



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

October 3, 2019

Zoning Division

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

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

BZA Staff

| | |
|---------------------|---------------|
| Steven Thorp, AICP | Chief Planner |
| Nick Balevich | Planner II |
| David Nearing, AICP | Planner II |

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
October 3, 2019**

| <u>PUBLIC HEARING</u> | <u>APPLICANT</u> | <u>DISTRICT</u> | <u>BZA Recommendations</u> | <u>PAGE #</u> |
|-----------------------|--|-----------------|---|---------------|
| VA-19-09-095 | William Cochran | 1 | Approved w/Conditions | 1 |
| VA-19-10-113 | Rhoni Bischoff | 5 | Approved w/Conditions | 13 |
| VA-19-10-116 | Juan Antonio Rios | 5 | Approved w/Conditions | 26 |
| VA-19-10-112 | Mark Purath | 1 | Approved w/Conditions | 39 |
| VA-19-10-115 | Kenneth Roberts | 3 | Approved w/Conditions | 51 |
| VA-19-10-118 | Zaida Busanet-Rodriguez | 1 | Approved w/Conditions | 64 |
| SE-19-10-119 | House of Prayer Church of the Living God, Inc. | 6 | Continued | 75 |
| SE-19-09-098 | Metro West Church | 6 | Requests #1 & #2, Approved w/Conditions Requests #3 & #4, Not Applicable | 93 |
| VA-19-09-106 | M. Rebecca Wilson | 6 | Approved w/Conditions | 108 |

**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 Districts

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

SITE & BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

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

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

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

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

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

FOOTNOTES

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

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

VARIANCE CRITERIA:

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

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

SPECIAL EXCEPTION CRITERIA:

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

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

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

BZA STAFF REPORT

Planning, Environmental & Development Services/Zoning Division

Meeting Date: **OCT 03, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-09-095**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): WILLIAM COCHRAN

OWNER(s): COCHRAN WILLIAM OWEN

REQUEST: Variance in the A-1 zoning district to allow an existing accessory structure to remain in front of the principal building (9.4 ft. from the front property line) in lieu of alongside of or behind.

This is the result of Code Enforcement action.

PROPERTY LOCATION: 9252 Lake Hickory Nut Dr., Winter Garden, FL 34787, south of Lake Hickory Nut Dr., west of Avalon Rd.

PARCEL ID: 06-24-27-3548-00-045

LOT SIZE: 132 ft. x 601 ft. (avg.) / .89 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 38

DECISION: APPROVED 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 as amended (unanimous; 7-0):

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. The existing landscape buffer along the north property line shall be preserved, and extended to the south, parallel to the driveway.
5. The applicant shall obtain permits for the accessory structure within ninety (90) days of the final County

approval, 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.

The applicant stated that they hired a General Contractor to build the carport, and asked the contractor to get permits, but was told they were not necessary in a rural area. The applicant wanted the carport to hide his son's vehicles and stated that the carport could not be placed on other locations due to well and septic systems and large, mature trees. The applicant stated that they would be amenable to adding more landscaping to further conceal the carport.

The BZA discussed adding landscaping to conceal the carport, and felt that this should be added to the conditions.

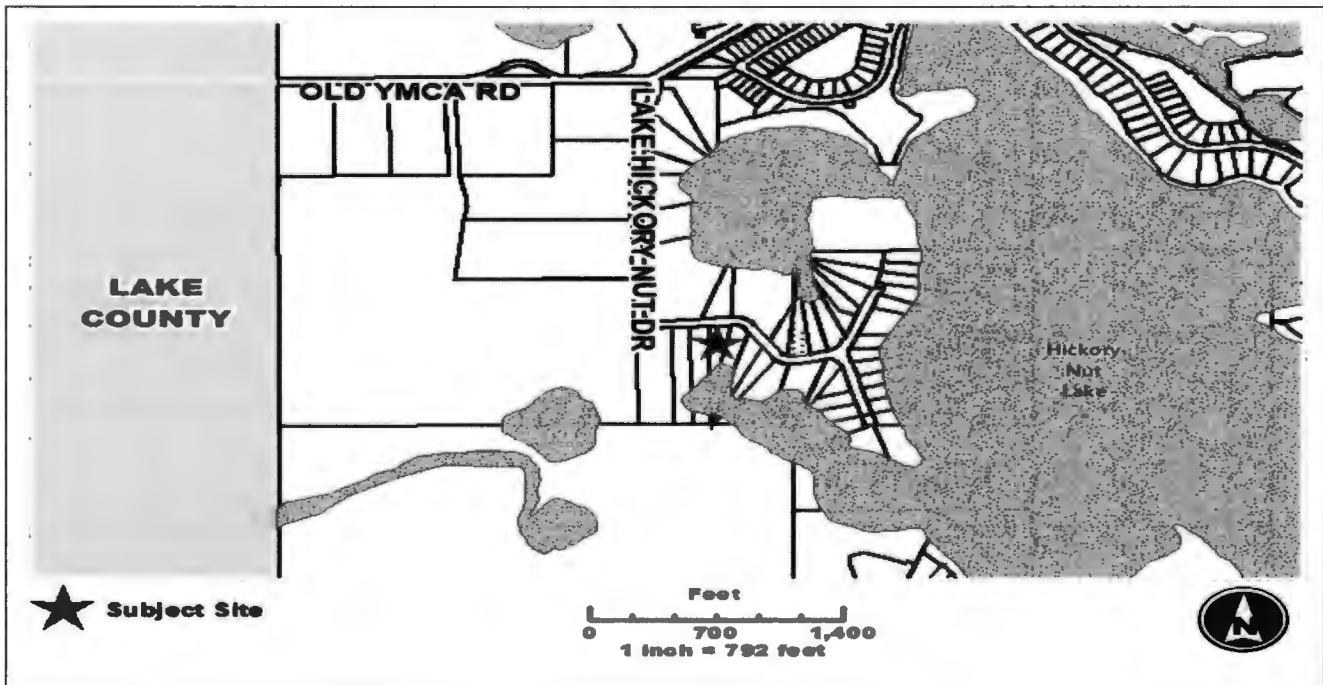
Staff received nine (9) commentaries in favor of the application, and four (4) in opposition to the application.

The BZA made a motion to recommend approval of the requested variance, subject to the staff recommended conditions, with a modification of Condition #4 to state: "The existing landscape buffer along the north property line shall be preserved, and extended to the south, parallel to the driveway." The motion which was passed unanimously.

STAFF RECOMMENDATIONS

Denial, however if the BZA recommends approval then staff recommends the conditions of approval found in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | Property | North | South | East | West |
|-----------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| Current Zoning | A-1 | A-1 | PD | A-1 | A-1 |
| Future Land Use | Village | Village | Village | Village | Village |
| Current Use | Single Family Residence | Single Family Residence | Vacant/Lake Hickory Nut | 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, mobile homes, and single family residential with associated accessory structures on larger lots.

The area consists of single-family homes on large lots, many of which are lakefront. The subject property is a 0.89 acre pie shaped lot that was platted in 1956, as part of the Hickory Lake Estates Plat, and is considered to be a conforming lot of record. There is a 2,087 sq. ft. single family home on the lot, which was constructed in 1975, and a boat dock that was added at a later date. The applicant purchased the property in 2016.

In 2018, the applicant constructed a 519 sq. ft. accessory structure (carport) located 9.4 ft. from the front property line, without permits. Code Enforcement cited the applicant in September of 2018 for erecting an accessory structure without permits (Incident # 523535). The applicant is requesting a variance to allow the existing accessory structure to remain in front of the principal structure when it is required to be alongside or behind. The principal structure is located 91.9 ft. from the front property line, where a setback of 35 ft. is required.

District Development Standards

| | Code Requirement | Proposed |
|-----------------|------------------|----------------|
| Max Height: | 15 ft. | 12 ft. |
| Min. Lot Width: | 100 ft. | 135 ft. |
| Min. Lot Size: | 21,780 sq. ft. | 38,803 sq. ft. |

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

| | Code Requirement | Proposed |
|--------|------------------|-------------------|
| Front: | 35 ft. | 9.4 ft. |
| Rear: | 50 ft. | 74.9 ft. |
| Side: | 5 ft./10 ft. | 14.9 ft./21.8 ft. |
| NHWE: | 50 ft. | 74.9 ft. |

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

A special condition and circumstance is the unique shape of the lot, narrowing towards the rear, which backs up to a lake.

Not Self-Created

The need for the variance is self-created, and does result from the actions of the applicant, as the applicant constructed the accessory structure without permits.

No Special Privilege Conferred

Approval of the variance as requested will confer special privilege that is denied to other properties in the same area and zoning district.

Deprivation of Rights

The applicant is not being deprived of the right to have an accessory structure on the property in a conforming location. The property is 0.89 acres, which allows for many other options to locate an accessory structure.

Minimum Possible Variance

The request for the location in the front is not the minimum possible variance, as an accessory structure can be placed on the property in a manner that would not require variances.

Purpose and Intent

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

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated 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. The existing landscape buffer along the north property line shall be preserved.
5. The applicant shall obtain permits for the accessory structure within 90 days of the final County approval, or this approval becomes null and void.

C: William Owen Cochran
9252 Lake Hickory Nut Drive
Winter Garden, FL 34787

COVER LETTER

To whom it may concern,

September 16, 2019

This letter is to request a variance for a recently built carport that was constructed on the front of my house at 9252 Lake Hickory Nut Drive, Wither Garden Florida, 34787 remains in the front in lieu of the side or rear. The structure is 22"by18' wide by 21' by 6" feet long, it is 12 feet high and slopes 3 feet to the rear where it stands 9 feet. It has 9 6inch by 6 inch support beams that are anchored with rebar drilled through them and then set in a two feet of concrete. The asphalt shingle roof is secured every foot with 2 by 6 pressure treated wood that have hurricane straps fastened with 2 inch screws. The structure has no walls. Pictures and engineered stamp drawings are provided for your review. I had the property re-surveyed and learned the following; the structure sits 9.4 feet from the nearest property line (this information was a surprise to me as we built it based off the old survey that was provided to me when I bought the house and the structure was well inside what I thought was my property) I am asking variance in this matter as well.

I built the structure for the following reasons:

1. There is no usable garage.
2. Get the cars and campers and other miscellaneous vehicle that are unsightly out of view.
3. There wasn't room on the property to build on the back or side.
4. Several other similar structures are on my neighbor's property in the front of their house.
5. I was told by my General Contractor that it was a rural neighborhood and didn't need zoning approval.
6. My neighbors all like the appearance and the fact that it gets things out of the driveway.
7. While the structure is well hidden, additional plants and shrubs will be added to hide the structure ever more.

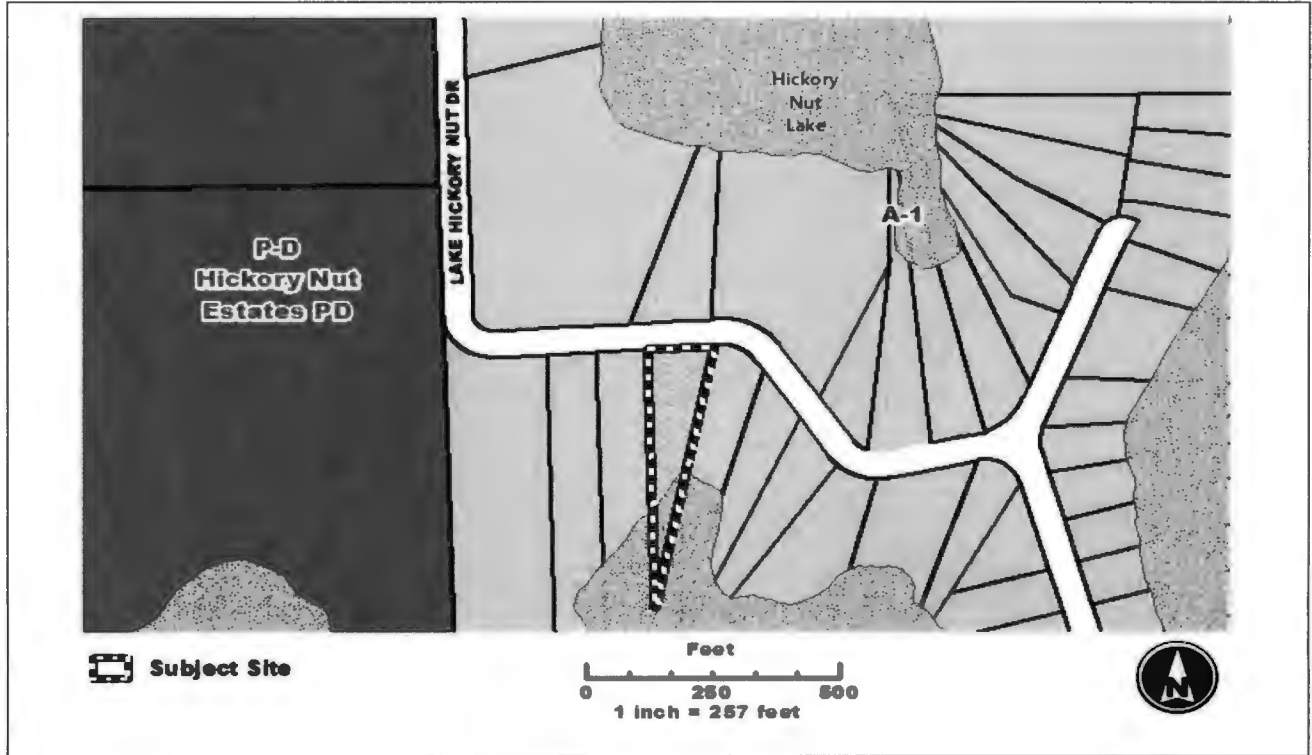
Zoning informed me structures such as this cannot be added to the front of the house, but I was informed that variance would be considered because this house is on Lake Hickory Nut and is "Lake Front" (which is the rear of the house) is considered the front of the house and the front of the house is consider the rear. Also it would be very odd to have a carport on the shores of a lake and probably environmentally unhealthy for the water due to possible fluids from the cars spilling into the lake... Attached for your review are pictures of sheds and garages that are on my street that are in the front of the property...

I you will take into consideration the considerable amount of time and money doing my best to get this structure up to code and to meet with your approval. I feel naïve having listened to general contractor and not gotten zoning involved from the start – but with so many similar structures on my road I thought he was correct in what he was saying. I sincerely hope that you will take into consideration the unique circumstance in this case and allow for the variance.

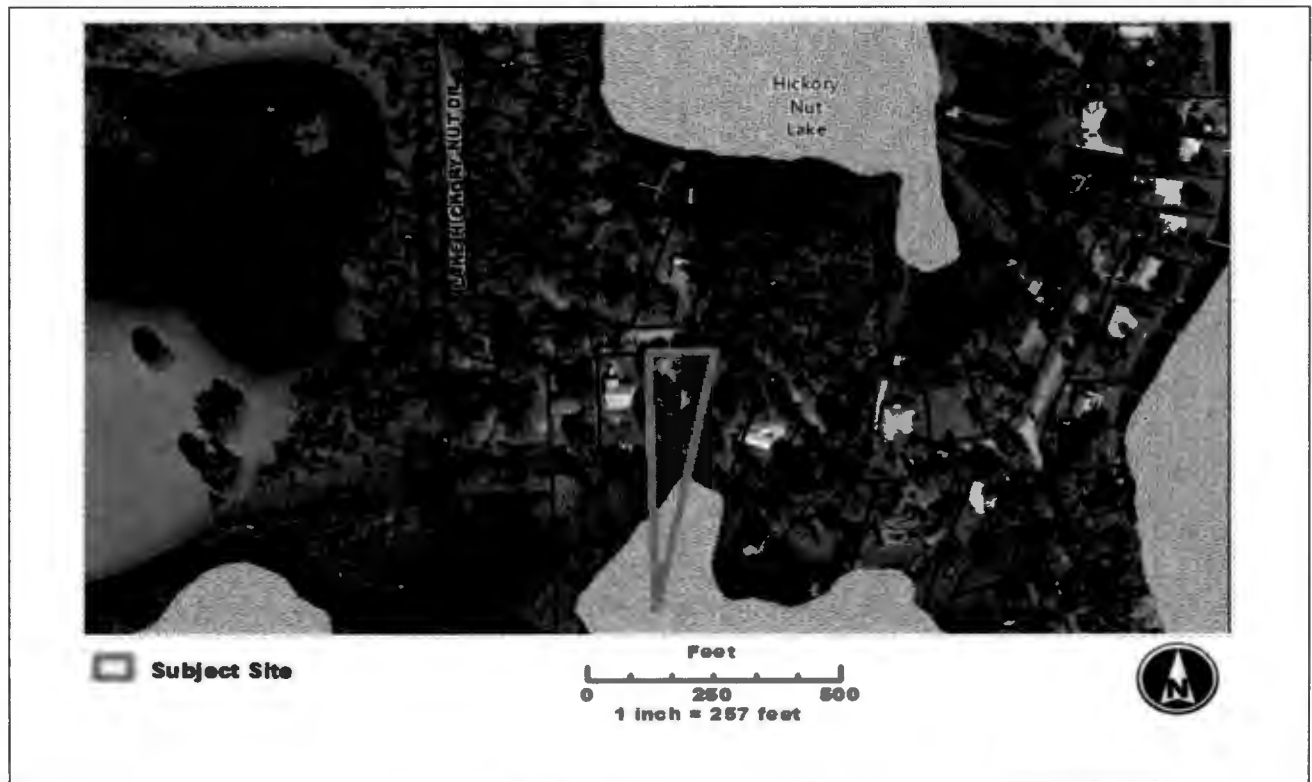
Respectfully,

Bill Cochran

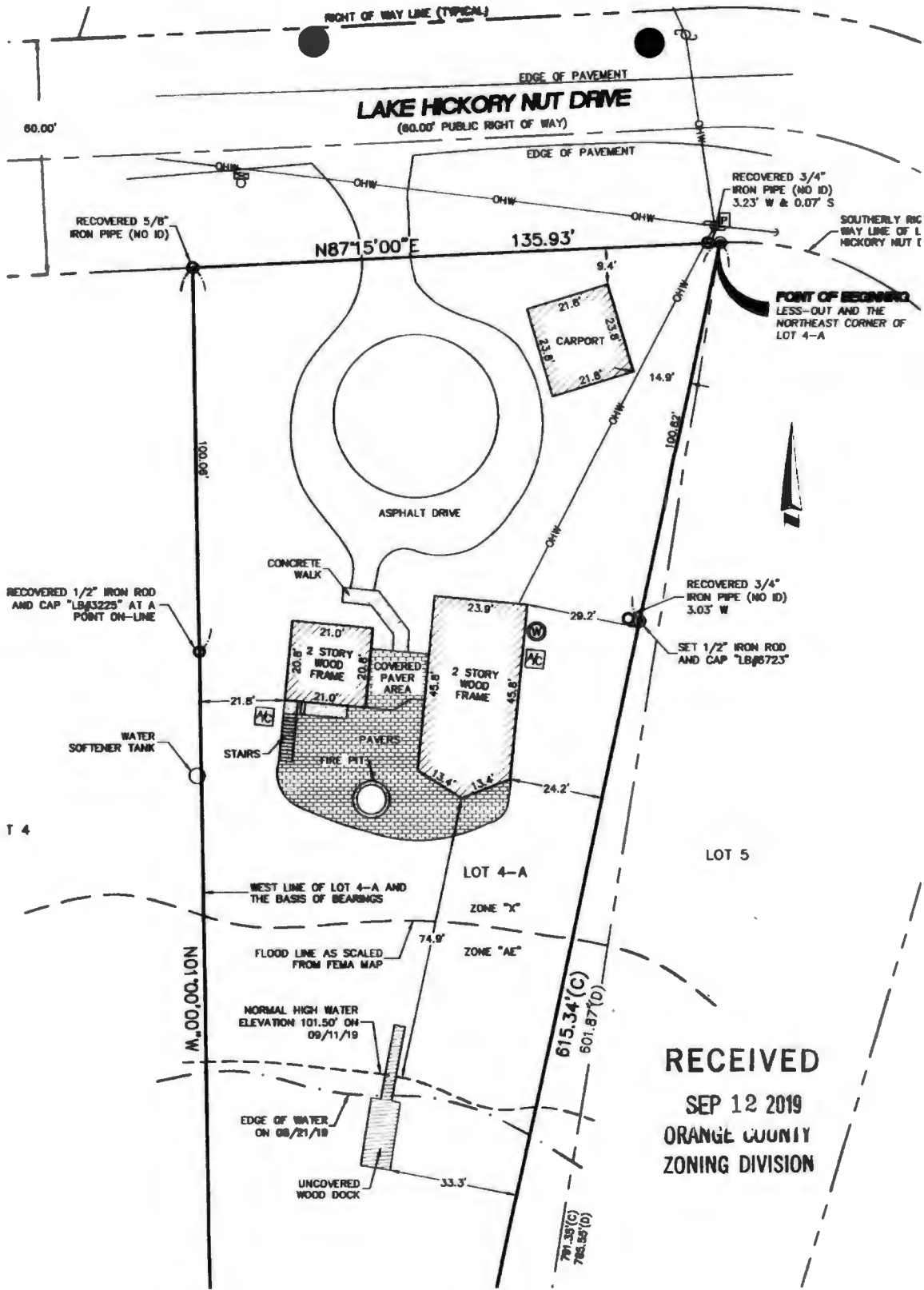
ZONING MAP



AERIAL MAP

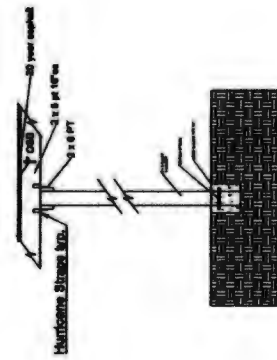
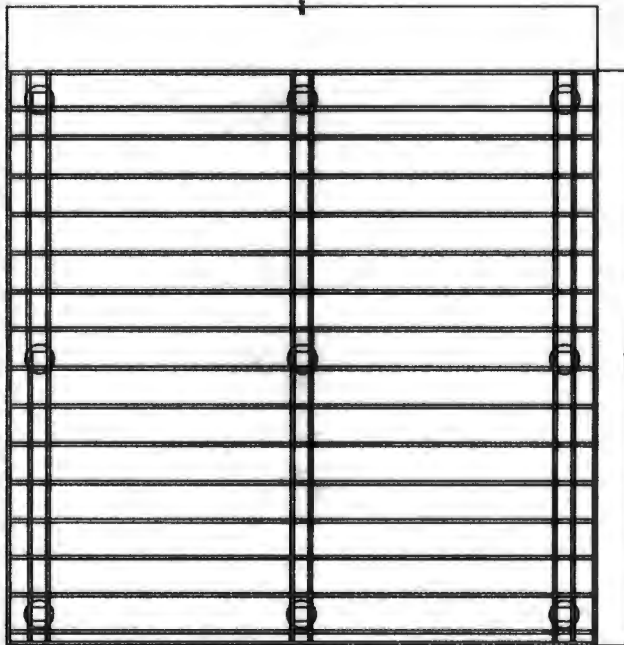
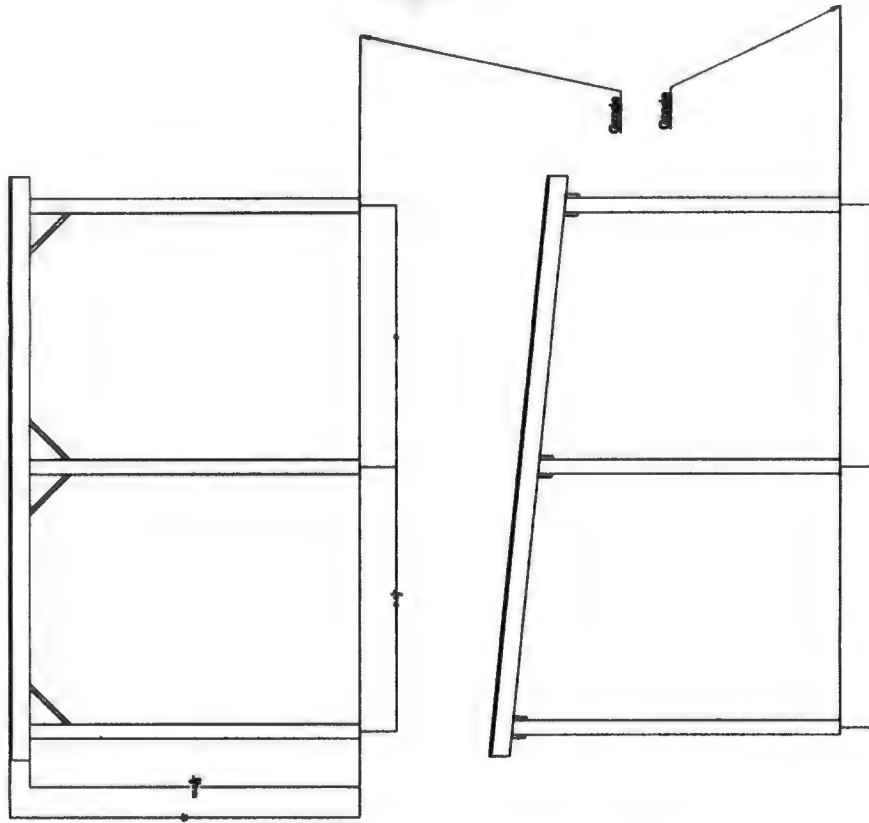


PARTIAL/ ZOOMED SURVEY



RECEIVED
 SEP 12 2019
 ORANGE COUNTY
 ZONING DIVISION

ELEVATIONS



SITE PHOTOS



Front from Lake Hickory Nut Dr.



Front from Lake Hickory Nut Dr.

SITE PHOTOS



Accessory Structure in Front Yard



Accessory Structure in Front Yard

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 03, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-10-113**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): RHONI BISCHOFF

OWNER(s): BISCHOFF FAMILY REVOCABLE TRUST

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

- 1) To allow a pool and deck 28 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
- 2) To allow an existing accessory structure (shed) to be located in front of the principal building (7 ft. from the front property line) in lieu of alongside of or behind.

PROPERTY LOCATION: 16970 Lake Pickett Rd., Orlando, FL 32820, south side of Lake Pickett Rd., approximately 1/2 mile west of Chuluota Rd.

PARCEL ID: 08-22-32-0000-00-007

LOT SIZE: 1.04 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 51

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (6 in favor and 1 opposed):

1. Development in accordance with the site plan dated August 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. 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 pool and pool deck are no closer than twenty-eight (28) feet from the Normal High Water Elevation of Corner Lake.

5. Prior to issuance of a permit for the pool and deck, or within 180 days of final action on this application by Orange County, the applicant shall obtain permits for, or remove, all unpermitted structures, or this approval becomes null and void.

SYNOPSIS: Staff explained the request and the physical conditions of the property including the fact that the lot was triangular. A canal runs along and over the western property line to Corner Lake causing the presence of the Normal High Water Elevation line, requiring a 50 ft. setback. Staff noted that the pool and deck could be located further to the east reducing the amount of variance needed from the setback. In addition, the variance needed for the shed might change as Orange County Transportation Planning has indicated that right-of-way for Lake Pickett Road may be required in the future. Staff noted that it had received one (1) commentary from the owner of the property to the west agreeing with staff's recommendation.

The applicant spoke regarding the siting of the pool and deck, and noted an existing septic tank and trees are located on the east side of the rear yard. The BZA asked how they felt about moving more of the deck to the east side of the pool rather than the west. The applicant explained that the west side was strategically designed to allow sitting out with shade from the afternoon and evening sun. The applicant's wife spoke regarding the shed, noting that the shed was there when they purchased the property from the original owners twenty (20) years ago. There were no members of the public present to speak on this request.

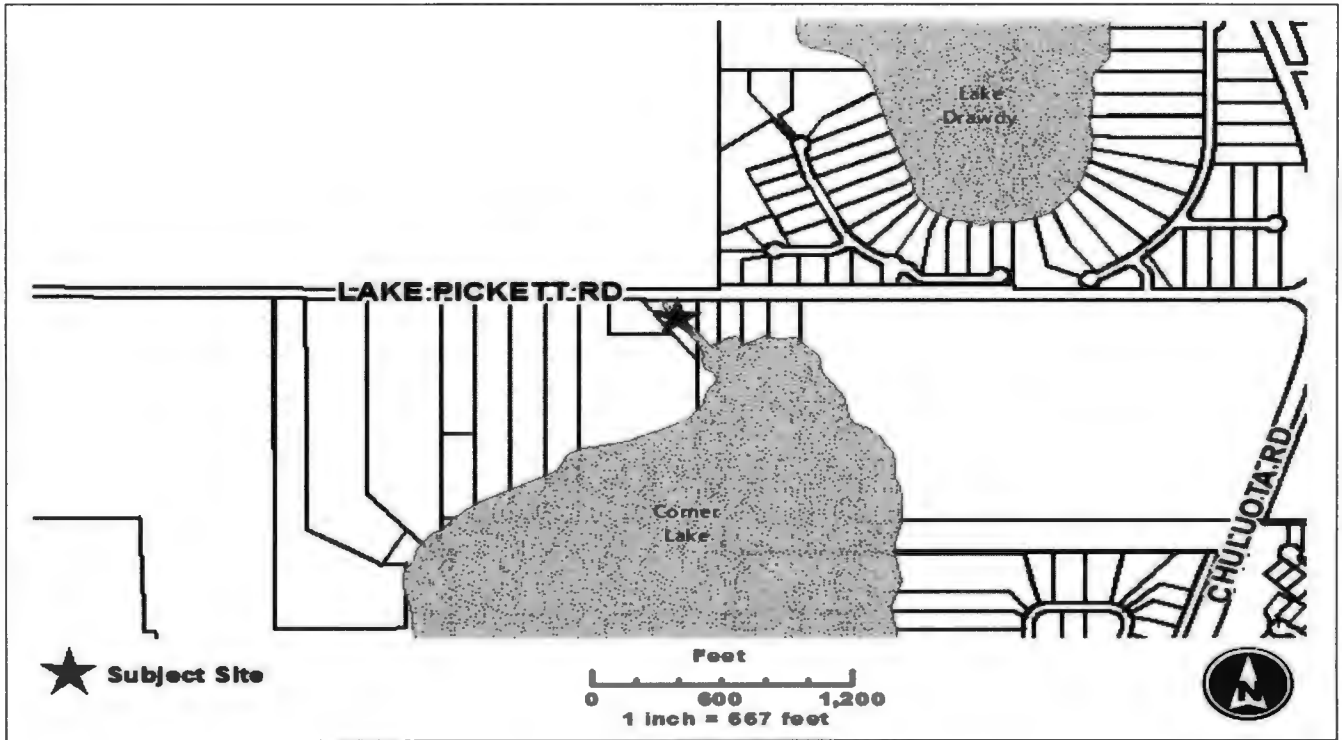
The BZA asked whether there was any buffering for the shed. Staff provided photos showing the buffering from the right-of-way and from the neighboring property.

The BZA made a motion to recommend approval of the requested variances, which was passed with a 6-1 vote.

STAFF RECOMMENDATIONS

Approval of a lesser variance for Variance 1 of 44 ft. in lieu of 50 ft., and denial of Variance 2, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | Property | North | South | East | West |
|-----------------|-------------------------|--------|-------------|-------------------------|-------------------------|
| Current Zoning | A-2 | A-2 | A-2 | A-2 | A-2 |
| Future Land Use | R | R | R | R | R |
| Current Use | Single family residence | Vacant | Corner Lake | Single family residence | Single family residence |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The subject property is a 45,651 sq. ft. parcel developed with an existing single-family residence built in 1965, and two (2) sheds. A tributary to Corner Lake runs through and over the properties west property line.

The residence contains 3,659 gross sq. ft. of floor area, including an integrated two-car garage, and 1,951 sq. ft. of living area. There is also an existing 10.2 ft. x 15 ft. shed located in the northwest corner of the property. Staff was not able to find permits for either shed.

The second shed, which was not on the applicant's survey, was located during a field visit by staff. This shed appears to be located approximately 15 ft. from the top of the bank of the creek which runs along and through the west property line of the subject property and is most likely located in the Normal High Water Elevation (NHWE) setback. Staff has added a condition requiring that the shed be relocated to comply with the required setbacks.

The applicant, who purchased the property in 2008, wishes to construct a pool with associated deck. They wish to center the entire structure behind the rear of the house, as opposed to off to the east where a portion of the deck or pool may be visible from the road.

As a result of the proposed location, the pool deck will be situated 28 ft. from the NHWE in lieu of 50 ft. If the pool and deck were moved 16 ft. further to the east, it would still remain behind the residence, and the NHWE setback would increase from 28 ft. to 44 ft. This would reduce the degree of the variance from a variance of 56% to a variance of just under 9%.

Staff was advised by Transportation Planning that the County is preparing to acquire additional right-of-way (ROW) for Lake Pickett Rd. The amount of ROW needed from the subject property, will vary between five (5) and nine (9) ft. Approval of the variance for the 10.2 ft. x 15 ft. shed in the northwest corner of the property will result in the shed either being on the ROW line, or potentially in the new ROW. It is not possible at this time to make that determination without a survey to identify the new ROW limits.

District Development Standards

| | Code Requirement | Proposed |
|-----------------|------------------|-----------------|
| Max Height: | 35 ft. | N/A (Pool deck) |
| Min. Lot Width: | 100 ft. | 257 ft. |
| Min. Lot Size: | 0.5 ac. | 1.04 ac. |

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

| | Code Requirement | Proposed |
|--------------|-------------------------|--------------------------------------|
| Front: | 35 ft. | 54 ft. (House)/7 ft. (Shed) |
| Rear: | 50 ft. | 120 ft. (Pool deck) |
| Side: | 10 ft. East/50 ft. West | 34 ft. East/ 28 ft. West (Pool deck) |
| Side Street: | N/A | N/A |
| NHWE: | 50 ft. | 50 ft. (House)/28 ft. (Pool) |

STAFF FINDINGS**VARIANCE CRITERIA****Special Conditions and Circumstances**

The special conditions and circumstances regarding this property is its shape, having a tributary to Corner Lake running through its western property line, and the location of the existing home. The home was constructed more toward the eastern side of the lot, and set back over 56 feet from the front property line, where only 35 ft. is required. Due to the shape of the lot, the greater front setback, and the location of the tributary, there is no way to site a pool such that the entire pool and deck, as that proposed, can be behind the house to preserve privacy without encroaching into the NHWE setback. Regarding the shed, there are no special conditions or circumstances. The shed can be relocated.

Not Self-Created

The house was constructed in 1965. The applicants purchased the property in 2008. The house location cannot be changed. However, the shed can be relocated and permitted.

No Special Privilege Conferred

With regard to the construction of a pool, this is a common amenity for a single family home. If the pool and deck were located slightly more to the east, a lesser variance would be needed. With regard to the shed, it can be relocated to a conforming location.

Deprivation of Rights

A lesser variance of 44 ft. would allow for a pool and deck, and will not deprive the applicant of rights commonly enjoyed by other properties.

Minimum Possible Variance

Moving the pool and deck 16 ft. further east will provide the minimum possible variance and still provide the desired privacy, as well as retain the proposed size of the deck. Since the shed can be moved, it can meet the code with regard to location, and the request is not the minimum possible variance.

Purpose and Intent

The granting of a lesser variance for the pool and deck will provide ample land open to the sky, while permitting the applicant to construct a common amenity. This variance will meet the purpose and intent of the code. However, the shed can be moved to comply with the code. Therefore, that variance will not meet the purpose and intent.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated August 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. 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 pool and pool deck are no closer than 44 feet from the Normal High Water Elevation of Corner Lake.
5. Prior to issuance of a permit for the pool and deck, or within 180 days of final action on this application by Orange County, the applicant shall obtain permits for, or remove, all unpermitted structures, or this approval becomes null and void.
6. The existing 10.2 ft. x 15 ft. shed in the northwest corner of the property shall be removed prior to the issuance of a permit for the pool.

C: Rhoni Bischoff
16970 Lake Pickett Rd.
Orlando, FL 32820

COVER LETTER

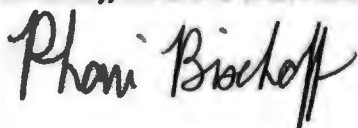
August 6, 2019

To Whom It May Concern at The Orange County Board of County Commissioners and the Orange County Zoning Division,

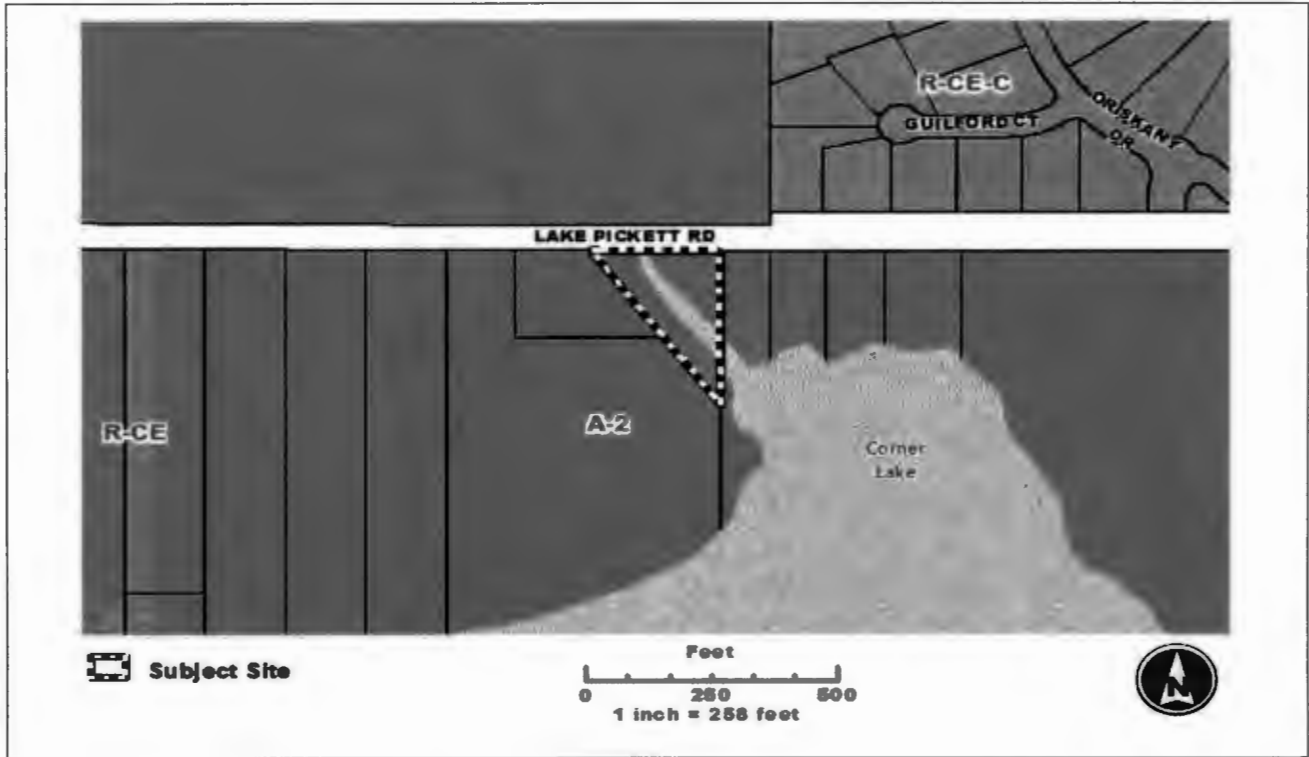
My name is Rhoni Bischoff and my husband, Chris Bischoff, and I reside at 16970 Lake Pickett Rd. Orlando, FL. 32820. We have lived here for the past 20 years. We recently hired All Seasons Pools to build an in ground, concrete swimming pool in our backyard. When All Seasons submitted a permit request for our pool, Roger Hufnagel from Zoning denied the permit stating that the deck for the pool on our proposed plan is only 30 feet from the Normal High Water Elevation (NHWE). The current code requires that the setback be 50 feet from the NHWE. The pool that we are seeking a permit for is 15' X 30' - so it is a typical size rectangle pool. The decking around the pool is 28' X 58'3". We have attached here a detailed site plan/survey with dimensions drawn to scale by a surveyor. Distances in feet from all property lines are shown. Architectural elevations are drawn to scale and you can clearly see the NHWE.

We come before you today to provide justification for our variance request. Per the Orange County Code, we seek our variance request under criteria #1, special conditions and circumstances. First, our property has water on 2 sides. To the south end of our property, we have direct lakefront on Corner Lake. And, to our west, the property sits on a canal that connects Corner Lake to Lake Drawdy. The shape of our lot is also extremely irregular. At the lakefront south side, the lot is narrow due to the mouth of the canal. At the road-front north side of the property, the lot is extraordinarily wide. The house sits closer to the road, to the north end of the property. In order to center the pool on the back of the house, the proposed pool decking will come 20' closer to the NHWE than current Orange County code allows. Because of our irregular shaped lot and because we have water both to our south and to our west, we respectfully request that both the Orange County Zoning Division and the Orange County Board of County Commissioners grants our variance request so that our family may build a swimming pool in our backyard. Thank you for your time and attention to this request.

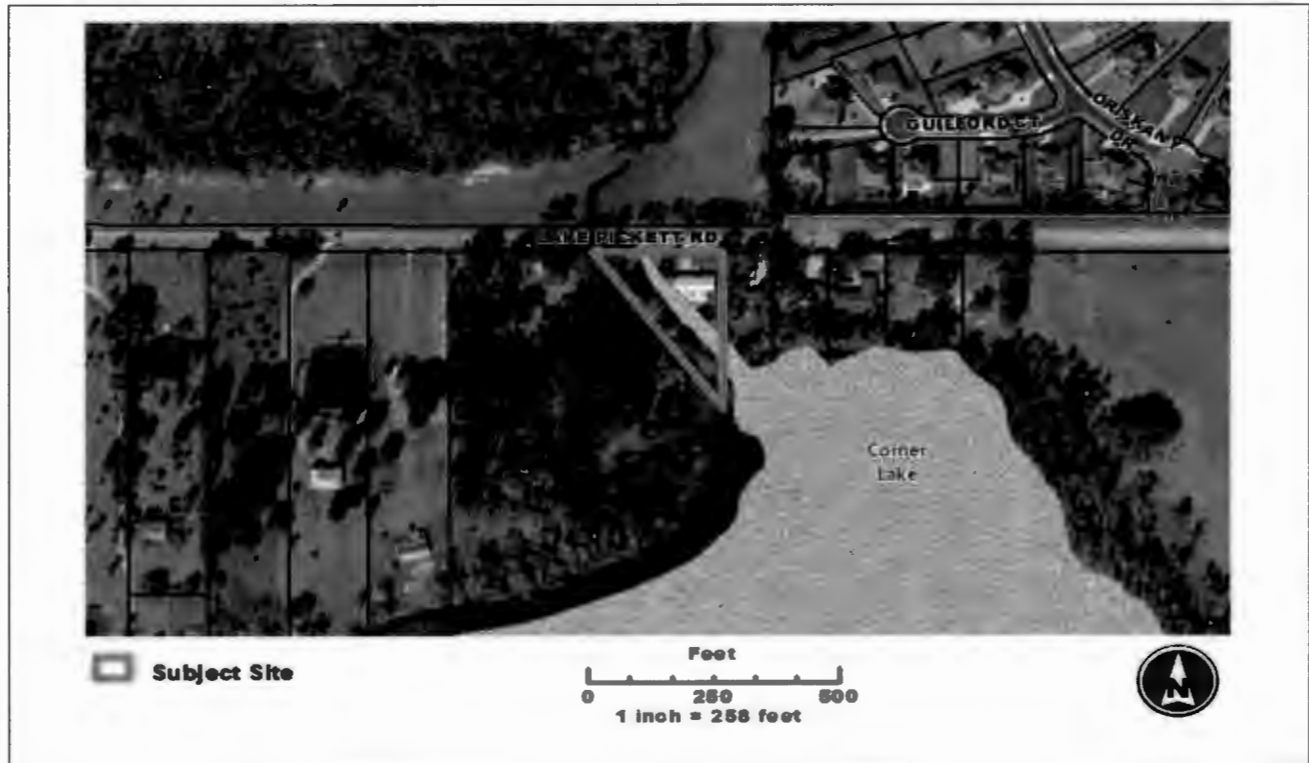
Sincerely, Chris and Rhoni Bischoff



ZONING MAP

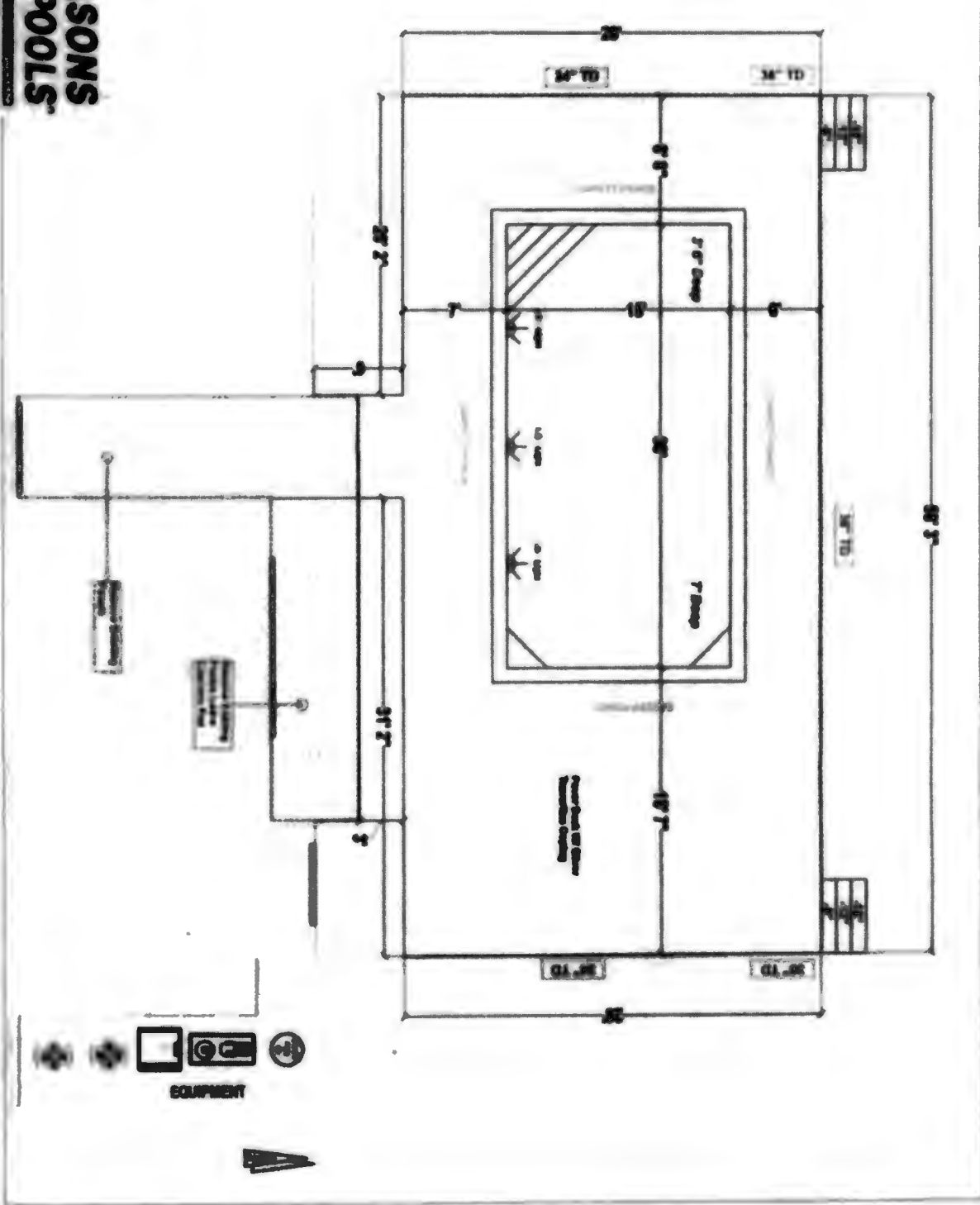


AERIAL MAP



POOL DECK PLAN

**SONS
POOLS**



SITE PHOTOS



North Side of Shed Looking West



South Side and Front of Shed Looking West

SITE PHOTOS



Proposed Location of Pool and Pool Deck Looking North



Canal Looking Southwest at Corner Lake

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 03, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-10-116**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): **JUAN ANTONIO RIOS**

OWNER(s): **JUAN ANTONIO RIOS & ADAYKA SABRINA RIOS**

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

- 1) **To allow an existing home, and a second story addition, 4 ft. from the side (south) property line in lieu of 7.5 ft.**
- 2) **To allow a lot size of 6,500 sq. ft. in lieu of 7,500 sq. ft.**
- 3) **To allow a lot width of 50 ft. in lieu of 75 ft.**
- 4) **To allow an addition 5 ft. from the side (south) property line in lieu of 7.5 ft.**

PROPERTY LOCATION: **304 Granada Drive, Winter Park, Florida, 32789, east side of Granada Dr., north of W. Fairbanks Ave.**

PARCEL ID: **11-22-29-2618-03-040**

LOT SIZE: **50 ft. x 130 ft./ .148 acres**

NOTICE AREA: **600 FT**

NUMBER OF NOTICES: **86**

DECISION: APPROVED 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; 7-0):

1. **Development in accordance with the site plan and elevation dated August 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.**

4. Upon completion of construction, the entire exterior of the house shall be uniform or complimentary with regard to materials and colors.

SYNOPSIS: Staff explained the request and noted that this lot was platted in 1925 and is a legally non-conformation lot of record. While it is a lot of record, staff routinely adds variances to ensure that, if the house ever had to be rebuilt, no further variances would be needed. The home was built in the 1950s before zoning or setbacks. The applicant is not attempting to encroach any further into the setback with the second floor. Staff noted there were verbal conversations with the southern property owner and they did not object to the request. No other correspondence in favor or opposition had been received.

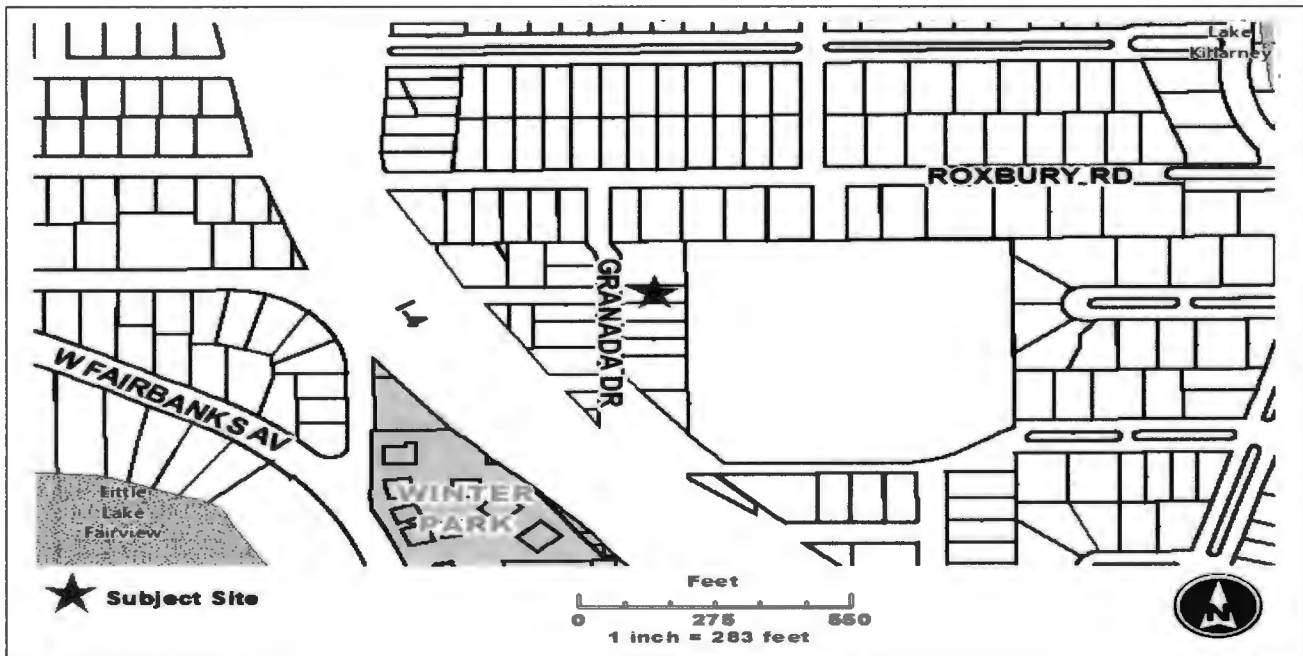
The applicant indicated their agreement with the staff recommendation. No members of the public were present to speak on this request.

The BZA concurred with staff's findings and made a motion to recommend approval of the requested variances, which was passed unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | Property | North | South | East | West |
|-----------------|-------------------------|-------------------------|-------------------------|-----------------------------|------|
| Current Zoning | R-1A | R-1A | R-1A | R-1A | R-1A |
| Future Land Use | LDR | LDR | LDR | INST | LDR |
| Current Use | Single family residence | Single family residence | Single family residence | Killarney Elementary School | I-4 |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The subject property was created through the Fairview Heights Replat, which was recorded in January 1925. The lot is 6,460 sq. ft. in size, with a 50 ft. lot width along Granada Dr. The property is developed with a single family residence, which was constructed in 1950, and an in-ground pool. The rear yard is surrounded by a six (6) ft. tall opaque wood fence. The residence has 1,201 sq. ft. of gross floor area, including an integrated one-car carport, and contains 939 sq. ft. of living area. The minimum amount of living area required in the R-1A zoning district is 1,200 sq. ft. This makes the residence a lawfully nonconforming structure.

The applicant is proposing to renovate the entire home, including adding on to the rear of the home and adding a second floor. The finished home will contain a total of 2,678 sq. ft. of gross floor area, with approximately 2,200 sq. ft. of living area.

The current residence is located 4.9 ft. from the south side lot line. The applicant is proposing to generally follow the existing building line at five (5) ft. from the side lot line to keep the sidewall uniform in appearance, including the second story.

The new addition will bring the square footage of the residence into compliance with the code; however, there is no way to bring the size and width of the lot into compliance, as the lots in this neighborhood are generally uniform in size.

As of the preparation of this report, staff has not received any correspondence in support or opposition to this request.

District Development Standards

| | Code Requirement | Proposed |
|-----------------|------------------|-----------|
| Max Height: | 35 ft. | 30 ft. |
| Min. Lot Width: | 75 ft. | 50 ft. |
| Min. Lot Size: | 7,500 sf. | 6,500 sf. |

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

| | Code Requirement | Proposed |
|--------------|------------------|---|
| Front: | 25 ft. | 25.1 ft. |
| Rear: | 30 ft. | 30.6 ft. |
| Side: | 7.5 ft. | 9.8 ft. (north), 5 ft. (south, with Variance) |
| Side Street: | N/A | N/A |
| NHWE: | N/A | N/A |

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The special condition and circumstance specific to this property is its age. The plat was recorded in 1924, and the house was built in 1950, seven (7) years before the inception of zoning in Orange County. This predates setbacks.

Not Self-Created

The applicant purchased the property in October 2017.

No Special Privilege Conferred

It is a common practice to follow the existing plane of a building line when constructing an addition. For both aesthetic reasons and practical reasons, following the existing building line makes designing and constructing additions less complicated, and generally more aesthetically pleasing.

Deprivation of Rights

Without the variance for the existing home, it will remain nonconforming. Without the variance for the addition and second floor, the applicant will need to redesign the home to meet the 7.5 ft. side setback, including the second story addition over the existing structure.

Minimum Possible Variance

The applicant is not proposing to encroach any further into the side setback. In fact, they are proposing to construct .1 ft. further from the side lot line.

Purpose and Intent

The applicant is constructing an addition; however, there will be sufficient lot area open to above. The purpose and intent of the code is being met.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan and elevations dated August 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.
4. Upon completion of construction, the entire exterior of the house shall be uniform or complimentary with regard to materials and colors.

C: Juan Antonio Rios
14637 Michener Trail
Orlando, FL 32828

COVER LETTER

**Letter of Intent
In support of request for a variance
304 Granada Dr. Winter Park, FL 32789**

This letter is in support of our request for a variance to the south side of the above property. We are doing a full remodel and rehab of this home in order to make it livable for our family to move into. At this time the home is not livable and has been vacant for over 2 years. We would like to make improvements that would be beneficial to the whole neighborhood. Having a like new property built and occupied will bring not only property values up but will definitely have a beneficial impact on neighborhood moral. The existing home is already at 5 feet from the property line. The addition to the home with the approved variance will unite to the existing structure of the property making it not only more uniformed but also more structurally sound since there will be a second story addition.

This home was built prior to 1950 and has a good set of bones that we would like to continue to build on. The new addition will be concrete as the original structure that's there. The wall being added will be 34 feet in length and is to add a master bedroom that it currently doesn't have. The existing home is already 5 ft from property line but it was built prior to zoning division. Now the zoning requirements ask for 7 ft from property line. Being that these circumstances exist already in this neighborhood, we would not be putting any hardships or detrimental circumstances on the community or our neighbors. One of our concerns in asking for this variance and not just moving the rooms around to conform is because we want a more harmonious and cohesive look to the property. We don't want to build a structure that because it is two stories people could spot from afar as being out of place because is jagged, or its non conforming aesthetics.

We have also considered moving the house the other way were it seems to be more room, but this would put the property too close to the pool area and then we have to worry about possible floods and noise levels. We understand that we are asking for changes to take place, but we believe is minor changes compared to the beneficial outcome. We want to make this our home without imposing any harm to the community but actually enriching it by making improvements. This variance will make it possible to have a reasonable use of this structure. Last but also important to us, the wall we are extending is to make a master bedroom downstairs to accommodate my husband's medical challenges. He is a veteran that has recently been diagnosed with _____ and recurring _____. We currently have our bedroom in a second floor and he is having difficulties getting around the stairs. I would like to at least make him comfortable in his home. We believe as mentioned above that this change will be of great boost of moral to both the neighborhood and our family.

Thank you for your consideration

Respectfully submitted

Juan & Sabrina Rios

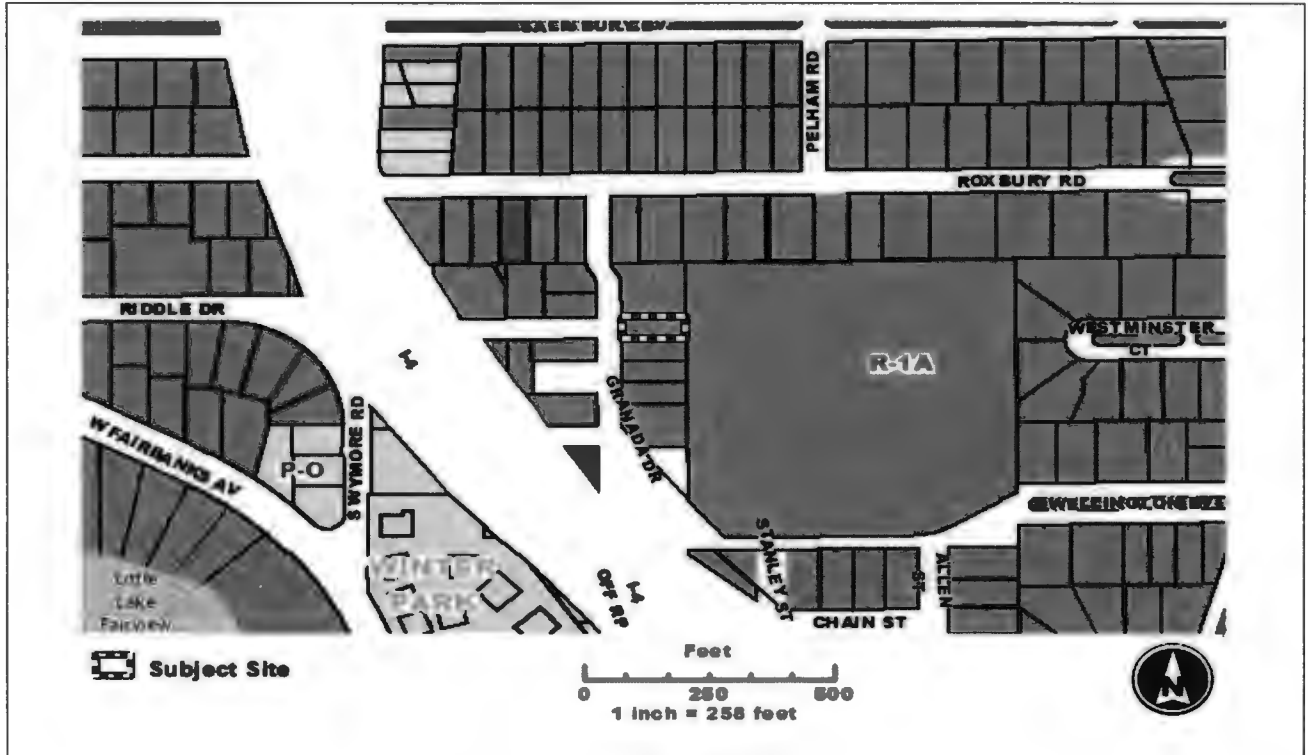


RECEIVED

APR 13 2019

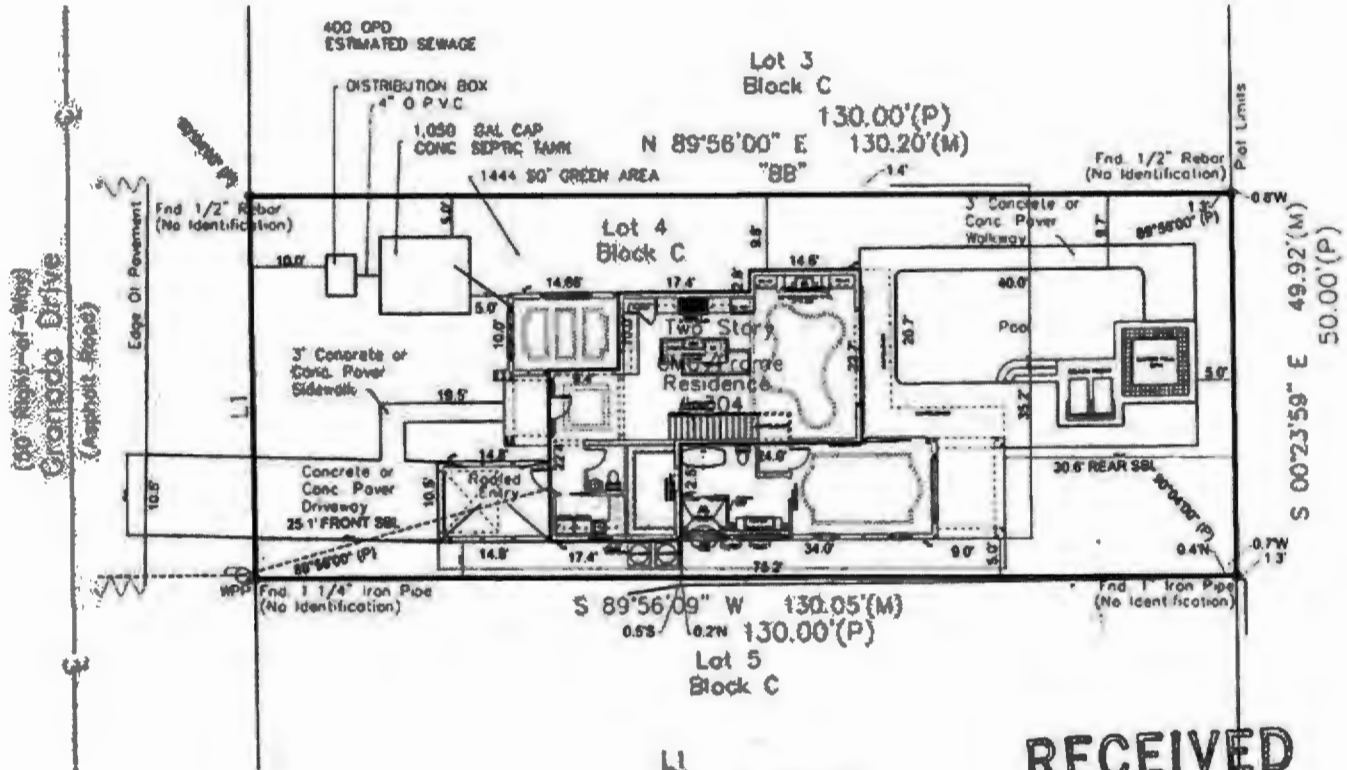
**ORANGE COUNTY
ZONING DIVISION**

ZONING MAP



AERIAL MAP





Unplotted
(Per Plat)



L1
50.00'(P)
N 00°34'14" W 49.91'(M)

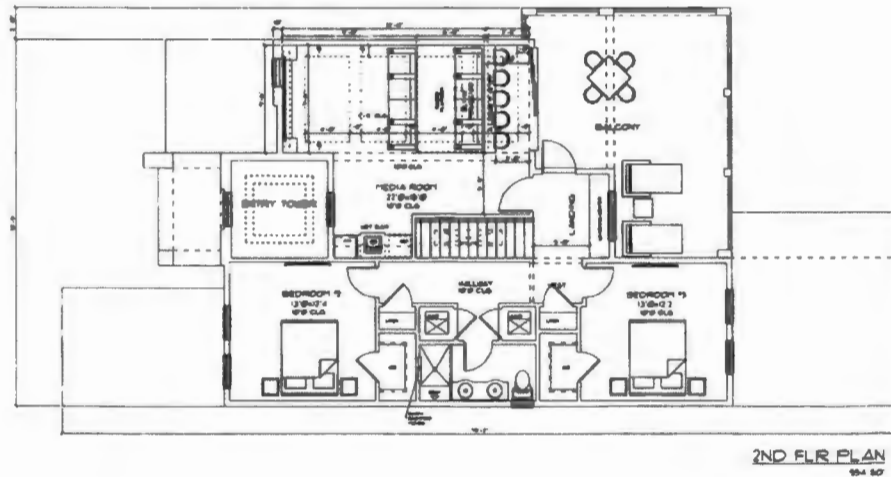
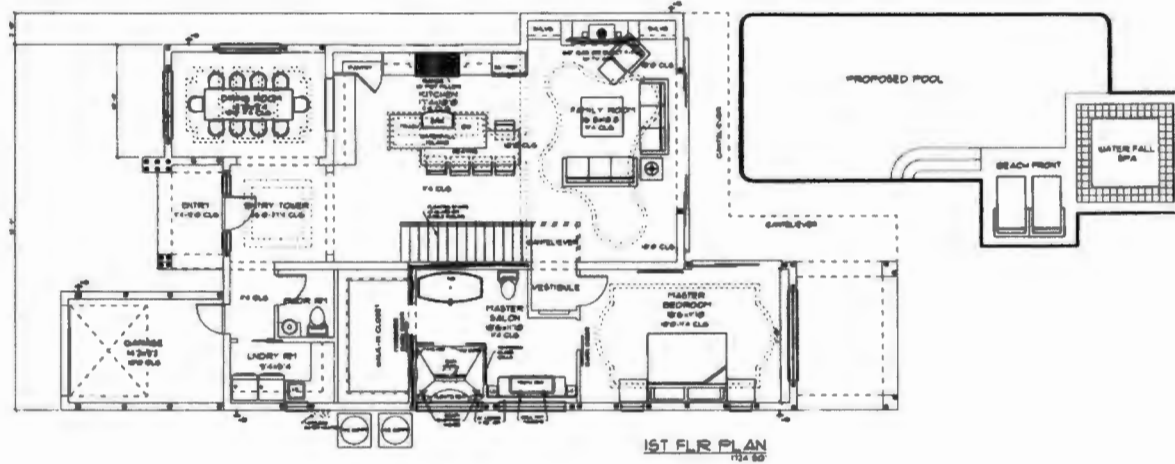
L2
82.00'(P)
N 00°02'45" W 83.05'(M)

RECEIVED
AUG 13 2019
ORANGE COUNTY
ZONING DIVISION

All dimensions are approximate to 1/8" on
ground. No stone and curb measurements or
setbacks, or other recorded setbacks apply.

SITE PLAN

SITE PLAN / SURVEY



CERAMIC TILEWORK
 THE CERAMIC TILEWORK SHALL BE AN SPIRIT POLYMER FLEXION
 SYSTEM TYPE 88 (HARDEST GRADE) FINISH HAVING A MODULUS OF
 RUPTURE AS SHOWN APPROVED DETAIL. INSTALL IN ACCORDANCE
 WITH MANUFACTURER'S RECOMMENDATIONS. JOINTS SHALL BE FINISHED BY
 THE MANUFACTURER'S REPRESENTATIVE.

CASHELY WALLS
 CASHELY WALLS SHALL MEET WITH 4-1/2" FOR HOLD LOAD BEARING TYPE
 FINISH WITH LIFT CAPACITY OF 2000 LBS ON THE NET AREA (11" x 11")
 PER FINISH SHALL BE TYPE 1 (SEE 5) AND TYPE 2 (SEE 6) ONLY.
 SHALL BE USED PER MANUFACTURER'S RECOMMENDATIONS AND MEET WITH
 C-175. TYPICAL SHALL BE 2 TO 4 INCHES.
 DO NOT FILL CASHELY CELLS WITH CONCRETE.
 PROVIDE WOODEN DETAILS IN ADDITION FOR ALL VERTICAL REINFORCING
 ABOVE LIFT SPICES PER CASHELY L-101 SCHEDULE 01 (SEE 7).

THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR
 EXCEED THE 120 PSF SNOW LOAD REQUIREMENTS OF
 SECTION 16 OF THE FLORIDA BUILDING CODE, 1978, 6TH ED.

FLOOR PLANS
 © COPYRIGHT 1980 G. GERRIN ARCHT

FLOOR PLANS

FLASHING NOTE:

INSTALL PRIOR TO LATH + STUCCO 1" GRADE VYCOR PLUS SEALANT TAPE AROUND WINDOW AND DOOR PERIMETER

PROVIDE FLASHING THAT PREVENTS MOISTURE FROM ENTERING WALLS AND ROOF THROUGH JOINTS AND CORNERS THROUGH MOISTURE PERMEABLE MATERIALS AND AT INTERSECTION WITH PARAPET WALLS AND OTHER PENETRATIONS THROUGH THE ROOF PLANE

- (1) DUE TO THE UNPREDICTABLE NATURE OF RENOVATIONS + ADDITIONS ALL DIMENSIONS AND THICKNESSES TO BE VERIFIED IN FIELD PRIOR TO CONSTRUCTION
- (2) ANY DEVIATION FROM THE APPROVED + PERMITTED PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER + ENGINEER PRIOR TO CHANGE



EXIST'G FRONT ELEV

NOTE:

A. TWO WATER-RESISTIVE BARRIERS SHALL BE INSTALLED AS REQUIRED BY R1603.2. THE INDIVIDUAL LAYERS SHALL BE INSTALLED INDEPENDENTLY SUCH THAT EACH LAYER PROVIDES A SEPARATE CONTINUOUS PLANE AND ANY FLASHING INTENDED TO DRAIN TO THE WATER-RESISTIVE BARRIER IS DIRECTED BETWEEN THE LAYERS. (R6C-RESIDENTIAL R1603.2 ONE LAYER AND R1603.1.3 STUCCO)

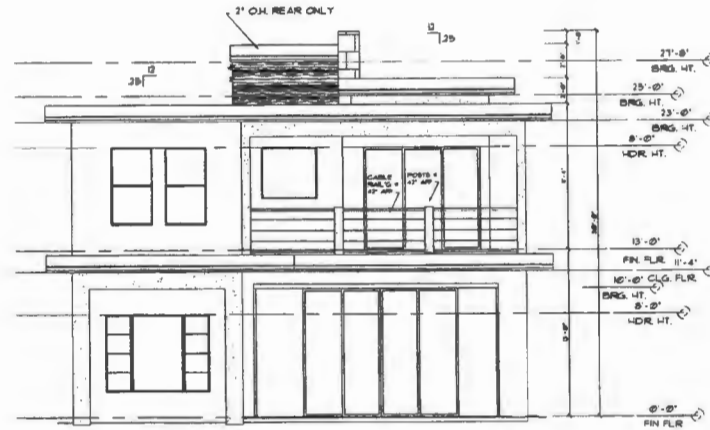
B. LATH AND LATH ATTACHMENT. (R1603.1)

C. STUCCO (EXTERIOR PLASTER) THICKNESS OVER CONCRETE AND WOOD FRAMES. (R1603.1.2, ASTM C926)

D. WEEP SCREED FOR FRAME TRANSITIONS AND TERMINATIONS. (R1603.1.2.1)

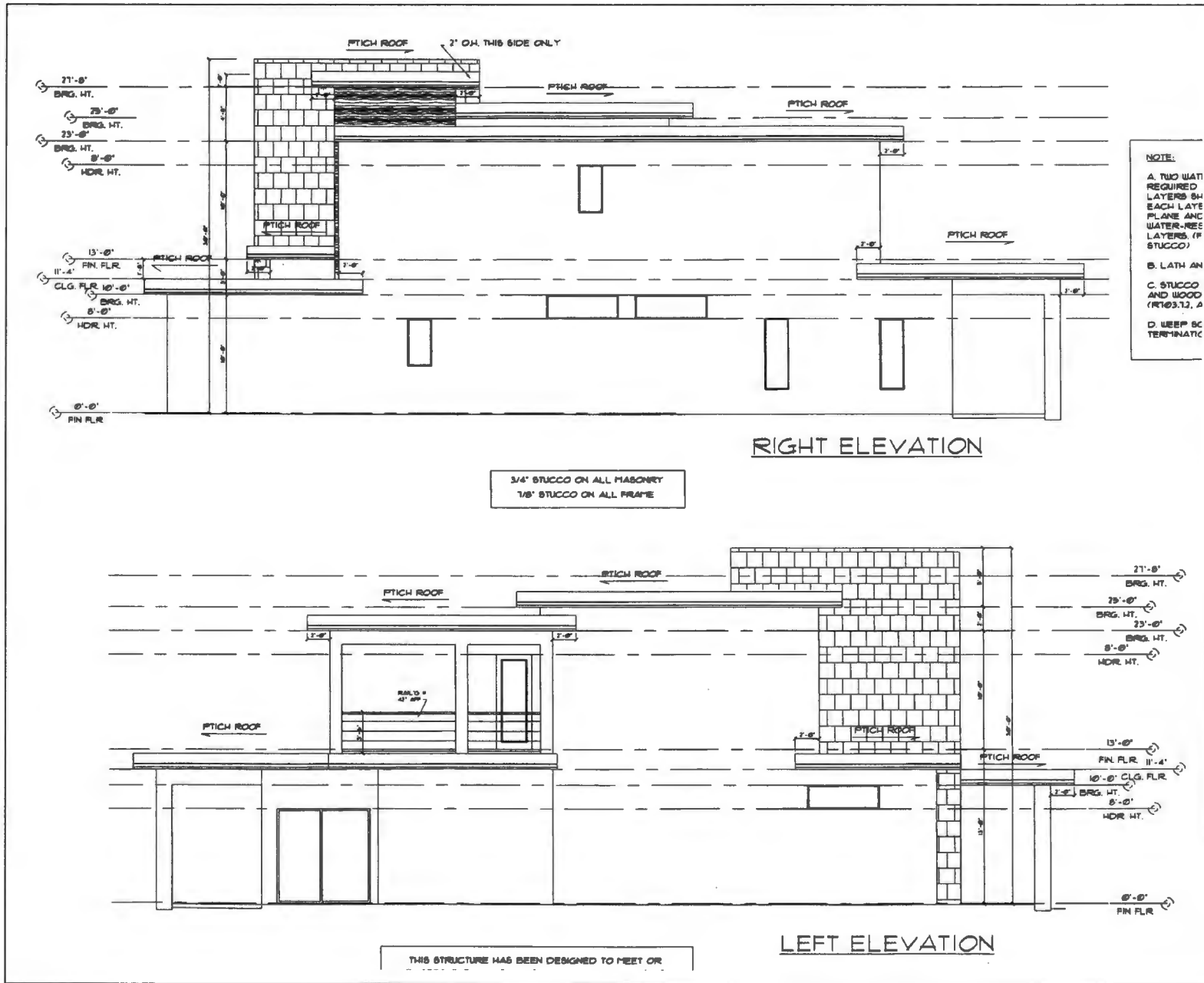


FRONT ELEV



REAR ELEV

ELEVATIONS



ELEVATIONS

SITE PHOTOS



Subject Property Looking East



Subject Property Looking Southeast

SITE PHOTOS



Carport and Neighboring Home Looking South



Nonconforming Side Yard Looking East

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 03, 2019**

Case Planner: **Nick Balevich**

Case #: **VA-19-10-112**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): **MARK PURATH**

OWNER(s): **MARK PURATH, TRACI PURATH**

REQUEST: Variance in the P-D zoning district to permit a pool deck and a screen pool enclosure with a setback of 0 ft. in lieu of 5 ft.

PROPERTY LOCATION: 8897 Fountain Palm Alley, Winter Garden, FL 34787, east side of Fountain Palm Alley, approximately 225 ft. north of Bismarck Palm Dr.

PARCEL ID: 05-24-27-5330-00-360

LOT SIZE: 35 ft. x 121 ft./0.097 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 100

DECISION: APPROVED 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; 7-0):

1. Development in accordance with the site plan dated August 7, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain permits for the screen enclosure within sixty (60) days of the final County approval, 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.

The applicant confirmed that the wall surrounding the rear and side yards was built with the development. The applicant stated that there was confusion among the contractors, which is why the enclosure was built prior to the permit being finalized. The applicant also stated that HOA approval is contingent on County approval.

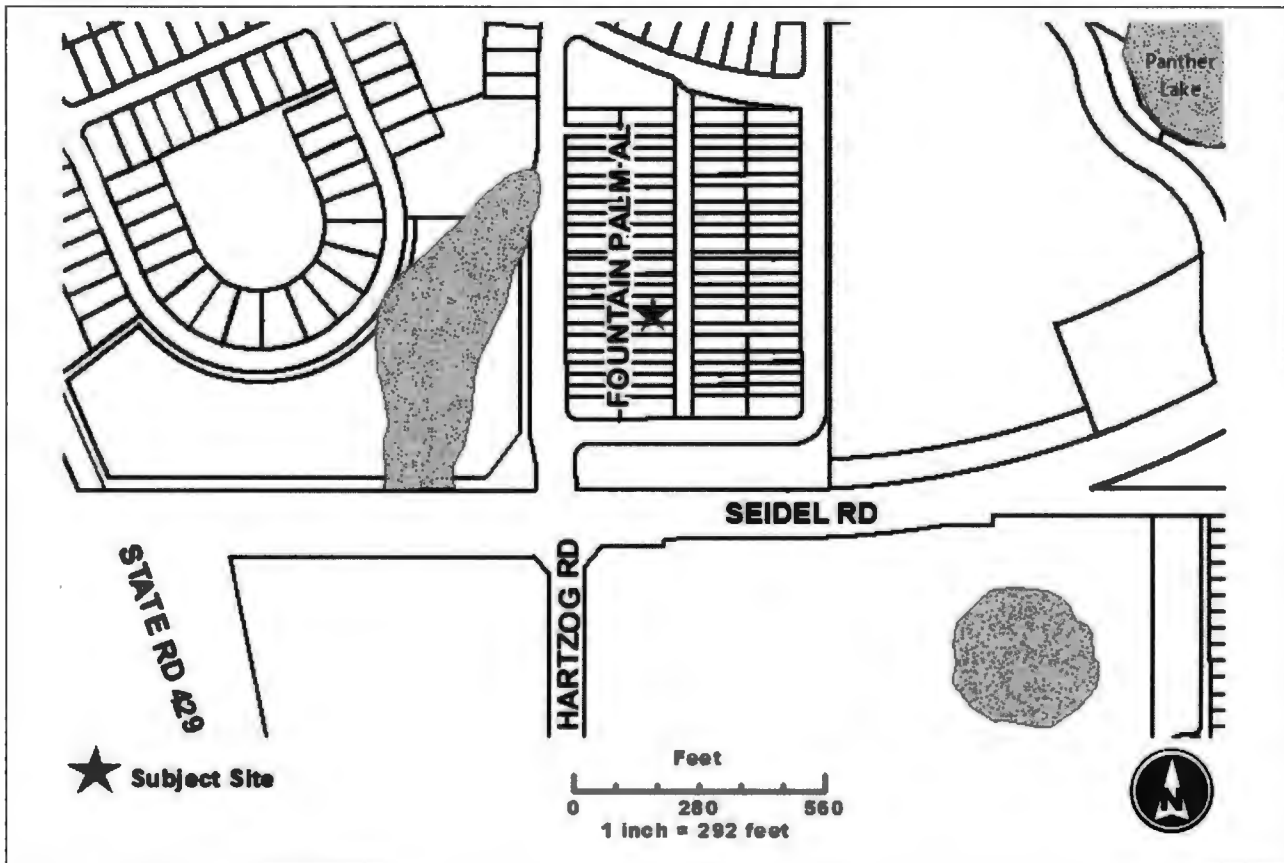
Staff received two (2) commentaries in favor of the application, and one (1) in opposition to the application. There were no members of the public present to speak on this request.

The BZA approved the variance, subject to the conditions recommended by staff.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | Property | North | South | East | West |
|-----------------|-----------|-----------|------------------|-----------|-----------|
| Current Zoning | P-D | P-D | P-D | P-D | P-D |
| Future Land Use | V | V | V | V | V |
| Current Use | Townhouse | Townhouse | Open space tract | Townhouse | Townhouse |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is located in a PD Planned Development district, and is in the Horizon West Village F PD. This PD allows a variety of uses including single-family, townhouses, and multi-family.

The subject property is an end unit townhouse lot with rear access from Fountain Palm Alley. It was platted in 2015 and is considered to be a conforming lot of record. There is a 2,256 sq. ft. townhouse on the lot, with an attached 2 car garage, which was constructed in 2018.

The property is located in the Lakeshore Preserve Phase 1 Plat, which is comprised of townhomes and single family homes.

The applicant has permitted and installed a swimming pool that complies with setbacks. The applicant has also installed a screen enclosure 0 ft. from the side (south) property line, and is proposing to add a deck and planters, 0 ft. from the side (south) property line, where 5 ft. is required. The screen enclosure is on top of an existing block wall.

A permit was applied for in June of 2019 for the screen enclosure (B19903573), but was denied for not meeting the 5 ft. setback. The contractor proceeded to build the enclosure before the permit was finalized or approved.

The side (south) property line abuts a 25 ft. wide open space tract that is also a drainage and utility easement, thus no neighbors will be impacted by this request.

District Development Standards

| | Code Requirement | Proposed |
|-----------------|------------------|-------------------------|
| Max Height: | 55 ft. | 14 ft. Screen enclosure |
| Min. Lot Width: | 16 ft. | 35 ft. |
| Min. Lot Size: | 1,600 sq. ft. | 4,235 sq. ft. |

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

| | Code Requirement | Proposed |
|--------|------------------------------|-------------------------|
| Front: | 15 ft. Pool/Screen enclosure | 36 ft. Screen enclosure |
| Rear: | 5 ft. Pool/Screen enclosure | 33 ft. Screen enclosure |
| Side: | 5 ft. Pool/Screen enclosure | 0 ft. Screen enclosure |

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The subject property is an end unit townhouse lot that abuts a 25 ft. wide open space tract (drainage and utility easement), thus no neighbors will be impacted by this request.

No Special Privilege Conferred

Approval of the variance as requested will not confer special privilege that is denied to other properties in the same area and zoning district, as a neighbor on the same street has a swimming pool and deck with a 0 ft. setback, due to the fact that the property is an internal unit with a 0 ft. side setback.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to add a screen enclosure in the only location that would be possible.

Minimum Possible Variance

This is the minimum possible variance to allow this screen enclosure.

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. The screen enclosure is installed on top of an existing block wall, adjacent to a 25 ft. wide open space tract.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated August 7, 2019 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain permits for the screen enclosure within 60 days of the final County approval, or this approval becomes null and void.

C: Mark Purath
8897 Fountain Palm Alley
Winter Garden, FL 34787

Garrett Trefcer for Premier Pools
4572 Palmetto Avenue
Winter Park, FL 32792

COVER LETTER



Variance Request

August 12, 2019

Re: 8897 Fountain Palm Aly Winter Garden FL, 34787

To whom it may concern:

We are requesting a variance to approve an aluminum screen enclosure with mesh panels at 8897 Fountain Palm Aly Winter Garden, FL 34787.

The proposed aluminum screen enclosure will be installed on top of an existing 6' block privacy wall located on the side property line. The side setback for this specific property is 5', however the previously constructed privacy wall is on the property line. By installing the screen enclosure on top of the privacy wall built by the developer we wish to install the screen directly on the property line, therefore encroaching the 5' setback by 5'.

On the South side of the property there is public access and utility easement so no future structure will be built on that property.

In the same neighborhood, properties at 8818 Bismarck Palm Rd and 8891 Fountain Palm Aly also have screen enclosures that enclose the entire courtyard and attach on top of the 6' privacy wall.

The screen will be installed on top of the existing wall and have a maximum wall height of 10'. The center of the screen will have a maximum height of 14'. The total square feet of roof panel will be 616 sqft. The total square feet of the wall panels will be 219 sqft. The screen will be constructed out of bronze aluminum posts with 18x14 phifer mesh panels.

Due to the unique property and configuration of the side yard at this property it is not feasible to have a screen enclosure installed anywhere but on the existing wall. The enclosure is meant to serve as sun protection for the pool that was approved to be built under permit B18903284. The pool permit was approved by both the HOA and Orange County and included documentation that there would be a screen on the property.

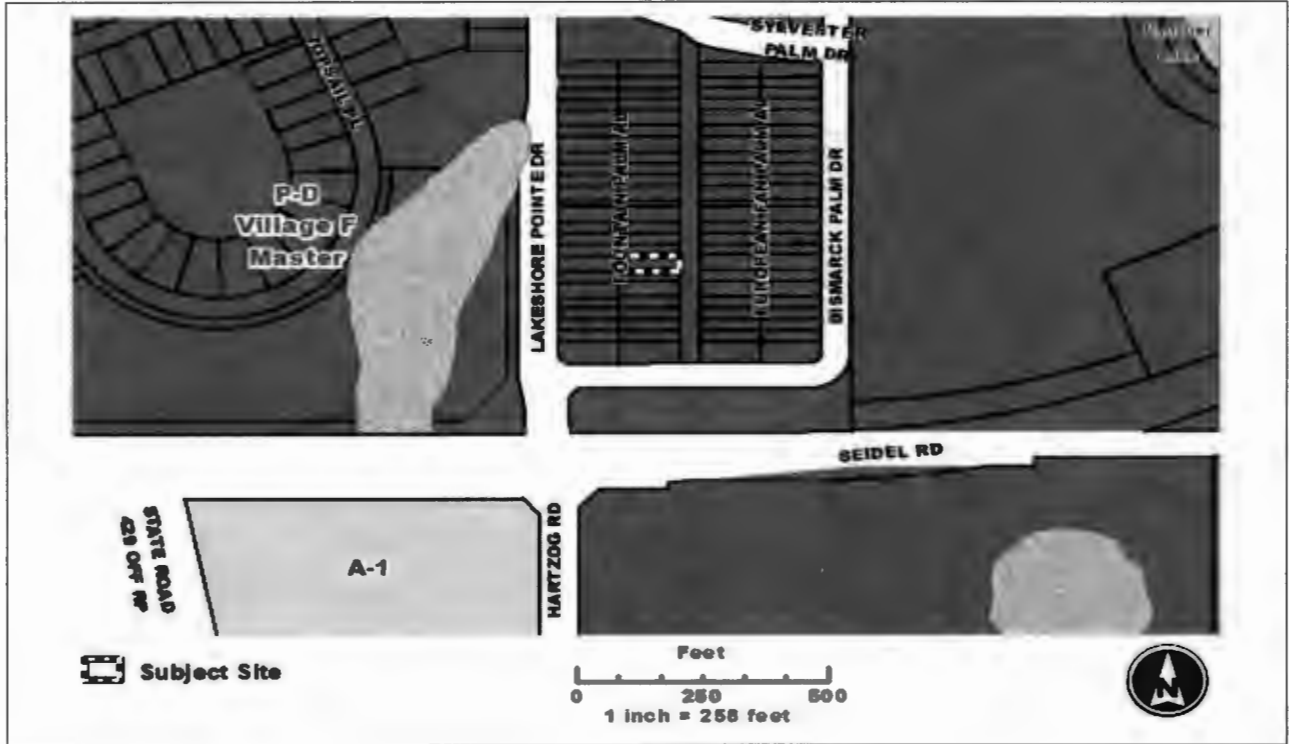
Thank you.

*4572 N. Palmetto Ave., Winter Park, Florida 32792 *407 696 4744 Office * 407 696 5557 Facsimile*

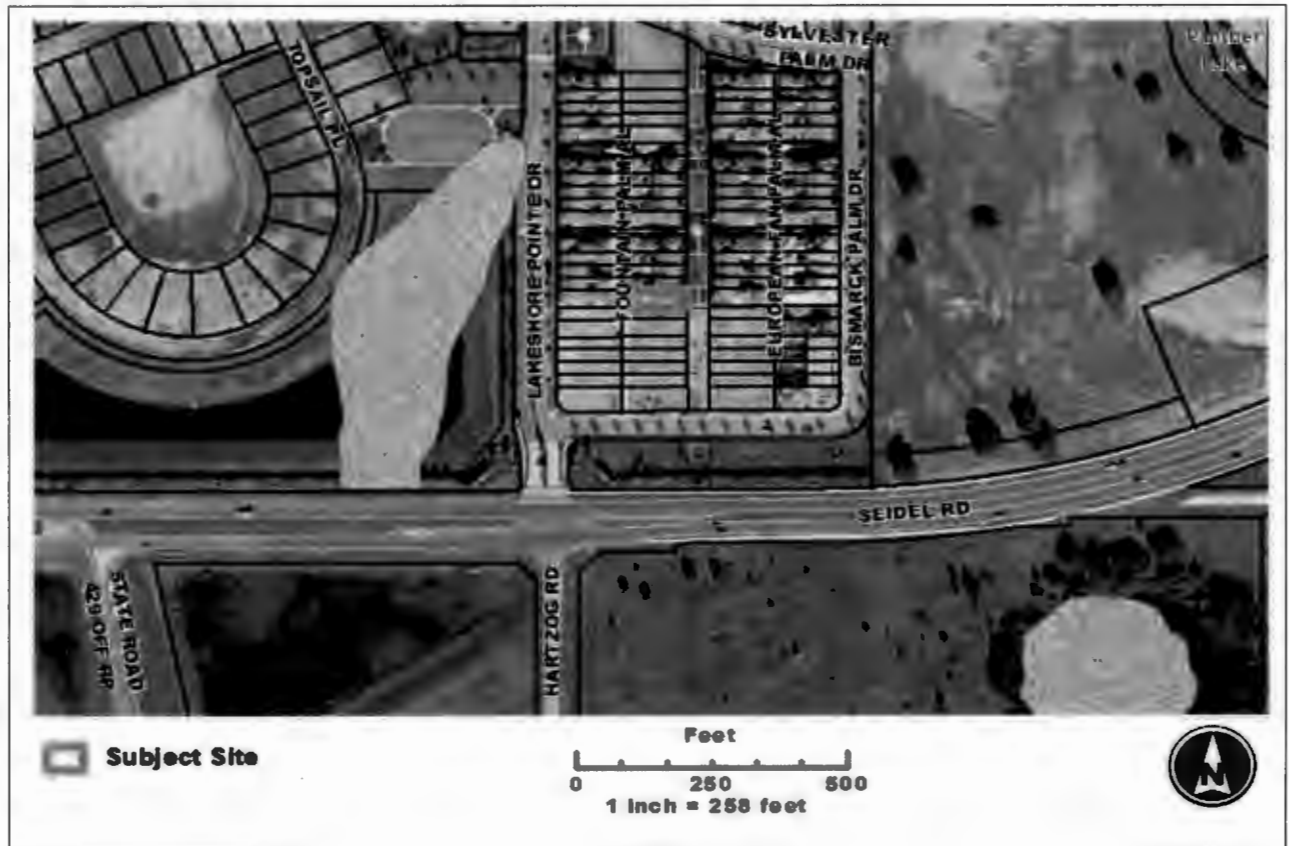
Web site: www.PremierPoolsofCentralFl.com

CPC056822

ZONING MAP



AERIAL MAP



SITE PLAN

FINAL ASBUILT

LOT 36

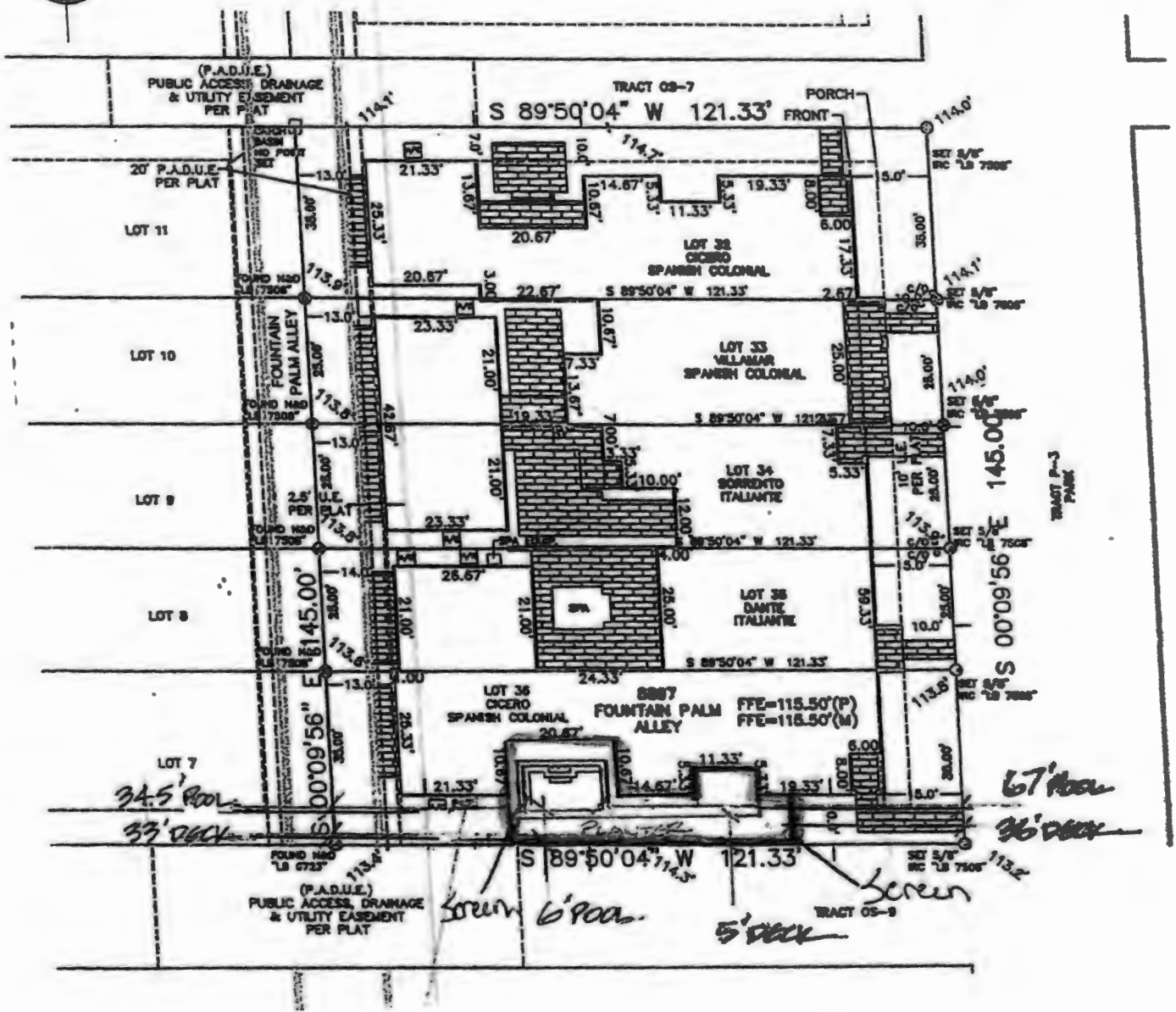
DESCRIPTION:

LOT 36 OF THE PLAT OF "LAKESHORE PRESERVE PHASE 1", AS RECORDED IN PLAT BOOK 87, PAGES 48 THROUGH 55, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

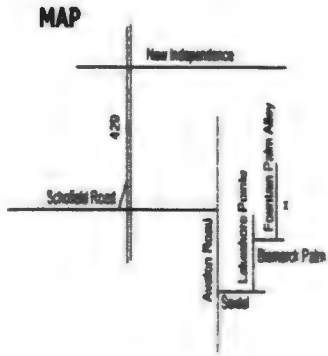


SETBACKS

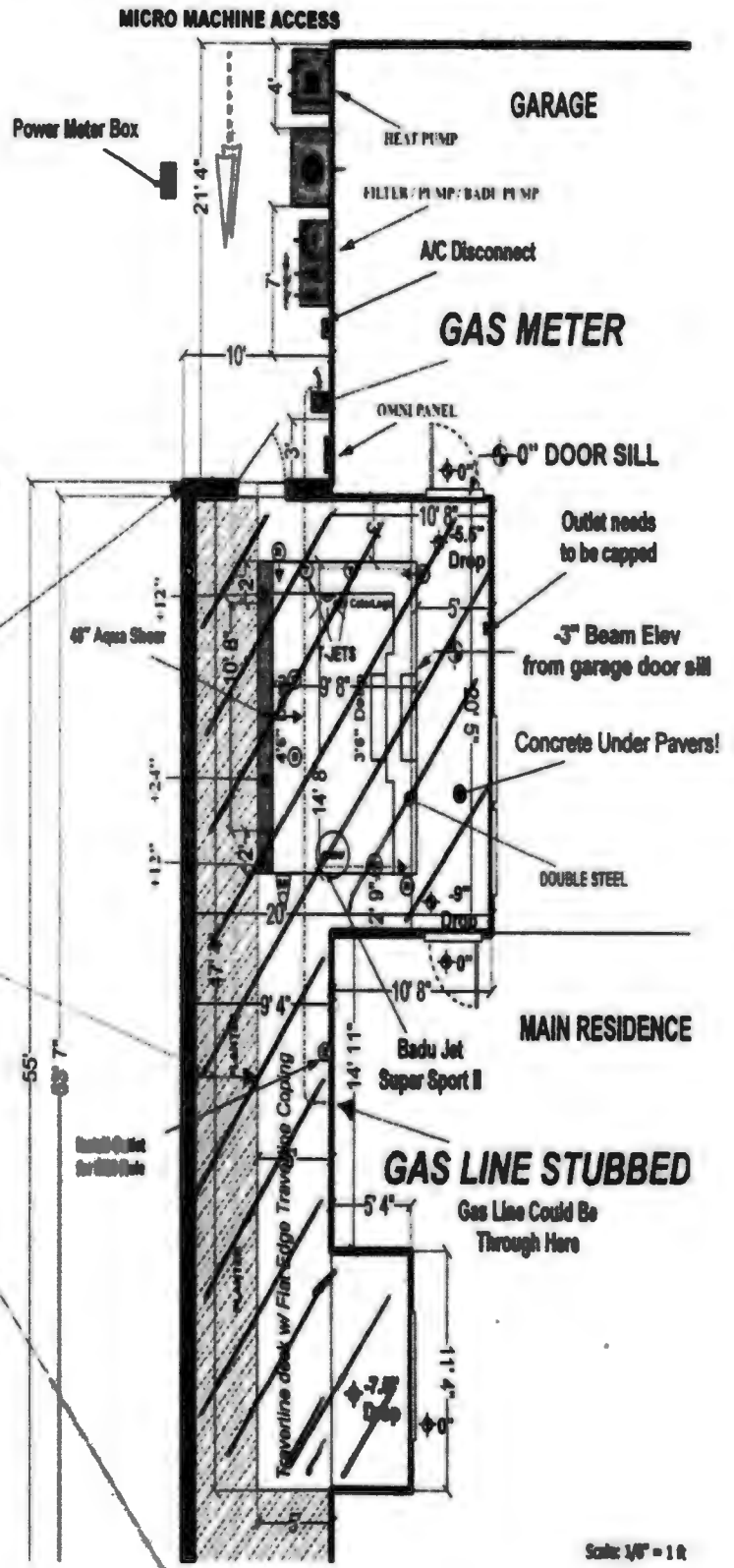
- FRONT PRIMARY=15'
- PORCH=10'
- SIDE=0'/7'
- SIDE STREET=10'
- MAX HEIGHT=55'
- REAR=3' FROM EDGE OF EASEMENT WITH OFF-STREET PARKING



POOL PLAN



ORIGINAL 6/15/18
 REVISED 8/9/18: Adjusted pool for setback issues
 REVISED 9/6/18: Adjusted deck for setback issues
 REVISED 10/23/18: Set elevation



EXISTING 6' PRIVACY WALL
 Installed by homebuilder

Remove existing pavers
 at sod strip (472 SF)

SETBACK: 5'

**POOL MAIN DRAIN
 BRANCH LINE
 IS 3\"**

**POOL TRUNK LINES
 ARE 2\"**

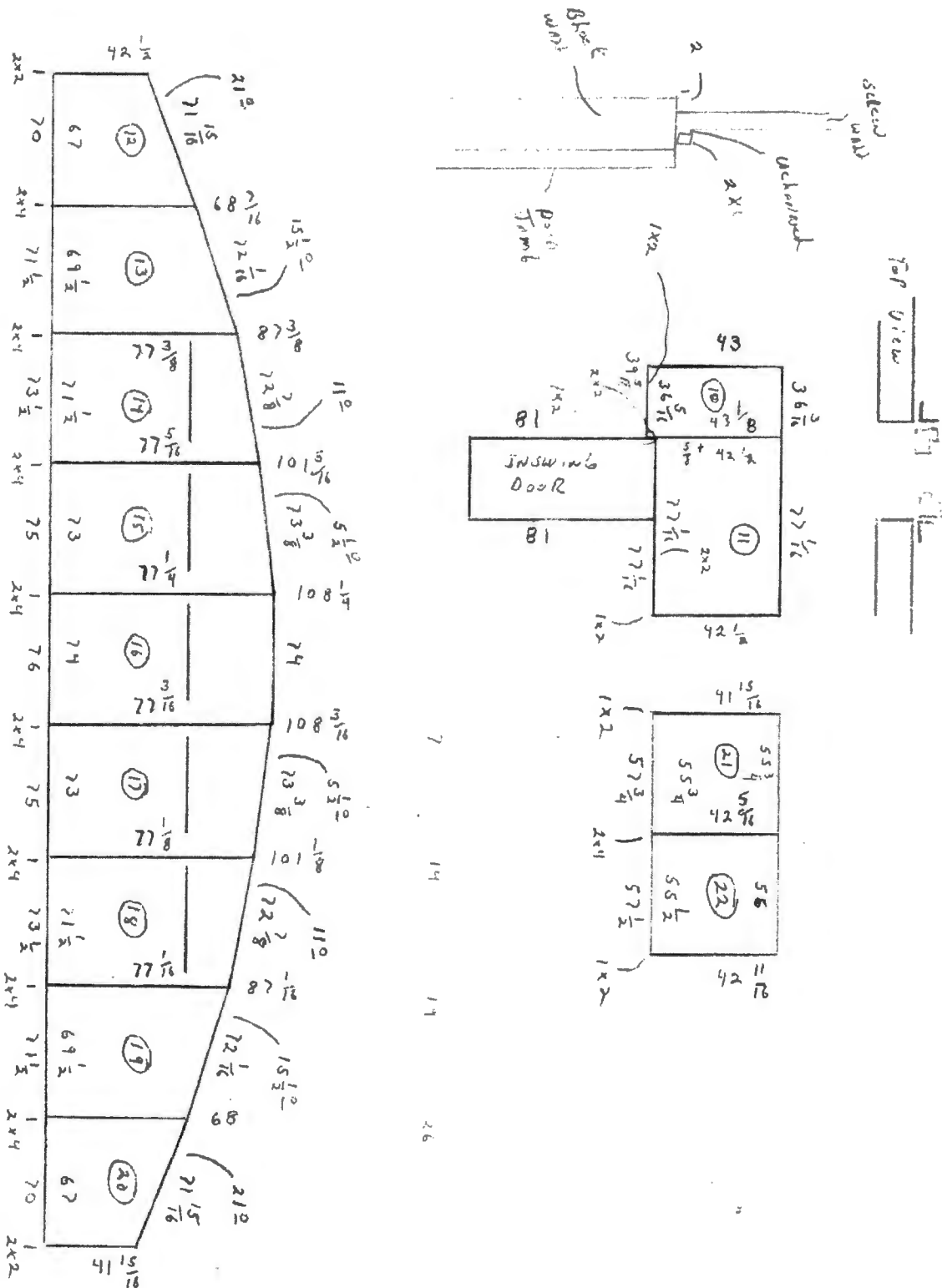
**POOL RETURN LINES
 ARE 2\"**

**POOL DECK WILL BE
 SCREEN ENCLOSED**

**HOME WILL HAVE
 8 WINDOW
 & DOOR ALARMS**

Scale: 1/8" = 1 ft

PROPOSED SCREEN ENCLOSURE



SITE PHOTOS



View from Fountain Palm Alley



Distance between structures

SITE PHOTOS



Front



Side - 5 ft. from pool to wall

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 03, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-10-115**

Commission District: **#3**

GENERAL INFORMATION

APPLICANT(s): **KENNETH ROBERTS**

OWNER(s): **KENNETH ROBERTS**

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

- 1) **To allow an existing house to remain 4 ft. 11 in. from the side (south) property line in lieu of 6 ft.**
- 2) **To allow the enclosing of an existing carport located 4 ft. 11 in. from the side (south) property line in lieu of 6 ft.**

PROPERTY LOCATION: **1511 Melanie Drive, Orlando, Florida, 32825, east side of Melanie Dr., north of the intersection of Seaman St. and Melanie Dr.**

PARCEL ID: **19-22-31-1272-08-060**

LOT SIZE: **50 ft. x 129.5 ft./ .15 acre**

NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **114**

DECISION: APPROVED 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; 7-0):

1. **Development in accordance with the site plan dated August 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.**
4. **The exterior of the converted carport shall match the exterior of the existing residence with respect to**

materials and color.

- 5. Prior to issuance of permits to enclose the carport, the applicant shall obtain permits for any unpermitted paved surfaces, including pavers.

SYNOPSIS: Staff explained that the home which, was constructed in 1955, predated zoning and setbacks. In addition, the home is slightly askew with the south property line. For this reason, when the applicant had applied for a building permit for a rear addition in 2007, the new addition met the six (6) ft. setback. The applicant is not proposing to encroach any closer to the side property line, and meets the front setback. Parking will be met by two (2) parking spaces located on either side of the home. Staff noted that it had not received any commentaries in favor or opposition to the request.

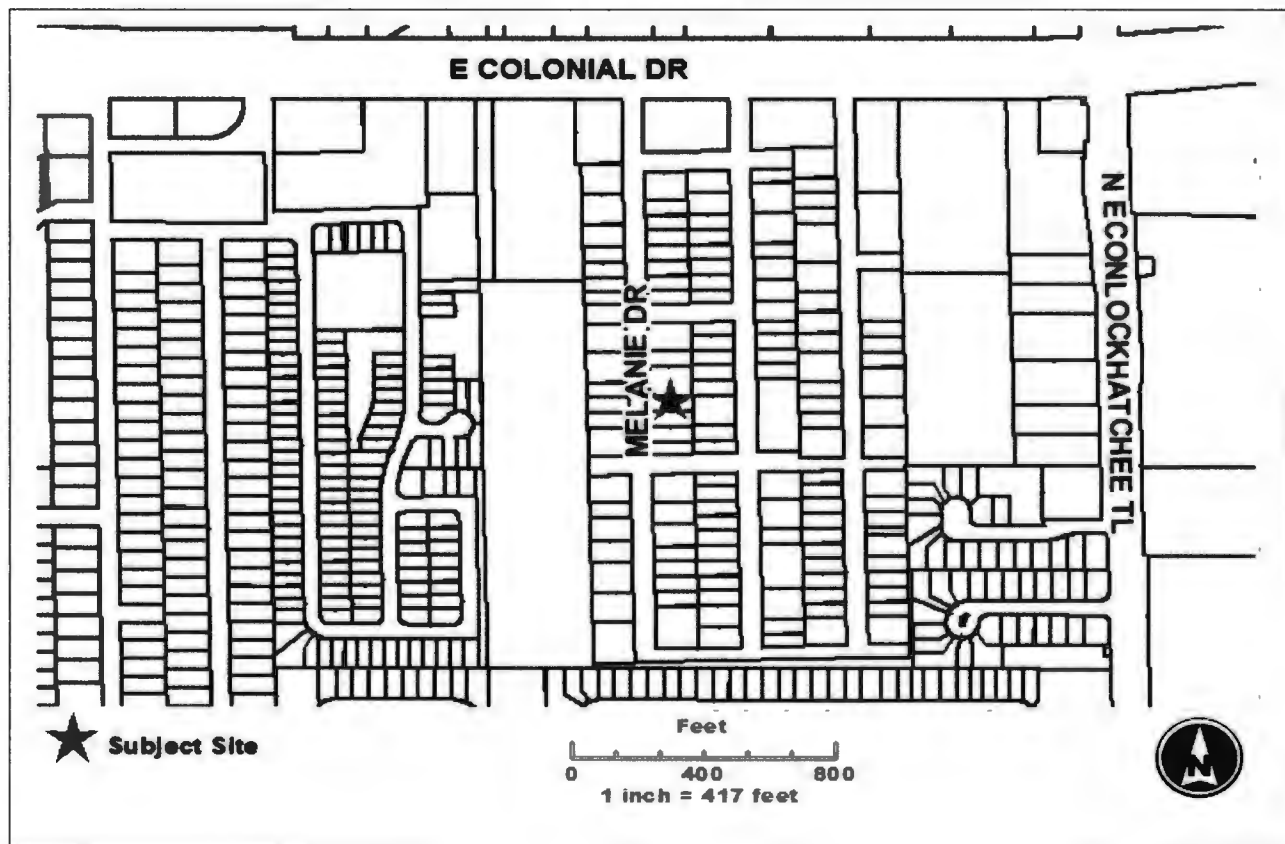
There were no members of the public present to speak on this request.

The BZA concurred with staff's findings and made a motion to recommend approval of the requested variances, which was passed unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | Property | North | South | East | West |
|-----------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| Current Zoning | R-1 | R-1 | R-1 | R-1 | R-1 |
| Future Land Use | LMDR | LMDR | LMDR | LMDR | LMDR |
| Current Use | Single Family Residence | Single Family Residence | Single Family Residence | Single Family Residence | Single Family Residence |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned R-1, Single Family Dwelling district, which allows single family homes and associated accessory structures on lots a minimum of 5,000 sq. ft. or greater.

The subject property is 6,473 sq. ft., and was created by the Cheney Heights Unit 1 Replat, which was recorded in November 1955. According to the Property Appraiser's information, the existing residence was constructed in 1953 and contains a total of 2,373 sq. ft. of gross floor area, including the carport. The site also contains extensive installation of pavers, for which no permit was found. If the variance is granted the applicant will need to obtain permits for these pavers. The applicant indicates that the two required parking spaces will be accommodated on paver covered parking spaces either side of the house. The applicant purchased the property in 2002.

In August, the applicant submitted for permits to enclose the existing carport to convert it to living space. When they submitted the permits, the survey showed that the existing residence and carport failed to meet the six (6) ft. side setback along the south property line. A review of the survey reveals that the house was not built parallel to the side property line, but partially skewed toward the southwest corner. This placed the front corner of the structure closer to the side lot line than the rear corner.

In May 2007, the applicant obtained a permit to construct two (2) new bedrooms to the rear of the home (B07005681). The portion of the home where the addition was constructed met the six (6) ft. setback due to the skewed orientation of the structure to the side lot line.

The applicant indicates that with the conversion of the carport to living space, the two required parking spaces will be accommodated on paver covered parking spaces on either side of the house.

District Development Standards

| | Code Requirement | Proposed |
|-----------------|------------------|---------------|
| Max Height: | 35 ft. | 10 ft. |
| Min. Lot Width: | 50 ft. | 50 ft. |
| Min. Lot Size: | 5,000 sq. ft. | 6,473 sq. Ft. |

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

| | Code Requirement | Proposed |
|--------------|------------------|----------|
| Front: | 25 ft. | 37 ft. |
| Rear: | 25 ft. | 54 ft. |
| Side: | 6 ft. | 4.91 ft. |
| Side Street: | N/A | N/A |
| NHWE: | N/A | N/A |

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions and circumstances particular to this site is the age of the original construction. The original house predates zoning, and was therefore constructed prior to setbacks. Also, the orientation of the house to the side lot lines causes the west end of the home to be closer to the side property line. Had it been constructed parallel to the property lines, this variance may not have been needed.

Not Self-Created

The applicant purchased the property in 2002. The original portion of the house was constructed in the 1950's.

No Special Privilege Conferred

Allowing the enclosing of a carport is a common occurrence, especially in older neighborhoods. Adequate parking will be maintained. The existing carport is under the same roof system as the rest of the house.

Deprivation of Rights

Without the variance for the existing residence, the house will be a nonconforming structure. Without the variance for enclosing the carport, the applicant will not be able to enclose the carport and increase the living area of the home to accommodate their needs.

Minimum Possible Variance

The applicant is not proposing to encroach any further into the setback. The requested variance amounts to an 18% encroachment, which will be imperceptible.

Purpose and Intent

The applicant has converted the front yard to an ornamental yard to compliment the residence. There is still sufficient rear yard open to above the meet the open space requirements. The request is consistent with the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated August 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.
4. The exterior of the converted carport shall match the exterior of the existing residence with respect to materials and color.
5. Prior to issuance of permits to enclose the carport, the applicant shall obtain permits for any unpermitted paved surfaces, including pavers.

C: Kenneth Roberts
1511 Melanie Drive
Orlando, FL 32825

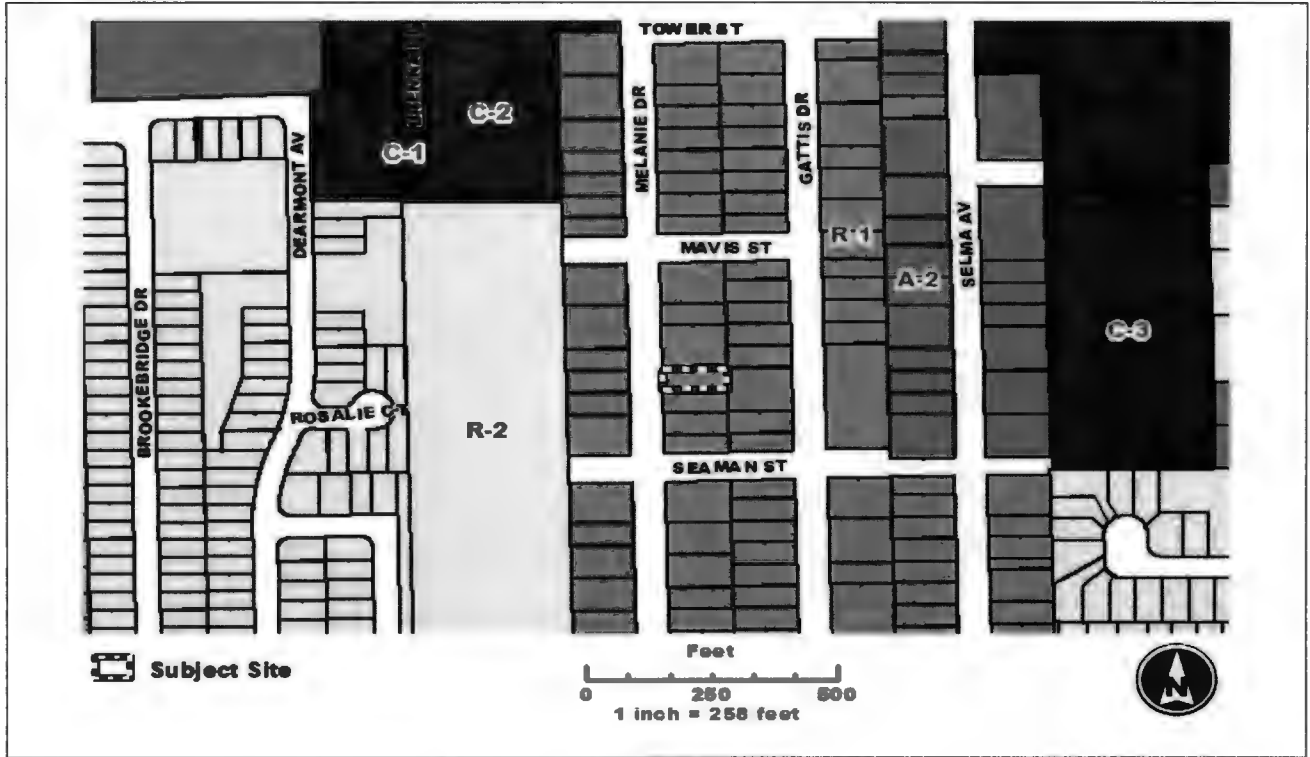
COVER LETTER

Kenneth Roberts
1511 Melanie Drive
Orlando, FL 32825

Variance Application Cover Letter

Our house was built in 1953 but moved because of the 408 extension in the 1970s. We purchased the home in 2002 from HUD, "as-is". We would like to close in our existing carport. The variance is 6 feet and currently, the carport lies 5 feet 5 inches from the property line.

ZONING MAP



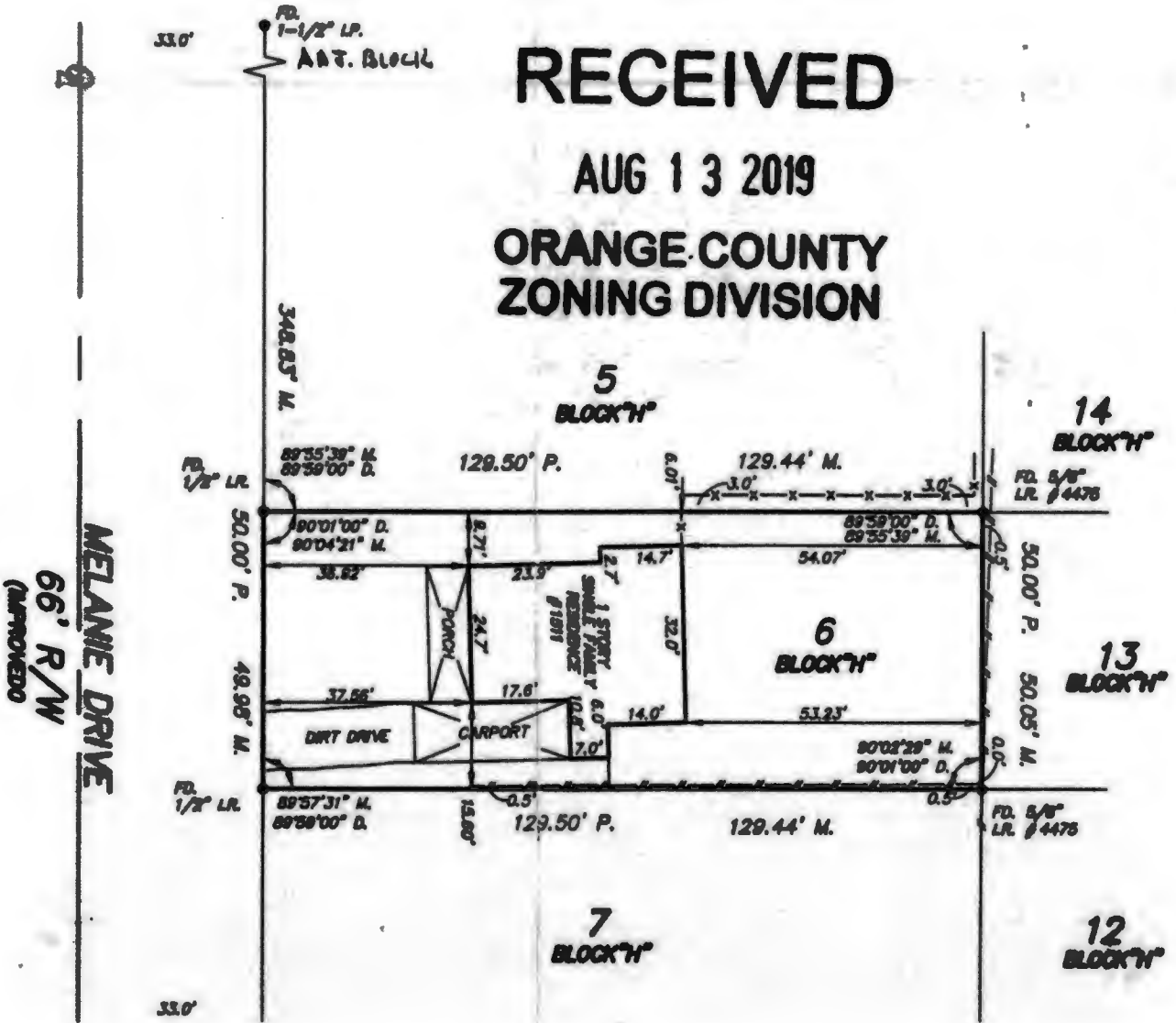
AERIAL MAP



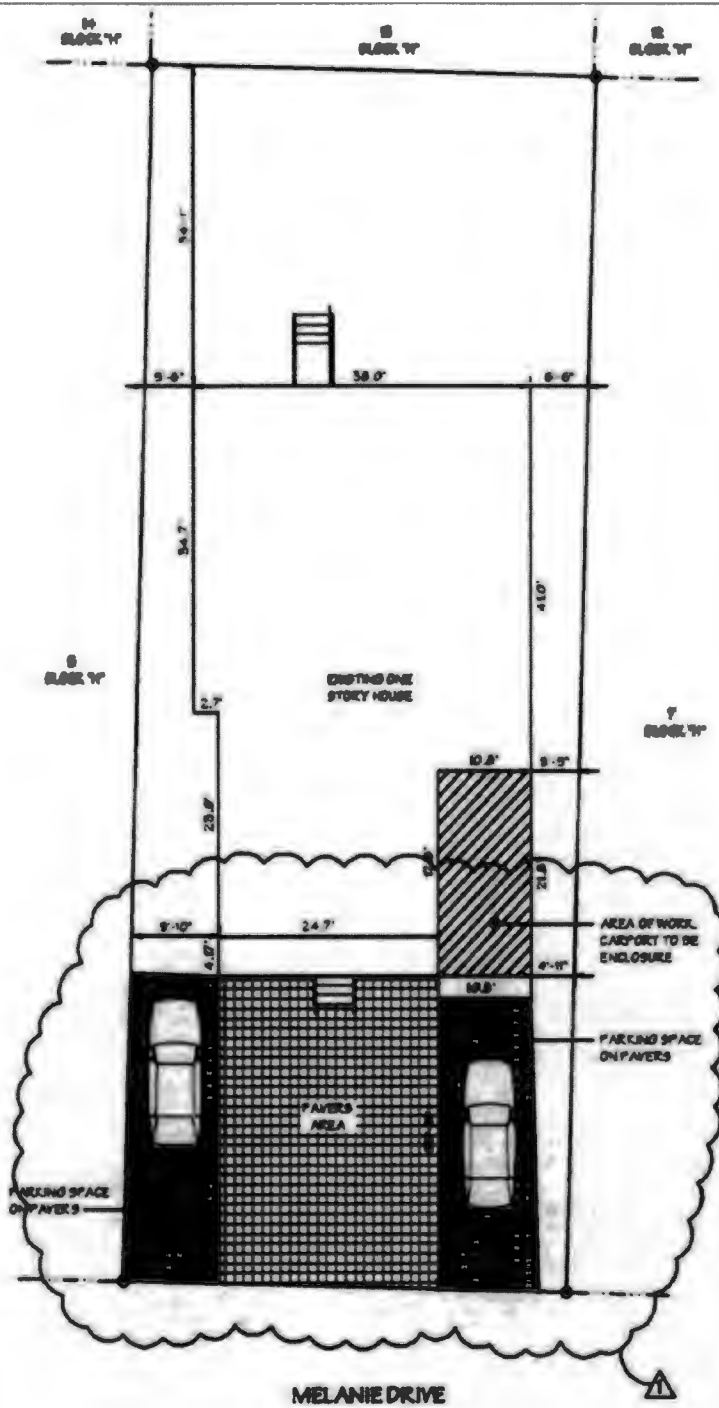
RECEIVED

AUG 13 2019

ORANGE COUNTY
ZONING DIVISION

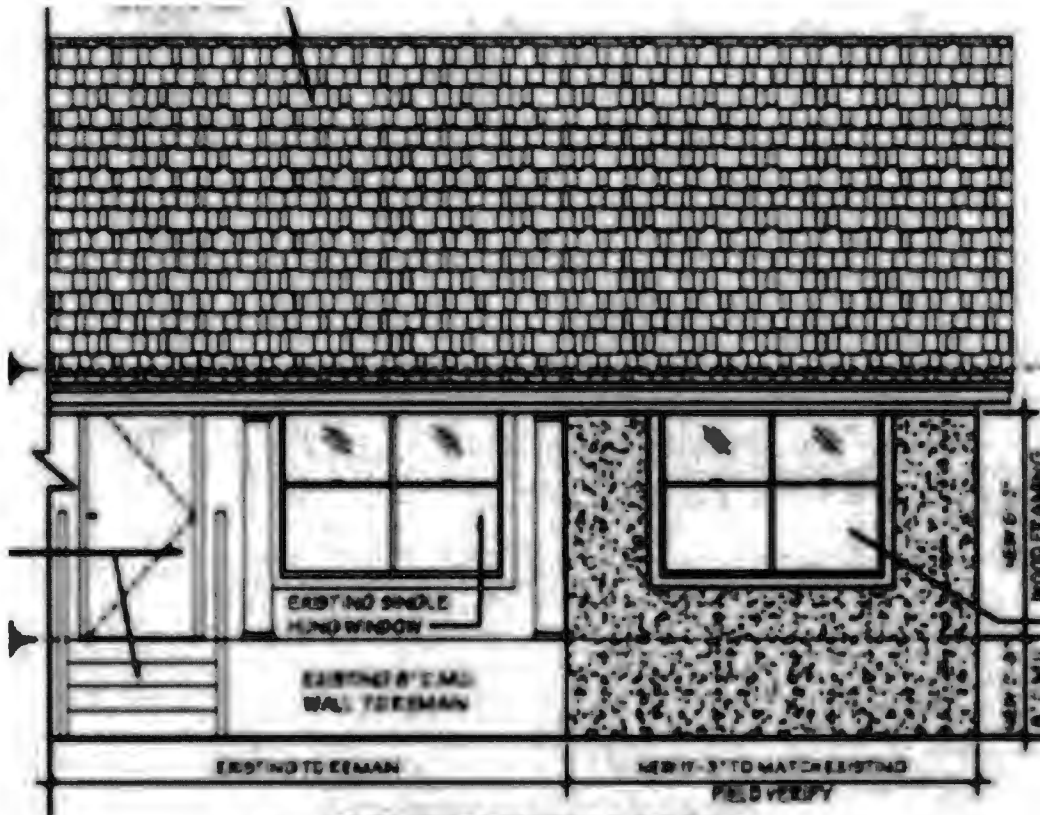


PROPOSED SITE PLAN WITH FRONT PAVERS SHOWN



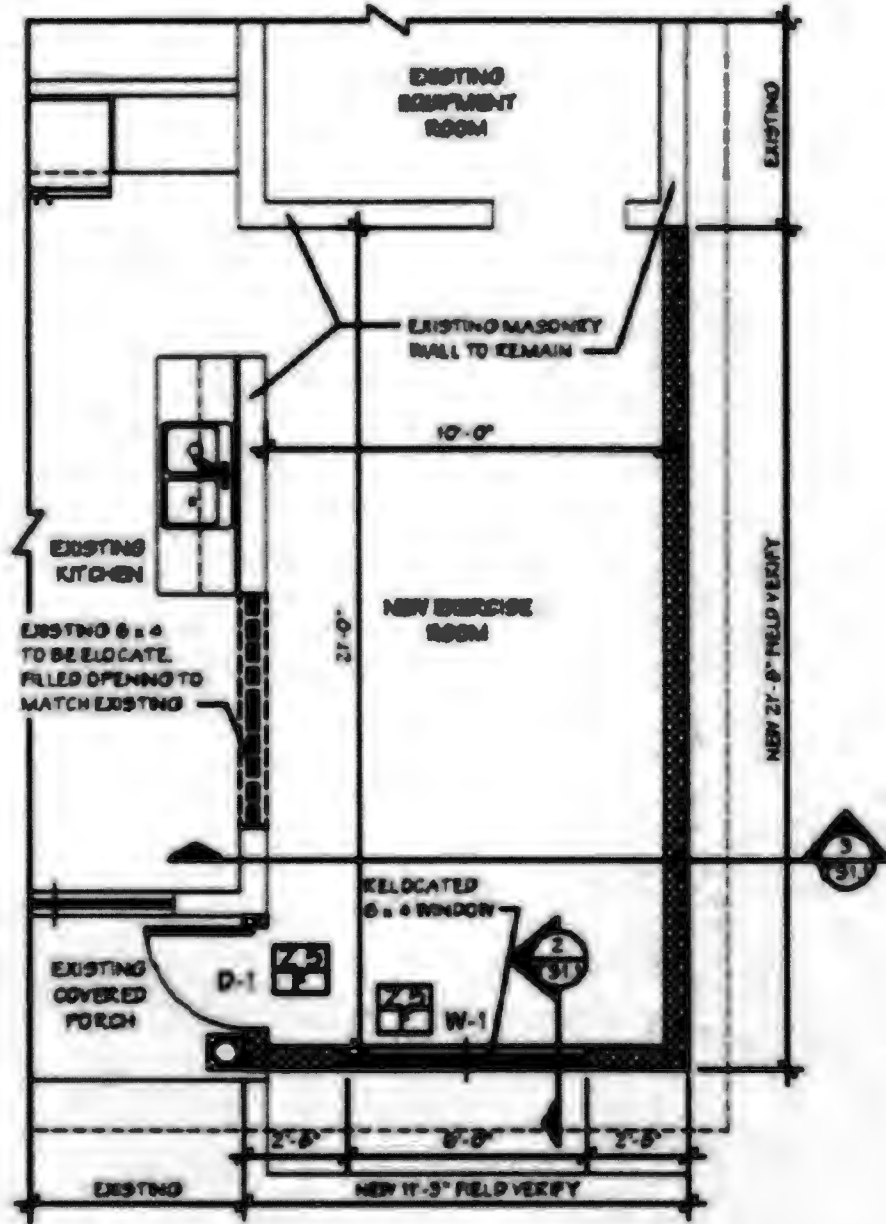
1 ARCHITECTURAL SITE PLAN
SCALE: 3/32" = 1' 0"

ELEVATION



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

FLOOR PLAN



1 FLOOR PLAN
SCALE: 1/4" = 1'-0" GROSS AREA = 252 SQ. FT.

SITE PHOTOS



Subject Property Looking East



Carport and Side Setback Looking East

SITE PHOTOS



North Side Setback

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 03, 2019**

Case Planner: **David Nearing, AICP**

Case #: **VA-19-10-118**

Commission District: **#1**

GENERAL INFORMATION

APPLICANT(s): ZAIDA BUSANET-RODRIGUEZ

OWNER(s): ZAIDA BUSANET RODRIGUEZ

REQUEST: Variance in the R-1A zoning district to allow 1,008 sq. ft. of solar panels in lieu of 435.5 sq. ft.

PROPERTY LOCATION: 8103 Lesia Circle, Orlando, Florida, 32835, north side of Lesia Cir., east of S. Apopka Vineland Rd., and south of Old Winter Garden Rd.

PARCEL ID: 27-22-28-8839-00-320

LOT SIZE: 128 ft. x 100 ft./ .38 acre

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 103

DECISION: **APPROVED** 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; 7-0):

1. Development in accordance with the site plan dated August 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.

SYNOPSIS: Staff described the request and the site in detail, and informed the BZA that the applicant had previously obtained a fence permit and replaced the front portion of the fence with new six (6) ft. tall opaque wood fencing. Staff noted that the way that the amount of permissible ground mounted solar panels is

calculated will not provide the applicant with sufficient power to meet their needs. Staff noted that they had not received any written correspondence regarding this application.

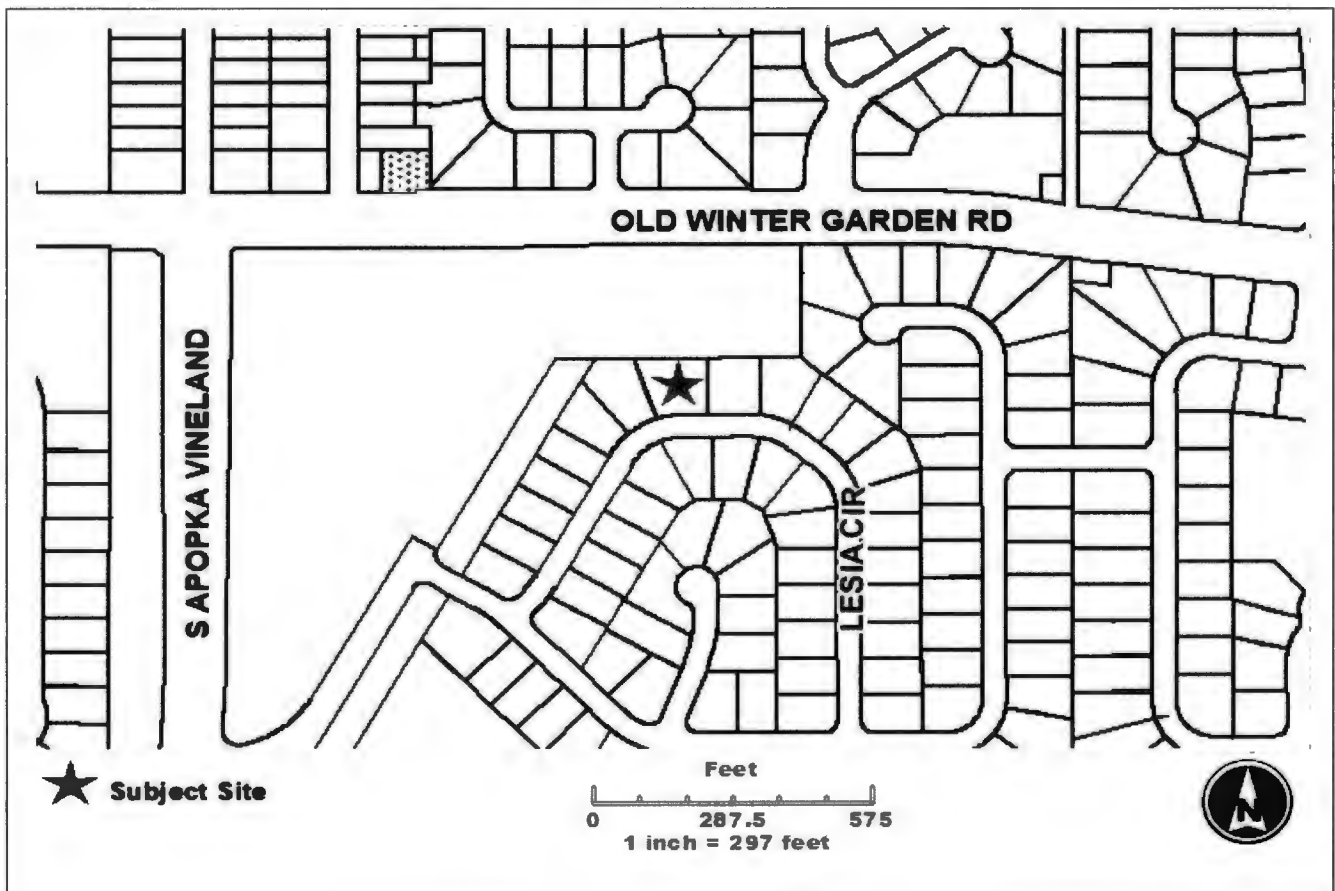
The applicant indicated her agreement with the staff recommendation and conditions.

The BZA concurred with staff's findings and made a motion to recommend approval of the requested variance, which was passed unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | | | | | |
|------------------------|-------------------------|--------------|-------------------------|-------------------------|-------------------------|
| | Property | North | South | East | West |
| Current Zoning | R-1A | A-1 | R-1A | R-1A | R-1A |
| Future Land Use | LDR | PR-OS | LDR | LDR | LDR |
| Current Use | Single Family Residence | Rose Park | Single Family Residence | Single Family Residence | Single Family Residence |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The subject property is 16,704 sq. ft., which is over twice the minimum lot area for property in the R-1A zoning district. The property is developed with a single-family residence with an above ground pool. The rear yard is completely surrounded by a six (6) ft. tall opaque wood fence. The property was created by Valencia Hill Unit Three plat, which was recorded in June of 1987.

The existing residence, which was built in 1988, consists of 2,228 gross sq. ft., including an integrated two-car garage and 1,742 sq. ft. of living area. The applicant purchased the property in 2018. The amount of solar panels one is entitled to is derived by multiplying the living area of a residence by 25%. Based on this calculation, the applicant is entitled to 435.5 sq. ft. of solar panel surface.

While solar panels do not count toward other accessory floor area, such as sheds, unlike those other accessory structures, they are capped at 25%. With regard to other accessory structures, someone in the R-1A zoning district is entitled to the greater of an amount equal to 25% of living area of the residence up to 1,000 sq. ft. or a minimum of 500 ft. for sheds and other accessory structures.

While the minimum setbacks is five (5) ft. from side and rear property lines, the applicant intends to keep the panels 10 ft. from the side property line, and 53 ft. from the rear. There is an existing six (6) ft. wood fence that will provide the required screening of the panels.

The applicant has obtained approval for the panels from their Homeowners' Association. As of the preparation of this report, staff has not received any commentaries regarding this application.

District Development Standards

| | Code Requirement | Proposed |
|------------------------|-------------------------|-----------------|
| Max Height: | No higher than screen | 4 ft. |
| Min. Lot Width: | 75 ft. | 110 ft. |
| Min. Lot Size: | 7,500 sq. ft. | 16,704 sq. ft. |

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

| | Code Requirement | Proposed |
|--------------|------------------|----------|
| Front: | 25 ft. | 31.5 ft. |
| Rear: | 5 ft. | 53 ft. |
| Side: | 5 ft. | 10 ft. |
| Side Street: | N/A | N/A |
| NHWE: | N/A | N/A |

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions and circumstances particular to this application is the size of the property. The property is twice the size of a standard R-1A zoned lot. The panels will be at least 50 ft. from the neighboring home.

No Special Privilege Conferred

Use of solar panels is becoming increasingly common. Staff has processed several applications similar to this due to the fact that the amount permitted by code is often less than the amount needed to efficiently use solar energy.

Deprivation of Rights

Without the variance, the applicant will be limited to an amount of solar panels that will provide significantly less power than that which meets the applicant's needs.

Minimum Possible Variance

Given the size of the applicant's yard, the applicant could accommodate significantly more panels. However, what is being requested is enough to meet their needs.

Purpose and Intent

The applicant is doubling the minimum setback, and has more than sufficient yard open to above. The request is consistent with the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated August 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.

C: Zaida Busanet Rodriguez
8103 Lesia Circle
Orlando, FL 32835

COVER LETTER

Zaida Busanet-Rodriguez
8103 Lesia Cir
Orlando, FL 32835
321-217-6203

To whom it may concern,

This letter of intent is in support of my request for a variance to the backyard setback requirements for a photovoltaic ground mounted solar system. The intention is to install a ground mounted solar system bigger than the orange county requirements. Setback requirements for my property are 5ft off property line all the way around, for a photovoltaic ground mount the requirements are 25% of the total square footage of the home. My home is around 1742 square foot and that would make my required system around 435.5 square foot. The system size I am wanting to obtain will be two structures 504 square foot each totaling 1008 square foot. The system will be out of the sight from road by the fence in yard that is 6 foot high.

What is perhaps most relevant here, and what I would ask the board to consider, is that the system I am trying to obtain is bigger than usual to eliminate my electricity bill.

Sincerely,

Zaida Busanet-Rodriguez

Attachments

- 2 set of engineered plans
- Application

The foregoing instrument was acknowledged before me this 8 day of August 2019 by Zaida Busanet-Rodriguez who is personally known to me or produced FLDL as identification and who did not take an oath.

State of Florida

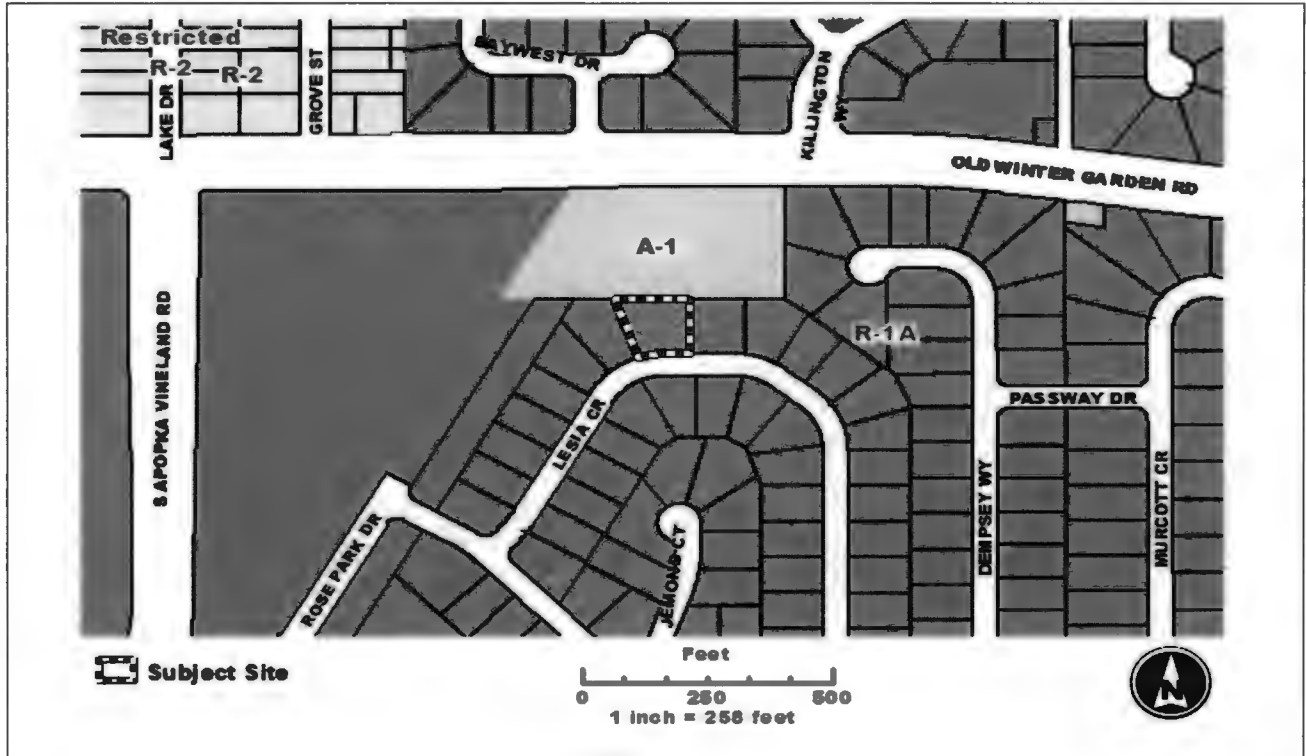
County of Volusia

Leslie Williams Notary Public (Print Name) (STAMP)

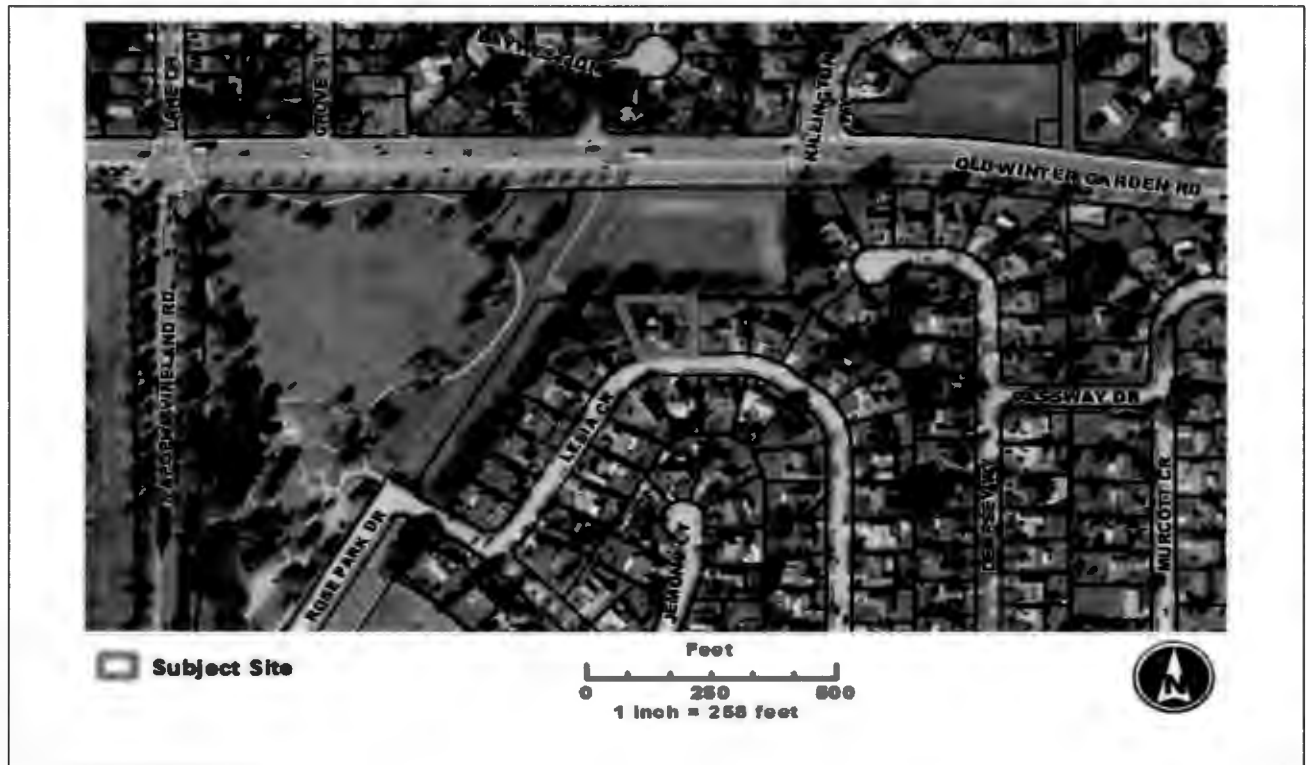
Leslie Williams Notary Public (Signature)



ZONING MAP

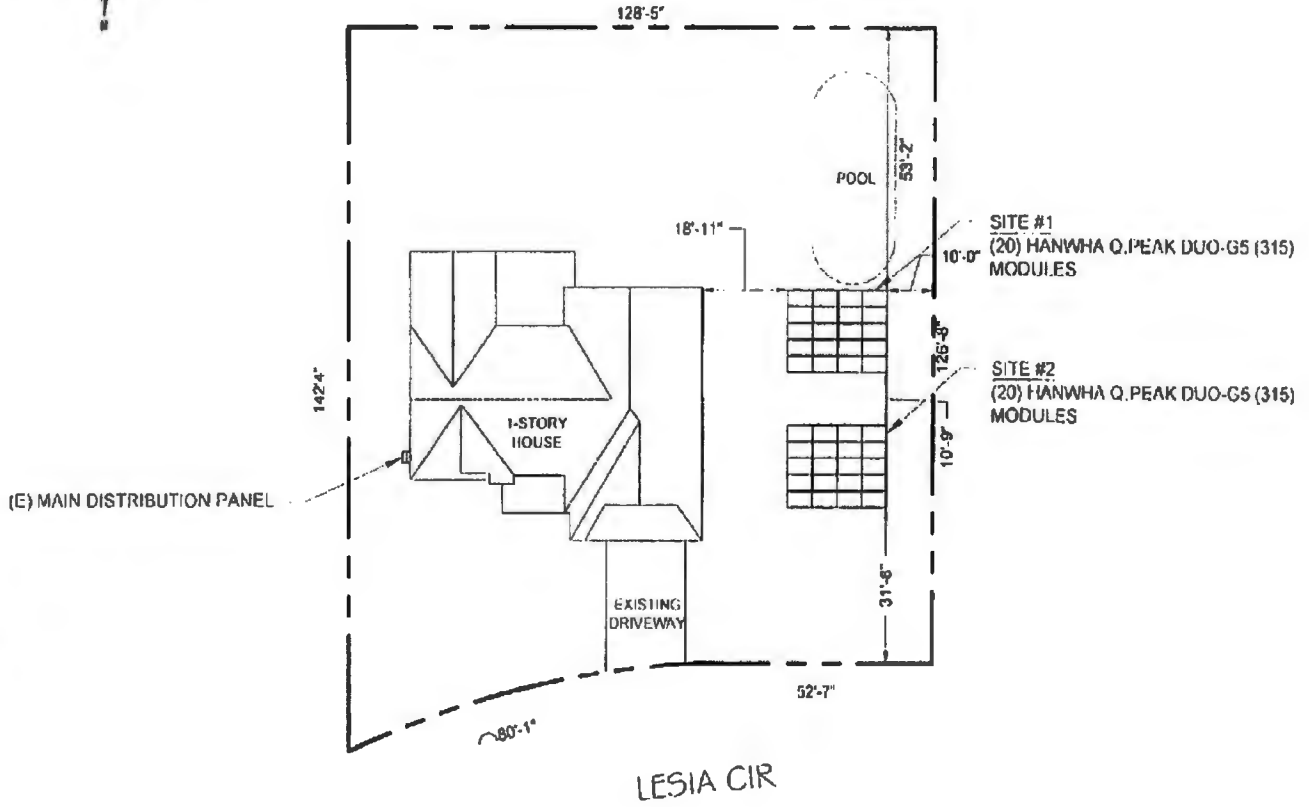


AERIAL MAP



SITE PLAN

STRUCTURAL ATTACHMENT DETAILS
PERFORMANCE LINE DIAGRAM

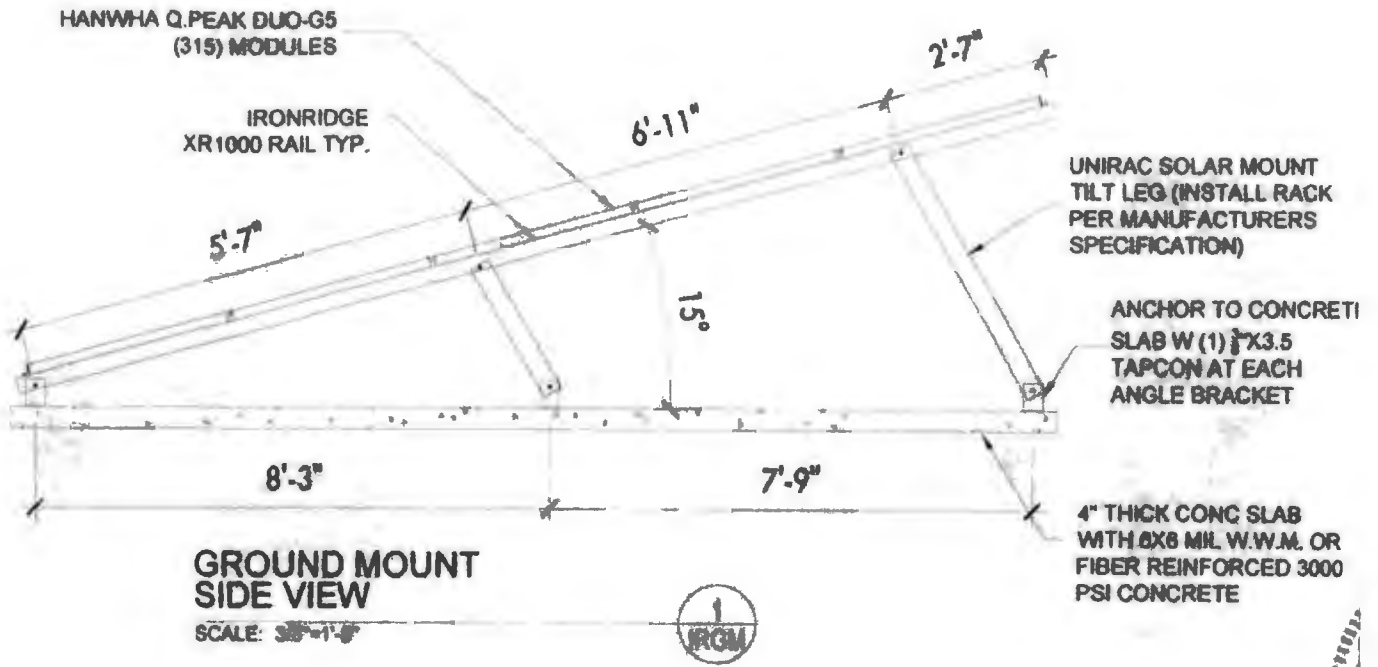


TOP PLAN WITH GROUND PLAN

SCALE: 1/32" = 1'-0"

COPYRIGHTED BY CASTILLO
ENGINEERING SERVICES, LLC

PANEL PROFILE



SITE PHOTOS



Subject Property Looking Northeast



Screening Fence Looking North

SITE PHOTOS



Proposed Location of Panels Looking East



Proposed Location of Panels Looking South

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 03, 2019**

Case Planner: **David Nearing, AICP**

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

Commission District: **#6**

GENERAL INFORMATION

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: This case was **CONTINUED** to a date undetermined for the applicant to further explore parking options (6 in favor and 1 opposed).

SYNOPSIS: Staff explained the request of the applicant and the history of the site and previous applications, as summarized further in the staff report. Staff expressed concerns regarding the expansion of the multipurpose room and the loss of additional parking. Staff noted that it had not received any commentary in favor or opposition to this request.

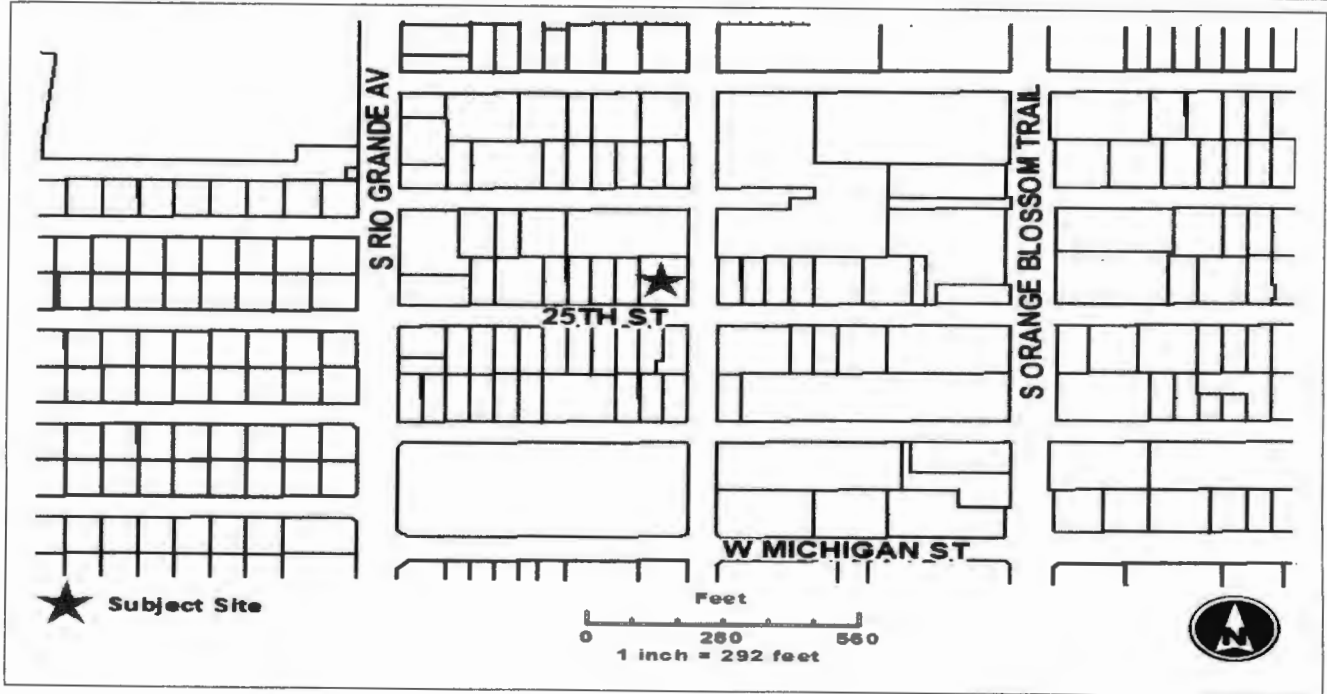
The applicant's engineer and contractor explained that the multipurpose room was to be used by the congregation for luncheons after services and Sunday school. They also explained that the plumbing company associated with a prior shared parking agreement, as well as a daycare, have agreed to provide shared parking. Staff explained that the request before the BZA did not include an off-site parking agreement for their consideration.

The BZA discussed balancing off-street parking with shared parking and on-street parking, and whether that would provide the necessary parking for the use. The BZA asked the applicant if they would explore use of those three (3) parking options to see if a compromise might be available, of which the applicant agreed. The BZA opened and closed the public hearing with no members of the public present to speak. A motion by the BZA to continue the case to a future meeting was made and passed by a 6 in favor and 1 opposed vote.

STAFF RECOMMENDATIONS

Denial of the Special Exception and Variance #2 to allow a reduction in required parking, and approval of Variance #3 regarding parking space size and Variance #4 regarding the building setback, 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 |

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. 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.

The subject property consists of two (2) lots in the Angelbuilt Addition subdivision, which was recorded in June 1923. The applicant purchased the lot 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 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.

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 site plan approved 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.

Since that time, the applicant has submitted a revised application and supporting documentation that is consistent with the request. The applicant is proposing to add a 1,060 sq. ft. addition to the existing church to expand the multipurpose room. The number of seats in the sanctuary will remain at 88. The applicant is no longer providing an off-site parking agreement.

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 is required. The proposed addition of the multipurpose room requires the reconfiguration of the previously approved parking layout and a reduction in parking to 12 spaces. 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 has been requested.

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 Street, however it is a predominantly residential street. S. Nashville Ave. is too narrow to accommodate on-street parking.

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. |
| Side Street: | 15 ft. | 37 ft. |
| NHWE: | N/A | N/A |

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Policy Plan.

The Future Land Use is Neighborhood Residential 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.

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 and other

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 15 approved parking spaces. However, if approved, while the number of seats in the sanctuary will not change, five (5) 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.

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.

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 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 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.

VARIANCE CRITERIA (VARIANCES 3 AND 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 that 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 ever 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.

CONDITIONS OF APPROVAL

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.

C: Mandy Connelly for House Of Prayer Church Of The Living God, Inc.
PO BOX 555936
ORLANDO, FL 32855

Kenneth Patterson For Design Solutions, Inc.
PO Box 607372
Orlando, FL 32810

design solutionsfl, inc.
Civil Engineering - CADD Services - Construction Administration



August 14, 2019

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

Re: Request for Special Exception and Variance
House of Prayer Church of the Living God
1401 25th Street Orlando FL 32805

This correspondence is provided to support the accompanying Application – Board of Zoning Adjustment (BZA) application. Outlined in the application is a request for a Special Exception. The additional information required by the application are included in this correspondence.

Introduction

The House of Prayer Church of the Living God ("the church") has been providing services for the local community from the above noted location for over ten (22) years. The church is applying for a special exception to construct a addition to the existing building.

The Vision ...

To continue using the existing structure as a church. A site plan has been prepared to illustrate

The existing sanctuary will remain a one-storey structure, in keeping with the majority of structures within the near vicinity. Landscaping will be in keeping with buffer requirements noted in the relevant Orange County Code.

P.O. BOX 607372 - Orlando, Florida 32810

P: 321.946.6222

www.designsolutionsfl.com • info@designsolutionsfl.com

November 14, 2018

design solutionsfl, Inc.

Page 2

Special Exception

As noted in the application the applicant is seeking a Special Exception.

The Special Exception is to allow the proposed religious use facility to exist within the R-1A zoning.

Supporting Documentation

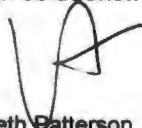
The following supporting materials for this request have been provided:

1. A completed BZA application;
2. Existing floor plan showing existing conditions
3. Existing Site Plan showing existing conditions
4. Table 1 – Summary of Special Exception Criteria

In Closing ...

We have intended to be thorough in the submission of this application and supporting materials. Should you have any questions or requests for further information please contact the undersigned.

design solutionsfl inc.



Kenneth Patterson
President

Encl. Completed BZA Application
Supporting Site and Building Plans
Table 1 – Summary of Special Exception Criteria

November 14, 2018

design solutionsfl, inc.

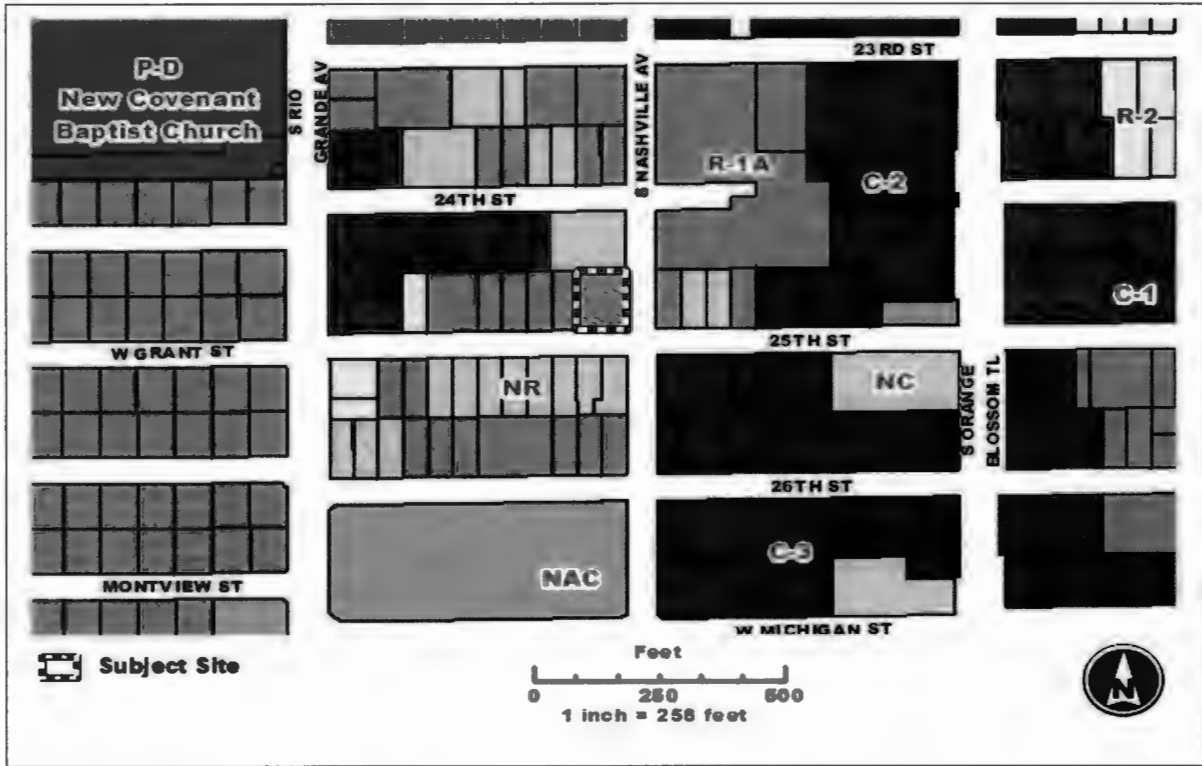
Page 3

Table 1 – Summary of Special Exception Criteria

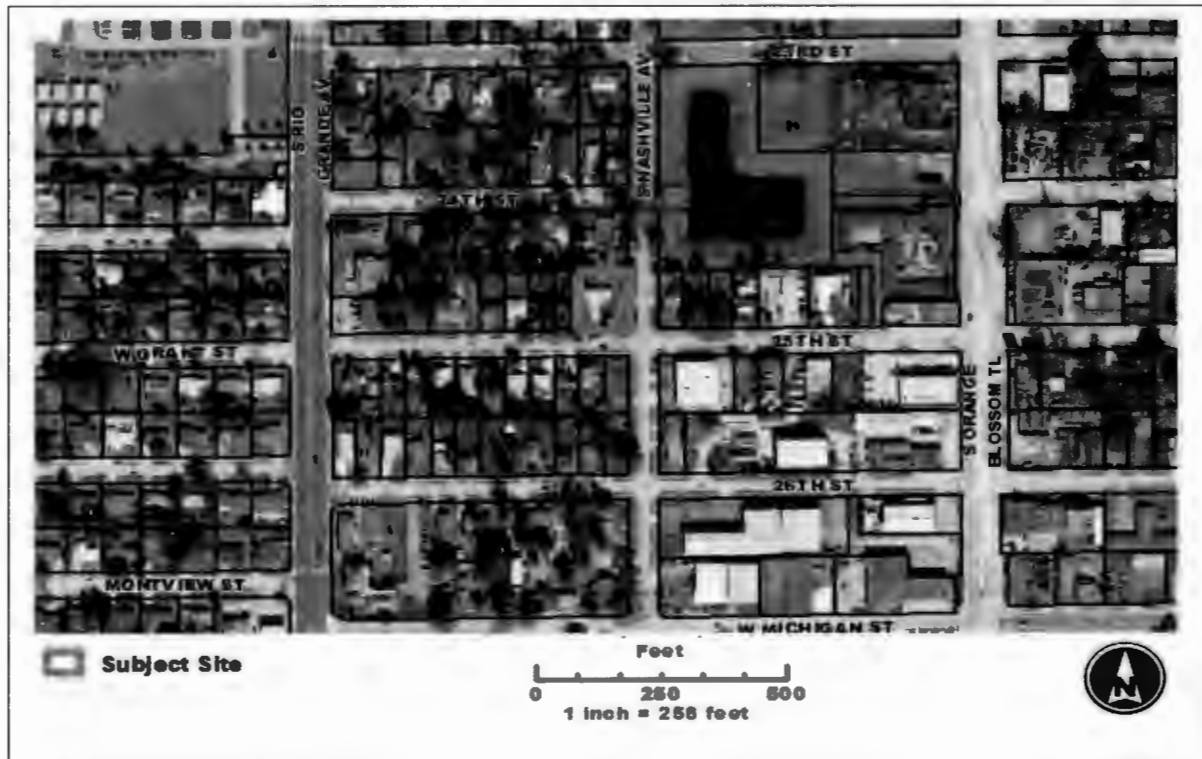
Special Exception Request: Allow a religious use facility within a R-1A Zoning District

| Special Exception Criteria | |
|---|--|
| 1. The use shall be consistent with the Comprehensive Policy Plan. | R-1A zoning provides a Special Exception to allow a religious use facility, the intended use. |
| 2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development. | The intended use is similar and compatible with the surrounding area, i.e. similar structure "form and feel", lot coverage, and landscaping. |
| 3. The use shall not act as a detrimental intrusion into a surrounding area. | The intended use includes a structure "form and feel" that is in keeping with the surrounding area, and will not act as a detrimental intrusion. |
| 4. The use shall meet the performance standards of the district in which the use is permitted. | The intended use will meet "most" of the performance standards of the district within the R-1A zoning district. |
| 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 intended use will be similar in all these characteristics to the majority of allowable uses currently permitted in the R-1A zoning district. |
| 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. | Landscape buffer yards as required by Section 24-5 of the Orange County Code will be incorporated into the proposed site plan as required. |

ZONING MAP

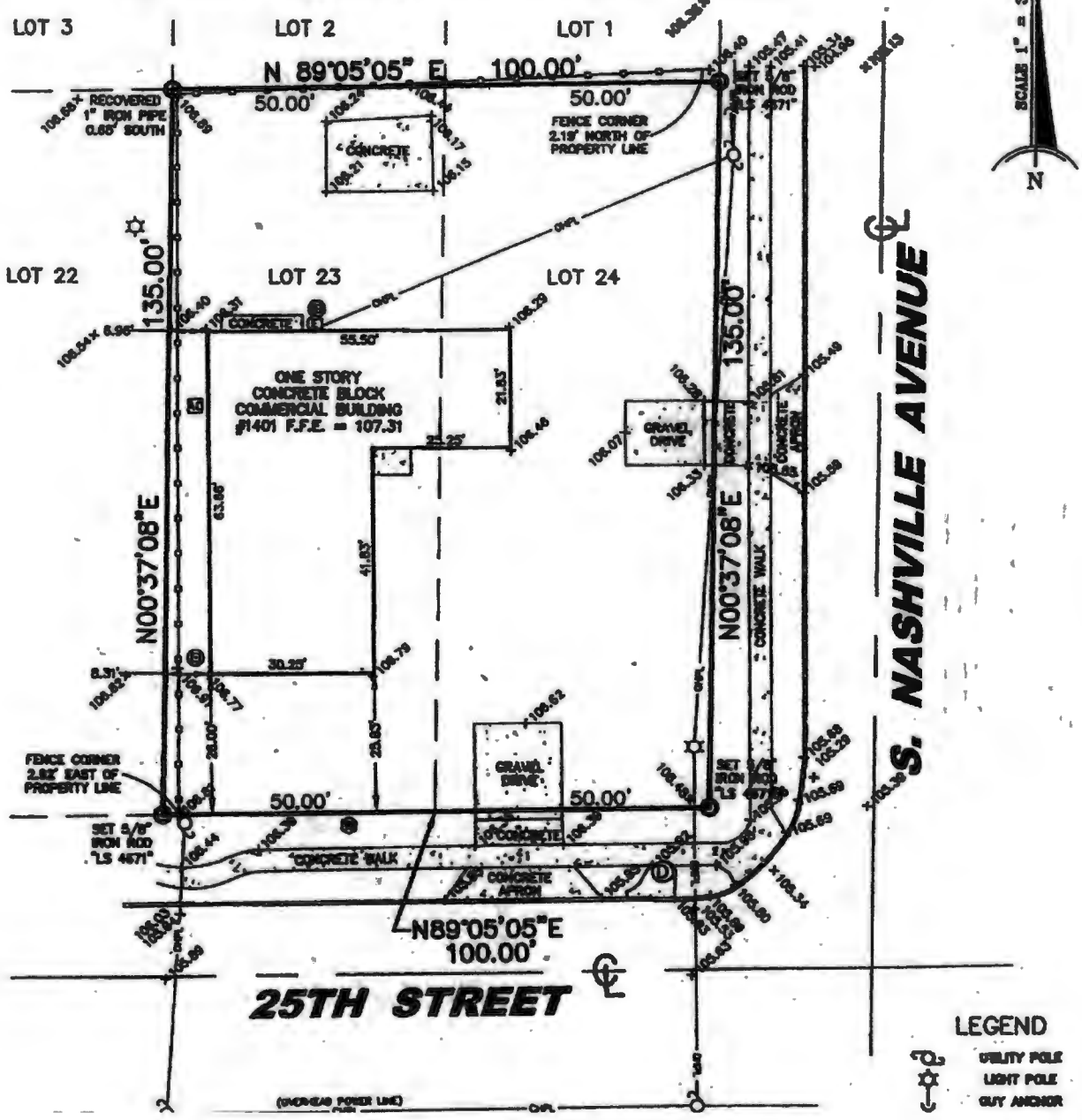


AERIAL MAP



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.



SITE PHOTOS



Existing Sanctuary Looking Northwest



Location of Proposed Parking Lot Looking West

SITE PHOTOS



Existing Religious Institution Looking West



Subject Property Looking Southwest

SITE PHOTOS



25th Street Looking West



S. Nashville Avenue Looking North

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 03, 2019**

Case Planner: **Nick Balevich**

Case #: **SE-19-09-098**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): METRO WEST CHURCH

OWNER(s): METRO WEST CHURCH

REQUEST: Special Exception and Variances in the R-CE zoning district to construct a 135 ft. high monopole communication tower as follows:

1) Special Exception to allow a monopole communication tower with a single user at initial construction.

2) Variance to allow installation of a communication tower without landscaping as required on the east and west side of the fenced perimeter per Section 38-1427(d)(11).

If the BZA determines the proposed tower is not camouflaged then the following variances are required:

3) To allow a communication tower 384 ft. from the nearest single family house to the south in lieu of 675 ft.

4) To allow a communication tower 557 ft. from the nearest single family house to the east in lieu of 675 ft.

PROPERTY LOCATION: 3705 N. Apopka Vineland Rd., Orlando, FL 32818, east of N. Apopka Vineland Rd., north of Silver Star Rd.

PARCEL ID: 10-22-28-0000-00-024

LOT SIZE: 29.53 acres

NOTICE AREA: 1500 ft.

NUMBER OF NOTICES: 624

DECISION: APPROVED the Special Exception Request #1, 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; further, **APPROVED** the Variance Request #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, to determined the tower is camouflaged, therefore Variance Requests #3 and #4, as **NOT APPLICABLE** (5 in favor, 1 opposed and 1 absent):

1. Development in accordance with the site plan dated July 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. Construction plans shall be submitted within two (2) years of final action on this applicant by Orange County, 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.

The applicant explained how more cellular coverage will be provided. The applicant also explained that the cell tower design should be considered to be camouflaged. The applicant discussed the reasons for the landscaping variance, including water retention and parking. The applicant stated that the tower will not have any lights and will be dark at night.

The BZA determined that the tower was camouflaged, and thus Variances 3 and 4 were not needed.

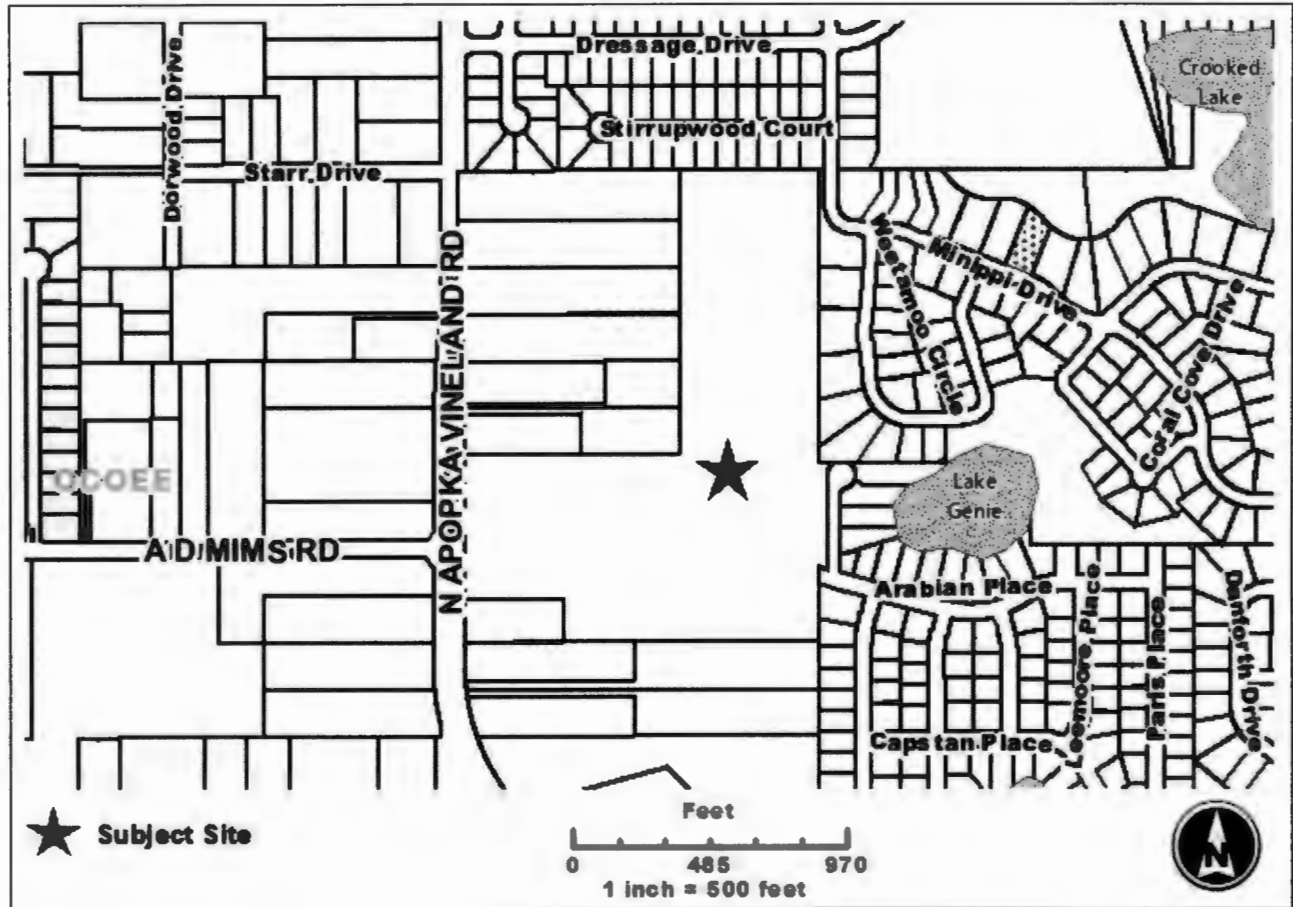
Staff received no commentaries in favor of the application, and two (2) in opposition to the application. There were no members of the public present to discuss this request.

The BZA approved the Special Exception (request #1) and Variance #2. Variances #3 and #4 were deemed not applicable.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | Property | North | South | East | West |
|-----------------|----------|--------------------------|--------------------------|--------------------------|--------------------------|
| Current Zoning | R-CE | R-1A | R-CE | R-1A | R-CE, R-CE-2 |
| Future Land Use | RS 1/1 | LDR | RS 1/1 | LDR | RS 1/1 |
| Current Use | Church | Single family residences | Single family residences | Single family residences | Single family residences |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned R-CE, Rural Country Estate, which allows for single family development on one (1) acre lots and certain rural uses. A Special Exception is required to allow a monopole communication tower with a single user at initial construction.

The subject property is a 29.53 acre property that fronts on N. Apopka Vineland Rd. and is considered to be a conforming lot of record. The property was granted a Special Exception in 2007 (SE-07-07-006) to allow a religious facility and associated buildings. The property was also granted a Special Exception in 2016 (SE-16-

08-101) to allow a private school and associated buildings. The property contains 4 church related buildings and 5 modular structures for the school, in addition to drive aisles and a parking lot.

This property is located in the Clarcona Rural Settlement. The area consists of single family homes on large lots to the north, south and west, with additional single family homes on smaller lots to the north and east.

The applicant is proposing a 135 ft. tall monopole tower that will be designed to permit up to a total of three (3) carriers to be collocated on the tower in the future, but will be a single user at the time of initial installation.

The applicant has indicated that the proposed tower will be camouflaged as a bell tower, however, if the BZA determines the proposed tower is not camouflaged then variances will be required to allow the tower to be located 384 ft., and 557 ft. from single family homes to the south and east, rather than the required 675 ft. (The required separation is 400 ft., or 500% of the tower height, whichever is greater. The tower is 135 ft. high, thus the required separation is 675 ft.).

The site will be accessed from N. Apopka Vineland Rd. through an easement that will be recorded over the existing drive aisle and parking lot, currently used by the church. The tower lease site will be a 20 ft. x 85 ft. (1,700 s.f.) area located at the back of the parking lot.

The proposed tower will be located over 827 ft. from N. Apopka Vineland Rd., and 384 ft. from the nearest house.

The applicant is also requesting a variance to allow the tower to be installed without landscaping on the east and west side of the lease site. This request is because the site is buffered by existing heavy natural vegetation to the east, and is buffered by the church buildings to the west.

A Community Meeting was held on Wednesday September 11, 2019 at Metro West Church. Staff, the District 6 Commissioner, and 2 residents were in attendance. The residents had concerns about radiation and electric emissions from the tower. After a presentation and explanation by the applicant, the residents were satisfied.

The applicant has provided a report demonstrating the need for the proposed tower to fill service gaps for the proposed user, T-Mobile. The applicant has provided a signed affidavit of their intent to actively pursue other locators.

District Development Standards

| | Code Requirement | Proposed |
|-----------------|------------------|------------|
| Max Height: | n/a | 135 ft. |
| Min. Lot Width: | 130 ft. | 511 ft. |
| Min. Lot Size: | 1 ac. | 29.525 ac. |

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

| | Code Requirement | Proposed |
|--------|------------------|--------------------|
| Front: | 35 ft. | 827 ft. |
| Rear: | 50 ft. | 342 ft. |
| Side: | 10 ft. | 1,331 ft., 332 ft. |

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

Cell towers are not specifically addressed in the Comprehensive Plan. Therefore, by being identified as a use permitted either by right or through the Special Exception process, it satisfies the requirements of the code, making the use consistent.

Similar and compatible with the surrounding area

The area is developed in a residential manner. The site is being used for a church and school, and is over 29 acres, allowing for buffering and separation from the residential uses, and as such, the use will be compatible with the pattern of development.

Shall not act as a detrimental intrusion into a surrounding area

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

Meet the performance standards of the district

This request will meet the performance standards, with the exception of the variances that are being requested.

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

A cell tower would provide 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 will be providing the required landscaping on the north and south side, and proposes to utilize existing landscaping and buildings to buffer the use on the east and west sides.

VARIANCE CRITERIA

Special Conditions and Circumstances

The site is over 29 acres with heavy natural vegetation and existing buildings to buffer the use from neighboring properties.

No Special Privilege Conferred

Approval of the landscaping variance will not confer special privilege to the applicant, because the site will have more excessive buffering than required by code due to heavy natural vegetation and existing buildings.

Minimum Possible Variance

The requests are the minimum possible variances to locate the tower on the property, if it is determined that it is not camouflaged. The heavy natural vegetation will exceed the visual impact provided by required landscaping.

Purpose and Intent

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

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated July 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. Construction plans shall be submitted within 2 years of final action on this applicant by Orange County, or this approval becomes null and void.

C: Mattaniah Jahn
935 Main St. D1
Safety Harbor, FL 34695

ZONING MAP



AERIAL MAP



SITE PLAN

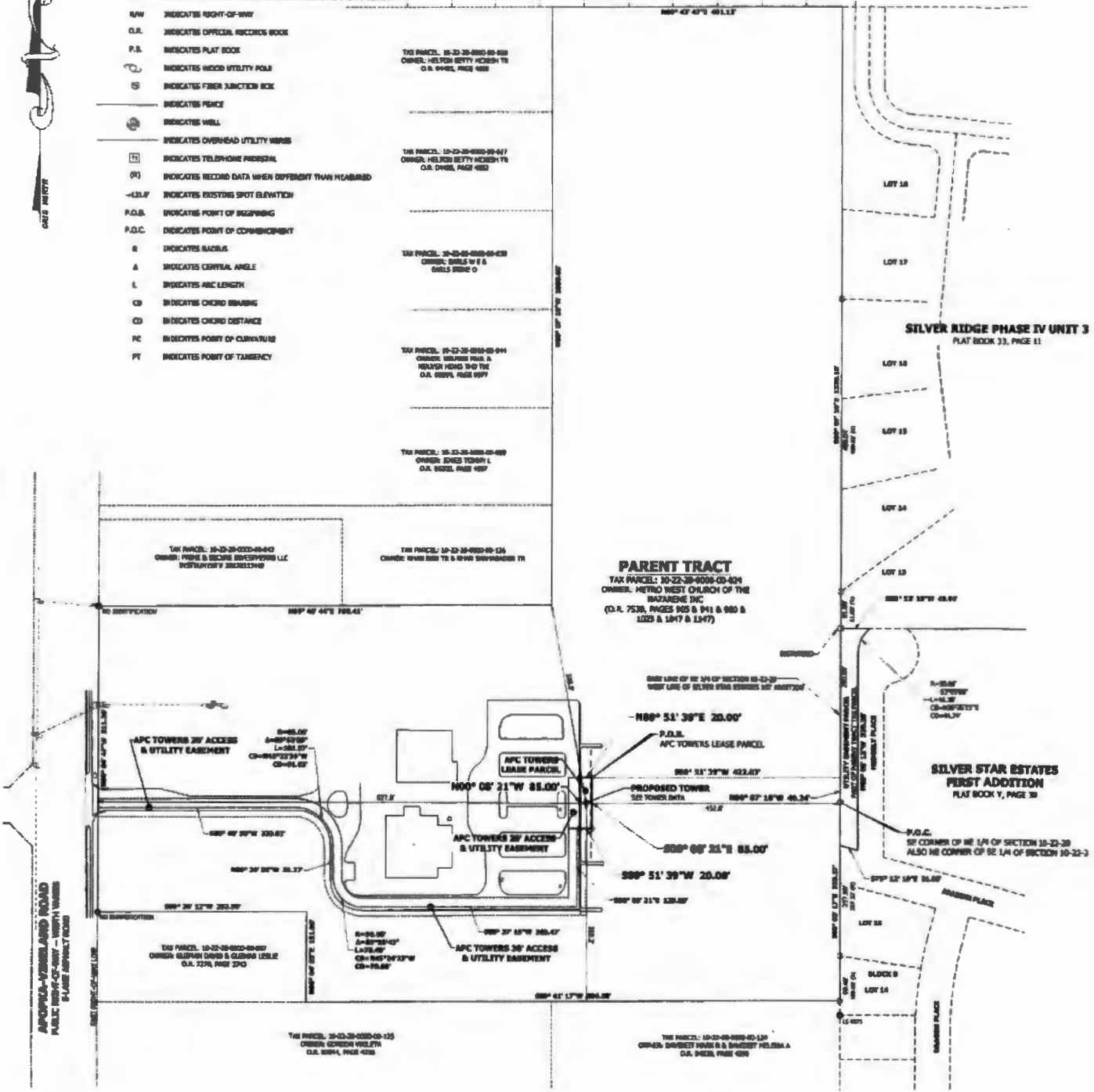


- LEGEND**
- INDICATES 5/8" REBAR & CIP SET STAMPED "764 1391"
 - INDICATES 5/8" REBAR & CIP FOUND IDENTIFICATION AS NOTED
 - ⊙ INDICATES 1/2" REBAR & CIP FOUND NO IDENTIFICATION
 - INDICATES 2" IRON PIPE FOUND NO CIP & NO IDENTIFICATION
 - ⊖ INDICATES 4" CONCRETE FOUNDMENT FOUND NO IDENTIFICATION
 - SW INDICATES RIGHT-OF-WAY
 - O.R. INDICATES OFFICIAL RECORDS BOOK
 - P.B. INDICATES PLAT BOOK
 - INDICATES WOOD UTILITY POLE
 - ⊖ INDICATES FIBER JUNCTION BOX
 - INDICATES FENCE
 - INDICATES WALL
 - INDICATES OVERHEAD UTILITY WIRES
 - Ⓜ INDICATES TELEPHONE pedestal
 - (M) INDICATES RECORD DATA WHEN DIFFERENT THAN HEADED
 - X.XX' INDICATES EXISTING SPOT ELEVATION
 - P.O.B. INDICATES POINT OF BEGINNING
 - P.O.C. INDICATES POINT OF COMMENCEMENT
 - R INDICATES RADIUS
 - A INDICATES CENTRAL ANGLE
 - L INDICATES ARC LENGTH
 - CB INDICATES CHORD BEARING
 - CD INDICATES CHORD DISTANCE
 - PC INDICATES POINT OF CURVATURE
 - PT INDICATES POINT OF TANGENCY

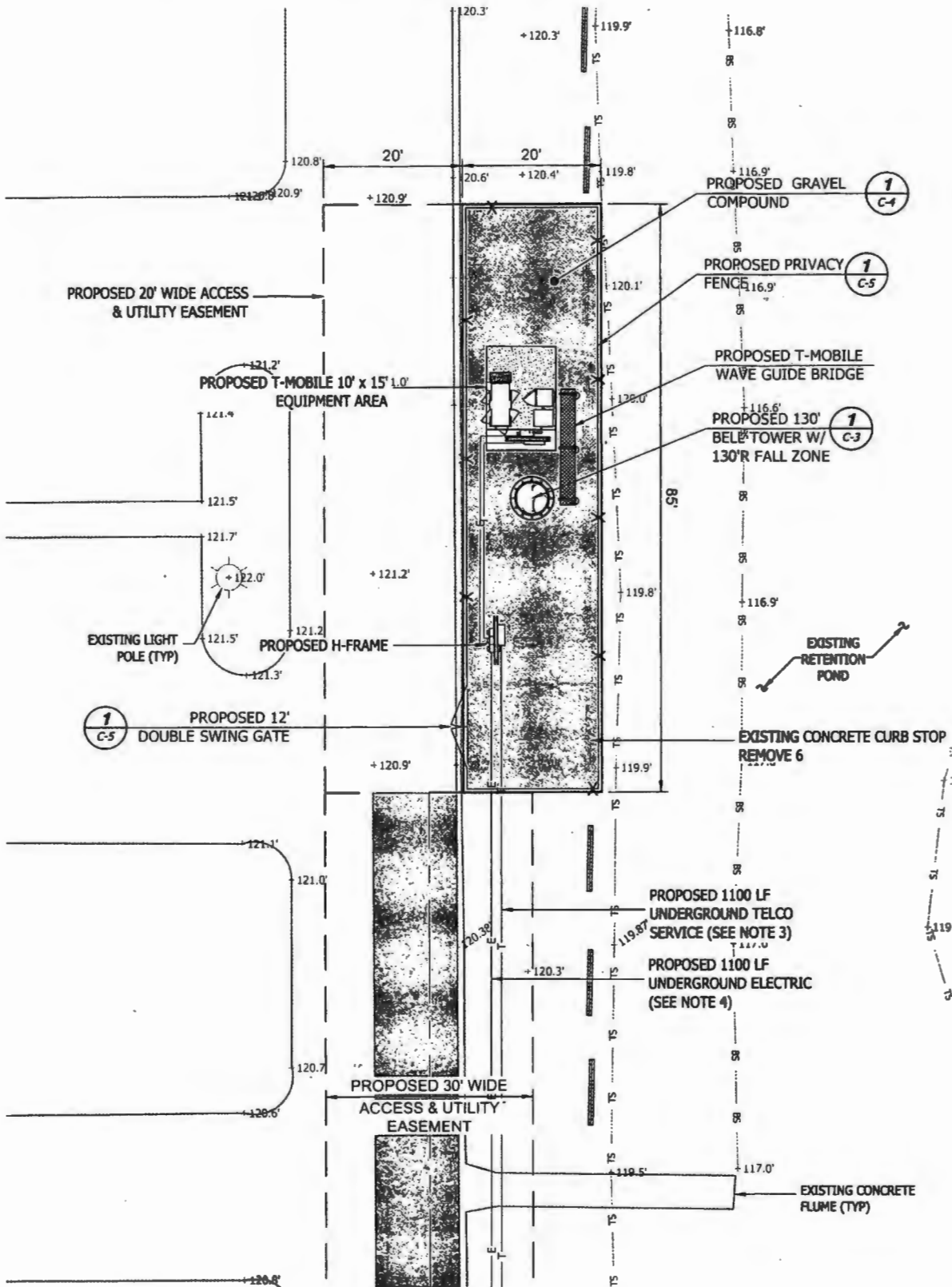
COURT RIGHTS

COUNTRY RUN UNIT 2
PLAT BOOK 30, PAGE 115

LOT 280 LOT 281 LOT 282 LOT 283 LOT 284 LOT 285

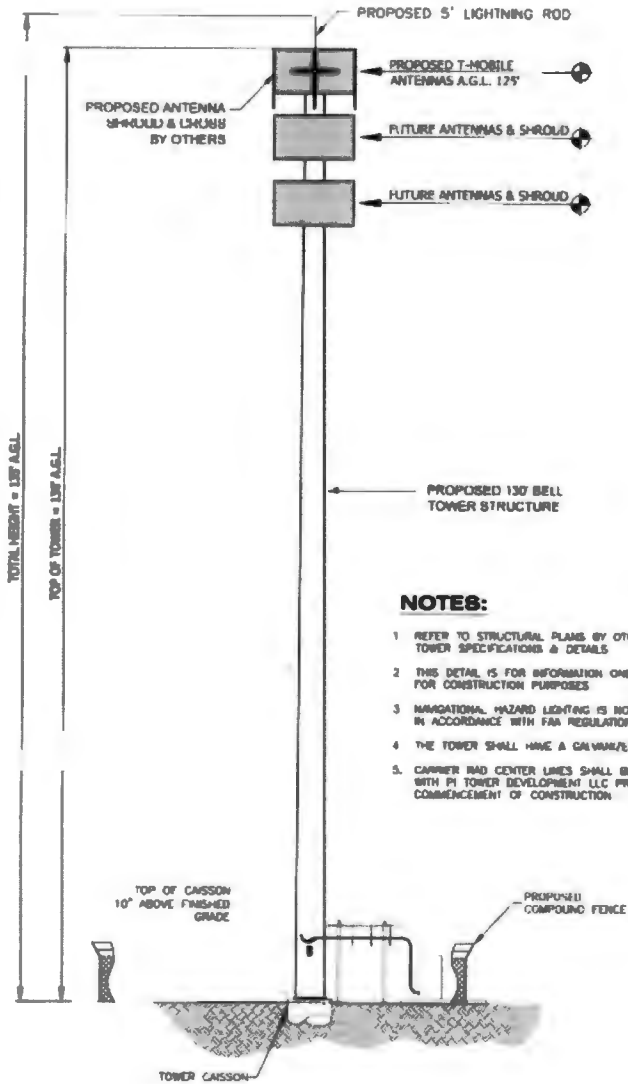


TOWER SITE PLAN



1 PROPOSED IMPROVEMENTS
SCALE: 1"=20'

ELEVATIONS



1 TOWER ELEVATION
SCALE: N.T.S.

NOTES:

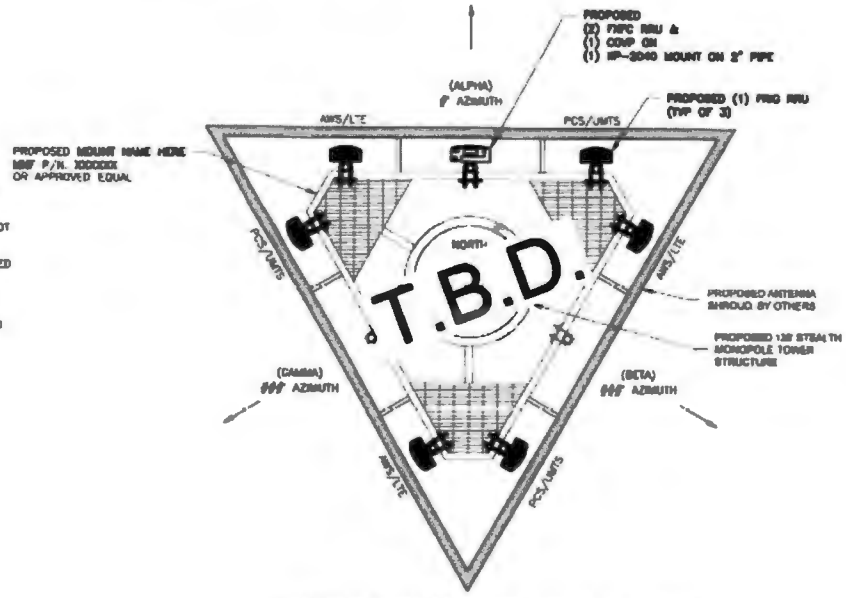
- 1 REFER TO STRUCTURAL PLANS BY OTHERS FOR TOWER SPECIFICATIONS & DETAILS
- 2 THIS DETAIL IS FOR INFORMATION ONLY AND NOT FOR CONSTRUCTION PURPOSES
- 3 NAVIGATIONAL HAZARD LIGHTING IS NOT REQUIRED IN ACCORDANCE WITH FAA REGULATIONS
- 4 THE TOWER SHALL HAVE A GALVANIZED FINISH
- 5 CARRIER RAD CENTER LINES SHALL BE VERIFIED WITH PI TOWER DEVELOPMENT LLC PRIOR TO COMMENCEMENT OF CONSTRUCTION

CONTRACTOR TO VERIFY FINAL RF DATA SHEET BEFORE STARTING CONSTRUCTION

PROPOSED T-MOBILE ANTENNA CABLE & EQUIPMENT SCHEDULE

| SECTOR | TECHNOLOGY COMPONENT | MANUFACTURER | MODEL | RAD CENTER HEIGHT | AZIMUTH | MESH DOWNLIFT | ELEC. DOWNLIFT | CABLE SIZE | CABLE LENGTH |
|--------|----------------------|--------------|---------------------------|-------------------|---------|---------------|----------------|-----------------|--------------|
| ALPHA | AW5/LTE | CELLMAX | CMR-80H/8521/D-8/78W/7800 | 0000000 | 0° | 0' | 2' | (1) 1/4" HYBRID | KICK & |
| | RRU | NSH HARDWARE | FRG | 0000000 | 0° | - | - | - | - |
| | PCS/LMRS | CELLMAX | CMR-80H/8521/D-8/78W/7800 | 0000000 | 0° | 0' | 2' | - | - |
| | RRU | NSH HARDWARE | FRG | 0000000 | 0° | - | - | - | - |
| BETA | AW5/LTE | CELLMAX | CMR-80H/8521/D-8/78W/7800 | 0000000 | 0° | 0' | 2' | - | - |
| | RRU | NSH HARDWARE | FRG | 0000000 | 0° | - | - | - | - |
| | PCS/LMRS | CELLMAX | CMR-80H/8521/D-8/78W/7800 | 0000000 | 0° | 0' | 2' | - | - |
| | RRU | NSH HARDWARE | FRG | 0000000 | 0° | - | - | - | - |
| GAMMA | AW5/LTE | CELLMAX | CMR-80H/8521/D-8/78W/7800 | 0000000 | 0° | 0' | 2' | - | - |
| | RRU | NSH HARDWARE | FRG | 0000000 | 0° | - | - | - | - |
| | PCS/LMRS | CELLMAX | CMR-80H/8521/D-8/78W/7800 | 0000000 | 0° | 0' | 2' | - | - |

T.B.D.



***AZIMUTHS AND EQUIPMENT T.B.D.**

2 PROPOSED ANTENNA ORIENTATION
SCALE: N.T.S.

SITE PHOTOS



Front from N. Apopka Vineland Rd.



Proposed Tower Location



Proposed Tower Location

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 03, 2019**

Case Planner: **Taylor Jones**

Case #: **VA-19-09-106**

Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): M. REBECCA WILSON
OWNER(s): POINTE ORLANDO DEVELOPMENT CO.
REQUEST: To approve a Master Sign Plan in the C-2 zoning district, with the following variances:
1) To allow a total of 5 ground signs in lieu of 2.
2) To allow a height of 12 ft. in lieu of 10 ft. for ground signs (applicable to signs #3 and #14 on plan).
3) To allow a separation of 48.67 ft. between ground signs in lieu of 100 ft. (applicable only to separation between signs #10 and #13 on plan).
4) To allow individual tenant panels on a multi-tenant ground sign to be a minimum of 5 sq. ft. of copy area, in lieu of having a minimum of 12 sq. ft. of copy area (applicable to signs #3, #13, #14, and #18 on plan).
5) To allow a wall sign to extend above the roof line of the wall of the building on which it is erected (applicable to sign #4 on plan).
6) To allow a cumulative total of 137 sq. ft. of copy area for wall signage on Valet Plaza #1 (as depicted on plan), in lieu of 71.67 sq. ft. of copy area (this includes the copy area of 3 total signs: signs #4, #5a, and #5b on plan).
7) To allow a total of 4 wall signs to include changeable copy and for wall signs to be permitted as EMCs, in lieu of wall signs not including changeable copy, and EMCs only being permitted as a ground or pole sign (applicable to signs #5a, #5b, #7a, and #7b on plan).
PROPERTY LOCATION: 9101 International Dr., Orlando, FL 32819, east side of International Dr. and west of Point Plaza Ave.
PARCEL ID: 36-23-28-7165-00-017
LOT SIZE: 17.03 acres
NOTICE AREA: 1500 FT
NUMBER OF NOTICES: 42

DECISION: APPROVED 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 (5 in favor, 1 opposed, and 1 absent):

1. Development in accordance with the site plan dated September 5, 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 elevation drawings of the proposed signs, and photos of the site. Staff recommended approval of Variances #1-5, a lesser approval of Variance #6, and denial of Variance #7.

Staff received no correspondence and there were no members of the public present to speak on this request.

The applicant stated that they were in agreement of the staff recommendation, but still hoped that everything they have requested could be approved.

The BZA noted that this site is unique, and that the additional signage would help the many pedestrians and visitors who visit the site. The BZA noted that while the EMC signs go against the intent of the code, as the site directly serves the conventioners, additional signage was needed. The signs as shown would be helpful to pedestrians.

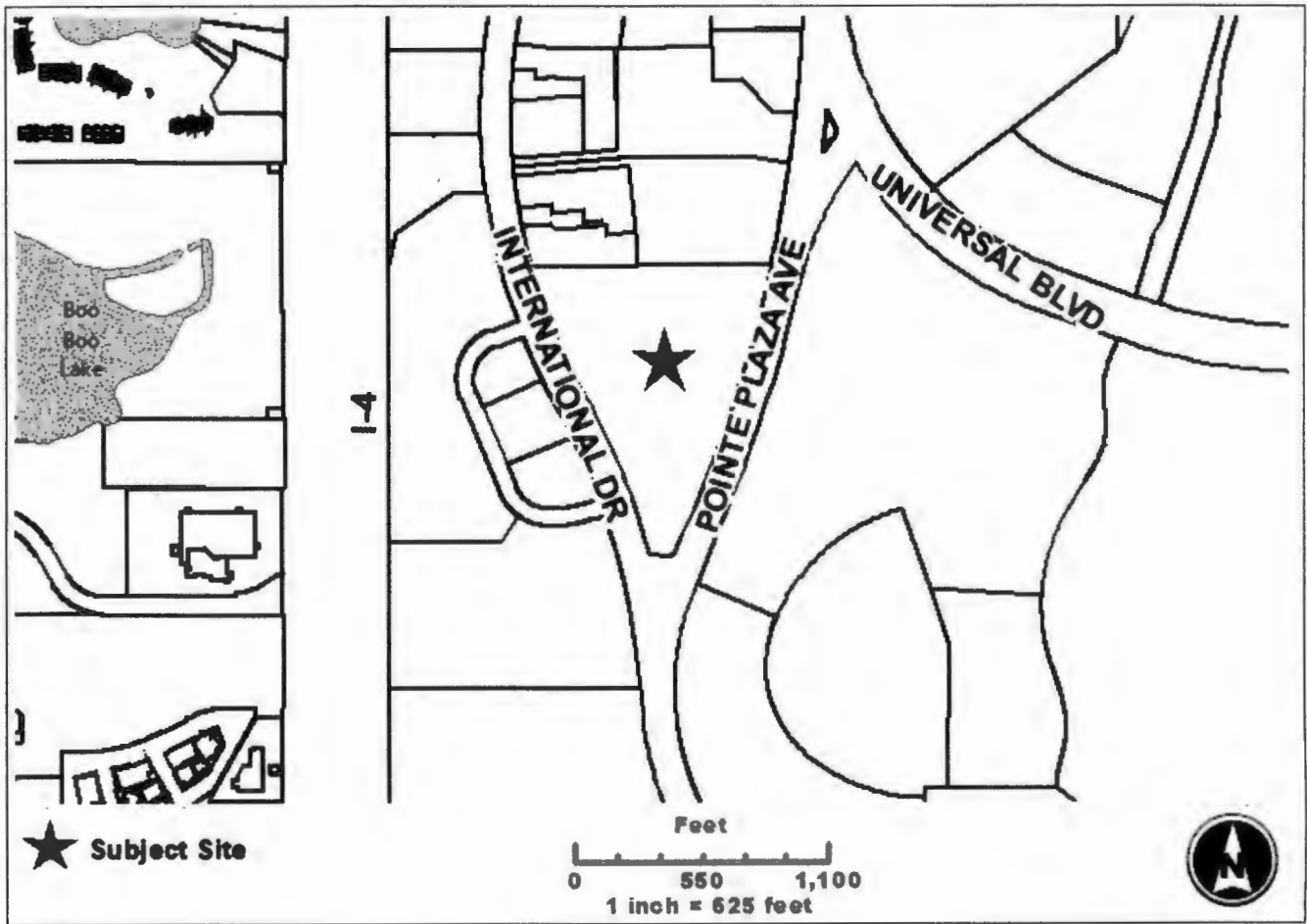
An initial motion to approve staff recommendation was made, but did not pass.

A second motion was made by the BZA to approve the applicant's request with all seven (7) variances. The motion was seconded and received a 5 in favor, 1 opposed and 1 absent vote.

STAFF RECOMMENDATIONS

Approval of Variance Requests #1 through #5, and approval of a lesser variance for request # 6 (for a variance of 101.5 ft. of copy in lieu of 71.67 – this is the copy area of sign # 4 on plan), subject to conditions of approval. Staff is recommending denial of Variance Request #7.

LOCATION MAP



SITE & SURROUNDING DATA

| | Property | North | South | East | West |
|-----------------|------------|------------|------------|--------|------------|
| Current Zoning | C-2 | C-2 | C-2 | PD | C-2 |
| Future Land Use | C | C | C | PD | C |
| Current Use | Commercial | Commercial | Commercial | Vacant | Commercial |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is located in the I-Drive District Overlay Zone. It is within the T6 I-Drive Transect and is within the Retail & Hospitality Sub-District. This property is also located within the Tourist Commercial Signage Overlay, which limits allowable signage compared to standard sign code within the County.

Currently the property has a zoning designation of C-2. Were this property zoned Planned Development (PD)

then a Master Sign Plan could be processed through the Development Review Committee (DRC), however because it is zoned C-2, variances are required. Additionally, because it is within the I-Drive District Overlay, a rezoning to Planned Development is not possible, as it is not allowed.

This property was platted in 1991, and developed as a retail center in 1997. The property was developed under the regulations of the Convention Plaza District Overlay Zone. This was an overlay district that governed a very small area of land that surrounded the Orange County Convention Center. The intent of this overlay was to create “a special place around the Convention Center that is entertaining, vibrant, and inviting to tourists, visitors, and residents alike”. This was accomplished by removing setback, height, and open space requirements in the district, and requiring pedestrian oriented businesses (like retail, restaurants, and entertainment) on the ground floor of buildings facing right-of-ways, which promoted higher density development. The Convention Plaza Overlay Zone was replaced by the I-Drive District Overlay Zone in 2017. The goals of the new I-Drive District Overlay are the same as those of the former Convention Plaza District Overlay, to promote a higher density, pedestrian oriented development pattern, but includes a larger area of impact. Similar to the previous overlay, the new overlay has reduced setback, open space, and height requirements.

The site has a unique location, in that it is abutted by roads on either side, and occupies an entire triangle shaped block. Currently the site contains a 5 story parking garage, and approximately 529,000 square feet of commercial space, occupying 2 stories. The site includes a movie theatre, a bowling alley and entertainment center, a museum attraction, a comedy club, a wide variety of restaurants, and a number of retail stores.

The applicant is proposing to update the entire plaza, which includes updates to the existing building facades, as well as the hardscaped and landscaped areas both fronting the street and internal to the plaza, and erecting new “valet plazas.” These updates, as well as any future development, will comply with the requirements of the I-Drive District Overlay Zone. As part of the site update, newer and more prominent signs are being proposed through this Master Sign Plan. The Master Sign Plan attempts to create attractive, aesthetic signage having uniform or cohesive design of color, texture, materials and architectural features that continue throughout the overall development, consistent with the intent of code. While the entire site’s signage will be updated, only certain elements of the Master Sign Plan requires variances and BZA action, while other elements are compliant with code.

The 17 acre site has a number of existing wall signs, which are not a part of this request. There are also currently four monument style ground signs, one at each of the two vehicular entrances to the parking garage, and one located at each of the valet drop-off areas, which are both located off International Drive (on the west side of the property). The applicant is proposing to remove all four of the existing monument signs and install five new monument signs, and eight directional signs as shown on the plans. Variances 1-4 are applicable to the proposed monument signs. No variances are needed for the proposed directional signs. The applicant is also proposing five new wall signs, to be installed on two proposed valet plaza shelters. Variances 5-7 are applicable to these proposed wall signs.

Additionally, there is a monument style ground sign, located in the right-of-way at the intersection of International Drive and Point Plaza Ave. While this sign is for the Pointe development, because it is in the right-of-way, it is regulated and permitted by Orange County Public Works and is exempt from Sec. 31.5 of the Zoning Code. The applicant is proposing to replace the current sign with a new sign identical to sign #10 on this plan, and will work with the Public Works Department on that approval.

The Tourist Commercial sign code permits a maximum of two (2) ground signs for a property with at least 500 feet of property frontage along a right of way. The code also allows a directional sign for each access point. The applicant is proposing to remove the existing signs previously mentioned (4 total signs – 2 ground signs, 2 directional signs), and erect a total of five (5) ground signs and eight (8) directional signs. Variances are being requested for the total number of ground signs (5 in lieu of 2), the height for 2 of the proposed ground signs (12 ft. tall in lieu of 10 ft. tall – only for signs # 3 and # 14 on plan within this report), the minimum size of the tenant panels on 4 of 5 signs (5 sq. ft. in lieu of 12 sq. ft. – only for signs # 13, #18, #3, # 14 plan within this report), and the distance separation between 2 of the signs (48.67 ft. – between signs #12 and #13 on plan within this report). All of the proposed free standing signs are proposing a unified, matching design style.

Four of the ground signs are of identical design in color and font used. Two of these four signs are proposed to be 12 ft. in height, and two of the four are proposed to be 6.18 ft. in height. All are meeting the copy area requirements of code. These four signs are all multi-tenant ground signs, each identifying 6 tenants per sign face. The 5th proposed sign (# 10 on plan) is a ground sign that identifies the shopping center, and is erected in an existing landscaped area. This sign consists of lettering in a circular shape stating THE POINTE, surrounding a 15 ft. tall art installation. This sign will serve as a landmark for the plaza, and will match the aforementioned sign to be located in the Right-of-way (that is not part of this sign plan).

No variances are needed for any of the proposed directional signs, as all are associated with an individual access point from the abutting right-of-ways, and all are compliant with code in regard to height and copy area.

The applicant is also proposing to erect signage on the two new Valet Plazas on site. Valet Plaza # 1 (as shown on the plan within this report) is proposed to have a 101.5 sq. ft. sign that projects above the roof line, that identifies the name of the development, as well as two EMC (Electronic Message Center) changeable copy signs on either side of the valet stand that have a total of 34.8 sq. ft., for a cumulative total copy area of 137 sq. ft. between all 3 signs. Valet Stand # 1 has a building frontage of 71.67 ft., and therefore an allowable copy area 71.67 sq. ft. per Tourist Commercial Standards. The applicant is requesting a variance for the overall copy area (137 sq. ft. in lieu of 71.67 sq. ft.), as well as variance to allow wall signs to be an EMC, and to include changeable copy area, in lieu of EMCs only being permitted as ground and pole signs, and in lieu of wall signs not including changeable copy area.

For Valet Plaza # 2, two 17.4 sq. ft. EMC changeable copy signs on either side of the valet stand are being proposed (identical to those on Valet Plaza #1), for a total of 34.8 sq. ft. of copy area. Valet Plaza # 2 has a building frontage of 36 ft., and therefore an allowable copy area of 36 ft. No variance for copy area is needed, only a variance to allow wall signs to be an EMC and to include changeable copy area, in lieu of EMCs only being permitted as ground and pole signs, and in lieu of wall signs not including changeable copy area, is required (the same variance that is needed for Valet Plaza #1).

Other building signage is shown on the plan, including wall signage on the parking garage (Signs # 9 and #11 on the site plan, as well as signage that is internal to the PD (signs # 15, #16, and # 17 on the site plan). These signs do not require any variances. Sign # 9 is channel letters on the parking garage (identifying only the parking garage), and is compliant with sign code. Sign # 1 is an abstract piece of artwork (it is a painted panel), and not counted as copy area. Signs # 15, #16, and # 17 are all internal to the site and not visible from the right-of-way, and therefore exempt from sign code requirements. Additionally, there are 6 digital displays shown on the plan within this report (circled in yellow on the plan). These are also internal to the site and not visible from the right-of-way, and therefore exempt from sign code requirements.

Staff is recommending approval of Variance Requests #1 through #5, and a reduced approval of request # 6 (for a variance of 101.5 ft. of copy in lieu of 71.67 – this is the copy area of sign # 4 on plan). Staff is recommending denial of variance request #7.

STAFF FINDINGS

VARIANCE CRITERIA

Not self-created

Due to the adoption of the I-Drive District overlay in 2017, this property is unable to rezone to Planned Development, and apply for a Master Sign Plan through the DRC. For a PD to be eligible for a Master Sign Plan, it must have at least 15 acres, and 1,000 feet of right-of-way frontage, this property is 17 acres, and has over 2,600 ft. of right-of-way frontage. Many other large retail and entertainment sites along International Drive that were developed with the same intent as this plaza have been able to obtain a Master Site Plan through the DRC, simply because they were zoned Planned Development. The I-Drive District Overlay asks that proposed new developments provide a Master Sign Plan in accordance with Sec. 31.5-190, however the overlay also does not allow new developments to rezone to PD, and be permitted Master Sign Plans. The intent of the overlay is for properties this size to have a Master Sign Plan, but the overlay doesn't provide an avenue for the approval of a Master Sign Plan.

Special Conditions and Circumstances

The special conditions and circumstances is the size and the scale of this site and the limitations placed on it per the I-Drive District Overlay. If this property were zoned PD, or the overlay itself didn't exist, this site could rezone to Planned Development and apply for a Master Sign Plan through the DRC. Both the Tourist Commercial Sign code, the I-Drive District Overlay, and the Planned Development sign code contain language about the preference for a Master Sign Plan for a property of this size. This site is uniquely positioned directly adjacent to the Orange County Convention Center, and the hotels that connect to it. This plaza is the closest entertainment and dining area to the convention center and its hotels, and its location provides a walkable destination to convention goes and visitors. The site serves as a landmark in the area, as its location is along the intersection of the two main North/South thoroughfares that go through the Tourist Corridor. International Drive being the principle thoroughfare, and Point Plaza Ave. being the connecting road from International Drive to Universal Boulevard, which is the secondary thoroughfare through the area. The ground signage proposed is meeting the intent of the Master Sign Plan, as described in the PD signage code, as it is creating attractive, aesthetic signage having uniform or cohesive design of color, texture, materials and architectural features that continue throughout the overall development. Both Sign # 4 and Sign # 10 also serve as landmarks themselves, and help to identify the property, and provide both pedestrians and vehicles a reference point, creating a sense of place within the Plaza. Sign # 10 will also serve as public open space, as it will located in a small landscaped area that visitors can interact with. This site also has approximately 2,600 ft. of right of way frontage, which is over a half mile. By code, a property with this much right-of-way frontage and a property with 500 ft. of frontage would be permitted the same amount of ground signage, only 2 signs maximum, with copy area of 80 sq. ft.

Minimum Possible Variance

Were this property divided into a number of smaller parcels, each parcel created would be permitted at least one sign, potentially two. If this property was divided into just 3 smaller parcels each with 866 ft. of right-of-way frontage, these 3 parcels could cumulatively have 6 ground signs. If signage were permitted one every 250 ft., this site could have 10 signs. The total number of signs represents a 250% variance, however each of

these signs is oriented to a different vehicular entrance to the property, and with the exception of Signs #10 and #13, all ground signs are separated from each other by at least 200 ft. Signs #10 and #13 are separated by only 49.67 ft., but these 2 signs are different designs, serving different purposes. Sign # 10 is serving as a landmark for the plaza intended for pedestrian interaction, and Sign # 13 is located at the most heavily trafficked vehicular entrance to the parking garage and is identifying tenants. Two of the proposed signs are proposed to be 12 ft. tall, which represents a 20% variance, however these signs are only 3.63 feet wide, and are located in areas on the site where there is little room for sign placement while still meeting required setbacks. These 2 signs are only proposing 39 sq. ft. of copy, 30 sq. ft. of which will identify 6 different tenants. The additional 2 ft. of height is needed so that each tenant on the ground signs can have at least 5 square feet for a tenant panel. All ground signs proposed are meeting setbacks, and all proposed are well below the square footage allowance of 80 sq. ft. per sign. The cumulative copy area for all 5 ground signs is 188 sq. ft., which is extremely small given the size of the overall development.

Code for multi-tenant ground signs requires that tenant panels be a minimum of 12 sq. ft. of copy. If a sign is limited to only 80 sq. ft. of copy, as it is in the Tourist Commercial Overlay, this would allow only 6 tenant panels, and no name for the proposed development. By reducing the tenant panels to 5 sq. ft., the request allows for the same number of tenant panels (6), but also allows for the name of the development, as well as reducing the overall copy area of ground signs. These signs will be oriented for both vehicles and pedestrians, though there is a larger presence of pedestrians in this area, more so than there are in many other areas in the County. The tenant panels will still be legible, and are being designed in an aesthetically pleasing manner, that is consistent throughout the development among the proposed ground signs.

Additionally, there are a number of tenants internal to the plaza that currently do not have any advertising or wayfinding signage located at the right-of-way. This increase in the number of signs, and decrease in the required square footage for tenant panels, will allow a greater number of businesses to be represented and identified, adding to the impact and success of the plaza as a destination.

Sign # 4 is extending above the roof line it is erected on, however, it is similar in design to other marquee signs permitted throughout the County. The Valet Plaza structure cannot be considered a marquee, as it is a stand alone building, however it serves the same purpose as a marquee, and this sign has a similar appearance and desired effect of a marquee sign. The sign is exceeding copy area, however it fits in scale and proportion with the existing wall signs on the larger buildings that surround it. The existing buildings in close proximity are all in excess of 2 stories, and the sign doesn't go above these buildings. The Valet Plaza itself serves to better frame the development to the street, and adds to the building massing that is desired for a more urban and pedestrian scaled development. Having the sign erected above the roof line creates another landmark for the property (similar to the intent of sign # 10), and creates a recognizable feature to identify the property for both pedestrians and vehicles.

The four total changeable copy copy/ EMC wall signs at the ends of each valet stand are not the minimum possible variance. The intent of both Tourist Commercial and standard sign code throughout the County is for changeable copy signs to only be on ground or pole signs, and not as wall signs. EMC signs are specifically against the intent of the Tourist Commercial Signage Overlay, as for ground signs a property must have a least 1,000 ft. of right-of-way frontage to have an EMC, where as elsewhere in the County there is no requirement. The signs are unnecessary, as there is adequate ground signage being proposed, and these signs may be visually distracting as well, as they take away from the overall design cohesion and desired consistency with the other signs within the plan. The proposed EMC wall signs are both excessive copy area (as with their inclusion the overall copy area variance for Valet Plaza #1 goes from a 141% variance to a 191% variance), as

well as against the intent of the code. Staff may support a future variance for additional or increased wall signage for the development, but would not support any changeable copy or EMC signage.

Purpose and Intent

Overall, with the exception of the four proposed EMC wall signs, the proposed signage meets the intent of both the Master Sign Plan and I-Drive Overlay District codes. The ground signage as proposed is providing the minimum possible variance, and all signage that is being supported by staff has a cohesive design that continues throughout the development. The applicant has worked with staff to reduce the number of variances needed, to propose a majority of signage that staff is in support of, and to comply with sign code where possible. The signs that are being supported also help to create a better sense of place within the development, which is a landmark in this area, and serves a large number of visitors to the tourist area, and create a more pedestrian friendly environment.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan and sign specifications dated September 5, 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: M. Rebecca Wilson
215 N. Eola Drive
Orlando, FL 32801



M. REBECCA WILSON

rebecca.wilson@lowndes-law.com
215 North Eola Drive, Orlando, Florida 32801-2028
T: 407-418-6250 | F: 407-843-4444
MAIN NUMBER: 407-843-4600



July 15, 2019

VIA HAND DELIVERY

Sean Bailey
Zoning Division
Orange County
201 S. Rosalind Avenue
Orlando, FL 32802

Re: Application for Sign Variance for 9101 International Drive; Tax Parcel ID # 28-23-36-7165-00-017 (the "Property")

Dear Sean:

This law firm represents Pointe Orlando Development Company, the owner of the above-referenced Property, with respect to the application for a sign variance that is enclosed herein and described in more detail below. The Property is approximately 17.03 acres and is located on International Drive. The Property has a Comprehensive Plan Future Land Use Designation of Commercial and is zoned C-2.

The Property was developed in 1997. Since it was originally developed Orange County Land Development Code has been amended to include the Tourist Commercial Overlay and the I-Drive District Overlay Zone. Section 31.5-162(b) of the Code for the Tourist Commercial Overlay requires a master on-site sign plan identifying the proposed signage for the subject property to be submitted for approval at the time of submittal of construction plans.

Usually projects of this size are approved as Planned Developments (PD's) and are allowed to seek variances to their signage through the submittal and approval of a Master Signage Plan. Section 38-868 b(2)(5) of the Code states after February 7, 2017, new PDs and substantial changes to PDs, DPs and PSP approved prior to February 7, 2017, shall not be permitted within the I-Drive District Overlay Zone. Pursuant to Code, this Property isn't permitted to rezone to PD zoning and include a master on-



Sean Bailey
July 15, 2019
Page 2

site sign plan. In this instance, the Property cannot seek a PD because staff has taken the position that there is no process to approve a "Master on-site sign plan in a C-2 zoned property, regardless of the Statement that applies to all Tourist Commercial."

Section 30-43(3) of the Orange County Code details the specific criteria that must be met for all variance requests. In this case, all of the criteria have been met as is discussed in more detail below.

(1) Special Conditions and Circumstances.

The date of the original development of the Property presents a special condition and circumstance in the development of a master sign plan.

(2) Not Self-Created.

The current Code for signage did not result from the actions of the owner.

(3) No Special Privilege Conferred.

The approval of the requested variance will not confer on the owner any special privilege as surrounding property owners have approved on-site master sign plans.

(4) Deprivation of Rights.

The denial of the requested variance would deprive the owner of rights commonly enjoyed by other owners in the vicinity of the Property that have master on-site sign plans and would work unnecessary and undue hardship on the Owner.

(5) Minimum Possible Variance.

The proposed variance is the minimum variance that will allow the proposed master sign plan to be developed.

(6) Purpose and Intent.

The approval of the requested variance will be in harmony with the purpose and intent of the Orange County Code.

As illustrated above, the proposed use meets all of the required standards for a special exception that are set forth in the County Code. In support of this special exception request, enclosed please find the following:

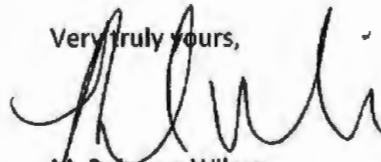
0927097\179411\8963829v1

Sean Bailey
July 15, 2019
Page 3

- (a) Application form;
- (b) Application fee payment;
- (c) OCPA Map of the Property;
- (d) Copies of proposed master plan;
- (e) Agent Authorization;
- (f) Specific Project Expenditure Report; and
- (g) Relationship Disclosure Form.

We appreciate the opportunity to request this variance. Please let me know if you have any questions or require any further information.

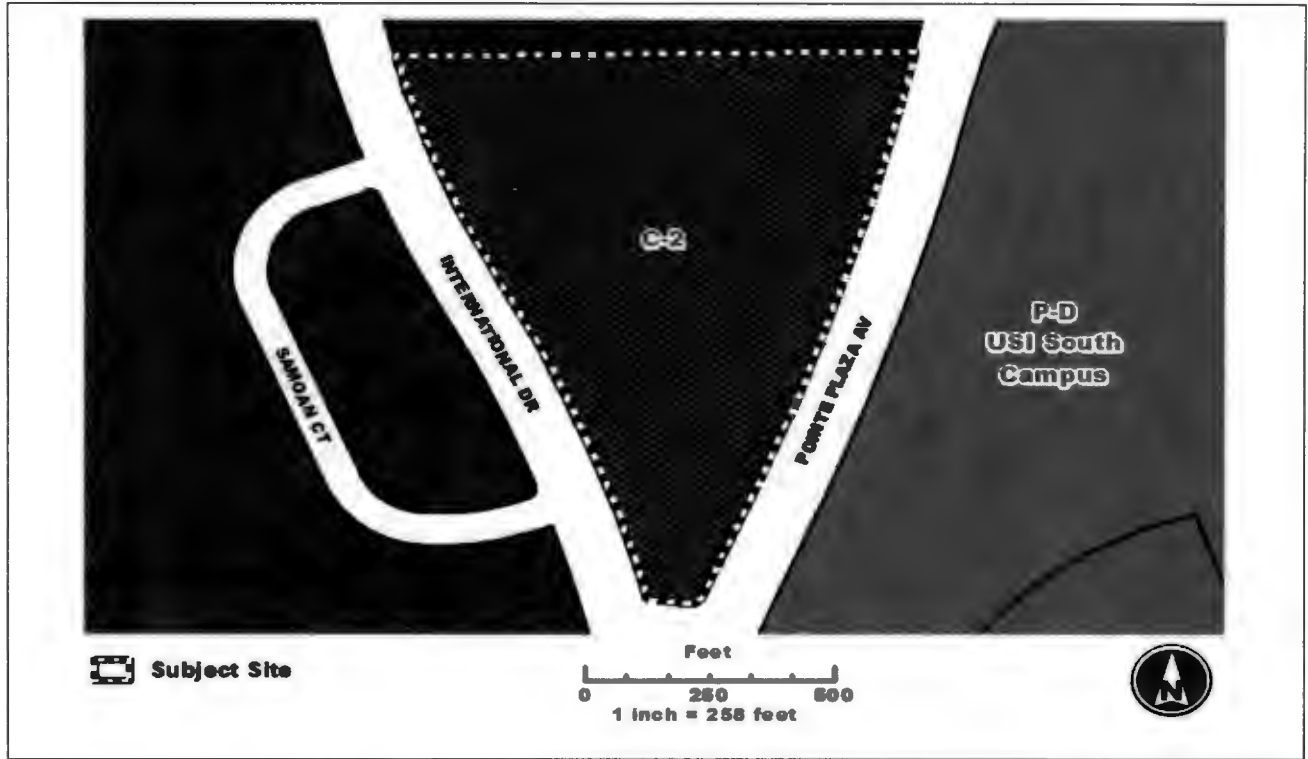
Very truly yours,



M. Rebecca Wilson

MRW/KS
Enclosures

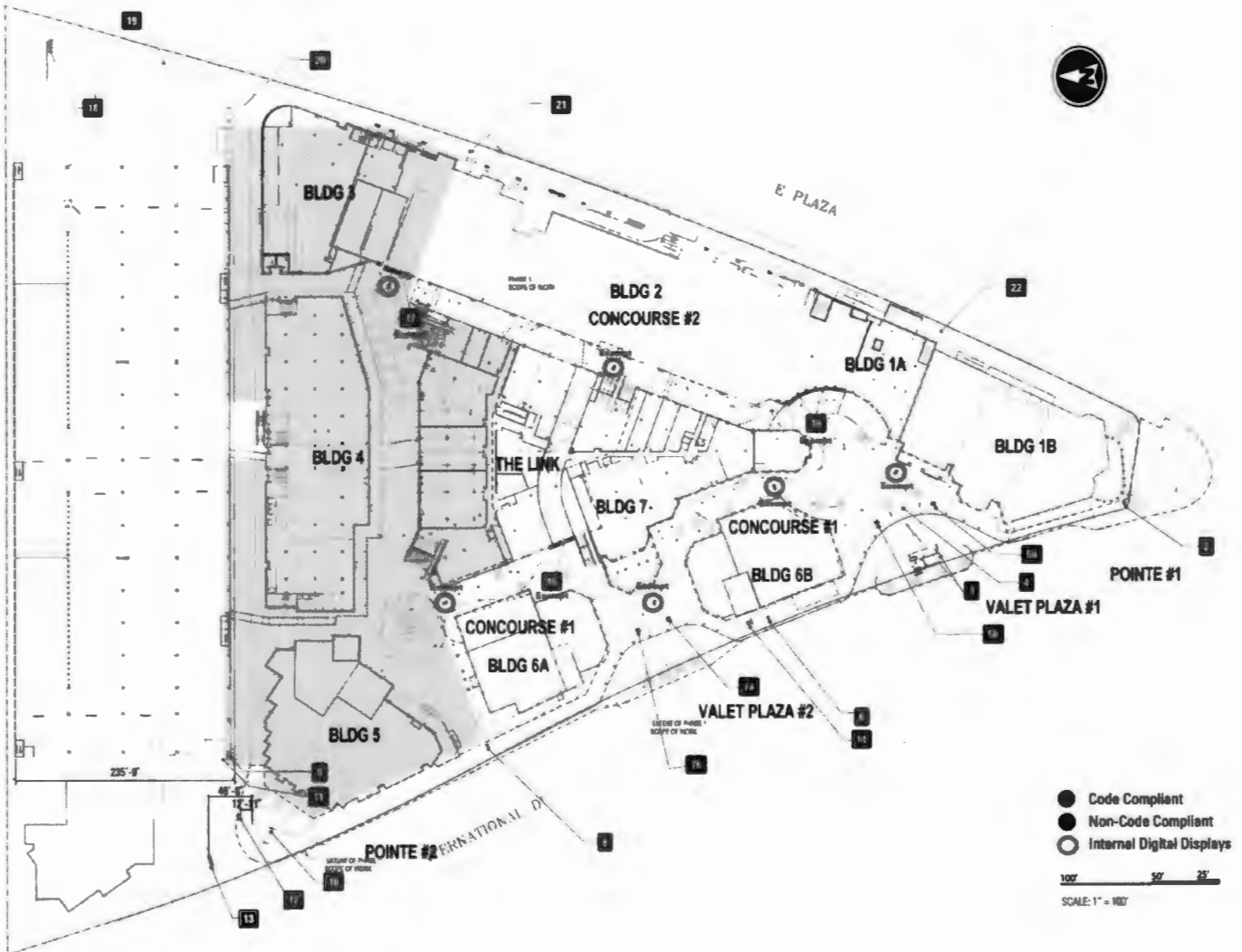
ZONING MAP



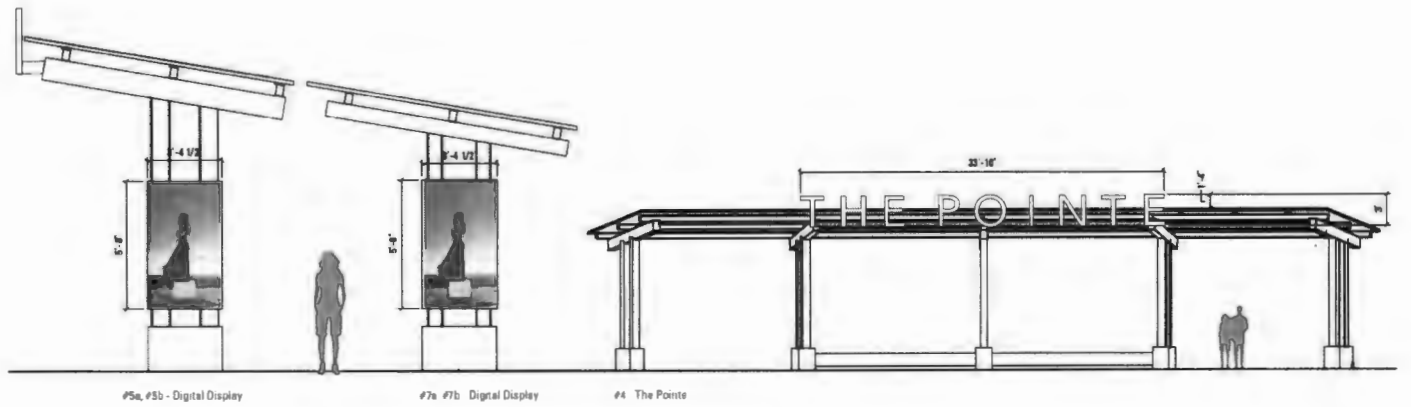
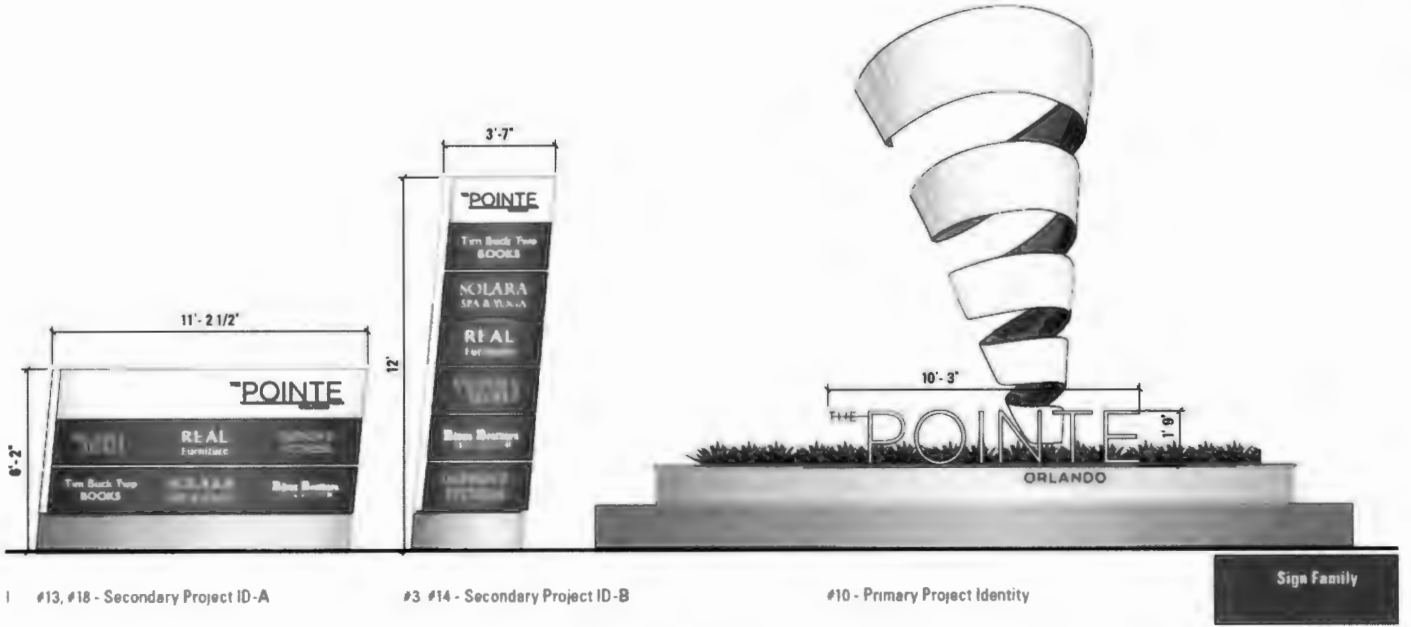
AERIAL MAP



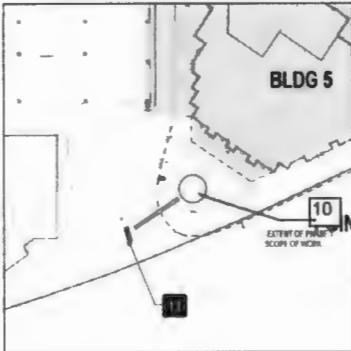
SITE PLAN



OVERVIEW OF SIGNS PROPOSED THAT REQUIRE VARIANCES



SIGNS #10 & 13 DETAIL



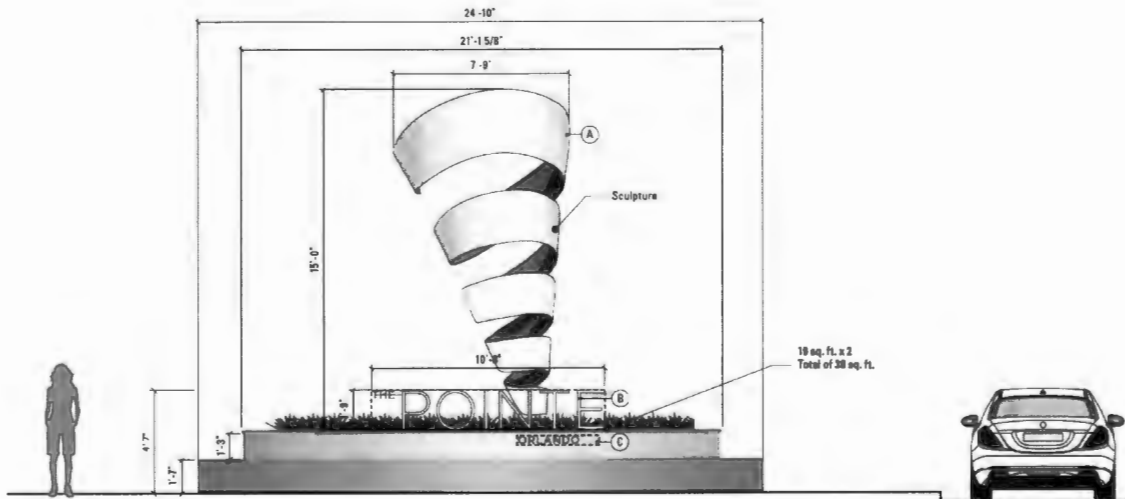
Applicable Variances for Signs #10 & #13:

- **Variance request # 1** (total number of signs)
- **Variance request # 3** (separation of 48.67 between Sign # 10 and Sign # 13). Shown on this page in blue dashed line
- **Variance request #4** (multi-tenant panel size), applicable to Sign # 13.

Note that sculpture in middle of sign 10 is considered a work of art



SIGN # 13



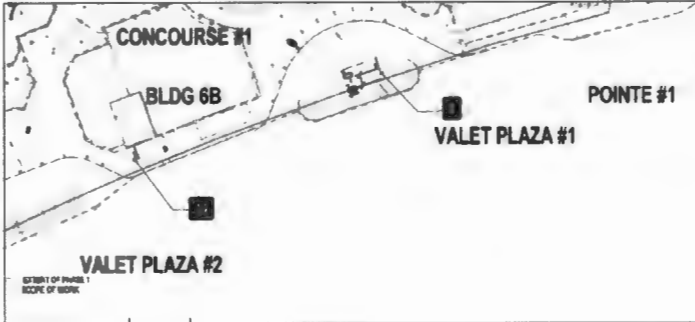
SIGN # 10

SIGNS #10 & #13 RENDERING



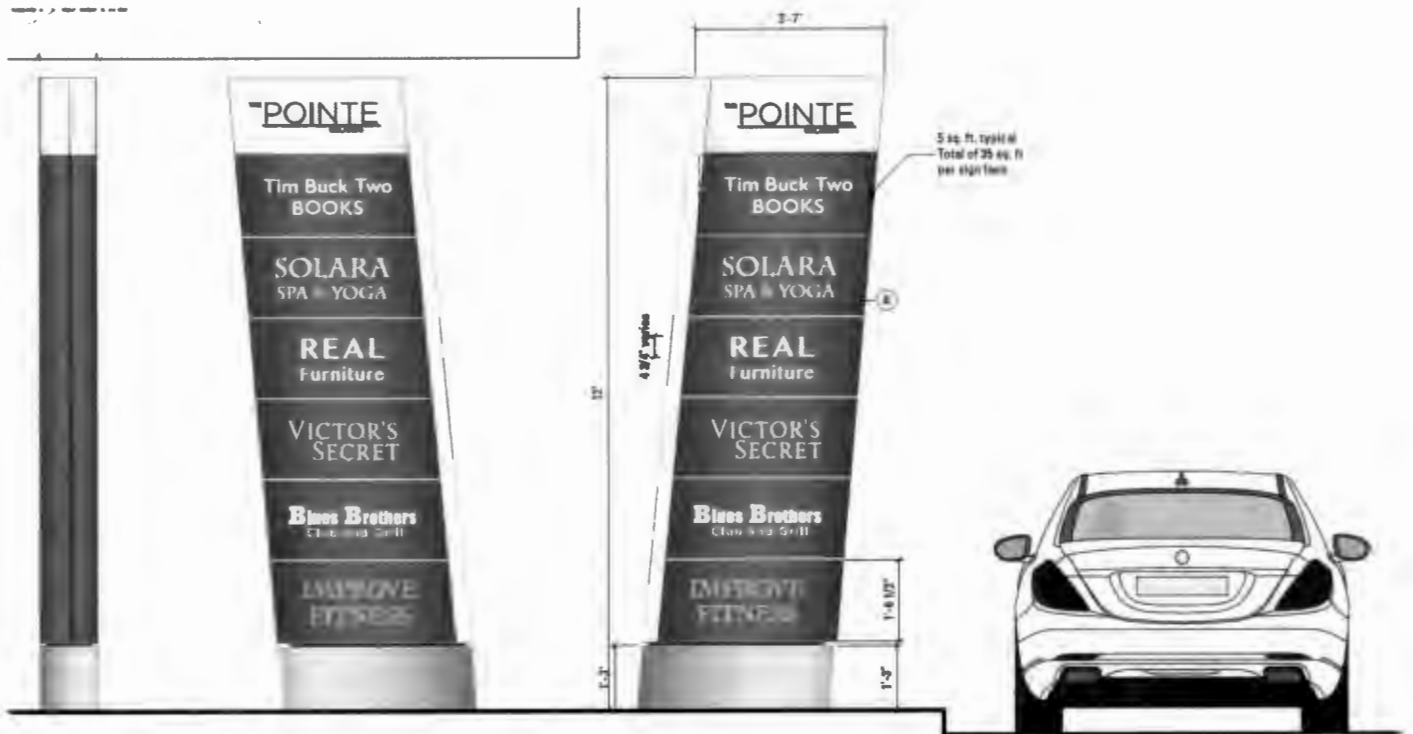
View from International Drive (west side of property), looking north showing of both proposed signs #10 & #13, and the vehicular entrance to parking garage

SIGNS #3 & #14 DETAIL



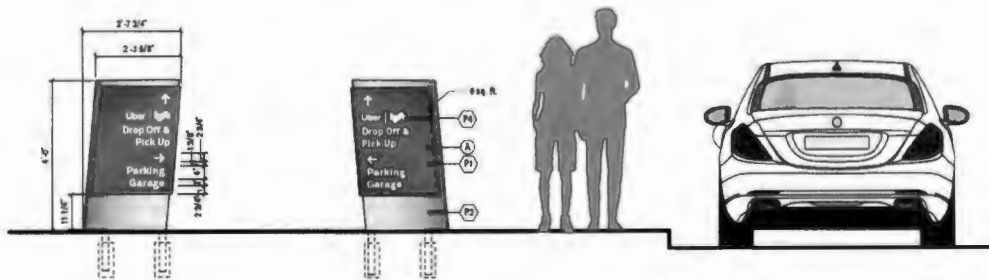
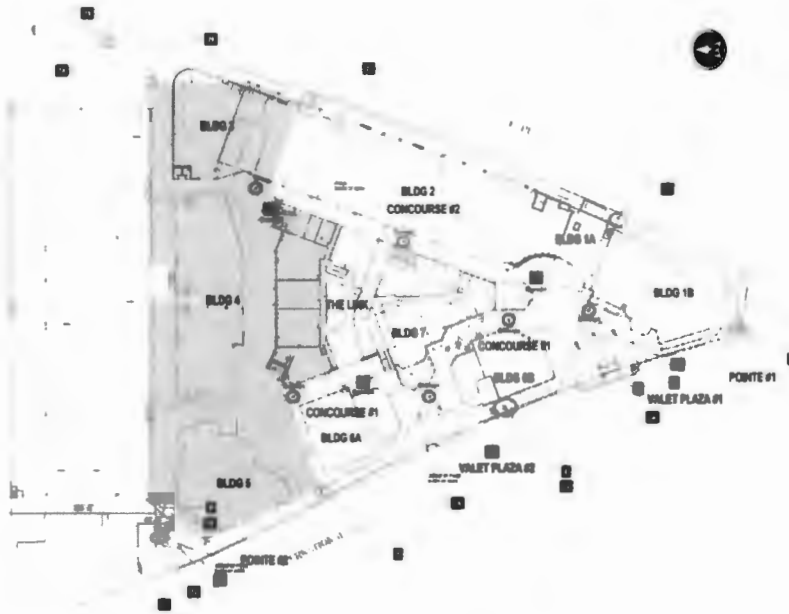
Applicable Variances for Signs #3 & #14:

- Variance request # 1 (total number of signs)
- Variance request # 2 (height)
- Variance request #4 (multi-tenant panel size)

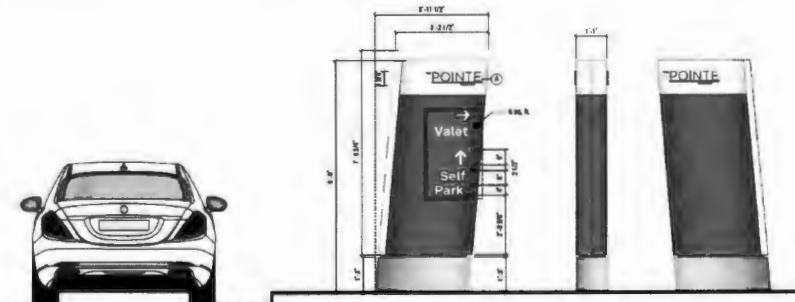


SIGN #3 & 14

DIRECTIONAL SIGNS



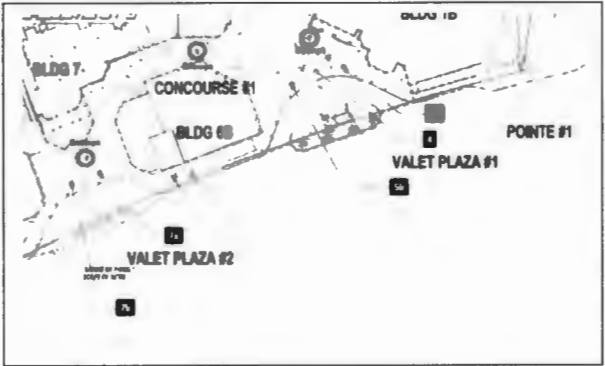
SIGN # 19, #20, #21, #22 – all on East Side of Plaza



SIGN # 2, #6, #8, #12 – all on East Side of Plaza

All directional signs are code compliant, and do not require variances. Shown for context, as these directional signs will match the proposed ground signs in design style. Directional sign locations are circled in blue on plan below. 8 total directional signs.

SIGNS # 4, #5a, #5b, #7a, & #7b DETAIL

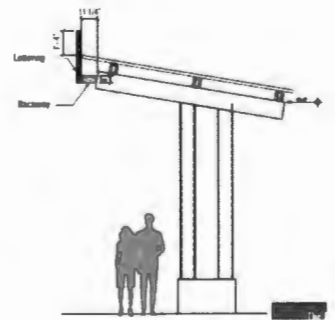
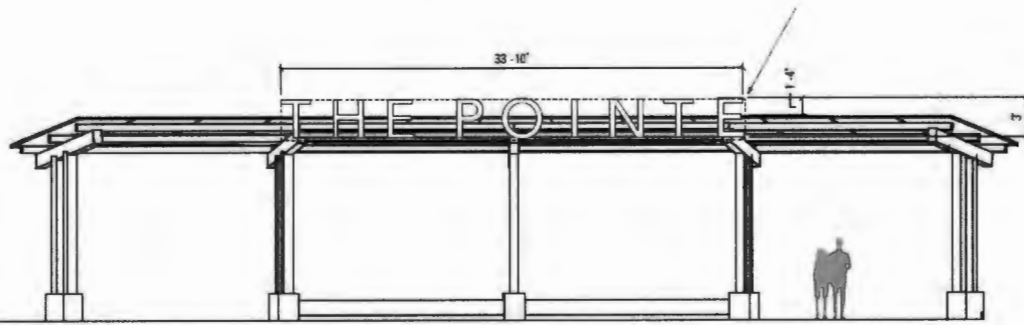


Applicable Variances for Signs #4:

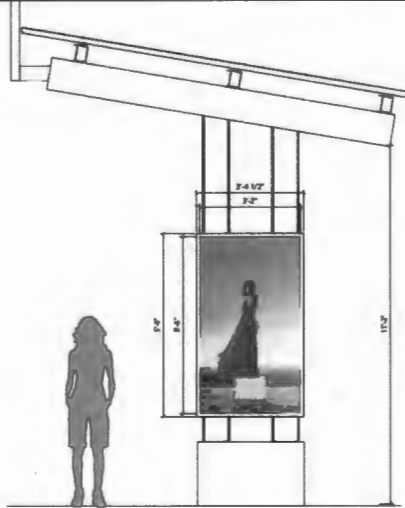
- Variance request # 5 (sign projecting above roof)
- Variance request # 6 (allowable copy area – in conjunction with signs #5a & #5b)

Applicable Variances for Signs #5a & #5b:

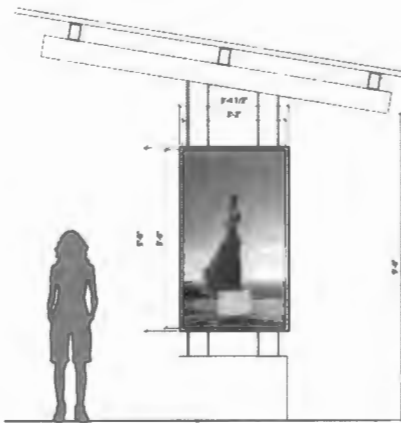
- Variance request # 6 (allowable copy area – in conjunction with sign #4)
- Variance request # 7 (for EMC/changeable copy on wall signs)



SIGN #4 (front and side view)



SIGNS #5a & #5b



SIGNS #7a & #7b



Three dimensional rendering of Signs #5a, #5b, #7a, and #7b

SIGN RENDERING



Three dimensional rendering of Signs #4, #5a, and #5b, as seen from International Drive.

SITE PHOTOS



**View from Pointe Plaza Ave (east side of property), facing south.
Existing monument sign to be replaced.**



View from Pointe Plaza Ave (east side of property), facing north.

SITE PHOTOS



View from intersection of International Drive and Pointe Plaza Ave (i.e "The Pointe") facing north. Showing existing sign located in right-of-way that is to be replaced with sign identical to Sign # 10. This sign not governed by sign code.



View from International Drive (west side of property), facing north. Showing view approaching Valet Plaza # 1

SITE PHOTOS



View from International Drive (west side of property), facing north. Showing view of proposed Valet Plaza # 1. Existing monument style ground sign on left to be replaced with Sign # 3.



Existing monument style ground sign to be replaced with Sign # 3.

SITE PHOTOS



View from International Drive (west side of property) facing south, showing proposed Valet Plaza # 2 location. Existing monument style ground sign on right to be removed.



View from International Drive (west side of property), showing view of proposed Valet Plaza # 2. New Plaza will replace existing.

SITE PHOTOS



View from International Drive (west side of property), showing view of landscaped area where proposed Sign #10 will be placed.



View from International Drive (west side of property), showing view of landscaped area where proposed Sign #10 will be placed, as well as view of existing parking garage.

SITE PHOTOS



View from International Drive (west side of property), facing south. Existing monument sign will be replaced with Sign #13, as well as showing view of landscaped area where proposed Sign #10 will be placed.



View from International Drive (west side of property), facing north. Showing vehicular entrance to parking garage, as well as existing monument sign which will be replaced with Sign # 13.

SITE PHOTOS



View from opposite side on International Drive (west side of property) facing south.



View from pedestrian crossing in median of International Drive (west side of property) facing south.



BOARD OF ZONING ADJUSTMENT