



**Orange County
Board of Zoning Adjustment
RECOMMENDATIONS
BOOKLET**

May 2, 2019

Prepared by:
Planning, Environmental & Development Services Department,
Orange County Zoning Division

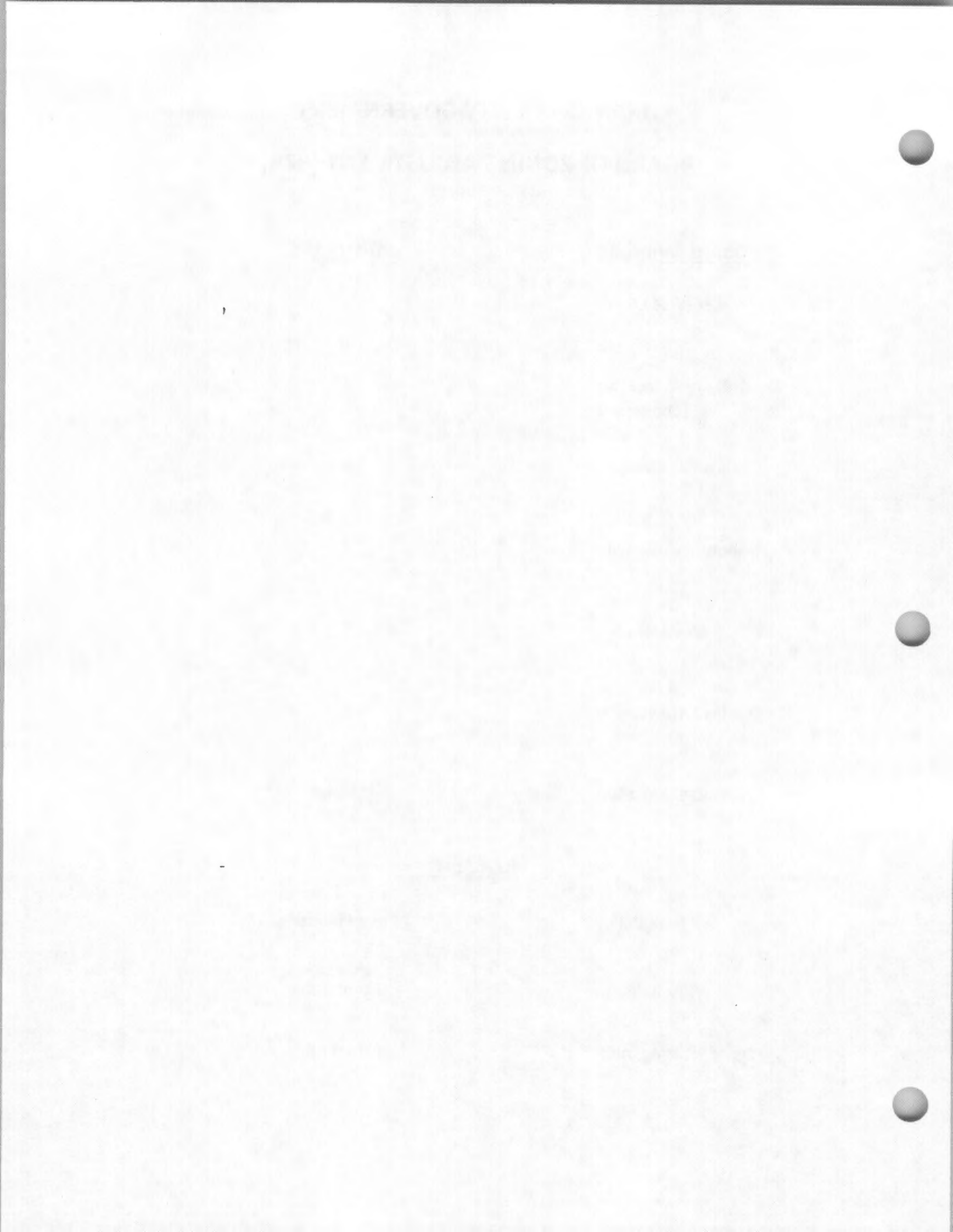


ORANGE COUNTY GOVERNMENT
BOARD OF ZONING ADJUSTMENT (BZA)

<u>Board Member</u>	<u>District</u>
Carolyn Karraker (Vice Chair)	1
Gregory A. Jackson (Chairman)	2
Jose A. Rivas, Jr.	3
Deborah Moskowitz	4
Wes A. Hodge	5
Charles J. Hawkins, II	6
Roberta Walton	At Large

BZA Staff

Sean Bailey	Chief Planner
Nick Balevich	Planner II
David Nearing, AICP	Planner II



ORANGE COUNTY ZONING DISTRICTS

Agricultural Districts

- A-1** Citrus Rural
- A-2** Farmland Rural
- A-R** Agricultural-Residential District

Residential Districts

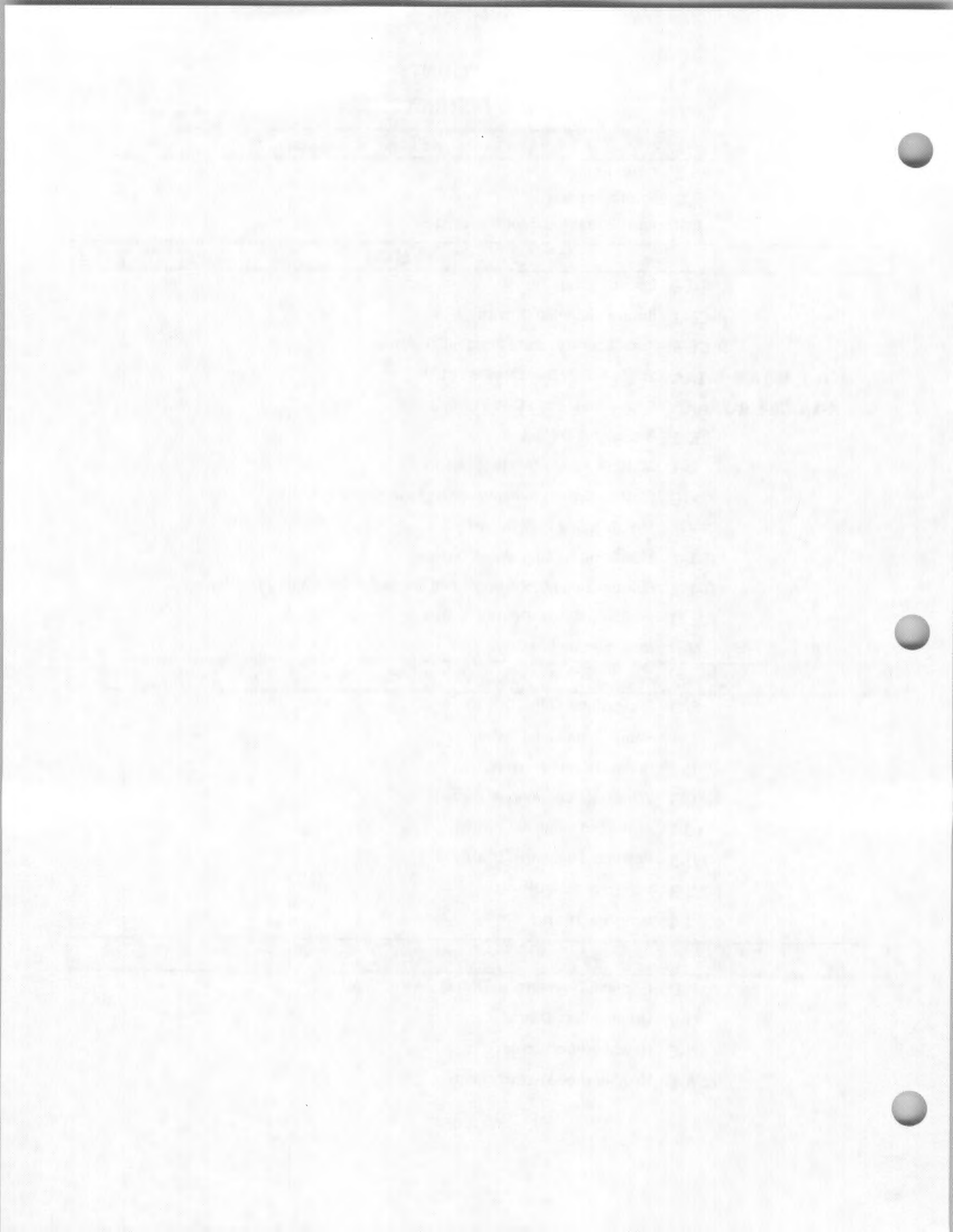
- R-CE** Country Estate District
- R-CE-2** Rural Residential District
- R-CE-5** Rural Country Estate Residential District
- R-1, R-1A & R-1AA** Single-Family Dwelling District
- R-1AAA & R-1AAAA** Residential Urban Districts
 - R-2** Residential District
 - R-3** Multiple-Family Dwelling District
 - 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

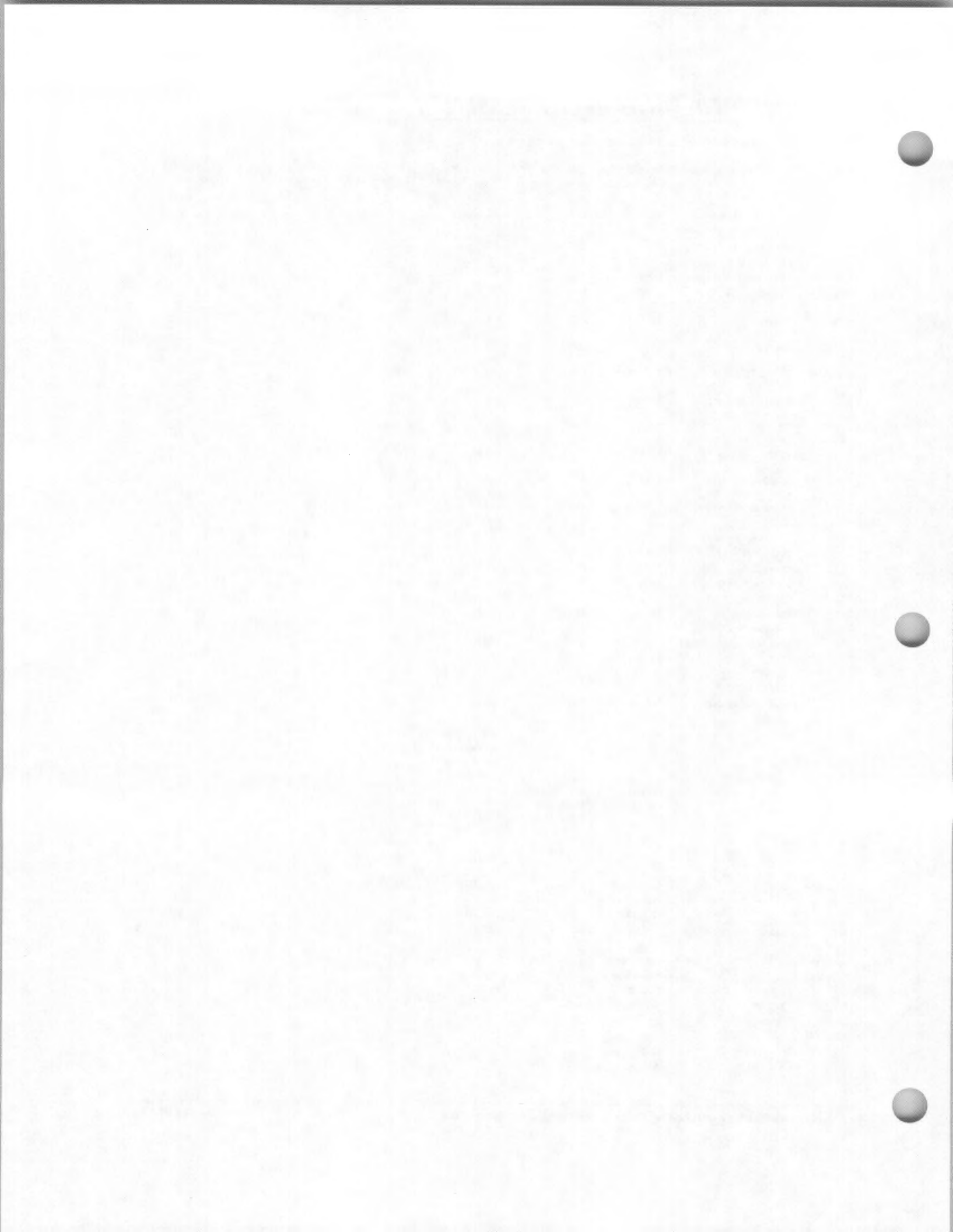
- P-D** Planned Development District
- U-V** Urban Village District
- N-C** Neighborhood Center
- N-A-C** Neighborhood Activity Center



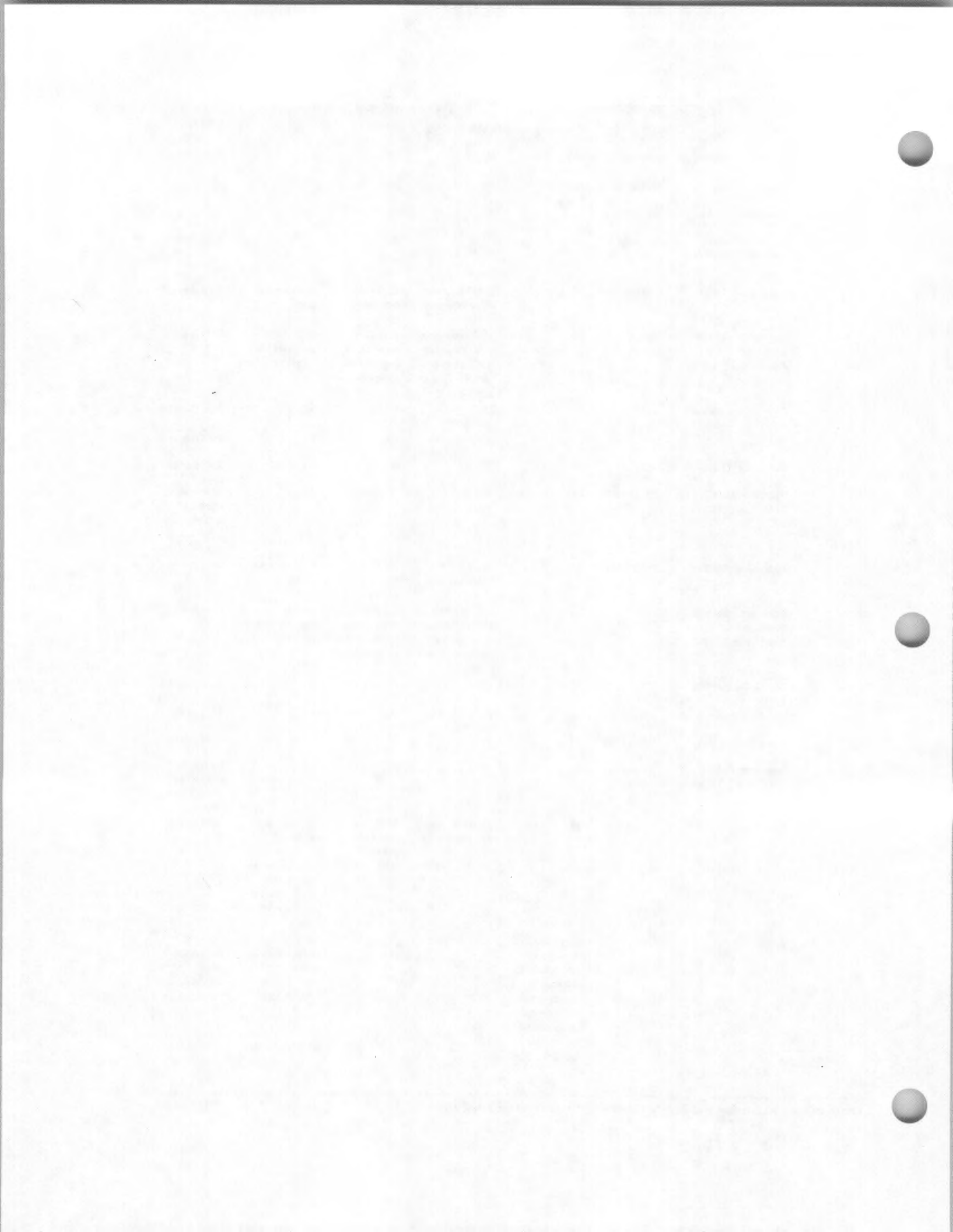
SITE AND BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

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.)	Lot setback (ft.)
A-1	SFR - 21,780 (½ acre)	850	100	35	50	10	35	a
	Mobile Home - 2 acres							
A-2	SFR - 21,780 (½ acre)	850	100	35	50	10	35	a
	Mobile Home - 2 acres							
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	a
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	a
R-CE-2	2 acres	1,200	250	45	50	30	35	a
R-CE-5	5 acres	1,200	185	50	50	45	35	a
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	a
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	a
R-1AA	10,000	1,200	85	25 h	30 h	7.5	35	a
R-1A	7,500	1,200	75	20 h	25 h	7.5	35	a
R-1	5,000	1,000	50	20 h	20 h	5 h	35	a
R-2	One-family dwelling, 4,500	1,000	45 c	20 h	20 h	5 h	35	a
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 d	20 h	30	5 h	35	a
	Three DUs, 11,250	500 per DU	85 j	20 h	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 j	20 h	30	10 b	35	a
R-3	One-family dwelling, 4,500	1,000	45 c	20 h	20 h	5	35	a
	Two DUs, 8,000/9,000	500/1,000 per DU	80/90 d	20 h	20 h	5 h	35	a
	Three dwelling units, 11,250	500 per DU	85 j	20 h	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 j	20 h	30	10 b	35	a
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	a
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	a
R-T-1								
SFR	4,500 c	1,000	45	25/20 k	25/20 k	5	35	a
Mobile home	4,500 c	Min. mobile home size 8 ft. x 35 ft.	45	25/20 k	25/20 k	5	35	a
R-T-2	6,000	SFR 500	60	25	25	6	35	a
(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	a
		Min. mobile home size 8 ft. x 35 ft.						



	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

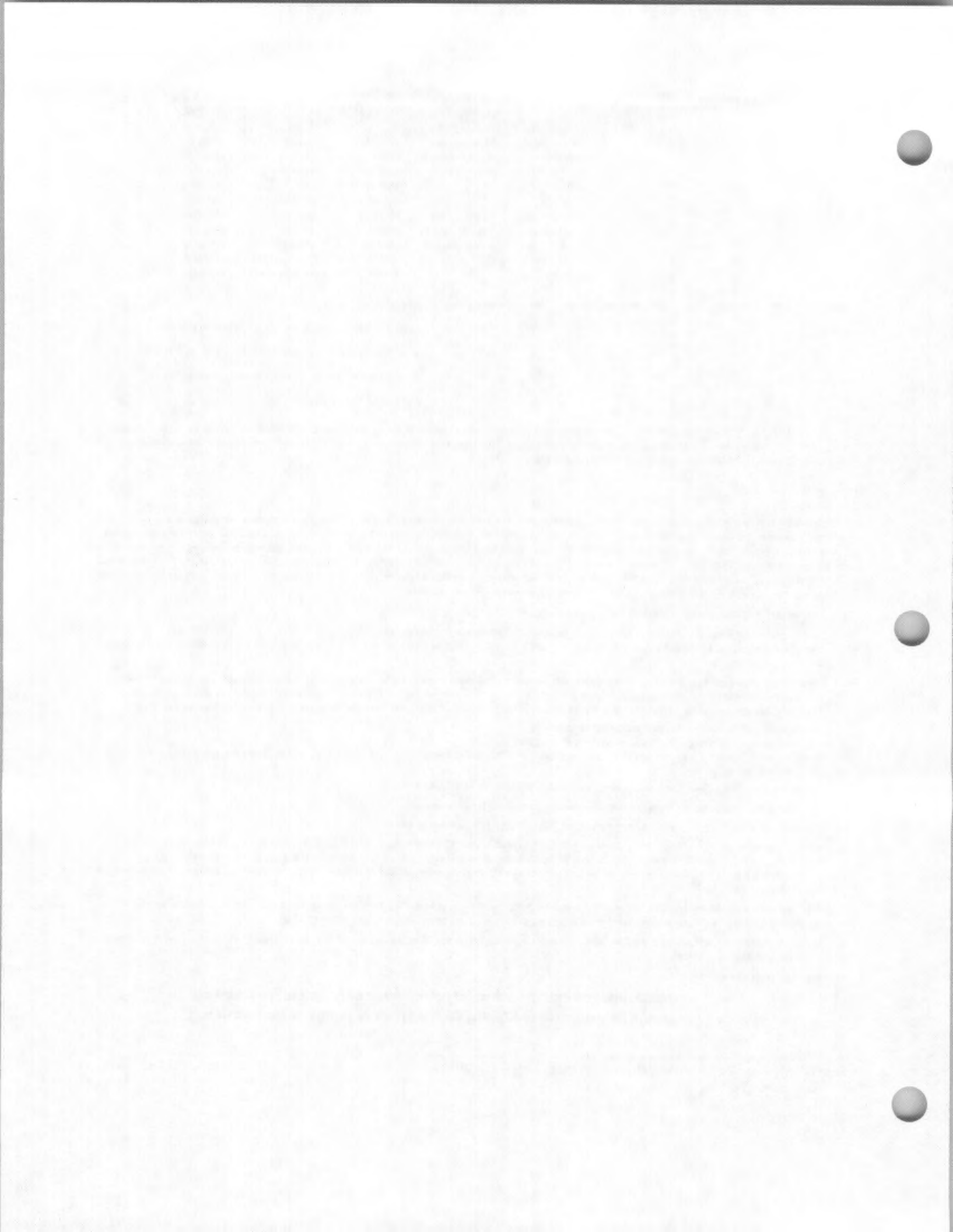
District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-2 / I-3	25	10	15	50, or 35 within 100 ft.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

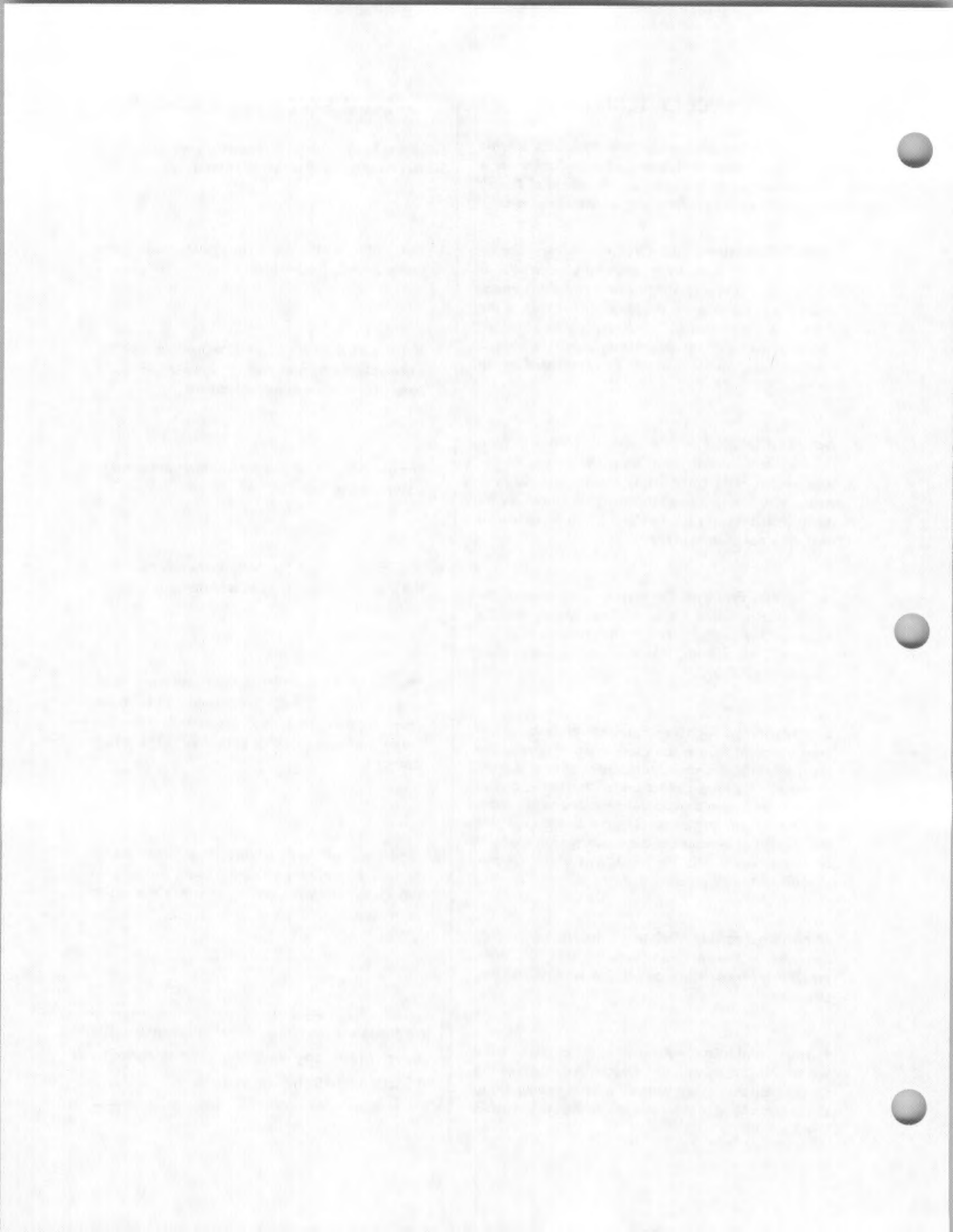
1. **Special Conditions and Circumstances** – Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring 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:

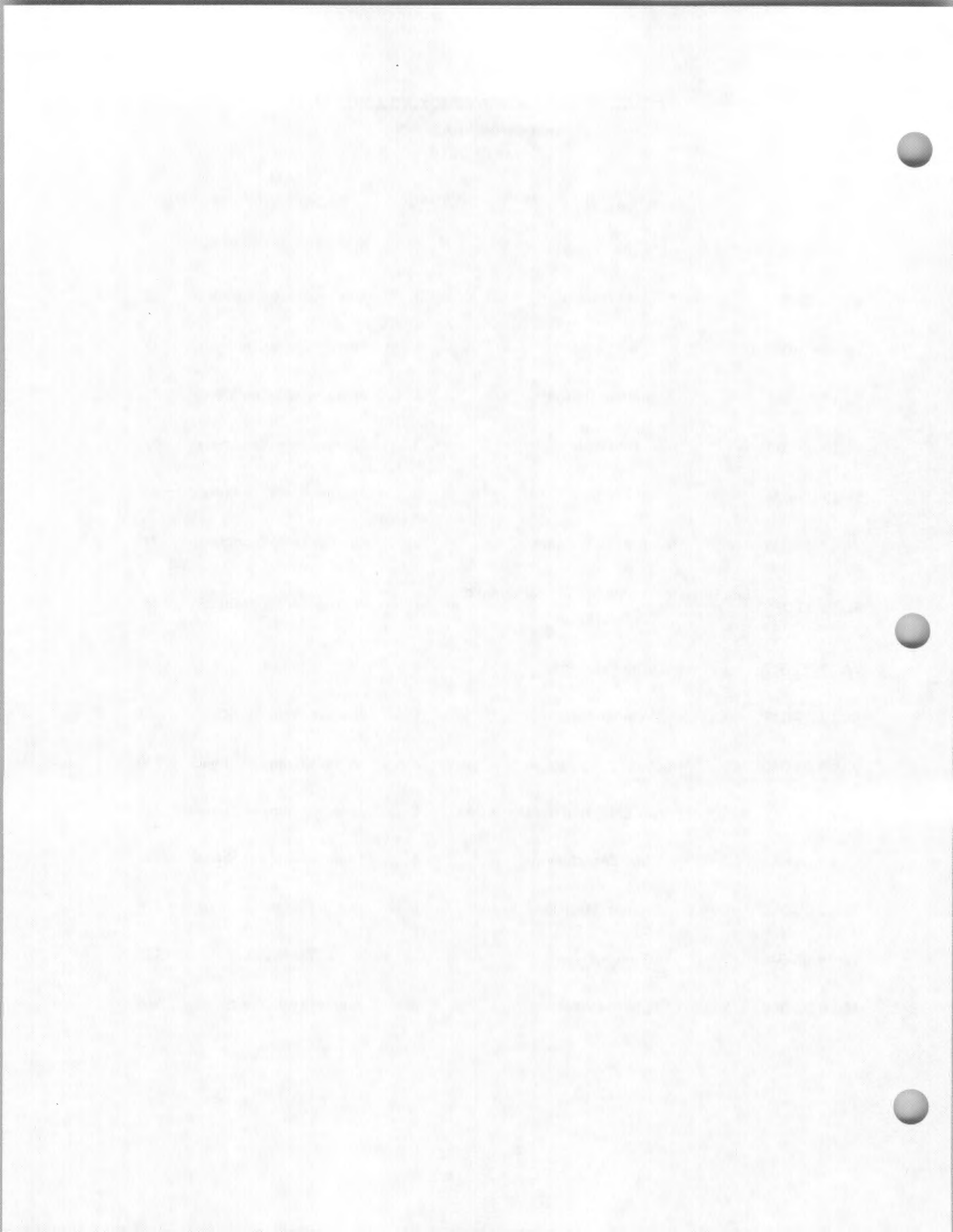
1. The use shall be consistent with the Comprehensive Policy Plan.
2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
3. The use shall not act as a detrimental intrusion into a surrounding area.
4. The use shall meet 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.



**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
May 2, 2019**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
VA-19-05-027	Eric Johannessen	5	Approved with Conditions	1
VA-19-05-029	Alex Yassein	3	Approved with Conditions	13
VA-19-05-030	Bill Perez	1	Approved with Conditions	25
SE-19-05-031	Jonathan Holton	1	Approved with Conditions	38
SE-19-05-033	Elan Azuz	3	Approved with Conditions	52
SE-19-05-034	Al Tehrani	6	Approved with Conditions	64
VA-19-05-035	Tommy Lee Williams	2	Approved with Conditions	74
SE-19-05-036	Bibi Singh for the Vedic Cultural Samaj of Central Florida	2	Approved with Conditions	85
VA-19-05-037	Lorna Cassanova	6	Denied	101
SE-19-05-038	Gloria Stobenau	1	Approved with Conditions	112
VA-19-05-040	Hubbard Construction	4	Approved with Conditions	130
SE-19-05-041	House of Prayer Church of the Living God	6	Approved with Conditions	144
VA-19-05-042	Mark Brenchley	4	Approved with Conditions	162
SE-19-05-043	Leonardo Garcia	3	Continued	176
VA-19-06-044	Tom Sullivan	5	Continued	190
SE-19-06-046	Rebecca Wilson	3	Approved with Conditions	206



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 02, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-05-027**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): ERIC JOHANNESSEN

OWNER(s): SHANNON JOHANNESSEN, ERIC JOHANNESSEN

REQUEST: Variances in the R-1A zoning district to allow an existing accessory structure (treehouse) as follows:

1) To allow a side (west) setback of 0 ft. in lieu of 5 ft.

2) To allow a Normal High Water Elevation (NHWE) setback of 5 ft. in lieu of 30 ft.

This is a result of code enforcement action.

PROPERTY LOCATION: 7849 Georgeann St., Orlando, FL 32792, north side of the end of Georgeann St., approximately .4 miles east of N. Goldenrod Rd.

PARCEL ID: 02-22-30-2968-00-070

LOT SIZE: 69 ft. x 416 ft. (avg.) / .85 acres (.32 acres submerged)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 107

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0 and 1 abstained):

1. Development in accordance with the site plan dated February 19, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of 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 all unpermitted improvements within 180 days of final action on this application by Orange County or this approval becomes null and void.

5. The existing unpermitted shed shall be removed prior to final inspection of the treehouse, or it must be properly permitted and moved to meet setbacks.

6. If deemed necessary by the County Attorney's Office, prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the treehouse is no closer than five (5) feet from the Normal High Water Elevation of Lake Waunatta.

SYNOPSIS: Staff explained the rationale behind the recommendation for denial. This included the fact that the treehouse actually encroaches .8 feet into the neighbor's property. Staff concluded by noting that it had received twenty (20) correspondence, including two (2) letters of support submitted with the application, two (2) correspondence in opposition, six (6) correspondence from neighboring property owners in support, and ten (10) correspondence in support from people outside of the neighborhood.

The applicant's attorney explained that the location of the fence and the treehouse are both, in part, due to a piece of rebar located in the rear yard of the neighbor to the west which caused both that property owner and the applicant to believe that the property line was located five (5) feet to the west of the actual line. Now that the applicant knows of the error, the fence will definitely be relocated. However, while the treehouse can be relocated to no longer encroach on the neighbor's property, it must be anchored to trees, and the only trees capable of being anchored are the two (2) pines and the cedar currently being used. These trees cannot be relocated. The attorney concluded by showing the density of the vegetation to the east at ground level, six (6) feet, and twelve (12) feet. They then noted that given the uniqueness of this request, this request can never be used as a precedent for any other case.

The BZA asked whether there were any other trees on the property capable of supporting the house. The applicant noted that the only other trees were palms, which were not suitable for such use. They stated that they had contacted the County Building Safety Division when they started the project, and they were told that such a structure would not need a permit.

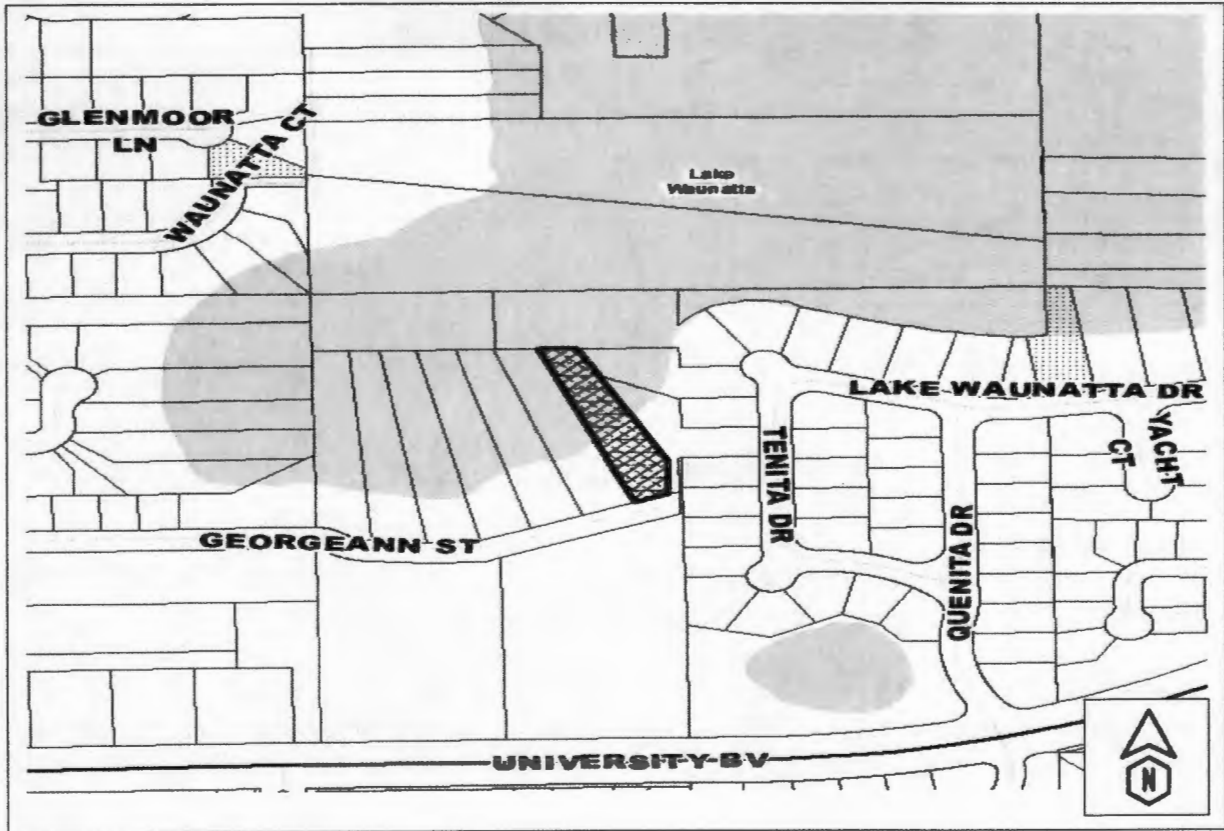
The County Building Official appeared to correct the confusion regarding permitting for the tree house. They noted that there are exemptions for certain play equipment. However, given the complexity of the subject treehouse, it is not exempt. There being no one in attendance to speak in favor or opposition to the request, the public hearing was closed.

Staff added a condition that the applicant must execute and record a Hold Harmless Agreement if deemed necessary by the County Attorney's Office. The BZA concluded that the uniqueness of this application, and the factors brought forward by the applicant's attorney warranted the granting of a variances. A motion to recommend approval of the requested variances was passed unanimously.

STAFF RECOMMENDATIONS

Denial. However, should the BZA find that the requested variances meet the criterial for approval, staff recommends that such approval be subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

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

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-1A, Single Family Dwelling District, which allows single family homes and associated accessory structures on lots a minimum of 7,500 sq. ft. or greater.

The subject property is part of the Georgeann Homes Plat, which was recorded in October of 1966. The subject property contains a total of .85 acres of lot area. Approximately .32 acres is submerged, leaving approximately .53 acres of upland, some of which is located within a 100 year flood plain, that being the portion of the lot nearest to Lake Waunatta.

The subject property is developed with a 7,076 sq. ft. single family home, an enclosed summer kitchen (B11004875), and a shed for which no permits could be located, and which the applicant indicated would be removed. In addition, there are paths and bridges, decks, and a treehouse.

The applicant was cited by Code Enforcement in November 2018 (Incident # 528440) for constructing structures without a permit.

The treehouse currently encroaches into the neighbor's side yard to the west of the subject property. The applicant has indicated that if the variance is approved, the treehouse will be moved entirely onto their property. While the treehouse is located only 5 feet from the NHWE, it is at least 10 feet above the property.

As of the preparation of this report, staff has received three (3) correspondences. One in opposition from a resident of the subdivision to the east. There is an intervening lot between that property owner's property and the subject property. Two (2) correspondences support the applicant, including the property owner whose property abuts the subject property to the west, who is the most impacted neighbor. There is a lake association which all property owners abutting the lake belong to; however, it has no control on the use of property or appearance. It exists solely for supporting the health of the lake.

District Development Standards

	Code Requirement	Proposed
Max Height:	20 ft.	20 ft.
Min. Lot Width:	75 ft.	90 ft. @ building line
Min. Lot Size:	7,500 sq. ft.	37,287 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	225 ft.
Rear:	30 ft.	5 ft.
Side:	5 ft.	3 & 0 ft.
Sidestreet:	N/A	N/A
NHWE:	30 ft.	5 ft.

STAFF FINDINGS

VARIANCE CRITERIA**Not Self-Created**

The fact that the applicant constructed the treehouse without obtaining a building permit, makes this a self-created hardship.

No Special Privilege Conferred

Granting the variance will confer a special privilege, in that the applicant will have an accessory structure with a zero (0) foot setback where others are abiding by the required five (5) foot setback.

Deprivation of Rights

There are other locations on the lot where the applicant can place an accessory structure which will meet all required setbacks.

Minimum Possible Variance

The requested variance represents a 100% variance from the side setback, which is excessive.

Purpose and Intent

The purpose and intent of side setbacks is to ensure that improvements on neighboring properties do not impose or encroach on adjacent properties. While in this case the most impacted neighbor supports the applicant, the setback deviation would not be consistent with the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated February 19, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of 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 all unpermitted improvements within 180 days of final action on this application by Orange County or this approval becomes null and void.
5. The existing unpermitted shed shall be removed prior to final inspection of the treehouse, or it must be properly permitted and moved to meet setbacks.

c: Eric Johannessen
7849 Georgeann Street
Winter Park, FL 32792

COVER LETTER

February 18, 2019

Orange County Zoning Division
201 S. Rosalind Ave., 1st Floor
Orlando, FL 32801

RE: Variance Application: 7849 Georgeann St., Winter Park, FL 32792

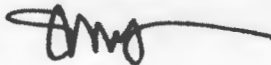
To Whom it May Concern:

Enclosed is our Variance Application for a 5' side yard setback variance to accommodate an existing treehouse constructed on the property. The 8' by 14' treehouse was constructed by me for our four children. At the time of construction, I was unaware that a treehouse structure required permitting. We have now been cited by Code Enforcement for erecting a structure without a permit. While investigating the permitting requirements and obtaining survey information, we discovered that the existing treehouse does not meet the 5' side yard setback requirement for accessory structures, hence the need for this variance request. Set for the below is an analysis of how the variance standards are met:

1. **Special Conditions and Circumstances:** Treehouses are unique structures in that they require trees for support and that their location is driven by the location of supporting trees. The treehouse in question is built around 2 mature Pine trees located on the west property line, preventing the preservation of the 5' side yard setback.
2. **Not Self-Created:** The location of the existing 2 mature Pine trees that were onsite when the property was purchased has driven the location of the treehouse within the 5' yard setback.
3. **No Special Privilege Conferred:** No special privilege is being conferred as the location of a treehouse, by definition, is dependent on the location of trees capable of supporting the structure.
4. **Deprivation of Rights:** The ability to maintain a tree house on this property is dependent on a variance to the side yard setback due to the location of the existing trees.
5. **Minimal Possible Variance:** Given the location of the existing trees the variance requested is the minimum variance possible.
6. **Purpose and Intent:** Approval of the variance will not be injurious to the neighborhood or detrimental to the public welfare.

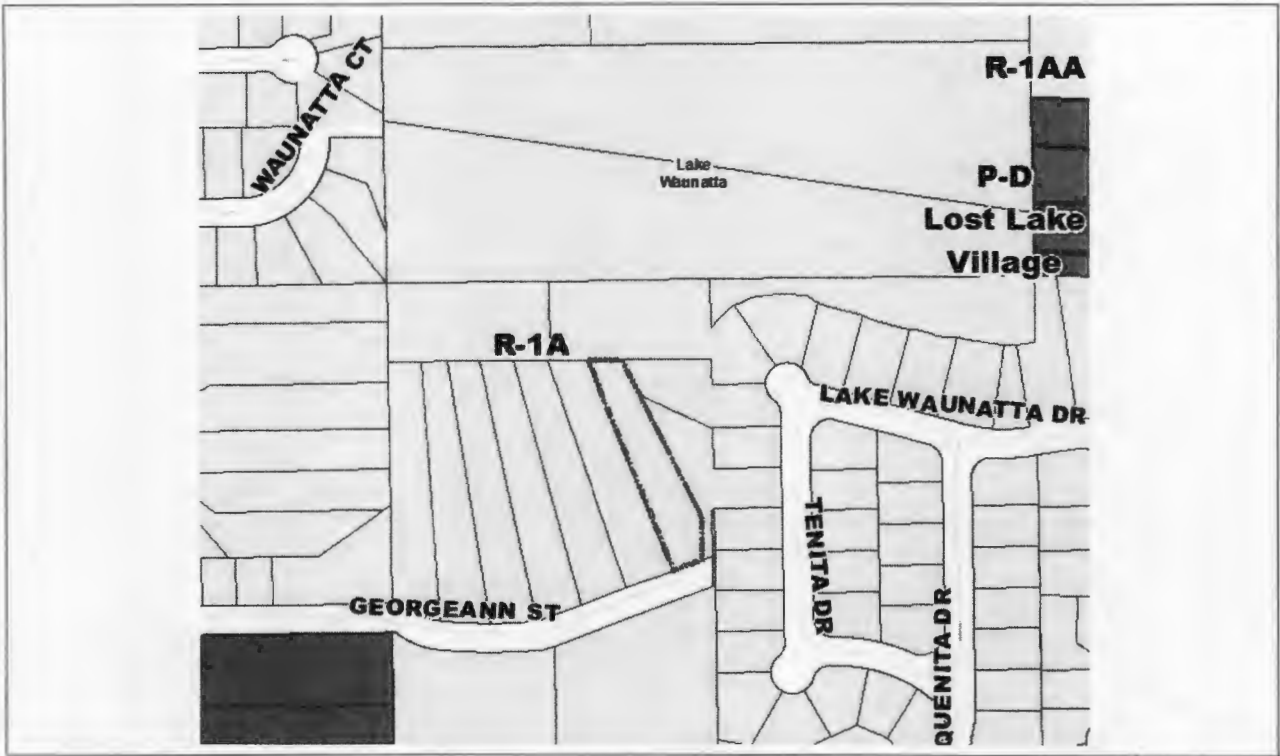
Thank you very much for your consideration.

Very truly yours,



Eric Johannessen

ZONING MAP



AERIAL MAP



SITE PLAN / SURVEY



RECEIVED
FEB 19 2019
ORANGE COUNTY
ZONING DIVISION

Survey: 03-09-10
 Survey: 1-10-14
 Bear Lines: 08-03-11

11-16-10 Date Completed: 1-14-14
 SP File Number: IS-3164

Legend:

Lot	Lot 7	Lot 8
Water	Water	Water
...

Notes:

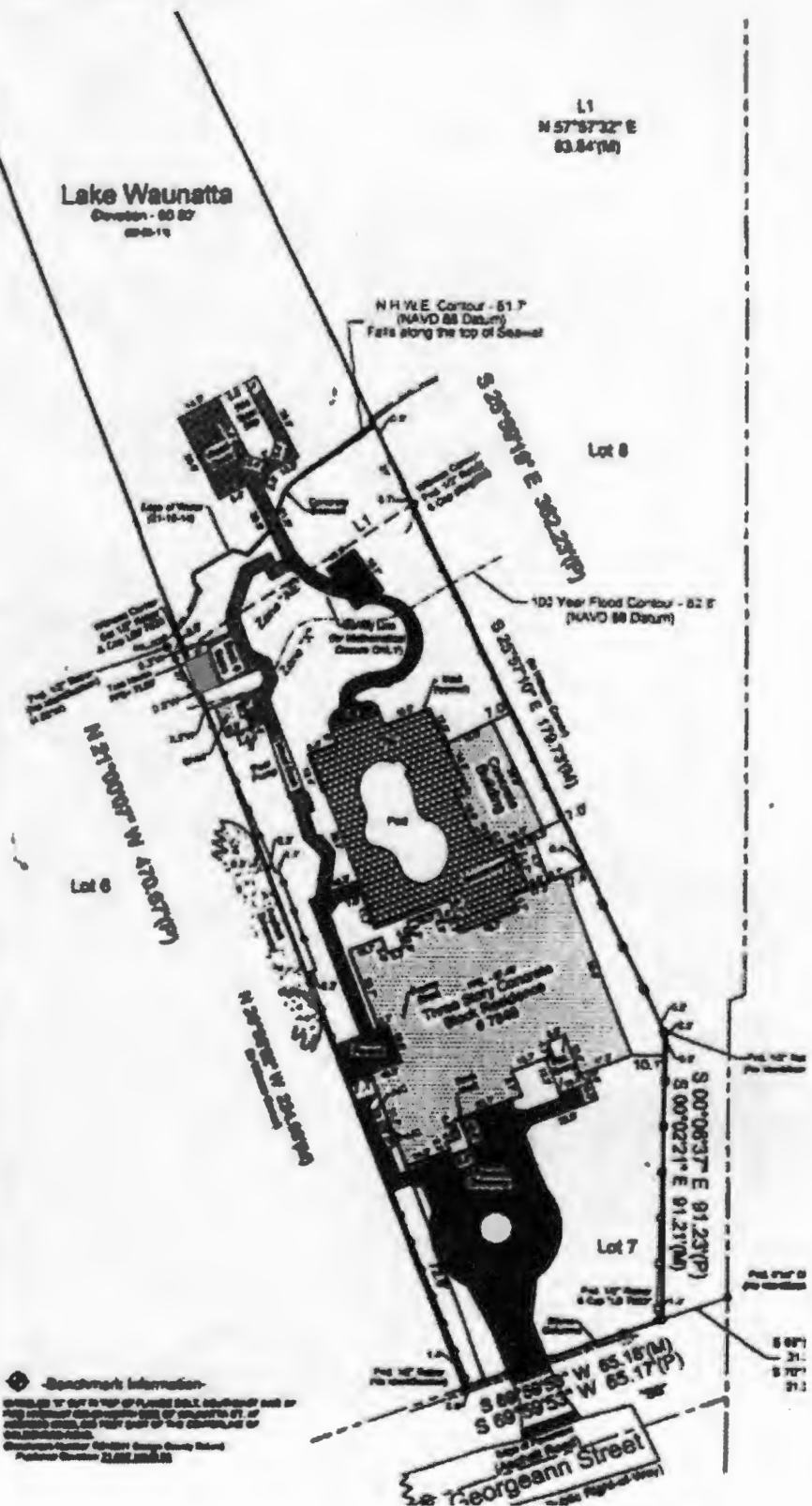
1. Refer to the Legal Description supplied by Client for details and 2017 Bear Research for Class Notes.
2. All easements and restrictions of record have been reviewed and based upon the LRS.
3. 2017 BEAR is to be used to determine Property Lines to 2017 determined.
4. 2017 BEAR is to be used to determine Property Lines to 2017 determined.
5. 2017 BEAR is to be used to determine Property Lines to 2017 determined.

Disclaimer:

The Surveyor is not responsible for the accuracy of the information provided by the Client. The Surveyor is not responsible for the accuracy of the information provided by the Client. The Surveyor is not responsible for the accuracy of the information provided by the Client.

Surveyor's Seal:

Richard A. Associates
Surveying, Inc.
 14 Circle Drive 1020, Lake Mary, FL 32746



Benchmark Information:

...



Existing Treehouse roof
To be modified to max.
20'-0" tall with 3:12 pitch

SITE PHOTOS



Treehouse Looking West



West Property Line under Treehouse

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 02, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-05-029**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): **ALEX YASSEIN**

OWNER(s): **BIG BUBBA INVESTMENTS, LLC**

REQUEST: **Variance in the R-3 zoning district to allow a front setback of 16 ft. in lieu of 25 ft.
This is the result of Code Enforcement action.**

PROPERTY LOCATION: **2620 Homeland Street, Orlando, Florida, 32806, west side of Homeland St., north of
E. Michigan St.**

PARCEL ID: **06-23-30-1424-05-050**

LOT SIZE: **50 ft. x 105 ft./ 0.12 acres**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **97**

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 7-0):

1. Development in accordance with the site plan dated February 22, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The rear shed that is located less than five (5) feet from the side property line shall be removed or relocated to meet the required five (5) feet setback.

5. The applicant shall obtain a permit for the enclosed porch within 180 days of final approval, or this approval becomes null and void.

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

The applicant was not present.

The BZA felt that the request was straightforward and noted that the house pre dates zoning.

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

The BZA approved the variance.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-3	R-3	City of Orlando	C-1	City of Orlando
Future Land Use	LMDR	LMDR	City of Orlando	C	City of Orlando
Current Use	Single-family Residence	Single-family Residence	Commercial	Warehouse/Vacant	Commercial

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the R-3, Multiple-Family Residential zoning district, which allows single-family homes, multifamily development, and associated accessory structures.

The lot was platted in 1925, and is considered to be a conforming lot of record. The zoning district requires a 4,500 sq. ft. minimum lot size for single family development. The subject property contains 5,262 sq. ft., and has an 828 sq. ft. single family home, which was constructed in 1933. The house has an existing front porch which was enclosed without a permit, the required setback from the front property line is 25 ft. for a porch or enclosed living space.

The property is located in the Clover Heights Plat, which is comprised mostly of single family homes with commercial zoning and uses on the southern lots abutting E. Michigan Street.

The applicant purchased the property in 2017. The applicant stated that a previous tenant had enclosed the existing 128 sq. ft. porch. Due to the fact that the house was built in 1933, which pre-dates zoning, the amount of non-conformity will remain the same.

Code Enforcement cited the applicant in January of 2018, for enclosing a porch without permits (CEB-2018-369283Z/Incident 502031). In June of 2018, the Code Enforcement Board ordered a compliance date of July 20, 2018, or a daily fine of \$150 will be imposed. In August of 2018, the Code Enforcement Board imposed a fine and lien on the property. As of April 11, 2019, fines in the amount of \$39,600 have been accrued.

There are two existing sheds on-site, one of which does not meet setbacks and must be removed or relocated.

The property abuts commercial uses to the south (City of Orlando), and there are commercial uses (Orange County) to the east. A variance was granted in 2016, for a property on the same street to allow a side setback of 3.9 feet in lieu of 5 feet, and a front setback of 9.5 feet in lieu of 25 feet.

The request constitutes a 36% deviation from the code.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	11 ft.
Min. Lot Width:	45 ft.	50 ft.
Min. Lot Size:	4,500 sq.ft.	5,262 sq.ft.

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

	Code Requirement	Proposed
Front:	25 ft.	16 ft.
Rear:	25 ft.	n/a
Side:	5 ft.	5.4 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The house was built in 1933, which pre-dates zoning. The front setback is the same for a patio or enclosed living space, so the amount of non-conformity will remain the same in regards to setbacks. The additional enclosed square footage will increase the home from 828 sq. ft. to 956 sq. ft. of living area, which will bring the property closer to complying with the minimum required 1,000 sq. ft. for a single family home in R-3.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to have an enclosed porch in the footprint that has existed since 1933.

Minimum Possible Variance

This is the minimum possible variance to allow the enclosed patio to remain. The request is a 36% deviation from the code, and the footprint of the house is not being expanded.

Purpose and Intent

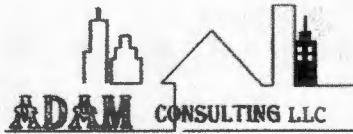
Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood, as the patio has been in the same location since 1933. There are more intense commercial uses to the south and east, and a greater front setback variance was granted on the same street.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated February 22, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The rear shed that is located less than five (5) feet from the side property line shall be removed or relocated to meet the required five (5) foot setback.
5. The applicant shall obtain a permit for the enclosed porch and unpermitted shed within 180 days of final approval, or this approval becomes null and void.

c: Alex Yassein
9816 Bayvista Estates Blvd.
Orlando, FL 32836

COVER LETTER



9816 Bay Vista Estates Blvd.
Orlando, Florida 32836

General Contractor
CGC1507540

Tel.: (407) 312-0313
Email: anrow2004@gmail.com

February 20, 2019

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

Reference: Big Bubba Investment LLC
Parcel ID: 06-23-30-1424-05-050
2620 Homeland Street
Orlando, Florida 32806

We understand an alteration have not been inspected at the above reference project, the front porch was enclosed without a permit. Would like to compliance with the building department and requested for a building permit which is B18-025055 for the enclosed front porch.

Since we enclosed the front porch the front set back is not in compliance, and we are requesting a variance adjustment from the Board of County Commissioner Zoning Division for the front set back.

Should you have any question, please contact us.

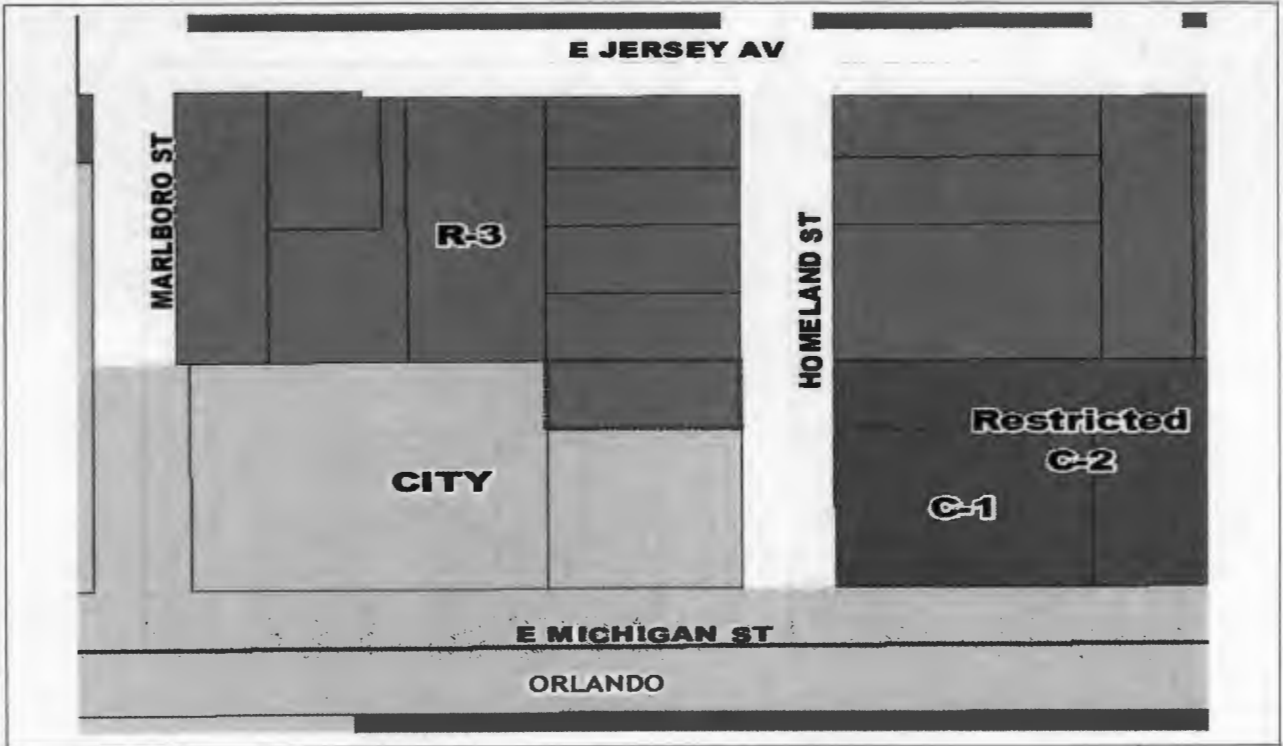
Sincerely,

Alex M. Yassein

RECEIVED
FEB 22 2019
ORANGE COUNTY
ZONING DIVISION

Commitment is our Goal

ZONING MAP

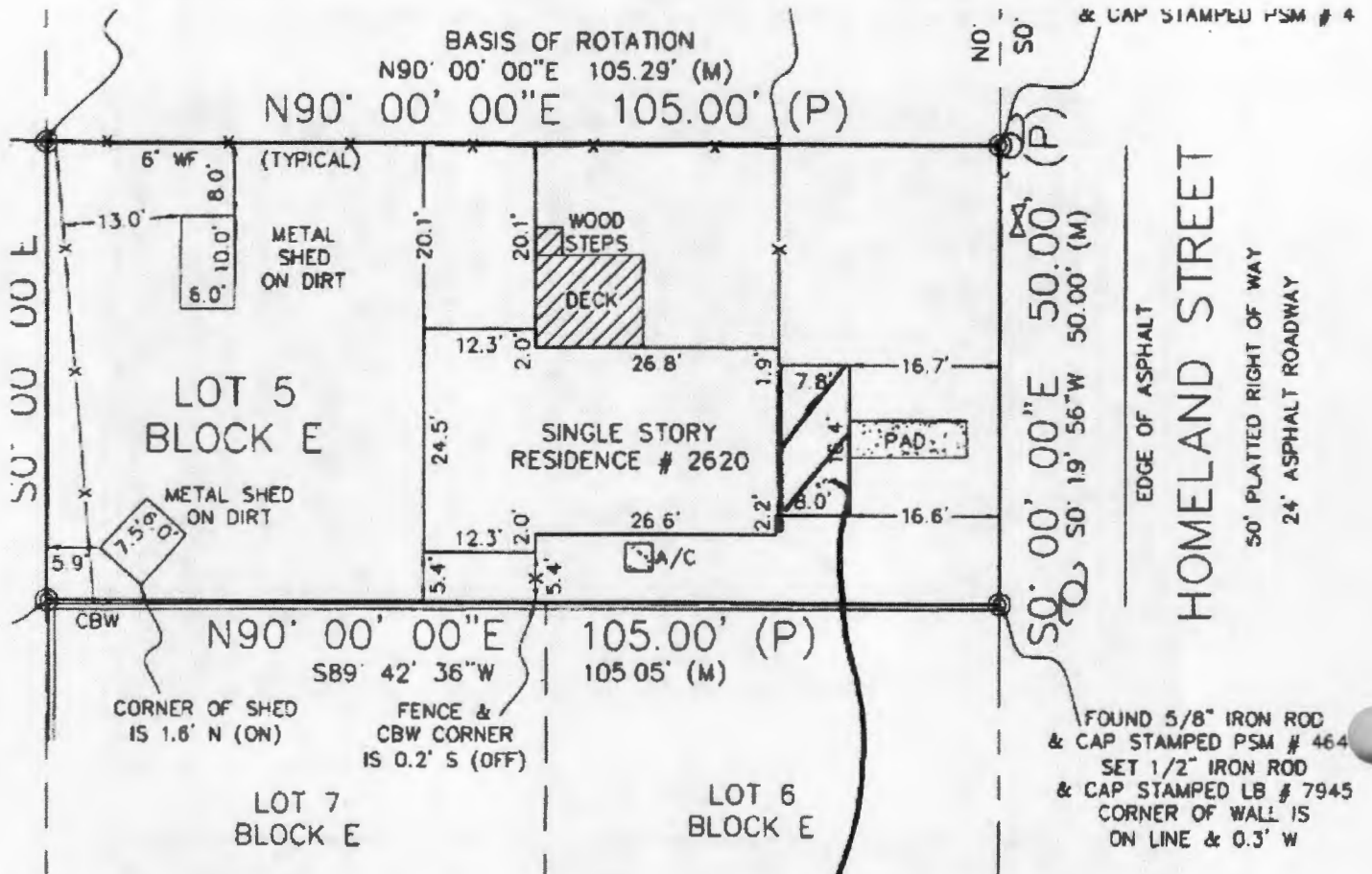


AERIAL MAP



SITE PLAN / SURVEY

& CAP STAMPED PSM # 4

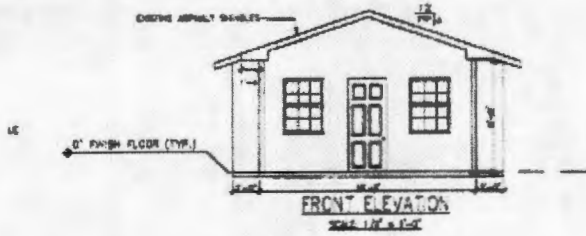


Enclosed the Front Porch.

PARCEL ID NUMBER 06-23-30-1424-05-050

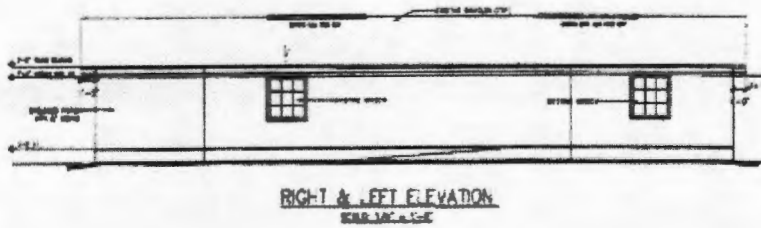
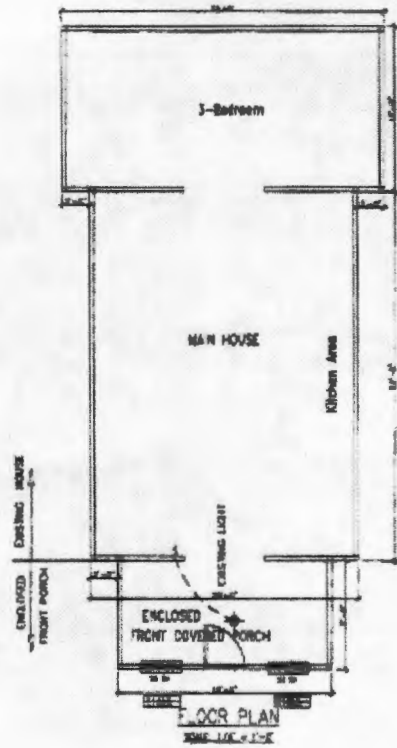
SCOPE OF WORK

ENCLOSED EXISTING COVERED FRONT PORCH.
COVERED PORCH HAS EXISTING CEILING LIGHT



AREA TABULATION

LIVING AREA = 828 S.F.
ENCL. FRONT PORCH = 128 S.F.
TOTAL LIVING AREA = 1056 S.F.



Floor Plan and Elevation

SITE PHOTOS



Front from Homeland Street



Commercial next door



Commercial across the street

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 02, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-05-030**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): **BILL PEREZ**

OWNER(s): **EVELIO PEREZ**

REQUEST: **Variances in the A-2 zoning district as follows:**

- 1) To allow a front setback of 15 ft. in lieu of 35 ft. for a new single family home.
- 2) To allow a rear setback from the Normal High Water Elevation (NHWE) line of 25 ft. in lieu of 50 ft. for a new single family home.
- 3) To allow an existing accessory structure 15 ft. from the NHWE line in lieu of 50 ft.
- 4) To allow a minimum lot size of .2 acres in lieu of .5 acres.

This is the result of Code Enforcement action.

PROPERTY LOCATION: **17125 Arrowhead Blvd. Winter Garden, FL 34787, north side of Arrowhead Blvd., east of Avalon Rd. on Lake Rexford**

PARCEL ID: **31-24-27-0306-04-031**

LOT SIZE: **154 ft. x 217 ft. (avg.) / 1.24 acres (.2 acres upland)**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **38**

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 7-0):

1. Development in accordance with the site plan dated March 5, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of 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 shed within 120 days of final approval, or this approval becomes null and void. The shed permit cannot be finalized until the permit for primary structure is issued.
5. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages

caused by flooding and shall inform all interested parties that the accessory structure is no closer than fifteen (15) feet, and the proposed house is no closer than twenty-five (25) feet from the Normal High Water Elevation of Lake Rexford.

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

The applicant stated that he purchased the property 2 years ago, and it had a shed at that time. He removed the old shed and found out a permit was required when he replaced it.

A neighbor stated that she feared that this could set a precedent for others in the area to split their lots.

The BZA assured the neighbor that this will not set a precedent. The BZA noted that this was a lot with history and they were not creating something new, and the request fits the criteria for a variance.

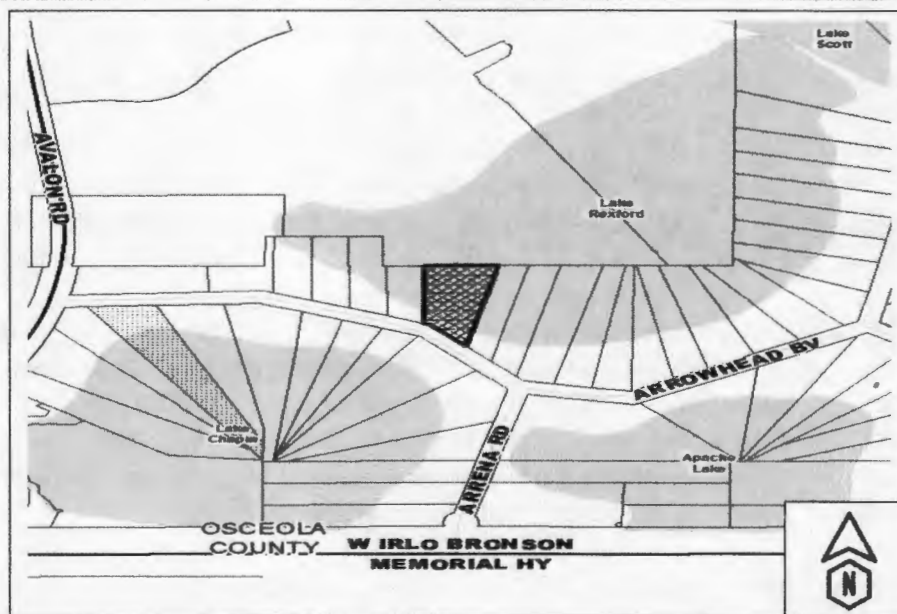
Staff received two (2) commentaries in favor of the application, and seven (7) in opposition to the application.

The BZA approved the variances.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	P-D	A-2	A-2	A-2
Future Land Use	LDR	GC-PD- C/MDR/LDR	LDR	LDR	LDR
Current Use	shed	Lake Rexford	Single-family residence	Single-family residence	Mobile home

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the A-2 Farmland Rural zoning district, which allows agricultural uses, mobile homes, and single-family homes with accessory structures on larger lots.

The lot was platted in 1959 and remained in the same configuration prior to 1981, after which time the lot was altered to its present configuration, and is no longer considered to be a conforming lot of record. The zoning district requires a minimum 0.5 acre lot size. The lot only has 0.2 acre upland. The lot is vacant except for a 100 sq. ft. shed.

The property is located in the Arrowhead Lakes Plat, which is comprised of single family homes, most of which are lakefront.

There is an existing 10 x 10 shed on the property, and the applicant was cited by Code Enforcement in September 2018 for installing the shed without a permit. Variances are required to allow the shed to remain in the current location.

The applicant is proposing to build a 1,193 sq. ft. home on the property, and retain the existing shed. If all setbacks (including 50 feet from the NHWE) are adhered to, then no portion of the lot would be developable.

In 1981, the BZA granted a variance for this property to allow a front setback of 20 feet in lieu of 35 feet, and a rear setback from the NHWE line of 30 feet in lieu of 50 feet for a new single-family home. In 2003, the BZA granted a variance for the property immediately to the east to allow a front setback of 12 feet in lieu of 35 feet. In 2008, the BZA also granted a variance for the next property to the east to allow a rear setback from the NHWE line of 37 feet in lieu of 50 feet.

The lot would be unbuildable without variances. There is 25 feet of grass area between the front of the property and the edge of pavement to provide additional buffering.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	18 ft. home / 10 ft. shed
Min. Lot Width:	100 ft.	155 ft.
Min. Lot Size:	0.5 ac.	0.2 ac. upland

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

	Code Requirement	Proposed
Front:	35 ft.	15 ft.
Rear:	50 ft.	25 ft.
Side:	10 ft.	10 ft.
NHWE:	50 ft.	15 ft. shed /25 ft. home

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The configuration of the lot and the large setback requirements render the property unbuildable without variances.

Not Self-Created

The property was in this configuration when the applicant purchased it in 2017 and a previous variance was granted on this property for a similar sized home.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to develop the property.

Minimum Possible Variance

This is the minimum possible variance to allow a reasonable sized house on the property. The size and location of the proposed home will be compatible with the lot and area.

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 proposed house will be consistent with homes in the area and with other variances granted. The front of the home will be located approximately 40 feet from the edge of the roadway.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated March 5, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of 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 shed within 120 days of final approval, or this approval becomes null and void. The shed permit cannot be finalized until the permit for primary structure is issued.
5. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the accessory structure is no closer than fifteen (15) feet, and the proposed house is no closer than twenty-five (25) feet from the Normal High Water Elevation of Lake Rexford.

c: Evelio A. Perez
601 Sycamore Street, Unit 6106
Kissimmee, FL 34747

COVER LETTER

Evelio A. Perez " Bill "
17125 Arrow Head Blvd
Winter Garden, Fl 34787

To whom it may concern:

I need a 15ft setback in front and 25ft setback in rear to accommodate a 1200sqft home

I purchased property in 2017. The property already had a Permitted SHED from 2010 and a chain link fence. I have since installed a NEW permitted fence and am working on a new shed.

I have been trying to designing a custom home and have been denied once. The Lot is Oddly shaped and falls under Special Conditions and Circumstances, Deprivation of rights and Purpose and Intent clauses. I need a variance to correct this per Sean Bailey.

The Lot has a Variance currently that as recorded does not allow for a 26 x 50 footprint as stated in the variance. The lot at best can accommodate a L shaped Tiny house approximately 700sqft. Nevertheless I attempted to design a 2 story tiny house that once I sent out for bidding is cost prohibited. **400K for a 1400 sq ft 2 story home with NO GARAGE.** The house next door is 3000 sqft with 2 car garage worth 420K. The house on the other side is a 12 x 50 Mobile home worth around 190K.

There are many mobile homes on this road. This lot is not in a traditional suburban neighborhood. It is 1 street with houses of every kind. Mobile homes from the 70s, mobile homes from the 80', manufactured homes, to custom built homes of all sizes. Approximately 50 houses.

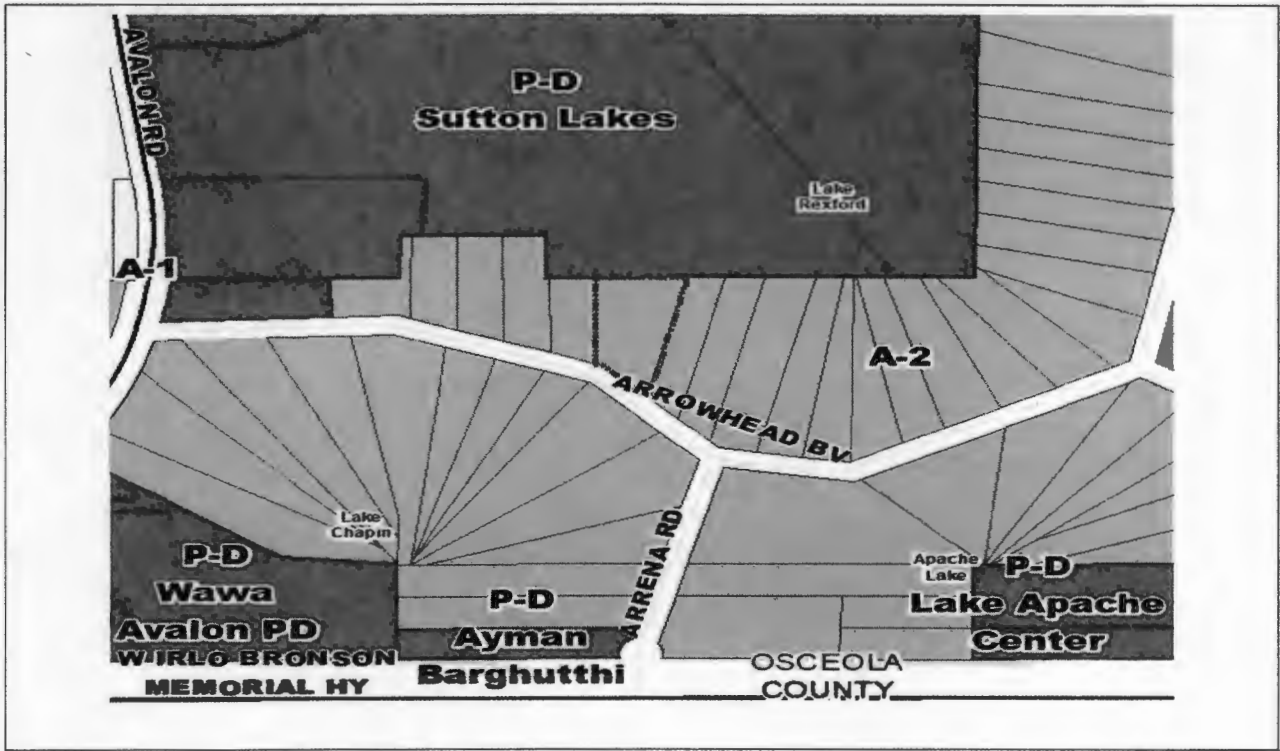
I wish to build a single story home to reduce cost and am asking for the variance be corrected to *25 ft in the rear and 15ft in the front.* My lot has over 25 feet of land between the street and the front property line. Most homes have 10 to 15 ft. My lot dimension are roughly 190 in front 85 feet deep. The water side curves inward in the middle making it impossible to build anything in the middle of the property due to setbacks. Making the build footprint tiny and PIE shaped. I need this variance in order to build a home I can spend the rest of my life.

For the record, there is a least 2 homes with a rear setback of 25 feet and my next door neighbor has a 15ft setback in the front.

Thanks for your help on this matter . . .

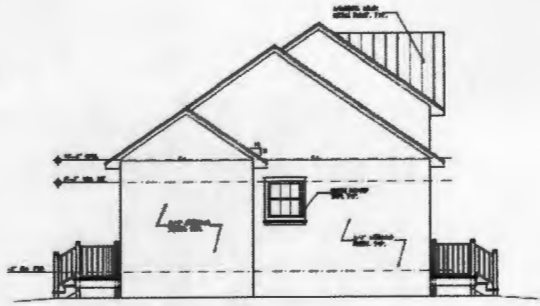
Bill Perez

ZONING MAP

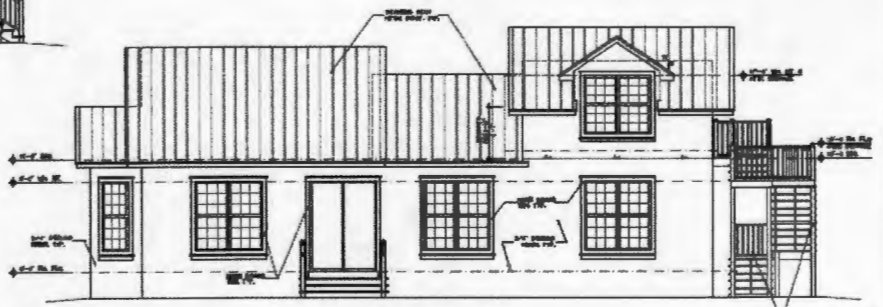


AERIAL MAP

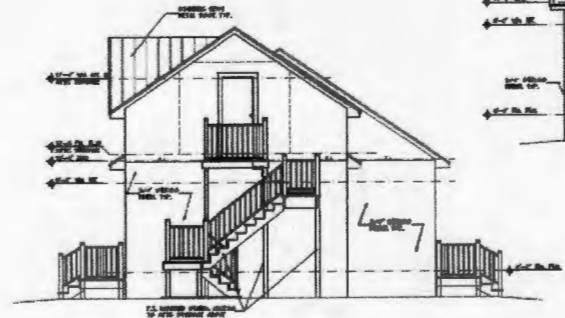




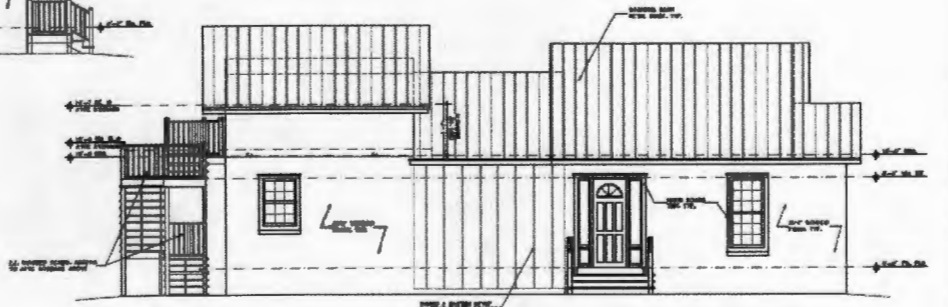
RIGHT ELEVATION
SHEET 1 OF 2 (1/2)



REAR ELEVATION
SHEET 1 OF 2 (1/2)



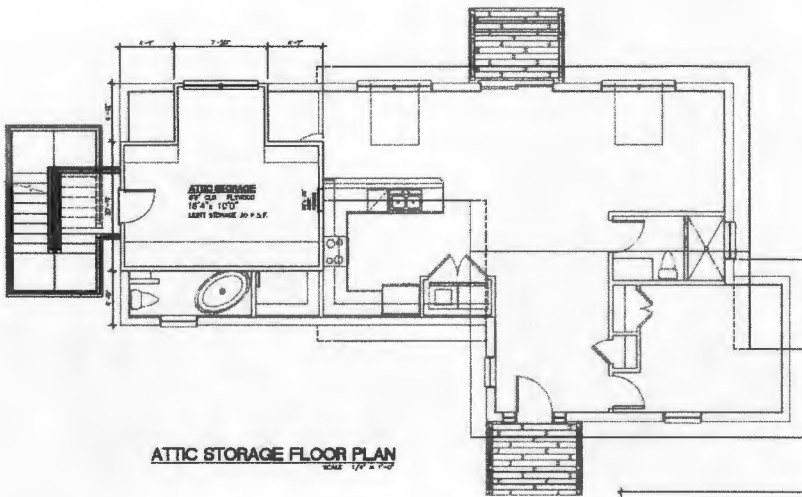
LEFT ELEVATION
SHEET 1 OF 2 (1/2)



FRONT ELEVATION
SHEET 1 OF 2 (1/2)

PRELIMINARY BIDDING ONLY

Elevations



ATTIC STORAGE FLOOR PLAN
SCALE 1/8" = 1'-0"

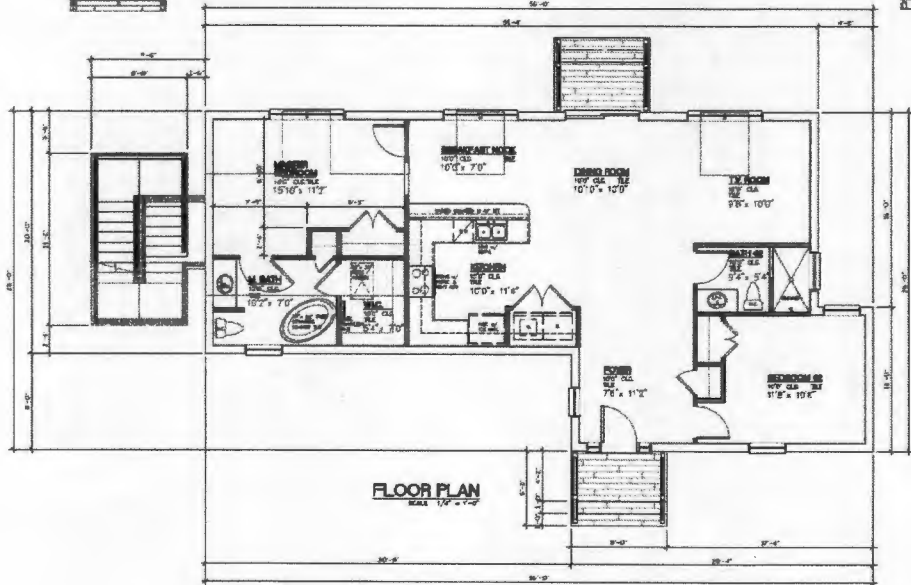
WINDOW SCHEDULE

WINDOW SIZES LISTED ARE OPERATING DIMENSIONS. WINDOW SIZES SHOWN IN PARENTHESES INDICATE FINISH SIZES OF SILL, HEAD, AND JACK. ALSO SHOWN IN PARENTHESES ARE THE SILL, HEAD, AND JACK SIZES.

CALL NO.	ROOM NUMBER	CALL NO.	ROOM NUMBER	CALL NO.	ROOM NUMBER
W01	10	W02	10	W03	10
W04	10	W05	10	W06	10
W07	10	W08	10	W09	10
W10	10	W11	10	W12	10
W13	10	W14	10	W15	10
W16	10	W17	10	W18	10
W19	10	W20	10	W21	10
W22	10	W23	10	W24	10
W25	10	W26	10	W27	10
W28	10	W29	10	W30	10
W31	10	W32	10	W33	10
W34	10	W35	10	W36	10
W37	10	W38	10	W39	10
W40	10	W41	10	W42	10
W43	10	W44	10	W45	10
W46	10	W47	10	W48	10
W49	10	W50	10	W51	10
W52	10	W53	10	W54	10
W55	10	W56	10	W57	10
W58	10	W59	10	W60	10
W61	10	W62	10	W63	10
W64	10	W65	10	W66	10
W67	10	W68	10	W69	10
W70	10	W71	10	W72	10
W73	10	W74	10	W75	10
W76	10	W77	10	W78	10
W79	10	W80	10	W81	10
W82	10	W83	10	W84	10
W85	10	W86	10	W87	10
W88	10	W89	10	W90	10
W91	10	W92	10	W93	10
W94	10	W95	10	W96	10
W97	10	W98	10	W99	10
W100	10	W101	10	W102	10

AREA CALCULATIONS

TOTAL CONDITIONED AREA 1,248 SQ. FT.
 ATTIC STORAGE 208 SQ. FT.
 TOTAL SQUARE FOOTAGE 1,453 SQ. FT.



Floor Plan

PAPER NUMBER: 100-100-100

SITE PHOTOS



Front from Arrowhead Blvd.



Front from Arrowhead Blvd. and adjacent neighbor with front setback variance.



Existing Shed on subject property

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 02, 2019**

Case Planner: **David Nearing, AICP**

Case #: **SE-19-05-031**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): JONATHAN HOLTON

OWNER(s): JONATHAN HOLTON & STACY HOLTON

REQUEST: Special Exception in the R-1A zoning district to permit an attached Accessory Dwelling Unit (ADU).

PROPERTY LOCATION: 2000 Woody Dr., Windermere, FL 34786, west side of Woody Dr., approximately 525 ft. north of Wildoak Dr.

PARCEL ID: 04-23-28-9332-00-990

LOT SIZE: 157 ft. x 170 ft. (avg.) /.59 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 57

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (unanimous; 7-0):

1. Development in accordance with the site plan dated March 8, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of 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 three (3) years of final approval of this application by Orange County or this approval is null and void.

5. The exterior of the ADU addition shall match the exterior of the existing residence with regard to color and materials.

6. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

SYNOPSIS: Staff explained the history of the property, and that the applicant purchased the property in 2018. The attached ADU will include a portion of the existing residence and an addition added to the rear of the home. The request meets all of the requirements. There was one (1) correspondence received in opposition, however, that individual did not indicate why they were opposed, and is not located within immediate view of the subject property.

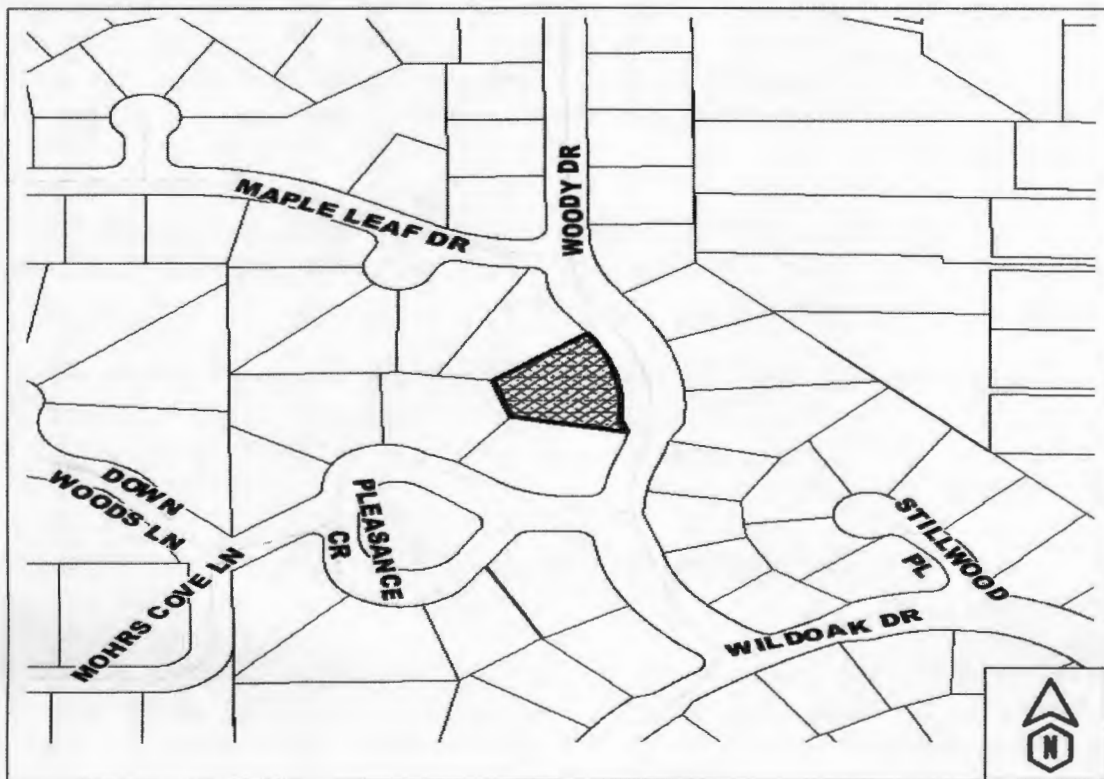
The applicant indicated that they wished to move their mother-in-law in with them, but wanted to ensure that she still maintained an independent life. There being no one in attendance to speak in favor or opposition to the request, the public hearing was closed.

The BZA concluded that the request met all of the criteria for an ADU. A motion to recommend approval of the Special Exception was approved unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	R-1A	R-1A	R-1A	R-1A
Future Land Use	RS 1/1	RS 1/1	RS 1/1	RS 1/1	RS 1/1
Current Use	Single-family residence	Single-family residence	Single-family residence	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-1A, Single Family Dwelling District, which allows single family homes and associated accessory structures on lots a minimum of 7,500 sq. ft. or greater. In addition, certain ancillary uses, such as ADUs, are permitted through the Special Exception process. The Future Land Use (FLU) of the subdivision in which the subject property is located is RS 1/1, Rural Settlement (up to 1/units per acre). This makes the current zoning inconsistent with the FLU. However, since the property was platted in 1971, and the zoning was put into place in 1966, the zoning predates the current Comprehensive Plan, initially adopted in 1990. The zoning designation dictates the development standards. The property is located in the West Windermere Rural Settlement.

The subject property is a pie shaped lot with .59 acres of lot area. It is located in the Windermere Downs subdivision, which was platted in 1971. The lot is currently developed with a 4,096 sq. ft. home constructed in 1980. There is also an existing in-ground pool with enclosure.

The applicant intends to construct a 324 sq. ft. addition to the southwest corner of the home and convert part of the existing living area to create an attached 927 sq. ft. ADU addition with a master bedroom. With 3,384 sq. ft. of living area in the existing house, the applicant is permitted up to 1,000 sq. ft. of floor area. The ADU will be occupied by the applicant's mother-in-law.

The minimum lot area for a lot zoned R-1A is 7,500 sq. ft. and at 25,753 sq. ft., the subject property is nearly 3.5 times the minimum lot size.

Despite the fact that the lot narrows from front to rear, the addition which will be part of the ADU will still be located 23 feet from the side (south) property line. Given its location, the ADU will look like a normal addition to the home, helping it to blend into the character of the community. No variances are needed for this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	27 ft.
Min. Lot Width:	75 ft.	230 ft.
Min. Lot Size:	7,500 sq. ft.	25,753 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	41 ft.
Rear:	30 ft.	55 ft.
Side:	7.5 ft.	23 ft./25 ft.
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the comprehensive plan

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

Similar and compatible with the surrounding area

In general, given that an ADU is a single family dwelling, it is compatible with the development pattern of the area. More specifically, an attached ADU will appear more like an addition than a standalone unit.

Shall not act as a detrimental intrusion into a surrounding area

By their nature ADUs are residential and will not pose a detrimental intrusion in this area. The fact that the Comprehensive Plan specifically identifies them as compatible, further reinforces this fact.

Meet the performance standards of the district

The proposed ADU addition meets all setbacks, height and parking requirements and the resulting increase in square footage is within the lot coverage requirements.

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

Being residential in nature, an ADU will not produce any more of the above negative impacts than a typical single family dwelling. With only one (1) bedroom, the proposed ADU will actually have less impact than a traditional single family home.

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

Single family development is exempt from landscaping requirements and the applicant's yard is currently surrounded by an opaque six (6) foot tall wooden fence.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated March 8, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of 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 three (3) years of final approval of this application by Orange County or this approval is null and void.
5. The exterior of the ADU addition shall match the exterior of the existing residence with regard to color and materials.
6. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

c: Jonathan Holton
2000 Woody Drive
Windermere, FL 34786

COVER LETTER

2000 Woody Drive Special Exception for Accessory Dwelling Unit Application

Request: 12' x 27' addition to existing home.

Use: Addition will include an external entrance, small kitchen and living space to already existing bedroom and bathroom. The existing bedroom and bathroom has access to the rest of and are part of primary home. This will be used as a mother-in-law suite.

Construction: The addition will be constructed of wood on a concrete slab. The proposed addition is 12 x 27' totaling 324 square foot addition. The height of the proposed addition is 12 feet. With the proposed addition the home will be 23 feet from the property line.

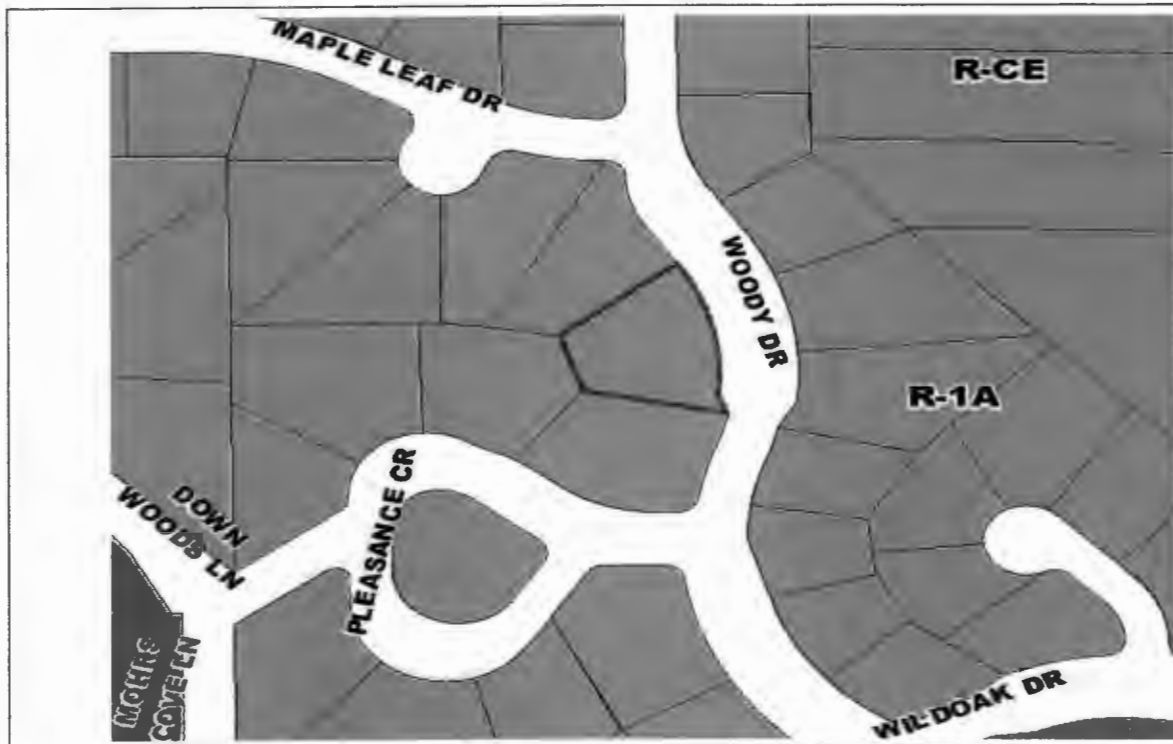
Variance Criteria:

- 1) **Special Circumstances:** Building a mother-in-law suite for mother to live with primary family as well as maintain her own independence and privacy. Will not be rented out for a fee. Multiple other homes in the neighborhood have in-law suites or similar
- 2) **Not Self-Created:** No hardship created or applicable.
- 3) **No Special Privilege:** No special privilege requested. HOA has approved plans.
- 4) **Deprivation of Rights:** No deprivation of rights.
- 5) **Minimum Possible Variance:** 12 x 27' addition to add on a total of 324 square feet to provide small kitchen and living area to original bedroom and bathroom existing on home.

6) Purpose and Intent: Mother-in-law suite. Will not be injurious or detrimental to neighborhood or public welfare.

Special Exception Criteria Explanation: The use of the proposed accessory dwelling is similar to the surrounding area as multiple accessory dwelling units are in the neighborhood and the HOA has approved the plan. The exception will not provide detrimental intrusion as it is within the property setbacks. The purpose is residential in a residential district. The proposed addition will match the existing house in size, shape, color and construction. It will be used for mother-in-law to live connected to our family however maintain her independence. It will not be used as a rental property. The landscaping will match that of the existing home.

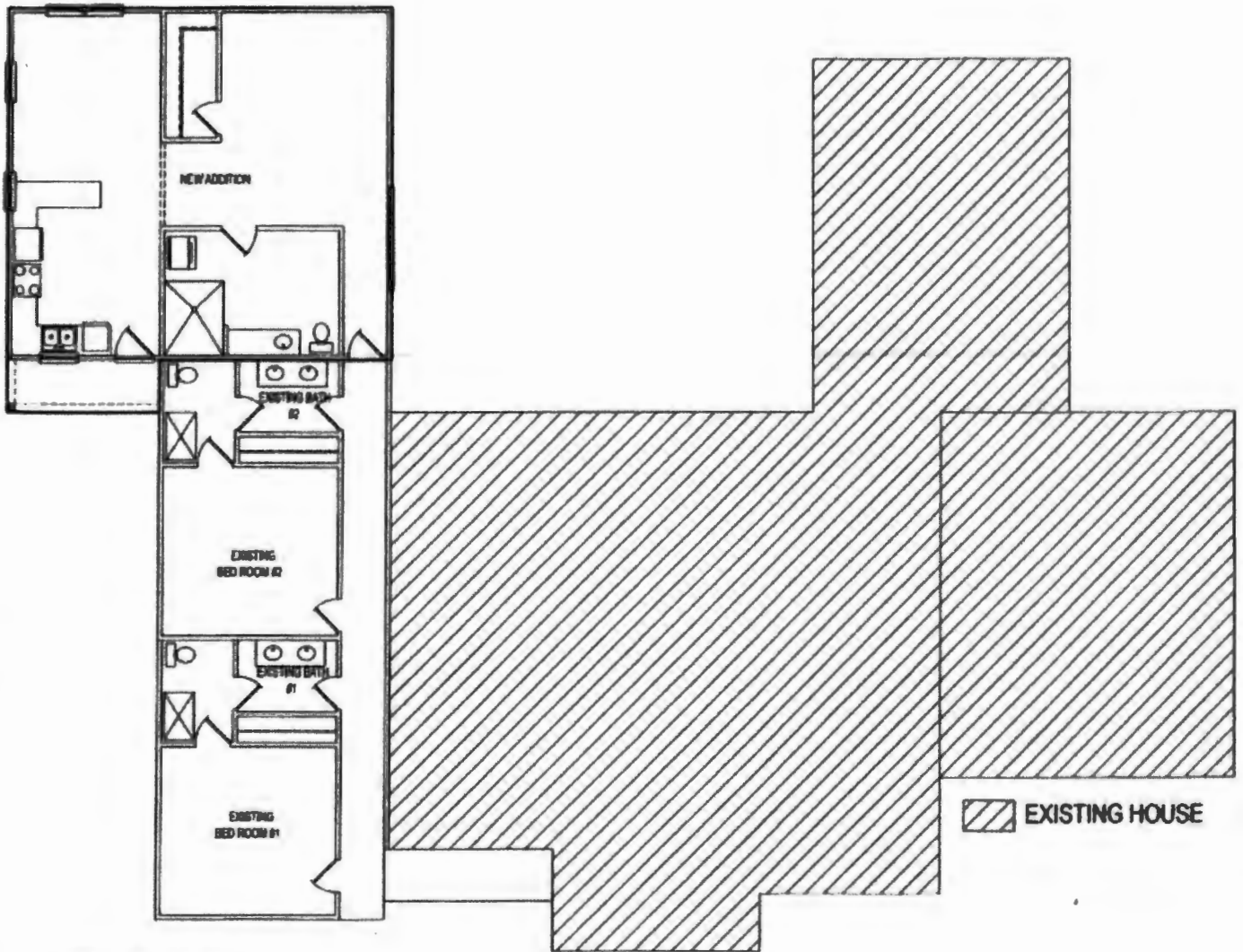
ZONING MAP



AERIAL MAP



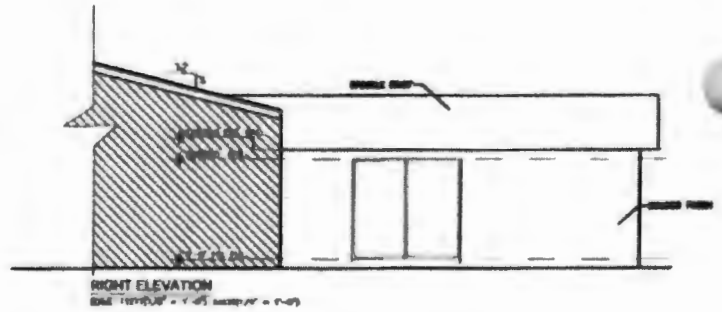
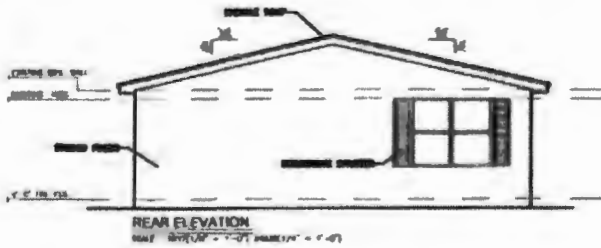
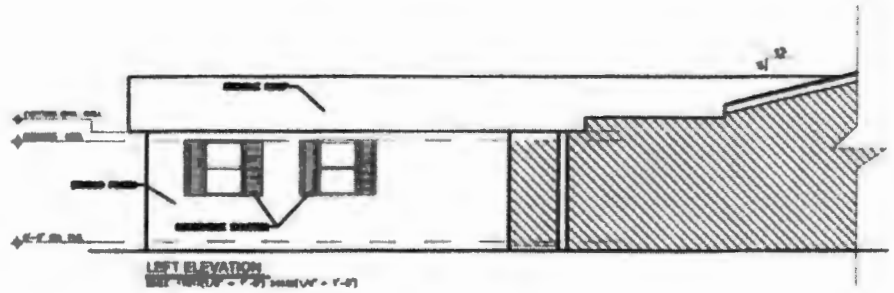
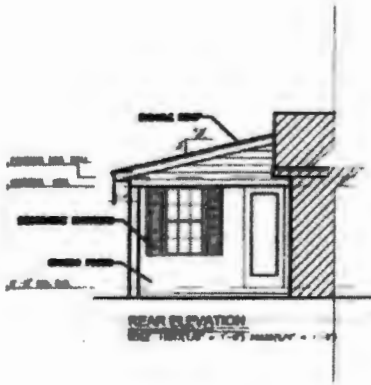
FLOOR PLAN



EXISTING FLOOR PLAN WITH
THE NEW ADDITION
DATE: 11/10/07 BY: [signature]

PROPOSED FLOOR PLAN

ELEVATION



 EXISTING HOUSE IN WOOD FRAME

SITE PHOTOS



West Side of House proposed Location of Addition



Location of Addition Looking East



Existing residence on site

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 02, 2019**

Case Planner: **David Nearing, AICP**

Case #: **SE-19-05-033**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): **ELAN AZUZ**

OWNER(s): **ELAN AZUZ**

REQUEST: **Special Exception in the R-2 zoning district to permit a detached Accessory Dwelling Unit (ADU).**

PROPERTY LOCATION: **2211 E. Harding St., Orlando, FL 32806, north side of Harding St., approximately 325 ft. west of S. Bumby Ave.**

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

LOT SIZE: **73 ft. x 135 ft./ .226 acres**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **115**

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (unanimous; 7-0):

1. Development in accordance with the site plan dated March 12, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of 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 for the ADU within three (3) years of final approval of this application by Orange County or this approval is null and void.

5. The exterior of the ADU shall match or compliment the exterior of the existing main residence with respect to materials and colors.

6. The size of the ADU shall not exceed 704 sq. ft. of living space. If expanded beyond the 675 sq. ft. depicted with this application, the applicant shall maintain the same architecture as depicted with this application.

7. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

8. The applicant shall obtain a permit for the existing shed within 180 days of final approval.

9. The accessory dwelling unit shall be used by family members only for the first three (3) years after issuance of a Certificate of Occupancy (CO).

SYNOPSIS: Staff explained the history of the property, including the fact that in January 2019, the applicant had obtained a Special Exception approval for a guest house. That approval included a similarly sized structure with a similar footprint and elevations. The request meets all criteria for an ADU, which will be occupied by their father. Staff concluded by noting that they had received one correspondence in favor of the request, and no correspondence in opposition.

The applicant indicated that they wanted to ensure that once their father decided to retire and downsize, that they would be able to stay in the ADU permanently, which would not be possible with a guest house. In addition, due to the fact that they travel for business on a regular basis, they wanted to ensure that their father had access to his own kitchen.

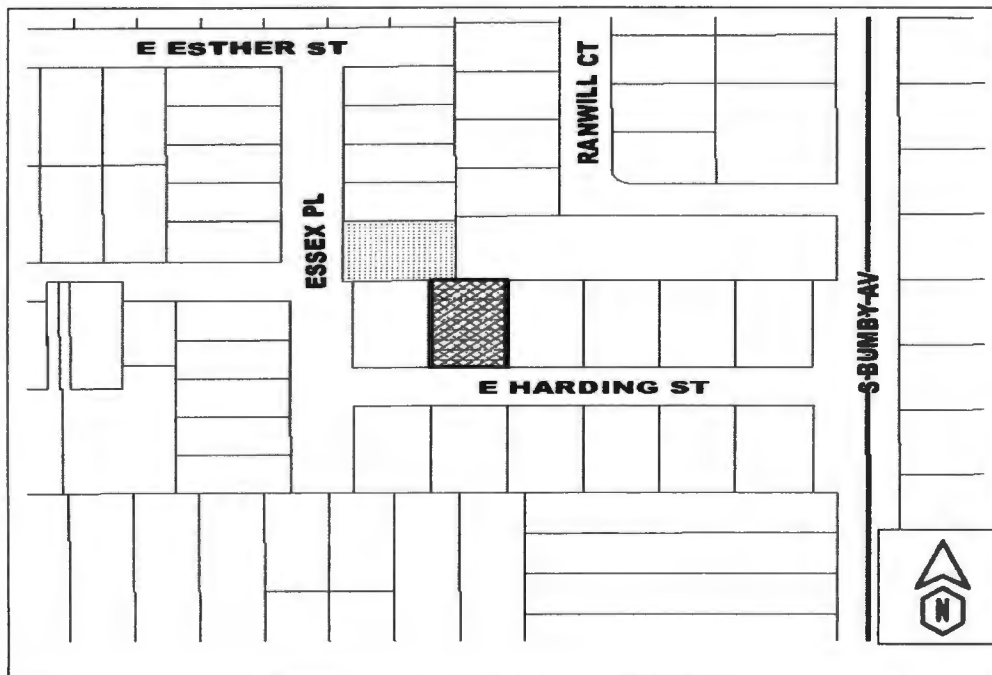
One individual spoke in opposition noting that the ADU could be used as an air B&B. There was also discussion regarding whether the subject property had a Homestead Exemption. It was established that the property had maintained an exemption in the past, and that it did qualify for continuation of an exemption. The applicant indicated that they had in fact filed for one. There being no one else present to speak in favor or opposition to the request, the public hearing was closed.

The BZA concluded that the request was in compliance with the criteria for granting a Special Exception. A motion to recommend approval was approved unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-2	R-2	R-2	R-2	R-2
Future Land Use	LMDR	LMDR	LMDR	LMDR	LMDR
Current Use	Single-family residence	Single-family residence	Single-family residence	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the R-2, Multiple-Family Residential Zoning District, which allows single-family homes, multifamily development, and associated accessory structures. In addition, per the Comprehensive Plan (FLU8.9.1, UD4.3.8 & H1.9.5), other uses, such as Accessory Dwelling Units (ADUs) may be permitted through the Special Exception process.

The subject property is part of the Cloverdale Heights Plat, which was recorded August 1960, slightly less than three (3) years after zoning was initiated in Orange County. The current zoning of the subject property is that initially placed on it by the County in 1957.

The subject property contains 9,862 sq. ft. of lot area. The minimum required for a lot in the R-2 zoning district is 4,500 sq. ft., making the subject property over two (2) times larger than the minimum lot size. In addition, the minimum lot width in the R-2 district is 45 feet. The subject property has 73 feet of frontage, 62% wider than the minimum.

The subject property is currently developed with a 2,031 sq. ft. residence with 1,566 sq. ft. of living area. In addition, there is an existing unpermitted shed currently located in an easement. The applicant has shown on their proposed site plan that the shed will be relocated and moved out of the easement.

On January 3, 2019, the applicant obtained approval of a Special Exception to construct a guest house in the rear of the property. The guest house was for visiting family members primarily his father from south Florida. The applicant has chosen to amend the approval to permit an ADU. This will permit his family to live independently from the main residence.

Using the standard of 45% of the living area to calculate the maximum square footage of an ADU, the applicant is entitled to 704 sq. ft. of floor area. The applicant is proposing a 616 sq. ft. ADU. The previously approved guest house was the exact same footprint.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	15 ft.
Min. Lot Width:	45 ft.	73 ft.
Min. Lot Size:	4,500 sq. ft.	9,862 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	n/a
Rear:	10 ft.	15 ft.
Side:	10 ft.	10 ft./ 25 ft.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the comprehensive plan

ADUs are specifically identified in the Comprehensive Plan, and promoted by FLU8.9.1, UD4.3.8 & H1.9.5 as a use permitted in all residential areas through the Special Exception or Planned Development process.

Similar and compatible with the surrounding area

An ADU is a smaller scale version of a typical single family detached dwelling unit and is compatible in appearance and use. The fact that the Comprehensive Plan specifically identifies the use as appropriate for residential zoning districts reinforces the compatibility factor.

Shall not act as a detrimental intrusion into a surrounding area

By their nature ADUs are residential and will not pose a detrimental intrusion in this area. The fact that the Comprehensive Plan specifically identifies them as compatible, further reinforces this fact.

Meet the performance standards of the district

At more than twice the minimum lot size of a lot in the R-2 zoning district, the proposal meets the requirement for 1.5 times the minimum lot area for a detached ADU. No variances are required and lot coverage is beneath the 60% maximum.

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

Being residential in nature, an ADU will not produce any more of the above negative impacts than a typical single family dwelling.

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

Single family development is exempt from landscaping requirements. There is an existing six (6) foot tall opaque wooden fence surrounding the subject property's rear yard.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated March 12, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of 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 for the ADU within three (3) years of final approval of this application by Orange County or this approval is null and void.
5. The exterior of the ADU shall match or complement the exterior of the existing main residence with respect to materials and colors.
6. The size of the ADU shall not exceed 704 sq. ft. of living space.
7. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.
8. The applicant shall obtain a permit for the existing shed within 180 days of final approval.

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

COVER LETTER

Elan Azuz
2211 E Harding St.
Orlando, FL 32806
(954)873-9988
ELAN.SGI@Gmail.com

March 18, 2019

RE: Application for ADU at:
2211 E. Harding St. Orlando, FL 32806

Dear BZA,

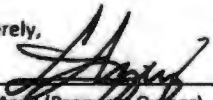
I have been recently approved to build a guest house behind my primary residence located at: 2211 E Harding St, Orlando, FL 32806, which is located on an oversized R2 lot just behind existing duplexes. The purpose of this structure is so that my father could occupy the unit while he is in the country and be closer to me, as I have relocated to Orlando from South Florida. Upon further consideration, I would like to reapply to have this designated as an ADU, so that my father could occupy permanently in the future, as he is considering selling his home in South Florida and downsizing now that he is retired.

Further, given the significant expense of building this addition, I feel that the ADU designation would better serve to add value to my property, should my situation change in the years to come.

I would like to thank everyone at Orange County Zoning Division for their continued support in helping me to facilitate this project. David Nearing has been particularly helpful and informative, and I appreciate all of the work that your department does for our community.

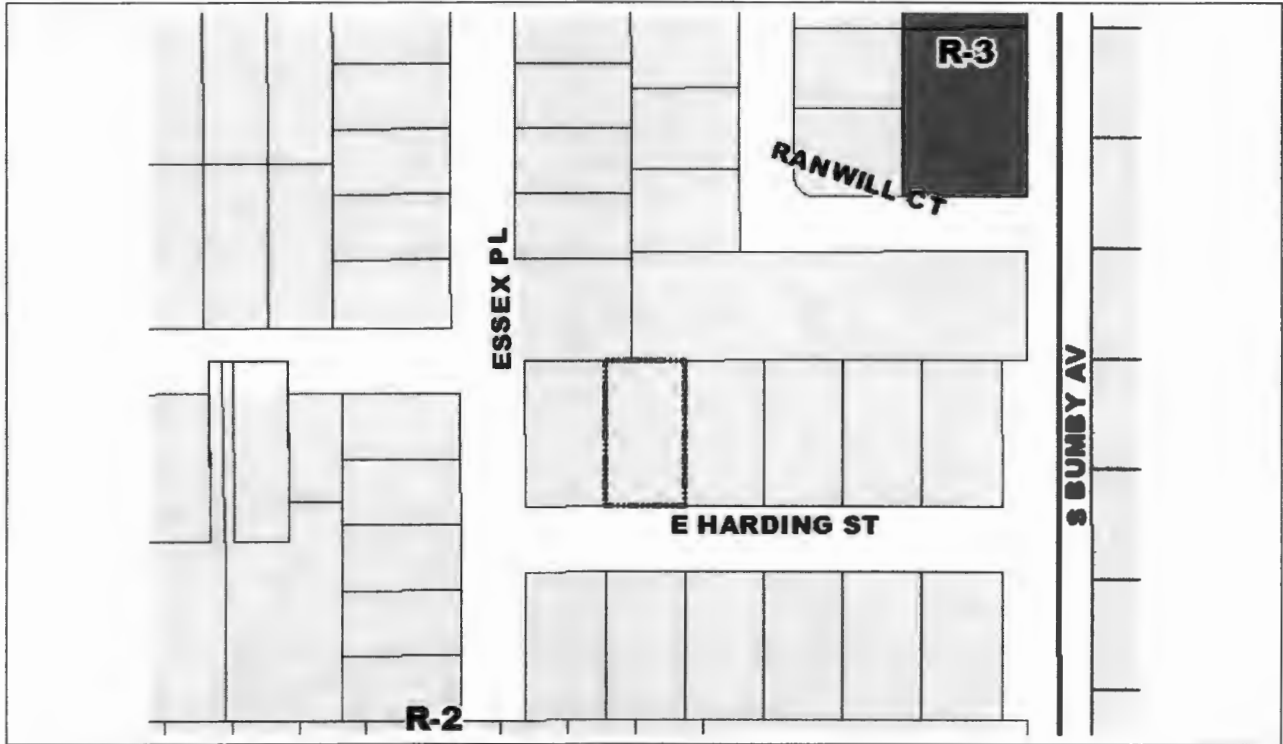
Should you have any questions or concerns whatsoever, please do not hesitate to let me know and I will do my best to provide any further information or clarification as needed.

Sincerely,



Elan Azuz (Property Owner)

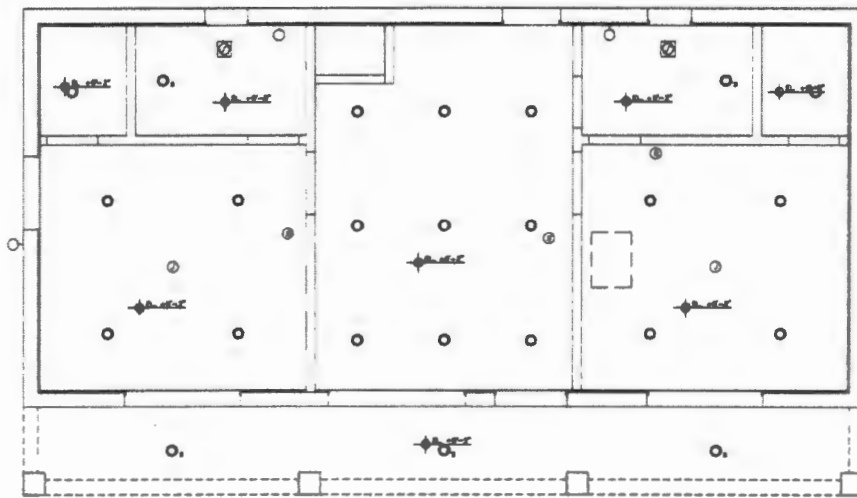
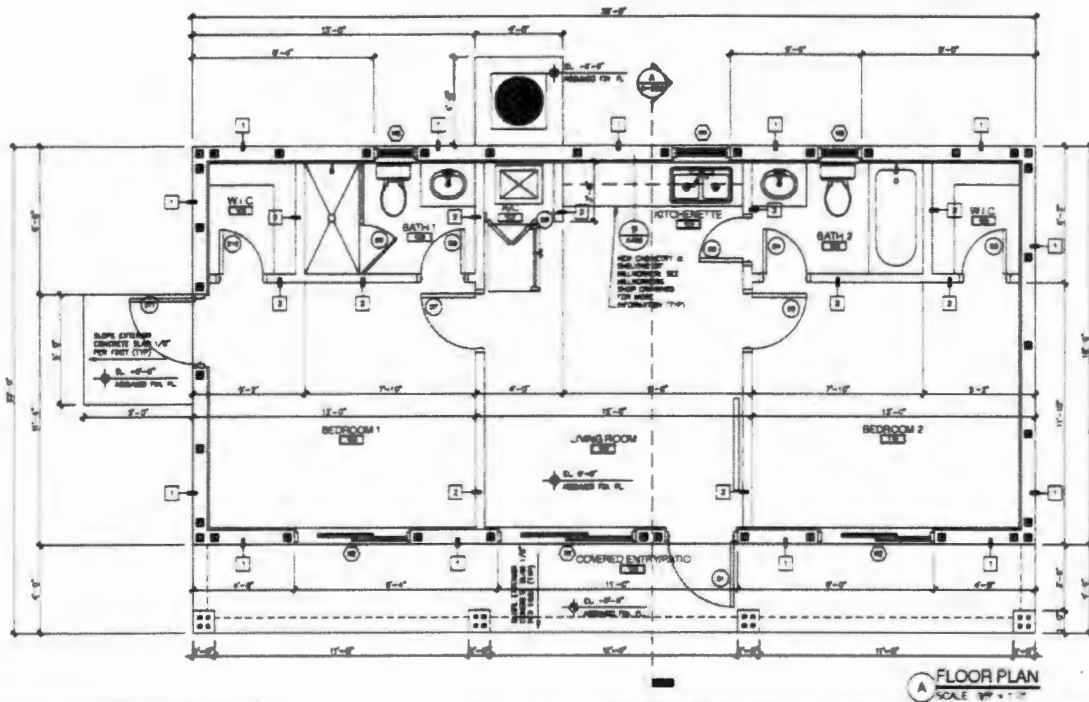
ZONING MAP



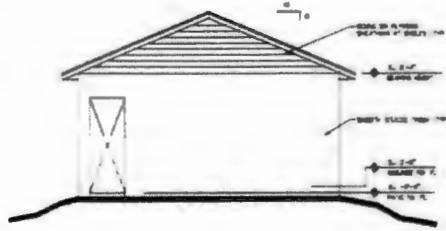
AERIAL MAP



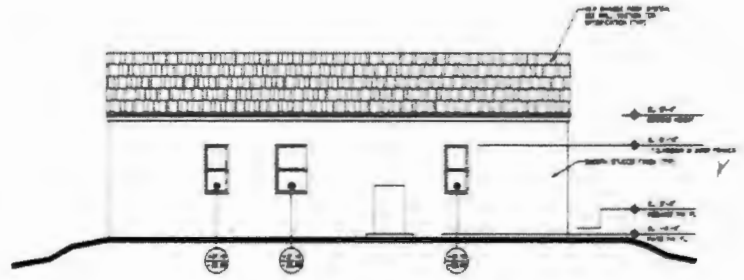
FLOOR PLAN



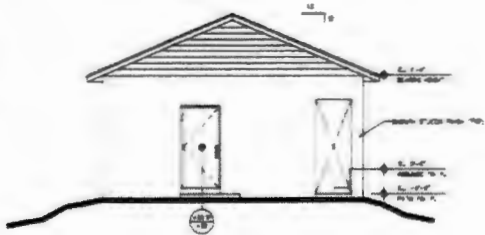
ELEVATIONS



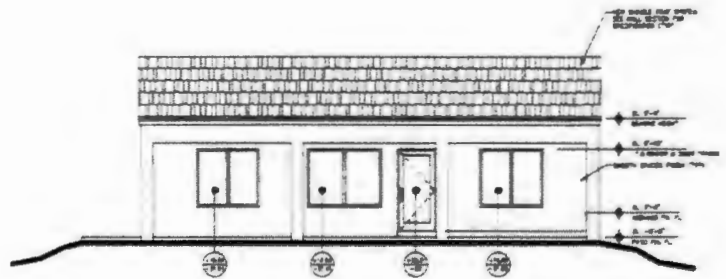
SIDE (EAST) ELEVATION
SCALE 1/4" = 1'-0"



REAR (NORTH) ELEVATION
SCALE 1/4" = 1'-0"



SIDE (WEST) ELEVATION
SCALE 1/4" = 1'-0"



FRONT (SOUTH) ELEVATION
SCALE 1/4" = 1'-0"

SITE PHOTOS



Rear Yard Looking North



Proposed Location of ADU Looking Northwest

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 02, 2019**

Case Planner: **Nick Balevich**

Case #: **SE-19-05-034**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): AL TEHRANI

OWNER(s): NASIR ANISA, NASIR ANNETTA

REQUEST: Special Exception in the R-3 zoning district to allow a parking lot.

PROPERTY LOCATION: 303 S. Observatory Dr., Orlando, FL 32835, east side of S. Observatory Dr., south of Old Winter Garden Rd.

PARCEL ID: 36-22-28-6416-01-022

LOT SIZE: 70 ft. x 136 ft. (avg.) / . 188 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 81

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (6 in favor and 1 opposed):

1. Development in accordance with the site plan dated April 2, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards".

5. The parking lot shall comply with Chapter 38 Article XI.

6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

7. Landscaping shall be in accordance with Chapter 24, Orange County Code.

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

The applicant stated that the commercial property has limited parking, and the addition of this parking lot will prevent parking on the street

The BZA confirmed the buffering and landscaping. The BZA also noted that this area is commercialized.

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

The BZA approved the Special Exception.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-3	C-1	R-1	R-3, C-2	R-3
Future Land Use	LDR	C	LDR	C	LDR
Current Use	Single family residence	Commercial	Single-family residence	Warehouses, Vacant	Single-family residence, Commercial

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the R-3, Multiple-Family Residential zoning district, which allows single-family homes, multifamily development, and associated accessory structures. A parking lot in conjunction with an adjacent commercial use is allowed as a Special Exception in this district.

The subject property is a combination of platted lot 3 and 20 feet of the adjacent lot 2, which were platted as part of the Orlo Vista Heights plat in 1925.

The area is characterized by commercial zoning and development along Old Winter Garden Road, and multifamily and single family zoning, with single family homes and vacant lots to the south.

The property is 0.19 acres, and contains a single family residence that was built in 1948. The applicant is proposing to demolish the home to construct a parking lot to support the adjacent 3,972 sq. ft. commercial building to the north.

The proposed plan shows eighteen (18) parking spaces on this property with associated parking islands, landscaping, a 10 ft. wide landscape buffer with a six (6) foot high buffer wall along the south property line adjacent to residential, and a four (4) foot high buffer wall along South Observatory Drive. There is no vertical construction proposed with this request.

In January of 2000, the BZA granted a Special Exception for the property located across the street at 6320 Old Winter Garden Road to allow a parking lot and retention on a property with an R-3 zoning, to serve the adjacent Property with C-2 zoning.

District Development Standards

	Code Requirement	Proposed
Min. Lot Width:	45 ft.	70 ft.
Min. Lot Size:	4,500 sq.ft.	8,229 sq.ft.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan.

The Future Land Use is Low Density Residential and with the approval of the Special Exception, the project will be consistent with the Comprehensive Plan.

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

The proposed use is located adjacent to commercial uses to the north. With the recommended conditions of approval to protect the residential areas to the south, it will be consistent with the pattern of the surrounding development of the area. Also, the same exact use was approved across the street in 2000. The addition of eighteen (18) parking spaces off-street in the area should help relieve any existing parking deficit in this area.

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

The use, in conjunction with the conditions of approval, will not be a detrimental intrusion, as it will act as a transition between the commercial and residential zoning districts. This parking lot will provide necessary off-street spaces in the immediate area.

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

The plan submitted meets the parking space design requirements including parking space size, driving aisle width, and buffer requirements per code.

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 use as a parking lot with the conditions of approval to protect the residential area, will have similar characteristics as other uses in the area.

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

The applicant is proposing a 10 foot wide landscape buffer along the south side of the parking lot along with a 6 foot wall, and a 7 foot wide landscape buffer with a 4 foot high buffer wall along S. Observatory Drive, in compliance with code requirements.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated April 2, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards".
5. The parking lot shall comply with Chapter 38 Article XI.
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.
7. Landscaping shall be in accordance with Chapter 24, Orange County Code.

C: Hossein G. Tehrani
621 Sherwood Drive
Altamonte Springs, FL 32701

COVER LETTER

Tehrani Consulting Engineering, PLLC
621 Sherwood Dr. Altamonte Springs, Fl. 32701
Email:tehraniconsultingengineering@gmail.com
Phone: (407)948-0811

Date: March 12, 2019

Re: Special Exception request
303 S Observatory drive
Winter Garden, Fl.

Dear Mr. Sean Bailey:

My client has two property located at 6302 Old Winter Garden Road and 303 S Observatory Dr which are located back to back. The first property is zoned commercial and the second one is residential.

The purpose of the request for special exception on the residential property is to remove and clear the property from all existing structures and to be used as parking spaces for the commercial property.

No structure is proposed to be constructed at this time.

If you have any question, please feel free to contact me.

Best Regard



AL TEHRANI, PE
Tehrani Consulting Engineering, PLLC

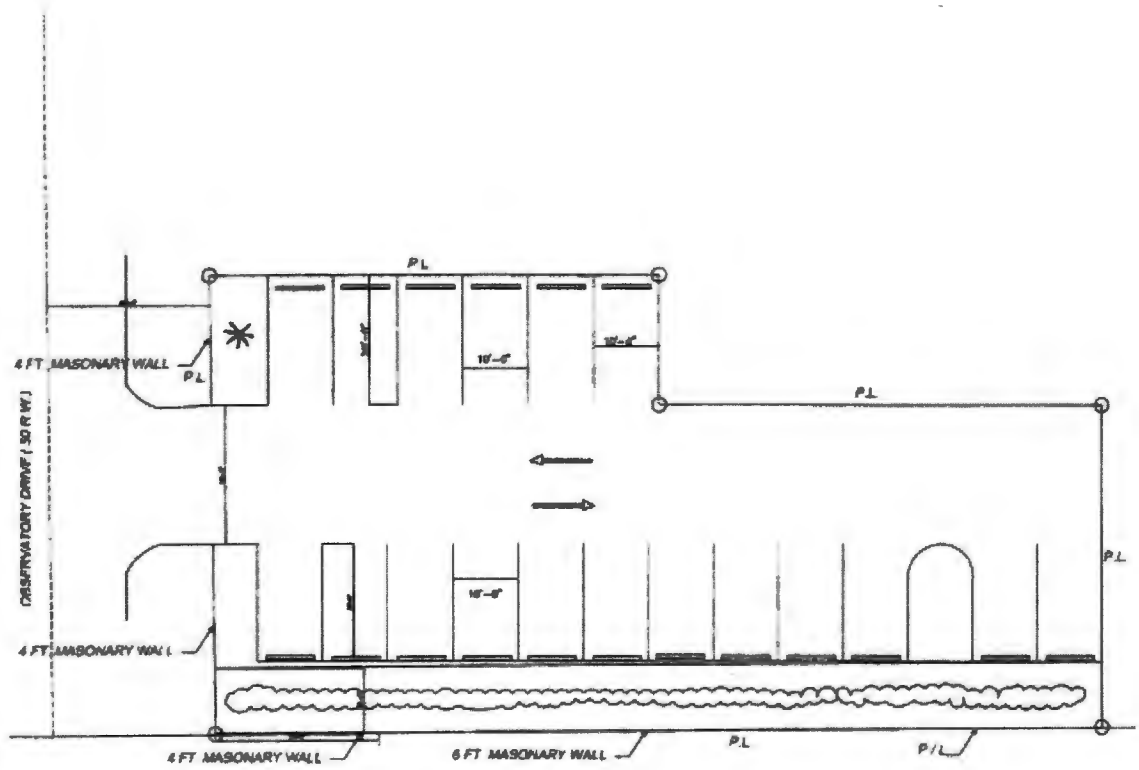
ZONING MAP



AERIAL MAP





SITE PLAN / SURVEY



PROPOSED PARKING SPACES

SCALE 1"=20'

PARKINGS ARE 10 FT BY 20 FT LONG

-  SHRUBS
-  MAGNOLIA TREE



RI
/
ON

SITE PHOTOS



Front from S. Observatory Drive



Commercial property on Old Winter Garden Road

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 02, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-05-035**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): **TOMMY LEE WILLIAMS**

OWNER(s): **JULIA WILLIAMS, TOMMY LEE WILLIAMS**

REQUEST: **Variance in the A-1 zoning district to allow an accessory structure on the property prior to construction of the principal structure.**

PROPERTY LOCATION: **1202 Schopke Lester Road, Apopka, Florida, 32712, west side of Schopke Lester Road, north of Orange Blossom Trail.**

PARCEL ID: **06-21-28-7172-19-072**

LOT SIZE: **340 ft. x 631 ft. (avg.)/ 3.54 acres**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **80**

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 7-0):

1. Development in accordance with the site plan dated March 12, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The use of the accessory structure shall be limited to storage of the owner's maintenance equipment only. No other activities shall be permitted until the house is constructed.

5. A conservation area determination may be needed in the future prior to any building permit or construction.

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

The applicant that he is on diplomatic assignment overseas, and he purchased the property to build his retirement home.

Staff received no commentaries in favor of the application, and none in opposition to the application.

The BZA approved the variance.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	A-1, City of Apopka	A-1, Apopka	City of Apopka	City of Apopka
Future Land Use	LDR	LDR, City of Apopka	LDR, Apopka	City of Apopka	City of Apopka
Current Use	Vacant	Single-family residence	Vacant	Single-family residence	Vacant

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 a single family residence with associated accessory structures on larger lots.

The lots were platted in 1946 and remained in the same configuration prior to 1984, after which time the lots were altered to the present configuration but still conforming with zoning regulations. The zoning district requires a 0.5 acre minimum lot size. The subject property contains 3.54 acres.

The property abuts developed subdivisions with substantially smaller lots (in the City of Apopka) to the north and east, and abuts similar size lots to the south and west.

The code states you must have a principal structure onsite to construct an accessory structure, the applicant is requesting the ability to construct the accessory structure before the home is constructed.

The applicant purchased the property in 2017. The applicant is in the military and stationed overseas, and returns to maintain the property using his tractor and equipment. He stated that his equipment has been stolen and vandalized when stored outside (and he has included copies of police reports). The applicant is allowed to have up to 2,000 sq. ft. of accessory structures. The applicant is proposing a 900 sq. ft. building to house and secure his equipment. The applicant plans to start construction of a home by August but needs the storage building before the home is constructed.

The accessory structure is proposed to be 10 feet tall. It will be located approximately 300 feet from the front and rear property lines; over 70 feet from the (south) side property line and 200 feet from the (north) side property line; and, will be located behind the future residence.

The Orange County Environmental Protection Division has stated that there are wetlands and surface waters on the western half of the property.

District Development Standards

	Code Requirement	Proposed
Max Height:	15 ft.	10 ft.
Min. Lot Width:	100 ft.	340 ft.
Min. Lot Size:	0.5 ac.	3.54 ac.

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

	Code Requirement	Proposed
Rear:	5 ft.	300 + ft.
Side:	5 ft.	70 + ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The applicant is deployed overseas and needs the accessory structure to secure equipment used to maintain the property. The applicant wants to keep the property in compliance with maintenance standards, for which the equipment is necessary.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to secure the equipment needed to keep the property in compliance with County maintenance standards.

Minimum Possible Variance

This is the minimum possible variance to allow the applicant to have a structure to secure his equipment. The variance is only required until the applicant constructs the home. The structure meets all setback and size requirements required by code.

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, as the property is 3.54 acres, and the structure will be substantially set back from all property lines. The structure will allow the applicant to maintain the property without the threat of vandalism and theft.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated March 12, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The use of the accessory structure shall be limited to storage of the owner's maintenance equipment only. No other activities shall be permitted until the house is constructed.
5. A conservation area determination may be needed in the future prior to any building permit or construction.

c: Tommy Lee Williams, Jr.
OPM SANG Unit 61304
APO, AE 09803

COVER LETTER

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

February 27, 2019

My name is Tommy L. Williams and the property owner of what is current, (**Parcel ID Number: 06-21-28-7172-19-072**), 1202 Schopke Lester Rd, Apopka, FL 32712.

I am writing this letter, appealing to the Zoning Board in order to favorable grant a variance and permit to erect a steel accessory building before the house is built to properly secure my tractor, attachments, and other equipment located at this address.

I was assigned by the U.S. Army to Orlando, FL in April 2014, and purchased at home at 2018 Red Bluff Ave, Apopka FL. In June of 2016, my wife and I was reassigned overseas with the guarantee of being reassigned back to Orlando area. However, we saw an opportunity to purchase some property in Apopka to build our retirement home. We purchased the property at 1202 Schopke Lester Rd, Apopka FL in August of 2017, which was previously a nursery. Our excitement of the purchase and wanted to maintain the property (**approx. 5 acres**), we decided to buy a tractor, attachments and other equipment to keep the weeds/grass cut.

This property had several concrete pads and a small building already erected. Before the property was sold, a permit was issued to demolish the small building, the demolishing crew removed the larger building and not the small building as indicated on the survey and viewing of the property. The small building still stands which cannot secure my equipment without substantial refurbishing to make secure and will be torn down later. However, being overseas, that small building has proven that it could not keep all the equipment properly secured that I purchased to maintain the property. I have no other location to secure the equipment and ask for your approval of a variance to erect a steel building.

Being stationed overseas does not permit me nor my wife opportunities to come back and forth to Florida as often. We are usually here two times per year. I usually come back to the Orlando area on vacation two times per year to cut and maintain the property. There have been multiple times that someone entered the building without authorization and removed property. My most recent time being home in January 2019, again I notice that some of my tractor attachments and security lights were stolen and I have filed a police report (**included**). I think by erecting a steel secure building this can be eliminated.

Bottom line, we are in the process of building a home on the site, with an estimated start date of July/August after the plans are finished (**currently developing with Hegstrom Homes, draft floor plan included**). The home will sit on the top side of two acres and the steel building will be on the lower end. Once the steel building is erected, the small building which is unable to secure the equipment will be removed with correct demolishing permits in order to take advantage of a big yard for my family to enjoy.

I have paid for and received a survey (**included**) of the property and what is located. All the other concrete pads will be removed, and I will use one that of size to erect the building. I will give two sets of surveys, one where I want to erect the steel build building and the home and the other a clean version.

Special Conditions and Circumstances: NONE

Not Self-Created: I purchased the property and wanted to maintain it in accordance with the codes or Orange County. I did not authorize, nor did I think anyone would remove my property without my authorization. I am unable to watch due to being assigned overseas with the military.

No Special Privilege Conferred: NONE

Deprivation of Rights: The property is not in a subdivision and a total of 5 acres to erect the building.

Minimum Possible Variance: This will enable my equipment to be secured until I return from assignment overseas. The building will accommodate my equipment.

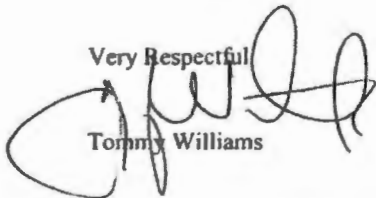
Purpose and Intent: Has not had any violations of zoning and I intend to abide by the zoning regulations and laws of Orange County.

Thanks in advance and I ask for your favorable support in granting this request, as it will help resolve the issue of the securing my equipment and prepare for building of my home. The best way to contact me is through email at: easyin42@hotmail.com. I can receive documents that needs to be signed/notarized. I will be at the May 2, 2019 hearing as I scheduled my vacation to be present.

My current address overseas is a military address:

Tommy L. Williams
OPM SANG
Unit 61304
APO AE 09803

Very Respectful

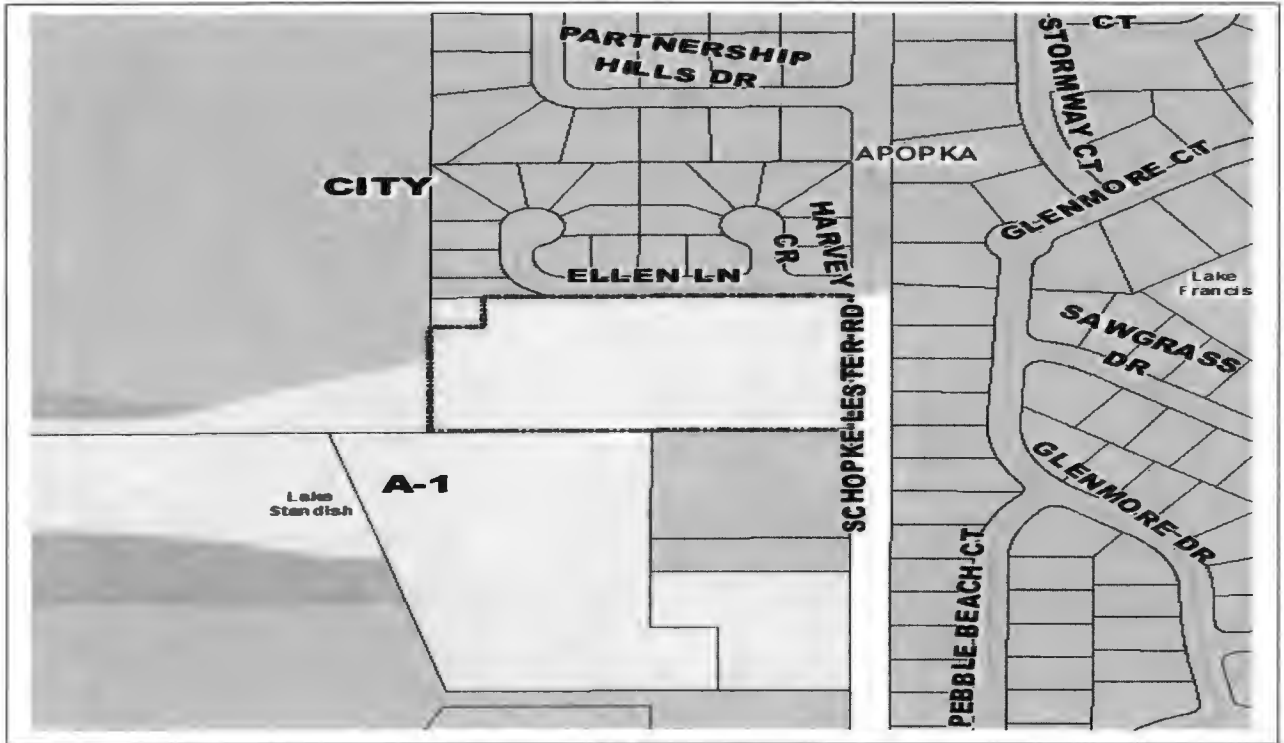


Tommy Williams

Encl: Application (Board of Zoning Adjustment

- Application for Construction Permit
- Application for Building/Land Use Permit
- Surveys
- Police/Incident Report
- Email Correspondence
- Building Permit (Previous to remove the small building)
- Permit Contract (EverSafe)
- Purchase Contract (EverSafe)
- Property Purchase Document

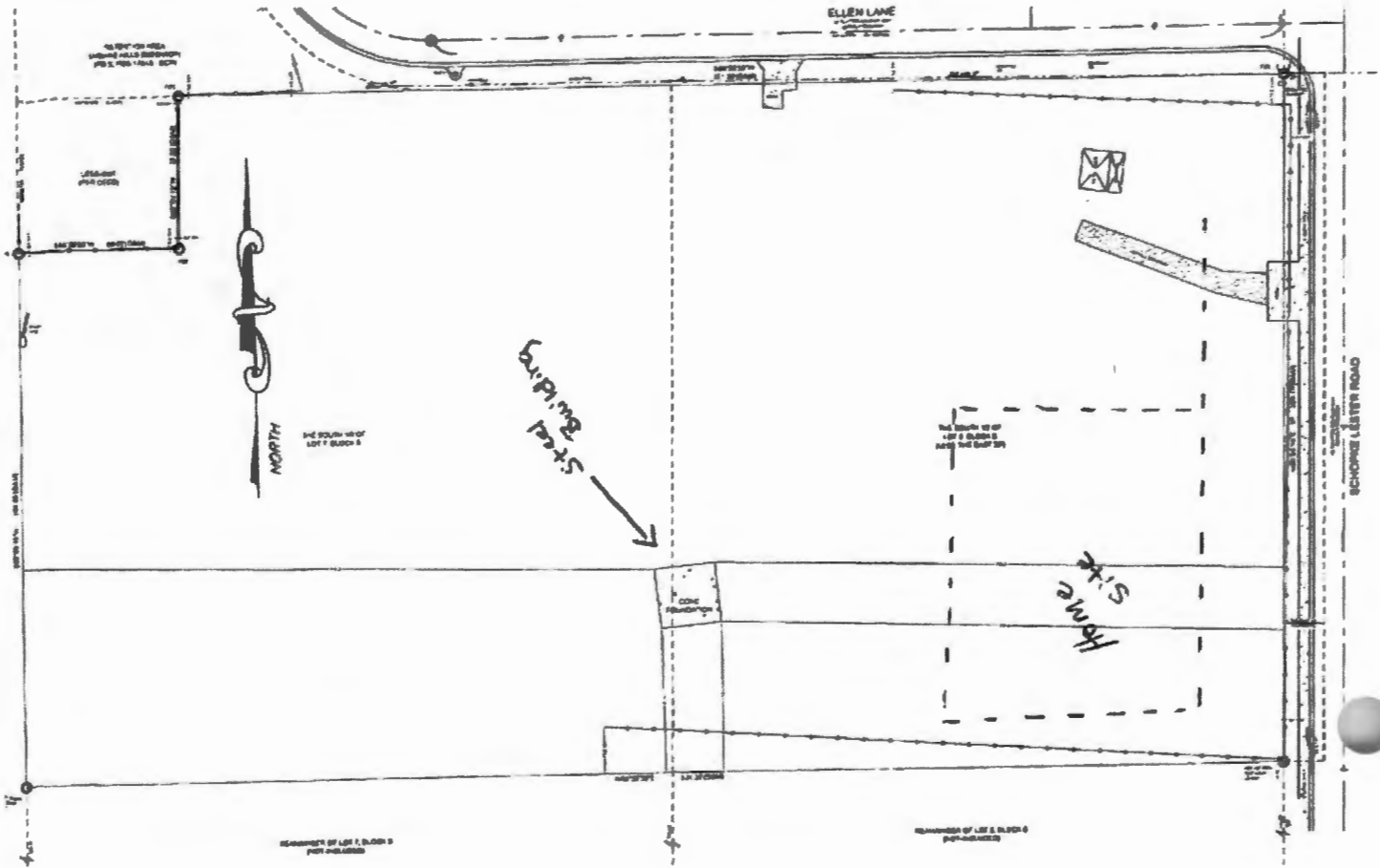
ZONING MAP



AERIAL MAP



SITE PLAN / SURVEY





Example of steel building

SITE PHOTOS



Front from Schopke Lester Road

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 02, 2019**

Case Planner: **David Nearing, AICP**

Case #: **SE-19-05-036**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): **BIBI SINGH FOR THE VEDIC CULTURAL SAMAJ OF CENTRAL FLORIDA**

OWNER(s): **ROBIN PRASHAD**

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

- 1) **Special Exception to permit a religious institution for up to 23 members.**
- 2) **Variance to allow an existing structure 20 ft. from the rear (east) property line in lieu of 25 ft.**
- 3) **Variance to allow additions to an existing structure 20 ft. from the rear (east) property line in lieu of 25 ft.**
- 4) **Variance to allow unpaved (grassed) parking spaces in lieu of paved.**

PROPERTY LOCATION: **6083 North Lane, Orlando, FL 32818, northeast corner of North Ln. and N. Powers Drive**

PARCEL ID: **01-22-28-0000-00-039**

LOT SIZE: **107 ft. x 220 ft. (avg.) / .64 acres**

NOTICE AREA: **700 ft.**

NUMBER OF NOTICES: **118**

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, **APPROVED** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 7-0):

1. Development in accordance with the site plan dated March 12, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Parking spaces may be unpaved. However, handicapped spaces and all driving aisles shall be paved. Each grass parking space shall be delineated by installation of a tire stop. Railroad ties are acceptable. Each tire stop shall be affixed to the ground by use of rebar.

5. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.

6. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."

7. The applicant shall submit construction plans through the commercial site plan review process within three (3) years of final approval or this approval is null and void.

8. 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 explained the history of the property, including the fact that the site had received two (2) prior Special Exceptions in 2014 & 15, for a Religious Facility on the subject property, however, those approvals have lapsed. The new use will include two (2) additions to the existing structure, and installation of a paved drive aisle with grass parking. The proposal meets the criteria for both a Special Exception and the requested variances. Staff noted that they had not received any correspondence in favor or opposition to the requests.

The applicant noted their agreement with the staff recommendation and conditions. There being no one present to speak in favor or opposition to the requests, the public hearing was closed.

The BZA concluded that the use was compatible with the neighborhood and that the variances requested were all warranted. A motion to recommend approval was passed unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	R-1A	R-1A	R-1A	R-1A
Future Land Use	LDR	LDR	INST	LDR	LDR
Current Use	Single-family residence	Religious institution	Religious institution	Single-family residence	Religious institution

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 day cares and religious uses, are permitted through the Special Exception process.

The subject property consists of an unplatted parcel of land containing 27,661 sq. ft. of land area and it is a corner lot. The subject property is over three and one-half (3 ½) times the size of the minimum R-1A zoned lot. The property is currently developed with a single family residence was built in 1971. The structure contains a total of 1,576 sq. ft. of gross floor area, with a total of 1,521 sq. ft. of living area.

In October 2014, the applicant obtained special exception approval to convert the existing residence to a religious institution for up to thirty-six (36) members. That request was for a total of 3,000 sq. ft. In September 2015, the applicant submitted a revision to change the size of the facility to 2,661 sq. ft., with no change in membership.

Both prior approvals have expired. The applicant is now pursuing an approval to add 1,691 sq. ft. of indoor floor space to create a total of 3,212 sq. ft., with an additional 1,025 sq. ft. of covered vehicle drop-off and walkway. Total area under roof will equal 4,237 sq. ft.

The use is required 8 parking spaces per code, they are provided 9 onsite per the site plan. Ingress is being provided on North Lane and egress will be provided on Power Drive, the cars will enter from the south and exit to the west via a one-way driving aisle. The site plan does provide some landscaping and the project will be required to meet Chapter 24 requirements at the time of permitting.

To the north of the subject property are two (2) additional religious institutions. To the west and south are two (2) additional religious institutions. Each of these has been approved through the Special Exception process.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	16 ft.
Min. Lot Width:	75 ft.	95 ft.
Min. Lot Size:	7,500 sq. ft.	27,661 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	139 ft.
Rear:	25 ft.	20 ft.
Side:	7.5 ft.	24 ft.
Sidestreet:	15 ft.	26 ft.
NHWE:	N/A	N/A

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the comprehensive plan

The Future Land Use is Low Density Residential and with the approval of the Special Exception, the project will be consistent with the Comprehensive Plan.

Similar and compatible with the surrounding area

Within the immediate vicinity of the subject property are four (4) religious institutions. The use of the subject property will be similar and compatible.

Shall not act as a detrimental intrusion into a surrounding area

Given that the applicant has indicated that there will be no more than 23 members attending the facility at any one time the impact will be less than the four (4) existing larger religious institutions.

Meet the performance standards of the district

With the granting of the variances for the location of the existing structure, proposed addition, and grassed parking, all performance standards will be met.

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

Given the smaller size of the proposed use, it will have less impact than the four (4) larger existing facilities.

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

Staff has attached a condition requiring compliance with this section of the County Code. If the request is approved, this will be accomplished during the permitting process.

VARIANCE CRITERIA

Special Conditions and Circumstances

The existing structure is already encroaching five (5) feet into the rear setback. The applicant is not proposing to construct the addition any closer to the rear property line, they are following the existing established building line. With regard to the grassed parking, often times, conversions from residential to institutional take place on smaller sized properties. Religious institutions typically have more infrequent use, allowing the grass in the parking area to recover.

Not Self-Created

The applicant purchased the property in September of 2009. The structure was built in 1971. The applicant is not responsible for the current location of the structure, and using the existing rear building line is a logical expectation.

No Special Privilege Conferred

Since the existing structure is already encroaching into the setback, no special privilege will be granted by allowing the construction of additions which do not extend any further into that setback, but which follow the established building line in a logical manner.

Deprivation of Rights

Failing to grant the variances will require the applicant to construct the new additions out of line with the existing rear of the structure which will result in an irregular floor plan, reducing the functionality of the overall structure. Regarding the grass parking, requiring the paving of infrequently used parking spaces will result in an unnecessary improvement being installed.

Minimum Possible Variance

Since the applicant is not requesting to encroach further into the rear setback, the requested variance is the least necessary to create a functional, logical floor plan. Regarding the parking, the applicant is providing paved drive-aisles, and staff is recommending that the parking spaces be delineated with some type of tire stops.

Purpose and Intent

The granting of the requested variance will not impair the integrity of the zoning code, and will satisfy the purpose and intent of the code. A 20 foot setback will be maintained, as is the current situation, to ensure adequate separation distance between the religious use and the neighboring residence, ensuring compatibility.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated March 12, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Parking spaces may be unpaved. However, handicapped spaces and all driving aisles shall be paved. Each grass parking space shall be delineated by installation of a tire stop. Railroad ties are acceptable. Each tire stop shall be affixed to the ground by use of rebar.
5. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
6. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
7. The applicant shall submit construction plans through the commercial site plan review process within three (3) years of final approval or this approval is null and void.
8. 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.

c: Robin Prashad
6083 North Lane
Ocoee, FL 34761

c: Bibi Singh for the Vedic Cultural Samaj of Central Florida
940 Home Grove Drive
Winter Park, FL 34787

COVER LETTER

COVER LETTER

PROPERTY ADDRESS: 6083 NORTH LANE, ORLANDO FL 328098

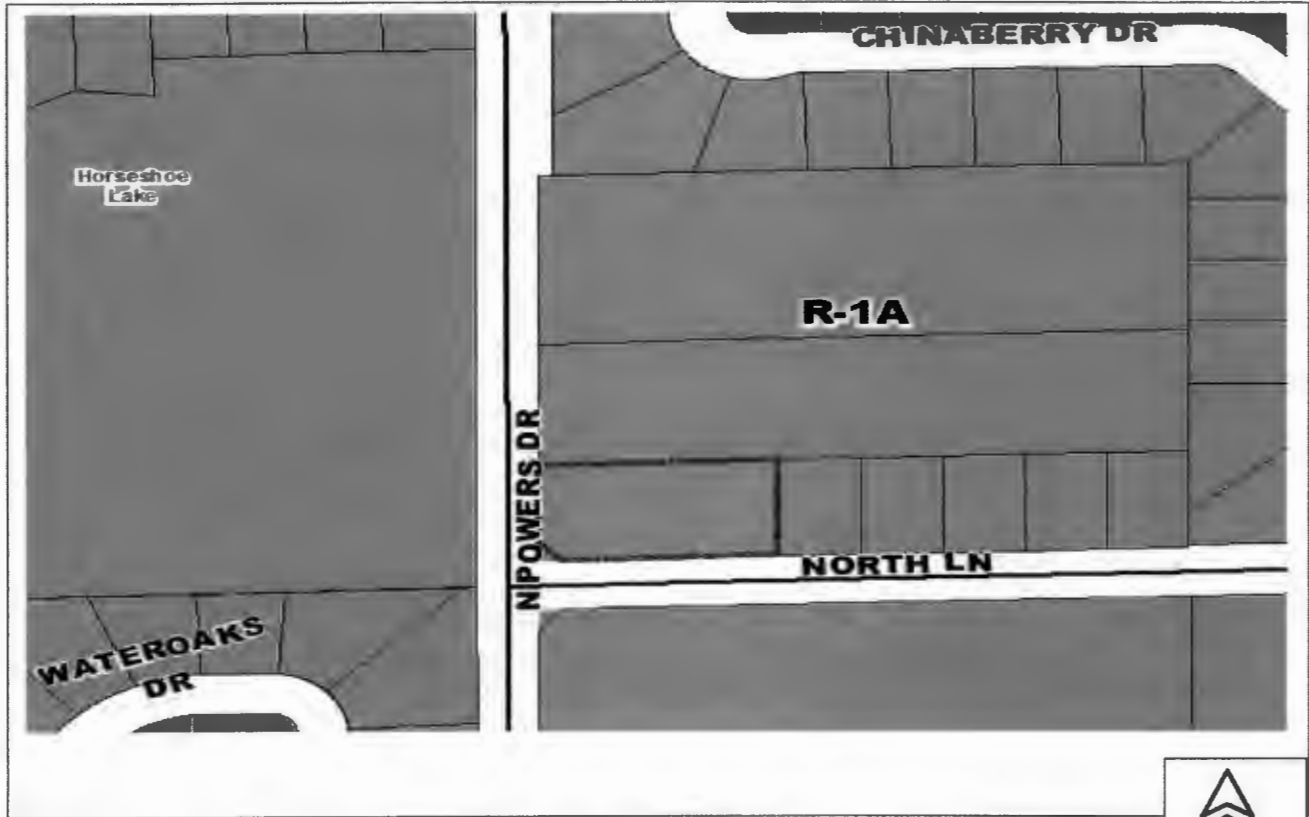
SERVICE TIME: 9:00 AM TO 12:00 PM

SERVICE DAY(S): EACH SUNDAY

OCCUPANCY: APPROXIMATELY 26

OTHER SERVICES: OUTDOORS SERVICES 3 TIMES PER YEAR

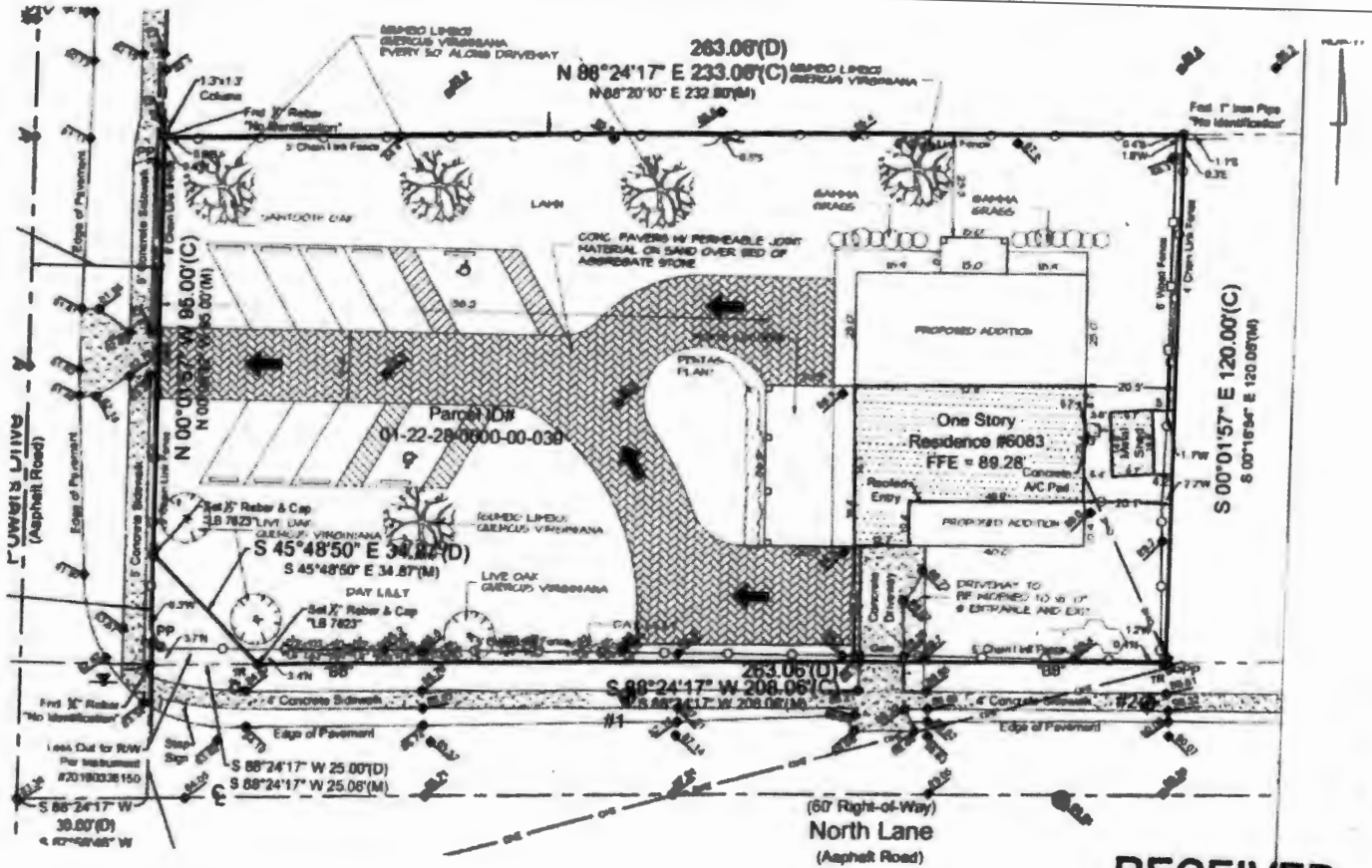
ZONING MAP



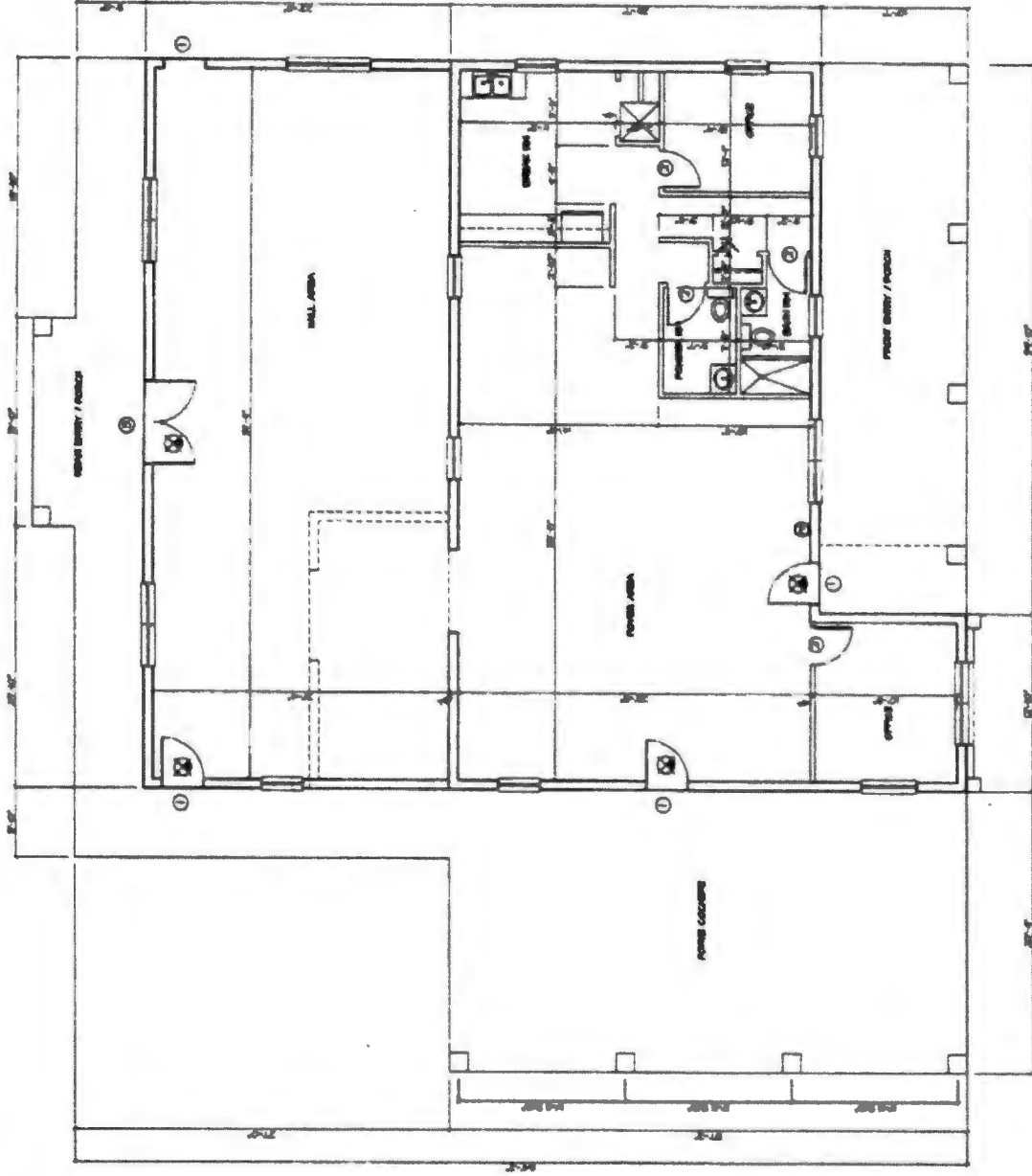
AERIAL MAP



SITE PLAN / SURVEY



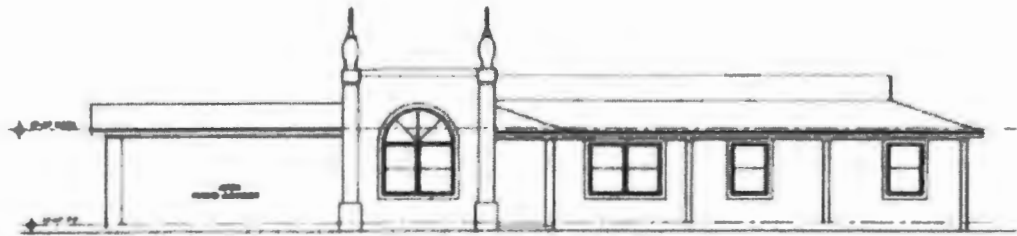
FLOOR_PLAN



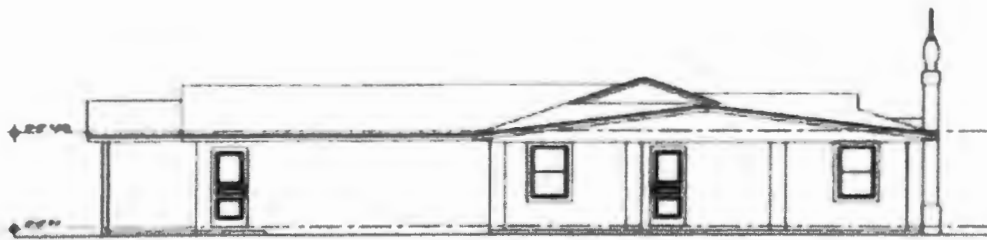
ADAPTED FROM IBC 2003 AS PER SECTION CHAPTER 40
OF THE CONCRETE SMALL COUNTY WITH IBC 2003 AS PER SECTION 1

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

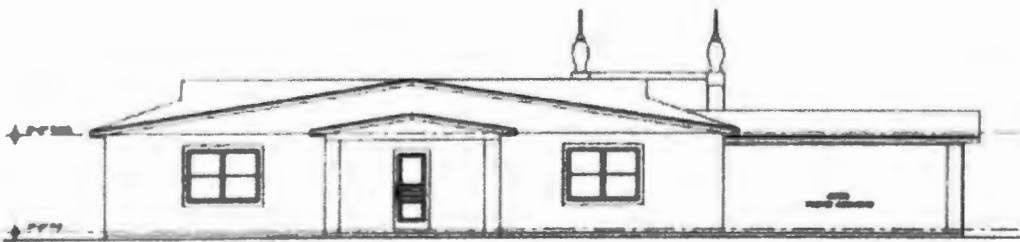
ELEVATIONS



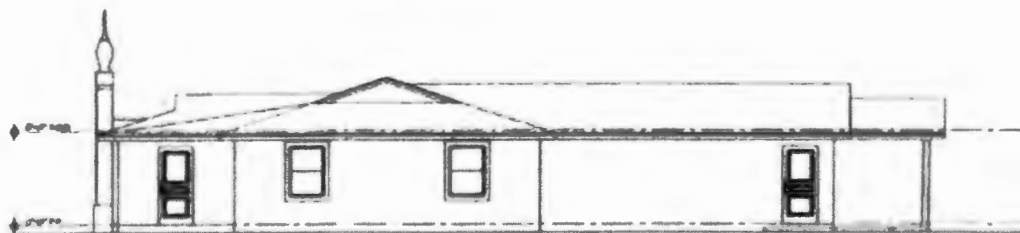
FRONT ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION



RIGHT SIDE ELEVATION

SITE PHOTOS



Front of Structure Looking from the west



Side of Structure Looking North



Rear of Structure Looking North



Side of Structure Where Addition Proposed Looking West

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 02, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-05-037**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): LORNA CASSANOVA

OWNER(s): FOMI PROPERTIES LLC

REQUEST: Variance in the C-1 zoning district to allow a 2-COP license (beer & wine only) for consumption on premises 784 ft. from a religious facility in lieu of 1,000 ft.

PROPERTY LOCATION: 6311 Silver Star Rd., Orlando, FL 32819, north side of Silver Star Rd., west of Powers Dr.

PARCEL ID: 13-22-28-0000-00-013

LOT SIZE: 150 ft. x 394 ft. (avg.) / 1.35 acres

NOTICE AREA: 1 mile

NUMBER OF NOTICES: 5,167

DECISION: DENIED the Variance request in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3) (4 in favor and 3 opposed).

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

The applicant stated that the adjacent liquor store is more intense, and nearby convenience stores sell beer, and that their use will be indoors only.

A representative from the Pine Hills Neighborhood Improvement District stated that their advisory council voted in favor of the request, that they want the building to be occupied.

A representative from the Pine Hills Community Council stated that they are against the request.

The pastor from the adjacent church expressed concerns about traffic, and does not want the next user of the space to have this license if the present business fails.

Other neighbors spoke with concerns about traffic and the possibility of having impaired people in the area.

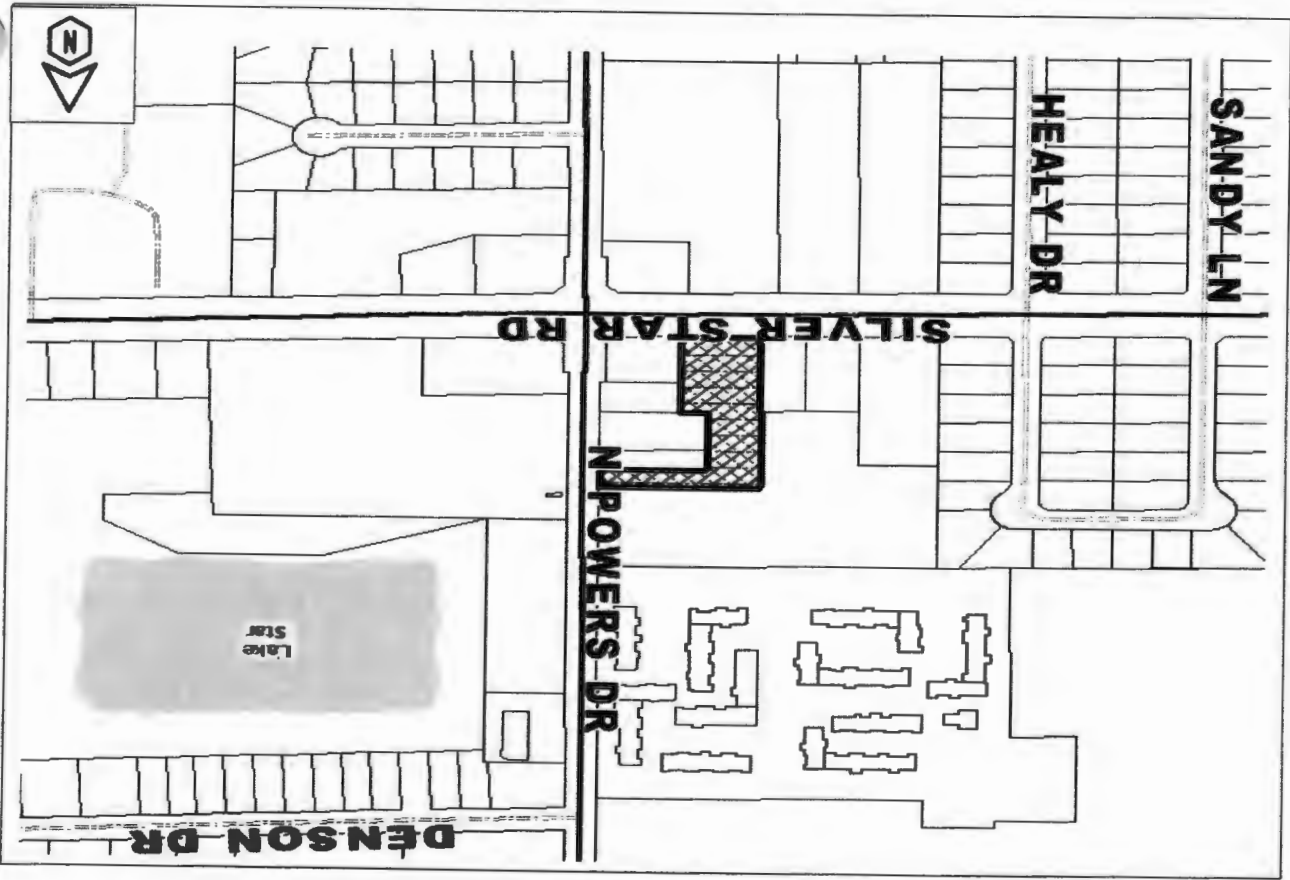
The BZA asked the applicant about the possibility of closing the restaurant earlier. The BZA noted that the church and neighborhood are opposed to the request.

Staff received six (6) commentaries in favor and eleven (11) in opposition to the application.

The BZA denied the variance.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.



LOCATION MAP

SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-1/R-1A/R-3	P-D	C-2	C-2/C-1	C-2
Future Land Use	C	C	C	C	C
Current Use	Commercial	Self-storage facility	Warehouses	Commercial	Commercial

BACKGROUND AND ANALYSIS

Description and Context

The subject property is an oddly shaped unplatted parcel that has frontage on both Silver Star Road and North Powers Drive, and has C-1, R-1A, and R-3 zoning. The subject building where the restaurant is proposed is located on the southern end of the property with C-1 zoning, fronting on Silver Star Road. The C-1 Retail Commercial district, which allows for restaurants, retail stores, offices, churches, and various other indoor commercial businesses.

The affected church is located northeast of the subject building, at 2612 North Powers Drive.

The applicant would like to serve beer at their proposed sit down restaurant. Sec. 38-1415, requires any business serving alcohol on site to be located at least one thousand (1,000) feet away from any established religious institution or school. The affected church is located northeast of the subject building, at 2612 North Powers Drive.

There is a liquor store located next door to the proposed restaurant, it was originally opened as ABC Liquor, before the establishment of the church. The liquor store changed ownership in 2016, at which time the church was not in operation. The proposed restaurant is next door to the liquor store and is a less intense use, and located farther from the referenced church.

The variance request represents a 22% variance from the code. However, the proposed use will be a restaurant which will derive a majority of its gross revenue from the sale of food and nonalcoholic beverages.

The restaurant will have 21 seats, and will not be open past 10:00 p.m. on the weekdays and 2:00 a.m. on weekends.

STAFF FINDINGS

VARIANCE CRITERIA

No Special privilege

Approval of this variance will not confer any special privilege as other restaurants in the area have received licenses for consumption on premises, as well as the liquor store, which is a more intense use.

Deprivation of Rights

Not allowing this applicant to obtain a 2-COP license would deprive them of the rights commonly enjoyed by neighboring restaurants.

Minimum Possible Variance

This is the minimum possible variance to allow the restaurant to offer beer and wine to their guests and the business will be located 784 ft. from the nearest church, which is a substantial distance.

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 commercial zoning district in the area allows restaurants and bars. Allowing on-site consumption at this location would not be detrimental or injurious to the adjacent neighborhood or the church.

CONDITIONS OF APPROVAL

1. **Development in accordance with the site plan dated March 13, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.**
2. **Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.**
3. **Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.**

C: **Lorna Richards Cassanova
2111 Dunsford Drive
Orlando, FL 32808**

COVER LETTER

ORANGE COUNTY ZONING DIVISION
201 South Rosalind Avenue
Orlando, Florida 32801

Board Of Zoning Adjustment

March 11, 2019

COVER LETTER

RE: Application for Relief through
Variance.
6311 Silverstar Road, Suite #20

To whom it may concern:

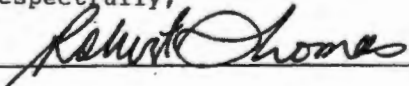
Dear Sir/ Madam (Members of The Board)

This required Cover Letter is a formal request for consideration to receive a Variance to secure a Beer Permit for the referenced Suite #20. The proposed facility will operate as The 'LOVE BIRD RESTAURANT' duly registered in the State of Florida and currently seeking permits under Application #B19900427.

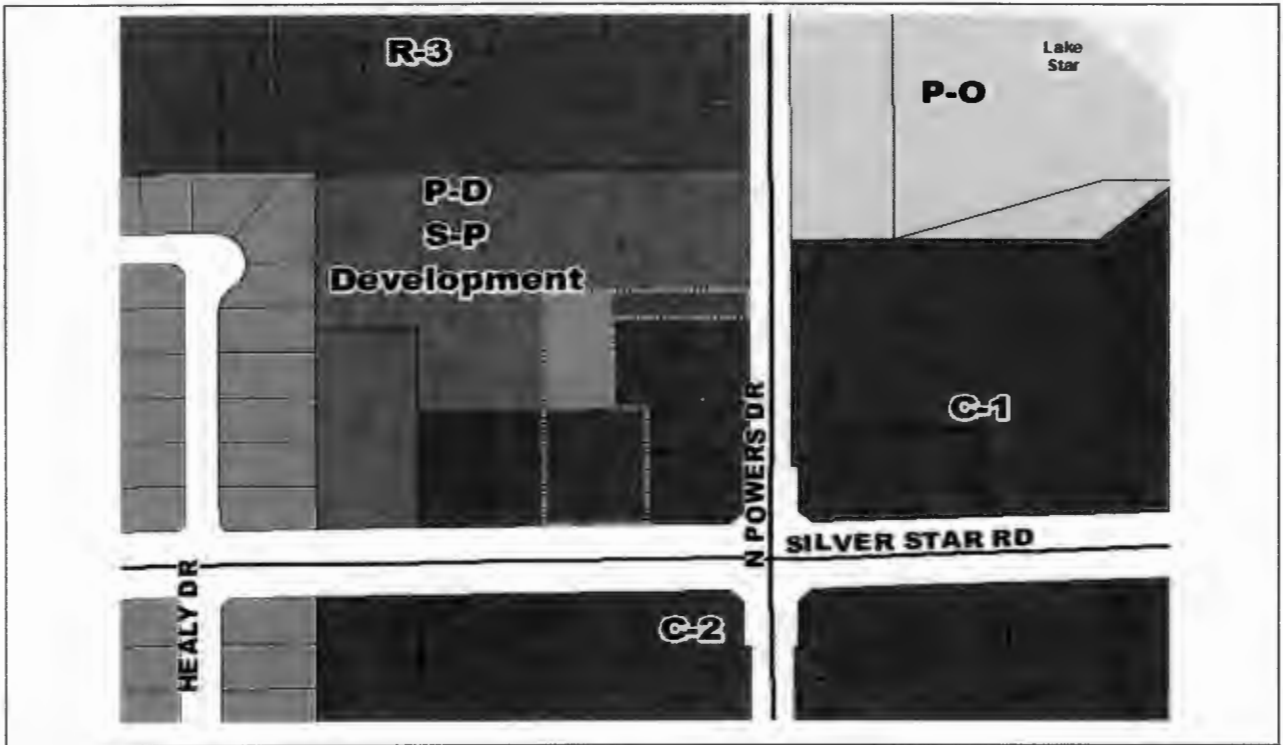
The referenced property previously operated as the ABC Liquor Store built in 1963. Until it's recent sale in 2016 this property, grandfathered in, operated as a Liquor Store without problems and though the New Tenant a Church on Powers Drive came after the Liquor Store and the adjacent 'Negril Restaurant', Negril has a Beer Permit and 6311 Silverstar Road maintained the Liquor Store as part of the conversion to (3) separate tenant spaces. It turns out that Suite #20 is farthest (about 740 feet) from the Church at Powers Drive. and our request is for Beer to be consumed on the premises only.

The attached Site Plan and Photos show an established Brick and Block 10 feet high Type 2B construction structure. We are of the belief that the Powers Drive property no longer operates as a Church and with the adjacent Liquor Store and Negril Restaurant, both less than the required 1,000 feet away would present the same issues of which the Ordinance wishes to protect.

Respectfully,


Robert Thomas

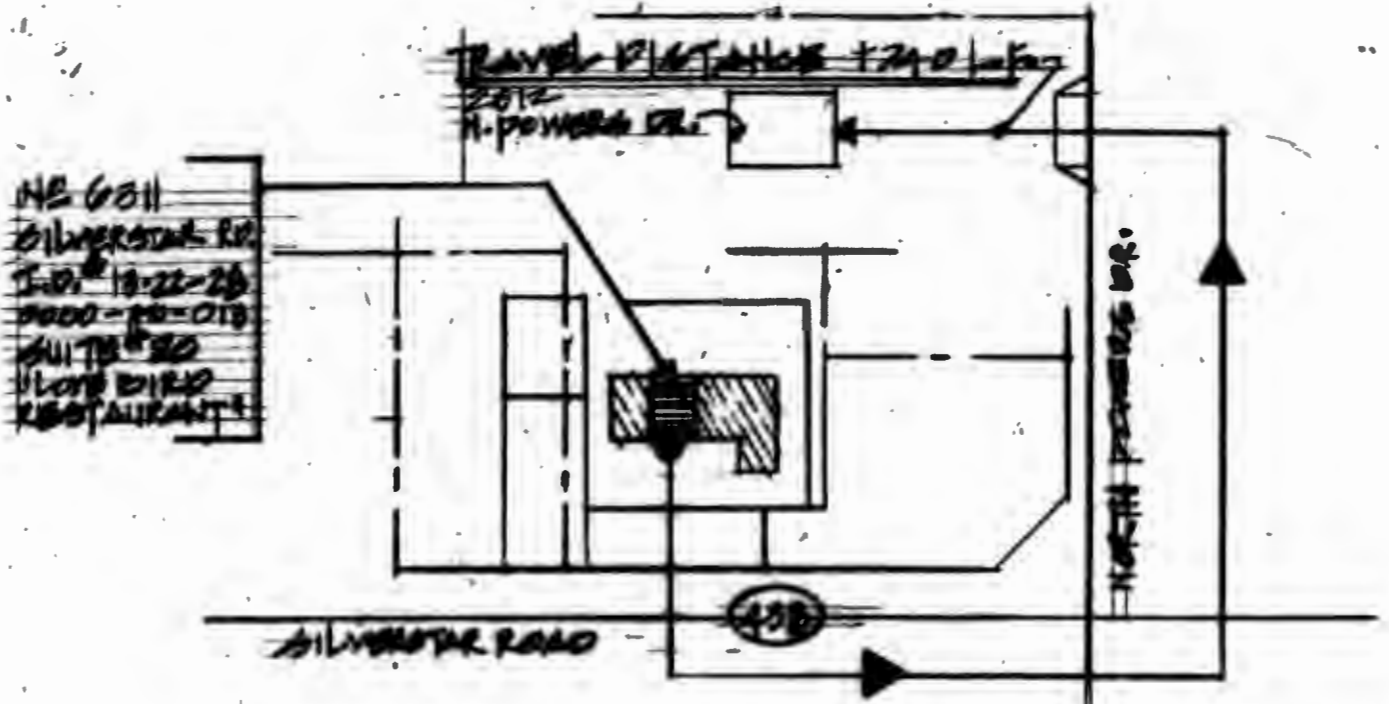
ZONING MAP



AERIAL MAP



SITE PLAN



LOCATION PLAN
NOT TO SCALE



ORANGE COUNTY ZONING
DIVISION
BOARD OF COUNTY
COMMISSIONERS
MARCH 11, 2019



**SITE
PHOTOS**



Subject property and adjacent liquor store from front



Church at 2612 N. Powers Drive

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 02, 2019**

Case Planner: **Nick Balevich**

Case #: **SE-19-05-038**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): GLORIA STOEBAU

OWNER(s): GLORIA STOEBAU, FRANK STOEBAU

REQUEST: Special Exception and Variance in the A-1 zoning district to allow for a daycare center as follows:

1) Special Exception to convert a single family residence into a daycare center for up to 35 children

2) Variance to allow a 40 ft. rear setback in lieu of 50 ft.

PROPERTY LOCATION: 1707 Maguire Rd., Windermere, FL 34786, east of Maguire Rd., north of Park Ridge Gotha Rd.

PARCEL ID: 05-23-28-0000-00-008

LOT SIZE: 380 ft. x 186 ft. (avg.) / 1 acre

NOTICE AREA: 600 ft.

NUMBER OF NOTICES: 62

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 7-0):

1. Development in accordance with the site plan dated March 13, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. All outdoor lighting shall be in accordance with Chapter 9, Orange County Code.

5. Approval is for no more than thirty-five (35) children.

6. Hours of operation shall be Mondays through Fridays, 6:00 a.m. to 6:00 p.m. and Saturdays, 8:00 a.m. to 4:00 p.m.

7. Landscaping shall be in accordance with Chapter 24, Orange County Code.

8. Signage shall be in accordance with 31.5-75, Orange County Code.

9. Construction plans shall be submitted within three (3) years of the final County approval or this approval becomes null and void.

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

The applicant stated that she wants to grow and take more children into the daycare.

Two (2) people spoke in favor of the case stating that it will not increase traffic significantly, there is a need for more daycare in the area, and the applicant is an excellent educator who provides a loving environment for the children.

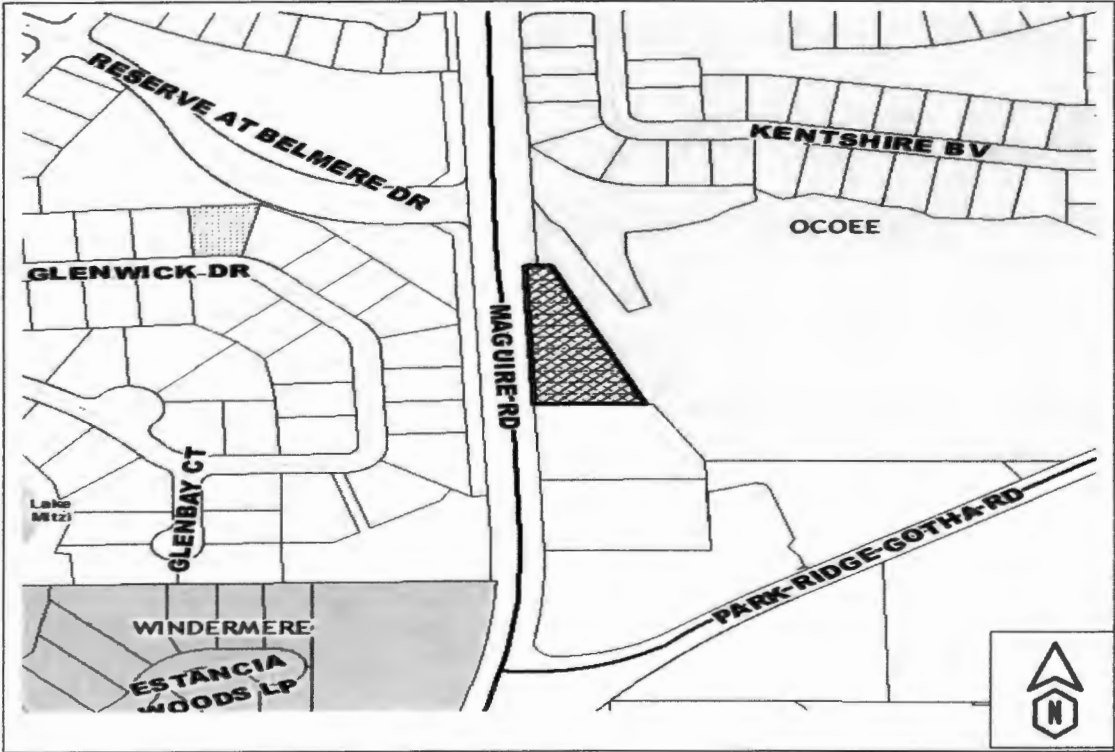
Staff received three (3) commentaries in favor and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the Special Exception.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	City of Ocoee	P-D	City of Ocoee	P-D
Future Land Use	RS 1/1	City of Ocoee	PD-O(RS)	City of Ocoee	R 1/10
Current Use	Single-family residence	City of Ocoee/Conservation area	Medical office	City of Ocoee/Conservation area	Single-family residences

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 a single family residence with associated accessory structures on larger lots. A daycare center in the A-1 zoning district is allowed through the Special Exception process in this district. The property is located in the West Windermere Rural Settlement.

The subject property is an oddly shaped (triangular) unplatted parcel that has frontage on Maguire Road.

The area is characterized by residential subdivisions to the north and west, and PD zoned commercial development and vacant lots to the south.

The property is one (1) acre and contains a 1,014 sq. ft. single family residence that was built in 1953. The applicant is proposing to convert the home and an accessory building on the south end of the property to a daycare center. To utilize the existing accessory building will require a 10 foot variance for the rear setback. The proposed hours of operation are Monday through Friday 7:00 a.m. to 6:00 p.m. and Saturdays 8:00 a.m. to 4:00 p.m.

The parking requirement for a day care center is 1 space per 10 children (requiring 4 spaces), plus pickup and drop-off area. The proposed plan shows eight (8) parking spaces.

A Traffic Study was prepared by Transportation Planning, and it stated that the use will add 104 daily trips and 20 p.m. trips to Maguire Road, which is classified as a collector road.

In January of 2008, the BZA granted a Special Exception for the same applicant on this property to allow for a daycare center for up to twenty-eight (28) children. This approval expired as the applicant was not able to submit plans within three (3) years as was stipulated in the conditions of approval.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	24 ft.
Min. Lot Width:	100 ft.	380 ft.
Min. Lot Size:	0.5 acre	1 acre

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

	Code Requirement	Proposed
Front:	35 ft.	59 ft.
Rear:	50 ft.	40 ft.
Side:	10 ft.	41 ft.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan.

The Future Land Use is Rural Settlement 1/1 and with the approval of the Special Exception, the project will be consistent with the Comprehensive Plan.

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

The proposed use is located adjacent to commercial uses to the south. The use is buffered from the adjacent residential uses to the north and east by an open space/retention area, and by Maguire Road to the west. The property does not directly abut any residential homes. Also, the same use was approved on this property in 2008.

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

The use will not be a detrimental intrusion as it will act as a transition between the commercial and residential zoning districts. The daycare can also serve the adjacent residential areas.

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

The plan submitted meets the parking, height, open space and buffer requirements per code.

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 use as a daycare center will have similar characteristics as other uses in the area. The limited hours of operation will be compatible with the area.

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.

Landscaping and buffers shall comply with or exceed the requirements specified in Section 24-5 of the Orange County Code.

VARIANCE CRITERIA

Special Conditions and Circumstances

The lot has an irregular triangle shape. The rear property line abuts an open space/retention area, so no rear neighbors will be affected by a setback variance.

Not Self-Created

The applicant is attempting to use an existing building as a daycare center. The applicant is not proposing to add any additional square footage or to increase any non-conformity.

Minimum Possible Variance

This is the minimum possible variance to allow the applicant utilize an existing building. The variance requested represents a 20% deviation from code.

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 request for a 10 foot deviation is minimal and the rear property line abuts an open space/retention area.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated March 13, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. All outdoor lighting shall be in accordance with Chapter 9, Orange County Code.
5. Approval is for no more than thirty-five (35) children.
6. Hours of operation shall be Mondays through Fridays, 6:00 a.m. to 6:00 p.m., and Saturdays, 8:00 a.m. to 4:00 p.m.
7. Landscaping shall be in accordance with Chapter 24, Orange County Code.
8. Signage shall be in accordance with 31.5-75, Orange County Code.
9. Construction plans shall be submitted for the daycare use and accessory structure within three (3) years of the final County approval, or this approval becomes null and void.

C: Gloria Stobenau
1707 Maguire Road
Windermere, FL 34786

COVER LETTER

March 13, 2019
ATT.: Sean Bailey
ORANGE COUNTY ZONING DEPARTMENT
201 S. Rosalind Ave
Orlando, FL 32802

RE: Gloria Stoebenau
1707 Maguire Rd.
Windermere FL 34786
Orange County Property ID: 05-23-28-0000-000008

Dear Mr. Bailey

Pursuant to the Application to the Board of Zoning Adjustment we are requesting a Special Exception to use the existing single family residential and accessory buildings for a child day care facility. The anticipated number of children is 35 to 40 with 3 to 4 instructors/ teachers. The facility will be operated between the hrs. of 7:00AM to 6:00PM Monday through Friday, and Saturday 8:00AM - 4:00PM. I am currently running a home care (10 children). In 2008 due to the financial crisis I have to abandon my application to convert my home care into a child care center.
It is our belief the facility will enhance the surrounding community providing services which are currently not available in the vicinity.

Please call me with any questions or comments.

Sincerely,

Gloria Stoebenau (407)217-5566
myhomegloria@yahoo.com

RECEIVED
MAR 13 2019
ORANGE COUNTY
ZONING DIVISION

ZONING MAP

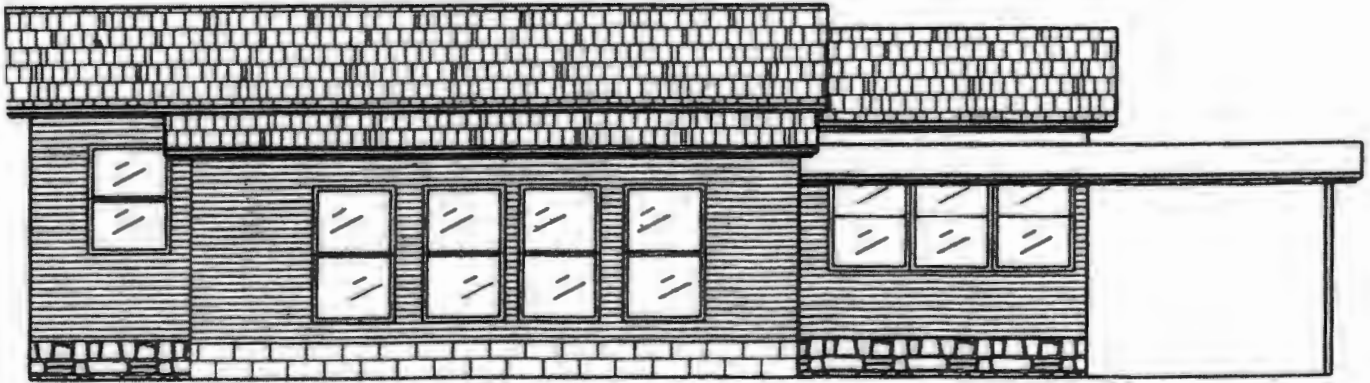


AERIAL MAP

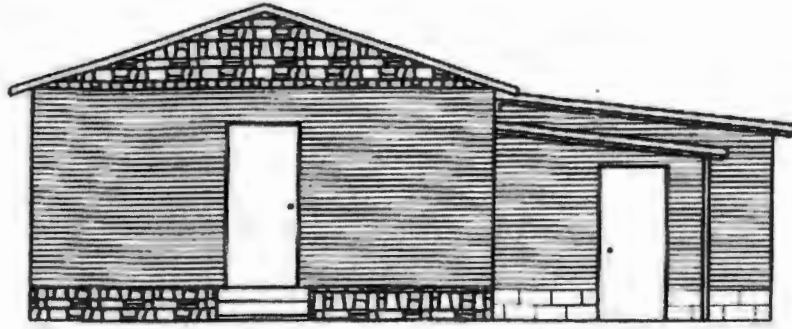




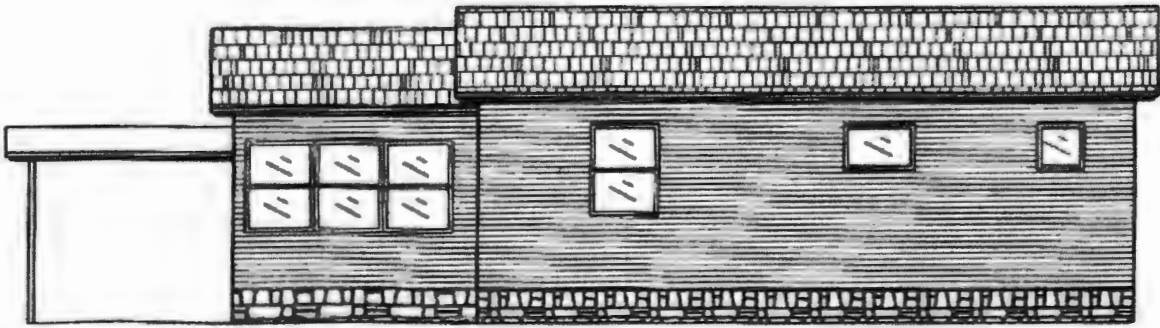
FRONT ELEVATION



LEFT ELEVATION

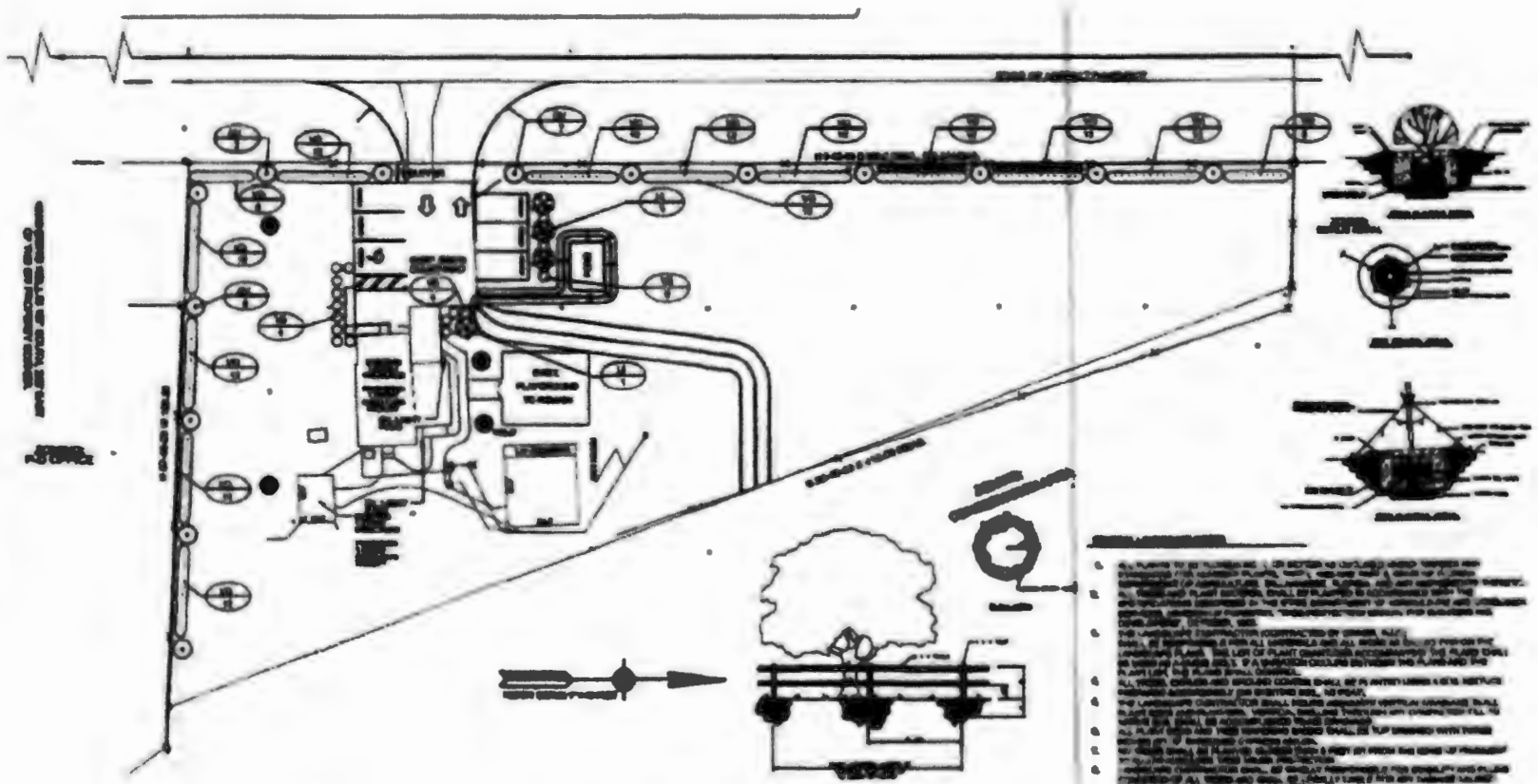


REAR ELEVATION



RIGHT ELEVATION

Elevations



Landscape Plan

Symbol	Description	Quantity
○	Planting	10
●	Planting	5
○	Planting	15
●	Planting	10
○	Planting	20
●	Planting	15

1. ALL PLANTING TO BE PLANTED IN AN ORDER TO BE DETERMINED BY THE CONTRACTOR IN CONSULTATION WITH THE ARCHITECT AND LANDSCAPE ARCHITECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PLANTING AND FOR THE REPLACEMENT OF ANY PLANTING DAMAGED OR DESTROYED DURING THE COURSE OF THE PROJECT. ALL PLANTING SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS AND SCHEDULE OF VALUES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PLANTING AND FOR THE REPLACEMENT OF ANY PLANTING DAMAGED OR DESTROYED DURING THE COURSE OF THE PROJECT. ALL PLANTING SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS AND SCHEDULE OF VALUES.

- 1. ALL PLANTING TO BE PLANTED IN AN ORDER TO BE DETERMINED BY THE CONTRACTOR IN CONSULTATION WITH THE ARCHITECT AND LANDSCAPE ARCHITECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PLANTING AND FOR THE REPLACEMENT OF ANY PLANTING DAMAGED OR DESTROYED DURING THE COURSE OF THE PROJECT. ALL PLANTING SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS AND SCHEDULE OF VALUES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PLANTING AND FOR THE REPLACEMENT OF ANY PLANTING DAMAGED OR DESTROYED DURING THE COURSE OF THE PROJECT. ALL PLANTING SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS AND SCHEDULE OF VALUES.
- 2. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PLANTING AND FOR THE REPLACEMENT OF ANY PLANTING DAMAGED OR DESTROYED DURING THE COURSE OF THE PROJECT. ALL PLANTING SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS AND SCHEDULE OF VALUES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PLANTING AND FOR THE REPLACEMENT OF ANY PLANTING DAMAGED OR DESTROYED DURING THE COURSE OF THE PROJECT. ALL PLANTING SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS AND SCHEDULE OF VALUES.
- 3. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PLANTING AND FOR THE REPLACEMENT OF ANY PLANTING DAMAGED OR DESTROYED DURING THE COURSE OF THE PROJECT. ALL PLANTING SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS AND SCHEDULE OF VALUES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PLANTING AND FOR THE REPLACEMENT OF ANY PLANTING DAMAGED OR DESTROYED DURING THE COURSE OF THE PROJECT. ALL PLANTING SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS AND SCHEDULE OF VALUES.

SITE PHOTOS



Front from Maguire Road



Front from Maguire Road



Side looking south



Side looking North



Commercial to South

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 02, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-05-040**

Commission District: **#4**

GENERAL INFORMATION

APPLICANT(s): HUBBARD CONSTRUCTION

OWNER(s): HUBBARD CONSTRUCTION CO.

REQUEST: Variance in the IND-2/IND-3 zoning district to allow a silo with a height of 92 ft. in lieu of 50 ft.

PROPERTY LOCATION: 303 W. Landstreet Rd., Orlando, FL 32824, north of W. Landstreet Rd., west of S. Orange Ave.

PARCEL ID: 35-23-29-7268-10-500

LOT SIZE: 641 ft. x 642 ft. / 9.55 acres

NOTICE AREA: 1500 ft.

NUMBER OF NOTICES: 44

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 7-0):

1. Development in accordance with the site plan dated March 14, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The applicant shall contact EPD to obtain a "Facility to apply for Air General Permit", which must be obtained prior to final inspection of the silos.

SYNOPSIS: Staff explained the history of the subject property, including the fact that prior to 1995 the IND-2 and IND-3 zoning districts were two separate districts, and neither had a height limitation. Staff further noted that there are numerous structures in existence in this zoning district in excess of 50 ft. which had been constructed prior to the change in height limits. Staff noted that the nearest residential was 1/2 mile from the

area where the silos would be located, and no residential would be impacted. Finally, staff noted that they had not received any correspondence in support or opposition to the request.

The applicant indicated that they were in agreement with the staff recommendation and conditions. The taller silos are critical to the business. There being no one present to speak in favor or opposition to the request, the public hearing was closed.

The BZA concluded that there would be no negative impacts on any residential properties, and beyond the industrial zoning was commercial zoning. A motion to recommend approval passed by unanimous vote.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	IND-2/IND-3	IND-2/IND-3	IND-2/IND-3 & IND-4	IND-2/IND-3	IND-2/IND-3
Future Land Use	I	I	I	I	I
Current Use	Industrial	Industrial	Industrial	Industrial	Industrial

BACKGROUND AND ANALYSIS

Description and Context

The property is zoned IND-2/IND-3, Industrial Park District which allows for warehousing, manufacturing, and certain retail uses.

The current use of the site appears to be storage of waste concrete, stone, and other solids. There are several large warehouse type metal structures on the site which will not be used by the applicant but are related to the other activities taking place on the 9.5 acre site.

The applicant is requesting a variance to allow for the installation of an asphalt production plant. The asphalt production will be located in the southwest corner of the site nearest to Winegard Road. The entire immediate area is completely surrounded by industrial uses.

The nearest residential use to the subject property over .4 miles from the southeast corner of the overall 9.5 acre parcel which is the opposite side of the property from the asphalt production operations. That portion of the site is over a one-half (1/2) mile from the residential. The remainder of the area is exclusively industrial.

The property was rezoned to IND-2 1965. At that time, IND-2 and IND-3 were separate zoning districts, and there was no height limit in either zoning district. However, in 1995, Ordinance No. 95-16 was adopted, revising Chapter 38, Zoning. These revisions included the combination of four (4) of the industrial zoning districts into two (2) districts, one being the combination of IND-2 and IND-3, and imposed the current 50 foot height restriction. Part of the purpose of this revision was to protect nearby residential from being overshadowed by tall industrial structures. Due to the separation distance from the nearest residential property, such would not be the case if this variance request was granted.

District Development Standards

	Code Requirement	Proposed
Max Height:	50 ft.	92 ft.
Min. Lot Width:	N/A	N/A
Min. Lot Size:	N/A	N/A

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

	Code Requirement	Proposed
Front:	25 ft.	84 ft.
Rear:	25 ft.	330 ft.
Side:	15 ft.	88 ft. / 553 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The special circumstance is the size of the property and the separation distance from the nearest residentially zoned land. At over 9.5 acres in size, and being completely surrounded by industrial uses and over one-half (1/2) mile from the nearest residence, the site will not impact any residents.

No Special Privilege Conferred

No special privilege will be conferred that is not found on other properties zoned IND-2/IND-3. As previously noted, up until 1995, there was no height limitation. As a result, there are numerous structures in excess of 50 feet on properties about the County with the same prior zoning classifications.

Minimum Possible Variance

Given the need for the proposed silos for this type of use, the request represents the least variance needed.

Purpose and Intent

The intent of the IND-2/IND-3 zoning district is, in part, to provide a location for uses requiring an intensive use of land, such as that proposed. This request will not impair the integrity of the code and will meet the purpose and intent.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated March 13, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall contact EPD to obtain a "Facility Air General Permit", which must be obtained prior to final inspection of the silos.

C: Steven Shea
1645 N. Maitland Avenue
Altamonte Springs, FL 32751

COVER LETTER



Orange County Planning Division
Variance Request for Orange County Parcel Identification 292335726810500

Background

The site is currently zoned IND-2/IND-3 and is currently being used as an office / maintenance facility / storage yard for asphalt material & construction equipment. Current zoning standards allow for a maximum building height of fifty feet. The minimum front yard setback is twenty five feet, side yard is fifteen feet and the rear yard is ten feet. The proposed variance request is for height. We are requesting a variance of 42 feet for a total of 92 feet for the installation of asphalt production equipment.

Variance Criteria

1. Special Conditions and Circumstances:

The request is to accommodate the manufacturing equipment for the manufacture of asphalt pavement products.

2. Not Self Created:

The condition is not self created and is a function of the equipment necessary for the manufacturing and distribution of asphalt pavement.

3. No Special Privilege Conferred:

The request does not confer any special privileges and is only for the allowance for the height of the manufacturing equipment as dictated by the manufacturer of the equipment.

4. Deprivation of Rights:

Disallowance of the requested variance would deprive the developer of use of the parcel to meet the needs of the community and surrounding area for a product that is needed in the construction of roads.

5. Minimum Possible Variance:

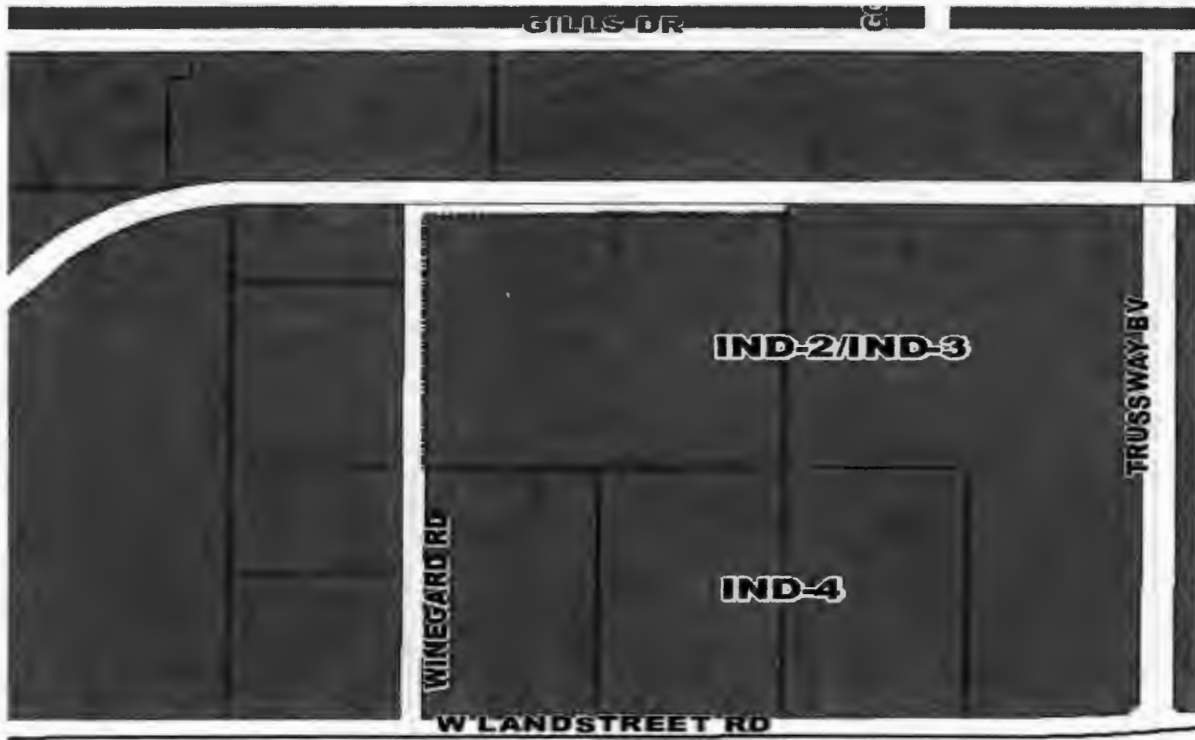
The requested variance is the minimum necessary to accommodate the manufacturing equipment employed in the making of asphalt products.

6. Purpose and Intent:

The requested variance is to accommodate the installation of an asphalt plant at the site and provide a height variance to allow the installation of the silos associated with asphalt production and distribution.

1645 N. Mallard Avenue, Maitland, FL 32751
Telephone: 407 644.6570
Fax: 407 644 8045
www.CSEI-FL.com

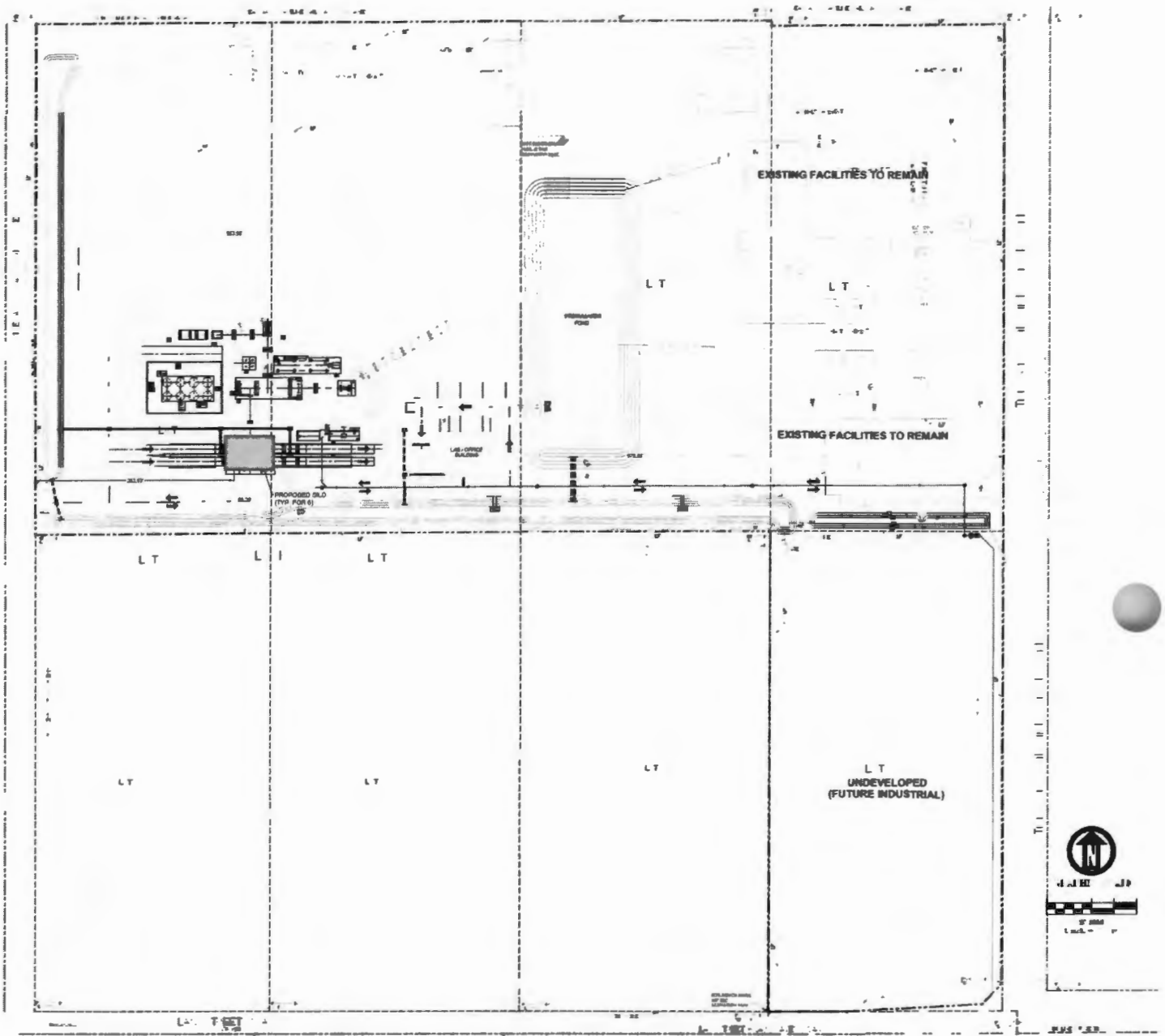
ZONING MAP

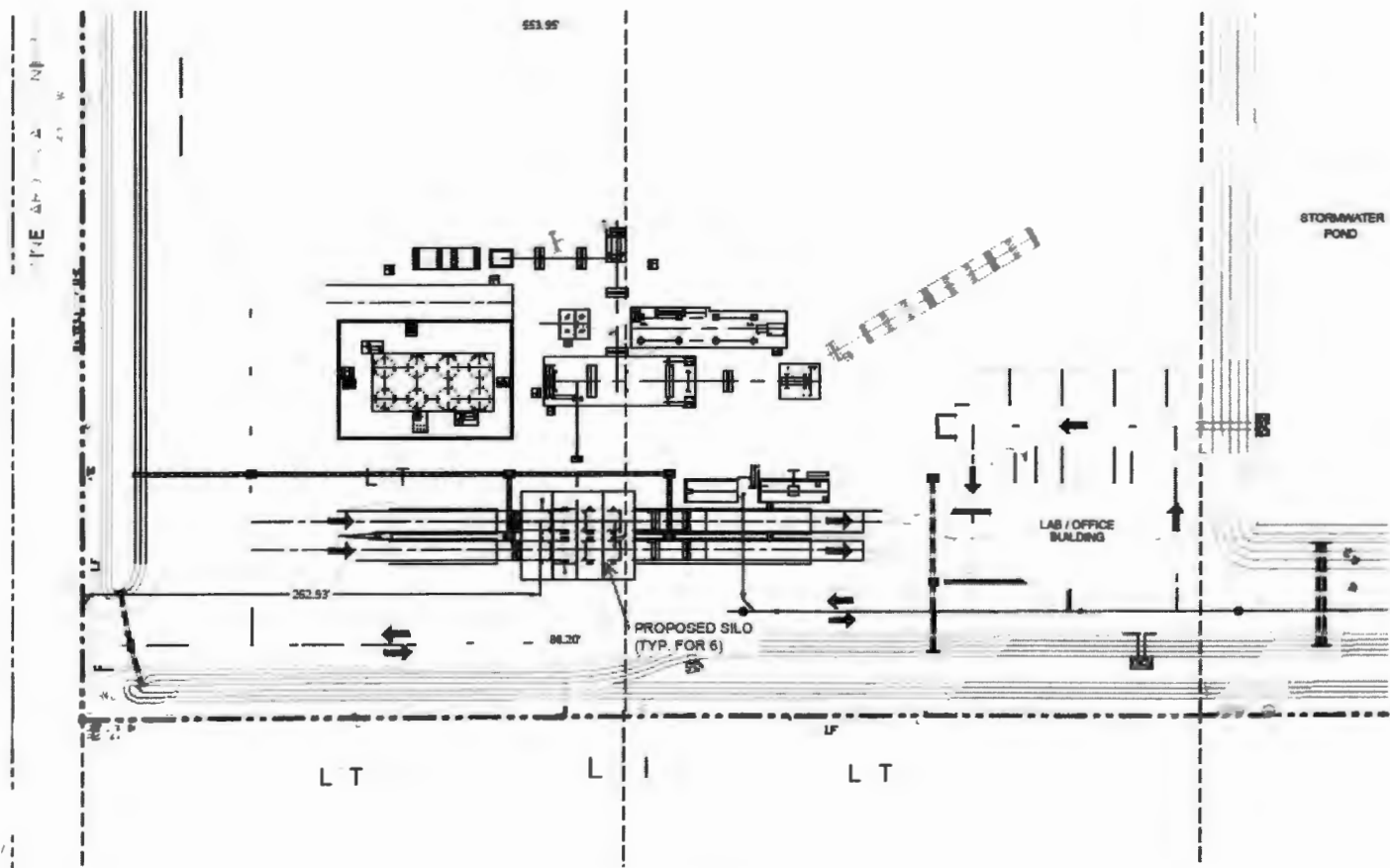


AERIAL MAP



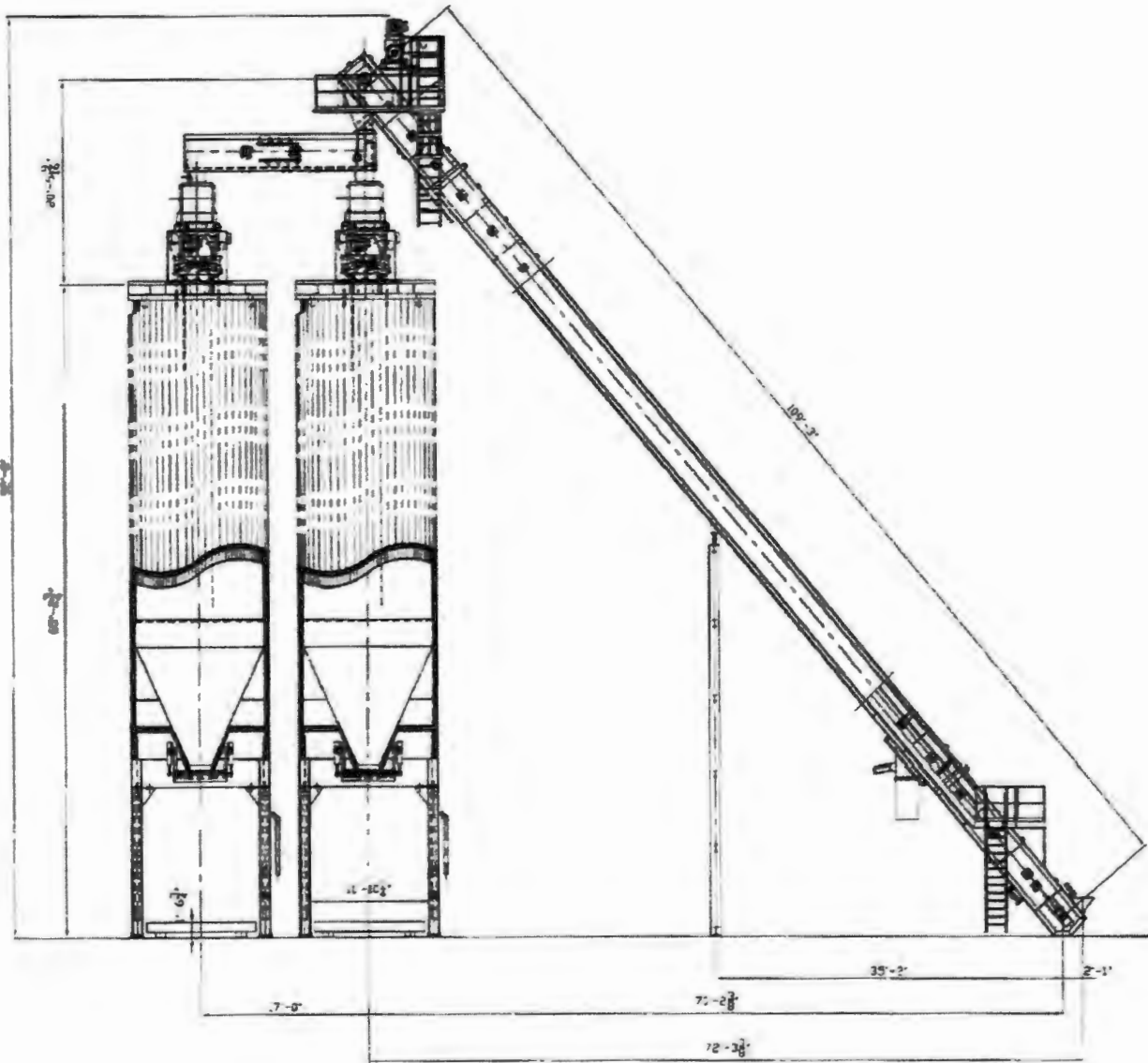
SITE PLAN / SURVEY





Zoomed-in site plan

ELEVATION



SITE PHOTOS



Site Looking East



Site Looking North & East



Winegard Road Looking North

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 02, 2019**

Case Planner: **Sean Bailey**

Case #: **SE-19-05-041**

Commission District: **#6**

GENERAL INFORMATION

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

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

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

1) Amendment to an existing Special Exception to allow an addition to an existing religious use facility.

2) Variance to allow 12 parking spaces in lieu of 33 spaces.

PROPERTY LOCATION: 1401 25th St., Orlando, FL 32805, northwest corner of 25 St. and S. Nashville Ave.

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

LOT SIZE: 100 ft. x 135 ft. / .3 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 95

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 7-0):

1. Development in accordance with the site plan dated March 14, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of 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) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall

submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.

5. Construction plans shall be submitted within three (3) years of final approval or this approval becomes null and void

6. No outdoor speakers or other audio amplification.

7. Signage shall be in accordance with 31.5-75, Orange County Code.

8. Prior to the issuance of permits for the project, the applicant must provide a signed, notarized, and recorded shared parking agreement, accompanied by a written detailed description of the activities which take place on each property, on which days of the week, and at what times.

9. A six (6) foot high vinyl fence shall be constructed along the north and west property lines. The fence on the north property line shall terminate ten (10) feet from the easterly property line. The fence on the west property line shall be limited to four (4) feet tall in the required front yard setback.

10. Landscape buffers shall be installed consistent with Sec. 24-5.

SYNOPSIS: Staff explained the history of the site, previous approval, proposed building addition, and surrounding uses. This use had previously been approved in January 2019, for a Special Exception to allow a religious use facility, and the applicant is requesting to amend the request to allow the addition of a multipurpose room.

The applicant is proposing to construct an addition to be used as a multipurpose area on the south side of the building.

The applicant was available to speak. There was no one present the hearing to speak in opposition or in favor of the request.

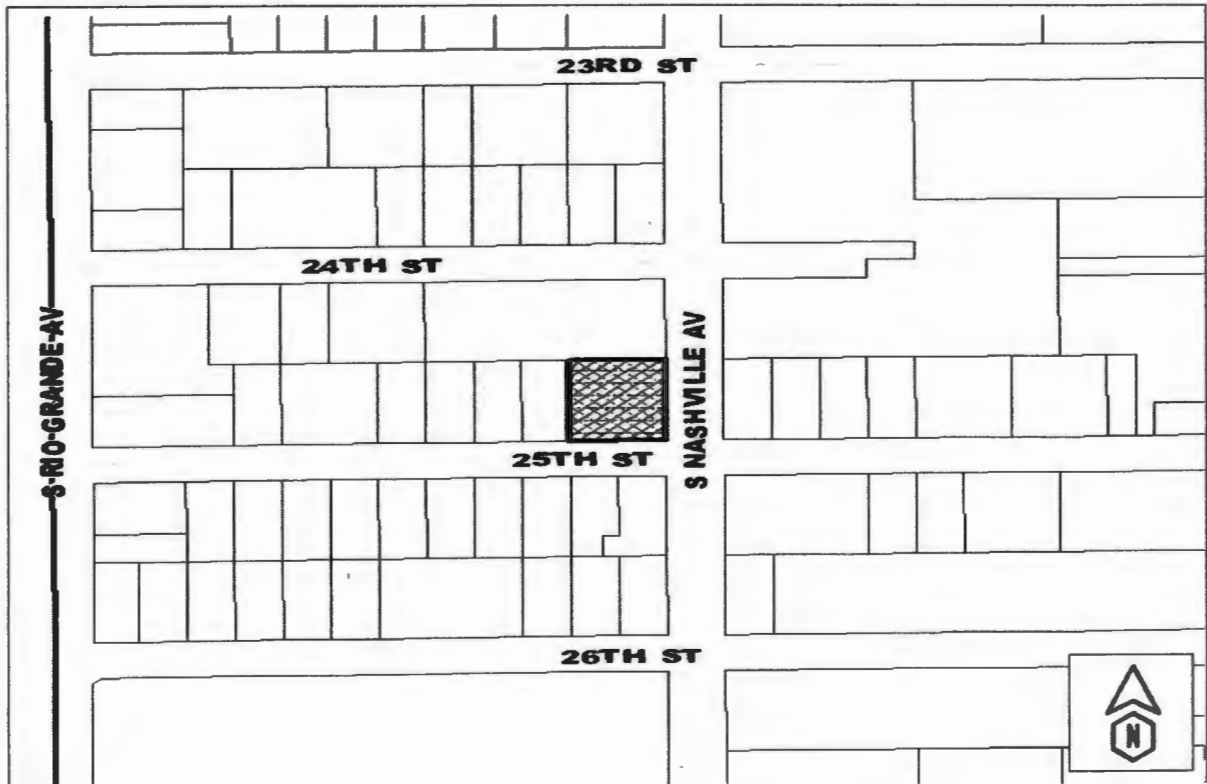
The District 6 BZA Commissioner had concerns regarding the off-site parking moving forward and the applicant stated they had a good relationship with their neighbors and have an agreement with commercial business across the street to use their parking lot during service times.

The BZA felt the proposed use was straightforward and approved the Special Exception.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	NR	NR	R-1A	R-1A
Future Land Use	NR	NR	NR	NR	NR
Current Use	Religious Facility	Religious Facility	Single-family residence	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

The subject property is zoned R-1A, Single Family Dwelling District, which allows single family homes on lots a minimum of 7,500 sq. ft. or greater, and allows for certain uses including religious use facilities through the Special Exception process.

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

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

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

A Special Exception was approved for this facility at the January 2019 BZA Meeting. The applicant would like to amend the previous request by adding a 1,060 sq. ft. multi-purpose room to the building.

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

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

The applicant is planning to use the existing building and add the multi-purpose room to seat up to 100 people. The number of seats will remain at 100; therefore, the parking requirement of thirty-three (33) spaces remain the same. The latest site plan provided indicates there will be 12 parking spaces provided on-site. As a condition of approval, an off-site parking agreement must be submitted to alleviate any parking issues that may occur.

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

Orange County Transportation Planning provided a traffic study and stated the proposed expansion would add 32 new net daily trips and 5 new net P.M. peak hour trips, which is minimal. This project is located in the Alternative Mobility Area (AMA) and is exempt from transportation concurrency.

District Development Standards

	Code Requirement	Proposed
Max Height:	45 ft. (Including spire)	45 ft.
Min. Lot Width:	75 ft.	100 ft.
Min. Lot Size:	7,500 sq. ft.	13,486 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	27 ft.
Rear:	30 ft.	43 ft.
Side:	7.5 ft.	11 ft.
Sidestreet:	15 ft.	33 ft.
NHWE:	n/a	n/a

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan.

The Future Land Use is Neighborhood Residential and with the approval of the Special Exception, the use will be compatible with the Comprehensive Plan and consistent with the intent of the NR FLU by providing a place for community gatherings.

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

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

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

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

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

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

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

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

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

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

VARIANCE CRITERIA

Special Conditions and Circumstances

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

No Special Privilege Conferred

Allowing the parking variances will not confer any special privilege to this applicant as religious uses are typically allowed to have less parking as they are not full time uses and they have an off-site parking agreement with a neighboring property to provide for overflow parking.

Minimum Possible Variance

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

Purpose and Intent

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

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan and elevations dated March 14, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of 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) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
5. Construction plans shall be submitted within three (3) years of final approval or this approval becomes null and void
6. No outdoor speakers or other audio amplification.
7. Signage shall be in accordance with 31.5-75, Orange County Code.
8. Prior to the issuance of permits for the project, the applicant must provide a signed, notarized, and recorded shared parking agreement, accompanied by a written detailed description of the activities which take place on each property on which days of the week, and at what times.
9. A six (6) foot high vinyl fence shall be constructed along the north and west property lines. The fence on the north property line shall terminate ten (10) feet from the easterly property line. The fence on the west property line shall be limited to four (4) feet tall in the required front yard setback.
10. Landscape buffers shall be installed consistent with Sec. 24-5.

C: Kenneth Patterson
P.O Box 607372
Orlando, FL 32860

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



March 11, 2019

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

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

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

Introduction

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

The Vision ...

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

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

P.O. BOX 607372 - Orlando, Florida 32810

P: 321.946.6222

www.designsolutionsfl.com • info@designsolutionsfl.com

Special Exception

As noted in the application the applicant is seeking a Special Exception.

The Special Exception is to allow the proposed religious use facility to exist within the R-1A zoning.

Supporting Documentation

The following supporting materials for this request have been provided:

1. A completed BZA application;
2. Existing floor plan showing existing conditions
3. Existing Site Plan showing existing conditions
4. Table 1 – Summary of Special Exception Criteria

In Closing ...

We have intended to be thorough in the submission of this application and supporting materials. Should you have any questions or requests for further information please contact the undersigned.

design solutionsfl inc.

Kenneth Patterson
President

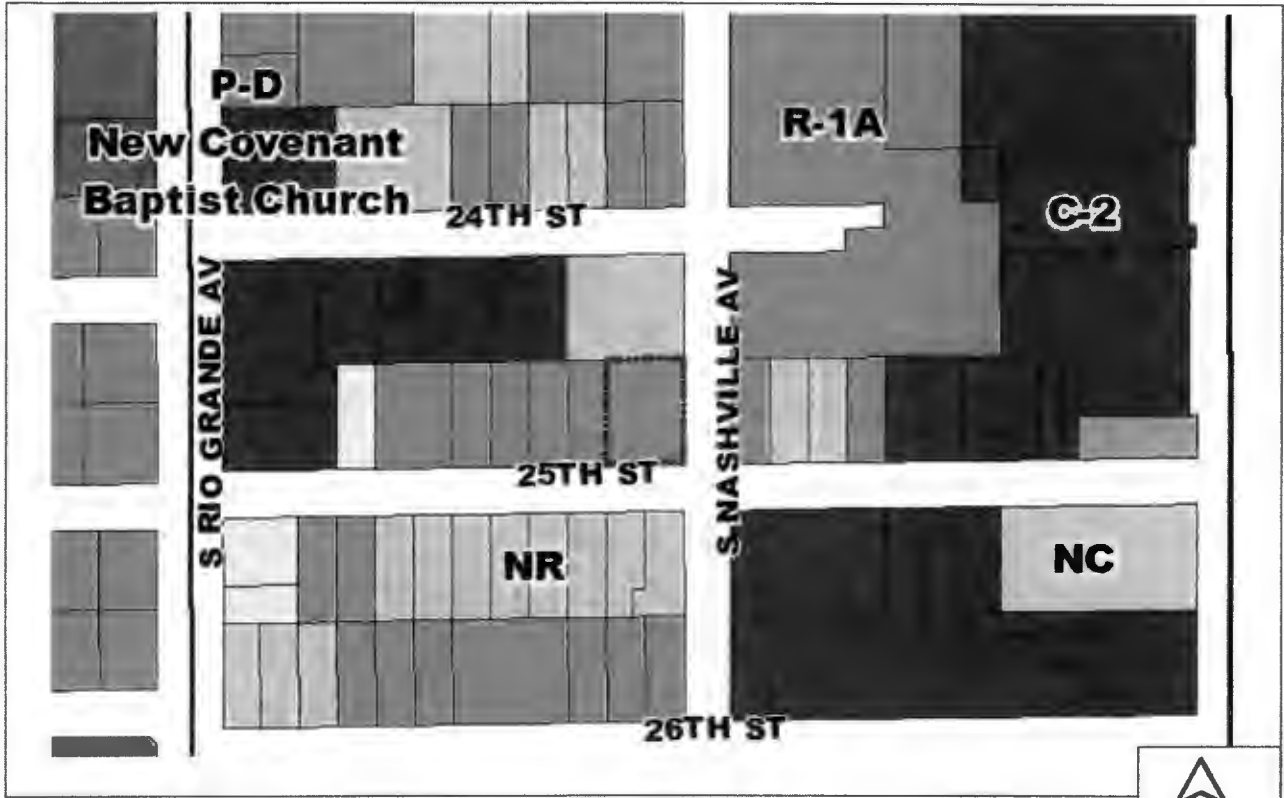
Encl. Completed BZA Application
Supporting Site and Building Plans
Table 1 – Summary of Special Exception Criteria

Table 1 – Summary of Special Exception Criteria

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

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

ZONING MAP



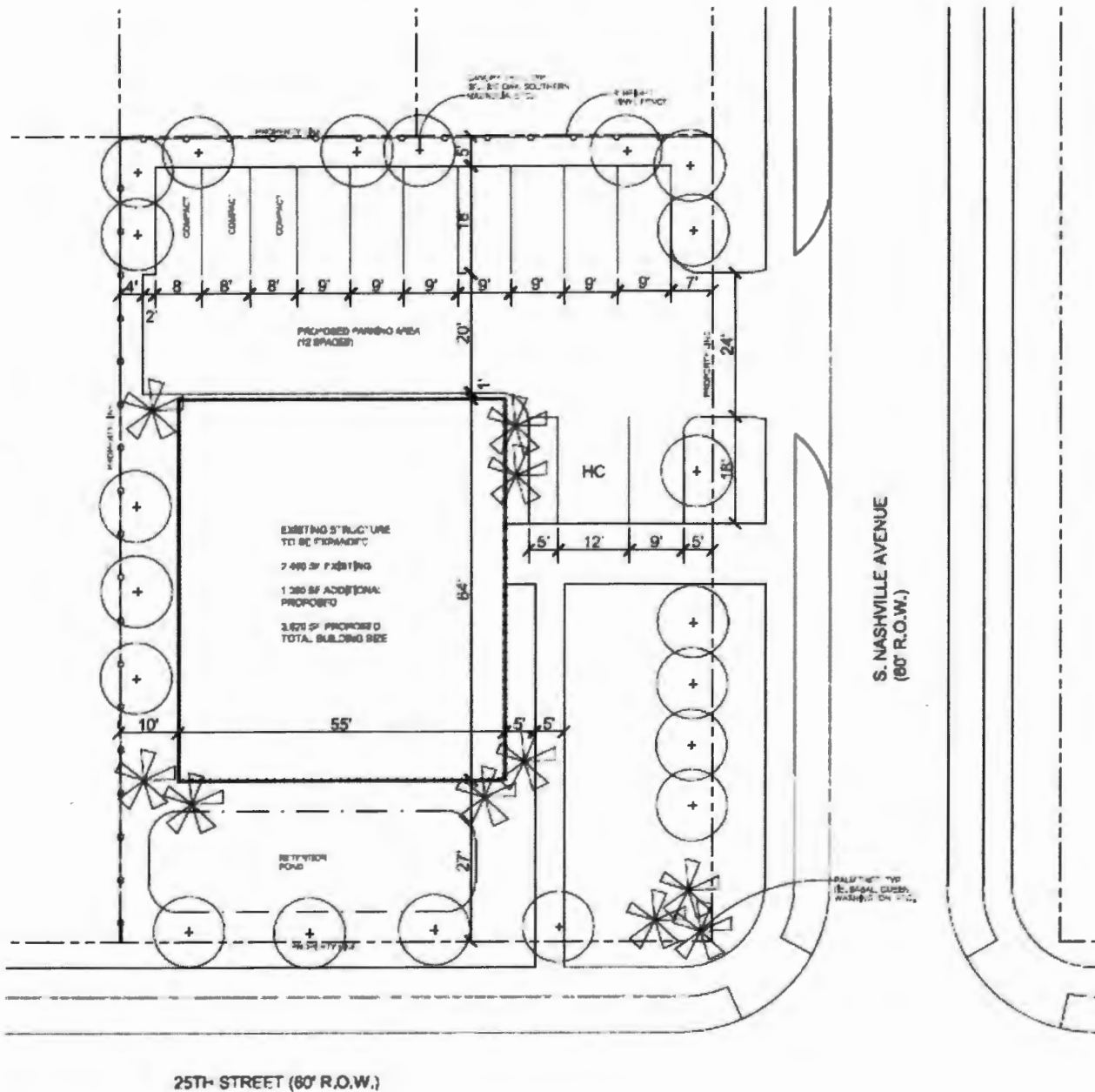
AERIAL MAP



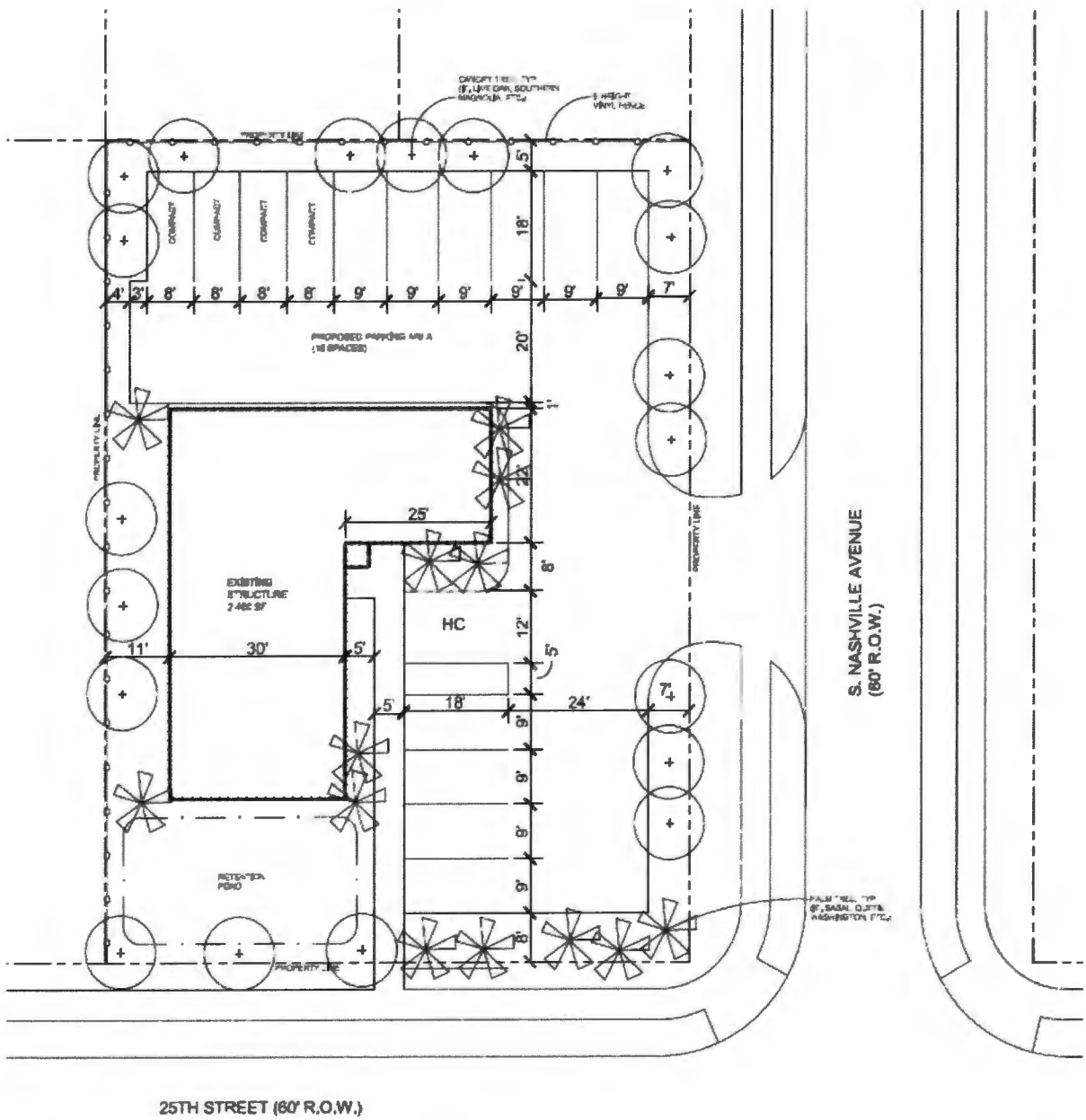
SITE PLAN / SURVEY



SPECIAL EXCEPTION - BOARD OF ZONING ADJUSTMENT



SPECIAL EXCEPTION - BOARD OF ZONING ADJUSTMENT



Previously approved site plan



FRONT ELEVATION



SITE PHOTOS



Existing Sanctuary Building



Existing Parking facing 25th Street



Intersection of 25th Street and S. Nashville Avenue



Street view from the intersection

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 02, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-05-042**

Commission District: **#4**

GENERAL INFORMATION

APPLICANT(s): **MARK BRENCHLEY**

OWNER(s): **CCH AND S PROPERTY, LLC**

REQUEST: **Variance in the C-1 zoning district to allow a total of 63 sq. ft. of pole signage in lieu of 40 sq. ft.**

PROPERTY LOCATION: **11816 E. Colonial Drive, Orlando, Florida, 32826, south side of E. Colonial Dr., east of Alafaya Trl.**

PARCEL ID: **22-22-31-9058-00-021**

LOT SIZE: **80 ft. x 271 ft. (avg.)/ 0.509 acres**

NOTICE AREA: **1000 FT**

NUMBER OF NOTICES: **118**

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 7-0):

1. Development in accordance with the site plan dated March 13, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

The applicant stated that other wider lots in the area have larger signs. They need a larger sign in order to be seen due to the speed of the traffic and the building being setback from the road.

The BZA asked the applicant about visibility with the wall signs and recognizability of the building. The BZA felt that the eighty (80) foot wide lot in an area of much wider lots puts them at a competitive disadvantage.

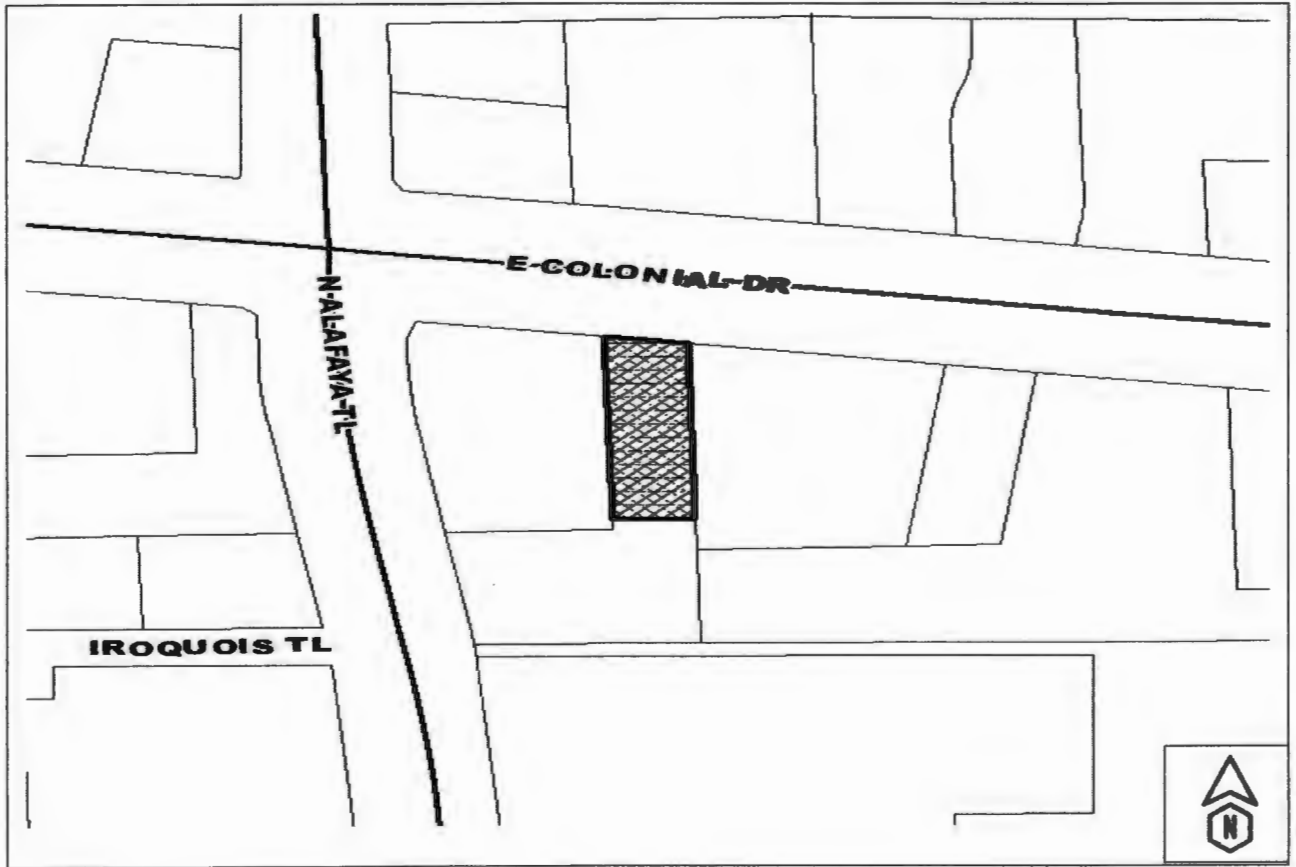
Staff received no commentaries in favor and none in opposition to the application.

The BZA approved the variance.

STAFF RECOMMENDATIONS

Denial, however, if the BZA recommends approval then staff recommends the conditions of approval found in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-1	C-1/C-2	C-1	C-1	C-1
Future Land Use	Commercial	Commercial	Commercial	Commercial	Commercial
Current Use	Commercial	Commercial	Commercial	Commercial	Commercial

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the C-1 Retail Commercial district, which allows for restaurants, retail stores, offices, churches, and various other indoor commercial businesses.

The lot was platted in 1992 and was split through the Subdivision Determination process in 1993, to create the present configuration, and it is considered to be a conforming lot of record. The zoning district requires a 6,000 sq. ft. lot size and an 80 foot lot width. The lot was developed with a Checkers drive-thru restaurant in 1994.

The property is located near the corner of E. Colonial Drive, and Alafaya Trail, in the Waterford Lakes Parcel B Plat, which is comprised of lots with commercial uses.

Orange County Sign Code, Section 31.5-15 (a)(1), allows 1/2 sq. ft. of pole signage per linear foot of right-of-way frontage. The property has 80 feet of frontage facing E. Colonial Drive, thus, 40 sq. ft. of sign area would be allowed. The applicant is proposing 63 sq. ft. of sign area. There is an existing pole sign on site, which is permitted in 1993 (20 ft. in height) and met the code requirements. The applicant is proposing to enlarge the sign face and add an additional reader board.

In addition to the pole signage, the site currently has existing front and side wall signage. The wall signs were approved in 2018 (B18022392). They are allowed to have 68.25 sq. ft. of wall signage. They were approved for 66 sq. ft. of wall signage.

The request constitutes a 58% deviation from code.

District Development Standards

	Code Requirement	Proposed
Max Height:	30 ft. for pole sign	30 ft. for pole sign
Min. Lot Width:	80 ft.	80 ft.
Min. Lot Size:	6,000 sq.ft.	22,172 sq.ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The applicant has not demonstrated any special conditions or circumstances that are unique to this property that do not apply to all other properties with the same zoning and in the same area based on frontage.

Not Self-Created

The request is self-created as the site has wall signage and adequate pole signage exists on the property which meets code without the need for a variance.

No Special Privilege Conferred

Approval of the request will grant the applicant special privilege that is denied to other lands, building, and/or structures in the same zoning district.

Deprivation of Rights

The applicant would not be deprived of rights commonly enjoyed by other properties in the same zoning district, as the site has wall signage, and pole signage is permitted.

Minimum Possible Variance

The request is not the minimum variance as it is a 58% deviation from code.

Purpose and Intent

Approval of this request will not be in harmony with the purpose and intent of the zoning regulations and will set a precedent in the area with the amount of deviation being requested at 58%.

CONDITIONS OF APPROVAL

1. **Development in accordance with the site plan dated March 13, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.**
2. **Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.**
3. **Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.**

**C: Mark Brenchley
3790 Beacon Ridge Way.
Clermont, FL 34711**

Variance Criteria

Checkers Pole Sign variance
CCH & S Property, LLC.
11816 East Colonial Drive
Orlando, Florida

Sign Variance:

1. Allow rebranding of an existing sign cabinet compliant with Checkers restaurant national rebranding requirements said sign is 9'7" wide X 5' 1½" tall =49.04SF.
2. Addition of reader board sign 5'6" wide X 2'6" tall =13.75 SF-Total area 62.79 SF.
Note: Said sign cabinets will be installed on existing 30' tall sign pole which is setback 12' from Colonial Drive right of way/property line, setback to leading edge of sign is 7.7' as shown on existing survey. Setback to abutting west property line 26.8' and abutting east property line is approximately 50' (scaled from survey).

Pursuant to Section 30-43 (3) Orange County Code, the required standards are shown to be met as follows:

1. **Special Conditions and Circumstances:** The subject parcel is only 80.32' wide and abuts properties in the commercial district that have much larger frontages. The current sign area limitation based on parcel frontage along a very busy and heavily traveled Colonial Drive restricts reasonable business identification and is indeed a special condition. The proposed reader board sign addition and its increased business identification potential is an obvious response to this special circumstance. The existing pole sign structure has existed and been determined to be conforming at least since February 28, 2006 as evidenced by a US Geological Survey aerial and reinforced by an aerial taken on 12/31/2007 and subsequent aerial photographs to date available on Google Earth.
2. **Not self-created:** The extremely narrow nature of the commercial lot and the increasing speed and density of vehicular travel on Colonial Drive is not self-created but this application is a response to the narrow lot signage restrictions and the heavy rate and speed of travel along Colonial Drive and the right of reasonable signage identification. Additionally, the Checkers national rebranding requirements and associated signage modifications have been imposed on the applicant.
3. **No special Privilege Conferred:** The existing Checkers sign and sign pole which has existed for over thirteen years has exceeded the current sign code in allowed sign area and said increase of that nonconformity, if approved, will not grant a special privilege as most signs along Colonial Drive appear as large, or larger

because those lot frontages are significantly wider. Case in point: the large Chevron Oil and price signs to the immediate west and the large Burger King sign to the immediate east.

4. **Deprivation of Rights:** The literal interpretation and enforcement of the provisions of the respective sign code do deprive the applicant of rights enjoyed by other properties in the same zoning district and are also described in 3 above. Because said code is determined by an arbitrary formula, said formula creates an undue and unnecessary hardship for this particular parcel and use and certainly is an unreasonable restriction to the motoring public's identification of the business and use along such a busy and dense arterial highway.
5. **Minimum Possible Variance:** The minimal signage rebranding and additional reader board sign proposed are conservative and a minimal expansion of the allowable sign area requirements.
6. **Purpose and Intent:** This sign proposal which allows signage rebranding and additional reader board will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Additionally, this variance request promotes and complies with *Sec.31.5-3 Purpose* as it will authorize signage that will "maintain, enhance and improve the beauty of the county, and to improve public safety, while recognizing the right of the business community both to reasonably identify and advertise its existence."

ZONING MAP

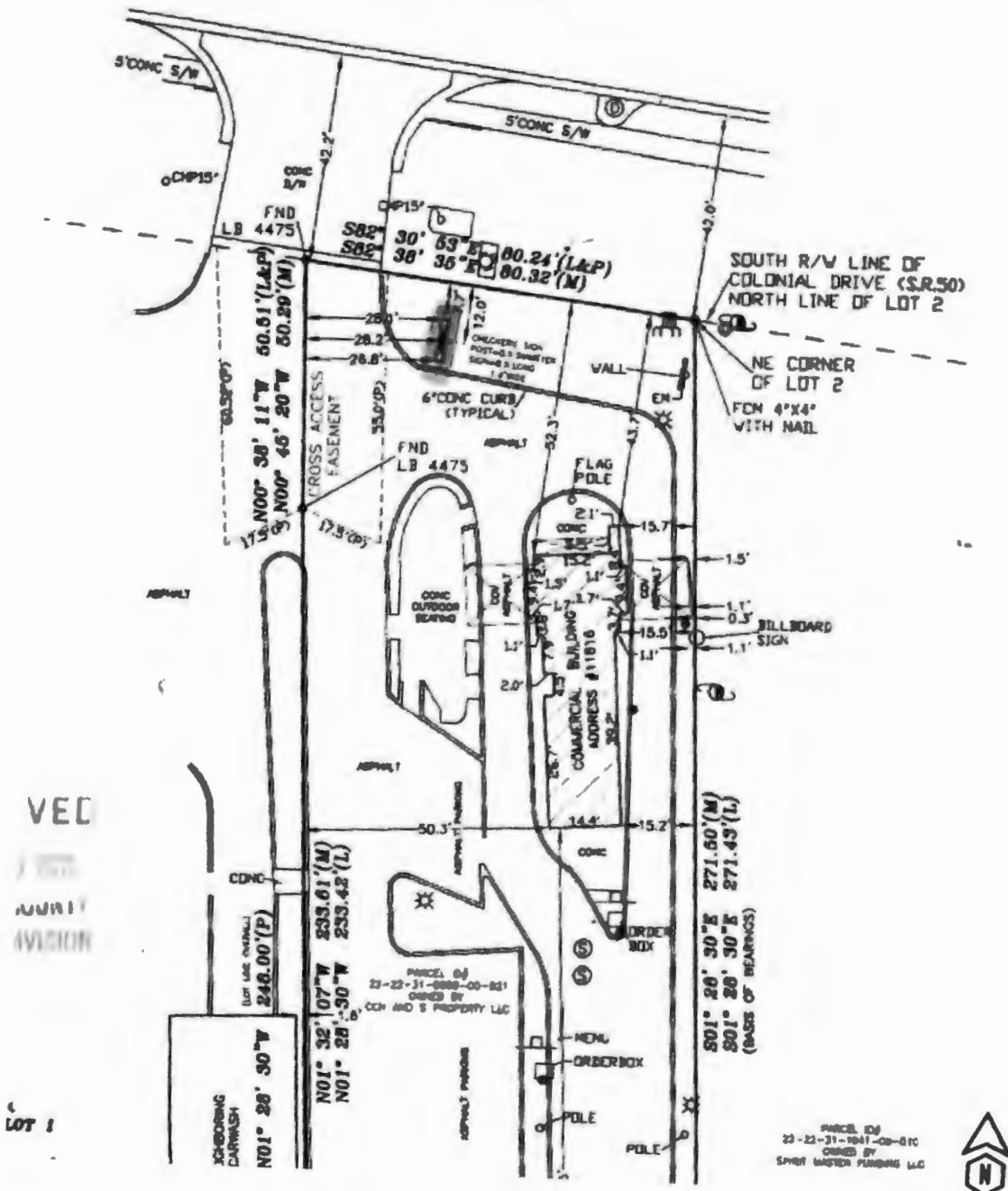


AERIAL MAP



SITE PLAN / SURVEY

EAST COLONIAL DRIVE
S.R. No. 50(P)
DIVIDED ASPHALT ROAD

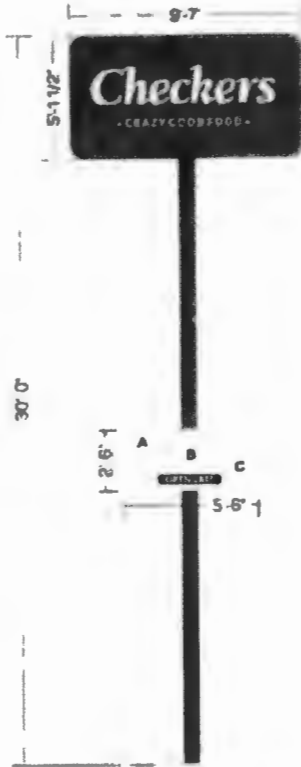


PRICE OF
23-22-31-1941-08-01C
OWNED BY
SPRINT MASTER PLUMBING LLC





EXISTING ROAD SIGN



GRAPHIC DETAIL

Sign area:
Main 9' 5 1/2" x 5' 1 1/2" = 49.04 SF

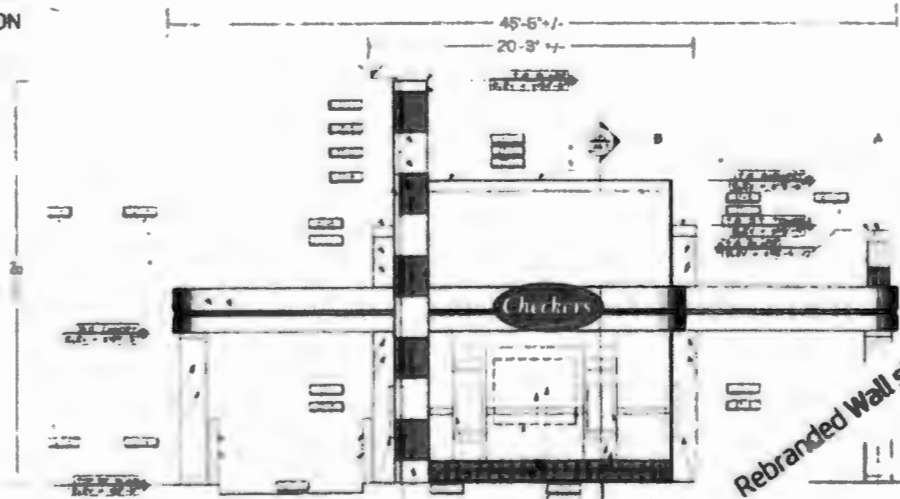


PROPOSED

RECEIVED
13 2018
ORANGE COUNTY
ENGINEERING

Elevations

FRONT ELEVATION
SCALE: 1/8" = 1'



Rebranded Wall sign pending



GRAPHIC DETAIL

Existing Wall Sign

SITE PHOTOS



View from Colonial Dr. looking east



View from Colonial Drive looking west

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 02, 2019**

Case Planner: **Sean Bailey**

Case #: **SE-19-05-043**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): **LEONARDO GARCIA**

OWNER(s): **VICAR ORLANDO INVESTMENTS CORP**

REQUEST: **Special Exception and Variances in the C-2 zoning district as follows:**

- 1) Special Exception: to operate an open air market.
- 2) Variance to allow operation 7 days a week in lieu of 3 consecutive days only.
- 3) Variance to allow 28 parking spaces in lieu of 33 spaces.

PROPERTY LOCATION: **7133 S. Orange Ave., Orlando, FL 32809, east side of S. Orange Ave., south of Nela Ave.**

PARCEL ID: **25-23-29-0000-00-004**

LOT SIZE: **200 ft. x 112 ft. (avg.) / 1.014 acres**

NOTICE AREA: **500 ft.**

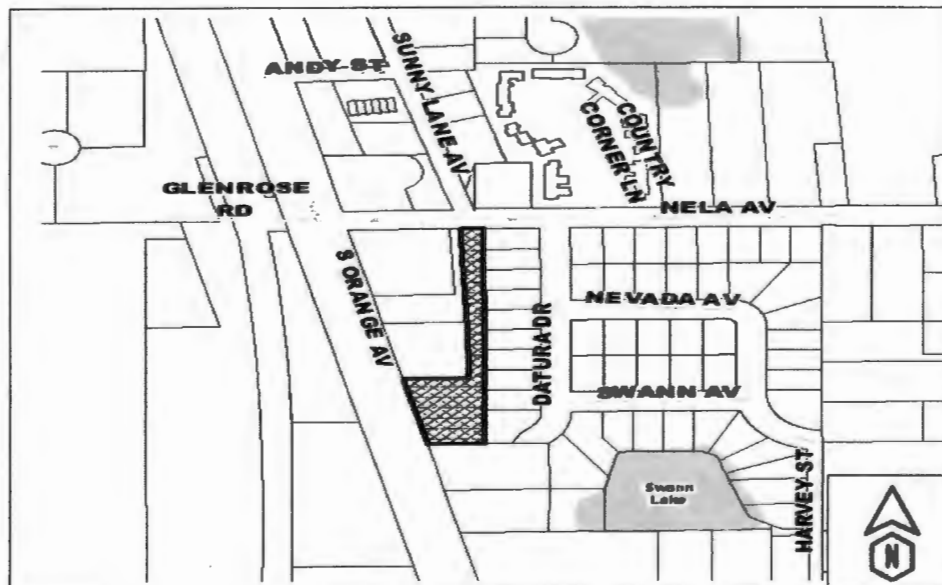
NUMBER OF NOTICES: **152**

DECISION: This case was **CONTINUED** at the request of the District #3 Commissioner's office to the June 6, 2019 BZA Meeting prior to this BZA Meeting.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-2	C-2	C-1	R-1	IND-1/IND-5
Future Land Use	C	C	C	LMDR	IND
Current Use	Automobile Sales	Car Rental Business	Vacant commercial	Single-family residence	Automobile repair/Warehouse

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned C-2, General Commercial district. The C-2 district allows a variety of commercial businesses including automotive repair/sales, selected trade shops, and provides a larger area than that of the retail commercial district. Open air markets are permitted as a Special Exception in this zoning district per conditions outlined in Section 38-79 (110).

This property is located in the Pine Castle Study Area along South Orange Avenue, which is currently undergoing a Future Land Use Map amendment and administrative re-zoning. That amendment is scheduled for the Planning and Zoning Commission on April 18, 2019, and for the Board of County Commissioners on May 21, 2019. As part of that process, this property is proposed to be re-zoned to T5 which will allow open air markets as a permitted permanent use.

The property was re-zoned from C-1 to C-2 in April 1998, with a restriction of no automobile painting or body operations on site. There is an existing automobile sales business on the site today, and that use would cease to operate if this request is approved.

The site has 200 feet of frontage along South Orange Avenue and an approximately 40 foot wide flag that connects to Nela Avenue. The applicant is proposing to only access the site from South Orange Avenue. There is an existing 1,075 sq. ft. office building on-site which the applicant plans to use for their restrooms and possible café in the future.

The applicant is proposing up to eleven (11) portable food vendors, the code requires three (3) parking spaces for each vendor. The site has 28 existing parking spots on-site, where 33 spaces would be required. The applicant has a cross access parking agreement with the property to the north to utilize their parking lot for overflow parking. There is an outdoor patio area with outdoor seating proposed in front of the existing building on-site to be used by patrons of the market. The operation would operate 7 days a week from 11:00 a.m. to midnight each day.

The property is located along the commercial corridor of South Orange Avenue which contains a variety of uses including restaurants, gas stations, automobile sales and repair, and some industrial uses located on the west side of the right-of-way. There is an existing single-family neighborhood located to the east of the property.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	20 ft. for existing building
Min. Lot Width:	100 ft.	200 ft.
Min. Lot Size:	8,000 sq. ft.	44,191 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	29 ft. for existing building
Rear:	20 ft.	65 ft.
Side:	5 ft.	41 ft.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Use shall be consistent with the Comprehensive Policy Plan.

The future land use is Commercial and with the Special Exception approval, the use will be consistent with the Comprehensive Plan. Also, this area is undergoing a zoning and future land use change in the near future which will allow this use outright.

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

The area is comprised of commercial uses and this use would be consistent with the existing development in the area, and will be consistent with the Pine Castle Study area objectives by providing a pedestrian oriented gathering area in a transit oriented district.

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

The site has C-2 zoning which allows outdoor uses and is surrounded by commercial to the north and south. There is an existing six (6) foot high masonry wall and buffer existing between the property and the existing residential to the east. In addition, all the ingress/egress will be directed onto the South Orange Avenue, away from the residential area, as such, this use will not be a detrimental intrusion in the area.

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

The existing building meets setbacks and the dumpster enclosure will meet code requirements. With the approval of the variances, the request will meet all the development standards.

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 C-2 zoning district allows a large variety of outdoor uses and this use will not produce any characteristics not already present in the area.

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.

The site has an existing twelve (12) foot wide buffer with vegetation and a masonry wall adjacent to the single-family to the east, which will meet the intent of the landscape code. The applicant will provide trees and shrubs on the property in planters as the entire site is paved with asphalt.

VARIANCE CRITERIA

Special Conditions and Circumstances

The use is proposed to be a full-time use and not just a weekend outdoor market. Therefore, the three day limit does not apply to this type of use. Regarding the parking, the spaces are existing on site and the applicant has secured an off-site parking agreement.

No special privilege conferred

Approving these variances will not confer any special privilege to this applicant as similar uses have been allowed to operate seven (7) days a week and parking variances are acceptable in conjunction with cross-access parking agreements. In addition, this area is intended to be a transit-oriented area promoting pedestrian activity rather than auto dependent transportation.

Minimum Possible variance

The parking variance represents a 15% deviation from code which is minor, and the variance for days of the week will allow the applicant to operate on a daily basis.

Purpose and Intent

Approval of the variances will meet the intent of the code. There will be approximately forty-five (45) parking spaces provided between the two (2) lots and the open air market will not be injurious to the neighborhood.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated April 23, 2019 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Hours of operation for the market shall be from 11:00 a.m. to 12:00 a.m., seven (7) days a week.
5. There shall be no more than eleven (11) food trucks on the site at any given time.
6. There shall be no generators used in conjunction with this operation.
7. No outdoor speakers or other audio amplification.
8. There shall be no signage advertising the individual food trucks visible from any public right-of-way.
9. Prior to the issuance of permits for the project, the applicant must provide a signed, notarized, and recorded shared parking agreement, accompanied by a written detailed description of the activities which take place on each property, on which days of the week, and at what times.

c: Leonardo Garcia
1375 W. Landstreet Road, Suite 606
Orlando, FL 32824

Angel M. Lopez
7133 S. Orange Avenue
Orlando, FL 32809

COVER LETTER

ANGEL M. LOPEZ, PE

Special Request Cover Letter

1657 W. OAK RIDGE RD. APT. B
ORLANDO, FL 32609
321.746.3945

March 11, 2019

ORANGE COUNTY ZONING DIVISION
201 South Rosalind Avenue,
Orlando, Florida 32801

Ref: Food Truck Open Market
7133 S. Orange Ave
Orlando, FL 32863

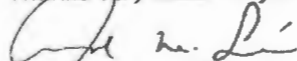
Dear Sirs/Madam

This communication is to describe the proposed project at the referenced address.

1. This project consists of a series of food trucks that will be parked on this lot to operate as mobile cafeterias that will serve ethnics foods of a variety of cultural backgrounds. This operation will be an outdoor activity and will operate from 11:00 am to 2:00 AM.
2. This property is limited on the front with Orange Avenue, on the north and south sides with commercial properties of the same owner, at the east side (rear), with residential properties separated with a buffer area of 11'-9" ft. The buffer area at rear contains several trees and have a 6 ft. concrete block and a 6 ft wood fence contiguous to the residential lots delineating an alley.
3. The food truck units will be of a size ranging from 7.5' wide and 14'-18'. We are planning to provide around 10 to 12 units depending of the size and parking availability.
4. These units will not be powered by portable generators.
5. There is an existing building of 43'-6"X25'-00", and 12 ft height, (1088 s.f.), within the property and will house the business office and a unisex handicap restroom. The reminder of the required bathroom facilities will be provided with a mobile restroom trailer to be accommodated at rear of the property by the dumpster area. A set of two dumpsters of 6'x8' with a capacity of 432 c.f. will be provided.
6. The proposed use for this property is consistent with the Comprehensive Policy Plan and is compatible with the surrounding uses in the area, like; restaurants, shops, gas stations, offices, car dealers and various service businesses.
7. We also point out that the use is of equal or lesser impact characteristics than the ones currently permitted in this zoning district, C-2.
8. The property will be improved to meet the county requirements and the beautification of the area.

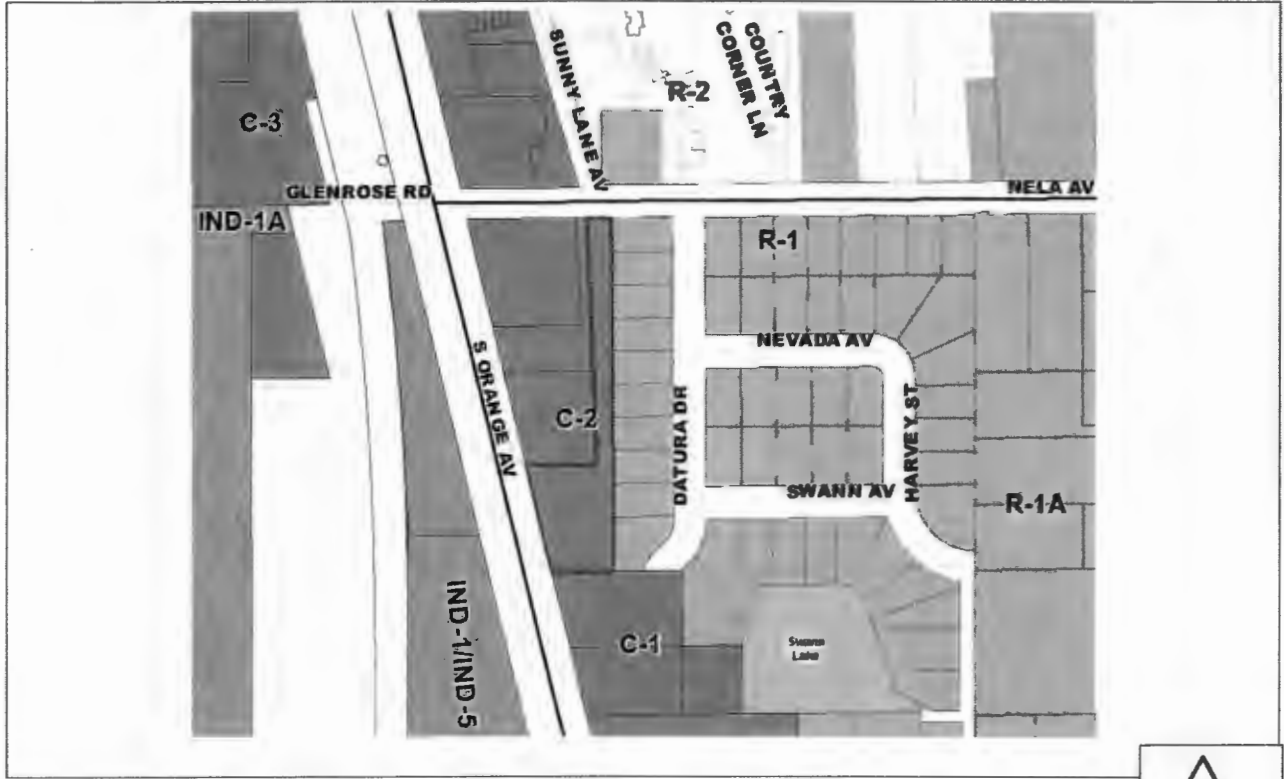
If you need any additional information, please do not hesitate to contact us.

Thanks very much for your assistance.



Angel M. López, PE
State of Florida Lic. 65179
alopez.engineer@gmail.com

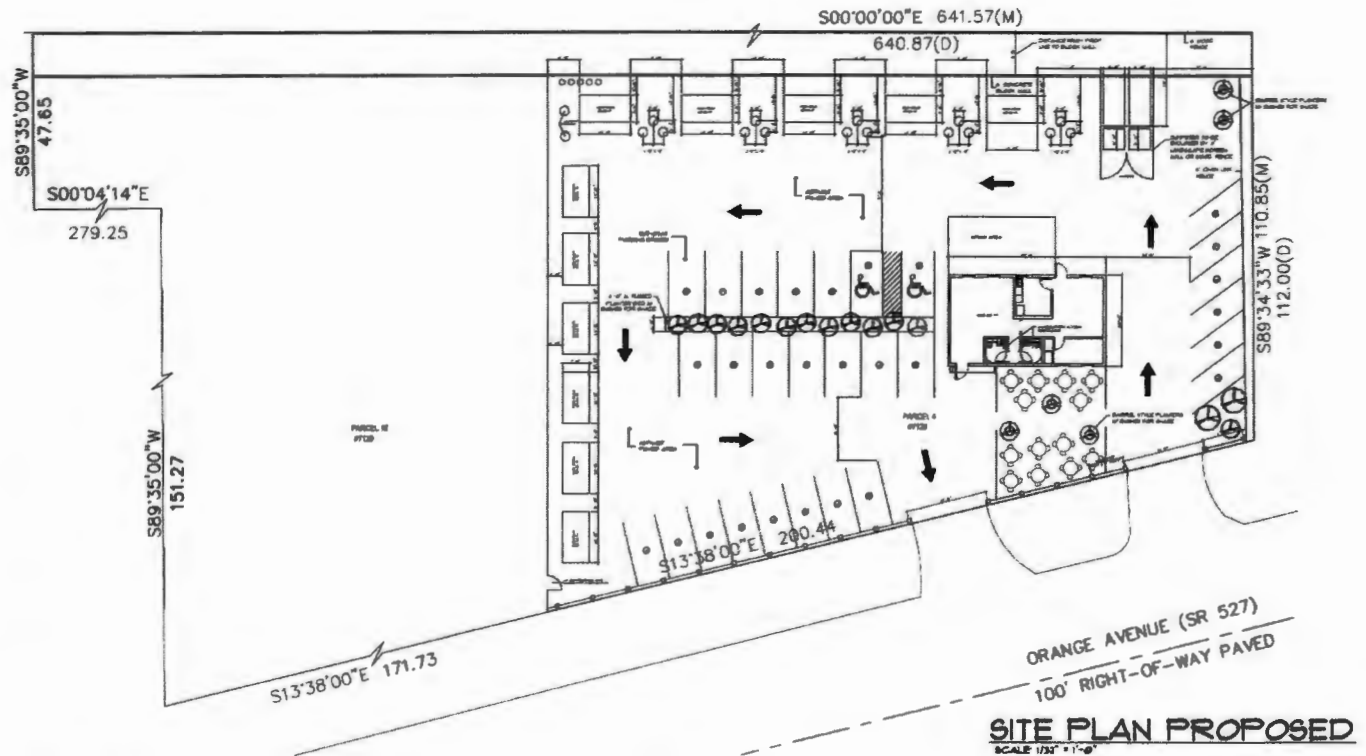
ZONING MAP



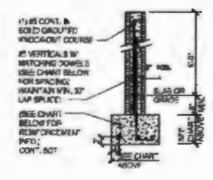
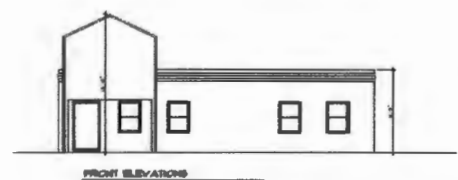
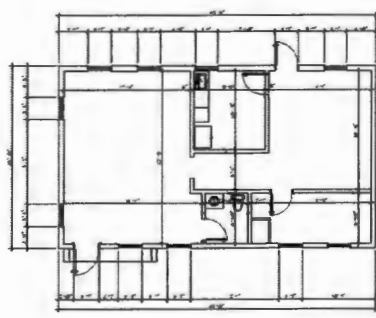
AERIAL MAP



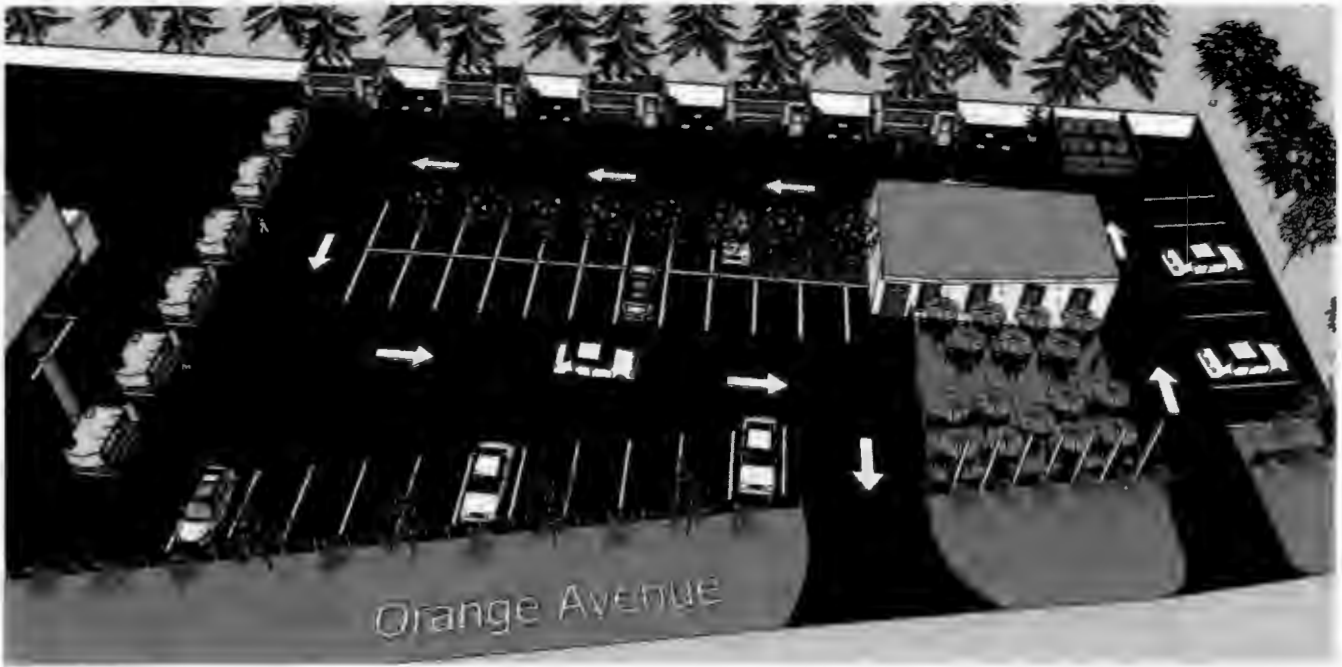
SITE PLAN



SITE PLAN PROPOSED
SCALE 1/32" = 1'-0"



ELEVATIONS / RENDERINGS





SITE PHOTOS



View from S. Orange Ave.



Looking towards S. Orange from the rear of the property



View looking towards east at existing wall



Neighboring lot to the north



Subject property looking towards north



View looking across S. Orange Avenue

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 02, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-06-044**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): **TOM SULLIVAN**

OWNER(s): **CRP/CDP EAST ORLANDO OWNER LLC**

REQUEST: **Variations in the P-D zoning district as follows:**

- 1) **To allow three (3) secondary signs in lieu of one (1) secondary sign.**
- 2) **To allow a ground sign with a height of 13 ft. in lieu of 8 ft.**

PROPERTY LOCATION: **13645 E. Colonial Drive, Orlando, FL 32826, northeast corner of E. Colonial Dr. and Bonneville Dr.**

PARCEL ID: **23-22-31-1809-01-000**

LOT SIZE: **10.45 acres**

NOTICE AREA: **600 ft.**

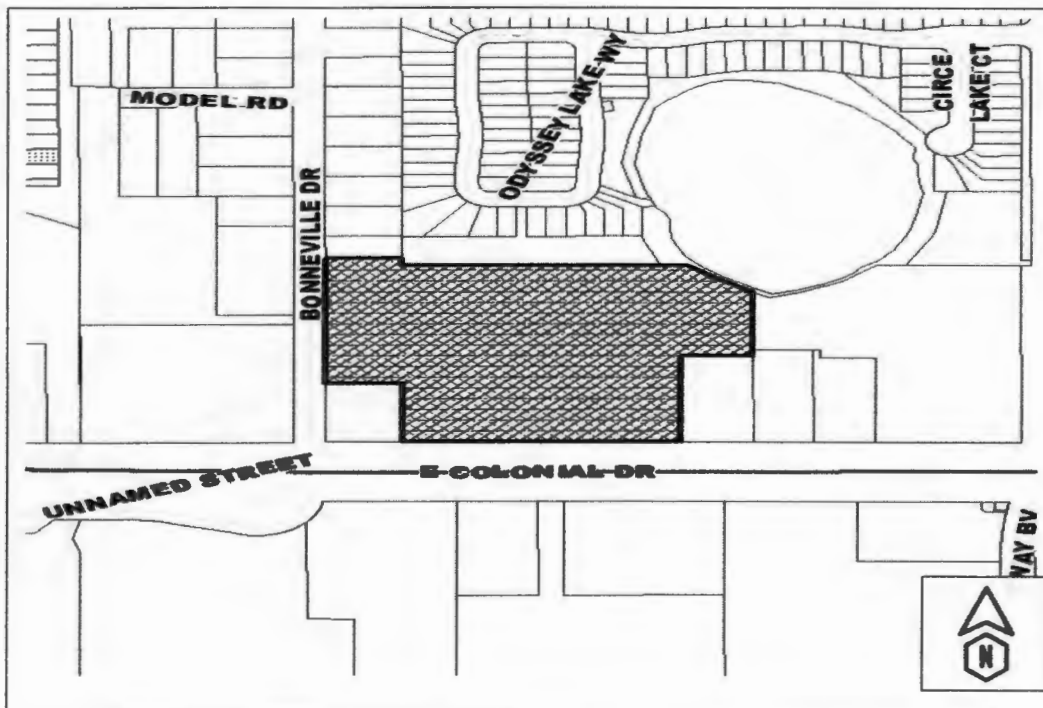
NUMBER OF NOTICES: **110**

DECISION: This case was **CONTINUED** at the request of the applicant to the June 6, 2019 BZA Meeting prior to this BZA Meeting.

STAFF RECOMMENDATIONS

Denial. However, should the BZA find that the application meets the requirements for the granting of the requested variance shall be subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	P-D	PD & R-1	C-1	P-D	C-1
Future Land Use	P-D/HDR	LMDR	C	C	C
Current Use	Multifamily (Under construction)	Single family residential	Commercial	Commercial (Under construction)	Commercial

BACKGROUND AND ANALYSIS

Description and Context

The property is located in a P-D Planned Development District, and is in the Lake Pickett Center PD. This PD allows a variety of uses including single family, multifamily, and commercial.

This portion of the overall P-D consists of a 10.45 acre parcel of land. The property is currently being developed for a mixed use project consisting of a 296 unit apartment complex with an integrated restaurant.

In November 2018, the applicant applied for two (2) ground signs to identify their project (B18023534 & B18023539). These signs were substantially larger than that which are currently proposed. They also desired to have a blade style sign, and a wall sign.

The number of signs permitted is based upon the number of entrances the site has. The site has two (2) entrances, one (1) off of E. Colonial Drive, and one (1) off of Bonneville Drive. The code states multifamily projects are permitted a sign at the primary (E. Colonial) and a sign at the secondary entrance (Bonneville). Therefore, they are entitled to a total of two (2) entrance signs. The applicant is requesting one primary sign, and three secondary signs in lieu of the one allowed. Section 31.5-73 of the Orange County Code, permits either freestanding ground signage or wall mounted. The applicant ultimately chose to withdraw the above referenced permits, and rather apply for the blade sign and wall sign (B19000723), which was issued January 14, 2019. However, these signs have not yet been installed. They are now asking to allow the two grounds signs in addition to the two wall signs.

Unlike commercial developments, a residential apartment complex is more of a destination as opposed to a potential compulsive stop. As such, there is not as great need for additional signage. The site is limited to a total of 118 sq. ft. of copy area. Currently, the applicant has a permit for a total of 74.23 sq. ft. of copy area on the two (2) permitted signs. With the inclusion of the two (2) additional signs, the copy area will increase to 99.78 sq. ft., remaining below the maximum permitted.

Ground signs are limited to a maximum height of 8 ft. in residential districts per code, the applicant is requesting to allow the ground sign along E. Colonial to be 13 ft. tall.

District Development Standards for Ground sign

	Code Requirement	Proposed
Max Height:	8 ft.	13 ft.

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

	Code Requirement	Proposed
Front:	10 ft.	10 ft. for sign
Rear:	N/A	N/A
Side:	10 ft.	28 ft. for sign
Sidestreet:	10 ft.	10 ft. for sign
NHWE:	N/A	N/A

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The site is highly visible, being located at the corner of E. Colonial Drive and Bonneville Drive. Staff finds no special circumstances or conditions warranting the granting of a variances.

Not Self-Created

The applicant was informed that they were only entitled to two (2) signs per Code, and they wish to have four (4) signs. This is a self-imposed hardship. T

No Special Privilege Conferred

Other multifamily developments have complied with this requirements in the past and the 8 ft. height maximum is a requirement in all residential districts.

Deprivation of Rights

Given the visibility of this property, there will be little difficulty in finding the site. The applicant must decide which two (2) signs they wish to choose. Staff notes that the ground signs would provide better delineation of the access points to the site, and being at drivers' eye level, have more than adequate visibility, if not better than the elevated signs. Also, an 8 ft. high ground sign will provide sufficient height for visibility.

Minimum Possible Variance

Given that they wish to increase the amount of signs by 100%, staff does not find that this is the minimum possible variance. The height variance represents a 38% deviation from code which is excessive.

Purpose and Intent

The purpose and intent of the code is to permit only that amount of signage deemed necessary for the type of development. This request would not be consistent with the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated March 14, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Signage shall be limited to a total of 118 sq. ft. of copy area.

C: Thomas R Sullivan
301 E. Pine Street, Suite 1400
Orlando, FL 32801

COVER LETTER

GRAY | ROBINSON
ATTORNEYS AT LAW

301 EAST PINE STREET
SUITE 1400 BOCA RATON
POST OFFICE BOX 3068 (32802-3068) FORT LAUDERDALE
ORLANDO, FLORIDA 32801 FORT MYERS
TEL 407-843-8880 GAINESVILLE
FAX 407-244-5690 JACKSONVILLE
KEY WEST
LAKELAND
MELBOURNE
MIAMI
NAPLES
ORLANDO
TALLAHASSEE
TAMPA
WEST PALM BEACH

THOMAS R. SULLIVAN

407-244-5664
THOMAS.SULLIVAN@GRAY-ROBINSON.COM

March 13, 2019

VIA HAND-DELIVERY

Sean J. Bailey, Chief Planner – BZA Section
Planning, Environmental, and Development Services Department
201 S. Rosalind Avenue
Orlando, FL 32801

Re: Signage Variance Application (13645 E. Colonial Drive)

Dear Sean:

Following-up on our e-mail correspondence, enclosed please find a BZA application and supporting materials for the above-referenced request together with a check in the amount of \$638.00. A sign plan is included among the enclosed application package which is responsive to the portion of the BZA application applicable to signage variance requests.

Additionally, please find the following responses per Section 30-43(3) of the Orange County Code --

1. 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 classification.

This variance request is being submitted in connection the development of a new 4-story 296-unit multifamily project named CODA. The same group developed the EOS project at 12221 E. Colonial Drive. The request is for a total 4 signs (2 existing wall, and 2 proposed ground) in lieu of 2. A sign plan is enclosed with the application and depicts additional details. The CODA project is part of a PD which makes its zoning classification unique. The signage being requested is appropriate for the project being constructed and is similar to the existing signage at EOS. The wall signs are customary in the industry, and the monument signs at E. Colonial and Bonnevillle are still below the maximum amount of allowed copy area. The

17425 - # 13368009 v1

www.gray-robinson.com

GRAY ROBINSON
Professional Association

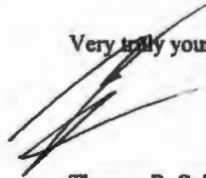
Sean J. Bailey, Chief Planner – BZA Section
Planning, Environmental, and Development Services Department
March 13, 2019
Page 2

signage is also needed to identify Café Mambo which is a retail element included within the project, which is another unique and special circumstance associated with the request.

2. Not self-created. The special condition described above is created by the application of the Code the development of the project (i.e., the limitation in the number of signs), rather than by the property owner.
3. No special privilege conferred. No special privilege denied to others would be conferred by granting the requested variance to the property owner due to the unique circumstances described above.
4. Deprivation of rights. The property is a PD which is a unique site specific zoning district, but the requested signage is in keeping with similar projects featuring the approved development program and associated uses.
5. Minimum possible variance. The requested variance is the absolute minimum necessary and is similar to the EOS project.
6. Purpose and intent. The effect of the variance request is consistent with the general intent of the Code and Comprehensive Plan as it is only a measured increase in the number of signs based on unique circumstances.

Please give me a call if you have any questions, and thank you for your assistance.

Very truly yours,

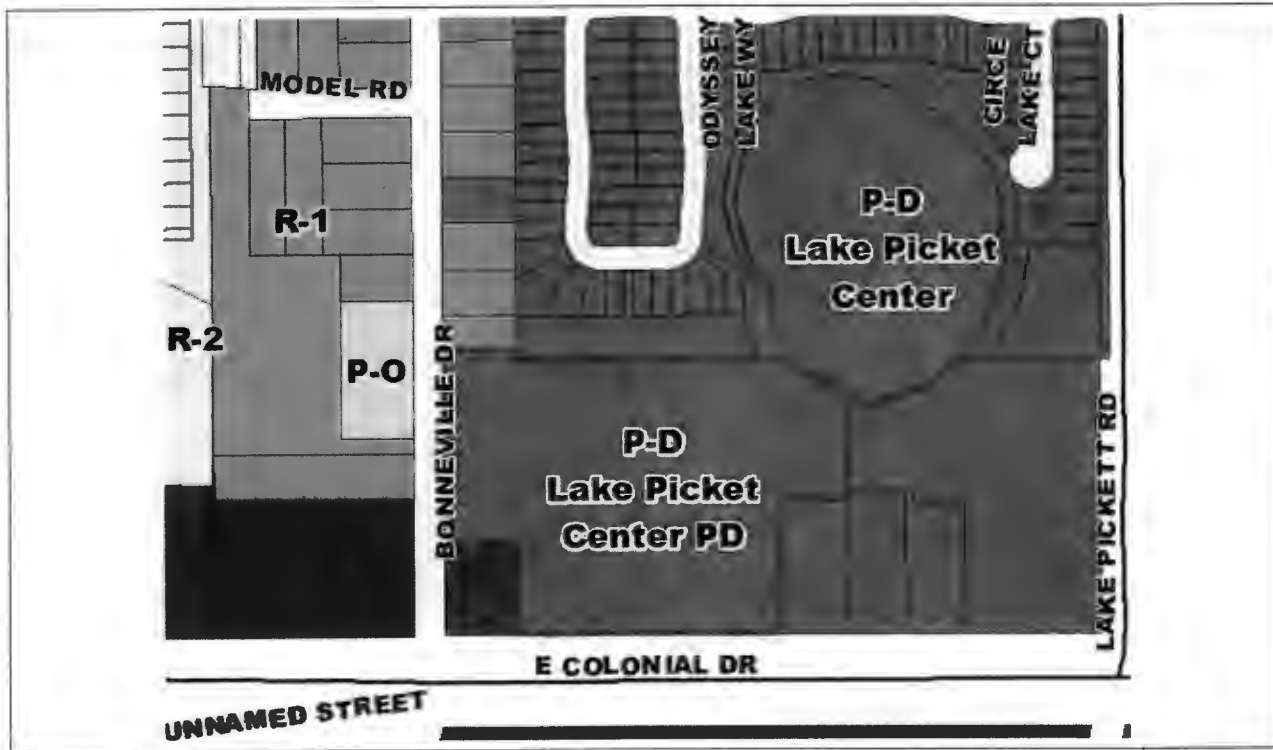


Thomas R. Sullivan

Enclosures

17425 - # 13368009 v1

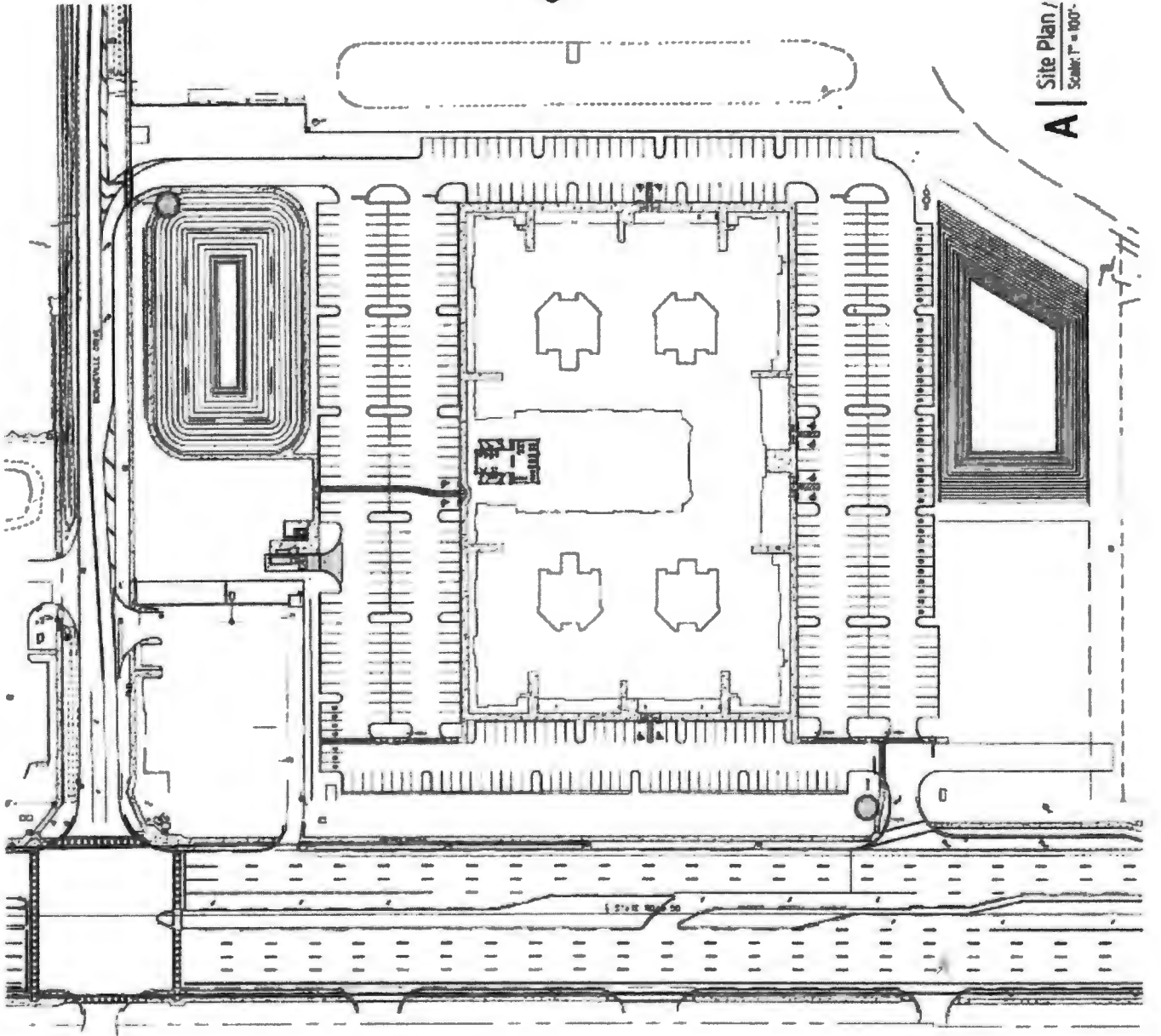
ZONING MAP



AERIAL MAP



SITE PLAN / SURVEY



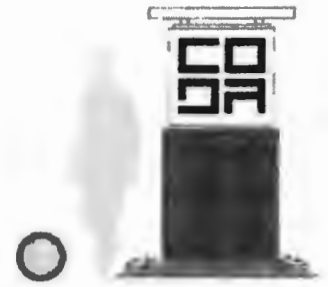
A | Site Plan /
Scale: 1" = 100'



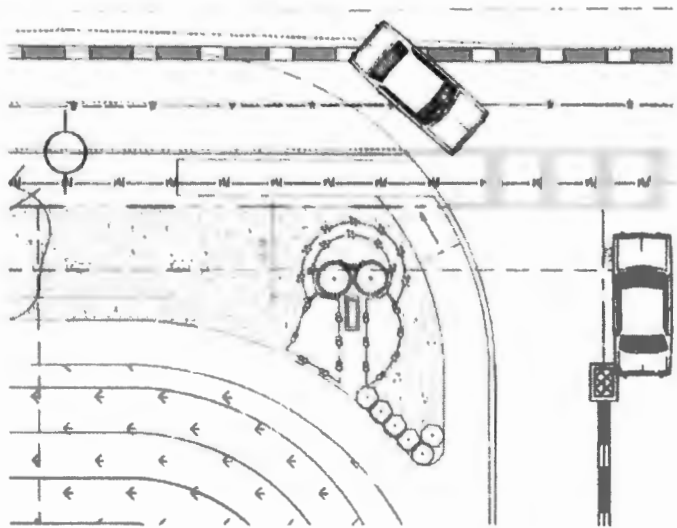
Building Architecture



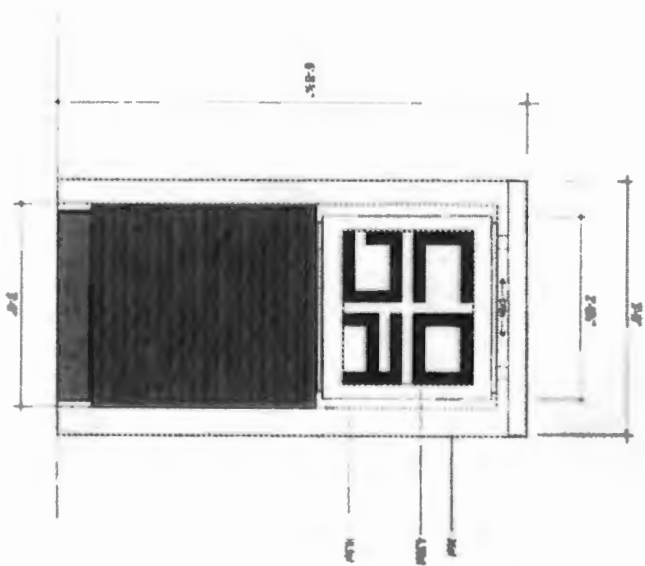
Proposed Primary Monument Sign @ East Colonial



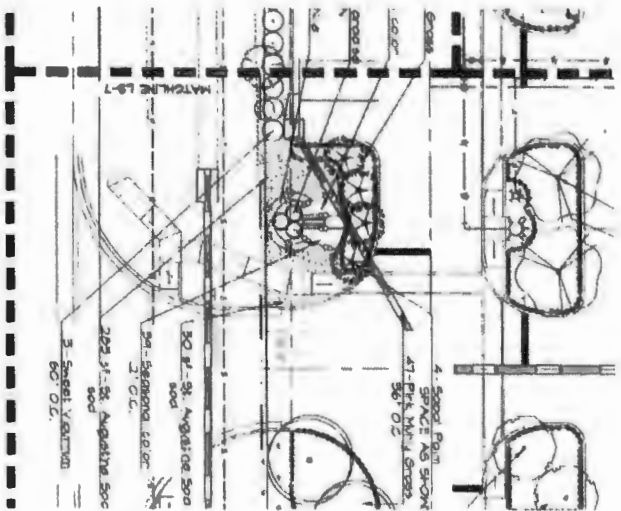
Proposed Secondary Monument Sign @ Bonneville



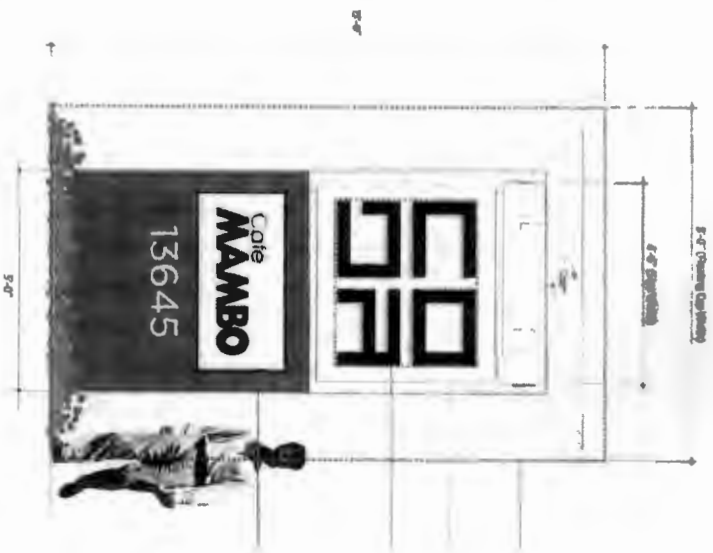
Site Plan Detail @ Location 2
Scale: 1" = 10'-0"



Sign Elevation - Sign Location 2 (Opposite Side Is Similar)
Scale: 3/8" = 1'-0"



See Plan Detail @ Location 1
 Scale: 1" = 2'-0"



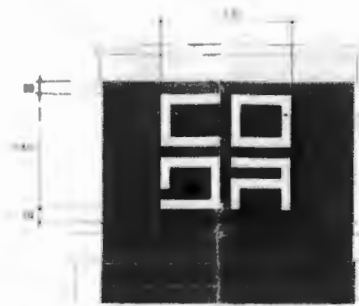
Sign Elevation - Sign Location 1 (Opposite Side is Similar)
 Scale: 1/2" = 1'-0"



Existing Wall signs



Partial South Elevation @ Proposed Wall Logo
Scale 1/8" = 1'-0"



1. Dimensioned
Elevation Drawing for
wall-mounted logo
Proposed by the
architect. The
logo is a stylized
version of the
letter 'C' and 'O'.

B | Partial South Elevation @ Proposed Wall Logo
Scale 1/8" = 1'-0"



SITE PHOTOS



Site looking west



Site looking east from Bonneville Drive



Proposed location of primary Ground Sign looking west



Proposed location of secondary monument sign looking west

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 02, 2019**

Case Planner: **Sean Bailey**

Case #: **SE-19-06-046**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): REBECCA WILSON

OWNER(s): EAST WEST PLACE LLC

REQUEST: Special Exception in the R-1 zoning district to allow a parking lot.

PROPERTY LOCATION: 1516 Jessamine Ave., Orlando, FL 32806, west side of Jessamine Ave. , south of Curry Ford Rd.

PARCEL ID: 06-23-30-3328-02-290

LOT SIZE: 150 ft. x 135 ft. / .46 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 81

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (4 in favor and 3 opposed):

1. Development in accordance with the site plan dated April 8, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards".

5. The parking lot shall comply with Chapter 38 Article XI.

6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

7. Landscaping shall be in accordance with Chapter 24, Orange County Code.

SYNOPSIS: Staff explained the site, previous approvals in the area, proposed use as a parking lot, and surrounding uses.

Staff show site photos of the area, and explained that the special exception is for the eastern portion of the proposed parking lot as the west portion is zoned Commercial.

The applicant was available to speak. There was no one present the hearing to speak in opposition or in favor of the request.

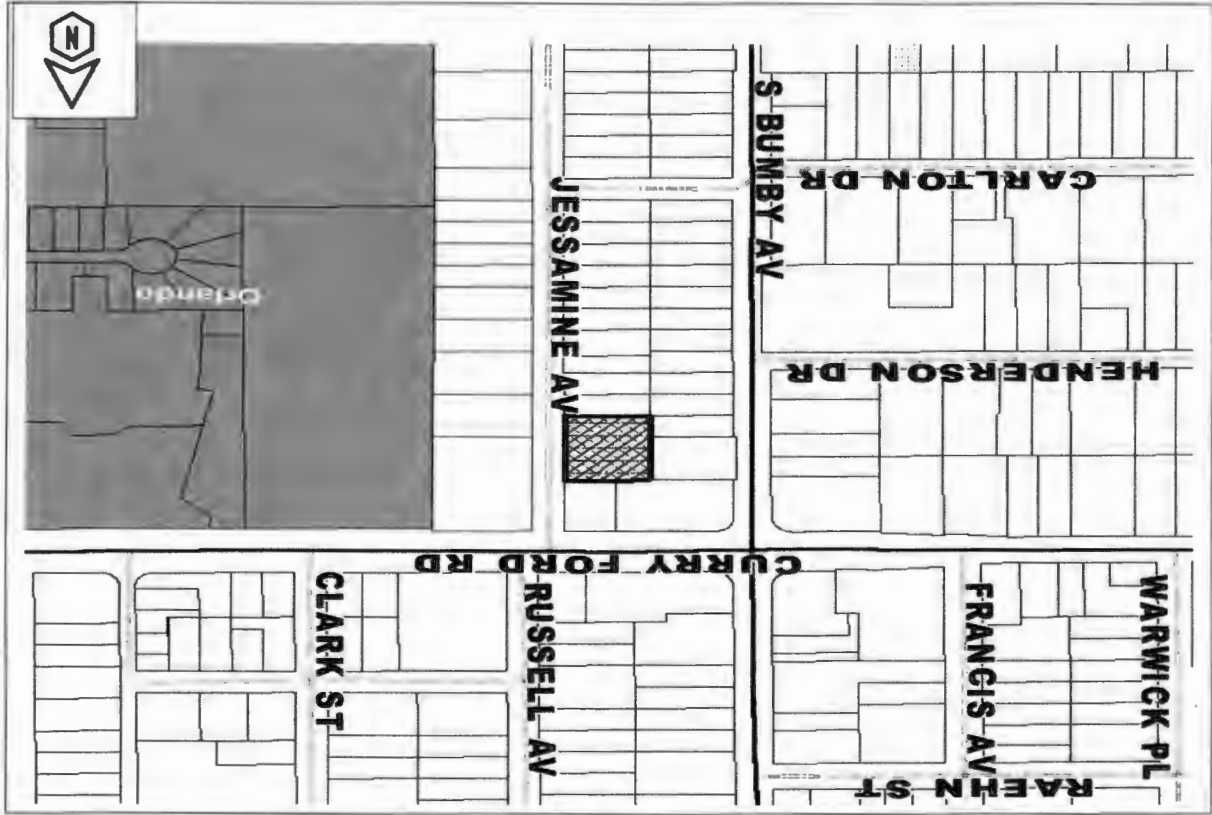
The District 5 BZA Commissioner had concerns regarding the past approvals in this area, the commercial intrusion into a residential area, the code enforcement issues in the district, and previous actions of this developer.

The applicant's representative stated that the applicant and his team have met with different divisions in the county, are working to clean up any code violations, and doing their best to follow all codes moving forward.

The BZA felt that the parking lot would help to alleviate any on-street parking occurring now and this new parking area may be an improvement in the area, and approved the request with a 4-3 vote.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.



LOCATION MAP

SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1	C-1	R-1A	R-1A/R-1	C-1
Future Land Use	LMDR	C	LMDR	LMDR	C
Current Use	Vacant	Restaurant	Single-family residence	Single-family residence/parking lot	Office

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-1, Single Family Dwelling district, which allows single family homes and associated accessory structures on lots a minimum of 5,000 sq. ft. or greater. A parking lot in conjunction with an adjacent commercial use is allowed as a Special Exception in this district.

The property is a combination of three (3) platted lots (29-31), which were platted as part of Handsonhurt Park plat in 1925. The property was re-zoned from R-1A to R-1 in July 2018, to allow a Special Exception to be requested for an off-site commercial parking lot.

The lot is located near the intersection of South Bumby Avenue and Curry Ford Road in the Hourglass District. The area is comprised of restaurants, cafes, and other commercial businesses. To the south is a residential neighborhood with existing homes on 50 foot wide lots.

The property is currently vacant and the applicant would like to construct a parking lot to support the adjacent commercial businesses. This parcel will be developed in conjunction with the parcels to the west which are zoned C-1. There was a home on this property which was demolished in 2017 (per B17014345). This parcel is one portion of the overall development plan in the area. To the north, there are several commercial businesses (some are still under construction) which this parking lot will support.

The proposed plan has 51 parking spaces on this parcel (88 spaces overall) with associated parking islands, sidewalks, landscaping, and a six (6) foot high proposed fence along the south property line combined with a 19 foot wide landscape buffer/swale adjacent to residential. There is no vertical construction proposed with this request. There are three (3) large oaks trees on the site and the applicant is planning to retain two (2) of these by providing parking islands and parking spaces with permeable pavement.

A special exception for a parking lot on the parcel across the street at 1521 Jessamine was approved in December 2017.

District Development Standards

	Code Requirement	Proposed
Min. Lot Width:	50 ft.	150 ft.
Min. Lot Size:	5,000 sq. ft.	20,255 sq. ft.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan.

The Future Land Use is Low Medium Density Residential and with the approval of the Special Exception, the project will be consistent with the Comprehensive Plan.

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

The proposed use is located adjacent to commercial uses to the north and west and there is a parking lot under construction across the street. With the recommended conditions of approval to protect the residential areas to the south, it will be consistent with the pattern of the surrounding development of the area. The addition of 88 parking spaces in the area will help to alleviate any existing parking deficit in this area.

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

The use, in conjunction with the conditions of approval, will not be a detrimental intrusion as it will act as a transition between the commercial and residential zoning districts. This parking lot will provide necessary off-street spaces in the immediate area which should discourage any on-street parking that may be occurring now in the residential area.

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

The plan submitted meets the parking space design requirements per code. The parking spaces and driving aisles provided meet the dimensional standards required by the code.

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 use as a parking lot with the conditions of approval to protect the residential area will have similar characteristics as other uses in the area.

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

The applicant is proposing a nineteen (19) foot wide landscape buffer along the south side of the parking lot along with a six (6) foot fence, which is greater than what code requires. The applicant is also planning to preserve some of the existing trees on-site per the landscape plan. This will help to shade the parking areas and maintain some of the visual streetscape in the area.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated April 8, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards".
5. The parking lot shall comply with Chapter 38 Article XI.
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.
7. Landscaping shall be in accordance with Chapter 24, Orange County Code. The applicant shall provide a nineteen (19) foot wide landscape buffer with a six (6) foot high fence along the south property line.
8. The applicant shall preserve two (2) of the existing oak trees on-site and provide permeable parking spaces adjacent to said trees.

c: M. Rebecca Wilson
215 N. Eola Drive
Orlando, FL 32801

COVER LETTER



M. REBECCA WILSON

rebecca.wilson@lowndes-law.com
215 North Eola Drive, Orlando, Florida 32801-2028
T: 407-418-6250 | F: 407-843-4444
MAIN NUMBER: 407-843-4600



March 13, 2019

SENT VIA EMAIL AND HAND DELIVERY

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

BZAnotices@ocfl.net

**Re: Special Exception Application for 1516 Jessamine Avenue
(Parcel ID # 06-23-30-3328-02-290)**

To Whom It May Concern:

This firm represents East West Place, LLC ("Owner"), the owner of the property located at 1516 Jessamine Avenue, Orlando FL 32806, Parcel ID 06-23-30-3328-02-290 (the "Property"). According to the Orange County Comprehensive Plan, the Property has a Future Land Use designation ("FLU") of Low Medium Density Residential. According to the Orange County Land Development Code ("LDC"), the Property is zoned R-1.

The Property is currently a vacant lot. The enclosed application seeks a special exception to replace the existing vacant lot with a parking lot. The proposed parking lot will be used to support current and future commercial uses on Curry Ford Road.

Section 38-78 of the LDC details the specific criteria that must be met for all special exception requests. In this case, all of the criteria have been met as is discussed in more detail below.

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

The proposed parking lot is consistent with the goals, objectives and policies of Orange County's Comprehensive Plan. The Property has an FLU of Low Medium Density Residential. The R-1 zoning district is consistent with Low Medium Density Residential. Parking lots which support commercial uses are a special exception in the R-1 district. As such, the parking lot, if authorized by special exception, is consistent with the Comprehensive Policy Plan. In addition, redeveloping the vacant lot as a parking lot will also further the Comprehensive Policy Plan Goal FLU2, which encourages infill development within the Urban Service Area.



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

Owner is the owner of the properties immediately north, east and west of the Property. Owner intends to use the proposed parking lot to support existing and planned commercial uses on Curry Ford Road. The parking lot will significantly alleviate the parking burden which exists in the neighborhood.

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

Owner intends to further develop the properties along Curry Ford Road for commercial use. The commercial uses will include restaurants and retail. The proposed parking lot is intended to support the employees and customers that the commercial uses are likely to generate. As such, the proposed parking lot would not be a detrimental intrusion into the surrounding area, but rather provide support for those that may visit the area. In addition, the proposed parking lot will discourage on street parking near residential dwellings to the south of the Property.

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

The parking lot shall meet those performance standards and site and building requirements as specified in Article X and Article XII of the LDC, respectively.

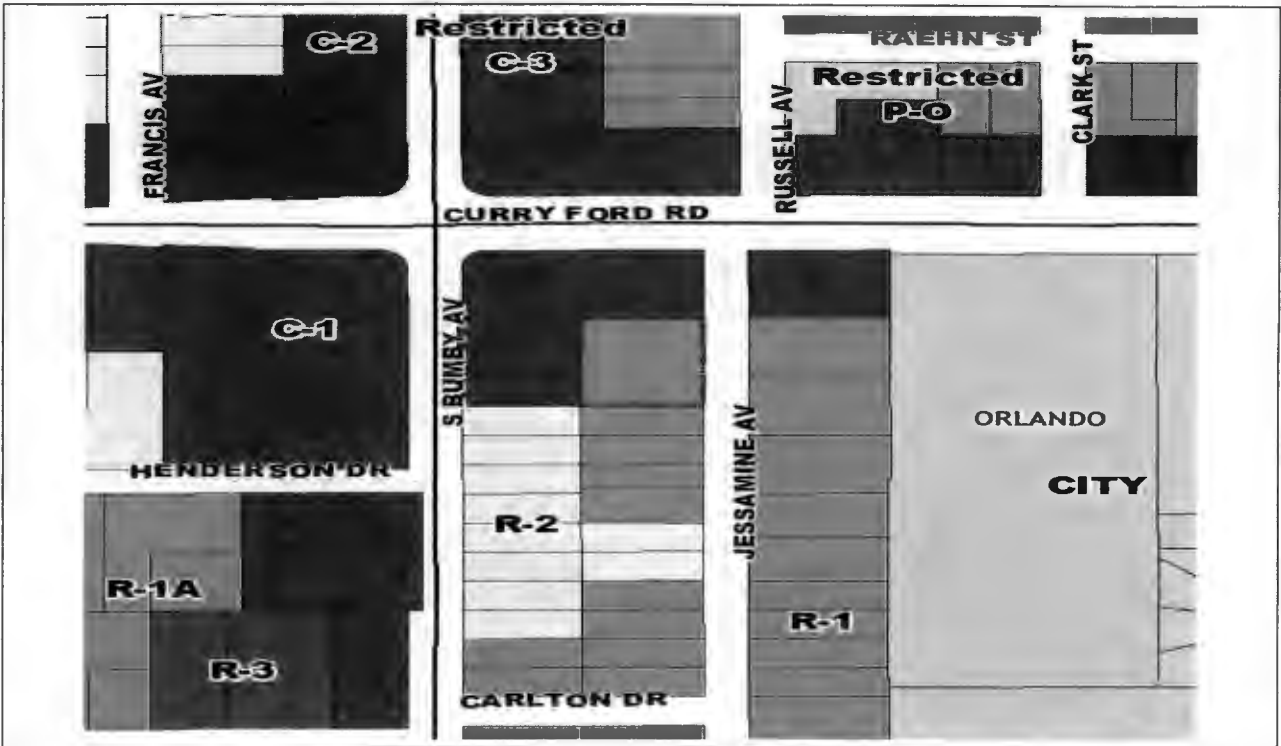
(5) The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

The proposed parking lot will be strictly used by the employees and customers of the adjacent commercial uses. As such, the parking lot will produce similar noise, vibration, dust, odor, glare, and heat production as those permitted uses.

(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 Property will provide a 10 foot wide buffer and a 6 foot high wall or fence on the south property line which abuts the residential use. The 10 foot wide buffer and 6 foot high wall or fence will be sufficient to protect the residential use from any visual or physical negative impacts. In addition, it should be noted that the Property will only be used for the proposed parking lot. The Property will not be used for any structures, trash or outdoor storage.

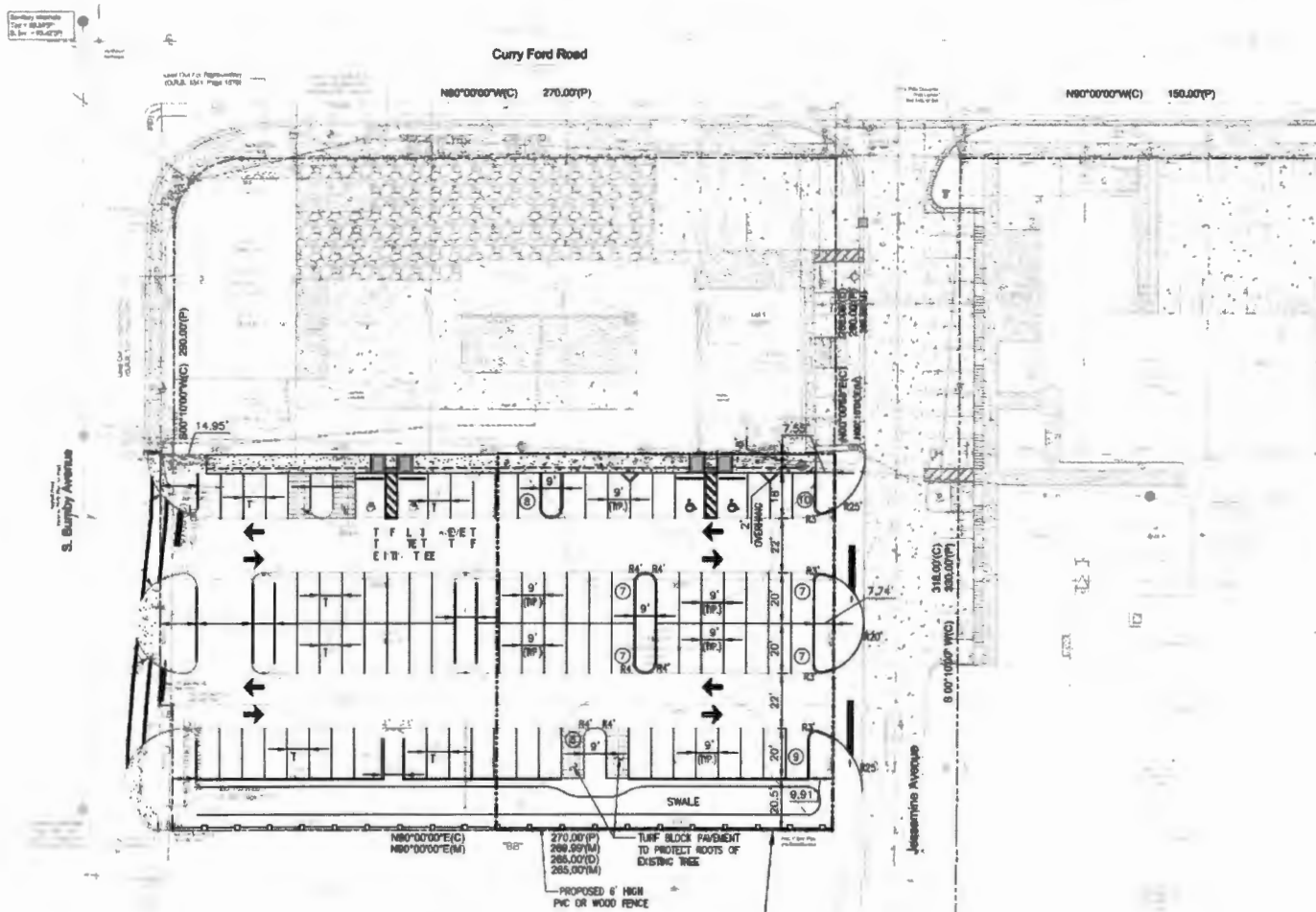
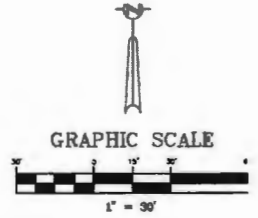
ZONING MAP



AERIAL MAP

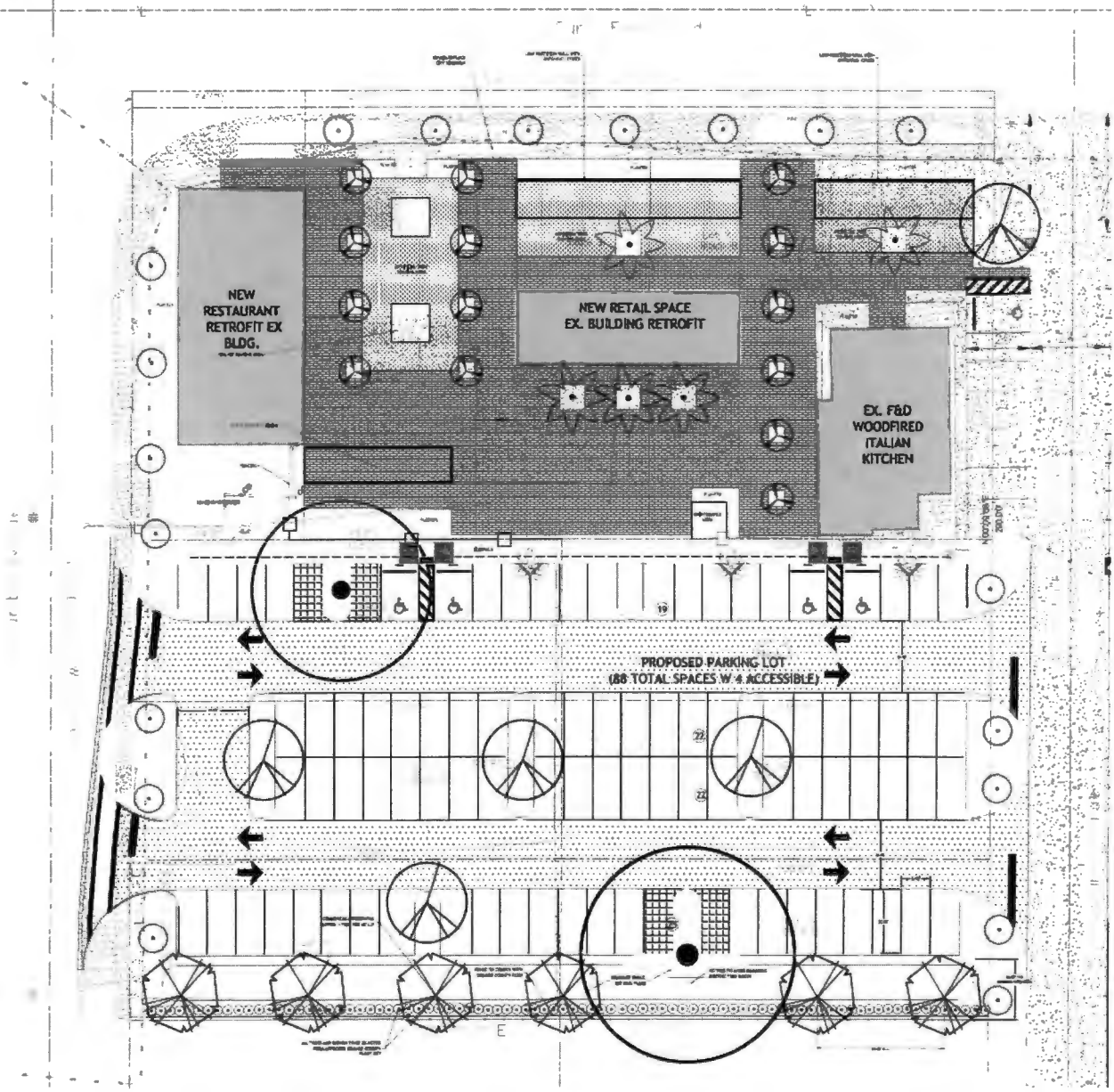


SITE PLAN



LANDSCAPE PLAN

Curry Ford Rd.



SITE PHOTOS



Existing parking lot under construction across Jessamine



Existing single family home to the south



Subject property



Existing conditions on site



View looking towards intersection of Jessamine and Curry Ford



View looking south on Jessamine