

Orange County
Board of Zoning Adjustment
RECOMMENDATIONS
BOOKLET

November 2, 2017

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



ORANGE COUNTY GOVERNMENT

BOARD OF ZONING ADJUSTMENT
(BZA)

Carolyn Karraker
Vice Chair

District #1

Gregory A. Jackson
Chairman

District #2

Jose A. Rivas, Jr.

District #3

Deborah Moskowitz

District #4

Wesley A. Hodge

District #5

Eugene Roberson

District #6

Jessica Rivera

At Large

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
1-1/1-5.....	Restricted Industrial District
1-2/1-3.....	Industrial Park District
1-4.....	Industrial District

Other District

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

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
November 2, 2017**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
VA-17-10-099	Joel Buntin	3	Approved w/Conditions	1
VA-17-11-107	Jose Gerardo Benitez Mier	5	Approved w/Conditions	10
SE-17-11-108	Mark Nasrallah	1	Approved w/Conditions	18
VA-17-11-109	Karen Bono	3	Approved w/Conditions	25
VA-17-12-110	Jesus D. Nunez	5	Approved w/Conditions	33
VA-17-12-111	Creative Signs	2	Approved w/Conditions	41
SE-17-12-112	Sarah Maier	5	Approved w/Conditions	49
SE-17-12-113	The Kingdom Church	6	Approved w/Conditions	59
VA-17-12-118	Robert Goudy	1	Approved w/Conditions	68
VA-17-12-119	John Florio	1	Approved w/Conditions	75

REQUEST: Variance in the R-1A zoning district to allow access to a single family residential lot by way of a 15 ft. wide private access easement in lieu of 20 ft. of fee simple access onto a public road.

ADDRESS: Holden Avenue, Orlando FL 32839

LOCATION: North side of Holden Ave., 1/4 mile east of S. Orange Blossom Trail

S-T-R: 10-23-29

TRACT SIZE: 75 ft. x 123 ft.

DISTRICT#: 3

LEGAL: BEG 280 FT W & 150 FT N OF SE COR SEC RUN N 75 FT W 123 FT S 75 FT E 123 FT TO POB IN SEC 10-23-29

PARCEL ID: 10-23-29-0000-00-062

NO. OF NOTICES: 112

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 as amended (unanimous; 6 in favor and 1 absent):

1. Development in accordance with site plan dated August 16, 2017, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Approval of this request constitutes lot split approval.

SYNOPSIS: This case was continued from the October 5, 2017, BZA agenda. The BZA continued the case because they wanted to ensure that the proper access documents were reviewed by the Legal Department prior to the issuance of any approval.

Staff advised the BZA that the applicant submitted additional information which was reviewed by staff. The documentation did in fact demonstrate legal access onto the fifteen (15) foot wide private road.

The applicant agreed with the staff analysis.

Staff amended the conditions and recommended approval.

The BZA agreed with the staff recommendation. There was no public opposition.



Applicant: Joel Buntin

BZA Number: VA-17-10-099

BZA Date: 11/02/2017

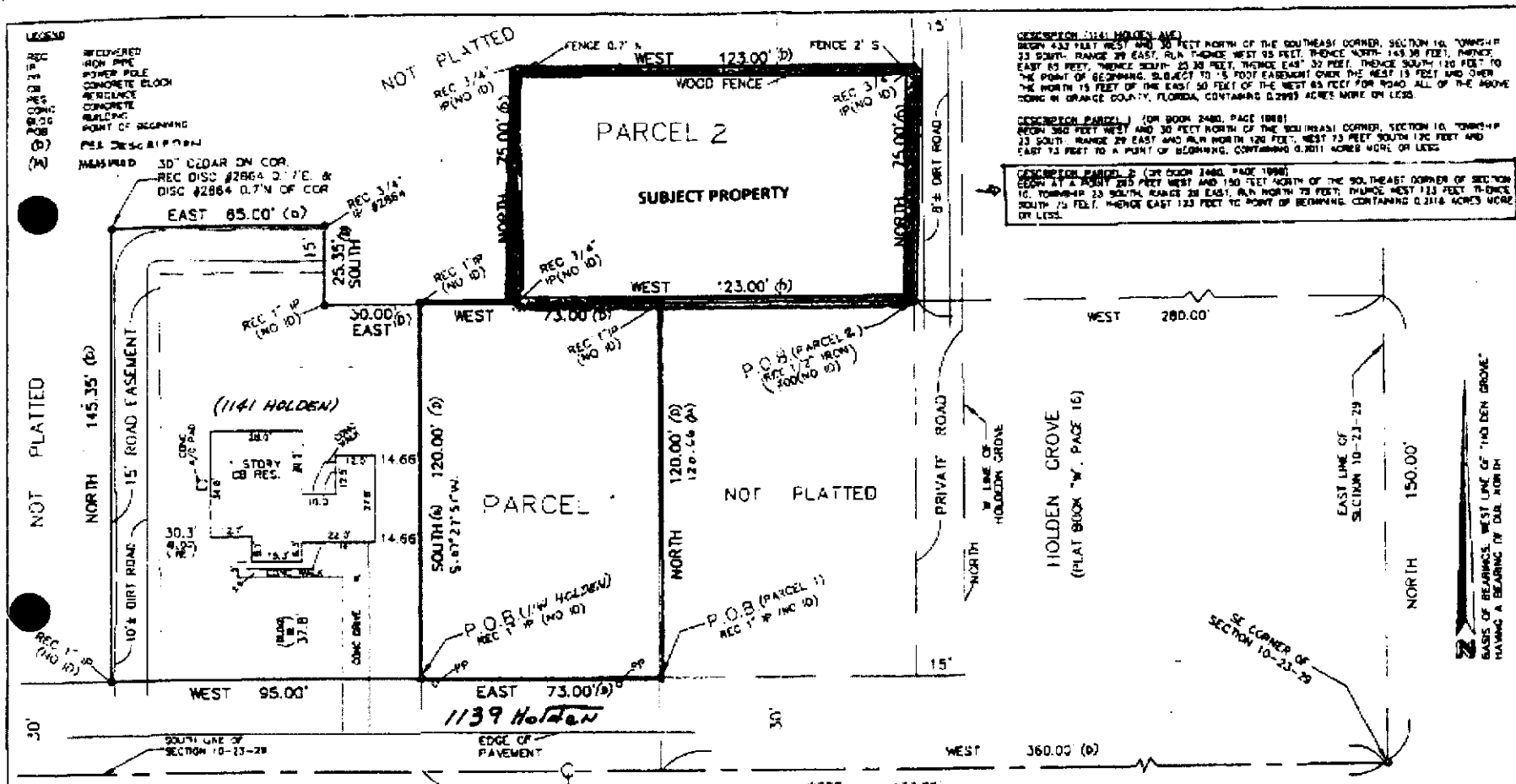
District: 3

Sec/Twn/Rge: 10-23-29-SE-D

Tract Size: 75 ft. x 123 ft.

Address: Holden Avenue, Orlando FL 32839

Location: North side of Holden Ave., 1/4 mile east of S. Orange Blossom Trail



SURVEY REPORT:

- This survey does not reflect or determine ownership.
- This data has not been furnished to this surveyor unless otherwise noted.
- Underground improvements or underground foundations have not been located except as noted on survey map.
- According to the Federal Insurance Map, the property lies in Zone(s) "X". Map number 12088C0470 E. Dated: 12-8-2000.
- BEARINGS & DISTANCES SHOWN ARE AS FIELD MEASUREMENTS EXCEPT AS NOTED.

DATE OF BOUNDARY: 9-29-05

HENRICH-LUKE & SWAGGERTY, LLC
 Registered Professional Surveyors and Mapper
 200 E. Avenue Holden, Fla. 32060
 Located: Florida 32060
 (407) 847-7246
 Fax: (407) 847-8887
 Licensed: Surveyor No. 1278

BOUNDARY SURVEY
 1709
JOEL A. BUNTIN
 SECTION 10, TOWNSHIP 23 S., RANGE 29 E.
 9-29-05
 1"=20'

TO: Orange County Board of Zoning Adjustment
Orange County Administration Building, Orlando, Florida

FROM: Joel A. Buntin [407 257-4548] jcbuntin66@aol.com

DATE: August 15, 2017

SUBJECT: Requesting Variance for 0 Holden Avenue, Orlando, Florida
Tax I.D. # 10-23-29-0000-00-062

I am requesting a variance to permit construction of a single-family residence on a standard lot [75' X 123'] designated on tax rolls as "0" Holden Avenue, Orlando, FL. 32839. This property is accessed by a 15" wide private drive which is of substandard width, current requirement is 20' width. Existing drive also serves four existing houses built from 1928 to 1997. Currently this lot is for sale, but not saleable for building without this variance. Additionally we need to confirm this property exists as a legal lot, see attached letter questioning status even though it has been on the tax rolls and taxed as a residential lot for 56 years.

Thank you for your consideration,



Joel A. Buntin
3515 Kramer Lane
Orlando Fl. 32806



August 7, 2017

Joel A. and Christina E. Buntin
3515 Kramer Lane
Orlando FL 32806

Dear Mr. and Mrs. Buntin:

On August 2, 2017 several County staff members from a number of Departments/Divisions met to discuss your property described in Parcel ID 10-23-29-0000-00-062 located on a private easement off of Holden Avenue.

Your property is located in an R-1A, One Family Dwelling District. Although this property meets the requirements for lot width and lot area, our records do not reflect any zoning approval for the parcel creation/lot split.

In addition, Section 38-1502(b) of the Orange County Code (shown below) requires a minimum width of 20 ft. of fee simple access to a roadway, except to the extent that requirement may be inconsistent with or conflict with the County's subdivision regulations:

Sec. 38-1502. - Location of dwellings in residential districts.

(b) No dwelling shall be erected on a lot which does not abut on a street for a distance of at least fifteen (15) feet. Any divisions or splits of land, lots or parcels shall have a minimum of twenty (20) feet of fee simple access to a roadway, except to the extent that requirement is inconsistent or conflicts with the requirements of the subdivision regulations.

In summary, we do not have any records showing that Parcel ID 10-23-29-0000-00-062 was created by an approved parcel/lot split. Also, access to the parcel does not comply with Section 38-1502(b). Therefore this office is unable to approve any new construction at the parcel.

Should you disagree with this determination, you are welcome to provide my office with additional information that you believe may change my decision, such as information showing that the parcel creation/lot split was approved by our office.

ZONING DIVISION

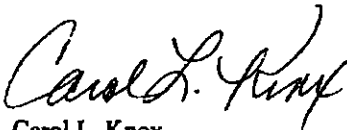
201 South Rosalind Avenue, 1st Floor ■ Reply To: Post Office Box 2687 ■ Orlando, FL 32802-2687
Telephone 407-836-3111 ■ FAX 407-836-5507 ■ orangecountyfl.net

August 7, 2017
Joel A. and Christina E. Buntin
Page 2

Otherwise, please be advised that the Board of Zoning Adjustment is authorized to hear timely appeals from the Zoning Manager's (my) determinations. Please contact Sean Bailey, Chief Planner, at 407-836-5806 for information about the appeal process.

If you have any questions, please contact our office at your convenience.

Sincerely,



Carol L. Knox
Manager

xc: Mark Massaro, Director, Public Works Department
Sean Bailey, Chief Planner, BZA Coordination



STAFF REPORT
CASE #: VA-17-10-099
Orange County Zoning Division
Planner: Rocco Relvini
Board of Zoning Adjustment
November 2, 2017
Commission District: #3

GENERAL INFORMATION:

APPLICANT: Joel Buntin

REQUEST: Variance in the R-1A zoning district to allow access to a single family residential lot by way of a 15 ft. wide private access easement in lieu of 20 ft. of fee simple access onto a public road.

LOCATION: North side of Holden Ave., 1/4 mile east of S. Orange Blossom Trail

PROPERTY ADDRESS: No address

PARCEL ID: 10-23-29-0000-00-062

PUBLIC NOTIFICATION: 112

TRACT SIZE: 75 ft. x 123 ft.

DISTRICT #: 3

ZONING: R-1A

EXISTING USE(S): Vacant

PROPOSED USE(S): Single family residence

SURROUNDING USES: The subject property is surrounded by single family homes.

STAFF FINDINGS AND ANALYSIS:

1. On October 5, 2017, the BZA continued this request to allow the applicant to resolve any access issues. The applicant has submitted numerous documents that show how other property owners dealt with the private road access issue.
2. The subject parcel meets the requirements for lot size and lot width. However, its only means of access is via a private access easement. Section 38-1502(b) requires a minimum of twenty (20) feet of fee simple access for any newly created lots. Since the access is via a fifteen (15) foot easement, a variance from Section 38-1502(b) is required.
3. All building setbacks will be met.
4. Staff has no objections to this request provided the applicant submits proof the property has legal access prior to the issuance of any permits.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated August 16, 2017, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Approval of this request constitutes lot split approval.
5. Prior to the issuance of any building permits, the applicant shall demonstrate that there is a legal cross access easement or any other legal means of access.

cc: Joel Buntin
3515 Kramer Lane
Orlando, Florida 32806

REQUEST: **Variance** in the R-1A zoning district to construct an addition to a single family residence (covered porch) 20 ft. from the rear property line in lieu of 30 ft.
(Note: The applicant intends to remove an existing porch currently located 14 ft. from the rear property line.)

ADDRESS: 2770 Prince John Road, Winter Park FL 32792

LOCATION: South side of Prince John Rd., west of Ranger Blvd., south of Aloma Avenue.

S-T-R: 09-22-30

TRACT SIZE: 78 ft. x 105 ft.

DISTRICT#: 5

LEGAL: WINTER PARK PINES UNIT 1 REP Y/116 LOT 6 BLK C

PARCEL ID: 09-22-30-9424-03-060

NO. OF NOTICES: 122

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; 6 in favor and 1 absent):

1. Development in accordance with site plan dated September 8, 2017, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
3. 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.
4. The design of the addition shall be consistent with the design of the main house.

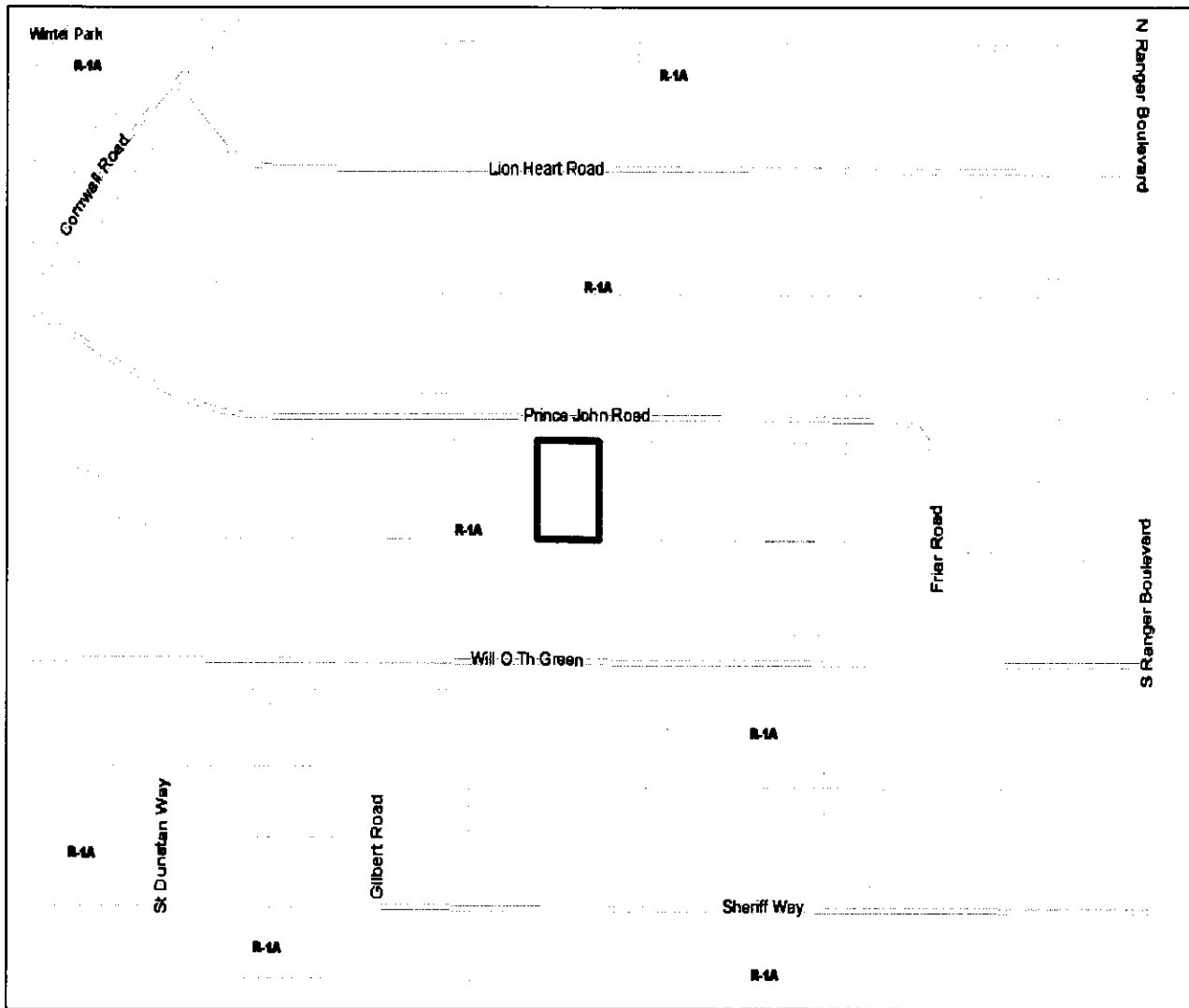
SYNOPSIS: Staff gave a brief presentation on the case covering the location, existing conditions, proposed site plan, and photographs.

The applicant agreed with the staff presentation.

The BZA noted the proposal conformed with the neighborhood.

Staff received four (4) 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.



Applicant: Jose Gerardo Benitez Mier

BZA Number: VA-17-11-107

BZA Date: 11/02/2017

District: 5

Sec/Twn/Rge: 09-22-30-NE-A

Tract Size: 78 ft. x 105 ft.

Address: 2770 Prince John Road, Winter Park FL 32792

Location: South side of Prince John Rd., west of Ranger Blvd., south of Aloma Avenue.

Jose Gerardo Benitez Mier
Richard Edward VanTassel, Jr
2770 Prince John Rd.
Winter Park, FL 32792
September 2, 2017

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

RE: Application Board of Zoning Adjustments, Request for Variance for 2770 Prince John Rd. 32792

Dear Members of the Board of Zoning Adjustments,

We respectfully request a variance from the rear building setbacks of 30' as required by zoning district of R1A (lots platted prior to 3/3/97) of 30'. The intent is to demolished an existing porch (wood construction), and replaced it with new porch (wood construction). The proposed new will have a smaller foot print, this it's location is further away from the rear property line. Please refer to attached exhibits as well as table below comparing the existing structure versus what is being proposed.

	Foot Print (Square Feet)	Dimensions (Feet)	Height (Feet)	Distance from Rear Property Line	Distance of Encroachment into Setback
Existing	472	15.50 X 30.50	9.5	14.30'	15.70'
Proposed	272	9.34 X 29.13	9.5	20.50'	9.50'

The proposed porch is a betterment to the property, for which none of the immediate neighbors have any objections. Please refer to the attached letters of support from our neighbors.

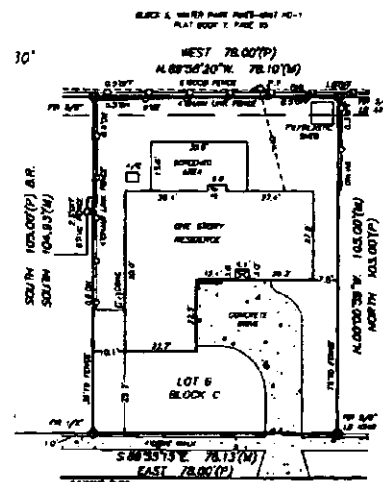
Thank you for your consideration into this matter.

Sincerely,

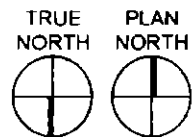


Jose Gerardo Benitez Mier

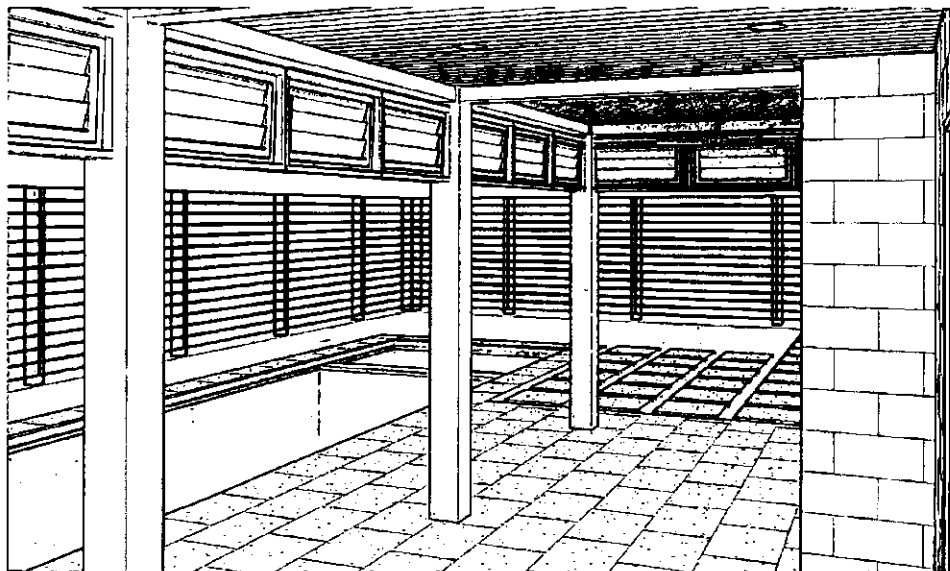
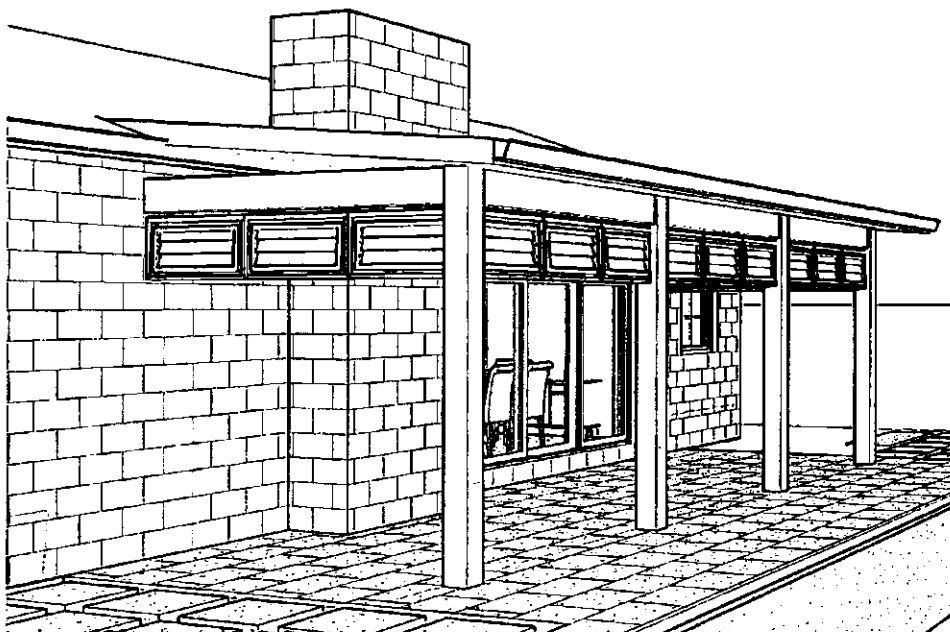
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SEP 08 2017
ORANGE COUNTY
ZONING DIVISION



SEP 08 2017
ORANGE COUNTY
ZONING DIVISION



Scale As indicated



RECEIVED

SEP 08 2017

J. BENITEZ MIER
2770 PRINCE JOHN ROAD
WINTER PARK, FL 32792
407-680-4902
LIC.# AR95894

ORANGE COUNTY
ZONING DIVISION

IMAGES - PROPOSED

Project number	00002.0
Date	09/02/2017
Drawn by	JGB
Checked by	RVT

EX5

Scale



GENERAL INFORMATION:

APPLICANT: Jose Gerardo Benitez Mier

REQUEST: Variance in the R-1A zoning district to construct an addition to a single family residence (covered porch) 20 ft. from the rear property line in lieu of 30 ft.

(Note: The applicant intends to remove an existing porch currently located 14 ft. from the rear property line.)

LOCATION: South side of Prince John Rd., west of Ranger Blvd., south of Aloma Avenue.

PROPERTY ADDRESS: 2770 Prince John Road, Winter Park, Florida 32792

PARCEL ID: 09-22-30-9424-03-060

PUBLIC NOTIFICATION: 122

TRACT SIZE: 78 ft. x 105 ft.

DISTRICT #: 5

ZONING: R-1A

EXISTING USE(S): Single family residence with porch

PROPOSED USE(S): Single family residence with porch

SURROUNDING USES: The property is surrounded by single family residences in all directions.

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes to install a porch with a structural roof. A variance is requested from the rear yard setback.
2. When the applicant purchased the property in 2009, it had a 472 sq. ft. rear porch in the rear yard, located 14.3 feet from the rear property line. The applicant proposes removing the existing porch and replacing it with a 272 sq. ft. porch, located 20.5 feet from the rear property line.
3. The adjacent neighbors have signed letters of no objection to this proposal.

4. The request meets the purpose and intent of the variance criteria, as the amount of variance requested is reduced from the existing condition. The level of deviation will be decreased.
5. Approval of the request will not adversely impact anyone and will not cause any negative impacts to the neighborhood.
6. Staff has no objections to this request.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated September 8, 2017, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
3. 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.
4. The design of the addition shall be consistent with the design of the main house.

cc: Jose Gerardo Benitez Mier
2770 Prince John Road
Winter Park, Florida 32792

REQUEST: **Special Exception and Variance** in the R-CE-C zoning district as follows:
1) Special Exception: To construct 2 story detached Accessory Dwelling Unit (ADU) for owner's family, and
2) Variance: To construct said ADU in the front yard in lieu of the side or rear yards.

ADDRESS: 1219 Kelso Blvd., Windermere FL 34786

LOCATION: East of West Lake Butler Rd., north of Kelso Blvd.

S-T-R: 13-23-27

TRACT SIZE: 132 ft. x 320 ft.

DISTRICT#: 1

LEGAL: Lot 5, Kelso on Lake Butler, according to the Plat thereof as recorded in PB 5 / 48-49.

PARCEL ID: 13-23-27-4110-00-050

NO. OF NOTICES: 128

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 further, **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; 5 in favor, 1 abstained, and 1 absent):

1. Development in accordance with site plan dated October 27, 2017, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The Accessory Dwelling Unit (ADU) shall only be occupied by a family member or temporary

house guest. Separate meters for utilities servicing the ADU shall not be allowed and the ADU shall not be used as a separate residence or leased/rented in any fashion.

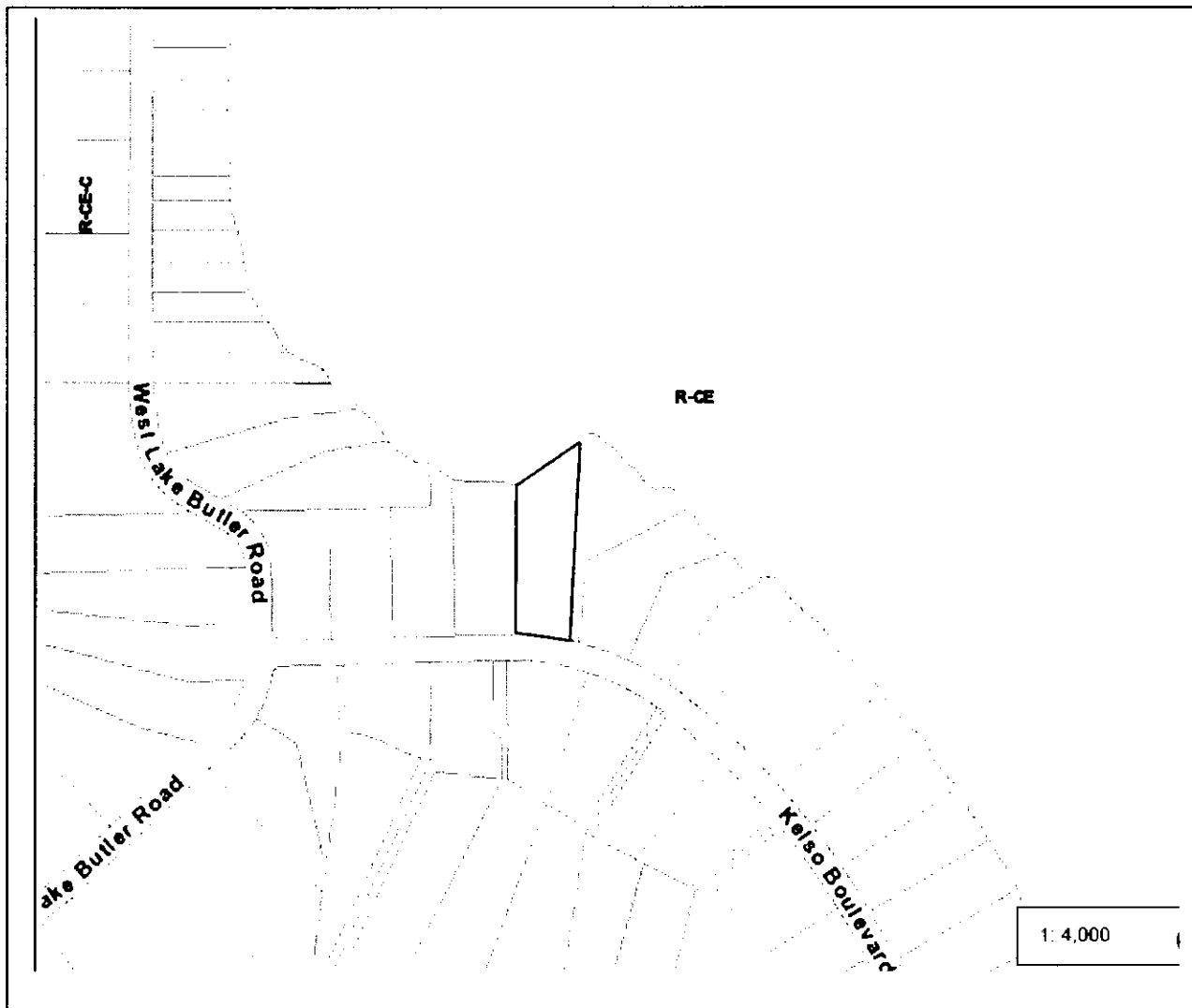
5. Approval of this request does not constitute approval for any boat docks, boat ramps, or to impact any Conservation Areas.
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

SYNOPSIS: The applicant is proposing a 2-story garage and accessory dwelling unit (ADU) in front of the main house. However, it will be attached to the main house via a breezeway.

The applicant obtained approval from the homeowners association and the architectural review board.

Staff imposed the condition of approval suggested by the homeowners association regarding the rental of the ADU.

There was no opposition at the hearing.



Applicant: Mark Nasrallah

BZA Number: SE-17-11-108

BZA Date: 11/02/2017

District: 1

Sec/Twn/Rge: 13-23-27-SE-D

Tract Size: 132 ft. x 320 ft.

Address: 1219 Kelso Blvd., Windermere FL 34786

Location: East of West Lake Butler Rd., north of Kelso Blvd.

NASRALLAH

September 6, 2017

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

Re: 1219 Kelso Blvd.
Windermere, FL 34786
Special Exception Request

To whom it may concern

Attached please find our request as a Special Exception to construct an Adult Living Unit which is to be located above a 2 car detached garage which is to be located in front of the proposed principal residence at the above referenced address.

The proposed structure consists of a 670 sq. foot 2 car garage with a 670 sq. ft. ADU on the 2nd floor above the garage which will be a 1340 sq. ft. structure approx. 28'-0" tall and located approx. 50'-0" from the front property line, 38'-5" from the right property line, 73'-9" from the left property line, and as a water front property, approx. 290'-0" from the NHW for Lake Butler. The Fin. Fl. Elevation for the 1st floor garage will be approx. 113'-0" or higher which is well above the Min. Fin. Fl. Elevation and the 100 yr. flood plain for Lake Butler. The proposed 2 story structure will be approx. 28'-0" +/- 12" in height from existing grade to the top of the roof ridge.

The proposed ADU will include a secondary kitchen however, there will only be one (1) primary electric meter for the entire property and it is planned that a senior family member (s) will live in the ADU.

In regard to the surrounding neighborhood and the Kelso HOA, there are similar structures within the Kelso development that have been approved and we have submitted to the HOA approval for their review and comments and will have their response prior to the scheduled public hearing. In addition we have also contacted the adjacent property owner and have their verbal acceptance for our proposed request and have requested a letter of support to also be provided to the board prior to the public hearing.

Respectfully submitted

Mark Nasrallah Agent
Architect

Boundary Survey

Legal Description
 Lot 5, Subdivided on Lake Butler, according
 to the Plat thereof as recorded in Plat
 Book 6, Page 45, Public Records of
 Orange County, Florida.
 Together with Tract 4A, West Butler
 Station, according to the Plat thereof as
 recorded in Plat Book 36, Page 11,
 Public Records of Orange County, Florida.

Benchmark Information
 Orange County Datum: Elevation: 110.1' NG
 Intersection of US-7281 Fire Hydrant @
 West Lake Butler Road and Lake Road.
 (Elevations are based upon NAD83 @
 Datum)

Site Benchmark Information

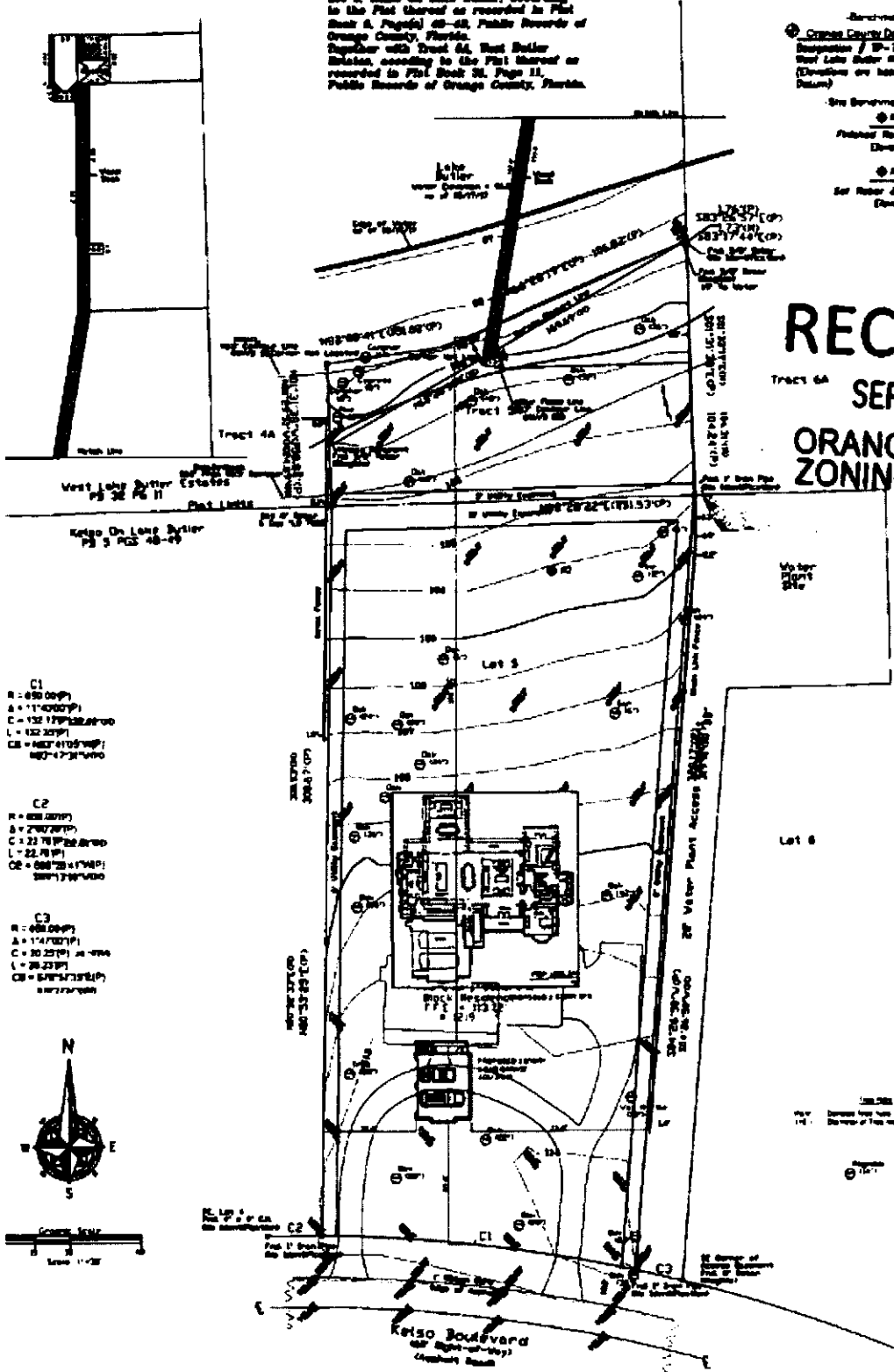
BM
 Elevation of benchmark
 Elevation: 113.22'

BM
 Set Rebar @ Cap 18" 7/23
 Elevation: 113.12'

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SEP 06 2017

ORANGE COUNTY
 ZONING DIVISION



C1
 R = 650.00' (P)
 A = 114.000' (P)
 C = 132.17' (P) 132.17' (P)
 L = 132.17' (P)
 CB = 113.71' (P)
 113.71' (P)

C2
 R = 650.00' (P)
 A = 114.000' (P)
 C = 132.17' (P) 132.17' (P)
 L = 132.17' (P)
 CB = 113.71' (P)
 113.71' (P)

C3
 R = 650.00' (P)
 A = 114.000' (P)
 C = 132.17' (P) 132.17' (P)
 L = 132.17' (P)
 CB = 113.71' (P)
 113.71' (P)





STAFF REPORT
CASE #SE-17-11-108
Orange County Zoning Division
Planner: Rocco Relvini
Board of Zoning Adjustment
November 2, 2017
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Mark Nasrallah

HEARING TYPE: Board of Zoning Adjustment

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

- 1) Special Exception: To construct 2 story detached Accessory Dwelling Unit (ADU) for owner's family, and
- 2) Variance: To construct said ADU in the front yard in lieu of the side or rear yards.

LOCATION: East of West Lake Butler Rd., north of Kelso Blvd.

PROPERTY ADDRESS: 1219 Kelso Blvd.

PARCEL ID: 13-23-27-4110-00-050

PUBLIC NOTIFICATION: 128

TRACT SIZE: 132 ft. x 320 ft.

DISTRICT #: 1

ZONING: R-CE

EXISTING USE(S): Single family residence to be removed

PROPOSED USE(S): Detached Accessory Dwelling Unit above 2 car garage

SURROUNDING USES: The subject property is surrounded by single family homes. The residential density of the area averages 1 home per 1 acre. Lake Butler is to the east.

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes to remove the existing residence on the property and construct a new residence.

2. The new residence will have a detached two (2) car garage with an Accessory Dwelling Unit (ADU) above it. The height of the entire structure will be twenty-eight (28) feet.
3. The entire structure will contain 1,340 sq. ft. But the actual ADU will have 670 sq. ft.
4. There may be Conservation Areas located along the shoreline of the lake. Applicant is advised that this approval is only for the proposed 2-story ADU and not to encroach into any approved Conservation Areas.
5. The request meets the spirit and intent of the Accessory Dwelling Unit land use as amended by the Board of County Commissioners on September 13, 2016.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated September 6, 2017, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
5. Approval of this request does not constitute approval for any boat docks, boat ramps or to impact any Conservation Areas.
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

cc: Mark Nasrallah
3920 Edgewater Drive
Orlando, Florida 32804

KAREN BONO
VA-17-11-109

REQUEST: **Variances** in the R-1 zoning district as follows:
1) Lots 47 and 48: To allow a 5.5 ft. side setback in lieu of 6 ft. for existing house;
2) Lots 49 and 50: To allow a 20 ft. front setback in lieu of 25 ft.;
3) Lots 49 and 50: To allow a 20 ft. rear setback in lieu of 25 ft.; and
4) Lots 49 and 50: To allow a 5 ft. side setback in lieu of 6 ft.

ADDRESS: 1903 Simonton Avenue, Orlando FL 32806

LOCATION: N. side of Simonton Ave., east of S. Ferncreek Ave., north of Pershing Ave.

S-T-R: 07-23-30

TRACT SIZE: 100 ft. x 162 ft.

DISTRICT#: 3

LEGAL: FERNWAY O/55 LOTS 47 48 & THE EAST 14.5 FT OF LOT 49 & N1/2 OF ST LYING S OF LOTS 47 THROUGH 50 BLK B11

PARCEL ID: 07-23-30-2696-11-470 and 07-23-30-2696-11-491

NO. OF NOTICES: 148

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 in favor and 1 absent):

1. Development in accordance with site plan dated "September 13, 2017", 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
3. 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.
4. Prior to issuance of any permits for Lot #49, the shed at the rear of the property shall be removed.

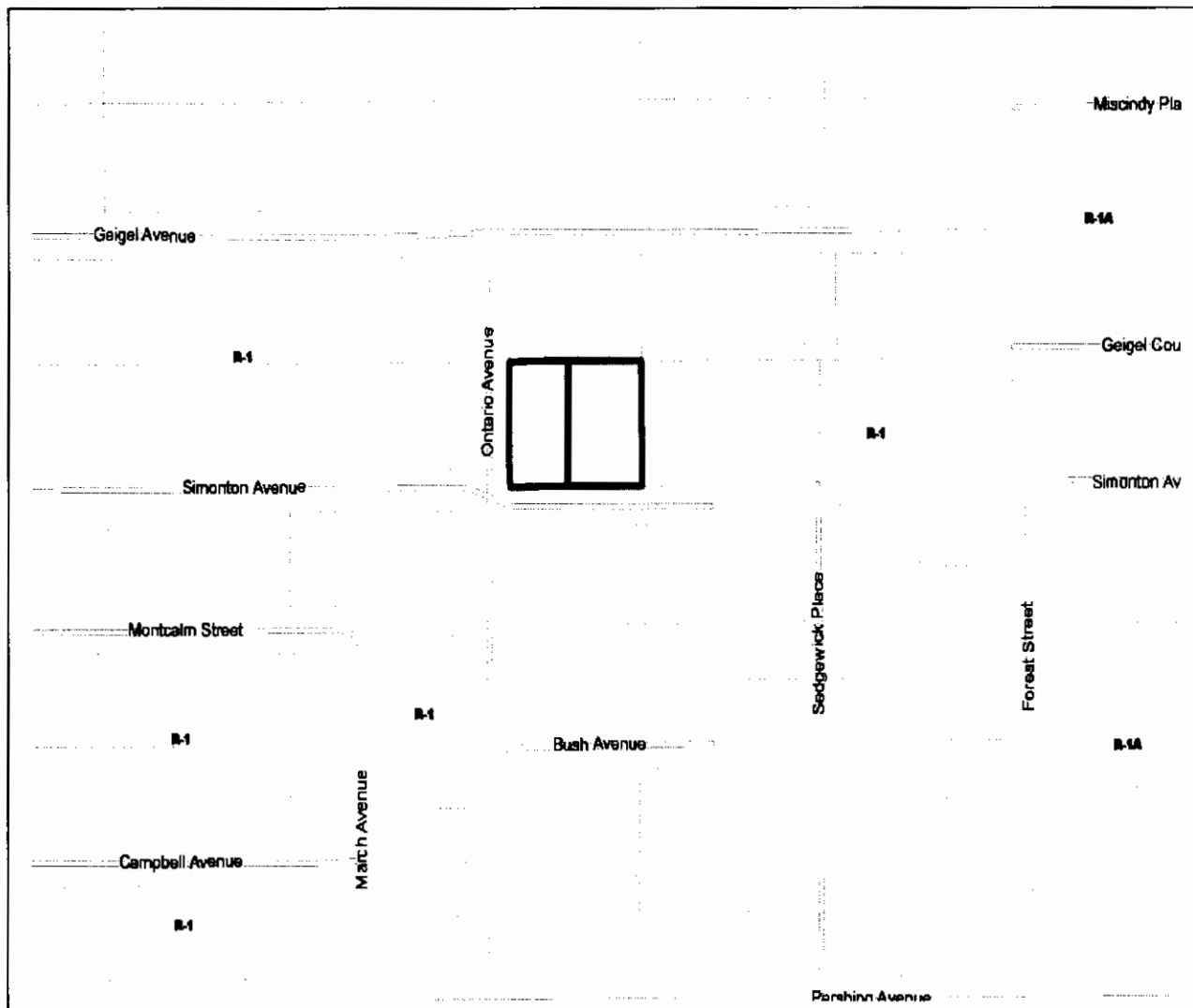
SYNOPSIS: Staff gave a presentation on the case covering the location, lot layout, and photographs.

The applicant stated they bought the properties for the purpose of building and would like the reduced setbacks.

The BZA confirmed removal of the shed. The BZA noted the request is for minimal variances and is consistent with other properties in the area.

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.



Applicant: Karen Bono

BZA Number: VA-17-11-109

BZA Date: 11/02/2017

District: 3

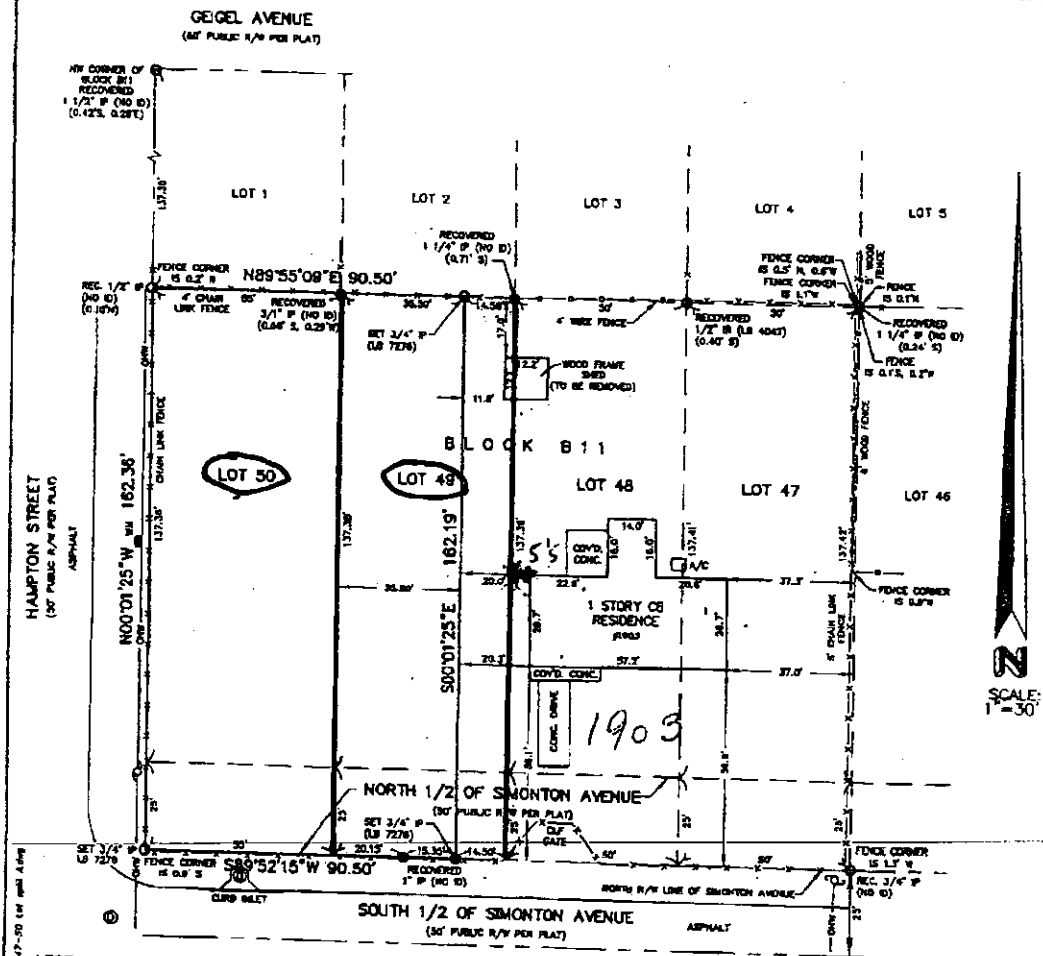
Sec/Twn/Rge: 07-23-30-SW-C

Tract Size: 100 ft. x 162 ft.

Address: 1903 Simonton Avenue, Orlando FL 32806

Location: N. side of Simonton Ave., east of S. Ferncreek Ave., north of Pershing Ave.

LOT 50 AND THE WEST 35.50 FEET OF LOT 49, BLOCK B11, FERNWAY, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "O", PAGE 55, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND THE NORTH 1/2 OF SIMONTON AVENUE ADJACENT TO SAID LOTS.



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SEP 13 2017

ORANGE COUNTY
ZONING DIVISION

SURVEYOR'S REPORT:

1. The lands as shown herein lie within Section 7, Township 23 S., Range 30 E.,...
2. This survey represents a survey made on the ground under the supervision of...
3. Underground improvements or underground foundations have not been located except as noted.
4. This survey does not reflect or determine ownership.
5. All easements of which the surveyor has knowledge of, or has been furnished, have been noted on this map.
6. No title data has been provided to this surveyor unless otherwise noted.
7. Bearings shown herein are assumed relative to the North right-of-way line of Simonton Avenue, said bearing being S08°52'15"W.
8. According to the Federal Insurance Rate Map, this property lies in Zone "X", Community Parcel number 1209300285 F, Dated: 9/23/2008.

REVISIONS

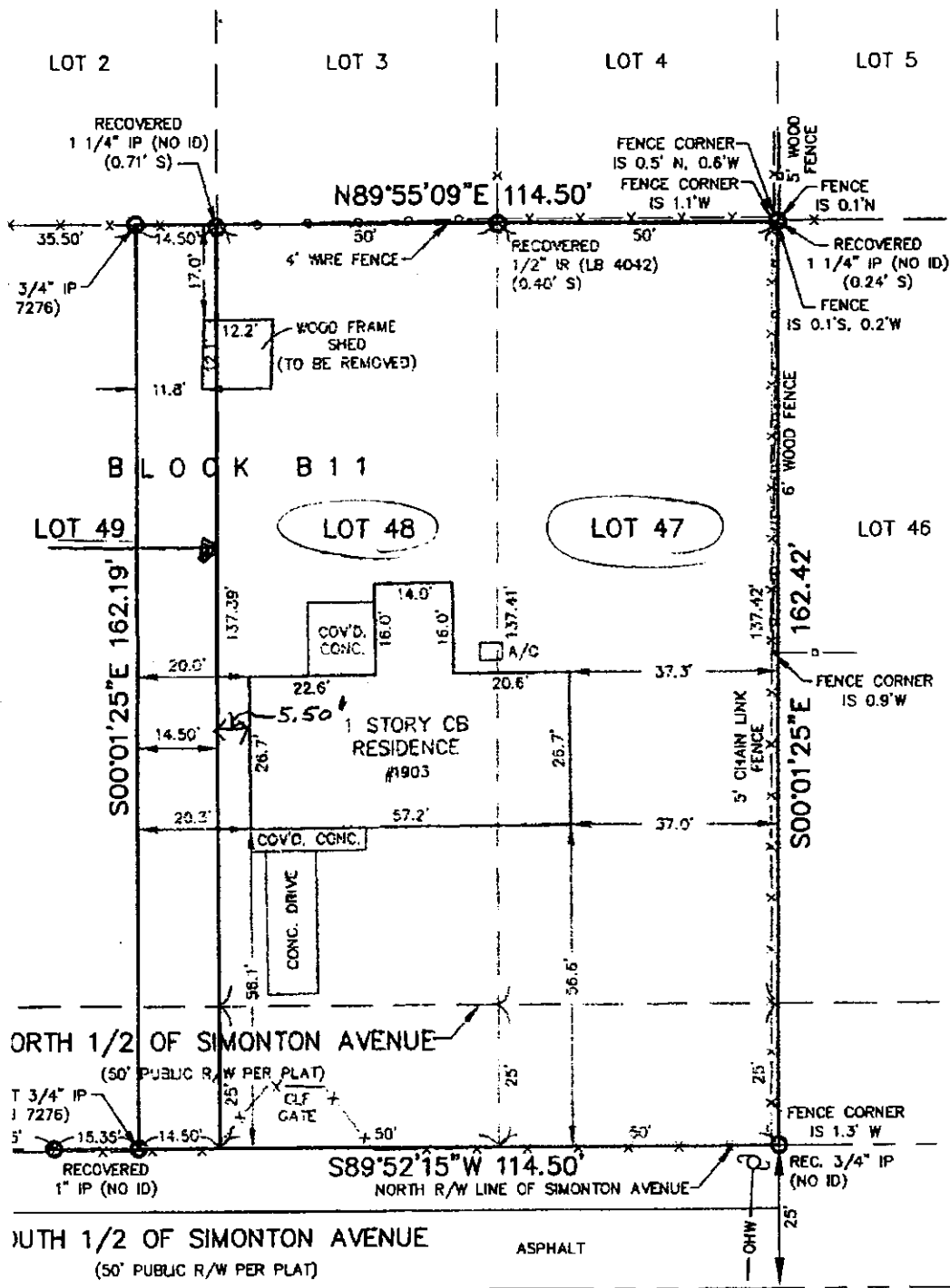
Rev. _____	Date: _____
Rev. _____	Date: _____
Rev. _____	Date: _____
Rev. LOT SPLIT	Date: 09/08/13

HLSM LLC
Henrich-Luke-Seggerly-Mendard
Professional Surveyors & Mappers
185 Wade Street, Suite 1101
Lake Mary, Florida 32746
P. (407) 647-7348
F. (407) 647-6087
www.FloridaSurveyor.com
Licensed Business No. 7276

Job No: E-9286
Field Date: 6/14/13
Drawn By: ADA
Field By: WKF
Scale: 1"=30'

THIS SURVEY MAP AND REPORT ARE THE PROPERTY OF HENRICH-LUKE-SEGGERLY-MENDARD. NO PART OF THIS SURVEY MAP OR REPORT SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF HENRICH-LUKE-SEGGERLY-MENDARD.

William F. Mendard
Professional Surveyor & Mapper
Florida Registration #562



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SEP 13 2017
ORANGE COUNTY
ZONING DIVISION

Karen Bono
1607 South Eola Drive
Orlando, FL 32806
407/760-9033
Email: karenbono@att.net

September 13, 2017

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

Dear BZA members,

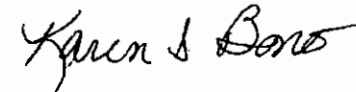
I own Lots 50, 49, 48 & 47 on Simonton Avenue, Orlando, 32806. Before I purchased the property, these parcels were owned by one owner as far back as the 1950s. The address at that time was 3531 Ontario, later changed to 1901 Simonton for school districting purposes. The original homestead was positioned on lot 50. In 1978, the owner demolished the original home on lot 50 and built a new one positioned on lots 48 and 47. In 2013, the owner split the property in two, using lots 47 and 48 where the home was located, but also took a portion of lot 49. The address given to this parcel (with the home) was 1903 Simonton. The other half contained vacant lots 50 and a portion of lot 49 and was not given a postal address.

I would like to revert the West boundary of lot 48 to its original plat so that I can revert lots 49 and 50 to their original plat. If we were to use today's building code of 5' side setbacks, this request could have been accomplished without a variance. But because the property was originally platted before 1997, a 6' setback is found in the footnotes of the setback rules. The home built on lots 47 & 48 is 5 inches short of this 6' side setback on the West boundary (sitting 5'5" from the originally platted lot line).

In short, I am asking that you approve a 6" variance of the West boundary of lot 48 and revert the west lot line to its original plat so that I can return lot 49 to its original platted boundary as well as lot 50 (which requires no variance). The lots will be compatible with other 50' wide lots in the neighborhood.

Secondly, I would like to request your consideration in granting permission to use current setback codes which are 5' side, 20' front and rear for R1 property (instead of those used prior to 1997). This would essentially grant the 5" variance I am requesting for lot 48 and comply with today's building codes for R1 for lots 47 through 50.

Thank you,



Karen Bono

Attachments 2: Application, Survey

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SEP 13 2017
ORANGE COUNTY,
ZONING DIVISION



STAFF REPORT
CASE #: VA-17-11-109
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
November 2, 2017
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Karen Bono

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

- 1) Lots 47 and 48: To allow a 5.5 ft. side setback in lieu of 6 ft. for existing house;
- 2) Lots 49 and 50: To allow a 20 ft. front setback in lieu of 25 ft.;
- 3) Lots 49 and 50: To allow a 20 ft. rear setback in lieu of 25 ft.; and
- 4) Lots 49 and 50: To allow a 5 ft. side setback in lieu of 6 ft.

LOCATION: N. side of Simonton Ave., east of S. Ferncreek Ave., north of Pershing Ave.

PROPERTY ADDRESS: 1903 Simonton Avenue, Orlando, Florida, 32806

PARCEL ID: 07-23-30-2696-11-470 and 07-23-30-2696-11-491

PUBLIC NOTIFICATION: 148

TRACT SIZE: 100 ft. x 162 ft.

DISTRICT #: 3

ZONING: R-1

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Single Family Residence

SURROUNDING USES: The property is surrounded by single family residences in all directions.

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting a side setback variance to allow the house to remain on Lots #47 and #48, as well as reduced front, side and rear setbacks for Lots #49 and #50.
2. Variance #4 has been amended to request a five (5) foot side setback in lieu of six (6) feet, which is not as severe as the two (2) feet setback request as originally advertised.

3. This request is an example of infill development. The area is largely developed with similarly sized lots.
4. Staff supports the request because it is consistent with the areas development trend.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated "September 13, 2017", 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
3. 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.
4. Prior to issuance of any permits for Lot #49, the shed at the rear of the property shall be removed.

cc: Karen Bono
1607 South Eola Drive
Orlando, Florida 32806

REQUEST: **Variances** in the R-T-2 zoning district to construct an accessory structure as follows:
1) In front of the principal residence in lieu of in the side or rear yards; and
2) To allow existing accessory structure (stable) to remain with 572 sq. ft. of floor area in lieu of 500 sq. ft.
(Note: This is a result of code enforcement action)

ADDRESS: 2304 North 6th Street, Orlando FL 32820

LOCATION: West of N 6th St.; south of Hewlett Rd.

S-T-R: 15-22-32

TRACT SIZE: 260 ft. x 195 ft.

DISTRICT#: 5

LEGAL: EAST ORLANDO ESTATES SECTION A X/57 THE S 1/2 OF LOT 253

PARCEL ID: 15-22-32-2330-02-530

NO. OF NOTICES: 127

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 in favor and 1 absent):

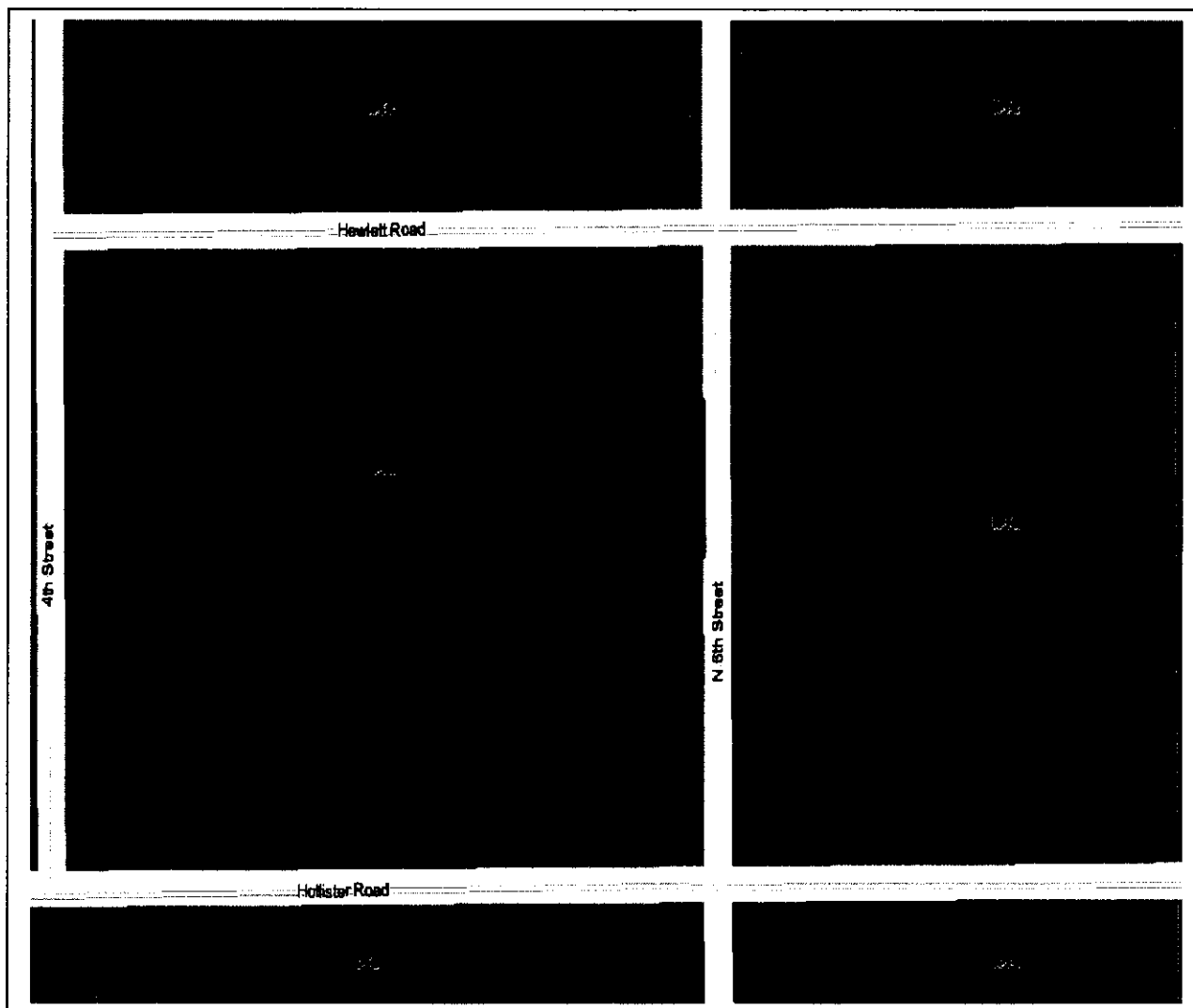
1. Development in accordance with site plan dated September 14, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: The applicant is proposing to construct a horse stable in front of the existing mobile home. The structure is setback approximately eighty (80) feet from the front property line. Staff explained the variances and advised that the accessory building would not have any impact on the neighboring properties.

The applicant spoke regarding why he needs the structure and that due to the layout of the lot this was the best location for it.

No one spoke at the public hearing in favor or in opposition of the application.

The BZA agreed the request was reasonable and approved the variances.



Applicant: Jesus D. Nunez

BZA Number: VA-17-12-110

BZA Date: 11/02/2017

District: 5

Sec/Twn/Rge: 15-22-32-SW-C

Tract Size: 260 ft. x 195 ft.

Address: 2304 North 6th Street, Orlando FL 32820

Location: West of N 6th St.; south of Hewlett Rd.

Orange County

I cordially address you to express the need to make a variant on my property in accordance with the indications I received so as not to affect the codes established by the county for good conservation of the city.

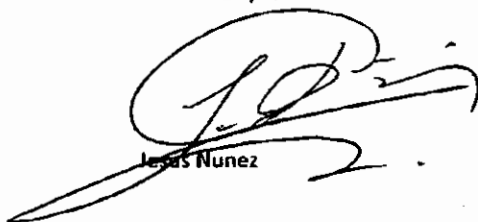
I require permission to place a stable for the location of two horses on my property but according to the regulations the following variations are necessary.

- The construction needs 72 feet more than the established by the codes.
- According to the code established by the city it requires being behind the construction of the house but I require that I be authorized to be 16 feet ahead of it.

It is not my intention to affect the order of the neighborhood . The neighbors have not expressed any objection to this otherwise it will be built to beautify the view of the property.

Unfortunately the former owners did not consider this for the location of the house.

Thanks for your consideration



Jesus Nunez



STAFF REPORT
CASE #: VA-17-12-110
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
November 2, 2017
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Jesus D. Nunez
REQUEST: Variances in the R-T-2 zoning district to construct an accessory structure as follows:
1) In front of the principal residence in lieu of in the side or rear yards; and
2) To allow existing accessory structure (stable) to remain with 572 sq. ft. of floor area in lieu of 500 sq. ft.
(Note: This is a result of code enforcement action)
LOCATION: West of N 6th St.; south of Hewlett Rd.
PROPERTY ADDRESS: 2304 North 6th Street
PARCEL ID: 15-22-32-2330-02-530
PUBLIC NOTIFICATION: 127
TRACT SIZE: 260 ft. x 195 ft.
DISTRICT #: 5
ZONING: R-T-2
EXISTING USE(S): Mobile home
PROPOSED USE(S): Stable
SURROUNDING USES: The property is surrounded by single family residences.

STAFF FINDINGS AND ANALYSIS:

1. The applicant constructed the building without a permit and plans to use it as a horse stable. The entire subdivision is allowed to keep livestock per a variance approved in 1966.
2. Due to the location of the building and the size of lot, the structure will not have a negative impact on any surrounding neighbors.
3. The square footage variance is relatively small and would not be required if the property were zoned agricultural.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated September 14, 2017, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

cc: Jesus D. Nunez
2304 North 6th Street
Orlando, Florida 32820

CREATIVE SIGNS

VA-17-12-111

REQUEST: **Variance** in the I-1A zoning district to allow a buffer yard from an adjacent single family residence of 25 ft. in lieu of 50 ft.
(Note: The affected adjacent resident has signed a letter of support. In addition, the property on which the single family residence is located has a Future Land Use of Industrial. Further, a condition of the rezoning of the subject property requires installation of a Type-B Buffer, including a six (6) ft. tall opaque buffer.)

ADDRESS: 2337 North Hiawassee Road, Apopka FL 32703

LOCATION: East side of N. Hiawassee Rd., approximately 1/2 mile north of SR 414.

S-T-R: 24-21-28

TRACT SIZE: 195 ft. x 271 ft. (AVG)

DISTRICT#: 2

LEGAL: BEG 462.42 FT W & 751 FT S OF NE COR OF SW1/4 OF SW1/4 RUN W TO A POINT 750.81 FT S OF NW COR OF SAID SW1/4 TH N 98.9 FT E 856.97 FT M/L S 98.9 FT TO POB (LESS W 576.57 FT) IN SEC 24-21-28 & E 17 FT OF W 576.97 FT OF S 98.9 FT OF N 751 FT OF SW1/4 OF SW1/

PARCEL ID: 24-21-28-0000-00-014 and 24-21-28-0000-00-053

NO. OF NOTICES: 60

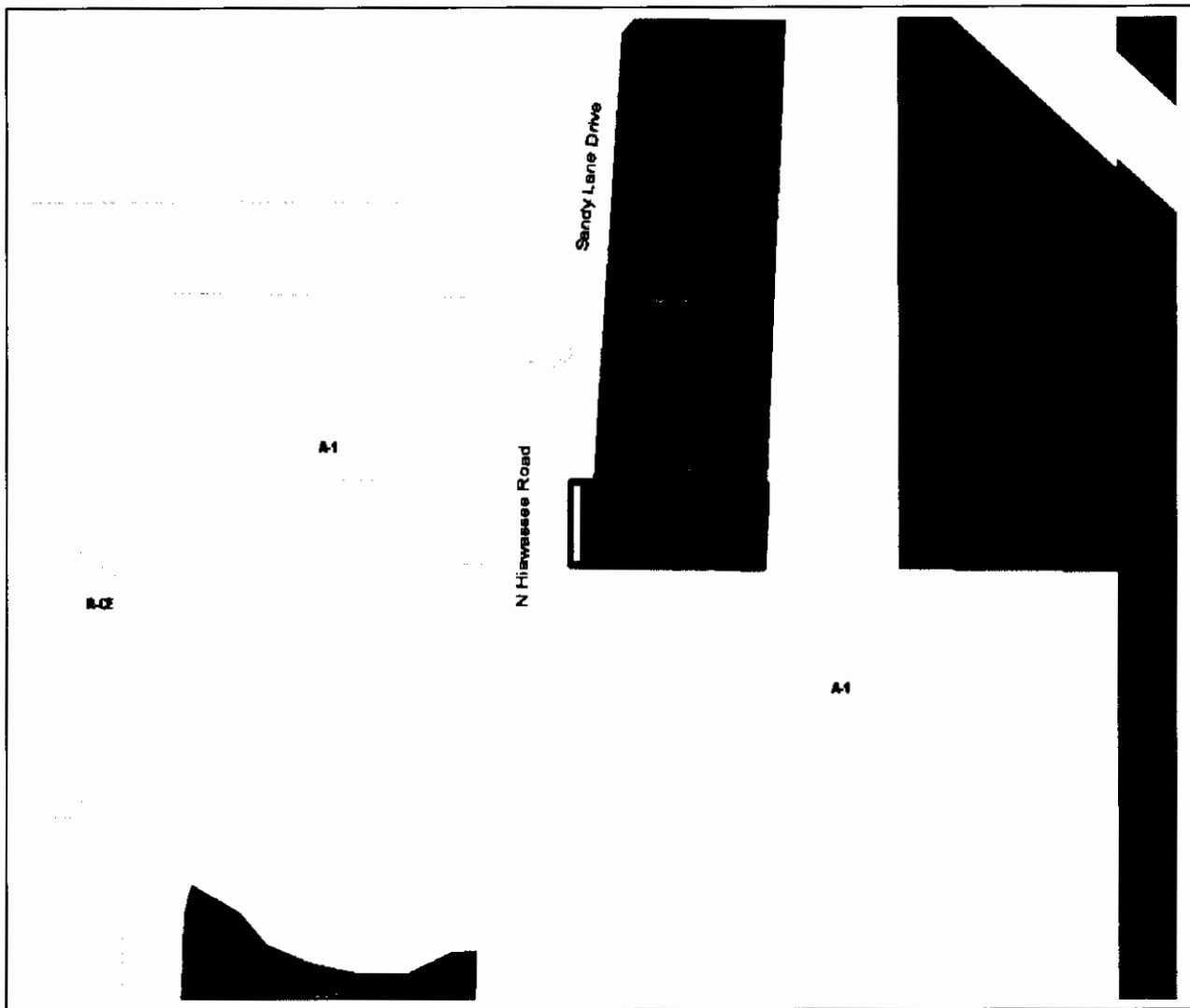
DECISION: **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6 in favor and 1 abstained):

1. Development in accordance with site plan dated September 15, 2017, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall provide a Type B buffer, including a six (6) foot high opaque fence, masonry wall, berm or hedge along the south property line.

SYNOPSIS: Staff noted that the variance was a logical request, in that the property immediately south, which contains the single family residence, had a Future Land Use of Industrial. Also, the owner of that property was in support of the request. In addition, because of the proposed site design, the building would act as a buffer.

The applicant indicated that they were in agreement with the staff recommendation and conditions. There being no one in attendance to speak for or against the request, the public hearing was closed.

The BZA concluded that the request was a logical request and the most impacted property owner was in support.



Applicant: Creative Signs

BZA Number: VA-17-12-111

BZA Date: 11/02/2017

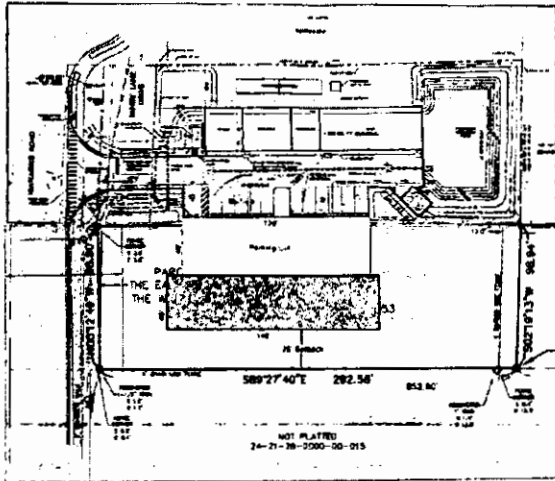
District: 2

Sec/Twn/Rge: 24-21-28-SW-C

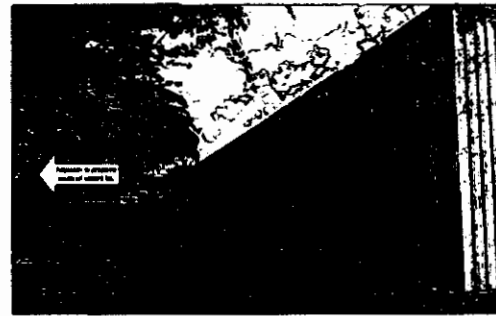
Tract Size: 195 ft. x 271 ft. (AVG)

Address: 2337 North Hiawasse Road, Apopka FL 32703

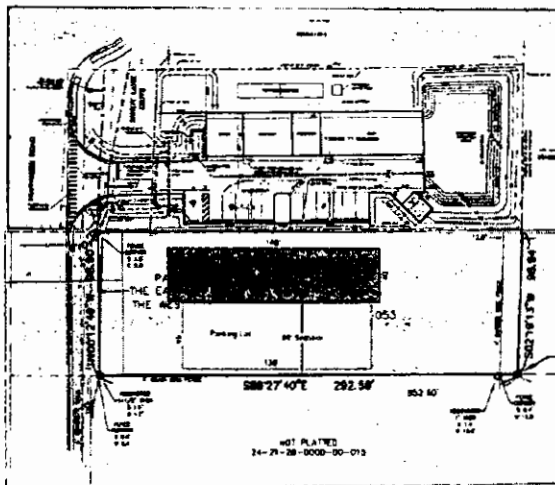
Location: East side of N. Hiawasse Rd., approximately 1/2 mile north of SR 414.



25' Setback



View from resident on lot south with 25' setback



50' Setback



View from resident on lot south with 50' setback

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BOUNDARY SURVEY

NOTES

- BEARINGS ASSUMED ON THE WEST LINE OF THE SW 1/4 OF SECTION 24-21-28 AS BEING ACCURATE
- NO UNDERGROUND UTILITIES WERE LOCATED
- SURVEY PREPARED WITHOUT THE BENEFIT OF FIELD WORK

DESCRIPTION

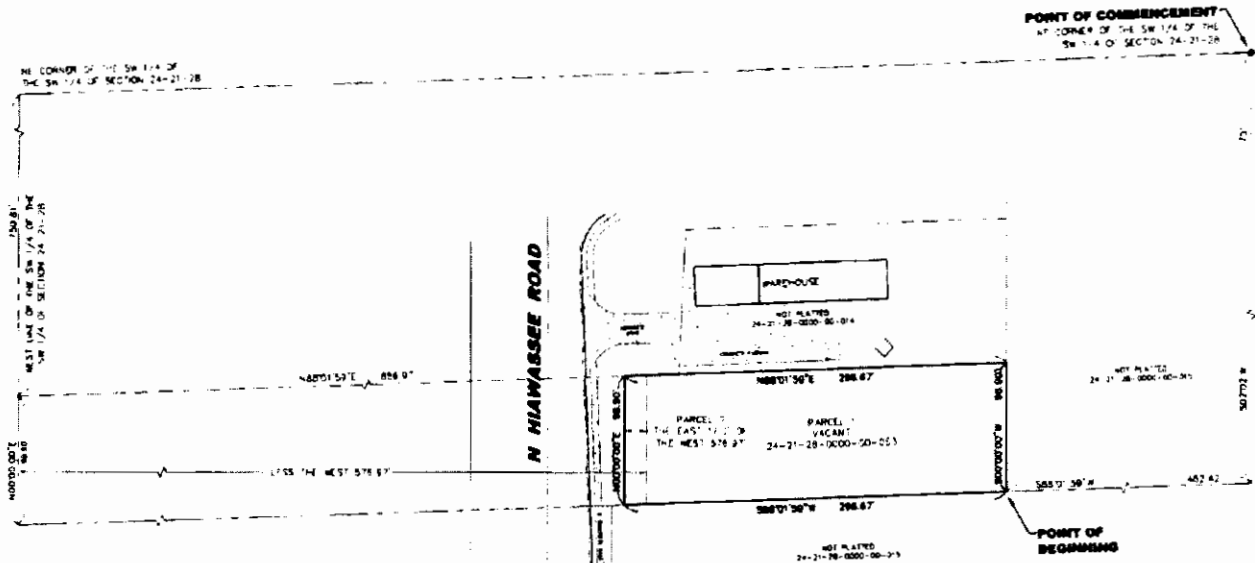
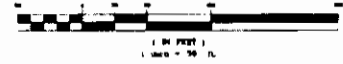
Point 1
Bears the West 576.97 feet of the following described property: Began 462.42 feet West and 751 feet South 02 degrees 02 minutes West of the Northwest corner of the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 21 South Range 28 East, run West to a point on West line of said Section 24 150.81 feet South of the Northwest corner of said Southwest 1/4. Thence North on West line of Section 24 98.9 feet thence East 556.97 feet, more or less, to a point 98.9 feet North of the beginning, thence South 98.9 feet to the Point of Beginning.

More property described as:
Began 462.42 feet West and 751 feet South 02 degrees 02 minutes West of the Northwest corner of the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 21 South Range 28 East, Orange County, Florida, run West to a point on West line of said Section 24 150.81 feet South of the Northwest corner of said Southwest 1/4, thence North on West line of Section 24 98.9 feet, thence East 556.97 feet, more or less, to a point 98.9 feet North of the beginning, thence South 98.9 feet to the Point of Beginning, LESS the West 576.97 feet, more or less.

Point 2
The East 17 feet of the West 576.97 feet of the South 98.9 feet of the North 751 feet of the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 21 South Range 28 East, Orange County, Florida.



GRAPHIC SCALE



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SHAWSON SURVEYING, INC.
190 NORTH S.E. 24th - SUITE 200
LAKEWORTH, FLORIDA 33490
(888) 776-6272 (FL & OR)
GARY D. SHAWSON, Surveyor
JAMES P. SHAWSON, P.L.S. (FL)
ALL RIGHTS RESERVED BY SHAWSON SURVEYING, INC.



September 14, 2017

Orange County, FL
Variance Review Board

SUBJECT: Variance to change set back from 50Ft to 25Ft on south property line

Orange County Variance Board Members,

Creative Signs, Inc. is a 36-year-old family owned sign business located in Orange County at 2301 N. Hiwassee Road, Apopka, FL. Our children work for the company, making Creative Signs a 2nd generation Orange County business. Most of our 14 full-time employees have been with us 5 – 30+ years and nearly 90% live in Orange County. Due to the growth of our company, we have a contract on the adjacent property located on our southern property line at 2337 N. Hiwassee Road (Parcel #24-21-28-0000-00-053) to expand our facility. On 9/6/17, the property will be officially rezoned from Industrial A-1 and I-1A to Industrial I-1/I-5 allowing us to expand our facility on the new parcel of land.

Because of a residence located immediately south of our new lot, the required building set back is now 50Ft instead of 30Ft as would be the case if there were no residence. We are requesting a building set back variance of 25Ft which is based on the "Future Land Use" change to Industrial for all properties next to and surrounding our properties.

Our request for a 25Ft set back is predicated on hardship due to the new parcel property width of 98.9Ft. We are proposing a building similar to our existing building, approximately 40Ft Wide x 160Ft Long. If approved, the parcel allocations would be a 25Ft south property line set back, 40Ft building and 33.9Ft for parking/drive paths that would adjoin our existing parking. We would like to place all parking and access drive areas on the north side of the new building with the landscape buffer and public non-access area between the south building wall and south property line. This would be in everyone's best interest, especially taking into consideration the view from the homestead located immediately south of our property. The advantages for the requested 25Ft set back is that the purposed parking area would be not only further from the lot south of it but would also be blocked by the building itself. Additionally, the back of the building will have no doors or windows as seen in the photo and would serve as a buffer from noise and activity. The homestead owner, Mary L. Harrell, has given her approval of the 23Ft set back and her letter is enclosed with our variance application.

Thank you for consideration of our variance request.

Respectfully yours,

Antonio DiSalvatore
President
Creative Signs, Inc.
tonyd@creativesignsinc.com

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SEP 15 2017

Zoning Division

2301 N. Hiwassee Rd., Apopka, FL. 32703

Ph. 407-293-9393

www.creativesignsinc.com



STAFF REPORT
CASE #: VA-17-12-111
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
November 2, 2017
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Creative Signs

REQUEST: Variance in the I-1A zoning district to allow a buffer yard from an adjacent single family residence of 25 ft. in lieu of 50 ft.

(Note: The affected adjacent resident has signed a letter of support. In addition, the property on which the single family residence is located has a Future Land Use of Industrial. Further, a condition of the rezoning of the subject property requires installation of a Type-B Buffer, including a six (6) ft. tall opaque buffer.)

LOCATION: East side of N. Hiawassee Rd., approximately 1/2 mile north of SR 414.

PROPERTY ADDRESS: 2337 North Hiawassee Road, Apopka, FL 32703

PARCEL ID: 24-21-28-0000-00-014
24-21-28-0000-00-053

PUBLIC NOTIFICATION: 60

TRACT SIZE: 195 ft. x 271 ft. (AVG)

DISTRICT #: 2

ZONING: IND-1A

EXISTING USE(S): Vacant

PROPOSED USE(S): Light Manufacturing

SURROUNDING USES: N - Light Manufacturing
S - Single Family Residence
E - Vacant
W - Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The applicant recently acquired the property and rezoned it from I-1A to I-1/I-5. In reviewing the Future Land Use Map for this area, it is found that the entire area has an underlying Future Land Use of Industrial.
2. While the property to the south and east are currently zoned A-2, these properties have a future land use which will permit them to be rezoned to one of the industrial zoning districts.
3. A condition of the rezoning of the property included installation of a six (6) foot tall opaque screen. This screen will provide a visual buffer to the neighbor to the south, who has submitted a letter of support for the applicant's request.
4. The intent of the fifty (50) foot buffer is to protect residential areas from industrial operations. However, the adjacent resident has indicated that they prefer the design proposed by the applicant in lieu of the buffer yard.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated September 15, 2017, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall provide a Type B buffer, including a six (6) foot high opaque fence, masonry wall, berm or hedge along the south property line.

cc: Antonio DiSalvatore
2301 North Hiawassee Road
Apopka, Florida 32703

SARAH MAIER
SE-17-12-112

REQUEST: **Special Exception and Variances** in the A-2 zoning district as follows:
1) Special Exception: To allow an electrical transmission substation;
2) Variance: To allow a front setback of 20 ft. in lieu of 35 ft.; and
3) Variance: To allow a fence/wall height of 12 ft. in lieu of 8 ft.

ADDRESS: State Road 520, Orlando, FL 32833

LOCATION: South of S.R. 520, north of S.R. 528, east of Bancroft Blvd.

S-T-R: 07-23-33

TRACT SIZE: 47.5 acres

DISTRICT#: 5

LEGAL: ALL OF SECTIONS 19-23-33, 28-23-33, 29-23-33 & 30-23-33 (LESS RD R/W) & (LESS PT TAKEN FOR R/W ON S PER 9883/6528) & THAT PART OF SECTIONS 06-23-33, 07-23-33, 17-23-33, 18-23-33, 20-23-33, 21-23-33, 22-23-33, 26-23-33 & 27-23-33 LYING SWLY OF SR 520 & (LE

PARCEL ID: 07-23-33-0000-00-003

NO. OF NOTICES: 119

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 further, **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 site plan dated September 15, 2017, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Any expansions of the use shall require BZA approval.
5. Construction plans shall be submitted within two (2) years or this approval becomes null and void.
6. Prior to the issuance of permits the applicant shall complete a Conservation Area Determination.

SYNOPSIS: The applicant is proposing an electrical substation on an agriculturally zoned property. The applicant has submitted for a lot split and a CAD prior to the BZA meeting.

Staff outlined the case and explained that the substation would be located in the southeast corner of the property. The front yard variance was necessary to push the structures closer towards SR 520 and farther from any residential land uses. The substation would be located approximately 1,000 feet from the residentially zoned properties. Staff received one response in opposition to the case and no responses in support.

The applicant advised the BZA on the necessity for the substation and how it would help supply more efficient power to the surrounding areas.

No one spoke at the public hearing for or against the application.

The BZA discussed the need for the variance and the site layout. The BZA agreed the request was reasonable and approved the special exception/variances unanimously.



Dewberry Engineers Inc.
800 N. Magnolia Ave, Suite 1000
Orlando, FL 32803

407.843.5120
407.649.8664 fax
www.dewberry.com

September 15, 2017

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

RE: **Deseret Substation (fka Peace Substation)
Application for Special Exception**

Dear Zoning Division Staff,

Request and Project Description

The applicant, Florida Power & Light (FPL), is proposing to develop an electrical transmission substation facility, called Deseret Transmission Substation (fka Peace Substation) on a (+/-) 47 acre parcel of land in Unincorporated East Orange County. Per Orange County Code Section 38-77, the proposed substation use requires approval of a Special Exception. Pursuant to this requirement, the applicant is requesting approval of a Special Exception from the Board of Zoning Adjustment.

An electrical transmission substation is a critical part of the overall electrical grid and serves an important role in electrical system reliability and growth for future utility customers. The primary function of this substation will be to perform voltage conversions and switching between generating plants, high voltage transmission lines and other electrical substations, ensuring the safe and efficient transmission of electricity. An electrical transmission substation is similar to an electrical distribution substation in terms of the appearance of the equipment and the fact that it requires connection to the transmission lines. In this instance, the site was strategically located to be immediately adjacent to several existing transmission lines. A transmission substation differs from a distribution substation, in that it does not distribute the power directly to its customers through distribution lines but instead, regulates the power on the transmission grid.

Deseret Substation is a proposed transmission substation that will improve system reliability and help support the surrounding load growth in the East Orange and Brevard County areas. The substation will operate in strict compliance with regulatory authorities such as the North American Electric Reliability Corporation (NERC), the Federal Energy Regulatory Commission (FERC) and Florida's Public Service Commission (PSC).

The overall proposed FPL substation property is 47.135 acres, but the actual area of proposed development for the substation will consist of only (+/-) 8.045 acres. The majority of the remaining acreage will not be impacted and remain as an existing wooded lot with some stormwater retention areas. The site currently has a Future Land Use (FLU) of Rural and Zoning District of A-2. The requested Special Exception would allow the proposed use in the current FLU and zoning.

Existing Conditions

The property is located south and west of State Road 520 and east of the Wedgefield Residential Subdivision. The subject 47 acres consists mostly of dense pine flatwoods with four (4) wetland areas present on the site, consisting of three (3) forested wetland areas and one (1) isolated herbaceous marsh. A Conservation Area Determination (CAD) was submitted on September 6, 2017 to the Orange County Environmental Protection Division (OCEPD) for these wetlands. There will be proposed wetland impacts

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(less than 1/2 acre) which will be mitigated as required by OCEPD through the Conservation Area Impact (CAI) permit process and any other applicable permitting agency.

A 300 ft wide existing FPL transmission easement, with transmission structures and transmission lines, is located on the property, running north and south along the property's eastern boundary. An existing borrow pond is located in the northeast corner of the property.

The following table identifies those uses adjacent to the subject property:

Direction	Surrounding Use
North	Vacant Land / SR 520
East	FDOT ROW / Pond
South	OUC Transmission Easement / Lines and Vacant Land
West	Wedgfield Residential Neighborhood

The Florida Department of Transportation pond located on the east side of the property is used for stormwater management for State Road 520.

The Orlando Utilities Commission (OUC) transmission easement on the south side of the property is a 220 ft wide easement with existing transmission structures.

Variances

As part of the Special Exception application, the Applicant is also requesting approval of two (2) variances:

1. Front Setback of 20 ft in lieu of the minimum code requirement of 35 ft. **Variance request: 15 ft.**

The 15 ft variance is the minimum possible variance in order for the electrical substation equipment to line up with and connect to the existing transmission lines. Additional setback distance would place excessive strain on the existing transmission structures to the north and south of the substation. Therefore strict compliance with the 35ft required setback would result in an extreme hardship.

2. Fence height maximum of 12 ft in lieu of the minimum code requirement of 8 ft. **Variance request: 4 ft.**

The increase in fence (wall) height is needed to ensure the security of the substation facility to the greatest extent possible and comply with FPL's stringent safety standards. In addition this wall provides for greater visual buffer for the substation. A 12 ft high decorative masonry wall is proposed around the entire 8.045-acre development area with the exception of a few small areas where the fence is proposed. Strict compliance with the 8 ft. maximum height would result in a hardship by preventing compliance with FPL's minimum safety standards.

Special Exception Criteria

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

Specific policies related to the provision of electrical services for County residents are not contained in the Comprehensive Policy Plan. However, the proposed use is consistent with the overall general intent of the Comprehensive Policy Plan, which is intended to guide growth and development and plan for the provision of infrastructure and services to residents in a fiscally responsible manner.

Specifically, the proposed use is consistent with the following Comprehensive Plan goals, objectives and policies:

Future Land Use

- Goal FLU1 - the County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities
- FLU1.4.22 - Utilities and public facilities shall be allowed in all Future Land Use designations

Utilities

- Goal PW1/WW1 - the County's focus on utility services is to provide efficient and adequate level of service and facilities in a cost-effective manner to accommodate existing and future development
- Objective PW1.3/WW1.3 - the County shall maximize the use of existing facilities and available capacity through the implementation of appropriate technology management strategies for enhancing supply

Capital Improvements

- Goal CIE1 - the County shall plan for and manage the provision of public facilities and services in a fiscally prudent and responsible manner to adequately serve existing and new residents and continue to provide a quality environment

The proposed use will serve as a benefit to residents and other consumers in the surrounding area by ultimately delivering safe and reliable power. As previously mentioned, Deseret Substation will improve system reliability, help support the surrounding load growth, and will maintain reliability for customers, including those in East Orange and Brevard County areas. As mentioned earlier, the substation will operate in strict compliance with all regulatory authorities.

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

The proposed substation is an integral part of the community and is similar and compatible with the surrounding area, which includes both an existing 300' wide FPL transmission line right-of-way on the property and an existing 220' wide OUC transmission line right-of-way adjacent to the property. The property is surrounded by vacant land and/or roadway/ponds on three sides, which serve to increase compatibility with the surrounding area. A residential subdivision is located west of the property; however, over 1,000 feet of dense tall pine trees and wetlands currently exist on the property between the proposed location for the substation equipment and the nearby residents (please see included Exhibit 1). The existing trees, wetlands, and other vegetation will remain in place and provide a natural buffer between the proposed use and the residential use.

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

The substation is an unmanned passive use generating only a few traffic trips per month. Major electrical transmission lines already exist on the subject property and adjacent to the subject property. The OUC transmission line and the FPL transmission line cross each other near the southeast corner of the subject property. The proposed use is consistent with these existing uses, and will not act as a detrimental intrusion for the surrounding area. Additionally, the proposed transmission substation is necessary to meet reliability standards impacted by load growth in the region, which includes the Orange and Brevard County areas. The proposed substation will comply with all federal and state regulatory standards, including NERC, FERC and the PSC.



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

The proposed use complies with all performance standards of the A-2 zoning district, with the exception of the two (2) variances requested as part of this Special Exception application:

- a. Front Setback of 20 ft in lieu of the code allowed 35 ft; and
- b. Fence height maximum of 12 ft in lieu of the code allowed 8 ft.

As noted above, the proposed variances are needed to obtain necessary proximity with the existing transmission lines and to ensure the security of the substation facility.

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.

This is an unmanned passive use generating almost no traffic trips. Any noise generated from the substation will be minimal and will comply with County Code at the edge of the R/W and property lines. There will also be no vibration, dust, odor, glare, or other nuisance characteristics expected to occur with the proposed use. Lastly, the proposed electrical transmission substation equipment will not exceed the height of the existing transmission structures and lines in this area and in the zoning district, and most equipment will, in fact, be substantially shorter. This proposed use will therefore be compatible with the surrounding 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.

Pursuant to the County Code, landscape buffer yards are not required for the proposed use. However, over 1,000 feet of existing dense tall pine trees, wetlands and other vegetation will remain on the site and provide a natural buffer for the residential use to the west of the subject property. Views from Abalone Boulevard (the closest residential street to the subject property) show the height and coverage of existing trees (please see included Exhibit 2).

Should you have any questions or require any additional information, please contact me at 321.354.9653.

Sincerely,



Sarah M. Maier
Planner
Dewberry

STM

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cc: Bruce Barber, Florida Power & Light



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Page 4 of 4



STAFF REPORT
CASE #SE-17-12-112
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
November 2, 2017
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Sarah Maier

HEARING TYPE: Board of Zoning Adjustment

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

- 1) Special Exception: To allow an electrical transmission substation;
- 2) Variance: To allow a front setback of 20 ft. in lieu of 35 ft.; and
- 3) Variance: To allow a fence/wall height of 12 ft. in lieu of 8 ft.

LOCATION: South of S.R. 520, north of S.R. 528, east of Bancroft Blvd.

PROPERTY ADDRESS: State Road 520, Orlando, FL 32833

PARCEL ID: 07-23-33-0000-00-003

PUBLIC NOTIFICATION: 119

TRACT SIZE: 47.5 acres

DISTRICT #: 5

ZONING: A-2

EXISTING USE(S): Vacant

PROPOSED USE(S): Electrical substation

SURROUNDING USES: The property is surrounded by vacant land and abuts the Wedgefield subdivision to the west.

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting to construct an electrical transmission substation. The approximate size of the actual substation is eight (8) acres.
2. The applicant is requesting to construct a twelve (12) foot high wall to provide security and buffering.

3. The substation will be located 1,000 feet away from the closest residentially zoned property. The applicant will preserve all the vegetation and wetlands in this area.
4. The property will be accessed via State Road 520 through the existing 220 foot wide utility easement.
5. The front setback variance requested only affects the side of the property facing State Road 520.

STAFF RECOMMENDATION:

Staff recommends approval due to the following factors:

- a) The proposed location is a substantial distance from the single family homes.
- b) The wall proposed will provide an additional buffer.
- c) The property will only be accessed via State Road 520.

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated September 15, 2017, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Any expansions of the use shall require BZA approval.
5. Construction plans shall be submitted within two (2) years or this approval becomes null and void.
6. Prior to the issuance of permits the applicant shall complete a Conservation Area Determination.

cc: Sarah Maier, 800 North Magnolia Avenue, Suite 1000, Orlando, Florida 32801

THE KINGDOM CHURCH
SE-17-12-113

REQUEST: **Special Exception and Variance** in the R-1A zoning district as follows:
1) Special Exception to permit a day care for up to 74 children in conjunction with an existing place of worship; and
2) Variance to permit grass parking and driving aisles in lieu of paved in conjunction with the day care center.
(Note: There will be no new construction in conjunction with this request. The Church will use existing classroom facilities currently used for Sunday School as the rooms for the day care. Play area will be located in fenced areas in front of the building. There is commercial land use and zoning to the west and south of the subject property.)

ADDRESS: 1102 26th Street, Orlando FL 32805

LOCATION: Southwest corner of 26th St. and Woods St., approximately 125 ft. north of Michigan St.

S-T-R: 03-23-29

TRACT SIZE: 400 ft. x 135 ft.

DISTRICT#: 6

LEGAL: ANGEILT ADDITION H/79 LOTS 1 THROUGH 8 BLK 51

PARCEL ID: 03-23-29-0180-51-010

NO. OF NOTICES: 123

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 further, **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 as amended (unanimous; 7-0):

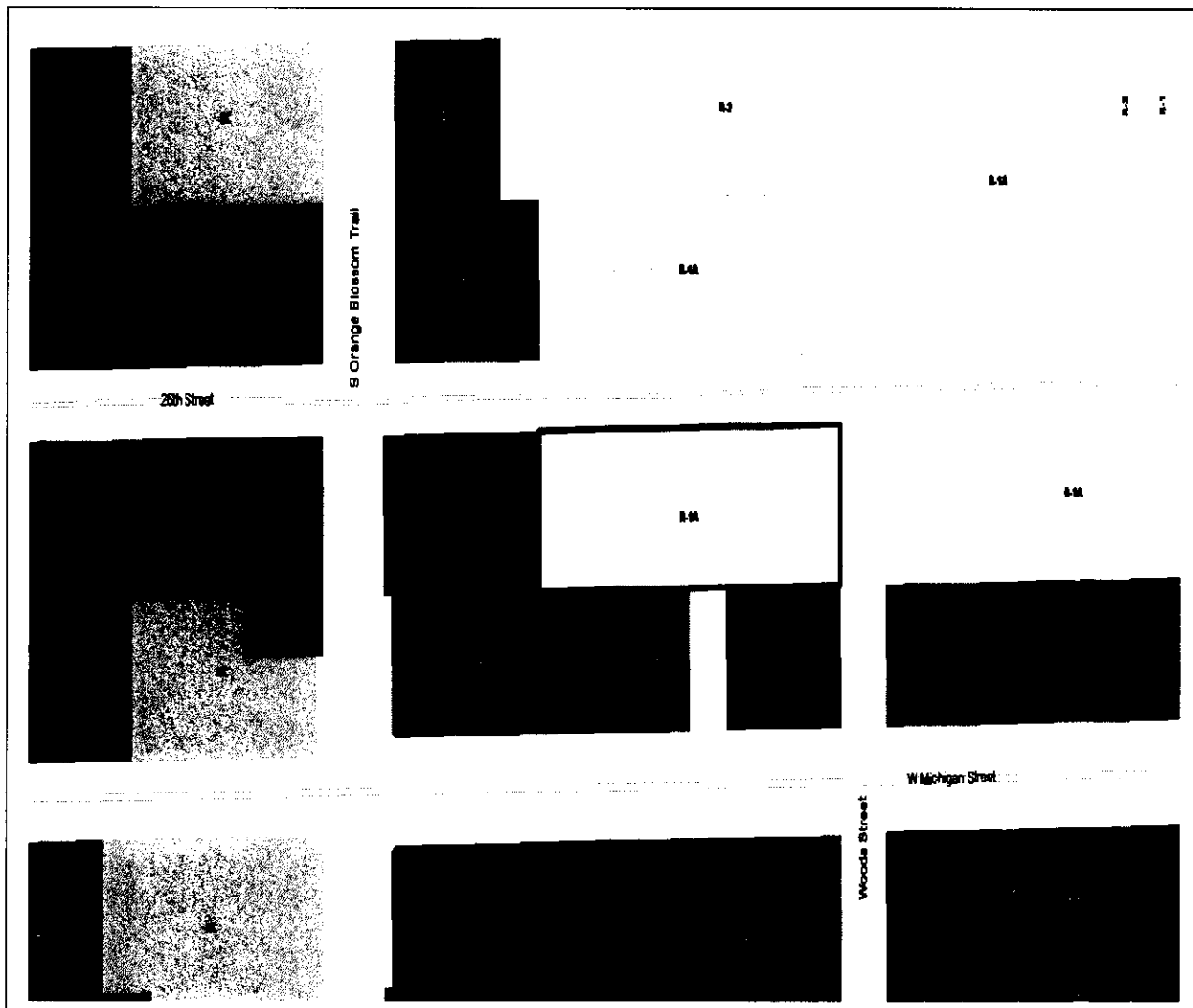
1. Development in accordance with site plan dated September 15, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. There shall be no more than four (4) outdoor special events per calendar year associated with the daycare center between the hours of 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 at a minimum of thirty (30) days prior to the date of each event.
5. Hours of operation shall be limited to Monday through Friday, 6:30 a.m. to 7:00 p.m.
6. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
7. No more than seventy-four (74) children shall be enrolled at the daycare at any one time. Expansion of enrollment shall require additional approval by the BZA.
8. All required handicap parking shall be paved and brought up to current ADA standards.

SYNOPSIS: Staff noted that the property has been used as a place of worship since 1976. The applicant will not make any exterior alterations to the site other than fencing for the play areas. Staff also noted that a variance to the rear (south) and side (west) setbacks and a variance to allow unpaved parking were also granted in 1976. Staff advised there was no opposition to the request. One member of the BZA noted that the existing handicap parking lacked paving. Staff recommended a condition that the handicap parking be paved and brought up to ADA requirements.

The applicant acknowledged that they understood what was required of the new condition. There being no one in attendance to speak for or against the request, the public hearing was closed.

The BZA found that the application would be an asset to the neighborhood.



Applicant: The Kingdom Church

BZA Number: SE-17-12-113

BZA Date: 11/02/2017

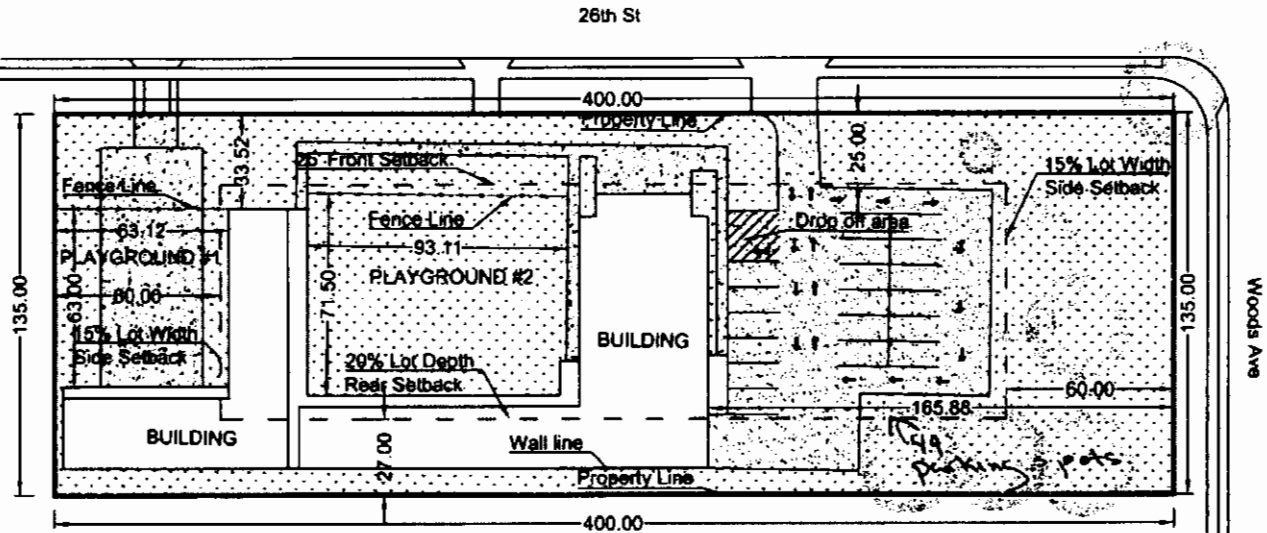
District: 6

Sec/Twn/Rge: 03-23-29-SE-D

Tract Size: 400 ft. x 135 ft.

Address: 1102 26th Street, Orlando FL 32805

Location: Southwest corner of 26th St. and Woods St., approximately 125 ft. north of Michigan St.



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Address: 1102 26th Street
Orlando, FL 32805
Legal Desc: ANCEBILT ADDITION W/79
LOTS 1 THROUGH 8 BLK 51
Lot Size: 53,971 SF / 1.24 Ac
Zoning: R-1A
Scale 1"=50'

Cover Letter for Special Except & Variance for (TKC) The Kingdom Church

We are requesting a variance along with our special exception, to allow us to continue to use our the grass as our parking area. We have a small congregation at this time and we currently have not run into any issues. We currently have a special exception to operate as a church and Sunday school, the class rooms we already use for our member's children for Sunday school is what we intend to use for childcare for our members and any community members in need. We have seven rooms and we plan to have a maximum of 74 children according to the childcare licensing ratios. We will be a benefit to our children because we will have tutoring, after school care, enrichment programs, a reading/comprehension program, along with quality childcare professionals. We plan to partner with local high schools Jones High School, specifically and any other interested with volunteer hours for the bright future scholarships, as well as offer a few scholarships ourselves to high school students who excel at volunteering and participate in being outstanding members of the community. We are committed to caring for our community by having volunteers come out for a clean up day where church members come out and pick up trash to help with the upkeep of the neighborhood. We also host a back to school fair where we give free haircuts and book bags and school supplies, along with a free pantry weekly. We provide a number of free events that all are welcomed to no matter what religion or if they attend our church. We do many things for children in need in general, which take extra resources which, which the daycare will help our members and help create more revenue to help contribute to our operations, and outreach. We do not need any alterations or changes to our building structure, we have only added a fence for the safety and security of our current, Sunday school children. We have locks on every classroom door, along with security cameras, we also have two separate playground areas, one for the smaller children and one for the after school children. We would like to continue doing what we already do on Sundays throughout the week as the building sits empty on every other day. We would like to move forward with or plan to be at our highest and best use of this property by adding other services. Samuel Abraham is church manager, who takes care of the finances and day to day operations of the church. I, Natasha Abraham will be the director of the Children's department, Kingdom Kids Development Center and would handle Childcare licensing with the county, once we are able to forward. Thank you Orange County Zoning Division.

w/44 parking spaces

Natasha Abraham

(TKC) The Kingdom Church

Early Childhood Director

Nearing, David C

From: natasha abraham <natasha.w.abraham@gmail.com>
Sent: Monday, September 18, 2017 7:07 AM
To: Nearing, David C
Subject: Special Exception

Hello Mr. Nearing

This is Natasha Abraham from (TKC) The Kingdom Church, we were requesting the special exception and the variance, I wanted to add the hours of operation will be from 6:30 am - 6:30 pm to the the cover letter.

Thank you
Natasha Abraham
--
Natasha Abraham



STAFF REPORT
CASE #SE-17-12-113
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
November 2, 2017
Commission District: 6

GENERAL INFORMATION:

APPLICANT: The Kingdom Church

HEARING TYPE: Board of Zoning Adjustment

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

- 1) Special Exception to permit a day care for up to 74 children in conjunction with an existing place of worship; and
- 2) Variance to permit grass parking and driving aisles in lieu of paved in conjunction with the day care center.

(Note: There will be no new construction in conjunction with this request. The Church will use existing classroom facilities currently used for Sunday School as the rooms for the day care. Play areas will be located in fenced areas in front of the building. There is commercial land use and zoning to the west and south of the subject property.)

LOCATION: Southwest corner of 26th St. and Woods St., approximately 125 ft. north of Michigan St.

PROPERTY ADDRESS: 1102 26th Street

PARCEL ID: 03-23-29-0180-51-010

PUBLIC NOTIFICATION: 123

TRACT SIZE: 400 ft. x 135 ft.

DISTRICT #: 6

ZONING: R-1A

EXISTING USE(S): Religious Institution

PROPOSED USE(S): Day Care for up to 74 children

SURROUNDING USES: N – Single Family Residences
S – Commercial
E – Single Family Residences
W – Commercial

STAFF FINDINGS AND ANALYSIS:

1. The subject property has been used as a religious institution since at least August of 1976, when a Special Exception was granted to the Holden Heights United Methodist Church.
2. In addition to the Special Exception, variances were also granted to allow a ten (10) foot setback from the rear (south) property line in lieu of thirty (30) feet, a side (west) setback of five (5) feet in lieu of 7.5 feet, and permission for seventy-three (73) unpaved parking spaces in lieu of paved.
3. With the exception of installation of fencing for the play areas, there will not be any modifications to the exterior of the site. The existing classrooms used for Sunday School will be utilized for the daycare.
4. The daycare will provide a service to this community. The play area will be on the 26th Street side of the building away from the adjacent commercial.
5. The prior variance to the paved parking requirement should be extended to the eight (8) parking spaces required for the daycare, as the parking area has functioned adequately since at least 1976.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated September 15, 2017, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. There shall be no more than four (4) outdoor special events per calendar year associated with the daycare center between the hours of 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 at a minimum of thirty (30) days prior to the date of each event.

5. Hours of operation shall be limited to Monday through Friday, 6:30 a.m. to 7:00 p.m.
6. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
7. No more than seventy-four (74) children shall be enrolled at the daycare at any one time. Expansion of enrollment shall require additional approval by the BZA.

cc: Samuel Abraham (Applicant's representative)
1102 26th Street
Orlando, Florida 32805

ROBERT GOUDY
VA-17-12-118

REQUEST: Variance in the R-CE zoning district to allow a minimum lot width of 124 ft. in lieu of 130 ft.

ADDRESS: Kilgore Road, Orlando FL 32836

LOCATION: West side of Kilgore Rd., west of S. Apopka Vineland Rd., south of Sand Lake Rd.

S-T-R: 04-24-28

TRACT SIZE: 124 ft. x 300 ft.

DISTRICT#: 1

LEGAL: THE NORTH 144.40 FT OF W3/4 OF S1/2 OF N1/2 OF NE1/4 (LESS E 33 FT FOR R/W PER DB 781/681) OF SEC 04-24-28 (LESS BEG AT SE CORNER OF FORESAID TH N0-16-56W 20 FT TH N89-32-58W 300.28 FT TH N0-16-56W 109.41 FT TH N89-30-16W 1673.81 FT TH S0-10-39E 129.41 FT

PARCEL ID: 04-24-28-0000-00-126

NO. OF NOTICES: 127

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):

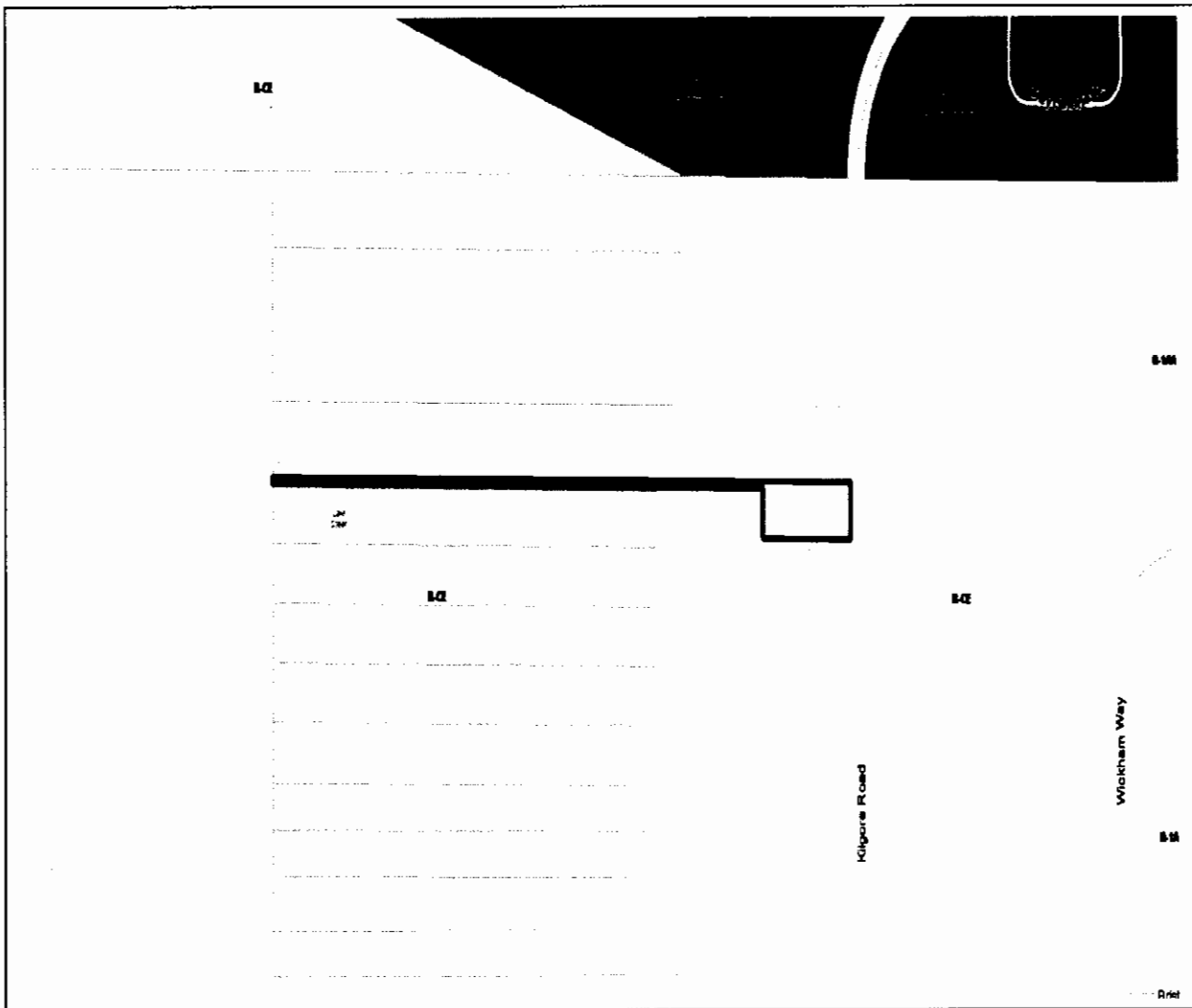
1. Development in accordance with site plan dated September 19, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. All new construction shall comply with all setbacks in effect at the time of construction.

SYNOPSIS: Staff explained that the subject property was created along with the developed lot to the west through a legal lot split in 1987. A waiver was granted to allow the western lot to have only a fifteen (15) foot wide fee-simple access to Kilgore Road in lieu of twenty (20) feet wide fee simple

access. However, in 2006 when building permits for the west lot were applied for, the owner was required to provide an additional five (5) feet of fee-simple land to the road. Owning the subject property, and having nowhere else to obtain the land, they took it from the subject property, rendering it nonconforming. The requested variance amounts to only 4.6%. Further, variances for lot widths of only 100 feet were granted to other lots on Kilgore Road. There are other lots in the Kilgore Road area that have homes on them and they also have only 100 feet of lot width. Therefore, denying the variance would deprive the property owner of a right others in the same zoning district have.

The applicant indicated that they were in agreement with the staff recommendation and conditions.

The BZA found that the variance is the least necessary, and without the variance the applicant would be deprived of rights others in the same zoning district have.



Applicant: Robert Goudy

BZA Number: VA-17-12-118

BZA Date: 11/02/2017

District: 1

Sec/Twn/Rge: 04-24-28-NE-A

Tract Size: 124 ft. x 300 ft

Address: Kilgore Road, Orlando FL 32836

Location: West side of Kilgore Rd., west of S. Apopka Vineland Rd., south of Sand Lake Rd.

REQUEST FOR MINOR LOT WIDTH VARIANCE FOR NEW SINGLE FAMILY RESIDENCE

9/19/17

Orange County Zoning Division

201 South Rosalind Ave.

Rolando, Fl. 32801

Michael Niesslein and Ashley Marie Stopperich

9120 Kilgore rd.

Orlando, FL. 32836

Owners are requesting a variance to the south property boundary of 5'-7" to an adjoining access driveway that allows access to the Parents of applicants. The original lot split dated 02/10/1987 allowed a 15' wide and 300.04' long ingress to access rear property. The access was required by Orange County to be increased by 5' to a current width of 20' for emergency access which reduced property requesting "variance" to 124.40'. The indicated parcel at the time of original lot split dated 02/10/1987 had at the time of split an existing residential structure located on property. This home at a later date was demolished and left vacant. The adjoining house to the rear of parcel is currently owned by the parents of applicant and it is the desire of applicant that the Board will allow for this request to be granted so that the families can occupied adjoining properties. This property like many others on Kilgore road will have minor Deminsion differences from current zoning criteria of 130' width, however it will continue to improve the area with new updated constructed residences and due to the existing solid concrete front fence will be minimally visible from roadway.

The Owners of both 9120 Kilgore and proposed 9110 Kilgore respectfully request approval of variance requested.

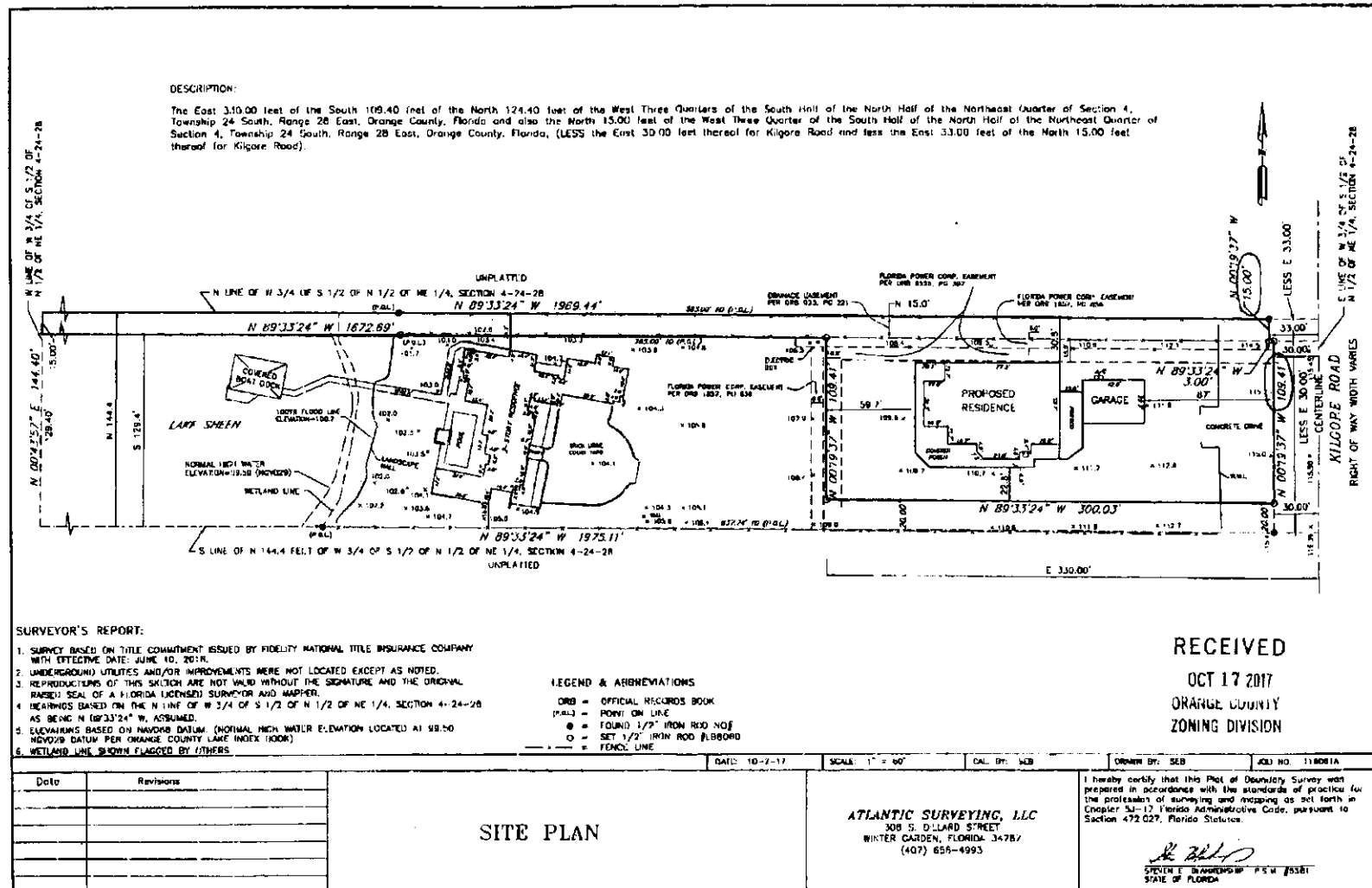
Regards

Robert L.Goudy ,Agent of Owners

407-758-8490

RECEIVED

**SEP 19 2017
ORANGE COUNTY,
ZONING DIVISION**





GENERAL INFORMATION:

APPLICANT: Robert Goudy

REQUEST: Variance in the R-CE zoning district to allow a minimum lot width of 124 ft. in lieu of 130 ft.

LOCATION: West side of Kilgore Rd., west of S. Apopka Vineland Rd., south of Sand Lake Rd.

PROPERTY ADDRESS: Kilgore Road, Orlando, Florida, 32836

PARCEL ID: 04-24-28-0000-00-126

PUBLIC NOTIFICATION: 127

TRACT SIZE: 124 ft. x 300 ft.

DISTRICT #: 1

ZONING: R-CE

EXISTING USE(S): Vacant

PROPOSED USE(S): Single Family Residence

SURROUNDING USES: This area is predominately developed as a single family detached lakeside community.

STAFF FINDINGS AND ANALYSIS:

1. In 1987, the owners of the adjacent lot to the west of the subject property created the subject property through a legal lot split. That legal lot split created a flag lot with a fifteen (15) foot wide stem to Kilgore Road. The subject property had the required 130 feet frontage.
2. According to the applicant, when the owner of the flag lot attempted to build their home on it in 2006, they were told by the County that they must provide an additional five (5) feet to the flag stem to make it twenty (20) feet wide. They took the five (5) feet from the subject property, which they also owned. This action caused the subject property to become nonconforming with less than 130 feet of frontage.

3. Since the applicant cannot obtain additional land to widen the lot, this is the least amount of variance needed. The requested variance represents a 4.6% variance from the minimum requirement. Without this variance, the applicant will be deprived of rights enjoyed by others in this zoning district.
4. Staff found that variances to the lot width were actually granted to five (5) other lots in this area. In addition, at least a dozen lots immediately south of the subject property are less than 130 feet in width, and were developed without variances. Therefore, this variance would be in character with the development pattern in this area.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated September 19, 2017, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. All new construction shall comply with all setbacks in effect at the time of construction.

cc: Robert Goudy
6077 Lexington Park
Orlando, Florida 32819

REQUEST: Variance in the P-D zoning district to allow 214 parking spaces in lieu of 231 parking spaces.
(Note: A parking study will be provided.)

ADDRESS: 8040 Palm Parkway, Orlando FL 32836

LOCATION: East of Palm Parkway; north of Lake St.

S-T-R: 15-24-28

TRACT SIZE: 4.86 acres

DISTRICT#: 1

LEGAL: LAKE BUENA VISTA HOTELS 92/131 LOT 1

PARCEL ID: 15-24-28-4350-01-000

NO. OF NOTICES: 170

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):

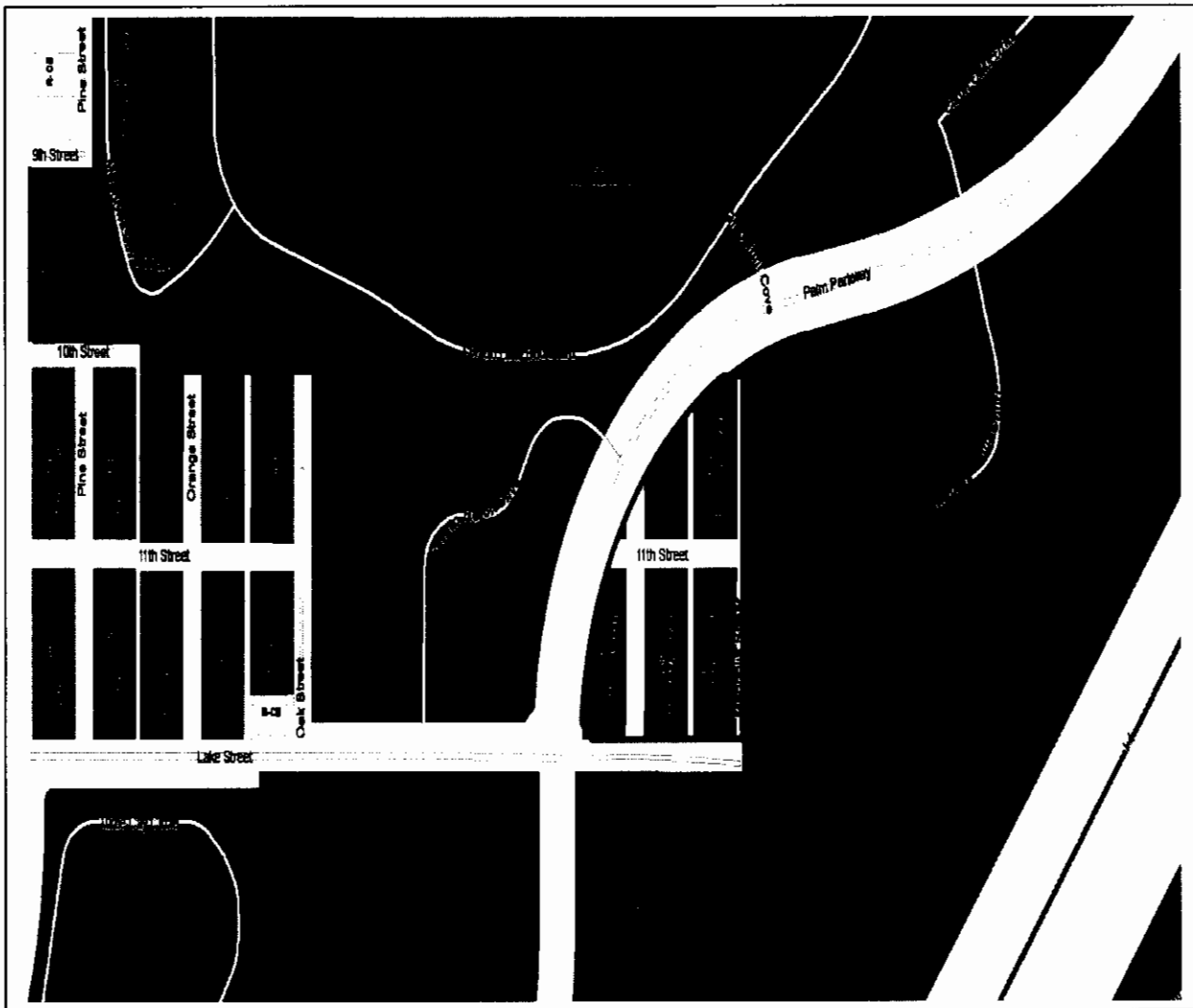
1. Development in accordance with site plan dated September 20, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: The applicant is proposing a parking variance for a hotel currently under construction. The applicant originally requested a seven percent (7%) variance with 214 spaces proposed in lieu of 231 spaces. The applicant later submitted a parking study requesting 221 spaces in lieu of the code required 231.

The staff made a presentation on the request and stated that Transportation Planning has indicated they are in agreement with the parking study. Staff explained that the four percent (4%) variance is minimal and less than what was originally requested.

The applicant gave a brief history of the project and explained why the variance was necessary.

No one spoke at the public hearing regarding the case and the BZA approved the request unanimously.



Applicant: John Florio

BZA Number: VA-17-12-119

BZA Date: 11/02/2017

District: 1

Sec/Twn/Rge: 15-24-28-SE-D

Tract Size: 4.86 acres

Address: 8040 Palm Parkway, Orlando FL 32836

Location: East of Palm Parkway; north of Lake St.



**DONALD W. MCINTOSH
ASSOCIATES, INC.**

September 20, 2017
Hand Delivered

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

Re: Lake Buena Vista Properties, LLC
Board of Zoning Adjustment Application for Variance
Orange County, Florida

Please find enclosed herewith the following information in support of an Application for Variance for the subject project:

- Fee check in the amount of \$638.00 (DWMA Check No. 7013);
- 1 original Board of Zoning Adjustment Application for Variance; and
- Two copies of Site Plan (11x17).

CIVIL ENGINEERS

Due to the recent turn of events related to Hurricane Irma, the parking study has been slightly delayed and will be submitted shortly under separate cover.

LAND PLANNERS

SURVEYORS

Specifically, this is a request for a reduction in the required parking for a proposed dual-branded hotel including a Spring Hill Suites and Towne Place Suites by Marriott. The parking will serve a total of 335 hotel rooms and 1,500 SF of office space at the dual-branded hotel. The hotel is currently under construction.

Orange County Code Sections 38-1476 and 38-1484 require 1 parking space per 1.5 rooms and 1 space per 200 SF of office use. This totals 231 spaces required by Code, of which the Florida Accessibility Code 2012 requires 7 accessible spaces. The current plan proposes a total of 214 spaces (inclusive of the 7 accessible spaces).



We respectfully request a variance for a reduction of 17 parking spaces for this project. In support of this request, a recently completed parking study will be provided.

After you review this information, should you need anything further, please advise. Thank you for your time and consideration of this request.

Very truly yours,

DONALD W. MCINTOSH ASSOCIATES, INC.

John M. Florio
John M. Florio, P.E.
Executive Vice President

2200 Park Ave. North

Winter Park, FL

32789-2355

Fax 407-644-8318

407-644-4068

JMF/bd/encl.

c: Mr. David Bansmer
Mr. Ray Stangle
Ms. Randi Fitzgerald
Mr. Tom Hogan
Mr. Matt Allen
Mr. Mohammed Abdallah

<http://www.dwrma.com>

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STAFF REPORT
CASE #: VA-17-12-119
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
November 2, 2017
Commission District: 1

GENERAL INFORMATION:

APPLICANT: John Florio

REQUEST: Variance in the P-D zoning district to allow 214 parking spaces in lieu of 231 parking spaces.
(Note: A parking study will be provided.)

LOCATION: East of Palm Parkway; north of Lake St.

PROPERTY ADDRESS: 8040 Palm Parkway, Orlando FL 32836

PARCEL ID: 15-24-28-4350-01-000

PUBLIC NOTIFICATION: 170

TRACT SIZE: 4.86 acres

DISTRICT #: 1

ZONING: P-D

EXISTING USE(S): Vacant

PROPOSED USE(S): Hotel

SURROUNDING USES: N - Right-of-way
S - Hotel
E - Retention pond
W -Right-of-way/vacant property

STAFF FINDINGS AND ANALYSIS:

1. The hotel was previously approved by the Development Review Committee in 2016. That site plan met the parking requirements by utilizing a parking garage. The applicant has since redesigned the site and eliminated the garage portion for financial reasons.
2. The current site plan requires 231 parking spaces and the applicant is proposing 214 spaces. The variance requested is a seven percent (7%) variation from the code.
3. The applicant must submit a parking study before the variance can be approved.

STAFF RECOMMENDATION:

If the BZA approves this request, the following conditions should be imposed:

1. Development in accordance with site plan dated September 20, 2017, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

cc: Mr. John M. Florio
2200 North Park Avenue
Winter Park, Florida 32789