



*Orange County Zoning Division*

**VA-23-07-043**

**APPLICANT/ APPELLANT:**

**JULIO BARONA**

**September 12, 2023**



# Background

<b>APPLICANT:</b>	<b>JULIO BARONA</b>
<b>CASE:</b>	<b>VA-23-07-043</b>
<b>ZONING:</b>	<b>R-1A</b>
<b>FUTURE LAND USE:</b>	<b>LDR (Low Density Residential)</b>
<b>ADDRESS:</b>	<b>1218 Kingston Avenue, Orlando, FL 32807</b>
<b>LOCATION:</b>	<b>West side of Kingston Ave., north of Old Cheney Hwy., east of N. Semoran Blvd., and northwest of E. Colonial Dr.</b>
<b>TRACT SIZE:</b>	<b>+/- 0.36 acres (15,998 sq. ft.)</b>
<b>DISTRICT:</b>	<b>5</b>



# Background

## REQUEST:

**Variations in the R-1A zoning district as follows:**

- 1) To allow an attached accessory structure to remain with a north side setback of 5 ft. in lieu of 7.5 ft.**
- 2) To allow an attached accessory structure to remain with a west rear setback of 10 ft. in lieu of 30 ft.**
- 3) To allow an existing residence with a west rear setback of 18 ft. in lieu of 30 ft.**

**Note: This is a result of Code Enforcement.**

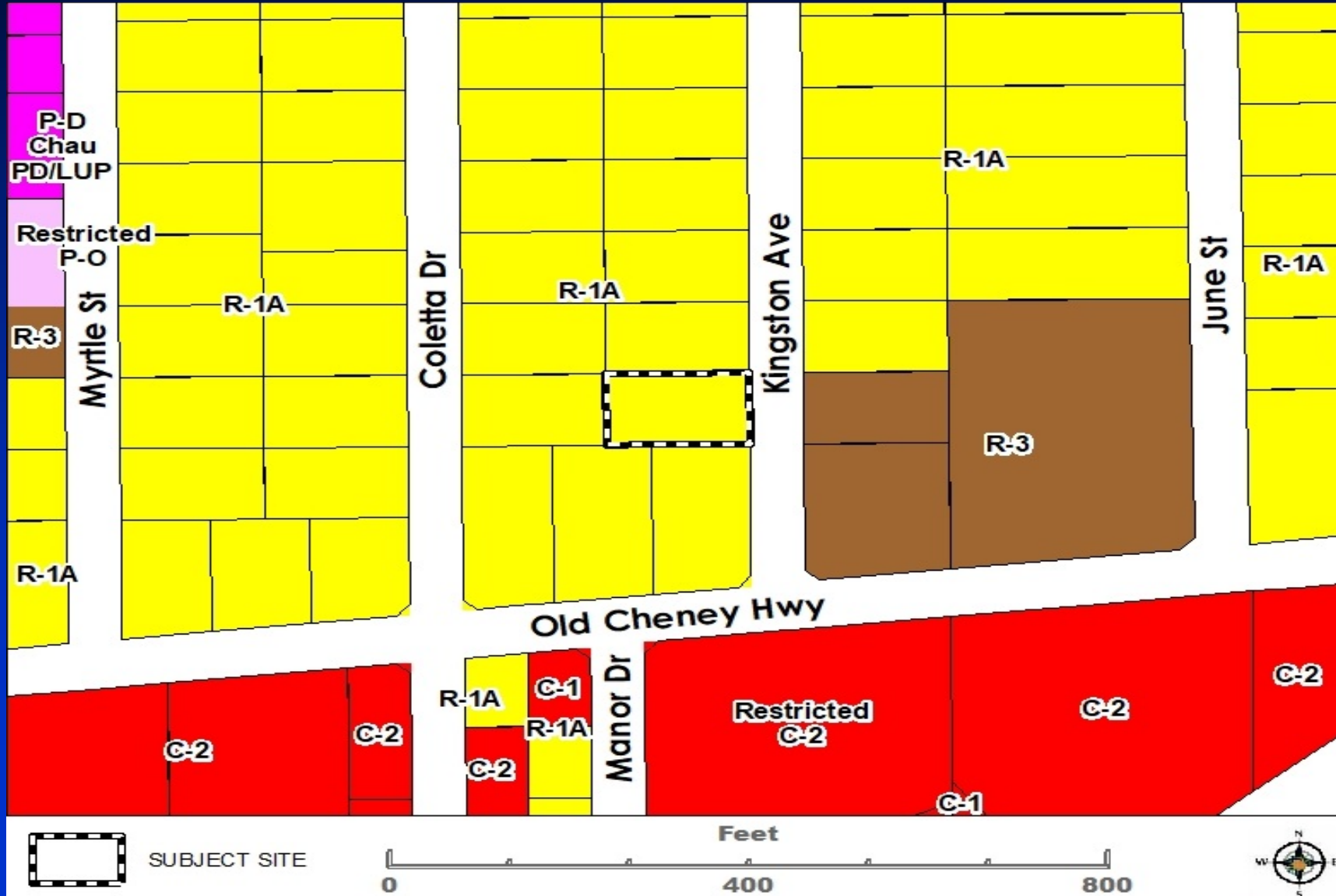


# Location Map





# Zoning Map





# Aerial Map



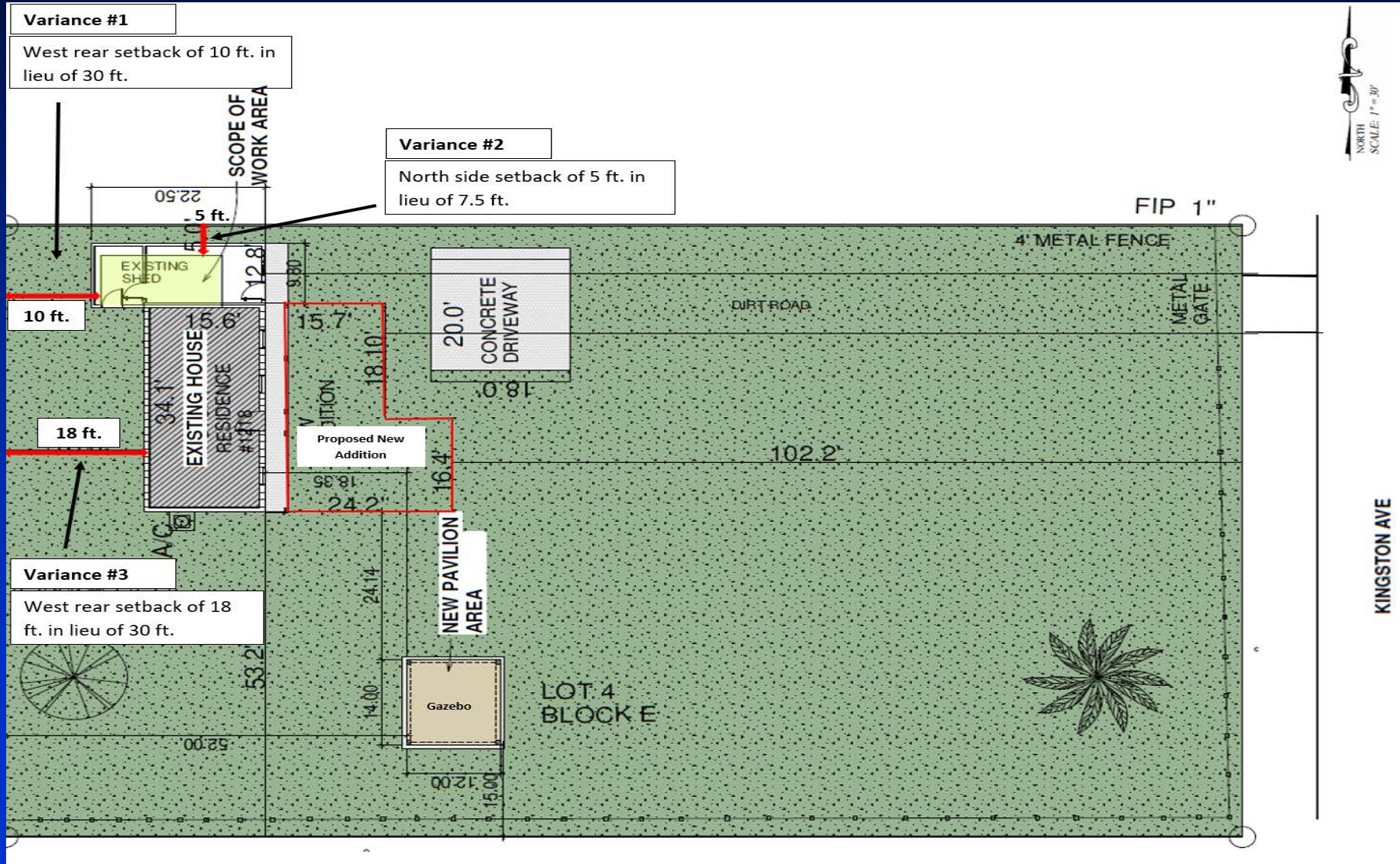


# Aerial Map of Subject Site





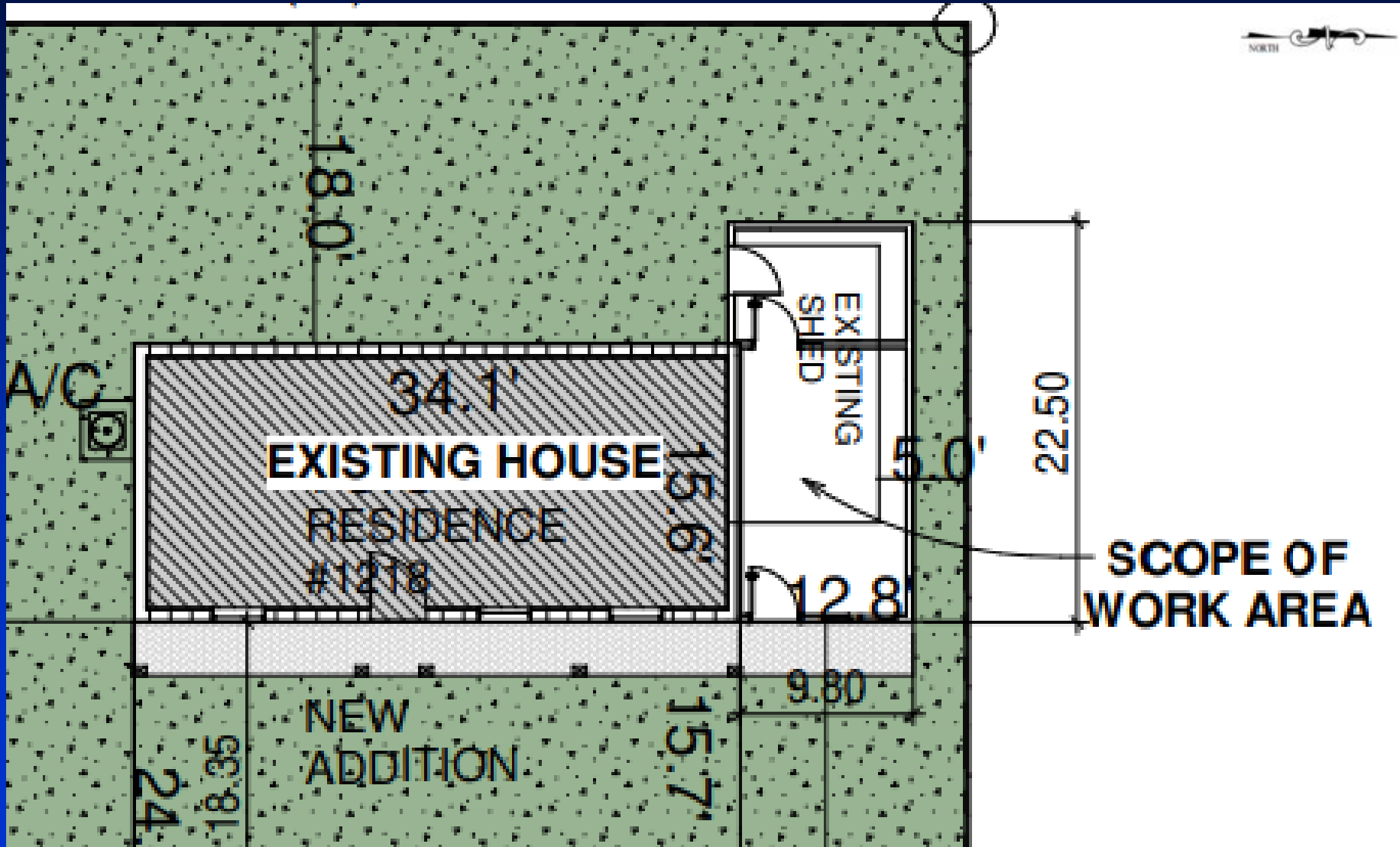
# Site Plan





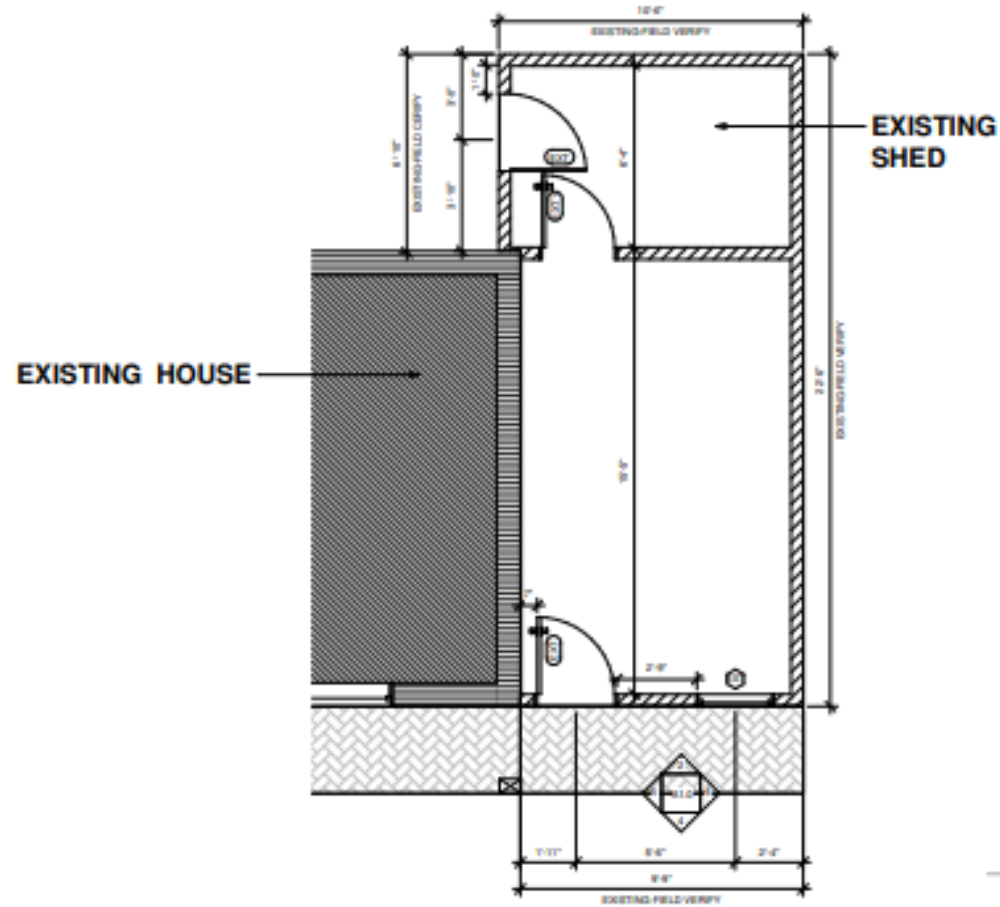


# Partial Site Plan





# As-Built Plans



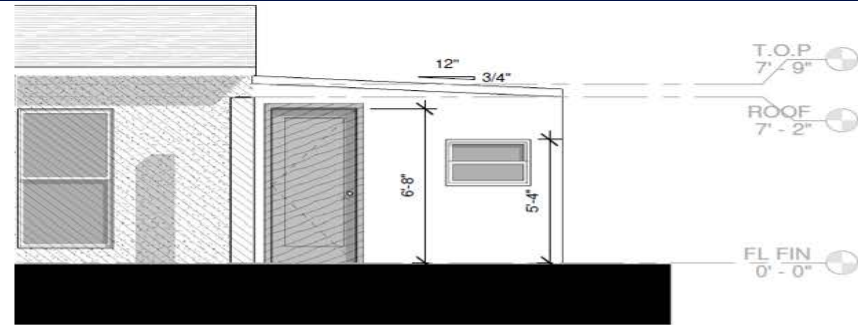
SCOPE OF WORK AREA- EXISTING CONDITIONS FLOOR

1 PLAN  
3/8" = 1'-0"

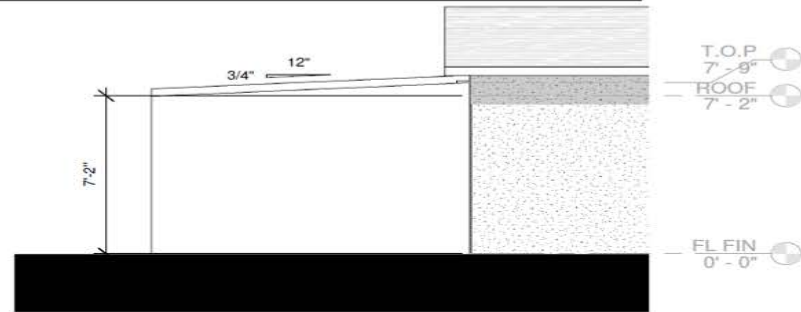


# Elevations for Attached Accessory Structure

Front Elevation - East



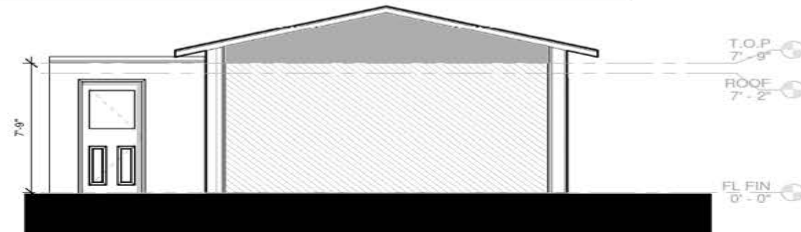
Rear Elevation - West



Left Elevation - North



Right Elevation - South





# Site Photograph

Facing property - northwest from Kingston Ave.





# Site Photograph

Front yard, facing northwest towards existing house and gazebo





# Site Photograph

Facing west from front towards attached accessory structure





# Site Photograph

Facing west along north side yard





# Site Photograph

Facing east towards rear of attached accessory structure







# Site Photograph

Facing north in rear yard towards attached accessory structure





# History

- **1964: Residence constructed**
- **Prior to 2022: attached accessory structure installed/enclosed without a permit**
- **2022: gazebo installed without a permit**
- **February 2023: Code Compliance Citation - for the construction of an addition and gazebo without a permit**
- **April 2022: Permit submitted for new home addition; expired December 2022.**
- **May 2023: Permit submitted for gazebo**



# Google Street View March 2008





# Google Street View January 2021





## Staff Findings and Analysis

- **Attached accessory structure**
  - 5 ft. north side setback in lieu of 7.5 ft., Variance #1
  - 10 ft. west rear setback in lieu of 30 ft., Variance #2
  - Constructed without permits
  - Could have been built to meet code
  
- **Existing residence, 838 sq. ft.**
  - 18 ft. west rear setback in lieu of 30 ft., Variance #3



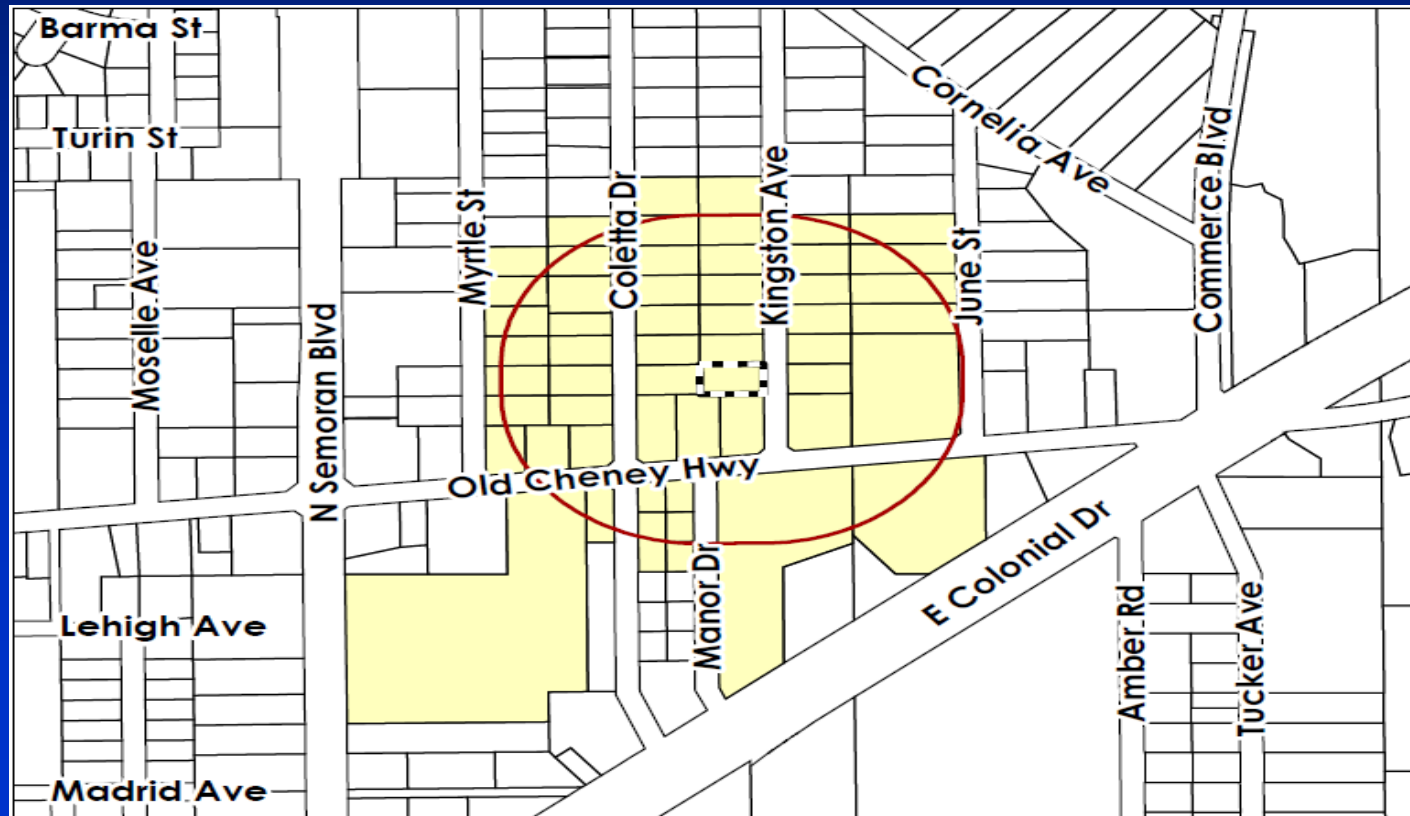
## Staff Findings and Analysis

- Staff recommended denial of Variances #1 and #2 as there are no special conditions and circumstances, the need for the Variances are self-created, they are not the minimum possible Variances and the requests do not meet the purpose and intent of the code.
- Staff recommended approval of Variance #3 as there are special conditions and circumstances, the need is not self-created and it is the minimum possible.



# Public Feedback

- Staff mailed a total of 73 notices to adjacent property owners in a 500 ft. radius
  - Staff received no correspondences in favor of this request
  - Staff received no correspondences in opposition to this request





# Variance Criteria

## Section 30-43 (3), Orange County Code

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

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





## BZA Findings

- The BZA concluded that if granted there would be special privilege conferred, the variances were not the minimum requests, and that the requests would be detrimental to the neighborhood and recommended denial of Variances #1 and #2.
- The BZA concluded that the request was the minimum possible and would not be detrimental to the surrounding area and recommended approval of Variance #3.



# Conditions of Approval

1. Development shall be in accordance with the site plan and elevations received June 14, 2023, **as modified to reflect removal of the accessory structure in accordance with the recommendation of denial of Variances #1 and #2**, 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).



## Conditions of Approval

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.



## Requested Action

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