



Orange County Zoning Division

VA-19-04-015

APPLICANT:

ROD BILLETTE

JUNE 4, 2019



Background

CASE: VA-19-04-015

APPLICANT: ROD BILLETTE

ZONING: R-CE

**FUTURE LAND
USE:** RS-1/1

ADDRESS: 7751 Sadler Rd., Mount Dora, FL 32757

LOCATION: North side of Sadler Rd., west of N. Orange Blossom Trail on Lake Ola

TRACT SIZE: 137 ft. x 667 ft. (avg) / 2.06 acres

DISTRICT: 2

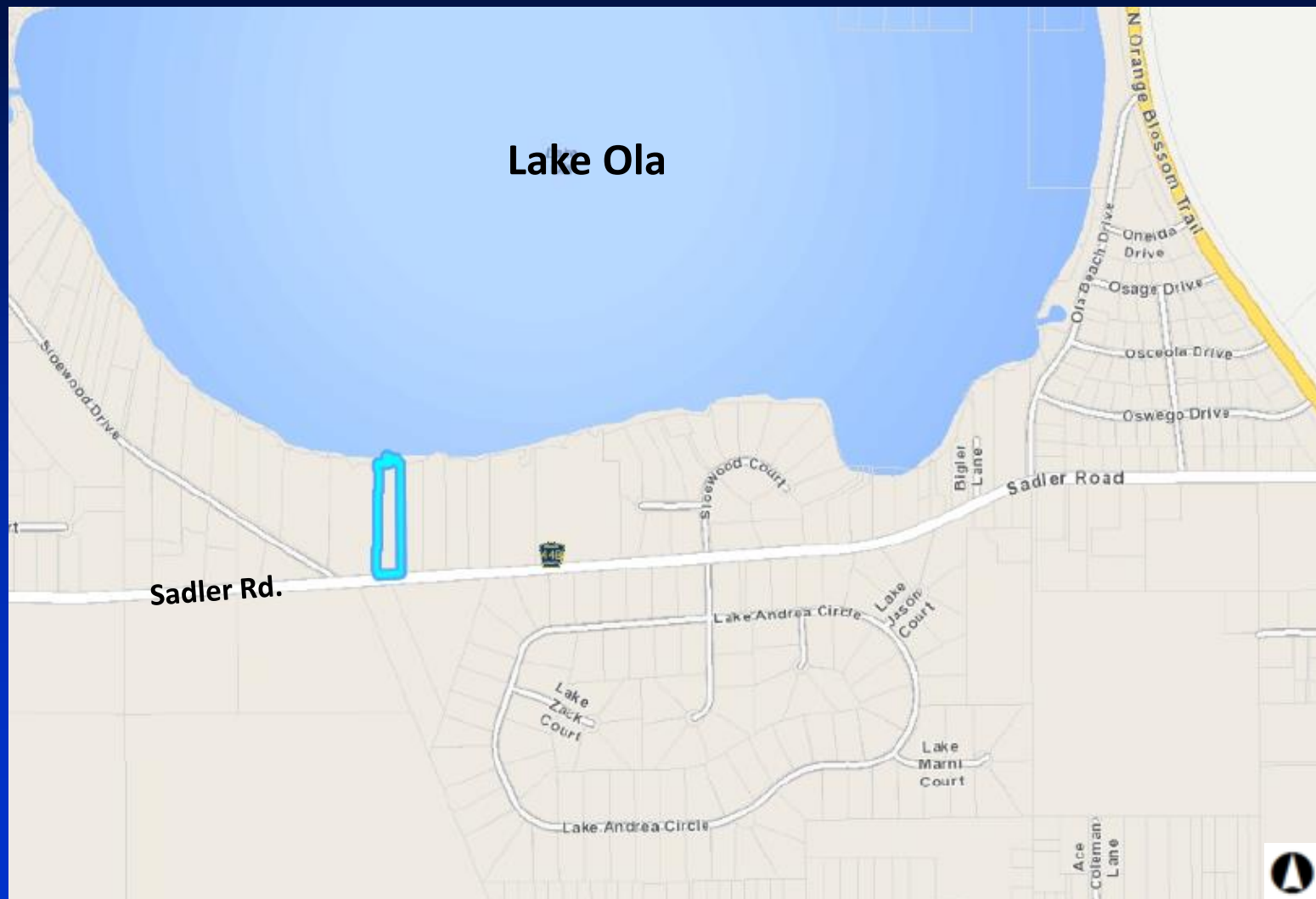


Background

- REQUEST:** Variances in the R-CE zoning district to allow a lot split with minimum lot widths as follows:
- 1) To allow a minimum lot width of 85 ft. in lieu of 130 ft.
 - 2) To allow a minimum lot width of 52 ft. in lieu of 130 ft.

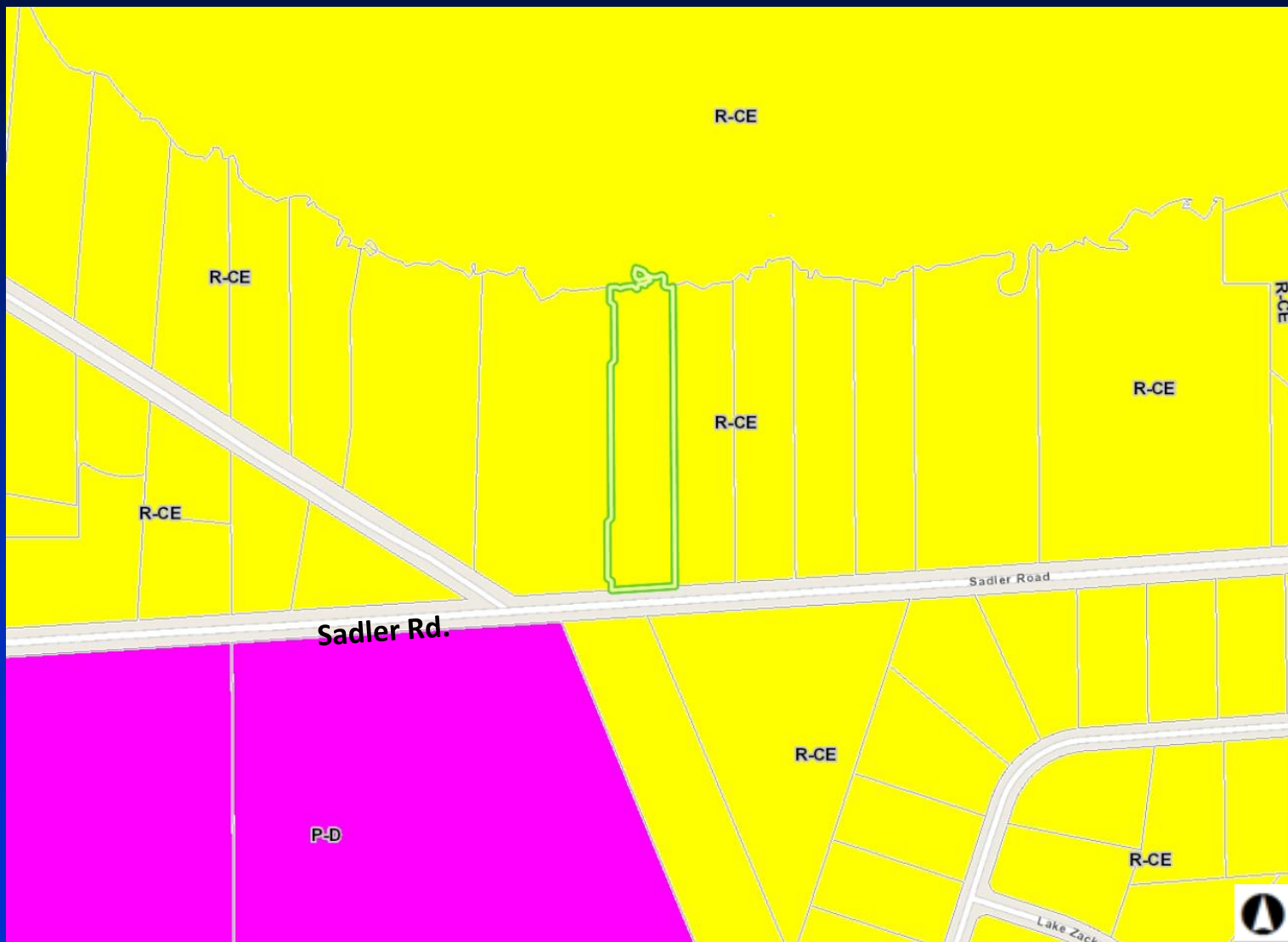


Location Map





Zoning Map





Aerial Map





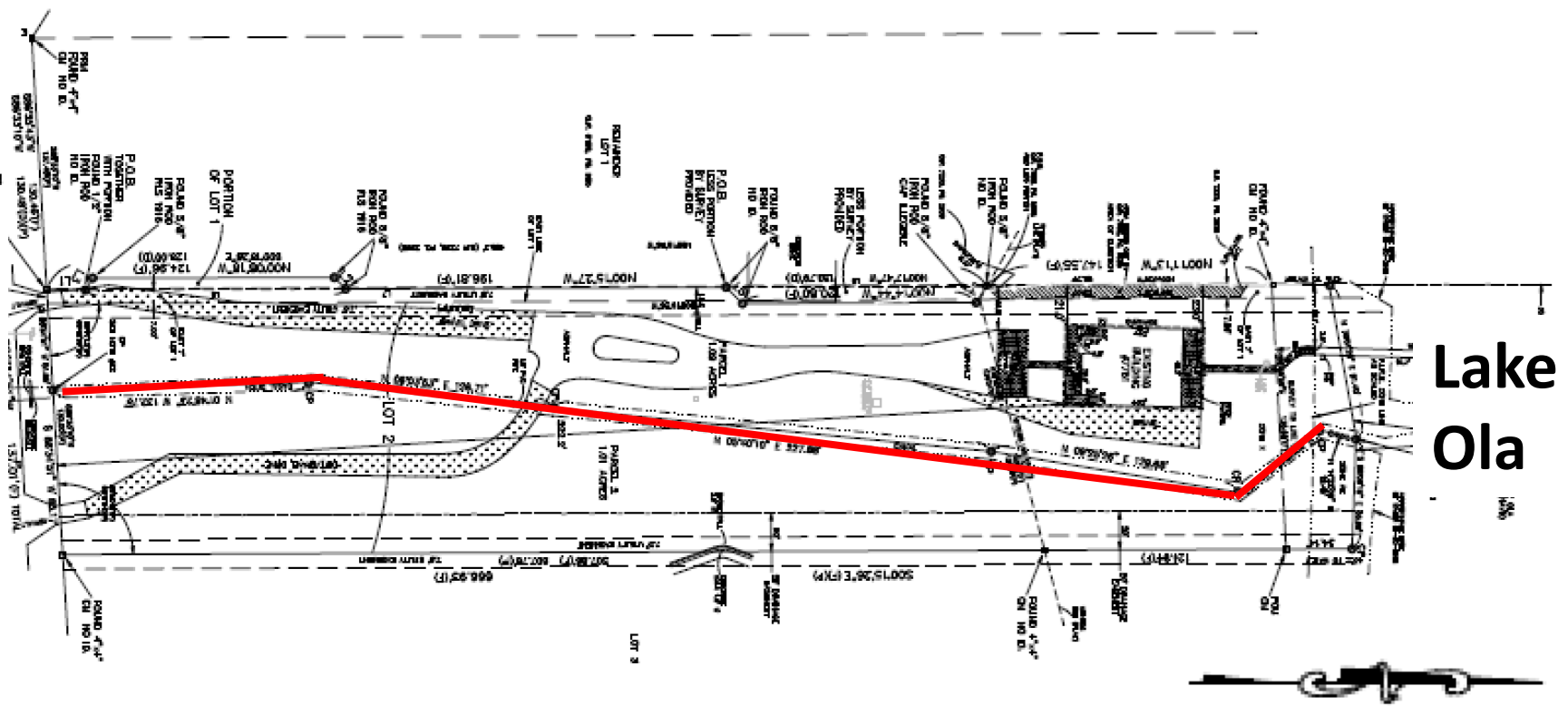
Close-Up Aerial Map





Site Plan

Sadler Rd.



Lake
Ola



Site Photograph

Front view from Sadler Rd.





Site Photograph

Ditch from front of property





Site Photograph

Ditch looking towards front of property





Site Photograph

Ditch located at middle portion of the property





Site Photograph

Looking east across the existing ditch





Site Photograph

Proposed eastern lot





Staff Findings and Analysis

- The property is located in the Tangerine Rural Settlement, which is comprised of single family homes on required 1 acre minimum lots.
- The lot was platted in 1985, as lot 2 in the Lake Ola Estates Plat and is considered to be a single conforming lot of record. There is a 3,056 sq. ft. single family home and a boat dock on the lot.
- The applicant applied for a 2 lot split to create a 1.09 acre lot with an 85 ft. of frontage, and a 1.01 acre lot with 52 ft. of frontage. The lot split was denied as neither of the lots meet the required 130 ft. lot width.
- The property is bisected by a ditch, and the applicant is requesting the lot be divided along the ditch. The property has sufficient acreage to be split but does not have the width.



Staff Findings and Analysis

- While there are other substandard properties on Lake Ola, the majority are parcels of record or platted lots. The narrowest of these substandard lots is a 44 ft. wide lot located on the northeast side of the lake.
- Staff recommended denial of the request as it did not meet the criteria for a variance as there were no special conditions unique to this lot, allowing the variance would confer a special privilege, the applicant would not be deprived of any rights as they have an existing house on the property, and the request does not meet the purpose and intent of the code.



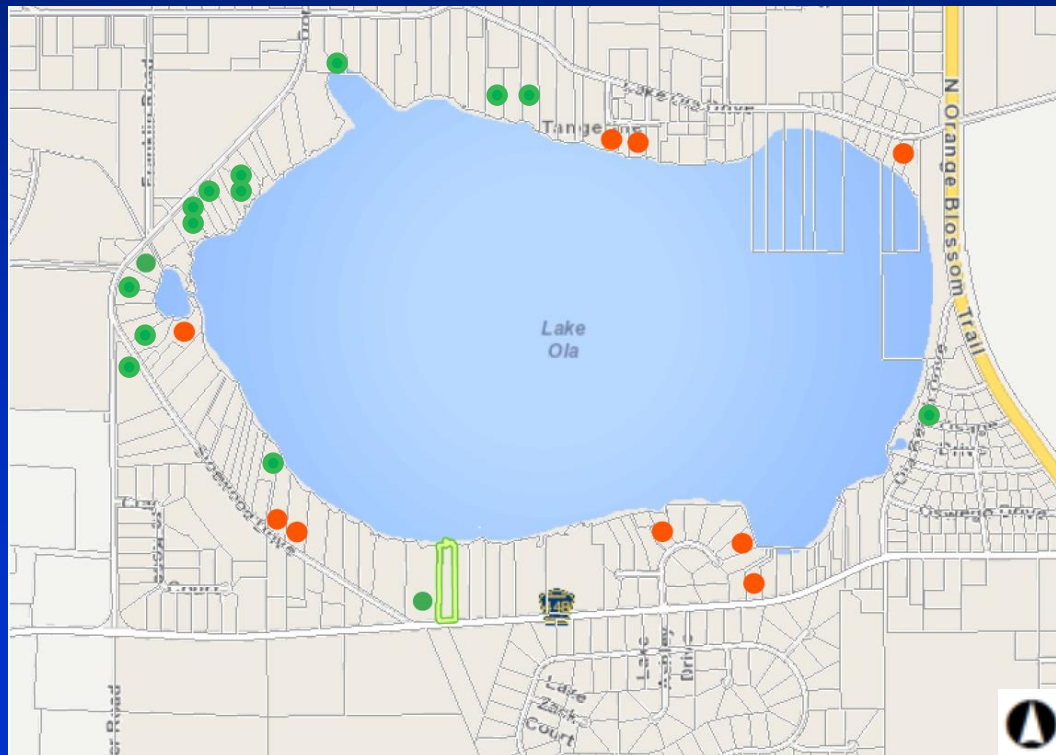
Non-conforming lot widths on Lake Ola





Public Feedback

- Mailed 46 notices to property owners within 500 ft. radius of the property:
 - Staff received 16 letters in support of the request.
 - Staff received 9 letters in opposition to the request.





Variance Criteria

Section 30-43 (3), Orange County Code

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

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



BZA Findings

- The BZA stated that the ditch is a special condition that is not self-created, and that no other lots have a ditch running through the middle of a property.
- The proposed lots meet the one acre minimum lot size.
- BZA recommend approval of the request with a 4-3 vote.



Conditions of Approval

- 1. Development in accordance with the site plan and elevations, dated January 30, 2019, 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.**



Requested Action

- Approve the applicant's request; or
- Approve the applicant's request with modifications and/or conditions; or
- Deny the applicant's request.

***Any approval is subject to standard conditions of approval.**