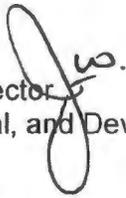




Interoffice Memorandum

March 31, 2022

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Planning, Environmental, and Development Services
Department

CONTACT PERSON: **Ted Kozak, AICP, Chief Planner**
Zoning Division
(407) 836-5537

SUBJECT: April 26, 2022 Board Called Hearing
Applicant: Thomas Sullivan for Devereux School
BZA Case #SE-21-09-069, March 3, 2022; District 2

Board of Zoning Adjustment (BZA) Case # SE-21-00-069, located at 6147 Christian Way, Orlando, Florida 32825, in District 2, is a Board called public hearing. The applicant is requesting a special exception and variances in the A-1 zoning district, as follows: 1) Special Exception to allow a private school with dormitory facilities and the construction of a 5,070 sq. ft. classroom building; 2) Variance to allow an existing classroom building with a 44 ft. north rear setback in lieu of 50 ft.; 3) Variance to allow 5 grass parking spaces in lieu of paved; 4) Variance to allow a basketball court in front of the principal structure; 5) Variance to allow a basketball court with a 9.66 ft. east side setback in lieu of 10 ft.; 6) Variance to allow a basketball court with a 4.35 ft. north rear setback in lieu of 10 ft.; 7) Variance to allow a basketball court with a 8.32 ft. east side setback in lieu of 10 ft. The subject property is located on the south side of Christian Way, south of Clarcona Ocoee Rd., east of N. Powers Dr.

At the March 3, 2022 BZA hearing, staff recommended approval of the special exception and variance requests. The BZA recommended approval of the special exception and variances, subject to seven conditions.

The application for this request is subject to the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy is available upon request in the Zoning Division.

If you have any questions regarding this matter, please contact Ted Kozak, AICP at (407) 836-5537.

ACTION REQUESTED: Deny the applicant's request; or approve the applicant's request with conditions. District 2.

**PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT**

April 26, 2022

The following is a public hearing before the Board of County Commissioners on April 26, 2022 at 2:00 p.m.

APPLICANT: THOMAS SULLIVAN FOR DEVEREUX SCHOOL

REQUEST: Special Exception and Variances in the A-1 zoning district, as follows:

- 1) Special Exception to allow a private school with dormitory facilities and the construction of a 5,070 sq. ft. classroom building
- 2) Variance to allow an existing classroom building with a 44 ft. north rear setback in lieu of 50 ft.
- 3) Variance to allow 5 grass parking spaces in lieu of paved
- 4) Variance to allow a basketball court in front of the principal structure
- 5) Variance to allow a basketball court with a 9.66 ft. east side setback in lieu of 10 ft.
- 6) Variance to allow a basketball court with a 4.35 ft. north rear setback in lieu of 10 ft.
- 7) Variance to allow a basketball court with a 8.32 ft. east side setback in lieu of 10 ft.

LOCATION: 6147 Christian Way, Orlando, Florida 32818, south side of Christian Way, south of Clarcona Ocoee Rd., east of N. Powers Dr.

TRACT SIZE: 2.96 acres

ZONING: A-1

DISTRICT: #2

PROPERTIES NOTIFIED: 181

BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:

Staff described the proposal, including the location of the property, the history of the property and improvements, the location of the proposed new classroom building, the site plan, landscape plan and photos of the site. Staff provided an analysis of the six (6) special exception and variance criteria and the reasons for a recommendation for approval. Staff noted that no comments were received in support and one comment was received in opposition.

The applicant briefly discussed the history of the property and concurred with the staff presentation. Further, the local director of the Devereux School described the current operations and the efforts that have been made to reduce impacts to the surrounding neighborhood.

There was one person in attendance to speak in favor of the request, citing recent improvements to the operations that were discussed during the community meeting on February 22, 2022, describing the positives of the existing school to the community and agreeing that the building design was appropriate. There was no one in attendance to speak in opposition to the request.

The BZA stated that the location of proposed classroom building and the existing improvements were appropriate and unanimously recommended approval of the special exception and variances by a 5-0 vote, with one absent and one seat vacant, subject to the seven (7) conditions in the staff report.

BZA HEARING DECISION:

A motion was made by John Drago, seconded by Roberta Walton Johnson and carried to recommend APPROVAL of the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, APPROVAL of the Variance requests in that the Board made the finding that requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions; (5 in favor, 0 opposed, 1 absent and 1 seat vacant):

1. Development shall be in accordance with the site plan and elevations received October 18, 2021, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. A permit shall be obtained for all unpermitted structures and/ or improvements, or they shall be removed prior to issuance of a permit for the new classroom building.
5. Hours of operation for the private school shall be limited to 8:30 a.m. to 2:30 p.m., Monday through Friday.
6. The maximum number of students and dormitory rooms shall not exceed 45.
7. A permit shall be obtained for the new classroom building within 3 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 03, 2022**

Commission District: **#2**

Case #: **SE-21-09-069**

Case Planner: **Ted Kozak, AICP (407) 836-5537**

Ted.Kozak@ocfl.net

GENERAL INFORMATION

APPLICANT(s): THOMAS SULLIVAN FOR DEVEREUX SCHOOL

OWNER(s): DEVEREUX FOUNDATION

REQUEST: Special Exception and Variances in the A-1 zoning district, as follows:

- 1) Special Exception to allow a private school with dormitory facilities and the construction of a 5,070 sq. ft. classroom building
- 2) Variance to allow an existing classroom building with a 44 ft. north rear setback in lieu of 50 ft.
- 3) Variance to allow 5 grass parking spaces in lieu of paved
- 4) Variance to allow a basketball court in front of the principal structure
- 5) Variance to allow a basketball court with a 9.66 ft. east side setback in lieu of 10 ft.
- 6) Variance to allow a basketball court with a 4.35 ft. north rear setback in lieu of 10 ft.
- 7) Variance to allow a basketball court with a 8.32 ft. east side setback in lieu of 10 ft.

PROPERTY LOCATION: 6147 Christian Way, Orlando, Florida 32818, north side of Christian Way, south of Clarcona Ocoee Rd. east of N. Powers Dr.

PARCEL ID: 01-22-28-5844-00-591

LOT SIZE: +/- 2.96 acres

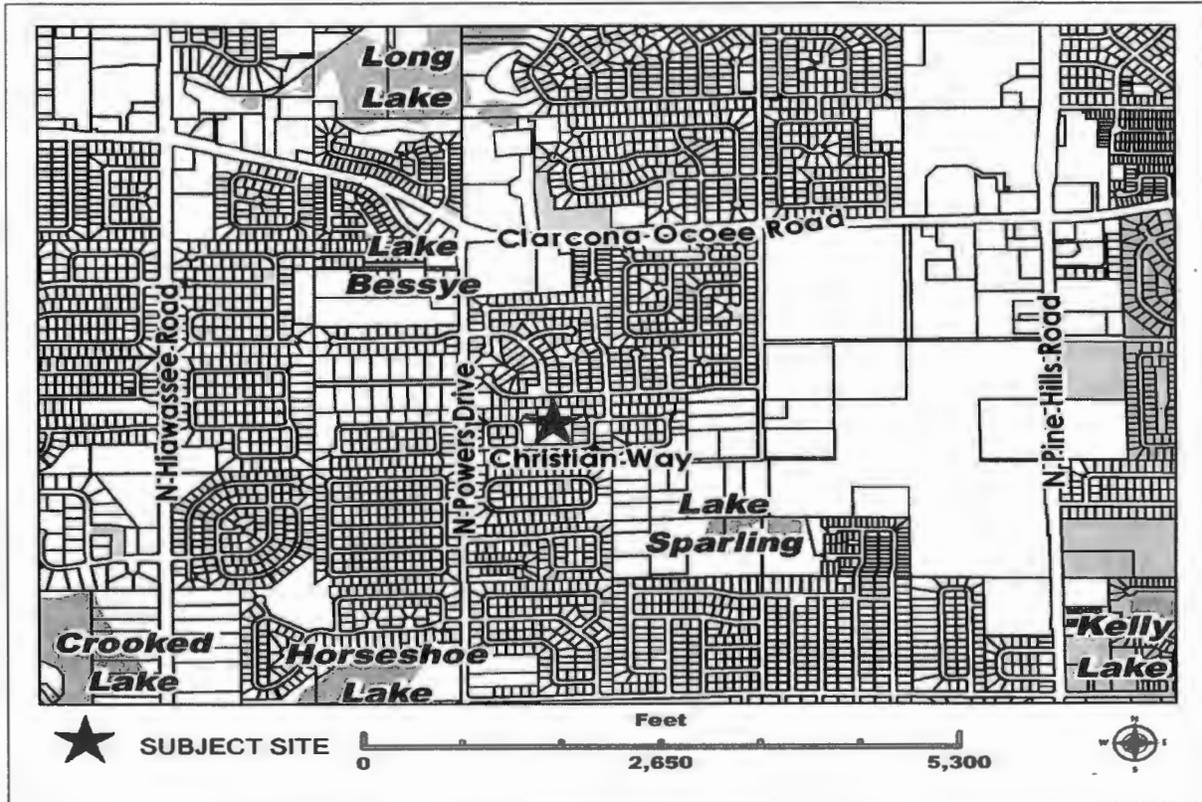
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 181

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	R-1A	A-1	R-1A	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Private School with Dormitories	Single-family residential	Single-family residential	Single-family residential	Orange County dry retention

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-1, Citrus Rural zoning district, which primarily allows agricultural uses, as well as mobile homes and single-family homes on larger lots. Private schools with dormitories are permitted through the Special Exception process. The Future Land Use is Low Density Residential (LDR). The A-1 zoning district is not consistent with LDR; however, Comprehensive Plan Policy FLU 5.2.1 allows the inconsistency to remain without requiring a rezoning, as long as the proposed use is permitted or allowed with Special Exception in all zoning districts consistent with the Future Land Use.

The subject property comprises of Lot 59 of the Willis R. Munger's Land Plat, recorded in 1960, and is a conforming lot of record. There are a number of existing buildings, structures and improvements constructed between 1988 and 2010, as follows:

- Building #1: Dormitory; 5,189 sq. ft., constructed in 1991
- Building #2: Dormitory; 5,215 sq. ft., constructed in 1988
- Building #3: Dormitory ; 2,513 sq. ft. (2,496 per PA), constructed in 2009
- Building #4: Administration Building; 2,482 sq. ft. (2,475 per PA), constructed in 1991
- Buildings #5 & #6: Two Modular Classroom Buildings, totaling 2,179 sq. ft. (2,208 per PA), installed in 1998
- Playground area and parking improvements, installed in 2008
- 4 sheds, Shed #1, #3, and #4, installed between 1991 and 2001; and Shed #2, installed after 2010, all totaling 1,279 sq. ft.
- 3 Basketball courts, Court #A installed before 1998 and Courts #B and #C, installed without permits after 2010.
- 34 existing paved parking spaces with vehicular and pedestrian ingress/egress from Christian Way to the south.

The above improvements meet the zoning requirements, except as follows:

- Existing Modular Classroom, Building #6, existing north rear setback of 44 ft. in lieu of 50 ft., requiring Variance #2.
- Existing Basketball court, Court #A, adjacent to Christian Way, located in front of the principal structure, requiring Variance #4. Orange County Code Sec 38- 79 (10)(b) dictates that courts, such as tennis courts and similarly, basketball courts, not be located in the front yard of the principal building.
- Existing Basketball court, Court #B, adjacent to the east property line with a 9.66 ft. east side setback in lieu of 10 ft., requiring Variance #5. Orange County Code Sec. 38-79(f)(2) requires a minimum setback of 10 feet for courts, such as tennis courts and similarly, basketball courts.
- Existing Basketball court, Court #C, at the northeast corner of the property with a 4.36 ft. north setback in lieu of 10 ft., requiring Variance #6, and with an 8.32 ft. east setback in lieu of 10 ft., requiring Variance #7.

All of the above improvements have received prior permit approval, with the exception of Shed #2 and Basketball Courts #B and #C, pertaining to Variances #5 through #7. The current requests are to recognize the existing improvements.

Previous approvals include:

- October 1978: Special Exception approval to establish a living facility for 15 seniors.
- June 1980: Special Exception approval to establish a foster group facility for 16 residents, ages 6 through 15.
- March 1, 1991: zoning letter to confirm use of property as a foster care facility, at that time a permitted use in the A-1 zoning district. The capacity of the operation was not described, and based upon State of Florida Agency for Persons with Disabilities (APD) and Agency for Health Care Administration (AHCA)

approvals, it appears since that time the capacity has included 32 students, licensed by AHCA, and 13 students, licensed by APD. The latest approval by both agencies was in 2007.

- 1995: Orange County Code removed foster care facility as a defined and permitted use and replaced it with the definition of family foster home permitting no more than 5 children.
- March 2011: Zoning determination letter recognizing existing use, but no specifics were provided of the existing use.

The request also includes a Special Exception to formalize approval of the 45-student private school that contains a contractual relationship with Orange County Public Schools (OCPS) to provide an alternative educational program with dormitories. The proposal will also allow the construction of a 5,070 sq. ft. classroom building containing 3 classrooms at the front of the property, located just south of the existing main offices. No increase in the maximum number of number of students currently enrolled is proposed and the capacity of the dormitories will match the maximum student capacity. The new building will be integrated within the existing site's parking, internal circulation and pedestrian access. As required by the Landscape Code, foundation plantings will be installed along the south and east side of the new building facing the parking area. Furthermore, new landscaping to supplement the perimeter landscape buffers is proposed, in particular beside the new classroom building along the west property line, adjacent to the County retention area.

Parking requirements for the subject property are as follows:

- School: maximum 6 classrooms, at 4 parking spaces per classroom, requiring 24 spaces
- High School: maximum 12 students, at 1 parking space per 3 students, 4 spaces
- Total spaces provided include 34 paved parking spaces and 5 grass spaces, for a total of 39 spaces, exceeding the requirement for the school. The 5 grass spaces are requested in lieu of paved, requiring Variance #4

During a site visit, staff observed a number of installed structures and improvements installed without a permit, including two basketball courts and a shed. The remainder of the site improvements were indicated on the 2009 Site Plan for site work. As a condition of approval, permits shall be obtained for any improvements without a permit, as applicable, prior to obtaining a building permit for the new classroom building.

The hours of operation for the school is not proposed to change from the current operations: Monday through Friday from 8:30 a.m. to 2:30 p.m. Enrolled students stay overnight during the school week.

Orange County Transportation Planning Division has provided comments, stating that since there is no increase in the number of students and the impact will be the same as today.

On Tuesday February 22, 2022, a Community Meeting was held at Meadowbrook Middle School to allow for input. The meeting was attended by the applicant, County staff, and 7 attendees. All of the attendees spoke negatively about the proposal. Comments included concerns of future expansion of the number of students and that the site is already overbuilt, drainage and rain runoff, the existing septic system, vehicles parked in the right-of-way, damage to landscaping due to vendor delivery trucks, and noise and crime in the neighborhood from students.

At the time of writing of the Staff Report, no comments have been received in favor of the request and one comment has been received in opposition to the request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	14 ft.
Min. Lot Width:	100 ft.	305.8 ft.
Min. Lot Size:	1 acre	2.96 acres

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

	Code Requirement	Proposed
Front:	35 ft. New Classroom Building	103 ft. (South)
Rear:	50 ft. New Classroom Building 50 ft. Building #6 10 ft. Basketball Court #C	206 ft. (North) 44 ft. (North – Variance #2) 4.35 ft. (North – Variance #6)
Side:	10 ft. New Classroom Building Basketball Court #B Basketball Court #C	10.1 ft. (West) 249 ft. (East) 9.66 ft. (East - Variance #5) 8.32 ft. (East - Variance #7)

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The provision of private schools with dormitories as conditioned through the Special Exception process is consistent with the Comprehensive Plan.

Similar and compatible with the surrounding area

Although classified otherwise, the private school has been in operation for over 40 years. The new classroom building for the private school will be integrated with the existing buildings and other structures located on the educational campus, which contains existing landscaping and buffers. The new building will be located at the front of the property, adjacent to an Orange County dry retention area, and will be over 66 feet from the nearest portion of the adjacent property containing a residence. Furthermore, the maximum student enrollment capacity will remain the same as has been existing for the past several decades, albeit more than previously approved by the Board of County Commissioners in the 1970s and 1980s, and as such will not be a detrimental intrusion to the surrounding area.

Shall not act as a detrimental intrusion into a surrounding area

The proposed classroom building will be ancillary to the overall educational use, and will not negatively impact the surrounding area since it will be over 66 feet from the closest single-family residence.

Meet the performance standards of the district

The proposed construction of the new classroom building, as conditioned, and the private school and associated improvements, with the requested Variances as approved, meets the performance standards of the district.

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

There are not any activities on the property that would generate noise, vibration, dust, odor, glare, or heat that is not similar to the current usage of the site.

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

The proposal will be located entirely within an existing campus on a developed site and no additional buffer yards are required, however, supplemental installation is proposed to fill in the gaps in the perimeter buffer, especially along the west property line. As required by the Landscape Code, foundation plantings will be installed along the east and south side of new building facing the parking areas.

VARIANCE CRITERIA

Special Conditions and Circumstances

Pertaining to Building #6 (Variance #2), the structure has been in the same location as permitted since 1998 which is a special condition and circumstance.

Pertaining to Variance #4, the proposed infrequency of the use of the area for parking is the special circumstance.

Further, the special circumstance pertaining to the location and setbacks of all the existing Basketball courts, (Variances #3 to #7), is that all the improvements have been existing for over 10 years, albeit two of which were installed with hoops without permits.

Not Self-Created

All the improvements have been existing as approved for over 25+ years and therefore the requests are not self-created. Further, pertaining to the grass parking, due to the highly infrequent use of the area for parking, and the desire to maintain the property in a rural setting, this is not a self-created hardship.

No Special Privilege Conferred

Allowing Building #6 to remain as permitted in 1998, allowing the Basketball court to remain in front of the principal structure and allowing the 2 other Basketball courts in the northwest portion of the property to remain with reduced setbacks will not confer a special privilege, but rather allow conditions which have existed for over 25 years to remain. Furthermore, allowing for the parking to remain grassed is not conferring a special privilege because of the infrequent use.

Deprivation of Rights

Without the approval of the variance for Building #6 (Variance #2), the building will be required to be relocated even though it has been in its current location for over 25 years, and without the location and setback variances (Variances #3 to #7) for the Basketball courts, they would have to be substantially modified or removed for improvements that also have been existing for over 25 years.

Without Variance #4 for grassed parking, the owner would be required to pave improvements that will be infrequently used and negatively impact the area at the front of the property.

Minimum Possible Variance

Allowing Building #6 (Variance #2) to remain in the same location as for the last 25+years, and allowing the Basketball courts (Variances #3 to #7) to remain in their current locations would be the minimum variances necessary.

Pertaining to Variance #4, allowing the parking area to remain natural in appearance with grassed parking would be the minimum variance needed.

Purpose and Intent

Granting of the requested variances will be in harmony with the purpose and intent of the code since all the requests include improvements that have been existing for decades, and furthermore the addition of more landscape screening is proposed to screen the basketball courts, and the requests as approved will not negatively impact the surrounding neighborhood.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations received October 18, 2021, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit shall be obtained for all unpermitted structures and/ or improvements, or they shall be removed prior to issuance of a permit for the new classroom building.
5. Hours of operation for the private school shall be limited to 8:30 a.m. to 2:30 p.m., Monday through Friday.
6. The maximum number of students and dormitory rooms shall not exceed 45.
7. A permit shall be obtained for the new classroom building within 3 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

C: Thomas R. Sullivan
Grey Robinson, P.A.
301 E. Pine St., Ste 1400
Orlando, FL 32801

COVER LETTER

GRAY | ROBINSON
ATTORNEYS AT LAW

Thomas R. Sullivan

407-843-8880

THOMAS.SULLIVAN@GRAY-ROBINSON.COM

301 EAST PINE STREET
SUITE 1400
POST OFFICE BOX 3068 (32802-3068)
ORLANDO, FLORIDA 32801
TEL 407-843-8880
FAX 407-244-5690

BOCA RATON
FORT LAUDERDALE
FORT MYERS
GAINESVILLE
JACKSONVILLE
KEY WEST
LAKELAND
MELBOURNE
MIAMI
NAPLES
ORLANDO
TALLAHASSEE
TAMPA
WASHINGTON, DC
WEST PALM BEACH

February 23, 2022

VIA E-MAIL

Ted Kozak, AICP
Chief Planner, Zoning Division
201 S. Rosalind Ave., 1st Floor
Orlando, FL 32801

Re: Devereaux (6147 Christian Way)

Dear Ted:

The enclosed special exception application for the above-referenced property follows-up on our prior discussion and replaces the application which was submitted last year. As you know, the property was previously granted a special exception approval many years ago (correspondence enclosed) and while the property has been operated in the same manner for a number of years, it appears that a new special exception approval is needed to match the current operations with the uses permitted by special exception in the property's A-1 zoning designation. The property operates as a school with dormitory/boarded facilities and has for many years. This special exception application simply seeks to maintain the existing operations while also allowing for a new 4,515 s.f. classroom building (collectively, the "Special Exception Request"). Please find the following applicable special exception criteria set forth in Section 38-78 of the County Code –

1. The use shall be consistent with the Comprehensive Policy Plan.

The existing character of the area will be maintained as this request maintains the status quo with the addition of one classroom building.

2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.

As noted above, this request maintains the status quo use of the property which is, and has been, compatible with the surrounding area.

3. The use shall not act as a detrimental intrusion into a surrounding area.

The Special Exception Request will not be a detrimental intrusion on the surrounding area – it is the same use as has been on the property for many years.

#44521447 v2

COVER LETTER

GRAY ROBINSON
PROFESSIONAL ASSOCIATION

Orange County Zoning Division
February 23, 2022
Page 2

4. The use shall meet the performance standards of the district in which the use is permitted.

The Special Exception Request will meet all A-1 zoning district performance standards.

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.

This criteria is satisfied, as noted above, because this request maintains the status quo use of the property which is, and has been, compatible with the surrounding area.

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

The required landscape buffer yards will be provided.

Additionally, the property owner is requesting variances in the A-1 zoning district as follows: (i) to allow an existing classroom building with a 44 ft. north rear setback in lieu of 50 ft.; (ii) to allow five (5) grass parking spaces in lieu of paved; (iii) to allow a basketball court in front of the principal structure; and (iv) to allow a basketball court with a 9.66 ft. east side setback, a 4.35 ft. north rear setback and a 8.32 ft. east side setback in lieu of 10 ft (collectively, the "Requested Variances"). The remainder of this letter applies the variance criteria in Section 30-43(3) of the County Code to the Requested Variances –

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 variance.

The Requested Variances are all based on the existing condition of the property and maintain the status of quo which is unique to the property.

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 may not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to existing, he is not entitled to relief.

The special condition described above is created by configuration of the property and the timeframes when these structures were put in place on the property.

COVER LETTER

GRAY ROBINSON
PROFESSIONAL ASSOCIATION

Orange County Zoning Division
February 23, 2022
Page 3

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.

No special privilege denied to others would be conferred by granting the Requested Variances to the property owner due to the unique circumstances described above.

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 developer in violation of the restrictions in this Chapter shall not constitute grounds for approval or objection.

The property's is unique and serves the needs of the community and denying the variances which maintain the status quo condition of the property would be an unnecessary and undue hardship.

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

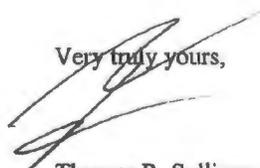
The Requested Variances are the minimum possible and maintain the status quo condition of the property.

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.

The effect of the variance request is consistent with the general intent of the Code.

Please let me know if you have any questions and thank you for your assistance with this request.

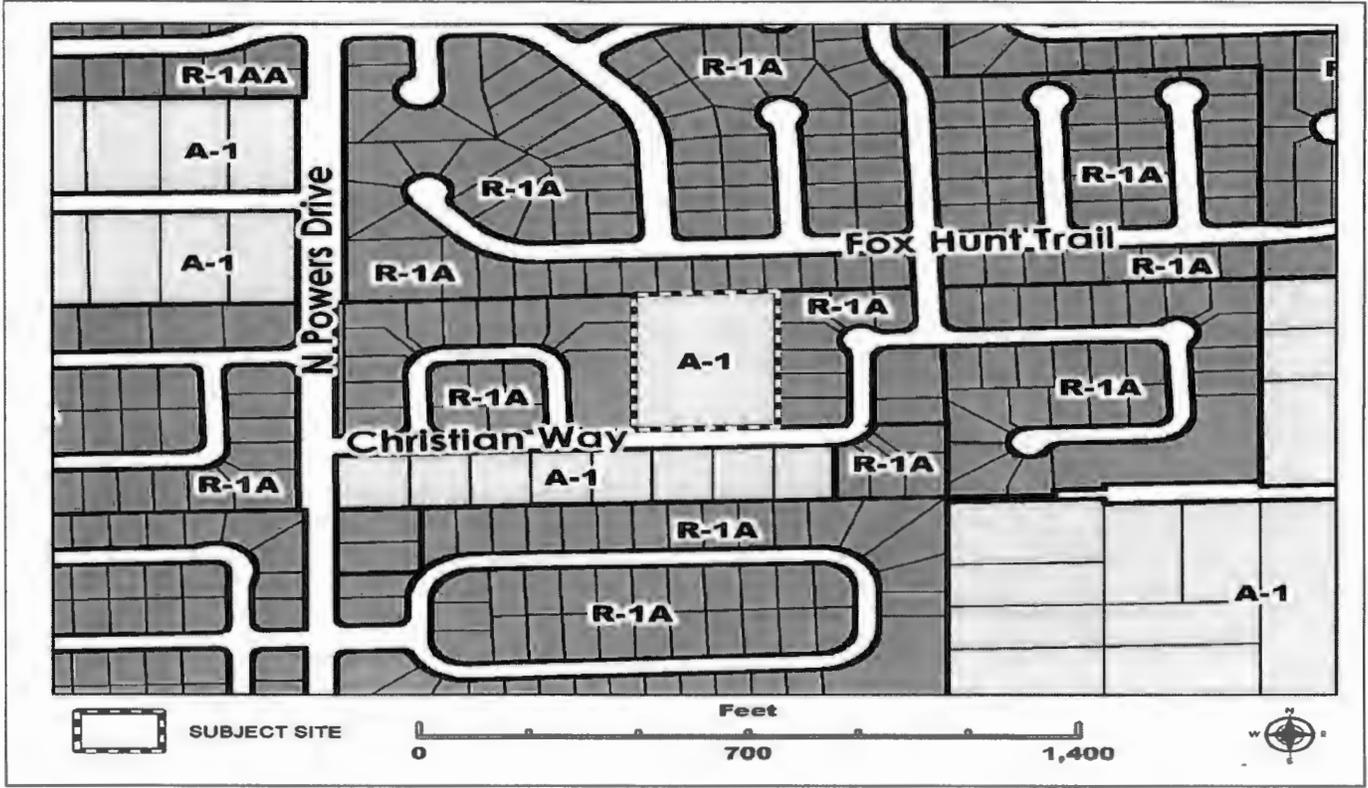
Very truly yours,



Thomas R. Sullivan

TRS/las

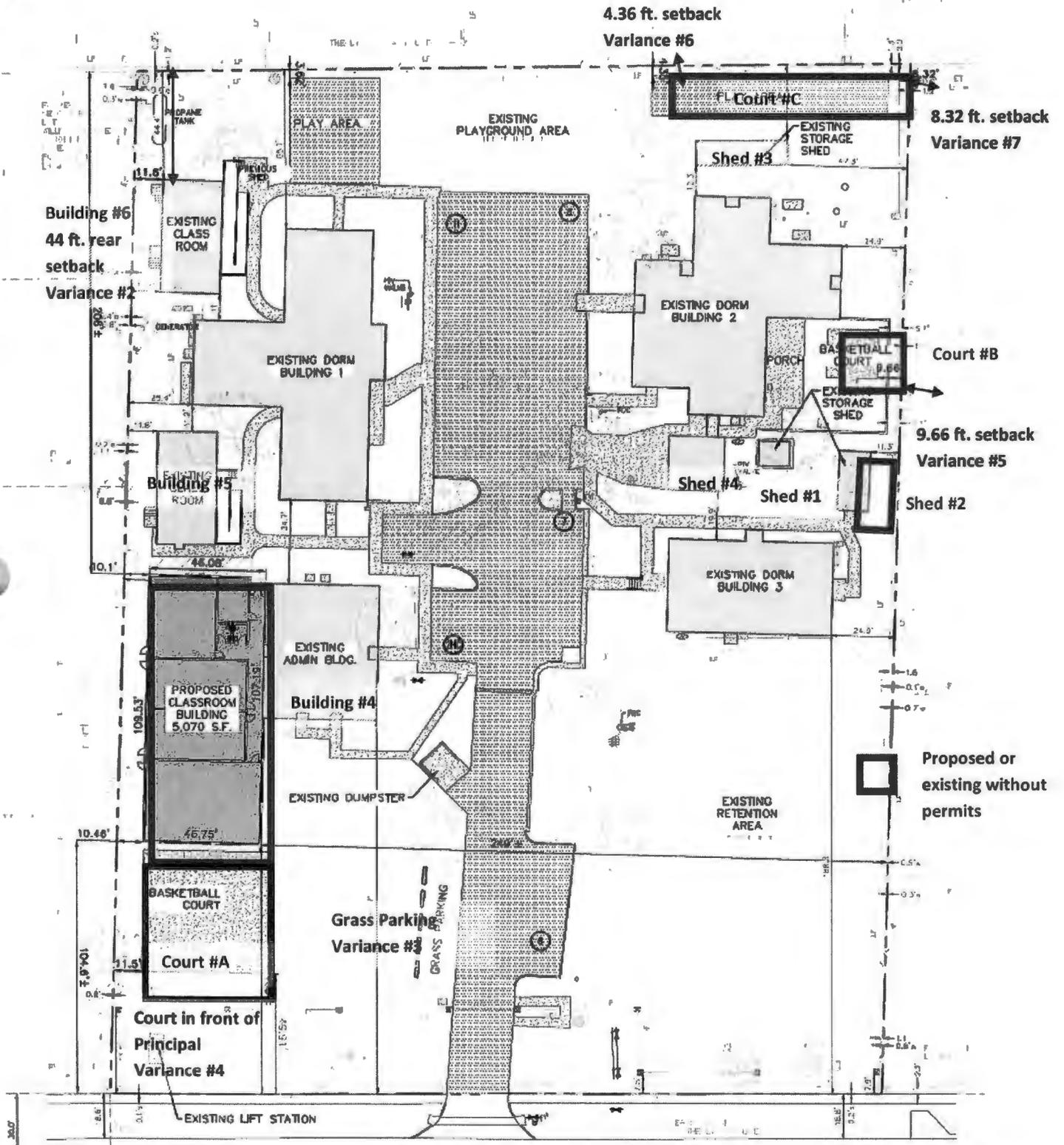
ZONING MAP



AERIAL MAP

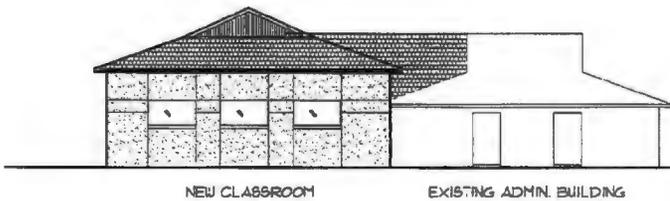


SITE PLAN



CHRISTIAN WAY 60' PUBLIC R/W

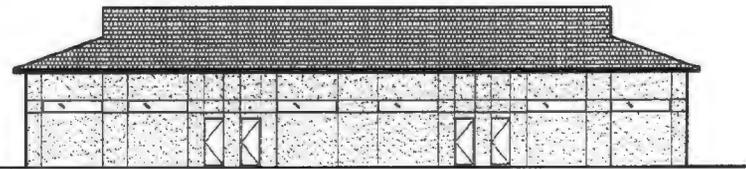




NEW CLASSROOM

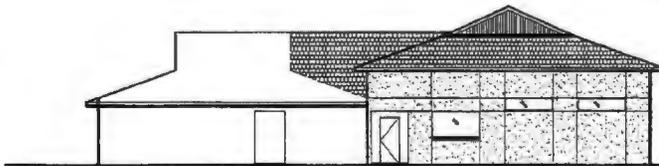
EXISTING ADMN. BUILDING

SOUTH FACADE



NEW CLASSROOM

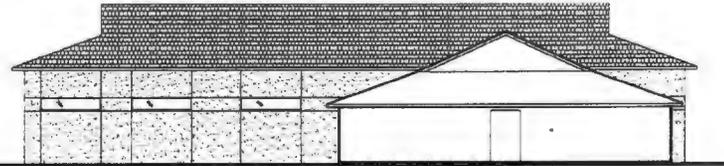
WEST FACADE



EXISTING ADMN. BUILDING

NEW CLASSROOM

NORTH FACADE

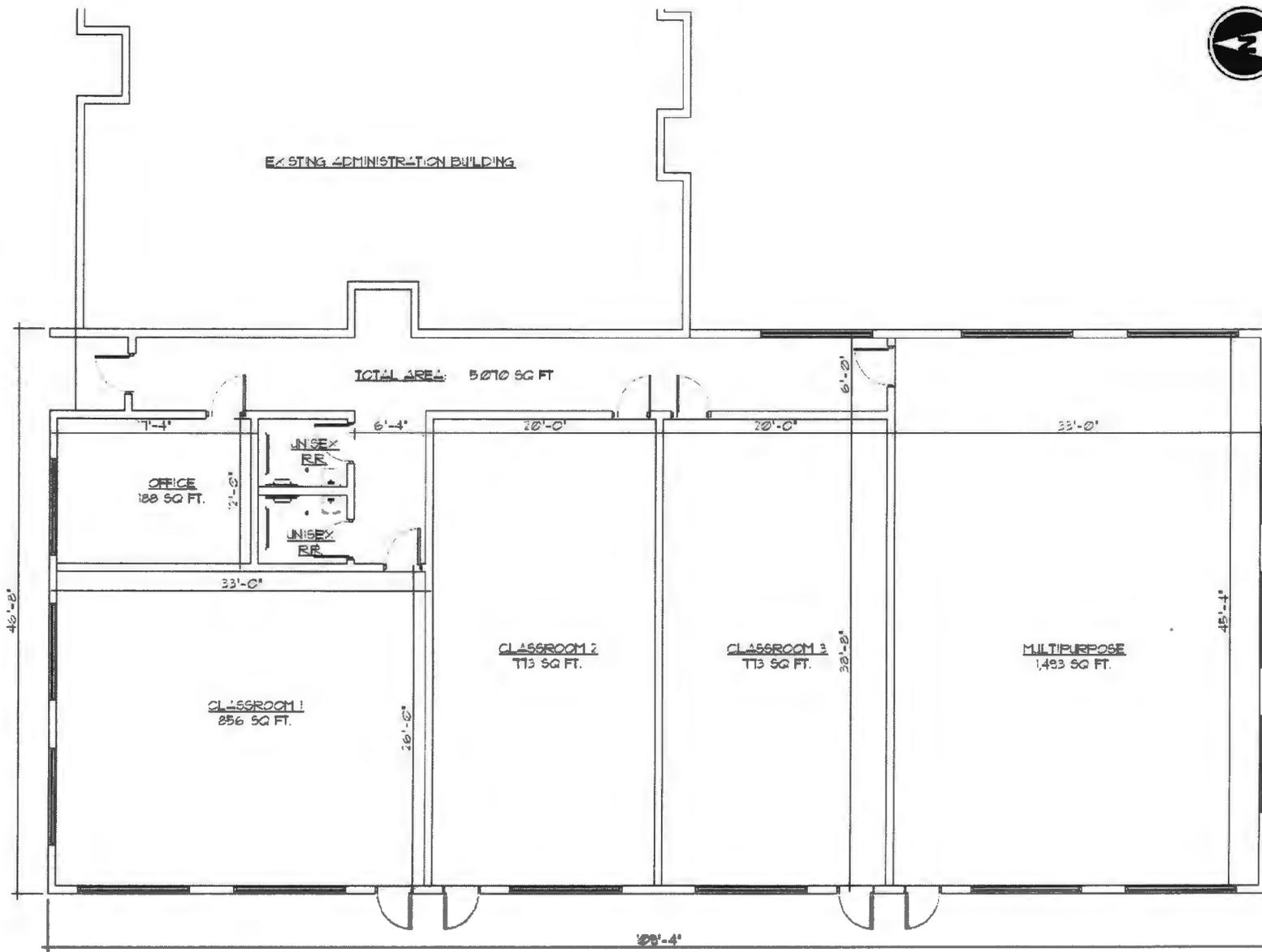


NEW CLASSROOM

EXISTING ADMN. BUILDING

EAST FACADE

PROPOSED CLASSROOM FLOOR PLAN



FLOOR PLAN
SCALE 1/8" = 1'-0"

SITE PHOTOS



Front facing north towards basketball court (Variance #4) and new classroom location from Christian Way



Facing northwest from Christian Way towards County dry retention, subject property is to the right

SITE PHOTOS



Facing northwest from Christian Way towards existing Admin. Building and grass parking (Variance #3)



Facing south from west property line towards proposed classroom building in foreground and Christian Way

SITE PHOTOS



Facing west towards existing building (Variance #2) at north rear property line



Facing east at north property line towards basketball court (Variances #6 & #7)

SITE PHOTOS



Facing south at east property line towards basketball court (Variance #5)



Interior parking area, facing northwest towards existing Admin. Building and Dorm. Building #1