



Planning, Environmental &
Development Services
Department

Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

July 3, 2024

Zoning Division

BOARD OF ZONING ADJUSTMENT (BZA)
ORANGE COUNTY GOVERNMENT

<u>Board Member</u>	<u>District</u>
Thomas Moses	1
John Drago (Vice Chair)	2
Juan Velez	3
Deborah Moskowitz (Chair)	4
VACANT	5
Sonya Shakespeare	6
Roberta Walton Johnson	At Large

BZA Staff

Ted Kozak, AICP	Chief Planner
Jenale Garnett	Planner II
Laekin O'Hara	Planner II
James Gray	Planner II
Tiffany Chen	Planner II

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
JULY 3, 2024**

Case #	Applicant	Commission District	Staff Recommendation	BZA	Page #
VA-24-07-059	Sorenson Construction, Inc	1	Denial	Approval w/Conditions	1
VA-24-07-057	Katelynd O'Neal	1	Approval w/Conditions	Approval w/Conditions	15
VA-24-07-060	Omar Ramos - Madrigal Court	3	Continued to 8/1/24	Continued to 8/1/24	30
VA-24-06-042	Van Nguyen For Orlando Racket Sports	3	Continued to 8/1/24	Continued to 8/1/24	31
SE-24-07-056	Brooks Stickler For Enclave Park	6	Approval w/Conditions	Approval w/Conditions	32
VA-24-06-041	Bryan Potts For LCV LLC	3	Approval w/Conditions	Approval w/Conditions	50
VA-24-07-051	Deepti Mughal For Sapphires Land Trust	6	Denial	Approval w/Conditions	64
VA-24-06-036	Bobby Morales	1	WITHDRAWN	WITHDRAWN	74
VA-24-06-044	Omar Ramos - Headlee Drive	3	Denial	Approval w/Conditions	75
VA-24-06-047	Meagan Anderson	2	Continued to 8/1/24	Continued to 8/1/24	89

Please note that approvals granted by the BZA are not final unless no appeals are filed within 15 calendar days of the BZA's recommendation and until the Board of County Commissioner (BCC) confirms the recommendation of the BZA on July 30, 2024.

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 Site and Principal Building Requirements

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
A-1	SFR 21,780 (½ acre)	850	100	35	50	10	15	35	50 ^A	L	
	Mobile home 2 acres	850	100	35	50	10	15	35	50 ^A	L	
A-2	SFR 21,780 (½ acre)	850	100	35	50	10	15	35	50 ^A	L	
	Mobile home 2 acres	850	100	35	50	10	15	35	50 ^A	L	
A-R	108,900 (2½ acres)	950	270	35	50	25	15	35	50 ^A	L	
R-CE	43,560 (1 acre)	1,500	130	35	50	10	15	35	50 ^A	L	
R-CE-2	2 acres	1,200	185	45	50	30	15	35	50 ^A	L	
R-CE-5	5 acres	1,200	250	50	50	45	15	35	50 ^A	L	
R-1AAAA	21,780(½ acre)	1,500	110	30	35	10	15	35	50 ^A	L	
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	15	35	50 ^A	L	
R-1AA	10,000	1,200	85	25/30 ^H	30/35 ^H	7.5	15	35	50 ^A	L	
R-1A	7,500	1,200	75	20/25 ^H	25/30 ^H	7.5	15	35	50 ^A	L	
R-1	5,000	1,000	50	20/25 ^H	20/25 ^H	5/6 ^H	15	35	50 ^A	L	
R-2	One-family dwelling, 4,500	1,000	45 ^C	20/25 ^H	20/25 ^H	5/6 ^H	15	35	50 ^A	L	38-456
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit ^D	80/90 ^D	20/25 ^H	25	5/6 ^H	15	35	50 ^A	L	38-456
	Three dwelling units, 11,250	500 per dwelling unit	85 ^J	20/25 ^H	30	10	15	35 ^E	50 ^A	L	38-456
	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^J	20/25 ^H	30	10 ^B	15	35 ^E	50 ^A	L	38-456; limited to 4 units per building
R-3	One-family dwelling, 4,500	1,000	45 ^C	20/25 ^H	20/25 ^H	5	15	35	50 ^A	L	38-481
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit ^D	80/90 ^D	20/25 ^H	20/25 ^H	5/6 ^H	15	35	50 ^A	L	38-481
	Three dwelling units, 11,250	500 per dwelling unit	85 ^J	20/25 ^H	30	10	15	35 ^E	50 ^A	L	38-481
	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^J	20/25 ^H	30	10 ^B	15	35 ^E	50 ^A	L	38-481
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10 ^S	15	35 ^Q	50 ^A	L	38-605
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	15	35	50 ^A	L	38-578
R-T-1 SFR	4,500 ^C	1,000	45	20	20	5	15	35	50 ^A	L	
Mobile Home	4,500 ^C	Min. mobile home size 8 ft. x 35 ft.	45	20	20	5	15	35	50 ^A	L	

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
R-T-2 (zoned prior to 1/29/73)	6,000	SFR 500 Min. mobile home size 8 ft. x 35 ft.	60	25	25	6	15	35	50 ^A	L	
(zoned after 1/29/73)	21,780	SFR 600 Min. mobile home size 8 ft. x 35 ft.	100	35	50	10	15	35	50 ^A	L	
NR	One family dwelling, 4,500	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1748
	Two dwelling units, 8,000	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 ^A	L	38-1748
	Three dwelling, 11,250	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1748
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	50/4 stories	50 ^A	L	38-1748
	Townhouse 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 ^A	L	38-1748
NAC	Nonresidential and mixed use development, 6,000	500	50	0/10 maximum 60% of building frontage must conform to maximum setback	15,20 adjacent to single-family zoning district	10,0 if buildings are adjoining	15	50 feet	50 ^A	L	38-1741
	One family dwelling, 4,500	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1741
	Two dwelling units, 11,250	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 ^A	L	38-1741
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	15	35/3 stories	50 ^A	L	38-1741
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	50 feet/4 stories, 65 feet with ground floor retail	50 ^A	L	38-1741
	Townhouse 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 ^A	L	38-1741
NC	Nonresidential and mixed use development, 8,000	500	50	0/10 maximum 60% of building frontage must conform to maximum setback	15,20 adjacent to single-family zoning district	10,0 if buildings are adjoining	15	65 feet	50 ^A	L	38-1734
	One family dwelling, 4,500	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1734
	Two dwelling units, 8,000	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 ^A	L	38-1734
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	15	35/3 stories	50 ^A	L	38-1734

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	65 Feet, 80 feet with ground floor retail	50 ^A	L	38-1734
	Townhouse 1,800	N/A	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 ^A	L	38-1734
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 feet for each add. story	15	35	50 ^A	L	38-806
C-1	6,000	500		25	20	0; or 15 ft. when abutting residential district	15	50; or 35 within 100 ft. of any residential use or district	50 ^A	L	38-830
C-2	8,000	500		25	15; or 25 when abutting residential district	5; or 25 when abutting residential district	15	50; or 35 within 100 ft. of any residential use or district	50 ^A	L	38-855
C-3	12,000	500		25	15; or 30 when abutting residential district	5; or 25 when abutting residential district	15	75; or 35 within 100 ft. of any residential use or district	50 ^A	L	38-880
I-1A	N/A	N/A	N/A	35	25, or 30 ft. when abutting residential district ^N	25, or 30 ft. when abutting residential district ^N	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-907
I-1/I-5	N/A	N/A	N/A	35	25, or 50 ft. when abutting residential district ^N	25, or 50 ft. when abutting residential district ^{N/O}	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-932
I-2/1-3	N/A	N/A	N/A	25	10, or 60 ft. when abutting residential district ^P	15, or 60 ft. when abutting residential district ^P	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-981
I-4	N/A	N/A	N/A	35	10, or 75 ft. when abutting residential district ^N	25, or 75 ft. when abutting residential district ^N	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-1008

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
U-R-3	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^J	20/25 ^H	30	10 ^B	15	35	50 ^A	L	

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 measured 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 Chapter 15, Article VII, Lakeshore Protection, and Chapter 15, Article X, Wetland Protection, 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 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. A lot which is part of a subdivision, the plat of which has been lawfully recorded, or a parcel of land, the deed of which was lawfully recorded on or before August 31, 1982, either of which has a depth of less than one hundred fifty (150) feet above the normal high water elevation contour, shall be exempt from the fifty-foot setback requirement set forth in section 38-1501. Instead, the setbacks under the respective zoning district requirements shall apply 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. feet 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, the minimum duplex lot size is 8,000 square feet, and the minimum living area is 500 square feet. For detached units, the minimum duplex lot width is 90 feet, the minimum duplex lot size is 9,000 square feet, and minimum living area is 1,000 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. Existing developed duplex lots that are either platted or lots of record existing prior to 3/3/97 and are at least 75 feet in width and have a lot size of 7,500 square feet or greater, shall be deemed to be vested and shall be considered as conforming lots for width and/or size.
E	Multifamily residential buildings in excess of one story in height within 100 feet of the property line of any single-family dwelling district and use (exclusive of 2 story single family and 2 story two-family dwellings), requires a special exception.
F	Reserved.
G	Reserved.
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%.
L	Subject to the Future Land Use designation.
M	Developable land area.
N	Rear yards and side yards may be reduced to zero (0) when the rear or side property lines about the boundary of a railroad right-of-way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities.
O	One of the side yards may be reduced to zero (0) feet, provided the other side yard on the lot shall be increased to a minimum building setback of fifty (50) feet. This provision cannot be used if the side yard that is reduced is contiguous to a residential district.
P	Rear yards and side yards may be reduced to zero when the rear or side property lines about the boundary of a railroad right-of-way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities; however, no trackage shall be located nearer than three hundred (300) feet from any residential district.
Q	The maximum height of any structure shall be two stories or thirty-five (35) feet; provided, that no structure (exclusive of single-family and two-family dwellings) shall exceed one story in height within one hundred (100) feet of the side or rear lot line of any existing single-family residential district.
R	A ten-foot front setback may also be permitted for the dwelling unit when a front entry garage is set back at least twenty (20) feet from the front property line.
S	Minimum side building separation is ten (10) feet. The side setback may be any combination to achieve this separation. However, if the side setback is less than five (5) feet, the standards in section 38-605(b) of this district shall apply.

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: **JUL 3, 2024**

Commission District: **#1**

Case #: **VA-24-07-059**

Case Planner: **Laekin O'Hara (407) 836-5943**
Laekin.O'Hara@ocfl.net

GENERAL INFORMATION

APPLICANT(s): SORENSON CONSTRUCTION, INC.

OWNER(s): MILES BURKE, BARBARA BURKE

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

- 1) To allow a 2,858 sq. ft. attached Accessory Dwelling Unit (ADU) in lieu of a maximum of 1,000 sq. ft.
- 2) To allow an Accessory Dwelling Unit (ADU) with a separate entrance at the front of primary structure in lieu of the side or rear.

PROPERTY LOCATION: 2608 Midsummer Dr., Windermere, FL 34786, west side of Midsummer Dr., east side of Lake Down, west of S. Apopka Vineland Rd., east of Maguire Rd., north of Conroy Windermere Rd.

PARCEL ID: 04-23-28-4406-00-210

LOT SIZE: +/- 2.4 acres (+/- 1.1 acres upland)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 71

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Thomas Moses, Second by Roberta Walton Johnson; 3 in favor: Roberta Walton Johnson, Sonya Shakespeare, Thomas Moses; 2 opposed: Deborah Moskowitz, John Drago; 1 absent: Juan Velez; 1 vacant):

1. Development shall be in accordance with the site plan and elevations dated June 12, 2023, 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.

- 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 proposal, including 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 denial. Staff noted that four (4) comments were received in favor of the requests, and no comments were received in opposition to the requests.

The applicant discussed the recommendation of denial, noting that the property could be developed with a conforming ADU.

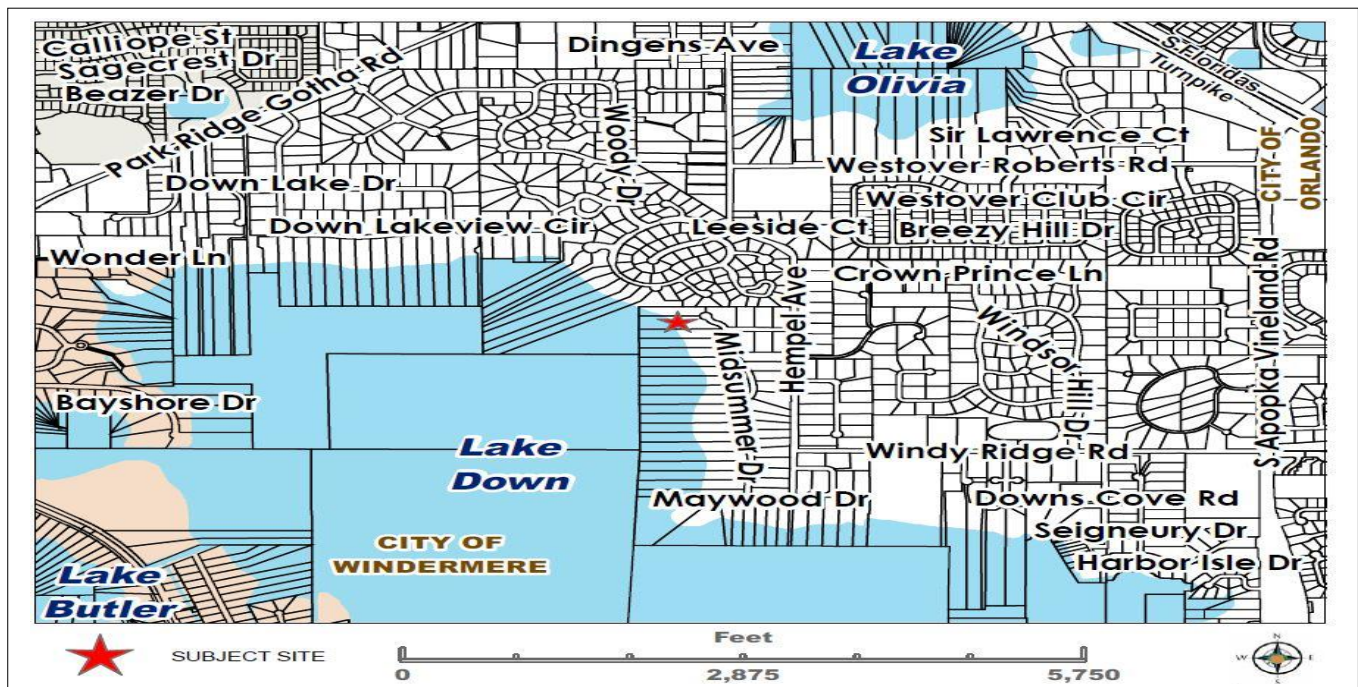
There was no one in attendance to speak in favor of the request. There were two (2) in attendance to speak in opposition to Variance #2, stating concerns about the property appearing as a duplex from the street because of the two entries.

The BZA discussed the requests, determined that the main difference between the residence under construction and the proposed ADU was the addition of cabinetry and appliances, which would not be a measurable impact to surrounding properties and recommended approval of the Variances by a 3-2 vote, with one absent and one seat vacant, subject to the three (3) conditions in the staff report.

STAFF RECOMMENDATIONS

Denial. However, should the BZA find that the applicant has satisfied the criteria necessary to grant the Variances, 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-CE	R-CE	R-CE	R-CE	R-1A
Future Land Use	West Windermere Rural Settlement RS 1/1	West Windermere Rural Settlement RS 1/1	West Windermere Rural Settlement RS 1/1	West Windermere Rural Settlement RS 1/1	West Windermere Rural Settlement RS 1/1
Current Use	Single-family residence	Single-family residence	Single-family residence	Single-family residence	Vacant / water body

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-CE, Rural Country Estate District, which allows for single family development on one (1) acre lots and certain rural uses. The Future Land Use is Rural Settlement 1/1 (RS 1/1), which is consistent with the R-CE zoning district. The rural settlement designation typically impacts such development factors as residential density, location, and intensity of commercial and other nonresidential uses, and with the exception of density, have no impact on single-family development.

The area around the subject site consists of single-family homes and vacant lots, many of which are lakefront. The subject property is a +/- 2.4 acre lot, of which +/- 1.1 acres is upland, and the remainder is +/- 1.3 acres of Lake Down. The property is currently under construction with a single-family residence (B22022802), boat dock (B24008346), and pool with spa and decking (B23020277). The property was purchased by the current owners in 2021.

The applicant is requesting approval of an attached Accessory Dwelling Unit (ADU). The ADU contains 2,858 gross sq. ft. of living area where a maximum of 1,000 sq. ft. is allowed (Variance #1). The allowable size of an ADU is based on the size of the primary dwelling unit living area, or 1,000 sq. ft., whichever is less. The living area of the primary dwelling is identified on the building permit as 6,967 sq. ft., 50% of which is 3,483.5 sq. ft., greater than the proposed ADU; however, this exceeds the overall 1,000 sq. ft. cap. The ADU also requires Variance #2, as the ADU has a separate entrance at the front of the primary structure where Code requires it be located to the side or rear.

The issued building permit for the primary dwelling unit currently under construction does not identify this area as an accessory dwelling unit, and just depicts it as additional living area, with a wet bar in place of the kitchen. County Code Section 38-1 definition of a single-family dwelling includes “containing one (1) kitchen”, and Variances are not able to be requested from a definition to allow a second kitchen. As such, the applicant has submitted a request for an accessory dwelling unit, requiring the above referenced Variances in order to allow for the addition of a second kitchen.

The intent and purpose of the ADU code is to allow for the development of ADUs to support greater infill development and affordable housing opportunities, while maintaining the character of existing neighborhoods. As such, accessory dwelling units do not count towards the maximum density and are

charged impact fees at a lower rate than 2 single-family homes and are therefore intentionally meant to be subordinate in relation to the primary home and property, thus the limitation on maximum square footage and number of bedrooms, as such staff is recommending denial as the plans can be submitted to meet code.

The applicant submitted letters of no objection from three (3) adjacent neighbors located to the north, south, and east, and a letter of approval from the HOA.

As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Min. Lot Width:	130 ft.	183 ft.
Min. Lot Size:	43,560 sq. ft. (1 acre)	+/- 2.4 acres (+/- 1.1 acres upland)

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front (East):	35 ft.	40.33 ft.
Side (North):	10 ft.	35.25 ft.
Side (South):	10 ft.	14.39 ft.
Rear (West):	50 ft.	403.8 ft.
Rear (NHWE):	50 ft.	57.41 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

There are no special conditions or circumstances, as an ADU could be constructed in a conforming size and could provide a shared entry or entry at the side or rear.

Not Self-Created

The request for the Variances is self-created, as the requested variances could be reduced or eliminated.

No Special Privilege Conferred

Granting the Variances as requested will confer special privilege that is denied to other properties in the area.

Deprivation of Rights

The owners are not being deprived of the right to have an ADU on the property, as they could build a size that meets code requirements and a door in a code complaint location.

Minimum Possible Variance

These requests are not the minimum, since there are other alternatives, including the reduction of the size and alternate door location.

Purpose and Intent

Approval of these requests would be in harmony with the purpose and intent of the Code, which is to allow an ADU to be secondary and accessory to the house. As this ADU is interior to the home and is currently permitted as part of the primary dwelling, the addition of the kitchen will not provide a measurable impact to the surrounding property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated June 12, 2023, 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.

C: Robert Sorenson
1331 Green Forest Court, Ste #4
Winter Garden, Florida 34787



1331 Green Forest Court, Ste. #4 – Winter Garden, FL 34787
P.O. Box 623, Gotha, FL 34734
407-905-8190

May 17, 2024

Orange County Board of Zoning Adjustments
201 Rosalind Avenue
Orlando, FL 32801

RE: Multi-Generational home - 2nd kitchen/Oversized ADU/ ADU's separate entrance to be located on the front side of primary structure per existing plan.

Variance Request to provide a 2858 s.f. Oversize ADU at the above referenced address in lieu of the maximum 1000 s.f. allowable.

Variance Criteria:

1. **Special Conditions & Circumstances:** The Property appraiser lists this property as 2.49 acres. The proposed home is planned for 14,321 s.f. and with a total A/C area of 9825 s.f. of which the proposed ADU comprises of 2858 s.f. As designed, there will be no appreciable increases in mass of the home as the ADU is located internally and will not add to the overall mass that would affect adjacent properties. The net developable acreage for this home is 1.1 acres above the normal high-water line.
2. **Not Self-Created:** as permitted and is currently under construction, this is a SFR without an ADU. The variance request is one made by the Homeowners to construction a generational home for the aging parents to live with their children's family.
3. **No Special Privilege Conferred:** No special privilege is expected by the homeowner.
4. **Deprivation of Rights:** the sole purpose for this variance request is to construct a generational home and will have no effect on the rights of other properties within this zoning district.
5. **Minimum Possible Variance:** as this will be a full time living unit within a single family residence, space has been provided for the family relative similar to that of a small dwelling unit and is comparable with the balance of the home that the unit exists within and also provides completely separate living conditions that will not adversely affect the main home in terms of privacy/having other friends and relatives visit the family members within the ADU.

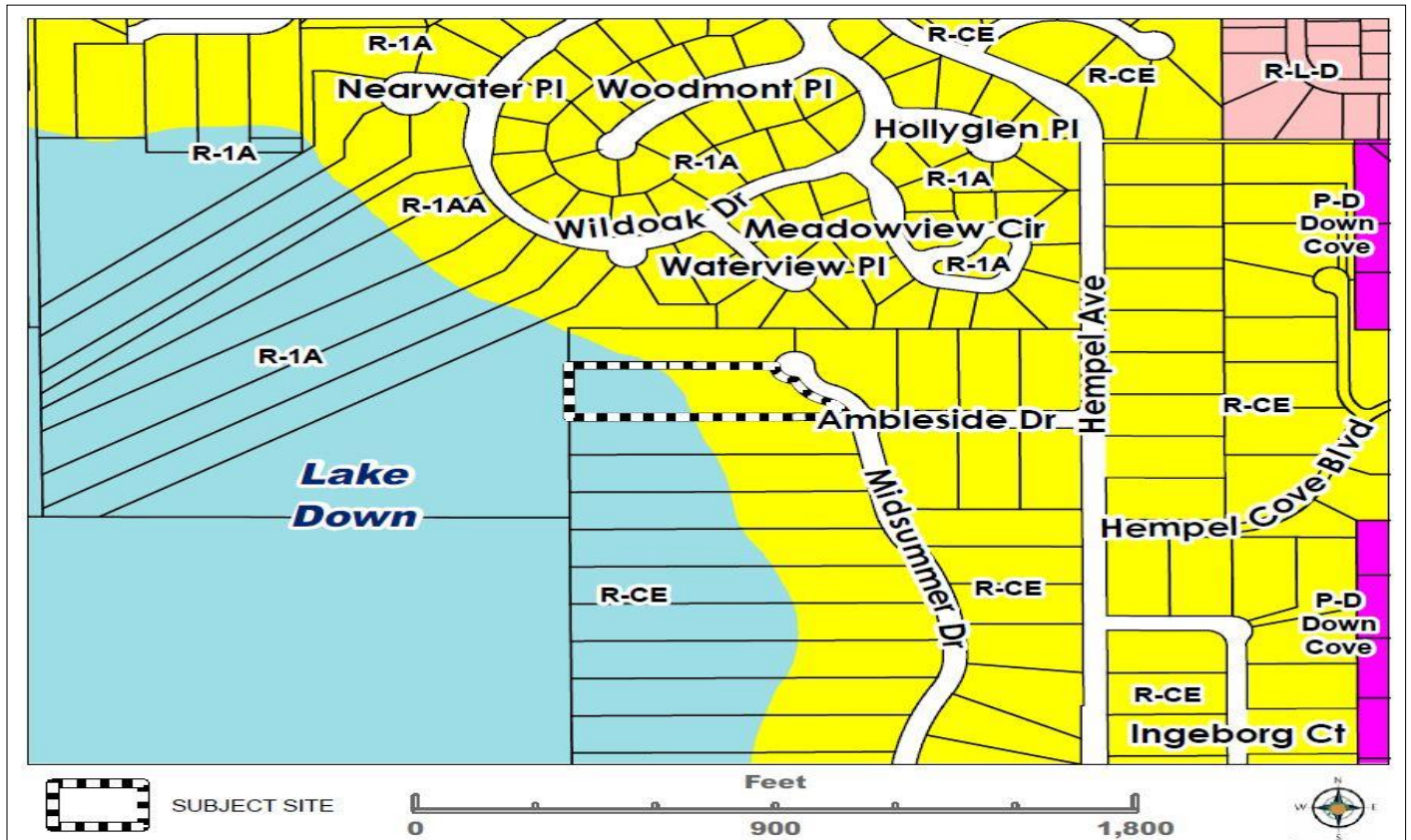
6. **Purpose & Intent:** as designed, the ADU is a harmonious living unity contained within a large Single-Family Residence in such a way that the increased size will not have any effect on adjacent or other properties within the zoning district or will the increase size be detrimental to the welfare of the general public.

Respectfully Submitted

Robert Sorenson

Robert Sorenson
General Contractor/Agent for the Homeowner.

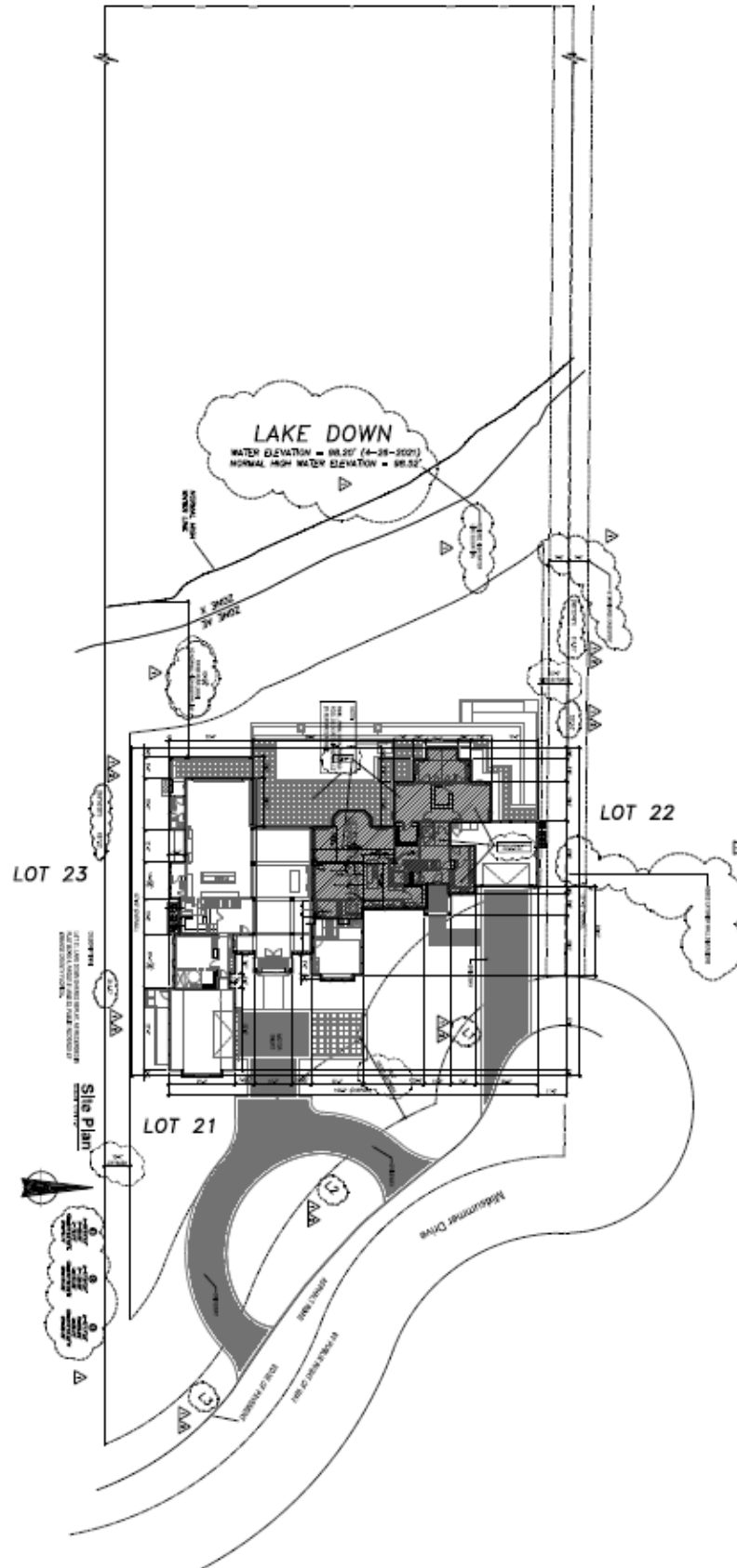
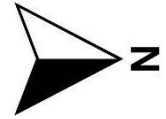
ZONING MAP



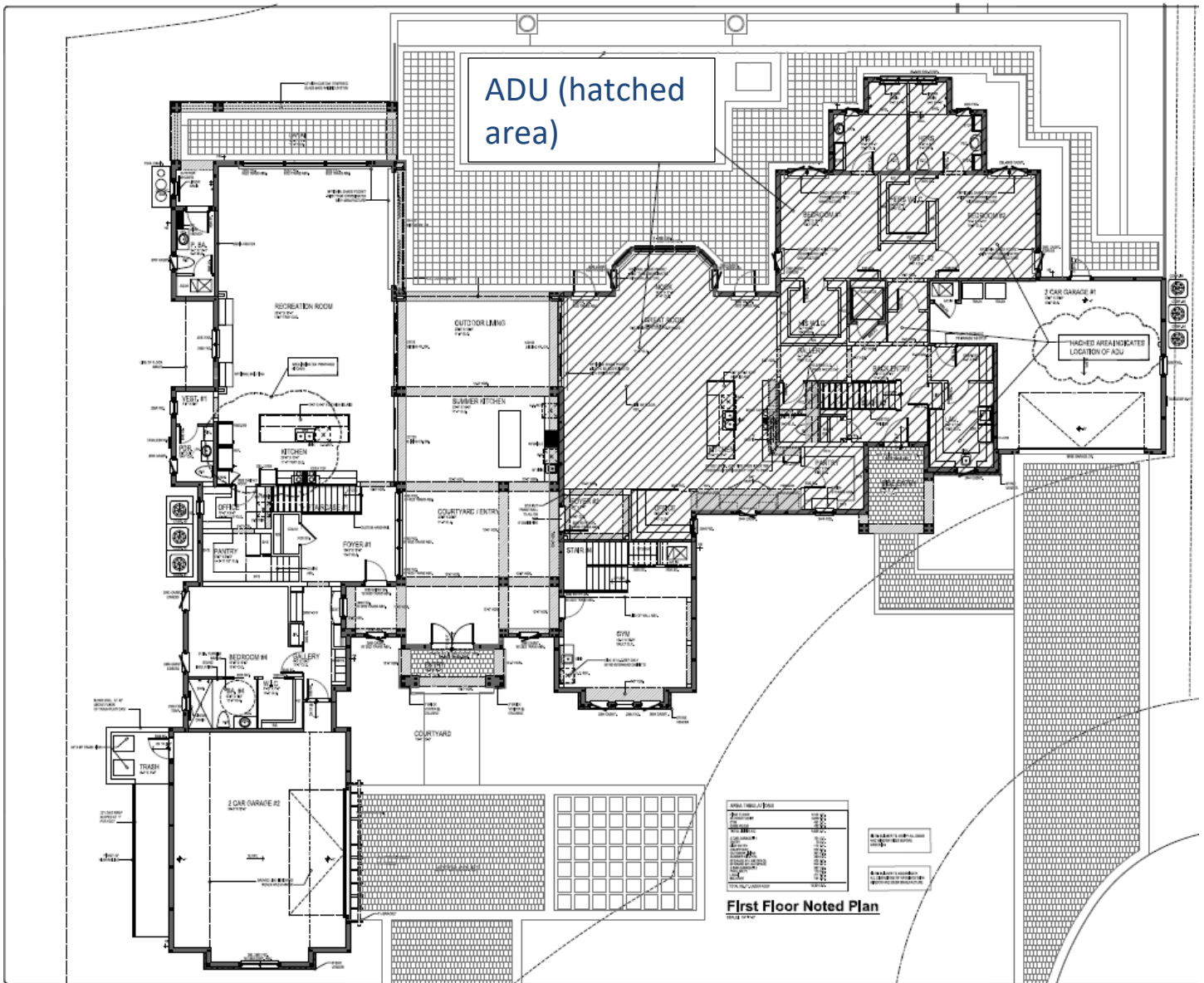
AERIAL MAP



SITE PLAN



OVERALL FLOOR PLAN (FIRST FLOOR)



Architectural floor plan of a 2000 sq. ft. house with a 2-car garage. The plan includes rooms such as the Great Room, Kitchen, Foyer, Office, and two Bedrooms. It also shows a 2-car garage and a side entry. A dashed line indicates the location of the ADU. The plan is labeled with room names, dimensions, and various architectural details.

Rooms and Dimensions:

- Great Room: 12'0" x 14'0"
- Kitchen: 10'0" x 10'0"
- Foyer #2: 12'0" x 12'0"
- Office: 12'0" x 12'0"
- Bedroom #1: 12'0" x 12'0"
- Bedroom #2: 12'0" x 12'0"
- 2 Car Garage #1: 20'0" x 20'0"
- Side Entry: 12'0" x 12'0"

Other features include a central hall, multiple closets, and a side yard. A dashed line indicates the location of the ADU.

ELEVATIONS



Front (east)

ADU (hatched area)

ADU entry



Rear (west)



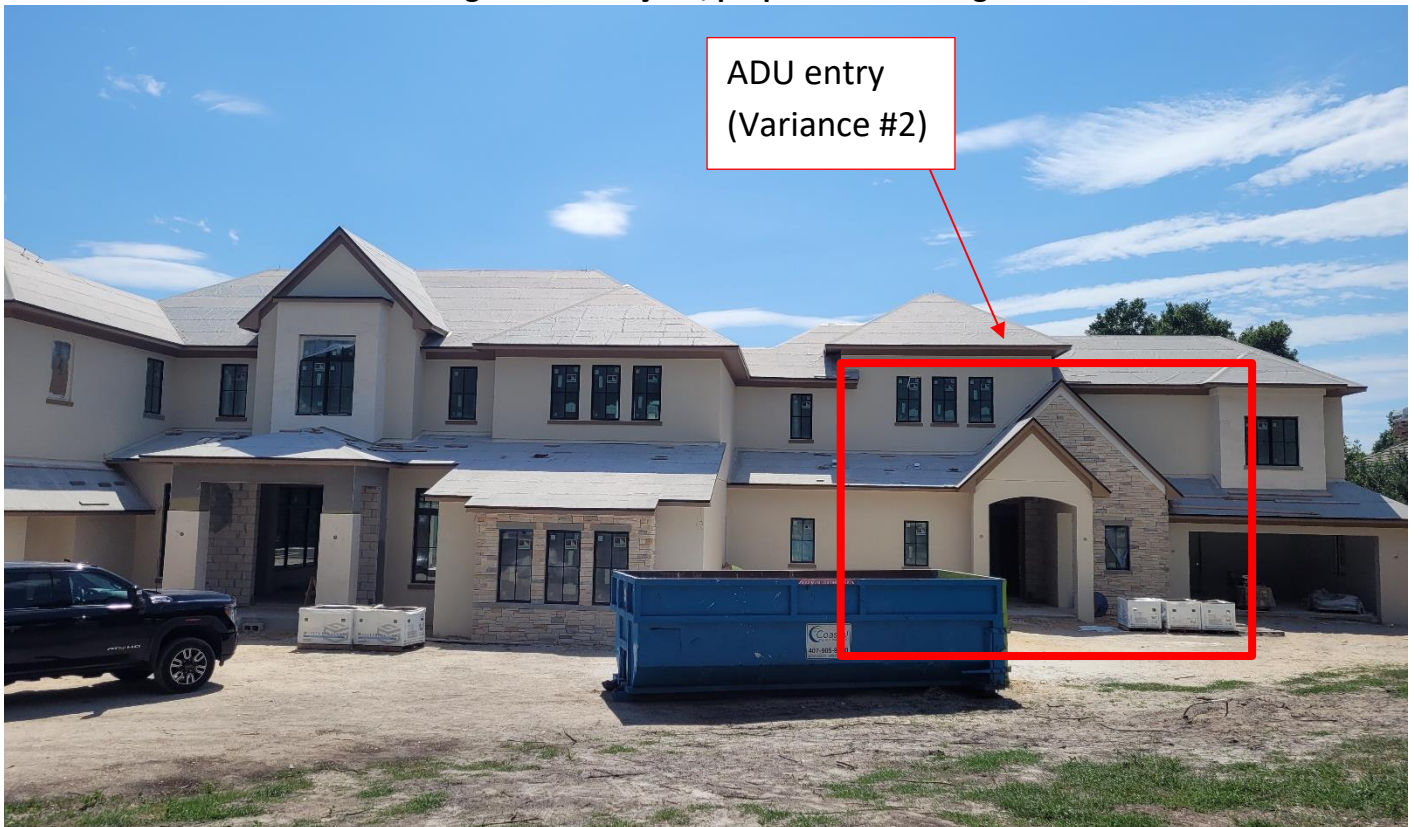
Side (north)

ADU (hatched area)

SITE PHOTOS



Facing the front façade, proposed ADU to right



Facing west towards front of building

SITE PHOTOS



Rear ADU walls, facing north



OC Property Appraiser Birdseye view showing adjacent properties

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 03, 2024**

Commission District: **#1**

Case #: **VA-24-07-057**

Case Planner: **Tiffany Chen (407) 836-5549**
Tiffany.Chen@ocfl.net

GENERAL INFORMATION

APPLICANT(s): KATELYND O'NEAL

OWNER(s): LANA LARRIVEE, MITCHELL LARRIVEE

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

- 1) To allow an existing residence with a setback from the Normal High Water Elevation (NHWE) of 34 ft. in lieu of 50 ft.
- 2) To allow an existing residence with an east front setback of 29 ft. in lieu of 35 ft.
- 3) To allow a pool, deck, screen room and screen enclosure with a setback from the Normal High Water Elevation (NHWE) of 14 ft. in lieu of 50 ft.

PROPERTY LOCATION: 22 Live Oak Road, Winter Garden, FL 34787, west side of Live Oak Rd., north side of Johns Lake, south of W. Colonial Dr., west of Avalon Rd.

PARCEL ID: 30-22-27-4017-00-170

LOT SIZE: +/- 0.30 acres (+/- 0.25 acres upland)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 116

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Thomas Moses, Second by Roberta Walton Johnson; unanimous; 5 in favor: John Drago, Deborah Moskowitz, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Juan Velez; 1 vacant):

1. Development shall be in accordance with the site plan and elevations date stamped May 21, 2024, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the improvement resulting from the County's granting of the variance request and, which shall inform all interested parties that the house and accessory structures are located no closer than 14 feet from the Normal High Water Elevation (NHWE) of Johns Lake.

SYNOPSIS: Staff described the proposal, including 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 briefly spoke, agreeing with the staff recommendation.

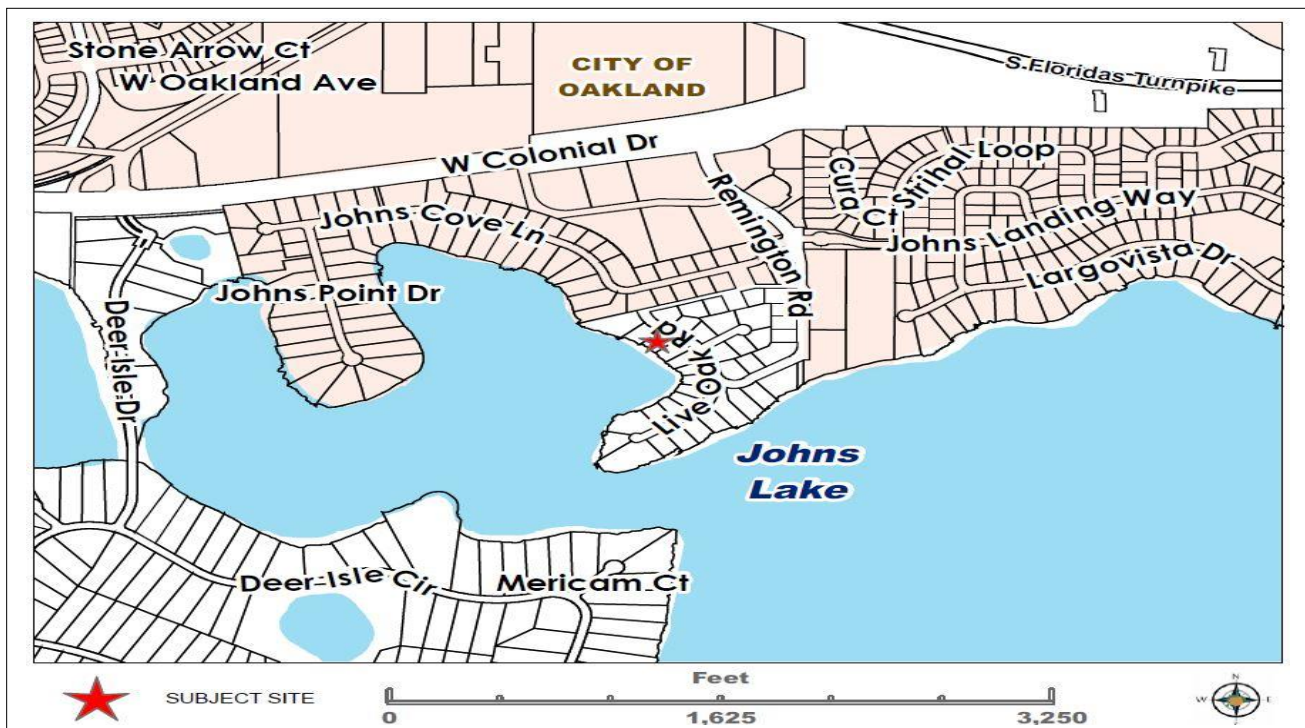
There was no one in attendance to speak in favor or in opposition to the request.

The BZA discussed the Variances, stated justification for the six (6) criteria and unanimously recommended approval of the Variances by a 5-0 vote, with one absent, and one vacant, 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-CE	R-CE	R-CE	R-CE	Johns Lake
Future Land Use	R	R	R	R	Johns Lake
Current Use	Single-family residence	Single-family residence	Vacant (under construction)	Single-family residence	Johns Lake

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area around the subject site consists of vacant lots and single-family homes, many of which are lakefront. The subject property is a +/- 0.30 acre lot, +/- 0.25 acres of which is upland, located in the John's Lake Homesites plat recorded in 1958, and is considered to be a non-conforming lot of record due to the size and the width. It is developed with a 2,778 gross sq. ft. single-family home with a screen enclosure, constructed in 1999. The current owners purchased the property in 2021. The property backs up to Johns Lake with a Normal High Water Elevation (NHWE) line on the west side.

The applicant is proposing to replace the existing screen enclosure with a larger structure extending to both side walls of the home, and to include a pool and deck within a screen enclosure, the southeast portion of which would be considered a screen room as it would be covered with a 16 ft. x 20 ft. aluminum roof. This larger structure is proposed to be located 14 ft. from the NHWE in lieu of 50 ft., requiring Variance #3. The rear wall of the existing home is currently located 34 ft. from the NHWE in lieu of 50 ft., requiring Variance #1. When the home was permitted in 1999, the NHWE was located further west, closer to the rear property line and the house was shown on the permit to be located outside of the required 50 ft. setback from the NHWE. The house was also permitted with a front setback of 30 ft., and the provided survey shows a front setback of approximately 29 ft. in lieu of the required front setback of 35 ft., requiring Variance #2.

The Orange County Environmental Protection Division has reviewed the request and has no objections as there will be no wetland impacts within a 14 ft. setback from the NHWE.

Staff recommends approval since the rear setback does not impact neighboring properties, as the subject property backs up to Johns Lake, and there is no other location for the pool, deck and screen enclosure/screen room that would not encroach into the NHWE setback. The proposed structures would also not be visible from the street. Adding the proposed structures to the front of the house is not an option as pools are not permitted to be located in the front yard per Sec. 38-79(10), and the existing house is already located within the required front setback. The R-CE setbacks were intended for larger sized lots with greater width and depth than the subject property.

As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	13 ft.
Min. Lot Width:	130 ft.	100 ft. (Developed lot of record)
Min. Lot Size:	1 acre	0.30 acres (0.25 acres upland) (Developed lot of record)

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed / Existing
Front:	35 ft.	29 ft. (East- Variance #2) (Existing house)
Rear:	50 ft.	53 ft. (West) (Existing house)
Side:	10 ft.	26.6 ft. (North) 10.9 ft. (South)
NHWE:	50 ft.	14 ft. - pool, deck, screen enclosure/screen room (West – Variance #3) 34 ft. – existing house (West- Variance #1)

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

The special conditions and circumstances particular to the subject property are the Normal High Water Elevation (NHWE) line which coincides with the rear setback on the west side of the property, as well as the non-conforming size of the lot and the placement of the existing home, all of which restrict the area where any accessory structures or pool and deck could be built.

Not Self-Created

The need for the Variances is not self-created, since the owners are not responsible for the location of the NHWE line nor the placement of the existing home as built in 1999, making any improvements to the property difficult without the need for the Variances.

No Special Privilege Conferred

Granting the Variances as requested would not confer special privilege as the proposal is to utilize the available lot area in order to construct the proposed structures in the only possible location. Other properties along the lakefront of Johns Lake have been developed with pools and screen enclosures. The Variances would also allow the home to remain in its current, as-built configuration.

Deprivation of Rights

Without Variance #3, the owners will not be able to construct a usable pool, deck and screen enclosure/room in the only feasible location. Variances #1 and #2 would allow the home to remain in its current, as-built location.

Minimum Possible Variance

Variance #3 for the pool, deck, screen room and screen enclosure setback is the minimum necessary to construct any improvement. Variances #1 and #2 would allow the home to remain in its current, as-built location.

Purpose and Intent

Approval of the requested Variances would be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to adjacent properties and will maintain the existing character of the neighborhood, since the existing setbacks of the home, the proposed NHWE setback and the rear setback do not affect neighboring properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations date stamped May 21, 2024, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the improvement resulting from the County's granting of the variance request and, which shall inform all interested parties that the house and accessory structures are located no closer than 14 feet from the Normal High Water Elevation (NHWE) of Johns Lake.

C: Lana Larrivee, Mitchell Larrivee
22 Live Oak Road
Winter Garden, FL 34787

Orange County Zoning Division
201 South Rosalind Ave, 1st Floor
Orlando, FL 32801

To the Board of Zoning Adjustment,

I am writing to request a variance to Sec. 38-1501 50ft rear setback requirement from NHWE criteria at the residence of 22 Live Oak Road for (1) a variance for a 60' x 20' screened pool deck including a 13' x 33' pool and spa and (2) a variance for a 16' x 20' portion on one side of the pool deck to be covered with insulated aluminum. Requesting setback from NHWE for both Pool and Patio to be 14' instead of 50'. Additionally, I am requesting (3) a variance for recognition of the existing single family residence setback from NHWE at 34' in lieu of 50'. There is an existing screened patio in the proposed location that will be removed as part of this project. Property is zoned as R-CE.

Special Conditions & Circumstances: The property is a constrained lot with only 0.3 acre of land where the zoning minimum lot size for an R-CE property is 1 acre. It is positioned with less than 150ft from street to NHWE which would qualify the homeowner for an exemption from the 50ft setback requirement from NHWE set forth in Sec. 38-1501 and instead setback under the zoning district requirements shall apply. However, R-CE zoning requirement for rear setback is also 50ft. Current Single-Family Residence constructed in 1999 is setback at 53.43' to rear property line within Johns Lake, but only 34ft to NHWE.

Not Self-Created: The current property owner has no control over the lot platting. Constrained lot and special conditions listed above are not self-created.

No Special Privilege: Approval of this variance would simply allow for a pool and patio to be constructed which is a right conferred to others around Johns Lake. Examples of homes less than 50ft setback from water line as measured from satellite pictures include:

- 16309 Lake Sherman Drive at 23ft
- 13016 Hartle Road at 20ft
- 13446 Lake Blvd at 30ft
- 16677 Broadwater Ave at 31ft

Deprivation of Rights: A pool and patio is a common accessory use that is permitted within the zoning district. The special conditions of the property would prevent construction without a variance. Granting of a variance allows the property owner their basic property right of enjoyment to which lakefront owners enjoy.

Minimum Possible Variance: The proposed pool and patio location is the only location on the property with sufficient space to build a pool. The variance requested is therefore the minimum possible to allow for pool construction on the property.

Purpose and Intent: Variance would be in harmony with the purpose and intent of the existing zoning regulations and does not adversely affect the neighborhood.

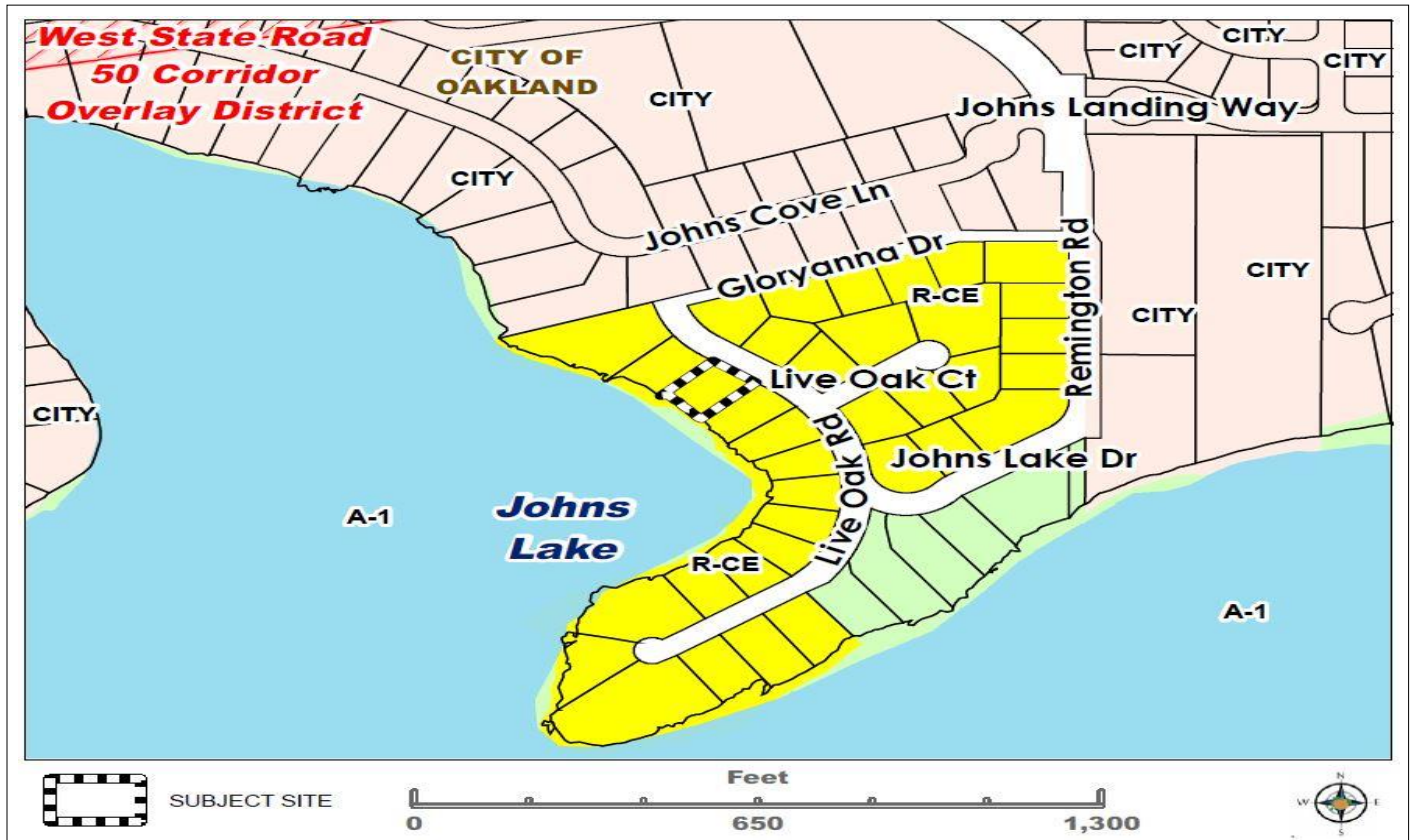
In summary, I am requesting a variance to Sec. 38-1501 Setback requirement criteria from NHWE for pool, patio, and recognition of existing SFR. Only a variance would allow the property owner to construct a pool and patio on the property.

Thank you for your time and consideration of this variance request.

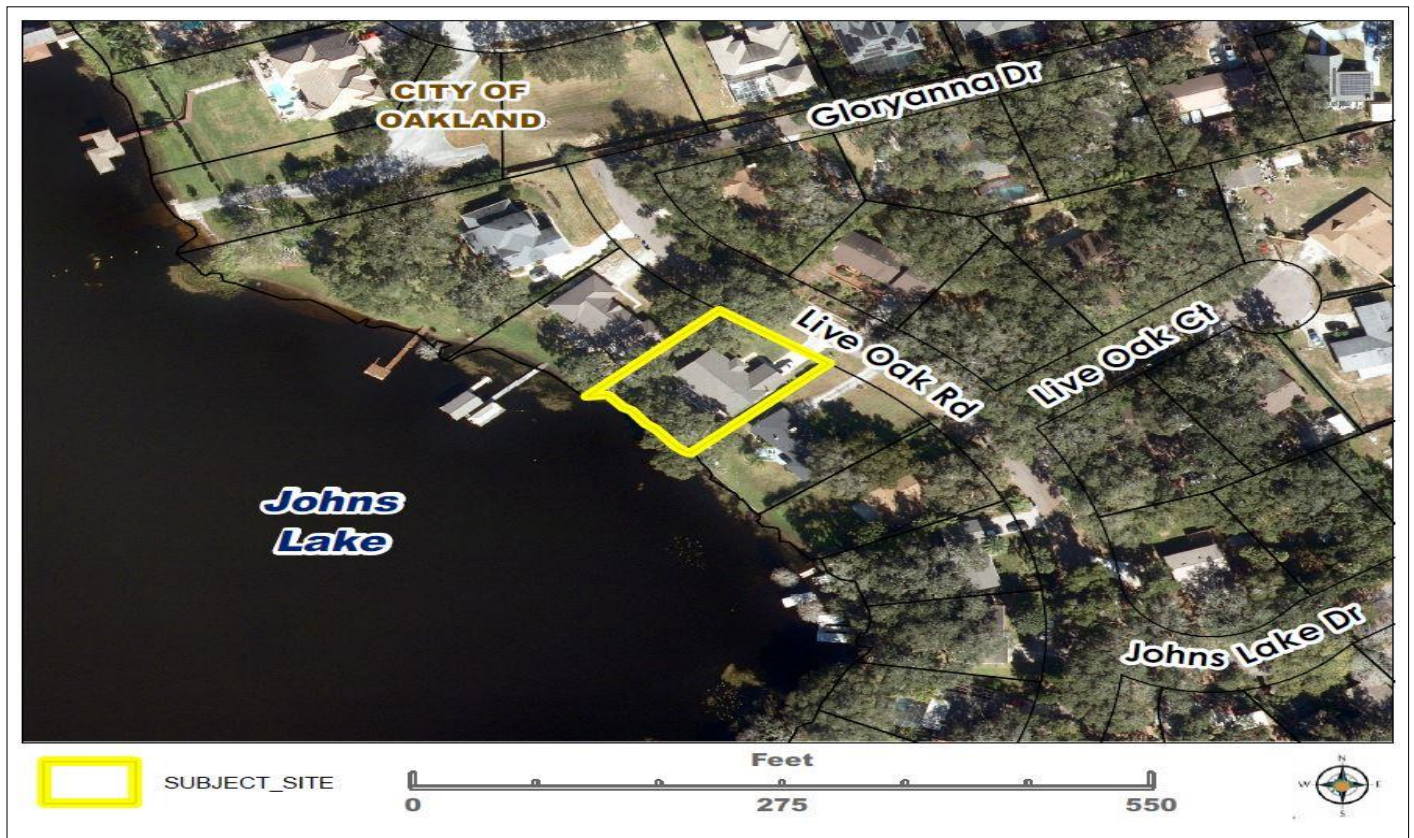
With Respect,

Katie O'Neal

ZONING MAP



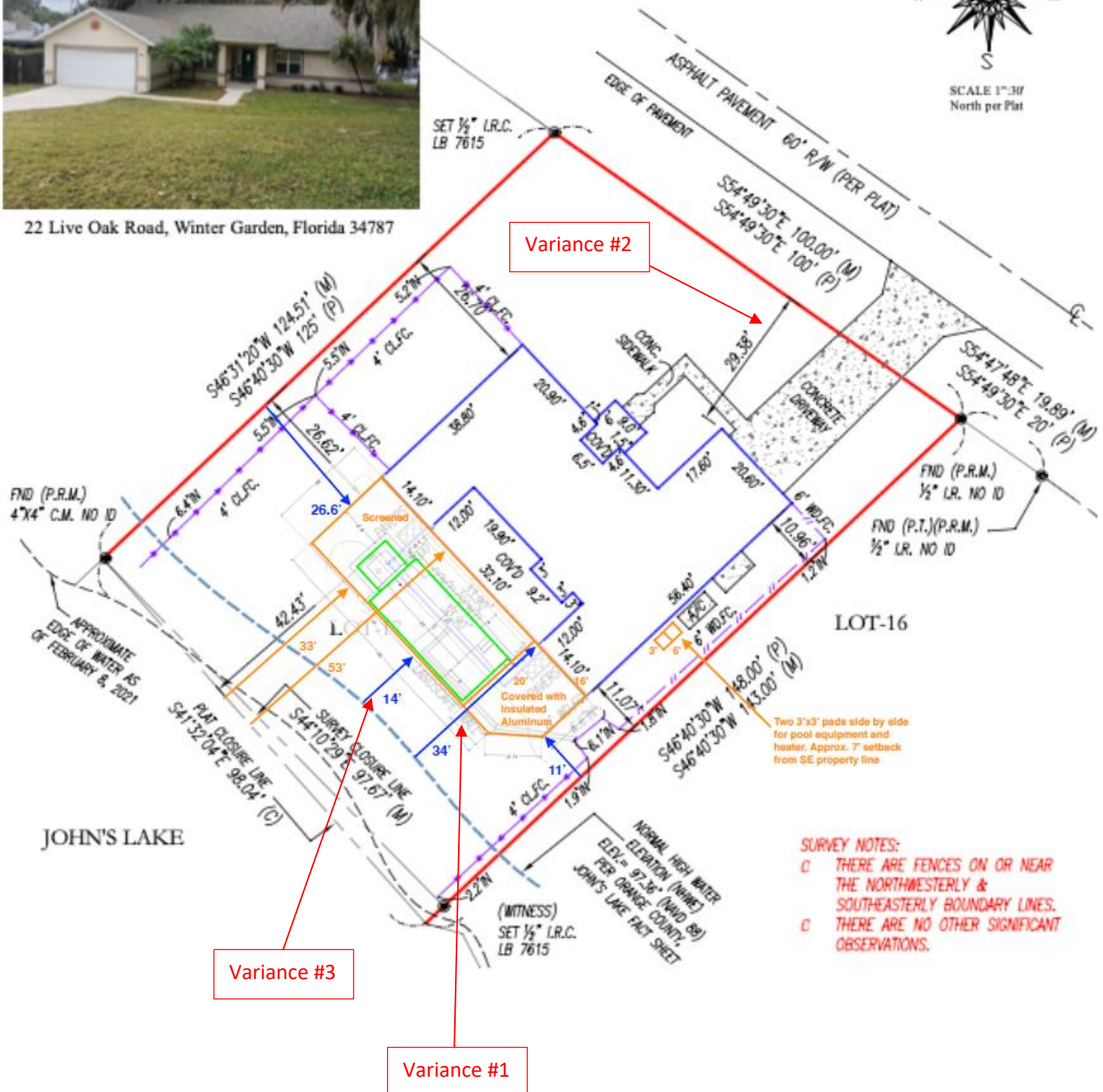
AERIAL MAP



SITE PLAN

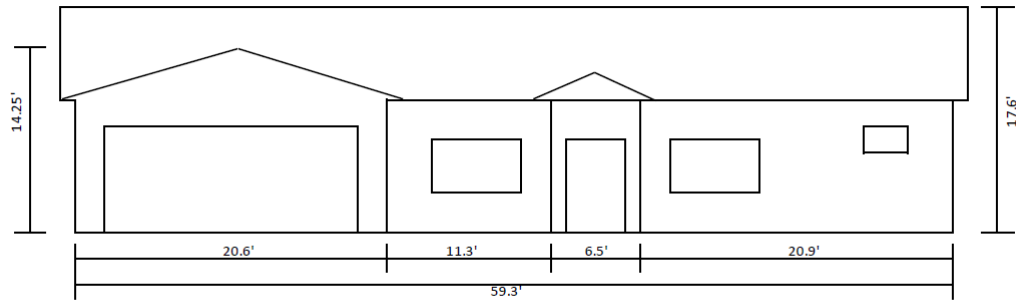


22 Live Oak Road, Winter Garden, Florida 34787

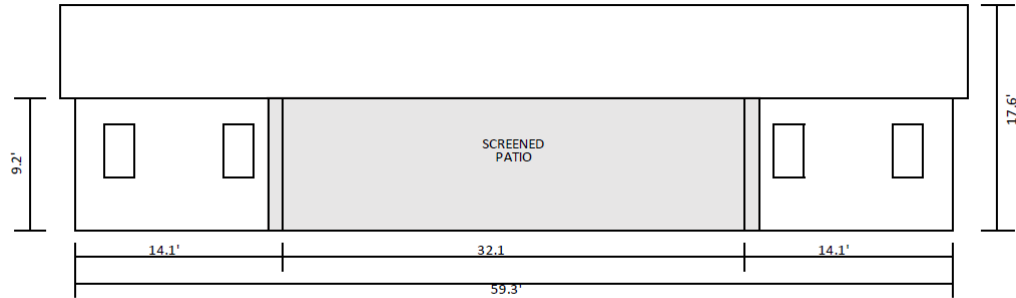


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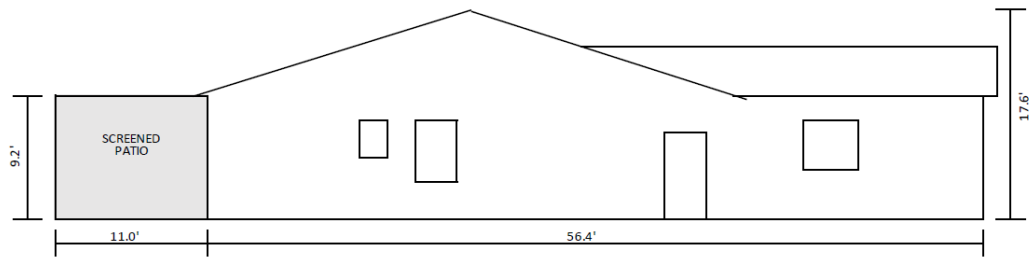
ELEVATIONS (EXISTING)



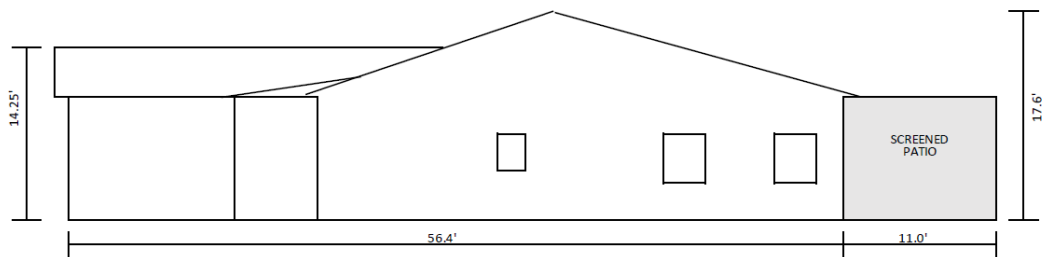
FRONT ELEVATION (North East)



REAR ELEVATION (South West)

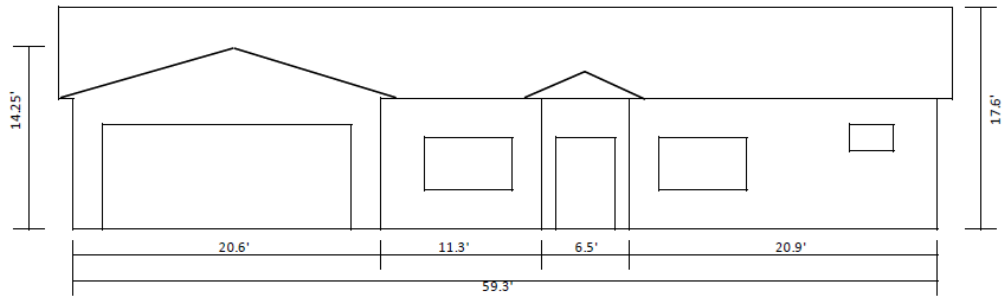


SIDE ELEVATION (South East)

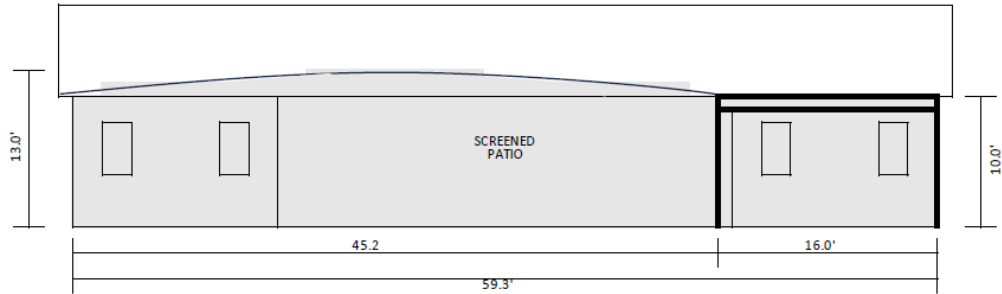


SIDE ELEVATION (North West)

ELEVATIONS (PROPOSED)

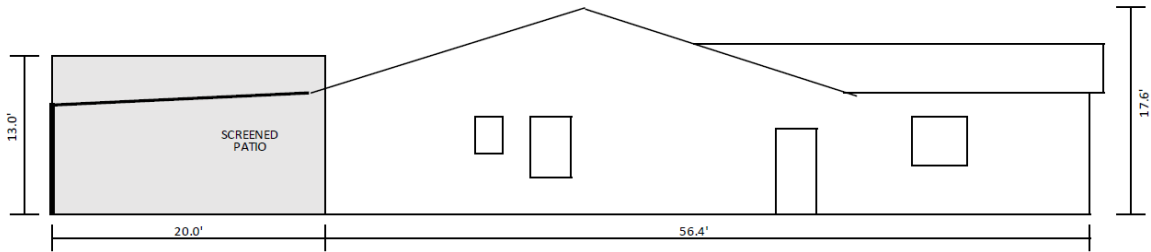


FRONT ELEVATION (North East)



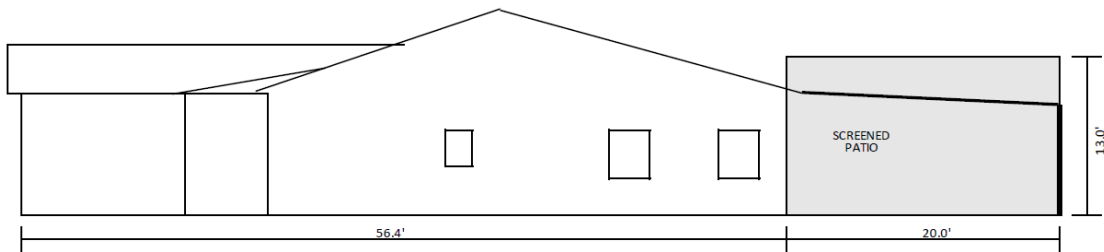
REAR ELEVATION (South West)

PROPOSAL:
Screen max height at top of dome 13'
Covered portion with insulated aluminum:
10'



SIDE ELEVATION (South East)

PROPOSAL:
Screen max height at top of dome 13'
Covered portion with insulated aluminum:
10'



SIDE ELEVATION (North West)

PROPOSAL:
Screen max height at top of dome 13'
Covered portion with insulated aluminum:
10'

SITE PHOTOS



Front from Live Oak Rd. facing southwest



Rear yard facing northeast towards existing screen enclosure

SITE PHOTOS



Proposed pool, deck, screen enclosure/sceen room location facing southeast



Proposed pool, deck, screen enclosure/sceen room location facing northwest

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 03, 2024**

Commission District: **#3**

Case #: **VA-24-07-060**

Case Planner: **James Gray (407) 836-5932**
James.Gray2@ocfl.net

GENERAL INFORMATION

APPLICANT(s): OMAR RAMOS - MADRIGAL COURT

OWNER(s): JUAN JOSE ARUACO; ESPERANZA VICTORIA RODRIGUEZ

REQUEST: Variances in the PD zoning district as follows:

- 1) To allow an existing residence with 1,407 sq. ft. of living area in lieu of a maximum of 1,343 sq. ft.
- 2) To allow a proposed residence with 1,982 sq. ft. of living area in lieu of 1,343 sq. ft.
- 3) To allow an existing detached accessory structure (shed) with a west side street setback of 10.7 ft in lieu of 15 ft.
- 4) To allow an addition to a residence with a north rear setback of 5 ft. in lieu of 15 ft.
- 5) To allow a six-foot-high vinyl fence in the front yard setback in lieu of 4 ft.

PROPERTY LOCATION: 541 Madrigal Ct., Orlando, FL 32825, east side of Madrigal Ct., west of N. Chickasaw Trl., east of N. Goldenrod Rd., north of S.R. 408

PARCEL ID: 26-22-30-2060-00-490

LOT SIZE: +/- 0.21 acres (+/- 9,398 sq. ft.)

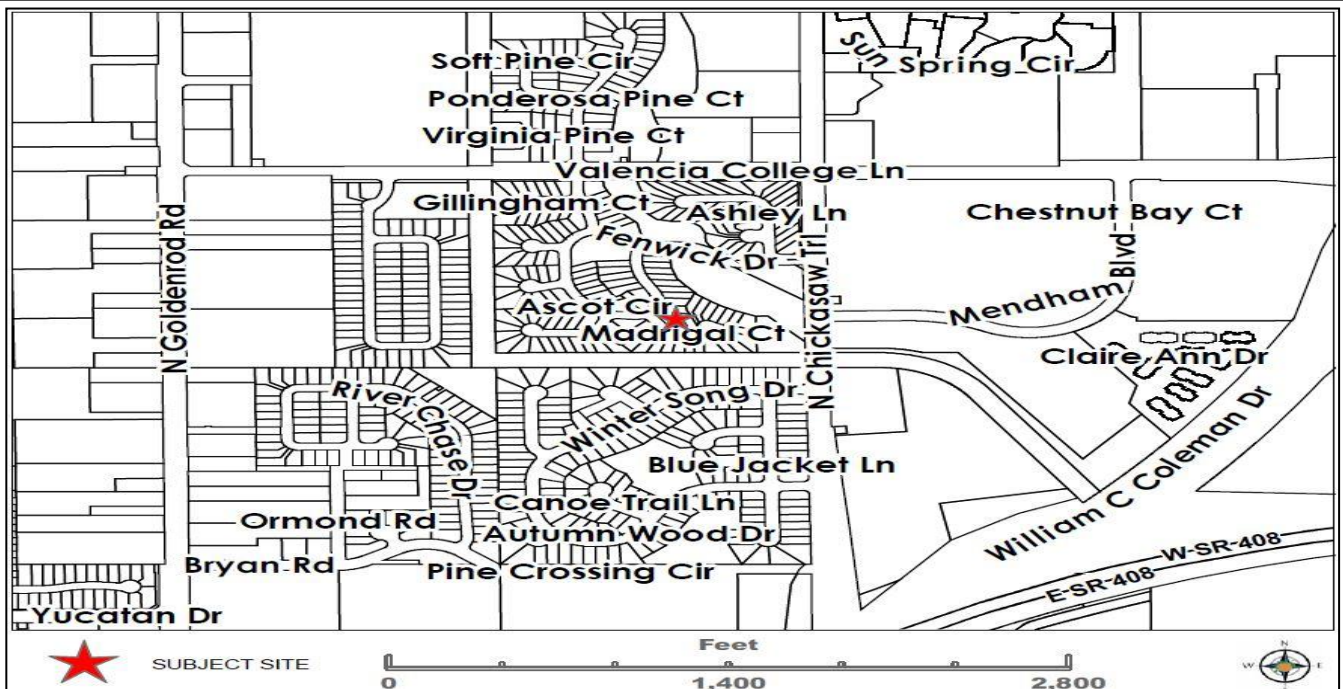
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 151

STAFF RECOMMENDATIONS

CONTINUED TO THE AUGUST 1, 2024 BZA MEETING

LOCATION MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 03, 2024**

Commission District: **#3**

Case #: **VA- 24-06-042**

Case Planner: **Ted Kozak, AICP (407) 836-5537**
Ted.Kozak@ocfl.net

GENERAL INFORMATION

APPLICANT(s): VAN NGUYEN FOR ORLANDO RACKET SPORTS

OWNER(s): ORLANDO CROSSINGS INC

REQUEST: Variance in the C-2 zoning district to allow a 2COP license for consumption of beer and wine on premises located 258 ft. from a high school in lieu of 1,000 ft.

PROPERTY LOCATION: 7059 S. Orange Blossom Trl., Orlando, FL 32809, southeast corner of S. Orange Blossom Trl. and W. Lancaster Rd., north of E. Sand Lake Rd.

PARCEL ID: 27-23-29-0000-00-039

LOT SIZE: +/- 12.7 acres

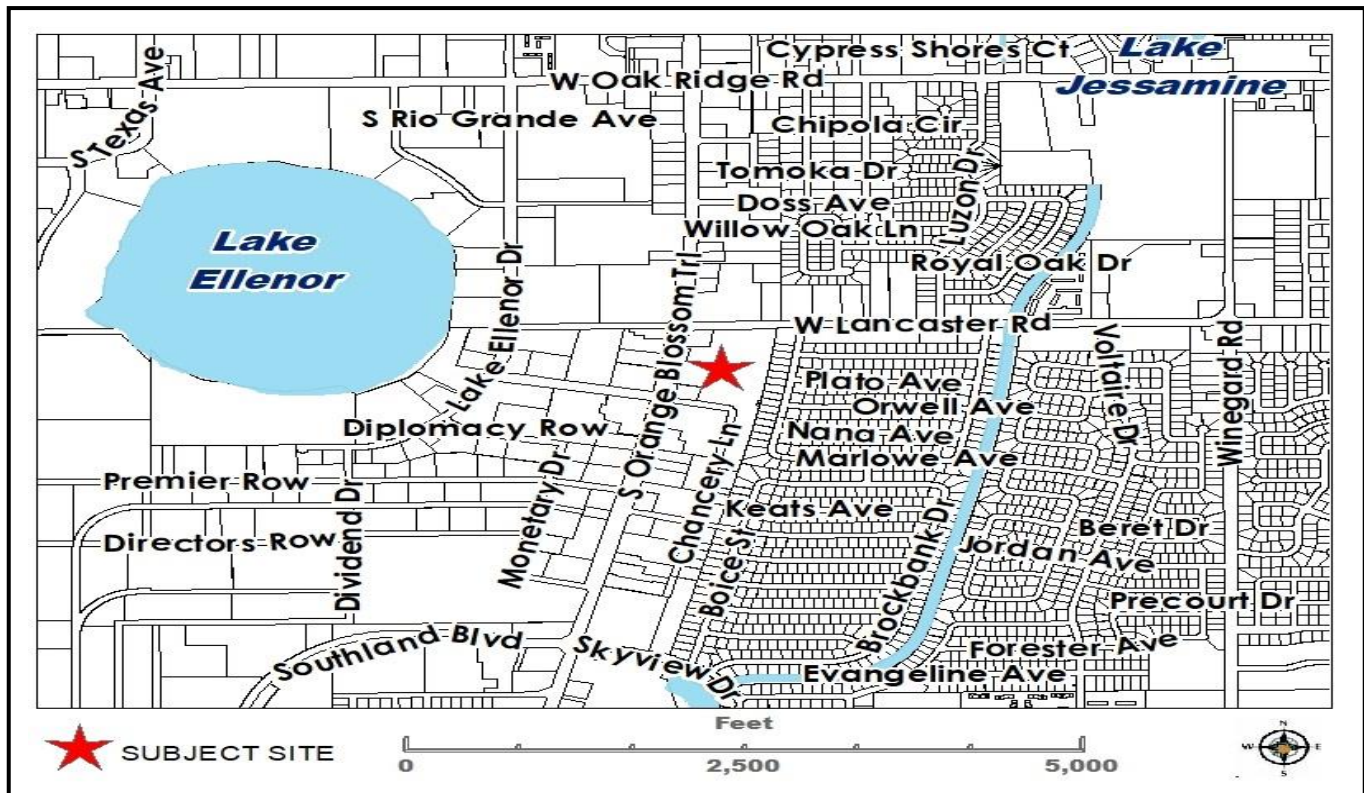
NOTICE AREA: 1 mile

NUMBER OF NOTICES: 5,052

STAFF RECOMMENDATIONS

CONTINUED TO THE AUGUST 1, 2024 BZA MEETING

LOCATION MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 3, 2024**

Commission District: **#6**

Case #: **SE-24-07-056**

Case Planner: **Ted Kozak, AICP (407) 836-5537**
Ted.Kozak@ocfl.net

GENERAL INFORMATION

APPLICANT(s): BROOKS STICKLER FOR ENCLAVE PARK

OWNER(s): THE ENCLAVE AT CANOPY PARK LLC

REQUEST: Special Exception and Variances in the R-3 zoning district to allow the construction of a multi-family development as follows:

1) Special Exception to allow a multi-family development with more than one story to be located 75 ft. from the north property line of a single-family dwelling district in lieu of 100 ft. from the property line of a single-family dwelling district and use.

2) Variance to allow a north front setback of 15 ft. in lieu of 20 ft.

3) Variance to allow a south rear setback of 10 ft. in lieu of 30 ft.

PROPERTY LOCATION: 4475 S. Rio Grande Ave., Orlando, FL 32839, southeast corner of S. Rio Grande Ave. and 45th St., west of S. Orange Blossom Trl., north of Holden Ave.

PARCEL ID: 10-23-29-0000-00-041

LOT SIZE: +/- 3.2 acres

NOTICE AREA: 600 ft.

NUMBER OF NOTICES: 134

DECISION: Recommended **APPROVAL** of the Special Exception request in that the Board finds it meets 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 requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Sonya Shakespeare, Second by Thomas Moses; unanimous; 5 in favor: John Drago, Deborah Moskowitz, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Juan Velez; 1 vacant):

1. Development shall be in accordance with the site plan dated April 29, 2024, and elevations dated January 25, 2024, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a

violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

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. Permits shall be obtained within 5 years of final action on this application by Orange County, or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, elevations, floor plans and photos of the site. Staff provided an analysis of the six (6) Special Exception and six (6) Variance criteria and the reasons for a recommendation for approval. Staff noted that no comments were received in support or in opposition.

The applicant agreed with the staff presentation and stated that the site design would be consistent with the County's urban design recommendations to locate buildings closer to the street.

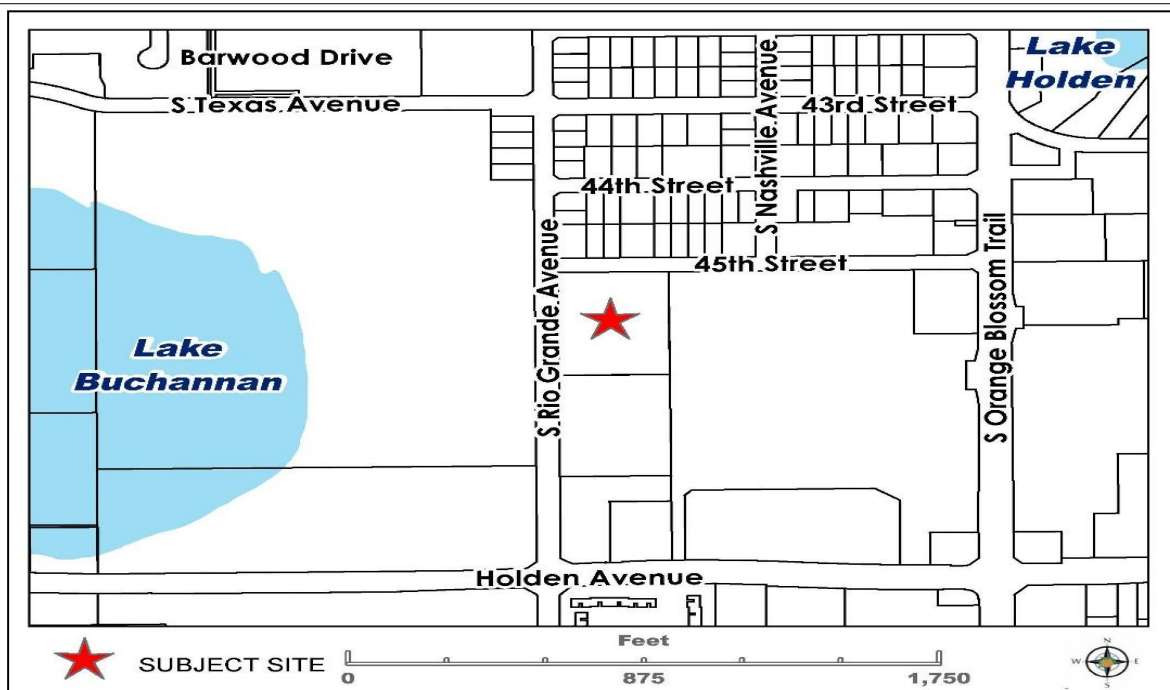
There was no one in attendance to speak in opposition to the request or in favor of the request.

The BZA briefly discussed the proposal, indicated that the request was appropriate, and unanimously recommended approval of the Special Exception and Variances by a 5-0 vote, with one absent and one seat vacant, 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-3	R-1A, R-2	R-3	C-2	R-3
Future Land Use	MHDR	LDR	MHDR	C	MDR
Current Use	Vacant	Single-family residential	Retention Pond	Commercial	Multi-Family Residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is located in the R-3, Multiple-Family Residential zoning district, which allows single-family homes and multi-family development. The Future Land Use is Medium High Density Residential (MHDR), which allows up to 35 dwelling units per acre, and is consistent with the R-3 zoning district.

The subject property is vacant and contains 3.2 acres of grassed area with no existing vegetation or trees. The property is located on the southeast corner of S. Rio Grande Ave. and 45th St., with the frontage considered to be 45th St. since it is the narrowest portion of the lot abutting a public street. S. Rio Grande Ave. is considered the side street. The area consists of multi-family development to the west and northwest, across S. Rio Grande Ave., one and two-story single-family residences to the north, across 45th St. and commercial development to the east. Adjacent to the property to the south is an existing retention pond.

On December 29, 2020, the Board of County Commissioners (BCC) approved a Small Scale Future Land Use amendment (SS-20-10-059) from Planned Development (PD) to Medium High Density Residential to allow for future multi-family development. The prior PD Future Land Use was to allow for future mini-storage uses.

In August 2022, a Variance (VA-22-07-049) was approved to allow a minimum parking ratio of 1.22 parking spaces per unit regardless of bedroom count in lieu of 1.5 parking spaces for every studio and 1 bedroom unit and 2 parking spaces for every 2 and 3 bedroom unit.

The proposal is to construct a 104-unit affordable housing project targeted to senior aged residents consisting of 3, three-story multi-family buildings and a total of 127 parking spaces. The development is proposed to have a total of 54 one bedroom units and 50 two bedroom units. It is proposed to be located at a distance of 75 ft. from the north property line of one-story single-family residences. Orange County Code requires Special Exception approval for multi-family residential buildings in excess of one-story less than 100 ft. from any single-family district and use, when the most affected residences are single-story in height. Therefore, the applicant is requesting a Special Exception to allow the multi-family development 75 ft. from the north property line, which is the distance to the adjacent residential district. The buildings will meet setback requirements for the R-3 zoning district except for the proposed north front setback located 15 ft. from 45th Street, in lieu of 20 ft., requiring Variance #2 and the proposed south rear setback of 10 ft. in lieu of 30 ft., requiring Variance #3.

Vehicular and pedestrian access to the property will be provided from S. Rio Grande Ave. to the west. Pedestrian only access will be provided from 45th St. With the exception of the two requested Variances, the proposed buildings will meet the minimum building setback requirements for the R-3 district. The proposed landscaping plan for the project will provide a 10 ft. landscape buffer with trees and shrubs along the south and east

perimeters, a 15 ft. landscape strip along the north (45th St.) property line and a 25 ft. landscape strip along the west (S. Rio Grande Ave.) property line. All proposed perimeter landscaping buffers along property lines and landscape strips adjacent to public rights-of-way will exceed the minimum landscape requirements.

The applicant is proposing 127 spaces for the development, at a parking ratio of 1.22 spaces per unit, which is consistent with the approved Variance, VA-22-07-049.

As of the date of the preparation of this report, no comments have been received in favor or in opposition.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	35 ft.
Min. Lot Width:	85 ft.	327.8 ft.
Min. Lot Size:	15,000 sq. ft.	3.2 acres

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

	Code Requirement	Proposed
Front: (45 th St.)	20 ft.	15 ft. (North – Variance #2)
Rear:	30 ft.	10 ft. (South – Variance #3)
Side:	10 ft.	48.5 ft. (East)
Side Street: (S. Rio Grande Ave.)	15 ft.	25 ft. (West)

STAFF FINDINGS

SPECIAL EXEPTION CRITERIA

Consistent with Comprehensive Plan

The Future Land Use is Medium High Density Residential and with the approval of the Special Exception, the project will be consistent with the Comprehensive Plan. The Future Land Use allows for a density of 35 dwelling units per acre. The applicant is proposing 104 units on a 3.2 acres site for a density of 32.5 dwelling units per acre.

Similar and Compatible with the Surrounding Area

The scale and massing of the proposed buildings are designed to be within a reasonable scale and massing of a residential development. Beyond the abutting properties, there are multi-family uses to the north and the proposed development will be compatible with residencies in the surrounding area.

Shall Not Act a Detrimental Intrusion into a Surrounding Area

Due to the proposed architectural design, as well as the proposed areas dedicated for landscaping and buffers, the proposal will not be a detrimental intrusion to the surrounding area since the zoning district is 75 ft. away. The nearest building will be located over 122 ft. 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

With approval of the requested distance separation and the requested Variances, the development will meet the performance standards of the district.

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

The characteristics and impacts of the multi-family residential development, as designed, is consistent the uses permitted within the R-3 zoning district.

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

Landscape buffers will be provided in compliance with Section 24-5 of Orange County Code.

VARIANCE CRITERIA**Special Conditions and Circumstances**

The special condition and circumstance particular to this project are the site design constraints since the development is bounded on two sides by rights-of-way to the north and west, by a retention area located to the south and by a commercial shopping center development located to the east. A redesign and shift of the buildings would be impractical.

Not Self-Created

The requests are not self-created since the owner is requesting to provide only the setbacks necessary for the development. There are limited options to redesign the development in a manner to eliminate the requests, since opportunities to modify site design are restricted and bounded on the west and north by rights-of-way, on the east by a strip commercial development and on the south by a retention area.

No Special Privilege Conferred

Granting the Variances will not confer any special privilege since meeting the literal interpretation of the code would make the development less practical.

Deprivation of Rights

Without the Variances, the configuration of the proposed development would have to be modified in a manner to lessen the walkability of the site and to reduce the number of income attainable residential units in order to provide a greater setback adjacent to 45th Street to the north, and a greater setback to the adjacent retention area to the south.

Minimum Possible Variance

The requested Variances are the minimum necessary to provide an affordable housing product with an appropriate density without substantially reconfiguring the entire development in a manner less walkable.

Purpose and Intent

Approval of the requests will be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on preserving the existing character of the area and the subject property to ensure compatibility with the adjacent neighborhoods. Approval will not be detrimental to the nearby area since the reduction of the front setback to the north is equivalent to a required side street setback and the proposed rear setback only impacts a retention area which will never be developed.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated April 29, 2024, and elevations dated January 25, 2024, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
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. Permits shall be obtained within 5 years of final action on this application by Orange County, or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

C: Brooks Stickler
Kimley Horn and Associates
200 S. Orange Ave., Suite 600
Orlando, FL 32801



DATE: June 14, 2024

TO: Board of Zoning Adjustment
Orange County Zoning Division
201 S. Rosalind Avenue, 1st Floor
Orlando, FL 32801

FROM: Cameron Prisby, Planning Analyst
Kimley-Horn & Associates
200 South Orange Ave., Ste.
600, Orlando, FL 32801

PROJECT: Enclave At Canopy Park (Parcel ID 10-23-29-
0000-00-041) 4475 S Rio Grande Ave., Orlando,
FL 32839

Application Summary

1. Applicant and Owner Contact Information:

Applicant

Brooks Stickler
Kimley-Horn & Associates
200 S. Orange Avenue, Suite 600,
Orlando, FL 32801

Owner

ENCLAVE AT CANOPY PARK, LLC
7575 Dr. Phillips Blvd. Ste. 390
Orlando, FL 32819

2. Property Location

4475 S Rio Grande Avenue, Orlando, FL 32839. Located at the southeast intersection of Rio Grande Avenue and 45th Street.

3. Parcel ID Number

10-23-29-0000-00-041

4. Size

3.28 AC (Per Survey from Shannon Surveying, Inc. dated December 6, 2023)

5. Existing Use

Vacant Land

6. Proposed Use

Multifamily Apartments

Special Exception Justification

To Whom it May Concern,

We are writing you regarding a request for a Special Exception Request for not meeting the 100-foot distance separation from Single Family Residential for The Enclave at Canopy Park. The proposed multi-family development is located at 4475 S Rio Grande Avenue, Orlando, FL 32839 (Unincorporated Orange County). The use of multi-family is consistent with the Comprehensive Plan. The FLUM is Medium High Density Residential. The applicant proposes to reduce the 100-foot distance separation from the proposed Building 1 structure to the adjacent Single Family residential property line on 45th Street to 75-feet.

- 1) The use of multifamily is consistent with the Comprehensive Plan. The FLUM is Medium High Density Residential.
- 2) The use is consistent and compatible with the surrounding area. There is existing multifamily directly to the west, directly to the south, northwest and southwest of the proposed development.
- 3) The proposed use does not act as a detrimental intrusion to the surrounding multi-family, single-family, & commercial area. The use of multi-family is the common use in the immediate area. The development is within the maximum building height limits & promotes residential use to the surrounding residential area.
- 4) The use meets the performance standard of the district which the use is permitted. The property is located within the Alternative Mobility Area (AMA) which was created to promote urban development and redevelopment.
- 5) The use is similar in noise, dust, odor, glare, heat producing and other characteristics that are associated with the other current uses in the zoning district. This multi-family development will have similar characteristics to the surrounding multi-family, retail and single family residential.
- 6) The landscape buffer yards are in accordance with the section 25-5 of the Orange County Code.

Variance Justification

To Whom it May Concern,

We are writing you regarding a request for a variance for the front building setback and rear building setback to change for The Enclave at Canopy Park. The proposed multi-family development is located at 4475 S Rio Grande Avenue, Orlando, FL 32839 (Unincorporated Orange County). The use of multi-family is consistent with the Comprehensive Plan. The FLUM is Medium High Density Residential. A reduced front and rear setback will create a more cohesive development plan as the rear property line abuts an existing storm water retention area. Reduced setbacks in these areas will provide for a better functioning affordable housing development plan. Additional site development cost will be incurred due to the existing slope & topography at the property tie in points. If these reductions are not approved the residential buildings will be required to be located in closer proximity to heavy commercial activity and negatively impact these residential uses. The applicant proposes to reduce the front building setback to from 20' to 15', and the rear building setback from 30' to 10'.

- 1) The special condition and circumstance particular to this project is an infill site with mature development surrounding the property, including heavy commercial on the east, multifamily on the west and a stormwater pond to the south. The requested setbacks create a functional development for multifamily residential development, while keeping the residential buildings further from heavy commercial and closer to the stormwater ponds.
- 2) The requests are not self-created because the property owner is requesting only setbacks necessary for the development.
- 3) Granting the Variances will not confer any special privilege since meeting the literal interpretation of the code would provide for a less desirable and functional residential community. The required setbacks would push development away from the stormwater pond and toward heavy commercial and the loading area of a large shopping center.
- 4) Without the Variance, the configuration of the proposed development would have to be modified in order to provide a greater setback adjacent to 45th Street to the north, and a greater setback to the adjacent retention area to the south.
- 5) The requested Variances are the minimum necessary to provide an affordable housing product with an appropriate density without substantially reconfiguring the entire development in a manner less walkable.
- 6) The purpose of this variance to create a desirable and functional, walkable and desirable affordable housing development. This variance will keep residential buildings further from heavy commercial and closer adjacent stormwater management ponds and multifamily residential across S Rio Grande.

ZONING MAP



AERIAL MAP



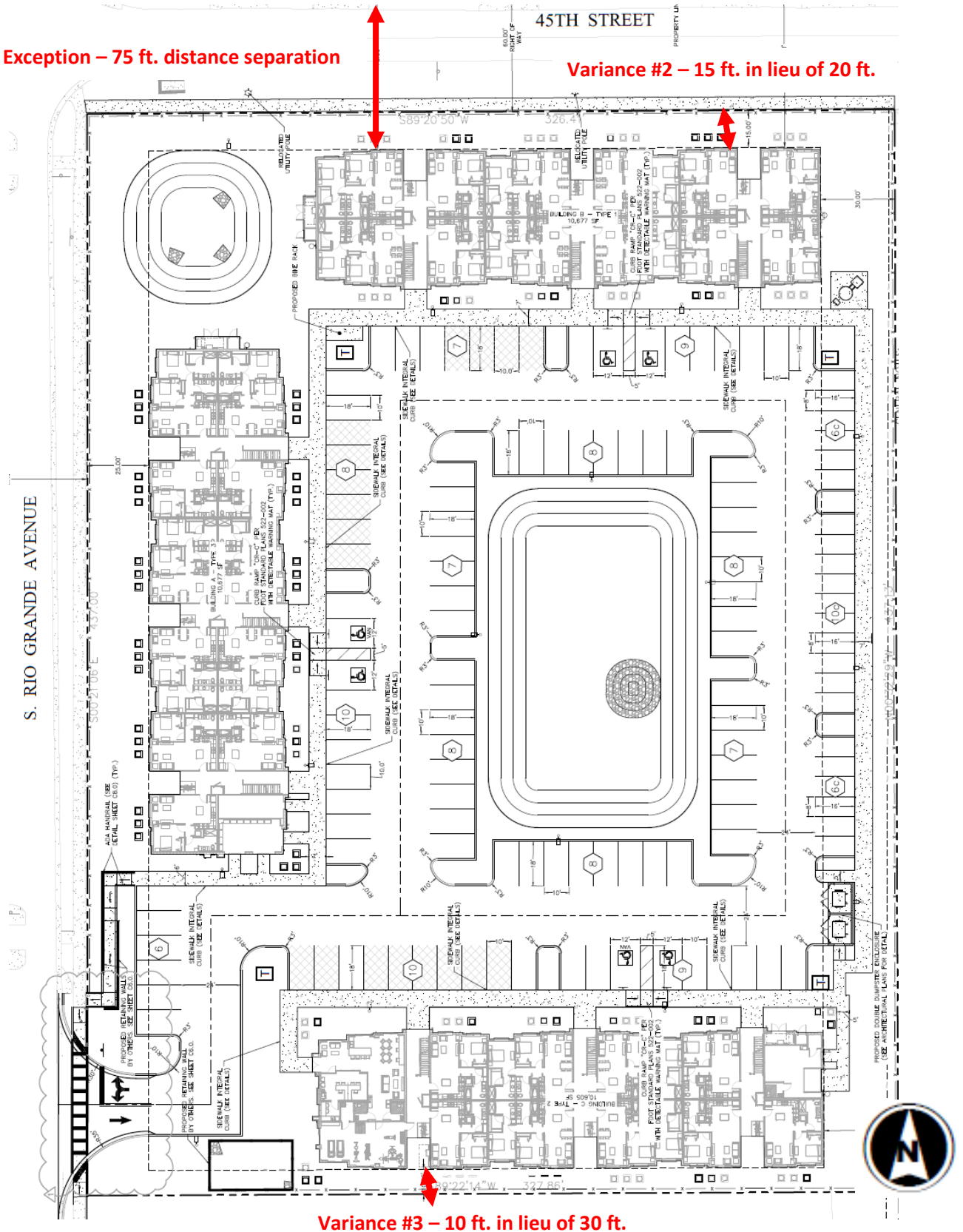
AERIAL CONTEXT SURROUNDING PROPERTY



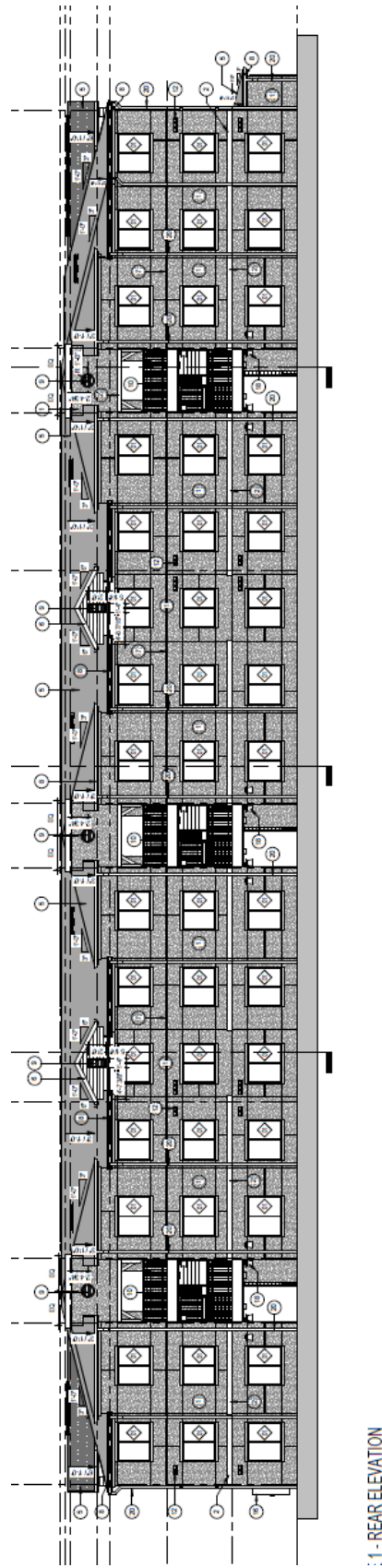
SITE PLAN

Special Exception – 75 ft. distance separation

Variance #2 – 15 ft. in lieu of 20 ft.



Variance #3 – 10 ft. in lieu of 30 ft.



SITE PHOTOS



Property from S. Rio Grande Avenue at west property line, facing east towards existing commercial



East side of S. Rio Grande Avenue at south property line facing north towards 45th St.

SITE PHOTOS



Corner of S. Rio Grande Ave. & 45th St. at NW property line facing north towards multi-family residential



West side of property along S. Rio Grande Ave. at bus stop, facing south towards multi-family residential

SITE PHOTOS



South side of 45th St. at north property line, facing east



Facing north towards 45th St. at north property line towards closest one-story residence

SITE PHOTOS



East property line facing northeast



Facing northwest from the southeast property line, adjacent to retention pond to the left

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 03, 2024**

Commission District: **#3**

Case #: **VA-24-06-041**

Case Planner: **Jenale Garnett (407) 836-5955**
Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): BRYAN POTTS FOR LCV LLC

OWNER(s): LCV LLC

REQUEST: Variance in the Restricted C-1 zoning district to allow for a building height of 47 ft. within 100 ft. of any residential use or district in lieu of 35 ft.

PROPERTY LOCATION: 920 N. Goldenrod Rd., Orlando, FL 32807, southwest corner of N. Goldenrod Rd. and Sun Tree Cir., south of E. Colonial Dr., west of N. Chickasaw Trl., north of S.R. 408.

PARCEL ID: 23-22-30-0000-00-057

LOT SIZE: +/- 2.36 acres

NOTICE AREA: 1,100 ft.

NUMBER OF NOTICES: 121

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets that the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Roberta Walton Johnson, Second by Thomas Moses; unanimous; 5 in favor: John Drago, Deborah Moskowitz, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Juan Velez; 1 vacant):

1. Development shall be in accordance with the site plan dated February 14, 2024, and elevations dated December 21, 2023, 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 proposal, including 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 no comments were received in favor or in opposition to the request.

The applicant agreed with the staff presentation.

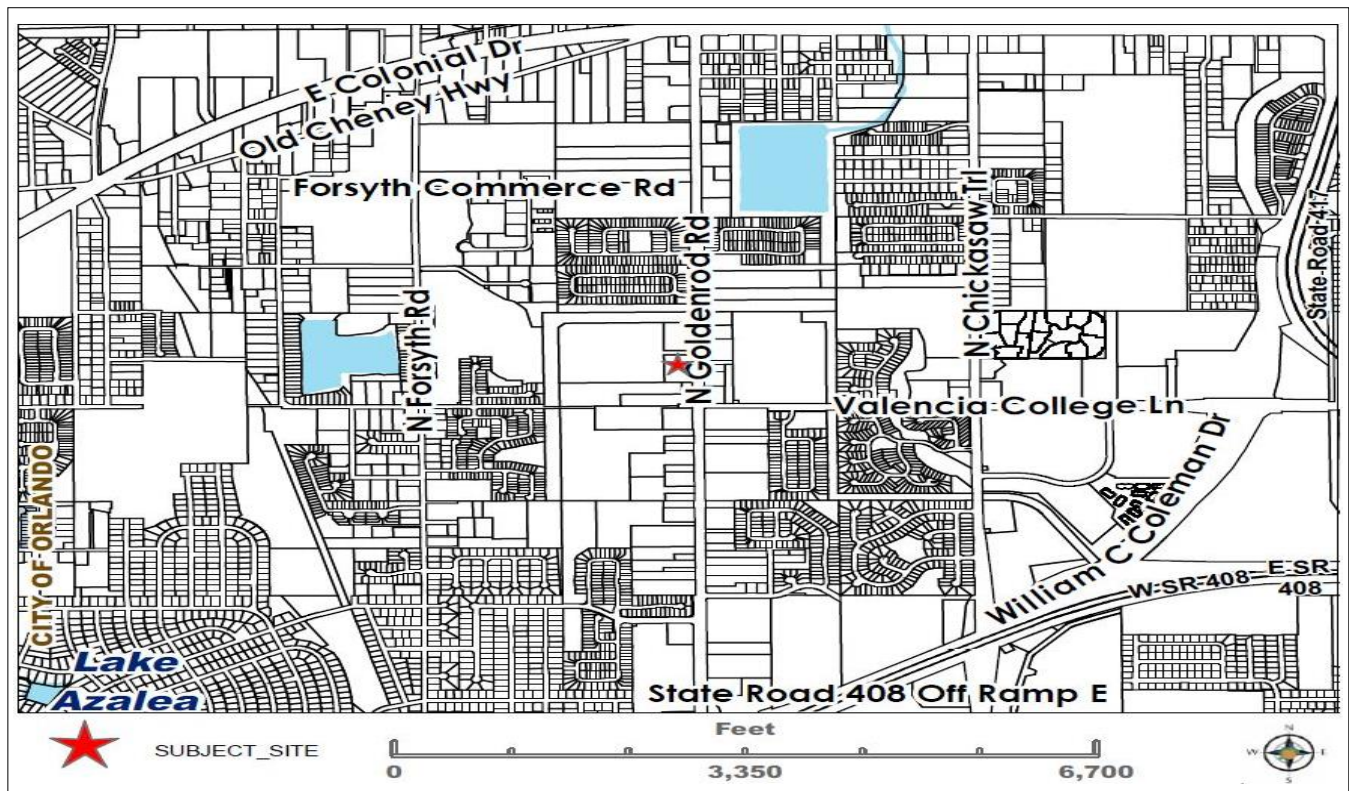
There was no one in attendance to speak in favor or in opposition to the request.

The BZA unanimously recommended approval of the Variance by a 5-0 vote, with one absent and one seat vacant, 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	Restricted C-1	R-3	R-3, Restricted R-3	Restricted C-2, C-1	R-3
Future Land Use	C	MDR	MDR	C	MDR
Current Use	Vacant	Multi-family residential	Vacant, Multi-family residential	Office buildings, Auto Sales	Multi-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the Restricted C-1, Retail Commercial District, which allows for restaurants, retail stores, offices and various other commercial businesses. The Future Land Use is Commercial (C), which is consistent with the C-1 zoning district.

The area surrounding the subject site consists of office buildings, auto sales, and multi-family residential. The subject property consists of 2.36 acres of vacant land, which is currently heavily vegetated, and is considered to be a lot of record. The property was purchased by the current owner in 2008.

Previous rezonings include:

June, 2005 (RZ-05-04-051) - A request to rezone from R-3, Multi-Family Dwelling District, to Restricted C-1, Retail Commercial District, with one restriction, requiring a six (6) ft. high masonry wall to be constructed along the western property line.

October, 2021 (RZ-21-10-066) - A request to rezone from Restricted C-1 to Restricted C-1 to replace the 2005 zoning restriction with the following restrictions:

1. A Type C landscape buffer consisting of completely opaque berm, planted and or existing vegetation from the ground up to a height of at least six (6) ft. and a minimum of fifteen feet wide shall be maintained along the western property line.;
2. New billboards and pole signs shall be prohibited; and
3. The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any C-1 uses.

The request is to allow for the construction of a four-story, 47 ft. high, 48,660 sq. ft. hotel with 122 rooms. Per Sec. 38-1501, the C-1 zoning district allows a maximum height of 35 ft. for any structure within 100 ft. of a residential zoning district. The adjacent R-3 zoned property to the north will be located at a distance of 44 ft. away from the hotel, requiring a Variance to allow a height of 47 ft. in lieu of 35 ft. The proposed building will be constructed to meet all the other required code provisions, including the restrictions associated with the rezoning, with the exception of the proposed height of the building.

Staff recommends approval of the request since the proposed height is in harmony and is consistent with the surrounding area, such as the parcels to the west and rear of the property that received Variances to construct apartments in excess of height requirements within 100 ft. of the side and rear lot lines, respective to the R-3 zoning district. Further, the portion of the hotel which exceeds the allowable height contains parapets and architectural building projections necessary for appropriate design articulation. The hotel abuts an access driveway to the north which serves the multi-family apartment development located to the immediate west of the subject property. The code requires the 100 ft. distance separation from the subject structure to the residential zoning district, not to residential structures. As such, the access drive zoned R-3 to the north prompts the need for the Variance even though the height of the hotel will have no impact on this access drive. If not for the residential designation of the abutting property to the north containing the access drive, a maximum hotel height of 50 ft. would be allowed, since the closest residential structure at the adjacent apartment complex is located 114 ft. to the west of the proposed hotel.

The Orange County Environmental Protection Division (EPD) has reviewed the request and has no objection. A Conservation Area Determination (CAD) has been completed (CAD-24-07-177), which determined that no wetlands are present.

As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	50 ft.; or 35 ft. within 100 ft. of any residential use or district	47 ft. (Variance)
Min. Lot Width:	80 ft. (adjacent to a major street)	388.9 ft.
Min. Lot Size:	6,000 sq. ft.	102,907 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front:	25 ft.	67 ft. (East)
Rear:	20 ft.	114.9 ft. (West)
Side:	15 ft.	44.2 ft. (North) 100 ft. (South)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The existing property's orientation and configuration relative to the building height restriction is a special condition and circumstance.

Not Self-Created

The request for the Variance is not self-created since it will allow the construction of a development with an increased height to allow design flexibility. Further, the need for the Variance results from the site configuration which abuts a residential zoning district used for an access driveway.

No Special Privilege Conferred

Granting the Variance as requested would not confer special privilege as the proposal is to utilize a building design on the available property area to minimize impacts to the surrounding area.

Deprivation of Rights

Denial of the Variance would deprive the owner the right to provide appropriate building design elements while minimizing impacts to adjacent uses.

Minimum Possible Variance

The requested Variance is the minimum possible to allow the construction of a three-story hotel.

Purpose and Intent

Approval of the requested Variance will be in harmony with the purpose and intent of the Code, as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The height of the proposed hotel will not negatively impact the adjacent residential since the hotel will be over 100 ft. from the adjacent residential structures.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated February 14, 2024, and elevations dated December 21, 2023, 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.

C: Bryan Potts
2494 Rose Spring Drive
Orlando, FL 32825



Tannath Design, Inc.

2494 Rose Spring Dr.
Orlando, FL 32825
(407) 982-9878
www.tannathdesign.com

March 11, 2024

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

RE: Height Variance Request for Hotel at

To whom it may concern:

We are proposing a 4-story Hotel. The proposed finish is cement board siding, see included color elevations. The current zoning allows 50' building height, reduced to 35' building height when building structure is not setback at least 100' from neighboring residentially zoned property lines. We are requesting a 12' height variance to allow for the project building to be 47' tall. The properties to the north east and south are ROW or access roads. To the west is an apartment complex. Our proposed Hotel structure is 114'-11" from the property line to the west. The other property lines are East – 67', North – 44'-3", and south – 100'. These setbacks all meet code. The proposed hotel is 48,660sf, 122 rooms, and will meet all signage requirements under current C-1 zoning district. Below are the six special criteria and our responses.

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.

The subject property is +/- 2.36 acres in size and bears Orange County Tax Parcel Identification Number 23-22-30-0000-00-057 (the "Property"). The Property is currently designated Commercial on the County Future Land Use Map ("FLUM"), and is zoned C-1.

The applicant seeks to develop a hotel on the Property consistent with the materials submitted with this variance request. The Property has remained undeveloped for years although it is surrounded by developed properties with a mix of land uses. Although the hotel use is permitted in the C-1 zoning district, the requested height variance is needed primarily due to the reduced size of the Property as a result of right of way given by the Property for Sun Tree Circle and Goldenrod Road which creates a special condition and circumstance which is unique to the proposed project and is not applicable to other properties in the same zoning district.

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.

Client-Project

The special condition described above is created primarily due to the reduced size of the Property as a result of right of way given by the Property for Sun Tree Circle and Goldenrod Road, rather than by applicant.

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

No special privilege denied to others would be conferred by granting the requested variance due to the unique circumstances described above.

4. **Deprivation of Rights --** Literal interpretation and the provisions of 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 an 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 ground for approval or objection.

Other properties in the same zoning district with sufficient land area would not have the same issue as the Property, accordingly, without the requested height variance such standards would deprive the applicant of rights commonly enjoyed by others and creates a hardship on the applicant.

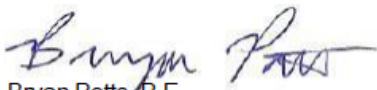
5. **Minimum Possible Variance --** The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The requested variance is the minimum necessary to accommodate the project.

6. **Purpose and Intent --** Approval of the 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.

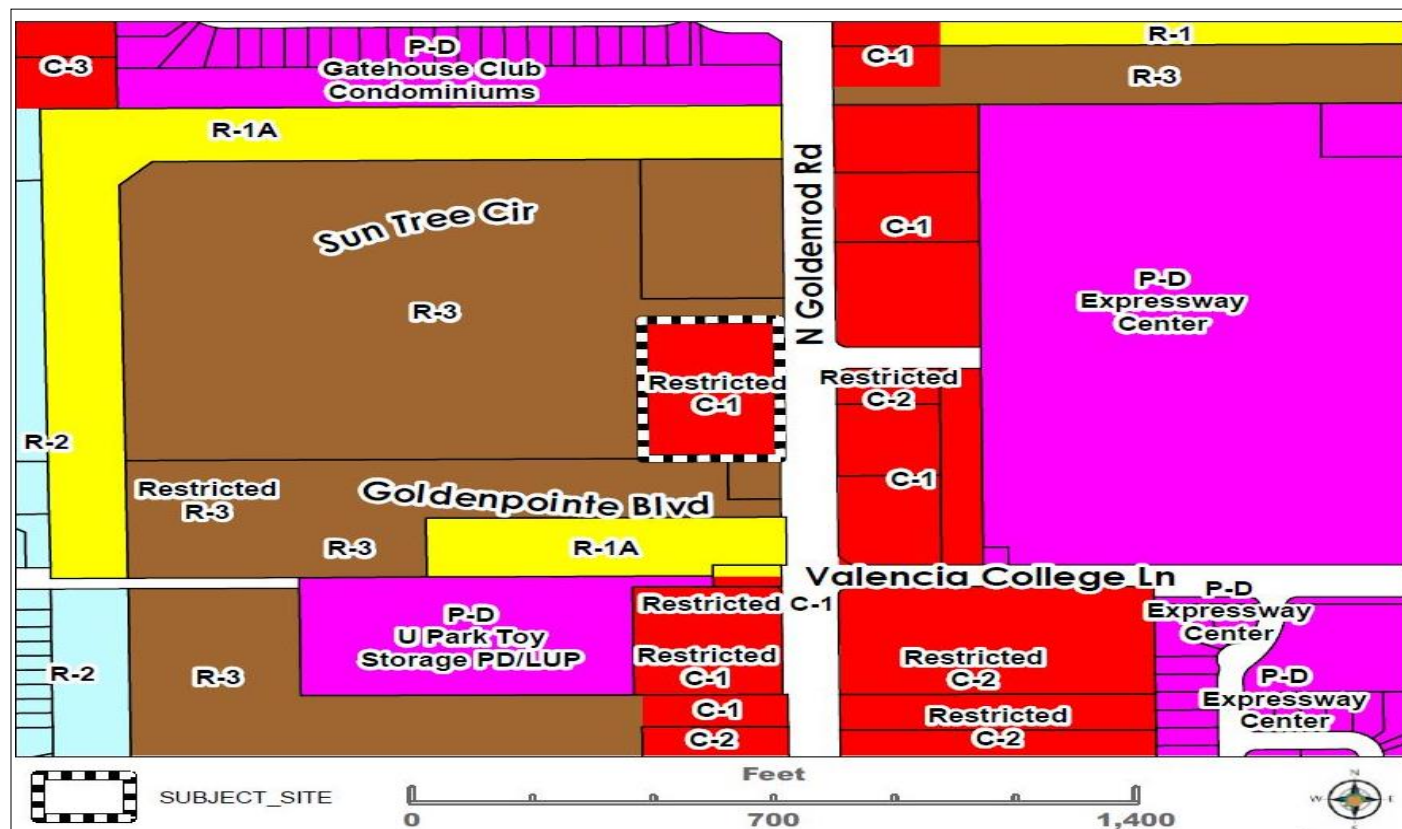
The effect of the variance request is consistent with the general intent of the Zoning Regulations and would be in harmony with those regulations by enabling a higher quality hotel project with the increased height which would benefit the surrounding area.

Sincerely,

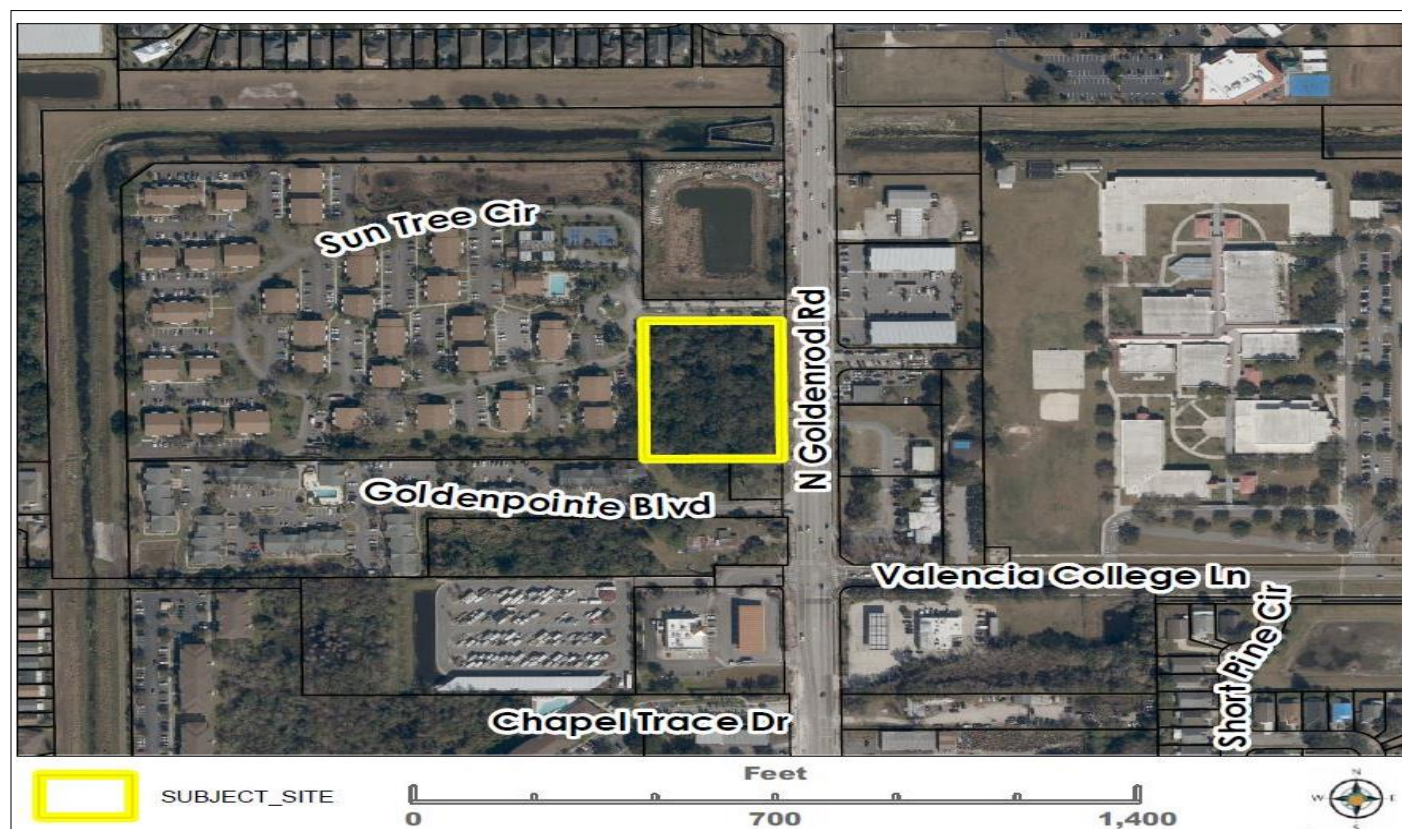


Bryan Potts, P.E.
President
Tannath Design, Inc.

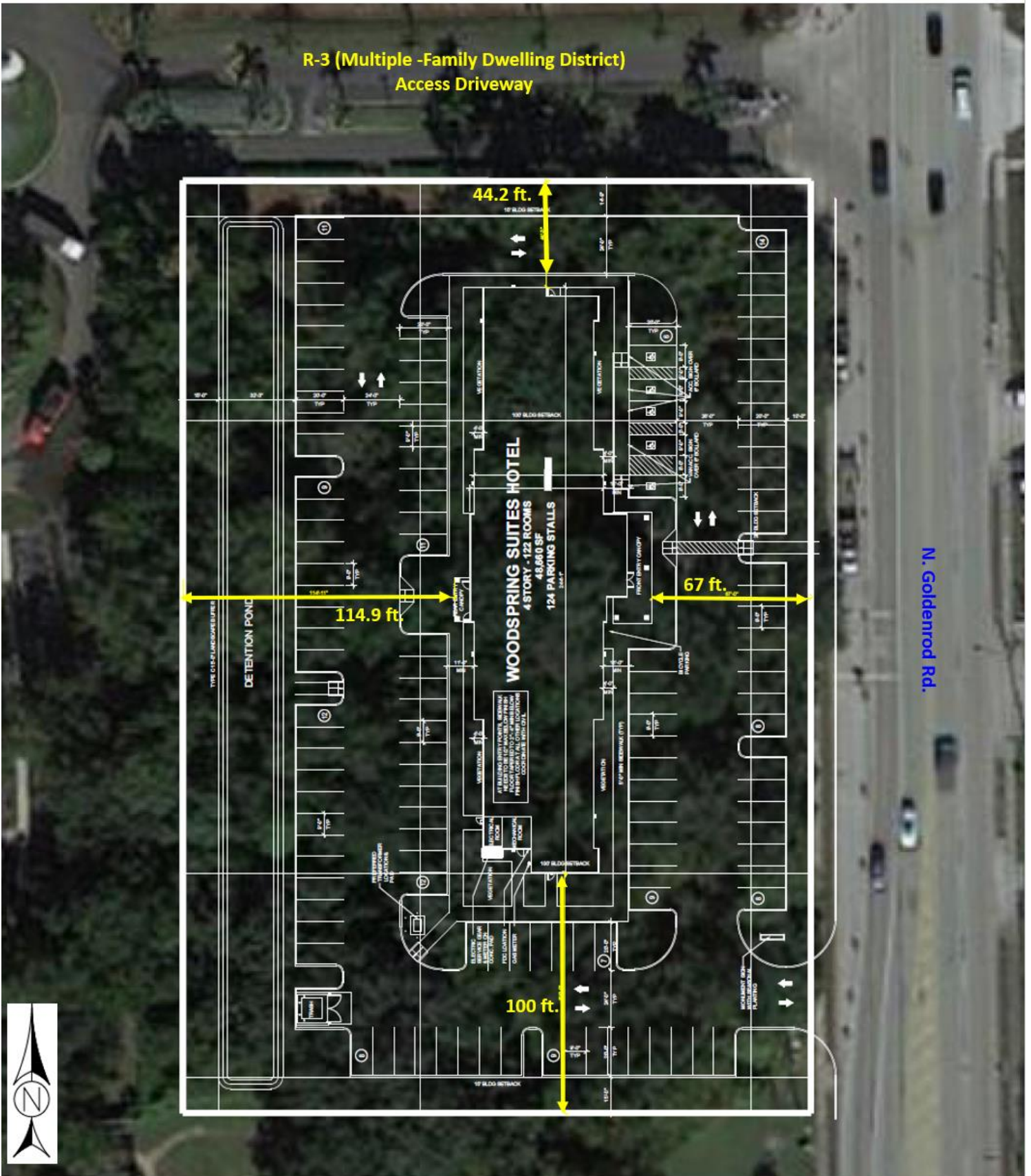
ZONING MAP



AERIAL MAP



SITE PLAN



AERIAL MAP OF DISTANCE TO NEAREST RESIDENTIAL BUILDING TO THE NORTH



ELEVATIONS

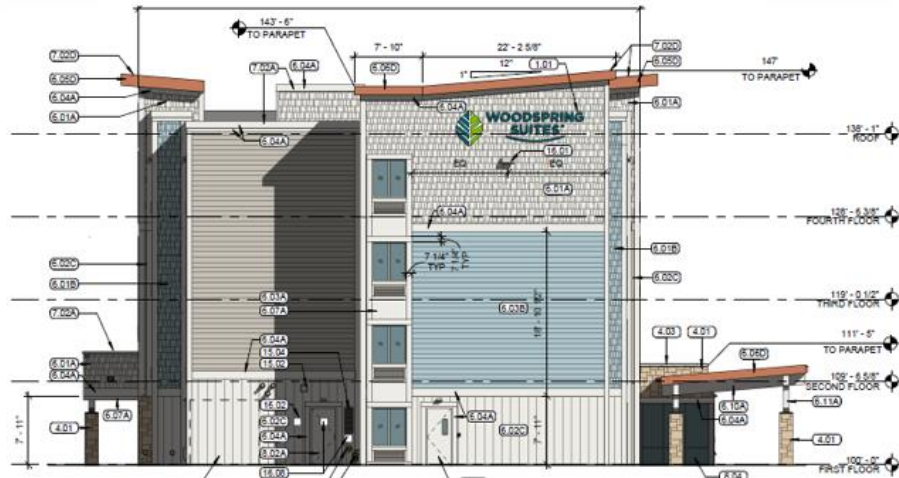
East Elevation



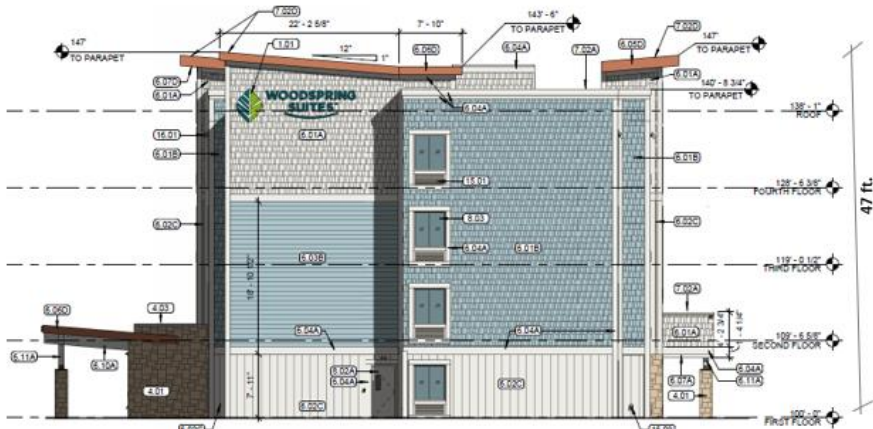
West Elevation



North Elevation



South Elevation



SITE PHOTOS



Facing southwest from adjacent property towards front of subject property and N. Goldenrod Rd.



Facing west from N. Goldenrod Rd. towards access driveway for apartment buildings

SITE PHOTOS



Access driveway, facing southeast towards north property line of the subject site



Access driveway, facing south towards subject property abutting rear of the adjacent property

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 03, 2024**

Commission District: **#6**

Case #: **VA-24-07-051**

Case Planner: **Jenale Garnett (407) 836-5955**

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): DEEPTI MUGHAL FOR SAPPHIRES LAND TRUST

OWNER(s): SAPPHIRES LAND TRUST LLC

REQUEST: Variance in the R-1A zoning district to allow a 6 ft. high chain link fence in the front yard setback in lieu of 4 ft. high.

PROPERTY LOCATION: 1614 Columbia St., Orlando, FL 32805, south side of Columbia St., west of S. Rio Grande Ave., east of N. John Young Pkwy., south of S.R. 408.

PARCEL ID: 34-22-29-1382-01-120

LOT SIZE: +/- 0.53 acres (23,249 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 71

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets that the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Sonya Shakespeare, Second by John Drago; unanimous; 5 in favor: John Drago, Deborah Moskowitz, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Juan Velez; 1 vacant):

1. Development shall be in accordance with the site plan date stamped April 10, 2024, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
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 proposal, including 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 denial. Staff noted that six (6) comments were received in favor of the request, and no comments were received in opposition to the request.

The applicant described the need for the Variance to prevent the constant site dumping and trespassing by individuals on the property.

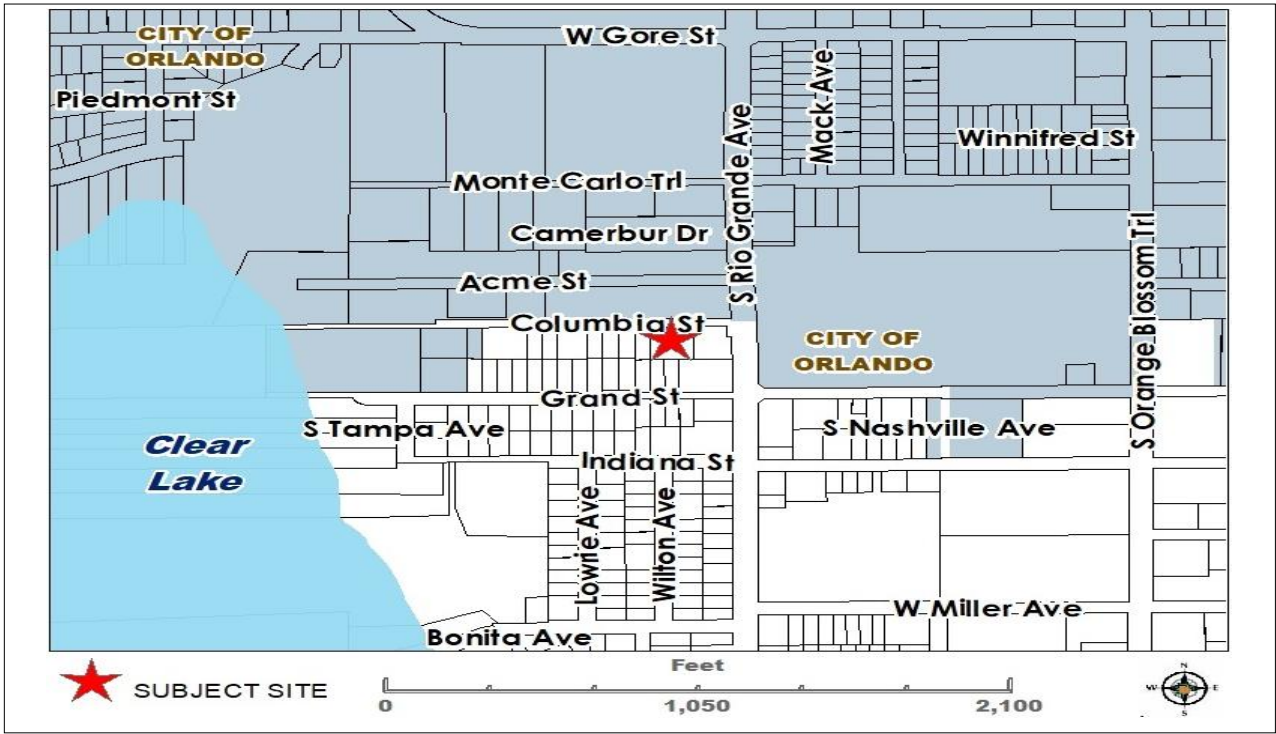
There was no one in attendance to speak in favor or in opposition to the request.

The BZA discussed the request, the requested fence height and location in order to deter the dumping of trash, debris, and trespass by individuals and unanimously recommended approval of the Variance by a 5-0 vote, with one absent and one seat vacant, subject to the three (3) conditions in the staff report.

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of the 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-1A	City of Orlando	R-1A, AEI Center PD	C-3	R-1A
Future Land Use	LMDR	City of Orlando	LMDR, PD-C	LMDR	LMDR
Current Use	Vacant	Auto parts retail	Single-family residential, Daycare	Vacant	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1A, Single-Family Dwelling district, which allows single-family homes and associated accessory structures and requires a minimum lot area of 7,500 sq. ft. The Future Land Use is Low-Medium Density Residential (LMDR), which is consistent with the R-1A zoning district.

The area around the subject site is comprised of single-family homes, vacant property to the east, a daycare to the south, and an auto parts retail store located within the City of Orlando to the north. The subject property is a vacant +/- 0.53 acre lot, platted in 1924 of the Clear Lake Gardens Plat No. 3 Subdivision, and is a conforming lot of record. The owner purchased the property in 2016.

Proposed is the installation of 150 linear ft. of a 6 ft. high chain link fence along the front property line adjacent to Columbia Street, in lieu of 4 ft. high, requiring a Variance. Per Sec. 38-1408 (g) of the Orange County Code, fences in residential districts, such as the R-1A district, are limited to maximum height of 4 ft. in the front yard setback, unless abutting a collector or arterial right-of-way. Columbia Street is a local street and therefore the fence is limited to 4 ft. in height. Other proposed improvements include the installation of a 6 ft. high chain link fence along the east property line, and 38 ft. linear ft. along the south rear of the property. Per Sec. 38-1408 (g) (4) of Orange County Code, a fence may be increased in height when the property is contiguous to a commercially zoned property along the common property lines pursuant to the height regulations for commercial districts. Therefore, the portion of fence within the front yard setback along the east property line meets code since a maximum fence height of 8 ft. within the front yard is allowed in the commercial district. Staff has reviewed the request and recommends denial since the fence could be reduced in height or relocated out of the front yard setback to meet code, thereby eliminating the need for the Variance. Further, there have not been similar approved fence Variances in the surrounding area.

As of the date of this report, six comments have been received in favor of this request and no comments have been received in opposition to this request.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

There are no special conditions and circumstances, as the proposed fence height or location could be modified to comply with the requirements of the Code.

Not Self-Created

The need for the Variance is self-created since there are alternatives to meet code.

No Special Privilege Conferred

Granting the Variance as requested will confer special privilege since there are no other residential properties in the area with a similar fence height in the front yard.

Deprivation of Rights

There is no deprivation of rights as a fence could be installed without the need for the request in a manner compliant with code.

Minimum Possible Variance

The requested Variance is not the minimum possible, as the applicant could relocate or modify the height of the fence to eliminate the need for the Variance.

Purpose and Intent

Approval of the Variance will not be in harmony with the purpose and intent of the zoning regulations since no other similar requests have been granted within the immediate area and there are options to eliminate the need for the Variance.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped April 10, 2024, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
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: Deepti Mughal
 14450 Cherry Lake Drive
 Jacksonville, FL 32258

Gaviella Positano
128 Citron Court
Longwood, FL 32750

Letter of Intent

Name: Deepti Kaul Mughal / Sapphires Land Trust LLC

Address: 1614 Columbia Street, Orlando, FL- 32805

Request: Variance in R 1A Zoning district to allow 6 ft chain link fence in front yard of vacant property in the lieu of 4 ft high fence.

I request this letter of variance to put a 6 feet tall fence on my front property line, which area is the part of first 25 feet set back area of my front property line. I need this variance because of the problem of people trespassing my property, dropping trash and waste, even camping on my property for as long as I have owned the property. This has caused be extreme hardship financially and psychologically, as I am the one who is supposed to pay for above damages caused by people trespassing my vacant lot property.

If I put the 4 feet fence on my front property line, it will not deter people to drop their trash and debris from landscaping and construction waste into my lot. Also, people can jump inside the property line and start camping and spending time there, then leave their trash and goods/furniture/camping gear there. This has been a repeated problem time after time. I must incur expenses to pick up people's trash, which include landscaping waste, construction waste, furniture, even used clothes and automobiles.

I will attach all the notices from Orange County Code enforcement department, along with pictures of vandalism on my land. I am also enrolled in the Orange County Trespassing Program. Police must be called multiple times to remove the people trespassing my property. Orange County call for trespassing records will prove that.

As per rules of Orange County sheriff's office, four signs against trespassing must be installed at 4 corners of the property, and it has costed me around 1000 dollars, attached is receipts of sign purchase and installation. The trespassers keep removing one or the other signs from my property, to make it difficult for Orange County Law enforcement department and for me to stay enrolled in this program. Not to mention, then I must incur more expenses to keep adding new no trespassing signs.

I have spent many hours of my time to keep an eye on my property, which is abused by people who tress-pass. I have called Orange County non-emergency lines multiple times to remove the trespassers inhabiting my property, these records can be found in Orange County district 4 non-emergency line reports. The deputies have evacuated them, and then they come right back when they get a chance to do so. Building a decent 6 feet fence will prevent this problem and will reduce the burden of dispatching the deputies and will save them time for handling their other duties.

Even my neighbors understand that I would need 6 feet fences to deter people to live, drop trash or any of waste material on my lot. All the neighbors who live on my street and hardworking people who are raising their families and like to see this street become free of illegal dumping of trash and people who do not belong to be on my lot. They understand that I would need 6 feet fences to deter people to live, drop trash or any of waste material on my lot. Attached is the letter of support of all the neighbors on the Columbia Street. They believe and support my attempt to keep the land free of trespassers and trash dropping by people. This project will create a better environment for people who live on Columbia Street.

This variance will be in no way detrimental to public health or safety. It will drastically change the lives of people positively, who have been suffocated by trespassers and illegal campers on my lot.

A few of the other properties on the same street, including 1622 Columbia Street, Orlando, 32805, have 6 feet fences installed in the first 25 feet of setback area of the front property line. (Attached in the picture). Their fences have no way caused any changes for surrounding neighbors, and neither will be my 6 feet fences on front property line.

The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located. Other properties in the same zoning district have been granted variances for similar impervious zoning variances.

The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship; not merely impose a casual/discretionary inconvenience up the applicant or his assigns; and not granting the variance would be unfair to the property owners due to similar and greater impervious variances have been granted.

The requested variance would be consistent with the spirit and purpose of this development and improvement in the Orange County, Orlando.

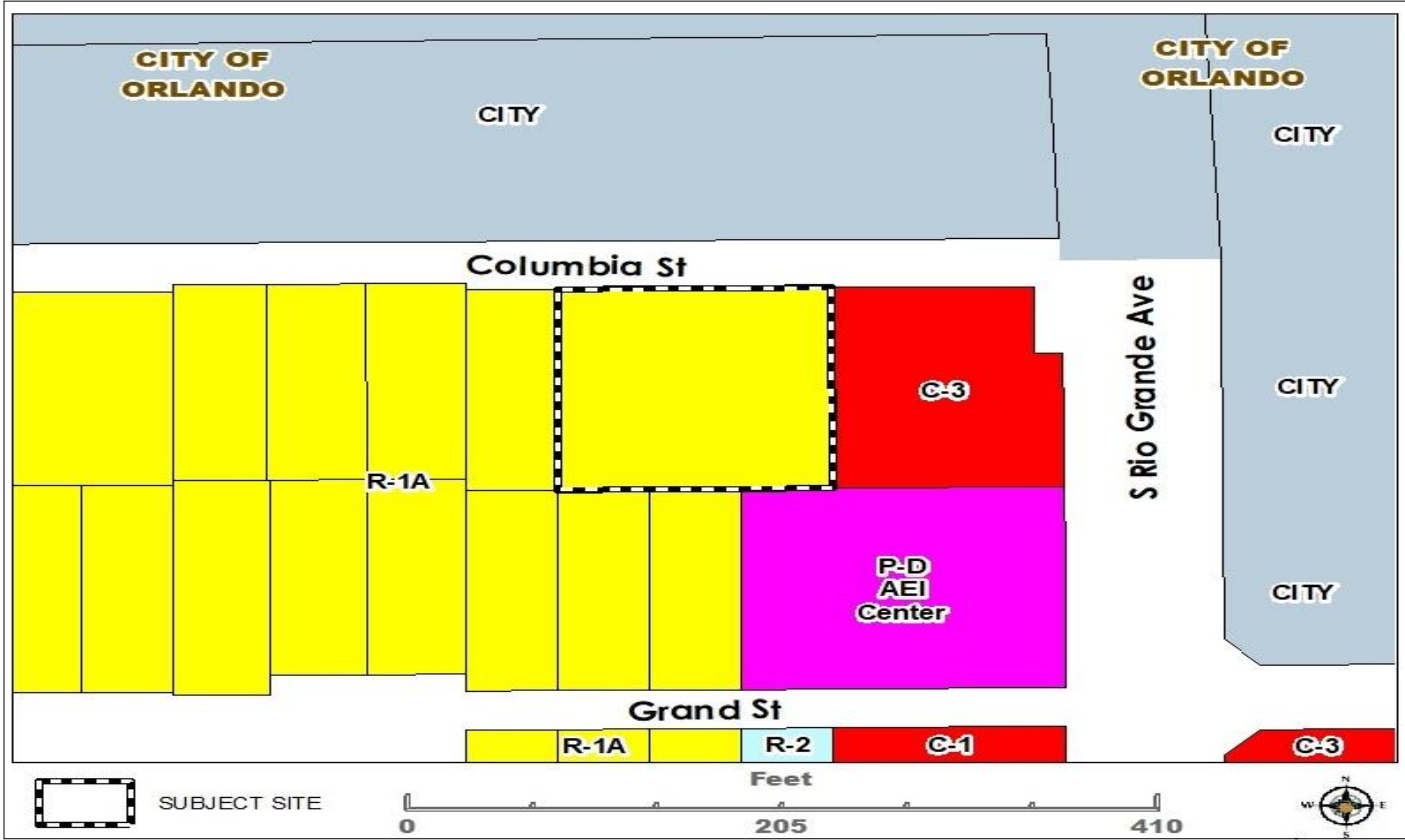
With your approval, the owners of the property on Columbia Street, will be able to enjoy their home and recreational space that would be consistent to the residential zoning, other approved variance applicants and Comprehensive plan.

The proposed project would be an improvement to the neighborhood and will increase in overall improvement to the neighborhood property value and tax base created by improvement.

The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County.

With the facts above, we request your approval for the Variance to the Zoning for building a 6 feet fence at the front property line.

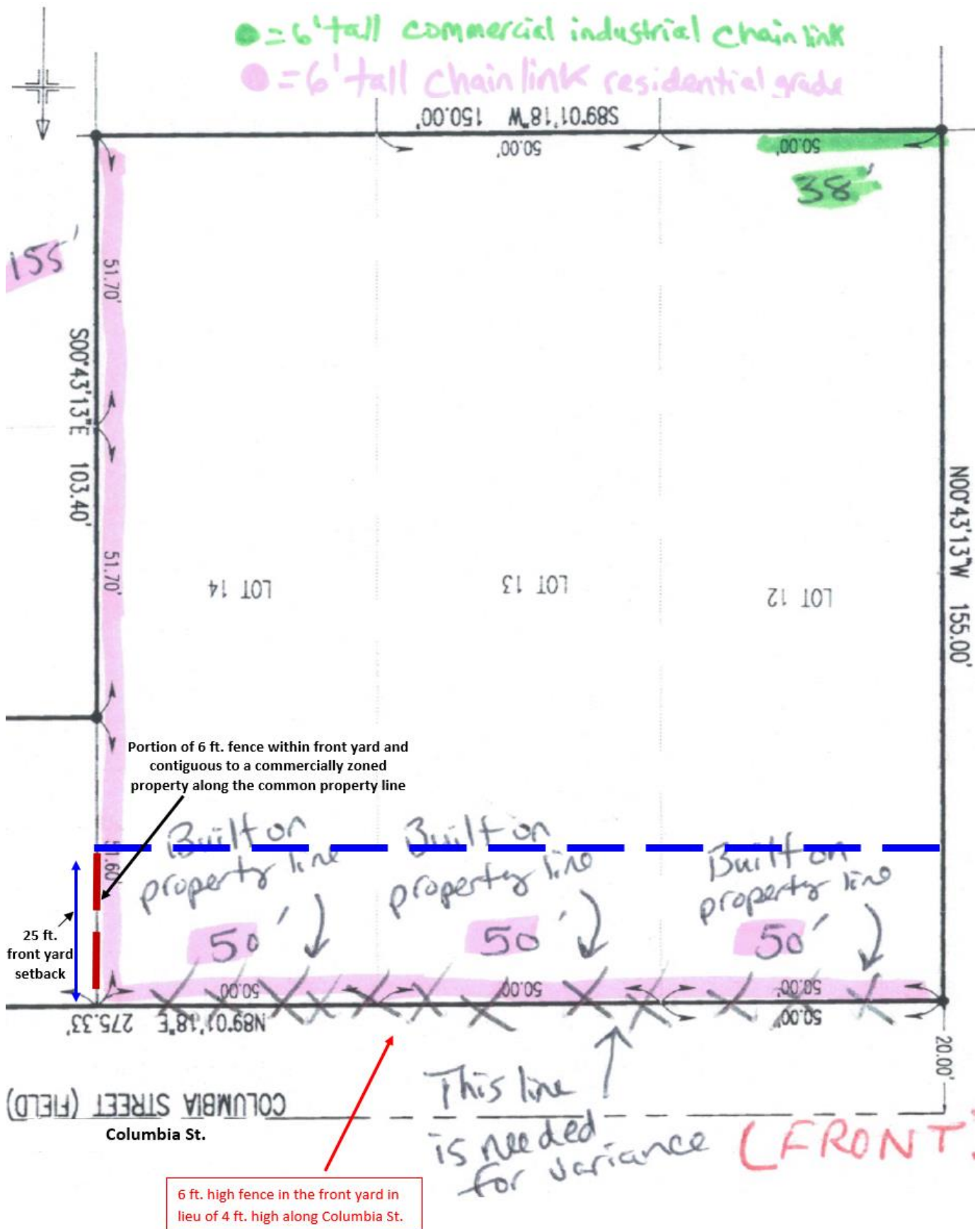
ZONING MAP



AERIAL MAP



SITE PLAN



SITE PHOTOS



Facing southeast from Columbia St. towards front of subject property



Front yard, facing northwest towards proposed fence location within the front yard setback

SITE PHOTOS



Rear of the property, facing north towards Columbia St.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 03, 2024**

Commission District: **#1**

Case #: **VA-24-06-036**

Case Planner: **Jenale Garnett (407) 836-5955**
Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): BOBBY MORALES

OWNER(s): GARY BRIAN PULLEN

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

1) To allow a lot width of 64.2 ft. in lieu of 85 ft. at the front setback line.

2) To allow an addition with a 24.3 ft. north front setback in lieu of 30 ft..

PROPERTY LOCATION: 9236 Bay Point Dr., Orlando, FL 32819, Terminal south end of Bay Point Dr., east side of Lake Tibet, west of S. Apopka Vineland Rd., north of W. Sand Lake Rd.

PARCEL ID: 28-23-28-0600-00-330

LOT SIZE: +/- 0.73 acres (+/- 0.57 acres upland)

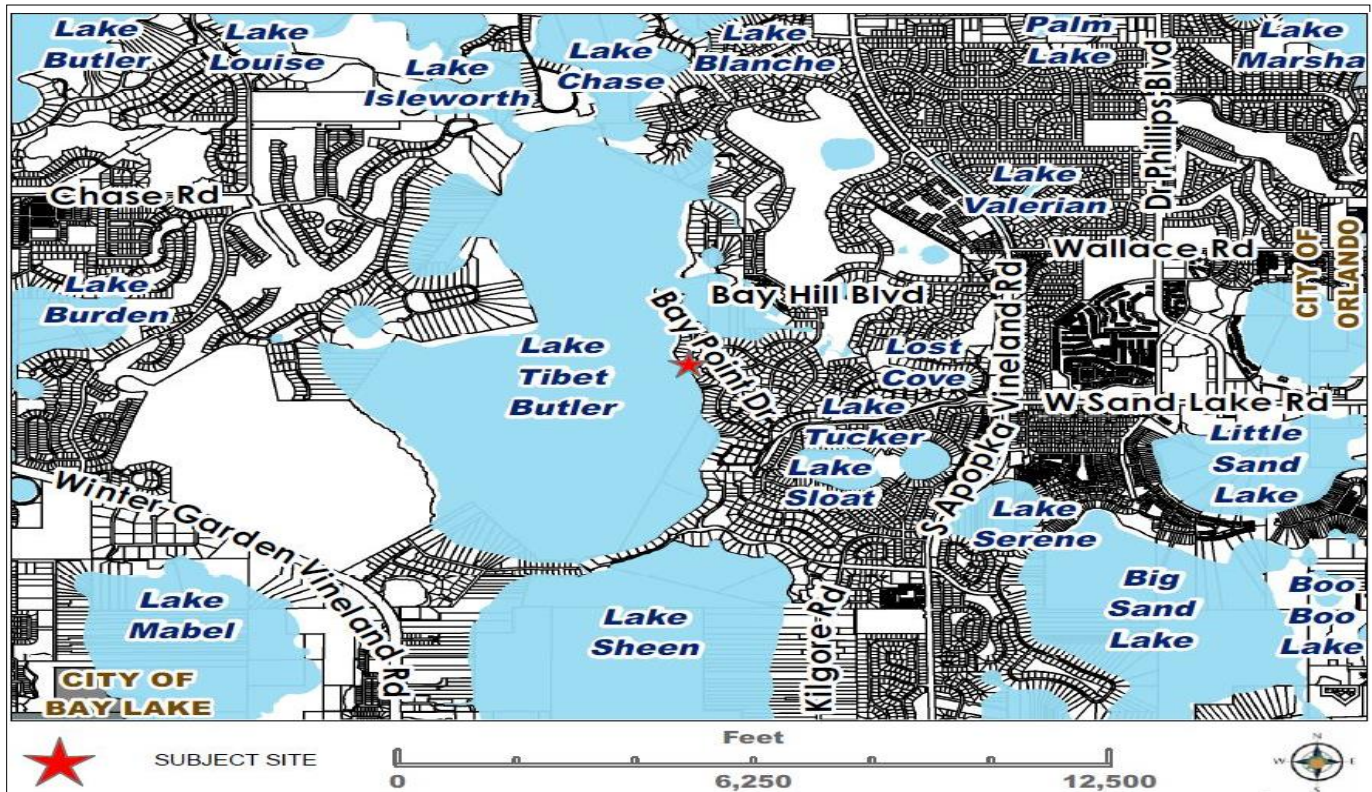
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 56

STAFF RECOMMENDATIONS

WITHDRAWN

LOCATION MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 03, 2024**

Commission District: **#3**

Case #: **VA-24-06-044**

Case Planner: **Jenale Garnett (407) 836-5955**
Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): OMAR RAMOS - HEADLEE DRIVE

OWNER(s): PEDRO PABLO FAJARDO

REQUEST: Variance in the R-1 zoning district to allow a west rear setback of 21.8 ft. in lieu of 25 ft.

Note: This is a result of Code Enforcement.

PROPERTY LOCATION: 4922 Headlee Dr., Orlando, FL 32822, west side of Headlee Dr., north of Hoffner Ave., east of S. Semoran Blvd., west of S. Goldenrod Rd.

PARCEL ID: 15-23-30-1681-00-500

LOT SIZE: +/- 0.16 acres (+/- 7,299 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 147

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets that the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by John Drago, Second by Thomas Moses; 3 in favor: John Drago, Sonya Shakespeare, Thomas Moses; 2 opposed: Deborah Moskowitz, Roberta Walton Johnson; 1 absent: Juan Velez; 1 vacant):

1. Development shall be in accordance with the site plan date stamped May 8, 2024, and elevations dated March 24, 2022, 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 the permit for the addition, the fence shall be permitted in compliance with code or removed.

SYNOPSIS: Staff described the proposal, including 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 denial. Staff noted that no comments were received in favor or in opposition to the request.

The applicant team discussed the reasons for the request.

There was no one in attendance to speak in favor or in opposition to the request.

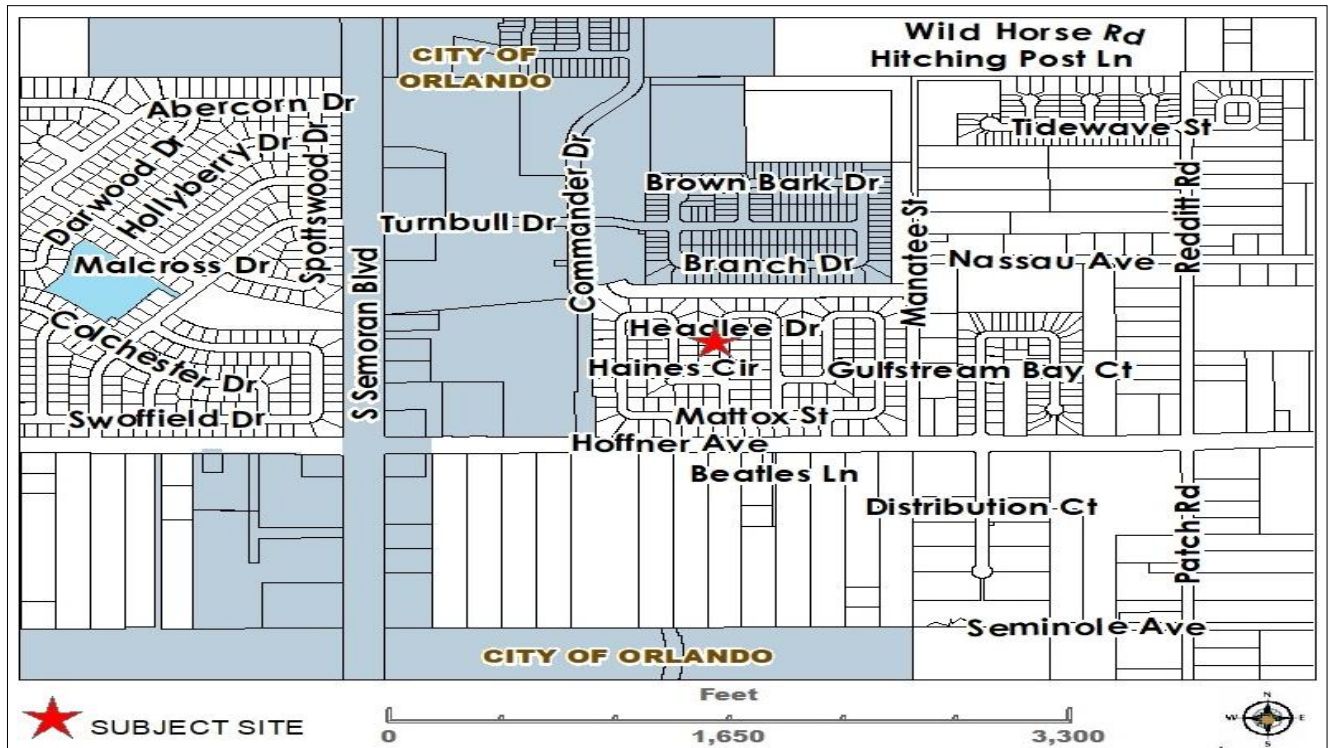
Code enforcement staff briefly discussed the history of the citation.

The BZA discussed the request and noted that it is minimal in order to construct a useable addition. The BZA made a motion for the recommendation of denial, which failed by a 2-3 vote. The BZA subsequently recommended approval of the Variance by a 3-2 vote, with one absent and one seat vacant, subject to the four (4) conditions in the staff report.

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria for the granting of the 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-1	R-1	R-1	R-1	R-1
Future Land Use	LMDR	LMDR	LMDR	LMDR	LMDR
Current Use	Single-family residential	Single-family residential	Single-family residential	Single-family residential	Single-family residential

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 and requires a minimum lot area of 5,000 sq. ft. The Future Land Use is Low-Medium Density Residential (LMDR), which is consistent with the R-1 zoning district.

The area around the subject site is comprised of single-family homes. The subject property is a +/- 0.16 acre lot, platted in 1971 as Lot 50 of the Conway Manor Replat, and is a conforming lot of record. It is currently developed with a 1,712 gross sq. ft. one story single-family home that was constructed in 1972. Other improvements to the property include a 300 sq. ft. wood shed built in 2023 with a permit that was never finalized and has since expired. A 6 ft. vinyl fence located along the sides and rear of the property appears via aerial imagery in 2010, and there are no permits on record. There is a 3 ft. utility easement along the north and south property line, and a 7.5 ft. utility easement along the west. These easements are not affected by the Variance requested. The property was purchased by the current owner in 2021.

Code compliance cited the property owners on February 2, 2023, (CE#: 618290) for improvements constructed without permits that consist of an addition to the principal structure, the expansion of the driveway, and a shed. The owner has since been issued a new permit for the shed (B24003441).

The request is to legally convert a partially constructed 24 ft. by 11.6 ft., 10.7 ft. high addition with a west rear setback of 21.8 ft. in lieu of 25 ft., requiring a Variance. The proposed addition will accommodate 1 bedroom and 1 bath, and the location was previously used as a lanai. Staff recommends denial of the Variance since the addition was built without permits and could have been designed in a manner to comply with code if permits were first obtained. Additionally, the shed could have been configured in a manner to allow space for the proposed addition to meet the required setbacks. A permit for the alteration to enclose the existing lanai for an addition and driveway widening (B24003900) is on hold pending the outcome of this request.

As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	10.7 ft. (addition)
Min. Lot Width:	50 ft.	73 ft.
Min. Lot Size:	5,000 sq. ft.	7,299 sq. ft.

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	25 ft.	28.8 ft. existing residence (East)
Rear:	25 ft.	21.8 ft. addition (West – Variance)
Side:	6 ft.	10.8 ft. existing residence (North) 10.5 ft addition (South)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

There are no special conditions or circumstances peculiar to the land or building which are not applicable to others in the same district. The addition could have been modified to meet code.

Not Self-Created

The Variances are self-created since there are alternatives to modify the addition in a manner that meets code.

No Special Privilege Conferred

Granting the Variance as requested would confer special privilege not conferred to others, since the property can continue to be used as a single-family residence. Furthermore, the addition could have been designed in a manner that meets code.

Deprivation of Rights

There is no deprivation of rights, as the owners may continue to use the property for a single-family residence without an expansion or with an addition that meets code.

Minimum Possible Variance

The Variance is not the minimum possible as the addition could have been designed to comply with code if permits were first obtained.

Purpose and Intent

Approval of the requested Variances will allow improvements to the site, which will be in harmony with the purpose and intent of the Zoning Regulations. The addition located in the rear of the property will not be significantly visible from any of the surrounding properties due to the 6 ft. tall vinyl fence on the sides and rear of the property, thereby limiting any quantifiable negative impact to surrounding property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped May 8, 2024, and elevations dated March 24, 2022, 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 the permit for the addition, the fence shall be permitted in compliance with code or removed.

C: Omar Ramos
6 Randia Drive
Orlando, FL 32807

Elaine Ramirez
6 Randia Drive
Orlando, FL 32807

CoverLetter

Omar Ramos
6 Randia dr
Orlando, FL 32807
(407) 796-1737
Omar.notary@er-permits.com

April 20, 2024

ELECTRONIC MAIL

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

Re: 4922 Headlee Drive Application for Variance

To whom it May Concern,

I, Omar Ramos, representing Pedro Pablo Fajardo the homeowner of approximately 7,299 square feet of land located at 4922 Headlee Dr in unincorporated Orange County (Parcel Identification number 15-23-30-1681-00-500)("Property"). Enclosed is an Orange County Board of Zoning Adjustment Application, Together with the applicable fee \$638.00, requesting the approval of a variance for an existing 360 square feet addition on the Property: to allow 21.8 feet rear setback lieu of 25 feet.

Approval of this variance will give us an opportunity to get an already started building permit for this project (permit application #B24003900) to have additional space to accommodate my daughter. The rental increased pricing for housing in our community left my daughter with the impossibility to live independently. This additional space helps us to not live agglomerates in the residence.

Bestregards,

Omar Ramos
Applicant

COVER LETTER

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.

The special conditions and circumstances particular to the subject property are its size and location of the house, which renders any addition difficult without a variance.

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.

The request is not self-created since the owners are not responsible for the configuration and location of the home in relation to the rear property line. Any improvements to the residence is difficult without the need for a variance.

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.

Granting the requested variance will not confer any special privilege conferred to others under the same circumstances since meeting the literal interpretation of the code would prohibit any new construction along the rear of the house beyond a small unusable expansion in the rear.

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.

Without the requested variance, improvement to the home of a reasonable size would be difficult.

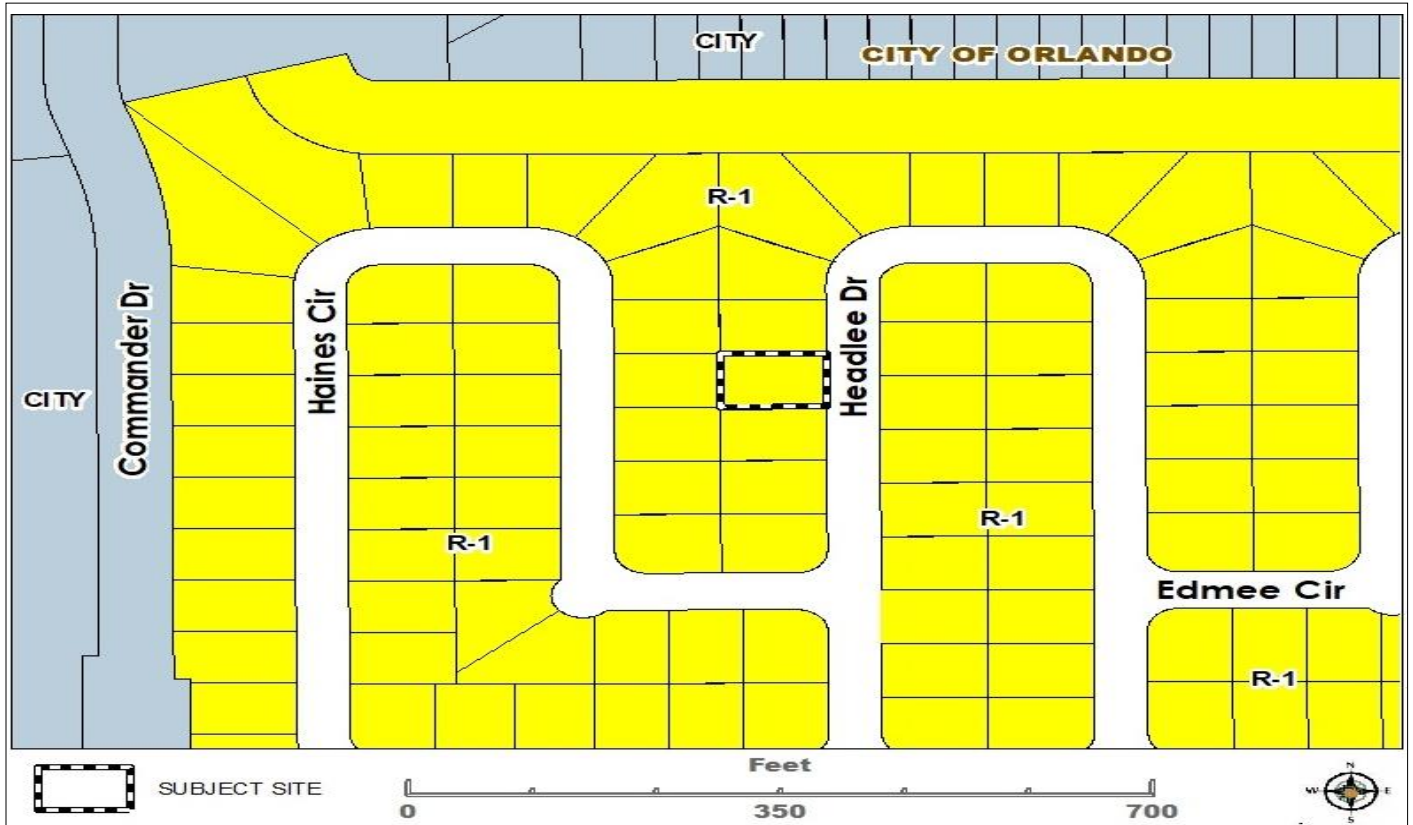
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The requested variance is the minimum necessary to construct any improvements at the rear of the property, due to the lot size and location of the house.

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.

Approval of the requested variance will allow improvements to the site which will be in harmony with the purpose and intent of the Zoning Regulations. will not be detrimental to adjacent properties.

ZONING MAP



AERIAL MAP



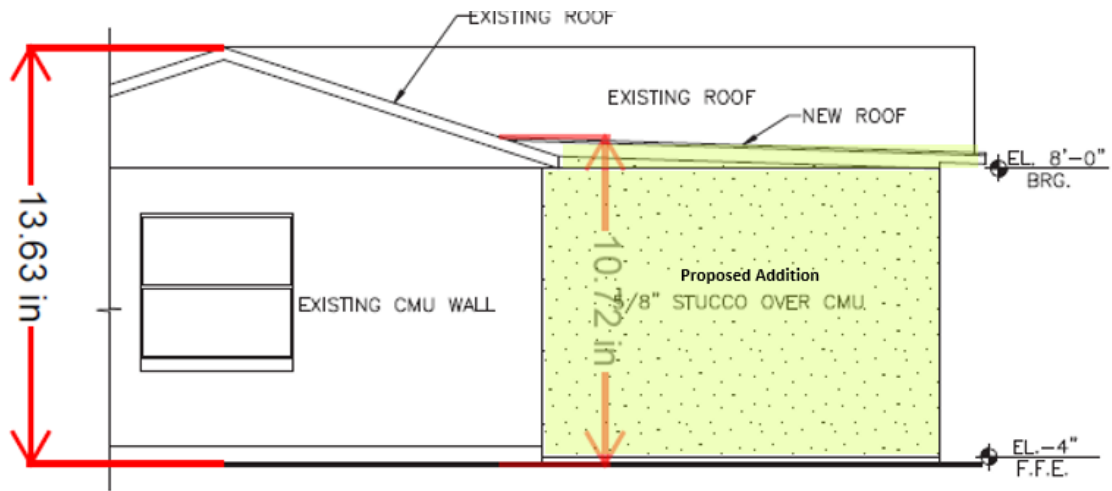
SITE PLAN



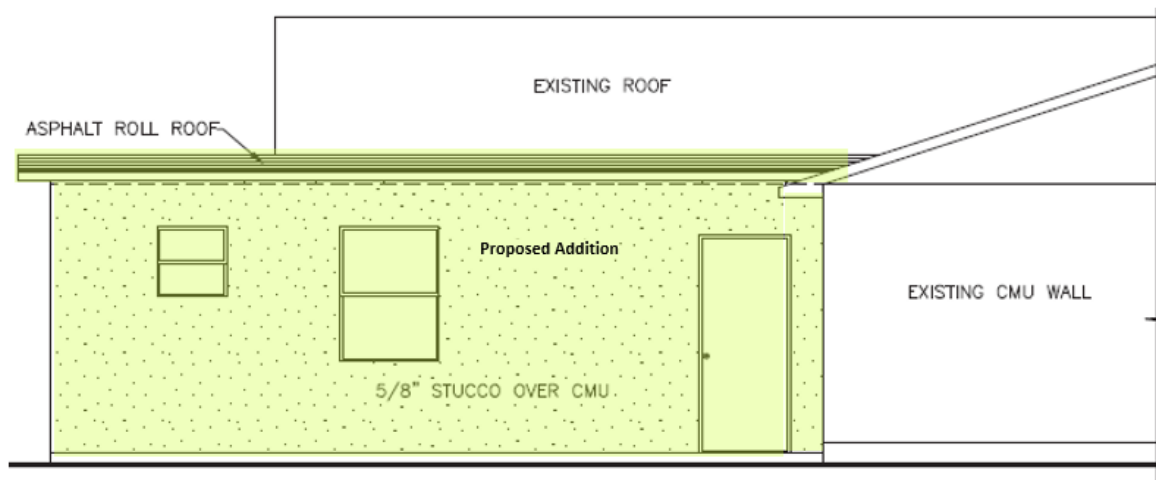
PER PLAT



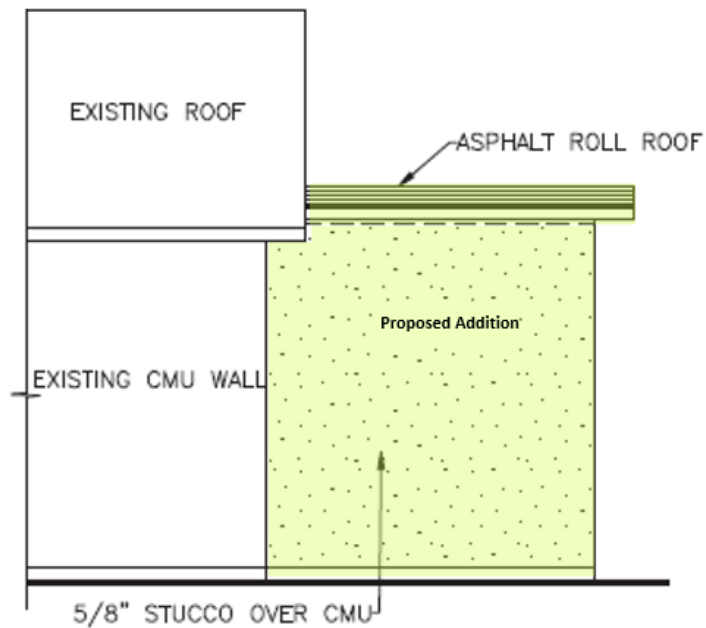
ELEVATIONS FOR PROPOSED ADDITION TO EXISTING RESIDENCE



WEST / REAR ELEVATION



SOUTH / LEFT ELEVATION



NORTH / RIGHT ELEVATION

SITE PHOTOS



Facing west from Headlee Dr. towards the front of subject property



Rear yard, facing east towards proposed addition under construction

SITE PHOTOS



Rear yard, facing north towards requested Variance



Rear yard, facing north towards existing shed

SITE PHOTOS



Rear yard, facing west

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 03, 2024**

Commission District: **#2**

Case #: **VA-24-06-047**

Case Planner: **Jenale Garnett (407) 836-5955**
Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): MEAGAN ANDERSON

OWNER(s): MEAGAN ANDERSON

REQUEST: Variance in the PD zoning district to allow an attached Accessory Dwelling Unit (ADU) with a north rear setback of 21.7 ft. in lieu of 35 ft.

Note: This is a result of Code Enforcement.

PROPERTY LOCATION: 6637 Hawksmoor Dr., Orlando, FL 32818, north side of Hawksmoor Dr., west of N. Hiawassee Rd., north of Clarcona Ocoee Rd., south of S.R. 414.

PARCEL ID: 26-21-28-1001-00-370

LOT SIZE: +/- 0.33 acres (+/- 14,556 sq. ft.)

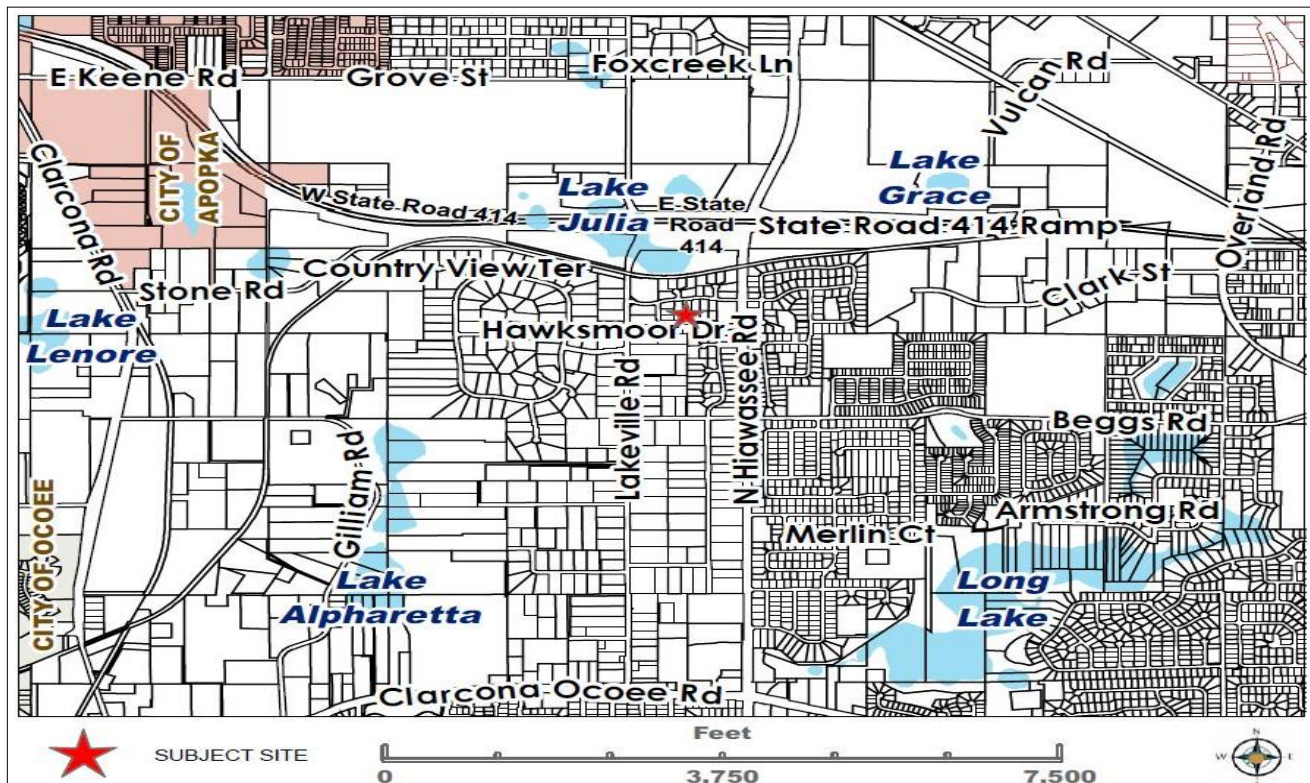
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 70

STAFF RECOMMENDATIONS

CONTINUED TO THE AUGUST 1, 2024 BZA MEETING

LOCATION MAP





BOARD OF ZONING ADJUSTMENT
201 S. Rosalind Ave.
Orlando, FL 32801