



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

December 5, 2019

Zoning Division

**ORANGE COUNTY GOVERNMENT
BOARD OF ZONING ADJUSTMENT (BZA)**

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

BZA Staff

Vacant	Chief Planner
Nick Balevich	Planner II
David Nearing, AICP	Planner II

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
December 5, 2019**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
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ORANGE COUNTY ZONING DISTRICTS

Agricultural Districts

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

Residential Districts

- R-CE** Country Estate District
- R-CE-2** Rural Residential District
- R-CE-5** Rural Country Estate Residential District
- R-1, R-1A & R-1AA** Single-Family Dwelling District
- R-1AAA & R-1AAAA** Residential Urban Districts
- R-2** Residential District
- R-3** Multiple-Family Dwelling District
- X-C** Cluster Districts (where X is the base zoning district)
- R-T** Mobile Home Park District
- R-T-1** Mobile Home Subdivision District
- R-T-2** Combination Mobile Home and Single-Family Dwelling District
- R-L-D** Residential -Low-Density District
- N-R** Neighborhood Residential

Non-Residential Districts

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

Other District

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

SITE & BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (½ acre)	850	100	35	50	10	35	<i>a</i>
	Mobile Home - 2 acres							
A-2	SFR - 21,780 (½ acre)	850	100	35	50	10	35	<i>a</i>
	Mobile Home - 2 acres							
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	<i>a</i>
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	<i>a</i>
R-CE-2	2 acres	1,200	250	45	50	30	35	<i>a</i>
R-CE-5	5 acres	1,200	185	50	50	45	35	<i>a</i>
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	<i>a</i>
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	<i>a</i>
R-1AA	10,000	1,200	85	25 <i>h</i>	30 <i>h</i>	7.5	35	<i>a</i>
R-1A	7,500	1,200	75	20 <i>h</i>	25 <i>h</i>	7.5	35	<i>a</i>
R-1	5,000	1,000	50	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
R-2	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	30	5 <i>h</i>	35	<i>a</i>
	Three DUs, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	<i>a</i>
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	<i>a</i>
R-3	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5	35	<i>a</i>
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
	Three dwelling units, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	<i>a</i>
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	<i>a</i>
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	<i>a</i>
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	35	<i>a</i>
R-T-1								
SFR	4,500 <i>c</i>	1,000	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	<i>a</i>
Mobile home	4,500 <i>c</i>	Min. mobile home size 8 ft. x 35 ft.	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	<i>a</i>
R-T-2	6,000	SFR 500	60	25	25	6	35	<i>a</i>
(prior to 1/29/73)		Min. mobile home size 8 ft. x 35 ft.						
R-T-2 (after 1/29/73)	21,780 ½ acre	SFR 600	100	35	50	10	35	<i>a</i>
		Min. mobile home size 8 ft. x 35 ft.						

<i>District</i>	<i>Min. lot area (sq. ft.)^m</i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>Min. front yard (ft.)^a</i>	<i>Min. rear yard (ft.)^a</i>	<i>Min. side yard (ft.)</i>	<i>Max. building height (ft.)</i>	<i>Lake setback (ft.)</i>
NR	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80/90 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories <i>k</i>	<i>a</i>
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 11,250	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail <i>k</i>	<i>a</i>
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail <i>k</i>	<i>a</i>
	Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	<i>a</i>
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets <i>e</i> ; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	<i>a</i>

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ^f	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	^a
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ^g	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	^a

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
I-4	35	10	25	50, or 35 within 100 ft. of any residential use or district

NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

FOOTNOTES

^a	Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
^b	Side setback is 30 feet where adjacent to single-family district.
^c	For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
^d	For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that: <ul style="list-style-type: none"> (i) are either platted or lots of record existing prior to 3/3/97, and (ii) are 75 feet in width or greater, but are less than 90 feet, and (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
^e	Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
^f	Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
^g	Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
^h	For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
^j	Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
^k	Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
^m	Based on gross square feet.

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

VARIANCE CRITERIA:

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

1. **Special Conditions and Circumstances** – Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of any proposed zoning variance.
2. **Not Self-Created** – The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.
3. **No Special Privilege Conferred** – Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by the Chapter to other lands, buildings, or structures in the same zoning district.
4. **Deprivation of Rights** – Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of the property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval.
5. **Minimum Possible Variance** – The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. **Purpose and Intent** – Approval of the zoning variance will be in harmony with the purpose and intent of this Chapter and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

SPECIAL EXCEPTION CRITERIA:

Subject to Section 38-78, in reviewing any request for a Special Exception, the following criteria shall be met:

1. The use shall be consistent with the Comprehensive Policy Plan.
2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
3. The use shall not act as a detrimental intrusion into a surrounding area.
4. The use shall meet the performance standards of the district in which the use is permitted.
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.
6. Landscape buffer yards shall be in accordance with Section 24-5, Orange County Code. Buffer yard types shall track the district in which the use is permitted.

In addition to demonstrating compliance with the above criteria, any applicable conditions set forth in Section 38-79 shall be met.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 05, 2019**

Case Planner: **David Nearing, AICP**

Case #: **SE-19-11-121**

Commission District: **#4**

GENERAL INFORMATION

APPLICANT(s): CITY OF COCOA UTILITIES (KATHERINE ENNIS)
OWNER(s): CITY OF COCOA
REQUEST: Special Exception and Variances in the A-2 zoning district as follows:
1) Amendment to an existing Special Exception to allow expansion of an existing water treatment facility to include a training building, water tanks, and associated site improvements.
2) Variance to allow a front (west) setback of 25 ft. in lieu of 35 ft. for the existing maintenance building.
3) Variance to allow a front (west) setback of 18 ft. in lieu of 35 ft. for a new training building.
4) Variance to allow a proposed structure housing High Service Pump Station No. 2 with a height of 36 ft. in lieu of 35 ft.
5) Variance to allow a total of 70 parking spaces in lieu of 75 spaces.
PROPERTY LOCATION: 28400 S.R. 520, Christmas, FL 32709, west side of S.R. 520, between Taylor Creek Rd. and S.R. 520, south of Cocoa Water Plant Rd.
PARCEL IDS: 20-24-34-0000-00-001, 20-24-34-0000-00-003, 20-24-34-0000-00-005, & 20-24-34-0000-00-007
LOT SIZE: 117.16 acres
NOTICE AREA: 1,500 ft.
NUMBER OF NOTICES: 7

DECISION: Recommended **APPROVAL** of the Special Exception request in that the Board made a finding that the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, have been met and that the granting of the Special Exception does not adversely affect general public interest; further, and, Recommended **APPROVAL** of 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 and 2 absent):

1. Development in accordance with the site plan dated September 10, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or

fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall submit construction plans through the commercial site plan review process within three (3) years of final action by Orange County, or this approval is null and void.
5. The project area contains wetlands and will require a Conservation Area Determination (CAD) to determine the extent of the wetlands onsite. Additionally, the plan appears to show wetland impacts with the proposed development. A Conservation Area Impact Permit will be required for any wetland impacts.

SYNOPSIS: Staff explained that the request would consolidate all of its land holdings under one Special Exception for easier processing of future applications. In addition, the improvements will allow the City to provide redundancy in key equipment to ensure continuous operations in the event of equipment failure, and to increase flows for periods of heavy usage. Staff noted that the need for all of the parking was based on square footage of floor area, much of which is not habitable due to equipment or automation, and some of which, such as the proposed training building will be used intermittently. The variance for the High Service Pump building is a function of the equipment, which cannot be modified to better fit within the required height restrictions.

The applicant stated that the largest shift is 25 people not 41 as indicated in the staff report, so 70 spaces will be more than enough to accommodate all employees, and that there is not a lot of visitation to the plant. They stated that the CAD had been completed, and was ready to submit to EPD. The redundancy that the new improvements will provide will ensure that service is never disrupted. Training building will seldom if ever be used by any other group than the staff of the plant, which must regularly be updated on the latest in safety, chemistry, procedures, etc.

One resident appeared to speak regarding this application. They stated that they were neither in favor or opposed, they just wanted to put certain issues on the record. They stated that there has been vibrations of late, and that truck traffic has increased between the plant and the property used to dry some of the materials generated by the plant. They stated that, in general, the City has been a good neighbor; and they will get with them to discuss these items, and that were not opposed to this application. The applicant stated that they would personally meet with the neighbor to discuss these issues.

There being no one else to speak in favor or opposition to the application, the public hearing was closed.

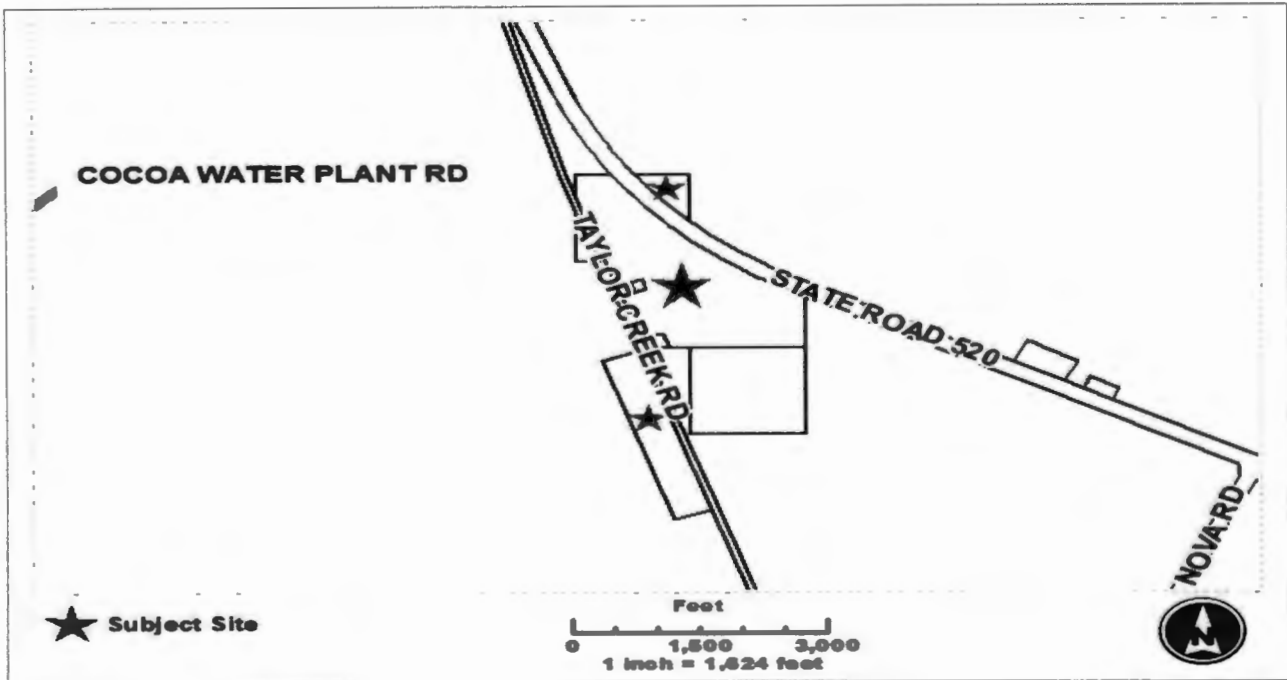
The BZA concluded that the application met the criteria for both the special exception and for the granting of the variances.

The BZA unanimously recommended approval of the special exception and the variances subject to the five (5) conditions found in the staff report.

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	Water treatment plant	Vacant	Vacant & single family residence	Vacant	Single family residence and pasture

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. Municipal uses, such as potable water treatment plants, are also permitted through the Special Exception process.

In June 1969, Orange County granted a Special Exception to permit the construction of a potable water treatment plant on the subject property by the City of Cocoa Utilities Department. In October 1993, the City obtained an amendment to that Special Exception to expand the plant. The City provides service to numerous customers, including the City of Cocoa, Patrick Air Force Base and Port Canaveral. The plant is designed to produce up to a total of 72 Million Gallons per Day (MGD) of potable water, consisting of 60 MGD of ground water, and 12 MGD of processed surface water from the Taylor Creek Reservoir. It currently has a permit issued by the Florida Department of Environmental Protection to produce up to 60 MGD consisting of both ground and surface water.

The City is now requesting a further amendment to the original Special Exception, allowing for the construction of additional buildings and structures intended to provide operational flexibility and redundancy for the plant, as well as transition from the use of gaseous chlorine and ammonia as disinfectants to their safer, more stable liquid counterparts. This application will also consolidate all of its land holdings under one Special Exception to better facilitate future expansion to accommodate the growth in its service area. While there is no current development proposed for the currently undeveloped parcels, by including them in the overall Special Exception, at such time as improvements are proposed, they will be included in an application to amend this application. This ensures continuity and project history.

The area surrounding the plant is largely undeveloped, with the main portion of the property located between S.R. 520 and Taylor Creek Rd. S.R. 520 is a four-lane divided highway with approximately 200 ft. of right-of-way, which provides access between the Cities of Orlando and Cocoa. Taylor Creek Rd. is a developed dirt road with approximately 80 ft. of right-of-way. This is not a County maintained right-of-way, and the City has a maintenance agreement with the County. This road provides access to the water plant and the wastewater disposal facility for the plant located on a parcel west of the plant and on the west side of Taylor Creek Rd. It also provides access to a Duke Energy substation located in the interior of the water plant property. In addition, the road provides access to an FAA tower on a parcel abutting the south side of the City's plant.

In addition to the Special Exception, four (4) Variances are required. A variance is required to accommodate an existing maintenance building, which was built 25 ft. from the property line abutting Taylor Creek Rd., rather than the required 35 ft. An additional variance is being requested to allow for the construction of a training building located to the south of the maintenance building, which is proposed to have a setback of 18 ft. in lieu of 35 ft. The reason for the reduced setback for the training building is due to the existing containment tanks and transmission lines located to the east of the building's proposed location, which store the various chemicals involved in the processing of potable water.

A third variance is being requested to reduce the total number of parking spaces required for the site from 75 to 70 spaces. Parking is calculated based on floor area, and not on the actual occupancy load of the facility. With the construction of the new training building, there will be a total of 14,990 sq. ft. of floor area including the existing operations building. Based on the parking regulations, this will require 75 parking spaces. However, there is a significant amount of floor area in the buildings which is either not occupiable due to the presence of equipment, or which, due to the automation of equipment, are infrequently occupied, or intermittently occupied, such as break rooms or the proposed training rooms. The largest shift at the plant consists of 41 employees and there are few visitors to the plant other than inspectors from the State and County, and delivery vehicles. With the largest shift comprised of 41 persons, there will be 29 excess spaces.

A fourth variance is needed for the height of a building, which is to house a pump specifically designed to handle high flow volumes. This building is proposed to be 36 ft. tall in lieu of 35 ft. The size of the building is due to the size of the equipment which it will house. This equipment cannot be left outdoors.

The Environmental Protection Division (EPD) has reviewed the plans and finds that there is a potential for some impacts to some of the wetlands located on the property. EPD staff has recommended that the City perform a Conservation Area Determination (CAD) Study to identify existing wetlands, determine if any impacts will result from the proposed construction, and if impacts will occur, obtain the necessary permits (Conservation Area Impact Permit (CAI)) to alter those impacted wetlands. Staff is recommending a condition be added to require a CAD, and to delay issuance for any permit that will impact a wetland until a CAI is approved by the BCC.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	36 ft. (High flow pump building)
Min. Lot Width:	100 ft.	2,300+ ft. (S. Taylor Creek Rd.)
Min. Lot Size:	.5 acres	117.16 acres

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

	Code Requirement	Proposed
S.R. 520 Front:	35 ft.	660 ft.
Taylor Creek Rd. Front:	35 ft.	25 ft. (Maintenance) 18 ft. (Training)
Side:	10	160 ft. (south) 40 ft. (north)
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

Through the Special Exception process, uses such as major utilities are deemed consistent with the Comprehensive Plan.

Similar and Compatible with the Surrounding Area

The majority of the surrounding area is pasture and woodlands. The water plant is the dominant use in the area.

Shall Not Act as a Detrimental Intrusion into a Surrounding Area

The plant has been in existence for 50 years, since 1969. There are no documented accounts of any issues arising from its existence. The proposed expansion should not create a detrimental intrusion.

Meet the Performance Standards of the District

With the granting of the four variances, the site will meet the performance standards for the district.

Similar in Noise, Vibration, Dust, Odor, Glare, Heat Production

The plant does not generate any glare, heat dust or noise. Most activity takes place in enclosed buildings. During a field visit, staff did not detect any excessive noise or odors.

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

The applicant will be required to provide some landscaping between the new training building and S. Taylor Creek Rd., which can be accommodated in the reduced setback.

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions and circumstances regarding this site is the age of the plant and its evolution. The plant is a blend of older and newer technologies. The older equipment required more room to operate, using up space to the point that the only location for the training building is to fit it in the proposed location near the chemical storage tanks. The maintenance building was located where it currently sits in 1999. It was placed far enough from the receiving building to the east to allow proper room for maneuvering the delivery vehicles into and out of the drop-off area. With regard to the parking variance, there are large areas such as a 1,500 sq. ft. training room and an 862 sq. ft. break room, which add to the parking requirement, but are only infrequently used. Plus, as noted, the largest shift consists of 41 employees. Regarding the building height, the size of the building is a function of the equipment, which must be housed indoors.

Not Self Imposed

The location for the training building is due to constraints on available buildable space. Due to the age, scope and function of the facility, it is not possible to shut down or relocate equipment. With regard to parking, the City needs facilities for training and for breaks during the work shift. These facilities add to the parking requirements without actually needing additional parking due to infrequent use. The pump that will be housed in the building cannot be modified to reduce its size. This necessitates the added one (1) ft. of height to the building.

No Special Privilege Conferred

Allowing the training room to be located in the setback will not be conferring a special privilege. Granting the variance will allow the City to construct a new facility at the size needed in the only location with enough room to accommodate it. The pumps that the pump building will contain must be housed indoors.

Deprivation of Rights

Without the variance to the location of the maintenance building which has been located in the same place since 1999, the City would need to move it. This would restrict maneuvering space in front of the building, impacting operations. Without the variance for the training building, the facility would need to be reduced in size, and would not meet the needs for which it is being proposed. Without the variance for the parking, the City will need to construct five (5) spaces, which are not needed, creating unnecessary impervious surface area in a rural area.

Minimum Possible Variance

The variance for the parking reduction equates to a 6% deviation from the minimum required, and as it has been demonstrated, the need for those spaces does not exist. There are no plans to expand the maintenance building, therefore, its current location would be considered the minimum variance needed. The presence of the chemical storage facility necessitates the reduced front setback, as moving the storage facility would be a significant undertaking both physically and financially. The height of the pump building will be 2.7% higher than the maximum allowed. It will also be internal to the overall plant, and will be imperceptible from outside the property boundary.

Purpose and Intent

With 29 more parking spaces provided than employees on the largest shift, more than adequate parking will be provided to meet the purpose and intent of the code. The encroachments into the setback are along a sparsely travelled road. Adequate space remains available to plant the required front elevation plantings, which will satisfy the purpose and intent of the code. The deviation to the height of the pump building will be insignificant, and will also meet the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated September 10, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall submit construction plans through the commercial site plan review process within three (3) years of final action by Orange County, or this approval is null and void.
5. The project area contains wetlands and will require a Conservation Area Determination (CAD) to determine the extent of the wetlands onsite. Additionally, the plan appears to show wetland impacts with the proposed development. A Conservation Area Impact Permit will be required for any wetland impacts.

COVER LETTER



UTILITIES DEPARTMENT
351 Shearer Boulevard, Cocoa, FL 32922
Phone: (321) 433-8700/Fax: (321)433-8708

August 14, 2019

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

Subject: Special Exception and Variance Application

To whom it may concern:

The City of Cocoa owns and operates the Claude H. Dyal Water Treatment Plant, located in Orange County at 28400 State Road 520, Christmas, Florida 32709. This plant is responsible for treating and delivering drinking water to a large portion of Brevard County, with over 80,000 customer connections. It also delivers water to Kennedy Space Center, Cape Canaveral Air Force Station, Patrick Air Force Base and Port Canaveral. The plant was constructed in 1969, and has undergone multiple expansions and improvements since. In order to comply with the zoning requirements for the parcel (zoned A-2), a Special Exception was applied for and was granted at the time of its construction. It was previously amended at least once in 1993, when the plant was expanded to handle surface water in addition to groundwater.

Now, the City has identified the need for a construction project consisting of replacing our gaseous chemical delivery system with a liquid system, installing a redundant finished water transmission line and replacing the two emergency backup diesel generators on site, as well as some other site improvements. As such, the City is requesting a further amendment to the Special Exception first granted in 1969, as well as two variances allowing for the constructability of certain aspects of the project.

Stay Connected: www.CocoaFL.org



Amendment to the Special Exception

As previously stated, the City of Cocoa was granted a Special Exception in 1969 to allow for construction of a drinking water treatment plant on a parcel zoned A-2 (Agricultural). In 1993, this Special Exception was amended to allow for construction of additional buildings and structures to add a surface water treatment process to the plant.

The City is now requesting a further amendment to the original Special Exception, allowing for the construction of additional buildings and structures intended to provide operational flexibility and redundancy for the plant, as well as transition from the use of gaseous chlorine and ammonia as disinfectants to their safer, more stable liquid counterparts.

Appendix A provides a proposed site plan that includes this project's proposed improvements, as well as foreseeable future improvements. Also included are elevation drawings of each structure.

Variance #1 – Building Setbacks on West Side of Parcel

On the west side of the plant parcel, running along Taylor Creek Road, there is a need for two buildings to have a setback from the parcel line smaller than that mandated by zoning requirements.

The first is an existing Maintenance Building. This is a metal building located near the Groundwater Chemical Building. It was positioned such that both plant maintenance vehicles and larger delivery trucks could maneuver between the Maintenance Building and the Chemical Building. As such, this resulted in a setback of 25 feet instead of the required 35 feet.

The second is a proposed Training Building. This metal-panel building will contain seven offices, a large training/conference room, locker rooms and a breakroom. This building is intended to be utilized by the plant's maintenance staff, whose workshop is also on the west side of the parcel. Combine this with the fact that there exist many large water transmission lines near the front entrance of the plant (the only other space that could fit the Training Building), the southwest corner of the parcel is the best placement option for the Training Building. The proposed Training Building has a setback of 18 feet (from the edge of the covered patio to the parcel line), as opposed to the required 35 feet.

The City of Cocoa contacted the Orange County Roads and Drainage Department to inquire as to the size of the right-of-way for Taylor Creek Road, to ensure that these reduced setbacks did not let the buildings overlap. The Department's response was that, while Taylor Creek Road is in fact a County road, it is not maintained by the county, and no right-of-way information was available.

Between the dirt surface of Taylor Creek Road and the buildings in question, there is a green shoulder, a drainage ditch and a chain-link fence.

Appendix B contains a drawing and photos showing the setback of the existing Maintenance Building, as well as a drawing showing the setback of the proposed Training Building.

Variance #2 – Number of Parking Spots on Site

Construction of the new Training Building requires the construction of additional parking spots. The City is proposing the construction of 10 spots around the Training Building, and the addition of 24 spots near the existing Operations Building (the only other constantly-occupied building on site, and location of the only other parking lot on site). These additions bring the total number of parking spots on site to 70.

Orange County Code requires one parking spot on site for every 200 square feet of office space. Using the square footage of the Operations and Training Buildings and subtracting bathrooms with fixtures and stairwells, the calculations yield a requirement of 75 parking spots. (Appendix C shows the calculations used to determine the requirement.)

The City is requesting a variance to allow for a total of 70 parking spots instead of the required 75. 70 parking spots is more than adequate to accommodate the number of people on site at any one time, as the plant operates on three different shifts, and the most employees on site at once are 41. Other requirements, such as the required number of handicapped accessible spots, will still be met.

Thank you very much for your consideration. Please contact me if there is any more information that we could provide.

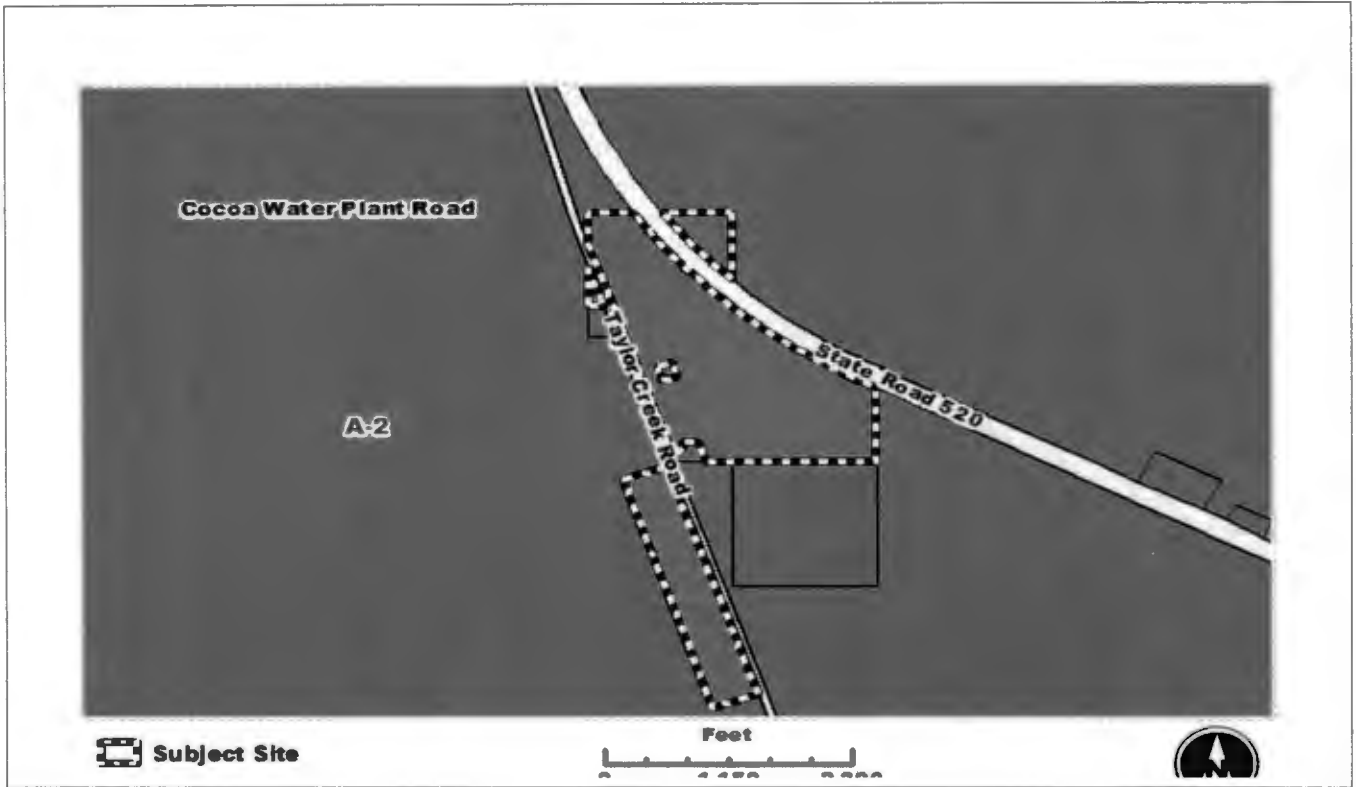
Sincerely,



Katherine "Katie" Ennis, P.E.
Deputy Director
Utilities Department
City of Cocoa
kennis@cocoafl.org
(321) 433-8722

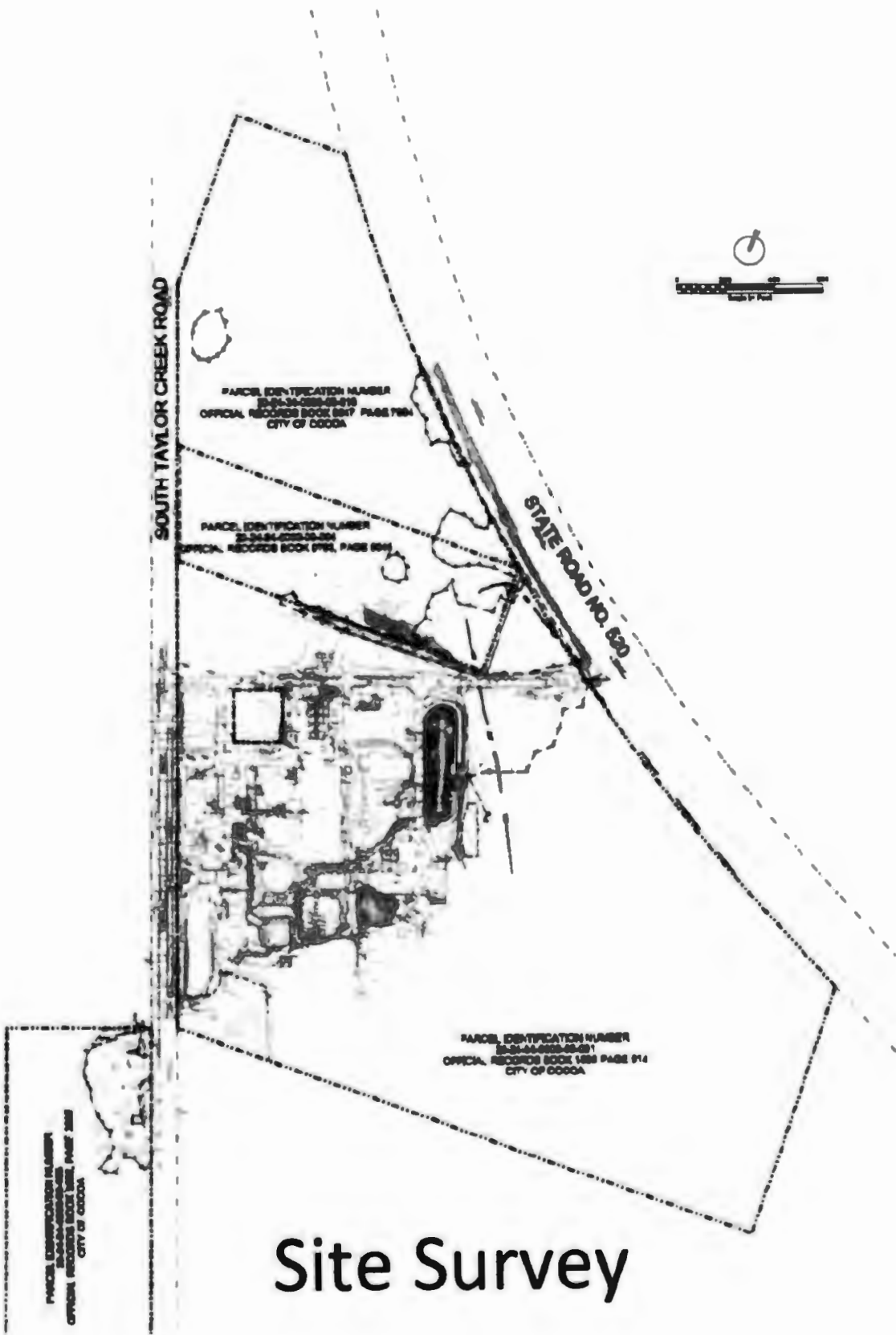


ZONING MAP



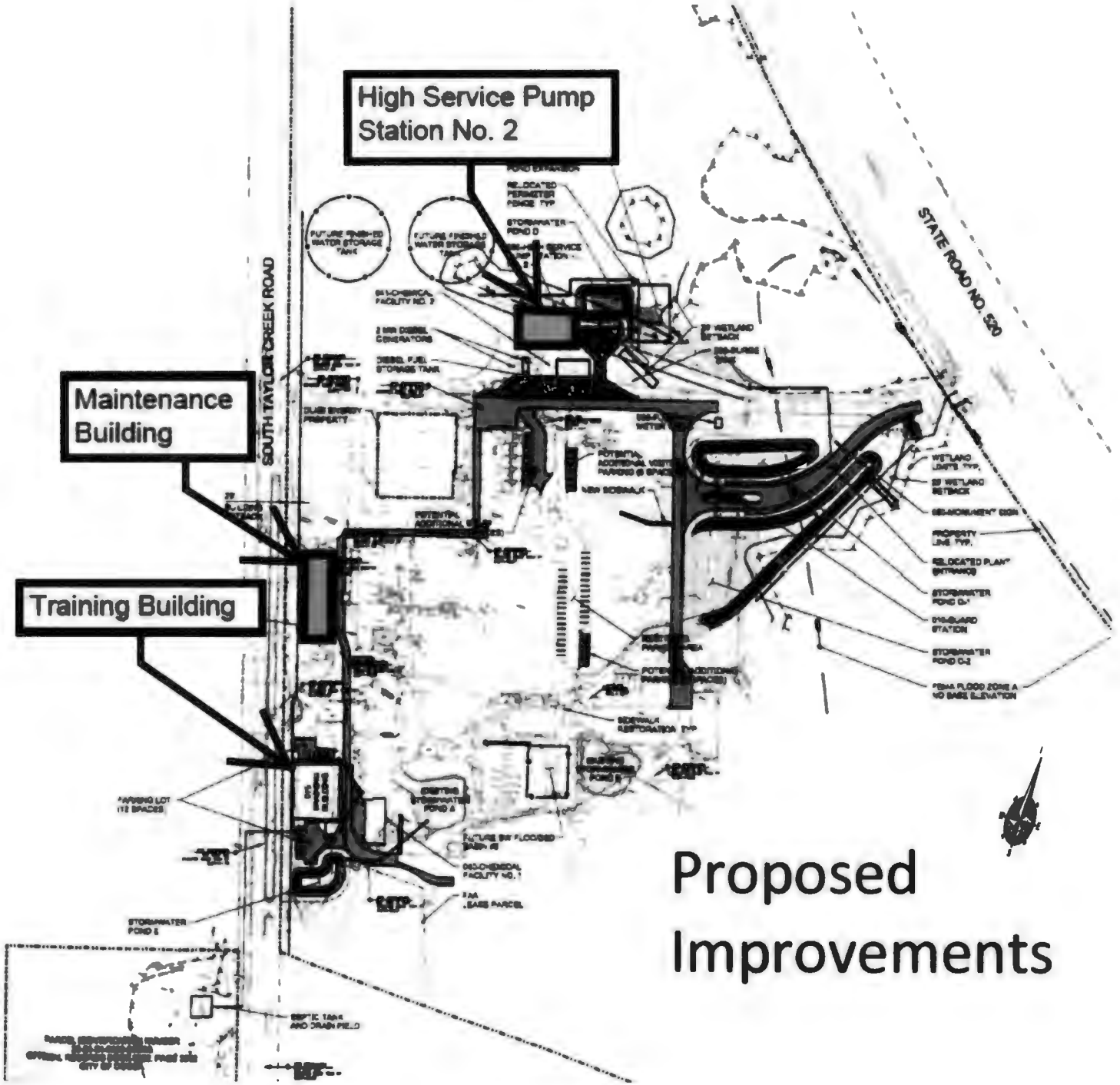
AERIAL MAP





Site Survey

SITE PLAN

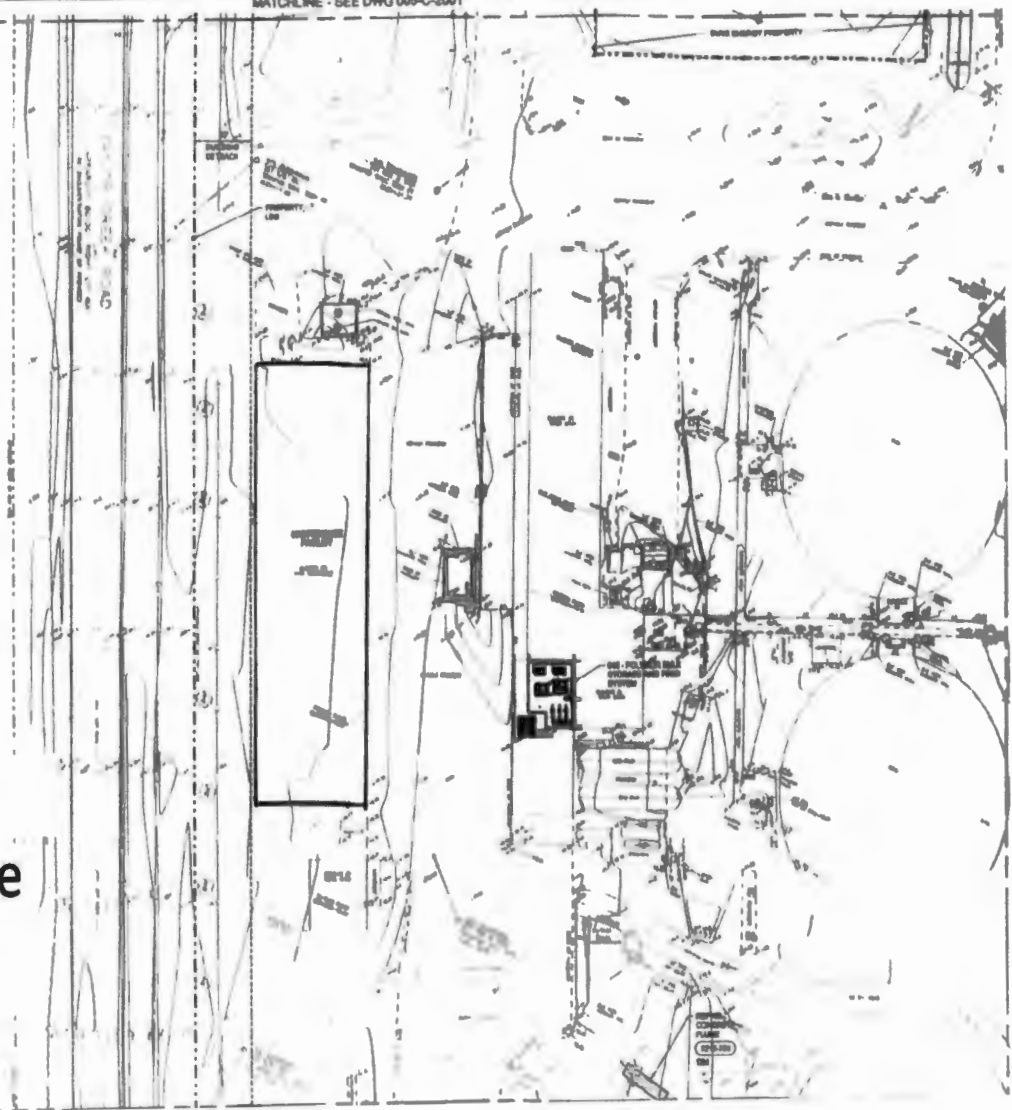


Proposed Improvements

DETAILED SITE PLAN/MAINTENANCE BLDG.



**Maintenance
Building**

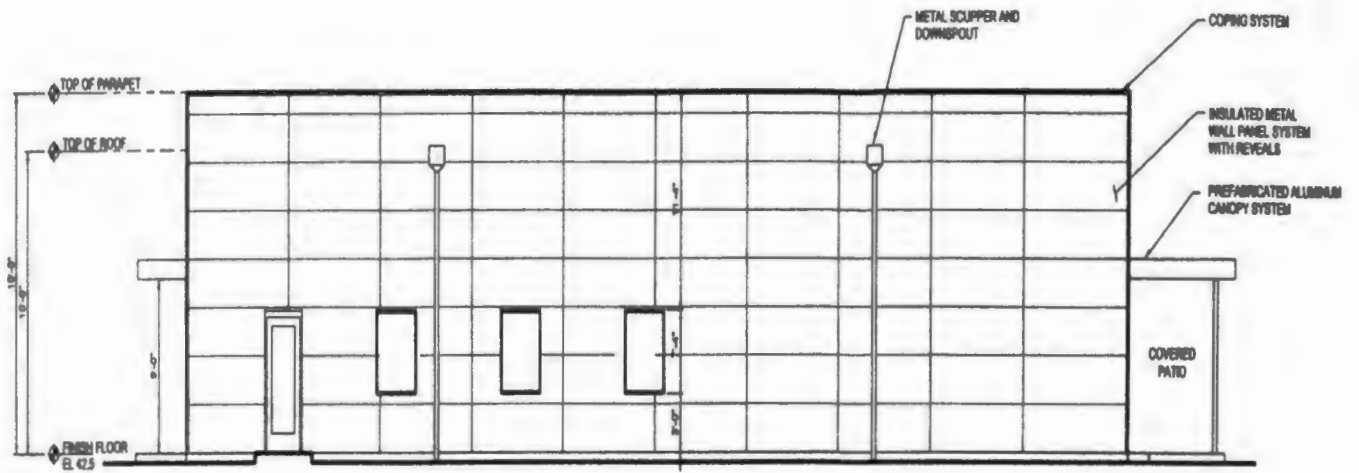


MAINTENANCE BLDG.

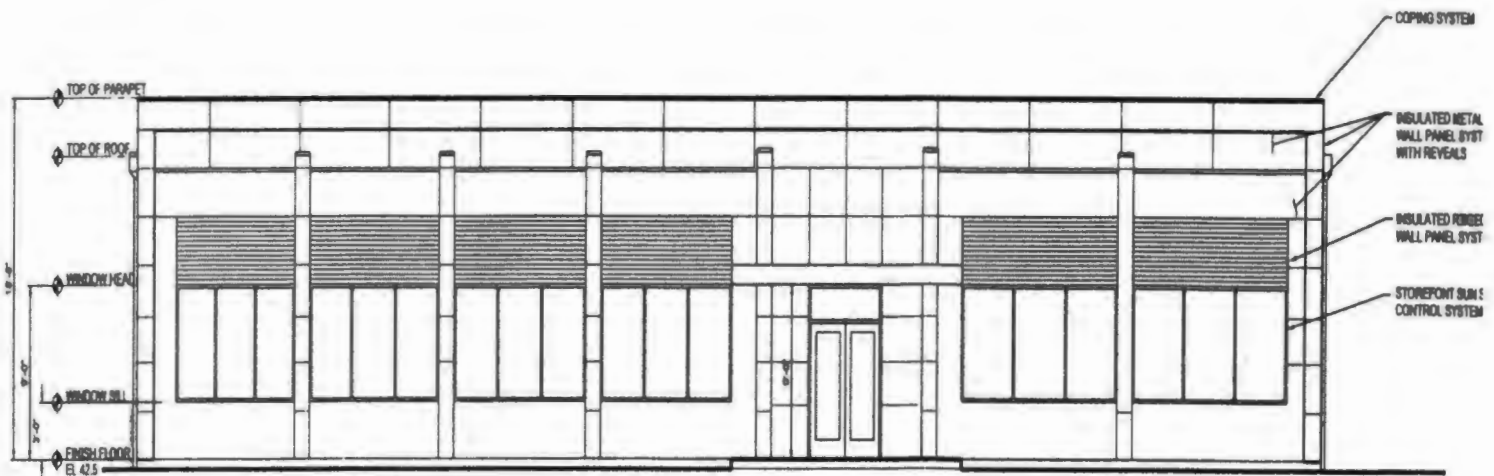


Existing Maintenance Building Front Elevation

TRAINING BLDG. ELEVATIONS

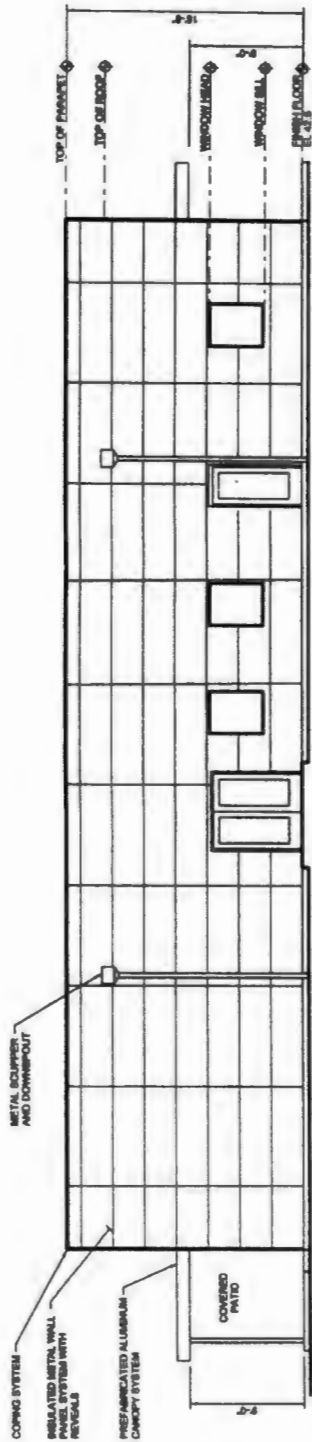


1 NORTH ELEVATION
318'-11 1/2"
15-A-2001

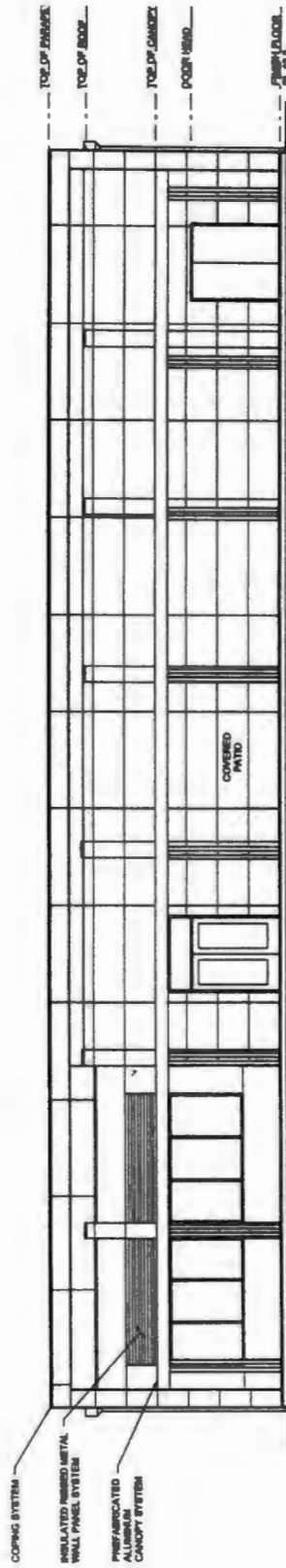


2 EAST ELEVATION
318'-11 1/2"
15-A-2001

TRAINING BLDG. ELEVATIONS



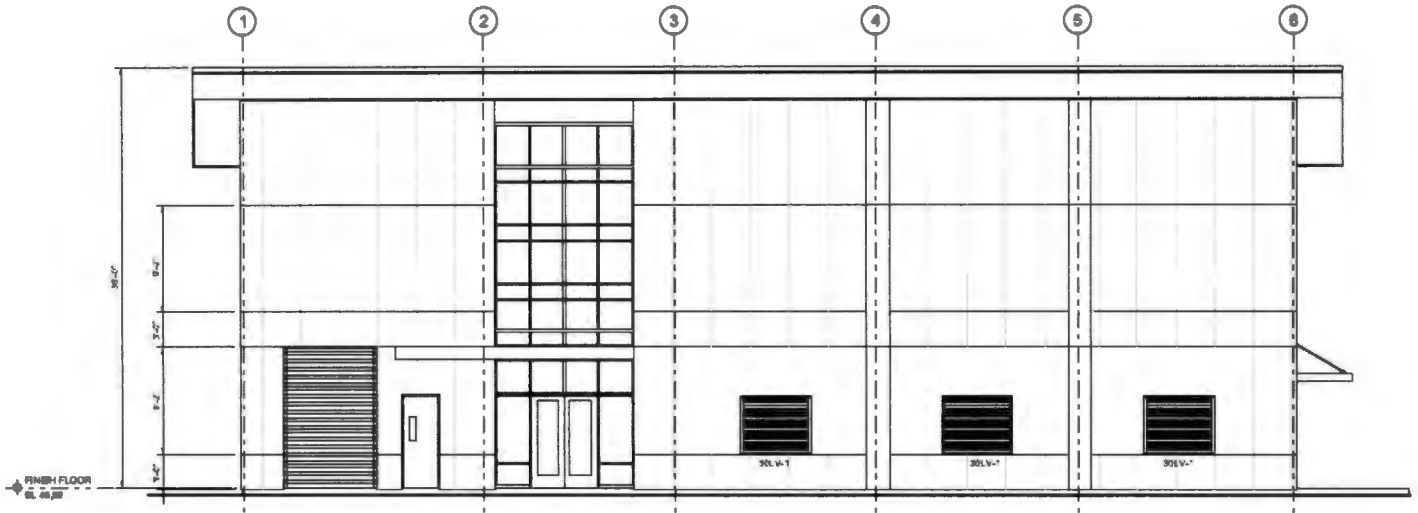
3 SOUTH ELEVATION
 5/17/14
 18-A-2001



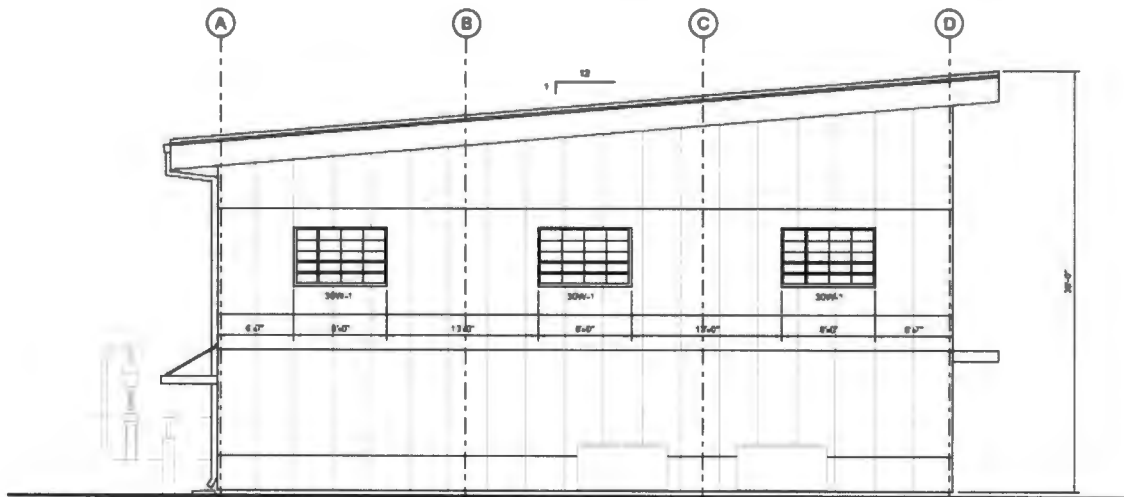
4 WEST ELEVATION
 5/17/14
 18-A-2001

TRAINING BUILDING

HIGH FLOW PUMP BLDG. ELEVATIONS



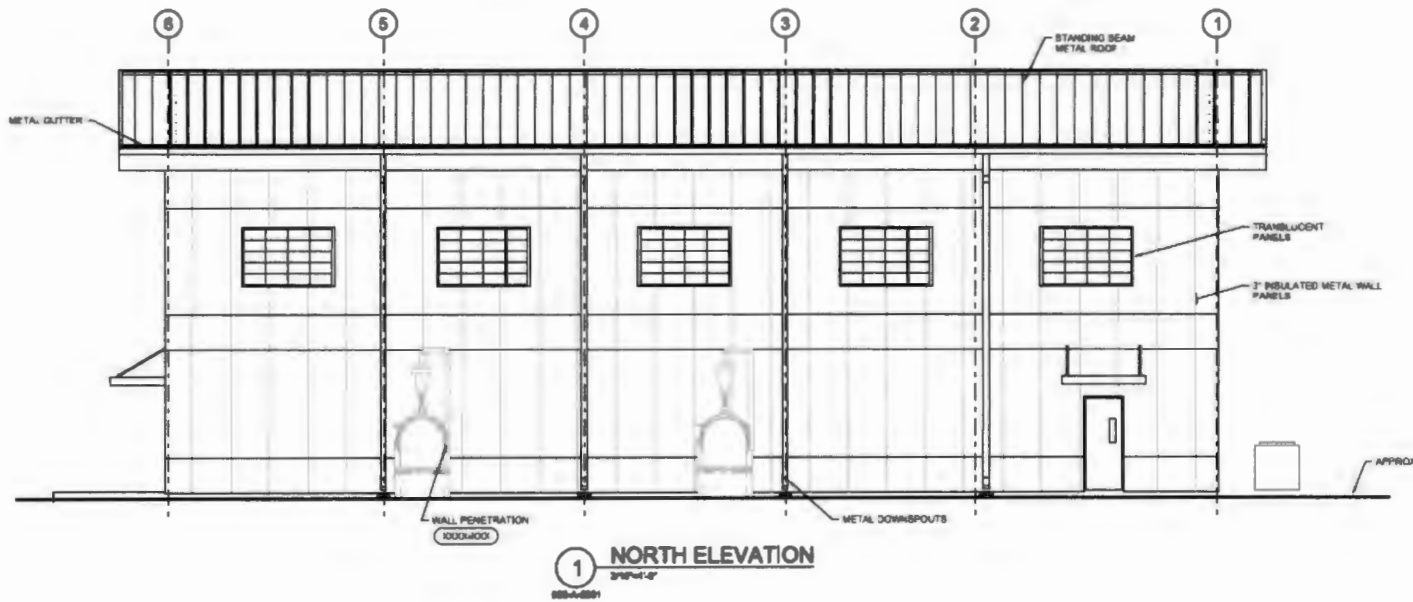
3 SOUTH ELEVATION
3/19/2018
028-A-0001



4 WEST ELEVATION
3/19/2018
028-A-0001

PUMP BUILDING

HIGH FLOW PUMP BLDG. ELEVATIONS



PUMP BUILDING

SITE PHOTOS



Existing Maintenance Building Looking Southwest



Maintenance Building and Receiving Building Looking South

SITE PHOTOS



Rear of Existing Maintenance Building Facing Taylor Creek Rd.



Landscaping Along Taylor Creek Rd. behind Maintenance Bldg.

SITE PHOTOS



Proposed Training Building Location Looking South



Existing Chemical Storage Facilities Looking East From Training Building Site

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 05, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-07-062**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): JANE LEE

OWNER(s): RICKY LEE

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

- 1) To allow an existing 12 ft. x 26 ft. accessory structure (henhouse) to be located in front of the principle residence in lieu of alongside or behind.
- 2) To allow an existing 12 ft. x 26 ft. accessory structure (hen house) to be located 8 ft. from the side street (east) property line in lieu of 15 ft.
- 3) To allow an existing 14 ft. x 18 ft. accessory structure (pole barn) to be located in front of the principle residence in lieu of alongside or behind.
- 4) To allow an existing 17 ft. x 2 ft. accessory structure (rabbit hutch) to be located in front of the principle structure in lieu of alongside or behind.
- 5) To allow an existing 17 ft. x 2 ft. accessory structure (rabbit hutch) to be located 10 ft. from the side street property line in lieu of 15 ft.
- 6) To allow an existing 24 ft. x 2 ft. accessory structure (rabbit hutch) to be located in front of the principle residence in lieu of alongside or behind.

PROPERTY LOCATION: 1440 St. Nicholas Ave., Christmas, FL 32709, southwest corner of St. Nicholas Ave. and Bartholomew St., approximately .7 miles south of E. Colonial Dr.

PARCEL ID: 34-22-33-1327-03-300

LOT SIZE: 123 ft. x 360 ft. / 1.01 acres

NOTICE AREA: 600 ft.

NUMBER OF NOTICES: 38

DECISION: Recommended **APPROVAL** of 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 October 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.
 4. If the henhouse and rabbit hutches are ever removed or destroyed, they shall be relocated outside of all required setbacks.
 5. The existing vegetation along the front (north) and side street (east) property lines shall be preserved and replaced if lost.
 6. Obtain permits for all unpermitted accessory structures within 180 days.

SYNOPSIS: Staff gave a history of the subject property, including the fact that before the plats were recorded, the owner of the property, which would ultimately become the Christmas Park community was granted a variance to allow mobile homes on one (1) acre lots. Staff also noted that the applicant has been licensed since 2017 to sell eggs and honey, and has had livestock for at least four (4) years. Staff clarified that even though the house is addressed off of St. Nicholas Ave., because of the way the Zoning Code defines the front of a lot, the front yard is off of Bartholomew St. Staff noted that if the mobile home was located entirely on the south 50% of the lot, the structures would be allowed in front of the home; however, they would have to honor the setbacks of the principle structure. Staff clarified they were recommending approval of the variances to allow the structures to remain in front of the principle structure, but denial of the variances to allow the structures to remain in the front or side yard setbacks.

The applicant explained that they would like to leave the structures where they are currently located. If she moved them in closer to the center of the lot, they would then be closer to both the front door of their neighbor's home, and the workshop where the neighbor spends a great deal of time. The BZA asked the applicant if they would agree to meet all setbacks if the henhouse and hutches were ever destroyed or removed. The applicant agreed to that condition.

There being no one present to speak in favor or opposition to the request, the public hearing was closed.

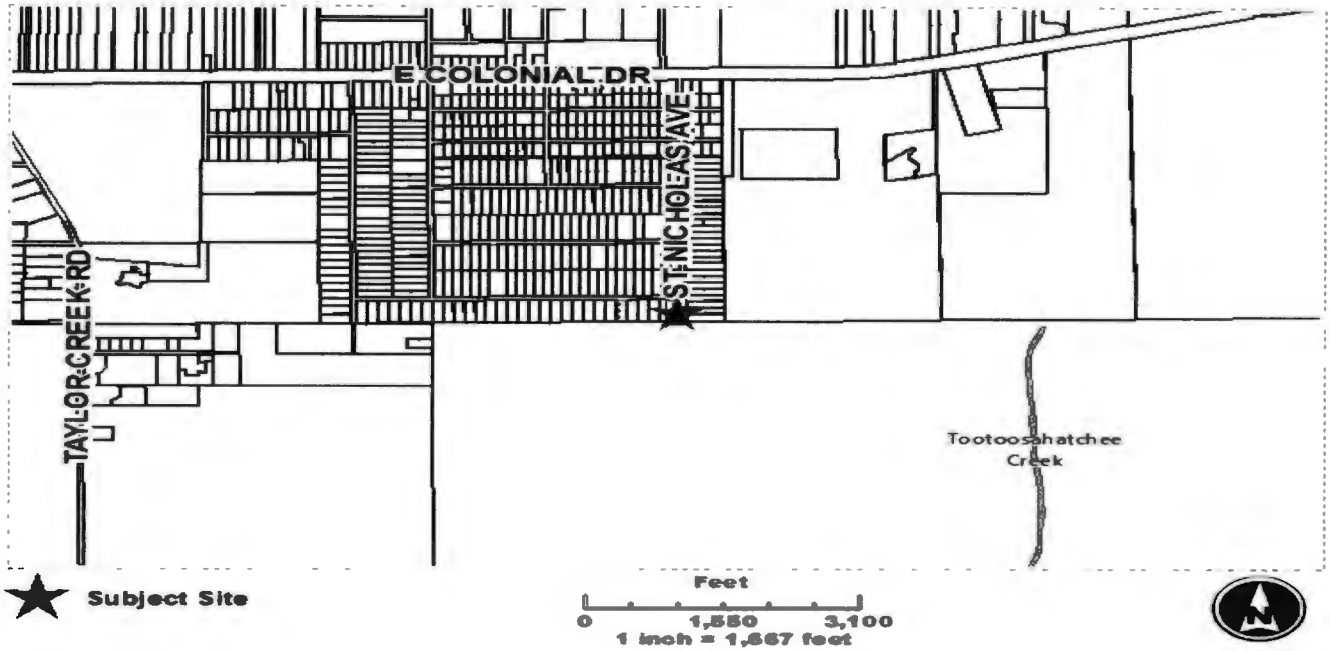
The BZA concluded that the current location of all structures was acceptable, and with a reworded Condition #4, requiring that if the henhouse or rabbit hutches were ever destroyed or removed, any replacement would need to meet the setbacks, that the application satisfied the six (6) criteria.

The BZA unanimously recommended approval of the variances subject to six (6) conditions as amended.

STAFF RECOMMENDATIONS

Approval of Variances 1, 3, 4, and 6, and denial of Variances 2 and 5, 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	RS 1/1 Christmas RS	RS 1/1 Christmas RS	PR & OS	RS 1/1 Christmas RS	RS 1/1 Christmas RS
Current Use	Mobile Home w/agricultural uses	Mobile Home	Tosohatchee State Reserve	Mobile Homes	Mobile Home

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is located in the A-2 Farmland Rural Zoning District, which allows agricultural uses, mobile homes, and single-family homes with accessory structures on larger lots. It also allows the keeping of farm animals.

The subject property consists of a 1.01 acre lot created through the Christmas Park First Addition plat recorded in November 1959. The subject property has a mobile home containing 2,294 sq. ft. of living area which was placed on the property in 2007 (B07000689). In addition, there is a pole barn, henhouse, two (2) rabbit hutches, and four (4) sheds. None of which have permits. The applicant owns a cow and a bull, two (2) goats, a pig, ducks, chickens, guinea fowl, and rabbits, all of which reside on the property.

While the property is addressed off of St. Nicholas Ave., the code defines the front of the property as the narrow width of a lot abutting a street. According to this definition, the front of the lot faces Bartholomew St., and the side street yard abuts St. Nicholas Ave.

There is a 7.5 ft. drainage easement along the side and side street property lines, and a 30 ft. drainage easement along the rear (south) property line. The property backs up to the Tosohatchee State Reserve, which is State owned land.

The southern portion of the lot is heavily wooded. To the west of the residence is a mounded septic system. The northern portion of the site has been developed for agricultural activities, and includes rabbit hutches a henhouse, and a pole barn. The pole barn is the shelter for the larger animals. Dense vegetation is located along the east, west, and south property lines. There is an existing shed located approximately three (3) ft. from the side street lot line, which the applicant will be removing because it is located in the drainage easement.

Detached accessory structures are not permitted in front of the principal structure unless the principal structure is located in the rear 1/2 of the lot, in which case they shall comply with the principal structure setbacks.

The residence is generally situated to the southern center 1/3 of the lot, though not far enough to the south to be completely in the rear 1/2 of the lot, which would negate the need for some of the variances dealing with placement of an accessory structure in front of the principle structure. If the variances to allow the accessory structures in front of the principal structure are granted, then the accessory structures will need to meet the principle structure setbacks of 35 ft. in the front, 15 ft. in the side street yard, and 5 ft. from the side for all structures 15 ft. or less in height.

As of the preparation of this report, 19 neighbors submitted letters of support. Two (2) other letters of support were received from others who do not live in the area. No letters of opposition have been received.

The applicant has been licensed by the state to sell eggs and honey since 2017. The milk produced by the cow is used by the applicant for personal consumption. The applicant will be filing for an Agricultural Exemption on a portion of the property.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.(House)/25 ft. (Accessory structures)	20 ft. (House)/15 ft. or less (All accessory structures are proposed at 15 ft. or less)
Min. Lot Width:	100 ft.	122 ft.
Min. Lot Size:	2 ac. for mobile homes	1 ac.

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

	Code Requirement	Proposed
Front:	35 ft. (Home & accessory structures if home in rear 1/2 of lot)	161 ft. (House)/60 ft. (Pole barn)/ 44 ft. (Henhouse)/ 2.9 ft. (Rabbit hutch)
Rear:	50 ft. (Home)/5 ft. (Accessory structures w/height of 15 ft. or less)	125 ft. Home/ 85 ft. (nearest accessory structure)
Side:	10 ft.	36 ft. (Home)/32 ft. (Pole Barn)/ 87 ft. (Henhouse)
Sidestreet:	15 ft. (All structures)	55 ft. (Home)/10 ft. (Rabbit hutch)/ 8 ft. (Henhouse)/74 ft. (Pole Barn)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions particular to the subject property is the location of the mobile home, the existing septic system, and the presence of a sizable stand of mature trees clustered in the south end of the property. To relocate the accessory structures to behind the house would result in the loss of a significant number of the mature trees.

Not Self-Created

The applicant's husband purchased the subject property in 2014. The mobile home was replaced in 2007 (B07000689). Based on a review of historic aerials, the northern portion of the lot has had the sparsest tree coverage in comparison to the southern portion.

No Special Privilege Conferred

The granting of the variances to allow the structures to remain in front of the principle structure will not be conferring a special privilege, but rather it will help preserve an existing stand of mature trees. However, granting the variances to allow the accessory structures to remain in the side street setbacks would be granting a special privilege. For homes which are located in the rear half of the lot, accessory structures must comply with all principal structure setbacks.

Deprivation of Rights

Without the variances to allow the structures to remain in front of the principle structure, the applicant will need to relocate the structures to the south side of the lot, potentially losing mature trees.

Minimum Possible Variance

With the relocation of the existing structures out of the required setbacks, allowing the accessory structures to remain in front of the principle structure would be the least variances needed.

Purpose and Intent

With the relocation of the existing structures out of the front and side street setbacks, these setback areas will be free of obstructions, which will meet the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated October 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.
4. The 12 ft. x 26 ft. henhouse and 2 ft. x 17 ft. rabbit hutch shall be set back a minimum of 35 ft. from the front property line.
5. The existing vegetation along the front (north) and side street (east) property lines shall be preserved and replaced if lost.
6. Obtain permits for all unpermitted accessory structures within 180 days.

c: Jane Lee
1440 St. Nicholas Ave.
Christmas, FL 32709

Jane Lee

1440 Saint Nicholas Ave Christmas Florida 32709
321-696-3160

April 26, 2019

Leecorp Enterprise LLC is the parent company of Janes Farm and is owned By Jane Lee located in Christmas Park Christmas Florida Lot 30. when I became disabled in 2010 I was diagnosed with issues that required me to walk and to keep busy as much as possible to slow the process, and since I must stay as close to home as possible I decided to start a micro farm and since I was zoned A2, incorporated, and obtained my eggs and poultry permit as well as a peddlers permit I thought that I was totally legal to have my farm as described below until Winford Alleyne from code enforcement informed me in April 2019 that for the last 8 years I had been operating outside the law, thus bringing us to this point:

Janes Farm is a micro farm growing vegetables and raising Cows, goats and chickens, and rabbits for food purposes as well as selling product to customers.

The 3 cows provide my family with product for making cheeses, yogurts, fresh milk, and butter all of which I make myself in my home for personal use. And to sell any babies that are born to supplement the farms income. I also sell the cow poo to gardeners. The cows have been a 4 year investment and we are just now at the point that both heifers are pregnant.

The 50 chickens geese, and ducks are raised for eggs and meat production of which I am licensed by the agricultural department to sell to the public Food Entity Number 365627 Orange County peddlers permit number 3504 I also sell adult hens and baby chicks as part of the farm income. All poultry is professionally processed no killing is done on the farm.

The 3 Goats are raised for the milk for personal use and to sell any babies that are born to supplement the farms income.

The 8 Rabbits housed in individual pens produce food for personal food use, fertilizer to sell and for the farms gardens and the babies are sold to other farmers for the same purpose.

1 pig that wandered into the property about 3 years ago and refuses to leave. He contributes absolutely nothing to the farm except entertainment as he loves the cows and interacts with them daily.

The cows, goats and pig are sheltered in a 17x14.6, 249 sq ft pole barn. All

poultry roost in trees and on outdoor roosts.

Vegetables are grown to home can for personal use and to sell fresh to the public.

I make homemade jams and juices from fruits grown on the property, such as papaya and grapes. I make salted lemons and limes and extracts from the myers lemon and key lime trees, I also make and home can the juice.

Since I have such a large amount of feed to put out each day I use a low sided trailer and on that trailer there will be bread that I buy by the truck load, Wrangler all stock 12% grains fruits and vegetables obtained from a local grocery store and brewers grain provided by a farmer friend from a downtown micro brewery.

Large rolls of hay and salt and mineral blocks are accessible 24/7 alfalfa cubes are given as treat.

Tree trimmings are provided during the winter pruning. Though they will nibble at any grass or greenery they are not grazers.

I use pour on ivermectin to control flies and all animals are wormed in the fall and in the spring using vinegar in the water and diatomaceous earth. I will also utilize ash from burning brush and leaves as a natural wormer and sand bath to control mites on the chickens

Fridays is meat day for the chickens, they are provided raw ground beef as well as cold cuts and smoked sausages obtained from a local grocery store in bulk as animal feed only

All the animals have free access to food and water 24/7

Water is provided by pumping from the creek on the north end of the property or in drier weather in large tubs and pools

the farm is cleaned with bleach and water 2x's per year and on an as needed basis.

It has taken me years to build my farm and I am proud of the work I have done and all my animals are very healthy and some may even be overweight but they are happy and have been on the farm from a very young age the cows were only 48 hours old and the goats were only 4 months old so they know nothing but their home and when a cow is so comfortable in it's environment that it will snore while sleeping I would say that animal couldn't be happier.

The 6 Criteria requirements for the variances needed:

Special Conditions and Circumstances:

Corner lot corner of Bartholomew and Saint Nicholas Ave is 1 acre in size
minimum size in my area is ½ acre

Not Self-Created:

The property is located in an agriculture district and we are allowed to have
Farm animals and Because of the location of the home on the property there
is no other location for the Barnyard

No Special Privilege Conferred:

all other residents within our community have the same opportunity and
rights

Deprivation of Rights:

Without a variance the pole barn along with the hen house would need to be
moved and there is no other place for them

Minimum Possible Variance:

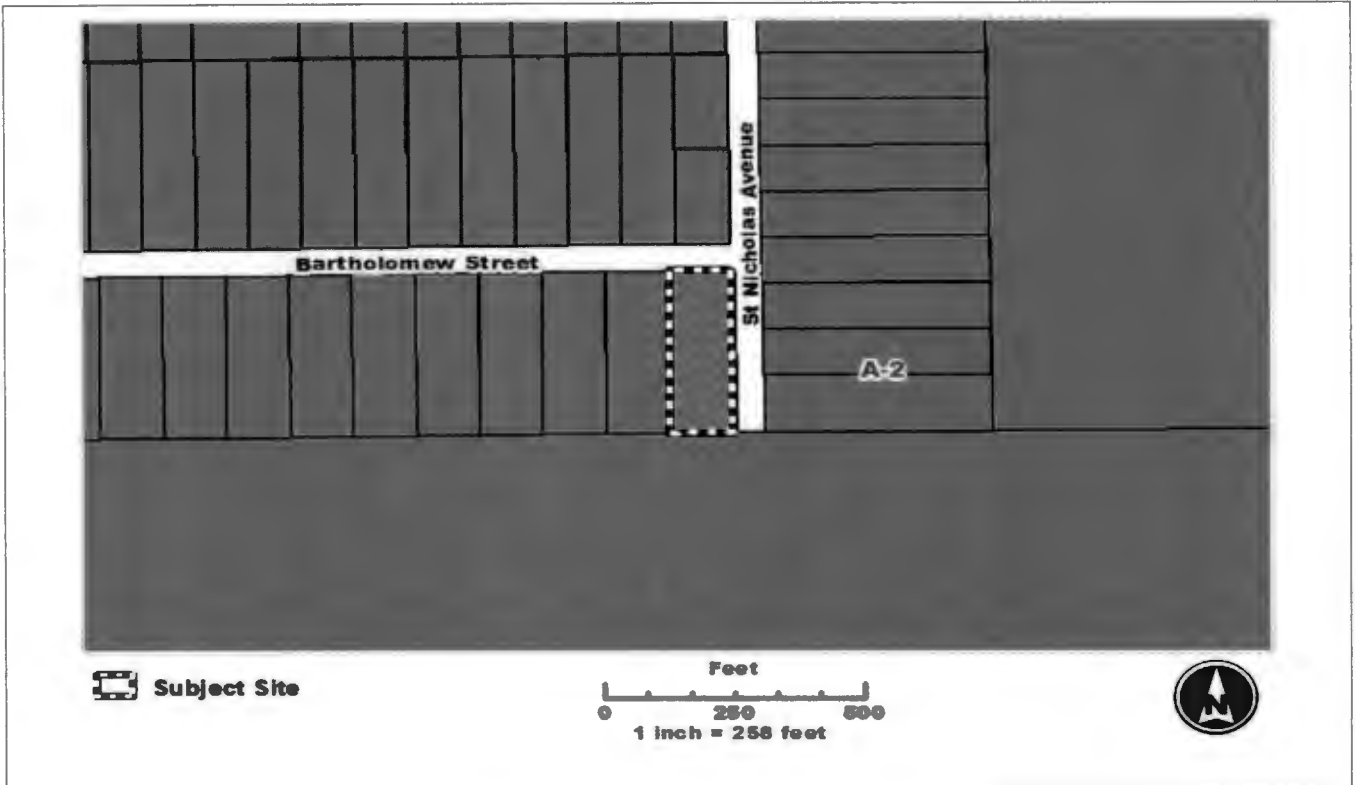
**The pole barn fences and other out buildings have been there for 12
years**

Purpose and Intent:

I have sufficient room on the lot and sufficient open space for meeting
purpose and intent of the code

Thank you
Jane Lee

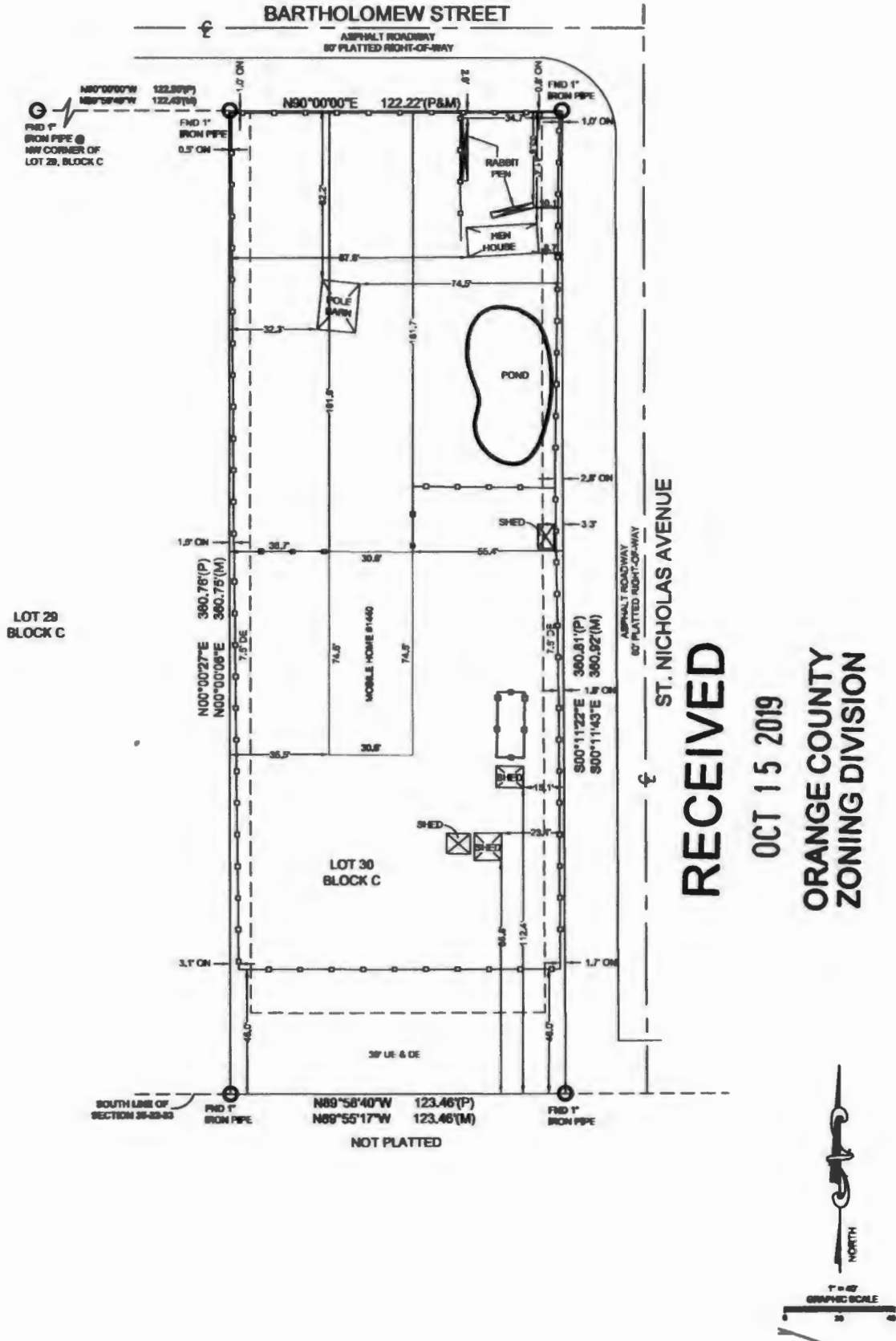
ZONING MAP



AERIAL MAP



SURVEY



SITE PHOTOS



Farm Yard Looking Northeast



Hen House Looking East

SITE PHOTOS



Pole Barn Looking Northwest



View from St. Nicholas Ave. Looking West

SITE PHOTOS



View from Bartholomew St. Looking Southwest



South End of Property Looking South

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 05, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-11-125**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): **BADCOCK CORPORATION (DON MOYE)**

OWNER(s): **DDRM SKYVIEW PLAZA LLC**

REQUEST: **Variance in the C-2 zoning district to allow a wall sign with a copy area of 190.72 sq. ft. in lieu of 172.5 sq. ft.**

PROPERTY LOCATION: **7873 South Orange Blossom Trail, Orlando, FL 32809, east of South Orange Blossom Trail, north of West Sand Lake Road**

PARCEL ID: **27-23-29-8093-00-010**

LOT SIZE: **25.84 acres**

NOTICE AREA: **600 ft.**

NUMBER OF NOTICES: **528**

DECISION: Recommended **APPROVAL** of 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; 4-0 and 3 absent):

1. Development in accordance with the site plan dated November 7, 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 and sign.

The applicant did not have anything to add.

The BZA felt that the request was straightforward.

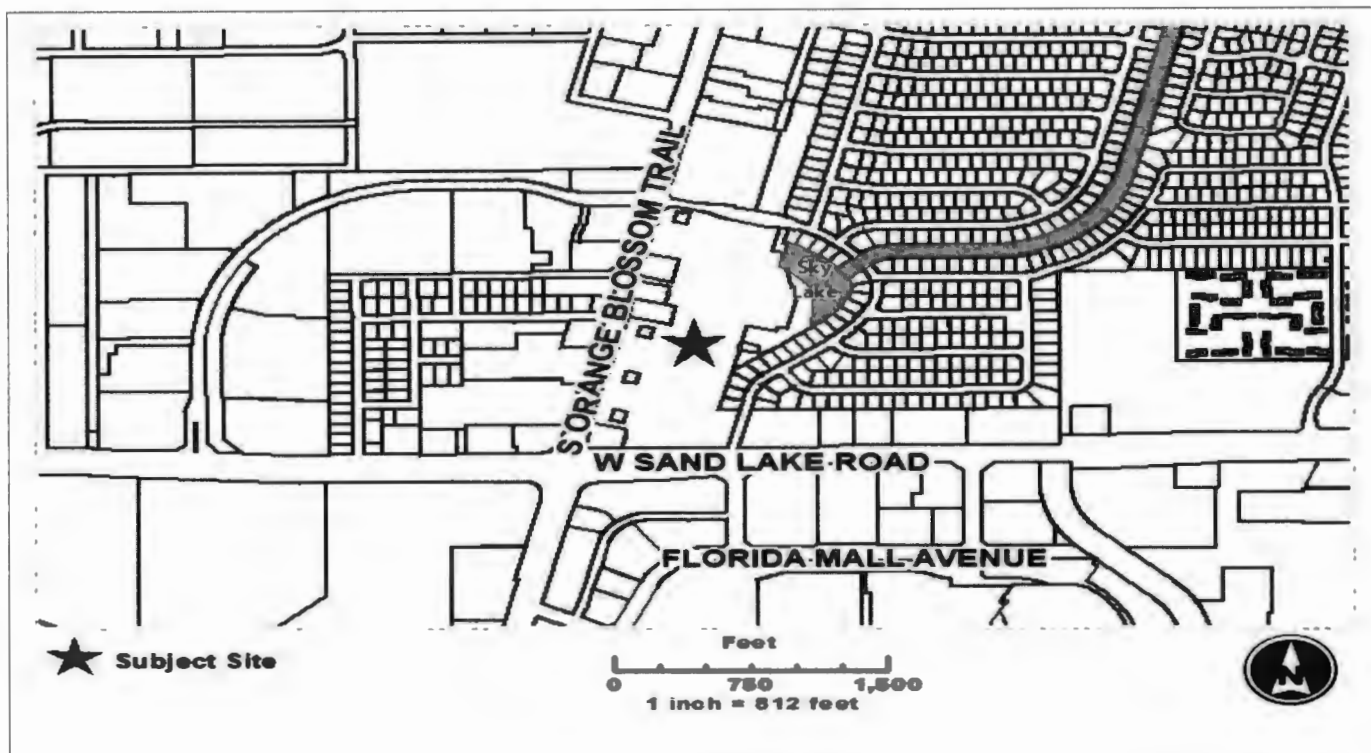
Staff received one (1) commentary in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA unanimously recommended approval of the variance subject to the three (3) conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-2	C-2	PD	R-1, C-2	C-1, C-2
Future Land Use	C	C	C	C, LDR	C
Current Use	Shopping Plaza	Retail Commercial	Office / Retail Commercial	Retail Commercial / Single-Family Residential	Retail Commercial

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned C-2, General Commercial district. The C-2 district allows a variety of commercial businesses including automotive repair/sales, selected trade shops, and retail. Signage is regulated by Sec. 31.5 of the Orange County Code.

The subject property is 25.84 acres and was platted in 1992 as part of the Skyview Plaza plat. The property consists of a 233,870 square foot shopping plaza that is comprised of multi-tenant commercial buildings, as well as outparcels with structures that were constructed between 1964 and 1988.

The business that has applied for the variance, Badcock Corporation, occupies a unit in one of the multi-tenant commercial buildings, which has 100 feet of frontage and a building height of 39 feet. Orange County Sign Code Section 31.5-15 (a)(2) allows 1.5 sq. ft. of wall signage per linear foot of building frontage, as well as, a 15% increase for buildings with a height between 35 and 50 feet. Using this calculation, the applicant is allowed up to 172.5 sq. ft. of copy area for their wall sign.

The applicant has applied for this variance in order to increase the visibility of their wall signage, as their business is located approximately 400 feet from S. Orange Blossom Trail. There is a 25 sq. ft. portion of a multi-tenant pylon sign directly on S. Orange Blossom Trail that the applicant is also using, but it is not part of the variance request.

The tenant space has an existing wall sign with 153.9 sq. ft. of copy area that is difficult to see, given the distance from the right-of-way. The proposed variance constitutes a 10.5% increase from the code, since the maximum allowable copy area is 172.5 sq. ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Code does not provide any special consideration to wall signage if the building is located a considerable distance from a right-of-way, which decreases the visibility of the signage to the public.

Not Self-Created

The applicant is only the tenant of the building and cannot move its location on the property in order to gain better visibility from the right-of-way, which is crucial to successful operation of a business.

No Special Privilege Conferred

Approval of the request will not grant the applicant special privilege, as the sign code does not account for distance from the right-of-way.

Deprivation of Rights

The applicant would not be deprived of rights commonly enjoyed by other properties in the same zoning district as the applicant is using a pylon sign today, and wall signage is permitted.

Minimum Possible Variance

The request is the minimum variance to allow visibility from S. Orange Blossom Trail considering the distance between the building and the right-of-way.

Purpose and Intent

Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations, will not be detrimental to the neighborhood, as the 10.5% increase being requested is minimal, and will not be intrusive to the commercial corridor.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan, elevations and sign specifications dated November 7, 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: Don H. Moyte
PO BOX 497
Mulberry, FL 33860

COVER LETTER



Date: May 15, 2019

ORANGE COUNTY ZONING DIVISION

BOARD OF ZONING ADJUSTMENTS (BZA)

VARIANCE, SPECIAL EXCEPTION, AND APPEAL OF ZONING MANAGER'S
DETERMINATION

To Whom It May Concern:

Please accept this cover letter and accompanying application and documentation as our request for variance in the sign size ordinance for location number 27-23-29-8093-00-010. I have included all of the requested materials regarding our request for a size variance to our exterior building sign located at 7873 South Orange Blossom Trail (U.S. 17) - Skyview Plaza, Orlando, FL 32809. The current sign is 159.3 sqft, size of the sign we would like to install is 258.44 sqft; for a total variance of 99.14 sqft.

We have included all requested documentation that pertains to this request (see application and attachments)

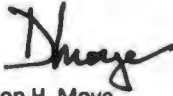
The reasons we request this variance is that our building is located a great distance from the main road. This distance makes our signage hard to see when prospective customers are traveling past. Another reason we would like to install a larger sign is aesthetic. The existing fascia of the building is so large that the permitted sign looks out of place as compared to the signs for the neighboring business "Fallas", and "Ross dress for less" (pictures enclosed). We offer the following as our responses to the variance criteria:

1. **Special Conditions and Circumstances:** We believe that the set-back of the building on this property from the main travel lanes makes this location difficult to see by the normal commuter.
2. **Not Self- Created:** We do not own the property nor did we have any hand in the design or layout of the property.
3. **No Special Privilege Conferred:** It is our position that our request would not unduly harm any other business in our shared plaza or in the surrounding area at large.

4. **Deprivation of Rights:** It is the belief of the W. S. Badcock Corporation that our neighboring businesses have been granted variances on their signage (i.e. "Fallas" and "Ross dress for less"
5. **Minimum Possible Variance:** We are requesting a variance of the max allowable square footage for signage to allow us to display signage in the amount of 298.44 square feet (sign dimensions and conceptual pictures included)
6. **Purpose and Intent:** We understand that the purpose of the zoning requirements is to maintain the general aesthetic of the area as well as to maintain public safety. We do not feel that, if approved, our signage would be a detriment to either of these issues. In point of fact we believe that our requested signage would add to the aesthetic value of the plaza as it would be more in line with the logo signage of the other occupants.

It is with this information in mind that we humbly request a variance to the existing signage zoning requirements. Thank you for your consideration and we look forward to your decision.

Regards,



Don H. Moye

Construction Manager

W. S. Badcock Corporation

PO Box 497

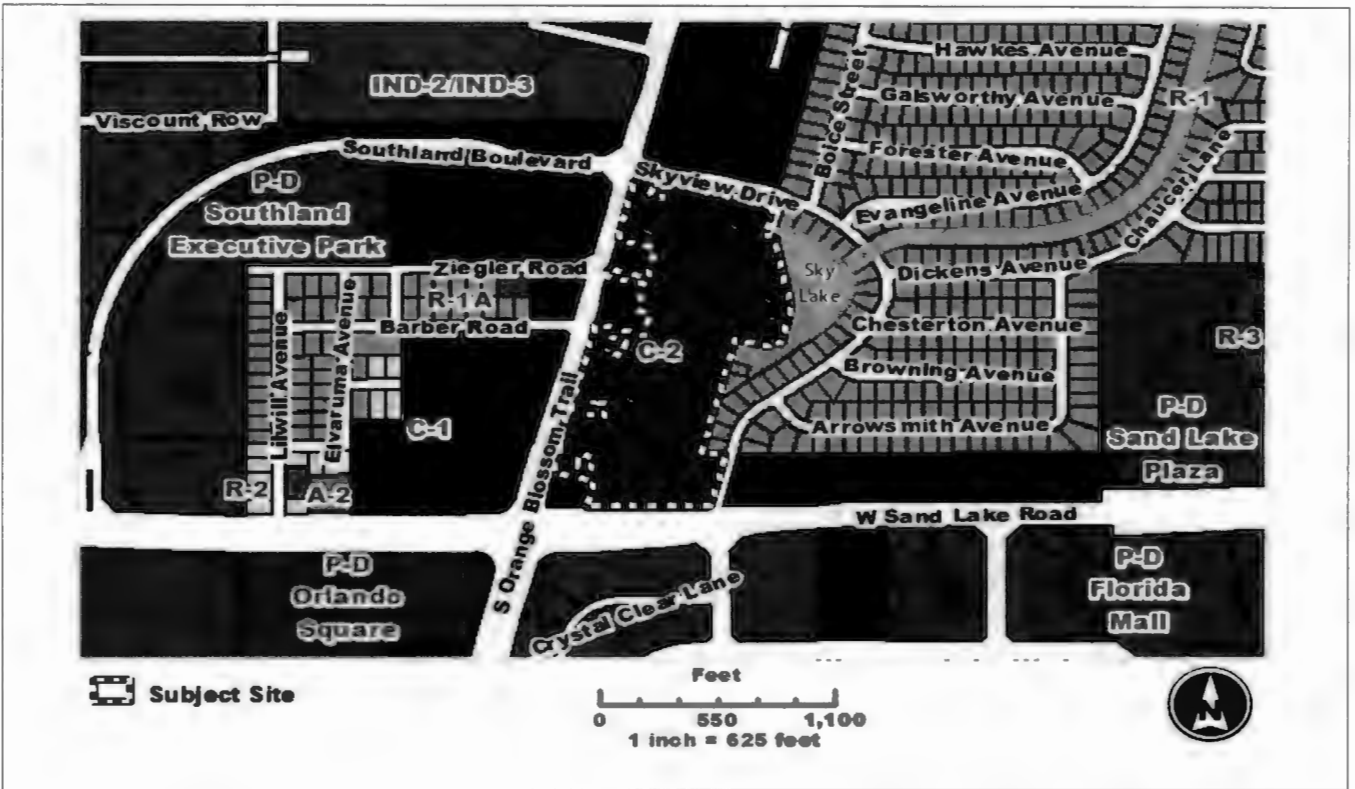
Mulberry, FL 33860

863-869-7956 - Office

863-224-3693 - Cell



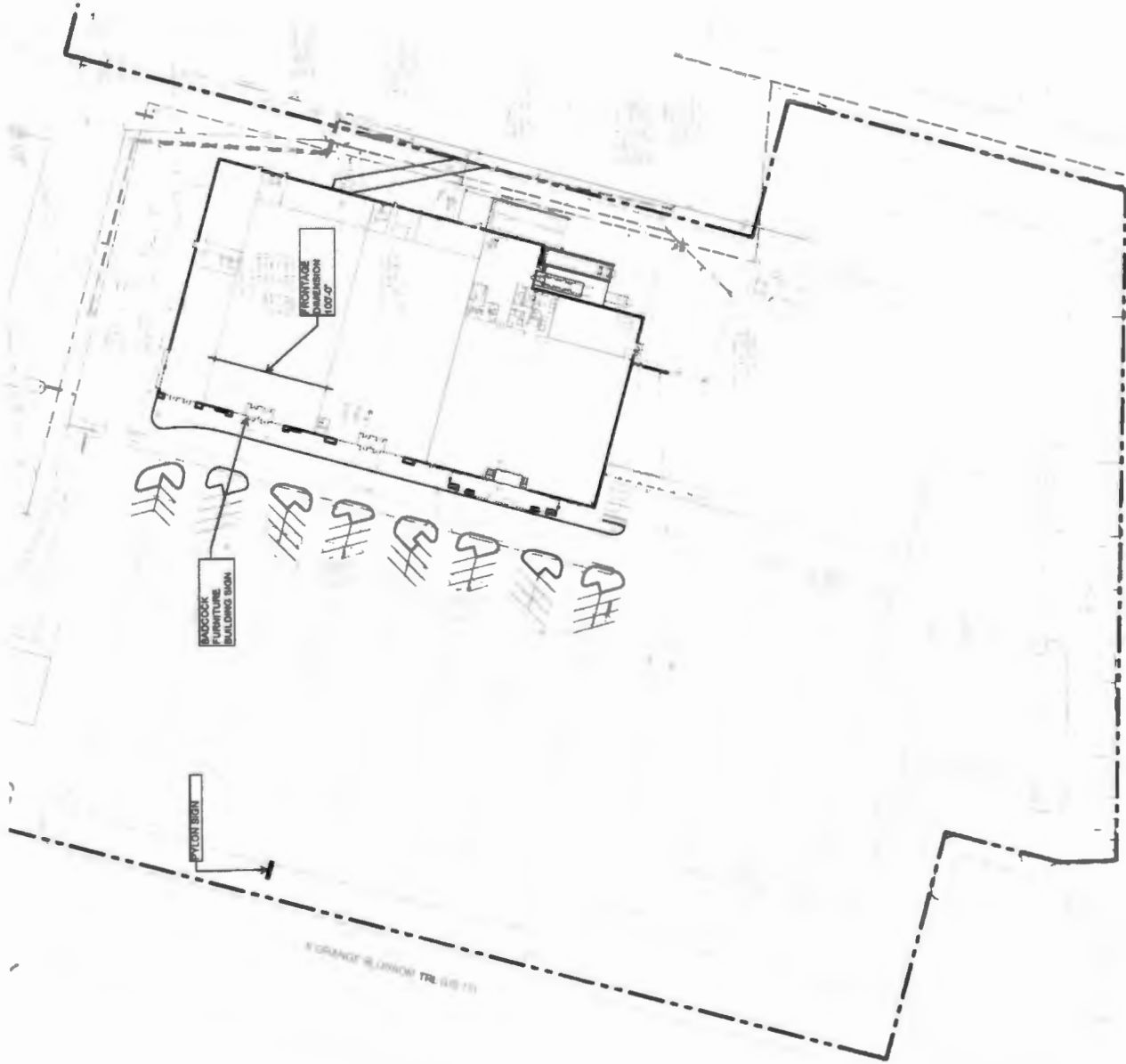
ZONING MAP



AERIAL MAP



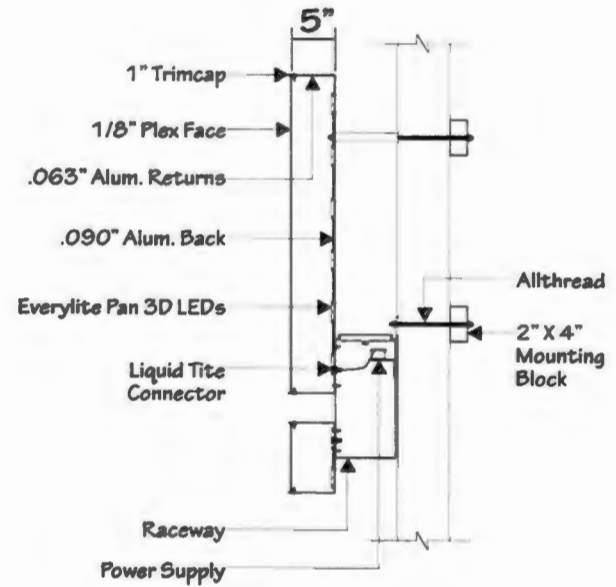
SITE PLAN WITH WALL SIGN AND PYLON LOCATION



190.72 Sqft



Face Lit Channel Letters on 24"x7" Raceways.
"Home Furniture" Letters are Illuminated.



PROPOSED WALL SIGN

Job Name: Badcock Home Furniture
Mall:
Address: 7873 S. Orange Blossom Trail
Location: Orlando, FL
Space#:
Print#: 47820-Storefront Elev
S.F. Length:
Salesperson: E. Wright

2109 Lafayette Rd. • Ft. Oglethorpe, GA 30742 • Ph: (706) 866-7999 • Sales Fx: (706) 866-4400

VICTORY
SIGN INDUSTRIES

Sign Elevation

RECEIVED
NOV 15 2019



Date: 11/12/2019

By: NR

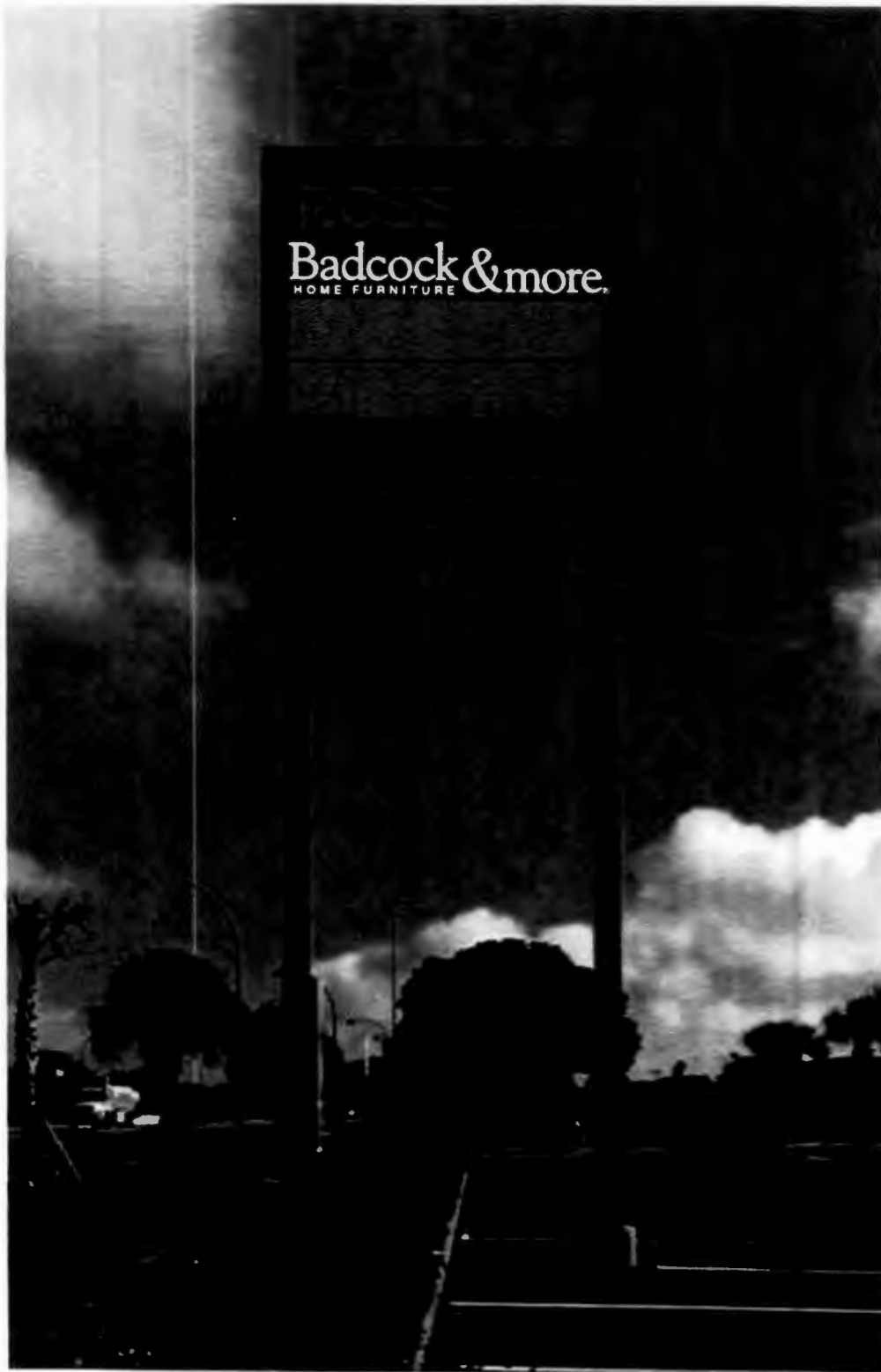
Scale: 3/32" = 1'

VSI Prints: 47820-Storefront Elev

This design and drawing shown is the property of Victory Sign Industries Ltd. No transmittal or disclosure shall be made to any person, firm or corporation without prior written approval.

PROPOSED WALL SIGN SHOWN ON BUILDING ELEVATION

EXISTING PYLON SIGN (FOR REFERENCE ONLY)



SITE PHOTOS



Subject site showing 153.9 sq. ft. wall sign as it exists today



Close, detailed view of existing wall sign

SITE PHOTOS



Appearance of subject wall sign as seen from S. Orange Blossom Trail



The view of S. Orange Blossom Trail facing west from Badcock and More location

SITE PHOTOS



Pylon sign adjacent to S. Orange Blossom Trail (not subject to variance request)



Adjacent Ross wall signage

SITE PHOTOS



Side by side comparison of existing Badcock wall sign and Ross wall sign

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 05, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-12-134**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): FERNANDO ALZATE

OWNER(s): FERNANDO ALZATE

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

- 1) To allow an existing home to remain 7.5 ft. from the side street property line in lieu of 15 ft.
- 2) To allow construction of an addition 5 ft. from the side street property line in lieu of 15 ft.
- 3) To allow an existing carport to remain 15 ft. from the front property line in lieu of 25 ft.

PROPERTY LOCATION: 315 Capehart Dr., Orlando, FL 32807, northeast corner of Capehart Dr. and Bamboo Dr., north of SR 408

PARCEL ID: 26-22-30-0376-05-110

LOT SIZE: 77 ft. x 139 ft./ .24 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 81

DECISION: Recommended **APPROVAL** of 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; 4-0 and 3 absent):

1. Development in accordance with the site plan dated September 23, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the addition shall match the exterior of the existing residence with regard to materials and color.

5. The applicant shall obtain permits for the carport within 180 days of final action on this application by Orange County, or this approval is null and void.

SYNOPSIS: Staff explained the history of the subject property, including the fact that due to the construction of SR 408, a portion of the subject property was acquired to construct Bamboo St. to avoid landlocked lots to the east. The construction of Bamboo St. and SR 408 not only made the subject property oddly shaped, but also converted it from a conforming interior lot to a nonconforming corner lot. Because of the floor plan of the existing home, there is no other location to construct the proposed addition, which is for the applicant's father. Staff clarified that this was not an accessory dwelling unit (ADU). With regard to the carport, staff noted that the carport first clearly appeared in a 1995 aerial, and has been in continuous existence since, although it is not under code enforcement action.

The applicant explained that they had recently married, and that they need somewhere for their father to be able to go and get away from the activity of daily life.

There being no one present to speak in favor or opposition to the request, the public hearing was closed.

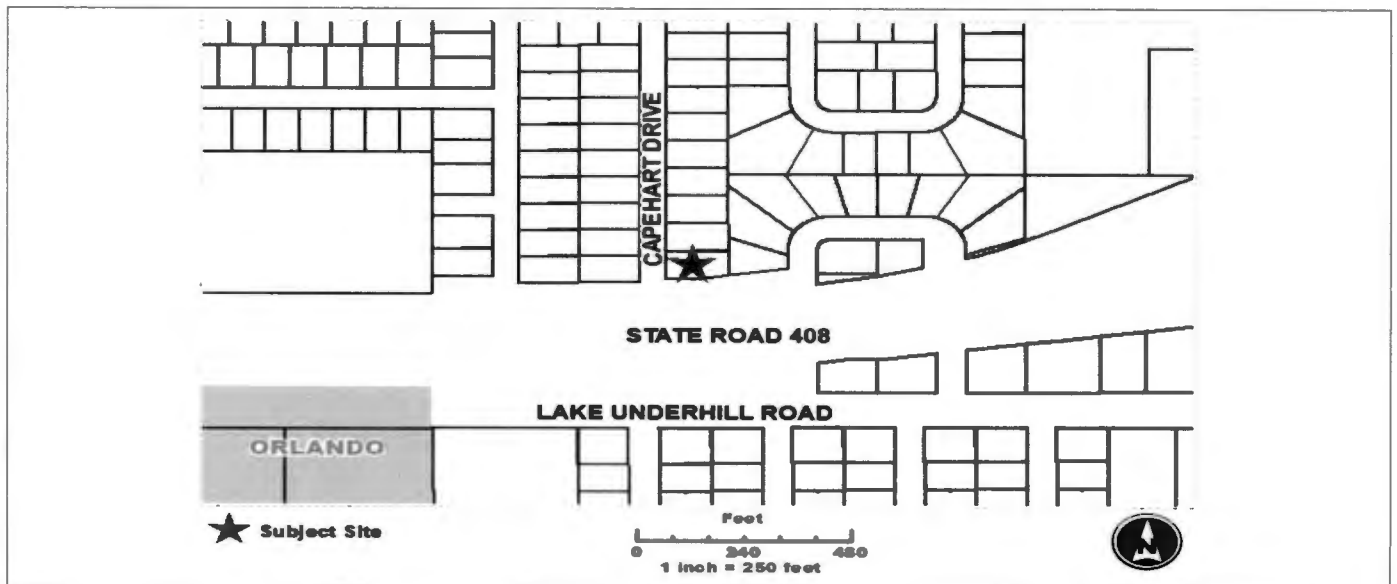
The BZA concluded that the need for the variances was clearly the result of the construction of SR 408 and Bamboo St., and was not the result of any action by the applicant. Further, the existing carport has been in existence for over 20 years and was not the result of any action by the applicant.

The BZA unanimously recommended approval of the variances subject to five (5) conditions as amended.

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	SR 408	R-1A	R-1A
Future Land Use	LDR	LDR	SR 408	LDR	LDR
Current Use	Single family residence	Single family residence	SR 408	Single family residence	Single family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The subject property was created through the Azalea Homes plat, which was recorded in 1956. The home was constructed in 1957. When the home was constructed, it was an interior lot with five (5) additional lots south of the subject property before Capehart Dr. intersected with Lake Underhill Rd.

According to the Property Appraiser's data, the residence contains 1,388 sq. ft. of finished floor area and 1,968 sq. ft. of total floor area. However, a site visit revealed that a 266 sq. ft. unfinished open porch no longer exists, bringing the total square footage to 1,703 sq. ft.

There is also an existing 209 sq. ft. carport attached to the front of the residence. A review of historic aerial maps shows that this carport has been in existence since at least 1995. The applicant purchased the subject property in July 2009.

There are also two sheds on the property, each properly permitted. The older, a 10 ft. x 14 ft. wood shed was built in 2009 (B09006798). The newer shed is a 10 ft. x 24 ft. shed, also wood, which was permitted in 2019 (B19006836).

In October 1973, the SR 408 project was completed. The result of this project was the acquisition of all lots south of the subject property for construction of not only SR 408, but also surface streets, such as Bamboo Drive, which was required to provide access to what would have become landlocked properties to the east.

As a result of the road construction, the subject property and the property immediately to the east both became corner lots. This rendered both residences lawfully nonconforming structures, in that they both meet the interior 7.5 ft. side yard setback, but do not meet the 15 ft. side street yard setback.

Because Bamboo Dr. generally parallels the on-ramp from N. Goldenrod Rd. to SR 408, it angles from the northeast to the southwest. Due to the angled right-of-way, a triangular portion of the subject property was acquired for Bamboo Drive right-of-way, making the rear lot line 8.9 ft. narrower than the front lot line, and reducing buildable area by 312 sq. ft.

The applicant's father lives with the applicant and their family. The applicant wishes to provide their father with a private area consisting of a bedroom, bathroom and sitting area.

The only portion of the home that can logically accommodate the addition is the area off the kitchen, which is currently the living room. Further east of the rear of the home is the bathroom and a bedroom in the southeast corner of the home, which is currently a four (4) bed, one (1) bath home. According to the Property Appraiser's information, the fourth bedroom along the west side of the house is identified as a finished enclosed porch, which was apparently converted to a bedroom sometime in the past.

As of the preparation of this report, staff has received 12 letters of support from neighboring residents, including one from the owner of the property to the east, which abuts the rear yard of the subject property. No correspondence in opposition has been received.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	10 ft. (Addition)/8 ft. (Carport)
Min. Lot Width:	75 ft.	77 ft.
Min. Lot Size:	7,500 sq. ft.	10,483 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	15 ft.
Rear:	30 ft.	55 ft.
Side:	7.5 ft. (North)	11.4 ft. (North)
Sidestreet:	15 ft. (South)	7.5 ft. (South)

STAFF FINDINGS

VARIANCE CRITERIA FOR ADDITION

Special Conditions and Circumstances

Special condition and circumstance particular to this property for the addition was the construction of SR 408. As a result of this construction, the subject property was transformed from an interior lot to a corner lot, causing the conforming 7.5 ft. side yard setback to become a nonconforming sidestreet yard setback.

Not Self-Created

Regarding the addition, the home was constructed on an interior lot in 1957. SR 408 was constructed in 1973, rendering the home nonconforming. The applicant purchased the home in 2009.

No Special Privilege Conferred

Given the circumstances of the history of the subject property, the configuration of the floor plan of the residence, granting the variance for the addition will not confer a special privilege on the applicant. This is the only logical location for construction of the addition.

Deprivation of Rights

Without the variance, the applicant will not have the ability to construct the addition in another location without disrupting the floor plan of the existing residence.

Minimum Possible Variance

Due to the angle of the right-of-way of Bamboo Dr., the south side of the subject property was reconfigured. Given the loss of lot area, this is the minimum variance needed to allow the construction to follow the existing building line.

Purpose and Intent

Because the addition will be on the side of the lot abutting Bamboo Dr., and the neighboring property is SR 408, there will not be any appearance of the addition encroaching on a neighboring property. The purpose and intent of the code will be met.

VARIANCE CRITERIA FOR CARPORT**Special Conditions and Circumstances**

The special conditions particular to the carport is the fact that the carport was in place when the applicant purchased the property, and that it has been in place since at least 1995.

Not Self-Created

The carport was in place when the property was purchased, and is not the result of action by the applicant.

No Special Privilege Conferred

The applicant has been enjoying the use of this structure since 2009 and there are no documented complaints regarding the structure.

Deprivation of Rights

Without the variance for the carport, the applicant will be required to demolish a structure, which they have been using for 10 years.

Minimum Possible Variance

The applicant is not proposing to make any alterations to the carport. Allowing it to remain will be the minimum variance necessary.

Purpose and Intent

Given the location of the carport and the subject property, the use is not detrimental to the neighboring properties. A variance will meet the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated September 23, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the addition shall match the exterior of the existing residence with regard to materials and color.

c: Fernando Alzate
315 Capehart Dr.
Orlando, FL 32807

COVER LETTER

Date: Oct 17, 2019

Fernando Alzate

315 Capehart Drive, Orlando, FL, 32807

C: 407 432 1857 | E: hp221dog@gmail.com

Dear Sir and Madam:

My name is Fernando Alzate. I'm writing this mail with the concern relating to the house located at 315 Capehart Drive, Orlando, FL 32807. I have been living at this location with my mom and step dad for 10 years. It was comfortable enough for 3 people until I got married in Aug. With the need of a growing family, we planned a project to extend room to the back in the right side of the house so that we have enough space for everybody. However, we have had difficulty to get approval from County because the house is 7 ft away from 408 rather than 15 ft as per regulation.

In fact, the house was built in 1959 when the 15 ft away from high way regulation didn't come into effect. I bought the house, and I made upgrades any repairs since then. The reason we wanted to extend room to the back in the right side of the house is to make the house look nicer without changing the structure of the house. That's also the reason we asked for your approval on this variant, so that we can proceed the project as soon as possible.

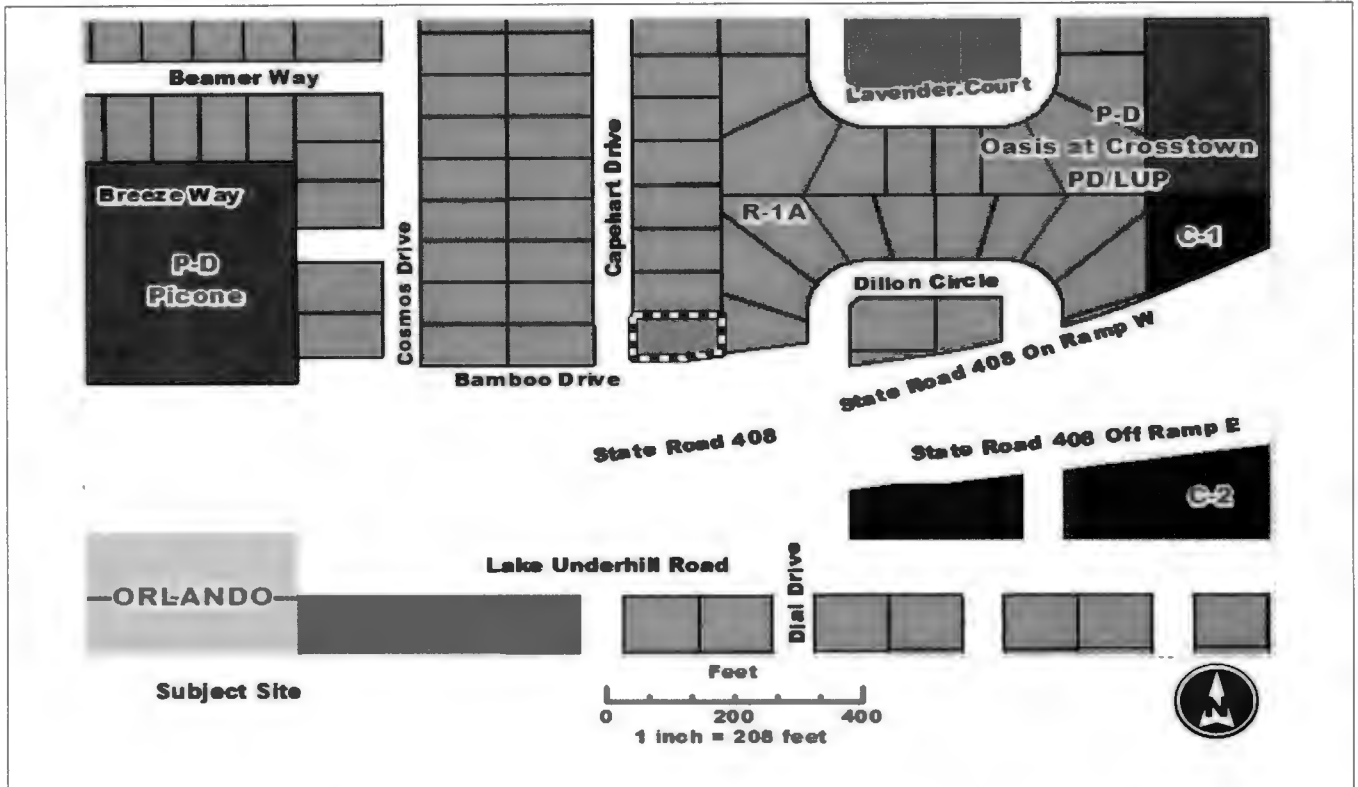
We started to work on this project and waited for your more than a year to get started . We were very excited to get the house done before my wedding. However, it has been still on hold up to now. Honestly, we are getting tired of waiting, but we still want to keep going. Especially, just one month ago, we broke our heart to hear that my step dad has cancer. It means that he doesn't have much time to wait. Therefore, it would be very appreciated if you can consider our case and approve on this variant.

Thank you for your time and looking forward to hearing good news from you soonest.

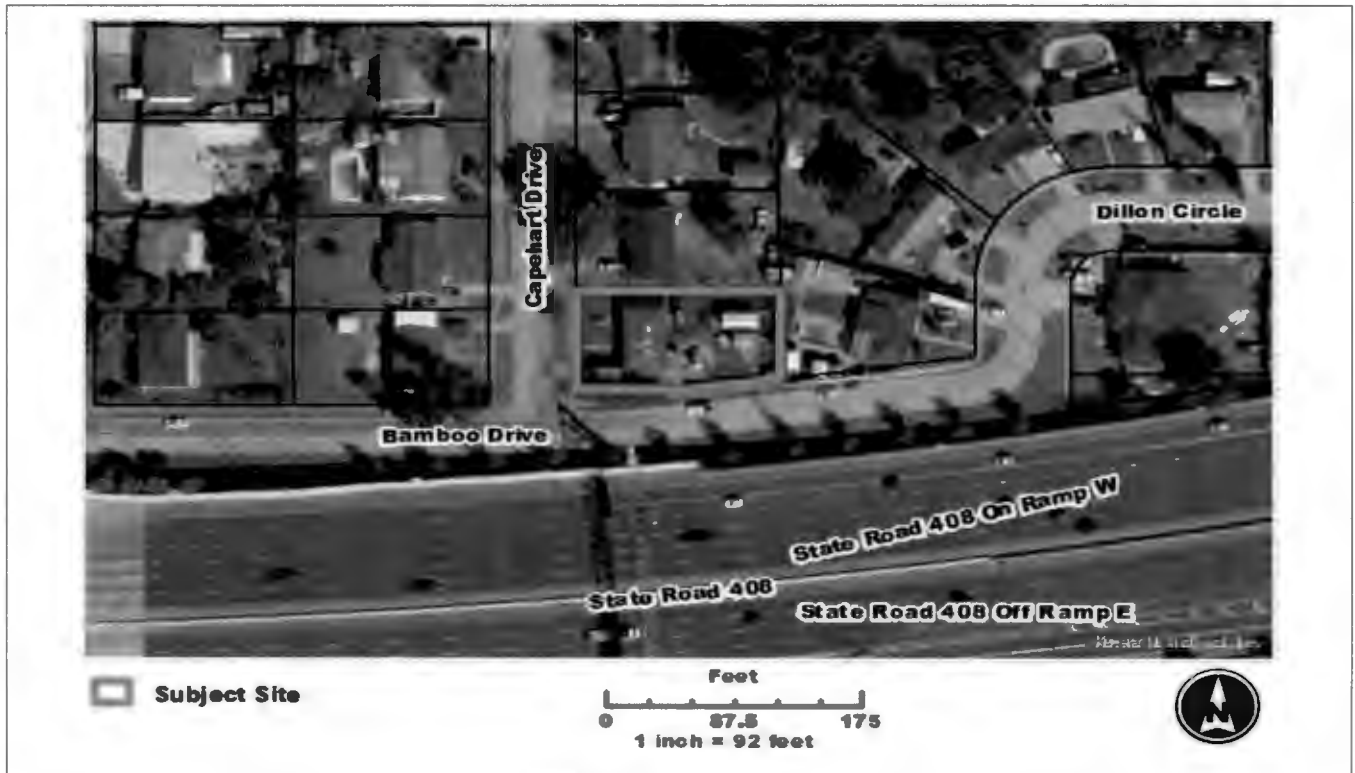
Sincerely,

Fernando Alzate

ZONING MAP



AERIAL MAP



SITE PLAN

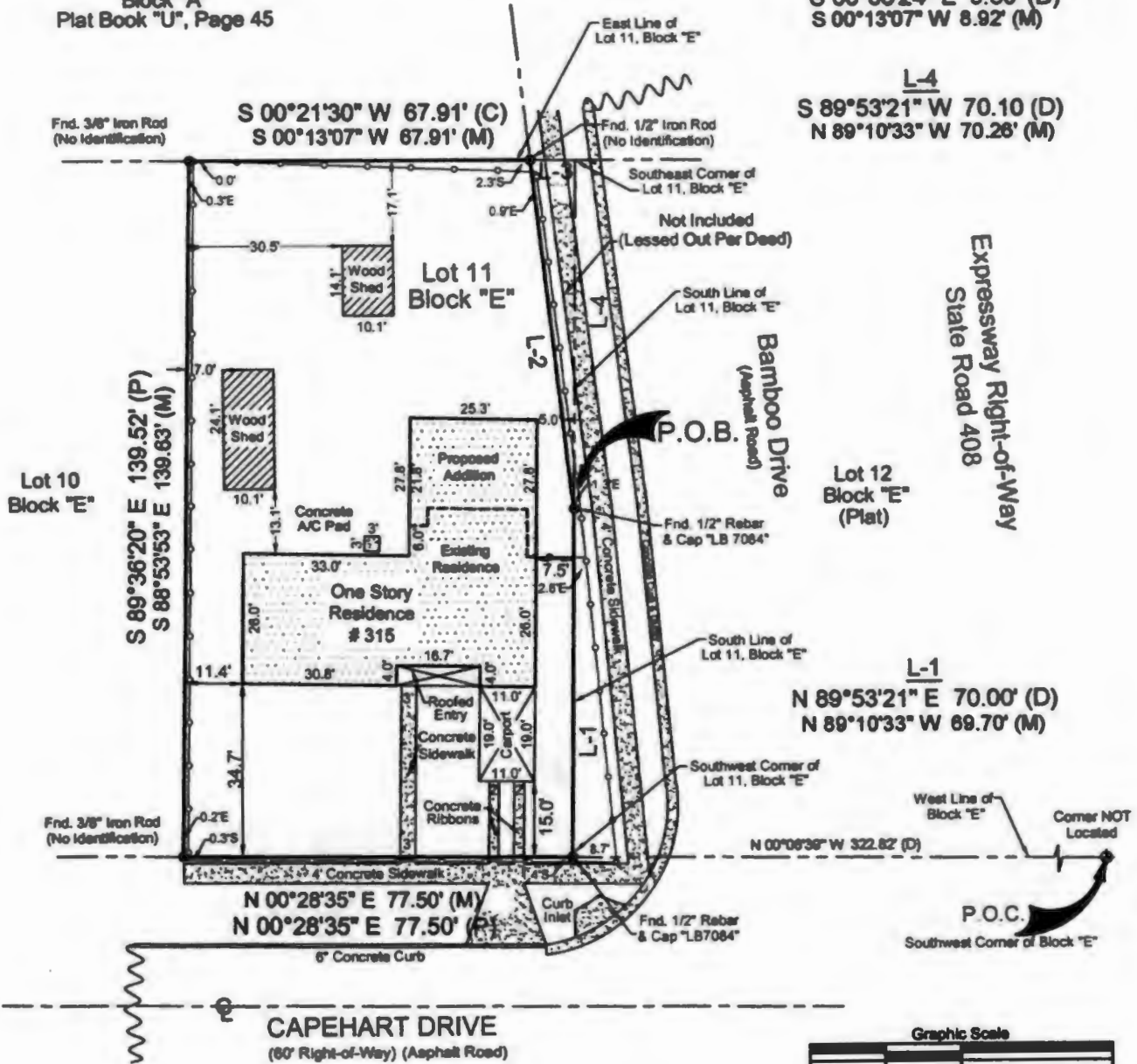


"Azalea Park"
Section 22
Block "A"
Plat Book "U", Page 45

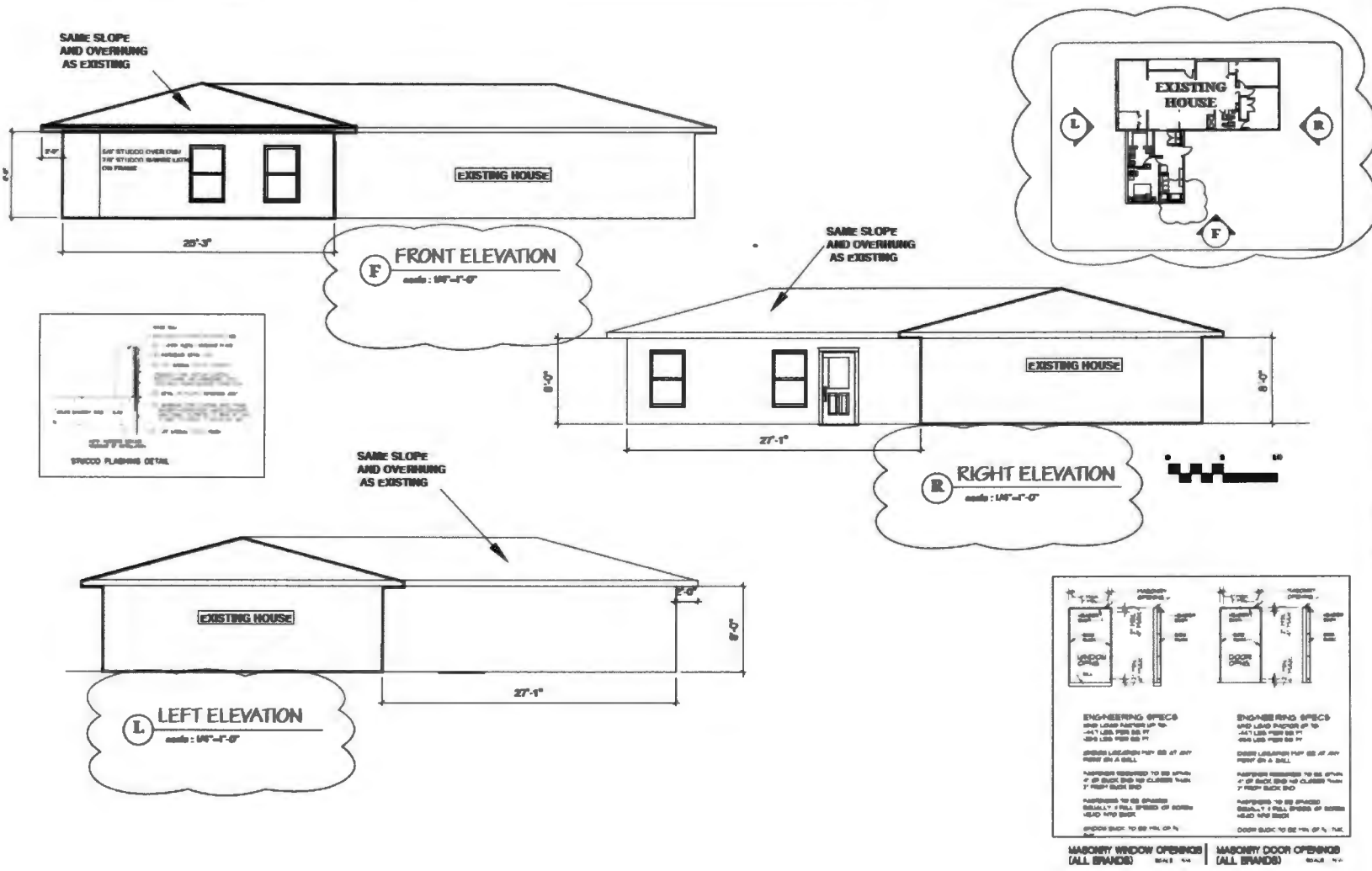
L-2
N 82°06'07" E 70.74' (D)
N 83°34'55" E 70.73' (M)

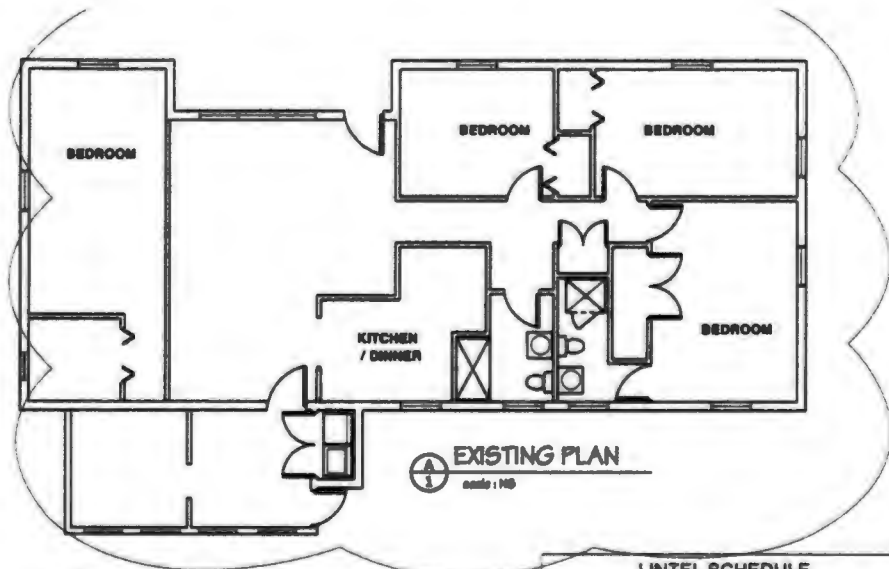
L-3
S 00°06'24" E 9.59' (D)
S 00°13'07" W 8.92' (M)

L-4
S 89°53'21" W 70.10' (D)
N 89°10'33" W 70.26' (M)



Revision : Updated Survey - Added Sheds - (10/22/19) - ADS



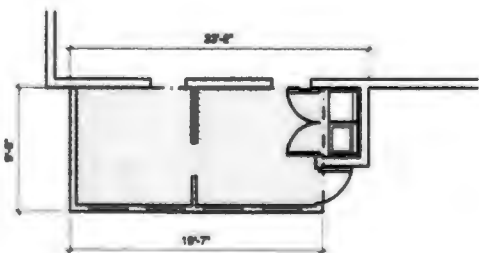


EXISTING PLAN
scale: 1/8"=1'-0"

MATERIALS

1. FC PRECAST LINTELS - 3000 PSI.
2. FC PRESTRESSED LINTELS - 6000 PSI.
3. FC GROUT - 3000 PSI w/ MAXIMUM 3/4" AGGREGATE.
4. CONCRETE MASONRY UNITS (CMU) PER ASTM C90 w/ MINIMUM NET AREA COMPRESSIVE STRENGTH = 1500 PSI.
5. REBAR PROVIDED IN PRECAST LINTEL PER ASTM A615 GRADE. FIELD REBAR PER ASTM A615 GRADE OR GR60.
6. PRESTRESSING STRAND PER ASTM A416 GRADE 270 LOW RELAXATION.
7. 1/32 WIRE PER ASTM A818.
8. MORTAR PER ASTM C270 TYPE M OR S.

LINTEL SCHEDULE					
#	LENGTH	TYPE	SPAN	HEADER HT.	OPTION
L1	4'-6"	BF 16-08/1T	5'-1"	7'-0" A.F.F.	A, B, C

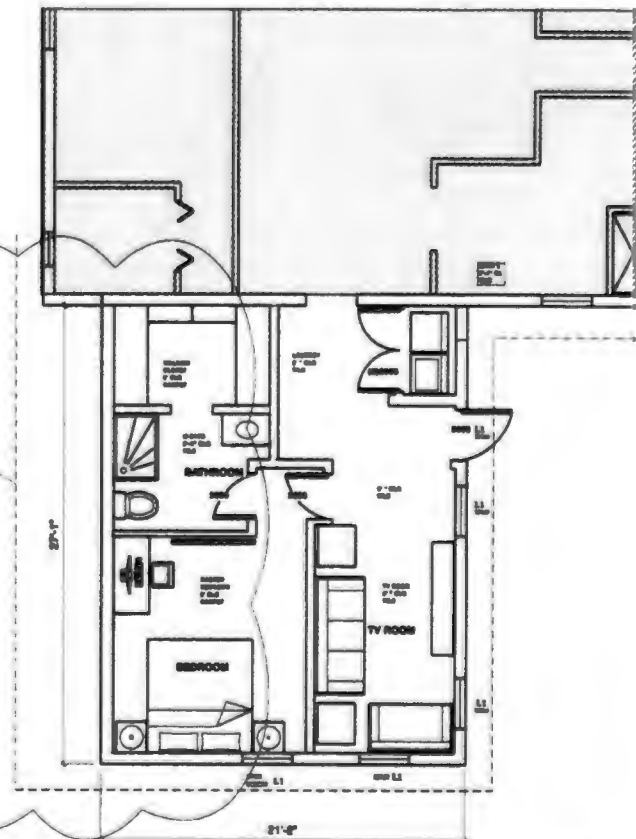


DEMOLITION PLAN
scale: 1/4"=1'-0"



GENERAL NOTES

1. PROVIDE FULL MORTAR HEAD AND BED JOINTS.
2. SHORE FILLED LINTELS AS REQUIRED.
3. INSTALLATION OF LINTEL MUST COMPLY WITH THE ARCHITECTURAL AND/OR STRUCTURAL DRAWINGS.
4. LINTELS ARE MANUFACTURED WITH 3-1/2" LONG NOTCHES AT THE ENDS TO ACCOMMODATE VERTICAL CELL REINFORCING AND GROUTING.
5. ALL LINTELS MUST BE OR EXCEED L/240 VERTICAL DEFLECTION EXCEPT LINTELS 17'-4" AND LONGER WITH A NOMINAL HEIGHT OF 8" FEET OR EXCEED L/300.
6. BOTTOM FIELD ADDED REBAR TO BE LOCATED AT THE BOTTOM OF THE STEEL CAVITY.
7. 1/32" DIAMETER WIRE STRUPTS ARE WELDED TO THE BOTTOM STEEL FOR MECHANICAL ANCHORAGE.
8. CAST-IN-PLACE CONCRETE MAY BE PROVIDED IN COMPOSITE LINTEL IN LIEU OF CONCRETE MASONRY UNITS.
9. SAFE LOAD RATINGS BASED ON RATIONAL DESIGN ANALYSIS PER ACI 308 AND ACI 308R.



NEW FLOOR PLAN
scale: 1/4"=1'-0"

FLOOR PLANS

SITE PHOTOS



Subject Property Looking East



Location of Proposed Addition Looking Southwest

SITE PHOTOS



Rear Yard Looking East Toward Neighboring Property to the East



View from Rear Yard Looking South

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 05, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-12-136**

Commission District: **#2**

GENERAL INFORMATION

APPLICANT(s): RON ANTHONY HAYDEN

OWNER(s): TONY HAYDEN PRODUCTION INC

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

- 1) To allow a front setback of 18 ft. in lieu of 25 ft. for a proposed covered entry.
- 2) To allow a rear setback of 14 ft. in lieu of 30 ft. for a proposed bath addition.
- 3) To allow a setback of 41 ft. in lieu of 50 ft. from the Normal High Water Elevation for the existing house.
- 4) To allow a front setback of 17 ft. in lieu of 25 ft. for the existing house.
- 5) To allow a rear setback of 20 ft. in lieu of 30 ft. for the existing house.

PROPERTY LOCATION: 3027 Bess Ln., Orlando, FL 32808, north side of Bess Ln., west of N. John Young Pkwy., north of Silver Star Rd.

PARCEL ID: 09-22-29-0534-00-050

LOT SIZE: 0.47 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 66

DECISION: Recommended **APPROVAL** of 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; 4-0 and 3 absent):

1. Development in accordance with the site plan dated October 10, 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 remove the pergola in front of the principal structure and the shed in the rear prior to issuance of building permits for the covered entry and rear addition.

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 it was not a flip, but their forever home. They also stated that the pergola and shed had been removed.

The BZA felt that the request was straightforward.

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

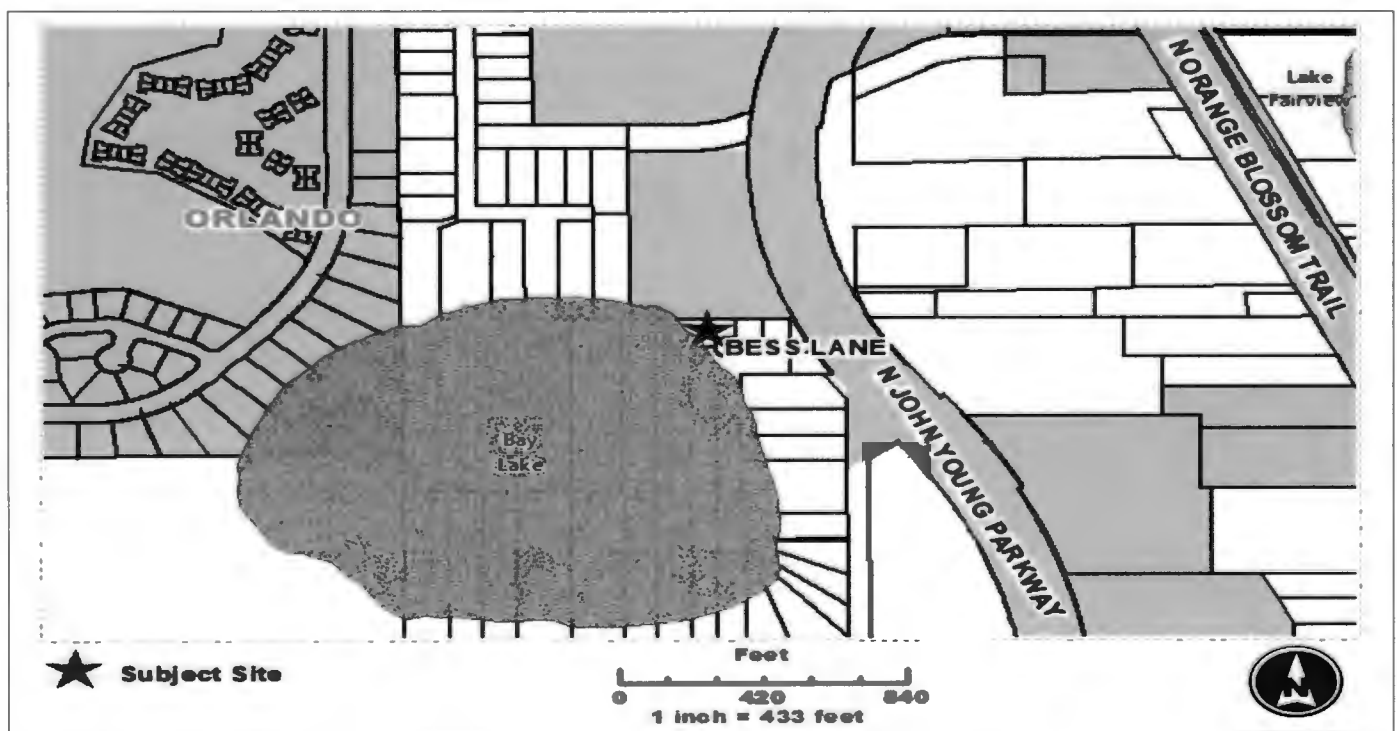
There was no opposition at the hearing.

The BZA unanimously recommended approval of the variance subject to the four (4) conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	City of Orlando	R-1A	R-1A	R-1A
Future Land Use	LDR	City of Orlando	LDR	LDR	LDR
Current Use	Single Family Residence	Commercial/ Office	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 area consists of single family homes, many of which are lakefront. The subject property is a 0.47 acre, uniquely shaped lot that was platted in 1952, as part of the Bay Lake Shores Plat, and is considered to be a conforming lot of record. There is a 1,776 sq. ft. single family home on the lot, which was constructed in 1965, as well as a shed and pergola that the applicant has committed to removing. The applicant purchased the property in 2018.

The applicant is proposing to add a 6 ft. x 12 ft. covered front entryway patio, and a 7 ft. x 22 ft. rear addition, to add a master bath and storage space.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	13.5 ft.
Min. Lot Width:	75 ft.	147 ft.
Min. Lot Size:	7,500 sq. ft.	20,386 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	17 ft.
Rear:	30 ft.	14 ft.
Side:	7.5 ft.	10.5 ft.
NHWE:	50 ft.	41 ft.

STAFF FINDINGS

VARIANCE CRITERIA FOR VARIANCES #1 AND #2

Special Conditions and Circumstances

The subject property is uniquely shaped and situated, as the front is the curve of a cul-de-sac and the side of the property abuts Bay Lake.

No Special Privilege Conferred

The lot was platted in this unique configuration, and the house was built to be parallel to the east and north property lines. Given the location of the house on the property, the requests are the only way to allow modest additions to the property.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to install additions that would be allowed on a similar sized, but more rectangular shaped lots.

Minimum Possible Variance

These are the minimum possible variances to allow the additions to the house, when there is no other place on the property that could be utilized in these circumstances.

Purpose and Intent

Approval of these requests will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood.

VARIANCE CRITERIA FOR VARIANCES # 3, 4, AND 5

Special Conditions and Circumstances

The subject property is a platted lot that is uniquely shaped and situated, with the front at the curve of a cul-de-sac and the side of the property abutting Bay Lake.

Not Self-Created

The need for the variances is not self-created, as the lot was platted at this size and in this configuration, and the applicant purchased the property in 2018.

No Special Privilege Conferred

The lot was platted in this unique configuration, and the house was built to be parallel to the east and north property lines.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to keep an existing house on an existing platted lot.

Minimum Possible Variance

These are the minimum possible variances to allow the house to remain and the lot to be utilized.

Purpose and Intent

Approval of these requests will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated October 10, 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 remove the pergola in front of the principal structure and the shed in the rear prior to issuance of building permits for the covered entryway and rear addition.

c: Ron Anthony Hayden
3027 Bess Ln.
Orlando, FL 32808

Letter of Intent

In Support of Request for Variance

October 9, 2019

3027 Bess Lane, Orlando, FL 32808

This letter of Intent is in support of my request for a variance to the front and rear setback requirements for an existing non-conforming lot and the normal high water-line.

It is my intention to improve the value of my home by adding a bath and a more centrally located entry and expand the master suite with a front lanai and patio.

My current home is built on a non-complying lot and encroaches on the required rear, side and front setbacks.

As a result of this shifting the entry of the house on the site plan, it would require a variance on the cul-de-sac side of the house to allow the corner of my proposed entry to be inside the required setback..

What is perhaps most relevant here, and what I would ask the board to consider, is

1. The as-is property encroaches on required setbacks leaving little to no option for improvement.
2. The proposed style and structure of the house is in step with the existing neighborhood
3. The proposed project would be an improvement to the neighborhood and result in an overall increase in property value and tax base created by improved.
4. The total renovation inside was designed to increase the flow and function of the home with the addition of the master bath.

Requesting variances

1. For new construction to allow a front setback of 8 feet in lieu of the required 25 feet.
2. For a new construction/addition to allow rear setback of 14 feet in lieu of required 30 feet.
3. Variance to allow existing house to remain 41 feet from NHWE in lieu of 50 feet.
4. Variance to allow existing house to remain 18 feet from the front in lieu of 25 and rear 20 feet.

Variance Criteria

1. A special condition and circumstance of a rare case of water/lake on the side of the home which encroaches on NHWE and required setbacks
2. This was not a self-created issue. The home was built in 1965 on a curved cul-de-sac. It was originally developed away from the lake as possible which creates proper setback issues.
3. No special privilege since the property is unique to my surrounding neighbors and that the placement of house, NHWE and curved cul-de-sac create an uncommon situation.

4. Deprivation of rights. My neighbors who have normal/typical lots do not have the constraints my property originally came with since I have a unique situation of water on the side of my house.
5. I am applying for a minimum possible variance in order to increase the flow and function of the home.
6. The purpose and the intent is to create a structure of the house that is in step with the existing neighborhood while increasing the property value and tax base created by improvement.

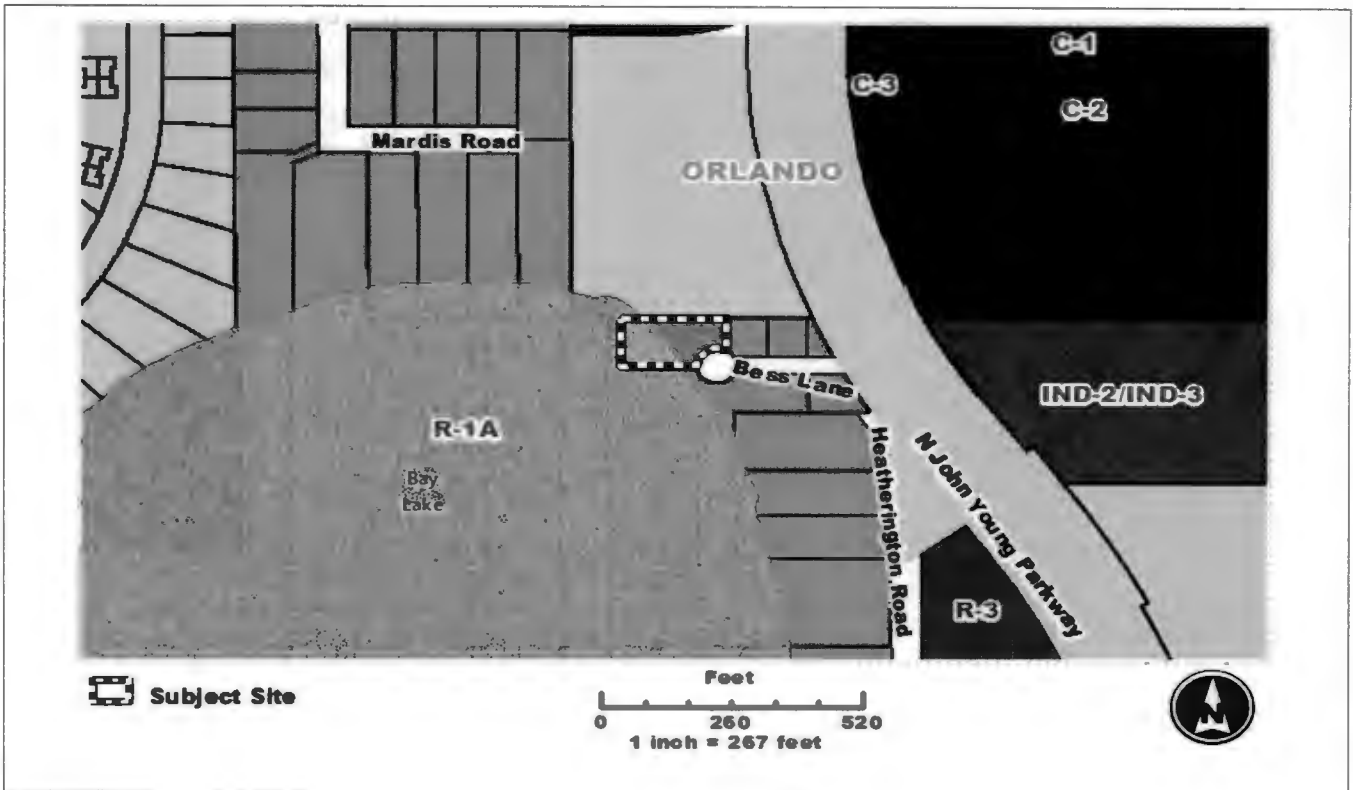
Thank you for your consideration

Respectfully submitted,

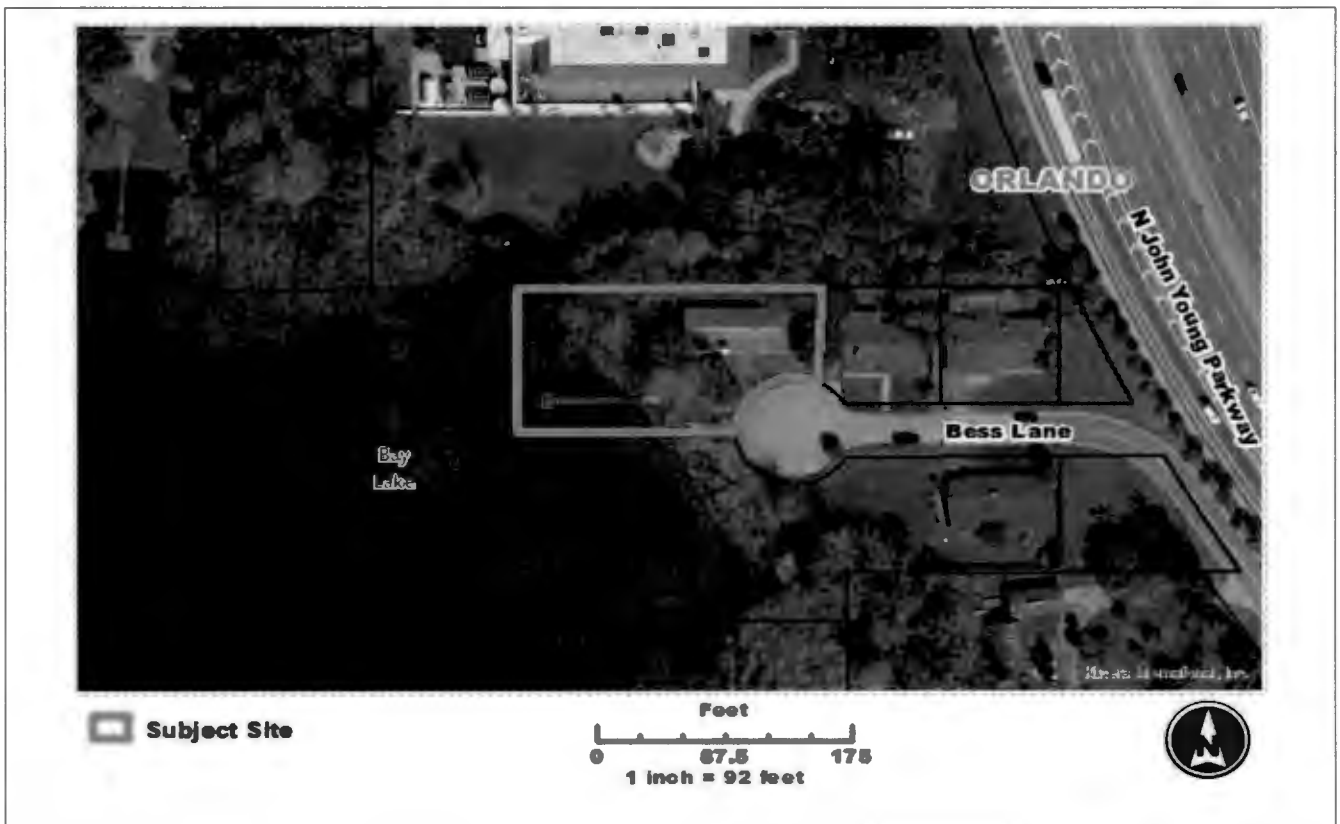
A handwritten signature in black ink, appearing to read "Ron Anthony Hayden", with a long horizontal flourish extending to the right.

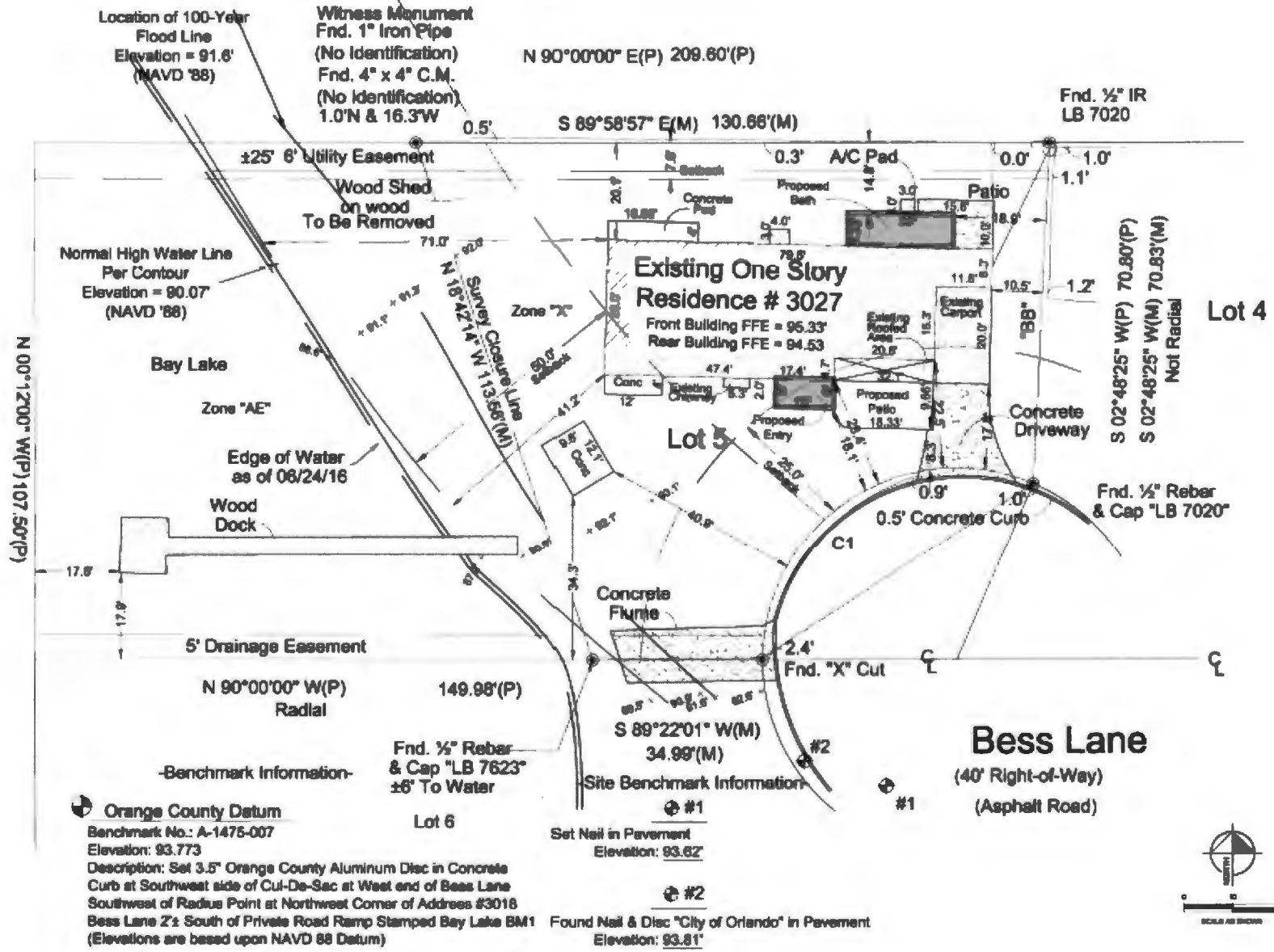
Ron Anthony Hayden

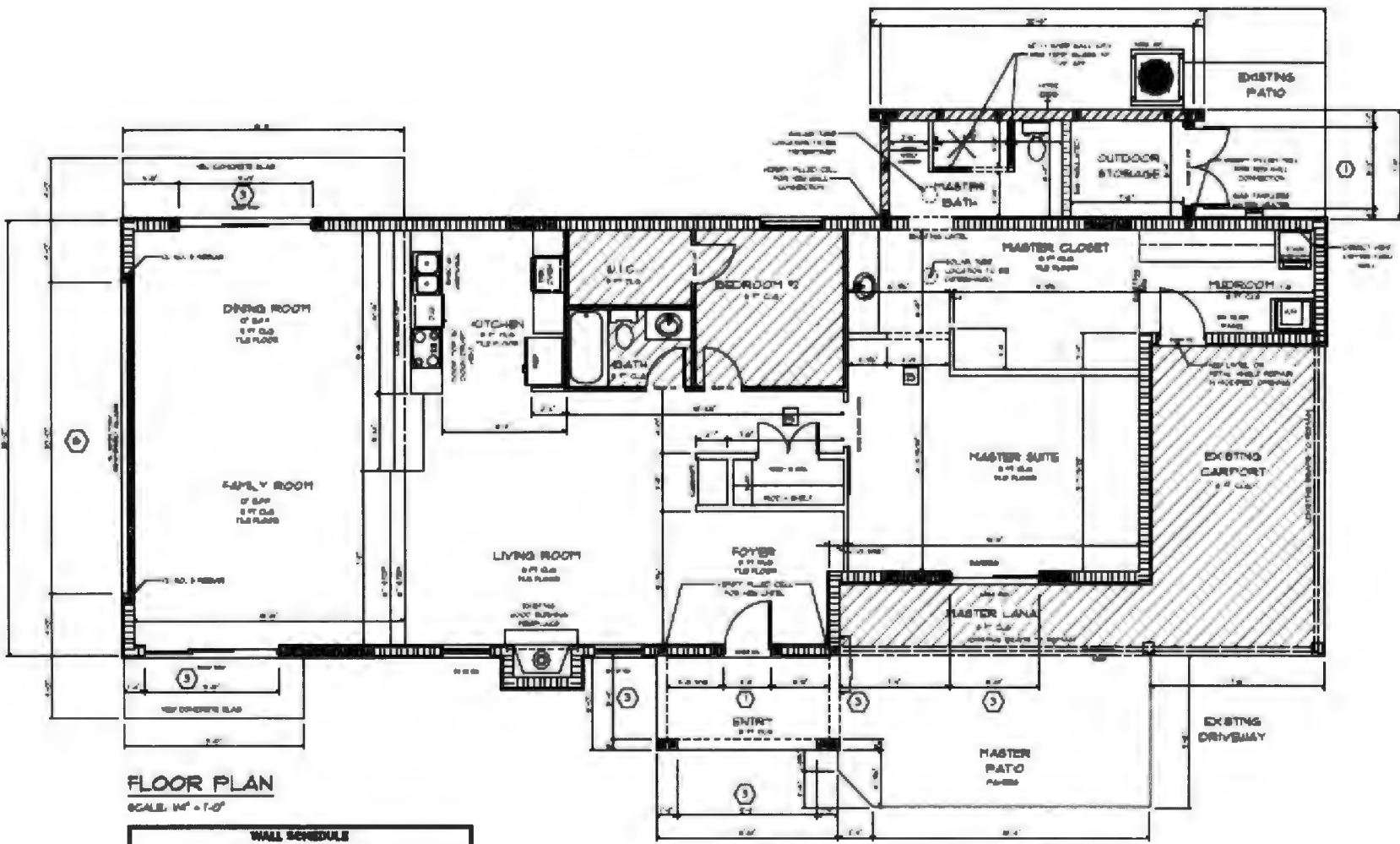
ZONING MAP



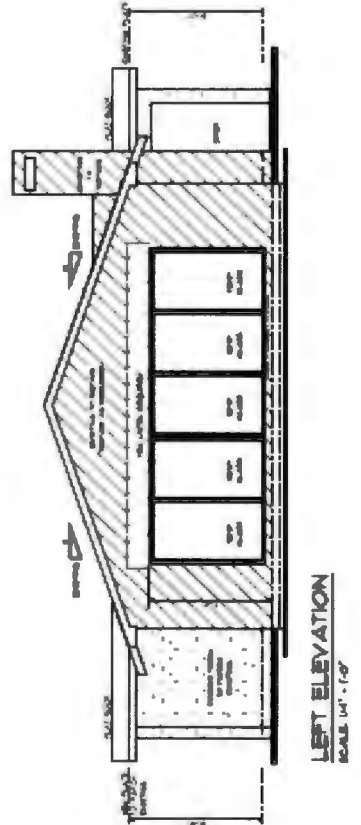
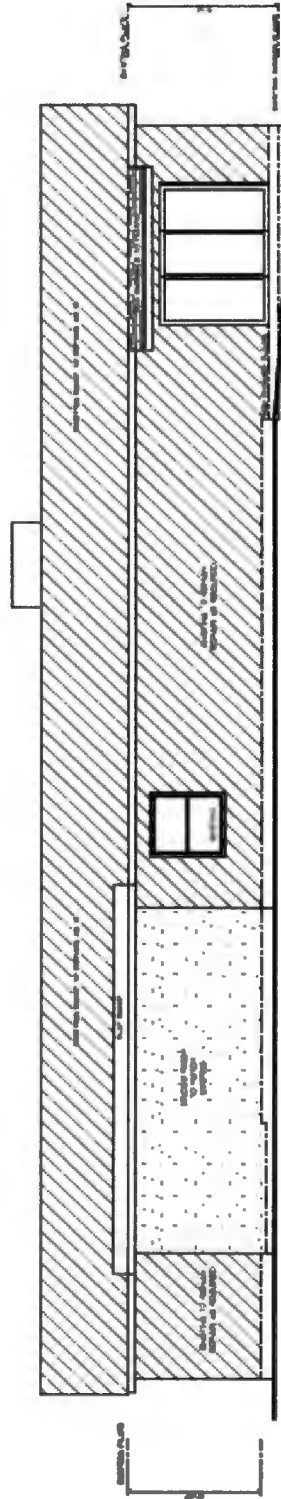
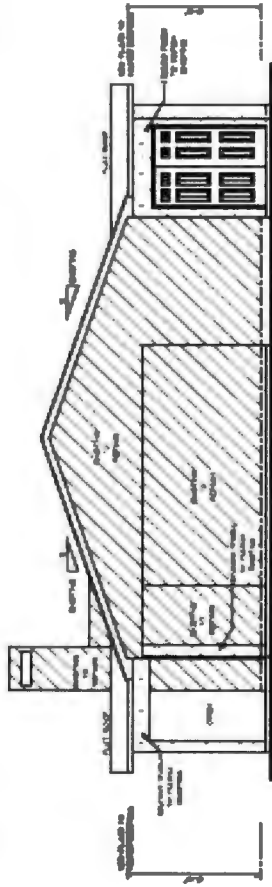
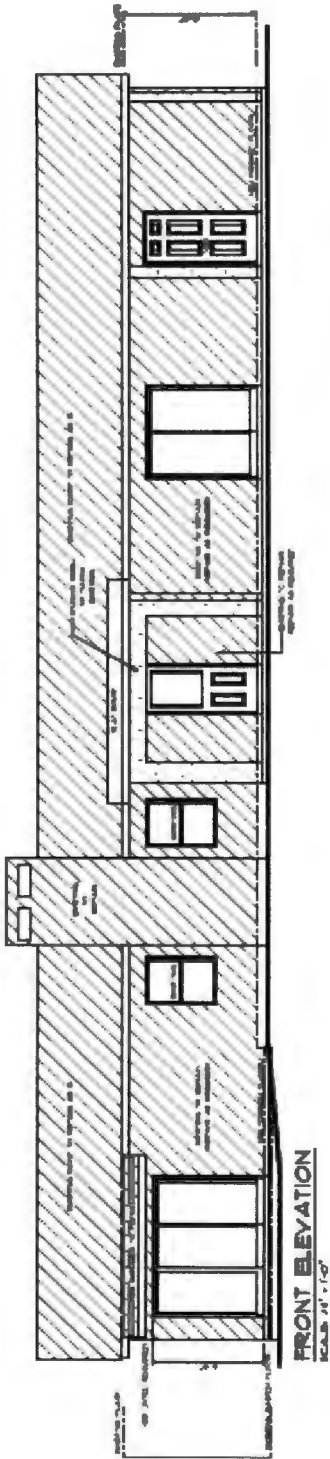
AERIAL MAP







ELEVATIONS



SITE PHOTOS



Front from Bess Lane



Setback to Normal High Water Elevation viewed from east. Existing pergola and shed to be removed.

SITE PHOTOS



Setback to Normal High Water Elevation viewed from west. Existing pergola to be removed.



Rear

SITE PHOTOS



Area of proposed bath addition

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 05, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-12-140**

Commission District: **#4**

GENERAL INFORMATION

APPLICANT(s): CHRISTOPHER SALHAB

OWNER(s): SUPPIAH ARAVINTHAN

REQUEST: Variance in the R-CE zoning district to allow construction of a tennis court in the front yard of the proposed principal building in lieu of alongside or behind.

PROPERTY LOCATION: Kirby Smith Road, Orlando, Florida, 32832, east side of Kirby Smith Rd., east of Narcoossee Rd.

PARCEL ID: 28-24-31-0000-00-043

LOT SIZE: 2.06 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 36

DECISION: Recommended **APPROVAL** of 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; 4-0 and 3 absent):

1. Development in accordance with the site plan dated November 1, 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 lot is narrow, and the lakeview is only 130 feet wide, and a tennis court in the rear will obstruct the view, and there is no room on the sides. The applicant noted that the tennis

court will be 220 feet from the road, and that the neighbor with the tennis court behind the house has a much wider lot.

The BZA confirmed that the neighbor to the north has a conforming tennis court, and the neighbor to the south has submitted a letter of no objection. The BZA noted that the tennis court would be far back enough that it will not be seen from the road, and that a solar system will be installed in the back of the property.

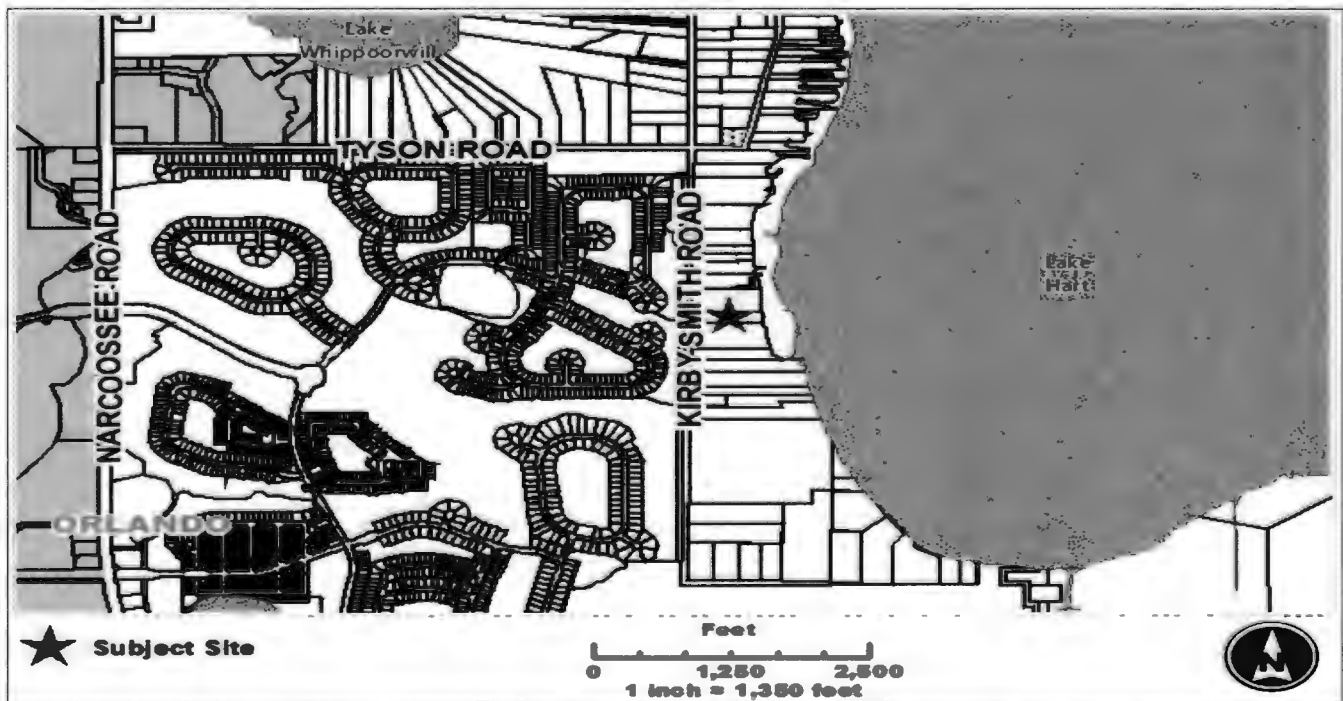
Staff received one (1) commentary in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA unanimously recommended approval of the variance subject to the three (3) conditions found in the staff report.

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-CE	R-CE	R-CE	R-CE	P-D
Future Land Use	RS 1/2	RS 1/2	RS 1/2	RS 1/2	P-D
Current Use	Vacant	Single Family Residence	Vacant	Lake Hart	Common area Tract

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area consists of single family homes on large lots, many of which are lakefront. The subject property is a 2.06 acre unplatted lot that was created through a lot split in 2018. It is considered to be a conforming lot of record. The applicant purchased the property in 2018, and it is currently vacant.

The applicant is proposing to construct a new home and accessory building on the property. A 60' x 120' tennis court is proposed to be located in front of the principal building when it is required to be alongside or behind. A 10' tall black chain link fence is proposed to be installed on the west side of the court and a 4' tall black chain link fence is proposed on the north and south sides. The proposed accessory structure will provide a buffer along the east side.

The adjacent neighbor to the south has submitted a letter of no objection to the proposal.

District Development Standards

	Code Requirement	Proposed
Min. Lot Width:	130 ft.	140 ft.
Min. Lot Size:	1 ac.	2.06 ac.

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

	Code Requirement	Proposed
Front:	35 ft.	210 ft.
Rear:	10 ft.	300 ft.
Side:	10 ft.	10 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

There are no special conditions and circumstances, as the lot is vacant, and the site can be designed in a manner that will not require any variances.

Not Self-Created

The need for the variance is self-created and does result from the request by the applicant to place the tennis court in front of the principal structure.

No Special Privilege Conferred

Approval of the variances as requested will confer special privilege that is denied to other properties in the same area and zoning district, as the applicant could propose a site layout utilizing conforming locations.

Deprivation of Rights

The applicant is not being deprived of the right to have a tennis court on the property in conforming locations. The property is over two acres, which would allow the tennis court to be located in a location that would comply with the zoning code standards.

Minimum Possible Variance

The request to locate the tennis court in front of the principal structure is not the minimum possible variance as the tennis court can be placed on the property in a manner that would not require a variance.

Purpose and Intent

Approval of this request will not be in harmony with the purpose and intent of the Zoning Regulations and could be detrimental to the neighborhood.

CONDITIONS OF APPROVAL

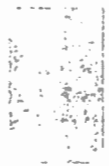
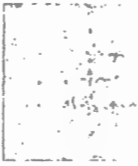
1. Development in accordance with the site plan dated November 1, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) 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: Christopher Salhab
465 S Orlando Dr. Suite 323
Maitland, FL 32751

COVER LETTER



Dr. Ara Suppiah
13214 Bramhall Run
Orlando,
Florida 32832
Tel : 001 516 279 9540
Ara.suppiah@gmail.com

October 15th, 2019

To Whom It May Concern:

Application for variance – ORANGE COUNTY PARCEL 28-24-31-0000-00-043

A request to be granted acceptance for a single tennis court to be placed on a 2.05 acre parcel in front of new primary residence to be constructed at same time. I am requesting front property placement by addressing these criteria –

Special Conditions and Circumstances/Not Self-Created

My parcel is long and narrow, and the residence is placed in the rear to take full advantage of the lake view. I plan to install a solar panel system (to power the entire a family residence approximately 500sq feet) as well as a pool in the rear of house as not to block rear view of Lake Hart.

Minimum Possible Variance/ Purpose and Intent

The solar system will require approximately a 10'x50' surface area in rear of lot and two large oak trees located center of lot are desired to be kept due to placement and maturity. The court, which is strictly for personal use, will be placed 210 feet from the front property line on this long parcel. Landscaping will also be installed to eliminate visibility from the street and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. I believe it will encourage and strengthen relationships as many of the members of this community are keen tennis players.

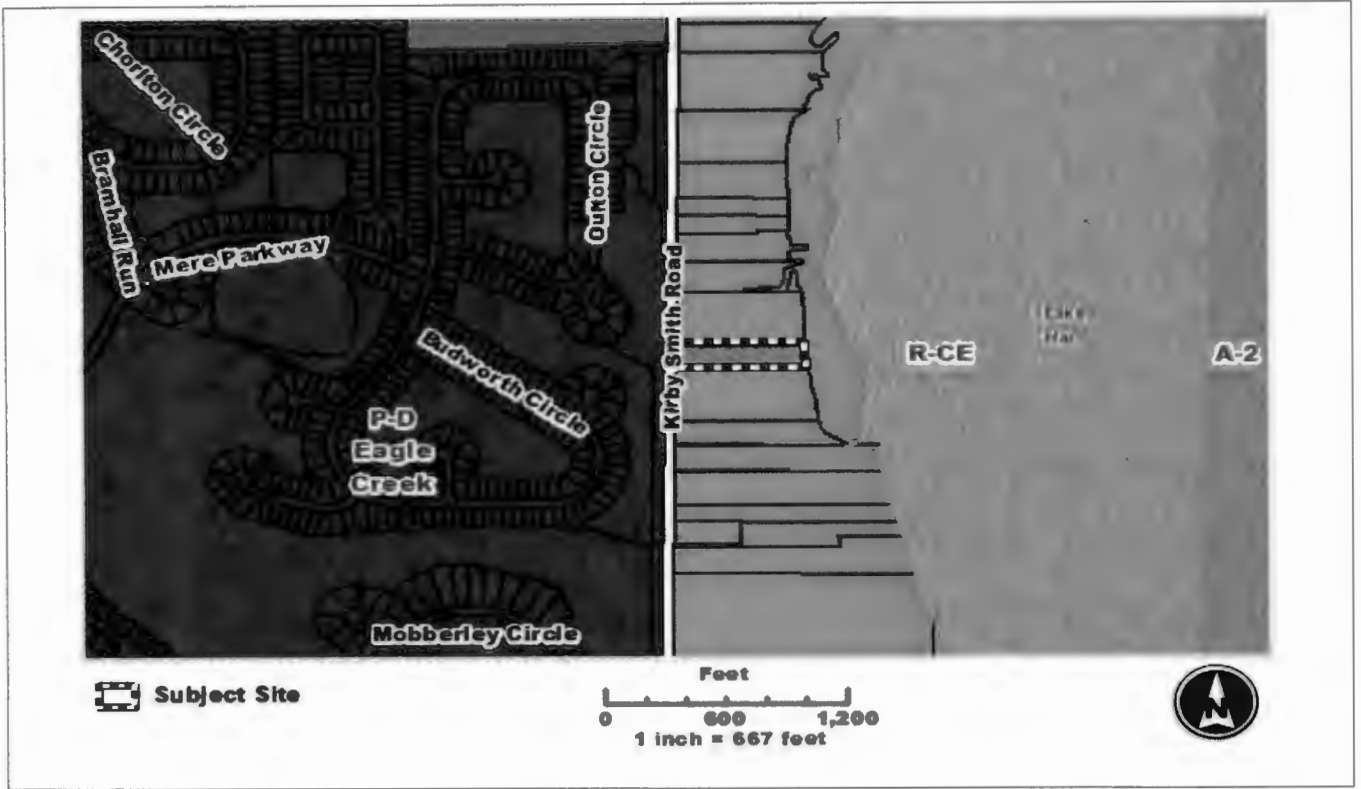
No Special Privilege Conferred/Deprivation of Rights

Parcel 28-24-31-0000-00-006 has a tennis court on the front of the residence. Our site plan submitted will clearly define placement of all structures and solar field. Your consideration to allow our request is appreciated and thank you in advance.

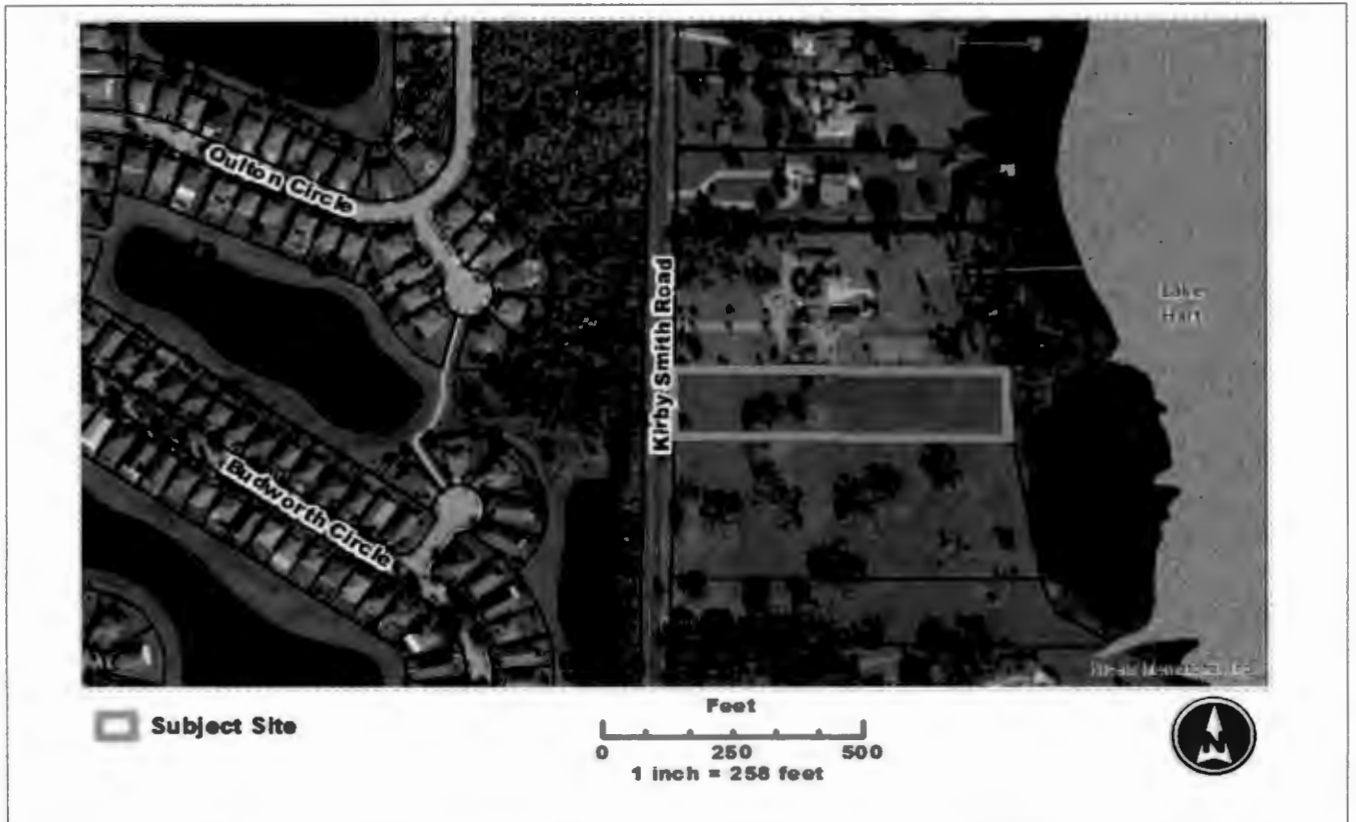
Ara Suppiah M.D
Emergency and Sports Medicine Physician



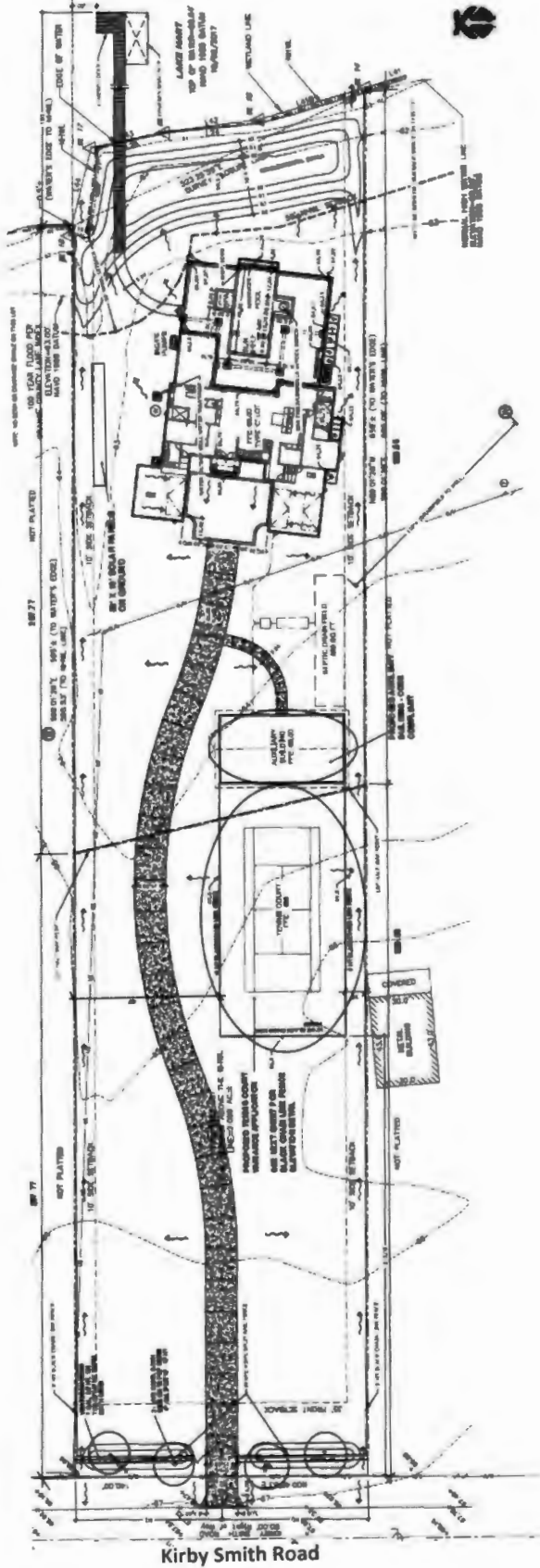
ZONING MAP



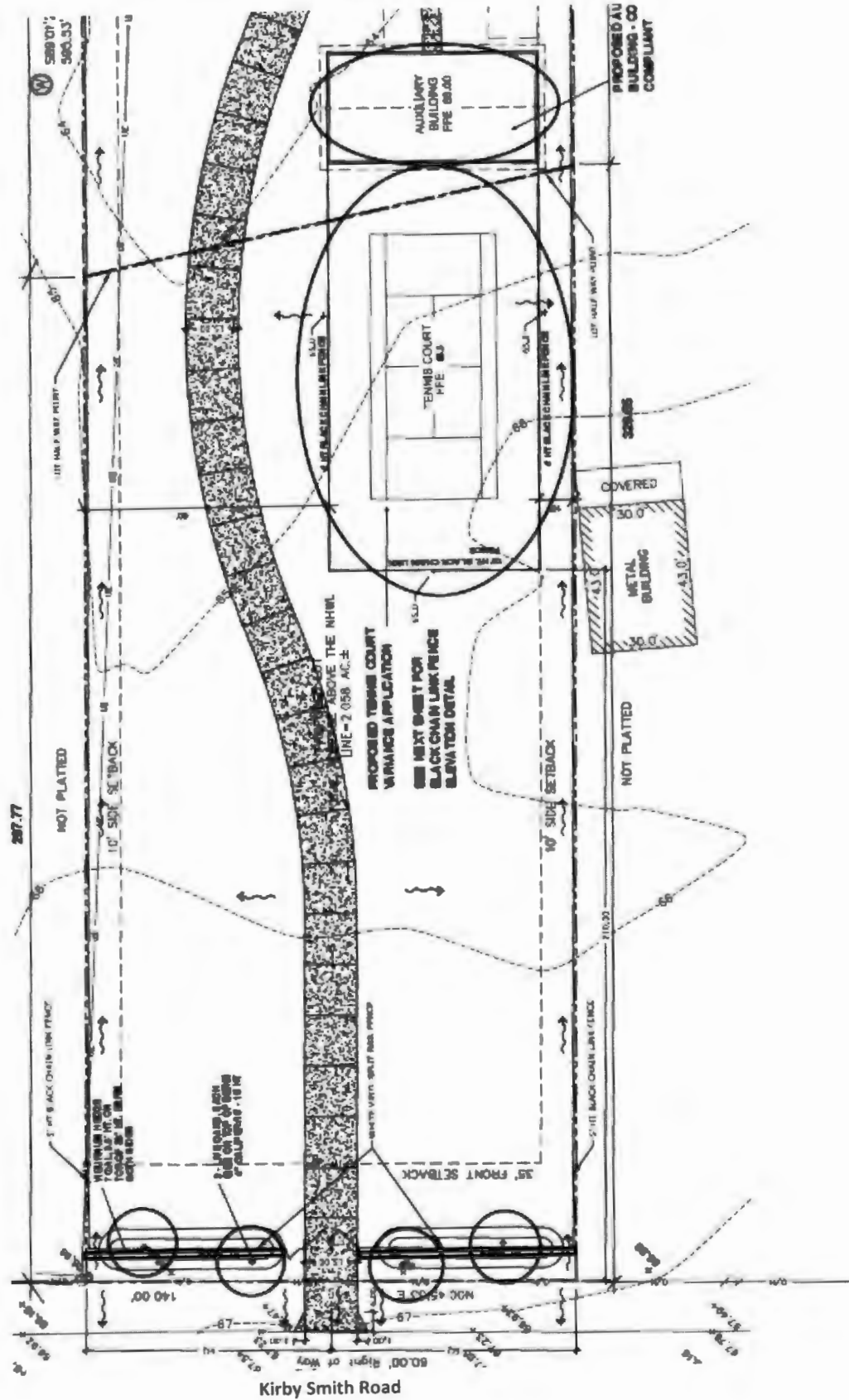
AERIAL MAP



SITE PLAN



SITE PLAN ZOOMED IN ON TENNIS COURT/ACCESSORY BUILDING



Kirby Smith Road



SITE PHOTOS



Property from Kirby Smith Rd.



Property from Kirby Smith Rd.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 05, 2019**

Case Planner: **David Nearing, AICP**

Case #: **SE-19-12-138**

Commission District: **#4**

GENERAL INFORMATION

APPLICANT(s): PREMIER LANDSCAPERS (ELLE ANDERSON)

OWNER(s): DELIA INGUANZO, JOSE INGUANZO

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

1) Special Exception to permit a landscaping and irrigation company.

2) Variance to allow 34 grass parking spaces in lieu of paved parking.

PROPERTY LOCATION: 14573 Bicky Rd., Orlando, FL 32824, east side of Bicky Rd., approximately 330 ft. north of Whispering Pines Rd.

PARCEL ID: 34-24-30-6368-00-450

LOT SIZE: 300 ft. x 650 ft./4.56 acres

NOTICE AREA: 1,500 ft.

NUMBER OF NOTICES: 76

DECISION: Recommended a **CONTINUANCE** to conduct a community meeting (unanimous; 4-0 and 3 absent).

SYNOPSIS: Staff described the character of the area, and how the applicant intended to design the site. Staff explained that prior to preparation of the staff report staff had not received any correspondence other than two (2) letters of support from neighboring properties. However, after publication of the report they began receiving correspondence in opposition to the request, including a petition with 31 signatures, which arrived the day before the hearing.

The applicant's attorney presented examples of other similar uses located in the general area. These uses included landscape companies, one of which was operating a grinder/chipper to make mulch; a dog training facility, which holds competitions; and a property with horse boarding that included a club and restaurant. Staff noted that while there may be such uses they may not have received the required approvals.

Eight (8) people spoke in opposition to the request. They cited increased traffic, noise, fumes, safety of school children waiting at bus stops, and the concern over use of herbicides and pesticides contaminating their wells. They also voiced their frustration over the way their past complaints regarding unpermitted uses have been addressed.

In rebuttal, the applicant noted that the application was not to change the zoning of the property, but to allow a use in conjunction with a nursery, which is a permitted use. Plants and trees will not only be grown on the property, but will also be taken to other locations for the landscaping business.

The BZA asked the applicant if they were open to a continuance for the purpose of conducting a community meeting. The applicant indicated that they were open to this.

The public hearing was closed.

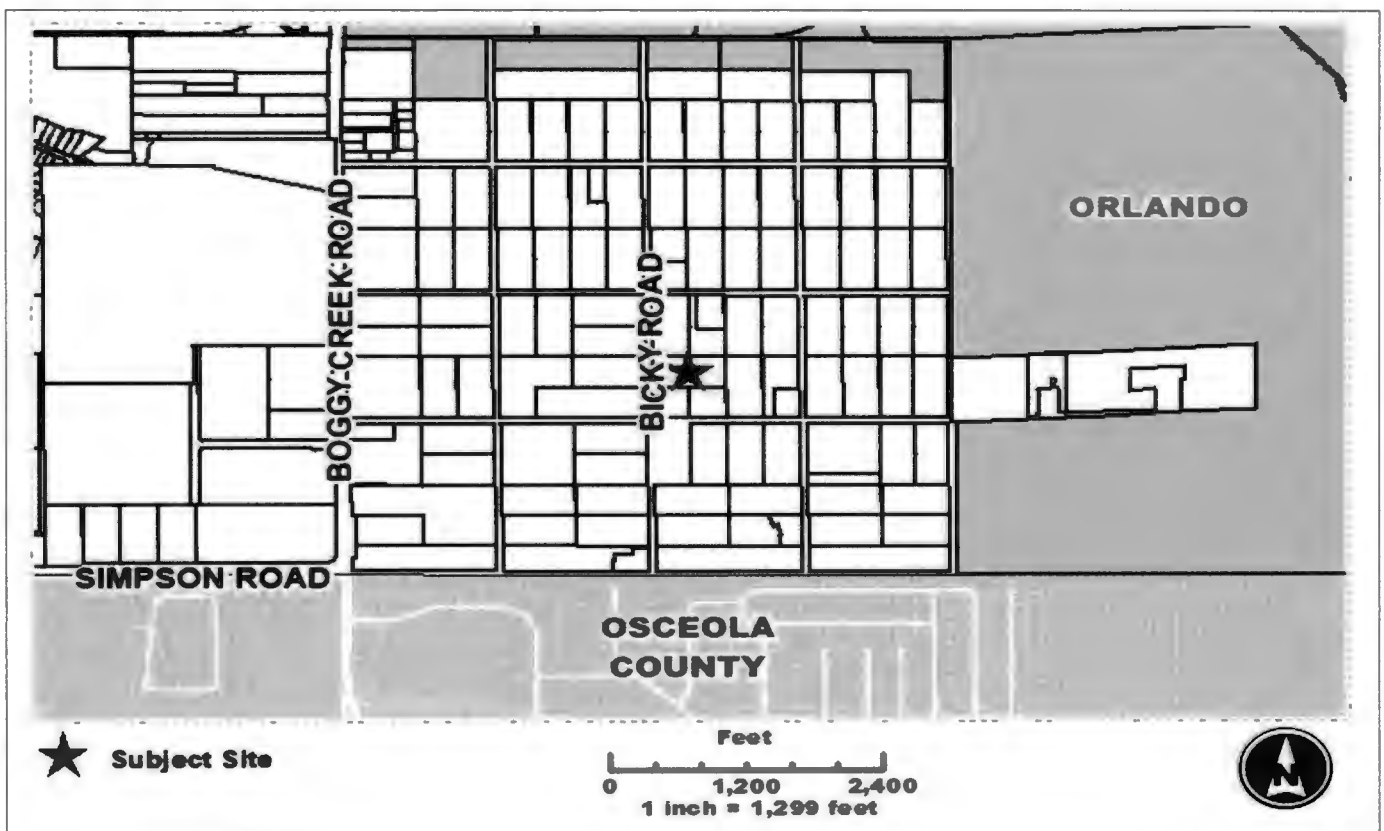
Several members of the BZA indicated that if there is not a continuance to see if some compromises can be reached, they would not support the request.

The BZA unanimously recommended that the application be continued so that a community meeting could be held.

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	Vacant	Vacant & Single family residence	Single family residences	Single family residence	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 such as wholesale plant nurseries, mobile homes, and single-family homes with accessory structures on larger lots. In addition, uses associated with nurseries, such as landscaping businesses and irrigation contractors are permitted through the Special Exception process.

The subject property is a 4.56 ac. parcel of land. The property is approximately 1/2 of a 9+ ac. Lot 45, created through the Orlando-Kissimmee Farms subdivision plat, which was recorded May 1926.

The property is currently vacant. A large amount of fill dirt was placed on the property without the owner's knowledge or permission. Since the fill is now the property of the owner of the subject property, the applicant intends to use it to level the site once they take ownership and obtain the necessary site work permits.

The applicant intends to place a 3,000 sq. ft. modular office building in the northeast corner of the site. To reduce the need for larger stormwater management facilities, they are proposing 34 grassed parking spaces. These spaces will be used primarily by employees. Uses such as nurseries and landscape irrigation companies do not attract large numbers of customers. They will also provide four (4) parking spaces covered in 57-stone for customers, and two (2) handicap parking spaces which will be fully paved. The grassed parking will need tire stop anchored in place to prevent vehicles from encroaching into the buffer area.

The applicant will be using eight (8) trucks with trailers for their business. These vehicles will be stored in the southeastern portion of the site. The parking area will also be covered in 57-stone.

Next to the work vehicle storage area will be a 15 ft. x 30 ft. (450 sq. ft.) pole barn. This structure will be used for minor vehicle maintenance and storage of materials such as irrigation materials, and materials for the nursery, such as potting soil, and fertilizers.

According to the Landscape Code, the applicant will be required to place foundation plantings along the front of the office, and they will need to provide a 25 ft. Type B buffer around the north, east and south perimeter with trees planted 40 ft. apart on center. They will also need to either install a six (6) ft. tall opaque masonry wall, use berming, plant a hedge, utilize existing vegetation, or use a combination of these to create an opaque screen around the sites perimeter.

The applicant indicates that their days and hours of operation will be Monday through Friday, 7 a.m. to 3 p.m. However, staff recommends that a 6 p.m. end of day be approved, to provide the applicant with the flexibility to respond to various factors such as weather.

Any debris brought to the site from a job site will be stored temporarily, and either hauled to an off-site disposal location or removed via dumpster. The applicant will not operate a grinder/chipper.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	16 ft.
Min. Lot Width:	100 ft.	300 ft.
Min. Lot Size:	.5 ac.	4.56 ac.

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

	Code Requirement	Proposed
Front:	35 ft.	540 ft.
Rear:	50 ft.	50 ft.
Side:	10 ft.	10 ft.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

Any use listed in Chapter 38 of the County Code as permitted by way of Special Exception is deemed consistent with the Comprehensive Plan upon approval of the Special Exception.

Similar and compatible with the surrounding area

Nurseries are permitted by right in the A-2 zoning district. Since all of the landscaping and irrigation work takes place off-site, the site will appear to be no more than a nursery, of which there are several in the vicinity.

Shall not act as a detrimental intrusion into a surrounding area

The greatest amount of activity on the subject property will take place in the morning as crews leave the site, and in the afternoon as they return. The applicant is aware that they must operate within the confines of the County's noise ordinance, which the proposed and recommended hours of operation fall within.

Meet the performance standards of the district

The proposed use will meet all setbacks, height limits, parking requirements, and other performance standards. With the installation of the "Type B" buffer, the adjacent residents will be afforded adequate buffering.

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

The site will generate slightly more noise than an abutting property while crews are departing in the morning and returning in the afternoon. The remainder of the day, the site will create no more noise, vibration, dust, odor, glare or heat than the adjacent residences. The "Type B" buffer will mitigate the added activity to a certain extent.

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

The site plan will need to be revised to reflect the 25 ft. buffer around the site.

VARIANCE CRITERIA

Special Conditions and Circumstances

The site is a rural area. Large expanses of concrete or asphalt not associated with uses such as churches, would be out of character with the area.

No Special Privilege Conferred

Use of more pervious materials, such as stone, in rural areas is very common for both residential and non-residential uses.

Deprivation of Rights

Without the variance, the applicant will be required to provide paved or stone parking. Even though stone is less pervious than pavement, it is not as pervious as grass. Some retention will be needed due to the use of stone for the drive aisle. Use of stone for the parking will increase the need for retention, reducing the amount of area for plant materials.

Minimum Possible Variance

The applicant is providing stone drive aisles; the use of grassed parking is the minimum necessary.

Purpose and Intent

The applicant is providing stone covering where the heavy work vehicles will be parked, and in the drive aisles. It is common to allow grassed parking in more rural settings. The variance will satisfy the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated October 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. A "Type B" buffer yard shall be installed along the entire north, east and west property lines, with a shade tree planted along the property line every 40 ft. on center.
5. Days and hours of operation shall be limited to Monday through Friday, 7 a.m. to 6 p.m.
6. No wood grinder/chipper shall be used on the subject property.

c: Elle Anderson
6441 S. Chickasaw Trl.
Orlando, FL 32829

COVER LETTER



Premier Landscape Organization LLC
www.premierlandscapespro.com

Orange County Board of Zoning Adjustment
Mr. Dave Nearing
201 South Rosalind Avenue – 1st Floor
Orlando, Florida 32801

Dear Board of Zoning Adjustment,

Premier Landscapes Organization LLC, a professional commercial landscaping company, would like to establish our primary location and conduct business at a new location,

14573 Bicky Road
Orlando, Florida 32824

In addition to our nursery, we are requesting a special exception to the current zoning to include our landscaping installation, landscape maintenance and irrigation business. I have already spoken to David Bromfield and he advised me that we do not need a permit under Chapter 32 Article 5, Solid Waste Management Ordinance. We will have approximately 20 employee vehicles parked on the property and would like to include a variance for grass parking. There will be no retail sales at all. This will bring an additional 30 employees to Orange County.

We have met the Special Exception Criteria, Section 38-78 Orange County Code, to wit:

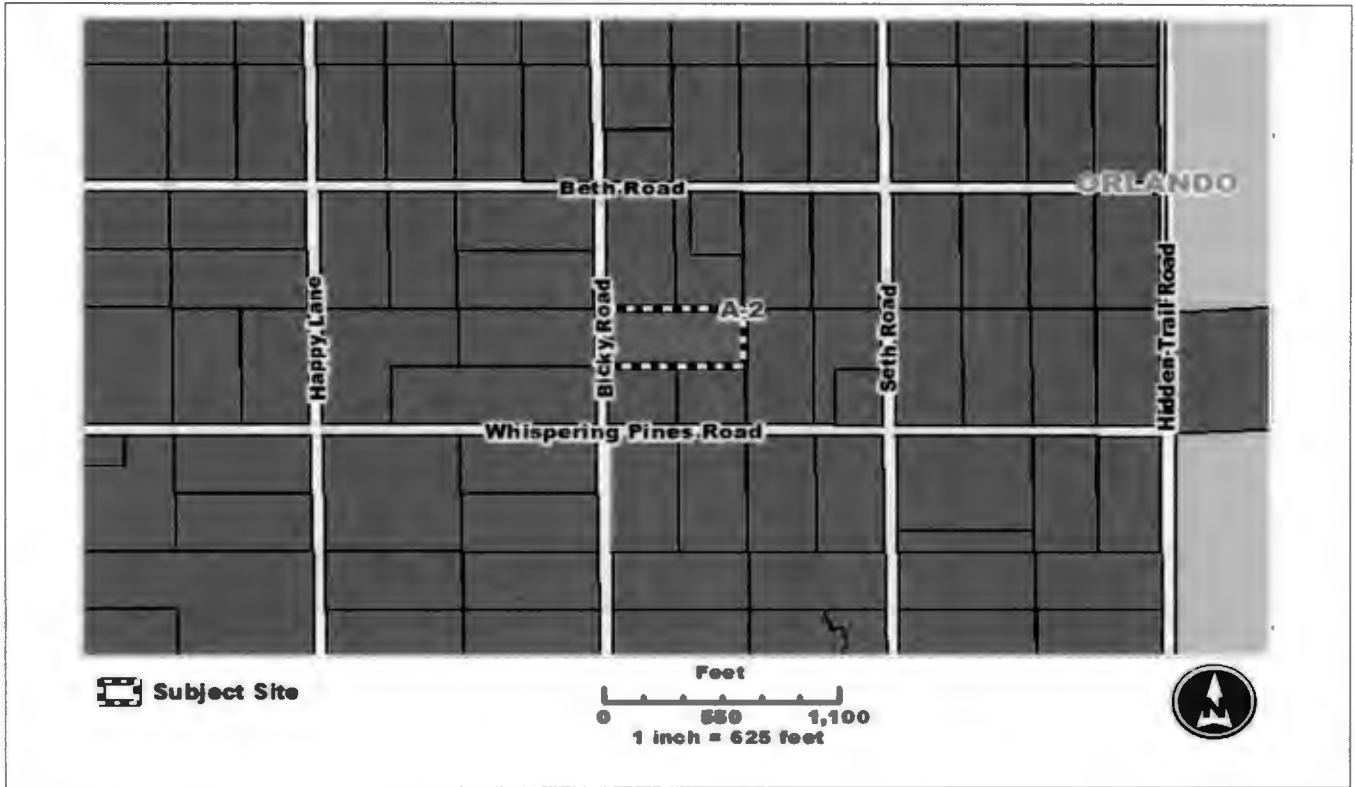
- 1-2: The area is predominantly rural and agricultural. The proposed business is an agricultural-based business.
- 3: The crews will arrive in the morning, travel to their jobsites and return in the evening. Two employees will be outside tending to the plant materials and equipment.
4. We are complying with all setbacks and landscape requirements.
5. We are not using any chippers, grinders nor will we do any outdoor burning.
6. All the landscaping requirements will be in compliance.

Respectfully,

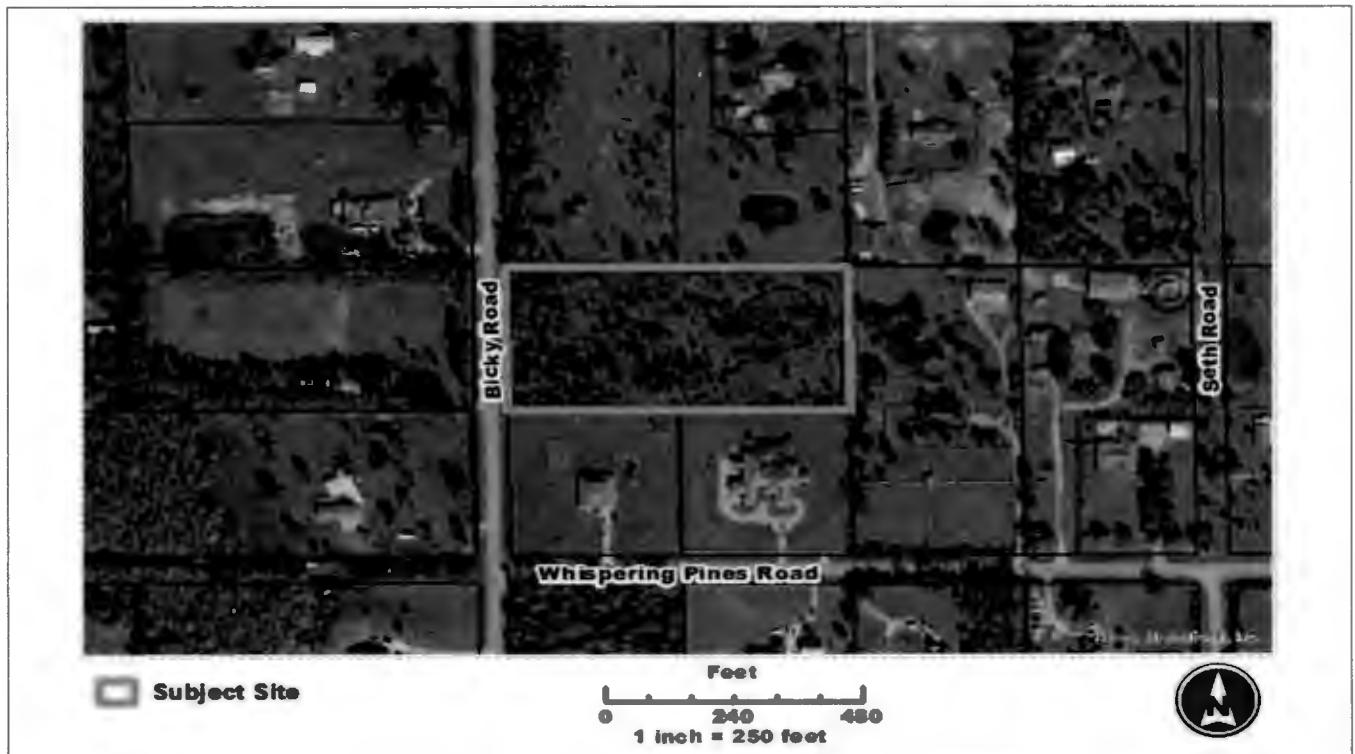

Elle Anderson, President

5771 Leon Tyson Rd. St. Cloud, FL 34771
COMMERCIAL * AUTO CADD DESIGN * RENOVATIONS
Phone: 407.892.9795 * Fax: 407.892.3332

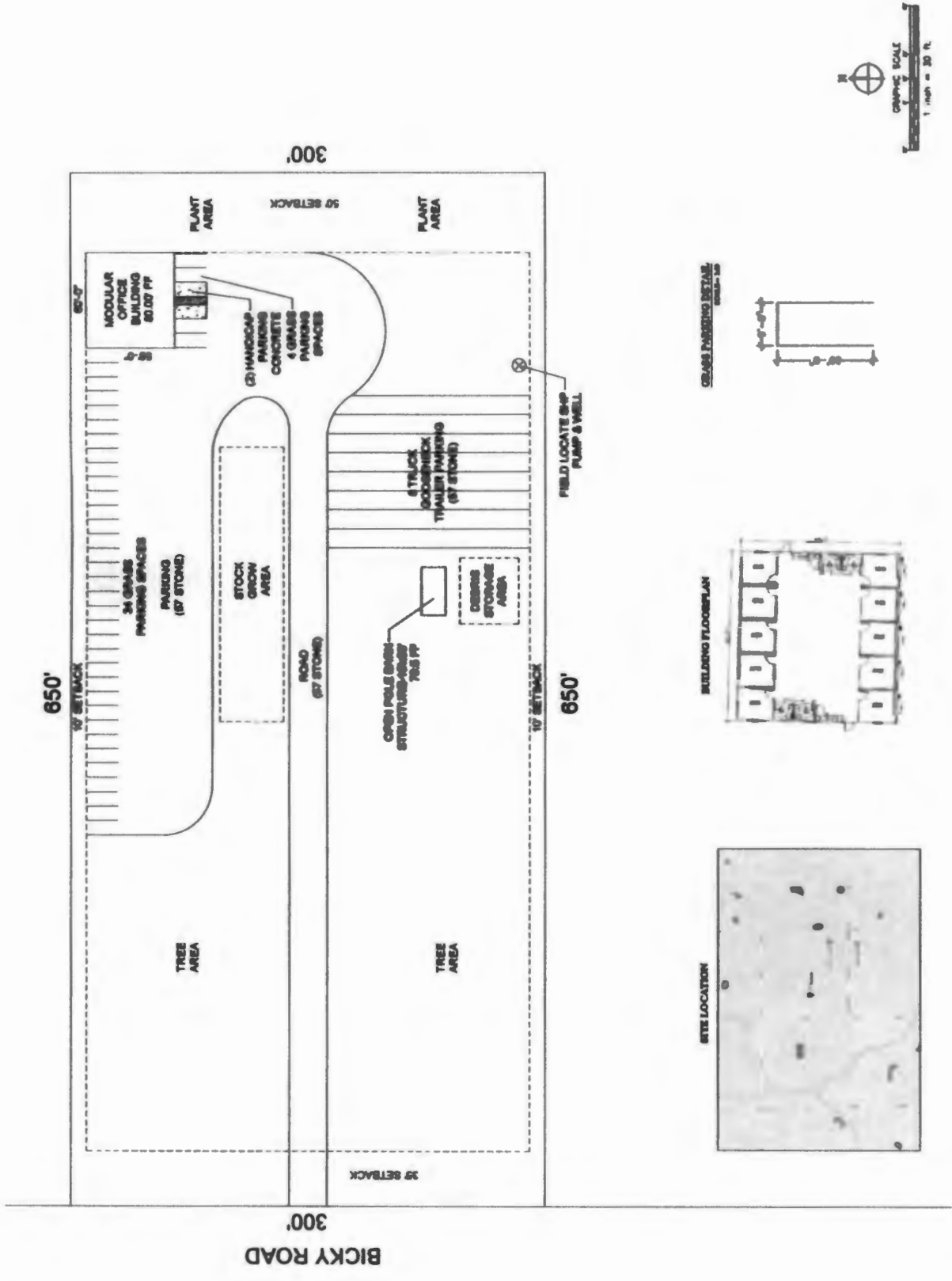
ZONING MAP



AERIAL MAP

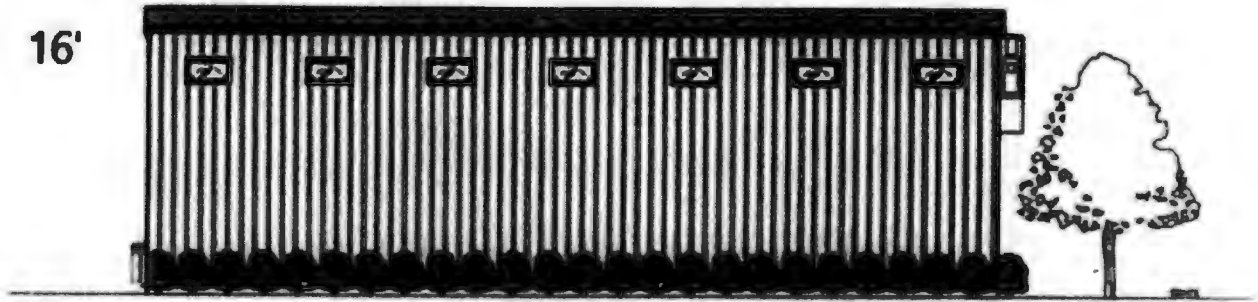


SITE PLAN

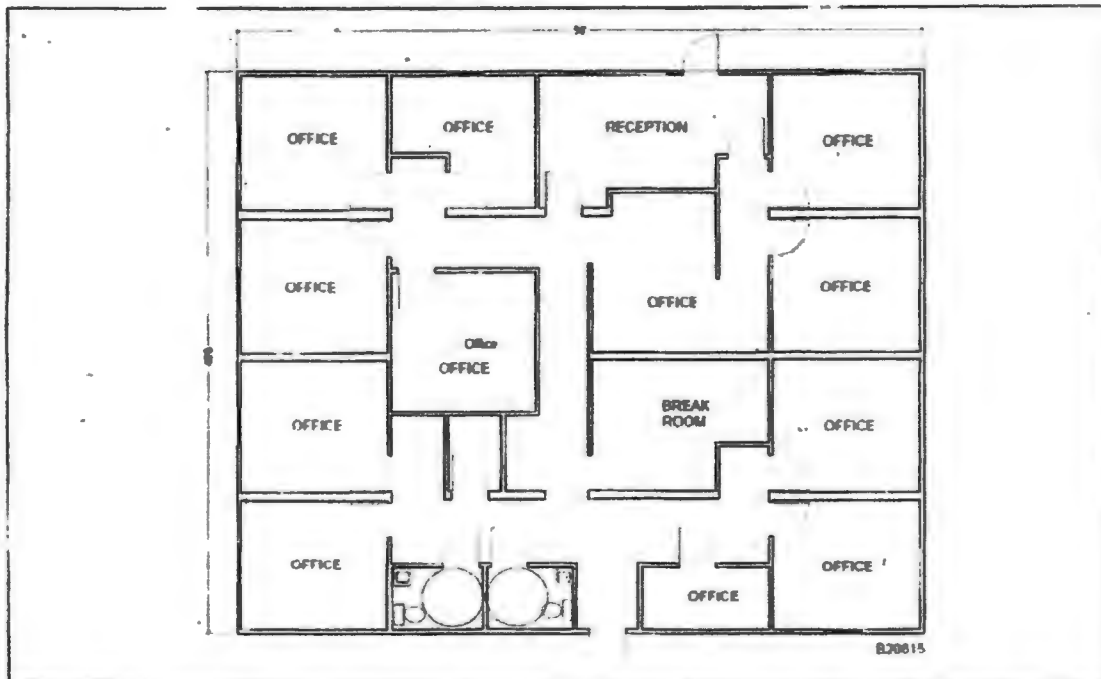


ELEVATIONS & FLOOR PLAN

16'



FRONT VIEW
(typical)



<p>VANGUARD MODULAR BUILDING SYSTEMS</p>	<p>Corporate Office 2800 West 10th Avenue Suite 100 Indian, PA 15005 412-938-6100 412-938-6140 www.vanguardmb.com</p>	<p>Commercial Office</p>	<p>This drawing and the information herein has been provided to you by a Vanguard Modular Building Systems Representative. This drawing shall be held confidential. Duplicate reproduction in whole or part is prohibited.</p>	<p>Drawing Title: B20615</p>	<p>Project: Commercial</p>
	<p>Drawn By: Vanguard</p>	<p>Drawing: B20615</p>			
	<p>Date: 1/10</p>				

SITE PHOTOS



Site Entrance Looking East



Neighboring Property Looking North

SITE PHOTOS



Approximate Location of Office, Looking Northeast



Nearest Residence Looking South