIMUM AMOUNT OF SQ. FT. ALLOWED FOR THIS ZONING. THE LITERAL INTERPRETATION OF THE CODE WOULD REQUIRE THE EXISTING HOUSE TO BE REMOVED AND REBUILT, WHICH IS AN UNDUE HARDSHIP ON THE OWNER.

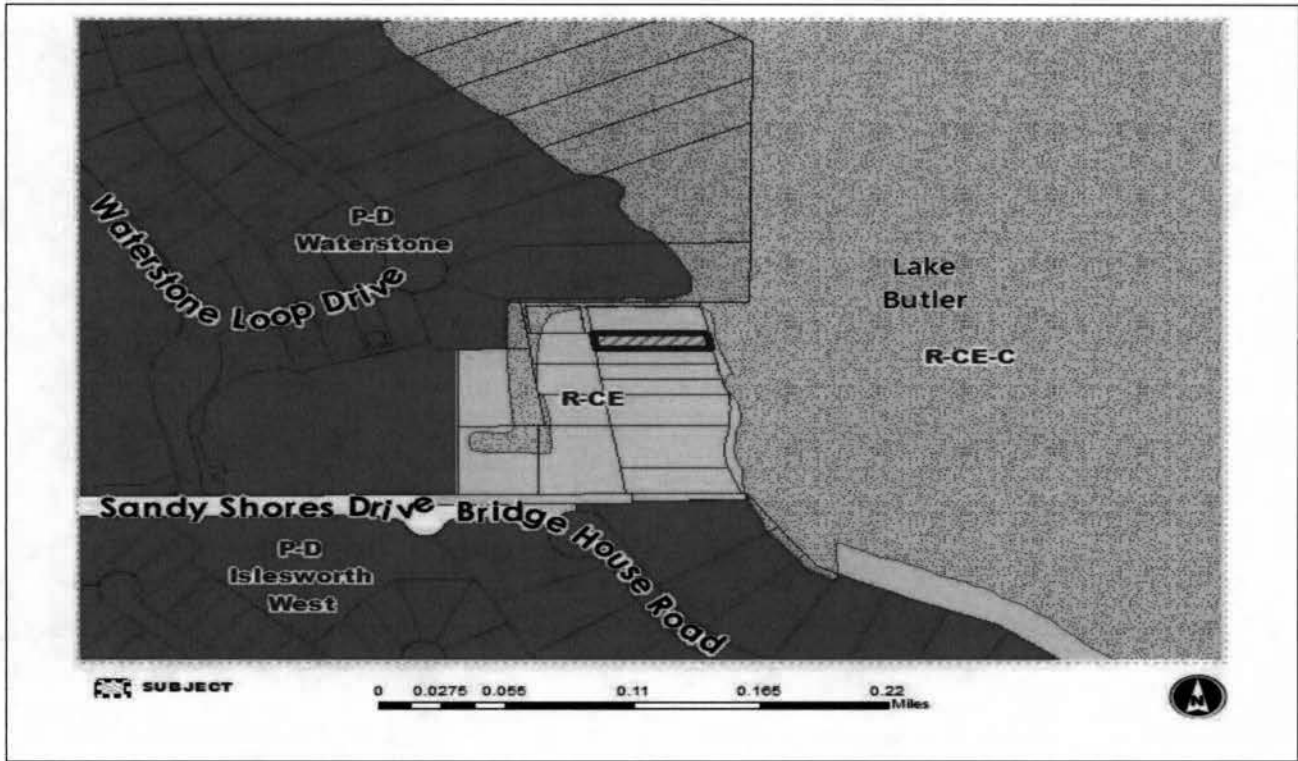
Minimum Possible Variance - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

THE 5' SIDE SETBACK FRO THE FRONT GARAGE IS THE MINIMUM VARIANCE THAT WOULD WORK TO ALLOW FOR ACCESS, AND WORK WITH THE EXISTING LOT AND SITE REQUIREMENTS.
UTILIZING THE EXISTING FOOTPRINT AND SETBACKS OF THE MAIN STRUCTURE IS THE MINIMUM THAT WOULD WORK FOR THE 2-STORY ADDITION.

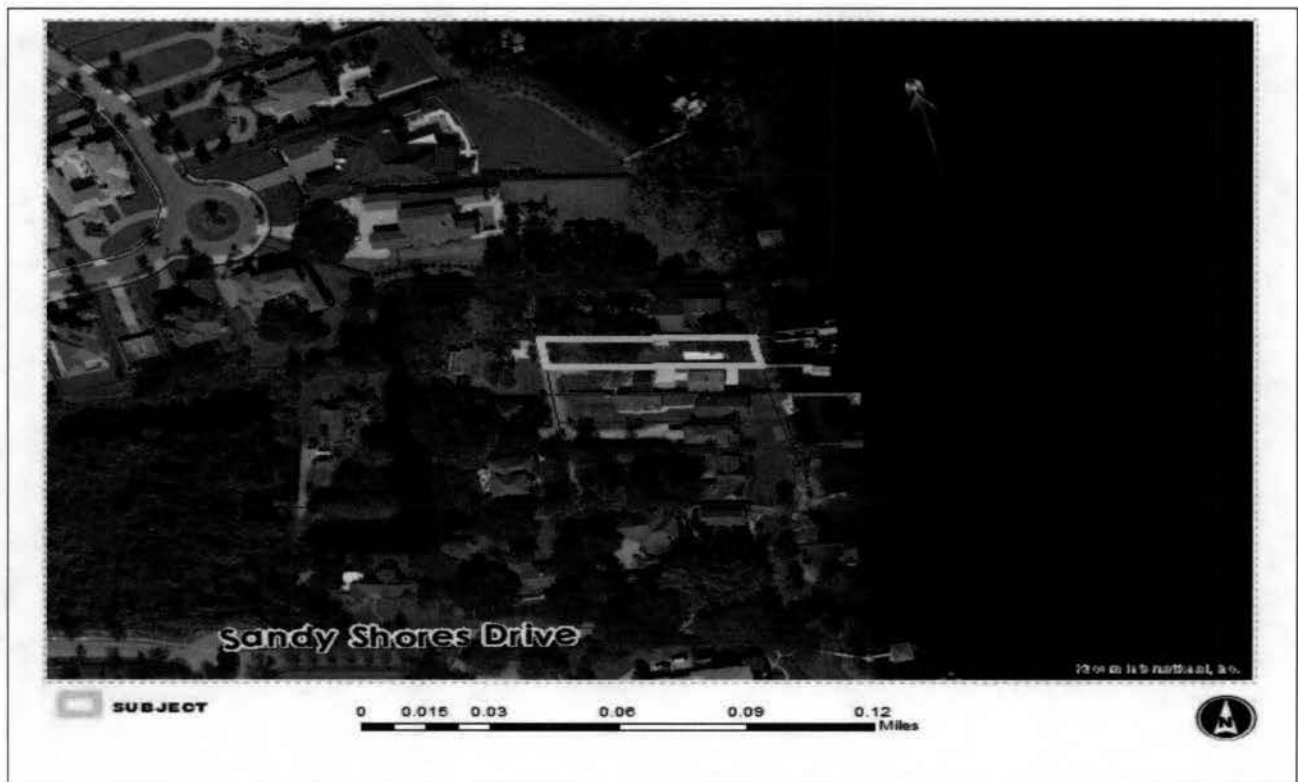
Purpose and Intent - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

APPROVAL OF THIS VARIANCE WOULD COMPLIMENT THE PROPERTY, ADD BETTER USABLE FUNCTION AND IN NO WAY BE HARMFUL TO ANY OF THE NEIGHBORS OR PUBLIC WELFARE.

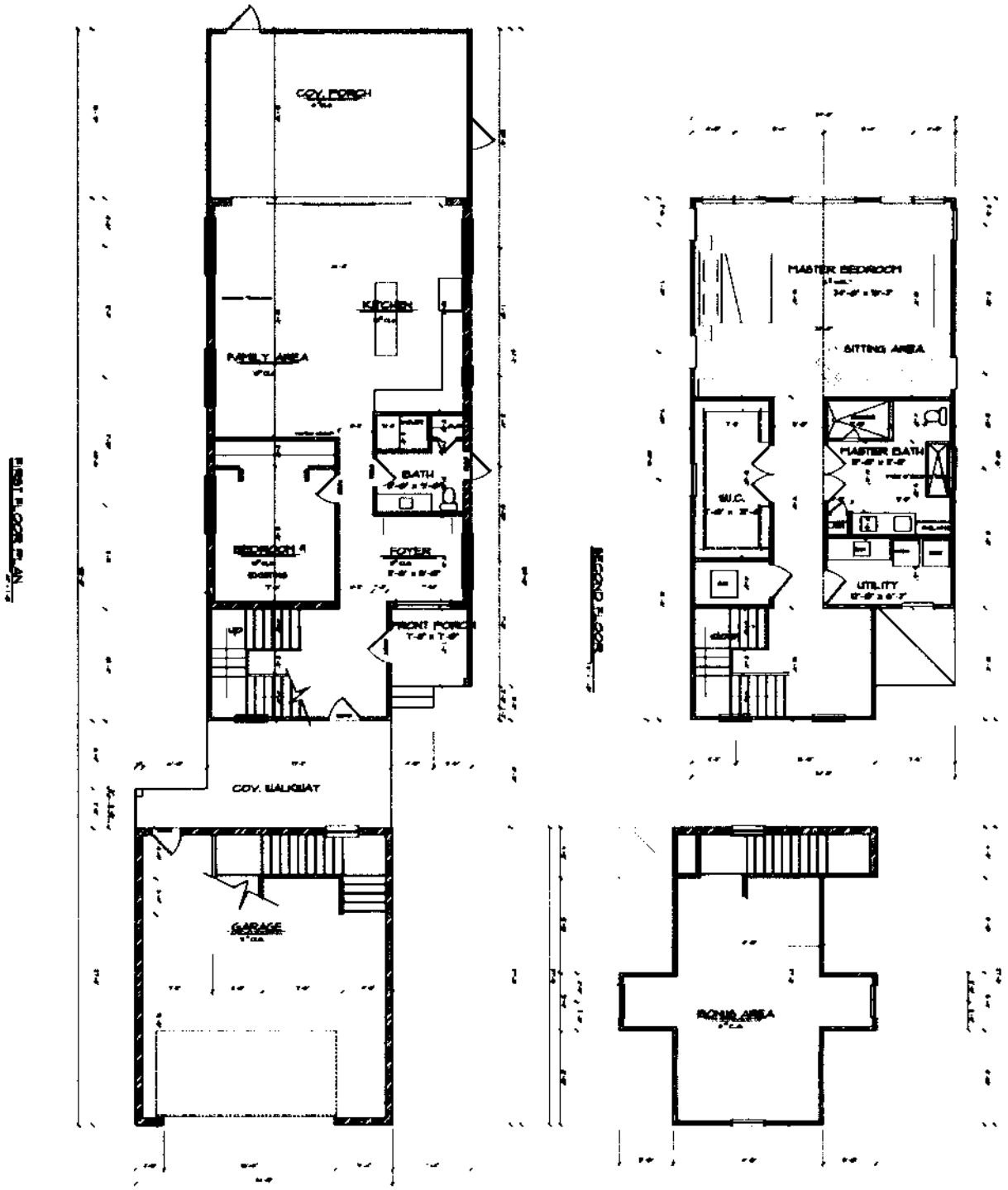
ZONING MAP



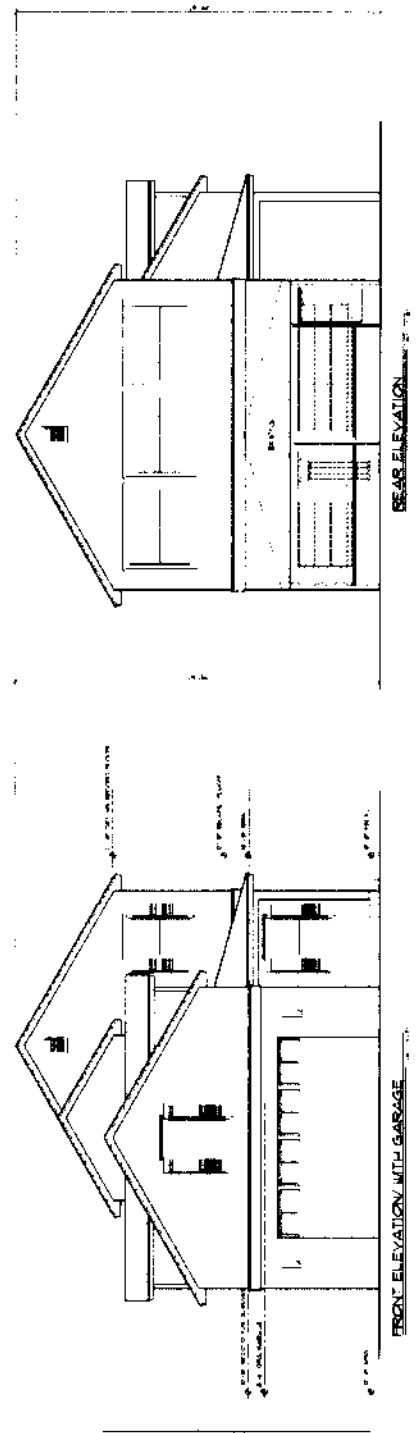
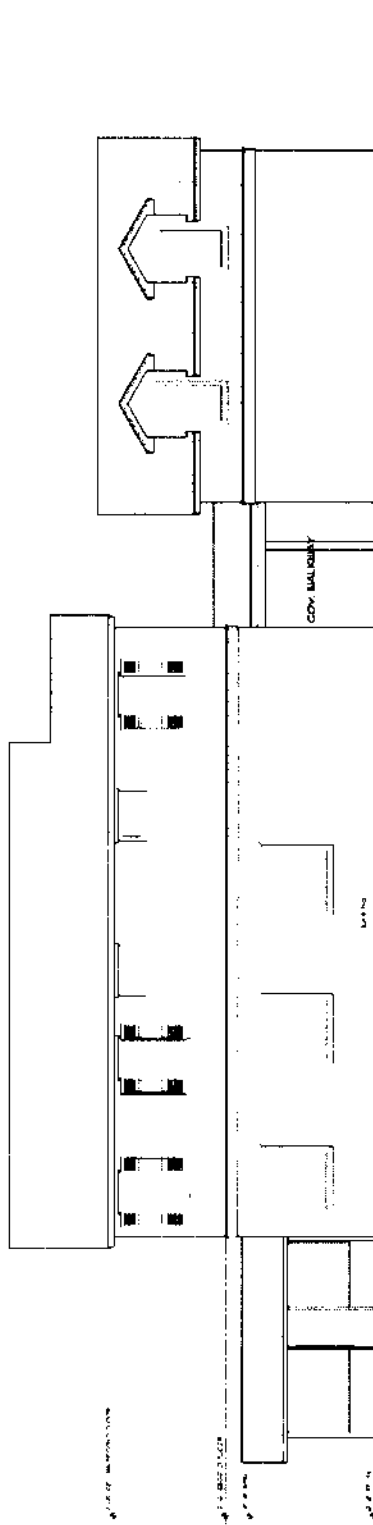
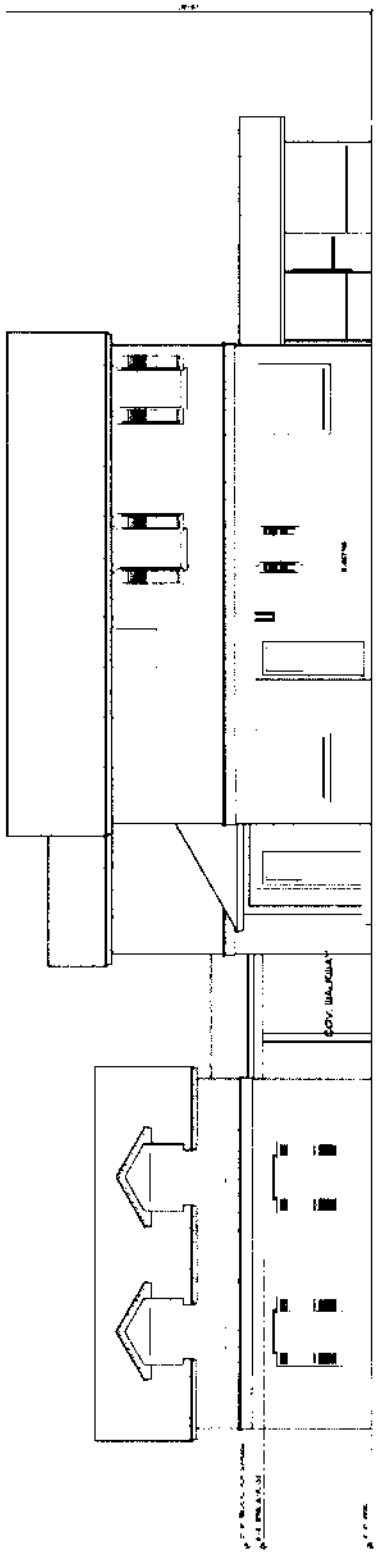
AERIAL MAP



FLOOR PLANS



ELEVATIONS



SITE PHOTOS



Facing east from Sandy Shores Dr. towards existing house and shed



Facing east towards Lake Butler with existing house south setback

SITE PHOTOS



Facing east towards Lake Butler – with existing covered porch south side setback and NHWE setback



Facing east with existing house north side setback

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **SEP 03, 2020**

Case Planner: **Nick Balevich**

Case #: **VA-20-09-083**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): TEDDY ROSARIO

OWNER(s): TEDDY ROSARIO, JOYNECID ROSARIO

REQUEST: Variance in the R-1 zoning district to allow an addition to a residence to be located 22 ft. from the rear property line in lieu of 25 ft.

PROPERTY LOCATION: 3343 Cambay Avenue, Orlando, Florida, 32817, southeast corner of Cambay Ave. and Calcutta Ave., south of University Blvd. and east of N. Goldenrod Rd.

PARCEL ID: 12-22-30-3378-01-990

LOT SIZE: 0.25 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 130

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

1. Development shall be in accordance with the site plan and elevations dated July 15, 2020, 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.
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. The exterior of the addition shall match the exterior of the existing house, including the roof materials and color.

SYNOPSIS: Staff gave a presentation on the case covering the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval.

Staff noted that a total of eight (8) comments were received in support and no comments were received in opposition.

The applicant agreed with the staff recommendation and noted that the trailer near the existing rear slab in one of photos provided in the presentation has been removed. There was no one in attendance to speak in favor or in opposition to the request.

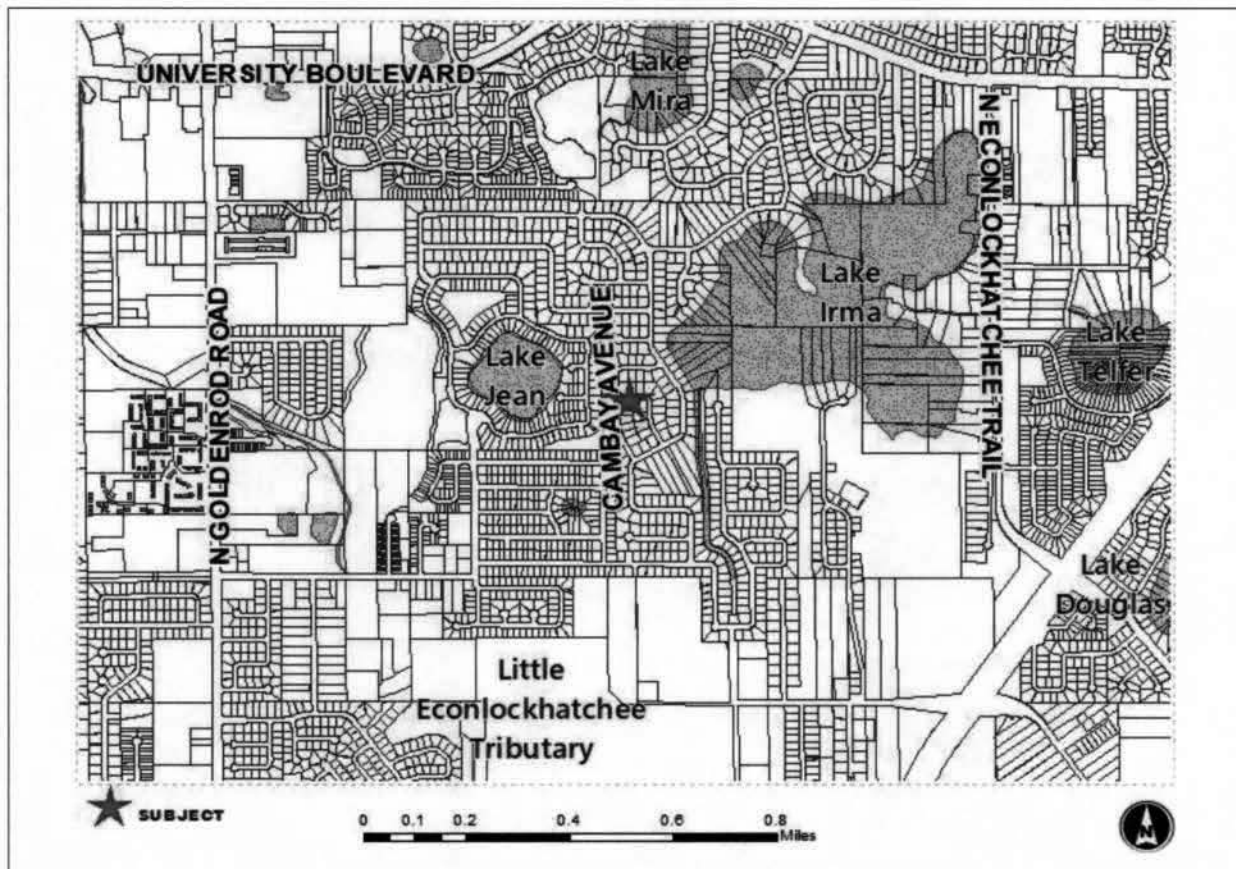
The BZA briefly discussed the request and the applicant's plans for the existing rear slab.

The BZA unanimously recommended approval of the variance, subject to the four (4) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | Property | North | South | East | West |
|-----------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| Current Zoning | R-1 | R-1 | R-1 | R-1 | R-1 |
| Future Land Use | LDR | LDR | LDR | LDR | LDR |
| Current Use | Single-family residence | Single-family residence | Single-family residence | Single-family residence | Single-family residence |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1, Single-Family Dwelling district, which allows single family homes and associated accessory structures on lots a minimum of 5,000 sq. ft. or greater.

The area consists of single family homes. The subject property is a 0.25 acre, corner lot with frontage on both Calcutta and Cambay Avenue. The lot was platted in 1974 as part of the Harbor East Unit 2 Plat, and is a conforming lot of record. It is developed with a 1,410 sq. ft. single family home constructed in 1979. The applicant purchased the property in 2015.

The applicant is proposing to construct a one story addition to the rear, consisting of 728 sq. ft. of air conditioned space (14.2 ft. x 56.2 ft.) to include an additional bedroom, bathroom, laundry room and living room. The addition match the materials of the existing house.

The house fronts on Cambay Avenue, and as a corner lot there is a required 15 foot side street setback from Calcutta Avenue. The side street setback, as well as the orientation of the house leaves the rear yard as the only option available for expansion. The rear property line backs up to the neighbor’s west side property line at 3350 Calcutta Avenue, which is less of a privacy issue.

The applicant has submitted 8 letters of no objection from property owners in the area, primarily to the north and west.

District Development Standards

| | Code Requirement | Proposed |
|-----------------|------------------|----------------|
| Max Height: | 35 ft. | 15.9 ft. |
| Min. Lot Width: | 50 ft. | 93 ft. |
| Min. Lot Size: | 5,000 sq. ft. | 10,918 sq. ft. |

Building Setbacks (that apply to structure in question) (Measurements in feet)

| | Code Requirement | Proposed |
|-------------|------------------|------------------|
| Front: | 25 ft. | 25.3 ft. (West) |
| Rear: | 25 ft. | 22 ft. (East) |
| Side: | 6 ft. | 9.3 ft. (South) |
| Sidestreet: | 15 ft. | 28.5 ft. (North) |

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The property is a corner lot, fronting on Cambay Avenue, with the side street along Calcutta Avenue where a 15 foot side street setback is required. The side street setback, as well as the orientation of the house, which constrains the buildable area of the lot, are special conditions and circumstances that leaves the rear yard as the only feasible area for an expansion.

Not Self-Created

The owners are not responsible for the configuration of the lot and the orientation of the residence since they purchased the property in 2015, long after the house was built in 1979.

No Special Privilege Conferred

Granting the variance will not grant any special privilege. Due to the configuration of the lot and the location of the house, this is an appropriate location for such an addition.

Deprivation of Rights

The orientation and location of the existing improvements makes it difficult to locate the proposed addition elsewhere on the property.

Minimum Possible Variance

The applicant's request for a 3 foot deviation is the minimum possible variance to allow for the construction of a reasonable addition to the house at the rear of the existing house.

Purpose and Intent

Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood since the size and scale of the proposed improvements are consistent with adjacent residences, considering the fact that the adjacent property will be side-facing to the addition, the request is consistent with the purpose and intent. The proposed 22 ft. rear setback would not be out of character with the area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated July 15, 2020, 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.
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. The exterior of the addition shall match the exterior of the existing house, including the roof materials and color.

C: Teddy Rosario
3343 Cambay Ave.
Orlando, FL 32817

COVER LETTER

Variance Cover Sheet

3343 Cambay Ave
Orlando FL 32817

July 8th, 2020

To Whom It May Concern:

We are residents of District 5. Our address is 3343 Cambay Ave.

The reason for applying for the variance is because we need to add an addition to our main house. The variance is to allow an addition to the Main Dwelling Unit to be 22 ft. from the rear of the property in lieu of 25 ft. In addition, we are submitting letters of support from our neighbors and drawings of what we are planning to build.

- 1) **Special Conditions and Circumstances:** Currently the house has 1,410 sq. ft and we need to add an addition of approximately 728 sq. ft. We would like the exterior to be in concrete as the rest of the house. This addition would include an additional bedroom, bathroom, laundry room and living room. The height of the addition will be less than 20 ft in height and will remain as a one-story house. The addition to our house will allow us to enjoy the house at the fullest since we have 4 daughters and our house lacks a dining room at the moment.
- 2) **Not Self-Create:** We love our neighborhood and we will love to be able to make the extension so we can have all the space necessary to make this house our forever home. As mention before, we have letters from our closest neighbors, and they do not have any objections to our addition. They would love for us to have a more suitable home for our family.
- 3) **No Special Privilege Conferred:** We are keeping the outside of the addition almost the same as what we currently have with minimum changes to the outside look of the neighborhood houses.
- 4) **Deprivation of Rights:** Our addition will not impact the neighbors in a negative way. That's why they have signed their support to us.
- 5) **Minimum Possible Variance:** We are asking for 3 feet from the rear of the property line in this variance. The setback would be 22 ft. in lieu of 25 ft. In addition, as part of our research, we found that the properties that are R1 and were plotted after 1997 have a setback of 20 ft. Our house was plotted before 1997 and that is why the setbacks are 25 ft while in other properties zoned R1 it is 20 ft. Our request would make our setback more consistent with the homes that are zoned R1 and were plotted after 1997.
- 6) **Purpose and Intent:** As mention above this will allow our family to be comfortable and have enough space for everyone. My daughter will have her own room, we will have a designated space to do the laundry and an additional bathroom which is needed for our family size.

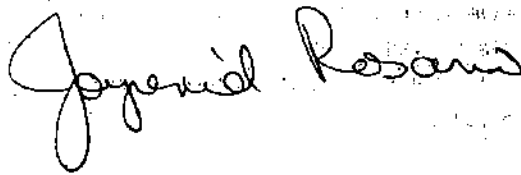
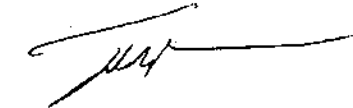
COVER LETTER PAGE 2

The extension will be 56' by 13' that space will be make our family our dream home. Thank you for considering our request to make this house our forever home.

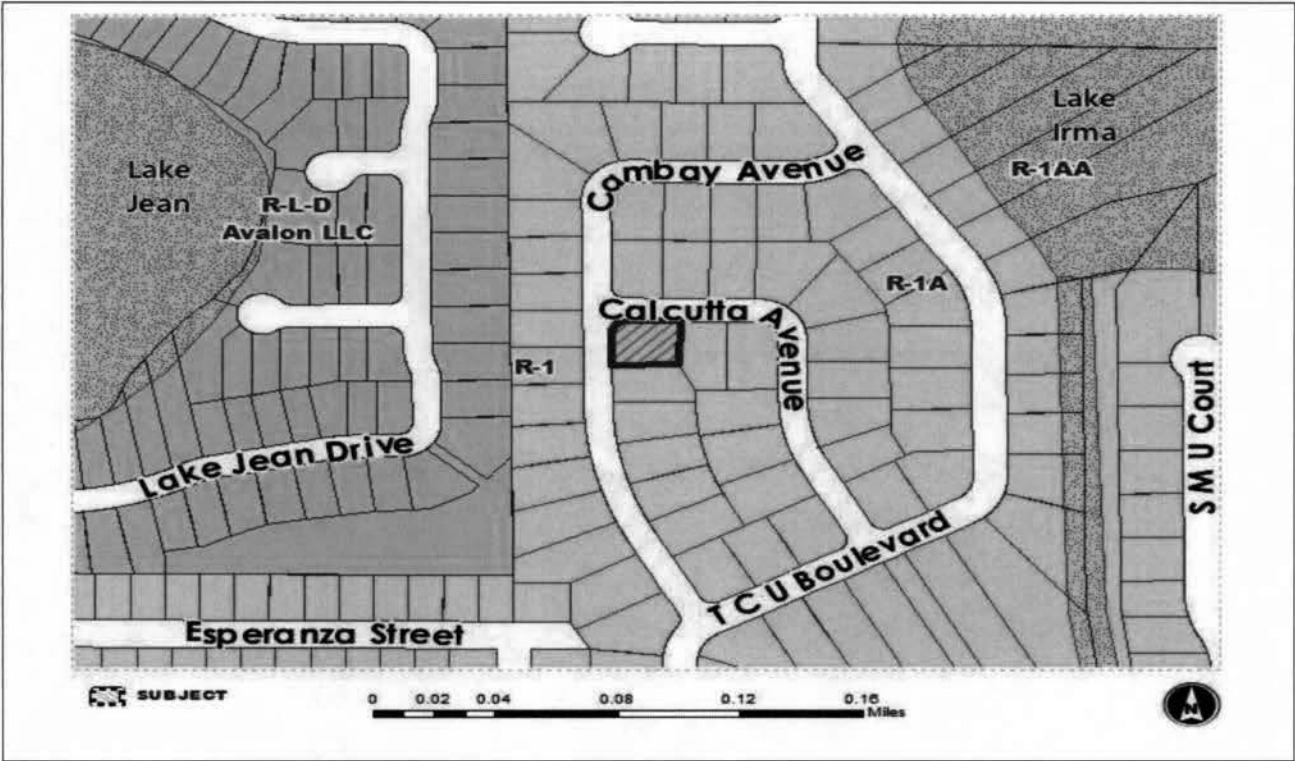
If you have any questions, we can be reached at (321) 231-9774 or email joycenid@yahoo.com.

Sincerely,

Teddy R. and Joycenid Rosario



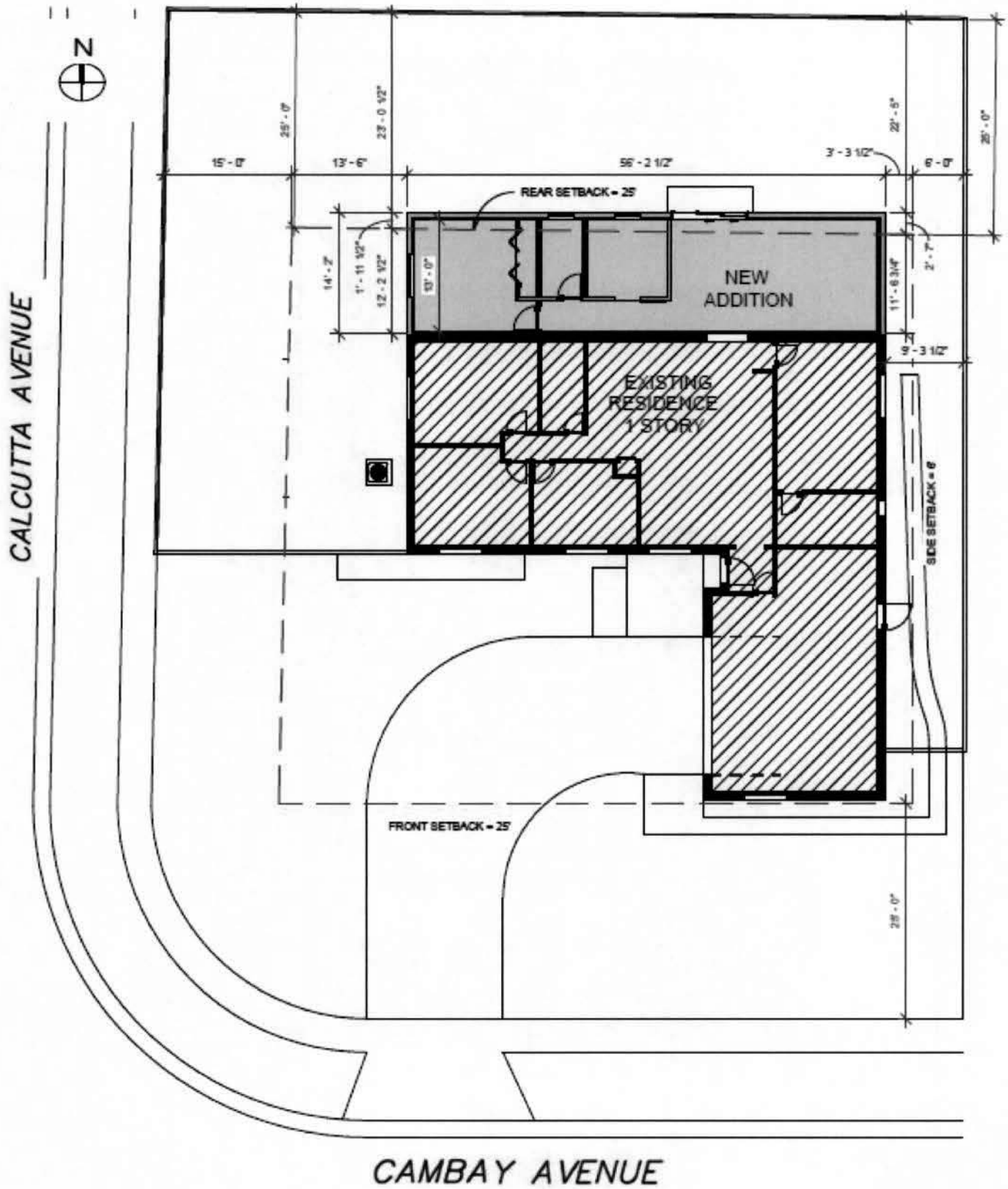
ZONING MAP

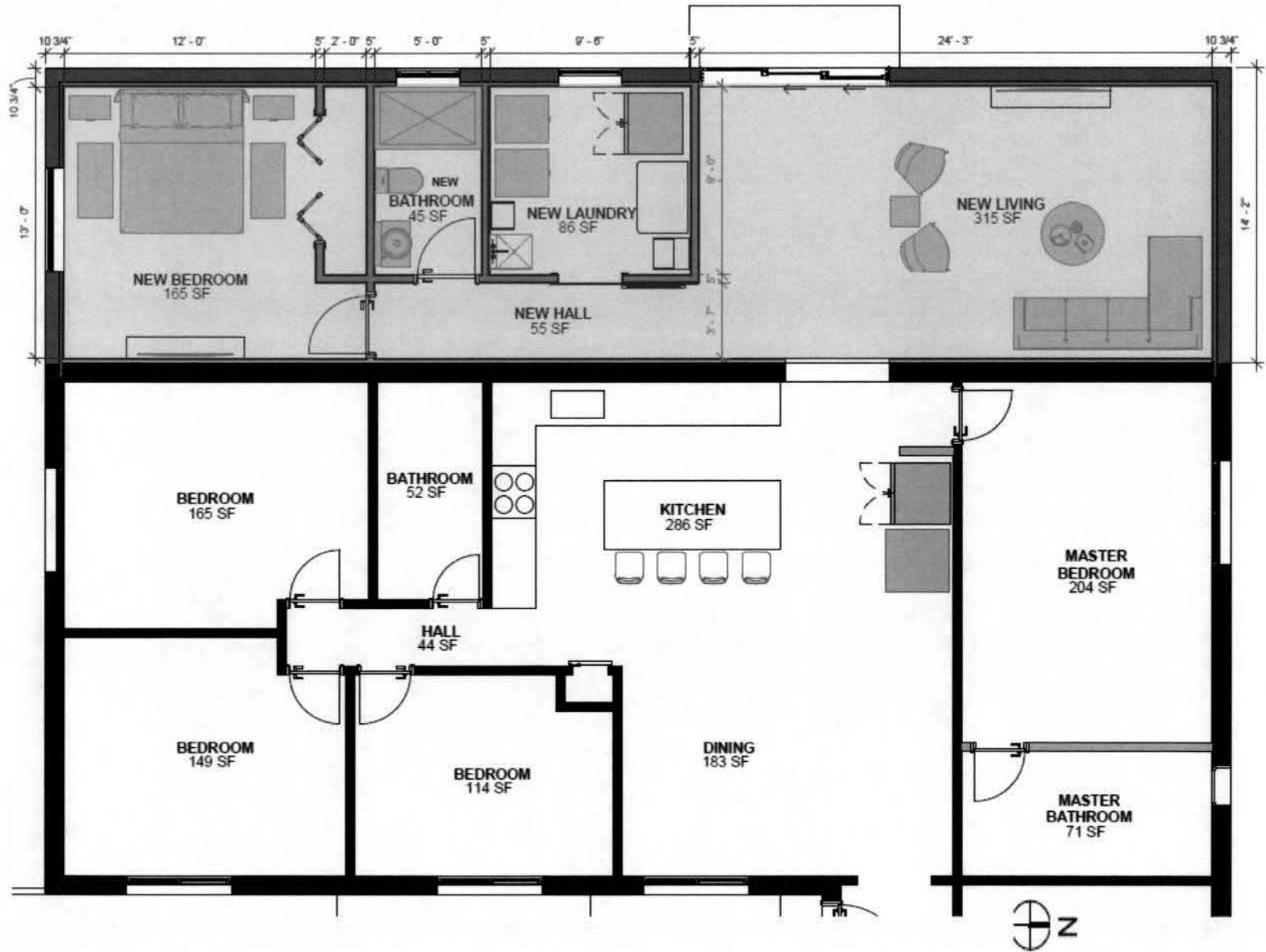


AERIAL MAP



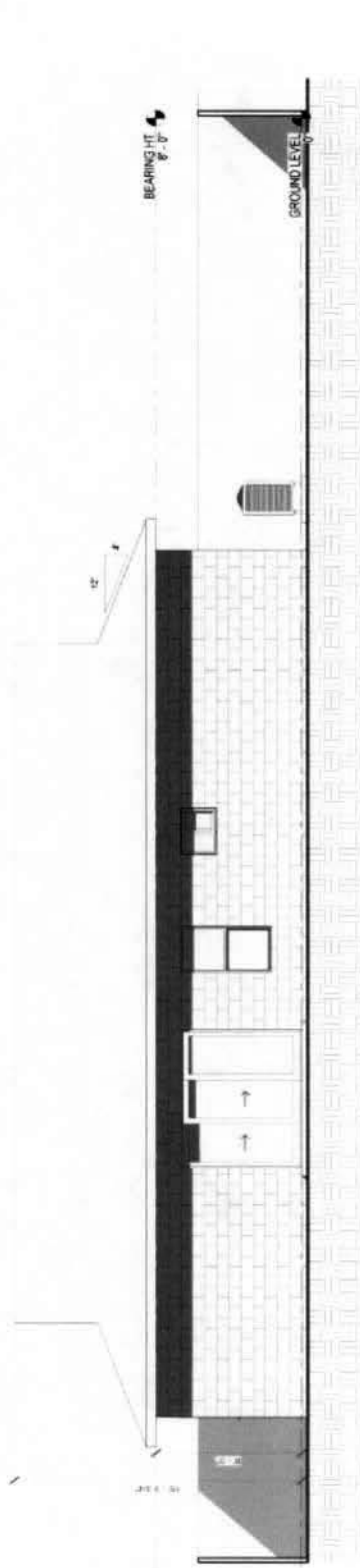
SITE PLAN



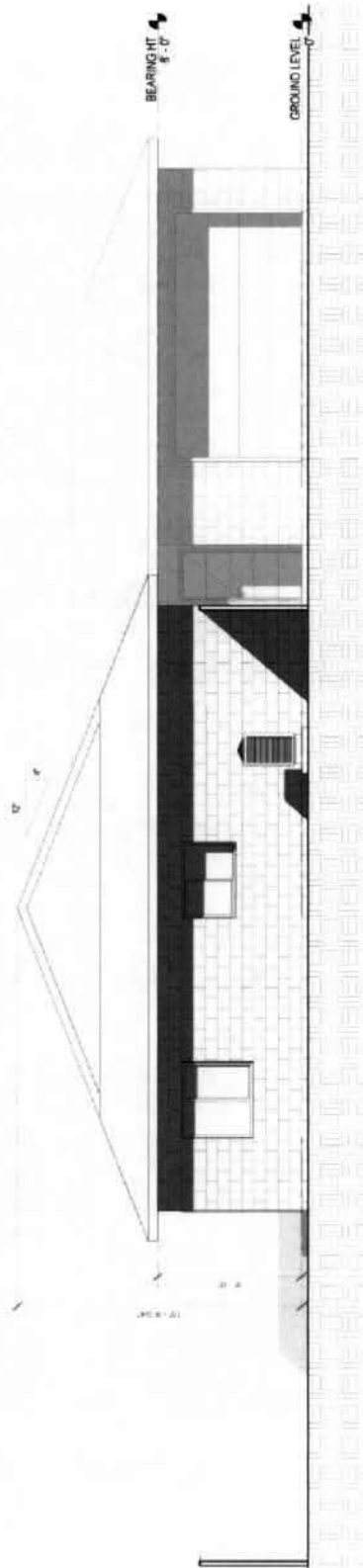


PARTIAL FLOOR PLAN

PROPOSED ELEVATIONS



3 NORTH ELEVATION
1/4" = 1'-0"



4 WEST ELEVATION
1/4" = 1'-0"

SITE PHOTOS



Front from Cambay Ave.



Location of addition in rear yard, looking south

SITE PHOTOS



Location of addition in rear yard, looking north



Neighbors side yard setback at 3361 Calcutta Ave.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **SEP 03, 2020**

Case Planner: **Nick Balevich**

Case #: **VA-20-09-087**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): JUSTICE AND WOOD BUILDERS (BILL WOOD)

OWNER(s): JUSTICE DEVELOPMENT PARTNERS INC

REQUEST: Variance in the R-2 zoning district to allow a 10 ft. north side setback from the Normal High Water Elevation (NHWE) in lieu of 50 ft.

PROPERTY LOCATION: 2303 S. Shine Avenue, Orlando, Florida, 32806, east side of S. Shine Ave., south side of E. Grant St., and west side of S. Fern Creek Ave.

PARCEL ID: 01-23-29-8052-01-010

LOT SIZE: 1.04 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 187

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

1. Development shall be in accordance with the site plan dated July 30, 2020, 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.
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 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 is no closer than 10 feet from the Normal High Water Elevation (NHWE) of Silver Lake.

SYNOPSIS: Staff briefly presented information covering the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval. Staff noted that two (2) comments were received in support and no comments were received in opposition.

The applicant agreed with the staff recommendation and had nothing to add to the staff presentation.

The BZA asked clarifying questions to confirm the NHWE setback and the recent timing of events that lead to the current setback requirement.

There was one (1) person in attendance that spoke on the project, stating that he had no objection to the side setback, but was concerned about maintenance of the property and the lake. There was no one else in attendance to speak in favor or in opposition to the request.

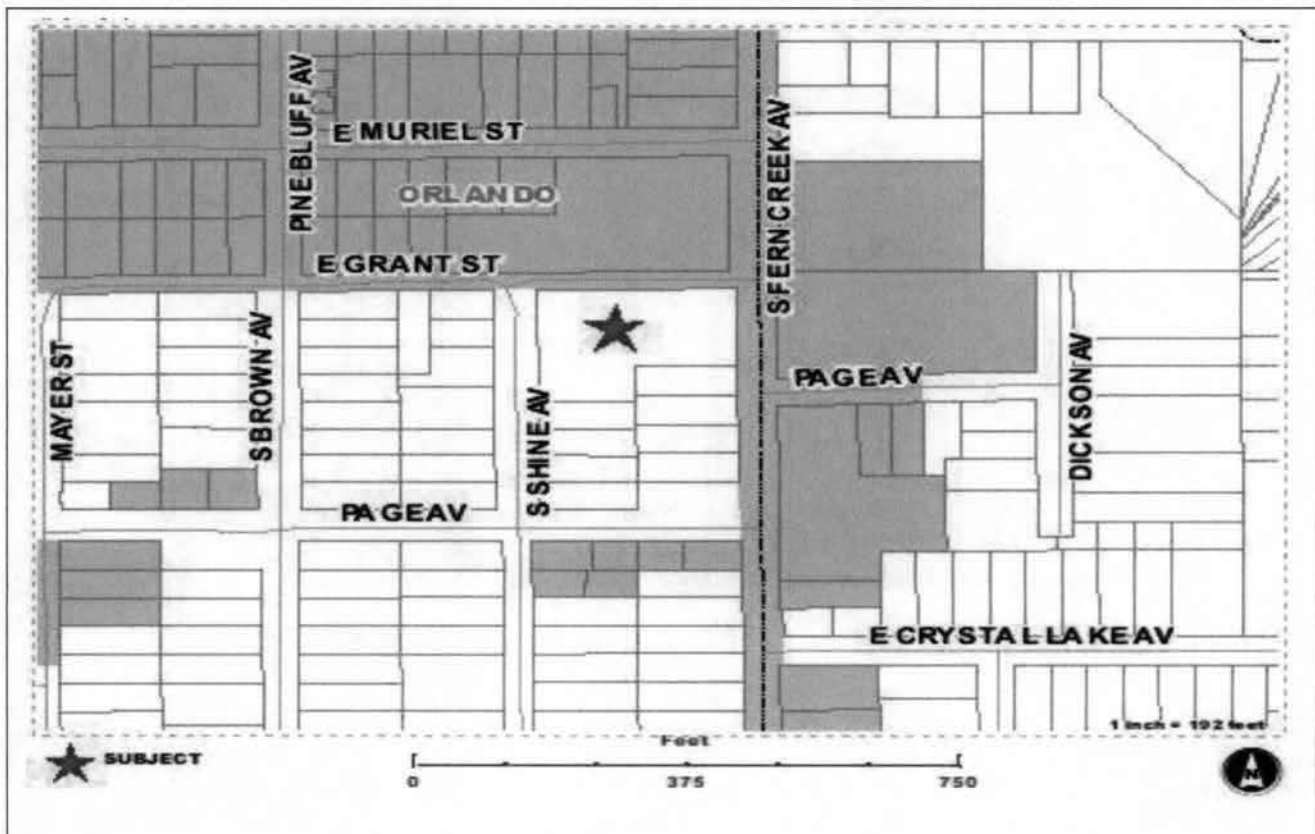
The applicant responded and stated that their intention is to build one home, clean up the lake, and maintain the property.

The BZA unanimously recommended approval of the variance, subject to the four (4) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | Property | North | South | East | West |
|-----------------|----------|-----------------------|---------------------------------|-----------------------|-------------------------|
| Current Zoning | R-2 | City of Orlando | R-2 | City of Orlando | R-2 |
| Future Land Use | LMDR | City of Orlando | LMDR | City of Orlando | LMDR |
| Current Use | Vacant | Religious institution | Single-family residence, vacant | Religious institution | Single-family residence |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-2, Residential zoning district, which allows single-family homes, multifamily development, and associated accessory structures.

The area consists of single-family homes to the south and west, and religious facilities to the north and east in City of Orlando. The subject property is a 1.04 acre lot that was platted in 1927, as part of the Silverdawn Plat. It is considered to be a conforming lot of record. There was previously a home on the property that was demolished in 2007, and the property is currently vacant. The applicant purchased the property in 2019.

The lot is a through corner lot that has frontage on 3 streets, S. Shine Avenue, S. Ferncreek Avenue, and E. Grant Street (which is unimproved). The proposed home will front on S. Shine Avenue.

In 2019, a Conservation Area Determination (CAD) was completed by the Environmental Protection Division for this property. As a result of the CAD, a Normal High Water Elevation (NHWE) was established for Silver Lake, which triggers a 50 foot building setback requirement from the NHWE.

The applicant is requesting a variance to construct a home on the property 10 feet from the NHWE (side setback to the north). The majority of the lot is covered by Silver Lake, and only the south-west portion of the lot (approximately 57 feet) is upland, which is where the home is proposed. It would not be possible to build on this lot and meet the 50 foot NHWE setback and other setbacks without a variance. All other setbacks for the home are being met.

The applicant has submitted 2 letters of no objection from property owners south of the subject property.

District Development Standards

| | Code Requirement | Proposed |
|-----------------|------------------|----------------|
| Max Height: | 35 ft. | 26 ft. |
| Min. Lot Width: | 45 ft. | 136 ft. |
| Min. Lot Size: | 4,500 sq. ft. | 45,231 sq. ft. |

Building Setbacks (that apply to structure in question) (Measurements in feet)

| | Code Requirement | Proposed |
|--------|------------------|-------------------------------|
| Front: | 25 ft. | 25 ft. (West) |
| Rear: | 25 ft. | 38 ft. (East) |
| Sides: | 6 ft. | 6 ft. (South), 10 ft. (North) |
| NHWE: | 50 ft. | 10 ft. (North) |

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The majority of the lot is covered by Silver Lake, with only the south-west 57 feet of the lot being useable, thus the 50 foot NHWE setback renders the lot undevelopable without a variance. This is due to a Conservation Area Determination (CAD) that was completed in 2019, which established a Normal High Water Elevation (NHWE) for Silver Lake, which triggered a 50 foot building setback requirement from the NHWE. This is a special condition and circumstance.

Not Self-Created

The current owners are not responsible for the configuration of the lot and the narrow, useable, upland portion of the lot since they purchased the property in 2019.

No Special Privilege Conferred

The 50 foot NHWE setback renders the lot undevelopable without a variance, since the upland portion of the site consists of a narrow portion of the overall property.

Deprivation of Rights

Literal interpretation of the code will deprive the applicant of the right to develop the property. Since construction of a new residence while meeting all side setbacks to replace the previously demolished house is not possible without a NHWE variance.

Minimum Possible Variance

This is the minimum possible variance to allow the applicant to develop the property. Since the owners have no other options to construct a replacement residence without leaving the property vacant.

Purpose and Intent

Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood. Since the size and design of the proposed new residence is compatible with adjacent properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated July 30, 2020, 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.
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 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 is no closer than 10 feet from the Normal High Water Elevation (NHWE) of Silver Lake.

C: Bill Wood
6965 Piazza Grande Ave., Suite 205
Orlando, FL 32835

COVER LETTER

Justice Development Partners, Inc.
14127 Anastasia Lane
Orlando, FL 32828
407-924-4269

July 13, 2020
Re: 2303 S Shine Avenue Variance Request

To Whom It May Concern:

This letter is in regard to the variance request for a setback at 2303 S Shine Avenue, Orlando, FL (Parcel ID 01-23-29-8052-01-010, Permit #B20006498).

Recently, while applying for a building permit for a new 2852 SF single family residence (40' wide by 72' deep) at the subject property, we were informed by the zoning department that a variance would be required for the non-conforming setback on the left side of the proposed building envelope. Zoning cited a 50' setback requirement from a lake instead of the standard 6'. As currently proposed, the home would sit 10.6' from the high water line at its closest point, 6' from the right property line, 25' from the front property line, and 47.85' from the rear property line. The proposed structure will be 26' high. We believe the 50' setback requirement in this particular instance is unnecessary and burdensome due to the following reasons:

1. The property immediately to the rear, 2304 Fern Creek, was granted a permit only one year ago, and is within a similar distance of the body of water as we are proposing; this request is not a special privilege as 2304 Fern was granted acceptance by Zoning without a variance at all and denying this request would make 2304 Fern Creek a special privilege. In addition, it would be a deprivation of rights as 2304 Fern Creek enjoys the very usage we are requesting.
2. The denial of this request would pose an undue hardship on the land as without being able to construct a home would make the property useless and valueless. As property has been designated by Orange County as "Residential", denial of our request for variance would limit the width of any new structure to 10' wide or less.
3. The variance being requested is the distance needed to effectively build a new, useable structure, is a reasonable use of the property (in fact, its original intent), and would conform in placement, size, and height for any other property.
4. Environmental Protection has already approved the placement of the house and devised an agreed-upon landscape buffer.
5. Orange County Property Appraiser has deemed the water feature as a "Private Pond". The body of water in question is not an actual natural lake but a runoff reservoir for Fern Creek and Orange County has drainage outlets installed to prevent a rise in water level; these pipes should have made any adjustment to the high water mark unnecessary.
6. There was a house on the lot previously, thus allowing a like-kind replacement.
7. The proposed foundation will be 1'-0" higher than the 100 year flood line.
8. The high water mark change was made during our due diligence and we were not notified (nor the then-owner).
9. The lot was platted prior to 1982, which makes an exception to the rule.
10. During our due diligence, we received verbal confirmation from a Zoning employee named Pearl on December 4, 2019 providing setback distances of 25' in the front and rear and 6' on both sides.
11. The proposed structure conforms to the area in nature, is not burdensome to the community or the property itself, and will raise surrounding property values and therefore tax revenue.

Thank you very much for your time and attention to this very important matter.

Sincerely,

Charles Justice

Charles Justice
Justice Development Partners, Inc.

COVER LETTER PAGE 2

**Justice Development Partners, Inc.
14127 Anastasia Lane
Orlando, FL 32828
407-924-4269**

To Whom It May Concern:

This letter is regarding the variance request for a setback at 2303 S Shine Avenue, Orlando, FL (Parcel ID 01-23-29-8052-01-010, Permit #B20006498).

VARIANCE CRITERIA

Section 30-43 (3) of the Orange County Code stipulates specific standards for the approval of variances. No application for a zoning variance will be approved unless the Board of Zoning Adjustment finds that 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 a proposed zoning variance.

1. **Orange County Property Appraiser has deemed the water feature as a "Private Pond"**. The body of water in question is not an actual natural lake but a runoff reservoir for Fern Creek and Orange County has drainage outlets installed to prevent a rise in water level; these pipes should have made any adjustment to the high water mark unnecessary. The body of water is also not recognized as an actual lake – according to the Unincorporated Orange County Lake Index.

2. **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed 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.

2. There was a house on the lot previously, thus allowing a like-kind replacement

3. **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

3. The variance being requested is the distance needed to effectively build a new, useable structure, is a reasonable use of the property (in fact, its original intent), and would conform in placement, size, and height for any other property.

COVER LETTER PAGE 3

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 property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

4. The property immediately to the rear, 2304 Fern Creek, was granted a new SFR building permit only one year ago, and is within a similar distance of the body of water as we are proposing; this request is not a special privilege as 2304 Fern was granted acceptance by Zoning without a variance at all and denying this request would make 2304 Fern Creek a special privilege. In addition, it would be a deprivation of rights as 2304 Fern Creek enjoys the very usage we are requesting.

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.

5. The denial of this request would pose an undue hardship on the land as without being able to construct a home would make the property useless and valueless. As the property has been designated by Orange County as "Residential", denial of our request for variance would limit the width of any new structure to 10' wide or less.

6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

6. The proposed structure conforms to the area in nature, is not burdensome to the community or the property itself, and will raise surrounding property values and therefore tax revenue. It is currently zoned as R-2 and this project conforms with that designation. In addition, the County values this property at \$50,000 which, if unbuildable, makes this property worth nothing.

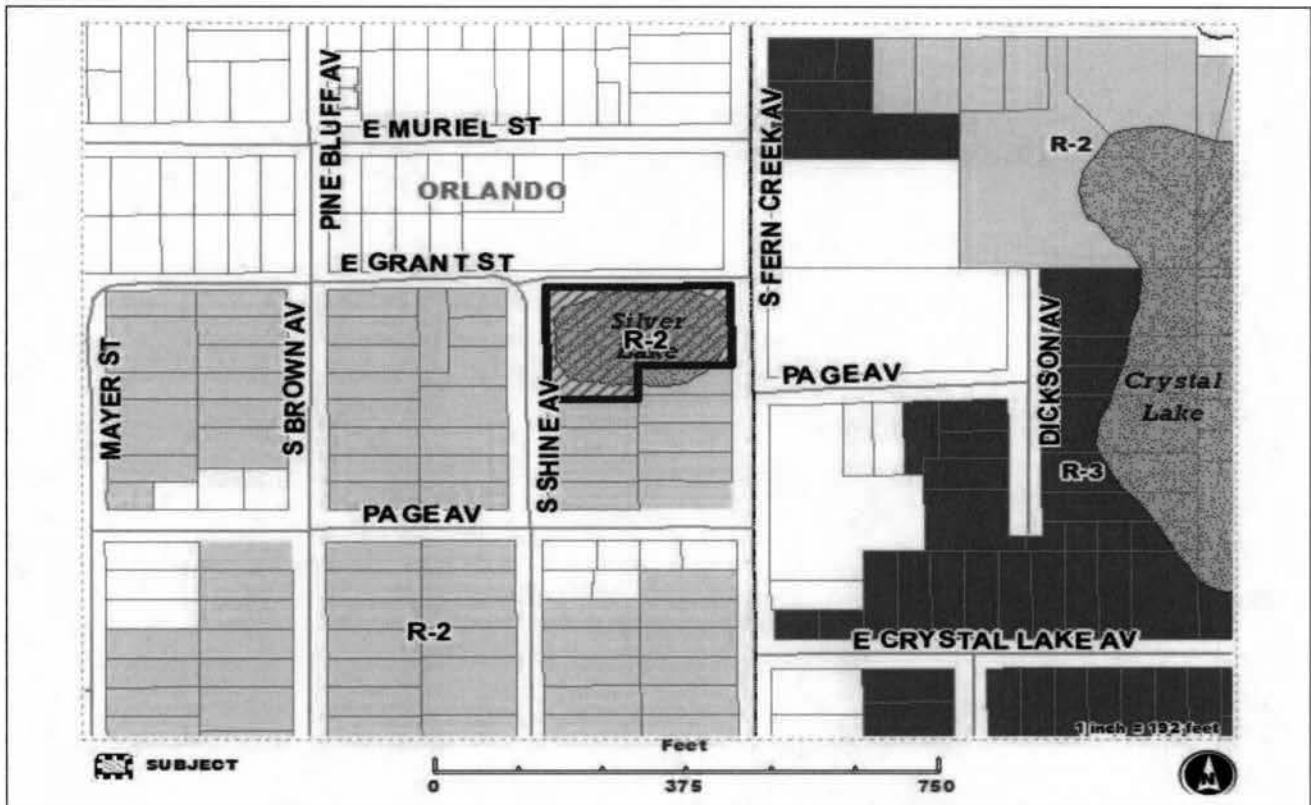
Thank you very much for your time and attention to this very important matter.

Sincerely,

Charles Justice

Charles Justice
Justice Development Partners, Inc.

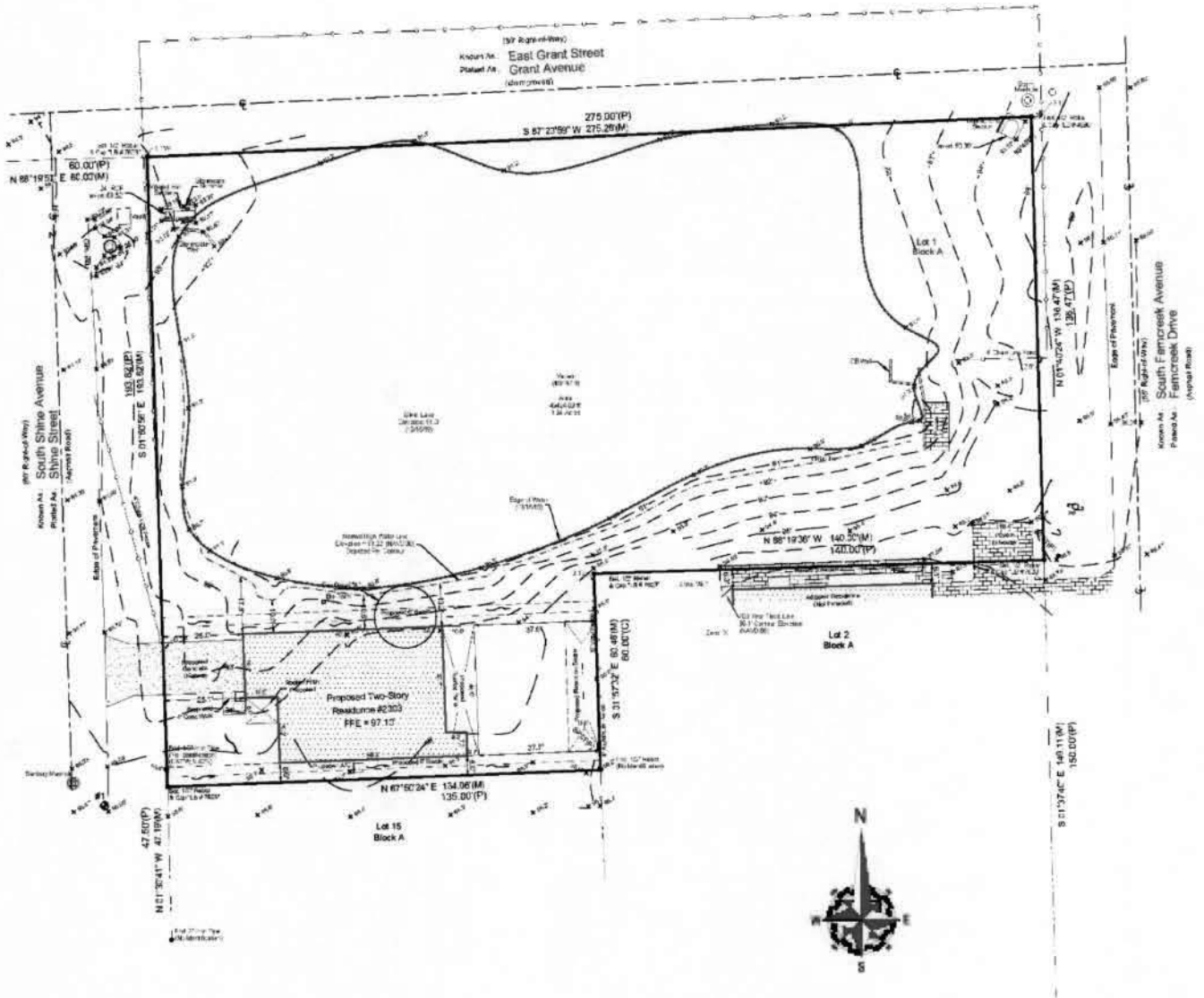
ZONING MAP



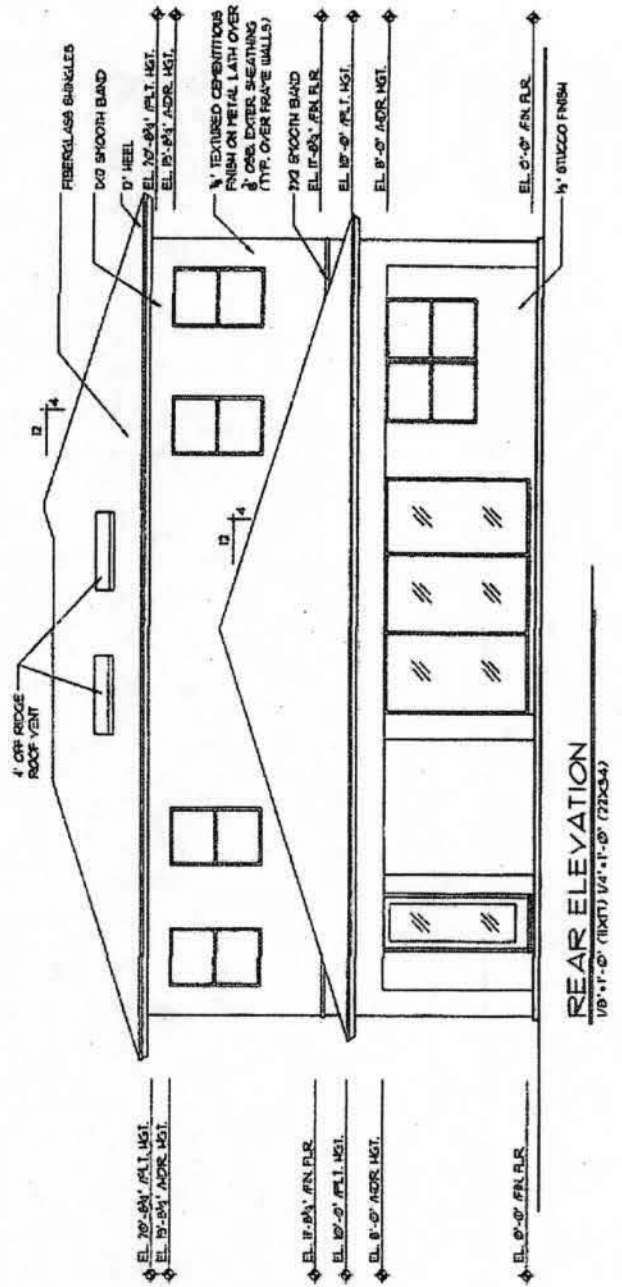
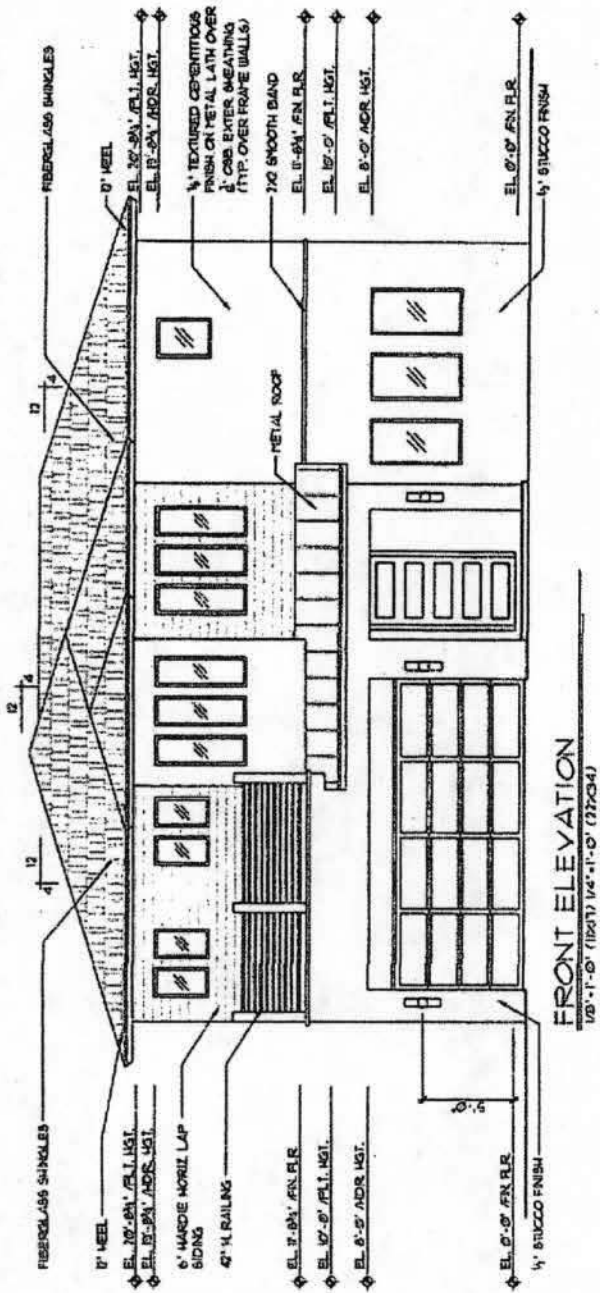
AERIAL MAP



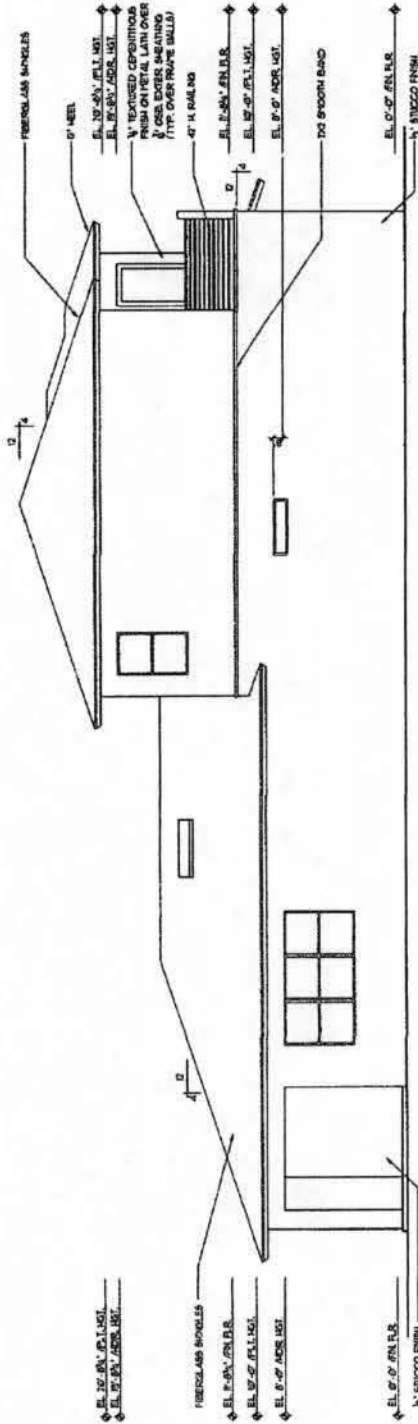
SITE PLAN



ELEVATIONS

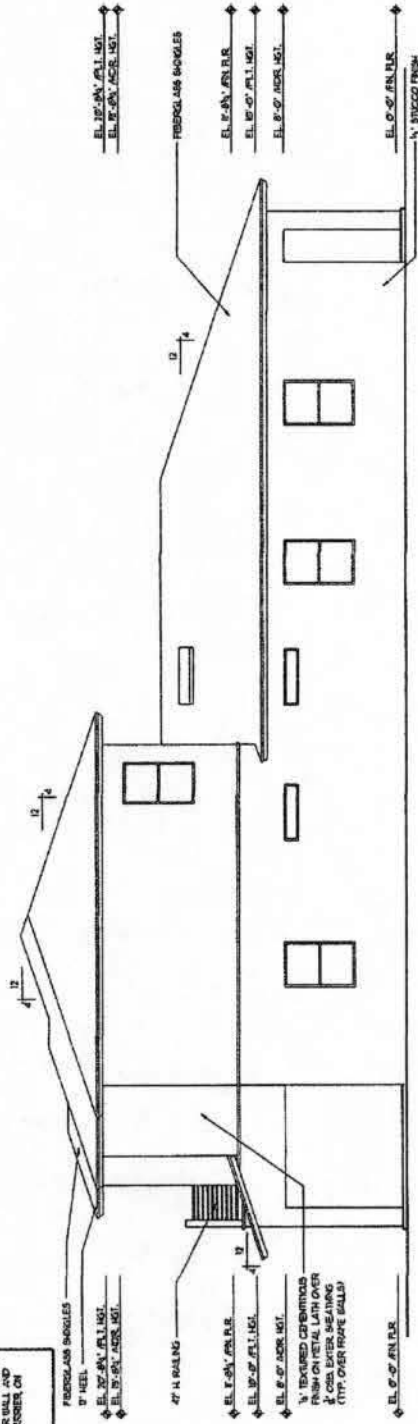


ELEVATIONS



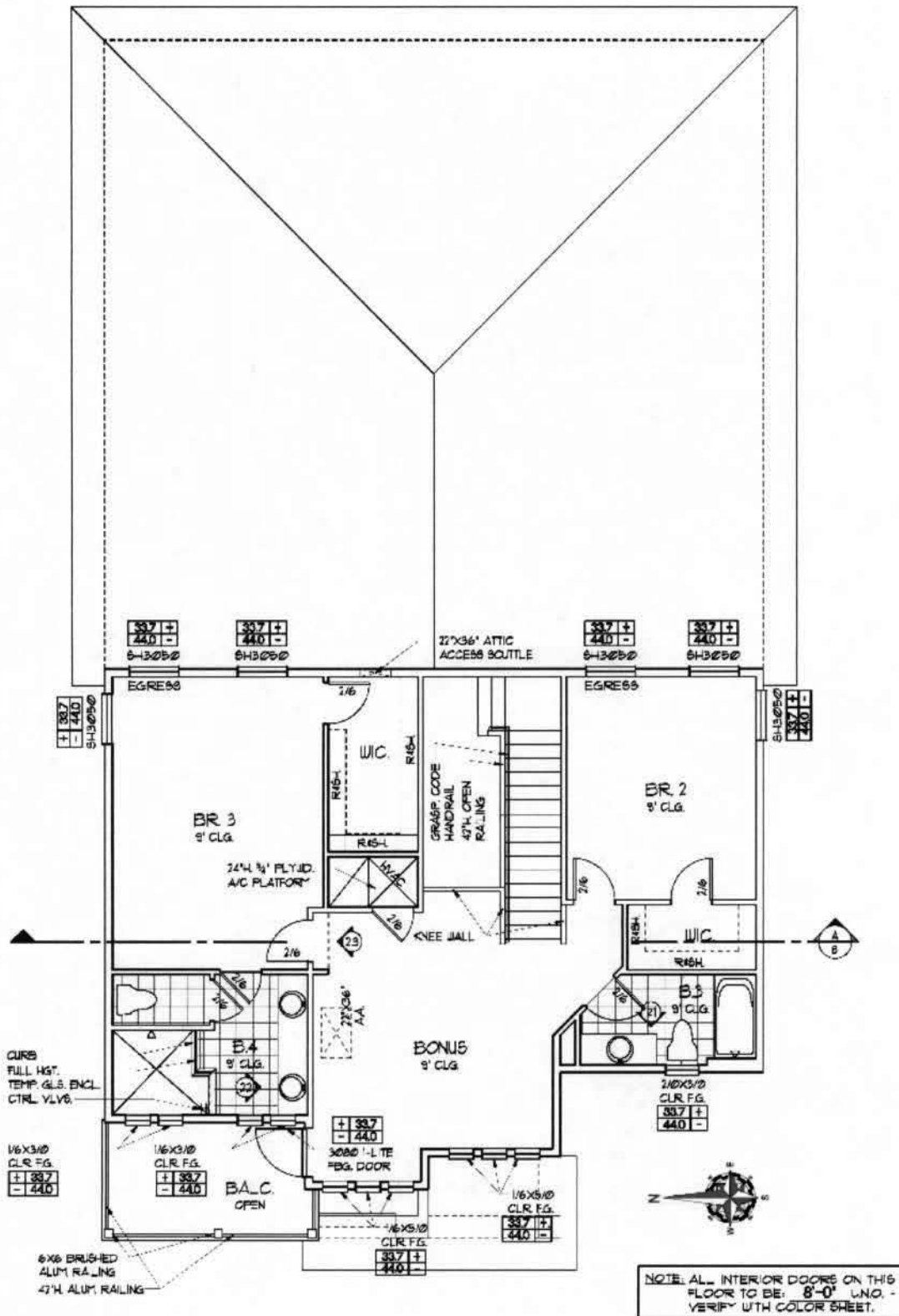
LEFT ELEVATION
10'-11" @ 1/8"=1'-0" (722041)

- EXTERIOR FINISH NOTES**
1. LATH IS TO BE INSTALLED AS REQUIRED OF THE 6TH EDITION (BOOK 201)
 2. PLASTERING TO BE WITH PORTLAND CEMENT, INSTALLED AS REQUIRED OF THE 6TH EDITION (BOOK 201)
 3. KEEP WORK TO BE INSTALLED AS REQUIRED OF THE 6TH EDITION (BOOK 201)
 4. WATER RESISTANT BARRIER TO BE INSTALLED AS REQUIRED OF THE 6TH EDITION (BOOK 201)
 5. TOP GUTTER, WALL AND ROOF FLASHINGS MUST BE INSTALLED AS REQUIRED OF THE 6TH EDITION (BOOK 201) AND WATER RESISTANT BARRIER ON EXTERIOR WALLS AND ROOF.



RIGHT ELEVATION
10'-11" @ 1/8"=1'-0" (722041)

SECOND FLOOR PLAN



SITE PHOTOS



Front from S. Shine Ave. facing east



Proposed house location from south

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **SEP 03, 2020**

Case Planner: **Nick Balevich**

Case #: **SE-20-10-088**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): ITAY GUY

OWNER(s): BOGGAN GLADYS M TR, BOGGAN PAMELA ANN TR

REQUEST: Special Exception and Variance in the R-2 zoning district as follows:

1) Special Exception to allow a 2-story multi-family development to be located within 100 ft. of the property line of a single-family dwelling district and use, as follows: 30 ft. from the west property line in lieu of 100 ft.; 39.9 ft. from the south property line in lieu of 100 ft.; 86 ft. from the east property line in lieu of 100 ft.; 15 ft. from the north property line in lieu of 100 ft.

2) Variance to allow a 15 ft. side setback from the north property line in lieu of 30 ft.

PROPERTY LOCATION: 2250 S. Bumby Avenue, Orlando, Florida, 32806, west side of S. Bumby Ave., north of E. Grant Ave.

PARCEL ID: 06-23-30-1428-00-020, 06-23-30-1428-00-030 and 06-23-30-1428-00-040

LOT SIZE: 190 ft. x 300 ft./1.32 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 137

DECISION: Recommended **APPROVAL** of 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, **APPROVAL** of 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: (5 in favor, 1 opposed, and 1 absent):

1. Development shall be in accordance with the site plan and elevations dated August 13, 2020, 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.

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. The three (3) Parcels must be combined prior to permitting. (06-23-30-1428-00-020, 06-23-30-1428-00-030 and 06-23-30-1428-00-040).
5. In order to provide privacy, evergreen trees shall be planted along the north and south property lines at intervals of 25 foot on center to supplement landscape code requirements.
6. Any fencing proposed along S. Bumby Avenue shall not exceed 4 feet in height if opaque, or 6 feet in height if fencing is aluminum, picket or similar. Pedestrian access gates shall be provided for each of the units facing S. Bumby Avenue for Buildings 1, 2 and 3.

SYNOPSIS: Staff described the property, noting that the existing single-family residences would be demolished, and provided an overview covering the location of the property, the proposed site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for the recommendations. Staff noted that two (2) comments were received in support and a total of seven (7) comments were received in opposition.

The applicant added to the staff presentation, stating that the owner proposes to utilize the site for up to 13 dwelling units, designed to be compatible with single-family residences, for the provision of much needed affordable infill opportunities rather than the provision of single-family homes. The applicant also discussed required site work improvements, such as the installation of a lift station for sewer, and his support for the proposed condition that requires additional trees to be installed in the north and south buffer. The applicant also noted that the variance is only for the north side of the property, and that site's drainage limitations would not allow them to shift the improvements further south as that would reduce or negate the need for the variance.

There was no one in attendance to speak in favor to the request and there were two (2) people in attendance that spoke in opposition to the project. The opposition cited concerns pertaining to traffic, close proximity to homes, landscaping and drainage.

The applicant stated that site retention has been designed by a civil engineer and site runoff has been designed to outfall into the retention area. He also stated that the perimeter will be fenced off with privacy fencing with the provision of the additional landscaping.

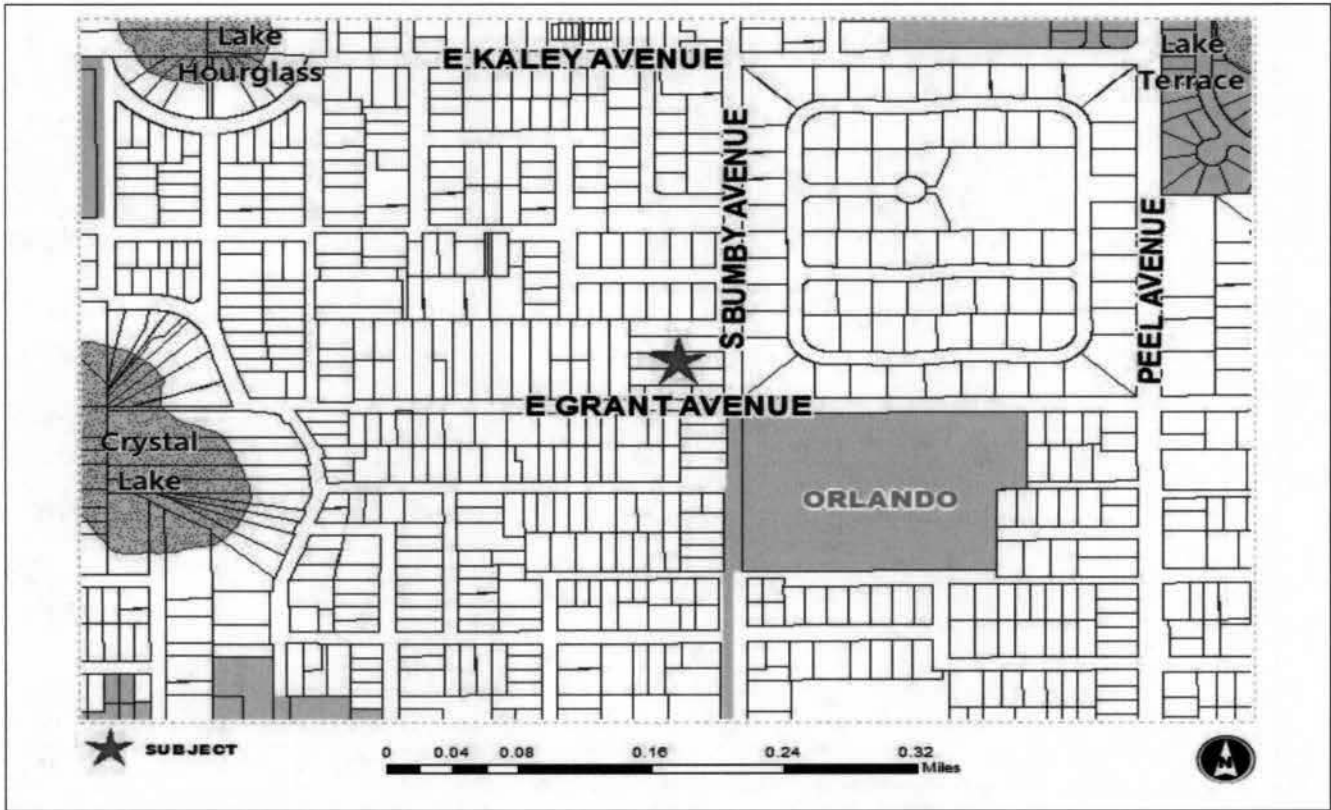
The BZA discussed the proposed project, confirmed the property was not in a flood zone, and inquired about the location and design of other multi-family developments in the area. The BZA opined that the special exception cannot be recommended for approval without recommending approval of the variance.

The BZA recommended approval of the requested special exception and variance by a 5-1 vote, subject to the six (6) conditions in the staff report and the deletion of condition #7.

STAFF RECOMMENDATIONS

Approval of the Special Exception, subject to the conditions in this report, and denial of the variance, however, should the BZA find that the applicant has satisfied the criteria necessary to grant a variance, staff recommends that the approval be subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | Property | North | South | East | West |
|-----------------|---------------------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| Current Zoning | R-2 | R-2 | R-2 | R-2 | R-2 |
| Future Land Use | LMDR | LMDR | LMDR | LMDR | LMDR |
| Current Use | Vacant, Single-family residence | Single-family residence | Single-family residence | Single-family residence | Single-family residence |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is located in the R-2, Residential zoning district, which allows single-family homes, multifamily development, and associated accessory structures.

The subject property is a 1.32 acre parcel that consists of 3 combined lots that were platted in 1923, as part of the Cloverdale Subdivision Plat, and is considered to be a conforming lot of record. The property currently contains 2 single family homes, built in 1925 and 1950. The area consists of single family homes in the immediate vicinity, and apartments to the southwest and multi-family units further north.

The applicant is proposing to demolish the two existing houses and construct a 13 unit multi-family development, consisting of 5 duplex buildings and one triplex, with a 2-car garage for each unit, for a total of 26 parking spaces. Each of the buildings will be 27.3 ft. in height, and 2 stories. The property will have 2 vehicular ingress/egress points on Bumby Avenue, as well as sidewalk connections to the buildings fronting on Bumby Avenue. The site is designed to allow residents to place their trash cans along the internal driveways, which allows trucks to enter and exit the site for trash pickup. The buildings are proposed to be 30 ft. from the west property line, 39.9 ft. from the south property line, 86 ft. from the east property line, and 15 ft. from the north property line, all of which abut single family uses and districts. Orange County Code requires multifamily residential buildings in excess of 1 story to be 100 ft. from any single family district and use. The Code allows the applicant to apply for a Special Exception to be less than 100 ft. in this situation.

The proposed layout also requires a variance for the proposed 15 ft. side setback from the north property line, where a 30 ft. setback is required when 4 dwelling units or more abuts a single-family residential district.

The applicant has provided 2 correspondences in favor of the application from adjacent property owners to the north and west.

District Development Standards

| | Code Requirement | Proposed |
|-----------------|------------------|-------------------------|
| Max Height: | 35 ft. | 27.3 ft. |
| Min. Lot Width: | 85 ft. | 190 ft. |
| Min. Lot Size: | 15,000 sq. ft. | 57,059 sq. ft., 1.32 ac |

Building Setbacks (that apply to structure in question) (Measurements in feet)

| | Code Requirement | Proposed |
|--------|------------------|----------------------------------|
| Front: | 20 ft. | 20 ft. (East) |
| Rear: | 30 ft. | 30 ft. (West) |
| Side: | 30 ft. | 15 ft. (North), 39.9 ft. (South) |

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The Future Land Use is Low Medium Density Residential and with approval of the special exception, the project will be consistent with the Comprehensive Plan. The Orange County Comprehensive Plan encourages infill development. The Future Land Use allows for a density of 10 dwelling units per acre. The applicant is proposing 13 units on a 1.32 acre site for a density of 9.8 dwelling units per acre.

Similar and Compatible with the Surrounding Area

The scale and massing of the proposed buildings are designed to be similar to scale and massing of a single-family home. Beyond the abutting properties, there are multi-family uses to the north and southeast and the proposed development will be compatible with residences in the surrounding area.

Shall Not Act as a Detrimental Intrusion into a Surrounding Area

Due to the proposed architectural design, as well as the proposed landscaping and buffers, the proposal will not be a detrimental intrusion to the surrounding area. The nearest building will be located over 21 feet from the closest adjacent single-family residence; however, the vast majority of the buildings are much farther from adjacent residences.

Meet the performance standards of the district

The development as proposed will meet the performance standards of the district with the exception of the requested variance for the north setback. With a redesigned site plan to meet the required setbacks, the development would meet the performance standards.

Similar in Noise, Vibration, Dust, Odor, Glare, Heat Producing

The characteristics and impacts of the multi-family residential development, as designed, is consistent with the surrounding uses in the area.

Landscape Buffer Yards Shall be in Accordance With Section 24-5 of the Orange County Code

The applicant has provided a landscaping plan, which addresses perimeter landscaping in compliance with Section 24-5 of Orange County Code.

VARIANCE CRITERIA**Special Conditions and Circumstances**

There are no special conditions and circumstances, as the development could have been designed in a manner that would not require any variances from the 30 ft. side setback.

Not Self-Created

The need for the variance is self-created and does result from the applicant proposing a reduced setback on the north side.

No Special Privilege Conferred

Approval of the variance as requested will confer special privilege that is denied to other properties in the same area and zoning district, as the applicant could redesign, utilizing a conforming design, meeting the setback requirement.

Deprivation of Rights

The applicant is not being deprived of the right to develop the property.

Minimum Possible Variance

The request is not the minimum possible variance that would facilitate development of the site.

Purpose and Intent

Although the request is compatible in design and scale with nearby development, the applicant has other available options to lessen or negate the need for the variance.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated August 13, 2020, as modified by these conditions of approval. 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.
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. The 3 Parcels must be combined prior to permitting. (06-23-30-1428-00-020, 06-23-30-1428-00-030 and 06-23-30-1428-00-040).
5. In order to provide privacy, evergreen trees shall be planted along the north and south property lines at intervals of 25 foot on center to supplement landscape code requirements.
6. Any fencing proposed along S. Bumby Avenue shall not exceed 4 feet in height if opaque, or 6 feet in height if fencing is aluminum, picket or similar. Pedestrian access gates shall be provided for each of the units facing S. Bumby Avenue for Buildings 1, 2 and 3.
7. The site plan shall be revised to meet all required building setbacks.

C: Itay Guy
687 Harold Ave.
Winter Park, FL 32789

COVER LETTER

7/15/2020

Att: Board of Zoning Adjustment, Orange County, Florida

Re: Address: 2250, 2254 & 2256 S Bumby Ave. Orlando, FL 32806
Parcel ID's: 06-23030-1428-00-020 | 06-23-30-1428-00-030 | 06-23-30-1428-00-040

We are requesting BZA for a Special Exception to allow construction in the R-2 Zoning District of two-story Multifamily (5 Duplexes & 1 Triplex) Units located within 100ft. of a property line of a Single Family Residential Use on the parcels above as follows:

1. 30' from the west property line in lieu of 100'.
2. 39.9' from the south property line in lieu of 100'
3. 86' from the east property line in lieu of 100' (Property is across the street from S. Bumby Ave)
4. 15' from north property line in lieu of 100'

In addition, we are requesting a Variance to allow this multi-family construction with a side setback of 15' in lieu of the required 30' (north side).

The Subject Parcels are currently zoned R-2 and the Future Land Use is low-Medium Density. The total size of the 3 parcels combined is 1.310 Acres, which will allow construction of up to 13 DU's. We plan on constructing 5 Duplex Buildings and one Triplex building with each of the buildings being two-story building. Each unit will have it's own 2-car garage and a Curbside trash pick up is planned for.

Currently there is a single-family home on 2250 S Bumby Ave, a single-family home on 2254 S Bumby Ave, and 2256 S Bumby Ave is a Vacant Parcel.

The Subject Lots & Surrounding lots are all in an R-2 or R-3 Multifamily District, but Single-Family homes were built on the lot to the north of 2250 S Bumby, and on the 3 lots south of 2256 S Bumby Ave. Directly across the street from Subject Parcels, along the east side of S Bumby Ave. is Porter Place Subdivision with multiple 2-story homes. To the West of the Subject Parcels, on 2123 E Grant Ave also is a 2 story home. On the South East Corner of S Bumby Ave and Grant is a 200 unit, two-story, "Celano" apartment complex.

The proposed development and design meets the Six Special Exception Criteria as follows:

1. **The proposed design is consistent with the comprehensive Policy Plan.** The Future land use of this site is showing low-medium density on the County's future land use map, which will allow this R-2 property's zoning to be consistent with it's designation.
2. **The use shall be similar and compatible with surrounding area and shall be consistent with the pattern of surrounding development.** The proposed multifamily development is for a residential use similar to the current homes on the site and the surrounding properties. With the 2-story Apartment complex located on the southeast corner of S. Bumby Ave and Grant, which has been built in 1972 and multiple two story homes built to the east of S. Bumby Ave as well as the 2-story home built on 2123 E Grant Ave to the west of the site. The proposed multi-family development will be compatible with the existing residential homes and multifamily development surrounding it.
3. **The use shall not act as a detrimental intrusion into a surrounding area.** The proposed multifamily development will beautifully blend within the surrounding

COVER LETTER PAGE 2

apartment complex on the corner of S. Bumby Ave and Grant Ave co-existed in the surrounding area for over 40 years, and 2-story residential homes currently reside both to the east and west of the subject parcels with the one on the west built in 1925, therefore the proposed 2 story Development will not act as a detrimental intrusion.

4. **The use shall meet the performance standards of the district in which the use is permitted.** The size of the subject parcels is 1.310 acres. The current R-2 Zoning allows construction of up to 10 units per acre, making this site available to construct up to 13 DU which is what we are asking for, and therefore the proposed development meets the performance standards for the district.
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.** With the current Residential homes on the subject parcels along with the surrounding lots all with similar residential use the proposed development will not introduce new characteristics to this district, but continue and remain in line with the current ones without introducing additional noise, vibration, dust, odor, glare, heat producing or other characteristics.
6. **Landscape buffer yards shall be in accordance with section 24-5 of Orange County Code. Buffer yard types shall track the district in which it is permitted.** The proposed development will comply with all landscape requirements for residential construction as per Orange County Building Code.

The proposed development and design meets the Six Variance Approval Criteria as follows:

1. **Special Conditions Circumstances.** The subject parcels require a Site plan to allow both Storm water management and Sewer management, as currently there is no connection to City Sewer System. While we do not wish to over build on the site, nor request for increased density, in order to help our Orange County residents with affordable housing as demand continue to increase it is imperative we use the allowed building rights of 13 units so the development costs of addressing sewer connections and Storm Water management divided over multiple units. A lift station is required to connect to City Sewer System and a use of Pervious Paver system to allow proper management of storm water. After conducting a geotechnical study of the site, based on results a 15' side setback at north side of property in lieu of 30' is required to meet building standard and appropriate design.
2. **Not Self-Created.** The Special conditions and circumstances that we are requesting the Variance for are due to the design made by a licensed Civil Engineer. The design is based on a Geotechnical Study Report of the Site and is not self created by the applicant but based on the current Site conditions.
3. **No Special Privilege Conferred.** The Variance approval will not confer on applicant any special privilege. The Site is zoned R-2 and allows construction of up to 13DU which is what the applicant is requesting to build. In order to do so and meet building code and retention and sewer management we are requesting the 15' side set back in lieu of the 30' at the north side.
4. **Deprivation of Rights.** Multiple Multiunit Buildings have been (commonly) approved with only a 10' side setback in the R2 District. Examples of such are 2419 S Shine Ave., 1515 E Crystal Lake Ave., 2603 S Brown Ave. 2300 Mayer St., 2600 S Brown Ave.
5. **Minimum Possible Variance.** The proposed design allows a Variance request of only 1 side in lieu of multiple. In fact, this request allows the opposite side setback to be larger by nearly 10' of the allowed setback to maintain minimum possible Variance request, all while meeting building code, drainage and driveway requirements.

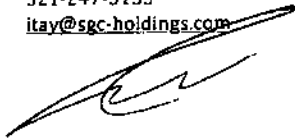
6. **Purpose and Intent.** The Proposed Development incorporates a design where each of the Duplex buildings and the Triplex building has a different front elevation, yet they compliment each other in look and dimensions. The proposed design has the nature and look of single-family homes and combines the use of both durable materials and siding materials. It is intended to blend in the surrounding existing homes in the R-2 District, which some are as old as almost 100 years and some were built 10-20 years ago. The proposed height and layout of the buildings take into consideration the harmony of the neighborhood.

Attached to the application are proposed Site Plan, Landscape Plan, Elevations, and Floor Plans for the Board Consideration and Approval.

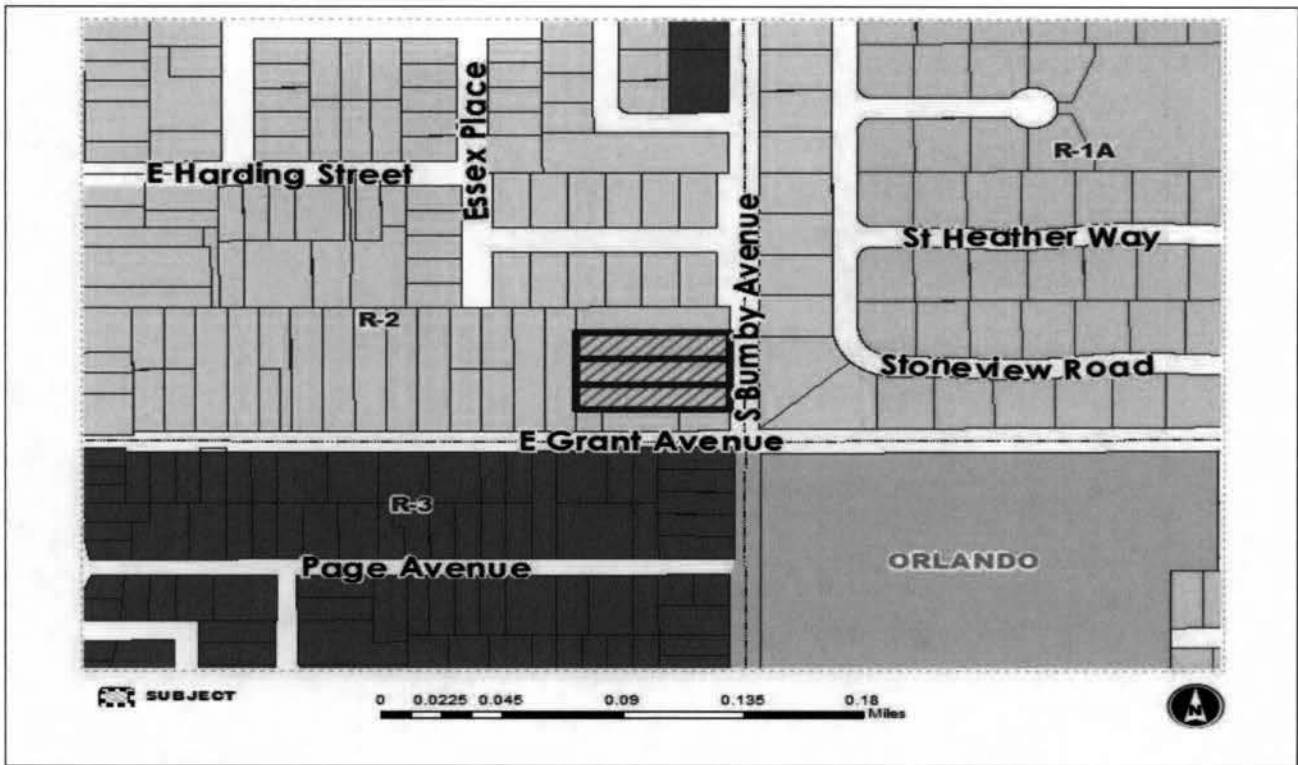
Having been a Central Florida resident for nearly 20 years, and as a current Orange County Resident I am excited to get involved in the Development of our local communities. As prices continue to rise in Central Florida and especially in the heart of Orange County being able to construct affordable housing is a key to our community's growth. Having the option to build 13 units on the Site will allow us to keep that affordability and introduce affordable living in this area where new construction homes are selling for more than five to six hundred thousands of Dollars per Single Family Home. I look forward to working hand-in-hand with the Board and county officials in the execution of this development. It is a privilege to take part in the growth of our Central Florida communities and I am thankful for the opportunity to do so with your support, and I look forward to continue doing so in the years to come.

Thank you in advance for your consideration and time in reviewing this Special Exception and Variance Application.

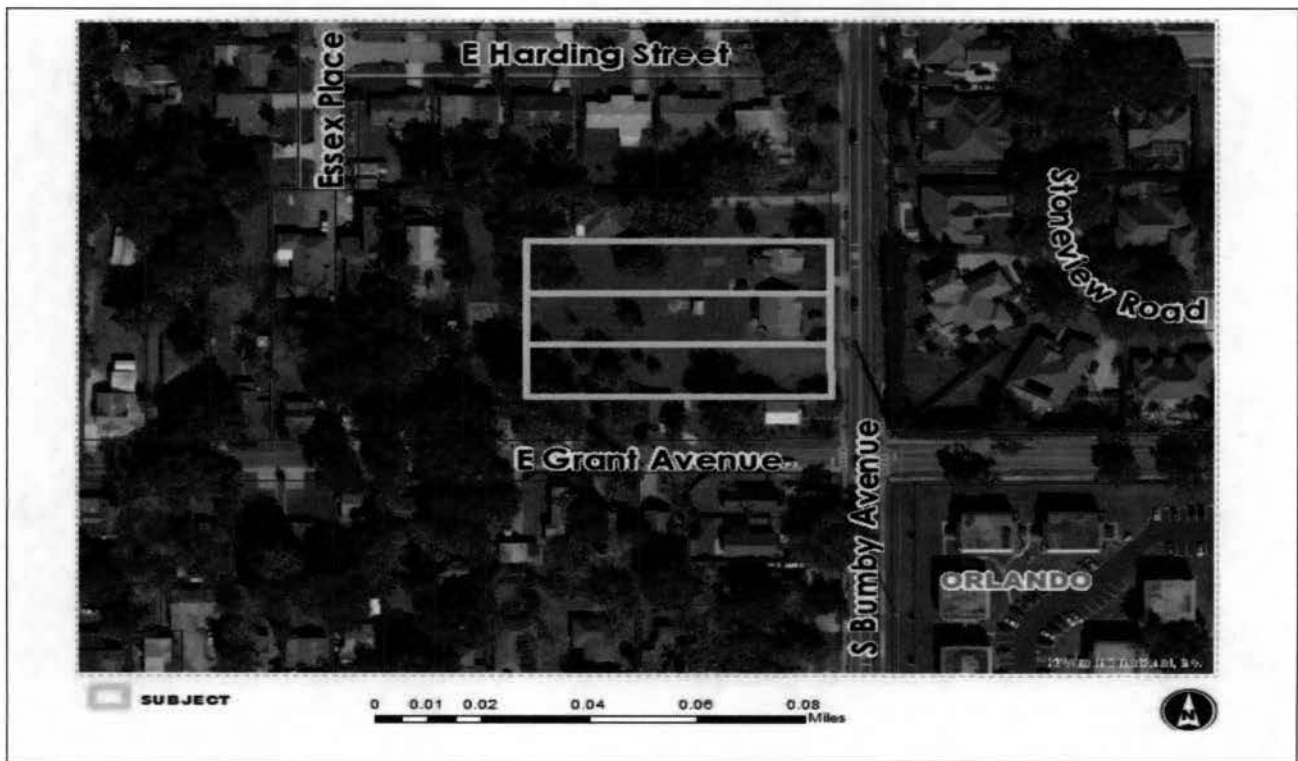
Itay S Guy as an authorized agent for the owner.
321-247-3153
itay@sgc-holdings.com



ZONING MAP



AERIAL MAP



Special Exception/Variance Site Plan

SITE PLAN

Site Statistics

General Information
 Total Site Area 1.31 Ac (57,059 sf)
 Future Land Use: Low Medium Density Residential
 Zoning Classification: R-2

Proposed DU = 13 Units (9.9 DU/Ac)

| Setbacks | Required | Provided |
|-----------|----------|----------|
| Front (W) | 20.0' | 20.0' |
| Side (N) | 30.0' | 15.0' ** |
| Side (S) | 30.0' | 38.9' |
| Rear (E) | 30.0' | 30.0' |

Parking Required
 2 Spaces per DU (13) - 26 spaces

Parking Provided
 Garage Spaces - 26 spaces

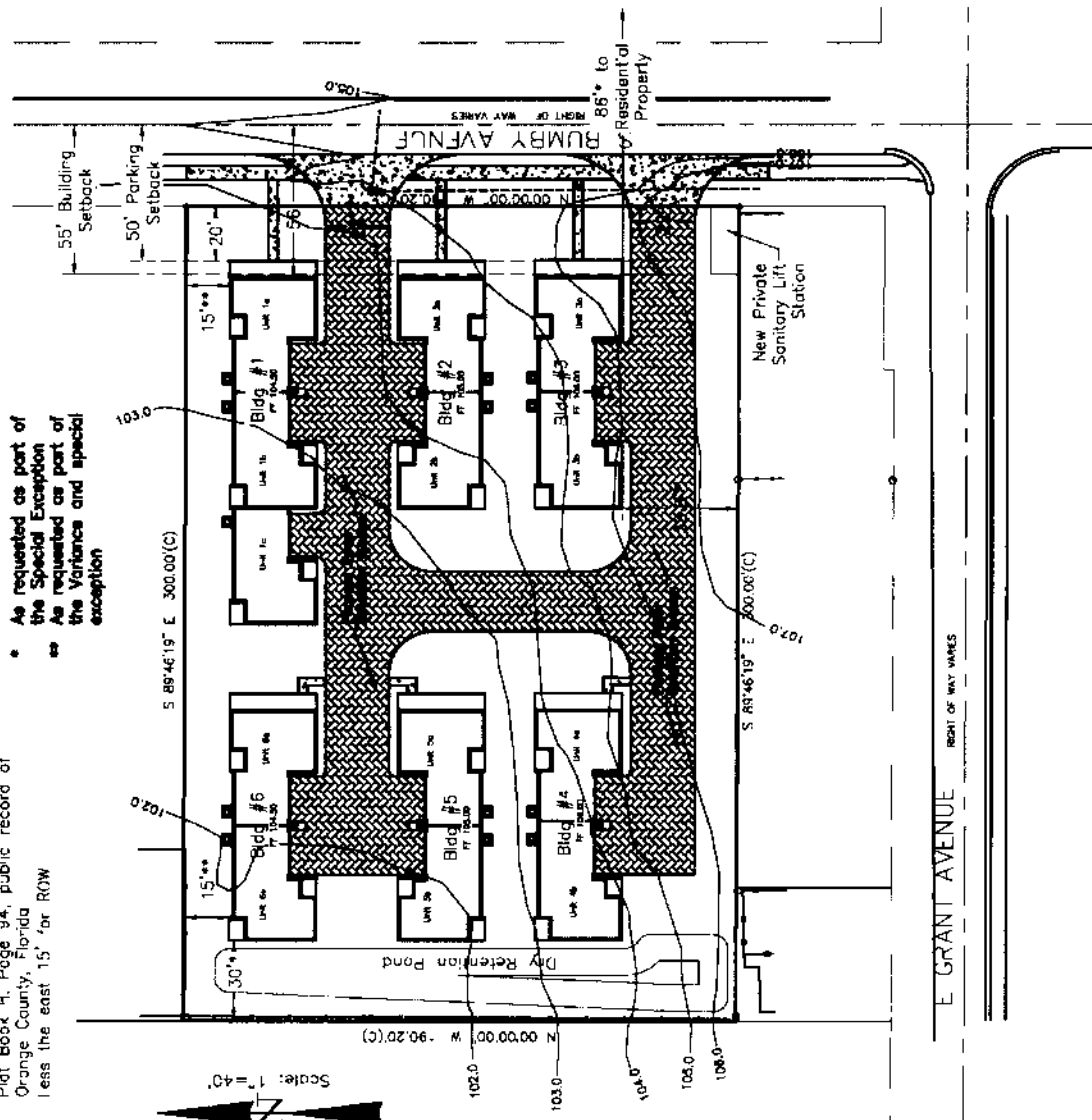
| Impervious Areas | Pre | Post |
|-------------------------|-----------------|------------------|
| Building Footprint | 2,934 sf | 14,949 sf |
| Parking and Access | 0 sf | 15,176 sf |
| Walks, Pads and Misc. | 1,095 sf | 441 sf |
| Total Impervious | 4,029 sf | 30,966 sf |
| Percent Impervious | 5.3% | 54.1% |

Open Space Calculation

| | |
|------------------------------|----------------------------|
| Category A (Buffers) | 13,843 sf (0.32 Ac) |
| Category A (Landscape areas) | 8,550 sf (0.20 Ac) |
| Category A (Dry Pond) | 3,702 sf (0.08 Ac) |
| Total Open Space | 26,095 sf (0.60 Ac) |
| Percent Open Space | 45.7% |

Legal Description
 Lot 3, 4 & 5, CLOVERDALE SUBDIVISION,
 according to the plat thereof as recorded in
 Plat Book 4, Page 94, public record of
 Orange County, Florida
 less the east 15' or ROW

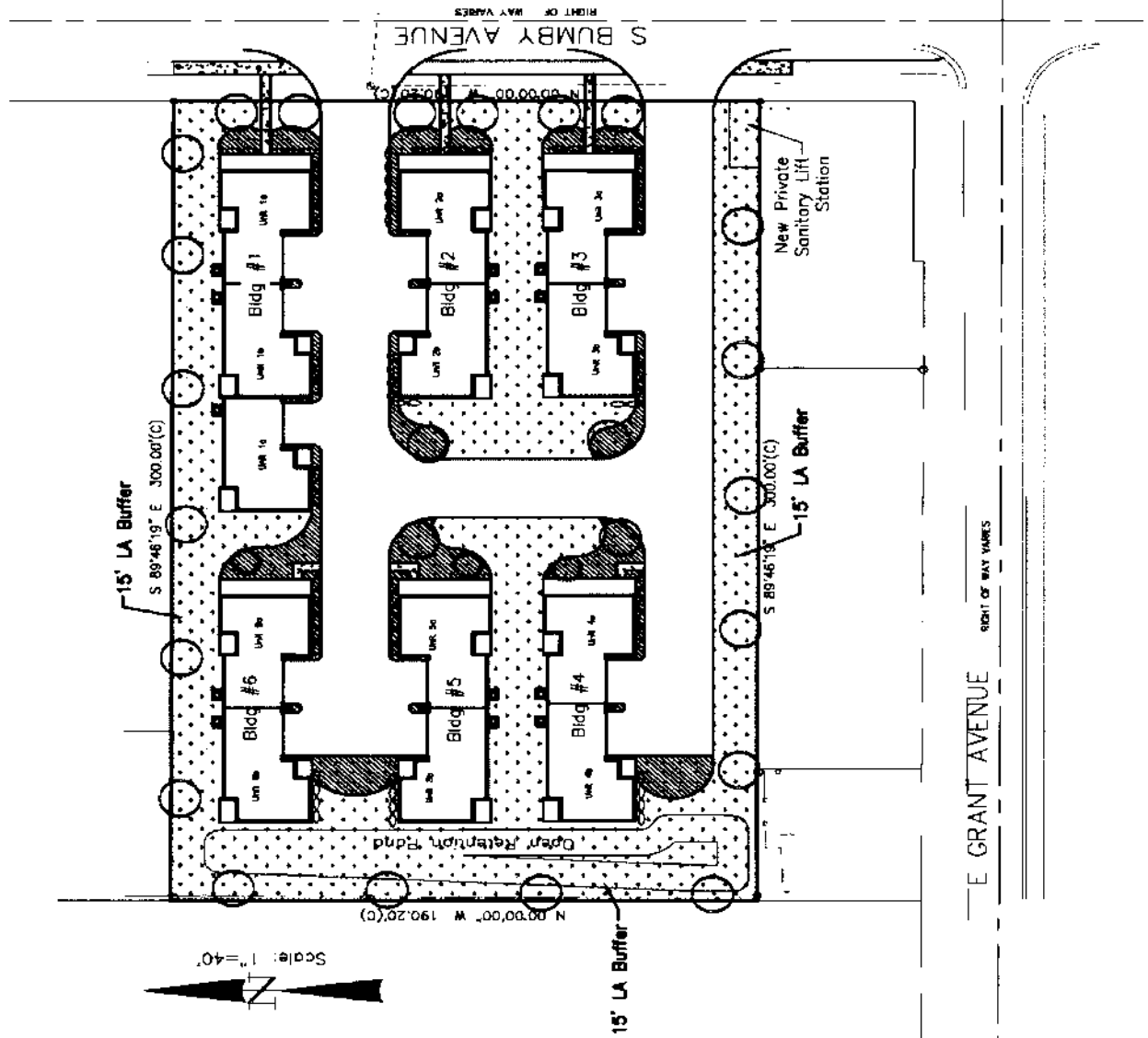
* As requested as part of the Special Exception
 ** As requested as part of the Variance and special exception



LANDSCAPING PLAN

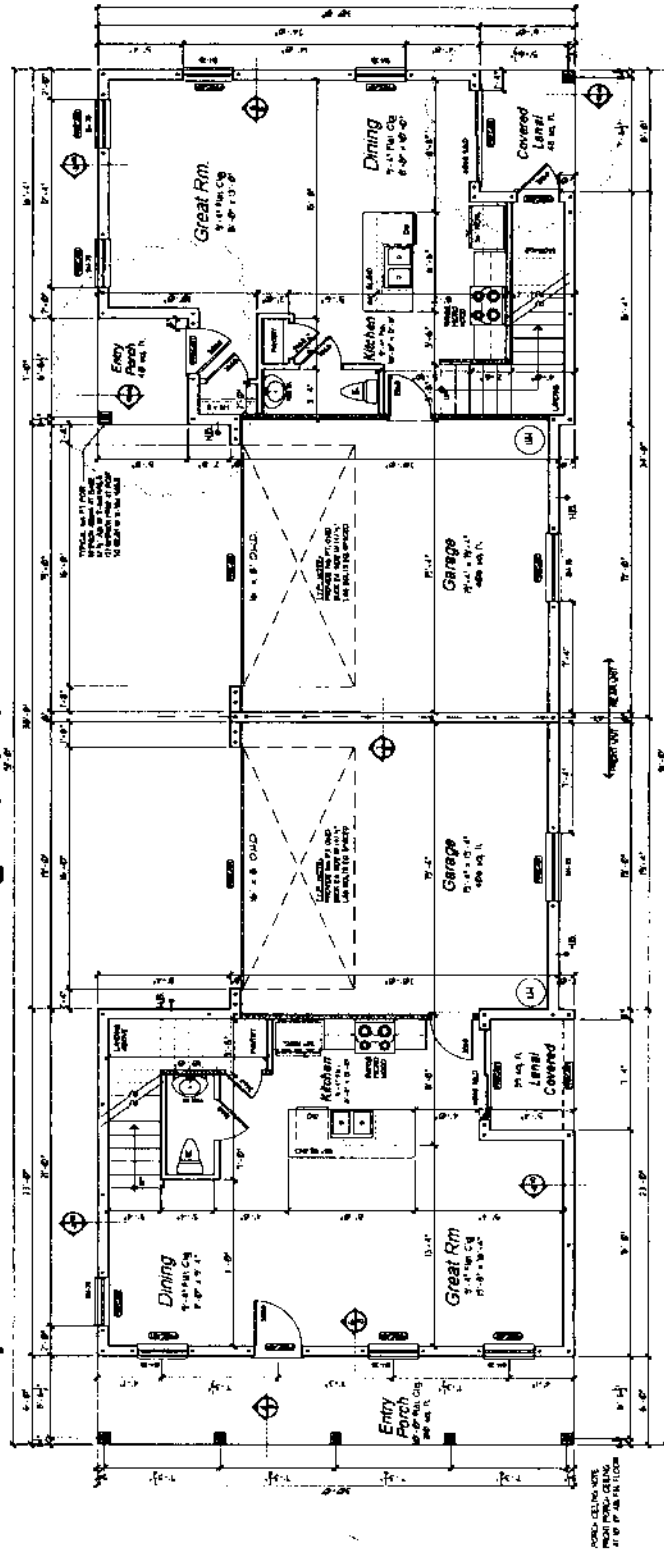
Proposed Landscaping

| Symbol | Description |
|--------|-----------------|
| ○ | Canopy Tree |
| ◉ | Understory Tree |
| ⊖ | Hedge 30" High |
| ▤ | Sod, Bahia |
| ▨ | Ground cover |



FLOOR PLANS

Proposed Floor Plan Buildings 1, 3, 4, 6 *Triplex Unit 1C floor plan is a copy of Rear Unit below



LEGEND

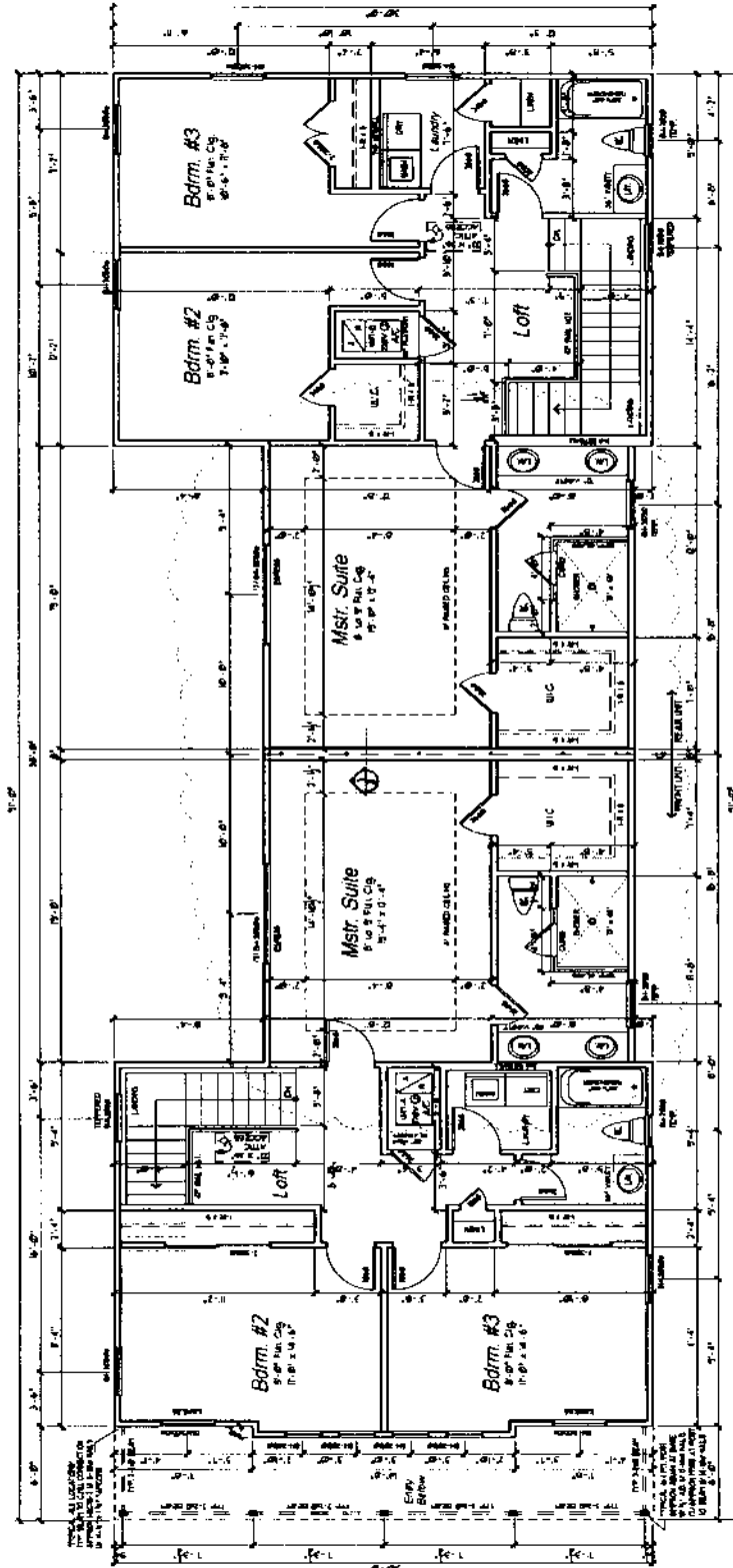
- 8' x 10' WALLS
- 10' x 10' WALLS
- 12' x 12' WALLS
- 14' x 14' WALLS
- 16' x 16' WALLS
- 18' x 18' WALLS
- 20' x 20' WALLS
- 22' x 22' WALLS
- 24' x 24' WALLS
- 26' x 26' WALLS
- 28' x 28' WALLS
- 30' x 30' WALLS

NOTE: SEE ARCHITECT'S SPECIFICATIONS FOR ALL MATERIALS AND FINISHES. THIS PLAN IS FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN TO THE CENTER OF WALLS UNLESS OTHERWISE NOTED.

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

FLOOR PLANS

Proposed Floor Plan Buildings 1, 3, 4, 6 Triplex Unit 1C floor plan is a copy of Rear Unit below



SPECIAL NOTE:
 ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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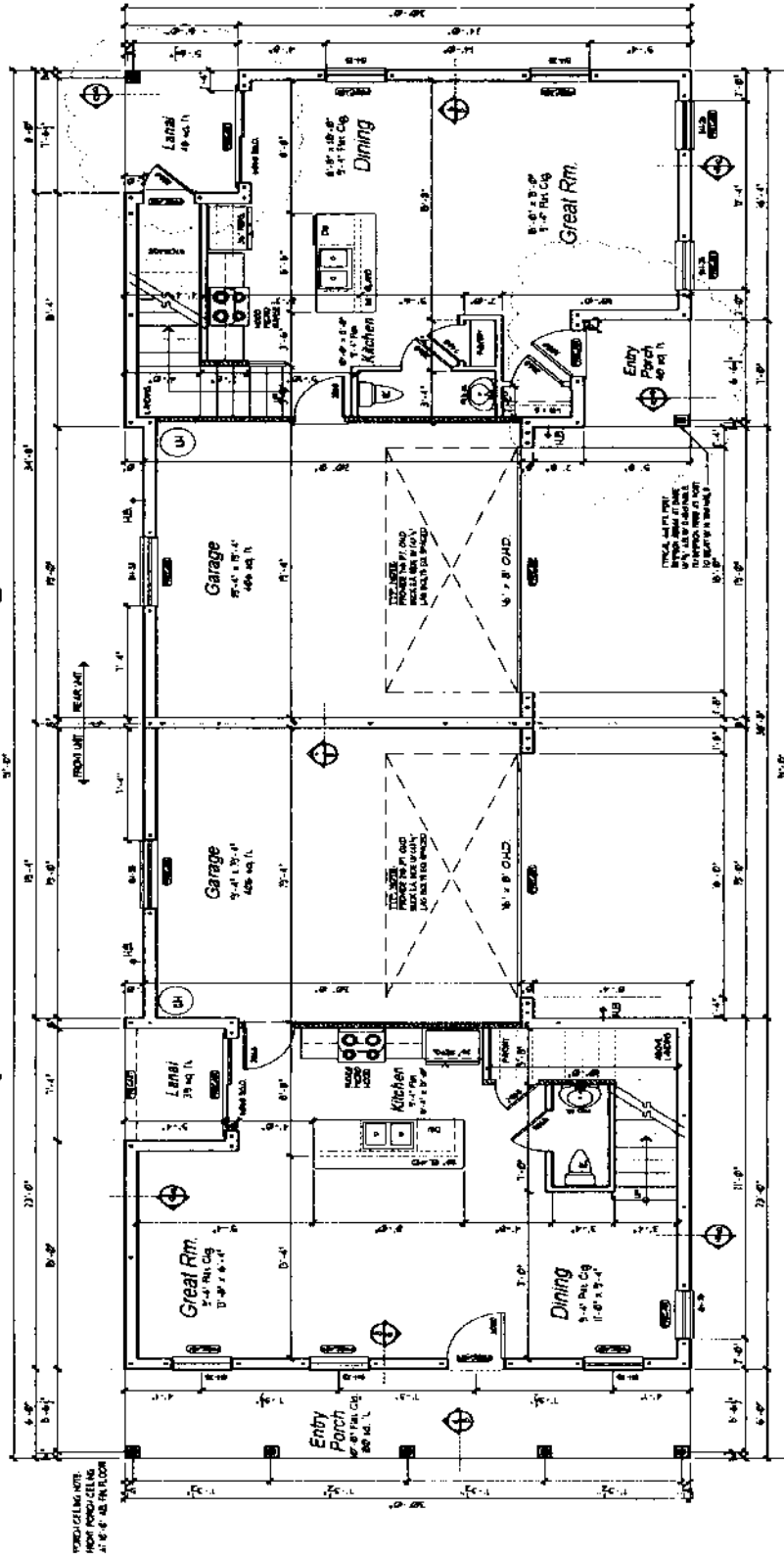
2nd FLOOR PLAN
 SCALE: 1/4" = 1'-0"

FLOOR DECK NAILING NOTE:
 FLOOR DECK NAILING PATTERN: 1/4" DECK;
 INTERIOR: AC RING JOINT;
 NONCORROSIVE BOX NAILS
 1" x 1" OC EDGES; 12" OC FIELD

LEGEND:
 - 1/4" DECK NAILING PATTERN
 - AC RING JOINT
 - NONCORROSIVE BOX NAILS
 - 1" x 1" OC EDGES; 12" OC FIELD

FLOOR PLANS

Proposed Floor Plan Buildings 2 & 5



LEGEND

- 1. 1" x 8" OND
- 2. 2" x 4" OND
- 3. 2" x 6" OND
- 4. 2" x 8" OND
- 5. 2" x 10" OND
- 6. 2" x 12" OND
- 7. 2" x 14" OND
- 8. 2" x 16" OND
- 9. 2" x 18" OND
- 10. 2" x 20" OND
- 11. 2" x 22" OND
- 12. 2" x 24" OND
- 13. 2" x 26" OND
- 14. 2" x 28" OND
- 15. 2" x 30" OND
- 16. 2" x 32" OND
- 17. 2" x 34" OND
- 18. 2" x 36" OND
- 19. 2" x 38" OND
- 20. 2" x 40" OND
- 21. 2" x 42" OND
- 22. 2" x 44" OND
- 23. 2" x 46" OND
- 24. 2" x 48" OND
- 25. 2" x 50" OND
- 26. 2" x 52" OND
- 27. 2" x 54" OND
- 28. 2" x 56" OND
- 29. 2" x 58" OND
- 30. 2" x 60" OND

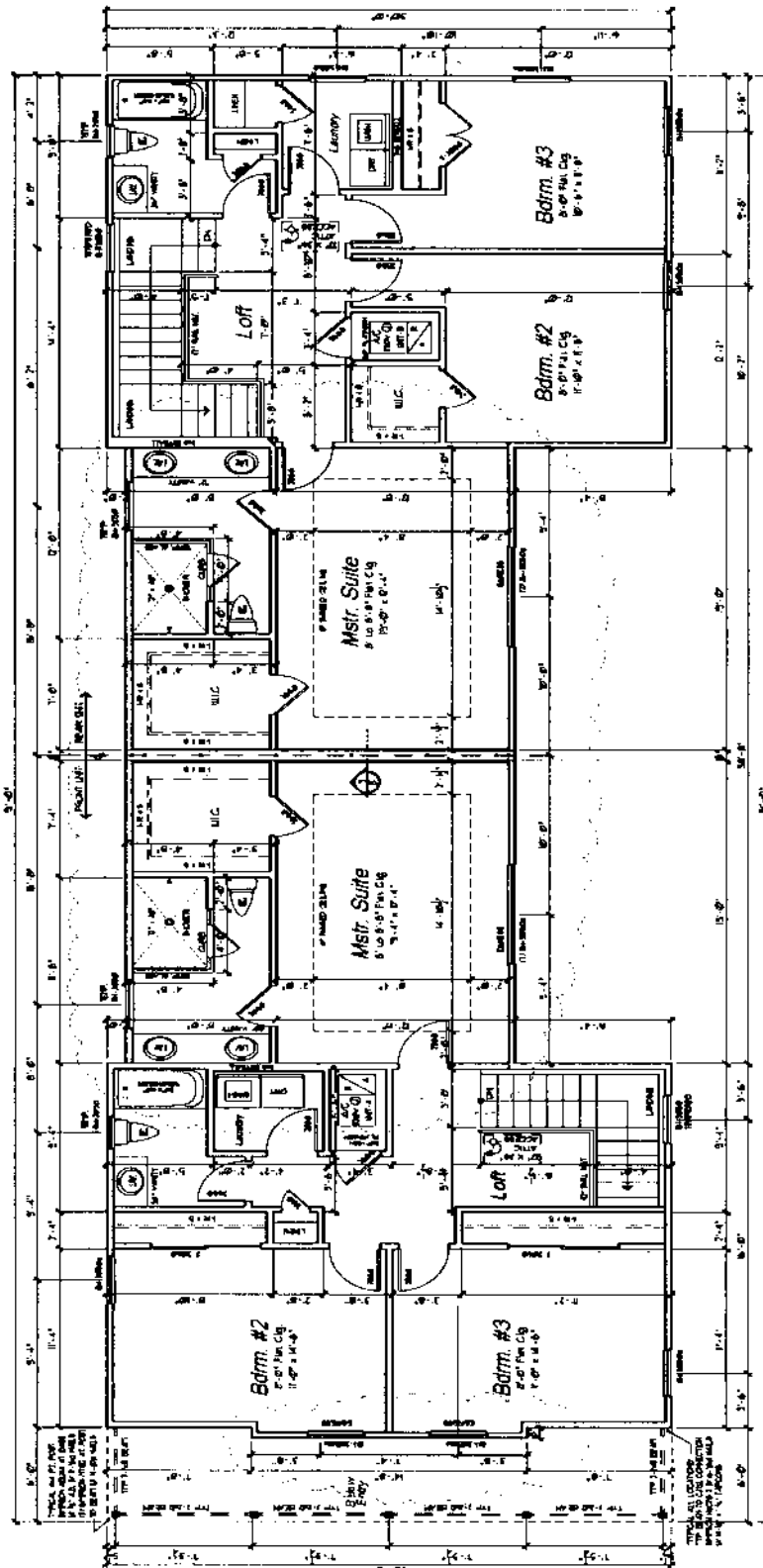
1ST FLOOR PLAN
SCALE: 1/4" = 1'-0"

LEGEND

- 1. 1" x 8" OND
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- 25. 2" x 50" OND
- 26. 2" x 52" OND
- 27. 2" x 54" OND
- 28. 2" x 56" OND
- 29. 2" x 58" OND
- 30. 2" x 60" OND

Proposed Floor Plan Buildings 2 & 5

FLOOR PLANS



SPECIAL S.I.R. NOTE:
 SAND LIME REDUCION DETAIL
 AT ALL WALLS LOCATED ON EXTERIOR
 WALLS AND INTERIOR WALLS
 FOR ALL EXTERIOR WALLS AND
 INTERIOR ATTACHMENTS AND OVER
 HANG MATERIALS WITH REALITE

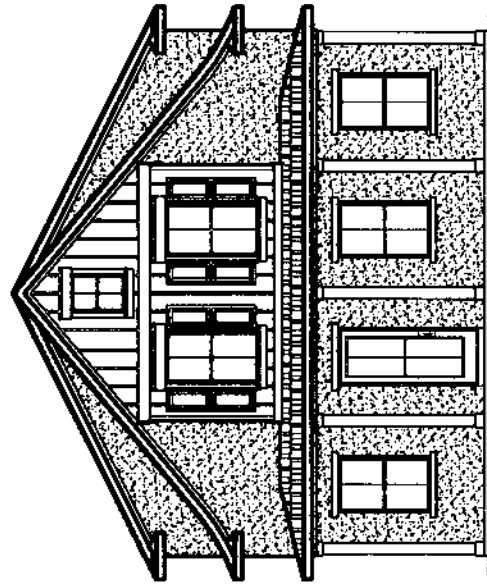
2nd FLOOR PLAN

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

FLOOR DECK NAILING NOTE:
 FLOOR DECK NAILING PATTERN: 1" x DECK
 INTERIOR: 16" ON CENTER
 NONCORNER BOX NAIL S
 AT 8" O.C. EDGES 12" O.C. FIELD

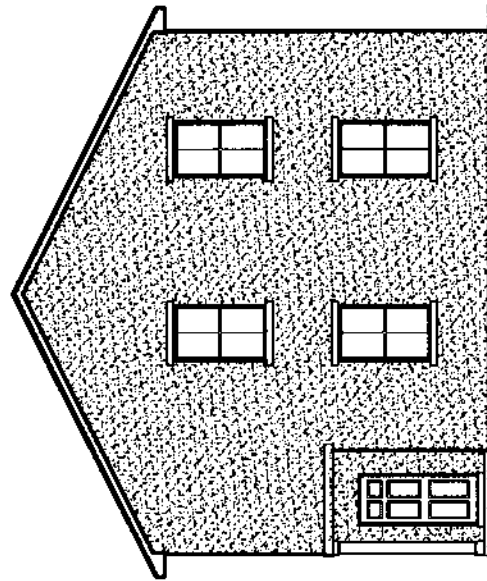
LEGEND:
 - 2x4 STUD NAIL S
 - 2x4 STUD NAIL S
 - 2x4 STUD NAIL S
 - 2x4 STUD NAIL S

ELEVATIONS



FRONT ELEVATION

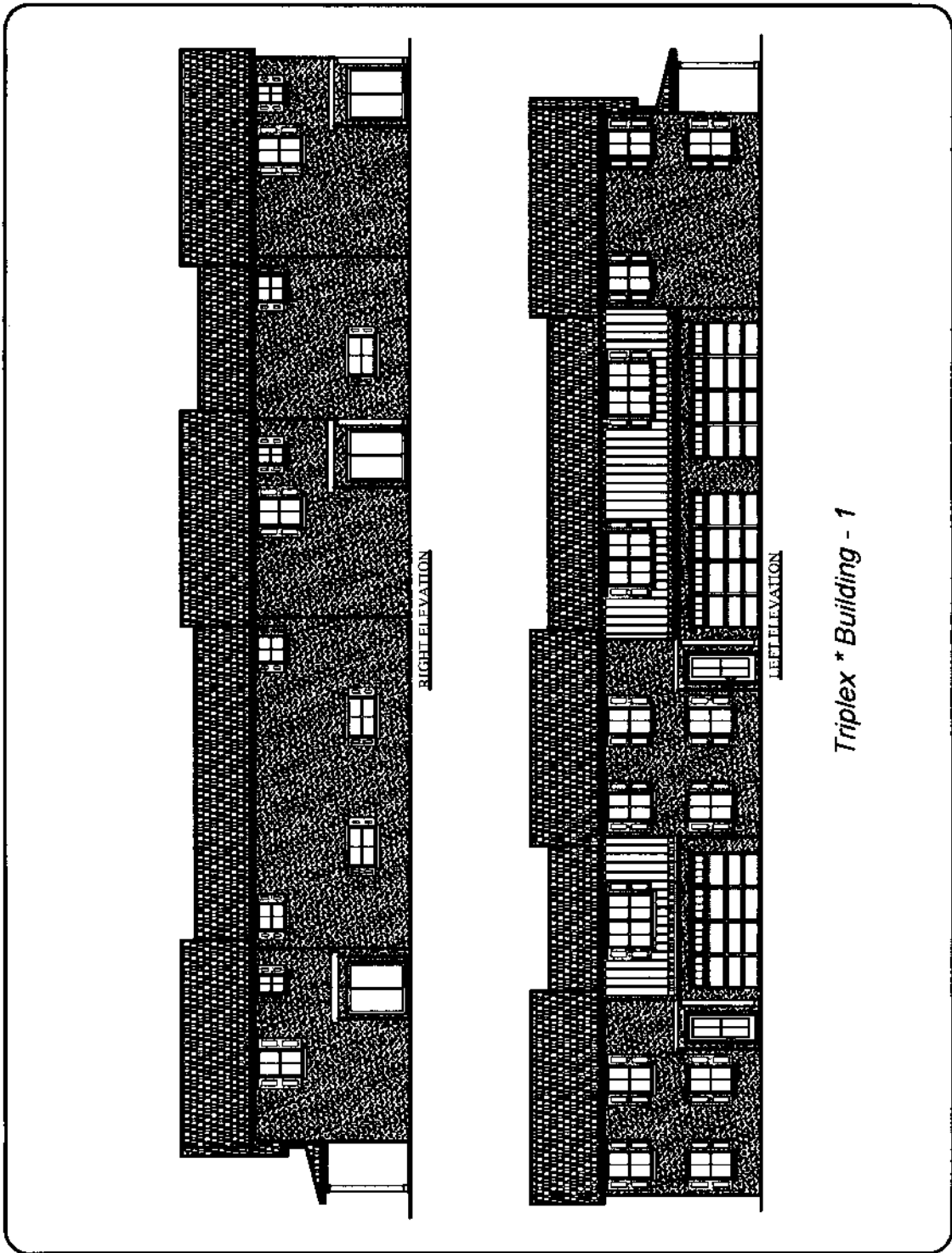
BUILDING WIDTH: 36'-0"
BUILDING DEPTH: 13'-0"
ROOF HEIGHT: 17'-0 1/4"



REAR ELEVATION

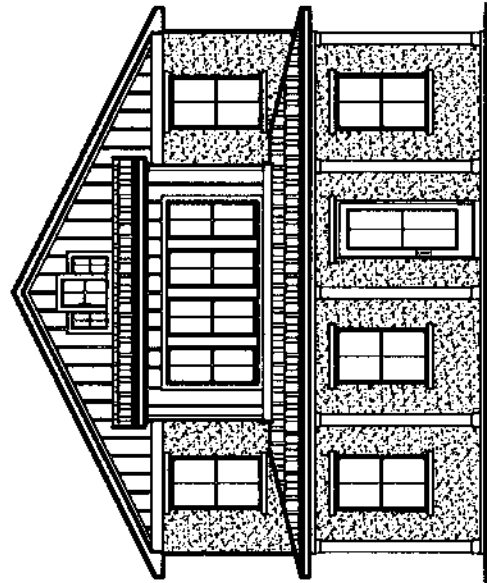
*Triplex * Building - 1*
Bumby Avenue

ELEVATIONS



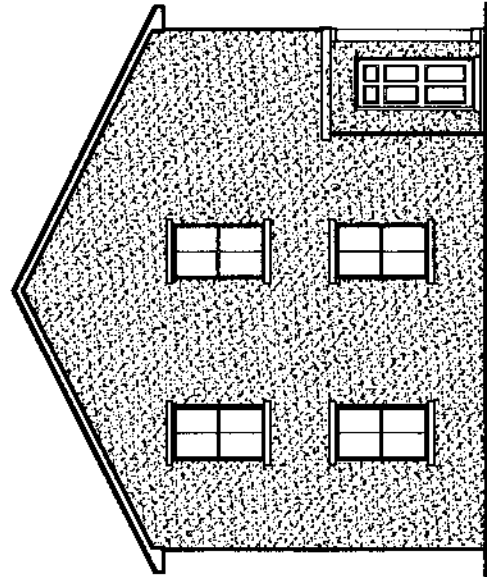
*Triplex * Building - 1*

ELEVATIONS



FRONT ELEVATION

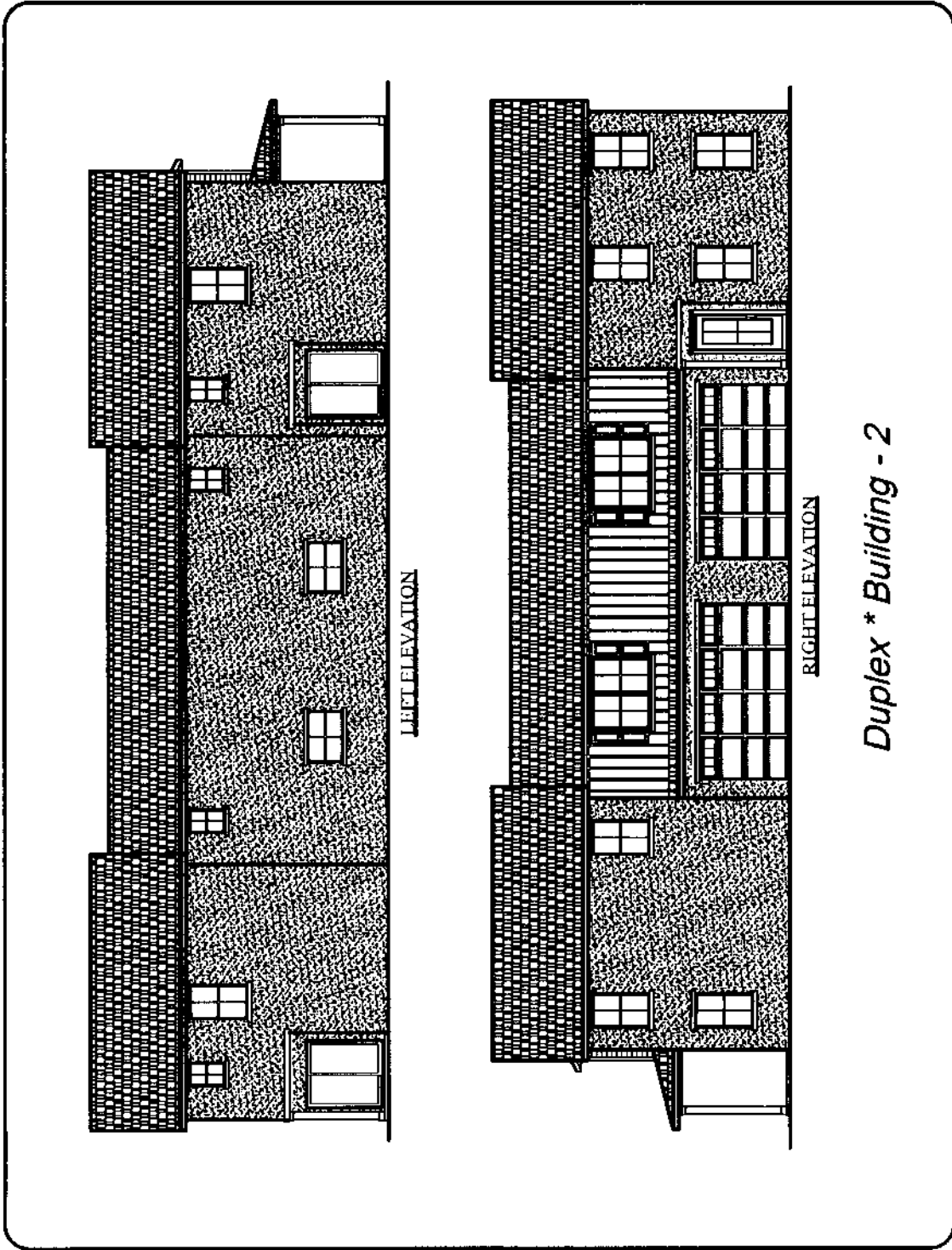
BUILDING WIDTH: 36'-0"
BUILDING DEPTH: 31'-0"
HOUSE HEIGHT: 21'-0"



REAR ELEVATION

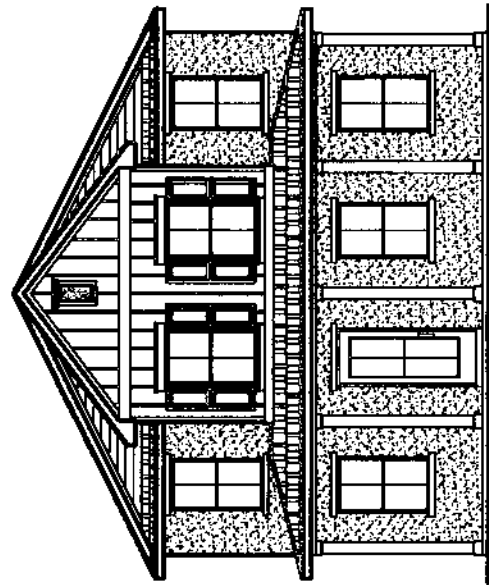
*Duplex * Building - 2*
Bumby Avenue

ELEVATIONS



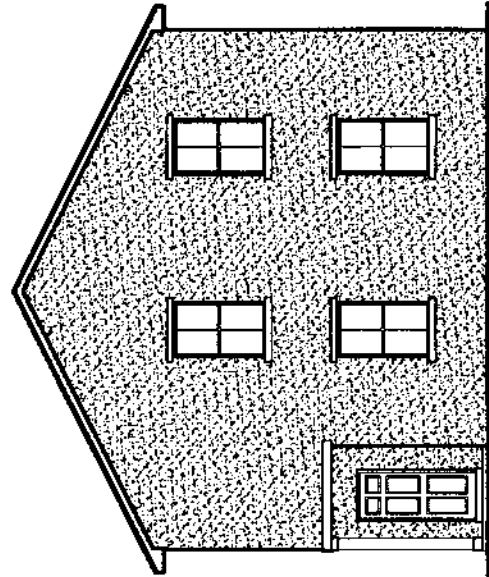
*Duplex * Building - 2*

ELEVATIONS



FRONT ELEVATION

BUILDING WIDTH: 36'-0"
BUILDING DEPTH: 19'-0"
HEIGHT: 27'-0"

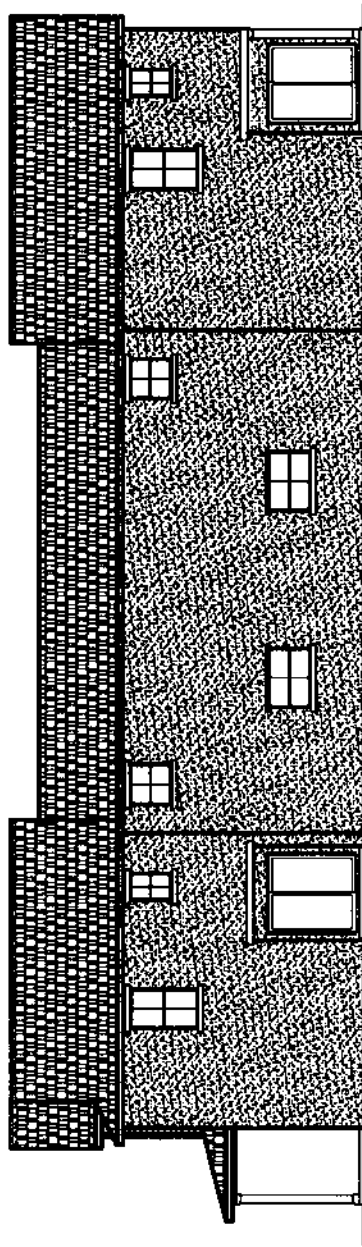


REAR ELEVATION

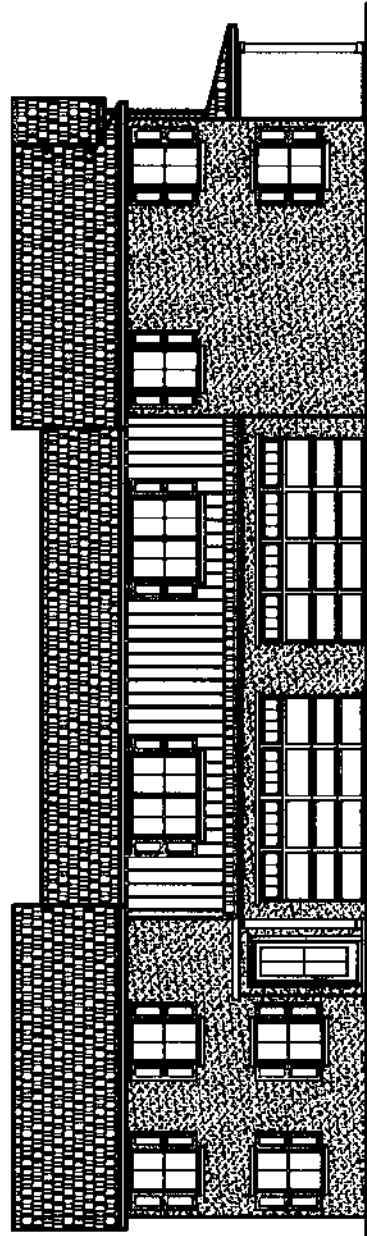
*Duplex * Building - 3*

Bumby Avenue

ELEVATIONS



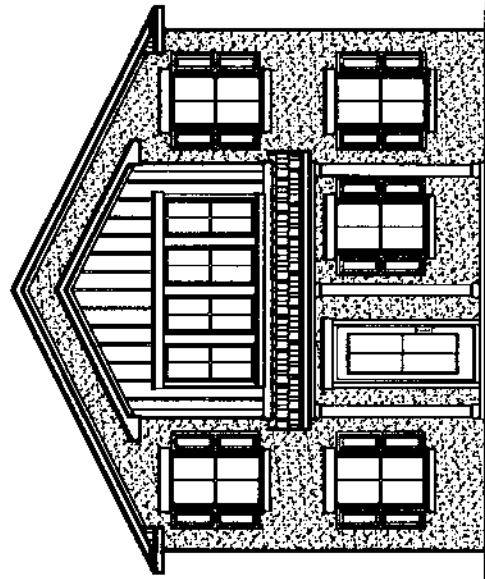
RIGHT ELEVATION



LEFT ELEVATION

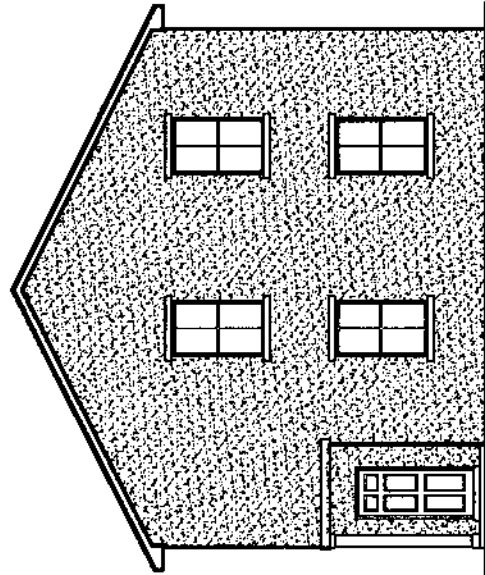
*Duplex * Building - 3*

ELEVATIONS



FRONT ELEVATION

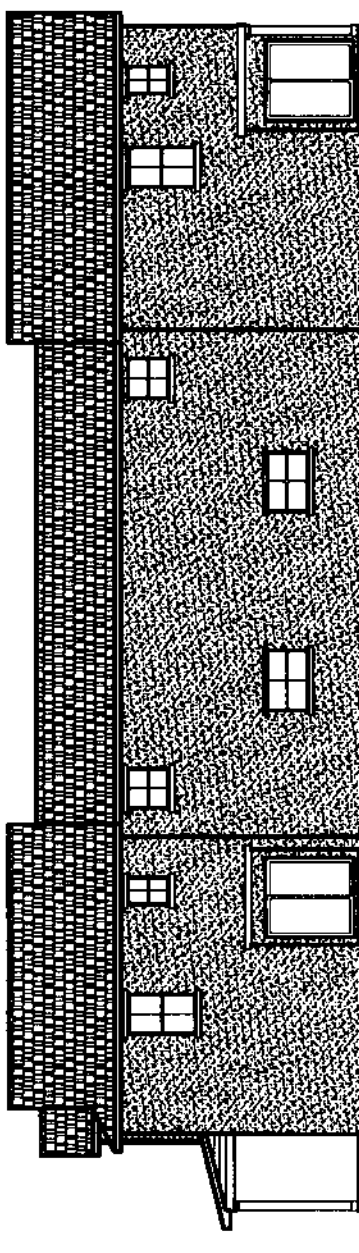
BUILDING WIDTH: 36'-0"
BUILDING DEPTH: 36'-0"
ROOF HEIGHT: 21'-0"



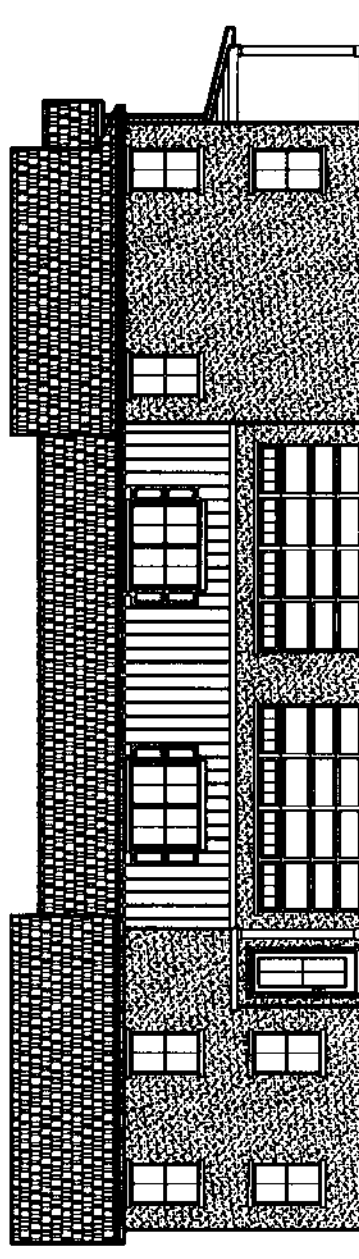
REAR ELEVATION

*Duplex * Building - 4*
Bumby Avenue

ELEVATIONS



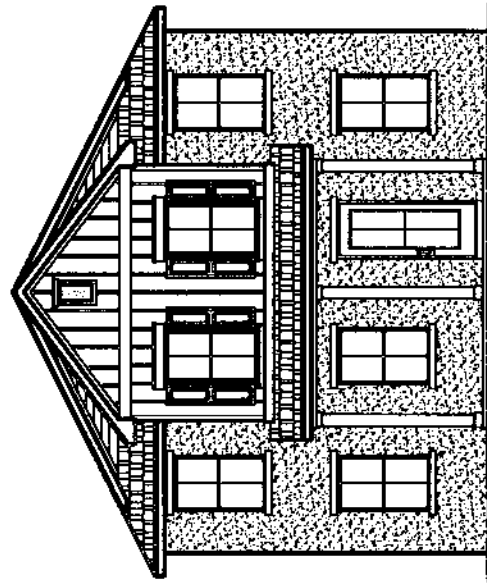
RIGHT ELEVATION



LEFT ELEVATION

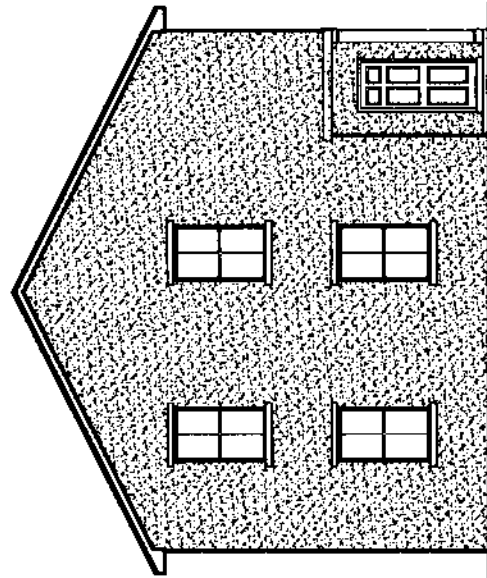
*Duplex * Building - 4*

ELEVATIONS



FRONT ELEVATION

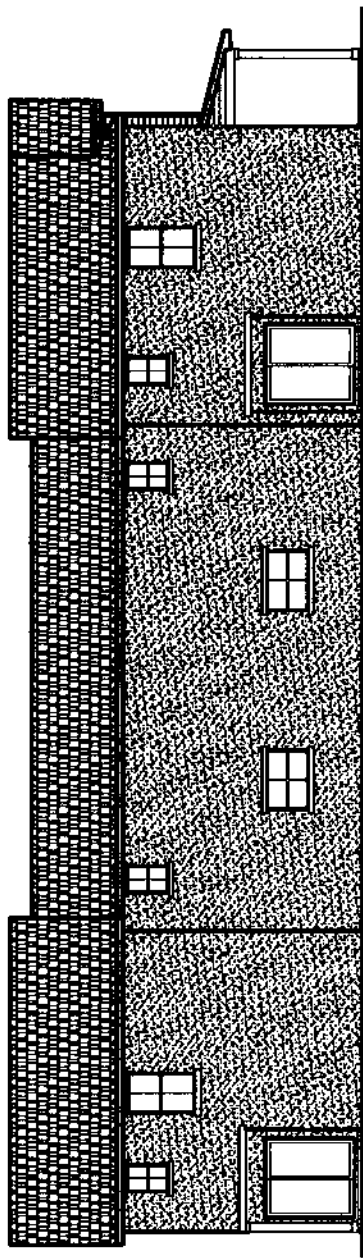
BUILDING WIDTH: 36'-0"
BUILDING DEPTH: 31'-0"
TOTAL HEIGHT: 27'-2 1/2"



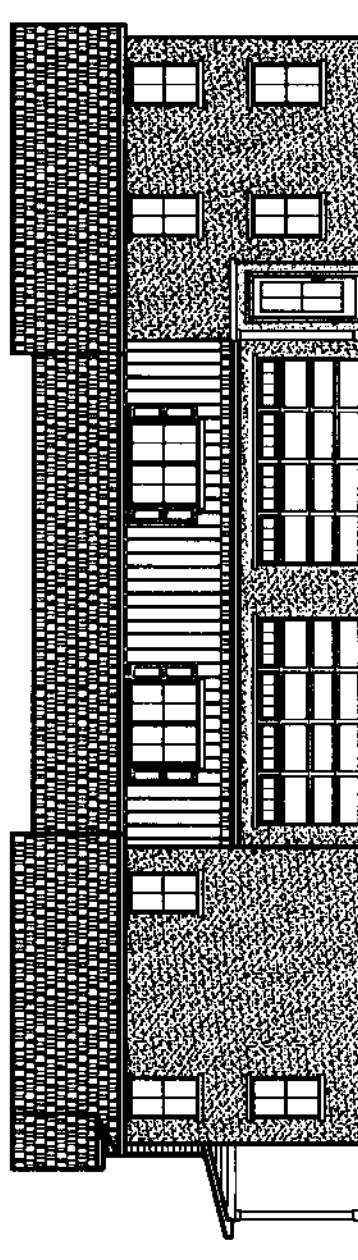
REAR ELEVATION

*Duplex * Building - 5
Bumby Avenue*

ELEVATIONS



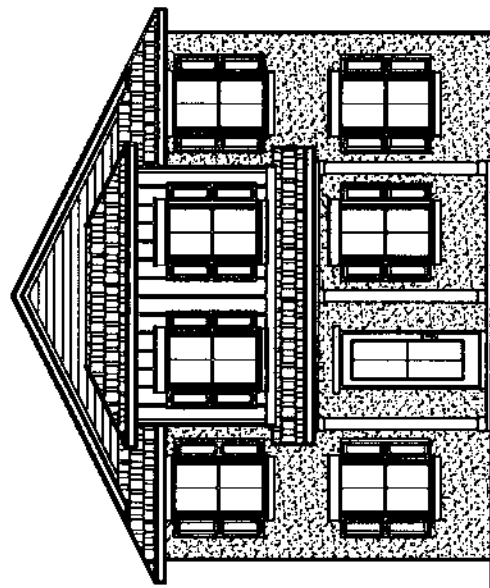
LEFT ELEVATION



RIGHT ELEVATION

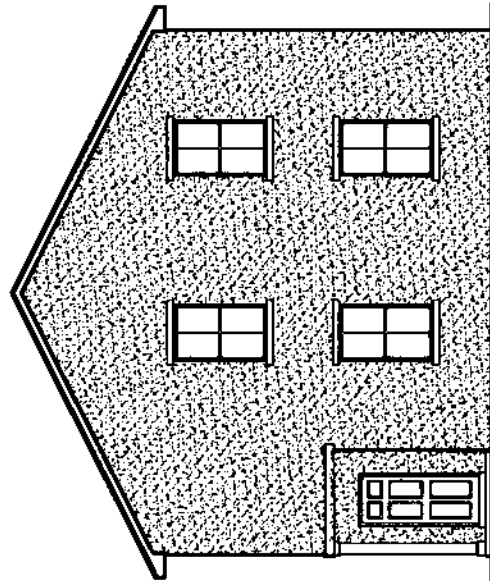
*Duplex * Building - 5*

ELEVATIONS



FRONT ELEVATION

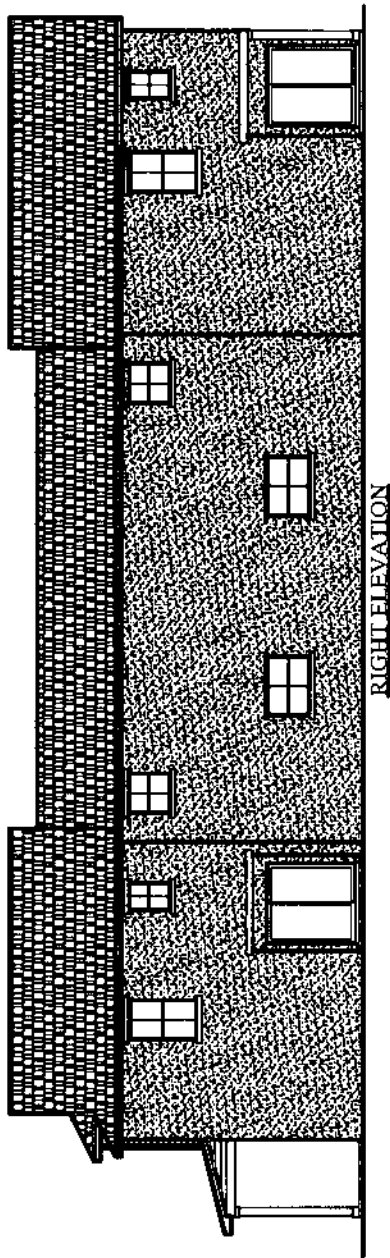
BUILDING WIDTH: 36'-0"
BUILDING DEPTH: 31'-0"
ROOF HEIGHT: 11'-3 1/4"



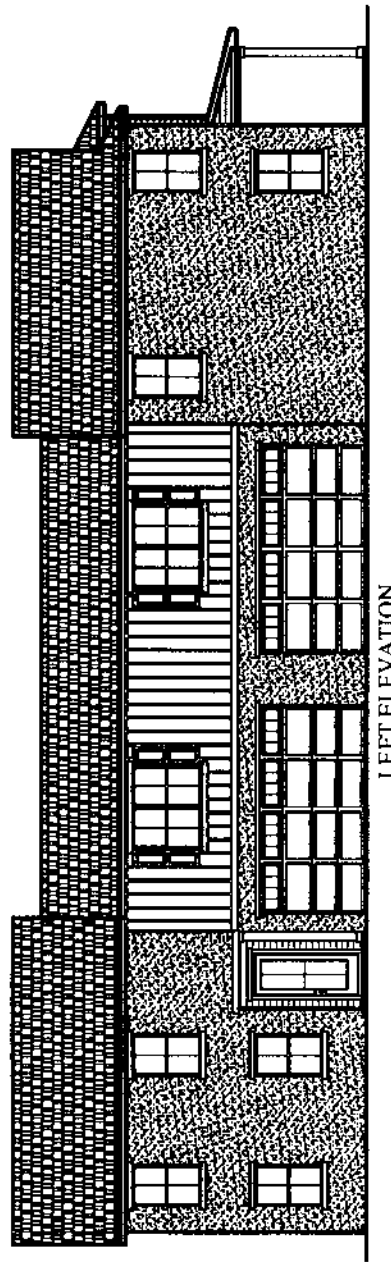
REAR ELEVATION

*Duplex * Building - 6*
Bumby Avenue

ELEVATIONS



RIGHT ELEVATION



LEFT ELEVATION

*Duplex * Building - 6*

SITE PHOTOS



Front from S. Bumby Ave.



North property line. Proposed 15 ft. side setback

SITE PHOTOS



West property line. Proposed 30 ft. rear setback



South property line. Proposed 37.4 ft. side setback

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **SEP 03, 2020**

Case Planner: **Nick Balevich**

Case #: **VA-20-10-090**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): STELLAR SIGN AND DESIGN LLC (CARYN TORRES)

OWNER(s): BOCA DEVELOPMENT LLC

REQUEST: Variances in the PD zoning district to allow additional wall signage as follows:

- 1) To allow two wall signs per establishment on the primary façade in lieu of 1 wall sign per establishment.
- 2) To allow a wall sign on the secondary (east) façade in lieu of a wall sign only on the primary facade.
- 3) To allow a total of 363.08 sq. ft. of wall signage in lieu of 180 sq. ft.

PROPERTY LOCATION: 7950 Palm Parkway, Orlando, Florida, 32836, south side of Palm Pkwy., east of S. Apopka Vineland Rd., northwest of Interstate 4.

PARCEL ID: 15-24-28-5120-00-020

LOT SIZE: 2.35 acres

NOTICE AREA: 1100 ft.

NUMBER OF NOTICES: 85

DECISION: Recommended **APPROVAL** of 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 (5 in favor, 1 opposed, and 1 absent):

1. Development shall be in accordance with the site plan and sign details dated July 23, 2020, 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.
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. If the front 199.91 sq. ft. wall sign (sign "C" on the Site Plan) is approved, then installation of a ground sign shall be prohibited on the site.

SYNOPSIS: Staff discussed the proposal, covering the location of the property, the site plan, sign details, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for denial. Staff noted that two (2) comments were received in support and one (1) comment was received in opposition.

The applicant noted that the permit had been issued for the existing sign, and that the surrounding hotels had more signage, and they do not want to be treated differently. The applicant stated that they were willing to give up a ground sign on the property.

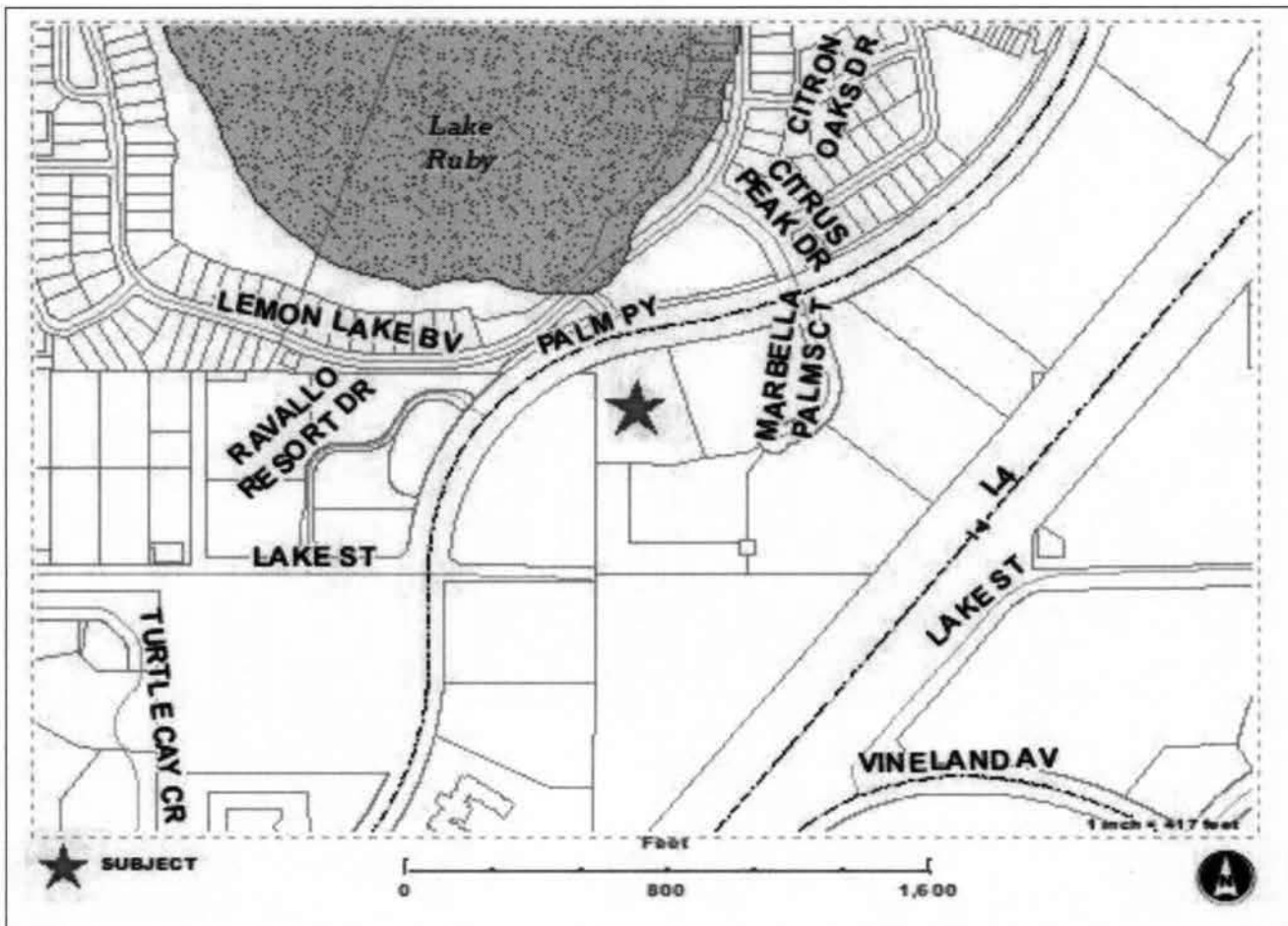
The BZA stated that the request includes one sign that has an issued permit and has been already installed on the side of the building. The BZA concluded that none of the proposed signs are visually obtrusive.

There was no one in attendance to speak in favor or in opposition to the request. The BZA recommended approval of the variances by a 5-1 vote, subject to the four (4) conditions in the staff report.

STAFF RECOMMENDATIONS

Denial. However, should the BZA find that the applicant has satisfied the criteria necessary to grant a variance, staff recommends that the approval be subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | Property | North | South | East | West |
|-----------------|----------------------------|-----------|-----------|-------|-------|
| Current Zoning | P-D | P-D | P-D | P-D | P-D |
| Future Land Use | ACMU | PD-MDR | ACMU | ACMU | ACMU |
| Current Use | Hotel (under construction) | Retention | Retention | Hotel | Hotel |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the Ruby Lake Planned Development district. This PD allows a variety of uses including single-family, multi-family, and commercial.

The property is also located in the Buena Vista North Overlay District, which is intended to provide specific design standards with the purpose of promoting a diverse mixed-use community that applies imagination, innovation, and variety. Per the sign code, the building is allowed up to 180 sq. ft. of wall signage per Sec 31.5-195, which is 1 sq. ft. for each foot of building frontage. For the purposes of calculating allowable sign area, frontage is determined based on the location of the primary entrance to the building, which in this case is the north elevation, at 180.8 ft. wide. Only 1 wall sign per establishment is allowed, and it is required to be on the primary façade.

The subject property is a 2.35 acre parcel which was created through the Development Plan (DP) approval process for the Aloft DP. The property was platted in 1999 as part of the Marbella Phase 1 Plat, and is a conforming lot of record. The subject property was rezoned from R-CE to P-D (Ruby Lake) in 1974. An 83,486 sq. ft. Aloft hotel, is currently under construction on the property.

In July 2020, permit #B20006757 was issued to install 148.55 sq. ft. of signage on a secondary (east) façade. This signage has now been installed and is included in this variance request. The applicant is requesting variance approval for this sign on a secondary façade (variance #2), in addition to 2 wall signs on the primary façade (variance #1), and a variance (variance #3) to exceed the 180 sq. ft. allowed by the sign code, by installing a total of 363.08 sq. ft. of signage. The overall signage consists of the existing 148.55 sq. ft. of signage on the secondary (east) façade, and the 2 new wall signs (14.67 sq. ft., and 199.91 sq. ft.) on the primary façade.

Staff notes that the applicant could eliminate the sign on the secondary façade, the 2nd sign on the primary façade, and reduce the size of the larger proposed sign to eliminate the need for the variances. A possible alternative that would meet the purpose and intent of the sign code would be to consider the front 199.91 sq. ft. wall sign (sign "C" on the Site Plan) as a replacement for ground signage since it would serve the same function.

BACKGROUND AND ANALYSIS

VARIANCE CRITERIA

Special Conditions and Circumstances

There are no special conditions or circumstances particular to this site. The site is predominately rectangular and has over 288 ft. of road frontage with good visibility.

Not Self-Created

The need for additional signage is over and above what the sign code permits, and is self-created.

No Special Privilege Conferred

Staff did not find any other nearby examples where additional wall or ground sign area was granted through the variance process. Granting this variance will confer a special privilege, and potentially establish a precedent.

Deprivation of Rights

Failure to grant this variance will not deprive the applicant of the ability to install signage. The existing and proposed signage could be modified to eliminate the need for variances.

Minimum Possible Variance

The applicant has available wall copy area on the primary façade; this is not the minimum possible variance.

Purpose and Intent

The purpose of the sign code is to ensure that a consistent amount of signage is permitted for all properties, and to avoid sign clutter. The granting of a variance for an additional 183.08 sq. ft. of wall sign copy area will exceed the amount of signage above which is allowed by the sign code. This would be contrary to the purpose and intent of the code since the request is based on convenience and financial considerations and not a proven hardship.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and sign details dated July 23, 2020, 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.
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. If the front 199.91 sq. ft. wall sign (sign "C" on the Site Plan) is approved, then installation of a ground sign shall be prohibited on the site.

C: Caryn Torres
7005 Stapoint Ct.
Winter Park, FL 32792

COVER LETTER



July 17, 2020

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

RE: Variance for 7950 Palm Pkwy, Orlando, FL 32836

To Whom It May Concern:

Aloft Hotel needs more than one sign to promote their business. Per the current code, 31.5-195 of the Overlay of Buena Vista North, they can only have one wall sign that cannot exceed 180 sf. They have been approved for one illuminated wall sign (sign A) on the NorthEast elevation, at 148.5sf. In this application we are requesting 3 variances: #1 Allow 3 wall signs in lieu of 1; #2 Allow additional signs that are not on the primary façade (currently only 1 sign allowed on the primary façade); #3 Allow additional square footage for the signs. Currently the maximum allowed square footage is 180sf, we are requesting a grand total of 363.08sf, which is an additional 183.08sf of what is currently allowed. The first sign is a non illuminated wall sign (sign C) on the front side elevation, 199.91sf, approximately 89 feet from the property line. The second sign is an illuminated wall sign (sign B) for the bar, which is a separate business from them, on the front elevation, 14.67sf, approximately 100 feet from the property line. The building frontage is 186ft.

- 1. Special Conditions:** -Sign B will be used to advertise that the WXYZ Bar is located in the lower level of the hotel. This will be the only signage for this business and is needed by Marriott International to identify the WXYZ bar
-Sign C will be used to identify the hotel to vehicles traveling North on Palm Parkway. Due to the layout design by the brand, the approved wall sign A will only be visible to vehicles traveling South. Both signs will be on pedestrian level and will not create sign clutter within the development.
- 2. Not Self-Created:** -Sign B is a designated bar/restaurant that is included in all Aloft properties nationwide. A variance to allow for this signage will allow consumers to know that this business is located within the hotel.
-Sign C is a Marriott International focal point for the consumer arriving at the property. This sign is not internally illuminated and will be attached to the porte cochere for arriving guest. The Marriott International brand design for Aloft hotels have multiple signs to help identify the property from other neighboring properties.
- 3. No Special Privilege Conferred:** -Sign B: Approval of the variance would not confer a special privilege, based on the special conditions and circumstances of the property.
-Sign C: Approval of the variance would not confer a special privilege, based on the special conditions and circumstances of the property.
- 4. Deprivation of Rights:** -Sign B: Denial of the variance would hinder the ability of potential clientele from locating the WXYZ bar. More traditional code-compliant ground signage would limit visibility of vehicles entering and exiting the property. Marriott International designs the branding for consumers to easily find the property without impeding on neighboring properties.
-Sign C: Denial of the variance would hinder the ability of potential clientele from locating the hotel. More traditional code-compliant ground signage would limit visibility of vehicles entering and exiting the property. Marriott International designs the branding for consumers to easily find the property without impeding on neighboring properties.

1

COVER LETTER PAGE 2

5. **Minimum Possible Variance:** -Sign B: The variance requested is the minimum possible variance that would be compliant with brand standards for Marriott International.
-Sign C: The variance requested is the minimum possible variance that would be compliant with brand standards for Marriott International.
6. **Purpose and Intent:** -Sign B: Approval of the variance would promote the appearance and character of the property and immediate neighborhood. It would not be detrimental to the public.
-Sign C: Approval of the variance would promote the appearance and character of the property and immediate neighborhood. It would not be detrimental to the public.

Should you have questions or need additional information, please don't hesitate to contact me at: ctorres@stellarsignanddesign.com or 407.660.3174 Ext 5518.



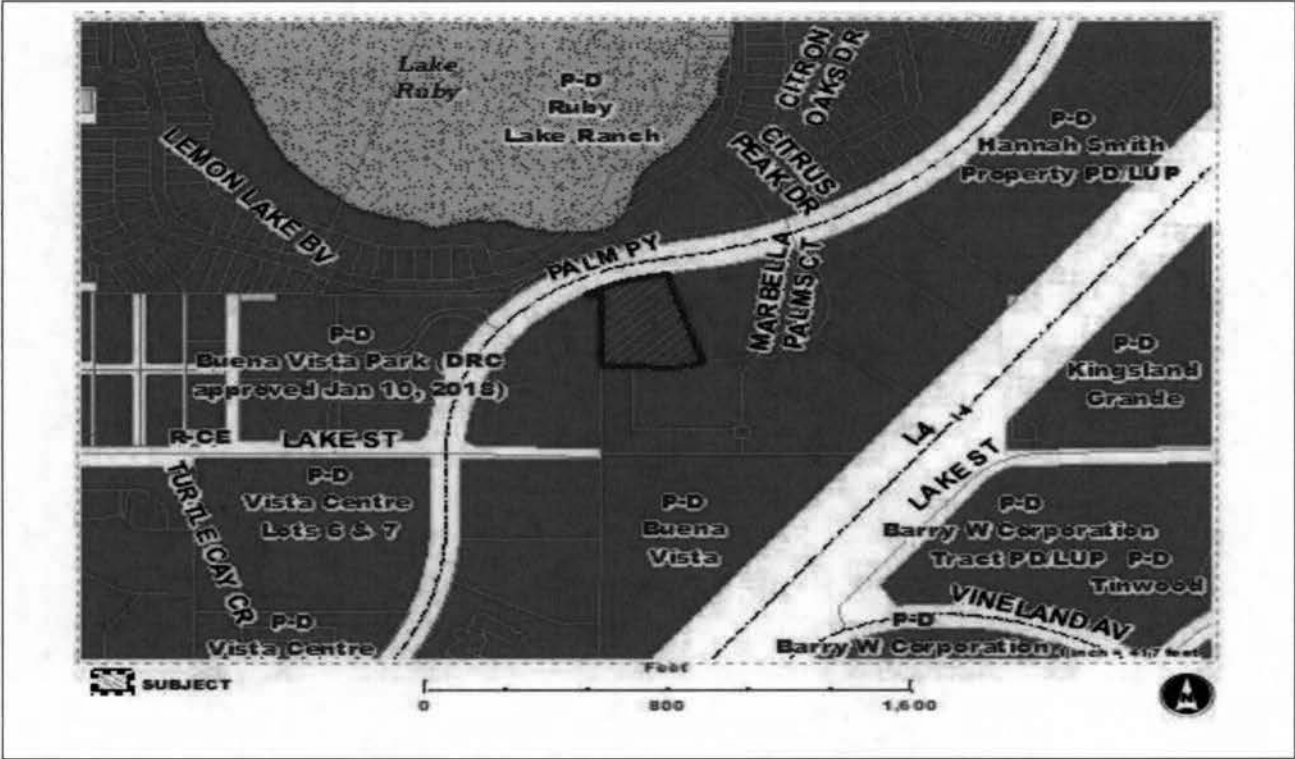
Sincerely,

Caryn Torres
Stellar Sign & Design, LLC

Florida Certified Electrical Sign Contractor #E512000915331 7005 Stapoint Court, Winter Park, FL 32702
Phone: 407-660-3174

2

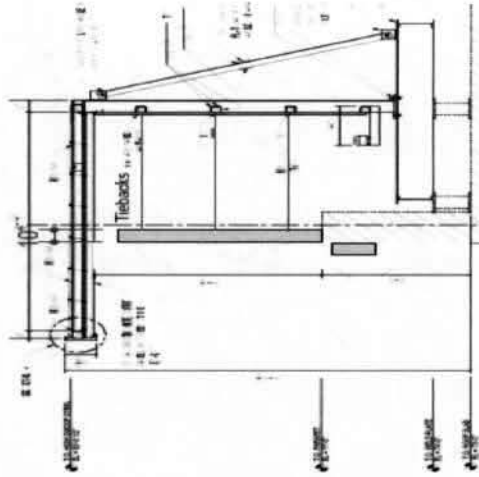
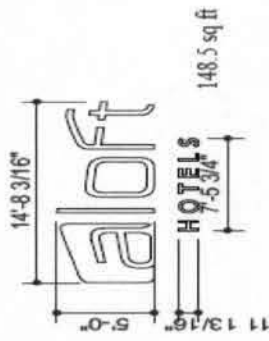
ZONING MAP



AERIAL MAP



EAST ELEVATION (SECONDARY FAÇADE) / EXISTING SIGN DETAILS (SIGN A)



1 CHANNEL LETTERS OPTION 1



2 NORTHEAST ELEVATION

This is the approved permitted wall sign A.

SITE PHOTOS



Front from Palm Pkwy. (Primary façade)



Front elevation. Proposed location of signs B and C (Primary façade)

SITE PHOTOS



East side sign A (Secondary façade)



East side sign A (Secondary façade)



BOARD OF ZONING ADJUSTMENT