



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

October 1, 2020

Zoning Division

BOARD OF ZONING ADJUSTMENT (BZA)

ORANGE COUNTY GOVERNMENT

<u>Board Member</u>	<u>District</u>
Carolyn Karraker (Chairperson)	1
John Drago	2
Juan Velez	3
Deborah Moskowitz (Vice Chair)	4
Wes A. Hodge	5
Charles J. Hawkins, II	6
Roberta Walton	At Large

BZA Staff

Ted Kozak, AICP	Chief Planner
Nick Balevich	Planner II
David Nearing, AICP	Planner II

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
OCTOBER 1, 2020**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA RECOMMENDATIONS</u>	<u>PAGE #</u>
VA-20-10-096	Donna J. Willis	1	Approved w/Conditions	1
SE-20-11-097	Iglesia Hispana El Camino (Jonathan Soule)	2	Approved w/Conditions	13
VA-20-11-098	Jose Contreras	6	Approved w/Conditions	28
VA-20-09-081	Alan Fredrickson	3	Approved w/Conditions	41
SE-20-10-095	Patrick Madden	5	Approved w/Conditions	55
SE-20-08-073	Premiere Eglise Baptiste Bethanie Dorlando	6	Approved w/Conditions	84
SE-20-08-078	Kaley Square Community Center	6	Approved w/Conditions	101

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-1A & R-1AA** 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-1** 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-1A** Restricted Industrial District
- I-1/I-5** Restricted Industrial District
- I-2/I-3** Industrial Park District
- I-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

SITE & BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (½ acre)	850	100	35	50	10	35	<i>a</i>
	Mobile Home - 2 acres							
A-2	SFR - 21,780 (½ acre)	850	100	35	50	10	35	<i>a</i>
	Mobile Home - 2 acres							
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	<i>a</i>
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	<i>a</i>
R-CE-2	2 acres	1,200	250	45	50	30	35	<i>a</i>
R-CE-5	5 acres	1,200	185	50	50	45	35	<i>a</i>
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	<i>a</i>
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	<i>a</i>
R-1AA	10,000	1,200	85	25 <i>h</i>	30 <i>h</i>	7.5	35	<i>a</i>
R-1A	7,500	1,200	75	20 <i>h</i>	25 <i>h</i>	7.5	35	<i>a</i>
R-1	5,000	1,000	50	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
R-2	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	30	5 <i>h</i>	35	<i>a</i>
	Three DUs, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	<i>a</i>
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	<i>a</i>
R-3	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5	35	<i>a</i>
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
	Three dwelling units, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	<i>a</i>
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	<i>a</i>
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	<i>a</i>
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	35	<i>a</i>
R-T-1								
SFR	4,500 <i>c</i>	1,000	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	<i>a</i>
Mobile home	4,500 <i>c</i>	Min. mobile home size 8 ft. x 35 ft.	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	<i>a</i>
R-T-2	6,000	SFR 500	60	25	25	6	35	<i>a</i>
(prior to 1/29/73)		Min. mobile home size 8 ft. x 35 ft.						
R-T-2 (after 1/29/73)	21,780 ½ acre	SFR 600	100	35	50	10	35	<i>a</i>
		Min. mobile home size 8 ft. x 35 ft.						

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
NR	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80/90 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories <i>k</i>	<i>a</i>
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 11,250	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail <i>k</i>	<i>a</i>
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail <i>k</i>	<i>a</i>
	Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	<i>a</i>
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets <i>e</i> ; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	<i>a</i>

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ^f	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	^a
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ^g	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	^a

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
I-4	35	10	25	50, or 35 within 100 ft. of any residential use or district

NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

FOOTNOTES

^a	Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
^b	Side setback is 30 feet where adjacent to single-family district.
^c	For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
^d	For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that: <ul style="list-style-type: none"> (i) are either platted or lots of record existing prior to 3/3/97, and (ii) are 75 feet in width or greater, but are less than 90 feet, and (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
^e	Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
^f	Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
^g	Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
^h	For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
^j	Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
^k	Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
^m	Based on gross square feet.

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

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.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 01, 2020**

Case Planner: **Nick Balevich**

Case #: **VA-20-10-096**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): **DONNA J. WILLIS**

OWNER(s): **DONNA J. WILLIS AND DEE ANNE MERRITT REVOCABLE TRUST**

REQUEST: Variance in the PD zoning district to allow a screen enclosure with a 0.5 ft. north side setback in lieu of 5 ft.

PROPERTY LOCATION: 8801 Fountain Palm Alley, Winter Garden, Florida, 34787, east side of Fountain Palm Alley, north of Seidel Rd.

PARCEL ID: 05-24-27-5330-00-220

LOT SIZE: 35 ft. x 121.3 ft. / 0.10 acres (4,246 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 121

DECISION: Recommended **APPROVAL** of 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; 7-0):

1. Development shall be in accordance with the site plan and elevations dated August 11, 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 applicant shall obtain a permit within 2 years of final action on this application by Orange County, or this approval is null and void.

SYNOPSIS: 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 twelve (12) comments were received in support and no comments were received in opposition.

The applicant stated that they were approved by the HOA architectural committee, and noted that the design will be the different than the previous nearby approval, in that it will not be arched/domed, but rather will use a mansard style.

The BZA was familiar with the particular circumstances of the area, recalled the previous case, and felt the request was straightforward.

There was no one in attendance to speak in favor or in opposition to the request. The BZA unanimously recommended approval of the variance, subject to the four (4) conditions in the staff report.

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	P-D	P-D	P-D
Future Land Use	V	V	V	V	V
Current Use	Townhouse	Open space tract	Townhouse	Townhouse	Townhouse

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is located in a PD Planned Development district, and is in the Horizon West Village F PD. This PD allows a variety of uses including single-family, townhouses, and multi-family.

The area is comprised of townhomes and single-family homes. The subject property is an end unit townhouse lot with rear vehicular access from Fountain Palm Alley (west), and front pedestrian access from an open space/park tract (east). It was platted in 2015, as part of the Lakeshore Preserve Phase 1 Plat, and is considered to be a conforming lot of record. There is a 2,671 sq. ft. townhouse on the lot, with an attached 2 car garage, which was constructed in 2018. The applicant purchased the property in 2018.

The applicant is proposing to install an approximately 56 ft. x 10 ft. (to as wide as 20.8 ft.) screen enclosure 0.5 ft. from the side (north) property line, where 5 ft. is required. The screen enclosure will be installed on top of an existing block wall. The proposal is for a screen enclosure, which will have a screen roof, as opposed to a screen room with a structural roof.

The side (north) property line abuts a 69 ft. wide open space tract that is encumbered by a drainage and utility easement, thus no neighbors will be directly impacted by this request.

The applicant has submitted 10 letters of no objection from property owners north, south and east of the subject property.

District Development Standards

	Code Requirement	Proposed
Max Height:	55 ft.	13.5 ft.
Min. Lot Width:	16 ft.	35 ft.
Min. Lot Size:	1,600 sq. ft.	4,246 sq. ft.

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	15 ft. (And behind front of principal structure for a screen enclosure)	30 ft. (Screen enclosure, east)
Rear:	5 ft. (Screen enclosure)	35.33 ft. (Screen enclosure, west)
Side:	5 ft. (Screen enclosure, north) 0 ft. (Structure, south)	0.5 ft. (Screen enclosure, north) 0 ft. (Structure, south)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Interior units in the development are not encumbered from maximizing use of side and back yards, which are special conditions and circumstances.

Not Self-Created

The current owners are not responsible for the configuration of the lot or the orientation of the residence, including the (north) side setback that is not on an interior lot.

No Special Privilege Conferred

Approval of the variance as requested will not confer special privilege that is denied to other properties in the same area and zoning district, as a neighbor on the same street has a swimming pool and deck with no setback, as an internal unit with zero side setbacks.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the ability to enjoy the property in a similar manner as others in the development through the addition of backyard or side yard amenities.

Minimum Possible Variance

This is the minimum possible variance to allow a screen enclosure of an appropriate useable size.

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 screen enclosure will be installed on top of an existing block wall, at the same setback as existing.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated August 11, 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 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: Donna J. Willis
8801 Fountain Palm Aly.
Orlando, FL 34787

COVER LETTER

August 4, 2020

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

Dear Board of Zoning Adjustment,

Attached for your review is our zoning variance request. We seek approval to add an aluminum screen enclosure to our existing courtyard privacy wall. The BZA is necessary as the privacy wall of our townhome's courtyard sits just inside the property line, not affording the necessary 7' setback (< 6" from the property line).

Below are the documented details regarding our request under permit # B20903567:

Project: Bronze aluminum and mesh screening enclosure

Description: 56'0" x 20'8" (at widest point) screen enclosure to sit atop existing concrete block privacy wall – see provided survey with overlay of proposed structure (822 sqft total)

Distance from property lines: 21.33' from rear property line, 13.0' from front property line, < 6" **from side property line** (reason for BZA)

Height: 13'6" (within standard of county code) which is below the height of the townhome's second story roofline

Six Standards for Variance Approval:

Special Conditions and Circumstances: The property line setback in question is the north side of parcel 05-24-27-5330-00-220 (AKESHORE PRESERVE PHASE 1 87/46 LOT 22). Because the north side of our property is adjacent to the development's 100' x 40' green space, the developer did not include in our parcel the typical 7' setback. Failing to extend our property line did not prohibit the developer from including a concrete block privacy wall as part of our home's structure. However, it does currently prohibit us from adding a screen enclosure to sit atop the existing privacy wall.

Not-Self-Created: The need for the < 7' variance exception was not self-created. The need is a result of the property developer when platting lot 22.

No Special Privilege: Conferred: Approval of our request will not confer any special privilege.

Deprivation of rights: Denying our BZA would deprive us the right to add a screen enclosure to our property. This right has already been exercised by our neighbors at 8938 Bismarck Palm Drive, a property that is the same style end townhome which received approval to add a screen enclosure to their concrete block privacy wall. In addition, undue hardship would be placed upon Dee Anne Merritt (co-owner) as this request has been made to assist with her existing medical condition which requires her to limit exposure to sunlight. Without the addition of mesh screening to the property's courtyard, Dee Anne will be restricted in her ability to utilize and enjoy the property's courtyard and outdoor kitchen.

Minimum Possible Variance: The zoning variance requested is the minimal possible variance needed to achieve the required 7' setback for the screen enclosure.

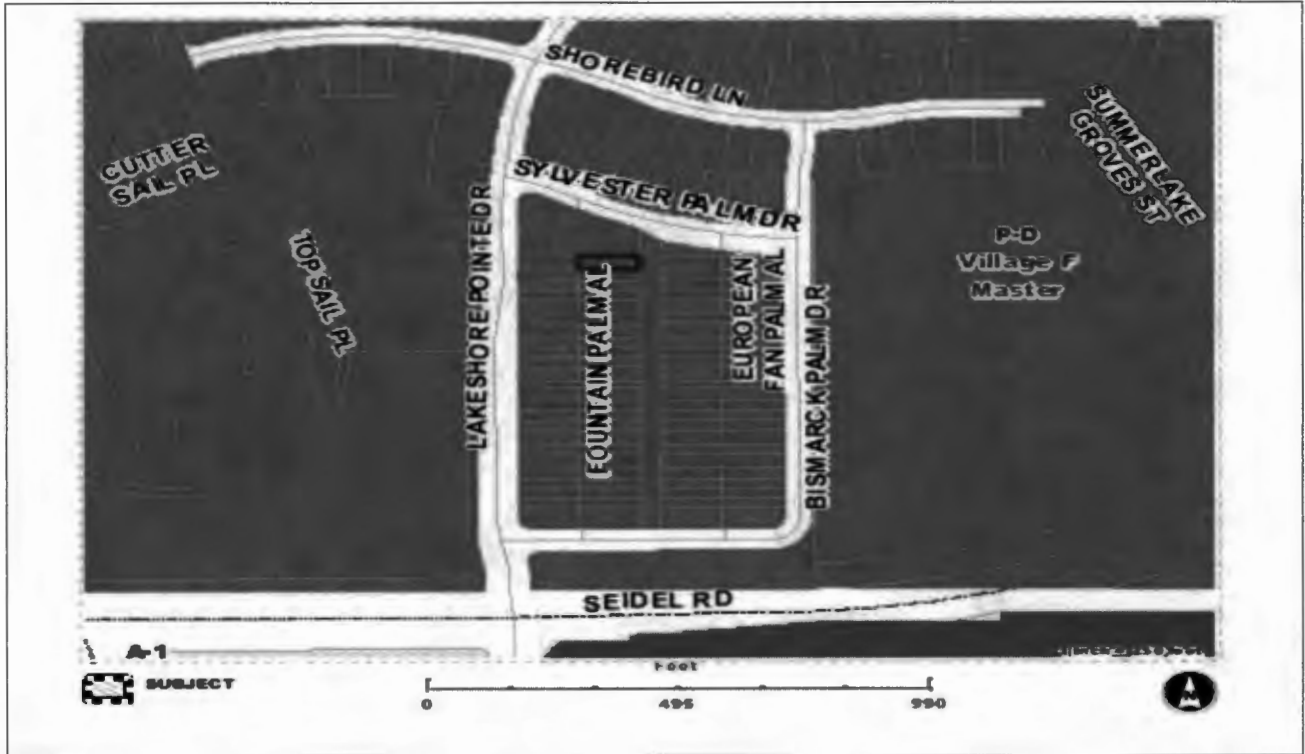
Purpose and Intent: Approval of our BZA will be in harmony with the purpose and intent of the neighborhood's zoning regulations. Our request has already received approval from our HOA's architectural review committee (see attached). In addition, the zoning variance will not be injurious to the neighborhood. It will be installed by a licensed contractor (US Aluminum) and has not been opposed by adjacent neighbors. We mailed the attached letter to 17 adjacent neighbors with a self-addressed stamped return envelope. Of the 10 responding neighbors, all did not oppose our request to add a screen enclosure.

Thank you for your consideration. Please call me at (352) 223-9010 with any questions.

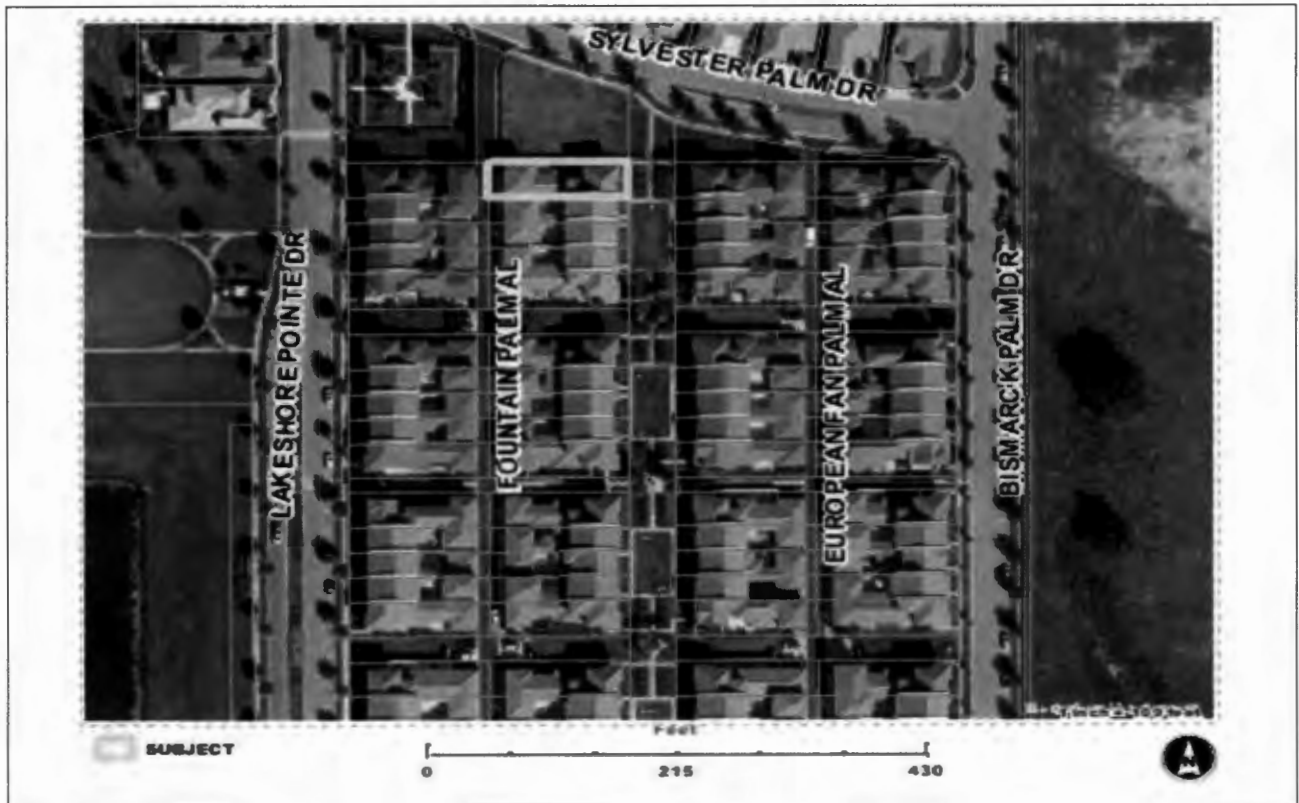
Warmest regards,

Donna J Willis

ZONING MAP



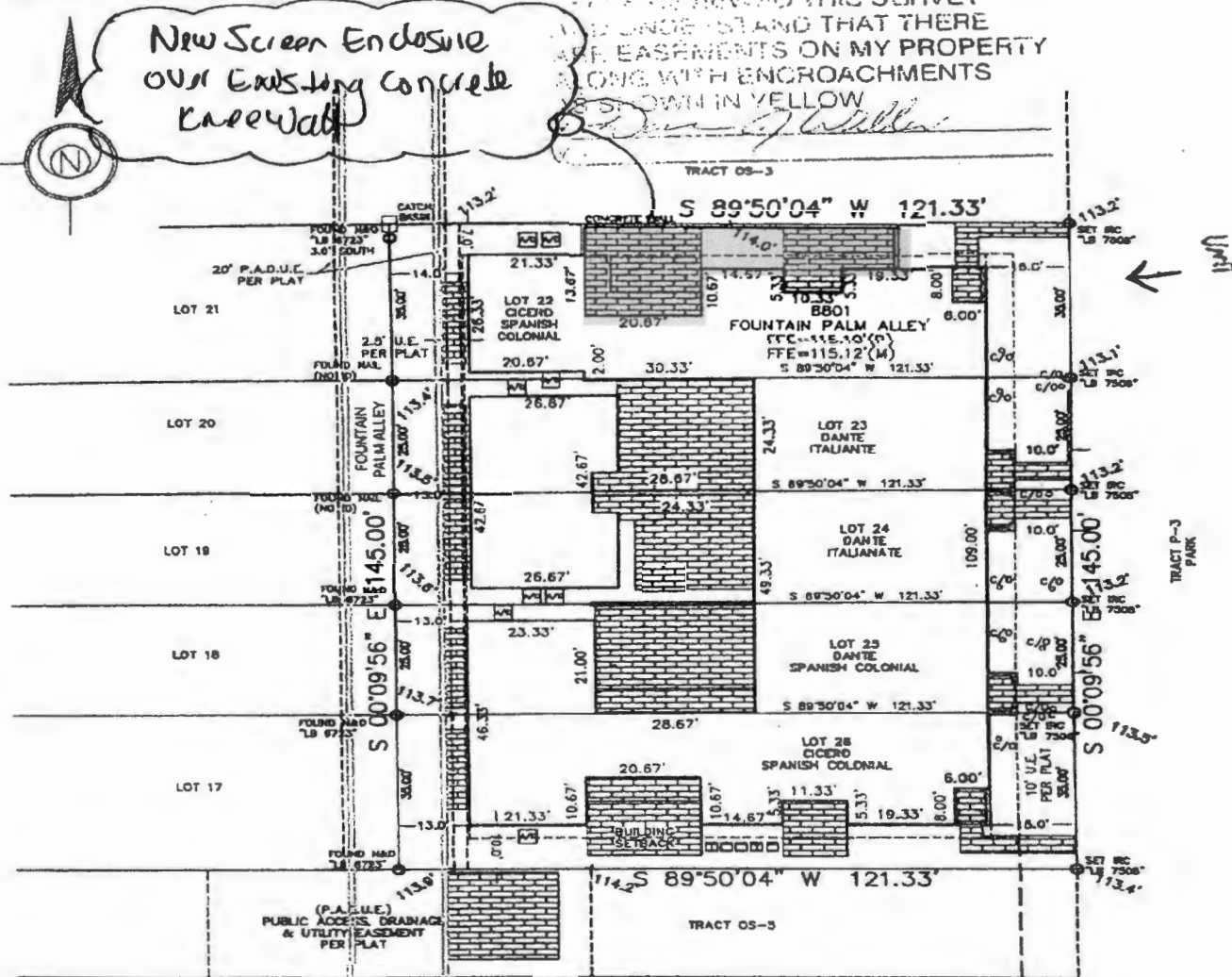
AERIAL MAP



SITE PLAN

LOT 22

DESCRIPTION:
 LOT 22 OF THE PLAT OF "LAKESHORE PRESERVE PHASE 1", AS RECORDED IN PLAT BOOK 87, PAGES 46 THROUGH 55, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



NOTES:

1. FIELD WORK COMPLETED ON OCTOBER 4, 2018.
2. THE LANDS SHOWN HEREON LIE WITHIN SECTION 5, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.
3. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED UPON THE WEST LINE OF TRACT P-3, BEARING S 00°09'56" E.
4. ELEVATIONS SHOWN HEREON ARE BASED UPON ORANGE COUNTY DATUM, NAVD 88.
5. THIS DOCUMENT HAS BEEN PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE, THEREFORE, THE UNDERSIGNED SURVEYOR MAKES NO GUARANTEES REGARDING INFORMATION SHOWN HEREON PERTAINING TO ANY EASEMENTS, RESERVATIONS, SETBACK LINES, AGREEMENTS, RIGHTS OF WAY OR OTHER SIMILAR MATTERS.
6. ACCORDING TO THE FEDERAL INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 12095C0375 F, DATED SEPTEMBER 25, 2009, THIS PROPERTY LIES IN ZONE "X".
7. UNDERGROUND ENCROACHMENTS, IF ANY, HAVE NOT BEEN LOCATED.

LEGEND

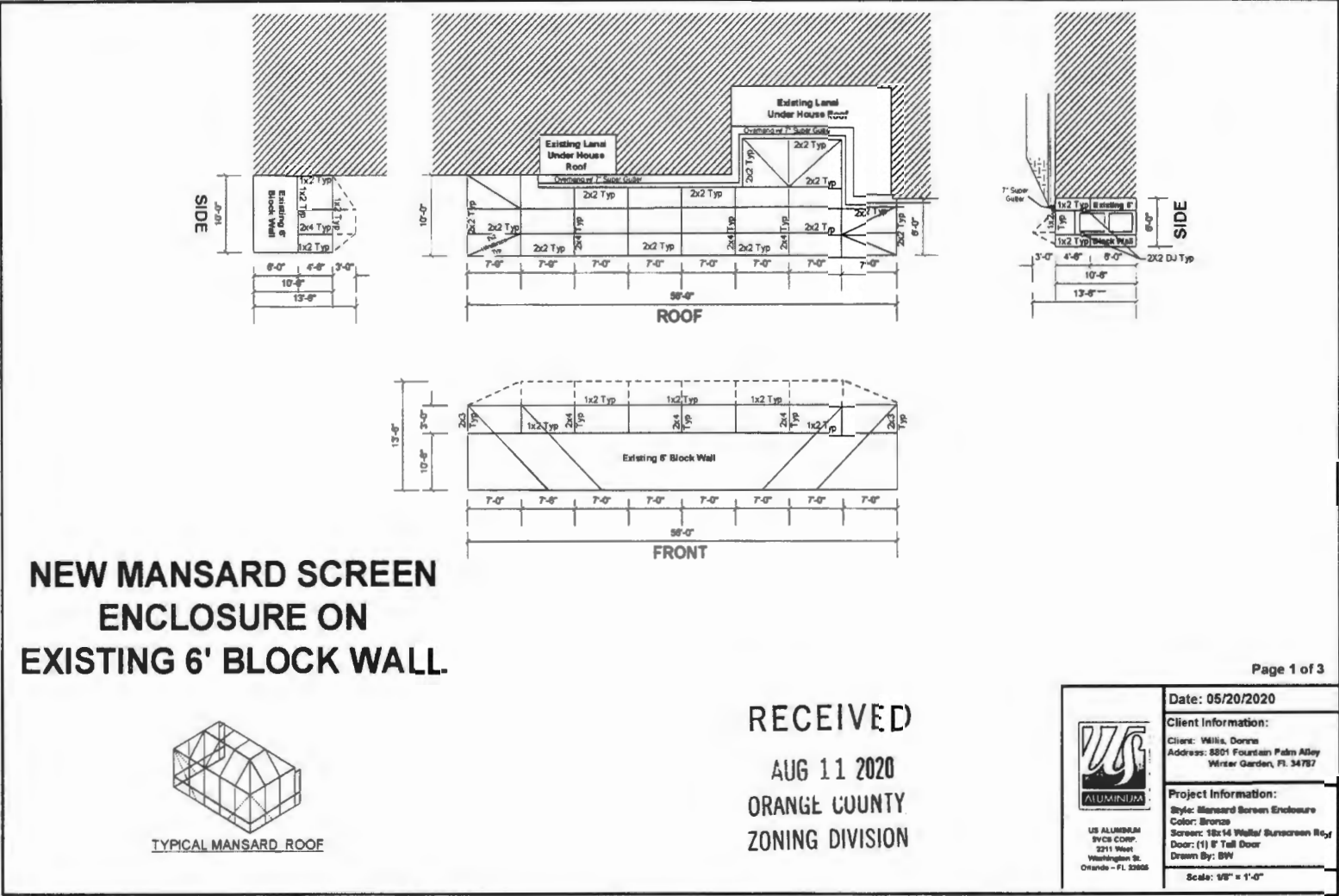
- C= CENTERLINE
- A/C= AIR CONDITIONING PAD
- U.E.= UTILITY EASEMENT
- P.A.D.U.E.= PUBLIC ACCESS, DRAINAGE AND UTILITY EASEMENT
- FFE= FINISHED FLOOR ELEVATION
- P.B.= PLAT BOOK
- PT= POINT OF TANGENCY
- PC= POINT OF CURVATURE
- (P)= PER PLAN
- (M)= MEASURED

SETBACKS

- FRONT PRIMARY=15'
- PORCH=10'
- SIDE=0'/7'
- SIDE STREET=10'
- MAX HEIGHT=55'
- REAR=3' FROM EDGE OF EASEMENT WITH OFF-STREET PARKING

CERTIFY TO:

RECEIVED
 AUG 11 2020
 ORANGE COUNTY
 ZONING DIVISION



ELEVATIONS

SITE PHOTOS



View of Front of property facing west



North of property from Sylvester Palm Drive facing south

SITE PHOTOS



Rear from Fountain Palm Alley facing east



Example of a similar variance granted at 8897 Fountain Palm Alley (south of subject property)

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. Hiawasse 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

DECISION: Recommended **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; 7-0):

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.

SYNOPSIS: 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.

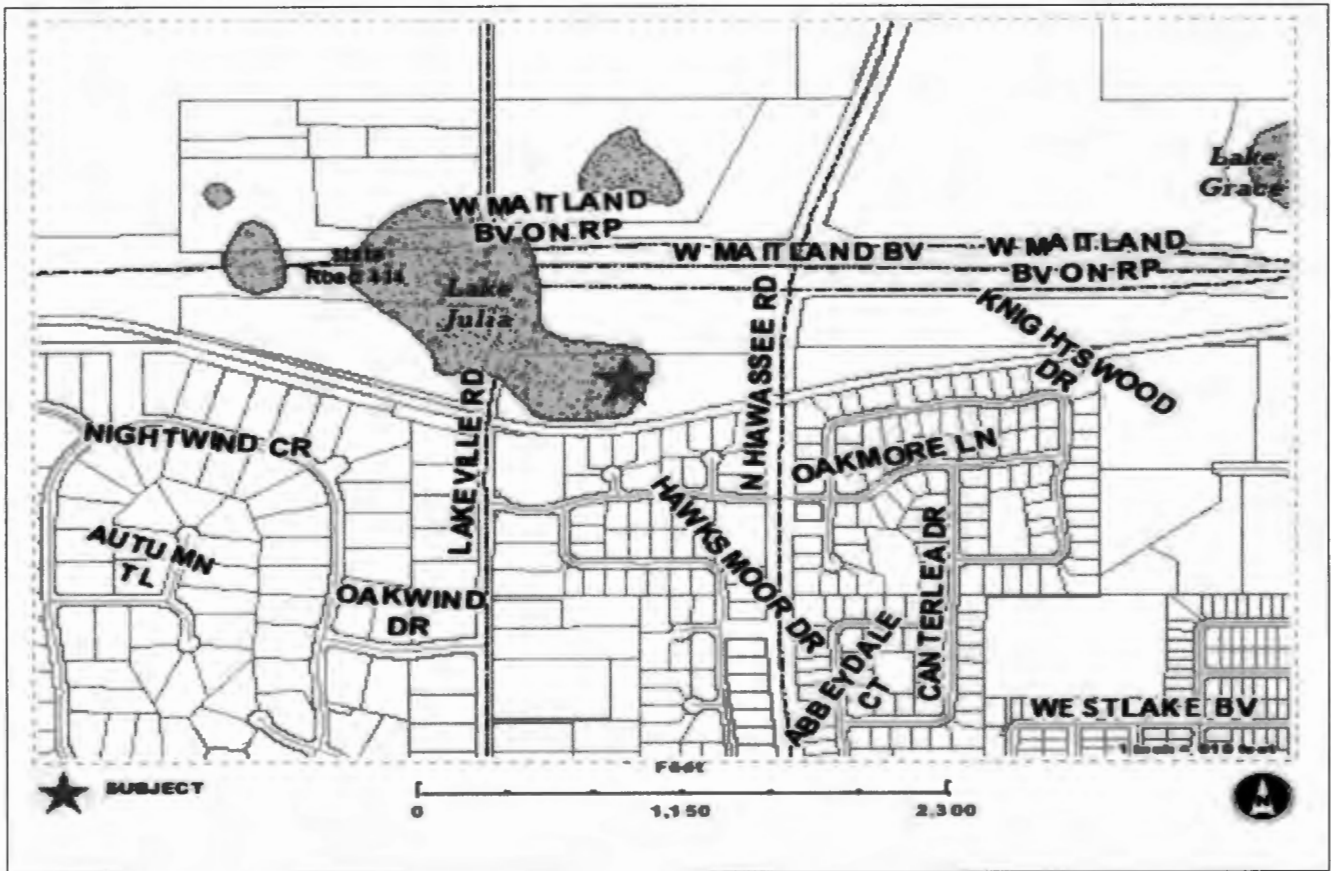
There was no one in attendance to speak in favor or in opposition to the request.

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.

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 and Orange County approved Building permit B92-902028 in 1993 for a religious institution containing a 6,400 sq. ft. sanctuary. Construction was completed in 1994.

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.	(Modular classrooms) 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 residence 250 ft. (East) Modular classrooms 395 ft. (East)
Rear:	50 ft.	Existing sanctuary 550 ft. (West) Modular classrooms 668 ft. (West)
Side:	10 ft.	Modular Classrooms 110.6 ft. (North), 122.4 ft. (South)
NHWE	50 ft.	Existing sanctuary 50 ft. (West)

STAFF FINDINGS

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.

CONDITIONS OF APPROVAL

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.

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

COVER LETTER



TAMPA OFFICE ORLANDO OFFICE
3409 w. leman street 775 warmer 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 and 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

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,

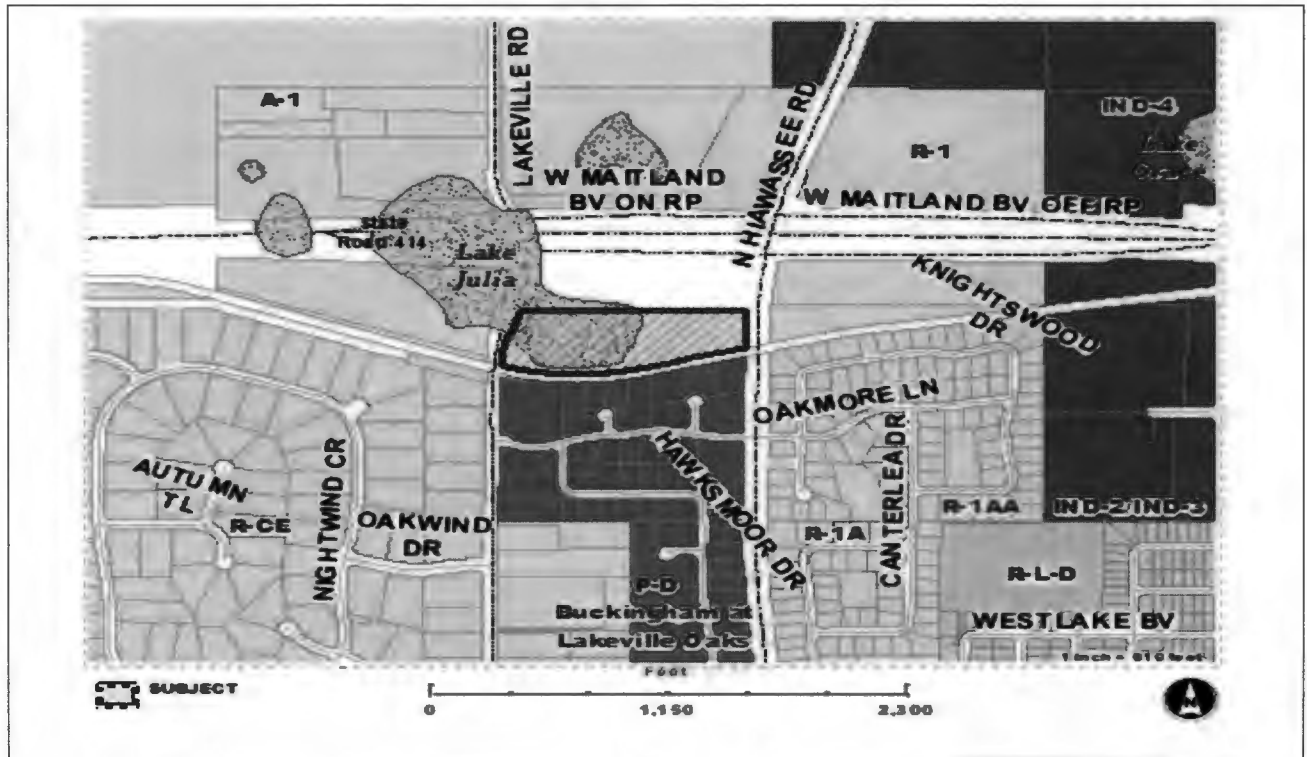
Jonathan Soule

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

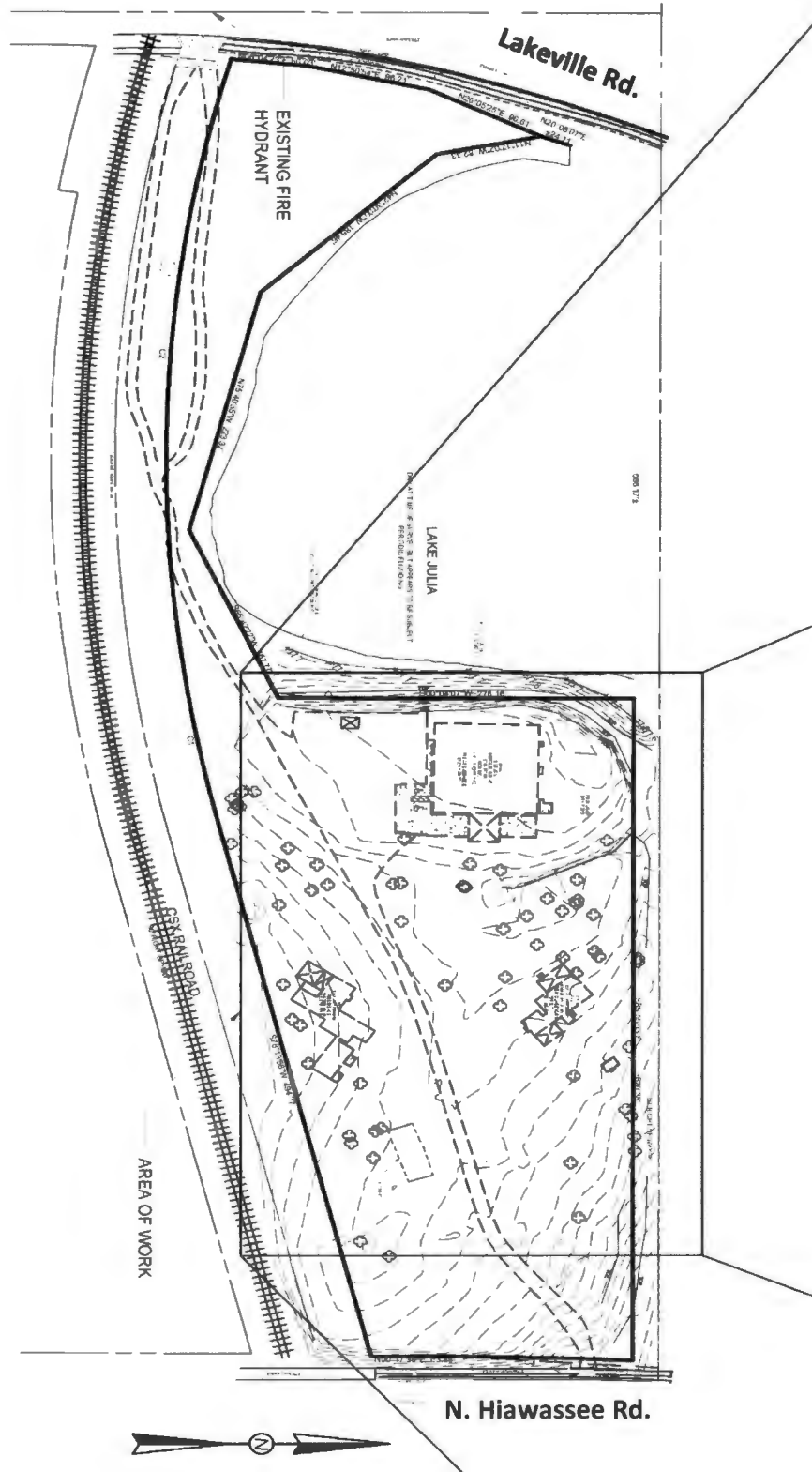
ZONING MAP



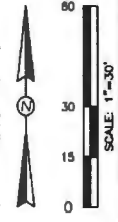
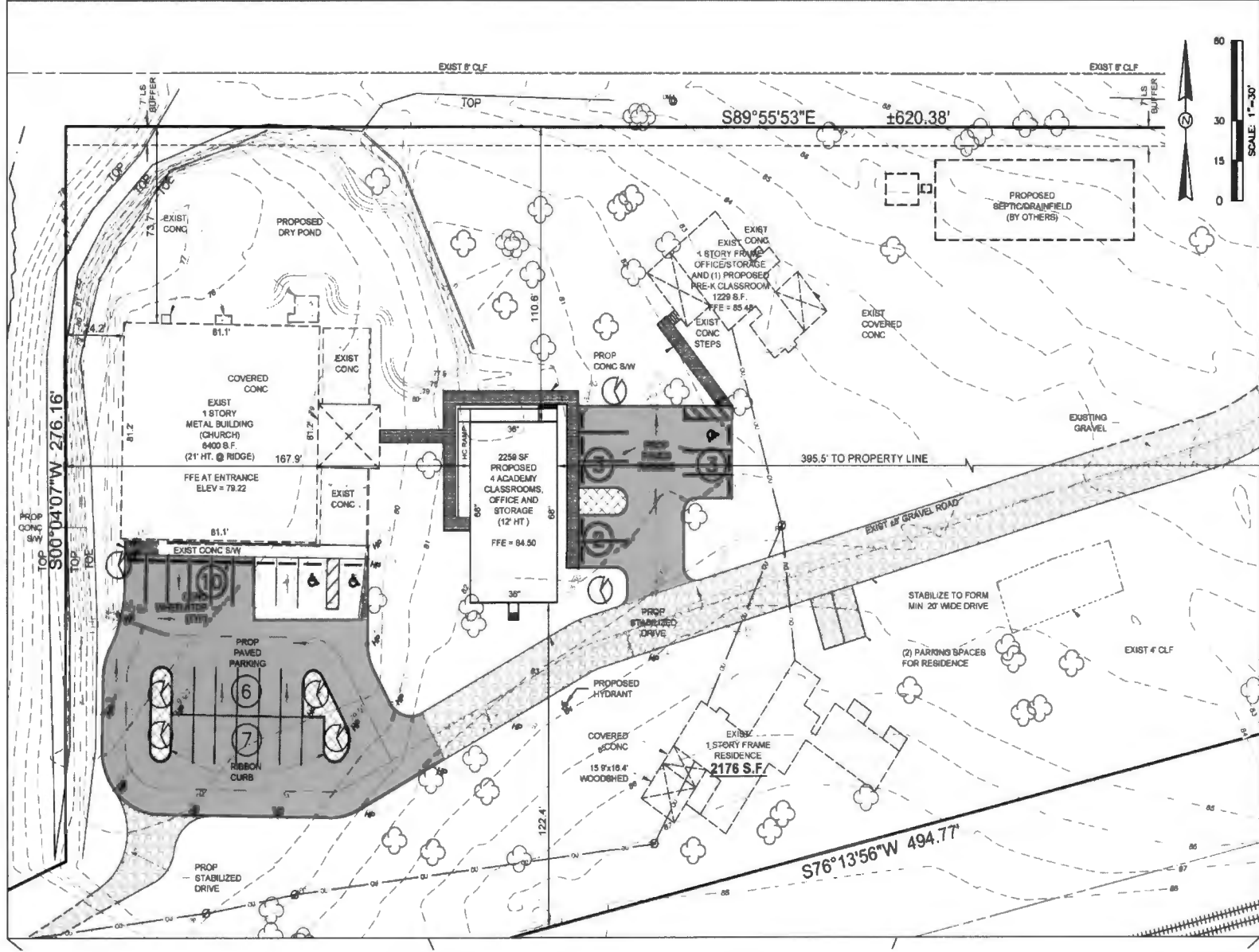
AERIAL MAP



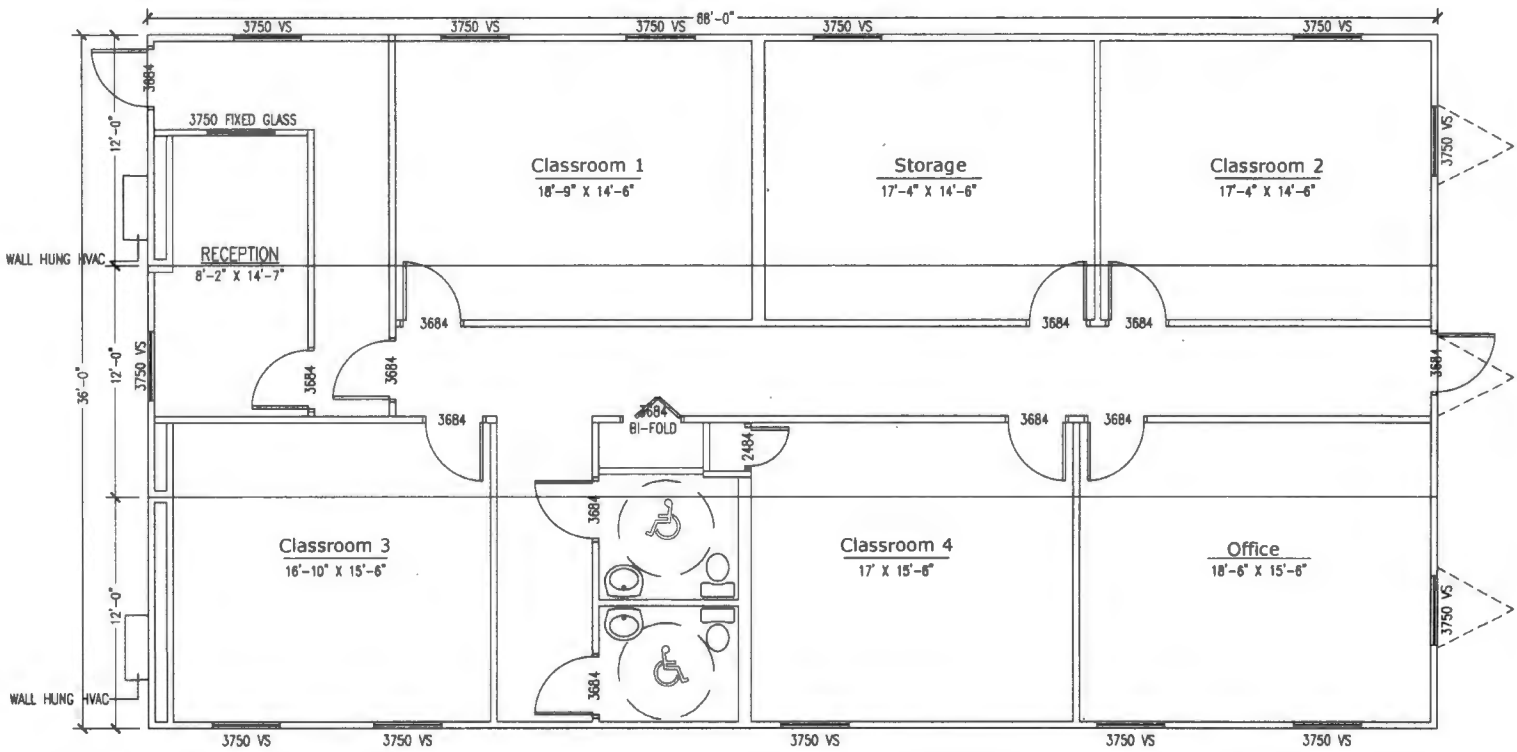
EXISTING CONDITIONS SURVEY

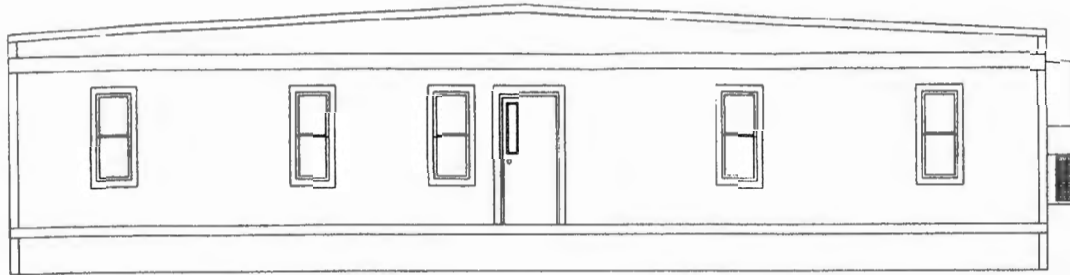


PARTIAL SITE PLAN



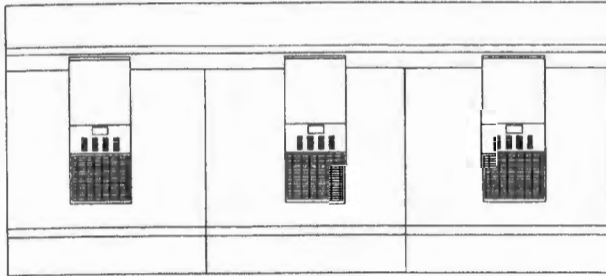
PROPOSED MODULAR BUILDING FLOOR PLAN



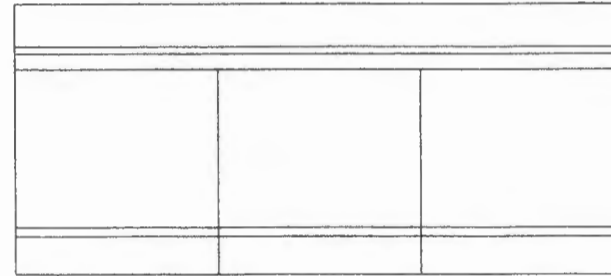


FRONT ELEVATION

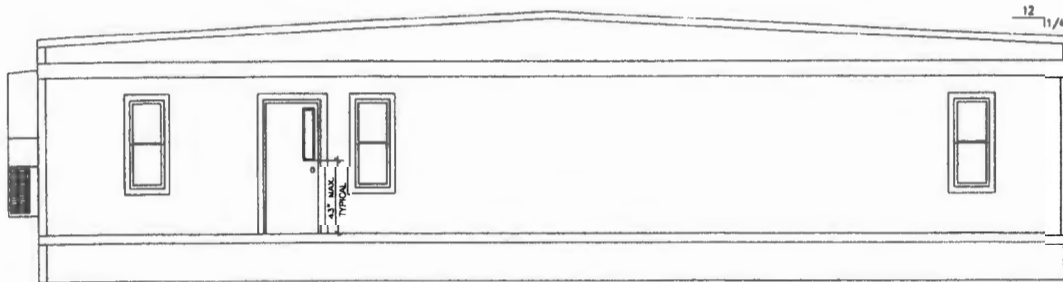
ELEVATION NOTES: TYPICAL
 SEE -CROSS SECTION FOR METHOD OF ROOF VENTILATION
 ACCESSIBLE RAMP(S), STAIR(S), AND HANDRAILS ARE SITE INSTALLED, DESIGNED BY OTHERS, AND SUBJECT TO LOCAL JURISDICTION.
 FOUNDATION ENCLOSURE (WHEN PROVIDED) MUST HAVE 1 SQUARE FOOT NET VENT AREA PER 1/150TH OF THE FLOOR AREA,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



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

PROPOSED MODULAR BUILDING ELEVATIONS

APPROVED
RADCO
 May 06, 2020
 APPROVED

CONVAILING ENGINEER | KENNETH EARL CLARKSON -- P.O. BOX 8883 -- ANDERSON, GEORGIA 31719 -- 229-942-202

SITE PHOTOS



Location of proposed building and parking



Location of proposed parking lot

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 01, 2020**

Case Planner: **Nick Balevich**

Case #: **VA-20-11-098**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): JOSE CONTRERAS

OWNER(s): FUTURES REALTY INVESTMENT LLC

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

- 1) To allow an existing residence to be located 2.8 ft. from the north rear property line in lieu of 30 ft.
- 2) To allow an existing residence to be located 5.4 ft. from the east side property line in lieu of 7.5 ft.
- 3) To allow an existing residence to be located 2.4 ft. from the west side property line in lieu of 7.5 ft.
- 4) To allow a detached accessory structure to be located 6.4 ft. from the east side property line in lieu of 7.5 ft.

This is the result of Code Enforcement action.

PROPERTY LOCATION: 1209 35th St., Orlando, Florida, 32805, north side of 35th St., east of S. Orange Blossom Tr.

PARCEL ID: 03-23-29-0182-88-200

LOT SIZE: 50 ft. x 135 ft./ 0.15 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 102

DECISION: Recommended **APPROVAL** of 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 (6 in favor and 1 opposed):

1. Development shall be in accordance with the site plan and elevations dated August 13, 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 applicant shall obtain a permit within 180 days of final action on this application by Orange County, or this approval is null and void.

SYNOPSIS: 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 of variances 1-3, and reasons for a recommendation for denial of variance 4. Staff noted that two (2) comments were received in support and one (1) comment was received in opposition.

The applicant stated that the accessory structure was off by about one (1) foot, and that he has improved and cleaned up the property, and brought everything else up to code.

The BZA discussed the case and confirmed when the accessory structure was built and if the applicant would be able to obtain permits within 180 days. The BZA also asked the applicant what would happen to the accessory structure if variance 4 was denied. The BZA also discussed the possibility of approving the existing accessory structure only in the location and requiring new construction to meet codes if the structure is demolished.

Code Enforcement stated that the applicant is willing to abide by codes, has removed part of the accessory structure, and has removed debris left by the previous owner.

There was no one in attendance to speak in favor or in opposition to the request. The BZA recommended approval of all 4 variances requested by a 6-1 vote, subject to the four (4) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval of variances #1, 2 and 3, subject to conditions 1-3 in this report, and denial of variance #4. However, should the BZA find that the applicant has satisfied the criteria necessary to grant all the variances, staff recommends that the approval be subject to conditions 1-4 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	Vacant

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 area consists of single-family homes, vacant lots, and commercial uses to the west, fronting on Orange Blossom Trail. The subject property is a 0.15 acre lot, fronting on 35th Street. The lot was platted in 1924 as part of the Angebilt Addition Number 2 Plat, and is a non-conforming lot of record, due to the size and width. It is developed with a 636 sq. ft. single family home that was constructed in 1930. The property also contains a 500 sq. ft. accessory structure. Based on aerials, this structure appears to have been built between 2004 and 2006. Staff was unable to locate permits for this structure. The applicant purchased the property in 2019.

Code Enforcement cited the applicant in September of 2019 for using an unpermitted accessory structure as a residence (Incident 553339). The applicant has eliminated the kitchen facilities from the structure, but is still required to obtain a permit for the structure.

The applicant is requesting variances to allow the existing home to remain with a 2.8 ft. rear setback (variance #1), a 5.4 ft. east side setback (variance #2), and a 2.4 ft. west side setback (variance #3). The existing home was constructed in 1930, before the establishment of Zoning in Orange County in 1957.

The applicant is also requesting a variance to allow the detached accessory structure to remain with a 6.4 ft. east side setback (variance #4). Normally the side setback for accessory structures is 5 ft., however if the principal structure is located on the rear half of the property, then an accessory structure may be located in front of the principal structure, subject to meeting all principal structure setbacks, including a required 7.5 ft. side setback. The detached accessory structure is 500 sq. ft., is 10 ft. in height, and contains a bedroom, an office, a bathroom, a living room, and a bathroom.

The applicant has submitted 2 letters of no objection from property owners in the area, including the adjacent neighbor to the east and a neighbor to the north.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	10 ft. (accessory structure)
Min. Lot Width:	75 ft.	50 ft.
Min. Lot Size:	7,500 sq. ft.	6,746 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	61 ft. (Accessory structure, South)
Rear:	30 ft. (house and accessory structure)	2.8 ft. (House, North)
Side:	7.5 ft. (house and accessory structure)	5.4 ft. (House, East), 2.4 ft. (House, West), 6.4 ft. (Accessory structure, East)

STAFF FINDINGS

VARIANCE CRITERIA

Variances 1, 2, and 3 (Approval)

Special Conditions and Circumstances

The lot was platted in 1924, and the house was constructed in 1930, prior to the establishment of zoning regulations by Orange County in 1957.

Not Self-Created

The owner is not responsible for the configuration of the lot and the orientation of the residence since they purchased the property in 2019, long after the house was built in 1930.

No Special Privilege Conferred

Granting the variances will not grant any special privilege. The house was constructed in 1930 in this configuration and location.

Deprivation of Rights

The orientation and location of the house was established in 1930. Denial of these variances and required removal of the house will deprive the applicant of the right to continue the enjoyment of a house that has been existing for over 90 years.

Minimum Possible Variance

The requests are the minimum possible variances since these setbacks have been existing prior to setback requirements, for over 9 decades.

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 since the home has been in the current configuration for over 90 years, which is compatible with other properties in the neighborhood.

VARIANCE CRITERIA**Variance 4 (Denial)****Special Conditions and Circumstances**

There are no special conditions and circumstances pertaining to the need for variance #4, as the accessory structure could have been installed in a manner that would not have required a variance.

Not Self-Created

The request for variance #4 is self-created and is the result of the structure being installed without permits.

No Special Privilege Conferred

Granting the variance as requested will confer special privilege that is denied to other properties in the same area and zoning district, as the applicant may rectify the issue by moving, removing, or modifying the accessory structure that was installed without permits.

Deprivation of Rights

The applicant is not being deprived of the right to have an accessory structure on the property since the owner has the ability to meet the setback requirements.

Minimum Possible Variance

The request is not the minimum, since at the time of installation the structure could have been located at least 7.5 ft. from the east property line, meeting code requirements.

Purpose and Intent

Approval of variance #4 will not be in harmony with the purpose and intent of the zoning regulations.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated August 13, 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 applicant shall obtain a permit within 180 days of final action on this application by Orange County, or this approval is null and void.

C: Jose Contreras
2659 Mint Drive
Orlando, Florida, 32837

COVER LETTER

**Cover Letter
In Support of Request for Variance
1209 35th St, Orlando Fl 32805**

This Cover Letter is in support of my request for a variance to the side setback and rear setback for the Principal Structure that was built in 1930 without any setback requirements and a variance to the side setback for the Detached Accessory Structure (Storage) that was built many years ago for the last owner without building permit. It have 500 sq. Ft with two bedroom, a living room and one bathroom. The reason for the variance request is because I am doing a new building permit to the Detached Accessory Structure and in the middle of the process, I received a zoning review show a deficient side and rear setback. Principal structure side setback proposed 2.4 feet (left side), side setback proposed 5.4 feet (right side) and rear setback proposed 2.8 feet. Detached Accessory Structure side setback proposed is 6.4 feet and the minimum side setback is 7.5 feet. Both structures are constructed with stucco and wood.

The proposals meet with the standards for variance approval:

- 1) Exist a Special condition and circumstances in the land, Principal structure was built in 1930 and the Detached Accessory Structure was located in front of the principal structure as a Storage because the principal structure is located in the rear half (1/2) of the lot/parcel.
- 2) Both action was not created for me.
- 3) I am not looking a special privilege conferred
- 4) My other properties comply with the zoning requirements.
- 5) The Detached accessory Structure is the minimum possible variance and It will continue with the same size (500 sq. Ft)
- 6) The purpose and intent for the variances are to comply with Zoning regulation and continue with the next step to get the permit for the Detached Accessory Structure

This petition has the intention for the board to consider a variance for both Structures to move forward with all Orange County code and requirements to have a clean property.

Thank you for your consideration.

Respectfully submitted,


Jose A. Contreras – Owner/Builder

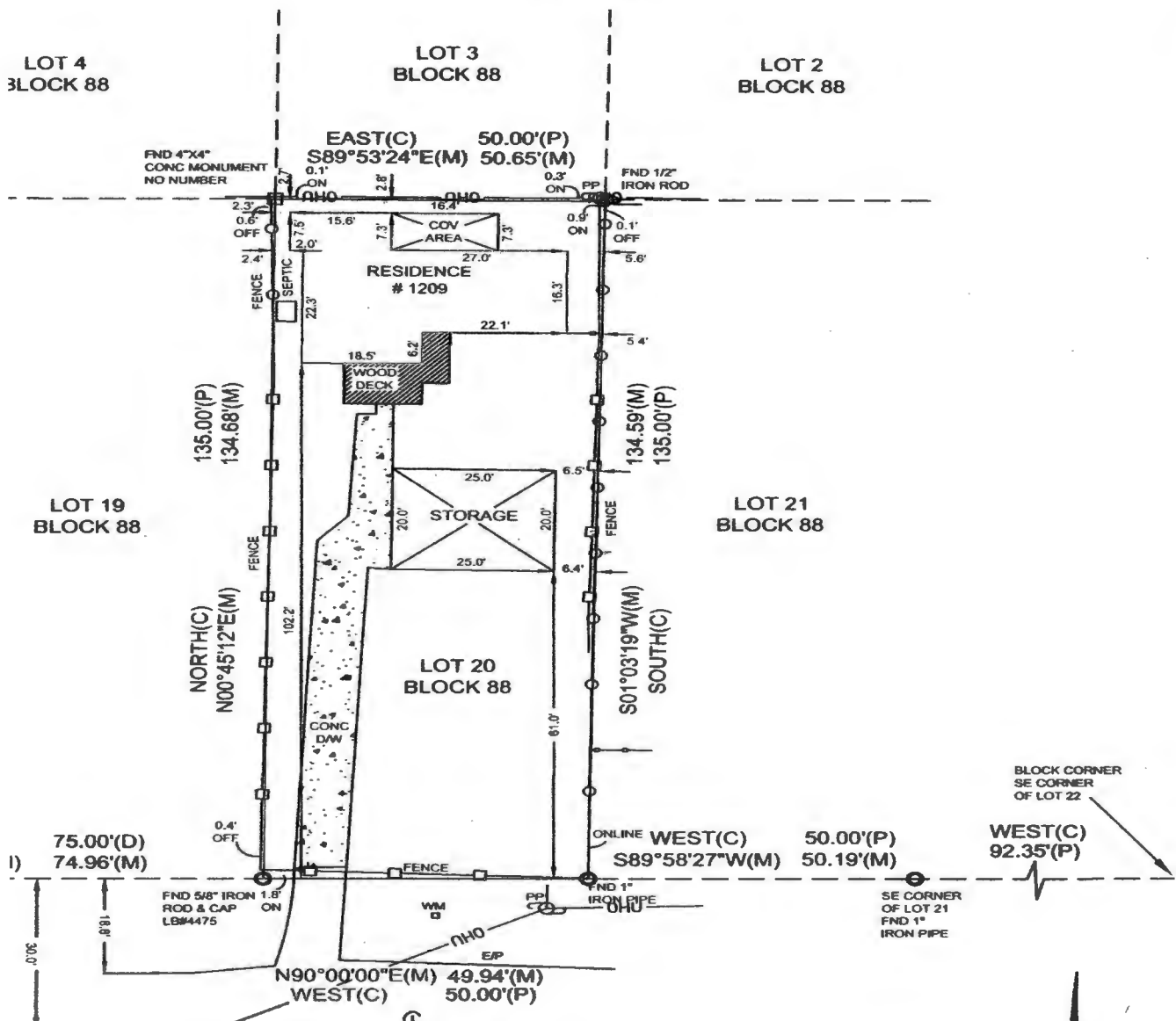
ZONING MAP



AERIAL MAP



SITE PLAN

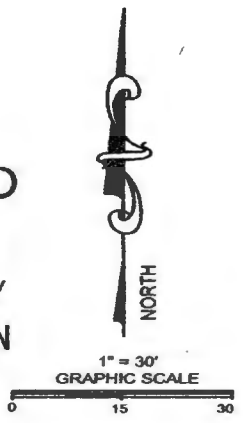


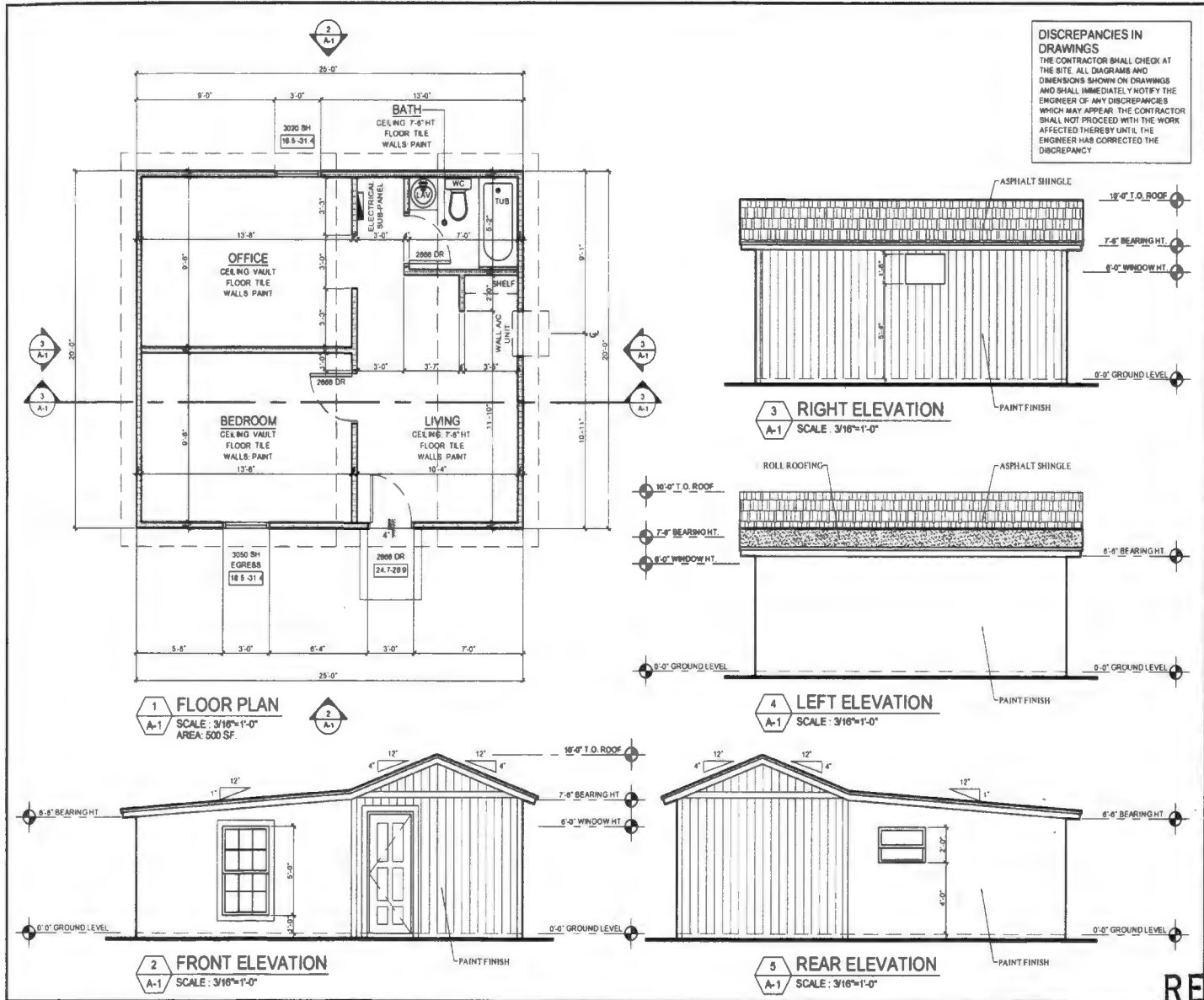
35TH STREET
60' PLATTED RIGHT-OF-WAY
ASPHALT ROADWAY

ADDRESS
1209 35TH STREET
ORLANDO, FLORIDA 32805

LEGAL DESCRIPTION: (AS FURNISHED)

RECEIVED
AUG 13 2020
ORANGE COUNTY
ZONING DIVISION





REVISIONS	BY

hc

HERNANDO CASTANO
ARCHITECT - FL AR98618

415 E. Pine St. Svb. 614
Orlando, FL 32801
321 945 0242 / ehcorp@yahoo.com

AS BUILT DRAWINGS FOR:
FUTURE REALTY INVESTMENT LLC
1209 35TH ST., ORLANDO, FL 32805
PROPERTY ID # 03-23-29-0182-89-200

HERNANDO CASTANO
Digitally signed by Hernando Castano
Date: 2020.06.24 18:29:30 -04'00'
PK Lic. # AK98618

DATE: 03/26/20	DESIGNER: HC
REV: 03-20200326-02	SCALE: AS NOTED

A-1

RECEIVED

AUG 13 2020

ELEVATIONS / FLOOR PLAN OF ACCESSORY STRUCTURE

SITE PHOTOS



Front from 35th St. facing northwest



Accessory structure 6.4 ft. side (east) setback facing northeast

SITE PHOTOS



Residence 2.4 ft. side (west) setback facing northwest



Residence 5.4 ft. side (east) setback facing northeast

SITE PHOTOS



Residence 2.8 ft. rear (north) setback facing west

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 1, 2020**

Case Planner: **Ted Kozak, AICP**

Case #: **VA-20-09-081**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): ALAN FREDRICKSON

OWNER(s): ALAN J. FREDRICKSON

REQUEST: Variance in the R-1AA zoning district to allow an attached carport to be located 5.25 ft. from the front property line in lieu of 30 ft.

PROPERTY LOCATION: 700 Lillian Dr., Orlando, FL 32806, South side of Lillian Dr. and the north side of Lake Jennie Jewel, west of S. Summerlin Ave.

PARCEL ID: 12-23-29-0516-00-541

LOT SIZE: 0.86 acres (37,505 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 99

DECISION: Recommended **APPROVAL** of 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; 7-0):

1. Development shall be in accordance with the site plan and elevations dated June 10, 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 applicant shall obtain a permit for the carport within 180 days of final action on this application by Orange County, or this approval is null and void.
5. The carport shall match the exterior of the existing house, including the roof materials and color.

SYNOPSIS: Staff briefly described the property, including the year the existing single-family residence and the previous garage prior to demolition was constructed. Staff indicated that the applicant's rationale for the proposed carport front setback was that he wished to be consistent with the location of other improvements within the neighborhood. It was also noted that it is proposed to be the same size, 484 sq. ft., as the previous demolished garage, and it will match the front setback of the adjacent existing house on the property. Staff also described the location of the proposed carport in comparison with the improvements on adjacent properties. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for denial of the variance. Staff noted that two (2) comment letters were received in support from the two closest neighbors and no comments were received in opposition.

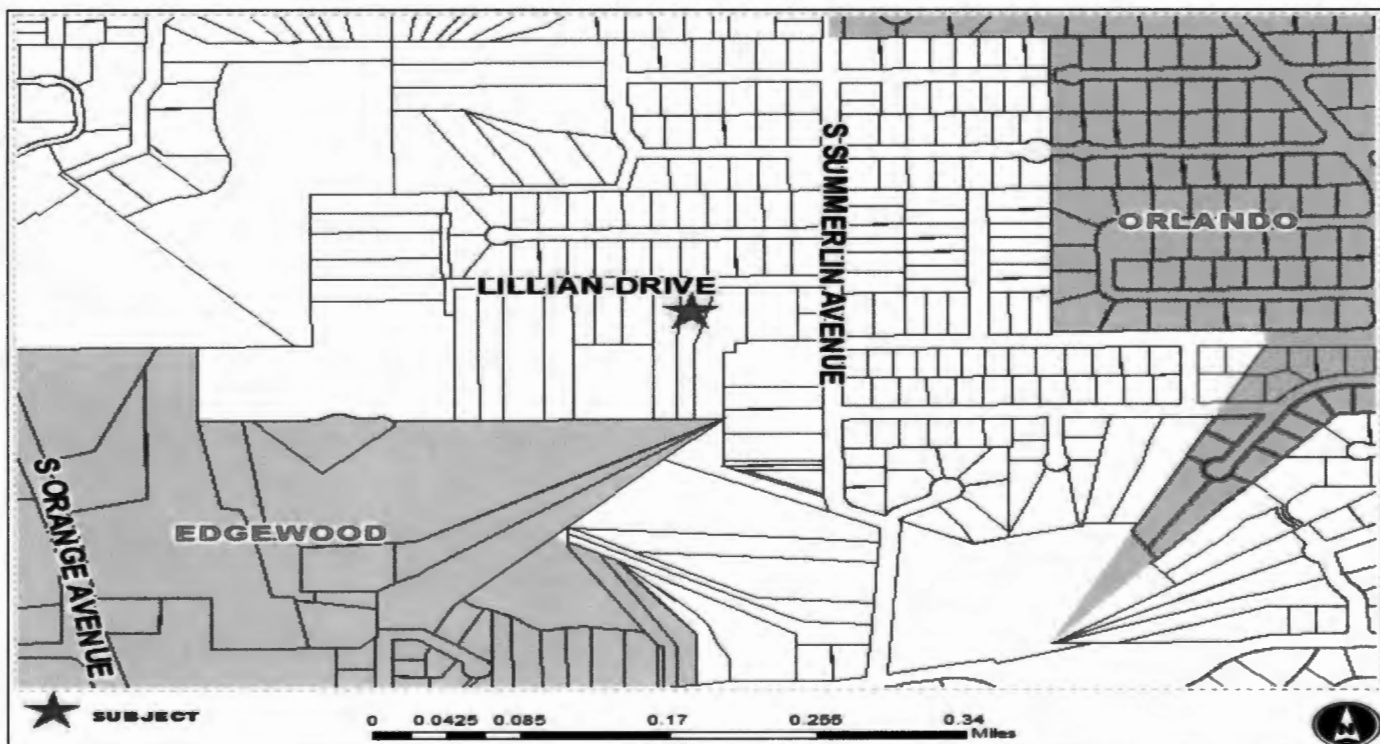
The applicant discussed the need for the variance, and emphasized that the construction of the structure in the location proposed is required to provide a logical, functional location on the west side of the lot as well as to be consistent with the existing setback with the house. The applicant also provided information regarding comparative building setbacks within the neighborhood. There was no one in attendance to speak in favor or in opposition to the request.

The BZA unanimously recommended approval of the variance, subject to the five (5) conditions in the staff report.

STAFF RECOMMENDATIONS

Denial. However, should the BZA find that the applicant has satisfied the criteria necessary to grant a variance, staff recommends that the approval be subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1AA	R-1AA	Lake Jennie Jewel	R-1AA	R-1AA
Future Land Use	LDR	LDR	Lake Jennie Jewel	LDR	LDR
Current Use	Single-family residence	Single-family residence	Lake Jennie Jewel	Single-family residence	Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the 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.

The subject property is a 0.86 acre lot platted in 1925, as part of the Lillian Barnum Sub-Division (*sic*), and is a conforming lot of record. The lot is located on Lake Jennie Jewel. Of the 0.86 acres, just over approximately 15,300 sq. ft. or 0.35 acres of land is upland, with the remainder as submerged land. The site contains an existing 3,620 sq. ft. single-family residence, which was constructed in 1938. At the same time the house was built an attached 484 sq. ft. two-car garage was constructed, but was demolished after extensive storm damage in 2018. The applicant purchased the property in 2000. The neighborhood consists of single-family homes, many of which were constructed during the same time period as the subject residence.

In 1992, the BZA granted a variance to allow the existing residence to remain at 5 feet and the attached garage to remain at zero feet from the north property line in lieu of 30 feet. The variance request triggered a 1,300 sq. ft. addition to the house (B92037215), but the addition did not reduce the existing front setback or modify the footprint of the garage. Although the requested variance was zero, the garage encroached north of the property line by 1-foot into the right-of-way.

The applicant is proposing to install a 14-foot high, 22 foot by 22 foot, 484 sq. ft. attached carport at a distance of 5.25 feet from the north property line in lieu of 30 feet to replace the previous attached garage that was destroyed by a large tree during a recent storm. The carport is designed to match the existing residence. The applicant asserts that the proposed size of the carport replacement is the same as the previous garage, but is located in an appropriate location, approximately 6.25 farther south than the previous structure.

The applicant has submitted petitions of support from the most impacted adjacent owners of the properties to the east and west located next door at 704 and 620 Lillian Drive.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	20 ft. (Residence)/15 ft. (Carport)
Min. Lot Width:	85 ft.	100 ft.
Min. Lot Size:	10,000 sq. ft.	0.86 ac./ 37,505 sq. ft.

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	30 ft.	6 ft. (existing residence) /5.25 ft. (Carport)
Rear:	35 ft.	538 ft. (Approx.)
Side:	7.5 ft.	7.5 (East)/12.25 (West)
NHWE:	50 ft.	179 ft.

STAFF FINDINGS**VARIANCE CRITERIA****Special Conditions and Circumstances**

Although Lillian Barnum was platted prior to the current requirements, there are no special conditions and circumstances particular to this lot since the siting of the proposed carport could be orientated from Lillian Drive in a manner that would meet Orange County code requirements.

Not Self-Created

The current owners are not responsible for the configuration of the lot, or the orientation of the residence, including the setback from Lillian Drive, since they purchased the property in 2000, long after the residence and attached garage were built in 1930. However, although the destruction of the previous garage necessitates a replacement, the owners have options to shift the replacement carport farther south so that it would meet code requirements.

No Special Privilege Conferred

Granting the variance will grant any special privilege since the owners have alternatives pertaining to the location of the new carport respective to Lillian Drive.

Deprivation of Rights

Deprivation of rights is not a consideration since the owners will be able to utilize the property as a single-family residence without the carport in the proposed location, close to the right-of-way.

Minimum Possible Variance

The owners have the ability to move the carport farther south away from the right-of-way that would reduce or negate the need for a variance and there is not a minimum request.

Purpose and Intent

Part of the purpose and intent of the front setback is to provide a separation between the structures on the subject property and the adjacent right-of-way to minimize the intrusion of privacy, including noise and visual

effects. However, the front setbacks of improvements situated along Lillian Drive are located in a similar manner, are relatively close to the front property line and the orientation of the proposed carport would be consistent with developed properties along Lillian Drive.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated June 10, 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 applicant shall obtain a permit for the carport within 180 days of final action on this application by Orange County, or this approval is null and void.
5. The carport shall match the exterior of the existing house, including the roof materials and color.

C: Alan Fredrickson
700 Lillian Dr.
Orlando, FL 32806

COVER LETTER

June 28, 2020

To the Board of Variance,

Hi, I'm Alan Fredrickson, primary residence at 700 Lillian Drive, Orlando, FL 32806. I purchased my home and have lived here since 2000. The existing home and attached 2 car garage was built in 1936 prior to the current setback requirements. A 200 year old oak tree came down after a storm and crushed the garage completely, but spared the house. I'm asking for a variance to rebuild the garage structure with a larger set back than the previous garage but not within the 30' current setback requirements.

The existing house sits back 5' from the front property line. The existing garage sat forward of the house and the corner of it was right on top of the property line. There is 29' feet of grass in the ROW between the front of the house and the asphalt street. In this 29' of ROW, up and down the street, is filled with large trees, power poles, houses, entry walls, misc. structures, front yards, shrubs, etc.

Lillian Drive is a dead end street and there is a 50' wide right away adjacent to the property line for grass and a 24' paved road with no curbs.

I'm proposing to rebuild a nice carport instead of a garage, similar size, but I'm pushing it back as far as I can for it to function with the existing house entrance. This would place the carport just behind the front line of the house at 5.25' off the front property line and be 12.25' off the side property line. The previous garage was 22' x 22' and the proposed carport is 22' x 22'.

The location of the house and garage is in keeping with a number of the other houses and structures on the street. The proposed carport will be behind line of the house. The house was designed to have the adjacent garage. Without it, it basically is an eye sore with a huge side of the house exposed. What I'm proposing is an improvement from the previous 80 years and sits farther back on the property.

I've had several architects look at what could be built to meet the 30' set back. It would be a smaller one car garage because the lot is pie shaped and it gets tighter as you go down the lot. And most importantly it would be in a location that makes no functional sense, so basically I wouldn't build anything and the eyesore would continue. Attached is a plan view drawing of the previous and proposed locations.

The neighbors support me and attached are letters from the two adjacent neighbors. Many of the other neighbors ask me about it and are hoping I can rebuild because it just looks weird right now.

COVER LETTER

Construction type will be wood post and beam, roof trusses with asphalt roof shingles to match the house.

Meeting Variance Criteria:

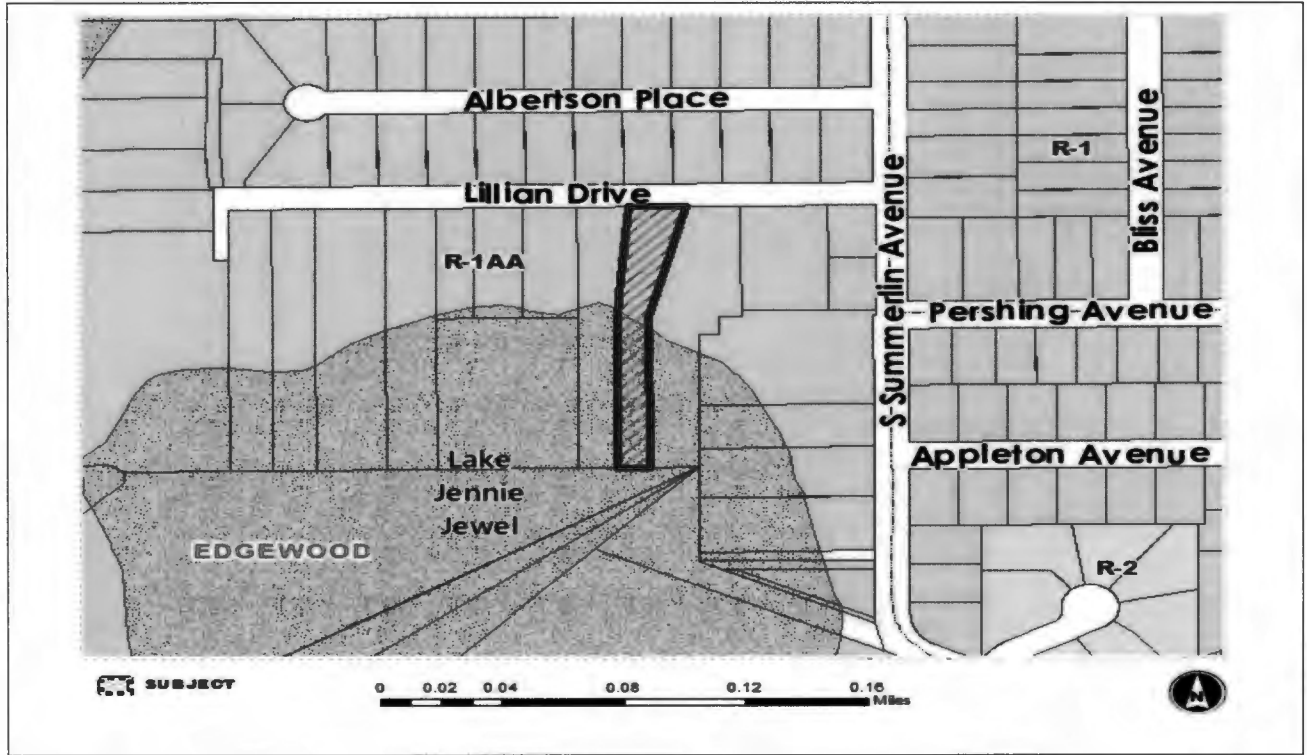
1. **Special Conditions and Circumstances** – This was an existing 80 year old garage and house that was in place long before current set back requirements.
2. **Not Self Created** – A 200 year old tree crushed the garage after a storm, certainly not my doing or desire.
3. **No Special Privelege Conferred** – Approval of this variance doesn't give me any special privilege, just similar use of what was existing.
4. **Deprivation of Rights** – Denial of this variance would deprive me of the use of a garage that existing for 80 previous years, and the financial hardship of devaluing the property for lack of garage.
5. **Minimum Possible Variance** – The proposed plan is the minimum variance that will allow me to rebuild a 2 car structure and still tie into the side entry of the house. I've had multiple architects working on this to find the best solution.
6. **Purpose and Intent** – The approval of this variance results in a structure that is an improvement from the previous, is further back on the property, and is in keeping with the neighborhood and supports neighborhood home values.

Thank you again for your consideration and the opportunity to request this variance.

Alan Fredrickson



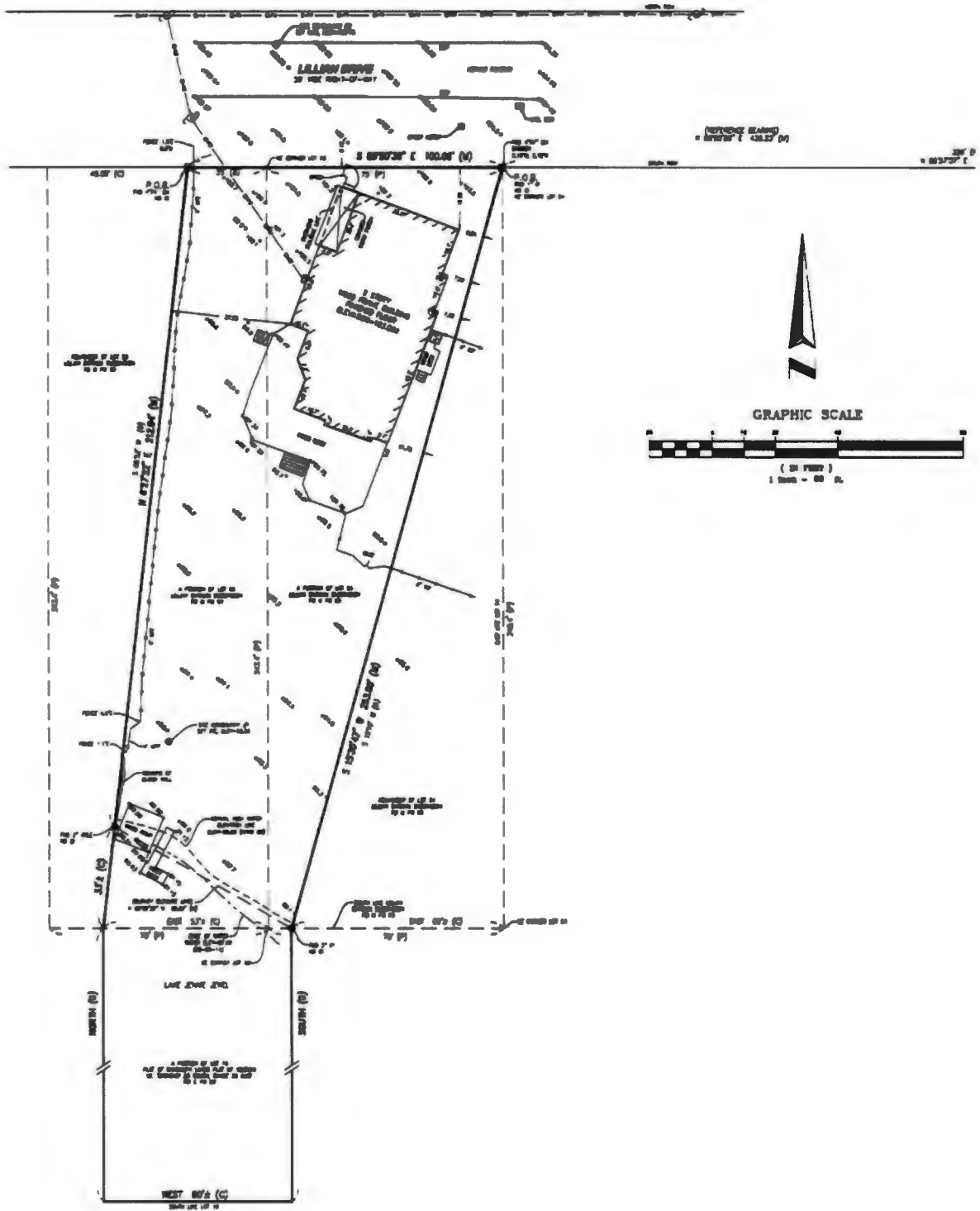
ZONING MAP



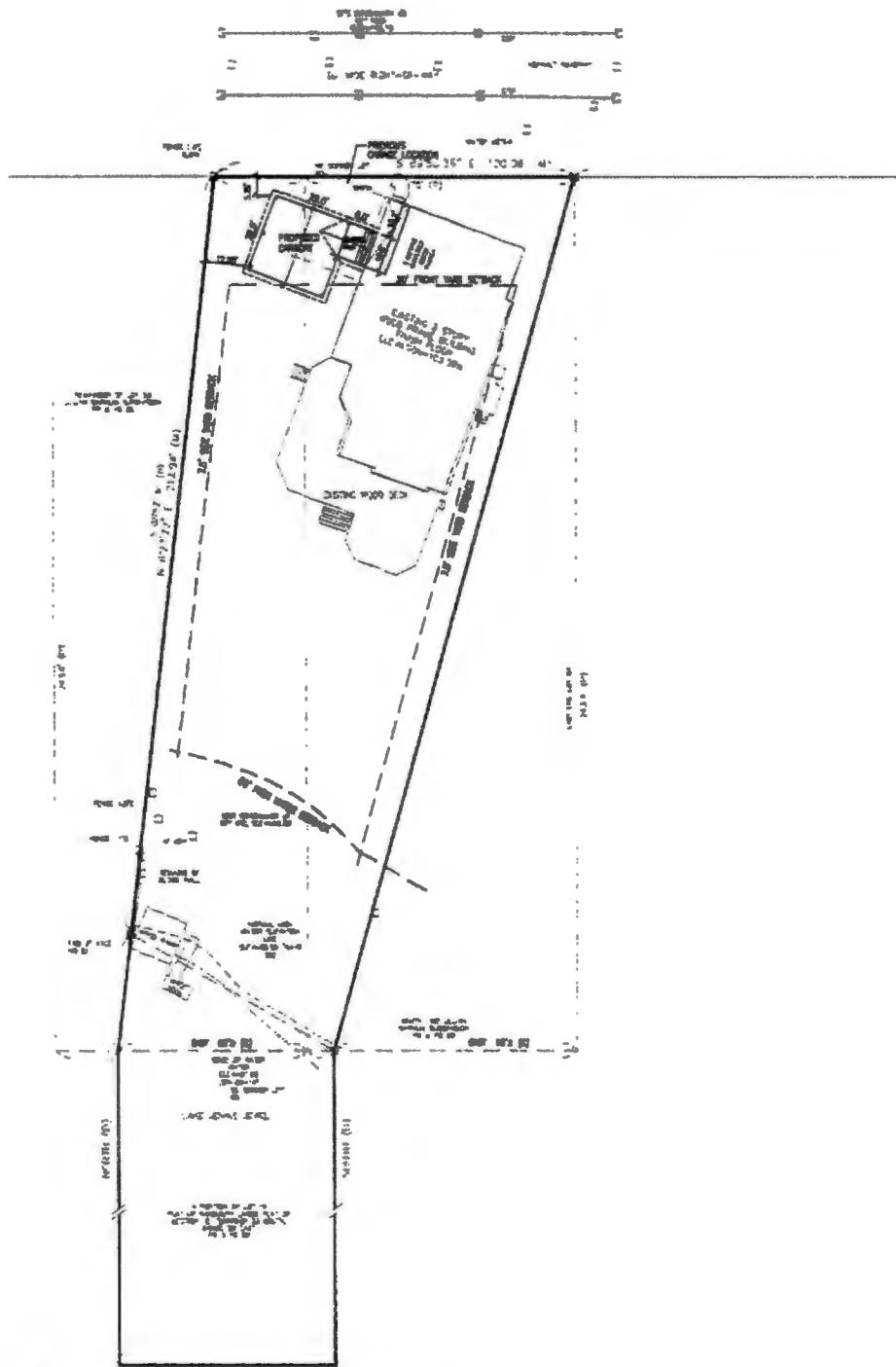
AERIAL MAP



SURVEY

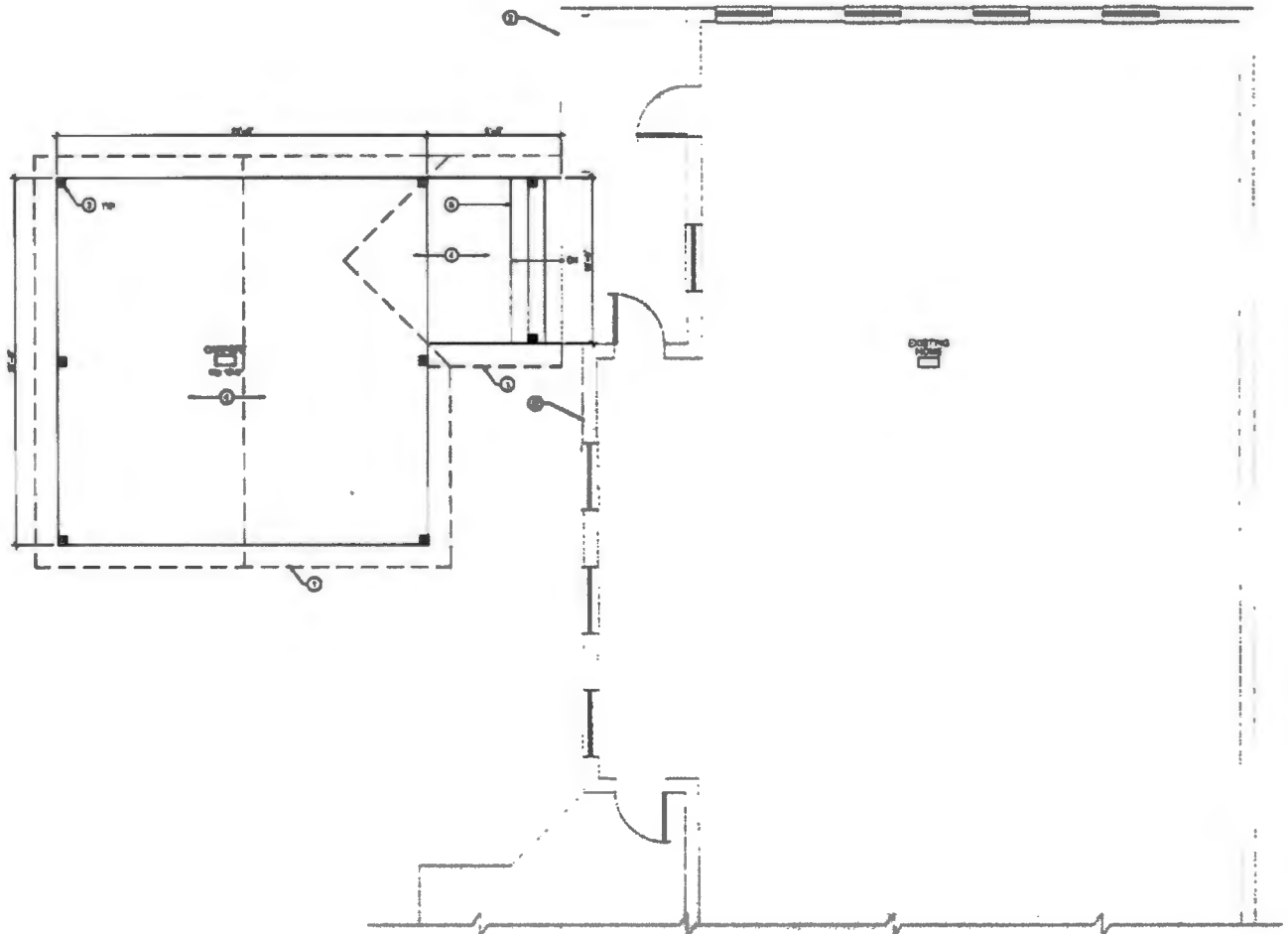


SITE PLAN



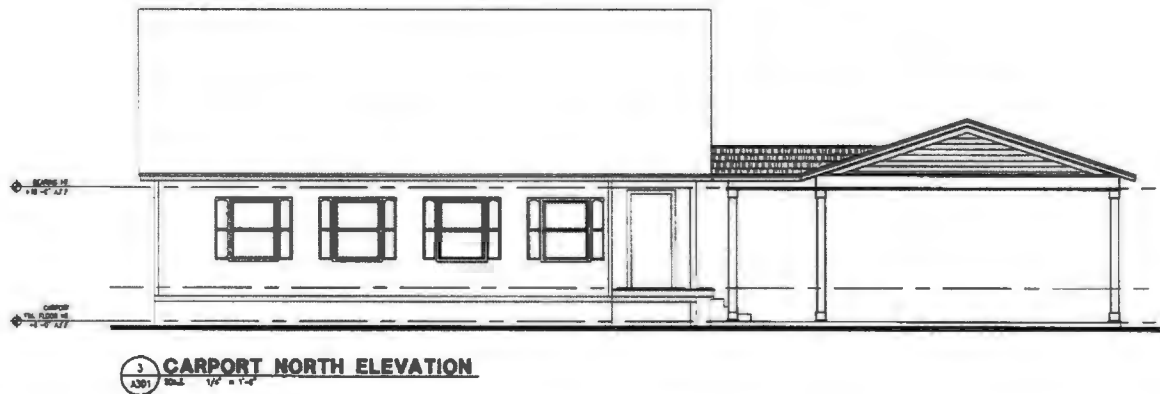
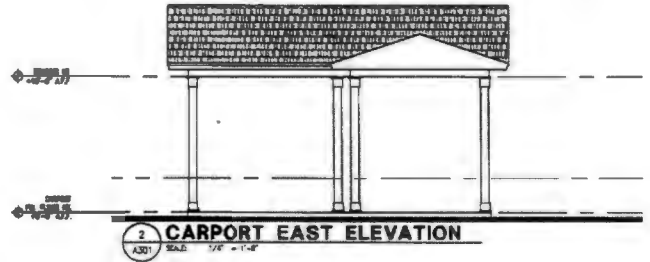
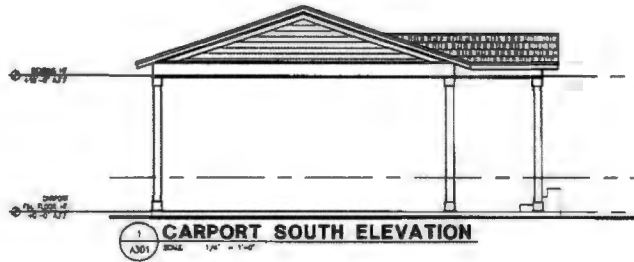
CONCEPTUAL SITE PLAN

FLOOR PLAN



**CONCEPTUAL
CARPORT FLOOR PLAN**

ELEVATIONS



SITE PHOTOS



Facing south from Lillian Drive - proposed carport location to the right



Facing north towards Lillian Drive – proposed carport location to the left

SITE PHOTOS



View of Lillian Drive facing southwest towards existing house and proposed carport location



Lillian Drive facing west

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 01, 2020**

Case Planner: **Ted Kozak, AICP**

Case #: **SE-20-10-095**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): **PATRICK MADDEN**

OWNER(s): **VERIZON WIRELESS PERSONAL COMMUNICATIONS LP**

REQUEST: **Special Exception and Variances in the P-O zoning district as follows:**

- 1) An amendment to an existing Special Exception to allow the construction of a 26,920 sq. ft. two-story electrical and equipment room addition for an existing telephone switching substation, a 2,880 sq. ft. covered truck parking and a 4,128 sq. ft. covered portable generator storage area.
- 2) Variance to allow a maximum building height of 40 ft. in lieu of 35 ft.
- 3) Variance to allow the provision of 70 off-street parking spaces in lieu of 95 parking spaces.

PROPERTY LOCATION: **3503 Technological Avenue, Orlando, FL 32817, east side of the northern terminus of Technological Ave. approximately 617 ft. north of University Blvd.**

PARCEL ID: **04-22-31-2868-00-100**

LOT SIZE: **10.52 acres**

NOTICE AREA: **1,500 ft.**

NUMBER OF NOTICES: **85**

DECISION: Recommended **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; and, **APPROVAL** of 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; 7-0):

1. Development shall be in accordance with the site plan and elevations dated August 10, 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 applicant shall obtain permits within 3 years of final action on this application by Orange County or this approval is null and void.

SYNOPSIS: Staff described the property, the surrounding area, and the Verizon switching station's existing and proposed operations. Staff provided an analysis of the six (6) criteria, and the reasons for a recommendation for approval for the Special Exception, including the compatibility with the surrounding area, since there is no proposed increase of intensity of operations because the number of employees will not increase and the overall intensity of the use will not be expanded. Staff also provided an analysis of the six (6) criteria for a recommendation of approval for the variances, including hardships pertaining to the higher floor plates required for communication equipment, confirming the need for additional building height; and hardships related to the lack of need for additional parking for unmanned communication equipment, confirming the need for a reduction of required parking. Staff noted that that no comments were received.

The applicant had no additional information to supplement the staff presentation.

There was no one in attendance to speak in favor or in opposition to the request.

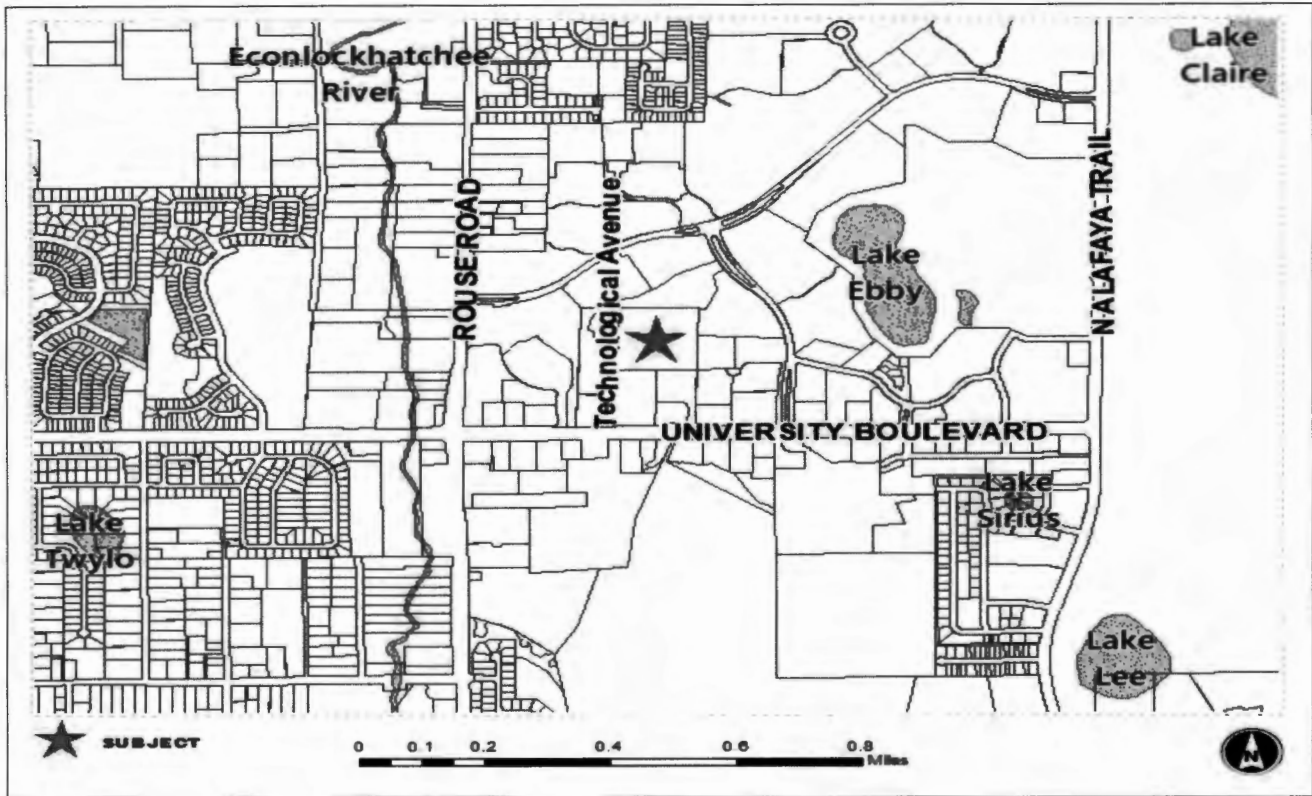
The BZA briefly discussed the proposal and stated that the proposed site improvements were compatible with the area.

The BZA unanimously recommended approval of the Special Exception and Variances, subject to the four (4) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	P-O	P-D	P-D	P-D	P-D
Future Land Use	Office and Water Body	Water Body	PD-C/O and PD-C	Office	PD-C/O
Current Use	Telephone substation	Wetland/conservation area	Commercial and mini-storage	Quadrangle Office Park	Conservation area and Commercial

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the P-O, Professional Office zoning district, which allows for office and related development. Certain uses, such as telephone substations, are permitted through the Special Exception process.

The subject property is 10.52 acres in size, consisting of a portion of Lot 10 of the Fox Plat, recorded in 1912. The site is developed with a one-story telephone substation building containing network equipment, DC power rooms, AC power equipment rooms, generator rooms, and interior office spaces for up to 30 employees, consisting of a total of 36,562 sq. ft. of gross floor area. The site and building improvements were constructed in 2004.

In September 2003, a special exception to allow the construction of a one-story 37,000 sq. ft. telephone switching station for Verizon was approved. The BZA, confirmed by the BCC, considered the use as an appropriate use, given its location adjacent to office parks and commercial development.

In January 2004, a special exception to amend and expand the previously approved telephone switch station (private utility) from 37,000 sq. ft. to 45,165 sq. ft. was approved. This amendment was necessitated since the owner, Verizon wireless, purchased additional land area in order to provide additional room for building area as well as parking area. This expansion contemplated a future building expansion, within the same area the proposed current expansion is to be located. The BZA, confirmed by the BCC, concluded that expansion and potential future expansion was appropriate at this location. Site construction began in 2004 and was completed in 2005 (B04901859 - Site Work, and B04902978).

The applicant, Patrick Madden, representing Verizon wireless, is proposing a 26,920 sq. ft. two-story building addition, which will be located along the north face of the existing building, at the east side of the property, generally in the same location of the existing open sodded area which was contemplated for future expansion in 2004. The new building will be 40 ft. high, requiring variance #1, and will be wholly utilized for fixed equipment such as servers and switching equipment, providing for additional IT capacity and capability within the Verizon network. Since the entire expansion area will be used for automated equipment space, no additional staff is needed beyond the maximum number of employees, 30, as now exists. Further, located just north of the proposed building expansion, the applicant proposes to install a 2,880 sq. ft. covered truck parking area for emergency communication vehicles and a 4,128 sq. ft. covered area over the existing emergency portable generator to provide more flexibility during times of emergency mobilization. No other site improvements or modifications to the parking area are proposed.

The parking requirements for the overall operations are as follows:

- Administrative office functions: 8,282 sq. ft. @ 1 parking space per 200 sq. ft., requiring 42 spaces
- Fixed equipment and other similar areas: 52,256 sq. ft. @ 1 parking space per 1,000 sq. ft., requiring 53 spaces

The total parking spaces required for the site is 95 parking spaces. The applicant is proposing to utilize the existing parking area containing 70 parking spaces, which includes the 4 covered truck spaces, and 4 accessible stalls. Therefore, the request for variance #2 is to reduce the number of parking spaces by 25 spaces as per the parking code. The impetus for the request is since there is no additional personnel needed or required for the additional building area, and the existing building area is underutilized by current staffing needs. The facility supports a maximum of 30 employees on a typical workday, of which 10 to 12 are operational staff members who work in shifts of 4 to 6 persons. As one of 8 similar Verizon facilities on the east coast, the typical staffing level includes 4 or 5 employees onsite at any given time. During past (pre-pandemic) times, the maximum influx of visitors has been 15 employees. Therefore, at the maximum assembly peak, the building will contain 30 to 50 employees at one time. If each employee drove one vehicle, the 70 parking spaces provided far exceeds the 50 parking spaces demanded in that scenario.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	40 ft. (Variance #1)
Min. Lot Width:	85 ft.	357 ft.
Min. Lot Size:	10,000 sq. ft.	10.52 acres

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

	Code Requirement	Proposed
Front:	25 ft.	260 ft. (West)
Rear:	30 ft.	36 ft. (Building addition - East) 30.2 ft. (Covered canopy - East)
Side:	12 ft. (2-story)	36 ft. (South)/ 259 ft. (North)

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

Telephone switching stations as conditioned through the Special Exception process is consistent with the Comprehensive Plan, since the provision of essential utilities and cellular phone emergency infrastructure is a benefit to the region.

Similar and compatible with the surrounding area

The building expansion will be compatible with the design of the existing building located on the site, as well as compatible with the adjacent and nearby commercial and warehouse/ flex buildings, such as the office park to the east, the mini-storage to the south and the mixed of commercial uses to the southwest (hotels, retail stores, and restaurants). Further, the proposed covered truck parking and portable generator storage area will be situated within the extents of existing site improvements and these improvements will be screened from adjacent properties by additional landscaping as well as the existing landscape buffers and conservation area located to the east, south and north, respectively. The new site improvements will not be visible to the south.

Shall not act as a detrimental intrusion into a surrounding area

The proposed new building area and the proposed covered truck parking and covered portable generator storage area will not negatively impact the surrounding area. It will be located within an existing telephone switching building complex, and the proposed additional building area will not expand the intensity of the existing operations and any changes will likely not be perceptible beyond the property lines.

Meet the performance standards of the district

The proposed improvements, if the variances for the building height and the number of provided parking areas are approved, 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 site improvements. All electrical equipment will be located within the interior of the new building with the exception of the proposed outdoor portable generators which will only be used offsite for emergency power staging operations after storm events.

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

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

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions and circumstances particular to this situation is the fact that the height, size and volume of the building area required to install communication equipment and servers, confirms the need for variance #1. The number of employees onsite at any given time is less than 5 personnel, which will not increase after the expansion which confirms the need for variance #2.

Not Self-Created

The owner, Verizon, is not responsible for the height requirements for increased floor plate clearance for necessary switching equipment, which triggers the need for the requested variance #1. The owner is also not responsible for the intensity of parking requirements, which necessitates the need for variance #2, which in this case does not match the actual parking demand required for such an operation with automated equipment.

No Special Privilege Conferred

Granting the variances will not grant any special privilege. Due to the extent of the building operations, the variances are appropriate.

Deprivation of Rights

Per variance #1, the restriction of the building height would deprive the rights of the owner to continue to consolidate telephone operations onsite through the required expansion to meet technological and emergency backup needs. Regarding variance #2, the size of the buildable area that would be required for the installation of 25 additional parking spaces to meet the literal interpretation of the code would be impracticable and unnecessary, based upon the actual parking demand.

Minimum Possible Variance

Variances #1 and #2 are minimum variances. The type and size of the communication equipment required to be installed necessitates the taller floor plates and the extra height as proposed. Further, the site is substantially built-out and the installation of 25 additional unneeded parking spaces would be difficult without substantial reconfiguration of the site. Further, the construction of the new improvements is not increasing the need for additional parking spaces.

Purpose and Intent

Approval of the proposed request to allow improvements for the expansion of the telephone substation use and the concurrent requests will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the adjacent properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated August 10, 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 applicant shall obtain permits within 3 years of final action on this application by Orange County or this approval is null and void.

C: Patrick Madden
1900 S. Highland Ave. Suite 206
Lombard, IL 60148

COVER LETTER

MADDEN + McMILLAN ARCHITECTS, LTD.

1900 South Highland, Suite 206
Lombard, Illinois 60148

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August 5, 2020

Mr. Ted Kozak, AICP
Chief Planner, Zoning Division
Orange County Planning, Environmental and Development Services Department
201 S. Rosalind Ave., 1st Floor
Orlando, FL 32801
(407) 836-5537

RE: **Verizon Wireless – Orlando MSC Building Expansion Project**
Special Exception
3503 Technological Ave.
Orlando, FL 32817

Dear Mr. Kozak:

Per our conversation and meeting with Verizon Wireless, 7/13/20, please accept this application for a Special Exception to the Orange County Code.

Existing Facility:

The existing facility is a Verizon Wireless telecommunication switching and data processing facility. Per the Orange County Code of Ordinances, Use Table (38-77) this specific use would seem to best be identified as a "telephone substation". It was originally constructed in 2003-04 under a Special Exception, case number SE-04-01-102.

The functions contained within the facility include the following:

- **Network/IT Equipment Spaces:** There are several network equipment rooms within the facility. Much like a data center type environment, these spaces house fixed IT equipment (computerized server and processing racks, etc.).
- **DC Power Rooms:** There are two (2) main DC power equipment rooms located in the facility. These spaces include battery and power rectification equipment.
- **AC Power Equipment Rooms:** There are two (2) main electrical rooms within the facility. These spaces house main electrical distribution equipment.
- **Generator Rooms:** There are two (2) interior generators which provide standby power in the event of a power outage. These systems allow the facility to continue operation and support of their network. The fuel tanks serving these generators are located outside the building in an enclosed courtyard.
- **Mechanical Equipment Rooms:** These spaces house mechanical equipment which conditions the network and IT spaces.
- **Administrative Space:** The facility supports approximately 30 employees on a typical business day. Not all employees work out of the facility, full-time.
There are two (2) primary types of employees working out of the facility: (a) critical operational staff who support the technical operations of the facility and (b) non-critical staff who serve other

COVER LETTER PAGE 2

Verizon Wireless – Orlando MSC Building Expansion

3503 Technological Avenue

Application for Special Exception

Page 2 of 3

functions within Verizon’s organization, but are not directly linked to the operation of the facility. Of the 30 employees, 10-12 are operational staff members who work in typical shifts of 4-6 persons. The facility is supported 24/7 with occasional overnight support.

- Conference Room(s): Within the facility, there are three (3) conference rooms. The largest of the three (3) is used, on occasion, for training of employees who may not work at the facility. These training sessions, generally, result in an influx of 10-15 visitors.

Proposed Project – Building Expansion:

Verizon Wireless is proposing to expand the facility to provide additional IT capacity and capability within their network. The project will include a two (2)-story addition on the north side of the facility. The expansion will contain technical spaces including electrical rooms, UPS (uninterrupted power source) equipment rooms, receiving spaces, a network equipment room and supporting mechanical equipment space. The addition will not include any office or “people”-type spaces and the additional equipment areas will be supported by the current staff. Verizon does not intend to add additional personnel.

Proposed Project - Statistical Data:

Building Type	Telecommunications switching and data processing center
Number of Stories	2
First Floor Functions	Commercial power distribution, UPS power and receiving area
Second Floor Functions	Computer Network Room (fixed server racks, etc.) with adjacent Rooftop Mechanical Courtyard housing air handling units, screened from view and protected from wind-borne debris damage
First Floor Area	15,980-SF
Second Floor Area	10,940-SF
Total Building Addition Area	26,920-SF
Building Addition Height	40’-0” (Variance requested as part of this application)
Employees	No change; equipment added in expansion will be supported by current staff
Normal Operation Hours	8am-5pm
Extended Operation Hours	24/7 - Normal business hours apply to the employees working in the administrative portion of the building; however, the facility is staffed, on occasion, by 3-4 technicians who support hardware and software upgrades which are normally implemented during non-business hours
Exterior Functions	Exterior self-contained generators are proposed to be located on the north side of the expansion. The generators provide standby power to the facility in the event of an emergency. The generators are rated for sound attenuation limiting sound levels to 65dBA. Two (2) canopy structures are also proposed for the project. The canopies will provide protection for emergency deployment vehicles and portable generators which are used to support Verizon’s network and provide communications assistance ducting during emergency conditions.

Verizon Wireless – Orlando MSC Building Expansion

3503 Technological Avenue

Application for Special Exception

Page 3 of 3

Special Exception Criteria:

In accordance with Section 38-78 of the Orange County Code, we offer the following data to support the criteria required for a Special Exception:

1. Consistency with the Comprehensive Policy Plan: The proposed project is an expansion to an existing telecommunication switching and data processing facility approved in 2003-04 under Special Exception SE-04-01-102. The functions and use of the expansion area will be the same as the existing facility with the exception of the administrative functions. The Comprehensive Policy Plan indicates the area to have a future land use supporting office space. The "use" of the facility falls under the category of telephone substation per the Use Table in Section 38-77 and is a permitted use, by Special Exception.
2. Compatible with the Surrounding Area and Pattern of Development: Per Section 38-77, Use Table, from the Orange County Code of Ordinances, the facility falls under the use category of telephone substations with is permitted within the P-O district by Special Exception. The property is surrounded on all sides by a P-D District. Within the District, there are several building with similar size and height.
3. Use Shall Not Act as a Detrimental Intrusion: The use is identical to the current use and will not be detrimental to the surrounding uses.
4. Use Shall Meet the Performance Standards: The expansion will meet the performance standards and criteria of the district with the exception of building height. A Variance has been requested to allow for a 40' building height in lieu of the 35' requirement. Please refer to the Variance cover letter for details.
5. Use shall be Similar in Noise and Other Characteristics of Other Permitted Uses in District: The expansion will be identical to the current uses. Noise levels will not be increased by the new supporting equipment including standby emergency generators and screened HVAC equipment.
6. Landscape Buffer Compliance: Landscape buffers installed under the original 2004 project (SE-04-01-102) remain in place and will not be affected by the proposed expansion. Additional landscaping will be provided under 24-4(h) to provide a landscape buffer to screen the emergency asset parking areas.

We appreciate your time in reviewing these documents, if at any time, you should have any questions, please do not hesitate to call.

Sincerely,

MADDEN + McMILLAN ARCHITECTS, LTD.



Patrick Madden
Principal Architect

c. File

MADDEN + McMILLAN ARCHITECTS, LTD.

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August 5, 2020

Mr. Ted Kozak, AICP
Chief Planner, Zoning Division
Orange County Planning, Environmental and Development Services Department
201 S. Rosalind Ave., 1st Floor
Orlando, FL 32801
(407) 836-5537

RE: **Verizon Wireless – Orlando MSC Building Expansion Project**
Variance Request: Building Height
3503 Technological Ave.
Orlando, FL 32817

Dear Mr. Kozak:

Per our conversation and meeting with Verizon Wireless, 7/13/20, please accept this application for a Variance to the Orange County Code as it pertains to maximum building height requirements.

Existing Facility:

The existing facility is a Verizon Wireless telecommunication switching and data processing facility. The functions contained within the facility include the following:

- Network/IT Equipment Spaces: There are several network equipment rooms within the facility. Much like a data center type environment, these spaces house fixed IT equipment (computerized server and processing racks, etc.).
- DC Power Rooms: There are two (2) main DC power equipment rooms located in the facility. These spaces include battery and power rectification equipment.
- AC Power Equipment Rooms: There are two (2) main electrical rooms within the facility. These spaces house main electrical distribution equipment.
- Generator Rooms: There are two (2) interior generators which provide standby power in the event of a power outage. These systems allow the facility to continue operation and support of their network. The fuel tanks serving these generators are located outside the building in an enclosed courtyard.
- Mechanical Equipment Rooms: These spaces house mechanical equipment which conditions the network and IT spaces.
- Administrative Space: The facility supports approximately 30 employees on a typical business day. Not all employees work out of the facility, full-time.

There are two (2) primary types of employees working out of the facility: (a) critical operational staff who support the technical operations of the facility and (b) non-critical staff who serve other functions within Verizon's organization, but are not directly linked to the operation of the facility. Of the 30 employees, 10-12 are operational staff members who work in typical shifts of 4-6 persons. The facility is supported 24/7 with occasional overnight support.

Verizon Wireless – Orlando MSC Building Expansion

3503 Technological Avenue

Variance Request: Maximum Building Height

Page 2 of 3

- Conference Room(s): Within the facility, there are three (3) conference rooms. The largest of the three (3) is used, on occasion, for training of employees who may not work at the facility. These training sessions, generally, result in an influx of 10-15 visitors.

Proposed Project – Building Expansion:

Verizon Wireless is proposing to expand the facility to provide additional IT capacity and capability within their network. The project will include a two (2)-story addition on the north side of the facility. The expansion will contain technical spaces including electrical rooms, UPS (uninterrupted power source) equipment rooms, receiving spaces, a network equipment room and supporting mechanical equipment space. The addition will not include any office or “people”-type spaces and the additional equipment areas will be supported by the current staff. Verizon does not intend to add additional personnel.

To meet program requirements, the expansion will be a 2-story structure with network/IT space on the 2nd floor and power support spaces on the 1st floor. The building envelope has been designed to minimize floor-to-floor height, but as can be seen in the building sections provided with this submission, the building will function differently than most commercial buildings.

In particular, at the second floor level, the network equipment room will be elevated on an access floor system. The 3’-0” high access floor is required to provide sufficient cooling to the computer equipment. As with many data centers, the power density of the equipment is significant and requires approximately 3X the volume of air as the existing facility. The most efficient means for distributing this air is through an access floor. Similarly, the return air pathway requires an equally high interstitial ceiling space. The warm air is pulled across the suspended ceiling and back to the air handling units (AHUs) proposed for the screened rooftop mechanical room on the south side of the building.

These unique attributes of the building’s use and function contribute to a taller-than-normal 2-story structure. Any reduction in the building height would have an operational impact on the facility and would be detrimental to the functions served.

Variance Request:

The facility is located in a P-O, Professional Office” zoning district. The maximum permissible building height within the P-O district is 35’-0”. Verizon Wireless is seeking a variance to allow for an overall building height of 40’-0”.

The basis for this request is described in the “Proposed Project – Building Expansion” section above. In reviewing the County Zoning Map, it appears the property is surrounded by a P-D, “Planned Development” District on all sides. Within that district, there appear to be several multi-story buildings which, presumably, exceed 35’-0”. Thus, the 40’ building height would allow the facility’s architecture and scale to remain in character with the surrounding neighborhood.

Verizon Wireless – Orlando MSC Building Expansion

3503 Technological Avenue

Variance Request: Maximum Building Height

Page 3 of 3

Variance Criteria:

In accordance with Section 30-40 (3) of the Orange County Code, we offer the following data to support the criteria required for a Variance:

1. **Special Conditions and Circumstances:** The special circumstances applicable to this request relate to the specific function and use of the facility. As outlined above, the building does not function like a typical commercial office-type building. The equipment being supported by the facility has unique needs from a cooling and power perspective. This results in taller-than-normal floor-to-floor heights and results in a building which slightly exceeds the maximum height permissible. Please refer to the drawings included with this application; specifically drawing A310 which shows the relationship of the building systems and elements.
2. **Not Self-Created:** The special condition is the inherent to the primary function of the facility and is not self-created.
3. **No Special Privilege:** No special privilege is sought or applicable to this request.
4. **Deprivation of Rights:** No claim of Deprivation of Rights is made with this request.
5. **Minimum Possible Variance:** The building height noted in the Variance request above (40') is the minimum overall height for the building without affecting the performance and functionality of the systems supporting the building.
6. **Purpose and Intent:** From discussions with Staff, we understand the expansion to be in accordance with the long-term planning and purpose of the Zoning Regulations. Also, as outlined above, in reviewing existing development within the P-D district surrounding the facility (on all sides), it appears there are several multi-story buildings, presumably with building heights exceeding 35'.

We appreciate your time in reviewing these documents. If you should have any questions, please do not hesitate to call.

Sincerely,

MADDEN + McMILLAN ARCHITECTS, LTD.



Patrick Madden
Principal Architect

c. File

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~~August 5, 2020~~ Amended August 12, 2020

Mr. Ted Kozak, AICP
Chief Planner, Zoning Division
Orange County Planning, Environmental and Development Services Department
201 S. Rosalind Ave., 1st Floor
Orlando, FL 32801
(407) 836-5537

RE: **Verizon Wireless – Orlando MSC Building Expansion Project**
Variance Request: Off-Street Parking

3503 Technological Ave.
Orlando, FL 32817

Dear Mr. Kozak:

Per our conversation and meeting with Verizon Wireless, 7/13/20, please accept this application for a Variance to the Orange County Code as it pertains to off-street parking requirements.

Based on parking requirements for the uses contained within the facility, a total of 95 parking stalls would be required per the Orange County Code. We are requesting a variance to allow for 70 total spaces.

Existing Facility:

The existing facility is a Verizon Wireless telecommunication switching and data processing facility. The functions contained within the facility include the following:

- **Network/IT Equipment Spaces:** There are several network equipment rooms within the facility. Much like a data center type environment, these spaces house fixed IT equipment (computerized server and processing racks, etc.).
- **DC Power Rooms:** There are two (2) main DC power equipment rooms located in the facility. These spaces include battery and power rectification equipment.
- **AC Power Equipment Rooms:** There are two (2) main electrical rooms within the facility. These spaces house main electrical distribution equipment.
- **Generator Rooms:** There are two (2) interior generators which provide standby power in the event of a power outage. These systems allow the facility to continue operation and support of their network. The fuel tanks serving these generators are located outside the building in an enclosed courtyard.
- **Mechanical Equipment Rooms:** These spaces house mechanical equipment which conditions the network and IT spaces.
- **Administrative Space:** The facility supports approximately 30 employees on a typical business day. Not all employees work out of the facility, full-time.
There are two (2) primary types of employees working out of the facility: (a) critical operational staff who support the technical operations of the facility and (b) non-critical staff who serve other functions within Verizon's organization, but are not directly linked to the operation of the facility. Of

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Verizon Wireless – Orlando MSC Building Expansion

3503 Technological Avenue

Variance Request: Off-Street Parking

Page 2 of 4

the 30 employees, 10-12 are operational staff members who work in typical shifts of 4-6 persons. The facility is supported 24/7 with occasional overnight support.

- Conference Room(s): Within the facility, there are there (3) conference rooms. The largest of the three (3) is used, on occasion, for training of employees who may not work at the facility. These training sessions, generally, result in an influx of 10-15 visitors.

Proposed Project – Building Expansion:

Verizon Wireless is proposing to expand the facility to provide additional IT capacity and capability within their network. The project will include a two (2)-story addition on the north side of the facility. The expansion will contain technical spaces including electrical rooms, UPS (uninterrupted power source) equipment rooms, receiving spaces, a network equipment room and supporting mechanical equipment space. The addition will not include any office or “people”-type spaces and the additional equipment areas will be supported by the current staff. Verizon does not intend to add additional personnel.

Utilizing Section 38-1476 of the Orange County Code, existing parking requirements can be calculated as for the expansion as follows:

Parking Requirements (Building Expansion)			
Space	Area (SF)	Parking Requirement	Quantity Required
Administrative/Office	0	1 space per 200-SF	0
Fixed Equipment (Industrial Warehousing Utilized at Comparable)	26,920	1 space per 1,000-SF	27
Total Parking Required			27

Existing Parking and Requirements:

Utilizing Section 38-1476 of the Orange County Code, existing parking requirements can be calculated as follows:

- | | |
|--|------------------|
| • Administrative/Office Functions | 8,282-SF |
| • Fixed Telecommunications, Mechanical & Electrical Spaces | 20,687-SF |
| • Walls & Partitions | 2,944-SF |
| • Circulation Space | 4,649-SF |
| Total Building Area | 36,562-SF |

Parking Requirements (Existing Facility)			
Space	Area (SF)	Parking Requirement	Quantity Required
Administrative/Office	8,282	1 space per 200-SF	42
Fixed Equipment (Industrial Warehousing Utilized at Comparable)	20,687	1 space per 1,000-SF	21
Walls & Partitions	2,944	<i>Not Required</i>	0
Circulation Space	4,649	1 space per 1,000-SF	5
Total Parking Required			68

Verizon Wireless – Orlando MSC Building Expansion

3503 Technological Avenue

Variance Request: Off-Street Parking

Page 3 of 4

- There are thirteen (13) parking stalls in the vicinity of the proposed addition which will be removed.
- Presently, there are 61 total parking stalls provided in the main parking lot on the west side of the facility; four (4) of which are accessible.
- Nine (9) new parking stalls will be installed on the north side of the addition to bring the total number of parking stalls to 70 (61 existing + 9 new/replacement stalls).

Variance Request:

Verizon Wireless is seeking a Variance to Code requirements for additional parking to be added, commensurate with the proposed expansion. Based on Section 38-1476, a total of 95 parking stalls would be required to support the existing building with the expansion. Verizon is seeking a variance to permit a total of 70 parking stalls.

The basis for this request is founded in the use of the expansion: the addition will house data/computer network equipment, mechanical and electrical spaces which will not be occupied. The functions of these spaces will be supported and maintained by current employees. Verizon does not intend to add employees to support this equipment nor does Verizon foresee any changes to the operation and function of the existing facility.

Variance Criteria:

In accordance with Section 30-40 (3) of the Orange County Code, we offer the following data to support the criteria required for a Variance:

1. **Special Conditions and Circumstances:** The special circumstances applicable to this request are the unique function and use of the facility. While there is an administrative/office component to the building, the primary function of the facility is that of a telecom switch and data processing center. No additional “people space” is being added to the facility. The space being added will not create additional parking demands; it is comprised entirely of equipment-support type spaces.
2. **Not Self-Created:** The special condition is the primary function of the facility and is not self-created.
3. **No Special Privilege:** No special privilege is sought or applicable to this request.
4. **Deprivation of Rights:** No claim of Deprivation of Rights is made with this request.
5. **Minimum Possible Variance:** The parking provided on site presently has comfortably met Verizon’s needs for the last 10 years. Some existing parking stalls are affected by the expansion, but parking stalls will be added to meet requirements for the original construction. Verizon is not seeking to reduce the parking on site, but rather to eliminate the need for additional parking which is not needed to support the facility.
6. **Purpose and Intent:** From discussions with Staff, we understand the expansion to be in accordance with the long-term planning and purpose of the Zoning Regulations.

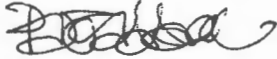
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Verizon Wireless – Orlando MSC Building Expansion
3503 Technological Avenue
Variance Request: Off-Street Parking
Page 4 of 4

We appreciate your time in reviewing these documents, if at any time, you should have any questions, please do not hesitate to call.

Sincerely,

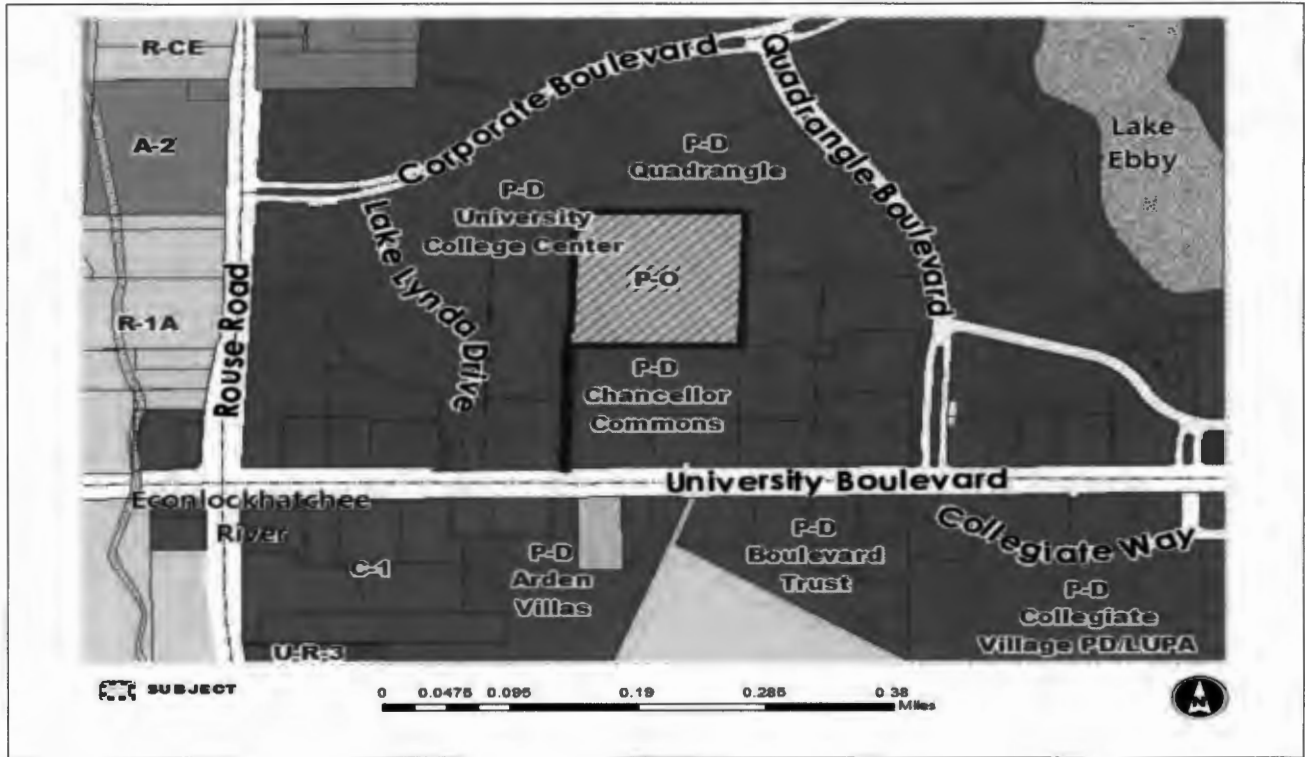
MADDEN + McMILLAN ARCHITECTS, LTD.



Patrick Madden
Principal Architect

c. File

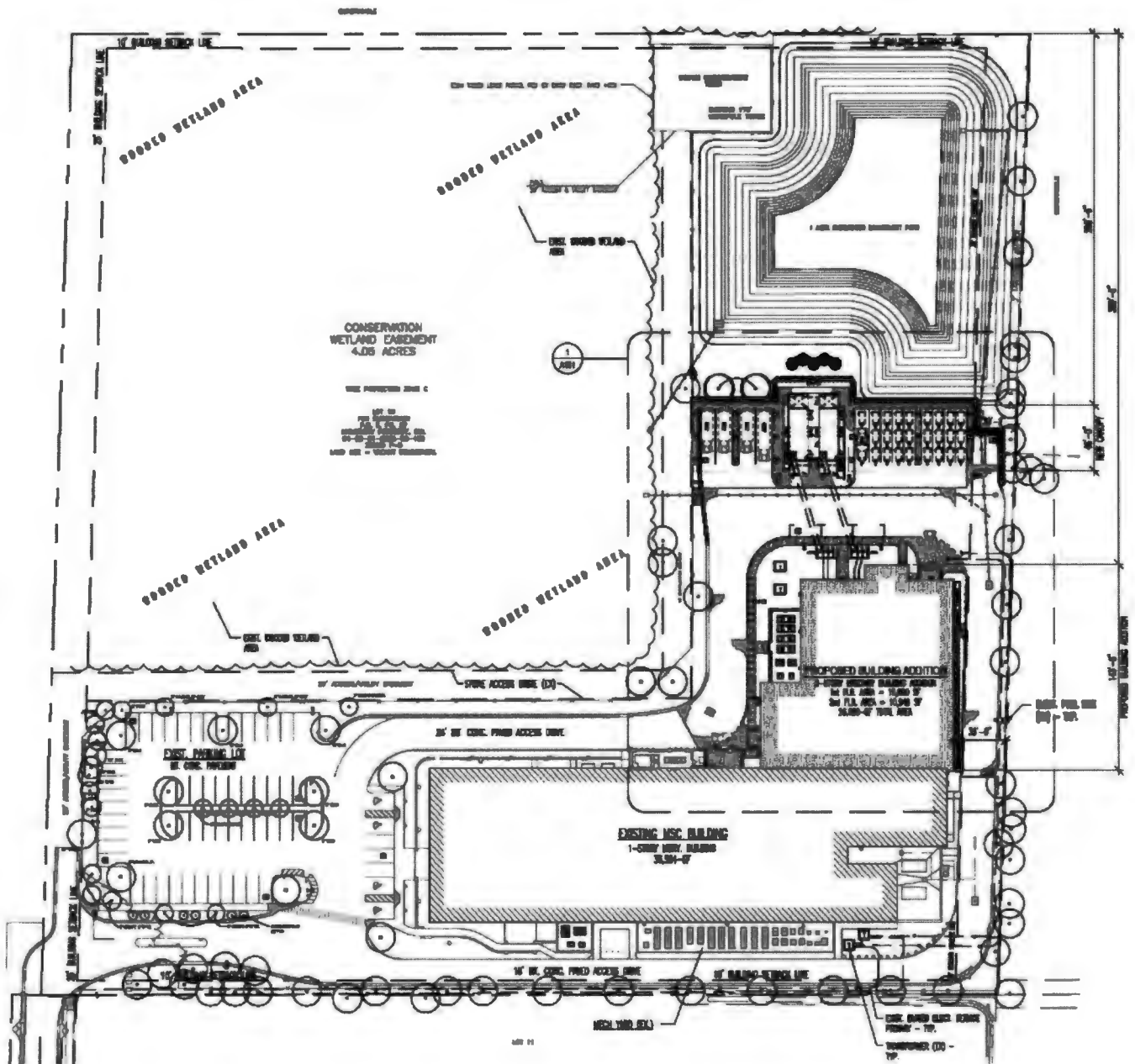
ZONING MAP



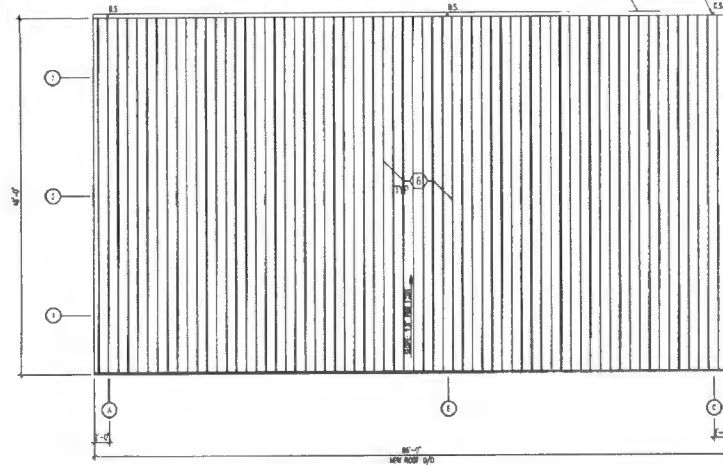
AERIAL MAP



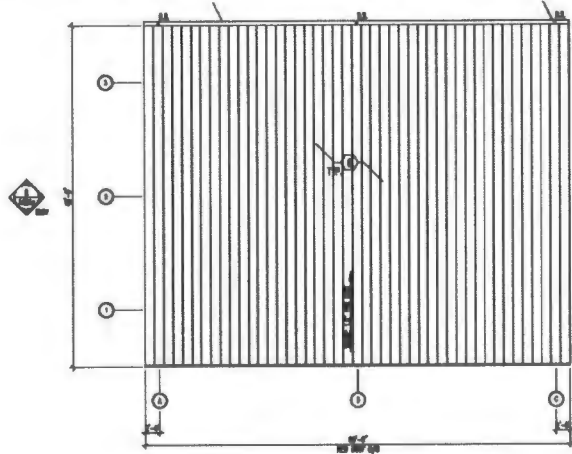
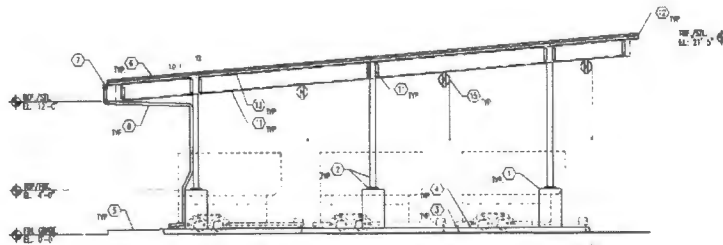
SITE PLAN



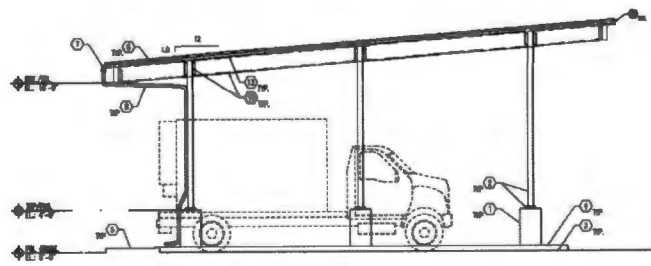
PORTABLE GENERATOR STORAGE AND TRUCK COVERED PARKING



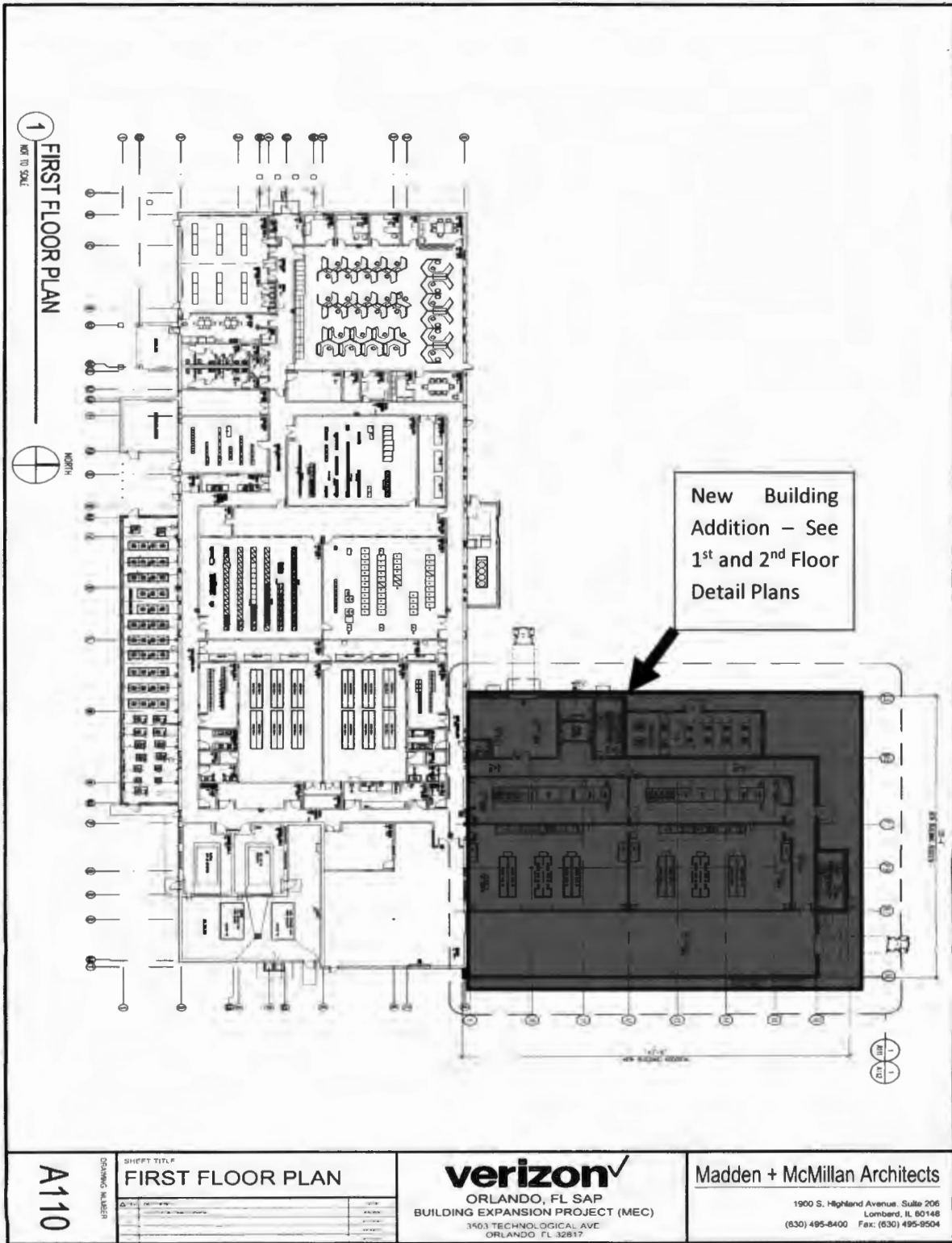
1 ROOF PLAN PORTABLE GENERATOR STORAGE AREA
 SCALE: 1/16" = 1'-0" NORTH



1 ROOF PLAN COLT/GOAT STORAGE AREA
 SCALE: 1/16" = 1'-0" NORTH



1st FLOOR PLAN



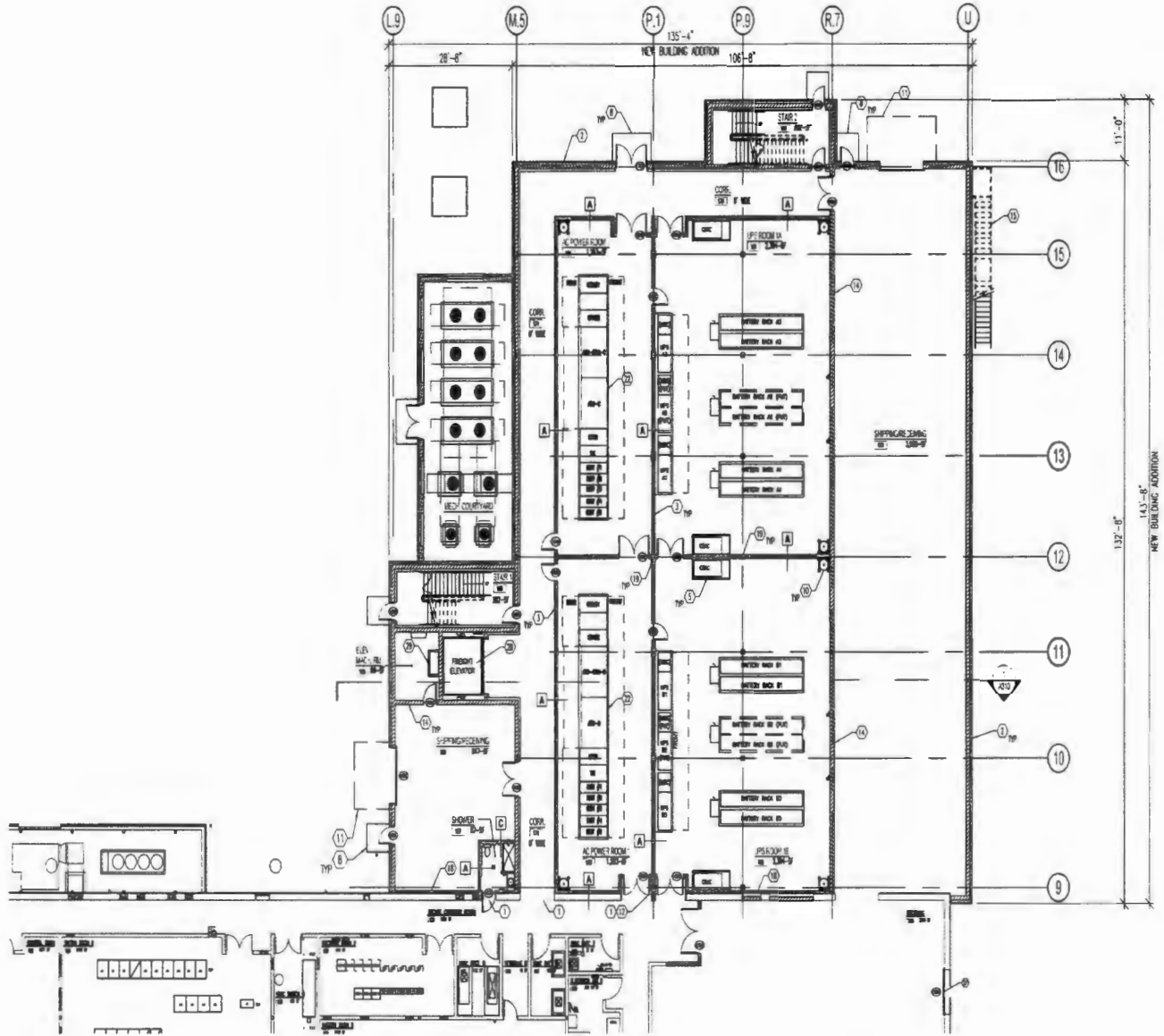
A110

SHEET TITLE FIRST FLOOR PLAN
DRAWING NUMBER _____

verizon
 ORLANDO, FL SAP
 BUILDING EXPANSION PROJECT (MEC)
 3503 TECHNOLOGICAL AVE
 ORLANDO, FL 32817





Madden + McMillan Architects
 1900 S. Highland Avenue, Suite 206
 Lombard, IL 60148
 (630) 495-8400 Fax: (630) 495-9504

1st FLOOR PLAN - NEW BUILDING ADDITION

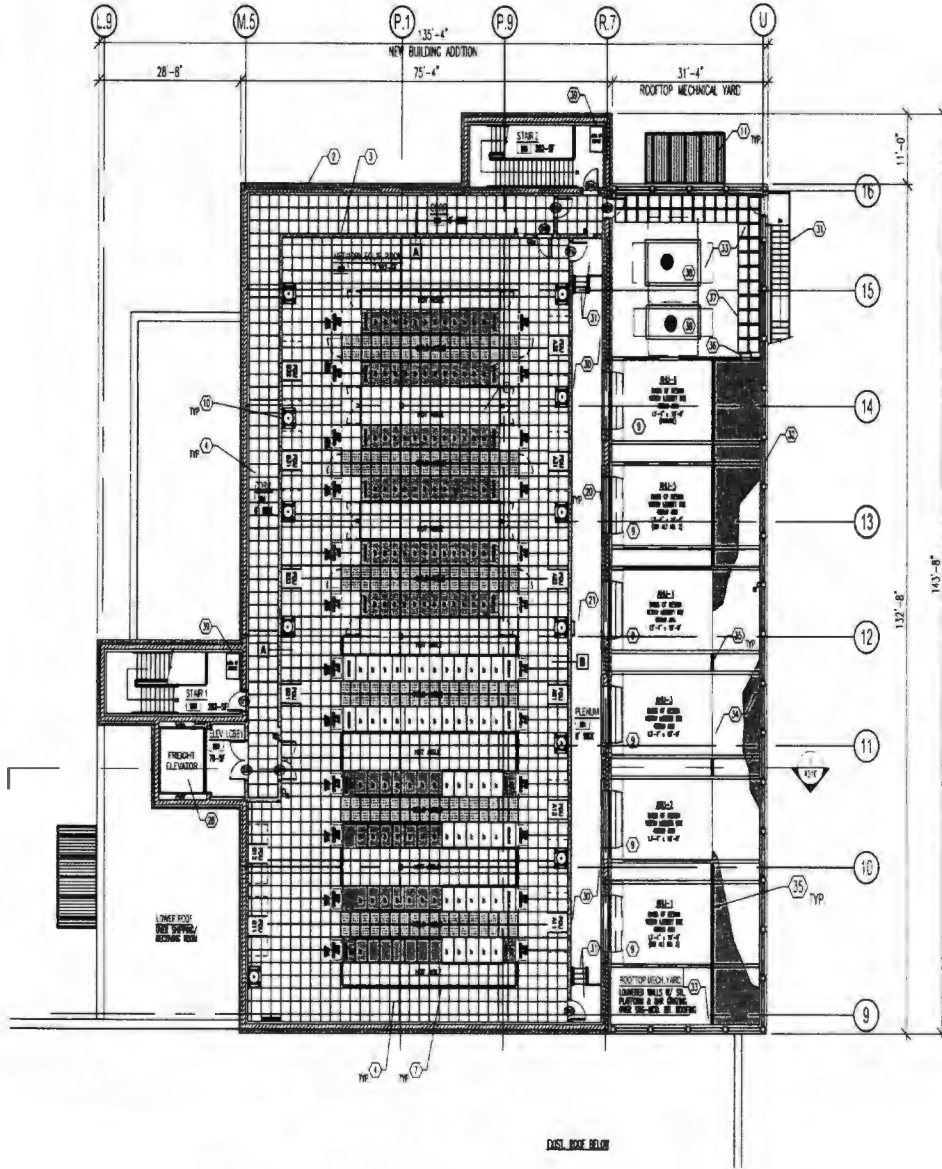


1 FIRST FLOOR PLAN DETAIL
SCALE: 1/8" = 1'-0"



SHEET NOTES	WALL TYPES <small>REFER TO DETAILS SHEETS A330, A560 & A56</small>
<p>TOP OF FINISH CONCRETE AT ENTRY DATUM ELEVATION IS 0'-0". ALL OTHER SLAB HEIGHTS ARE SHOWN RELATIVE TO THIS DATUM.</p> <p>THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING WALL, DOOR AND FIRE/SMOKE STOPPING CONSTRUCTION THROUGHOUT THE BUILDING WHICH MEETS THE REQUIREMENTS OF THE UL LISTED ASSEMBLIES SPECIFIED UPON COMPLETION OF THIS CONSTRUCTION. THE FIRE PROTECTION CONTRACTOR WILL PROVIDE FAH INTEGRITY TESTING IN COMPLIANCE WITH NFPA-2001 AND THE REQUIREMENTS SET FORTH IN THE FIRE SUPPRESSION DRAWINGS AND THE OWNER'S NETWORK STANDARDS. SHOULD A SPACE NOT MEET THE REQUIREMENTS OF THE TESTING, THE CONTRACTOR, AT NO ADDITIONAL COST TO THE OWNER, SHALL PROVIDE FOR ANY MODIFICATIONS REQUIRED IN THE CONSTRUCTION WHICH MEET THE SPECIFICATIONS FOR THE PROJECT TO INSURE THE REQUIREMENTS OF THE FAH INTEGRITY TEST ARE MET. ALL TESTING SHALL BE DONE IN THE PRESENCE OF THE OWNER.</p> <p>LOWWER OPENINGS ARE INDICATED ON THE FLOOR PLAN WHEN THE BOTTOM OF THE WALL OPENING IS LOCATED WITHIN 8'-0" OF FINISH FLOOR. REFER TO THE MECHANICAL DRAWINGS FOR LOCATIONS OF ALL LOWWERS AND COORDINATE CLOSELY FOR WALL OPENING HEIGHTS AND SIZES AMONGST ALL TRADES. REFER TO STRUCTURAL DRAWINGS FOR LUNTEL SIZES FOR OPENINGS NOT SPECIFICALLY INDICATED ON THE FLOOR OR STRUCTURAL PLANS (ALL OPENINGS REQUIRE LUNTELS).</p>	<p> NEW EXTERIOR MASONRY CAVITY WALL CONSTRUCTION W/ 3 5/8" METAL STUD FLOORING AT 1'-4" O.C. TO BOT. OF METAL DECK W/ FULL HEIGHT 5/8" CYP. BD. ON 1 SIDE ONLY - SEE DETAIL 1/A330.</p> <p> 2-1/2" RATED FULL HEIGHT CYP. BD. PARTITION - FULL HT. 6" METAL STUDS AT 1'-4" O.C. TO BOT. OF DECK W/ 2 LAYERS OF TYPE "X" CYP. BD., BOTH SIDES. FULL HT. TO DECK.</p> <p> NON-RATED FULL HEIGHT CYP. BD. PARTITION - FULL HT. 6" METAL STUDS AT 1'-4" O.C. - 1 LAYER OF CYP. BD. BOTH SIDES - RETURN AIR AND SUPPLY AIR OPENINGS AT TOP AND BOTTOM OF PARTITION.</p> <p> NON-RATED FULL HEIGHT CYP. BD. PLUMBING PARTITION - (1) LAYER OF CYP. BD. BOTH SIDES OF (2) ROWS OF FULL HT. 6" METAL STUDS AT 1'-4" O.C.</p>

2nd FLOOR PLAN - NEW BUILDING ADDITION



SHEET NOTES

TOP OF FINISH CONCRETE AT ENTRY DATUM ELEVATION IS 0'-0". ALL OTHER SLAB HEIGHTS ARE SHOWN RELATIVE TO THIS DATUM.

THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING WALL, DOOR AND FIRE/SMOKE STOPPING CONSTRUCTION THROUGHOUT THE BUILDING WHICH MEETS THE REQUIREMENTS OF THE UL LISTED ASSEMBLIES SPECIFIED. UPON COMPLETION OF THIS CONSTRUCTION, THE FIRE PROTECTION CONTRACTOR WILL PROVIDE FAN INTEGRITY TESTING IN COMPLIANCE WITH NFPA-2001 AND THE REQUIREMENTS SET FORTH IN THE FIRE SUPPRESSION DRAWINGS AND THE OWNER'S NETWORK STANDARDS. SHOULD A SPACE NOT MEET THE REQUIREMENTS OF THE TESTING, THE CONTRACTOR, AT NO ADDITIONAL COST TO THE OWNER, SHALL PROVIDE FOR ANY MODIFICATIONS REQUIRED IN THE CONSTRUCTION (WHICH MEET THE SPECIFICATIONS FOR THE PROJECT) TO INSURE THE REQUIREMENTS OF THE FAN INTEGRITY TEST ARE MET. ALL TESTING SHALL BE DONE IN THE PRESENCE OF THE OWNER.

LOWER OPENINGS ARE INDICATED ON THE FLOOR PLAN WHEN THE BOTTOM OF THE WALL OPENING IS LOCATED WITHIN 8'-0" OF FINISH FLOOR. REFER TO THE MECHANICAL DRAWINGS FOR LOCATIONS OF ALL LOWERS AND COORDINATE CLOSELY FOR WALL OPENING HEIGHTS AND SIZES AMONGST ALL TRADES. REFER TO STRUCTURAL DRAWINGS FOR LIMIT SIZES FOR OPENINGS NOT SPECIFICALLY INDICATED ON THE FLOOR OR STRUCTURAL PLANS (ALL OPENINGS REQUIRE LIMITS).

WALL TYPES

REFER TO DETAILS SHEETS A330, A560 & A561



NEW EXTERIOR MASONRY CAVITY WALL CONSTRUCTION W/ 3 5/8" METAL STUD FLOORING AT 1'-4" O.C. TO BOT. OF METAL DECK W/ FULL HEIGHT 5/8" GYP. BD. ON 1 SIDE ONLY - SEE DETAIL 1/A330.



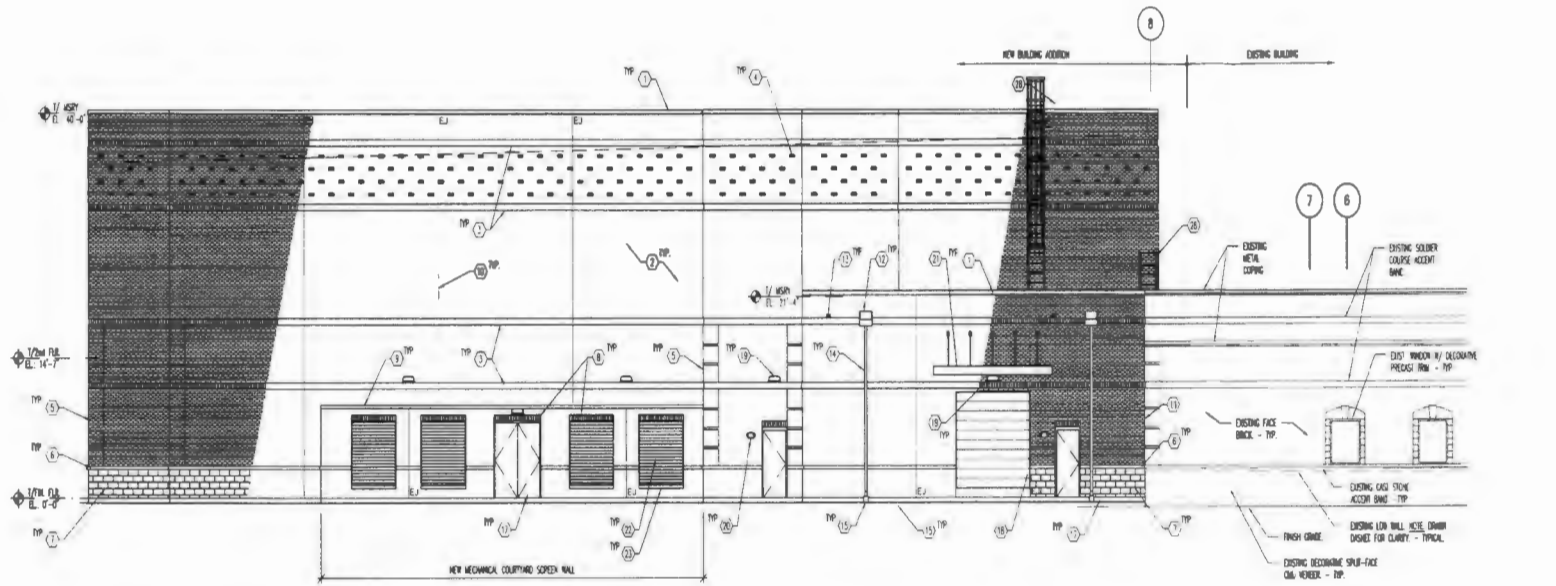
2-HR. RATED FULL HEIGHT GYP. BD. PARTITION - FULL HT. 6" METAL STUDS AT 1'-4" O.C. TO BOT. OF DECK W/ 2 LAYERS OF TYPE 'X' GYP. BD., BOTH SIDES, FULL HT. TO DECK.



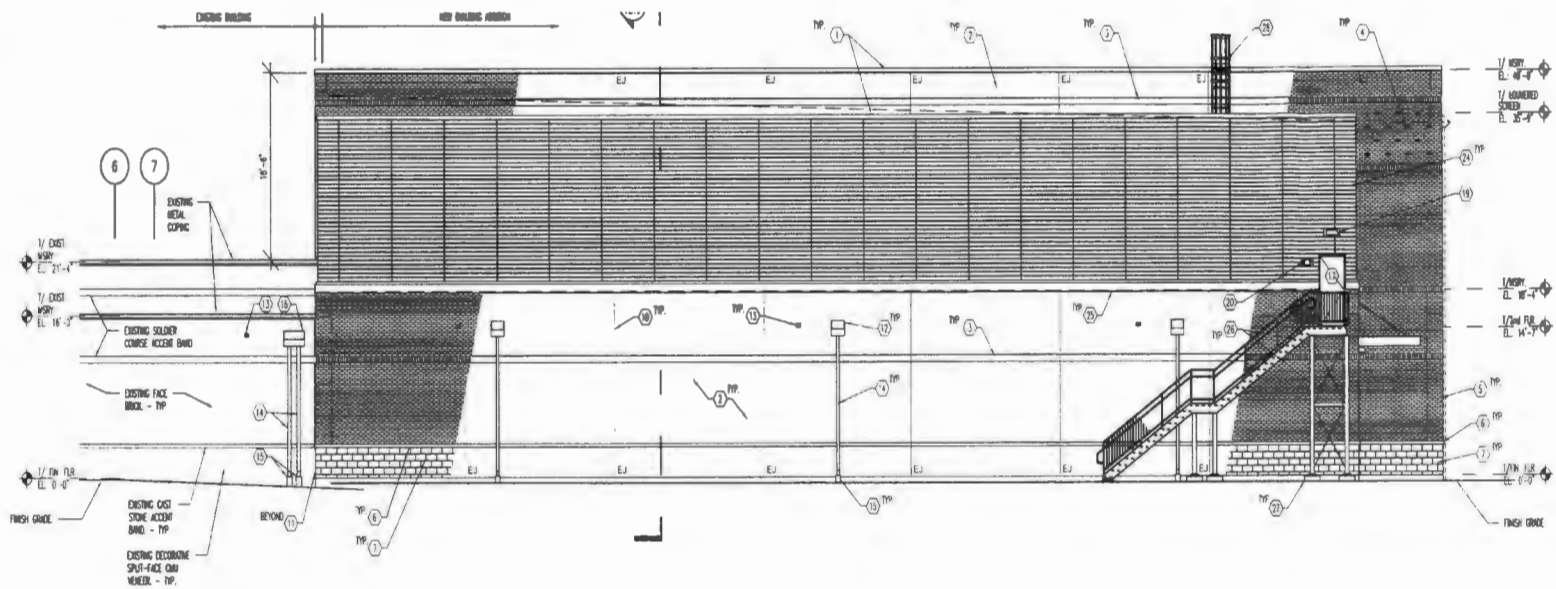
NON-RATED FULL HEIGHT GYP. BD. PARTITION - FULL HT. 6" METAL STUDS AT 1'-4" O.C. - 1 LAYER OF GYP. BD. BOTH SIDES - RETURN AIR AND SUPPLY AIR OPENINGS AT TOP AND BOTTOM OF PARTITION.



NON-RATED FULL HEIGHT GYP. BD. PLUMBING PARTITION - (1) LAYER 5/8" GYP. BD. BOTH SIDES OF (2) ROWS OF FULL HT. 6" METAL STUDS AT 1'-4" O.C.

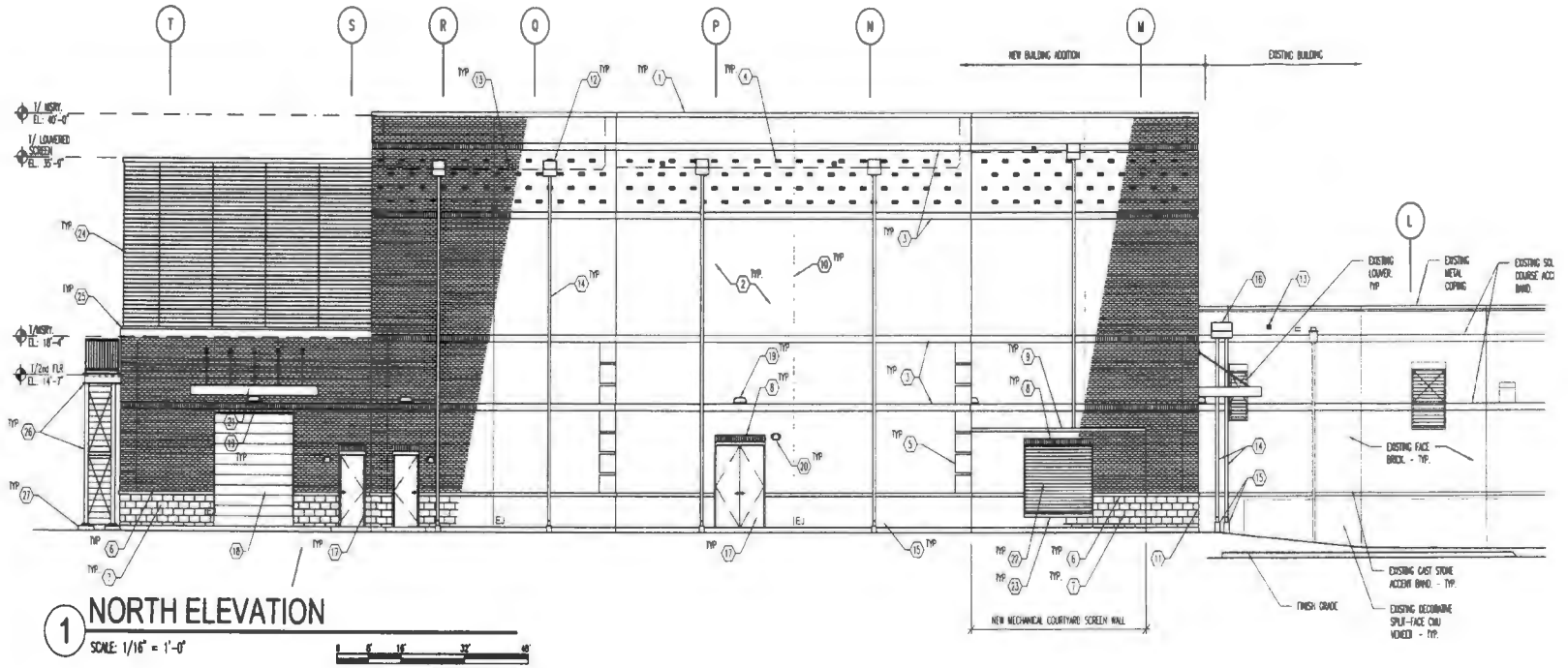


1 WEST ELEVATION
SCALE: 1/16" = 1'-0"



1 EAST ELEVATION
SCALE: 1/16" = 1'-0"

NORTH ELEVATION



1 NORTH ELEVATION
SCALE: 1/16" = 1'-0"



SHEET NOTES	KEY NOTES
<p>1. PRIOR TO ROUGH-IN OR CUTTING EXISTING WALLS.</p>	<p>1. PREFINISHED ALUM. COPING SYSTEM - MATCH EXIST.</p> <p>2. FACE BRICK VENEER - MATCH EXIST.</p> <p>3. RECESSED SOLDIER COURSE ACCESS BAND - MATCH EXIST - LOWER SOLDIER COURSE ACCESS BANDS TO ALIGN W/ EXIST</p> <p>4. PROJECTED FACE BRICK ACCESS PATTERN.</p> <p>5. DECORATIVE FACE BRICK COURSE - MATCH EXIST.</p> <p>6. CAST STONE ACCESS BAND - MATCH AND ALIGN W/ EXIST.</p> <p>7. DECORATIVE SPLIT-FACE CHALK VENEER - MATCH EXIST - MATCH COLORING.</p> <p>8. SOLDIER COURSE ABOVE DOOR/OWNER - MATCH EXIST.</p> <p>9. CAST STONE COPING - MATCH EXIST - RAKE AND SEAM HEAD JOINTS.</p> <p>10. VERT. MASONRY EXPANSION JOINT (E.J.) - SEE DET. 1/4/53/L.</p> <p>11. BUILDING EXPANSION JOINT - SEE STRUCT. DRAWINGS AND DET. 1/4/53/L.</p> <p>12. SCUPPER WITH MET. CONDUCTOR HEAD - SEE DETAILS 1/4/54/O AND 1/4/51/L.</p> <p>13. OVERFLOW SCUPPER - SEE DETAILS 1 & 1/4/54/O.</p> <p>14. DOWNSPOUT LEADER - SEE DETAILS 1/4/51/X AND 1/4/51/L.</p> <p>15. DOWNSPOUT BODY - CONNECTED TO STORM DRAINAGE - REFER TO DET. 1/4/53/X AND 1/4/51/L DRAWINGS FOR ADDITIONAL INFO.</p> <p>16. PREFINISHED METAL SCUPPER AND CONDUCTOR HEAD WITH (2) 4" x 6" DOWNSPOUT LEADERS - PROVIDE 2'-0" WIDE x 1'-4" DEEP CONDUCTOR HEAD - SIMILAR TO DETAIL 1/4/51/L - THROUGH-WALL SCUPPER OPENING SHALL BE 2'-0" WIDE x 0'-8" HIGH SIMILAR TO DETAILS 1/4/54/O AND 1/4/51/L - PROVIDE NEW GALV. STL LABELS.</p> <p>17. INSULATED ALUM. DOOR (PID) - SEE PLAN & DOOR SCHEDULE, SH. 46/1.</p> <p>18. OVERHEAD DOOR - SEE DOOR SCHEDULE, SH. 46/1.</p> <p>19. WALL PACK LIGHT FIXTURE - MATCH EXIST. - SEE ELECTRICAL DRAWINGS FOR ADDITIONAL INFO.</p> <p>20. SELF-CONTAINED WALL-MOUNTED EXTERIOR EMERGENCY LIGHT FIXTURE - TYP. AT EACH EXTERIOR DOOR - SEE ELECTRICAL DRAWINGS FOR ADDITIONAL INFO.</p> <p>21. PREFIN. ALUM. CANOPY - SEE DETAILS, SH. 45/1.</p> <p>22. PREFIN. METAL LOUVER - SEE MECHANICAL DRAWINGS.</p> <p>23. PREFIN. MET. SILL FLASHING - SEE DET. 1/4/53/L.</p> <p>24. PREFIN. METAL LOUVERED EQUIPMENT SCREEN W/ CONCEALED MULLIONS AND MITERED CORNERS - ANODIZED ALUM. FINISH.</p> <p>25. PREFIN. ALUM. SH. METAL SHORT TIRM W/ DRIP EDGE.</p> <p>26. GALV. STL. FRAME STAIR CONSTRUCTION W/ GALV. STL. GRABING TREADS AND LAPRINGS - STL. SUPPORT FRAME, STL. COLLARS AND STL. PIPE QUADRANT/HORIZONTAL ASSEMBLY TO BE PAINTED - SEE DETAILS ON SHES. 45/1 - SEE STRUCT. DRAWINGS.</p> <p>27. NEW REINFORCED CONC. FOUNDATION FOR STL. SHIP SUPPORT FRAMING - SEE STRUCT. DRAWINGS.</p> <p>28. NEW ALUM. ROOF ACCESS LADDER - SEE DETAIL SH. 45/1.</p>

SITE PHOTOS



South side existing building facing east



Rear of existing building facing northwest – the new building addition will be in the background

SITE PHOTOS



Approximate location of proposed addition facing southeast



Wetland conservation area facing north

SITE PHOTOS



Neighboring property facing southwest towards hotel from existing Verizon parking area



Adjacent mini-storage property facing south

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 01, 2020**

Case Planner: **Ted Kozak, AICP**

Case #: **SE-20-08-073**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): PREMIERE EGLISE BAPTISTE BETHANIE DORLANDO

OWNER(s): PREMIERE EGLISE BAPTISTE BETHANIE DORLANDO INC.

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

- 1) Special Exception to allow an existing 5,629 sq. ft. religious institution with 150 seats and the construction of a new 5,700 sq. ft. multipurpose building/ fellowship hall.
- 2) Variance to allow a 16.6 ft. setback for an existing structure from the front (east) property line in lieu of 25 ft.
- 3) Variance to allow a 46 ft. setback for an existing structure from the centerline of a minor urban collector, N. Hastings St., in lieu of 55 ft.
- 4) Variance to allow a 38.9 ft. setback for an existing parking area from the centerline of a minor urban collector, N. Hastings St., in lieu of 50 ft.

PROPERTY LOCATION: 890 N. Hastings St., Orlando, Florida, 32808, southwest corner of N. Hastings St. and Arundel Dr., approximately 0.2 miles north of W. Colonial Dr.

PARCEL ID: 24-22-28-6240-16-190

LOT SIZE: 200 ft. x 241 ft. / 1.11 acres

NOTICE AREA: 900 ft.

NUMBER OF NOTICES: 236

DECISION: Recommended **APPROVAL** of the Special Exception request in that the Board made the finding that the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78 have been met, and that the granting of the Special Exception does not adversely affect general public interest; and, **APPROVAL** of 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; 7-0):

1. Development shall be in accordance with the site plan and elevations 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.

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. No more than four (4) advertised outdoor special events open to the public shall operate per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. 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. The use of outdoor speakers or other audio amplification shall be prohibited.
6. The architectural details, colors, and materials of all elevations shall match the design of the proposed south elevation.
7. Construction plans shall be submitted within three (3) years of final approval or this approval becomes null and void.

SYNOPSIS: Staff described the property, the surrounding residential area and the adjacent YMCA, and the religious institution's existing and proposed operations. Staff described the history of the property, including the provision of religious and community services on the property since 1960. Staff provided an analysis of the six (6) criteria, and the reasons for a recommendation for approval of the special exception, including the compatibility of the proposed religious operations and the new fellowship hall design with the surrounding area and the upgraded parking lot and landscape improvements relative to the existing conditions. Staff also provided an analysis of the six (6) criteria for a recommendation of approval for the variances, including the special conditions and circumstances related to the existing setbacks for the sanctuary and the proposed centerline setback related to the proposed parking area. Staff noted that that no comments were received.

The applicant had no additional information to add to the staff presentation. There was no one in attendance to speak in favor or in opposition to the request.

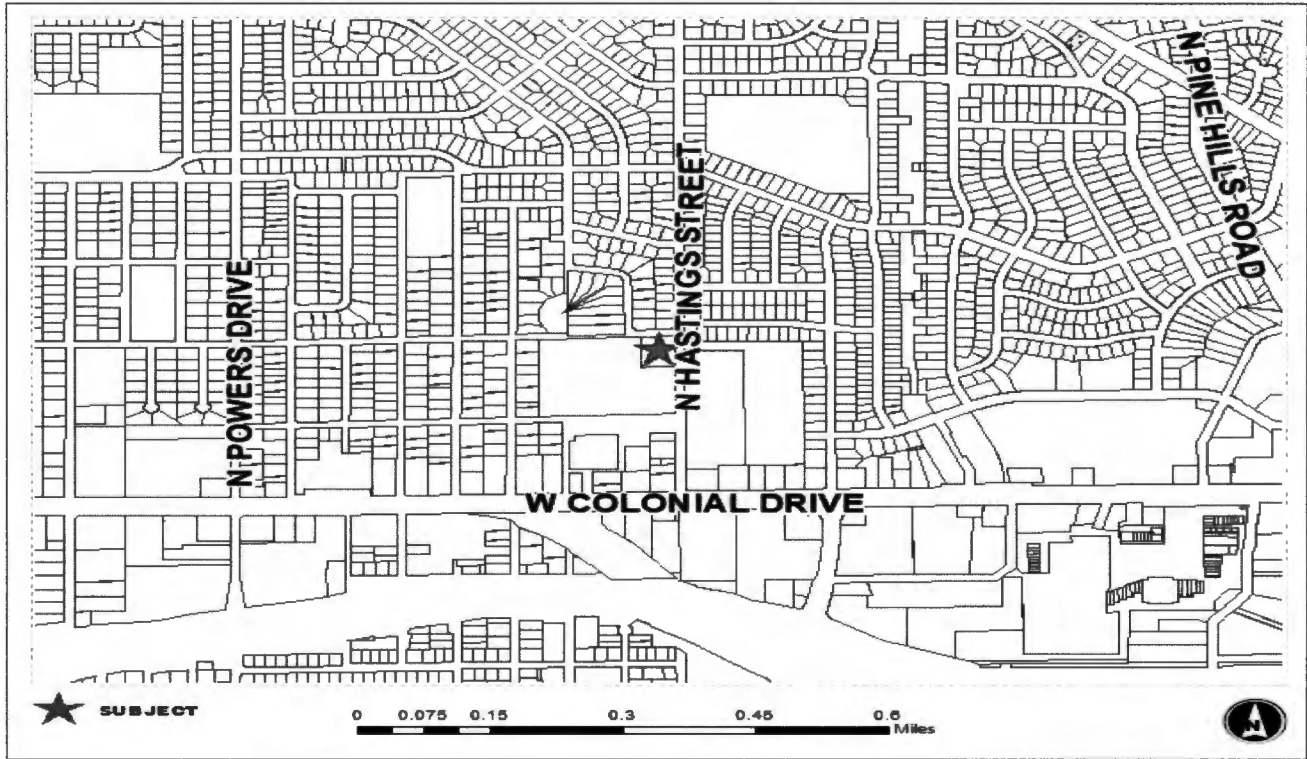
The BZA commended the applicant regarding the proposed site improvements which will beautify the community.

The BZA unanimously recommended approval of the Special Exception and Variances, subject to the seven (7) conditions in the staff report.

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-3	R-1A
Future Land Use	PR-OS	LDR	PR-OS	LDR & MDR	PR-OS
Current Use	Religious Institution	Single-family residential	YMCA	Single-family residential and Religious Institution & School	YMCA

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. Certain institutional uses, such as religious institutions, are permitted through the Special Exception process.

The Orange County Comprehensive Plan Parks and Recreation/Open Space (PR-OS) future land use designation was assigned to the property via the July 1, 1991, Comprehensive Plan adoption. Use Permit (B05021399), issued December 2, 2005, allowed the commercial building existing on the site to be utilized for a church. The Property

Appraiser's website states that the building was constructed in 1960, which predates the County's assignment of the Parks and Recreation/Open Space (PR-OS) future land use designation to the property via the July 1, 1991, Comprehensive Plan adoption. Based upon the site's history of religious institutional use, Orange County Planning believes the Special Exception request to allow for the addition of a fellowship hall is appropriate and that a change in Future Land Use from PR-OS (which the adjacent YMCA property also possesses) to a category consistent with the site's R-1A zoning classification is not required.

The subject property totals 1.11 acres, consisting of portions of lots 16 through 24, and lots 25 through 33, Block P, of the Orange Heights Plat, recorded in 1959. The site is a corner lot and is developed with a one-story building containing a sanctuary and offices and church Sunday School classrooms, consisting of a total of 7,800 sq. ft. of gross floor area. The front of the property is considered to be N. Hastings St. since it the higher classification street and Arundel Dr. is considered as the side street for the purposes of determining street side setbacks. The storage building was originally built as a commercial structure in 1960, according to County historical maps by Saint Andrews Catholic Church but there are no records of permits. At the time of construction, the County Code in effect at the time would have required a 25 ft. front setback from Hasting St. as well as a Special Exception for the church use. In 1970, the building was expanded the west with a breezeway and interior classrooms, including an attached 280 sq. ft. structure totaling approximately 1,300 sq. ft. The site and structures were reconverted for religious institutional use by a previous owner, Pine Hills Church of Christ.

According to newspaper records, the property was utilized by the Walsie L. Ward Girl's Club during the late 1960s as a recreational and activities center for young women until the property was purchased by the Pine Hills

Church of Christ, in 1975. There are no permits or records from the period of the time the church converted the use of the property back to a religious institution. The current owner purchased it in 2014.

The applicant is requesting a special exception for a religious institution containing 150 seats in the existing 5,629 sq. ft. sanctuary building that will remain after partial demolition of the remainder of the 1970 addition. The existing setbacks are requested to remain as constructed in 1960, which are: the front setback of 16.6 ft. in lieu of 25 ft. (variance #1); the major street setback of 46 ft. to the centerline of Hastings St. (variance #2) in lieu of 55 ft.; and the major street setback for an existing parking area of 38.9 ft. in lieu of 50 ft. (variance #3).

The applicant, is also proposing a new 5,700 sq. ft. fellowship hall/ multipurpose building, which will be located just west of the existing main church building, generally in the same location of the existing 1,300 sq. ft. of additional improvements constructed in 1970, which will be removed prior to construction. The new building will contain 4 Sunday School classrooms, an entry area and 2 restrooms, providing for additional space for use of patrons already attending services. The owner has stated that the fellowship hall and church services will not run concurrently.

The parking requirements for the overall campus are as follows:

Church assembly (sanctuary): 150 seats, @ 1 parking space per 3 seats, requiring 50 spaces

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

The total parking spaces required for the site is 53 parking spaces. The existing parking area contains 68 paved parking spaces. After substantial site improvements are installed, including landscaping, a total of 53 parking spaces will be provided, including 3 accessible spaces, thus meeting the parking code requirement.

The hours of operation for church services and activities are as follows: Wednesday 7:00 p.m. to 9:00 p.m., Friday 7:00 p.m. to 9:00 p.m., and Sunday from 9:00 a.m. to 12:30 p.m. and 7:00 p.m. to 9:00 p.m.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	24 ft. (new Fellowship hall)
Min. Lot Width:	75 ft.	200 ft.
Min. Lot Size:	7,500 sq. ft.	1.11 acres/48,438 sq. ft.

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	25 ft.	16.6 ft. (East – N. Hastings St., variance #1)
Rear:	30 ft.	56.7 ft. (West)
Side:	7.5 ft.	140 ft. (South)
Street Side:	15 ft.	22.2 ft. (North -Arundel Dr.)
Major Street:	55 ft. from centerline	46 ft. (East –N. Hastings St., variance #2)

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Policy Plan.

The provision of religious institutions 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 and a source of community involvement for the surrounding residential areas. Although the Future Land Use (FLU) is PR-OS, Parks and Recreation/ Open Space, which is intended for the development of active or passive parks, the existing R-1A zoning district permits religious institutions as a special exception in this district. At this time, since this and the adjacent YMCA properties have been developed as non-residential uses for decade(s), it is appropriate to continue to allow similar community and institutional uses and with the approval of the Special Exception, the use will be compatible with the Comprehensive Plan.

Use Is Similar and Compatible With the Surrounding Area and Development Patterns

As currently developed, the use is similar and compatible with the surrounding area. This is demonstrated by the fact that it has been in existence since at least 2008. However, the expansion of this facility will be consistent with the pattern of the surrounding development, and with the scale of the adjacent YMCA development to the south and west. The expansion will be compatible with the other existing building located on the religious institution site, as well as compatible with the adjacent residential properties, which are located over 70-feet to north and 70-feet to the east across Arundel Drive and N. Hastings Street, respectively, from any religious institution onsite improvements.

Not a Detrimental Intrusion Into a Surrounding Area

The improvements are not an intrusion to the surrounding area in that the site has already been used as a religious institution, albeit unapproved, for decades.

Meets the Performance Standards of the District

The proposed improvements, including the construction of the fellowship hall building, as conditioned, will meet the performance standards of the district, and the existing improvements will meet the performance standards if the requested setback variances are approved as proposed.

Similar In Noise, Vibration, Dust, Odor, Glare, Heat Producing

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 improvements in that no additional intensity is proposed.

Landscape In Accordance With Section 24-5 of the Orange County Code

The site can meet the landscape ordinance as currently designed.

VARIANCE CRITERIA**Special Conditions and Circumstances**

The special conditions and circumstances particular to this property are related to the size of the subject property and the location of the existing structure to remain. While the property can accommodate a religious institution, as it has been utilized for decades, some variances to the code requirement are needed to recognize the existing building setbacks and well as providing the much improved parking lot configuration. With regard to the setbacks of the building, the applicant purchased the property as developed and requests approval to allow the existing building footprint to remain. With regard to the major street setbacks, the improvements are also existing and furthermore the existing parking area centerline setback of approximately 31.9 ft. is being reduced to 38.9 ft.

Not Self-Created

As previously noted, the applicant purchased the property and is not responsible for the siting of the structure.

No Special Privilege Conferred

It is not uncommon for a site being retrofitted with a different use to need some relief from various provisions of the code. Further, the setback variances are as a result of existing conditions.

Deprivation of Rights

Without the requested variances, the existing building would be required to be relocated or partially demolished to meet the current code setbacks. Further, the applicant would be required to demolish additional portions of the existing parking lot in order to reduce the number of parking spaces to meet the code required centerline setback from N. Hastings Street.

Minimum Possible Variance

These are the minimum setback variances to allow the existing structure to remain as well as the minimum centerline setback variances needed for appropriate proposed parking lot improvements that meets the provisions of the parking and landscape code.

Purpose and Intent

The building's front setback has existed for over 60 years and in addition, the granting of the centerline setback variances will result in a landscaped parking lot which will be far more functional and safe than existing.

Further, the purpose of requiring a major street setback is to provide adequate separation from the major street to permit light and air circulation, and to buffer from the effects typically experienced with large major streets, such as traffic and pedestrian noise, dust and fumes. Since the building and parking area is existing, the new landscaping will buffer the impacts of the road, the purpose and intent of this code section is being met.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations 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.
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. No more than four (4) advertised outdoor special events open to the public shall operate per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. 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. The use of outdoor speakers or other audio amplification shall be prohibited.
6. The architectural details, colors, and materials of all elevations shall match the design of the proposed south elevation.
7. Construction plans shall be submitted within three (3) years of final approval or this approval becomes null and void.

C: Quang Lam
1320 Pine St.
Orlando, FL 32805

COVER LETTER

LAM Civil Engineering, Inc.

1320 W Pine Street
Orlando, Florida 32805
Phone: (407) 254-0040
Fax: (407) 234-8944
www.LamCivilEngineering.com

June 5, 2020

Dave Nearing, Planner II
Orange County Zoning Division
201 S. Rosalind Avenue
Orlando, FL 32801

**RE: Premiere Eglise Baptiste Bathanie D'orlando - Fellowship Hall and Classroom
890 N Hastings Street, Orange County, Florida
Special Exception Cover Letter**

Dear Mr. Nearing:

This letter is to provide justifications for the Special Exception request to construct a 5,700 square feet fellowship hall as an auxiliary use to the existing church facility. This letter will also demonstrates the six (6) variance standards are met. In regards to meeting the Special Exception criteria such as ①The use shall be consistent with the Comprehensive Policy Plan – The current Future Land Use is Parks/Recreation and the current church Premiere Eglise Baptiste Bathanie has been at the same location for over 8 years. ②The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development. – the property has been used as a church for over 8 years the proposed SE is for the fellowship hall. ③ The use shall not act as a detrimental intrusion into a surrounding area – the property currently is used as a church thus this request to construct a fellowship hall to support the church’s function is not an intrusion into a surrounding area. ④The use shall meet the performance standards of the district in which the use is permitted – the proposed fellowship hall will function as a gathering place after services to church members to meet and gather to fellowship which is permitted under the R-1A with the Special Exception process which is application pertains. ⑤The 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 fellowship hall will be the auxiliary use to the current church function which will have similar noise, vibration, dust, odor, glare, heat producing and other characteristics as the current church building. ⑥Landscape 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 – added internal parking islands as part of this project and add 5’ landscape buffer on the south of the site while enhancing the existing 3’ feet of grass on the west side with new landscape.

Regarding the variance request from OC Sec38-1476 for the number of parking required which in-lieu of 1 space per 3 seats plus 1 space for each employee, we request 1 space per 4 seats due to the current parking less new landscape islands created for internal landscape and with the majority of the congregation members are Haitians which tends to have larger family unit (Haitian average

LAND-DEVELOPMENT • SITE ASSESSMENT • DRAINAGE • PERMITTING

Premiere Eglise Baptiste Bathanie Dorlando – Fellowship Hall
June 5, 2020

Page 2

family house number is 3.7 person where as the US average family size is 3.14 person) thus the reason to request reduce required number of parking. The following six (6) standards met for request reduced number of parking required. ①The current parking has no internal landscape island and thus with the proposed 5,700 square feet fellowship hall landscape island will be constructed thus reduced the number of parking needed, also as explain above, majority of the church's members are Haitian which has larger family size thus when a family goes to church it's not 3 or 4 members but more likely 4 to 6 family per vehicle which will required less parking spaces. ②The request to reduce number of parking spaces is not self-imposing since the internal landscape islands are required by OC Sec 38-1476. ③Approval of the reduced number of parking variance will not confirm any special privileges to this property as mentioned above the majority of the church's members are Haitian which will has a higher person per family than typical American family. ④Due to the construction of the fellowship hall that landscape islands are required by OC standards, which reduced the number of parking spaces, the fellowship hall will enhances the church members with congregation and fellowship hall. ⑤This variance application request is the minimum variance needed to support our Special Exception for the construction of a 5,700 square foot fellowship hall in regards to request for reduce number of parking. ⑥The approval of the variance request will not adversely affect the neighborhood or detrimental to the public welfare since the project will add landscape which makes the current non-existence landscape parking lot a more green parking lot and with the concurrent Special Exception request to construct the 5,700 square foot fellowship hall will enhance the surrounding neighborhood where the community can have a place to fellowship and bond with each other. I hope the above justifications will support our request for the Special Exception request to construct a 5,700 square foot fellowship hall and classroom and re-configure the existing parking with one variance request in-lieu of 1 parking stall to 3 seats plus 1 parking stall per employee to 1 parking stall to 4 seats.

In closing, we sincerely request staff/board's approval for the Special Exception application with one (1) variance to proceed with the fellowship hall and classroom project. Should you have any questions or need additional information, feel free to contact me directly at 407-234-8944.

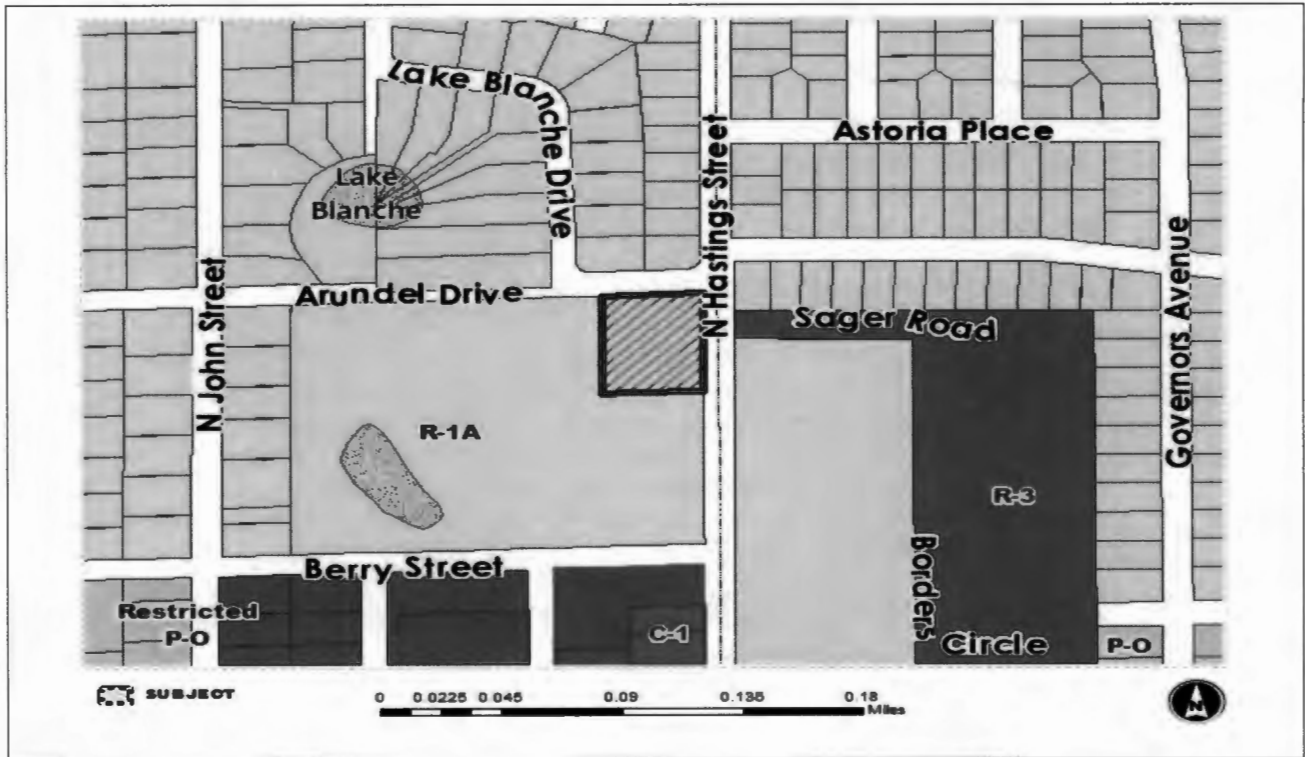
Best Regards,
Lam Civil Engineering, Inc.



Quang Lam, P.E.
Principal

cc: Rev. Hommegard Etienne, Premiere Eglise Baptiste Bathanie D'Orlando (w/ enclosures)
David Francois, Ox School of Construction Resource Center (w/ enclosures)

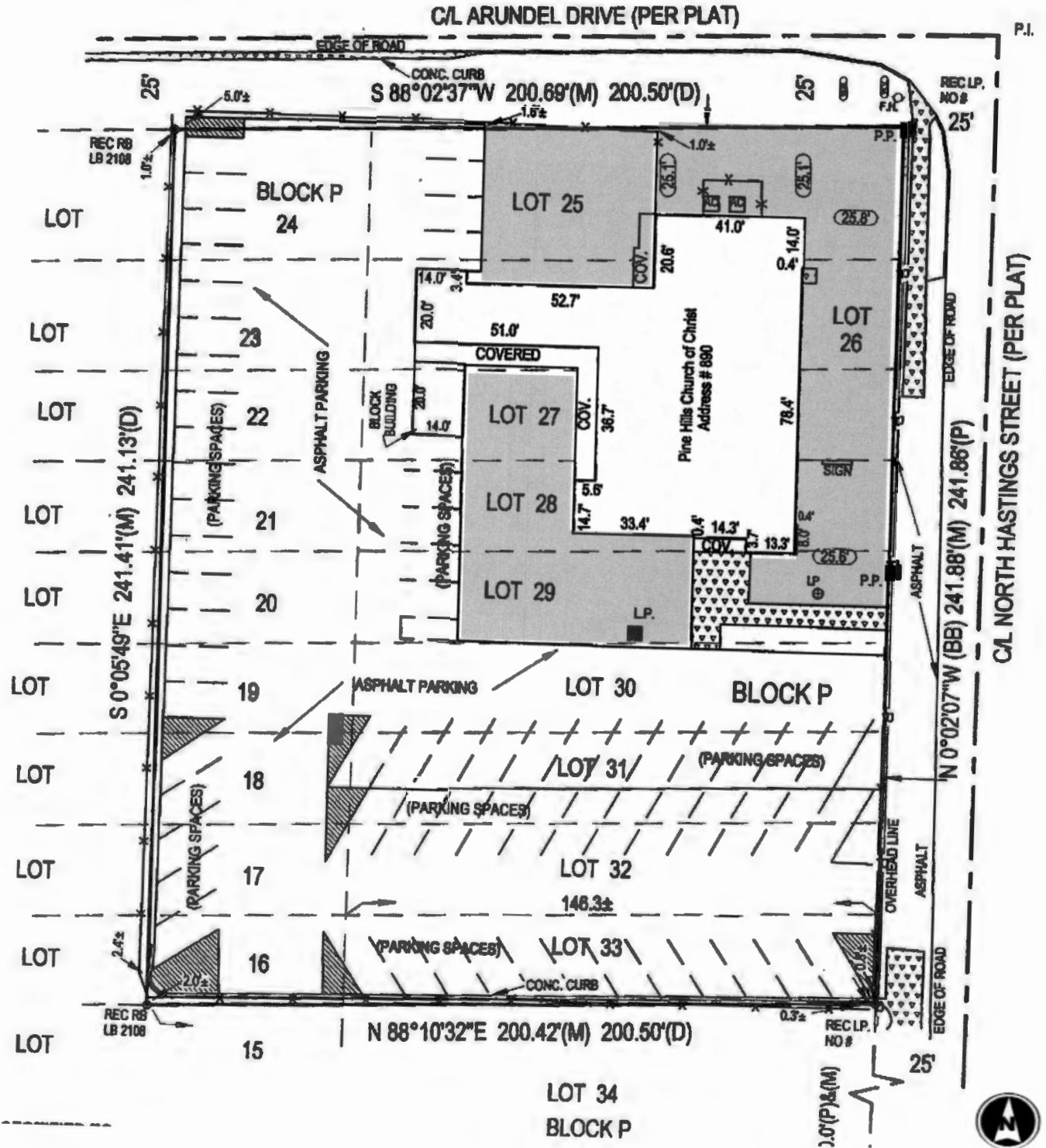
ZONING MAP



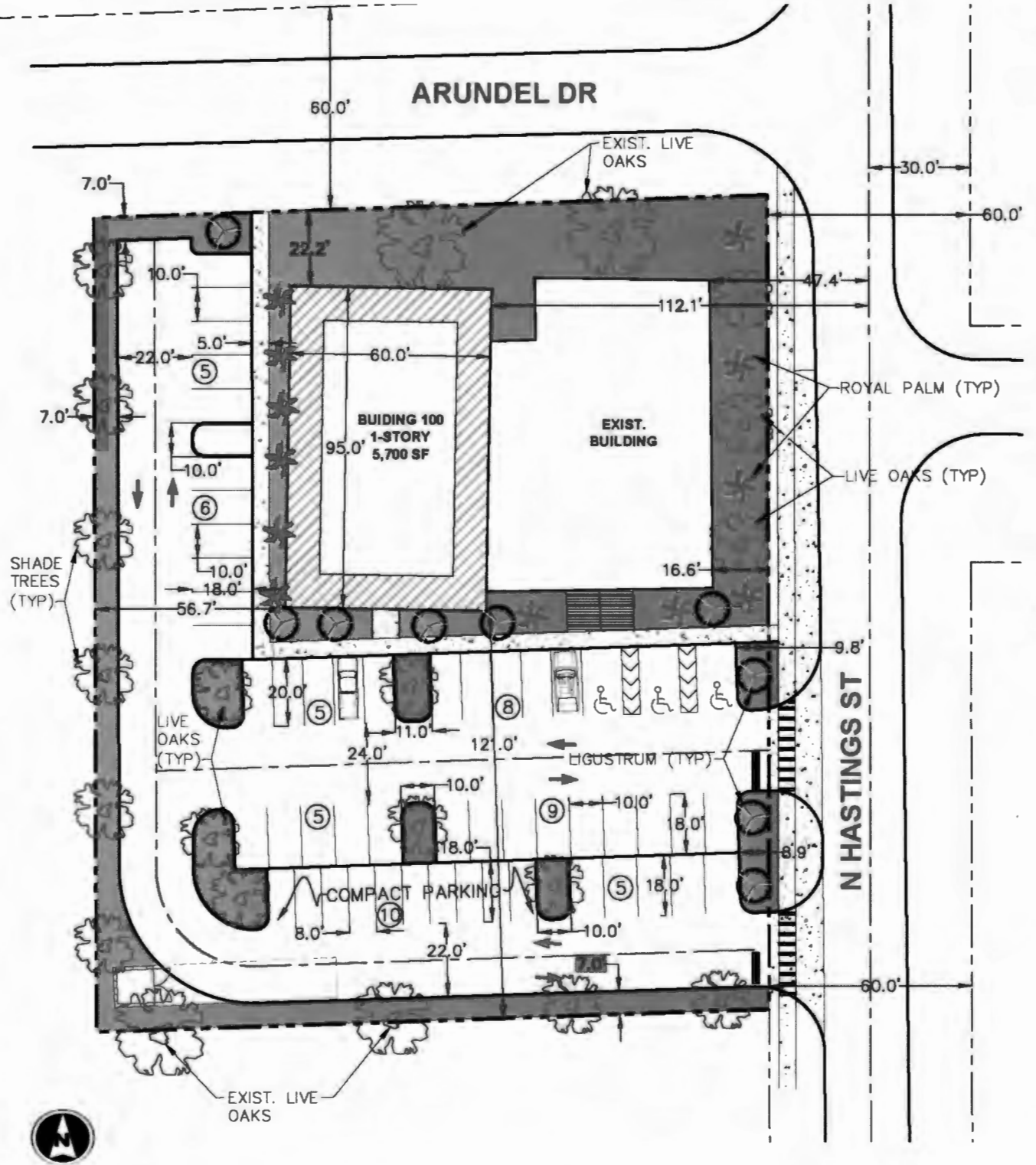
AERIAL MAP



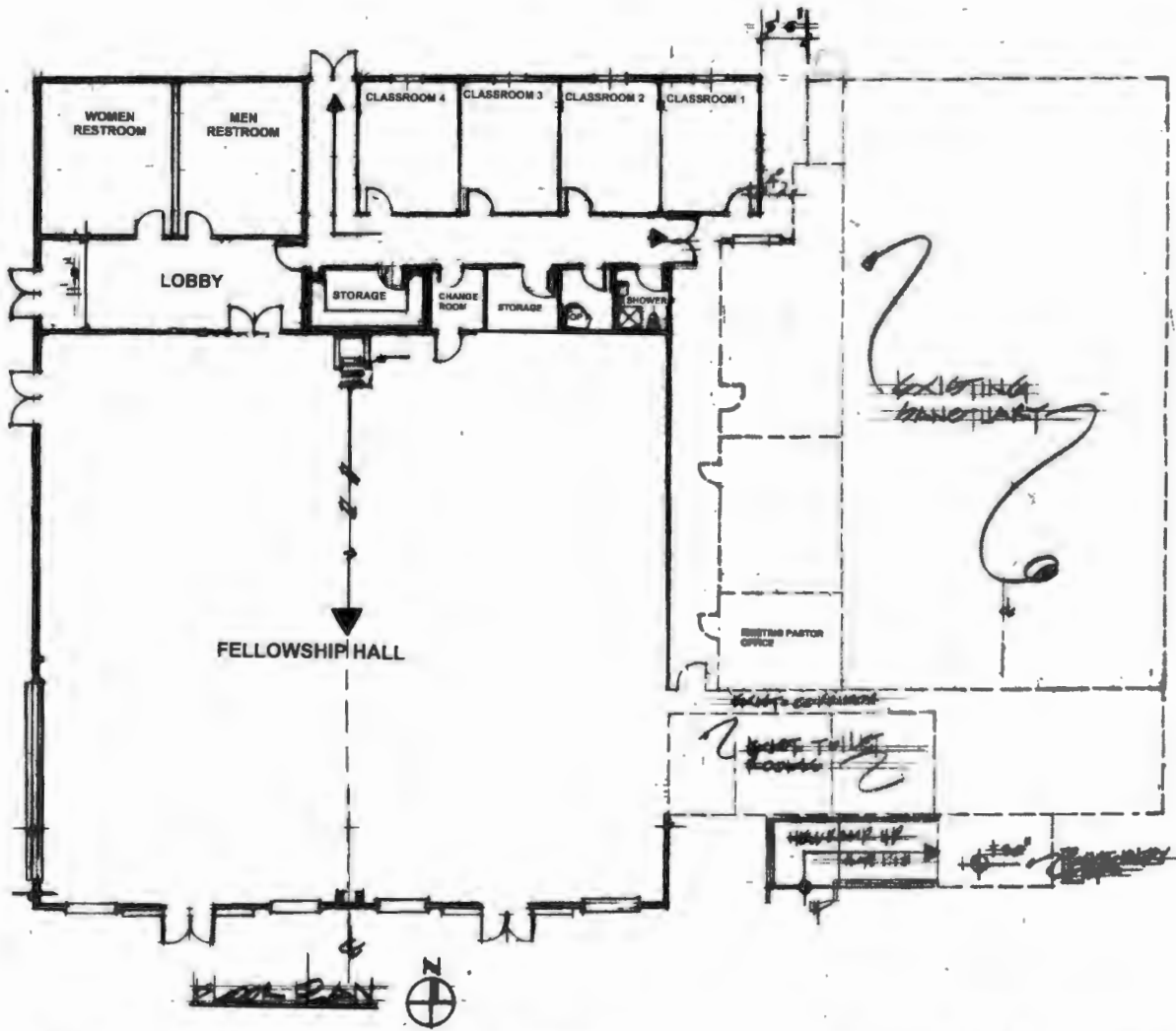
SURVEY



SITE PLAN



FLOOR PLAN & SOUTH ELEVATION



**PREMIERE EGLISE BAPTISTE BETHANIE DORLANDO
FELLOWSHIP HALL**

SITE PHOTOS



Side entrance to existing sanctuary building facing north from the existing parking lot



Facing north from existing parking area - the proposed location of the new fellowship hall is to the right

SITE PHOTOS



Facing south from Arundel Dr. towards existing building to be removed -sanctuary to remain is to the right



Facing southeast from Arundel Dr. to the location of proposed fellowship hall

SITE PHOTOS



Facing south to the Pine Hills YMCA across existing parking lot



Facing west to the Pine Hills YMCA recreation facility – existing parking lot in foreground

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 01, 2020**

Case Planner: **Ted Kozak, AICP**

Case #: **SE-20-08-078**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): KALEY SQUARE COMMUNITY CENTER

OWNER(s): KALEY SQUARE COMMUNITY CENTER, LLC

REQUEST: Special Exception and Variance in the R-2 zoning district as follows:

- 1) Amendment to an existing Special Exception to allow an existing 1,673 sq. ft. house to be converted to office use and an existing 614 sq. ft. house to be converted to storage for the Kaley Square Community Center, located to the north across Kaley Street.
- 2) Variance to allow grass parking in lieu of improved parking.

PROPERTY LOCATION: 1026 22nd St., Orlando, FL 32805, south side of 22nd St., approximately 200 ft. west of Westmoreland Dr.

PARCEL ID: 03-23-29-0180-28-070

LOT SIZE: 200 ft. x 135 ft. / 0.62 Acres (26,952 sq. ft.)

NOTICE AREA: 600 ft.

NUMBER OF NOTICES: 167

DECISION: Recommended **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; and, **APPROVAL** of 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; 7-0):

1. Development shall be in accordance with the site plan and elevations dated June 10, 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 applicant shall submit construction plans through the commercial site plan review process within 180 days years of final approval by Orange County, or this approval is null and void.
5. Development shall comply with Chapter 24 (Landscaping) and Chapter 15 Article VIII (Tree Protection and Removal). In the event there is a conflict between Chapter 24 or Chapter 15 and the site plan, the provisions of Chapter 24 and Chapter 15 shall prevail.
6. The grass parking spaces shall be fitted with wheel stops. The drive aisles and handicap parking spaces shall be improved with a durable all-weather surface and properly drained in accordance with Orange County Code.
7. Shrubs shall be installed along the entire length of the south end of the parking area at a minimum height of 30 inches at planting, at intervals at a minimum of 30 inches o.c.
8. No outdoor speakers or other audio amplification shall be permitted.
9. No outdoor activities and special events shall be permitted at the subject site.

SYNOPSIS: Staff described the property, the surrounding residential area and the connection of the property to the Kaley Community Center's operations across 22nd Street to the north, and the proposed use of the site as offices. Staff described the history of the community operation, including the provision of a mix of religious and community services since the 1990s. Staff provided an analysis of the six (6) criteria, and the reasons for a recommendation for approval of the special exception, including the compatibility of the proposed amended community center operations and the compatibility of design with the surrounding area after the two existing structures have completed renovations. Staff also provided an analysis of the six (6) criteria for a recommendation of approval for the variance, including the special conditions and circumstances related to the rationale of the provision of grass parking spaces for institutional uses with infrequent parking demand. Staff noted that one comment was received in opposition and one comment was received in support.

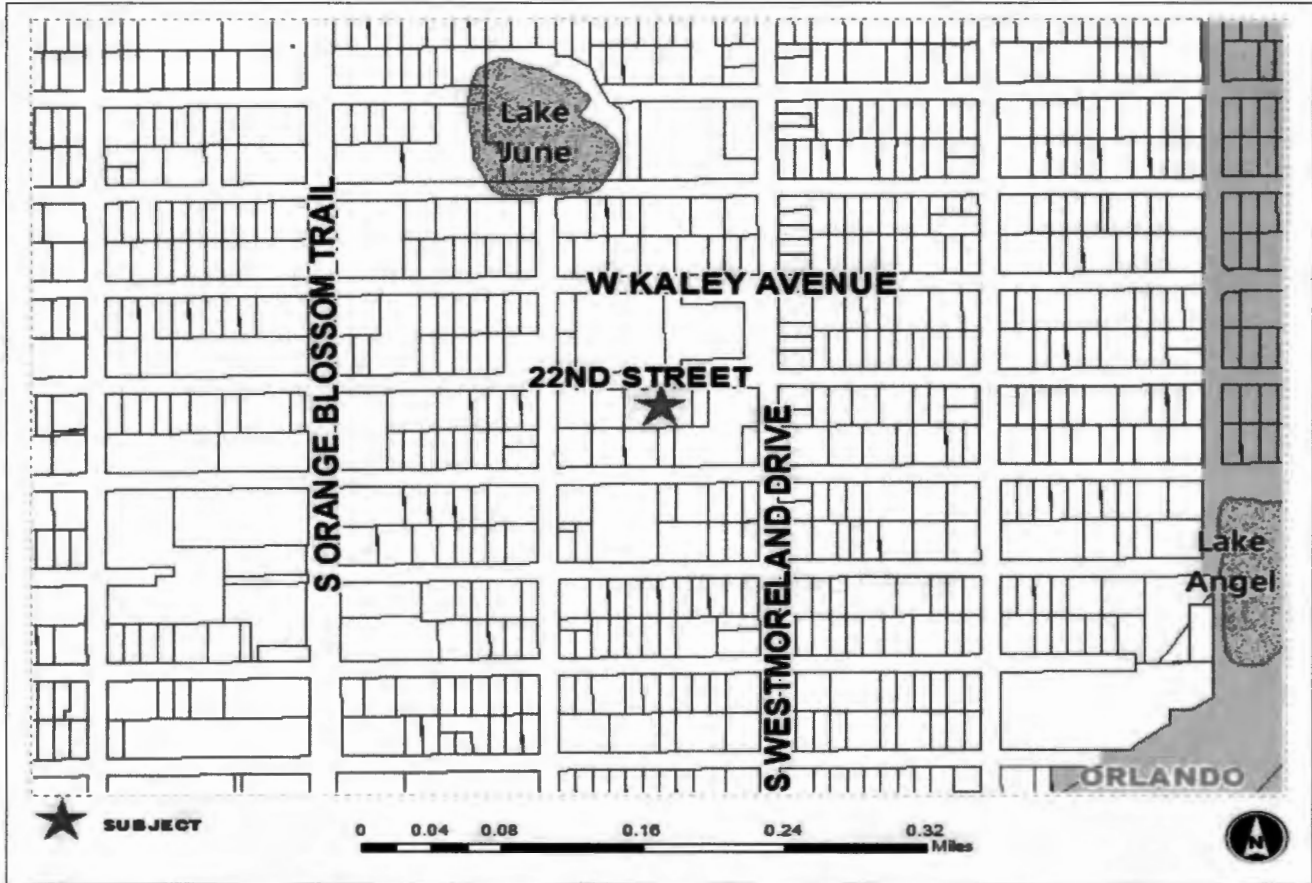
The applicant indicated agreement with the staff presentation and had no comments. There was no one in attendance to speak in favor or in opposition to the request.

The BZA unanimously recommended approval of the Special Exception and Variance, subject to the nine (9) conditions in the staff report.

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 and PR-OS	LMDR	LMDR	LMDR
Current Use	2 Single-family residences	Community center & Kaley Square Park	Single-family residences	Kings Way Baptist Church	Single-family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-2, Residential zoning district, which allows single-family homes, multi-family development, and associated accessory structures. Institutional uses such as religious institutions and community centers are permitted through the Special Exception process.

The subject property totals 0.62 acres in size and comprises Lots 5 through 8, Block 28, of the Angebilt Addition plat, which was platted in 1953. The site is currently developed with a 1,673 sq. ft. single-family residence that was constructed in 1928 (Building #1) and a 614 sq. ft. single-family residence built in 1950, according to the Orange County Property Appraiser's records.

The applicant is requesting an amendment to a special exception and a variances in order to use the existing single-family structure at the front (Building #1) as an office for educational services pertaining to maternal and wellness care and the existing single-family structure at the rear (Building #2) as a storage building. The property was purchased by the Kaley Community Center in 2014 and has had plans since that time to convert the structures for different uses, but since then the buildings have remained vacant. This application has been partially motivated by the ongoing Code Enforcement action due to the deteriorating condition of both structures. The site is located directly across 22nd St., to the south of the primary Kaley Community Center campus.

The conversion of Building #1 proposes the inclusion of 3 offices, a reception area, a breakroom, restrooms and storage areas. The office building is required to provide eight parking spaces which was calculated using the code requirement of one (1) parking space for every 200 sq. ft. of gross floor area. The applicant is proposing a total of total of 7 grass parking spaces and one paved handicap parking space. Since the applicant is proposing to provide parking on an unimproved surface, the request includes a variance from Section 38-1479 of the code to allow grass parking. The drive aisle will be surfaced with 57-stone in lieu of pavement, which meets code.

Across 22nd St., to the north, the development of the site containing Kaley Square Community Center began as a religious institution prior to 1962. In August, 1962, the church, known as Orlando First Church of the Nazarene, was approved for a special exception by the BZA to operate a church and other uses (Case #21).

In March, 1994, the Church of the Nazarene was approved for an amendment to a special exception, by the BZA, later confirmed by the BCC, to expand the scope of the religious institution at the 1030 W. Kaley Ave. site as well as to add additional properties for church purposes across 22nd St., to the north, which included a number of

lots, including Lot 8, Block 28, which is a portion of the site involved in the subject application. In February, 1999, Restore Orlando was approved for another amendment to a special exception, by the BZA, later confirmed by the BCC, to expand the church use, including the provision of a community center.

In December, 2014, the current owner, Kaley Square Community Center, was approved for a special exception (SE-14-12-080), by the BZA, later confirmed by the BCC, to expand the existing community center facility across 22nd St. to include the entire subject site, which included variances to allow the subject storage building to remain with the existing side and rear setbacks, and the provision of 8 grassed parking spaces on the east side of the property. Permits for the project were not submitted and the approvals expired.

In December, 2015, the Kaley Square Community Center was approved for a special exception (SE-15-12-115), by the BZA, later confirmed by the BCC, to expand the existing school facilities at the 1030 W. Kaley Ave. site and was approved for another variance to allow 40 grassed parking spaces at the subject site to serve the expanded school. Permits for this project were not submitted and the approvals expired.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft. (Primary) 15 ft. (Accessory)	Primary (office – building #1) 16 ft. Accessory (storage – building #2) 13 ft.
Min. Lot Width:	90 ft.	200 ft.
Min. Lot Size:	8,000 sq. ft.	0.62 Acres (26,952 sq. ft.)

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	25 ft.	Primary (office – building #1) 28.9 ft. and Accessory (storage – building #2) 112 ft. (North)
Rear:	25 ft. (Primary) 5 ft. (Accessory)	Primary (office – building #1) 52 ft. and Accessory (storage – building #2) 11.2 ft. (South)
Side:	6 ft. (Primary) 5 ft. (Accessory)	Primary (office – building #1) 116 ft./ 56.7 ft. (East/ West) Accessory (storage – building #2) 158 ft./ 4.5 ft. (prior variance) (East/ West)

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The Comprehensive Plan provides that certain institutional uses are consistent with residential Future Land Use designations through the Special Exception process, this includes community centers and religious institutions.

Similar and compatible with the surrounding area

There are no major changes proposed to the exterior of two existing single-family structures, beyond the addition of an accessibility ramp on the wide side of the building #1 structure, to convert it to offices and the parking for the facility will be located to the side.

Shall not act as a detrimental intrusion into a surrounding area

The use of the site will not be an intrusion to surrounding areas in that the single-family residential design will be maintained after renovation. Further, the accessory storage structure will also be renovated, which will be an improvement over the existing deteriorated building conditions.

Meet the performance standards of the district

If the variance is granted to allow grass parking, the proposed use will meet the performance standards of the district.

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

No activity takes place on the property that would generate noise, vibration, dust, odor, glare, or heat that is not similar to the existing institutional and single-family residential uses.

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

The applicant is required to provide landscaping in accordance with Chapter 24 (Landscaping, Buffering and Open Space) of the Orange County Code.

VARIANCE CRITERIA

Special Conditions and Circumstances

By allowing grass parking and only requiring that the drive aisles be improved, the intent of the code can be met.

No Special Privilege Conferred

It is common for institutions to request grass parking due to the infrequency of use. However, applicants are typically required to improve the drive aisles with a durable all-weather surface to allow unpaved parking for uses that have less frequent use patterns, such as religious institutions. Further, the same variance request for grass parking spaces was approved by the BZA in 2014, although it has now since expired.

Deprivation of Rights

Without the variance, the applicant would be required to improve the parking spaces with a durable all-weather surface. This would result in an increased impervious surface area and increased drainage demands in a residential neighborhood.

Minimum Possible Variance

The granting of a variance for grass parking, but still requiring the drive aisles to be improved would allow for the minimum possible variance needed to meet the applicant's needs. The drive aisles will be improved with a durable all-weather surface such as 57 stone in lieu of completely paving them to reduce the impervious surface and runoff yet still provide an improved surface to meet code.

Purpose and Intent

Section 38-1479 contemplates the allowance of parking on unimproved surfaces for intuitional uses via approval by the zoning manger or the Board of Zoning Adjustment (BZA). The granting of the variance while still requiring improved drive aisles would be in harmony with the purpose an intent of this section of the code.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated June 10, 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 applicant shall submit construction plans through the commercial site plan review process within 180 days years of final approval by Orange County, or this approval is null and void.
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7. Shrubs shall be installed along the entire length of the south end of the parking area at a minimum height of 30 inches at planting, at intervals at a minimum of 30 inches o.c.
8. No outdoor speakers or other audio amplification shall be permitted.
9. No outdoor activities and special events shall be permitted at the subject site.

C: Edward E. Haddock III
15 N. Eola Dr.
Winter Park, FL 32792

C: Ali Asmar
500 Winderley Ave., Suite 100
Maitland, FL 32751

COVER LETTER



June 8, 2020

Dear Friends at the Orange County Zoning Division,

Thank you for considering the following application for renewal of Kaley Square's Letter of Special Exception (Attachment 4) in order to include Kaley Square's adjacent property on 22nd Street as covered by the Letter of Special Exception approved the BZA December 4, 2014.

In order to better fulfill its mission to cultivate a place that equips residents to flourish through programmatic offerings by collaborative partners (Attachment 5), Kaley Square would like to include its 22nd Street property (1022, 1026 and 1036 22nd Street) for the uses already approved for Kaley Square Community Center and for additional, not-for-profit uses including traditional office space, educational and meeting space and, specifically but not limited to, non-profit maternal health and wellness care.

The footprint and elevations of this structure will remain as-is and all renovations will be made within the existing structure and in compliance with Orange County code. The operational efforts of any entity will occur during normal business days and hours, allowing for off-hour access as needed. The highest volume at any one time would occur during educational classes or meetings intended for a maximum of 25 adults but usually fewer. We intend to use parking along the newly repaved Maria Avenue (Attachment 6) on the north side of 22nd Street while maintaining ADA compliant parking and building access on site (Attachment 7).

The newly renovated structure will be an ideal location for community based charitable work that aligns with Kaley Square's vision for the flourishing of Orlando's residents resulting in the improved wellbeing of Orange County residents.

In addition to site plans (Attachment 1) and elevation drawings (Attachment 2), please see the attached property surveys (Attachment 3), the 2014 Letter of Special Exception (Attachment 4), Kaley Square overview (Attachment 5), the Orange County issued resolution to vacate Maria Avenue (Attachment 6), and the parking cross access agreement (Attachment 7). Thank you for your consideration.

Gratefully,

A handwritten signature in black ink, appearing to read "Ted" followed by a stylized flourish.

Ted Haddock

President, Kaley Square

1030 WEST KALEY AVENUE • ORLANDO, FL 32805 • 407.680.1682



Organizational Summary

In April 2014 The Edward E. Haddock, Jr. Family Foundation established Kaley Square as an asset-based community development effort so that the property itself and any activities there would serve as “resident-inspired” initiatives to help realize the vision stated below.

Vision

For Holden Heights and Orlando to flourish as a valuable community of people living with dignity, hope and purpose

Mission

To cultivate a place of hope, connection and growth that equips residents to flourish

Values

Cultivation – We believe in holistic health / growth for people and places ... in physical, spiritual, emotional, educational, economic capacities.

Creativity – Creativity is a way of being. Harvesting gifts and talents for new solutions to old problems.

Contribution – To be fully known, accepted and loved; to be a place where all are welcome and make their unique contribution to the community

Collaboration – We collaborate with people of good will who desire the same vision for the residents of Holden Heights and Orlando.

Leadership Team

Demetrius Summerville – Director

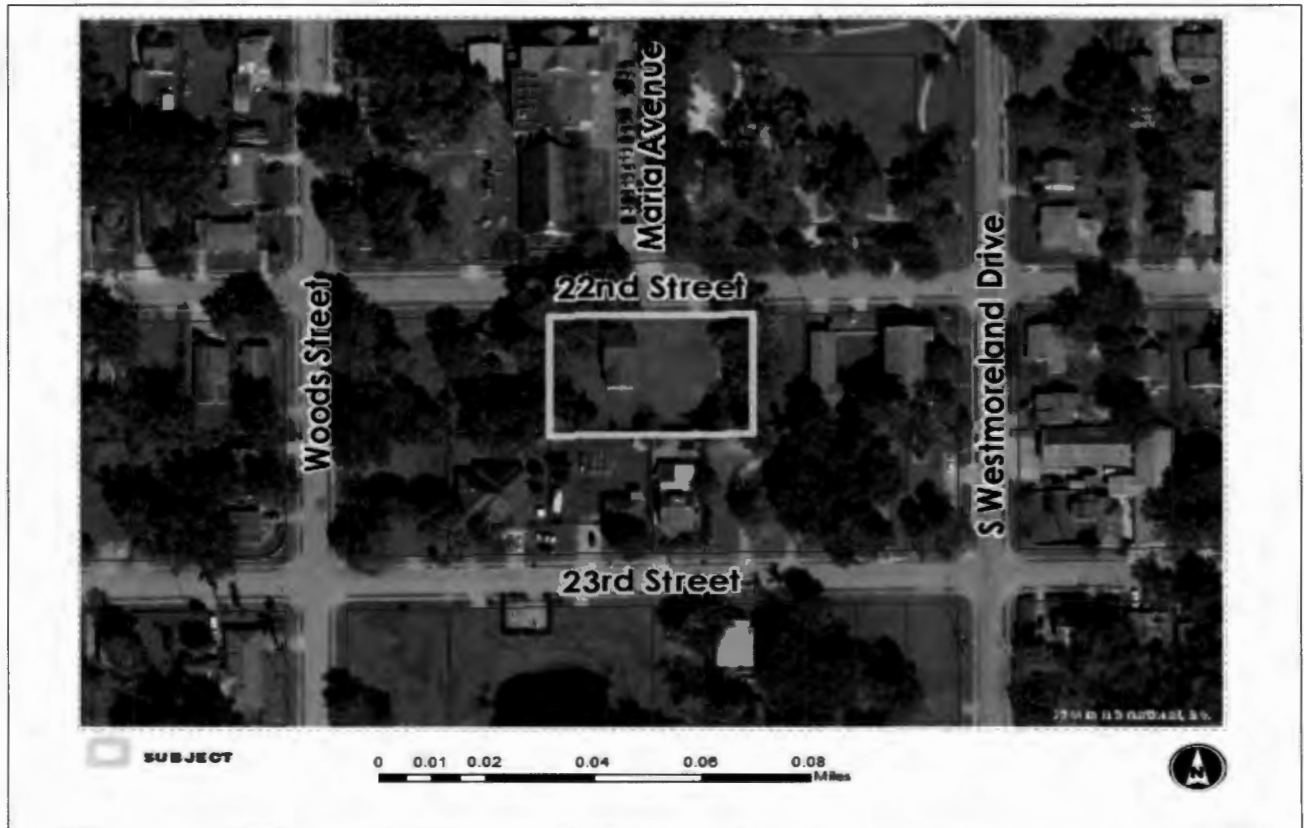
Ted Haddock – Founder

1030 WEST KALEY STREET • ORLANDO, FLORIDA 32805

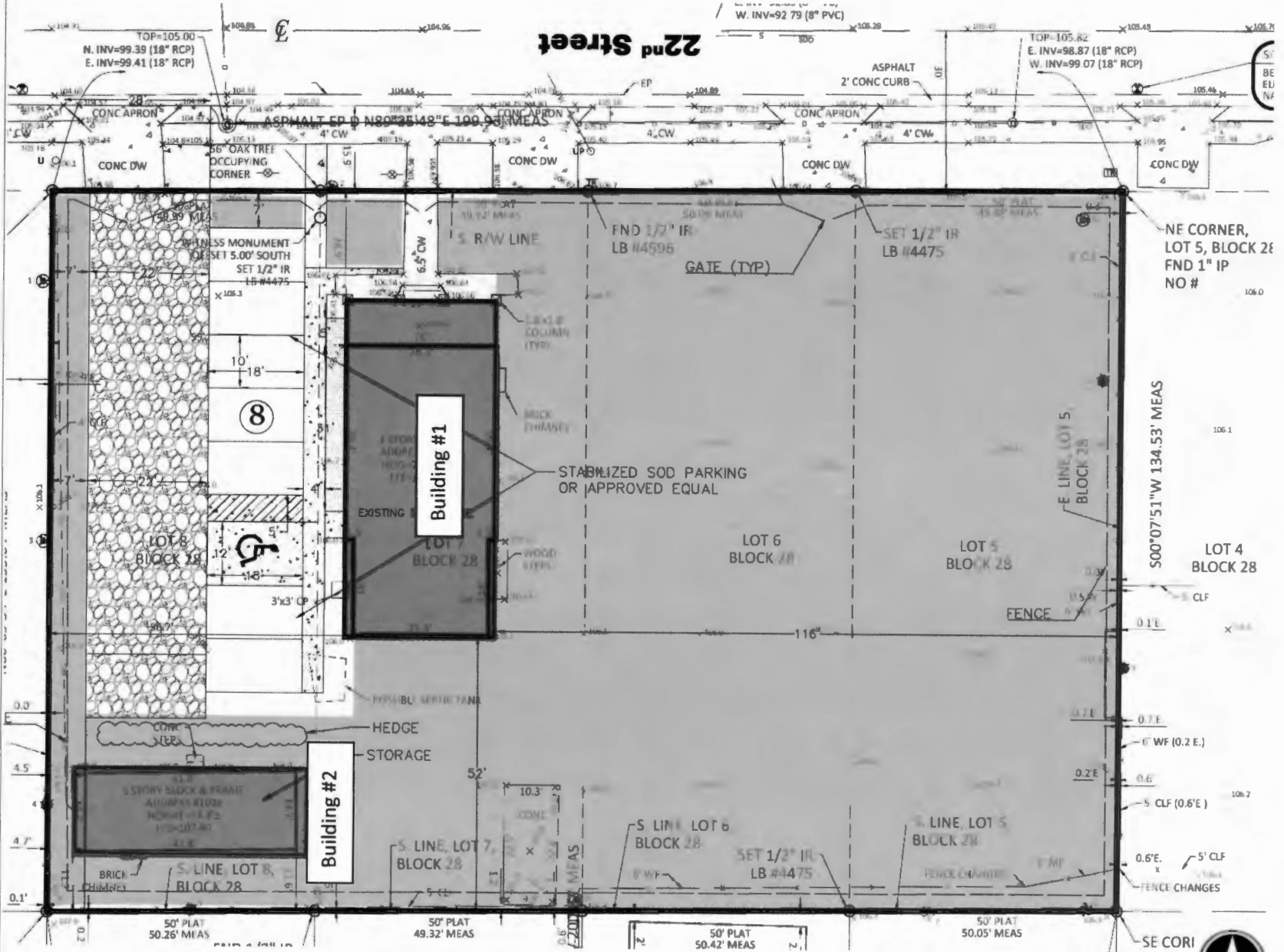
ZONING MAP



AERIAL MAP



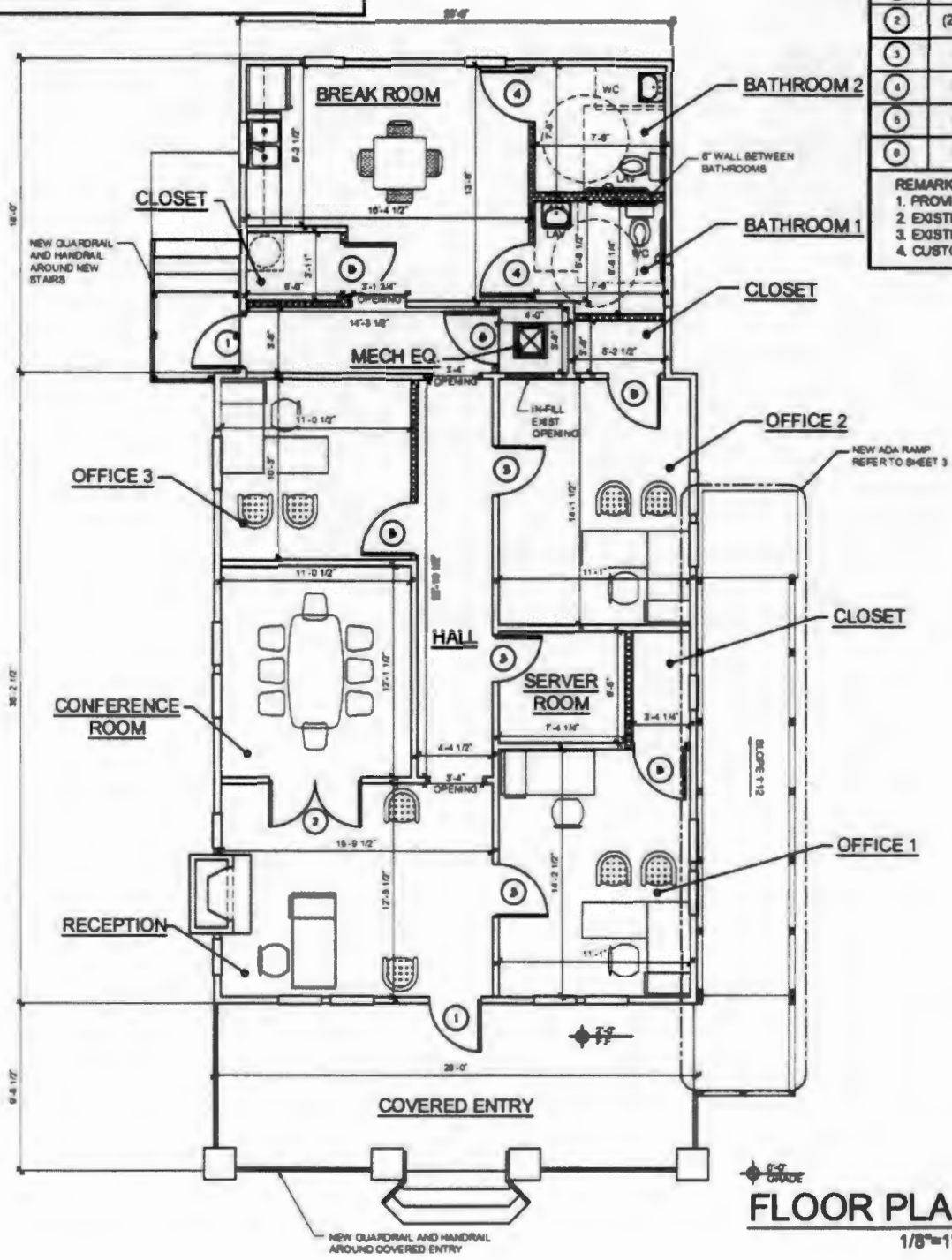
SITE PLAN



FLOOR PLAN –FOR OFFICE CONVERSION

SCOPE OF WORK

INTERIOR REMODEL
 • ADD WALLS, DOORS, AND WINDOWS PER PLAN



MARK	TYPE	MATE
1	3088	WO
2	(2) 2888	WO
3	3088	WO
4	3088	WO
5	3088	WO
6	3028	WO

REMARKS LEGEND:
 1. PROVIDE ADA COMPL
 2. EXISTING ADA COMPL
 3. EXISTING ADA COMPL
 4. CUSTOM HALF DOOR

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

FRONT AND WEST ELEVATIONS OF BUILDING #1



FRONT ELEVATION
1/8"=1'-0"

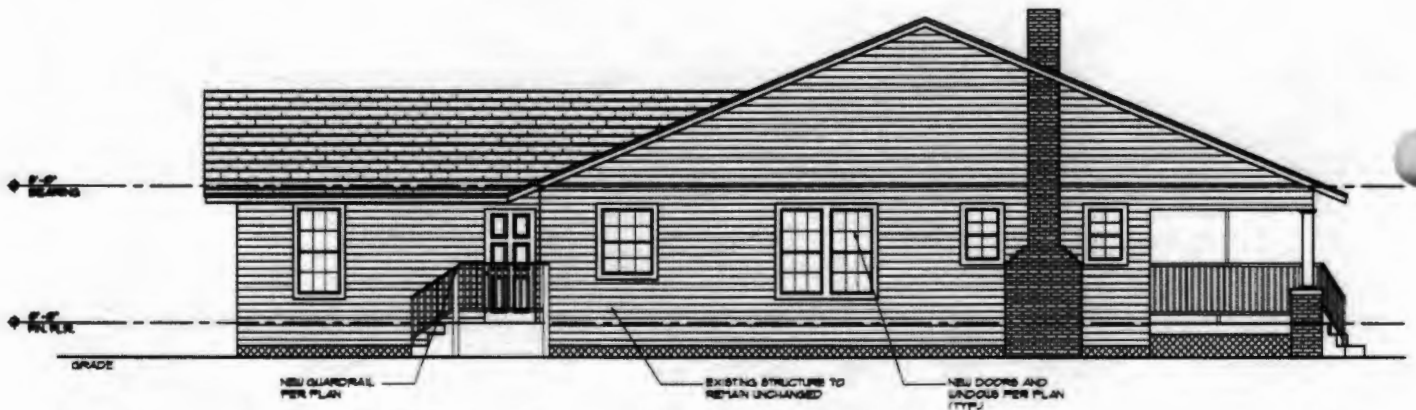


RIGHT ELEVATION
1/8"=1'-0"

REAR AND EAST ELEVATIONS OF BUILDING #1



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



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

SITE PHOTOS



Residence proposed for conversion to offices facing southwest



Proposed storage building facing south

SITE PHOTOS



West side of proposed storage building facing south



East side of proposed storage building facing west

SITE PHOTOS



West side setback of proposed storage building facing south



East side of building facing west

SITE PHOTOS



West side of property where proposed parking area is to be located facing north



Kaley Square Community Center facing north across 22nd St.

SITE PHOTOS



Kailey Square Park facing southeast



Subject property facing south from community center



BOARD OF ZONING ADJUSTMENT