



Planning, Environmental &  
Development Services  
Department



Orange County Board of Zoning Adjustment

# Recommendations Booklet

Hearing Date:

**January 2, 2020**

Zoning Division

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

<b><u>Board Member</u></b>	<b><u>District</u></b>
Carolyn Karraker (Chair)	1
Gregory A. Jackson	2
Juan Velez	3
Deborah Moskowitz (Vice Chair)	4
Wes A. Hodge	5
Charles J. Hawkins, II	6
Roberta Walton	At Large
<b><u>BZA Staff</u></b>	
Vacant	Chief Planner
Nick Balevich	Planner II
David Nearing, AICP	Planner II

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
RECOMMENDATIONS  
JANUARY 2, 2020**

<b><u>PUBLIC HEARING</u></b>	<b><u>APPLICANT</u></b>	<b><u>DISTRICT</u></b>	<b><u>BZA Recommendations</u></b>	<b><u>PAGE #</u></b>
VA-20-01-146	Venue Investments 8 LLC (Amit Ghosh)	6	Request #1 and #2, Approved w/Conditions Request #3, Denied	1
VA-20-01-147	Michael Horton	5	Approved w/Conditions	12
VA-20-01-149	SR Builders, Inc. (Scott Ryan)	3	Approved w/Conditions	26
SE-19-12-137	Tam Bao Temple (Douglas Lam)	2	Approved w/Conditions	40
VA-20-01-142	Mohamed Abdou	6	Withdrawn	55
VA-20-01-143	Olive Garden (Landon White)	3	Approved w/Conditions	67
SE-19-10-119	House of Prayer Church of the Living God, Inc.	6	Postponed	84
VA-20-01-145	I.D. Construction & Contracting	6	Approved w/Conditions	103
SE-19-07-068	Angelo's Recycling	4	Approved w/Conditions	120

**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) Mobile Home - 2 acres	850	100	35	50	10	35	<i>a</i>
A-2	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	<i>a</i>
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.						

District	Min. lot area (sq. ft.) <sup>m</sup>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <sup>a</sup>	Min. rear yard (ft.) <sup>a</sup>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
NR	One-family dwelling, 4,500	1,000	45 <sup>c</sup>	20	20	5	35/3 stories <sup>k</sup>	<i>a</i>
	Two DUs, 8,000	500 per DU	80/90 <sup>d</sup>	20	20	5	35/3 stories <sup>k</sup>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <sup>k</sup>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories <sup>k</sup>	<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 <sup>k</sup>	<i>o</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 <sup>k</sup>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <sup>c</sup>	20	20	5	35/3 stories <sup>k</sup>	<i>a</i>
	Two DUs, 11,250	500 per DU	80 <sup>d</sup>	20	20	5	35/3 stories <sup>k</sup>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <sup>k</sup>	<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 <sup>k</sup>	<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 <sup>k</sup>	<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 <sup>k</sup>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <sup>c</sup>	20	20	5	35/3 stories <sup>k</sup>	<i>a</i>
	Two DUs, 8,000	500 per DU	80 <sup>d</sup>	20	20	5	35/3 stories <sup>k</sup>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <sup>k</sup>	<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 <sup>k</sup>	<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 <sup>k</sup>	<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 <sup>e</sup> ; 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.) <sup>m</sup>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <sup>a</sup>	Min. rear yard (ft.) <sup>a</sup>	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 <sup>f</sup>	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	<sup>a</sup>
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets <sup>g</sup>	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	<sup>a</sup>

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

<sup>a</sup>	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.
<sup>b</sup>	Side setback is 30 feet where adjacent to single-family district.
<sup>c</sup>	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.
<sup>d</sup>	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"> <li>(i) are either platted or lots of record existing prior to 3/3/97, and</li> <li>(ii) are 75 feet in width or greater, but are less than 90 feet, and</li> <li>(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.</li> </ul>
<sup>e</sup>	Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
<sup>f</sup>	Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
<sup>g</sup>	Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
<sup>h</sup>	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.
<sup>j</sup>	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.
<sup>k</sup>	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%.
<sup>m</sup>	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: **JAN 02, 2020**

Case Planner: **David Nearing, AICP**

Case #: **VA-20-01-146**

Commission District: **#6**

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## GENERAL INFORMATION

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APPLICANT(s): VENUE INVESTMENTS 8 LLC (AMIT GHOSH)

OWNER(s): AMIT GHOSH

REQUEST: Variances in the P-O zoning district as follows:

- 1) Total of 4 parking spaces in lieu of 7 spaces.
- 2) One parking space at 8 ft. x 18 ft. in lieu of 9 ft. X 20 ft. with 144 sq. ft. of area in lieu of 180 ft.
- 3) Two parking spaces at 9 ft. x 18 ft. in lieu of 9 ft. x 20 ft. and 162 sq. ft. of area in lieu of 180 sq. ft.

PROPERTY LOCATION: 1245 N. Pine Hills Rd., Orlando, Florida, 32808, east side of N. Pine Hills Rd., approximately 650 ft. south of Golf Club Pkwy.

PARCEL ID: 19-22-29-6976-08-230

LOT SIZE: 65 ft. x 125 ft./ .186 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 146

**DECISION:** Recommended **APPROVAL** of the Variance requests **#1** and **#2**, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions; and, recommended **DENIAL** of the Variance request **#3**, in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3) (unanimous; 4-0 and 3 absent):

1. Development in accordance with the site plan dated November 8, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Revise the plan to depict a 22 ft. wide drive aisle and the northern two (2) parking spaces to reflect a depth of 20 ft.

5. All required permits shall be issued and finalized for the legal conversion of the structure to office within six (6) months of the application or this approval becomes null and void.
6. A minimum of two (2) understory trees shall be planted between the parking area and street, one on either side of the driveway.
7. A four (4) ft. tall concrete or masonry street wall shall be installed between the parking area and the western/N. Pine Hills Rd. property line with shrubs planted between the wall and the street.

**SYNOPSIS:** Staff discussed the history of the property including the rezoning, which took place in 1986. In the minutes of the Planning & Zoning Commission meeting where the property was rezoned, the Commission noted that variances would be needed to convert the property to a non-residential use. Staff noted that variances to the lot width, lot area, parking requirements and the side setback had been obtained and revised in 2002; however, the conversion of the property did not take place. The applicant purchased the property in 2016, with the understanding that the property was a residence. It was not until a permit was obtained to repair damage that they learned that a conversion to an office use needed to be completed. Staff noted that due to the presence of the site's septic system in the rear yard, the inability to gain adequate vehicular access to the rear of the property, and the lack of adequate space in front of the building, it was not possible to provide the required parking. The prior variance had granted a reduction in parking from seven (7) spaces to five (5) spaces, and the applicant was now requesting a further reduction to four (4) spaces. Staff explained that if the width of the drive aisle was reduced from 24 ft. to 22 ft., the extra two (2) ft. could be added to the two north parking spaces eliminating the need for Variance #3. Staff noted that they had not received any correspondence in favor or opposition to the request.

The applicant was not present. There being no one present to speak in favor of or in opposition to the request, the public hearing was closed.

The BZA concurred that the modification to the drive aisle width would be a minor change, but would result in a better project.

The BZA unanimously recommended approval of Variances #1 and #2, subject to the seven (7) conditions found in the staff report, and denial of Variance #3.

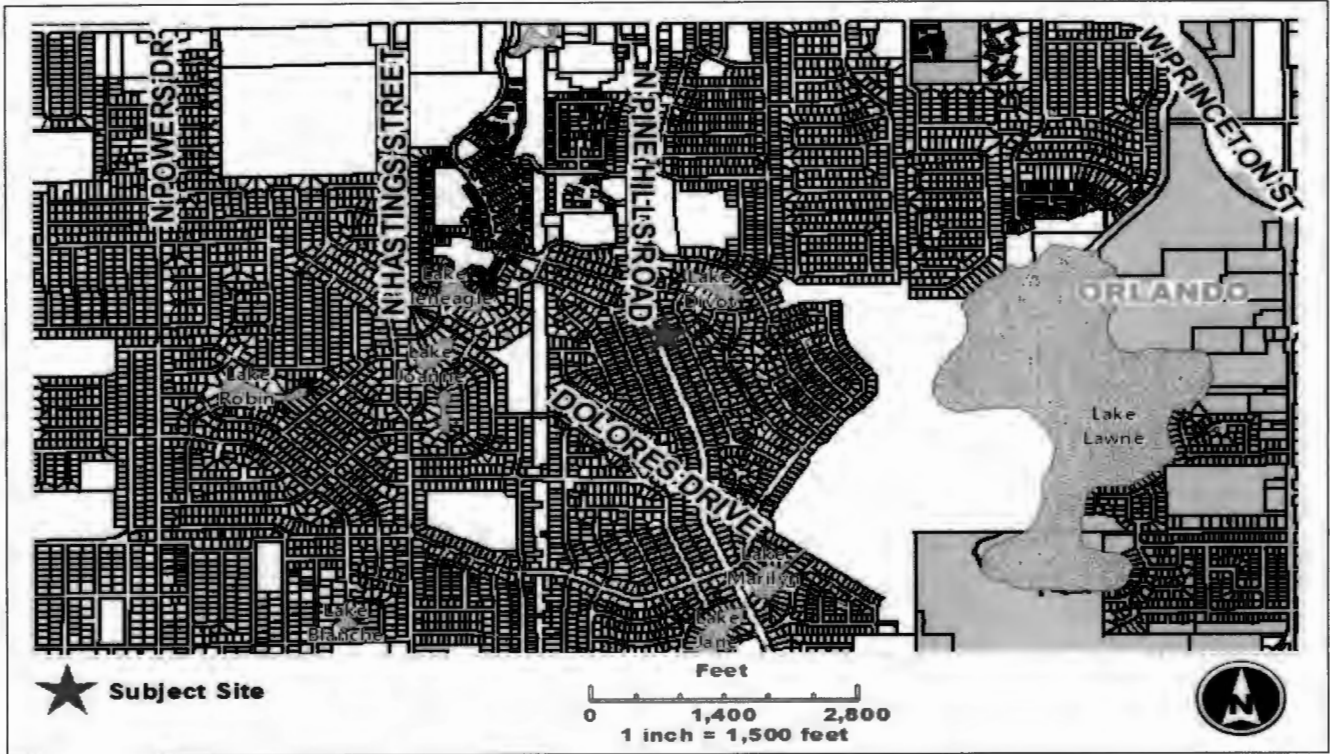
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#### **STAFF RECOMMENDATIONS**

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Approval of Variances 1 and 2, and denial of Variance #3, subject to the conditions in this report.

**LOCATION MAP**



**SITE & SURROUNDING DATA**

	Property	North	South	East	West
Current Zoning	P-O	P-O	P-O	R-1A	R-1A & P-O
Future Land Use	O	O	O	LDR	O
Current Use	Single family residential	Office	Office	Single family residential	Office & Single family residential

**BACKGROUND AND ANALYSIS**

**DESCRIPTION AND CONTEXT**

The property is located in the P-O Professional Office District, which allows for professional services such as medical offices, personal services and other office type uses and serves as a transition zone between commercial and residential uses.

The subject property consists of a 65 ft. wide x 125 ft. wide lot containing a 1,260 sq. ft. single family residence, which was constructed in 1952. The property was created through the Pine Hills Manor No. 2 plat, which was recorded in September of 1952.

In mid-1986, the County approved an application to rezone the property from R-1 to P-O to allow its use as an office building. However, there is no record that the property ever obtained the appropriate approval to

convert the residence to a nonresidential use, or bring the site up to commercial site plan standards and install parking and landscaping.

On August 1, 2002 (Case #22), the County granted several variances to allow the subject property to be used for office, including the following: a reduced lot width of 65 ft. in lieu of 85 ft.; a lot area of 8,125 sq. ft. in lieu of 10,000 sq. ft.; a reduction in parking from seven (7) spaces to five (5) spaces; and to allow the existing structure to remain 8.8 ft. from the side lot line in lieu of 10 ft. One condition of approval limited parking in front of the building to one (1) space, and another required that the applicant enter into a "joint use agreement with adjacent neighbor for access and parking." On November 7, 2002 (Case #28), the County approved a request to amend the August 1, 2002 conditions of approval to remove conditions #5 and 6 regarding parking in the front and the joint use agreement.

The applicant, who purchased the property in 2016, wishes to finalize the conversion of the property to an office. While previous variances validated the property as substandard and provided for a reduction in parking, the parking reduction was not sufficient to allow the applicant to proceed, as the area available for parking cannot accommodate five (5) spaces. A reduction to four (4) spaces will allow the applicant to complete the conversion.

Due to the square footage of the structure, seven (7) parking spaces are required. While the structure meets the front yard setback, because the structure is located so far forward on the property, there is not sufficient area to provide the required number of parking spaces.

The applicant's architect was able to design a site plan, which would provide the needed parking. That design was dependent on obtaining an access easement over the property to the north allowing access to the additional spaces that were to be located in the rear yard, however the neighboring property owner would not grant the easement.

Due to the location of the building, it is not possible to construct a drive aisle to access a parking lot in the rear yard. In addition, there is a septic system in the middle of the rear yard, which would limit the number of spaces permitted in the rear.

The applicant is seeking the variances to be able to properly convert the property to an office use. They realize that due to the limited parking that they will be limited to the type of tenants that can lease the property. These tenants will be businesses, which do not attract large numbers of clients, or do most of their business by internet or phone.

The applicant could reduce the width of the drive aisle from 24 ft. to 22 ft. This would still leave adequate maneuvering area, and it would allow the two (2) spaces on the north side of the lot to attain the required depth and area, eliminating the need for Variance #3.

**District Development Standards**

	Code Requirement	Proposed
Max Height:	35 ft.	N/A
Min. Lot Width:	85 ft.	65 ft.
Min. Lot Size:	10,000 sq. ft.	8,125 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	25 ft.
Rear:	30 ft.	59 ft.
Side:	10 ft.	8.8 ft. (North)/10 ft. (South)
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

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**STAFF FINDINGS**

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**VARIANCE CRITERIA**

**Special Conditions and Circumstances**

The special conditions and circumstances are the size of the property and the location of the structure. The lot is very narrow which makes on-site circulation difficult. If the lot were the required 85 ft. in width, other alternatives would be available. The structure is located 25 ft. back from the front property line, leaving insufficient area to place seven (7) parking spaces. While the rear yard has sufficient area, a combination of the inability to provide adequate access and the presence of the septic system renders that space unusable.

**Not Self-Created**

The applicant purchased the property in 2016. They are not responsible for the size or placement of the structure.

**No Special Privilege Conferred**

The need to grant relief from certain provisions of the code when attempting to change the use of property is common. This is demonstrated by the variance granted in August 2002 to reduce the required parking.

**Deprivation of Rights**

Without the requested variances, the applicant would need to demolish existing floor area to reduce the amount of required parking, or demolish the entire structure and relocate it further back on the site.

**Minimum Possible Variance**

Due to the site constraints, the requested variance is the minimum possible needed for the number of spaces. However, if the applicant reduced the width of the drive aisle from 24 ft. to 22 ft., Variance #3 can be eliminated.

**Purpose and Intent**

The proposed variances will provide a safe and functional parking area, which meets the purpose and intent of the code.

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## CONDITIONS OF APPROVAL

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1. Development in accordance with the site plan dated November 8, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Revise the plan to depict a 22 ft. wide drive aisle and the northern two (2) parking spaces to reflect a depth of 20 ft.
5. All required permits shall be issued and finalized for the legal conversion of the structure to office within six (6) months of the application or this approval becomes null and void.
6. A minimum of two (2) understory trees shall be planted between the parking area and street, one on each side of the driveway.
7. A four (4) ft. tall concrete or masonry street wall shall be installed between the parking area and the Western/N. Pine Hills Rd. property line with shrubs planted between the wall and the street.

C: Amit Ghosh  
2014 Edgewater Dr.  
Orlando, FL 32804

---

COVER LETTER

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VENUE INVESTMENTS 8 LLC

October 24<sup>th</sup>, 2019

RE: Variance Request for 1245 North Pine Hills, Orlando, 32808

Dear Sir or Madam,

Venue Investments 8 LLC is requesting a variance to reduce the required number of parking spaces from 6 spaces to 4 spaces. Based on site constraints, structure layout, and septic field in the rear, our Architect and Civil Engineer can only accommodate 4 spaces that meet the parking requirements and dimensions designated by Orange County.

Our request for variance meets all 6 standards of variance approval.

1. Special Condition and Circumstance- Due to the following site constraints we are able to only accommodate 4 parking spaces:

- Limited front yard due to placement of existing building structure
- Septic field located in the back yard of the building

2. Not Self-Created- This variance request is not due to any actions of Venue Investments 8 or any of its officers/directors.

3. No Special Privilege Conferred- We are attempting to properly convert the property to an office per the Future Land Use and zoning requirements.

4. Deprivation of Rights- Without this variance we would need to demolish this entire building, and rebuild it further west to accommodate the required parking.

5. Minimum Possible Variance- Our Architect and Civil have designed the parking in a way to minimize our variance request area.

6. Purpose and Intent- To Variance is to confirm to Commercial usage and is in harmony with the purpose and intent of the Zoning Regulations.

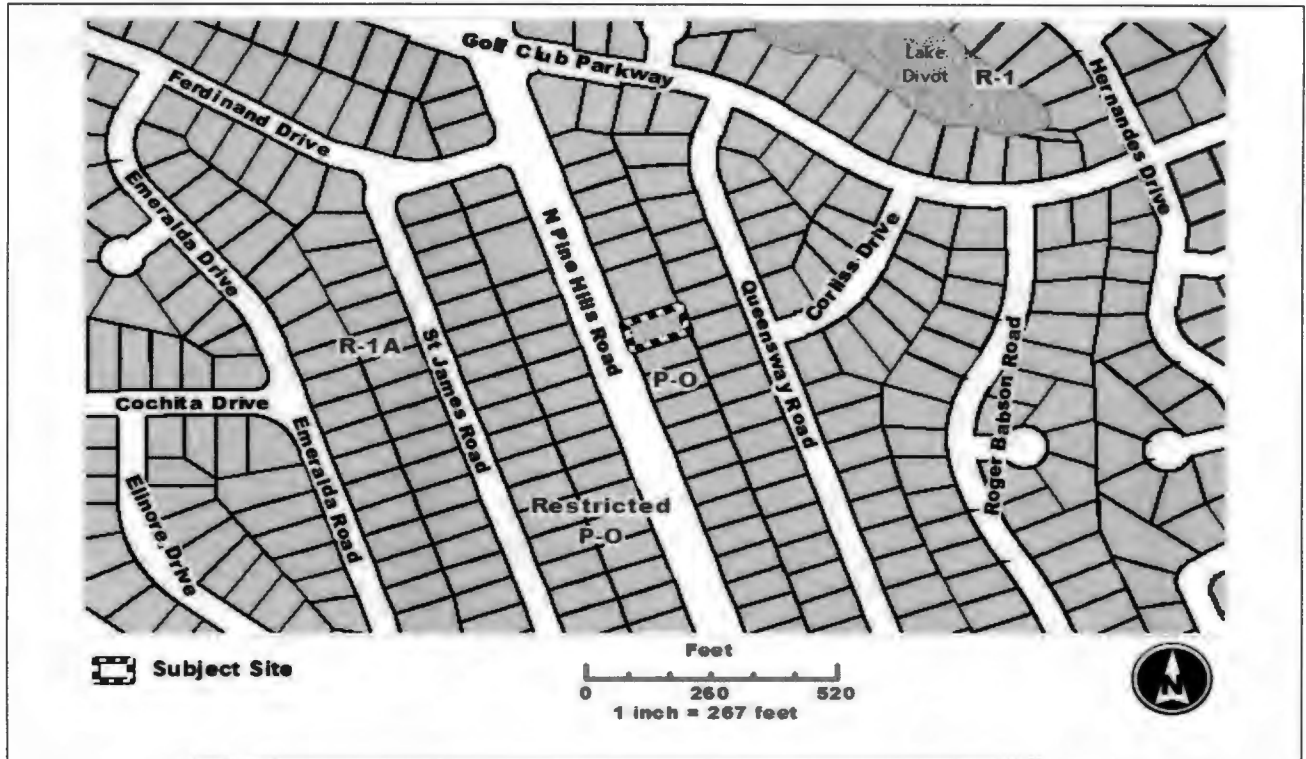
If you have any additional questions, feel free to email me at [amitghosh32801@gmail.com](mailto:amitghosh32801@gmail.com)

Regards,



Amit Ghosh  
Manager  
Venue Investments 8 LLC

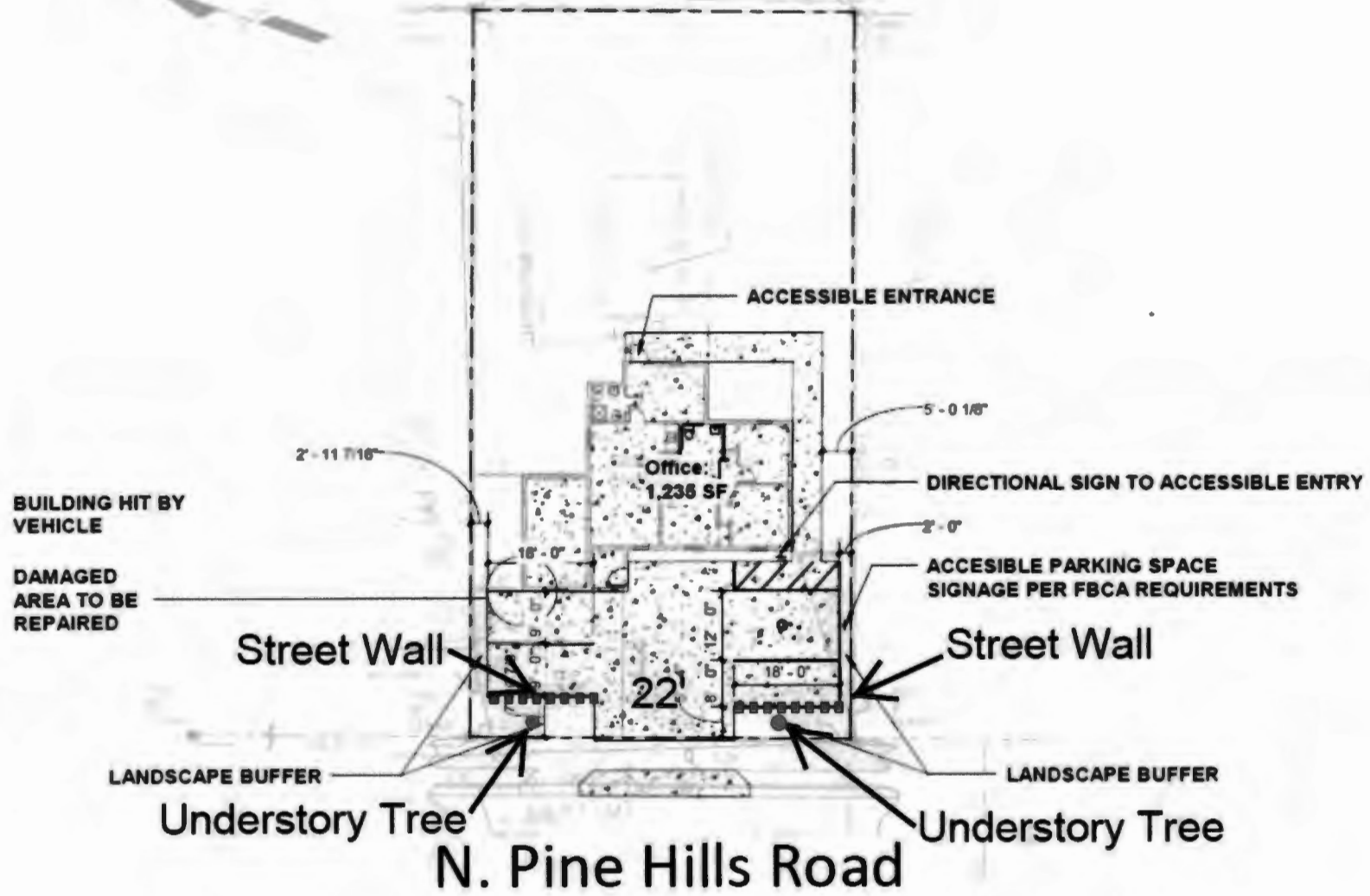
ZONING MAP



AERIAL MAP







**SITE PHOTOS**



**Subject Property Looking North**



**Side (Northerly) Lot Line Looking Northeast)**

**SITE PHOTOS**



**Rear Yard Looking East**



**Neighboring Property Looking Southeast**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 02, 2020**

Case Planner: **Nick Balevich**

Case #: **VA-20-01-147**

Commission District: **#5**

## GENERAL INFORMATION

APPLICANT(s): **MICHAEL HORTON**

OWNER(s): **MICHAEL HORTON**

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

1) To allow an existing home to remain 17 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.

2) To allow a covered patio to be 22 ft. from the NHWE in lieu of 50 ft.

3) To allow an existing deck to remain 14 ft. from the NHWE in lieu of 30 ft.

PROPERTY LOCATION: **4141 Edgewater Drive, Orlando, Florida, 32804, east side of Edgewater Dr., south of Fairbanks Ave.**

PARCEL ID: **10-22-29-2632-09-031**

LOT SIZE: **.86 acres**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **159**

**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; 5-0 and 2 absent):

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

Orange County from any damages caused by flooding and shall inform all interested parties that the house is no closer than 17 feet, covered patio is no closer than 22 feet, and deck is no closer than 14 feet from the normal high water elevation of Little Lake Fairview.

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

The applicant had nothing to add.

Staff received 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 Variances, subject to the five (5) conditions found in the staff report.

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### STAFF RECOMMENDATIONS

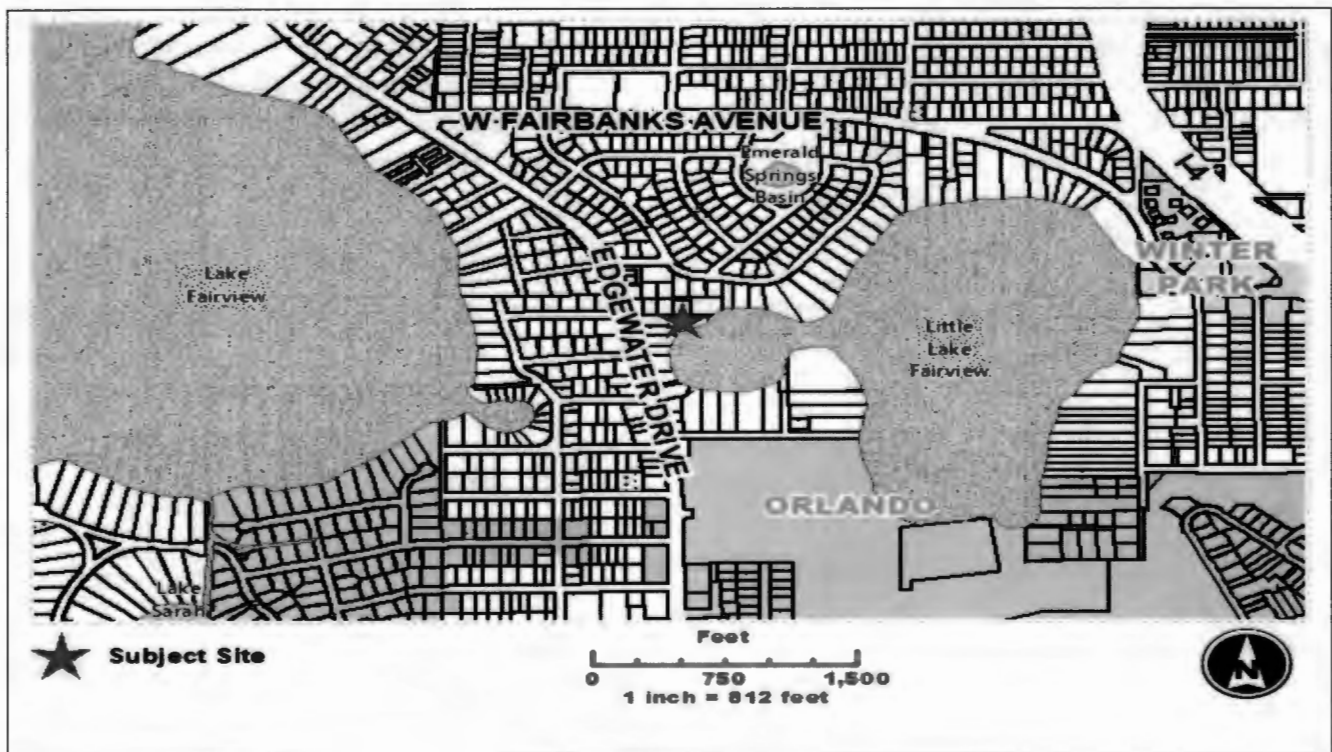
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Approval, subject to the conditions in this report.

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### LOCATION MAP

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**SITE & SURROUNDING DATA**

	Property	North	South	East	West
Current Zoning	R-1A	R-1A	R-1A	R-1A	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single Family Residence	Single Family Residence	Vacant	Little Lake Fairview	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 0.86 acre lot that was platted in 1924, as part of the Fairview Spring Replat, and was reconfigured through a lot split in 1999. It is considered to be a conforming lot of record. There is a 2,221 sq. ft. single family home on the lot, which was constructed in 1930, and a boat dock that was added in 2003, as well as an 83 sq. ft. unpermitted shed behind the house, that the applicant has committed to removing. There are also two additional accessory structures located in front of the house. There is no record of permits for these structures, however they meet code due to the fact that they are located on the rear half of the lot, and have a cumulative total square footage of 1,200 sq. ft., which is well below the 3,000 sq. ft. that would be allowed. The applicant purchased the property in 2017.

A variance was granted for this property in 1984 to allow a house addition to be 24 ft. from the NHWE in lieu of 50 ft. The applicant is proposing to install a roof over an existing patio, 22 ft. from the NHWE, which is located over the seawall.

**District Development Standards**

	Code Requirement	Proposed
Max Height:	35 ft.	16.59 ft.
Min. Lot Width:	75 ft.	75 ft.
Min. Lot Size:	7,500 sq. ft.	37,738 sq. ft.

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

	Code Requirement	Proposed
Front:	30 ft.	301 ft.
Rear:	30 ft.	14 ft.
Side:	7.5 ft.	22.91 ft.
NHWE:	50 ft./30 ft.	17 and 22 ft./14 ft.

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## STAFF FINDINGS

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### **VARIANCE CRITERIA for Variance # 2**

#### **Special Conditions and Circumstances**

The subject property is uniquely shaped as the rear of the lot along Little Lake Fairview is at a sharp angle, which is where the house is located.

#### **No Special Privilege Conferred**

The lot has a unique angular rear property line along the lake. The applicant is only asking to put a roof over an existing patio. Given the location of the house on the property, the request is the only way to allow this roof over the rear patio.

#### **Deprivation of Rights**

Literal interpretation of the code will deprive this applicant of the right to install a roof over an existing patio that would be allowed on a similar sized, lot with a more rectangular shape/rear property line.

#### **Minimum Possible Variance**

This is the minimum possible variance to allow the installation of a roof over an existing rear patio, when there is no other place on the property that could be utilized in such a manner in these circumstances.

#### **Purpose and Intent**

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

### **VARIANCE CRITERIA for Variances # 1 and 3**

#### **Special Conditions and Circumstances**

The subject property is uniquely shaped, as the rear of the lot along Little Lake Fairview is at a sharp angle, which is where the house is located. The house and deck are existing.

#### **No Special Privilege Conferred**

The lot has a unique angular rear property line along the lake. The requests are to keep an existing house and deck where they are currently located.

#### **Deprivation of Rights**

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

#### **Minimum Possible Variance**

These are the minimum possible variances to allow the house and improvements 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.

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### **CONDITIONS OF APPROVAL**

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1. Development in accordance with the site plan dated November 14, 2019 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall remove the shed in the rear prior to issuance of building permits for the covered patio.
5. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement, which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the house is no closer than 17 feet, covered patio is no closer than 22 feet, and deck is no closer than 14 feet from the normal high water elevation of Little Lake Fairview.

Michael Horton  
4141 Edgewater Dr.  
Orlando, FL 32804



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## COVER LETTER

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**Michael W. Horton**  
4141 Edgewater Drive, Orlando FL 32804  
407- 432-0710  
mikehorton1@yahoo.com

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**Orange County Zoning BZA**  
November 10, 2019

### **Cover Letter for Variance (Revised)**

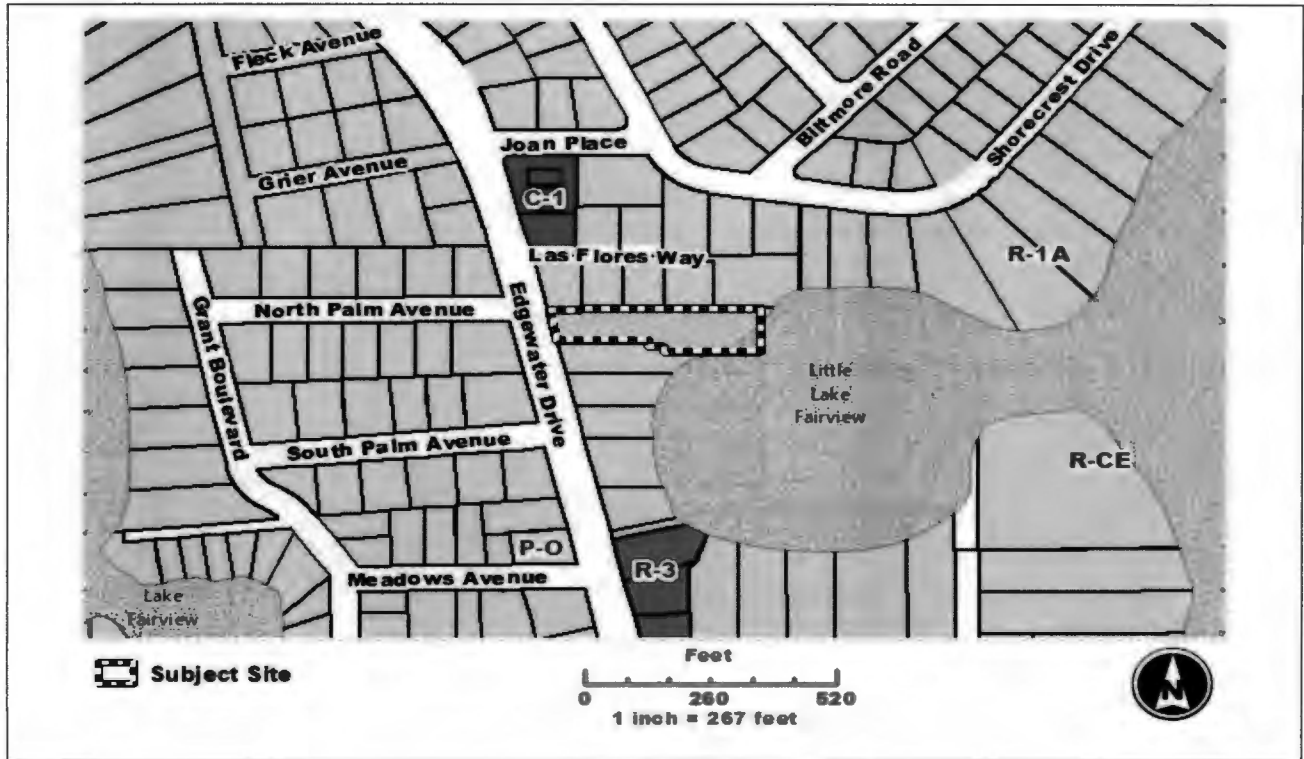
**Parcel ID 10-22-29-2632-09-031**  
4141 Edgewater Drive 32804

The purpose of my request for a variance is so that I can put a Roof over part of my existing Deck. The property was granted a variance for a 24 ft set back from property line on October 4, 1984 for the previous owner Thomas A. Gay. The problem is that the bottom step of the Deck is 14 feet from the seawall and the Southeast corner of the deck is 21'6" from the seawall. The roof area would be 24'4" x 14'3" (348 sq ft). A Roof over the existing Deck would allow for the best use for the structure providing shade and protection from the elements as well as protection from the sun to the East side of the house. I am sending the Full Scale Architectural drawings and Survey via email.

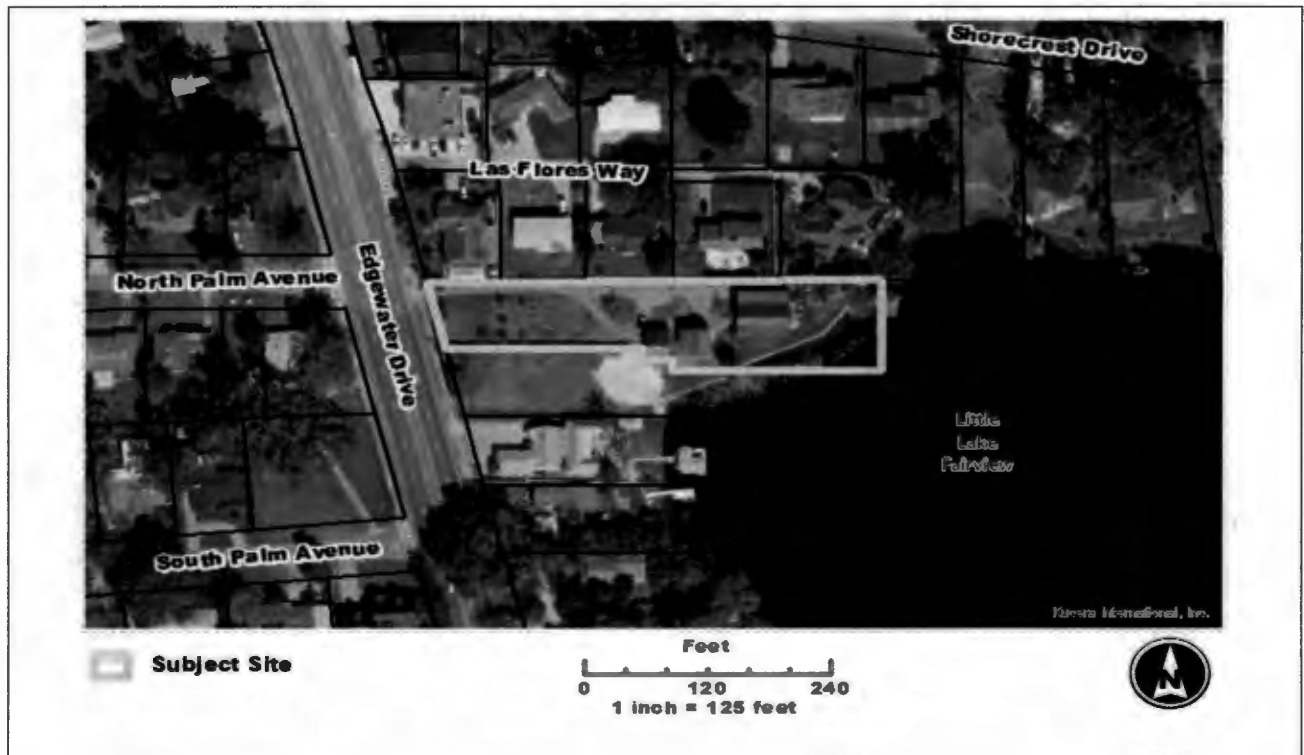
I am confident that I have met the 6 standards for a variance.

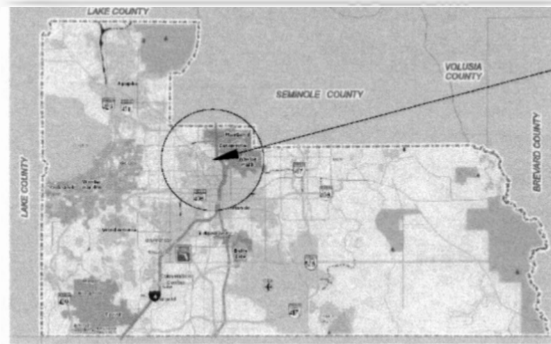
1. **Special Condition:** The addition of a roof over the existing deck would conform to the other houses with roofs over their decks and patios.
2. **Not Self Created:** This would not create a self-imposed hardship for (or by) me (the owner, applicant).
3. **Privilege No Special Conferred:** The addition of the roof would be similar and conform to the other patio/deck roofs on the lake.
4. **Deprivation of Rights:** The approval would not deprive me (Owner/applicant) the rights enjoyed by other property owners.
5. **Minimum Possible Variance:** The minimum variance would allow for the best possible use of the structure.
6. **Purpose and Intent:** The approval would allow for the best use for the structure and would not be injurious or detrimental to the public welfare.

### ZONING MAP



### AERIAL MAP





PROPERTY LOCATION

PROPERTY ADDRESS:  
414 EDGEWATER DRIVE  
ORLANDO, FL 32804  
UNINCORPORATED ORANGE COUNTY F. ORIDA

FGAI DESCRIPTION:  
AIRVIEW SPRINGS K/3 LOT 3 N SEC 11 22 29 BLK 9

PROPERTY ID:  
0-22 29-2632-09 31

ZONING:  
RI-A (SINGLE FAMILY RESIDENTIAL)

AND USE CODE:  
O 30 - SFR - "LAKE FRONT"

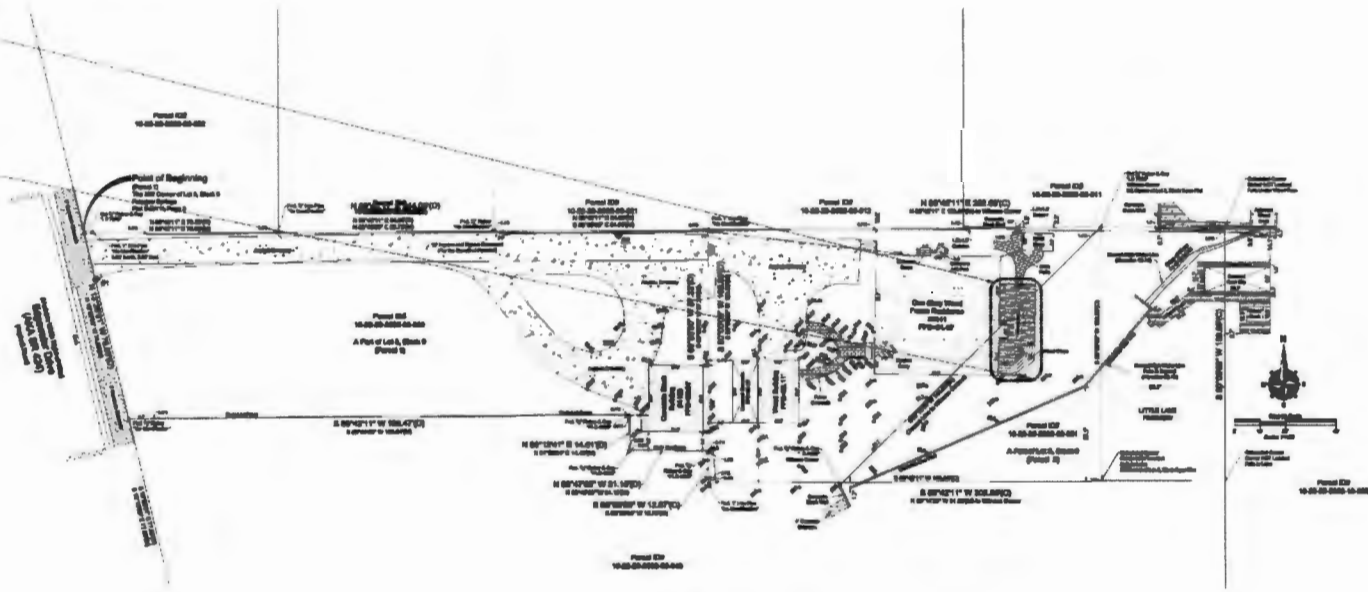
INDEX OF DRAWINGS:  
0.0 - COVERPAGE & PROPERTY INFO  
1.0 - SITE SURVEY PROVIDED BY AND SURVEYOR  
1.1 - EXISTING SITE PLAN & SETBACK INFO  
1.2 - PROPOSED SITE PLAN & SETBACK INFO  
2.0 - EXISTING EXTERIOR ELEVATIONS  
2.1 - PROPOSED EXTERIOR ELEVATIONS

① Vicinity Map  
SCALE: NTS

SITE PLAN

AREA OF FOCUS FOR VARIANCE:  
NEW COVERED PORCH IN LOCATION OF EXISTING DECK

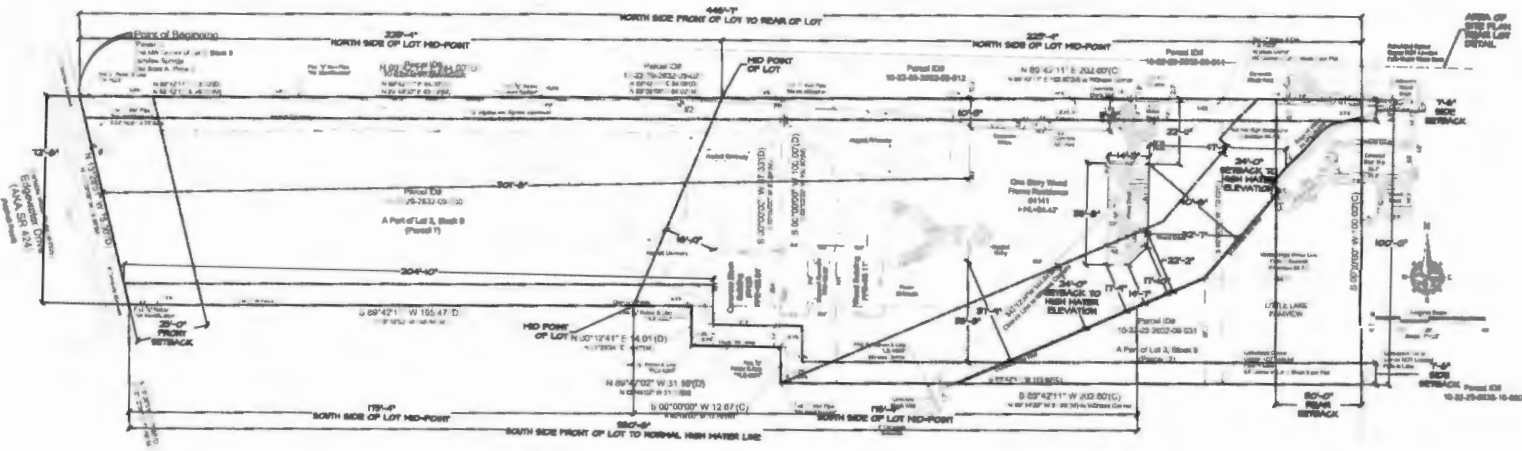
AREA OF VARIANCE:  
REAR SETBACK TO LAKE FOR NEW COVERED PORCH STRUCTURE



② Site Key Plan  
SCALE: 1" = 20'

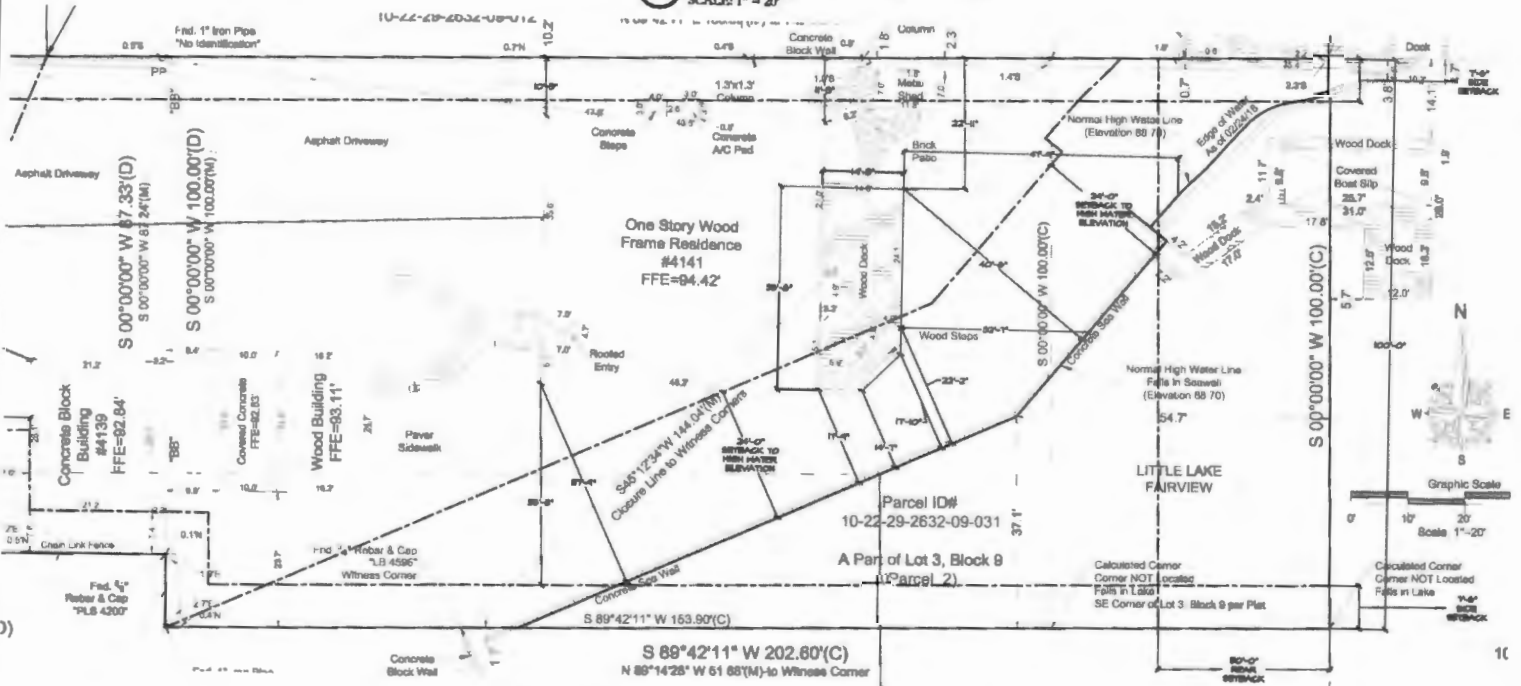
SURVEY

Parcel ID# 10-22-29-2632-09-031



① Existing Site Plan - Full  
SCALE: 1" = 20'

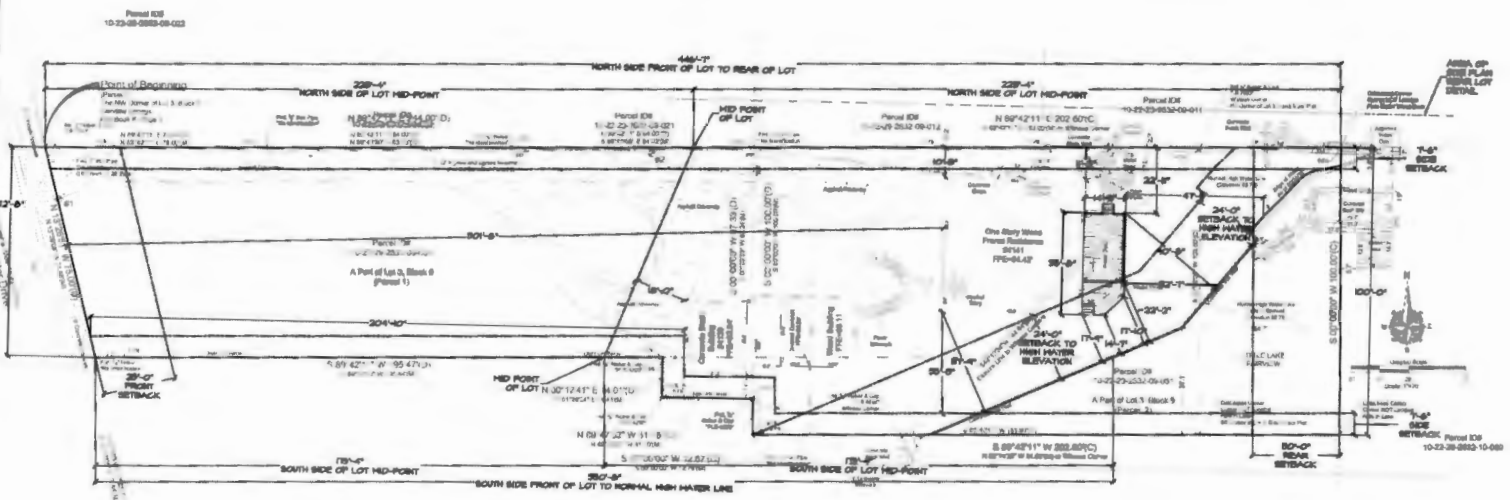
SURVEY



② Existing Site Plan - Partial - Rear Lot Detail  
SCALE: 1" = 10'

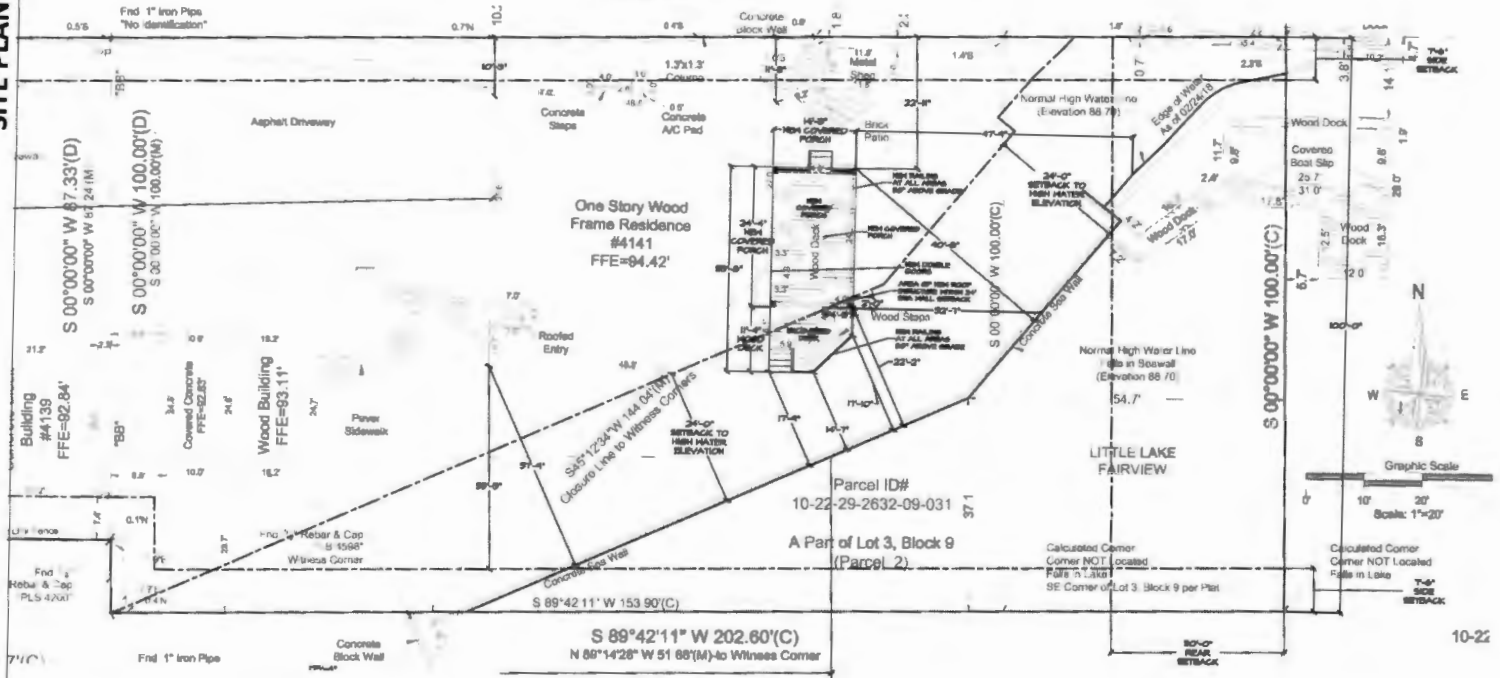
Existing Site Plan

SCALE: As Noted



① Proposed Site Plan - Full  
SCALE: 1" = 20'

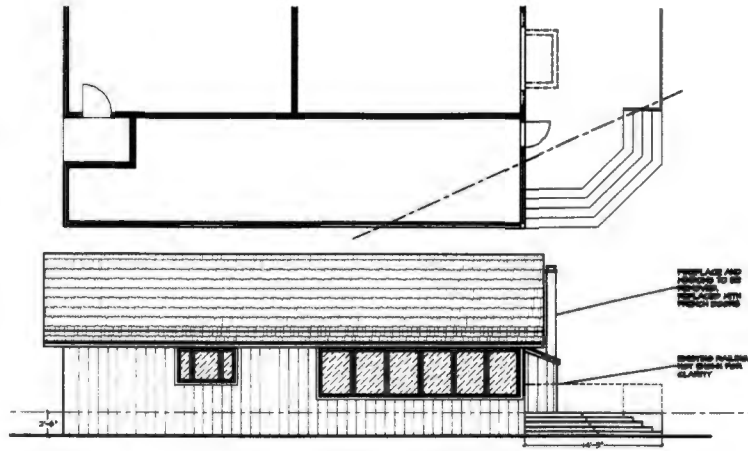
SITE PLAN



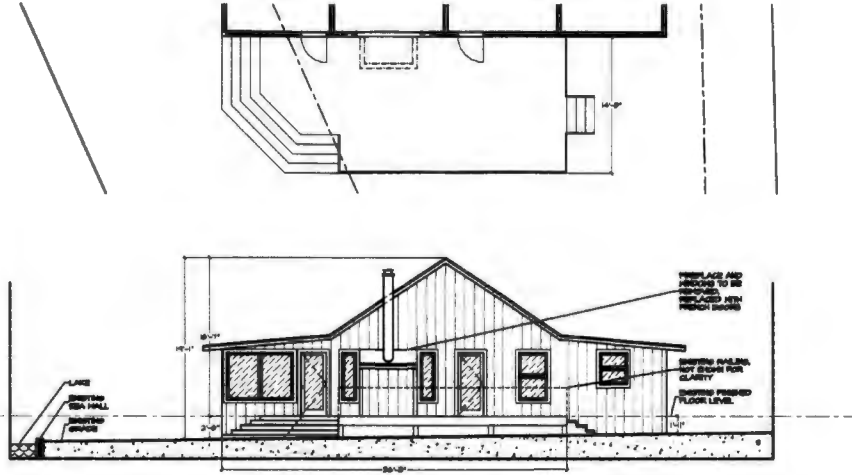
② Proposed Site Plan - Partial - Rear Lot Detail  
SCALE: 1" = 10'

SCALE: As Noted

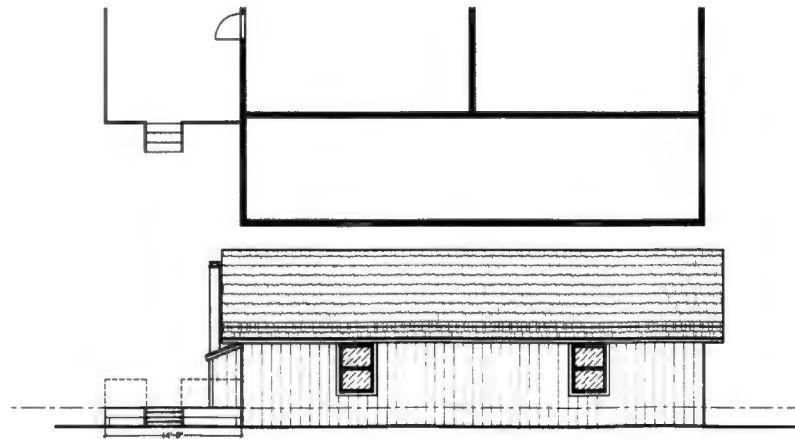
Proposed Site Plan



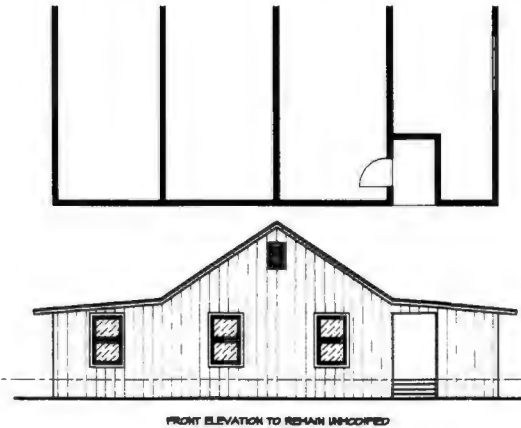
① Existing Side (South) Elevation  
SCALE: 3/16" = 1'-0"



② Existing Rear (East) Elevation  
SCALE: 3/16" = 1'-0"

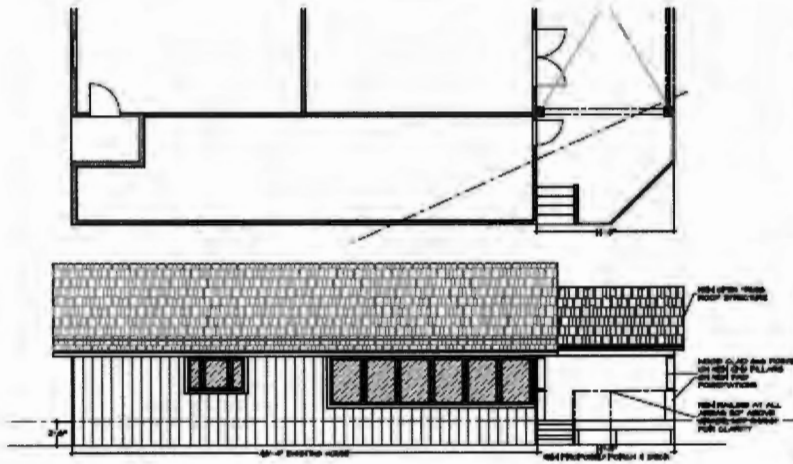


③ Existing Side (North) Elevation  
SCALE: 3/16" = 1'-0"

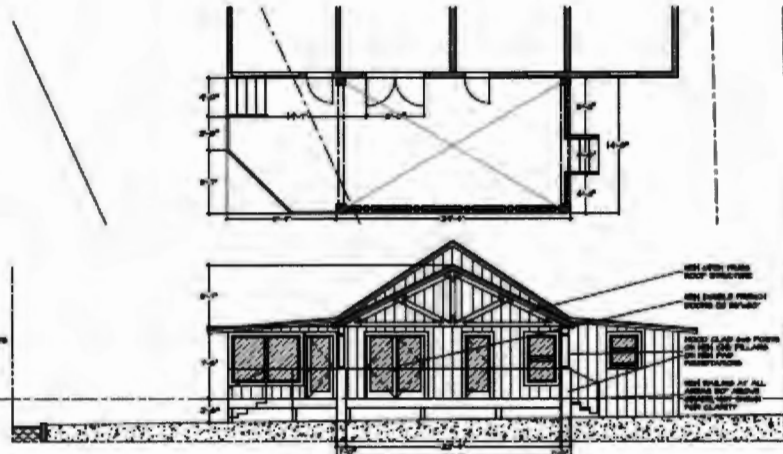


④ Existing Front (West) Elevation  
SCALE: 3/16" = 1'-0"

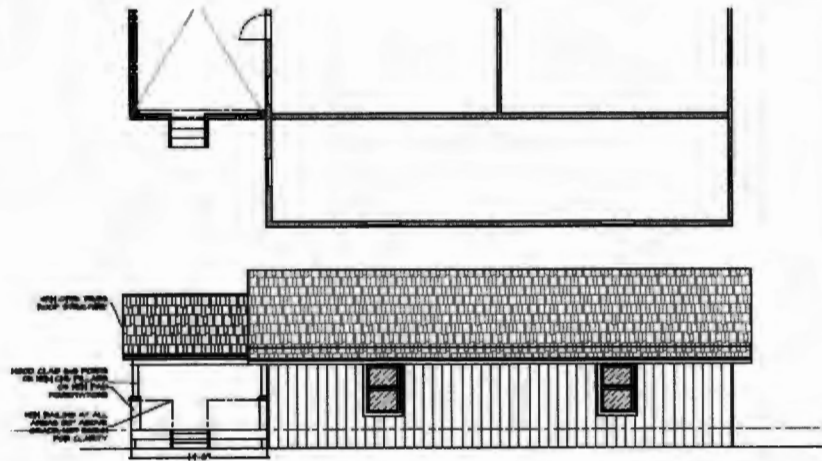
Existing Exterior Elevations  
SCALE: As Noted



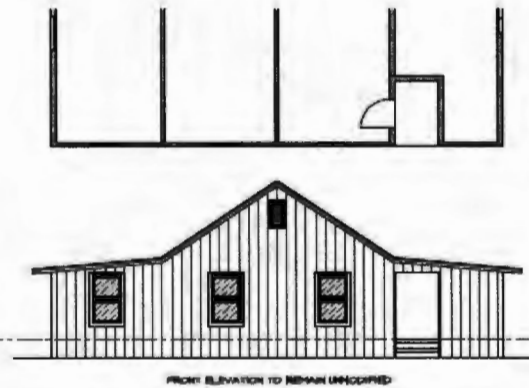
3 Proposed Side (South) Elevation  
SCALE: 3/16" = 1'-0"



4 Proposed Rear (East) Elevation  
SCALE: 3/16" = 1'-0"



3 Proposed Side (North) Elevation  
SCALE: 3/16" = 1'-0"



4 Proposed Front (West) Elevation  
SCALE: 3/16" = 1'-0"

Proposed  
Exterior Elevations  
SCALE: As Noted

**SITE PHOTOS**



**Front from Edgewater Dr.**



**Side adjacent to Little Lake Fairview**



**SITE PHOTOS**



**Rear deck and stairs adjacent to Little Lake Fairview**



**Rear shed to be removed**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 02, 2020**

Case Planner: **David Nearing, AICP**

Case #: **VA-20-01-149**

Commission District: **#3**

## GENERAL INFORMATION

APPLICANT(s): SR BUILDERS, INC. (SCOTT RYAN)

OWNER(s): HOLLY HORNER

REQUEST: Variance in the R-1A zoning district to allow an attached accessory structure of 1,204 sq. ft. in lieu of 1,000 sq. ft. or 25% whichever is greater.

PROPERTY LOCATION: Lake Margaret Dr., Orlando, FL 32806, north of Lake Margaret Dr., approximately .2 mi. west of Conway Garden Rd., on the south side of Lake La Grange

PARCEL ID: 08-23-30-0000-00-025

LOT SIZE: 82 ft. x 427 ft. (avg.)/.91 acres (.56 acres upland + .35 acres submerged)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 124

**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; 5-0 and 2 absent):

1. Development in accordance with the site and architectural plans dated November 13, 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 explained the history of the property, including the fact that it was created through the lot split process, as opposed to the subdivision process. Staff explained that accessory structures attached to the principle structure by a covered or enclosed breezeway 20 ft. or less in length were considered attached accessory structures, which can be located in front of the principle structure. However, the non-living areas are limited in size to the greater of 500 sq. ft. or 25% of the living area of the principle structure, up to 1,000 sq. ft. The applicant is entitled to 549 sq. ft., but is requesting 1,204 sq.

ft. of non-living space. If the accessory structure were not attached, it would fall under the rule that it could have floor area equal to 10% of the developable lot area up to 3,000 sq. ft., which would allow for 2,400 sq. ft. of floor area, though a variance would be needed to have it in front of the principle structure in lieu of alongside or behind. If it were attached by a common wall, there would be limitation on the maximum square footage allowed. Staff noted that it had received one (1) correspondence in favor of this request, and zero (0) in opposition.

The applicant indicated their agreement with the staff recommendation and conditions. One neighboring property owner spoke in favor of the request.

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

The BZA concluded that the width of the lot and the location of the septic system precluded the placement of the accessory structure anywhere else.

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

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### STAFF RECOMMENDATIONS

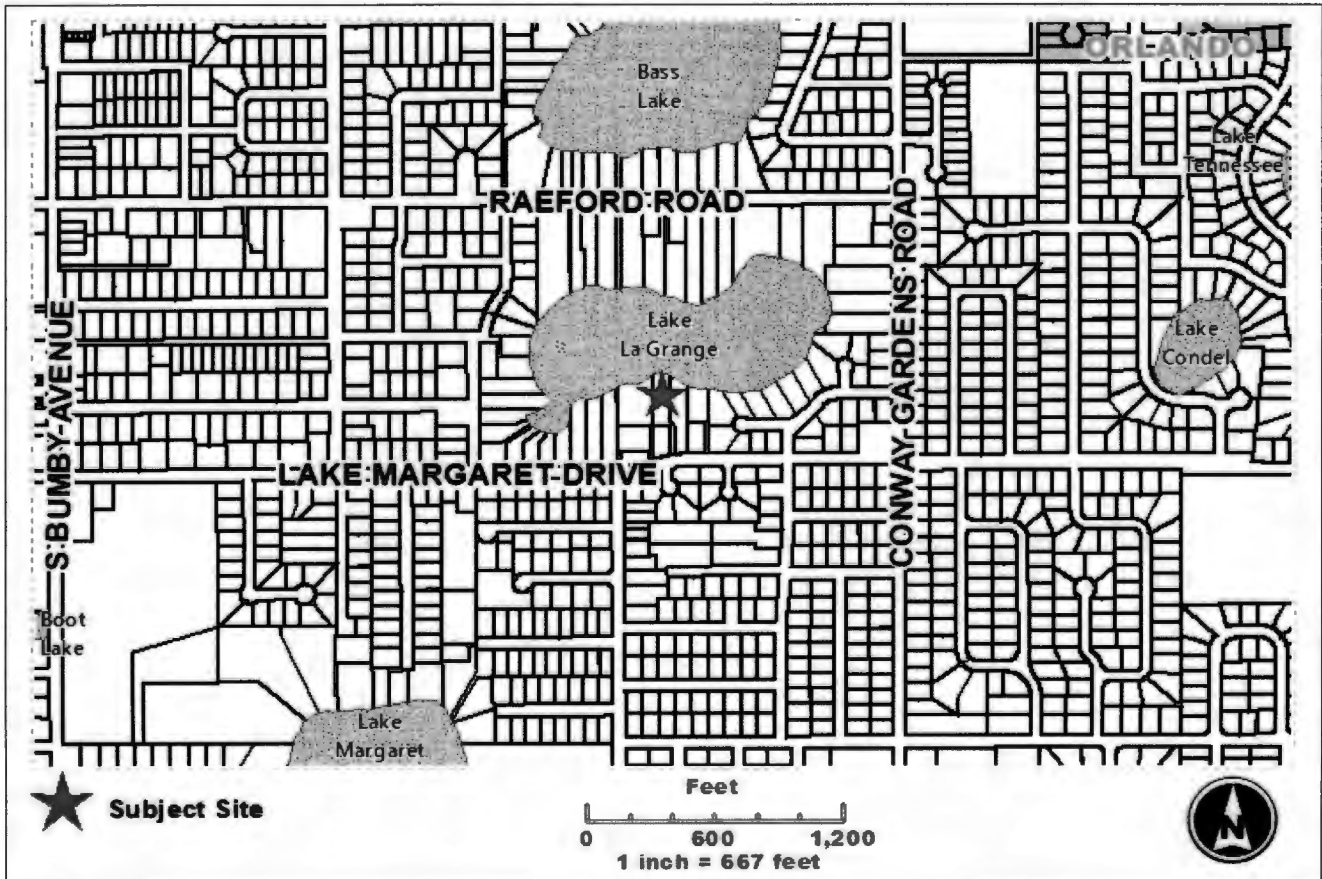
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Approval, subject to the conditions in this report.

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### LOCATION MAP

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**SITE & SURROUNDING DATA**

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

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**BACKGROUND AND ANALYSIS**

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**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 consists of a .9 acre parcel of land created through lot split #LS-2005-056. The property is currently vacant and includes approximately .35 acres of submerged lands under Lake La Grange.

The lot split created three parcels consisting of the subject property, which is a flag lot, the parcel immediately south, and the parcel immediately east. Both parcels are developed with single family detached homes. To the west of the subject property is an existing single family residence, which is also located on a flag lot.

The applicant's client, who purchased the land in August 2018, intends to construct a two-story residence connected to a four-car garage that has an additional bedroom suite on the second level. These structures are connected by a 20 ft. long covered passageway, which makes the structure an attached accessory structure. The roof of the passageway also acts as a walkway between the main house and the bedroom suite over the garage. The four-car garage is 1,204 sq. ft. and the second floor suite contains 480 sq. ft. of living area, which will be heated and air conditioned. The main residence is proposed to be a total of 2,199 sq. ft. of living area.

An attached accessory structure is required to meet the setbacks and height of the principle structure; however, the square footage is limited to 25% of the total living area of the principle structure up to a maximum of 1,000 sq. ft. With 2,199 sq. ft. of living area in the principle structure, the owner is entitled to 549 sq. ft. of floor area in the garage.

If the garage were a detached accessory structure, it could not be located in front of the principle structure and its floor area would be calculated based on 10% of the area of the lot, excluding submerged lands. Under that scenario, a detached accessory structure would be allowed over 2,400 sq. ft. of floor area, but the applicant would need to request that the detached garage be allowed to be permitted in front of the principle structure.

**District Development Standards**

	Code Requirement	Proposed
Max Height:	35 ft.	32 ft. (House)/26 ft. (Attached Accessory Structure)
Min. Lot Width:	75 ft.	102 ft.
Min. Lot Size:	7,500 sq. ft.	24,393 sq. ft. Upland + 15,246 sq. ft. submerged

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

	Code Requirement	Proposed
Front:	20 ft.	21 ft.
Rear:	25 ft.	309 ft.
Side:	7.5 ft.	8.5 ft. (Accessory West)/45 ft. (Accessory East)
Sidestreet:	N/A	N/A
NHWE:	50 ft.	114 ft.

**STAFF FINDINGS**

**VARIANCE CRITERIA**

**Special Conditions and Circumstances**

The special conditions and circumstances regarding this application is the location of the property and the property width. The property is entirely surrounded by existing residences, and the design of the entire structure makes the home and garage blend together as one unified structure. The width of the lot constricts the potential to put the garage behind the house as a detached structure, which would allow for the garage as proposed without the need for any variances. This is due to the lack of room to get a driveway past the residence and septic system.

**No Special Privilege Conferred**

If the garage was physically connected by a common wall, a variance would not be needed.

**Deprivation of Rights**

Without the variance, the applicant will need to significantly reduce the size of the garage.

**Minimum Possible Variance**

This would be the minimum possible variance to meet the needs of the applicant.

**Purpose and Intent**

The proposed garage will not pose a detrimental intrusion into the neighborhood, and more than sufficient lot area remains available for use by the owner. The granting of the variance will meet the purpose and intent of the code.

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## CONDITIONS OF APPROVAL

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1. Development in accordance with the site and architectural plans dated November 13, 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: Scott Ryan  
PO Box 620226  
Oviedo, FL 32762

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**COVER LETTER**

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**TO:**  
**Orange county Florida zoning department**

**I am respectfully requestiing a minimum varriance on  
3351 Lake Margaret Dr., Orlando, FL  
Permit number B19020132**

**Requesting a variance to place the garage in front of the main house.**

**I purchased this home site to build my dream home and enjoy the beautiful lake views.**

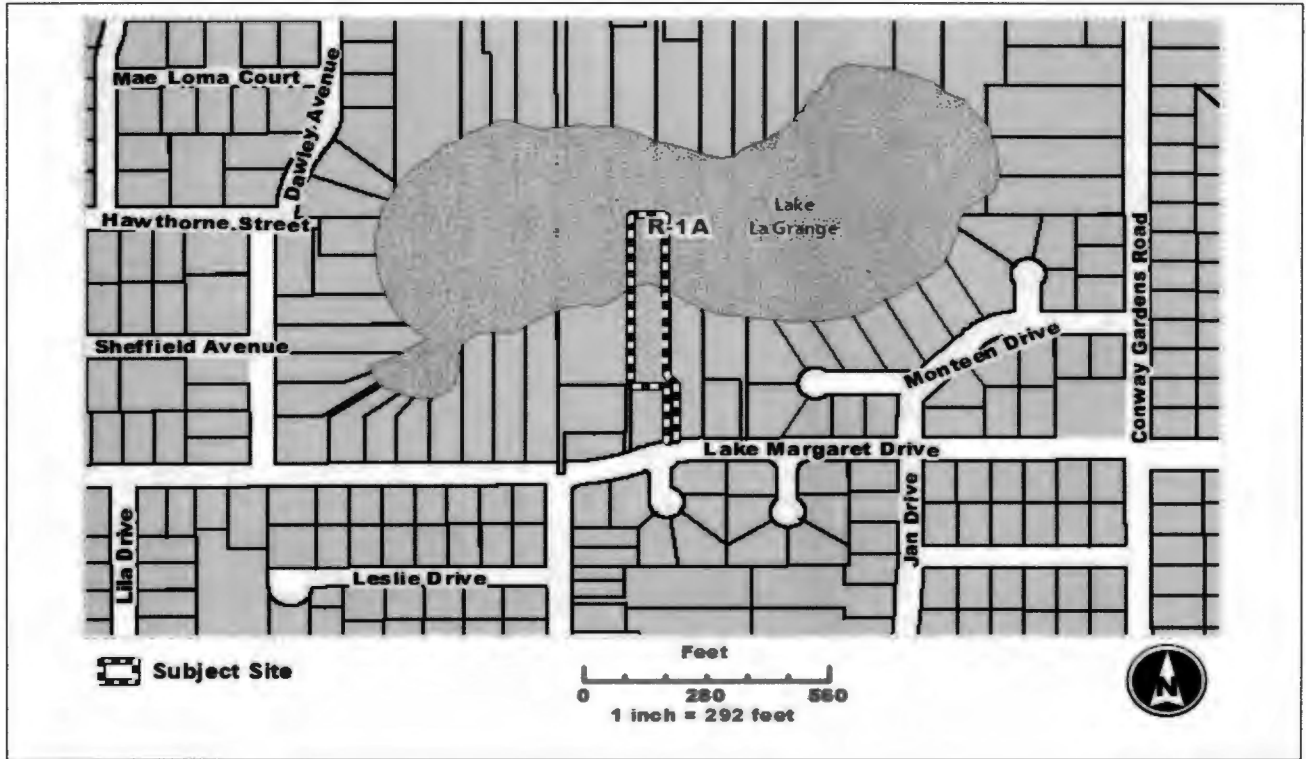
**The lot is long and narrow which if the garage was placed in front of the house it would not have sufficient access.**

**I am requesting a minimum variance to place the house in front of the garage.**

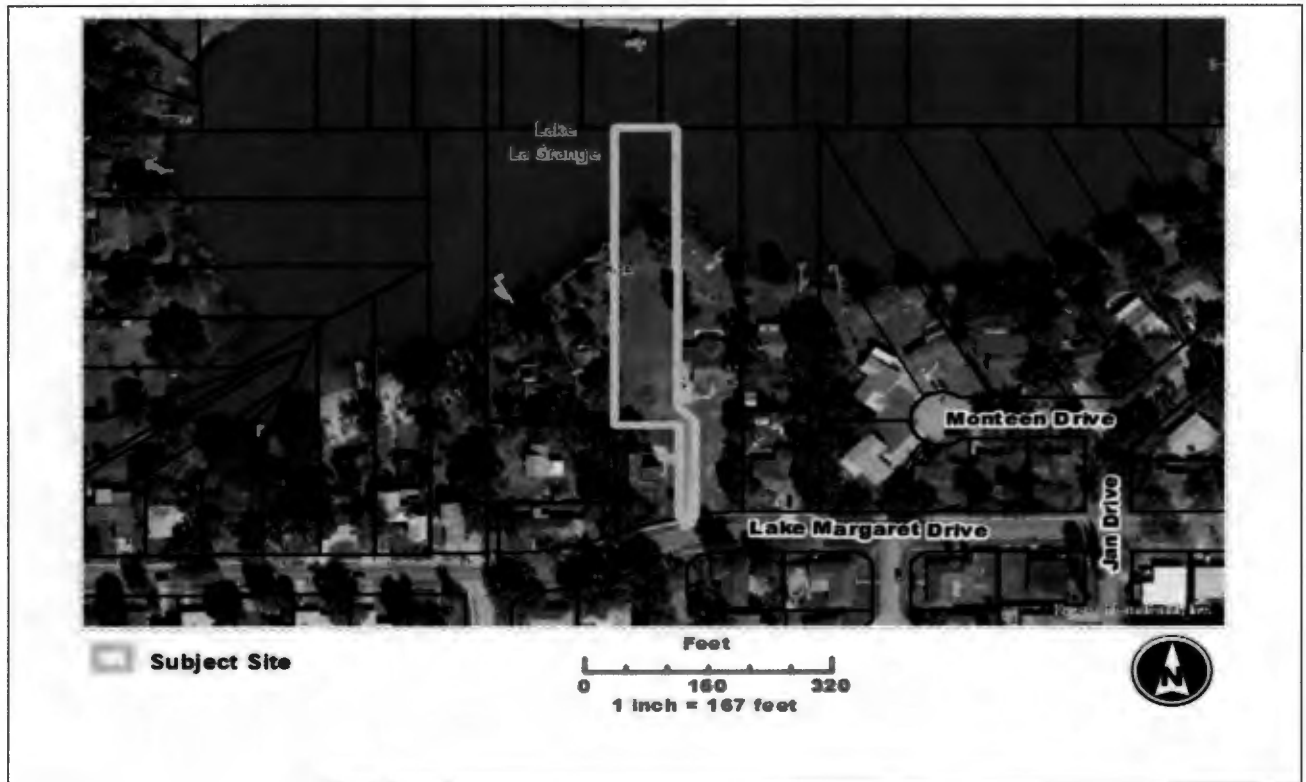
**The purpose of this variance will be typical of lakefront homes. I believe that it will not be injurious to the neighb  
a asset .**

**Thank You**

ZONING MAP

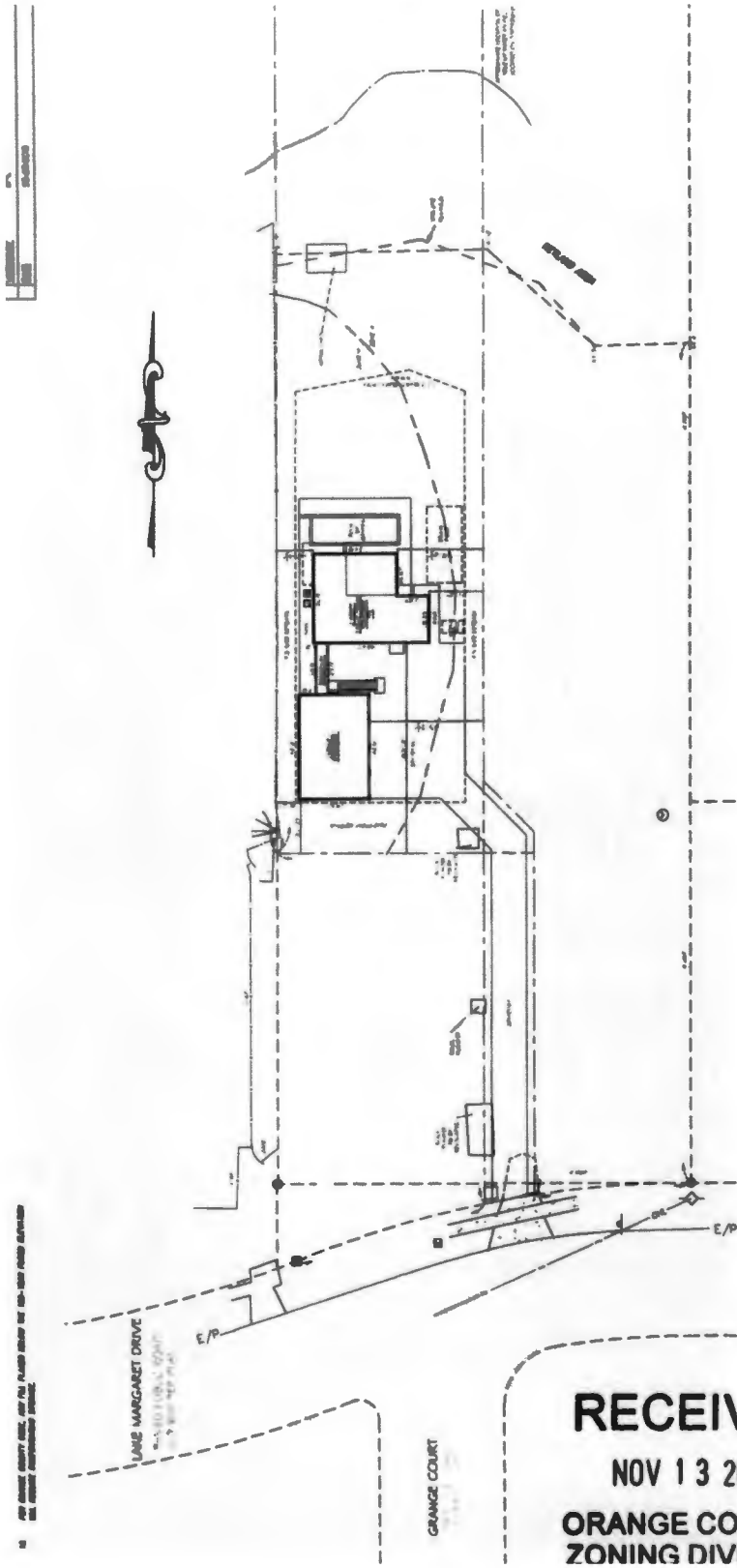


AERIAL MAP





SITE PLAN

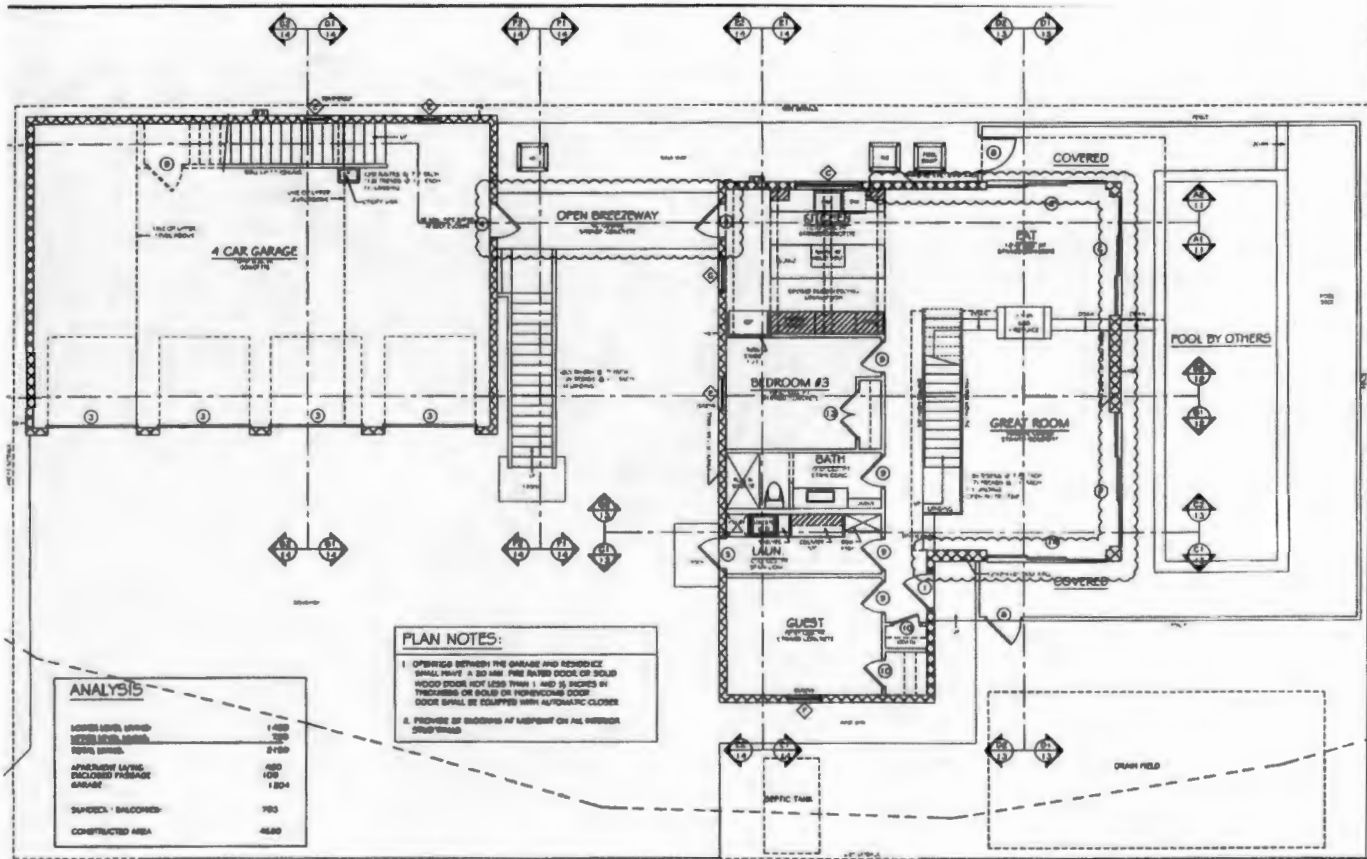


RECEIVED

NOV 13 21

ORANGE CO  
ZONING DIVISION

1st LEVEL FLOOR PLAN



**PLAN NOTES:**

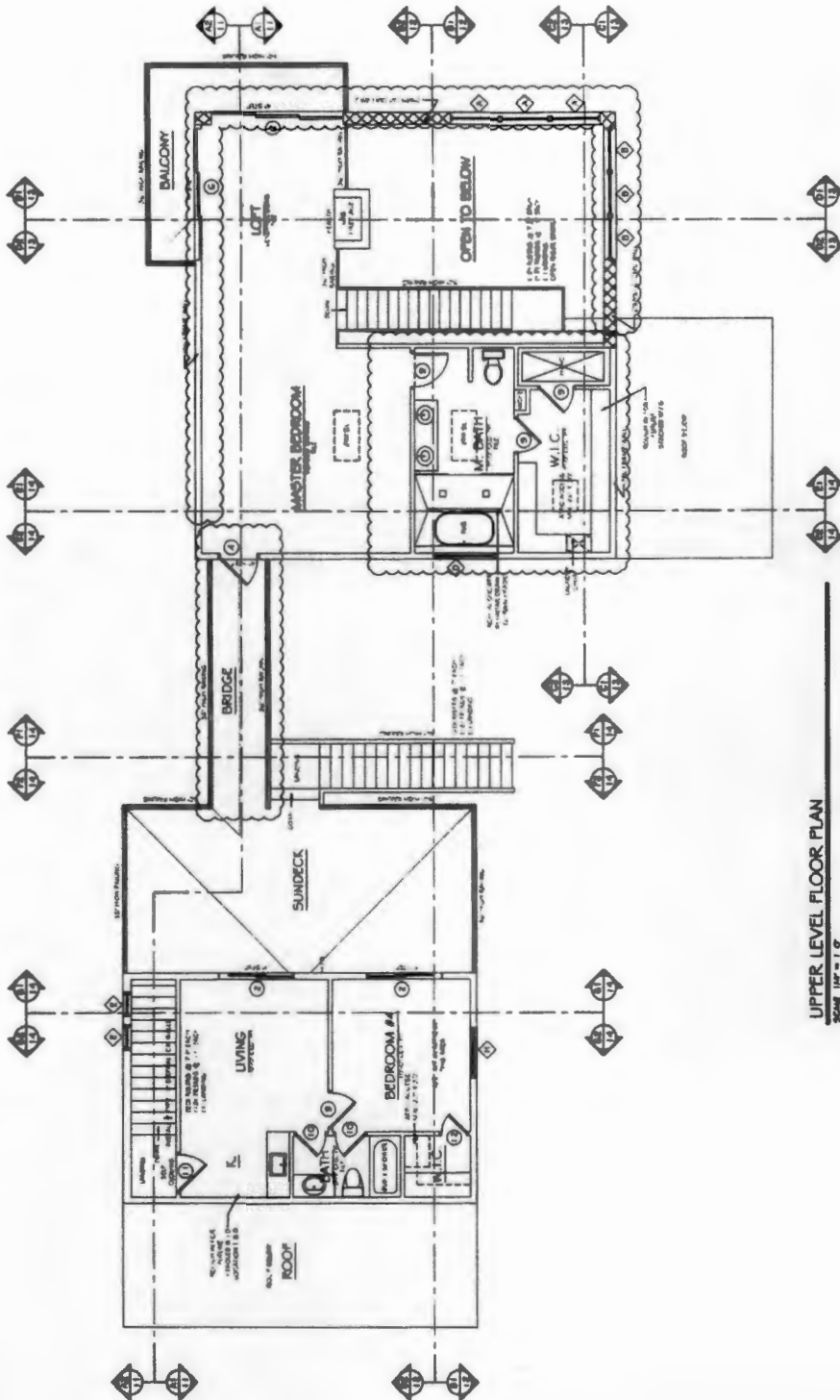
1. OPENINGS BETWEEN THE GARAGE AND RESIDENCE SHALL HAVE A 20 MIN FIRE RATED DOOR OR SOLID WOOD DOOR NOT LESS THAN 1" AND BE SECURED BY THRESHOLD OR SOLID OR FIRE-RATED DOOR DOOR SHALL BE EQUIPPED WITH AUTOMATIC CLOSER
2. PROVIDE 20 MINUTES OF PROTECTION ON ALL EXTERIOR STAIRWAYS

ANALYSIS	
CONCRETE, FINISH	1480
STEEL, FINISH	320
ROOF, FINISH	2150
APARTMENT LIVING	400
ENCLOSED FIRE-RATED GARAGE	1804
UNFINISHED BALCONY	793
CONSTRUCTED AREA	4540

LOWER LEVEL FLOOR PLAN  
SCALE 1/4" = 1'-0"

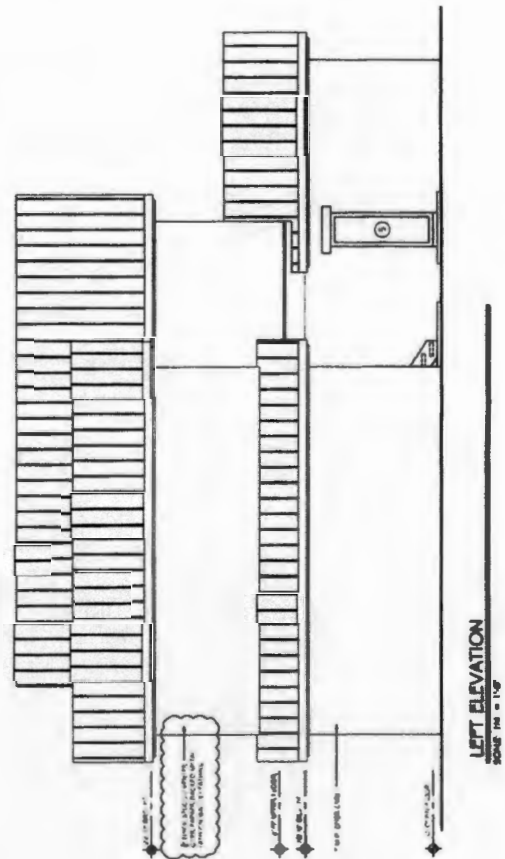
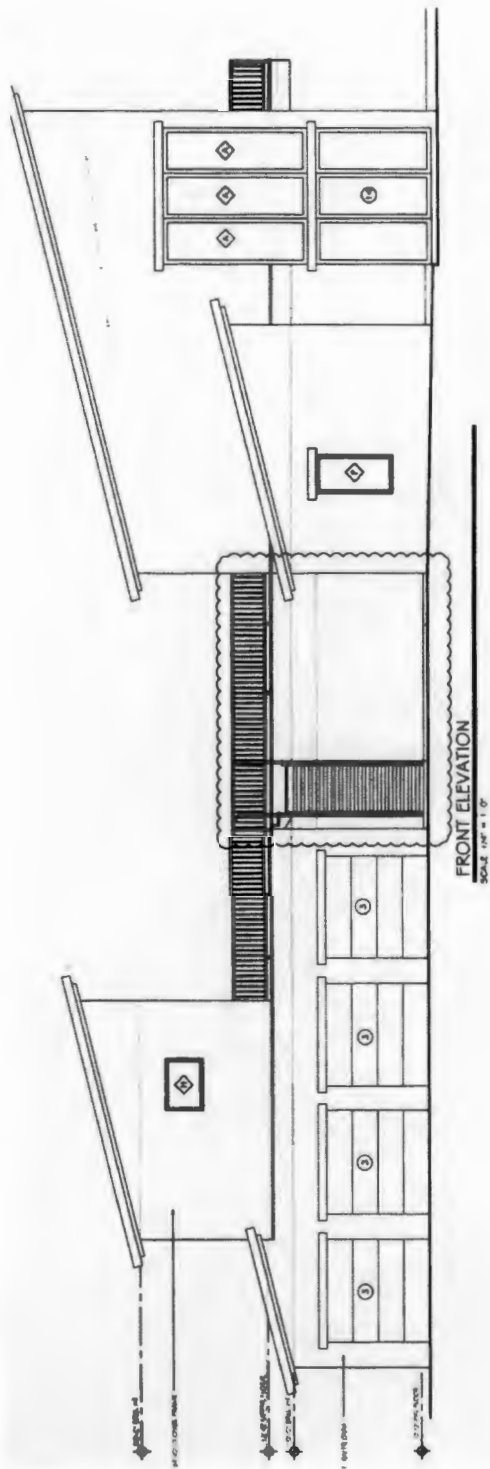
DWELLING / GARAGE SEPARATION		(TABLE 6302.6)
SEPARATION	MINIMUM	
FROM RESIDENCE AND ATTIC	NOT LESS THAN 2" RICH GYPSONUM BOARD OR EQUIVALENT TO THE GARAGE SIDE	

2<sup>nd</sup> LEVEL FLOOR PLANS

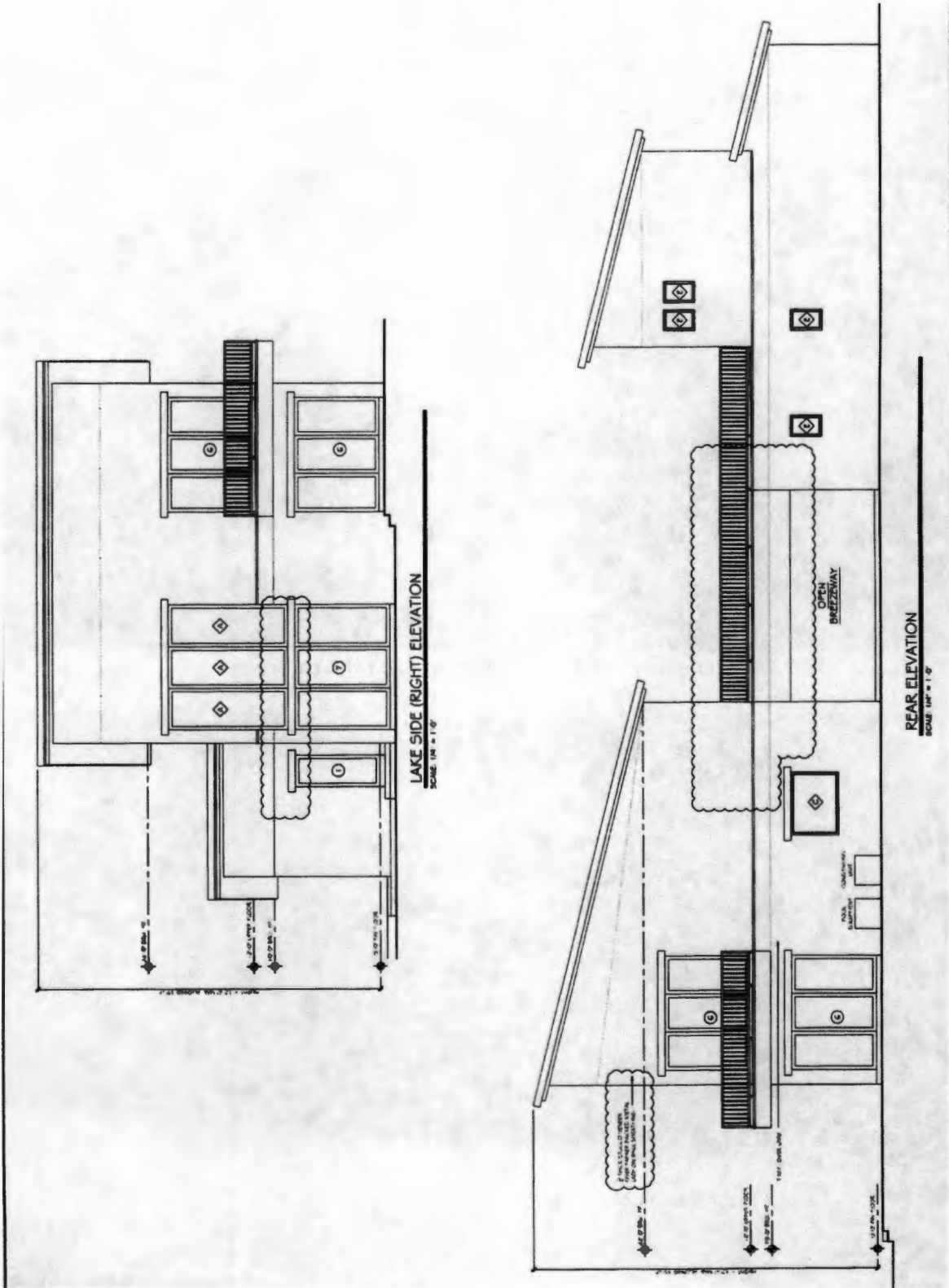


UPPER LEVEL FLOOR PLAN  
SCALE 1/4" = 1' 0"

# ELEVATIONS



ELEVATIONS



**SITE PHOTOS**



**Subject Property Looking North to Lake La Grange**



**Subject Property Looking West**

**SITE PHOTOS**



**Looking East to Neighboring Property**



**Looking South to Neighboring Property Fronting on Lake Margaret Drive**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 02, 2020**

Case Planner: **Nick Balevich**

Case #: **SE-19-12-137**

Commission District: **#2**

## GENERAL INFORMATION

APPLICANT(s): TAM BAO TEMPLE (DOUGLAS LAM)

OWNER(s): TAM BAO TEMPLE INC

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

- 1) Special Exception to expand an existing religious use to include the construction of a new 7,368 sq. ft. meditation hall building.
- 2) Variance to allow up to 49 grass parking spaces in lieu of paved parking spaces.

PROPERTY LOCATION: 4766 Rock Springs Road, Apopka, Florida, 32712, southwest corner of Rock Springs Rd. and E. Williams Ave.

PARCEL ID: 16-20-28-7612-08-090

LOT SIZE: 260 ft. x 328 ft./1.95 acres

NOTICE AREA: 900 ft.

NUMBER OF NOTICES: 100

**DECISION:** Recommended **APPROVAL** of the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, 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; 5-0 and 2 absent):

1. Development in accordance with the site plan dated November 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. No more than four (4) advertised outdoor special events open to the general public per



calendar year, and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. Noise from all outdoor events will be subject to applicable county noise and nuisance restrictions. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.

5. The grass parking spaces shall be fitted with wheel stops and all drive aisles and handicap parking spaces shall be paved per Orange County Code.
6. Landscaping, including materials and buffers shall comply with Section 24-5 of Orange County Code.
7. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

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

A neighbor spoke in opposition stating that this will cause a change to the rural area, that the proposal is a large structure that is out of character with the existing development, and that he can hear the current user chanting early in the morning.

The applicant stated that they do not chant loudly, but rather meditate, and further explained that the existing building is old and not well insulated, and the new building will be better insulated against sound.

The BZA felt that the new building should alleviate the neighbor's concerns and noted that the applicant has committed to having parking on site. The BZA also noted that the living quarters would be compatible with the area, the large proposed setbacks, and the length of time that the religious facility has existed on the property.

Staff received sixty-five (65) commentaries in favor of the application, and five (5) in opposition to the application.

The BZA unanimously recommended approval of the Special Exception and the Variance, subject to the seven (7) conditions found in the staff report.

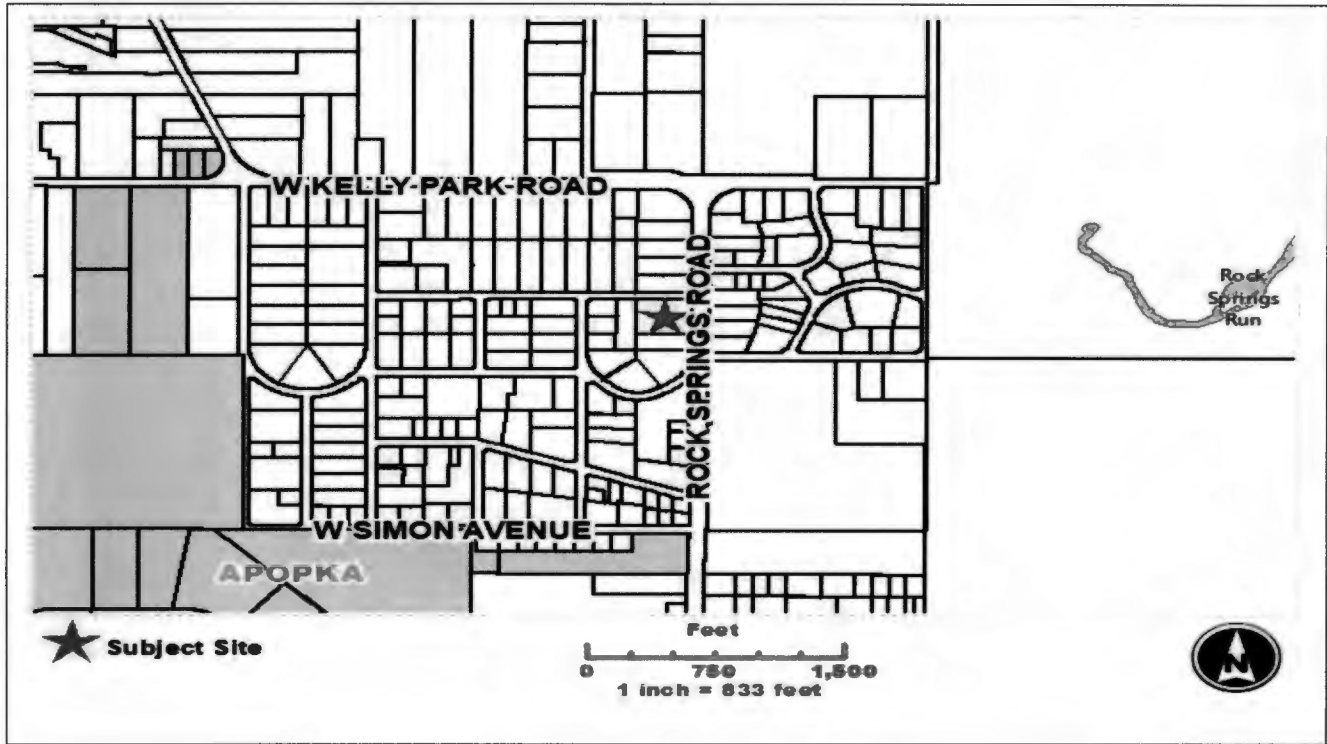
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#### **STAFF RECOMMENDATIONS**

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Approval, subject to the conditions in this report.

**LOCATION MAP**



**SITE & SURROUNDING DATA**

	Property	North	South	East	West
Current Zoning	A-1	A-1	A-1	R-CE	A-1
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Religious	Single Family Residence	Single Family Residence	Single Family Residence	Single Family Residence

**BACKGROUND AND ANALYSIS**

**DESCRIPTION AND CONTEXT**

The property is located in the A-1 Citrus Rural zoning district, which allows agricultural uses, a mobile home, or a single family residence with associated accessory structures on larger lots. It also allows for religious institutions through the Special Exception process.

The subject property is 1.95 acres and consists of 2 lots that were platted in 1951, as part of the Rock Springs Homesites Plat. It is considered to be a conforming lot of record. There is a 3,621 (gross) sq. ft. building on the lot, which was constructed in 1950, and has been used as a religious facility for over 30 years, and a 203 sq. ft. shed. Special Exception approval was not necessary to establish such religious uses at the time of establishment.

The area consists mostly of single family homes on mid-sized lots.

The applicant applied for a Special Exception in 2015 (SE-15-12-120) to construct a living facility on the property for 4 staff members affiliated with a religious use. The BZA determined that the use was allowed by right, and denied the request. The property was granted a Special Exception in 2016 (SE-16-12-157) to allow construction of a 5,000 sq. ft. religious facility along with a variance to allow 26 grass parking spaces. The applicant was not able to submit construction plans within the 2-year required time, thus the Special Exception approval expired.

The applicant is now proposing to construct a new 7,368 sq. ft. meditation hall building with 55 parking spaces, 49 of the spaces will be grass, and the remaining 6 spaces will be paved, of which two (2) are handicap spaces. The proposed building will have a maximum of 152 occupants, requiring 51 spaces (calculated at 1 space per 3 occupants), one (1) space per employee, and two (2) spaces for the existing residence, for a total of 55 required spaces. The Transportation Planning Division has reviewed this application and determined that it will generate 7 PM Peak Hour trips and will not affect any failing roadways. The applicant will be required to submit a traffic study prior to building permit issuance as part of their concurrency management review.

The applicant is proposing to utilize the existing building for living space after the new building is constructed. The applicant also owns the lot to the south, adjacent to where the new building is being proposed, however that site is not part of this Special Exception request.

The applicant has submitted 64 signatures from neighbors in the area, who are in favor of the application.

**District Development Standards**

	Code Requirement	Proposed
Max Height:	35 ft.	27 ft.
Min. Lot Width:	100 ft.	260 ft.
Min. Lot Size:	21,780 sq. ft.	84,942 sq. ft.

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

	Code Requirement	Proposed
Front:	35 ft.	154 ft.
Rear:	50 ft.	65.5 ft.
Side:	10 ft.	28 ft.
Sidestreet:	15 ft.	140 ft.

**STAFF FINDINGS**

**SPECIAL EXCEPTION CRITERIA**

**Consistent with the Comprehensive Plan**

Through the Special Exception process, religious institutions are considered consistent with the Comprehensive Plan.

**Similar and compatible with the surrounding area**

The area is developed in a residential manner. The site is 1.95 acres, and is already being used as a religious facility. The request will allow the applicant to use the existing building for residential purposes. The proposed building will have a 65 ft. setback to the nearest residential property not owned by the applicant, and a landscape buffer will be provided. The applicant also owns the lot to the south adjacent to where the new building is being proposed.

**Shall not act as a detrimental intrusion into a surrounding area**

Due to the large size of the property, distance separations, and proposed landscaping, the use will be buffered and will not be a detrimental intrusion into the area.

**Meet the performance standards of the district**

The new building and existing building meet all of the performance standards for the zoning district. With the granting of the variance for unpaved parking, the application will meet all performance standards for the zoning district.

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

This is an established use, and has similar characteristics as those associated with the majority of uses currently permitted in the zoning district.

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

The applicant is proposing to install additional landscaping and will comply with Section 24-5.

**VARIANCE CRITERIA****Special Conditions and Circumstances**

The special circumstance particular to the proposed use is the intermittent use of the facility. Unlike commercial operations, which tend to have more consistent and extended use of the parking area, a religious institution is only in use for a limited time on limited days.

**No Special Privilege Conferred**

It is common for religious institutions to utilize unpaved parking due to the intermittent nature of the use.

**Deprivation of Rights**

Without the variance, the applicant will be required to pave all parking spaces. This will require a larger stormwater management facility.

**Minimum Possible Variance**

The request is the minimum possible variance to allow the applicant to use the site in an efficient manner, consistent with similar intermittent uses such as religious facilities.

### **Purpose and Intent**

The applicant is providing paved access to all parking, which is the most traveled area in a parking lot, and subject to the greatest wear and erosion. The remainder of the site will remain in a generally natural condition, thus approval of the request will be in harmony with the purpose and intent of the zoning regulations and will not be detrimental to the neighborhood.

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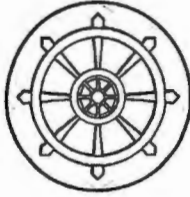
### **CONDITIONS OF APPROVAL**

---

1. Development in accordance with the site plan dated November 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. No more than four (4) advertised outdoor special events open to the general public per calendar year, and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. Noise from all outdoor events will be subject to applicable county noise and nuisance restrictions. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.
5. The grass parking spaces shall be fitted with wheel stops and all drive aisles and handicap parking spaces shall be paved per Orange County Code.
6. Landscaping, including materials and buffers shall comply with Section 24-5 of Orange County Code.
7. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

C: Douglas Lam  
4766 Rock Springs Rd.  
Apopka, FL 32717

COVER LETTER



Vietnamese Theravāda Association

**TAM BẢO MONASTERY**

4766 Rock Springs Rd, Apopka, Florida 32712

Phone: (407) 703-7009

E-mail: [tambaomonastery@gmail.com](mailto:tambaomonastery@gmail.com)

October 09, 2019

Orange County Zoning Division  
201 S. Rosalind Avenue  
Orlando, Florida 32801  
<BZA@ocfl.net>

Dear Board of Zoning Adjustment (BZA):

We are Tam Bảo Temple whose temple has been established for 30 years.

We would like to build a meditation hall for monks and practitioners to exercise meditation. The hall will be built on a currently vacant lawn inside the property lines. The proposed, one-story structure will be 4,100 sq. ft. and split into two parts: the front for the meditation area and the rear for the library. The parking lot will consist of 53 grass parking spaces and two (2) paved handicap parking spaces. This structure will be used for meditation training class, usually on a Sunday. We have four (4) special events per year. All activities are in noble silence.

Meditation plays a very important role in the practice of Buddhism, used as a way to purify and develop the mind for practitioners. It also maintains a healthy, positive mindset by steering one away from negative thinking. Therefore, we would like the BZA to approve building the meditation hall so that Tam Bảo Temple can continue to help people in our community achieve a healthy, spiritual life with inner peace and mental well-being.

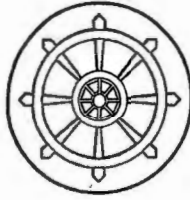
Thank you for your consideration and your full support will have our utmost gratitude.

With respect,

Tam Bảo Temple

A handwritten signature in cursive script that reads "Douglas Lam Quang".

Douglas Lam Quang  
Vice President



Vietnamese Theravāda Association

## TAM BÀO MONASTERY

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4766 Rock Springs Rd, Apopka, Florida 32712

Phone: (407) 703-7009

E-mail: [tambaomonastery@gmail.com](mailto:tambaomonastery@gmail.com)

October 08, 2019

Orange County Zoning Division  
201 S. Rosalind Avenue  
Orlando, Florida 32801  
<BZA@ocfl.net>

Dear Board of Zoning Adjustment (BZA):

We would like to provide how the proposal meets 6 standards for special exemption approval:

- 1) The building will be used for meditation training class and exercising the mind towards positive thinking. It is consistent with the Comprehensive Policy Plan.
- 2) One who practices meditation should be mindful in every moment not only in sitting or walking meditation but also during daily activities as well. That is the way we live, respectful of the surrounding area and development.
- 3) Purification of the mind, loving kindness and compassion are emphasized during meditation so our activities will not act as a detrimental intrusion to the surrounding area.
- 4) All activities will be performed in noble silence, with mindfulness. This should meet the performance standard of the district.
- 5) There will be no excessive noise, vibration, dust, odor, glare or heat produced, etc.
- 6) The landscape buffer yards will be made harmonious with the surrounding area and will not be located on an existing public or private street – as outlined in 24-5 of the Orange County Code.

*Note: See plans/survey to ensure the exact numbers are in accordance to Code.*

All activities in our practice meet 6 criteria and we would like to ask for the approval so we can continue further on our mission of serving people.

We thank you greatly for your consideration and support.

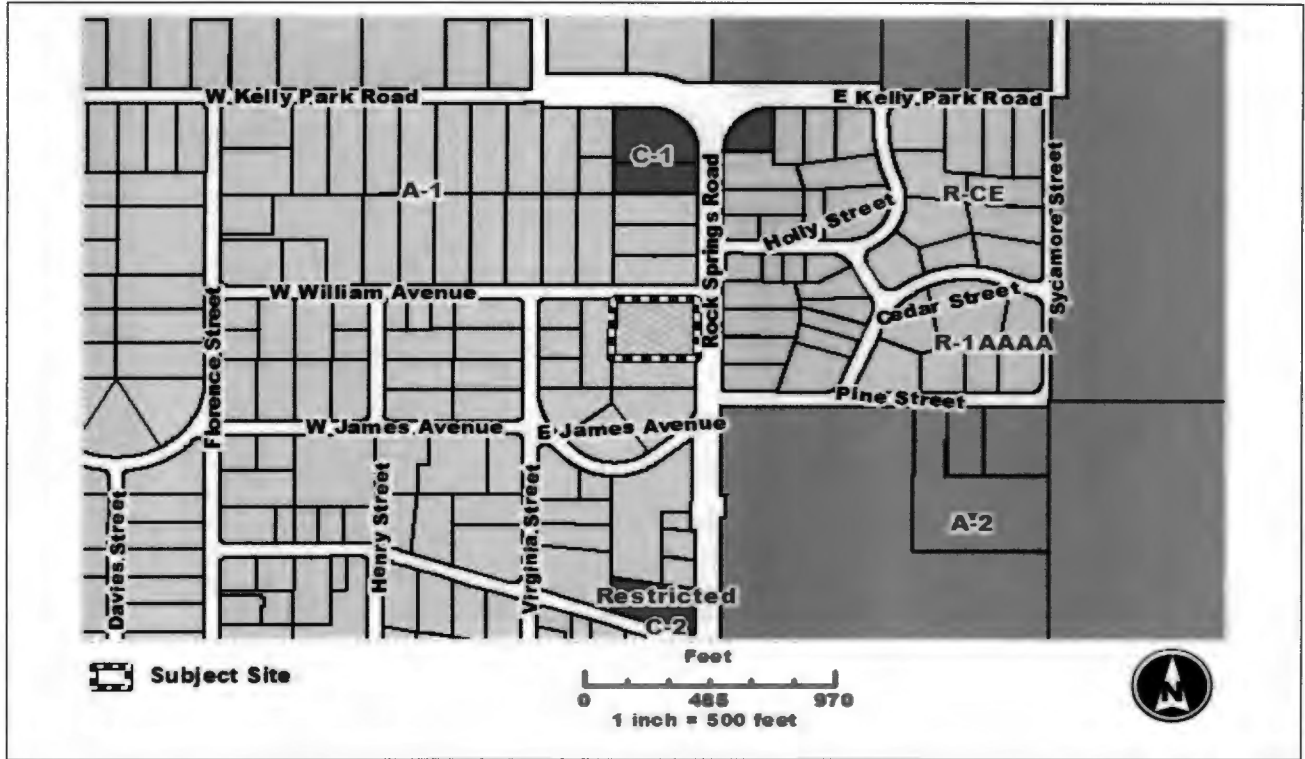
With respect,

Tam Bào Temple

*Douglas Q Lam*

Douglas Lam Quang  
Vice President

ZONING MAP

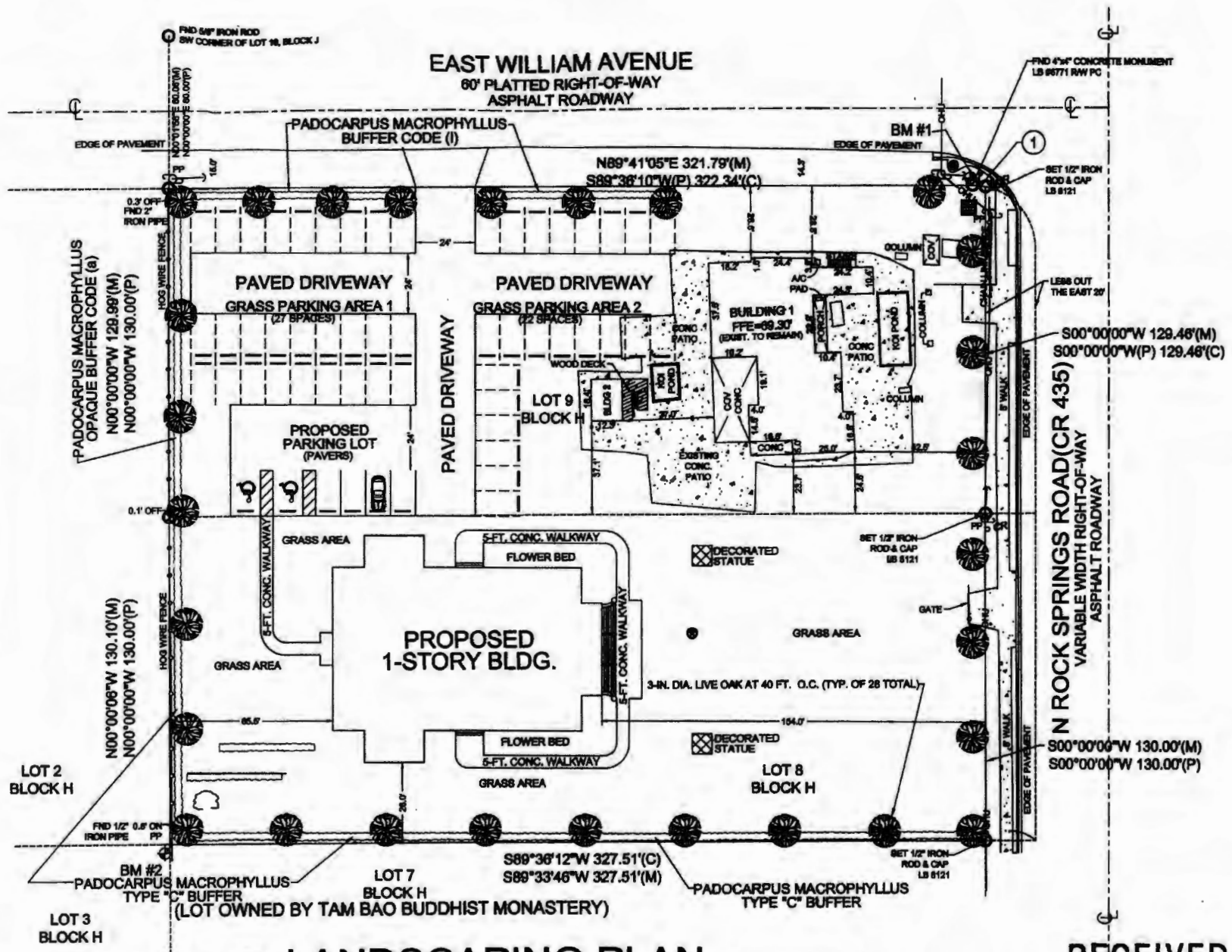


AERIAL MAP



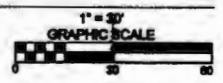


SITE/LANDSCAPE PLAN



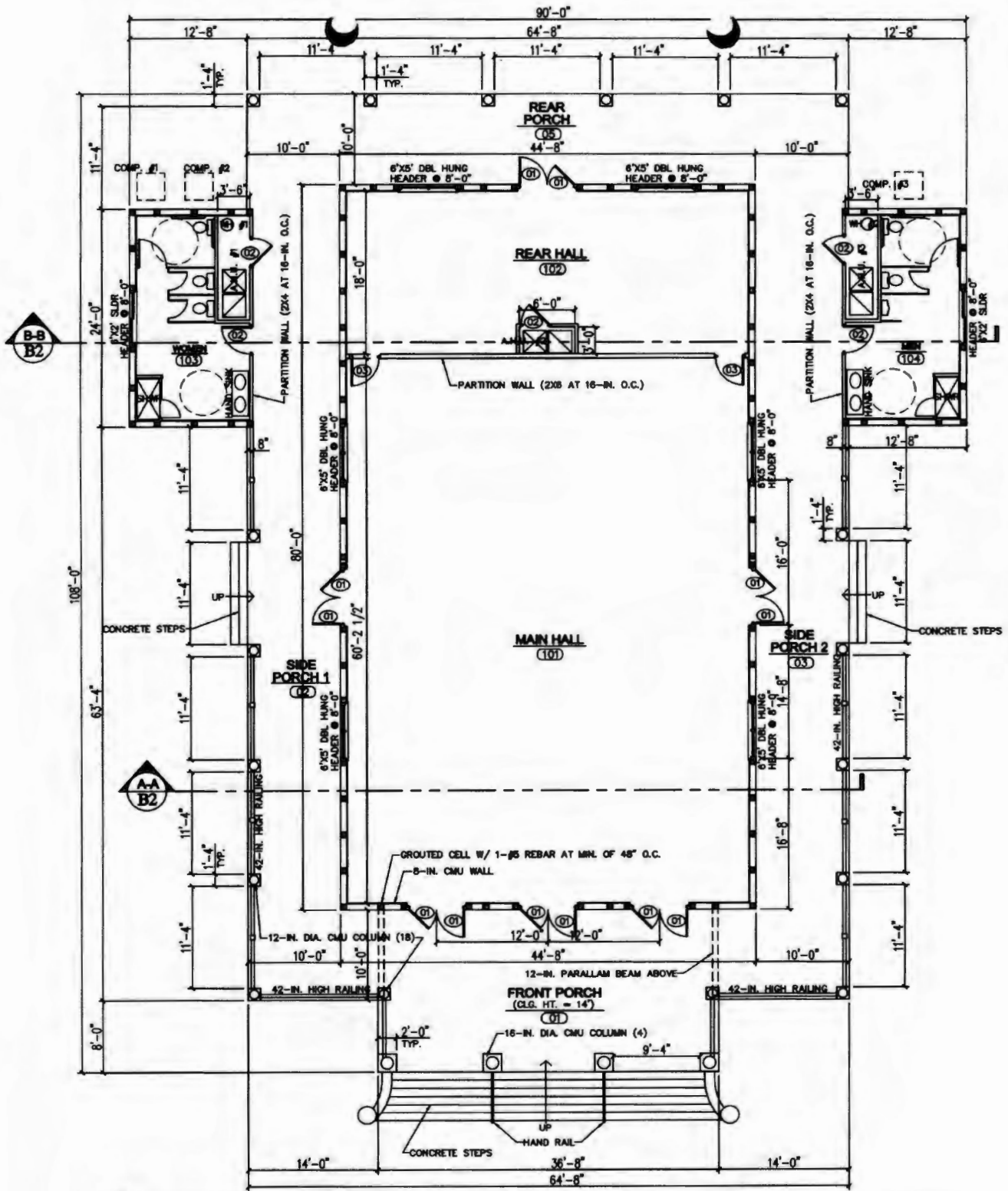
# LANDSCAPING PLAN

LEGAL DESCRIPTION: (AS FURNISHED)  
 LOTS 8 AND 9, BLOCK H, ROCK SPRINGS HOMESITES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK S, PAGE 12, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS THE EAST 20' FOR ROAD RIGHT OF WAY.



**RECEIVED**  
**NOV 15 2019**  
**ORANGE COUNTY.**

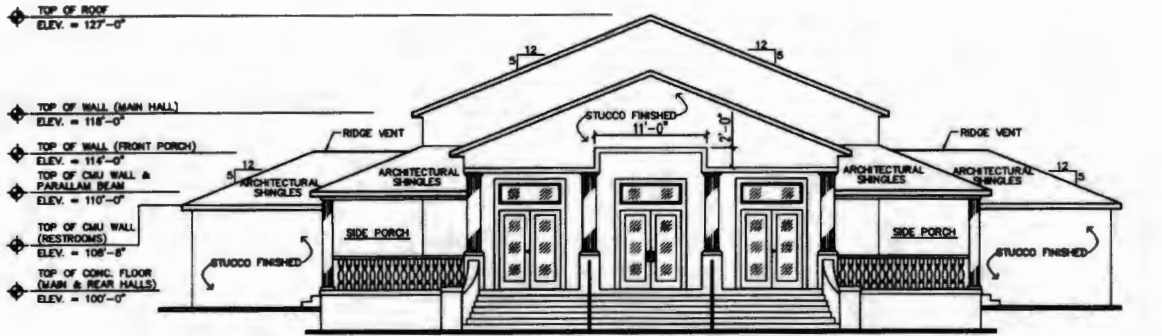
# FLOOR PLAN



**FIRST FLOOR PLAN**

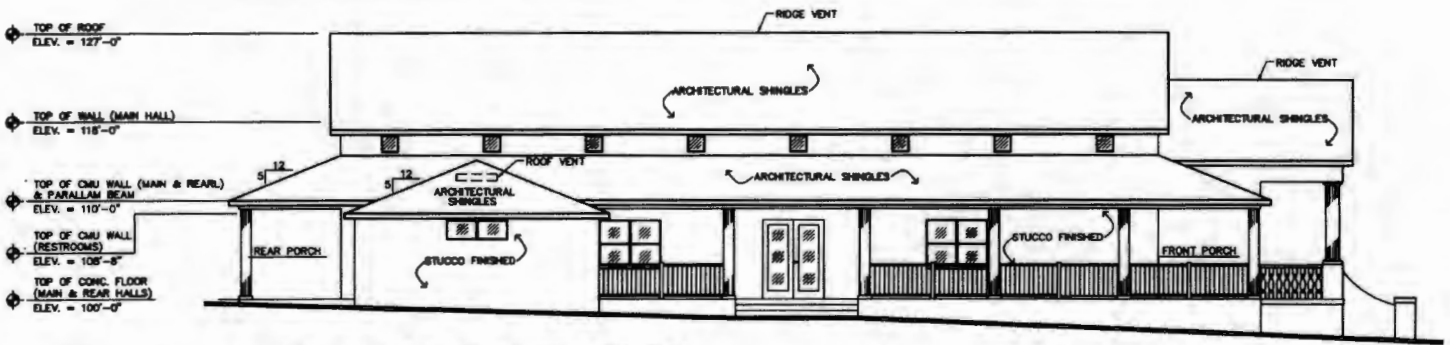
SCALE: 1/8" = 1'

# ELEVATIONS



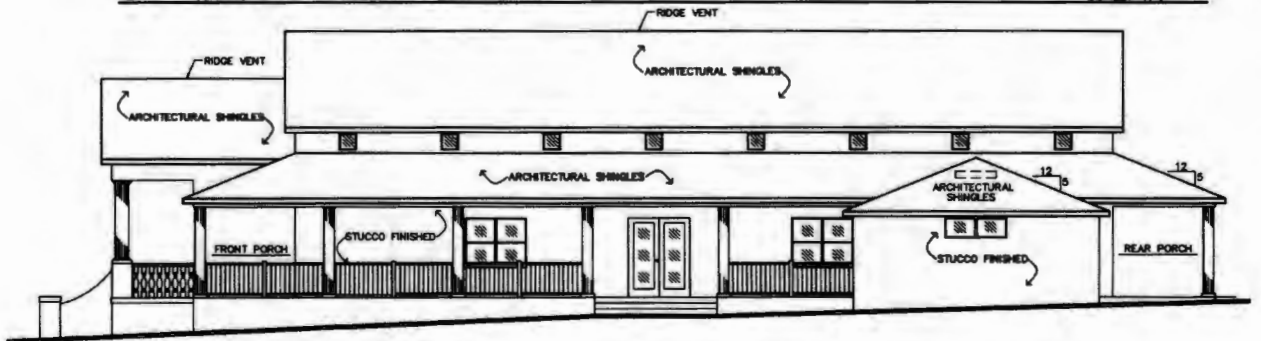
**EAST/FRONT ELEVATION**

SCALE: 1/8" = 1'



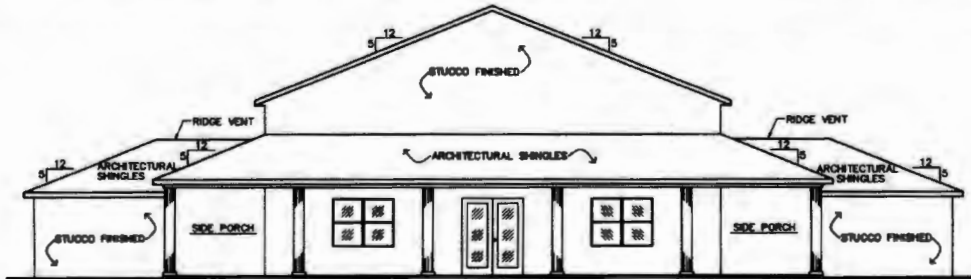
**SOUTH/SIDE ELEVATION**

SCALE: 1/8" = 1'



**NORTH/SIDE ELEVATION**

SCALE: 1/8" = 1'



**WEST/REAR ELEVATION**

SCALE: 1/8" = 1'

**SITE PHOTOS**



**Front from N. Rock Springs Rd.**



**Side from E. William Avenue**

**SITE PHOTOS**



**New building location**



**Parking area viewed from north**

**SITE PHOTOS**



**Parking area viewed from south**



**Rear of property**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 02, 2020**

Case Planner: **David Nearing, AICP**

Case #: **VA-20-01-142**

Commission District: **#6**

## GENERAL INFORMATION

APPLICANT(s): MOHAMED ABDOU

OWNER(s): MOHAMED ABDOU

REQUEST: Variance in the R-2 zoning district to allow a lot width of 75 ft. in lieu of 80 ft. for a duplex.

PROPERTY LOCATION: 1333 19th Street, Orlando, FL 32805, north side of 19th St., approximately 425 ft. west of S. Orange Blossom Trl.

PARCEL ID: 03-23-29-1402-04-290

LOT SIZE: 75 ft. x 135 ft./ .23 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 98

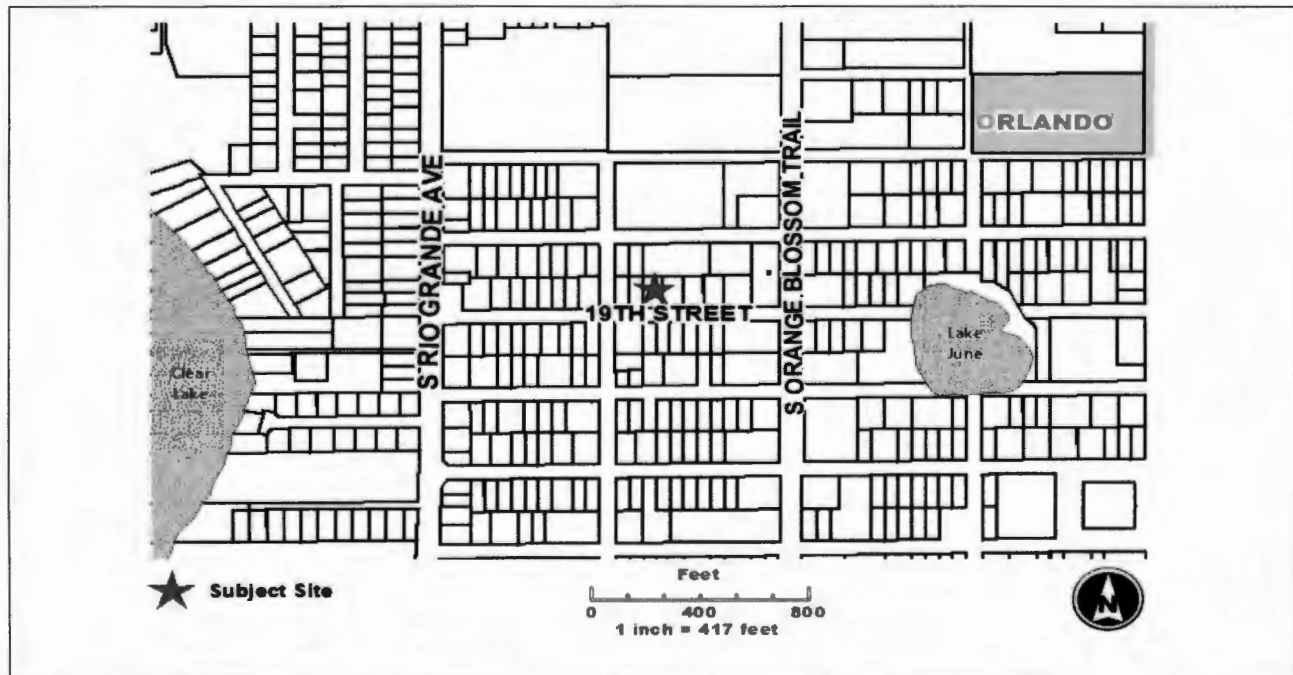
**DECISION:** Requested by the applicant to **WITHDRAW** this application.

**SYNOPSIS:** It was determined that the applicant needed to rezone the property to N-R to be consistent with the Comprehensive Plan Future Land Use designation. A variance or waiver to the lot width can be addressed in conjunction with the rezoning.

## STAFF RECOMMENDATIONS

Denial, however, should the BZA recommend approval, staff recommends including the conditions in this report.

## LOCATION MAP



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**SITE & SURROUNDING DATA**

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	Property	North	South	East	West
Current Zoning	R-2	R-2	R-2	R-2	R-2
Future Land Use	NR	NR	NR	NR	NR
Current Use	Vacant	Multi-family	Single Family	Vacant	Single Family Residence

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**BACKGROUND AND ANALYSIS**

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**DESCRIPTION AND CONTEXT**

The property is located in the R-2, Residential Zoning District, which allows single-family homes, multifamily development, and associated accessory structures.

The property is zoned R-2, Residential Zoning District, however, the Future Land Use is Neighborhood Residential (NR), which is inconsistent with the zoning. The zoning district which the property could be rezoned to for consistency is N-R, Neighborhood Residential District. However, Policy FLU8.2.5.1 of the Comprehensive Plan states that if the use is a permitted use in the current zoning district and all other zoning districts consistent with the future land use designation, then no rezoning is necessary.

The subject property consists of three (3) lots of the Clear Lake View plat, recorded in February 1926. The site has 75 ft. of frontage on 19th St. and contains 10,121 sq. ft. of lot area.

The site is currently vacant. However, a review of the permit history for the subject property shows that a demolition permit (B10004463) was issued in July 2010, for a single family home. The applicant purchased the property in July 2019.

The applicant would like to construct a single story duplex on the subject property. Each unit would have 1,441 sq. ft. of living area with three (3) bedrooms and two (2) baths.

There are no duplexes on this section of 19th St. between S. Orange Blossom Trail and S. Nashville Ave. Immediately north of the subject property is a .77 ac. parcel containing nine (9) individual single family homes ranging in sizes of between 240 and 1,038 sq. ft.

To the south of the subject property, across 19th St., a new single family home is under construction. To the east of the subject property is another vacant lot of the same width and size. To the west is a single family home.

While the subject property contains more than the required 8,000 sq. ft. required for a duplex, and the site plan shows that they will meet all setbacks, the lot lacks the required 80 ft. of frontage.



**District Development Standards**

	Code Requirement	Proposed
Max Height:	35 ft.	19 ft.
Min. Lot Width:	80 ft.	75 ft.
Min. Lot Size:	8,000 sq. ft.	10,121 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	30 ft.
Rear:	30 ft.	44 ft.
Side:	6 ft.	10 ft.
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

---

**STAFF FINDINGS**

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**VARIANCE CRITERIA****Special Conditions and Circumstances**

Staff was unable to identify any special conditions or circumstances particular to the subject property. The property is rectangular in shape, relatively level terrain, and does not contain any known environmental constraints. A single family home can be built on this property without the need for any variances.

**Not Self-Created**

The applicant purchased the property earlier this year. The requirements for constructing a duplex have not since changed.

**No Special Privilege Conferred**

There are other lots of similar size as the subject property on this section of 19th St. developed with single family residences. Granting the requested variance would be conferring a special privilege.

**Deprivation of Rights**

The applicant will not be deprived of the right to make use of the property, as they can construct a single family residence without need of variances.

**Minimum Possible Variance**

Since the lot can be developed with a single family residence without need of any variances, this is not the minimum possible variance.

**Purpose and Intent**

The purpose and intent of the code is to ensure that a lot developed with a two-family residence is larger in size and width than that of a single family home. Granting the requested variance will not be consistent with this concept.

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## **CONDITIONS OF APPROVAL**

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1. Development in accordance with the site plan and architecture dated October 25, 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: Mohamed Abdou  
2375 Turnberry Dr.  
Oviedo, FL 32765

## COVER LETTER

Dear Sirs,

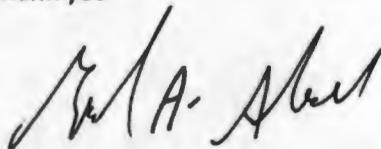
Please accept my application attached for variance to build duplex on the subject land.

The subject property meets the area requirements, but it is 5 feet short on the frontage requirements.

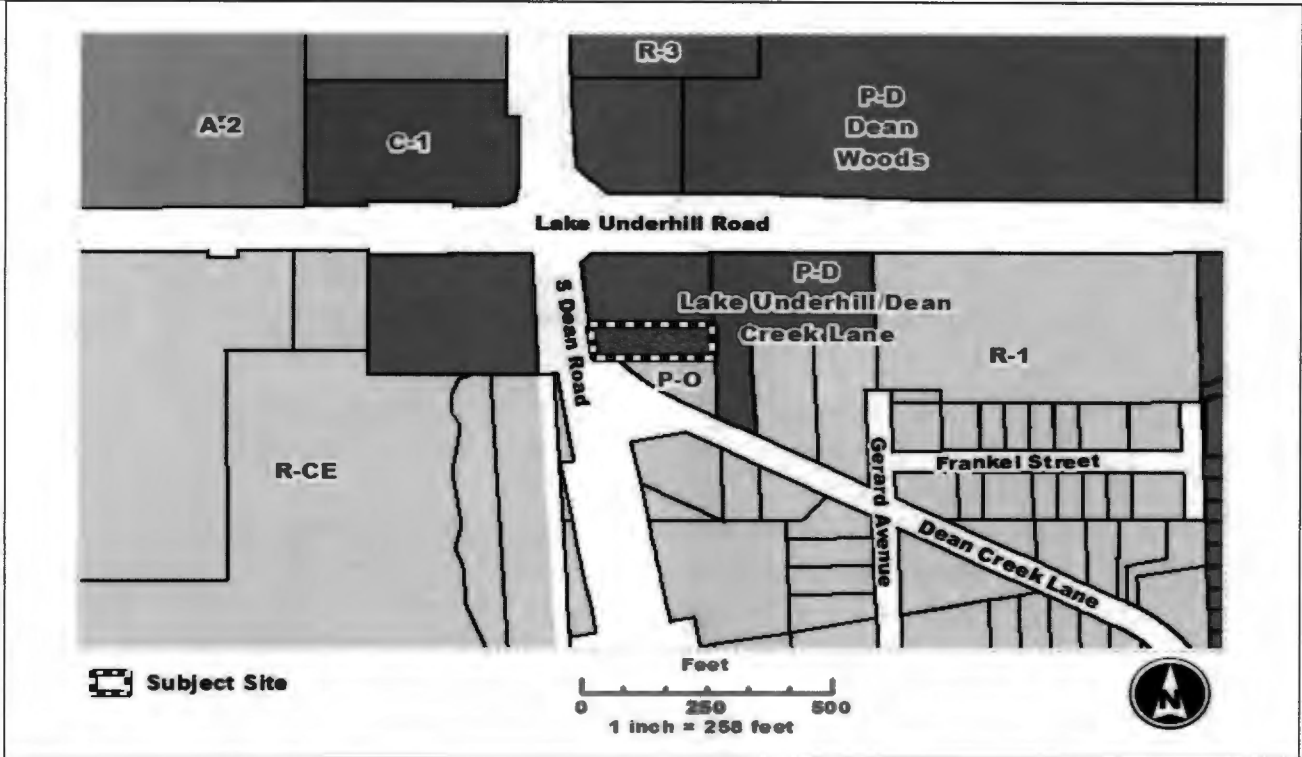
1. The duplex design meets the minimum setbacks of 10 feet from both sides and exceeds the minimum from the front and the back. 30 feet in front and 44.6 in back.
2. Since the property is located between 2 properties with existing building there is no chance to buy adjacent property to meet the frontage requirements.
3. The street where the property is located has one family homes as well as duplexes and commercial properties so the new building will not stand out and will be compatible with its surrounding.
4. I have track record of renovating and helping to rejuvenate similar area in New Brunswick NJ and did renovate one house in the same area address 820 west miller street which was closed for 25 years now it's one of the best properties in the area, pictures attached. I would like the opportunity to help rejuvenate the 32805-area code.
5. As the first property I acquired I am planning to have the duplex available for rent with a residential affordable rent to the area residents. So, the property will be used to serve the community.

I hope that you will give me the opportunity to serve my new community in my new home state.

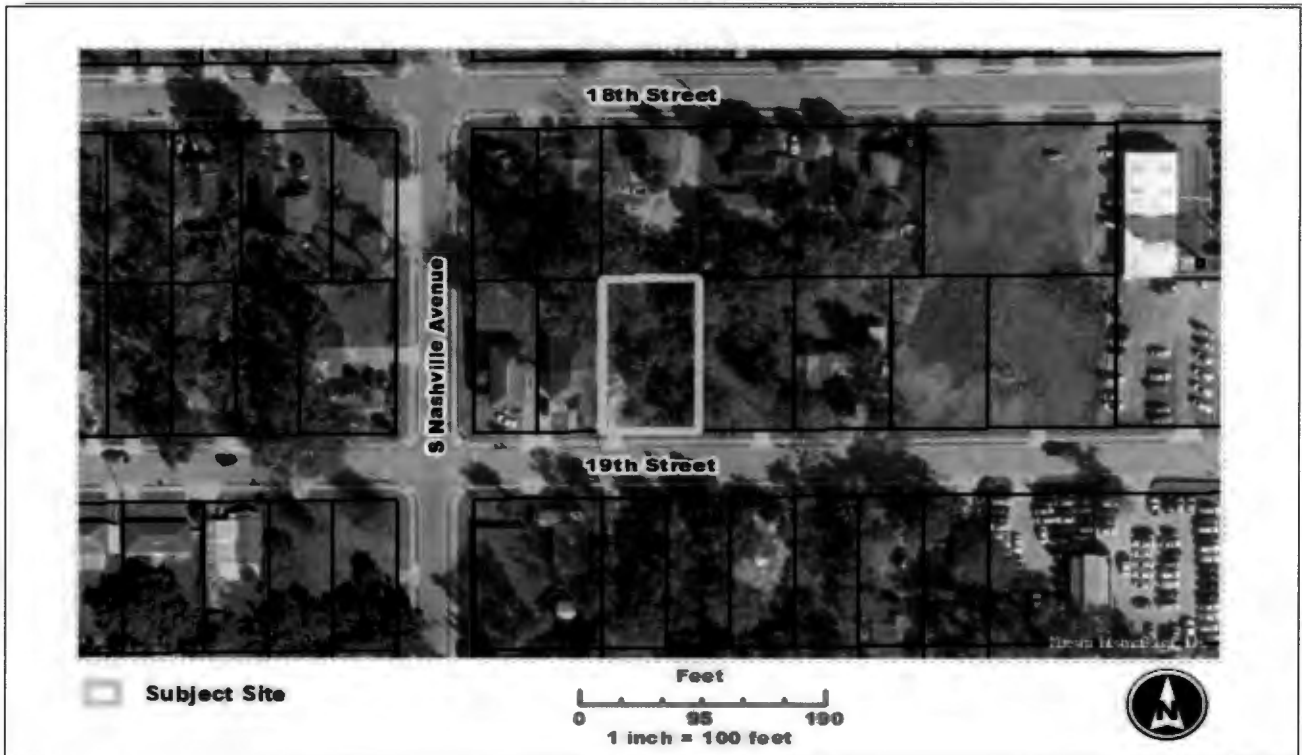
Thank you



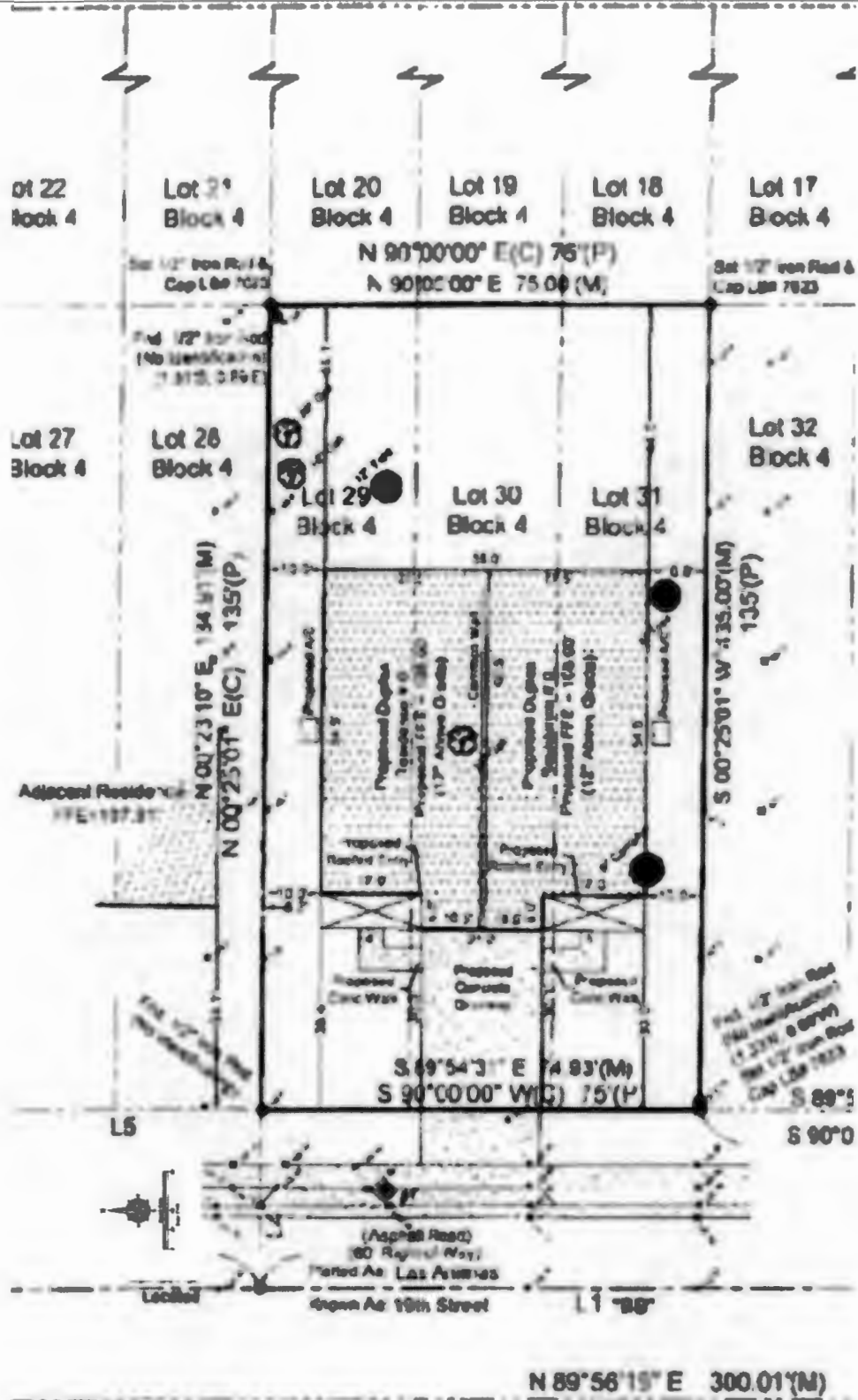
ZONING MAP



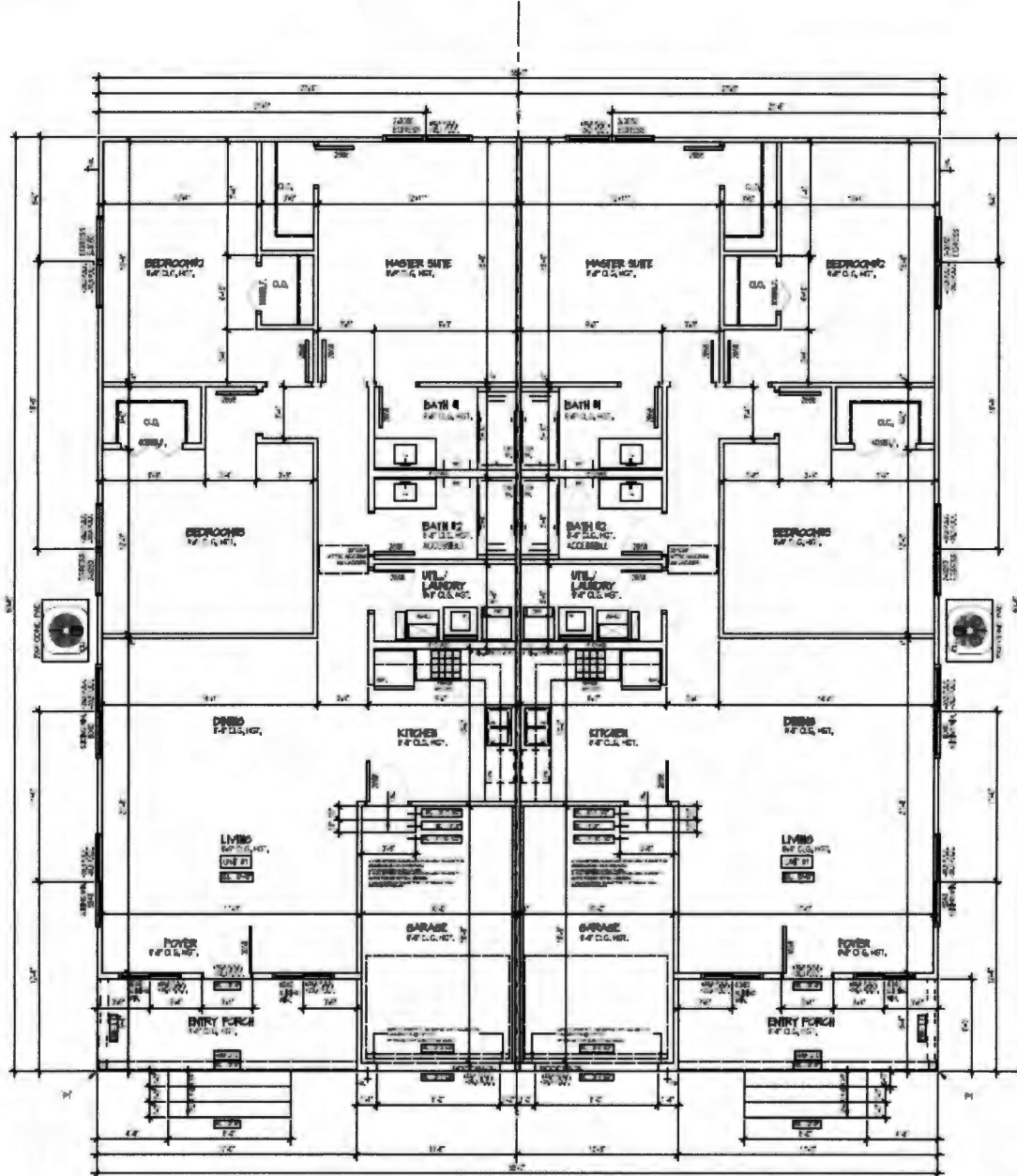
AERIAL MAP



SITE PLAN



# FLOOR PLAN



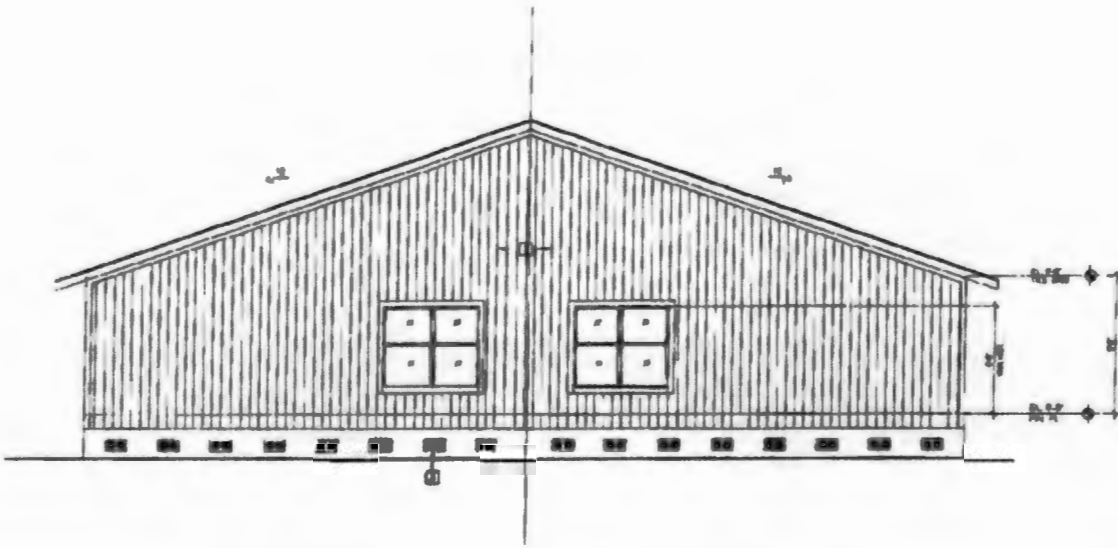
Clearance between the garage and entrance shall be equipped with self-closed doors of not less than 1/2" thick solid core doors, with a temperature core rated door section that 1/2" thick solid core door meets ICC-International Building Code.

**POST**  
 P1  
 2" X 4" POST W/ ALUMINUM @ BASE & DIVERT @ TOP TO BRACE OR CLIP ON

**BEAM**  
 B1  
 2" X 4" B.L. W/ 1/2" B.S.M.  
 W/ 1/2" PLYWOOD F.L. 1/2" FL.  
 APPLY 2" X 4" @ 16" O.C. STAGGERED  
 BSM TO WALL, APPLY H-BOARDS

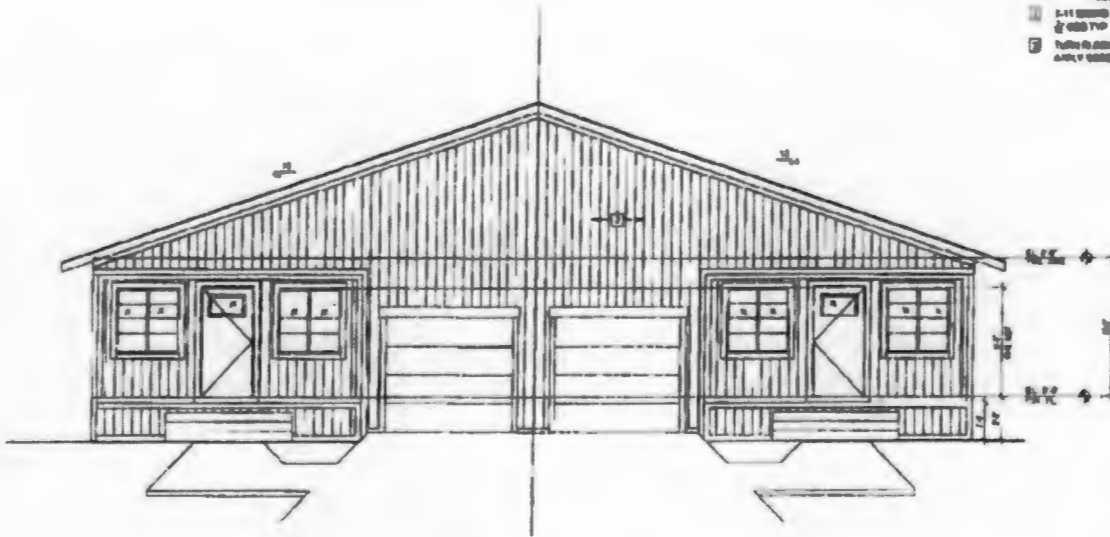
**CEILING**  
 C1  
 1/2" X 4" W/ 1/2" B.S.M.  
 2" X 4" @ 16" O.C. STAGGERED  
 BSM TO WALL, APPLY H-BOARDS

# ELEVATIONS



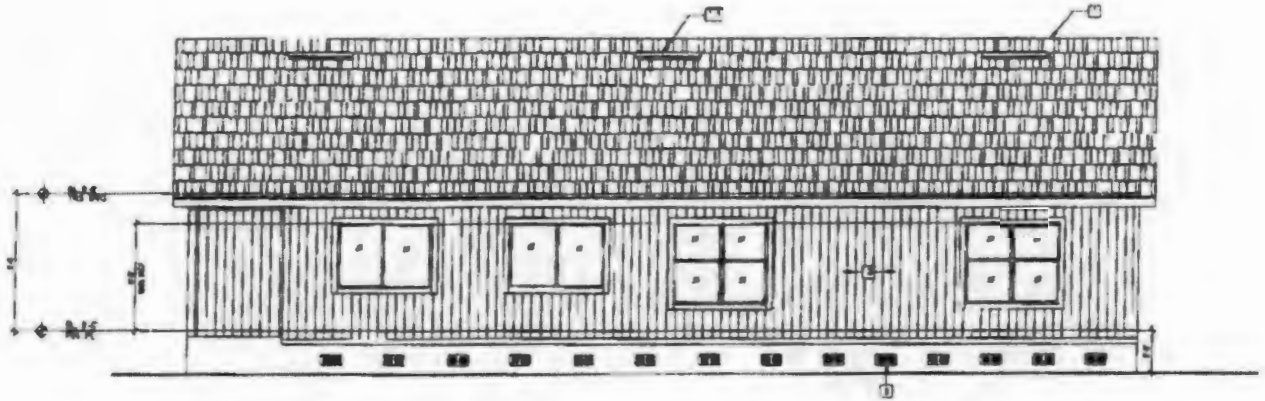
**REAR ELEVATION**

- 11 2-INCH ROOFING
- 12 4X4 RIDGE JOIST  
NOTE: JOIST TO BE SHIPPED & SPRAW  
INSULATED & LEAD
- 13 1-1/2" SIDING OVER SHEATHING OVER  
1/2" OSB TYP
- 14 TYPICAL 2X4 STUDS FOR VENT  
4X4 V GIRDERS



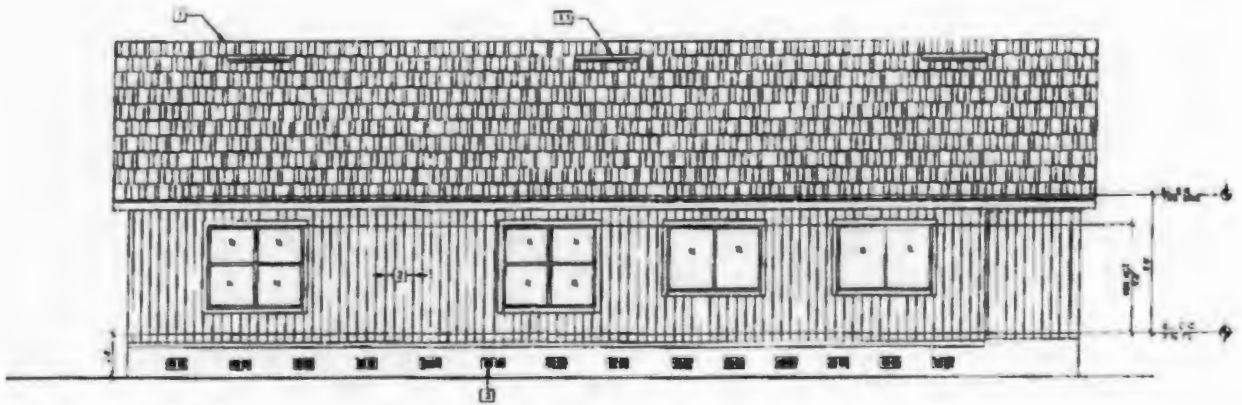
**FRONT ELEVATION**

# ELEVATIONS



**RIGHT ELEVATION**

- B** SHINGLE ROOFING
- C** 2"X4 VERTICAL SIDING WITH 1/2" GROUND OVER PANELS WITH 1/2" GROUND OVER
- D** 1/2" GROUND OVER PANELS WITH 1/2" GROUND OVER
- E** 1/2" GROUND OVER PANELS WITH 1/2" GROUND OVER



**LEFT ELEVATION**



**SITE PHOTOS**



**Subject Property Looking North**



**Interior of Subject Property Looking Northeast**

**SITE PHOTOS**



**Neighboring property looking East**



**New Single Family Home Looking South**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 02, 2020**  
Case #: **VA-20-01-143**

Case Planner: **Nick Balevich**  
Commission District: **#3**

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## GENERAL INFORMATION

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APPLICANT(s): OLIVE GARDEN (LONDON WHITE)

OWNER(s): DDRM SKYVIEW PLAZA LLC

REQUEST: Variance in the C-2 zoning district to allow 175.3 sq. ft. of cumulative copy area for wall signs in lieu of 127.5 sq. ft.

PROPERTY LOCATION: 1555 W. Sand Lake Rd., Orlando, Florida, 32809, north side of W. Sand Lake Rd., east of S. Orange Blossom Trl.

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

LOT SIZE: 25.83 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; 5-0 and 2 absent):

1. Development in accordance with the site plan dated December 12, 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 had no additional comments.

Staff received one (1) commentary in favor of the application, and none in opposition to the

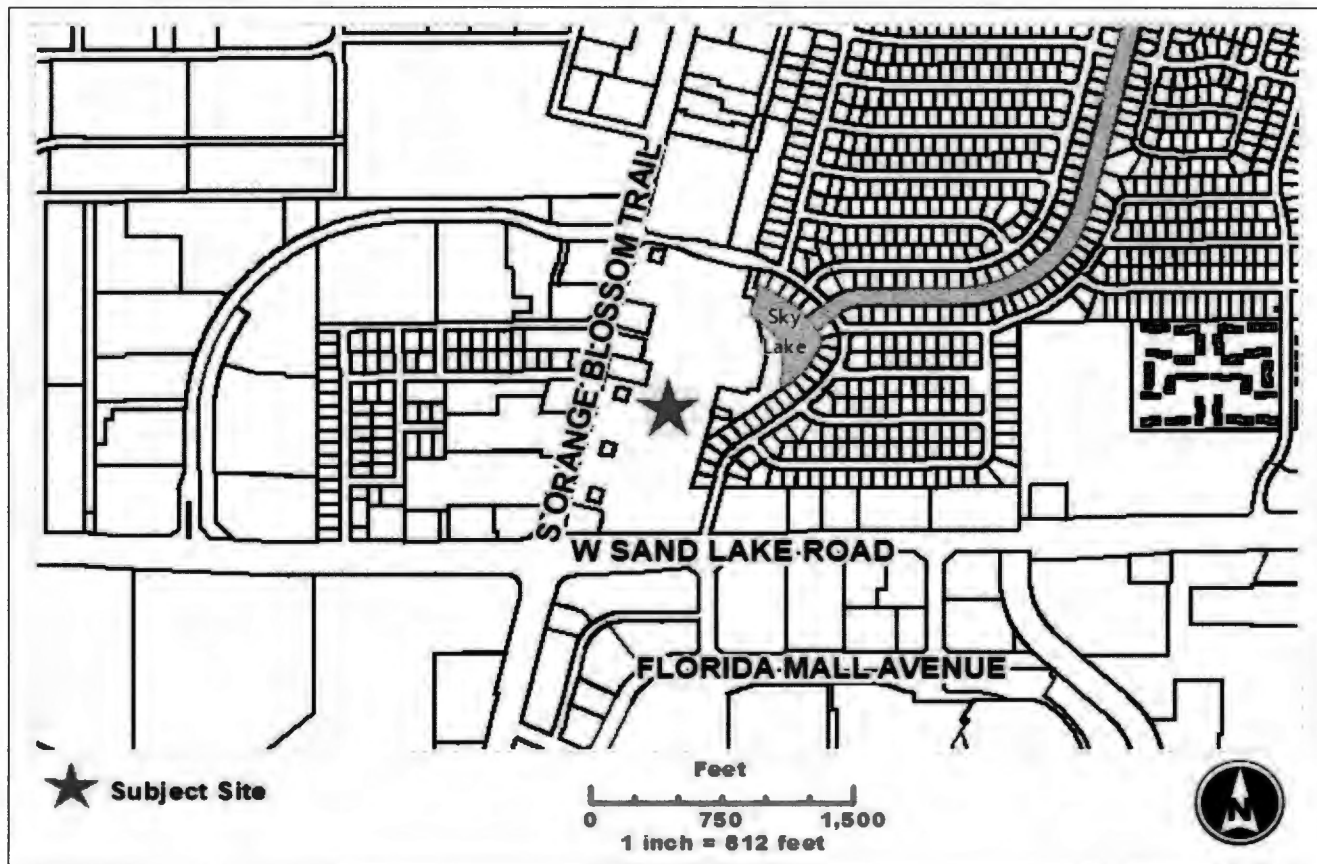
application. There was no opposition at the hearing.

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	P-D	C-2	C-2
Future Land Use	C	C	C	C	C
Current Use	Restaurant/Retail	Retail	Office	Retail	Retail

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## BACKGROUND AND ANALYSIS

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### DESCRIPTION AND CONTEXT

The subject property is zoned C-2, General Commercial district. The C-2 district allows a variety of commercial businesses including restaurant 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 property is a corner lot, with frontage on S. Orange Blossom Trail and W. Sand Lake Road.

The business that has applied for the variance, Olive Garden, occupies the southernmost building on the site. The building has 85 feet of frontage. Orange County Sign Code Section 31.5-15 (a)(2) allows 1.5 sq. ft. of wall signage per linear foot of building frontage. Using this calculation, the applicant is allowed up to 127.5 sq. ft. of copy area for their wall signs.

The building currently has a 54.76 sq. ft. sign on the front (south) wall, and two 26.58 sq. ft. signs on the east and west sides of the roof, for a cumulative total of 107.83 sq. ft. The applicant is requesting a variance to replace the front (south) wall sign with a 74.7 sq. ft. wall sign, and to replace the east and west side signs with two 50.3 sq. ft. wall signs for a cumulative total of 175.3 sq. ft. The applicant is requesting the increase due to frontage on 2 roads, which code does not account for, and to increase the visibility of their wall signage, as the building is located 282 feet from S. Orange Blossom Trail, and 185 feet from W. Sand Lake Road.

The applicant is proposing to replace the existing 87 sq. ft. pole sign with a 75 sq. ft. sign, but it is not part of the variance request.

The request to increase the wall sign square footage constitutes a 37% deviation from code.

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## STAFF FINDINGS

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### VARIANCE CRITERIA

#### **Special Conditions and Circumstances**

Code only allows the building frontage to be counted on the side with the front door. The property fronts on two (2) roads and has multiple entries, necessitating additional sign area and number of signs.

#### **Not Self-Created**

The sign code does not allocate additional sign area for additional frontage. The lot being a corner lot with two (2) frontages is not self created.

#### **No Special Privilege Conferred**

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

**Deprivation of Rights**

The applicant is deprived of any consideration being given to the multiple road frontages, multiple entrances and setbacks.

**Minimum Possible Variance**

The request is the minimum variance to allow visibility considering the double frontage.

**Purpose and Intent**

Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood, as the amount of increase being requested is 37% when there is a second road frontage involved, which could double the amount of signage allowed, if this frontage was considered.

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**CONDITIONS OF APPROVAL**

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1. Development in accordance with the sign/site plan, elevations and sign specifications dated December 12, 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.

Landon White  
6001 Nimitz Pkwy.  
South Bend, IN 46628

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## COVER LETTER

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To Whom It May Concern:

Olive Garden is proposing to install four (3) wall signs on three (3) elevations at their existing location at 1555 Sand Lake Road. The proposed total for the wall signage is 175.3 square feet. Per the interpretation of code, we would be limited to 127.5 square feet based on the frontage of the building. Our proposal will exceed the square footage allowed and we are placing signs on multiple elevations; however, the proposal is not egregious as it is a replacement of the existing signs with the updated brand logo for Olive Garden.

**Special Conditions and Circumstances:** This site has existing special circumstances as it has frontage/access to two (2) public right-of-way's and has high visibility. As you can see from the site plan, the public will have two (2) entrances to navigate to the Olive Garden. One from Sand Lake Road and one (1) from S. Orange Blossom Trail. This restaurant has high visibility to these public roads.

**Not Self-Created:** The need for a variance is not self-created. The increased visibility of this site and need for proper navigational assistance is due to the high speeds of the corridor, multiple frontages, and access points.

**No Special Privilege Conferred:** No special privilege would be conferred as what is being requested would not be significantly greater square footage or provide an unfair practical advantage to Olive Garden.

**Deprivation of Rights:** Not allowing the increase of square footage would not lead to a deprivation of rights commonly shared by other sites, as those sites are limited to the square footage of their business frontage. However, the Olive Garden does have multiple entries to the building as well as frontage on a second right of way.

**Minimum Possible Variance:** The proposed signage is the brand standard signage and is a request to replace the existing signage with similarly sized and located signage.

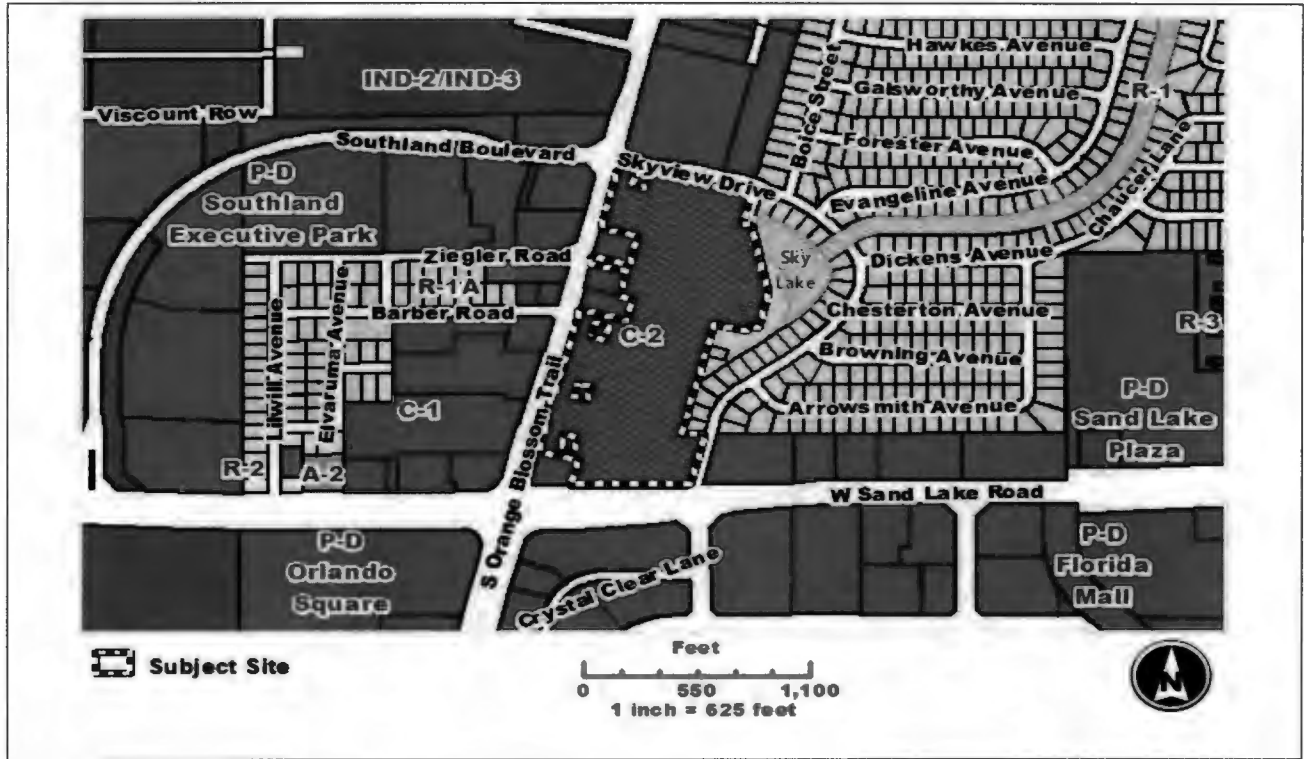
**Purpose and Intent:** The purpose and intent of the zoning regulations will be upheld in the event this proposal is approved. The proposed signage will assist in promoting safety within the surrounding area by providing navigational assistance to motorists in the area and the proposed signage will fit aesthetically within the corridor.

If you have any questions or need any additional information, please contact me at 574-232-6933 or [law@sesbranding.com](mailto:law@sesbranding.com).

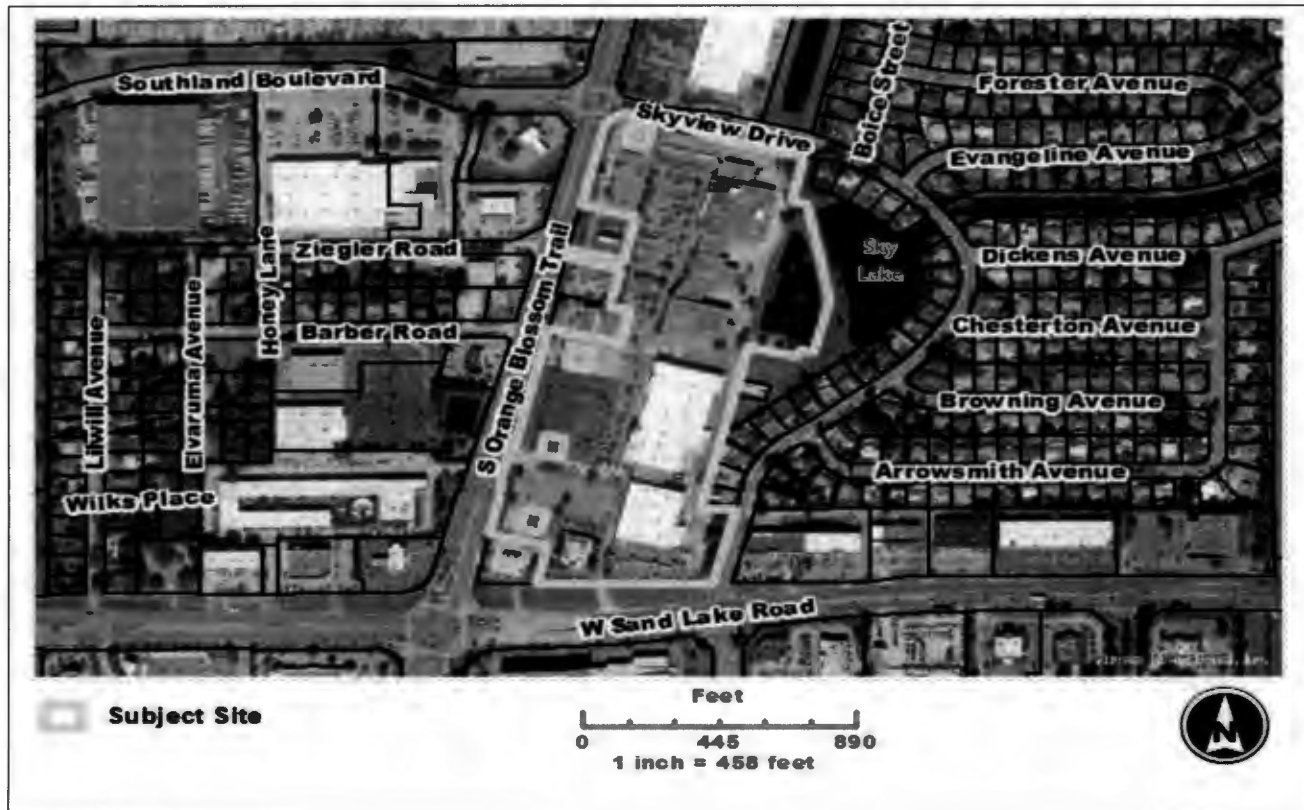
Thank You,

Landon White  
Zoning Specialist  
Site Enhancement Services  
6001 Nimtz Parkway  
South Bend, IN 46628  
P: 574-232-6933  
F: 574-237-6166  
[law@sesbranding.com](mailto:law@sesbranding.com)

ZONING MAP



AERIAL MAP





**Site Plan**  
Store #1084

- A** 7'-2 1/8" x 10'-5" Wall Sign: 74.76 SF
- A** 4'-10 3/4" x 11'-2" Wall Sign: 54.67 SF

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- B** 3'-0" x 13'-5" Wall Sign: 50.31 SF
- D** 3'-7" x 7'-5" Wall Sign: 26.58 SF

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- C** 3'-0" x 13'-5" Wall Sign: 50.31 SF
- C** 3'-7" x 7'-5" Wall Sign: 26.58 SF

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- D** New Cabinet on Existing Poles: 75 SF
- D** 6'-2 1/4" x 14'-1" Pylon at 25'-3" OAH: 87.14 SF



- A** Proposed Signage
- A** Existing Signage

SIGN/SITE PLAN

"V"

# Front Elevation Store #1084



Proposed: W-75 Wall Sign  
See page 7 for sign details.

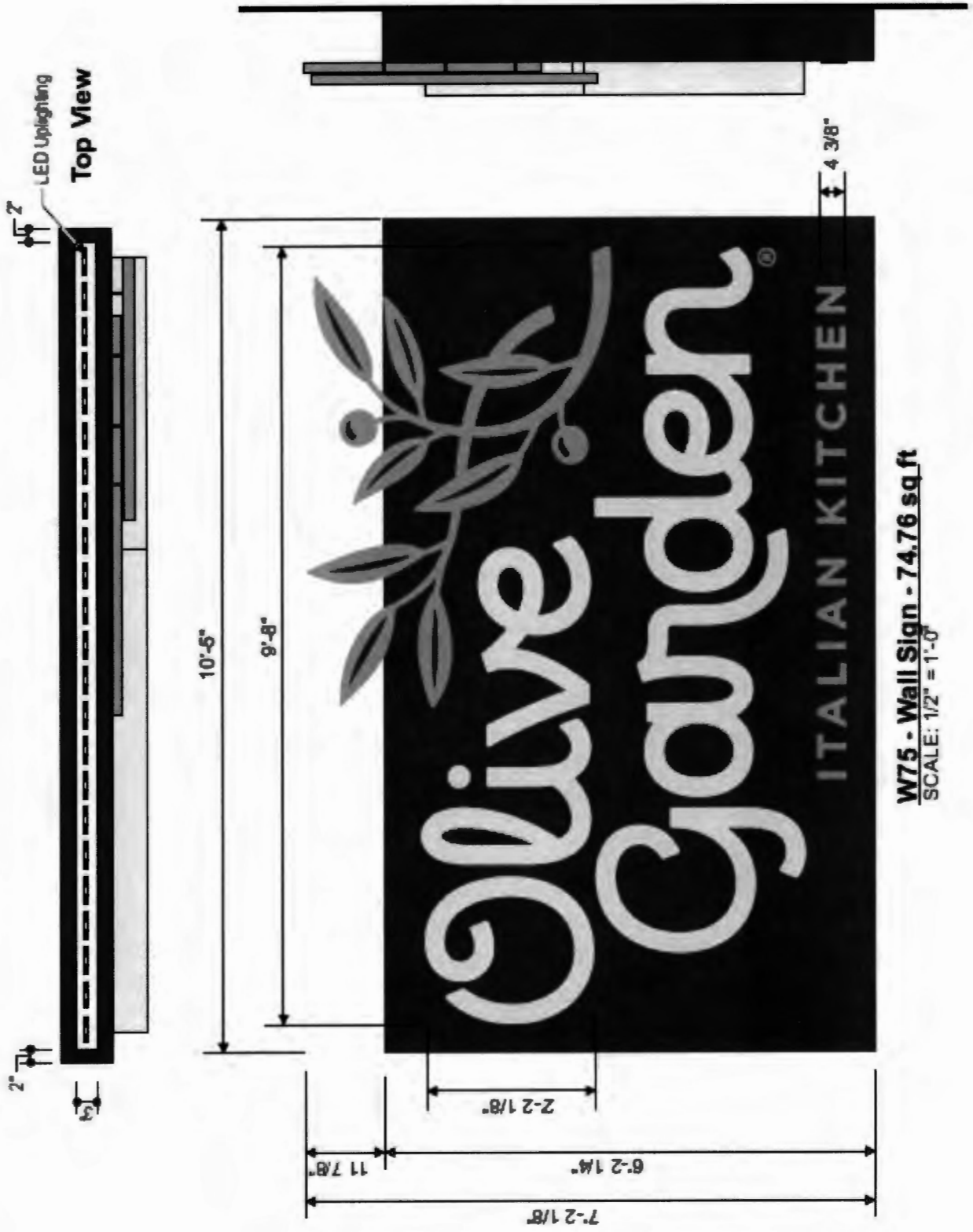
Scale: 1/16"=1'

Existing: 54.67 SF (provided by sign company)



FRONT ELEVATION

FRONT SIGN SPECIFICATIONS "A"

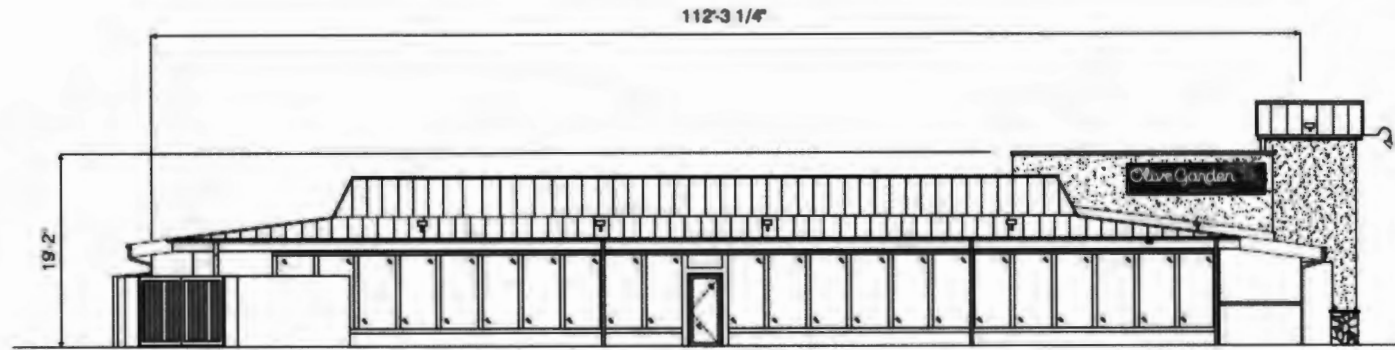


**W75 - Wall Sign - 74.76 sq ft**  
SCALE: 1/2" = 1'-0"

"B"

### Left Elevation

Store #1084



Proposed: L 50 Wall Sign  
See page 8 for sign details.

Scale: 1/16"=1'

Existing: 26.58 SF (provided by sign company)



SIDE ELEVATION

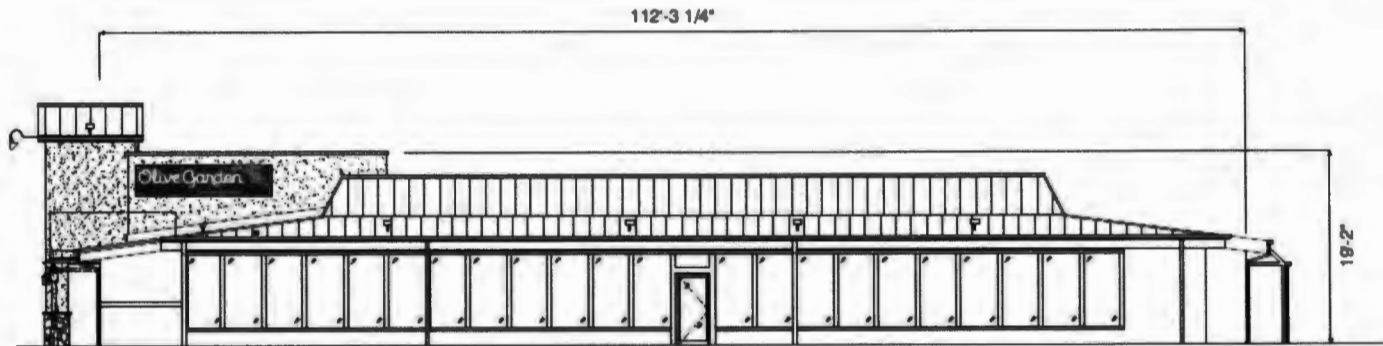


Pl: 1. 800. 880. 7000 | Fax: 1. 574. 227. 6100 | [www.coltsberthosignmentservices.com](http://www.coltsberthosignmentservices.com)

112'-3 1/4"

# Right Elevation

Store #1084



Proposed: L 50 Wall Sign  
See page 8 for sign details

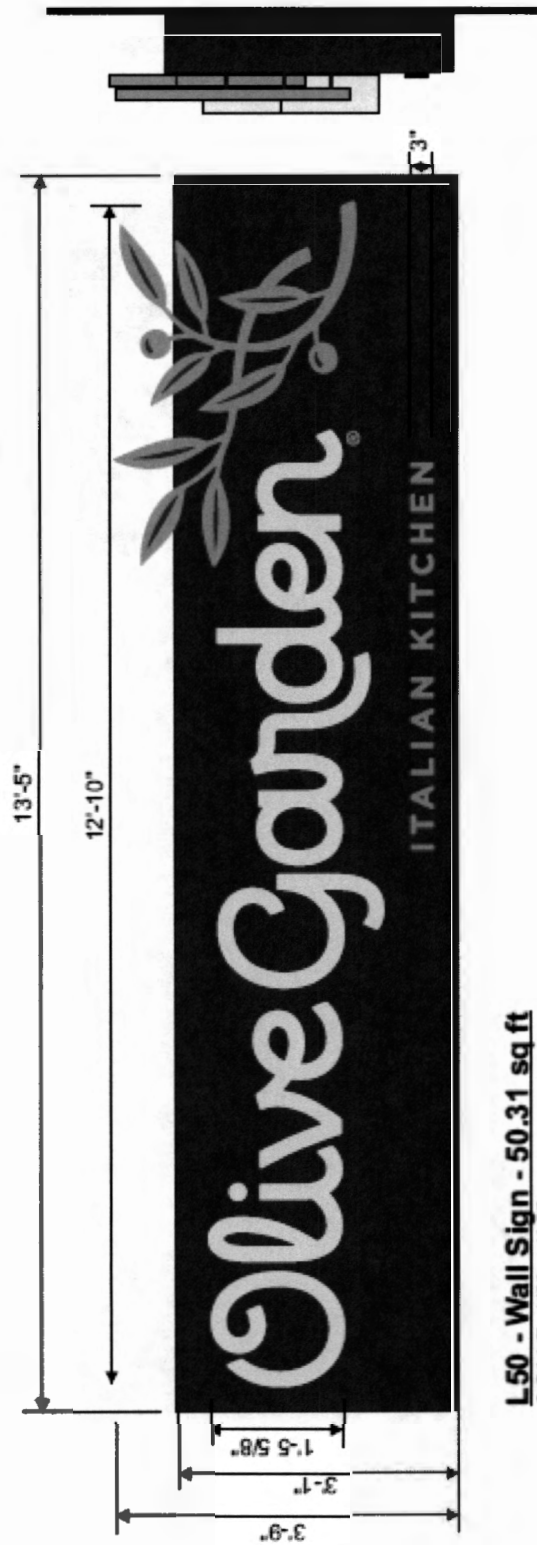
Scale: 1/16" = 1'

SIDE ELEVATION

Existing: 28.58 SF (provided by sign company)



SIDE SIGN SPECIFICATIONS "B" and "C"



**L50 - Wall Sign - 50.31 sq ft**  
SCALE: 1/2" = 1'-0"

"D"

**Pylon Overlay**  
Store #1084

- D** New Cabinet on Existing Poles: 75 SF  
See page 2 for sign location and page 9 for sign details

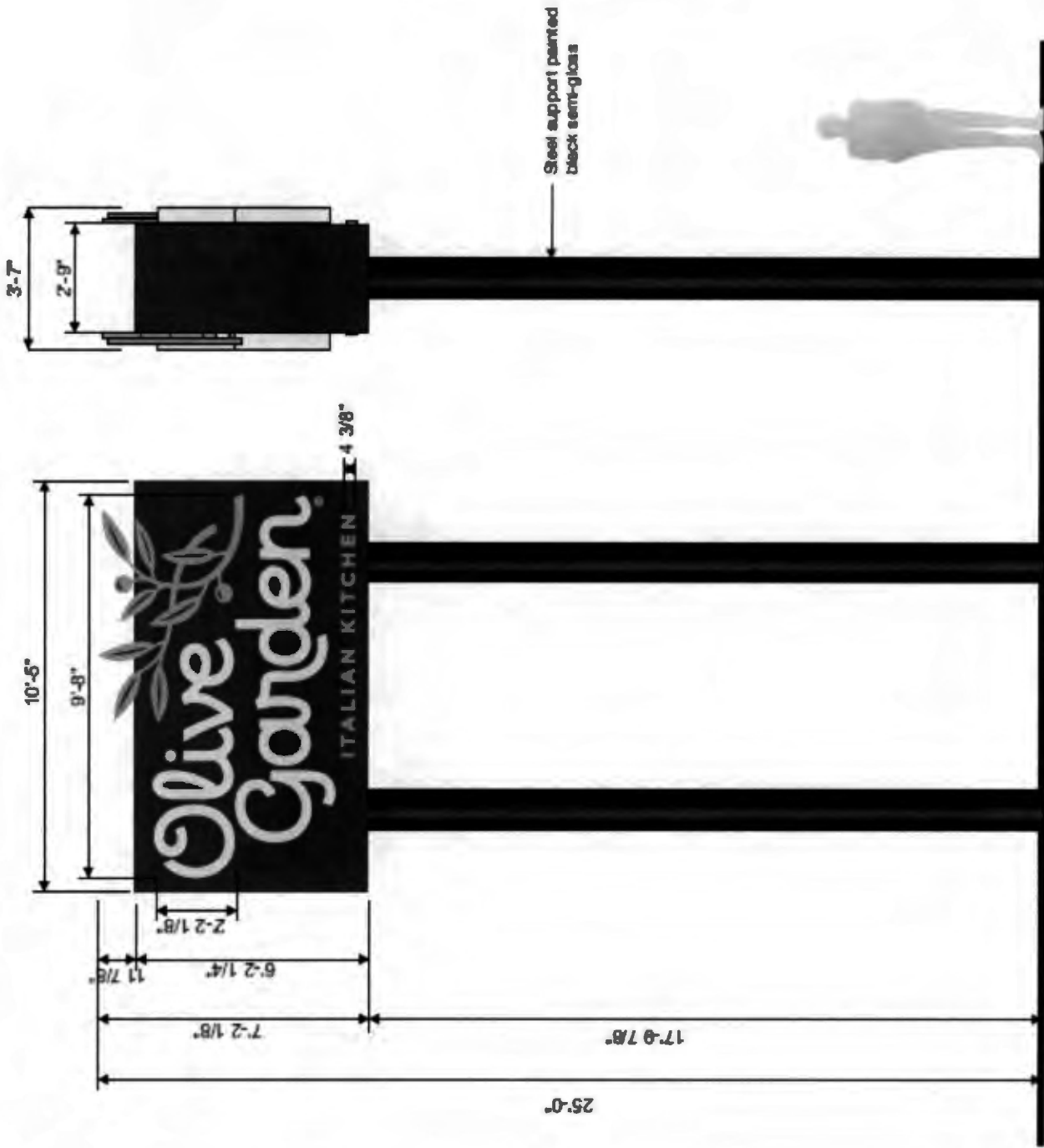


Existing:  
6'-2 1/4" x 14'-1" at 25'-3" OAH  
87.14 SF



POLE SIGN

POLE SIGN SPECIFICATIONS "D"



**P75 - Pylon Sign - 74.76 sq ft**

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

Utilize existing pole/poles.

Sign company to verify drawing prior to manufacturing.



**SITE PHOTOS**



**Front facing Sand Lake Rd. Elevation A**



**Front and interior side**

**SITE PHOTOS**



**Side facing S. Orange Blossom Tr. Elevation B**



**Side facing interior. Elevation C**

SITE PHOTOS



Pole Sign Elevation D

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 02, 2020**

Case Planner: **David Nearing, AICP**

Case #: **SE-19-10-119**

Commission District: **#6**

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## GENERAL INFORMATION

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APPLICANT(s): HOUSE OF PRAYER CHURCH OF THE LIVING GOD, INC.

OWNER(s): HOUSE OF PRAYER CHURCH OF THE LIVING GOD, INC

REQUEST: Special Exception and Variances in the R-1A zoning district to allow for a religious use facility as follows:

- 1) Amendment to an existing Special Exception to allow an addition to an existing religious use facility.
- 2) Variance to allow 12 parking spaces in lieu of 31 spaces.
- 3) To allow standard parking spaces which are 9 ft. wide by 18 ft. deep in lieu of 9 ft. x 20 ft.
- 4) To allow an existing structure located 6.96 ft. from the side (west) property line in lieu of 7.5 ft.

PROPERTY LOCATION: 1401 25th St., Orlando, FL 32805, northwest corner of 25th St. and S. Nashville Ave.

PARCEL ID: 03-23-29-0180-37-230

LOT SIZE: 100 ft. x 135 ft./ .3 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 95

**DECISION:** Recommended **POSTPONEMENT** of this public hearing to a date in the near future (unanimous; 5-0 and 2 absent).

**SYNOPSIS:** Staff explained the history of the site including the prior approvals, which took place in 2019. The last approval, which occurred in May of 2019, was pulled for a public hearing before the BCC by the District 6 Commissioner, and was remanded back to the BZA to address the issue of providing adequate parking. The applicant provided a study, which showed that there were 25 on-street parking spaces along 25th St., and that they had a signed and recorded shared parking agreement with a nearby church. However, staff noted that the nearby church was 2.5+ miles away, and the agreement allows them to park while that church is also having services, which is inconsistent with the code requirements for joint use of off-street parking. Staff also noted that on-street parking is not counted toward the required parking calculations because it could set a precedent. With regard to the variance for parking, the need to reduce the number of spaces is self-created, and will confer a special privilege if compensating off-site parking is not provided. Staff informed the Board that they had not received any commentaries in favor of or opposition to the requests.

The applicant explained that their sister church has ample parking, and has indicated that they have space for between 15 and 20 parking spaces. They stated that they would be using a 15-passenger van to shuttle members to and from their cars. They indicated that they have already spoken to the congregation, and have volunteers who will use the shuttle. There being no one present to speak in favor or opposition to the application, the public hearing was closed.

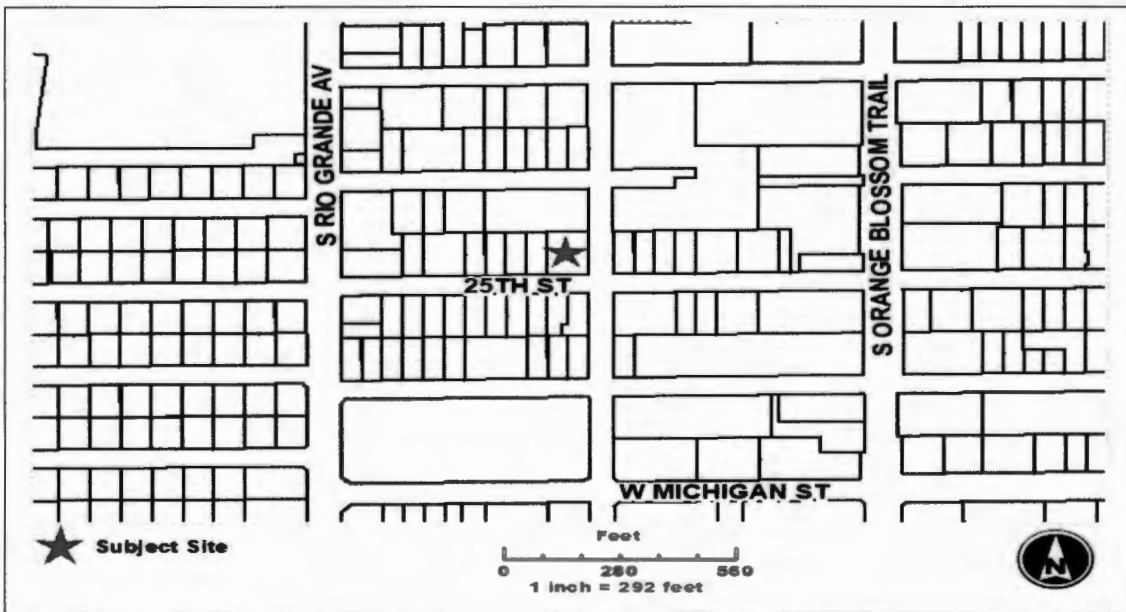
The BZA noted their concern with counting on-street parking, plus the impact it may have upon existing residents, including increased noise at hours during which it does not currently occur. They also have concerns with the distance that the shared parking is from the subject property. They would like the applicant to explore closer options and see if they could provide some type of agreement with nearby businesses.

The BZA unanimously recommended postponement of the item to a later date.

**STAFF RECOMMENDATIONS**

Denial of the amendment to the Special Exception and Variance #2, and approval of Variances #3 and #4, subject to the conditions in this report.

**LOCATION MAP**



**SITE & SURROUNDING DATA**

	Property	North	South	East	West
Current Zoning	R-1A	NR/C-2	NR	R-1A	R-1A
Future Land Use	NR	NR	NR	NR	NR
Current Use	Religious institution	Single family residential/Commercial	Single family residential	Single family residential	Single family residential

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## BACKGROUND AND ANALYSIS

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### **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. Certain institutional uses, such as religious institutions, are permitted through the Special Exception process.

The parcel is located in the Holden Heights Overlay District and the Future Land Use is Neighborhood Residential (NR). The purpose of the Overlay District is to facilitate redevelopment in the area. The intent of the NR district is to provide diverse housing types complemented by parks and civic uses essential to community gathering. A religious use facility is allowed as a special exception in this district as well. Since the use requires a Special Exception in both the R-1A and N-R zoning districts, Policy FLU8.2.5.2, states that a rezoning to resolve the inconsistency is not necessary.

The subject property consists of two (2) lots in the Angebilt Addition subdivision, which was recorded in June 1923. The applicant purchased the property in June 2010. The property is developed with an existing 2,766 gross sq. ft., 88 seat religious institution. The structure on-site was built as a single-family residence in 1968. It appears, per aerials and old photos, that the site has been used as a religious institution dating back to at least 2008. This case is not a result of Code Enforcement action.

On January 3, 2019, the BZA recommended approval of a Special Exception (SE-19-01-183), for an existing church and a variance for 13 parking spaces in lieu of 33, although the final approved site plan showed 15 parking spaces. That recommendation was predicated on a draft off-site parking agreement with the adjacent business to the southeast for 20 parking spaces. A condition of that approval was to "provide a signed, notarized, and recorded shared parking agreement prior to the issuance of permits for the project." The BZA recommendation was upheld by the Board of County Commissioners (BCC) at their January 29, 2019 meeting.

On May 2, 2019, the applicant submitted an amendment to the existing special exception approved in January 2019 to add a 1,056 sq. ft. multipurpose room to the existing church and a variance to allow a total of 12 parking spaces in lieu of 33. The applicant stated that the number of the seats in the sanctuary would remain the same, therefore the number of parking spaces required would remain the same. Staff recommended approval based on the same draft off-site parking agreement and condition of approval for a shared parking agreement attached to the January approval. The BZA concurred and recommended approval. However, on May 21, 2019, the District 6 Commissioner requested that the application be pulled for a public hearing.

Upon further review of the application in preparation for the public hearing before the Board of County Commissioners (BCC), it was discovered that the draft parking agreement submitted for use of 20 parking spaces on the nearby lot had a 3-year expiration date, and only 10 spaces were available for shared parking, as the remainder are located behind locked security fencing for the business on that site, and unavailable when the church would need them.

On July 2, 2019, the BCC held a public hearing on the application, at which time the District 6 Commissioner made a motion to remand the application back to the BZA to address conflicting information in the application and unresolved parking issues.

The applicant submitted a revised application and supporting documentation that is consistent with the request for the October 3, 2019 BZA agenda. The applicant proposed to add a 1,060 sq. ft. addition to the

existing church to expand the multipurpose room. Off-site parking agreements were not submitted as part of that request.

On October 3, 2019, the BZA reviewed the revised plan and associated information. Considerable discussion ensued regarding parking. At that time, the applicant had withdrawn the shared parking agreement with the nearby business, as the issue of how long the agreement would be valid remained a point of contention. At the hearing, the applicant indicated that they could use a daycare located three (3) blocks to the south, along with using on-street parking to supplement the on-site and shared parking, although a parking agreement had not been submitted for review. The BZA concluded that there was not sufficient clarity to the parking situation to make a recommendation. They instructed the applicant to clarify where a shared parking agreement could be implemented, if any, and how many on-street parking spaces actually exist, and continued the case to allow the applicant to explore their options.

The applicant is now proposing a shared parking agreement with a religious institution located over 2.5 miles away, in the City of Orlando. The agreement permits the applicant to use eight (8) parking spaces, and is worded such that it is to be perpetual. The applicant proposes to transport the occupants of the eight parking spaces to and from the subject property via an eight (8) passenger van. The van is to be parked on the subject property, which will reduce the available on-site parking to 11 spaces. The eight (8) shared spaces at the other site represents a total of 24 seats in the sanctuary. Required parking for churches is 1 space for each 3 fixed seats, plus one space for each employee. Based on 88 seats and the pastor as the one employee, a minimum of 31 parking spaces are required. Even with the additional 8 off-site spaces they are short 11 spaces.

The subject site is a corner lot located on the northwest corner of 25th Street and S. Nashville Avenue. On-street parking is permitted on 25th St.; however, it is a predominantly residential street. S. Nashville Ave. is too narrow to accommodate on-street parking. The applicant's engineer calculated that there are 25 parking spaces on 25th St. between S. Nashville Ave. and S. Rio Grande Ave. to the west. This is based the on use of a 9 ft. x 20 ft. parallel parking space, with no spaces in front of driveways, fire hydrants, or intersections. The applicant contends that these spaces will reduce the deficit. However, it is impossible to guarantee that a sufficient amount of on-street spaces will be available when needed.

The proposed addition of the multipurpose room requires the reconfiguration of the previously approved parking layout and a reduction in parking to 12 spaces, but only 11 available for general use due to the proposed van. The proposed site plan also shows parking spaces that are 9 ft. wide by 18 ft. deep, where the required dimensions are 9 ft. x 20 ft.

In addition to the loss of parking, the proposed site plan shows a side (west) setback of 10 ft.; however, the survey of the property shows that the northwest corner of the existing structure is only 6.96 ft. from the side property line, where 7.5 ft. is required. Therefore, variance #4 is required.

**District Development Standards**

	Code Requirement	Proposed
Max Height:	35 ft.	20 ft.
Min. Lot Width:	75 ft.	100 ft.
Min. Lot Size:	7,500 sq. ft.	13,486 sq. ft.

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

	Code Requirement	Proposed
Front:	25 ft.	27 ft.
Rear:	30 ft.	43 ft.
Side:	7.5 ft.	6.96 ft.
Sidestreet:	15 ft.	37 ft.
NHWE:	N/A	N/A

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**STAFF FINDINGS**

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**SPECIAL EXCEPTION CRITERIA**

**Consistent with the Comprehensive Policy Plan.**

The Future Land Use is Neighborhood Residential (NR). The current zoning of R-1A is inconsistent with the future land use designation. However, Policy FLU8.2.5.2, states that if the use requires a special exception in the district in which it is located as well as in the consistent zoning districts, which is N-R, then a rezoning to resolve the inconsistency is not necessary, and with the approval of the Special Exception, the use will be compatible with the Comprehensive Plan.

**Use Is Similar and Compatible With the Surrounding Area and Development Patterns**

As currently approved, the use is similar and compatible with the surrounding area. This is demonstrated by the fact that it has been in existence since at least 2008. However, the expansion of this facility, with a further reduction in parking, will not be consistent with the pattern of the surrounding development. It will be significantly larger in scale than the adjacent residences, and the further loss of parking will place an additional burden on existing on-street parking. The off-site parking agreement over 2.5 miles away is extreme in terms reliability that this parking will be used.

**Not a Detrimental Intrusion into a Surrounding Area**

If approved for a 1,060 sq. ft. multipurpose room, the lack of parking, would likely result in on-street parking along 25th St., which is a predominantly residential street. This would be an intrusion into the neighborhood.

**Meets the Performance Standards of the District**

With the variance granted, the site would meet the performance standards. However, the lack of parking will be severe.

**Similar In Noise, Vibration, Dust, Odor, Glare, Heat Producing**

If approved as proposed, there is a high probability that on-street parking will occur. If attendees leave at later hours, there would be a high probability of increased noise over what currently exists.



## **Landscape In Accordance With Section 24-5 of the Orange County Code**

The site can meet the landscape ordinance as currently designed.

## **VARIANCE CRITERIA (VARIANCE 2)**

### **Special Conditions and Circumstances**

Staff is unable to identify any special conditions or circumstances. The site has limited capacity for expansion without loss of parking. Under the currently approved Special Exception, the site has 14 approved parking spaces. However, if approved, while the number of seats in the sanctuary will not change, two (2) parking spaces will be lost, increasing the degree of nonconformity.

### **Not Self-Created**

The need for the parking variance is self-created. Even though the amount of parking available under the current approval is still not sufficient to meet code, it is closer to meeting it than the proposed plan would be. Storage of a van to transport members of the congregation to and from the site of the shared parking will exacerbate matters by further reducing the amount of available parking.

### **No Special Privilege Conferred**

Granting a variance to allow a 62% reduction in required parking, where the currently approved plan provides 48% of the required parking would confer a special privilege. To count street parking toward the satisfaction of the deficient parking would set a precedent. On street parking is maintained by the County and available for all to use. It is not meant to serve the needs of one use.

### **Deprivation of Rights**

The applicant has an approved plan, which allows them to continue using the property as a religious institution. The attempt to overbuild is not a deprivation of any rights.

### **Minimum Possible Variance**

This is not the minimum possible variance. Leaving the plan as currently approved would be considered the minimum.

### **Purpose and Intent**

The purpose and intent of the code is to provide adequate parking either on-site, or through a combination of on and off-site shared parking. The proposed plan does not satisfy the purpose and intent. While a shared parking agreement is being proposed, the site of the shared parking is over 2.5 miles from the subject property. Typically such agreements are with nearby properties either adjacent to the site, or within walking distance. The need for the van further adds to the issue in that one (1) on-site parking space will need to be dedicated to the parking of the van.

## **VARIANCE CRITERIA (VARIANCES 3 & 4)**

### **Special Conditions and Circumstances**

The special conditions and circumstances particular to this property related to variances 3 & 4 are the size of the subject property and the location of the existing sanctuary. The property was initially a single family residence, which was converted to a religious institution. While the property can accommodate a religious institution, some modifications to the code are needed to provide the needed infrastructure, such as parking. The distance between the sanctuary and the rear property line is not great enough to provide a parking spaces meeting code. However, it is enough to provide parking spaces which will adequately accommodate a vehicle, and permit safe maneuvering of vehicles into and out of the site. With regard to the setbacks of the building, the applicant purchased the property as is and must work with what is existing.

### **Not Self-Created**

As previously noted, the applicant purchased the property and is not responsible for the siting of the structure.

### **No Special Privilege Conferred**

It is not uncommon for a site being retrofitted with a different use to need some relief from various provisions of the code. The variance for the parking is relatively minor, and the variance for the setback is due to a pre-existing condition.

### **Deprivation of Rights**

Without the requested variances, the applicant would not be able to provide the parking as approved through the Special Exception approved in January 2019. With respect to the setback, without the variance, if the structure were destroyed, it could not be rebuilt in the current footprint. It would be required to meet all setbacks, which could impact the existing approved design of site.

### **Minimum Possible Variance**

The variance to the parking stall depth equates to 10%, which is minimal. With regard to the setback, the variance is just over 7%, which is imperceptible.

### **Purpose and Intent**

The granting of the parking variance will result in a parking lot, which is still safe and functional. The variance for the setback will be minimal, and will not result in an encroachment issue. Both variances will meet the purpose and intent of the code.

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## CONDITIONS OF APPROVAL

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1. Development in accordance with the site plan dated September 12, 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. No more than four (4) advertised outdoor special events open to the public shall operate per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
5. The use of outdoor speakers or other audio amplification shall be prohibited.
6. Construction plans shall be submitted within three (3) years of final approval or this approval becomes null and void.
7. Signage shall be in accordance with Section 31.5-75.
8. A six (6) foot high vinyl fence shall be constructed along the north and west property lines. The fence on the north property line shall terminate ten (10) feet from the easterly property line. The fence on the west property line shall be limited to four (4) feet tall in the required front yard setback.
9. Landscape buffers shall be installed consistent with Sec. 24-5.
10. Prior to issuance of permits, the applicant shall provide an executed and recorded perpetual Shared Parking Agreement for eight (8) parking spaces with 1100 Bethune Drive.

C:  
Kenneth Patterson  
PO Box 555936  
Orlando, FL 32855

**design solutionsfl, inc.**  
Civil Engineering • CADD Services • Construction Administration



December 3, 2019

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

**Re: Parking Narrative - Request for Special Exception and Variance  
House of Prayer Church of the Living God  
1401 25<sup>th</sup> Street Orlando FL 32805**

In response to your email dated November 6, 2019,

First, when we discussed the number of parking spaces available on 25<sup>th</sup> St., I indicated that I needed an explanation of the methodology you used in your calculations.

**We use a 9'x20' space on the north side of 25<sup>th</sup> street, we did not put a space in front of driveways, and intersections are fire hydrants.**

Second, the shared parking agreement is with a site that is over 2.5 miles from the Church via surface street travel.

**Yes, 8 parking spaces located at 1100 Bethune Drive that will be transported to the church on an 8 passage van.**

Third, the agreement provides for parking on Sunday between 11 a.m. and 1 p.m. What is the schedule of services for Church of the Living God the Pillar Ground of the Living Truth congregation to ensure that there would be no overlap?

**Church of the Living God the Pillar Ground of the Living Truth church services start the same as House of Prayer Church of the Living God at 11 am, the church will set a side 8 parking space and they will be will be transported to the church on an 8 passage van.**

Fourth, what size van will be used as the shuttle, and where will it be stored?

**The church has an 8 passage van and will be stored in the church parking lot.**

Finally, has the church looked into approaching some of the nearby businesses on S. OBT to see if they would be willing to enter into an agreement?

**House of Prayer Church of the Living God will approach nearby businesses on South OBT for parking agreement for overflow parking when needed.**

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P.O. BOX 607372 • Orlando, Florida 32810  
P: 321.946.6222  
www.designsolutionsfl.com • info@designsolutionsfl.com

December 3, 2019

design solutionsfl, inc.

Page 2

With the church parking - 12, street parking - 25 and the 8 offsite parking, we feel the parking will not be a burden to the community on Sunday during church services.

design solutionsfl inc.



Kenneth Patterson  
President

**SHARED PARKING AGREEMENT**

**RECEIVED**

NOV 13 2019

ORANGE COUNTY  
ZONING DIVISION

PARKING LOT USE AGREEMENT

THIS PARKING LOT USE AGREEMENT (this "Agreement") is effective as of November 8, 2019 ("Effective Date"), and is entered into by and between Church Of The Living God The Pillar Ground of the Truth ("Church") and The House Prayer Church Of The Living God ("Church").

**RECITALS**

- A. The Church Of The Living God The Pillar Ground Of The Truth is the owner of the Parking Lot as identified by Orange County Property Appraiser's office as assessment number 33-22-29-9016-09-080, Located at 1100 Bethune Dr. ("Parking Lot").
- B. Has made the Parking Lot available for use by The House Of Prayer Church of The Living God, for parking of vehicles during events, under the terms and conditions set forth below.

**AGREEMENT**

NOW THEREFORE, in consideration of the foregoing Recitals, which are incorporated herein as though set forth in full, and in consideration of the mutual promises and covenants set forth in this Agreement, the parties agree as follows:

- 1. **Grant of Use.** The Church Of The Living God The Pillar Ground Of The Truth hereby grants approval of rights, privilege and permission, subject to the terms and provisions of this Agreement, to possess and occupy the Parking Lot for the sole purpose as defined and set forth below.
- 2. **Term of Agreement.** This agreement is intended that The House of Prayer Church Of The Living God being granted the specified request for parking. It further states, that this parking agreement is an irrevocable, perpetual shared parking agreement.

- 2.1 This agreement shall be recorded against property where parking is located for:  
1100 Bethune Dr, Orlando FL 32805.

Parking Hours are as follows:

- Tuesdays: 7:00pm – 9:00pm
- Sunday Morning: 11:00am – 1:00pm and periodically special revivals some Saturdays and Sunday nights.

- 3. **Notices.** All notices required hereunder shall be in writing and shall be deemed properly served if delivered in person or if sent by registered or certified mail, with postage prepaid and return receipt requested, to the following addresses (or to such other address as either party may subsequently designate):

With a copy to: Church of the Living God  
1100 Bethune Dr.  
Orlando, FL32805

**SHARED PARKING AGREEMENT, PAGE 2**

Con't. pg 2.

All notices required hereunder shall be deemed received on the date of delivery, or attempted delivery if delivered in person, or if mail, on the date which is two (2) days after the date such notice is deposited in the U.S. mail.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

CHURCH OR THE LIVING GOD  
1100 Bethune Dr.  
Orlando, FL 32805

The HOUSE OF THE LIVING GOD  
1401 25<sup>th</sup> St  
Orlando, FL 32805

BY: \_\_\_\_\_

BY: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF ORANGE

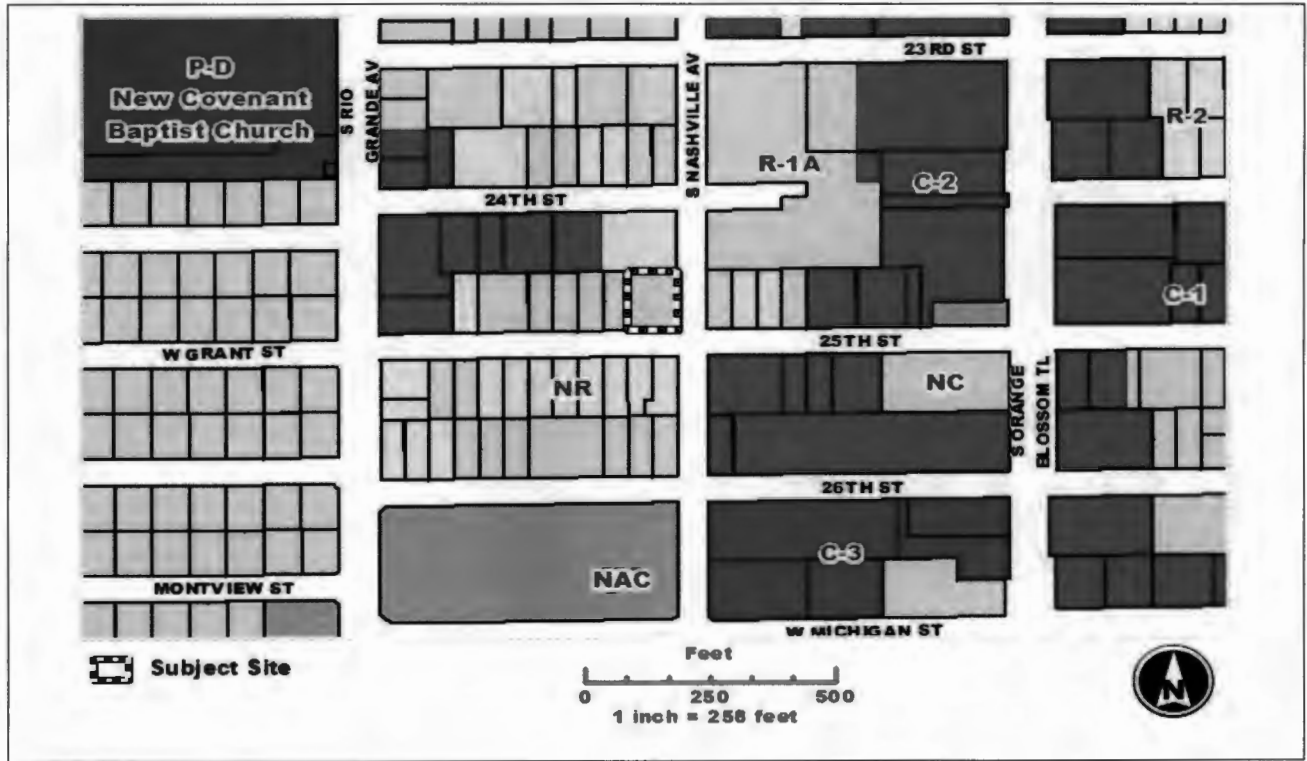
The foregoing instrument was acknowledged before me this \_\_\_\_\_ Day of \_\_\_\_\_

NOTARY PUBLIC

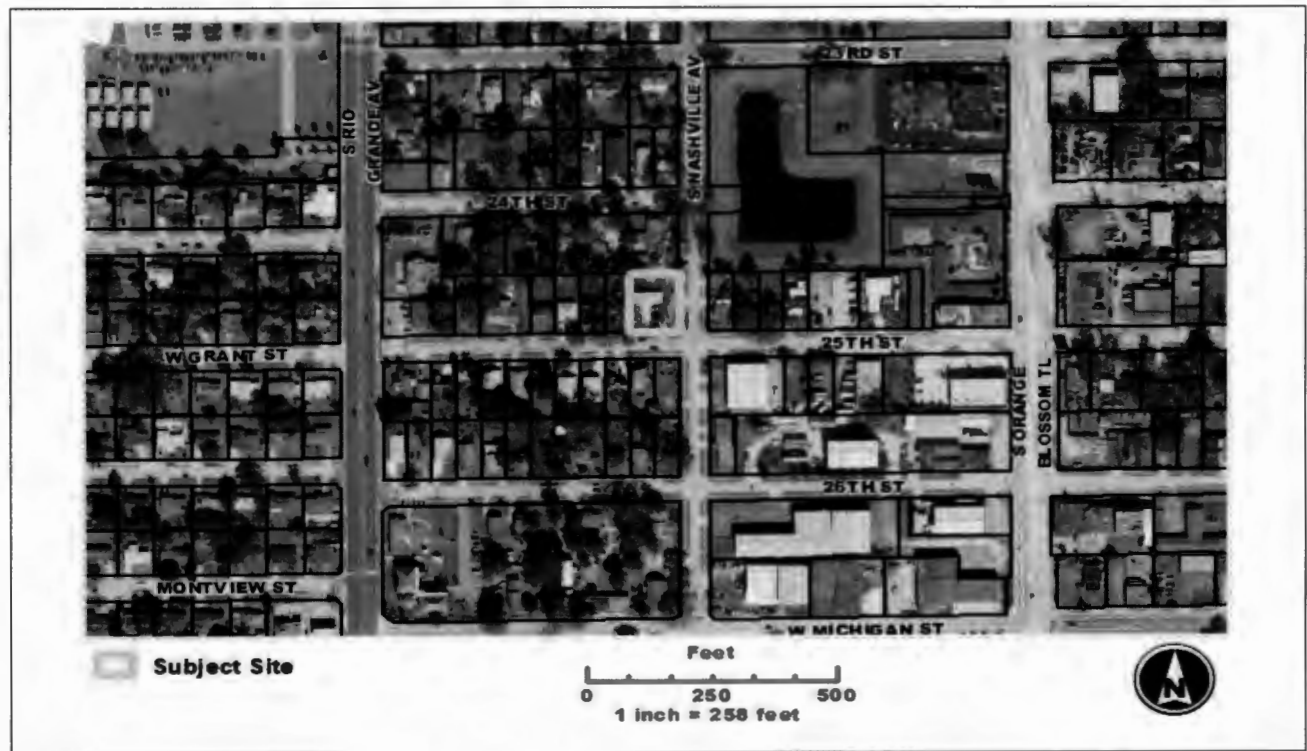
\_\_\_\_\_  
(Signature)

MY COMMISSION EXPIRES:

## ZONING MAP



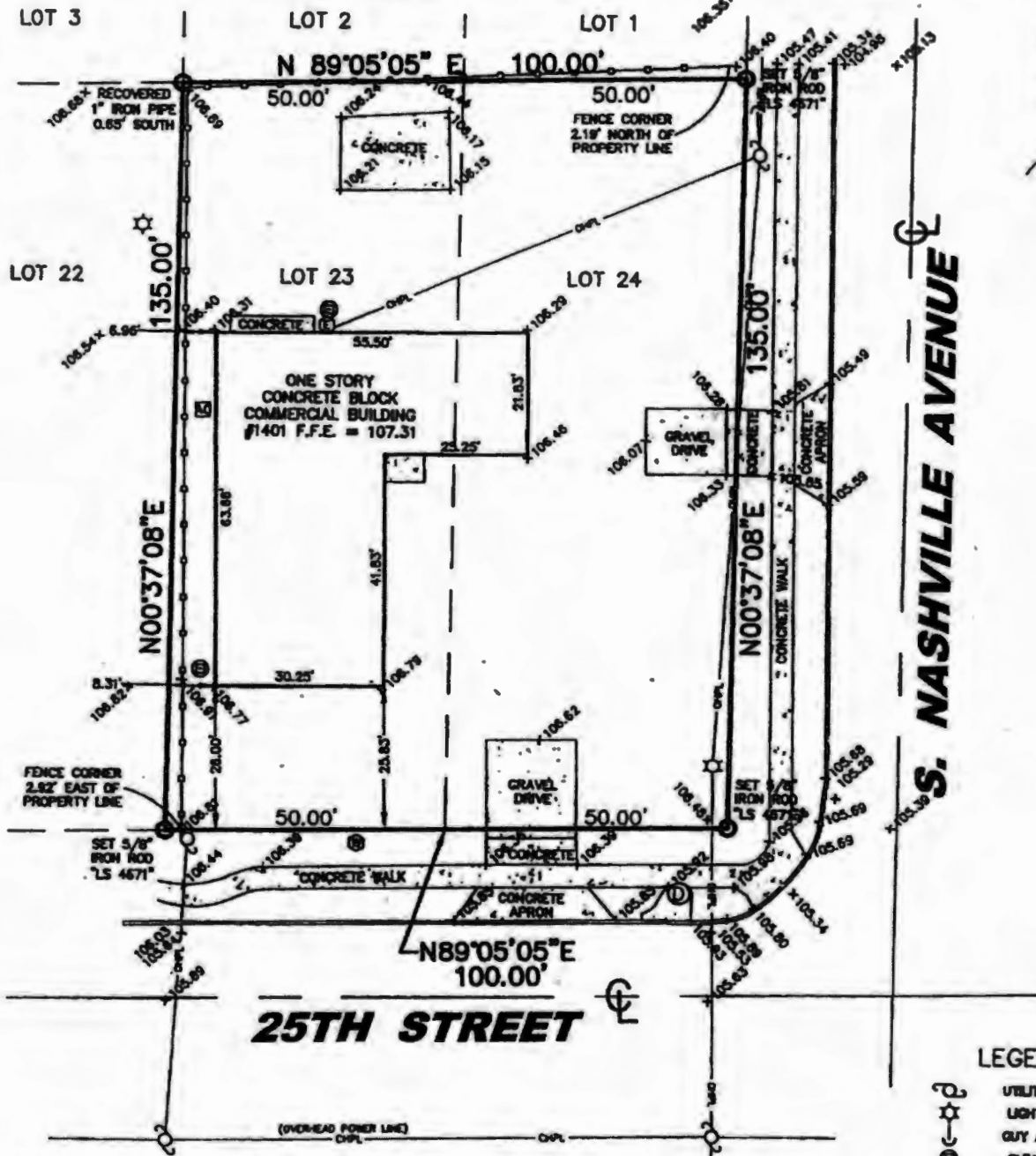
## AERIAL MAP





SURVEY

DESCRIPTION: LOTS 23 AND 24, BLOCK 37, ANGEBILT ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK H, PAGE 79, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

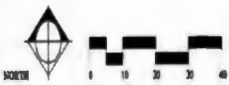
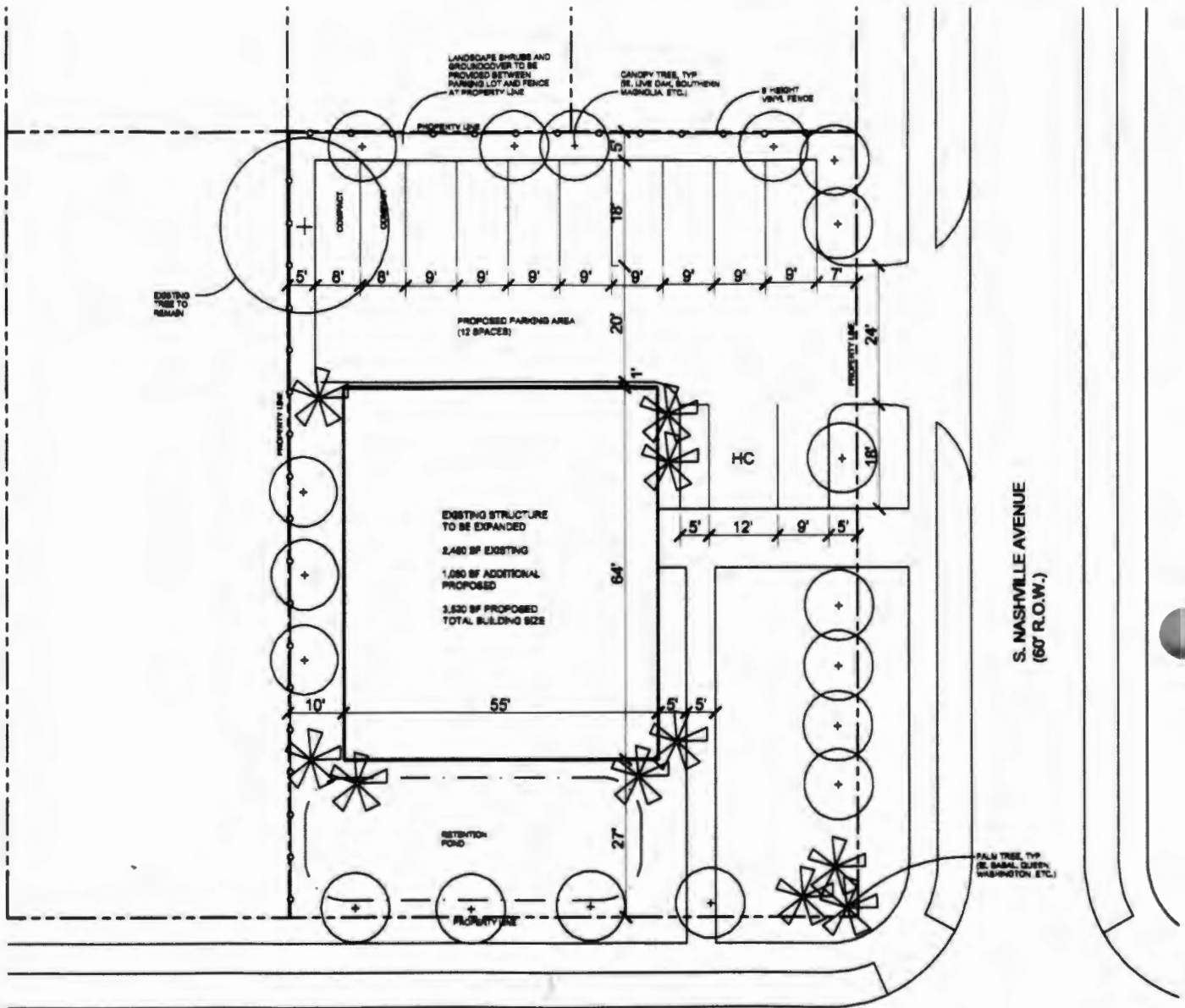


ANGLES BASED ON THE NORTH RIGHT OF WAY LINE OF 25TH STREET AS BEING N89°05'05"E. UNDERGROUND UTILITIES WERE LOCATED.

- LEGEND
- UTILITY POLE
  - LIGHT POLE
  - GUY ANCHOR
  - CLEAN OUT
  - WATER METER
  - ELECTRIC METER
  - STORM MANHOLE

SITE PLAN

SPECIAL EXCEPTION - BOARD OF ZONING ADJUSTMENT



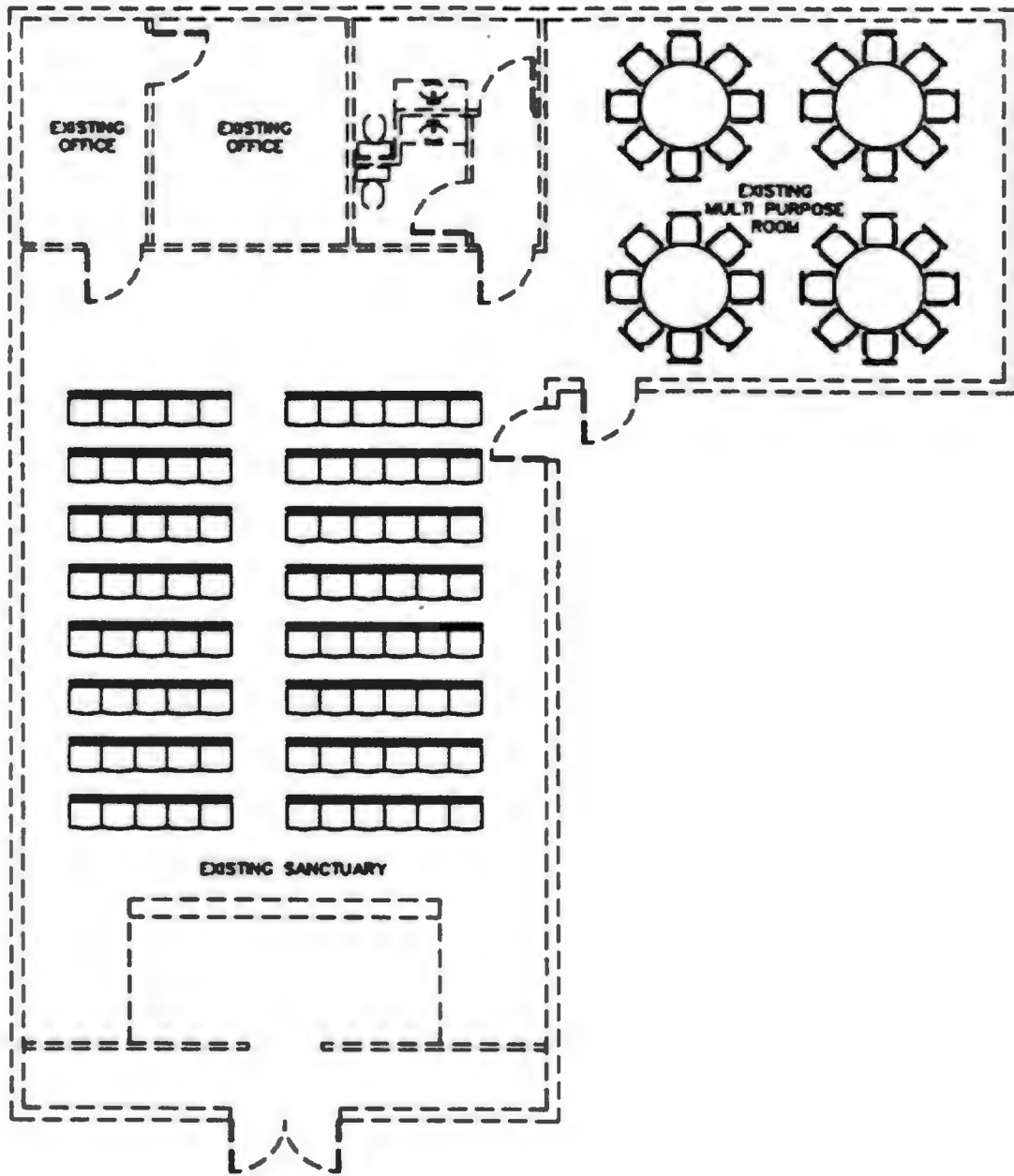
RECEIVED

SEP 12 2019

ORANGE COUNTY  
ZONING DIVISION

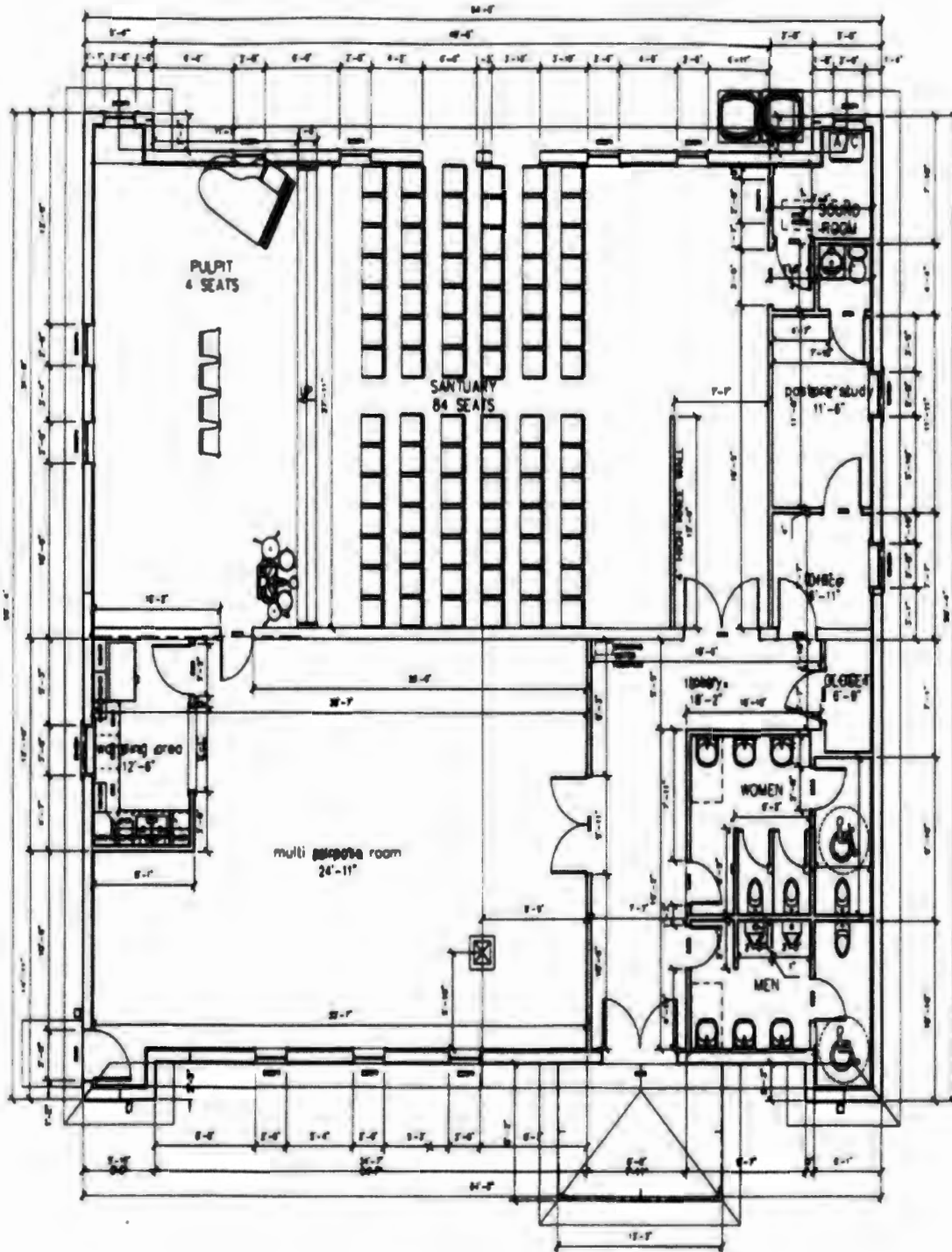
NOTE: THIS PLAN IS FOR DISCUSS  
SUBJECT TO FINAL SURVEYS, DE  
AND REGULATORY REVIEW

EXISTING FLOOR PLAN



EXISTING FLOOR PLAN  
1/8"=1'-0"

PROPOSED\_FLOOR\_PLAN



Living Area  
R

**SITE PHOTOS**



**Existing Sanctuary and Multipurpose Room Looking West**



**Location of Proposed Parking Lot Looking West**

**SITE PHOTOS**



**Location of Proposed Shared Parking Looking Northwest**



**Proposed Shared Parking Lot Looking West**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 02, 2020**

Case Planner: **David Nearing, AICP**

Case #: **VA-20-01-145**

Commission District: **#6**

## GENERAL INFORMATION

APPLICANT(s): I.D. CONSTRUCTION & CONTRACTING

OWNER(s): KATIE HOHMAN & JEFFREY HOHMAN

REQUEST: Variances in the R-3 zoning district as follows:

- 1) To construct a retaining wall 18 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
- 2) To construct a 10.75 ft. tall retaining wall within the lake setback area in lieu of 4 ft.
- 3) To construct an addition 31 ft. from the NHWE in lieu of 50 ft.
- 4) To construct a pool deck 18 ft. from the NHWE in lieu of 20 ft.

PROPERTY LOCATION: 1742 Indiana St., Orlando, FL 32805, south side of Indiana St., approximately .2 miles west of S. Rio Grande Ave., on the east side of Clear Lake

PARCEL ID: 34-22-29-0000-00-089

LOT SIZE: 4.34 acres (Approx. 1 acre upland & 3.34 acres submerged)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 107

**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; 5-0 and 2 absent):

1. Development in accordance with the site plan dated November 6, 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 elevation of the top of the retaining wall shall be even with the elevation of the

pool deck. The remainder shall consist of a decorative railing. The total height of the retaining wall and decorative railing shall not exceed 10.75 ft.

5. Prior to the issuance of a building permit for the retaining wall, pool deck, and addition, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the retaining wall and pool deck is no closer than 18 ft. feet to the Normal High Water Elevation of Clear Lake, and that the addition is no closer than 31 ft. to the Normal High Water Elevation of Clear Lake.

**SYNOPSIS:** Staff described the physical character of the site and described the grade change of approximately six (6) ft. within a 35 ft. distance from the rear of the home. Due to the grade change. Additionally, due to the angle of the shoreline, the addition on the north side of the site meets the NHWE, but the addition on the southern side does not, even though they extend the same distance towards the rear of the yard. Staff's primary concern is that the solid wall will extend up to the grade of the pool deck and then another four (4) ft. above that, which may impact neighbors' views of the lake. It was recommended that the solid wall end at the pool deck and the remaining four (4) ft. consist of a decorative railing. Staff concluded that they had received one (1) letter of support from the neighboring property owner, and no correspondence in opposition.

The applicant indicated their agreement with the staff recommendation and with the condition regulating the height of the solid wall versus decorative railing. There being no one present to speak in favor or opposition to the application, the public hearing was closed.

With the applicant's acceptance of the conditions regulating the height and materials of the wall, the BZA found that the criteria for granting a variance were satisfied.

The BZA unanimously recommended approval of the Variance, subject to the five (5) conditions found in the staff report.

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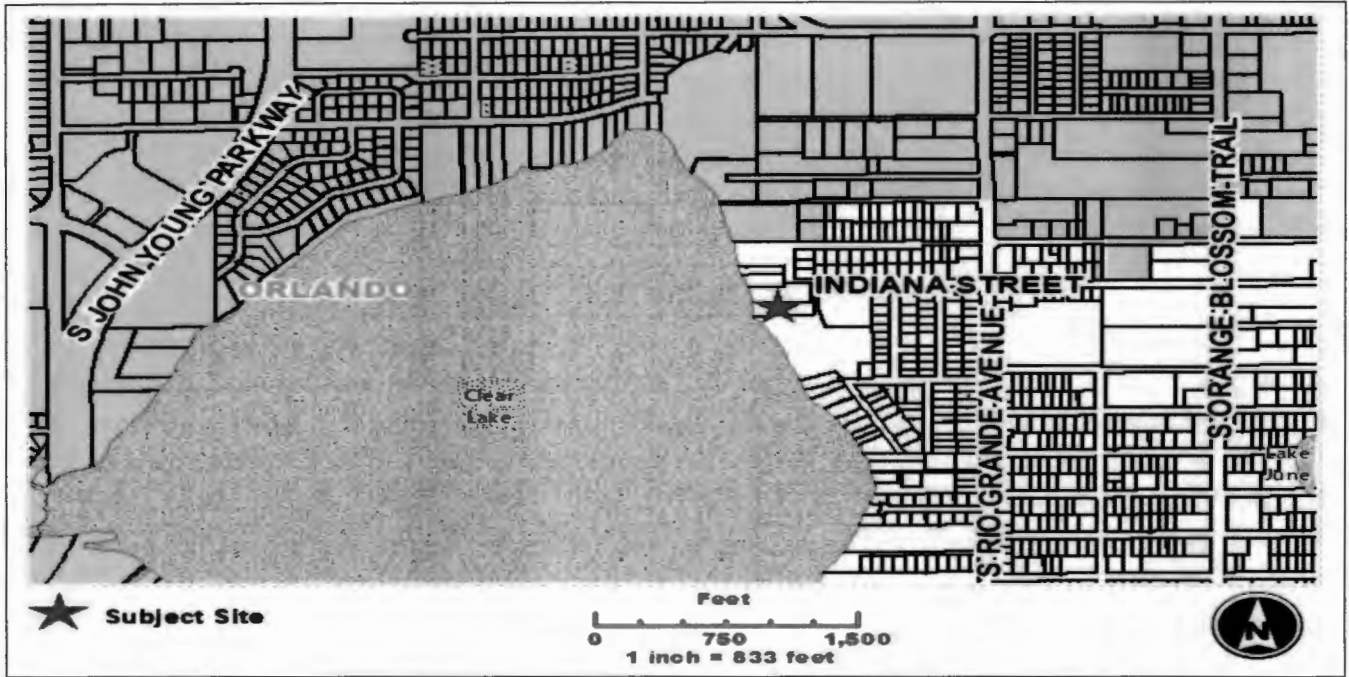
#### **STAFF RECOMMENDATIONS**

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Approval of all requested Variances with modification to Variance #2 to allow for a 6 ft. tall retaining wall with 4 ft. railing at its top, subject to the conditions in this report.



**LOCATION MAP**



**SITE & SURROUNDING DATA**

	Property	North	South	East	West
Current Zoning	R-3	R-3	R-3	R-3	Clear Lake
Future Land Use	LMDR	LMDR	LMDR	N/A	Clear Lake
Current Use	Single family residence and lake	Single family residence and lake	Single family residence and lake	Retention pond	Clear Lake

**BACKGROUND AND ANALYSIS**

**DESCRIPTION AND CONTEXT**

The property is located in the R-3, Multiple-Family Residential zoning district, which allows single-family homes, multifamily development, and associated addition.

The subject property consists of 4.34 acres of land. However, only approximately one (1) acre is upland, and the remainder is submerged under Clear Lake. The upland portion of the property is developed with a 6,666 sq. ft. two-story residence with a total of 3,745 sq. ft. of living area and two (2) integrated two-car garages.

Within a distance of 35 ft., the rear yard slopes from an elevation of 101.00 ft. to an elevation of 95.50 ft. This makes the use of the yard for anything other than passive recreation difficult.

The applicant is requesting a variance to construct a retaining wall, which is proposed to be 10.75 ft. tall. The wall will allow the applicant to fill the rear yard to level it for a deck, pool, and related pool deck. The pool

deck is proposed to be approximately 42 inches below the top of the wall, to act as a safety barrier from falls.

Typically, walls and fences are limited to a height of four (4) ft. within the lake setback area, which typically equates to the distance of the rear setback for that zoning district from the Normal High Water Elevation (NHWE). The purpose of this restriction is to limit obstruction of neighboring properties' views of the lake. In 2009, the owner of the subject property and their neighbor to the north obtained approval of VA-09-01-007. While the owners wished for an eight ft. tall wall, the BZA allowed them to construct a six (6) ft. tall masonry wall in their front and side yard, including in the lake setback area.

Because of the structural complexity of the wall and its height, the wall is being treated as a structure. This requires that it meet the NHWE setback of 50 ft. However, this would preclude virtually any deck, let alone a pool, as that setback is located only a few feet behind the existing residence. Staff has concerns regarding the overall height of the wall with respect to the previously discussed intent of limiting walls and fences in the lake setback area. However, based on the applicant's survey with topographic references, the actual elevation of the deck at the western edge will be approximately six (6) ft. above the grade. The wall is to continue for another 3 to 4 ft. above that. If the wall stopped at the same elevation as the pool deck, it would be at approximately the same elevation as the top of the existing wall due to the gradient change, therefore, there would not be any increase in the obstruction of the view. However, if the wall exceeds that level, there would be. If the wall stopped at the pool deck and the remainder of the elevation were a decorative railing, the increase in lot view obstruction would be minimal.

In addition to the retaining wall, the applicant's client is proposing to construct a two-story addition on the south side of the house. This addition will have a 477 sq. ft. Accessory Dwelling Unit (ADU) on the first floor and a game room on the second floor. Attached ADUs and additions must meet all of the setbacks for the primary structure including the NHWE setback. The proposed structure is 35 ft. from the NHWE. It would not be feasible to construct the structure if the 50 ft. setback were enforced, as only a few feet of that structure would be outside of the setback.

The applicant's immediate neighbor to the north who shares the six (6) ft. wall has submitted a letter of support for this application.

**District Development Standards**

	Code Requirement	Proposed
Max Height:	35 ft. (House)/4 ft. (retention wall)	29 ft. (House)/10.75 ft. (retention wall)
Min. Lot Width:	45 ft.	122 ft.
Min. Lot Size:	4,500 sq. ft.	43,560 sq. ft. (upland)

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

	Code Requirement	Proposed
Front:	20 ft.	161 ft.
Rear:	20 ft.	18 ft. (retention wall)
Side:	5 ft.	5.7 ft. (North)/5 ft. (South)
Sidestreet:	N/A	N//A
NHWE:	20 ft. (deck)/50 ft. (primary residence)	18 ft.(deck)/31 ft. (primary residence)

**VARIANCE CRITERIA**

**Special Conditions and Circumstances**

The special conditions and circumstances particular to this application is the change in elevation of the rear yard from the rear of the house to the NHWE line, and the difference in lot depth due to the angle of the water line. Because of the slope, the applicant must construct a retaining wall taller than the four (4) ft. permitted by code in order to construct more active recreational facilities, like a pool. The angle of the water line is the extenuating factor affecting the addition. The owner is also constructing another addition to the north side of the house to match the south. This addition meets the NHWE because the north property line is 288 ft. from front property line to NHWE, while the south property line is only 272 feet from front property line to NHWE, a difference of 16 ft.

**Not Self-Created**

The grade change is not due to the action of the applicant's client. This is a natural grade to the edge of the water. Further, the owner has made no alteration to the shoreline, such as install a seawall.

**No Special Privilege Conferred**

The applicant's client is attempting to reclaim some of their rear yard for active recreational use. Given the grade change, a pool would not be feasible without the requested variances.

**Deprivation of Rights**

Without the variance, the applicant's client will not be able to construct any appreciable improvements in their rear yard.

**Minimum Possible Variance**

The request for the location of the retaining wall and the addition are the minimum necessary. However, with regard to the height of the retaining wall, it is staff's position that the top of the wall should match the final grade of the pool deck. A decorative railing could be installed to address the safety issues that would provide transparency.

**Purpose and Intent**

With the top of the wall ending even with the pool deck, and the installation of a decorative railing for the remainder of the height, the retaining wall will meet the purpose and intent of the code. There will still be sufficient setback and open lawn between the addition and the NHWE to meet the purpose and intent of the code.

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## CONDITIONS OF APPROVAL

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1. Development in accordance with the site plan dated November 6, 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 elevation of the top of the retaining wall shall be even with the elevation of the pool deck. The remainder shall consist of a decorative railing. The total height of the retaining wall and decorative railing shall not exceed 10.75 ft.
5. Prior to the issuance of a building permit for the retaining wall, pool deck, and addition, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the retaining wall and pool deck is no closer than 18 ft. feet to the Normal High Water Elevation of Clear Lake, and that the addition is no closer than 31 ft. to the Normal High Water Elevation of Clear Lake.

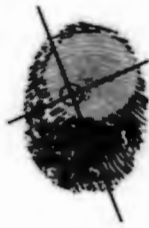
c: Jeffrey Hohman  
1742 Indiana St.  
Orlando, FL 32805

Matthew Hulbert  
15105 Mill Pond Rd.  
Tavares, FL 32778

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COVER LETTER

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I.D.

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Construction &  
Contracting, LLC

15105 Mill Pond Road  
Tavares, Florida 32778  
407-697-2331  
[matthew@i-dconstruction.com](mailto:matthew@i-dconstruction.com)  
[www.i-dconstruction.com](http://www.i-dconstruction.com)

November 5, 2019

To: Orange County Planning Division  
Board of Zoning Adjustment (BZA)  
Variance Requests/Applications

Re: **Application for Variance- Detailed Cover Letter**  
**Request by Jeffrey & Katie Hohman – 1742 Indiana Street, Orlando, FL 32805**

To Whom It May Concern:

As required per the above Variance Application, the Hohman's are requesting a 10.5 ft concrete retaining/retention wall ("wall") in lieu of 4 ft (per Orange County Code Sec. 38-1408, *Fences and Walls*) within the 50 ft NHWE setback and for the accessory dwelling unit and game room addition at 31 ft. in lieu of 50 ft. ("variance request").

Their property currently has a single family resident with an R-3 zoning and they are in the process of permitting a residential addition, which will include a mother-in-law suite and pool ("addition"). This property is unique as it has natural ground slopes that are not self-created, which is why they need a 10.5 ft wall to properly support the new addition placing it within the 50 ft setback. In addition, the accessory structure they are proposing on the southwest corner of the house has been determined to be attached due to it sharing a common roof system with the main house, and must meet the 50 ft. setback for the main house in lieu of the 25 ft. setback for accessory structures; therefore, this is also being included in the variance request.

In 2009, they were approved for a variance to construct an 8 ft concrete wall (in lieu of 4 ft) to secure their property along the north, east, and south property lines. The new wall will be conforming and similar to the existing 8ft concrete wall previously approved.

The approval of this variance request would be standard and similar to the ascetics of the adjacent properties due to the natural property line slopes. A denial would create an undue hardship against the Hohman's as they would not be able to enjoy the full use of their property and would not allow the addition to be constructed.

Board of Zoning Adjustment Letter  
November 5, 2019  
Page 2

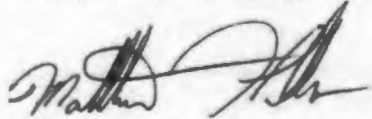
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The minimum possible variance approval would need as proposed which is the 10.5 ft wall so it can support the addition which places it within the 50 ft setback.

The wall and addition are to be visually pleasing and in harmony with the existing residential home and adjacent properties. The Hohman's intent is to have the addition and pool at the rear of the property as it would not be appropriate on any other location on the property.

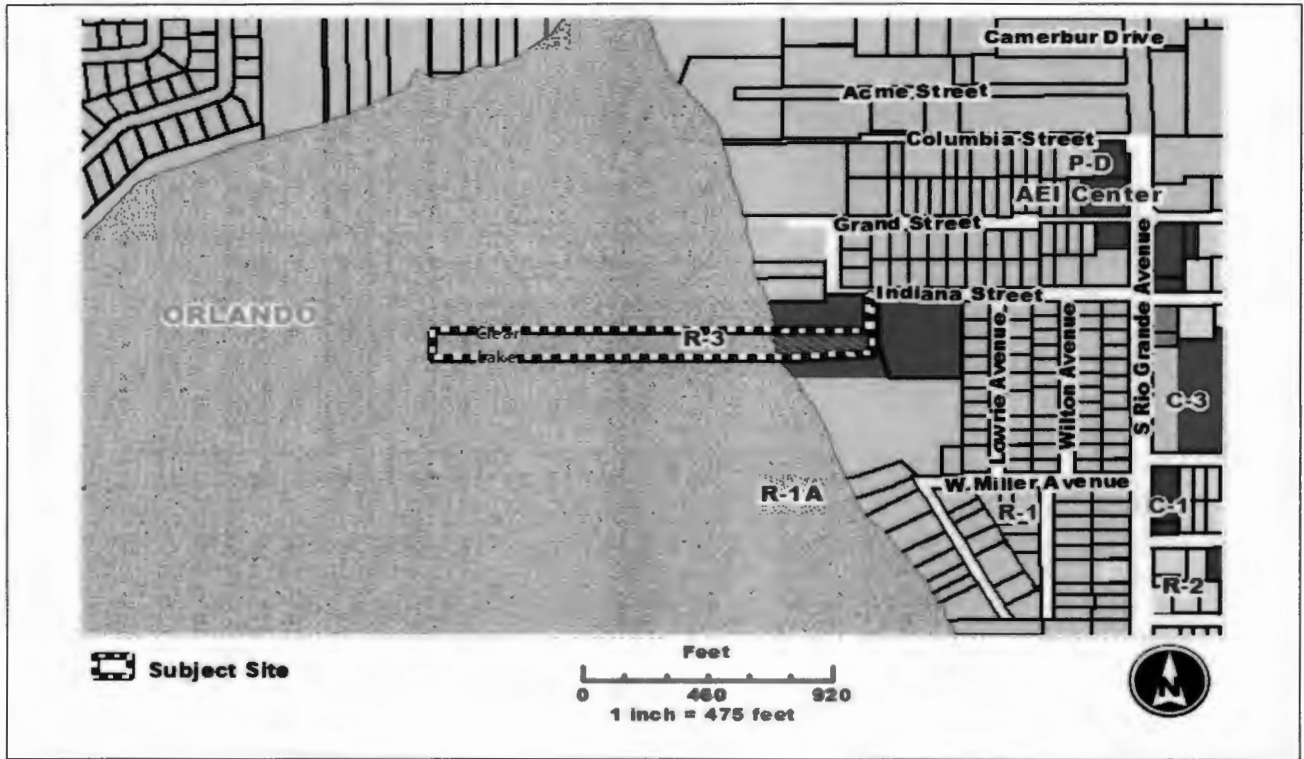
Approval of this variance will be in conformity with the current residential structure and will not cause detriment to the adjoining properties. I have provided letters from both adjacent neighbors agreeing with approval of this variance request.

Thank you for your consideration.

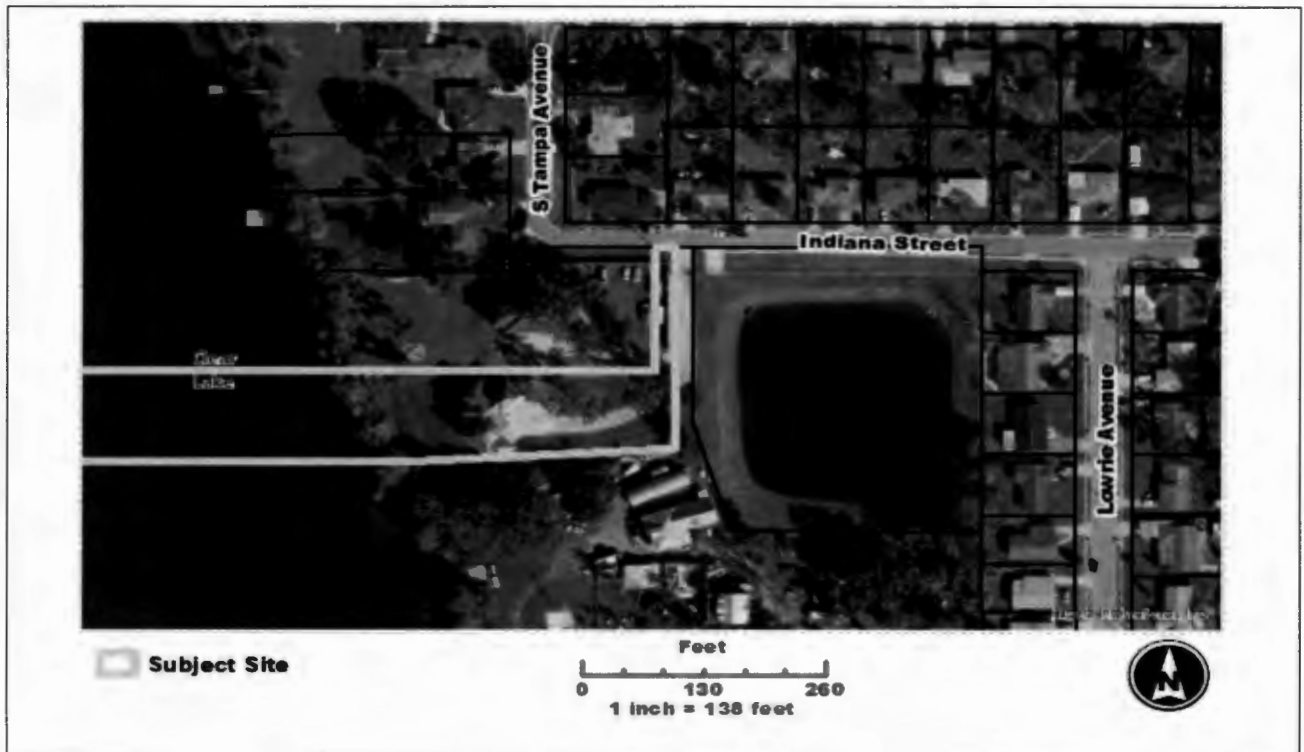


Matthew Hulbert  
Managing Member  
CGC1517852

ZONING MAP



AERIAL MAP



# BOUNDARY & AS-BUILT SURVEY

DESCRIPTION: (AS FURNISHED)

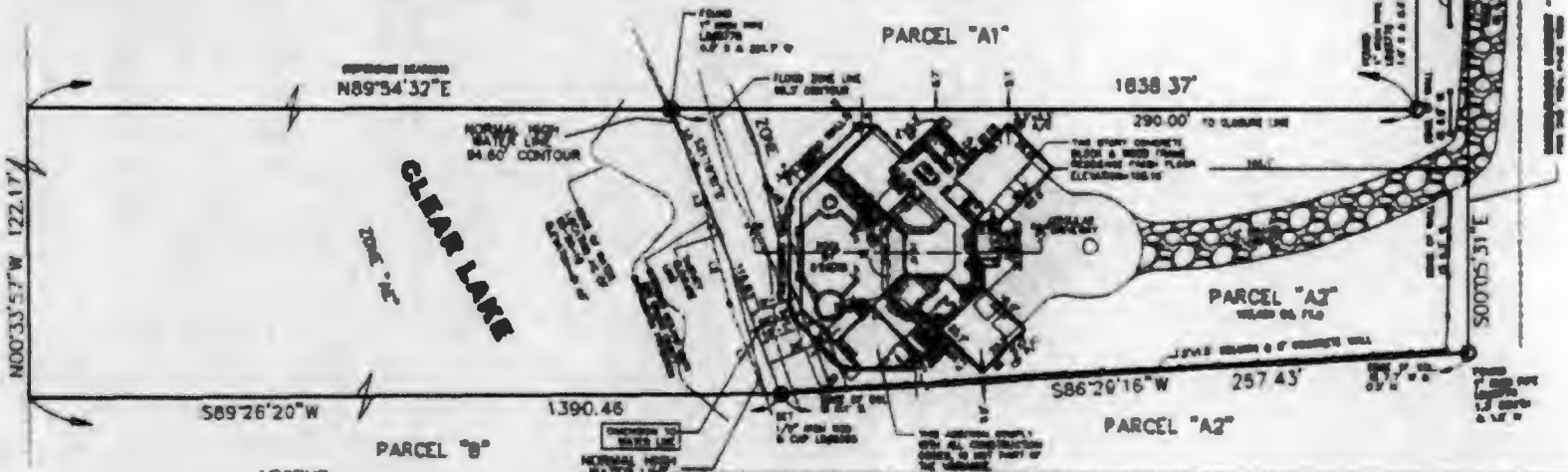
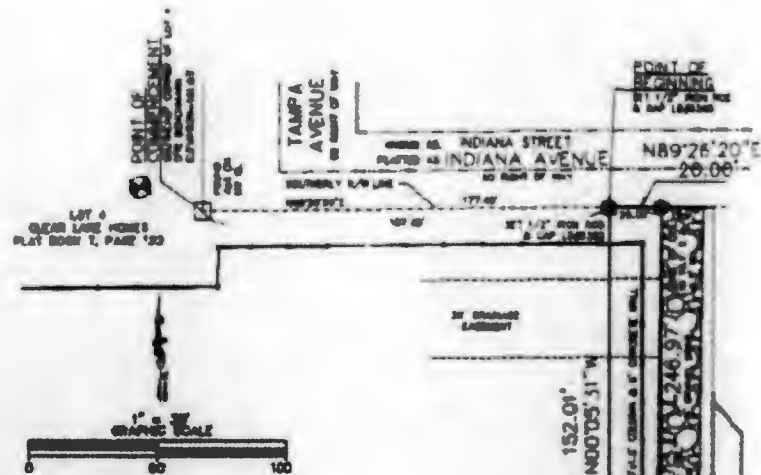
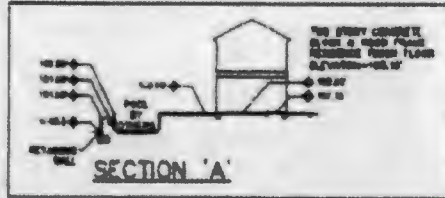
A PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 22 SOUTH, RANGE 20 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 4, CLEAR LAKE HOMES, PER THE PLAT THEREOF AS RECORDED IN PLAT BOOK "T", PAGE 122, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. THENCE NORTH 89°26'20" (EAST), ALONG THE SOUTH RIGHT-OF-WAY LINE OF INDIANA AVENUE AS SHOWN ON SAID PLAT OF CLEAR LAKE HOMES FOR A DISTANCE OF 177.46 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE NORTH 89°26'20" (EAST), A DISTANCE OF 20.00 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY, SOUTH 00°05'31" (EAST) A DISTANCE OF 248.87 FEET; THENCE SOUTH 89°29'16" (WEST), A DISTANCE OF 287.43 FEET; THENCE SOUTH 89°26'20" (WEST), A DISTANCE OF 1,392.48 FEET; THENCE NORTH 00°33'57" (WEST), A DISTANCE OF 122.17 FEET; THENCE NORTH 89°54'32" (EAST) A DISTANCE OF 1,638.77 FEET; THENCE NORTH 00°05'31" (WEST), A DISTANCE OF 152.01 FEET TO THE POINT OF BEGINNING. CONTAINING 182,448 SQUARE FEET OR 4.41 ACRES, MORE OR LESS.

ADDRESS:  
 6743 INDIANA STREET  
 ORLANDO, FLORIDA 32808

FOR THE BENEFIT AND EXCLUSIVE USE OF:

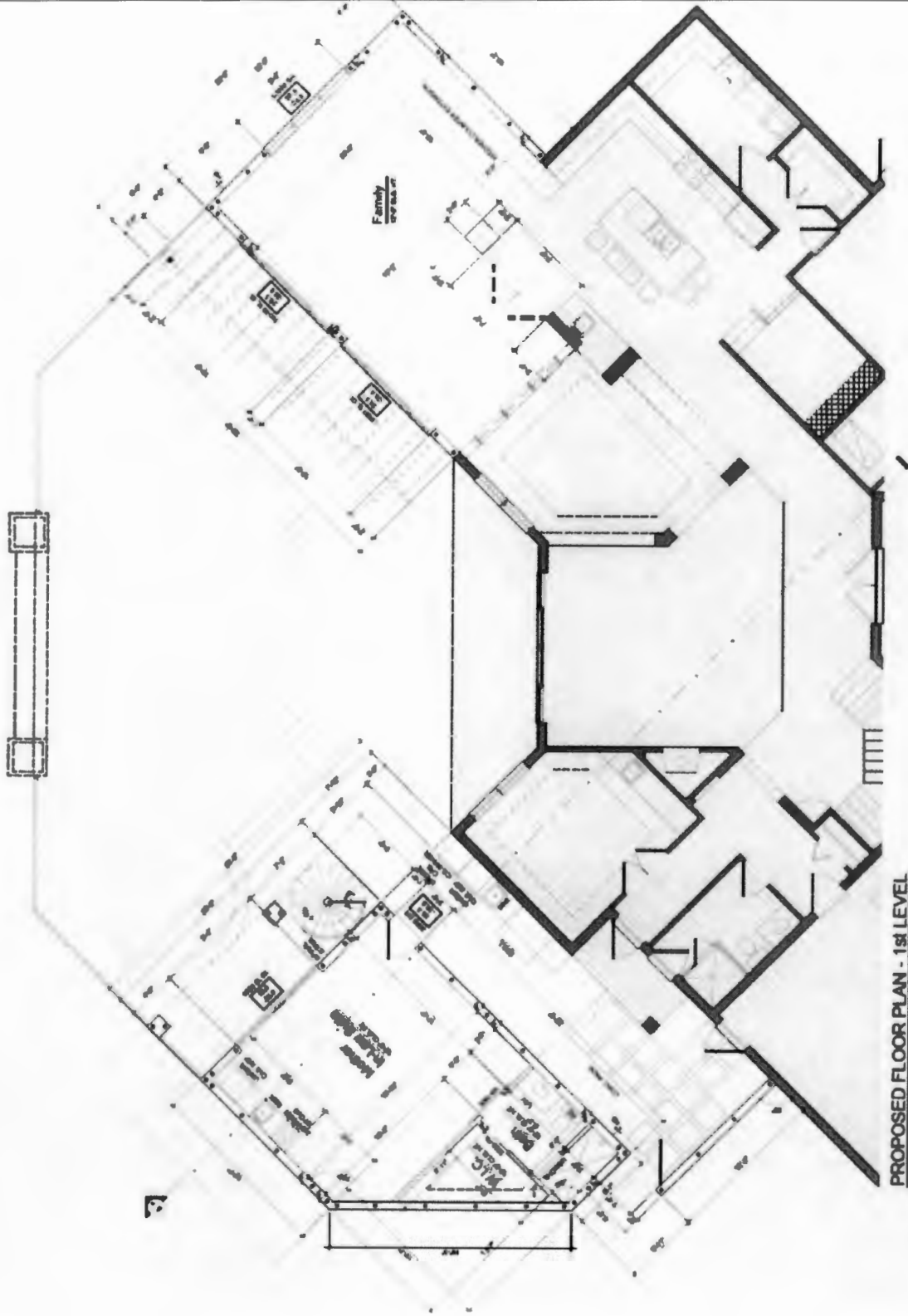
POST GREEN BANK  
 KATE & JEFFREY NORMAN  
 SOLVABLE TITLE OF LAKE COUNTY  
 OLD REPUBLIC NATIONAL TITLE INSURANCE  
 JAG GROUP, INC.



SITE PLAN

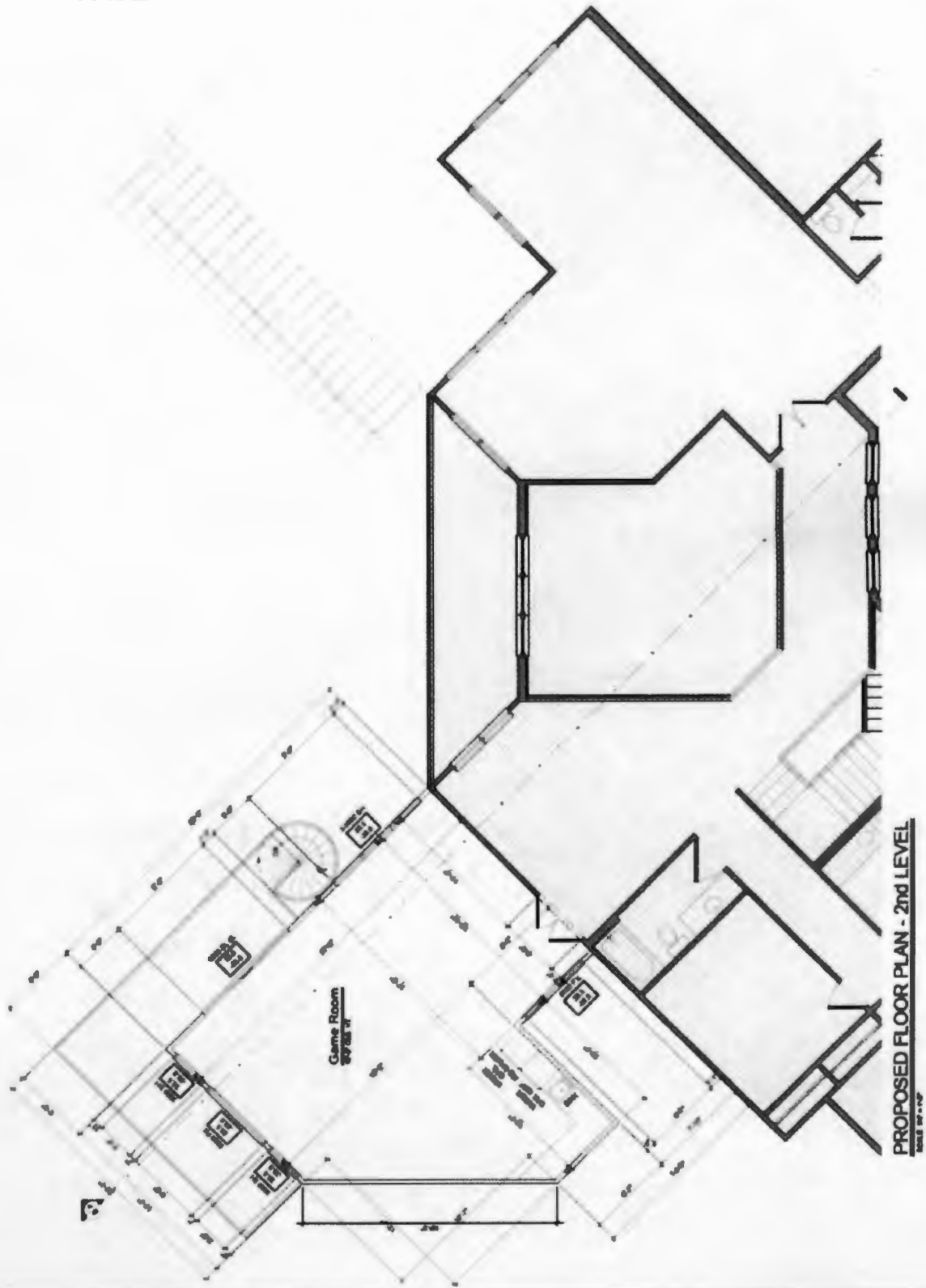


FLOOR PLAN, 1<sup>ST</sup> FLOOR

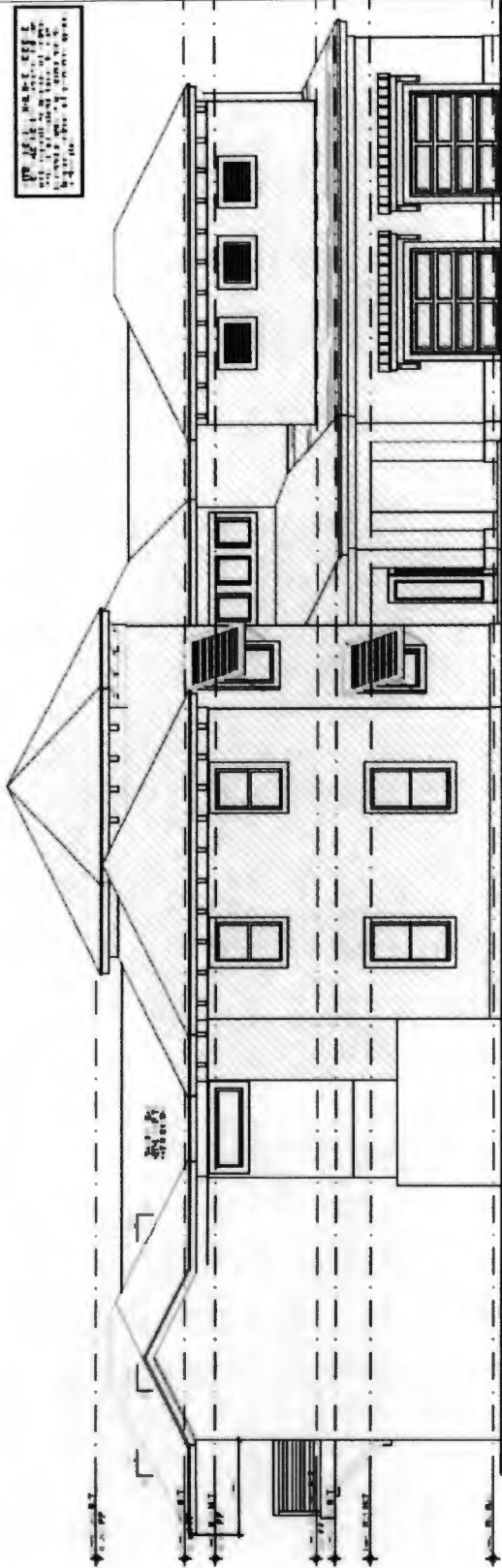


PROPOSED FLOOR PLAN - 1st LEVEL  
DATE: 06.11.17

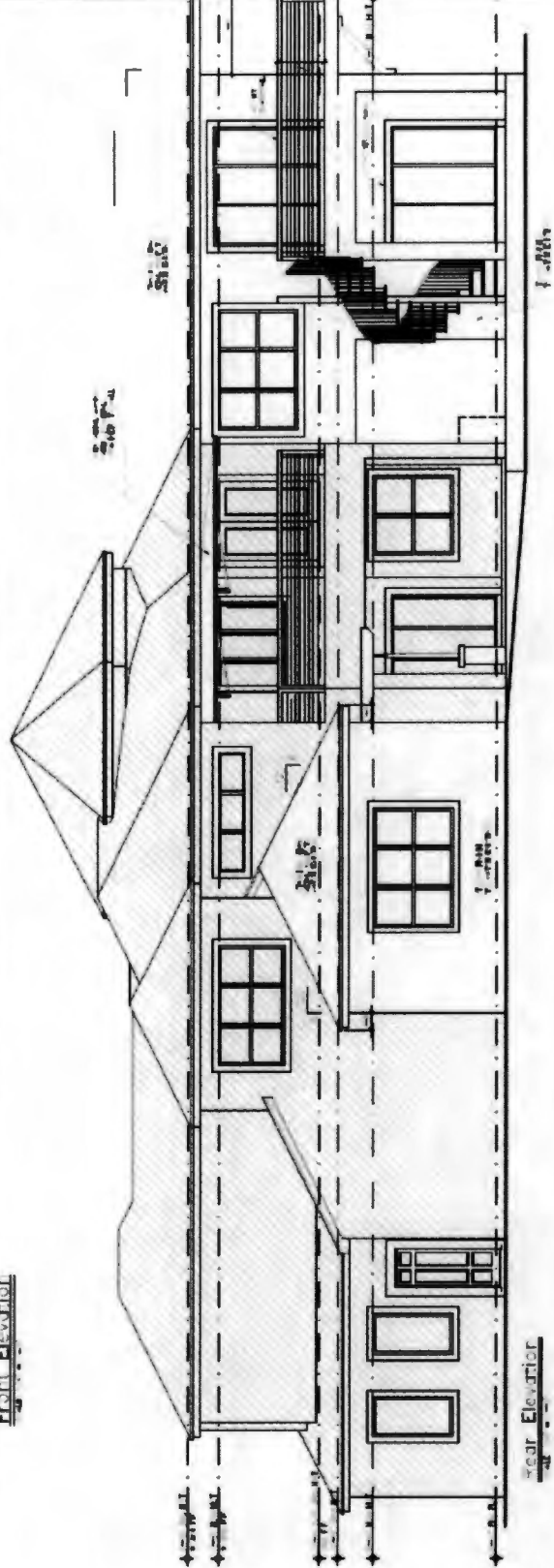
FLOOR PLAN, 2<sup>ND</sup> FLOOR



ELEVATIONS



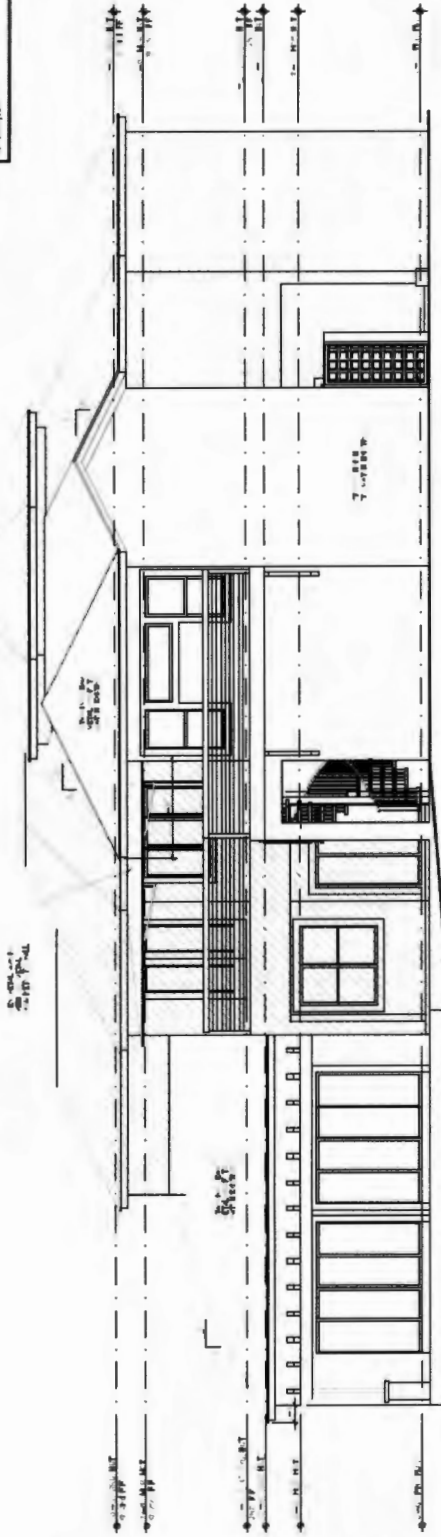
Front Elevation



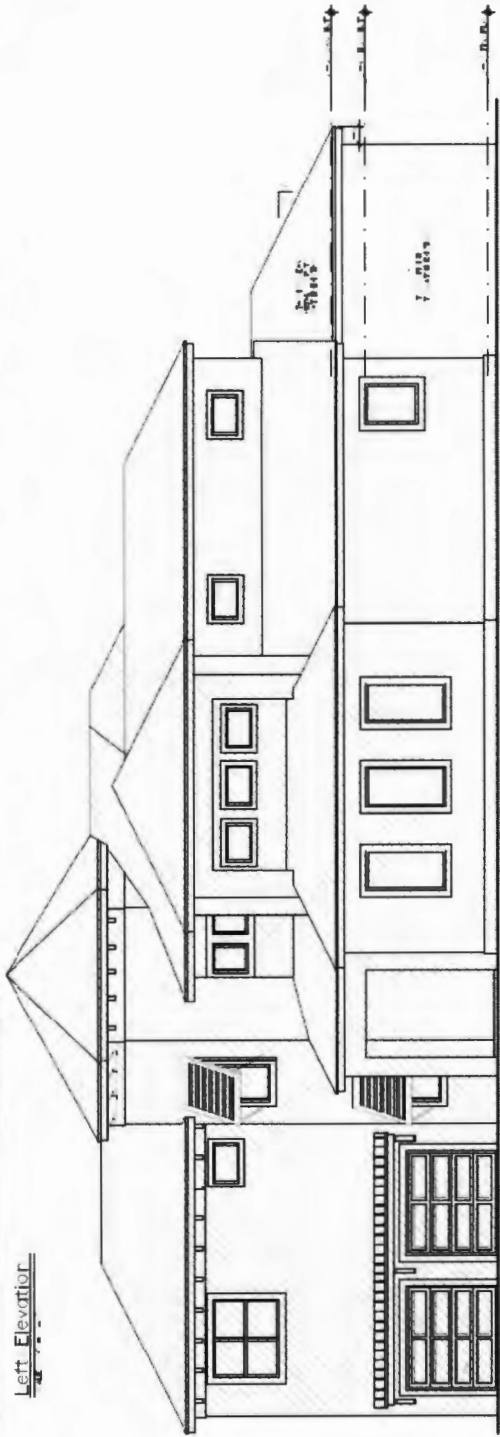
Rear Elevation

ELEVATIONS

1. ALL WINDOWS AND DOORS TO BE FINISHED WITH 1/2" X 6" SLATS.  
2. ALL EXTERIOR WALLS TO BE FINISHED WITH STUCCO.  
3. ALL ROOFS TO BE FINISHED WITH ASPHALT/FLY SHINGLES.  
4. ALL ROOF GUTTERS TO BE FINISHED WITH ALUMINUM.

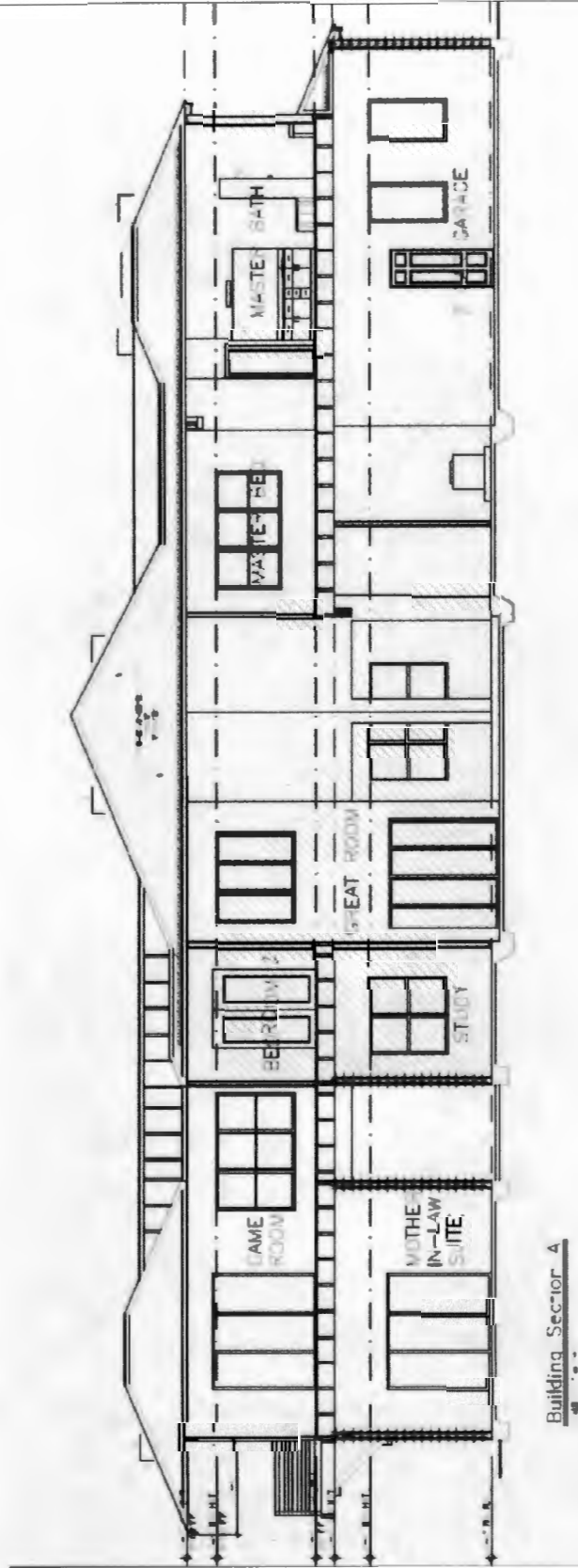


Left Elevation



Right Elevation

ELEVATIONS



**SITE PHOTOS**



**Subject Property Looking West**



**Rear Yard Looking West**

**SITE PHOTOS**



**Location of Attached Addition Looking Southeast**



**View from Bottom of Slope Looking East**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 02, 2020**

Case Planner: **David Nearing, AICP**

Case #: **SE-19-07-068**

Commission District: **#4**

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## GENERAL INFORMATION

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APPLICANT(s): ANGELO'S RECYCLING

OWNER(s): IAFRATE ROCKWOOD LLC

REQUEST: Special Exception in the IND-2/IND-3 zoning district to allow a construction and debris recycling facility.

PROPERTY LOCATION: 500 W. Landstreet Rd., Orlando, FL 32824, southwest corner of W. Landstreet Rd. and Parkers Landing, east of Bachman Rd.

PARCEL IDS: 02-24-29-8220-00-070, 02-24-29-8220-00-290, and 02-24-29-7268-00-071

LOT SIZE: 44.71 acres

NOTICE AREA: 1 mile

NUMBER OF NOTICES: 873

**DECISION:** Recommended **APPROVAL** of the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (4 in favor, 1 opposed and 2 absent):

1. Development in accordance with the site plan dated May 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 applicant shall design and install a dedicated eastbound right turn/deceleration lane at the intersection of W. Landstreet Rd. and Parkers Landing. The right turn lane shall be twelve (12) feet wide and shall meet the most current FDOT Standard Manual requirements. This improvement shall be designed and permitted prior to issuance of any permits for the Construction and Debris Recycling project. Construction of this improvement shall be



completed prior to issuance of a Certificate of Completion for the C&D Recycling center.

5. The project shall comply with Article XVI of Chapter 9, Exterior Lighting Standards, of the Orange County Code. With the exception of security lighting, all lights shall be extinguished at close of business.
6. Hours and days of operation shall be limited to 7:00 a.m. through 7:00 p.m., Monday through Saturday.
7. Any expansions of the use shall require BZA approval.
8. All required permits shall be obtained within two (2) years or this approval becomes null and void.

**SYNOPSIS:** Staff gave an explanation of the history of the project, including the date that the project appeared before the DRC for a recommendation of approval. Staff discussed the Community Meeting held in late June 2019, and the fact that most of the discussion at that meeting centered on a concrete crushing plant, which is a use permitted by right on the subject property, and is not the focus of this hearing. Staff explained that the project has been reviewed by County Transportation Planning and Traffic Engineering Divisions, which resulted in the requirement for a deceleration lane from eastbound W. Landstreet Road to Parkers Landing. Staff noted that they had received twelve (12) correspondence in opposition, and two (2) in favor.

The applicant explained that the use is a primarily manual operation. The use is estimated to generate 88 daily trips, which will be distributed throughout the hours of operation. The use will not generate any appreciable amounts of dust, noise, or odor. The deceleration lane will be designed to FDOT standards.

Five (5) residents, mostly business owners in the area, spoke in opposition. Their concerns included increased dust, traffic backups on Parkers Landing, incompatibility with adjacent uses, lack of adequate buffering, and, odor.

In rebuttal, the applicant indicated that any dumpsters that contain materials, which could generate odor would be covered and protected from the elements. The transportation study had been reviewed by County staff. The impacts which the opposition noted are more associated with the concrete crushing operations, which are not a part of this review.

The BZA discussed access to the site and possible backups on Parkers Landing, which is a narrow street. It was noted that the applicant has an approved site plan, and any change to the access to route vehicles directly off of and on to W. Landstreet Road would require a revision to the plan, and likely another review by the DRC.

A motion was made to recommend denial of the application, which failed for lack of a second.

The BZA recommended approval of the Special Exception, subject to the eight (8) conditions found in the staff report. The motion to recommend approval passed by a vote of 4-1.

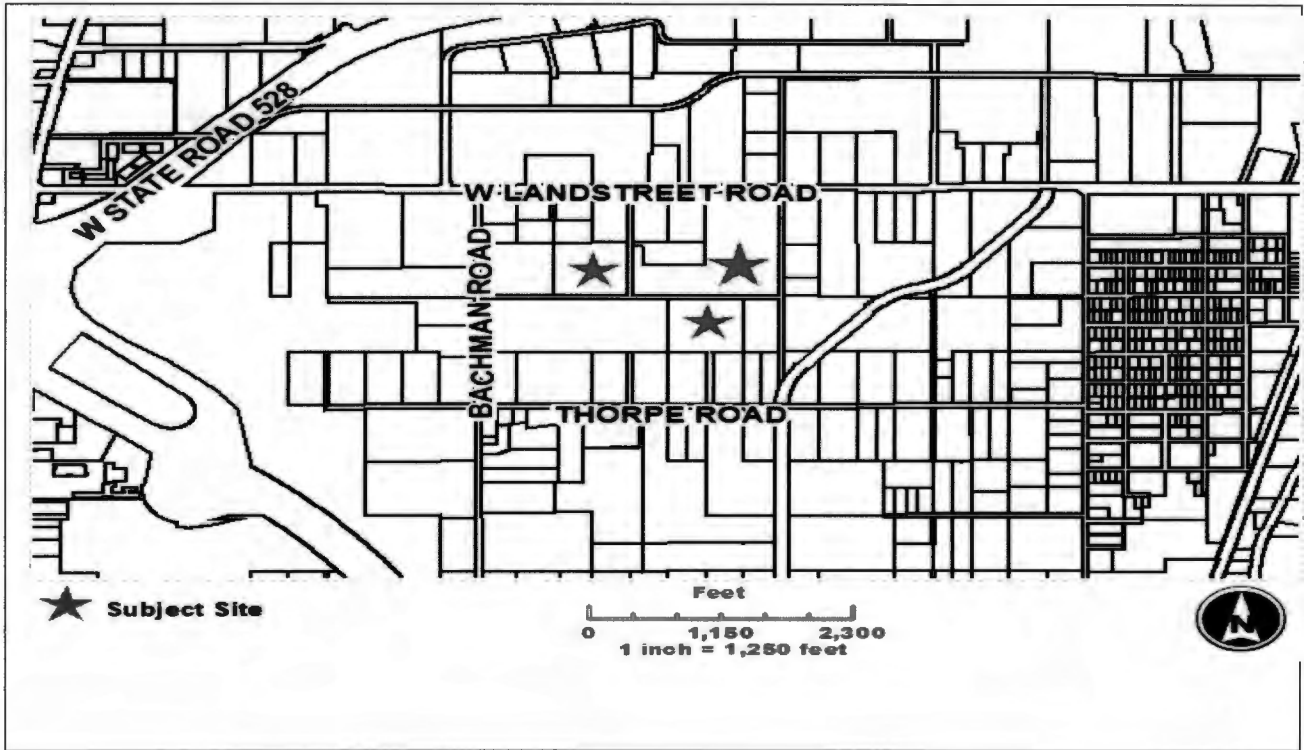
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#### STAFF RECOMMENDATIONS

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Approval subject to the conditions in this report.

**LOCATION MAP**



**SITE & SURROUNDING DATA**

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

**BACKGROUND AND ANALYSIS**

**DESCRIPTION AND CONTEXT**

The property is zoned IND-2/IND-3, Industrial Park District which allows for warehousing, manufacturing, and certain retail uses. More intense uses, such as Construction & Debris (C&D) Recycling and Processing Center, are permitted through the Special Exception Process.

The subject property consists of 44.71 acres of industrially zoned land. It is comprised of 3 separate parcels, which are separated by 40 ft. of unimproved Orange County right-of-way. The property was created through the Sphaler's Addition to Prosper Colony plat recorded January 1915.

The applicant is proposing to operate a construction and demolition debris recycling and transfer facility in conjunction with a concrete crushing operation. The recycling operation will include a transfer and recycling area, modular scale house, and scales. Access to the proposed facility will be from Parkers Landing on an improved road.

Concrete crushing facilities are permitted by right in the IND-2/IND-3 zoning district and is therefore not a consideration in this application; however, a recycling operation falls under the solid waste use category of code, which requires a special exception, and per Chapter 32 (Solid Waste), the Development Review Committee (DRC) is required to review the conceptual plan and make a recommendation that the facility will be compatible with the surrounding land uses and serve the public interest prior to issuance of any recommendations by the BZA.

On April 24, 2019, the DRC recommended approval of this request for the C&D Recycling operation, and deemed it compatible with the surrounding land uses and that it would serve the public interest.

In April 2017, the applicant obtained a site work only permit (B14901479), for concrete crushing only, however, the property is currently vacant and undeveloped.

Unlike some other types of recycling, a C&D recycling operation does not deal with organic materials such as yard waste. This type of operation deals primarily with recycling four main materials: cardboard, concrete, metal, and wood.

The operation is primarily a manual one. A truckload of material enters the recycling compound and unloads the material. Workers go through the material and sort it into roll-offs. When the roll-offs are full, they are hauled to a recycling facility. Materials that cannot be recycled are placed in other roll-offs. When those roll-offs are full, they are taken to a licensed off-site disposal facility, such as a Construction & Debris landfill. There is a dedicated roll-off for organic matter such as fast food containers and residential trash, which is taken to the landfill once it reaches capacity.

The transfer and recycling operation will take place within a 100 ft. x 200 ft. area enclosed by a 6 ft. tall chain link fence along the east, west and south boundaries of the area defined on the site plan. This area will be located toward the center of the western portion of Parcel ID# 02-24-29-8220-00-070, south of an existing County retention pond. The proposed hours and days of operation are 7:00 a.m. to 7:00 p.m., Monday through Saturday. The southernmost portion of the property (Parcel ID# 02-24-29-7268-00-071), will be used exclusively for a wet stormwater retention pond.

Orange County Traffic Engineering is requiring the design and installation of a dedicated eastbound right turn/deceleration lane at the intersection of Landstreet Rd. and Parkers Landing. The right turn lane will be required to be 12 feet wide and shall meet the most current FDOT Standard Manual requirements. This has been added as a condition of approval.

On June 25, 2019, a Community Meeting was held at Sally Ride Elementary School. The meeting was attended by staff, the District 4 representative to the BZA, a representative of the District 4 Commissioner, the applicant's engineer, and six (6) residents. The majority of the conversation between staff, the applicant's engineers and the residents focused on the concrete crushing operation, with little discussion concerning the recycling operation.

Based on past advertising for this item, staff currently has ten (10) correspondences in opposition to this request, and two (2) in favor.

**District Development Standards**

	Code Requirement	Proposed
Max Height:	50 ft.	10 ft. (Scale building)
Min. Lot Width:	N/A	1,200 ft. (Parkers Landing)
Min. Lot Size:	N/A	44.7 ac.

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**STAFF FINDINGS**

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**SPECIAL EXCEPTION CRITERIA**

**Consistent with the Comprehensive Plan**

The future land use is Industrial, and with the approval of the Special Exception, the use will be consistent with the Comprehensive Plan.

**Similar and compatible with the surrounding area**

All property within 1/2 mile or more, has an Industrial future land use designation, and is zoned IND-2/IND-3, or IND-4. IND-4 zoning is where the most intensive industrial uses are typically located. The nearest concentration of residential is located over 1/2 mile east of the subject property.

**Shall not act as a detrimental intrusion into a surrounding area**

The single largest impact which this use will have is the attraction and generation of large truck traffic. The operation has been reviewed by both the Transportation Planning and Traffic Engineering Divisions. Traffic Engineering is recommending that the applicant install a deceleration lane for eastbound traffic on W. Landstreet Rd. turning onto Parkers Landing.

**Meet the performance standards of the district**

The proposal is exceeding all required setbacks, will not require any tall structures, and meets all performance standards.

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

Given that the use is a primarily manual sorting operation, it will likely generate less noise, vibration, dust, odor, glare, and heat than other uses permitted by right in the surrounding area.

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

The site will comply with all landscape requirements.

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## CONDITIONS OF APPROVAL

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1. Development in accordance with the site plan dated May 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.
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5. The project shall comply with Article XVI of Chapter 9, Exterior Lighting Standards, of the Orange County Code. With the exception of security lighting, all lights shall be extinguished at close of business.
6. Hours and days of operation shall be limited to 7 a.m. through 7 p.m., Monday through Saturday.
7. Any expansions of the use shall require BZA approval.
8. All required permits shall be obtained within two (2) years or this approval becomes null and void.

C: John Arnold for Angelo's Recycled Materials, LTD.  
855 28th Street South  
St. Petersburg, FL 33712

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COVER LETTER

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201 E. Pine Street, Suite 1000, Orlando, FL 32801  
T 407.839.3955 F 407.839.3790 W www.cornerstoneeg.com

May 15, 2019

**Via Hand Delivery**

Mr. Sean Bailey  
Orange County Board of Zoning Adjustment  
201 S. Rosalind Avenue  
Orlando, Florida 32803

Subject: Application for Special Exception  
Angelo's Recycled Materials  
Orange County, Florida

Dear Mr. Bailey:

On behalf of Angelo's Recycled Materials (Angelo's), Cornerstone, A Tetra Tech Company is submitting this application to the Board of Zoning Adjustment for a Special Exception for the Angelo's Recycled Material's C&D Recycling & Transfer Facility. Payment from Angelo's, in the amount of \$3,016.00, is enclosed.

Angelo's currently holds an Orange County permit for a concrete crushing operation (B14901479) and received a recommendation for approval from the Development Review Committee (DRC) on April 24, 2019 to recycle construction and demolition debris (C&D) on a portion of the property that is already approved for concrete crushing operations. Addition of the recycling operation will not impact proposed impervious area for stormwater management. A Conservation Area Impact Permit, No. CAI-14-05-017, was issued on January 13, 2017. Further, wetland mitigation credits have been purchased and recorded with the South Florida Water Management District.

The proposed facility is located in Section 2 of Township 24 South, Range 29 East, in Orange County, Florida and is shown on the attached DRC approved plans. More specifically, the facility is located at 500 W. Landstreet Road in Orlando, Florida. The property, through permitted for concrete crushing operations, is currently vacant and undeveloped. Three monitoring wells have been installed to collect groundwater levels in support of the solid waste permitting efforts.

The recycling operation will include addition of the transfer and recycling area, a modular scalehouse, and scales. Access to the proposed facility will be from Parkers Landing on an improved road. Traffic will proceed west through the scales and into the transfer and recycling area. The location of the proposed scalehouse, along with the previously

Mr. Sean Bailey  
May 15, 2019  
Page 2



approved grading, stormwater management facilities, and other construction details, are included on the DRC approved plans (CD enclosed).

Proposed operating hours for the facility are 7:00 a.m. to 7:00 p.m., Monday through Saturday. The facility will be closed on Sunday. A minimum of two on-site employees, in addition to the scalehouse attendant, will be necessary for inspection and sorting the incoming waste. One of the employees must be a certified operator and will be on-site at all times the facility is operating. The number of customers served by the facility will vary based on market conditions.

The scalehouse will be modular with dimensions of 36-feet in length by 12-feet in width, with a height of 10-feet. One in-bound scale and one out-bound scale will be located adjacent to the scalehouse. The scalehouse and scales will be used for the both the permitted concrete recycling operation and the proposed C&D recycling operation. No parking facilities are proposed.

The transfer and recycling of C&D will occur on open ground in an area approximately 100-ft x 200-ft in size. C&D will be tipped from waste delivery vehicles in the transfer and recycling area, and recyclable items such as concrete, cardboard, wood, and metal will be sorted for recycling. Non-recyclable waste will be hauled off-site for disposal at a Florida Department of Environmental Protection (FDEP) permitted disposal facility. The recyclable materials sorted from the waste stream will be sold and removed from the site. No waste will be buried or disposed on the property. Groundwater monitoring will be conducted in accordance with the requirements of the Orange County Environmental Protection Division (OCEPD) and the FDEP. Site layout details, including the transfer and recycling area, scalehouse, and facility access road, are provided on Sheet 5.

Details related to the proposed operation, including description of operations, hours of operation, haul routes, signage, dust and odor control, and litter control are provided on Sheet 4. Information related to site topography, soil types, land use, flood zone, surrounding zoning, and proposed setbacks are also provided on Sheet 4.

As part of the DRC application, Angelo's requested waivers/variances for landscaping, setbacks, and stormwater. The property currently has thick, natural vegetation in the setback areas; Angelo's proposed to keep this existing vegetation rather than remove and replace. DRC proposed conditions of approval addressing the waiver request for landscape. A reduction to the southern setback requirement of Section 32-216 from 150-feet to 95-feet to the adjacent industrial property was requested. A waiver from the requirements of Section 32-216 was requested for stormwater as the site stormwater management system is already permitted and only minor modifications to the system were proposed with this plan.

Mr. Sean Bailey  
May 15, 2019  
Page 3



Specific special exception criteria outlined on the application form are addressed by the following comments.

1. **The use shall be consistent with the Comprehensive Policy Plan.** The proposed facility is consistent with the solid waste element of the County Comprehensive Policy Plan (Objective 1.2, Policy 1.2.2).
2. **The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.** The use is similar and compatible to surrounding area land use. The site is zoned I-2/I-3 and is surrounded by industrial zoned properties.
3. **The use shall not act as a detrimental intrusion into a surrounding area.** The use will not act as a detrimental intrusion to the surrounding area. The site is zoned I-2/I-3 and is surrounded by industrial zoned properties.
4. **The use shall meet the performance standards of the district in which the use is permitted.** The use will meet the performance standards of the district. The use will also meet the strict standards of Chapter 32 (Solid Waste Ordinance).
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.** The use will be similar in the above characteristics that are associated with surrounding land uses and the majority of the uses currently permitted in industrial zoning districts.
6. **Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.** Landscaping proposed is equivalent to or greater than that required by Orange County Code. A waiver for the typical landscaping has been proposed due to existing heavy vegetation on the property. Angelo's proposes to keep the existing vegetation within the buffers.

Attachments to this submittal include the following:

- BZA Special Exception Application Form
- Agent Authorization Forms
- Specific Project Expenditure Report Form
- Relationship Disclosure Form
- Specifications for the modular scalehouse
- Scale details
- Electronic Plan Set (recommended for approval by the DRC on April 24, 2019)



Mr. Sean Bailey  
May 15, 2019  
Page 4



Signed and notarized Agent Authorization Forms, Specific Project Expenditure Report Form, and Relationship Disclosure Form were submitted with the DRC application. Copies of those forms are included with this application.

In addition to the requirements of the BZA, the applicant must also obtain a solid waste management facility permit from the OCEPD in accordance with Chapter 32, Article V, Orange County Code, and a solid waste permit from the FDEP in accordance with Florida Administrative Code Chapter 62-701. These applications will be submitted to the appropriate agencies for review. These applications are currently being prepared and will include proposed Operations Plan, Closure Plan, Groundwater Monitoring, and Financial Assurance calculations applicable to the solid waste management facility.

Please contact me at 407-719-0608 or [jennifer.deal@tetrattech.com](mailto:jennifer.deal@tetrattech.com) or the Angelo's representative, John Arnold, at 813-477-1719 or [john.phillip.arnold@gmail.com](mailto:john.phillip.arnold@gmail.com) if you have questions during your review.

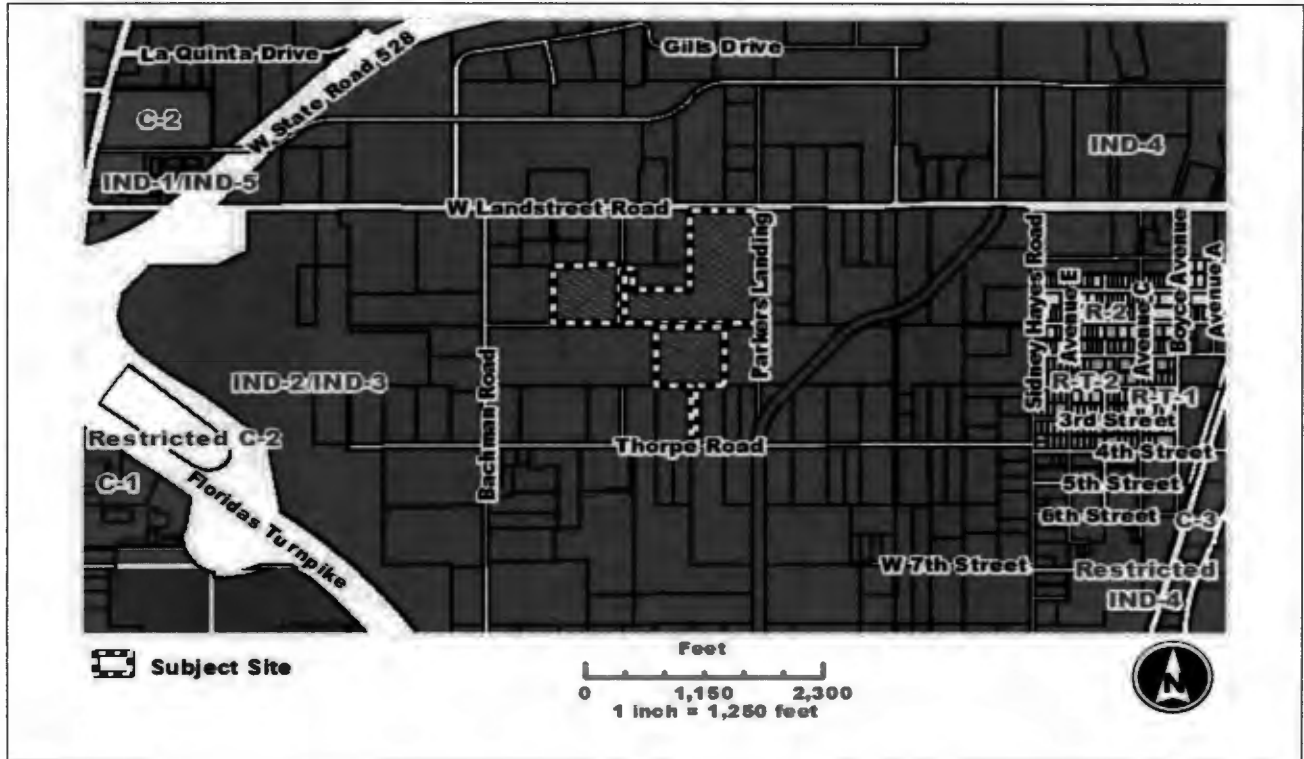
Very truly yours,

Jennifer Deal, PE

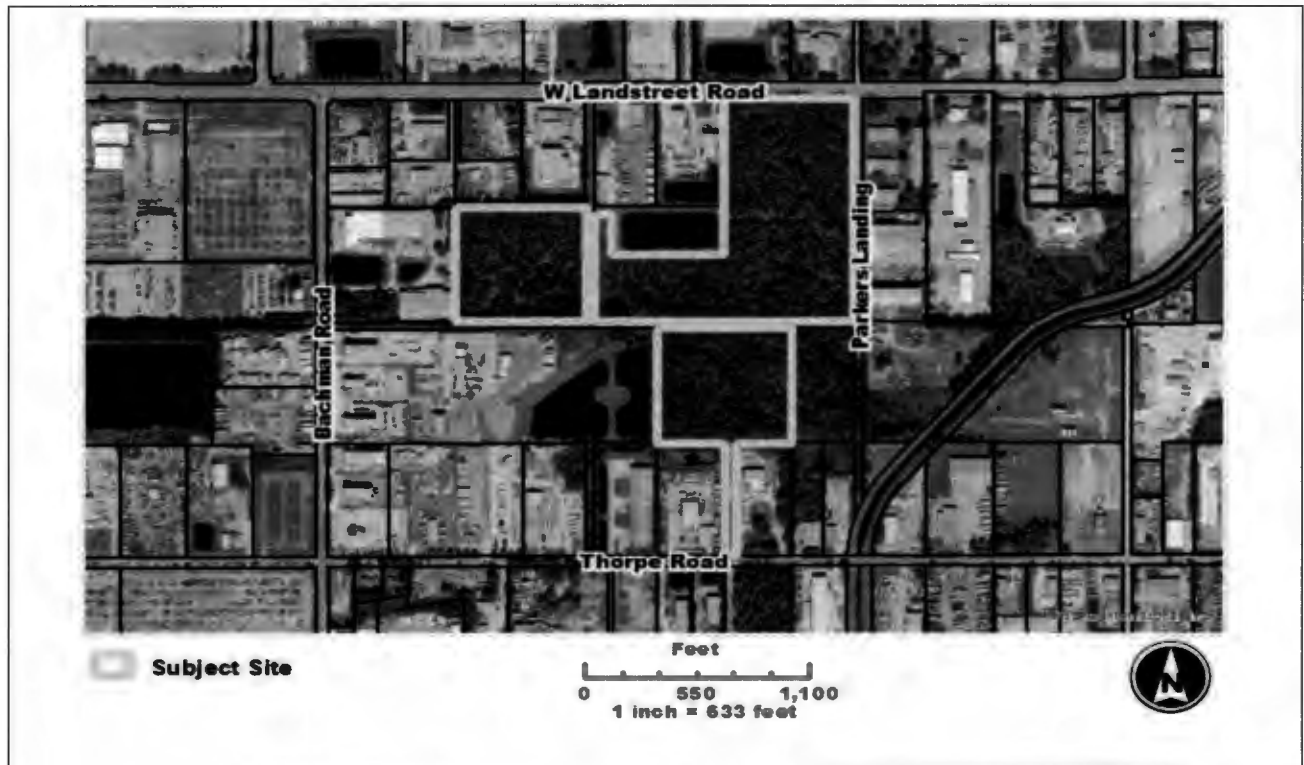
**Attachments**

Cc: John Arnold, Angelo's  
David Bromfield, PE, OCEPD

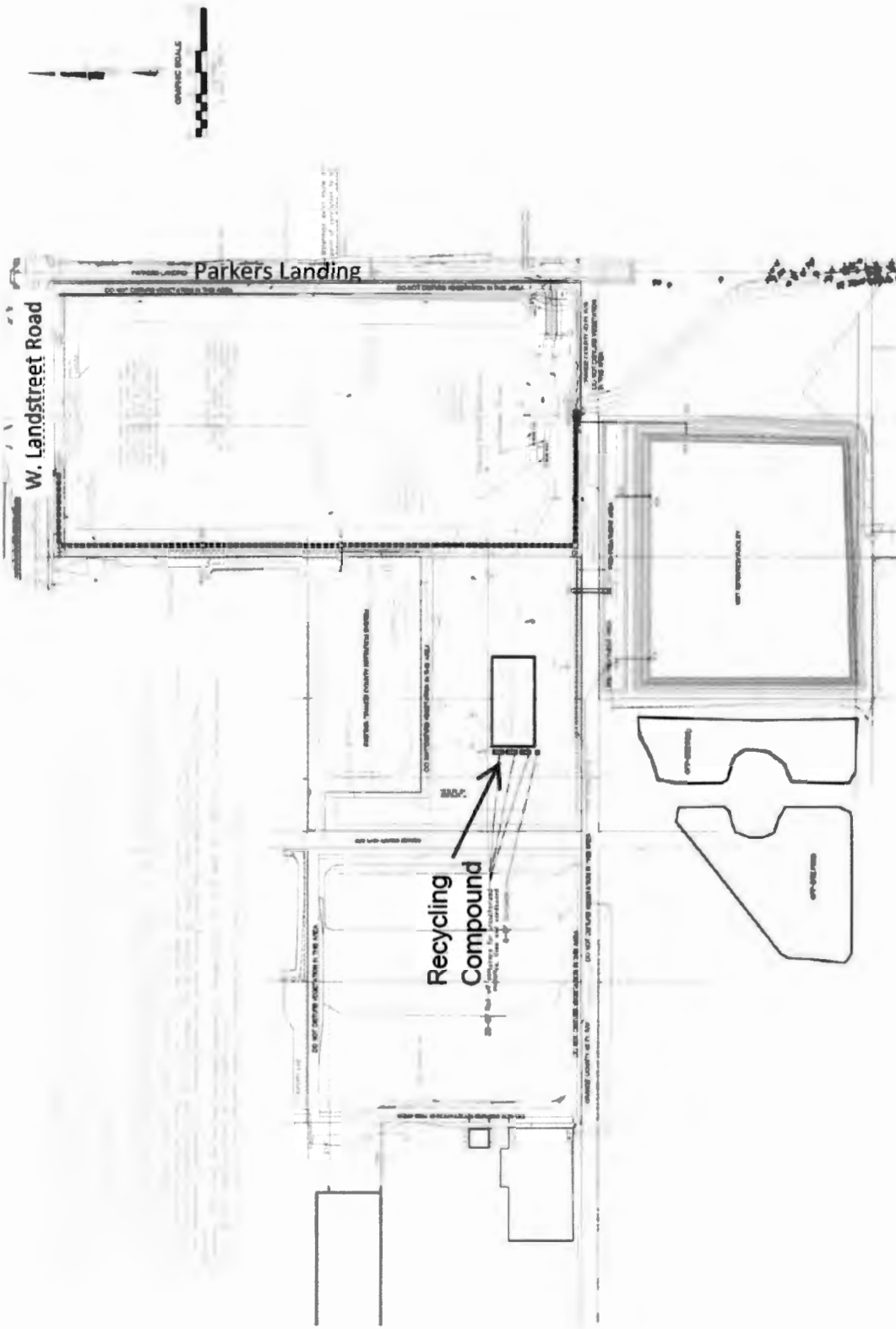
ZONING MAP



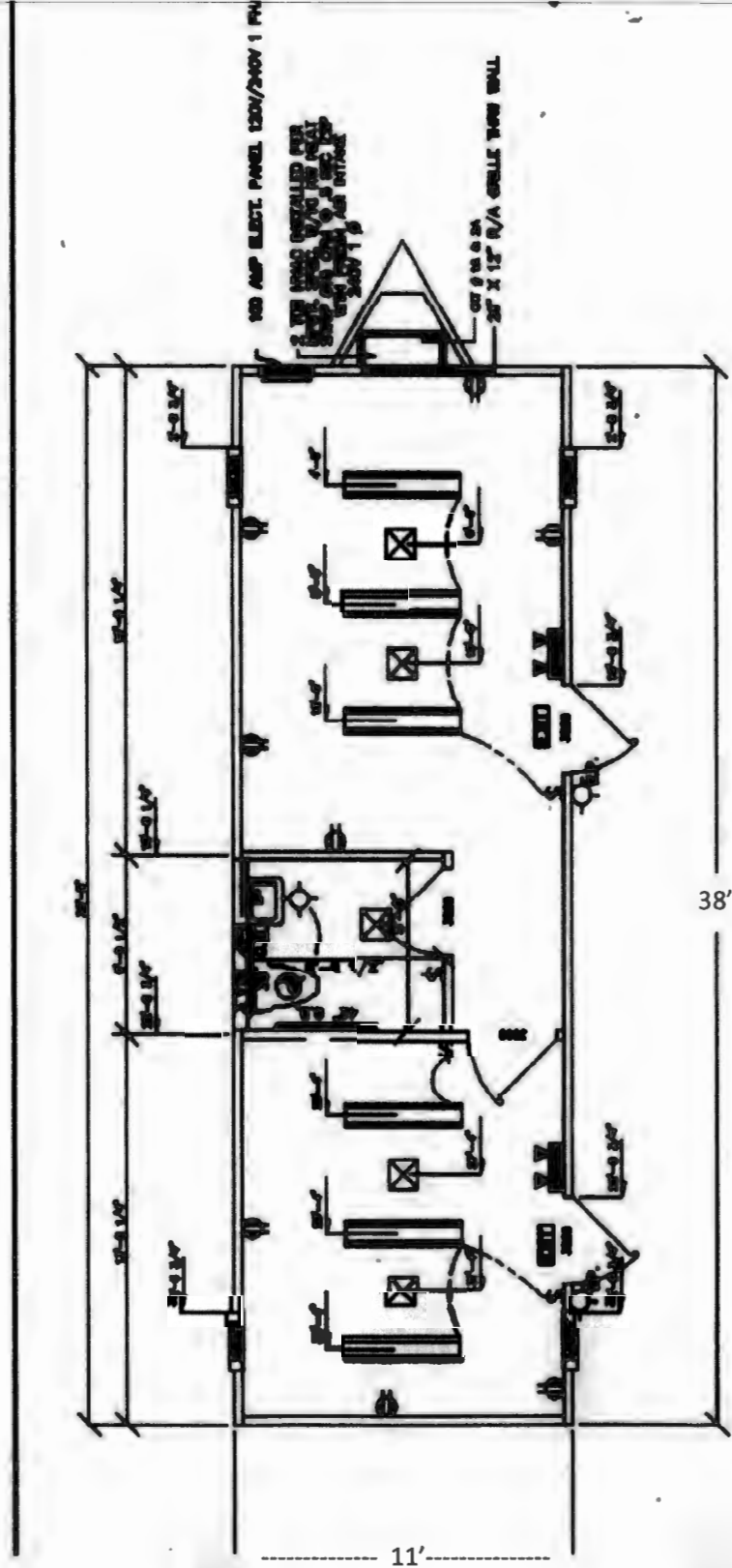
AERIAL MAP



SITE PLAN



SCALE BUILDING FLOOR PLAN



**SITE PHOTOS**



**Site Looking East, Taken From Parkers Landing**



**Site Looking Northwest, Taken From Parkers Landing**

**SITE PHOTOS**



**Site Looking North, Taken From Parkers Landing**



**Site Looking South, Taken From Parkers Landing**



**BOARD OF ZONING ADJUSTMENT**