

*Orange County Zoning Division*

**VA-23-06-031**

**APPLICANT: EDWARD BHARATH FOR  
ORANGE TIRES & WHEELS**

**January 9, 2024**



# Background

<b>APPLICANT:</b>	<b>Edward Bharath for Orange Tires &amp; Wheels</b>
<b>CASE:</b>	<b>VA-23-06-031</b>
<b>ZONING:</b>	<b>C-1 (Retail Commercial District)</b>
<b>FUTURE LAND USE:</b>	<b>C (Commercial)</b>
<b>ADDRESS:</b>	<b>7525 S. Orange Ave., Orlando, FL 32809</b>
<b>LOCATION:</b>	<b>Northeast corner of S. Orange Ave. and Royal Palm Ave., north of E. Sand Lake Rd., south of E. Lancaster Rd.</b>
<b>TRACT SIZE:</b>	<b>+/- 0.31 acres (13,641 sq. ft.)</b>
<b>DISTRICT:</b>	<b>3</b>



## Background

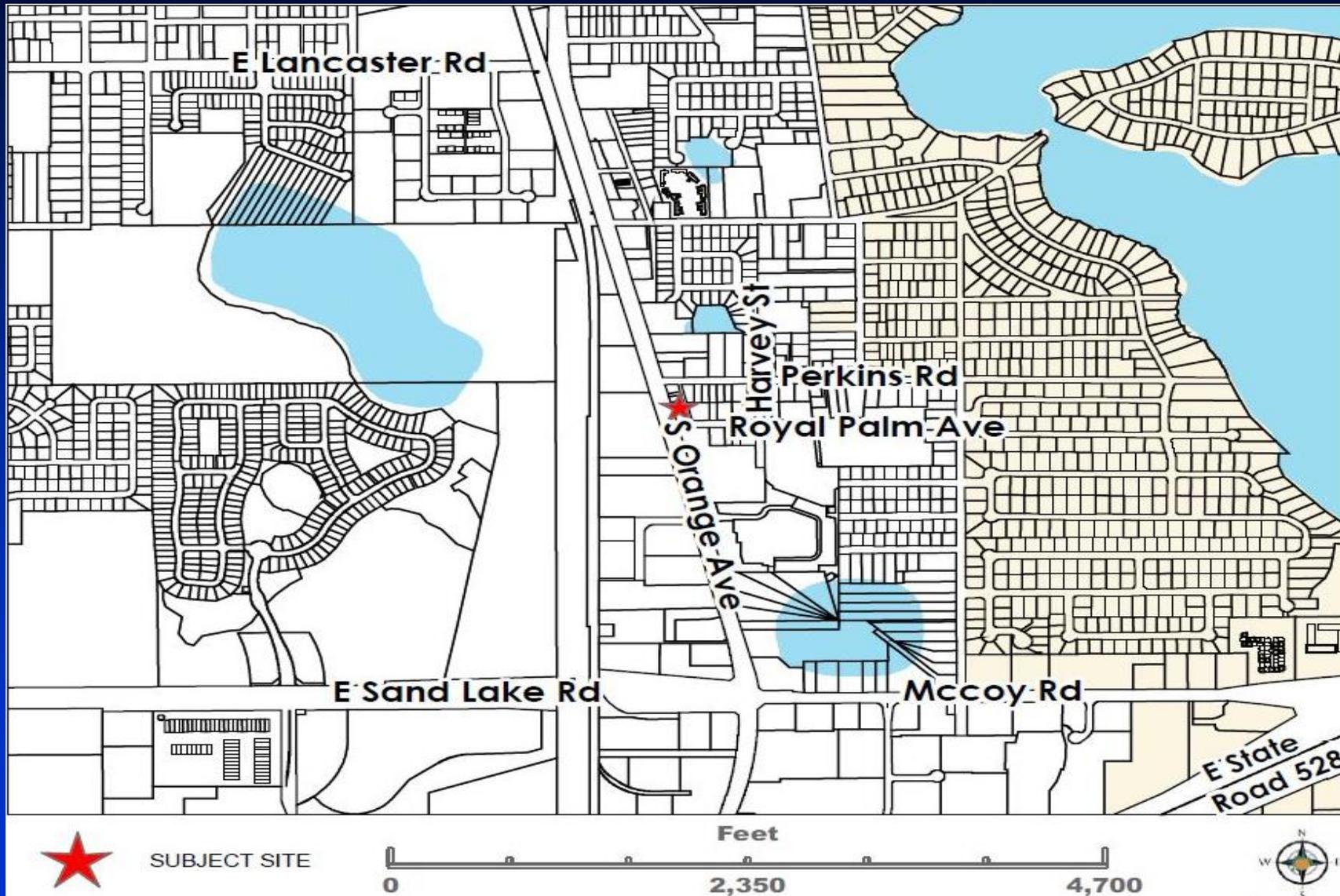
### REQUESTS:

Variances in the C-1 zoning district as follows:

- 1) To allow a rear setback of 2.5 ft. in lieu of 20 ft. for an existing tire shop.
- 2) To allow a rear setback of 6 ft. in lieu of 20 ft. for two shipping containers. \*\*Withdrawn



# Location Map



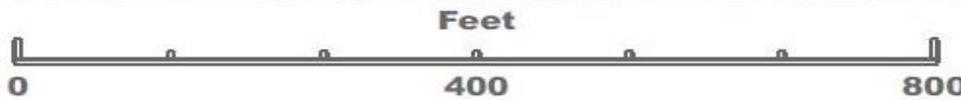




# Aerial Map



SUBJECT SITE





# History

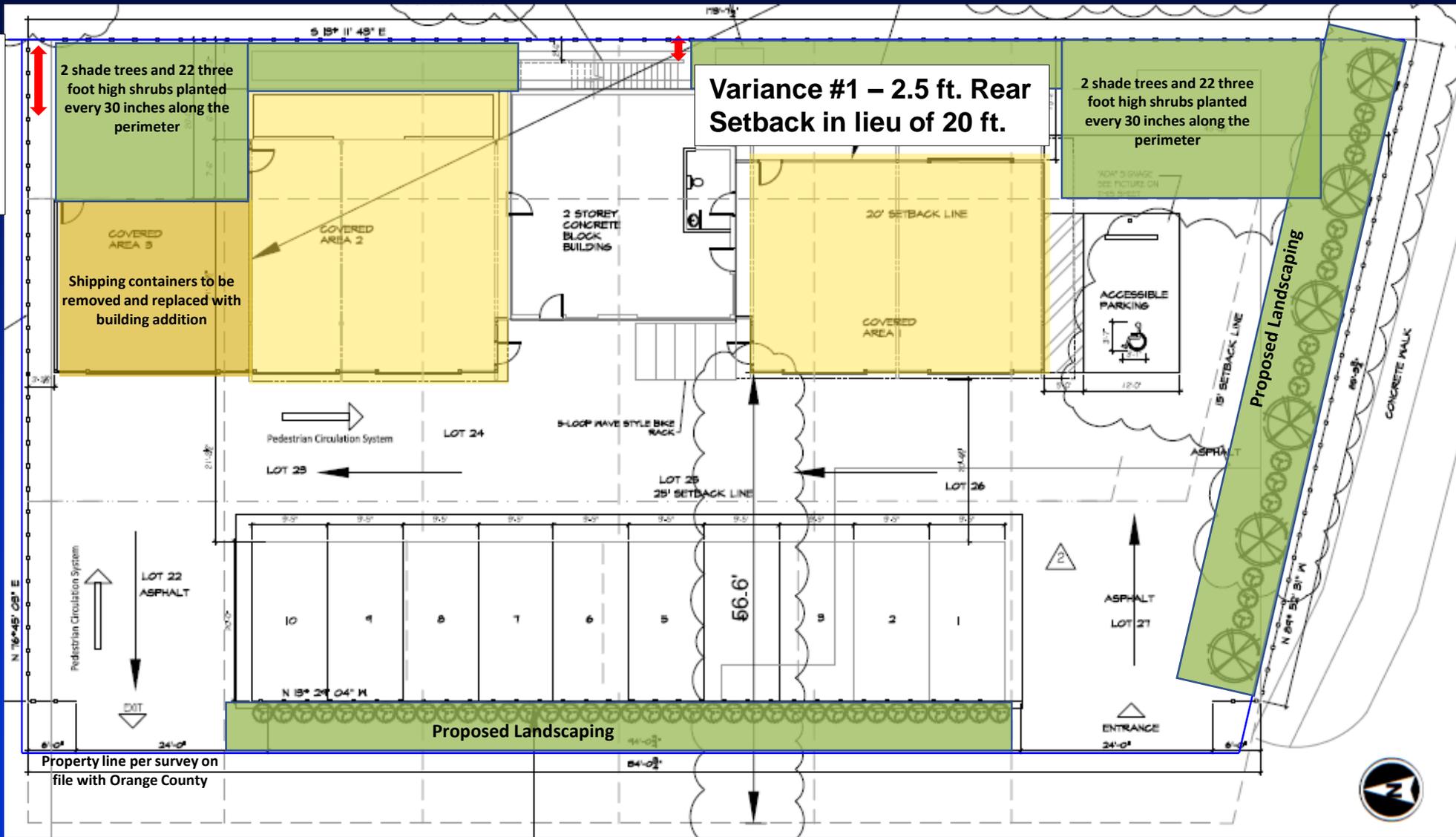
- **Board of Zoning Adjustment Public Hearing: June 1, 2023**
- **Community Meeting 1: July 27, 2023 - no one in attendance**
- **Board Called BCC Public Hearing: August 8, 2023**
  - Continued to September 26, 2023
- **Community Meeting 2: September 5, 2023**
- **Board Called BCC Public Hearing: September 26, 2023**
  - Continued to January 9, 2024
- **Revised Site Plan and Elevation submitted: December 28, 2023**





# Revised Site Plan – dated December 28, 2023

**Variance #2**  
– 6 ft. Rear Setback in lieu of 20 ft.  
- **Withdrawn**



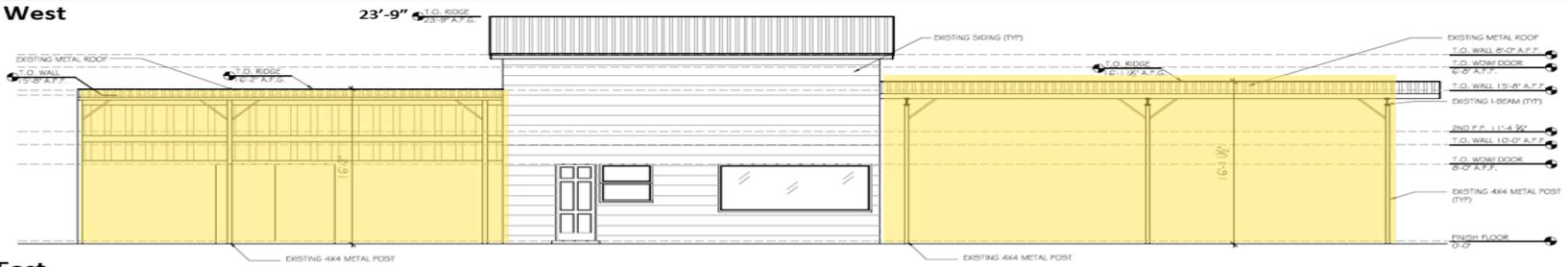
Property line per survey on file with Orange County



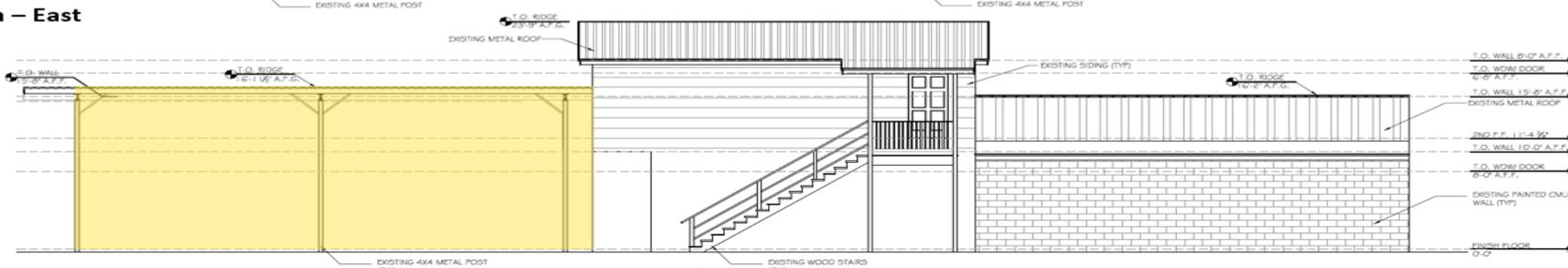


# Existing Elevations

Front Elevation – West



Rear Elevation – East



Right Elevation – South



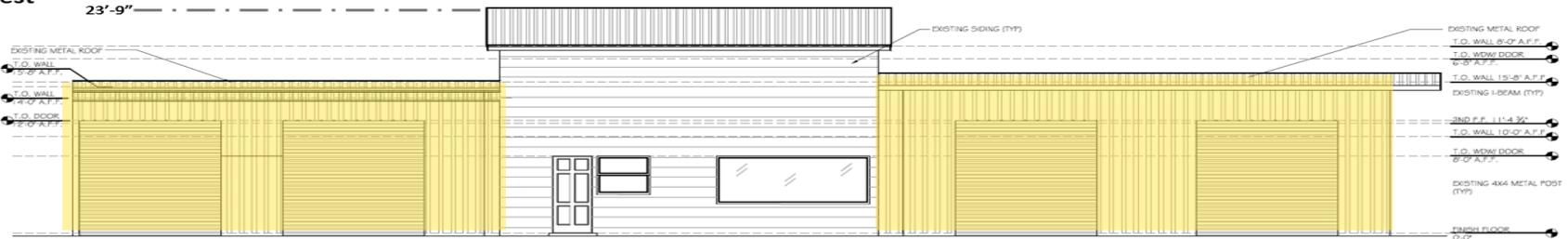
Left Elevation – North



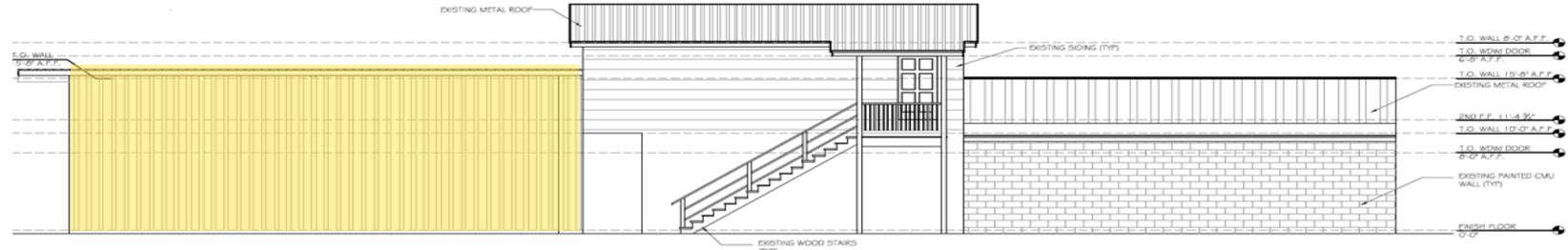


# BZA Elevations

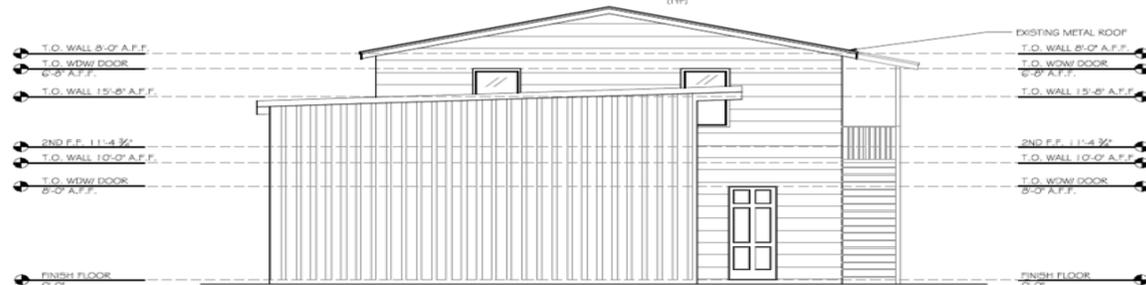
Front Elevation – West



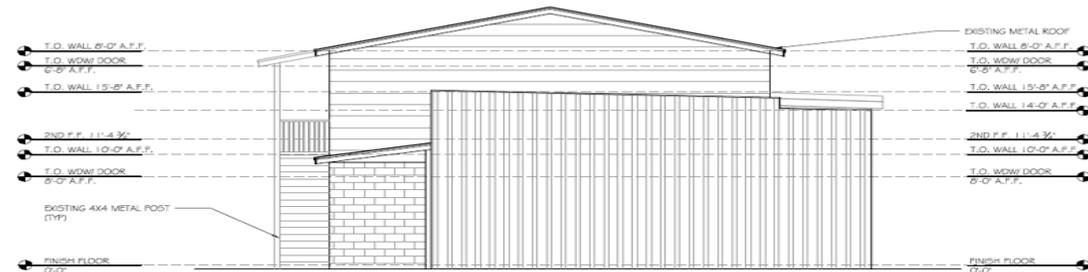
Rear Elevation – East



Right Elevation – South



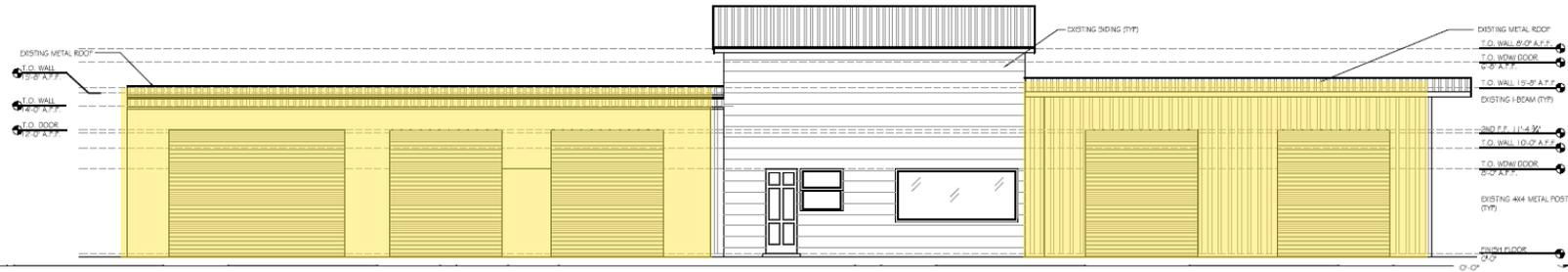
Left Elevation – North



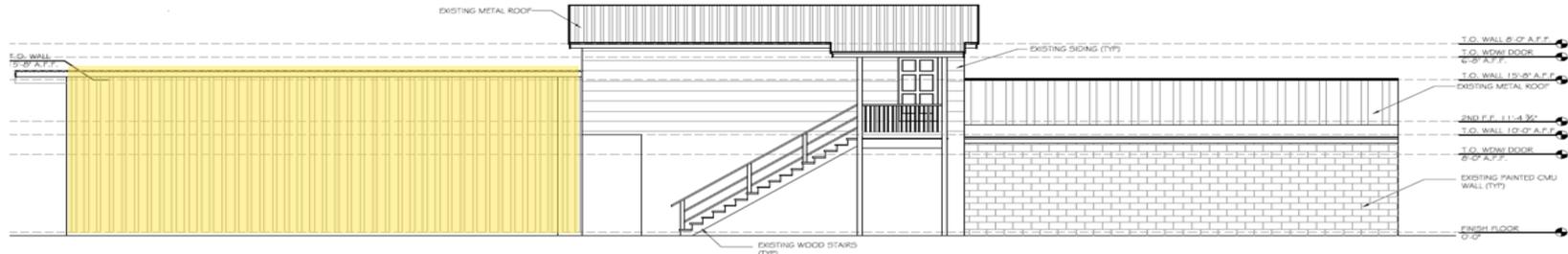


# Revised Elevations Rear Elevation needs updating

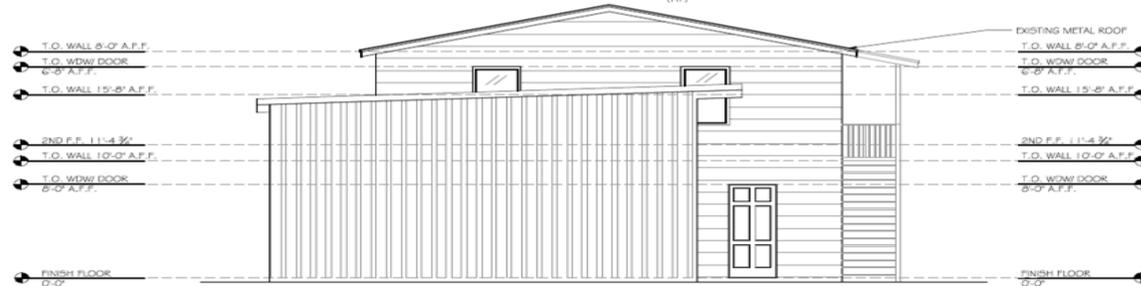
Front Elevation -



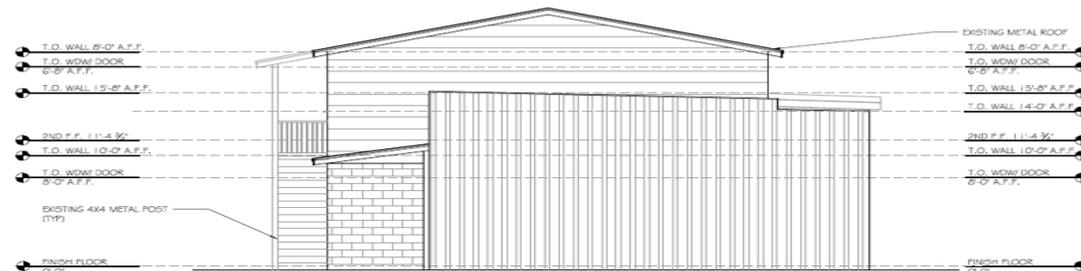
Rear Elevation - East



Right Elevation - South



Left Elevation - North





# Site Photograph

## Front facing from S. Orange





# Site Photograph

Facing southeast from S. Orange towards front property





# Site Photograph

Facing northeast towards side of property





# Site Photograph

Facing east towards proposed location of shipping containers





# Site Photograph

Rear of existing structure, facing south





# Site Photograph

Rear alley, facing west





# Site Photograph

Facing north from Royal Palm Ave. towards alley



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# Staff Findings and Analysis

## ■ Existing:

- 4,020 gross sq. ft. tire shop with two covered open work areas on either side - constructed in 1961
- 3 unpermitted shipping containers

## ■ Proposed:

- Enclose the two covered work areas
- Additional 532 sq. ft. work area in lieu of the initially requested 2 shipping containers
- Cumulative total of 3,725 sq. ft. of enclosed work area

## ■ Request:

- Recognize the existing location of the tire shop building with an east rear setback of 2.5 ft. in lieu of 20 ft. (Variance #1)
- Previous Request to allow an east rear setback of 6 ft. in lieu of 20 ft. for the two remaining shipping containers (Variance #2 - withdrawn)



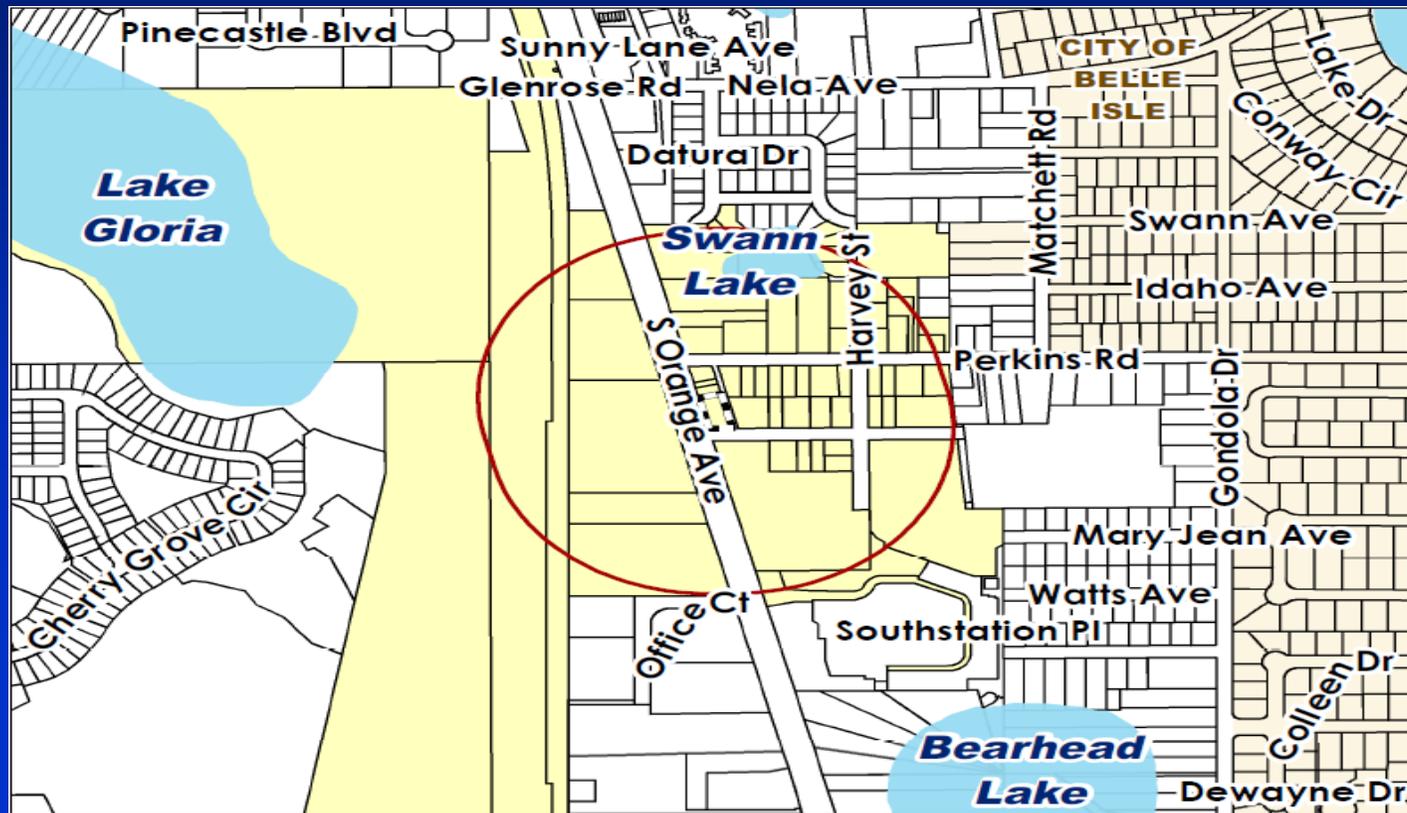
## Staff Recommendation

- Staff recommended approval of variance #1 as the special conditions and circumstances particular to the property is the age of the existing improvements, the request is not self-created, granting will not confer special privilege and approval of the request would be in harmony with the purpose and intent of the Code;
- Staff recommended denial of variance #2 as there are no special conditions and circumstances, the request is self-created, it would grant special privilege, there would not be deprivation of rights and the variance is not the minimum possible as the shipping containers could be shifted to meet the setback.



# Public Feedback

- Staff mailed a total of 76 notices to adjacent property owners in an 800 ft. radius
  - Staff received no correspondence in favor of this request
  - Staff received no correspondence in opposition to this request





## BZA Findings

- **The BZA concluded that the approval of the variances would not confer special privilege, were the minimum necessary and recommended approval of the variances, subject to the 6 conditions in the staff report.**



# Community Meeting Summary (Post BZA)

- **Community Meeting on July 27, 2023**
  - Attended by the applicant, County staff
  - No residents in attendance
- **Community Meeting on September 5, 2023**
  - Attended by the applicant, County staff
  - 6 residents in attendance
  - Comments
    - Concerns about property maintenance
    - Shipping containers are inappropriate
    - Property is currently used for auto repair - not a permitted use in C-1 district
    - Concerns about parking lot used for adjacent restaurant



# Variance Criteria

## Section 30-43 (3), Orange County Code

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

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



# Conditions of Approval

1. Development shall be in accordance with the site plan and elevations received December 28, 2023, as modified per conditions #4, #5, #6 and #7, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.



# Conditions of Approval

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of the permit to enclose the work areas and/ or for additional work area ~~to~~ for the tire shop, ~~a permit shall be obtained for any shipping container on site in a conforming location or they shall be removed.~~ all existing shipping containers and accessory structures shall be removed.
5. At time of permitting, the applicant is required to submit a modified site plan that reflects the property lines per survey on file with Orange County.



# Conditions of Approval

6. Enhanced landscaping shall be provided along the entire length of the side street on the south property line along ~~Palm~~ Royal Palm Ave. ~~Rd.~~ within the 7 ft. required landscape strip. This enhanced landscaping shall consist of understory trees planted 15 ft. on center, supplemented with a continuous row of shrubs/~~hedges~~ planted 30 inches on center within the landscape strip. Landscaping shall also be provided along S. Orange Ave. with understory trees planted within a minimum 5 ft. landscape strip, every 15 ft. on center and shrubs planted 30 inches on center. A landscape plan showing the required landscaping shall be submitted with the permit for the enclosure of the outdoor work area.
7. Landscaping shall be provided at the rear of the property, in the area east of the building addition adjacent to the north and east property line, with a minimum of two 12 foot high shade trees, with 22 three foot high shrubs, planted 30 inches on center and in the area southeast of the building adjacent to the south and east property lines, with a minimum of two 12 foot high shade trees, with 22 three foot high shrubs planted 30 inches on center.
8. No shipping containers are allowed on the property.
9. No outdoor storage is allowed on the property.



## Requested Action

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