



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

March 5, 2020

Zoning Division

BOARD OF ZONING ADJUSTMENT (BZA)

ORANGE COUNTY GOVERNMENT

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

BZA Staff

Vacant	Chief Planner
Nick Balevich	Planner II
David Nearing, AICP	Planner II

ORANGE COUNTY BOARD OF ZONING ADJUSTMENT

RECOMMENDATIONS

MARCH 5, 2020

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
VA-20-03-000	Patricia Feeley	1	Approved w/Conditions	1
SE-20-03-001	Safety Harbor Adult Day Care & Activity Center	2	Approved w/Conditions	14
VA-20-03-010	Madison Landing (Parametric Design & Development, LLC)	6	Approved w/Conditions	29
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VA-20-03-009	Brent Smith	3	Approved w/Conditions	48
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VA-20-03-007	Sean Wydrankowski	2	Approved w/Conditions	71
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ORANGE COUNTY ZONING DISTRICTS

Agricultural Districts

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

Residential Districts

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

Non-Residential Districts

- P-O** Professional Office District
- C-1** Retail Commercial District
- C-2** General Commercial District
- C-3** Wholesale Commercial District
- I-1A** Restricted Industrial District
- I-1/I-5** Restricted Industrial District
- I-2/I-3** Industrial Park District
- I-4** Industrial District

Other District

- P-D** Planned Development District
- U-V** Urban Village District
- N-C** Neighborhood Center
- N-A-C** Neighborhood Activity Center

SITE & BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

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

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

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

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

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

FOOTNOTES

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

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

VARIANCE CRITERIA:

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

1. **Special Conditions and Circumstances** – Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of any proposed zoning variance.
2. **Not Self-Created** – The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.
3. **No Special Privilege Conferred** – Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by the Chapter to other lands, buildings, or structures in the same zoning district.
4. **Deprivation of Rights** – Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of the property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval.
5. **Minimum Possible Variance** – The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. **Purpose and Intent** – Approval of the zoning variance will be in harmony with the purpose and intent of this Chapter and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

SPECIAL EXCEPTION CRITERIA:

Subject to Section 38-78, in reviewing any request for a Special Exception, the following criteria shall be met:

1. The use shall be consistent with the Comprehensive Policy Plan.
2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
3. The use shall not act as a detrimental intrusion into a surrounding area.
4. The use shall meet the performance standards of the district in which the use is permitted.
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.
6. Landscape buffer yards shall be in accordance with Section 24-5, Orange County Code. Buffer yard types shall track the district in which the use is permitted.

In addition to demonstrating compliance with the above criteria, any applicable conditions set forth in Section 38-79 shall be met.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 05, 2020**

Case Planner: **David Nearing, AICP**

Case #: **VA-20-03-000**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): PATRICIA FEELEY

OWNER(s): PATRICIA FEELEY

REQUEST: Variance in the P-D zoning district to allow a 5.5 ft. tall solid wall parallel to a street side in lieu of a 5.5 ft. tall wall no more than 50% opaque above 4 ft. in height.

PROPERTY LOCATION: 8939 Fountain Palm Alley, Winter Garden, Florida, 34787, northeast corner of Bismarck Palm Dr. and Fountain Palm Alley, approximately 125 ft. east of Lakeshore Pointe Dr.

PARCEL ID: 05-24-27-5330-00-420

LOT SIZE: 50 ft. x 121 ft./ .139 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 82

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

1. Development in accordance with the site plan dated January 8, 2020, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The wall shall be finished to match the exterior finish of the home with respect to color and texture.

SYNOPSIS: Staff explained that the subject property is located in Village F of Horizon West in a Planned Development, which has special design criteria for fences and walls facing public right-of-ways. The wall can only be 100% opaque to a height of four (4) feet, above that the wall must be 50% or less opaque to a maximum height of six (6) feet. The applicant's proposed wall will provide visual buffers from Bismarck Palm Drive, the main entrance street, and a park on the south side of that street. Staff noted that the builder for this project offered a wall for end units that face a common area, not a public street, which is five (5) ft. in height and has a design that the applicant is trying to emulate with their proposed design. Staff noted that there is an existing row of plants, which if left in place will ultimately create a solid barrier that will hide the proposed wall. Staff concluded with the fact that the applicant provided eleven (11) letters of support from neighbors, support from the HOA, and that they had received one (1) additional correspondence in support by mail.

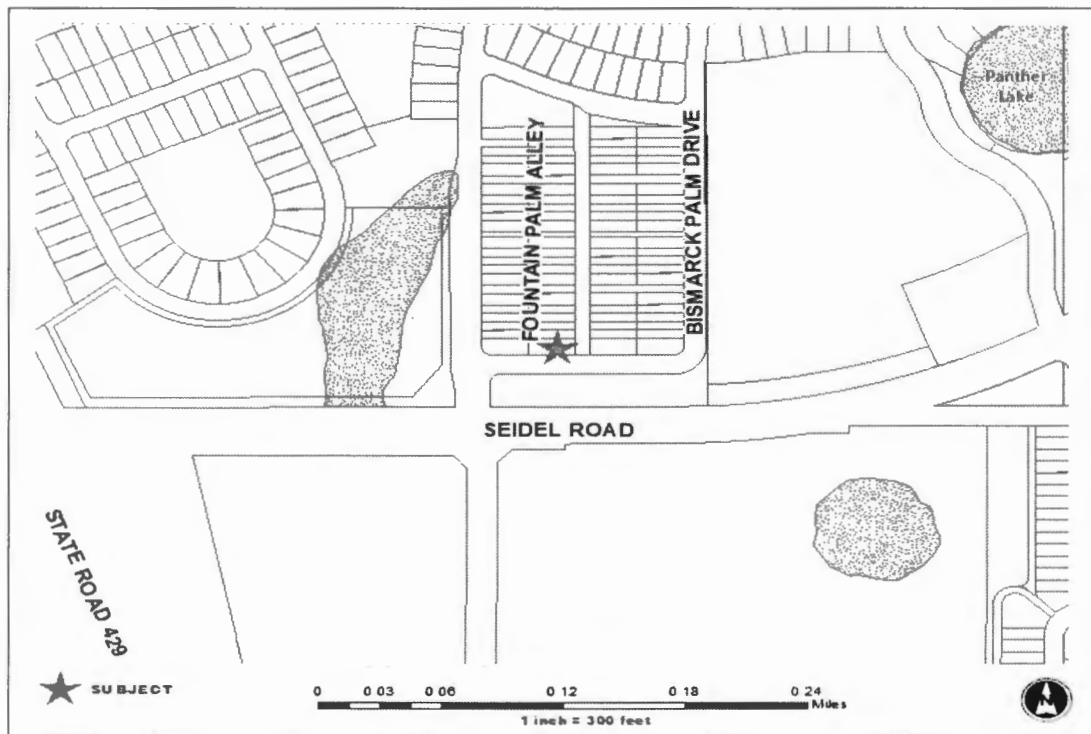
The applicant stated that they were in agreement with the staff recommendation and conditions of approval. There being no one in attendance to speak in favor or opposition to the request, the public hearing was closed.

The BZA concluded that the applicant does have a hardship due to the location of the property, and that they are attempting to meet the design of the builder's wall. The BZA unanimously recommended approval of the variance, subject to the four (4) conditions found 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	P-D	P-D	P-D	P-D	P-D
Future Land Use	Village	Village	Village	Village	Village
Current Use	Townhouse	Townhouse	Park	Townhouse	Townhouse

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is located in a P-D Planned Development District, and is in the Horizon West Village F PD. This PD allows a variety of uses including single-family, multi-family, and commercial.

The home fronts on a mew, which is a linear park with homes on the other side, and vehicular access is provided via an alley in the rear of each unit. The primary private outdoor area is a patio which extends along the south side of the home between the home and the side street, Bismarck Palm Drive. Across the street from the home is a neighborhood park.

The subject property is an exterior end unit of a six (6) unit townhouse structure. It is located on a lot created by the Lakeshore Preserve Phase I plat, which was recorded in October 2015. The home, which was constructed in 2018, is a two-story home which contains 3,221 sq. ft. of gross floor area, including an integrated two-car garage which is accessed via an alley.

The interior design of the home has the kitchen, master bedroom and master bathroom located on the south side of the house, adjacent to the patio. The applicant would like to construct a privacy wall which is equal to their own height to block the views of the house from Bismarck Palm Drive.

The subject property is in Village F of the Horizon West P-D, which has specific fence and wall design requirements. Any fence or wall that is visible from a public right-of-way can only be completely opaque to a height of four (4) feet. Any fencing above four (4) feet cannot be more than 50% opaque. To better protect their privacy, the applicant is asking to allow the wall to be 100% opaque to the top of the wall.

The homebuilder for the community offered a wall which is opaque to a height of five (5) feet, but has sections which are semi-opaque from the top to a point approximately 18 inches above grade. However, this wall is intended for end units, which do not face a public street but rather face common areas.

To emulate this design, the applicant is proposing two (2) eight (8) foot long gaps, semi-opaque from the top to a height of 2 1/2 feet above the grade, which will have horizontal cables stretched across the openings with a vertical separation of approximately three (3) inches. These eight (8) ft. gaps will be 11 feet from each end of the wall, and separated by a 22 foot section of solid wall.

In 2017, a permit was issued for the six-unit townhouse located immediately to the west across the alley. The end unit fronting on Bismarck Palm Drive was approved to have a seven (7) foot tall solid wall. This unit is the first unit one sees as they drive into the townhouse portion of the community. This wall is 100% stucco from the ground to a height of seven (7) feet, and has no elements of the wall offered by the builder.

The applicant submitted letters of support from the community's HOA and 10 homeowners, eight (8) of whom live in the townhouse portion of the community.

District Development Standards

	Code Requirement	Proposed
Max Height:	55 ft.	30 ft.
Min. Lot Width:	16 ft.	50 ft.
Min. Lot Size:	N/A	.139 ac.

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

	Code Requirement	Proposed
Front:	15 ft.	15 ft.
Rear:	14 ft.	21 ft.
Side:	0/7 ft.	0 ft. North
Sidestreet:	10 ft.	25 ft. House/18 ft. Wall

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The applicant's unit faces a public street and a park, and is located at the primary entrance into the townhouse community. The subject property is also 50 ft. wide, as opposed to interior lots which are only 20 ft. wide. This creates a large amount of open yard between the home and the property line. The side street setback for structures in this community is ten (10) feet. Most walls and fences are built at the property line. However, on the applicant's property, the wall will be 18 feet from the side street property line. As a result, the wall would appear to be an extension of the house rather than a wall enclosing a yard.

No Special Privilege Conferred

Two (2) eight (8) ft. x three (3) ft. sections of the wall will not be opaque, but rather have a screen consisting of metal wires spaced approximately three (3) inches vertically. This will provide a total of 48 sq. ft. of wall which is more than 50% opaque. If this area was distributed across the entire 60 ft. length of the wall, it would be the equivalent of approximately the top six (6) inches of the wall being less than 50% opaque. The proposed design of the wall will also be more compatible with the design of the wall offered by the builder for end units with interior side yards. Due to the 18 ft. setback from the side street property line, and the fact that the wall will be finished to match the texture and color of the home, it will blend into the home. The applicant currently has podocarpus yew planted along the edge of the patio. This is a common species of the plant, which typically creates a solid barrier, and if maintained, will eventually screen the wall.

Deprivation of Rights

Denying the variance will not deprive the applicant of the right to have up to a six (6) ft. tall wall. However, the top two (2) feet of the wall will need to be 50% opaque or greater.

Minimum Possible Variance

The applicant desires a wall that will completely conceal them from view. With the exception of the two (2) eight (8) ft. gaps emulating the builder's wall, the requested variance will do so.

Purpose and Intent

Part of the intent of the code is to provide some level of uniformity in appearance and to provide visibility along the street. In attempting to emulate the wall offered by the builder, the applicant is attempting to satisfy the purpose and intent.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan and elevation dated January 8, 2020, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The wall shall be finished to match the exterior finish of the home with respect to color and texture.

c: Patricia Feeley
8939 Fountain Palm Alley
Winter Garden, FL 34787

COVER LETTER

TO: BOARD OF ZONING ADJUSTMENT (BZA)
ORANGE COUNTY ZONING DIVISION

FROM: PATRICIA FEELEY

PARCEL ID NO: 05-2427-5330-00-840

RE: REQUEST FOR VARIANCE

ADDRESS: 8939 FOUNTAIN PALM ALY, WINTER GARDEN, FLORIDA 34787

To whom it may concern:

I am requesting a variance for the construction of a cinder block privacy wall for the above address. The maximum height being 5.5 ft.

Description:

A- A 5.5 cinder block wall as a maximum height that would include two openings, each being 8 ft long and 2 ft deep. There is a gate at one end.
The current law allows only a 4 ft solid wall.

B- I wish to stress that I am not asking for any special privilege.
This townhouse is my primary and sole residence.
I have included pictures with this application to illustrate the points I am making here.

Our HOA has approved my design since I have followed almost exactly that of the builder's model wall located at 8841 Lakeshore Pointe Dr. A second wall of the same design is located at 8901 Lakeshore Dr.

In addition, a precedent has been set by the construction, by the builder, of a solid, not opaque, seven ft (7 ft) cinder block wall. The location is the same style townhouse close to mine at 8961 Bismark Palm Dr.

The setback of this wall does not impede vision of a driver nor the safety of a pedestrian.

The edge of my wall is 15 ft from the property line.
It is a total of 25 ¼ ft to the road.
The pavers will end on the interior of the patio and meet at the inside of the wall.

SAFETY AND SECURITY:

As mentioned, this townhouse is my one residence. When I purchased it was my plan was to build the wall. I knew that it was necessary for my safety and security because it was the end unit of the community and near an ungated entrance. The builder offered this exact wall but I did not have the funds at that time. I had no reason to think there would be any problem.

LOCATION:

A- The location of the wall will not obscure vision of a driver nor a pedestrian.
BUT a 4 ft wall allows everybody to have a clear view of me when I am BOTH INSIDE AND

OUTSIDE OF MY HOUSE!! This is because my kitchen work area lines up with my kitchen doors.

Also ,the townhouse is a straight design, so that the windows to the master bedroom and bath also face the street. A few bushes or a light screen will still require that I keep my blinds shut at all times.

B: While it is a quiet street , the location draws a lot of activity since the alley is one-way:trucks and crews for deliveries, landscape, pest control, UPS, utilities etc. Visitor parking is there as well.

C: The end of the house by the front door faces a garden walkway between the buildings. There is no street on that side.

SECURITY:

As explained, the location presents problems to my privacy and security. I didn't realize it would be so severe without a privacy wall.

Examples:

Several times, while in my kitchen, I turned to see a man standing right at my door. Each time he had taken a short cut across the lawn to knock at my door. It really frightened me.

A few people said they knew I was a resident because they could see me as they walked by my house.

My neighbors tell me that as they come and go they see me in the kitchen at night and worry that I am alone.

Now a new high school being built across the street. It's entrance is directly across from ours.

REQUIREMENTS OF THIS APPLICATION:

1. Special Conditions:
 - the rules governing our community do not allow for an end unit facing a street to have more then four feet of totally opaque screening with the remainder being only 50% opaque of a height of 6 feet.
 - This is my full time residence and as a result of the rules almost anyone can look over the top of a four foot wall into the master bedroom, bath, half bath, complete kitchen, and a partial living room area with ease.
 - The deprives me of my privacy and safety.
2. Not Self-Created
 - I did not write the rules regarding fencing.
3. No Special Privilege Conferred
 - the home two doors to the west of mine of the same street, has a 7ft, 100% opaque wall. What I am proposing varies in height from 4 to 5 1/2 feet.
4. Deprivation of Rights
 - without at least 5.5 feet of totally opaque wall, my privacy and safety are in jeopardy.
5. Minimum Possible Variance

- unlike the neighbors to my west I am only asking for a varying height of 4 to 5.5 or more feet.

6. Purpose and Intent

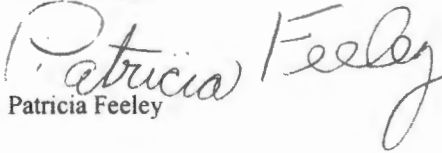
- I believe that by varying the height of my wall I am satisfying the intention of the rules.
- My HOA has approved my design after careful study which makes me believe that they agree.

In conclusion, I have designed the wall to follow community regulations and to address my growing concerns about my personal privacy and safety. I want to enjoy the light and weather that Florida offers but with a feeling of my own security. The enjoyment of my new home has been affected. My rights to feel safe and secure have been affected.

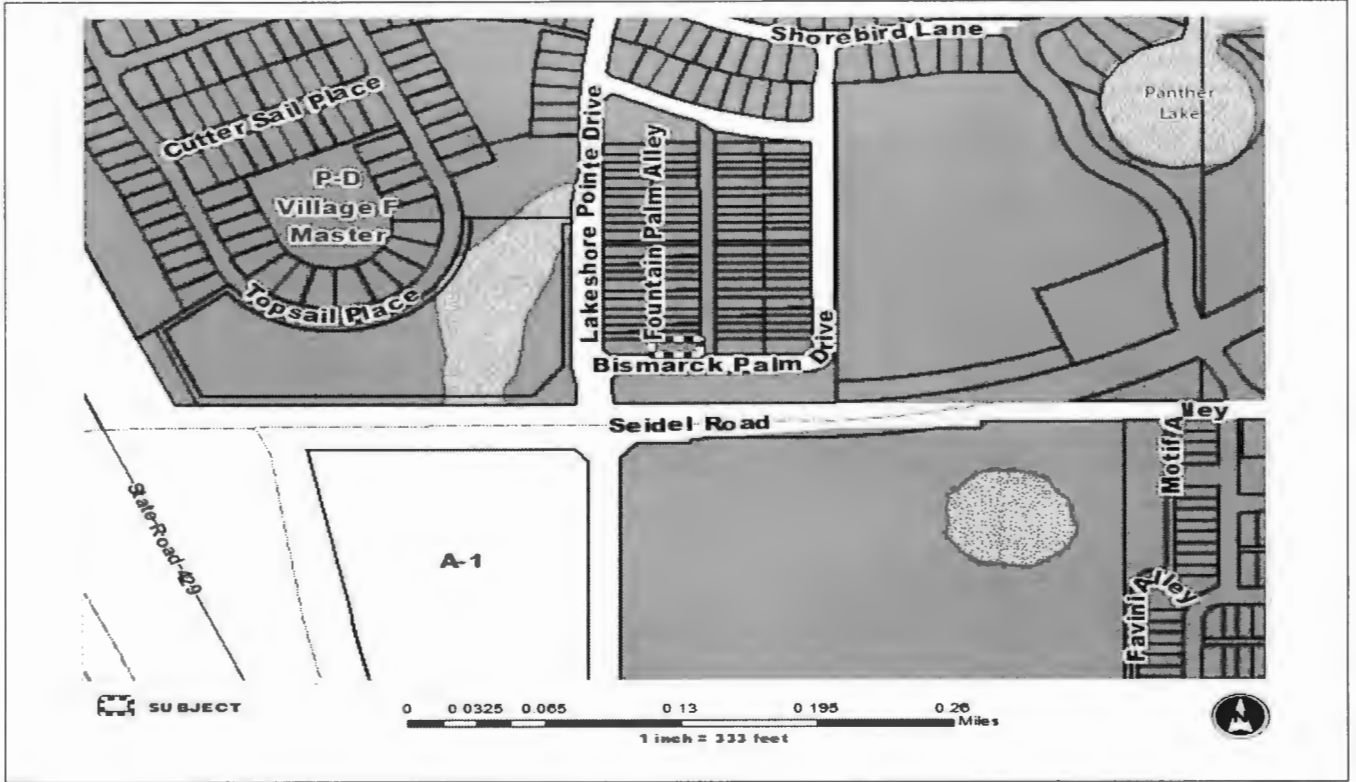
I am asking that you approve a variance for a cinder block wall of 5.5 ft maximum height some opaque features.

Thank you for your help and consideration,

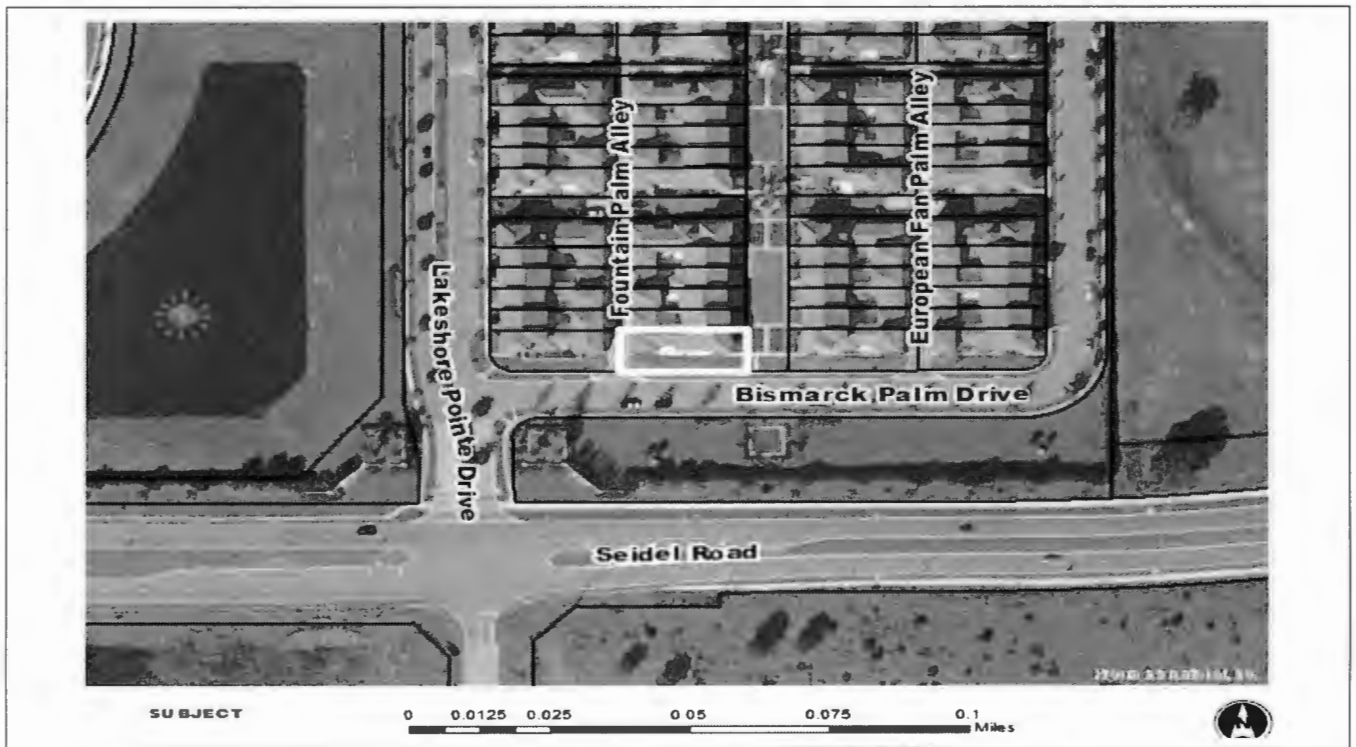
Very truly yours,


Patricia Feeley

ZONING MAP

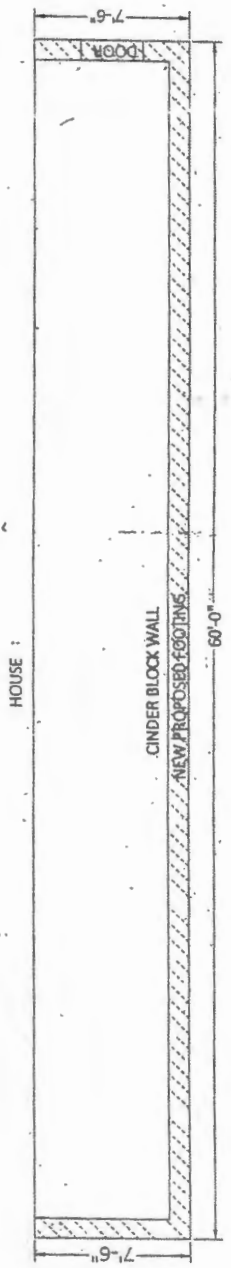
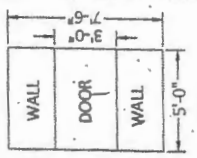


AERIAL MAP

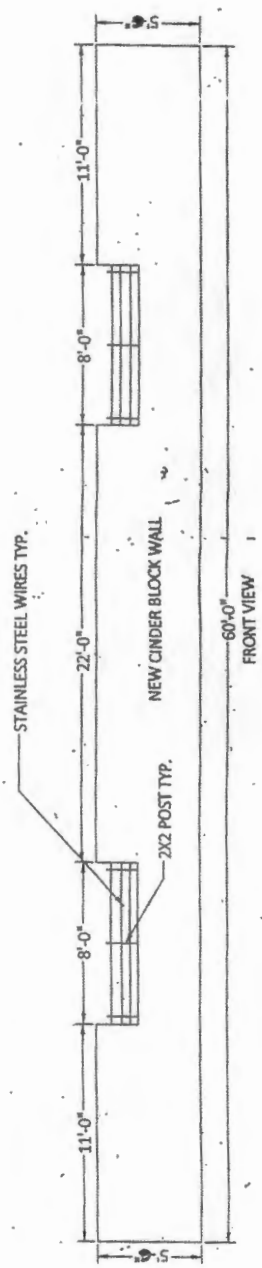
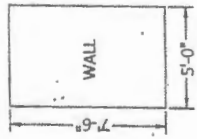


WALL DESIGN

DESIGN CONTRACTOR: [REDACTED]



PLAN VIEW



FRONT VIEW

SITE PHOTOS



Subject Property Looking Northwest



Patio and Kitchen Doors Looking North

SITE PHOTOS



Patio and Master Bedroom and Master Bathroom Windows



Neighbor's Wall Looking West

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 05, 2020**

Case Planner: **David Nearing, AICP**

Case #: **SE-20-03-001**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): SAFETY HARBOR ADULT DAY CARE & ACTIVITY CENTER

OWNER(s): NEW LIFE MINISTRIES OF ORLANDO, INC.

REQUEST: An amendment to an existing Special Exception in the R-1A Zoning District to allow an adult daycare and activity center with up to 50 participants.

PROPERTY LOCATION: 3311 N. Powers Drive, Orlando, Florida, 32818, east side of N. Powers Dr., approximately 650 ft. south of Indian Hill Rd.

PARCEL ID: 12-22-28-5844-00-891

LOT SIZE: 681 ft. x 627 ft. (avg.)/9.78 acres

NOTICE AREA: 600 ft.

NUMBER OF NOTICES: 262

DECISION: Recommended **APPROVAL** of the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated January 10, 2020, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Hours of operation shall be limited to Monday through Friday, between the hours of 8:00 a.m. and 5:30 p.m.
5. Construction plans or permit applications shall be submitted within three (3) years of final action on this application by Orange County, or this approval becomes null and void.

6. No more than four (4) advertised outdoor special events open to the public per calendar year, and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
7. The maximum number of adult daycare participants shall not exceed fifty (50) attendees. Any expansions of the use shall require BZA approval.

SYNOPSIS: Staff gave the history of the property, noting that the religious institution has been at this location since 1962. The child daycare center and K-12 school were established by Special Exception in 1969. Since an adult daycare is a totally separate use, it must also go through the Special Exception process. The proposed use will provide a service to the neighborhood and be completely internal to the existing building. Finally, staff noted that they had not received any written correspondence regarding this application. However, staff did receive one (1) telephonic response to the notices in favor of the proposal.

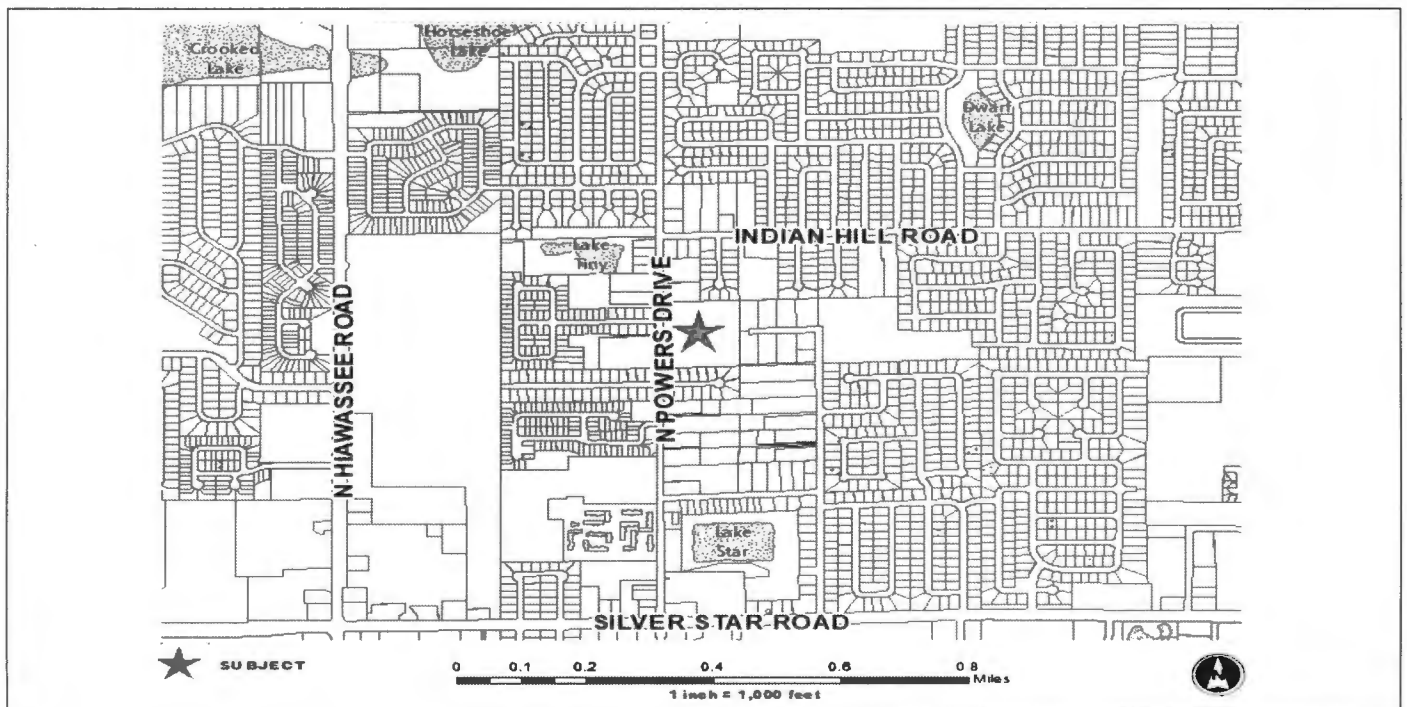
The applicant indicated their agreement with the staff recommendation and conditions. There being no one in attendance to speak in favor or opposition to the request, the public hearing was closed.

The BZA unanimously recommended approval of the Special Exception subject to the seven (7) conditions found 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-1A	R-1A	R-1A	R-1A	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Religious Institution/School/Child Daycare	Single family residences	Single family residences	Single family residences	Single family residences

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned R-1A, Single Family Dwelling District, which allows single family homes and associated accessory structures on lots a minimum of 7,500 sq. ft. or greater. Certain institutional uses such as religious institutions and child and adult day care facilities are permitted through the Special Exception process.

The subject property consists of two (2) lots from the Willis R. Munger Plat, which was recorded in May 1910. The property is developed with a two-story religious institution containing a total of 54,486 gross sq. ft. of floor area. The New Life Church of Orlando has approximately 600 members. The first phase was constructed in 1962, and contains 23,895 gross sq. ft. of floor area. The second phase was constructed in 1965, and contains a total of 11,398 sq. ft. of gross floor area. The third and final phase was constructed in 1981, and contains 24,193 sq. ft. of gross floor area.

Development is primarily concentrated in the northwest corner of the site. The remainder of the site consists of treed perimeters and mowed grassed surface.

In addition to the religious institutional use, there is also a K-12 school and a child daycare center. These uses were approved by the BZA on April 2, 1969, with no specific cap on the number of students allowed for the school or the number of children in the daycare. Currently, there are 75 children enrolled in the daycare and 150 students enrolled in the school.

The applicant is requesting approval to operate an adult daycare and recreation center on the first floor of the existing building with approximately fifty (50) adults. The entrance has a covered drop-off on the north side of the building. On the west side of the building are twenty-five (25) paved parking spaces. The remainder of the parking is grass with paved drive aisles. While there is no specific record regarding when the site was approved for grass parking, it is assumed that it occurred through the 1965 approval of the second phase of construction, as the first phase likely provided the existing paved parking lot. There is more than ample parking to accommodate the existing and proposed uses. There will be no exterior modifications to the site required as a result of this request.

While only thirty-six (36) parking spaces are clearly delineated on the paved parking area to the north of the building, it is estimated that based on the length and configuration of the paved drive aisle, there are approximately 327 parking spaces on site. With a membership of 600, the religious institution would require

200 parking spaces for the congregation at one (1) space per three (3) seats, plus one (1) per each employee working during services. Since the site has a drop-off area, the child daycare with 75 children requires eight (8) parking spaces at one (1) space per 10 children. With 13 classrooms, at four (4) parking spaces per classroom, they are required to provide 52 spaces. The parking regulations do not differentiate between child daycare and adult daycare with regard to parking; therefore, with a drop-off, the adult daycare will require the same one (1) parking space per 10 adults, or five (5) spaces. The ancillary uses, which do not operate during the days and hours when services are held, will require a total of 52 parking spaces. While it is not possible to determine how many adults will be dropped off, and how many will drive themselves, given the number of spaces available, even if all 50 drove, there is more than ample parking available.

The adult daycare will operate Monday through Friday, between the hours of 8:00 a.m. and 5:30 p.m. Like child daycares, the participants in the adult daycare will not all arrive at the same time, and will leave at different times of the day. Because they are adults, they may come and go several times a day, dependent on their schedules and needs.

This project is located within the Orange County Alternative Mobility Area (AMA). An AMA allows projects to move forward in areas where roads may be carrying more traffic than they were designed for due to the presence of other modes of travel. In some cases where a project will have a significant impact on the transportation network, there may need to be an agreement with a developer that they are required to make certain improvements or pay a fee. Transportation Planning staff have identified seven (7) bus stops in the project area providing connectivity with not only the immediate area, but also with areas more distant. In addition, there is an extensive County owned and maintained sidewalk network providing walkability to the area. Due to the size of the project, its impacts on the transportation network will be minimal.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	35 ft.
Min. Lot Width:	75 ft.	682 ft.
Min. Lot Size:	7,500 sq. ft.	9.79 ac.

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

	Code Requirement	Proposed
Front:	25 ft.	76 ft.
Rear:	30 ft.	354 ft.
Side:	7.5 ft.	80 ft.
Sidestreet:	N/A	N/A

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The Comprehensive Plan recognizes the need for uses such as this when approved through the Special Exception process. If approved, the use will be consistent with the Plan.

Similar and compatible with the surrounding area

The church has been in existence since 1962, and the school and child daycare since 1969, with no caps on the number of participants. Allowing an additional similar use to occupy the existing building will be similar and compatible with the uses already in the area.

Shall not act as a detrimental intrusion into a surrounding area

All activity will take place indoors. The site is nearly 10 acres in size, and the perimeter is well buffered. There will not be any detrimental intrusion into the surrounding area.

Meet the performance standards of the district

The property meets all development standards. No variances are being requested for this application.

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

The proposed use will not generate any of the noted negative externalities.

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

Since there will not be any exterior alterations, there is no need for any additional landscaping.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated January 10, 2020, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Hours of operation shall be limited to Monday through Friday, between the hours of 8:00 a.m. and 5:30 p.m.
5. Construction plans or permit applications shall be submitted within three (3) years of final action on this application by Orange County, or this approval becomes null and void.
6. No more than four (4) advertised outdoor special events open to the public per calendar year, and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
7. The maximum number of adult daycare participants shall not exceed 50 attendees. Any expansions of the use shall require BZA approval.

c: Jascinth Brockington
PO Box 683216
Orlando, FL 32868

COVER LETTER

SAFETY HARBOR ADULT DAY CARE & ACTIVITY CENTER LLC
PO Box 683216, Bldg. 1, Orlando, FL 32818
407-496-8869 * safetyharbor.seniors@gmail.com * www.SafetyHarborSeniors.com

January 8, 2020

Subject: COVER LETTER FOR "SPECIAL EXCEPTION" Process (Safety Harbor Adult Day Care & Activity Center LLC; Business Location: 3311 North Powers Drive, Orlando, FL 32818):

To Whom It May Concern:

Please find the details requested for the Special Exception Process, below.

The main purpose for us seeking a Special Exception is that we recently realized that the property (3311 North Powers Drive) is zoned "Residential." We are, however, awaiting the zoning adjustment in order to begin operations at *Safety Harbor Adult Day Care & Activity Center*, a senior-focused day care services entity on said property.

We will be occupying the lower level of Building 1, and utilizing the attached parking lot, in order to accommodate our elderly participants, for drop-offs by their family members. Our particular facility is approximately 2,500 square feet in size, and will accommodate approximately 50 participants, and up to 9 workers, for a participant-to-worker ratio of 6:1.

Our days and hours of operation will be Monday to Friday from 8:00 AM to 5:30 PM, and we will provide non-medical daytime care, as well as a variety of activities and interaction, with no over-night stays.

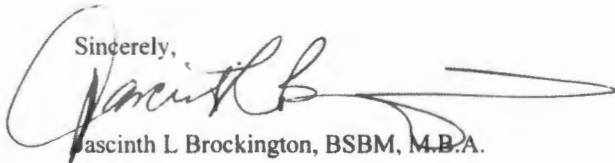
The building/space was previously the New Life Church of Orlando's main Chapel area, which has been moderately updated to accommodate Safety Harbor ADCC's business operations. Our justification for meeting the six (6) standards for special exception approval is outlined below:

1. Our needed request for exception and use of the property for *Safety Harbor Adult Day Care & Activity Center* is consistent with the Comprehensive Policy Plan of Orange County, Florida, in that our mission involves the enhancement of the surrounding community as it relates to taking care of our senior citizens, creating healthcare and administrative jobs, and currently being the only facility of its kind within the entire Pine Hills area.
2. Our Adult Day Care facility brings added value to the surrounding area in ways aforementioned, as well as reaches out to a population in dire need of our services; our use of the property is not just compatible with the surrounding area, but promises to blaze a trail for other similar businesses to provide care to our growing population of seniors.

3. Our use of the property is not an intrusion into the surrounding area—rather, it will provide services to our seniors in need of those services;
4. Our use of the property will meet and exceed the performance standards of the district in which the use is permitted; we will provide our services in the spirit of excellence, as we fulfill our mission to add quality to the lives of our seniors;
5. Our use will 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 will be in accordance with Section 24-5 of the Orange County Code [“The buffer yards prescribed in this section are intended to reduce, both visually and physically, the negative impacts generated by abutting uses. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the parcel boundary. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way...”]; the buffer yard types track the districts in which the use is permitted.

Attached with this letter of request, please also find the completed application and site plans.
Thank you.

Sincerely,



Cascinth L. Brockington, BSBM, M.B.A.

Administrator,

Safety Harbor Adult Day Care & Activity Center LLC

1/8/20

SAFETY HARBOR ADULT DAY CARE & ACTIVITY CENTER LLC
PO Box 683216, Bldg. 1, Orlando, FL 32818
407-496-8869 * safetyharbor.seniors@gmail.com * www.SafetyHarborSeniors.com

January 28, 2020

Subject: COVER LETTER ADDENDUM – Special Exception Process
*Safety Harbor Adult Day Care & Activity Center LLC; Business Location: 3311
North Powers Drive, Orlando, FL 32818)*

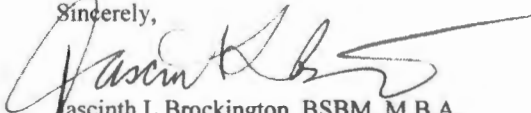
To Whom It May Concern:

Please find additional information for Special Exception:

- Additional facilities on property at 3311 North Powers Drive, Orlando –
 - o New Life Church of Orlando (membership approx. 600);
 - o Early Education Station Child Care (75 enrolled);
 - o Covenant Preparatory Christian School (Capacity 150 students).
- Property Site Plan to follow—
 - o New Site Plan in progress for property
- Current Pictures of property (various).—
 - o Side and back views of property (with parking views, etc.).

Original Cover Letter with details on *Safety Harbor Adult Day Care & Activity Center* previously submitted

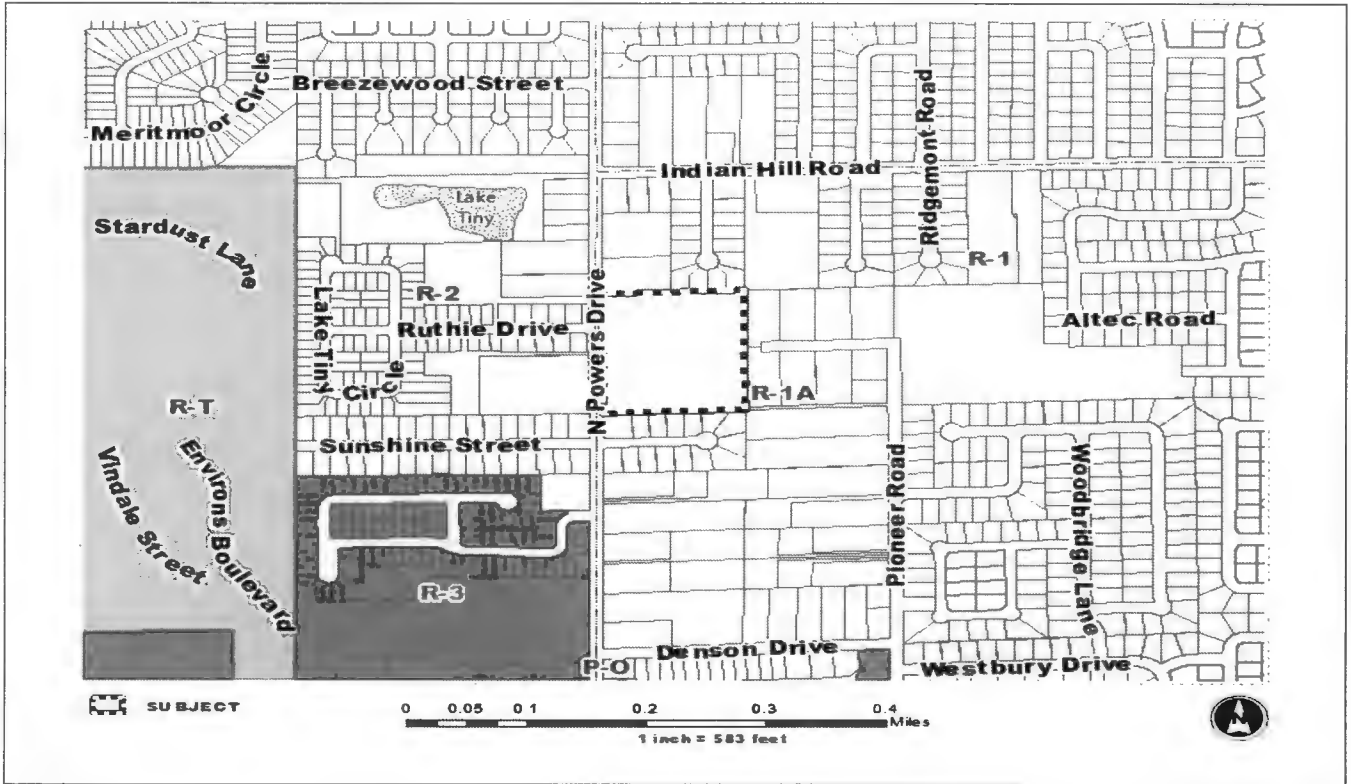
Sincerely,



Jascinth L Brockington, BSBM, M.B.A.
Administrator, Safety Harbor Adult Day Care & Activity Center LLC

1/28/20

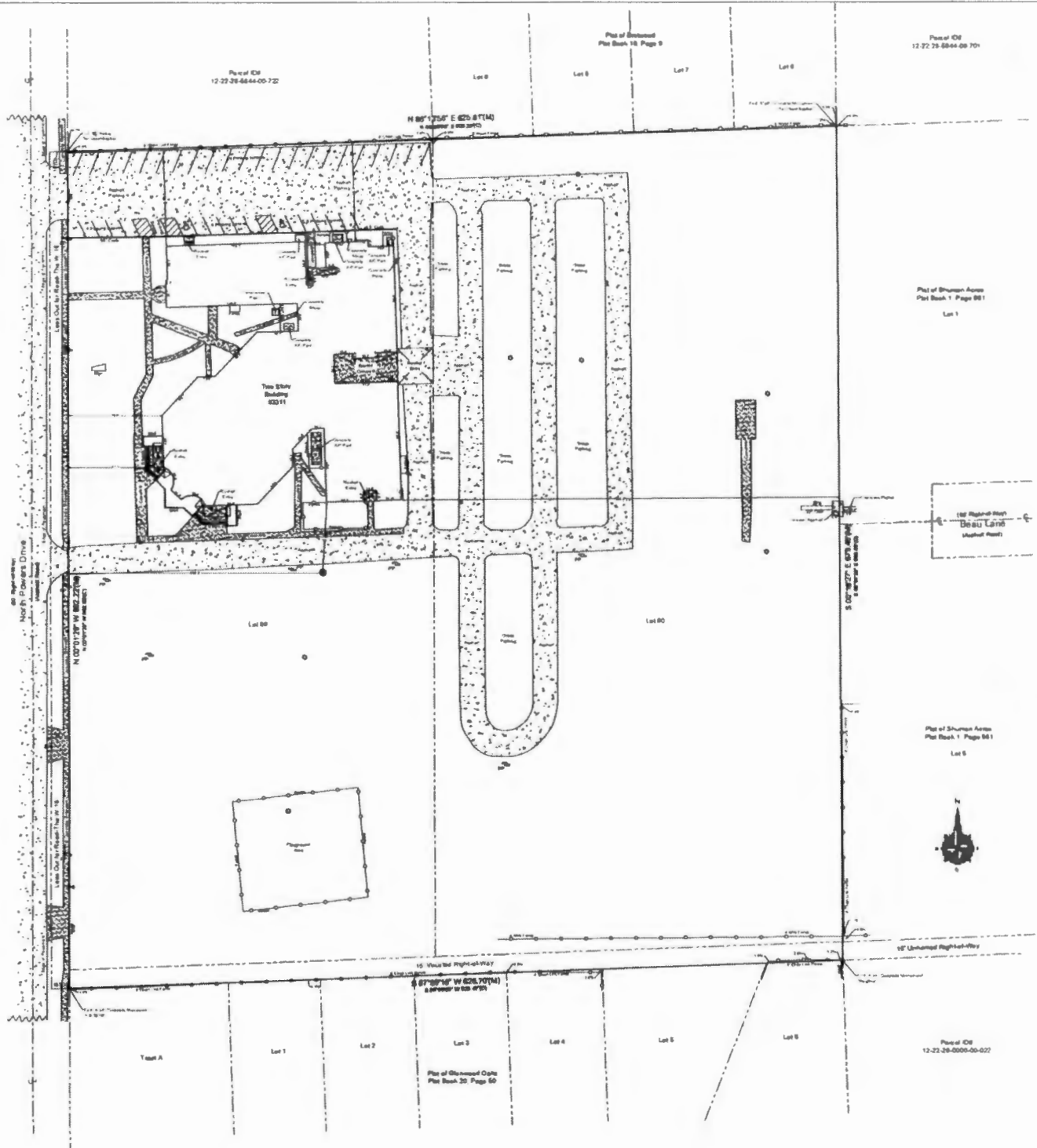
ZONING MAP



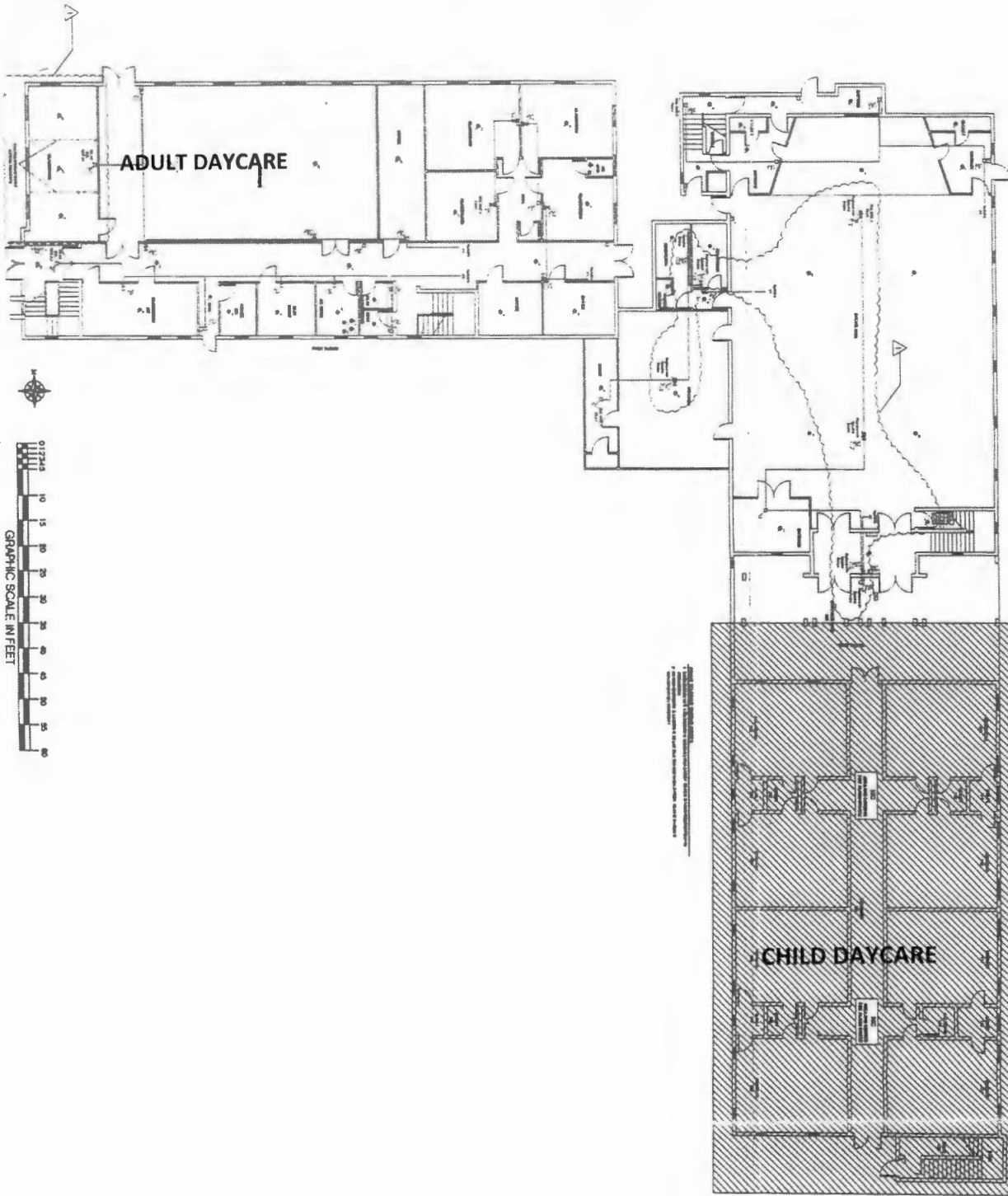
AERIAL MAP



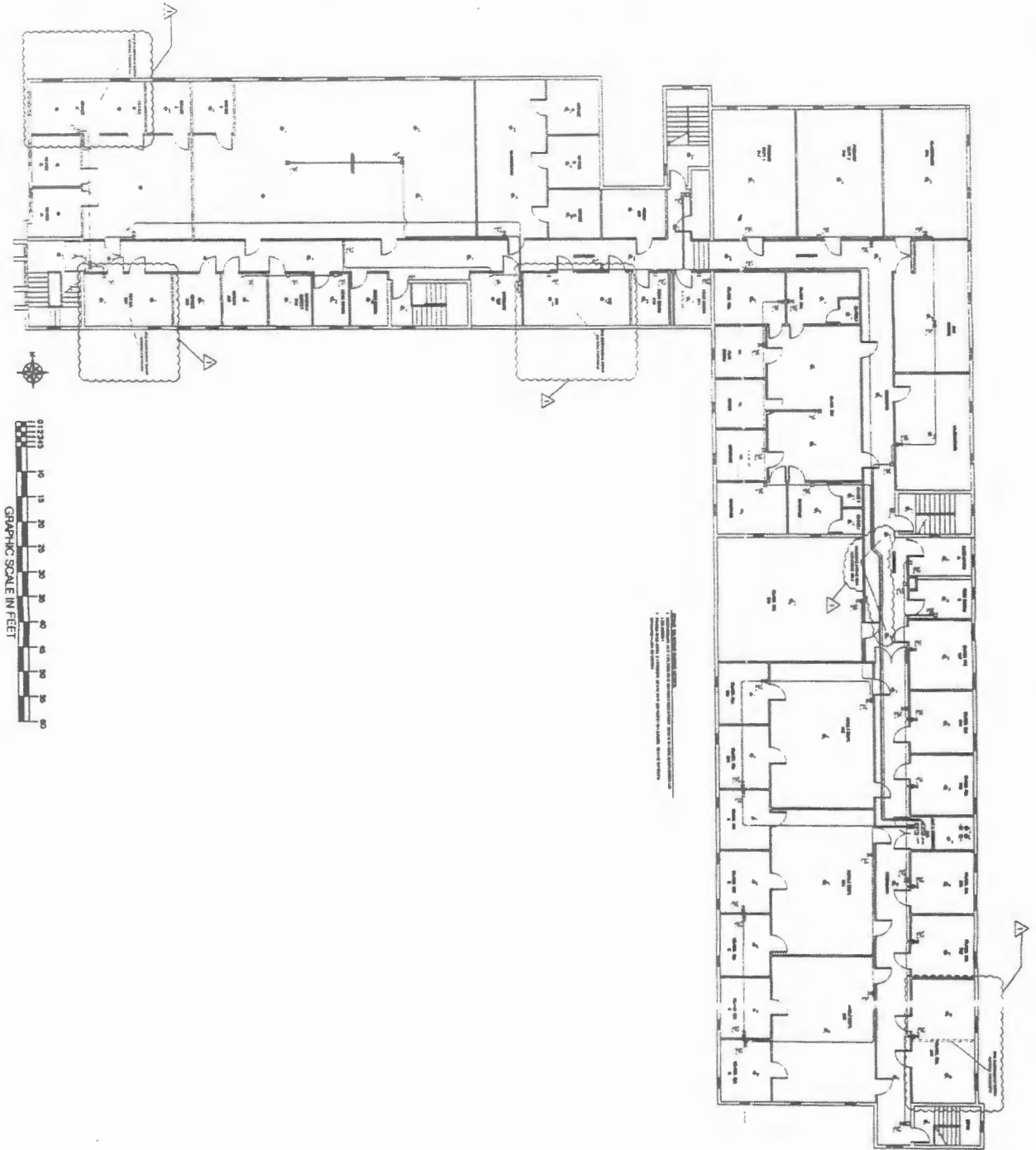
SURVEY



PARTIAL FIRST FLOOR PLAN



PARTIAL SECOND FLOOR PLAN



SITE PHOTOS



Front of Sanctuary Looking North



Daycare Looking Northeast

SITE PHOTOS



Covered Entrance Looking North



North side of Building with Paved Parking Looking West

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 05, 2020**

Case Planner: **David Nearing, AICP**

Case #: **VA-20-03-010**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): MADISON LANDING (PARAMETRIC DESIGN & DEVELOPMENT, LLC)

OWNER(s): CENTRAL PARK SHOPPING PLAZA LLC

REQUEST: Variances in the R-3 zoning district as follows:

- 1) To allow two multifamily buildings with a maximum height of 86 ft. in lieu of 35 ft.
- 2) To allow 177 parking spaces in lieu of 343 parking spaces.

PROPERTY LOCATION: W. Oak Ridge Rd., Orlando, FL 32809, west side of S. Rio Grande Ave., approximately 400 ft. north of W. Oak Ridge Rd.

PARCEL ID: 22-23-29-7268-40-008

LOT SIZE: 540 ft. x 434 ft./5.39 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 278

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

1. Development in accordance with the site plan dated January 15, 2020, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The existing drainage easement shall be modified to the satisfaction of Development Engineering prior to construction plan approval.
5. Construction plans shall be submitted within three (3) years of final approval of this application by Orange County, or this approval becomes null and void.

SYNOPSIS: Staff explained that the property was created through the lot split process, and will be developed with age and income restricted apartments. The property had obtained a variance in December 2016, to allow a height of 72 ft., however, when permits were submitted, it was found that due to the architecture, a greater variance was needed. The project will fill a need for affordable housing for a needy sector of the community. One major hardship is the fact that the property has a High Density Residential future land use designation which allows up to 50 units per acre. Without the height, attaining a suitable density would be difficult. Regarding parking, the applicant has numerous similar projects located around the state, and based on the data and analysis they provided, a reduction to .72 parking spaces per unit would meet their needs. Transportation Planning was in agreement with the study prepared by the applicant. Staff noted that one (1) telephonic correspondence was received from the owner of property immediately north of the subject property, which was in support of the project.

The applicant explained the reason for the delay between when the original variance was granted and the submittal of their permit. They are using tax credit financing, which is very competitive, and it was not until last year that they were awarded the financing.

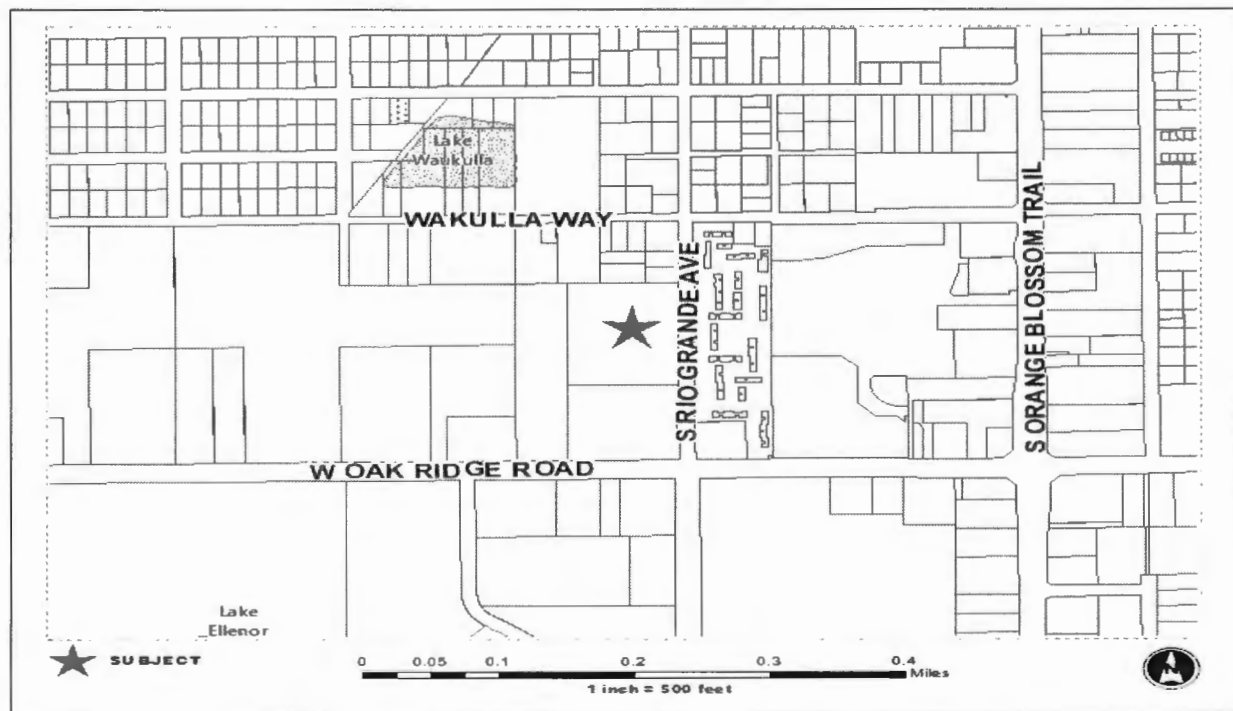
There being no one present to speak in favor or opposition to the request, the public hearing was closed.

The BZA unanimously recommended approval of the variances subject to the five (5) conditions found 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-3	IND-2/IND-3 & C-2	R-3	IND-2/IND-3
Future Land Use	HDR	LDR	IND & C	MDR	IND
Current Use	Vacant	Vacant & Single Family Residential	Commercial	Apartments	Industrial

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is located in the R-3, Multiple Family Dwelling District, which allows single-family homes, multifamily development, and associated accessory structures.

The subject property consists of 5.39 acres of vacant land, which is currently heavily treed. The property was created in 2018 through a lot split (LS-18-11-083), which separated it from the developed property to the south.

The property was rezoned from IND-2/IND-3 to R-3 in late 2016. In July 2016, the applicant applied to allow the height of the buildings to exceed 50 feet through a Special Exception, which was the method used to accomplish this at that time. However, before the application could be brought in front of the BZA, Chapter 38 was amended to eliminate the Special Exception process for added height, and it then required a variance. In December 2016, the BZA recommended approval of a variance to allow the structure to be 72 feet in height. However, when the applicant submitted for building permits in early 2020, they were informed that certain improvements on the roof of the structure were not exempt from the height requirements, and exceeded the 72 feet permitted by the 2016 variance. While the footprint of the buildings and the architecture are exactly that which was submitted for the variance, staff determined that, while elevator equipment is exempt, the structure housing the equipment, which accentuates the appearance of the building, was not exempt, and the current variance would be needed to accommodate the buildings.

The proposal is for a 196 unit senior affordable housing complex consisting of two (2) identical buildings. The project will provide needed affordable housing to a vulnerable segment of the community. The architecture will also enhance the appearance of the area.

The County's parking standards do not differentiate between general multifamily development and age restricted multifamily development. It is recognized that those who live in age restricted communities have less need for personal vehicles. Current parking standards require that a one (1) bedroom unit provides 1.5 parking spaces per unit, and two (2) or more bedroom units provide two (2) parking spaces per unit. The applicant has provided an evaluation of eight (8) comparable sites which they have developed in the past which show that, on average, a parking ratio of .78 spaces per unit will be sufficient. Therefore, the applicant is asking for a reduction in the number of parking spaces. There is also a LYNX bus stop located directly in front of the subject property which will provide convenient mass transit service.

Currently, there is a drainage easement which bisects the site from west to east. Development Engineering has evaluated the easement and has determined that the applicant can reroute the easement during the review of construction plans. This will allow for the development of the site, while retaining the function of the easement.

Transportation Planning staff has indicated that the subject property is located within the Orange County Alternative Mobility Area (AMA). An AMA allows development to proceed even if there may be roads operating over their design capacity, due to the existence of alternative means of transportation. In addition to the previously identified bus stop on S. Rio Grande Avenue, Transportation Planning staff have identified six (6) other existing bus stops and five (5) covered bus stops within the project area. They also note that these bus stops provide access to such locations as the Florida Mall, Downtown Orlando, International Drive, and the Orlando International Airport. There is also an extensive County maintained sidewalk network serving the area.

To justify the reduction in parking, the applicant provided a study based on the twenty (20) years they have been providing similar housing in the State. They evaluated the current parking demand at eight (8) existing properties. The study shows that on average a one (1) bed/one (1) bath unit requires .63 spaces per unit, and two (2) bed/two (2) bath unit requires .93 spaces per unit. This averages out to .78 parking spaces per unit. With a total of 196 units, the project will require 153 parking spaces. The design of site places 38 parking spaces on the first level of each building. The remainder is open air. All spaces are paved.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	86 ft.
Min. Lot Width:	85ft.	540 ft.
Min. Lot Size:	15,000 sq. ft.	5.39 ac.

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

	Code Requirement	Proposed
Front:	20 ft.	85 ft.
Rear:	30 ft.	260 ft.
Side:	10 ft.	56 ft. (South)/58 ft. (North)
Sidestreet:	N/A	N/A

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Regarding building height, the special condition and circumstance regarding this property is the Future Land Use (FLU) of High Density Residential (HDR). The HDR FLU allows for a maximum of 50 units per acre. The applicant is proposing 196 total units, while the FLU would allow 269 units. Without the variance for height, to achieve the desired unit count would result in a significantly higher percentage of lot coverage. Currently, as designed, approximately 45% of the site will remain green to accommodate drainage. This number would be greatly reduced without the variance. The minimum open space required for multifamily is twenty percent (20%).

With respect to the variance for parking, the special condition and circumstance is the age of the occupants. The parking study submitted by the applicant clearly shows that for age and income restricted housing, the normal parking requirements are excessive. The study took a worst case scenario and shows that the rate is still below one (1) parking space per unit.

Not Self-Created

The need for an increase in building height is a function of the zoning assigned to the property. In order to achieve the unit count needed to have a successful project, while still accommodating the other required amenities such as stormwater management, landscaping and parking, it is necessary to increase the height of the building to contract the footprint.

With regard to the parking, the applicant is requesting to provide only the parking necessary to serve the development.

No Special Privilege Conferred

There are several buildings located in the immediate vicinity well in excess of thirty-five (35) feet.

The applicant's parking study clearly demonstrates that only the needed parking is being proposed based on their experience with comparable projects located around the State.

Deprivation of Rights

Without the requested height, the applicant will not be able to attain the needed density to make the project feasible without covering a larger percentage of the site.

Without the reduction in parking, the applicant who is using the first level of the building for parking, will need to cover more of the site with unnecessary impervious surface.

Minimum Possible Variance

Both the height and parking variances are the minimum necessary to attain the desired outcome.

Purpose and Intent

The purpose and intent of zoning is to ensure that development occurs in a safe, orderly, and efficient manner. The design of the project as proposed accomplishes that.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated January 15, 2020, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
 2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
 4. The existing drainage easement shall be modified to the satisfaction of Development Engineering prior to construction plan approval.
 5. Construction plans shall be submitted within three (3) years of final approval of this application by Orange County, or this approval becomes null and void.
- c: Stacy Banach
Parametric Design & Development, LLC
558 W. New England Avenue
Winter Park, Florida, 32789

COVER LETTER

PARAMETRIC DESIGN & DEVELOPMENT, LLC

558 West New England Ave, Suite 230
Winter Park, FL 32789
P: 407-758-4866
E: sbanach@pddmetric.com

January 15, 2020 (Rev February 3, 2020)

Orange County Zoning Division
201 South Rosalind Ave., 2nd Floor
Orlando, FL 32801

RE: Madison Landing - Variance Application

COVER LETTER

Background:

Madison Landing is a proposed (2) Phase affordable housing elderly development. In November of 2019, Madison Landing replied to a competitive RFP advertised by Orange County for a funding commitment to help facilitate an allocation of tax credits from Florida Housing Finance Corp (FHFC) for Phase I of the development. Madison Landing Phase I was the successful applicant and used the funding commitment from Orange County to apply to FHFC in November of 2019. Madison Landing Phase I was also successful in the preliminary scoring at FHFC and is moving forward with development and building permit plans.

The subject property is 5.4 acres of vacant land located approximately 800' north of the intersection of West Oak Ridge Road and Rio Grande Avenue. The site underwent comprehensive land use and zoning amendments in 2017. During the amendment process, Madison Landing also applied and was approved for a Special Exemption permit to construct two (2) multifamily structures 72ft. in height in lieu of 35' requirement in the R-3 zoning district. The permit was extended on multiple Executive Orders on June 27th, 2018 and is valid until January 26th, 2022.

Building Height:

In the Special Exception application to the County, Madison Landing submitted along with the application, building elevations. The elevations showed the "Top of Roof" at 71'-4" and many levels of parapets, stair towers and elevator shafts above that, the highest point being at elevation 85'-4". During a pre-application meeting in December, the building height for the project came into question and the applicant has been working on a final determination as to what is can be included in the "Building Height". On Monday, 1/13/20, an email was received from Taylor Jones in Planning, stating that the 72' building height Madison Landing was approved for is also the maximum height for the parapets (parapets are included in the building height). Madison Landing had proposed all along to maintain the roof height with a 72' max. and extend the parapets above that, as shown in the elevations provided at the time of application.

Reduction of Parking Spaces:

Madison Landing is an affordable elderly development which will be developed in (2) phases.

- Phase I will contain 110 units - (55) 1-Bed/1 Bath units and (55) 2-Bed/2-Bath units.
- Phase II will contain 86 units - (43) 1-Bed/1 Bath units and (43) 2-Bed/2-Bath units.

Current Orange County code requires (1.5) spaces for each 1-Bedroom unit and (2) spaces for each 2-Bedroom unit. That would require Madison Landing to construct (343) spaces in total. The amount of required spaces would create a "pavement graveyard", with unused impervious coverage for more than half the parking areas. Historical data on affordable elderly apartments will show this would result in more than double the spaces needed.

Requests:

Building Height:

As part of this variance request, Madison Landing will be asking the County to not include the parapets in the 72' building height requirement, but rather allow for the parapets to be considered appurtenances. The parapets are used for aesthetics and help the screening of the air conditioning units on top of the building, they are not a measurement of a "floor height". The other option would be to change the "Allowable Building Height" from 72' to 80', which is what was shown on the elevations used for the original Special Exception Permit approval.

For clarification, the building will still be 7-stories as originally planned and the top of roof (not the roof line) will still meet the original intent of the 72' height requirement.

Reduction of Parking Spaces:

This variance request is to allow a reduction in parking for an Affordable Elderly use. Currently, Orange County does not have "Affordable Elderly" or even "Elderly" classifications as designated uses for parking requirements.

The applicant has been building affordable elderly apartments for over 20 years and has historical data demonstrating that residents living in Affordable Elderly Apartments have fewer cars than Multifamily Apartments. As part of this application, the applicant has provided a "Parking Needs Analysis", which has historical data taken from Affordable Elderly Apartments previously built by the applicant. The data shows the following:

Data taken from (8) of the applicant's previously built Affordable Elderly Apartments. (The data is Worst Case, uses greatest value in prior developments).

Cars per 1-Bed / 1-Bath Unit = 0.63 Cars
Cars per 2 Bed / 2-Bath Unit = 0.93 Cars
Average = 0.78 Cars

Madison Landing (using average data x units):
196 Units x 0.78 Cars = 153 Cars (or 153 Spaces Needed)

COVER LETTER PAGE 3

Per the historical data presented, Madison Landing would expect to see a parking need of 78% parking spaces of the total units. The applicant would like to provide a contingency on the request and ask for a total of 90% or 177 Spaces.

The request would reduce the parking requirement as follows:

Current Orange County code:

(1.5) spaces for each 1-Bedroom unit

(2.0) spaces for each 2-Bedroom unit.

That would require Madison Landing to construct (343) spaces in total.

Reduction Request:

(0.70) spaces for each 1-Bedroom unit

(1.10) spaces for each 2-Bedroom unit.

That would require Madison Landing to construct (177) spaces in total.

Attachments:

A: 2020 BZA Application (Variance for Building Height and Parking Reduction)

B: 2016 BZA Special Exception Approval and Extension Letter

C: Elevations from originally Approved SE-16-09-118 Application

D: Parking Needs Analysis

E: Variance Criteria

If there are any questions or concerns in regards to the information above, please do not hesitate to contact me.

Sincerely,



Stacy Banch

**Madison Landing Affordable Elderly Apartments
Orange County BZA Variance Criteria**

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.

Parking: The property is located in the Alternative Mobility Area (AMA), which was established to maximize the use of existing public infrastructure. LYNX Transportation has fourteen (14) bus stops located within 1,320' of the site (1/4 mile). This would be considered a special condition which exists to this particular land. Because of the site's unique location to the large number of bus stops, it is expected that the parking space requirements for this site will be even lower than what is shown in the Parking Needs Analysis provided by the applicant.

Building Height: In 2016, the applicant was approved for a Special Exception permit which allowed a 72' building height in R-3 zoning. The 72' was requested by the applicant and elevations were submitted demonstrating the roof height and the parapet wall heights. In 2016, the Special Exception permitting was the appropriate process to increase the building height. This has since been changed and the new process for obtaining a height increase in Orange County is through a variance approval. The original 72' height was for a 7-Story building with parapets that extended above the 72' for aesthetics and to screen the AC units on top of the building. During the approval process, the applicant included elevations which showed the top of roof at 71'-4" and parapets varying in height above the top of roof up to 85'. The elevations were included and approved as part of the application. This issue is solely specific to this property and is not applicable to other lands.

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.

Parking: Reduced parking space requirements for affordable elderly apartments or even elderly apartments do not exist in the Orange County land development code (LDC). By contrast, most newly adopted City or County LDC regulations account for the reduced parking demand from elderly or affordable elderly apartments.

Per LDC Sec. 38-1476. - Quantity of off-street parking, there are only (5) classified uses for residential, which do not include elderly or affordable elderly apartments. They are as follows:

- | | |
|--|----------------------------|
| 1. Apartments of three (3) dwelling units or more dwelling unit (efficiencies and one-bedroom) | 1½ spaces for each |
| 2. Apartments of three (3) dwelling units or more unit (two (2) and three (3) bedrooms) | 2 spaces for each dwelling |
| 3. Boardinghouses, lodging houses, and rooming-bedrooms houses and assisted living facilities (such as | 1 space for each 2 |

COVER LETTER PAGE 5

senior living facilities), including nursing homes

- | | |
|--|---------------------------------|
| 4. Residential dwelling units, single-family and duplex unit | 2 spaces for each dwelling unit |
| 5. Student housing | 1 space per bedroom |

Building Height: The applicant is asking for a height increase from 72' to 85', which was believed to have been approved with the Special Exception Permit. The applicant believes this is not "self-created" because 85' would have been originally requested if the applicant would have known the parapets were included in the 72' height. No action has been taken by the applicant to increase the height over that which was already approved in the Special Exception process.

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, buildings, or structures in the same zoning district.

Parking: This variance request is unique because the LDC does not specifically deny any affordable elderly apartment use the reduction in parking; it simply does not have the use listed at all. Therefore, the granting of this variance does not confer on the applicant any special privilege that is denied by this Chapter to other lands, unless the owner of those lands has built an affordable elderly development, applied for a variance and was then denied. Based on the requirement to provide historical data, there is no reason why any other affordable elderly apartment project would not also be able to demonstrate a reduced parking demand and obtain a variance from the LDC's outdated "one size fits all" approach.

Building Height: There was no set limit for the height request in 2016; the applicant requested the 72' after meeting with staff and working through the initial application. The applicant would have asked for 85' if the 72' height was found to be an issue in the original Special Exception permit application.

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.

Parking: The literal interpretation of the LDC in this case would deprive the applicant of the right to a reasonable parking requirement that matches the proposed use. Most if not all other properties in the zoning district provide parking at a rate which has a reasonable connection to the actual demand for parking from the property. As noted above, the LDC fails to provide a reasonable parking rate for affordable elderly housing. Therefore, the current applicant is deprived the benefit of a parking rate that makes sense for the special use in question.

Building Height: The literal interpretation of the LDC height requirement in this case would deprive the applicant the right to construct a building as previously approved through the special exception process for this zoning district. Further, the literal interpretation of the height requirements would work unnecessary and undue hardship on the applicant, because the applicant reasonably relied on

the prior county special exception approval to design its affordable housing project in accordance with approved elevations.

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.

Parking: Historical data provided by the applicant demonstrates a .78 parking space/unit ratio (or 153 total spaces) would be the minimum requirement necessary to meet actual parking demand for an affordable elderly project. However, the applicant is not seeking the greatest possible variance (the amount documented as adequate for such a use), but rather asks for a .90 parking space/unit ratio (or 177 total spaces). This figure represents the minimum variance needed to allow reasonable use of the proposed building as approved.

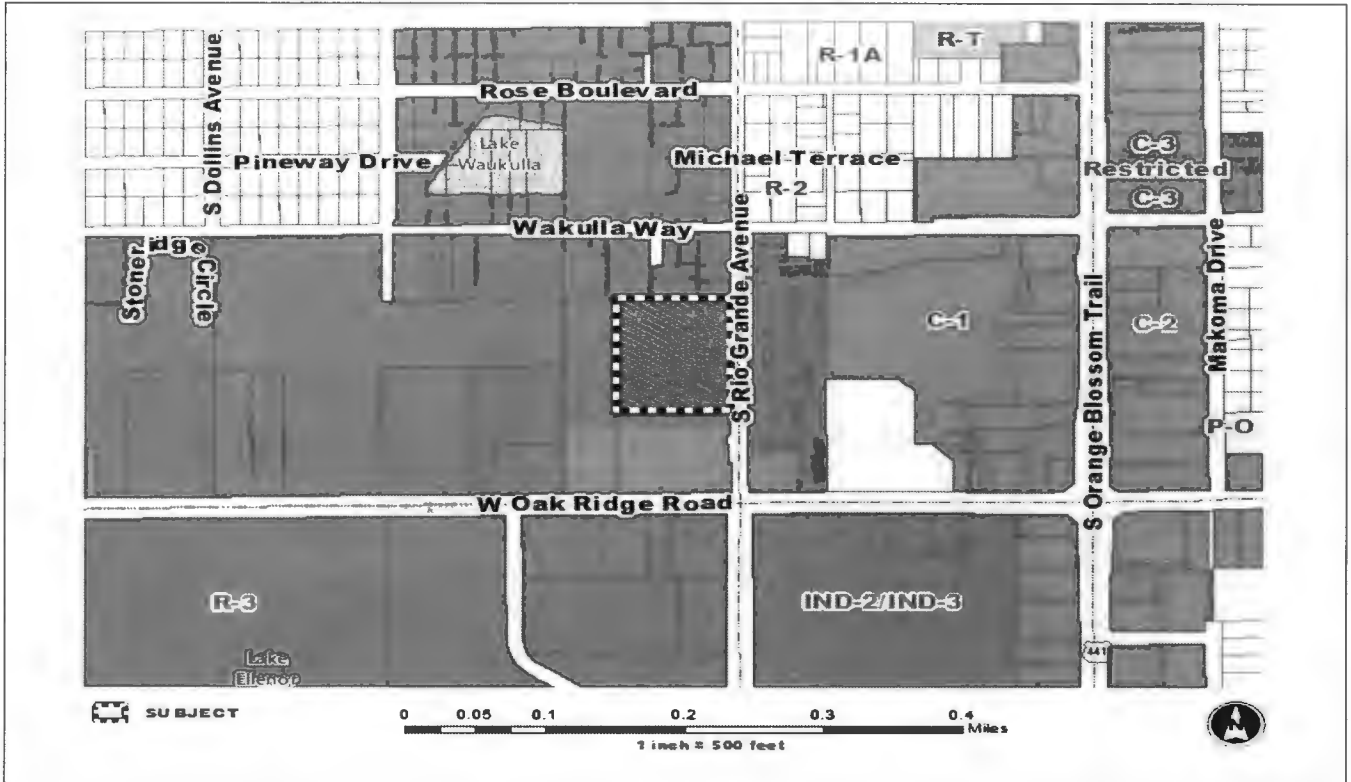
Building Height: The applicant is not changing the current request from what was originally presented and approved by Orange County. The building is still 7-Stories; the overall design is the same; the "Top of Roof" height is the same; and the parapet heights are the same. The heights shown in the elevations are the minimum needed for purposes of aesthetics and screening the AC condensers on the roof from public view.

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.

Parking: The purpose and intent of the zoning regulations for parking is to ensure the development has adequate parking spaces for the intended use. Adequate on-site parking is necessary to protect adjacent neighborhoods and roads from the negative impacts of uncontrolled or unplanned parking. Because the intended use is not listed in the zoning regulations, the County will need to rely on historical data to set the "standards" for minimum parking requirements. The applicant's historical data from previously built developments demonstrate that more than adequate parking spaces will be built and the reduction will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

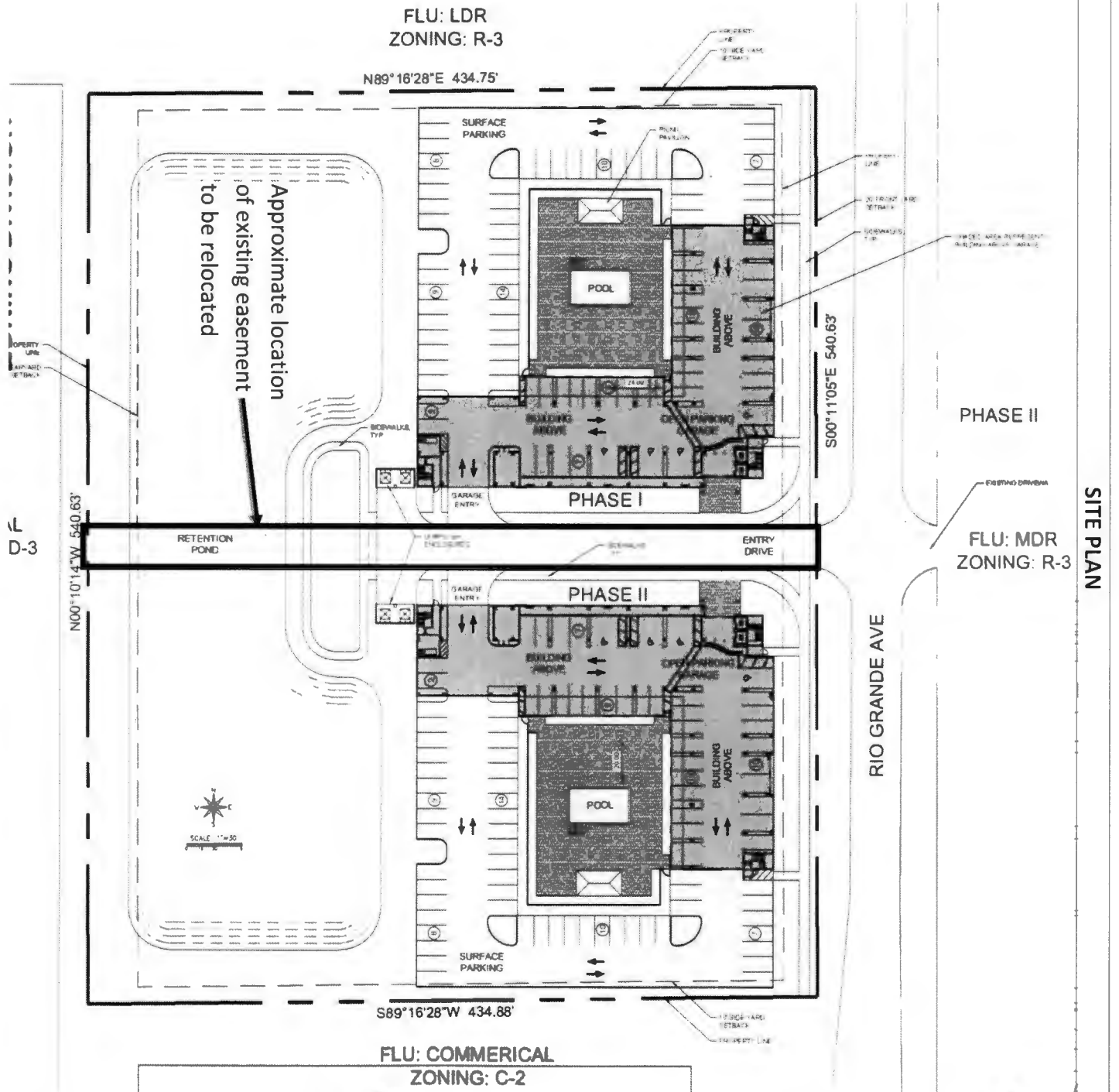
Building Height: A building height increase will not be not be injurious to the neighborhood or otherwise detrimental to the public welfare. In fact, the height increase will help enhance the overall design of the building and completely screen the AC condensers on the roof. In addition, the surrounding neighborhood has previously been invited to participate in project review through the special exception process, including a neighborhood meeting with the applicant. The project received unanimous support from the participating neighbors as well as the BZA and County Commission members seated at that time.

ZONING MAP



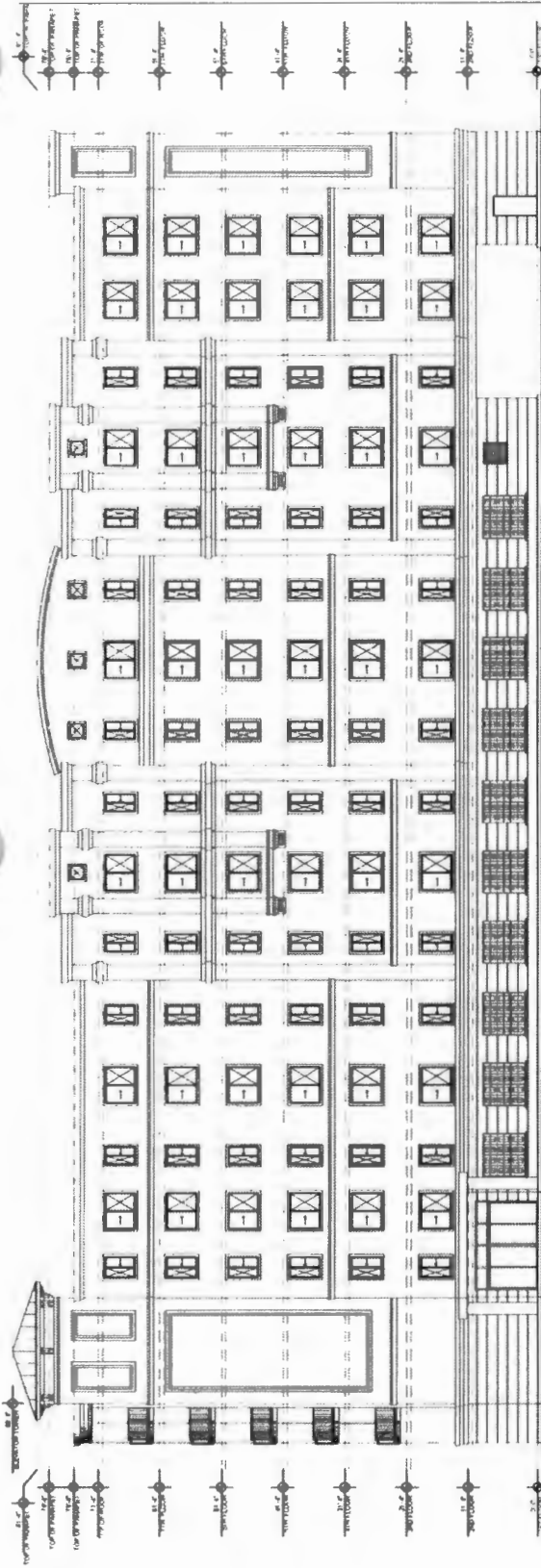
AERIAL MAP



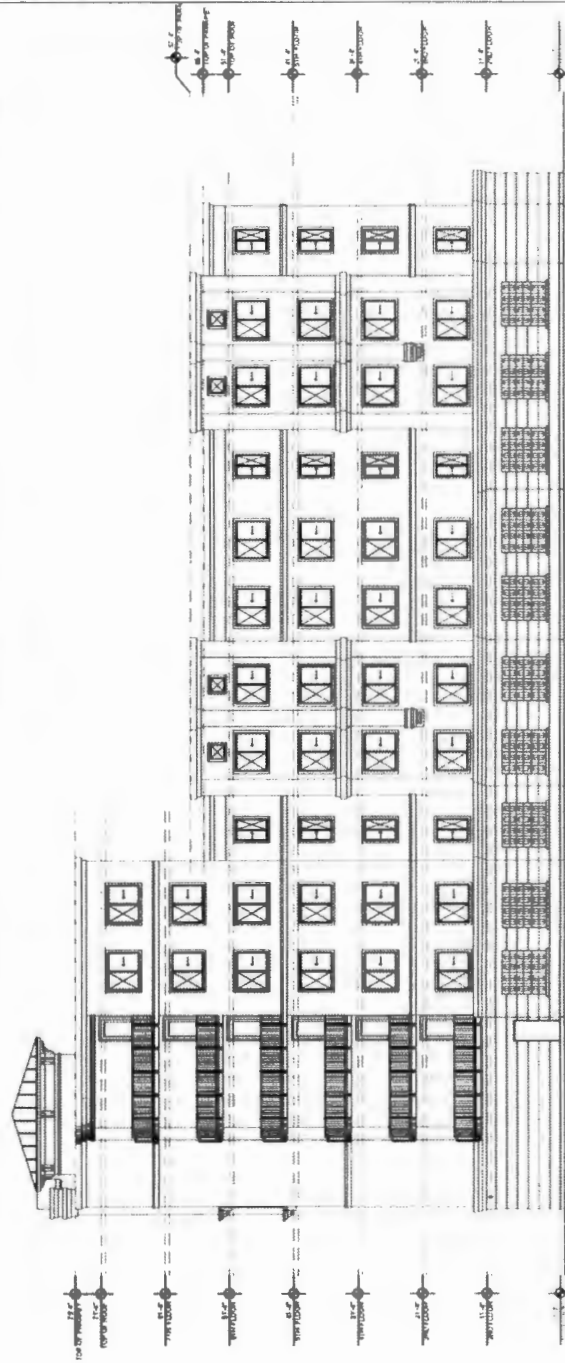


SITE PLAN

FRONT AND SIDE ELEVATIONS

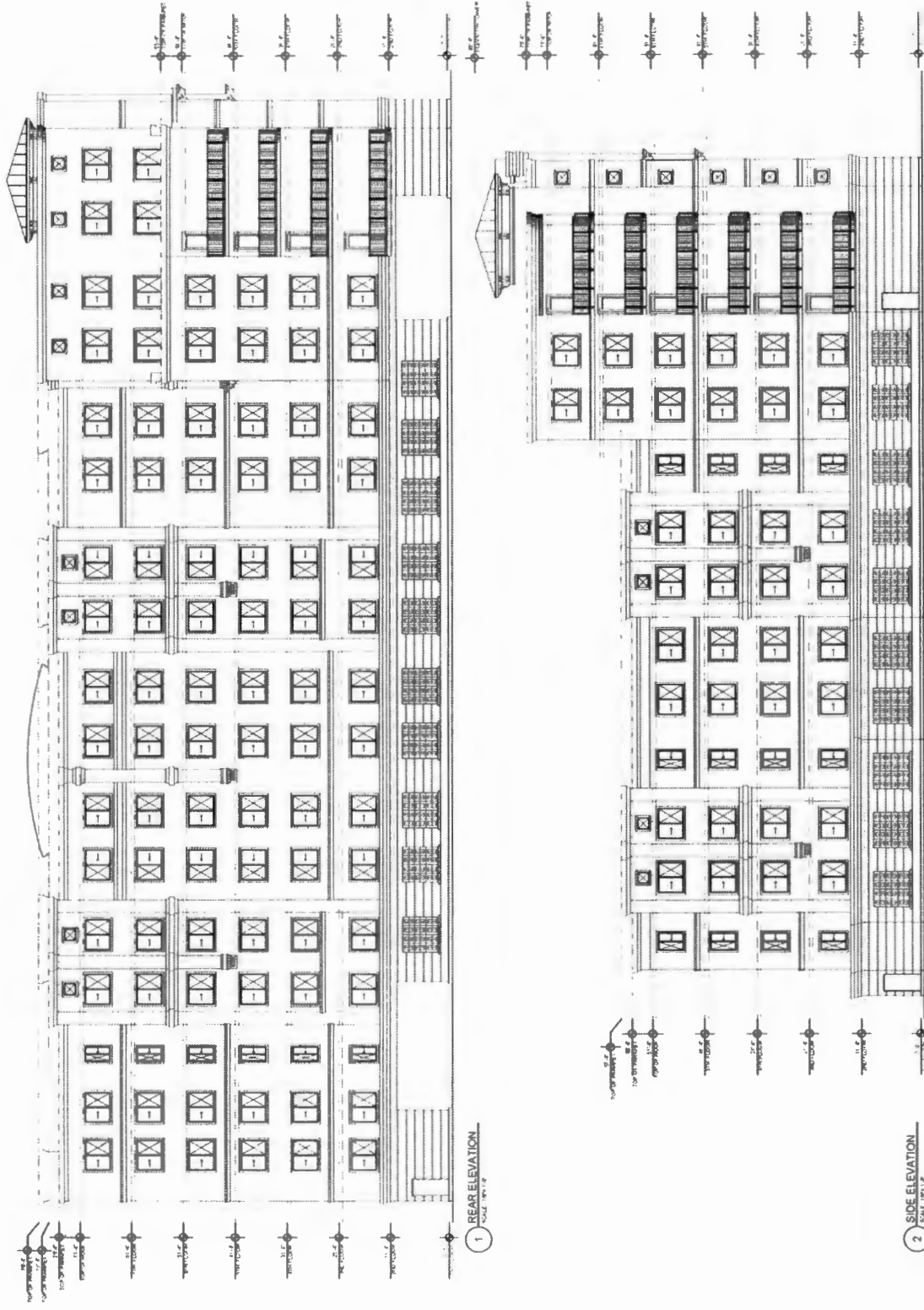


1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



2 SIDE ELEVATION
SCALE: 1/8" = 1'-0"

SIDE & REAR ELEVATIONS



SITE PHOTOS



Subject Property Looking North



Subject Property Looking West from S. Rio Grande Ave.

SITE PHOTOS



Subject Property Frontage Looking North Along S. Rio Grande Ave.



Nearby Tall Building Looking Southeast from Intersection of S. Rio Grande Ave. and W. Oak Ridge Rd.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 05, 2020**

Case Planner: **David Nearing, AICP**

Case #: **SE-20-03-003**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): FREEDOM RIDE (AMY DALY)

OWNER(s): BOGLE RICHARD B

REQUEST: Special Exception in the R-1A zoning district to allow a therapeutic riding center (Indoor/outdoor recreation use).

PROPERTY LOCATION: 3919 Bay Lake Road, Orlando, Florida, 32808, north side of Bay Lake Rd., west of N. John Young Pkwy.

PARCEL ID: 08-22-29-1900-00-490

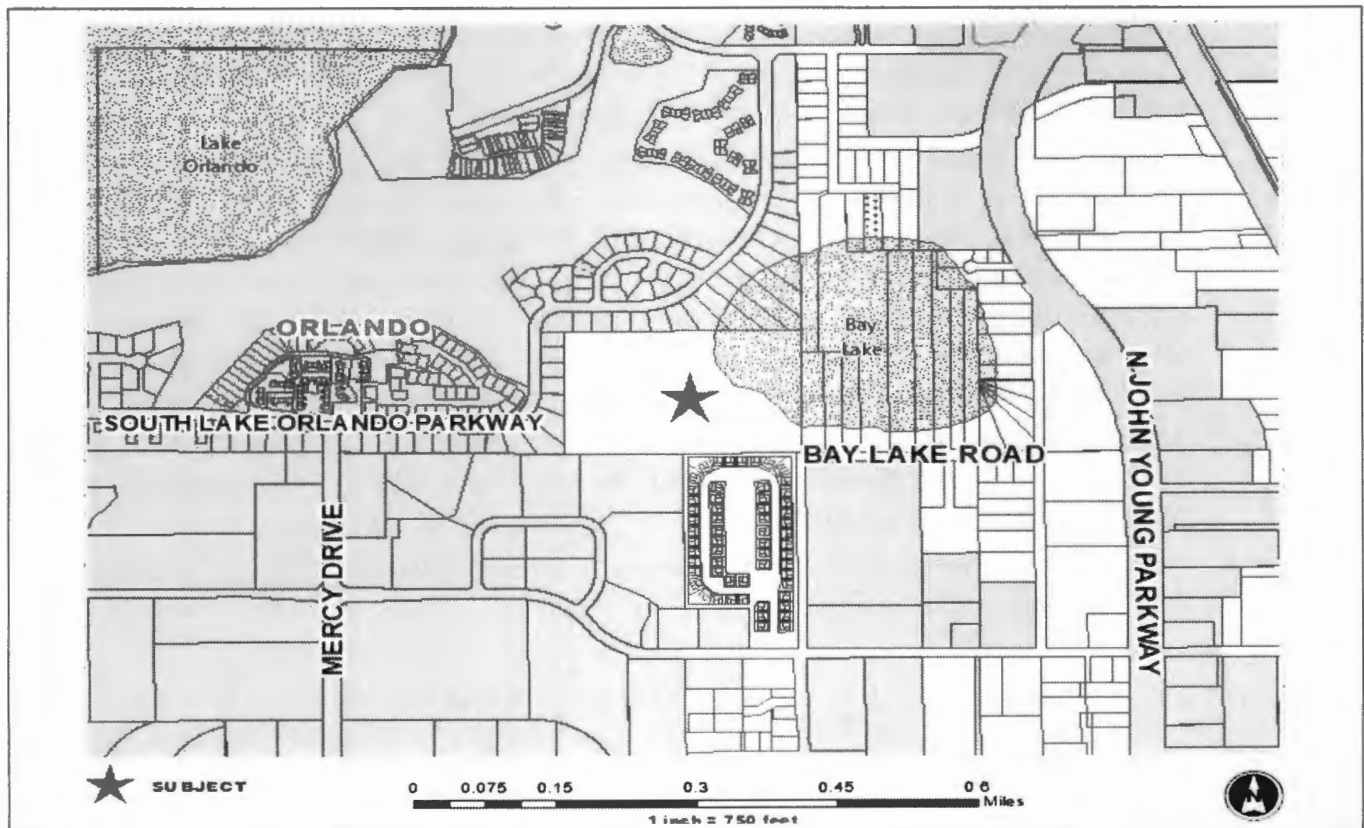
LOT SIZE: 24.43 acres

NOTICE AREA: 1,500 ft.

NUMBER OF NOTICES: 904

DECISION: Recommended a **CONTINUANCE** of the Special Exception request to the April 2, 2020 BZA Meeting.

LOCATION MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 05, 2020**

Case Planner: **Nick Balevich**

Case #: **VA-20-03-009**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): BRENT SMITH

OWNER(s): BRENT SMITH

REQUEST: Variance in the R-1AA zoning district to allow a rear setback of 23 ft. in lieu of 30 ft. for a sunroom addition.

PROPERTY LOCATION: 9145 Shadowbrook Trail, Orlando, Florida, 32825, north side of Shadowbrook Tr., south of Oriente St., west of S. Econlockhatchee Tr.

PARCEL ID: 06-23-31-2100-02-046

LOT SIZE: .297 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 76

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

1. Development in accordance with the site plan dated January 15, 2020 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the addition shall match the exterior of the existing house, including the roof materials and color.

SYNOPSIS: Staff gave a presentation on the case covering the location of the property, the site plan, and photos of the site.

The applicant had nothing to add.

Staff received three (3) commentaries in favor of the application, and none in opposition to the application.

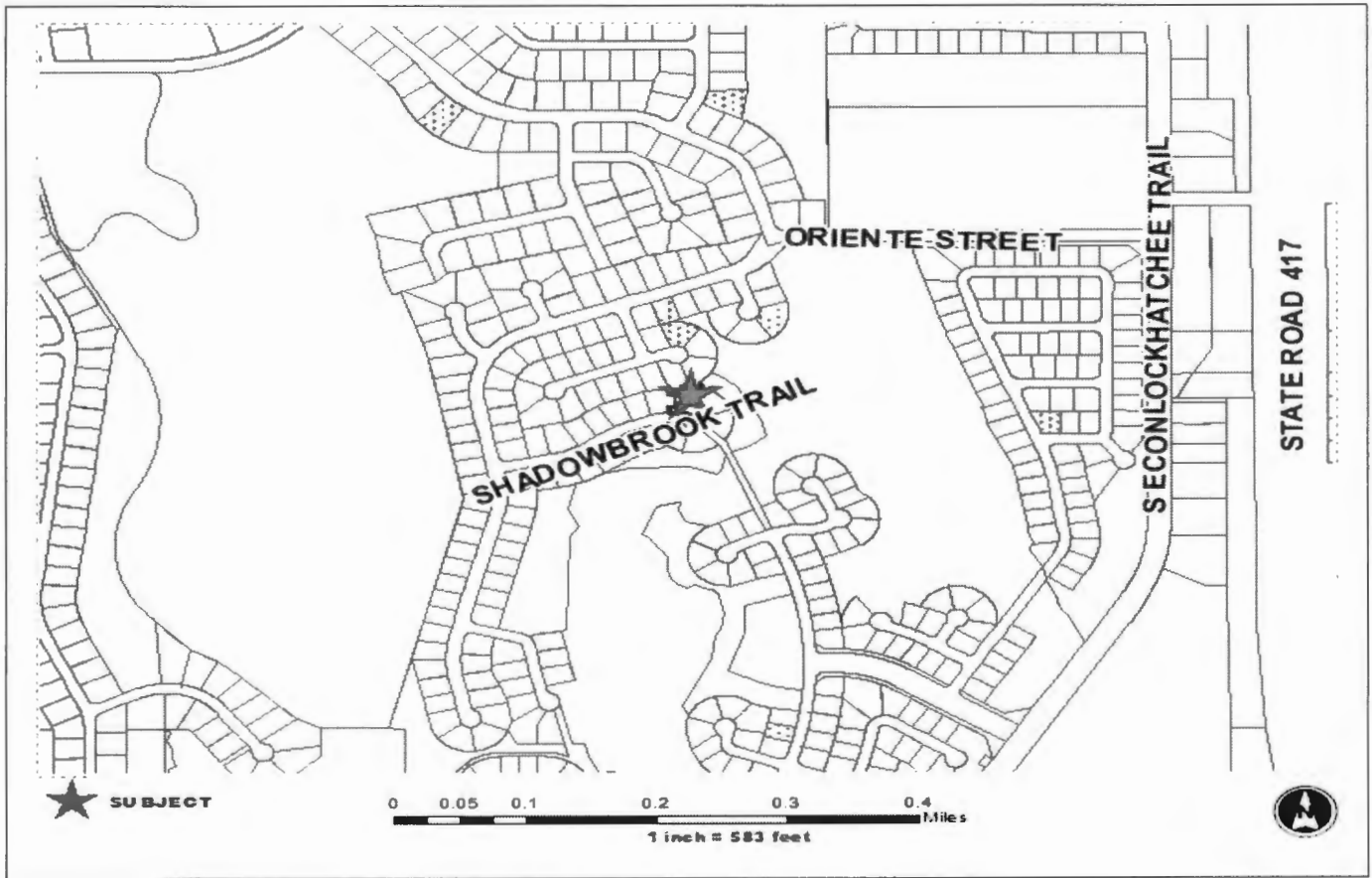
There being no one present to speak in favor or opposition to the request, the public hearing was closed.

The BZA unanimously recommended approval of the variance, subject to the four (4) conditions found 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-1AA	R-1AA	R-1AA	R-1AA	R-1AA
Future Land Use	Low Density Residential	Low Density Residential	Low Density Residential	Low Density Residential	Low Density Residential
Current Use	Single family residences	Single family residences	Single family residences	Single family residences	Single family residences

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned R-1AA, Single Family Dwelling district, which allows single family homes and associated accessory structures on lots a minimum of 10,000 sq. ft. or greater.

The area consists of single family homes. The subject property is a 0.3 acre, uniquely shaped lot that was platted in 2000, as part of the Villages of Rio Pinar Phase 1 Plat, and is a conforming lot of record. There is a 3,520 sq. ft. single family home on the lot, which was constructed in 2002. The applicant purchased the property in 2015.

The applicant is proposing to add a 12 ft. x 44 ft. (528 sq. ft.) sunroom to the rear of the house, over an existing 10 ft. x 44 ft. concrete pad. It will have a shingle roof to match the existing house.

The lot is uniquely shaped, with a rear property line that is indented to cause less rear yard space for a portion of the lot. If the lot line was straight, the variance would not be required, as the setback from the proposed addition to the larger portion of the rear yard is approximately 37 ft.

The applicant has submitted letters of no objection from adjacent property owners.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	12.66 ft.
Min. Lot Width:	85 ft.	94.9 ft.
Min. Lot Size:	10,000 sq. ft.	12,968 sq. ft.

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

	Code Requirement	Proposed
Rear:	30 ft.	23 ft.
Side:	7.5 ft.	23 ft. (west), 44 ft. (east)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The subject property is uniquely shaped. If the rear lot line was straight, the variance would not be required, as the setback from the proposed addition to the larger portion of the rear yard is approximately 37 ft.

No Special Privilege Conferred

The lot was platted in this unique configuration, and the house was built to be parallel with the closer rear property line. Given the location of the house on the property, the request is the only way to allow this addition to the property.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to install additions that would be allowed on a similar sized, but more rectangular shaped lots.

Minimum Possible Variance

This is the minimum possible variance to allow the addition to the house.

Purpose and Intent

Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood. The setback request is less intrusive than a screen enclosure, which is allowed to go up to 5 ft. from property lines.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated January 15, 2020, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the addition shall match the exterior of the existing house, including the roof materials and color.

c: Brent Smith
9145 Shadowbrook Trl.
Orlando, FL 32825

COVER LETTER

Request for Variance

Brent Smith
9145 Shadowbrook Trail
Orlando FL 32825
Date: 1/14/2020

To Whom it may Concern:

I am hoping to enclose an existing concrete slab patio on the back of my house. I am respectfully requesting a variance to the 30-foot setback from the rear property line to help make this happen.

I'm attaching a survey of the property to illustrate the following.

- The back wall of the existing 2 story house on the property sits back approximately 35 feet from the property line.
- A 10x44 concrete slab patio is currently located on the back of the house. The outside edge of this patio sits approximately 25 feet from the rear property line.
- The proposed 12x44 sunroom will sit on top of the existing patio and extend 2 feet further away from the house which places the outside edge of the sunroom approximately 23 feet back from the rear property line.

The proposed sunroom will be a single-story, air-conditioned space with double-paned glass windows and an exterior (including roof) that matches the existing house. Renderings are also attached. The 12x44 foot sunroom has a total dimension of 528 additional feet added to the existing home. I'm including the architectural plans for this structure. It is being built to code using concrete block, treated lumber, and other materials that will enable this room to become part of the primary living space (verse a screened in area around a pool).

This request meets the six standards for variance approval outlined in the application as follows.

1. **Special Conditions and Circumstances** - As you will see from the survey, the rear property line is not a solid straight line and the rear of the home is not parallel to the rear property line. Therefore, only the rear left side of the proposed sunroom should push past the allowable distance
2. **Not Self-Created** – No self-created or self-imposed hardships to justify the variance
3. **No special privilege conferred** – This is a minimal variance request. Neighbors have pointed out that screened enclosures around their pool areas are closer to the rear property line than this proposed sunroom.

COVER LETTER

Neighbor
Date: 1/14/2020
Page 2

4. Deprivation of Rights – The proposed sunroom does not impose on any of the surrounding properties. In fact, it may increase the value of those properties by increasing the value of the property it is being built on.
5. Minimum possible variance – This is the minimum possible variance needed to build the 12x44 foot structure.
6. Purpose and Intent – This request aligns with the purpose and intent of the zoning regulations in place. This is a residential home and the proposed sunroom is intended to build upon this home to provide more livable space.

I discovered the need for a variance as I was getting ready to start the construction. Therefore, I have all the architectural drawings and will include digital copies of those for you to review as part of your decision-making process.

Lastly, I'm including 3 Letters of No Objection from my surrounding neighbors.

Whatever your decision, please accept my sincere thanks for your time and consideration of my request.

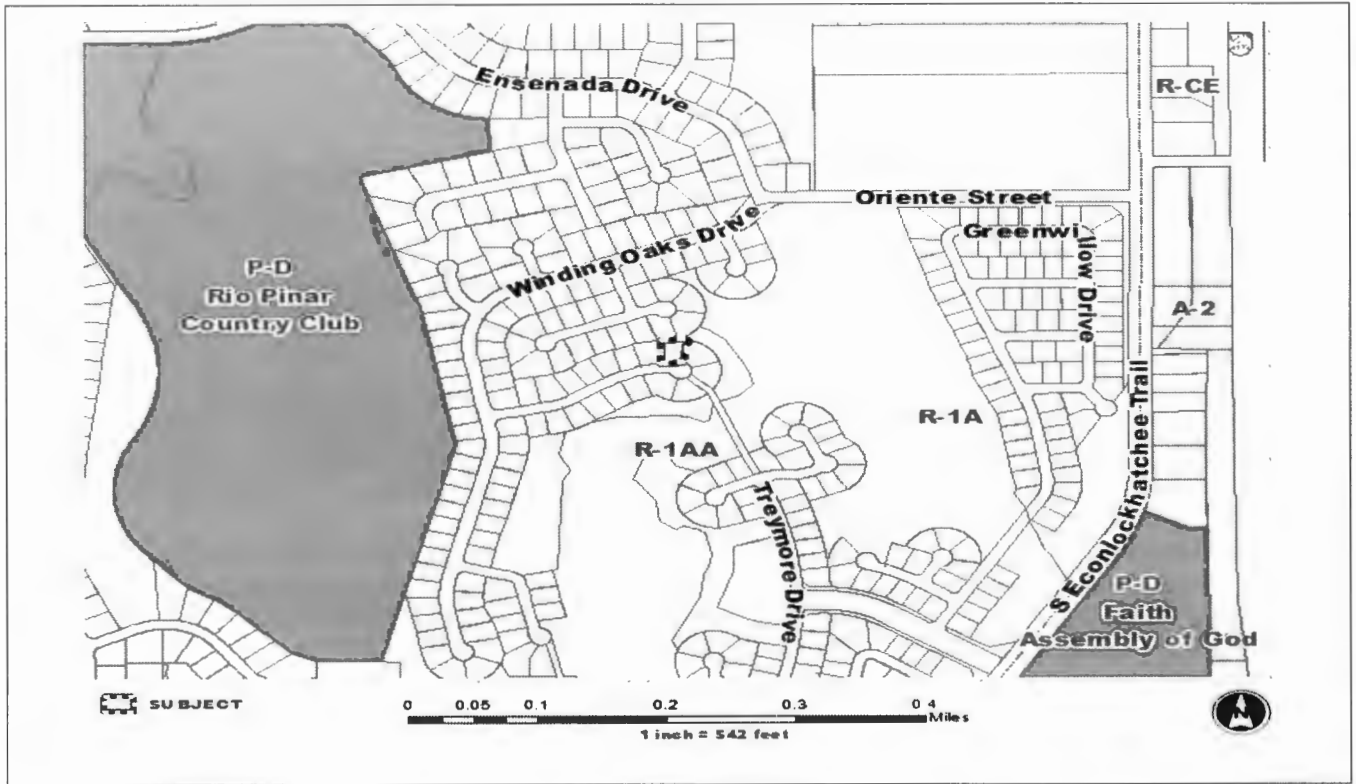
Sincerely,



Brent Smith

Enclosure

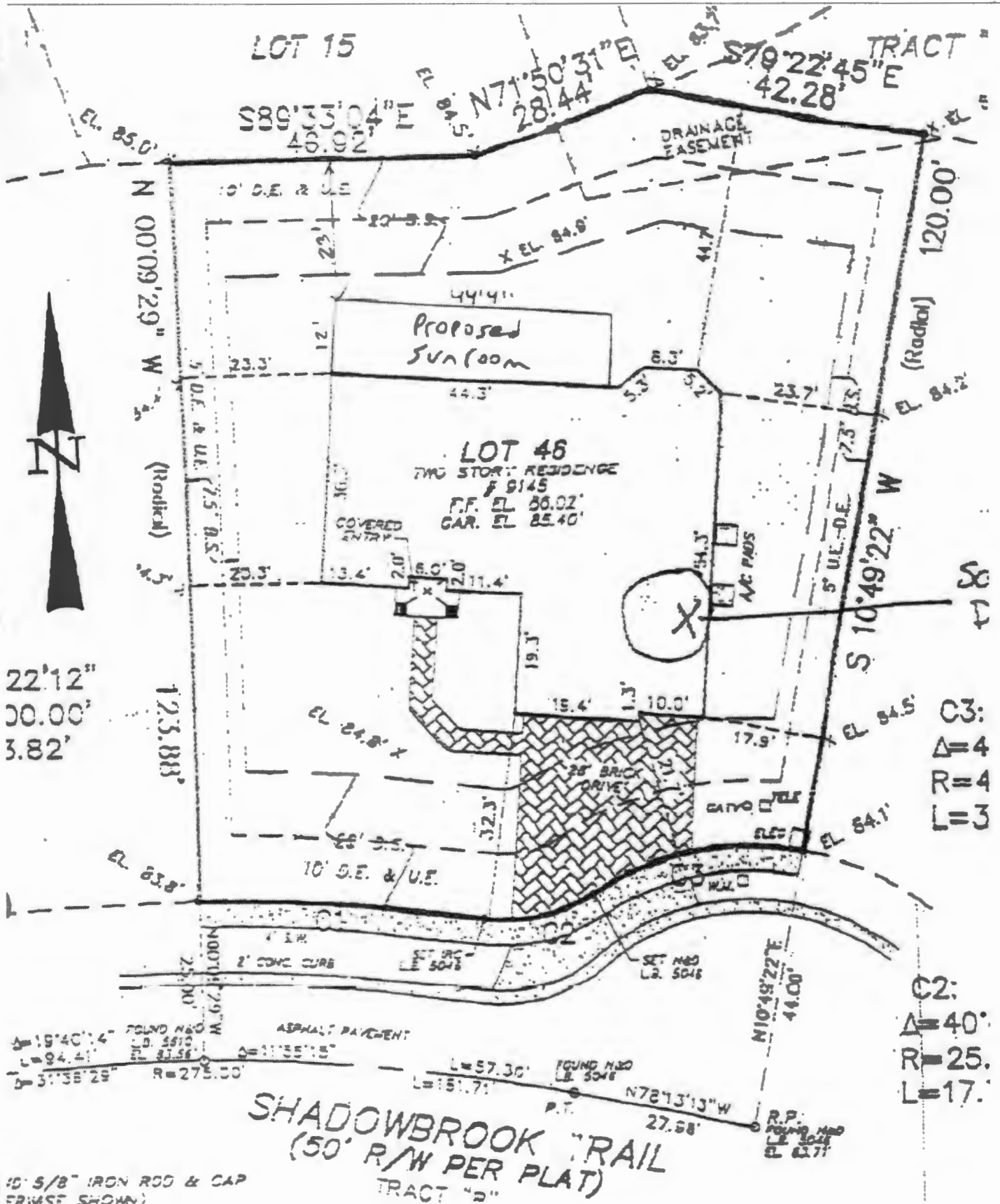
ZONING MAP



AERIAL MAP

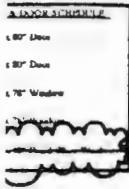


SITE PLAN



- C3:
- Δ=4
- R=4
- L=3

- C2:
- Δ=40'
- R=25.
- L=17.



TO BE REVISED UPON APPROVAL

Glass Windows (TYP)

Asphalt Shingles to Match Existing (TYP)
(3:12 Roof Pitch)

12'-8"

9'-8"

2'-8"

32" Block Knee Wall with
Stucco Finish (TYP)

14'-10"

3'-0"

26'-2"

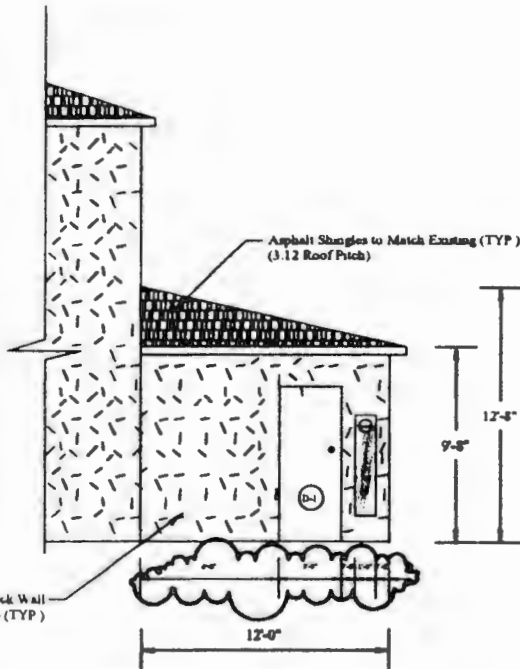
44'-0"

4" x 4" P.T. Wood Column (TYP)

Proposed Rear Elevation of Addition

Scale: 1/4" = 2'-0"

ELEVATIONS



Proposed Left Elevation of Addition

Scale: 1/4" = 2'-0"

Asphalt Shingles to Match Existing (TYP)
(3:12 Roof Pitch)

12'-8"

9'-8"

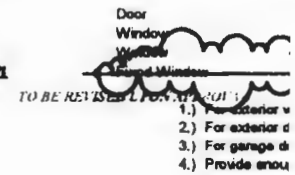
C.M.U. Block Wall
with Stucco (TYP)

12'-0"

Proposed Right Elevation of Addition

Scale: 1/4" = 2'-0"

OPENING SIZE



- 1.) For exterior w
- 2.) For exterior d
- 3.) For garage d
- 4.) Provide enou

SITE PHOTOS



Front from Shadowbrook Trail



Location of proposed addition in rear yard

SITE PHOTOS



Location of proposed addition in rear yard



Location of proposed addition in rear yard

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 05, 2020**

Case Planner: **Nick Balevich**

Case #: **VA-20-03-008**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): SENIOR FROGS (TAUSIF SURI)

OWNER(s): HAZEN ISAAC, HAZEN ALBERT, SPECIALTEE GOLF OF FLORIDA INC, HAZEEN JACK

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

1) To allow a ground sign with changeable copy on a parcel with 170 ft. of total road frontage in lieu of 1,000 ft.

2) To allow a sign to remain 8 in. from the south side property line in lieu of 10 ft.

3) To allow 82 sq. ft. of copy area in lieu of 80 sq. ft.

Note: This is the result of Code Enforcement.

PROPERTY LOCATION: 8747 International Drive, Orlando, Florida, 32819, east side of International Dr., south of Austrian Row, west of Universal Blvd.

PARCEL ID: 36-23-28-7165-00-011

LOT SIZE: 1.99 acres

NOTICE AREA: 1,500 ft.

NUMBER OF NOTICES: 57

DECISION: Recommended **DENIAL** of Variance request # 1 and **APPROVAL** of Variance requests # 2 and 3 in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated February 3, 2020 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a permit for the sign within 180 days of final action on this application by Orange County, or this approval becomes null and void.

SYNOPSIS: Staff gave a presentation on the case covering the location of the property, the site plan, and photos of the site.

The applicant stated that they were not aware that they needed to get a permit to add the changeable copy or of the issues with the sign's setbacks and lot width. He stated that Senor Frogs is spending a lot of money to upgrade their facility. The applicant also noted that the neighbors are in favor of the request.

The BZA felt that the size and setback variance requests were acceptable and within the margin of error as built, but not the addition of the changeable message board. The BZA also noted that they are seeing a pattern of individuals doing work without permits and then asking for forgiveness.

Code Enforcement stated that they concurred with staff's presentation

Staff received three (3) commentaries in favor of the application, and none in opposition to the application.

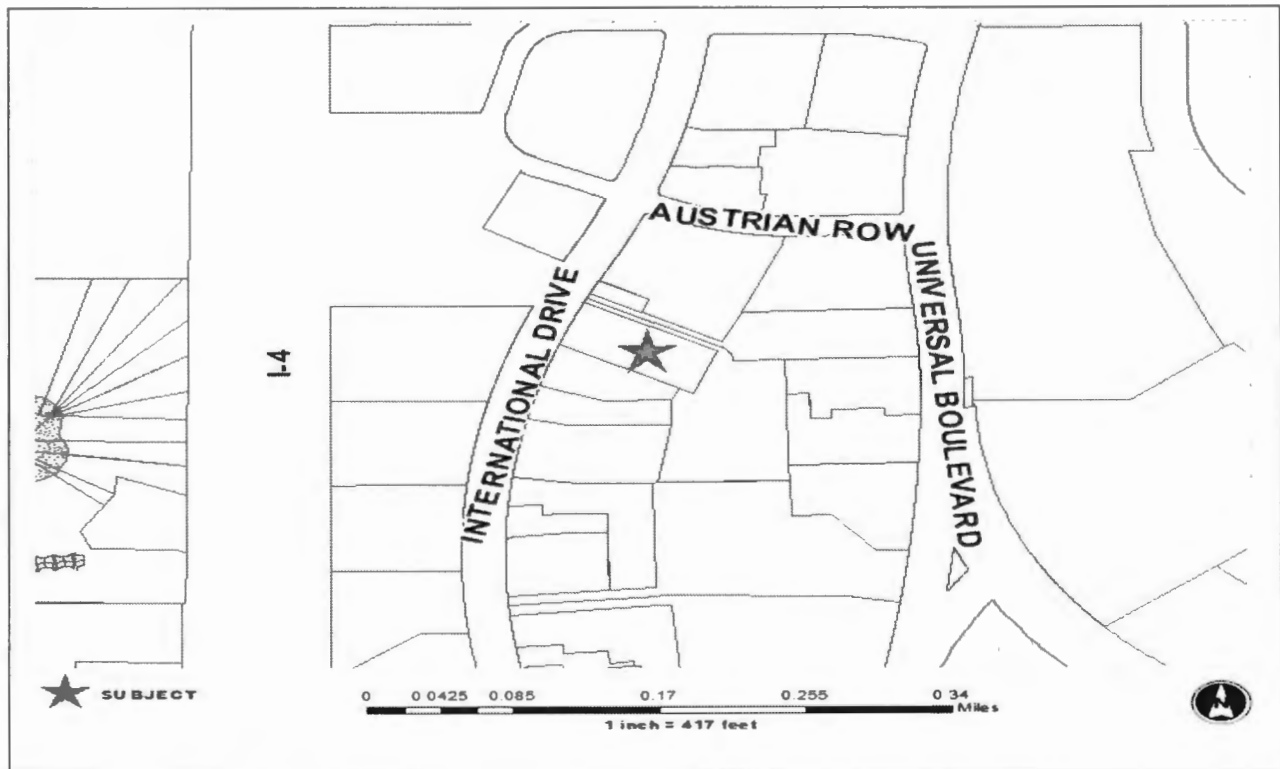
One (1) person spoke in favor of the case at the hearing.

The BZA made a motion to recommend denial of variance #1 and approval of variances #2 and #3, which was passed unanimously, subject to the four (4) conditions found in the staff report.

STAFF RECOMMENDATIONS

Denial, however, if the BZA recommends approval then staff recommends the conditions of approval found in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-2	C-2	C-2	C-2	C-2
Future Land Use	C	C	C	C	C
Current Use	Commercial	Commercial	Commercial	Commercial	Commercial

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned C-2, General Commercial district. The C-2 district allows a variety of commercial businesses, and provides a larger lot area than that of the retail commercial district. The subject property also falls within the Tourist Commercial Signage overlay. The intent of this overlay is to reduce the visual impact of signage and to promote a more aesthetic, unified design for the area.

The subject property is a 2 acre lot that is part of the Plaza International Unit Eleven Plat, which was recorded in 1991. The property is located on International Drive in an area that is comprised of tourist related commercial buildings. The property consists of a 25,260 square foot building that was constructed in 1993. The current owner purchased the property in 1992.

There are currently 2 wall signs on the building facing International Drive, one for Denny's and one for Senor Frogs, and an 82 sq. ft., 12 ft. tall ground sign advertising several tenants.

The property has 170 feet of frontage along International Drive. The Tourist Commercial Sign Code Section 31.5-163 (a)(1) allows 0.5 sq. ft. of ground signage per linear foot of property frontage. Using this calculation, the applicant is allowed up to 85 sq. ft. of copy area for their ground signs. However, Section 31.5-166 (a) limits the maximum copy area of any ground sign to 80 sq. ft.

On March 5, 1998 (Hearing #12) the Board of Zoning Adjustment approved variances on the subject site to allow a ground sign as follows:

- 12 ft. height in lieu of 8 ft. The current sign conforms with this approval.
- 80 sq. ft. of copy area in lieu of 40 ft. The current sign is 82 sq. ft.
- 1.5 ft. from the side property line in lieu of 10 ft. The current sign is 8 in. from the side property line.

Staff has been unable to locate a valid permit for the ground sign prior to the BZA approval.

Section 31.5-166 (f) allows a ground sign to have changeable copy only if the parcel has a minimum of 1,000 ft. of road frontage. The existing static sign was upgraded to add changeable copy without obtaining a permit. Code Enforcement cited the applicant in January of 2020 for installing an Electric Message Center (changeable copy sign) on the property without permits (Incident # 561772).

Three businesses have submitted letters of no objection to the request. Two are immediately to the south, and one is approximately 1,500 feet to the north.

District Development Standards

	Code Requirement	Proposed
Min. Lot Width:	100 ft.	170 ft.
Min. Lot Size:	8,000 sq. ft.	86,881 sq. ft.

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

	Code Requirement	Proposed
Front:	10 ft. front (sign)	34 ft.
Side:	10 ft. side (sign)	8 in.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

There are no special conditions and circumstances, as the changeable copy can be removed and the sign can be located on the property in a manner that would not require a variance.

Not Self-Created

The need for the variances is self-created, as there are other conforming options available for locating the sign, and changeable copy is not necessary.

No Special Privilege Conferred

Approval of the variances as requested will confer special privilege that is denied to other properties in the same area and zoning district, as the applicant can remove the changeable copy and could propose a conforming location.

Deprivation of Rights

The applicant is not being deprived of the right to have a sign on the property in a conforming location, or static signage.

Minimum Possible Variance

The request to have the sign in the current location with changeable copy is not the minimum possible variances. The request to have a sign with changeable copy on a parcel with 170 ft. of road frontage in lieu of 1,000 ft. constitutes an 83% deviation.

Purpose and Intent

Approval of this request will not be in harmony with the purpose and intent of the Zoning Regulations and could be detrimental to the area.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated February 3, 2020, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a permit for the ground sign within 180 days of final action on this application by Orange County, or this approval becomes null and void.

c: Tausif Suri
1887 Central Florida Pkwy.
Orlando, FL 32837

VARIANCE CRITERIA

1. Senior FROGS is doing a major remodeling of their interior and exterior Reservoir. For the exterior remodeling that includes the clean and paint of the store facade, paving and existing monument sign cabinet. Which includes new EMC (ELECTRONIC MESSAGE CENTER.)

We understand the EMC (ELECTRONIC MESSAGE CENTER) are allowed on I-PRIVS as long as the property frontage is 1000' minimum. This is not the case at our property, which is short of 1000'. In considering other factors there are others business with a mile that have EMC's (ELECTRONIC MESSAGE CENTERS) we are asking the ZBA to consider our proposal for variance. We think that existing zoning regulations present a practical difficulty in making use of the property.

We are not changing or modifying the existing cabinet (SIGN) we are utilizing the same square feet that was allowed or permitted by Orange County.

2. we did not self-create the condition at the site. When we moved in to this plaza the existing monument sign was already there. We had to share the monument sign with other 2 tenants.

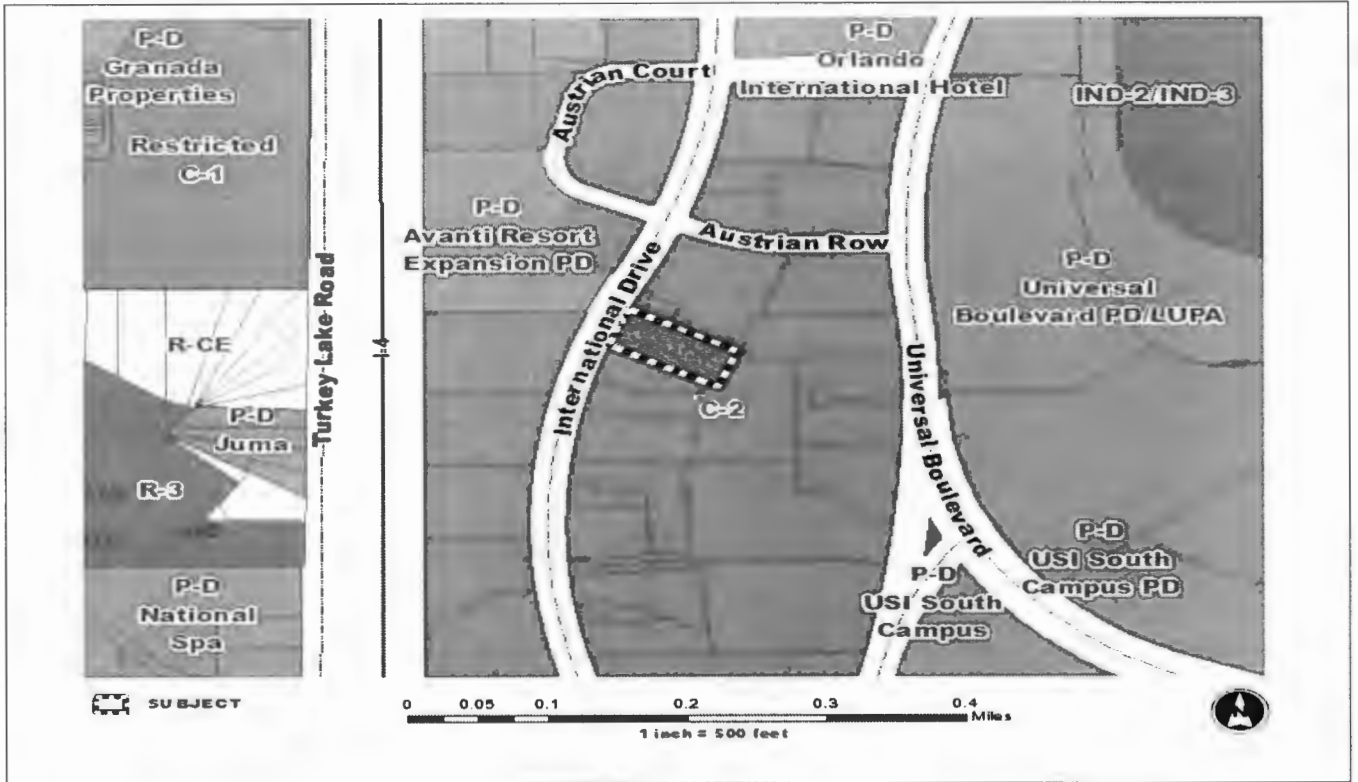
3. Again to NO Special Privilege Conferred I will refer to point # 2

4. We think we are deprived of the rights enjoyed by other property owners in the same zoning district. For example Rosen Hotel, FRIENDLY'S RESTAURANT, GALA GIFTS, ORLANDO, I and MANGO'S NIGHT Club, which are located within one mile of our property.

5. The minimum possible variance will allow us to use what we are proposing.

6. By proposing the EMC (ELECTRONIC MESSAGE CENTER) it will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

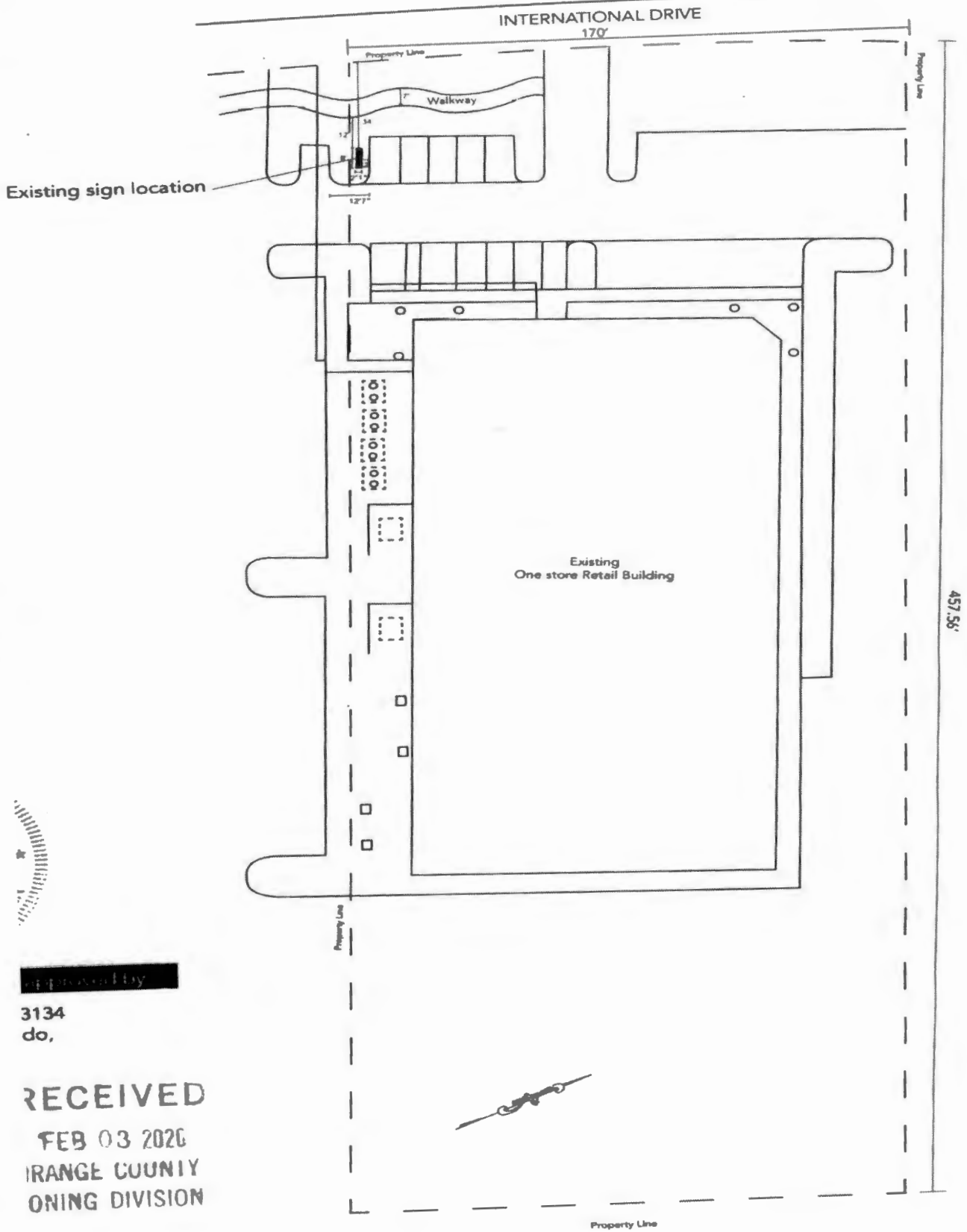
ZONING MAP



AERIAL MAP



SITE PLAN



Existing sign location

INTERNATIONAL DRIVE

170'

Property Line

Walkway

127'

Existing One store Retail Building

457.56'

Property Line

Property Line

Approved by

3134 do,

RECEIVED
FEB 03 2020
ORANGE COUNTY
PLANNING DIVISION

SIGN LOCATION DETAIL

INTERNATIONAL DRIVE

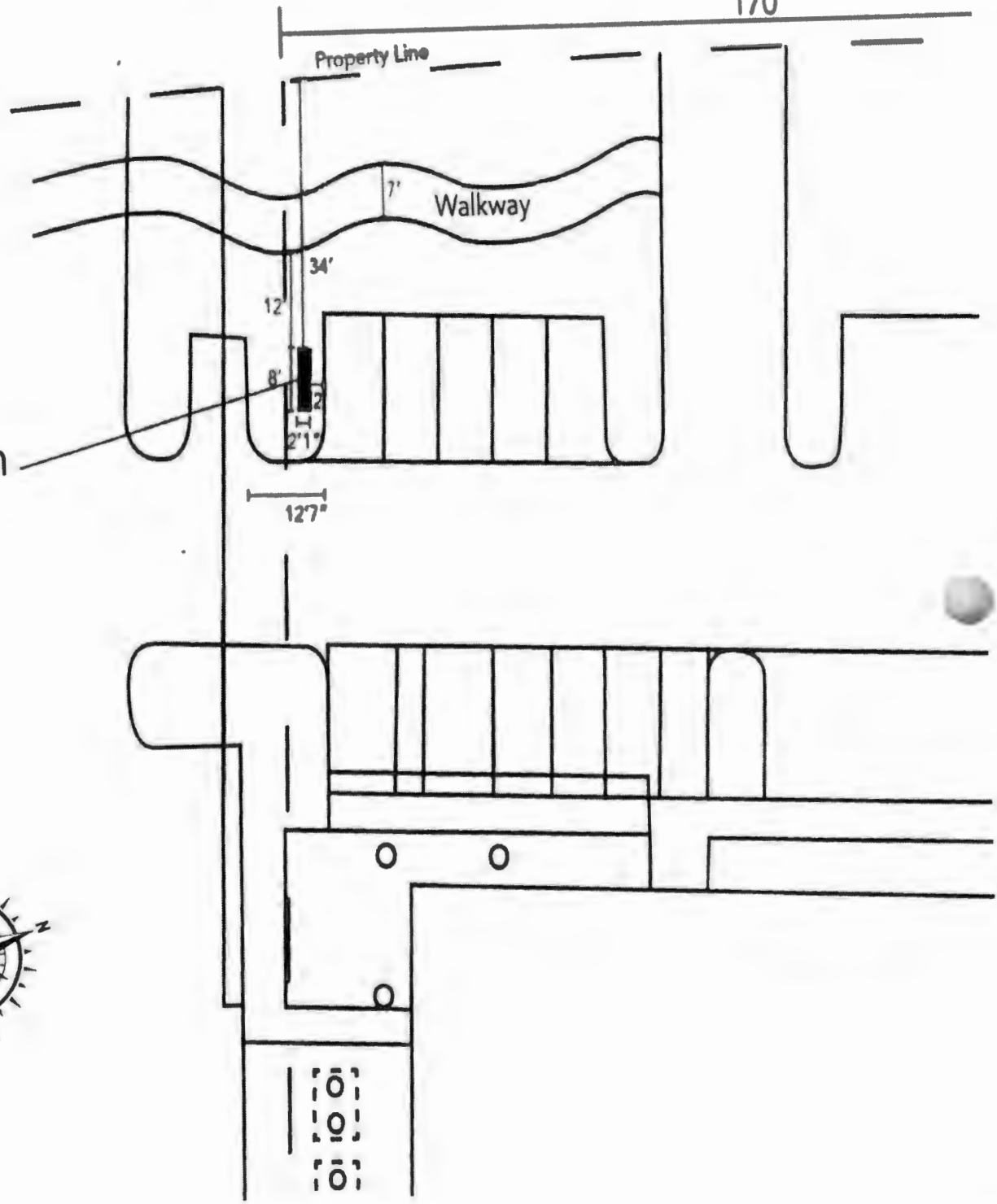
170'

Property Line

Walkway

sign location

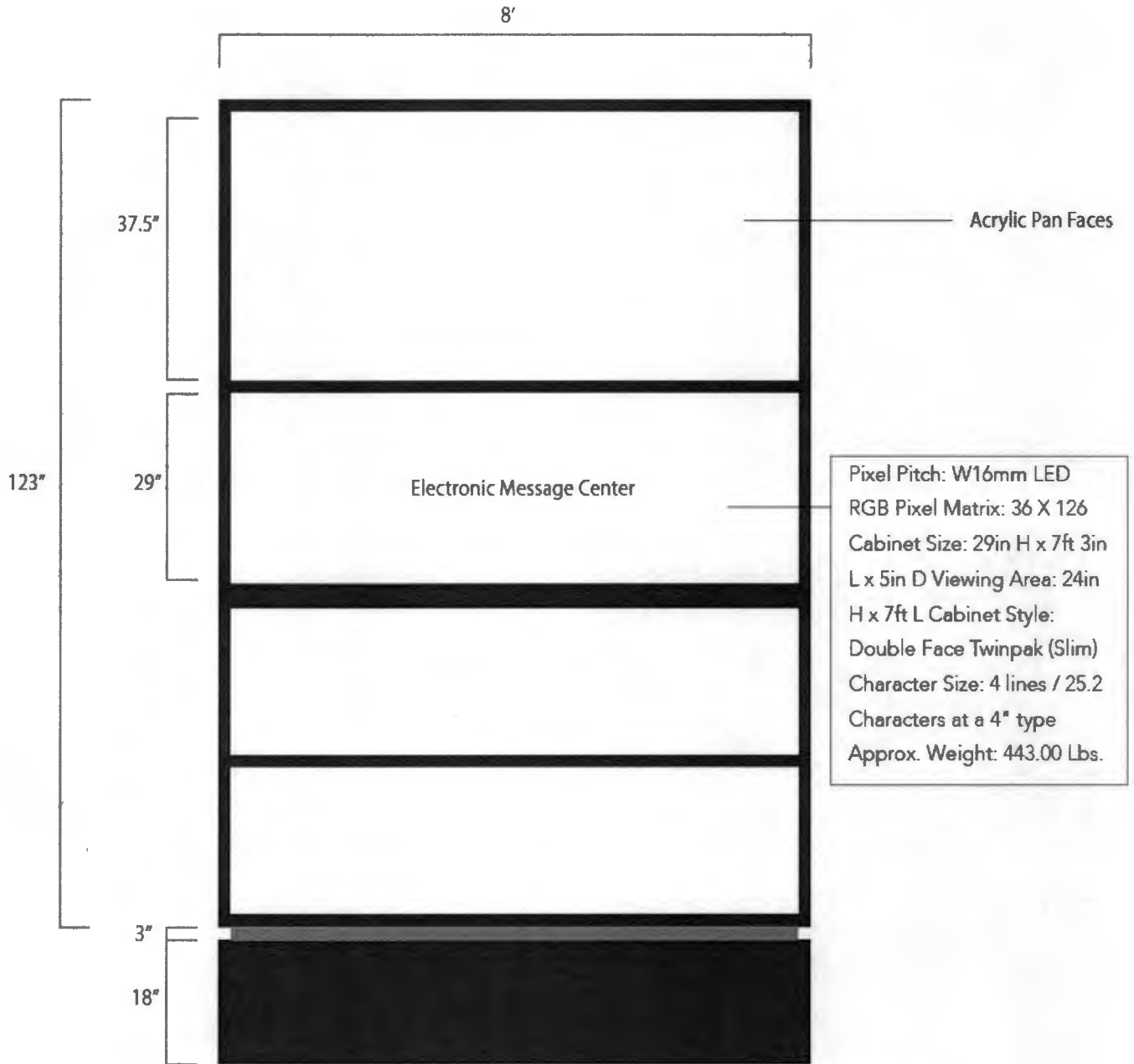
127'



SIGN DETAIL

Monument Sign Size

82 Sqf For the whole monument sign copy area



SITE PHOTOS



Front from International Dr.



Unpermitted ground sign with changeable copy

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 05, 2020**

Case Planner: **Nick Balevich**

Case #: **VA-20-03-007**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): SEAN WYDRONKOWSKI

OWNER(s): FERNANDEZ FAMILY TRUST

REQUEST: Variance in the P-D zoning district to allow a generator to be located 5 ft. from the east side property line (adjacent to the house) in lieu of 10 ft.

PROPERTY LOCATION: 2616 Orchard Drive, Apopka, Florida, 32712, south side of Orchard Dr., east of N. Wekiwa Springs Rd.

PARCEL ID: 36-20-28-3470-00-390

LOT SIZE: .293 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 68

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

1. Development in accordance with the site plan and generator specifications dated January 29, 2020 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The concrete pad and generator shall not have any physical connection or anchoring to the adjacent wall.

SYNOPSIS: Staff gave a presentation on the case covering the location of the property, the proposed location of the generator, the site plan, and photos of the site.

The BZA wanted to know why the generator needs to be in this location, and why a generator was needed.

The applicant stated that they were following the advice of the architect/designer for the location, and that it needed to be close to the electric box, and that they need a generator since the power was off for nine (9) days due to the last storm. The applicant also noted that the other generators in the area were in the open, but theirs will be behind walls.

Code Enforcement stated that they concurred with staff's presentation.

The BZA found that there are some special circumstances surrounding this case and the need for a generator because we have hurricanes here, which are not self-created. Additionally they found that it would not pose a detrimental intrusion into the neighborhood because it was being located behind a wall and the applicant was following the advice that the contractor provided in respect to the location. Therefore, these were adequate reasons to approve the request.

Staff received one (1) commentary in favor of the application, and none in opposition to the application.

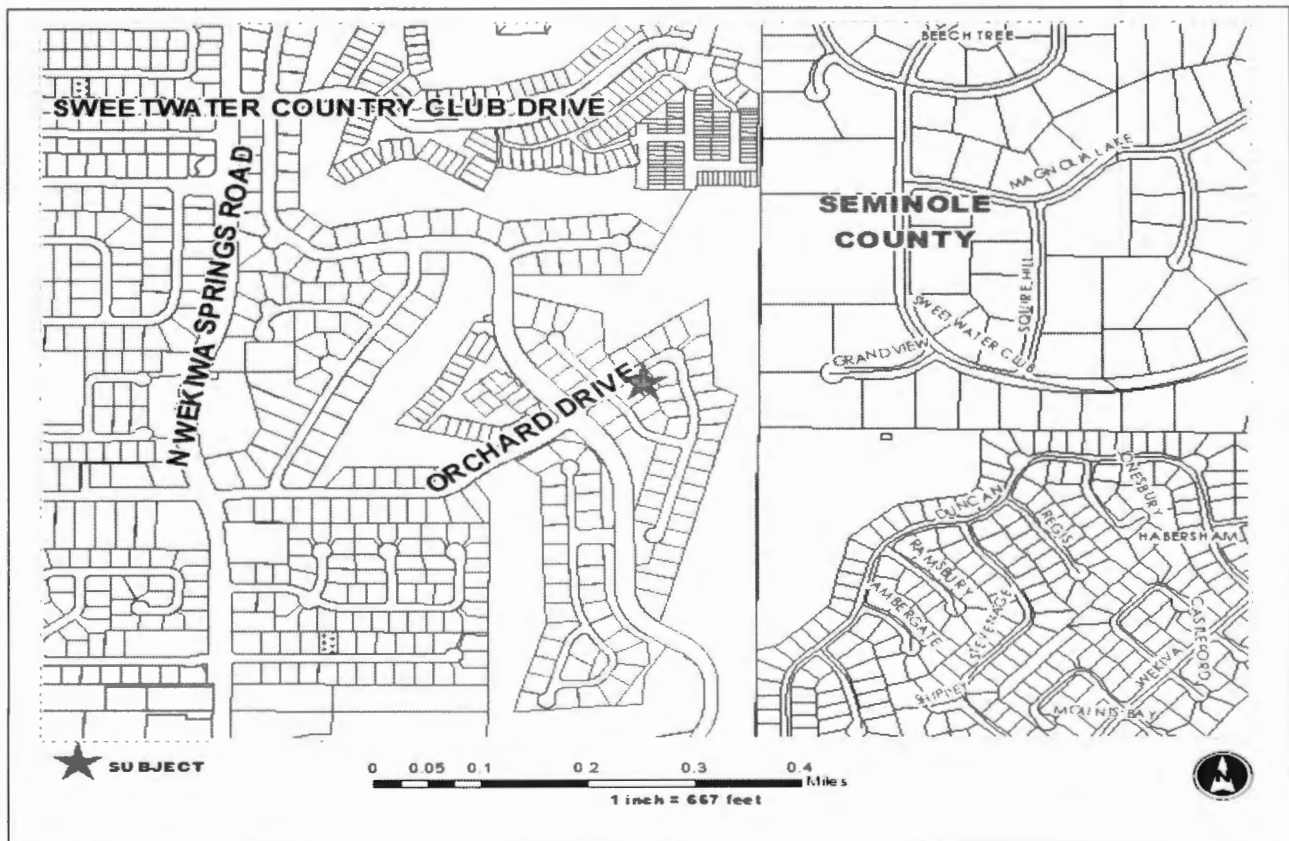
There being no one present to speak in favor or opposition to the request, the public hearing was closed.

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

STAFF RECOMMENDATIONS

Denial, however, if the BZA recommends approval then staff recommends the conditions of approval found in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	P-D	P-D	P-D	P-D	P-D
Future Land Use	PR-OS	PR-OS	PR-OS	PR-OS	PR-OS
Current Use	Single family residence	Single family residences	Single family residences	Single family residences	Single family residences

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is located in a PD Planned Development district, and is in the Sweetwater Country Club PD. This PD allows single-family uses.

The subject property is a 0.29 acre lot that was platted in 1994. The property is located in the Heather Glen at Sweetwater Country Club Plat, which is comprised of single family homes, and is a conforming lot of record. There is a 3,253 sq. ft. single family home and swimming pool on the lot, which were constructed in 1995. The applicant purchased the property in 2002.

The applicant is proposing to install a 4 ft. x 2.1 ft. generator 5 ft. from the east side property line, adjacent to the existing house, where a 10 ft. setback is required by code. The generator will be 22 kilowatts, and will operate normally at full power during a power outage at 67 decibels (Db) from a distance of 23 ft. The generator can be set to self-test weekly, bi-weekly or monthly at 58 Db. Conversational speech or an air conditioner are generally around 60 Db.

The adjacent neighbor to the east has submitted a letter of no objection to the proposal, with the caveat that some additional conditions be added to the approval. If the BZA approves the request, the specifications provided by the applicant comply with condition #1 of said letter, and the final condition in this staff report addresses condition #2.

District Development Standards

	Code Requirement	Proposed
Min. Lot Width:	80 ft.	109 ft.
Min. Lot Size:	5,500 sq. ft.	12,770 sq. ft.

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

	Code Requirement	Proposed
Side:	10 ft. when adjacent to house 5 ft. other sides and rear	5 ft. adjacent to house

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

There are no special conditions and circumstances, as the generator can be located on the property in a manner that would not require a variance.

Not Self-Created

The need for the variance is self-created, as there are other conforming options available for locating the generator.

No Special Privilege Conferred

Approval of the variances as requested will confer special privilege that is denied to other properties in the same area and zoning district, as the applicant could propose a conforming location.

Deprivation of Rights

The applicant is not being deprived of the right to have a generator on the property in a conforming location. There is space in the rear and side yard that would allow the generator in a location that would comply with the zoning code standards.

Minimum Possible Variance

The request to have the generator in the current location is not the minimum possible variance as the generator can be placed on the property in a manner that would not require variances.

Purpose and Intent

Approval of this request will not be in harmony with the purpose and intent of the Zoning Regulations and could be detrimental to the neighborhood.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan and generator specifications dated January 29, 2020, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The concrete pad and generator shall not have any physical connection or anchoring to the adjacent wall.

c: Sean Wydrankowski
PO Box 442
Edgewater, FL 32132



January 14, 2020

Orange County Zoning Division
201 S. Rosalind Avenue, 1st Floor
Orlando, FL 32801

To Whom It May Concern:

Attached, please find our Application for Board of Zoning Adjustment (BZA) Variance, Special Exception, and Appeal of Zoning Manager's Determination for Mr. and Mrs. David Fernandez, 2616 Orchard Drive, Apopka, FL 32703.

As duly appointed Agent for Mr. and Mrs. Fernandez, I hereby request a variance to install a 22W Generac Generator at 2616 Orchard Drive, Apopka, Florida 32703. We have previously applied for a permit but have been denied due to the generator location not meeting the minimum side setback guidelines of 10'. There is no structure being built. The generator dimensions are 48"L x 25"W x 29" H and requires an 18" clearance. The generator will be placed 5' from the fence line on the Northeast side of the house as close to the corner as possible as noted on the plans that have been submitted. There is a concrete wall that will hide the generator from view of the neighbors or street. (Photo attached). The wall is 66" tall. The code requires 10' side setback.

Regarding Page 11 of the variance application, there are six standards for variance approval. These six standards are met as follows:

1. **Special Conditions and Circumstances:** Special conditions are a previously existing concrete fence/wall and walkway which prevents a full 10' on the side setback. As such, we are requesting a variance.
2. **Not Self-Created:** The special condition does not result from the actions of the application.
3. **No Special Privilege Conferred:** No special privilege that is normally denied others is being requested.
4. **Deprivation of Rights:** No deprivation of rights of other properties is being requested.
5. **Minimum Possible Variance:** We are requesting the minimum possible variance be approved in order to make possible the installation of the generator.
6. **Purpose and Intent:** The zoning variance requested is the minimum variance that will make possible the reasonable use of the land in order to install the generator.

P.O. Box 442
Edgewater, Florida 32132

844-448-8528 Toll Free
386-575-8600 Main #

407-413-8569 Fax
www.covepoints.com



Also per instruction, a site plan has been provided (8 ½ x 11) indicating which side of the property needs the variance.

Finally, attached please find information regarding the specific generator requesting to be installed. Since no structure is being built to house the generator, there are no Architectural Elevations provided.

Should you require further information, please feel free to contact me with any questions.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Sean M. Wydrnkowski", is written over a horizontal line.

Sean M. Wydrnkowski
Agent for Mr. and Mrs. David Fernandez
Owner/CEO – Cove Points Construction, LLC.

SMW/arl

P.O. Box 442
Edgewater, Florida 32132

844-448-8528 Toll Free
386-575-8600 Main #

407-413-8569 Fax
www.covepoints.com

LETTER FROM NEIGHBOR

January 30, 2020

Mr. Nick Balevich
Planner II
Orange County Zoning Division
201 S. Rosalind Ave., 1st Floor
Orlando, FL 32801
(407) 836-0092
www.ocfl.net/zoning

**RE: Variance Application VA-20-03-007
2616 Orchard Drive, Apopka, Florida**

Mr. Balevich,

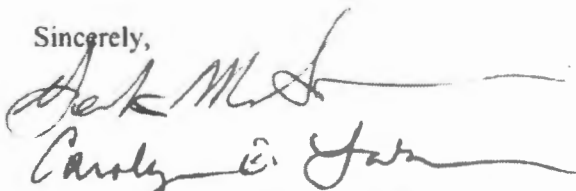
We are next door neighbors of David and Melanie Fernandez (Fernandez) with our residence located at 2624 Orchard Drive, Apopka, Florida. We understand that David and Melanie are applying for a variance on their property in order to have a generator installed to be located behind a concrete wall in the Fernandez backyard which is next to our property.

We request the following conditions be met with respect to the generator and its placement.

1. The generator must have a maximum sound output of 67 dB(A) at 23 ft. operating at normal load.
2. The precast pad on which the generator is placed must be acoustically decoupled from the concrete block wall and wall foundation that separates our back yards by:
 - a. maintaining at least 18 inches separation between the edge of the pad closest to any wall AND
 - b. making no physical connection or anchoring to any part of that same wall and wall foundation.

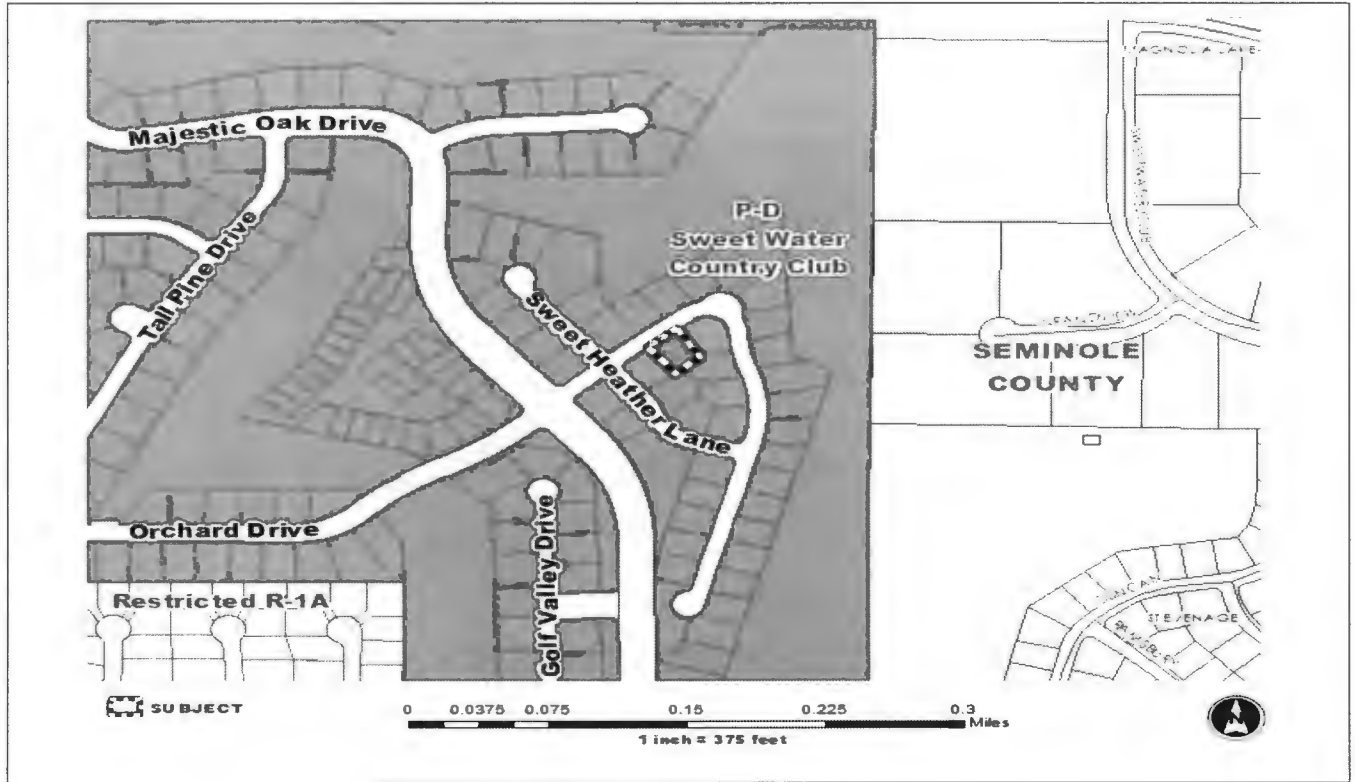
With the above conditions met we have no objection to the installation of the generator inside the concrete wall in the Fernandez backyard.

Sincerely,

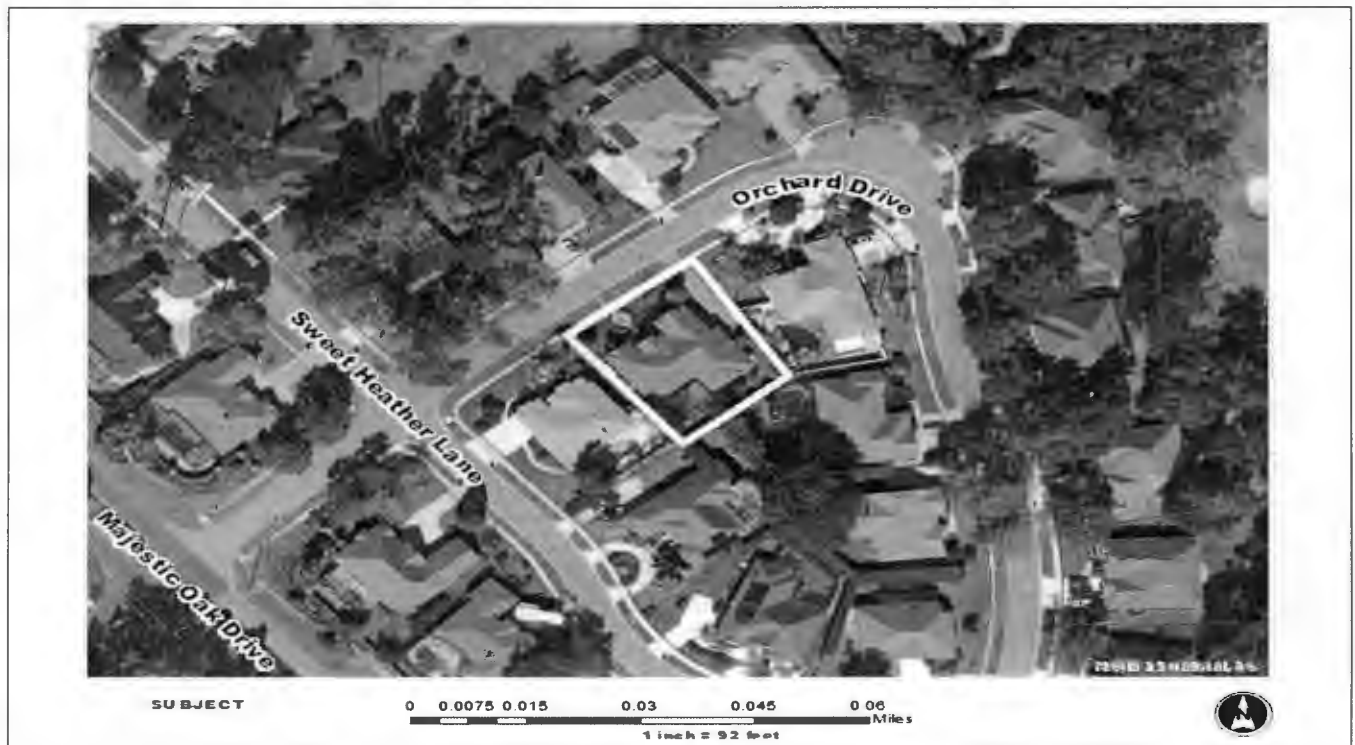


Gerardo M. and/or Carolyn E. Salsano
2624 Orchard Drive
Apopka, Florida 32712

ZONING MAP

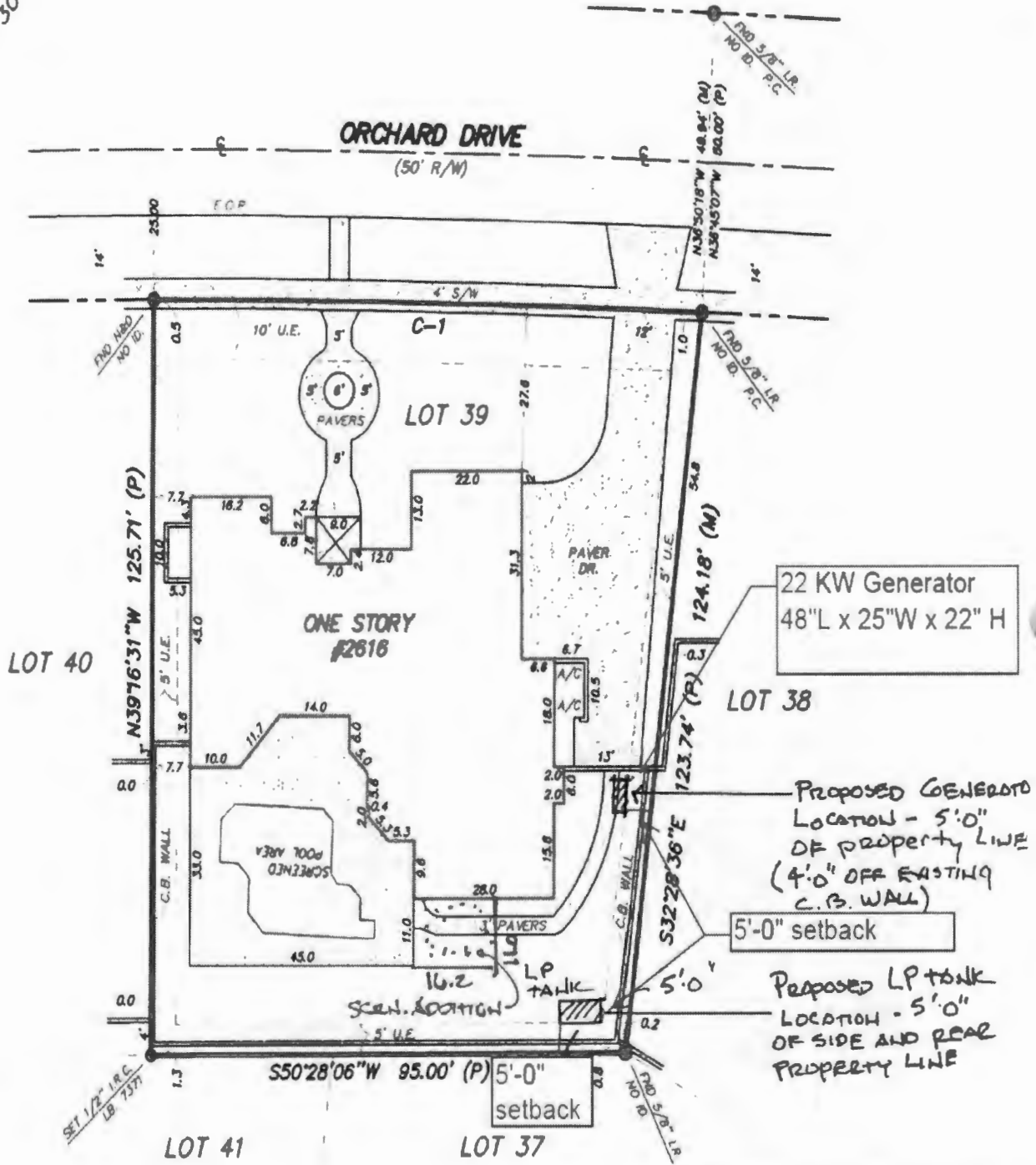


AERIAL MAP



SITE PLAN / SURVEY

Boundary Survey



22 KW Generator
48" L x 25" W x 22" H

Proposed Generator Location - 5'-0" OF PROPERTY LINE (4'-0" OFF EXISTING C.B. WALL)

5'-0" setback

Proposed LP tank Location - 5'-0" OF SIDE AND REAR PROPERTY LINE

5'-0" setback

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C-1 (P)	2490.67'	109.89'	02°31'24"
C-1 (M)	2490.67'	109.80'	02°31'33"

GENERATOR/SPECIFICATIONS

16/20/22 kW

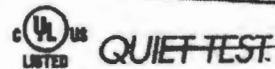
GUARDIAN® SERIES Residential Standby Generators Air-Cooled Gas Engine

INCLUDES:

- True Power™ Electrical Technology
- Two Line LCD Multilingual Digital Evolution™ Controller (English/Spanish/French/Portuguese)
- Two Transfer Switch Options Available: 100 Amp, 16 Circuit Switch or 200 Amp Service Rated Smart Switch. See Page 4 for Details.
- Electronic Governor
- System Status & Maintenance Interval LED Indicators
- Sound Attenuated Enclosure
- Flexible Fuel Line Connector
- Direct-To-Dirt Composite Mounting Pad
- Natural Gas or LP Gas Operation
- 5 Year Limited Warranty
- Capability to be installed within 18" (457 mm) of a building*

Standby Power Rating

Models G007036-0 G007037-0 (Aluminum - Bisque) - 16 kW 60 Hz
 Model G007035-0 (Aluminum - Bisque) - 16 kW 60 Hz
 Models G007039-0 G007038-0 (Aluminum - Bisque) - 20 kW 60 Hz
 Models G007043-0 G007042-0 (Aluminum - Bisque) - 22 kW 60 Hz

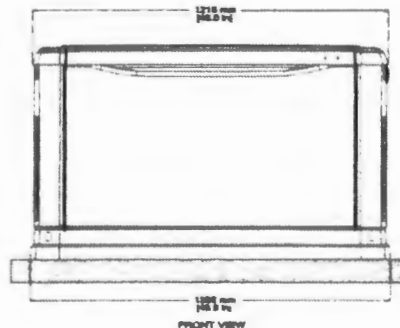
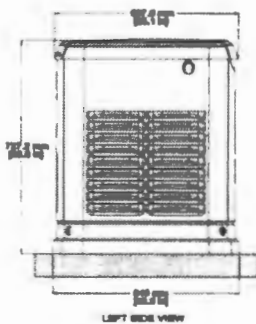


Note: UL certification only applies to unbundled units and units packaged with pre-wired switches. Units packaged with the Smart Switch are UL certified in the USA only.

*Only if located away from doors, windows and fresh air intakes, and unless otherwise directed by local codes.

dimensions & UPCs

Dimensions shown are approximate. Refer to installation manual for exact dimensions. DO NOT USE THESE DIMENSIONS FOR INSTALLATION PURPOSES.



Model	UPC
G007035-0	696471070354
G007036-0	696471070361
G007037-0	696471070378
G007038-0	696471070385
G007039-0	696471070392
G007042-0	696471070422
G007043-0	696471070439

GENERAC

Generac Power Systems, Inc. • S45 W28290 HWY. 59, Waukesha, WI 53189 • generac.com

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GENERATOR/SPECIFICATIONS

GENERAC[®] specifications

16/20/22 kW

16/20/22 kW

3 of 5

Generator

Model	G007035-0, G007036-0, G007037-0 (18 kW)	G007038-0, G007039-0 (20 kW)	G007042-0, G007043-0 (22 kW)
Rated Maximum Continuous Power Capacity (LP)	16,000 Watts*	20,000 Watts*	22,000
Rated Maximum Continuous Power Capacity (NG)	16,000 Watts*	18,000 Watts*	19,500
Rated Voltage	240	240	240
Rated Maximum Continuous Load Current – 240 Volts (LP/NG)	66.6/66.6	83.3/75	91.6/81.3
Total Harmonic Distortion	Less than 5%	Less than 5%	Less than 5%
Main Line Circuit Breaker	70 Amp	100 Amp	100 Amp
Phase	1	1	1
Number of Rotor Poles	2	2	2
Rated AC Frequency	60 Hz	60 Hz	60Hz
Power Factor	1.0	1.0	1.0
Battery Requirement (not included)	12 Volts, Group 26R 540 CCA Minimum or Group 35AGM 650 CCA Minimum		
Unit Weight (lb/kg)	406/186	448/203	466/211
Dimensions (L x W x H) in/mm	48 x 25 x 29/1218 x 638 x 732		
Sound output in dB(A) at 23 ft (7 m) with generator operating at normal load**	66	66	67
Sound output in dB(A) at 23 ft (7 m) with generator in Quiet-Test™ low-speed exercise mode**	58	58	58
Exercise duration	5 min	5 min	5 min

Engine

	GENERAC G-Force 1000 Series	GENERAC G-Force 1000 Series	GENERAC G-Force 1000 Series
Type of Engine	2	2	2
Number of Cylinders	999 cc	999 cc	999 cc
Displacement		Aluminum w/ Cast Iron Sleeve	
Cylinder Block	Overhead Valve	Overhead Valve	Overhead Valve
Valve Arrangement	Solid-state w/ Magneto	Solid-state w/ Magneto	Solid-state w/ Magneto
Ignition System	Electronic	Electronic	Electronic
Governor System	9.5:1	9.5:1	9.5:1
Compression Ratio	12 Vdc	12 Vdc	
Starter	Approx. 1.9 qt/1.8 L	Approx. 1.9 qt/1.8 L	Approx. 1.9 qt/1.8 L
Oil Capacity including Filter	3,600	3,600	3,600
Operating rpm			
Fuel Consumption			
Natural Gas	ft ³ /hr (m ³ /hr)		
	1/2 Load	218 (6.17)	204 (5.78)
	Full Load	309 (8.75)	301 (8.78)
Liquid Propane	ft ³ /hr (gal/hr) [l/hr]		
	1/2 Load	91.8 (2.52) [9.53]	86 (2.37) [8.99]
	Full Load	108.8 (2.94) [11.11]	140 (3.87) [14.65]

Note: Fuel pipe must be sized for full load. Required fuel pressure to generator fuel inlet at all load ranges - 3.5-7" water column (7-13 mm mercury) for natural gas, 10-12" water column (19-22 mm mercury) for LP gas. For BTU content, multiply ft³/hr x 2500 (LP) or ft³/hr x 1000 (NG). For Megajoule content, multiply m³/hr x 93.15 (LP) or m³/hr x 37.26 (NG)

Controls

2-Line Plain Text Multilingual LCD Display	Simple user interface for ease of operation.
Mode Buttons: Auto	Automatic Start on Utility failure. 7 day exerciser.
Manual	Start with starter control, unit stays on. If utility fails, transfer to load takes place.
DI	Stops unit. Power is removed. Control and charger still operate.
Ready to Run/Maintenance Messages	Standard
Engine Run Hours Indication	Standard
Programmable start delay between 2-1500 seconds	Standard (programmable by dealer only)
Utility Voltage Loss/Return to Utility Adjustable (Brownout Setting)	From 140-171 V/190-218 V
Future Set Capable Exercise/Exercise Set Error Warning	Standard
Run/Alarm/Maintenance Logs	50 Events Each
Engine Start Sequence	Cyclic cranking: 16 sec on, 7 rest (90 sec maximum duration)
Starter Lock-out	Starter cannot re-engage until 5 sec after engine has stopped.
Smart Battery Charger	Standard
Charger Fault/Missing AC Warning	Standard
Low Battery/Battery Problem Protection and Battery Condition Indication	Standard
Automatic Voltage Regulation with Over and Under Voltage Protection	Standard
Under-Frequency/Overload/Stepper Overcurrent Protection	Standard
Safety Fused/Fuse Problem Protection	Standard
Automatic Low Oil Pressure/High Oil Temperature Shutdown	Standard
Overcurrent/Overspeed (@ 72 Hz)/rpm Sense Loss Shutdown	Standard
High Engine Temperature Shutdown	Standard
Internal Fault/Incorrect Wiring Protection	Standard
Common External Fault Capability	Standard
Field Upgradable Firmware	Standard

** Sound levels are taken from the front of the generator. Sound levels taken from other sides of the generator may be higher depending on installation parameters. Rating definitions - Standby: Applicable for supplying emergency power for the duration of the utility power outage. No overload capability is available for this rating. (All ratings in accordance with BS5514, ISO3046 and DIN6271) * Maximum kilovolt amps and current are subject to and limited by such factors as fuel flow/megajoule content, ambient temperature, altitude, engine power and condition, etc. Maximum power decreases about 3.5 percent for each 1,000 feet (304.8 meters) above sea level, and also will decrease about 1 percent for each 6 °C (10 °F) above 16 °C (60 °F)

SITE PHOTOS



Front from Orchard Dr.



Proposed generator location on left, from front looking south

SITE PHOTOS



Proposed generator location on right, from rear yard looking north

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 05, 2020**

Case Planner: **Nick Balevich**

Case #: **VA-20-02-158**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): KIM FISCHER

OWNER(s): HWP PARTNERS LLLP

REQUEST: Variances in the C-3 zoning district as follows:

- 1) To allow for a lot split resulting in a 2.92 ft. north side setback in lieu of 5 ft. for existing Bldg. "G".
- 2) To allow for existing Bldg. "G" to remain with an 8.67 ft. west rear setback in lieu of 15 ft.
- 3) To allow for a lot split resulting in a 3.86 ft. north side setback in lieu of 5 ft. for existing Bldg. "F".
- 4) To allow for existing Bldg. "F" to remain with a 4.82 ft. west side setback in lieu of 5 ft.
- 5) To allow for a lot split resulting in a 4.82 ft. north side setback in lieu of 5 ft. for existing Bldg. "E".
- 6) To allow for existing Bldg. "H" to remain with a 10.04 ft. west rear setback in lieu of 15 ft.
- 7) To allow for a lot split resulting in a 0 ft. north side setback in lieu of 5 ft. for existing Bldg. "D".

Variances in the I-4 zoning district as follows:

- 8) To allow for existing Bldg. "C" to remain with a 7.48 ft. south side setback in lieu of 25 ft.
- 9) To allow for existing Bldg. "C" to remain with a 9.85 ft. west rear setback in lieu of 10 ft.
- 10) To allow for existing Bldg. "C" to remain with an 11.88 ft. east side setback in lieu of 25 ft.
- 11) To allow for existing Bldg. "B" to remain with a 24 ft. north side setback in lieu of 25 ft.

Variance in the C-1 zoning district as follows:

- 12) To allow for 10 ft. south rear setbacks in lieu of 20 ft. for future buildings on proposed lots 2 and 3.

PROPERTY LOCATION: 3500 Aloma Avenue, Winter Park, Florida, 32792, south side of Aloma Ave., west of N. Forsyth Rd.

PARCEL ID: 03-22-30-0000-00-030

LOT SIZE: 8.48 acres

NOTICE AREA: 600 ft.

NUMBER OF NOTICES: 190

DECISION: Recommended a **CONTINUANCE** of the Variance requests to the April 2, 2020 BZA Meeting.

SYNOPSIS: Staff gave a presentation on the case covering the location of the property, the location of the buildings, the site plan, and photos of the site.

The applicant spoke in regards to the requests. The BZA discussed the possibility for the applicant to re-design the proposed lots to reduce the variances needed.

Staff received no commentaries in favor of the application, and none in opposition to the application.

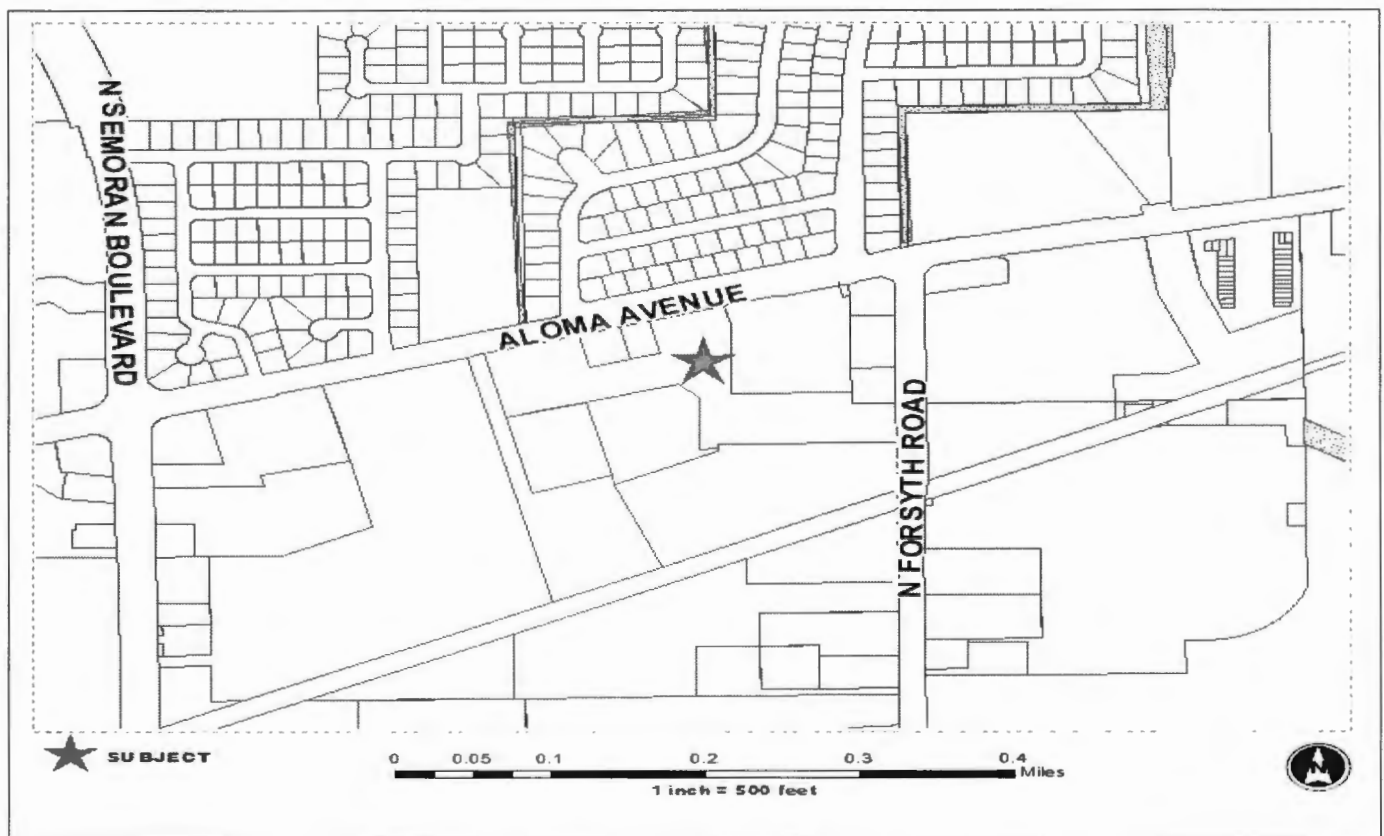
There being no one present to speak in favor or opposition to the request, the public hearing was closed.

The BZA unanimously recommended continuing the case to April 2, 2020.

STAFF RECOMMENDATIONS

Denial of variances 1, 3, 5, 7, 12, and approval of variances 2, 4, 6, 8, 9, 10, 11 subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-1/C-3/I-4	C-2	I-4	C-2	I-2/3
Future Land Use	C	C	IND	C	IND
Current Use	Retail/Warehousing	Retail	Manufacturing	Retail	Warehousing

BACKGROUND AND ANALYSIS

Description and Context

The northwest portion of the property is located in the C-1 Retail Commercial district, which allows for restaurants, retail stores, offices, churches, and various other indoor commercial businesses. The center and northeast portion of the property is located in the C-3, Wholesale Commercial district. The C-3 district allows more intense commercial activity including automotive repair/sales and certain outdoor uses. The southeast portion of the property is located in the I-4, Heavy Industrial District which allows the most intense industrial uses, including the processing of bulk materials, manufacturing and open storage of materials.

The area consists of commercial, industrial and multifamily development south of Aloma Avenue, and single family homes and a church, north of Aloma Avenue. The subject property is an 8.49 acre lot that consists of a combination of 7 lots. There are 9 commercial/industrial buildings on the property that were constructed between 1974 and 1980 totaling 32,300 sq. ft. The applicant purchased the property in 2007.

The applicant is requesting setback variances to allow existing buildings B, C, F, G and H to remain, and setback variances to allow for a lot split to create 2 new lots that will front on Aloma Avenue, and rear setback variances for future construction on the 2 new lots.

Staff was able to locate building permits from 1978 for buildings D, E, F, G, H and I, but were unable to determine if they were in compliance with the setback regulations at that time.

STAFF FINDINGS

VARIANCE CRITERIA for Approval of Variances # 2, 4, 6, 8, 9, 10, 11**Special Conditions and Circumstances**

The subject property is uniquely shaped, and the buildings are all existing.

No Special Privilege Conferred

The buildings on the property are all existing. The requests are the only way to allow them to remain.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to keep existing buildings in existing locations.

Minimum Possible Variance

These are the minimum possible variances to allow the existing buildings to remain.

Purpose and Intent

Approval of the requests will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood.

VARIANCE CRITERIA for Denial of variances # 1, 3, 5, 7, 12**Special Conditions and Circumstances**

There are no special conditions and circumstances, as the request is to create two (2) new lots and to reduce setbacks on each proposed lot for buildings and site layouts that have yet to be designed. These variances would not be necessary without the creation of the lots.

Not Self-Created

The need for the variances is self-created, due to the request to create two (2) new lots. If the split was not proposed, these variances would not be needed. Request #12 to grant reduced setbacks for vacant lots is entirely self-created.

No Special Privilege Conferred

Approval of the variances as requested will confer special privilege that is denied to other properties in the same area and zoning district that are required to meet the setbacks.

Deprivation of Rights

The applicant is not being deprived of the right to utilize the property, or to expand in a conforming manner.

Minimum Possible Variance

These are not the minimum possible variances to allow the requested setbacks on the property. The lots are not required to be split, and any new development should be designed to meet code.

Purpose and Intent

Approval of this request will not be in harmony with the purpose and intent of the Zoning Regulations and could be detrimental to the neighborhood.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated January 30, 2020, to be amended to remove the proposed new lots, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Kim Fischer
1614 White Dove Dr.
Winter Springs, FL 32708

Alex Borsoi
1011 N. Wymore Rd.
Winter Park, FL 32789

Variance Request
3500 Aloma Ave

This request is to allow reduced setbacks in order for the property to be subdivided. The current owner acquired the property in 1987, with 9 buildings built in the 70's. A 10th building was added in 1998.

Variances in the C-3 Zoning District as follows:

- 1) Bldg. "G": 2.92 ft. side setback in lieu of 5 ft. (North) PROPOSED for SPLIT
- 2) Bldg. "G": 8.67 ft. rear setback in lieu of 15 ft. (West) EXISTING
- 3) Bldg. "F": 3.86 ft. side setback in lieu of 5 ft. (North) PROPOSED for SPLIT
- 4) Bldg. "F": 4.82 ft. side setback in lieu of 5 ft. (West) EXISTING
- 5) Bldg. "E": 4.82 ft. side setback in lieu of 5 ft. (North) PROPOSED for SPLIT
- 6) Bldg. "H": 10.04 ft. rear setback in lieu of 15 ft. (West) EXISTING
- 7) Bldg. "D": 0 ft. side setback in lieu of 5 ft. (North) PROPOSED for SPLIT

Variances in the I-4 Zoning District as follows:

- 8) Bldg. "C": 7.48 ft. side setback in lieu of 25 ft. (South) EXISTING
- 9) Bldg. "C": 9.85 ft. rear setback in lieu of 10 ft. (West) EXISTING
- 10) Bldg. "C": 11.88 ft. side setback in lieu of 25 ft. (East) EXISTING
- 11) Bldg. "B": 24 ft. side setback in lieu of 25 ft. (North) EXISTING

Future Buildings in C-1 Zoning District

- 12) 10 ft rear setback in lieu of 20' (south) PROPOSED for SPLIT

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 existing buildings were built in the 70's and are existing, the existing building are currently within 0' of the property line. The new lots would align with the current zoning designation and would also align with the adjacent property line located between proposed lots 2 and 3
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

COVER LETTER

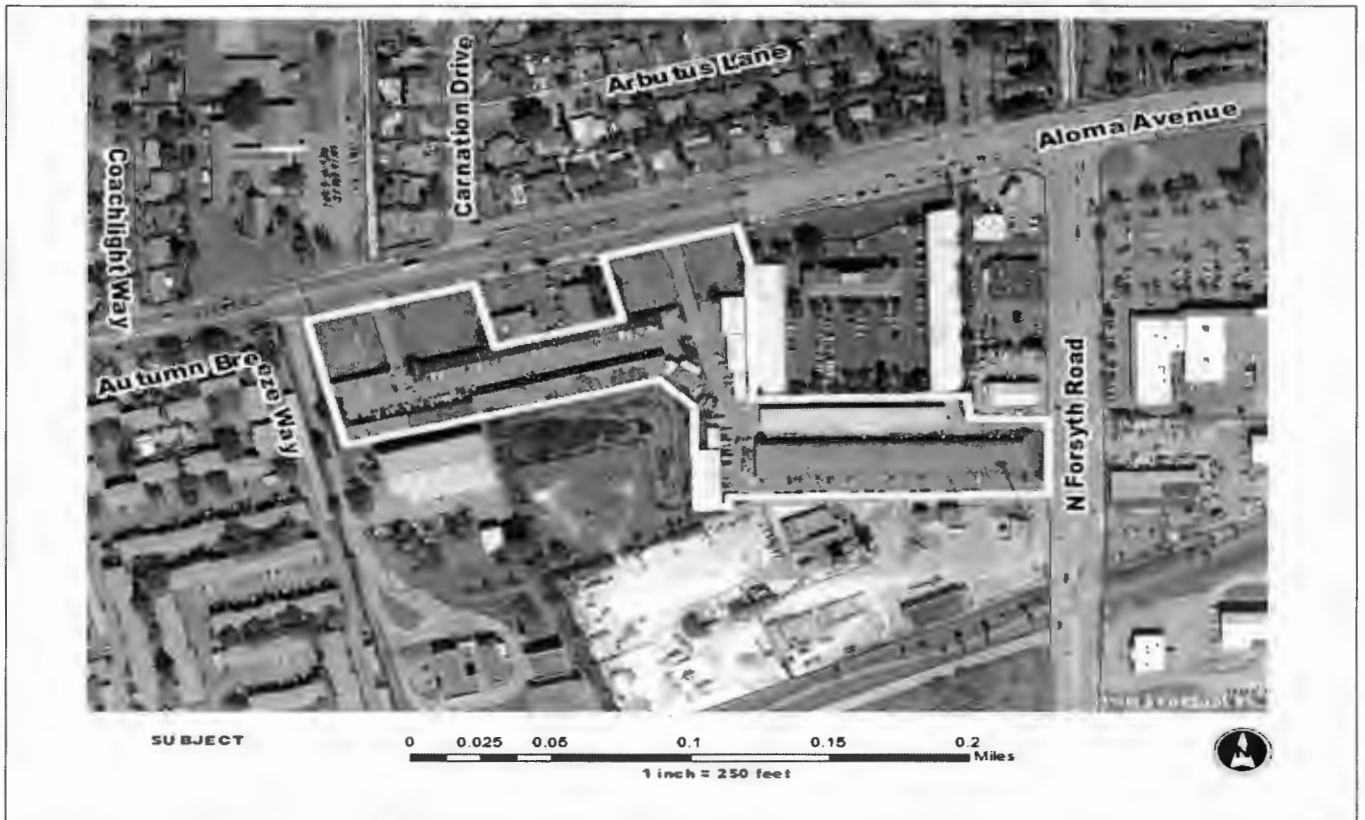
himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief. The circumstance is existing for a portion of the buildings. The buildings were built in the 70's and the applicant purchased the existing buildings in the late 80's. The proposed lots 2 and 3 would continue with the existing setbacks and align the zoning.

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. The buildings and subsequent setbacks are existing.
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. The current setback from the existing building to the existing property line is less than 1'. This would continue with the proposed created lot lines for lots 2 and 3. Any future buildings would be a setback of 10' from the newly created lot line.
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 setback variance is for the existing setbacks to the existing property lines. The newly created 2 lots would be in conformance with the surrounding area and with the zoning lines.
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. Existing setback currently exists with adjacent property

ZONING MAP



AERIAL MAP



ZONING		REQUIRED SETBACKS		
C-1	<input type="checkbox"/>	FRONT 70' FROM CL	SIDE 0'	REAR 20'
C-3	<input type="checkbox"/>	70' FROM CL	5'	15'
IND-4	<input type="checkbox"/>	35'	25'	10'

LOT 1 EXISTING BUILDING SETBACKS:

BUILDING	N	S	W	E
BLDG A		49'		45'
BLDG B	24'			39'
BLDG C		7.48'	9.85'	11.88'
BLDG D	0"			9.5'
BLDG E	4.82"			
BLDG F	4.82"			
BLDG G	2.92"		8.67'	
BLDG H		9.52'	10.04'	
BLDG I				21.4'

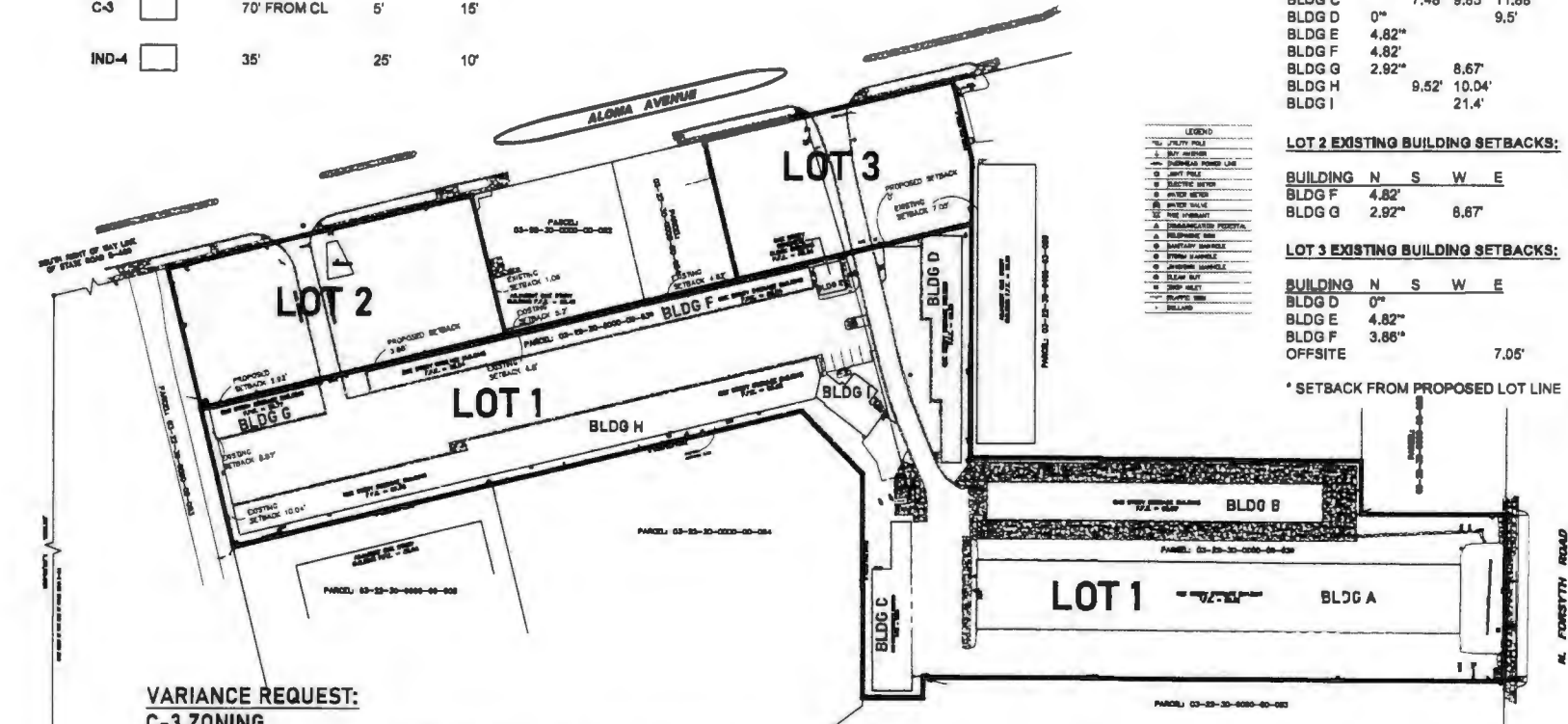
LOT 2 EXISTING BUILDING SETBACKS:

BUILDING	N	S	W	E
BLDG F	4.82"			
BLDG G	2.92"		8.67'	

LOT 3 EXISTING BUILDING SETBACKS:

BUILDING	N	S	W	E
BLDG D	0"			
BLDG E	4.82"			
BLDG F	3.86"			
OFFSITE				7.05'

* SETBACK FROM PROPOSED LOT LINE



VARIANCE REQUEST:

C-3 ZONING

- 1) Bldg. "G": 2.92 ft. side setback in lieu of 5 ft. (North) PROPOSED for SPLIT
- 2) Bldg. "G": 8.67 ft. rear setback in lieu of 15 ft. (West) EXISTING
- 3) Bldg. "F": 3.86 ft. side setback in lieu of 5 ft. (North) PROPOSED for SPLIT
- 4) Bldg. "F": 4.82 ft. side setback in lieu of 5 ft. (West) EXISTING
- 5) Bldg. "E": 4.82 ft. side setback in lieu of 5 ft. (North) PROPOSED for SPLIT
- 6) Bldg. "H": 10.04 ft. rear setback in lieu of 15 ft. (West) EXISTING
- 7) Bldg. "D": 0 ft. side setback in lieu of 5 ft. (North) PROPOSED for SPLIT

I-4 ZONING

- 8) Bldg. "C": 7.48 ft. side setback in lieu of 25 ft. (South) EXISTING
- 9) Bldg. "C": 9.85 ft. rear setback in lieu of 10 ft. (West) EXISTING
- 10) Bldg. "C": 11.88 ft. side setback in lieu of 25 ft. (East) EXISTING
- 11) Bldg. "B": 24 ft. side setback in lieu of 25 ft. (North) EXISTING

FUTURE BUILDINGS

- 12) 10 FT REAR SETBACK IN LIEU OF 20' (SOUTH) PROPOSED FOR SPLIT

PROPOSED LOT SPLIT

LOT 1 = 280,241 SF

LOT 2 = 49,815 SF

LOT 3 = 39,447 SF

RECEIVED

JAN 30 2020

ORANGE COUNTY

SITE PLAN/PROPOSED LOT SPLIT EXHIBIT

SITE PHOTOS



Variance #12; Proposed Lot 2 from Aloma Avenue with Approximate Proposed Property Line in Red



Variance #12; Proposed Lot 3 from Aloma Avenue with Approximate Proposed Property Line in Red

SITE PHOTOS



Variance #11; Bldg. B Existing 24 ft. Side Setback in Lieu of 25 ft.



Variance #11; Bldg. B Existing 24 ft. Side Setback in Lieu of 25 ft.

SITE PHOTOS



Variance #8; Bldg. C Existing 7.48 ft. Side Setback in Lieu of 25 ft.



Variance #9; Bldg. C Existing 9.85 ft. Rear Setback in Lieu of 10 ft.

SITE PHOTOS



Variance #10; Bldg. C Existing 11.88 ft. Side Setback in Lieu of 25 ft.



Variance #5; Bldg. E Proposed 4.82 ft. Side Setback in Lieu of 5 ft. Resulting From Creation of Proposed Lot 3. Approximate Proposed Property Line in Red

SITE PHOTOS



**Variance #7; Bldg. D Proposed 0 ft. Side Setback in Lieu of 5 ft. Resulting From Creation of Proposed Lot 3
Proposed Property Line in Red**



**Variance #7; Bldg. D Proposed 0 ft. Side Setback in Lieu of 5 ft. Resulting From Creation of Proposed Lot 3
Proposed Property Line in Red**

SITE PHOTOS



Variance #3; Bldg. F Proposed 3.86 ft. Side Setback In Lieu of 5 ft. Resulting From Creation of Proposed Lot 2 Proposed Property Line in Red



Variance #1; Bldg. G Proposed 2.92 ft. Side Setback In Lieu of 5 ft. Resulting From Creation of Proposed Lot 2 Proposed Property Line in Red

SITE PHOTOS



Variance #2; Bldg. G Existing 8.67 ft. Rear Setback in Lieu of 15 ft. Looking South



Variance #2; Bldg. G Existing 8.67 ft. Rear Setback in Lieu of 15 ft. Looking North

SITE PHOTOS



Variance #6; Bldg. H Existing 10.04 ft. Rear Setback in Lieu of 15 ft. Looking South



Variance #6; Bldg. H Existing 10.04 ft. Rear Setback in Lieu of 15 ft. Looking North



BOARD OF ZONING ADJUSTMENT