

*Orange County Zoning Division*

**VA-24-07-059**

**APPLICANT:**

**SORENSEN CONSTRUCTION INC.**

**September 10, 2024**



# Background

<b>APPLICANT:</b>	<b>Sorenson Construction, Inc. (Robert Sorenson)</b>
<b>CASE:</b>	<b>VA-24-07-059</b>
<b>ZONING:</b>	<b>R-CE (Rural Country Estate District)</b>
<b>FUTURE LAND USE:</b>	<b>West Windermere Rural Settlement 1/1 (RS 1/1)</b>
<b>ADDRESS:</b>	<b>2608 Midsummer Dr., Windermere, FL 34786</b>
<b>LOCATION:</b>	<b>West side of Midsummer Dr., east side of Lake Down, west of S. Apopka Vineland Rd., east of Maguire Rd., north of Conroy Windermere Rd.</b>
<b>TRACT SIZE:</b>	<b>+/- 2.4 acres (+/- 1.1 acres upland)</b>
<b>DISTRICT:</b>	<b>1</b>



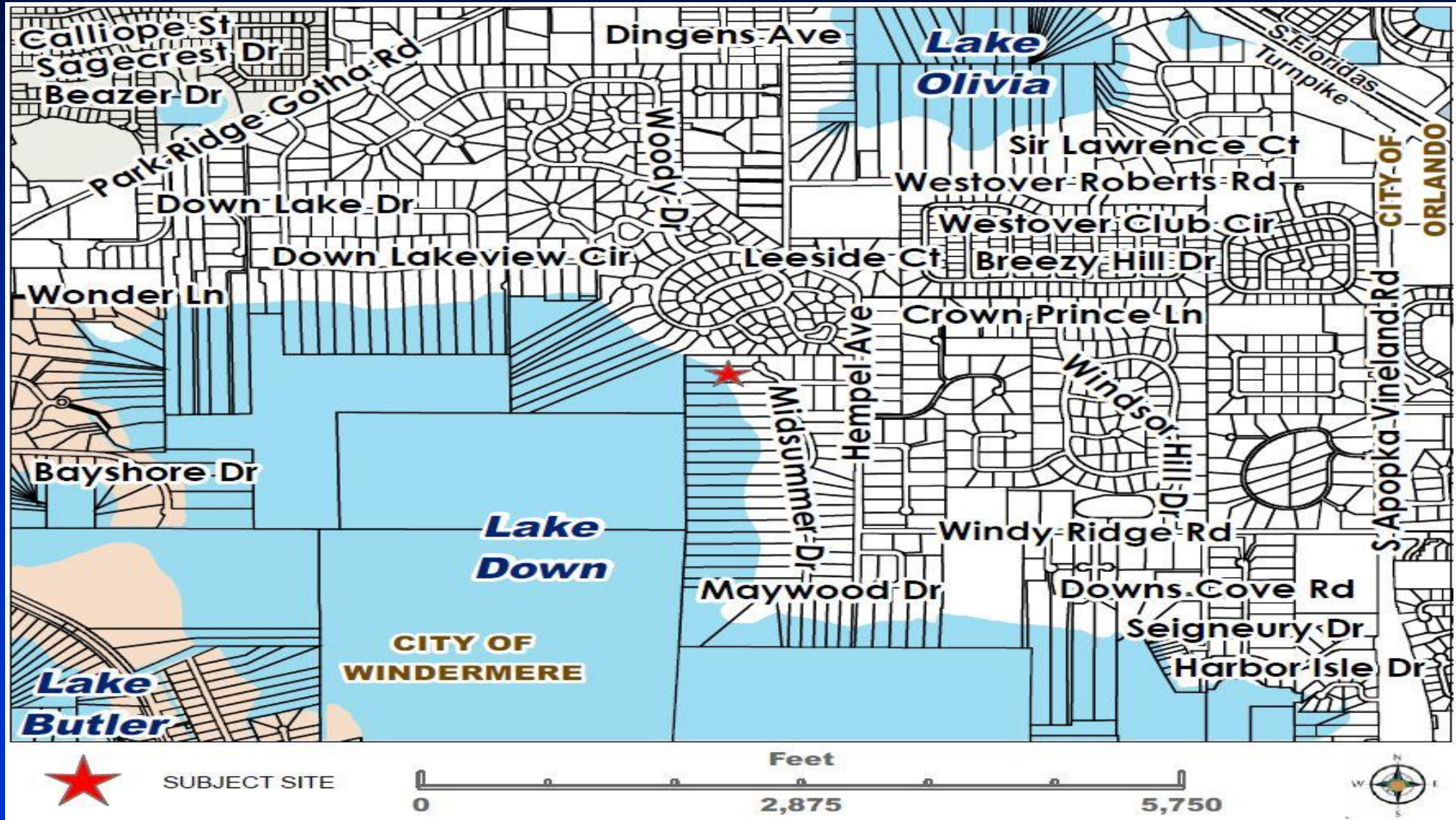
# Background

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

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

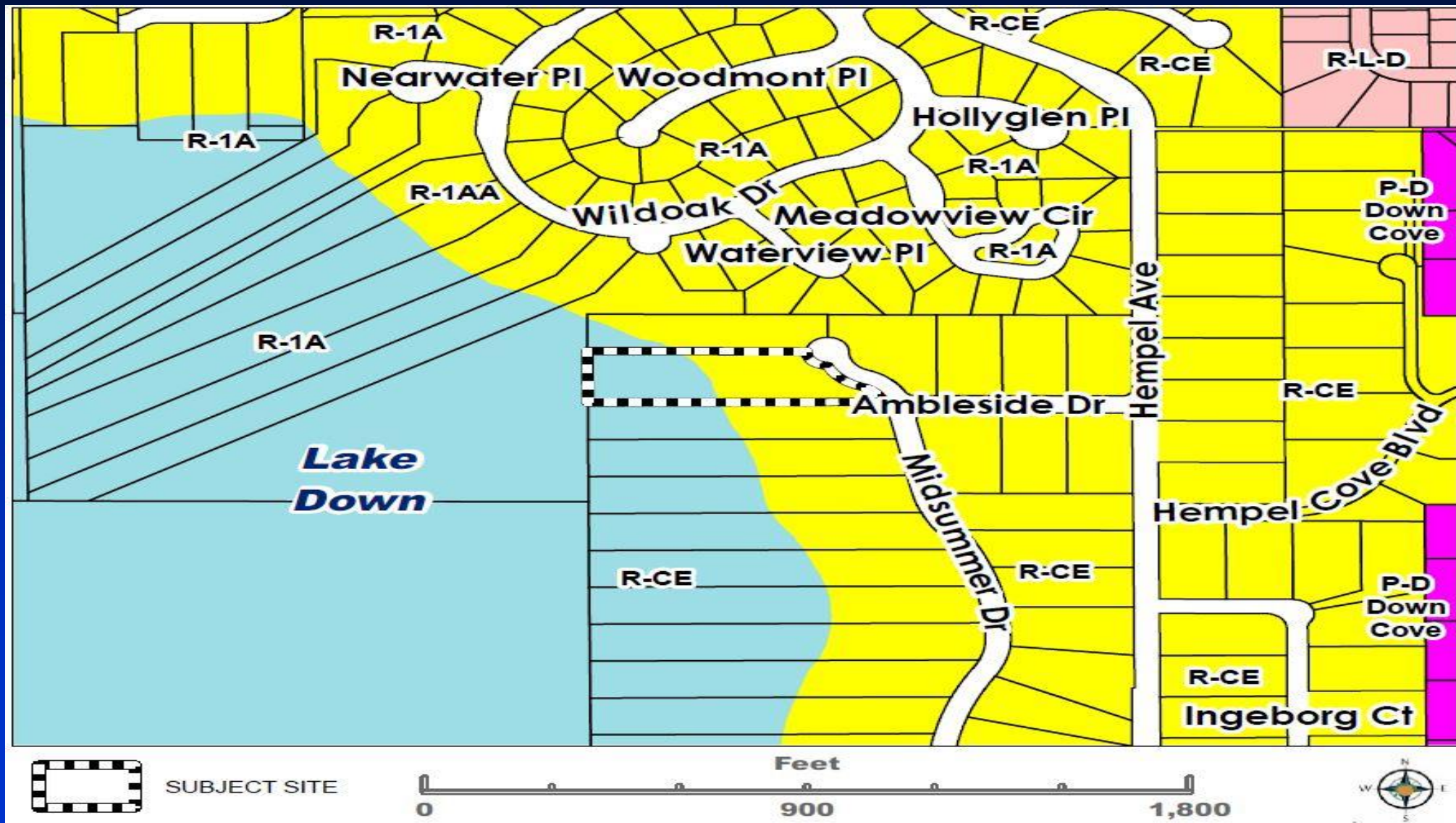


# Location Map





# Zoning Map





# Aerial Map

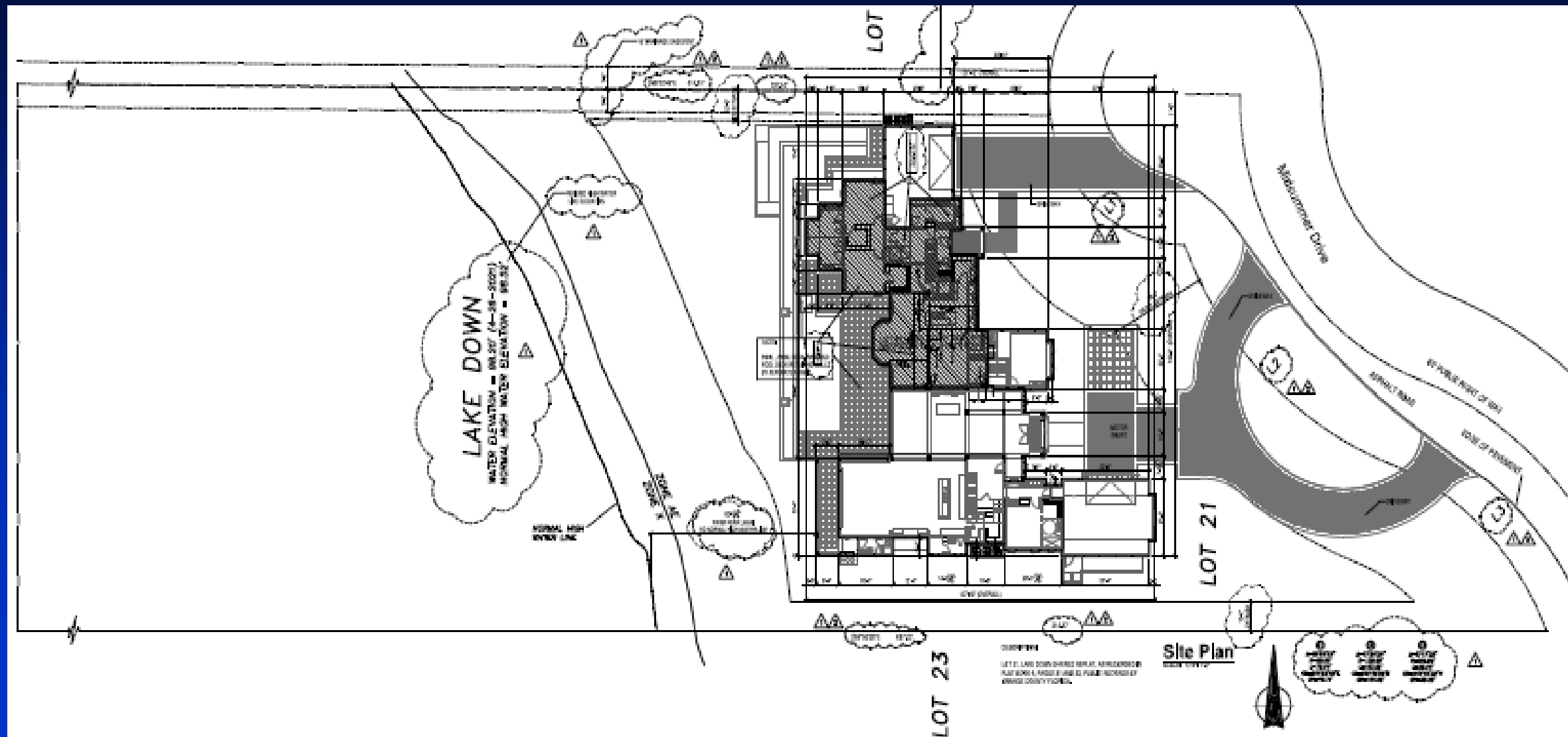


SUBJECT SITE



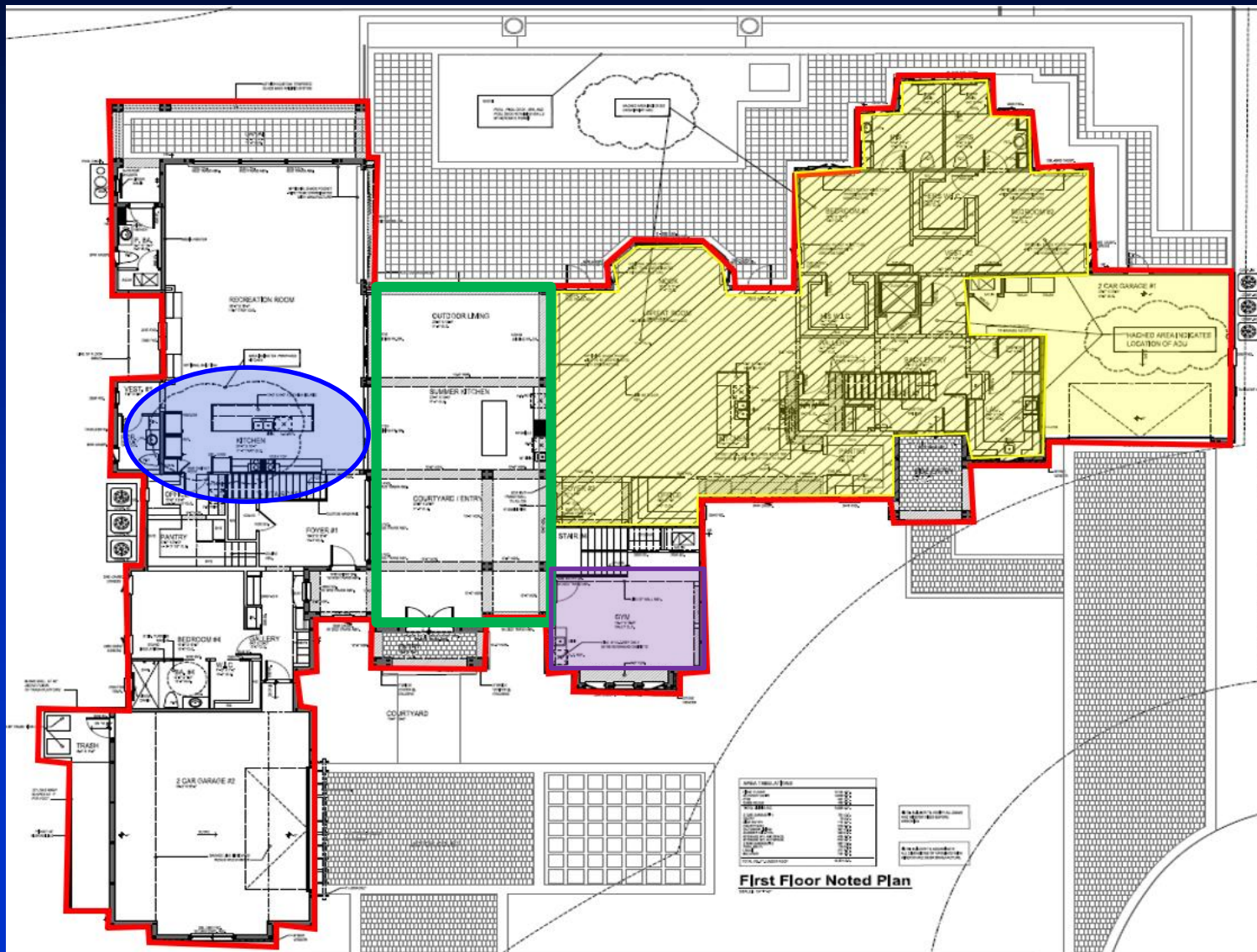


# Overall Site Plan





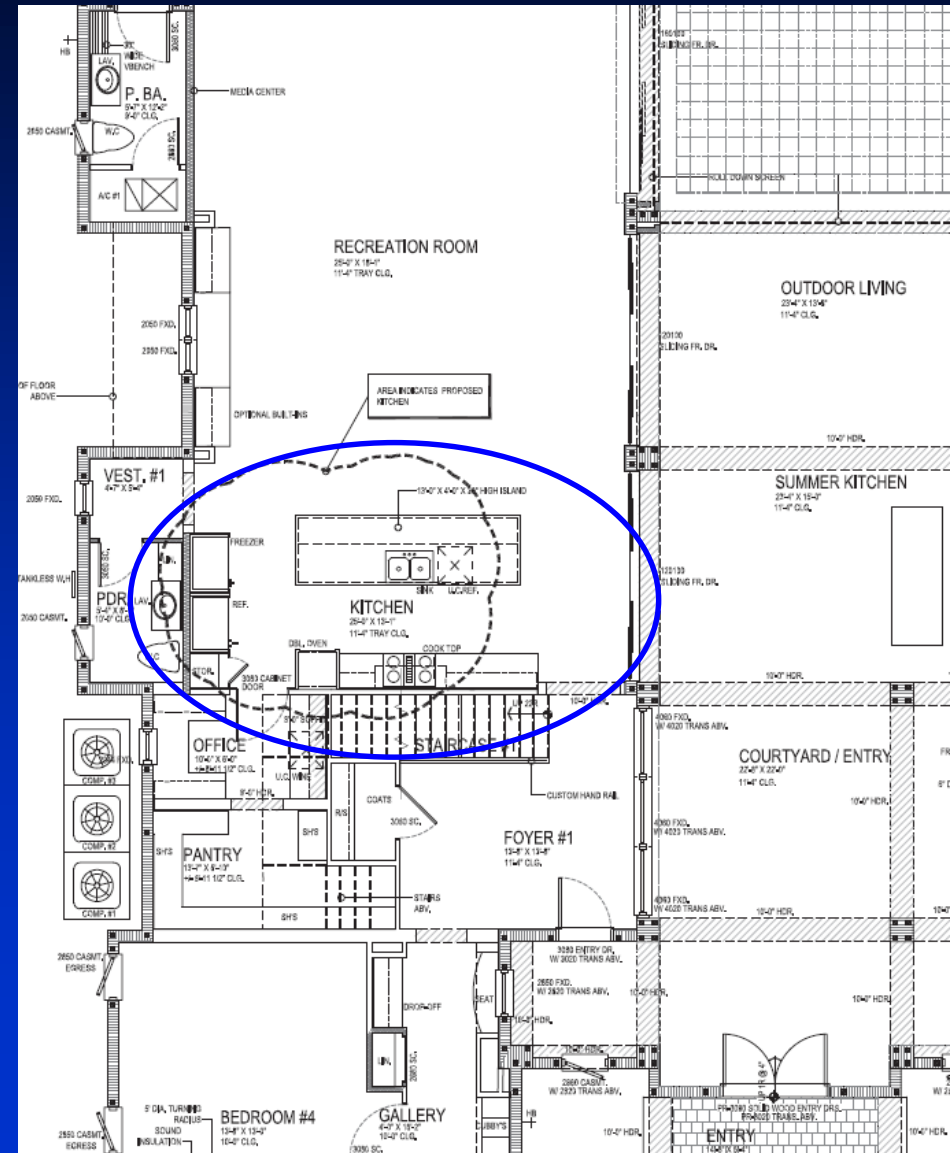
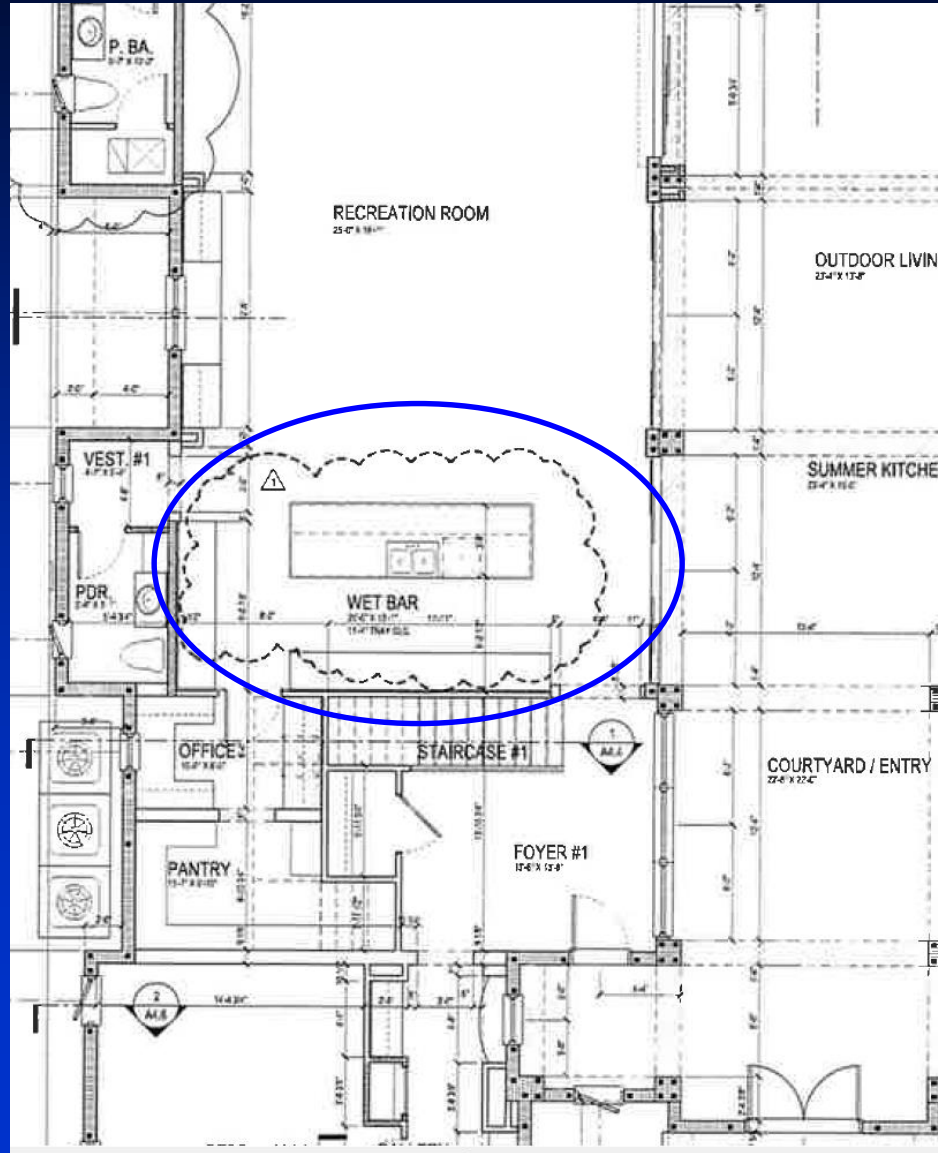
# Proposed First Floor Plan





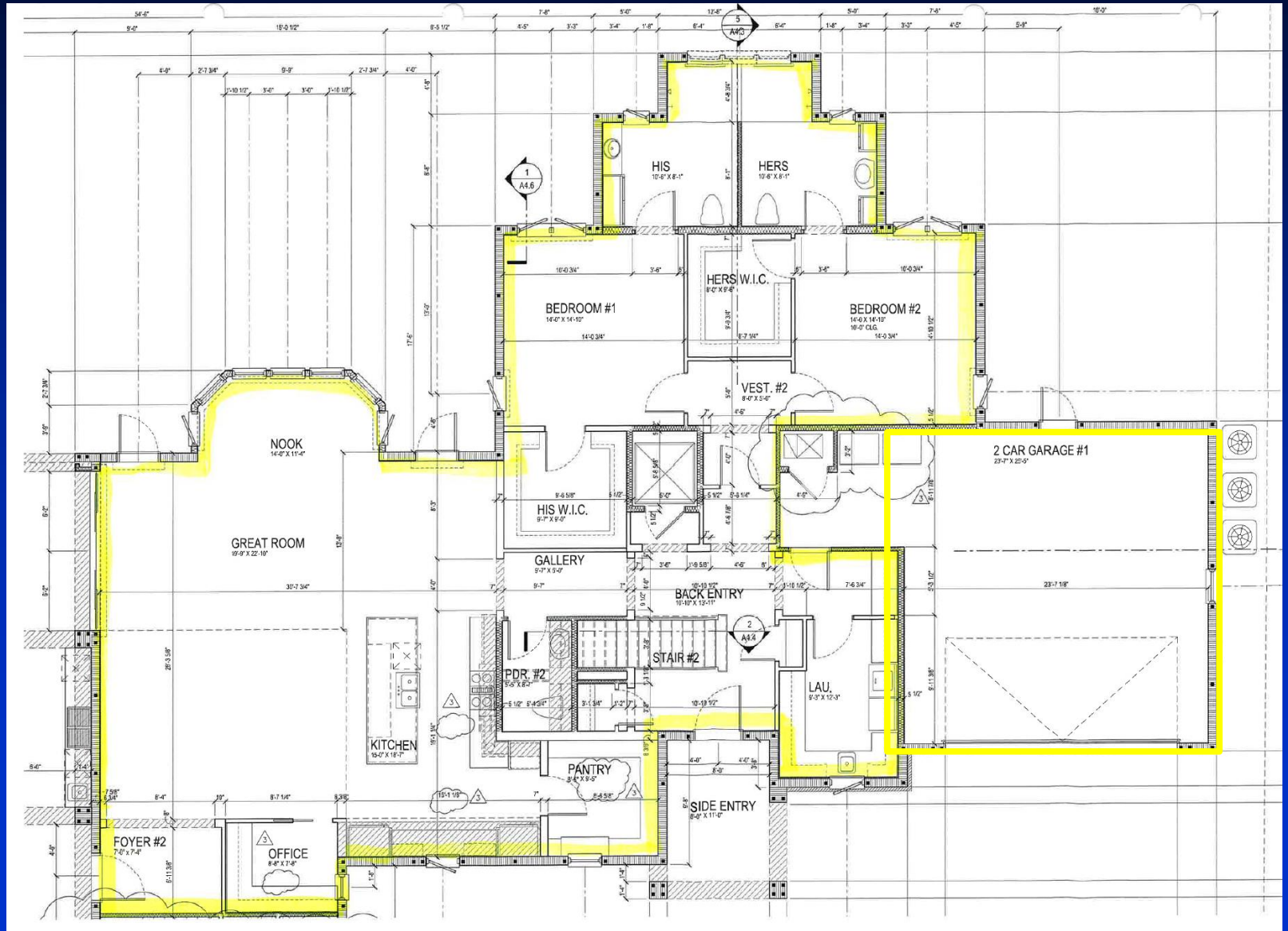


# Comparison – Approved vs. Proposed



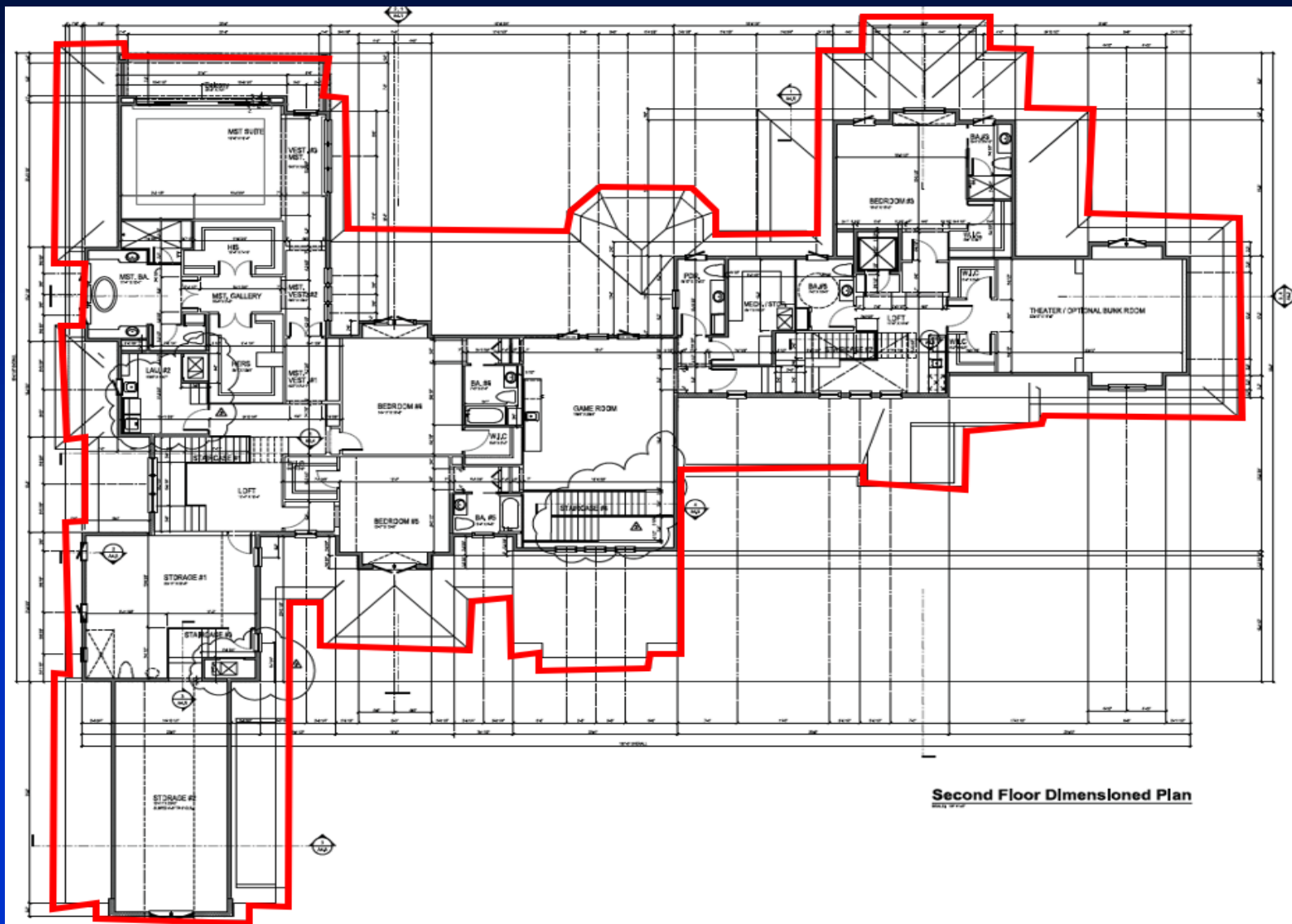


# ADU Floor Plan





# Second Floor Plan





# Elevations



Front (east)



Rear (west)



# Elevations



Side (north)



# Site Photograph

Facing the front façade, ADU to right





# Site Photograph

Facing west towards front of building



ADU entry  
(Variance #2)



# Site Photograph

Rear of house facing north







# Site Photograph

## Interior of ADU great room





# Staff Findings and Analysis

- **Current owners purchased subject property in 2021**
- **14,321 sq. ft. gross single-family residence (9,825 sq. ft. net) currently under construction, as well as associated boat dock and pool, spa and decking**
  - **Second kitchen was removed from permit set in order for the permit to be issued**
- **Proposing to convert 2,858 sq. ft. into an Accessory Dwelling Unit (ADU)**
  - **ADU contains 2 bedrooms, 2 bathrooms, laundry, office, foyer, full size kitchen, walk in pantry, and a 437 sq. ft. great room.**
  - **Code allows max of 50% of primary dwelling OR 1,000 sq. ft. of living area for ADU, whichever is less (Variance #1)**
  - **Code requires separate ADU entry to be on side or rear (Variance #2)**



## Staff Findings and Analysis

- ADU code meant to allow for the development of ADUs to support greater infill development and affordable housing opportunities, while maintaining the character of existing neighborhoods.
- ADU's do not count towards the maximum density and are charged impact fees at a lower rate than 2 single-family homes and are therefore intentionally meant to be subordinate in relation to the primary home and property, thus the limitation on maximum square footage and number of bedrooms.



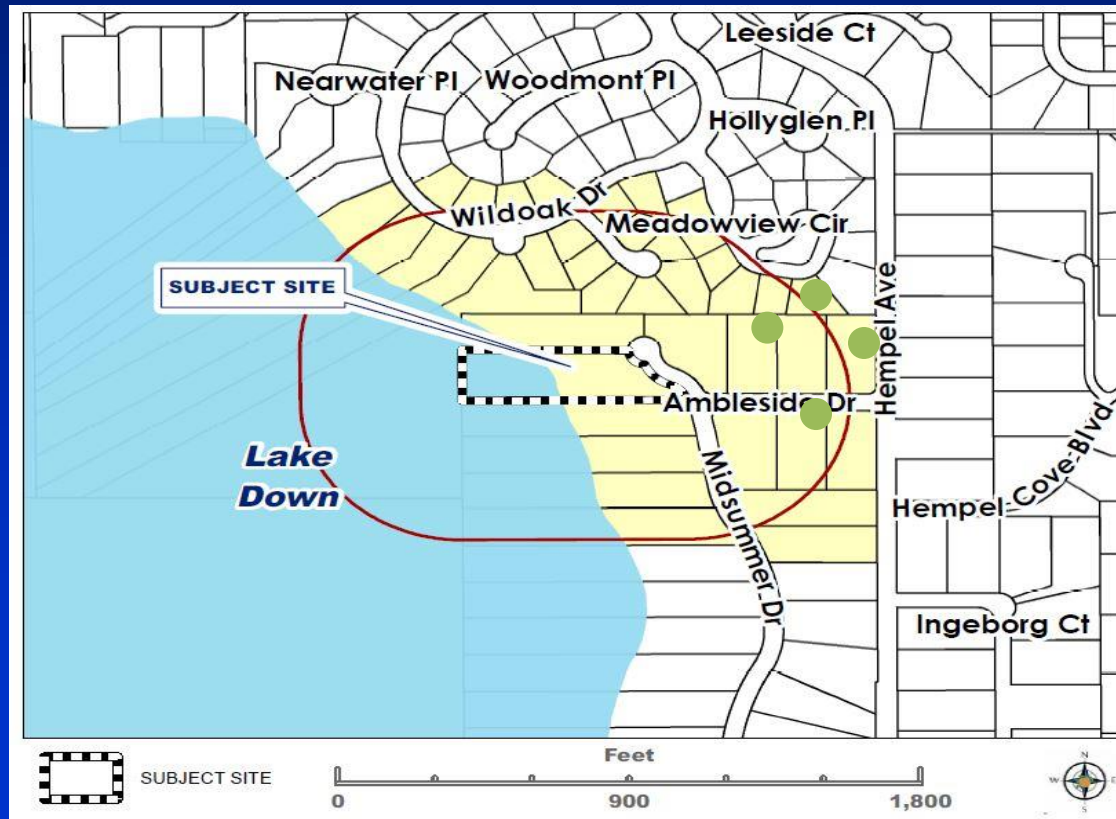
## Staff Recommendation

- **Staff recommended denial of the Variances, as the request is self-created since the owner could have an accessory dwelling unit that meets code, It would grant a special privilege since the request is substantially larger than similarly granted requests, there would be no deprivation of rights as the permit was issued for the single-family residence and the second kitchen was converted to a wet bar in order to obtain the permit without the ADU, and approval of the request will not be in harmony with the purpose and intent of the Code.**



# Public Feedback

- Staff mailed a total of 71 notices to adjacent property owners in a 500 ft. radius
  - Staff received 4 comments in favor of this request
  - Staff received no comments in opposition to this request





## BZA Findings

- The BZA concluded that the approval of the Variances would not confer special privilege, was the minimum necessary, that the request was not self-created, and approval would be in harmony with the purpose and intent of the Zoning regulations without any quantifiable negative impacts to the surrounding area since approving the ADU would not change the appearance of the house in any way and changing the wet bar to the kitchen doesn't affect the neighbors and would just be a functional change internal to the residence. The BZA recommended approval with a 3-2 vote.



# Variance Criteria

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

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

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



# Conditions of Approval

- 1. Development shall be in accordance with the site plan and elevations received June 12, 2024, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).**
- 2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.**





# Conditions of Approval

- 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.**



## Requested Action

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

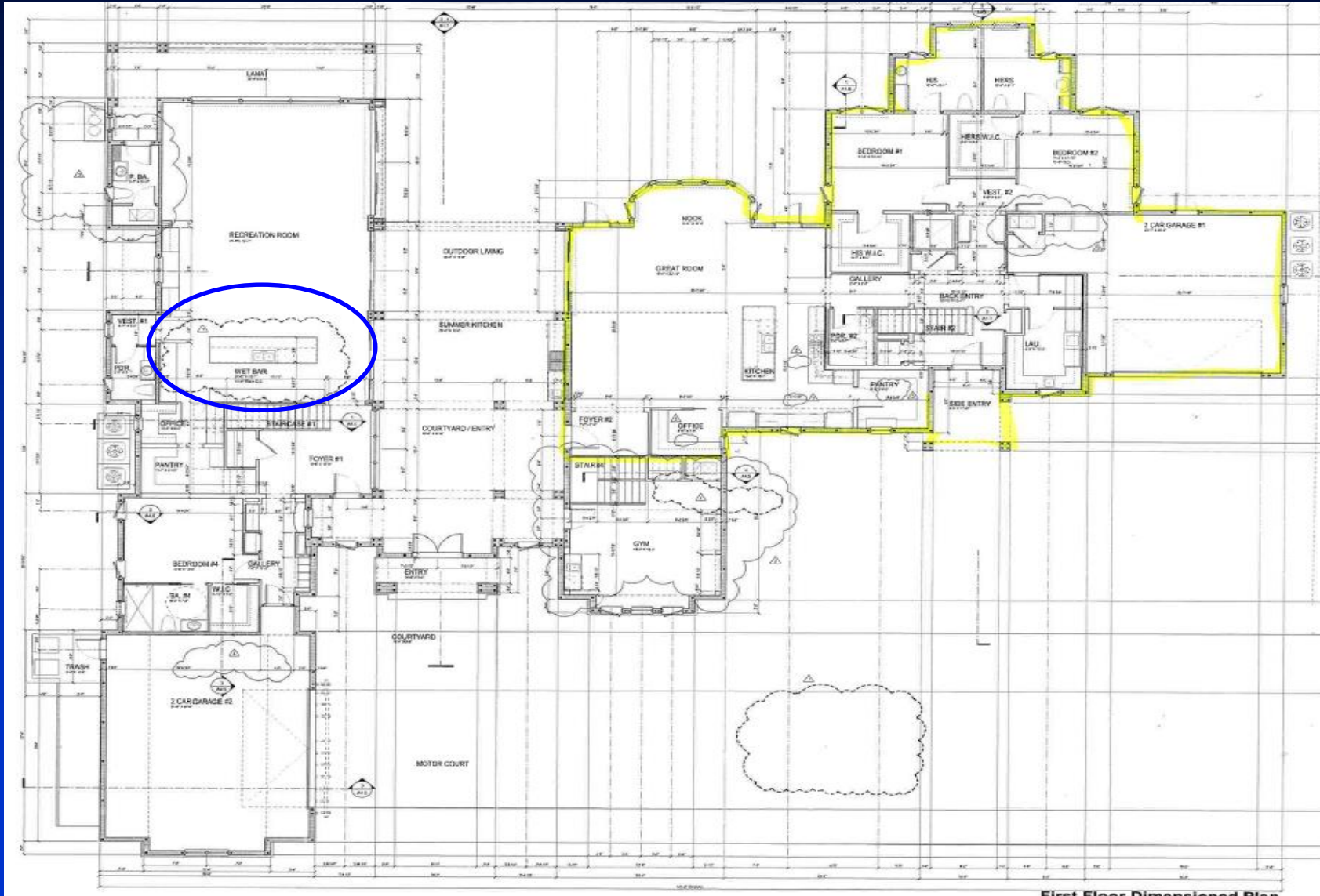


# Definitions

- **Kitchen** shall mean the facilities and equipment used in the preparation and serving of food. This may include, but is not limited to, **stoves, microwave ovens, hot plates, sinks, refrigerators, cabinets and/or pantry-like shelves, a 220 V outlet, a dishwasher, or** other food preparation equipment, or any combination thereof; this may not include wet bars, outside grilling facilities, outside sinks or refrigerators, or other items determined by the zoning division manager as not constituting a kitchen.
- **Wet Bar** shall mean a **hand sink** and **under-the-counter refrigerator with no overhead cabinets.**



# Approved First Floor Plan (B22022802)



First Floor Dimensioned Plan



# Site Photograph

Rear of house, facing toward summer kitchen/front entrance





# Site Photograph

## Interior of ADU great room and kitchen

