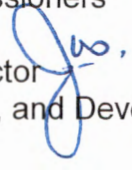




Interoffice Memorandum

DATE: October 12, 2020

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners

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

CONTACT PERSON: **Ted Kozak, AICP, Chief Planner**
Zoning Division
(407) 836-5537

SUBJECT: November 17, 2020 - Public Hearing for an appeal of the
Zoning Manager's Determination
Appellant: Solange Dao
Case #ZM-20-09-080; District 3

Zoning Manager Determination Appeal Case # ZM-20-09-080, located at 6682 Hoffner Ave., Orlando, FL 32822, in District 3, is an appeal to the Board of County Commissioners (BCC). This item was continued from the July 28, 2020 BCC hearing at the request of the appellant. The applicant is appealing the Zoning Manager's determination that a deviation to the required buffer yard per Section 24-5(a)(2), which requires a 25-foot Type "B" landscape buffer to separate general industrial uses from all residential uses, should not be granted.

The subject property is located on the south side of Hoffner Ave., approximately 0.3 miles west of S. Goldenrod Rd.

This application is running concurrently with a Board called public hearing for a variance (VA-20-04-017) to allow for the construction of 7 industrial buildings with a 15 ft. setback from a residential zoning district in lieu of an increased setback of 60 ft.

The application for this request is subject to the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy is available upon request in the Zoning Division.

If you have any questions regarding this matter, please contact Ted Kozak, AICP at (407) 836-5537.

ACTION REQUESTED: Uphold the Zoning Manager's determination that there is not sufficient justification to reduce the buffer yard width. District 3.

**PLANNING, ENVIRONMENTAL, & DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT**

November 17, 2020

The following is a public hearing on an appeal before the Board of County Commissioners on November 17, 2020 at 2:00 p.m.

APPELLANT: Solange Dao

REQUEST: Request for Public Hearing for an appeal of the Zoning Manager's Determination

LOCATION: 6682 Hoffner Ave., Orlando, FL 32822, south side of Hoffner Ave., north side of Seminole Ave., approximately 0.3 miles west of S. Goldenrod Rd.

TRACT SIZE: 187 ft. x 634 ft./ 5.45 acres

ZONING: IND-2/IND-3

DISTRICT: #3

PROPERTIES NOTIFIED: 142

SYNOPSIS ON REQUEST:

Section 24-5(a)(2) of the Orange County Landscaping, Buffering, and Open Space code requires a "Type B" opaque buffer for industrial uses. This buffer classification is used to separate community commercial (C-2) and general industrial (IND-2, IND-3 or IND-5) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of twenty-five (25) feet wide. The type B buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof, which maintains a completely opaque buffer. This buffer must be four (4) feet high and seventy (70) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.

In addition, Section 24-5 (c) allows for a decrease in the width of buffer yard B by 20 percent (5 ft.) if the buffer incorporates any of the following components:

- (1) Utilize plantings and berms to meet minimum buffer requirements.
- (2) Utilize plantings, berms and wall to meet minimum buffer requirements, where wall is combined with berm to meet minimum height requirements.
- (3) Utilize wall with plantings, where the plantings are parallel for at least seventy-five (75) percent of the linear length of the wall, and covers at least twenty-five (25) percent of the required buffer width.

The appellant requested a variance in the IND-2/IND-3 zoning district to allow for construction of seven (7) industrial buildings with a 15 ft. (east) setback from a residential zoning district in lieu of an increased setback of 60 ft. At the May 20, 2020, Board of Zoning Adjustment (BZA) hearing, staff recommended denial of the request. Since the request is for new construction, the applicant has the ability to design the site to meet the performance standards of the district, which indicates a self-created hardship. The adjacent single-family residence is incompatible with the IND-2/IND-3 zoning district without adequate setbacks as required by the code. However, the Board of Zoning Adjustment (BZA) recommended approval of the requested variance at the May 20, 2020 meeting.

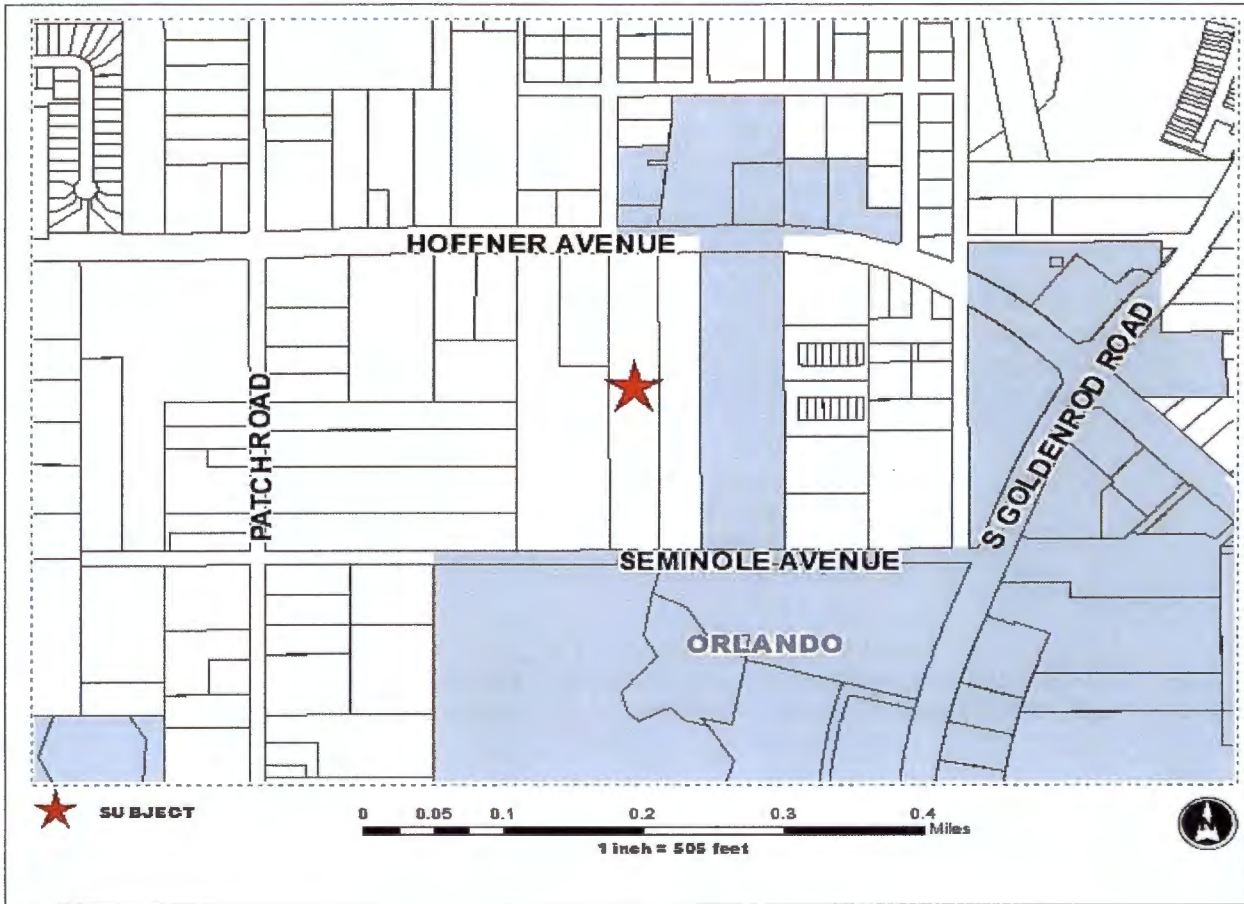
The appellant also requested that the Zoning Manager grant a deviation from the provisions of this Chapter 24, Section 24-5(a)(2) to allow a reduced landscape buffer of fifteen (15) feet. The Zoning Manager is authorized to grant deviations from this chapter under Section 24-3 (h) where the application of this chapter to a specific site would result in a practical difficulty or physical hardship affecting the economic use of the property. However, the Zoning Manager determined that there is not sufficient justification to grant a deviation to the buffer yard width for redevelopment of this site.

Where substantial deviation from this chapter is proposed, that in the opinion of the Zoning Manager does not further the intent and purpose of this chapter, the Board of County Commissioners may consider an appeal of the Zoning Manager's decision, pursuant to the standards contained in Orange County Code section 34-27. In applying section 34-27 to a variance request hereunder, the term "subdivision improvements" shall be interpreted to mean "landscaping improvements."

STAFF RECOMMENDATION

Uphold the Zoning Manager's Determination. However, should the Board of County Commissioners (BCC) conclude that the applicant has satisfied the criteria necessary to approve the requested deviation, condition of approval #6 on BZA Case #VA-20-04-017 would need to be removed or amended.

LOCATION MAP



APPELLANT LETTER



1110 East Marks Street
Orlando, FL 32803-4018
USA

PH: 407.898.6872
FX: 407.898.3778
www.daoconsultants.com

June 9, 2020

Orange County Zoning
Ms. Jennifer Moreau, Manager
201 S Rosalind Ave
Orlando, FL 32801

RECEIVED

JUN 09 2020

ORANGE COUNTY
ZONING DIVISION

Reference: Appeal on Determination on Section 24-5 (a)(2) - Type B buffer
6682 Hoffner Ave for case #B19916957

Dear Ms. Moreau,

We thank you for your time and consideration for our variance request on the Type B buffer. We respectfully request an appeal on your decision. The BZA approved our variance request (VA-20-04-017) on May 20, 2020. Per this variance, the building setback is now allowed at 15-feet.

With the variance approved by BZA, the denial of the request to reduce the Type B buffer creates a conflict.

Per Section 34-27 (b), this site would not be granted a special privilege since other zoning areas have setbacks distance and landscape buffers widths in accord. We are appealing your decision to rectify the conflict with the 15-ft building setback.

We greatly appreciate your time in considering our appeal, and sending it forward to the Board of County Commissioners hearing.

Sincerely,

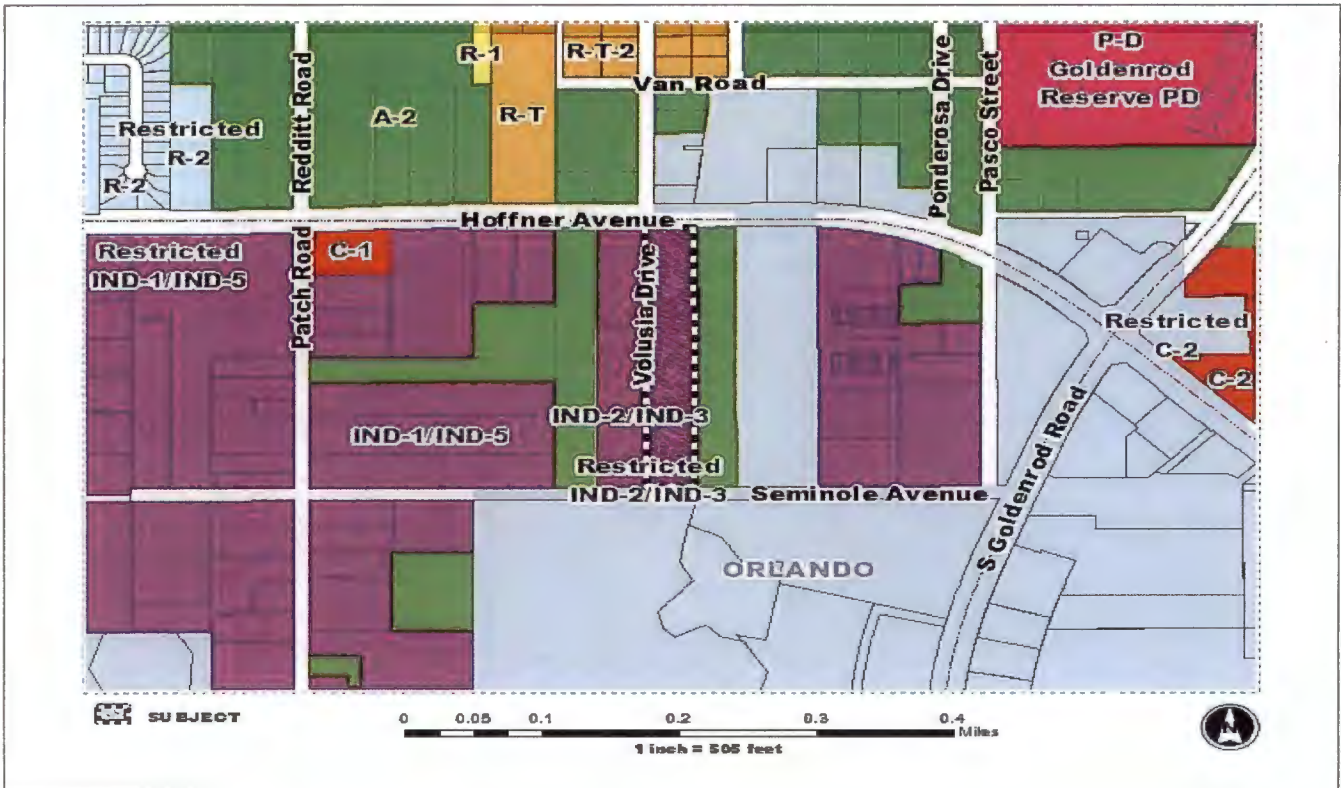
DAO CONSULTANTS, INC.


Solange C. Dao, P.E.

OFFICIAL ENGINEERING FIRM OF
1996-2004



ZONING MAP



AERIAL MAP



SITE PLAN

