




Interoffice Memorandum

DATE: December 28, 2021

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

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

**CONTACT PERSON: Joe Kunkel, P.E., DRC Chairman
Development Review Committee
Planning Division
(407) 836-7971**

SUBJECT: January 25, 2022 – Public Hearing
Applicant / Appellant: Brent A. Walters, Walters Construction
Corporation
2728 Raeford Road Lot Split Appeal
Case # DRCA-21-08-261 / District 3

This public hearing is to consider an appeal of the Development Review Committee's (DRC) decision of September 8, 2021, to uphold the Zoning Manager's decision to deny a lot split (LS-21-07-040). The request is to split a 1.48 acre lot into five new lots to allow for single-family detached dwelling units. This item was continued from the December 14, 2021, Board of County Commissioners hearing.

The subject property is zoned R-1A (Single-Family Dwelling District) and the proposal meets the minimum standards within that zoning district. All of the proposed lots would have access to an existing public street. However, the proposal would violate the County's internal lot split policy, which caps the number of lot splits at three prior to requiring a Preliminary Subdivision Plan. The County's lot split policy is based on the definition of a subdivision in F.S. 177.031, which states that a subdivision is the division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

The applicant has stated his intent to use septic tanks to serve the proposed lots. The site is within the County's wastewater territory, and Orange County Utilities has stated that if the applicant goes through the PSP process, they will be required to connect to County wastewater.

A community meeting is scheduled for January 20, 2022. A summary of that meeting will be provided at the Board Hearing.

The required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the DP may be found in the Planning Division for further reference.

ACTION REQUESTED: Uphold the DRC decision of September 8, 2021 and deny the lot split (LS-21-07-040). District 3

JVW/JK/lme
Attachments

CASE # DRCA-21-08-261

Commission District # 3

1. REQUEST

This public hearing is to consider an appeal of the Development Review Committee's (DRC) decision of September 8, 2021, to uphold the Zoning Manager's decision to deny a lot split (LS-21-07-040). The request is to split a 1.48 acre lot into five new lots to allow for single-family detached dwelling units.

The Zoning Manager denied the requested lot split due to County policy that caps the number of lots created through lot splits at three total lots. Per the Zoning Division's Lot Split Policy, a project consisting of greater than three lots must go through the Preliminary Subdivision Plan process and comply with the requirements of Chapter 34 of Orange County Code. The applicant appealed the Zoning Manager's decision to deny the lot split and DRC considered the appeal at their September 8, 2021 meeting.

At the DRC meeting, the applicant indicated that the new units would receive wastewater service through the use of individual on-site sewage disposal systems (septic tanks). Orange County Utilities stated that if this project was a Preliminary Subdivision Plan, it would be required to connect to wastewater service by way of a forcemain in the Raeford Road right-of-way. Orange County Utilities further stated that it may be possible to connect to wastewater through individual grinder pump stations on each lot with a forcemain extension down Peel Avenue. Public Works discussed improvements that would be required related to lot size compatibility, lot grading and drainage. After discussion, DRC voted to deny the appeal.

2. PROJECT ANALYSIS

- A. Location: South of East Michigan Street / East of South Bumby Avenue
- B. Parcel ID: 07-23-30-0000-00-005
- C. Total Acres: 1.48 gross acres
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: N/A

I. Proposed Use: R-1A (Single-Family Dwelling District)

J. Site Data: Maximum Building Height: 35'
Building Setbacks:
Front: 20'
Rear: 25'
Side: 7.5'

3. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Low Density Residential, which allows for consideration of up to four dwelling units per acre. The request is consistent with the underlying FLUM designation.

4. ZONING

R-1A (Single-Family Dwelling District)

5. REQUESTED ACTION:

Uphold the DRC action of September 8, 2021, and deny the lot split.

Appeal Letter

September 14, 2021

Eric Raasch, AICP
Planning Administrator
Orange County Planning Division
201 S. Rosalind Ave
Orlando FL 32801

Re: Raeford Rd Lot Split

Mr. Raasch,

I'd like to thank you and the entire DRC for your time last Wednesday to hear our appeal to the lot split denial. As discussed in the meeting we would like to appeal this decision to the Board of County Commissioners for review.

We understand the county staff is not able to approve lot splits creating more than three total parcels. This appears logical as larger splits typically require additional engineering, roads and other infrastructure, these larger splits are required to go through the counties formal subdivision process.

The 5 lots proposed by our lot split application are unique in that each will each have 75 feet of frontage on existing streets, each lot will require no additional county or private infrastructure, each lot will meet all current zoning regulations and setbacks and will require no variances. These unique and specific parcel criteria are the basis for our appeal to the Board of County Commissioners, for Lot Split approval.

Sincerely,

Brent Walters

DRC Meeting Minutes

7. DRCA-21-08-261 - DISTRICT 3
BRENT A. WALTERS

Present for discussion was Brent Walters. Nicolas Thalmueller presented this case to the DRC.

This request is an appeal of Zoning Manager's decision to deny a Lot Split (LS-21-07-040).

This lot split proposes to create five (5) lots from a 1.48-acre parent parcel. The Zoning Division has denied this lot split, determining that this constitutes a subdivision. The Orange County Zoning Division Lot Split Policy, in accordance with Florida Statutes, allows for a maximum of three (3) lots to be created from a parent parcel through the lot split process. Any split resulting in more than three (3) lots constitutes a subdivision (and must comply with Chapter 34 of the Orange County Code). The applicant is appealing this determination.

- 15 -

APPROVED MEETING MINUTES SEPTEMBER 8, 2021

The 1.48 gross acre subject property parcel is currently undeveloped, and is zoned R-1A (Single-Family Dwelling District). The R-1A zoning district requires a minimum lot area of 7,500 sq. ft. and a minimum lot width of 75 ft. All lots proposed with this lot split meet both lot area and lot width requirements (see Lot Split Survey).

A lot split request for this property (LS-21-01-003) was previously denied by the Zoning Division Manager, and appealed to the DRC (DRCA-21-02-052). At the March 2, 2021, DRC meeting, it was the consensus of the DRC to agree with the Zoning Manager's determination and require a subdivision in order to ensure a connection to sewer. That applicant subsequently withdrew the request. The current lot split request (LS-21-07-040) has been submitted by a new applicant, but is identical to the previous request.

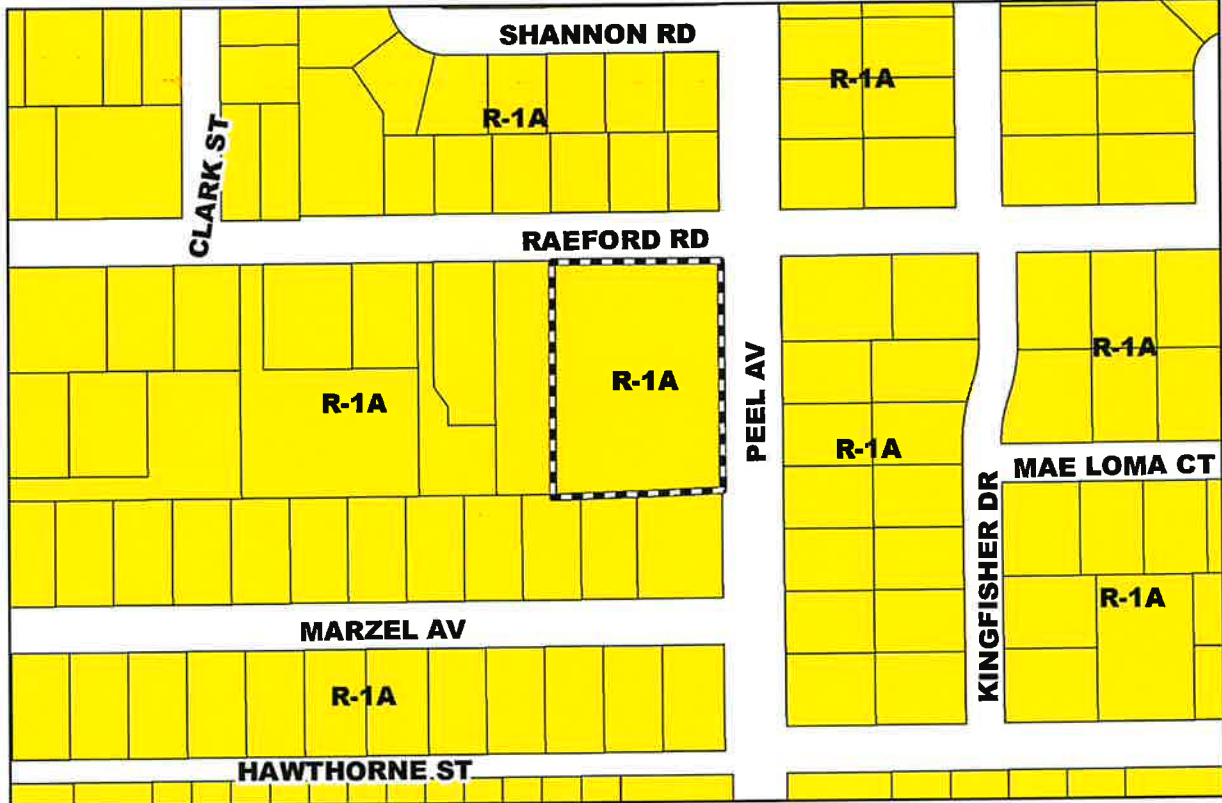
After some discussion, it was the consensus of the DRC to uphold the Zoning Manager's decision.

MOTION by Jennifer Moreau, seconded by Diana Almodovar, TO UPHOLD THE ZONING MANAGER'S DECISION AND DENY THIS REQUEST.

MOTION CARRIED.

Zoning Map

DRCA-21-08-261



Subject Property



Subject Property

Zoning Map

ZONING: R-1A (Single-Family Dwelling District)

APPLICANT: Brent A. Walters

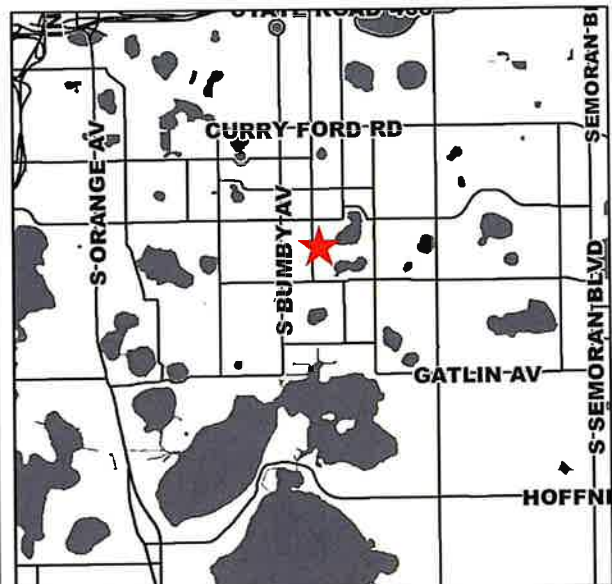
LOCATION: South of E Michigan Street / East of S Bumby Avenue

TRACT SIZE: 1.48 gross acres

DISTRICT: # 3

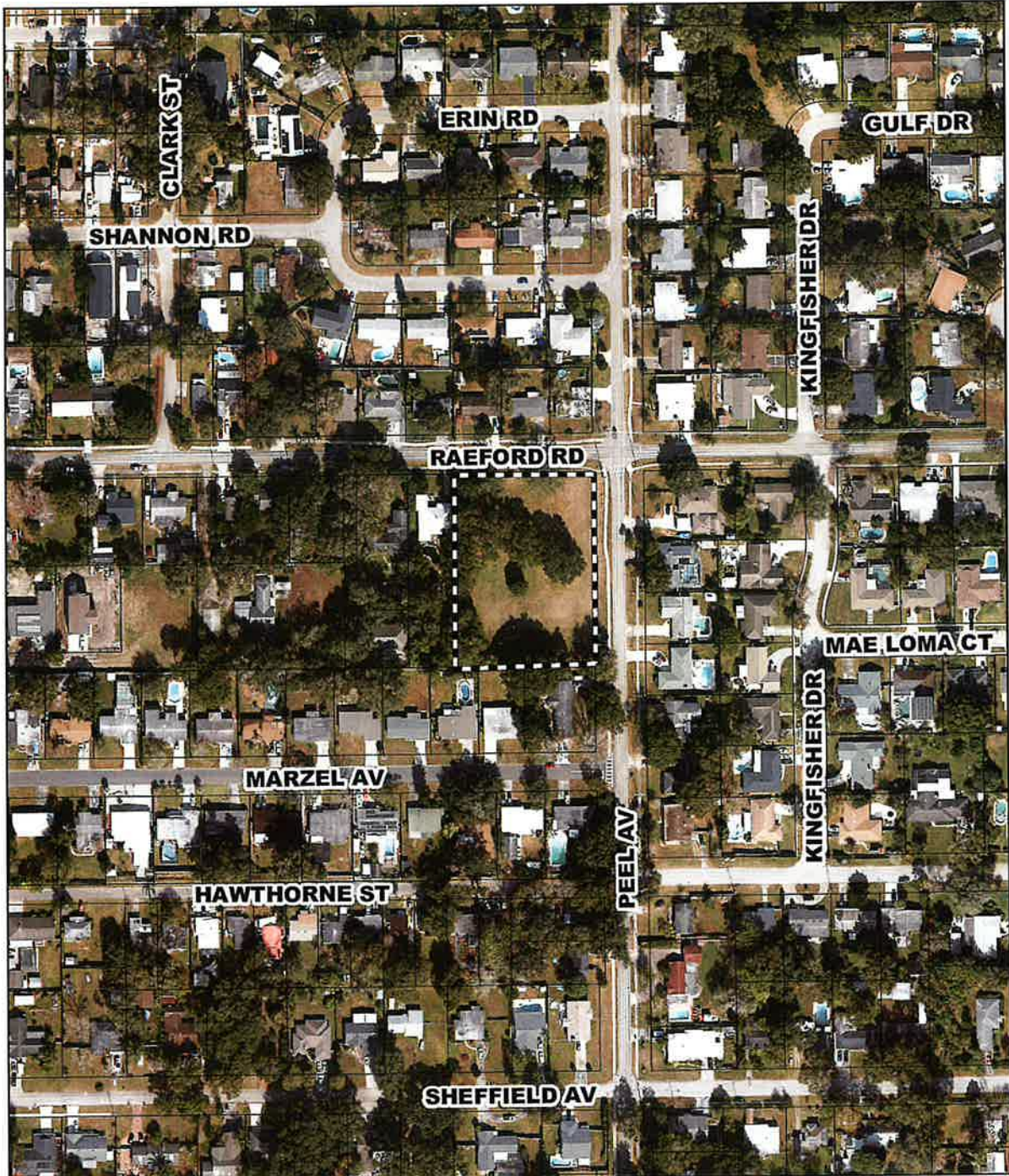
S/TIR: 07/23/30

1 inch = 200 feet



Aerial

DRCA-21-08-261



1 inch = 200 feet



 Subject Property