



**Orange County  
Board of Zoning Adjustment  
RECOMMENDATIONS  
BOOKLET**

**February 7, 2019**

**Prepared by:  
Planning, Environmental & Development Services Department,  
Orange County Zoning Division**



**ORANGE COUNTY GOVERNMENT**  
**BOARD OF ZONING ADJUSTMENT**  
**(BZA)**

Carolyn Karraker  
*Vice Chair*

District #1

Gregory A. Jackson  
*Chairman*

District #2

Jose A. Rivas, Jr.

District #3

Deborah Moskowitz

District #4

Wesley A. Hodge

District #5

Charles Hawkins

District #6

Roberta Walton

At Large

## **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-IA.....	Restricted Industrial District
1-1/1-5.....	Restricted Industrial District
1-2/1-3.....	Industrial Park District
1-4.....	Industrial District

**Other District**

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

## **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.**

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
RECOMMENDATIONS on February 7, 2019**

<b><u>PUBLIC HEARING</u></b>	<b><u>APPLICANT</u></b>	<b><u>DISTRICT</u></b>	<b><u>BZA Recommendations</u></b>	<b><u>PAGE #</u></b>
VA-18-11-137	Charles March	3	Approved w/Conditions	1
VA-19-01-180	Nicole Gough	3	Approved w/Conditions	17
SE-18-06-068	Charo Uceda	1	Approved w/Conditions	29
SE-19-02-187	Eduardo Badillo	1	Approved w/Conditions	44
SE-19-02-189	Joseph Neal	4	Approved w/Conditions	58
VA-19-02-190	Moonish Badaloo	1	Approved w/Conditions	76
VA-19-02-196	Mary Rose	1	Approved w/Conditions	91
VA-19-03-197	Silver City Cinemas, LLC	5	Approved w/Conditions	103
VA-19-02-192	Nelson Jimenez	3	Approved w/Conditions	115
SE-18-12-162	Rev. Raul Davila for Iglesia De Dios Pentecostal De Uncion Y Poder Assemblies of God, Inc.	5	Approved w/Conditions	126
SE-19-03-198	Bryan Potts	1	Approved w/Conditions	141
VA-19-03-200	Lockheed Martin	6	Approved w/Conditions	159
SE-18-11-144	Orange County Public Schools	1	Approved w/Conditions	174

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 07, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-18-11-137**

Commission District: **#3**

## GENERAL INFORMATION

APPLICANT(s): CHARLES MARCH

OWNER(s): CHARLES MARCH

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

- 1) To allow an existing accessory structure with a 4 ft. rear setback in lieu of 5 ft.
- 2) To allow an existing accessory structure with a 2.6 ft. side setback in lieu of 5 ft.
- 3) To allow an existing accessory structure with a 4 ft. rear setback in lieu of 5 ft.
- 4) To allow two accessory structures to remain with a separation distance of .5 ft. in lieu of 10 ft.

Note: This is the result of Code Enforcement action.

PROPERTY LOCATION: 8120 Bucksaw Drive, Orlando, Florida, 32817, south side of Bucksaw Dr., south of Bates Rd., east of N. Goldenrod Rd.

PARCEL ID: 13-22-30-7102-00-130

LOT SIZE: 62 ft. x 108 ft.; 0.151 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 71 ft.

**DECISION: APPROVED** the Variance requests 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 (6 in favor and 1 opposed):

1. Development in accordance with the site plan dated January 23, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The applicant shall obtain permits for all accessory structures within 120 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 previous hearing, location, the site plan, and photos.

The applicant stated they applied to vacate the easement and for a permit. They did not hear back for 10 years, and thought everything had been taken care of.

The BZA confirmed that the applicant had replied to Code enforcement and thought everything was resolved when there was no correspondence for 10 years. The BZA noted that the applicant had vacated the easement, and acknowledged that the applicant had relied on a company to pull permits for the sheds, and that once the issue was brought to the attention of the applicant, he was diligent in trying to address the issues.

Code Enforcement confirmed the applicant's statements and the accruing fines.

Staff received 3 commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variances.



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**STAFF RECOMMENDATIONS**

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Denial. However, if the BZA approves, than approval is subject to the conditions in this report

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**LOCATION MAP**

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**SITE & SURROUNDING DATA**

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	Property	North	South	East	West
Current Zoning	R-2	R-2	A-2	R-2	R-2
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single Family Residence	Single Family Residence	Vacant	Single Family Residence	Single Family Residence

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**BACKGROUND AND ANALYSIS**

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**Description and Context**

The property is located in the R-2, Multiple-family Residential zoning district, which allows single-family homes, multifamily development, and associated accessory structures.

There is an existing 16 ft. x 12 ft. (192 sq. ft.) shed, with a 10 ft. x 8 ft. (80 sq. ft.) roofed dog kennel on the property. Based on aerials, it appears this was constructed sometime in 2006. Permits were not obtained. Code Enforcement cited the applicant in May of 2007 (Incident#180009, CEB#69491) for constructing an accessory structure without a permit. Code Enforcement cited the applicant again, as a continuation of the previous case, in July of 2007 (Incident#184121, CEB#79676) for constructing an accessory structure without a permit. In December of 2007, the Code Enforcement Board imposed a fine and lien on the property. As of 10/22/2018, fines in the amount of \$389,900 have been accrued.

The required side and rear setback for accessory structures is 5 ft. The accessory structures is located 4 ft. from the rear property line, and 2.6 ft. from the side property line. The easternmost 192 s.f. shed is located 2.6 ft. from the side property line.

The accessory structures encroached into a utility easement on the side and rear, but the applicant vacated the easement in 2008.

The BZA has granted other setback variances for principal structures in the area, but not for accessory structures.

There is plenty of room in the rear yard to meet the required setbacks.

A request for one accessory structure was heard by the BZA on November 1, 2018. The BZA recommended denial of both the side and rear yard setbacks. The applicant subsequently appealed the case to the BCC. It was discovered upon a 2nd site visit that there were in fact 2 accessory structures, which necessitated the need for 2 additional variances (3 and 4). At the applicant's request the entire case is being remanded back to the BZA to be reheard.

**District Development Standards (Measurements in feet)**

	Code Requirement	Proposed
Max Height:	15	8
Min. Lot Width:	n/a	n/a
Min. Lot Size:	n/a	n/a

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

	Code Requirement	Proposed
Front:	n/a	n/a
Rear:	5	4
Side:	5	2.6
Sidestreet:	n/a	n/a
NHWE:	n/a	n/a

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**STAFF FINDINGS**

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**VARIANCE CRITERIA**

**Special Conditions and Circumstances**

The lot is a traditional rectangular shape, with adequate space to locate the accessory structures without the need for variances.

**Not Self-Created**

The need for the variances is self-created, as the accessory structure was built without permits.

**Deprivation of Rights**

The applicant is allowed to have the same amount of accessory structure square footage, if the structures were located outside of the setbacks, which there is room to do.

**Minimum Possible Variance**

This is not the minimum possible variance, as there is room to locate the accessory structure elsewhere on the property without variances.

**Purpose and Intent**

This request is not in harmony with the purpose and intent of the Zoning Regulations.

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## **CONDITIONS OF APPROVAL**

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1. Development in accordance with the site plan dated January 23, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain permits for all accessory structures within 120 days of final action on this application by Orange County, or this approval becomes null and void.

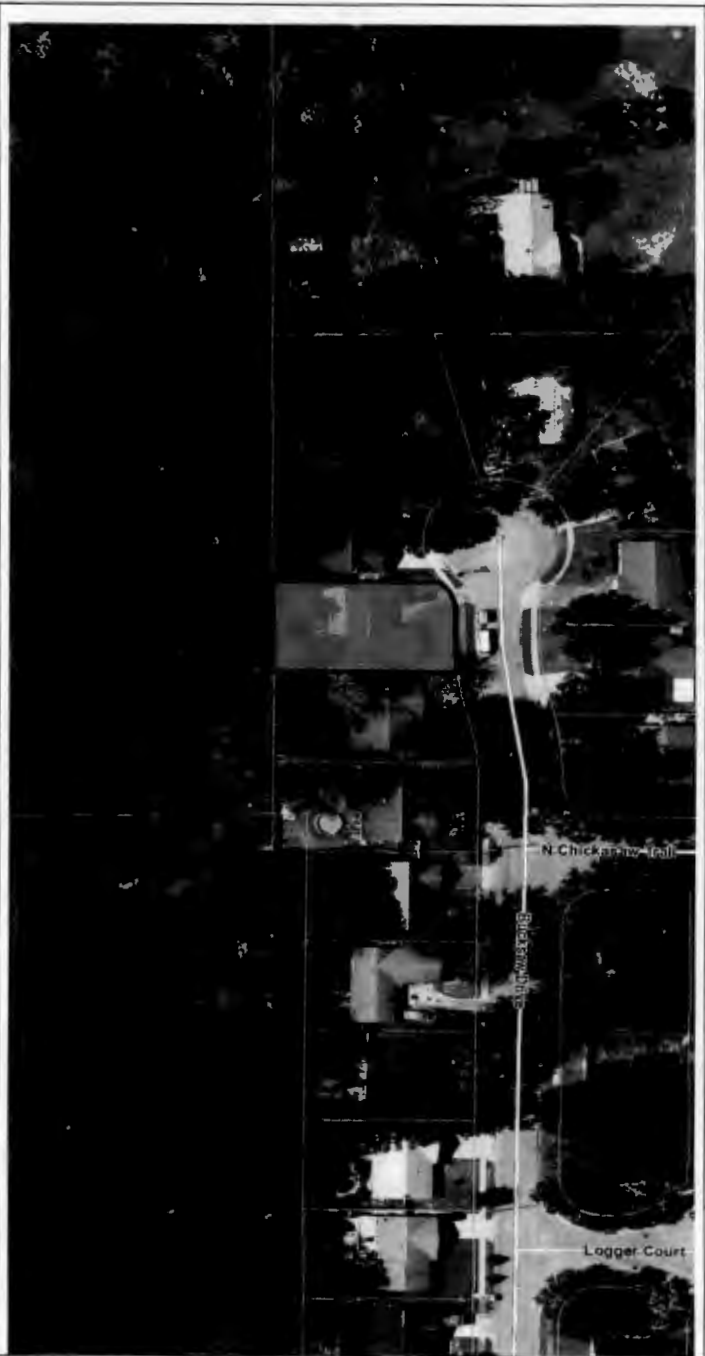
c: Charles N March  
8120 Bucksaw Dr.  
Orlando, FL 32817

COVER LETTER

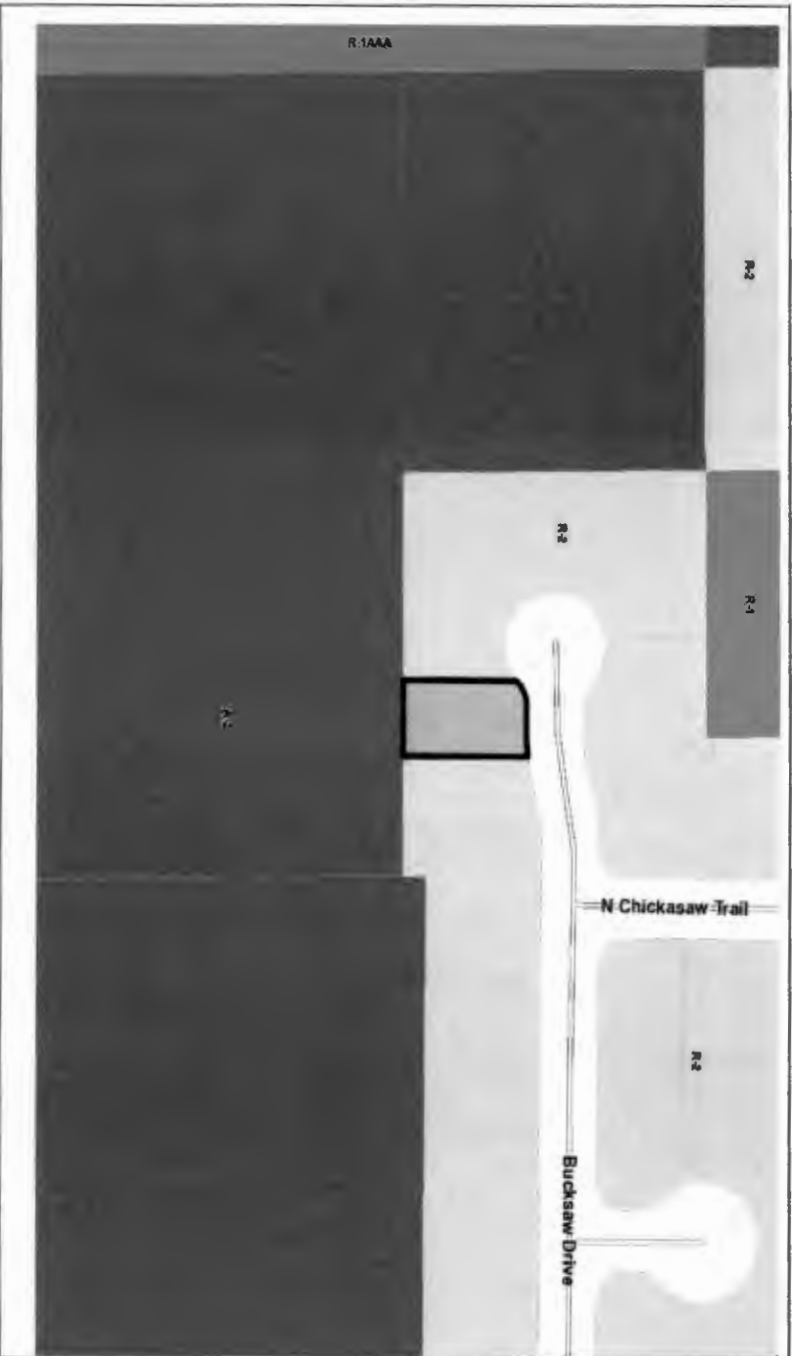
Charles Nelson March III  
8120 Bucksaw Dr  
Orlando FL 32817  
Cell. 321-287-0402

To Whom it May Concern:

I am requesting a Variance of 4ft in lieu of the 5ft distance on the South side of our property and a 2.6 Variance in lieu of the 5 ft on the east side of our Property for a wood smith built shed and dog Kennel. It is incredibly hot in FL and we need to have the dogs covered and off the Sand when we can not be home and are at work. We also hired a Company to instal the shed and were told they would pull the necessary permit and required documents, except for the Vacation of easement, which I aquired on my own. I was not made aware I also needed a variance acceptance and was misinformed of the permit status as well. I understand ignorance is not an excuse, and appolagise profusly. Due to the small lot size and pre existing trees. The corner of the lot is the only place we could fit the dog Kennel and shed. and with the rise. and set off the Sun, it seemed most logical to arrange them as they are to protect our animals. All of our neighbors are perfectly fine with the Shed and dog Kennel the shed is 192 sq ft and the dog Kennel is only 80'sq. for a total of 272 sq ft. please grant me this acceptance as. The location of the dog Kennel and shed do not effect anybody and we already have a vacation of easment from all service Providers.



AERIAL MAP



ZONING MAP

# SITE PLAN /

2474004 10.19 134 407686660  
06/28/08 12.21 134 407686660

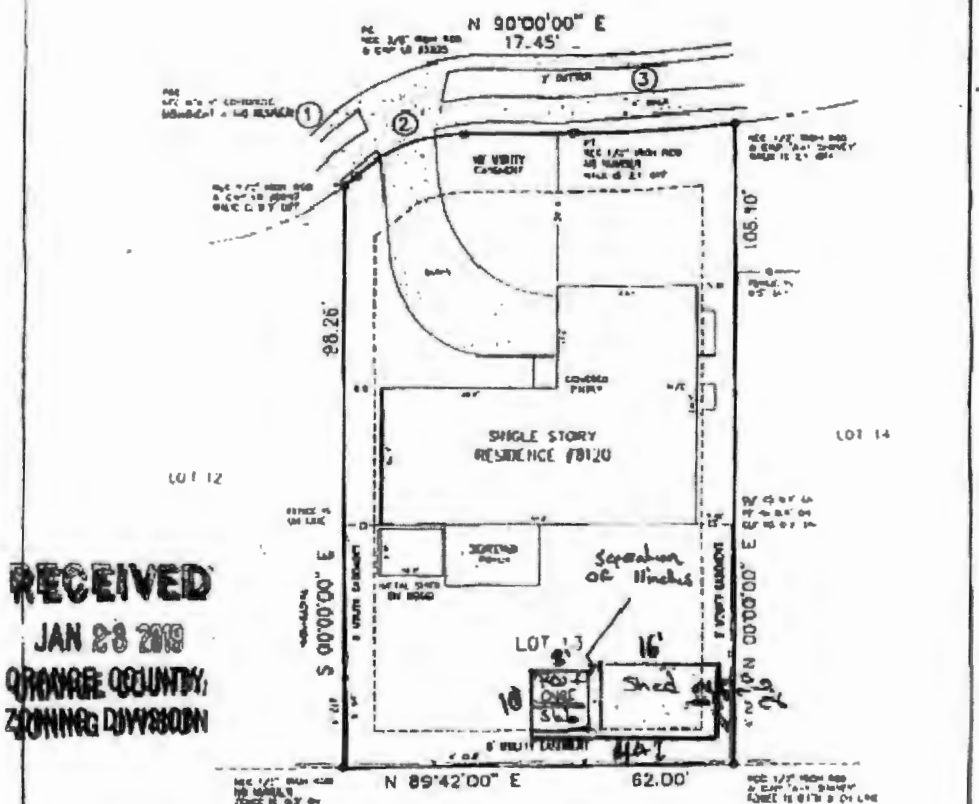
101 10000000  
ALTAMONTE SURVEY

10000  
001

## BOUNDARY SURVEY FOR CHARLES N. MARCH III

LOT 13, PINWOOD VILLAGE, ACCORDING TO THE PLAT THEREOF,  
AS RECORDED IN PLAT BOOK 13, PAGE 54,  
OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

BUCKSAW DRIVE  
PLATTED RIGHT-OF-WAY  
45-FOOT ROADWAY



**RECEIVED**  
JAN 28 2018  
ORANGE COUNTY  
ZONING DIVISION

- NOT PLATTED
- ① R = 41.00'  
Δ = 3'19'05"  
L = 2.55'  
CH = N 48°05'52" E
  - ② R = 25.00'  
Δ = 43°33'40"  
L = 19.01'  
CB = S 68°13'10" W
  - ③ R = 205.09'  
Δ = 7°07'17"  
L = 25.49'  
CB = N 86°26'22" E

DATE	BY	REVISION

**ALTAMONTE SURVEYING AND PLATTING, INC.**

*Vac of Easement*

**SKETCH OF DESCRIPTION  
FOR  
CHARLES N. MARCH III**

A PORTION OF THAT 6 FOOT UTILITY EASEMENT AND 5 FOOT UTILITY EASEMENTS LOCATED ON THE EAST, SOUTH AND WEST BOUNDARY LINES OF LOT 13, PINWOOD VILLAGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 54, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 13, PINWOOD VILLAGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 54, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN N00°00'00"E, ALONG THE EAST LINE OF SAID LOT 13, A DISTANCE OF 40.67 FEET; THENCE N89°52'38"W, A DISTANCE OF 5.00 FEET; THENCE S00°00'00"E, A DISTANCE OF 34.70 FEET; THENCE S89°42'00"W, A DISTANCE OF 52.00 FEET; THENCE N00°00'00"E, A DISTANCE OF 35.09 FEET; THENCE N89°52'38"W, A DISTANCE OF 5.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 13; THENCE S00°00'00"E, ALONG THE WEST LINE OF SAID LOT 13, A DISTANCE OF 41.12 FEET TO THE SOUTHWEST CORNER OF SAID LOT 13; THENCE N89°42'00"E, ALONG THE SOUTH LINE OF SAID LOT 13, A DISTANCE OF 62.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 721 SQUARE FEET, MORE OR LESS.

**RECEIVED**

**AUG 29 2018**

**ORANGE COUNTY  
ZONING DIVISION**

MEASUREMENTS ARE BASED ON THE SOUTH LINE OF LOT 13 BEING N89°42'00"E, PER PLAT

LEGAL DESCRIPTION WAS WRITTEN BY THIS SURVEYOR AT CLIENTS REQUEST.

THIS SURVEY CERTIFIED TO:  
CHARLES N. MARCH III  
ORANGE COUNTY

**THIS IS NOT A BOUNDARY SURVEY**

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS AND DELETIONS TO SURVEY MAPS, SKETCHES, OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

*[Signature]*

MICHAEL W. SOUTIRO, FSM #4458  
FOR THE FIRM OF ALTAMONTE SURVEYING AND PLATTING, INC. #LB 6300

SCALE: 1"=30'

REVIEWED BY: MWS

DRAWN BY: LJC

DATE: 2/8/08

JOB No.: 18104

REVISED:

**LEGEND**

- = RECOVERED 4"x4" CONCRETE MONUMENT NO#
- ▲ = RECOVERED NAIL & DISK #
- X = RECOVERED X CUT IN CONCRETE
- ⊙ = RECOVERED 1/2" IRON ROD #
- ⊕ = RECOVERED 1/2" IRON ROD NO #
- ⊗ = RECOVERED 5/8" IRON ROD NO #
- ⊖ = SET 1/2" IRON ROD #LB 6300
- ⊙ = POWER POLE AS SHOWN
- ⊖ = WOOD FENCE AS SHOWN
- ⊖ = CHAIN LINK FENCE AS SHOWN
- ⊖ = CONCRETE SLAB AS SHOWN

D = CENTRAL ANGLE (DELTA), L = ARC, R = RADIUS,  
R/W = RIGHT OF WAY, A/C = AIR CONDITIONER,  
(R) = RADIAL, (NR) = NON-RADIAL, (P) = PLAT,  
(M) = MEASURED, (C) CALCULATED, (D) = DEED,  
POB = POINT OF BEGINNING, CONC. = CONCRETE,  
POC = POINT OF COMMENCEMENT, POL = POINT ON LINE

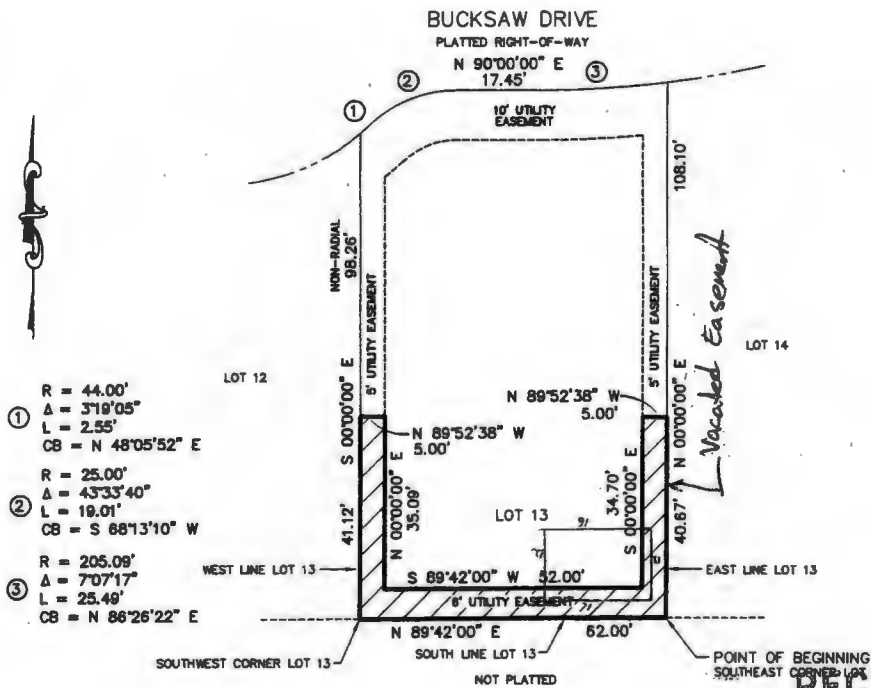
THIS SKETCH IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS LISTED AND SHALL NOT BE RELIED ON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS WERE NOT LOCATED AS PART OF THIS SURVEY. LAND SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAYS AND/OR EASEMENTS OF PUBLIC RECORD.

**ALTAMONTE SURVEYING AND PLATTING, INC.** 455 DOUGLAS AVE. SUITE 600F ALTAMONTE SPRINGS, FL 32714  
PHONE: (407) 862-7555 FAX: (407) 862-8229



SKETCH OF DESCRIPTION  
FOR  
**CHARLES N. MARCH III**

*Approved  
Vacated  
Easement*



- ①  
R = 44.00'  
Δ = 319°05"  
L = 2.55'  
CB = N 48°05'52" E
- ②  
R = 25.00'  
Δ = 43°33'40"  
L = 19.01'  
CB = S 88°13'10" W
- ③  
R = 205.09'  
Δ = 7°07'17"  
L = 25.49'  
CB = N 86°26'22" E

*Vacated Easement*

**RECEIVED**  
AUG 29 2016  
ORANGE COUNTY  
ZONING DIVISION

THIS IS NOT A BOUNDARY SURVEY

SCALE: 1"=30'	<b>LEGEND</b>	D = CENTRAL ANGLE (DELTA), L = ARC, R = RADIUS, R/W = RIGHT OF WAY, A/C = AIR CONDITIONER, (R) = RADIAL, (NR) = NON-RADIAL, (P) = PLAT, (M) = MEASURED, (C) CALCULATED, (D) = DEED, POB = POINT OF BEGINNING, CONC. = CONCRETE, POC = POINT OF COMMENCEMENT, POL = POINT ON LINE
REVIEWED BY: MWS	▲ = RECOVERED 4"x4" CONCRETE MONUMENT NO#	THIS SKETCH IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS LISTED AND SHALL NOT BE RELIED ON BY ANY OTHER ENTITY OR INDIVIDUAL WHOSEVER. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS WERE NOT LOCATED AS PART OF THIS SURVEY. LAND SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAYS AND/OR EASEMENTS OF PUBLIC RECORD.
DRAWN BY: LJG	■ = RECOVERED NAIL & DISK #	
DATE: 2/5/08	X = RECOVERED X CUT IN CONCRETE	C:\ACAD\2007\18104\EE.DWG
JOB No.: 18104	⊙ = RECOVERED 1/2" IRON ROD #	
REVISED:	⊙ = RECOVERED 1/2" IRON ROD NO #	
	⊙ = RECOVERED 5/8" IRON ROD NO #	
	⊙ = SET 1/2" IRON ROD #LB 6300	
	⊙ = POWER POLE AS SHOWN	
	⊙ = WOOD FENCE AS SHOWN	
	⊙ = CHAIN LINK FENCE AS SHOWN	
	⊙ = CONCRETE SLAB AS SHOWN	

**ALTAMONTE SURVEYING AND PLATTING, INC.** 436 DOUGLAS AVE SUITE 600F  
ALTAMONTE SPRING, FL 32714  
PHONE: (407) 862-7555  
FAX: (407) 862-6229

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**SITE PHOTOS**

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01/04/2019 12:48

AMERICAN CLASSIC  
ESTD 1982  
CIRCLE 10



# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 07, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-01-180**

Commission District: **#3**

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## GENERAL INFORMATION

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APPLICANT(s): **NICOLE GOUGH**

OWNER(s): **NICOLE GOUGH**

REQUEST: **Variance in the R-1A zoning district to allow two accessory structures to remain with a separation distance of 1 ft. in lieu of 10 ft. structures to remain with a separation distance of 1 ft. in lieu of 10 ft.**

PROPERTY LOCATION: **4533 S. Shore Road, Orlando, Florida, 32839**

**East side of S. Shore Rd., north of Holden Ave.**

PARCEL ID: **11-23-29-4496-00-020**

LOT SIZE: **102 ft. x 100 ft./ 0.234 acres**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **116**

**DECISION: APPROVED** 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; 7-0):

1. Development in accordance with the site plan dated November 13, 2018 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 Zoning Adjustment 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 sheds within 120 days of final approval, or this approval becomes null and void.
5. If one or both sheds are destroyed or removed, any replacement shall meet setbacks and codes in effect at the time.

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

The applicant agreed with the staff presentation.

The BZA confirmed the addition of condition number 5 stating, "If one or both sheds are destroyed or removed, any replacement shall meet setbacks and codes in effect at the time."

Staff received no commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.



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**STAFF RECOMMENDATIONS**

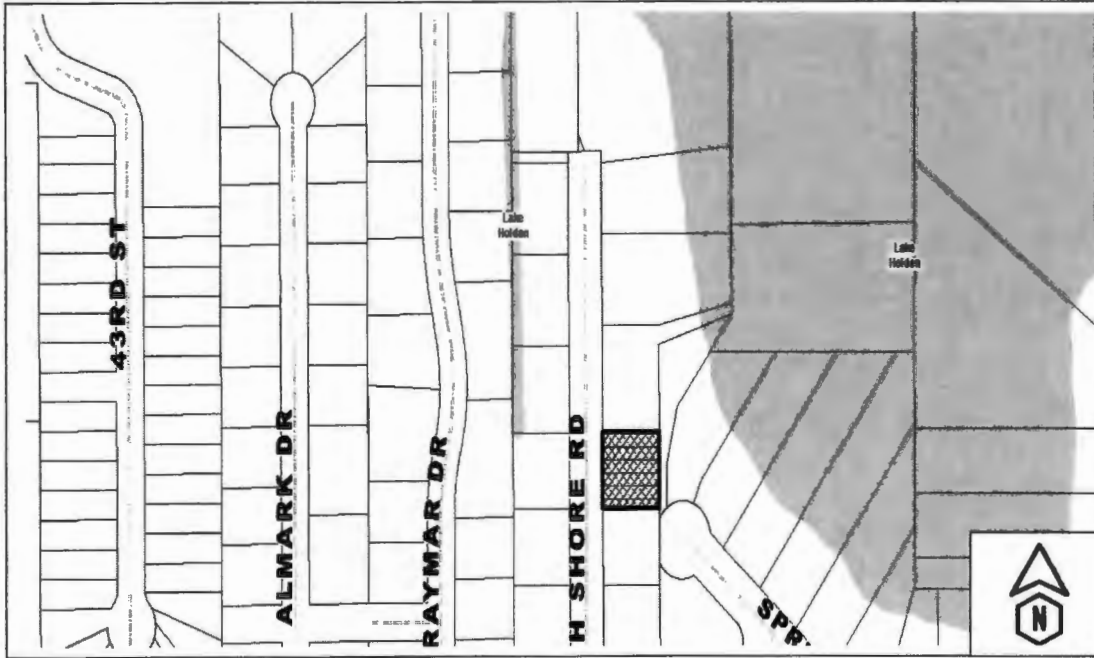
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Denial, however if the BZA approves than approval is subject to the conditions in this report.

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**LOCATION MAP**

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**SITE & SURROUNDING DATA**

	<b>Property</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Current Zoning</b>	R-1A	R-1AA	R-1A	R-1AA	R-1A
<b>Future Land Use</b>	LDR	LDR	LDR	LDR	LDR
<b>Current Use</b>	Single family residential	Single family residential	Single family residential	Lake access tract	Single family residential

**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.

The property consists of 2 lots that were platted in 1946 and the combination of the 2 lots are considered to be a conforming lot of record. If the lots were platted after 3/3/1997, the requested rear variance would not be needed as the required rear setback would be 25 ft. The single family home on the lot was constructed in 1958.

The property has 2 existing sheds located 0.5 ft. and 2.8 ft. from the side (south) property line. Both were installed without building permits. Code requires accessory structures to be located 5 ft. from the side property line, and a 10 ft. separation between accessory structures.

On January 3, 2019, the BZA heard this case and approved 2 variance requests for side yard setbacks for the sheds. However, the variance to allow the two accessory structures to remain with a separation distance of 1 ft. in lieu of 10 ft. was not advertised. Therefore, this additional variance request is being heard.

**District Development Standards (Measurements in feet)**

	<b>Code Requirement</b>	<b>Proposed</b>
<b>Max Height:</b>	15	10
<b>Min. Lot Width:</b>	75	100
<b>Min. Lot Size:</b>	7,500 s.f.	10,235 s.f.

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**STAFF FINDINGS**

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**VARIANCE CRITERIA**

**Special Conditions and Circumstances**

The applicant has not demonstrated any special conditions or circumstances.

**Not Self-Created**

The request is self created, as there is sufficient space on the property to locate the sheds without the need for a variance.

**No Special Privilege Conferred**

Approval of the request will grant the applicant special privilege that is denied to other lands, building, or structures in the same zoning district.

**Deprivation of Rights**

The applicant would not be deprived of rights commonly enjoyed by other properties in the same zoning district, as there is space on the property to locate the sheds without the need for a variance.

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**CONDITIONS OF APPROVAL**

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1. Development in accordance with the site plan dated November 13, 2018 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 Zoning Adjustment 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 sheds within 120 days of final approval, or this approval becomes null and void.
5. If one or both sheds are destroyed or removed, any replacement shall meet setbacks and codes in effect at the time.

c: Nicole Gough  
4533 S. Shore Road  
Orlando, FL 32839

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**COVER LETTER**

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November 9, 2018

**Orange County Zoning Division**  
201 South Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, Florida 32801

**Proj: 4533 South Shore Road – Orange County, Florida**  
**Parcel ID: 11-23-29-4496-00-020**  
**Re: Residential Accessory Structure Building Permit**  
**Setback Variance Request**

To Whom It May Concern:

This request is for a variance of the required property boundary setback for a Residential Accessory Structure. We have an existing screened-in patio that is located 31.5' from the eastern property boundary. We are proposing to build an enclosed aluminum and glass sunroom and expand the concrete slab 4' to the east, which would make the proposed structure 27.5' from the east property boundary. The existing concrete slab for the screened-in patio is 12' x 20' and 240 square feet. The proposed sunroom would be 16' x 20' and 320 square feet. The height of the proposed structure will be 10'. The following are the Variance Criteria:

1. **Special Conditions and Circumstances:** The typical setback for R1A zoned Residential Accessory Structures for lots platted after 1991 is 25 feet. Because our lot was platted prior to this date, a 30 foot setback is required, which is a Special Condition. Furthermore, the land behind our lot is an existing driveway where no residential house exists. This driveway was historically part of our property and was given to the adjacent HOA for access to Lake Holden.
2. **Not Self-Created:** We did not create the platting prior-to date for the change of setback from 30' to 25'.
3. **No Special Privilege Conferred:** No special privilege will be conferred if we are still within the current 25' setback, as we are only asking for a 27.5' setback, which is within current requirements.
4. **Deprivation of Rights:** Due to the platting date, any recently platted lot would be allowed a 25' setback, but we are restricted to a 30' setback.

**RECEIVED**

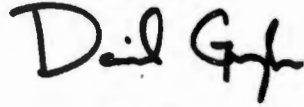
NOV 13 2018  
ORANGE COUNTY  
ZONING DIVISION

5. **Minimum Possible Variance:** We are only requesting a reduction in the setback from 30' to 27.5', which is less than the 25' allowable by more recently platted homes (25') and only 2.5' less than the 30' required.
6. **Purpose and Intent:** The proposed sunroom will be in harmony with the surrounding land uses and intent of the Zoning Regulations.

A detailed survey and site plan of the existing house and screened-in patio and the proposed sunroom addition are attached.

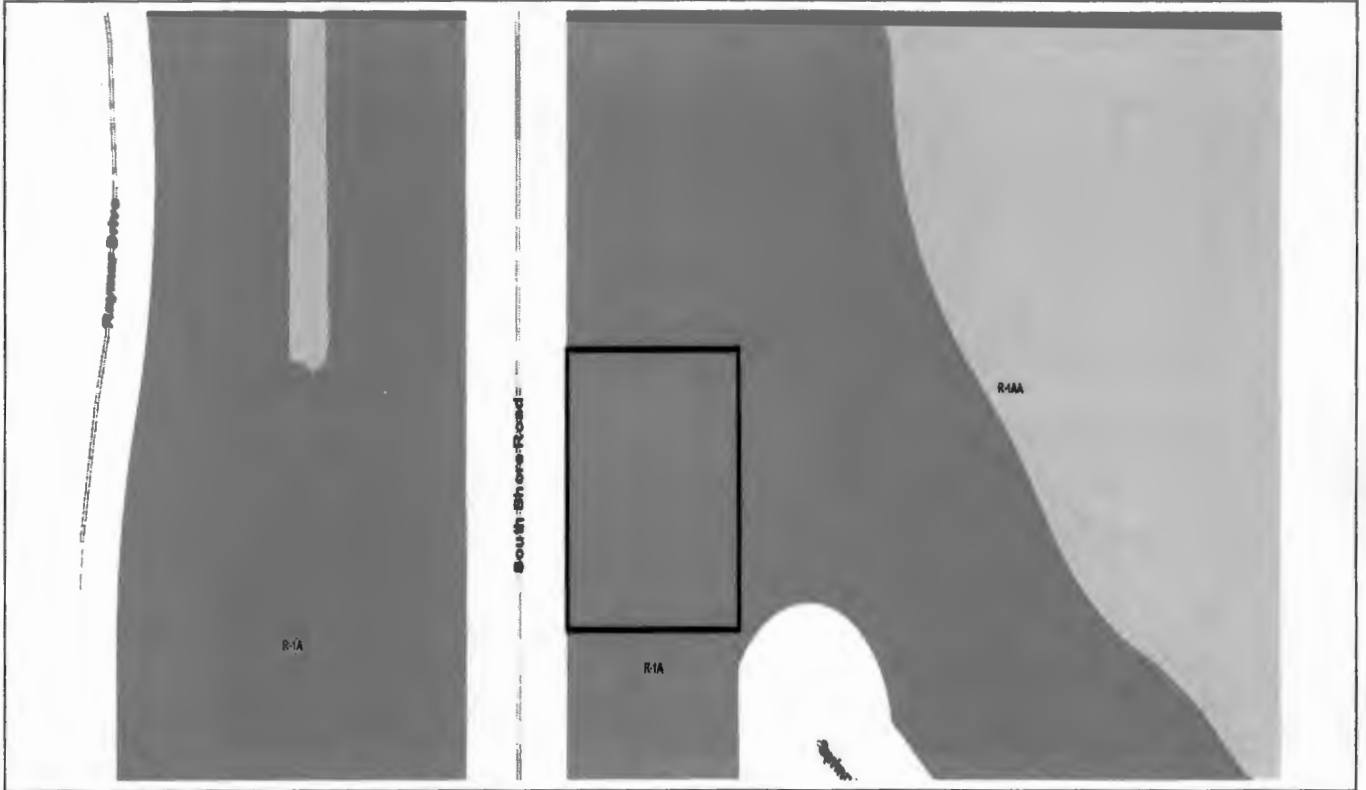
Should you have any questions or require any additional information, please do not hesitate to contact me at (407) 963-2751. Thank you.

Sincerely,

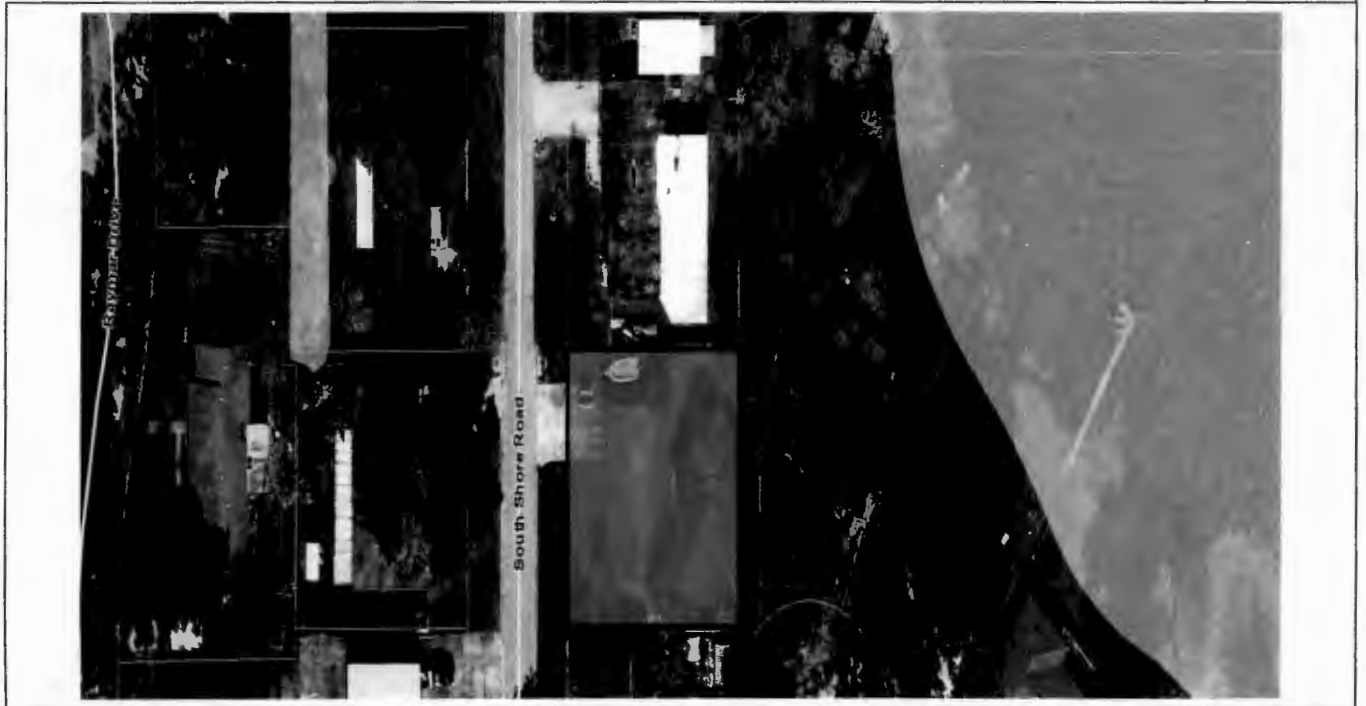
A handwritten signature in black ink that reads "Daniel Gough". The letters are cursive and somewhat stylized, with the first letter of each name being significantly larger and more prominent.

Daniel Gough  
4533 South Shore Road

ZONING MAP



AERIAL MAP











# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 07, 2019**

Case Planner: **David Nearing, AICP**

Case #: **SE-18-06-068**

Commission District: **#1**

## GENERAL INFORMATION

APPLICANT(s): CHARO UCEDA

OWNER(s): CHARO UCEDA

REQUEST: Special Exception and Variances in the R-CE zoning district as follows:

- 1) Special Exception to allow construction of a detached Accessory Dwelling Unit (ADU).
- 2) Variance to allow construction of a detached ADU on a lot with less than 1 1/2 times the minimum lot area required by the zoning district.
- 3) Variance to allow a parcel with .88 ac. of land area in lieu of 1 ac. of land area.

PROPERTY LOCATION: 1984 Windermere Rd., Windermere, FL 34786, west side of Windermere Rd., approximately 350 ft. south of McKinnon Rd.

PARCEL ID: 06-23-28-0000-00-014

LOT SIZE: 133 ft. x 291 ft. (AVG)/.885 Acres

NOTICE AREA: 1100 ft.

NUMBER OF NOTICES: 70

**DECISION: APPROVED** 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, **APPROVED** the Variance requests 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 as amended (unanimous; 7-0):

1. Development in accordance with the site plan dated April 18, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Construction plans shall be submitted within three (3) years of final action on this application by Orange County or this approval becomes null and void.
5. Prior to issuance of a Certificate of Occupancy for the ADU, the applicant shall provide evidence that a Homestead Exemption has been granted to the subject property.
6. The exterior of the ADU shall match or compliment the exterior of the existing residence with respect to color and materials.
7. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

**SYNOPSIS:** Staff noted that the need for the variances regarding the size of lot are due in part to the fact that there was no indication that the lot had been lawfully created. However, at over 35,000 ft. in size, there is more than adequate room to accommodate both the main house and the ADU, which is for the applicant's parents. The location of the home exceeds all setbacks and the unit will be constructed to mirror the main home. Staff noted that it had received one correspondence in opposition, however, it was not from an immediately impacted neighbor.

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

The BZA asked if, even though the architecture provided mirrored that of the house, should a condition be added for clarity. Staff acknowledged that one would be added. A motion to approve the Special Exception and Variances was passed unanimously.

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**STAFF RECOMMENDATIONS**

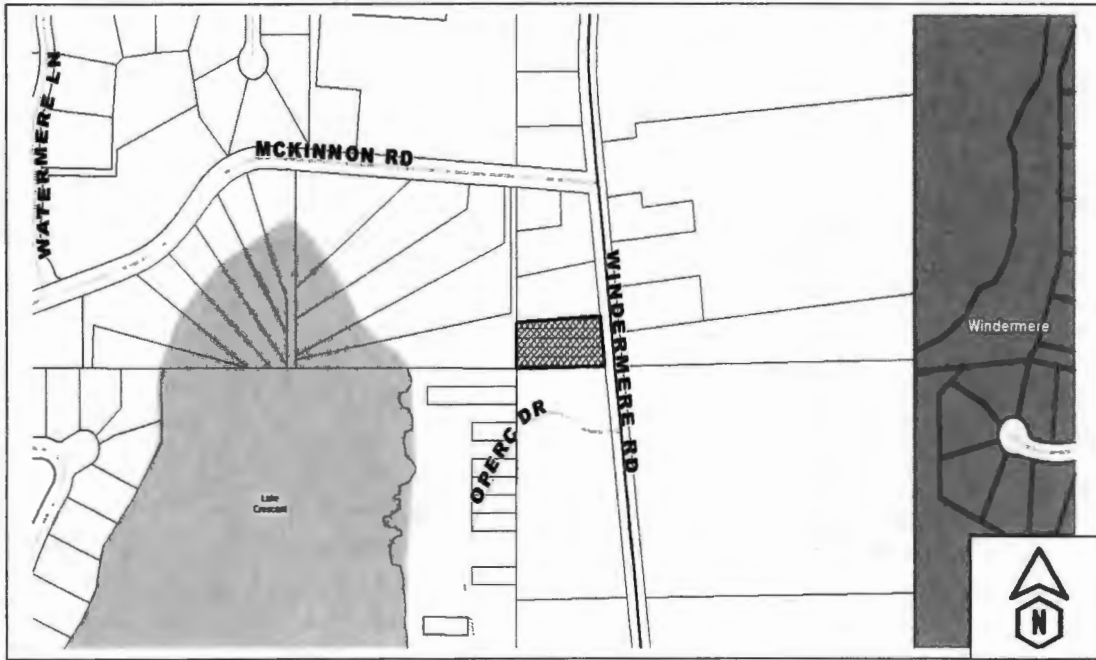
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Approval subject to the conditions in this report.

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**LOCATION MAP**

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**SITE & SURROUNDING DATA**

	Property	North	South	East	West
Current Zoning	R-CE	R-CE	R-CE	R-CE	R-CE
Future Land Use	RS-1/1	RS-1/1	RS-1/1	RS-1/1 & R	RS-1/1
Current Use	Single Family Residence	Single Family Residence	Vacant	Single Family Residence & Vacant	Single Family Residence

**BACKGROUND AND ANALYSIS**

**Description and Context**

The subject property is zoned R-CE, Country Estate District, which allows for primarily single family development on one (1) acre lots. In addition to single family homes, the Comprehensive Plan allows ancillary uses such as Accessory Dwelling Units (ADU's) through the Special Exception process. The property is located in the West Windermere Rural Settlement which allows for residential uses on larger lots. Wording in the Comprehensive Plan allows for ADU's in all residential zoning districts even if located in a Rural Settlement.

The requirements for an ADU state that a detached ADU be located on a lot or parcel which is 1 1/2 times the minimum lot size for the zoning district in which it is located.

The lot size of the subject property is .88 acres in size. The minimum lot size for a property in the R-CE zoning district is one (1) acre. This would require a lot or parcel with 1 ½ acres of land area for a detached ADU. The lot is over 38,000 sq. ft. in size, and all setbacks and lot coverage requirements are being met.

The applicant has applied for a Homestead Exemption for the subject property. The Property Appraiser's office has indicated that the property qualifies for the Exemption. The applicant wishes to have the ADU for their parents to live in, while maintaining their independence. The applicant understands that the ADU must be occupied by a relative for the first three (3) years after it is CO'ed, and that the Homestead Exemption must be maintained on the property in perpetuity of the ADU.

According to the Property Appraiser's records, the subject property was created by deed in 1998. Prior to that, it was part of a larger property extending to McKinnon Rd. There is no record of a legal lot split having been approved through Orange County to create the lot. A review of historic aerials shows that the property had a residence on it since at least 1971.

The current residence is a 9,017 sq. ft. two-story residence with 6,474 sq. ft. of living area. The proposed ADU will be 984 sq. ft. in size, with architecture to match the main residence.

The property was rezoned R-CE in 1966. The Comprehensive Plan was adopted in 1991. Since the property was not created through the lot split process or through a subdivision plat, the lot is not a lawful nonconforming parcel or record, despite its having a newer residence on it. The variance for the lot size will validate the property, bringing it into compliance.

**District Development Standards**

	Code Requirement	Proposed
Max Height:	35	17
Min. Lot Width:	130	140
Min. Lot Size:	1 ac.	.88+ ac.

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

	Code Requirement	Proposed
Front:	N/A	N/A
Rear:	10	31
Side:	10	25
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

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**STAFF FINDINGS**

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**VARIANCE CRITERIA****Not Self-Created**

The applicant purchased the property "as is", including an existing principle structure, and obtained valid demolition and building permits to build a new residence.

**No Special Privilege Conferred**

Granting the variances would not confer any special privilege upon the applicant. Reuse of a developed property is a common practice.

**Minimum Possible Variance**

Typically, with the absence of any environmental constraints as is the case with this application, 1/2 acre is more than sufficient to accommodate a principal residence and an ADU. At .8 ac., there is more than sufficient room for the ADU, making this the minimum variance necessary.

**Purpose and Intent**

Since an ADU is permitted through the Special Exception process, and there is more than sufficient area to develop both a principal residence and an ADU, this request does not impair the integrity of the code, and meets the purpose and intent

## **SPECIAL EXCEPTION CRITERIA**

### **Consistent with the comprehensive policy plan**

ADU's are specifically identified in the Comprehensive Plan as a use permitted in all residential areas through the Special Exception or Planned Development process.

### **Similar and compatible with the surrounding area**

The ADU will be designed to complement the existing residence architecturally. Given the size of the subject property, and the existence of a six ft. tall wood fence surrounding the property, the use will be compatible with the surrounding area.

### **Shall not act as a detrimental intrusion into a surrounding area**

Given the residential nature of an ADU, the use will not act as a detrimental intrusion into the neighborhood.

### **Meet the performance standards of the district**

The use will comply with all performance standards for the R-CE zoning district.

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

The use will not generate any more of the listed negative externalities than any other home in the neighborhood.

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

Single family residences are not required to provide landscaping. However, as previously noted, there is an existing fence surrounding the subject property.



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## **CONDITIONS OF APPROVAL**

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1. Development in accordance with the site plan and elevations dated April 18, 2018, 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. Construction plans shall be submitted within three (3) years of final action on this application by Orange County or this approval becomes null and void.
5. Prior to issuance of a building permit for the ADU, the applicant shall provide evidence that a Homestead Exemption has been granted to the subject property.
6. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

c: Charo Uceda  
1984 Windermere Road  
Windermere, FL 34786

Gil Steel  
4750 NW 66th Avenue  
Lauderhill, FL 33319

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**COVER LETTER**

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Charo Uceda  
1984 Windermere Rd  
Orlando, FL 34786  
908.256.2727  
charo.ucedas@ucedaschool.edu  
04/16/2018

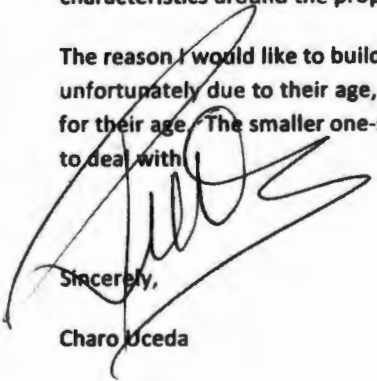
Orange County Zoning Division  
Special Exception Request

Dear: Orange County Zoning Division

I am writing to request a special exception for the additional in-law quarters I would like to build at the rear of my property. The new structure is about 986 Sq. Ft., has a building size of about 32' x 31' and a maximum roof height of 16'-3".

The architectural design of this building will match the primary existing house on the lot. This will include similar architectural finishes, color, landscaping surrounding the buildings and other characteristics around the property.

The reason I would like to build this small building is to have my parents live with me but unfortunately due to their age, the existing two-story house is very uncomfortable and inconvenient for their age. The smaller one-story building would be much easier on them physically and mentally to deal with.



Sincerely,

Charo Uceda

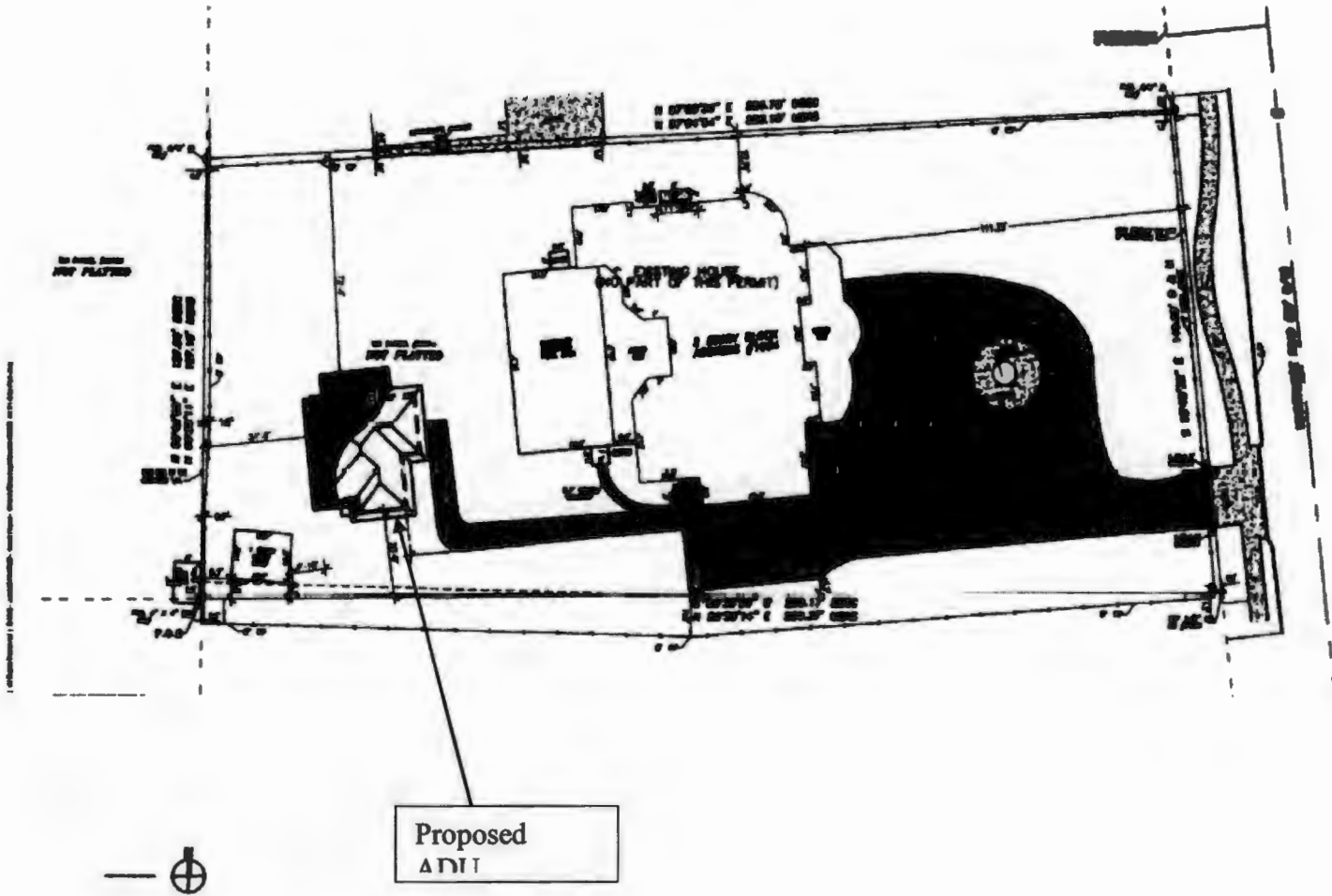
ZONING MAP



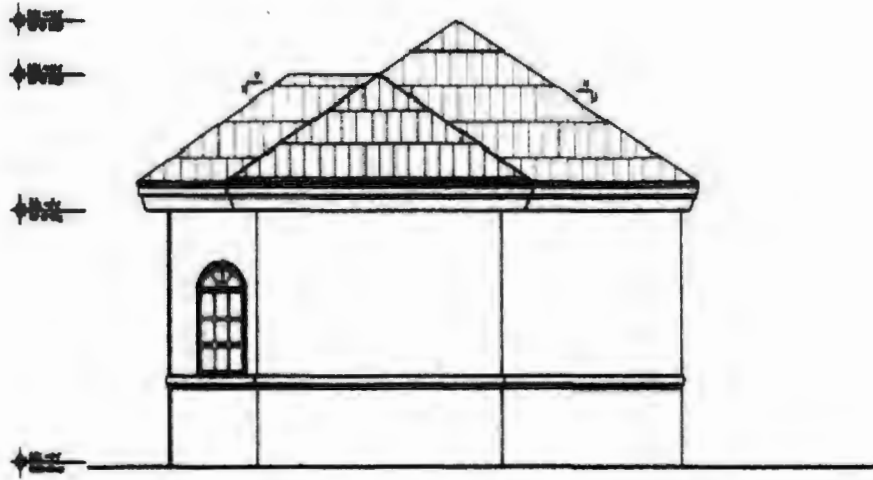
AERIAL MAP



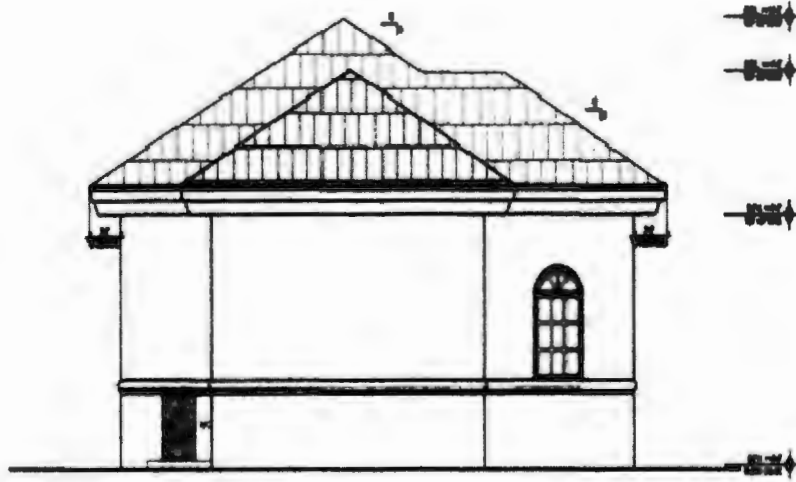
SITE PLAN / SURVEY



ELEVATION

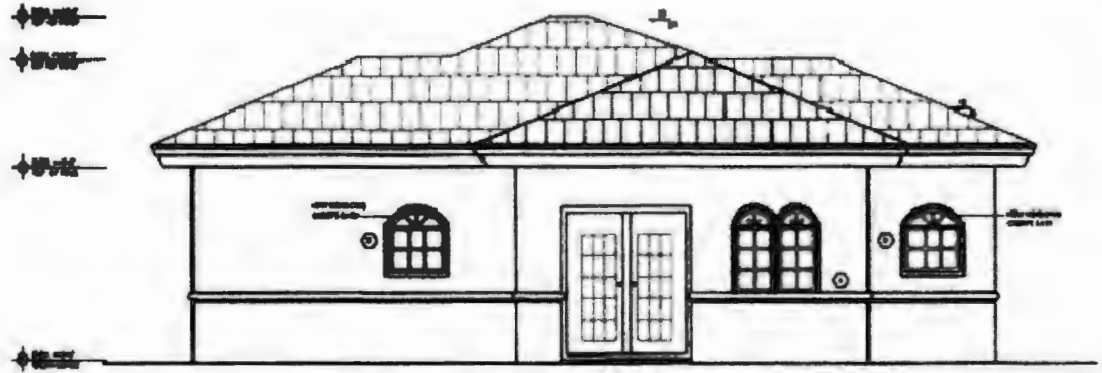


06 North Elevation

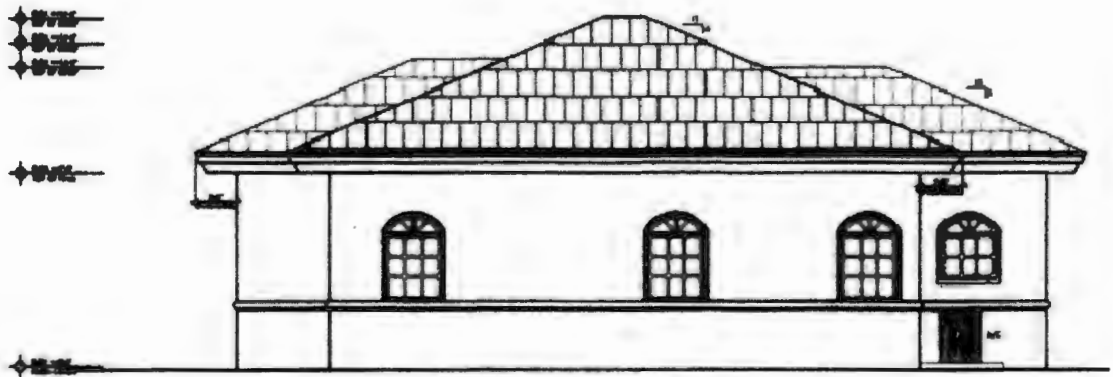


16 South Elevation

ELEVATION

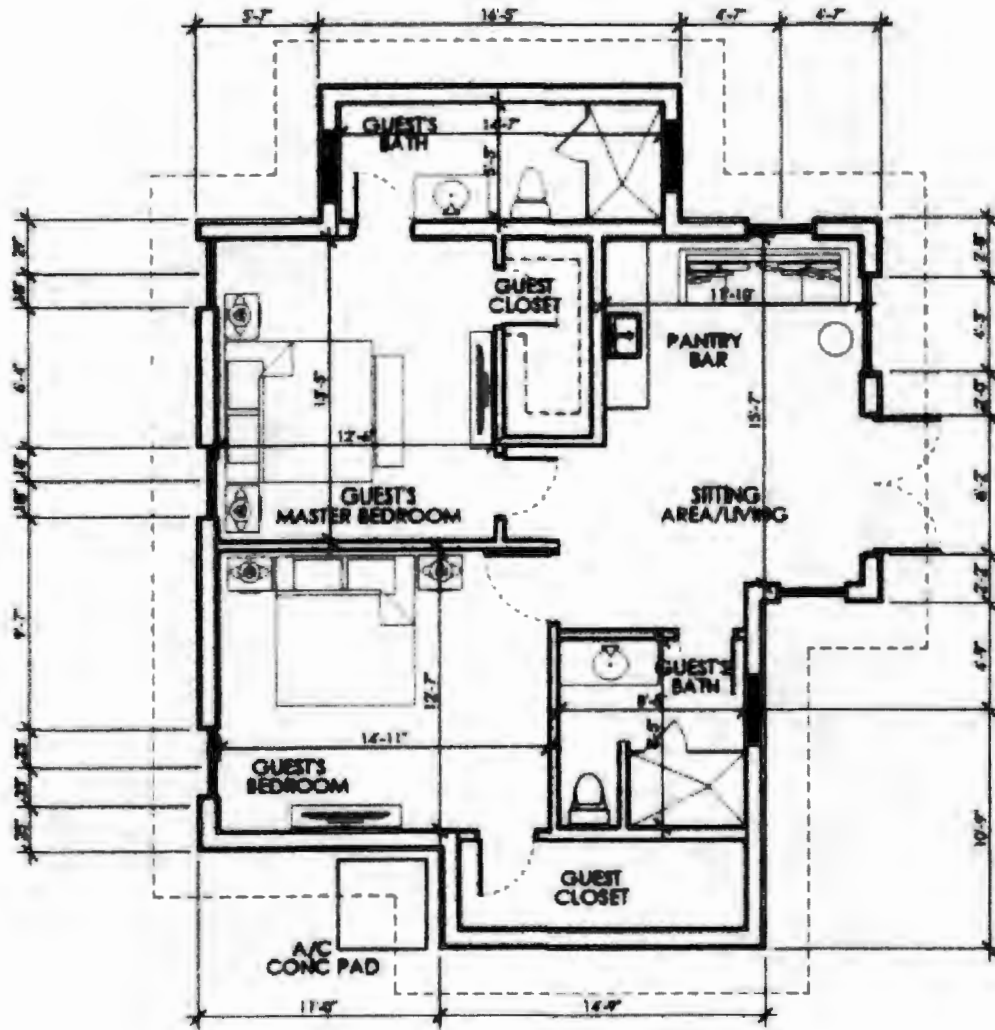


East Elevation



West Elevation

FLOOR PLAN



SITE PHOTOS







# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 07, 2019**

Case Planner: **Nick Balevich**

Case #: **SE-19-02-187**

Commission District: **#1**

## GENERAL INFORMATION

APPLICANT(s): EDUARDO BADILLO

OWNER(s): SPIRIT SPE PORTFOLIO CA C-STORES LLC

REQUEST: Special Exception in the C-1 zoning district to allow a portable food vendor at an existing gas station/convenience store.

This is the result of Code Enforcement action.

PROPERTY LOCATION: 7331 W. Sand Lake Rd., Orlando, FL 32819, northwest corner of W. Sand Lake Rd. and Turkey Lake Rd.

PARCEL ID: 26-23-28-0000-00-130

LOT SIZE: 1 acre

NOTICE AREA: 1000 ft.

NUMBER OF NOTICES: 172

**DECISION: APPROVED** 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; 7-0):

1. Development in accordance with the site plan dated November 21, 2018, 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 Zoning Adjustment 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 between 7:00 a.m. and 12:00 a.m.

5. Outdoor seating is prohibited.
6. Audio equipment and video equipment shall be prohibited, as well as the use of any outdoor amplification of any sound.
7. Overnight stay or storage of any supplies or materials is prohibited. The operation shall be moved nightly or stored indoors overnight.
8. Use of on- or off-site signage, such as A-Frames, banners, temporary directional signs, etc., shall be prohibited.
9. No more than one portable food vendor, or food truck shall be permitted on the site at any one time.
10. Failure to comply with the above conditions shall result in Code Enforcement action.

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

The applicant stated that they can place the operation inside of the building each night without any problem.

The BZA confirmed that the gas station operated 24 hours per day, and that there were no such other operations in the area. The BZA also confirmed that if the operation was under the canopy of the building then no hearing would be required.

A member of the public spoke in favor of the application, stating that the use does not affect the area and that he is happy with it.

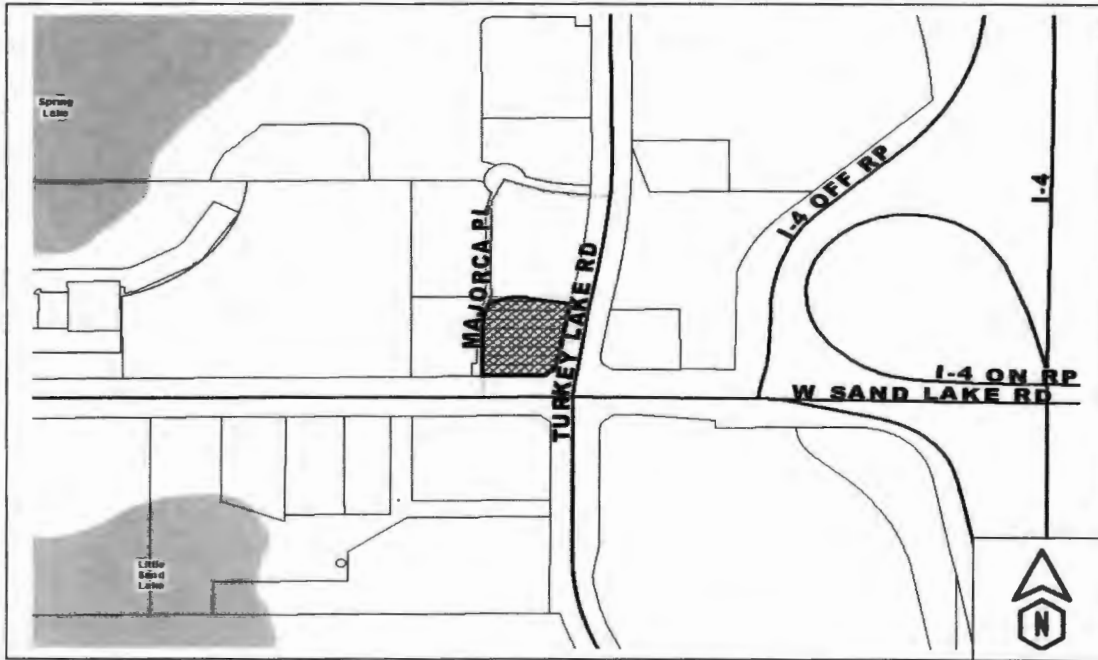
Staff received no commentaries in favor of the application, and 1 in opposition to the application. There was no opposition at the hearing.

The BZA approved the Special Exception.

**STAFF RECOMMENDATIONS**

Approval subject to the conditions in this report.

**LOCATION MAP**



**SITE & SURROUNDING DATA**

	<b>Property</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Current Zoning</b>	C-1	C-1	C-1	C-1	C-1
<b>Future Land Use</b>	C	C	C	C	C
<b>Current Use</b>	Commercial	Commercial	Commercial	Commercial	Commercial

**BACKGROUND AND ANALYSIS**

**Description and Context**

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 subject property is a 1 acre lot containing a Chevron gas station with a 1,782 sq. ft. building and gas pumps on site.

The applicant is requesting approval to operate a portable food vendor at the existing Chevron gas station located at the northeast corner of W. Sand Lake Road and Turkey Lake Road. The proposed location will not occupy any parking spaces

A portable food vendor is permitted in the C-1 zoning district if the operation is located under the canopy of the principal building on-site. The applicant wants the operation to be located on the southeast corner of the property, away from the building, which requires Special Exception approval.

Code Enforcement cited the applicant in December of 2018 for having a portable food vendor (not located under a canopy) in C-1 (Incident 530386).

The property is located in a heavily commercial area. The nearest multifamily residential property is located over 1,000 ft. away from the operation. There are no single family homes near the operation.

Code requires a portable vendor to be located at least 10 ft. from the nearest right-of-way line. The operation is proposed to be over 76 ft. from the nearest property line.

**District Development Standards (Measurements in feet)**

	<b>Code Requirement</b>	<b>Proposed</b>
<b>Max Height:</b>	n/a	n/a
<b>Min. Lot Width:</b>	80	160
<b>Min. Lot Size:</b>	6,000 s.f.	43,623 s.f.

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## STAFF FINDINGS

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### **SPECIAL EXCEPTION CRITERIA**

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

A portable food vendor in the C-1 zoning district with the required Special Exception is consistent with the Commercial Future Land Use.

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

The use is similar and compatible with the surrounding commercial area.

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

The use will be commercial in nature and will greatly exceed all required setbacks, and will have minimal visibility from the road.

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

The operation exceeds all required setbacks. The lot exceeds the minimum gross required size.

**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.**

The characteristics and impacts of the operation are consistent with the majority of uses permitted in the C-1 zoning district.

**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 site has existing landscaping which meets code.

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## **CONDITIONS OF APPROVAL**

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1. Development in accordance with the site plan dated November 21, 2018, 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 between 7:00 a.m. and 12:00 a.m.
5. Outdoor seating is prohibited.
6. Audio equipment and video equipment shall be prohibited, as well as the use of any outdoor amplification of any sound.
7. Overnight stay or storage of any supplies or materials is prohibited. The operation shall be moved nightly or stored indoors overnight.
8. Use of on- or off-site signage, such as A-Frames, banners, temporary directional signs, etc., shall be prohibited.
9. No more than one portable food vendor, or food truck shall be permitted on the site at any one time.
10. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.

c: Eduardo Badillo  
6811 Tanglewood Bay Dr. Apt 2515  
Orlando, FL 32821

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**COVER LETTER**

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EDUARDO BADILLO

11-21-2018

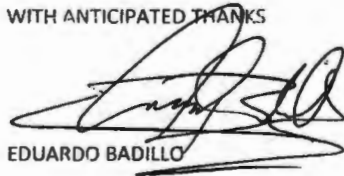
REFERENCE SPECIAL EXCEPTION REQUEST

IM WRITING THIS LETTER TO REQUEST A SPECIAL EXCEPTION TO WORK MY FOOD TRAILER IN A COMMERCIAL C1 ZONED.

WE ARE IN THE PROPERTY OF A GAS STATION WITH CONVINIENCE STORE AND WE WILL BE COMPLEMENTING EACH OTHER. THERE ARE NO CONFLICTS WITH PARKING SPACE, THIS PROPERTY HAS MORE THAN 25 PARKING SPACES WICH EXCEEDS WAY MORE THAN THE REQUIRED SPACES. WE CONDUCT A CLEAN, RESPECFULL AND TROUBLE FREE BUSINESS . WE DON'T CREATE ANY LOUD NOICES, BAD ODORS OR DUST. OUR TRAILER IS PARKED IN A PAVED AREA. CUSTOMERS ARE ABLE TO PARK IN A PAVED AREA WITHOUT DAMAGING ANY LANDSCAPING, OSBTRUCTING ANY TRAFFIC OR USING ANY EXTRA NEEDED PARKING FROM GAS STATION.

OUR TRAILER SELLS ONLY VERY LIMITED AND SPECIALTY PRODUCTS. THAT DOES'NT COMPETE WITH RESTAURANTS IN THE AREA. WE BRING GOOD FOOD FOR A FAMILY ORIENTED PEOPLE WITH A PRODUCT THAT'S FROM OUR ROOTS AND CULTURE. WE ARE PRESENTLY LISCENSED WITH DBPR AND WILL COMPLY WITH ALL NECESSARY LISCENSING REQUIREMENTS. PLEASE GRANT US THIS SPECIAL EXCEPTION SO WE CAN CONTINUE DOING BUSINESS IN THIS AREA.

WITH ANTICIPATED THANKS



EDUARDO BADILLO





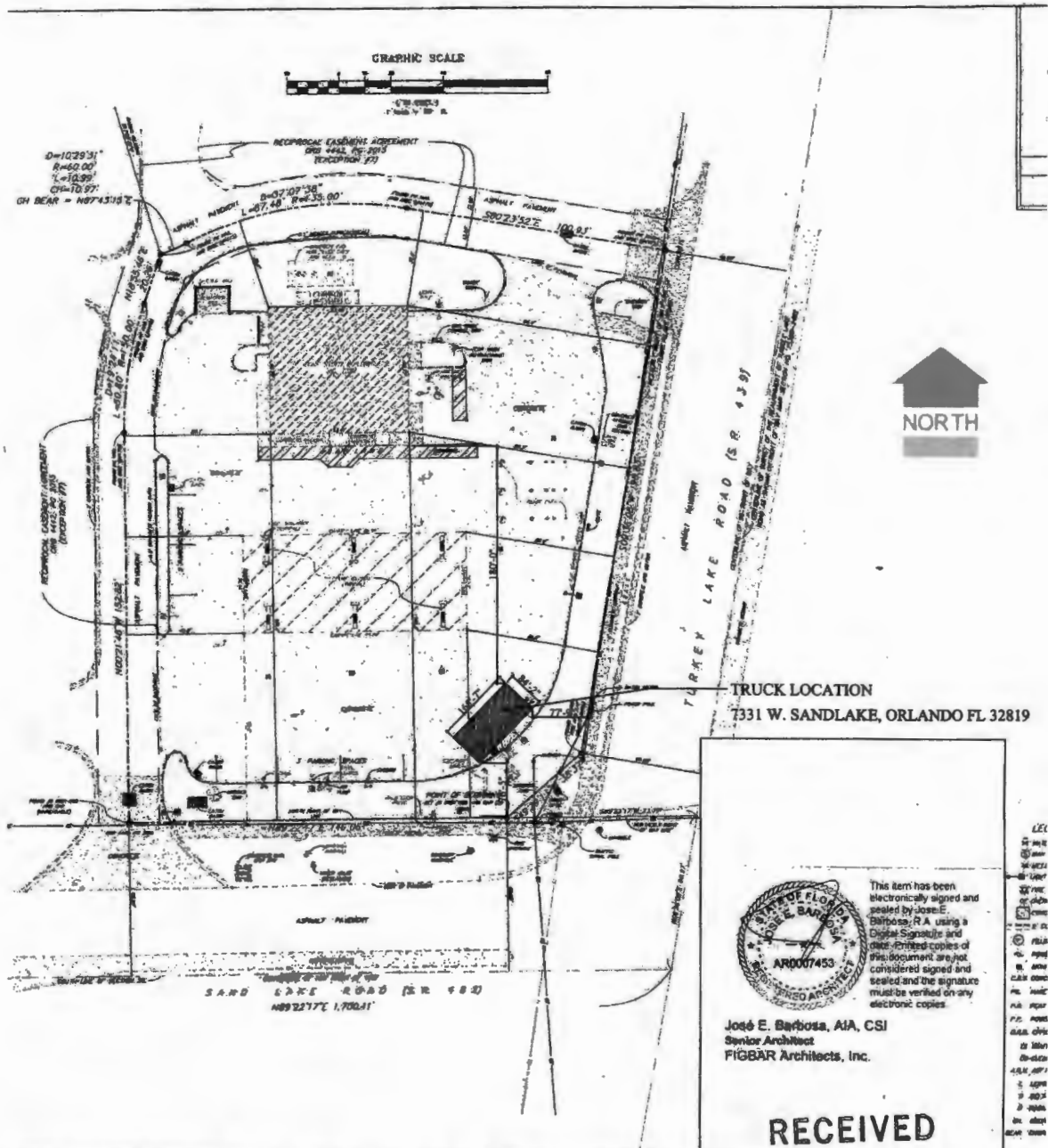
AERIAL MAP



ZONING MAP

SITE PLAN /

FIGBAR ASSOCIATES, INC. ARCHITECTS / PLANNERS



14409 Vashons Way, Winter Garden FL 34787  
Telephone: 407-580-9942

RECEIVED

NOV 21 2018  
ORANGE COUNTY,  
ZONING DIVISION

SURVEY



165,74"

4MSP

80"

**SITE PHOTOS**



**Corner of Turkey Lake Road and Sand Lake Road**



**From adjacent sidewalk to the south**



01/14/2019 13:17

**On site, adjacent to building, north of operation**



**On site, west of operation**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 07, 2019**

Case Planner: **Sean Bailey**

Case #: **SE-19-02-189**

Commission District: **#4**

## GENERAL INFORMATION

APPLICANT(s): JOSEPH NEAL

OWNER(s): MONTESSORI BILINGUAL ACADEMY INC

REQUEST: Special Exception in the R-3 zoning district to allow a daycare and private school with up to 236 students.

PROPERTY LOCATION: 57 and 61 S. Dean Rd., Orlando, FL 32825, east side of Dean Rd., north of Lake Underhill Rd.

PARCEL IDs: 29-22-31-0000-00-064

29-22-31-0000-00-033

LOT SIZE: .952 acres, 169 ft. x 380 ft.

NOTICE AREA: 700 ft.

NUMBER OF NOTICES: 149

**DECISION: APPROVED** 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 as amended (unanimous; 7-0):

1. Development in accordance with the site plan dated November 30, 2018, 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 Zoning Adjustment 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 7:00 a.m. to 6:00 p.m., Monday through Friday.



5. If the school converts to a charter school then all requirements of the school siting ordinance (Ordinance No. 2017-06), shall be met.
6. No more than 236 children shall be permitted.
7. The applicant shall combine Parcel ID's 29-22-31-0000-00-064 and 29-22-31-0000-00-033 through the Orange County Property Appraiser's Office.
8. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
9. Building perimeter landscaping shall be provided consistent with Sec. 24-4 (d).
10. The parking lot (Phase 2) shall be constructed and completed within one (1) year of issuance of the Certificate of Occupancy for the classroom building (Phase 1).
11. No more than four (4) outdoor special events 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.

**SYNOPSIS:** The applicant would like to convert the existing daycare use to allow for a daycare and private school. The applicant plans to demolish the existing buildings and construct a new 13,108 sq.ft. Classroom building.

Staff explained the site, went over the phasing plan, showed site photos, and provided an overview of the surrounding area.

The applicant stated they will be removing the septic system on site and tying into the existing utilities. There was a discussion regarding the logistics of the drop-off and pick-up of the children. The applicant stated there is a Porte cochere with a drop-off area, and they have certain times for drop-off/pick-up.

Staff received 2 letters in opposition of the request and one person spoke in opposition of the request at the public hearing stating there are too many private schools in the area.

The BZA discussed the application and agreed it met the Special Exception criteria and approved the request.

**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	PD	PD	A-2
Future Land Use	MDR	MDR	PD-C/C	PD-C	MDR
Current Use	School/Daycare	Religious Use	Self-Storage/gas station	Self-Storage	Vacant

**BACKGROUND AND ANALYSIS**

**Description and Context**

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

The property was re-zoned in December of 1987 from A-2 to R-3. A special exception was approved on this parcel in December 1996 to allow a Community Residential Home.

The project consists of two parcels and addresses. 57 S. Dean Rd. is the front parcel and 61 S. Dean Rd. is the rear parcel. According to Orange County Tax Collector the applicant got their Business Tax Receipt for the Montessori School (daycare) in 1999 for the front parcel and in 2006 for the rear parcel. If the special exception is approved, the parcels will be required to be combined through the Property Appraiser's office.

The applicant purchased both properties in 2006 and currently operates a daycare center with up to 90 children at this location. Day care centers are a permitted use in the R-3 Zoning District. The applicant would like to expand their operation and also add a private school component. The private school requires a special exception in the R-3 Zoning District.

The proposed new learning facility will accommodate up to 236 students (88 daycare students and 148 elementary students) with hours of operation from 7:00 AM to 5:00 PM Monday-Friday. The daycare center is currently utilizing two modular buildings on site. The applicant is proposing to demolish the existing buildings and construct a new 13,108 sq. ft. building.

The project is proposed to be built in two (2) phases. The first phase will include construction of the new building and associated utilities. The second phase will consist of the construction of a new parking lot in front the proposed building. While the parking lot is being constructed all parking will be located on the adjacent church property. The applicant has submitted a letter from the church stating they are in agreement with that.

The area is comprised of a variety of commercial uses, multi-family housing, medical offices, and religious use facilities.

**District Development Standards**

	Code Requirement	Proposed
Max Height:	35	24
Min. Lot Width:	85	170
Min. Lot Size:	15,000	64,220

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

	Code Requirement	Proposed
Front:	20	170
Rear:	20	81
Side:	10	12
Sidestreet:	n/a	n/a
NHWE:	n/a	n/a

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**STAFF FINDINGS**


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**SPECIAL EXCEPTION CRITERIA**

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

The Future Land Use of the property is Medium Density Residential and approving the special exception will render the use consistent with Comprehensive Policy Plan.

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

The proposed use of a private school/daycare is similar to the previous use of the property as a daycare. The area is comprised of commercial uses such as gas stations and retail stores. The hours of operation will be Monday through Friday from 7:00 AM to 5:00 PM.

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

The limited hours of operation will limit any disturbances to the neighbors during nights and weekends. Also, the use is existing in the area and this proposal is just an expansion of the existing operation.

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

The proposed site plan meets parking requirements, setbacks, height, and open space requirements.

**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.**

The proposed use of a private school/daycare will not produce any vibrations, noise, odor or other characteristics not normally produced by other uses allowed in the R-3 Zoning District.

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

The landscape plan submitted by the applicant meets section 24 landscaping requirements. The applicant will be required to install additional landscaping along the building façade which is being addressed by a condition of approval.

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## **CONDITIONS OF APPROVAL**

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1. Development in accordance with the site plan dated November 30, 2018 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 Zoning Adjustment 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 7:00 a.m. to 5:00 p.m., Monday through Friday.
5. If the school converts to a charter school then all requirements of the school siting ordinance (Ordinance No. 2017-06), shall be met.
6. No more than 236 children shall be permitted.
7. The applicant shall combine Parcel ID's 29-22-31-0000-00-064 and 29-22-31-0000-00-033 through the Orange County Property Appraiser's Office.
8. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
9. Building perimeter landscaping shall be provided consistent with Sec. 24-4 (d).
10. The parking lot (Phase 2) shall be constructed and completed within 1 year of issuance of the Certificate of Occupancy for the classroom building (Phase 1).

Joe Neal  
7607 Coral Drive  
Melbourne, FL 32904

COVER LETTER

Page 1 of 1



M.E.C. Job No.: 18-0106  
Project: Orlando Montessori  
Bilingual Academy  
File: Orange County BZA

November 30, 2018

Orange County Zoning Division  
201 South Rosalind Avenue, 1<sup>st</sup> floor  
Orlando, FL 32801

Re: Orlando Montessori Bilingual Academy – BZA Special Exception Submittal

To Whom It May Concern:

This special exception submittal is for Orlando Montessori Bilingual Academy located at 61 S. Dean Road Orlando, FL. The request is for one (1) new 13,108 SF learning facility with associated parking, utilities, playground, and stormwater management. The new building will be 23'-5" tall. The new facility will house 88 daycare students and 148 elementary students, and be operational Mon-Fri 7:00am-5:00pm.

The existing site currently serves as a Montessori school comprising of two (2) modular school buildings serving 45 of elementary students and 45 daycare students.

The project will be completed in two (2) phases to allow the learning facility to stay in operation during construction. The project will utilize property to the north for temporary parking during construction (See attached letter). Phase 1 will include construction of the new building, utilities, and stormwater management. Phase 2 will consist of the new parking lot. Please see the phasing plan attached for more information.

This project meets the six standards for special exception.

1. The use is consistent with the Comprehensive Policy Plan as the site is not changing use.
2. The use is compatible with the pattern of surrounding development as it is not changing use. The surrounding development consists of a church, gas station, self storage, multitenant retail, etc.
3. The use is not a detrimental intrusion to surrounding areas.
4. The use does meet the performance standards of the district.
5. Since there is no change of use, it will have the same characteristics of the currently permitted uses in the zoning district.
6. Landscape buffer yards are proposed in accordance with section 24-5 of the code.

Please notify MEC immediately should any additional information be needed for approval.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Neal', is written over a light blue horizontal line.

Joe Neal, P.E.  
Vice President Central Florida  
JoeN@meconstruction.com

ZONING MAP

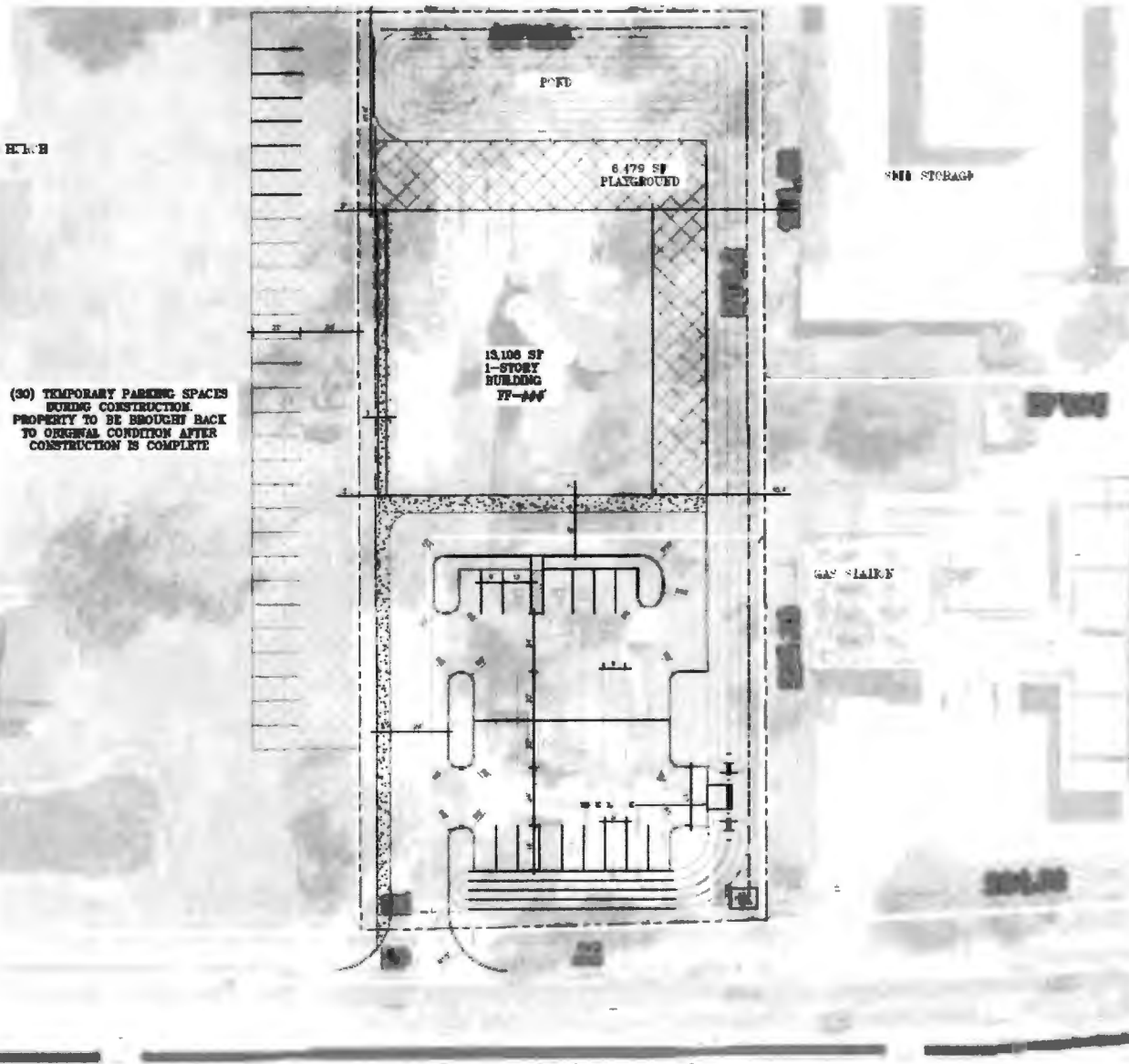


AERIAL MAP





**SITE PLAN / SURVEY**



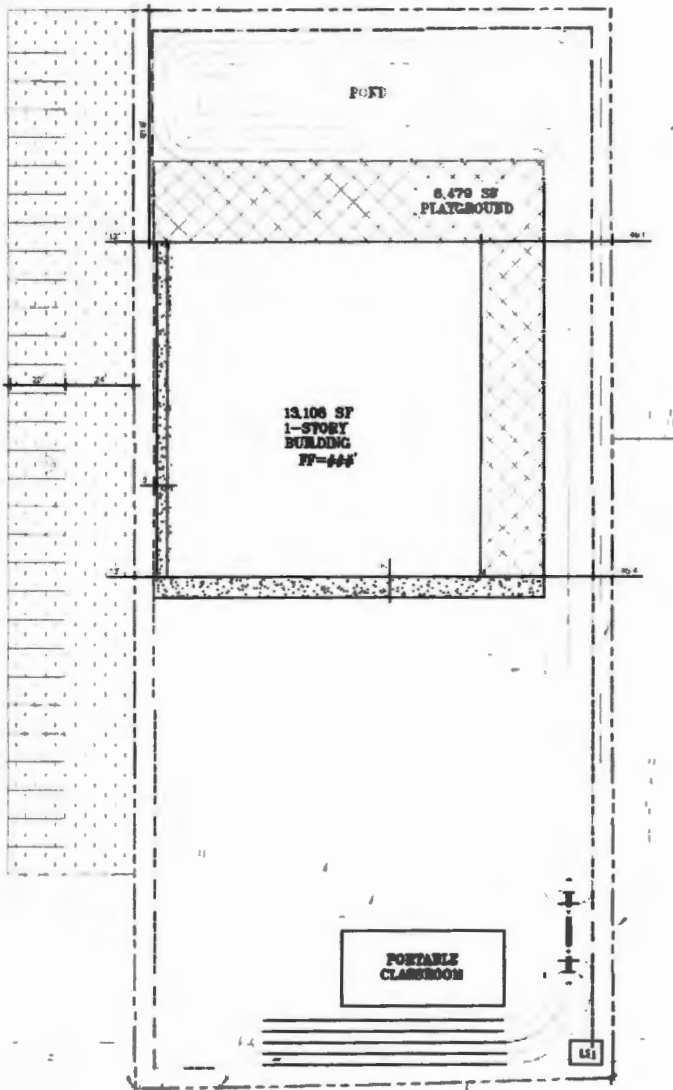
**PRELIMINARY**

FOR INFORMATION ONLY  
NOT TO BE USED FOR CONST.

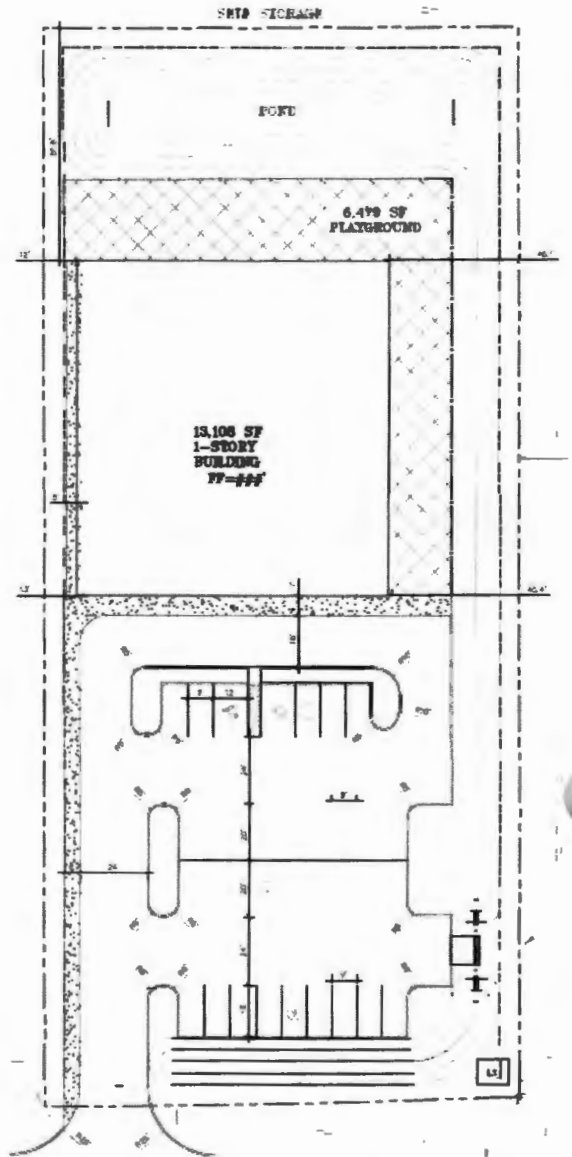
ENGINEER CERTIFICATION  
THIS SET SHALL BE USED IN  
CONFORMANCE WITH 2008

1-4-11 By: J. J. [Signature]

**PHASING PLAN**

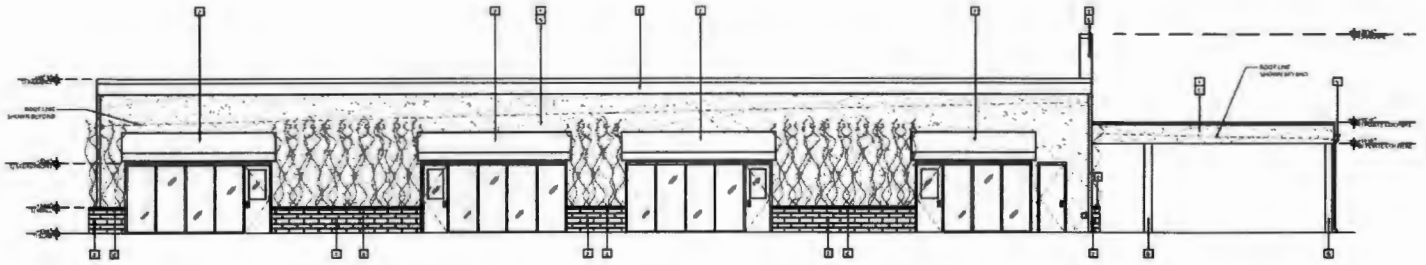


**PHASE 1**



**PHASE 2**

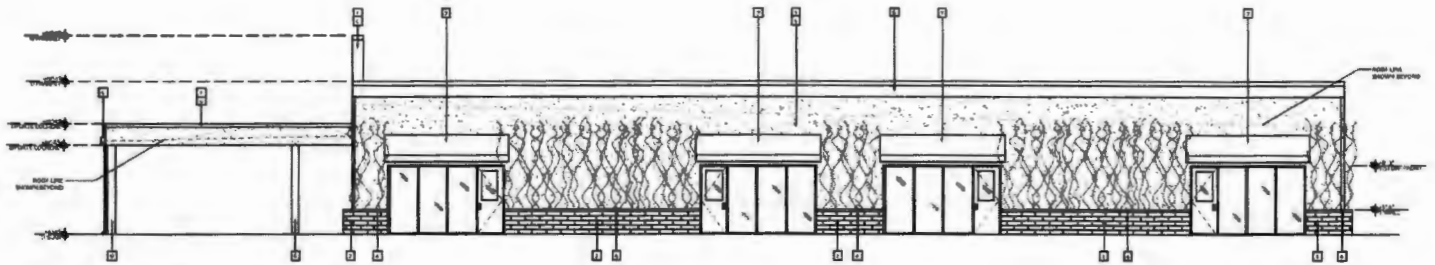
# ELEVATIONS



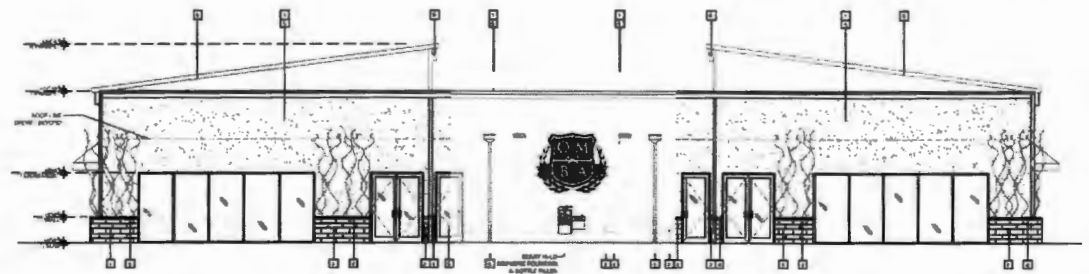
02 WEST WALL ELEVATION



03 SOUTH WALL ELEVATION



02 EAST WALL ELEVATION  
1/20



01 NORTH WALL ELEVATION  
1/20

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**SITE PHOTOS**

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Looking North towards Church Property



Looking North along Dean Rd. from subject property



Existing Parking area along north property line



Looking south towards Self-Storage Facility





Looking south from subject property

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 07, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-02-190**

Commission District: **#1**

## GENERAL INFORMATION

APPLICANT(s): **MOONISH BADALOO**

OWNER(s): **DELICIA BADALOO, MOONISH BADALOO**

REQUEST: **Variance in the R-CE zoning district to allow a one (1) story accessory structure with a maximum height of 24 ft. in lieu of 15 ft.**

PROPERTY LOCATION: **8040 Palm Lake Drive, Orlando, Florida, 32819, southeast corner of Palm Lake Dr. and Palm Lake Cir., west of Dr. Phillips Blvd.**

PARCEL ID: **22-23-28-6564-03-011**

LOT SIZE: **1.744 acres**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **66**

**DECISION: APPROVED** 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 as amended (unanimous; 7-0):

1. Development in accordance with the site plan and elevations dated December 5, 2018, 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 design of the accessory structure shall utilize a design and colors complimentary to the exterior of the existing house.

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

The applicant agreed with the staff presentation and had nothing to add.

The BZA felt that the request was straightforward and the applicant was cooperative. The BZA wanted to add condition number 4 stating, "The design of the accessory structure shall utilize a design and colors complimentary to the exterior of the existing house."

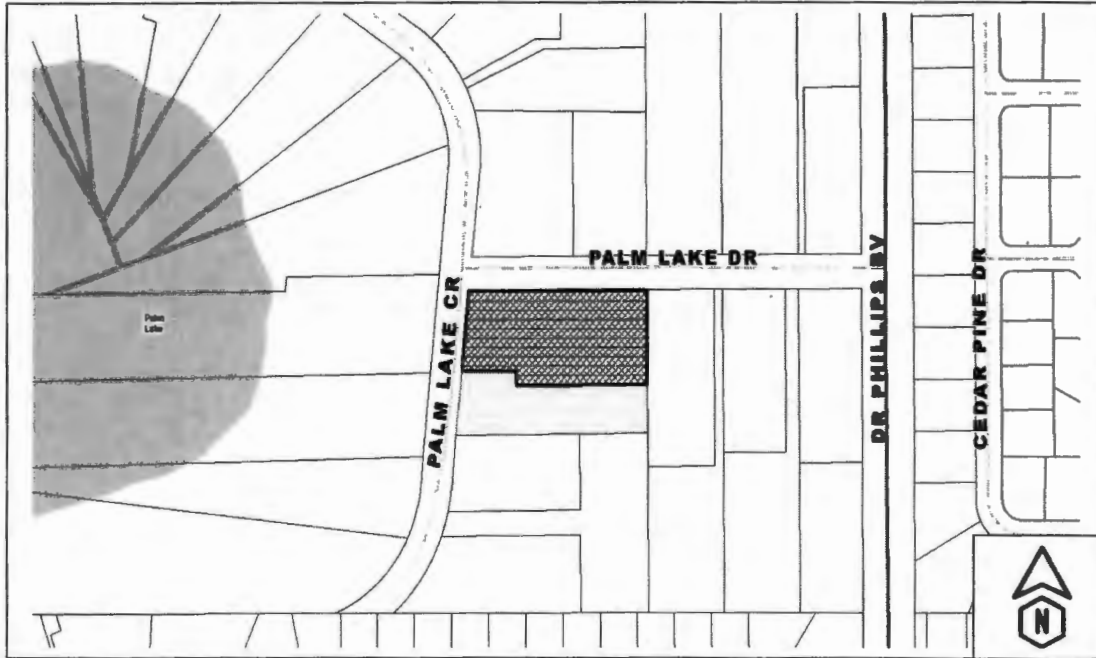
Staff received 7 commentaries in favor of the application, and 2 in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance subject to the addition of condition number 4.

**STAFF RECOMMENDATIONS**

Approval subject to the conditions in this report.

**LOCATION MAP**



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**SITE & SURROUNDING DATA**

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	Property	North	South	East	West
Current Zoning	R-CE	R-CE	R-CE	R-CE	R-CE
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single family residence	Single family residence	Single family residence	Single family residence	Single family residence

---

**BACKGROUND AND ANALYSIS**

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**Description and Context**

The subject property is zoned R-CE, Rural Country Estate, which allows for single family development on one (1) acre lots and certain rural uses.

The property is located in the Palm Lake area, which is comprised of single family homes on larger lots. The site contains a 2 story single family home with an attached 2 car garage. The applicant is proposing a 25 ft. x 51 ft. 5 car garage, 24 ft. in height.

Accessory structures are allowed to be a maximum height of 15 ft. The proposed structure will be single story, with a flat roof, and no internal walls. The increased height will accommodate a parapet wall to conceal solar panels, and allow the applicant to store multiple cars using lifts.

The R-CE zoning district allows accessory structures to be a maximum of 2,000 sq. ft. or 25% of the living area of the residence (whichever is greater). The single family home is 5,154 sq. ft., therefore the 2,000 sq. ft. maximum applies. The proposed accessory structure will be 1,275 sq. ft., thus smaller than the allowed size.

The nearest residence is over 100 ft. away from the proposed accessory structure.

The subject property is a 1.74 acre corner lot, with the accessory structure proposed to be located on the southeast portion of the lot, set back from Palm Lake Drive and behind the house away from Palm Lake Circle.

The request constitutes a 40% deviation from code, however the lot is 74% larger than the required minimum size, and the location will minimize visibility.

All abutting neighbors have signed letters of no objection to the proposal.

**District Development Standards (Measurements in feet)**

	Code Requirement	Proposed
Max Height:	15	24
Min. Lot Width:	130	191
Min. Lot Size:	1 acre	1.744 acres

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

	Code Requirement	Proposed
Front:	n/a	300
Rear:	5	75
Side:	5	25
Sidestreet:	15	141
NHWE:	n/a	n/a

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**STAFF FINDINGS**

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**VARIANCE CRITERIA**

**Special Conditions and Circumstances**

The lot is 74% larger than the required size for the zoning district. This size, and the length of the lot allows the structure to be located approximately 300 ft. from the front (west) property line, 25 ft. from the side (south) property line, 141 ft. from the side street (north) property line, and 75 ft. from the rear (east) property line.

**Minimum Possible Variance**

The request is the minimum variance to utilize the specified design and to match the style of the existing house, while shielding the solar panels from view.

**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 subject property is a large lot, with the proposed structure setback significantly from adjacent roads. This will not be a detrimental intrusion. Homes are allowed to be up to 35 ft. tall.

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## **CONDITIONS OF APPROVAL**

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1. **Development in accordance with the site plan and elevations dated December 5, 2018, 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.**

**Moonish Badaloo  
8040 Palm Lake Drive  
Orlando, FL 32819**

## Moonish & De Licia Badaloo

8040 Palm Lake Drive, Orlando Florida 32819 | (407) 383-5091 | mbadaloo@yahoo.com

12/1/2018

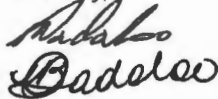
**Permitting Services**

Orange County Administration Building, 1st Floor  
201 Rosalind Avenue  
Orlando, FL 32801

To whom it may concern,

We would like to make a formal request for variance to zoning requirement in our area. The current zoning rules require a maximum building height for a detached garage to be 15 feet. We are asking for a variance of 8.8 feet for a maximum building height of 23.8 feet proposed. The structure will be made of all concrete block that will be 1275 square feet; 51 feet long by 25 wide as outlined in site plan. In adherence to current code, the proposed construction will be 20 feet away from all property lines. Also attached with this letter will be an outline of the variance criteria. If there are any questions or concerns, please feel free to contact me at your convenience.

Sincerely,



Moonish and De Licia Badaloo



APPLICATION FOR ZONING VARIANCE

**1. STATEMENT OF OWNERSHIP AND INTEREST**

- a.) The Applicant is the owner of property situated at 8040 Palm Lake Drive, Orlando Florida 32819.
- b.) The legal description of the property is as follows: BLK C (less S 130 FT) & N 30ft of E 300 FT of S 130 FT of lot 1 BLK C. Palm Lake Manor first addition U/140 Lot 1. Property records number 22-23-28-6564-03-011.

**2. REQUEST**

The Applicant requests the following variance(s)

- a.) Section(s) of Zoning Ordinance concerned: requesting roof height from 15 FT to 23.8 FT.

**3. Variance Criteria:**

a.) **Special Conditions and Circumstances:**

Variance is being requested to keep the height and look of the detached garage in alignment with the look of the current structure on the property. It also provides the opportunity to conceal the solar panels that will be placed on the structure with a parapet wall.

b.) **Not Self-Created:**

No work has been currently done on this project at present.

c.) **No Special Privilege Conferred:**

We understand that this variance will be a one-time variance that will not affect the other structures in the same zoning district and does not confer any special privileges.

d.) **Deprivation of Rights:**

**RECEIVED**

DEC 05 2018  
ORANGE COUNTY,  
ZONING DIVISION

**APPLICATION FOR ZONING VARIANCE BY MOONISH AND DE LICIA BADALOO**

The literal interpretation of zoning would deprive us from building a detached garage that is consistent with the look and architecture of the existing structure on the property. This look would also provide adequate height and concealment of the solar panels.

**e.) Minimum Possible Variance:**

The minimum possible variance to achieve the desired results would be 8.8 feet.

**f.) Purpose and Intent:**

The purpose and intent is to provide an environment that will not be injurious to the neighborhood or otherwise detrimental to the public welfare while adding to the harmonious look of the property.

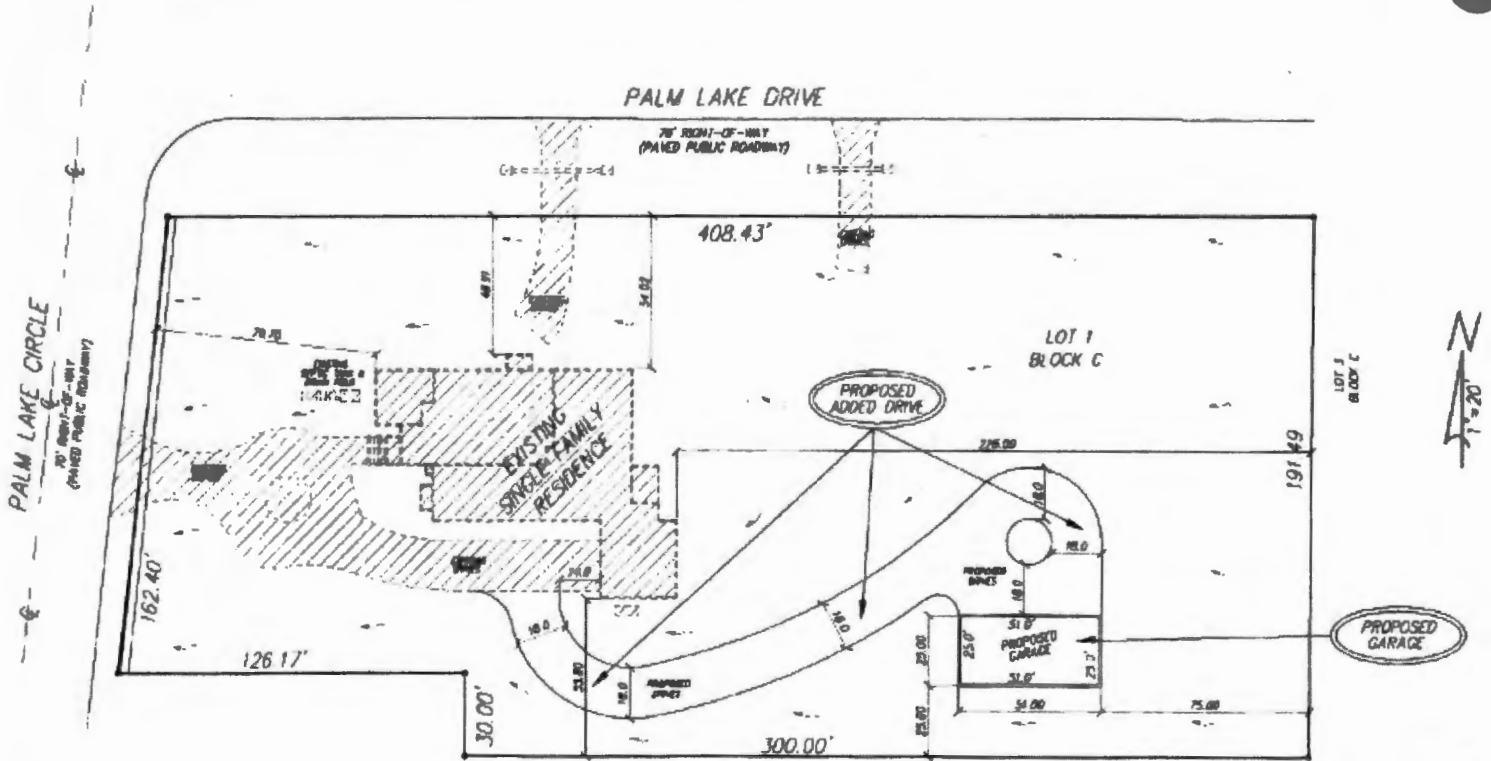
ZONING MAP



AERIAL MAP



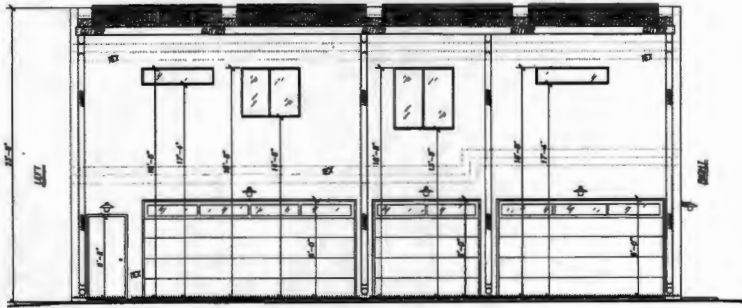
**SITE PLAN / SURVEY**



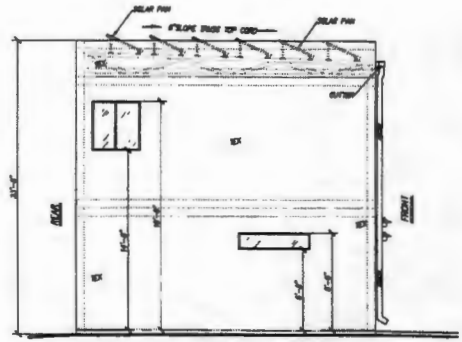
**PLOT PLAN**

EXISTING & PROPOSED

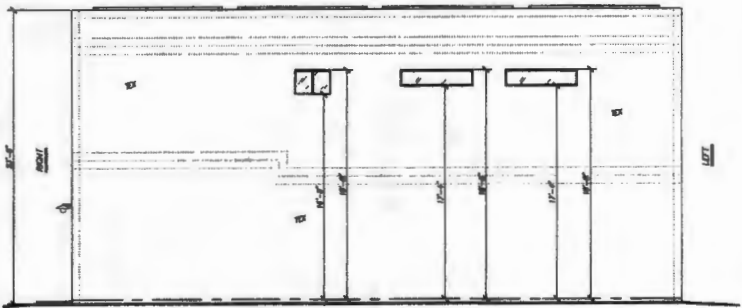
ELEVATION



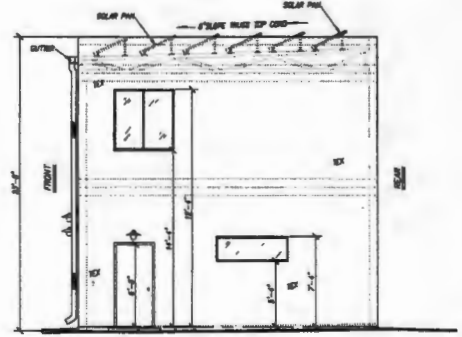
FRONT ELEVATION 1/4"=1'-0"



LEFT ELEVATION 1/4"=1'-0"



REAR ELEVATION 1/4"=1'-0"



RIGHT ELEVATION 1/4"=1'-0"

RECEIVED  
DEC 05 2016  
ORANGE COUNTY,  
ZONING DIVISION

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**SITE PHOTOS**

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# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 07, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-02-196**

Commission District: **#1**

## GENERAL INFORMATION

APPLICANT(s): **MARY ROSE**

OWNER(s): **MARY ROSE & JOHN ROSE**

REQUEST: **Variance in the R-1A zoning district to permit a cumulative total of 750 sq. ft. of accessory floor area in lieu of 500 sq. ft.**

PROPERTY LOCATION: **1736 Division Ave., Gotha, FL 34734, west side of the intersection of Division Ave. and Broadway Ave. in Gotha**

PARCEL ID: **29-22-28-6768-00-210**

LOT SIZE: **137 ft. x 268 ft./ .89 Acres**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **116**

**DECISION: APPROVED** 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 abstained due to temporary absence):

1. Development in accordance with the site plan dated December 12, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The color of the garage shall match or compliment that of the existing residence.
5. Prior to issuance of a building permit for the garage, the applicant shall obtain the necessary demolition permit(s) and remove the existing accessory structures.

**SYNOPSIS:** Staff noted that the subject property was five (5) times the minimum lot requirement for a lot in the R-1A zoning district. In addition, the lot is larger than the A-1 zoned lots to east across Division Ave. Each of those lots fails to meet the lot size or width criteria, however, each is entitled to 1,000 sq. ft. of accessory floor area. If the subject property were zoned A-1, there would be no need for the variance. Staff also noted that this area of Gotha is very rural in character, and that a larger structure would fit with the larger lots and character. Staff noted that the applicant has the support of a large number of their neighbors. In addition, there have been past variances in the neighborhood for larger structures.

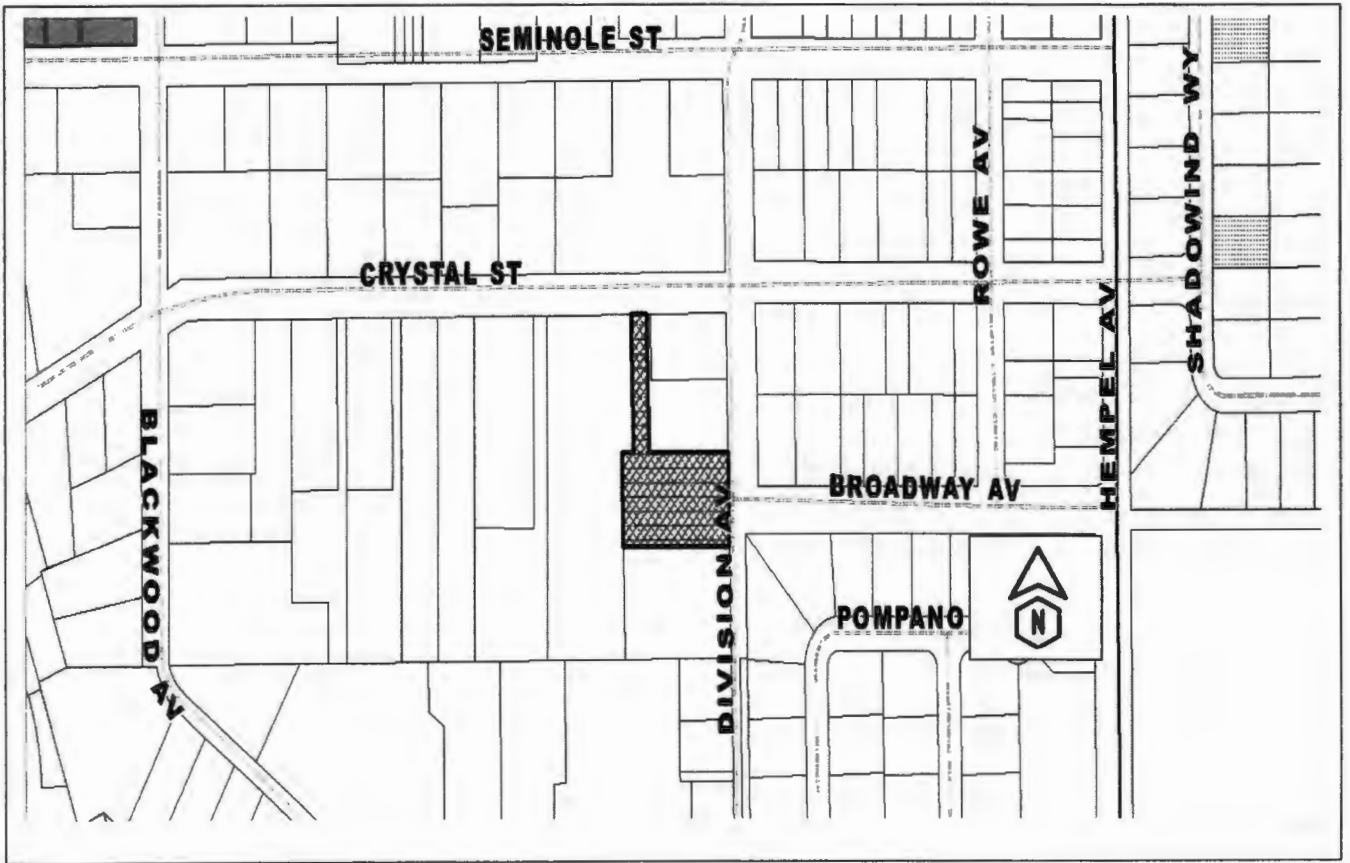
The applicant indicated their agreement with the staff recommendation and conditions. There being no one present to speak in favor or opposition to this request, the public hearing was closed.

The BZA concluded that the size of the property, and character of the area warranted the granting of the variance. A motion to approve the request passed unanimously.

**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 & A-1	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single Family Residence	Single Family Residence	Single Family Residence	Single Family Residence	Single Family Residence

**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. The applicant is proposing to construct a one-story 750 sq. ft. garage in the rear of the property to store an antique car and tractor. The 2,589 sq. ft. residence includes an attached two-car garage and carport.

The subject property is .89 ac. in size, and is uniquely shaped as the lot fronts on both Division Ave. and Crystal St. With the minimum lot size in the R-1A zoning district at 7,500 sq. ft. the subject property is over five (5) times the size of a lot with the minimum required square footage.

There are currently two sheds located where the new garage is proposed to be located. These sheds are to be removed to accommodate the garage. As a condition of any approval, the applicant should obtain demolition permits and remove the structures prior to obtaining a building permit for the new garage.

The subject property is also larger than the minimum lot size required for property in the A-1 zoning district, such as that located across Division Ave. to the east. The minimum lot size is 1/2 ac. In the A-1 zoning district. All of the properties zoned A-1 across Division Ave. are under the 1/2 ac. lot requirement.

Were the property zoned A-1, as is the property to the east across Division Ave., a variance would not be needed, as the A-1 zoning district allows up to 1,000 sq. ft. of accessory floor area.

While zoned R-1A, the characteristic of the neighborhood is large lot rural in appearance, as is much of the Gotha area. A larger structure will not be out of scale with the size of the subject property, or out of context with the nature of the area. The rear setback as submitted is eight (8) ft. from the rear property line in lieu of the minimum five (5) ft., and the proposed structure will be over 230 ft. back from Division Ave.

The applicant submitted letters of support from eight (8) neighbors including three (3) which abut the subject property.

**District Development Standards (Measurements in feet)**

	Code Requirement	Proposed
Max Height:	15/20	15
Min. Lot Width:	75	137
Min. Lot Size:	7,500	38,768 sq. ft./ .89 ac.

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

	Code Requirement	Proposed
Front:	N/A	N/A
Rear:	5	8
Side:	5	12
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

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**STAFF FINDINGS**


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**VARIANCE CRITERIA****Special Conditions and Circumstances**

The special condition particular to the subject property is its size versus what it is zoned. At over five (5) times the size of a required lot in the R-1A district, it also exceeds the minimum lot area for a property zoned for agriculture, which would allow up to 1,000 sq. ft. of accessory floor area.

**No Special Privilege Conferred**

Granting the variance will not confer any special privilege upon the applicant, as there are other lots across Division Ave. in the A-1 zoning district which would be permitted similar size structures on smaller lots.

**Deprivation of Rights**

If denied the variance, the applicant would be limited to 500 sq. ft. of accessory floor area on a lot five (5) times the minimum lot area for the zoning district in which it is located.

**Minimum Possible Variance**

The requested variance is the minimum needed to accommodate the applicant's needs.

**Purpose and Intent**

Given the size of the subject property and many of the lots abutting the subject property the proposed structure will be in scale and compatible with the nature of the neighborhood. This satisfies the purpose and intent of the code.

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## CONDITIONS OF APPROVAL

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1. Development in accordance with the site plan dated December 12, 2018, 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 color of the garage shall match or compliment that of the existing residence.
5. Prior to issuance of a building permit for the garage, the applicant shall obtain the necessary demolition permit(s) and remove the existing accessory structures.

c: Mary Rose  
1736 Division Avenue  
Gotha, FL 34734

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**COVER LETTER**

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John and Mary Rose  
1736 Division Avenue, Gotha, FL 34734  
(407) 578-5784 home

December 11, 2018

Orange County  
Zoning Division  
201 South Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, FL 32801

Dear Sir or Madam,

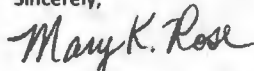
Enclosed is our application to obtain a variance for a detached garage at our residence, located at 1736 Division Avenue, Gotha, FL 34734. We would like to build a garage in our backyard to house an antique tractor that John's father is giving to him. Also, there is an antique car in our garage that will be moved to this detached garage to make room for Mary's car to fit into our existing, attached garage.

We intend to build a one story 750 sq. ft. metal garage with enameled finish to compliment the colors and style of our home. We intend to build this building in the ~~SW~~ corner of our property, with at least a 5-foot distance from the property lines. We will be removing the two existing sheds that are currently in that corner.

We know of no neighbors who would object to this building and have enclosed letters, signed by many of our neighbors stating that they do not object. We respectfully request that you allow this variance, which is in keeping with the rest of the neighborhood.

We thank you for your careful consideration of this matter.

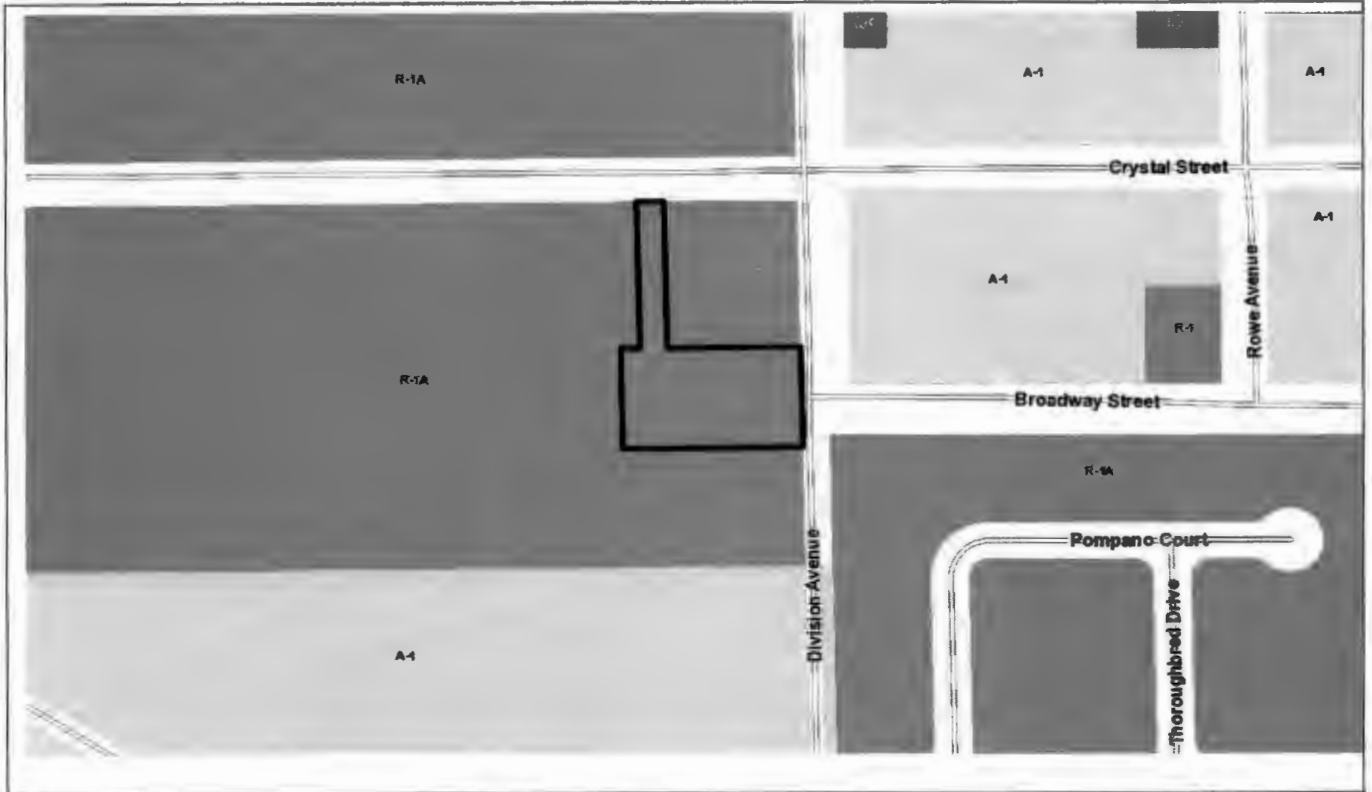
Sincerely,



Mary K. Rose

(407) 580-0416 cell

**ZONING MAP**



**AERIAL MAP**



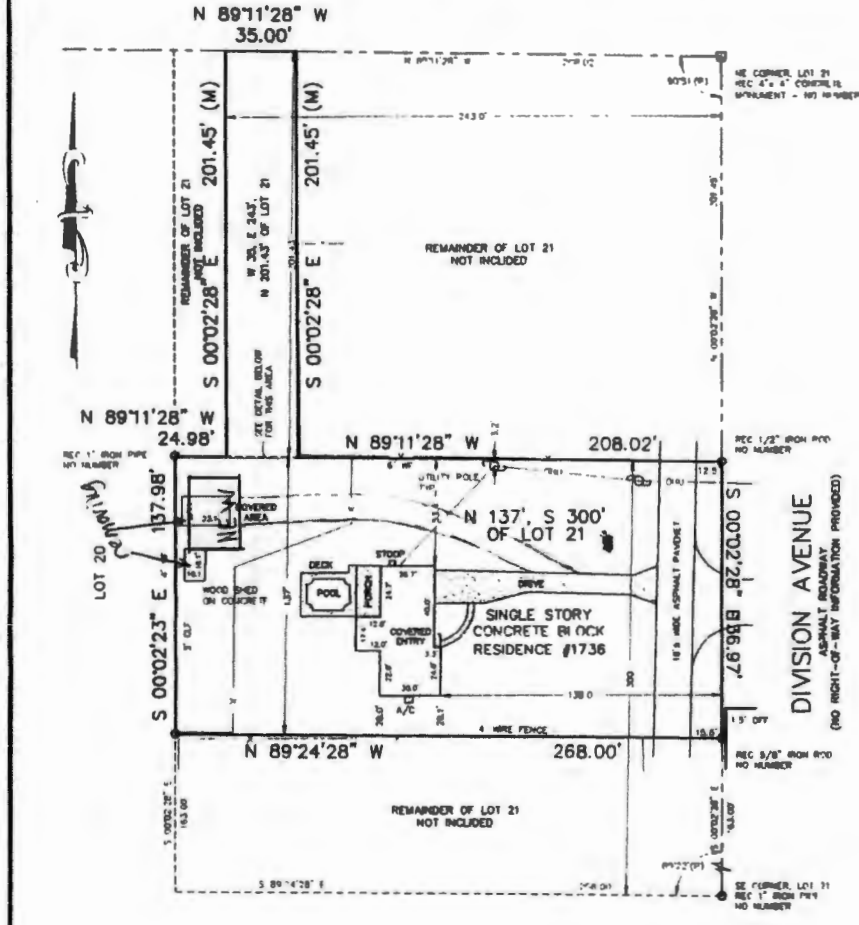


**SITE PLAN / SURVEY**

**PLAT OF SURVEY**

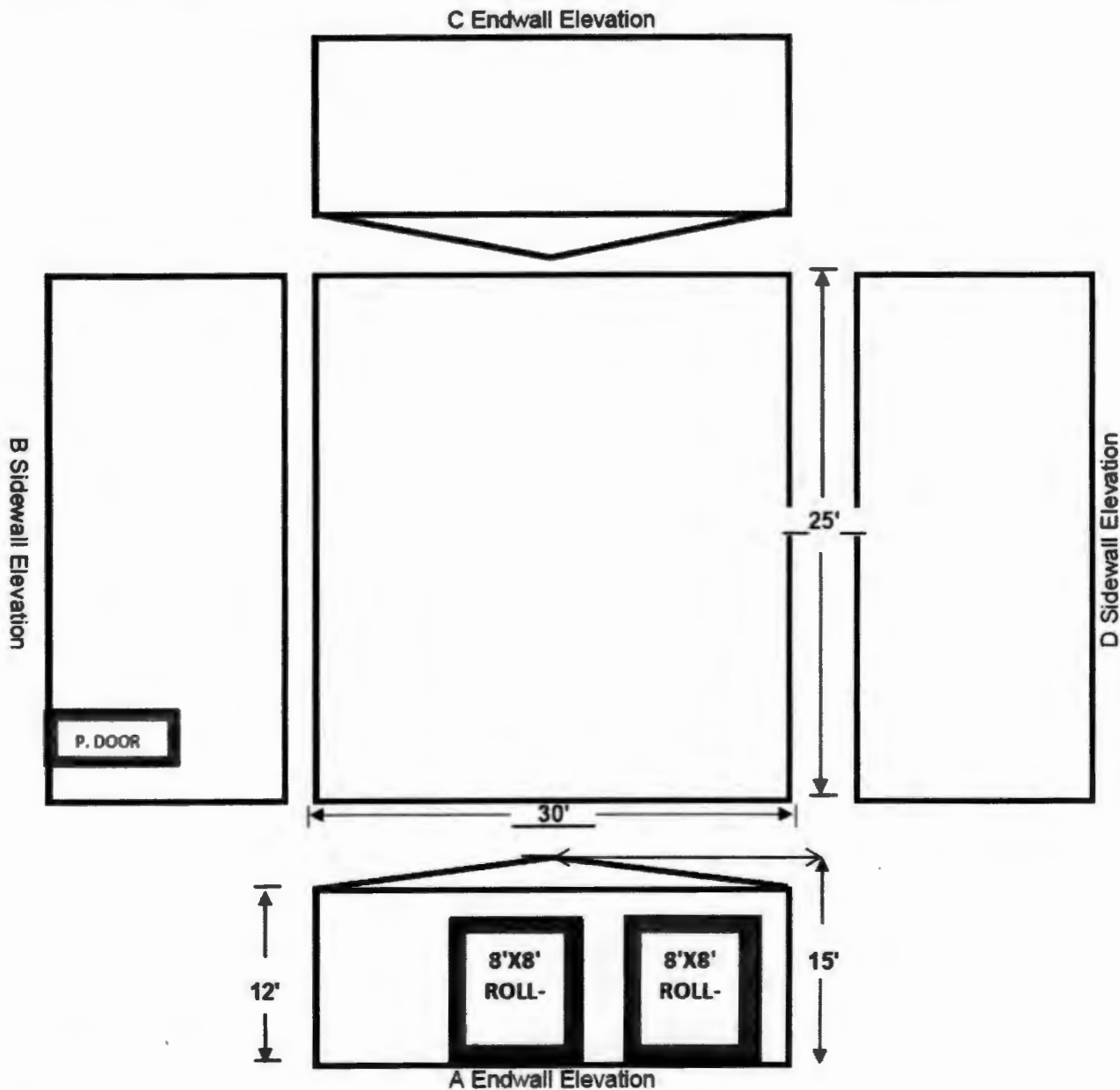
DESCRIPTION: (AS FURNISHED)

THE NORTH 137 FEET OF THE SOUTH 300 FEET OF LOT 21 AND THE WEST 35 FEET OF THE EAST 243 FEET OF THE NORTH 201.43 FEET, PEARL LAKE SUBDIVISION REPLAT OF BLOCKS E AND F, BLACKWOOD ACRES SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



**ELEVATION**

Name: MARY ROSE - 1736 DIVISION AVENUE: GOTHA, FL 34734



Building Dimensions: Width 30' Length 25' Height 12'

Colors: Roof H. MOSS Sides LT. STONE Ends LT. STONE Trim TAN

Framed Openings: A-Endwall (2) 8'X8' R/U C- Endwall    B- Sidewall 36"X80" D-Sidewall 30"X27"

Accessories: Roll up Doors (2) Windows (0) Personnel Doors (1) Gable Vents (0)

Other Accessories or Additional Information: ROOF PITCH IS 2.5:12

SITE PHOTOS





# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 07, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-03-197**

Commission District: **#5**

## GENERAL INFORMATION

APPLICANT(s): SILVER CITY CINEMAS, LLC

OWNER(s): LF2 UNIVERSITY LP

REQUEST: Variance in the C-1 zoning district to allow 519 parking spaces in lieu of 576 spaces.

PROPERTY LOCATION: 4000 and 4080 N. Goldenrod Rd., Winter Park, FL 32792, west side of Goldenrod Rd., just north of University Blvd.

PARCEL ID'S: 02-22-30-4071-00-010

02-22-30-4071-00-030

LOT SIZE: 13.96 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 178

**DECISION: APPROVED** 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; 7-0):

1. Development in accordance with the site plan dated December 13, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

**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 are not increasing the square footage or reducing parking, and that they have conducted a parking study, which shows that there is a lot of parking available in front of the subject site.

The BZA stated that they have never seen the parking lot full, and that there are always empty spaces. The BZA also stated that this represented great infill development.

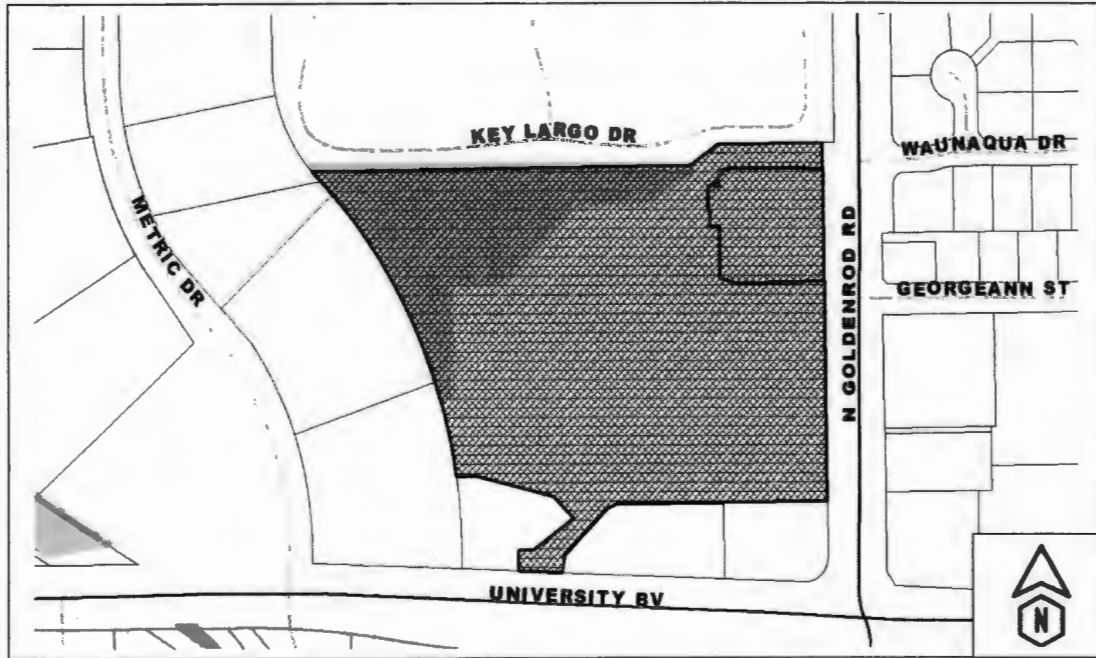
Staff received no commentaries in favor of the application, and 2 in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.

**STAFF RECOMMENDATIONS**

Approval subject to the conditions in this report.

**LOCATION MAP**



**SITE & SURROUNDING DATA**

	Property	North	South	East	West
Current Zoning	C-1	R-3	C-1	C-1	C-1, IND-2/IND-3
Future Land Use	C	MDR	C	C	C, IND
Current Use	Commercial	Multifamily	Commercial	Commercial	Commercial

**BACKGROUND AND ANALYSIS**

**Description and Context**

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 project is located in a developed shopping center, which includes a Publix, several small retail spaces and a former theater that is proposed to be a future LA Fitness. Code requirement for the overall site is 5 parking spaces per 1,000 sq. ft. The total square footage is 115,162, thus 576 parking spaces are required. The site currently has 519 parking spaces. The parking requirement for a theater use is 1 space per 3 seats.

The applicant is proposing to demolish the existing 35,837 s.f. theater and replace it with an LA Fitness Health Club with the same square footage. At the pre-app meeting for the LA Fitness Health Club, Orange County staff has deemed it necessary to obtain a parking variance for the center. The site currently does not meet parking code.

The request constitutes a 10% deviation from code. After demolition and reconstruction, the total overall building square footage for the site will remain the same.

**District Development Standards (Measurements in feet)**

	Code Requirement	Proposed
Max Height:	50	35
Min. Lot Width:	100	620
Min. Lot Size:	6,000 s.f.	608,017 s.f.



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## STAFF FINDINGS

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### **VARIANCE CRITERIA**

#### **Special Conditions and Circumstances**

The site currently has 519 parking spaces. The same square footage will exist after the reconstruction.

#### **Not Self-Created**

The applicant is not looking to increase the square footage or reduce the parking count. The need for the variance is not due to the proposed development.

#### **No Special Privilege Conferred**

The existing uses and proposed use are permitted in the zoning district, and the square footage is not being increased. By allowing the operation of the shopping center in the same manner as it has been will not confer any special privilege.

#### **Deprivation of Rights**

Literal interpretation of the Code would deprive the applicant of the ability to utilize the property with the same square footage as was approved previously.

#### **Minimum Possible Variance**

The request is the minimum variance to allow the site to be redeveloped with the same square footage as existed previously.

#### **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, as the site is a mixed use shopping center that is being redeveloped with the same square footage, with existing uses and a proposed use that are permitted in the zoning district.

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## **CONDITIONS OF APPROVAL**

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1. Development in accordance with the site plan dated December 13, 2018, 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:       Matthew R Femal  
          655 N. Franklin Street, Suite 150  
          Tampa, FL 33602

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COVER LETTER

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## Kimley»Horn

December 12, 2018

Board of Zoning Adjustment  
201 S. Rosalind Ave #1  
Orlando, FL 32801  
(407) 836-5806

**RE: *Winter Park University Shopping Center  
4000 N. Goldenrod Road and 4080 N. Goldenrod Road, Winter Park, FL 32792  
Parking Variance Application***

To Whom It May Concern,

On behalf of the applicant, Silver City Cinemas, LLC please accept this Variance Application for a parking reduction at the existing shopping center located at the northwest corner of the intersection of University Boulevard and North Goldenrod Road. The existing shopping center consists of a 35,837 sf vacant movie theater, 46,916 sf Publix, and 32,409 sf neighborhood retail with a total building area of 115,162 sf. Per discussion with Orange County Staff at the Pre-Application Meeting for a proposed LA Fitness on November 8, 2018, the entire site will be subject to a minimum required parking ratio of 5 parking spaces per 1,000 sf as required per Orange County Code of Ordinances Section 38-1476 as required for Shopping Centers over 50,000 square feet gross floor area. The existing shopping center provides 519 parking spaces and has a 57 parking space deficit from the required 576 parking spaces. This is equivalent to a parking ratio of 4.51 spaces per 1,000 square feet.

Under a separate submittal package, LA Fitness is proposing to demolish the existing 35,837 sf theater and replace with a ground up LA Fitness Health Club with roughly the same building area. The proposed LA Fitness development will not increase the building square footage and will not reduce the overall parking count of the shopping center.

Part III Section C.9 of the Variance Application indicates there are both existing and proposed structures on-site. The parking variance is being requested to bring the existing site into compliance with County parking requirements and to also allow for the future development of a LA Fitness Health Club.

The applicant is providing the following justification to the six standards for variance approval as outlined below:

**Special Conditions and Circumstances:**

The parking layout is an existing condition. The variance is being requested to bring the existing site into compliance with current parking code regulations.

### Not Self-Created

The existing site does not meet minimum parking requirements of 5.0 spaces per 1,000 sf as defined in Orange County Code of Ordinances Section 38-1476 for Shopping Centers over 50,000 square feet. LA Fitness will not be increasing the building square footage or reducing the total parking count, therefore, the parking reduction is not being requested as a result of the proposed development.

### No Special Privilege Conferred

The existing uses within the shopping center are retail neighborhood center and retail supermarket. Both the existing uses and the proposed LA Fitness Health Club use are allowed within the C-1 zoning district. The applicant is not requesting a use that is non compliant with current zoning regulations.

### Deprivation of Rights

The applicant is requesting a variance to bring the existing site into compliance with current code regulations. The proposed modification does not increase building square footage or reduce the amount of existing parking. Denial of the parking variance will deprive the shopping center the right to apply for site development permits based upon an existing condition.

### Minimum Possible Variance

The parking reduction request is not the result of an increase in building square footage or a reduction in total parking count. The parking reduction is being requested based upon the existing parking layout that was previously approved by the County. The existing site layout provides the maximum amount of parking within the site constraints.

### Purpose and Intent

The existing uses within the shopping center and the proposed LA Fitness Health Club are allowable uses within the C-1 zoning district. The existing and proposed uses are compatible with the surrounding community.

The following documents in support of this request are enclosed:

- Board of Zoning Adjustment Parking Variance Application (Silver City Cinemas)
- \$638.00 BZA Application Fee (Check #216769509)
- ALTA Survey
- Parking Variance Site Plan
- Previously Approved Publix Site Plan
- Architectural Elevations

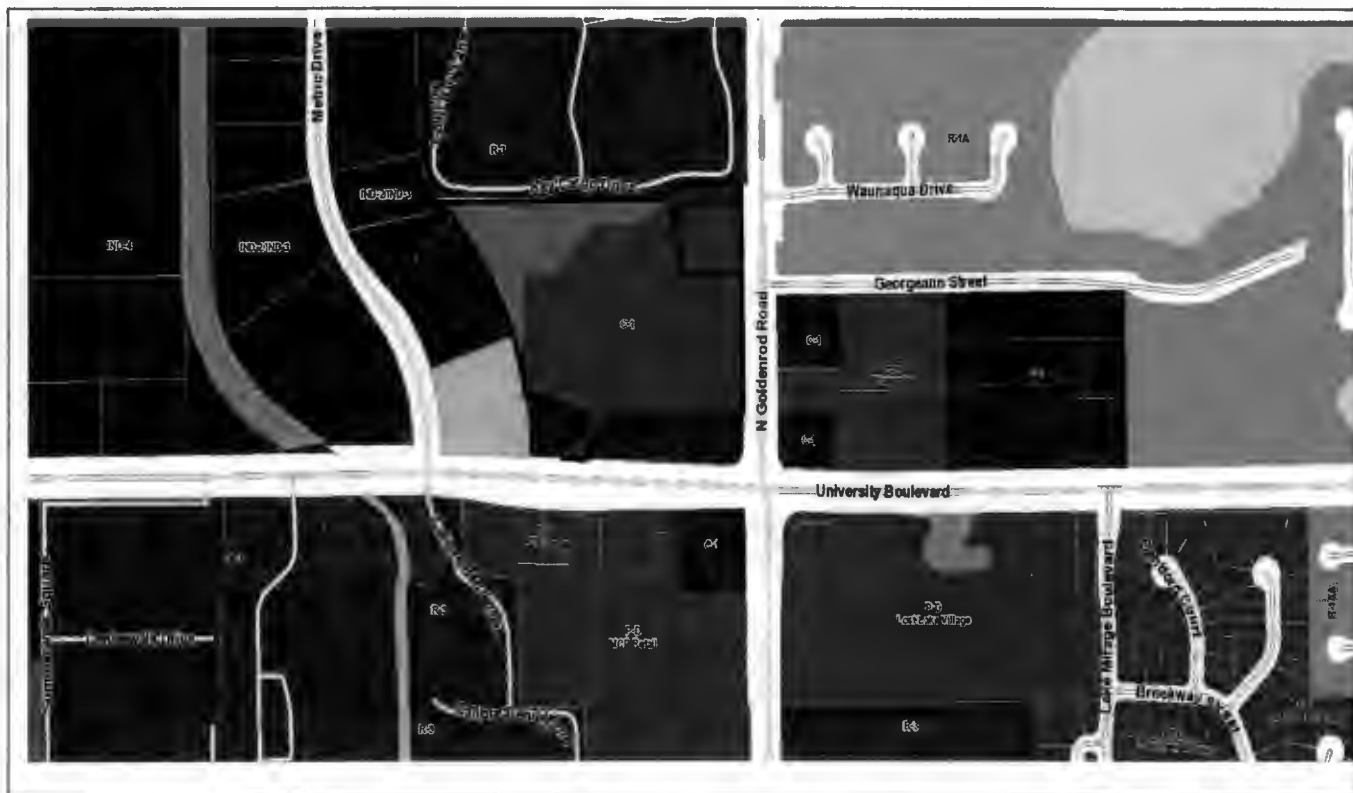
Should you need anything else for this review, or have questions regarding this project, please contact us at (813) 620-1460 by phone or by e-mail at [matt.femal@kimley-horn.com](mailto:matt.femal@kimley-horn.com). Thank you.

Sincerely,



Matt Femal, P.E.  
Project Manager

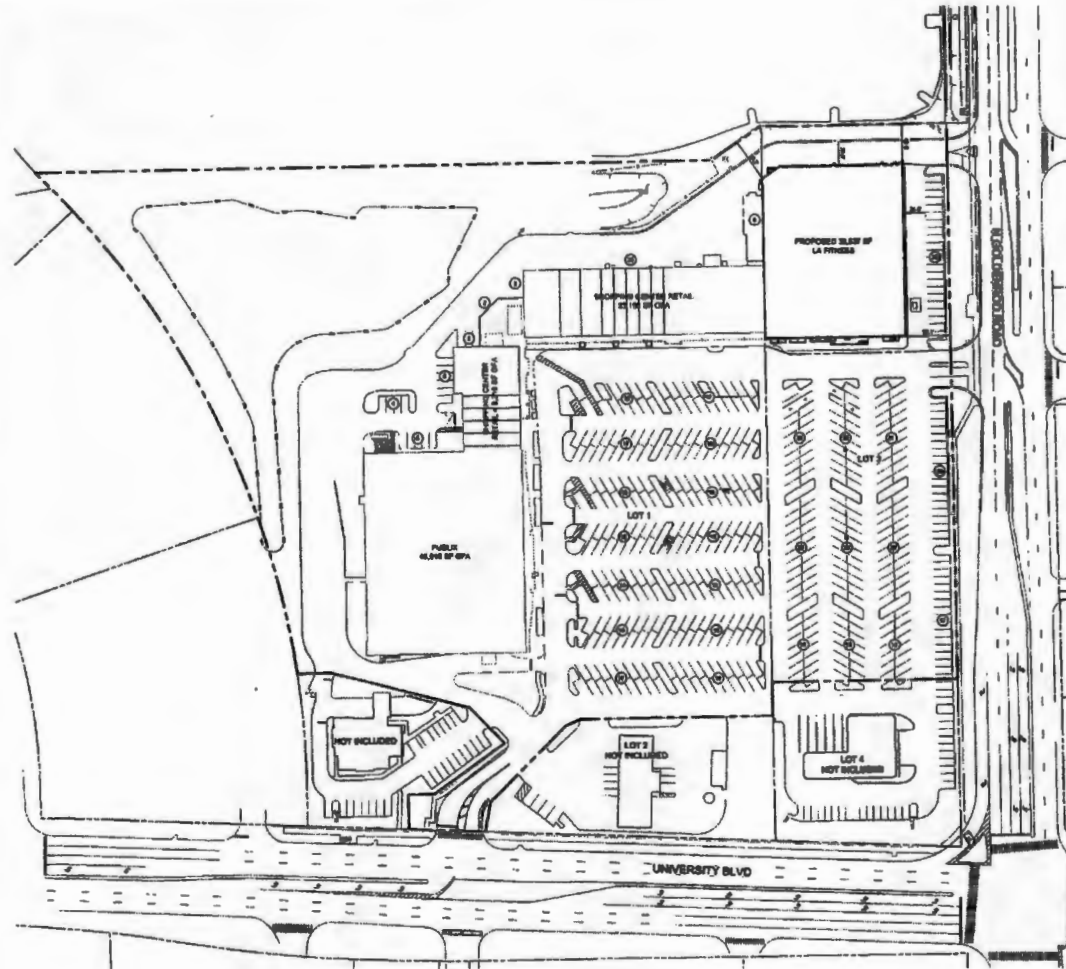
# ZONING MAP



# AERIAL MAP



SITE PLAN



**LEGEND**

--- SHOPPING CENTER

--- LOT LINES

SITE DATA	
PARCEL 1 ID	02-22-30-4071-00-030
PARCEL 2 ID	02-22-30-4071-00-010
EXISTING LAND USE	SHOPPING CENTER
EXISTING ZONING	C-1
BUILDING DATA (GROSS FLOOR AREA)	
PROPOSED LA FITNESS	35,637 SF
EXISTING PUBLIC	46,916 SF
EXISTING STRIP RETAIL	32,408 SF
TOTAL BUILDING AREA	115,162 SF

**REQUIRED PARKING:**

FIVE (5) SPACES FOR EVERY 1,000 SF OF GROSS FLOOR AREA:

$115,162 \text{ SF} \times \frac{5 \text{ PARKING SPACES}}{1,000 \text{ SF}} = 576 \text{ PARKING SPACES}$

TOTAL PARKING SPACES REQUIRED = 576 PARKING SPACES

**PROVIDED PARKING:**

PROVIDED REGULAR SPACES: 504 PARKING SPACES

PROVIDED HANDICAP SPACES: 13 PARKING SPACES

TOTAL PARKING SPACES PROVIDED: 518 PARKING SPACES

**RECEIVED**

**DEC 13 2018**

**ORANGE COUNTY**

**ZONING DIVISION**

SITE PHOTOS





01/15/2019 13 58



# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 07, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-02-192**

Commission District: **#3**

## GENERAL INFORMATION

APPLICANT(s): **NELSON JIMENEZ**

OWNER(s): **NELSON JIMENEZ & DARLENE JIMENEZ**

REQUEST: **Variance in the R-1A zoning district to allow an existing enclosed sunroom to remain 22 ft. from the rear property line in lieu of 30 ft.  
This is the result of Code Enforcement action.**

PROPERTY LOCATION: **7791 Stratford Blvd., Orlando, FL 32807, southeast corner of Stratford Blvd. and Rhea Cir.**

PARCEL ID: **14-22-30-3072-05-010**

LOT SIZE: **81 ft. x 108 ft. (AVG)/.23 Acres**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **98**

**DECISION: APPROVED** 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 as amended (unanimous; 7-0):

1. Development in accordance with the site plan dated December 11, 2018, 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 Zoning Adjustment 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 screen porch within 180 days of final action by Orange County on this application, or this approval becomes null and void.

5. The applicant shall obtain a permit for the existing shed and carport within 120 days of by Orange County on this application, or those structures must be removed.
6. The northerly enclosed end wall of the porch shall be finished with materials and color match the materials and color of the home.

**SYNOPSIS:** Staff noted that the special circumstance particular to this property was the placement of home when it was originally constructed. Due to the major setback from the front property line, the rear northeast corner of the house actually encroaches two (2) ft. into the rear setback. When the screen porch was constructed, the builder simply followed the rear building line, as would be the normal practice. If the home had been constructed closer to the front building line, no variance would have been needed. Staff noted that the most impacted neighbor to the east is in support of the request.

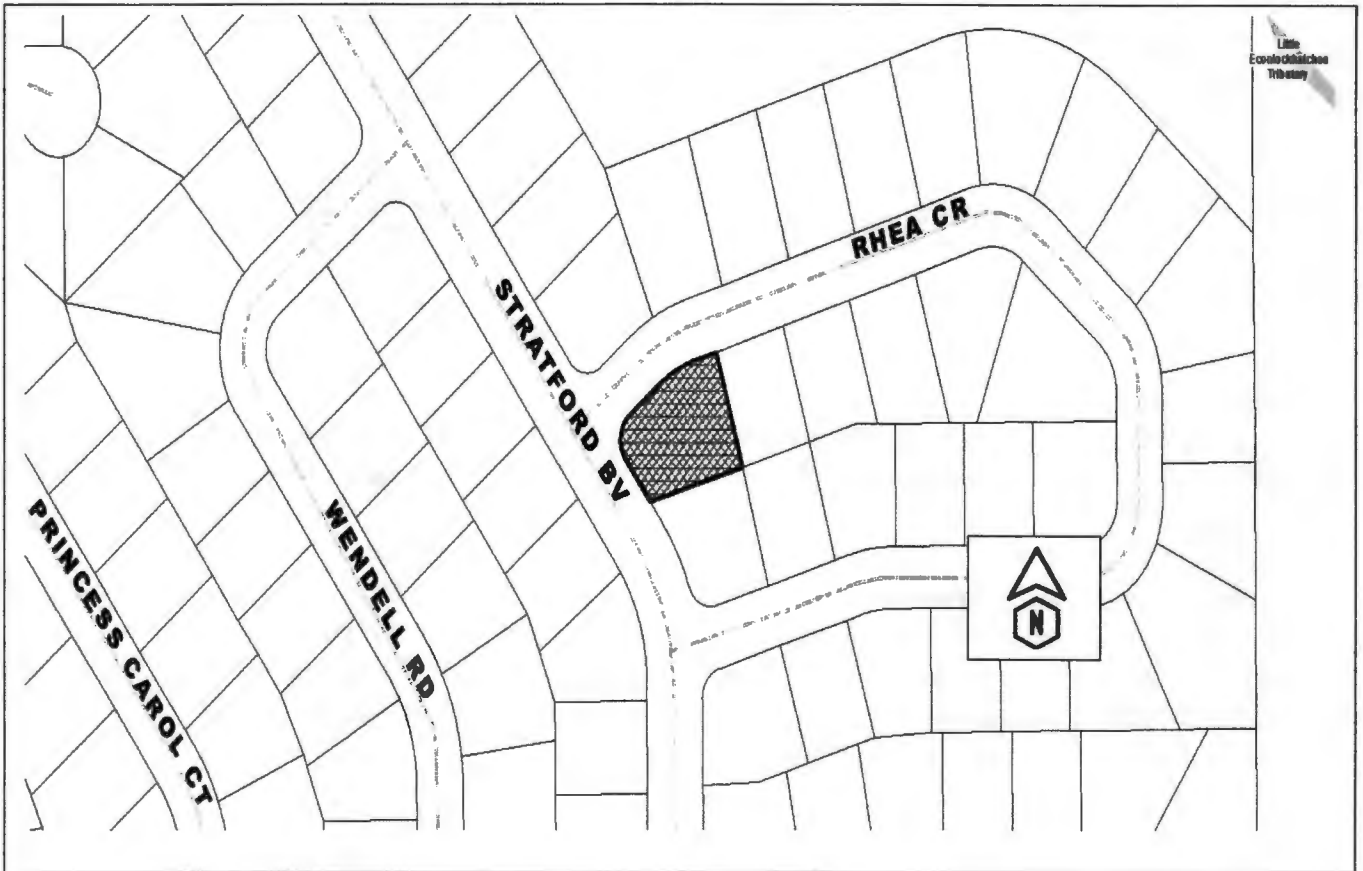
The applicant's attorney spoke to clarify when the owners took possession of the property, and to state that the shed, carport and permanently roofed screen porch were their when they took ownership. There being no one else in attendance to speak in favor of or opposition to the request, the public hearing was closed.

The BZA concluded that the need for the variance was not self-imposed, and that the special circumstances justified the granting of the variance. A motion to approve the requested variances passed unanimously.

**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	Single Family Residence	Single Family Residence	Single Family Residence	Single Family Residence	Single Family Residence

**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. The 1,564 sq. ft. home is located on a lot which is part of a plat recorded in 1969.

According to the Property Appraiser's data, the home was constructed in 1970, and an existing carport and shed were added to the property in 1996. There are no permits on file for either improvement. If the variance is approved, the applicant will be required to obtain permits for not only the porch, but also for the carport and shed. The applicant purchased the property on November 28, 2016. The subject property is a corner lot with the front yard being located on Stratford Blvd.

There is an existing screen porch with a permanent roof and one permanent wall on the north end of the porch. A screen porch with an insulated metal roof is permitted to encroach up to 13 ft. into the rear setback, resulting in a rear setback of 17 ft. However, this is considered an addition as the roof and wall are permanent.

The applicant was cited by the Code Enforcement Division in September 2018 for enclosing the porch with a permanent roof. Because the roof is permanent, it is required to meet the rear setback for the principal structure.

The southeastern rear corner of the existing home encroaches 1.8 ft. into the rear setback. The depth of the existing porch matches the depth of the existing home. This is within the 6 % deviation allowed per Sec. 38-1508.

While the porch has a permanent roof it does not constitute an increase in living area, even if vinyl windows are added. The floor space only becomes living area if enclosed by glass. If approved, staff is recommending a condition be attached to prohibit enclosing the porch with glass unless approved by the BZA.

**District Development Standards (Measurements in feet)**

	Code Requirement	Proposed
Max Height:	35	8
Min. Lot Width:	75	59
Min. Lot Size:	7,500 sq. ft.	10,018 sq. ft.

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

	Code Requirement	Existing/Proposed
Front:	25	41
Rear:	30	22
Side:	N/A	N/A
Sidestreet:	15	26.5
NHWE:	N/A	N/A

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**STAFF FINDINGS**

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**VARIANCE CRITERIA**

**Special Conditions and Circumstances**

The condition particular to this application is the location where the house was originally sited. Had the original owner sited the home at the setback line of 25 ft. rather than 41 ft. no variance would be required, and the existing home would not be encroaching two (2) ft. into the setback.

**No Special Privilege Conferred**

Granting the variance will permit the applicant to retain an existing screen porch, which is a common amenity to a single family home.

**Deprivation of Rights**

Without the variance the applicant cannot have the type of improvement they currently have. They would have to remove the structure and replace it with an all-aluminum screen room with an insulated metal roof.

**Minimum Possible Variance**

Given that the screen porch follows the building line of the rear wall, which is a common practice, this variance constitutes the least variance needed.

**Purpose and Intent**

There is sufficient remaining rear yard open to the sky to satisfy the purpose and intent of the code.

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## **CONDITIONS OF APPROVAL**

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1. Development in accordance with the site plan dated December 11, 2018, 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 Zoning Adjustment 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 screen porch within 180 days of final action by Orange County on this application, or this approval becomes null and void.
5. The applicant shall obtain a permit for the existing shed and carport within 120 days of approval by Orange County on this application, or those structures must be removed.

c: Nelson Jimenez  
7791 Stratford Blvd.  
Orlando, FL 32807

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COVER LETTER

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IQBAL  
LAW  
FIRM

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Re: Cover Letter For Application For a Variance  
Applicants: Darlene and Nelson Jimenez  
Address: 7791 STRATFORD BLVD ORLANDO, FL 32807

To Whom It May Concern:

This request is for a Variance on the distance (Set back) from our home to the affected property line in order to obtain Zoning Approval. I am making this request because I purchased this home, located at: 7791 STRATFORD BLVD ORLANDO, FL 32807 on November 30th, 2016 in its current state. The home was located exactly where it is now when I purchased the home. The home included a covered porch when the home was sold to us in 2016. All inspections and surveys were done before we purchased the home.

We are requesting this variance because we are attempting to obtain a Zoning permit for our home and we feel that we should not be cited and punished for a condition on our property which existed before we purchased the home. The home was originally built in 1970.

Another reason why we are requesting this variance is because we love our home and purchased it for the reason of keeping it and living in it. If we are forced to modify or tear down any portion of it, it will substantially minimize the value of our home, it will force us to modify the home which we love and it will also be a financial burden for us on top of all the expenses we have incurred due to this Citation in the first place.

The home was built in 1970, when the zoning laws of Orange County related to set backs did not require the home to be at least 30 feet away from the property line and since we purchased the home in 2016 we did not have any control over the distance from the home to the property line.

The smallest setback on the back corner of the home (See Survey) is 22.9 feet, in comparison to the code which states that the setback should be 30 feet. Therefore, there is a difference in about 8 (eight) feet from the proposed variance versus what the code requires. This is a minor difference. For this reason a variance is requested.

The shorter distance from the home to the property line is a special condition which is not applicable to other lands. The special conditions did not result from our own actions because we purchased the home in this condition and the home was built in 1970. For these reasons we feel we are eligible for a Variance.

Also, the neighbor's home which is adjacent to the 22.9 feet distance, has verbally confirmed and has provided a signed, notarized Letter of No Objection to the current location of our home in reference to our boundary line and to his home. He understands that we are attempting to obtain a variance and he has no objection.

In the alternative to the requested Variance, we are also requesting that the difference in the distance be grandfathered in due to the fact that the home was built almost 50 years ago. At that time the set back requirements were very different and did not require at least 30 feet from the home to the property line. Therefore, since the home was built in 1970 the difference in the setbacks around this home should be grandfathered in based on the code requirements at that time.

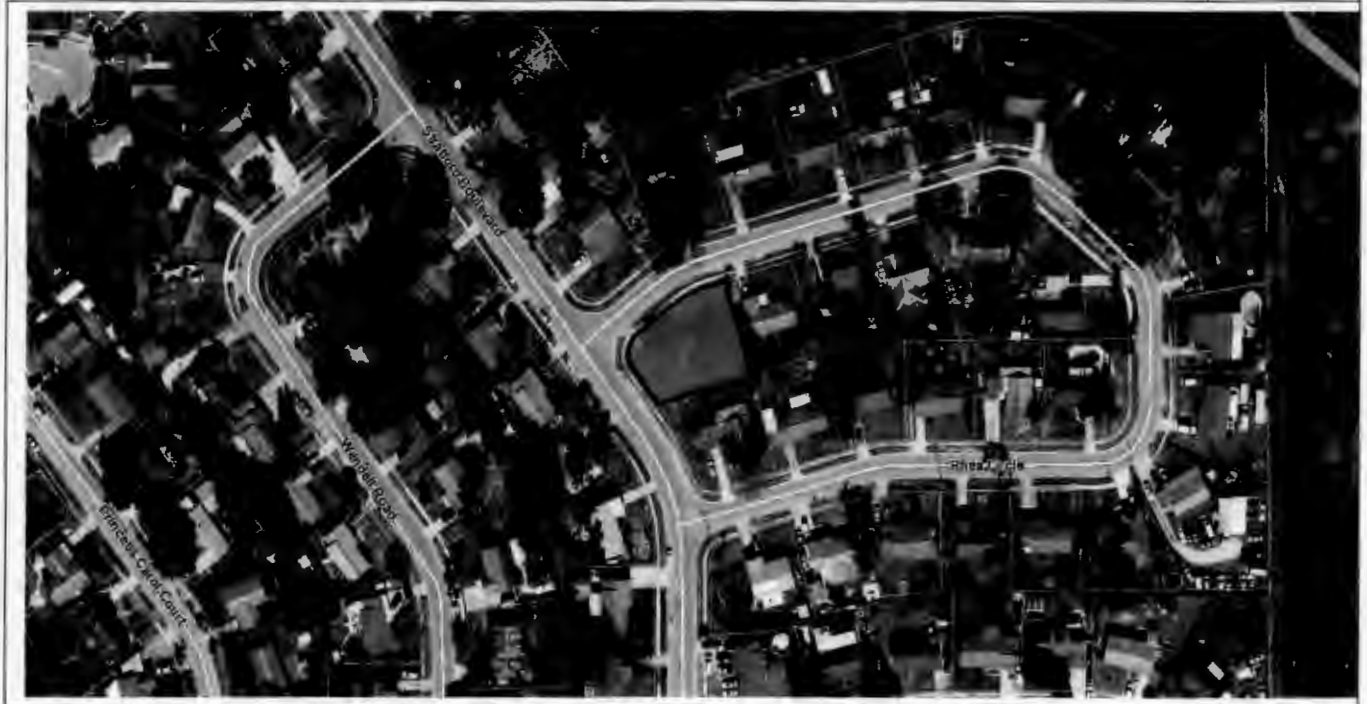
Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(407)724-6918 | [IqbalLawLLC@gmail.com](mailto:IqbalLawLLC@gmail.com) | [IqbalLawFirm.com](http://IqbalLawFirm.com)

ZONING MAP



AERIAL MAP

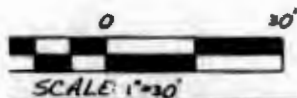




SITE PLAN / SURVEY

# Boundary Survey

EASEMENT NO.  
THERE IS A 7'  
ALONG ALL LB



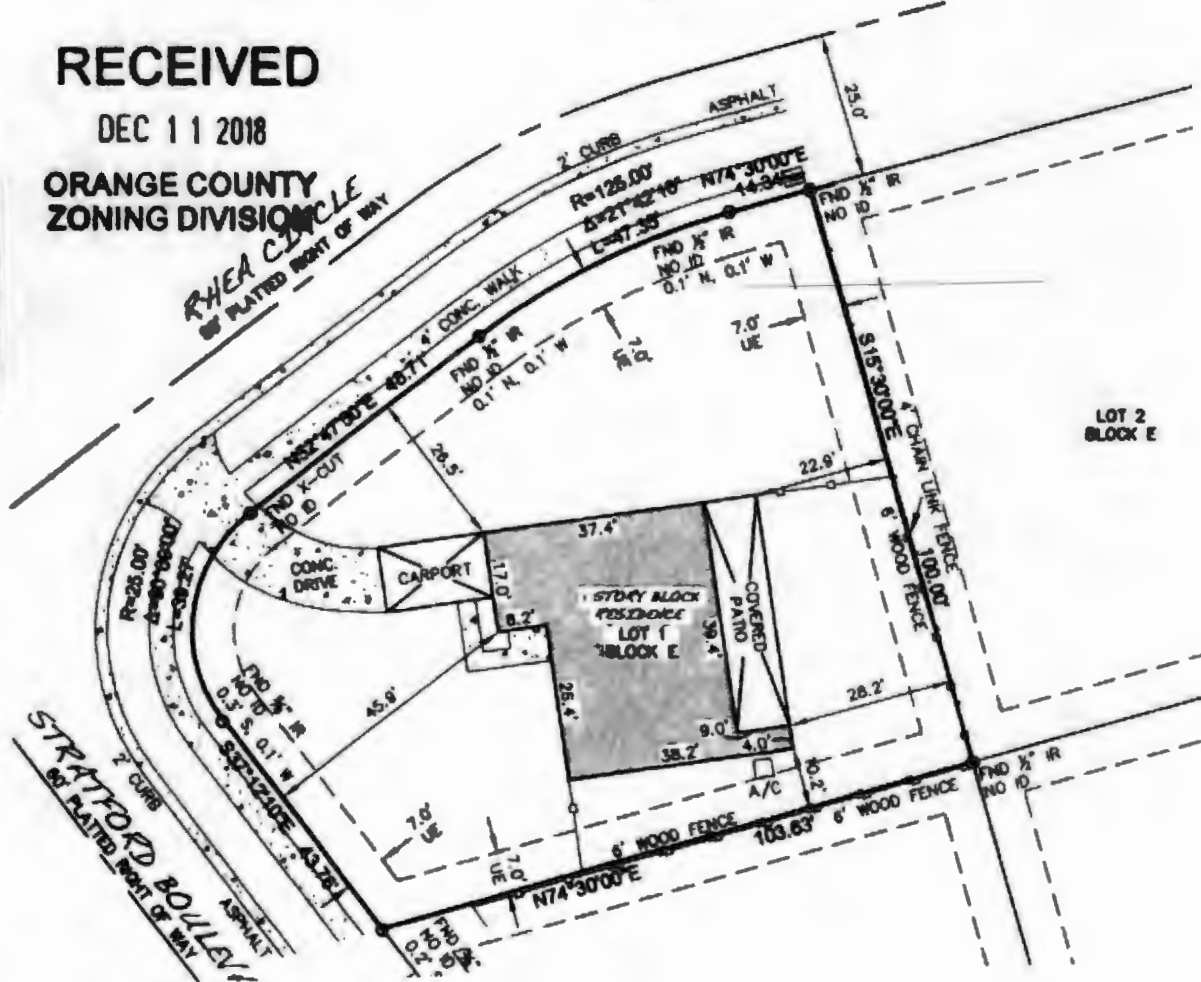
ADDRESS  
791 STRATFORD BLVD  
ORLANDO, FL 32807

**RECEIVED**

DEC 11 2018

ORANGE COUNTY  
ZONING DIVISION

*RHEA CIRCLE*  
ON PLATTED RIGHT OF WAY



- LEGEND**
- = Iron Red & Cap (IR)
  - OR = Official Record Book
  - RC = Concrete
  - △ = Central Angle
  - L = Arc Length
  - R = Radius
  - FND = Found
  - ID = Identification
  - LB = Licensed Business
  - LS = Licensed Surveyor
  - WM = Water Meter

VLR16-18158	
: 161734	
JE 11-10-18	CREW: 2500
c DB	
ED: JEW	
1" = 30'	

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**SITE PHOTOS**

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**Front of Home**



Existing Screen Porch and Shed

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 07, 2019** Case Planner: **Nick Balevich**  
Case #: **SE-18-12-162** Commission District: **#5**

## GENERAL INFORMATION

APPLICANT(s): REV. RAUL DAVILA FOR IGLESIA DE DIOS PENTECOSTAL DE UNCION Y PODER ASSEMBLIES OF GOD INC  
OWNER(s): IGLESIA DE DIOS PENTECOSTAL DE UNCION Y PODER ASSEMBLIES OF GOD INC  
REQUEST: Special Exception and Variance in the R-1A and R-2 zoning districts as follows:  
1) Special Exception to permit a school with 12 students in Phase I, and up to 72 students in Phase II.  
2) Variance to allow unpaved parking spaces in lieu of paved.  
PROPERTY LOCATION: 10000 Alcock Rd., Orlando, FL 32817, Southeast corner of Alcock and Dean Roads, approximately .2 miles north of E. Colonial Drive  
PARCEL ID: 17-22-31-0000-00-095  
LOT SIZE: 1.186 Acres  
NOTICE AREA: 600 ft.  
NUMBER OF NOTICES: 91

**DECISION: APPROVED** 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, **APPROVED** 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; 7-0):

1. Development in accordance with the site plan dated December 20, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met.

5. This approval is for a maximum of seventy-two (72) students. Any additional expansion shall require Board approval.
6. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
7. Development shall comply with Chapter 24 (Landscaping). In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
8. Construction plans for all phases shall be submitted within five (5) years or this approval becomes null and void.
9. No more than four (4) outdoor special events 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 30 days prior to the date of each event.
10. All driving aisles and required handicapped spaces shall be paved.

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

A lawyer representing another school spoke against the application, stating that there are other schools in the area, the use is not consistent with the zoning, it is not aesthetically pleasing, and will cause additional traffic.

The owner of another school spoke against the application, stating that they are located across the street and pay a large amount of property taxes, while the church is exempt.

The applicant stated that they are not increasing the square footage or reducing parking, and that they have conducted a parking study, which shows that there is a lot of parking available in front of the subject site.

The BZA noted that the neighbors at the community meeting were concerned about traffic and quality of life, and they felt their needs were addressed at the meeting. The BZA stated that competition and saturation cannot be considered in the approval process.

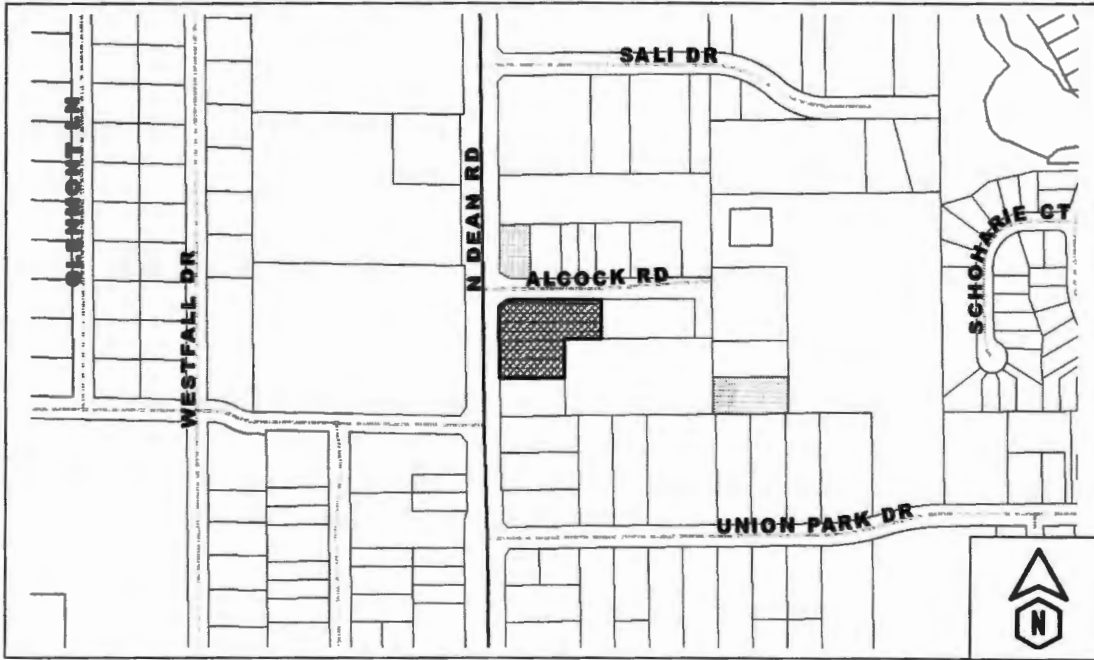
Staff received 5 commentaries in favor of the application, and none in opposition to the application.

The BZA approved the Special Exception.

**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-2	R-1A	R-2	R-1A, R-2	PD
Future Land Use	LMDR	LMDR	LMDR	LMDR	LMDR
Current Use	Church	Single family and vacant	Single family and vacant	Single family	Vacant

**BACKGROUND AND ANALYSIS**

**Description and Context**

The north portion of 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. The south portion of the subject property is zoned R-2, Residential district, which allows single-family homes, duplexes and multifamily. A Special Exception is required to allow a church and a school in the R-1A, and R-2 zoning districts.

The property is a corner lot with frontage on Alcock Rd., and N. Dean Rd. The front yard is measured off of N. Dean Rd., and the side street off of Alcock Rd.

There is an existing 2,253 s.f. church with unpaved parking on the northern site. A Special Exception was granted to allow the church use in October 2002.

The applicant has acquired the southern portion of the property and is proposing a school to be implemented in 2 phases. Phase 1 will utilize the existing church building and host 12 students. Phase 2 will include a 3,024 sq. ft. school building for 72 total students. The school is proposed to operate from 9 am to 3 pm, Monday to Friday, serving students from grades 1 to 6.

Required parking for churches is calculated at 1 space per 3 patrons, plus 1 space per employee. The church was approved for 100 patrons, which requires 33 spaces. The Reverend is the only employee, so the total required parking for the church is 34 spaces. Required parking for schools is calculated at 4 space per instructional room. The school is proposing 4 instructional rooms, thus 16 spaces are required. The plan will comply with the 50 total required parking spaces for the church and the school separately. However, the school will operate at different hours from the church, so there will be excess parking for each use independently. The plan proposes paved internal drive aisles, and 2 drive aisles to Alcock Rd. These will provide adequate stacking during drop off for the school. The applicant is requesting a variance to allow unpaved parking spaces.

On Thursday, January 24, 2019, a community meeting was held to allow the church to discuss their plans with the residents of the area, and to attempt to address any concerns that may be raised. The meeting was attended by the Pastor, members of the church, staff, Commissioner Bonilla, and BZA Commissioner Hodge. Issues raised by neighbors included: concerns about access, traffic, and parking.

Orange County Transportation Planning has reviewed the application and has provided a traffic study that states this use will add 42 new daily trips (17 new P.M. peak hour). The impact will not be significant, as peak hour trips will be minimal.

**District Development Standards**

	Code Requirement	Proposed
Max Height:	35	15.5
Min. Lot Width:	75	210
Min. Lot Size:	7,500 sq. ft.	51,836 sq. ft. (1.19 ac.)

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

	Code Requirement	Proposed
Front:	20	30
Rear:	25	110
Side:	7.5	57.5
Sidestreet:	15	27
NHWE:	n/a	n/a

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**STAFF FINDINGS**

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**SPECIAL EXCEPTION CRITERIA**

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

The proposed use will be consistent with the Comprehensive Plan with the approval of the Special Exception. The Future Land Use is LMDR which requires a Special Exception for schools.

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

The existing Church and proposed school are at a size and scale which are considered in line with the neighborhood. Allowing a school in conjunction with the Church would be compatible.

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

The existing Church and the proposed school will operate at offsetting times, thus minimizing any additional impacts. All parking shall be contained on site. The traffic study indicates the peak hour trips will be minimal.

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

With the granting of the associated parking variance, the use will meet all the performance standards. The site complies with setbacks, height, open space code requirements



**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.**

**The proposed use shall have limited hours of operation. The addition of the school will not bring any new negative characteristics to the site. The use will not produce any characteristics that are not already present in the area.**

**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 applicant will be required to install landscaping buffers shown on the plan, in accordance with Section 24-5.**

### **VARIANCE CRITERIA**

#### **Special Conditions and Circumstances**

**The northern site has operated with grass parking in this arrangement for the last 14 years. Neighbors at the community meeting stated that grass parking was more compatible with the area and is preferable to paving.**

#### **No Special Privilege Conferred**

**It is common for smaller religious institutions and affiliated schools to use grassed parking. Other religious institutions in the County and in the immediate area have been granted variances for grassed parking.**

#### **Deprivation of Rights**

**Denial of the variance for the existing parking will require installation of paving where there has historically not been any.**

#### **Purpose and Intent**

**Allowing the grassed parking would be in harmony with the purpose and intent of the code, and will not be detrimental to the neighborhood. The neighbors at the community meeting stated that grass parking was more compatible with the area and is preferable to paving.**

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## **CONDITIONS OF APPROVAL**

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1. Development in accordance with the site plan dated December 20, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met.
5. This approval is for a maximum of seventy-two (72) students, and shall be completed within 5 years of final county approval. Any additional expansion shall require Board of Zoning Adjustment approval.
6. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
7. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
8. Construction plans for all phases shall be submitted within 5 years or this approval becomes null and void.
9. No more than four (4) outdoor special events 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 30 days prior to the date of each event.
10. All driving aisles and required handicapped spaces shall be paved.

Johnny Robinson  
369 Killington Way  
Orlando, FL 32835

COVER LETTER



10000 ALCOCK ROAD ORLANDO FL 32817

October 12, 2018

Pastors

Raul & Norma  
Davila

Board Members:

Secretary  
Thamara I. Santos

Sub-Secretary  
Nory Rodriguez

Treasurer  
Marilyn Bohorquez  
Rodriguez

Sub-Treasurer  
Doris Jurado

*We are a  
community of faith  
that practice and  
preach the Gospel  
of Jesus Christ,  
strengthening  
families with  
Christian values.*

Orange County Zoning Board Directors  
Orange County Zoning Division  
201 S Rosalind Ave  
Orlando FL 32801

Dear Members of the Zoning Board:

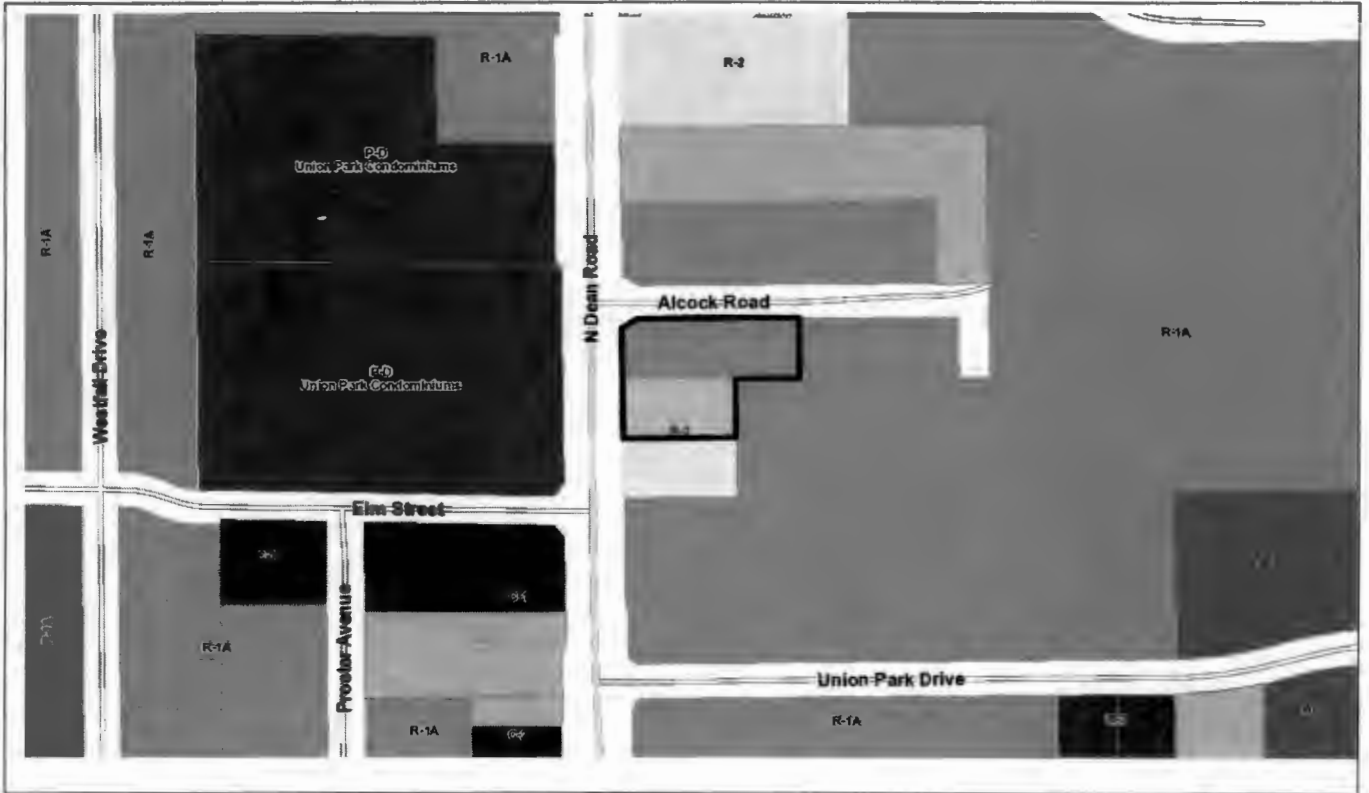
We come to the board for approval to continue our development and construction of our new youthful church. We plan on having two phases of the school, with our existing church building as the first phase hosting 12 students. Our second phase will be constructed, and as planned, we as currently looking for 3024S.Q.F.T building exactly 15 ft and 6 inches. Hopefully, as we continue our mission of educating the youth, we can reach our short-term goal of growing to around 72 students, with 4 teachers and 3 main staff persons. The school will be in operation around 7 hours a day, 5 days a week for around 40 weeks of the year. The building is completely compatible with the surrounding land being that the new buildings will be located on our property and will give students in the community a safe place to learn and play with other children.

Respectfully,

Rev. Raul Davila,  
Pastor IDDP-UPAG Inc

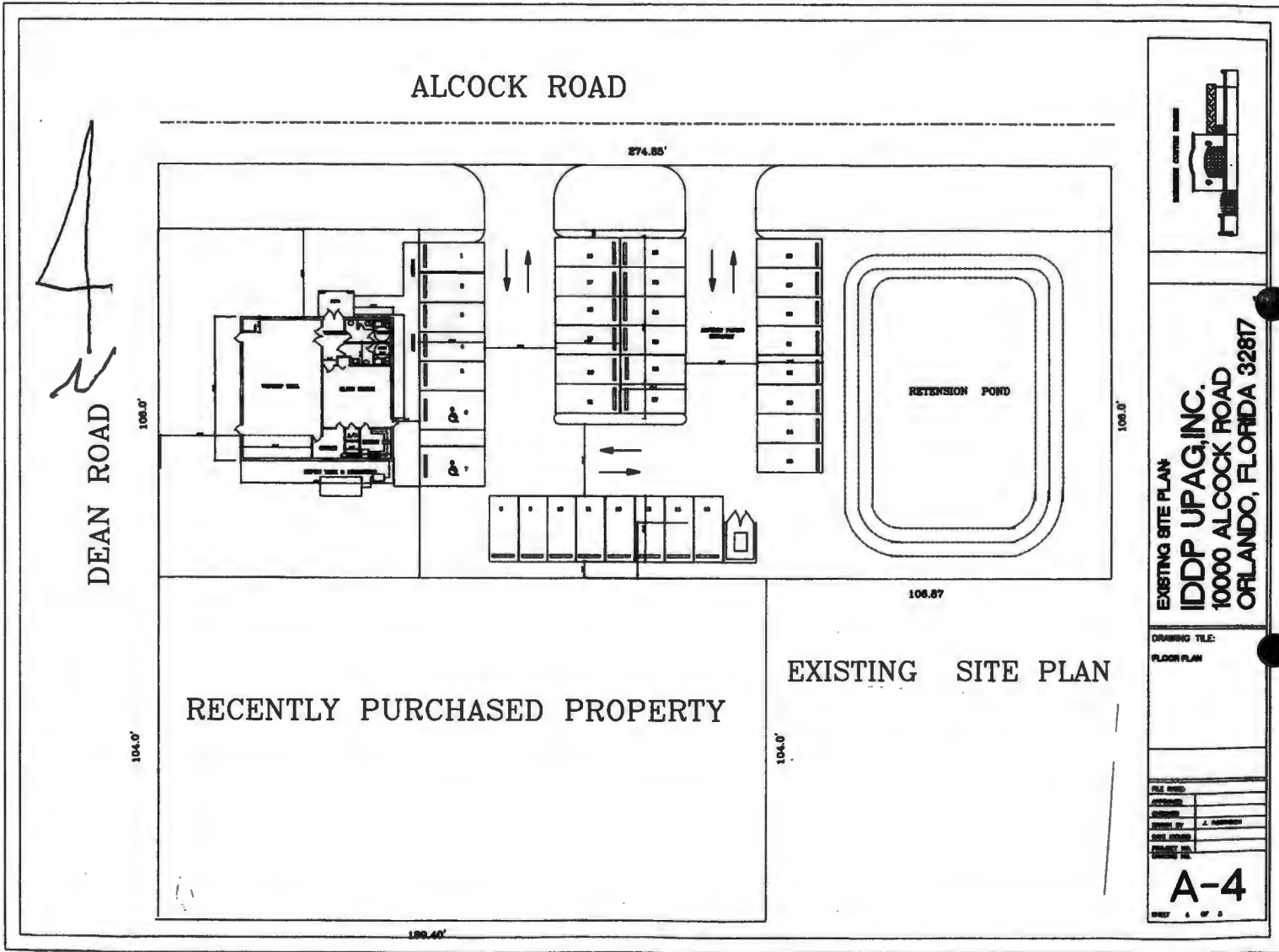
E-mail:  
[Iglesiaunionpoder@gmail.com](mailto:Iglesiaunionpoder@gmail.com)

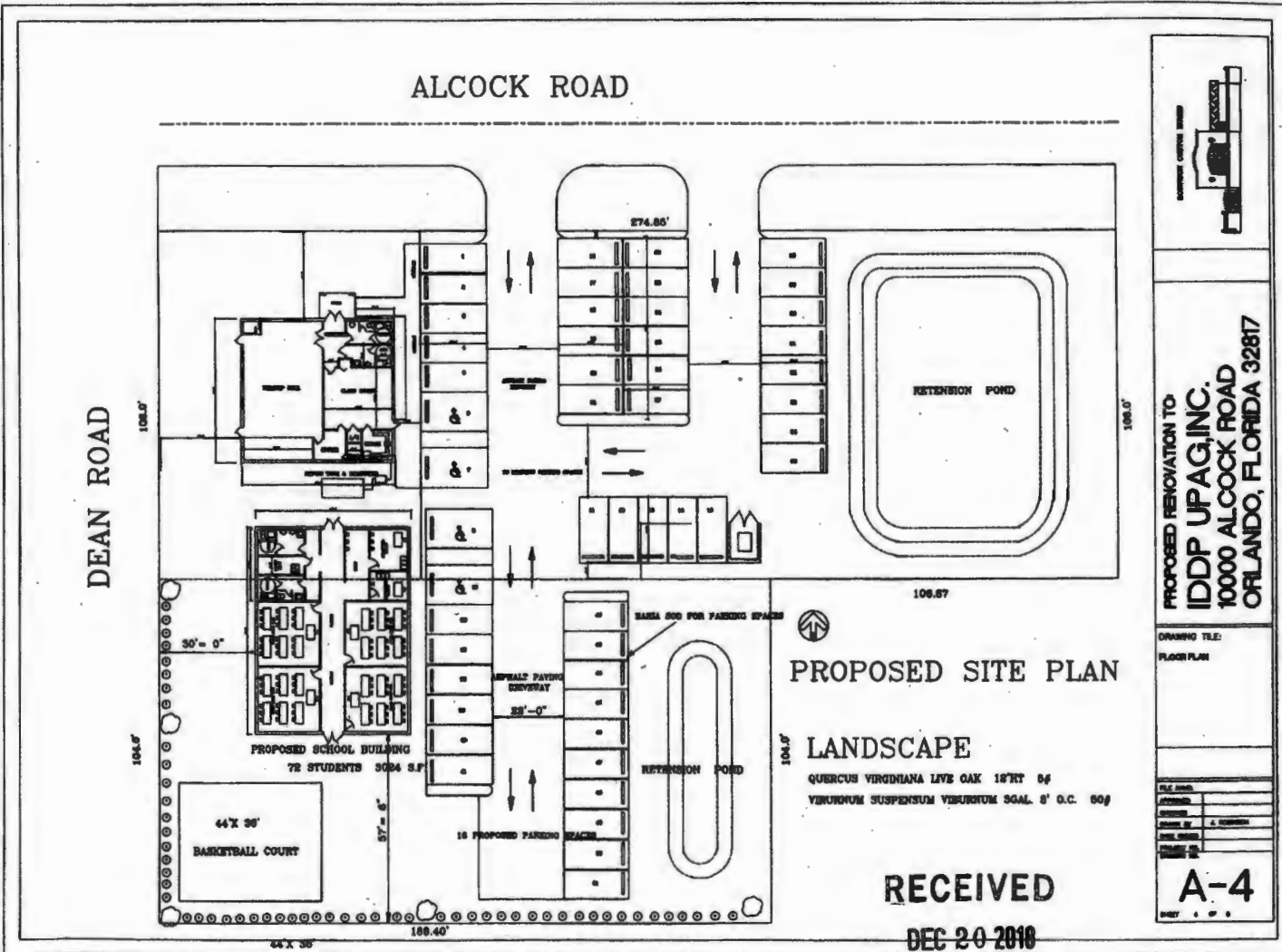
ZONING MAP



AERIAL MAP







PROPOSED SITE PLAN

LANDSCAPE  
 QUERCUS VIRGINIANA LIVE OAK 18"HT 54'  
 VIRGINIUM SUSPENSUM VIRGINIUM 50 GAL. 8" O.C. 60'

**RECEIVED**  
**DEC 20 2018**  
 ORANGE COUNTY,  
 ZONING DIVISION

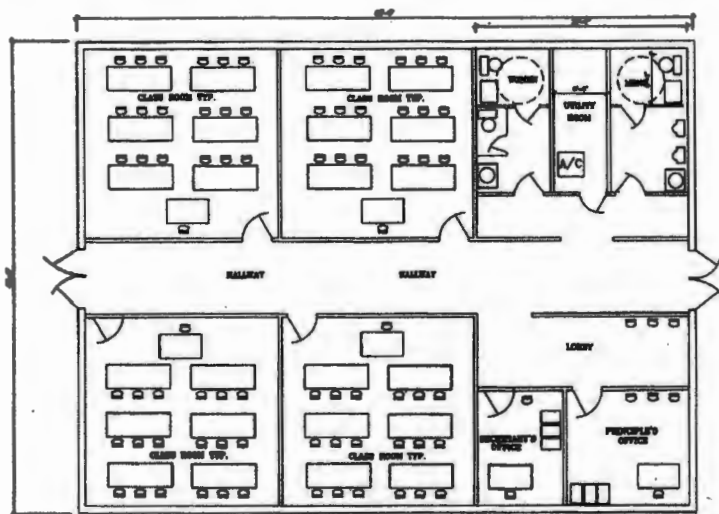
PROPOSED RENOVATION TO  
**IDDP UPAG, INC.**  
 10000 ALCOCK ROAD  
 ORLANDO, FLORIDA 32817

DRAWING TITLE:  
 FLOOR PLAN

FILE NO.	
PROJECT	
DATE BY	A. HARRIS
DATE	
SCALE	
DATE	

**A-4**

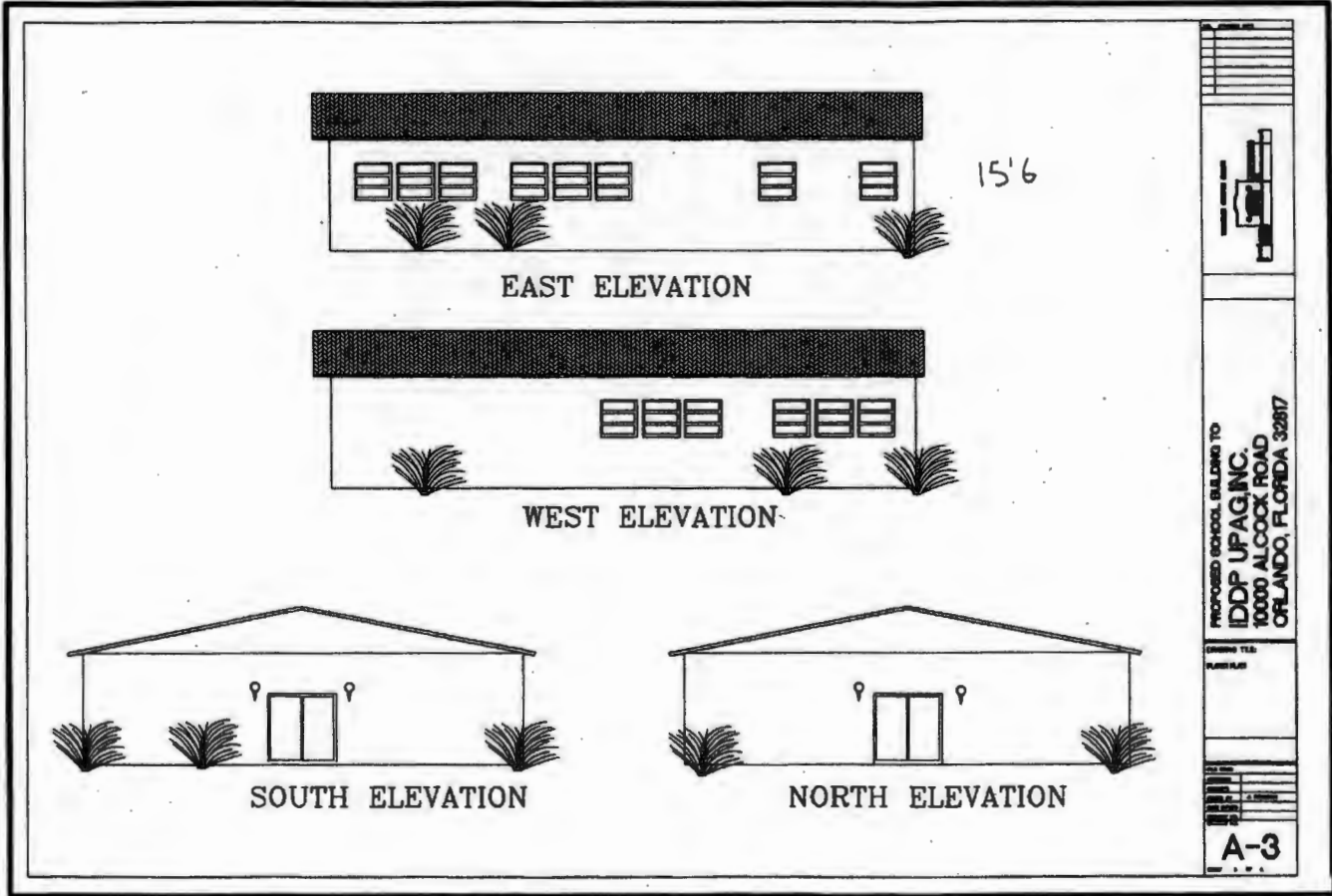
BUILDING HEIGHT FOR SCHOOL 15'-6"  
 EXISTING CHURCH BUILDING HEIGHT 18'-6"  
 STUDENTS FROM GRADES FIRST THRU SIX



PROPOSED SCHOOL BUILDING  
 72 STUDENTS  
 3024 S.F.

PROPOSED SCHOOL BUILDING TO  
 IDDP UPAG, INC.  
 1000 ALCOCK ROAD  
 ORLANDO, FLORIDA 32817

A-3





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**SITE PHOTOS**

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**EXISTING CHURCH FROM DEAN RD.**



**VIEW FROM ALCOCK RD.**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 07, 2019**

Case Planner: **Sean Bailey**

Case #: **SE-19-03-198**

Commission District: **#1**

## GENERAL INFORMATION

APPLICANT(s): **BRYAN POTTS**

OWNER(s): **CERTI FINE FRUIT CO INC**

REQUEST: **Special Exception in the R-CE zoning district to allow a preschool for up to 200 students.**

PROPERTY LOCATION: **Windermere Road, Windermere, Florida, 34786, east side of Windermere Rd., south of Roberson Rd.**

PARCEL ID: **06-23-28-0000-00-005 and 06-23-28-0000-00-056**

LOT SIZE: **22.46 acres, 22.46 acres**

NOTICE AREA: **1000 ft.**

NUMBER OF NOTICES: **118**

**DECISION: APPROVED** 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 as amended (6 in favor and 1 opposed):

1. Development in accordance with the site plan and elevations dated January 18, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. No outdoor speakers or other audio amplification.
5. The applicant shall submit construction plans through the commercial site plan review process within

three (3) years of final approval or this approval is null and void.

6. The applicant shall combine Parcel ID's 06-23-28-0000-00-005 and 06-23-28-0000-00-056 through the Orange County Property Appraiser's Office.
7. No more than four (4) outdoor special events 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 30 days prior to the date of each event.
8. Signage shall be in accordance with 31.5-75, Orange County Code.
9. No more than 200 children shall be permitted without further approval by the BZA.
10. Building perimeter landscaping shall be provided consistent with Sec. 24-4 (d). Type C Landscape buffers shall be provided along the north and south property lines which abut the future residential lots.
11. There shall be no impacts or encroachments to any Orange County Conservation Areas unless approved by Orange County.
12. Hours of operation shall be limited to 8:00 a.m. to 6:00 p.m., Monday through Friday.
13. The applicant shall install an eight (8) foot high vinyl fence along the east side of the proposed playground adjacent to the wetlands and an additional Type C landscape buffer per Sec. 24-5 (a) (3).

**SYNOPSIS:** The applicant is proposing to construct a 15,000 sq. ft. preschool with a playground, parking lot, garden area, and pavilion. The applicant is planning to reserve an acre on either side of the proposed preschool for potential future residential lots.

Staff presented the case, outlined the area, showed the site plan and site photos, and stated that a community meeting was held for this case. Staff also mentioned there was a special exception approved on this property in 2015.

The applicant stated this is a preschool designed to support the community, the architectural style will compliment the area, the project will only impact 3 acres of the 22 acre site, the site will have sufficient space for stacking, and the school was designed with neighbors in mind.

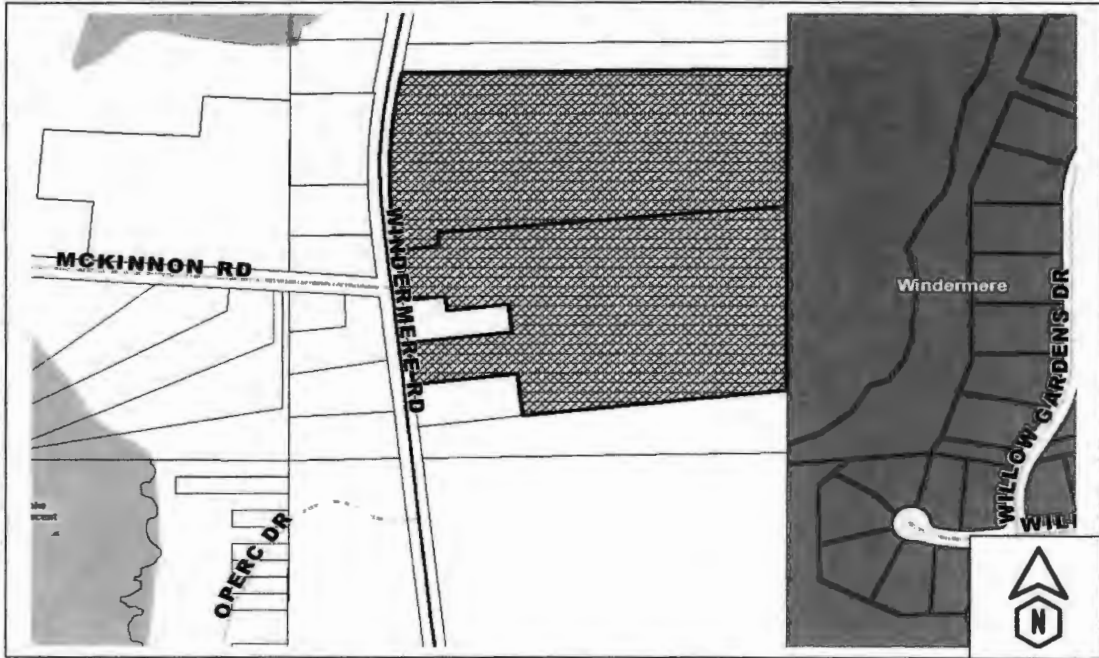
Four (4) people spoke in favor of the application at the public hearing and nine (9) people spoke in opposition of the request. The opponents raised concerns over traffic, vehicle stacking, noise pollution, and stated this is a commercial intrusion into a residential area.

The BZA had a discussion regarding the request and stated that a preschool should not have a stacking issue like an elementary school would. The BZA commissioners made comments regarding the request, there were varying opinions on the compatibility of the proposed use in the area. The District 1 Commissioner made a motion to approve the request, and added an additional condition regarding adding a fence and buffer along the east side of the proposed playground. The motion passed with a 6-1 vote.

**STAFF RECOMMENDATIONS**

Approval subject to the conditions in this report.

**LOCATION MAP**



**SITE & SURROUNDING DATA**

	Property	North	South	East	West
Current Zoning	R-CE	R-CE	R-CE	City of Windermere	R-CE
Future Land Use	RS 1/1, R 1/10	R 1/10	RS 1/1, R 1/10	City of Windermere	RS 1/1
Current Use	Vacant	Single family residential	Single family residential	Vacant (conservation area)	Single family residential and vacant

**BACKGROUND AND ANALYSIS**

**Description and Context**

The subject property is zoned R-CE, Country Estate, which allows for primarily single family development on five (5) acre lots and certain rural uses. Preschools are permitted through the special exception process in the R-CE zoning district.

The property was re-zoned to R-CE in 1966 and a portion of it is located in the West Windermere Rural Settlement, which has a density of 1 unit per acre. The Future Land Use on the rear portion of the lots is Rural (1 unit/10 acres).

The eastern portion of the property is encumbered by wetlands and the applicant does have a CAD for the property (CAD-15-05-057). The applicant is not proposing to impact any of these wetlands and EPD has reviewed the plan submitted and has not provided any opposition.

The applicant is proposing a preschool for up to 200 children, ages 18 months up to 6 years old. The site plan proposes a 15,000 sq. ft. main building, a playground, a parking lot, and a 2,000 sq. ft. ancillary building. The applicant owns two parcels and will be required to combine these parcels if the application is approved.

The property is located in a predominantly residential area comprised of single-family homes on larger lots. Immediately to the east is the City of Windermere's jurisdiction.

Lake Whitney Elementary is located approximately 1/2 mile to the north of subject property on Windermere Rd.

The proposed plan has two single family lots depicted on either side of the proposed development. The applicant will be required to submit for a lot split through Orange County Zoning to subdivide either of these lots at a later date.

A community meeting was held on January 30, 2019 for this application. The District 1 Commissioner, District 1 Aide, District 1 BZA Commissioner, and staff were in attendance. Approximately 56 residents were in attendance, they expressed concerns over traffic on Windermere Rd., vehicle stacking, impacts to the wetlands, and potential noise created by the use.

Orange County Transportation Planning has reviewed the request and provided a traffic study. The study states that the proposed use will generate 822 new daily trips and 52 new weekday PM peak hour trips. The applicant will be required to submit a traffic study prior to building permit approval if the special exception is approved.

There was a previous special exception approved on this site in 2015 (SE-15-08-070).

**District Development Standards**

	Code Requirement	Proposed
Max Height:	35	35
Min. Lot Width:	130	680
Min. Lot Size:	1 acre	22.46 acres

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

	Code Requirement	Proposed
Front:	35	123
Rear:	50	over 500
Side:	10	195
NHWE:	n/a	n/a

**STAFF FINDINGS**

**SPECIAL EXCEPTION CRITERIA**

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

The Future Land Use of the parcels are Rural Settlement along Windermere Rd. and Rural in the rear portion. Approval of the special exception will render the use consistent with the Comprehensive Plan.

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

The proposed use as preschool is a neighborhood commercial use and shall serve the residents in the area. There is an elementary school located less than ½ mile to the north along Windermere Rd. and another one located less than 1 mile to the southwest.

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

The proposed site plan will preserve 1 acre on each side of the development for future residential development, which will provide a transition from the existing residential development. Also, the operating hours of the preschool are proposed to be Monday through Friday, 8:00AM - 6:00 PM. In addition, the playground will be situated in the rear of the building facing the wetland area, which will buffer it from the existing homes nearby.



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

The proposed site plan is meeting setback, open space, parking and height requirements as required per code.

**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.**

The proposed use will include a majority of indoor uses and activities which shall not produce any uncharacteristic dust, glare, odor, noise or heat in the immediate area. The outdoor uses will be limited to the playground behind the structure and there will be a condition of approval limiting any outdoor special events in other areas.

**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 landscape plan provided overall meets the requirements of Chapter 24-5. The applicant will need to add building perimeter landscaping and shrubs along the north and south property lines (per condition of approval).

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## **CONDITIONS OF APPROVAL**

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1. Development in accordance with the site plan and elevations dated January 18, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. No outdoor speakers or other audio amplification.
5. The applicant shall submit construction plans through the commercial site plan review process within 3 years of final approval or this approval is null and void.
6. The applicant shall combine Parcel ID's 06-23-28-0000-00-005 and 06-23-28-0000-00-056 through the Orange County Property Appraiser's Office.
7. No more than four (4) outdoor special events 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 30 days prior to the date of each event.
8. Signage shall be in accordance with 31.5-75, Orange County Code.
9. No more than 200 children shall be permitted.
10. Building perimeter landscaping shall be provided consistent with Sec. 24-4 (d). Type C Landscape buffers shall be provided along the north and south property lines which abut the future residential lots.

c: Bryan Potts  
2494 Rose Spring Drive  
Orlando, FL 32825

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**COVER LETTER**

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**Orange County, Florida  
Comprehensive Policy Plan  
Special Exception  
Justification Statement**

**PROJECT DESCRIPTION AND JUSTIFICATION STATEMENT**

**Subject Property**

The subject property represents +/- 22.46 acres comprised of Orange County Tax Parcel Identification Numbers 06-23-28-0000-00-005 & 06-23-28-0000-00-056 (the "Property"). The Property is currently designated Rural 1/1 on the County Future Land Use Map ("FLUM"). The Property has a street addresses of 1841 Windermere Road, and is owned by Certi-Fine Fruit Co Inc. ("Owner").

**Project Description**

The proposed project consists of a +/- 15,000 square foot single story school and a 2,000 square foot pavilion with associated parking and infrastructure (the "Project"). It is anticipated that stormwater attenuation and treatment will be provided on site.

**Purpose of Proposed Changes**

The current application seeks a Special Exception allowing for a Preschool on the property. (the "Proposed Change").

We are proposing an environmentally friendly preschool for up to 200 students. We have 30 teachers and 4 administrators who are trained in the best practices of the Montessori Curriculum. Our students will include children between the ages of 18 mo. and 6 years, placed in heterogeneous groups. Hours of operation will be 8:00AM to 6:00 PM weekdays with rare special events including; Back to School Night, Graduation, and our Annual Gala. We will have an Organic Garden to prepare the children for an ecologically responsible future.

The site is currently an undeveloped pasture parcel with a large wetland to the rear. We are proposing a 15,000 SF single story building, a 2,000 SF pavilion and a dumpster enclosure, with associated utilities and paved parking area.

The outdoor areas will consist of a 15,000 SF playground area, a pavilion and a large garden area to allow the children an outdoor area to play as well as to learn about agriculture. Bring this aspect to the Project provides more compatibility to the surrounding rural area.

The Project will provide a transition from existing residential developments in the form of platted one-acre single family lots to each side (north and south) not adjacent to the wetlands or right of way. The Project is designed to allow for all traffic to circulate on site and not cause stacking in the right of way.

**RECEIVED  
DEC 13 2018  
ORANGE COUNTY  
ZONING DIVISION**

All landscaping and landscape buffer yards on the Project will meet or exceed Section 24-5 of the Orange County Code. The Project also proposes to preserve the natural wetlands on the property rather than making any attempts to mitigate this natural resource.

The noise associated with the Project will be limited to the time the children are utilizing the outdoor facilities during normal hours of operation.

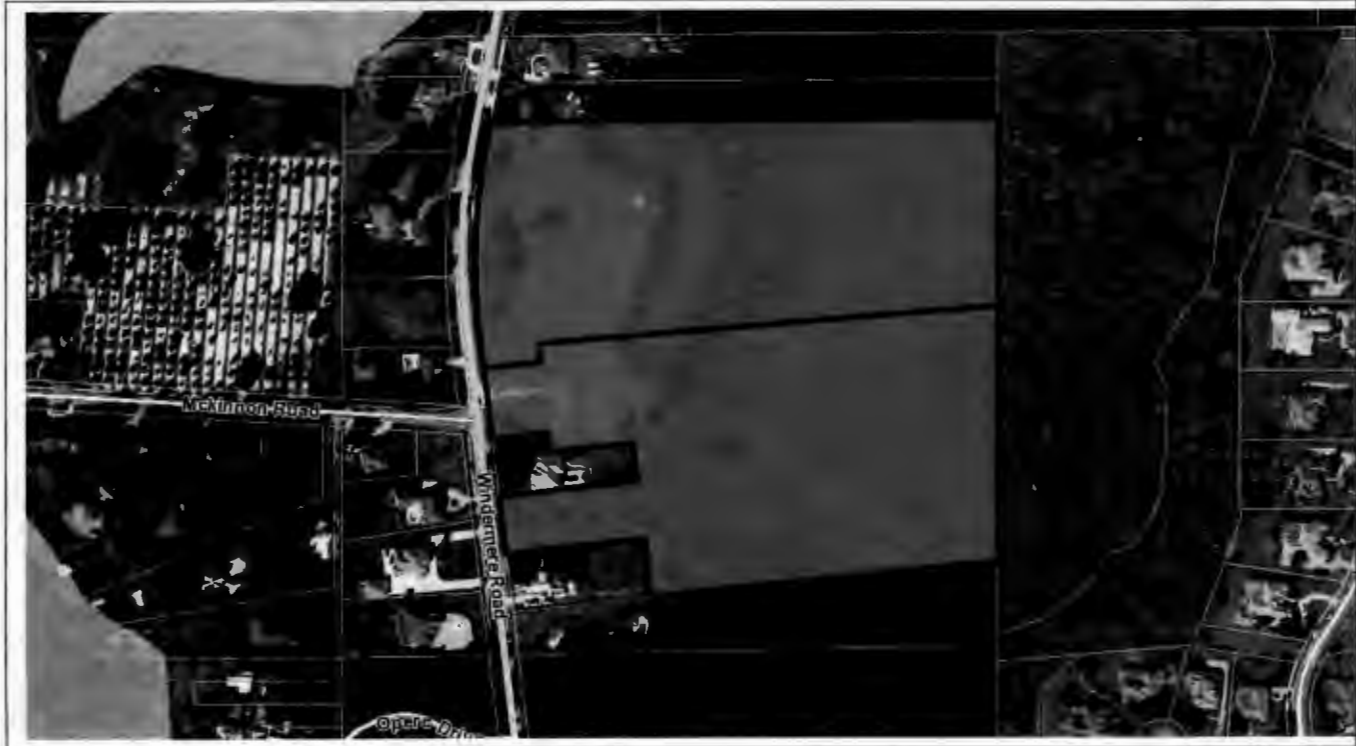
Conclusion

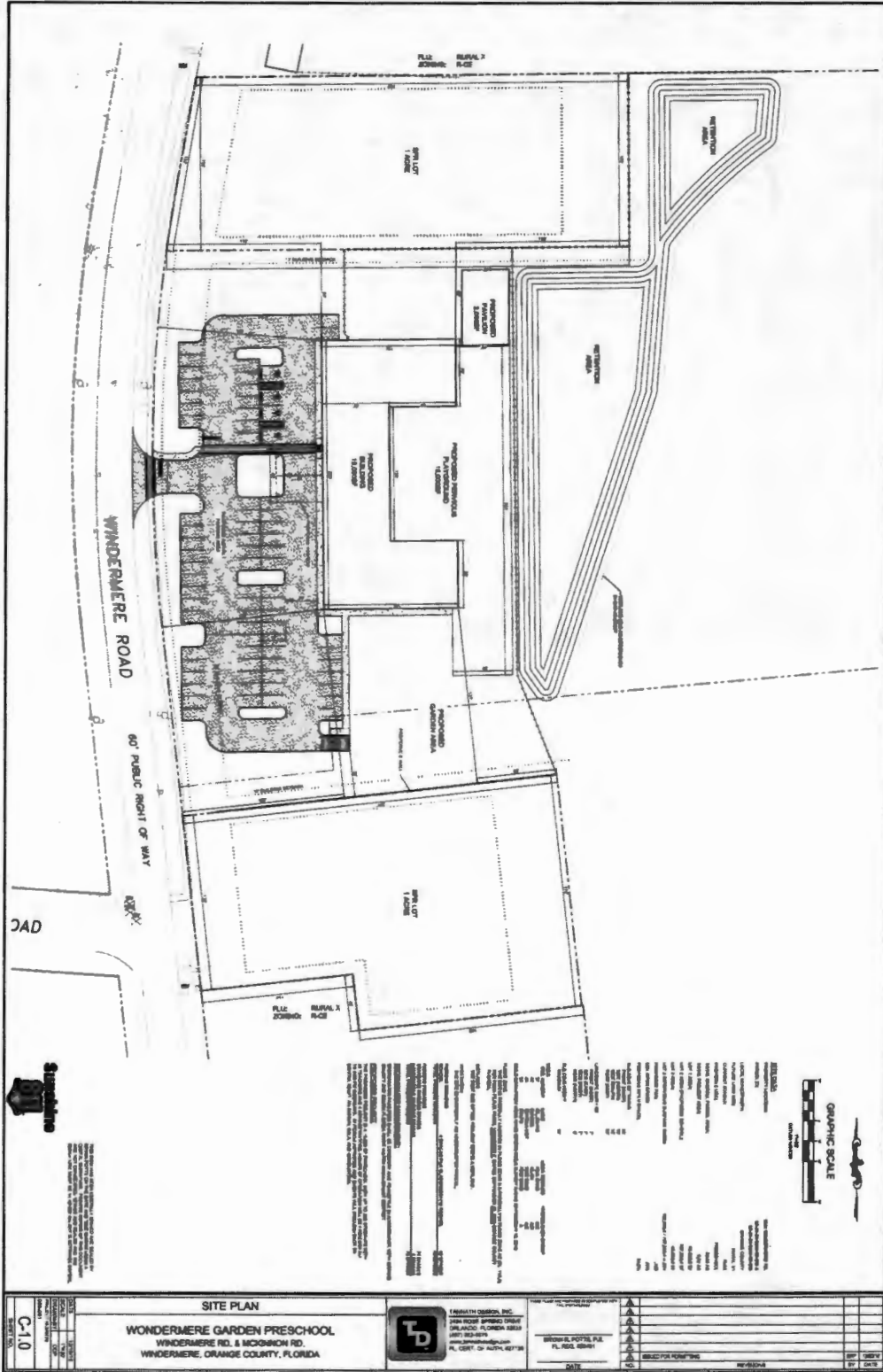
Allowing the Project on the property will enhance the area by giving local parents a convenient, friendly and safe place for their children to be cared for. The Project will allow the children to learn about agriculture and become friendly with the environment. While preserving natural wetlands and providing a relief to other area preschools that may be on the verge of overcrowding.

ZONING MAP



AERIAL MAP





**NOTES:**

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. THE SHOWN LOT DIMENSIONS ARE BASED ON THE RECORD SURVEY.
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<b>C-10</b> SHEET NO. 1 OF 1	<b>SITE PLAN</b> <b>WONDERMERE GARDEN PRESCHOOL</b> WONDERMERE RD. & MCCONSON RD. WONDERMERE, ORANGE COUNTY, FLORIDA			LENNIHAN DESIGN, INC. 1000 HIGGINS AVENUE SUITE 100 WINTER HAVEN, FLORIDA 33884 (888) 444-4444 WWW.LENNIHANDESIGN.COM	PROJECT NO. 10000000000000000000 DATE: 10/10/2010	DRAWN BY: [Name] CHECKED BY: [Name] DATE: 10/10/2010
	PREPARED FOR: [Client Name] PROJECT ADDRESS: [Address]			SCALE: AS SHOWN DATE: 10/10/2010	SHEET NO. 1 OF 1	

**SITE PLAN / SURVEY**

**LANDSCAPE TABULATION**

**GENERAL REQUIREMENTS**

Orange County Land Development Code Applies, Chapter 24 Landscaping, Buffering, and Open Space

**Landscape Adjacent to Street Right-of-Way**

As per 4.18 and 4.19, Minimum

width 4.22 = 28 (Impervious) = 194  
Trees Required 3 (10 canopy)  
Trees Provided 3 canopy (100%)

**Landscape Adjacent to Other Properties**

As per 4.18 and 4.19

North 4.346  
Trees Required 7 canopy  
Trees Provided 7 canopy

South 4.281  
Trees Required 7 canopy  
Trees Provided 6 canopy

East 4  
Trees Required 1/2 1' setback  
Trees Provided N/A setback

**Vehicle Line Area**

As per 4.18 and 4.19, Minimum

Total VLA = 4'-0" = 3'-5/8"  
Trees Required 31 trees  
Trees Provided 50 trees

**Water Line of Plant Material**

As per 4.18 and 4.19

Low Water Use Trees 100%  
Low Water Use Shrubs 100%  
Low Water Use Sod 100%

**NOTES**

- 1) Irrigation system to be a permanent system.
- 2) The irrigation plan shall be designed and installed to conform to Chapter 17, Sec 601-613 of this Code.
- 3) All plant material shall be FL Grade #1 and Florida Friendly.

PLANT	SYM	BOTANICAL	COMMON	SPECIFICATIONS
<b>Trees</b>				
8	AP	Acer rubrum	Red Maple	10-12' H, 4-6" DBH, 1" cal
16	LI	Liquidambar styraciflua	Sweetgum	10-12' H, 3-4" DBH, 1" cal
1		Quercus virginiana	White Oak	8' cal, 1" DBH, 1" cal
4	CO	Casahuate arborea	Live Oak	10-14' H, 4-6" DBH, 1" cal
7	JA	Jasminum	Wing Elm	10-12' H, 4-6" DBH, 1" cal
<b>Shrub &amp; Groundcover</b>				
186	E	Baccharis palmifera	Yellow Spice	10' H x 18-24" DBH, 1" cal
4	ZI	Zamia integrifolia	Coontie	1' cal, 10" DBH
24	MC	Muhlenbergia capillaris	Muhly Grass	1' cal, 10" DBH
104	YA	Yucca filamentosa	Yucca	1' cal, 10" DBH
48	PL	Platanus	Platanus	1' cal, 10" DBH
271	HA	Phlox paniculata	Phlox	1' cal, 10" DBH
<b>Sod &amp; Mulch</b>				
	ML	Mulch	Mulch	1" Depth
	SO	Sod	Sod	1" Depth

**PLANT SYMBOLS**

**TREES**

- RED MAPLE
- WHITE OAK
- SYLVESTER PALM
- LIVE OAK
- WINGED ELM

**SHRUBS**

- ANISE
- COONTIE

**GROUNDCOVERS**

- MULCH GRASS
- JASMINE
- PHLOX
- MANTHA

**LEGEND**

RETENTION AREA

PROPOSED PAVILION 2,000SF

PROPOSED PLAYGROUND 15,000SF

PROPOSED GARDEN AREA

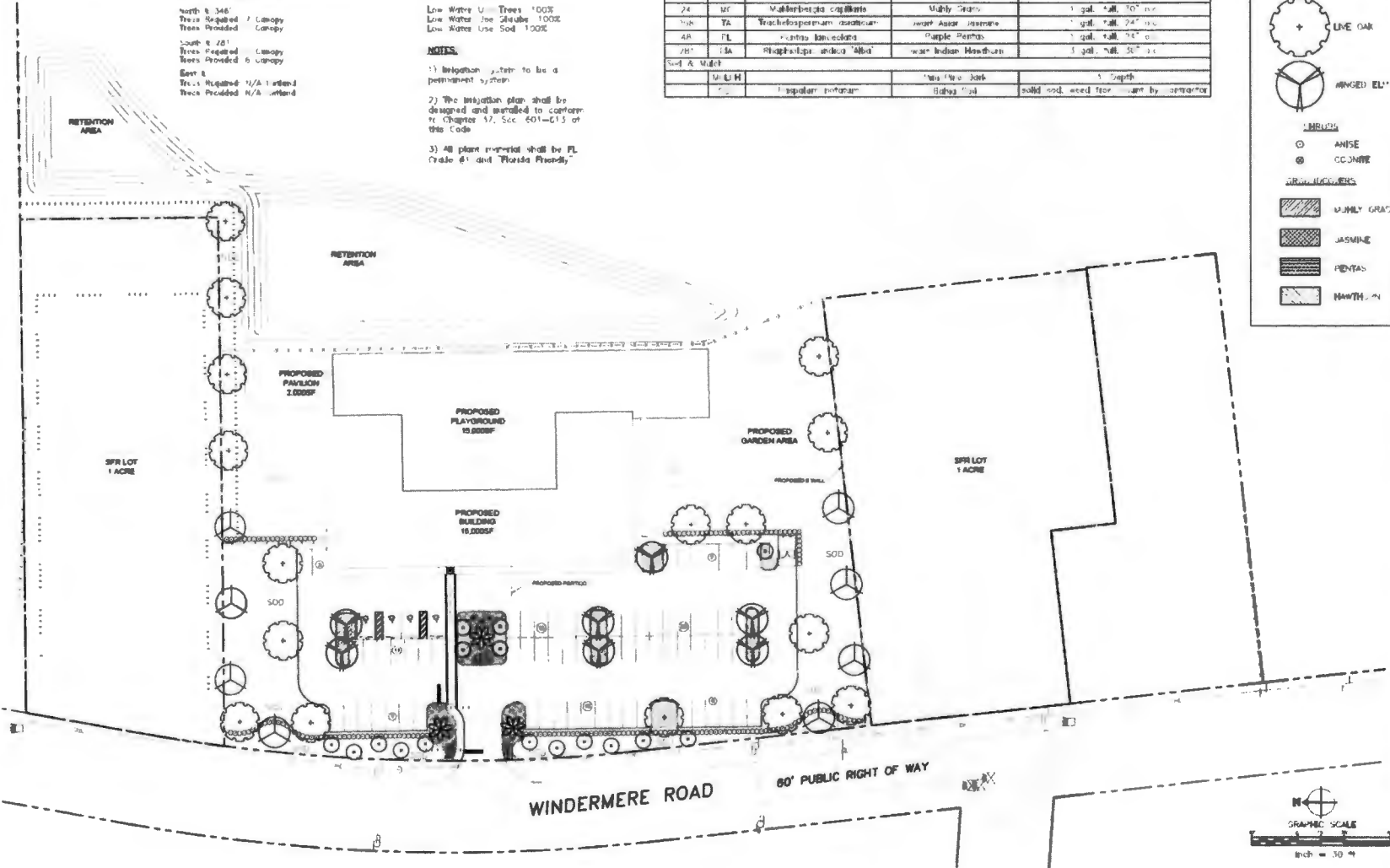
PROPOSED BUILDING 15,000SF

PROPOSED PORCH

SOD

60' PUBLIC RIGHT OF WAY

WINDERMERE ROAD



**Ray Coulter Builder Inc.**  
1800 West Park Blvd  
Orange, FL 32811

**LANDSCAPE ARCHITECTS**  
LANDSCAPE ARCHITECTS AND PLANNERS

**Landscape Plan**  
Windermere Preschool  
Orange County, Florida

**DATE:** 04/14/2014  
**JOB NUMBER:** 0-014  
**CREATED BY:** JLB  
**DATE:** 04/14/2014  
**SCALE:** 1/8" = 1'-0"

**DATE:** 04/14/2014  
**JOB NUMBER:** 0-014  
**CREATED BY:** JLB  
**DATE:** 04/14/2014  
**SCALE:** 1/8" = 1'-0"

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**ELEVATION**

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WINDERMERE GARDEN PRESCHOOL



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**SITE PHOTOS**

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Subject Property



View Looking north along Windermere Rd.



Intersection of Windermere Rd. and  
McKinnon Rd.



View Looking South along Windermere Rd.

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 07, 2019**

Case Planner: **David Nearing**

Case #: **VA-19-03-200**

Commission District: **#6**

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## GENERAL INFORMATION

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APPLICANT(s): **LOCKHEED MARTIN CORP**

OWNER(s): **LOCKHEED MARTIN CORP**

REQUEST: **Variance in the IND-2/IND-3 zoning district to allow the construction of a new building with a maximum height of 95 ft. in lieu of 50 ft., to be constructed in two phases.**

PROPERTY LOCATION: **8815 W. Sand Lake Rd., Orlando, FL 32819, south of W. Sand Lake Rd., east of Universal Blvd.**

PARCEL ID: **31-23-29-0000-00-001**

LOT SIZE: **283 Acres**

NOTICE AREA: **1500 ft.**

NUMBER OF NOTICES: **64**

**DECISION: APPROVED** 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; 7-0):

1. Development in accordance with the site plan dated December 28, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

**SYNOPSIS:** Staff noted that the reason for the variance was in large part due to the nature of the applicant's business. The request was for a multi-phased project with Phase II being the taller of the two (2). Staff explained that many of the structures on the subject property which exceed 50 ft. were constructed prior to

1995. In 1995, Chapter 38, the Zoning Code, underwent significant changes, including taking four (4) of the industrial zoning districts and combining them into two (2). Prior to these revisions, there was no height limit in the industrial districts. After the revisions, a 50 ft. maximum height was imposed. Currently, in order to test certain products the company is researching, they must send the product to three different cities, starting in Orlando, then to a City half way across the Country, and finally to California. The variances will allow the construction of a one-of-a-kind state of the art testing facility. Staff noted that no correspondence for or against the request had been received.

The applicant indicated that the variances were needed due to the type of equipment used in the testing of their products. The equipment cannot be spread out over the floor in a lower building, it had to be grouped together in a taller facility. There being no one present to speak in favor or opposition to the request, the public hearing was closed.

The BZA concluded that due to the change in the code, the applicant was now at a disadvantage, and that due to the nature of their work. The variances are warranted. A motion to recommend approval passed unanimously.

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**STAFF RECOMMENDATIONS**

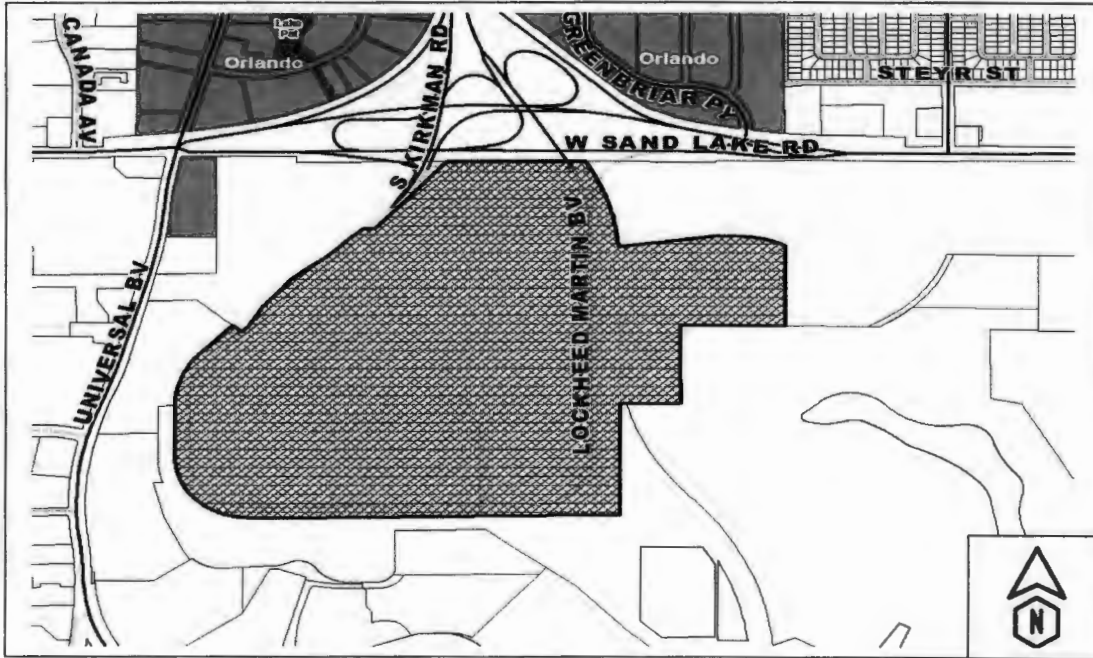
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Approval subject to the conditions in this report.

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**LOCATION MAP**

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**SITE & SURROUNDING DATA**

	Property	North	South	East	West
Current Zoning	I-2/I-3	I-P & AC-3/SP (Orlando)	P-D	P-D	P-D
Future Land Use	I	I County & MET-AC (Orlando)	P-D	P-D	P-D
Current Use	Industrial	W. Sand Lake Rd. interchange	Vacant	Vacant	Vacant

**BACKGROUND AND ANALYSIS**

**Description and Context**

The property is zoned I-2/I-3, Industrial Park District that allows for warehousing, manufacturing, and certain retail uses.

The property consists of multiple buildings and facilities that are utilized by Lockheed Martin at their Sand Lake campus.

The applicant is requesting a variance to the maximum height permitted in the I-2/I-3 zoning district to permit construction of a research and test facility.

Ordinance No. 95-16, which was adopted in 1995, revised Chapter 38, Zoning. These revisions included the combination of four (4) of the industrial zoning districts into two (2) districts and the addition of a height restriction.

Prior to the adoption of the ordinance, there was no height limit in the I-2 or I-3 zoning districts, which were treated as separate districts. After the adoption of the ordinance, the two (2) were combined and the height of structures was limited to 50 ft.

In comparison, the maximum height in the C-3, Wholesale Commercial District, is 75 ft. The C-3 zoning district is a less intense district than the I-2/I-3 district.

Currently, there are over a half dozen structures on the Lockheed Martin industrial complex well in excess of 50 ft., as they were built before the code change. A structure located within 50 ft. of the proposed testing facility is approximately 85 ft. in height. As one enters the complex, there are two office buildings, each approaching 90 ft. in height.

Once completed, this will be the site of a one-of-a-kind testing facility, eliminating the need to take a product to three (3) different locations for testing.



## District Development Standards

	Code Requirement	Proposed
Max Height:	50	95
Min. Lot Width:	N/A	N/A
Min. Lot Size:	N/A	N/A

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

	Code Requirement	Proposed
Front:	25	Approx. 3,100
Rear:	10	Approx. 450
Side:	15	Approx. 450+
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

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## STAFF FINDINGS

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### VARIANCE CRITERIA

#### Special Conditions and Circumstances

The special circumstance specific to the subject property is the life-span of the property. The property was rezoned in 1965 to I-3 and I-4, and began development as an aeronautical engineering company. At that time there was no height restriction in either of those zoning districts.

#### Not Self-Created

The need for the extra height is not the result of action by the applicant, but rather a result of the type of research which they conduct.

#### No Special Privilege Conferred

Granting the variance will not confer any special privilege upon the applicant. To the west of the subject property are several attractions including the Orlando Icon 360, the Star Flier, and to the south is a golf driving range with a net suspended by pole structures. In addition, there are hotels along International Drive far in excess of 100 ft. Many of these features are located in planned developments with no height limitations.

#### Deprivation of Rights

Without the requested variances, the applicant will not be able to conduct the type of testing they require for the products they develop. The subject property is over 200 acres in size, with no residential development in the immediate vicinity.

**Purpose and Intent**

Given that the subject location is several hundred ft. from the perimeter of the complex, and is completely surrounded by the complex, the integrity of the Zoning Code will not be impaired, and the purpose and intent are being met.

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**CONDITIONS OF APPROVAL**

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1. Development in accordance with the site plan dated December 28, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: John Hibbert for Lockheed Martin Corp  
5600 W. Sand Lake Road  
Orlando, FL 32819

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## COVER LETTER

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### MEMORANDUM

To: Orange County Zoning Division  
From: Jay Brown  
Date: 12/18/18  
Subject: MFC Test Facility - Height Variance  
Parcel #31-23-29-0000-00-001

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The MFC Test Facility, located at 8815 Lockheed Martin Boulevard, Orlando, FL, 32819, is a proposed Research and Test Facility. This Test Facility is located at the south east corner of Lockheed Martin's Sand Lake Road campus. The development will be constructed over the course of two phases. Currently, Phase One is under review for site permit and building permit approval. The Phase One building is 28,637 square feet and sixty-six and a half feet (66'-6") high to the apex of the roof. The phase two building is 19,445 square feet and ninety-five (95') high to the apex of the roof.

Phase one and two of the proposed development are located within the county's I-2/I-3 zoning district. Section 38-981 of the Orange County development code, states that the maximum height of any structure within this zoning is fifty feet (50'). The applicant is requesting a height variance be granted to allow for a maximum building height of ninety-five feet (95') to accommodate both phase one and two permanent structures. The Lockheed Martin Campus has approximately one hundred separate structures, with eight currently over the maximum height of fifty feet (50'). The existing structures range from sixty (60') to one hundred feet (100'). The MFC Test Facility will blend in with the existing facilities that have been approved and constructed since the initial development commenced in 1960.

The MFC Test Facility has specific design parameters, that mandate that the facility provide a clear height to underside of structure as is proposed to meet Contractual Test Requirements. In addition, the new test facilities must be adjacent to the existing other structures to receive proper and adequate support for the required government testing. Lockheed Martin's variance request is specific to the two proposed structures and not applicable to other planned improvements at the facility. The proposed design is the lowest height possible to accommodate the required testing clearance to support Lockheed's continued operations at the site. Lastly, the proposed development is not adjacent to any residential development; therefore, there is no concern that the increase in height will adversely affect any surrounding communities.

Refer to the following pages and graphics for detailed information included with this Request for Variance Submittal:

**Type of Construction:** The proposed Building structure will be a steel framed building with insulated metal siding and insulated metal roof on concrete foundations and concrete slab on grade.

**Square Footage:** The Building will encompass 28,637 square feet in Phase One and approximately 19,445 s.f. in Phase Two.

**Dimensions:** Building Dimensions will be approximately 150 feet by 200 feet in Phase One and 164 feet by 100 feet in Phase Two.

**Distance from Property Lines:** The Building, in both phases, will be located an approximate 1,220 feet west of the adjacent East Property line and 755 feet north of the adjacent South Property line.

**Proposed Height:** The proposed height for Phase One will be 66'-6" and 95 feet for Phase Two.

**Numerical Values:** Florida Building Code for Type IIB Construction allows a Maximum Height above Grade of 75 feet with Exception 503.1.1 allowing Special Industrial Occupancies exemption from Building Height, Number of Stories and Building Area limitations.

**The Six Standards for Variance Approval:**

**Special Conditions and Circumstances:** The Occupancy and Use that the Phase One and Phase Two structures are intended to serve will be in the performance of Contractual Research and Testing. The Interior Clear Height Requirement for Phase One is an approximate 60 feet and an approximate 80 feet for Phase Two.

**Not Self-Created:** These Special Conditions are not the result of actions on the part of the Submitter.

**No Special Privilege Conferred:** It is understood that Approval of this Variance Request will not confer any Special Privilege denied to other Lands, Buildings or Structures in the same zoning district.

**Deprivation of Rights:** Literal Interpretation of the provisions of this Chapter will preclude the performance of work in the interest of the United States Government.

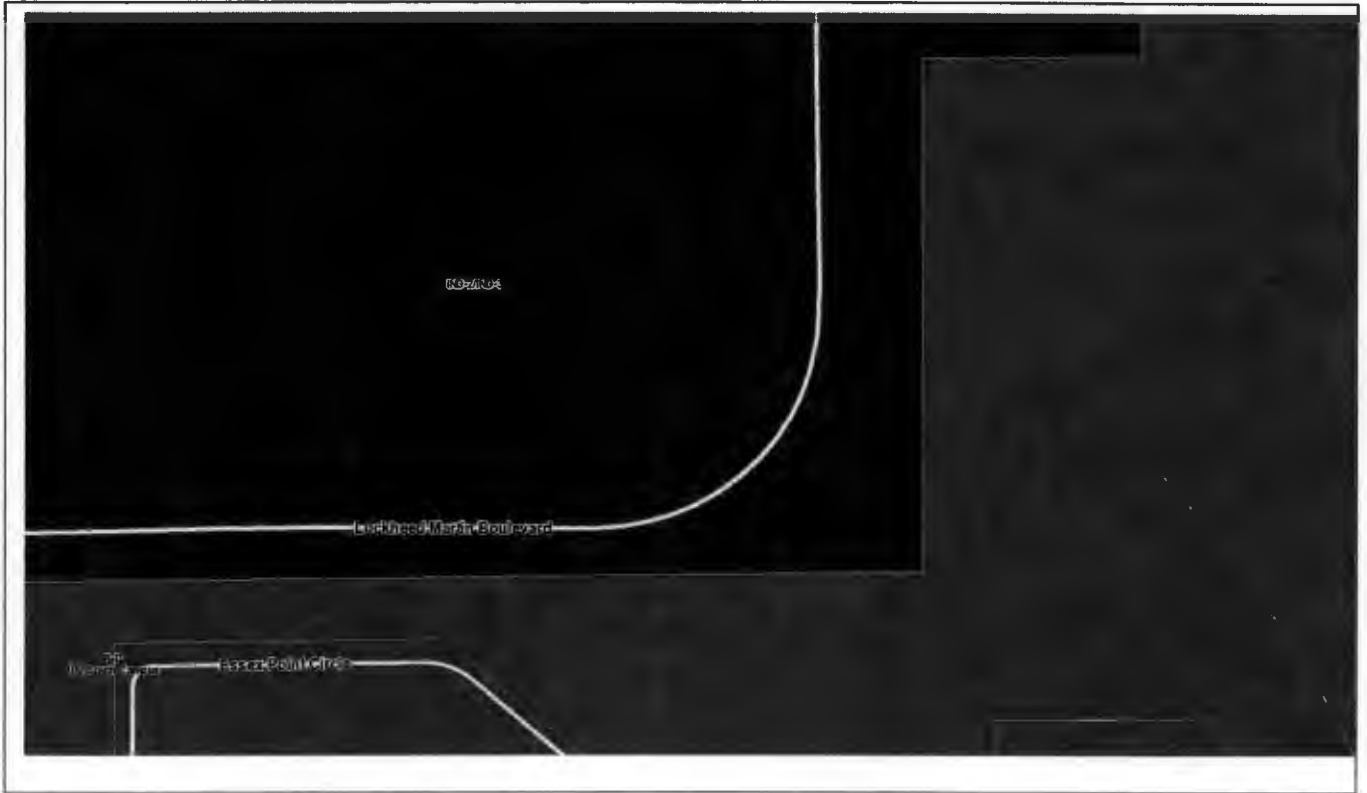
**Minimum Possible Variance:** The Phase Two requirement will place the Minimum Variance at 95 feet above Grade.

**Purpose and Intent:** Approval of this Zoning Variance will not be injurious to neighboring land use and will not pose detriment or hazard to the Public Health and Welfare.

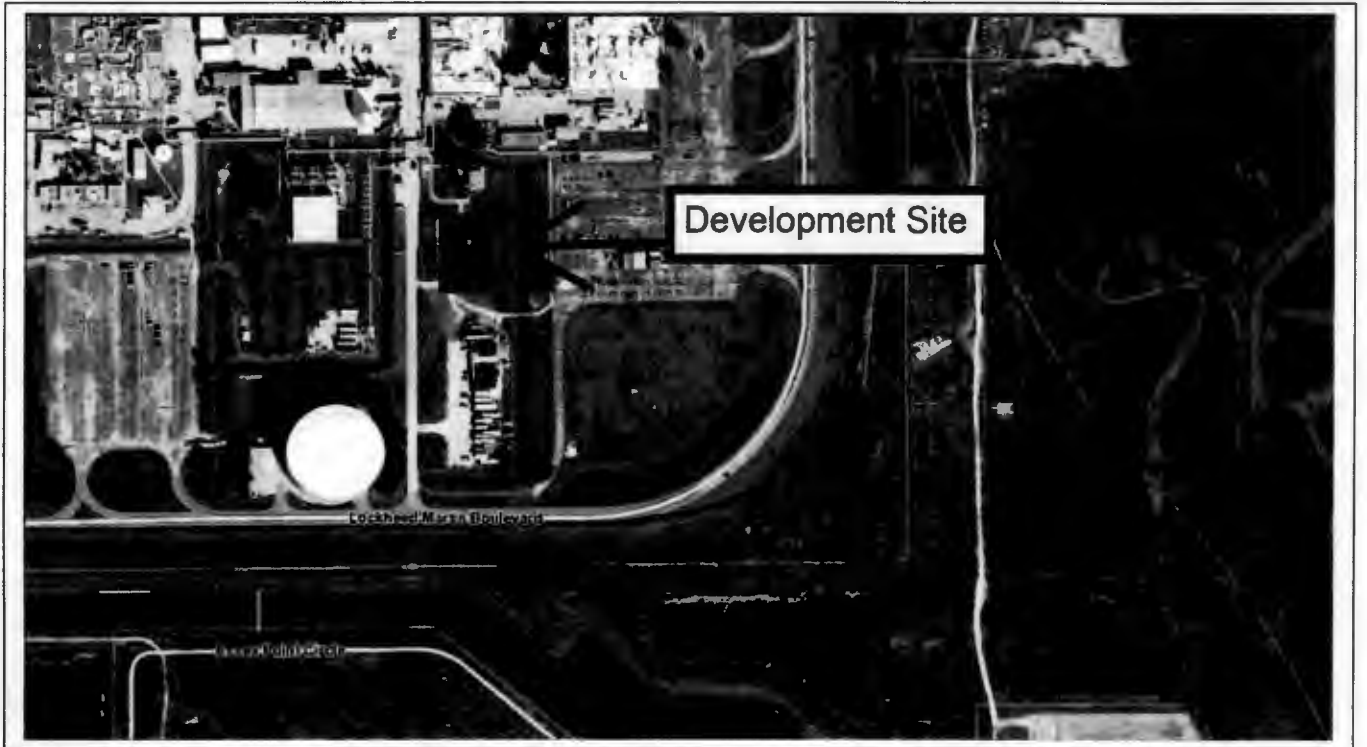
Refer to the following graphics for:

Aerial View of Partial Site Plan Showing Proposed Building Location and adjacent Structures  
Site Plan Showing Proposed Location and distance from adjacent Property Lines  
Elevations showing Proposed Phase One and Phase Two

ZONING MAP



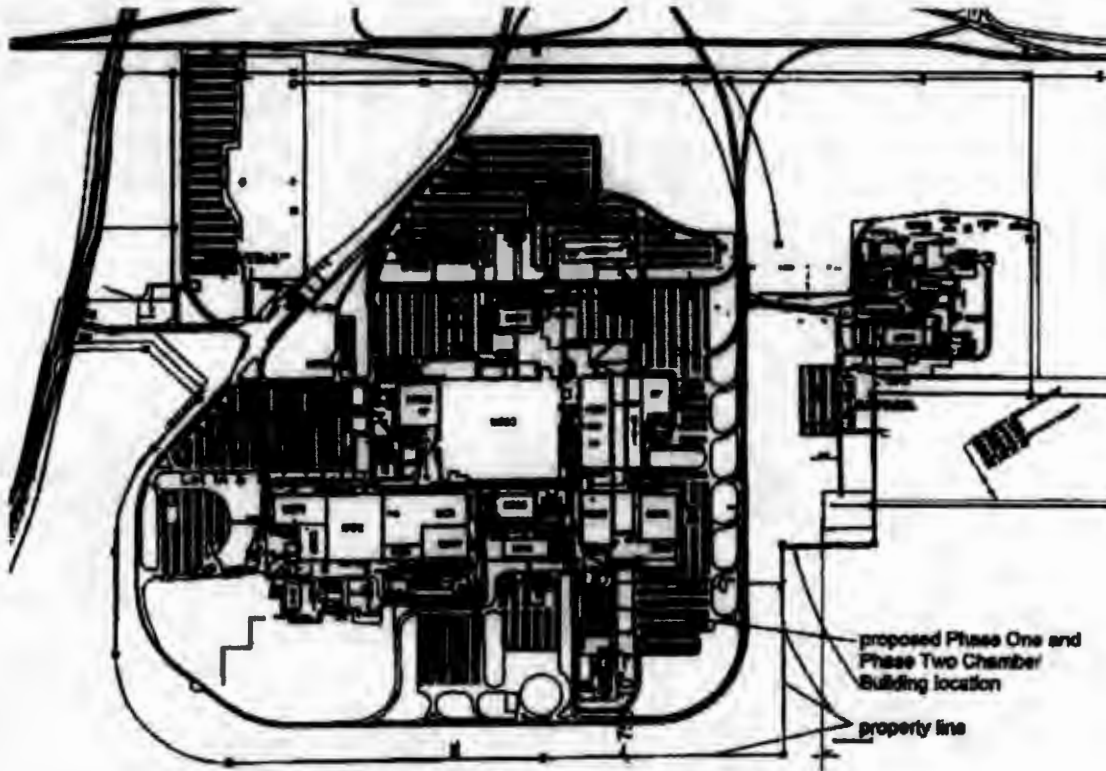
AERIAL MAP



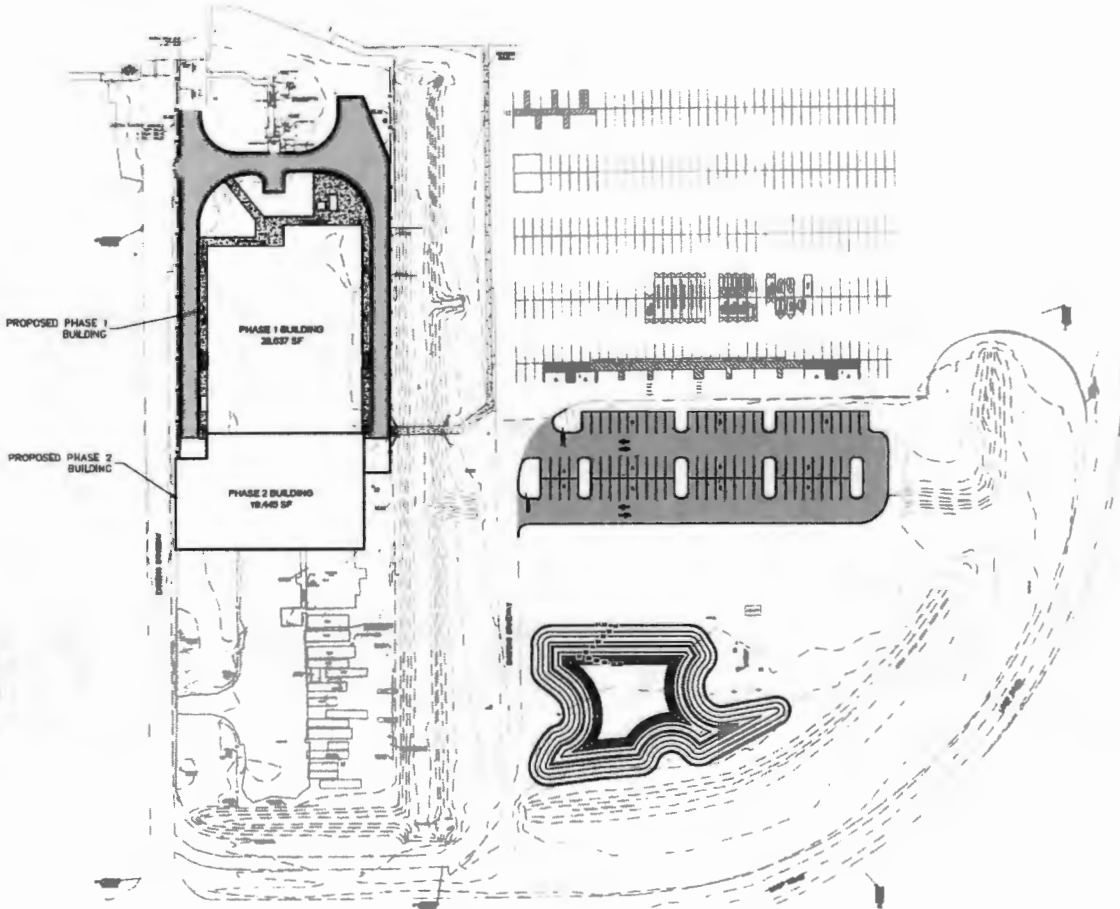
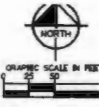
**SITE PLAN/SURVEY**



**AERIAL VIEW OF PARTIAL SITE PLAN SHOWING PROPOSED LOCATION**



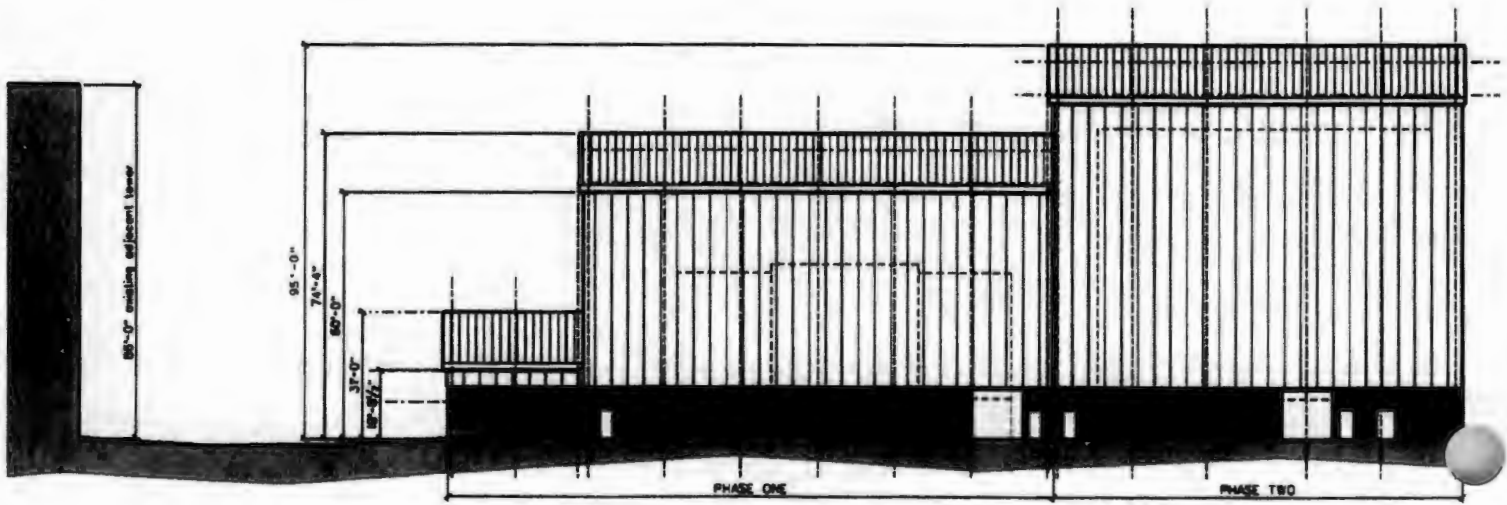
**SITE PLAN SHOWING PROPOSED LOCATION**



**PHASE 1 & 2 BUILDING DATA - MFC TEST FACILITY**

EXISTING ZONING:	IND-2/IND-3
MAXIMUM BUILDING HEIGHT:	50'
PHASE 1 BUILDING HEIGHT:	85'-6"
PHASE 2 BUILDING HEIGHT:	85'-6"
PHASE 1 BUILDING AREA:	28,637 SF
PHASE 2 BUILDING AREA:	18,443 SF

ELEVATION





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**SITE PHOTOS**

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Development Area



View from West



Looking South

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 07, 2019**

Case Planner: **Sean Bailey**

Case #: **SE-18-11-144**

Commission District: **#1**

## GENERAL INFORMATION

APPLICANT(s): **ORANGE COUNTY PUBLIC SCHOOLS**

OWNER(s): **SCHOOL BOARD OF ORANGE COUNTY FLORIDA**

REQUEST: **Amend a previously approved Special Exception (SE-13-07-046) in the R-CE zoning district to modify condition of approval # 22 in regards to location of temporary and portable classroom facilities.**

PROPERTY LOCATION: **5523 Winter Garden Vineland Rd, Windermere, Florida, 34786, east side of Winter Garden Vineland Rd., just north of the intersection of Winter Garden Vineland Rd.**

PARCEL ID: **14-23-27-0000-00-013**

LOT SIZE: **65.497 acres**

NOTICE AREA: **Custom Buffer**

NUMBER OF NOTICES: **2620**

**DECISION: APPROVED** 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 as amended (unanimous; 6-0 and 1 abstained due to a Conflict of Interest):

1. Development in accordance with the site plan dated October 9, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The location of temporary and portable classroom facilities shall be restricted (i) to the courtyard area between the three permanent three-story classroom buildings and the 20-foot wide emergency access

road and (ii) to the practice fields located immediately to the east of the courtyard area. A maximum of 62 portables shall be allowed overall and all portables not located within the courtyard shall be removed by August 31, 2021. The portables shall be installed in phases. Phase 1 of the portables, shall be located in the courtyard area and on the southern practice field; and, Phase 2 of the portables, shall be located on any remaining unused area of the southern practice field and the northern practice field. Any proposed future expansion of the area for temporary and portable classroom facilities shall require an application to amend this Special Exception approval.

5. All the previous conditions from the May 5, 2015, BCC approval shall apply, with the exception of condition of approval #22, which shall be replaced by the new condition #4.

**SYNOPSIS:** The applicant (Orange County Public Schools) is seeking to amend condition of approval #22 from the May 5, 2015, BCC approval regarding the location of temporary portable classroom facilities. The previous condition limited the portables to the courtyard area between the existing classroom buildings. The applicant would like to place additional portables in the practice fields located to the east of the courtyard.

Staff outlined the case, showed site photos, went over what occurred at the community meeting, and indicated to the board where the applicant would like to place the additional portables.

The applicant explained why the additional portables were needed as Windermere High School is currently about 600 students over capacity and the enrollment is expected to grow yearly. In addition, the applicant played a video clip from the May 2015 BCC hearing when the additional condition was placed by the former District 1 Commissioner. A relief high school is planned in the area on Seidel Rd., however the new school will not be complete until 2021 or 2022. There was some discussion regarding when the new relief school would be constructed and the school board's attorney provided confirmation that the relief school would be complete by August of 2021.

The applicant went on to explain the school planning process and how their student enrollment projections are conducted. They also shared the number of students estimated and the number of portables that are expected to be needed at that time.

The applicant stated that 12 portables will fit in courtyard area and approximately 40-50 could fit on the practice fields.

The BZA had questions regarding the projected number of students and how many portables are needed on a yearly basis. The BZA also had concerns that the applicant would place all the portables on site at that same time and wanted an additional condition stating that the applicant should phase the installation of such portables.

There were four (4) neighbors who spoke in support of the request and stated the students need adequate classroom space. Three (3) neighbors spoke in opposition of the application stating the portables will not be temporary and had concerns regarding the school's safety.

The number of portables necessary, where they would be located, and when they would be installed was discussed at length by the board.

Condition #4 was amended to provide a sequence of installing the portables, require the portables in the practice fields be removed by August 31, 2021, and limited the number of portables to 62 overall.

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**STAFF RECOMMENDATIONS**

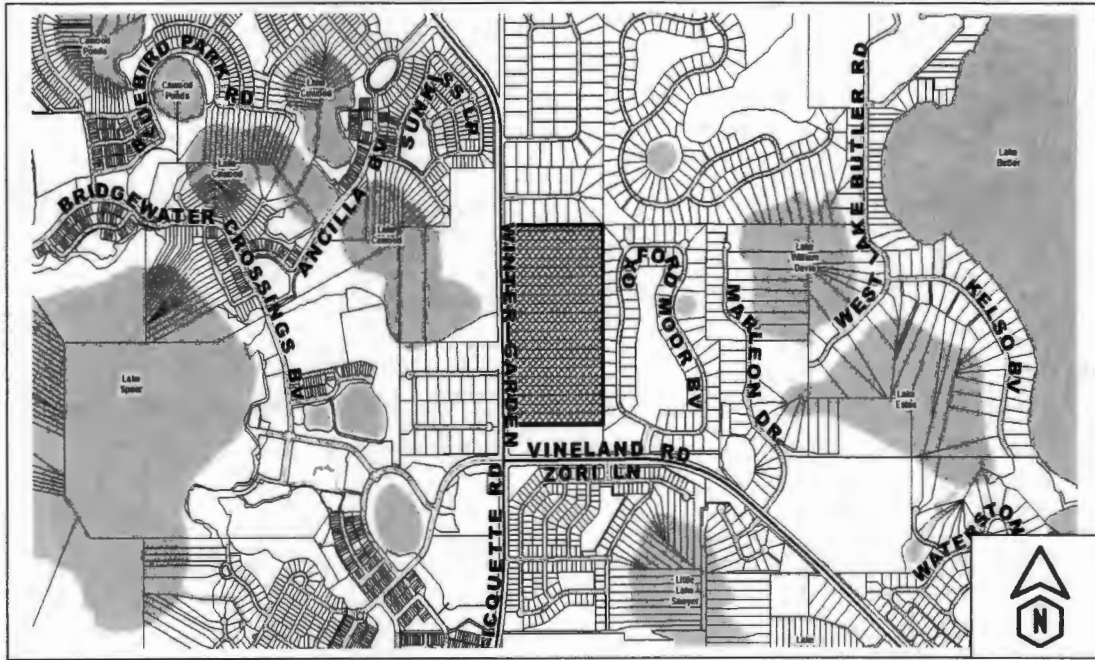
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Approval subject to the conditions in this report.

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**LOCATION MAP**

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**SITE & SURROUNDING DATA**

	Property	North	South	East	West
Current Zoning	R-CE	R-CE	PD	R-CE	R-CE
Future Land Use	RS 1/1	RS 1/1	Village	RS 1/1	Village
Current Use	High School	Residential	Residential	Residential	Vacant/Residential

**BACKGROUND AND ANALYSIS**

**Description and Context**

The subject property is zoned R-CE, Country Estate, which allows for primarily single family development on five (5) acre lots and certain rural uses. The school siting ordinance allow for high schools as a special exception in this zoning district.

The property is located in the West Windermere Rural Settlement which allows 1 dwelling per acre.

The existing Windermere High School campus includes 340,356 sq.ft. of buildings, parking lot, practice fields, baseball fields and a stormwater pond.

**History:**

Between 2004 and 2006 OCPS acquired the property for the future high school.

April 2013 - A special exception (SE-13-07-046) was applied for by OCPS for the West Orange Relief High School and was approved on September 6, 2013 with 13 conditions. The project required a community meeting and DRC review, which is the reason for the delay.

November 5, 2013 - The BCC denied the request stating the request was inconsistent with the comprehensive plan and incompatible with the Rural Settlement.

January 20, 2015 - The Circuit Court remanded the case back to Orange County for reconsideration.

April 28, 2015 - The special exception was approved by the BZA, subject to the removal of the stadium and the settlement agreement signed by the applicant and Orange County.

May 5, 2015 - The BCC approved the special exception subject to 22 conditions.

The applicant would like to place portables in the existing practice field area on the east side of the property. Per condition #22 from the May 2015 approval, portables are allowed only in the courtyard area between the classrooms. The condition reads "The location of temporary and portable classroom facilities shall be restricted to the courtyard area between the three permanent three-story classroom buildings and the 20-foot wide emergency access road. Any proposed future expansion of the area for temporary and portable classroom facilities shall require an application to amend this special exception approval." The applicant would like to amend that condition to allow more portables as the population of the school is continuing to grow. They cannot predict the exact number of portables as it depends on the enrollment, and there are currently no portables on site. The applicant has stated approximately 12 portables can fit in the courtyard area and 40-50 can fit in the practice field area.

The applicant states the portables are only necessary on a temporary basis until the relief high school on Seidel Rd. is complete in August of 2022.

Currently there are 3,360 students enrolled at Windermere High School and the school was designed serve a maximum of 2,776 students.

A community meeting was held on January 23, 2019 at the Windermere High School Auditorium. Approximately 140 residents were in attendance as well the District 1 Commissioner, District 1 BZA Commissioner, and the Orange County School Board District 4 member. The residents had concerns with the proposed location of the additional portables in the practice field area, stated that the portables will not be temporary, and questioned the school board on their planning process.

There are 870 parking spaces existing on site. The applicant will limit the number of spots allowed for student parking based on availability.

**District Development Standards**

	Code Requirement	Proposed
Max Height:	50	55 (per the previous SE approval)
Min. Lot Width:	130	2275
Min. Lot Size:	50 acres	64.92

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

	Code Requirement	Proposed
Front:	35	130
Rear:	50	504
Side:	10	619
Sidestreet:	n/a	n/a
NHWE:	n/a	n/a

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**STAFF FINDINGS**

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**SPECIAL EXCEPTION CRITERIA**

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

The high school is existing and was approved in the Rural Settlement in 2015. The additional portables will be a temporary use and will be on the existing high school site and therefore will be consistent with the Comprehensive Policy Plan.



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

The expanded portable area will be compatible with the existing school and the commercial development to the south.

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

The portables will be setback over 300 ft. from the single-family homes to the east, and about 700 ft. from the single-family homes to the north. Also, there is an existing pond providing a buffer between the area where the portables are proposed and the homes nearby. Therefore, the addition of the temporary portables will not be a detrimental intrusion into the area.

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

The proposed portables will meet all the setback, height, and open space requirements.

**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.**

The use has similar characteristics to the existing school and the classrooms will only be utilized during the weekdays, not at night or on the weekends.

**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.**

There are existing trees located on either side of the existing pond and there is a 6 ft. high concrete wall located on the east and north property lines. The plan meets the landscape code requirements.

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## CONDITIONS OF APPROVAL

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1. Development in accordance with the site plan dated October 9, 2018 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The location of temporary and portable classroom facilities shall be restricted to the courtyard area between the three permanent three-story classroom buildings and the 20-foot wide emergency access road and to the practice fields located immediately to the east of the courtyard area. A maximum of 62 portables shall be allowed overall and shall be removed by August 31, 2022. Any proposed future expansion of the area for temporary and portable classroom facilities shall require an application to amend this special exception approval.
5. All the previous conditions from the May 5, 2015 BCC approval shall apply.

Julie C. Salvo  
6501 Magic Way, Bldg. 200  
Orlando, FL 32809

COVER LETTER



**Orange County Public Schools**

6501 Magic Way • Building 200 • Orlando, FL 32809-5677 • Phone 407.317.3700 • www.planning.ocps.net

September 11, 2018

Sean Bailey  
Orange County Zoning Division  
201 S. Rosalind Ave., 1st Floor  
Orlando, FL 32801

**RE: Request for Temporary Relief of Condition of Approval #22 ("COA #22"), Case #SE-13-07-046, West Orange Relief High School**

Dear Mr. Bailey,

Orange County Public Schools ("OCPS") is hereby submitting a request to the Board of Zoning Adjustment ("BZA") for the temporary reconsideration of COA #22 of the May 5, 2015 decision of the Board of County Commissioners ("BCC") on the Special Exception Application, as it relates to the restriction on the location of temporary or portable classrooms.

Windermere High School opened in August 2017 with a permanent program capacity of 2,753 student stations. The school initially opened to grades 9-11 with 2,186 students. In August 2018 the school opened to grades 9-12 and the enrollment as of August 31, 2018 was 3,364 students. The school is currently over capacity and there are plans to install portables this year in the location designated in COA #22. The maximum number of portables that can fit in this location is anticipated to be 12.

To mitigate excessive overcrowding at Windermere High School, OCPS's proposed 2018/ 2019 capital budget includes the acceleration of a relief school, Site #113-H-W-4 to open in 2022 ("Relief High School"). Budgeting, planning, design, and construction of a Relief High School is a multi-year process, and 2022 is the soonest the Relief High School can open.

As you are aware, Horizon West is the fastest growing area in Orange County. Since 2013, the Horizon West schools have collectively grown by an average of 1,000 students per year, at a rate of 12%. The proposed 2018 capital budget includes funding for nine new relief schools (6 elementary, 2 middle, and 1 high school) in Horizon West over the next ten years, with capital funds budgeted in excess of \$363 Million. Portables are a necessary tool to accommodate growth and ensure classrooms do not become overcrowded and teachers are able to teach effectively in accordance with Florida's Class Size Amendment law.

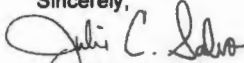
The enrollment projection for Windermere High School for 2021 is 4,028 students.

To ensure students have adequate classroom space between now and when the relief school opens in 2022, OCPS is requesting temporary relief from COA #22. The attachment depicts where the portables would be placed. If the request is approved, portables outside of the designated area would be removed by the 2022/2023 school year.

"The Orange County School Board is an equal opportunity agency."

Thank you in advance for your consideration of this request. If you have any questions or need additional information, please contact me at (407) 317-3700 x2022139 or julie.salvo@ocps.net.

Sincerely,



Julie C. Salvo, AICP  
Senior Administrator  
OCPS Facilities Planning

CC: Laura Kelly, Staff Attorney III/Planning & Real Estate, OCPS

Attachments: Site Plan with Proposed Temporary Portable Location  
May 5, 2015 BCC Decision and Conditions of Approval on Case #SE-13-07-046

04:17:00 through 4:23:00

**Motion/Second:** Commissioner Boyd/County Mayor Jacobs

**AYE (voice vote):** All members

**Action:** The Board determined Orange County Public Schools – West Orange Relief High School, has met the six special exception criteria outlined in Orange County Code, Section 38-78; further, made a finding of consistency with the Comprehensive Plan; and further, approved the special exception application by Orange County Public Schools - West Orange Relief High School, Board of Zoning Adjustment Case # SE-13-07-046, to construct a public high school in an R-CE zoned district, on the described property; subject to the following conditions:

1. Development shall conform to the West Orange Relief High School Special Exception Site Plan dated "Received April 20, 2015," and "Received April 27, 2015" and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this site plan and the actual site plan dated "Received April 20, 2015," and "Received April 27, 2015" the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. 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.

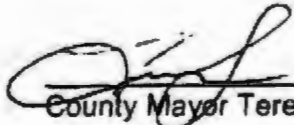
4. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed water, wastewater, and reclaimed water systems have been designed to support the school site.
5. Prior to earthwork or construction, Orange County Public Schools shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.
6. All acreages regarding conservation areas, wetland buffers and conservation encroachment are considered approximate until finalized by a state application and permit to be provided to Orange County. Approval of this plan does not authorize any direct or indirect conservation area impacts.
7. Orange County Public Schools recognizes the prior use of this property as a citrus grove.
8. Neither installation nor operation of potable or irrigation water supply wells using local groundwater will be allowed on site.
9. Orange County Public Schools shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
10. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5, Orange County Code.
11. Per Orange County Code, public schools are exempt from transportation concurrency. However, an approved traffic operational analysis addressing intersection operations, pedestrian crossings, and traffic circulation within the impact area will be required prior to construction plan approval.
12. ~~Residential style~~ Exterior lighting shall be installed around the perimeter of a practice field for the Relief High School's football, soccer, lacrosse, and track and field teams, located at the southwest corner of the site, with such lighting not to exceed forty feet (40') in height above finished grade, and shall incorporate time controls set to automatically turnoff of practice field lighting at 8:00 p.m. Sports practice field light fixtures shall be installed with light glare adjustable visors (shields). Special care shall be exercised in field-adjusting all such visors to prohibit off-site glare on to any adjacent properties ~~Publix-Parking lot style~~ lighting shall be installed in the parking lots, ~~with such lighting not to exceed thirty feet (30')~~ in height above finished grade and include full cutoff flat lenses. All such practice field and parking lot lighting shall comply with requirements of the Orange County exterior lighting ordinance, including those relating to cutoff lighting. (Per April 2015 Settlement Agreement.)

13. An eight-foot (8') high precast concrete wall with columns shall be installed along the north and east property lines. (Per Settlement Agreement.)
14. A six-foot (6') high decorative aluminum fence shall be installed along CR 535. A black vinyl chain link fence shall be installed around the storm water retention area. (Per Settlement Agreement.)
15. An architectural style substantially similar to the "Sun Ridge Middle School" architectural style shall be incorporated into the Relief High School campus building facades. During the public hearing process, OCPS shall present architectural elevation renderings depicting the elevations of the campus buildings and showing how they comply with such architectural style. Also, canopy buffer trees shall be planted along both sides of the retention area along the east and north property lines to maximize buffering for the neighboring properties. OCPS's total cost for those architectural improvements, additional canopy trees, and enhanced canopy buffer shall be \$2,500,000, and such costs shall be sufficiently documented for Orange County (OC). (Per Settlement Agreement.)
16. OCPS shall design and build the Relief High School to a permanent student capacity of 2,776. (Per Settlement Agreement.)
17. OCPS shall have subdued sounding bells on the school site. (Per Settlement Agreement.)
18. OCPS shall locate the Relief High School's football stadium at Orange County's "Dorman property" located on Ficquette Road approximately one mile southwest of the Relief High School site, and instead shall construct a practice field where the football stadium was located on OCPS's previously proposed site plan. OCPS understands and accepts that the Dorman property is the site of a future OC public park and that title to the Dorman property shall remain with OC. All of the Relief High School's "home" football, soccer, and lacrosse games and track and field events shall take place at this stadium. Before the stadium is designed and constructed, OCPS shall enter into an agreement with OC that is consistent with the April 2015 Settlement Agreement and that details arrangements and respective rights and responsibilities of the parties along with the joint use of the stadium by the parties and any allocation of costs and revenues, including any allocation of revenues generated from the sale of concessions or parking at OCPS events, advertising or naming rights for the stadium. (Per Settlement Agreement.)
19. A single sign not to exceed 32 square feet in copy area shall be permitted at the northern access point, and a single sign not to exceed 32 square feet in copy area shall be permitted at the middle access point. Only a 6 square foot copy area unlit directional sign shall be permitted at the southern access point.

20. Bleachers shall be prohibited at all three practice fields. Bleachers shall be permitted at the baseball and softball fields.
21. Outdoor band practices shall end not later than 8:00 p.m.
22. The location of temporary and portable classroom facilities shall be restricted to the courtyard area between the three permanent three-story classroom buildings and the 20-foot wide emergency access road. Any proposed future expansion of the area for temporary and portable classroom facilities shall require an application to amend this special exception approval.

• ADJOURNMENT, 6:48 p.m.

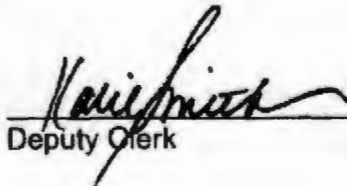
ATTEST:

  
\_\_\_\_\_  
County Mayor Teresa Jacobs

Date: JUN 30 2015

ATTEST SIGNATURE:

Martha O. Haynie  
\_\_\_\_\_  
County Comptroller as Clerk

  
\_\_\_\_\_  
Deputy Clerk



May 5, 2015

page 38 of 38



# ZONING MAP



# AERIAL MAP



SITE PLAN / SURVEY

GENERAL SITE DATA

OWNER: ORANGE COUNTY SCHOOLS DISTRICT  
PROJECT: 2015-2016 FACILITY IMPROVEMENT PROJECT  
DATE: 11/18/15  
SCALE: AS SHOWN  
DRAWN BY: J. J. JENSEN  
CHECKED BY: J. J. JENSEN

PROPERTY ADDRESS: 11111 WINTER GARDEN VINELAND ROAD, SUITE 100, ORANGE, CA 92668  
APN: 073-011-011-000  
ZONING: RS-10 (Residential Single-Family)

EXISTING BUILDINGS:  
BLDG. 1 (MUSIC ROOM) - 10,000 SF  
BLDG. 2 (ART ROOM) - 8,000 SF  
BLDG. 3 (DANCE ROOM) - 12,000 SF  
BLDG. 4 (GYMNASIUM) - 25,000 SF  
BLDG. 5 (CAFETERIA) - 15,000 SF  
BLDG. 6 (CLUBHOUSE) - 10,000 SF  
BLDG. 7 (OFFICE) - 5,000 SF  
BLDG. 8 (LABORATORY) - 15,000 SF  
BLDG. 9 (CLASSROOM) - 10,000 SF  
BLDG. 10 (OFFICE) - 5,000 SF

PROPOSED BUILDINGS:  
BLDG. 11 (PROPOSED CLASSROOM) - 10,000 SF  
BLDG. 12 (PROPOSED CLASSROOM) - 10,000 SF  
BLDG. 13 (PROPOSED CLASSROOM) - 10,000 SF  
BLDG. 14 (PROPOSED CLASSROOM) - 10,000 SF  
BLDG. 15 (PROPOSED CLASSROOM) - 10,000 SF

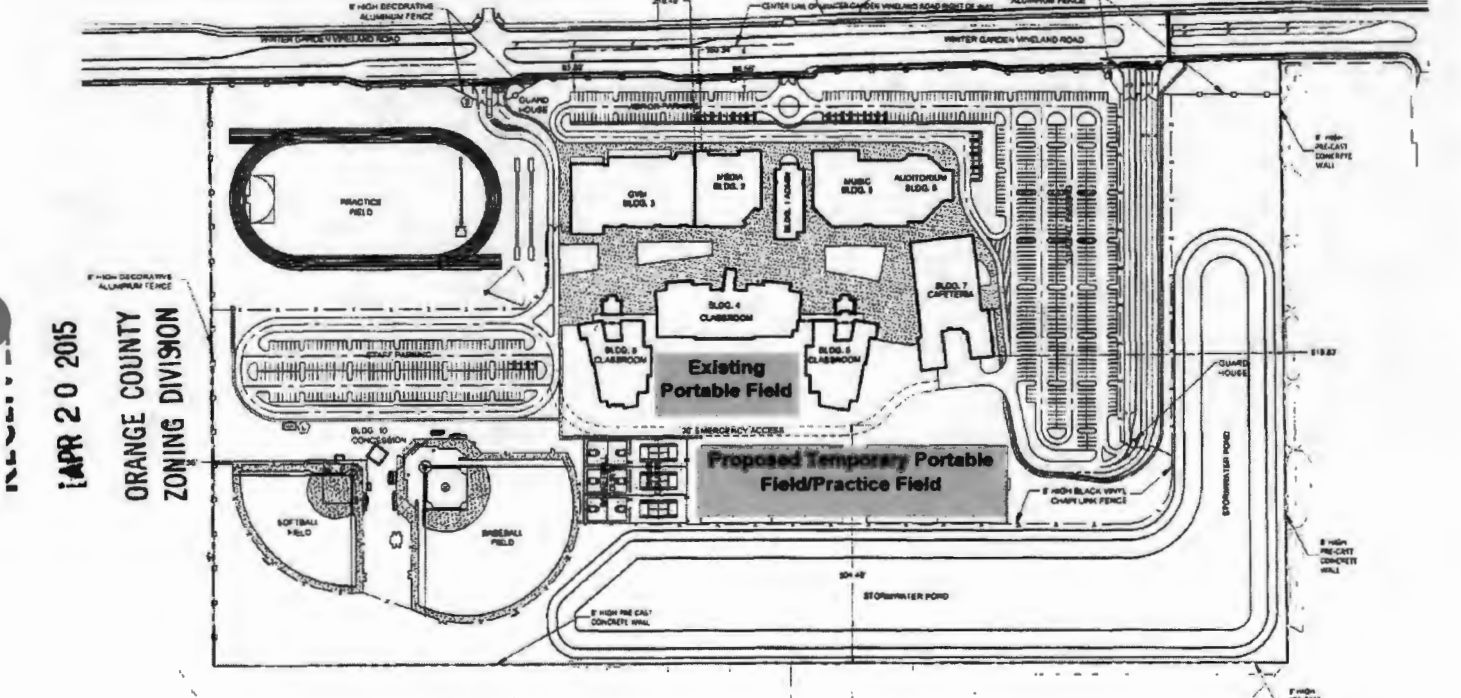
PROPOSED FIELDS:  
EXISTING PORTABLE FIELD  
PROPOSED TEMPORARY PORTABLE FIELD/PRACTICE FIELD

UTILITIES:  
WATER: 12" DUCTILE IRON PIPE  
SEWER: 12" VITRIFIED CLAY PIPE  
GAS: 12" BLACK IRON PIPE  
ELECTRICITY: 4" PVC CONDUIT

ADDITIONAL NOTES:  
ALL DIMENSIONS ARE IN FEET AND INCHES.  
ALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.

LEGEND

- 1. PAVED DRIVEWAY
- 2. PAVED DRIVEWAY
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- 18. PAVED DRIVEWAY
- 19. PAVED DRIVEWAY
- 20. PAVED DRIVEWAY



APR 20 2015  
ORANGE COUNTY  
ZONING DIVISION

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**SITE PHOTOS**

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Courtyard Area between Classroom  
buildings



Courtyard Area between Classroom  
buildings



Practice Field Area



Practice Field Area