



**Orange County
Board of Zoning Adjustment
RECOMMENDATIONS
BOOKLET
March 7, 2019**

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



ORANGE COUNTY GOVERNMENT

BOARD OF ZONING ADJUSTMENT (BZA)

Carolyn Karraker <i>Vice Chair</i>	District #1
Gregory A. Jackson <i>Chairman</i>	District #2
Jose A. Rivas, Jr.	District #3
Deborah Moskowitz	District #4
Wesley A. Hodge	District #5
Charles Hawkins	District #6
Roberta Walton	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
R-CE-5	Rural Country Estate Residential District
R-1, R-1A, & R-1AA	Single-Family Dwelling Districts
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

Non-Residential Districts

P-O	Professional Office District
C-1	Retail Commercial District
C-2	General Commercial District
C-3	Wholesale Commercial District
I-1A	Restricted Industrial District
I-1/I-5	Restricted industrial District
I-2/I-3	Industrial Park District
I-4	Industrial District

Other Districts

P-D	Planned Development District
U-V	Urban Village District

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
March 7, 2019**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
VA-19-03-000	Yuliya Fadyeyeva	5	Approved w/Conditions	1
VA-19-03-001	Roxanne Poillion	1	Approved w/Conditions	13
VA-19-03-003	Mark Williams	4	Approved w/Conditions	28
VA-19-03-004	Zoe Krislock	4	Approved w/Conditions	42
VA-19-03-005	Jake Reece	5	Approved w/Conditions	56
VA-19-03-006	George Tiedemann	6	Approved w/Conditions	69
VA-19-03-007	Matthew Stevenson	6	Approved w/Conditions	82
VA-19-03-009	Tim Delcavo	1	Approved w/Conditions	94
VA-19-03-010	Dr. Francelis Gonzalez	1	Approved w/Conditions	107
SE-19-03-011	Kerri Futrell	3	Approved w/Conditions	122
VA-19-04-012	Hector Lopez	2	Approved w/Conditions	134
SE-19-04-014	Bobby Beagles	5	Approved w/Conditions	146
VA-19-04-013	James Edward Cheek	6	Approved w/Conditions	159
SE-18-12-159	Iglesia De Dios En Bithlo	5	Continued to 4/4/19	176
SE-19-02-194	Rouse Road Property LLC	5	Approved w/Conditions	178

BZA STAFF REPORT

Planning, Environmental, & Development Services/ Zoning Division

Meeting Date: **MAR 07, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-03-000**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): YULIYA FADYEYeva

OWNER(s): KEBAN KIETZMANN & YULIYA FADYEYeva

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

- 1) To allow an accessory structure (carport) to be located in front of the principal structure in lieu of along side or behind it.
- 2) To allow two accessory structures with a separation distance of 3 ft. in lieu of 10 ft.

PROPERTY LOCATION: 20202 Peabody St., Orlando, FL 32833, south side of Peabody St., approximately .25 miles east of Bancroft Blvd.

PARCEL ID: 13-23-32-7600-00-950

LOT SIZE: 180 ft. x 630 ft./2.6 Acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 27

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 as amended (unanimous; 4-0 and 3 absent):

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

5. Prior to final sign off on the carport, the applicant shall obtain a permit to store the boat as proposed.

6. The applicant shall submit plans for the unpermitted shed within 120 days. Failure to comply with this condition shall be deemed a code enforcement violation, and shall not be returned to the BZA for further action.

SYNOPSIS: Staff explained the history of the property, noting that a variance had been approved in 2014, to permit a garage in the front of the residence. The variance was granted due to the presence of a 30 ft. wide drainage easement along the west property line and the inundation of the rear yard during heavy rains. Staff explained that due to the type of materials the carport was made of, it could not be attached to the house. In addition, there were various accessories such as the power meter and HVAC which were located on that side of the house. It was pointed out that the carport will be located behind the freestanding garage, and will not be visible from the street. Staff noted that the two most impacted neighbors to the east and west both supported the variance, as did two (2) neighbors to the north across Peabody Street. One (1) neighbor objected; however, they were not immediately adjacent to the property. It was also noted that detached accessory structures in front yards are not uncommon in the Wedgefield area due to drainage issues.

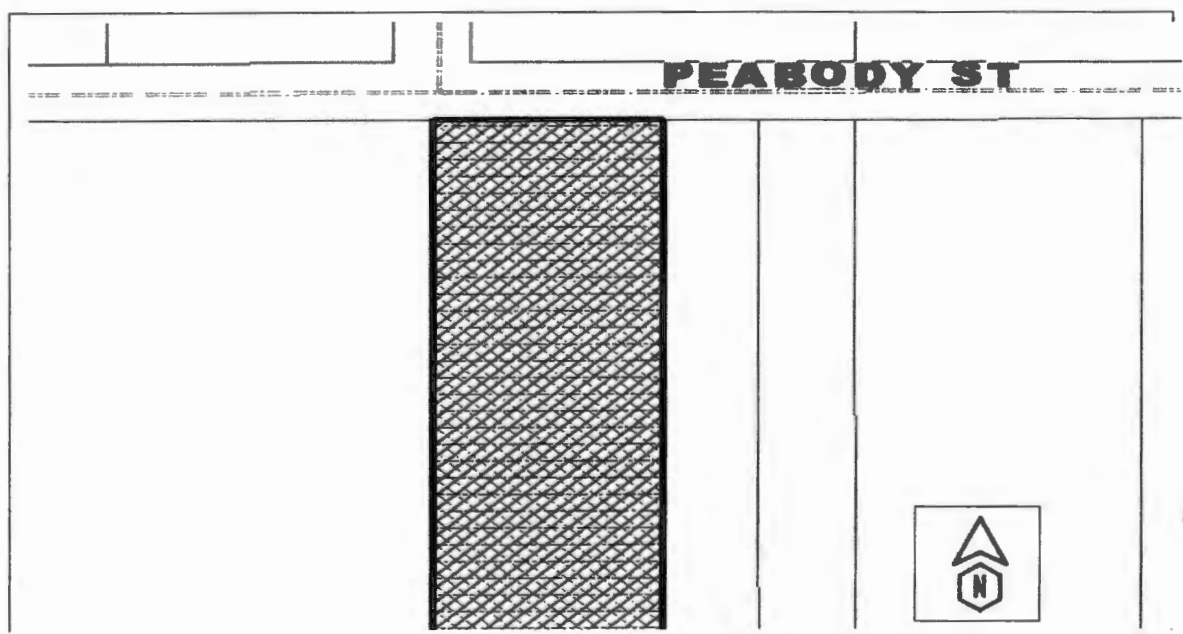
The applicant indicated their agreement with the staff recommendation and conditions. There being no one present to speak for or against the request, the public hearing was closed.

The BZA noted that this area of the County was known to have drainage issues, and that the location behind the garage was the best location on the property. A motion to recommend approval was adopted unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

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

BACKGROUND AND ANALYSIS

Description and Context

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

Currently, the subject property is developed with a 3,316 sq. ft. single family detached home with an attached two-car garage, and a detached 24 ft. x 30 ft. garage on 2.6 acres of land. The property is part of the Rocket City Plat recorded in December 1963. The applicant would like to erect a 12 ft. x 31 ft. open sided carport for the storage of their boat, which currently sits on a paved surface attached to the driveway.

The applicant indicates that the rear yard, which contains a small shed and pond, is subject to inundation during periods of heavy rains. There is also a 30 ft. wide drainage easement extending the entire length of the west side of the lot. No structures can be located in this easement. Staff was not able to locate any permits for the shed. If approved, a condition of this approval should be included to require that the applicant obtain a permit for the shed.

The applicant obtained a variance in 2014 (VA-14-12-082) to construct the garage in front of the residence. The garage was constructed under permit number B14012010.

The proposed location of the carport will be between the existing garage and the residence, and will not be directly visible from Peabody St.

The applicant has secured letters of support from the two most impacted neighbors to the east and west, plus two neighbors to the north. In addition, the Wedgefield HOA has provided an approval of the proposed addition, and the Ranger Drainage District has reviewed and issued an approval for the carport.

The proposed carport will be a simple metal frame with a metal roof. Staff is recommending that the color of the roof either match or be complementary to that of both the residence and the garage.

District Development Standards

	Code Requirement	Proposed
Max Height:	15 ft.	13 ft.
Min. Lot Width:	100 ft.	180 ft.
Min. Lot Size:	.5 acres	2.6 acres

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

	Code Requirement	Proposed
Front:	35 ft.	75 ft.
Rear:	50 ft.	260 ft.
Side:	5 ft.	11 ft.
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

Variance Criteria

Special Conditions and Circumstances

The conditions and circumstances special to the subject property is the presence of a drainage easement along the west side of the lot and the presence of a pond in the rear yard which restrict where a carport can be located. It should also be noted that the detached garage in front of the house by way an approved variance, will block the view of the carport. Staff had identified two (2) nearby properties which have also been granted variances for accessory structures in the front yard.

No Special Privilege Conferred

Accessory structures located in front of the principal structure are not uncommon in this area. In addition, a variance has already been granted to the subject property for the existing detached garage.

Deprivation of Rights

Without the variance, the applicants will be forced to continue to store their boat in the exposed outdoors.

Minimum Possible Variance

The applicants are entitled to 2,000 sq. ft. of accessory structure floor space. Currently, with the existing garage and the shed in the rear yard, they currently have 960 sq. ft. With the added 372 sq. ft., the total will be 1,332 sq. ft. They have chosen a structure which is just large enough to accommodate their needs. This is the least variance needed.

Purpose and Intent

Due to the presence of the garage, the carport will not be highly noticeable, and one boat can be stored in the front of a home as long as it is permitted on an improved surface. The purpose and intent of the code is being met.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated January 3, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The color of the carport roof shall either match or complement the color of both the residence and the detached garage.
5. Prior to final inspection on the carport, the applicant shall obtain a boat storage permit.
6. The applicant shall submit plans for the unpermitted shed within 120 days. Failure to comply with this condition shall be deemed a code enforcement violation, and shall not be returned to the BZA for further action.

c: Yuliya Fadyeyeva
20202 Peabody Street
Orlando, FL 32833

COVER LETTER

January 3rd, 2019

To Whom in May Concern,

Please review our "Application BZA Variance" and all attached documentation. The reason we are petitioning for a zoning variance is we have exhausted all the alternative locations for the carport.

- We cannot build on the east side of the house because of the exiting septic tank and leach field systems
- We cannot build on the west side of the house because it will block all master bedroom and bathroom windows. Also, our west side neighbors will object.
- We cannot build in the back of the house due to the existing retention pond and all backyard land floods every season.

We are planning to build a professional structure to enhance the property:

- The carport will be directly behind the existing detached garage (south side), therefore invisible from the street.
- The front of the carport will parallel the existing detached garage
- The carport height will not exceed the existing detached garage height
- The concrete slab for the carport will join the driveway to protect the landscape
- The concrete slab will be built by a licensed and insured contractor
- The carport will be purchased, built and installed by Alans Factory Outlet Inc.
- The color of the roof will match the color of the house and detached garage
- We already have two rows of mature bushes along Peabody Street and the properties west side for privacy

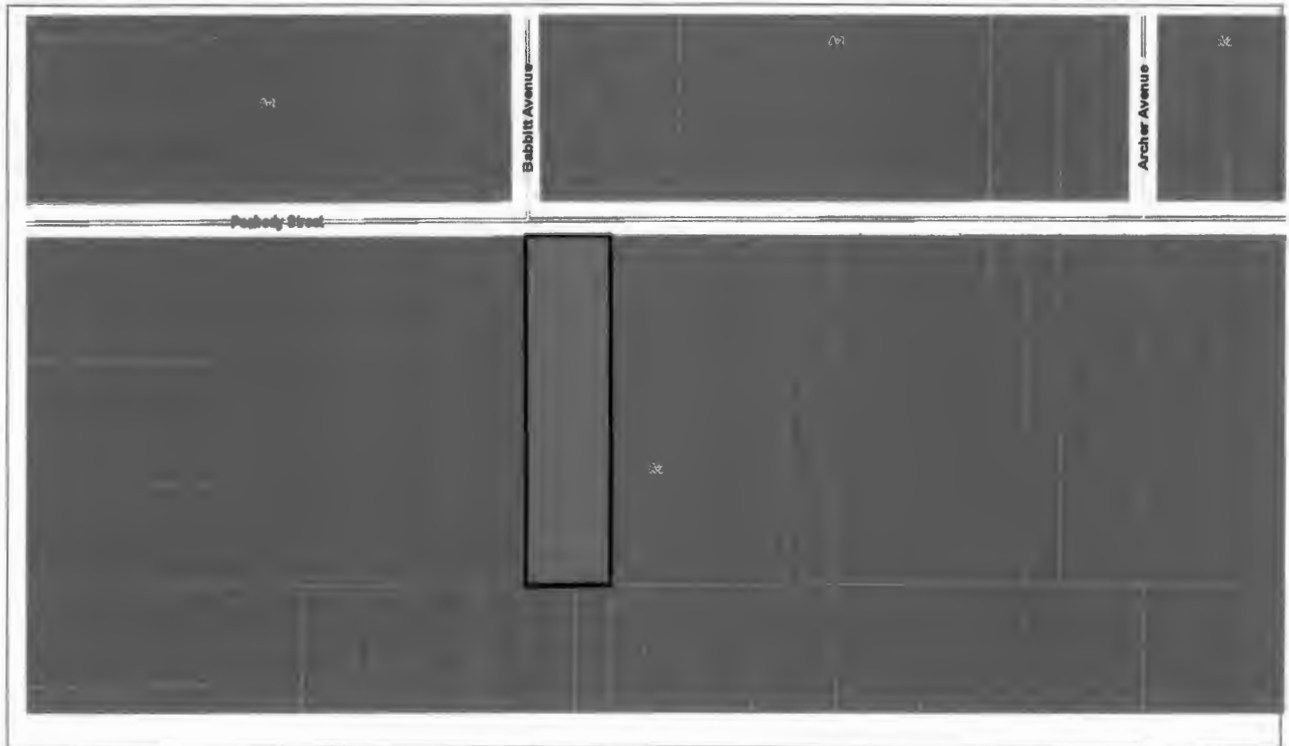
Please notice that the Wedgefield Home Owner Association and the Ranger Drainage District have granted permits to build the carport at our chosen location. In addition, we have a letter of no objection from surrounding neighbors.

Sincerely,

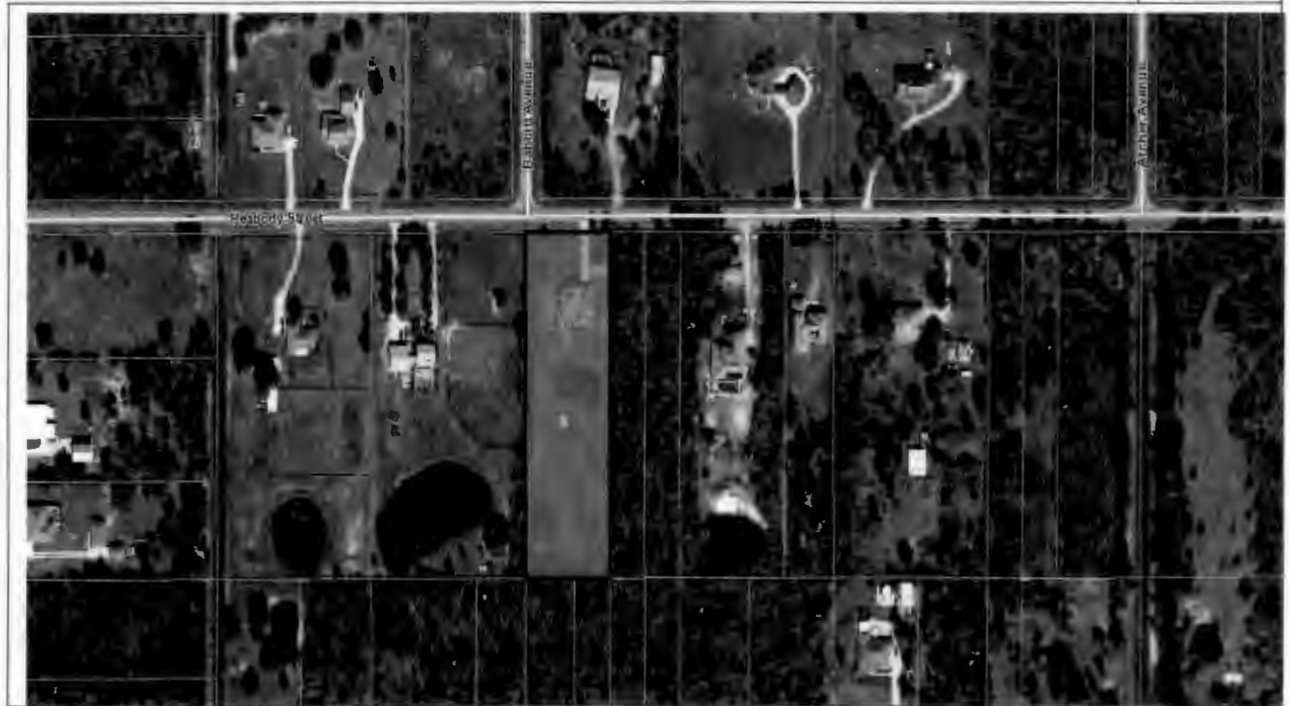
Keban Kietzmann and Yuliya Fadyeyeva

The image shows two handwritten signatures in black ink. The top signature is a large, stylized cursive signature, likely belonging to Keban Kietzmann. The bottom signature is a smaller, more legible cursive signature, likely belonging to Yuliya Fadyeyeva.

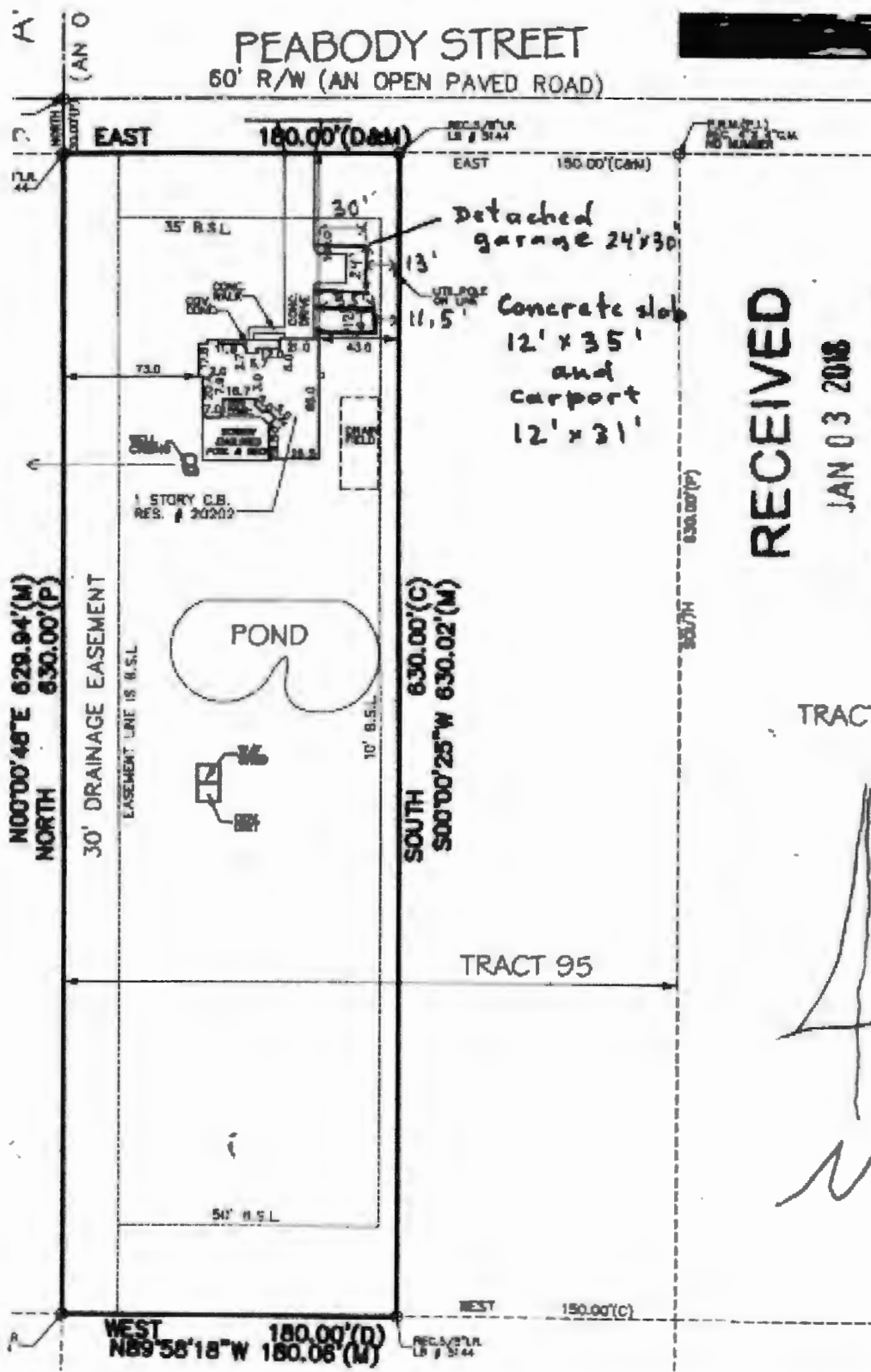
ZONING MAP



AERIAL MAP



SITE PLAN / SURVEY



RECEIVED

JAN 03 2018

ORANGE COUNTY
ZONING DIVISION

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Example

SITE PHOTOS



Subject Property



Existing Detached Garage and boat

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 07, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-03-001**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): ROXANNE POILLION

OWNER(s): ROXANNE POILLION

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

- 1) To allow an existing residence 24 ft. from the front property line in lieu of 35 ft.
- 2) To allow an addition 26 ft. from the front property line in lieu of 35 ft.
- 3) To allow a detached garage 23 ft. from the front property line in lieu of 35 ft.
- 4) To allow a side (southern) setback of 4 ft. in lieu of 5 ft.

PROPERTY LOCATION: 9433 Lake Hickory Nut Drive, Winter Garden, FL 34787, east side of Lake Hickory Nut Dr., west side of Hickory Nut Lake, approximately .65 miles south of Old YMCA Rd.

PARCEL ID: 06-24-27-3548-00-150

LOT SIZE: 102 ft. x 975 ft. (AVG)/ 2.24 Acres. (.29 acres upland/1.95 acres submerged)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 45

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; 5-0, 2 absent, and 1 abstained):

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

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

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

4. Upon completion of all construction, the exterior of the home shall be of a unified theme, including exterior finish and color, and roof materials and color.

SYNOPSIS: Staff also noted that there was a typographical error in the legal notice indicating that the property was zoned A-2, though it is actually zoned A-1. However, due to the fact that the dimensional requirements for both zoning districts are identical, it was determined that the application could proceed without re-advertising. Staff noted that though the lot was over two (2) acres in size, only just over 1/4 of the lot was actually usable, as the remainder was submerged. The applicant intends to construct the addition, which meets the side and rear setbacks to match the front building line. Once that addition is complete, they will rebuild the existing portion of the home to create a more functional and modern floor plan. The garage could not be located to the rear of the residence, as it would need a variance to the rear setback to the Normal High Water Elevation. It would also reduce the amount of open usable rear yard available to this growing family. Staff concluded by noting that they had not received any correspondence in favor or opposition to the request.

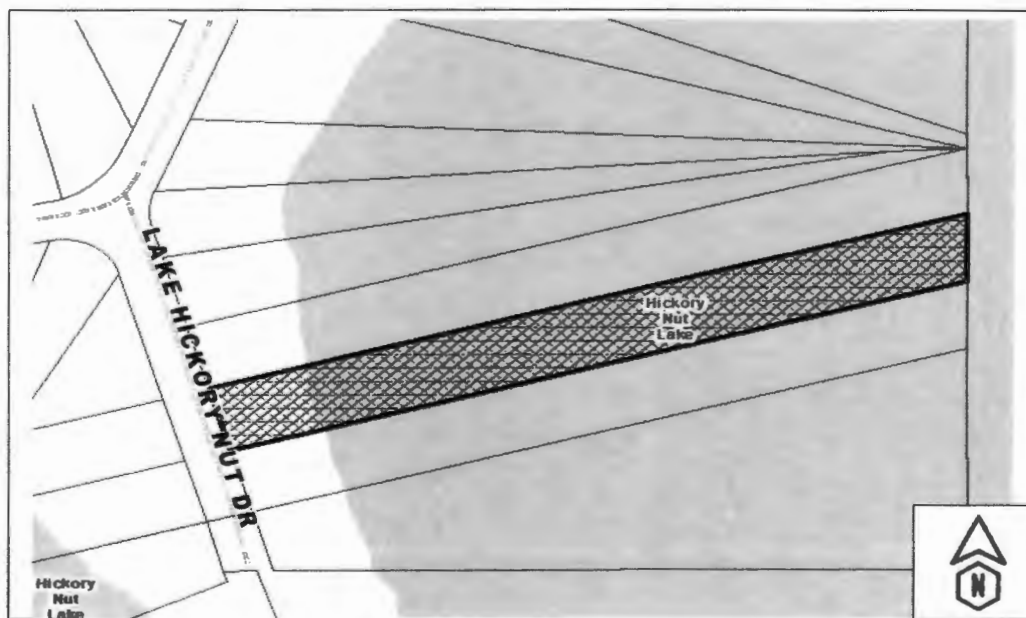
The applicant indicated their agreement with the staff recommendation and conditions. There being no one present to speak for or against the request, the public hearing was closed.

The BZA concluded that the applicant was not responsible for the location of the existing home, and that the size of lot precluded locating the garage or the addition in any other location. A motion to recommend approval of the requested variances was adopted by a unanimous vote, with one (1) abstention due to the fact that they were not present for the discussion.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	A-1	A-1	A-1	A-1
Future Land Use	WB, Water Body	WB, Water Body	WB, Water Body	WB, Water Body	V, Village
Current Use	Single Family Residence	Single Family Residence	Single Family Residence	Lake	Single Family Residence

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the A-1 Citrus Rural zoning district, which allows agricultural uses, mobile homes, and a single family residence with associated accessory structures on larger lots.

The subject property is part of the Hickory Lake Estates Subdivision, which was platted in October 1956, one year prior to the introduction of zoning to Orange County. The existing residence, which was constructed in 1963, currently contains 920 sq. ft. of living area. The applicant has a growing family requiring more room, and wishes to construct a 900 sq. ft. addition to the north side of the existing residence.

The applicant intends to construct the addition first, and upon its completion rebuild the existing portion of the house to create a more modern and functional floor plan.

The applicant also intends to construct an 18 ft. x 40 ft. (720 sq. ft.) detached garage to the south of the existing home. Because the property is zoned A-1 with over one (1) acre of lot area, the applicant is entitled to 2,000 total sq. ft. of accessory floor area. The garage is proposed to be located with its front building line being parallel to that of the existing residence. Because of the angle at which the home was built, the garage will actually be slightly closer to the front property line.

While the applicant's lot is 2.37 acres per the Property Appraiser's data, there is only .29 acres landward of the Normal High Water Elevation (NHWE). In addition, the lot is only an average of 127 ft. deep from the front property line to the NHWE.

Per footnote "a" of Sec. 38-1501 of Orange County, since the lot, which was created through a plat recorded in October 1956, has an average depth of less than 150 ft., the NHWE does not apply. However, because the property is zoned A-1, it still has a rear setback of 50 ft. from the NHWE.

The applicant wishes to maintain the existing front setback and construct along the north property line to maximize to the greatest extent possible the existing rear yard.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	26 ft.
Min. Lot Width:	100 ft.	100 ft.
Min. Lot Size:	.5 Acres	2.24 Acres

Building Setbacks Single Family Home (Measurements in feet)

	Code Requirement	Proposed
Front:	35 ft.	23 ft.
Rear:	50 ft.	52 ft.
Side:	10 ft.	10 ft.
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

Building Setbacks Detached Accessory Structure (Measurements in feet)

	Code Requirement	Proposed
Front:	35 ft.	23 ft.
Rear:	50 ft.	60 ft.
Side:	5 ft.	4 ft.
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A
Height	20 ft.	20 ft.

STAFF FINDINGS

Variance Criteria**Special Conditions and Circumstances**

The special conditions and circumstances particular to this lot is its size. While the lot is 2.37 acres in area, over two (2) acres is submerged. Therefore, the subject property lacks sufficient developable upland to meet the minimum lot area for a lot zoned A-1, and subsequently lacks sufficient depth to place the garage between the home and the NHWE.

Not Self-Created

The property was created through a plat recorded in October 1956, one year before zoning was enacted in Orange County. According to the Property Appraiser's information, the residence was constructed in 1963. The applicant purchased the property in June 2014. They are not responsible for the location of the existing residence, and wish to maintain the same setback as the existing home.

No Special Privilege Conferred

Based on a field visit to the area and review of the aerial for the area, it is apparent that many of the homes along the shore of Hickory Nut Lake do not meet the front setback. Due to the shallowness of the lots along this lakeshore, it appears likely a variance to the front setback or rear setback would be needed to construct or reconstruct a new home.

Deprivation of Rights

Without the variances, the applicant would need to set the addition back 11 ft. and reduce the depth of it by nine (9) ft. to accommodate the rear setback. This would result in a reduction of 162 sq. ft. of living area, and a less functional floor plan. The garage could be moved back, but it would also lose square footage, and the symmetry of the view of the lot from the street would be lost, as well a rear yard area.

Minimum Possible Variance

The applicant is proposing to follow the same existing front building line, thus they are not proposing to increase the degree of nonconformity of the front setback. The side setback from the north property line is being met. As the building extends toward the northern property line, it slightly angles further away from the front property line where it is 26 ft. from the front line.

Purpose and Intent

The applicant is maintaining the historic front yard as originally laid out. In addition, they are meeting the rear setback. The purpose and intent of the code is being met.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated January 8, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Upon completion of all construction, the exterior of the home shall be of a unified theme, including exterior finish and color, and roof materials and color.

c: Roxanne Poillion
9433 Lake Hickory Nut Drive
Winter Garden, FL 34787

Roxanne Poillon
9433 Lake Hickory Nur. Dr.
Winter Garden, FL 34787

February 21, 2019

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

Dear Board of Zoning Adjustment:

I am requesting a variance for an addition and a metal building at our home in Winter Garden. My husband and I need the additional space to accommodate our growing family. We'd like to continue with the front of the existing structure to build the addition, and then rebuild the existing structure to make a more logical and functional floor plan. The metal building is necessary for storage, as we do not have a garage.

I have enclosed a letter with further detail on this request.

Thank you for your consideration.

Sincerely,



Poillon, Roxanne

Enclosure: Request Letter

Dear Board of Zoning Adjustment,

I would like to request a variance to the 35 foot setback from our front property line at 9433 Lake Hickory Nut Drive in Winter Garden, FL. The variance requested will be 23 ft. for a metal building (shed) and 26 ft. for an addition, both to be even with the existing home. The current 920 square foot residence was built at a time when the setback was less than what is now required.

I was under the impression the proposed addition could be 35 feet from the road, even with the existing home. Upon reviewing the site plan with zoning, I recognize the requirement is the property line, not the road.

I'm proposing this specific variance to the road because there is a lake on the back side of the property. The new structure will be 52 ft. from the Normal High Water Elevation (setback = 50 ft.). There is also a 100+ year old live oak in our backyard that we'd like to save and would prefer not to build into that space.

The addition and the metal building will both greatly enhance our property and our lives. My husband and I bought this residence 4 years ago, shortly after getting married. Now, we have two boys under the age of three and would love for them to grow up on the lake. Relocating, demolishing, and starting over is not an option for us financially, nor does it make sense with the small children.

I have signatures showing support from eight of our neighbors, including one next door. The property on the other side of our residence is unoccupied. I have attempted to contact the owner, but as of yet, have been unsuccessful.

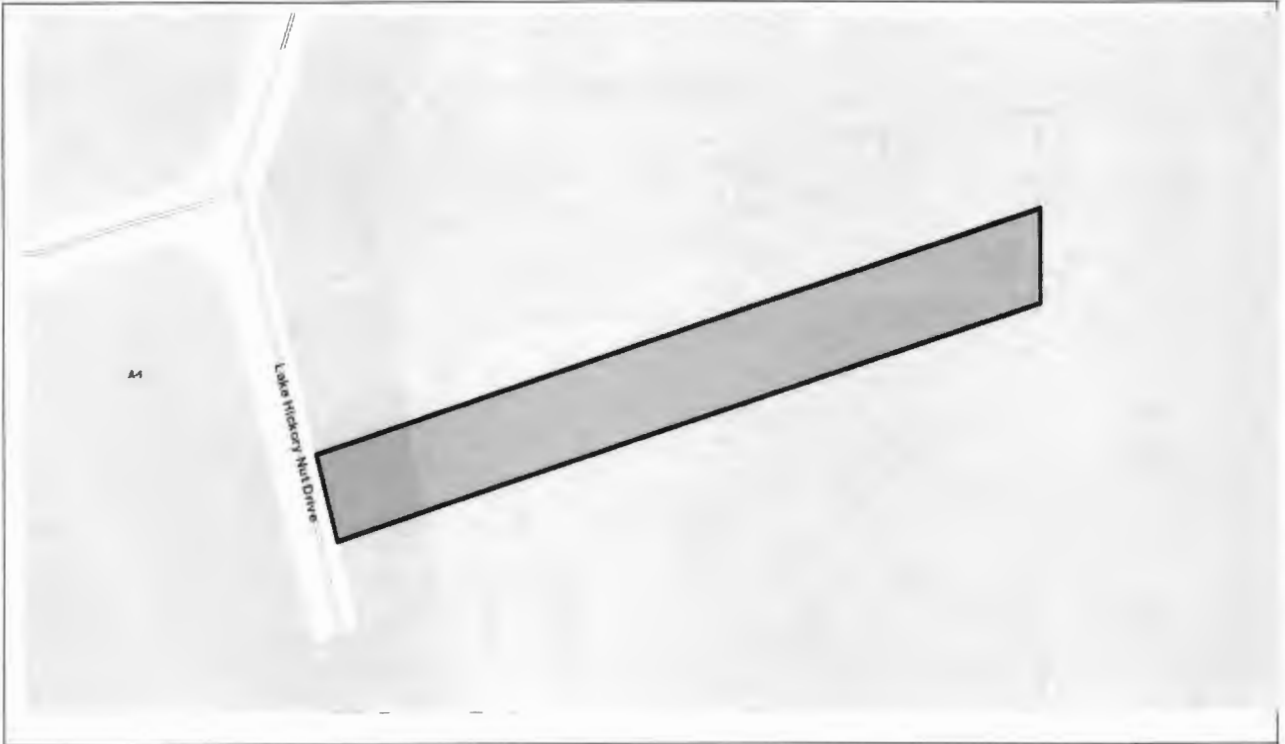
Inhabiting this small house for the past few years has definitely been an adventure, but we'd like to have more room as the boys grow older. Approval of this variance will allow us to build traditional sized bedrooms, an office, and two bathrooms.

I appreciate your consideration and are hopeful that you'll approve this request.

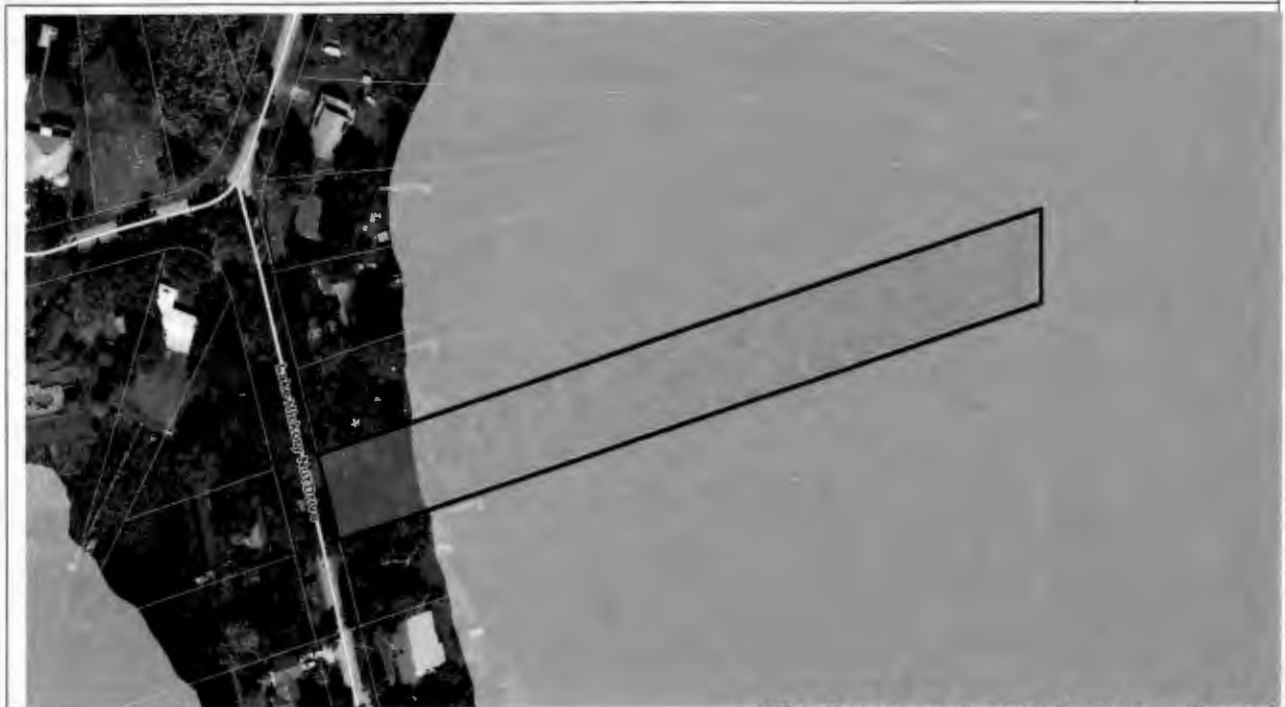
Thank you,

Rozanne Poillion

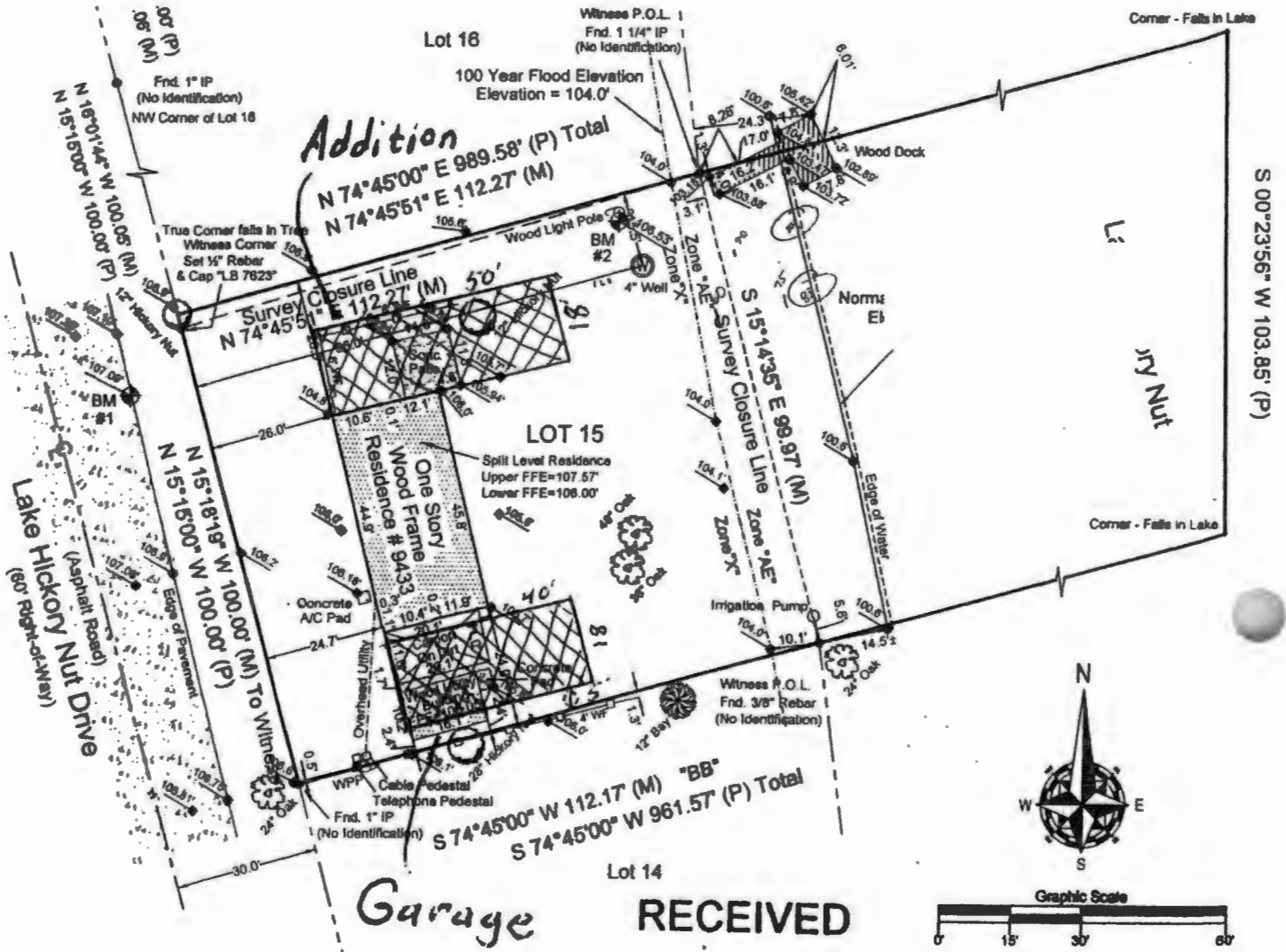
ZONING MAP



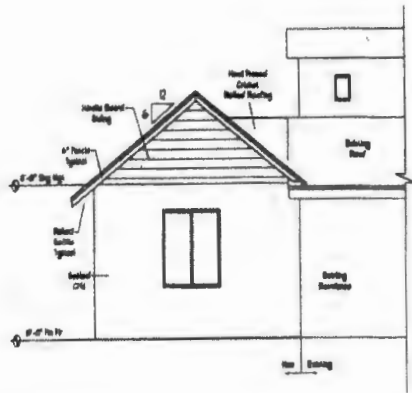
AERIAL MAP



SITE PLAN / SURVEY

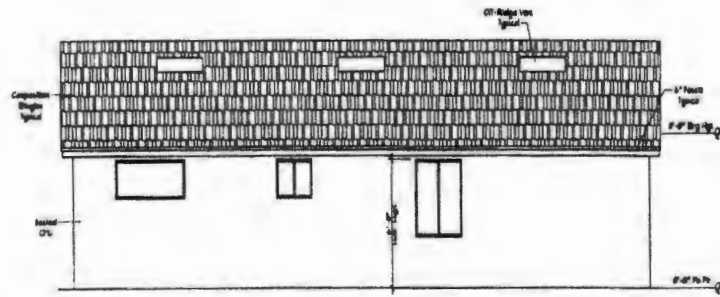


ELEVATION

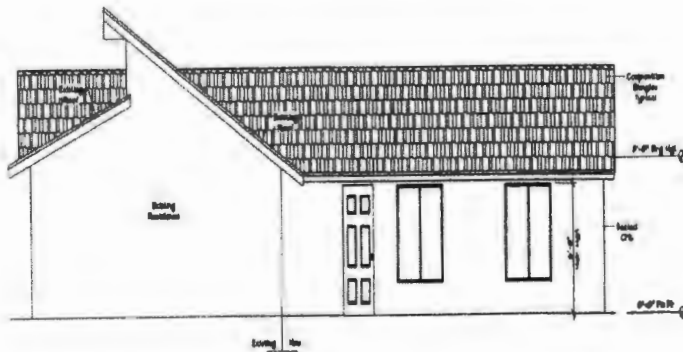


OVERHANGS
EAVES 1'-0"
GABLES 1'-0"

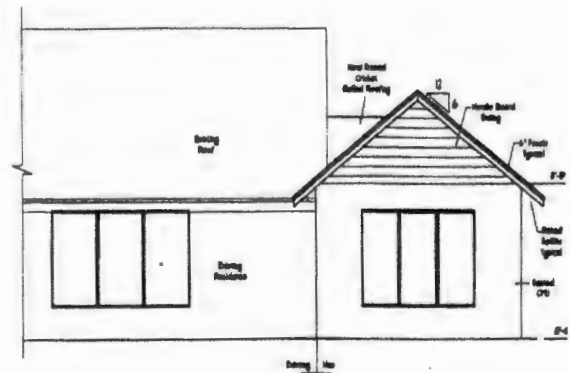
A FRONT ELEVATION
SCALE: 1/4" = 1'-0"

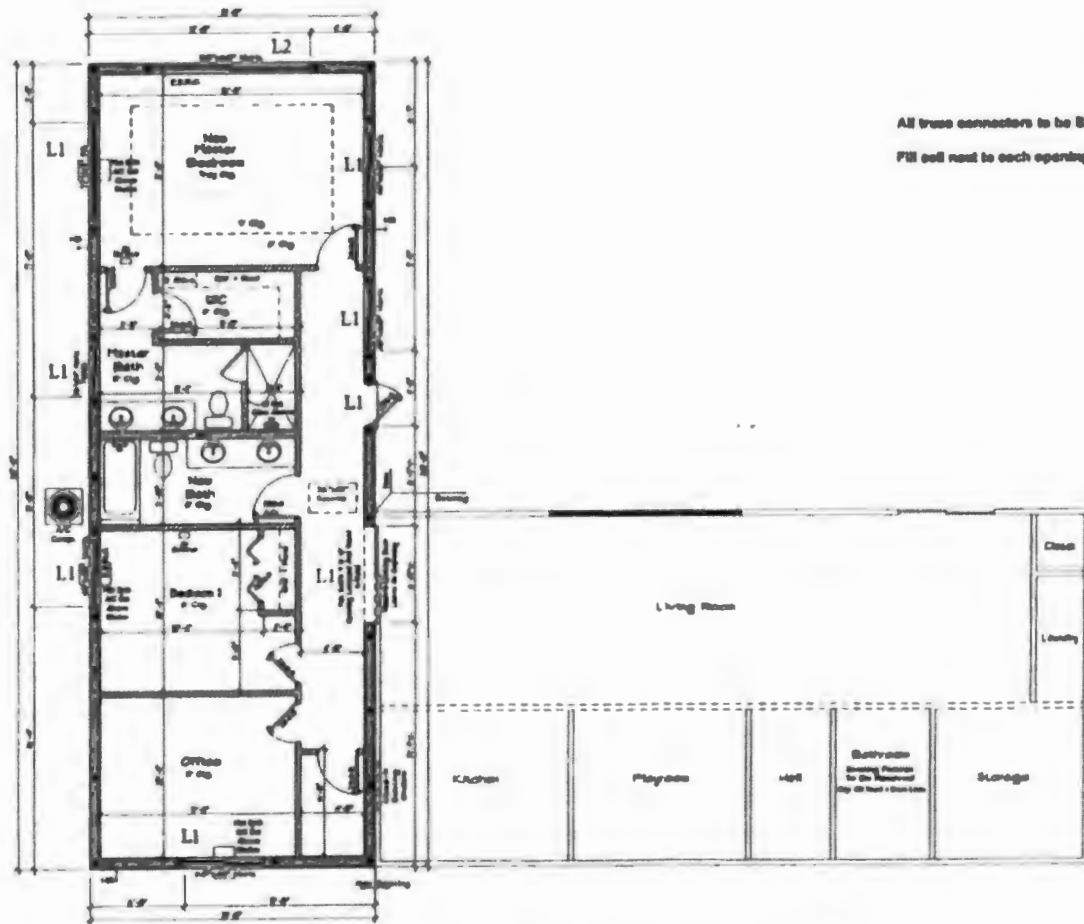


B LEFT ELEVATION
SCALE: 1/4" = 1'-0"



C RIGHT ELEVATION
SCALE: 1/4" = 1'-0"





All truss connectors to be Simpson HMTA30
 Fill wall next to each opening, at corners, and

WALL LEGEND
 ——— EXISTING WALL
 - - - - - NEW 2" CMU WALL
 - - - - - NEW 4" CMU WALL
 - - - - - NEW 6" CMU WALL
 - - - - - NEW 8" CMU WALL

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

SITE PHOTOS



Existing Residence



Garage Site



Rear Yard

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 07, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-03-003**

Commission District: **#4**

GENERAL INFORMATION

APPLICANT(s): **MARK WILLIAMS**

OWNER(s): **STARLEY GENSMAN, MARK WILLIAMS**

REQUEST: Variance in the P-D zoning district to allow a cumulative total of 1,176 sq. ft. of accessory floor area in lieu of 651 sq. ft.

PROPERTY LOCATION: **14320 Bella Ln., Orlando, FL 32832, west side of Bella Lane, east of Rambling Oak Blvd.**

PARCEL ID: **13-24-31-5112-00-380**

LOT SIZE: **150 ft. x 299 ft./1.03 Acres**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **25**

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; 6-0 and 1 absent):

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

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

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

4. The exterior of the garage/storage building shall match or compliment the exterior of the existing home with respect to color, exterior color, and roof materials and color.

SYNOPSIS: Staff noted that the applicant wished to convert their existing three-car garage into a mother-in-law bedroom suite for their mother-in-law. The bedroom would be fully integrated into the homes floor plan, and would have no independent access. Staff noted that due to the fact that the rezoning of the property, and commencement of development, the property pre-dated the existing Comprehensive Plan. As a result, the development is not consistent with the Future Land Use (FLU designation placed on the property, which is

R, Rural, which permits a maximum of one (1) unit per acre. The minimum lot size in the Live Oak Estates community is one (1) acre. Staff explained that typically, the three zoning districts most commonly found in areas with a FLU of R are A-1, A-2, and R-CE. If the property had any one of these zoning designations, no variance would be required, as lots zoned as such in excess of one (1) acre are permitted up to 2,000 sq. ft. of living area. Staff also explained that once the floor area of the house was converted to 100% living area, the amount of the variance needed would lower from 80% to 26%. Finally, staff noted that the HOA had submitted documentation noting that the proposed improvements were acceptable. Staff noted that a member of the HOA review board did explain that they were not attempting to usurp the BZA's authority, as they were not aware a variance would be needed. Staff finalized its presentation by indicating that there was one (1) person who objected, however, that individual was located over a block away.

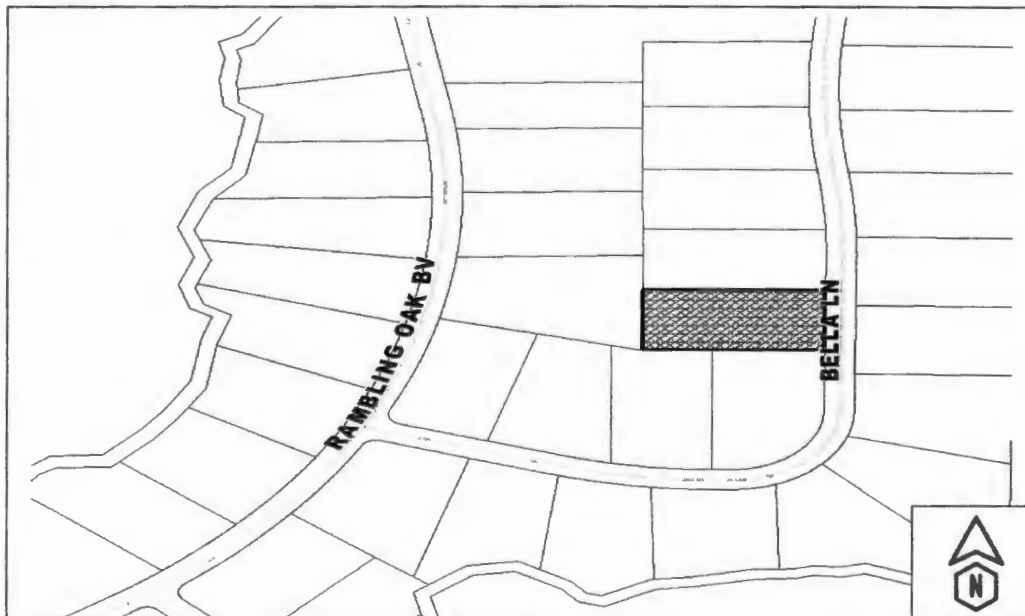
The applicant indicated their agreement with the staff recommendations and conditions. They explained that the person who would be living in the new suite was on in years and they wanted to have them closer to them.

The BZA concluded that the timing of the development versus the adoption of the current Comprehensive Plan was a unique circumstance, and not of the applicant's doing. The lot was more than large enough to accommodate the proposed accessory structure. A motion to recommend approval was unanimously adopted.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	P-D	P-D	P-D	P-D	P-D
Future Land Use	R	R	R	R	R
Current Use	Single family residence	Single family residence	Vacant & Single family residence	Vacant	Single family residence

BACKGROUND AND ANALYSIS

Description and Context

The property is located in a PD Planned Development district, and is in the Live Oak Estates PD. This PD allows single-family homes on lots a minimum of one acre in size.

The subject property is developed with a 3,720 sq. ft. single family detached home w/three car garage on a 1.03 ac. lot.

The applicant intends to convert an existing garage into a bedroom suite to accommodate their mother, and construct a detached three-car garage, with an attached room for storage and possible use as an exercise room. While this application was advertised for a total of 1,194 sq. ft., the total accessory floor area will only be 1,176 sq. ft.

The code allows construction of accessory structures with floor area equaling the greater of 500 sq. ft. or an amount equal to 25% of the living area of the residence, up to a maximum of 1,000 sq. ft. The existing home has 2,606 sq. ft. of the living area, entitling the applicant to 651 sq. ft. of accessory floor area. However, once the garage is converted to living area that square footage increases to 930 sq. ft. This results in a drop in the amount of variance needed from 80% to 26%.

The Future Land Use (FLU) of the subject property is R, Rural, which allows development at a density of 1 unit/10 ac. While the PD zoning placed on the subject property in 1983 requires a minimum lot size of one (1) acre, it is not consistent with the FLU. The only zoning districts which are consistent with an R, Rural FLU are A-1, Citrus Rural, A-2, Farmland Rural, or R-CE, Country Estate. The minimum lot size for this P-D is actually twice the minimum lot size for both agricultural zones, making it more consistent with the R-CE zoning district.

Were the zoning consistent with the FLU, a variance would not be needed, as each of the three zoning districts consistent with the R FLU allow up to 2,000 sq. ft. of accessory structure floor area on lots over one (1) acre in size.

District Development Standards

	Code Requirement	Proposed
Max Height:	20 ft.	18 ft.
Min. Lot Width:	135 ft.	150 ft.
Min. Lot Size:	1 ac.	1.03 ac.

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

	Code Requirement	Proposed
Front:	50 ft.	51 ft.
Rear:	5 ft.	125 ft.
Side:	5 ft.	10 ft.
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

Variance Criteria

Special Conditions and Circumstances

The special condition regarding this application is the P-D zoning. While this zoning restricts the amount of square footage of accessory structures, at one (1) acre, the lot can easily accommodate the residence and the proposed accessory structure.

No Special Privilege Conferred

Granting the variance will not confer any special privilege upon the applicant. Detached accessory structures are a common improvement, especially on larger parcels where they can easily be accommodated.

Deprivation of Rights

Literal interpretation of the code will deprive the applicant of the right to a detached structure of the size proposed on a lot over one (1) acre in size.

Minimum Possible Variance

The request is the minimum amount of variance to accommodate the applicant's needs. Were the property zoned in a manner consistent with the FLU, the applicant would be entitled to up to 2,000 sq. ft. of accessory floor area by right.

Purpose and Intent

There will still be more than adequate yard area to satisfy the purpose and intent of the code. In addition, the structure will meet all setbacks and height limitations.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated January 8, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the garage/storage building shall match or complement the exterior of the existing home with respect to exterior color and roof materials.

c: Mark Williams
14320 Bella Lane
Orlando, FL 32832

Elias Borrero for Prestige Construction
19128 Lee Road
Orlando, FL 32810

COVER LETTER



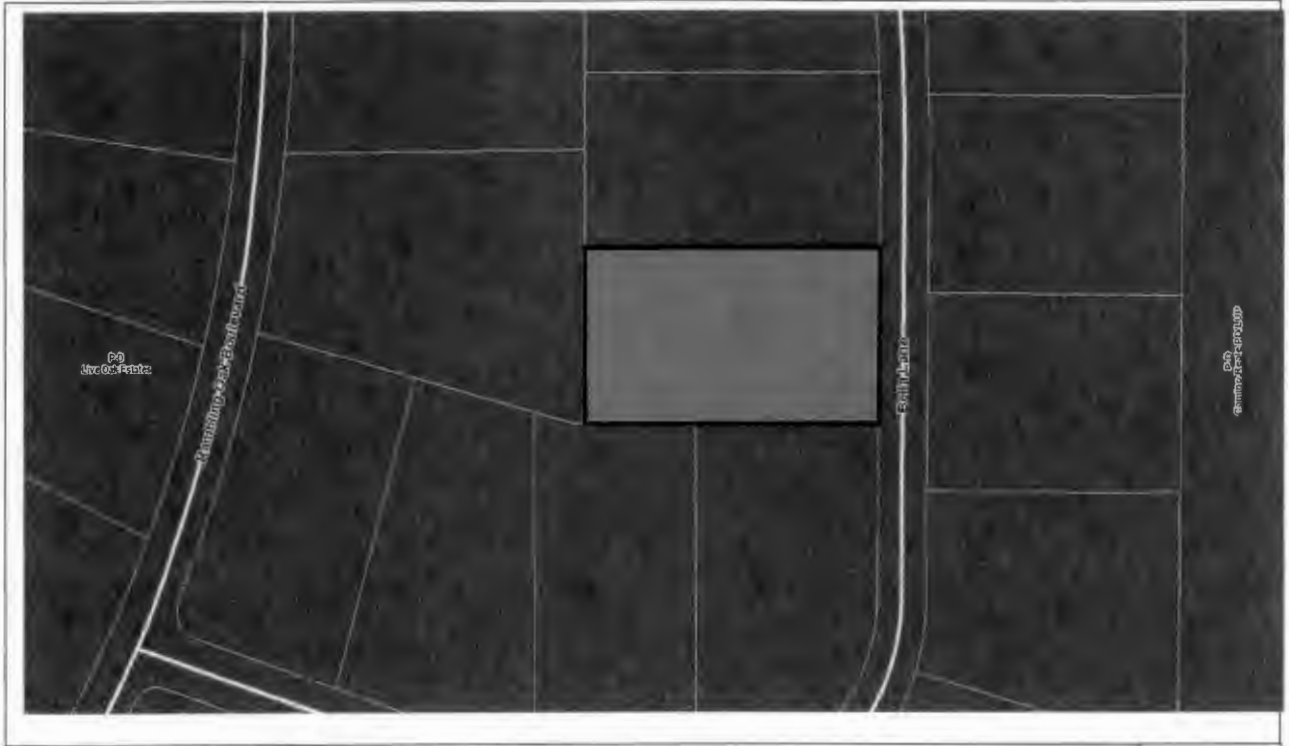
Live Oaks Estate BZA Variance Application
for 14320 Bella Lane Orlando. FL 32832

Property Owner is requesting variance approval for additional 526 sq.ft to an already approved set conditional zoning of 650 sq.ft of which will allow for the total of 1176 sq.ft for the accessory building total square footage. The home is currently a single family 4 bed 2.5 bath on 44,883 sq.ft lot (1.03 acres). The project consisted of closing the existing 3 car garage and convert to a bedroom suite for the property owner to accommodate elderly mother -in law. The 1176 sq.ft accessory storage building would allow for property owner to relocate garage for vehicles and provide storage in new detached garage building. The location of the new structure is The property HOA has approved the detached garage and closing of existing. We have attached the approval letter for your review.

Thank You,

Offices: 1404 Yorktown St. Suite E, Deland FL 32724 · 1912 Lee Rd., Suite B1, Orlando, FL 32810
Office: 407-469-3800 · Fax: 407-985-3064

ZONING MAP



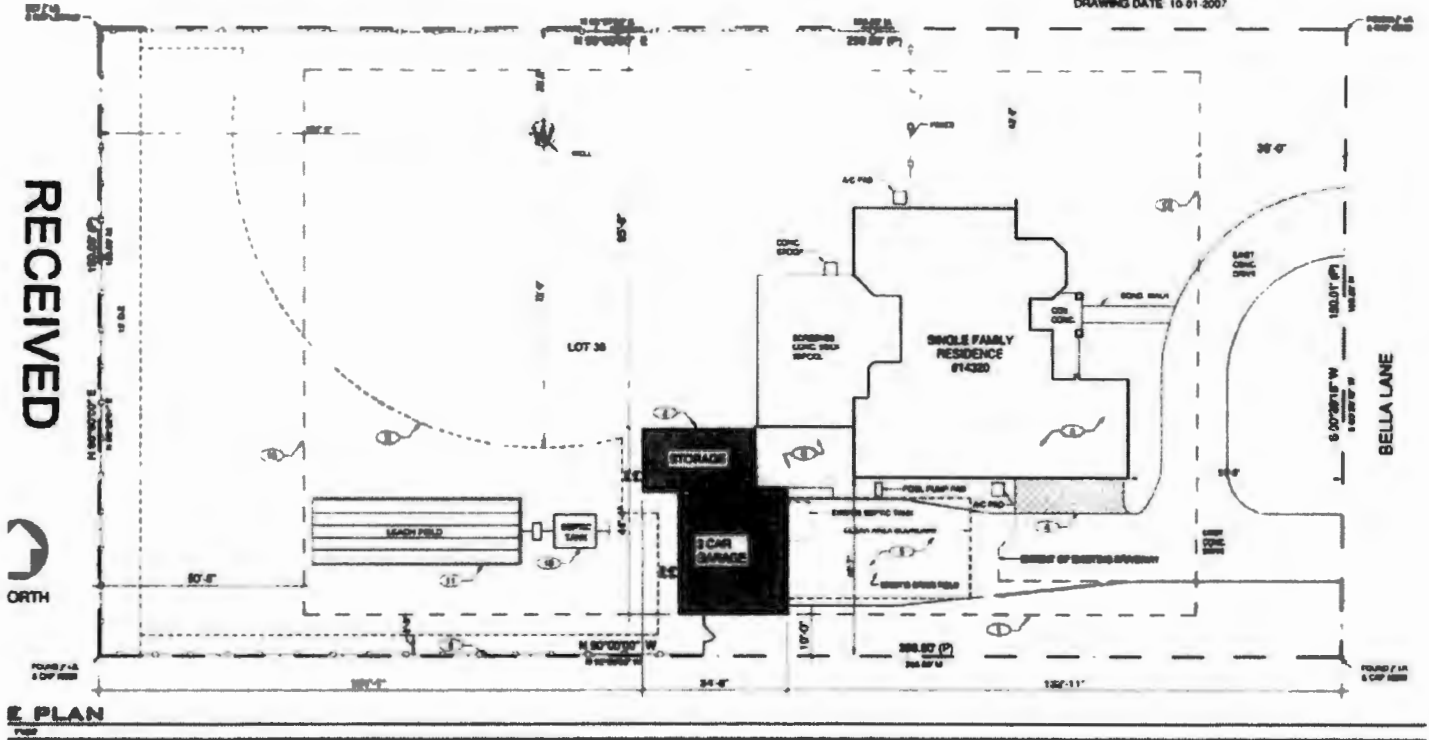
AERIAL MAP

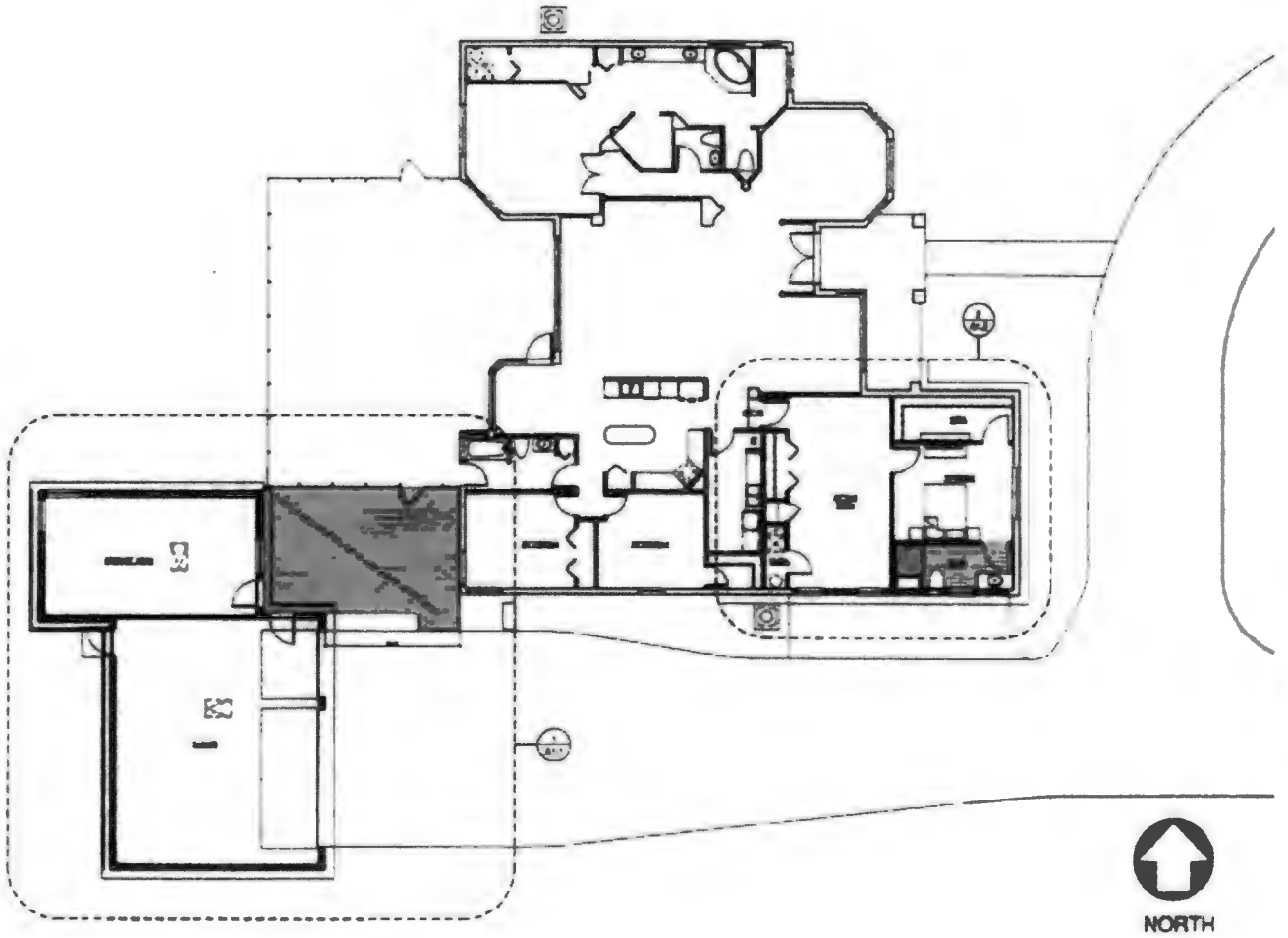


SITE PLAN / SURVEY

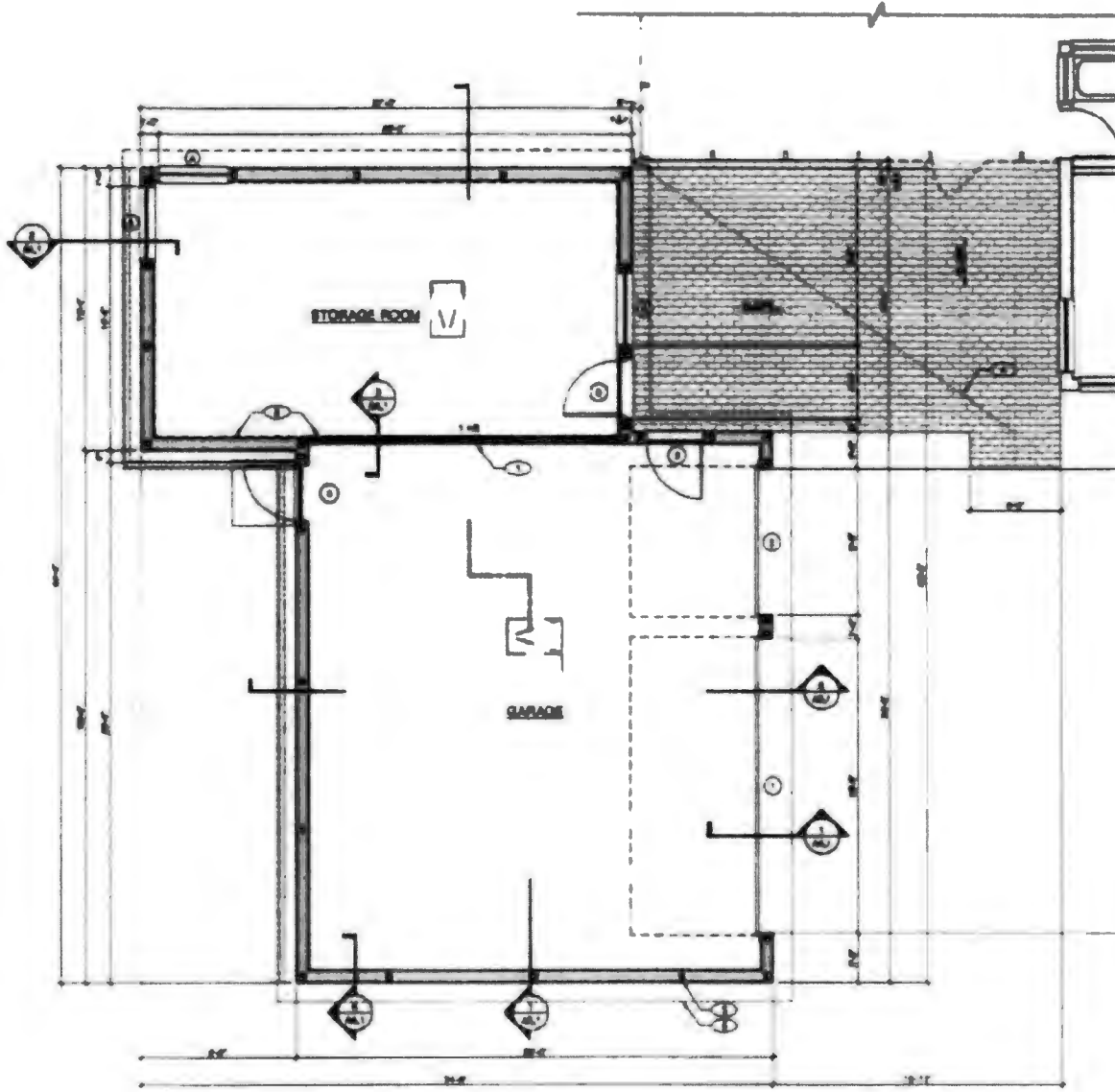
THIS SITE PLAN IS SUBMITTED TO THE CITY OF SANFORD, FLORIDA, FOR REVIEW AND APPROVAL. IT IS HEREBY CERTIFIED THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF THE SURVEYOR'S KNOWLEDGE AND BELIEF. THIS SITE PLAN IS FILED FOR THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

BRUNY & ASSOCIATES LAND SURVEYORS
L.S. 67980
405 W 15TH ST.
SANFORD, FLORIDA 32771
(407) 323-8332
JOB NO. BCA15796
DRAWING DATE: 10/01/2007



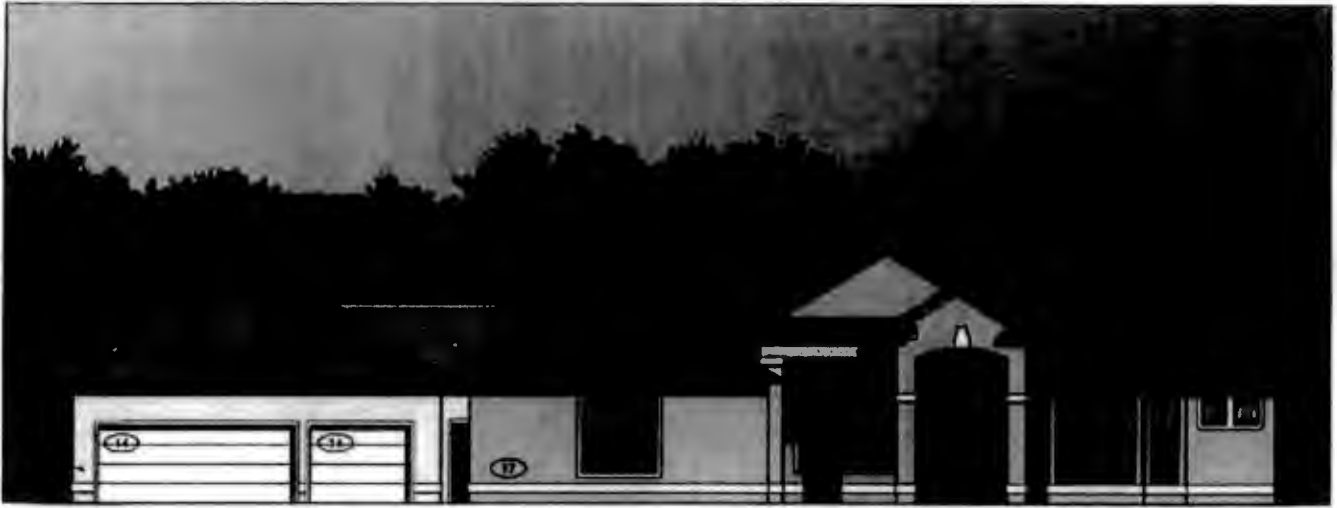


Floor Plan with Mother In-law Suite



Floor plan of detached garage

ELEVATION



3 EAST ELEVATION
SMB 10/17



2 SOUTH ELEVATION
SMB 10/17

SITE PHOTOS



02/06/2019 13:42

Subject Property



Area of Construction



Partial Rear Yard

BZA STAFF REPORT

Planning, Environmental, & Development Services/ Zoning Division

Meeting Date: **MAR 07, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-03-004**

Commission District: **#4**

GENERAL INFORMATION

APPLICANT(s): ZOE KRISLOCK

OWNER(s): ZOE KRISLOCK

REQUEST: Variance in the R-1AA zoning district to allow a cumulative total of 1,416 sq. ft. of accessory floor area in lieu of 927 sq. ft.

PROPERTY LOCATION: 13242 S. Lake Mary Jane Rd., Orlando, FL 32832, west side of S. Lake Mary Jane Rd. on the east shore of Lake Mary Jane, approximately 1 mile south of T.M. Ranch Rd.

PARCEL ID: 25-24-31-3872-00-200

LOT SIZE: 3.91 acres (.82 acres upland & 3.09 acres submerged)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 48

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; 6-0 and 1 abstained):

1. Development in accordance with the site plan dated January 16, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the accessory structure- shall match or be complimentary to the exterior of the new residence with respect to color.

SYNOPSIS: Staff explained that after the applicant purchased the property, they found that none of the improvements on the property had been permitted. They obtained a demolition permit for the existing house, which had been constructed in 1963, per the Property Appraiser's data. They then obtained a permit for a new home, which will include an existing guesthouse, which was approved by Special Exception and Variance approval in 1991, but also constructed without a permit. The only remaining outstanding issue is

obtaining a permit to demolish the existing carport, and replace it with the proposed structure. Staff explained that the subject property was part of the Lake Mary Jane Rural Settlement. Because the subdivision in which the subject property was platted in 1956, it was assigned the zoning it currently has in 1957. When the current Comprehensive Plan was adopted, the property with similar zoning to the subject property was placed in a Low Density Residential Future Land Use (FLU), which permits up to four (4) units per acre, despite the fact that no public utilities are available to the area. This was done due to the fact that the area was completely platted. However, the remainder of the land in the Rural Settlement was placed in the RS 1/1 FLU, which permits a maximum density of up to one (1) unit per acre, and a zoning of A-2. Due to the size of the subject property, had it been assigned a zoning of A-2, it would be entitled up to 2,000 sq. ft. of accessory floor area, and no variance would be needed. Further, due to the dense vegetation in this area, the proposed structure will not be visible from the road, nor from adjacent properties. Finally, staff concluded by noting that there were two (2) neighboring residents in support; further, no commentaries objecting had been received.

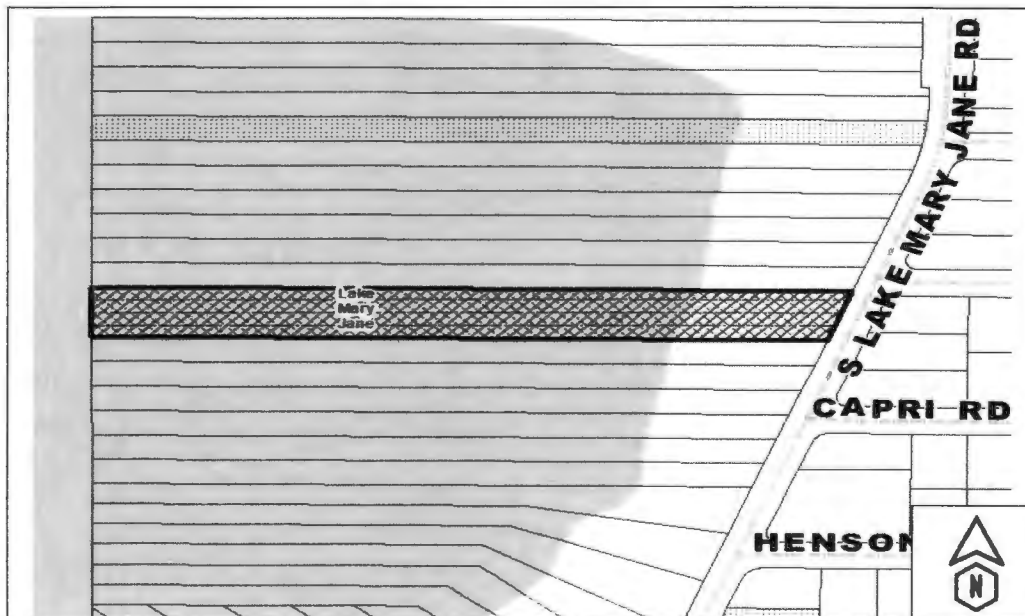
The applicant indicated their agreement with the staff recommendation and conditions. There being no one present to speak in favor or objection to the request, the public hearing was closed.

The BZA concluded that the anomaly between the FLU and the location in a Rural Settlement with no utilities was a special circumstance. The applicant purchased the property 'as is', and was not responsible for the unpermitted improvements. Further, it was determined that the proposed structure would blend well into the character of the area. A motion to recommend approval was unanimously approved.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1AA	R-1AA	R-1AA	R-1A	Lake Mary Jane
Future Land Use	LDR	LDR	LDR	LDR	N/A
Current Use	Single family dwelling	Single family dwelling	Single family dwelling	Single family dwelling	Lake Mary Jane

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-1AA, Single Family Dwelling district, which allows single family homes and associated accessory structures on lots a minimum of 10,000 sq. ft. or greater.

The subject property is located in the Lake Mary Jane Rural Settlement. This has no bearing on the current request, as the property is developing in a manner consistent with the intent of rural settlements. While the subject property and all nearby lots on the southeast end of the lake are zoned R-1AA, the lots fronting on the remainder of the lake are zoned A-2, Farmland Rural. Typically, land in a rural settlement would not be zoned R-1AA, but rather A-1, A-2, R-CE, or P-D. With 3.91 acres of land, were the subject property zoned A-2, a variance would not be need, as the lot would be permitted up to 2,000 sq. ft. of accessory floor area.

The subject property is 3.91 acres in size. It consists of Lots 20 and 21 of the Isle of Pines Subdivision, which was platted in 1956. Only approximately .82 acres is upland, the remainder is submerged land. The property currently has a new home under construction. In addition, there is an existing guest cottage which will ultimately become part of the homes' living area. Also, there is an existing carport located on the south property line. The previous home which was demolished (B18002436), the guest cottage and the carport were never permitted. In October 1991, a Special Exception and Variance to permit construction of a guesthouse in excess of 500 sq. ft. was approved. While the structure was constructed, no permit could be found for it. The guesthouse will be incorporated in the new home currently under construction.

The applicant intends to demolish the existing 970 sq. ft. carport, and replace it with a new 1,416 sq. ft. four (4) car garage with an open airboat storage bay. The code allows 500 sq. ft. or an amount equal to 25% of the living area of the residence up to a maximum of 1,000 sq. ft., whichever is greater. Based on a final build out of 3,710 sq. ft. of living area, the applicant is entitled to 927 sq. ft. of floor area. The requested variance will equate to 52% variance.

The lot to the south is very heavily vegetated along its common lot line with the subject property.

District Development Standards

	Code Requirement	Proposed
Max Height:	15 ft.	14 ft.
Min. Lot Width:	85 ft.	128 ft.
Min. Lot Size:	10,000 sq. ft.	3.9 ac. (.82 ac. upland)

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

	Code Requirement	Proposed
Front:	30 ft.	153 ft.
Rear:	35 ft.	N/A defer to NHWE
Side:	5 ft.	7.5 ft.
Sidestreet:	N/A	N/A
NHWE:	50 ft.	129 ft.

STAFF FINDINGS

Variance Criteria

Special Conditions and Circumstances

The special circumstance particular to the subject property is the dense vegetation and rural character of the area. As one drives along Lake Mary Jane Rd., there is little visibility into individual lots, and significant vegetation along side property lines. The lot has over three (3) times the minimum lot area of a lot in the R-1A zoning district. The proposed structure will not be visible from the roadway.

Deprivation of Rights

Garages and boat storage are common improvements, especially for lakefront lots. Without the variance the applicant would be limited to 927 sq. ft., 489 ft. less than what is needed, which would deprive the applicant of rights shared by A-2 zoned property elsewhere on the lake.

Minimum Possible Variance

This is the minimum variance needed to accommodate the applicant's needs. The variance represents a 52% variance, however, the lot is three-(3) times the minimum lot area.

Purpose and Intent

There will be just over 8% total lot coverage. As such, this request is consistent with the purpose and intent of the Code. The proposed structure will satisfy the setback and height criteria and the lot is large enough to support a large home and the requested storage.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated January 16, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the accessory structure- shall match or be complementary to the exterior of the new residence with respect to color.

c: Zoe Krislock
13242 S. Lake Mary Jane Road
Orlando, FL 32832

c: Jessica Napolitano for Phil Kean Architecture
912 W. Fairbanks Avenue
Winter Park, FL 32789

COVER LETTER



2019 January 09

To whom it may concern,

We are submitting a variance request for a detached garage accessory structure at 13242 South Lake Mary Jane Road, Orlando Florida 32832.

This property was purchased with an existing detached four bay carport structure. Unknown to the current property owner, this carport had been constructed without a permit and therefore will be removed. We are proposing a new detached four bay garage with an open-air carport bay for boat storage in its place. As the existing carport was originally intended to serve as a garage for the current homeowner, a garage was not incorporated into the design of their main home. Since this existing carport had been constructed without a permit and will have to be removed, a new detached accessory structure will have to be constructed in its place to serve the homeowners needs for a garage and storage.

This structure will be built to current code and will meet accessory structure requirements for height and setbacks.

This accessory structure is designed to match the main home in scale, style, and materials with the same roof pitch, materials, paint selections, and finishes as the main home.

The total footprint for this detached structure is 23'-4" wide by 60'-8" long at a total of 1416 square feet. The property is allowed an accessory structure at 1000 square feet. The detached structure is divided into an enclosed four-bay garage at 980 square feet and a carport for boat storage at 436 square feet. The division of these two uses provides articulation in both the roofline, massing and materials on this structure.

The four bay garage portion will be 23'-4" wide by 42'-0" long. The construction will be concrete block walls on a concrete slab, with a painted stucco finish. The boat storage bay of this detached garage will be wood posts on a concrete slab, with wood privacy screens between the posts. This area will be 23'-4" wide by 18'-8" long.



The roof across the entire detached structure will be constructed of trusses at a 1:12 pitch with a TPO roof membrane finish. The four-bay garage portion of this structure will have a maximum height of 12'-4" at the top of the roof. The boat storage bay of this structure will have a maximum height of 14'-0" at the top of the roof. Accessory structures are allowed a maximum height of 15'-0".

All construction on the property at 13242 South Lake Mary Jane Road will be located within the required setbacks. The property is 461.23' long. This detached structure is located 7'-6" off of the South side property line, approximately 211'-6-9/16" off of the front property line, and 133'-1-3/8" off of the 50' Water Setback across the back of the property (with an additional 63'-1-13/16" to the edge of water).

Based on Orange County Property Appraiser, 13242 South Lake Mary Jane Road has a total land area of 170,329+/- square feet. With the addition of this detached structure, all construction and hardscape on the property remains at a footprint of approximately 13,610 square feet, less than 8% of the total land area.

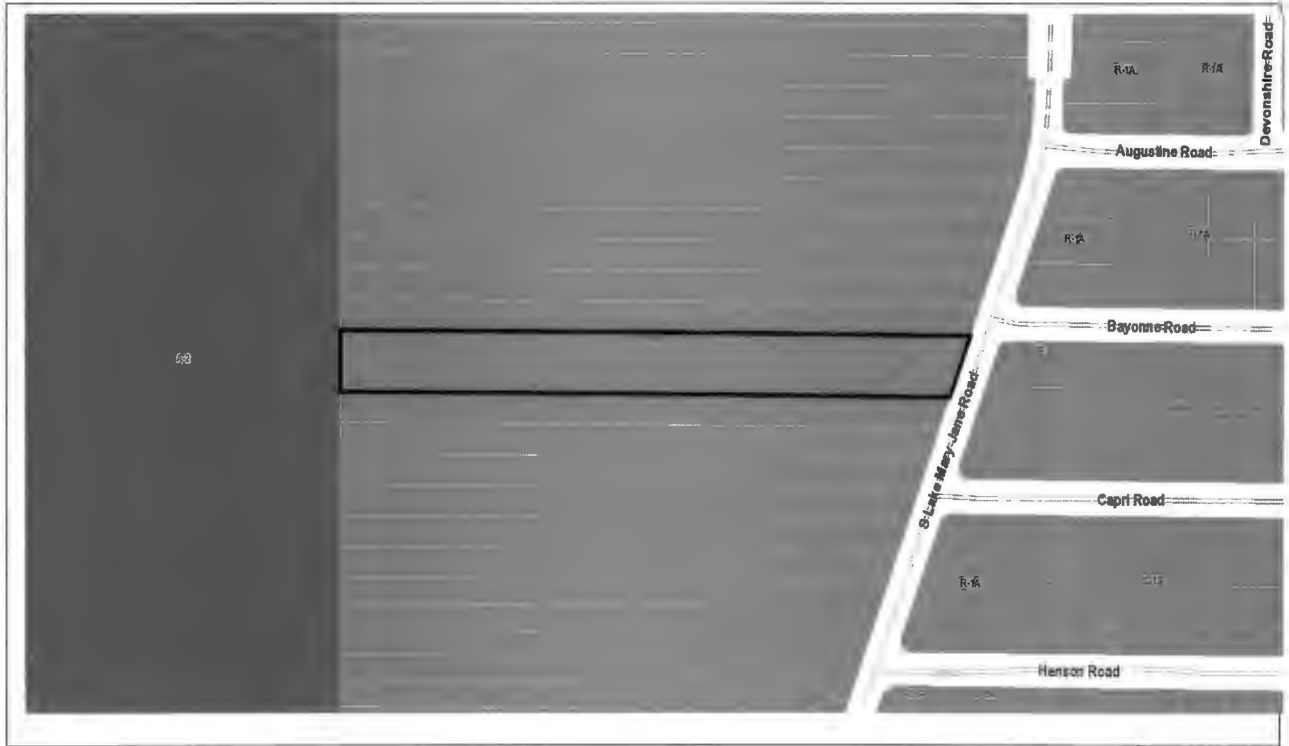
Thank you,

A handwritten signature in black ink, appearing to read 'Jessica Napolitano', is written over a light grey circular stamp.

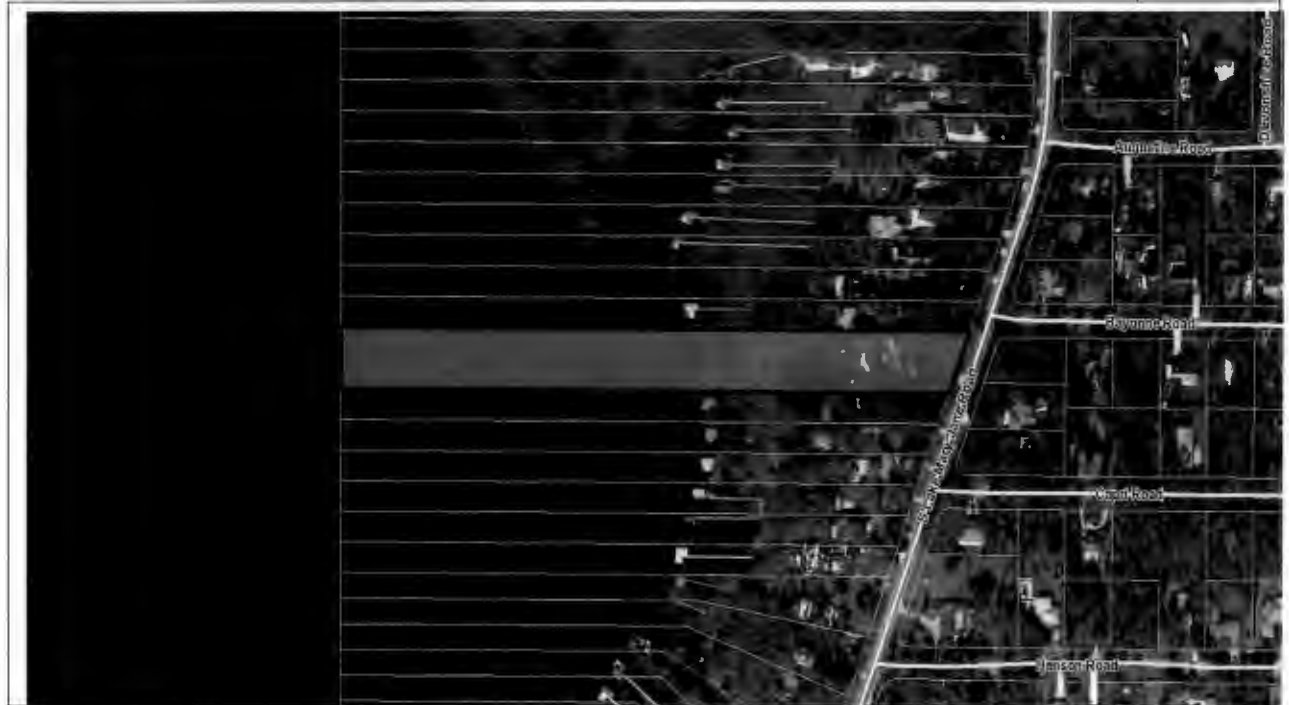
Jessica Napolitano
Architectural Associate, Phil Kean Designs

On behalf of Zoe Krislock
Property owner at 13242 South Lake Mary Jane Road
Orlando, Florida 32832

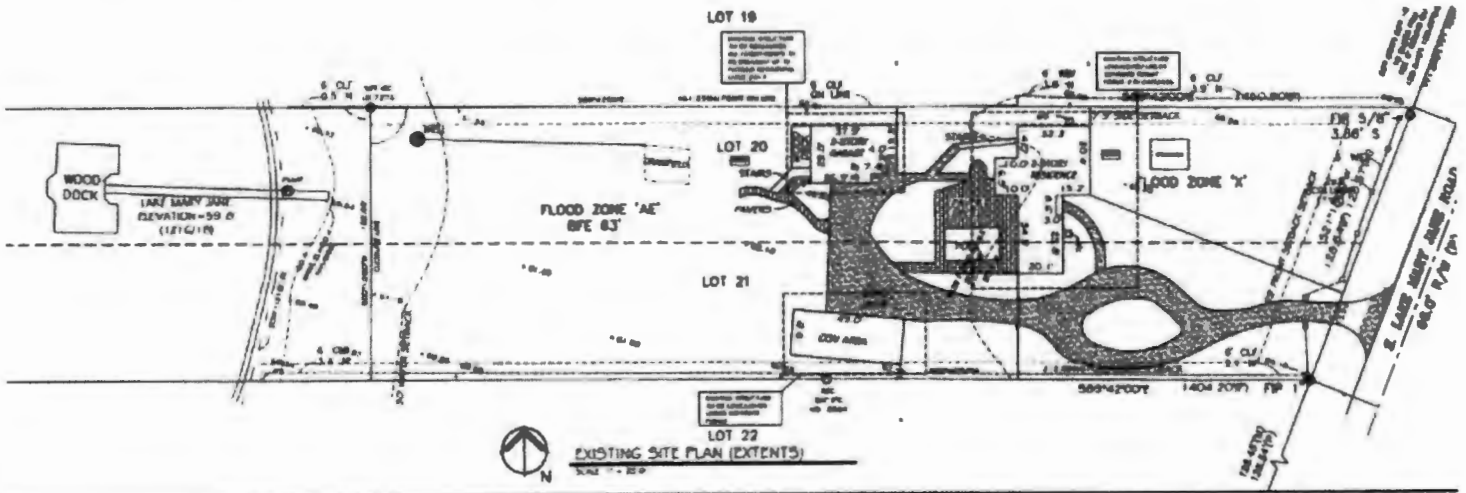
ZONING MAP



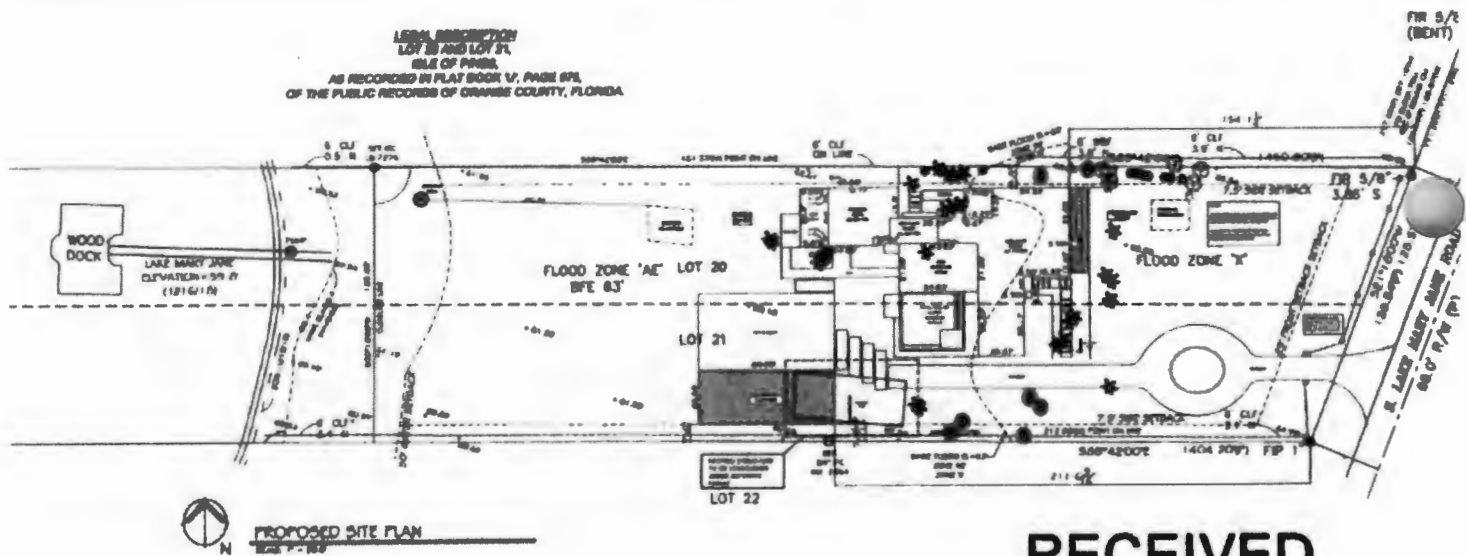
AERIAL MAP



SITE PLAN / SURVEY

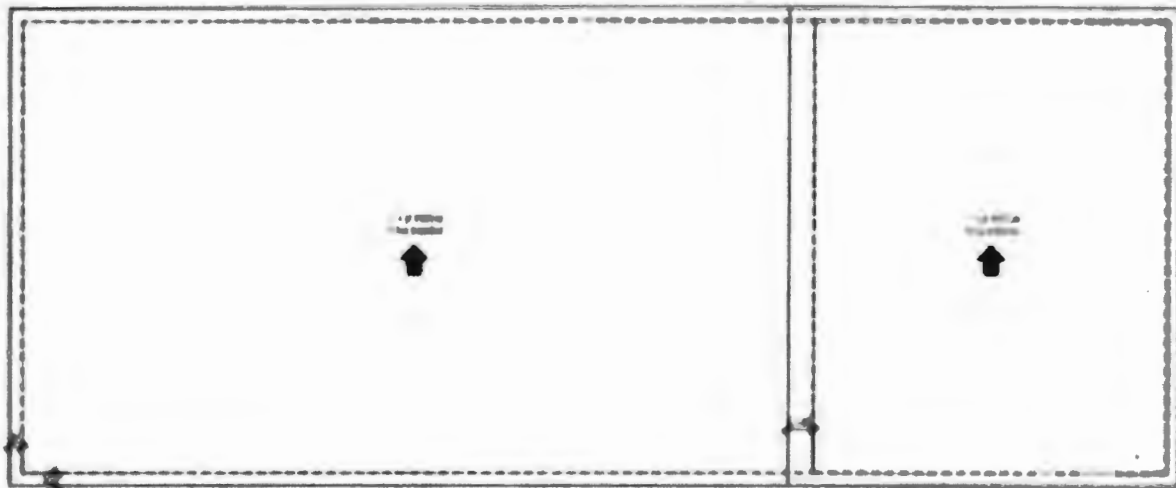
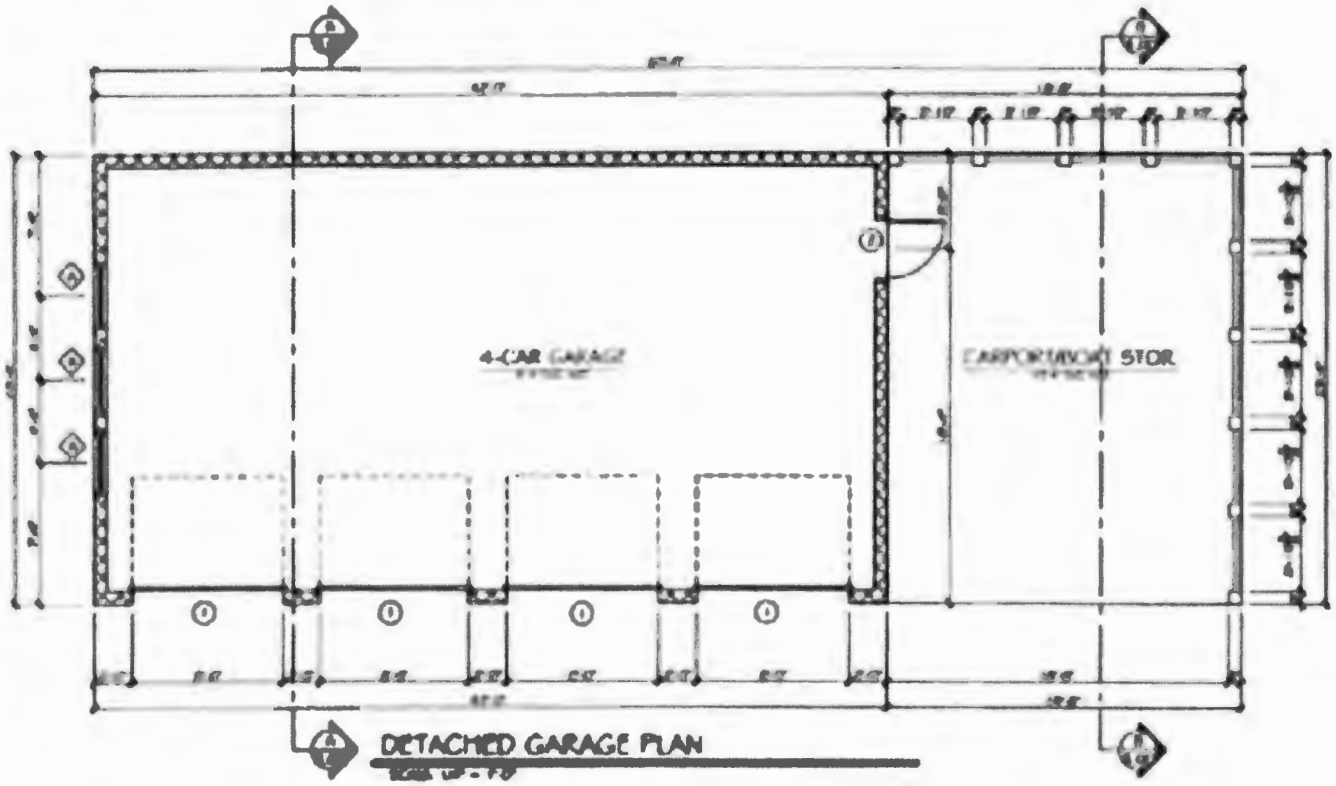


LEGAL DESCRIPTION
LOT 19 AND LOT 21,
AS RECORDED IN PLAT BOOK V, PAGE 674,
OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

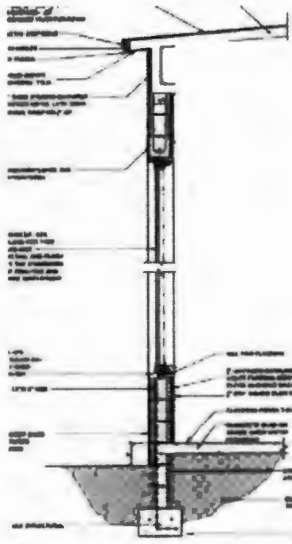


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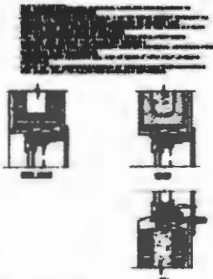
JAN 16 2018



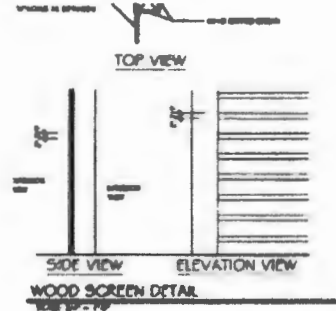
ELEVATION



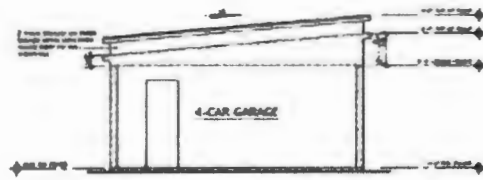
1 STORY CMU WALL SECTION
SOS UP - 19



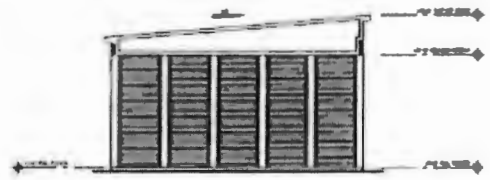
COMPOSITE FRAME WINDOW DETAIL
SOS UP - 19



WOOD SCREEN DETAIL
SOS UP - 19



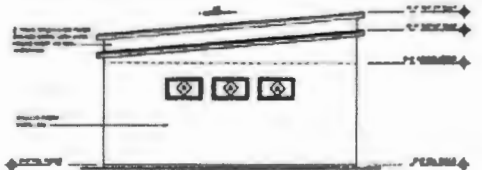
BUILDING SECTION A-A
SOS UP - 19



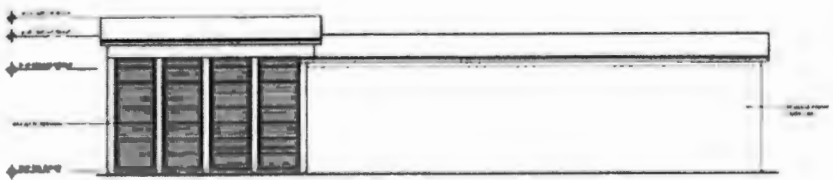
BUILDING SECTION B-B
SOS UP - 19



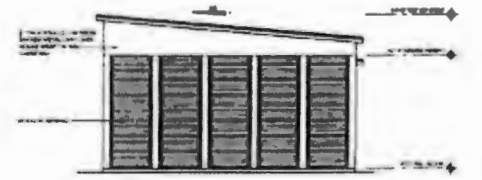
GARAGE - FRONT ELEVATION
SOS UP - 19



GARAGE - LEFT ELEVATION
SOS UP - 19



GARAGE - REAR ELEVATION
SOS UP - 19



GARAGE - RIGHT ELEVATION
SOS UP - 19

SITE PHOTOS



Subject Property



Existing Unpermitted Carport



Interior of Existing Carport

BZA STAFF REPORT

Planning, Environmental, & Development Services/ Zoning Division

Meeting Date: **MAR 07, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-03-005**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): JAKE REECE

OWNER(s): JAKE REECE, ELIZABETH REECE

REQUEST: Variance in the R-1A zoning district to allow a patio enclosure with an aluminum roof 15 ft. from the rear property line in lieu of 30 ft.

PROPERTY LOCATION: 605 St Dunstan Way, Winter Park, Florida, southwest corner of St Dunstan Way and Banchory Rd., west of S.R. 436.

PARCEL ID: 09-22-30-9428-01-040

LOT SIZE: 107 ft. x 103 ft. (AVG)/0.244 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 85

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

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

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

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

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

The applicant agreed with the staff presentation.

The BZA stated that there were others in the area that were similar.

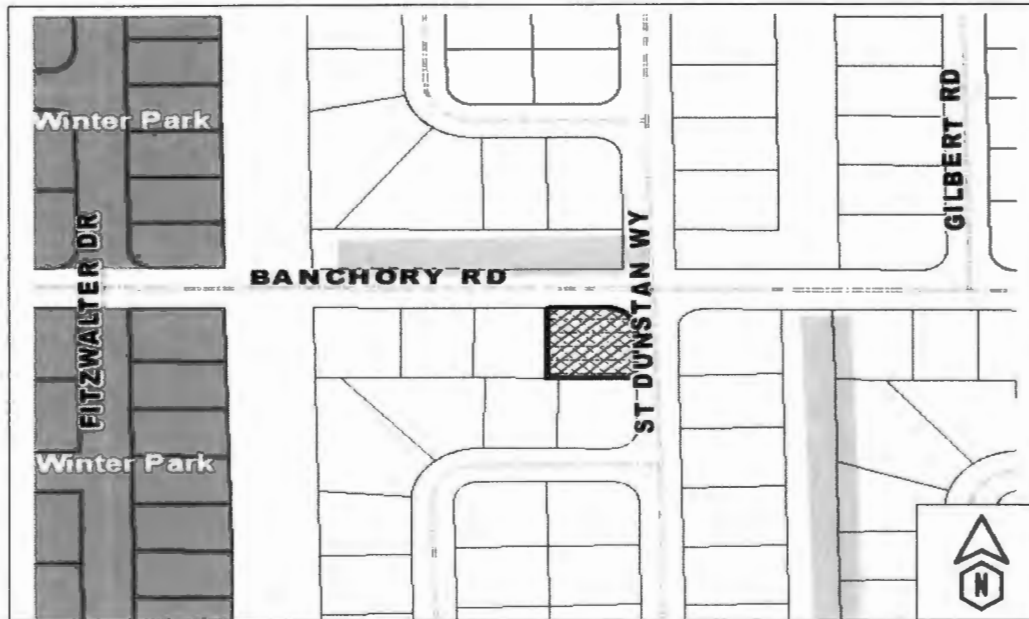
Staff received one (1) commentary in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

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

BACKGROUND AND ANALYSIS

Description and Context

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

The lot was platted in 1965 and is considered to be a conforming lot of record. There is a 1,794 sq. ft. single family home on the lot, which was constructed in 1967.

Per code, the front yard should be on Banchory Rd., but the lot has been developed using St. Dunstan as the front, as recognized by the Zoning Manager.

The applicant is proposing to add 288 sq. ft. patio enclosure with an aluminum roof. The required rear setback is 30 ft. The required side setbacks of 7.5 ft. are being met. The required rear setback applies to the principal structure. Since the patio is attached, the rear setback also applies, however an open air porch will be less intrusive. Orange County code allows a screen enclosure with an aluminum roof to encroach 13 ft. into the rear setback (resulting in a required setback of 17 ft.). The proposed structure will not have screen walls; therefore the principal structure setback applies.

The request constitutes a 50% deviation from code, however the addition is not heated/liveable space but is rather an open air porch, which is less intrusive.

The most impacted neighbor to the west has signed a letter of no objection to the proposal.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	7.5 ft.
Min. Lot Width:	75 ft.	102 ft.
Min. Lot Size:	7,500 sq. ft.	10,648 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	n/a
Rear:	30 ft.	15 ft.
Side:	7.5 ft.	24 ft.
Sidestreet:	15 ft.	57 ft.
NHWE:	n/a	n/a

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The proposal is for a patio enclosure with an aluminum roof, which is considered to be less intrusive than enclosed living space. The existing house sits at 25 ft. from the rear property line, and there is no space for improvements due to the 30 ft. setback requirement.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to have a small covered patio. If the applicant enclosed the patio with screen walls they would be allowed to extend up to 17 ft. from the rear property line.

Purpose and Intent

Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood. The covered patio will not be any more intrusive than a screen room in the same location.

CONDITIONS OF APPROVAL

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

Jake Reece
605 St Dunstan Way
Winter Park, FL 32792

COVER LETTER

Cover Letter for Jake and Elizabeth Reece at 605 Saint Dunstan Way, Winter Park Florida, 32792

Reference Number: VA-19-03-005

This request is for a variance exemption concerning the setback on our property. Currently we are zoned for a 17 foot setback and would like to install an aluminum cover for our back porch that would require a 15 foot setback for the aluminum posts to be installed at the end of the concrete pad. The aluminum porch would cover 12 by 24 feet (288 square feet) and reach a maximum height of 7.5 feet above the ground. The aluminum posts for the aluminum cover would be 7 feet high and be installed at the end of the concrete pad which is 15 feet from the property line.

The aluminum porch contractor explained that the aluminum roof cover could be installed to cover the same area and comply to the setback code by having the aluminum posts installed 2 feet in toward the house. This would be highly inconvenient because the main purpose of the aluminum cover is so that our child River (2 years old) and future children can play outside and have shade and dryness during the hot and wet Orlando summers. We are trying to maximize the playable area of the back porch and having the aluminum posts installed two feet in towards the house would significantly reduce the play area. We would like the variance exemption so that we can install the aluminum post at the end of the concrete pad thereby maximizing the area our child can play on the concrete pad.

Variance criteria

1. **Special Conditions and Circumstances:** Many homes in our neighborhood have aluminum covers over their back porches where the aluminum posts extend to the end of their concrete pads and so this construction would not be peculiar to our property.
2. **Not Self-Created:** The property or structures on the property have not been adjusted since we have lived at the property and therefore the existence of the condition for the exemption is not self-created.
3. **No Special Privilege Conferred:** Many other homes in our neighborhood have an aluminum covering on their back porch where the aluminum posts stretch to the end of their concrete pads, so the construction does not entitle us to any special privilege.
4. **Deprivation of Rights:** The intent of the aluminum porch has no financial or business motivation. The intent of the variance aluminum porch is to provided shade and dryness for our child while he plays during the hot and wet Orlando summers.
5. **Minimum Possible Variance:** The variance exemption asks for the aluminum posts to be placed 15 feet from the property line rather than 17 feet which is the minimum amount of change needed so the aluminum posts can be installed at the end of the concrete pad.
6. **Purpose and Intent:** The aluminum backyard cover will be similar to existing back porch aluminum covers in the neighborhood. The installation of the aluminum posts to extend to the end of the concrete pad would in no way harm the aesthetics of the neighborhood or the welfare of the public.

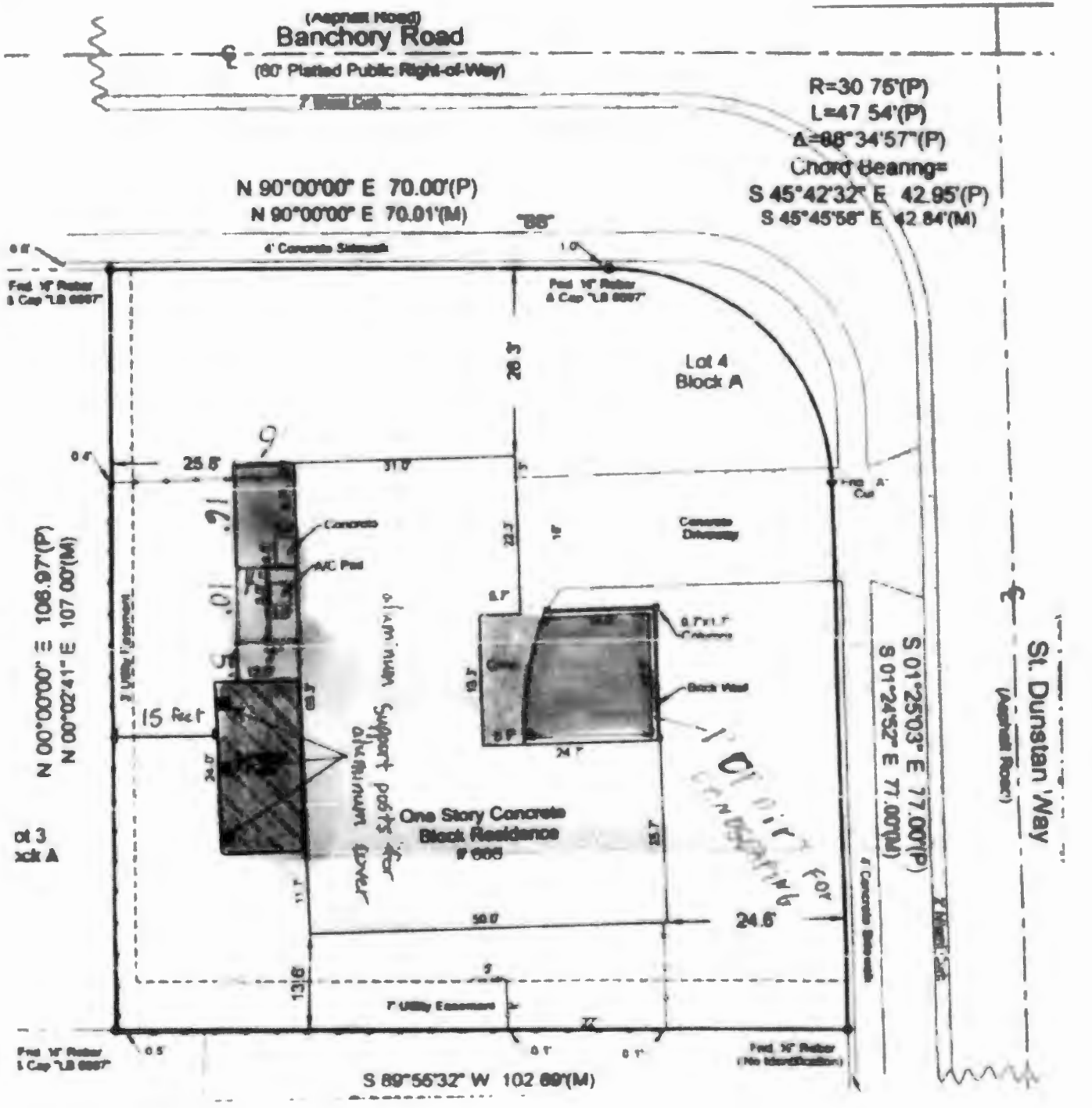
ZONING MAP



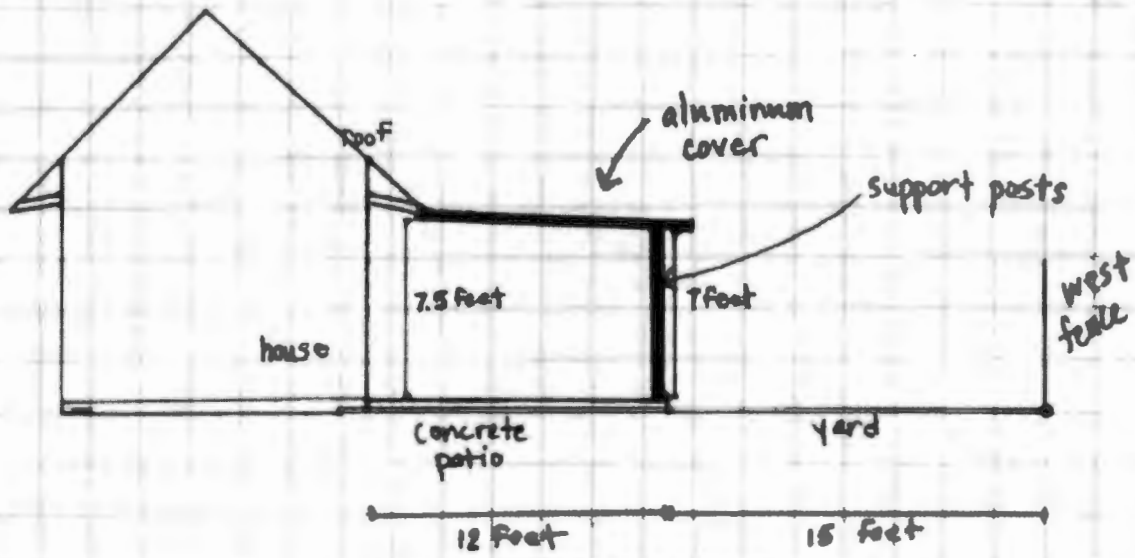
AERIAL MAP



SITE PLAN / SURVEY



Side view of aluminum structure



Hand Drawn Elevations

SITE PHOTOS



Rear yard from Banchory Road



Rear yard



Rear yard, proposed patio location over slab



Rear yard, proposed patio location

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 07, 2019**

Case Planner: **Sean Bailey**

Case #: **VA-19-03-006**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): **GEORGE TIEDEMANN**

OWNER(s): **TIEDEMANN SABRINA, TIEDEMANN GEORGE W**

REQUEST: **Variances in the R-1AA zoning district to allow a recreational vehicle to be parked on a residential lot as follows:**

1) **To allow a front yard setback of 12 ft. in lieu of 30 ft.**

2) **To allow a side yard setback of 1 ft. in lieu of 10 ft.**

This is the result of Code Enforcement action.

PROPERTY LOCATION: **1925 Good Homes Rd., Orlando, FL 32818, east side of Good Homes Rd., approximately 1/2 mile south of Silver Star Rd.**

PARCEL ID: **15-22-28-4717-00-030**

LOT SIZE: **100 ft. x 109 ft. / .24 acres**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **37**

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 as amended (unanimous; 7-0):

1. **Development in accordance with the site plan dated January 16, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.**
2. **Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.**
3. **Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.**
4. **The applicant shall obtain a permit for the recreational vehicle within 90 days of final approval or this approval becomes null and void.**

SYNOPSIS: The applicant would like to store his recreational vehicle in his side driveway, which does not meet the front or side setback required by Code. The applicant was cited by Code Enforcement for storing the RV on site without a permit.

Staff outlined the area, presented site photos, and explained the need for the Variances.

BZA had a discussion regarding the need for Condition #5, regarding the vegetation along the southern property line. The Chairman of the Board expressed that he felt comfortable with eliminating Condition #5. The applicant agreed that if he did not have to install a vegetative buffer, that would be more convenient for him.

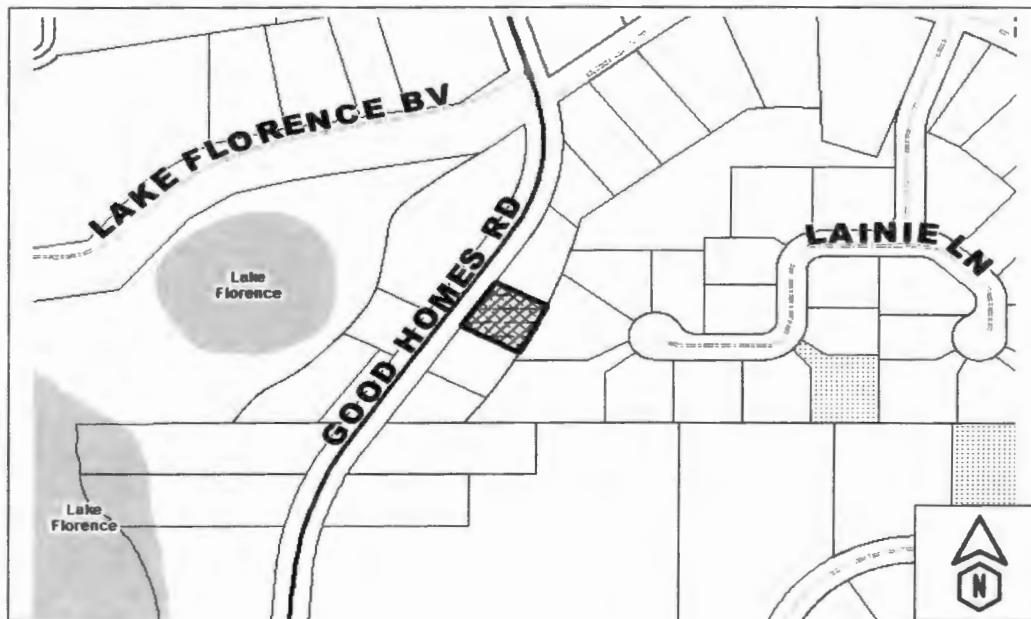
No one spoke in favor or in opposition of the application; staff did receive seven (7) letters in support of the application.

The BZA agreed the request met the variance criteria and approved the variances with the elimination of Condition #5, regarding the vegetation along the south property line.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1AA	R-1AA	R-1AA	R-1AA	R-CE
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family	Single-family	Single-family	Single-family	vacant

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-1AA, Single Family Dwelling district, which allows single family homes and associated accessory structures on lots a minimum of 10,000 sq. ft. or greater.

The applicant purchased the property in 1990 and the lot contains a 2,385 sq. ft. house and a swimming pool.

The property is located on Good Homes Rd., which is in a residential area and is across the street from Lake Florence. The property was platted as part of the Lake Highlands Replat in 1966. The property was granted variances from the front and rear property lines in 1984 under the R-CE zoning.

The area was re-zoned in 1999 from R-CE to R-1AA, and the property was constructed in 1984 at the front and rear setbacks allowed per the variances.

The applicant was cited by Code Enforcement in June 2017 for storing an RV in the driveway without a permit. The RV was later removed and the case was closed.

The applicant is applying for a variance to allow the storage of his RV in his side driveway located within the front and side setback. The code states, "A recreational vehicle may be parked, stored or kept only on an approved surface in the front half of the lot or parcel (behind the front yard setback) or on an unimproved surface in the rear half of the lot or parcel. The recreational vehicle shall not obscure the view of the principal structure from the right-of-way adjoining the front of the subject property, and shall be at least ten (10) feet from the side lot lines and at least five (5) feet from the rear lot line. Setbacks may be reduced to zero (0) feet if a six-foot high fence, wall, or vegetative buffer, exists along the lot line. Furthermore, the owner of such a recreational vehicle shall obtain a permit from the zoning division in order to park, store or keep the recreational vehicle at the lot or parcel."

The applicant has submitted a letter in support, which was signed by five (5) surrounding property owners.

District Development Standards

	Code Requirement	Proposed
Max Height:	35	15
Min. Lot Width:	85	100
Min. Lot Size:	10,000 sq. ft.	10,374 sq. ft.

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

	Code Requirement	Proposed
Front:	30	12
Rear:	5	50 +
Side:	10	1

STAFF FINDINGS

VARIANCE CRITERIA

Special conditions and circumstances

Due to the location of the existing house and swimming pool there is no other area where a recreational vehicle of this size would fit on the lot without the need for a variance. Also, the waterline from the well on site would be encumbered if the applicant moved the RV further back on his lot.

Deprivation of rights

Not allowing the applicant to park the RV in the proposed location will force the applicant to park the vehicle off-site and cause hardship on the applicant.

Minimum possible variance

The location proposed is the furthest away from the street the applicant can physically locate the RV on the property. The front of the RV will be located about 35 ft. from the right-of-way line of Good Homes Rd. The side setback may be reduced to 0 ft. with condition of approval # 5 that requires a vegetative buffer.

Purpose and Intent

The location of the RV does not block the view of the house from the right-of-way and does not impede any lines of sight for traffic entering and exiting Good Homes Rd. Several neighbors have consented to the location and with the installation of the vegetation buffer the location will meet the intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated January 16, 2019 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a permit for the recreational vehicle within 90 days of final approval or this approval becomes null and void.
5. The applicant shall install a six-foot high vegetative buffer along the westernmost 40 ft. of the south property line.

c: George W. Tiedemann
1925 Good Homes Road
Orlando, FL 32818

COVER LETTER

12/29/2018

TO: Ms. Carol Knox
Orange County Planning and Zoning

FR: George Tiedemann
1925 Good Homes Road
Orlando, FL 32818
407-716-2344, teedmann@aol.com

RECEIVED
JAN 02 2019
ORANGE COUNTY
ZONING DIVISION

Dear Ms. Knox:

Enclosed is my application for a variance under special conditions concerning the RV parking at my home. Sorry for the delay and I hope I have filled out, and supplied everything correctly. The application fee (\$638) was waived by the County Commissioners.

Background: I am a disabled 73 years old senior, living on a limited fixed Social Security income. My wife of 35 years passed away in 2009 so I purchased the small, nice older RV in 2011 for something fun to do. I have lived here for almost 28 years, boats were parked on the pad for almost 20 years, no County problems, so parking an RV there was a no-brainer.

I am in violation of code, passed in 1998 and modified several times since. I was notified in 2013 and worked out a common sense solution with the Code Officer. In 2017 after a body was dumped in the neighborhood (1807 Good Homes), every county official including code was in the neighborhood. I am sure that was the trigger for a supervisor noticing my RV and having the violation issued.

As I have gotten older, my back/hip/shoulder disabilities severely limit walking or carrying anything of substance. As currently parked it can be done. If moved to an unaffordable storage facility, carrying supplies, loading, etc would be impossible and I would probably have to give up the RV.....and the friends I RV with (they help me set up/tear down the campsite). Again, RV'ing is the only entertainment I can do. I can only afford to do this because my daughter pays the mortgage and whoever accompanies me pays the fuel and camp fees. And parked here at home, any repairs can be easily accessed and done by my neighbors.

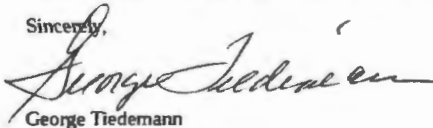
Justification for variance:

- a) Neighbors do not object (see letter from each). All have done small repairs
- b) RV is only partly parked in front of residential setback
- c) No visibility blockage for traffic
- d) Vegetation boundary
- e) Financial burden to comply with ordinance
- f) Boats or RV have generally been parked there for 25 years

Conclusion: Please, I ask for common sense on my variance request. *At my age and disability, it will not be there forever: it is a one time request.* Neighbors do not object, our immediate homes are nicely maintained, we are not in an HOA, moving the RV causes me tremendous physical and financial burdens, no one (except County) has ever complained, until notified, I had no idea there was a 1998 Ordinance, and I (we) always try to do what is best for our neighbors and our neighborhood.

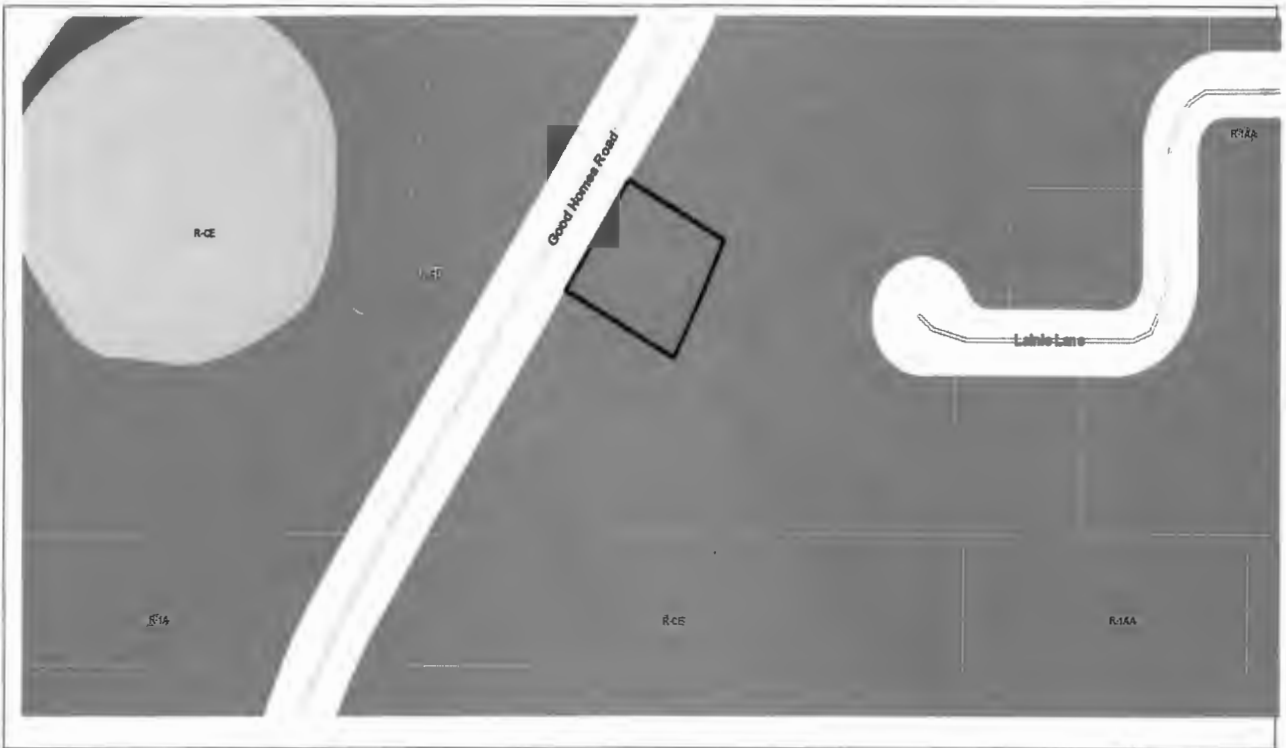
Thank you for your consideration and hopeful approval. Please let me know the next step(s). I can be reached on my phone or e-mail. Note that I am unavailable January 12-20.

Sincerely,



George Tiedemann

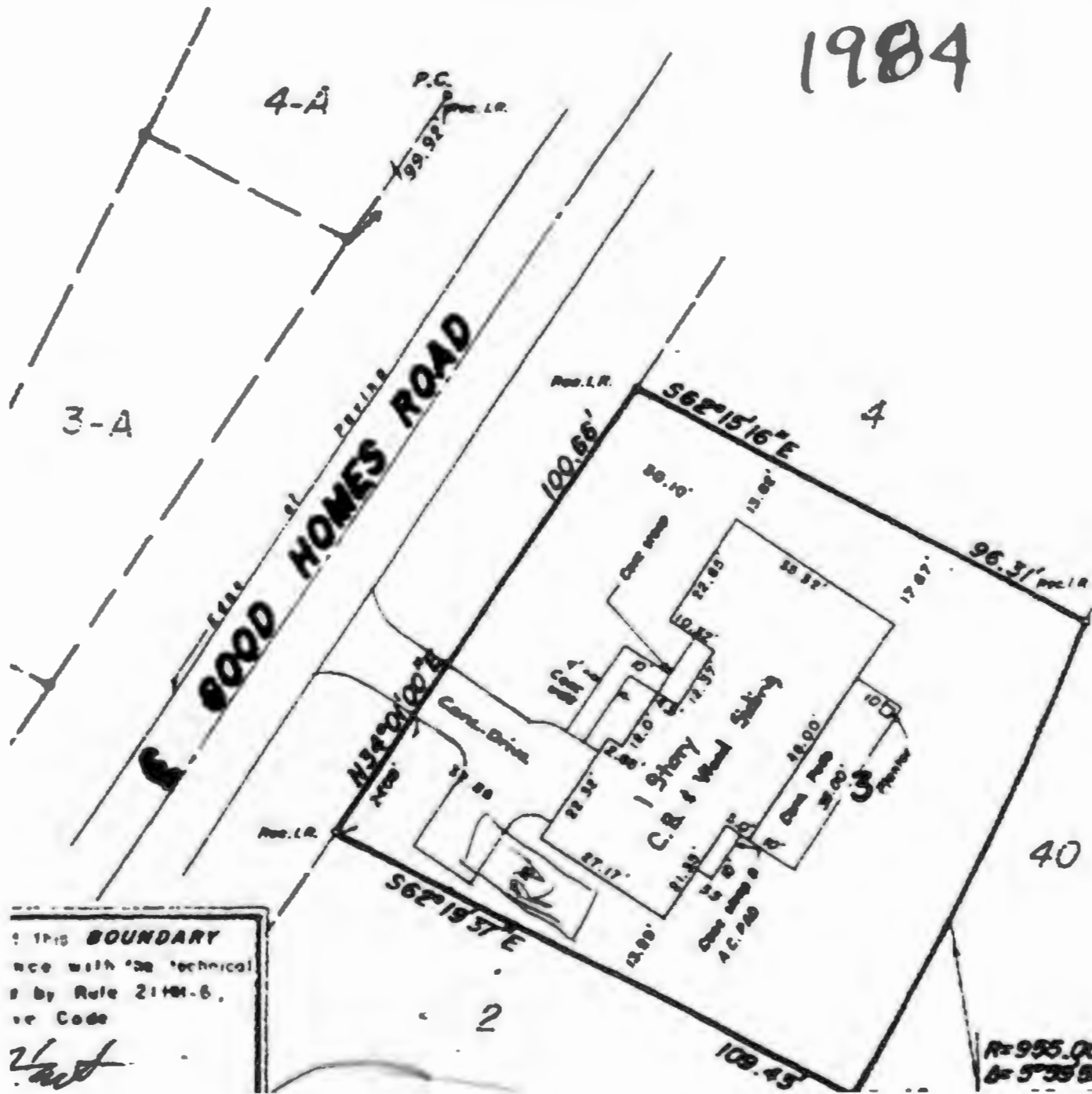
ZONING MAP



AERIAL MAP



1984



This BOUNDARY
was with '20 technical
by Rule 214M-6,
or Code
[Signature]



SITE PHOTOS



View from the south



South property line



Entrance to the rear yard



View of the front of the house



View along Good Homes Road looking west

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 07, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-03-007**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): **MATTHEW STEVENSON**

OWNER(s): **JIM PATTISON**

REQUEST: **Variance in the I-4 zoning district to allow a building height of 58.5 ft. in lieu of 50 ft.**

PROPERTY LOCATION: **S. John Young Parkway, Orlando, Florida, 32819, northeast corner of S. John Young Parkway, and S.R. 528, west of the Florida Turnpike.**

PARCEL ID: **04-24-29-0000-00-004**

LOT SIZE: **21.04 acres**

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

NUMBER OF NOTICES: **43**

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

1. Development in accordance with the site plan and elevations dated February 20, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

The applicant agreed with the staff presentation.

The BZA stated that the request met the criteria for a variance.

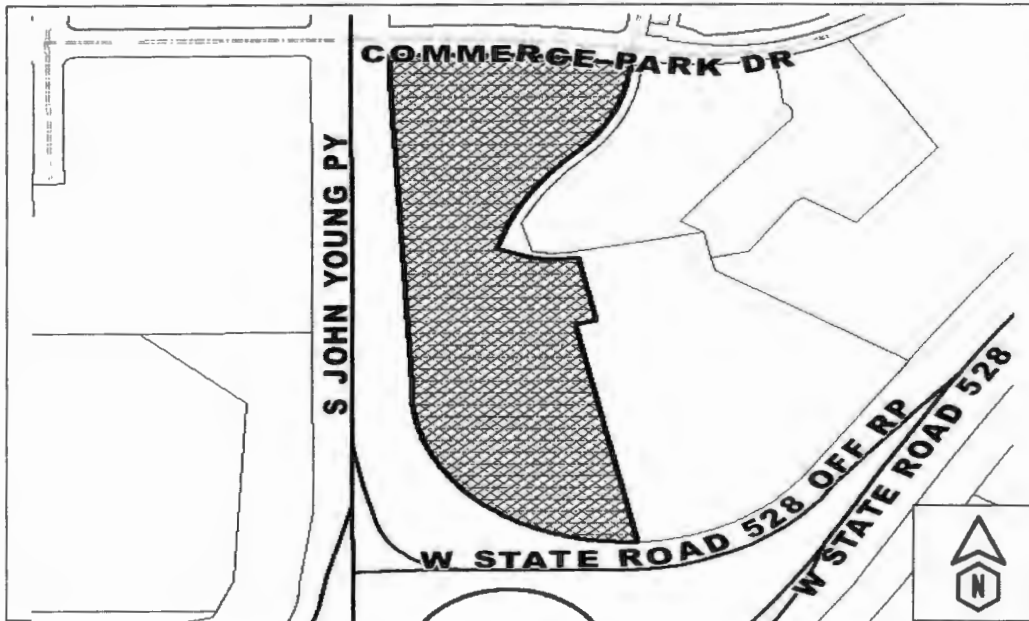
Staff received no commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	IND-4	PD	IND-2/3, PD	IND-4	IND-2/3
Future Land Use	IND	IND	IND	IND	IND
Current Use	Vacant	Commercial	Vacant	Industrial	Vacant

BACKGROUND AND ANALYSIS

Description and Context

The property is zoned I-4, Industrial District which is a heavy industrial district that allows the most intense industrial uses, including the processing of bulk materials, manufacturing and open storage of materials.

The lot was created through a lot split approved in 2007. It is a lot with 3 frontages, with Commerce Park Drive considered to be the front.

The subject property is 21 acres in size, and is currently vacant. The applicant is proposing to develop the site with a 128,403 sq. ft. 3 story office building. The main structure of the building tops out at about 52 ft., however there is a parapet wall above that, creating a maximum building height of 58.5 ft., where code allows 50 ft. maximum, which prompts the need for the variance.

The request constitutes a 17% deviation from code. The design on the building will be consistent with the industrial character of the area, and the deviation will not be noticeable due to the large size of the lot, and setbacks being provided in excess of code.

The property is located in a heavily industrial area, and there are no residential homes in the vicinity.

District Development Standards

	Code Requirement	Proposed
Max Height:	50 ft.	58.5 ft.
Min. Lot Width:	none	n/a
Min. Lot Size:	none	n/a

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

	Code Requirement	Proposed
Front:	35 ft.	175 ft.
Rear:	10 ft.	over 500 ft.
Side:	25 ft.	65 ft.
Sidestreet:	25 ft.	145 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The property is a 21-acre industrial property. The increased height will allow the applicant to screen rooftop equipment, and will not have any negative visual impact, as the lot size allows the building to be located approximately 175 ft. from the front (north) property line, 65 ft. from the side (east) property line, 145 ft. from the side (west) property line, and over 500 ft. from the rear (south) property line.

Deprivation of rights

Literal interpretation of the code will deprive this applicant of the right to utilize a design consistent with the area while screening rooftop equipment.

Minimum Possible Variance

The request is the minimum variance to utilize the specified design, and to shield the rooftop equipment from view. The request is a 17% deviation from code, which is minor.

Purpose and Intent

Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the industrial character of the area. The subject property is a large lot, with significant setbacks. The property is located in an industrial park, and there are no residential homes in the immediate area. Also, there are several multi-story office buildings in the vicinity.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan and elevations dated February 20, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

Matthew Stevenson
5840 W. Cypress Street, Suite B
Tampa, FL 33607

COVER LETTER



February 20, 2019

Matthew Stevenson
ARCO Murray Construction Company
5840 West Cypress Street, Suite B
Tampa, Florida 33607

Re: Application for Zoning Variance
Permit #: B18904555
Project Address: 9545 S John Young Parkway
Orlando, FL 32819

To Whom It May Concern,

The Owner is requesting a zoning variance for a three (3) story, 126,768 SF concrete tilt panel office building to exceed the maximum allowed building height for a I-4 zoning district. Per Sec. 38-1008.a.6 of the Orange County Code, the maximum building height in an I-4 zoning district is 50'-0". The height to the top of the building parapet is 52'-1". The height to the top of the "Architectural Entry Panels", which were included to provide an Architecturally pleasing building in accordance with other structures in the surrounding area, is 54'-3". The highest part of the building, which is the Mechanical screen enclosure which was provided to screen unsightly Mechanical equipment from the surrounding area, is at 58'-6".

The building will be a Type IIB, concrete tilt panel and steel framed structure. It has a nominal footprint of 356'-0" by 120'-0" and exceeds all required setbacks from the property lines.

The site plan, floor plan, and elevations have been attached to this cover letter.

Respectfully,

ARCO Murray Construction Company

Matthew Stevenson

RECEIVED

FEB 20 2019

ORANGE COUNTY
ZONING DIVISION

5840 WEST CYPRESS STREET, SUITE B | TAMPA, FL 33607 | (813) 280-6320 | www.arcomurraycc.com

ZONING MAP



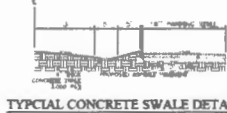
AERIAL MAP



SITE PLAN / SURVEY



NOTES:
 PERMITS CROSS ACCESS REQUIRED BY PRIVATE AGREEMENT, S.A. BOND #1717.P.C. 024
BICYCLE RACK CALCULATIONS
 BICYCLE PARKING SPACES REQUIRED: 8 MAX
 BICYCLE PARKING SPACES PROVIDED: 8
 (MAXIMUM CAPACITY OF 8 BICYCLES PER SPACE)



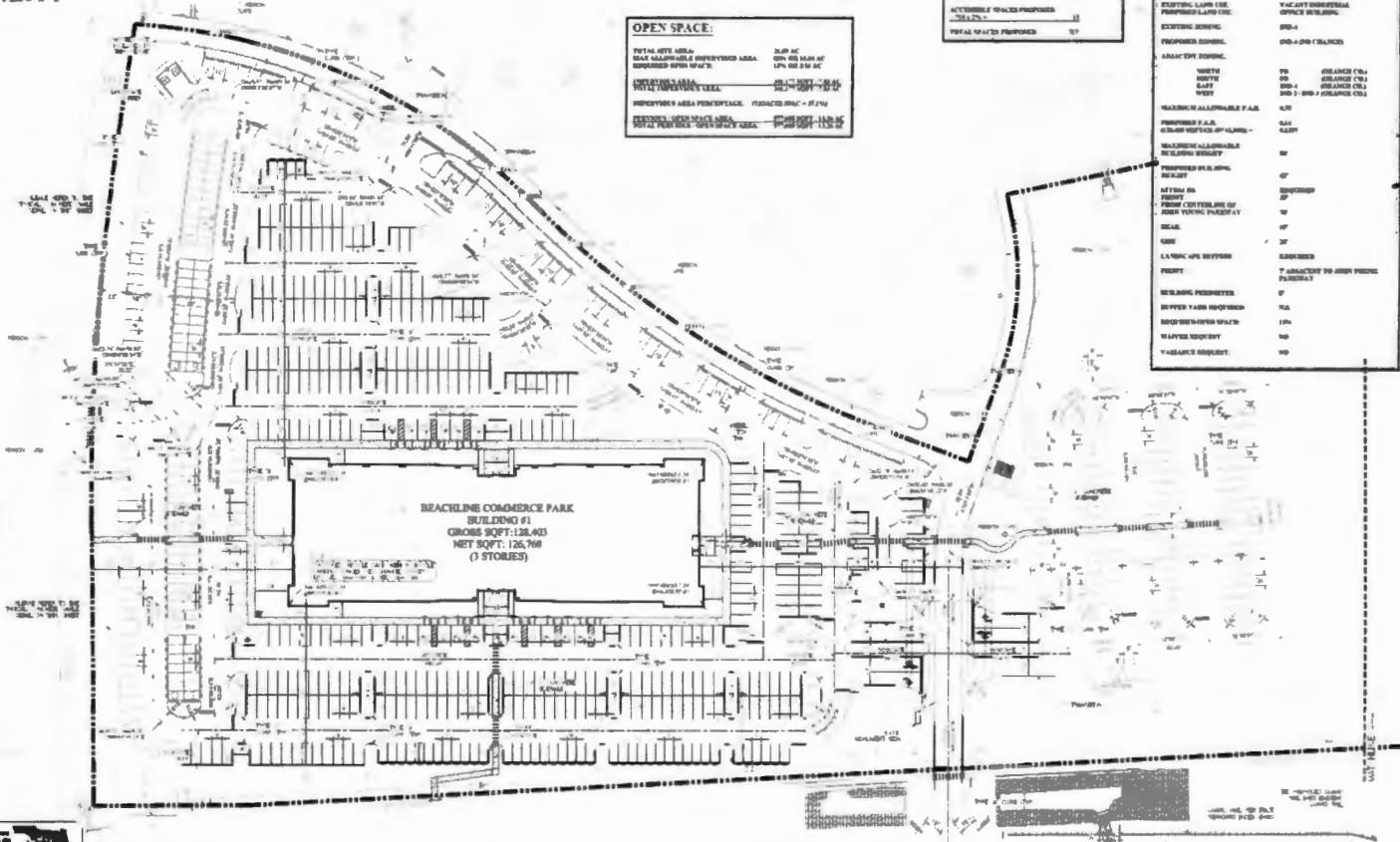
OPEN SPACE:
 TOTAL SITE AREA: 34.29 AC
 MAX ALLOWABLE OPENED AREA: 10% OR 3.43 AC
 IMPROVED OPEN SPACE: 1.71 AC OR 4.93 AC
UNIMPROVED AREA: 32.58 AC (94.1%)
TOTAL IMPROVED AREA: 34.29 AC (100%)
 IMPROVED AREA PERCENTAGE: 100% (34.29 AC)
 TOTAL PERCENTAGE OPEN SPACE: 49.28 AC (143.7%)

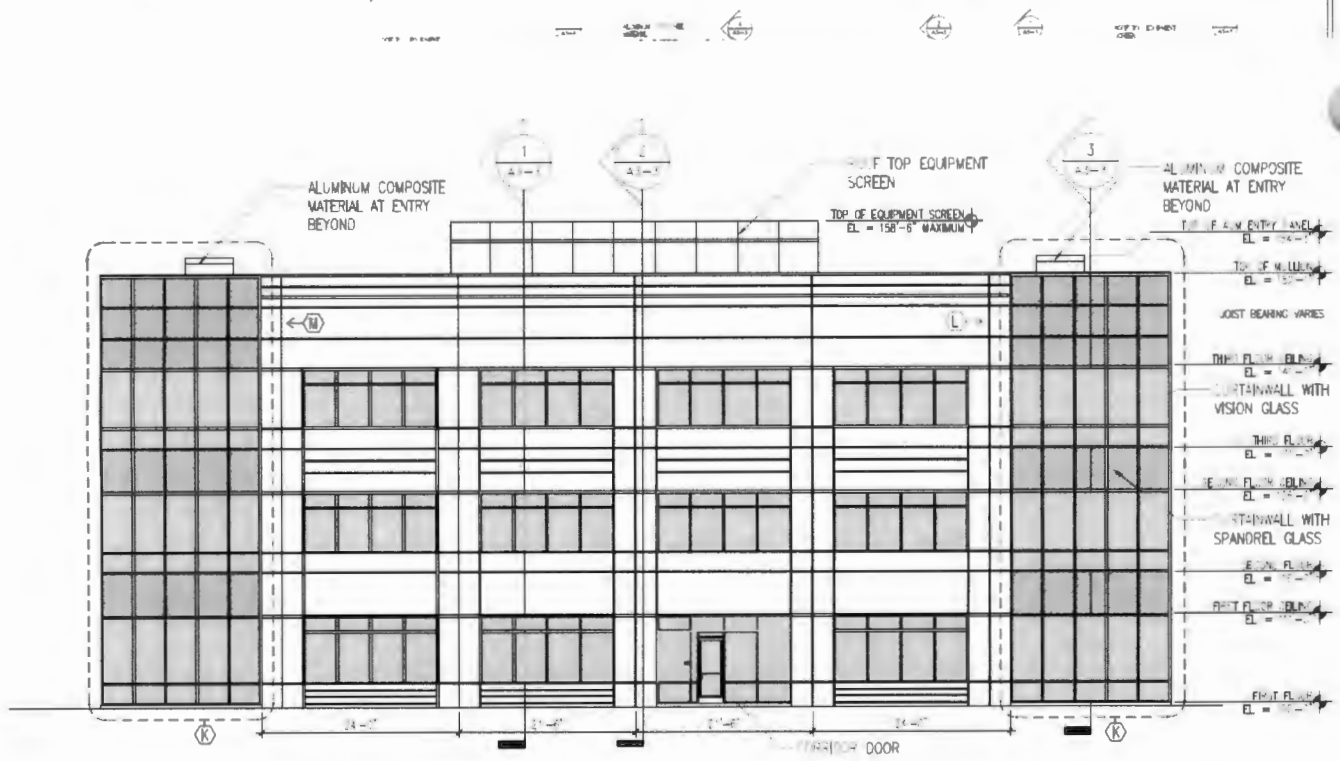
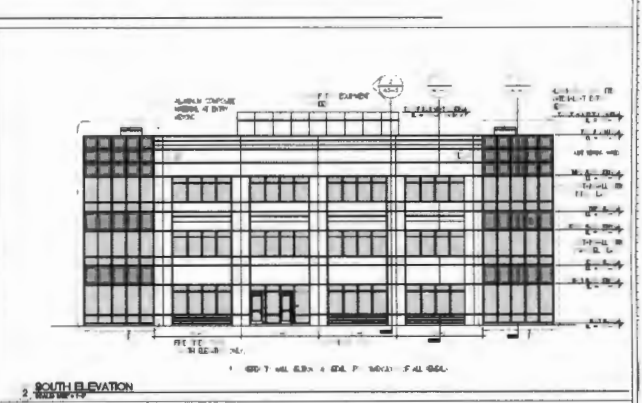
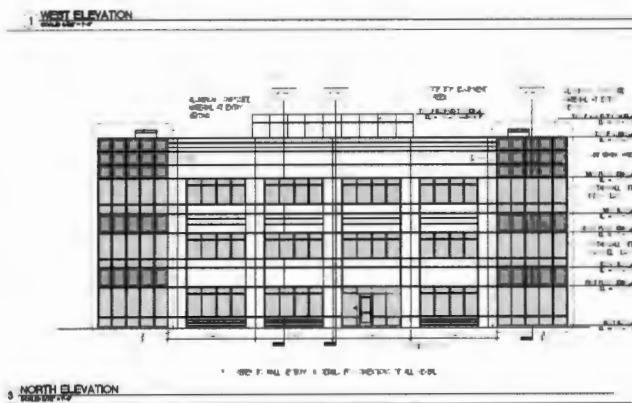
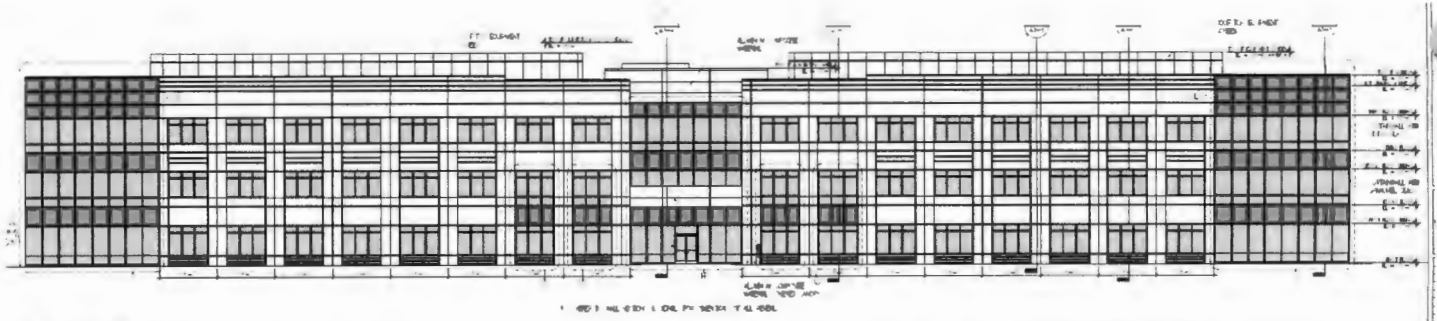
PARKING DATA:

PROPOSED BY SURVING: 1,740 SPOTS	
TOTAL REQUIRED PARKING: 1,740 SPOTS	
1 SPACE FOR 500 SQ FT (17,400 SQ FT) - 100.00%	00
COMPARISON OF ACTS PROPOSED	
OF 4.181	10
NET TO BE BUILT ON: 68,750 SQ FT	10
STANDARD OF 16 TO BE PROPOSED BY TYPE	
OF 4.281	00
OF 4.181	10
TOTAL TO BE BUILT ON: 68,750	10
ACTUALLY SPACES PROVIDED	1,740
TOTAL SPACES PROVIDED	1,740

SITE DATA:

ACT: PLANNED	6/24/2008-08/2008
PROPERTY ADDRESS:	340 S. JONES STREET, SUITE 200, CHICAGO, IL 60606
TOTAL PROPERTY AREA:	
EXISTING PAVED LAND USE:	INDUSTRIAL
PROPOSED PAVED LAND USE:	INDUSTRIAL (NO CHANGE)
ADJACENT PAVED LAND USE:	
WEST:	INDUSTRIAL (NO CHANGE)
EAST:	INDUSTRIAL (NO CHANGE)
SOUTH:	INDUSTRIAL (NO CHANGE)
NORTH:	VACANT INDUSTRIAL OFFICE BUILDING
EXISTING LAND USE:	
EXISTING ZONING:	IND-4
PROPOSED ZONING:	IND-4 (NO CHANGE)
ADJACENT ZONING:	
WEST:	IND-4 (NO CHANGE)
EAST:	IND-4 (NO CHANGE)
SOUTH:	IND-4 (NO CHANGE)
NORTH:	IND-4 (NO CHANGE)
MAXIMUM ALLOWABLE F.A.S.:	0.70
PROPOSED F.A.S.:	0.70
GLASS FRONTAGE OF F.A.S.:	0.00%
MAXIMUM ALLOWABLE SIGNAGE HEIGHT:	10'
PROPOSED SIGN HEIGHT:	0'
SETBACK IN:	0'
REAR:	0'
FRONT CENTERLINE OF ADJ. EXIST. PARKING LOT:	0'
REAR:	0'
SIDE:	0'
LANDSCAPE BUFFER:	REQUIRED
FRONT:	7' ADJACENT TO ADJ. EXIST. PARKING LOT
REARLAND FRONTIER:	0'
BUFFER YARD REQUIRED:	NO
ROOF DRAINAGE SPOTS:	10%
RAVINE PROTECT:	NO
LANDSCAPE BUFFER:	NO





REFER TO WALL SECTIONS & DETAILS FOR DIMENSIONS OF ALL REVEALS

3 NORTH ELEVATION
SCALE 3/8" = 1'-0"

SITE PHOTOS



View from the east



Similar uses and appearance in area

BZA STAFF REPORT

Planning, Environmental, & Development Services/ Zoning Division

Meeting Date: **MAR 07, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-03-009**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): TIM DELCAVO

OWNER(s): DELCAVO TIM MATTHEW

REQUEST: Variance in the R-1AA zoning district to allow a front setback of 11 ft. in lieu of 30 ft.

PROPERTY LOCATION: 9181 Bay Hill Blvd. Orlando, FL 32819, Southeast corner of Bay Hill Blvd. and Easterling Dr.

PARCEL ID: 28-23-28-0533-01-520

LOT SIZE: 150 ft. x 166 ft. (AVG)/0.51 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 71

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

1. Development in accordance with the site plan dated January 16, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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

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

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

The applicant noted that the corridor created by the front planes of the homes on the street will not be disturbed by the open-air porte cochere with only two 18-inch columns. It will not impair the visual corridor or obscure the view. The applicant felt that the addition should be considered as an overhang.

The BZA confirmed that no new driveway was being installed, and the intent is to cover part of the existing driveway. The BZA also noted that the driveway was there in the current configuration when the applicant purchased the house. The BZA felt that additional overhang would be in character with the area.

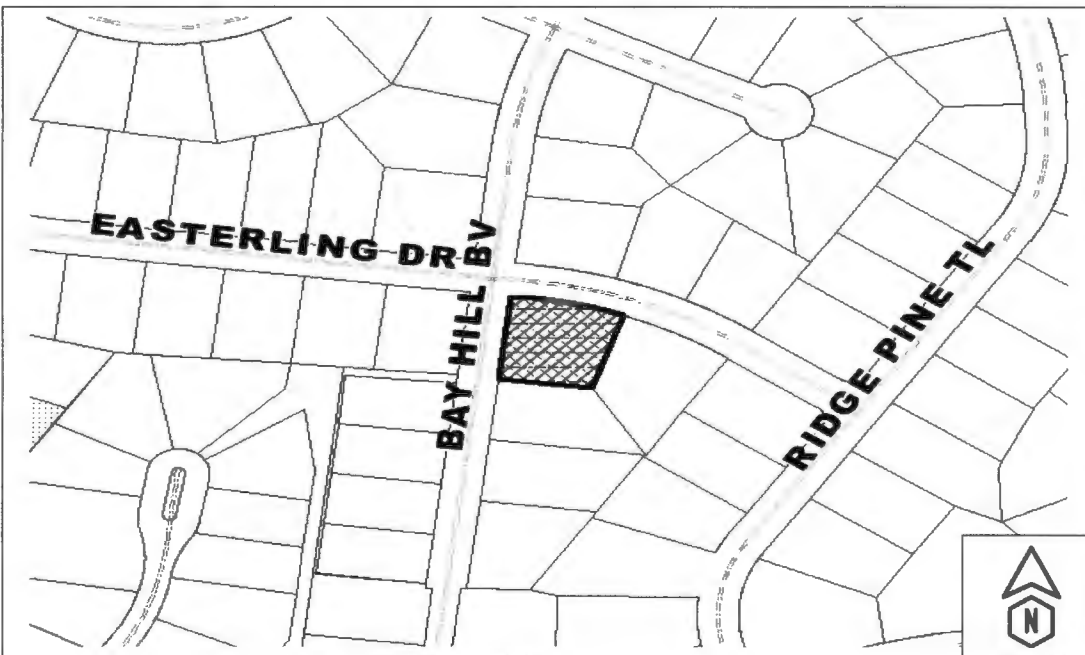
Staff received five (5) commentaries in favor of the application, and three (3) in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

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

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-1AA, Single Family Dwelling district, which allows single family homes and associated accessory structures on lots a minimum of 10,000 sq. ft. or greater.

The lot was platted in 1971 and is considered to be a conforming lot of record. There is a 2,907 sq. ft. single family home with an attached 2 car garage on the lot, and a swimming pool, which was constructed in 1973. If the lot was platted after 3/3/1997, the required front setback would be 25 ft., but because the lot was platted in 1971, the required front setback is 30 ft.

The applicant is proposing to construct a porte cochere (with tile roof and columns to match the existing house) over the existing circular driveway, to be setback 11 ft. from the front property line, where 30 ft. is required.

The property fronts on two streets, Easterling Dr. and Bay Hill Blvd. Bay Hill is considered to be the front as it is the narrowest frontage.

The applicant states the porte cochere is proposed to provide a drop off area for his elderly family member, however the attached 2 car garage can also provide a covered drop off area.

The request constitutes a 63% deviation from code.

The BZA has granted variances for setbacks for properties in the area, but for lesser deviation amounts.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	13 ft.
Min. Lot Width:	85 ft.	150 ft.
Min. Lot Size:	10,000 sq. ft.	22,014 sq. ft.

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

	Code Requirement	Proposed
Front:	30 ft.	11 ft.
Rear:	35 ft.	n/a
Side:	7.5 ft.	n/a
Sidestreet:	15 ft.	n/a
NHWE:	n/a	n/a

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The applicant has not demonstrated any special conditions or circumstances that are unique to this property that do not apply to all other properties with the same zoning and in the same subdivision. The property is more than double the minimum lot size at over ½ ac., and has an attached 2 car garage which can provide coverage.

Not Self-Created

The request is self-created, as there is a garage on the property to provide a covered vehicular exit, and entry to the house, without the need for a variance.

No Special Privilege Conferred

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

Deprivation of Rights

The applicant would not be deprived of rights commonly enjoyed by other properties in the same zoning district.

Minimum Possible Variance

The request is not the minimum variance, as it is a 63% deviation from code.

Purpose and Intent

Approval of this request will not be in harmony with the purpose and intent of the zoning regulations and will set a precedent in the neighborhood. The amount of deviation requested is extreme (63%).

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated January 16, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

Tim Delcavo
9181 Bay Hill Blvd.
Orlando, FL 32819

COVER LETTER



Multicon Construction Company
Licensed General Contractor CCG0551111

January 15, 2019

Orange County Building Department, Division of Zoning & Adjustment
Att'n: William D. Scott RL'T
9804 Schuman Lane
Orlando, FL 32801

Re: 9181 Bay Hill Blvd, Orlando, FL
Parcel #28-23-28-0533-01-520

To whom it may concern:

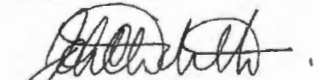
Multicon Construction Co has been in discussions with Mr. Tim Delcavo, owner of the above-referenced address, for a few months now, regarding what accommodations shall be required for his aging Grandmother to move in with him. Amongst a number in interior modifications, there is also one exterior modification that requires a variance from the Orange County Zoning Division.

Any elderly individual requiring a cane, or walker or possibly a wheelchair requires additional time to enter and exit any vehicle, particularly any emergency transportation that may be required. To do this outside of any protective cover, this can be a very challenging and potentially dangerous undertaking with prolonged exposure to the sun or rain or other inclement conditions. It is for this reason that Mr Delcavo and his father, Ms Delcavo's current caregiver are desirous of being allowed to construct a porte cochere over the existing circular driveway in order to provide the protection / cover necessary to best insure the safety and comfort of Ms Delcavo's transport.

Given that, due to the design of the intended porte cochere utilizing just the two 20"x20" (+/-) columns intended to be constructed within the existing setback, thus being of no visual impediment to the safe operation of proximate vehicular traffic and that the design of the requested porte cochere is in strict keeping with the architecture of the existing and surrounding home(s), we feel that it is within the intensions of the OC Zoning regulations to allow for this variance to be granted.

Thank you for your consideration of Mr Delcavo's request. I remain at your disposal for any questions, or issues regarding same.

Sincerely,
Multicon Construction Co.


John C. Deinhardt, President

cc: Mr. Timothy Delcavo

9100 Conroy Windermere Road • Suite 200 • Windermere, FL 34786
407.352.5212 office • 954.873.5509 mobile • 407.363.0339 fax
John.D@MulticonFlorida.com • Skype: john.deinhardt • www.MulticonFlorida.com

ZONING MAP



AERIAL MAP



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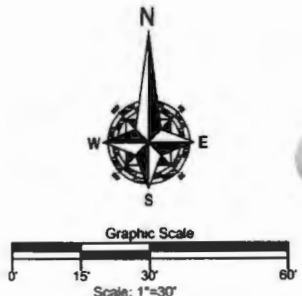
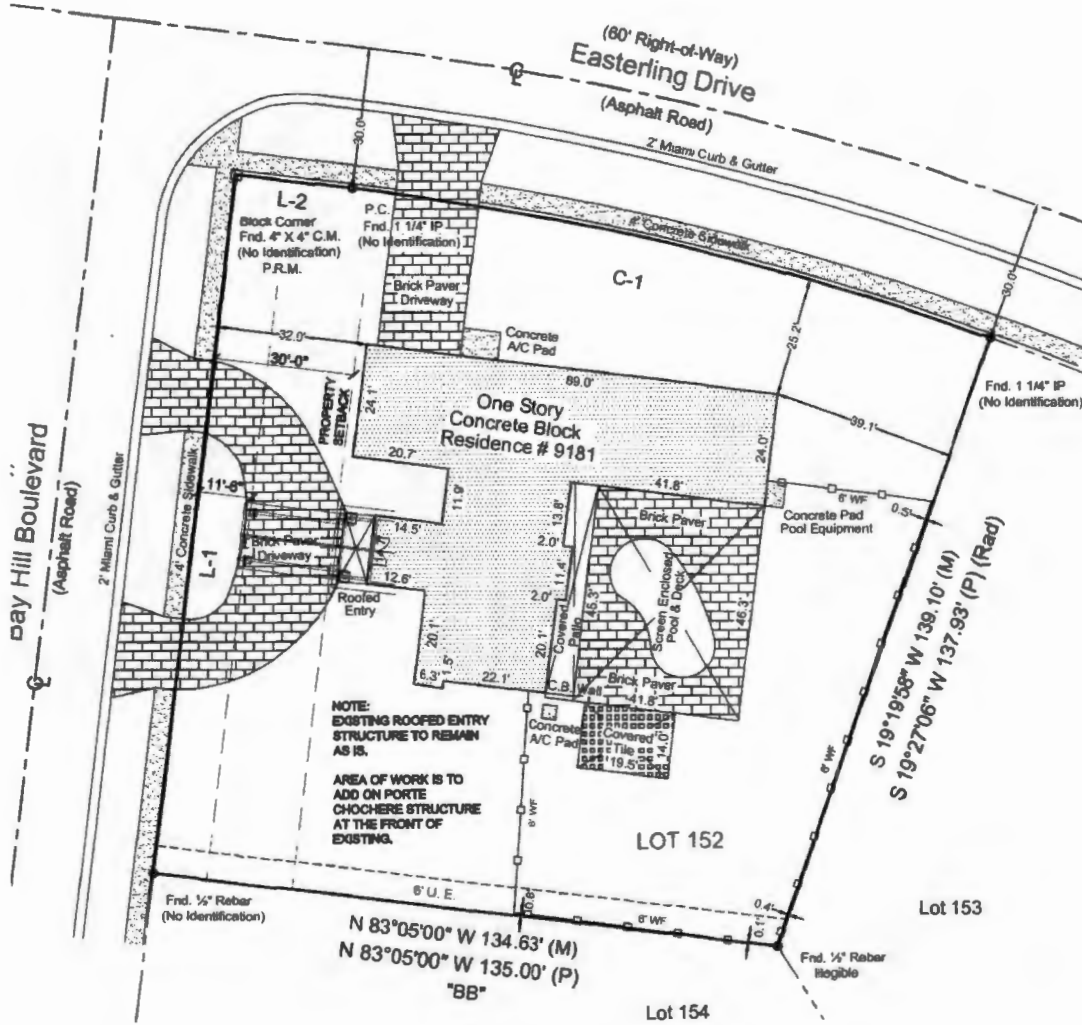
ZONING MAP



AERIAL MAP



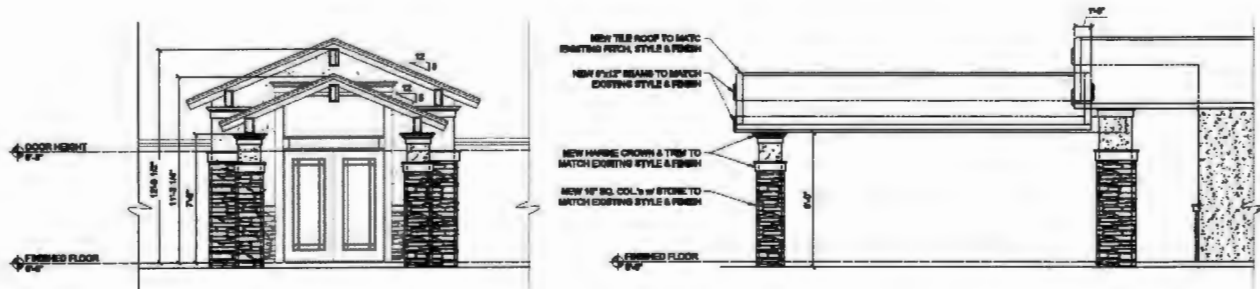
SITE PLAN / SURVEY





EXISTING FRONT & SIDE ELEVATIONS

SCALE: 1/4" = 1'-0"



NEW PROPOSED FRONT & SIDE ELEVATIONS

SCALE: 1/4" = 1'-0"

SUBJECT PROPERTY
(CONCEPT RENDERING)



SW VIEW

SITE PHOTOS



Looking north on Bay Hill Blvd.



Front on Bay Hill Blvd.



Looking south from Easterling Drive

BZA STAFF REPORT

Planning, Environmental, & Development Services/ Zoning Division

Meeting Date: **MAR 07, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-03-010**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): DR. FRANCELIS GONZALEZ

OWNER(s): DR. FRANCELIS GONZALEZ

REQUEST: Variance in the R-L-D zoning district to allow a rear (north) setback of 31 ft. in lieu of 50 ft.

PROPERTY LOCATION: 8701 Scenic Oak Ct., Orlando, FL 32836, East end of Scenic Oak Ct., north of Boca Point Dr. and west of S. Apopka Vineland Rd.

PARCEL ID: 09-24-28-8935-00-040

LOT SIZE: 124 ft. x 222 ft. (AVG)/.57 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 58

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 (6 in favor and 1 opposed):

1. Development in accordance with the site plan dated January 15, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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

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

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

The applicant stated that the HOA was withholding determination pending BZA approval. The applicant also noted that the other options such as adding space over the garage, or relocating the pool will be much more costly and is not what the owner wants, as they prefer first floor space closer to the existing pool. The applicant showed photos of the wall separating the neighborhoods, and stated that the neighbor's pool

enclosures were closer to the rear property line. The applicant stated that the second floor is just for storage, and they can remove the rear windows.

The owner stated that they need to live within a certain radius to nearby hospitals, so they cannot build a new house to their specifications. The applicant also stated that they need this space to store items for charity events. They further noted that there is significant vegetation along the back wall to buffer the adjacent subdivision.

A neighbor spoke in opposition, noting the size of the existing house and the addition. He also commented on the windows on all sides and felt that this would set a precedent.

The BZA asked the applicant if the proposal was the least intrusive way to do the expansion. The BZA confirmed that the square footage was not an issue, just the setback. The BZA also noted that the property abuts the neighborhood recreation area/tennis courts on one side, and noted that the R-L-D zoning encourages creative and innovative design, and felt that the request meets that intent. The BZA observed that the applicant was being required to adhere to a limitation because they abut R-CE zoning.

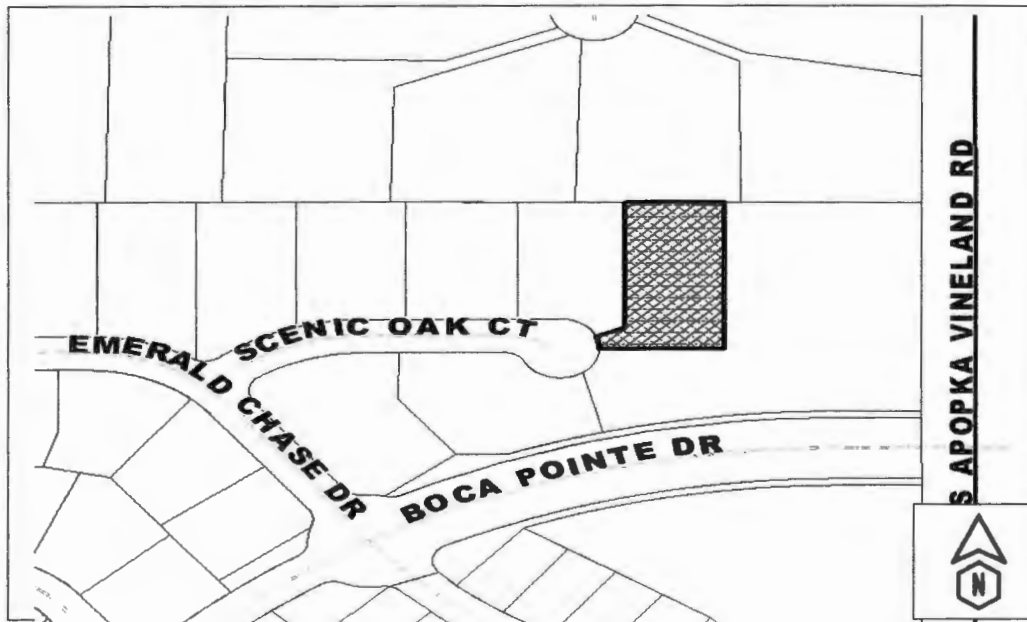
Staff received 0 commentaries in favor of the application, and 2 in opposition to the application.

The BZA approved the variance.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-L-D	R-CE	R-L-D	R-L-D	R-L-D
Future Land Use	LDR	R	LDR	LDR	LDR
Current Use	Single Family Residence	Single Family Residence	Single Family Residence	Recreation tract	Single Family Residence

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the R-L-D zoning district. This district is intended to encourage creative and innovative design techniques to provide a variety of both detached and attached residential development with the low density residential Future Land Use designation, and to provide for compatibility with adjacent development.

The lot was platted in 1996, as lot 4 in the Turtle Creek Subdivision and is considered to be a conforming lot of record. There is a 7,978 sq. ft. (gross area) 5,401 sq. ft. (living area) single family home and swimming pool on the lot, which was constructed in 2004. The applicant purchased the property in 2004.

The applicant is proposing to construct a 2,112 sq. ft. two story addition to the rear of the house, which will be 31 ft. from the rear property line. The existing home sits at the 50 ft. setback line.

The request constitutes a 38% deviation from code. Per code, the required rear setback for the R-L-D District is 15 ft., however in an effort to match the R-CE zoning to the north, a 50 ft. setback was required by the Development Review Committee for lots 4-21 which abut the R-CE.

There are other options for the applicant to build an addition to the property without the need for a variance.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	27 ft.
Min. Lot Width:	110 ft.	110 ft.
Min. Lot Size:	0.50 ac.	0.57 ac.

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

	Code Requirement	Proposed
Front:	30 ft.	31 ft.
Rear:	50 ft.	31 ft.
Side:	10 ft.	10 ft.
Sidestreet:	n/a	n/a

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The applicant has not demonstrated any special conditions or circumstances that are unique to this property that do not apply to all other properties with the same zoning and in the same subdivision. The lot meets the minimum lot area, and there are other areas where an addition could be placed without a variance.

No Special Privilege Conferred

Approval of the request will grant the applicant special privilege that is denied to other lands, building, or structures in the same zoning district. No other variances have been approved on the lots which abut the R-CE to the north.

Deprivation of Rights

The applicant would not be deprived of rights commonly enjoyed by other properties in the same zoning district adjacent to the R-CE residential neighborhood to the north.

Minimum Possible Variance

The request is not the minimum variance at a 38% deviation from code.

Purpose and Intent

Approval of this request will not be in harmony with the purpose and intent of the zoning regulations and will set a precedent in the neighborhood for those lots adjacent to the R-CE.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated January 16, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Frank Chase
PO Box 100
Windermere, FL 34786

COVER LETTER

Dr. Francelis Gonzalez
8701 Scenic Oak CT
Orlando, FL 32836
(407) 346-2999

January 15, 2019

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

RE: Application for Variance – 8701 Scenic Oak CT (Parcel ID 09-24-28-8935-00-040)

To Whom It May Concern,

This letter summarizes our request for a variance to the rear setback requirement for an addition to our home to lie within the 50 ft requirement. The proposed addition would be 30 feet from the rear property line. The plan, as proposed is for a two-story addition. The first floor would be used as a recreation room and the second floor would primarily be additional storage/closet space. As designed, the peak of the roof of the addition would be lower than the highest point of the current existing roof line and the side yard setback would not be encroached.

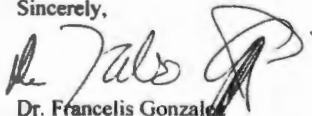
We have worked with our Architect and Contractor looking at other ways to avoid the need for a variance. The front yard is the only area where there is space for the addition and we have come to the conclusion that the current design of the existing house does not allow us to add this type of space to the front home. Locating the addition in proximity to the pool is also an important factor to us. As shown in the attached picture, our rear property line has a 6-foot solid block/brick wall separating our property from our neighbor to the rear and there is dense tree growth on the other side of the wall that blocks all visibility of either home from the other.

Several of our neighbors that enjoy a similar buffer of trees with their rear neighbors have installed expansive (in both height and width) screen enclosures well within the 50' rear setback. We feel that our addition would be no more or less impactful than those structures.

Application is being made to the Architectural Review Board of the Turtle Creek Master Homeowners Association and a determination will be arrived at prior to the Orange County Public Hearing date of March 7, 2019.

Thank you for your time and assistance with our request.

Sincerely,


Dr. Francelis Gonzalez
8701 Scenic Oak CT
Orlando FL 32836



January 15, 2019

To: Orange County Zoning Division
201 South Rosalind Avenue, 1st Floor
Orlando, FL 32801
From: Frank Chase

**RE: Variance Criteria Compliance for 8701 Scenic Oak Ct, Orlando, FL 32836
Home Addition**

The *Special Conditions and Circumstances* that exist on site are the fact that the home is placed too far to the rear of the lot to allow enough room for an addition, and the design of the home with its attached garage does not provide a way to accomplish the addition in the front yard.

The hardship was *not self-created*. The Homeowner having no knowledge of construction or land development was not aware that the location of the home on the property would limit her ability to add an addition to the rear of the home or would require a variance for this addition.

There would be *no special privilege conferred* as other rear yard setback variances have been allowed in Orange County in the in the R-L-D zoning district.

Regarding *Deprivation of Rights*, if this variance isn't allowed Dr. Gonzalez will not be able to fully enjoy the use of her large lot as she intended with a recreation room in close proximity to the existing pool, in a neighborhood she loves and feels secure in.

We are requesting the *Minimum Possible Variance* as Dr Gonzalez has worked with a designer and discussed her plans for the use and furnishings of the room. It was lengthened in the east-west direction and narrowed in the north-south direction in an effort to maintain a 30+ foot setback from the rear property line. The second floor will be for much needed storage and closet space.

The addition is being located away from the immediate neighbor and where it is screened from the view of the rear neighbor. The rear yard location allows proximity to the Pool and the Lanai so as to use and enjoy these areas simultaneously. If it were constructed in the front of the home it would be located next to the immediate neighbor and create an odd and ungainly flow to the entire home and reduce its usability. This is a great example of the *Purpose and Intent* of such a zoning variance

P. O. Box 100 ~ Windermere, FL 34786 ~ (407) 509-6614 ~ CBC 047749

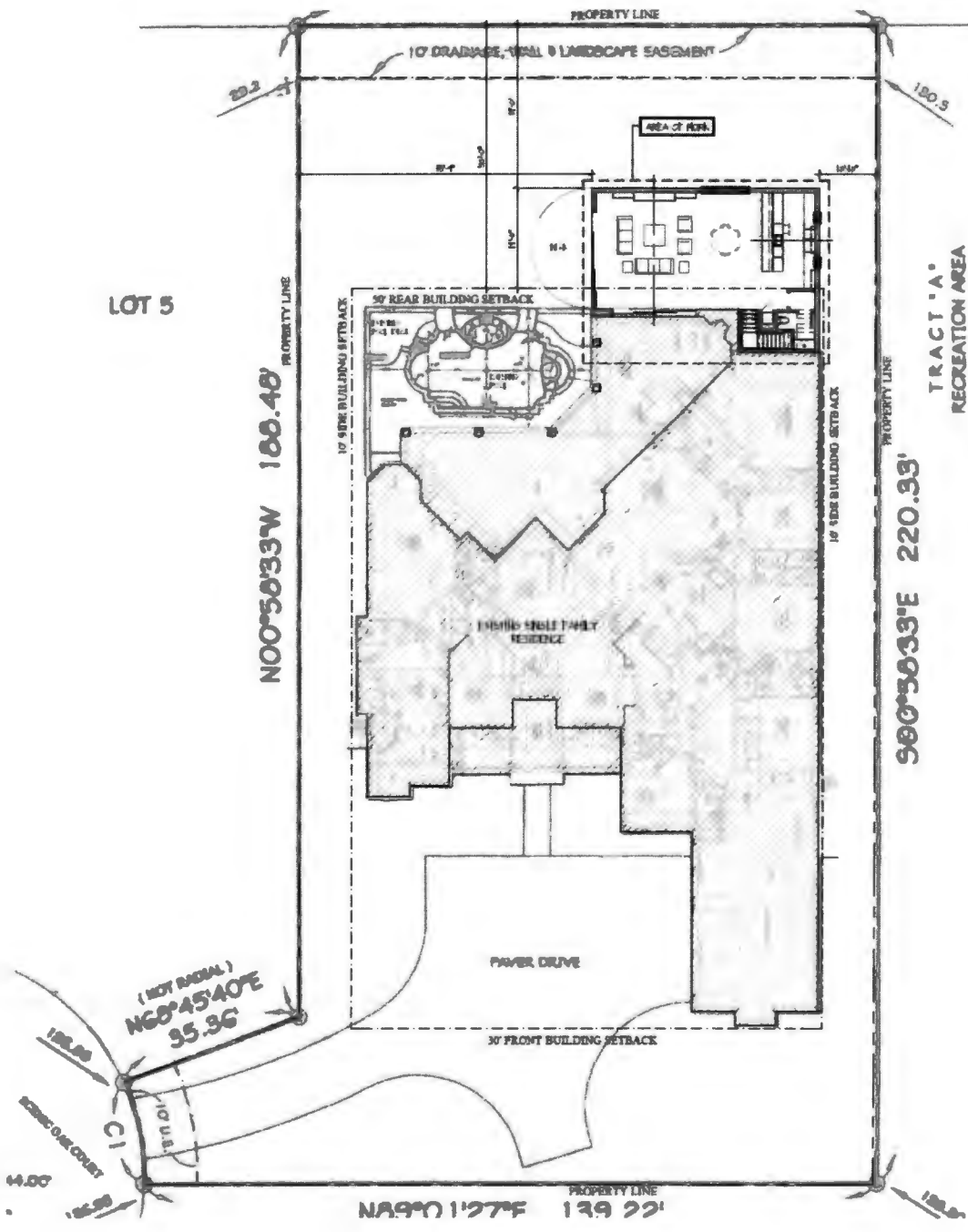
ZONING MAP



AERIAL MAP



SITE PLAN / SURVEY



TOTAL DESCRIPTION
 LOT 4, BOUNDARY BEARS AND BECA POINTS AT
 THESE CORNERS ACCORDING TO THE PLAT
 THEREOF AS RECORDED IN PLAT BOOK 36
 PAGES 48 THROUGH 52 OF THE PUBLIC
 RECORDS OF DUNDEE COUNTY, FLORIDA.

DESCRIPTION OF WORK
 THE ACRES DESCRIBED IN THESE
 CORNERS INCLUDE THE FOLLOWING:
 1. TWO STORY RESIDUAL AT CORNER
 REAR OF HOUSE TO INCLUDE
 RECREATION ROOM, CLOSET AND
 STORAGE.

FLOOR AREA

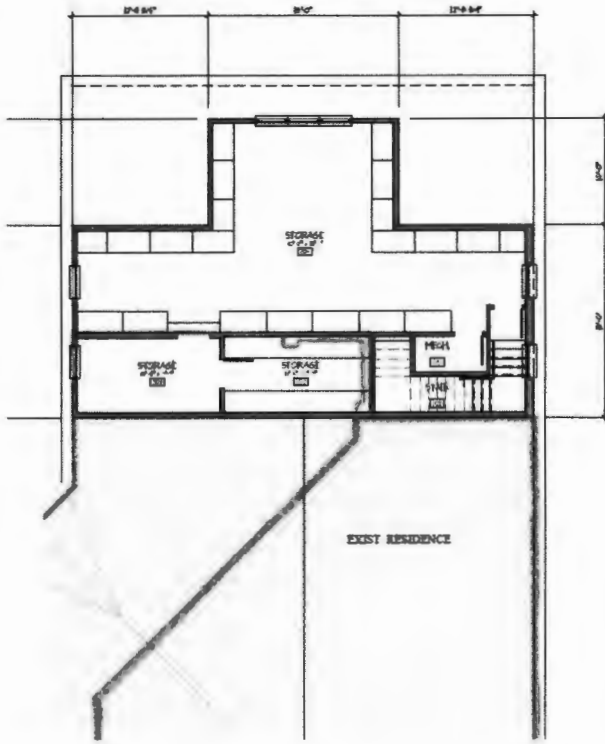
EXISTING MAIN HS. A/C	= 3,481 S.F.
NEW ADDITION A/C	= 2,112 S.F.
GROUND TOTAL A/C	= 5,593 S.F.
NON A/C	= 2,877 S.F.
GROUND TOTAL UNDER ROOF	= 8,470 S.F.

LOT AREA
 TOTAL LOT AREA
 23,822 S.F. = 0.57 ACRES

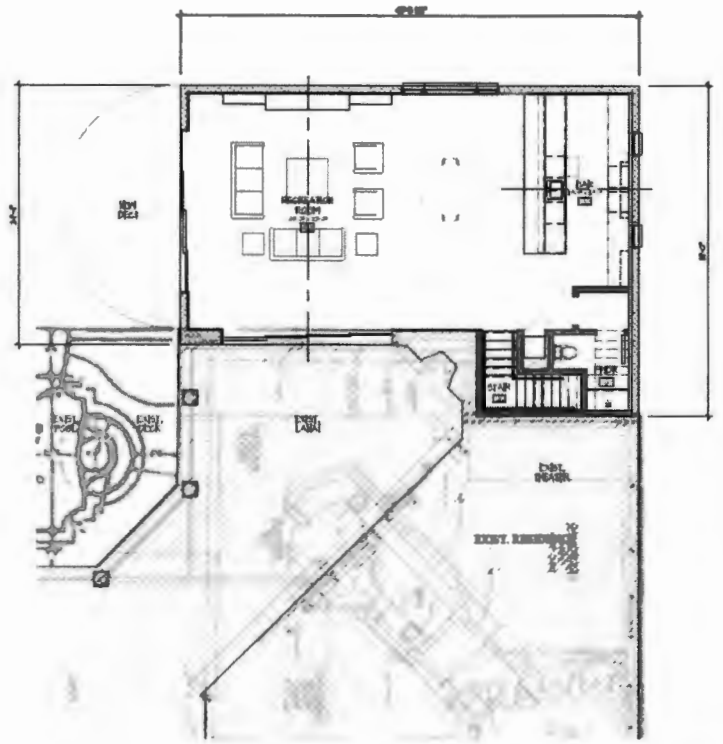
PERMITS VS. IMPROVEMENTS
 TOTAL LOT AREA:
 23,822 S.F. = 0.57 ACRES
 ARCHITECT PERMITS:
 11,881 S.F. OR 47.8%
 ARCHITECT IMPROVEMENTS:
 13,131 S.F. OR 52.2%

REMARKS

BUILDING	37'
FRONT	10'
SIDE YARD	10'
REAR	20'



Ⓢ PARTIAL UPPER FLOOR PLAN
UP-102



Ⓢ PARTIAL MAIN FLOOR PLAN
MP-102

LEGEND

	NEW WALL CONSTRUCTION
	EXIST. WALL
	GLASS CURTAIN WALL
	NEW WALL CONSTRUCTION

Floor Plan



02 PARTIAL LEFT SIDE ELEVATION
1/4" = 1'-0"

Elevations

SITE PHOTOS



Front from Scenic Oak Drive



Rear yard



Rear yard



Rear yard

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 07, 2019**

Case Planner: **Nick Balevich**

Case #: **SE-19-03-011**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): KERRI FUTRELL

OWNER(s): ANGEL PAULA A, MADRID RAFAEL

REQUEST: Special Exception to allow an ADU (Accessory Dwelling Unit) in the R-CE zoning district.

PROPERTY LOCATION: 2020 S Chickasaw Trail, Orlando, Florida, 32825, west side of S Chickasaw Trl, north of Curry Ford Rd.

PARCEL ID: 01-23-30-0000-00-040

LOT SIZE: 298 ft. x 603 ft./4.13 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 42

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

1. Development in accordance with the site plan dated January 16, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Construction plans shall be submitted within three years of the final County approval, or this approval becomes null and void.
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of 3 years. The ADU may be occupied by a nonrelative 3 years after being initially occupied by a relative or after the relative has died, whichever occurs first.

6. The exterior of the ADU shall have similar colors and design materials as the primary residence.
7. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
8. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

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

The applicant agreed with the staff presentation, and had nothing to add.

The BZA noted that the ADU would not be visible from the road.

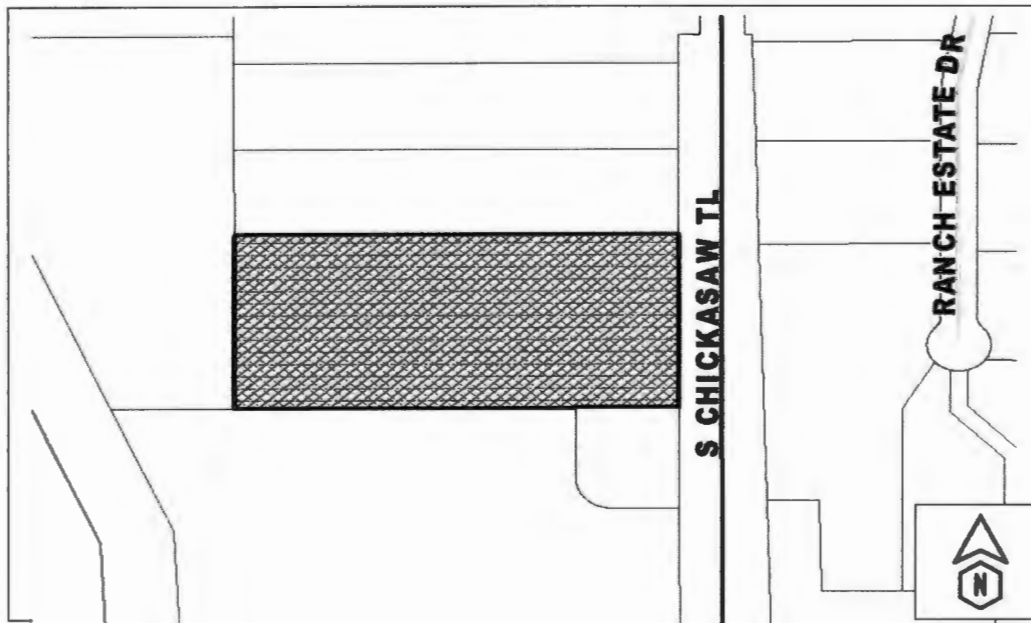
Staff received no commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the Special Exception.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-CE	R-CE	C-1	R-CE	R-CE
Future Land Use	LDR	LDR	C	LDR	LDR
Current Use	Single family residence	Single family residence	Commercial	Retention pond	Vacant

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-CE, Country Estate, which allows for single family development on one (1) acre lots and certain rural uses.

Accessory Dwelling Units (ADU) are allowed by special exception in this zoning district. This lot is 4.13 acres, and has a 3,949 sq. ft. (living area) single family house that was constructed in 1975, therefore a maximum of 1,500 sq. ft. is permitted for the ADU. The applicant is proposing a detached ADU with 1,387 sq. ft. of living area. The ADU is a modular home, which is allowed per code.

The area is characterized by mixed uses and zoning. The nearest use to the south is a shopping center, and retention pond, which is what the ADU will be located closes to.

The applicant purchased the property in 2018 and want the ADU for a relative to live close by.

The size and depth of the lot allows for the ADU to be setback over 525 ft. from the front property line, and over 219 ft. and 24 ft. from the north and south side property lines respectively, and over 50 ft. from the rear.

District Development Standards

	Code Requirement	Proposed
Max Height:	20 ft.	13 ft.
Min. Lot Width:	130 ft.	297 ft.
Min. Lot Size:	1 ac.	4.13 ac

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

	Code Requirement	Proposed
Front:	35 ft.	525 ft.
Rear:	10 ft.	50 ft.
Side:	10 ft.	24 ft./219 ft.
Sidestreet:	n/a	n/a
NHWE:	n/a	n/a

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan.

ADU's are specifically identified in the Comprehensive Plan, and promoted by FLU8.9.1 and UD4.3.8 as a use permitted in all residential areas through the special exception or Planned Development process.

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

The ADU use is similar and compatible with the surrounding area. This residential use as an ADU is consistent with properties to the north, and is less intense than the adjacent commercial uses to the south.

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

The ADU will be located behind the house, will greatly exceed the required front and rear setbacks, and will not be visible from Chickasaw Trail.

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

The ADU exceeds all required setbacks, the lot exceeds the minimum gross required size of 1.5 ac., and the proposed structure meets the height requirement.

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

The characteristics and impacts of an ADU are consistent with the majority of uses permitted in the R-CE zoning district, and are less intense than the commercial uses in the area.

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

Additional landscaping is not required between residential properties.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated January 16, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Construction plans shall be submitted within three years of the final County approval, or this approval becomes null and void.
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of 3 years. The ADU may be occupied by a nonrelative 3 years after being initially occupied by a relative or after the relative has died, whichever occurs first.
6. The exterior of the ADU shall have similar colors and design materials as the primary residence.
7. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
8. The applicant shall be responsible for payment of all applicable fees and assessments, including, but not limited to, impact fees.

Kerri Futrell
34299 US Highway 27
Haines City, FL 33844

COVER LETTER

Custom Homes
34299 US Highway 27
Haines City, Florida 33844

December 12, 2018

To whom it may concern:

RE: Special Accessory for Dwelling Unit for 2020 S Chickasaw Avenue

The request for the Special Accessory for the Dwelling unit is for the Property Owner's Father that requires near-constant care.

- 1) Special condition that requires the care and well being of the Property owner's Father that has medical conditions that require daily attention and near constant care.
- 2) This is a situation where Ms. Angel would like to have her Father near to provide constant care.
- 3) This Special request does not provide this Family with any special privileges that could not be granted to another property owner in this situation.
- 4) Unnecessary and undue hardship would be caused in this situation if he is not close to Family and will cause his health to suffer.
- 5) We are doing the minimum square footage for the accessory dwelling based on the zoning requirements.
- 6) Approval of this request will not affect any neighboring lots, or the welfare of the community since the home will be behind the existing structure.

Let me know if you need anything further.

Thanks,



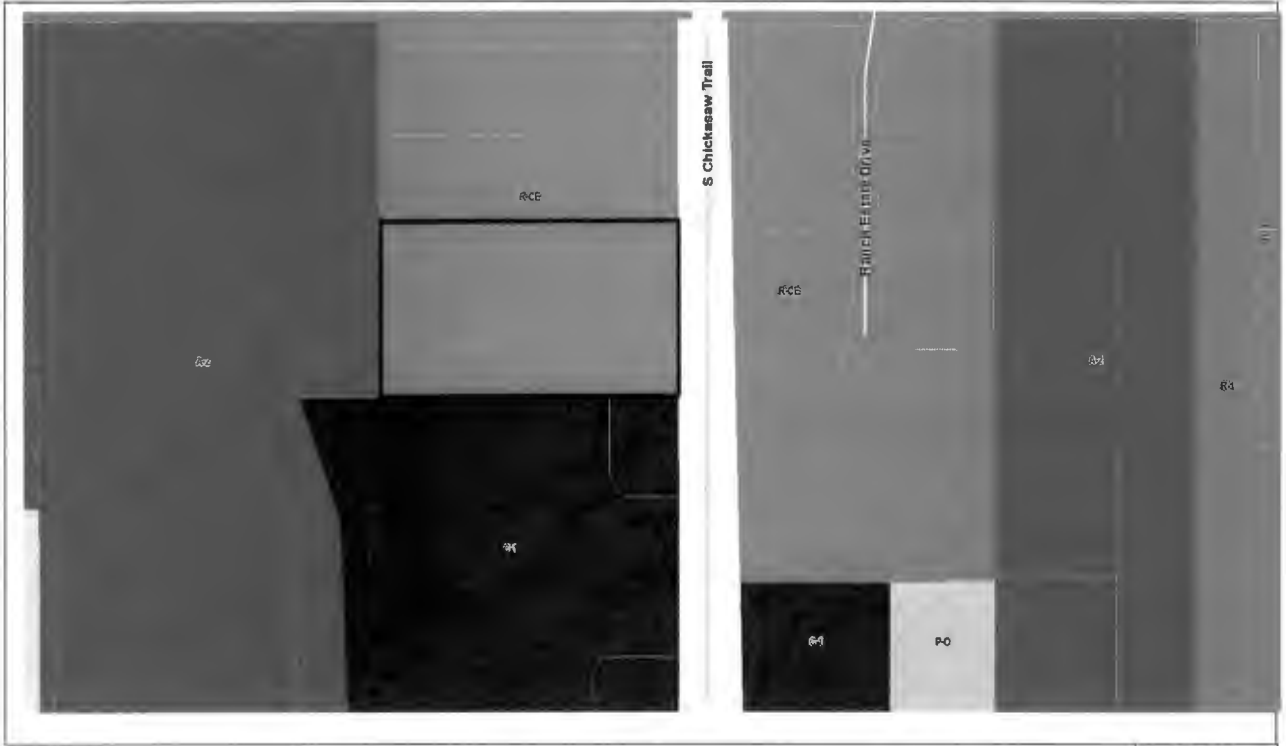
Kerri Futrell

863-421-6400

RECEIVED

**JAN 16 2018
ORANGE COUNTY
ZONING DIVISION**

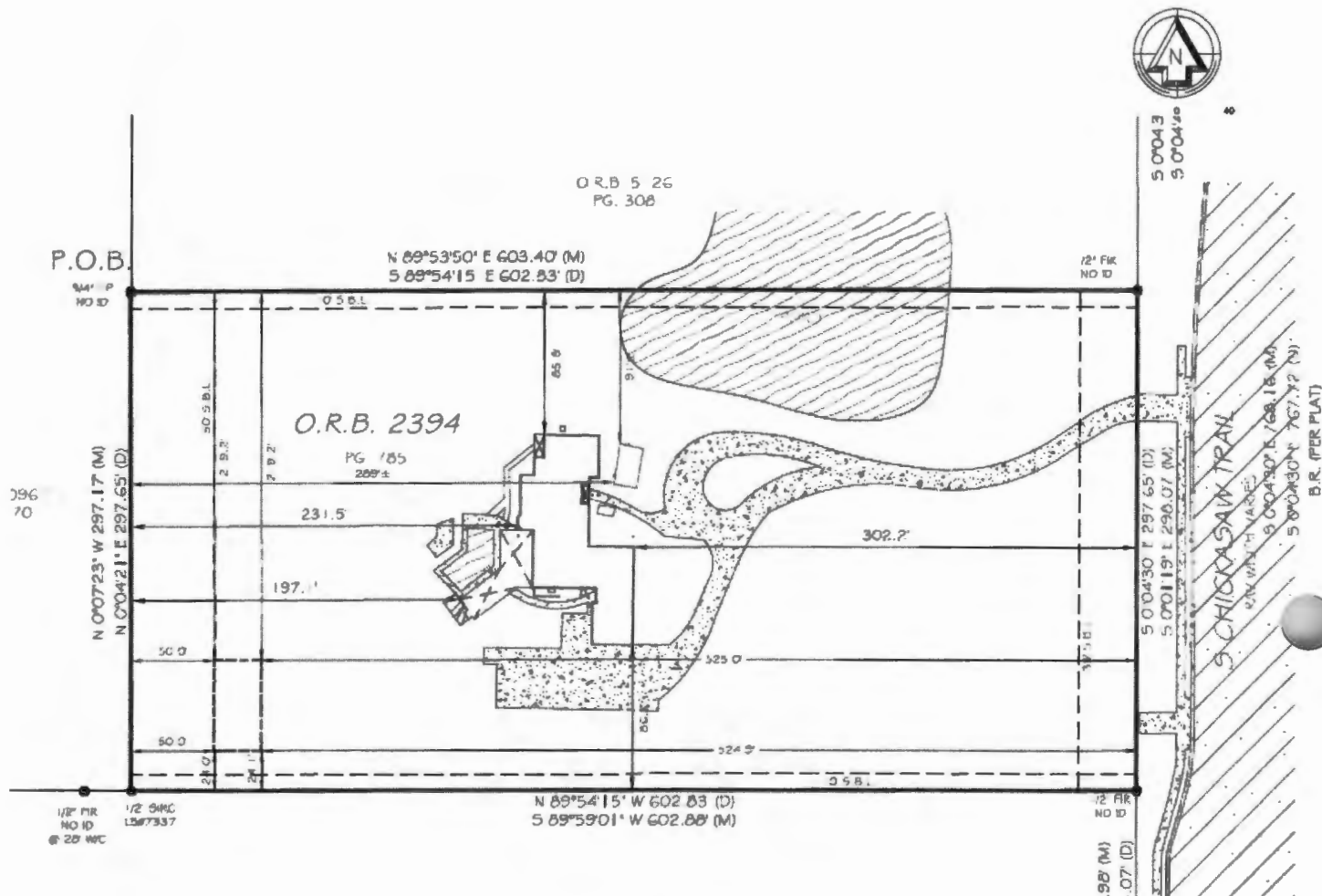
ZONING MAP



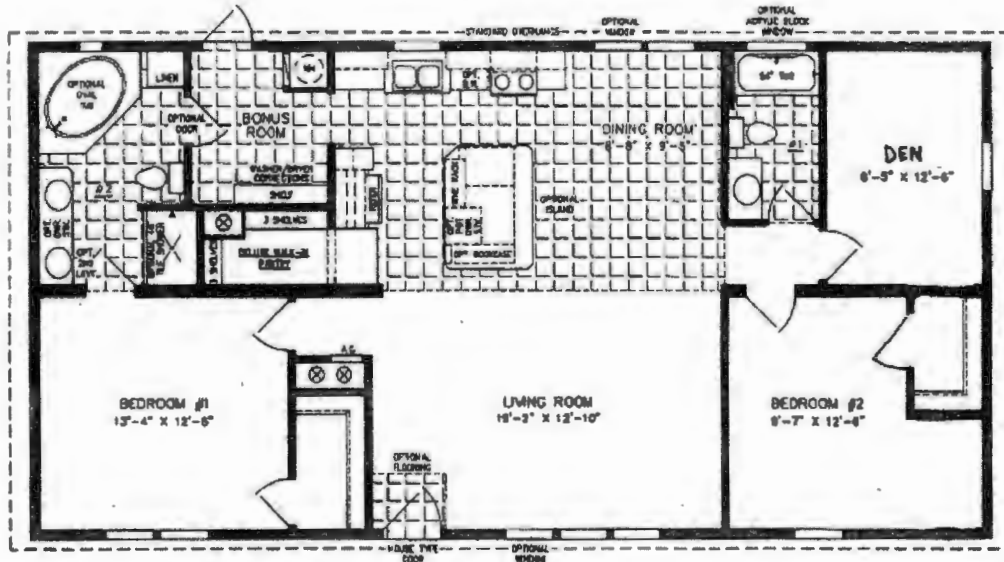
AERIAL MAP



SITE PLAN / SURVEY



The Imperial



SEE OVER SET FOR DIMENSIONS
 IN BOLD FONT. DIMENSIONS
 ARE IN FEET.

28' X 52'
 1,387 SQUARE FEET



800 Packard Court • Safety Harbor, Florida 34695 • Telephone (727) 726-1138
www.jachomes.com/Floor-Plans

Model IMP-45213B-508

2015 (ALL SIZES ARE APPROX.)
 DESIGNED FOR ZONES II & III

© 06-23-14

Floor Plan

SITE PHOTOS



View from street



Proposed ADU location



Proposed ADU location

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 07, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-04-012**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): HECTOR LOPEZ

OWNER(s): LOPEZ HECTOR

REQUEST: Variances in the A-1 zoning district to allow an existing mobile home as follows:

- 1) To allow a side yard setback of 8.5 ft. in lieu of 10 ft.
- 2) To allow a rear yard setback of 19.6 ft. in lieu of 50 ft.
- 3) To allow a minimum lot size of .4 acres in lieu of 2 acres.

PROPERTY LOCATION: 90 E. Lewis Ave., Apopka, FL 32712, south side of E. Lewis Ave., west of N. Rock Springs Rd.

PARCEL ID: 16-20-28-7612-06-014

LOT SIZE: 144 ft. x 140 ft. (AVG)/0.4 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 60

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

1. Development in accordance with the site plan dated January 17, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a permit and finalize the mobile home within 180 days of final action on this application by Orange County, or this approval becomes null and void.
5. The applicant shall remove the roof over the porch on the west side of the existing mobile home, prior to finalization of the permit.

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

The applicant had nothing to add to the staff presentation.

The BZA noted that the mobile home had been there for twenty-six (26) years without proper permits, but that the applicant is trying to validate the mobile home, and that they will need to address septic issues at the time of permitting. The BZA confirmed the area had both mobile homes and site built homes.

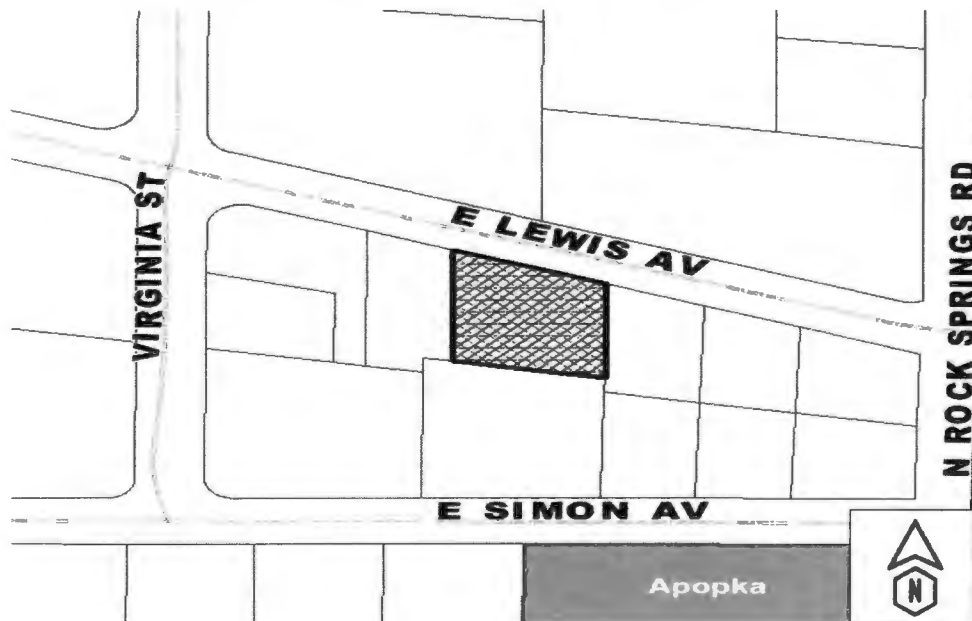
Staff received no commentaries in favor of the application, and three in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	A-1, C-2	A-1	A-1	A-1
Future Land Use	LDR	LDR, C	LDR	LDR	LDR
Current Use	Mobile home	Single family residence, Commercial	Mobile homes	Mobile home	Mobile home

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the A-1 Citrus Rural zoning district, which allows agricultural uses, mobile homes, and a single family residence with associated accessory structures on larger lots.

In December of 1993, the owner at the time, applied for a building permit for a mobile home, which expired and was replaced with another permit in March of 1995. The mobile home was placed on the property, in the present location, in violation of setbacks, without the permit being finalized. That permit has since expired as well.

The current owner purchased two parcels in 2015. He combined the parcels through OCPA at staff's request. He applied for a deck permit in September of 2018, at which time he was made aware of the expired permits, and that variances would be required to keep the mobile home in its current location.

The mobile home is 14 ft. x 60 ft. (840 sq. ft.). Code today requires 850 sq. ft. however, in 1993 when the mobile home was approved, only 425 sq. ft. was required. Therefore, the square footage is legally non-conforming.

The covered porch on the west side of the property does not meet the required side setback, due to the roof. The applicant has agreed to remove the roof, per condition number 5.

The BZA has granted variances for mobile homes on substandard lots (less than 2 acres) for properties in the area.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	13 ft.
Min. Lot Width:	100 ft.	144 ft.
Min. Lot Size:	2 ac.	0.4 ac.

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

	Code Requirement	Proposed
Front:	35 ft.	47.4 ft.
Rear:	50 ft.	19.6 ft.
Side:	10 ft.	8.5 ft.
Sidestreet:	n/a	n/a
NHWE:	n/a	n/a

STAFF FINDINGS

VARIANCE CRITERIA

Not Self-Created

The mobile home was on the property, in the present location and situation prior to 2015, when the current owner purchased the property.

Deprivation of Rights

Denial of this request would deprive the applicant of rights commonly enjoyed by other properties in the area with mobile homes.

Minimum Possible Variance

The request is the minimum variance to allow the existing mobile home to remain in the current location.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated January 17, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a permit for the mobile home within 180 days of final action on this application by Orange County, or this approval becomes null and void.
5. The applicant shall remove the roof over the porch on the west side of the property.

c: Lopez Hector
 82 E. Lewis Avenue
 Apopka, FL 32712

 Kerri Futrell
 34299 US Highway 27
 Haines City, FL 33844

COVER LETTER

Custom Homes
34299 US Highway 27
Haines City, Florida 33844

December 14, 2018

To whom it may concern:

RE: Variance Request for 90 E Lewis Avenue Apopka, Fl. 32712

This Variance request is for the adjustment for the rear and side setbacks on this lot for the existing manufactured home. The home size is a 14' x 60'. The setbacks of the existing home do not meet the County setbacks on the side and rear.

- 1) The Manufactured Home is existing.
- 2) Mr. Lopez bought this property and was unaware of any issues on this parcel.
- 3) The variance request would not provide Mr. Lopez with any special privilege request that could not be granted to another property owner in this situation.
- 4) Unnecessary and undue hardship would be caused in this situation since Mr. Lopez has already purchased this home.
- 5) The variance request on the side and rear setbacks are the minimal reasonable use for the for the dimensions of the Manufactured home.
- 6) Approval of this request will not affect any neighboring lots, or the welfare of the community.

Let me know if you need anything further.

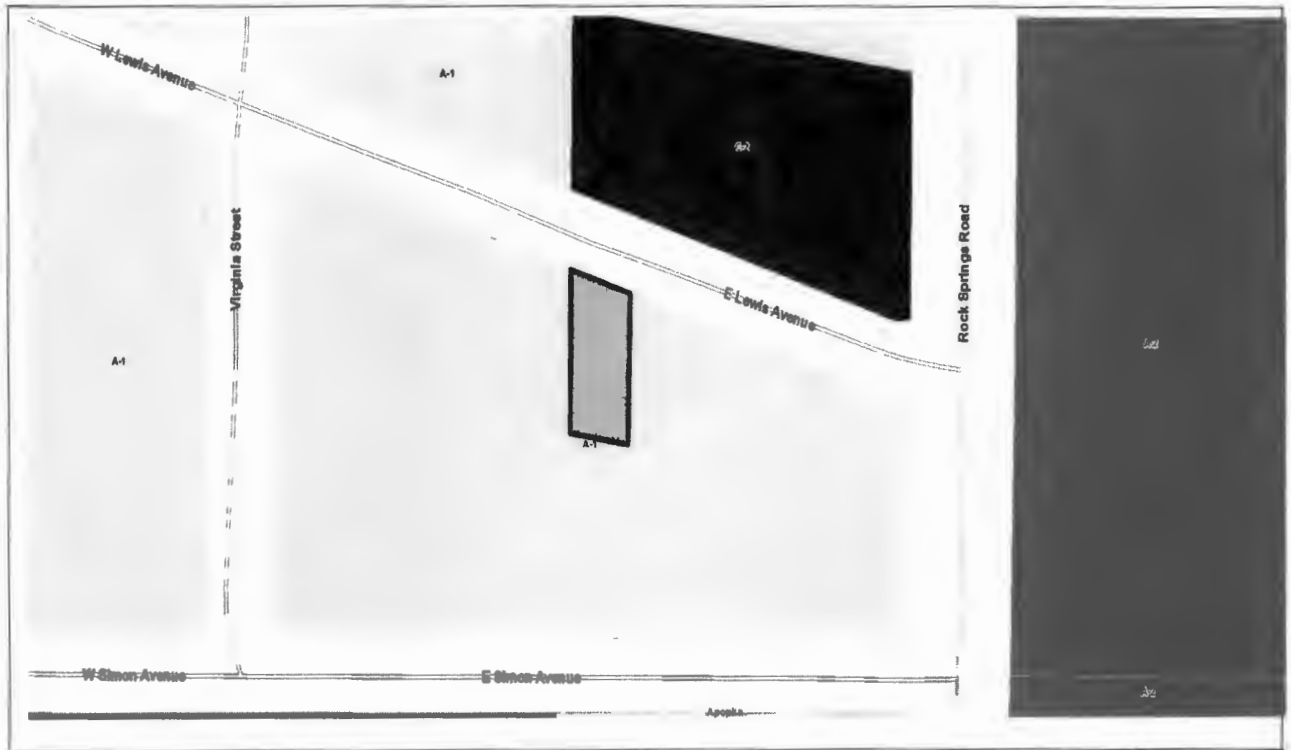
Thanks,



Kerri Futrell

863-421-6400

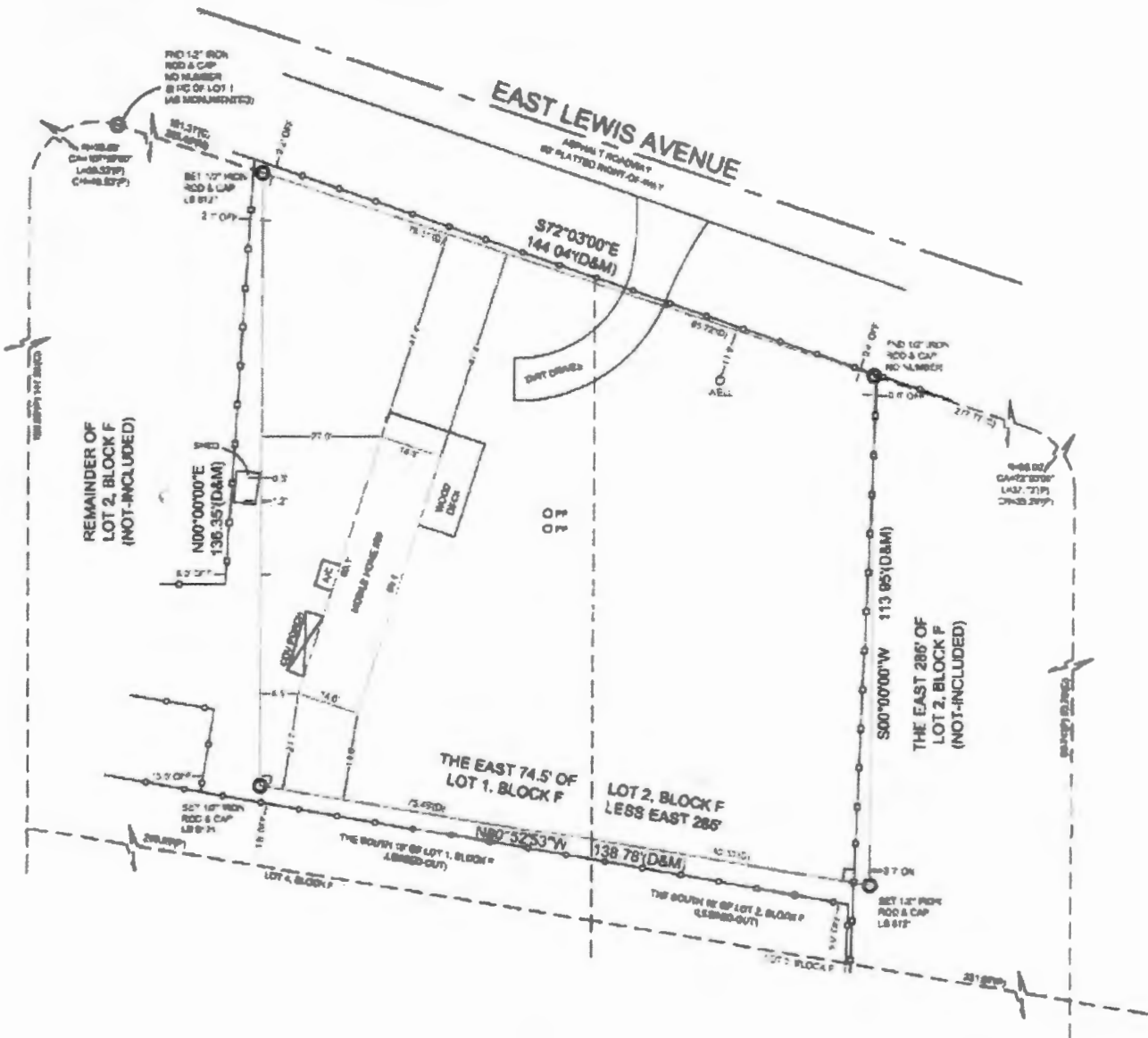
ZONING MAP



AERIAL MAP



SITE PLAN / SURVEY



NOTE:
 E APPARENT
 TICAL ERRORS
 E PLATTED
 ION. CALCULATIONS
 UIRED FOR LOT
 AS SHOWN
 T SURVEY

ADDRESS
 50 EAST LEWIS AVENUE
 APOPKA, FLORIDA 32712
 LEGAL DESCRIPTION (AS FURNISHED)



SITE_PHOTOS



Front



Front



Rear setback



Side setback

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 07, 2019**

Case Planner: **Sean Bailey**

Case #: **SE-19-04-014**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): **BOBBY BEAGLES**

OWNER(s): **BOBBY BEAGLES, BEAGLES VICKIE L**

REQUEST: **Special Exception in the A-2 zoning district to allow a family lot provision.**

PROPERTY LOCATION: **21302 Fort Christmas Road, Christmas, Florida, 32709, South side of Fort Christmas Road, east of Lake Pickett road.**

PARCEL ID: **17-22-33-1336-00-020**

17-22-33-1336-00-021

LOT SIZE: **45.911 acres (proposed family lot 2.18 acres)**

NOTICE AREA: **1500 ft.**

NUMBER OF NOTICES: **35**

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

1. Development in accordance with the site plan dated January 9, 2019 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The parcel shall be used by family members only and shall meet the requirements of the Family Lot Provision standards.

SYNOPSIS: The applicant would like to utilize the family lot provision portion of the code, split off 2.18 acres on the front portion of his lot, and deed it to his daughter. Staff stated that the lot had been in the Beagles family since 1961, and the request met the family lot provision requirements.

Staff explained the area, outlined the request, and presented site photos.

The applicant agreed with staff's presentation and did not speak at the hearing. There was no one in attendance in opposition or in favor.

The BZA stated this was a rural area and agreed the request met the Special Exception criteria. The Special Exception was approved unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	A-2	A-2	A-2	A-2
Future Land Use	Rural	Rural	Rural	Rural	Rural
Current Use	Single-family home	Vacant	Vacant	Vacant/Cell Tower	Single-family home

BACKGROUND AND ANALYSIS

Description and Context

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

The property was platted in 1958 as Lot 2 of the Christmas Ranch plat. The property owner was deeded this property by his father, who originally purchased lots 1 and 2 of Christmas Ranch in 1961. As such, the property is eligible for the family lot provision as the property has been in the Beagles family since 1961.

The family lot provision is a use permitted through the special exception, provided certain requirements are being met in Sec. 38-77 (Condition 17). It allows parcels with the Future Land Use designation of Rural (1 du/10 acres) to be split off in smaller portions and deeded to immediate family members.

The total acreage of the lot is 45.91 acres, the owner split off 1.51 acres for a homestead exemption from the parent parcel. This is not an approved a lot split; it is strictly divided for tax purposes.

The property contains a 2,930 sq. ft. manufactured home and a few accessory structures. The applicant would like to split off 2.18 acres at the front of the property to allow his daughter to build a manufactured home.

The applicant would like to a construct a 2,254 sq. ft. manufactured home on the future 2.18-acre parcel for his daughter and grandson to reside in. The home will be required to meet all setback and development standards.

The Environmental Protection Division has reviewed this request and indicated there may be wetlands on the southern portion of the parent parcel, however this request does not propose any encroachment onto those wetlands.

The applicant has provided three (3) letters in support of the request from his neighbors.

Three (3) 6-acre parcels were created about a 1/2 mile to the east of this property under the family lot provision portion of the code in 2008.

District Development Standards

	Code Requirement	Proposed
Max Height:	35	15
Min. Lot Width:	100	204
Min. Lot Size:	2 acres	2.18 acres

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

	Code Requirement	Proposed
Front:	35	35
Rear:	50	50
Side:	10	10

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan.

The Future Land Use is Rural, which requires 10 acres per each dwelling unit. This provision was created to allow an exception to this rule in certain circumstances. The average density of the parcel will be 1 unit per 22.5 acres if this request is approved, which is consistent with the comprehensive plan.

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

The proposed manufactured home will be similar to other homes in the immediate area, some of which are located on similar sized or smaller lots.

The use shall not act as a detrimental intrusion.

The use will be a residential home, which will not be a detriment to the community of Christmas.

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

The lot proposed exceeds the minimum lot width/size for the A-2 zoning district and the home will have to meet all setback and height requirements at the time of permitting.

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

The use as a manufactured home will not cause any characteristics not already present in the immediate area.

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

There are no additional landscaping requirements between residential homes.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated January 9, 2019 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The parcel shall be used by family members only and shall meet the requirements of the Family Lot Provision standards.

c: Bobby Beagles
21302 Ft. Christmas Road
Christmas, FL 32709

COVER LETTER

To the Board of Zoning Adjustment members:

I, Bobby Beagles and my wife, Vickie Beagles own the property located at 21302 Ft. Christmas Rd. in Christmas. This property has been in our family since the 1950's when my parents originally purchased it. Our family has been raising cattle on this property for over 50 years. My wife and I are requesting approval for two acres to be deeded to our daughter, Rachel Kelly under the Special Exception – Family Lot Provision.

Our daughter, Rachel is a single mother to our 5-year-old grandson Gavin and she wants to raise him on our family property as she was. She is a Social Worker at the Orlando VA Medical Center in Lake Nona, where she has been employed for 6 years. My wife and I our now in our 70s and could benefit from our daughter's assistance with the ongoing responsibilities of our ranch. Rachel plans to purchase a manufactured home to place on the two acres. The land that is not used for the home and yard will continue to be used for livestock grazing in keeping with the current agriculture zoning and comprehensive plan. A sample floor plan and exterior sketch of the manufactured home is included with the application packet. Also included are 3 letters from our neighbors who have no objection to this occurring.

Thank you for your consideration,

Bobby L. Beagles

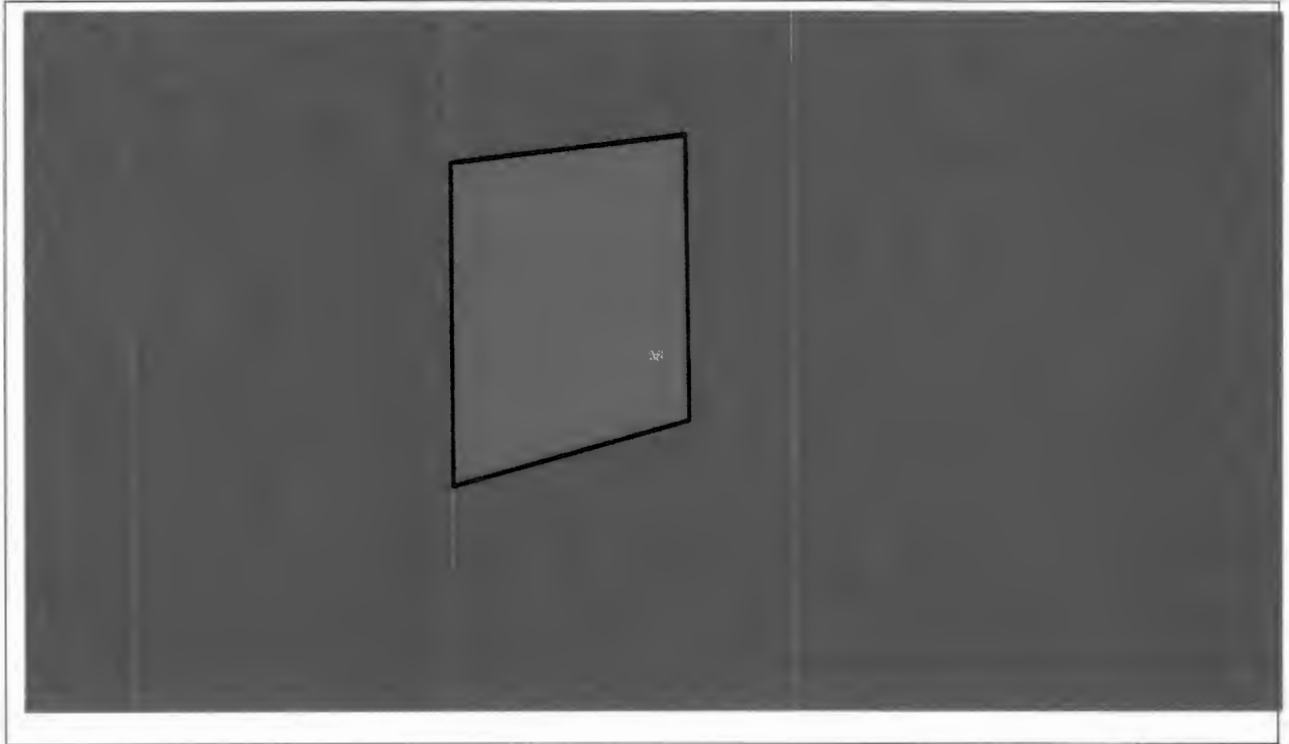
Vickie L. Beagles

Bobby and Vickie Beagles

RECEIVED

JAN 09 2019
ORANGE COUNTY
ZONING DIVISION

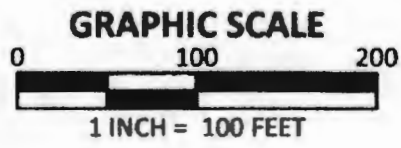
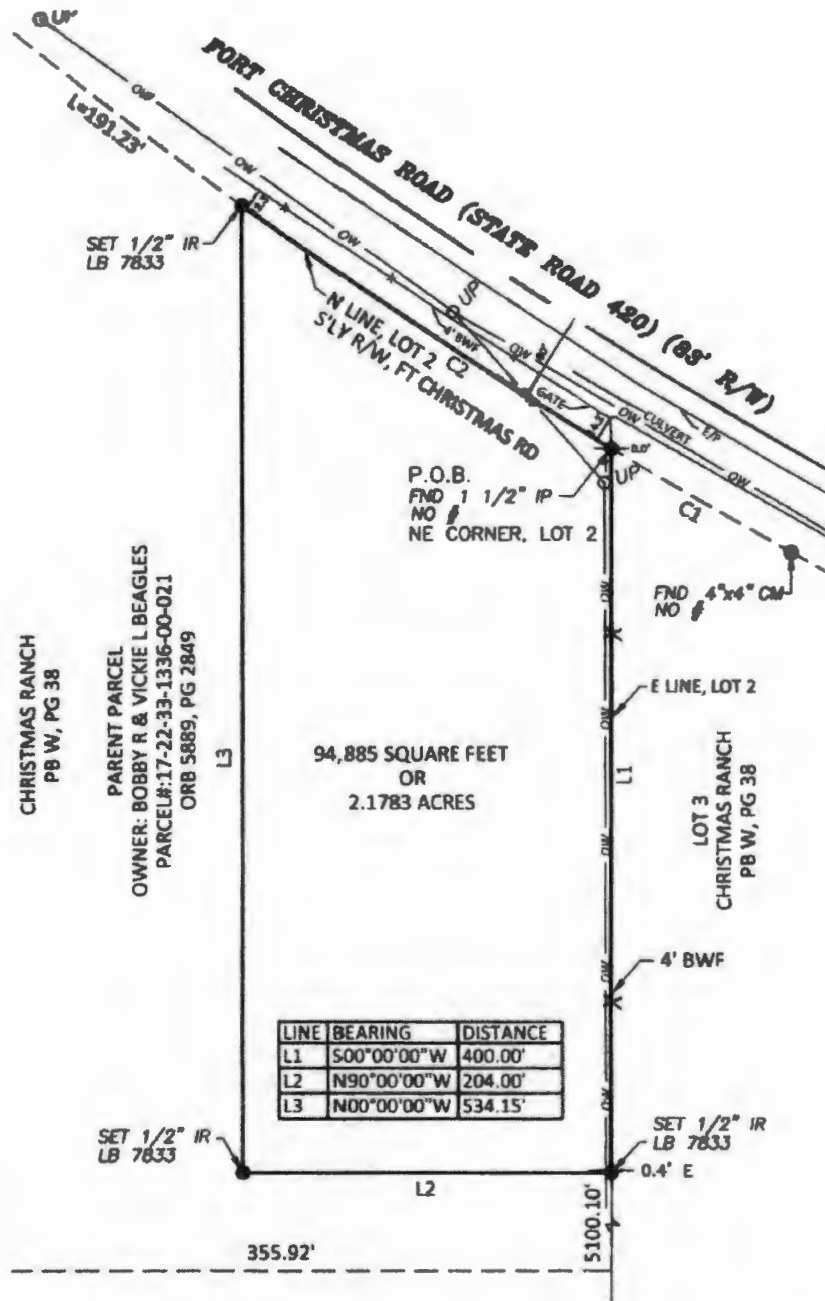
ZONING MAP



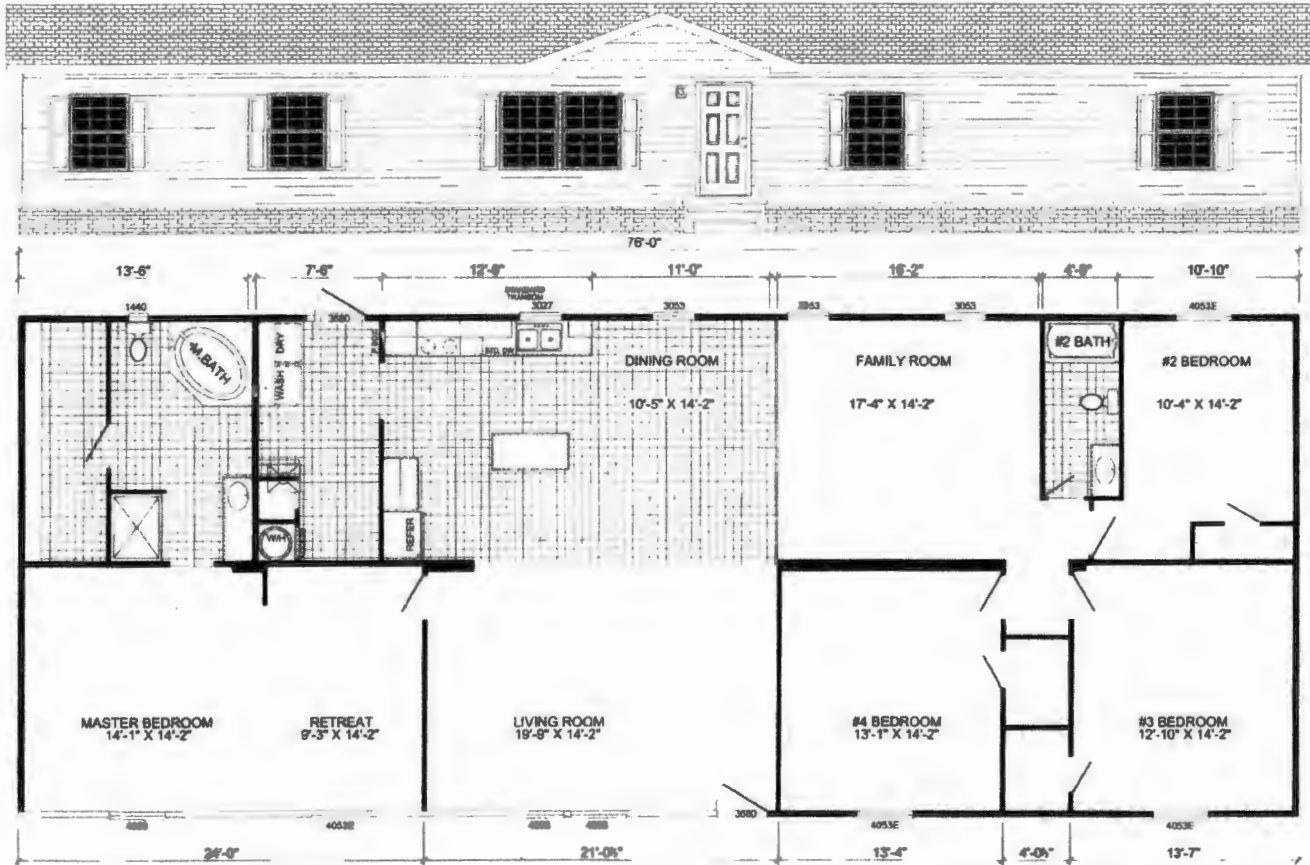
AERIAL MAP



SITE PLAN / SURVEY



ELEVATION / FLOOR PLAN



L-3764P-RUNNER
4-BEDROOM / 2-BATH
32 X 80 - Approx. 2254 Sq. Ft.

11-11-2014
 * All room dimensions include closets and square footage figures are approximate.
 * Transom windows are available on optional 0'-0" sidewall houses only.
 * Underpinning shown is optional

OLYMPIA

SITE PHOTOS



Entrance to the Property



View from north property line



Looking south along Fort Christmas Road



View from Fort Christmas Road

BZA STAFF REPORT

Planning, Environmental, & Development Services/ Zoning Division

Meeting Date: **MAR 07, 2019**

Case Planner: **Sean Bailey**

Case #: **VA-19-04-013**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): JAMES EDWARD CHEEK

OWNER(s): 8050 I DRIVE REALTY LLC 2/3 INT, WALLACK PARKING LLC 1/3 INT

REQUEST: Variances in the P-D zoning district to allow a ground sign as follows:

- 1) To allow a maximum height of 15 ft. in lieu of 10 ft.
- 2) To allow a maximum clearance of 9 ft. in lieu of 2 ft.
- 3) To allow a maximum copy area of 88 sq. ft. in lieu of 80 sq. ft.
- 4) To allow a ground sign with changeable copy on a 200 ft. wide lot in lieu of a 1000 ft. wide lot.

This is the result of code enforcement action.

PROPERTY LOCATION: 8050 International Dr., Orlando, FL 32819, West side of International Dr., south of W. Sand Lake Rd.

PARCEL ID: 36-23-28-3787-00-010

LOT SIZE: 1.5576634, 200 ft. x 348 ft. (AVG) / 1.56 acres

NOTICE AREA: 1500 FT

NUMBER OF NOTICES: 107

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

1. Development in accordance with the site plan dated January 17, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Other than any variances granted by this application, all other requirements of Chapter 31.5 (Tourist Commercial) Orange County Code, shall be met.

SYNOPSIS: The applicant constructed a freestanding sign on the property without a building permit. The applicant states they re-built the previous sign, which was removed when right-of-way along International Drive was conveyed to the County.

Staff explained the site plan, the signage allowed per code, showed photos of the sign in question, and recommended denial, as they were no special conditions.

The BZA had questions regarding the signage allowed per code in the Tourist Commercial Overlay District.

The applicant stated the sign was built without a permit and that was an oversight on the owner's part. The applicant presented photos of the previous sign and stated they wish to keep what was previously on site. They also stated the sign is needed to direct visitors to the garage, as there is a parking space deficit in the International Drive area. The applicant explained that the direction given to them by the County was to seek a variance as a Master Sign Plan is not allowed, as the lot is not large enough to meet those requirements.

No one spoke in favor or in opposition of the request, and staff did not receive any commentaries regarding the application.

The BZA had a discussion on the new sign versus the old sign. It was stated the new sign was a brand new sign and was not a renovated version of the previous sign. In addition, the new sign was shorter and included an electronic message, and the previous one did not.

There was further discussion regarding the non-conforming sign, the height allowed per code for ground signs, and what is acceptable in the I-Drive area.

The BZA felt the request was reasonable and met the variance criteria, the request was approved unanimously.

STAFF RECOMMENDATIONS

Denial, however if approved the request shall be subject to the conditions in this report

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	P-D	C-1/C-2	C-1	P-D	C-1
Future Land Use	C	C	C	C	C
Current Use	Parking Garage/Retail	Retail	Retail	Retail	Retail

BACKGROUND AND ANALYSIS

Description and Context

The property is located in a PD Planned Development district, and is in the Hollywood Plaza Parking Garage PD.

This property is located within the Tourist Commercial signage overlay district, which limits ground signs to 10 ft. in height, restricts the copy area of ground signs, and allows 1 linear foot of copy area for wall signage per linear foot of building frontage.

The property was re-zoned from C-1 (Retail Commercial) to Planned Development 2015. The Hollywood Plaza Parking Garage PD allows for parking, retail and restaurants uses.

There is an existing nine-story parking garage on site, which has retail space on the first floor and a restaurant on the top floor. The height to the very top of the parapet of the garage is 133'-10". The property is 1.56 acres in size and has 200 ft. of frontage along the right-of-way.

The tenants are allowed wall signs per code and the garage is also allowed additional wall signage at the top of the building due to the height of the structure. The applicant would like a larger sign than allowed by code under the Tourist Commercial section, to advertise the parking garage and tenants who may occupy the retail spaces in the future. Also, Per Sec. 31.5-163(a) (3) the structure is allowed a fifty (50) percent increase in wall signage per the building height proposed. This code also states this percentage increase is permitted on up to two (2) sides of the building and must be located in the top twenty (20) percent of the building. Therefore, the building is allowed 150 percent of normal wall signage due to the height of the structure.

There was a pole sign located on this site for the previous tenant. That sign was removed in 2017 when the applicant dedicated 14 ft. of right-of-way to Orange County for future improvements along International Drive.

The applicant constructed the sign without a permit and was cited by Code Enforcement in 2018. The sign on site currently exceeds the 15 ft. height limit for ground signs and must be lowered if this variance is approved.

District Development Standards

	Code Requirement	Proposed
Max Height:	10	15
Min. Lot Width:	1,000	200

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

	Code Requirement	Proposed
Front:	10	17
Rear:	10	200+
Side:	10	52

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

There are no special conditions on this site that would warrant a larger ground sign than allowed per code.

Not self-created

The applicant constructed the sign without a permit and is asking for variances for the sign after the fact, therefore the need for the variances is self-created.

No special privilege conferred

Allowing the sign in this configuration would grant special privilege, as the signs in this area are limited to shorter ground signs without changeable copy.

Deprivation of rights

Denying the variance request to have a 15 ft. high changeable copy sign with 88 sq. ft. will not deprive the applicant the for a 10 ft. high, 80 sq. ft. ground sign per code, which is sufficient to advertise the parking garage. The property is also allowed to have directional signs per code.

Minimum possible variance

The size of the sign requested is excessive and this property has no special conditions to merit such a variance

Purpose and intent

The parking garage is a large structure, which can be seen from any vantage point and does not require increased signage to draw attention to it. The Tourist Commercial sign code was created to promote effective use of signage which enhances the appearance of the district, granting the variance will not meet the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated January 17, 2019 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Other than any variances granted by this application, all other requirements of Chapter 31.5 (Tourist Commercial) Orange County Code, shall be met.

c: James Edward Cheek
P.O. Box 880
Winter Park, FL 32790

COVER LETTER

WINDERWEEDLE, HAINES,
WARD & WOODMAN, P.A.

ATTORNEYS AT LAW
MAIN TELEPHONE (407) 423-4246
WWW.WHWW.COM

Please Reply To:
Winter Park Office

James Edward Check, III
Direct Dial: (407) 246-8670
E-mail: tcheck@whww.com

January 16, 2019

Sean J. Bailey
Chief Planner – BZA Section
Zoning Division
Orange County Community, Environmental, and Development Services Department
201 S. Rosalind Avenue
Orlando, FL 32801

Re: 8050 International Drive, Orlando FL
Application for variance regarding ground sign height

Dear Mr. Bailey:

Please find enclosed a variance application related to the Hollywood Plaza Parking Garage at 8050 International Drive, Orlando, Florida. As you may know, the owners moved a preexisting older sign from the International Drive frontage of the parcel at the County's request. In replacing and updating that sign elsewhere on the parcel, the need for a variance has been recognized and so is being requested now.

The property owners have constructed a multi-level parking facility on this parcel in an effort to provide relief for the area. This project has been discussed between the owners and the County for a number of years, and the County has recognized the need for additional parking in the area, including not only approving a planned development so that the parking facility could be built, but even considering at one time participating in the project to encourage its construction. A portion of the parking garage is now open, and the property owners are concerned that without adequate signage the building will not fully serve its purpose of alleviating parking demand in the I-Drive/Sand Lake Road intersection area. The structure itself has retail units on the first floor facing International Drive, and it may not be clear at first glance to a motorist, particularly to someone unfamiliar with the area, that there is parking available.

The sign is designed to assist motorists in locating the parking garage as they proceed south on International Drive from Sand Lake Road.

Under the Orange County Code, § 31.5-166(b), the maximum height of a ground sign in the "tourism district" is ten (10) feet, as opposed to the potential fifteen (15) feet under the

ORLANDO, FLORIDA
1800 BANK OF AMERICA CENTER
380 NORTH ORANGE AVENUE 32801
POST OFFICE BOX 1381 32802-1381
FAX (407) 423-7014

WINTER PARK, FLORIDA
328 Park Avenue, North 32789
SECOND FLOOR
POST OFFICE BOX 880 32790-0880
FAX (407) 949-3728

Sean J. Bailey
January 14, 2019
Page 2

generally applicable rule in section 31.5-67(b) for permanent on-site signs. The purpose of this request is to seek approval of modifying the sign so that it does not exceed fifteen (15) feet in height. A drawing showing the sign as it is proposed to be modified is enclosed, as is a site plan showing the sign's location.

The copy area of the sign is less than the maximum of eighty (80) feet (§ 31.5-166(a)). The sign is more than the minimum of ten (10) feet from all property lines (§ 31.5-166(c)). This is the only ground sign on the parcel and is planned to advertised and identify establishments or businesses on the parcel, primarily including the parking facility on the parcel.

This variance application is being submitted so that it can be addressed at the currently scheduled March 7, 2019 date.

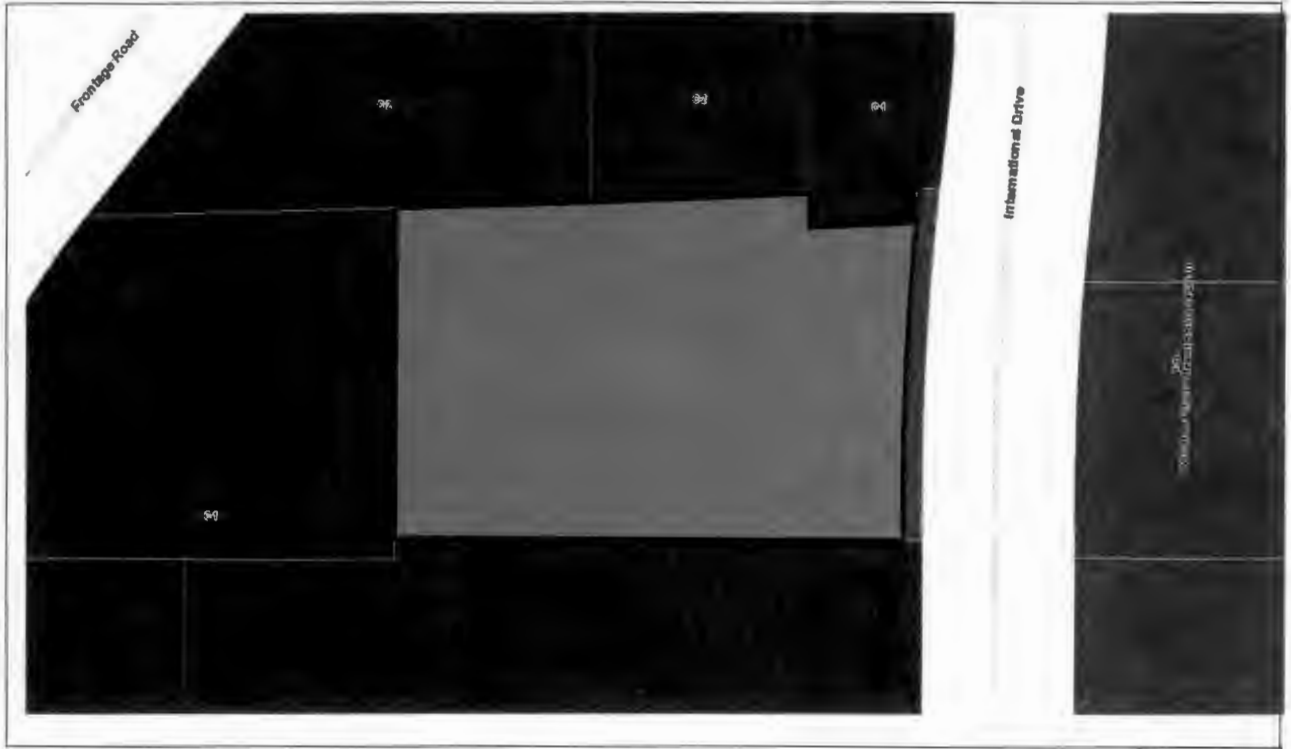
If you have any questions, please do not hesitate to contact me.

Very truly yours,

James Edward Cheek, III

JEC/mmr
Enclosures

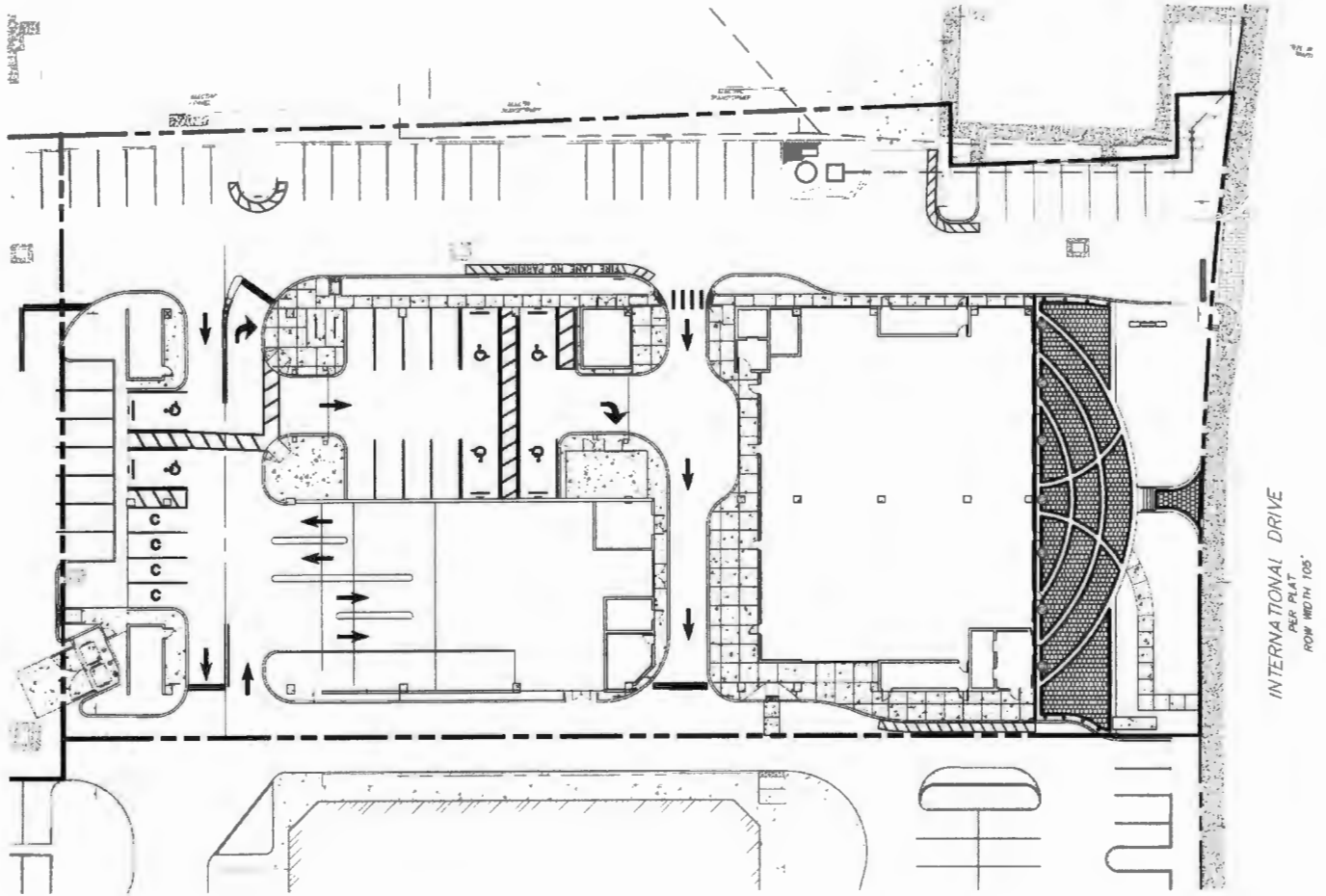
ZONING MAP



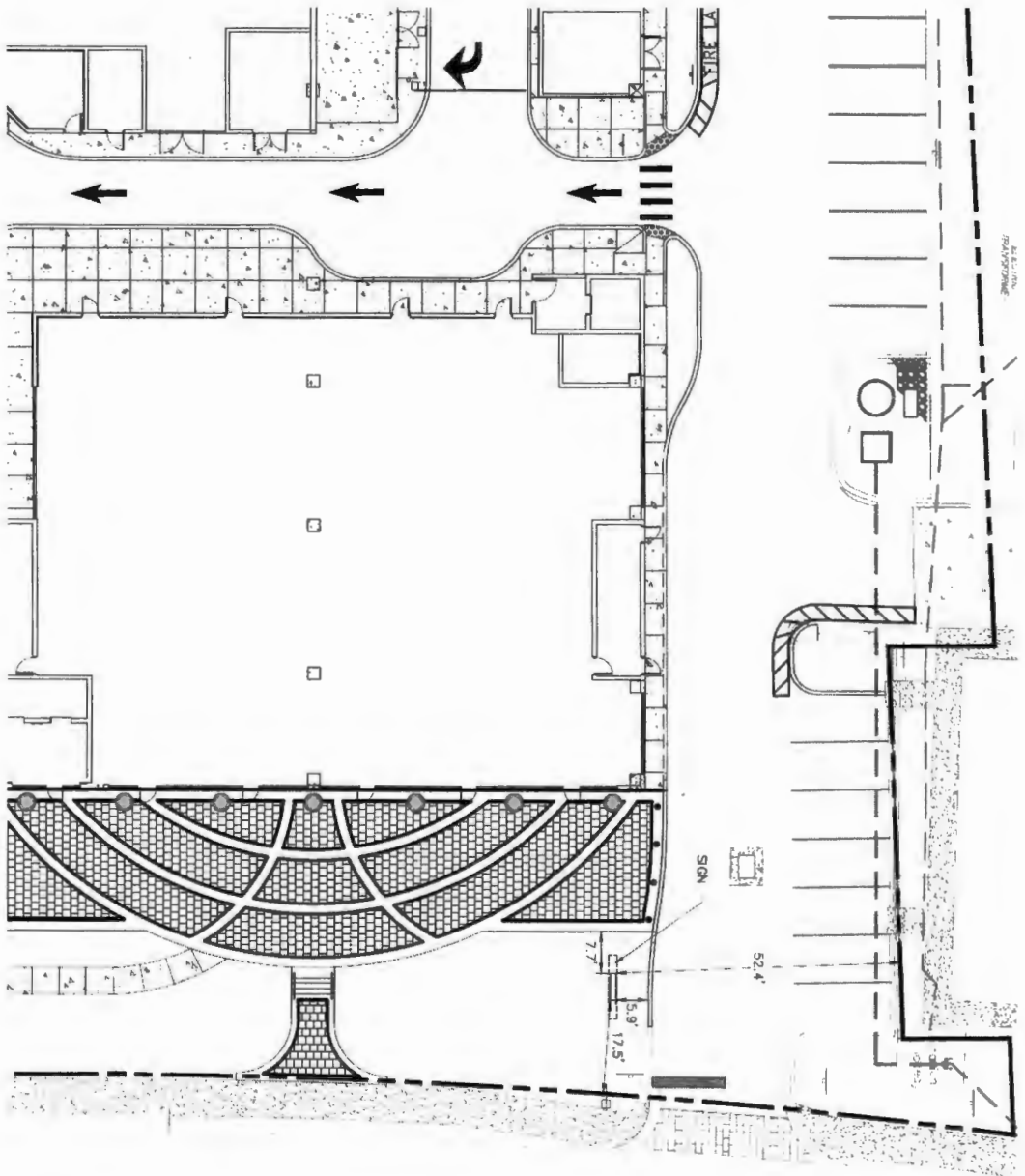
AERIAL MAP



SITE PLAN / SURVEY

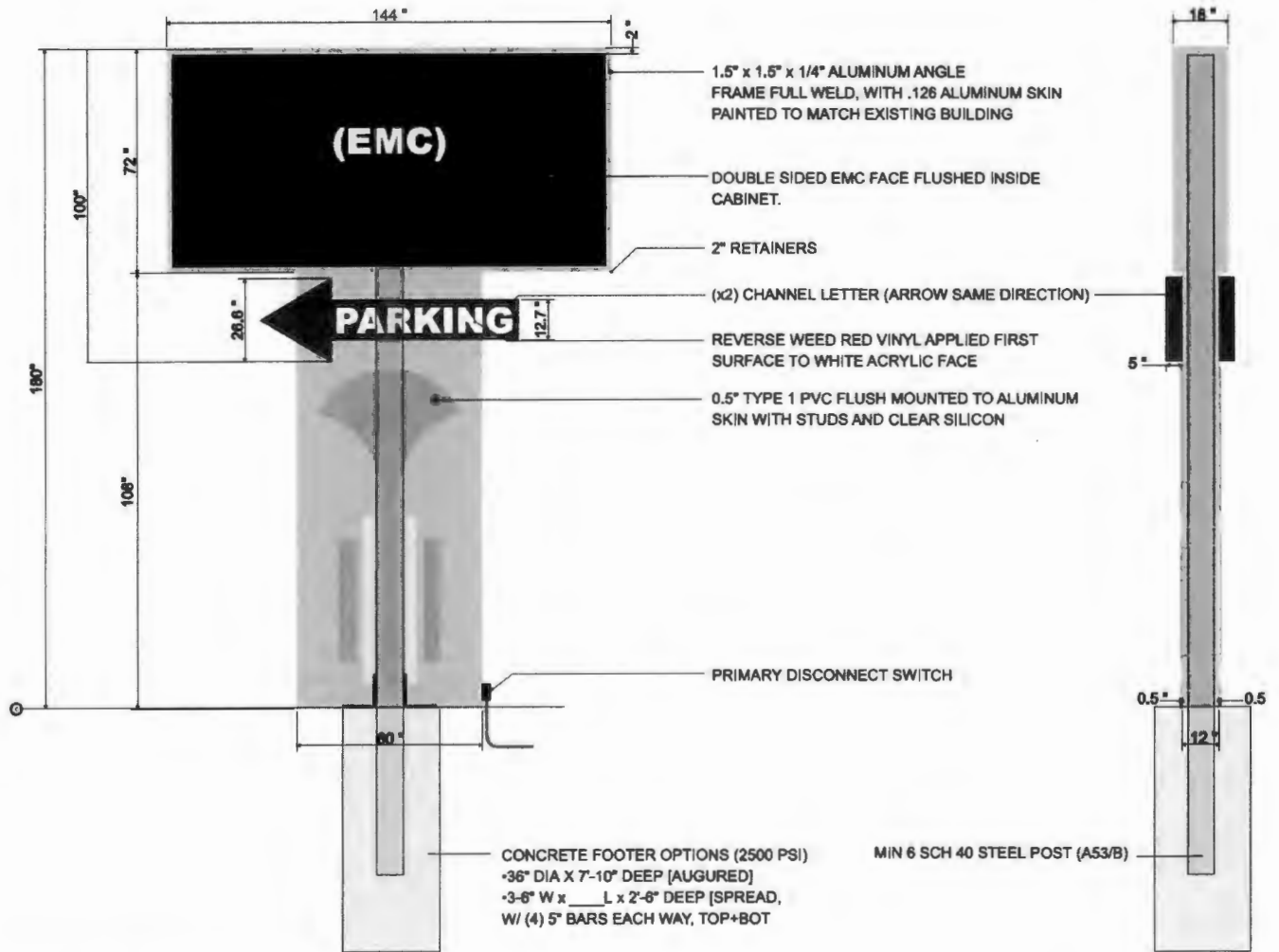


ZOOMED-IN SITE PLAN



TERNATIONAL DRIVE
PER PLAT
ROW WIDTH 105'
LANE WIDTH 12'

ELEVATION



IGN TYPE GROUND

SINGLE SIDED
INTERNAL SIGN



COPY AREA 72 SF

ARROW 15.75 SF

ELECTRICAL NOTES
TOTAL AMPS: 1.1
1-120V / 20 AMP CIRCUIT REQUIRED

SITE PHOTOS



Existing Sign



Close up of sign



View from International Dr.



View from the north property line



View looking south along International Drive

BZA STAFF REPORT

Planning, Environmental, & Development Services/ Zoning Division

Meeting Date: **MAR 07, 2019**

Case Planner: **David Nearing, AICP**

Case #: **SE-18-12-159**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): **IGLESIA DE DIOS EN BITHLO (THIS CASE HAS BEEN CONTINUED TO THE APRIL 4 BZA)**

OWNER(s): **IGLESIA DE DIOS EN BITHLO INC**

REQUEST: **Special Exception and Variances in the A-2 and R-T-2 zoning districts as follows:**

- 1) **Special Exception to allow an existing religious institution, and the construction of a new 500 seat sanctuary.**
- 2) **Variance to allow the continued use of unpaved parking.**
- 3) **Variance to allow a church spire to extend 20 ft. above the 35 ft. maximum height in lieu of 10 ft.**

PROPERTY LOCATION: **2049 8th St and 18606 Hollister Rd., Orlando FL 32820 , southeast corner of Hollister Rd. and 8th St., in Bithlo**

PARCEL ID: **15-22-32-2336-01-600**

LOT SIZE: **3.7 Acres**

NOTICE AREA: **800 FT**

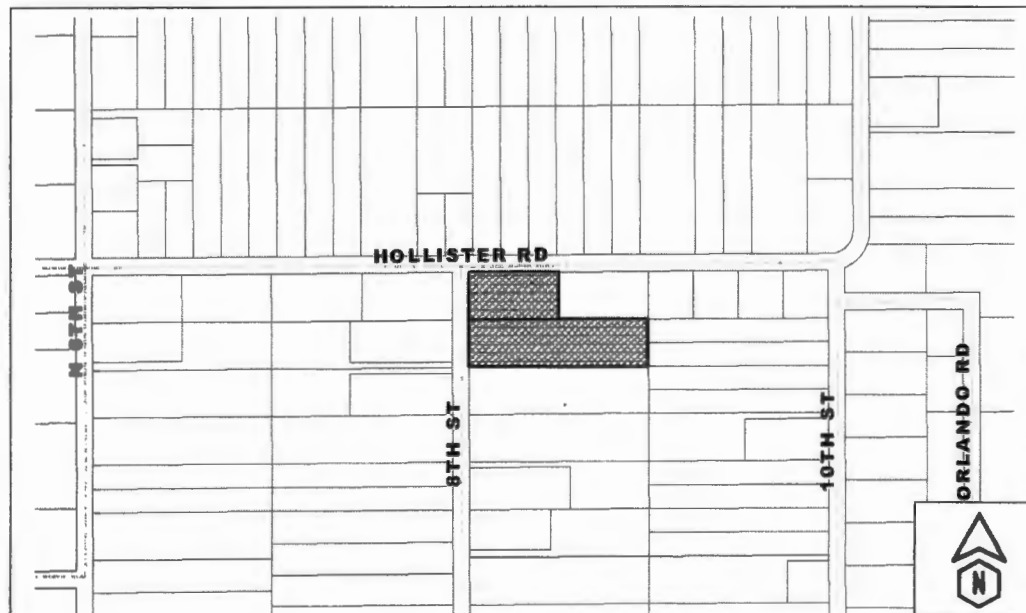
NUMBER OF NOTICES: **105**

DECISION: CONTINUED at the request of the applicant due to an unexpected emergency and the case was rescheduled to be held at the April 4, 2019 BZA Meeting. (Unanimous; 7-0).

STAFF RECOMMENDATIONS

Denial of the Special Exception for the new sanctuary, with approval of the Special Exception to validate the existing sanctuary, and approval for the existing grassed parking. However, should the BZA find that the requirements to satisfy the criteria for a Special Exception have been met; it should be approved subject to the conditions in this report.

LOCATION MAP



**CASE #SE-18-12-159, WAS CONTINUED TO
APRIL 4, 2019, UPON THE REQUEST OF THE
APPLICANT ON FEBRUARY 21, 2019, VIA
ELECTRONIC MAIL PRIOR TO THE
BZA MEETING.**

BZA STAFF REPORT

Planning, Environmental, & Development Services/ Zoning Division

Meeting Date: **MAR 07, 2019**

Case Planner: **Sean Bailey**

Case #: **SE-19-02-194**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): ROUSE ROAD PROPERTY, LLC

OWNER(s): ROUSE ROAD PROPERTY, LLC

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

1) Special Exception to operate a landscaping business.

2) Variance to allow unpaved parking spaces in lieu of paved.

This is the result of Code Enforcement Action.

PROPERTY LOCATION: 3825 Rouse Road, Orlando, FL 32817, east side of Rouse Road, north of University Boulevard

PARCEL ID: 04-22-31-0000-00-047

LOT SIZE: 166 ft. x 654 ft. / 2.5 acres

NOTICE AREA: 800 ft.

NUMBER OF NOTICES: 102

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, to APPROVE 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 the site plan dated February 20, 2019 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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

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

4. A Type 'D' landscape buffer shall be provided along of the north property line abutting residential.

5. The hours of operation shall be limited to Monday through Friday 7:00 A.M. to 5:00 P.M. and Saturdays 7:00 A.M. to 2:00 P.M.

6. No retail sales to the public shall be permitted.
7. Construction plans shall be submitted within 180 days of final approval or this approval becomes null and void.
8. The use of a grinder and chipper shall be prohibited.
9. There shall be no vehicle maintenance conducted on site.
10. The applicant shall provide one (1) paved handicapped parking space.

SYNOPSIS: Staff outlined the request, surrounding uses, proposed site plan, showed site photos, and summarized the Community Meeting that was held on February 19, 2019.

The applicant stated they were in agreement with staff's presentation and did not have anything to add.

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

There was discussion with the BZA regarding the requirement for a paved parking space for handicapped parking. The District 5 Commissioner had a question regarding the locations of the nurseries in the area.

The BZA felt the request met the Special Exception criteria and approved the request subject to conditions. An additional condition regarding the paved handicapped space was added.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	A-2	A-2	P-D	A-2
Future Land Use	LMDR	LMDR	LMDR	O	LDR
Current Use	Landscaping Company/Nursery	Manufactured home	Nursery	Office Buildings	Single-family home

BACKGROUND AND ANALYSIS

Description and Context

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

A commercial plant nursery without retail sales is permitted by right in the A-2 zoning district; however, a special exception is required for the landscaping portion of the business.

The applicant was cited by Code Enforcement in October 2018 for operating a landscaping business on-site without special exception approval. Per aerials, it appears the use has been operating on site since about 2010. The landscaping portion of the operation consists of employees parking on-site before going to out their work sites, storage of landscaping equipment, and temporary storage of landscaping materials.

The applicant purchased the property in September 2005 as a single-family home (which is used as an office). The property contains a 2,000 sq. ft. house, several storage buildings, a nursery, and parking areas.

There are two companies, which utilize the site, McCann Landscaping and Bio-Tech Consulting. In total both companies employ about 15 employees and there is sufficient parking on site for the amount of employees.

A community meeting was held on Tuesday February 19, 2019 at Riverdale Elementary. The case planner, District 5 Commissioner, staff as well as the applicant's team were in attendance. Three (3) residents were at the meeting; they raised questions regarding hours of operation and the nature of the use. The residents also stated the business has been in the area for years and has always been a good neighbor.

The property has direct access to Rouse Rd. and the landscaping portion of the business is located to the rear of the office and is not visible from the right-of-way. There is a plant nursery located in front of the building.

District Development Standards

	Code Requirement	Proposed
Max Height:	35	25
Min. Lot Width:	100	166
Min. Lot Size:	.5 acres	2.5 acres

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

	Code Requirement	Proposed
Front:	35	158
Rear:	50	111
Side:	10	14

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan.

The Future Land Use is Low Medium Density Residential. Approval of the special exception will render the use consistent with the Comprehensive Plan.

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

The use has existed on site for several years and there is an existing plant nursery to the south of the subject property and an office complex to the rear. The area is comprised of single-family homes on larger lots, office buildings, and agricultural uses.

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

The use will only operate during the weekdays from 7:00 A.M. - 5:00 P.M. and on Saturdays 7:00 A.M. to 2:00 P.M. and the more intense uses on the site are confined to the rear of lot, which does not directly abut any single-family homes.

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

The proposed site plan is meeting setback, parking, and height requirements as required per code.

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

The use as a landscaping company will produce similar characteristics to the existing nursery and other uses allowed in the A-2 zoning district.

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

The applicant is required to provide a landscape buffer along the north property line, which abuts a single-family home. The other sides of the property abut commercial uses and additional landscaping is not required. Also, there is a nursery located in front of the principal structure which provides a landscaping buffer along Rouse Road.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated February 20, 2019 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A Type 'D' landscape buffer (which requires shrubs and shade trees) shall be provided along of the north property line abutting the residential.
5. The hours of operation shall be limited to Monday through Friday 7:00 A.M. to 5:00 P.M. and Saturdays 7:00 A.M. to 2:00 P.M.
6. Retail sales to the public shall not be permitted.
7. Construction plans shall be submitted within 180 days of final approval or this approval becomes null and void.
8. The use of a grinder and chipper shall be prohibited.
9. There shall be no vehicle maintenance conducted on site.

c: Joe Galletti
3025 E. South Street
Orlando, FL 32803

COVER LETTER

**ROUSE ROAD PROPERTY, LLC
3025 E. SOUTH STREET
ORLANDO, FLORIDA 32803**

November 21, 2018

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

Proj: 3825 Rouse Road - Orange County Parcel ID #04-22-31-0000-00-047
Owner: Rouse Road Property, LLC
Re: Application for Special Exception – Use for Landscape Company Operation

To Whom It May Concern:

Please accept this letter and attached information as our request for a Special Exception for the property located at 3825 Rouse Road, Orlando, Florida 32817 (Orange County Parcel ID #04-22-31-0000-00-047 – Owner Rouse Road Property, LLC). With this exception request, the applicant, Rouse Road Property, LLC, is seeking authorization to use of the subject property, zoned A2, for a small-scale landscape company operation. The operation will consist of a meeting and storage location for staff and landscape/agricultural equipment. This location will also include a (non-retail) small scale nursery that supplies the landscape operation. No parking spaces or additional lighting, entrances, landscaping or fencing are proposed with this application. Per a recent Code Violation Notice (Reference 526138) and discussions with Officer Winford Alleyne of Orange County, it was determined that we (Rouse Road Property, LLC) were operating a landscape related entity without first obtaining approval from the Board of Zoning Adjustment, as required. As such, we are requesting a special exception with this application.

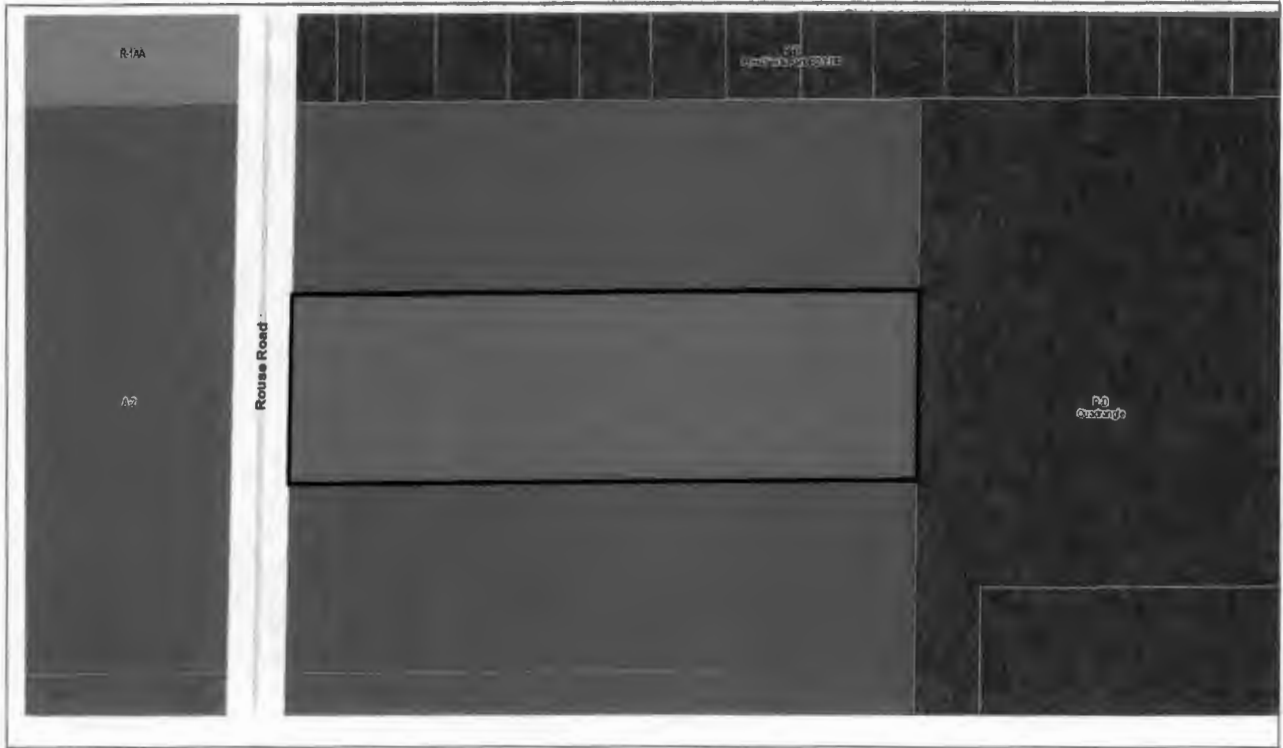
In order to aid the County in its review of this application, we are submitting a completed application, letters of no objection from neighbors, a site plan of the property and a code violation notice recently issued for the property. In addition, a check in the amount of \$1,355.00, made payable to Orange County BOCC, for the required application fee is attached.

Should you have any questions or require any additional information, please do not hesitate to contact me at (321) 278-3639. Thank you.

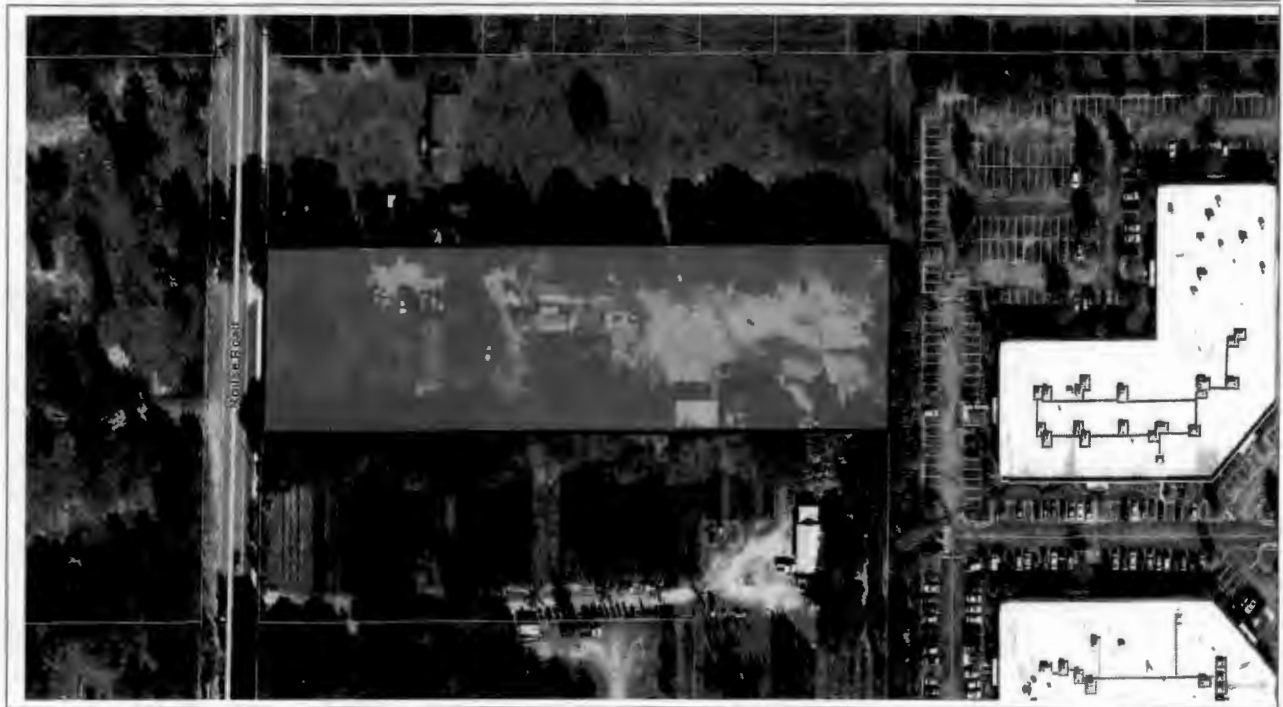
Regards,

Joseph Galletti
Managing Member/Registered Agent
Rouse Road Property, LLC

ZONING MAP



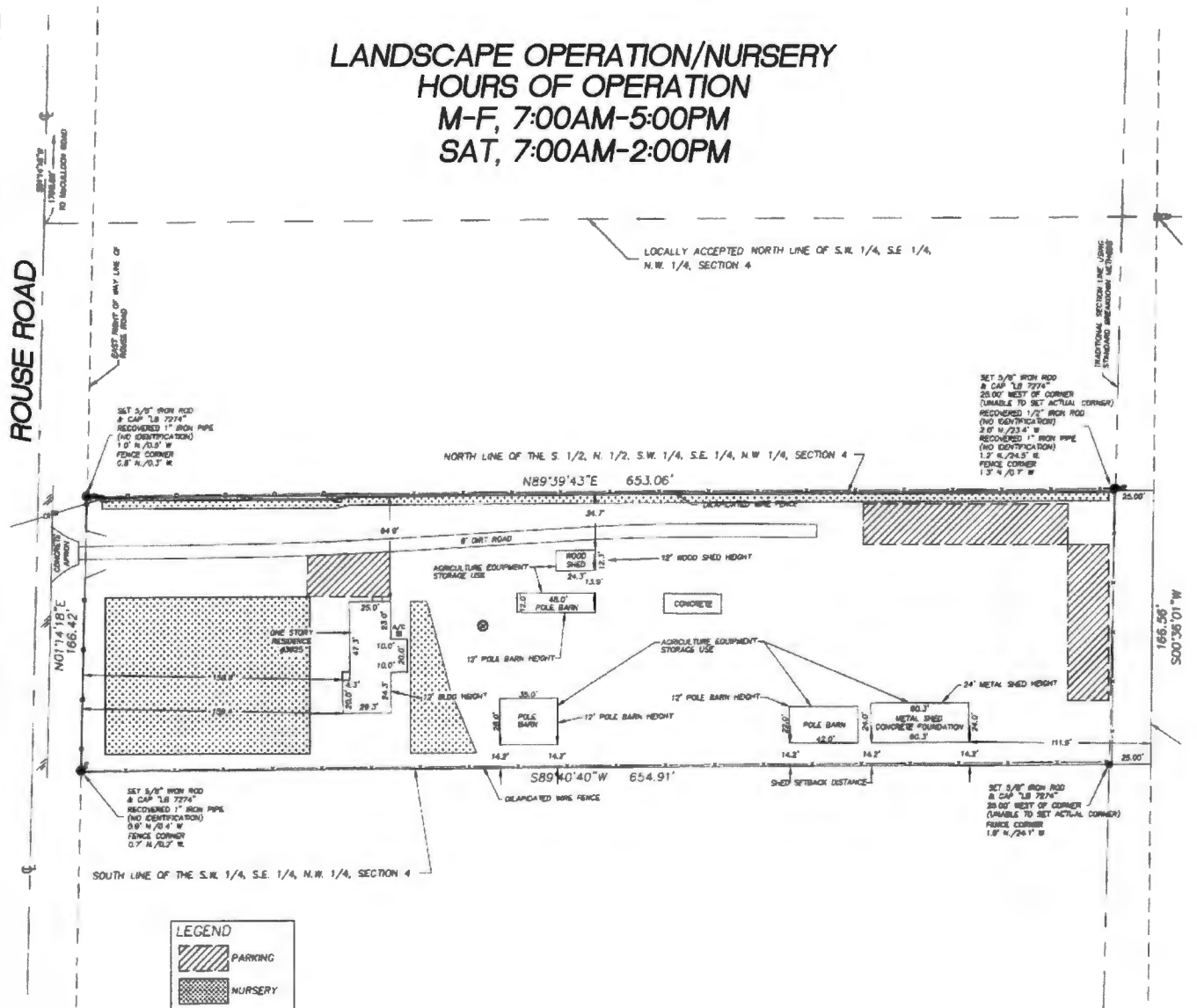
AERIAL MAP



SITE PLAN / SURVEY

**LANDSCAPE OPERATION/NURSERY
HOURS OF OPERATION
M-F, 7:00AM-5:00PM
SAT, 7:00AM-2:00PM**

ROUSE ROAD



SITE PHOTOS



View from Rouse Road



Looking north along Rouse Road



Property to the west across Rouse Road



Looking north from the rear portion of the property



Property to the east



Looking south from subject property towards neighboring nursery



Manufactured home located to the north



Looking south along Rouse Road from subject property