

Orange County Zoning Division

VA-21-09-081

APPLICANT:

JUAN FRIAS

November 9, 2021



Background

APPLICANT: JUAN FRIAS

CASE: VA-21-09-081

ZONING: R-1AA (Single-Family Residential District)

FUTURE LAND USE: LDR (Low Density Residential)

ADDRESS: 9067 Stockton Court, Orlando, Florida, 32817

LOCATION: North of University Boulevard, east of N.
Econlockhatchee Trail

TRACT SIZE: +/- 0.25 acres

DISTRICT: 5

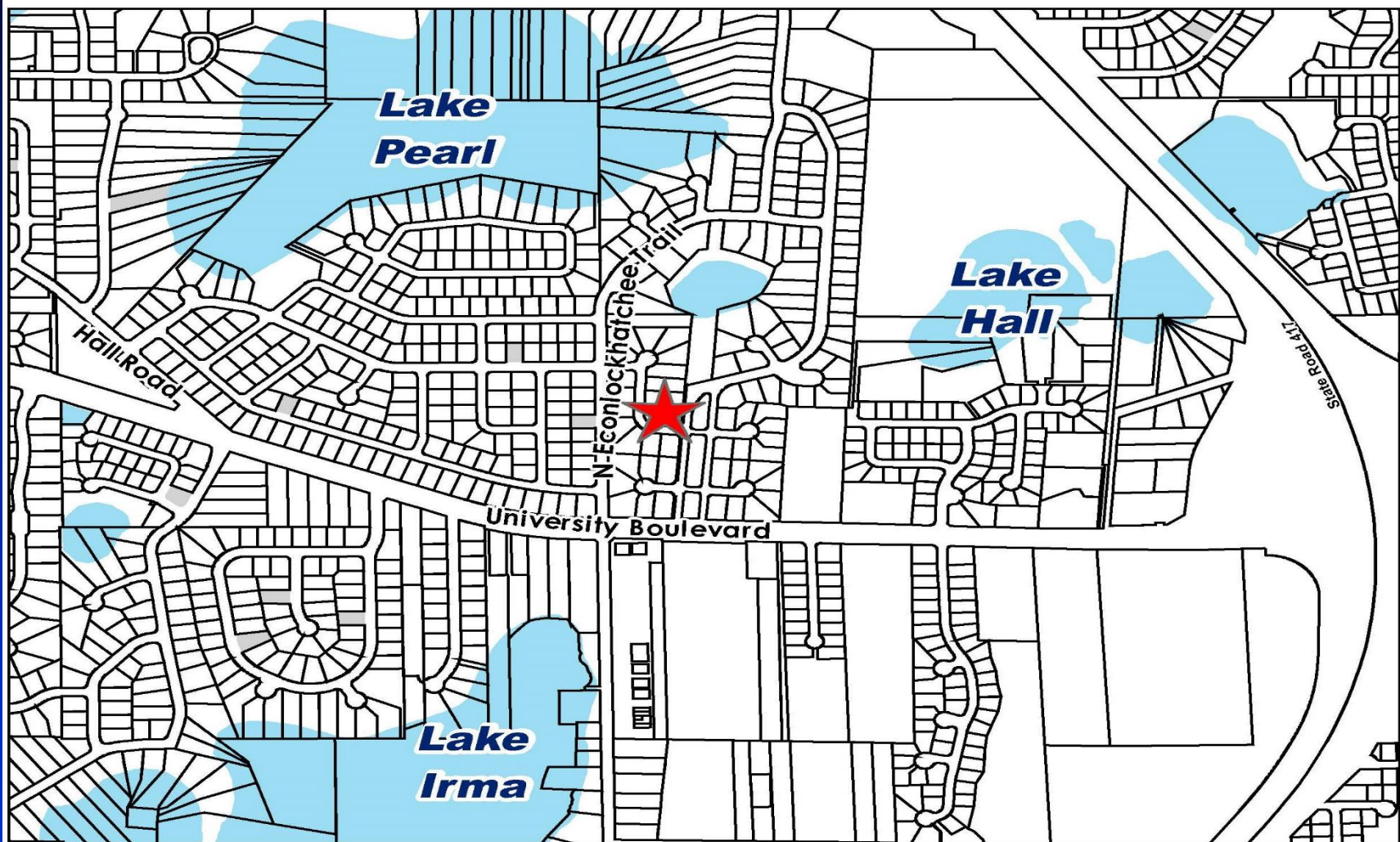


Background

REQUEST: Variance in the R-1AA zoning district to allow a 6 ft. high fence within the clear view triangle from the right-of-way line for visibility from the driveway on an adjacent lot.
This is the result of Code Enforcement action.



Location Map



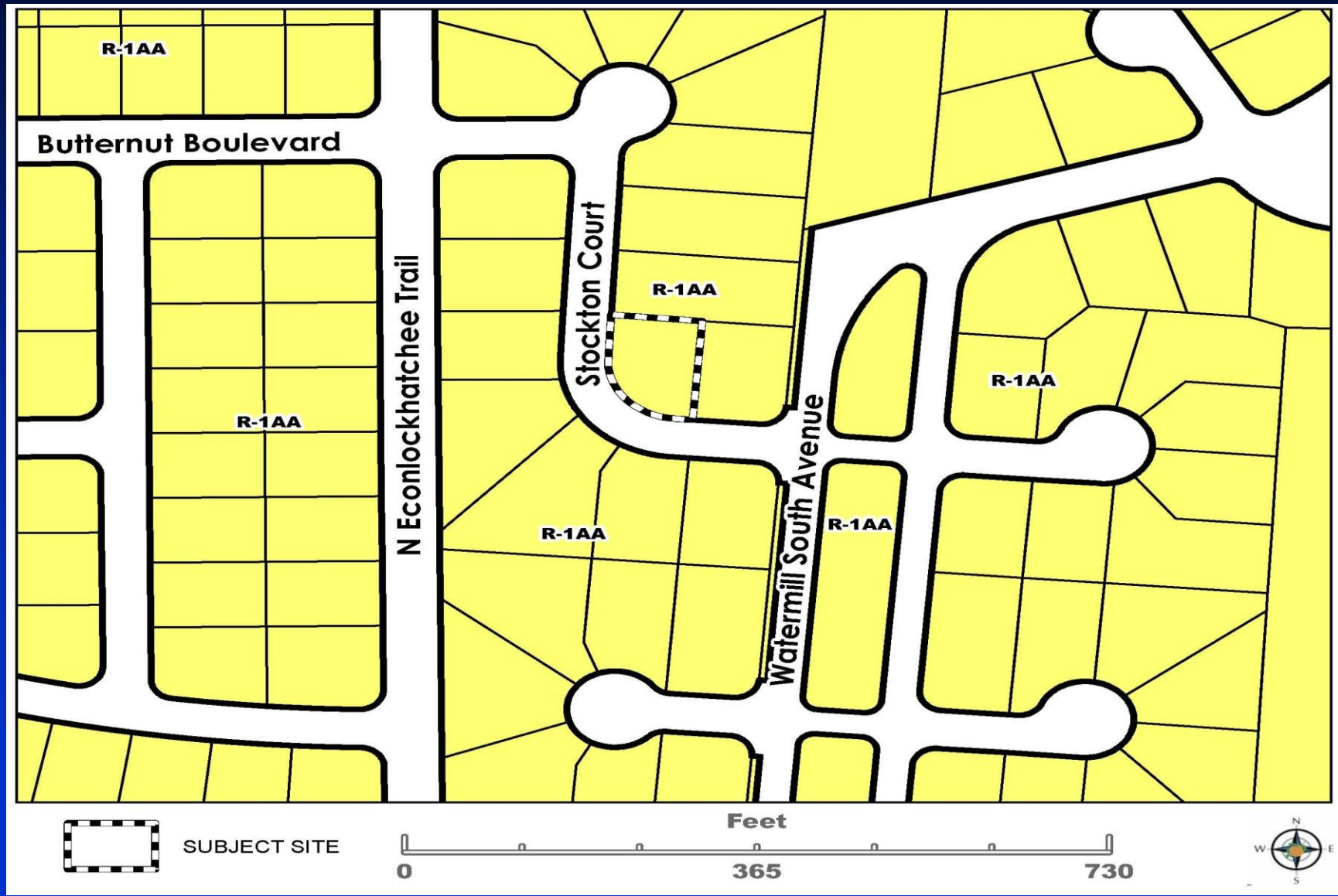
SUBJECT SITE

Feet

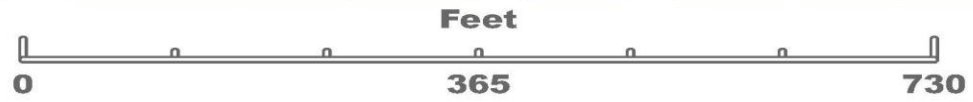




Zoning Map



SUBJECT SITE

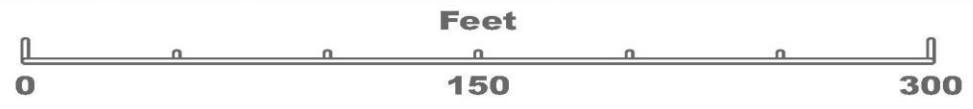




Aerial Map



SUBJECT SITE



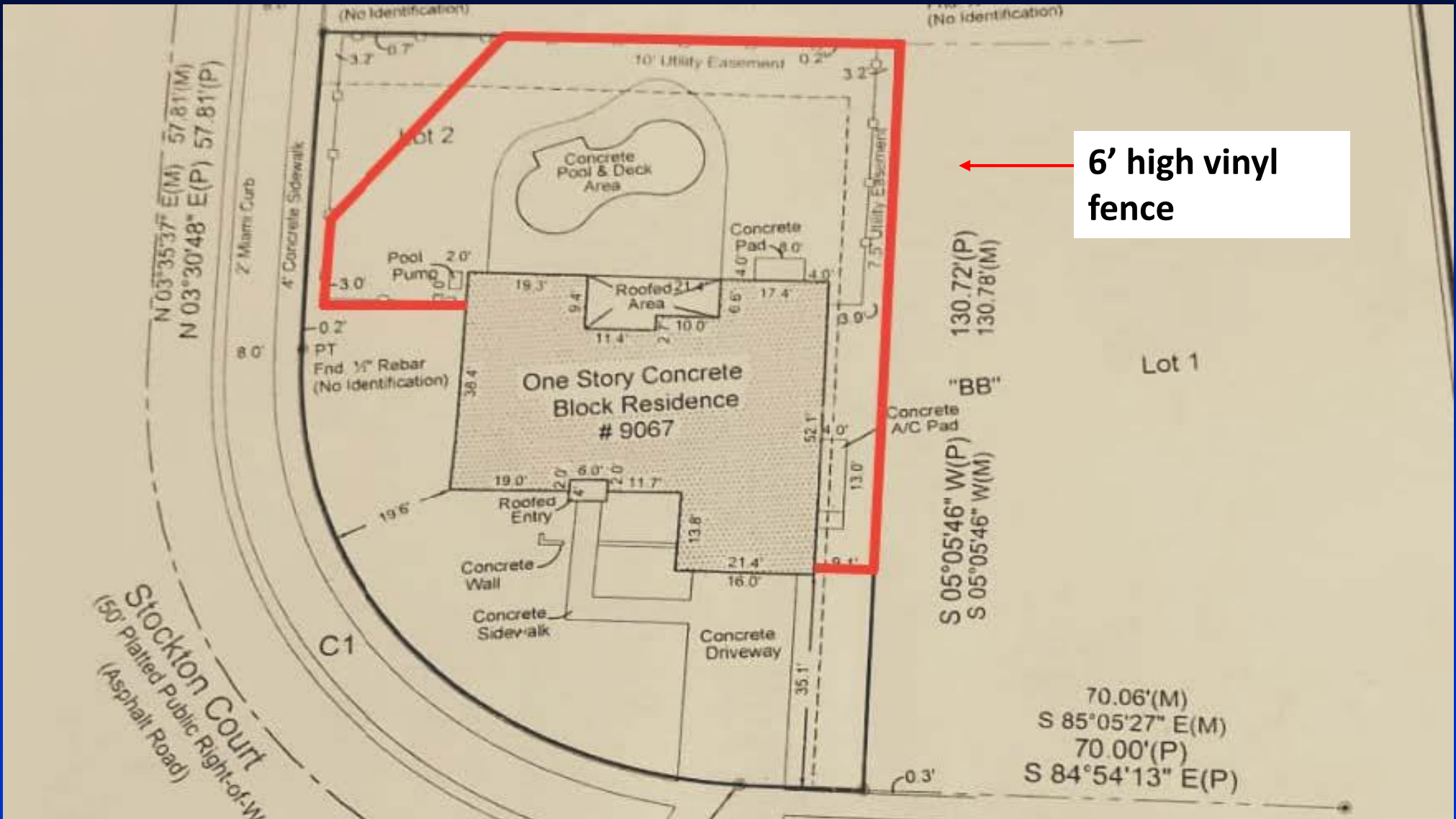


Aerial indicating existing fence location



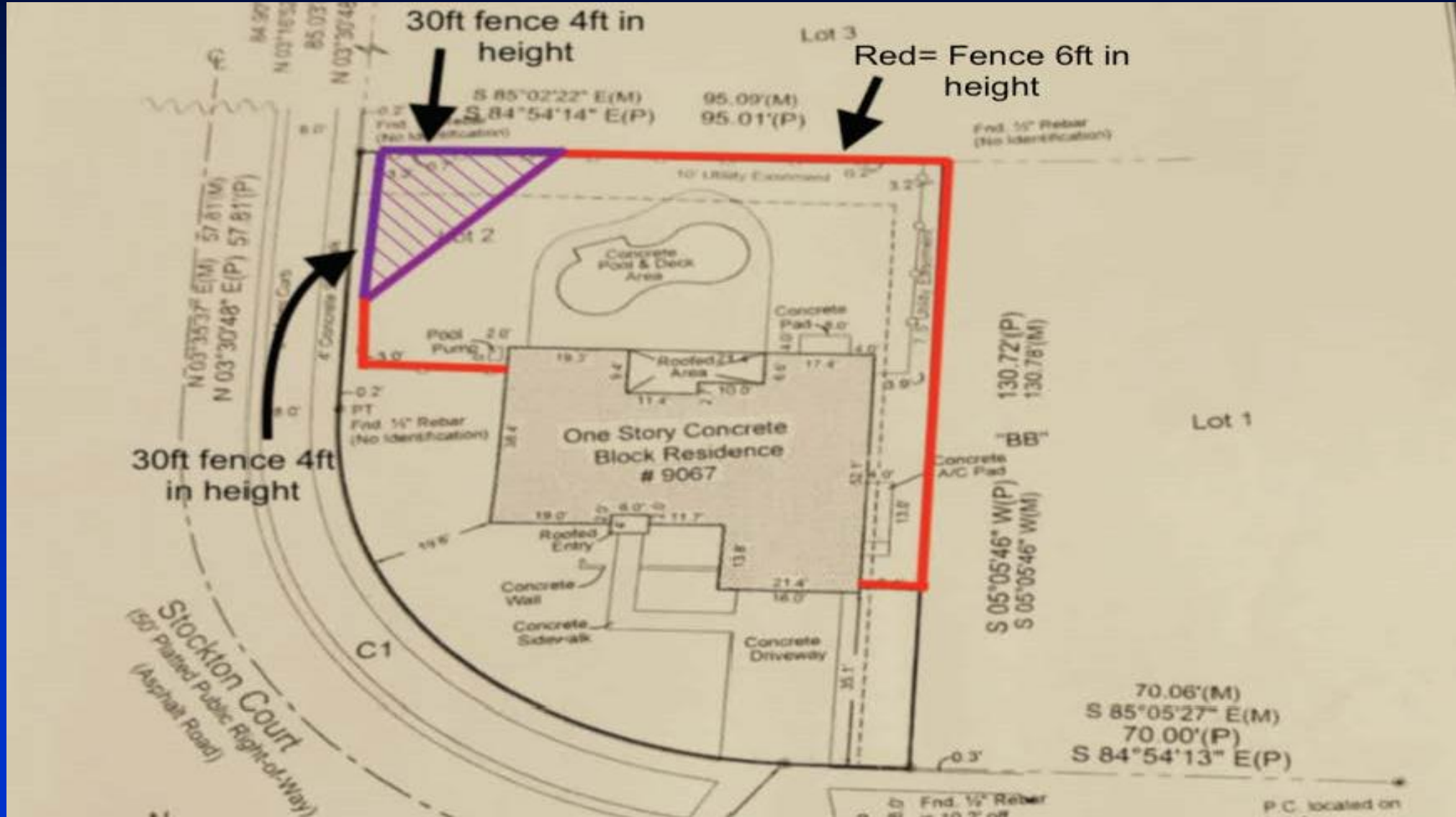


Fence location, permit as issued





Code Compliant Site Plan





Site Photograph

Fence facing southeast from Stockton Court





Site Photograph

Fence from adjacent driveway to the north





Site Photograph

Fence facing north from Stockton Court





Site Photograph

Fence facing east from Stockton Court





Staff Findings and Analysis

- The applicant requests a 6 ft. high vinyl privacy fence within the reverse corner lot visibility triangle
 - Sec. 38-1408(j), County Code:
 - ...on any reversed corner lot (corner lot where the rear yard abuts the side of another lot) no part of any fence greater than four (4) feet in height shall be located within the required front yard setback of the adjacent lot as measured from the common corner of each lot...
- Code violation (591124) May 19, 2021
- Fence permit (F21011876) submitted with configuration as installed, required revision to meet code
- Permit revised to meet code, issued June 2021



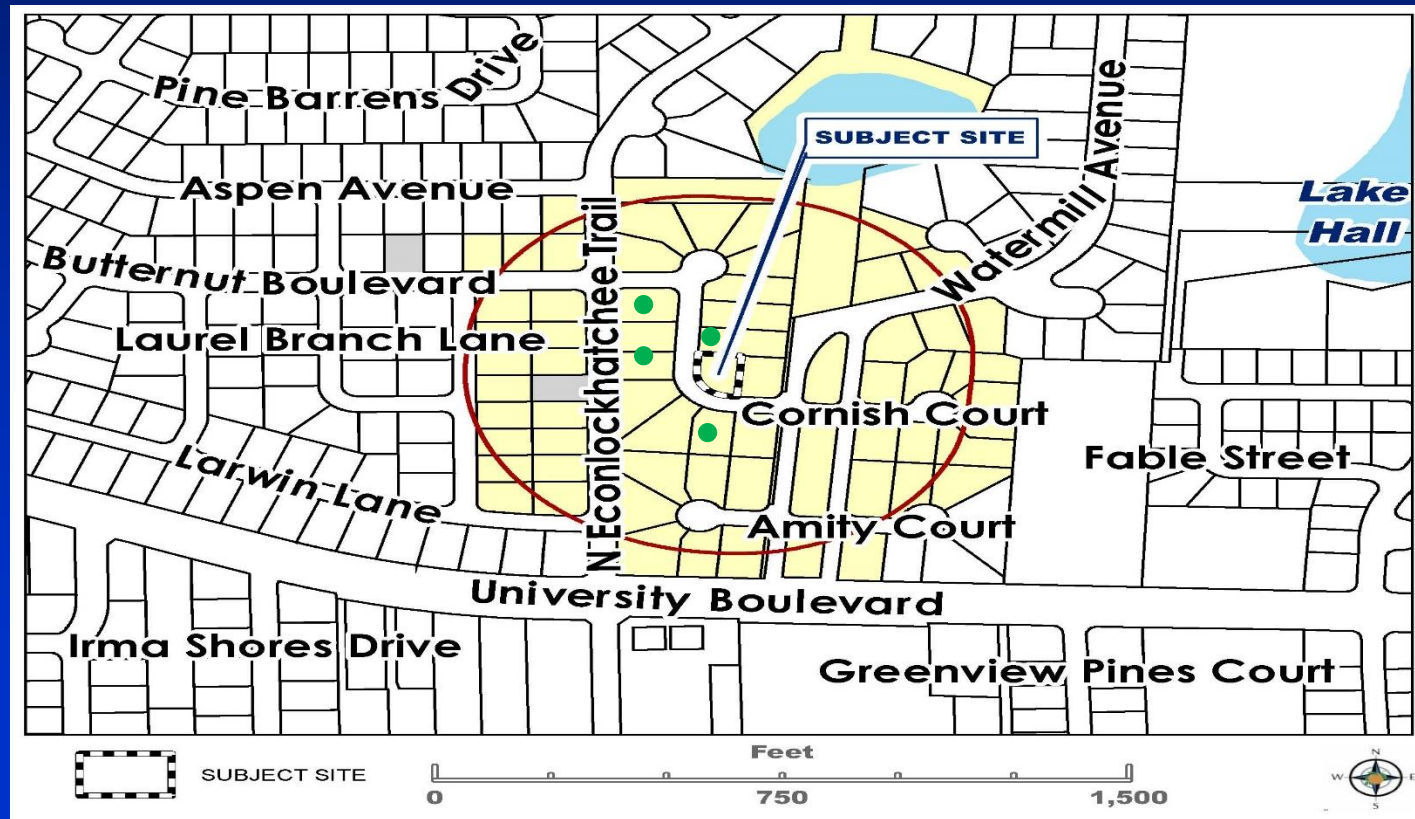
Staff Findings and Analysis

- Staff recommended denial of the variance, as there are not special conditions and circumstances, the need for the variance is not self-created, it is not the minimum possible variance, and it does not meet the purpose and intent of the code.



Public Feedback

- Staff mailed a total of 94 notices to adjacent property owners in a 500 ft. radius
 - Staff received four (4) correspondences in favor of this request, two (2) unmapped
 - Staff received no correspondences in opposition of this request





Variance Criteria

Section 30-43 (3), Orange County Code

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

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



BZA Recommendation

- The BZA concluded that there was no unnecessary hardship shown on the land; and further it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3) and recommended denial of the variance.



Conditions of Approval

- 1. Development shall be in accordance with the site plan dated July 20, 2021, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).**
- 2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.**



Conditions of Approval

- 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.**
- 4. A permit for the as-built fence shall be obtained within 180 days of final action on this application by Orange County, or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.**



Requested Action

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



Site Photograph

March 2021 Street view of fence from Stockton Court

