

RECOMMENDATIONS BOOKLET

Orange County Board of Zoning Adjustment

Hearing Date:

January 3, 2019

**Community, Environmental & Development Services Department
Orange County Zoning Division**

ORANGE COUNTY GOVERNMENT
BOARD OF ZONING ADJUSTMENT
(BZA)

Carolyn Karraker <i>Vice Chair</i>	District #1
Gregory A. Jackson <i>Chairman</i>	District #2
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Deborah Moskowitz	District #4
Wesley A. Hodge	District #5
Charles J. Hawkin, II	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-IA & R-IAA.....	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-I.....	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
January 3, 2019**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
VA-18-12-167	Charles Brooks	5	Approved w/Conditions	1
VA-19-01-177	Edward Dillard	2	Denied	16
VA-19-01-179	Chris Vick	1	Approved w/Conditions	27
VA-19-01-180	Nicole Gough	3	Approved w/Conditions	41
VA-19-02-188	Luis Gomez	2	Approved w/Conditions	57
VA-19-01-181	Sharon Martin	5	Approved w/Conditions	69
VA-19-01-182	Ralph Mervine	3	Approved w/Conditions	83
SE-19-01-183	House of Prayer Church of the Living God	6	Approved w/Conditions	98
SE-19-01-185	Elan Azuz	3	Approved w/Conditions	114
VA-19-01-186	Flora Smith	3	Approved w/Conditions	128
SE-19-02-184	Nathan Aleskovsky	4	Approved w/Conditions	139
VA-19-02-191	Guacamole Mexican Grill	4	Approved w/Conditions	161

BZA STAFF REPORT

Community, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 03, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-18-12-167**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): CHARLES BROOKS

OWNER(s): VICTORIA SPARROWS

REQUEST: Variance in the R-T-2 zoning district to allow cumulative accessory structure square footage of 1,200 sq. ft. in lieu of 500 sq. ft.

PROPERTY LOCATION: 18808 Bellmore Ave., Orlando, FL 32820.
Southwest corner of Bellmore Ave. and 10 St.

PARCEL ID: 15-22-32-2331-02-990

LOT SIZE: 204 ft. x 667 ft./ 3.13 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 60

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 absent):

1. Development in accordance with the site plan dated October 16, 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, site plan, and photos of the site.

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

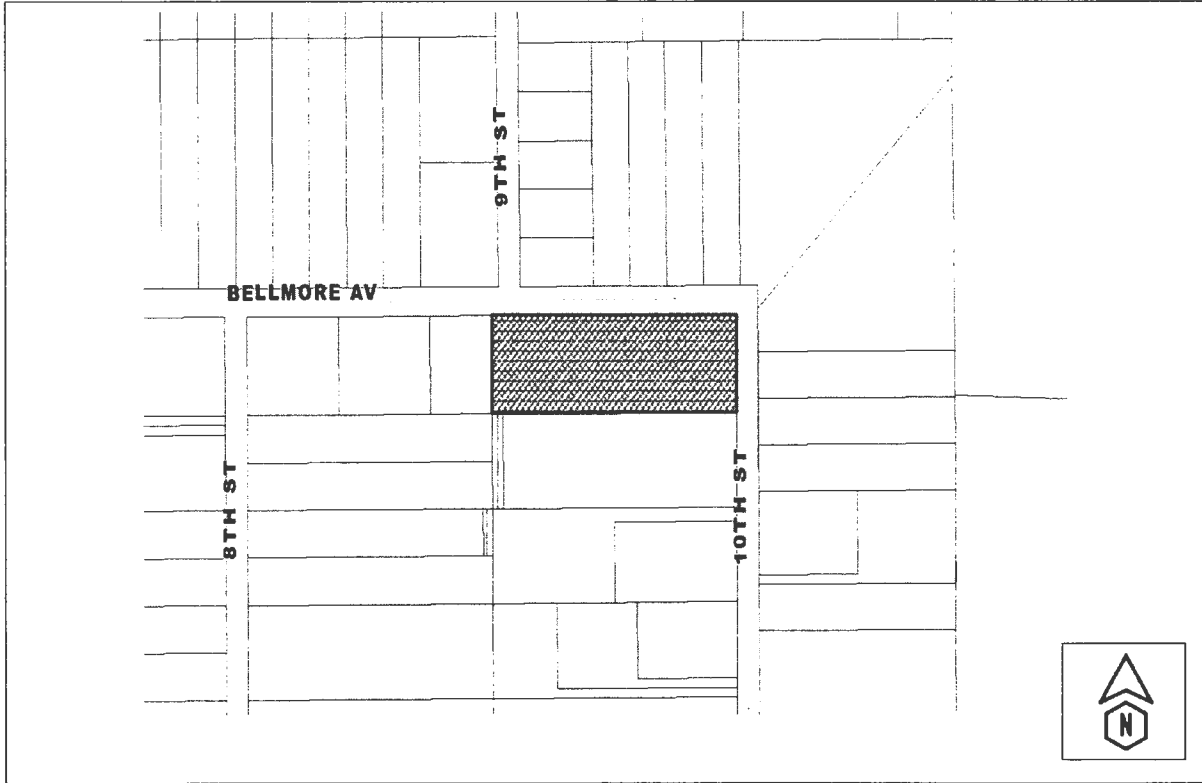
Staff received two (2) commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-T-2	R-T-2	R-T-2	R-T-2	R-T-2
Future Land Use	RS 1/1	RS 1/1	RS 1/1	RS 1/1	RS 1/1
Current Use	Single family residence	Single family residences and vacant	Single family residence	Single family residence	Single family residence

BACKGROUND AND ANALYSIS

Description and Context

The property is zoned R-T-2, Combination Mobile Home and Single Family Dwelling District, which allows for a combination of mobile homes and single-family homes.

The lot was platted in 1959 and is considered a conforming lot of record.

The property is located in the Bithlo Rural Settlement, which is comprised of single-family homes and mobile homes on larger lots.

The subject property currently has a 505 sq. ft. detached accessory building. The applicant is proposing to add 633 sq. ft. for a total of 1,138 sq. ft. The property also has a 60 sq. ft. well house; therefore, the proposed cumulative accessory structure total is 1,198 sq. ft.

The subject property is a 3.13-acre lot, which is more than 23 times the minimum lot size for the zoning district. It is a corner lot with the house and existing accessory structures located on the west portion of the lot facing Bellmore Avenue, which is considered the side street for the lot.

If this property were zoned agricultural, the variance would not be required as up to 2,000 sq. ft. of accessory structures would be allowed based on the lot size.

The request constitutes a 140% deviation from code; however, the lot is more than 23 times the required minimum size. The requested cumulative accessory structure floor area is approximately 89% of the living area of the house (1,344 sq. ft.).

District Development Standards (Measurements in feet)

	Code Requirement	Proposed
Max Height:	20 ft. (accessory structure)	19 ft.
Min. Lot Width:	60 ft. (if platted prior to 1973)	204
Min. Lot Size:	6,000 sq. ft. (if platted prior to 1973)	136,342 sq. ft.

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

	Code Requirement	Proposed
Front:	n/a	n/a
Rear:	5 ft.	78 ft.
Side:	5 ft.	37.5 ft.
Sidestreet:	15 ft.	140 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The lot is more than 23 times the required size for the zoning district. This size allows the structure to be located approximately 140 feet from the (north) front property line, 78 feet from the (west) side property line, 540 feet from the (east) side property line, and 37.5 feet from the (south) rear property line.

Deprivation of rights

Literal interpretation of the code will deprive this applicant of the right to have accessory structure square footage that would be permitted on a smaller lot in an agricultural zoning district.

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 over 140 feet back from the road. This will not be a detrimental intrusion.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated October 16, 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: Chuck Brooks
 1684 N. Goldenrod Road
 Orlando, FL 32807

COVER LETTER

Victoria Sparrows

18808 Bellmore Ave., Orlando FL 32820 | 407-538-0543 | thewandererfoa@gmail.com

October 15, 2018

Orange County Zoning
201 S Rosalind Ave 1st Floor
Orlando FL 32801
BZnotices@ocfl.net

Dear Orange County Zoning:

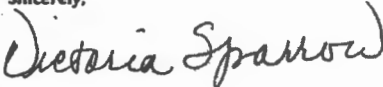
Attached is my request for approval of a Special Exception/Variance to allow me to expand my current detached garage accessory structure from 505 sf to 1138 sf.

Since being diagnosed [REDACTED], my health has continued to decline. I anticipate being confined to a wheelchair in the near future. This will allow me a level area to use for relaxation and rehabilitation without requiring ramps or stairs. A portion of the building will continue to be storage and garage for my home.

This will continue to be a residential property as the area intends. The appearance will be similar, if not better, than other structures in the area and will not detract in any way. The building is 78.3 ft from the west property line and 37.5 feet from the east property line. It will be 19' tall and one story. The design is such that egress is possible throughout in a wheelchair when that time comes.

Approval of this request will not confer any special privilege to me. It will however allow me the right to continue to enjoy my property as my neighbors can theirs now, despite my disability. Time permitting, I hope to enclose letters of consent from my neighbors with this package.

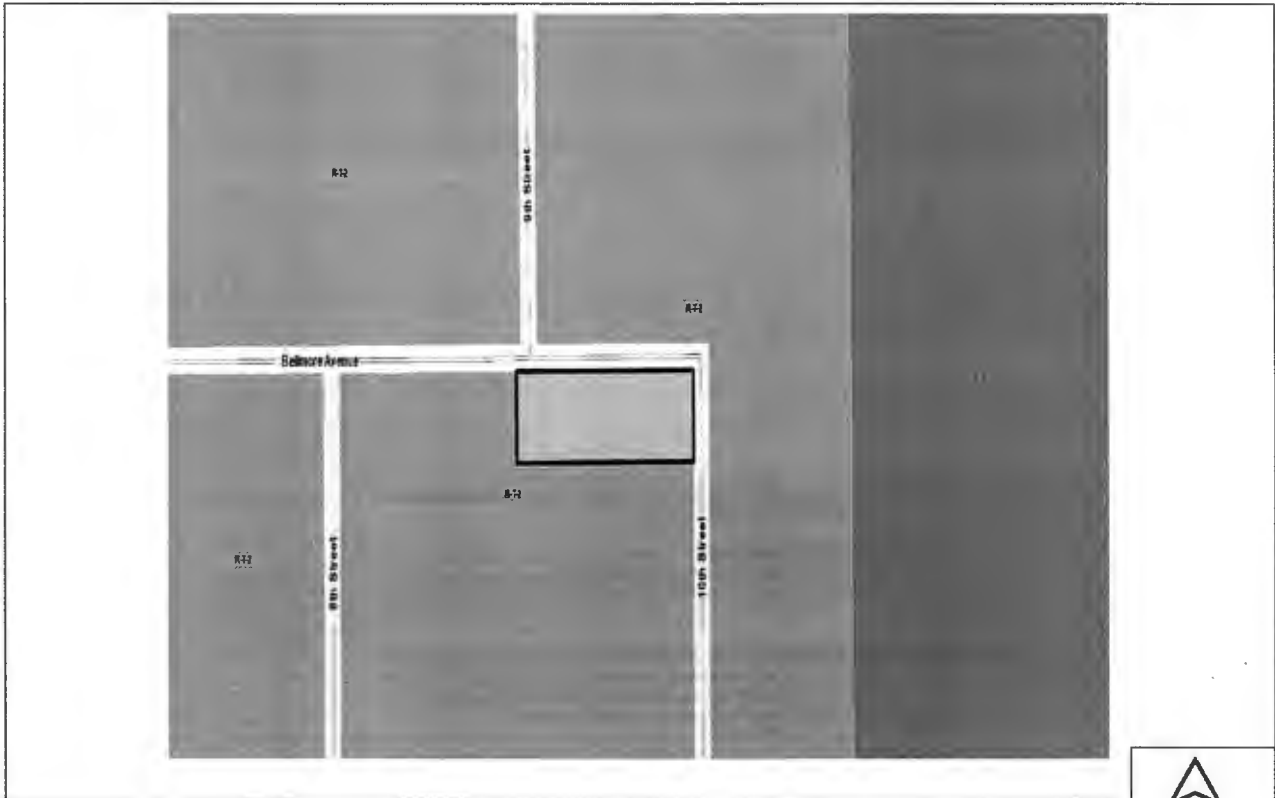
Sincerely,



Victoria Sparrow

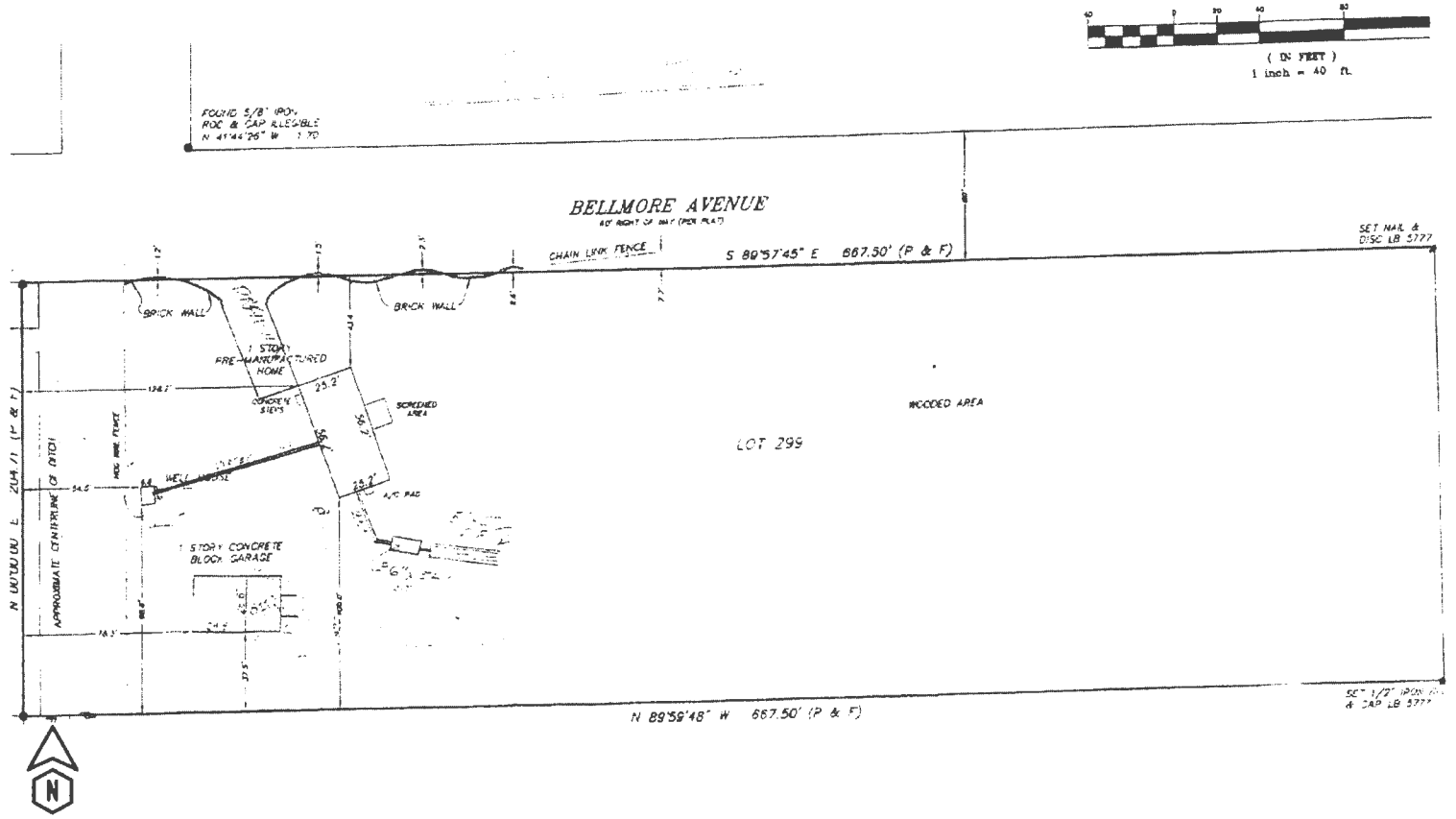
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OCT 16 2018
ORANGE COUNTY
ZONING DIVISION

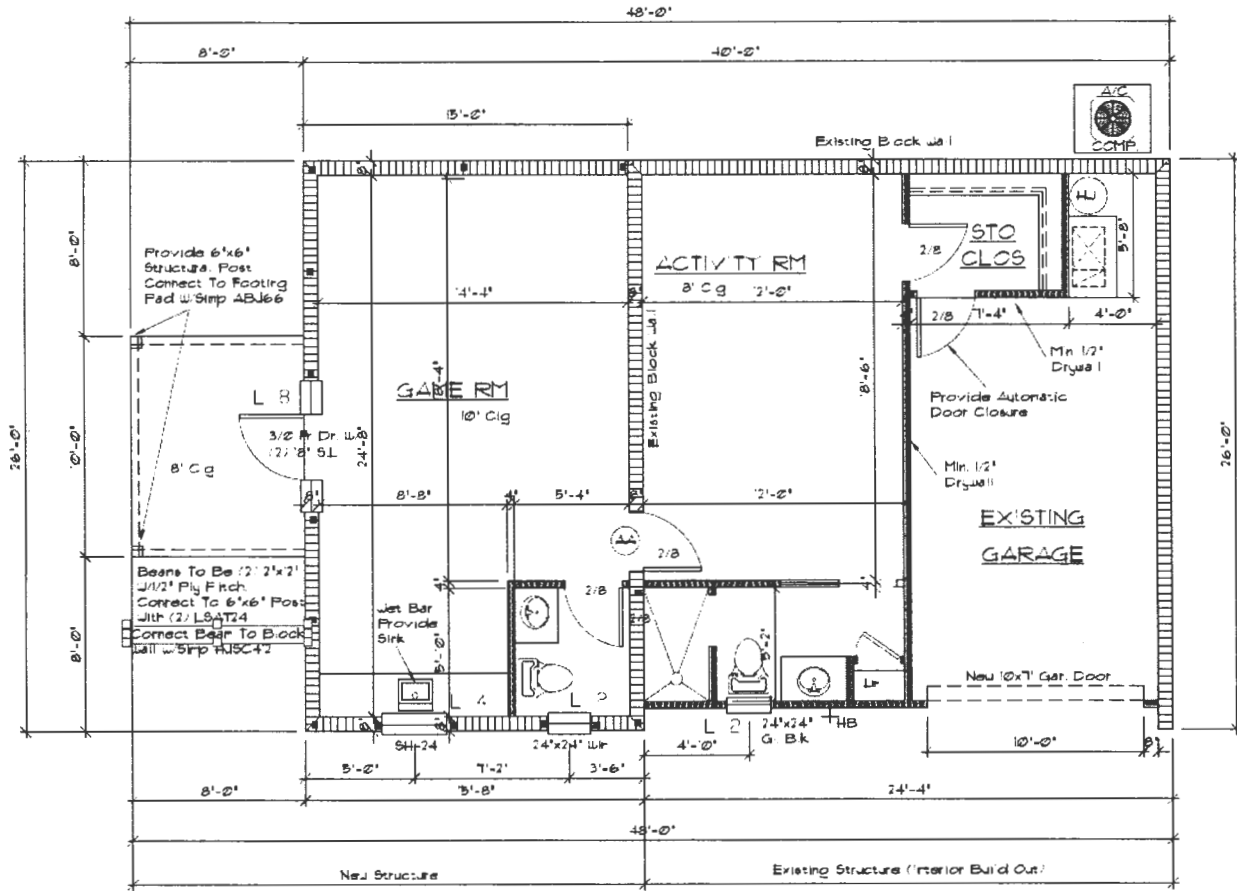
ZONING MAP



AERIAL MAP





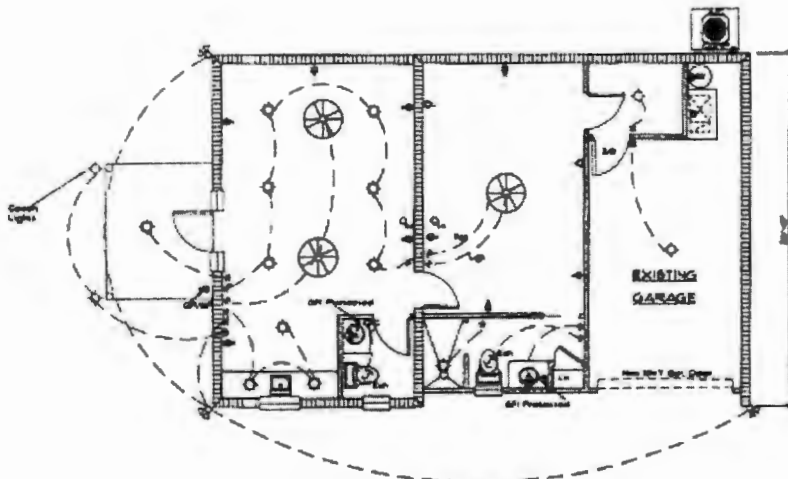


FLOOR PLAN

AA HEADER AT BLOCK OPENING
 At All Openings Cut in Existing Concrete Wall Provide 4'x4'x1/4" Steel Header. Min Bearing On Each Side To Be 8". Provide 1/4" x 3'-2" Tapcons At 2' OC Steel Header To Face Of Block

ELEVATION

BOLD

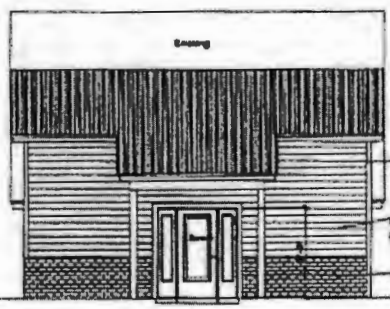


ELECTRICAL NOTES

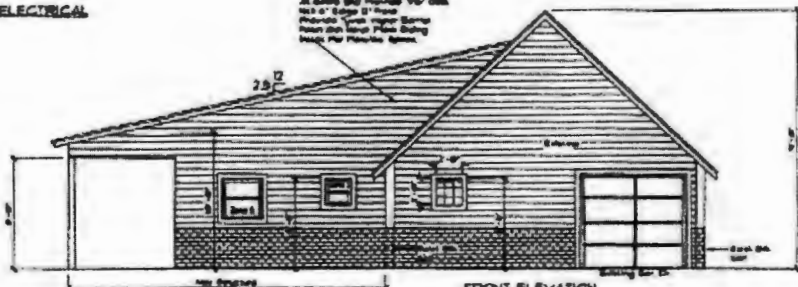
1. Verify receptacles to be 6 Feet from Stairing or Stairway
2. Verify Receptacles and switches to be 2 Feet & Larger
3. Verify Receptacles to be 18 Inch from 2 Foot from the door
4. All exterior receptacles to be waterproof GFI receptacle
5. Provide 20 Amp GFI Protection in Family Room, Living Room, Porch, Garage, Kitchen, Bath, Bedroom, Bathroom, Hallways, Stairs, Outside and work or other rooms or areas
6. Provide 20 Amp GFI Protection in Kitchen, Family Room, Living Room, Porch & Bedroom Bath, Bedroom, Bathroom, Hallways, Stairs, or other rooms or areas to be of Rubber Insulated Type

ELECTRICAL

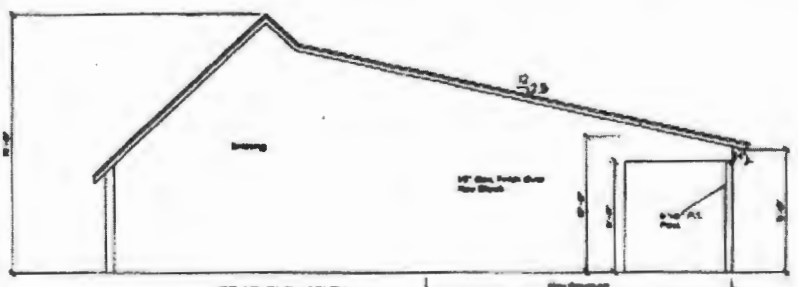
As Shown See Paragraph 100/1000
 1/2" x 2" Edge of Wood
 Provide 1/2" x 2" edge of wood
 Provide 1/2" x 2" edge of wood
 Provide 1/2" x 2" edge of wood



SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION

Dimensional Callout		
Roofing Note 1	1/2" x 2" edge of wood	1/2" x 2" edge of wood
Roofing Note 2	1/2" x 2" edge of wood	1/2" x 2" edge of wood
Roofing Note 3	1/2" x 2" edge of wood	1/2" x 2" edge of wood
Roofing Note 4	1/2" x 2" edge of wood	1/2" x 2" edge of wood
Roofing Note 5	1/2" x 2" edge of wood	1/2" x 2" edge of wood
Roofing Note 6	1/2" x 2" edge of wood	1/2" x 2" edge of wood
Roofing Note 7	1/2" x 2" edge of wood	1/2" x 2" edge of wood
Roofing Note 8	1/2" x 2" edge of wood	1/2" x 2" edge of wood
Roofing Note 9	1/2" x 2" edge of wood	1/2" x 2" edge of wood
Roofing Note 10	1/2" x 2" edge of wood	1/2" x 2" edge of wood

RECEIVED

SITE PHOTOS



Street View





Existing Accessory
Structure



BZA STAFF REPORT

Community, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 03, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-01-177**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): EDWARD DILLARD

OWNER(s): ELAINE DILLARD, EDWARD DILLARD

REQUEST: Variance in the R-CE zoning district to park a 33 ft. boat in the driveway in lieu of inside a garage, under a carport or in the rear half of the lot or parcel.
This is the result of code enforcement action.

PROPERTY LOCATION: 7330 Earlwood Avenue, Mount Dora, Florida, 32757

South side of Earlwood Ave, west of N. Orange Blossom Trl.

PARCEL ID: 08-20-27-5512-01-018

LOT SIZE: 1.212 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 80

DECISION: DENIED the Variance request in 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) (5 in favor, 1 opposed, and 1 absent).

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

The applicant questioned the screening of the solar panels and the possibility of a boat cover.

The BZA asked about alternate locations for the boat. The BZA felt that a 33-foot boat was large and noted that an impacted neighbor was opposed.

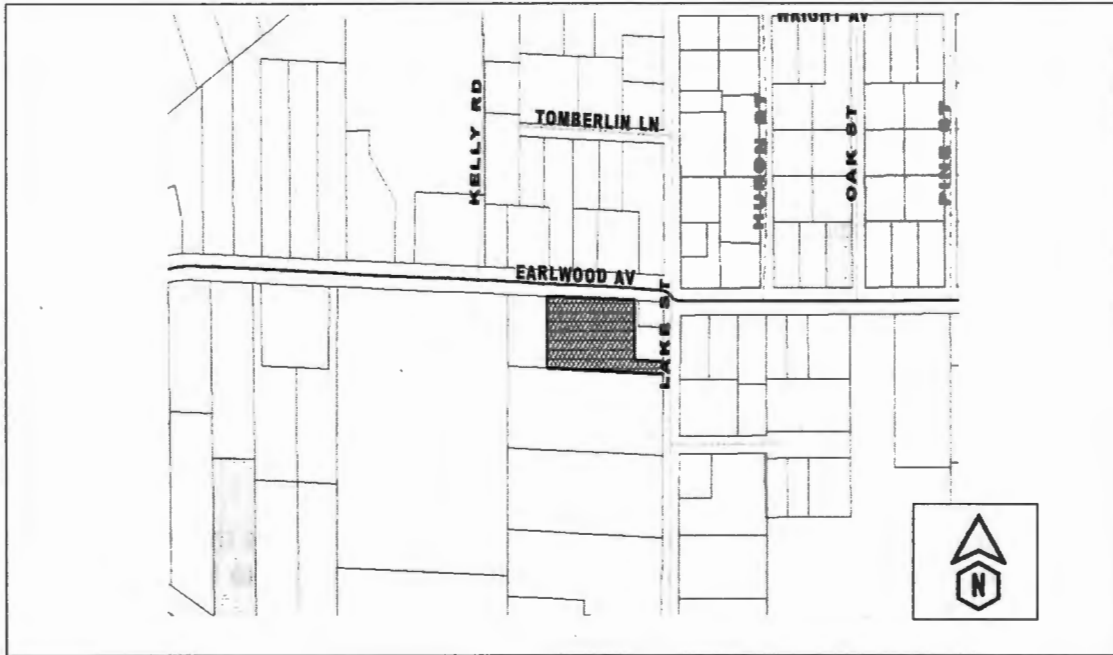
Staff received two (2) commentaries in favor of the application, and one (1) in opposition to the application. There was no opposition at the hearing.

The BZA denied the variance.

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-1AA	R-CE	C-1	R-CE
Future Land Use	RS 1/1	LDR	RS 1/1	INST, C	LDR
Current Use	Single family residence	Single family residences	Single family residence	Post Office, office	Single family residence

BACKGROUND AND ANALYSIS

Description and Context

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

The lot is a flag shaped lot with two (2) frontages. Lake Street is considered to be the front as it is the narrowest portion of the lot facing the street. Earlwood Avenue is technically considered to be the side street yard, even though the house fronts on Earlwood Avenue.

The applicant has a 33 foot boat parked in the driveway, 15 feet from the side street/Earlwood Avenue property line, approximately 35 feet from the edge of the road.

The applicant has stated that the boat cannot be located elsewhere on the property due to existing solar panels and mature trees with extensive root systems that would be damaged or killed as a result of paving or having vehicles driving over the area. An Orange County Arborist confirmed that the existing trees could be impacted.

The solar panels located on the northwest corner of the lot were properly permitted; however, the required screening was not installed. As a condition of approval of the variance, that screening shall be installed.

The applicant has adequate room in the driveway to park the boat and meet the parking standards required by code.

Code Enforcement cited the applicant in October of 2018 for having a boat in the driveway. A Code Enforcement Board hearing has been extended to January 16, 2019 due to the BZA hearing. (CEB-2018-368223Z/Incident 500616).

The applicant has received letters of no objection from property owners in the area.

District Development Standards (Measurements in feet)

	Code Requirement	Proposed
Max Height:	n/a	n/a
Min. Lot Width:	130 ft.	160 ft.
Min. Lot Size:	1 acre	1.212 acres

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The property has solar panels and mature trees with root systems that would be damaged or killed as a result of paving or having vehicles driving over the area.

Deprivation of rights

Literal interpretation of the code will deprive this applicant of the right to park the boat on his property under these circumstances.

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.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated, November 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 boat shall be screened utilizing a boat cover.
5. The solar panels shall be screened subject to Orange County Code Sec 38-79(83).

c: Edward Dillard
7330 Earlwood Avenue
Mount Dora, FL 32757

COVER LETTER

October 26, 2018

To Whom It May Concern,

We are requesting a variance allowing us to store our thirty-three foot boat at our home, in front of our garage, on our driveway because there is no other location on our property to safely store it.

Our proposal meets the six standards for variance approval as outlined below:

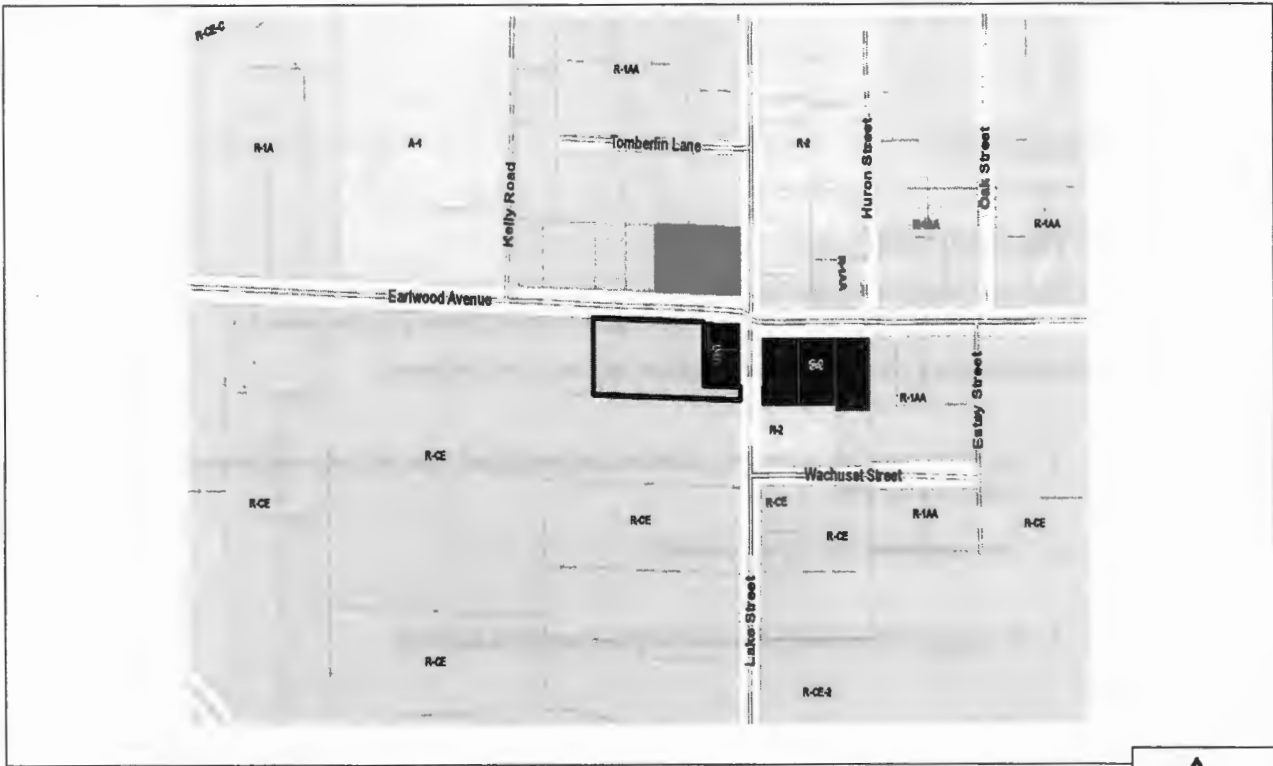
1. Due to the layout of our property, locations of structures and trees, this is the only location to safely store the boat.
2. These conditions were not self-created.
3. No special privileges would be conferred if this variance is approved.
4. If this variance was not approved, we would be deprived of our right to keep our boat on our property, as this is the only location where we can safely store our boat on our property.
5. Due to the layout of our property, locations of structures and trees, this is the only location to safely store the boat, thus this is the minimum possible variance.
6. If this variance was approved, it would be in harmony with the intent and purpose of the Zoning Regulations, and would not be injurious to the neighborhood nor detrimental to the public welfare.

Thank you for your consideration of our request, we appreciate your time,

Edward and Elaine Dillard
7330 Earlwood Avenue
Mount Dora, FL 32757

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NOV 12 2018
ORANGE COUNTY,
ZONING DIVISION

ZONING MAP



AERIAL MAP



SITE PHOTOS



View from Earlwood Ave.





BZA STAFF REPORT

Community, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 03, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-01-179**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): CHRIS VICK

OWNER(s): REM: ERIC J PABLO, REM: EDGAR A PABLO, ELVIRA PABLO LIFE ESTATE

REQUEST: Variance in the R-1A zoning district to permit an addition 26 ft. from the rear (north) property line in lieu of 30 ft.

PROPERTY LOCATION: 8411 Blue Pine Ct., Orlando, FL 32819

North side of Blue Pine Ct., approximately 165 ft. east of Huckleberry Ave.

PARCEL ID: 22-23-28-7832-07-710

LOT SIZE: 91 ft. x 131 ft. (AVG)/.278 Acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 81

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 absent):

1. Development in accordance with the site plan dated November 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 exterior of the addition shall match the exterior materials and colors of the existing residence.

SYNOPSIS: Staff explained that due to the shape of the lot caused by the bulb of the cul-de-sac, the home was built askew of the front property line. In addition, the home was built 30 feet from the front property line

rather than 25 feet. This combination causes the rear corner of the house to be pushed back closer to the rear setback. Reducing the size of the room would make it less functional. Staff noted that they had not received any correspondence for or against the request.

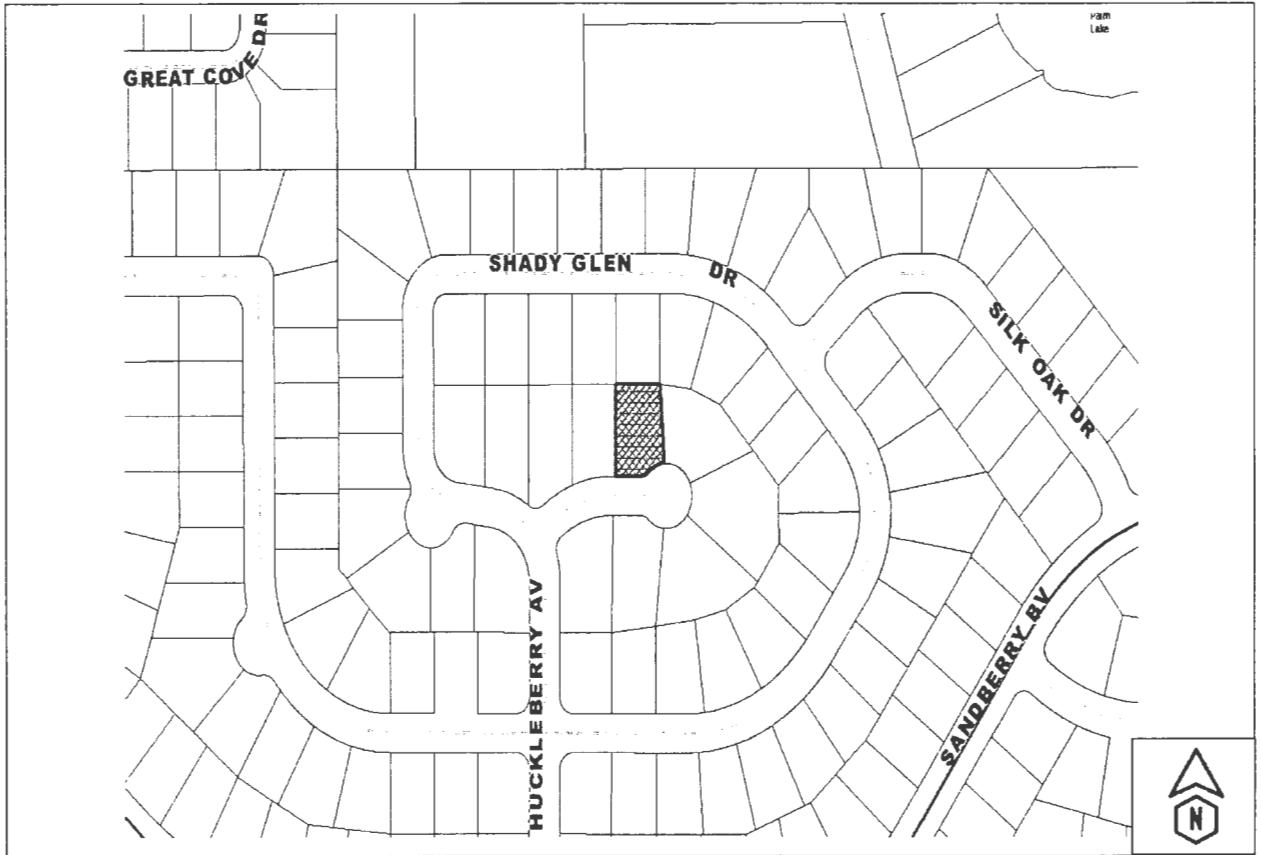
The applicant indicated that the owner had looked at reducing the size of the room to avoid the variance. However, the room is for the owner's mother who has need for special furnishings. There being no one present to speak for or against the application, the public hearing was closed.

The BZA concluded that the need for the variance was due to the constraints posed by the shape of the front property line and the siting of the home. The variance is not self-imposed, and is the least necessary. A motion to recommend approval passed by unanimous vote.

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 in size.

The front of the property abuts Blue Pine Court at the point where the bulb of the cul-de-sac begins, making the front of the lot irregularly shaped. This also forces the front setback to be irregularly shaped. As a result, when the home was originally built, it was not built parallel with the front lot line, but askew of it.

As a result of the way the home was constructed, the northeast rear corner of the home is located deeper into the lot than the remainder of the home.

The home, which was built in 1984, was purchased by the applicants in February of 2018. They wish to renovate the house by adding a 16 ft. x 24 ft. master bedroom.

The subject property is part of a plat recorded in June 1983. Were this plat recorded after March 3, 1997, the rear setback would only be 25 feet, and a variance would not be needed.

When the home was built in 1984, it was set back 30 feet from the front property line in lieu of 25 feet. Had the home been set five (5) feet closer to the front property line, which would be permitted, a variance would not be needed.

District Development Standards (Measurements in feet)

	Code Requirement	Proposed
Max Height:	n/a	n/a
Min. Lot Width:	75 ft.	91 ft. (AVG)
Min. Lot Size:	7,500 sq. ft.	12,010 sq. ft.

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

	Code Requirement	Proposed
Front:	n/a	n/a
Rear:	30 ft.	26 ft.
Side:	n/a	n/a

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

The special conditions and circumstances particular to the subject property is the shape of the lot due to the cul-de-sac bulb and the siting of the house by the original owner. The combination forces the rear corner closer to the rear lot line necessitating the variance.

Not Self-Created

The applicants purchased the house "as is", and they were not responsible for the design of the street or lot, nor for the siting of the home on the lot.

No Special Privilege Conferred

Approval of the variance will not confer a special privilege upon the applicant; as such an addition is a common improvement when people purchase an older home.

Deprivation of Rights

Without the granting of the variance, the applicants would be required to reduce the size of the addition by four (4) feet, making it much less functional.

Minimum Possible Variance

A variance of 13% is a minimal variance, and the encroachment will be imperceptible.

Purpose and Intent

The addition, if approved, will only cover 384 sq. ft. of the rear yard, leaving a sizable amount of the yard open from ground to sky, meeting the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated November 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 exterior of the addition shall match the exterior materials and colors of the existing residence.

c: Chris Vick
149 Terra Mango Loop
Orlando, FL 32835

COVER LETTER



November 12th, 2018

Orange County Zoning Division
201 South Rosalind Avenue
Orlando, FL 32801

Reference: 8411 Blue Pine Ct. Orlando, FL 32819
Parcel ID # 22-23-28-7832-07-710


Sirs, for your consideration, we propose an addition to the referenced property above. This is an existing residential structure, with an addition to the North East corner of the property that will encompass 384 Sq. Ft. The addition will set 26' from the rear property line and will be 14'-4" in height.

1. The prescribed use is consistent with the comprehensive plan.
2. The proposed addition is similar and compatible with the surrounding area. Further it is consistent with the adjacent development.
3. This addition does not compromise nor intrude into surrounding areas.
4. The intended use meets the performance standards of the district for which it is intended.
5. The use shall be similar or like the existing characteristics as currently permitted in the zoning district.
6. Landscape will comply with section 24-5 of the Orange County Code as required or deemed necessary.

The attached documents lay out our proposal to alleviate hardships currently thrust on the property owner. Further the addition will allow the property owner to utilize the new space to enrich his home to better fit the needs of his family.

We have considered the impact to neighbors and the community as a whole and feel our proposal will have no negative impacts to the community.

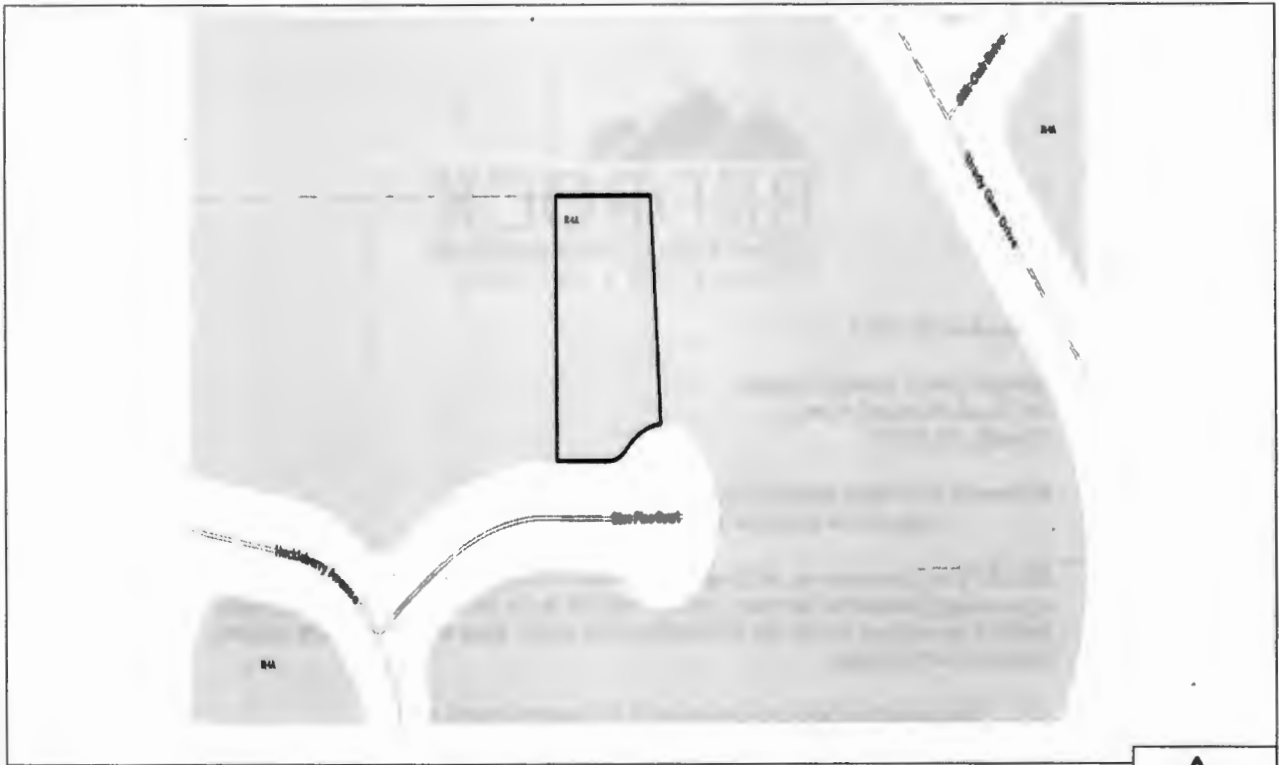
Best Regards,



Michael Wilson
President

149 Terra Mango Loop, Orlando FL 32835
Office: 407-487-3500
License# CBC1251494 • License# CCC1327491
www.BedrockConstructionGroup.com

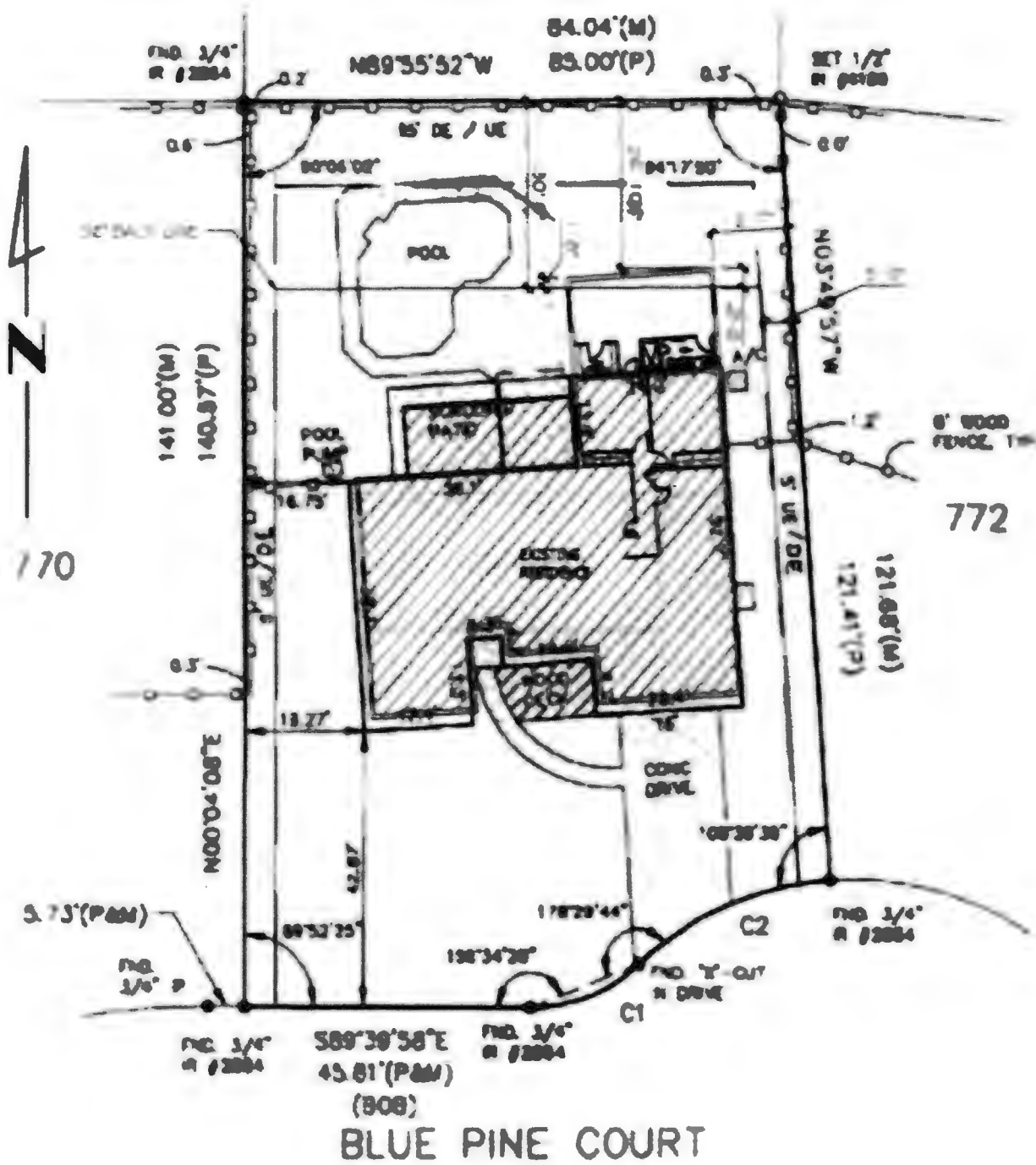
ZONING MAP



AERIAL MAP

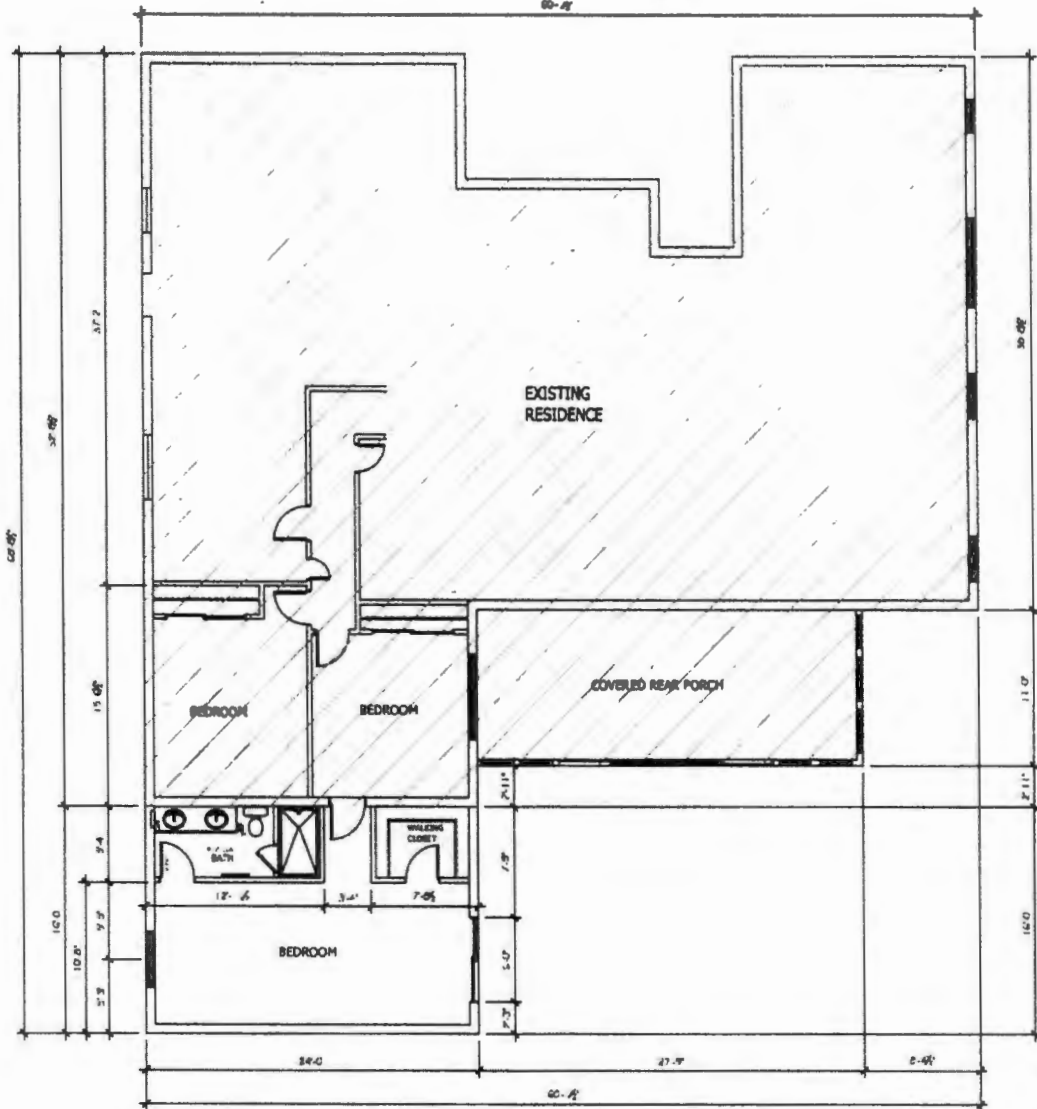


SITE PLAN / SURVEY



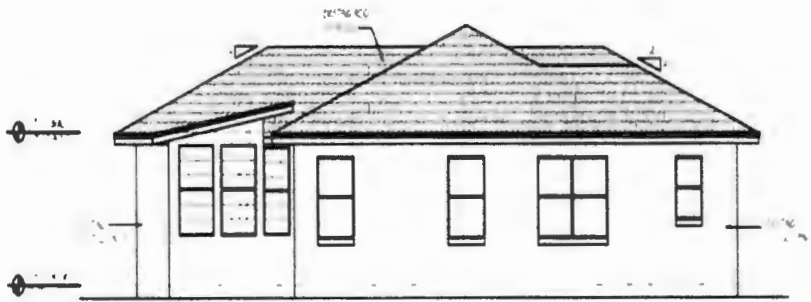
ELEVATION

Floor Plan

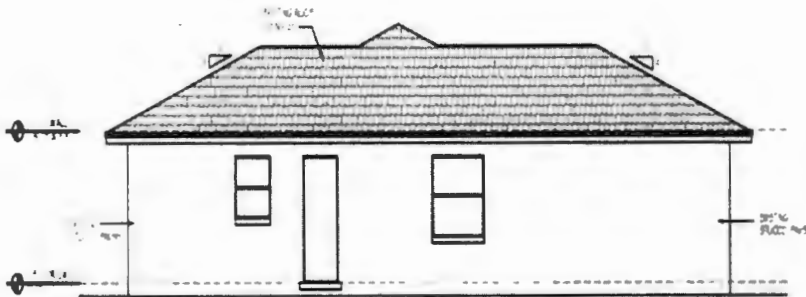


AREA CALCULATIONS	
EXISTING RESIDENCE	2,776 SQ. FT.
ADDITION	984 SQ. FT.
TOTAL AREA	3,760 SQ. FT.

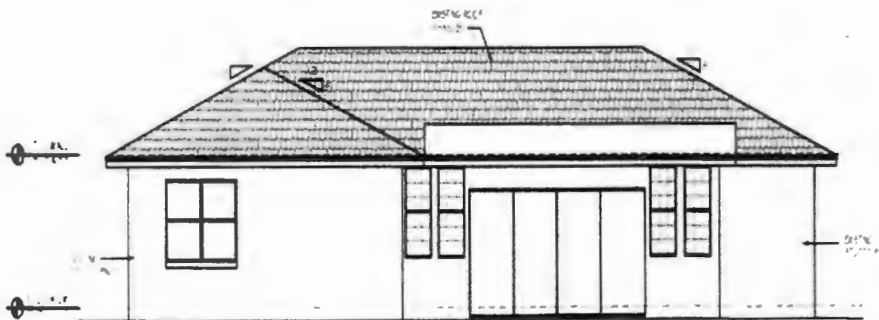
NEW FLOOR PLAN
1/8" = 1'-0"



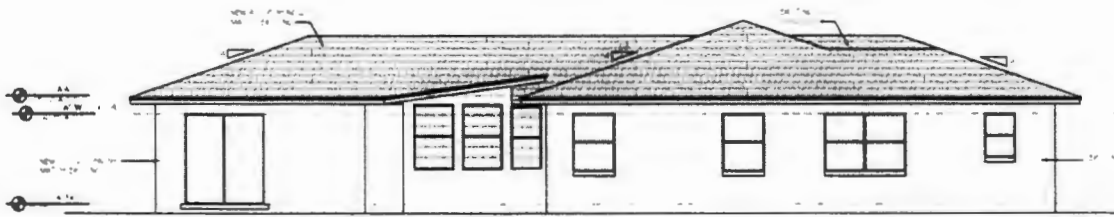
EXISTING LEFT ELEVATION
1/8" = 1'-0"



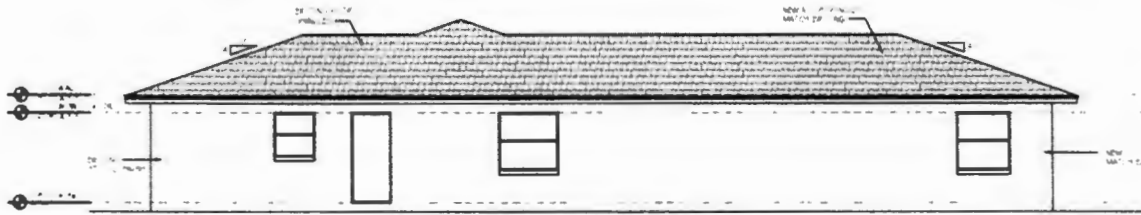
EXISTING RIGHT ELEVATION
1/8" = 1'-0"



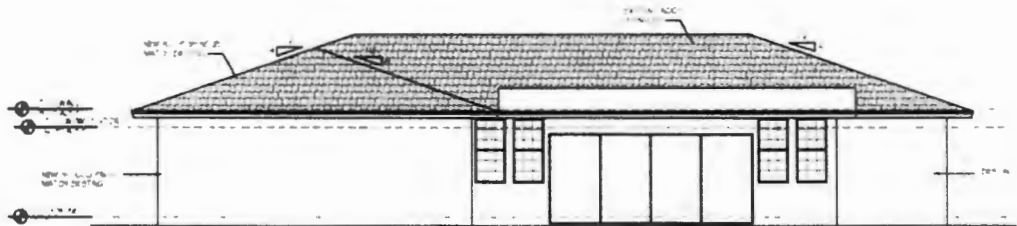
EXISTING REAR ELEVATION
1/8" = 1'-0"



NEW LEFT ELEVATION
1/8" = 1'-0"



NEW RIGHT ELEVATION
1/8" = 1'-0"



NEW REAR ELEVATION

SITE PHOTOS





BZA STAFF REPORT

Community, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 03, 2019**

Case Planner: **Nick Balevich**

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

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): NICOLE GOUGH

OWNER(s): NICOLE GOUGH

REQUEST: Variances in the R-1A zoning district as follows:

- 1) To permit a sunroom 27.5 ft. from the rear (east) property line in lieu of 30 ft.
- 2) To allow an accessory structure to remain 0.5 ft. from the side (south) property line in lieu of 5 ft.
- 3) To allow an accessory structure to remain 2.8 ft. from the side (south) property line in lieu of 5 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

This case has been remanded back to the February 7, 2019 BZA meeting as an additional variance is required.

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 (unanimous; 6-0 and 1 absent):

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. 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 location of the property, site plan, and photos of the site.

The applicant stated that the sheds were there when they purchased the property in 2009, and that the sheds are too old to move. The applicant also indicated that they have a letter of approval from the neighbor to the south who is most impacted by the sheds.

The BZA discussed moving the sheds, and agreed to add Condition #4.

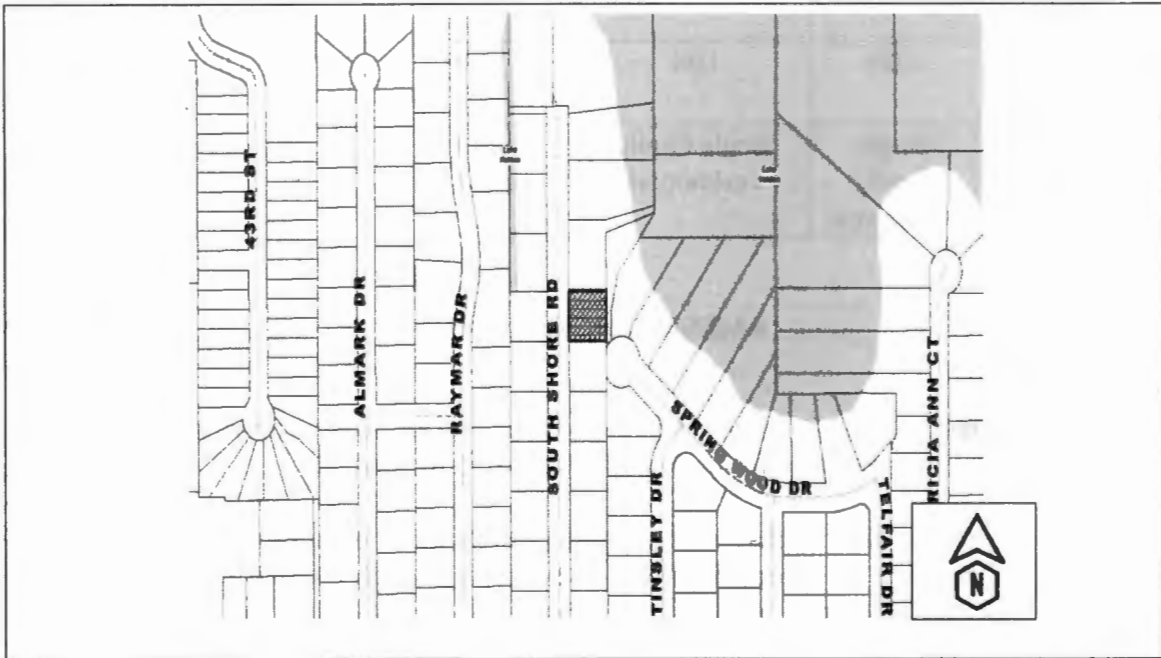
Staff received no commentaries in favor of the application, and one (1) in opposition to the application. There was no opposition at the public hearing.

The BZA approved the variance subject to adding Condition #4, stating, "If one or both sheds are destroyed or removed, any replacement shall meet setbacks and codes in effect at the time."

STAFF RECOMMENDATIONS

Approval of variance #1 subject to the conditions in this report, and denial of variances #2 and 3.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	R-1AA	R-1A	R-1AA	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	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 two (2) lots that were platted in 1946 and the combination of the two (2) lots are considered to be a conforming lot of record. If the lots were platted after March 3, 1997, the requested rear variance would not be needed, as the required rear setback would be 25 feet. The single family home on the lot was constructed in 1958.

The applicant is proposing to enclose an existing screen room to make it a glass sunroom, and expand the footprint with a 4 foot addition, resulting in a 16 feet x 20 feet sunroom, setback 27.5 feet from the rear. The proposed addition will be located approximately 60 feet from the nearest house to the east.

The property has two (2) existing sheds located 0.5 feet and 2.8 feet from the side (south) property line. Both were installed without building permits. Code requires accessory structures to be located 5 feet from the side property line.

The lot backs up to a lake access tract, owned by the Holden Park Community Association, so no rear neighbors will be impacted.

The BZA has granted similar variances for setbacks for properties in the area.

District Development Standards (Measurements in feet)

	Code Requirement	Proposed
Max Height:	35	10
Min. Lot Width:	75	100
Min. Lot Size:	7,500 sq. ft.	10,235 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	n/a
Rear:	30 ft.	27.5 ft.
Side:	Accessory structure 5 ft.	0.5 ft.

STAFF FINDINGS

VARIANCE CRITERIA for Request 1 (APPROVAL)

Special Conditions and Circumstances

The lot backs up to a lake access tract; therefore, no rear neighbors will be impacted. The property has approximately 60 feet of open space between the addition and the nearest house.

Minimum Possible Variance

The request is the minimum variance to allow the utilized design.

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 amount of deviation requested is minimal (8% or 2.5 feet). There is a significant amount of open space (approximately 60 feet) between the proposed addition and the nearest house.

VARIANCE CRITERIA for Requests 2 and 3 (DENIAL)

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 variances.

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 variances.

CONDITIONS OF APPROVAL

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.

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

COVER LETTER

November 9, 2018

Orange County Zoning Division
201 South Rosalind Avenue, 1st 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

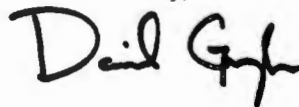
NOV 13 2018
ORANGE COUNTY
ZONING DIVISION

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.

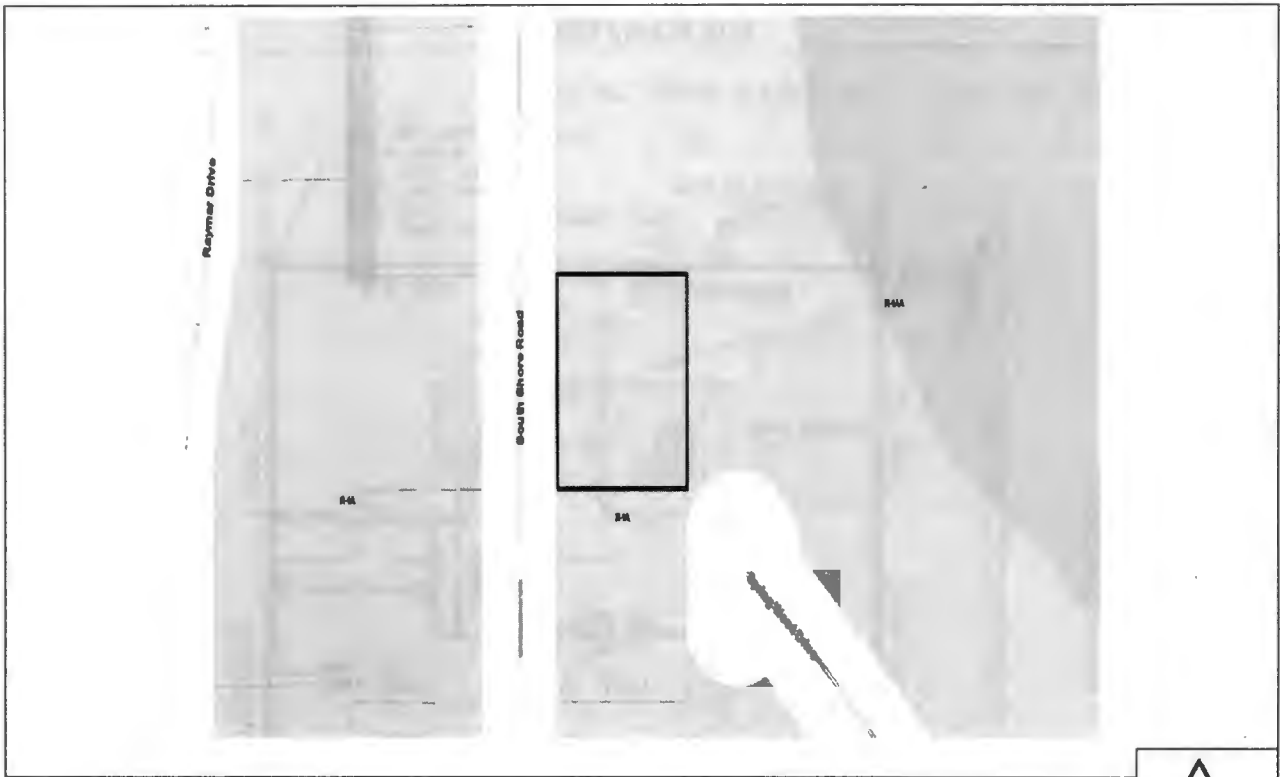
Should you have any questions or require any additional information, please do not hesitate to contact me at (407) 963-2751. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Daniel Gough". The letters are cursive and somewhat stylized, with the "D" being particularly large and the "G" having a long, sweeping tail.

Daniel Gough
4533 South Shore Road

ZONING MAP



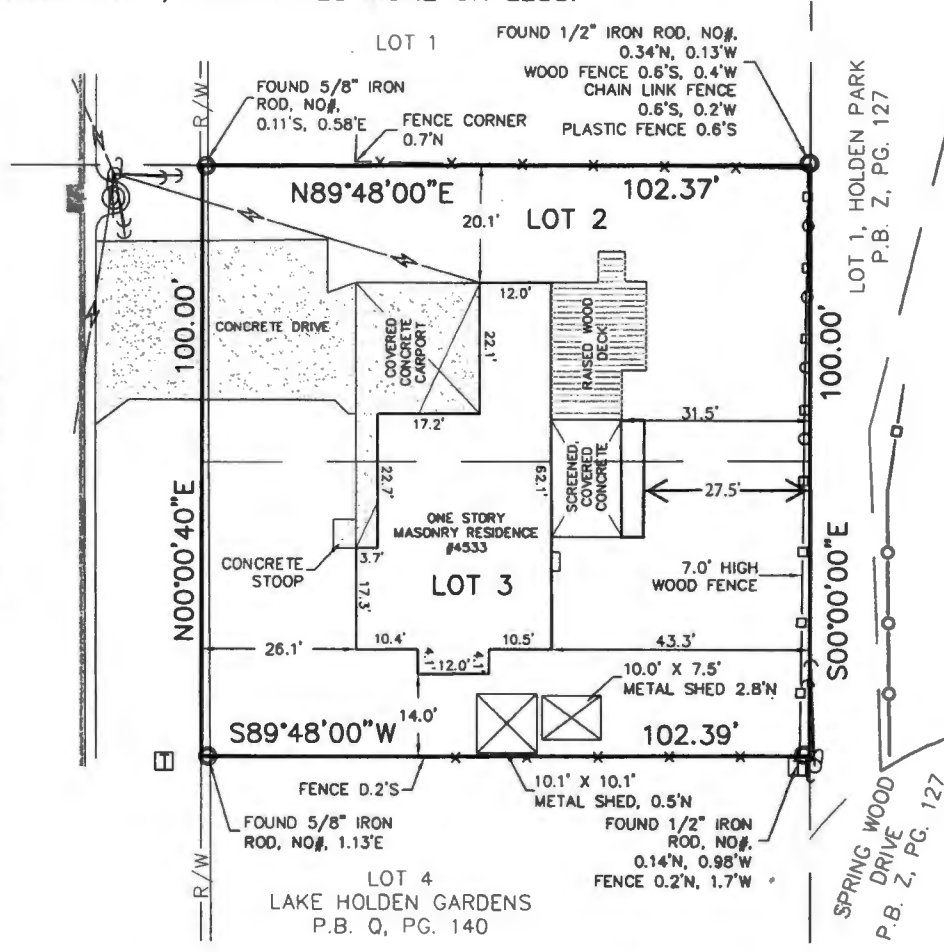
AERIAL MAP



SITE PLAN / SURVEY

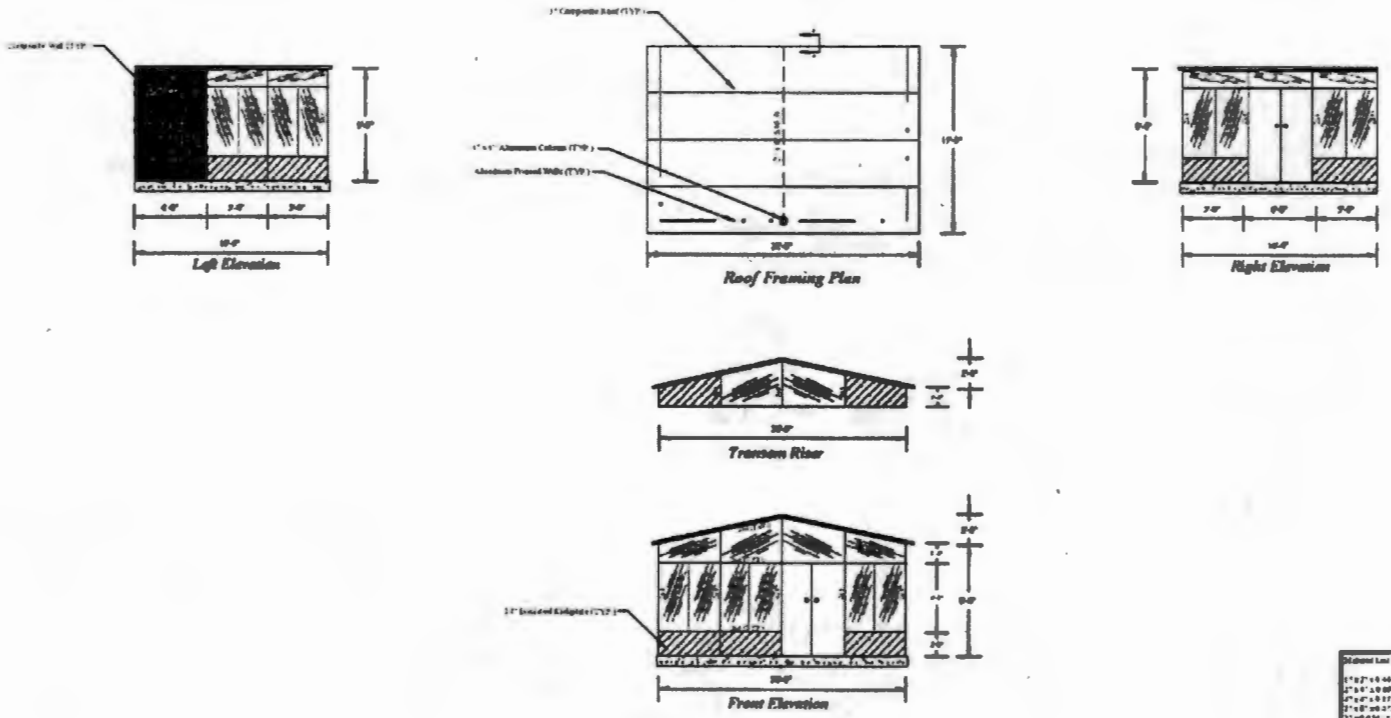
AINS 10,238 SQUARE FEET, 0.24 ACRES MORE OR LESS.

SOUTH SHORE AVENUE
60' RIGHT-OF-WAY WIDTH
ASPHALT PAVEMENT



LEGEND:

ELEVATION



Material	Code
1" x 12" Composite Raft	1' x 12"
1" x 4" Aluminum Column	1' x 4"
Aluminum Framed Wall	1' x 10"
12" Insulated Edge	1' x 12"

SITE PHOTOS











BZA STAFF REPORT

Community, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 03, 2019**

Case Planner: **Sean Bailey**

Case #: **VA-19-02-188**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): **LUIS GOMEZ**

OWNER(s): **LUIS GOMEZ**

REQUEST: **Variations in the A-1 zoning district to construct a new modular home as follows:**

- 1) To allow a minimum lot width of 58 ft. in lieu of 100 ft.
- 2) To allow a minimum lot size of .17 acres in lieu of .5 acres.
- 3) To allow a front yard setback of 23 ft. in lieu of 35 ft.
- 4) To allow a rear yard setback of 42 ft. in lieu of 50 ft.

PROPERTY LOCATION: **5230 Angola St., Ocoee, FL 34761**

West side of Angola St., south of Clarcona Ocoee Rd.

PARCEL ID: **05-22-28-6052-02-010**

LOT SIZE: **58 ft. x 121 ft. / .172 acres**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **52**

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 (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated November 26, 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. All unpermitted existing accessory structures shall be removed via a demolition permit or permitted prior

to the issuance of the certificate of occupancy for the modular home.

SYNOPSIS: The applicant is proposing to construct a new modular home on the existing lot. Staff explained there was a home on the lot previously that was removed. The variances are needed as the lot is too small for the A-1 zoning district and is not a lot of record.

Staff showed the surrounding lots, zoning map, previous variances approved, and demonstrated that no house could be built in this area without variances due to the current zoning designation of agricultural.

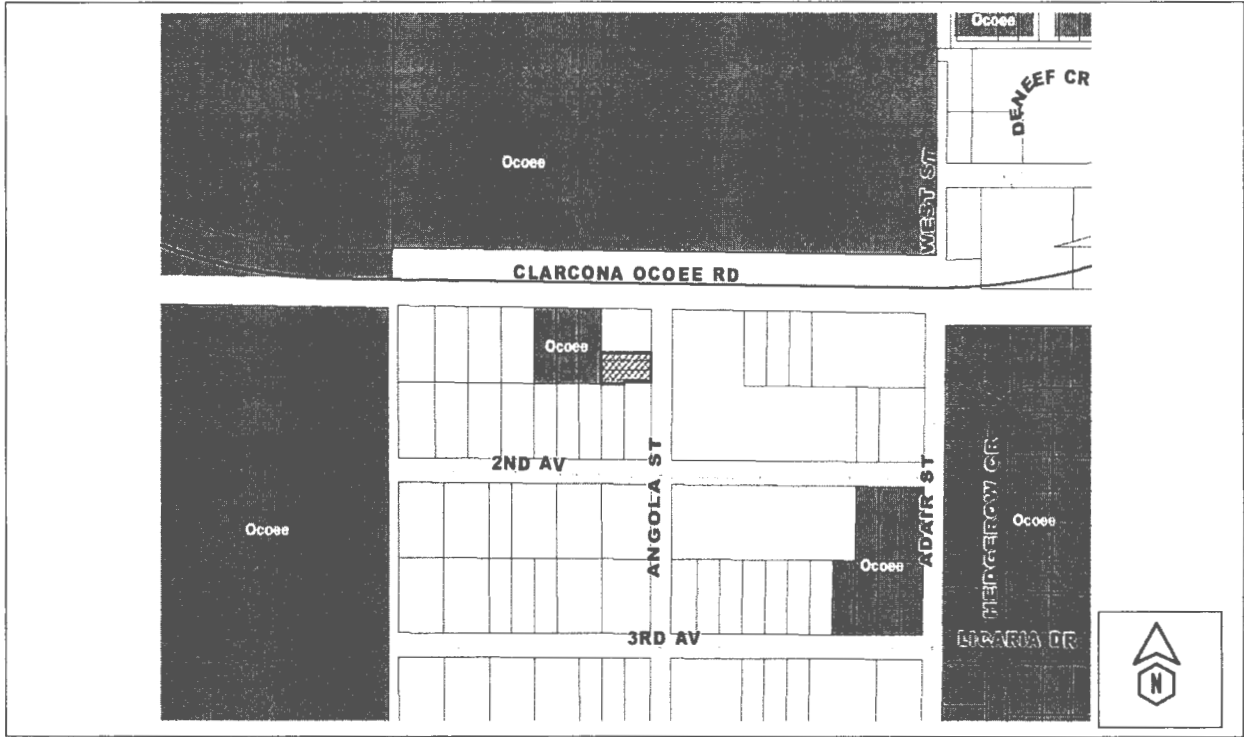
There was no one present at the public hearing to speak, and the applicant waived his time.

The BZA felt the request was reasonable and to allow the applicant to rebuild the variances were required; they approved the request unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	A-1	A-1	A-1	City of Ocoee
Future Land Use	Rural	Rural	Rural	Rural	City of Ocoee
Current Use	Vacant	Convenience Store	Single Family Residence	Vacant	Single Family Residence

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the A-1 Citrus Rural Zoning District, which allows agricultural uses, mobile homes, and single family residential with associated accessory structures on larger lots.

The parcel is a portion of lots 1 & 2 in the Oak Level Heights Subdivision, which was platted in 1925. It appears after researching old deeds the lot was combined with lots 21 & 22 to the south of it and was later split off when the applicant purchased the lot in 1997. Therefore, it is not a legal lot of record and requires the variances for lot size and width.

There was a house previously on the lot, which was built in 1945 and was demolished in 2018 under permit #B18019750.

The applicant would like to construct a 1,736 sq. ft. modular home on the property per the site plan provided. In the A-1 zoning district .5 acres are required for modular homes and single family homes; 2 acres are required for mobile homes. The variances are necessary as the required setbacks for A-1 lots are larger, and would not allow adequate space to build on such a small lot.

The area is comprised of lots zoned A-1, which do not meet the minimum lot size or square footage for this zoning district. Also, the Future Land Use in the immediate area is Rural (1 unit per 10 acres). Therefore, none of the existing development is conforming with the Comprehensive Plan Map.

There have been numerous other variances approved in the area for lot width and lot size.

There is an existing shed on the property, which was not permitted and is located less than one (1) foot from the side property line and 2.4 feet from the rear property line. The applicant will need to move the shed to meet setbacks and get it permitted, or remove it from the property.

District Development Standards (Measurements in feet)

	Code Requirement	Proposed
Max Height:	35 ft.	12 ft.
Min. Lot Width:	100 ft.	58 ft.
Min. Lot Size:	.5 acres	.17 acres

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

	Code Requirement	Proposed
Front:	35 ft.	23 ft.
Rear:	50 ft.	42 ft.
Side:	10 ft.	10 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The current and Future Land Use in the area create special conditions for this property and surrounding properties. The platted lot sizes coincide more with the R-1A zoning district, rather than A-1 zoning district.

Not Self-created

The applicant did not create the lots, nor the non-conforming situation which exists in the area.

No Special Privilege Conferred

Allowing this applicant to build a home with the associated variances will not confer any special privilege, as most the neighboring properties would require the same variances. A majority of the lots nearby are 55 feet wide and do not meet the minimum lot area.

Deprivation of Rights

Not allowing the applicant to re-build would deprive him the rights of utilizing the parcel he purchased in 1997.

Minimum Possible Variance

The variances requested are the minimum necessary to allow reasonable use of the existing lot.

Purpose and Intent

The requested variances will be in line with what is existing in this neighborhood. Allowing the construction of this home with variances will not be a detriment to the area.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated November 26, 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. All unpermitted existing accessory structures shall be removed via a demolition permit or permitted prior to the issuance of the certificate of occupancy for the modular home.

c: Luis Gomez
 5230 Angola Street
 Ocoee, FL 34761

 Rick Swann
 34299 US Highway 27
 Haines City, FL 34761

COVER LETTER

Orange County Zoning Division
Variance Request
Luis Gomez
5230 Angola St.
Ocoee, FL 34761

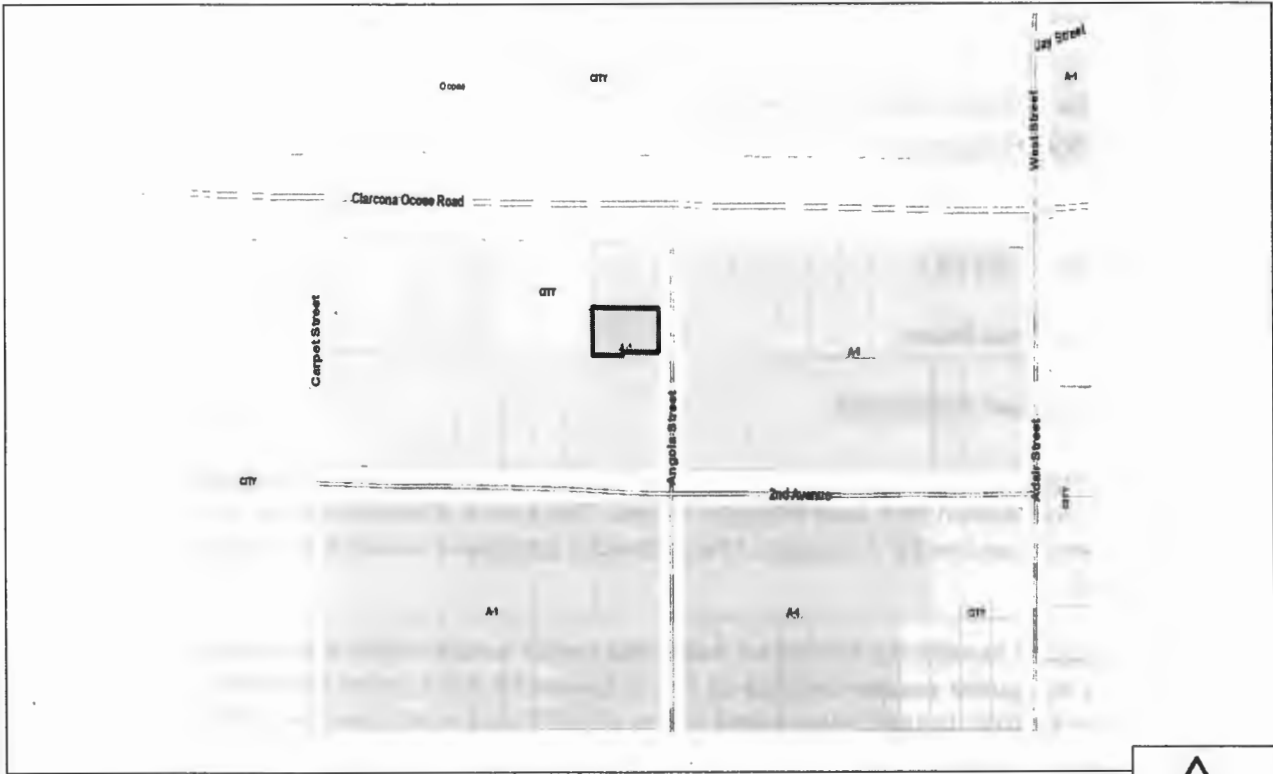
Attention: Sean Bailey

Permit Number: B18023205

This Variance request is for the adjustment of the front, and rear setbacks on the lot for the installation of a new modular home. The home dimensions are 31' x 56' and is 1600 sq. ft. and is 12' in height. The setbacks proposed would be 23' front, and 42' at the rear.

1. Special conditions for the lot exist that would would impair the Gomez family from having adequate square footage to live in based on the current setbacks.
2. Mr. Gomez bought the lot and home in 1997 and was unaware of the nonconforming nature of the lot. The home at that time was a 1945 built 607 sq. ft. small home.
3. This variance request would not provide the Gomez family any special privilege that could not be granted to another property owner in his situation.
4. Unnecessary and undue hardship would be caused it this situation since Mr. Gomez has closed on a construction to perm mortgage with a bank, and has had a new Jacobsen modular home built.
5. The variance requested on the front and rear setbacks are the minimal reasonable use for the dimensions of the modular home.
6. Approval of this request will not affect any neighboring lots, or the welfare of the community. In fact, approval would benefit the area with the replacement of an older home needing repair, with a brand new modular home.

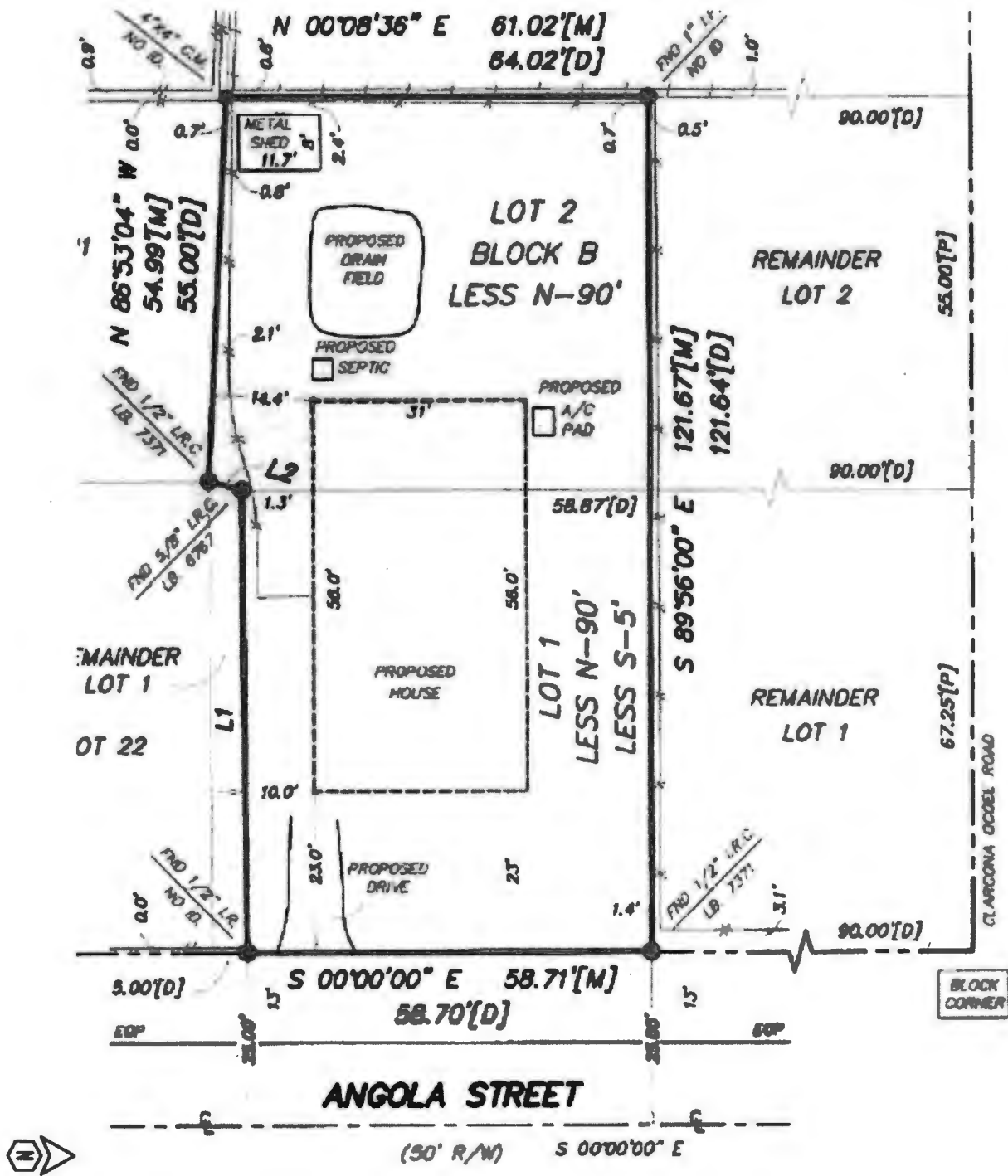
ZONING MAP



AERIAL MAP



SITE PLAN / SURVEY



RENDERING OF SOUTH FACADE



SITE PHOTOS





BZA STAFF REPORT

Community, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 03, 2019**

Case Planner: **Sean Bailey**

Case #: **VA-19-01-181**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): SHARON MARTIN

OWNER(s): SHARON MARTIN, ROSITA POSEY

REQUEST: Variance in the R-1A zoning district to allow a 6 ft. high fence in the front yard in lieu of 4 ft. high.

PROPERTY LOCATION: 1020 Manor Dr., Orlando, FL 32807

West side of Manor Dr., north of E. Colonial Dr.

PARCEL ID: 22-22-30-4300-02-060

LOT SIZE: .159 acres, 100 ft. x 70 ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 36

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 absent):

1. Development in accordance with the site plan dated November 27, 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 explained the area which is compromised of both residential and commercial uses. The applicant would like to construct a six (6) foot high wood fence in their front yard to provide security.

Staff recommended approval of the request as the property abuts commercial uses, and proposed a condition that the fence be an aluminum or wrought iron style fence.

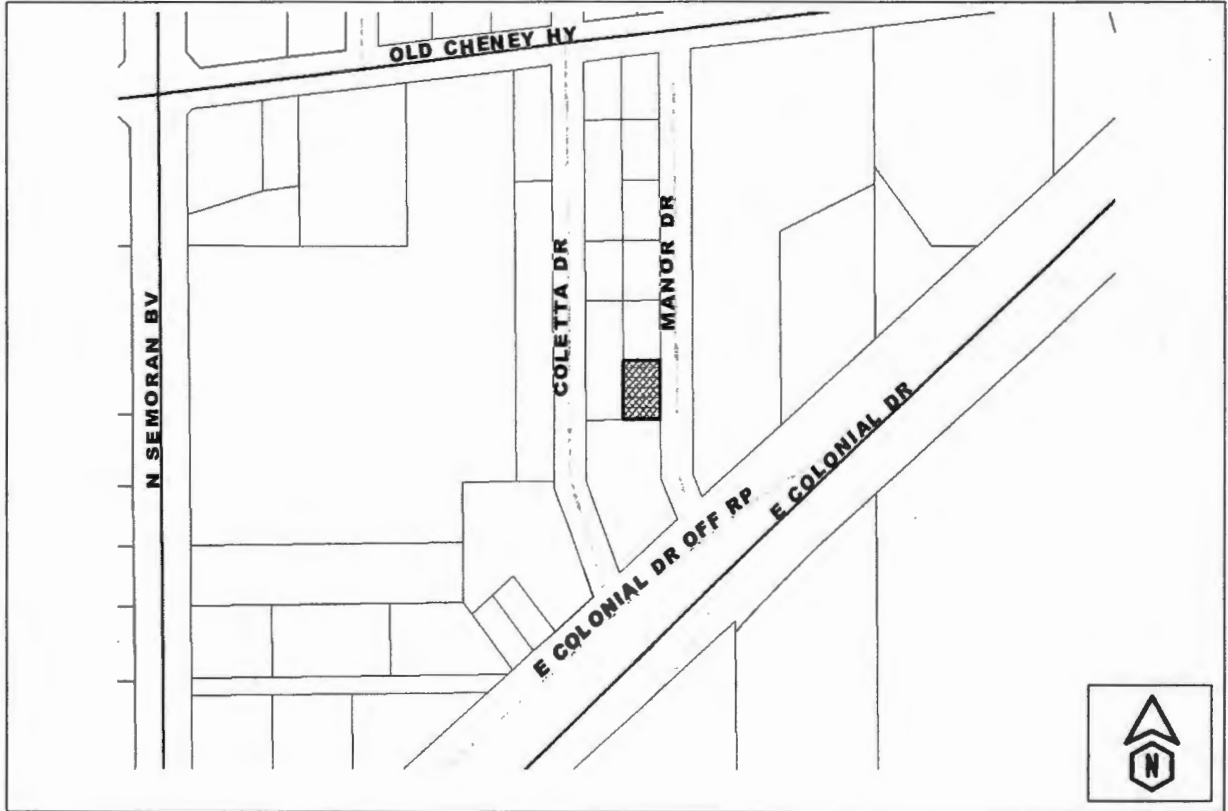
The applicant stated that the area is a high crime area and they feel unsafe without the fence. They also stated they would prefer the wood fence as it would provide a noise and visual barrier from the surrounding uses.

The BZA discussed the style of the fence and what the options are for the applicant. The BZA agreed that the opaque wood fence was appropriate for the area and approved the request, eliminating the Condition of Approval #4.

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	C-2	C-2	C-1
Future Land Use	Commercial	Commercial	Commercial	Commercial	Commercial
Current Use	Single Family Residence	Single Family Residence	Commercial/Towing Company	Convenant House/ Youth Shelter	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 in size.

The property was platted as lot #6 in the Lake Barton Manor Subdivision in 1950.

The applicant would like to construct a 6 foot tall fence in the front yard to provide security. Code allows 4 foot tall fences within the front yard setback, which is 25 feet for this parcel. The side and rear yards may have fences up to 8 feet high.

The existing house was built in 1957 and is located approximately ten (10) feet from the front property line. It was constructed before the zoning code came into effect; therefore, it is a legal non-conforming structure.

The property abuts commercial uses to the south and east, and is located approximately 170 feet from E. Colonial Drive. The use to the east is located across Manor Drive; therefore, the variance is required as the property does not directly abut the C-2 property to the east.

The applicant is allowed to install a six (6 foot high fence along the southern property line per code as it directly abuts C-2 zoning. The variance is required along the east property line and a portion of the north property line.

The property is the last house at the end of a Cul-de-sac which dead ends into E. Colonial Dr.

Fence Standards (Measurements in feet)

	Code Requirement	Proposed
Max Height:	4 ft.	6 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The property abuts commercial uses on the east and south sides. The applicant would like a taller fence to provide security for her residence and buffering from the commercial businesses.

Not Self-created

The applicant did not create the adjacent uses or property location.

No Special Privilege Conferred

The BZA approved a 5 foot high aluminum fence about a 1/2 mile away in the front yard, which is also zoned R-1A. In addition, if the property were located on a major right-of-way a 6 foot high fence would be allowed in the front yard.

Minimum Possible Variance

The variance represents a 50% deviation from code and will only apply to 125 ft. linear feet of fence. The 100 feet along the front/east property line and the first 25 feet along the north property line.

Purpose and Intent

While the property is zoned R-1A and is located in a residential subdivision, the FLU for the area is commercial and the area is comprised of commercial uses along E. Colonial Drive. The fence with the conditions of approval will not hinder any site visibility and will be located on a dead end street. An aluminum or wrought iron style fence will allow visibility through the fence and will be in line with the strategies of Crime Prevention Through Environmental Design (CPTED).

As a condition of approval an aluminum picket or wrought iron style fence shall be installed rather than a solid wood fence.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated November 27, 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 fence shall be an aluminum picket or wrought iron style fence.

c: Sharon Martin
1020 Manor Drive
Winter Park, FL 32792

COVER LETTER

Orange County Zoning Division
201 South Rosalind Avenue, 1st Floor
Orlando, FL 32801

November 13, 2018

Dear Sirs:

I am requesting a variance for the property located 1020 Manor Drive, Orlando, FL. 32807, Unincorporated Orange County. A permit for a 6 foot wood fence to replace the existing 4 foot chain link fence. The reason for the request is for my safety and peace of mind in my home. I live on a dead end street. Across the street is the Covington House, a homeless shelter. A Methadone clinic is two streets over from my street. The commercial property right next to my home "Dynasty Auto Repair" has a 6 foot fence. Three door down the property owners have a 6 foot fence.

This area is known for drug dealing. I have had homeless men and prostitutes come to my door. My home has been broken into three times. I previously had my home rented out, but am now in the process of moving back in. My previous tenants (unbeknownst to me) were drug dealers and convicted felons. I have witnessed individuals shooting up on the side of the road.

The wood fence will be 6' by 189'. I have included the surveyor's specifications and fence specifications. The fence will go across the front of the property and down the side. There is already a 6-foot chain link fence across the back and side adjacent to the commercial property.

The Variance sign should be a ground sign, if one is required.

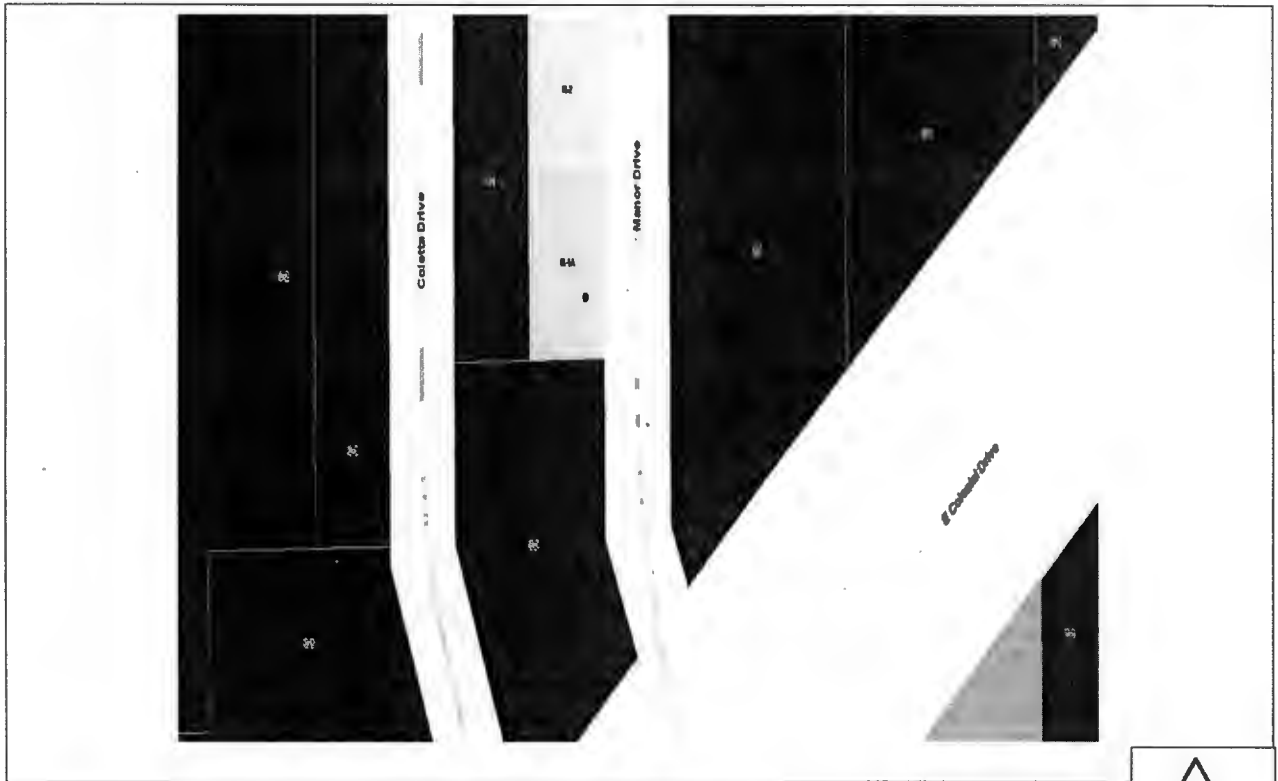
I would appreciate your consideration for this 6' wood privacy fence. Everyone should be able to feel safe in his or her home. I know this is not a guarantee of my safety, but it will add an extra layer of security.

Regards,

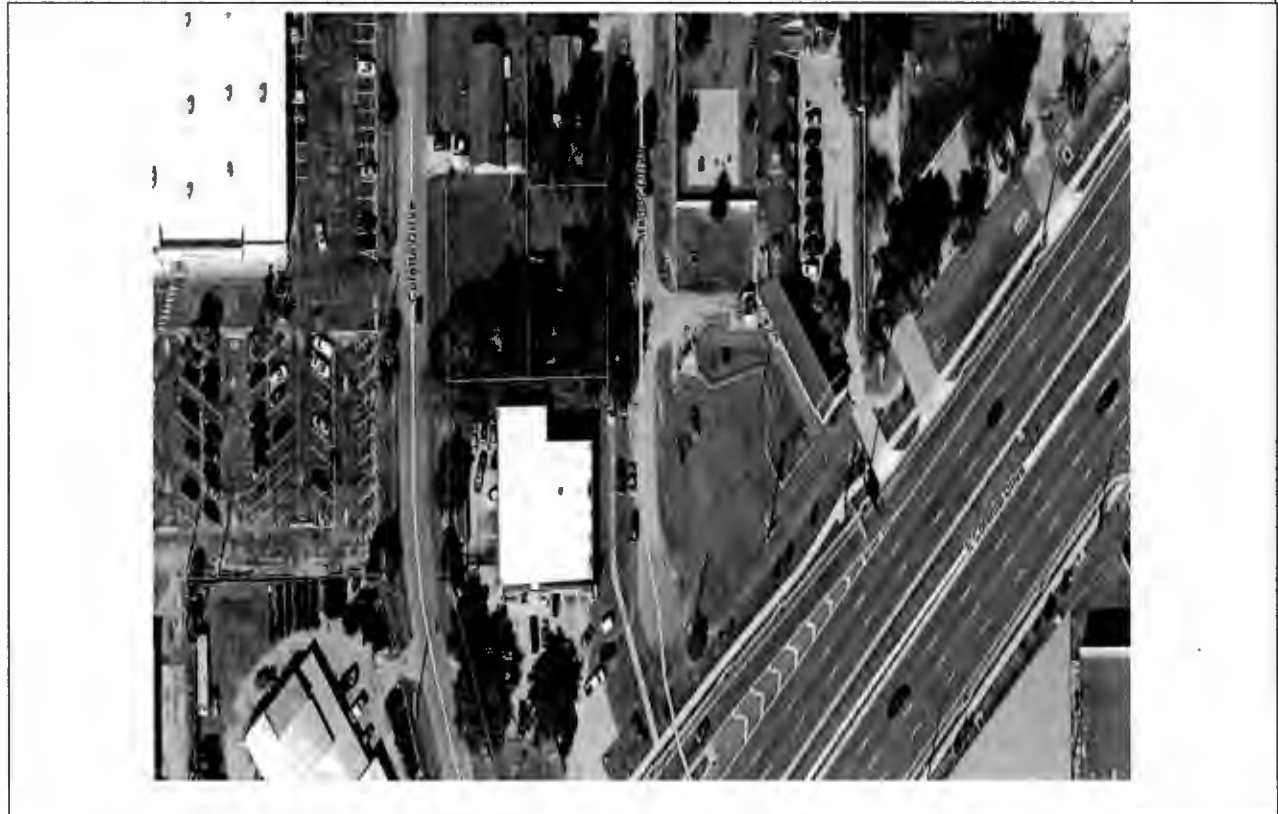
Sharon Martin

Sharon Martin
1020 Manor Drive
Orlando, FL 32807

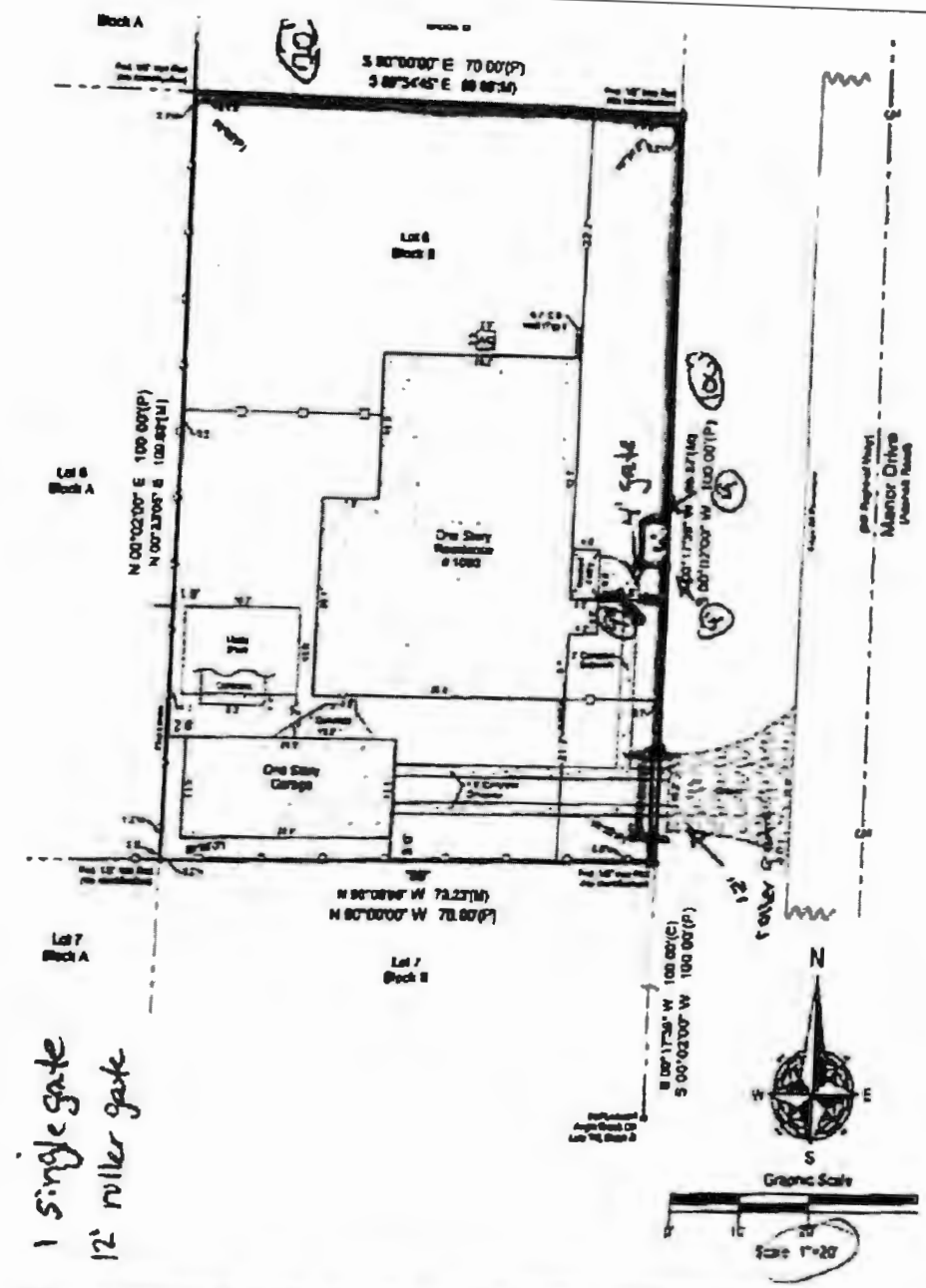
ZONING MAP



AERIAL MAP

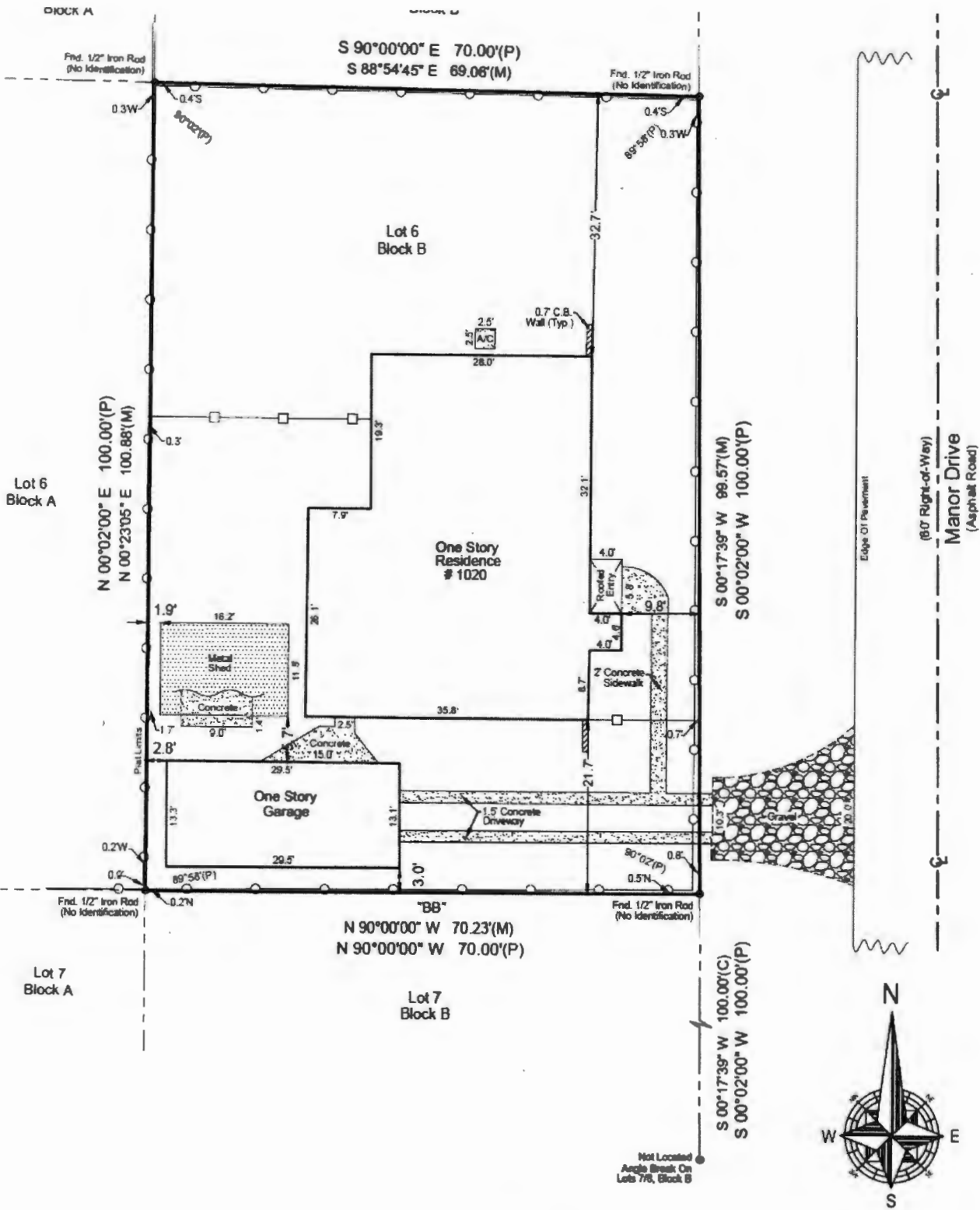


SITE PLAN / SURVEY



016	Date Completed: 10/23/18	1-27-18	Survey is based upon the Legal Description Supplied by Client. Applicant Provides Accuracy of 1/2" Error Guarantee for Each Corner and/or Station. Subject to any Easements and/or Restrictions of Record.	Surveyor Certifies that the boundaries shown on this plan were determined by the Surveyor's own measurements and calculations, and that the boundaries shown on this plan are correct within the limits of the Surveyor's Accuracy Guarantee. This plan is not to be used for any other purpose without the written consent of the Surveyor.
Legend				

Site plan Submitted for Fence Permit



As built Survey

SITE PHOTOS



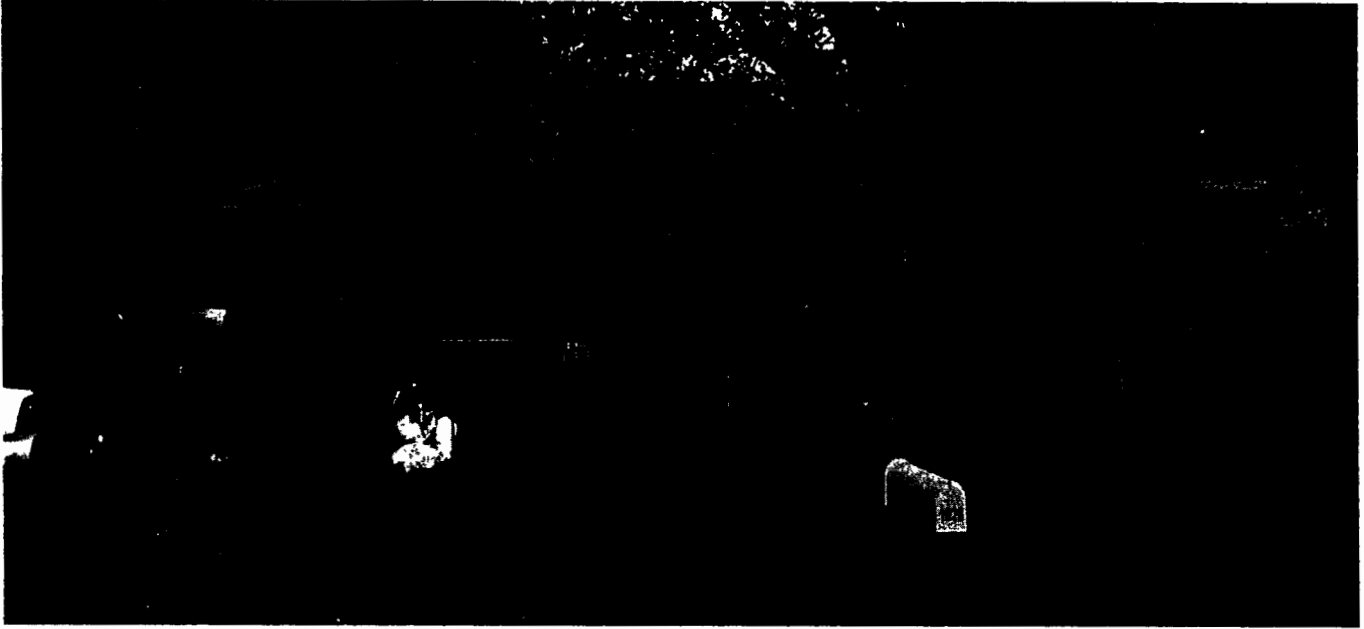
View from subject property to E. Colonial



Subject Property



Subject Property – South Property line



BZA STAFF REPORT

Community, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 03, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-01-182**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): RALPH MERVINE

OWNER(s): CHRIS STUTZ

REQUEST: Variance in the R-1 zoning district to construct an addition 10 ft. from the side street line (north) in lieu of 15 ft.

PROPERTY LOCATION: 4532 Conway Landing Dr., Orlando, FL 32812

North end of Conway Landing Dr., approximately .16 miles north of Simmons Rd.

PARCEL ID: 16-23-30-1679-00-120

LOT SIZE: 68 ft. x 122 ft. (AVG)/.2 Acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 85

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 absent):

1. Development in accordance with the site plan dated November 14, 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 exterior of the addition shall match the exterior of the existing residence with respect to color and materials.

SYNOPSIS: Staff noted that the dead-end section of road ends at the back yards of two (2) homes in a neighboring subdivision which was actually platted after the one creating the subject property. It also abuts a little league baseball complex which does not want access. Staff noted that they had received one (1) correspondence in favor, and none in opposition.

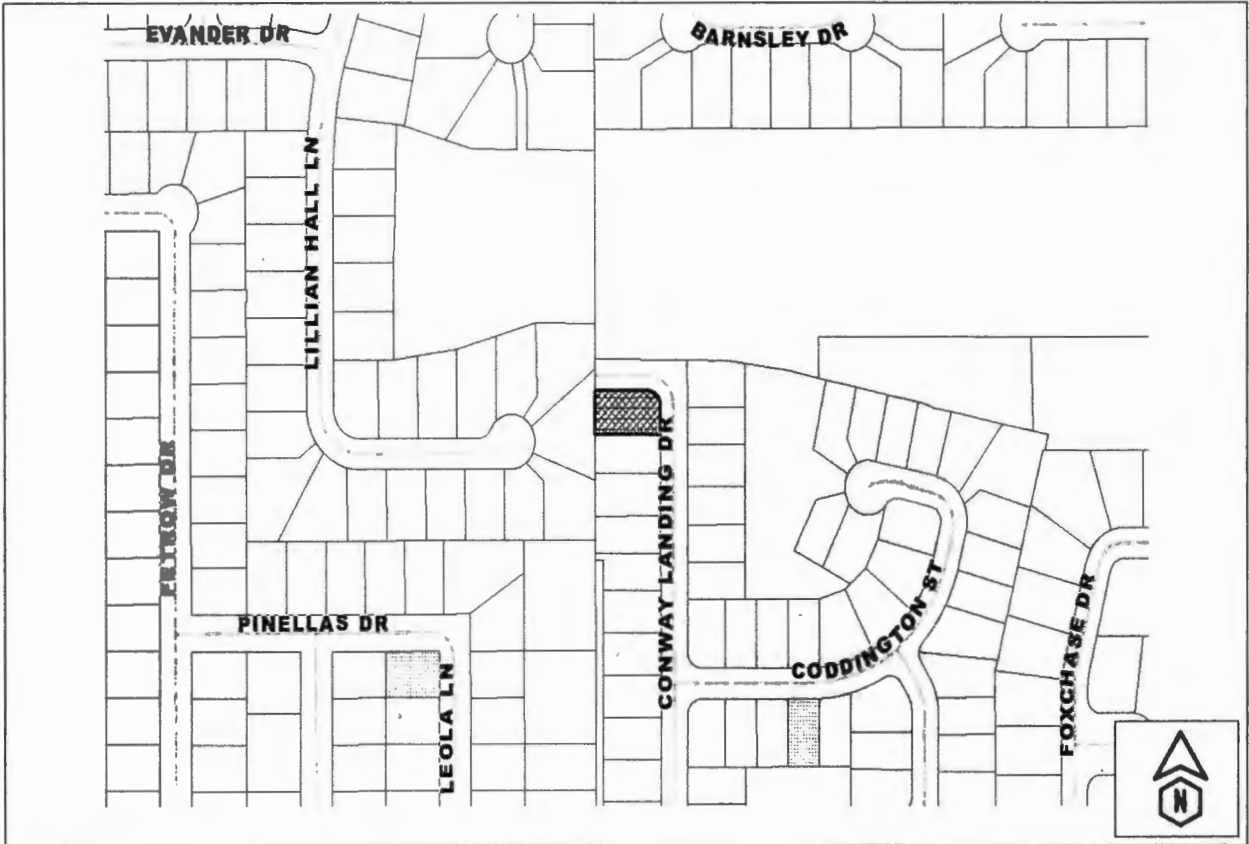
The applicant noted that the property owner had approached Public Works in the past about abandoning the road, and was told no. Then, at staff's request, the applicant did the same before applying for the variance, and was emphatically told no. There being no one present to speak for or against the request, the public hearing was closed.

The BZA concluded that applicant had exhausted all options, and that the side street was not serving any purpose to warrant such a great setback. A motion to recommend approval passed by unanimous vote.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1	R-1	R-1	R-1	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single Family Residence	Conway Little League Ball Fields	Single Family Residence	Single Family Residence	Single Family Residence

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-1, Single Family Dwelling District, which allows single family homes and associated accessory structures on lots a minimum of 5,000 sq. ft. or greater.

The subject property is a lot in the Conway Landing Subdivision, which was platted in May 1989. All right-of-way (r-o-w) for Conway Landing Drive, including that portion to the north of the subject property, was dedicated through that plat. To the west is the Gatlin Gardens Subdivision, which was platted in September 1994.

The portion of Conway Landing Drive to the north of the subject property dead ends into the rear property line of two (2) lots in the Gatlin Gardens Subdivision located at the end of the Lillian Hall Lane cul-de-sac. Conway Landing Drive will never be extended.

To the north of the dead end portion of Conway Landing Drive is the Conway Little League baseball complex. Along the ballfields is a four (4) foot tall chain link fence to deter pedestrian access to the ballfields.

The applicant wishes to construct a 626 sq. ft. master bedroom addition to the north side of the home to accommodate their growing family. Due to the width of the lot, in order to make the addition as functional as possible, they need to encroach up to five (5) feet into the 15 foot side street setback.

Currently, the property contains a 1,869 sq. ft. residence and a pool with screen enclosure. In addition, there is an existing boat and shed located where the addition is proposed. These items will need to be relocated to another location on the site, or removed from the property to accommodate the addition. Relocation of these items to another location on the property will require the applicant to obtain permits.

Normally, when r-o-w is abandoned, 1/2 reverts to each abutting property owner, as the r-o-w was originally part of each property. However, in this instance, were the County to abandon the dead-end portion of r-o-w, the applicant would be entitled to 100% of the land since the row was entirely dedicated through the subdivision in which the subject property is located. This would add 50 feet to the north side of the property, negating the need for a variance. However, the applicant discussed the abandonment with County staff. Staff indicated that they would not support the abandonment.

District Development Standards (Measurements in feet)		
	Code Requirement	Proposed
Max Height:	n/a	n/a
Min. Lot Width:	50 ft.	68 ft.
Min. Lot Size:	5,000 sq. ft.	8,296 sq. ft.
Building Setbacks (that apply to structure in question) (Measurements in feet)		
	Code Requirement	Proposed
Front:	n/a	n/a
Rear:	n/a	n/a
Side:	n/a	n/a
Sidestreet:	15 ft.	10 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

While the lot may be wider than a typical R-1 zoned lot, due to the 15 foot side street setback, there is limited room to construct a functional addition. If an abandonment were feasible, a variance would not be needed. However, since County staff will not support an abandonment, any attempt may be costly, time consuming, and likely futile.

Not Self-Created

The applicant did not approve the adjacent subdivision to the west without connection to Conway Landing Drive, thereby, negating the need for the road. In addition, they did attempt to pursue an abandonment.

No Special Privilege Conferred

Granting the variance will not confer any special privilege on the applicant. Were the Gatlin Gardens subdivision in place first, there would be no need for the dead end segment of road, and the lot would be an interior lot with a setback of only six (6) feet.

Deprivation of Rights

Without the variance, the resulting room would only be allowed to be 9.9 feet wide externally, which would equate to approximately 9 feet of actual floor width. While this may be acceptable for a standard bedroom, it would not accommodate a master bedroom.

Minimum Possible Variance

The request constitutes a variance of 33%. This amount is within the range of past similar variances granted by the BZA.

Purpose and Intent

Since the side street is not a functioning through street, the usual reasons for a sidestreet setback do not apply. Therefore, approval of the variance will not impair the integrity of the code, and will be consistent with the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated November 14, 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 exterior of the addition shall match the exterior of the existing residence with respect to color and materials.
5. If the shed and boat are to remain on the property after the addition is completed, the applicant must obtain permits to relocate them at the same time the addition is permitted.

c: Ralph Mervine
 4192 Stonehenge Road
 Mulberry, FL 33860

COVER LETTER

Orange County Zoning Division
201 South Rosalind Ave.
Orlando, FL 32801

REF: Setback Variance for 4532 Conway Landing Dr

As authorized agent for Chris Stutz at 4532 Conway Landing Dr. I am requesting a variance of 4 ft 11 inches from the current 15 ft side setback to allow a bedroom and bath to be constructed on side of the existing home.

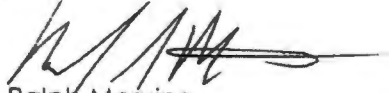
Justification for this variance request include:

As a corner lot the parcel has Deprivation of Rights normally enjoyed by adjacent lots. The unused side street that caused the lot to be designated a corner lot is only 125 ft long and ends in a dead end. No traffic uses this road. Orange County will not release the unused road. If not for the corner lot designation this variance request would not be needed.

The home owner has elderly parents that visit often to assist with child care. Adding a bedroom and bath on the first floor will improve safety in the home by allowing the elderly parents to avoid stairs to the second floor.

Construction will be concrete block with stucco finish to match the existing home

Sincerely

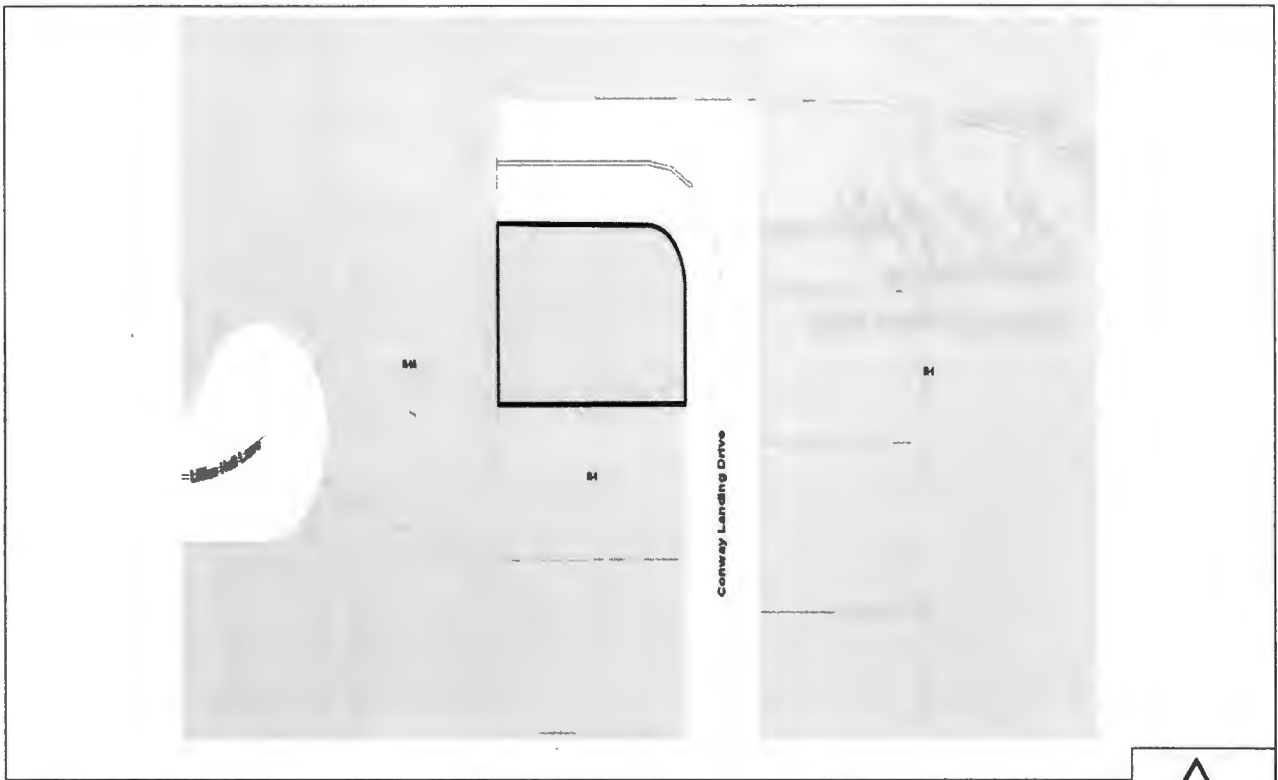
A handwritten signature in black ink, appearing to read 'R. Mervine', with a long horizontal stroke extending to the right.

Ralph Mervine

Agent for Chris Stutz

v

ZONING MAP

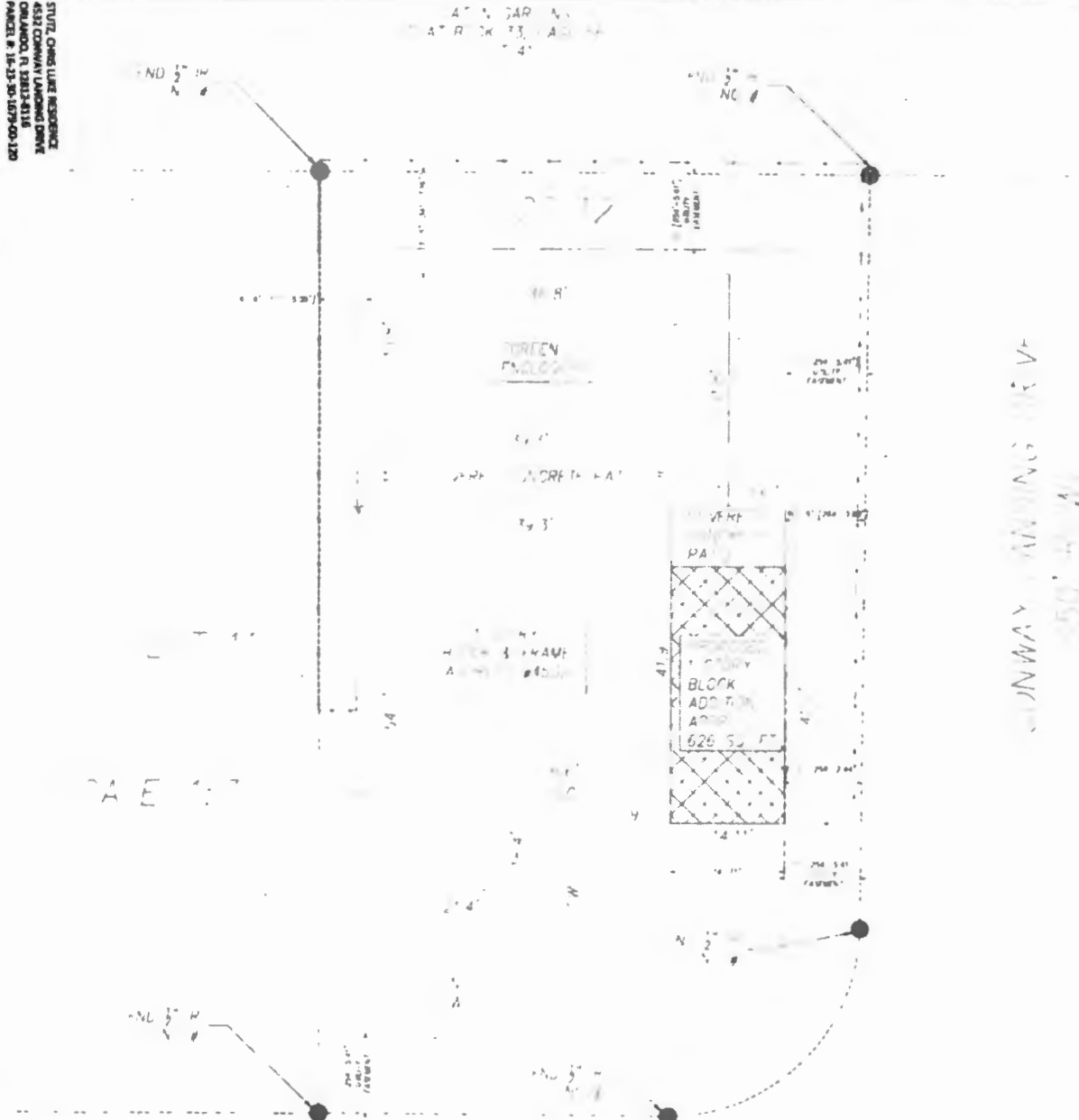


AERIAL MAP



SITE PLAN / SURVEY

STUTZ, CHRIS LUKE RESIDENCE
 4532 CONWAY LANDING DRIVE
 ORLANDO, FL 32813-4116
 PAPER # 18-23-30-1079-00-120

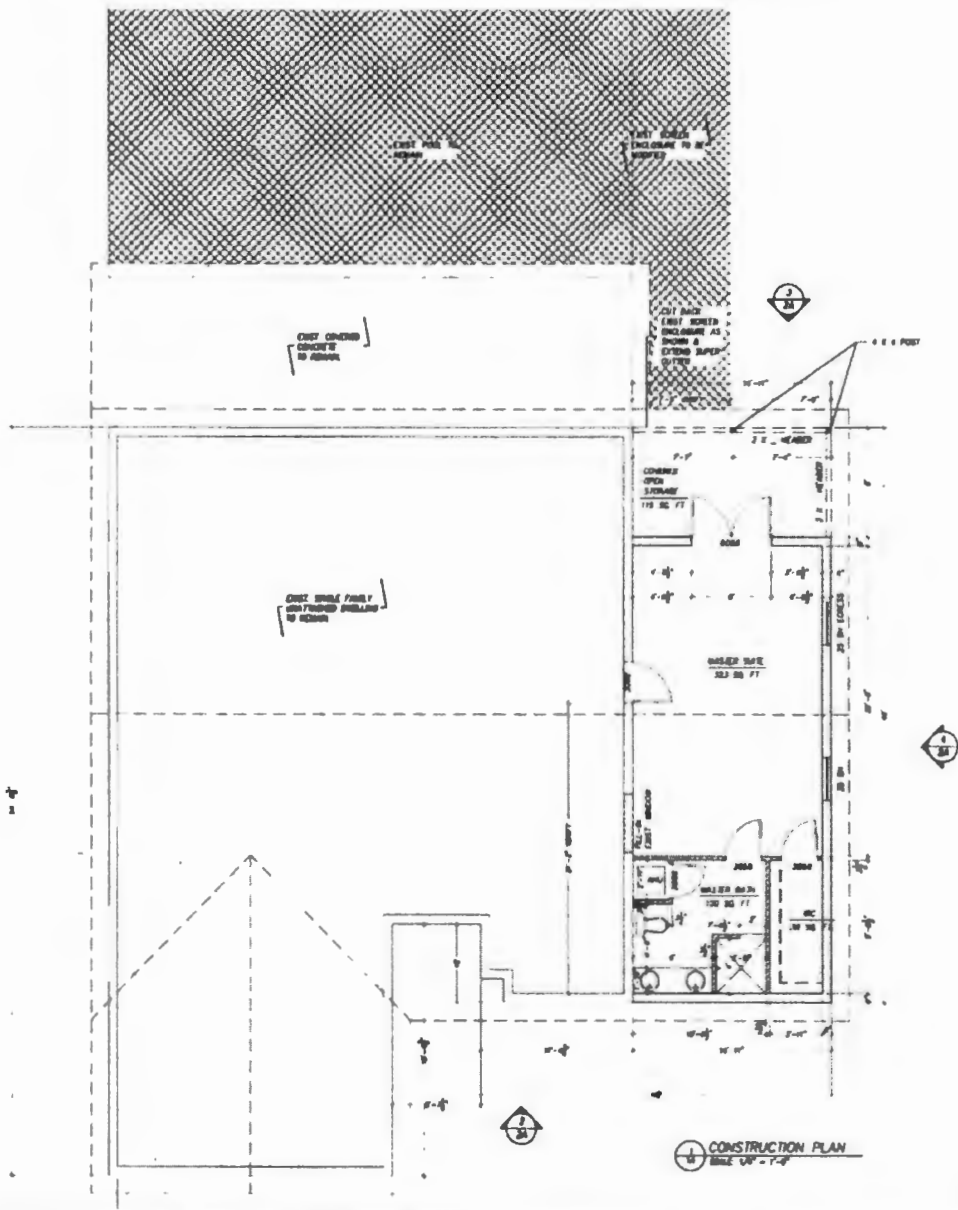


STUTZ, CHRIS LUKE RESIDENCE
 4532 CONWAY LANDING DRIVE
 ORLANDO, FL 32813-4116
 PAPER # 18-23-30-1079-00-120



RECEIVED
 NOV 14 2018
 ORANGE COUNTY
 ZONING DIVISION

Floor Plan

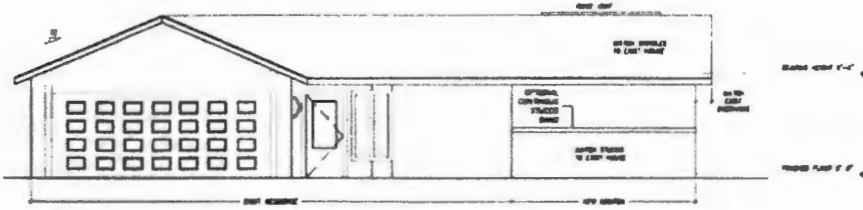


CONSTRUCTION PLAN
Scale: 1/8" = 1'-0"

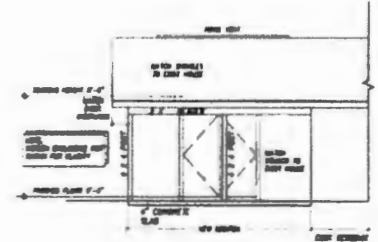
CONSTRUCTION shown on this plan is intended to be used as a guide only. The contractor is responsible for the construction of the work shown on this plan. The architect is not responsible for the construction of the work shown on this plan. The architect is not responsible for the construction of the work shown on this plan.



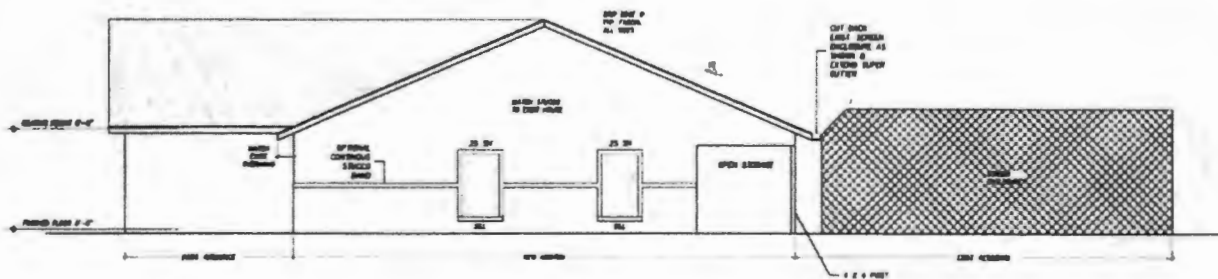
ELEVATION



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



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



SIDE ELEVATION
SCALE 1/2" = 1'-0"

IRIS LANE RESIDENCE
4WAY LANDING DRIVE
3, FL 32812-0116
1-16-23-30-1679-00-120

NOT TO SCALE
ALL DIMENSIONS ARE IN FEET AND INCHES
UNLESS OTHERWISE SPECIFIED
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED



SITE PHOTOS





Dead End of Conway Landing Drive

BZA STAFF REPORT

Community, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 03, 2019**

Case Planner: **Sean Bailey**

Case #: **SE-19-01-183**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): HOUSE OF PRAYER CHURCH OF THE LIVING GOD

OWNER(s): HOUSE OF PRAYER CHURCH OF THE LIVING GOD INC

REQUEST: Special Exception and Variance in the R-1A zoning district to allow for a religious use facility as follows:

1) Special Exception to allow the applicant to use the existing building for a religious use facility.

2) Variance to allow 13 parking spaces in lieu of 33 spaces.

PROPERTY LOCATION: 1401 25th St. Orlando, FL 32805

Northwest corner of S. Nashville Ave. and 25th St.

PARCEL ID: 03-23-29-0180-37-230

LOT SIZE: .309 acres, 100 ft. x 135 ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 94

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 further, **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 absent):

1. Development in accordance with the site plan dated December 19, 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. 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.

5. Construction plans shall be submitted within three (3) years of final approval or this approval becomes null and void.
6. No outdoor speakers or other audio amplification.
7. Signage shall be in accordance with 31.5-75, Orange County Code.
8. Prior to the issuance of permits for the project, the applicant must provide a signed, notarized, and recorded shared parking agreement, accompanied by a written detailed description of the activities which take place on each property, on which days of the week, and at what times.
9. A six (6) foot high vinyl fence shall be constructed along the north and west property lines. The fence on the north property line shall terminate ten (10) feet from the easterly property line. The fence on the west property line shall be limited to four (4) feet tall in the required front yard setback.
10. Landscape buffers shall be installed consistent with Sec. 24-5.

SYNOPSIS: The applicant would like to allow the existing religious use to remain at this location. It appears the use has been in operation for years without Special Exception approval and the applicant is seeking to bring it up to code.

Staff explained the area, pointed out there is an existing church to the north, and that there is no vertical construction proposed with this application. The applicant submitted a parking agreement with a nearby commercial business to allow off-site parking during service times.

The applicant stated they were in agreement with staff's recommendation and were available for any questions.

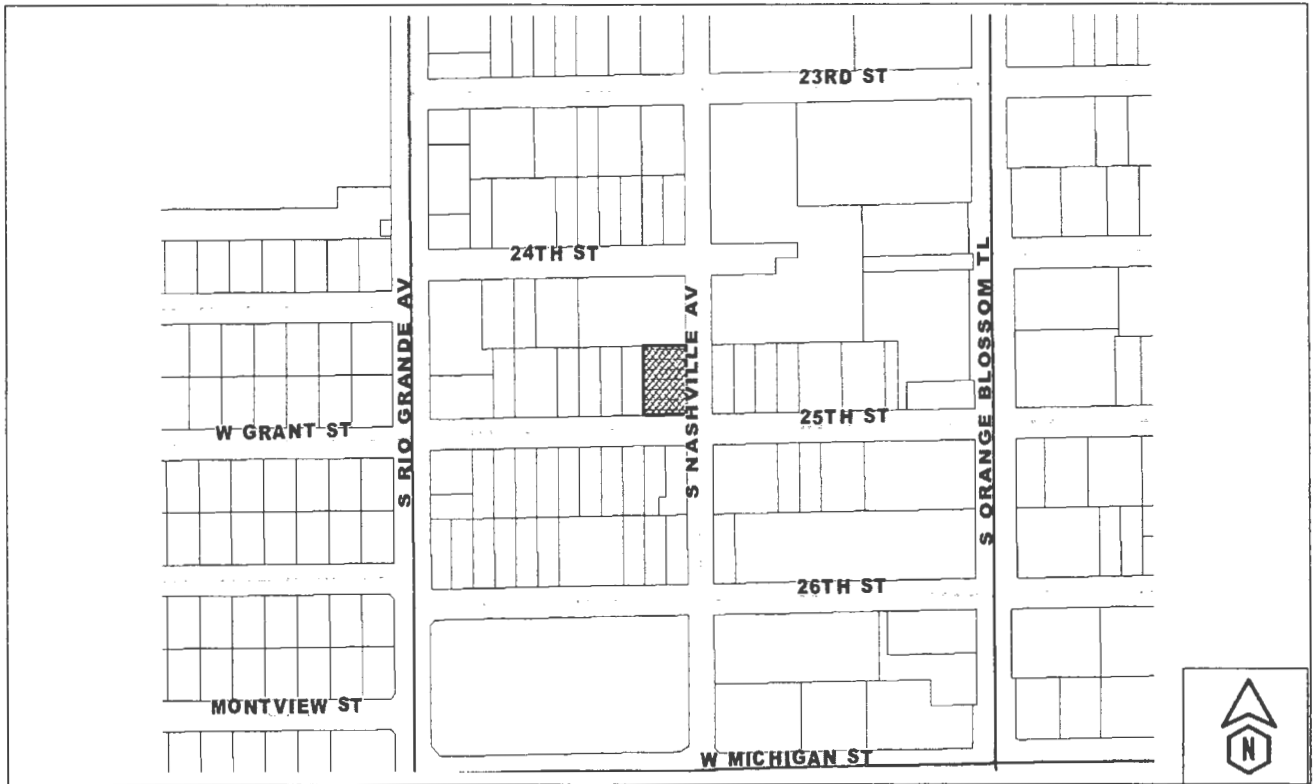
No one spoke in favor or in opposition of the request.

The BZA agreed the use was compatible with the area and approved the request with the associated variance.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	NR	NR	R-1A	R-1A
Future Land Use	NR	NR	NR	NR	NR
Current Use	Religious Facility	Religious Facility	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 on lots a minimum lot area of 7,500 sq. ft. or greater, and allows for certain uses, including religious use facilities through the Special Exception process.

The parcel is located in the Holden Heights Overlay District and the Future Land Use is Neighborhood Residential (NR). The purpose of the Overlay District is to facilitate redevelopment in the area. The intent of the NR district is to provide diverse housing types complemented by parks and civic uses essential to community gathering. A religious use facility is allowed as a special exception in this district as well.

The property is a combination of two (2) platted lots as part of the Angebilt Addition platted in 1925. It is a corner lot located at the northwest corner of S. Nashville Avenue and 25th Street.

The structure on-site was built as single-family residence in 1968. The existing building has 2,460 sq. ft. of living area. The applicant purchased the lot in June 2010.

The applicant plans to provide services on Sunday, Tuesday evenings, and Thursday evenings. Access to the site will be provided from S. Nashville Avenue only.

It appears per aerials and old photos that the site has been used as a religious institution dating back to at least 2008. This case is not a result of code enforcement.

The applicant is planning to use the existing building on-site to seat up to 100 people. There will be no vertical construction proposed with this application. Based on that, there are 33 parking spaces required (1 space per each 3 fixed seats). The latest site plan provided indicates there will be 15 parking spaces provided on-site. As a condition of approval, an off-site parking agreement must be submitted to alleviate any parking issues that may occur.

The property to the immediate north was approved as a religious institution with ancillary uses through the Special Exception process in 2011.

Orange County Transportation Planning provided a traffic study and stated the proposed expansion would add 32 new net daily trips and 5 new net P.M. peak hour trips, which is minimal. This project is located in the

Alternative Mobility Area (AMA), and is exempt from transportation concurrency.

District Development Standards (Measurements in feet)

	Code Requirement	Proposed
Max Height:	35 ft.	n/a
Min. Lot Width:	75 ft.	100 ft.
Min. Lot Size:	7,500 sq. ft.	13,486 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	26 ft.
Rear:	30 ft.	43 ft.
Side:	7.5 ft.	11 ft.
Sidestreet:	15 ft.	31 ft.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan.

The Future Land Use is Neighborhood Residential and with the approval of the Special Exception, the use will be compatible 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.

Religious facilities typically support residential communities and provide a place for local residents to congregate and share ideas. The facility will only be open for limited hours during the week and the majority of the activities will take place on Sunday. The property immediately to the north was approved in 2011 as a religious use facility.

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

The facility is not a full time use and will not generate any noise or traffic during weekdays. Also, Transportation Planning has indicated this use will not create a large increase in traffic.

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

With the granting of the associated variance, the application will meet the performance standards in the district.

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 religious use facility will not be utilized on a full time basis and all of the activities will be held inside the sanctuary. The use will not produce any characteristics that are not already present in the existing neighborhood.

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 is required to install a six (6) foot tall vinyl fence adjacent to the residential lots and will be planting trees adjacent to the parking lot and landscape buffers shown on the plan, in accordance with Sec. 24-5.

VARIANCE CRITERIA

Special Conditions and Circumstances

The parking variances are required as there is limited space on the site. The use will not generate a large amount of cars on a daily basis.

No Special Privilege Conferred

Allowing the parking variances will not confer any special privilege to this applicant as religious uses are typically allowed to have less parking as they are not full time uses.

Minimum Possible Variance

The requested variances are the minimum possible variances to allow a reasonable use of this site while maintaining the sanctuary in the existing location.

Purpose and Intent

Approval of these variances will be in harmony with the zoning regulations and will not be injurious to the neighborhood.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated December 19, 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. 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.
5. Construction plans shall be submitted within three (3) years of final approval or this approval becomes null and void.
6. No outdoor speakers or other audio amplification.
7. Signage shall be in accordance with 31.5-75, Orange County Code.
8. Prior to the issuance of permits for the project, the applicant must provide a signed, notarized, and recorded shared parking agreement, accompanied by a written detailed description of the activities which take place on each property, on which days of the week, and at what times.
9. A six (6) foot high vinyl fence shall be constructed along the north and west property lines. The fence on the north property line shall terminate ten (10) feet from the easterly property line. The fence on the west property line shall be limited to four (4) feet tall in the required front yard setback.
10. Landscape buffers shall be installed consistent with Sec. 24-5.

c:
House of Prayer Church of the Living God Inc.
P.O. BOX 555936
Orlando, FL 32855

design solutionsfl, inc.
Civil Engineering • CADD Services • Construction Administration



November 14, 2018

Orange County
Board of Zoning Adjustment
201 S. Rosalind Ave.
Orlando, FL 32801

Re: Request for Special Exception and Variance
House of Prayer Church of the Living God
1401 25th Street Orlando FL 32805

This correspondence is provided to support the accompanying Application – Board of Zoning Adjustment (BZA) application. Outlined in the application is a request for a Special Exception. The additional information required by the application are included in this correspondence.

Introduction

The House of Prayer Church of the Living God ("the church") has been providing services for the local community from the above noted location for over ten (22) years. The church is applying for a special exception to remain in this location.

The Vision ...

To continue using the existing structure as a church and one day expand to a sanctuary structure to accommodate 100 seats. A site plan has been prepared to illustrate

The existing sanctuary will remain a one-storey structure, in keeping with the majority of structures within the near vicinity. Landscaping will be in keeping with buffer requirements noted in the relevant Orange County Code.

P.O. BOX 607372 • Orlando, Florida 32810

P. 321.946.6222

www.designsolutionsfl.com • Info@designsolutionsfl.com

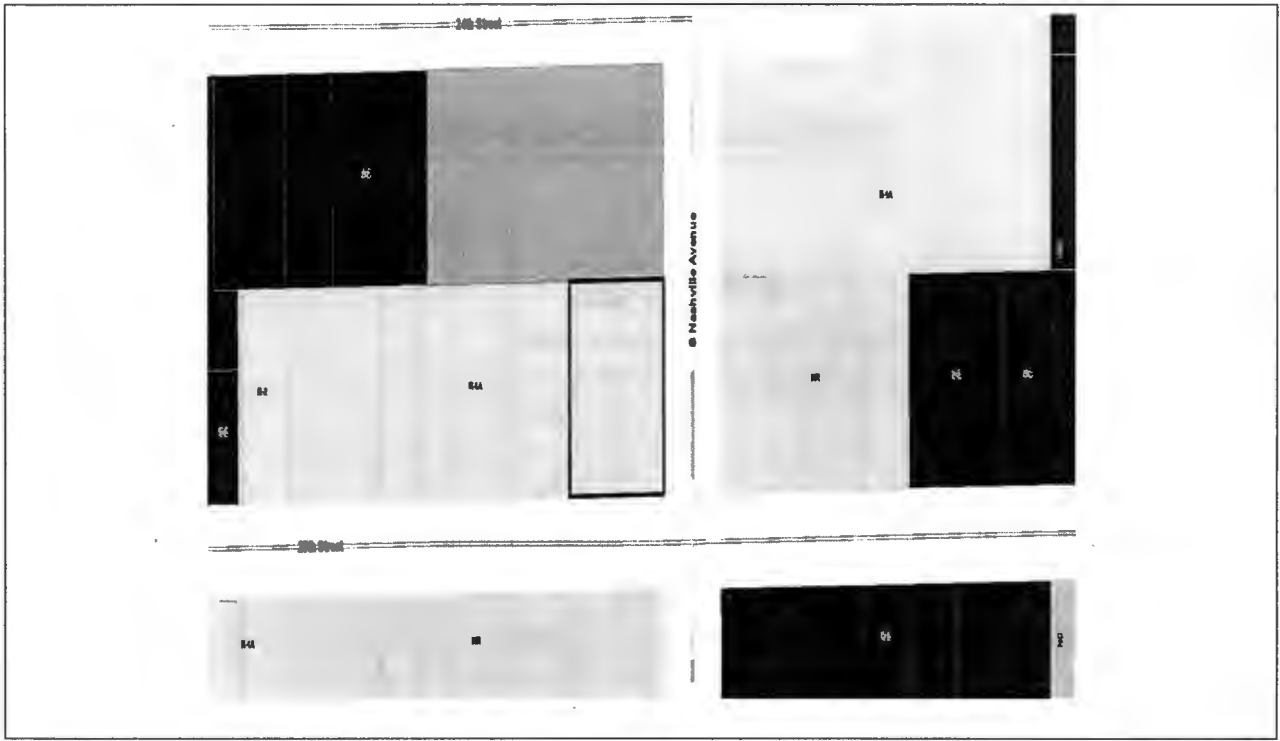
LETTER

Table 1 – Summary of Special Exception Criteria

Special Exception Request: Allow a religious use facility within a R-1A Zoning District

Special Exception Criteria	
1. The use shall be consistent with the Comprehensive Policy Plan.	R-1A zoning provides a Special Exception to allow a religious use facility, the intended use.
2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.	The intended use is similar and compatible with the surrounding area, i.e. similar structure "form and feel", lot coverage, and landscaping.
3. The use shall not act as a detrimental intrusion into a surrounding area.	The intended use includes a structure "form and feel" that is in keeping with the surrounding area, and will not act as a detrimental intrusion.
4. The use shall meet the performance standards of the district in which the use is permitted.	The intended use will meet "most" of the performance standards of the district within the R-1A zoning district.
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.	The intended use will be similar in all these characteristics to the majority of allowable uses currently permitted in the R-1A zoning district.
6. 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.	Landscape buffer yards as required by Section 24-5 of the Orange County Code will be incorporated into the proposed site plan as required.

ZONING MAP

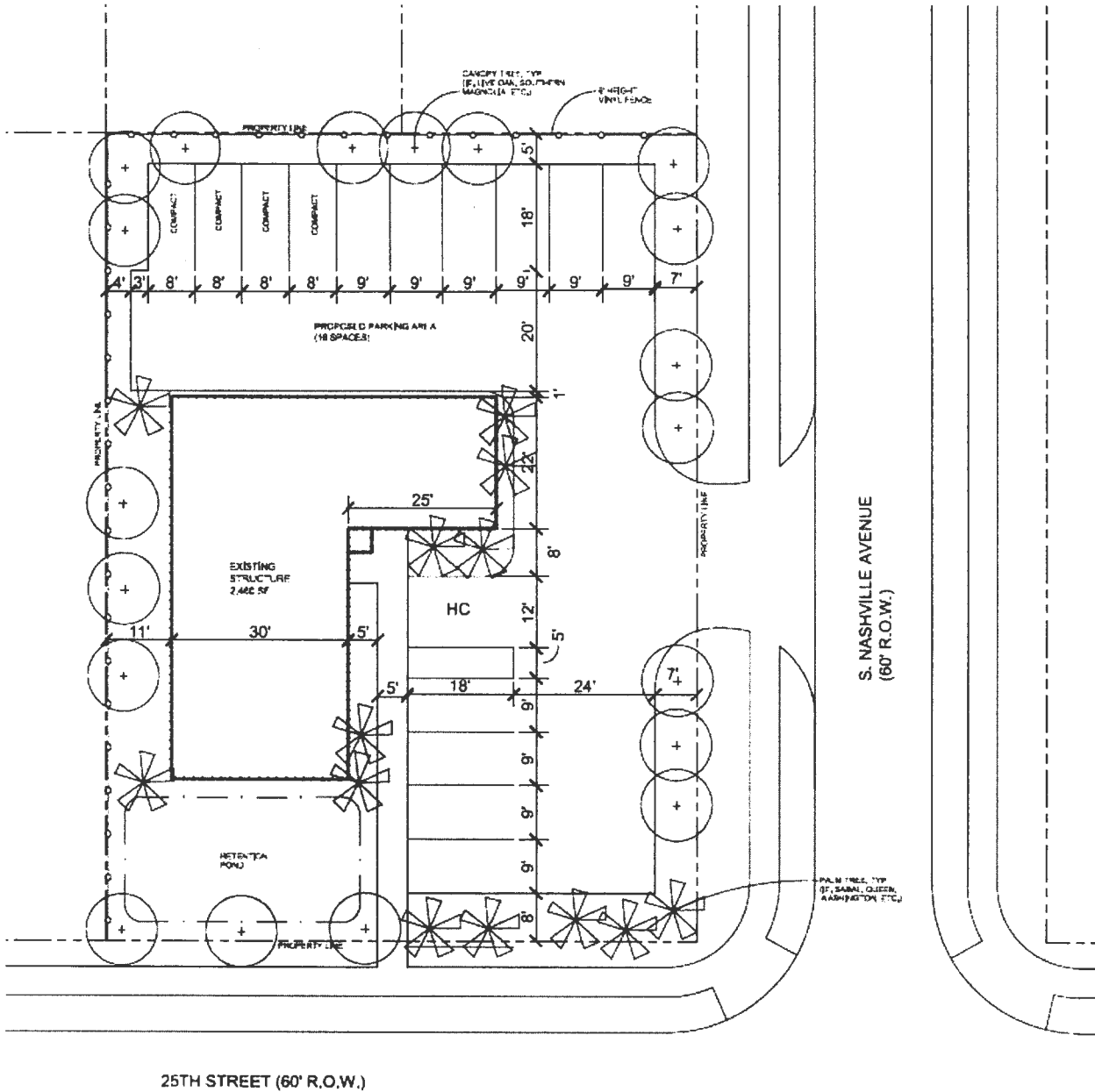


AERIAL MAP



SITE PLAN / SURVEY

SPECIAL EXCEPTION - BOARD OF ZONING ADJUSTMENT



TRAFFIC STUDY

House of Prayer Church (SE-19-01-183)

PID: 03-23-29-0180-37-230

Traffic Study

The project is located on the northwest corner of the intersection of 25th Street and S. Nashville Avenue. The development consists of an existing 2,480 square-foot Church. Based on the 10th Edition of ITE's Trip Generation Manual, the church is expected to generate 32 new daily weekday trips and 5 new PM peak hour trips. The trip generation summary is shown below.

ITE Code	Land Use	Size	Daily		PM Peak Hour			
			Rate	Trips	Rate	Total	In	Out
560	Church	2,480 SF	12.90	32	2.02	5	2	3

The project is located with Orange County's Alternative Mobility Area (AMA) and is exempt from transportation concurrency. The following is a list of alternative modes within the project area: There are existing County maintained sidewalks along S. Nashville Avenue and S. Rio Grande Avenue from W. Miller Avenue to LB McLeod Road and along 25th Street from Rio Lane to Lee Street. There are State maintained sidewalks along S. Orange Avenue from W. Miller Avenue to the I-4 ramp. Lynx bus link #304 LYNX3D; Rio Grande/Vistana Resort; link #36 - Lake Richmond; Link#107 Downtown Orlando/Florida Mall; Link#8 W. Oakridge Road / International Drive; link#40 - Americana Boulevard/ Universal Orlando. There are fifteen (15) bus stops within the project area.

SITE PHOTOS



Existing Sanctuary Building



Parking area facing 25th Street



Intersection of 25th St. and S. Nashville Ave.



BZA STAFF REPORT

Community, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 03, 2019**

Case Planner: **David Nearing, AICP**

Case #: **SE-19-01-185**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): ELAN AZUZ

OWNER(s): ELAN AZUZ

REQUEST: Special Exception in the R-2 zoning district to permit a 700 sq. ft. guesthouse.

PROPERTY LOCATION: 2211 Harding St., Orlando, FL 32806

North side of Harding St., approximately 325 ft. west of S. Bumby Ave.

PARCEL ID: 06-23-30-1430-00-070

LOT SIZE: 73 ft. x 135 ft./ .226 Acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 116

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 (5 in favor, 1 opposed and 1 absent):

1. Development in accordance with the site plan dated November 14, 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. No separate electric or water meters shall be installed on the guesthouse.

6. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.
7. The exterior of the guesthouse shall be finished with materials and colors which match or compliment the main residence.
8. The guesthouse shall never be used as a rental unit.
9. With the exception of the HVAC system, no 220 volt service shall be provided to the guesthouse.
10. The guesthouse shall utilize a gabled roof system to match with the predominant style of the neighborhood.
11. Obtain permits for, and relocate the existing shed from the utility easement, or obtain and execute a demolition permit for the structure.

SYNOPSIS: Staff noted that the subject property is twice the minimum lot size for a single family home in the R-2 zoning district. The proposed guesthouse will exceed all setbacks, and the owner has acknowledged all of the limitations regarding occupancy and amenities. Staff noted that two of the most impacted neighbors submitted letters of support.

The applicant indicated their agreement with the staff recommendation. Two residents spoke in opposition. Each indicated that they were concerned that the unit will be used as a rental for Air B&B. In rebuttal, the applicant noted that they had just moved to Orange County from South Florida, which is where the rest of their family still resides. The unit will be for them when they come to visit, and will not be used as the two residents indicated. There being no one else in attendance to speak for or against the request, the public hearing was closed.

The BZA concluded that the conditions attached to the staff recommendation would ensure that if the unit was ever used improperly, the County's code enforcement officers could act accordingly. A motion to recommend approval of 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-2	R-2	R-2	R-2	R-2
Future Land Use	LMDR	LMDR	LMDR	LMDR	LMDR
Current Use	Single Family Residence	Multiple Single Family Residences	Single Family Residence	Single Family Residence	Single Family Residence

BACKGROUND AND ANALYSIS

Description and Context

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

Lot sizes are dependent on the type of unit constructed ranging from a minimum of 4,500 sq. ft. for a single family detached home to 15,000 sq. ft. of lot area for four (4) or more units.

The subject property has an existing single family home on a 9,855 sq. ft. lot, which is more than twice the required lot size.

The applicant intends to install a 700 sq. ft. guesthouse on the property. They understand that the guesthouse cannot have kitchen facilities, be rented out, and be used for permanent habitation.

The most impacted neighbors to the east and west of the subject property both submitted letters of no opposition to the requested guesthouse.

The applicant has not decided upon whether they would prefer a sloped parapet design, or a standard gabled roofline. They have provided an example of both to give the BZA a full representation.

There is an existing unpermitted shed which is partially located in a utility easement. The shed meets the side setback, however, the easement is a six (6) foot wide easement. Staff is recommending a condition to obtain permits to either relocate the structure out of the easement or demolish it.

District Development Standards (Measurements in feet)

	Code Requirement	Proposed
Max Height:	N/A	N/A
Min. Lot Width:	45 ft.	73 ft.
Min. Lot Size:	4,500 sq. ft.	9,845 sq. ft.

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

	Code Requirement	Proposed
Rear:	10 ft.	10 ft.
Side:	10 ft.	9.2*

* Must be increased to 10 ft.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

Through the Special Exception process, guesthouses are considered consistent with the Comprehensive Plan.

Similar and compatible with the surrounding area

Because guesthouses are used on an intermittent basis, their impact will actually be less than that of an ordinary single-family residence.

Not act as a detrimental intrusion

The subject property is twice the normal lot size of an R-2 zoned single-family lot. The guesthouse will be located to the rear of the lot. It will be used infrequently. The use will not be a detrimental intrusion. This is reinforced by the fact that two of the most impacted neighbors have given their consent to the request.

Meet the performance standards of the district

The proposed use will meet the performance standards for the R-2 zoning district.

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

Given the infrequency that the guesthouse will be used, it will actually generate less negative impacts than a standard single-family residence.

In accordance with Section 24-5 of the Orange County Code

Landscaping and buffering are not required for single-family residences.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated November 14, 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. No separate electric or water meters shall be installed on the guesthouse.
6. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.
7. The exterior of the guesthouse shall be finished with materials and colors which match or compliment the main residence.
8. The guesthouse shall never be used as a rental unit.
9. With the exception of the HVAC system, no 220 volt service shall be provided to the guesthouse.
10. The guesthouse shall utilize a gabled roof system to match with the predominant style of the neighborhood.
11. Obtain permits for, and relocate the existing shed from the utility easement, or obtain and execute a demolition permit for the structure.

c: Elan Azuz
2211 E. Harding Street
Orlando, FL 32806

COVER LETTER

November 12, 2018

Orange County Zoning Division
201 South Rosalind Avenue
Orlando, FL 32801

RE: Application to Build In-laws Quarter

Parcel ID: 06-23-30-1430-00-070

Property Address: 2211 E Harding St. Orlando, FL 32806

Applicant's Name: Elan Azuz

Cover Letter

Dear Orange County Zoning,

I have recently purchased the property above, and am relocating from South Florida. I specifically purchased this property because of the zoning, so that I could build an In-laws quarters intended for my family to stay with me part of the year. The additional unit that I am requesting to build will not have its own kitchen, and is not designed for permanent residence. Rather, it is intended to be a detached guest home that will only be occupied seasonally.

General Layout Information:

The addition that I am planning to build will be located 9.2 feet from the East border of the property, matching the setback of the existing home, and 10.5 feet from the North border. The distance from the main house to the new structure will be 34 feet, or 28 feet from the end of the patio. Total square footage of the new structure will be about 650 sqft (existing structure has 1566 sqft living area). Construction will be concrete and block, with exterior stucco to match the existed home. It will be a one-story unit, 11 feet high, with pitched concrete or A-frame shingle roof. Floor level will be about 16 inches above grade level and higher than the existing structure, and not located in a flood zone. All of the specifications above are to the best of my knowledge in accordance with local zoning and building regulations. The preliminary layout plans included in this application may be changed slightly to accommodate engineering requirements or aesthetics, but will be in accordance with county regulations and building code, and will not exceed 50% of the existing structure's living space.

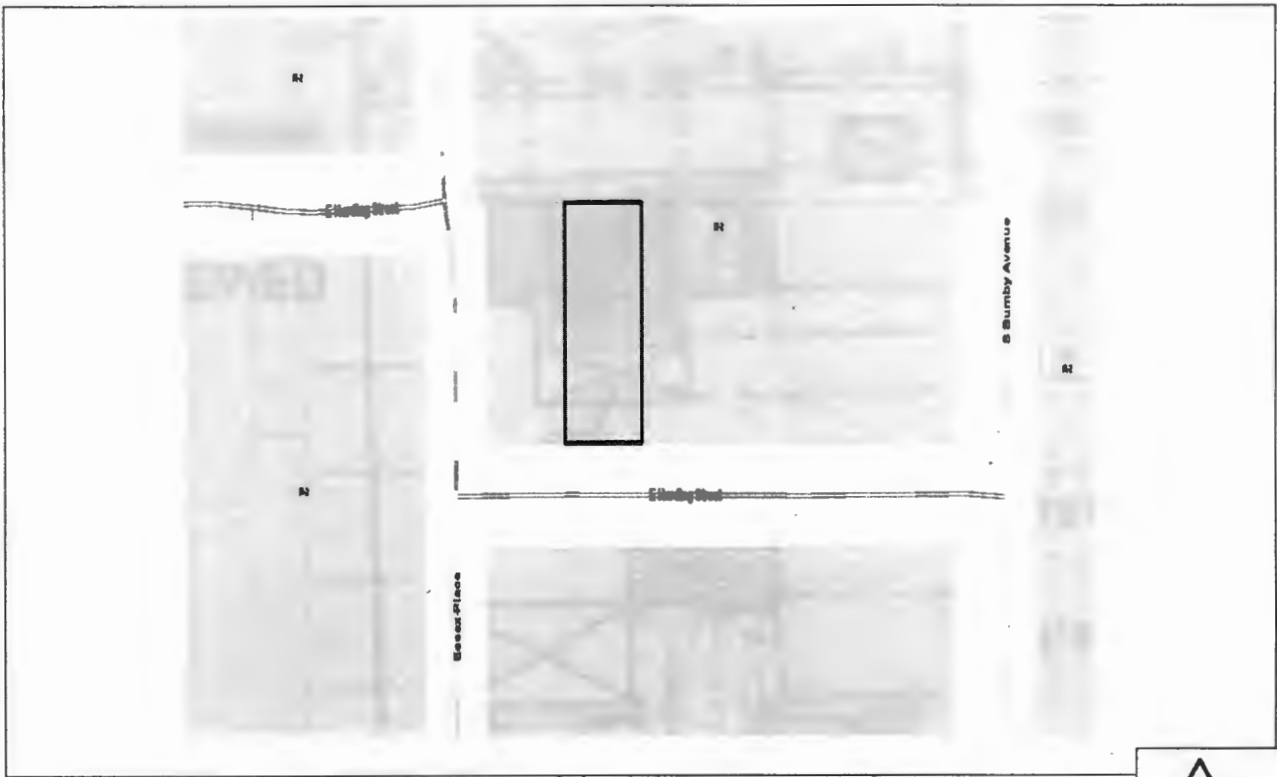
Thank you very much for considering my application. I am very much looking forward to becoming a new resident of Orange County. Should you have any questions or require further information, please do not hesitate to ask.

Sincerely,



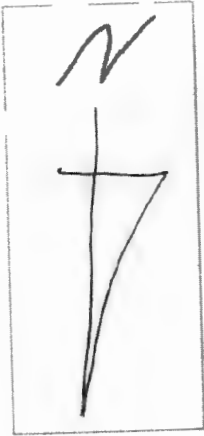
Elan Azuz
2211 E. Harding St. Orlando, FL 32806
Elan.sgi@gmail.com
(954)873-9988

ZONING MAP



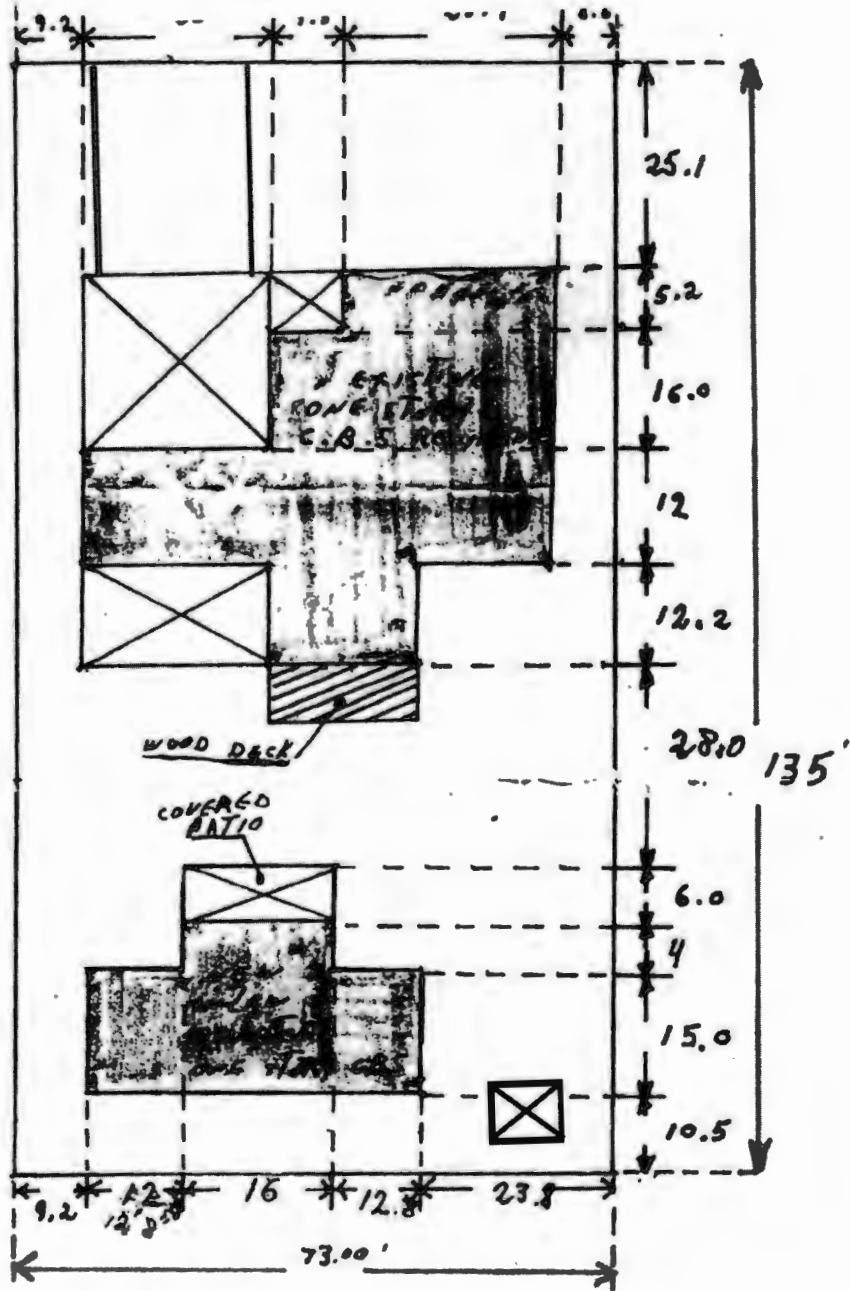
AERIAL MAP





IN LAW ADDITION FOR
2211 E. HARDING STREET ORLANDO FL.
32805

E. Harding Street



RECEIVED
NOV 14 2018
ORANGE COUNTY
ZONING DIVISION

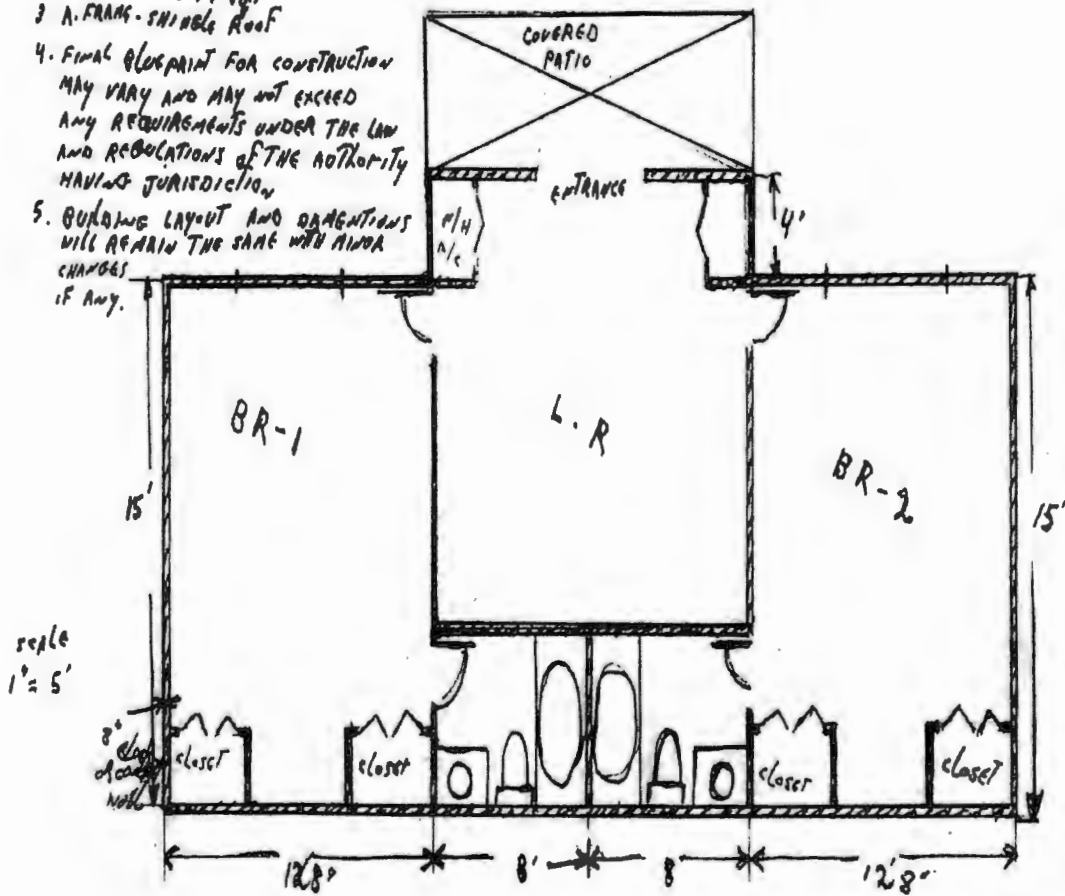
SITE PLAN/SURVEY

FLOOR

IN-LAW ADDITION FOR
 2211 E HARDING STREET ORLANDO FL 32706

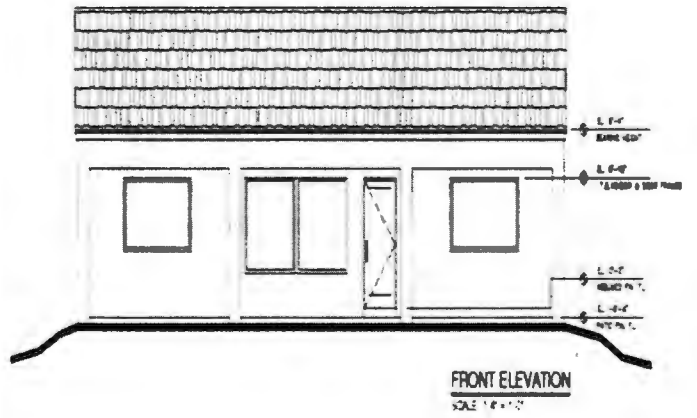
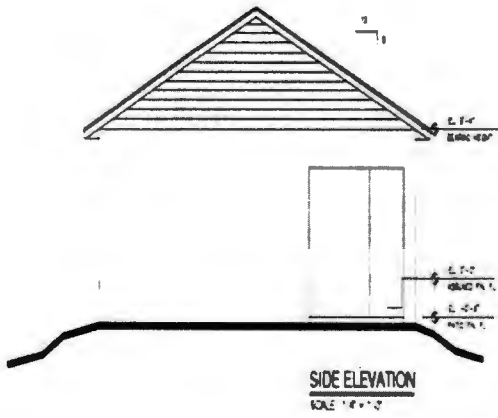
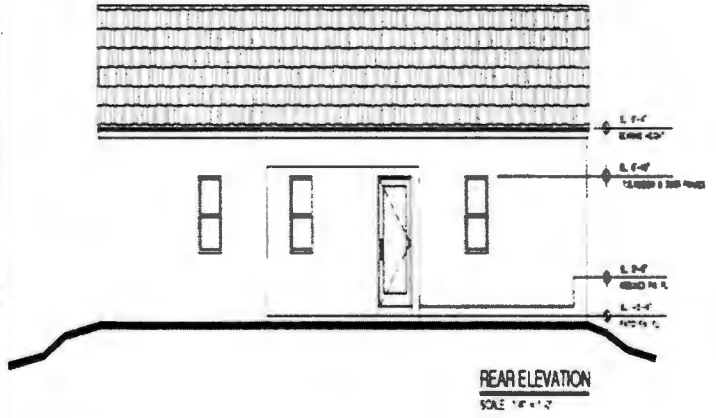
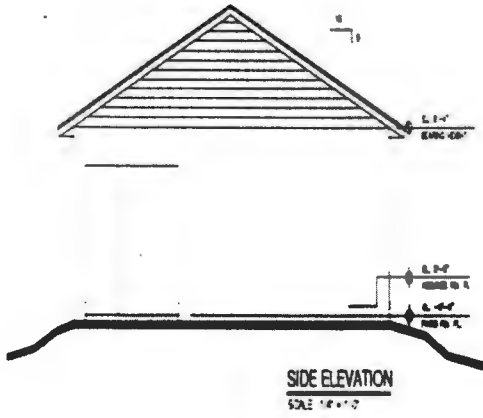
NOTES:

1. ONE STORY C.B.S BUILDING
2. TOTAL SQ.F. UNDER AIR IS ABOUT 1,649 SQ.F
3. A-FRAME SHINGLE ROOF
4. FINAL BLUEPRINT FOR CONSTRUCTION MAY VARY AND MAY NOT EXCEED ANY REQUIREMENTS UNDER THE LAW AND REGULATIONS OF THE AUTHORITY HAVING JURISDICTION.
5. BUILDING LAYOUT AND DIMENSIONS WILL REMAIN THE SAME WITH MINOR CHANGES IF ANY.



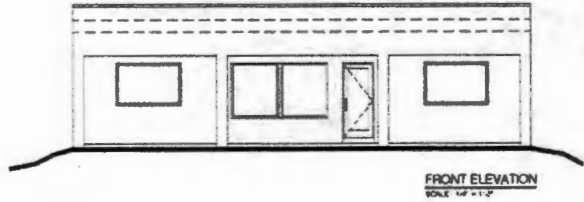
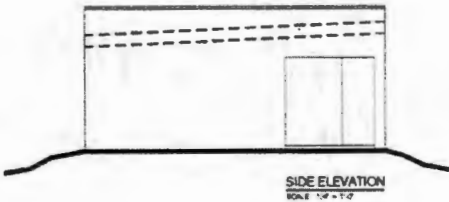
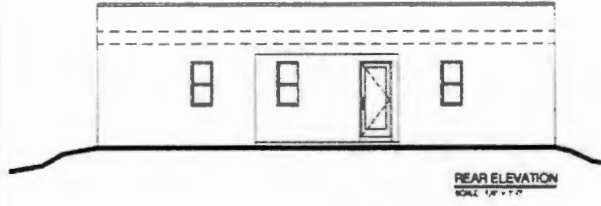
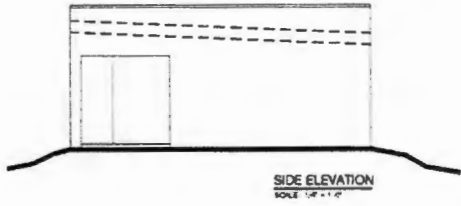
PLAN

ELEVATION



GABLE ELEVATION

NON-GABLE ELEVATION



SITE PHOTOS





BZA STAFF REPORT

Community, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 03, 2019**

Case Planner: **David Nearing,, AICP**

Case #: **VA-19-01-186**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): FLORA SMITH

OWNER(s): JOHN SIX & ADRIENNE SIX

REQUEST: Variance in the R-1A zoning district to allow an addition 5 ft. from the side (east) property line in lieu of 7.5 ft.

PROPERTY LOCATION: 2517 Marzel Ave., Orlando, FL 32806

North side of Marzel Ave., approximately 250 ft. west of Peel Ave.

PARCEL ID: 07-23-30-1034-01-130

LOT SIZE: 75ft. x 135 ft./ .232 Acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 111

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 absent):

1. Development in accordance with the site plan dated November 14, 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 exterior of the finished garage shall match the exterior of the existing residence with respect to materials and color.

5. The garage shall be outfitted with a decorative garage door with windows across the upper segment of the door.

SYNOPSIS: Staff noted that the homes in this area generally extend across the entire building envelope. In fact, the subject property actually encroaches 1/10 of an inch into the side setback on the side where the variance is being requested. The additional floor area provided by the variance will allow persons to more easily exit their car. It will also allow the installation of a standard size garage door, as opposed to requiring a custom built one. Staff concluded by noting that the most impacted neighbor to the east, plus the neighbors to the west and south submitted letters of support. Also, staff was recommending a condition that the garage door have windows across the upper section.

The applicant indicated their agreement with the staff recommendation and conditions. There being no one present to speak for or against the application, the public hearing was closed.

The BZA concluded that the fact that the home already encroaches and covers the entire width of the building envelope, constitutes a special circumstance. Plus, since the applicant is not the original owner, the need for the variance is not self-imposed. The variance is the least necessary to allow the garage to be more functional. Also, the fact that the most impacted neighbor is in support of the request demonstrates that the improvement is acceptable to the neighborhood. A motion to recommend approval passed by unanimous vote.

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. This district permits single family homes on lots with a minimum of 7,500 sq. ft. of lot area.

The subject property was created through the Bumby Heights subdivision plat recorded in July 1959.

The applicant wishes to convert an existing carport to a permanent garage. In order to make the garage a more functional amenity, the applicant is asking to be allowed to reduce the side setback on the east side of the lot from 7.5 feet to 5 feet. The addition will consist of 72 sq. ft. of new garage floor area. This will bring the width of the garage to 20 feet, which is more consistent with a typical two-car garage.

The lot is exactly 75 feet wide, and the current home fills the entire width of the building envelope. The existing home currently encroaches 1/10 of a foot into the side (east) setback. The requested variance will accommodate this encroachment, as the proposed construction includes this part of the home.

The neighbor to the east has submitted a letter of support for the application, as have the neighbors to the west and to the south across Marzel Avenue.

District Development Standards (Measurements in feet)

	Code Requirement	Proposed
Max Height:	n/a	n/a
Min. Lot Width:	75 ft.	75 ft.
Min. Lot Size:	7,500 sq. ft.	10, 125 sq. ft.

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

	Code Requirement	Proposed
Front:	n/a	n/a
Rear:	n/a	n/a
Side:	7.5 ft.	5 ft.

VARIANCE CRITERIA

Special Conditions and Circumstances

The special condition and circumstance regarding this application is the home as it was constructed in 1959. The home already encroaches 1/10 of a foot into the eastern side setback, while filling the entire width of the available building envelope. The variance will allow the proposed garage to function better as a two-car garage due to the added interior width. Currently, when the passenger exits the car on the outer parking space of the carport, they must step out of the carport onto an existing uncovered walkway.

Deprivation of Rights

Without the variance, the carport cannot be enclosed, nor could it function as a two-car garage. This would deprive the applicant of a feature commonly enjoyed by others.

Minimum Possible Variance

The requested variance for five (5) feet in lieu of 7.5 feet would be the minimum variance needed to make the enclosed garage functional as a two-car garage. The variance would be a 33% deviation from the standard, which is within the range of similar variances granted by the BZA in the past.

Purpose and Intent

While reduced from the standard 7.5 feet, the remaining side yard will still be passable and sufficient to allow adequate light and airflow, thereby, meeting the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated November 14, 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 exterior of the finished garage shall match the exterior of the existing residence with respect to materials and color.
5. The garage shall be outfitted with a decorative garage door with windows across the upper segment of the door.

c: Flora Smith
 3004 Kananwood Court, Suite #100
 Oviedo, FL 32765

COVER LETTER

E. Dean Bolaris, P.A.
ARCHITECT

FI 0012965

November 15, 2018

Division of Building Safety
Orange County Planning & Zoning Division
201 S. Rosalind Avenue
Orlando, Florida 32801

RE: Six Residence Carport Enclosure to Garage
2517 Marzel

To Whom It May Concern:

The owners' of this residence would like to enclose their carport and make it into a garage. This would allow additional protection for their vehicles, better storage of bikes, tools and the large trash and recycle bins. The variance is a result of the desire to create a true two car garage which requires an additional 2 feet into the side yard setback, reducing it to 5'-0" from the required 7.5'. It should be noted that the existing carport does encroach into the side yard setback by as many as 5" presently. The materials, finishes, proportions and style will match and fully integrate into that of the existing residence and the neighboring properties.

The proposed enclosure would remain in general conformance with the neighborhood, will not create any hardship on the adjacent property, will not impinge on any of the neighbors, should improve the value of the existing property which would translate positively to the neighborhood and would not be detrimental in any way.

Sincerely,

Emmanuel Digitally signed by
Emmanuel O Bolaris
Date: 2018.11.15
11:45:42-0500
E. Dean Bolaris

Architecture ✎ Design ✎ Thematic & Imagineering Design ✎ Illustration ✎ Value Engineering
3-Dimensional Computer-Modeled Renderings ✎ Scaled Freestanding Models
7501 Citrus Ave #1364 ✎ Goldenrod, Florida ✎ 32733-1364 ✎
407/797-6824 ✎ email: dbolaris@cfl.rr.com

ZONING MAP

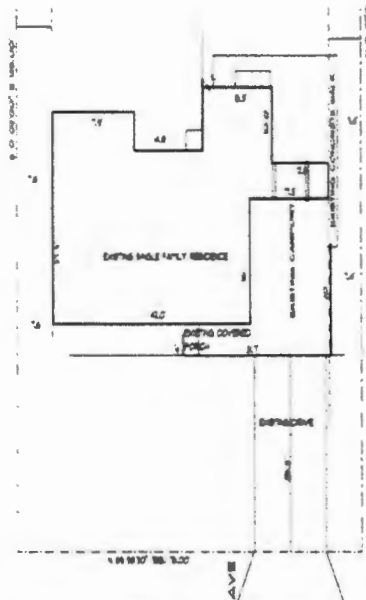


AERIAL MAP



SITE PLAN /

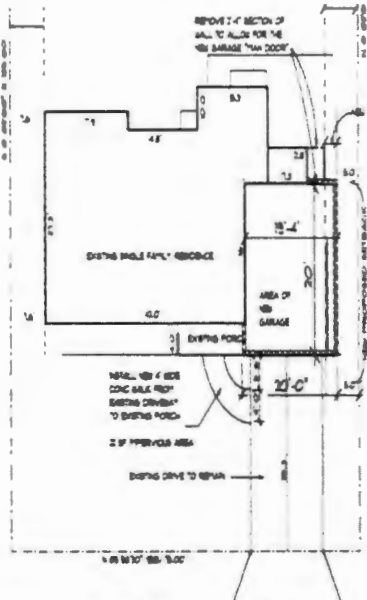
SURVEY



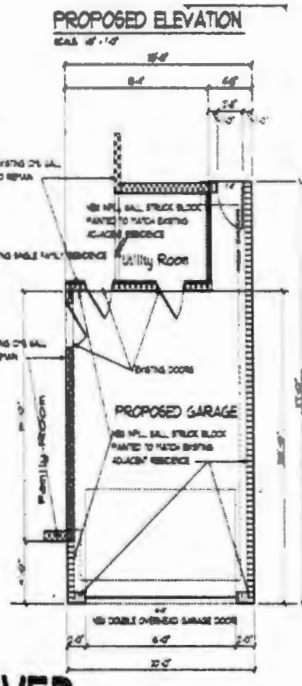
EXISTING PROPERTY PLAN

7.2 BLOCK A SURVEY HEREIN IS RECORDED IN PLAT BOOK # 19885 IN OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

30' TO CL MARSHALL AVE



PROPOSED PROPERTY PLAN



PROPOSED ELEVATION

SCALE: 1/4\"/>

SITE PLAN - ARCHITECTURE VARIANCE PLAN

SCALE: 1/4\"/>

RECEIVED

NOV 14 2018

**ORANGE COUNTY
ZONING DIVISION**

**E. DEANE
ARC**
REGISTERED ARCHITECT
1000 W. 17th Ave.
ORANGE, FL 32703

**Variance
Scope
General
Information**

NO.	DATE	REVISION
1	11/14/18	ISSUED
2		
3		
4		
5		
6		
7		
8		
9		
10		

SCALE: 1.0

SITE PHOTOS





BZA STAFF REPORT

Community, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 03, 2019**

Case Planner: **Nick Balevich**

Case #: **SE-19-02-184**

Commission District: **#4**

GENERAL INFORMATION

APPLICANT(s): **NATHAN ALESKOVSKY**

OWNER(s): **HERSMAN LYNDA R, HERSMAN RUSSELL H**

REQUEST: **Special Exception and Variances in the R-1AA zoning district as follows:**

1) **Special Exception to allow a detached Accessory Dwelling Unit (ADU).**

2) **Variance to allow a 1,090 sq. ft. detached ADU in lieu of 1,000 sq. ft.**

3) **Variance to allow 1,164 sq. ft. of cumulative accessory structure square footage in lieu of 1,000 sq. ft.**

PROPERTY LOCATION: **13140 S. Lake Mary Jane Road, Orlando, Florida, 32832**

West side of S. Lake Mary Jane Rd., east of Moss Park Rd.

PARCEL ID: **25-24-31-3872-00-110**

LOT SIZE: **2.181 acres**

NOTICE AREA: **1000 ft.**

NUMBER OF NOTICES: **293**

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 further, **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 (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan and elevations dated November 15, 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 the final County approval, or this approval becomes null and void.
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
6. The exterior of the ADU shall have complimentary colors and design materials as the primary residence.
7. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
8. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

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

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

The BZA noted that the request was common for the area and the proposal will fit in.

Staff received three (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 Special Exception and Variance requests.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1AA	R-1AA	R-1AA	R-1A	R-1AA
Future Land Use	LDR	LDR	LDR	LDR	WB
Current Use	Single family residence	Vacant	Single family residence	Single family residence	Lake Mary Jane

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-1AA, Single Family Dwelling District, which allows single family homes and associated accessory structures on lots a minimum of 10,000 sq. ft. or greater.

Accessory Dwelling Units are allowed by Special Exception. This lot is 2.161 gross acres but only 0.81 upland acres, therefore, a maximum of 1,000 sq. ft., is permitted for the ADU. If the entire 2.161 gross acres was upland, then a 1,500 sq. ft. ADU would be permitted.

Accessory structures are allowed, with a maximum of 500 sq. ft. or 25% of the living area of the residence (whichever is greater) but in no event larger than 1,000 sq. ft. The single family home is 4,376 sq. ft., therefore, 1,000 sq. ft. is allowed.

The lot was platted in 1956 as part of the Isle of Pines Plat, and is a substandard lot of record. The existing house was built in 1973.

The applicant is requesting a Special Exception to construct a detached accessory dwelling unit (approximately 1,090 sq. ft.) for their family. The subject property has multiple deteriorating accessory structures, which will be removed with the construction of the ADU. The applicant is requesting a variance to allow the ADU to be 1,090 sq. ft. in lieu of 1,000 sq. ft.

The applicant is also requesting a variance to allow 1,164 sq. ft. of cumulative accessory structure floor area in lieu of 1,000 sq. ft. This includes a: 256 sq. ft. patio, 31 sq. ft. porch, 223 sq. ft. port cochere, and a 472 sq. ft. workshop, that are attached to the ADU, under one continuous roof. There is also a 150 sq. ft. gazebo, and a 32 sq. ft. pump house that are elsewhere on the property.

The depth of the lot allows for the ADU to be setback over 354 ft. from the front property line, and over 36 ft. and 7.5 ft. from the side property lines, and over 96 ft. from the rear (NHWE).

The BZA has granted multiple variances in the area for accessory structure size.

District Development Standards (Measurements in feet)

	Code Requirement	Proposed
Max Height:	20 ft.	15.7 ft.
Min. Lot Width:	85 ft.	60 ft.
Min. Lot Size:	10,000 sq. ft./0.23 acres	2.18 acres (0.81 upland)

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

	Code Requirement	Proposed
Front:	30 ft.	354 ft.
Rear:	35 ft.	96 ft.
Side:	7.5 ft.	7.5 ft.
Sidestreet:	n/a	n/a
NHWE:	50 ft.	96 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The lot is very long/deep. The proposed structure will be over 354 feet from the front property line, and over 96 feet from the rear (NHWE). The lot backs up to Lake Mary Jane, so no rear neighbors will be impacted.

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 proposal is consistent with the development pattern in the area. The ADU/accessory building will be located on a 2.16 acre lot behind the main house. The ADU/accessory building will be located over 354 feet from the front property line, and will not be visible from the street. The proposed accessory building square footage deviation is minimal, and is mitigated by the size of the lot.

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan.

ADU's are specifically identified in the Comprehensive Plan, and promoted by FLU8.9.1 and UD4.3.8 as a use permitted in all residential areas through the Special Exception or Planned Development process.

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

The ADU use is similar and compatible with the surrounding area. This residential use as an ADU, and its design is similar in appearance to the primary residence making it compatible.

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

The ADU will be located behind the house and will greatly exceed the required front and rear setbacks, and will not be visible from the road.

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

The ADU 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 an ADU are consistent with the majority of uses permitted in the R-1AA 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.

Additional landscaping is not required between residential properties.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan and elevations dated November 15, 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 the final County approval, or this approval becomes null and void.
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
6. The exterior of the ADU shall have complimentary colors and design materials as the primary residence.
7. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
8. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

c: Nathan Aleskovsky
5090 PGA Blvd., Suite 200
Palm Beach Gardens, FL 33418

COVER LETTER



JOHNSTON GROUP
DEVELOPMENT & DESIGN

RECEIVED

NOV 15 2018
ORANGE COUNTY
ZONING DIVISION

Hersman Residence
13140 South Lake Mary Jane Road
Orlando, FL 32832-6417

**Special Exemption Request for Accessory Dwelling Unit
& Variance for Maximum Allowable Square Footage**

PROJECT NARRATIVE & JUSTIFICATION STATEMENT

REQUEST BACKGROUND & STATEMENT OF USE

The subject property, which is located at 13140 South Lake Mary Jane Road was purchased by Russ and Lynda Hersman on July 28, 2017. At the time of purchase, the property included four main structures, a 3,400SF principal residence, a detached 980 SF recording studio (listed as "guest house" on the survey) with car port, a detached 640 SF garage, and a 54 sf utility shed. After closing on the property, the Hersman's intended to perform an interior renovation on the recording studio to convert it to an Accessory Dwelling Unit for them to reside with their immediate family residing in the principal residence. It was at this point that Johnston Group was retained to perform architectural design services for the ADU renovation.

During the process of analyzing the existing structure, it was discovered that the recording studio was not in compliance with Florida Building Code and a search of the County's permit records did not reveal a permit for the recording studio, detached garage or utility shed. Additionally, all three structures impede on the side setback requirements. A copy of the boundary survey commissioned by the Hersman's during the closing is attached for your review.

In order to ensure the safe habitation for their family and any future owners, the Hersman's are planning to demolish the unpermitted structures and are respectfully requesting a special exemption to construct a new 1,090 square foot Accessory Dwelling Unit that adheres to the present setback requirements.

Mr. and Mrs. Hersman are also seeking a variance of the 1,000 square foot ADU size limitation. Through countless design revisions, Johnston Group has worked with the Hersman's to design a home that conforms with the zoning requirements and meets their needs while also allowing for the full use of their property that they relied on at the time of purchase. Due to the dimensional requirements of the site, the smallest living space that can meet their needs exceeds the maximum allowable square footage when combined with the other accessory

structures that shall need to be rebuilt in compliance with Florida Building Code in order to restore the functionality of the property for which it was purchased.

If not for the existence of the recording studio and other accessory structures, the Hersman's would not have purchased the subject property. They are now bound to a property they cannot inhabit without the approval of this special exemption and variance request and would experience significant financial hardship if forced to sell the property as the disclosure of the unpermitted structures would significantly reduce the value of the property from their purchase price.

ANALYSIS OF SPECIAL EXEMPTION CRITERIA

The following six (6) criteria are required to be considered for granting a special exemption (our justification follows each item in *bold italic* typeface):

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

As part of the County's smart growth strategies outlined in the Comprehensive Plan, Accessory Dwelling Units are encouraged within single family lots. Our request is therefore 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.

The surrounding area consists of lots similar in size to the subject property, many of which have accessory structures and dwelling units. The subject property is not located near the edge of a zoning area or near any area with a different use other than residential.

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

The accessory Dwelling Unit on the subject property will be located more than 350 feet from the nearest roadway and will comply with the setback regulations for its zoning district. It will serve as a residential structure, like the main house on the property and will therefore not in any way be detrimental to the surrounding area.

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

- *Per the Orange County Code, Sec. 38-77, Zoning District R-1AA is permitted to have Accessory Dwelling Units with a special exemption.*

- ***Ord. No. 97-05, § 5o, 4-29-97 states, "If an accessory building used as living space is not attached to the principal structure, then it shall be considered a detached accessory building, and it shall be subject to the size requirements listed..." The size requirements are as follows, "The cumulative square footage of all detached accessory buildings shall be limited to a maximum of five hundred (500) gross square feet of floor area or to twenty-five (25) percent of the living area of the principal residence on the property, whichever is greater, but in no event larger than one thousand (1,000) square feet."***
 - ***The principal residence is 3,400 SF which equates to a cumulative square footage of all detached accessory buildings of 850sf. It is this requirement for which the Hersman's respectfully request a variance for the maximum size requirement. At the time of purchase, the total square footage of accessory structures on the property totaled 1,674 square feet. During the sale process, the Hersman's relied on the expertise of their Realtor, and warranty by their title company to ensure they could use the buildings on the property and those buildings were permitted to be on the property. If not for these additional structures, the Hersman's would not have purchased the subject property.***

In our effort to comply with the setback requirements, the dimensions of the lot required a uniquely shaped ADU that is forced to take up additional square footage with hallways and other utilitarian functions in order to make the ADU functional.

Additionally, the Hersman's will be demolishing the existing detached garage space, to be used as a workshop for the Hersman's. As with the recording studio, the Hersman's would not have purchased the property without this structure. Attached to the ADU is a proposed workshop that is smaller than what will be demolished.

The proposed cumulative square footage (Gross Footprint) of all detached accessory buildings equals 1,849 square feet. In your review of the design, you will notice that the proposal is not egregious in its appearance or function. It merely meets the minimum requirements that the Hersman's sought in their purchase of the subject property. It is an effort to make the Hersman's whole again after discovering (through no fault of their own) they are unable to use their property as their intended.

The Hersman's are now facing a significantly higher cost to utilize their property based on the misrepresentation of the subject property during the sale and will lose functionality of their property without approval of this request.

The above information meets the criteria for the approval of a variance. (1) the condition that exists here is special to this property due to the misrepresentation by the

seller and other parties involved. (2) The special condition is was not created by the Hersman's, but rather by the previous owner. (3) No special privilege is being conferred to this property that is not allowed on other properties. The proposed square footage is higher than the maximum allowable, but the extenuating circumstances warrant the variance. (4) The approval of the variance for the maximum allowable square footage is required in order to construct an Accessory Dwelling Unit on the subject property due to its unique conditions. Denial of this variance would be a deprivation of the Hersman's rights as it would prohibit them from building and ADU that would otherwise be allowed on a different property in the same zoning district. (5) As stated previously, Johnston Group has performed countless design iterations and has determined that the proposed design is the minimum possible square footage that can be designed to provide a basic standard of living within the ADU. (6) The approval of the zoning variance would be in harmony with the purpose and intent of the Zoning Regulations. And it will not be injurious to the neighborhood. Given the 2.18 acres subject property, the total square footage is still significantly smaller than the principal residence and serves the functions of buildings that have been on the property for several decades without disturbance or injury to the neighborhood. The proposed design seeks to replace non-permitted, non-conforming structures with a safe, permitted structure that adheres to zoning and building regulations. This proposal would be a significant improvement to the property and to the neighborhood.

5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of currently permitted in the zoning district.

The use shall be similar in all characteristics that are associated with the majority of currently permitted in the zoning district. It is a proposed residential use within a residential area

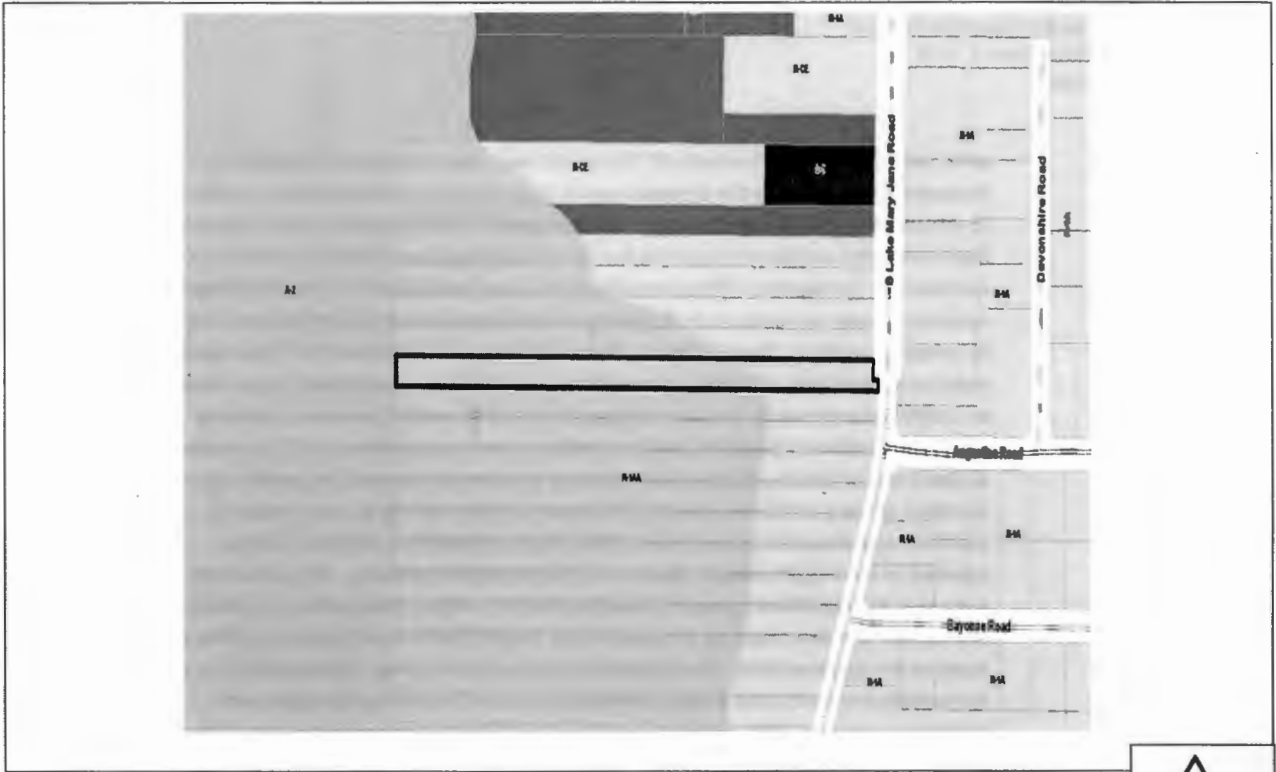
6. Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

The landscape buffer yard between two residential lots does not fall into any of the classifications stated in Sec 24-5.

CLOSING

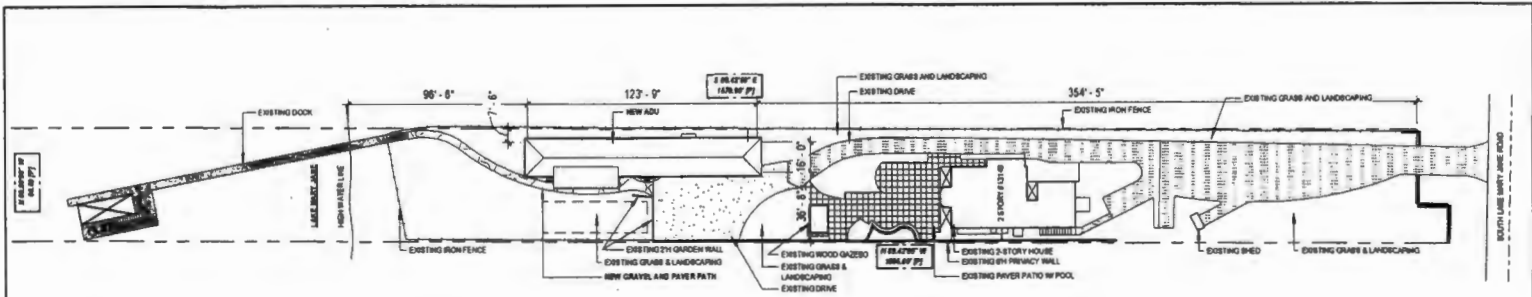
On behalf of Mr. and Mrs. Hersman, Johnston Group Development & Design, Inc. respectfully requests approval of the proposed ADU special exemption with the variance for the maximum allowable square footage which will allow the property to remain intact as purchased by the Hersman's in 2017. Should you have any questions or require additional information, please do not hesitate to contact us at (407) 777-4552.

ZONING MAP

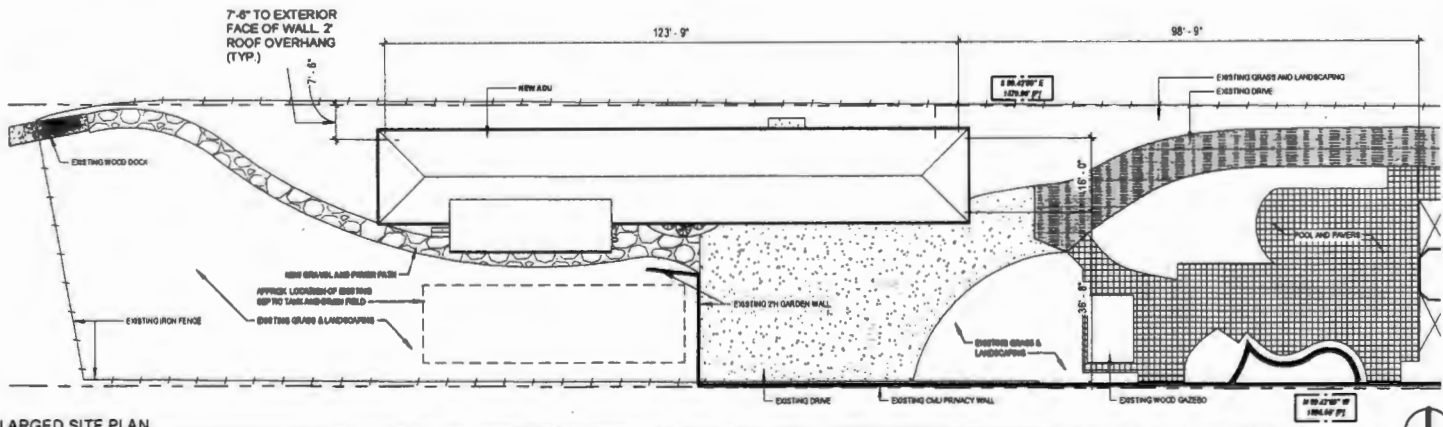


AERIAL MAP





1 FULL SITE PLAN
1" = 50'-0"



2 ENLARGED SITE PLAN
1" = 20'-0"

JOHNSTON GROUP
DEVELOPMENT & DESIGN

A NEW ADU FOR:
**RUSS & LYNDA
HERSMAN**



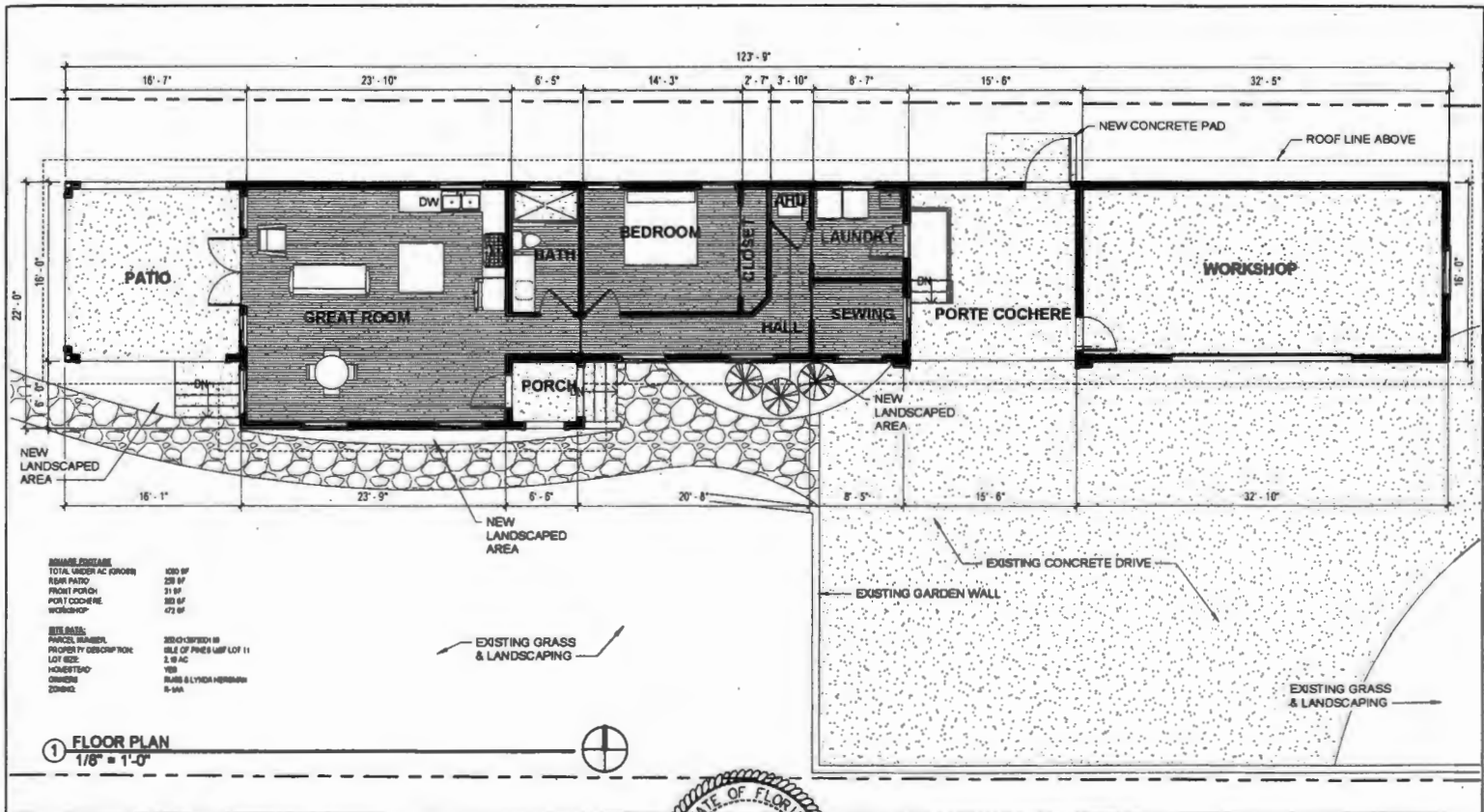
Description	Date
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	NOV 15 2018

SITE PLANS	
Project number	18015
Date	2018-11-14
Drawn by	NMA
Checked by	
SD100	
Scale As Indicated	

11/14/2018 1:12:13 PM

**ORANGE COUNTY,
ZONING DIVISION**

SITE PLAN /



ROOM SCHEDULE
 TOTAL UNDER AC FINISH 430 SF
 REAR PATIO 238 SF
 FRONT PORCH 31 SF
 PORTE COCHERE 303 SF
 WORKSHOP 472 SF

UTILITIES
 PARCEL NUMBER 200-0-31570-10
 PROPER BY DESCRIPTION: SALE OF PINE ISLAND LOT 11
 LOT SIZE 1.18 AC
 HOMEOWNER YES
 OTHERS RUSSELL & LYNDY HERSMAN
 ZONING R-100A

1 FLOOR PLAN
 1/8" = 1'-0"


JOHNSTON GROUP
 DEVELOPMENT & DESIGN

A NEW ADU FOR:
**RUSSELL & LYNDY
 HERSMAN**

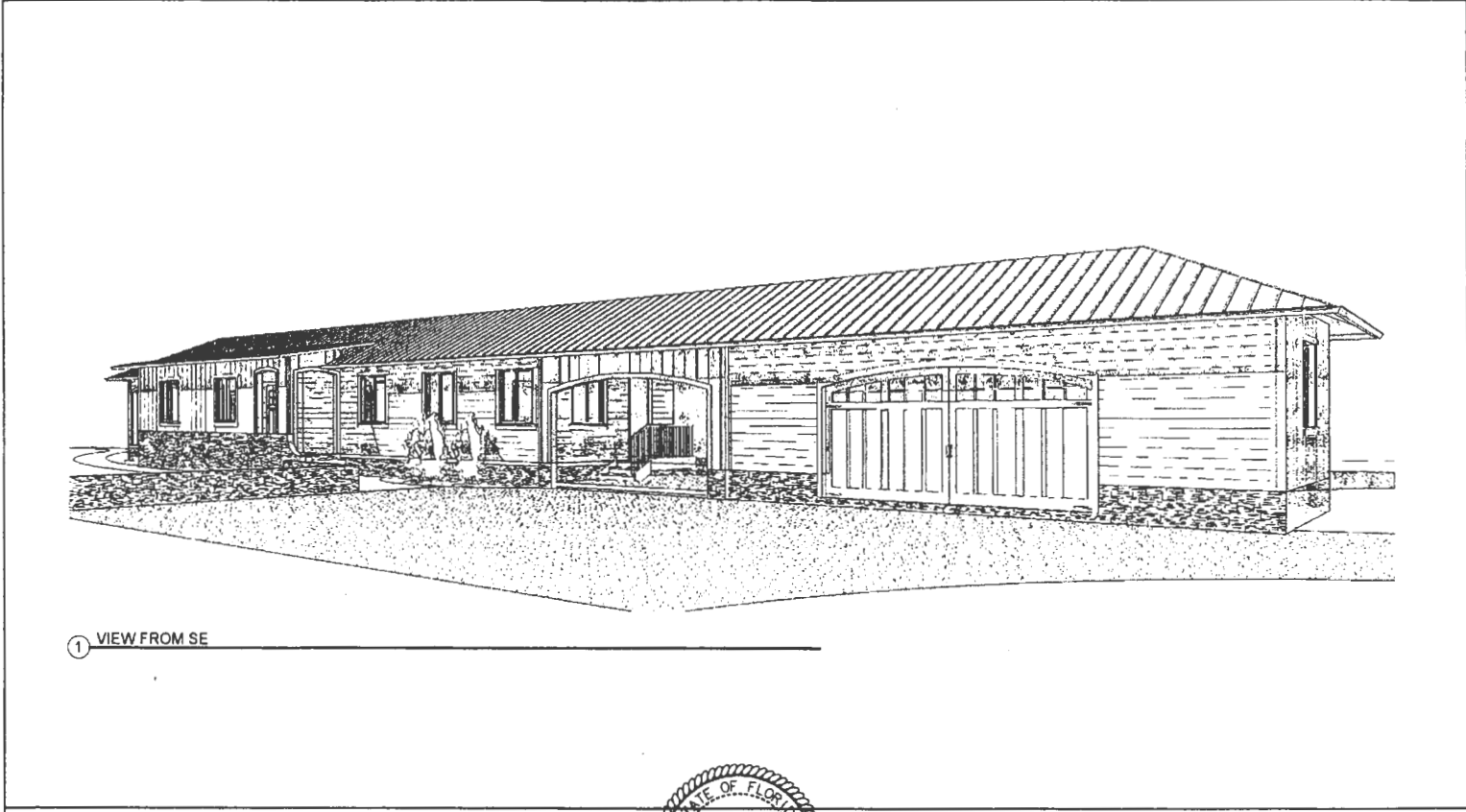


Description Date
RECEIVED
 NOV 15 2018

FLOOR PLAN	
Project number	18015
Date	2018-11-14
Drawn by	NMA
Checked by	-
SD300	
Scale 1/8" = 1'-0"	

**ORANGE COUNTY
 ZONING DIVISION**

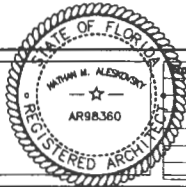
11/16/2018 12:24:10 PM



① VIEW FROM SE



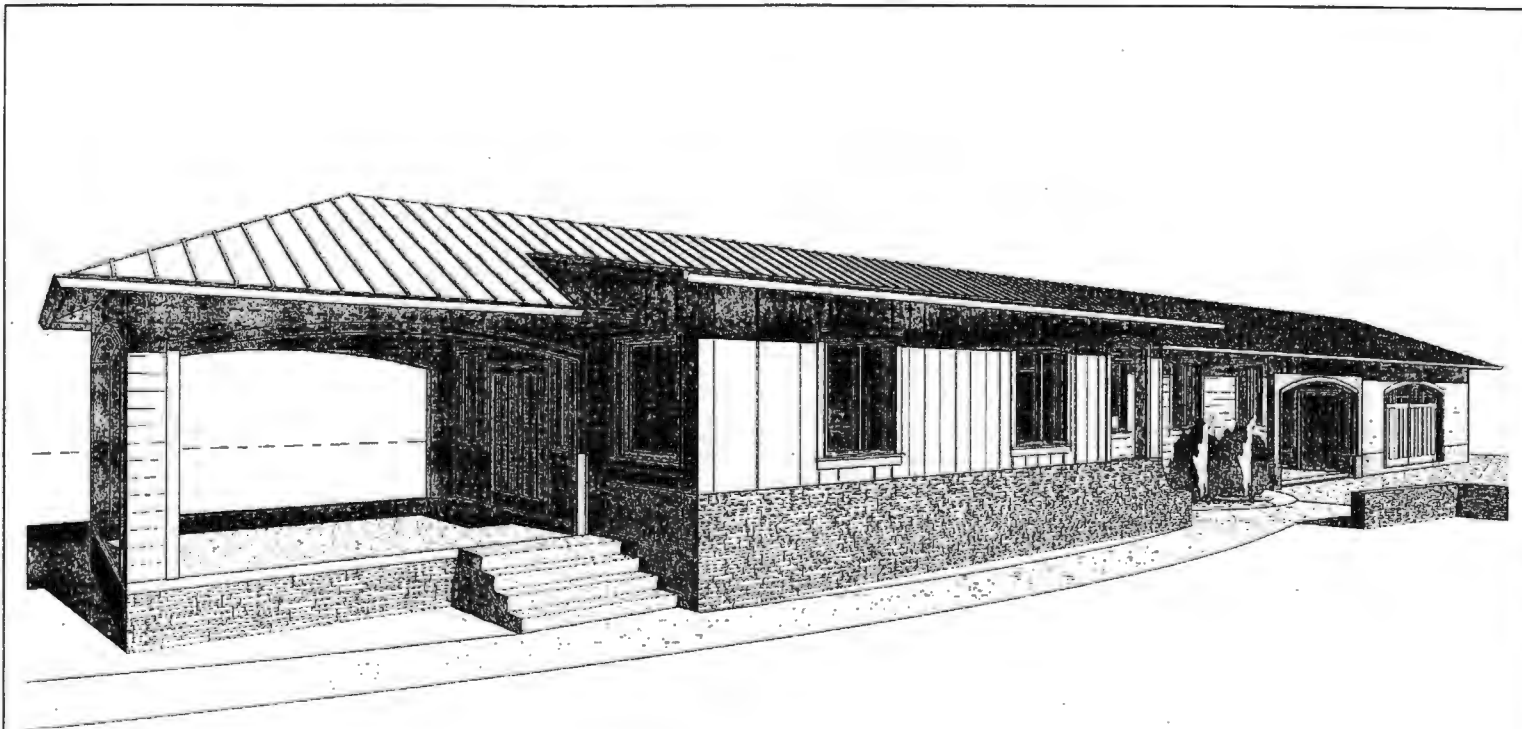
A NEW ADU FOR:
**RUSS & LYNDA
 HERSMAN**



Description	Date

SE 3D VIEW	
Project number	18015
Date	2018-11-14
Drawn by	NMA
Checked by	
SD401	
Scale	

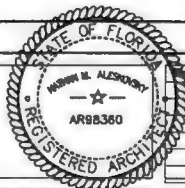
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① VIEW FROM SW


JOHNSTON GROUP
 DEVELOPMENT & DESIGN

A NEW ADU FOR:
RUSS & LYNDA
HERSMAN

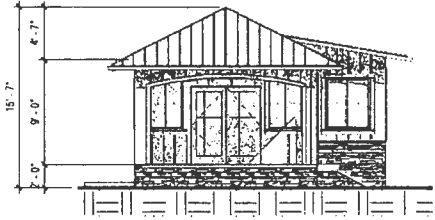
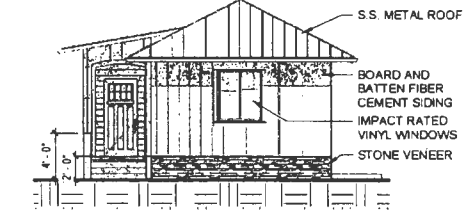
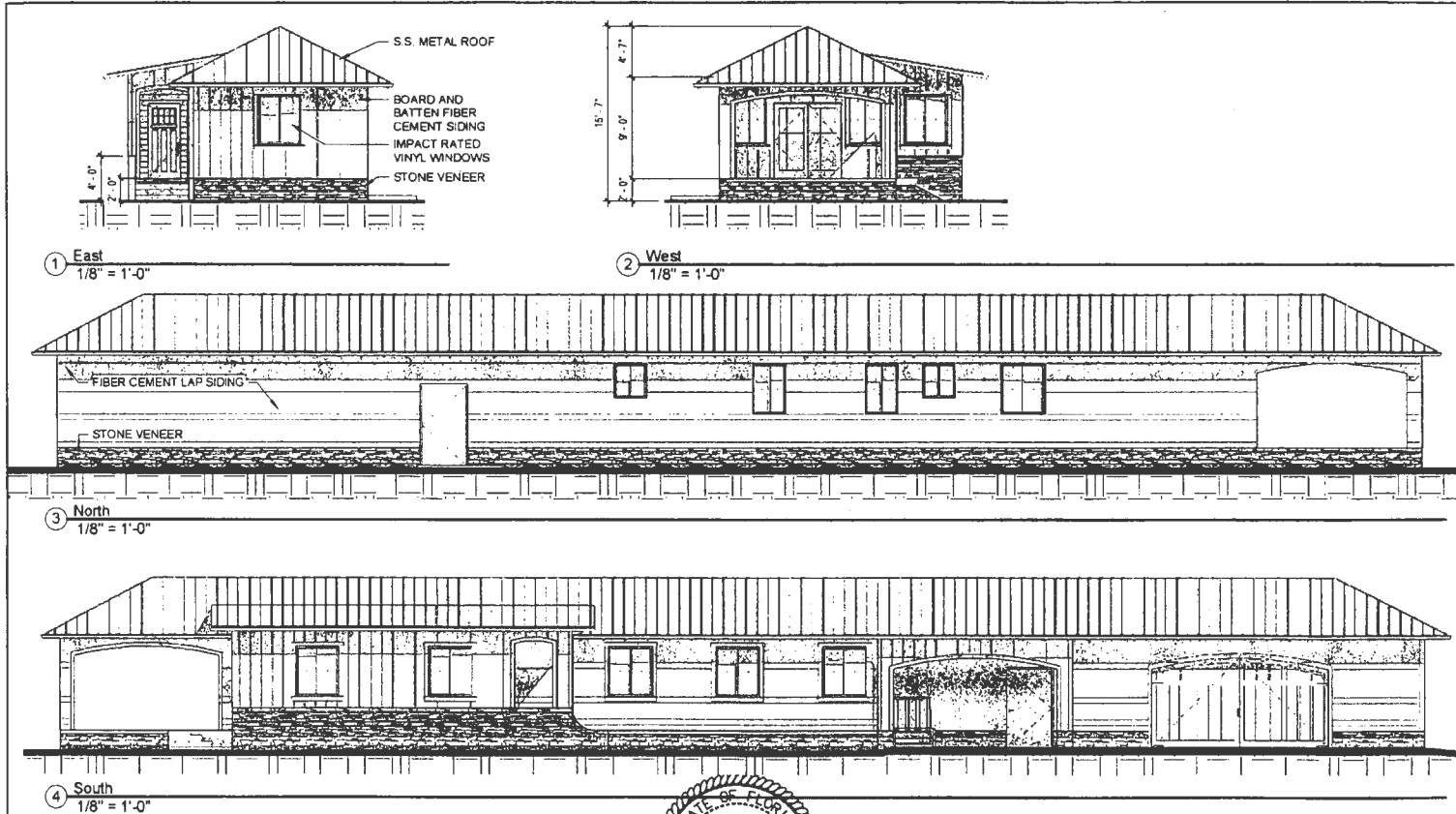


Description	Date

SW 3D VIEW	
Project number	18015
Date	2018-11-14
Drawn by	NMA
Checked by	-
SD402	
Scale	

11/14/2018 12:24:41 PM

ELEVATION



① East
1/8" = 1'-0"

② West
1/8" = 1'-0"



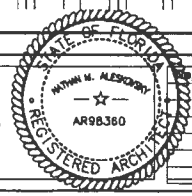
③ North
1/8" = 1'-0"



④ South
1/8" = 1'-0"



A NEW ADU FOR:
**RUSS & LYNDA
HERSMAN**



Description	Date

ELEVATIONS	
Project number	18015
Date	2018-11-14
Drawn by	NMA
Checked by	Checker
SD400	
Scale 1/8" = 1'-0"	

18-11-14 12:24:16 9/27/18

SITE PHOTOS











BZA STAFF REPORT

Community, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 03, 2019**

Case Planner: **Sean Bailey**

Case #: **VA-19-02-191**

Commission District: **#4**

GENERAL INFORMATION

APPLICANT(s): GUACAMOLE MEXICAN GRILL

OWNER(s): LIFESONG UNITED METHODIST CHURCH INC.

REQUEST: Variance in the P-D zoning district to allow a 2-COP license (beer & wine only) for consumption on premises located 392 ft. from a religious institution in lieu of 1,000 ft.

PROPERTY LOCATION: 2822 S. Alafaya Tr., Orlando, FL 32828,
South side of S. Alafaya Tr., north of Innovation Way

PARCEL ID: 02-23-31-0124-00-040

LOT SIZE: 93 ft. x 135 ft. (AVG) / .288 acres

NOTICE AREA: 1 mile

NUMBER OF NOTICES: 945

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 absent):

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.

SYNOPSIS: The applicant is proposing to secure a 2COP beer and wine license at their restaurant. The restaurant is located 392 feet from an existing church, the code requires at least 1,000 feet of separation. The church owns the property and has submitted a letter of no objection.

Staff outlined the case, explained the area, and pointed out that two (2) previous variances were granted at this same location for previous tenants.

The applicant stated this is a sit down restaurant that will not be open late and will serve local families in the community.

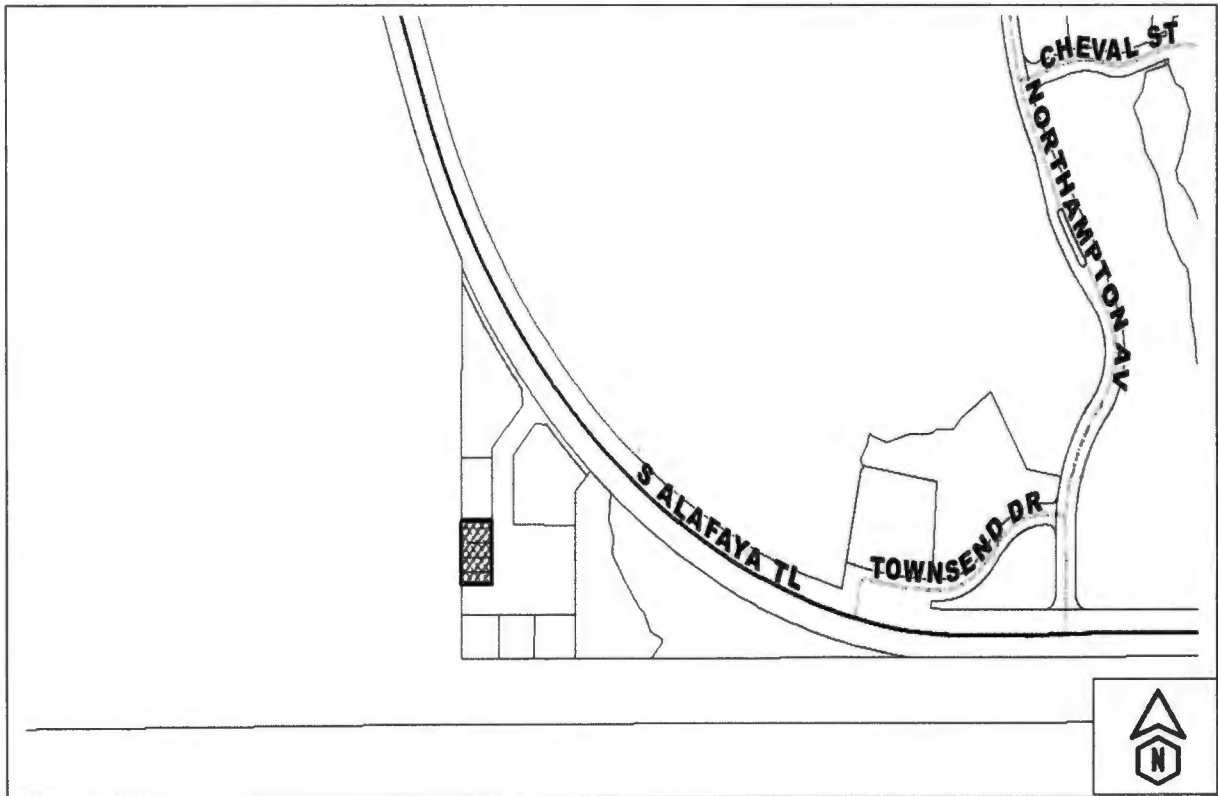
There was no one present at the hearing to speak in favor or in opposition.

The BZA stated the only reason the variance was needed is because of the conditions on the previous variance. The BZA agreed the request was reasonable and 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	P-D	P-D	A-2	P-D	A-2
Future Land Use	PD-C	PR-OS	INST	PD-C	INST
Current Use	Commercial Retail/Restaurant	Golf Course/Residential	Vacant	Vacant	Vacant

BACKGROUND AND ANALYSIS

Description and Context

The property is located in a PD Planned Development District, and is in the Black Alafaya Trail PD. This PD allows a variety of commercial uses including freestanding restaurants, wine stores, coffee shops, pharmacies and other various uses.

The affected church is located north of the proposed restaurant, closer to Alafaya Trail.

The church owns the entire 6.5 acre commercial shopping center, and has consented to allowing the restaurant obtain a 2COP license.

There were two (2) previous variances approved for this location, both were to allow restaurants to have a 2COP license. Both of those requests had conditions limiting the approval to those applicants only. The new applicant is requesting the same exact variance that was approved in 2006, and again in 2015.

The applicant would like to serve beer and wine at their proposed sit down restaurant. Sec. 38-1415 requires any business serving alcohol on site to be located at least one thousand (1,000) ft. away from any established religious institution or 500 ft. from a school. The code has a provision allowing businesses that derive more than fifty-one (51) percent of their business from the sale of food and nonalcoholic beverages to be at least 500 ft. away from a school. Although, it is expected that this business would meet that provision, this rule does not apply to churches.

The variance request represents a 60% variance from the code. However, the proposed use will be a restaurant, which will derive a majority of its gross revenue from the sale of food and nonalcoholic beverages. The owner estimates about 8% of their revenue will come from sales of alcoholic beverages.

The restaurant will have 50 seats, and will not be open past 9:00 p.m. during the weekdays, and 10:00 p.m. on the weekends.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The church owns the shopping center and is leasing the space to the restaurant; they have also provided a letter in support. Also, the shopping center is isolated at least one (1) mile from any other existing church or school.

No Special privilege

If this variance is granted, it will not confer any special privilege as many other businesses in the area have received licenses for consumption on premises, including one in the same exact location.

Deprivation of rights

Not allowing this applicant to serve beer and wine would deprive them of the rights commonly enjoyed by neighboring properties and restaurants.

Minimum possible variance

The variance requested is the minimum possible to allow the restaurant to offer beer and wine to their guests.

Purpose and intent

Approval of this variance will be in harmony with the zoning code as the PD zoning district in the area allows restaurants, retail store, and other commercial uses. Allowing on-site consumption at this location would not be detrimental or injurious to the adjacent neighborhood as this is a sit down restaurant.

CONDITIONS OF APPROVAL

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.

c: Diego Rojas
 12431 Native East Drive, Apt 200
 Orlando, FL 32828

COVER LETTER



December 3, 2018

Orange County Zoning Division
Application – Board of Zoning Adjustment (BZA)
Variance

Guacamole Mexican Grill is a new restaurant located at 2822 S. Alafaya Trail Suite 195 Orlando, FL 32822. I am working on obtaining the beer and wine license (2COP) with this variance. The restaurant is family oriented and the church Lifesong United Methodist Church, Inc. that is close to the restaurant is endorsing this application (Documents attached). The distance from the restaurant to the church is 361.11 ft. There was already a variance approved at this property for the same purpose in April 15, 2015 VA-15-06-049.

Sincerely,

A handwritten signature in black ink, appearing to read "Diego Rojas", is written over a horizontal line. The signature is stylized and somewhat messy.

Diego Gilberto Rojas
CEO - Guacamole Mexican Grill

ZONING MAP



AERIAL MAP



SITE PHOTOS



Restaurant



Existing Church



Restaurant