



Interoffice Memorandum

Date: July 31, 2018

TO: Mayor Teresa Jacobs  
-AND-  
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director  
Community, Environmental and Development Services Department

CONTACT PERSON: **Carol L. Knox, Manager, Zoning Division  
(407) 836-5585**

SUBJECT: August 21, 2018 – Board Called Public Hearing  
Applicant/Appellant: Alex Nokhodchi  
BZA Case #VA-18-04-015, May 3, 2018; District 3

Board of Zoning Adjustment (BZA) Case #VA-18-04-015, located at 1313 E. Pineloch Avenue, in District 3, is a Board called public hearing to be heard on August 21, 2018. The applicant is requesting variances in the R-1A zoning district to allow an existing accessory structure to remain 1.8 ft. from the side property line in lieu of 5 ft. and 3.8 ft. from the rear property line in lieu of 5 ft.

The subject property is located on the north side of E. Pineloch Avenue, west of S. Brown Avenue.

At the May 3, 2018 BZA hearing, staff recommended denial of both variances. The neighbor to the east spoke in opposition to the request stating the structure was previously used as an accessory dwelling unit and was a nuisance to the neighborhood. The BZA recommended denial of variance #1 and approval of variance #2 on a 5-1 vote.

The application for this request is subject to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy is available upon request in the Zoning Division.

**ACTION REQUESTED: Uphold the BZA's recommendation of denial of variance #1 and approval of variance #2 of May 3, 2018. District 3**

JVW:CLK/pew  
Attachments

**COMMUNITY ENVIRONMENTAL DEVELOPMENT SERVICES DEPARTMENT  
ZONING DIVISION PUBLIC HEARING REPORT  
August 21, 2018**

The following is a public hearing on an appeal before the Board of County Commissioners on August 21, 2018 at 2:00 p.m.

**APPELLANT/APPLICANT:** ALEX NOKHODCHI

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

- 1) To allow a side setback of 1.8 ft in lieu of 5 ft. (DENIED)
- 2) To allow a rear setback of 3.8 ft in lieu of 5 ft. (APPROVED)

**LOCATION:** North of E. Pineloch Ave., west of S. Brown Ave.

**TRACT SIZE:** 40 ft. x 120 ft.

**ZONING:** R-1A

**DISTRICT:** #3

**PROPERTIES NOTIFIED:** 361

**BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:**

Staff gave a presentation on the case and stated that the structure is existing and is a result of code enforcement. The applicant attempted to allow this structure to remain as an accessory dwelling unit, however since there is not a homestead exemption on the property that is not an option. The applicant decided to apply to allow this structure to remain for storage only.

Staff recommended denial of the variances as there were no special conditions and there is enough space to meet setbacks.

The applicant stated that they bought the property in 2013 and the structure was existing. They simply want to keep it as a storage building.

The neighbor to the east spoke in opposition to the request stating the building had previously been used a rental unit and caused a nuisance.

Code enforcement spoke at the hearing and explained that the officer cited the owner for construction without a permit and for using the structure as an ADU.

The BZA discussed the use and safety of the structure with the applicant. The applicant stated they would not use the structure as an ADU any longer and will make sure it meets all code requirements.

The BZA agreed the rear setback variance was minimal and approved variance #2. They felt the side setback variance was excessive and denied variance #1. The BZA also added a condition that the applicant must remove all plumbing from the storage unit.

BZA HEARING DECISION:

A motion was made by Jose A. Rivas, Jr., seconded by Wes A. Hodge to deny variance #1 in that there was no unnecessary hardship shown on the land and approve variance #2 in that the Board made the finding that the requirements governing variances as spelled out in Orange County Code, Section 30-43(3) have been met; said approval is subject to the conditions as amended. Motion passed with 5 in favor, 1 opposed and 1 absent.



**Applicant:** ALEX NOKHODCHI

**BZA Number:** VA-18-04-015

**BZA Date:** 05/03/2018

**District:** 3

**Sec/Twn/Rge:** 01-23-29-SE-D

**Tract Size:** 40 ft. x 120 ft.

**Address:** 1313 E. Pineloch Avenue, Orlando FL 32806

**Location:** North of E. Pineloch Ave., west of S. Brown Ave.

ALEX NOKHODCHI

VA-18-04-015

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**REQUEST:** **Variances** in the R-1A zoning district as follows:  
1) To allow a side setback of 1.8 ft. in lieu of 5 ft.  
2) To allow a rear setback of 3.8 ft. in lieu of 5 ft.

**ADDRESS:** 1313 E. Pineloch Avenue, Orlando FL 32806

**LOCATION:** North of E. Pineloch Ave., west of S. Brown Ave.

**S-T-R:** 01-23-29

**TRACT SIZE:** 40 ft. x 120 ft.

**DISTRICT#:** 3

**LEGAL:** INTERLAKE PARK SECOND ADDITION H/50 THE W 40 FT OF E 80 FT OF LOTS 154 155 & 156

**PARCEL ID:** 01-23-29-3834-01-543

**NO. OF NOTICES:** 361

**DECISION: DENIED** the Variance request **#1**, in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3); and, **APPROVED** the Variance request **#2**, 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 (5 in favor, 1 opposed and 1 absent):

1. Development in accordance with the site plan dated January 18, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of

state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The accessory building shall not contain any overhead cabinets, closets, or 220 volt outlets.
5. Permits for the accessory structure shall be obtained within sixty (60) days of final approval or this approval becomes null and void.
6. The applicant shall remove all plumbing from the structure.

**SYNOPSIS:** Staff gave a presentation on the case and stated that the structure is existing and is a result of code enforcement. The applicant attempted to allow this structure to remain as an accessory dwelling unit, however, since there is not a homestead exemption on the property that is not an option. The applicant decided to apply to allow this structure to remain for storage only.

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[illegible]



K & A ORLANDO2 LLC  
Orlando, FL Jan. 16/2018

Re: 1313 E. Pineloch Av. 32808  
Requesting Variance as Storage Building

Dear Sir/Madam,

We bought this property in an auction. It was a two bedroom house and a storage room at the back, which is very old. I believe more than 30 years old but in good condition.

We spoke to the auctioneer and he said "You are lucky, buy one, get the second one free".

We cleaned and painted it.

The Tenant, who is renting the two bedroom house at the front and did not pay the rent fully to me, wanted to use this storage and we didn't give to them, reported to the code enforcement about the storage room.

We want to keep it as it is and would appreciate if you let us keep it this way.

We paid a surveyor, have survey paperwork done recently paid the county taxes and all the fees. As the surveyors said, it is an old property, not harming any neighbour and it is far from the neighbours' houses.

Yours sincerely,

K & A ORLANDO2 LLC

*Alex Nokhodchi K.A. Nokhodchi*

ALEX Nokhodchi and Katia Nokhodchi