



Interoffice Memorandum

November 18, 2024

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

FROM: Tanya Wilson, AICP, Director
Planning, Environmental, and Development Services
Department

CONTACT PERSON: **Laekin O'Hara**
Chief Planner, Zoning Division
(407) 836-5943

SUBJECT: December 17, 2024, Board-Called Public Hearing
Applicant: Juan Manuel Vasquez
BZA Case # VA-25-01-109, October 3, 2024; District 3

Board of Zoning Adjustment (BZA) Case # VA-25-01-109, located at 512 Palmetto St., Orlando, FL 32824, in District 3, is a Board-Called public hearing. The applicant is requesting a variance in the R-2 zoning district to allow a multi-family building (quadruplex) with an east side setback of 15 ft. in lieu of 30 ft.

At the October 3, 2024, BZA hearing, staff recommended denial of the Variance because the applicant had the ability to construct the project to meet code. There was no one in attendance to speak in favor or in opposition to the request. It was also noted that prior to the BZA hearing no comments were received in support or in opposition to the request. The BZA discussed that there appeared to be more intrusive impacts in the area, and the setback would have been met had the site not been adjacent to a single-family district. The BZA recommended approval of the Variance request, subject to 5 conditions, as amended.

At the October 29, 2024, Board meeting, this item was pulled for a separate public hearing at the request of Commissioner Uribe.

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.

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Board-Called Public Hearing – Juan Manuel Vasquez
Variance Request
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If you have any questions regarding this matter, please contact Laekin O'Hara at (407) 836-5943 or Laekin.O'Hara@ocfl.net.

ACTION REQUESTED: Deny the applicant's request; or approve the applicant's request with conditions. District 3

LO/ag

Attachment: Zoning Division Public Hearing Report and BZA Staff Report

**PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT
December 17, 2024**

The following is a public hearing before the Board of County Commissioners on December 17, 2024, at 2:00 p.m.

<u>APPLICANT:</u>	JUAN MANUEL VASQUEZ
<u>REQUEST:</u>	Variance in the R-2 zoning district to allow a multi-family building (quadruplex) with an east side setback of 15 ft. in lieu of 30 ft.
<u>LOCATION:</u>	512 Palmetto St., Orlando, FL 32824, southeast corner of Palmetto St. and Boyce Ave., west of S. Orange Ave., south of E. Landstreet Rd.
<u>LOT SIZE:</u>	+/- 0.49 acres (+/- 21,446 sq. ft.)
<u>ZONING:</u>	R-2
<u>DISTRICT:</u>	#3
<u>PROPERTIES NOTIFIED:</u>	215

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

Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for denial. Staff noted that no comments were received in favor or in opposition to the request.

The applicant discussed the staff recommendation of denial, noting the increased landscaping and installation of a wall to buffer the single-family residence. The applicant noted that there are more intrusive uses that impact in the area. They also pointed out that the east side yard setback would be 10 ft. if the quadruplex was not adjacent to a single-family district.

There was no one in attendance to speak in favor or in opposition to the request.

The BZA discussed the request determining there appears to be more intrusive impacts in the area, and the setback would have been met had the site not been adjacent to a single-family district. The BZA unanimously recommended approval of the Variance by a 6-0 vote, with one seat vacant, subject to the four (4) conditions found in the staff report with an amendment to include Condition #5 as follows "An enhanced landscape buffer of 15 ft. with canopy trees and a 6 ft. masonry wall along the eastern boundary will be installed."

BZA HEARING DECISION:

A motion was made by Juan Velez, seconded by Roberta Walton Johnson and carried to recommend APPROVAL of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions as amended (6 in favor: Deborah Moskowitz, John Drago, Juan Velez, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 0 absent; 1 vacant):

1. Development shall be in accordance with the site plan dated September 10, 2024, and elevations dated September 10, 2024, as modified, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The proposed quadruplex shall include two two-window panels on the east and west elevations to match the proposed architectural design on the proposed north façade.
5. An enhanced landscape buffer of 15 ft. with canopy trees and a 6 ft. masonry wall along the eastern boundary will be installed.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 03, 2024**

Commission District: **#3**

Case #: **VA-25-01-109**

Case Planner: **Jenale Garnett (407) 836-5955**

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JUAN MANUEL VASQUEZ

OWNER(s): LA FINQUITA FLORIDA LLC

REQUEST: Variance in the R-2 zoning district to allow a multi-family building (quadruplex) with an east side setback of 15 ft. in lieu of 30 ft.

PROPERTY LOCATION: 512 Palmetto St., Orlando, FL 32824, southeast corner of Palmetto St. and Boyce Ave., west of S. Orange Ave., south of E. Landstreet Rd.

PARCEL ID: 36-23-29-8228-30-504

LOT SIZE: +/- 0.49 acres (+/- 21,446 sq. ft.)

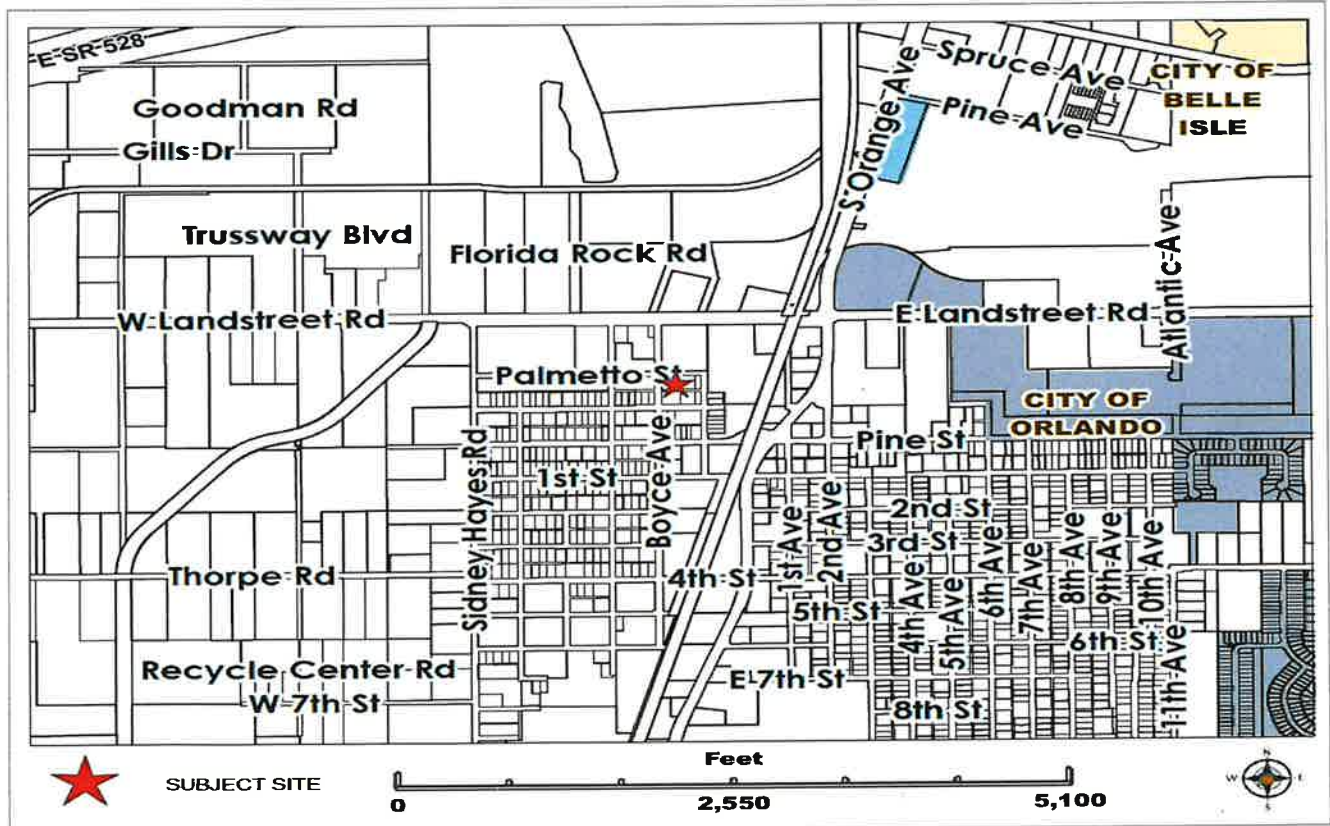
NOTICE AREA: 1,200 ft.

NUMBER OF NOTICES: 215

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of the Variance, staff recommends that the approval be subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-2	I-2/I-3	R-2	R-2	I-2/I-3
Future Land Use	LMDR	IND	LMDR	LMDR	IND
Current Use	Vacant	Diesel Mechanic Service	Vacant	Single-family residence	Storage Yard

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-2, Residential District, which allows single-family homes, duplexes, and multi-family development. The Future Land Use is Low-Medium Density Residential (LMDR), which is consistent with the R-2 zoning district.

The area surrounding the subject site consists of single-family homes and industrial uses. The subject property is a 0.49 acre parcel, platted in 1910 as lots 4, 5, & 6 of the Spahler's Addition to Taft Plat Prosper Colony, that conforms with the zoning regulations for the district. The property is a reversed frontage lot, located on the southeast corner of Palmetto Street and Boyce Avenue. Per Sec. 38-1405 (e) of the Orange County Code, "In cases of reversed frontages, the determination of yards shall be made by the Zoning Manager. After the reversed frontage determination has been made, the front door of the structure shall face the front yard." The Zoning Manager has determined that Palmetto Street is the front yard, and Boyce Avenue is the side street yard for the purpose of Zoning in this case. The site is vacant except for a pergola, deck, two storage containers, and two portable toilets. The property was purchased by the current owner in 2018.

The proposal is to construct a new one-story 7,883 gross sq. ft., 16.4 ft. tall quadruplex and each unit is proposed to consist of 3 bedrooms and 2 baths. Per Sec. 38-1501 of the Orange County Code, a 30 ft. side setback is required when adjacent to a single-family district. The proposal meets the front, rear, and side street setbacks required by the R-2 zoning district for four dwelling units. However, the site is adjacent to a single-family district, and the proposed quadruplex has a 15 ft. east side setback when 30 ft. is required, necessitating the need for a Variance. If the site were not adjacent to a single-family district the required east side setback would be 10 ft. Other proposed improvements include a 6 ft. tall concrete masonry wall with a 15 ft. wide landscape strip along the east property line, and a 6 ft. tall wooden fence along the south property line, and the preservation of several existing mature trees along the front property line. Additionally, the owner is proposing to remove the pergola, deck, two storage containers, and two portable toilets, which are unpermitted. Staff is recommending denial of the Variance since the proposed quadruplex is new construction and could be redesigned or reduced in size to meet code, thereby eliminating the need for the Variance.

As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	16.4 ft.
Min. Lot Width:	85 ft.	150 ft.
Min. Lot Size:	15,000 sq. ft.	21,446 sq. ft.

Building Setbacks (Quadruplex)

	Code Requirement	Proposed
Front: Palmetto Street	25 ft.	45.2 ft. (North)
Rear:	30 ft.	30 ft. (South)
Side:	30 ft. (adjacent to single-family district)	15 ft. (East – Variance)
Side Street: Boyce Avenue	15 ft.	15 ft. (West)

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

There are no special conditions or circumstances particular to the subject property because this is new construction of a quadruplex on a lot that meets and exceeds the minimum lot width and lot size, and the plans could be revised to meet all setbacks thus negating the need for the Variance.

Not Self-Created

The request is self-created in that it is new construction and there are alternatives to eliminate the request.

No Special Privilege Conferred

Granting this Variance will confer a special privilege since there are other options to construct a multi-family building that is in compliance with the code.

Deprivation of Rights

The applicant is not being deprived the right to construct a multi-family building, and there is sufficient space on the property to meet the required setbacks.

Minimum Possible Variance

The Variance is not the minimum, since the multi-family could be redesigned to meet code.

Purpose and Intent

Approval of the requested Variance would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The design as proposed will not be detrimental to the neighborhood as it is a one-story structure and a concrete wall with increased landscaping as proposed to offset the setback, and there are more intrusive impacts such as the industrial uses to the north and west.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated September 10, 2024, and elevations dated September 10, 2024, as modified subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The proposed quadruplex shall include two two-window panels on the east and west elevations to match the proposed architectural design on the proposed north façade.

C: Juan Manuel Vasquez
3226 Raeford Road
Orlando, FL 32806

Dimas Eduardo Chacon
Qualitech Construction Group LLC
10476 NW 61st Street Lane
Doral, FL 33177

Juan Manuel Vasquez

P.O. Box 560487, Orlando, FL 32856 * Ph: 407.219.8277 * Juan@vasquezcivil.com

September 11, 2024

Orange County
Zoning Division
201 South Rosalind Avenue, 1st Floor
Orlando, Florida 32801

Re: B24903004

Subject 512 Palmetto St, Orlando, FL 32824 New Quadruplex - Side Setback Variance

To Whom It May Concern:

Listed below is our request for a side building setback variance per the comment we received on June 13, 2024 in the zoning review of this permit.

Zoning Review (Quanisha J Dinish (407)-836-5848; Quanisha.Dinish@ocfl.net

1- Please be aware that a quadruplex adjacent to single-family residence, requires a 30 ft side setback per zoning code 38-101. It is possible that you may need a variance before you do your building permit.

Response: We are requesting a variance for a side building setback. Per the Orange County Municode Section 38-1501 (footnote B). A 30 feet building setback is required if adjacent to a single family district. We are proposing a 15 feet side building setback, an enhanced landscape buffer, and a 6 ft high concrete wall. In order to keep the current housing product we are proposing (4 units with 3 bedroom / 2 bathrooms and an average of 1,660 SF), we would need this variance approved to allow us to keep an 15 feet side building setback as shown on the attached SITE PLAN.

Sincerely,



This date has been electronically signed and sealed by Juan M. Vasquez, P.E. using a digital signature. Per the scope of his jurisdiction and as authorized signed & sealed and the signature must be verified on any electronic copies.

Digitally signed
by Juan M
Vasquez

Date: 2024.09.12
11:35:24 -04'00'

Juan Manuel Vasquez
State of Florida Professional Engineer
PE No. 95783

COVER LETTER

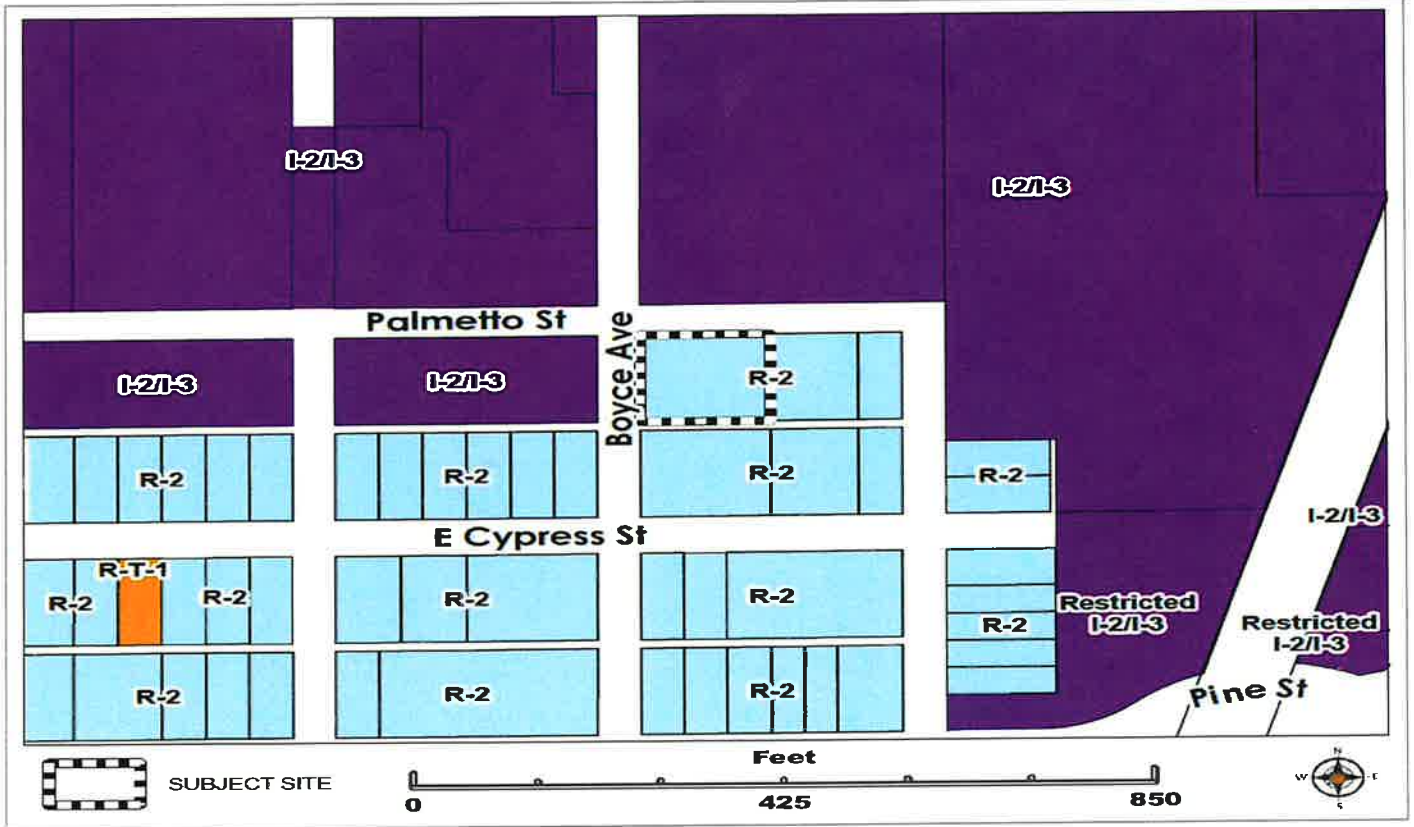
- 1. Special Conditions and Circumstances** - Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.
The minimum side setback for R-2 per Orange County Municode Section 38-1501 is 10 FT. The footnote is what specifies that the setback must be 30 FT when adjacent to single family district. A setback of 30 FT will significantly reduce the buildable width of the lot restricting us from building the proposed 3/2 quadruplex.
- 2. Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed 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.
The minimum side setback for R-2 per Orange County Municode Section 38-1501 is 10 FT. The footnote is what specifies that the setback must be 30 FT when adjacent to single family district. A setback of 30 FT will significantly reduce the buildable width of the lot restricting us from building the proposed 3/2 quadruplex.
- 3. No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.
Approval of the zoning variance requested will not confer any special privilege that is denied by this chapter, on me, to other lands, building, 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 property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.
Literal interpretation of the zoning is depriving me of building the proposed quadruplex due an increased setback requirement. Without this variance approval Orange County Zoning will not approve the submitted plans for a quadruplex with 4 - 3/2 units.

- 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.
The setback variance request for the side building setback is the minimum variance that will make possible the reasonable use of these two structures.

- 6. Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Approval of the zoning variance will be in harmony with the setback requirement of 10 ft since we are proposing a side setback of 11 ft 7 in.

ZONING MAP



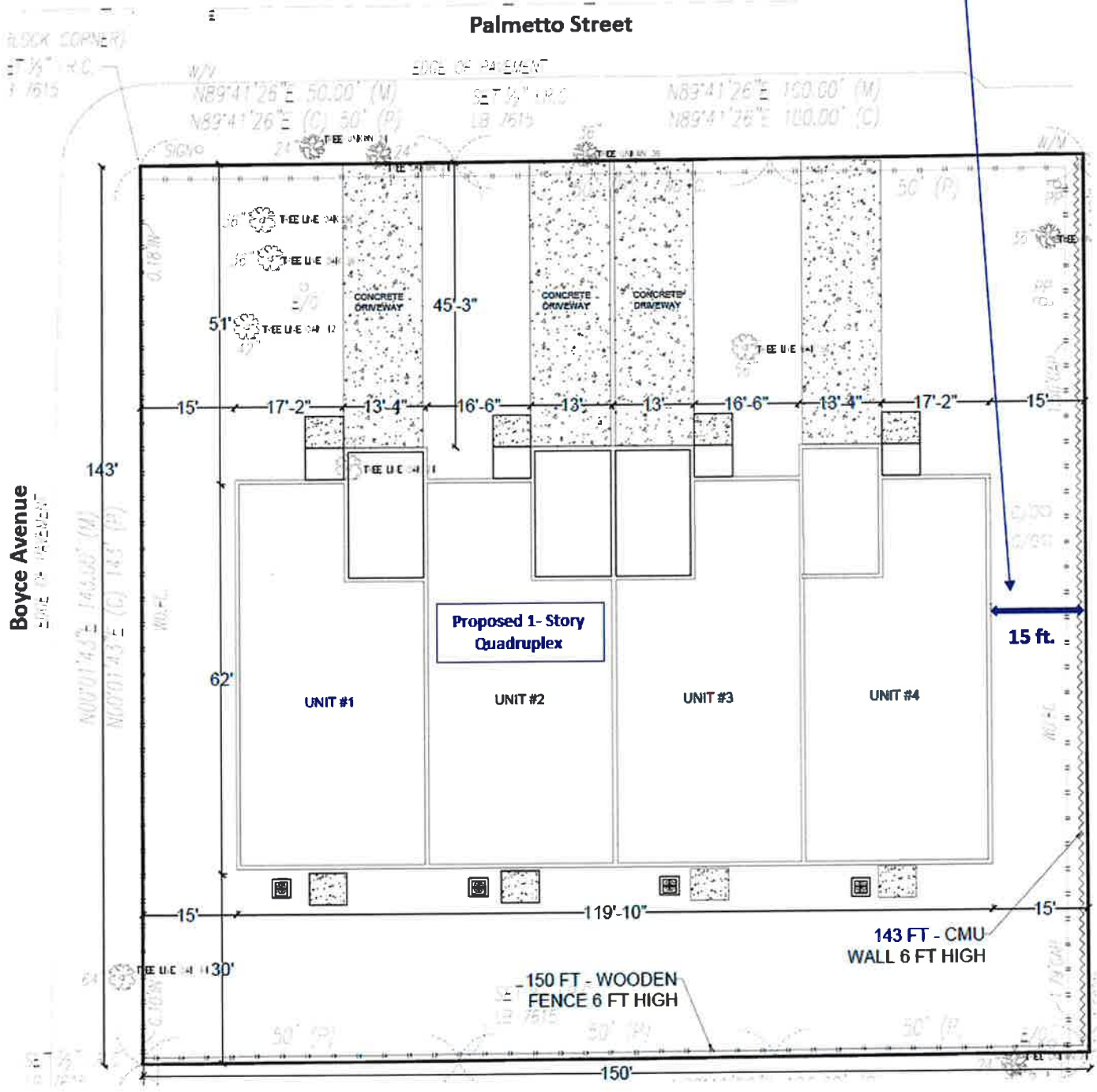
AERIAL MAP



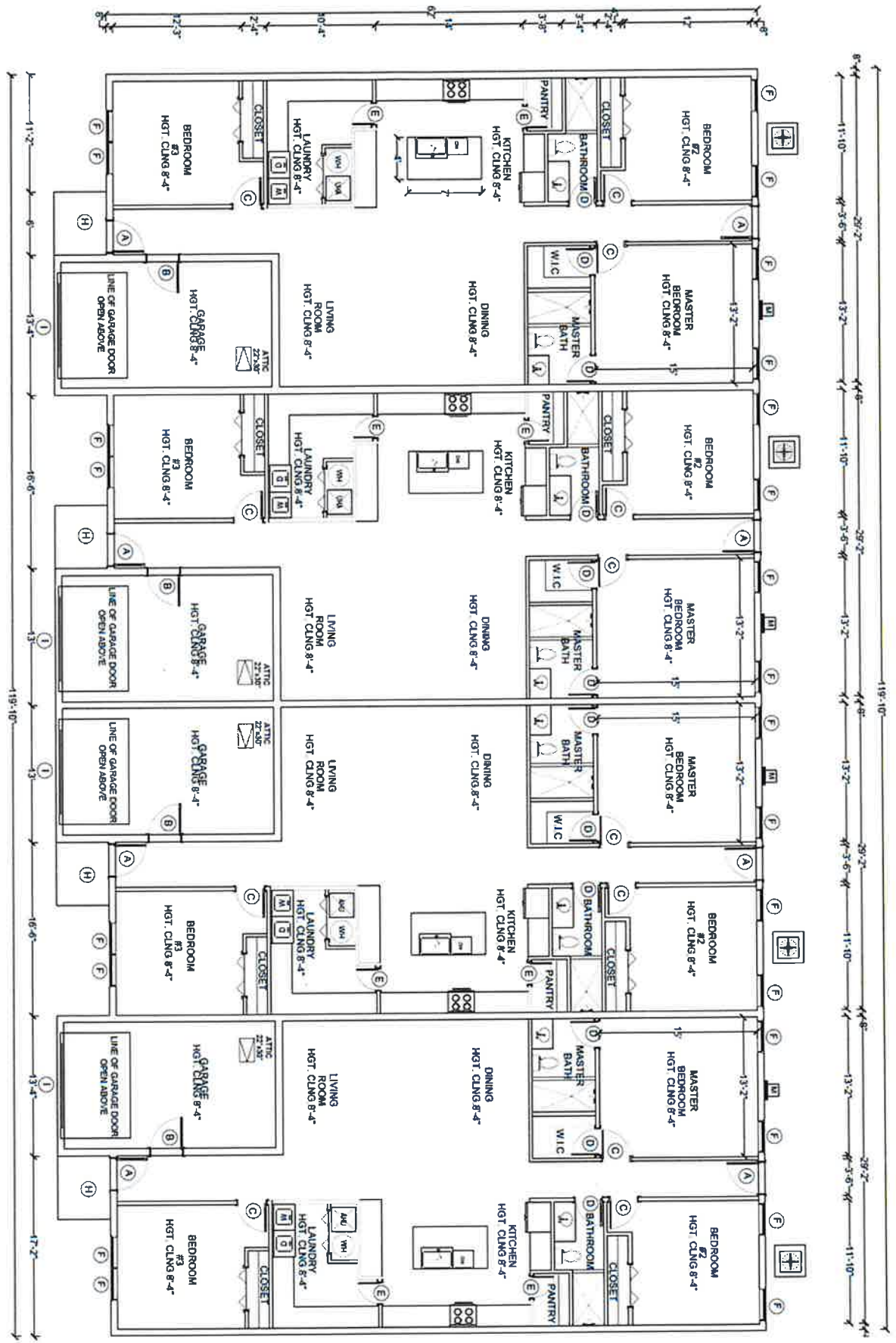
SITE PLAN



East side setback of 15 ft. in lieu of 30 ft.



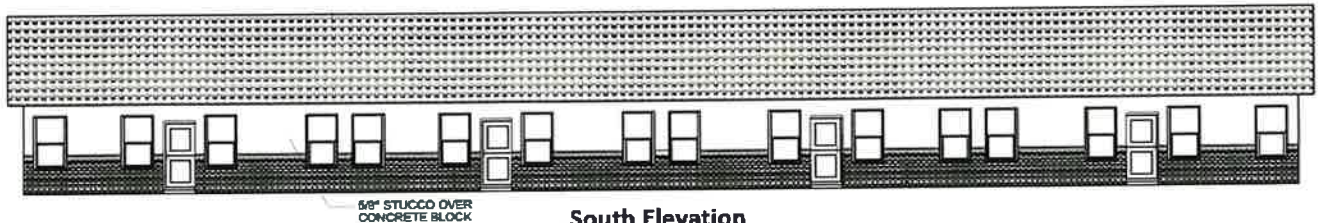
FLOOR PLAN



ELEVATIONS

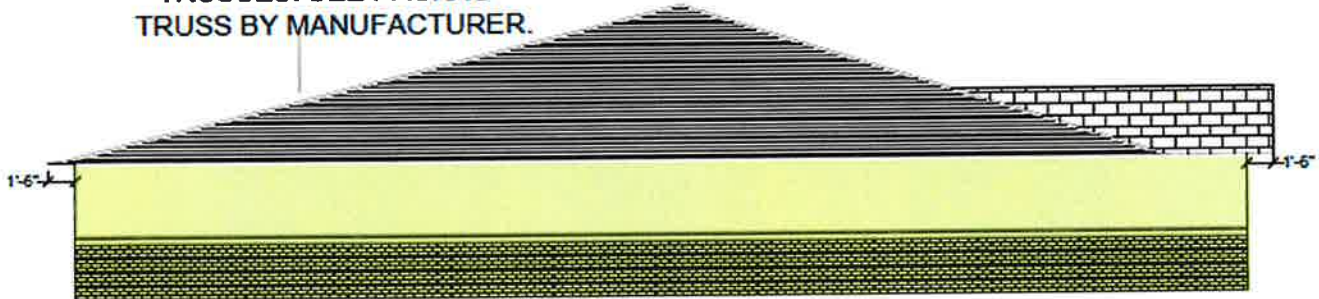


North Elevation



South Elevation

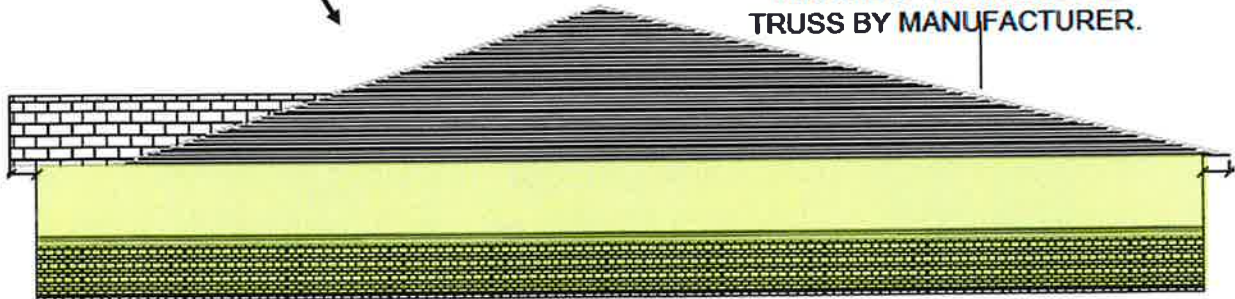
NEW ASPHALT SHINGLES OVER NEW ENGINEERING TRUSSES. SEE PACKAGE TRUSS BY MANUFACTURER.



East Elevation

The proposed quadruplex shall include two two-window panels on the east and west elevations to match the proposed architectural design on the proposed north façade.

NEW ASPHALT SHINGLES OVER NEW ENGINEERING TRUSSES. SEE PACKAGE TRUSS BY MANUFACTURER.



West Elevation

SITE PHOTOS



Facing southeast from Boyce Ave. towards Palmetto St. and the subject property



Palmetto Street, facing southwest towards front yard of property

SITE PHOTOS



Front yard, facing southeast towards pergola, deck, storage containers, and portable toilets to be removed



Adajcent property, facing northeast towards proposed location of quadruplex

SITE PHOTOS



Adajcent property, facing north towards unmaintained alley at rear of subject site