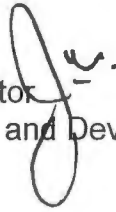




Interoffice Memorandum

DATE November 16, 2020

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

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

CONTACT PERSON: Ted Kozak, AICP, Chief Planner  
Zoning Division  
(407) 836-5537

SUBJECT: December 15, 2020 – Board Called Public Hearing  
Applicant: Iglesia Hispana El Camino (Jonathan Soule)  
BZA Case #SE-20-11-097, October 1, 2020; District 2

Board of Zoning Adjustment (BZA) Case # SE-20-11-097, located at 6837 Lakeville Road, Apopka, Florida, 32703, in District 2, is a Board called public hearing. The applicant is requesting an amendment to an existing special exception in the A-1 zoning district to allow the addition of a 2,259 sq. ft. modular classroom for an existing private school.

The subject property is located on the west side of N. Hiwassee Rd. and the east side of Lakeville Rd, south of the Apopka Expressway.

At the October 1, 2020 BZA hearing, staff recommended approval of the amendment to an existing special exception with 7 conditions of approval. The BZA unanimously recommended approval of the requested special exception subject to the 7 conditions of approval and the addition of new conditions #8 and #9.

The application for this request is subject to the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy is available upon request in the Zoning Division.

If you have any questions regarding this matter, please contact Ted Kozak, AICP at (407) 836-5537.

**ACTION REQUESTED:** Approve the applicant's request; or approve the applicant's request with modifications and/or conditions; or deny the applicant's request. District 2.

**PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT  
ZONING DIVISION PUBLIC HEARING REPORT**

**December 15, 2020**

The following is a public hearing on an appeal before the Board of County Commissioners on December 15, 2020 at 2:00 p.m.

**APPLICANT:** IGLESIA HISPANA EL CAMINO (JONATHAN SOULE)

**REQUEST:** An amendment to an existing Special Exception in the A-1 zoning district to allow the addition of a 2,259 sq. ft. modular classroom for an existing private school.

**LOCATION:** 6837 Lakeville Road, Apopka, Florida, 32703, Between N. Hiawassee Rd. and Lakeville Rd, south of the Apopka Expressway.

**TRACT SIZE:** 9.02 acres

**ZONING:** A-1

**DISTRICT:** #2

**PROPERTIES NOTIFIED:** 94

**BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:**

Staff discussed the proposal, covering the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval. Staff noted that no comments were received in support and no comments were received in opposition.

The BZA asked clarifying questions about the operations. The BZA also discussed the previous approvals and noted that they have expired and improvements were not made. Further, it was noted that the site appears to have potential code violations which are currently being investigated by Code Enforcement. The BZA felt that the remedy was to make a motion to allow 55 students to remain and then to transition to the new building by adding conditions #8 and #9.

The applicant stated that they will have Pre-K but not daycare and emphasized that a new permit will be submitted which will include all the proposed improvements as indicated on the proposed site plan.

The County Attorney advised that the alleged Code Enforcement violations were not before the BZA now and cannot be conditioned. After the BZA discussed protocol, the County Attorney felt that the case had been advertised and verbally amended appropriately.

There was no one in attendance to speak in favor or in opposition to the request. The BZA unanimously recommended approval of the request, as amended, subject to the seven (7) conditions in the staff report, and new conditions #8 and #9.

**BZA HEARING DECISION:**

A motion was made by John Drago, seconded by Juan Velez and unanimously carried to recommend APPROVAL of the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions, as amended (unanimous):

1. Development shall be in accordance with the site plan and elevations dated August 18, 2020, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The stabilized drive aisle and 2 parking spaces shown on the site plan shall be constructed with 57 stone.
5. Podocarpus shrubs, or another similar evergreen shrub, shall be installed at a minimum height of 3 ft. at time of planting, at a minimum spacing of 3 ft. o.c. along the entire length of the east side of the parking area adjacent to the modular classroom.
6. The hours of operation shall be limited to: Monday to Friday, 8:15 a.m. to 5 p.m. for the pre-k/daycare; Monday to Friday, 8:00 a.m. to 3 p.m. for the private school; Wednesday and Friday, 7:30 p.m. to 10:00 p.m., and Sunday, 10:00 a.m. to 2:00 p.m. for the religious institution.
7. The applicant shall obtain a permit within 2 years of final action on this application by Orange County, or this approval is null and void.
8. This approval is for a maximum of fifty-five (55) students, any expansion shall require Board of Zoning Adjustment approval.
9. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor

amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 01, 2020**

Case Planner: **Nick Balevich**

Case #: **SE-20-11-097**

Commission District: **#2**

## GENERAL INFORMATION

APPLICANT(s): IGLESIA HISPANA EL CAMINO (JONATHAN SOULE)

OWNER(s): IGLESIA HISPANA EL CAMINO LA VERDAD Y LA VIDA INC

REQUEST: An amendment to an existing Special Exception in the A-1 zoning district to allow the addition of a 2,259 sq. ft. modular classroom for an existing private school.

PROPERTY LOCATION: 6837 Lakeville Road, Apopka, Florida, 32703, west side of N. Hiwassee Rd. and east side of Lakeville Rd, south of the Apopka Expressway.

PARCEL ID: 25-21-28-4936-11-110

LOT SIZE: 9.02 acres

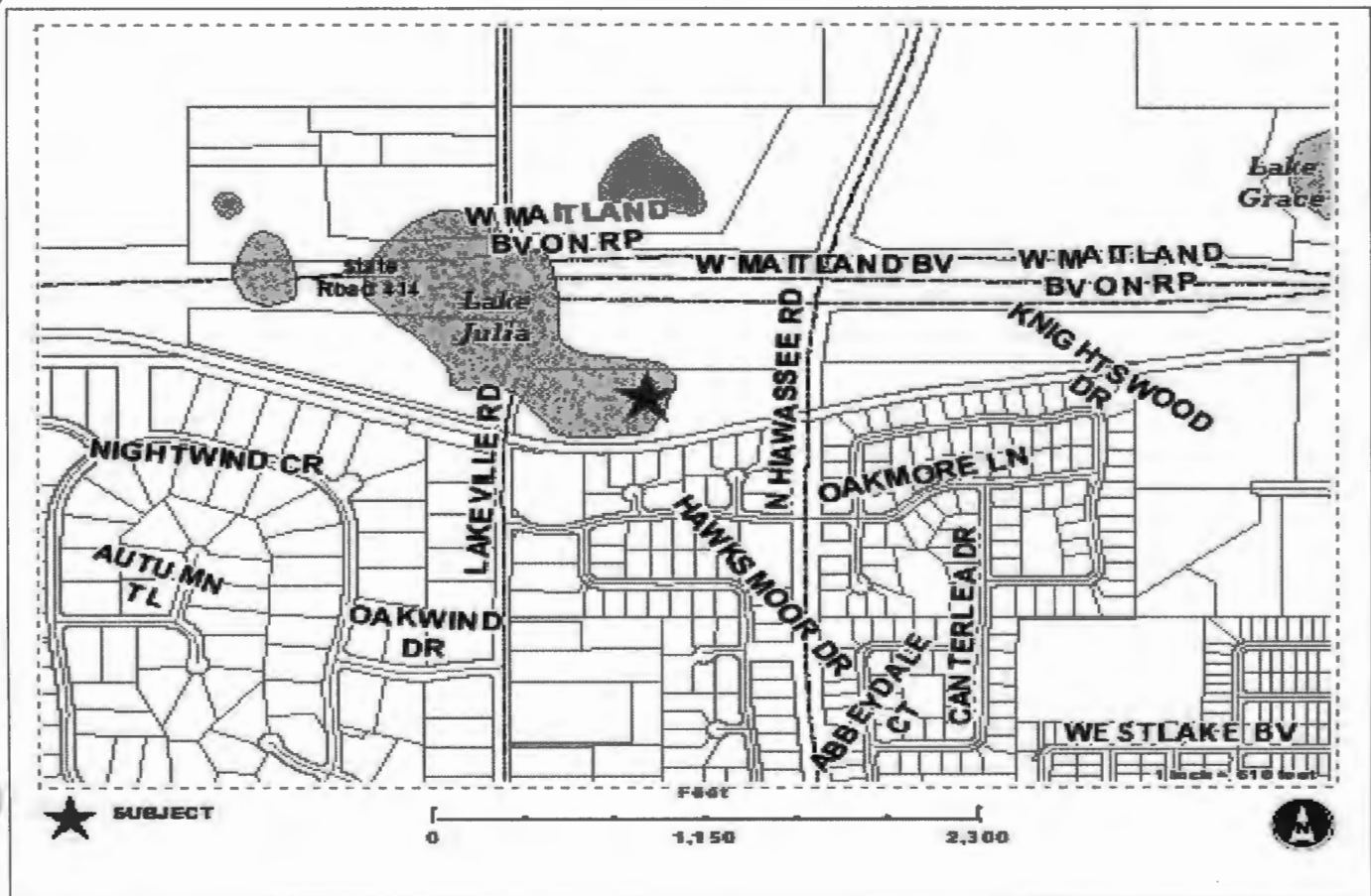
NOTICE AREA: 700 ft.

NUMBER OF NOTICES: 94

## STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

## LOCATION MAP



**SITE & SURROUNDING DATA**

	Property	North	South	East	West
Current Zoning	A-1	Apopka Expressway (Hwy 414)	CSX Railway/P-D	R-1AA	A-1
Future Land Use	RS 1/5	Apopka Expressway (Hwy 414)	CSX Railway/LDR	LDR	RS 1/5
Current Use	Church with Private School	Apopka Expressway (Hwy 414)	Single-family residences	Orange County retention area	Central Florida Expressway retention area

**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 residences with associated accessory structures on larger lots. Certain uses, such as private schools, are permitted through the Special Exception process.

The subject property totals 9.02 acres, consisting of lots 111 through 125, and portions of vacated right-of-way, in the Lakeville Plat, recorded in 1887, and is considered to be a conforming lot of record. The site is developed with a 6,400 sq. ft. one-story building that was constructed in 1994, containing a sanctuary, offices and classrooms; a 1,229 sq. ft. one-story building that was constructed in 1973, containing offices and storage (and a proposed pre-k classroom); and a 2,176 sq. ft. one-story residential building that was constructed in 1970 and is currently used as a residence.

The 1989 and 1993 codes allowed religious facilities and related educational activities as a permitted use in the A-1 district. The property has been used as a religious facility prior to 1991. Building permit B92-902028 was approved in 1993 for a 6,400 sanctuary building. Previous approvals include:

- November, 2010 the BZA approved a Special Exception (SE-10-11-083) for a daycare with 83 children and unpaved parking.
- April, 2017 the BZA approved a Special Exception (SE-17-04-025) to relocate the daycare to a vacant building with up to 40 children. Building permits were not submitted and the approval has expired.
- September, 2018 the BZA approved a Special Exception (SE-18-07-090) to allow a private school (with 55 students) in the existing 6,400 sq. ft. office/sanctuary building on the property. None of the site improvements as indicated on the site plan were installed.

The applicant is proposing a 2,259 sq. ft. modular classroom, which will be located east of the existing main church building. The new building will contain 4 classrooms, an office, a storage room, and 2 restrooms, providing for additional classroom space for the same number of previously approved students, (55) and 2 additional staff. The request also includes the remodel of the 1,229 sq. ft. building to add a pre-k classroom. Further, the applicant proposes to add paved parking spaces to accommodate the existing and proposed buildings.

The parking requirements for the overall campus are as follows:

Church assembly (sanctuary): 75 seats, at 1 parking space per 3 seats, requiring 25 spaces

Church employees: 3 employees, at 1 parking space per employee, requiring 3 spaces

Single-family residence: 2 spaces required

(The following uses occur at different times from the church use)

School : 5 classrooms (including high school use), at 4 parking spaces per classroom, requiring 20 spaces

High school students: 8 students, at 1 parking space per 3 students, requiring 3 spaces

Daycare/pre-k: 12 children, at 1 parking space per 10 children, plus a drop-off area equal to 1 parking space per 10 children, requiring 4 spaces

The total parking spaces required for the entire campus is 30 parking spaces, in consideration of the staggered times and uses. The applicant is proposing to install 33 spaces, and 2 additional stabilized 57 stone spaces, thus meeting the parking code requirement.

The hours of operation for all the campus operations are: For the daycare/pre-k, Monday through Friday between 7:15 a.m. and 5:00 p.m.; for the private school, Monday through Friday and from 8 a.m. to 3 p.m.; and for the church services, Wednesday 7:30 p.m. to 10:00 p.m., Friday 7:30 p.m. to 10:00 p.m., and Sunday from 10:00 a.m. to 2:00 p.m.

**District Development Standards**

	Code Requirement	Proposed
Max Height:	35 ft.	14.9 ft.
Min. Lot Width:	100 ft.	300 ft.
Min. Lot Size:	0.5 ac.	9.02 ac.

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

	Code Requirement	Proposed
Front:	35 ft.	Existing SFR 250 ft. (East)
Rear:	50 ft.	Existing sanctuary 550 ft. (West)
Side:	10 ft.	110.6 ft. (North), 122.4 ft. (South)

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**STAFF FINDINGS**

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**SPECIAL EXCEPTION CRITERIA**

**Consistent with the Comprehensive Plan**

The provision of educational facilities as conditioned through the Special Exception process is consistent with the Comprehensive Plan, since a needed community institution continues to be provided as a benefit to the surrounding residential areas.

**Similar and compatible with the surrounding area**

The expansion will be compatible with other existing uses located on the religious institution campus, as well as compatible with the adjacent residential properties, which are located over 1,300 feet to the north across the Apopka Expressway, 1,000 feet to the west, 600 feet to the east, and 250 feet to the south across the CSX railroad track. There is no additional impact to adjacent properties. The proposed new modular building will be contained within the existing school campus.

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

The proposed installation of a new modular building for the existing educational use will not negatively impact the surrounding area. It will be located within an existing building complex, and the number of students for the private school will continue to be limited to 55.

**Meet the performance standards of the district**

The proposed improvements, including the installation of the new modular building, as conditioned, will meet the performance standards of the district.

**Similar in noise, vibration, dust, odor, glare, heat production**

The applicant has not proposed any activity on the property that would generate noise, vibration, dust, odor, glare, or heat that is not similar to the existing religious institution and educational campus in that no additional students are proposed.

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

The proposal will be located entirely within an existing campus. There are no additional buffer yards required.



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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan and elevations dated August 18, 2020, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The stabilized drive aisle and 2 parking spaces shown on the site plan shall be constructed with 57 stone.
5. Podocarpus shrubs, *Podocarpus macrophyllus*, shall be installed at a minimum height of 5 ft. at planting, at a minimum spacing of 3 ft. o.c.; and Eastern Red Cedar trees, *Juniperus virginiana*, shall be installed at a minimum height of 8 ft. at planting at a minimum spacing of 15 ft. o.c. The vegetation shall be installed along the entire length of the east side of the parking area between the stabilized drive and the existing residence for screening.
6. The hours of operation shall be limited to: Monday to Friday, 8:15 a.m. to 5 p.m. for the pre-k/daycare; Monday to Friday, 8:00 a.m. to 3 p.m. for the school; Wednesday and Friday, 7:30 p.m. to 10:00 p.m., and Sunday, 10:00 a.m. to 2:00 p.m. for the church.
7. The applicant shall obtain a permit within 2 years of final action on this application by Orange County, or this approval is null and void.

C: Jonathan Soule  
775 Warner Ln.  
Orlando, FL 32803

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## COVER LETTER

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TAMPA OFFICE      ORLANDO OFFICE  
3409 w. lemon street      775 wainwright lane  
Tampa, FL 33609      Orlando, FL 32803  
813.250.3535      407.362.5929

August 12, 2020

Orange County Zoning Division  
201 South Rosalind Avenue 1st Floor  
Orlando, FL 32801  
Attn.: Nick Balevich, Development Coordinator

VIA email: [Nick.Balevich@ocfl.net](mailto:Nick.Balevich@ocfl.net) and [BZA@ocfl.net](mailto:BZA@ocfl.net)

RE: Special Exception - 637 Lakeville Road Orlando, FL 32818  
Parcel # 25-2128-4936-11-110

Dear BZA and Mr. Balevich,

As required, please allow the below to serve as the description of the existing and proposed uses on the subject property:

We are requesting to add a 2,259 square foot building to include four (4) classrooms, one (1) teachers office and one (1) storage room. No additional students are proposed. Two additional staff are proposed. The classrooms will accommodate the students who are currently being taught in the church. The vacated church space will be used for Sunday school during church services.

**Existing uses:** As depicted on the attached site plan, a church building, a partially remodeled office and storage building (church use) and a single-family residence currently occupy the subject property.

**Proposed uses:** In addition to the above uses, as depicted on the attached site plan, a new classroom building is proposed near the existing church building. The Pastor/owner wishes to relocate its existing student population from the existing church building to the proposed classroom building which allows for an improved teaching environment (i.e., quieter with walls vs. open, partitioned seating, storage, and an office for two additional employees). The area being vacated in the church will be used for Sunday school during church services. Additionally, without adding square footage, the Pastor/owner wishes to complete the remodel of the interior of the existing office-storage building to accommodate one pre-K classroom and retain the church office and storage. Other than the two additional employees, the number of existing church congregation and church school students are not increasing.

#### SPECIAL EXCEPTION CRITERIA

Section 38-78, Orange County Code stipulates specific criteria to be met for all Special Exception requests. Compliance with six (6) specific criteria is noted in **bold** below:

1. The use shall be consistent with the Comprehensive Policy Plan. **The proposed classroom use is the continuation of a low density and low intensity use, both in scale and massing to the existing church building, and is also similar to that which was approved with the original Special Exception (SE-18-070-90) in September 2018.**
2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development. **The proposed religious-based classroom is similar to the existing, nearby middle (Piedmont) and Wekiva) high school and (Love) church land uses, many of which abut residential neighborhoods.**

[www.hamiltonengineering.us](http://www.hamiltonengineering.us)

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3. The use shall not act as a detrimental intrusion into a surrounding area. **The subject use is bordered on the north by the Maitland Boulevard Extension (414), a rail road to the south, and collector roads on the east and west boundaries. The proposed classroom use is identical to that which was approved with the original Special Exception (SE-18-070-90) in September 2018.**
4. The use shall meet the performance standards of the district in which the use is permitted. **The zoning of the subject property is Agricultural (A-1). The proposed classroom use will meet or exceed the performance standards for the 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 A-1 district permits and is composed largely of land used for citrus production, nurseries, greenhouses, and vegetable farms. The proposed use, identical to what's occurred since the approval of original Special Exception (SE-18-070-90) is far less impactful. The applicant is maintaining the same (or less) student population and school program (indoor and outdoor).**
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 proposed classroom use requires improvements (paved parking and drive aisles, stormwater management, etc.) and will require Site and Construction Plan approval from County staff. The applicant will comply and provide with the required buffers if and as required by the A-1 district.**

As you may recall, the subject property received a Special Exception approval #SE-18-07-090 from the BZA on September 6, 2018 (see attached).

Please contact me if you have any questions.

Thank you,

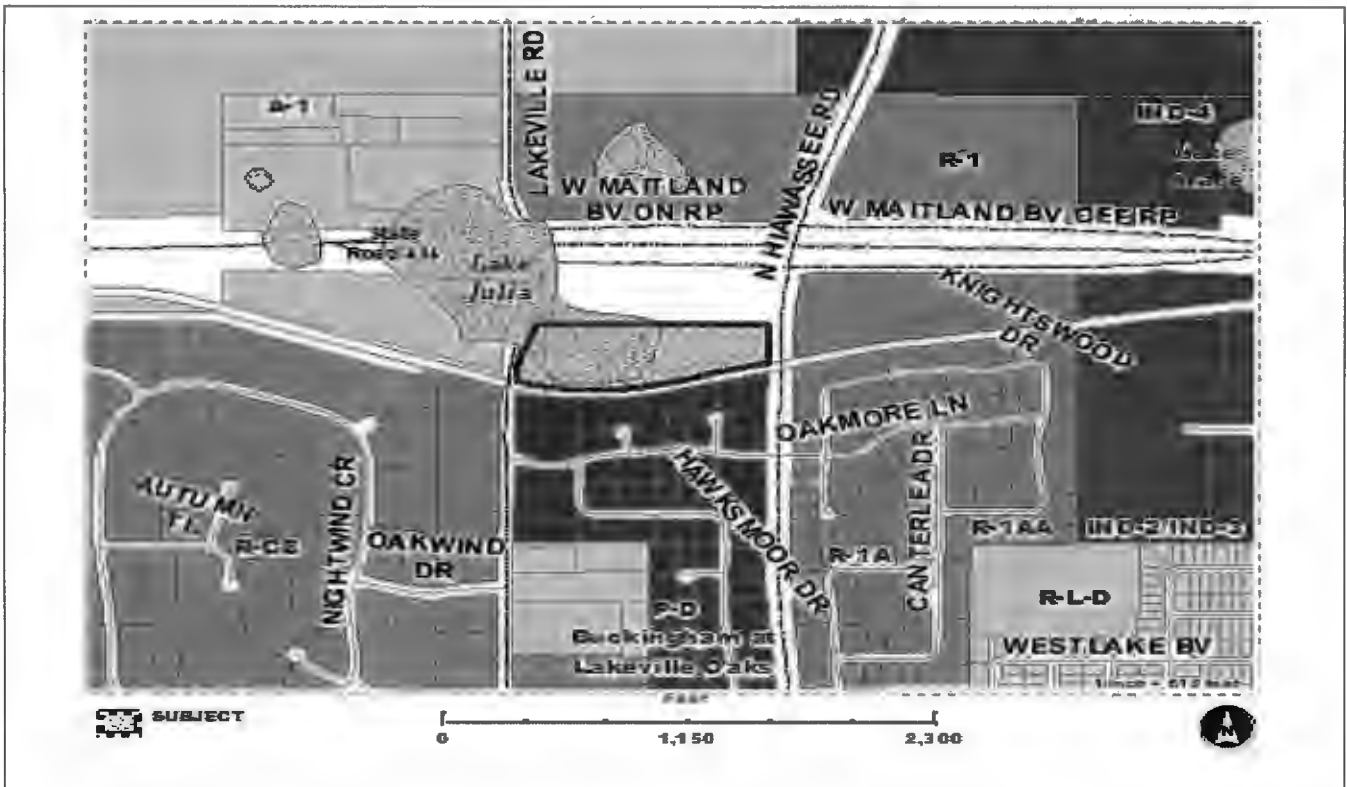
**Jonathan Soule**

Digitally signed by Jonathan Soule  
DN: cn=Jonathan Soule, o=Hamilton Engineering  
and Surveying Inc., ou=Vice President,  
email=jons@hamiltonengineering.us, c=US  
Date: 2020.08.12 16:24:53 -04'00'

Jonathan Soule  
Vice President  
Hamilton Engineering & Surveying, Inc.  
240-372-1845

Attachment

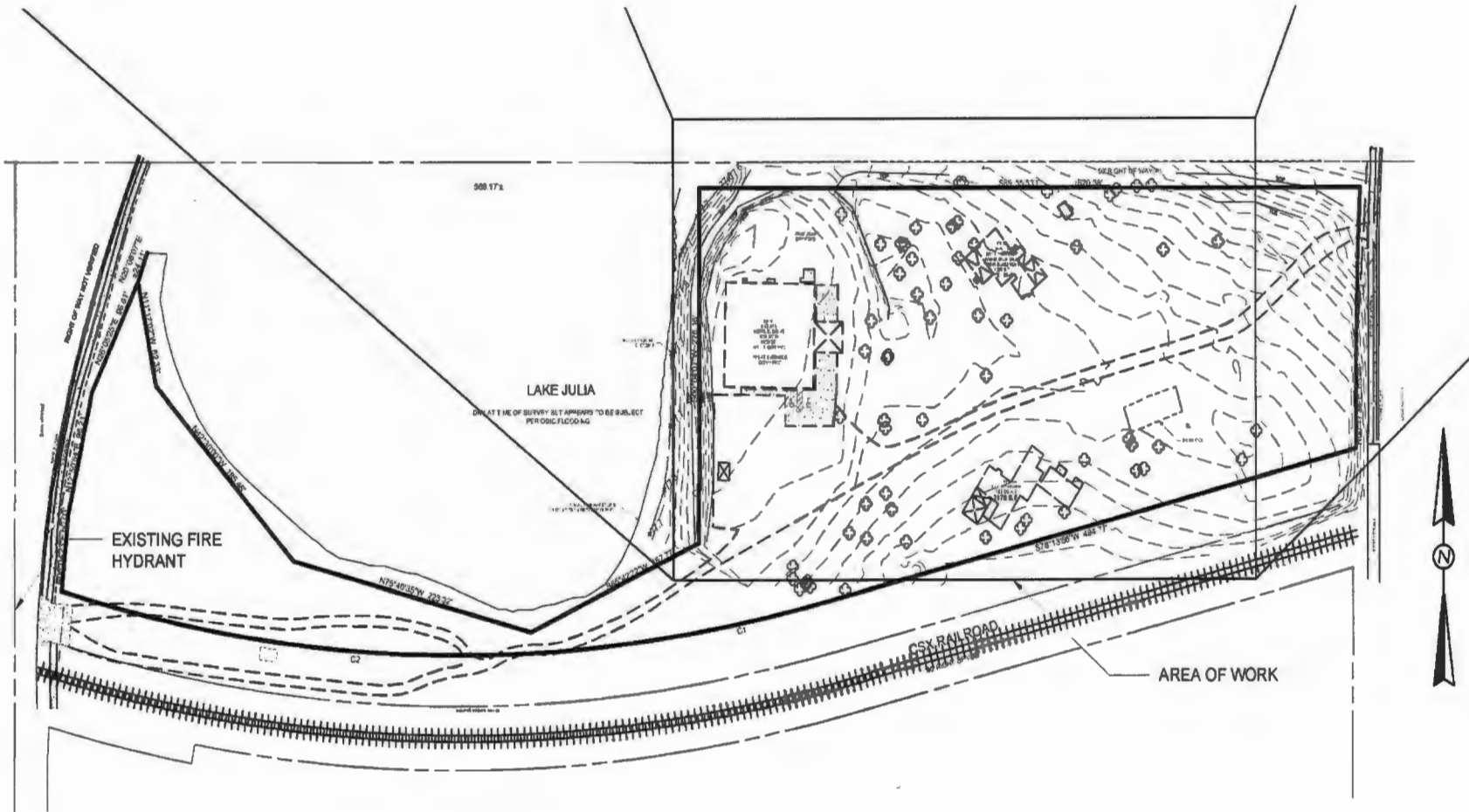
ZONING MAP



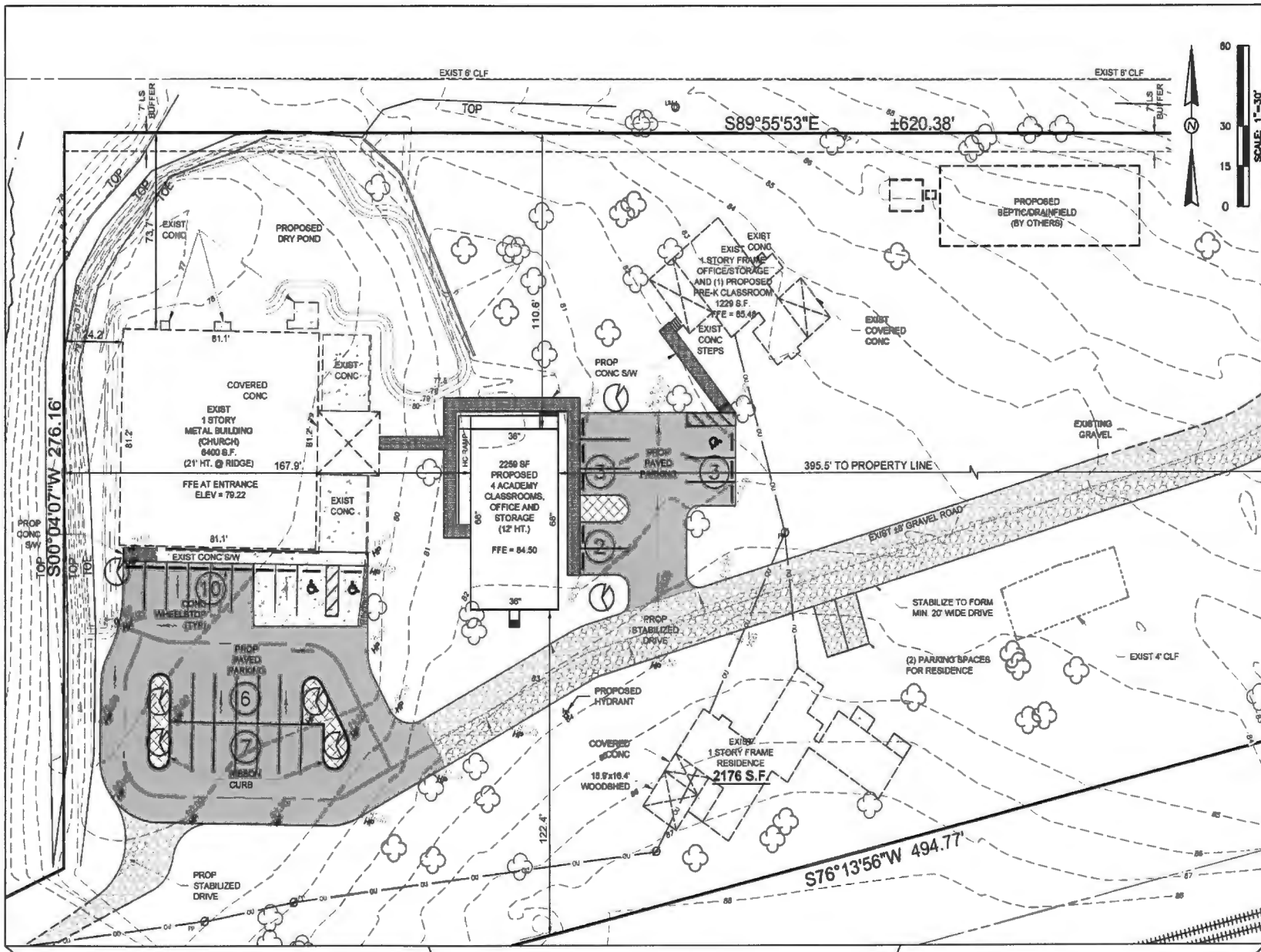
AERIAL MAP



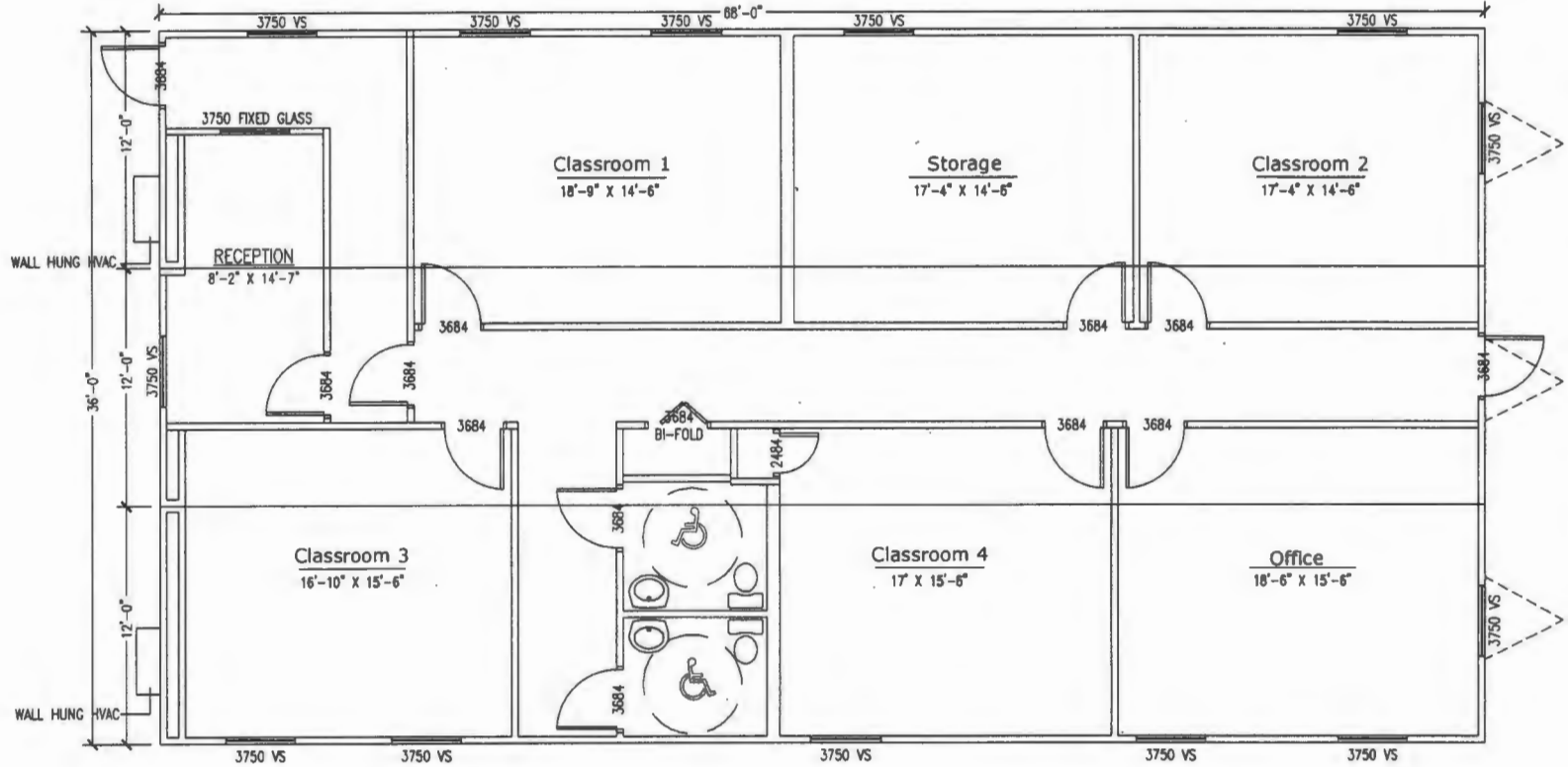
EXISTING CONDITIONS SURVEY

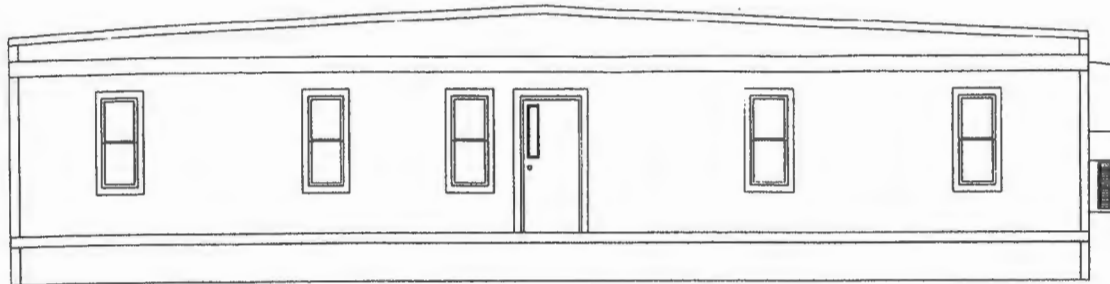


# PARTIAL SITE PLAN



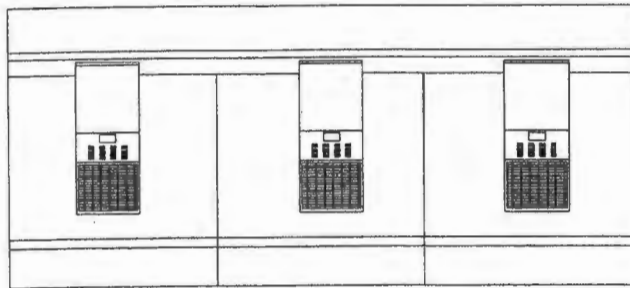
PROPOSED MODULAR BUILDING FLOOR PLAN



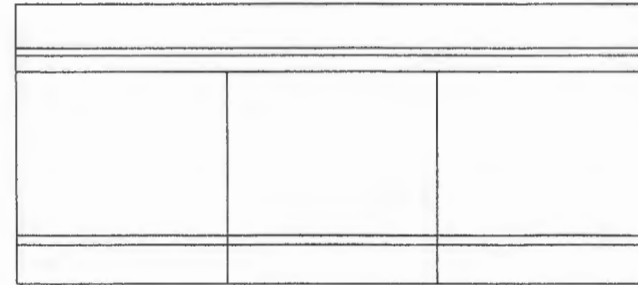


FRONT ELEVATION

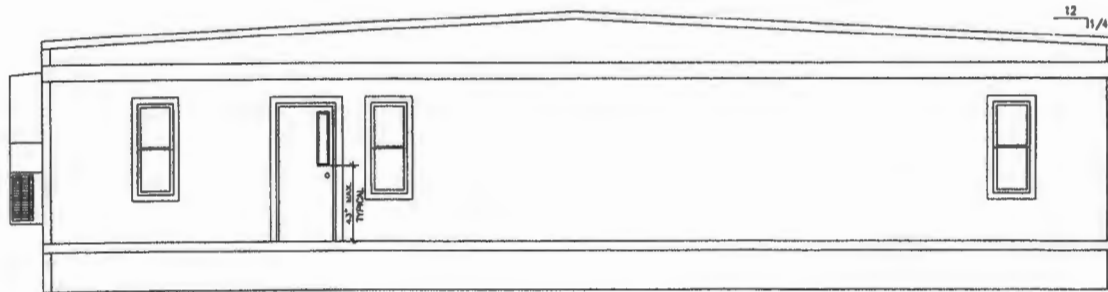
ELEVATION NOTES: 1) TYPICAL  
 SEE-CROSS SECTION FOR  
 METHOD OF ROOF VENTILATION  
 ACCESSIBLE RAMP(S), STAIR(S),  
 AND HANDRAILS ARE SITE  
 INSTALLED, DESIGNED BY OTHERS,  
 AND SUBJECT TO LOCAL JURISDICTION.  
 FOUNDATION ENCLOSURE  
 (WHEN PROVIDED) MUST HAVE  
 1 SQUARE FOOT NET VENT AREA  
 PER 1/150TH OF THE FLOOR AREA,  
 AND AN 18" X 24" MINIMUM CRAWL  
 SPACE ACCESS, SITE INSTALLED BY  
 OTHERS SUBJECT TO LOCAL  
 JURISDICTION.



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

15

PROPOSED MODULAR BUILDING ELEVATIONS

APPROVED **RADCO**  
 May 06, 2020  
 RADCO/EA

CONSULTING ENGINEER KENNETH EARL CUNNINGHAM - P.O. BOX 6883 - MARIETTA, GEORGIA 31719 - 228-943-202



**SITE PHOTOS**



**Location of proposed building and parking**



**Location of proposed parking lot**