Orange County Zoning Division

VA-24-07-060 APPLICANT: OMAR RAMOS - MADRIGAL COURT

January 28, 2025



APPLICANT:	Omar Ramos
CASE:	VA-24-07-060
ZONING:	Expressway Center PD (Planned Development)
FUTURE LAND USE:	LMDR (Low-Medium Density Residential)
ADDRESS:	541 Madrigal Ct., Orlando, FL 32825
LOCATION:	East side of Madrigal Ct., west of N. Chickasaw Trl., east of N. Goldenrod Rd., north of S.R. 408
TRACT SIZE:	+/- 0.21 acres (+/- 9,398 sq. ft.)
DISTRICT:	3



REQUEST:

Variances in the PD zoning district as follows:

- 1) To allow an existing residence with 1,407 sq. ft. of living area in lieu of a maximum of 1,343 sq. ft.
- 2) To allow a proposed residence with 1,915 sq. ft. of living area in lieu of a maximum of 1,343 sq. ft.
- 3) To allow an addition to a residence with a north rear setback of 7 ft. in lieu of 15 ft.
- 4) To allow a 6 ft. high vinyl fence in the front yard setback in lieu of 4 ft.

















Setback Exhibit





- **1985**
 - Existing home constructed
- Before 2004
 - Construction of screen room (no permit)
- **2017**
 - Construction of 6 ft. fence (partially permitted)
- After 2022
 - Construction of shed (no permit)
- **2023**
 - Property acquired by current owners
- After 2023
 - Construction of second shed with slab (no permit)
 - Construction of slab for addition, encroaching in utility easement (no permit)













Site Photograph Existing shed, fence, and gate, facing north



Site Photograph Side gate, facing northeast from Madrigal Ct.



Site Photograph Rear gate, facing northeast from Madrigal Ct.



Site Photograph Proposed location of addition, facing east



Site Photograph Location of proposed addition, facing west



Staff Findings and Analysis

- Existing Lot Layout/configuration
 - Subject property is a reverse corner lot
 - The rear lot line of one property is the side lot line of the adjacent property
- Preliminary Subdivision Plan for Chickasaw Pointe provides setbacks, lot area, typical development layouts, and minimum / maximum building size
 - Maximum square footage for detached homes: 1,343 sq. ft.
 - Front/Side Street: 20 ft.
 - Side: 0 ft./7.5 ft.; Minimum 7.5 ft building separation between lots
 - Rear: 15 ft.
- Existing improvements
 - -1,407 sq. ft. dwelling (Variance #1)
 - Sheds

Staff Findings and Analysis

Proposed Improvements

- Proposed new 508 sq. ft. rear addition (Variance #2)
 - Increases total square footage to 1,915 sq. ft.
 - Proposed addition rear setback of 7ft. In lieu of 15 ft. (Variance #3)
 - Property to north of subject property is built fewer than 2 ft. from shared lot line
- Modifications to existing 6' high vinyl fence along Madrigal Ct. and rear property line
 - Sec. 38-1408(g)(1): Fences and walls in residential districts shall be limited to a maximum height of four (4) feet in the front yard setback
 - Fence was permitted in 2017 to be 6 ft. on all sides, including the front yard
 - Fence was not installed consistent with permit (Variance #4)



- Staff recommended denial of Variances #2 and #3, related to the proposed addition as the request is not in harmony with the intent and purpose of code, as an addition could be proposed with a lesser impact on the adjacent property.
- Staff recommended approval of Variances #1 and #4, as they recognize the existing home size and fence.



- Staff mailed a total of 151 notices to adjacent property owners in a 500 ft. radius
 - Staff received one (1) correspondence in favor of this request
 - Staff received no correspondence in opposition to this request





• As mentioned, this case did go to the Board of Zoning Adjustment on August 1st with a request for 5 variances. At that hearing the Board of Zoning Adjustment recommended that the applicant revise the plan to modify the request and to receive approval from the Homeowner's association.

At the November 7th Board of Zoning Adjustment hearing the BZA concluded that the lot is fairly unique in shape, limiting locations for an addition, and the most affected neighbor is in favor of the request and recommended approval of all 4 variances unanimously, subject to six conditions.



Variance Criteria Section 30-43 (3), Orange County Code

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

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



- 1. Development shall be in accordance with the site plan and elevations dated September 12, 2024, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
- 2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.



- 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 permit for the existing fence, showing that the north gate has been removed shall be obtained prior to obtaining a permit for the addition; or within 180 days of final approval, whichever comes first.
- 5. A permit shall be obtained for the concrete pad, or it shall be removed prior to obtaining a permit for the addition.
- 6. A permit shall be obtained for the 2 sheds, or they shall be removed prior to obtaining a permit for the addition.



Deny the applicant's request; or

Approve the applicant's request with conditions

Site Photograph Proposed location of addition, facing northeast



Site Photograph Facing west with adjacent structure



Site Photograph Existing shed, fence, and gate, facing east



Site Photograph Existing fence and gates, facing northwest

