

Orange County Zoning Division

VA-20-08-074

APPLICANT:

NORTHERN TOOL + EQUIPMENT

October 13, 2020

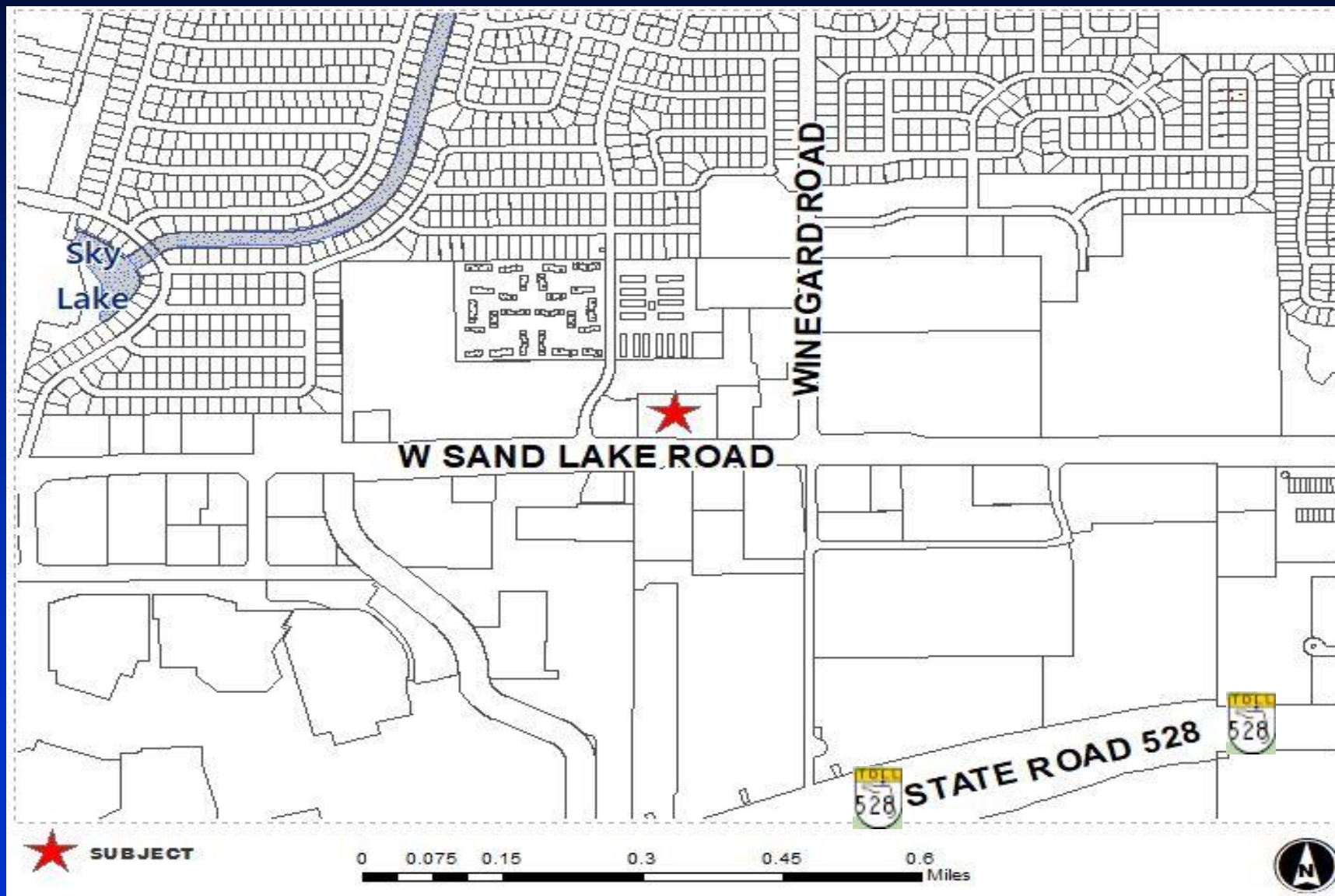


Background

APPLICANT:	NORTHERN TOOL + EQUIPMENT (KORY SCHMIDT)
CASE:	VA-20-08-074
ZONING:	C-2 (General Commercial District)
FUTURE LAND USE:	C (Commercial)
ADDRESS:	795 W. Sand Lake Road, Orlando, FL 32809
LOCATION:	North side of W. Sand Lake Rd., approximately 500 ft. west of Winegard Rd.
TRACT SIZE:	422 ft. x 282 ft. (avg.)/ 3.08 ac.
DISTRICT:	3
REQUEST:	Variance to allow a total of 225 square feet of wall sign copy area in lieu of 211.2 sq. ft.

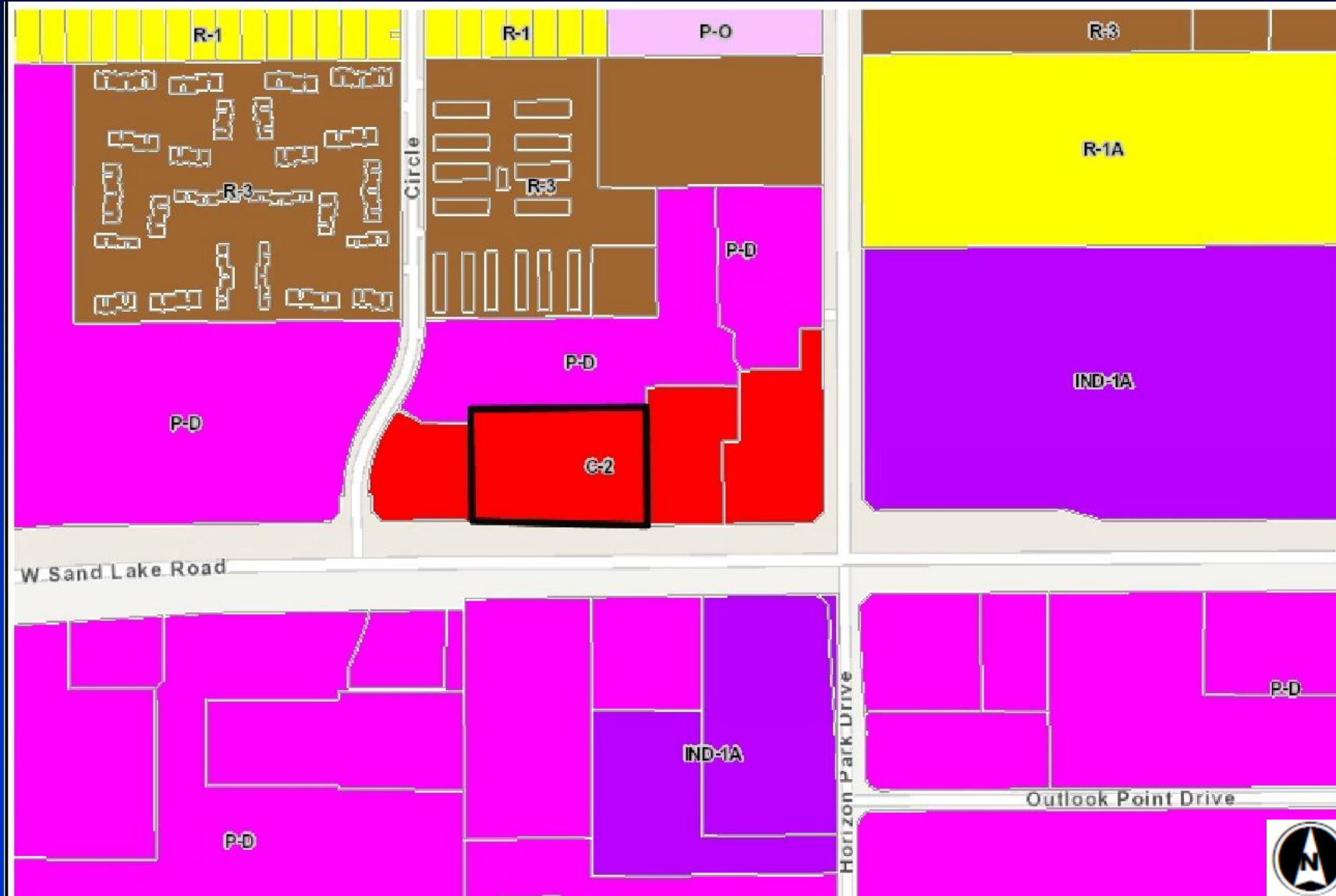


Location Map





Zoning Map



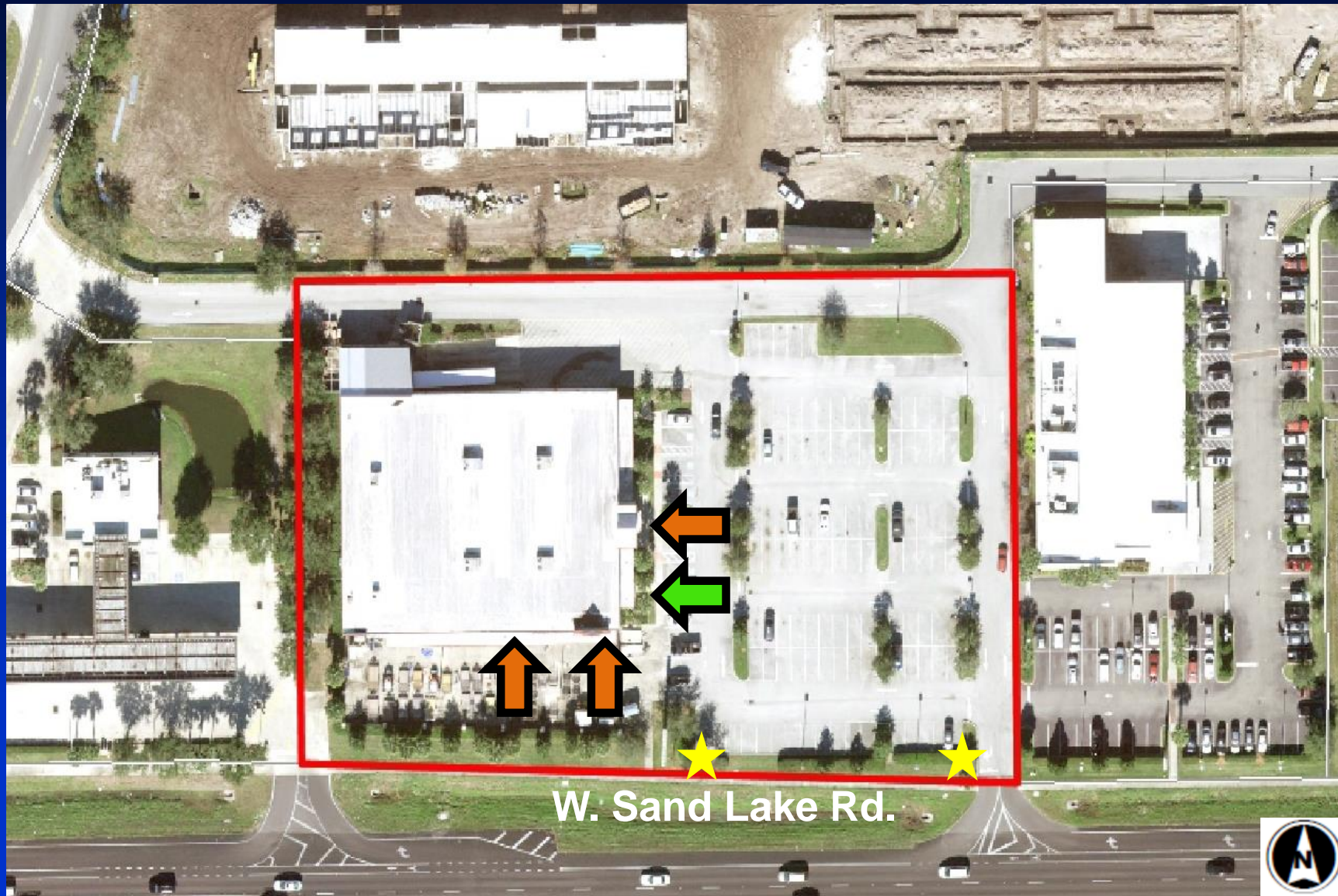


Aerial Map





Aerial Map



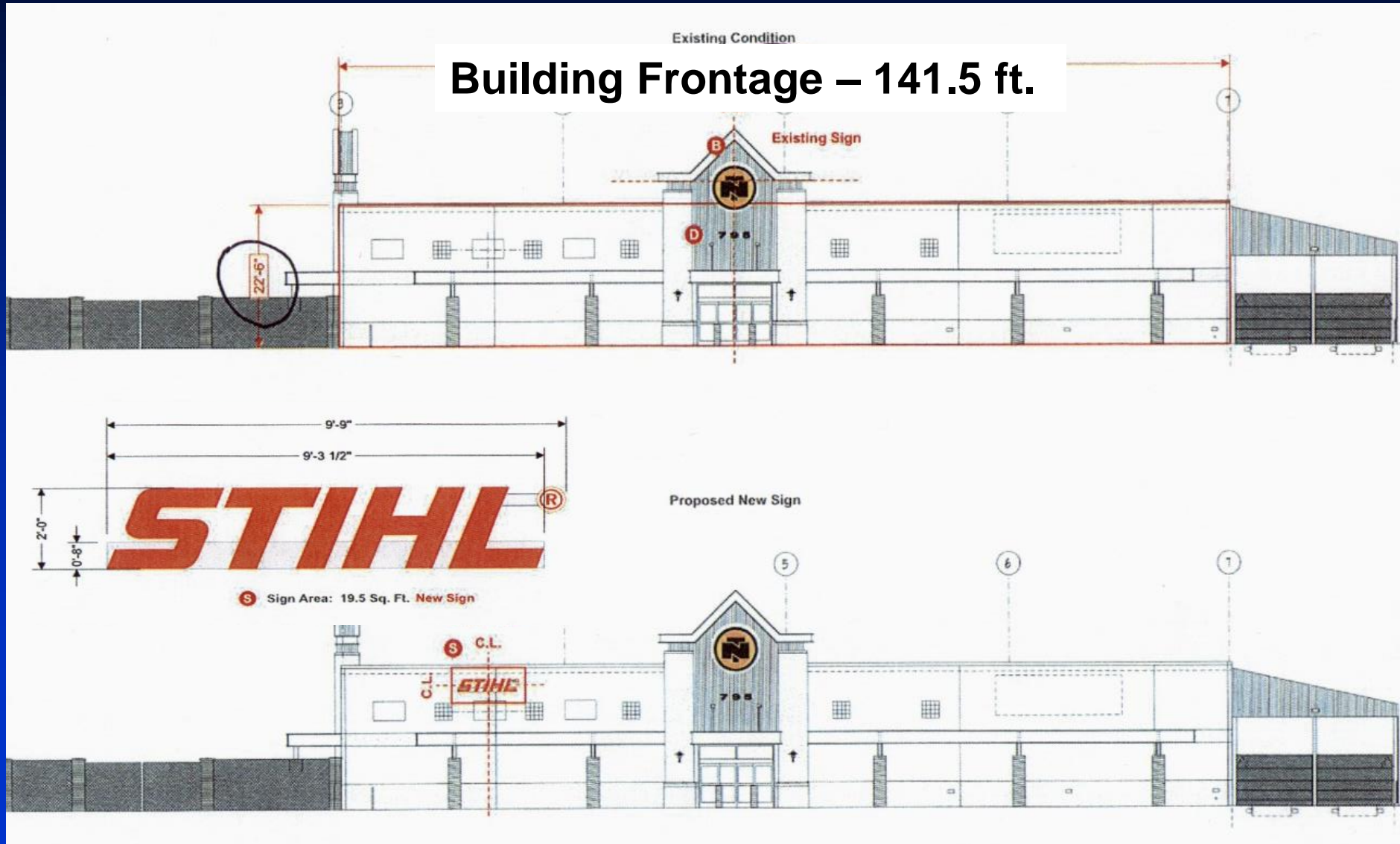


History

- **1998: Property conditionally rezoned from I-1A to C-2 District**
- **2005: Parcel created through a lot split**
- **2006: Construction of existing building completed**
- **2006: Existing wall signage (totaling 205.4 sq. ft.), and existing pole and ground signage permitted**
- **2020: The retailer entered into a contractual agreement with a vendor requiring additional signage**



East Elevation



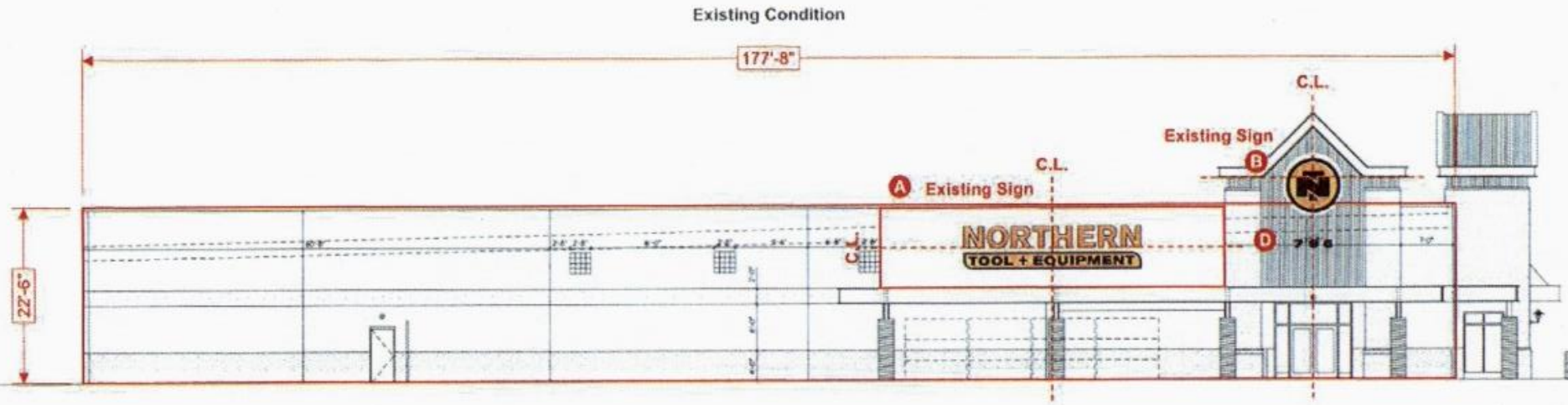


South Elevation

No Change to Existing Storefront

Building Side South Elevation with Sign Location:

SCALE





Site Photograph

Proposed sign location





Site Photograph

Building with signage facing northwest from street entry





Staff Findings and Analysis

- Per Sec 31.5 sign code - wall signage is calculated based on 1.5 sq. ft. of copy area per each linear foot of frontage.
- Frontage is based on the location of the primary entrance to the building, which in this case is the east.
- East building frontage - 141.5 ft. wide.
- At 141.5 feet of frontage, a total of 211.2 sq. ft. of copy area is permitted.
- Existing wall signage:
 - Two 38.48 sq. ft. circular signs (east and south), 128.41 sq. ft. sign (south), totaling 205.37 sq. ft.



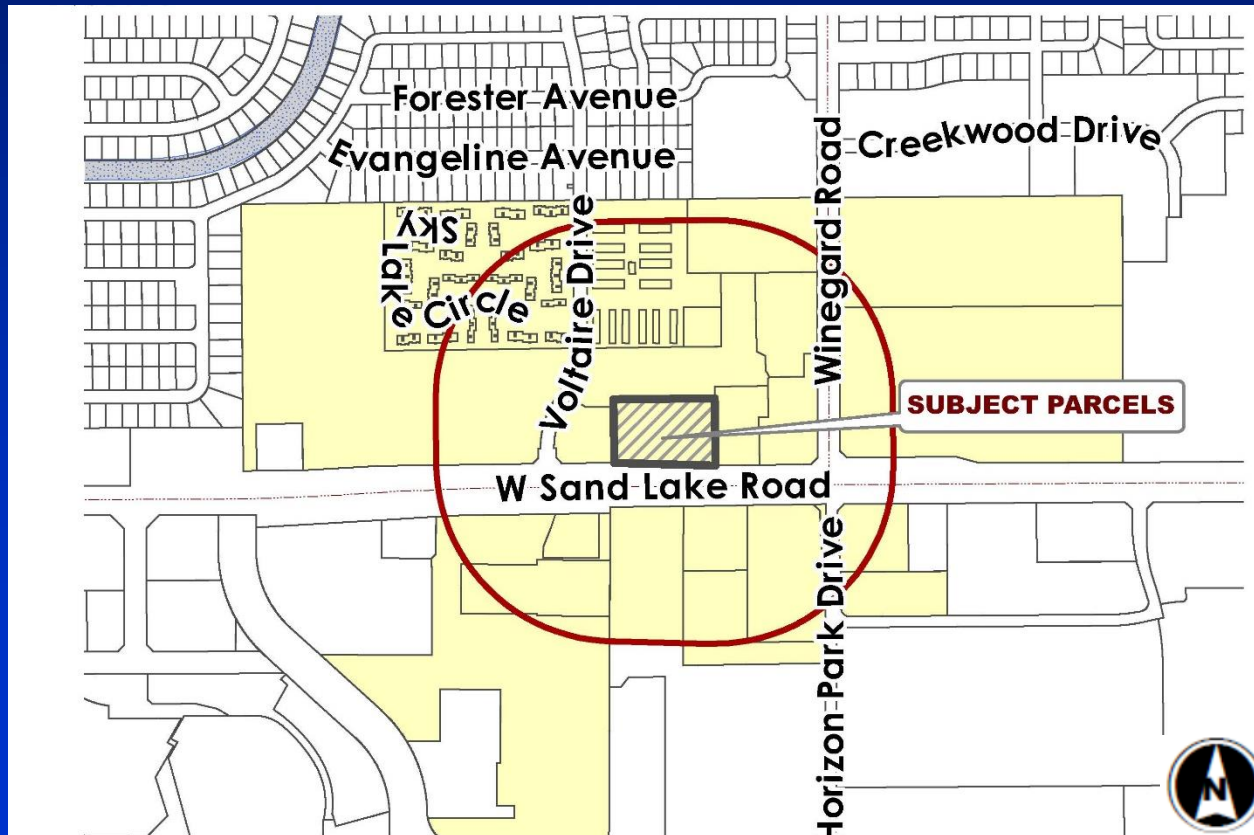
Staff Findings and Analysis

- Other existing signs could be reduced to meet the available wall sign area.
- No other similar wall sign variances have been approved within the vicinity.
- Staff recommended denial of the variance, as there were no special conditions and circumstances, the need for the variance is self-imposed, granting of the variance will confer special privilege, it is not the minimum possible variance, and it does not meet the purpose and intent of the code.



Public Feedback

- Staff mailed a total of 446 notices to adjacent property owners in a 800 ft. radius
 - Staff has received zero correspondence in favor of this request
 - Staff has received zero correspondence in opposition to this request





Variance Criteria

Section 30-43 (3), Orange County Code

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

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



BZA Findings

- **The BZA concluded that due to the branding of the retailer, that there was no special privilege conferred due to contract obligations, and since the request included a relatively small sign, it was a minimum request, and recommended approval of the Variance, subject to four conditions in the staff report and a new Condition #5.**



Conditions of Approval

- 1. Development shall be in accordance with the site plan and sign specifications dated June 9, 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.**



Conditions of Approval

- 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.**
- 4. If there is a need to modify any existing vegetation on the site to accommodate the new sign, the applicant shall provide a revised landscape plan which must be approved by a County arborist prior to issuance of a sign permit.**
- 5. If there is a need to replace existing wall signage, any new wall signage shall meet the Orange County Sign Code.**



Requested Action

- Approve the applicant's request; or
- Approve the applicant's request with modifications and/or conditions; or
- Deny the applicant's request.

***Any approval is subject to standard conditions of approval.**