



## RECOMMENDATIONS BOOKLET

# Orange County Board of Zoning Adjustment

Hearing Date:

**December 6, 2018**

Community, Environmental & Development Services Department  
Orange County Zoning Division

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

Carolyn Karraker <i>Vice Chair</i>	District #1
Gregory A. Jackson <i>Chairman</i>	District #2
Jose A. Rivas, Jr.	District #3
Deborah Moskowitz	District #4
Wesley A. Hodge	District #5
Eugene Roberson	District #6
Roberta Walton	At Large

## ***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
1-1/1-5.....	Restricted Industrial District
1-2/1-3.....	Industrial Park District
1-4.....	Industrial District

### **Other District**

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



### **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.**

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
RECOMMENDATIONS  
December 6, 2018**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
VA-18-11-143	Heather Ramos	6	Approved w/Conditions	1
VA-18-12-152	Narcis Yolany Rivera	3	Approved w/Conditions	13
SE-18-12-153	Henry Brutus	6	Approved w/Conditions	22
VA-18-12-154	Edwin Lee	1	Approved w/Conditions	33
VA-18-12-155	Eduardo Escobar	4	Approved w/Conditions	42
VA-18-12-156	Jose Paradela	2	Approved w/Conditions	52
SE-18-12-157	Josh Taylor	1	Approved w/Conditions	61
VA-18-12-158	Steven Labret	3	Approved w/Conditions	73
SE-18-12-159	Iglesia De Dios En Bithlo	5	Continued to 3/7/19	83
VA-18-12-160	Ray Aldridge	4	Approved w/Conditions	96
VA-18-12-163	Fairwinds Credit Union	5	Approved w/Conditions	105
VA-18-12-164	Wendy Taht	1	Approved w/Conditions	117
VA-18-12-165	Gregory Davis For Thomas Sign & Awning Co.	1	Approved w/Conditions	128
VA-18-12-166	Oscar Paredes	6	Approved w/Conditions	137
VA-18-12-167	Charles Brooks	5	Continued to 1/3/19	146
VA-18-12-168	Envue Holdings, LLC	5	Approved w/Conditions	148
VA-18-12-169	Darrell Nunnelly	1	Approved w/Conditions	158
VA-18-12-170	Stephen Allen	6	Approved w/Conditions	169

<b><u>PUBLIC HEARING</u></b>	<b><u>APPLICANT</u></b>	<b><u>DISTRICT</u></b>	<b><u>BZA Recommendations</u></b>	<b><u>PAGE #</u></b>
VA-18-12-171	Ralph Knapp	3	Approved w/Conditions	180
SE-18-12-172	Michael Harding	3	Denied	192
VA-18-12-173	Kenco Signs	5	Approved w/Conditions	202
VA-19-01-174	Visit Orlando	6	Approved w/Conditions	217
ZM-19-01-176	Torek Thompkins	1	Approved w/Conditions	225
SE-19-01-175	Cantero Holdings, LLC	1	Withdrawn	234

**HEATHER RAMOS**  
**VA-18-11-143**

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**REQUEST:** **Variances** in the C-2 zoning district as follows:  
1) To allow window signage with 50% coverage in lieu of 25%.  
2) To allow window signage graphics to be 24 ft. x 9 ft. in lieu of 6 in. x 3 in.  
This is the result of Code Enforcement action.

**ADDRESS:** 7437 International Drive, Orlando FL 32819

**LOCATION:** East side of International Dr., north of W. Sand Lake Rd.

**S-T-R:** 25-23-28

**TRACT SIZE:** 175 ft. x 360 ft.; 1.445 acres

**DISTRICT#:** 6

**LEGAL:** BEG 1395.88 FT N & 40 FT E OF SW COR OF E1/2 OF SW1/4 TH E  
360 FT N 175 FT W 360 FT S 175 FT TO POB IN SEC 25-23-28

**PARCEL ID:** 25-23-28-0000-00-024

**NO. OF NOTICES:** 313

**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 October 24, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.



4. This approval shall be limited to a cumulative total of 924 sq. ft. of window signage. No additional signage or outdoor graphics shall be permitted on the building without authorization of the BZA.
5. The applicant shall obtain a permit for the signage within ninety (90) days of final County action or this approval becomes null and void.
6. Any violations of these conditions shall be subject to action by the Code Enforcement Board, not the BZA.

**SYNOPSIS:** Staff gave a presentation on the case covering the location, amount of graphics, elevations, and photos.

The applicant stated that they have been there for 15 years. The ticket booth in front of the store partially blocks visibility. Many foreign tourists recognize the business by the signage/pictures. They have already removed the top signage, and are only requesting the signage at the bottom of the windows, which helps block the heat and sunlight. The request is in harmony with the area, as he now has 45 signatures in favor of the request from neighbors in the area.

Members of the public spoke in favor of the case, stating that the signage/images are needed to assist foreign visitors who do not speak English. The sign codes have changed and are too harsh and hurting businesses. The signage is tasteful and necessary for the business.

The BZA agreed that the graphics were necessary for foreign tourists. The BZA was concerned about the amount of the request but agreed that advertising/signage was needed.

Staff received forty-one (41) commentaries in favor and one (1) commentary in opposition to the application.

There was no opposition at the hearing.

The BZA approved the variance.



**Applicant:** HEATHER RAMOS

**BZA Number:** VA-18-11-143

**BZA Date:** 12/06/2018

**District:** 6

**Sec/Twn/Rge:** 25-23-28-SW-C

**Tract Size:** 175 ft. x 360 ft.; 1.445 acres

**Address:** 7437 International Dr, Orlando FL 32819

**Location:** East side of International Dr., north of W. Sand Lake Rd.

**GRAY | ROBINSON**  
ATTORNEYS AT LAW

Heather M. Ramos

407-244-5670

HEATHER.RAMOS@GRAY-ROBINSON.COM

September 11, 2018 [REVISED October 15, 2018]

301 EAST PINE STREET  
SUITE 1400  
POST OFFICE BOX 3068 (32802-3068)  
ORLANDO, FLORIDA 32801  
TEL 407-843-8880  
FAX 407-244-5690

BOCA RATON  
FORT LAUDERDALE  
FORT MYERS  
GAINESVILLE  
JACKSONVILLE  
KEY WEST  
LAKELAND  
MELBOURNE  
MIAMI  
NAPLES  
ORLANDO  
TALLAHASSEE  
TAMPA

**BY HAND DELIVERY**

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

Re: Sign Variance Application – Factory Outlet, 7435 International Drive

Ladies and Gentlemen:

On behalf of Mr. Arvind Nandu, President of Benzer Enterprises One Inc. and owner of Factory Outlet, a business located at 7435 International Drive, Orlando, Florida 32819, we are submitting this variance application cover letter, \$638.00 check, and variance application package.

**What the request is for:** A variance for the size of vinyl graphics on the eight windows for a business called Factory Outlet. Specifically the request is to allow the following:

1. To allow the maximum copy area for each window sign (including graphics) to be 66% instead of 25% as set forth in Subsection 31.5-78(a) of the County's Code of Ordinances; and
2. To allow graphics on each window to exceed the 6 inch x 3 inch size limitation set forth in Subsection 31.5-78(b) of the County's Code of Ordinances. However, such graphics will not exceed 66% of each window.

**Reason for the request:** The applicant has been in this location for over 15 years. Factory Outlet is a store that caters to tourists, and graphics in the windows allow the type of business to be recognized by the tourists from the sidewalk and street. The Code currently allows (1) the maximum copy area of a window to be a maximum of 25%, and (2) graphics on windows to be three inches by six inches or less. Graphics of that size are not visible to the tourists walking on the sidewalk or driving on the street. The graphics in the windows also help regulate heat and light. Further, graphics on the windows are the norm in this area, and when tastefully done have an extremely positive impact on business. We have included with the application pictures from surrounding businesses which show graphics on the windows of the businesses and which in some instances cover 75% to 100% of the business windows. On a final note, the property owner (the landlord) and all surrounding business owners are in support of the variance request.

[www.gray-robinson.com](http://www.gray-robinson.com)

**What is currently allowed under the code:** The County's Code provides:

Sec. 31.5-170. - Window signs.

- (a) For any establishment, the maximum copy area of any window sign or the totality of window signs shall be twenty-five (25) percent of the window area.
- (b) The maximum size of any letter, number, or graphic on any window sign shall be six (6) inches in height and three (3) inches in width. The maximum size requirement shall not include the business logo.
- (c) Any signage attached to or within three (3) feet of the window that directs attention from outside the window to an object, product, place, activity, facility, service, event, attraction, person, issue, idea, institution, organization, development, project, or business for the purpose of advertising, identifying, or conveying information to the public, shall be considered copy area.
- (d) Window signage shall not count towards total signage area for a business establishment.

**How the proposal meets the six standards for variance approval:**

1. **Special Conditions and Circumstances** – The property is located in the C-2 commercial zoning district with Tourist Commercial Overlay. The building in which the Factory Outlet store is located is situated on International Drive, however there is a parking lot in front of the Factory Outlet so the windows in the front of the store are located approximately 90 feet (a great distance) from the road and from the sidewalk. There is also a large ticket booth which sits close to the street in front of the Factory Outlet store (see **Attachment B**). The size limitations on the signage in the County's code do not allow Factory Outlet's graphics in the windows to be seen from the street or the sidewalk. Further, the front and side of the Factory Outlet is mostly glass, and the graphics on the windows provide much needed protection from the heat and sun.
2. **Not Self-Created** – The setback of the building from the road and sidewalk is not self-created. The ticket booth in front of the store is not self-created. Further, the graphics in the windows assist with keeping the heat from the sun out of the store and the sun from directly hitting merchandise.
3. **No Special Privilege Conferred** – As shown in the numerous pictures included with this application, surrounding property owners or tenants in many instances have 75% to 100% of the windows in their storefronts along International Drive covered by graphics.
4. **Deprivation of Rights** – The applicant is not being deprived of having any signage on the property; however, the amount and size of signage allowed by the County does not allow the business to be visible from the sidewalk or the street which is the purpose of signage especially in the tourist area. When tastefully done, graphics in the windows allow the tourists to determine the type of merchandise in a store. Without the graphics, the business cannot be recognized. There is no other way to provide signage for the Factory Outlet except

GRAYROBINSON  
PROFESSIONAL ASSOCIATION

Orange County Zoning Division  
September 11, 2018 [REVISED October 15, 2018]  
Page 3

for in the windows. Oversized graphics in the windows on International Drive are the norm and can be seen on businesses such as Titanic: The Artifact Exhibition, McDonald's, Visit Orlando Official Visitor Center, Walgreens, Orlando Eye, and Madame Tussauds (see **Attachment E**). Mr. Nandu collected numerous signatures from tenants and property owners in support of his variance request. Included in the signed list are Josh Wallack of Mango's Tropical Cafe, R. J. Dowdy of Dowdy Properties, Charles E. Bailes, Jr. of ABC Liquor, Joseph JeBailey of Phoenicia Development, and Nadeem Khan of Gala Enterprises of Central Florida (see **Attachment D**).

5. **Minimum Possible Variance** – To be effective for tourist purposes, Mr. Nandu needs to utilize up to 66% of his windows for graphics. Further, covering this amount of the windows assists with keeping the heat and direct light off of the merchandise in the store.
6. **Purpose and Intent** – Approval of the sign variance is in keeping and harmony of the International Drive area. It is not injurious to the neighborhood because it is consistent with the current practices of the businesses on International Drive. Further, the property owner and surrounding business owners are in support of the variance request.

Included with this cover letter, please find the following:

**Attachment A** – Orange County Variance Application  
**Attachment B** – Site Plan and Aerial Location Photo  
**Attachment C** – Pictures of Factory Outlet windows and calculations  
**Attachment D** – Signatures in support from neighboring property owners and tenants  
**Attachment E** – Pictures of windows for surrounding businesses on International Drive  
**Attachment F** – Code enforcement citation

Sincerely,

GrayRobinson, P.A.

  
Heather M. Ramos

HMR/sdh

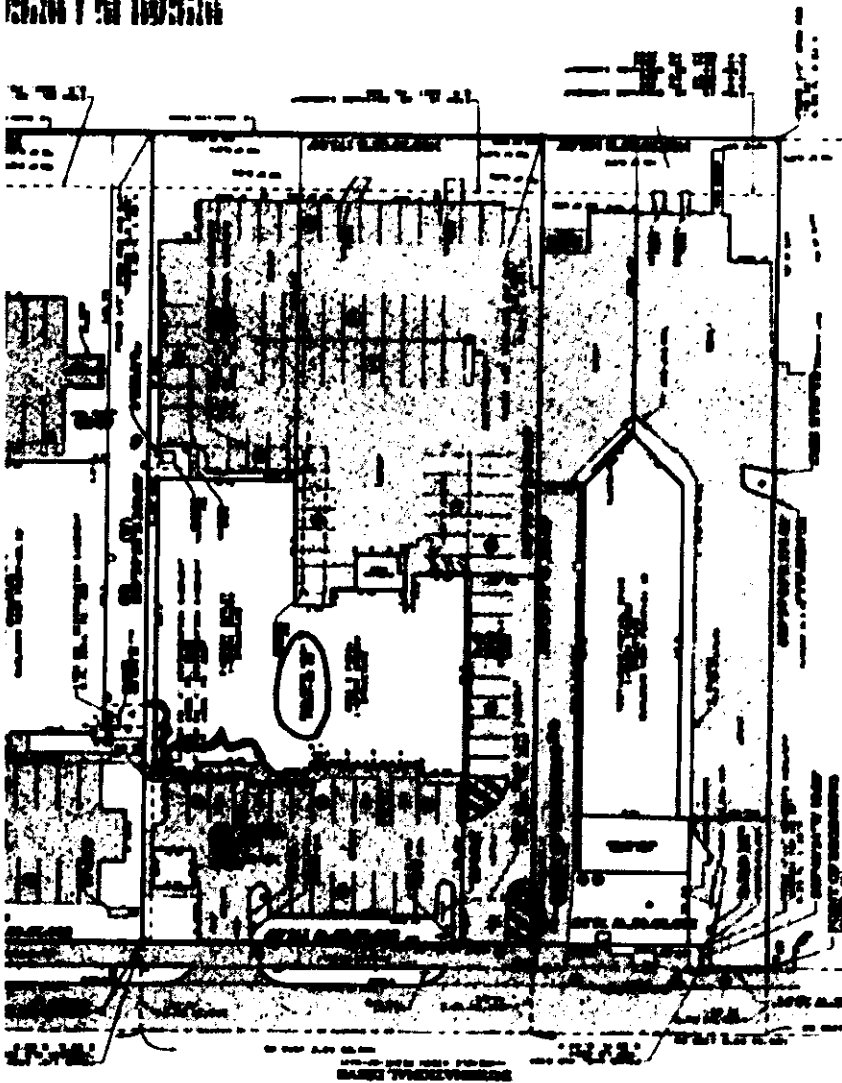
Enclosures

VS9909311 - # 12750658 v1

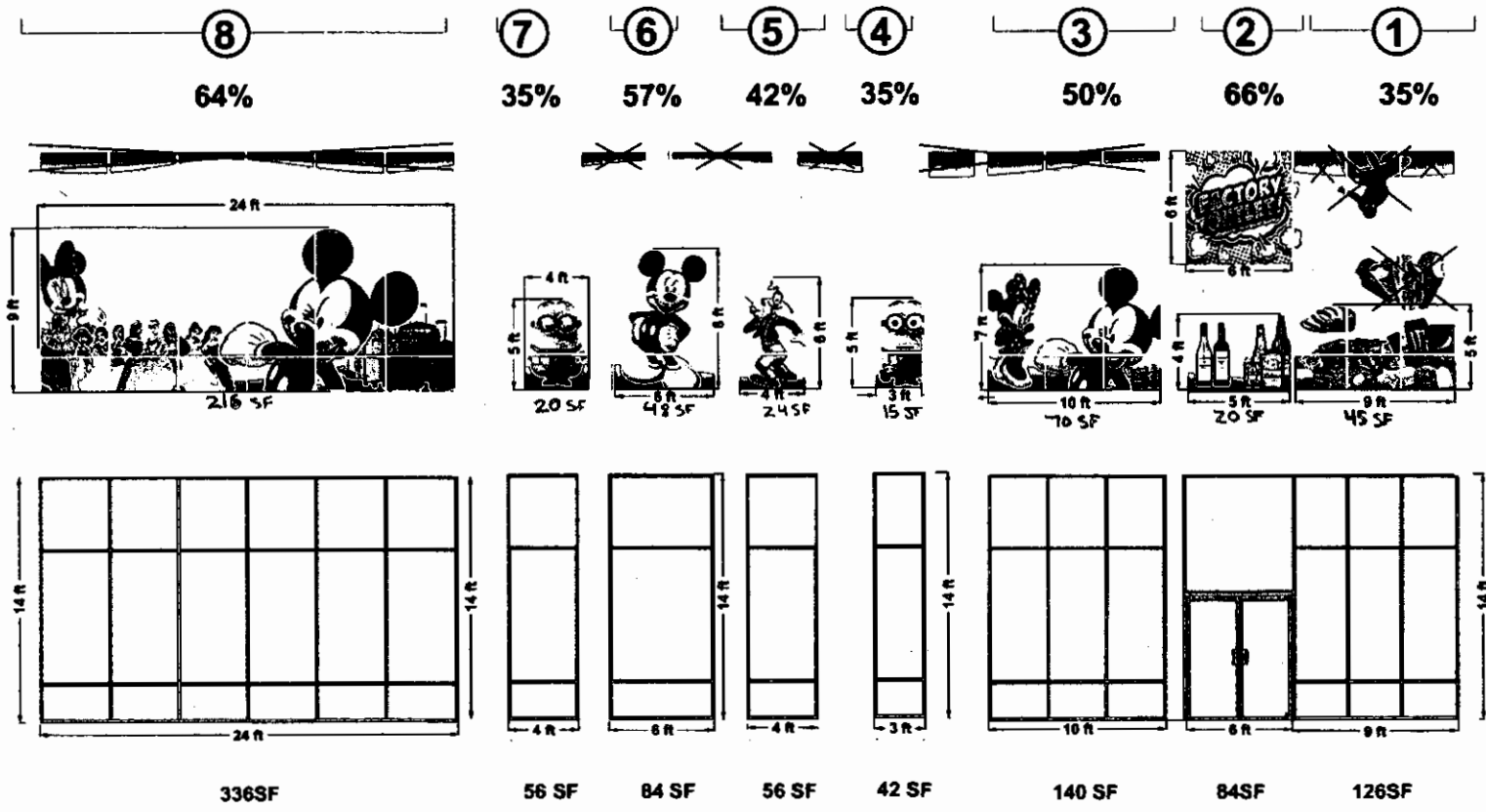
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LEGEND  
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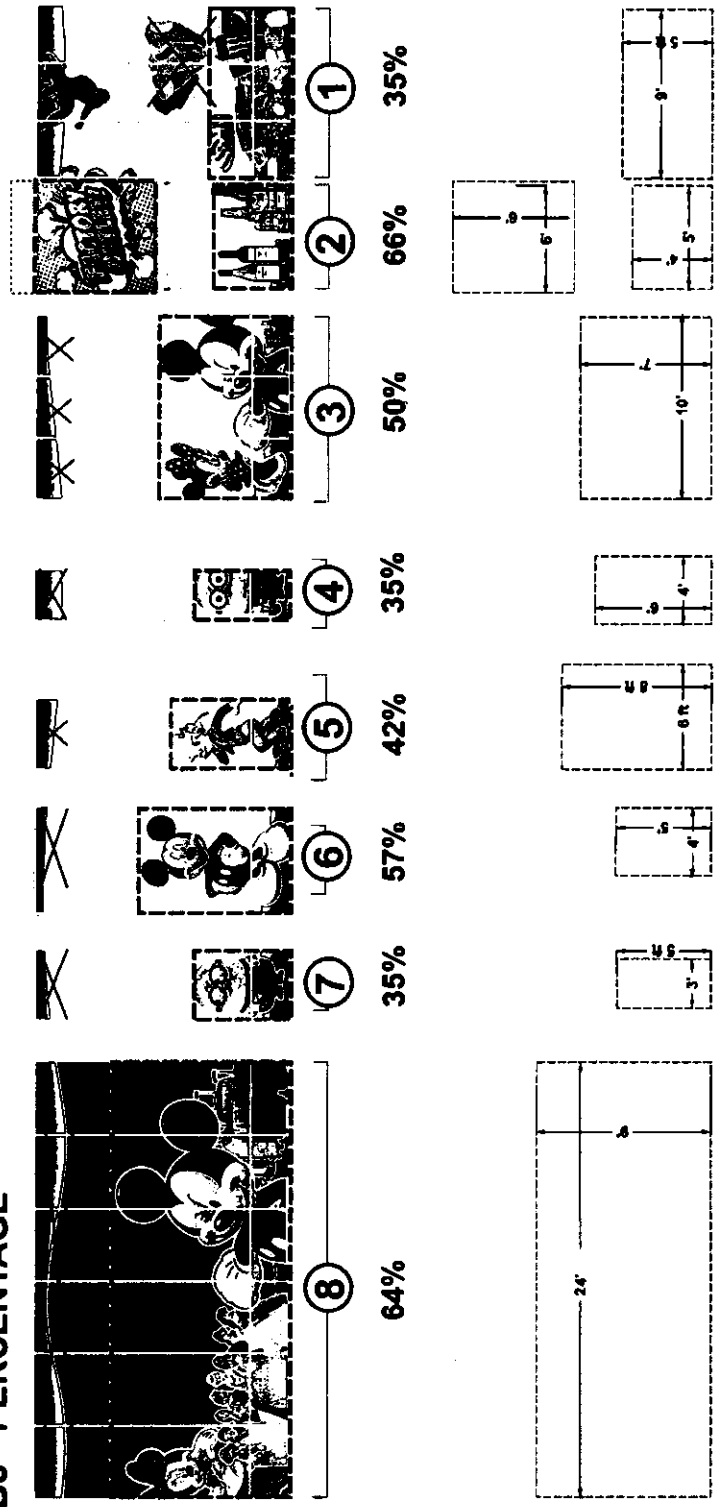
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Total Windows 924  
 Total Signage 458

RECEIVED  
 OCT 24 2018  
 ORANGE COUNTY  
 ZONING DIVISION

**B3 - PERCENTAGE**



RECEIVED  
 OCT 24 2010  
 ORANGE COUNTY,  
 ZONING DIVISION





**STAFF REPORT**  
**CASE #: VA-18-11-143**  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 6

**GENERAL INFORMATION:**

**APPLICANT:** HEATHER RAMOS

**REQUEST:** Variances in the C-2 zoning district as follows:

- 1) To allow window signage with 50% coverage in lieu of 25%.
- 2) To allow window signage graphics to be 24 ft. x 9 ft. in lieu of 6 in. x 3 in.

This is the result of Code Enforcement action.

**LOCATION:** East side of International Dr., north of W. Sand Lake Rd.

**PROPERTY ADDRESS:** 7437 International Drive, Orlando, Florida, 32819

**PARCEL ID:** 25-23-28-0000-00-024

**PUBLIC NOTIFICATION:** 313

**TRACT SIZE:** 175 ft. x 360 ft.; 1.445 acres

**DISTRICT #:** 6

**ZONING:** C-2

**EXISTING USE(S):** Commercial

**PROPOSED USE(S):** Commercial

**SURROUNDING USES:** N - Commercial  
S - Commercial  
E - Commercial  
W - Commercial

## STAFF FINDINGS AND ANALYSIS:

1. The property is located in the C-2 General Commercial district, which allows for restaurants, retail stores, offices, churches, and various other commercial businesses. It is also located in the Tourist Commercial Overlay.
2. Sign code Section 31.5-170 (a), states the max sign area for window signs is up to twenty-five (25) percent of the window area. The total window area is 924 sq. ft., which allows up to 231 sq. ft. of window signage per code. The applicant is proposing 458 sq. ft. of window signage, thus, a variance is being requested for 227 sq. ft. of additional window signage. Window Sign Code states that any signage located within 3 feet of a window counts as signage. The applicant could move the signage back to meet the 3 feet requirement.
3. Sign code Section 31.5-170 (b), states the maximum size of any letter, number, or graphic on any window sign shall be six (6) inches in height and three (3) inches in width. The applicant is proposing window signage graphics to be 24 feet x 9 feet.
4. Code Enforcement cited the applicant in July of 2018, for window signage size and coverage (Incident 517736).
5. The applicant has two (2) existing wall signs; one was permitted (B96009622). Said sign was approved at 60 sq. ft., which is the maximum allowed, based on their building frontage. Staff could not locate a permit for the Supermarket sign.

## VARIANCE CRITERIA

### **Special Conditions and Circumstances**

The applicant has not demonstrated special conditions or a hardship to justify the request.

### **Not Self-Created**

The need for the variance is self-created, as the signage was installed without permits.

### **No Special privilege**

Approval would grant special privilege that is not granted to other properties in the area.

### **Deprivation of Rights**

The applicant is not being deprived of the right to have signage on the property, as they have sufficient wall signage.

**STAFF RECOMMENDATION:**

Staff recommends denial of the request. If the BZA recommends approval, the following conditions should be imposed:

1. Development in accordance with the site plan dated October 24, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. This approval shall be limited to a cumulative total of 924 sq. ft. of window signage. No additional signage or outdoor graphics shall be permitted on the building without authorization of the BZA.
5. The applicant shall obtain a permit for the signage within ninety (90) days of final County action or this approval becomes null and void.
6. Any violations of these conditions shall be subject to action by the Code Enforcement Board, not the BZA.

c: Heather Ramos  
301 Pine Street, East, Suite 1400  
Orlando, FL 32801

**NARCIS YOLANY RIVERA**  
**VA-18-12-152**

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**REQUEST:** Variance in the R-1 zoning district to allow an accessory structure (gazebo) to remain 3 ft. from the side property line in lieu of 5 ft. This is the result of Code Enforcement action.

**ADDRESS:** 484 Valencia Place Circle, Orlando FL 32825

**LOCATION:** East of Valencia Place Cir., approximately 850 ft. south of Valencia College Ln.

**S-T-R:** 30-22-31

**TRACT SIZE:** .15 acres

**DISTRICT#:** 3

**LEGAL:** VALENCIA PLACE 29/76 LOT 15

**PARCEL ID:** 30-22-31-8851-00-150

**NO. OF NOTICES:** 96

**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 (4 in favor, 2 opposed and 1 absent):

1. Development in accordance with the site plan dated September 14, 2018, 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 Zoning Adjustment 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 accessory structure within 120 days of

final action on this application by Orange County, or this approval becomes null and void.

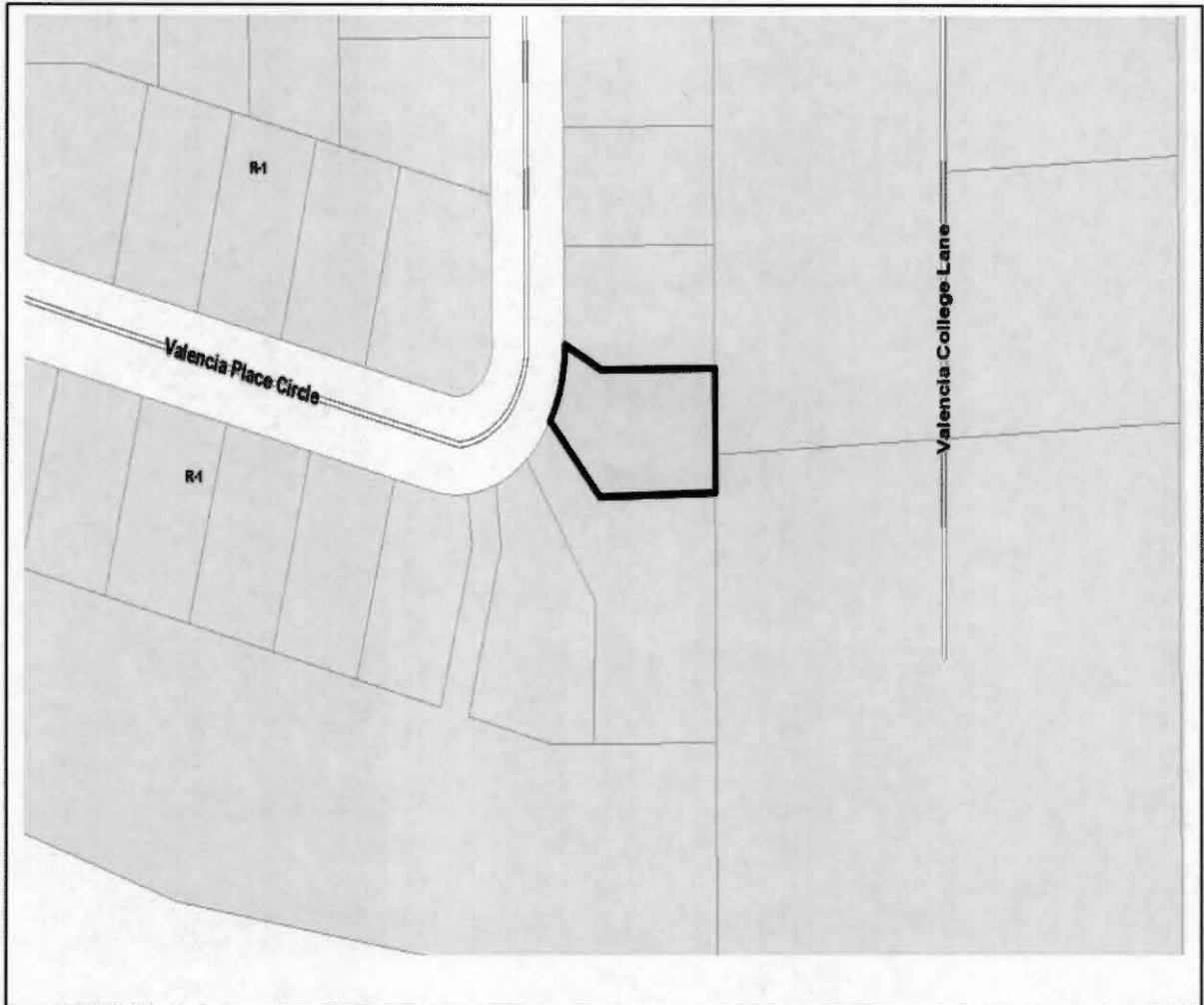
**SYNOPSIS:** Staff gave a presentation on the case covering the location of the property, site plan, and photos of the site.

The applicant stated that while she was in the hospital, her husband came in for permits but was confused.

The BZA confirmed the location of the pool and deck, and asked if the structure could have been one (1) foot smaller, but felt that it would be very difficult to modify now.

Staff received two (2) commentaries in favor and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.



**Applicant:** NARCIS YOLANY RIVERA

**BZA Number:** VA-18-12-152

**BZA Date:** 12/06/2018

**District:** 3

**Sec/Twn/Rge:** 30-22-31-NW-B

**Tract Size:** .15 acres

**Address:** 484 Valencia Place Circle, Orlando FL 32825

**Location:** East of Valencia Place Cir., approximately 850 ft. south of Valencia College Ln.

Narcis Yolany Rivera



484 Valencia Place Circle Orlando, FL 32825  
321-948-3934-  
[Yolany22@yahoo.com](mailto:Yolany22@yahoo.com)

9/12/2018

To Who it may concern:

I am asking for a variance of 1.4 feet so we can locate our pergola 3.6 feet away from the property line, instead of the require 5 feet. This structure is 8' by 27'. It has a height of 8 feet. This structure was built by my husband and a friend. Prior to this structure being built my husband came in to the permitting office to request a permit for the structure.

While working on the structure my husband and his friend made a mistake with the set back from one side of the pergola. I am a disable Veteran and at the time that this structure was being built I was hospitalized due to my prior military injuries, so I was not present to make sure the structure was built with the correct set back. It was an honest mistake that my husband made with all of the stress he was going thru with me being hospitalized. He wanted to finish it before I was out of the hospital to surprise me.

I would like to ask the member of the panel to please take into consideration that this pergola it very helpful for my prior military medical condition. If need it I would elaborate more on my medical condition at the time of the hearing. I have a letter from the president of the homeowner association approving this structure. The president of my homeowner's association is my closest neighbor and he is in harmony with the structure along with the rest of the neighbor, they actually like the structure and states that it makes our neighborhood look nice. I would like to thank you for your time and look forward to hearing from you.

Sincerely,  
Narcis Yolany Rivera

**RECEIVED**  
**SEP 14 2018**  
**ORANGE COUNTY**  
**ZONING DIVISION**









STAFF REPORT  
CASE #: VA-18-12-152  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 3

GENERAL INFORMATION:

APPLICANT: NARCIS YOLANY RIVERA

REQUEST: Variance in the R-1 zoning district to allow an accessory structure (gazebo) to remain 3 ft. from the side property line in lieu of 5 ft.

This is the result of Code Enforcement action.

LOCATION: East side of Valencia Place Cir., approximately 850 ft. south of Valencia College Ln.

PROPERTY ADDRESS: 484 Valencia Place Cir., Orlando, FL 32825

PARCEL ID: 30-22-31-8851-00-150

PUBLIC NOTIFICATION: 96

TRACT SIZE: 0.15 acres

DISTRICT #: 3

ZONING: R-1

EXISTING USE(S): Single family residence

PROPOSED USE(S): Single family residence w/gazebo

SURROUNDING USES: N - Single family residential  
S - Single family residential  
E - Single family residential  
W -Single family residential

### STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-1, Single-Family Dwelling district, which allows a single family home and associated accessory structures.
2. Code Enforcement cited the applicant in December of 2017 (Incident#501018) for constructing a back porch addition to the house and an accessory structure (gazebo) without permits. The applicant has since pulled a permit for the back porch addition to the house, but the accessory structure (gazebo) requires a variance prior to permitting.
3. The gazebo is 7.8 ft. x 27.3 ft., and is located 3.61 ft. from the south property line and 5.32 ft. from the east property line.
4. The applicant has submitted a letter of no objection to encroachment into a 5 ft. utility easement from Duke Energy.
5. The gazebo is approximately 60 feet from the nearest neighboring house.
6. The BZA has granted setback variances for principal structures in the area.
7. The applicant has received a letter of no objection from HOA. The president of the HOA is the most impacted neighbor to the south.

### VARIANCE CRITERIA

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

The lot size, layout and location of the pool, makes it impossible to construct a gazebo of this size on the property in a conforming location.

#### **Minimum Possible Variance**

This is the minimum possible variance to allow the applicant to keep the gazebo in the only location possible on the property.

#### **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 HOA president (who is the nearest neighbor) has signed a letter of no objection. The nearest house is approximately 60 feet away.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated September 14, 2018, 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 Zoning Adjustment 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 accessory structure within 120 days of final action on this application by Orange County, or this approval becomes null and void.
- c: Narcis Yolany Rivera  
484 Valencia Place Circle  
Orlando, FL 32825

**HENRY BRUTUS  
SE-18-12-153**

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**REQUEST:** **Special Exception and Variance** in the R-1A zoning district to allow an addition to an existing religious use facility:  
1) Special Exception to allow the applicant to use the rear building on the lot for Sunday School.  
2) Variance to allow 21 parking spaces in lieu of 55 spaces.

**ADDRESS:** 5275 Alhambra Drive, Orlando FL 32808

**LOCATION:** North of Alhambra Dr., east of Emerald Rd.

**S-T-R:** 19-22-29

**TRACT SIZE:** 95 ft. x 226 ft./ .492 acres

**DISTRICT#:** 6

**LEGAL:** PINE HILLS SUB NO 8 T/68 LOTS 4 & 23 BLK G

**PARCEL ID:** 19-22-29-6954-07-230

**NO. OF NOTICES:** 92

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

1. Development in accordance with the site plan dated October 29, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.
5. Signage shall be in accordance with 31.5-75, Orange County Code.
6. Construction plans shall be submitted within three (3) years of final approval or this approval becomes null and void.
7. There shall be no vehicular access via San Domingo Road.
8. No outdoor speakers or other audio amplification.
9. Prior to the issuance of permits for the project, the applicant must provide a signed, notarized, and recorded shared parking agreement, accompanied by a written detailed description of the activities which take place on each property on which days of the week and at what times.
10. A five (5) wide landscape buffer shall be provided adjacent to the residential lots.

**SYNOPSIS:** Staff outlined the proposed project, explained the property is split-zoned, and the applicant is proposing to expand their existing religious use facility to the rear building.

The property is located in between two rights-of-way and is considered a double frontage lot. The applicant would like to convert an existing house to use for their Sunday school and for offices. Staff recommended denial as there are residences immediately to the north and south and the parking variance is a concern.

The BZA had questions regarding the building sizes, overall congregation size, and the parking provided on site.

The applicant stated they have acquired a parking agreement with the property to the west. The agreement states that the applicant may utilize the parking lot of their

medical office building during service times. The applicant also agreed to not using San Domingo Road as an entrance or exit.

The BZA discussed the square footage of the buildings versus the number of seats in the building. The code states the number of parking spaces is based on number of seats, not square footage.

The BZA agreed they were fine with the request based on the parking agreement submitted by the applicant and approved the case.



**Applicant:** HENRY BRUTUS

**BZA Number:** SE-18-12-153

**BZA Date:** 12/06/2018

**District:** 6

**Sec/Twn/Rge:** 19-22-29-SW-C

**Tract Size:** 95 ft. x 226 ft. / .492 acres

**Address:** 5275 Alhambra Drive, Orlando FL 32808

**Location:** North of Alhambra Dr., east of Emeralda Rd.



PREMIERE EGLISE BAPTISTE HAITIENNE DU CENTRE DE LA FLORIDE INC.  
5275 AL HAMBRA DR ORLANDO, FLORIDA 32808  
HENRY BRUTUS, PASTOR

SEPTEMBER 20, 2018

BOARD OF ZONING ADJUSTMENT

TO WHOM IT MAY CONCERN.

SPECIAL EXCEPTION FOR 815 SAN DOMINGO RD. ORLANDO, FL 32808

(Lot 4 and 23, Block G Pine Hills Subdivision No.8  
According to the Plat Thereof as recorded in plat  
Book T Page 68 Public Record of Orange  
County, Florida)

DEAR SIR/MADAME GREETINGS, THIS PRESENT IS TO REQUEST A RECOMMENDATION FOR  
THE RESIDENCIAL PROPERTY LOCATED AT 815 SAN DOMINGO RD. ORLANDO, FLORIDA 32808,

PARCEL ID #:19-22-29-6954-07-040 OWNED BY THE EXISTING CHURCH ON THE SOUTH SIDE

WE WOULD LIKE FOR YOU TO PLEASE CHANGE IT TO COMMERCIAL ZONING. THAT WOULD  
ALLOW US TO ADDITIONAL PARKING SPACES ON THAT LOT, AND EXIT ON SAN DOMINGO RD  
WE COULD HAVE MORE PARKING SPACES AND BE ABLE TO HAVE A SECOND EXIT FOR OUR  
MEMBERS AS WE ARE PLAINNING ON EXTENDS OUR PRINCIPAL CHURCH BUILDING LOCATED  
AT THE ABOVE ADDRESS. THE EXISTING HOUSE WILL BE USE FOR THREE CLASS ROOMS FOR

SUNDAY SCHOOL THAT WOULD ACCOMMODATE AT LIST 45 PEOPLE AT TIME

AND OR CONFERENCE/STUDY ROOMS. THE DAYS AND HOURS OF OPERATION WOULD BE

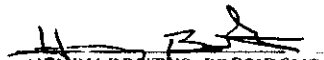
SUNDAY 9:30 TO 11:00 AM AND 7:30 TO 9:30 PM

WEDNESDAY 7:30 TO 9:30 PM AND FRIDAY 7:30 TO 9:30 PM

THEY WILL NOT BE ANY OUT DOOR ACTIVITIES OR CARS ON SAN DOMINGO RD

THE SIZES IS: 1416 SF - PRESENTING AS FOLLOW; FRONT 40'; REAR 30'; RIGHT 10'; LEFT 28'.  
THEY ARE NO PROPOSED STRUCTURE, JUST PROPOSED PARKING AND EXIT TO SAN DOMINGO RD

PLEASE CONTACT ME FOR ANY ADDITIONAL INFORMATION AT 407-272-3030

  
HENRY BRUTUS, PRESIDENT





STAFF REPORT  
CASE #SE-18-12-153  
Orange County Zoning Division  
Planner: Sean Bailey  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 6

GENERAL INFORMATION:

APPLICANT: HENRY BRUTUS

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variance in the R-1A zoning district to allow an addition to an existing religious use facility.  
1) Special Exception: To allow the applicant to use the rear building on the lot for Sunday School.  
2) Variance: To allow 21 parking spaces in lieu of 55 spaces.

LOCATION: North side of Alhambra Dr., east of Emeraldalda Rd.

PROPERTY ADDRESS: 5275 Alhambra Dr. and 815 San Domingo Rd.,  
Orlando, FL 32808

PARCEL ID: 19-22-29-6954-07-230

PUBLIC NOTIFICATION: 92

TRACT SIZE: 95 ft. x 226 ft. /.492 acres

DISTRICT #: 6

ZONING: P-O, R-1A

EXISTING USE(S): Religious Facility

PROPOSED USE(S): Sunday School

SURROUNDING USES: N – Residential  
S – Commercial  
E – Residential  
W – Residential

### STAFF FINDINGS AND ANALYSIS:

1. The property has split zoning, the front portion is P-O, Professional Office and the rear portion is zoned R-1A, Single-family residential. The R-1A zoning allows single-family homes and certain uses as special exceptions.
2. The front portion of the property facing Alhambra Drive is zoned P-O and received special exception approval to allow a religious use facility in April of 2003, with up to 75 members. The applicant is looking to expand their congregation and a special exception is required to allow the religious use on the rear lot.
3. According to the Orange County Property Appraiser's Office, the applicant purchased the rear property (815 San Domingo Road) in 2015, and combined the parcels in 2017. The property on San Domingo is a single family home and was platted as lot #4, in the Pine Hills Subdivision in 1954.
4. The applicant is planning to utilize the existing buildings on-site and is not proposing any new structures. The applicant is proposing to demolish a portion of the existing family home and convert the structure into office space/Sunday School gathering area. They are also proposing an 850 sq. ft. addition to the front building. If this special exception is approved, they will be relocating the existing parking spaces and adding 8 new spaces, as there are 13 spaces existing on site.
5. The applicant has indicated that the maximum capacity for the sanctuary is 166 people, which equates to 55 required parking spaces per code (1 per each 3 seats). The plan provided shows 21 parking spaces on-site.
6. The total square footage of the front building is 3,213 sq. ft. and the rear building is 1,416 sq. ft.
7. The surrounding area is a mixed-use neighborhood. There are offices, commercial shopping centers, apartments, and single-family homes in the immediate vicinity of the proposed use.
8. Per staff's recommendation, the applicant amended the site plan to allow ingress/egress via Alhambra Drive only.
9. Orange County Transportation Planning provided a traffic study and stated the proposed expansion would add 22 new net daily trips and 4 new net P.M. peak hour trips. This project is located in the Alternative Mobility Area (AMA) is exempt from transportation concurrency.

## **SPECIAL EXCEPTION CRITERIA**

**The use shall be consistent with the Comprehensive Policy Plan.**

The Future Land Use on the rear portion is Low Density Residential and with the approval of the Special Exception, the use will be compatible with the Comprehensive Policy Plan.

**The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.**

The proposed use is located in a platted residential subdivision and is abutting residential homes on both sides, and all of the non-residential uses in the area are located along Alhambra Drive. Approving this use would not be consistent with the pattern of the development along San Domingo Road.

**The use shall not act as a detrimental intrusion into a surrounding area.**

The introduction of a non-residential use into the Pine Hills Subdivision may be an intrusion into the residential area.

**The use shall meet the performance standards of the district in which the use is permitted.**

The buildings meet setbacks and height requirements; however, the parking areas do not meet code. Many of the spaces are 9 ft. x 18 ft., the code requires 9 ft. x 20 ft. and/or space for a 2 feet overhang, which is not provided. Also, the parking variance requested is excessive.

**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.**

A religious use typically has more traffic and noise associated with it than other uses allowed by right in the R-1A zoning district.

**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.**

The applicant is proposing an eight (8) foot wood fence adjacent to the residential lots. The landscape buffers shown on the plan adjacent to the residential do not meet the code requirements. Code requires 10 feet wide landscape buffers adjacent to residential but staff has allowed a reduction to 5 feet in certain situations. The proposed buffers on the plan are 2 feet wide, which could not support the required hedges and trees.

## **VARIANCE CRITERIA**

### **Special Conditions and Circumstances**

There is no special condition on this site that would merit such a reduction in parking, churches typically have parking agreements with nearby properties that accompany parking variances to provide for overflow parking during service times.

### **Minimum Possible Variance**

The parking variance requested is 61% deviation from code, which is a large deviation from code and may be problematic during services.

### **Purpose and Intent**

The configuration and the amount of parking provided may cause issues with maneuverability and may cause members to have to park off-site. There are no on-street parking spaces in the area and parking is not permitted in the right-of-way.

## **STAFF RECOMMENDATION:**

Staff recommends denial of the request; however, should the BZA recommend approval of the request, the following conditions shall be imposed:

1. Development in accordance with the site plan dated October 29, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. 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. Signage shall be in accordance with 31.5-75, Orange County Code.
6. Construction plans shall be submitted within three (3) years of final approval or this approval becomes null and void.
7. There shall be no vehicular access via San Domingo Road.
8. No outdoor speakers or other audio amplification.
9. Prior to the issuance of permits for the project, the applicant must provide a signed, notarized, and recorded shared parking agreement, accompanied by a written detailed description of the activities which take place on each property, on which days of the week, and at what times.
10. A five (5) wide landscape buffer shall be provided adjacent to the residential lots.

c: Henry Brutus  
1729 Alambra Circle  
Apopka, FL 32703

**EDWIN LEE**  
**VA-18-12-154**

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**REQUEST:** Variance in the P-D zoning district to allow construction of a lanai with permanent roof with a rear (north) setback of 20 ft. in lieu of 25 ft.  
**ADDRESS:** 8234 Ludington Circle, Orlando FL 32836  
**LOCATION:** North side of Ludington Cir., south of Phillip's Community Park Dr., approximately 275 ft. west of Smith Bennett Park Rd.  
**S-T-R:** 10-24-28  
**TRACT SIZE:** 71 ft. x 116 ft. (AVG)/ .186 acres  
**DISTRICT#:** 1  
**LEGAL:** ESTATES AT PARKSIDE 92/150 LOT 31  
**PARCEL ID:** 10-24-28-2500-00-310  
**NO. OF NOTICES:** 50

**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; 6-0 and 1 absent):

1. Development in accordance with the site plan dated September 25, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

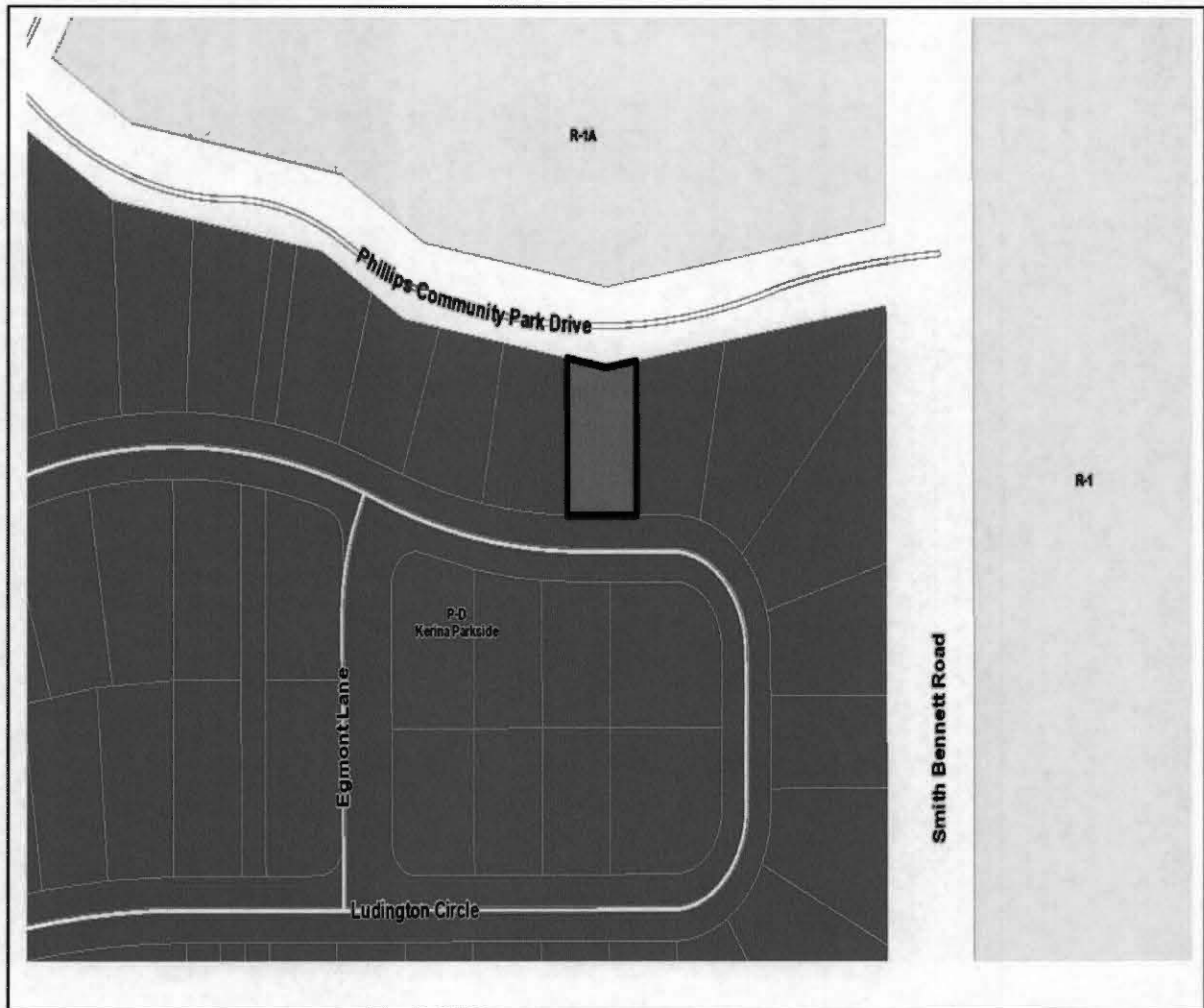
**SYNOPSIS:** Staff explained that there are two (2) different rear setbacks for this planned development. Lots located along the perimeter of the development have a 25 foot rear setback, where lots interior to the community only have a rear setback of 20



feet. It was noted that the existing lanai is actually located two (2) feet into the required 25 foot setback. The applicant wishes to go three (3) additional feet with a larger lanai. The issue with the subject property is the irregular vee shaped rear property line, which dips six (6) feet deeper into the lot than the rear corners. Were it not for the shape of the rear property line, no variance would be needed. Staff concluded that only a portion of the lanai would actually encroach. Staff noted that two (2) neighbors and the HOA supported the request and there was no opposition.

The applicant indicated their agreement with the staff recommendation. There being no one present to speak in favor or opposition to the request, the public hearing was closed.

The BZA concluded that the shape of the lot made construction of any usable improvement virtually impossible. A motion to recommend approval was unanimously approved.



**Applicant:** EDWIN LEE

**BZA Number:** VA-18-12-154

**BZA Date:** 12/06/2018

**District:** 1

**Sec/Twn/Rge:** 10-24-28-SE-D

**Tract Size:** 71 ft. x 116 ft. (AVG) / .186 acres

**Address:** 8234 Ludington Circle, Orlando FL 32836

**Location:** North side of Ludington Cir., south of Phillip's Community Park Dr., approximately 275 ft. west of Smith Bennett Park Rd.

COVER LETTER for Orange County Zoning Division

My name is Edwin Lee and I live at 8234 Ludington Circle, Orlando, FL 32836. I am requesting a variance for my back porch to change the set back from 25 feet from the back wall to 20 feet from the back wall.

The proposed rear porch is 645 square feet, 60 feet long, 10 feet deep on left side and 13 feet on the right side. The height of the proposed rear porch is 10 feet ceiling height and 11 feet 6 inches mid roof height. The set back from the back wall is 20 feet and from each side is 5 feet 6 inches.

I have 2-signed letters supporting my rear porch from my neighbors (one on my left side and one on the right side of the house).

I have a HOA approval of the porch/lanai. When I applied for the HOA approval I used the word lanai instead of porch. The letter of approval mentions for pavers but the attached email from 5/14 and 5/15/18 clarify that it is approved for both pavers and lanai/porch.

The type of sign will be a ground sign and will be placed in the front yard behind the sidewalk. The sign will include all the required information for the rear porch.

I look forward from hearing from you.

Sincerely,



Edwin Lee

9/25/2018

**RECEIVED**

SEP 26 2018

**ORANGE COUNTY  
ZONING DIVISION**

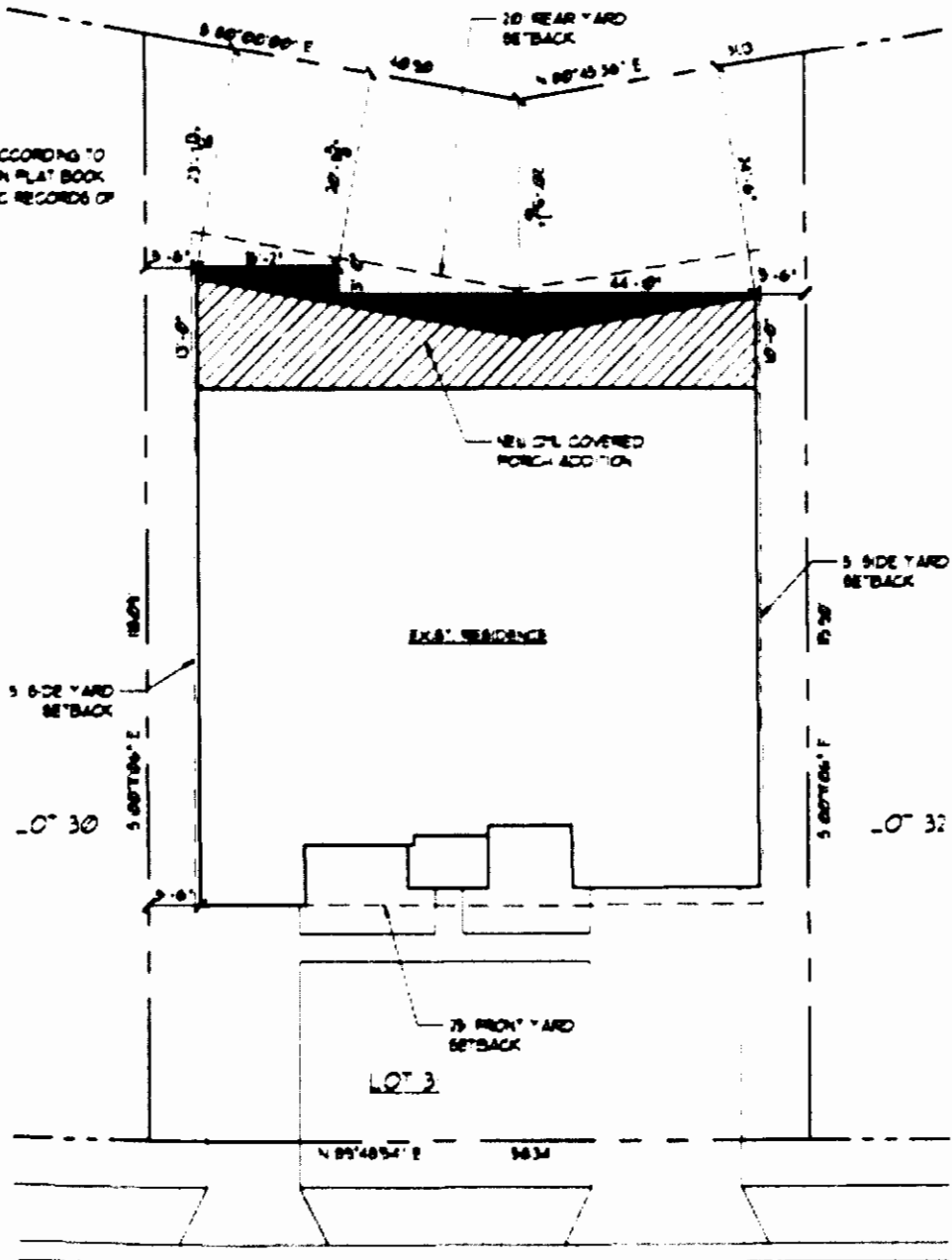
ORANGE COUNTY

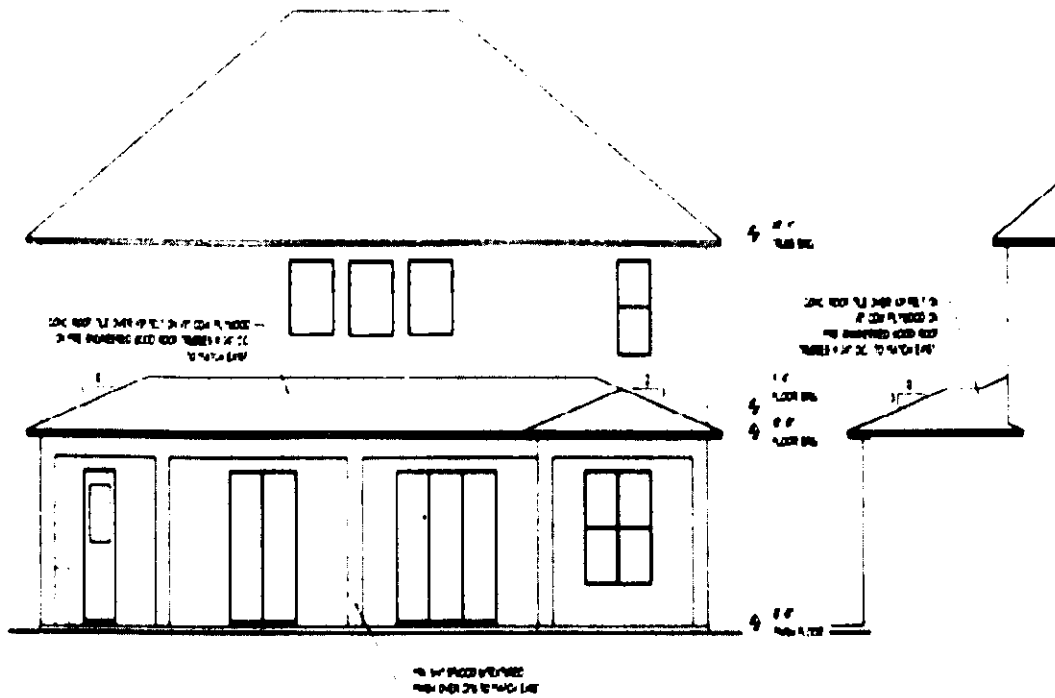
**LEGAL DESCRIPTION**  
 LOT 3 ESTATES AT PARKSIDE ACCORDING TO  
 THE PLAT THEREOF RECORDED IN PLAT BOOK  
 92 PAGES 88-89 OF THE PUBLIC RECORDS OF  
 ORANGE COUNTY, FLORIDA.



SEP 25 2018

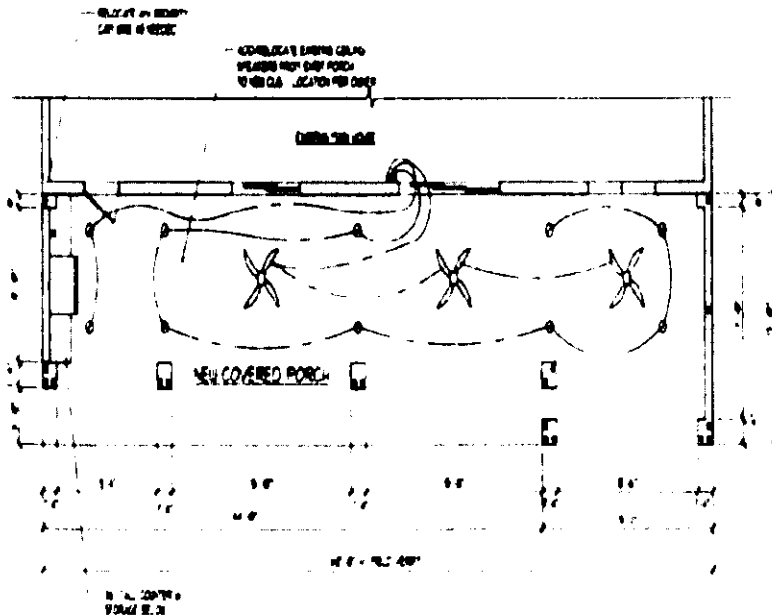
RECEIVED



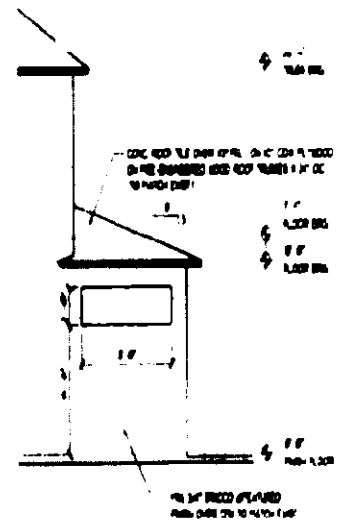


3 NEW REAR ELEVATION

4 NEW PARTIAL RIGHT ELEVATION



5 NEW PARTIAL 1ST FLOOR PLAN



6 NEW PARTIAL RIGHT ELEVATION



**STAFF REPORT**  
**CASE #: VA-18-12-154**  
Orange County Zoning Division  
Planner: David Nearing, AICP  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 1

**GENERAL INFORMATION:**

**APPLICANT:** Edwin Lee

**REQUEST:** Variance in the P-D zoning district to allow construction of a lanai with permanent roof with a rear (north) setback of 20 ft. in lieu of 25 ft.

**LOCATION:** North side of Ludington Cir., south of Phillip's Community Park Dr., approximately 275 ft. west of Smith Bennett Park Rd.

**PROPERTY ADDRESS:** 8234 Ludington Cir., Orlando, FL 32836

**PARCEL ID:** 10-24-28-2500-00-310

**PUBLIC NOTIFICATION:** 50

**TRACT SIZE:** 71 ft. x 116 ft. (AVG)/ .186 acres

**DISTRICT #:** 1

**ZONING:** P-D

**EXISTING USE(S):** Single family residence

**PROPOSED USE(S):** Lanai w/permanent roof

**SURROUNDING USES:** N – Sand Lake Elementary School  
S - Single family residence  
E - Single family residence  
W -Single family residence

**STAFF FINDINGS AND ANALYSIS:**

1. The subject property is zoned P-D, Planned Development. This is a zoning district that permits modifying the standard dimensional criteria, such as lot size and width, and modification of setbacks.

2. In this P-D, Kerina Parkside, the setbacks for internal lots are 25 ft. front yards, five (5) ft. side yards, and 20 ft. rear yards. However, if a lot abuts the perimeter of the development, the rear setback increases to 25 feet.
3. The applicant wishes to construct a lanai with a permanent roof along the rear of their home. However, since the lot abuts the border of the P-D, the setback is 25 feet. The proposed lanai will be 60 ft. wide across the entire rear of the residence, by 10 ft. deep on the east end, and 13 ft. deep along the west end.
4. When the home on the subject property was originally permitted (B17018820), it had a smaller lanai (8 ft. x17 ft.). However, this lanai was permitted only 23 feet from the rear property line, two (2) feet into the required perimeter setback. The applicant now wishes to construct a lanai which will be 24 feet from the rear property line on the east end, 20 feet in the middle, and 23 feet on the west end. The variation is due to the odd vee shape of the rear property line, which dips into the applicant's yard.
5. Of the 560 total square feet of lanai, only 230 (40%) is actually within the setback. Were this an interior lot, no variance would be required.

## **VARIANCE CRITERIA**

### **Special Conditions and Circumstances**

The special condition in this case is the irregularly shaped rear lot line. The bottom of the vee measures six (6) feet lower than a line drawn between the two corners. Were it not for the shape of the lot, no variance would be required.

### **Not Self-Created**

The applicant did not design the lot they purchased. They purchased the lot "as is."

### **No Special Privilege Conferred**

Were it not for the shape of the lot, the applicant would be able to construct the desired improvement without the need for a variance. Were this an interior lot, they could construct the improvements without the need for a variance.

### **Deprivation of Rights**

Due to the difference in rear setbacks imposed by the Land Use Plan, the applicant will not be able to enjoy the same improvement the majority of other homeowners will be able to enjoy with similarly shaped interior lots.

### **Minimum Possible Variance**

The most extreme encroachment occurs at the lowest point of indentation of the vee shaped rear yard. Thus, the other encroachments are minimal, making this request the minimum variance needed.

**Purpose and Intent**

The purpose and intent of the code are being met, in that the majority of the rear yard remains open to above.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated September 25, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Edwin Lee  
8234 Ludington Circle  
Orlando, FL 32836



**EDUARDO ESCOBAR**  
**VA-18-12-155**

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**REQUEST:** **Variance** in the R-2 zoning district to allow a covered porch 10 ft. from the rear property line in lieu of 20 ft.  
(This is the result of Code Enforcement action)

**ADDRESS:** 10261 Cody Lane, Orlando FL 32825

**LOCATION:** South of Cody Lane, east of Dean Creek Lane

**S-T-R:** 32-22-31

**TRACT SIZE:** 25 ft. x 97 ft. (AVG); 0.137 acres

**DISTRICT#:** 4

**LEGAL:** CREEKSIDE 50/49 LOT 21

**PARCEL ID:** 32-22-31-1821-00-210

**NO. OF NOTICES:** 81

**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; 6-0 and 1 absent):

1. Development in accordance with the site plan dated September 25, 2018, 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 Zoning Adjustment 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 addition within 120 days of final action on this application by Orange County, or this approval becomes null and void.

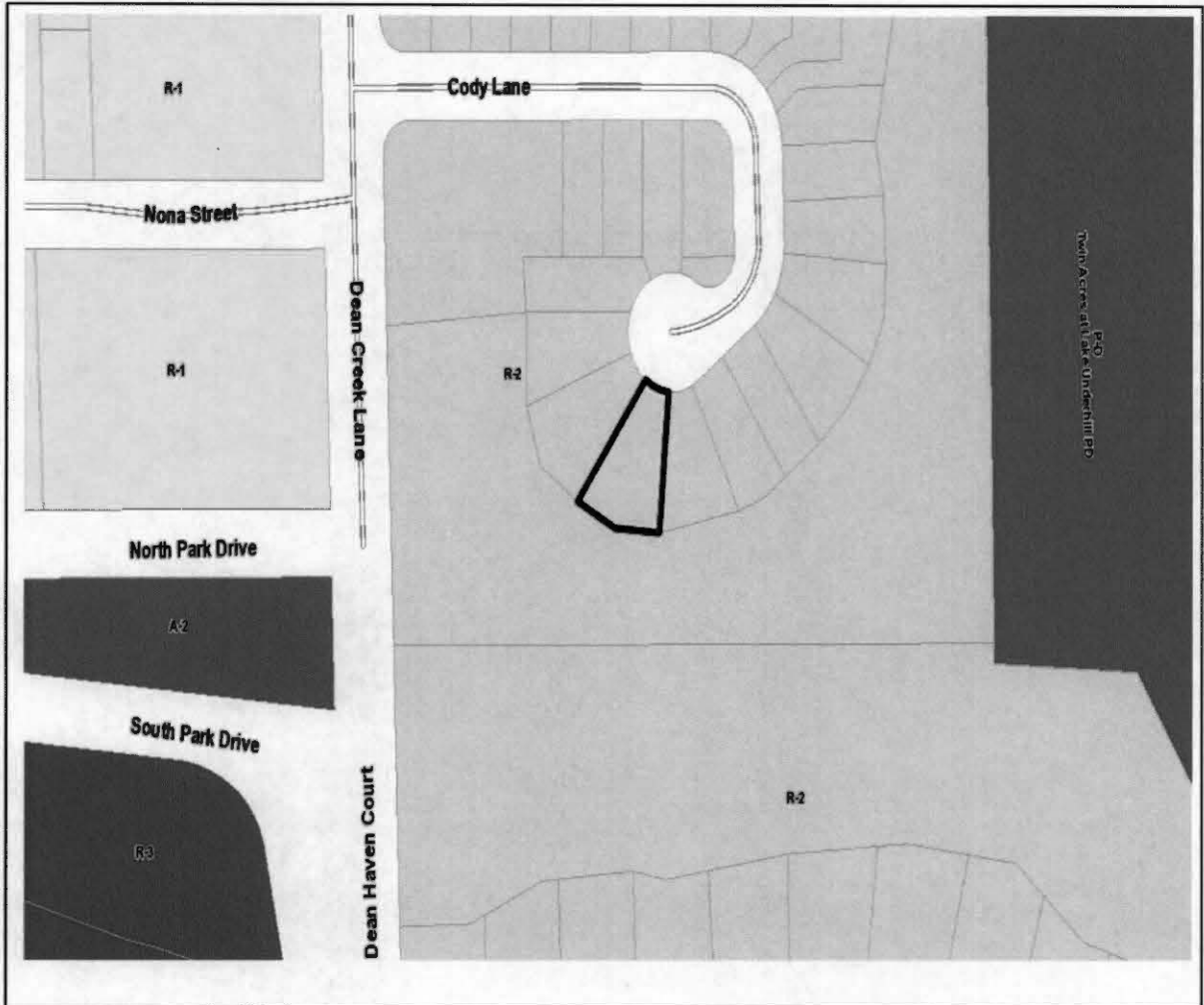
**SYNOPSIS:** Staff gave a presentation on the case covering the location of the property, site plan, and photos of the site.

The applicant stated that he has HOA approval.

The BZA acknowledged that this was not due to the actions of the applicant, who took over the payments to save the house from foreclosure.

Staff received no commentaries in favor and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.



**Applicant:** EDUARDO ESCOBAR

**BZA Number:** VA-18-12-155

**BZA Date:** 12/06/2018

**District:** 4

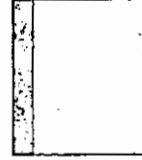
**Sec/Twn/Rge:** 32-22-31-NW-B

**Tract Size:** 25 ft. x 97 ft. (AVG); 0.137 acres

**Address:** 10261 Cody Lane, Orlando FL 32825

**Location:** South of Cody Lane, east of Dean Creek Lane

Eduardo Escobar  
10261 Cody Ln,  
Orlando, FL, 32825  
PH: (321) 229-7461  
Email: escobareddy@yahoo.com



9/24/18

Whom may be concerned:

I am Eduardo Escobar owner of the house: 10261 Cody Ln, Orlando, FL, 32825.

My sister and I bought this house in December 2002. I was like cosigner to

help my sister to get the house. She likes the property because the back of the house is not

neighbor is a conservation area, but couple years later her husband built the back porch

10 feet wide by 30 feet long, without permit and didn't know and 2013 the house was

in foreclosure and the bank call me to keep the house and I paid \$20,000.00

to keep the house and Now the house is mine.

I'm try to get the variance for back porch. I talk to my neighbors they don't have

problem to me keep the back porch. A lot of them signed a page that is not a problem to my keep porch

my neighbor on the right who lives 10260 Cody Ln, Orlando, FL, 32825. He was the first

one who signed my other neighbor on the left who lives: 10255 Cody Ln, Orlando, FL, 32825, she signed too.

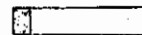
For this reason, I'm trying to get variance

Sincerely,

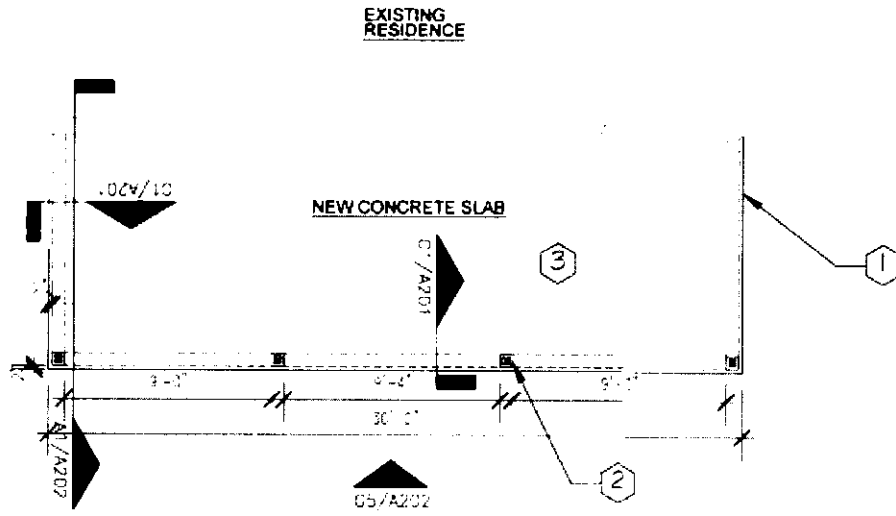
Sign   
Eduardo Escobar

**RECEIVED**

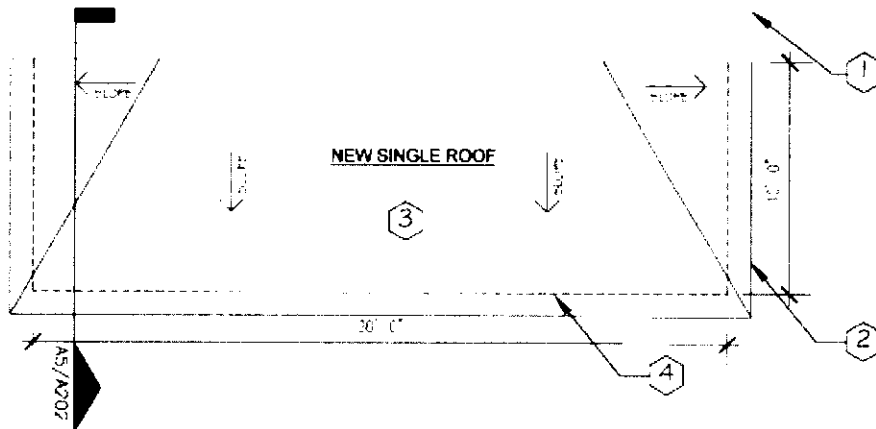
**SEP 25 2018**  
**ORANGE COUNTY**  
**ZONING DIVISION**

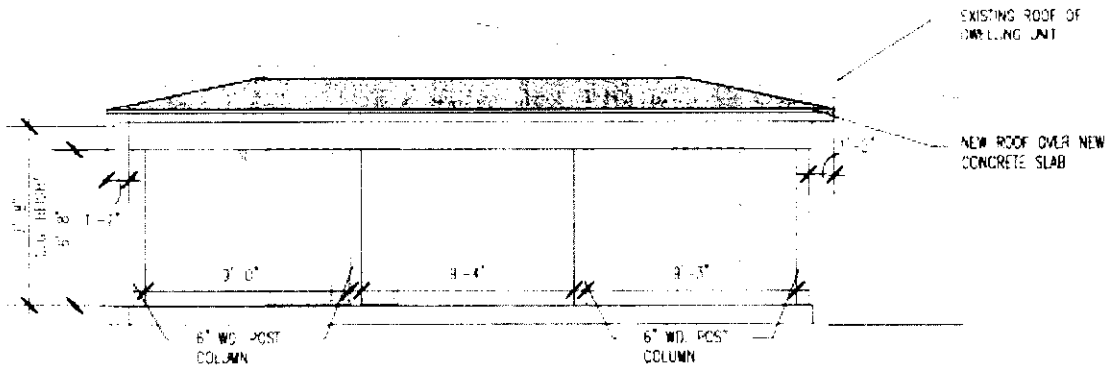






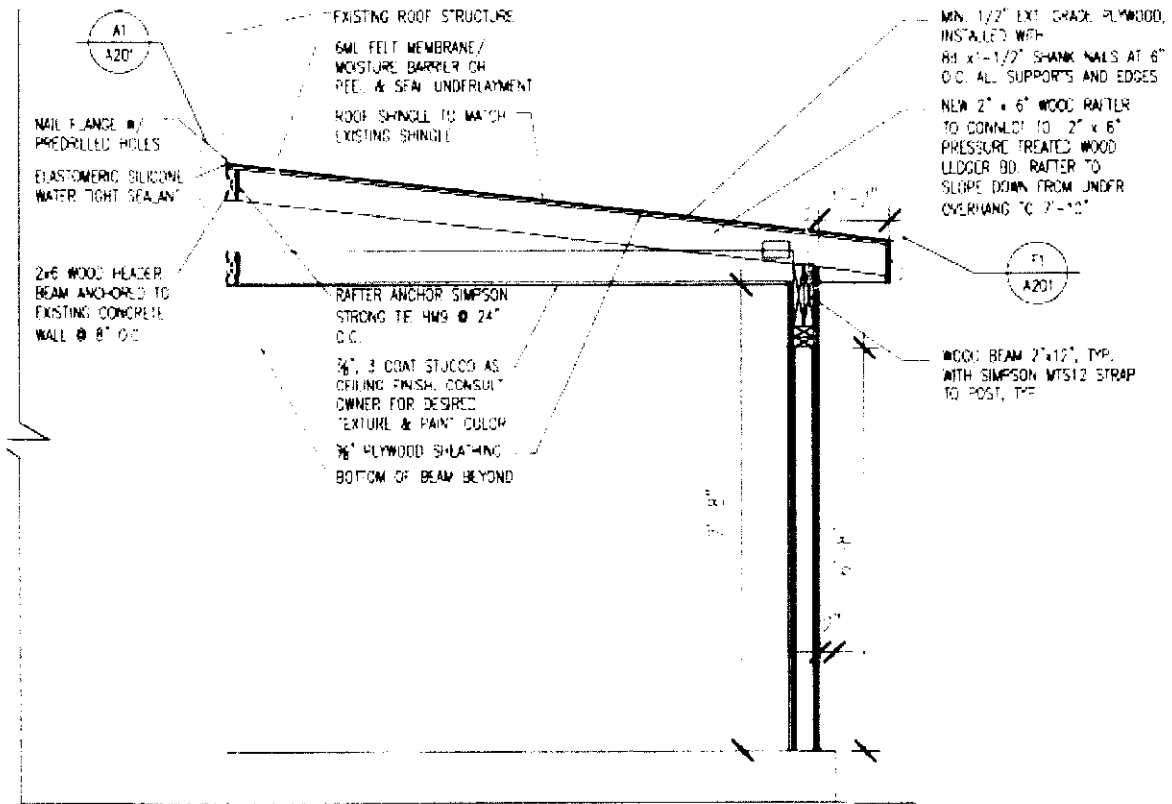
35	<b>SLAB PLAN</b>
-1-	





**35 EXTERIOR ELEVATION**

1-10





STAFF REPORT  
CASE #: VA-18-12-155  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 4

GENERAL INFORMATION:

APPLICANT: EDUARDO ESCOBAR

REQUEST: Variance in the R-2 zoning district to allow a covered porch 10 ft. from the rear property line in lieu of 20 ft. This is the result of Code Enforcement action.

LOCATION: South side of Cody Lane, east of Dean Creek Lane

PROPERTY ADDRESS: 10261 Cody Lane, Orlando, FL 32825

PARCEL ID: 32-22-31-1821-00-210

PUBLIC NOTIFICATION: 81

TRACT SIZE: 25 ft. x 97 ft. (AVG); 0.137 acres

DISTRICT #: 4

ZONING: R-2

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Single Family Residence with a porch

SURROUNDING USES: N - Residential  
S - Conservation Area  
E - Residential  
W -Residential

STAFF FINDINGS AND ANALYSIS:

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



2. There is a single family home on the lot, which was constructed in 2002. Based on aerials it appears the covered porch was constructed between 2004 and 2006.
3. The 10 ft. x 30 ft. covered porch was built without a permit, 10 ft. from the rear property line, where the required setback is 20 ft. The required side setbacks of 5 ft. are being met. The required rear setback applies to the principal structure. Since the porch is attached, the rear setback also applies, however an open air porch will be less intrusive.
4. Code Enforcement cited the applicant in January of 2018 for installing an addition to the rear of the principal structure without permits (CEB-2018-368223Z/Incident 500616). In April of 2018, the Code Enforcement Board ordered the applicant to take action by October of 2018, or a daily fine of \$150 will be imposed.
5. The lot was platted in 2002 and is considered to be a conforming lot of record.
6. The lot is irregularly shaped and backs up to a conservation tract, owned by the Creekside Homeowner's Association, so no rear neighbors will be impacted.
7. The applicant has received letters of no objection from property owners in the neighborhood.

## **VARIANCE CRITERIA**

### **Special Conditions and Circumstances**

The lot is not the traditional, regular rectangle or square shape. The rear property line is at two (2) different angles. This partially contributes to the need for the variance. The property also abuts a conservation tract to the rear, so no rear neighbors will be impacted.

### **Minimum Possible Variance**

The request is the minimum variance to allow the utilized design.

### **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.

## **STAFF RECOMMENDATION:**

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated September 25, 2018, 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 Zoning Adjustment 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 addition within 120 days of final action on this application by Orange County, or this approval becomes null and void.

c: Escobar Eduardo  
10261 Cody Lane  
Orlando, FL 32825

**JOSE PARADELA  
VA-18-12-156**

---

**REQUEST:** Variance in the R-1AA zoning district to allow 960 sq. ft. of accessory structures in lieu of 500 sq. ft.  
**ADDRESS:** 2710 Alamosa Court, Apopka FL 32703  
**LOCATION:** West of Mink Dr., south side of Alamosa Ct.  
**S-T-R:** 24-21-28  
**TRACT SIZE:** 131 ft. x 162 ft./ .5 acres  
**DISTRICT#:** 2  
**LEGAL:** GREENACRES ESTATES 8/33 LOT 44  
**PARCEL ID:** 24-21-28-3182-00-440  
**NO. OF NOTICES:** 68

**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; 6-0 and 1 absent):

1. Development in accordance with the site plan dated October 3, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. An improved surface leading from the road to the garage shall be required.
5. All unpermitted existing accessory structures shall be removed prior to the issuance of the permit for the garage.

6. The exterior of the accessory structure shall match or compliment the exterior of the existing with regard to colors.

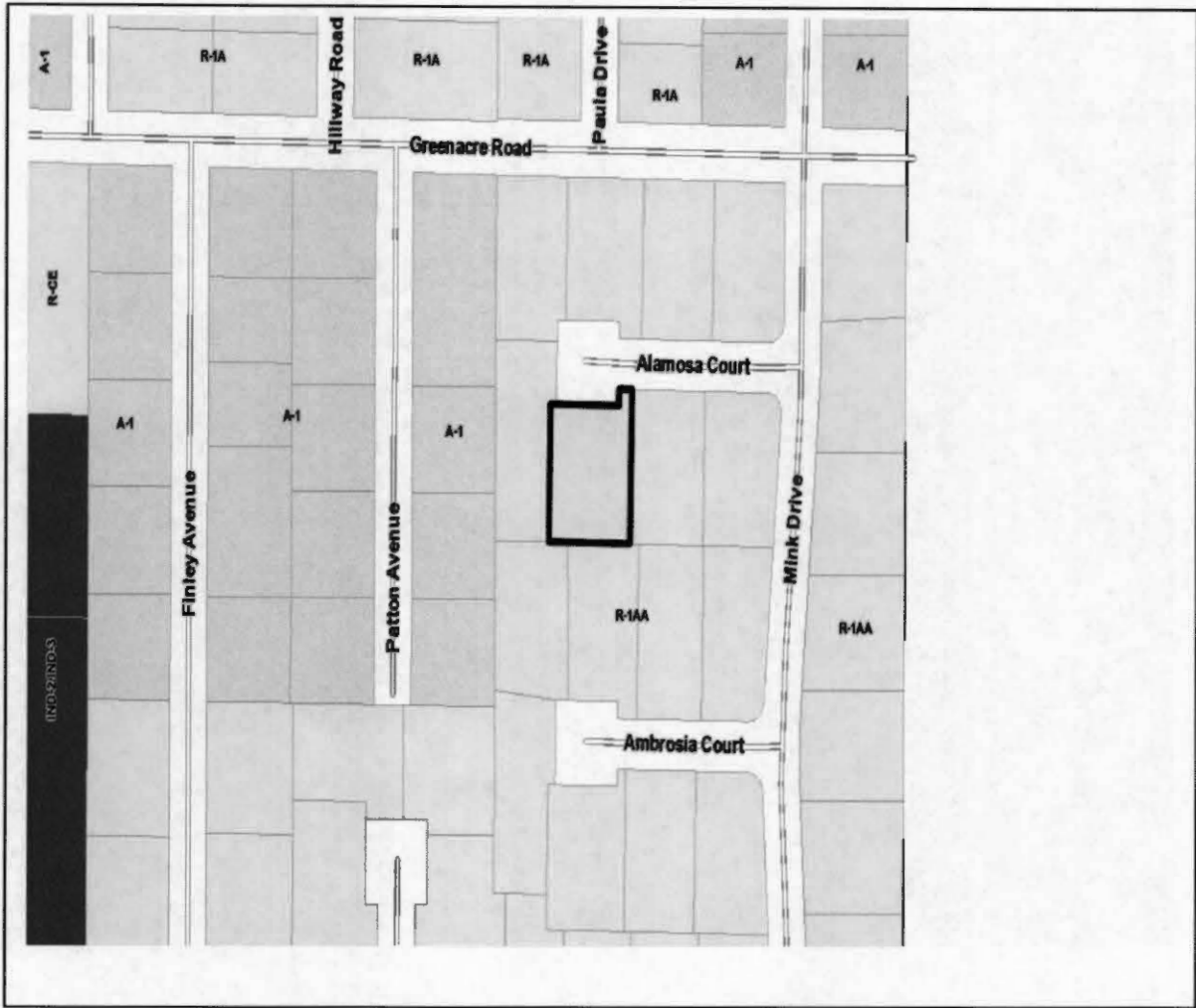
**SYNOPSIS:** The applicant is proposing an 840 sq. ft. detached garage in their rear yard. Per code, they are allowed up to 500 sq. ft. Staff explained that if the property were zoned A-1 or A-2, they would be allowed up to 1,000 sq. ft.

Staff explained the site, previous BZA approvals, and the variance criteria.

The applicant was not present at the hearing. One (1) person spoke in opposition to the request. The neighbor on the east side of the property stated they are opposed to the overall size of the structure, height, and the applicant possibly rebuilding cars in this structure.

The BZA discussed adding a condition regarding the structure matching the existing residence and that no commercial activity should be allowed at this location.

The BZA concluded the request was reasonable and granted the variance with the recommended conditions.



**Applicant:** JOSE PARADELA

**BZA Number:** VA-18-12-156

**BZA Date:** 12/06/2018

**District:** 2

**Sec/Twn/Rge:** 24-21-28-NE-A

**Tract Size:** 131 ft. x 162 ft. / .5 acres

**Address:** 2710 Alamosa Court, Apopka FL 32703

**Location:** West of Mink Dr., south side of Alamosa Ct.

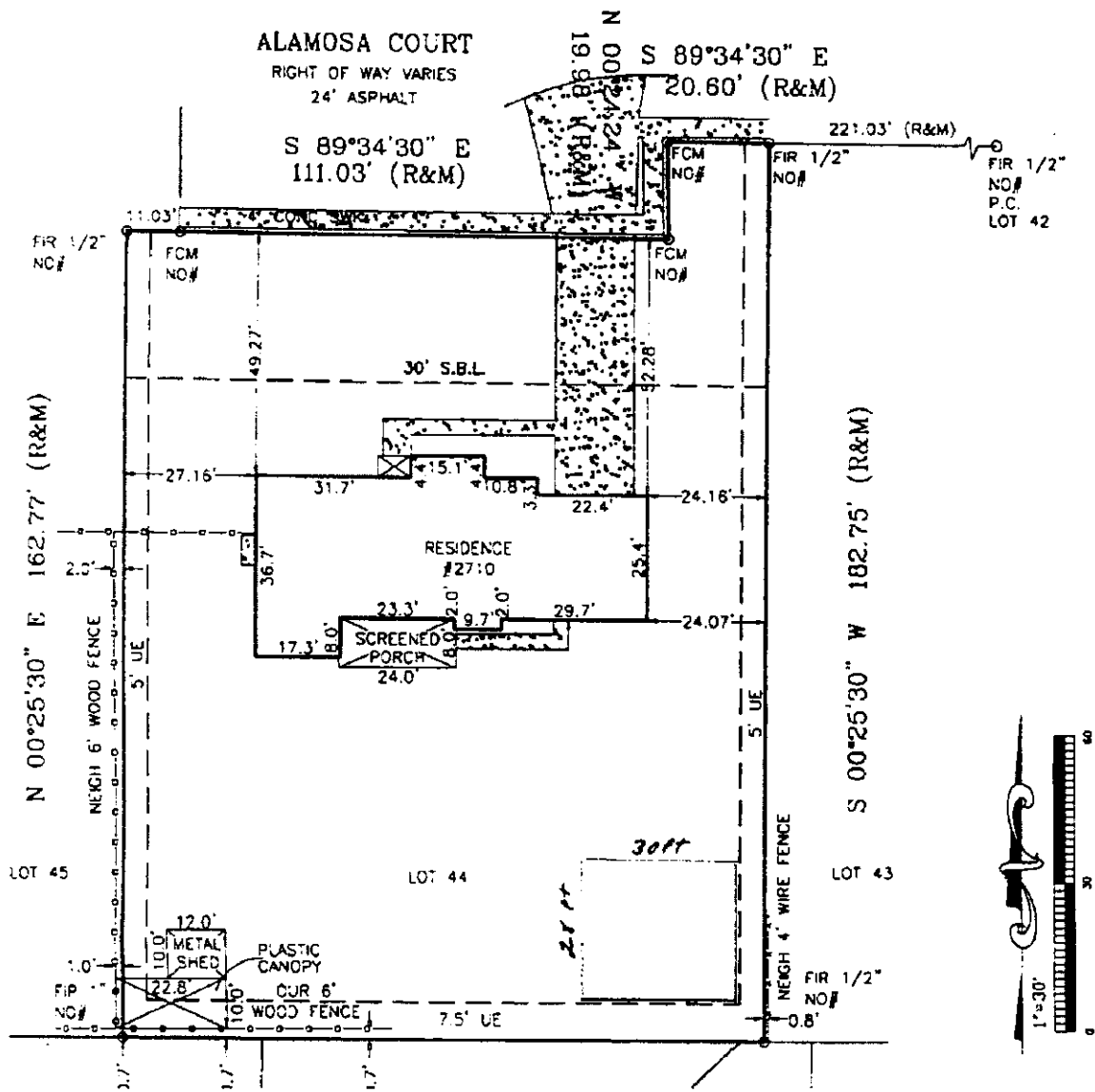
To whom it may concern,

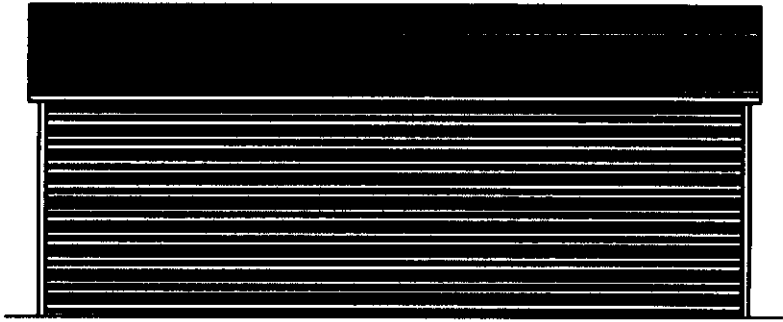
The proposal is for a steel garage. The material used is galvanized coated steel. The structure is approximately 840 sq. ft. (28 x 30 x 9h). The reason for the request is to store my two antique vehicles (1960 Buick Invicta and Pontiac Star-Chief 1956) that are currently in my backyard and rusting. The structure will be at a distance greater than 5 feet from any property lines. I have obtained notarized signatures from all my surrounding neighbors stating that they approve of the structure. I look forward to hearing a positive response. Your time and attention is appreciated!

Warm Regards,

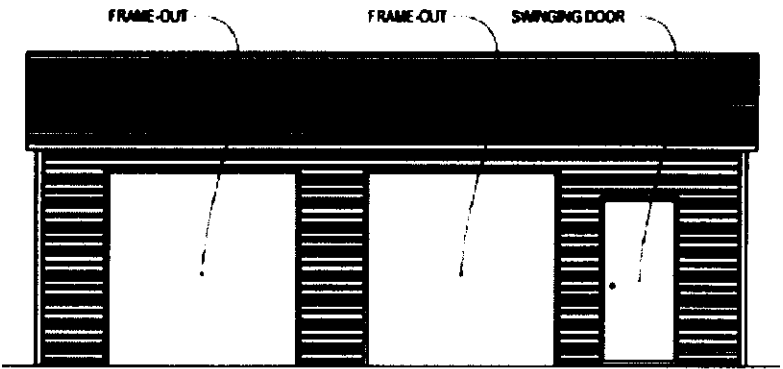


Jose Daniel Parabela





**LEFT SIDE ELEVATION**  
SCALE 1/4" = 1'



**RIGHT SIDE ELEVATION**  
SCALE 1/4" = 1'





STAFF REPORT  
CASE #: VA-18-12-156  
Orange County Zoning Division  
Planner: Sean Bailey  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 2

GENERAL INFORMATION:

APPLICANT: JOSE PARADELA

REQUEST: Variance in the R-1AA zoning district to allow 960 sq. ft. of accessory structures in lieu of 500 sq. ft.

LOCATION: West of Mink Dr., south side of Alamosa Ct.

PROPERTY ADDRESS: 2710 Alamosa Ct., Apopka, FL 32703

PARCEL ID: 24-21-28-3182-00-440

PUBLIC NOTIFICATION: 68

TRACT SIZE: 131 ft. x 162 ft. (AVG) / .5 acres

DISTRICT #: 2

ZONING: R-1AA

EXISTING USE(S): Single family residence

PROPOSED USE(S): Detached Garage

SURROUNDING USES: N - Residential  
S - Residential  
E - Residential  
W -Residential

## STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-1AA Single-Family Dwelling district, which allows a single family home with a minimum lot area of 10,000 sq. ft., and associated accessory structures with a maximum of 500 sq. ft. or 25% of the living area of the residence (whichever is greater). The single family home is 1,830 sq. ft.; therefore, the 500 sq. ft. minimum applies.
2. The property was platted in 1979, as part of the Greenacres Estates subdivision. The house was built in 1980, and meets all the development standards.
3. The subject property currently has a 120 sq. ft. detached accessory building that was permitted in 2001 (B01009051). The applicant is proposing to add a 28 ft. x 30 ft. (840 sq. ft.) garage, for a cumulative total of 960 sq. ft. of accessory structures.
4. The applicant has indicated he would like the garage to allow him to store two (2) antique cars and other household items.
5. The subject property is 0.50 acres, which is more than double the required minimum lot size. The proposed accessory structure will meet the side and rear yard setbacks. The side setback proposed is 5 feet and 7.5 feet in the rear, and the proposed height is 15 feet.
6. The most affected adjacent neighbors have signed letters of no objection to this request.
7. The BZA has granted similar variances for other properties in the area.
8. The area to the west of this development is zoned A-1 agricultural. Were the property zoned A-1, a variance would not be required.
9. There is one small accessory building located where the garage is proposed and the applicant has indicated they will remove this structure.

## VARIANCE CRITERIA

### **Special Conditions and Circumstances**

The lot is more than 50% larger than the required minimum lot size for the zoning district. If the property were zoned Agricultural, the applicant would be allowed up to 1,000 sq. ft. of accessory structures and no variance would be required.

### **Deprivation of Rights**

Literal interpretation of the code will deprive this applicant of the right to have adequate covered parking and storage space.

**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 subject property is half an acre and the proposed structure will fit in with the existing community.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated October 3, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. An improved surface leading from the road to the garage shall be required.
5. All unpermitted existing accessory structures shall be removed prior to the issuance of the permit for the garage.

c: Jose Paradela  
2710 Alamosa Court  
Apopka, FL 32703

**JOSH TAYLOR**  
**SE-18-12-157**

---

**REQUEST:** **Special Exception** in the A-2 zoning district to permit an agricultural component to an existing elementary/high school which includes a 40,000 sq. ft. greenhouse on 2.25 acres and a boardwalk connecting the school building with the agricultural area, and modifying conditions of a prior Special Exception regarding use of modular units for classrooms.

**ADDRESS:** 1600 East Crown Point Road, Ocoee FL 34761

**LOCATION:** West side of E. Crown Point Rd., approximately 325 ft north of E. Fullers Cross Rd.

**S-T-R:** 12-22-27

**TRACT SIZE:** 14.55 acres

**DISTRICT#:** 1

**LEGAL:** TH PT OF NE1/4 OF NE1/4 LYING N & W OF ACL RR RW IN SEC 12-22-27

**PARCEL ID:** 12-22-27-0000-00-001

**NO. OF NOTICES:** 93

**DECISION: APPROVED** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions as amended (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated October 9, 2018, 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 Zoning Adjustment shall be resubmitted for the

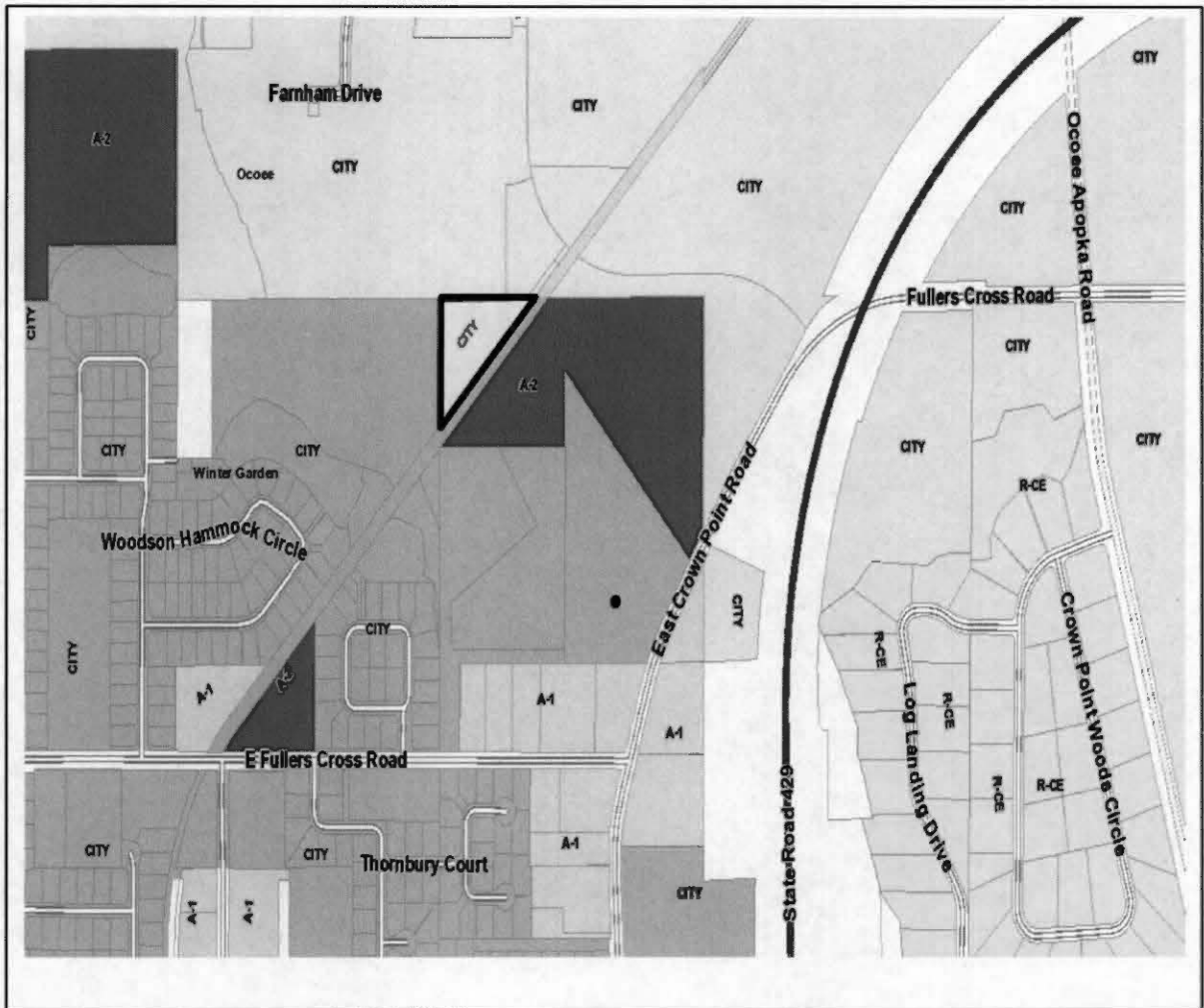
Board's review or the plans revised to comply with the standard.

4. The school shall not operate any type of roadside stand along its Crown Point Road frontage, nor shall it advertise produce for sale from its property, with the exception of sales to students' families.
5. Prior to issuance of permits for the greenhouse, a vehicular access plan shall be approved by the County Department of Public Works.
6. Any future boardwalk from the school to the greenhouse shall be reviewed and approved by the Orange County Environmental Protection Division prior to issuance of building permits.
7. Condition 5 of Special Exception SE--14-09-049 shall be modified to require that the previously approved modular classrooms shall be inspected by a structural engineer every five (5) years to ensure that the units are in acceptable condition for their continued use as classrooms. The engineer shall submit a signed and sealed report to the Zoning Manager.

**SYNOPSIS:** Staff explained that the proposed agricultural operation would normally be permitted by right. However, since it is in conjunction with a school, it needs to go through the Special Exception process. The intent of this program is to let the students take on the responsibility, under the applicant's supervision, in taking care of the planting, maintenance, and harvesting. Most of the food will be used in the school's lunch program. Excess will be donated or sold to support the program. Staff did add a condition prohibiting any road-side stands as the adjacent roadway is narrow, curving, and heavily travelled. Staff noted that while the site is adjacent to both the City of Winter Garden and the City of Ocoee, neither community commented. It was also noted that staff had not received any correspondence in favor or opposition to this application.

The applicant indicated their agreement with the staff recommendation and conditions. There being no one present to speak on the application, the public hearing was closed.

The BZA concluded that the proposed use would be a good addition to the school and the area. A motion to recommend approval of the Special Exception passed unanimously.



**Applicant:** JOSH TAYLOR

**BZA Number:** SE-18-12-157

**BZA Date:** 12/06/2018

**District:** 1

**Sec/Twn/Rge:** 12-22-27-NE-A

**Tract Size:** 14.55 acres

**Address:** 1600 East Crown Point Road, Ocoee FL 34761

**Location:** West side of E. Crown Point Rd., approximately 325 ft north of E. Fullers Cross Rd.



[www.hopecharter.org](http://www.hopecharter.org)



October 8, 2018

To Whom It May Concern,

Our goal is to work together to re-think how we approach nutrition in schools, specifically at Hope Charter School and Legacy High School.

**THE PROBLEM:**

- 1) Current school budgets makes it very difficult to afford to put fresh, nutritious fruits and vegetables on the table for the children. Nutrition plays a huge role in learning, attention span, alertness, information retention, etc.
- 2) Even if we could afford fresh vegetables, there are no guarantees that the children will eat them.

**THE SOLUTION:**

Having a farm on school property accomplishes the following:

- 1) With a few dollars, we can buy thousands of seeds, grow them on property and use them in the school lunch program.
- 2) Our experience is that when children have an opportunity to interact with it by planting a seed, watching it grow, harvesting it, washing and taking a bite out of it, they are much more likely to eat their vegetables.
- 3) Having the farm on-site provides an incredible educational laboratory for kids to learn math, science (water chemistry, soil chemistry), social studies and more.
- 4) It is also an incredible way to learn valuable job skills. The Roosevelt Academy in Lake Wales is able to involve children with autism and learning disabilities in the process of planting seeds, harvesting, etc. Students can earn volunteer hours by helping as well.
- 5) It can also be a great fundraising engine for the school by selling to parents from the school property when they are picking up their children.

**THE SPECIFICS:**

Please see the included Drawing. The farm area will be approximately 140' x 600' on the north end of the property, bordering on the 20' private right of way easement. Within that farm area, we plan to include a 100'x400' greenhouse.

Pesticides and chemicals will not be used or stored on the farm property and there will not be any heavy machinery or equipment used on the farm.

We also are asking for permission to build a board walk that will connect the current school property to the farm property. We will work with EPD on the design and location for minimal impact on the existing wetlands. The board walk will also provide an incredible educational environment for Hope and Legacy students.

**There's no reason anyone on this planet should be hungry,  
when we can teach them how to grow their own food.**

[www.dogoodfarm.org](http://www.dogoodfarm.org)

OF  
**HOPE CHARTER SCHOOL SITE**  
**ORANGE COUNTY PROPERTY APPRAISER PARCEL NUMBERS 12-22-27-0000-00-001,**  
**12-22-27-0000-00-041 & 12-22-27-0000-00-046**  
**CITY OF WINTER GARDEN, ORANGE COUNTY FLORIDA**

SCALE: 1" = 100'

**Legal Description**

**Parcel One**

**The Northeast 14 of the Northeast 1/4 of Section 12, Township 22 South, Range 27 East, Orange County, Florida.**

**Less a tract described as follows: Beginning at the Southwest corner of said above described land, thence running North 785 feet, more or less, to the right of way of the A.C.L.R.R., thence East 624 feet, thence South 785 feet to the South side of the said described forty acres, thence West 624 feet to the Place of Beginning.**

**Also less: from the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 12, Township 22 South, Range 27 East, run East along the South line of the Northeast 1/4 of the Northeast 1/4 624 feet for a Point of Beginning, thence run North 0 degrees 2 minutes 27 seconds East 1055 feet, more or less, to the center of the creek, thence meander Southeast along the center of the creek approximately 925 feet, more or less, to the East crown point road, thence run in a Southwesterly direction along the West side of said road 435 feet, more or less, to a point on the South boundary line of the Northeast 1/4 of the Northeast 1/4, Section 12, Township 22 South, Range 27 East, thence run Westerly along said 1/4 section boundary line 412.2 feet to the Point of Beginning.**

**Also less: the Northeast 1/4 of the Northeast 1/4 of Section 12, Township 22 South, Range 27 East, lying South and East of the Northwesterly right of way of East Crown Point Road.**

**Also Less: that part of the Northeast 1/4 of the Northeast 1/4 of Section 12, Township 22 South, Range 27 East, Orange County, Florida, lying North and West of the ACL Railroad Right of Way.**

**Together with that certain 1996 Stan Mobile Home, bearing ID #: FLFLT70A242478K21, FLFLT70B242478K21 and FLFLT70C242478K21 and also described as Title #: 71265668, 7125960 and 71265691.**

**Parcel Two**

**From the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 12, Township 22 South, Range 27 East, run East along the South line of the Northeast 1/4 of the Northeast 1/4 624 feet for a Point of Beginning, thence run North 0 degrees 2 minutes 27 seconds East 1055 feet, more or less, to the center of the creek, thence meander Southeast along the center of the creek approximately 925 feet, more or less, to the East Crown Point Road, thence run in a Southwesterly direction along the West side of said road 435 feet, more or less, to a point on the South boundary line of the Northeast 1/4 of the Northeast 1/4, Section 12, Township 22 South, Range 27 East, thence run Westerly along said 1/4 section boundary line 412.2 feet to the Point of Beginning, Orange County, Florida.**

**Parcel Three**

**That part of the Northeast 1/4 of the Northeast 1/4 of Section 12, Township 22 South, Range 27 East, Orange County, Florida, lying North and West of the ACL Railroad Right of Way.**

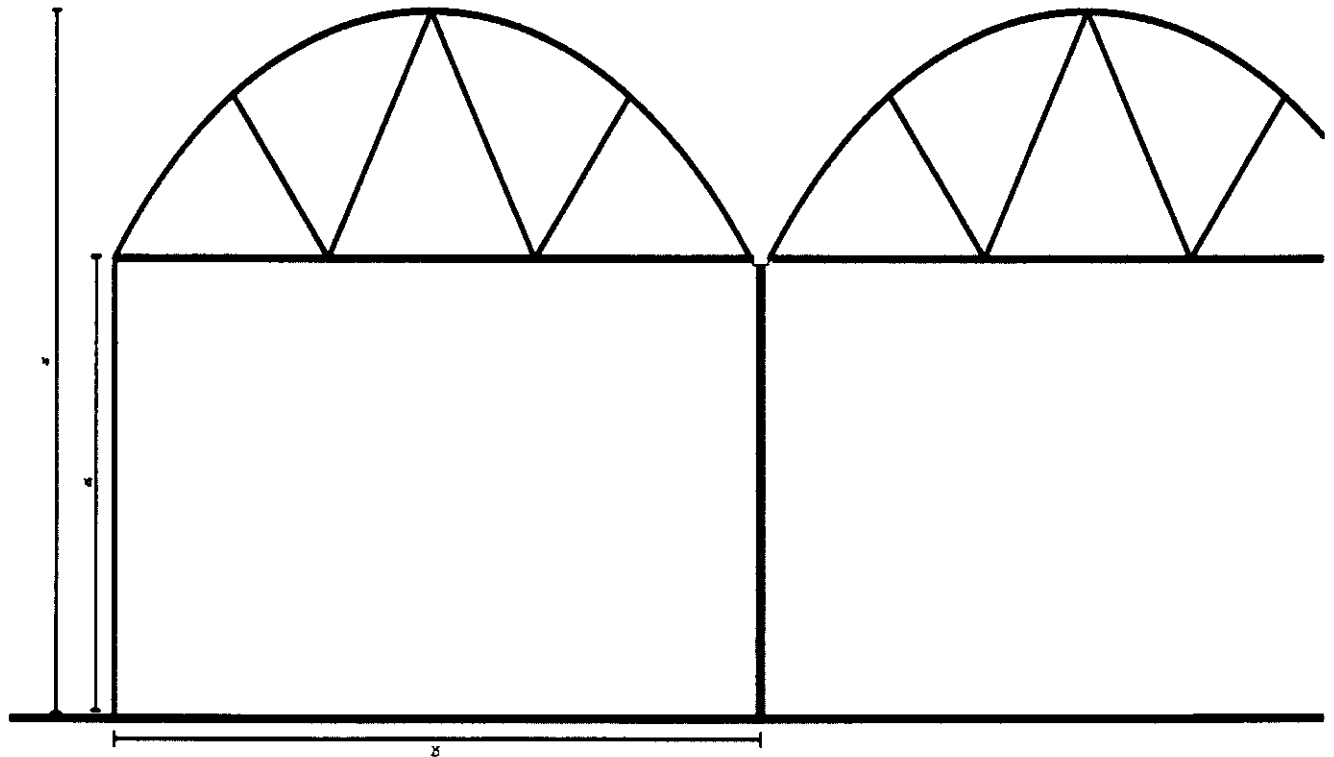


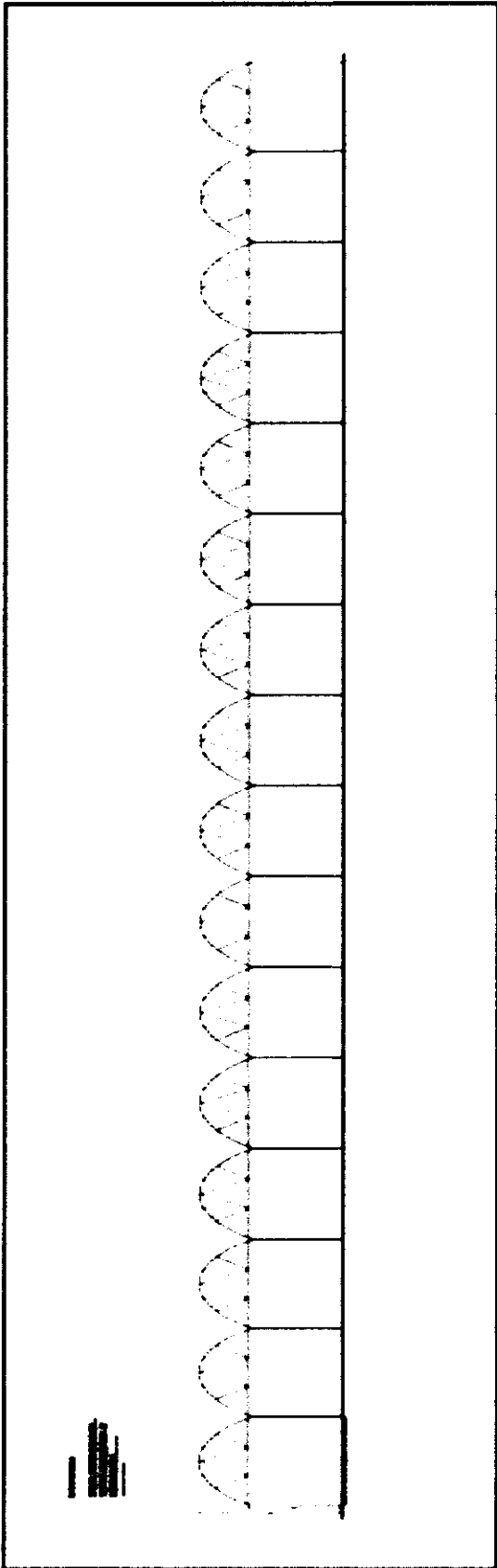


## Hope Charter School Greenhouse

- :Hoop Structure made from 1 5/8" metal greenhouse pipe. We may decide to go with an angled roof.
- :Gutters in between each hoop with rain catch containers to capture water runoff and be used for the farm.
- :West and East endwalls will be 1 5/8" metal greenhouse pipe vertical posts and spaced at 5' intervals.
- :The inner gutter vertical stands will be rectangular thick gauge gutter stands spaced at 10' intervals.
- :Every vertical will have an 80lb bag of concrete at it's base.
- :3 Inner perlin, will connect the greenhouse hoops with greenhouse perlin clamps.
- :Structure will be covered in greenhouse plastic.

## Detail Sheet







STAFF REPORT  
CASE #SE-18-12-157  
Orange County Zoning Division  
Planner: David Nearing, AICP  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Josh Taylor

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the A-2 zoning district to permit an agricultural component to an existing elementary/high school which includes a 40,000 sq. ft. greenhouse on 2.25 acres and a boardwalk connecting the school building with the agricultural area, and modifying conditions of a prior Special Exception regarding use of modular units for classrooms.

LOCATION: West side of E. Crown Point Rd., approximately 325 ft north of E. Fullers Cross Rd.

PROPERTY ADDRESS: 1600 East Crown Point Rd., Winter Garden, FL 34761

PARCEL ID: 12-22-27-0000-00-001

PUBLIC NOTIFICATION: 93

TRACT SIZE: 14.55 acres

DISTRICT #: 1

ZONING: CITY & A-2

EXISTING USE(S): Elementary/high school

PROPOSED USE(S): Agriculture

SURROUNDING USES: N – Vacant/City of Ocoee  
S – Residential/A-1  
E – Vacant/City of Ocoee  
W - Residential/City of Winter Garden

## **STAFF FINDINGS AND ANALYSIS:**

1. The subject property is zoned A-2, Farmland Rural. This zoning district is typically used for agricultural operations, such as citrus or cattle. This zone also allows use for single-family residences or mobile homes provided they are on a minimum of two (2) acres or land. Other uses, such as schools or day cares are permitted through the Special Exception process.
2. The applicant is proposing to construct a 40,000 sq. ft. greenhouse, to be operated in conjunction with the school. The greenhouse would be used to grow fruits and vegetables which would be used by the school in its lunch program, and potentially as a fund raising mechanism through either the sale of excess produce to the families of the students, or through a farmers market held in either nearby Winter Garden or Ocoee.
3. The greenhouse will be operated by the students under the supervision of a sustainability farmer. The greenhouse will be constructed of a tubular metal frame, with a translucent greenhouse material covering it. The roof will have openings to trap rain water for irrigation purposes.
4. The intent of the project is to teach the students the concept of sustainability, and agricultural techniques. By having a greater appreciation of where food comes from, it is hoped that they will also have a greater enjoyment of the fruits of their labor.
5. A future boardwalk will be constructed from the existing school to the greenhouse to allow pedestrian access to the facility. As the boardwalk will cross an existing wetland area, the exact location will be worked out between the applicant and the County's Environmental Protection Division (EPD). Vehicular access will be from Crown Point Road.
6. The existing school is located on the parcel to the south in the City of Winter Garden jurisdiction. A previous special exception was approved in 2014 to allow various uses on this parcel in conjunction with the school.

## **SPECIAL EXCEPTION CRITERIA**

### **Consistent with the Comprehensive Plan**

Schools and similar institutional uses are identified as consistent with the Comprehensive Plan through the Special Exception process.

### **Similar and Compatible with the Surrounding Area**

The agricultural nature of the proposed use will be compatible with the surrounding area, most of which is undeveloped.

**Not Act as a Detrimental Intrusion**

Given that the subject property is zoned A-2, the agricultural use will be compatible with both the zoning and Future Land Use (FLU) designation of R, Rural (up to 1 unit/10 acres).

**Meet the Performance Standards of the District**

All setbacks are being met. The greenhouse will not exceed 20 feet in height.

**Similar in characteristics**

The proposed use will not generate any excessive noise, odors, nor will it generate any vibration, dust, glare, or heat.

**Landscaping in Accordance with Section 24-5**

The existing tree line and understory will provide the appropriate buffering from adjacent properties.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated October 9, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The school shall not operate any type of roadside stand along its Crown Point Road frontage, nor shall it advertise produce for sale from its property, with the exception of sales to students' families.

5. Prior to issuance of permits for the greenhouse, a vehicular access plan shall be approved by the County Department of Public Works.
  6. Any future boardwalk from the school to the greenhouse shall be reviewed and approved by the Orange County Environmental Protection Division prior to issuance of building permits.
- c: Josh Taylor 12423  
Marshall Farms Road  
Winter Garden, FL 34787

**STEVEN LaBRET**  
**VA-18-12-158**

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**REQUEST:** **Variations** in the C-1 zoning district to allow a 2-COP license (beer & wine only) for consumption on premises as follows:  
1) Located 519 ft. from a religious institution in lieu of 1,000 ft.  
2) Located 622 ft. from a religious institution in lieu of 1,000 ft.

**ADDRESS:** 7221 Curry Ford Road, Orlando FL 32822

**LOCATION:** North side of Curry Ford Rd., approximately 225 ft. west of Goldenrod Rd.

**S-T-R:** 02-23-30

**TRACT SIZE:** 89 ft. x 323 ft. (AVG)/.637 Acres

**DISTRICT#:** 3

**LEGAL:** GOLDEN ACRES SEC A EXTENDED Q/104 LOT 118 (LESS BEG NW COR RUN S 265.24 FT M/L TO NLY RW CURRIE FORD RD TH SELY ALONG RW 167.5 FT TH N TO PT ON N LINE LOT 118 TH WLY TO POB) & (LESS RD RW ON S) SEE 2650/1362

**PARCEL ID:** 02-23-30-3028-01-180

**NO. OF NOTICES:** 9,257

**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; 6-0 and 1 absent):

1. Development in accordance with the site plan dated October 9, 2018, 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 Zoning Adjustment 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, measurements to the Churches, and photos of the site and Churches.

The applicant stated that the prior occupant was a Moose Lodge with a liquor license. After they vacated, both Churches were established. The applicant entered into the lease assuming they could continue with the license.

The BZA asked where the opposition was located.

Staff received five (5) commentaries in favor and eighteen (18) commentaries in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.



**Applicant:** STEVEN LaBRET

**BZA Number:** VA-18-12-158

**BZA Date:** 12/06/2018

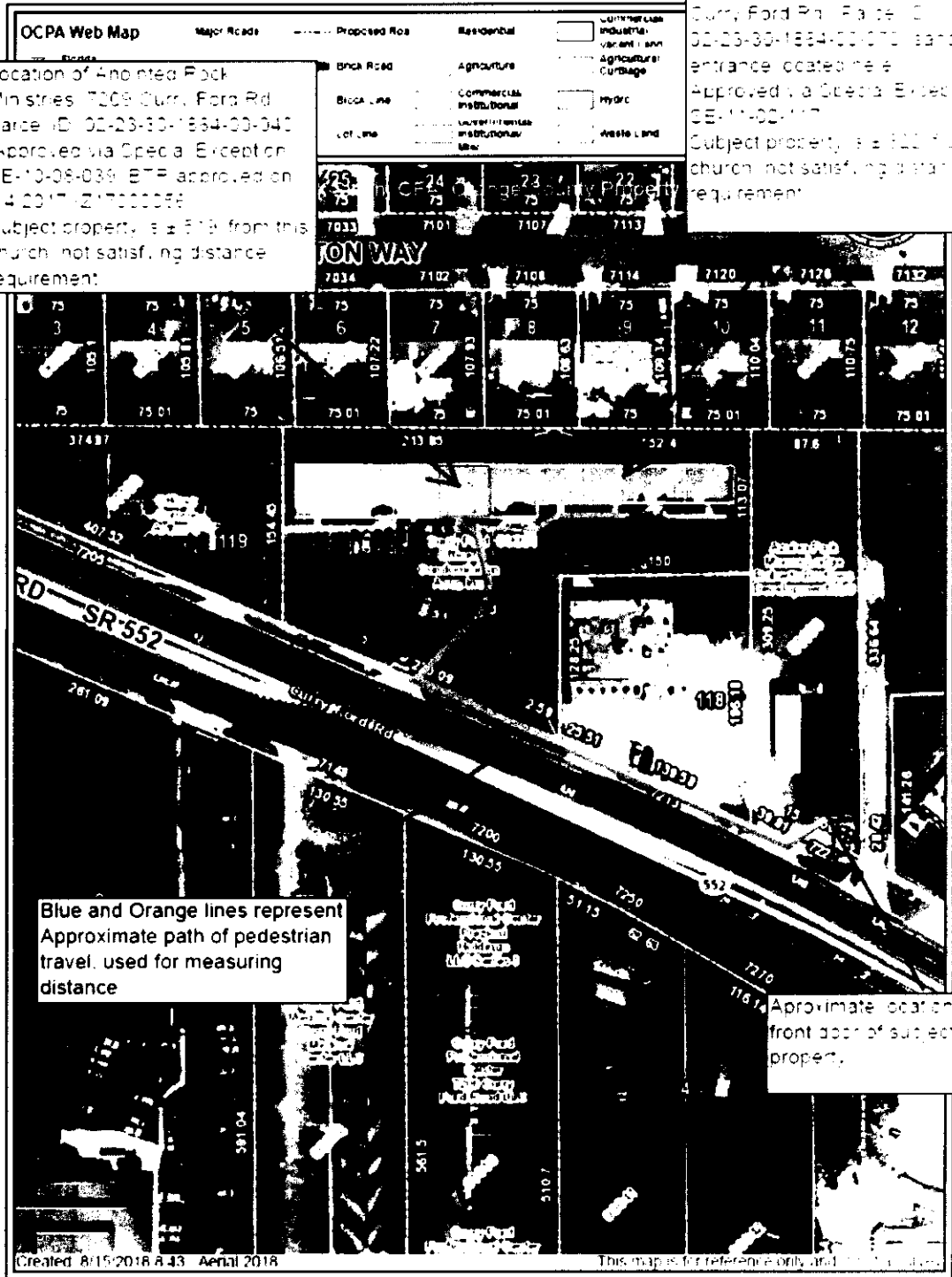
**District:** 3

**Sec/Twn/Rge:** 02-23-30-SW-C

**Tract Size:** 89 ft. x 323 ft. (AVG)/.637 Acres

**Address:** 7221 Curry Ford Road, Orlando FL 32822

**Location:** North side of Curry Ford Rd., approximately 225 ft. west of Goldenrod Rd.



*In Office of*  
*Steven Michael LaBrot, P.A.*  
*501 N. Magnolia Avenue, Suite 1100 B*  
*Orlando, Florida 32801*

COMMUNICATIONS  
AND ADMINISTRATIVE SERVICES  
AND MARKETING SERVICES

PROFESSIONAL LIABILITY  
INSURANCE  
AND  
GENERAL LIABILITY  
INSURANCE

October 8, 2018

Orange County Government  
Zoning Division  
201 Rosalind Ave., 1<sup>st</sup> Fl.  
P.O. Box 2687  
Orlando, FL 32802-2687

Attn: Amy Beam,  
Zoning Development Coordinator, III

Re: **Encima Venue, LLC d/b/a Encima Event Center**  
**Liquor License:**  
**Location: 7221 Curry Ford Road**  
**Orlando, FL 32822**

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**Our Client: Encima Event Center**  
**Our File No: 1457-R-001 (Ivette Rosa Gonzalez)**

Dear Ms. Beam:

The undersigned represents Encima Venue, LLC d/b/a Encima Event Center.

Encima Venue, LLC submitted an Application - Alcohol Beverage License Review (the "Application") to place a new alcoholic beverage license ("Liquor License") for Encima Event Center at the Location. (A copy of the Application is attached hereto as Exhibit "A".)

On August 15, 2018, Orange County informed Encima Venue, LLC that Orange County would not approve the Application since the Location did not satisfy the 1,000 feet separation requirement from the nearest religious institution. (Copies of the Orange County letter and map are attached hereto as Exhibits "B" and "C", respectively.)

My client is requesting a variance based on the following facts:

**A. Prior Tenant**

1. Azalea Park Moose Lodge was the prior tenant at the Leased Premises. Azalea Park Moose Lodge had a liquor license at the Location for approximately twenty years.

Orange County Government  
Zoning Division - Attn: Amy Beam  
October 8, 2018  
Page - 2 -

**B. Religious Institutions**

Movimiento Internacional Casa Impacto Avivamiento, Inc., a non-profit Florida corporation, opened its ministry on January 3, 2018 at 7209 Curry Ford Road, Suite G, Orlando, FL 32822 and had to apply for a special exception in order to operate its ministry in a location zoned professional office. Movimiento Internacional Casa Impacto Avivamiento, Inc. approved the placement of the Liquor License at the Location. (A copy of the Approval is attached hereto as Exhibit "D".)

2. Anointed Rock Ministries, Inc., a non-profit Florida corporation, opened its ministry on January 27, 2012 at 7209 Curry Ford Road, Suite D, Orlando, FL 32822 and had to apply for a special exception in order to operate its ministry in a location zoned professional office. Anointed Rock Ministries, Inc. has approved the placement of the Liquor License at the Location. (A copy of the Approval is attached hereto as Exhibit "E".)

**C. Other Businesses**

3. Buddy's Food & Lotto, Inc. located at 7219 Curry Ford Road, Orlando, FL 32822 is within 1,000 feet of the churches and has a liquor license at its business. (A copy of the Liquor License is attached hereto as Exhibit "F".)

4. Curry Ford Hess located at 7237 Curry Ford Road, Orlando, FL 32822 is within 1,000 feet of the churches and has a liquor license at its business. (A copy of the Liquor License is attached hereto as Exhibit "G".)

For these reasons, Encima Venue, LLC d/b/a Encima Event Center respectfully requests that a variance be granted so that Encima Venue, LLC d/b/a Encima Event Center can place a beer and wine license at the Location.

Sincerely yours,

  
Steven M. LaBret

SML/aeo

Re: **Encima Venue, LLC**  
**Encima Event Center**  
**Liquor License:**  
**Leased Premises:** 7221 Curry Ford Road  
Orlando, FL 32822

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**Our Client:** Encima Event Center  
**Our File No:** 1457-R-001 (Ivette Gonzalez)

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Exhibits

<u>Exhibit</u>	<u>Document</u>
A.	Application - Alcoholic Beverage License Review
B.	Denial Letter dated August 15, 2018
C.	Map
D.	Approval Letter (Movimiento Internacional)
E.	Approval Letter (Anointed Rock Ministries)
F.	Liquor License (Buddy's Food & Lotto)
G.	Liquor License (Curry Ford Hess)



STAFF REPORT  
CASE #: VA-18-12-158  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 3

GENERAL INFORMATION:

APPLICANT: STEVEN LaBRET

REQUEST: Variances in the C-1 zoning district to allow a 2-COP license (beer & wine only) for consumption on premises as follows:  
1) Located 519 ft. from a religious institution in lieu of 1,000 ft.  
2) Located 622 ft. from a religious institution in lieu of 1,000 ft.

LOCATION: North side of Curry Ford Rd., approximately 225 ft. west of Goldenrod Rd.

PROPERTY ADDRESS: 7221 Curry Ford Rd., Orlando, FL 32822

PARCEL ID: 02-23-30-3028-01-180

PUBLIC NOTIFICATION: 9,257

TRACT SIZE: 89 ft. x 323 ft. (AVG)/.637 Acres

DISTRICT #: 3

ZONING: C-1

EXISTING USE(S): Indoor event venue

PROPOSED USE(S): Indoor event venue

SURROUNDING USES: N - Single family residential  
S - Residential/office/commercial  
E - Commercial  
W -Office

### STAFF FINDINGS AND ANALYSIS:

1. The property is located in the C-1 Retail Commercial district, which allows for restaurants, retail stores, offices, churches, and various other indoor commercial businesses.
2. The applicant is proposing to use the site for an event center which will be booked for parties, weddings, and other similar events. In order to function as such, it is necessary to have a 2-COP license to allow beer and wine consumption on premises.
3. Sec. 38-1415, requires any business serving alcohol on site to be located at least one thousand (1,000) feet away from any established religious institution or school. There are two (2) churches located 519 feet, and 622 feet from the subject site. The code has a provision allowing businesses that derive more than fifty-one (51%) percent of their business from the sale of food and nonalcoholic beverages to be at least 500 feet away from a school. Although, it is expected that this business would meet this provision, this rule does not apply to churches.
4. The affected churches are located to the northwest of the subject property. Both of the churches have submitted letters stating they do not object to this variance.
5. The greater variance request represents a 48% deviation from the code.
6. The property is located close to the intersection of Curry Ford Road, and Goldenrod Road. This is a major intersection with commercial zoning and uses on all four (4) corners, providing a variety of uses in a concentrated area. With this mixed-use environment, there is a higher likelihood that churches, restaurants, bars, and cafes will be in close proximity.

### VARIANCE CRITERIA

#### **No Special privilege**

Approval of these variances will not confer any special privilege as many other businesses in the area have received licenses for consumption on premises.

#### **Deprivation of Rights**

Not allowing this applicant to obtain a 2-COP license would deprive them of the rights commonly enjoyed by neighboring properties and restaurants.

#### **Minimum Possible Variance**

This is the minimum possible variance, and the business will be located 519 feet from the nearest church, which is a substantial distance.



**Purpose and Intent**

Approval of these requests will be in harmony with the purpose and intent of the zoning regulations and will not be detrimental to the neighborhood. The commercial zoning district in the area allows restaurants and bars. The code allows certain establishments to be within 500 feet of a school, thus, a 519 feet distance from a church is reasonable. Allowing on-site consumption at this location would not be detrimental or injurious to the adjacent neighborhood or the church.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site map dated October 9, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Steven Labret  
501 N. Magnolia Avenue  
Orlando, FL 32801

**IGLESIA DE DIOS EN BITHLO  
SE-18-12-159**

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**REQUEST:** **Special Exception and Variances** in the A-2 and R-T-2 zoning districts as follows:  
1) Special Exception to allow an existing religious institution, and the construction of a new 500 seat sanctuary.  
2) Variance to allow the continued use of unpaved parking.  
3) Variance to allow a church spire to extend 20 ft. above the 35 ft. maximum height in lieu of 10 ft.

**ADDRESS:** 2049 8th St. and 18606 Hollister Road, Orlando FL 32820

**LOCATION:** Southeast corner of Hollister Rd. and 8th St., in Bithlo

**S-T-R:** 15-22-32

**TRACT SIZE:** 3.7 acres

**DISTRICT#:** 5

**LEGAL:** UNRECORDED PLAT EAST ORLANDO ESTATES SECTION 1 TR 160  
DESC AS BEG 3177.4 FT N & 3362.85 FT E FROM W1/4 COR OF SEC  
22-22-32 E 645 FT N 167 FT W 645 FT S 167 FT TO POB

**PARCEL ID:** 15-22-32-2336-01-600 and 15-22-32-2336-01-610

**NO. OF NOTICES:** 100

**DECISION:** **CONTINUED** for ninety (90) days and was rescheduled to be held at the March 7, 2019 BZA Meeting. (5 in favor, 1 opposed and 1 absent).

**SYNOPSIS:** Staff noted that the existing sanctuary and grassed parking were approved by a building permit issued by the County in 1999, and a Certificate of Occupancy (CO) issued in 2000. The grassed parking is accessed via paved drive aisles, thus, it is in compliance with standard design for smaller places of worship. The granting of the portion of the Special Exception for the existing sanctuary and the granting of the variance for the grassed parking would officially legitimize the existing situation bringing it into compliance. However, it was the staff's position that the proposed sanctuary is too large and out of character with the surrounding area. It was clarified that there would be no issue with traffic with the increased seating, as the County's transportation planners showed that the impact was less than a one (1) percent increase in peak hour traffic.

The applicant addressed the BZA noting that they work with one of the larger local food banks to ensure that the residents of the area have access to food. There are two (2) different distribution days, the second Wednesday of the month in the evening, and the fourth Wednesday of the month for the larger distribution. On the first distribution day,

the Church goes to the pantry and picks up the food. On the second day, a semi-truck delivers the larger quantity. The issue is that those who come on the second day begin lining up on Hollister Road at 9:00 a.m., as the distribution does not start until 12:00 p.m.

Four (4) residents of The Bithlo area spoke in opposition, noting that the traffic is very bad, and that allowing a larger sanctuary will result in greater traffic issues. One provided pictures showing the line-up of traffic on Hollister Road.

The BZA indicated that they felt that the applicant needed to demonstrate that they could better manage the traffic, as the type of back-up demonstrated by the opponent's photos showed potential public safety issues. The BZA thought that the applicant should come up with some way to stack the patrons on the larger southern portion of the lot to clear some of the traffic off of Hollister Road. The BZA asked the applicant if they would accept a continuance to allow them to attempt to come up with a plan to stack the traffic on-site. The applicant concurred. A motion to continue the request for ninety (90) days was passed unanimously.



**Applicant:** IGLESIA DE DIOS EN BITHLO

**BZA Number:** SE-18-12-159

**BZA Date:** 12/06/2018

**District:** 5

**Sec/Twn/Rge:** 15-22-32-SE-D

**Tract Size:** 3.7 acres

**Address:** 2049 8th Street, Orlando FL 32820

**Location:** Southeast corner of Hollister Rd. and 8th St., in Bithlo

October 10, 2018

Orange County Zoning Division  
201 Rosalind Avenue  
1<sup>st</sup> Floor  
Orlando, FL 32801

To Whom It May Concern:

The attached BZA Application for Special Exception is submitted to request the approval of a special exception for Orange County parcel #15-22-32-2336-01 (2049 N. 8<sup>th</sup> Street, Orlando, FL 32820). We are requesting that parcel #15-22-32-2336-01 becomes the extension of Orange County parcel #15-22-32-2663-610 (18606 Hollister Rd., Orlando, FL 32820) for the expansion of the Church of God in Bithlo (Iglesia de Dios en Bithlo). We are requesting to merge both parcels under parcel #15-22-32-2663-610 and address 18606 Hollister Rd., Orlando, FL 32820. Both parcels are owned by the church.

The current church structure, located on parcel #15-22-32-2663-610, is borderline with the property being applied for. The expansion will cross property lines with the construction of a new structure that will house the main worship temple, to include Sunday School classroom space, and parking spaces. The current worship temple will be converted to office space and Bible Study areas.

Currently located on parcel #15-22-32-2336-01 is a modular building which is utilized for Sunday School classes and for storage purposes as described on the BZA application. This modular building will be removed to allow for the allotment of additional parking spaces.

The Church of God in Bithlo was founded by Pastor Lizette Torres nearly 20 years ago, with the existing structure built approximately 18 years ago. The Church serves a very important role in the fast-growing community of Bithlo. Services include: Sunday English and Spanish services, Tuesday Bible Study sessions, and Friday ministry services. In addition to providing a place of worship and a place to seek counseling, the Church also hosts a weekly food pantry event that not only serves the immediate community, but surrounding communities as well. The food pantry is an event held to distribute food, clothing and other miscellaneous items for those in need.

The new church structure will include assembly seating for up to 500 persons. A complete description is provided in the attached proposed building program.

**RECEIVED**  
OCT 10 2018  
ORANGE COUNTY  
ZONING DIVISION

Orange County Zoning Division Letter  
October 10, 2018  
Page 2

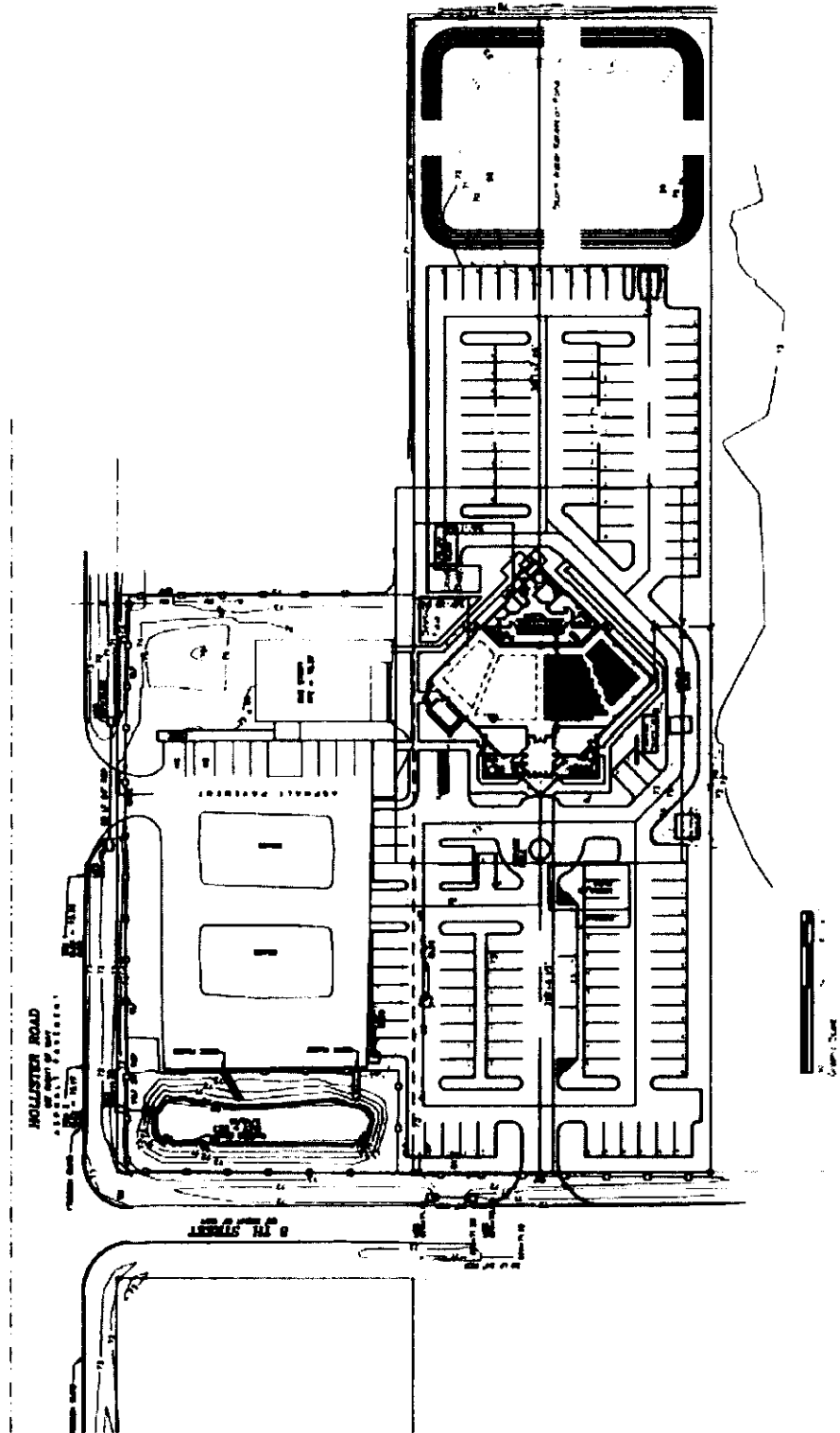
We respectfully request the approval of this application so that can continue to meet the individual and community needs of Bithlo.

Sincerely,



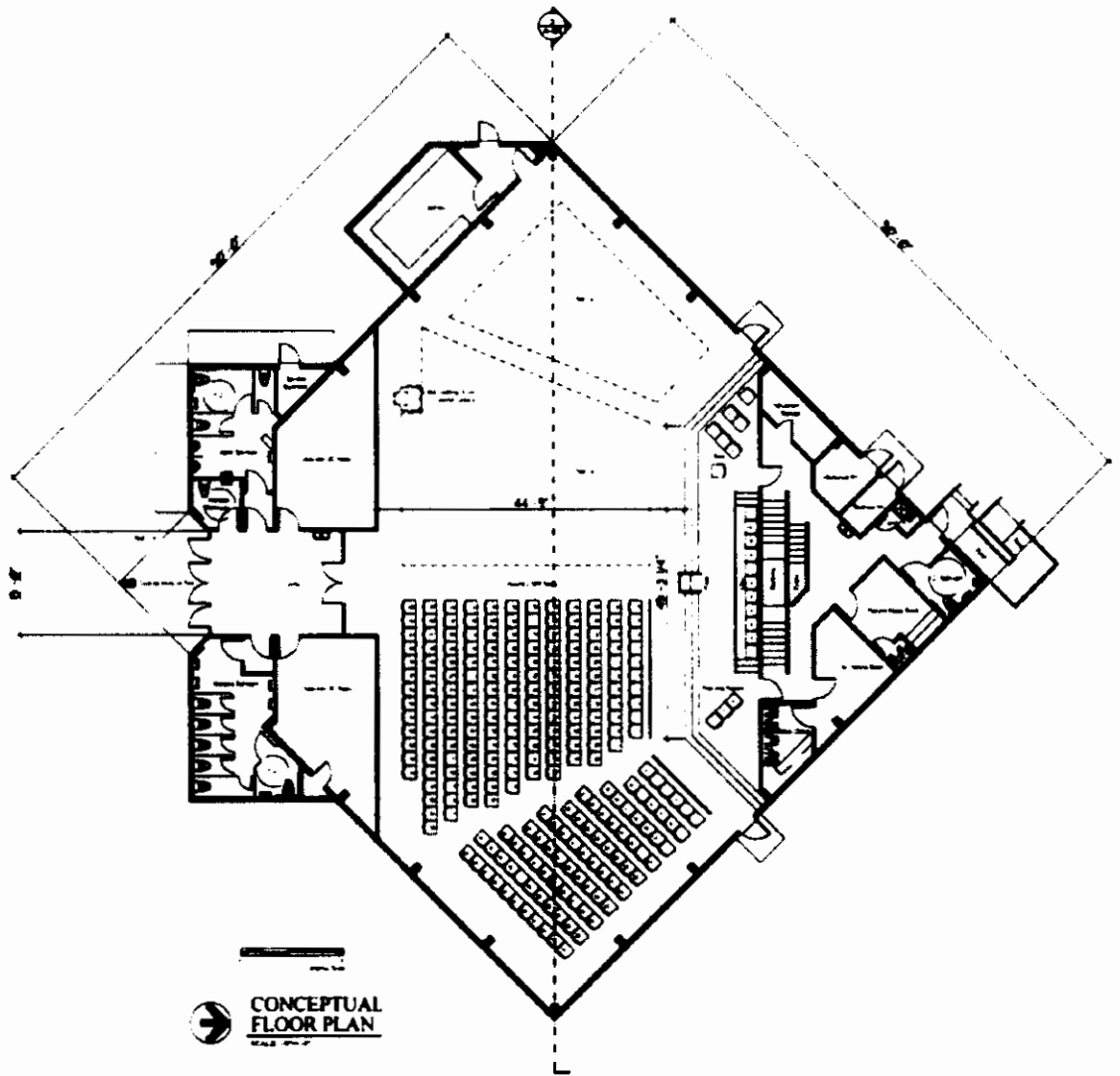
Pastor Lizette Torres  
Iglesia de Dios en Bithlo

Attachments

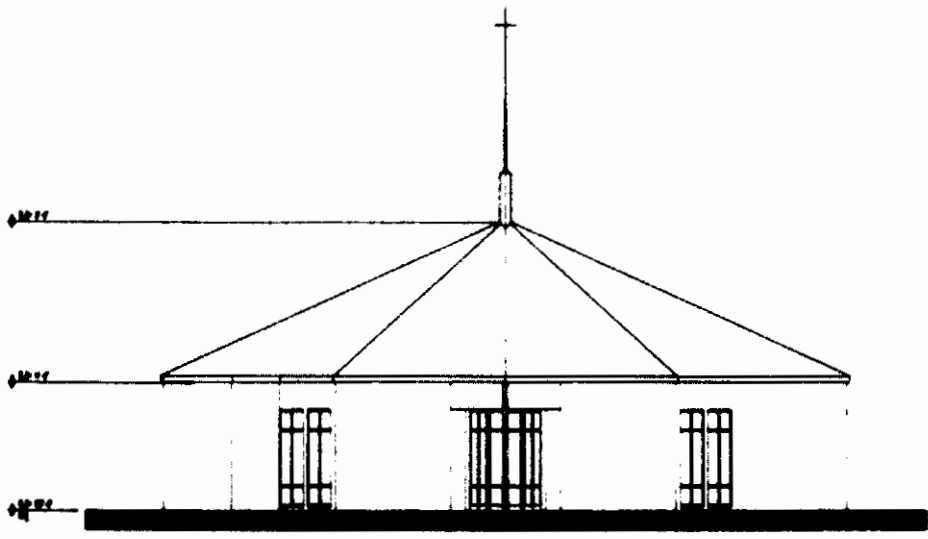


CONCEPTUAL  
SITE PLAN

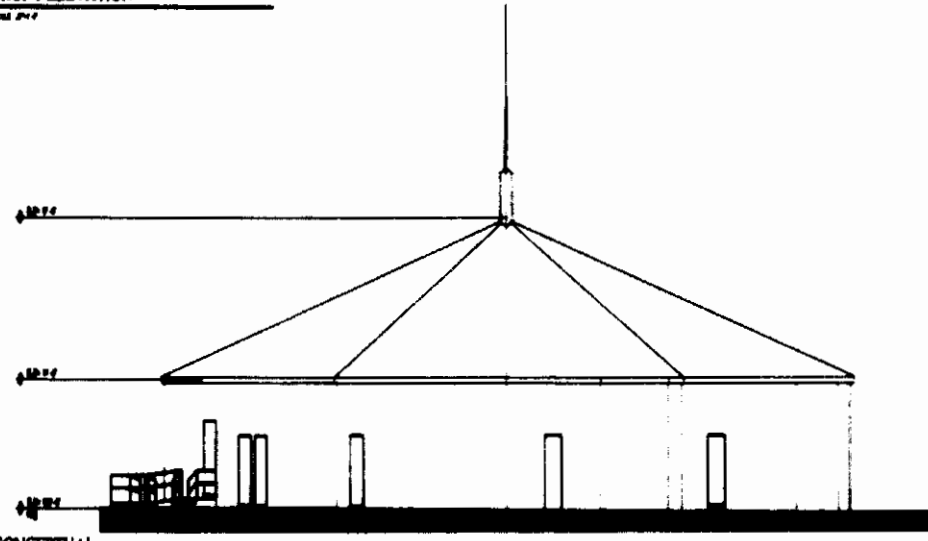




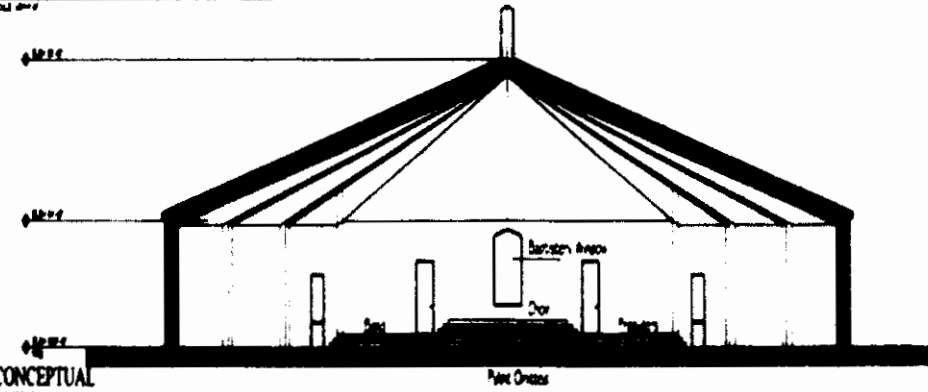




1  
**CONCEPTUAL FRONT ELEVATION**  
Scale 1/4" = 1'-0"



2  
**CONCEPTUAL SIDE ELEVATION**  
Scale 1/4" = 1'-0"



3  
**CONCEPTUAL BUILDING SECTION**  
Scale 1/4" = 1'-0"



**STAFF REPORT**  
**CASE #SE-18-12-159**  
Orange County Zoning Division  
Planner: David Nearing, AICP  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 5

**GENERAL INFORMATION:**

**APPLICANT:** Iglesia De Dios En Bithlo

**HEARING TYPE:** Board of Zoning Adjustment

**REQUEST:** Special Exception and Variances in the A-2 and R-T-2 zoning districts as follows:

- 1) Special Exception to allow an existing religious institution, and the construction of a new 500 seat sanctuary.
- 2) Variance to allow the continued use of unpaved parking.
- 3) Variance to allow a church spire to extend 20 ft. above the 35 ft. maximum height in lieu of 10 ft.

**LOCATION:** Southeast corner of Hollister Rd. and 8th St., in Bithlo

**PROPERTY ADDRESS:** 18606 Hollister Rd., Orlando, FL 32801

**PARCEL ID:** 15-22-32-2336-01-600 & 15-22-32-2336-01-610

**PUBLIC NOTIFICATION:** 100

**TRACT SIZE:** 3.7 acres

**DISTRICT #:** 5

**ZONING:** A-2 & R-T-2

**EXISTING USE(S):** Current sanctuary

**PROPOSED USE(S):** 500 Seat sanctuary

**SURROUNDING USES:** N – Mobile homes  
S – Single family & vacant  
E – Single family  
W - Vacant

### **STAFF FINDINGS AND ANALYSIS:**

1. The northern portion of the site on which the existing sanctuary is located is zoned R-T-2, Combination Mobile Home and Single Family Dwelling District. The southern portion of site on which the new sanctuary is proposed is zoned A-2, Farmland Rural District. The underlying Future Land Use (FLU) for both portions of the site is RS 1/1, Rural Settlement (up to 1/upa), as the property is located in the Bithlo Rural Settlement.
2. A religious institution is permitted within a rural settlement by the Comprehensive Plan; however, both of the zoning districts in place on the subject property require a Special Exception. The dominant land use in the immediate vicinity of the Church's property is residential, primarily mobile homes.
3. Currently, the southern portion of the site has a modular building which is being used as a Sunday School. This structure will be removed if the new sanctuary is approved.
4. According to the Orange County Property Appraiser's information, the current sanctuary consists of 1,056 sq. ft. of floor area. The Church operates a food pantry, and on one (1) day a month they have a major food distribution to the needy. They wish to expand not only their seating, but also their storage space, as well as having kitchen facilities. They are proposing to increase floor area to over 8,706 sq. ft., with seating for up to 500 persons. The existing sanctuary would be converted to offices and classrooms for Sunday School.
5. On Monday, November 12, 2018, a Community Meeting was held to allow the Church to discuss their plans with the residents of the area, and to attempt to address any concerns that may be raised. The meeting was attended by the Head Pastor, two (2) members of the Church's Board of Advisors, staff, a representative from Commissioner Bonilla's office, and approximately twelve (12) neighbors. Issues raised included:
  - The proposed size of the new sanctuary
  - Traffic issues on the day of the major food distribution
  - Crime, particularly illegal drug abuse and sales
  - Lack of law enforcement presence

### **SPECIAL EXCEPTION CRITERIA**

#### **Consistent with the Comprehensive Policy Plan.**

The Comprehensive Plan specifically identifies religious institutions as a use permitted in a Rural Settlement. The Special Exception process ensures compatibility.

**Use is similar and compatible with the surrounding area and development patterns**

The existing sanctuary is at a size and scale which is considered in line with the neighborhood. However, the new sanctuary will be much larger, and will not be compatible with the rural residential nature of the neighborhood.

**Not a detrimental intrusion into a surrounding area**

Based on input at the Community Meeting, some residents do feel that this will be a detrimental intrusion into this rural neighborhood if expanded to the size and scale proposed. Also, while Hollister Road may function similar to a collector road, it is not designated nor designed as such, with only two (2) lanes and open drainage on both sides.

**Meets the performance standards of the district**

The proposed use will be able to comply with all performance standards for the two (2) zoning districts in which it is located if all requested variances are approved.

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

The use will be intermittent with many days going by with little activity on the site. However, there will also be times on Sunday morning and the evening of services, as well as the day of the major food distribution where there will be significant periods of traffic.

**Landscape in accordance with section 24-5 of the Orange County Code**

The proposed plan will comply with the required buffering and Landscape requirements.

**VARIANCE CRITERIA**

**Special Conditions and Circumstances**

With respect to the grassed parking, the site has operated with this arrangement for the last eighteen (18) years. With respect to the height of the spire, there are no special conditions or circumstances particular to this property.

**Not Self-Created**

The existing sanctuary was constructed under permit B99902882, with grassed parking. The applicant could shorten the spire to comply with the 10 ft. additional height over the peak of the roof.

**No Special Privilege Conferred**

It is common for smaller religious institutions to use grassed parking. While other religious institutions have been granted variances for the height of the spire. None are located in this area.

**Deprivation of Rights**

Denial of the variance for the existing parking will require installation of paving where there has historically not been any. Not granting the variance for the height will not

deprive the applicant of any rights, the size and height of the building will be sufficient to identify the structures use.

**Minimum Possible Variance**

With respect to the unpaved parking, since the applicant is not proposing to add any new unpaved spaces, this is the minimum variance necessary.

**Purpose and Intent**

Allowing the grassed parking would be in harmony with the purpose and intent of the code.

**STAFF RECOMMENDATION:**

Staff recommends approval of the requested Special Exception to validate the existing religious institution and approval of the variance for the grassed parking, but denial to approve the expanded sanctuary and the variance for the height of the spire.

If the BZA approves the request to allow the existing religious institution to remain and denies the new sanctuary, conditions 1-5 shall be imposed:

If the BZA approves the new 500-seat sanctuary, the conditions 1-10 shall apply:

1. Development in accordance with the site plan dated October 10, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Any expansions of the use shall require BZA approval.
5. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."

6. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
7. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
8. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. 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.
9. The Church shall develop a plan to stack patrons on-site on the day of the major food distribution program. This plan shall be reviewed by Zoning Division staff for feasibility.
10. The Church shall engage an off-duty deputy sheriff on the day of the major food distribution to manage traffic both on-site and on Hollister Road to prevent patrons from blocking residents' driveways.

c: Brenda Rogers  
2445 4th Street  
Orlando, FL 32820

**RAY ALDRIDGE**  
**VA-18-12-160**

---

**REQUEST:** Variance in the A-2 zoning district to allow a new mobile home on a lot with .515 acres of lot area in lieu of 2 acres.  
**ADDRESS:** 15601 Seaward Street, Orlando FL 32828  
**LOCATION:** North side of Seward St., approximately 475 ft. east of Sunflower Trl.  
**S-T-R:** 19-22-32  
**TRACT SIZE:** 112 ft. x 200 ft./ .515 acres  
**DISTRICT#:** 4  
**LEGAL:** SEAWARD PLANTATION ESTATES T/109 THE W 125 FT OF W1/2 OF LOTS 32 & 33 BLK E  
**PARCEL ID:** 19-22-32-7876-05-330

**NO. OF NOTICES:** 53

**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; 5-0 and 2 absent):

1. Development in accordance with the site plan dated October 15, 2018, 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 Zoning Adjustment 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, site plan, and photos of the site.

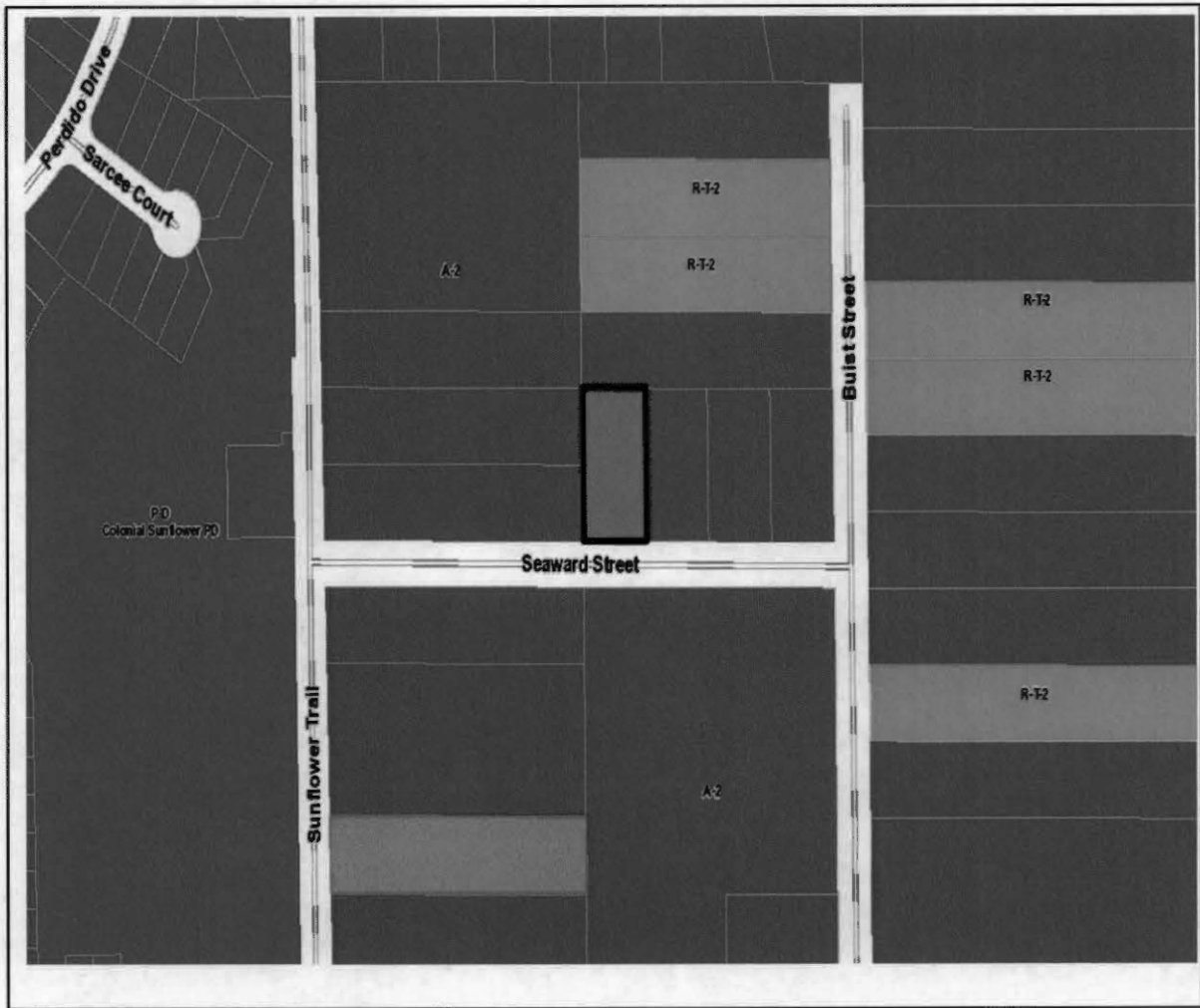
The applicant agreed with the staff presentation and had nothing to add.

The BZA noted that the site had a mobile home previously, and felt the case was straightforward.

Staff received four (4) commentaries in favor and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.





**Applicant:** RAY ALDRIDGE

**BZA Number:** VA-18-12-160

**BZA Date:** 12/06/2018

**District:** 4

**Sec/Twn/Rge:** 19-22-32-SE-D

**Tract Size:** 112 ft. x 200 ft. /.515 acres

**Address:** 15601 Seaward Street, Orlando FL 32828

**Location:** North side of Seward St., approximately 475 ft. east of Sunflower Trl.

**RAY ALDRIDGE**  
1249 Sunflower Trail  
Orlando, Florida 32828  
407-466-4433  
License # IH/1025305

---

October 14, 2018

**Re: Variance - 15601 Seaward Street, Orlando, FL 32828**

To Whom It May Concern:

This variance request is to allow installation of a manufactured home on property located at 15601 Seaward Street, Orlando, FL 32828. The property previously had a double wide manufactured home on it that burned down many years ago. A copy of the demolition permit (B96014374) to remove the burnt mobile home is attached for your information. Zoning for this property is A-2 and requires a minimum of two acres for installation of a manufactured home. The property is .5 acres which is less than the two acre minimum. The property owner is requesting to place a triple wide manufactured home 40 ft x 52 ft x 65 ft and approximately 2,705 square feet on the property. Installation of this size manufactured home will still fit on the 1/2 acre property without violating any of the current A-2 zoning setback requirements with a front setback of more than 35 ft, side setbacks more than 10 ft, rear setback more than 50 ft, and maximum height of less than 35 ft as shown on the site plan. The immediate surrounding neighbors do not object to this request. Letters of support are also attached.

As required for all variance requests, I have provided a detailed site plan/survey with dimensions drawn to scale by a licensed contractor. Distances in feet from all property lines are shown. The property is **NOT** located on a lakefront, waterfront, or on a natural canal. Architectural elevations are drawn to scale for the proposed structure. In addition, all documents have been provided in electronic format via a thumb drive to the Zoning Division.

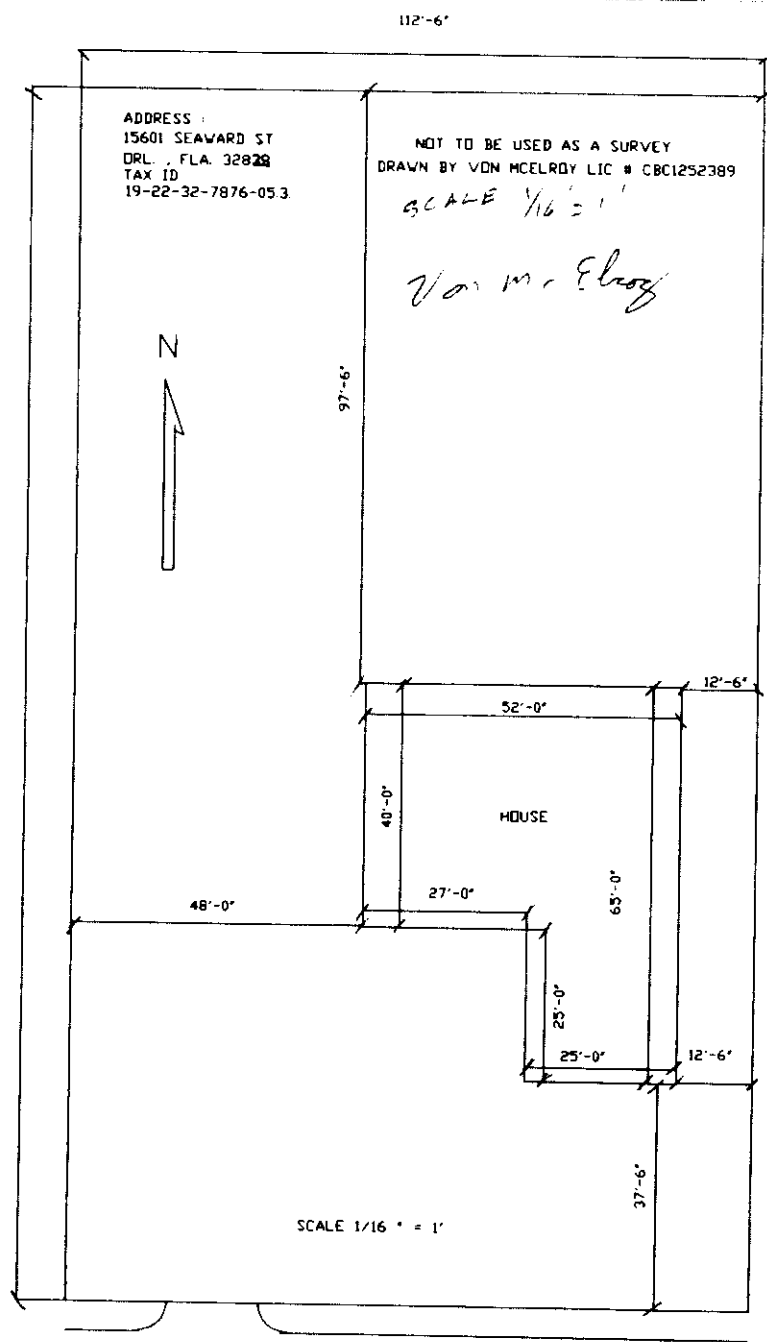
Thank you for your consideration of this variance request. Please do not hesitate to contact me at 407-466-4433 should you have any questions or need any additional information.

Regards,



Ray Aldridge  
Authorized Agent

cc: *Ian Andrew Price, Property Owner*



SEAWARD ST

**RECEIVED**

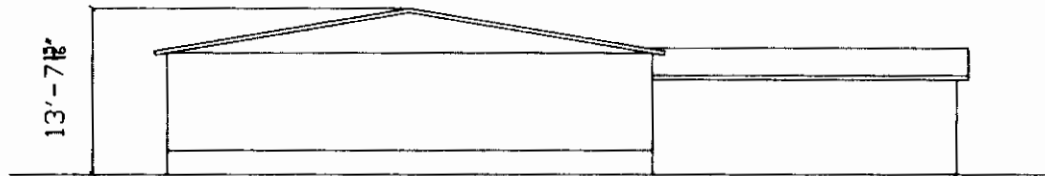
OCT 15 2018

**ORANGE COUNTY  
ZONING DIVISION**

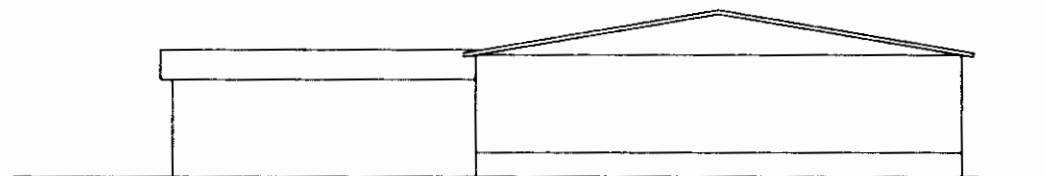
DRAWN BY VON MCELROY LIC # CBC1252389

ADDRESS :  
15601 SEAWARD ST  
ORL. , FLA. 32828  
TAX ID  
19-22-32-7876-05.3.

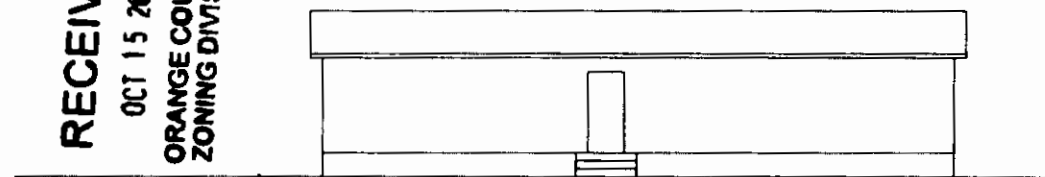
SCALE 1/8" = 1'  
- Von Mcelroy E. Co. Inc.



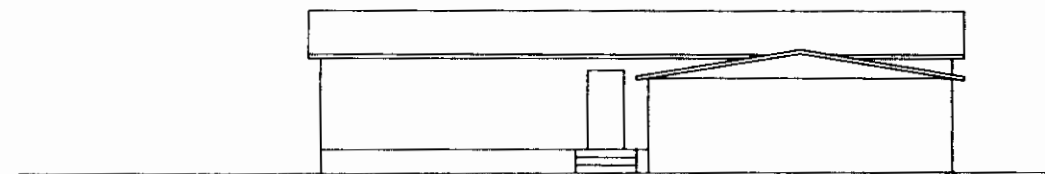
LEFT ELEV



RIGHT ELEV



REAR ELEV



FRONT ELEV

**RECEIVED**  
OCT 15 2018  
ORANGE COUNTY  
ZONING DIVISION



STAFF REPORT  
CASE #: VA-18-12-160  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 4

GENERAL INFORMATION:

APPLICANT: RAY ALDRIDGE

REQUEST: Variance in the A-2 zoning district to allow a new mobile home on a lot with .515 acres of lot area in lieu of 2 acres.

LOCATION: North side of Seaward St., approximately 475 ft. east of Sunflower Trl.

PROPERTY ADDRESS: 15601 Seaward St., Orlando, FL 32828

PARCEL ID: 19-22-32-7876-05-330

PUBLIC NOTIFICATION: 53

TRACT SIZE: 112 ft. x 200 ft./ .515 acres

DISTRICT #: 4

ZONING: A-2

EXISTING USE(S): Vacant

PROPOSED USE(S): Mobile home

SURROUNDING USES: N - Single family residence  
S - Single family residence  
E - Mobile home  
W - Mobile home

### STAFF FINDINGS AND ANALYSIS:

1. The property is located in the A-2 Farmland Rural zoning district, which allows agricultural uses and single family residential with associated accessory structures.
2. Per Orange County Code Section 38-79(4)(a)(1), an A-2 zoned property is required to have a minimum of two (2) acres of upland to allow a mobile home. To build a single family or modular home, 1/2 an acre is required in this zoning district.
3. The applicant is requesting a variance to allow a mobile home on a lot with less than 2 acres in an A-2 zoning district. All other development standards and setbacks will be met.
4. The property is currently vacant, but had a mobile home that was removed/demolished in 1996, (permit # B96014374).
5. The area is characterized by single family homes and multiple mobile homes on substandard lots.
6. The area also has several lots that are zoned R-T-2, which allow mobile homes by right on ½ acre lots.
7. The applicant has received letters of no objection from property owners in the neighborhood.
8. The BZA has granted variances for mobile homes on 9 substandard lots in the area.
9. The applicant is proposing an "L" shaped home design that will not have the appearance of a typical mobile home.

### VARIANCE CRITERIA

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

There are multiple mobile homes on non-conforming lots, and nearby zoning of lots that would allow this by right.

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

Approval of this variance will not confer any special privilege to the applicant, as there are many other properties in the area with mobile homes on substandard lots.

#### **Deprivation of Rights**

Literal interpretation of the code would deprive the applicant of rights commonly enjoyed by other properties in the area with mobile homes.

**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. Approval of this request will facilitate infill development.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated October 15, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Ray Aldridge  
1249 Sunflower Trail  
Orlando, FL 32828

**FAIRWINDS CREDIT UNION  
VA-18-12-163**

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**REQUEST:** **Variances** in the P-O zoning district to allow a parking garage as follows:  
1) To allow a front setback of 14 ft. in lieu of 25 ft.  
2) To allow a height of 48.5 ft. in lieu of 35 ft.

**ADDRESS:** 3087 N. Alafaya Trail, Orlando FL 32826

**LOCATION:** Southeast corner of N. Alafaya Tr. and Science Dr.

**S-T-R:** 15-22-31

**TRACT SIZE:** 294 ft. x 650 ft. / 4.4 acres

**DISTRICT#:** 5

**LEGAL:** BEG 56 FT E & 33 FT S OF NW COR OF NW COR OF NE1/4 OF NW1/4 OF SEC 15-22-31 TH RUN E 300 FT S 650.65 FT W 294.83 FT TO E RW LINE OF N ALAFAYA TRL TH N 639.63 FT TO POB (LESS RD RW)

**PARCEL ID:** 15-22-31-0000-00-002

**NO. OF NOTICES:** 134

**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; 6-0 and 1 absent):

1. Development in accordance with the site plan dated October 29, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall submit construction plans through the commercial site plan



review process within two (2) years of final approval or this approval is null and void.

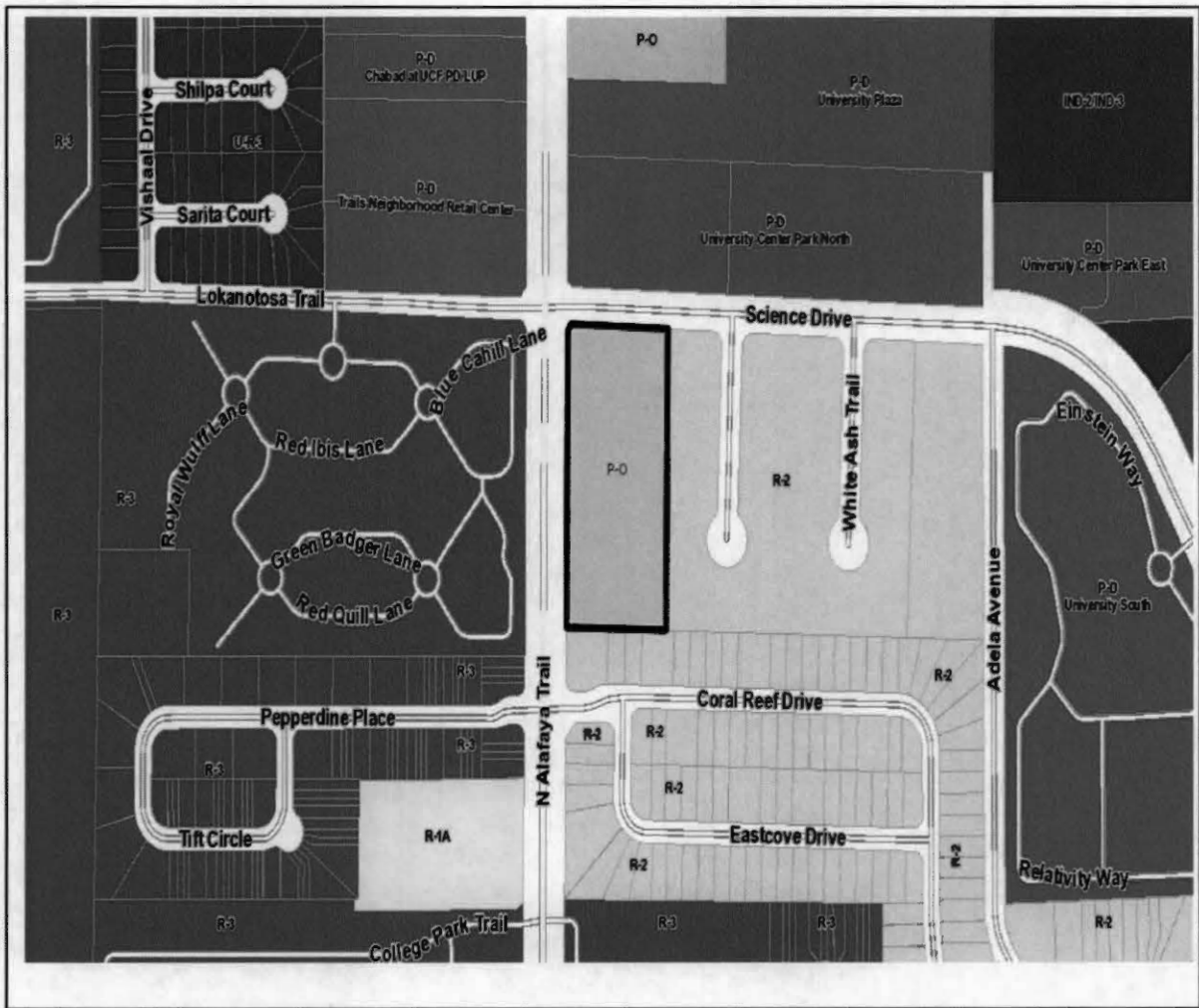
**SYNOPSIS:** Staff presented the case, showed site photos, and explained the site plan. The applicant is proposing a parking garage to accommodate parking for their existing office building.

One (1) person spoke in opposition stating they have concerns with traffic issues and the potential stacking the garage may cause.

The applicant spoke and stated the garage is being built to alleviate traffic and parking issues. The garage is proposed on-site because the applicant is using their property across the street for overflow parking. With the proposed garage, their customers and employees may park on-site in lieu of off-site.

Staff explained that this garage will only be utilized for the applicant's employees/customers and will not be open to the general public or be a traffic generator.

The BZA discussed the case and agreed that the proposed variances were acceptable and approved the application.



**Applicant:** FAIRWINDS CREDIT UNION

**BZA Number:** VA-18-12-163

**BZA Date:** 12/06/2018

**District:** 5

**Sec/Twn/Rge:** 15-22-31-NW-NE

**Tract Size:** 294 ft. x 650 ft. / 4.4 acres

**Address:** 3087 N. Alafaya Trail, Orlando FL 32826

**Location:** Southeast corner of N. Alafaya Tr. and Science Dr.



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5127 S. Orange Avenue, Suite 200  
Orlando, FL 32809  
Phone: 407-895-0324  
Fax: 407-895-0325

2302 Parklake Drive, Suite 134  
Atlanta, GA 30345  
Phone: 1-877-857-1581  
Fax: 1-877-857-1582



## ZONING VARIANCE REQUEST JUSTIFICATION STATEMENT

### FAIRWINDS CREDIT UNION SUPPORT CENTER PARKING GARAGE ADDITION 3087 N. ALAFAYA TRAIL ORANGE COUNTY, FLORIDA

OCTOBER 12, 2018

This letter is submitted in support of the request for the following two variances:

- 1) A variance from Chapter 38, Article VII, Section 38-806(8) of the Orange County Code of Ordinances to allow for a proposed parking garage structure height of 36.5 ft., which is 1.5 ft. above the 35 ft. maximum building height requirement for the P-O zoning district.
- 2) A variance from Chapter 38, Article IX, Section 38-1405(g) of the Orange County Code of Ordinances to allow for a reduction of the required street side setback on the north side of the subject project site adjacent to Science Drive from a 15 ft. minimum required setback to a 14 ft. setback for a proposed parking garage structure.

The subject project site is approximately 4.41 acres and is located in the southeast quadrant of the intersection of North Alafaya Trail and Science Drive in Orange County, Florida. The site is zoned P-O and has been used for office since 1985. The site is surrounded by multi-family (Duplex) residential use on the south side, by multi-family (Apartment) residential use on the east side, by a Fairwinds Credit Union on the north side across from Science Drive and by Alafaya Trail on the west side.

The site contains an existing 4-story office building and an existing 3-story office building, which total approximately 85,192 S.F. (Gross Office Area) and approximately 50,699 S.F. (Net Office Area). The site also contains 242 surface parking spaces. The site received prior approval in 2014 from the Board of Zoning Adjustment, Case No. SE-14-11-074, for a special exception to construct a new commercial building with a height of 45.3 ft. in lieu of 35 ft. and a variance to provide 243 paved parking spaces in lieu of the code required 265 spaces. These approved improvements were constructed as part of the Fairwinds Credit Union Support Center renovations, which were completed in 2017.

Fairwinds anticipated the need to add future surface parking to support their operations. However, based on their current parking needs, a parking garage structure is required to meet their parking demand. The parking garage structure is required to be 3-stories in order to accommodate the needed parking.

A variance is required for the new 3-story parking garage structure, since the height of the building must be at 36.3 ft. with an elevator enclosure at 48.3 ft. A maximum height of 35 ft. would restrict the ability to construct the pre-engineered concrete parking garage structure with the appropriate vehicle clearances and achieve the design objectives for the project in terms of ceiling heights and additional parking required for the operations of the Fairwinds Credit Union Support Center.

In addition to the height variance, a street side setback variance is also required, since the pre-engineered parking garage structure dimensions necessitate the proposed structure's footprints, which encroach 1 ft. into a portion of the required 15 ft. street side setback. On average, the parking garage structure provides slightly over 15.5 ft. street side setback.

The following paragraphs provide justification for the requested variances based on the specific standards for the approval of variances as outlined in Section 30-43 (3) of the Orange County Code of Ordinances.

**GARAGE STRUCTURE HEIGHT VARIANCE**

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.

**Response: The proposed parking garage structure is required to be 36.3 ft. in height in order to accommodate the appropriate vehicle clearances and the parking requirement for the project. A 35 ft. height would require elimination of one floor, which causes a significant reduction in the parking and would not allow the structure to meet the parking demand for the project. The variance in height is de-minimus, and the structure would remain significantly lower than existing structures on the site.**

2. The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.

**Response: As indicated above, we are requesting a de-minimus variance in the building height (1.5 ft. variance) to accommodate structural and functional design requirements of the garage building structure.**

3. Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

**Response: This site currently contains higher buildings than currently proposed. The requested variance is de-minimus.**

4. Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection!



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GROUP**

5127 S. Orange Avenue, Suite 200  
Orlando, FL 32826  
Phone: 407-895-0224  
Fax: 407-895-0125

2302 Parklake Drive, Suite 134  
Atlanta, GA 30345  
Phone: 1-877-857-1581  
Fax: 1-877-857-1582



Response: Literal interpretation would cause a severe impact on the design, which can be accommodated by the requested de-minimus variance. The proposed parking garage structure is required to be 36.3 ft. in height in order to accommodate the appropriate vehicle clearances and the parking requirement for the project. A 35 ft. height would require elimination of one floor, which causes a significant reduction in the parking and would not allow the structure to meet the parking demand for the project. The variance in height is de-minimus, and the structure would remain significantly lower than existing structures on the site.

- 5 The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.

Response: As stated above, we are requesting a de-minimus variance as the design cannot be adjusted to reduce the building height by 1.5 ft. and maintain proper clearances for the vehicles and the required garage structure design.

6. Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Response: The site currently contains a 4-story and a 3-story building, which are much taller than the proposed building height. Also, the Alafaya Trail corridor contains many taller buildings than the requested building height.

#### STREET SIDE SETBACK VARIANCE

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.

Response: The northern property boundary is at an angle and causes the proposed setback to vary from 14 ft. to slightly over 17 ft. The building footprint cannot be modified without severe impacts on the design; thus, a 1 ft. variance is required in the setback. It should be noted that the proposed 14 ft. setback exceeds the side setback for the zoning district (12 ft.).

2. The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.

Response: The garage structure dimensions are restricted by design, and there is no ability to shift the building to avoid the 1 ft. variance being requested as the site is currently developed and the available space is constrained.

3. Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

Response: This is a unique circumstance specific to the site, since it is re-development/ addition, which is constrained by the available site area and the standard dimensions of the parking garage structure.



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5177 S. Orange Avenue, Suite 204  
Orlando, FL 32809  
Phone: 407 895 0324  
Fax: 407 895 0325

2107 Parklake Drive, Suite 134  
Atlanta, GA 30345  
Phone: 1 877 857 1581  
Fax: 1 877 857 1582



4. Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection!

**Response:** Literal interpretation of the code would cause a severe impact on the design, which can be accommodated by a de-minimus variance. The northern property boundary is at an angle and causes the proposed setback to vary from 14 ft. to slightly over 17 ft. The building footprint cannot be modified without severe impacts on the design; thus, a 1 ft. variance is required in the setback. It should be noted that the proposed 14 ft. setback exceeds the side setback for the zoning district (12 ft.).

5. The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.

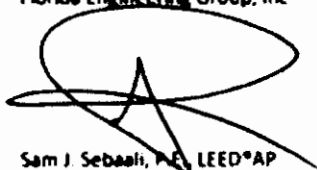
**Response:** The garage structure dimensions are restricted by design and there is no ability to shift the building to avoid the 1 ft. variance being requested as the site is currently developed and the available space is contained. The 1 ft. variance is the minimum variance required for the ability to build the proposed garage structure.

6. Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**Response:** The proposed parking garage will have significant landscaping adjacent to it and 14 ft. setback from the R.O.W. at the shortest distance with an average over 15.5 ft. setback. In comparison, a surface parking can be 7 ft. from the R.O.W. line. Thus, the proposed variance would not create a condition, which would not be in harmony with the intent of the zoning regulations or be detrimental to the public welfare.

Please do not hesitate to contact me should you have any questions or need additional clarification regarding this request. I can be reached by phone at 407-895-0324 or by email at [SSebaali@feg-inc.us](mailto:SSebaali@feg-inc.us).

Sincerely,  
Florida Engineering Group, Inc



Sam J. Sebaali, P.E., LEED® AP  
President

- cc: Mr. Phillip Tischer, Chief Operations Officer, Fairwinds Credit Union  
Mr. Don Akordo, Albu & Associates, Inc.  
Mr. Daniel Kellner, Finrock Design, Inc.



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ENGINEERING  
GROUP

5127 S. Orange Avenue, Suite 200  
Orlando, FL 32826  
Phone: 407 895 0324  
Fax: 407 895 0125

2102 Park Lake Drive, Suite 114  
Albion, GA 31703  
Phone: 1 877 857 1581  
Fax: 1 877 857 1582











STAFF REPORT  
CASE #: VA-18-12-163  
Orange County Zoning Division  
Planner: Sean Bailey  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 5

GENERAL INFORMATION:

APPLICANT: FAIRWINDS CREDIT UNION

REQUEST: Variances in the P-O zoning district to allow a parking garage as follows:  
1) To allow a front setback of 14 ft. in lieu of 25 ft.  
2) To allow a height of 48.5 ft. in lieu of 35 ft.

LOCATION: Southeast corner of N. Alafaya Tr. and Science Dr.

PROPERTY ADDRESS: 3075 and 3087 N. Alafaya Tr., Orlando, FL 32826

PARCEL ID: 15-22-31-0000-00-002

PUBLIC NOTIFICATION: 134

TRACT SIZE: 294 ft. x 650 ft. (AVG) / 4.4 acres

DISTRICT #: 5

ZONING: P-O

EXISTING USE(S): Office Building

PROPOSED USE(S): Parking Garage

SURROUNDING USES: N - Office  
S - Multi-family  
E - Multi-family  
W -Multi-family

## STAFF FINDINGS AND ANALYSIS:

1. The property is zoned P-O, Professional Office Zoning District, which is a district designed to provide professional services to serve the local communities and permits uses such as daycares, barbershops, and office buildings. Parking garages are a permitted use in the P-O zoning district.

### 2. History:

- October 17, 1983: Property was rezoned from R-1A to P-O.

- October 1, 1998: Variance was approved to allow a commercial building 78 ft. in height in lieu of 35 ft.

- November 6, 2014: Special Exception and Variance was approved to allow a height of 45.3 ft. in lieu of 35 ft., and to allow 243 parking spaces in lieu of 265 spaces.

3. The property is located on the corner of Alafaya Trail and Science Drive near the University of Central Florida. This area is comprised of office buildings, commercial businesses, multi-family development, and several student-housing complexes.

4. The applicant is proposing to a three story-parking garage to provide parking for their employees to the north of the existing office building. Currently there are 242 spaces on site and with the proposed garage; there will be 423 spaces (202 spaces in the garage).

5. The height variance of 48 feet requested is only for the elevator portion of the building. The parking garage structure itself will have a maximum height of 36 feet.

6. The setback variance of 14 feet is required as the portion of the property facing Science Drive is considered the front as it is the narrowest dimension of the lot.

7. The parking garage will be located 14 feet from the north property line at its closest point, 53 feet from the east property line, and 118 feet from the west property line. The required front setback is 25 feet. The adjacent multi-family building is located approximately 15 feet from Science Drive; the garage will be in line with the existing development.

## VARIANCE CRITERIA

### **Special Conditions and Circumstances**

The property is located on a major right-of-way, is not adjacent to any single-family residential, and the 35 feet height limit is a stringent requirement for parking garages.

### **No Special Privilege Conferred**

There have been several other height variances allowed in the area, including two on this property.

**Minimum Possible Variance**

Only a small portion of the building will exceed the 35 feet height restriction. The parking garage will be much shorter than the existing office building and will be located in line with existing building façade. Regarding the setback variance, the property line is angled and the closest point will be 14 feet away. In addition, the applicant is providing architectural features similar to what exists on-site and proposing landscaping buffers along each side of the garage.

**Purpose and Intent**

Approval of the variances will be in harmony with the purpose and intent of the zoning code. The site has two (2) buildings, which are taller than the proposed garage, and this structure will help alleviate parking issues.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan and elevations dated October 29, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall submit construction plans through the commercial site plan review process within two (2) years of final approval or this approval is null and void.

c: Sam Sebaali  
5127 S. Orange Avenue  
Orlando, FL 32809

**WENDY TAHT**  
**VA-18-12-164**

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**REQUEST:** **Variances** in the R-CE zoning district to allow construction on a substandard lot as follows:  
1) To allow a minimum lot width of 75 ft. in lieu of 130 ft.  
2) To allow a minimum lot size of .44 acres in lieu of 1 acre.

**ADDRESS:** 12072 Sandy Shores Drive, Windermere FL 34786

**LOCATION:** East of Sandy Shores Dr. on Lake Butler

**S-T-R:** 24-23-27

**TRACT SIZE:** 75 ft. x 250 ft.; 0.44 acres

**DISTRICT#:** 1

**LEGAL:** SANDY SHORES S/57 LOT 1

**PARCEL ID:** 24-23-27-7808-00-010

**NO. OF NOTICES:** 97

**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; 6-0 and 1 absent):

1. Development in accordance with the site plan dated October 15, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

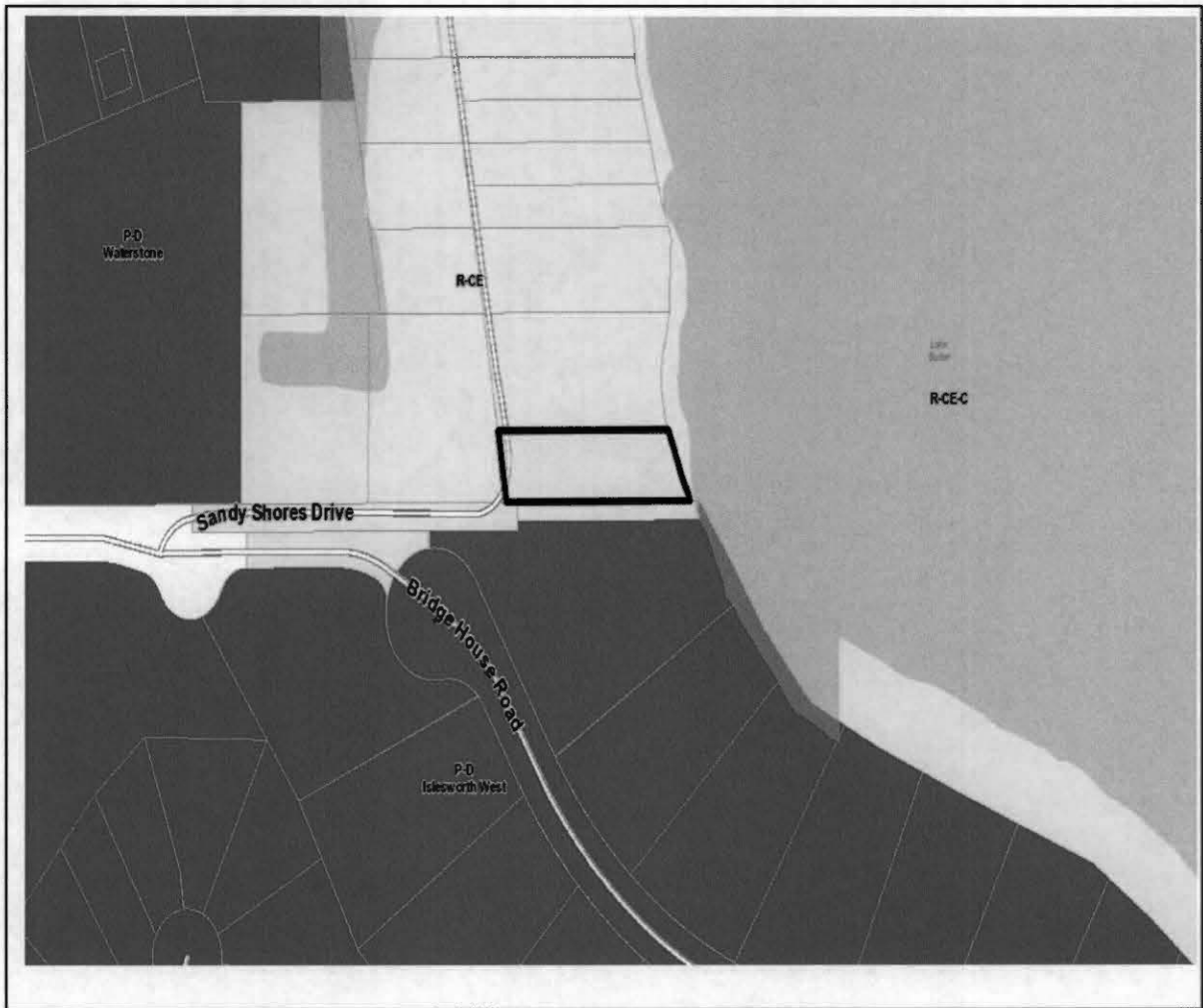
**SYNOPSIS:** Staff gave a presentation on the case covering the location of the property, site plan, and photos of the site.

The applicant agreed with the staff presentation and had nothing to add.

The BZA noted that the proposal would fit in with the neighborhood.

Staff received no commentaries in favor and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.



**Applicant:** WENDY TAHT

**BZA Number:** VA-18-12-164

**BZA Date:** 12/06/2018

**District:** 1

**Sec/Twn/Rge:** 24-23-27-NE-A

**Tract Size:** 75 ft. x 250 ft.; 0.44 acres

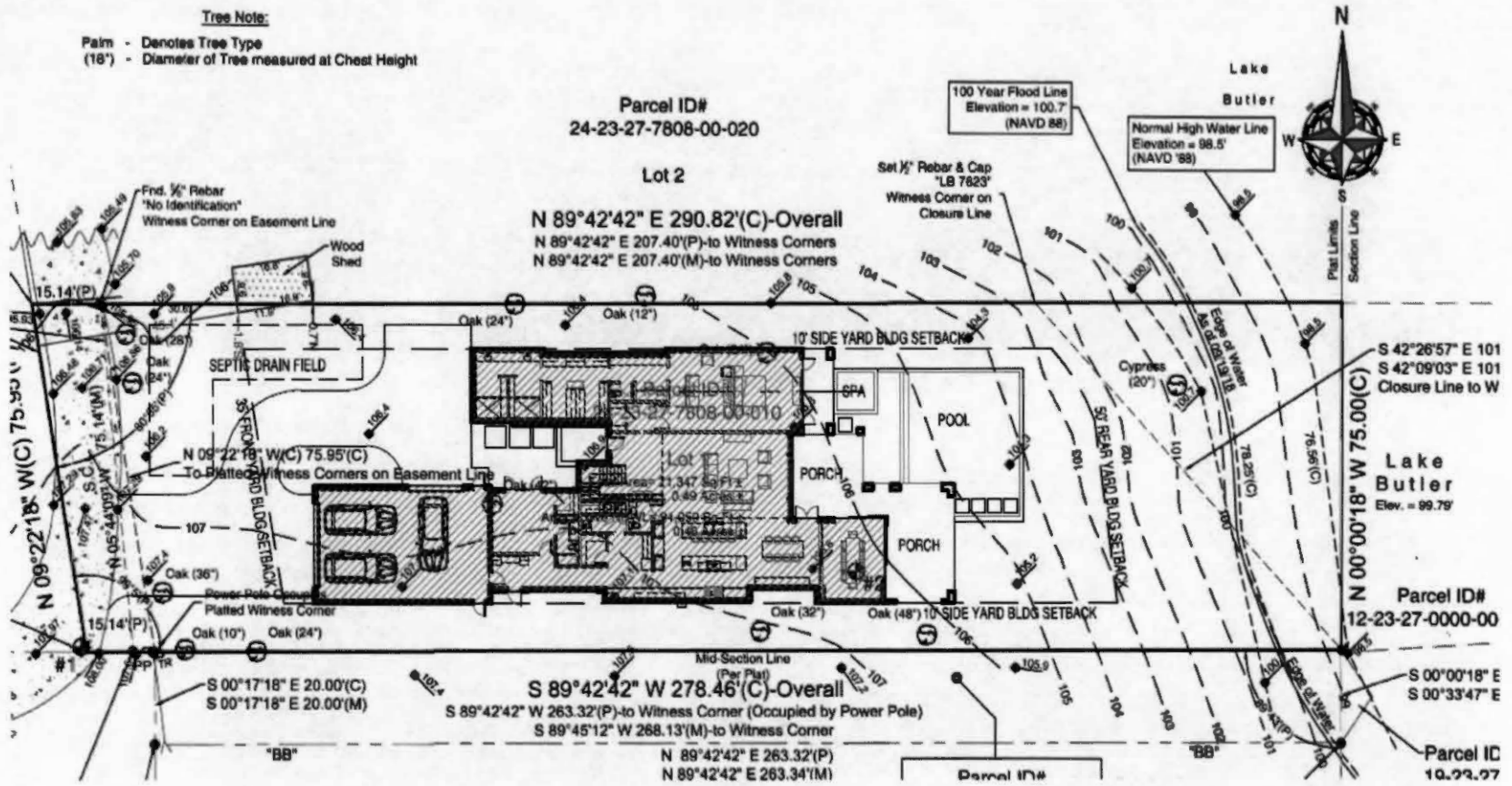
**Address:** 12072 Sandy Shores Drive, Windermere FL 34786

**Location:** East of Sandy Shores Dr. on Lake Butler

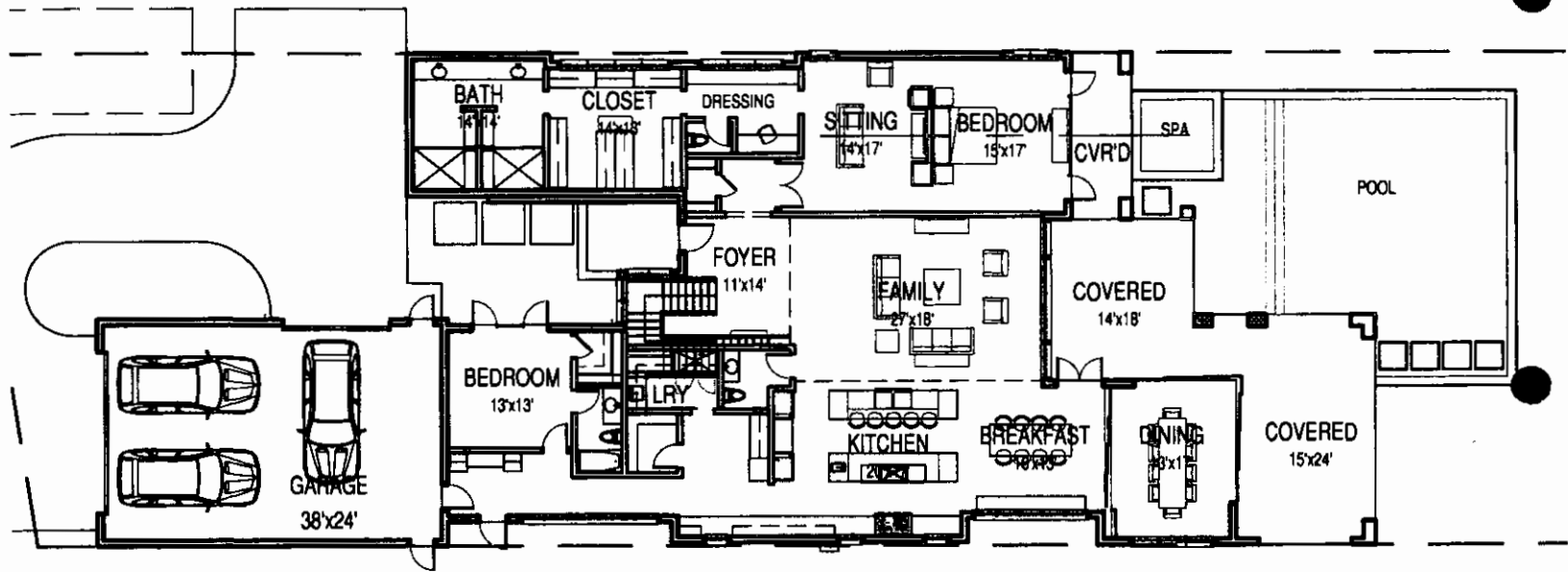
**Tree Note:**

- Palm - Denotes Tree Type
- (18") - Diameter of Tree measured at Chest Height

- 120 -



- 121 -



TAHT RESIDENCE  
1/16"=1'-0" 10/15/18





**FRONT ELEVATION**

**TAHT RESIDENCE**

1/8" = 1'-0"

10/15/2018

Wendy Taht  
20 Main Street  
Windermere, FL 34786

Orange County Zoning Division  
201 South Rosalind Avenue  
Orlando, FL 32801

October 15, 2018

To Whom It May Concern,

I am requesting a variance to build a residential home on lot 24-23-27-7808-00-010 also known as 12072 Sandy Shores Drive, Windermere FL 34786 for both lot width and lot area. This parcel is currently rated R-CE and requires a 130' (lot has only 75.95') and the minimum Lot Size is 1 acre upland (lot is only .48 acres upland). Though this Lot is a platted lot, it is not considered a substandard Lot of Record. Any Development on this parcel would require a variance for both lot width and lot area.

We propose to purchase this lot with intentions to build a single family home of approximately 4200 square ft. that will meet the minimum setbacks as stated below if we obtain this requested variance:

Front – 35'  
Rear – 50' from NHWE  
Sides – 10'  
Max Building Height – 35'

**RECEIVED**  
OCT 15 2018  
ORANGE COUNTY,  
ZONING DIVISION

We have been informed that:

because this parcel (24-23-27-7808-00-010 – Lot 1) and the adjacent lot to the North (24-23-27-7808-00-020 – Lot 2), were owned by the same person.

Lot 1 would need a variance because it was owned contiguously with lot 2 after 1957, so per Sec. 38-1401(1), it is not considered a substandard lot of record.

If lot 1 had been in the same shape (and never owned contiguously with lot 2, or any other adjacent parcels) prior to 1957, it could be built on without a variance for width and area. But because it was owned with lot 2, a variance is required.

Thank you for your consideration,  
Wendy Taht



**STAFF REPORT**  
**CASE #: VA-18-12-164**  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 1

**GENERAL INFORMATION:**

**APPLICANT:** WENDY TAHT

**REQUEST:** Variances in the R-CE zoning district to allow construction on a substandard lot as follows:  
1) To allow a minimum lot width of 75 ft. in lieu of 130 ft.  
2) To allow a minimum lot size of .44 acres in lieu of 1 acre.

**LOCATION:** East side of Sandy Shores Dr. on Lake Butler

**PROPERTY ADDRESS:** 12072 Sandy Shores Dr., Winter Garden, FL 34787

**PARCEL ID:** 24-23-27-7808-00-010

**PUBLIC NOTIFICATION:** 97

**TRACT SIZE:** 75 ft. x 250 ft.; 0.44 acres

**DISTRICT #:** 1

**ZONING:** R-CE

**EXISTING USE(S):** vacant

**PROPOSED USE(S):** Single Family Home

**SURROUNDING USES:** N - residential  
S - residential  
E - Lake Butler  
W -residential

**STAFF FINDINGS AND ANALYSIS:**

1. The property is located in R-CE, Rural Country Estate district, which allows a single family home on one (1) acre lots, and associated accessory structures.

2. The applicant is proposing to construct a single family home on the property.
3. The required minimum lot size is 1 acre, and the required minimum lot width is 130 ft. The proposal will meet the required setbacks (front-35 ft., side-10 ft., and rear-50 ft.)
4. The lot was platted in 1952, but because it was previously owned by the same individual who owned the adjacent lot to the north, (from 1981 to 1983), it is not considered to be a substandard lot of record.
5. Every lot on this street is developed with a single family home. Development of a single family home on this lot will be in character with the development in the neighborhood.
6. The lot is accessed thru an easement which is recorded in ORB 1004, page 128.

### **VARIANCE CRITERIA**

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

The neighborhood is developed with single-family homes on similar and smaller sized lots.

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

The applicant is proposing to develop the property in a manner consistent with the neighborhood.

#### **Deprivation of Rights**

Literal interpretation of the zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same neighborhood.

#### **Purpose and Intent**

Approval of this request will be in harmony with the purpose and intent of the zoning regulations and will be consistent with the development pattern of the neighborhood.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated October 15, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Wendy Taht  
20 Main Street  
Windermere, FL 34786

**GREGORY DAVIS FOR THOMAS SIGN & AWNING CO.  
VA-18-12-165**

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**REQUEST:** Variance in the P-D zoning district to allow a cumulative total of 256 sq. ft. of wall signage in lieu of 192 sq. ft.  
**ADDRESS:** 4161 Town Center Blvd., Orlando FL 32837  
**LOCATION:** Northwesterly corner of S. John Young Parkway and W. Town Center Boulevard  
**S-T-R:** 29-24-29  
**TRACT SIZE:** 9.598 acres  
**DISTRICT#:** 1  
**LEGAL:** HUNTERS CREEK TRACT 380 A 40/83 LOT 1 (LESS BEG NE COR OF LOT 2 RUN S 64 DEG W 230 FT TO NW COR LOT 2 TH N 25 DEG W 15 FT N 64 DEG E 200 FT S 25 DEG E 10 FT N 64 DEG E 30 FT TH S 25 DEG E 5 FT TO POB)  
**PARCEL ID:** 29-24-29-3844-00-010  
**NO. OF NOTICES:** 411

**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; 5-0, 1 abstained, and 1 absent):

1. Development in accordance with the site plan for sign location only, dated October 16, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The applicant shall submit revised sign plans depicted no more than 28 sq. ft. of copy area per new sign.

**SYNOPSIS:** Staff explained that the subject P-D was too small, and did not have sufficient road frontage to have a Master Sign Plan (MSP), as an MSP would allow them to have more sign copy area than permitted by the sign ordinance. Staff displayed photos of the site showing that due to businesses on out-parcels on John Young Parkway and site landscaping; there was no clear visibility into the site.

The applicant noted that the additional signage would help people recognize the store brand, and to inform perspective patrons of some of the products sold there. They noted that the difference between the size of the signs noted in the cover letter versus the drawings submitted was due to the background panel. It has no color or illumination; however, since it is how the County calculates sign area, they could simply affix channel lettering directly to the building façade and achieve the proper sign area.

There being no one in attendance to speak for or against the request, the public hearing was closed.

The BZA concluded that the increase in signage was minor, and that the new signage would provide a service to the patrons of the shopping center. A motion to recommend approval passed unanimously by all voting members, with one abstention.





**Applicant:** GREGORY DAVIS FOR THOMAS SIGN & AWNING CO.

**BZA Number:** VA-18-12-165

**BZA Date:** 12/06/2018

**District:** 1

**Sec/Twn/Rge:** 29-24-29-SE-D

**Tract Size:** 9.598 acres

**Address:** 4161 Town Center Blvd., Orlando FL 32837

**Location:** Northwesterly corner of S. John Young Parkway and W. Town Center Boulevard

Lucky's Market Signage Variance  
Orange County

We are requesting a variance to install sub-copy wall signs on the existing storefront. The two requested signs are in addition to the main identification sign which reads "Lucky's Market". The two additional signs will have copy that reads "Fresh Produce" at 28 square feet and "Natural Meats" at 28 square feet, for a total of 56 square feet of signage over code allowance.

Our concerns are related to the visibility of the business from the roadway. The storefront sits several hundred feet from the roadway and visibility will be restricted due to the overall allowed signage for this location. The additional sign copy would provide the general public with information about the services offered.

We feel our request will not be injurious or detrimental to the public welfare, will not interfere with the reasonable employment of nearby property owners, nor diminish property value or alter the essential character of land of the Hunter's Creek Plaza. Our intention is to maintain compatibility with surrounding properties.

We feel our request will not alter the character of the surrounding properties when you consider the essential character of land use – office, commercial and retail.

The strict application of the zoning regulations creates an unfair hardship on the applicant in this case because of the restriction of total square footage of signage allowed. The general intent of the code is to grant signage that is descriptive in nature, proportional to the location, architecturally pleasing and to provide advertisement that is beneficial to the general public.

Our request, if granted, is the minimum variance needed to address our concern of providing signage that will give the general public the information needed about the services and products offered. In our proposal, we are complying with the intent of zoning regulation with a minimum request in a position that is most suitable for the overall appearance of the location as it relates to the general public, neighbors and surrounding businesses.

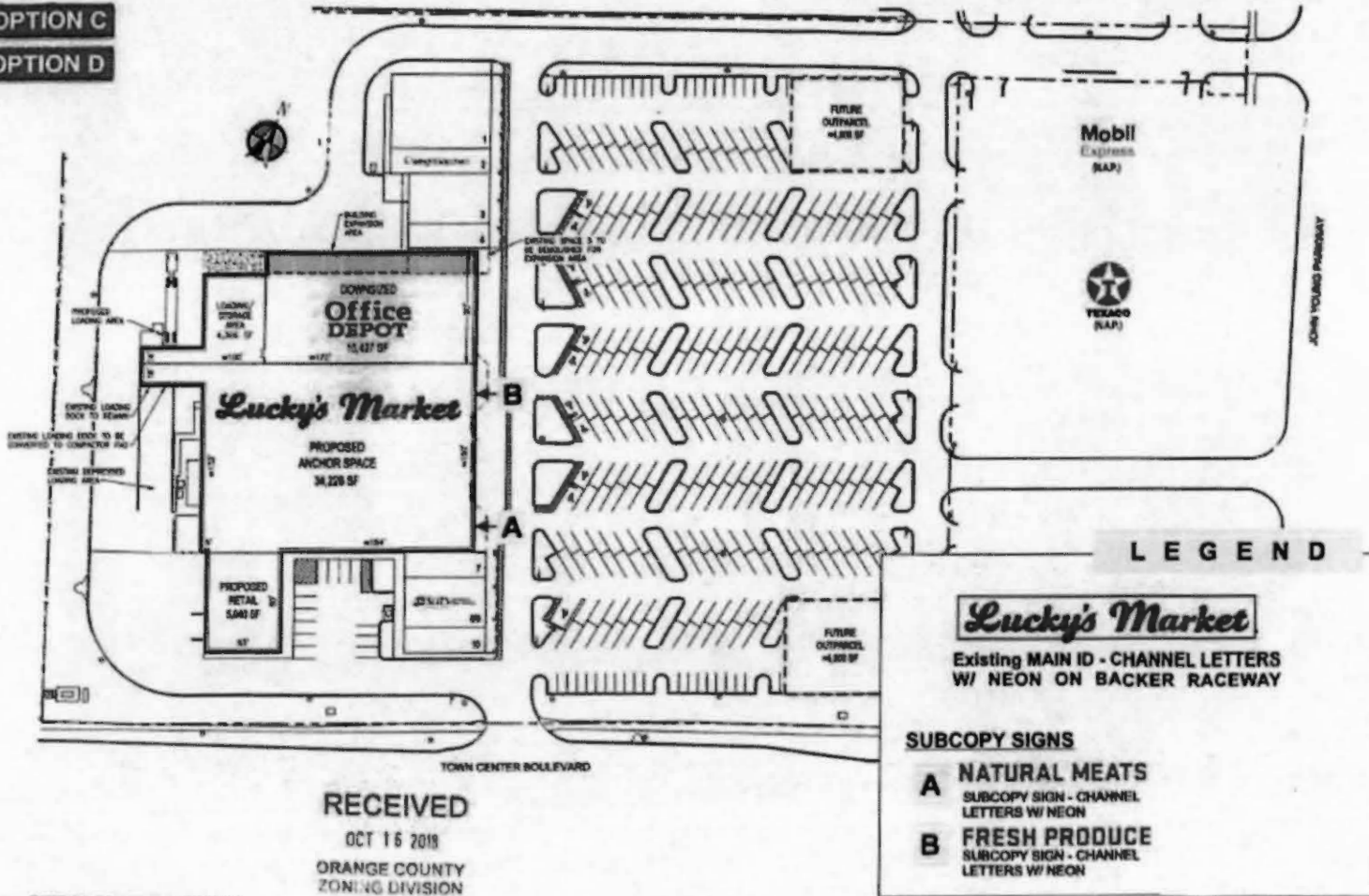
Lucky's Market  
Orlando, FL

Celebrating 49 years of Quality Manufacturing and Service

4

OPTION C

OPTION D



LEGEND

**Lucky's Market**

Existing MAIN ID - CHANNEL LETTERS  
W/ NEON ON BACKER RACEWAY

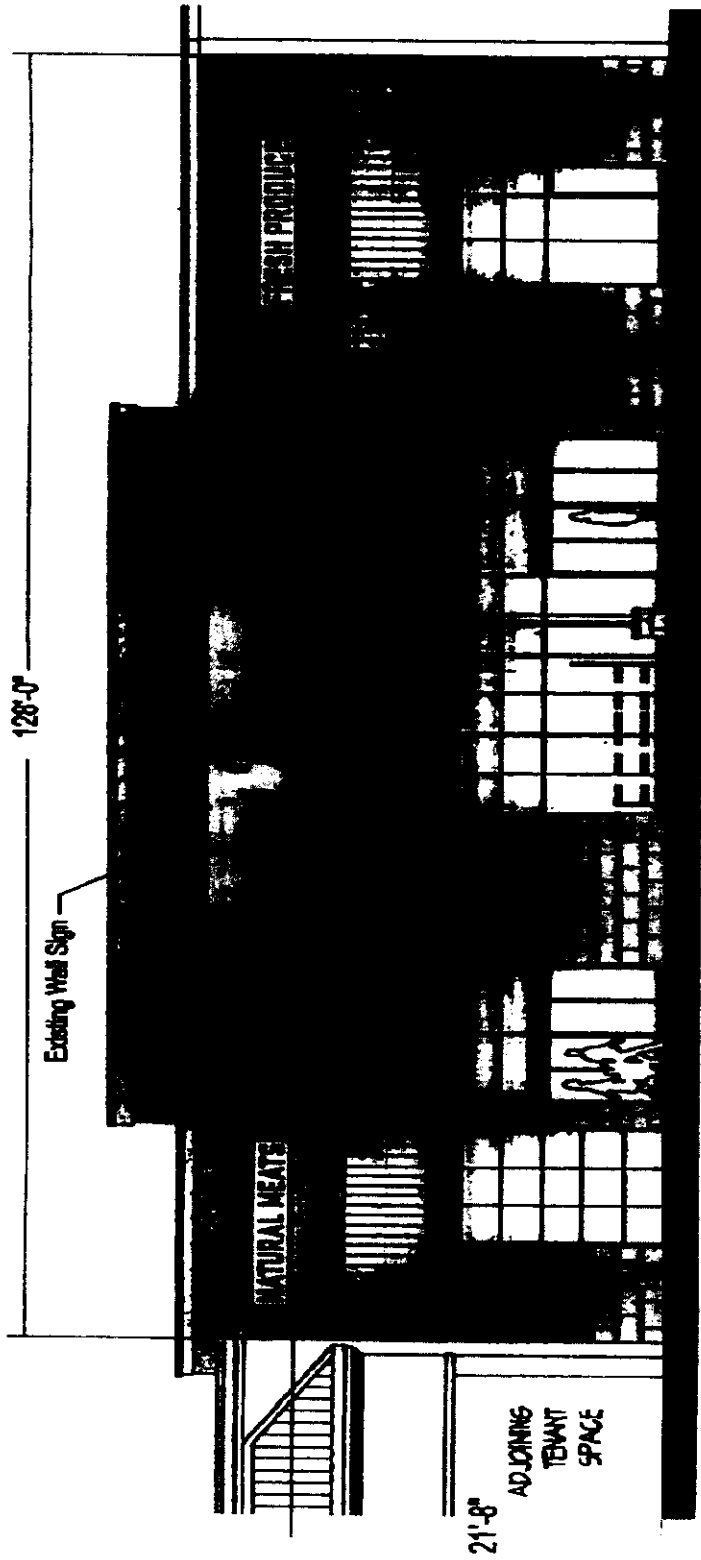
SUBCOPY SIGNS

- A** NATURAL MEATS  
SUBCOPY SIGN - CHANNEL LETTERS W/ NEON
- B** FRESH PRODUCE  
SUBCOPY SIGN - CHANNEL LETTERS W/ NEON

- 132 -

RECEIVED  
OCT 16 2019  
ORANGE COUNTY  
ZONING DIVISION

SITE PLAN / LOCATIONS



FRONT ELEVATION

SCALE 3/32" = 1'-0"



STAFF REPORT  
CASE #: VA-18-12-165  
Orange County Zoning Division  
Planner: David Nearing, AICP  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Gregory Davis For Thomas Sign & Awning Co.  
REQUEST: Variance in the P-D zoning district to allow a cumulative total of 256 sq. ft. of wall signage in lieu of 192 sq. ft.  
LOCATION: Northwesterly corner of S. John Young Parkway and W. Town Center Boulevard  
PROPERTY ADDRESS: 4161 Town Center Blvd., Orlando FL 32837  
PARCEL ID: 29-24-29-3844-00-010  
PUBLIC NOTIFICATION: 411  
TRACT SIZE: 9.598 acres  
DISTRICT #: 1  
ZONING: P-D  
EXISTING USE(S): Retail  
PROPOSED USE(S): Additional copy area for wall signage  
SURROUNDING USES: N - Retail  
S - Retail  
E - Retail  
W -N/A

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned P-D, Planned Development. The underlying Future Land Use (FLU) for the property is C, Commercial. This zoning district provides for flexibility in design, including signage through a Master Sign Plan, provided the overall project consists of a total of 15 acres of developable land area and has 1,000 ft. of right-of-way (r-o-w) frontage.

2. The subject property only has 9.59 acres of land and 778 feet of frontage. Therefore, they do not qualify for a Master Sign Plan. The applicant's only recourse to increase sign area over that permitted is the variance process.
3. The applicant is requesting approval of 256 sq. ft. of sign area in lieu of 192 sq. ft. This represents a variance of 33%.
4. The applicant wishes to increase their sign area by adding two (2) additional signs for specific products, fresh produce and natural meats. Each new sign will equal 28 sq. ft. The drawings submitted with the application actually depicts signage with over 40 sq. ft. of sign area. Therefore, if the variance is granted, new drawings depicting 28 sq. ft. of copy area per sign will need to be submitted.
5. The subject storefront is part of an existing shopping center with ground signs on both W. Town Center Blvd. and S. John Young Parkway.

## **VARIANCE CRITERIA**

### **Special Conditions and Circumstances**

Staff finds no special conditions or circumstances particular to the subject property. While the applicant's storefront may be partially obstructed from view from S. John Young Parkway, there are two (2) ground signs, one at either entrance off of S. John Young Parkway, and one of two entrances from W. Town Center Blvd.

### **Not Self-Created**

The applicant submitted for and obtained permit #B18016488 for 192 sq. ft. of signage in August 2018, for the existing wall sign. They could have at that time, submitted a sign permit package depicting a smaller primary wall sign with two (2) additional signs.

### **No Special Privilege Conferred**

Staff did find variances granted in the past for increases in sign copy area, numbers of signs, and location. However, those increases do not justify any increase for the applicant.

### **Deprivation of Rights**

The shopping center in which the applicant's store is located has ground signs situated at both entrances on which the store has presence. Further, the existing store has maximized its wall signage.

### **Minimum Possible Variance**

The variance is for an increase of 33% in the sign area. The applicant could reduce the size of the main sign from 192 sq. ft. to 136 sq. ft., and still accommodate the two (2) additional signs at 28 sq. ft. each.

**Purpose and Intent**

The purpose for the sign code is to protect the County from proliferation of signage. This includes regulating how much signage is considered appropriate on a front elevation.

**STAFF RECOMMENDATION:**

Staff recommends denial of the request. However, should the BZA find that the applicant has satisfied the criteria for the granting of a variance, it is recommended that the following conditions be attached:

1. Development in accordance with the site plan for sign location only, dated October 16, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall submit revised sign plans depicted no more than 28 sq. ft. of copy area per new sign.

c: Gregory Davis  
4590 11th Avenue, North  
Clearwater, FL 33762

**OSCAR PAREDES**  
**VA-18-12-166**

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**REQUEST:**

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

- 1) To allow an existing residence located 23 ft. from the rear property line in lieu of 25 ft.
- 2) To allow an addition 23 ft. from the rear property line in lieu of 25 ft.
- 3) To allow an existing carport located 5 ft. from the side property line in lieu of 6 ft.
- 4) To allow an existing metal shed located 3 ft. from the side property line in lieu of 5 ft.
- 5) To allow the construction of a screen room 11 ft. from the rear property line in lieu of 12 ft.

**ADDRESS:** 4837 Anzio Street, Orlando FL 32819

**LOCATION:** The north side of the intersection of Anzio St. and Dakar Ave., approximately 600 ft. west of Pomelo Drive

**S-T-R:** 30-23-29

**TRACT SIZE:** 60 ft. x 103 ft./ .142 acres

**DISTRICT#:** 6

**LEGAL:** TANGELO PARK SECTION THREE X/89 LOT 34 BLK 9

**PARCEL ID:** 30-23-29-8555-09-340

**NO. OF NOTICES:** 155

**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; 6-0 and 1 absent):

1. Development in accordance with the site plan dated October 16, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the master bedroom addition shall match that of the remainder of the home with regard to finish and color.
5. The color of the screen room shall match or be complimentary to that of the residence.
6. The screen room shall not be enclosed by glass without being reviewed and approved by the BZA as a permanent addition to the home.
7. If the existing shed is ever destroyed or removed, any replacement shed shall comply with the siting criteria for sheds in effect at the time of replacement with regard to setbacks, size, etc.

**SYNOPSIS:** Staff noted that the home, which was constructed in 1959, was only 23 feet from the rear property line in lieu of 25 feet. Further, the living area of the home was constructed 40 feet from the front property line. The addition to the home would follow existing building lines, and would not encroach any further into the setback. The existing wall adjacent to the carport was a substantial improvement, which clearly has been there for many years. The adjacent neighbor did not object. The variance for the screen room was only a 4% variance and would be imperceptible.

The applicant indicated their agreement with the staff recommendations and conditions. There being no one in attendance to speak for or against the request, the public hearing was closed.

The BZA concluded that the special conditions and situations, and the fact that the variance was not self-imposed, warranted the granting of the variance. A motion to recommend approval passed unanimously.



**Applicant:** OSCAR PAREDES

**BZA Number:** VA-18-12-166

**BZA Date:** 12/06/2018

**District:** 6

**Sec/Twn/Rge:** 30-23-29-SE-D

**Tract Size:** 60 ft. x 103 ft. / .142 acres

**Address:** 4837 Anzio Street, Orlando FL 32819

**Location:** The north side of the intersection of Anzio St. and Dakar Ave., approximately 600 ft. west of Pomelo Drive

October 15, 2018

To whom it may concern ,

I Oscar Paredes, property owner of 4837 Anzio Street, Orlando, Florida, 32819, am writing this letter in compliance to file for a variance. I am requesting a variance for my property as I would like to expand the master bedroom because my house was built in 1959 and the room is very small to be a master bedroom there is free space that I can expand so I can better accommodate my style of living. This proposed structure would have 155.2 sqf in the addition to existing house. The structure would be of concrete blocks and have two windows and the dimensions would be 9.8ft wide x 16ft long x 8ft height. With the proposed addition to the property line would be 23.5 ft of free space, in comparison to the required 25 feet of free space would make the proposed addition too small to accommodate our style of living.

In addition to this for future reference as well in the back yard we would like to build an enclosed screened in patio 12ft wide x 16 ft long x 8ft height. I would like to have an enclosed patio, so I can do more outdoor activities with my family in a comfortable setting. Within the proposed patio would have 192 sqf with concrete floor and screened walls, from the proposed patio there would be 11.5 ft of free space to the property line only on this portion of the house.

Sincerely

Oscar Paredes







STAFF REPORT  
CASE #: VA-18-12-166  
Orange County Zoning Division  
Planner: David Nearing, AICP  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 6

GENERAL INFORMATION:

APPLICANT: OSCAR PAREDES  
REQUEST: Variances in the R-1 zoning district as follows:

- 1) To allow an existing residence located 23 ft. from the rear property line in lieu of 25 ft.
- 2) To allow an addition 23 ft. from the rear property line in lieu of 25 ft.
- 3) To allow an existing carport located 5 ft. from the side property line in lieu of 6 ft.
- 4) To allow an existing metal shed located 3 ft. from the side property line in lieu of 5 ft.
- 5) To allow the construction of a screen room 11 ft. from the rear property line in lieu of 12 ft.

LOCATION: The north side of the intersection of Anzio St. and Dakar Ave., approximately 600 ft. west of Pomelo Drive

PROPERTY ADDRESS: 4837 Anzio St., Orlando, FL 32819

PARCEL ID: 30-23-29-8555-09-340

PUBLIC NOTIFICATION: 155

TRACT SIZE: 60 ft. x 103 ft./ .142 acres

DISTRICT #: 6

ZONING: R-1

EXISTING USE(S): Single family residence

PROPOSED USE(S): New screen room and master bedroom addition

SURROUNDING USES: N - Single family residence  
S - Single family residence  
E - Single family residence  
W -Single family residence

### STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned R-1, Single Family Residential District. This district permits single family homes on 5,000 sq. ft. lots. Setbacks for lots constructed before 3/3/97, are 25 foot front and rear, and six (6) foot side setbacks. Lots created after that date have front and rear setbacks of 20 foot and side setbacks of five (5) foot.
2. The home on the subject property was constructed in 1959. While the existing carport meets the 25 foot setback from the front, a block wall, which appears to have been constructed to partially enclose the carport, is located only five (5) feet from the side (east) property line. The main living area of the home is actually 40 feet from the front property line. The home was constructed only 23 feet from the rear property line. The applicant purchased the home, "as is", in June 2017.
3. In addition to the rear setback, there is an existing shed currently located three (3) feet from the side (east) property line in lieu of five (5) feet. Since there is no permit history for this property, it is not possible to determine if a permit was issued. Given the condition of the shed, it appears that it predates the applicant's ownership.
4. The applicant would like to construct an addition to their home to expand the master bedroom. They are proposing to construct approximately 156 sq. ft. of new living space to the northeast corner of the home, following the existing building lines along the side and rear of the home. They do not propose to increase the encroachment into the rear yard.
5. The applicant would also like to construct a screen room along the rear of the home. Normally, screen rooms can encroach up to 13 feet into the rear setback. However, due to the rear setback encroachment by the home, this would leave them with a screen room with only 11 feet of depth. They are proposing 12 feet to make the room easier to construct, and be more functional. This will require a variance to allow the screen room 11 feet from the rear property line in lieu of 12 feet.

### VARIANCE CRITERIA

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

The special circumstance is the position of the existing home. The main living area of the home is situated 15 feet further back than required, causing the rear of the house to encroach into the rear setback.

**Not Self-Created**

Given that the applicant purchased the property in 2017, they did not cause the house to be located as it is, and the shed was on the property at the time of purchase.

**No Special Privilege Conferred**

Allowing the variance to permit the requested improvements would allow the applicant to enjoy the same improvements others in the same zoning district and the same neighborhood currently enjoy.

**Deprivation of Rights**

Without the variances, the applicant would not be able to add to the living space of the home in a manner which would be logical for their needs.

**Minimum Possible Variance**

Given that the applicant intends to follow the existing building lines, and not encroach any further into the rear setback, this is the least variance for that improvement. A one (1) foot variance to the screen room would amount to a 4% variance, which would be imperceptible. If the variance to the shed is granted, the applicant will be required to obtain a permit for it. If successful, staff is recommending a condition that if the shed is ever destroyed or removed, any replacement shed must meet the setbacks in existence at the time of replacement. The variance to the shed setback would amount to a 40% variance, which while larger than the BZA normally supports, is for a shed which appears to have been in its present location for some years.

**Purpose and Intent**

Even with the 4% variance, the applicant will still have the use of the majority of their rear yard. This will meet the purpose and intent of the code.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated October 16, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the master bedroom addition shall match that of the remainder of the home with regard to finish and color.
5. The color of the screen room shall match or be complimentary to that of the residence.
6. The screen room shall not be enclosed by glass without being reviewed and approved by the BZA as a permanent addition to the home.
7. If the existing shed is ever destroyed or removed, any replacement shed shall comply with the siting criteria for sheds in effect at the time of replacement with regard to setbacks, size, etc.

c: Oscar Paredes  
4837 Anzio Street  
Orlando, FL 32819

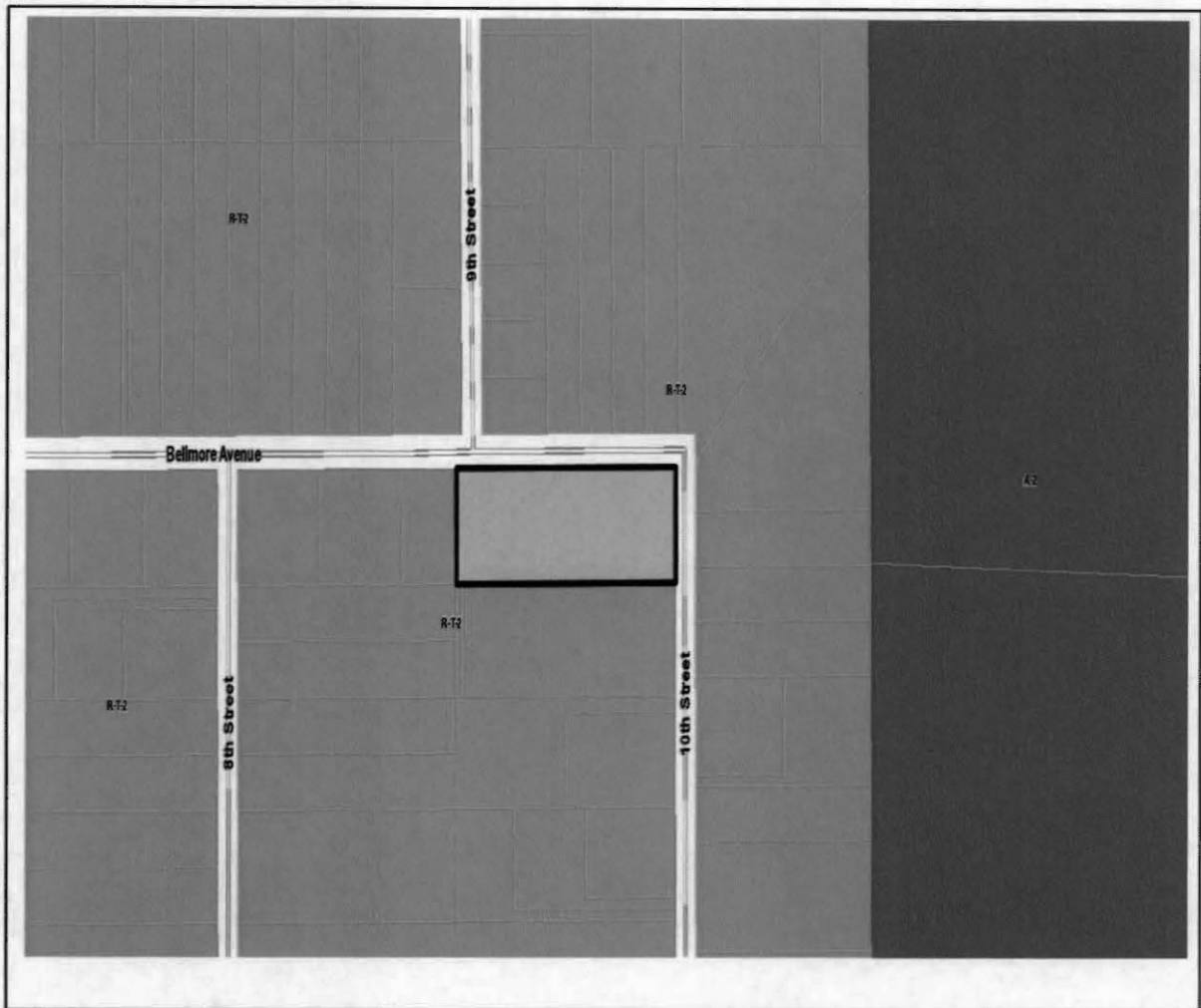


**CHARLES BROOKS**  
**VA-18-12-167**

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**REQUEST:** Variance in the R-T-2 zoning district to allow an accessory structure with 1,138 sq. ft. in lieu of 500 sq. ft.  
**ADDRESS:** 18808 Bellmore Avenue, Orlando FL 32820  
**LOCATION:** Southwest corner of Bellmore Ave. and 10 St.  
**S-T-R:** 15-22-32  
**TRACT SIZE:** 204 ft. x 667 ft./ 3.13 acres  
**DISTRICT#:** 5  
**LEGAL:** EAST ORLANDO ESTATES SECTION B X/122 LOT 299  
**PARCEL ID:** 15-22-32-2331-02-990  
**NO. OF NOTICES:** 60

**THIS CASE WAS CONTINUED BY STAFF TO JANUARY 3, 2019,**  
**DUE TO AN ERROR IN ADVERTISEMENT.**



**Applicant:** CHARLES BROOKS

**BZA Number:** VA-18-12-167

**BZA Date:** 12/06/2018

**District:** 5

**Sec/Twn/Rge:** 15-22-32-NE-A,10-22-32-SE-D

**Tract Size:** 204 ft. x 667 ft. / 3.13 acres

**Address:** 18808 Bellmore Avenue, Orlando FL 32820

**Location:** Southwest corner of Bellmore Ave. and 10 St.

**ENVUE HOLDINGS, LLC**  
**VA-18-12-168**

---

**REQUEST:** Variance in the R-3 zoning district to allow a quadplex on a lot with 12,480 sq. ft. in lieu of 15,000 sq. ft.  
**ADDRESS:** 2633 Hunt Club Lane, Orlando FL 32826  
**LOCATION:** East of Hunt Club Lane, north of Fox Hound Lane  
**S-T-R:** 15-22-31  
**TRACT SIZE:** 96 ft. x 130 ft.; 0.54 acres  
**DISTRICT#:** 5  
**LEGAL:** FOX HUNT LANES PHASE 2 12/133 LOT 32  
**PARCEL ID:** 15-22-31-2866-00-320  
**NO. OF NOTICES:** 222

**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; 6-0 and 1 absent):

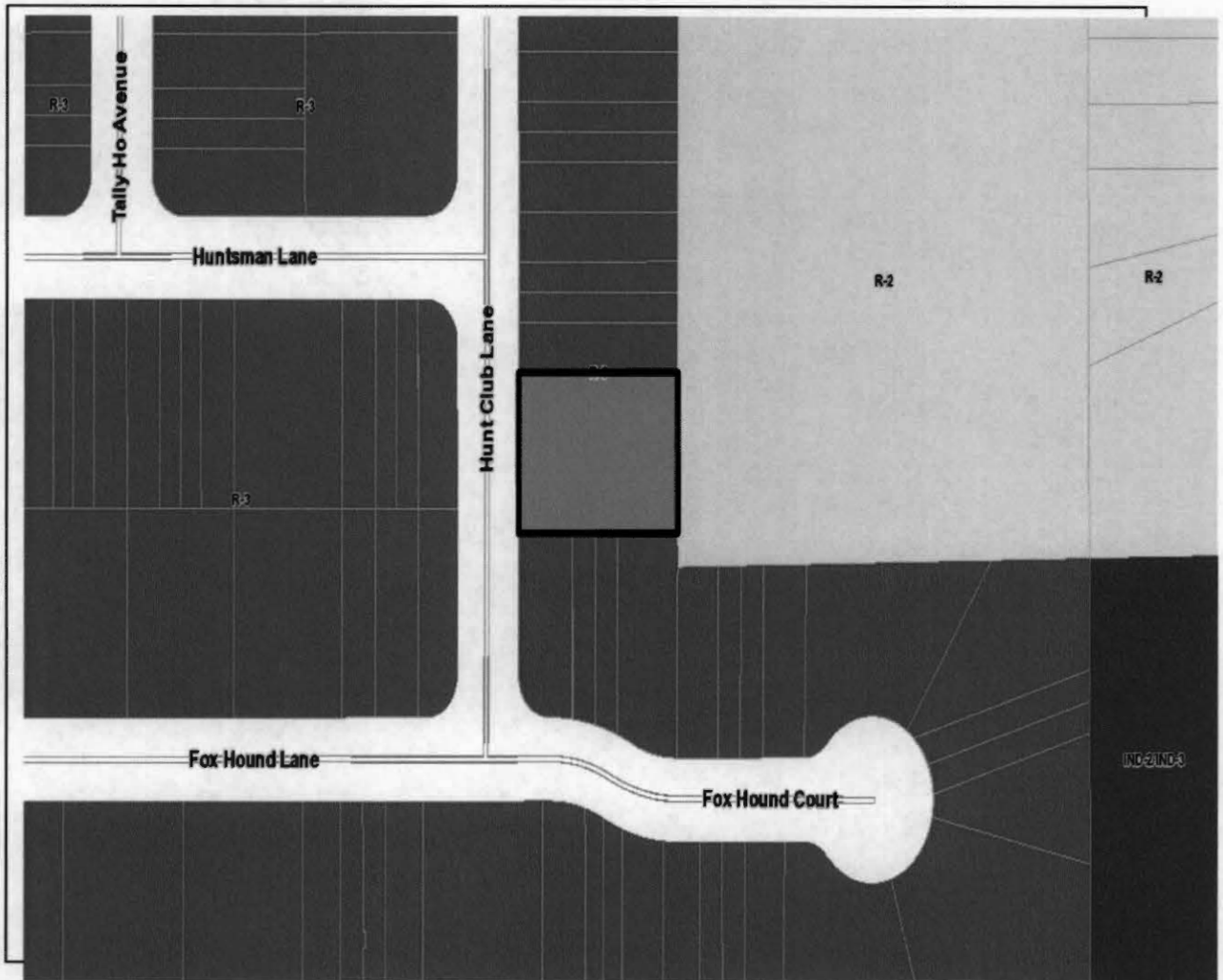
1. Development in accordance with the site plan dated October 16, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) 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 Zoning Adjustment 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, site plan, and photos of the site.

The applicant agreed with the staff presentation.

Staff received no commentaries in favor and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.



**Applicant:** ENVUE HOLDINGS, LLC

**BZA Number:** VA-18-12-168

**BZA Date:** 12/06/2018

**District:** 5

**Sec/Twn/Rge:** 15-22-31-NW-SE

**Tract Size:** 96 ft. x 130 ft.; 0.54 acres

**Address:** 2633 Hunt Club Lane, Orlando FL 32826

**Location:** East of Hunt Club Lane, north of Fox Hound Lane



October 16, 2018

Orange County Zoning Division  
201 S. Rosalind Avenue, 1st Floor  
Orlando, FL 32801

RE: 2633 HUNT CLUB LANE, ORLANDO, FL 32826 (Parcel ID: 15-22-31-2866-00-320)

Dear Sir or Madam:

We are requesting for a variance to allow the placement of a 4-plex townhome building on the above referenced property as it was originally approved by the Division of Planning and Development.

The current project plans satisfies all the Variance Criteria:

1. **Special Conditions and Circumstances:** This parcel qualifies as the surrounding parcels and structures are also 4-plex townhome buildings. In fact, this parcel is located in a multi-family development with 79 (seventy-nine) other 4-plex townhome buildings.
2. **Not Self-Created:** The special conditions are not a result of the owner/applicant. Attached is a copy of the approved Development Plan as approved by the Division of Planning & Development in 1982 where the parcel was originally approved for a 4-plex.
3. **No Special Privilege Conferred:** This request for this Variance will not confer any special privilege for the owner/applicant.
4. **Deprivation of Rights:** The Variance would not affect any of the surrounding properties thus, there is no Deprivation of Rights.
5. **Minimum Possible Variance:** As stated in item #1, this parcel is located in a multi-family community and the Variance is reasonable use of the land.
6. **Purpose and Intent:** As stated in item #1, this parcel is located in a multi-family community surrounded by 79 other 4-plex townhome units. The approval of the Variance will be in harmony with the purpose and intent of the neighborhood.

As requested, attached you will find:

- Detailed site plan
- Floor plan - first floor and second floor
- Architectural elevation - 1) front & rear and 2) side elevation
- Copy of the approved Development Plan as approved by the Division of Planning & Development in 1982
- Copy of Lot Combination Request submitted to Orange County on 9/27/18

Thank you in advance for your consideration and please do not hesitate to contact me directly should you have any questions. I look forward to hearing from you regarding the hearing appointment.

Sincerely,

Michael Kara, Owner  
407-716-5248  
[michael@exclusivcollection.com](mailto:michael@exclusivcollection.com)

Enclosures

RECEIVED

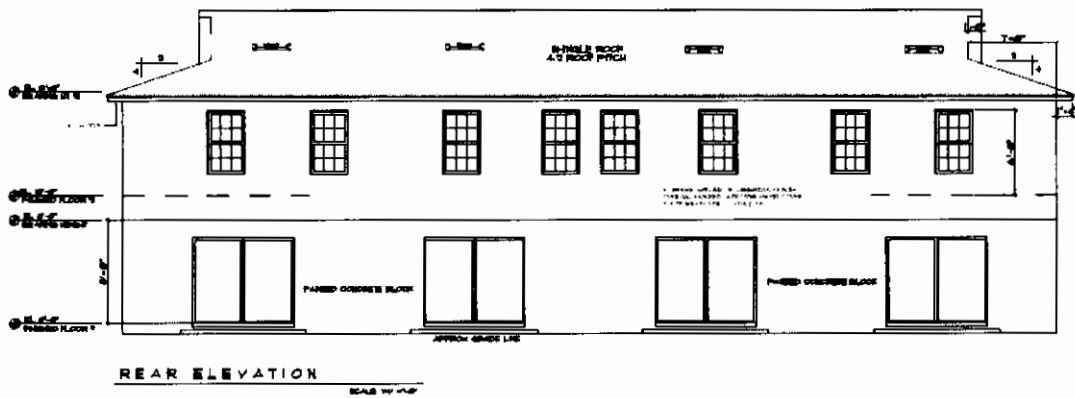
OCT 16 2018  
ORANGE COUNTY  
ZONING DIVISION

2630 Edgewater Drive, Orlando, FL 32804 | 407.447.2829

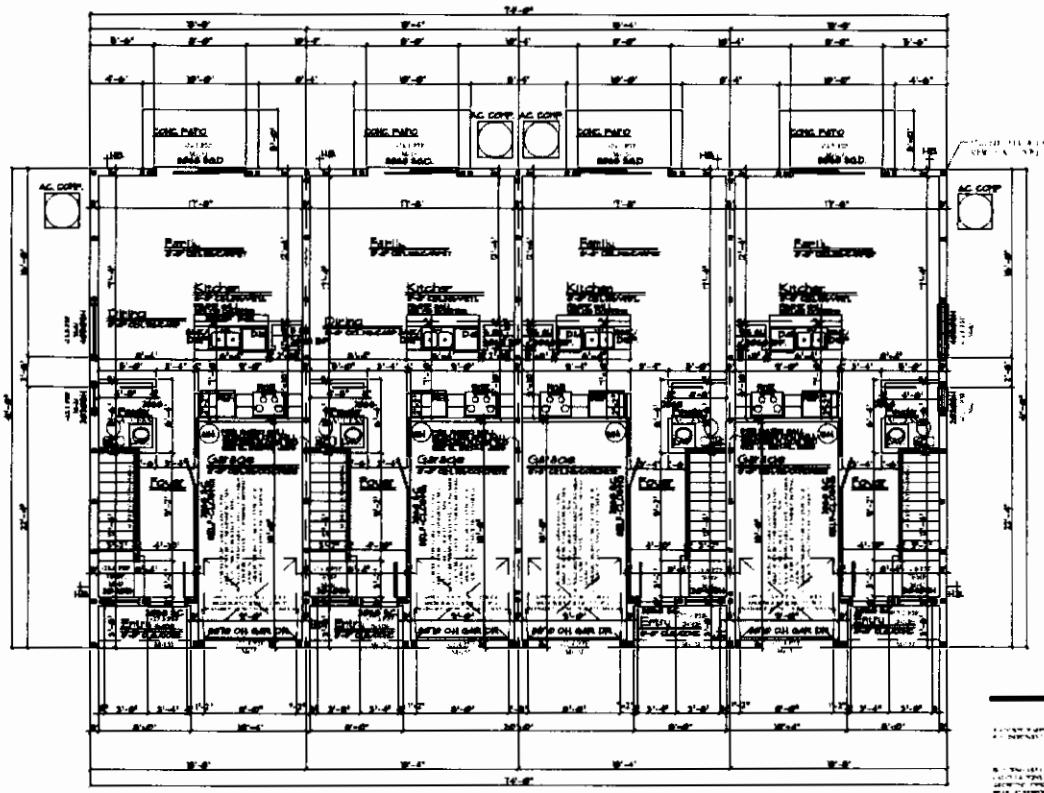




VERTICAL LINES  
 SHOW APPLIED AREA  
 DIMENSION: AS APPLIED  
 FROM THE M.S. SQUARE LINE IN REFERENCE AREA







**UNIT 'A'**

**PER METER UNIT**

Area Tabulations

Living Area 1	100 sq ft
Living Area 2	100 sq ft
Living Area 3	100 sq ft
Bkry	100 sq ft
Garage	100 sq ft
Total Area	400 sq ft

**UNIT 'B'**

**INTERIOR UNIT**

Area Tabulations

Living Area 1	100 sq ft
Living Area 2	100 sq ft
Living Area 3	100 sq ft
Bkry	100 sq ft
Garage	100 sq ft
Total Area	400 sq ft

**UNIT 'C'**

**INTERIOR UNIT**

Area Tabulations

Living Area 1	100 sq ft
Living Area 2	100 sq ft
Living Area 3	100 sq ft
Bkry	100 sq ft
Garage	100 sq ft
Total Area	400 sq ft

**UNIT 'D'**

**PER METER UNIT**

Area Tabulations

Living Area 1	100 sq ft
Living Area 2	100 sq ft
Living Area 3	100 sq ft
Bkry	100 sq ft
Garage	100 sq ft
Total Area	400 sq ft

- Live Loads Per FBC R301 & Table R301.5**
- A. ATTIC AND ROOFING DECK
  - B. ATTIC OR LOFTS
  - C. HALLWAYS AND STAIRS
  - D. BALCONIES AND PATIOS
  - E. GARAGES
  - F. ASSEMBLY AND RECREATION AREAS
  - G. RESTROOMS AND BATHS
  - H. STORES
  - I. MECHANICAL AND ELECTRICAL ROOMS
  - J. ROOFS OVER PARKING AREAS
  - K. WAREHOUSES

NOTE: ALL EXTERIOR FINISH AND BUILDING GLASS DOORS TO BE TEMPORARY.



STAFF REPORT  
CASE #: VA-18-12-168  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 5

GENERAL INFORMATION:

APPLICANT: ENVUE HOLDINGS, LLC

REQUEST: Variance in the R-3 zoning district to allow a quadplex on a lot with 12,480 sq. ft. in lieu of 15,000 sq. ft.

LOCATION: East of Hunt Club Lane, north of Fox Hound Lane

PROPERTY ADDRESS: 2633 Hunt Club Ln., Orlando, FL 32826

PARCEL ID: 15-22-31-2866-00-320

PUBLIC NOTIFICATION: 222

TRACT SIZE: 96 ft. x 130 ft.; 0.54 acres

DISTRICT #: 5

ZONING: R-3

EXISTING USE(S): Vacant

PROPOSED USE(S): Quadplex

SURROUNDING USES: N - Residential  
S - Residential  
E - Stormwater pond  
W -Residential

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-3, Multiple-Family Dwelling District, which allows for single family homes, multifamily development, and associated accessory structures.
2. The applicant is proposing to construct a quadplex on the property.

3. The required minimum lot size to allow 4 or more dwelling units is 15,000 sq. ft. The lot is 12,480 sq. ft. The lot meets the minimum lot width of 85 ft. The proposal will meet the required setbacks (front-25 ft., side-10 ft., and rear-30 ft.).
4. The lot was platted in 1983 and is considered to be a conforming lot of record. The lot previously had a quadplex, which was removed in 2009 due to a fire.
5. On March 3, 1983, the BZA approved a variance for this neighborhood to allow 2, 3, and 4-family dwelling units, and allowing for the possibility of separate ownership of each unit. The code was changed in 1991 to require lots with 15,000 sq. ft. to allow a quadplex.
6. The neighborhood is developed with quadplexes, mostly build in the 1980s. Development of a quadplex on this lot will be in character with the development in the neighborhood.

### **VARIANCE CRITERIA**

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

The neighborhood is developed with quadplexes on similar sized lots.

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

The applicant is proposing to develop the property in a manner consistent with the neighborhood.

#### **Deprivation of Rights**

Literal interpretation of the zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same neighborhood.

#### **Purpose and Intent**

Approval of this request will be in harmony with the purpose and intent of the zoning regulations and will be consistent with the development pattern of the neighborhood.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated October 16, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Michael Kara  
2630 Edgewater Drive  
Orlando, FL 32804

**DARRELL NUNNELLY**  
**VA-18-12-169**

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**REQUEST:** **Variations** in the R-CE zoning district as follows:  
1) To allow a wood deck 0 ft. from the NWHE line in lieu of 50 ft.  
2) To allow a balcony addition 8 ft. from the NHWE line in lieu of 50 ft.  
This is the result of Code Enforcement action.

**ADDRESS:** 9147 Winter Garden Vineland Road, Orlando FL 32836

**LOCATION:** East of Winter Garden Vineland Rd., west of Lake Sheen

**S-T-R:** 05-24-28

**TRACT SIZE:** 106 ft. x 1267 ft., 3.1 acres

**DISTRICT#:** 1

**LEGAL:** N 106 FT OF S 1707.7 FT OF W1/2 OF NE1/4 (LESS RD ON W) & (LESS COMM NW COR OF NE1/4 RUN S 993.05 FT E 30 FT TO POB TH E 14.23 FT S 01 DEG W 42.89 FT S 63.13 FT W 13.02 FT N 106 FT TO POB.TAKEN FOR RW PER OR 4929/ 2430) OF SEC 05-24-28

**PARCEL ID:** 05-24-28-0000-00-010

**NO. OF NOTICES:** 97

**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; 6-0 and 1 absent):

1. Development in accordance with the site plan dated October 17, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

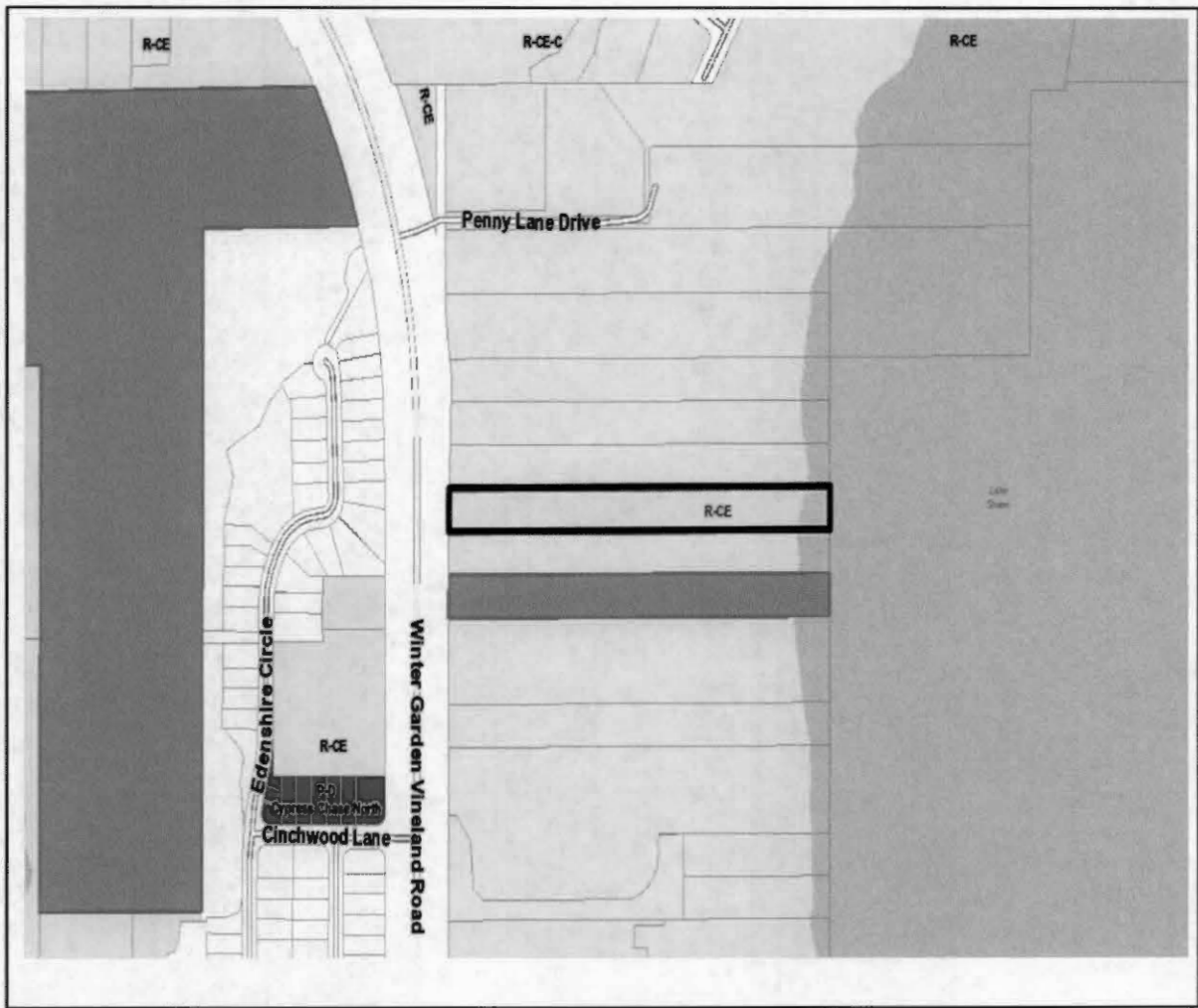
4. The applicant shall submit for permits for the deck, balcony, and roof over the balcony within 180 days of final action on this application by Orange County or this approval becomes null and void.
5. Prior to the issuance of a building permit, the property owner shall record in the Official Records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the deck be zero (0) feet, and the balcony, and roof over the balcony are no closer than four (4) feet, from the Normal High Water Elevation of Lake Sheen.

**SYNOPSIS:** Staff explained that the residence was constructed by the original owner of the property in 1950, before either zoning or the Normal High Water Elevation (NHWE), were established. There is no other location to construct the type of improvements to allow the owner to enjoy their view of Lake Sheen, which could meet the NHWE setback, or rear setback, which were identical. However, it was the staff position that the deck did not need to extend any closer to the NHWE than the balcony. Staff concluded by noting that if the variance was denied, the applicant could replace the deck with a concrete slab all the way out to the sea wall.

The applicant explained how the improvements came to be constructed. They noted that they had an engineer inspect the work. The conclusion was that the structures would easily meet or exceed the code. The applicant is simply asking to keep that which was there. They had no problem with signing a Hold Harmless Agreement.

There being no one in attendance to speak for or against the request, the public hearing was closed.

The BZA concluded that there is no other location suitable for the improvements. Further, it appeared that the improvements were very well constructed, and that requiring removal of any of it would be a hardship, especially since any deck removed could be replaced by a concrete slab. A motion to recommend approval passed unanimously.



**Applicant:** DARRELL NUNNELLY

**BZA Number:** VA-18-12-169

**BZA Date:** 12/06/2018

**District:** 1

**Sec/Twn/Rge:** 05-24-28-NE-A

**Tract Size:** 106 ft. x 1267 ft., 3.1 acres

**Address:** 9147 Winter Garden Vineland Road, Orlando FL 32836

**Location:** East of Winter Garden Vineland Rd., west of Lake Sheen

October 16, 2018

Orange County Zoning Dept  
201 South Rosalind Avenue  
1<sup>st</sup> Floor  
Orlando, Fl. 32801

RE: 9147 Winter Garden Vineland Road Orlando, FL. 32836

Please accept this variance request for the balcony & deck in the rear yard

The Owner purchased the 2 story building and property in 1995 and it has a small balcony on the 2<sup>nd</sup> floor with existing sliding glass doors and a concrete slab on the 1<sup>st</sup> floor behind the existing exterior doors.

Through the years the Owner expanded the balcony added a cover and created a deck on the 1<sup>st</sup> floor from the house to the sea wall without the proper permits

The Owner received a citation from Code Enforcement and I have been asked to make sure it is built to Orange County codes and obtain the required permits

Thank you for your consideration

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Darrell Nunnelley  
407.467.8069



October 17, 2018

Mr. Sean Bailey  
Orange County Zoning Dept  
201 S. Rosalind Ave  
Orlando, Fl. 32802

RE: 9147 Winter Garden Vineland Road Orlando, Fl. 32836

Sean:

The following 6 items as requested in the variance application are as follows:

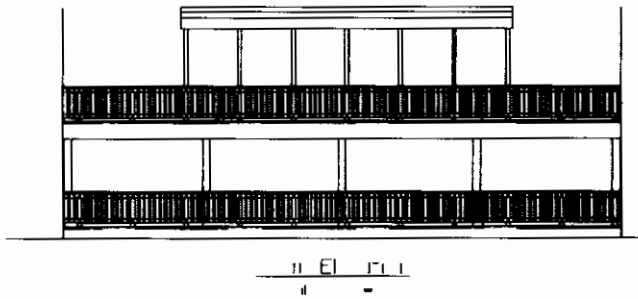
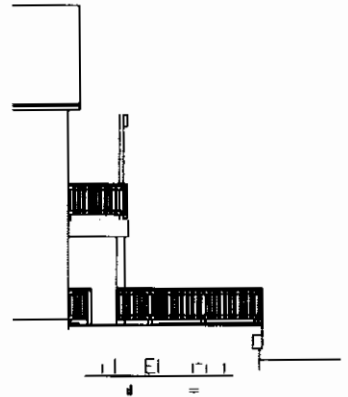
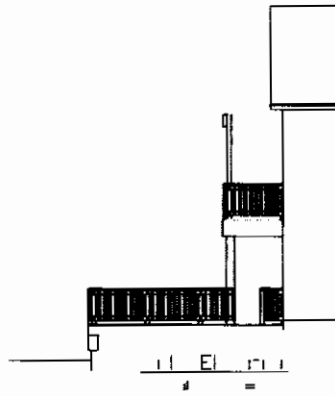
1. **Special conditions & circumstances:** The property was purchased in 1995 and the rear of the building was less than 17 feet from the sea wall making it impossible for this building to ever meet the 50 ft rear setback line - the 2<sup>nd</sup> floor balcony existed at the time and a concrete slab was on the 1<sup>st</sup> floor between the sea wall & house
2. **Not self-created:** The current Owner did not build the building but did remodel the balcony to only 5 feet deep not making it closer to the water and He installed the roof cover
3. **No Special Privilege Conferred:** By approving this variance it will not allow the Owner to have something other people with a similar situation would not have since the building has been that way prior to 1995
4. **Deprivation of rights:** Most houses that have sliding or French to a balcony and not allowing a balcony on this property would be to open the doors and not have a platform to step on. The 1 wood and has a 1/4 inch gap between the panels to allow for d
5. **Minimum possible variance:** Since the area is very small it is the appropriate size for the needs of the Owner and location
6. **Purpose and Intent:** Approval of this variance will not impact a provide a safe area for anyone upstairs wanting to exit the buil

Thank you for your consideration of this variance

Sincerely,

Darrell Nunnelley





North Elevation Diagram



STAFF REPORT  
CASE #: VA-18-12-169  
Orange County Zoning Division  
Planner: David Nearing, AICP  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 1

GENERAL INFORMATION:

APPLICANT: DARRELL NUNNELLY

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

- 1) To allow a wood deck 0 ft. from the NWHE line in lieu of 50 ft.
- 2) To allow a balcony addition 8 ft. from the NHWE line in lieu of 50 ft.

This is the result of Code Enforcement action.

LOCATION: East of Winter Garden Vineland Rd., west of Lake Sheen

PROPERTY ADDRESS: 9147 Winter Garden Vineland Rd., Orlando, FL 32836

PARCEL ID: 05-24-28-0000-00-010

PUBLIC NOTIFICATION: 97

TRACT SIZE: 106 ft. x 1267 ft., 3.1 acres

DISTRICT #: 1

ZONING: R-CE

EXISTING USE(S): Single family residence

PROPOSED USE(S): Wood deck and balcony w/roof

SURROUNDING USES: N - Residential  
S - Residential  
E - Lake Sheen  
W -Residential

## STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned R-CE, Country Estate District. This zoning was applied to the property in 1967, in a county-wide effort to limit development around natural water bodies. The R-CE zoning district permits lots with a minimum of one (1) acre of lot area.
2. The current owner purchased the subject property in 1995. Based on a review of past aerials, it appears that the deck, balcony, and the roof over the balcony were constructed during the 2016 to 2017 time-frame. These improvements were constructed without the benefit of obtaining a building permit.
3. The existing residence is only 13 feet from the Normal High Water Elevation (NHWE) of Lake Sheen. The required setback from both the NHWE and the rear property line in the R-CE zone is 50 feet. However, any at grade improvement, such as a concrete slab, could be installed with a zero (0) foot setback from the NHWE.
4. The existing house, which was constructed in 1950, prior to the inception of zoning in Orange County, is lawfully nonconforming. If the variances are approved, a Hold Harmless Agreement will need to be executed not only for the new improvements, but also for the existing residence.
5. As a point of information, had the applicant simply poured an at grade slab, they could have filled the entire area between the rear of the residence and the NHWE with this slab by right.
6. The Orange County Environmental Protection Division has reviewed the request and has no objection, as the improvements are located landward of the NHWE and existing seawall.

## VARIANCE CRITERIA

### **Special Conditions and Circumstances**

The special circumstance particular to this request is the location of the current residence. Having been constructed in 1950, the residence not only precedes the inception of zoning in Orange County, but also the establishment of the NHWE for natural water bodies. There is no other location to construct the desired improvements to enjoy the views of Lake Sheen.

### **Not Self-Created**

The applicant purchased the home in 1995. They did not cause the location to be so close to the NHWE.

**No Special Privilege Conferred**

It is common that the owner of a lake front property would like to construct an outdoor addition from which they could enjoy the views of the lake.

**Deprivation of Rights**

Without the variances, the applicant would still be able to pour a slab between the rear of their home and the NHWE. However, they would not be allowed the balcony, which would actually cause the sliding glass door on the second floor to be more of a liability than an amenity.

**Minimum Possible Variance**

It is staff's position that the deck be limited to the area under the balcony, and not extend any further into the NHWE setback. This would be the minimum encroachment while allowing the applicant the enjoyment of their rear yard.

**Purpose and Intent**

With the execution of the Hold Harmless Agreement, the purpose and intent of the code will be met.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request for a lesser Variance #1 of eight (8) feet, for deck under the balcony subject to the following conditions:

1. Development in accordance with the site plan dated October 17, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The applicant shall submit for permits for the deck, balcony, and roof over the balcony within 210 days of final action on this application by Orange County or this approval becomes null and void.
5. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the deck, balcony, and roof over the balcony are no closer than \_\_\_\_\_ feet from the Normal High Water Elevation of Lake Sheen.

c: Darrell Nunnelly  
501 Main Street  
Winter Park, FL 34786

**STEPHEN ALLEN**  
**VA-18-12-170**

---

**REQUEST:** Variance in the C-2 zoning district to allow 347 parking spaces in lieu of 479 spaces.  
**ADDRESS:** 7400 International Drive, Orlando FL 32819  
**LOCATION:** West of International Dr., north of W. Sand Lake Rd.  
**S-T-R:** 25-23-28  
**TRACT SIZE:** 400 ft. x 940 ft./ 9.48 acres  
**DISTRICT#:** 6  
**LEGAL:** S1/4 OF NW1/4 OF SW1/4 E OF I-4 & S 70 FT OF N3/4 OF NW1/4 OF SW1/4 E OF I-4 (LESS E 40 FT FOR R/W OF INTERNATIONAL DRIVE) & BEG AT PT ON E LINE OF I-4 & N LINE OF S 70 FT OF N3/4 OF NW1/4 OF SW1/4 TH RUN NLY 65 FT E 575 FT S 50 FT E 28 FT S 15 FT W TO PO  
**PARCEL ID:** 25-23-28-0000-00-022  
**NO. OF NOTICES:** 88

**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; 6-0 and 1 absent):

1. Development in accordance with the site plan dated October 16, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.



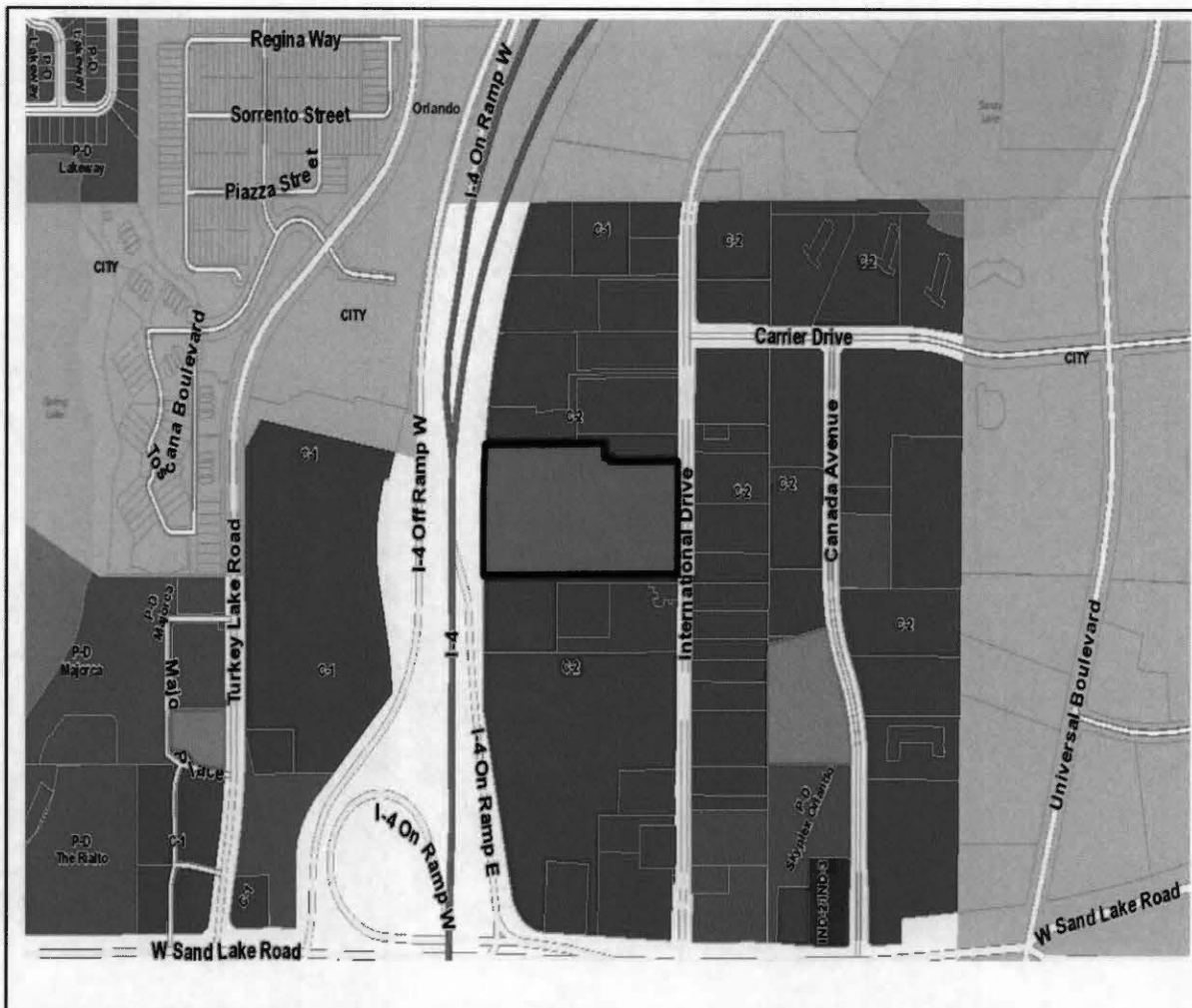
**SYNOPSIS:** The applicant is proposing to construct security gates at the existing hotel. This will result in a loss of 32 parking spaces. The applicant is looking to update their existing parking variance, which was granted originally in 2009.

Staff explained the site, location in the I-Drive Overlay zone, and need for the variance.

The applicant stated the hotel needed the gates for security purposes and could also use them to prevent the public from using the facility when it is at capacity.

There was no one at the hearing to speak in favor or in opposition of the request.

The BZA discussed the variance and determined that the variance met the criteria as the gates would allow the applicant to control who is parking on their site and approved the request.



**Applicant:** STEPHEN ALLEN

**BZA Number:** VA-18-12-170

**BZA Date:** 12/06/2018

**District:** 6

**Sec/Twn/Rge:** 25-23-28-SW-C

**Tract Size:** 400 ft. x 940 ft. / 9.48 acres

**Address:** 7400 International Drive, Orlando FL 32819

**Location:** West of International Dr., north of W. Sand Lake Rd.



CivilCorp Engineering, Inc.  
630 N Wymore Rd, Ste 310  
Maitland, FL 32751  
Certificate of Authorization No. 29390  
407-516-0437

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October 16, 2018

Sean Bailey  
Orange County Zoning Division  
201 S Rosalind Ave, 1<sup>st</sup> Floor  
Orlando, FL 32801

Re: Coco Key Resort Hotel  
7400 International Drive, Orlando, FL

Mr. Bailey:

Attached please find the Variance Application and documents for 7400 International Dr, Orlando, FL (Parcel ID Number 25-23-28-0000-00-022).

The owners of the property are requesting a variance to allow a reduction in the required parking for the hotel and water park from 376 (per Variance VA-09-03-007) to 347 total parking spaces. This request is being made because the existing parking is being reduce by 32 parking spaces due to the addition of security gates.

Due to the hardship existing conditions that we built in 1970, we are unable to add any additional spaces accommodate the parking require by Orange County Land Development Code. The property has no additional land area for expanding the existing parking space to meet today's Orange County code. However, we have provided a parking study to show that we meet the *Institute of Transportation Engineers (ITE) Parking Generation Manual, 4th Edition demands for the existing uses.*

Since our requested parking count is below what is required in today's code but greater that ITE published parking data, we feel that this is reasonable request due to our existing hardship.

Should you have any questions or comments, please give me a call.

Sincerely,  
CivilCorp Engineering, Inc.

Stephen Allen, PE #59994  
President





CivilCorp Engineering, Inc.  
630 N. Wymore Rd. Suite 310  
Maitland, FL 32751  
Certificate of Authorization No. 29390  
407-755-1700

October 16, 2018

Sean Bailey  
Orange County  
201 South Rosalind Ave  
Orlando, FL 32801

Re: Coco Key Resort Hotel – Parking Study  
7400 International Dr, Orlando, FL

Mr. Bailey:

Coco Key Resort Hotel is an existing development in Orlando, Florida. The site is located 470 International Dr in Orlando, FL. The property consists of a hotel with 392 rooms and a water park approximately 1 acre in size.

The Orange County LDC Section 38-1476 requires 1 space for each 1 ¼ rooms, plus 1 space for each 100 square feet of office, plus restaurant retail sales must be met when applicable for "hotels, motels, tourist courts" and 1 space for each 3 patrons, plus 1 space for each employee for "Amusement or assembly places without fixed seats (go-cart tracts, mini-golf courses, driving ranges and other similar outdoor uses)". Based on this code, the site would require a total of 479 parking space as shown in table A below. Since this number is significantly higher than what operations have experienced with the current 379 spaces, we have conducted this study to justify the reduction in parking to 347 spaces.

The parking generation rates used to estimate the parking demand are based on the *Institute of Transportation Engineers (ITE) Parking Generation Manual, 4th Edition*. The *ITE Parking Generation Manual* is the industry standard for estimating parking demand for new development. The relevant sheets from the Manual are attached.

For Hotel (land use 310, pg. 76), the Average Peak Period Parking Demand is 0.89 vehicles per rooms. Therefore, a hotel with 392 rooms would require 349 parking spaces. However, we are working on the assumption that the hotel would not open the water attraction to the public if the hotel is full so a 75% capacity was used (see Table B). Hotel use is defined by ITE as follow:

*"Hotels are places of lodging that provide sleeping accommodations and supporting facilities such as restaurants; cocktail lounges; meeting and banquets rooms or conventions facilities; limited recreation facilities (pool, fitness room); and/or other retail and service shops"*

Please note that the definition of hotel above incorporates the office, retail and restaurant that was counted separately in Orange County Land Development Code. Therefore, we did not incorporate these ancillary uses in Table B.

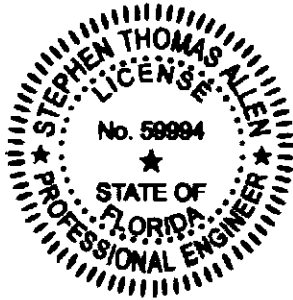
October 16, 2018  
Page 2

For Water Slide Park (land use 414, pg. 88), the average peak parking demand ratio is 72.90 spaces per acre. Therefore, a water slide park approximately 1.06 acres would require 78 parking spaces. Since this works in conjunction with the hotel that is not at full capacity, we utilized all of the require parking in Table B

In conclusion 340 parking spaces would be required for this development in accordance with the *Institute of Transportation Engineers (ITE) Parking Generation Manual, 4th Edition*. Based on observations from the owner and operating entities, this is consistent with what is experience on site. The parking lot has never come close to reaching capacity during the 3 years insite Orlando One, LLC has owned the property.

Sincerely,  
CivilCorp Engineering, Inc.

Stephen Allen, PE #59994  
President.



**Table A: Parking Required by LDC**

Required	Land Use	Amount	Parking Spaces
1 per 1.5 rooms	Hotel	392 Rooms	262
1 per 100 SF	Office	2,500 SF	25
5.5 per 1,000 SF	Retail	5,400 SF	30
1 per each 4 seats	Restaurant	422 Seats	106
1 per 3 patrons	Water Park	168 Patrons	56
		Total Required	479

**Table B: Parking per Parking Study**

Required	Land Use	Amount	Parking Spaces	Percent Capacity	Utilized
1 per 0.89	Hotel	392 Rooms	349	75%	262
72.90 per acre	Water Slide Park	1.06 acres	78	100%	78
				Total Utilized	340



STAFF REPORT  
CASE #: VA-18-12-170  
Orange County Zoning Division  
Planner: Sean Bailey  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 6

GENERAL INFORMATION:

APPLICANT: STEPHEN ALLEN

REQUEST: Variance in the C-2 zoning district to allow 347 parking spaces in lieu of 479 spaces.

LOCATION: West side of International Dr., north of W. Sand Lake Rd.

PROPERTY ADDRESS: 7400 International Dr., Orlando, FL 32819

PARCEL ID: 25-23-28-0000-00-022

PUBLIC NOTIFICATION: 88

TRACT SIZE: 400 ft. x 940 ft. (AVG) / 9.48 acres

DISTRICT #: 6

ZONING: C-2

EXISTING USE(S): Hotel

PROPOSED USE(S): Security Gates

SURROUNDING USES: N - Commercial  
S - Commercial  
E - Commercial  
W -Highway

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned C-2, General Commercial District, and is located in the Entertainment District of the I-Drive District Overlay zone. The district is intended to provide a variety of entertainment and lodging options for visitors and local residents.



2. The applicant is proposing to construct security gates on both sides of their parking lot, which will result in a reduction of 32 parking spaces per the plan provided, the applicant currently has 379 parking spaces on site and would like to reduce that to 347 spaces.

3. This property contains a hotel with 392 rooms, waterpark, restaurant, and meeting space.

4. This location received a parking variance in 2009 (VA-09-03-007), to allow 376 (379 exist) spaces in lieu of 647 spaces, and to allow a water slide structure at 62 feet in height in lieu of 50 feet. The difference between the 647 required spaces and the 479 required spaces proposed is the maximum occupancy of the waterpark. This request is based on the assumption that only 25% of the waterpark patrons will be non-hotel guests as this is an ancillary use. The previous variance counted the waterpark as a separate use and required 224 spaces for the waterpark use by itself. Per today's interpretation, 56 spaces are required for the waterpark as an ancillary use.

5. The applicant has provided a parking study utilizing the reduced parking requirements, which was reviewed and approved by the Transportation Planning Division.

6. The waterpark is typically open to the public as well as to the hotel guests. The applicant will stop allowing outside patrons when the waterpark reaches full capacity.

7. The I-Drive District Overlay Zone has parking reductions and credits based on proximity to transit stops, and cooperative parking, which applies to sites with two or more uses. This site is located approximately 500 feet away from the closest I-Ride Trolley stop. In addition, the I-Drive District Overlay code promotes pedestrian friendly streetscapes and encourages visitors to walk to nearby destinations.

## **VARIANCE CRITERIA**

### **Special Conditions and Circumstances**

The applicant is adding gates to provide more security and ensure safety for their guests. The loss in parking is minimal, and the gates will allow the applicant to close off the hotel to the general public if need be.

### **Minimum Possible variance**

The loss of 32 spaces represents an eight (8) percent reduction in parking from what is existing on site today. Overall, the variance requested is a 27% deviation from code, which is within the range of past variance approvals for parking.

**Purpose and Intent**

Approval of the variance will be in harmony with the code not being injurious to the area. Transportation Planning has approved the parking study justification and deemed the parking to be sufficient. Also, this will be a multi-use facility and the restaurant/water park are ancillary uses to the hotel.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated October 16, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Stephen Allen  
630 N. Wymore Road, Suite 310  
Maitland, FL 32751

**RALPH KNAPP  
VA-18-12-171**

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**REQUEST:** Variance in the R-2 zoning district to allow a fully enclosed sunroom with a rear yard (south) setback of 7 ft. in lieu of 20 ft.  
**ADDRESS:** 6958 Kelcher Court, Orlando FL 32807  
**LOCATION:** South side of Kelcher Ct., approximately 435 ft. east of Penlon Ct.  
**S-T-R:** 23-22-30  
**TRACT SIZE:** 45 ft. x 100 ft./103 acres  
**DISTRICT#:** 3  
**LEGAL:** EBANS PRESERVE PHASE 4 44/41 LOT 42  
**PARCEL ID:** 23-22-30-2363-00-420  
**NO. OF NOTICES:** 128

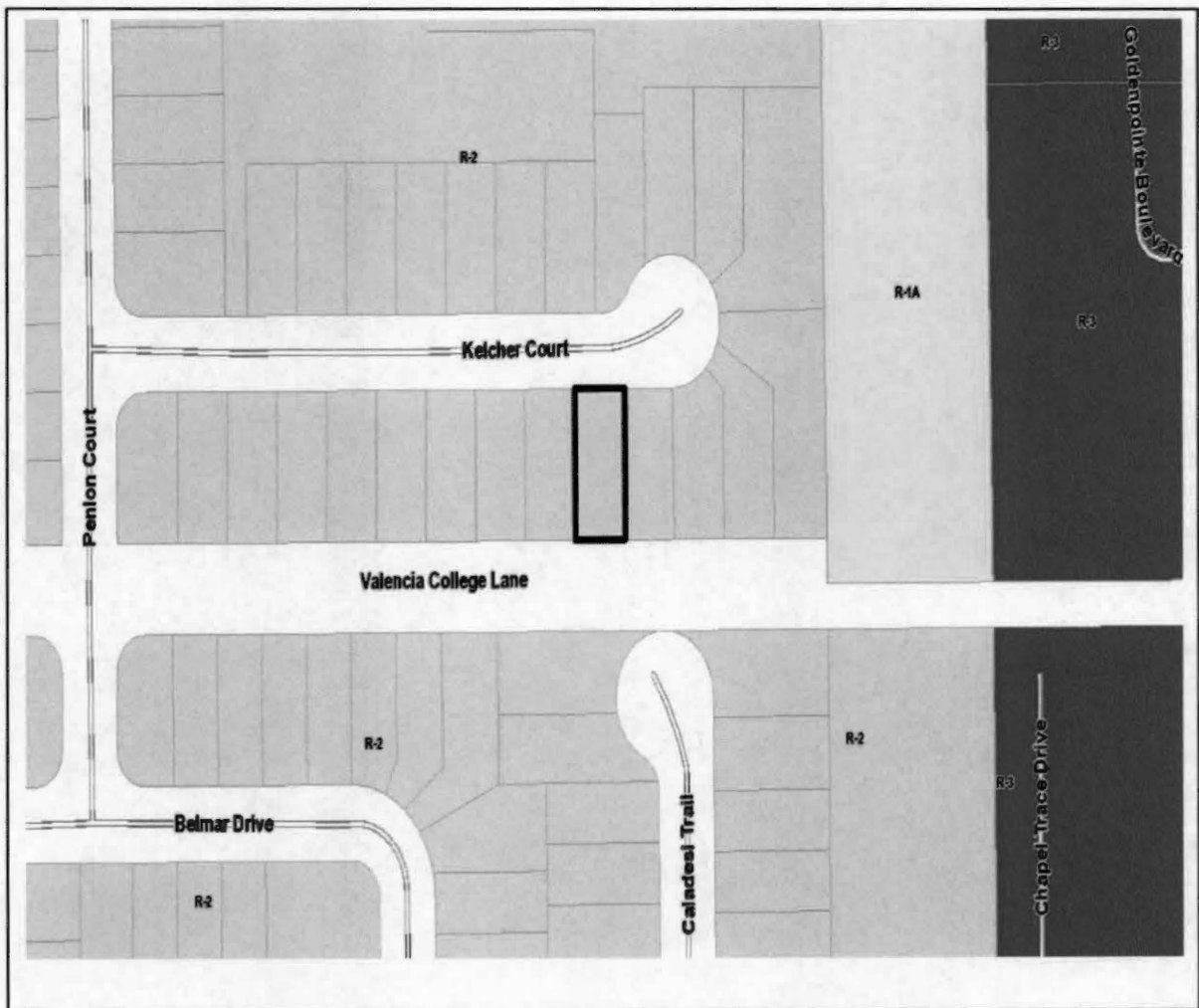
**DECISION: APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated October 17, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the sunroom shall match the exterior of the existing residence with respect to materials and colors.

**SYNOPSIS:** Staff directed the BZA's attention to the location map, pointing out how the undeveloped right-of-way (r-o-w) behind the subject property ended at the canal r-o-w to the east. It was then shown how the continuation of the r-o-w east of the canal only consisted of an undeveloped southern half-section. It was then shown on the aerial how an apartment complex had been constructed to the north of the southern half-section east of the canal, and that some of the buildings were constructed in or adjacent to, what would have been the northern half-section. The conclusion is that the road would never be constructed, which was confirmed with the Public Works Department, who also confirmed that there is no funding for such construction. However, Public Works also indicated that they would not support the abandonment of the r-o-w. If the r-o-w could be abandoned, no variance would be needed. However, since that is not feasible, the applicant is using the standards for installing a screen room to the rear of the home. Both adjacent neighbors were in support of the variance, and due to the dense vegetation in the r-o-w, there will be no impact to the resident to the south.

The applicant indicated their agreement with the staff recommendation and the conditions. There being no one present to speak for or against the request, the public hearing was closed.

The BZA concluded that there was no other feasible location for a logical, functional addition given the size of the lot, and the fact that the original owner constructed such a large home on a small lot, nearly completely filling the entire building envelope. A motion to recommend approval passed unanimously.



**Applicant:** RALPH KNAPP

**BZA Number:** VA-18-12-171

**BZA Date:** 12/06/2018

**District:** 3

**Sec/Twn/Rge:** 23-22-30-SW-C

**Tract Size:** 45 ft. x 100 ft. /.103 acres

**Address:** 6958 Kelcher Court, Orlando FL 32807

**Location:** South side of Kelcher Ct., approximately 435 ft. east of Penlon Ct.

October 16, 2018

From:

Ralph and Beverly Knapp  
6958 Kelcher Court  
Orlando, FL 32807

To:

Orange County Zoning Division  
201 S. Rosalind Avenue-1<sup>ST</sup> Floor  
Orlando, FL 32801

RE: Variance Request

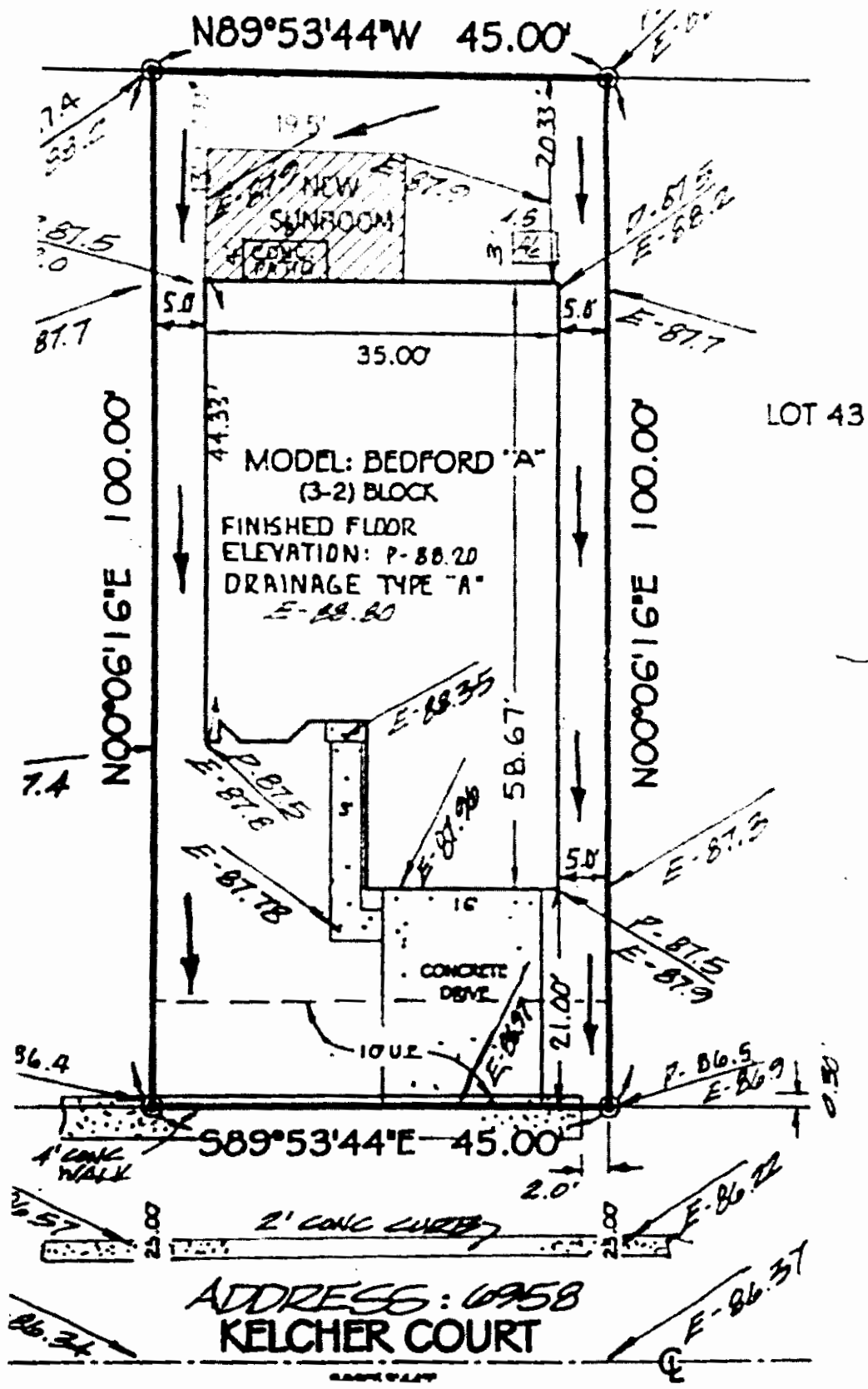
To Whom It May Concern:

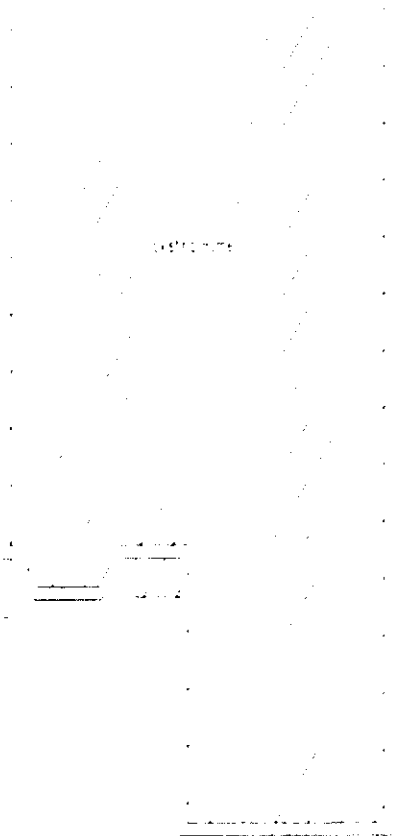
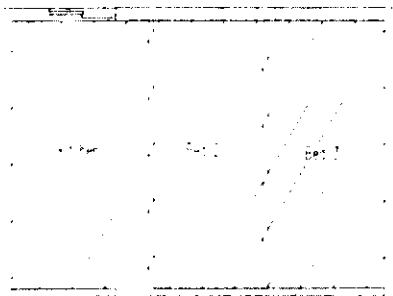
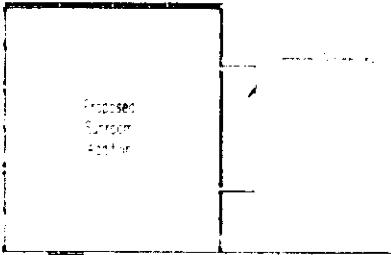
We purchased our home on Kelcher Court specifically to live next door to our daughter. We wanted a larger home but could not pass up the opportunity to live right next door to family. We believed that we could add on to this home to make it larger, simply by expanding into the back yard. We saw several neighbors that had screened roof enclosures and assumed that we could do the same, but with a sunroom, in lieu of a screened room. We currently have the space to have a 13' x 20', 260 square foot screened roofed enclosure in our back yard but would like to have a sunroom installed instead. The only difference between the screened room and our sunroom is that our walls will be made of vinyl and glass, instead of aluminum and screening, while still fitting within the building setbacks.

Please review and approve our application for this variance, we appreciate your thought and consideration.

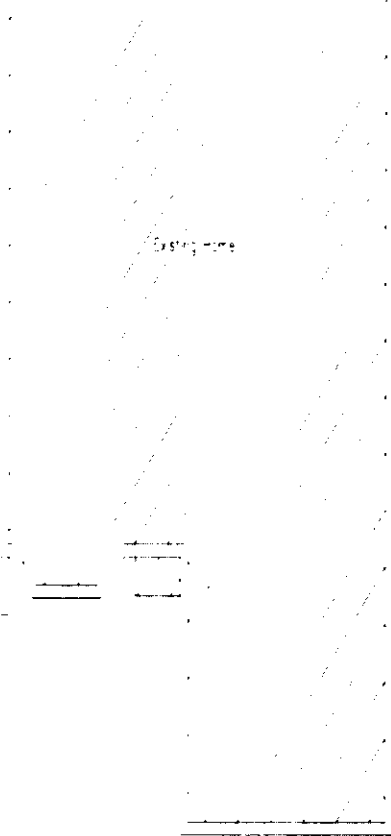
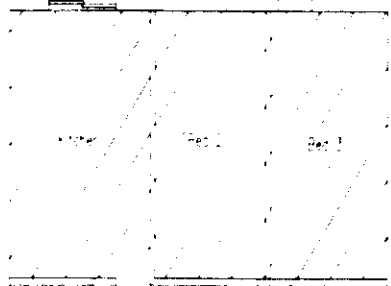
Sincerely,

Ralph and Beverly Knapp



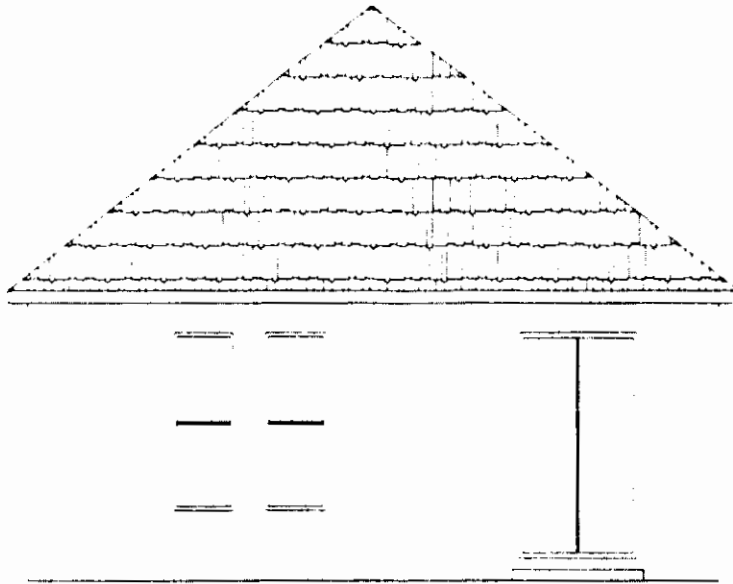


Existing Home  
 Scale: 1/4" = 1'-0"



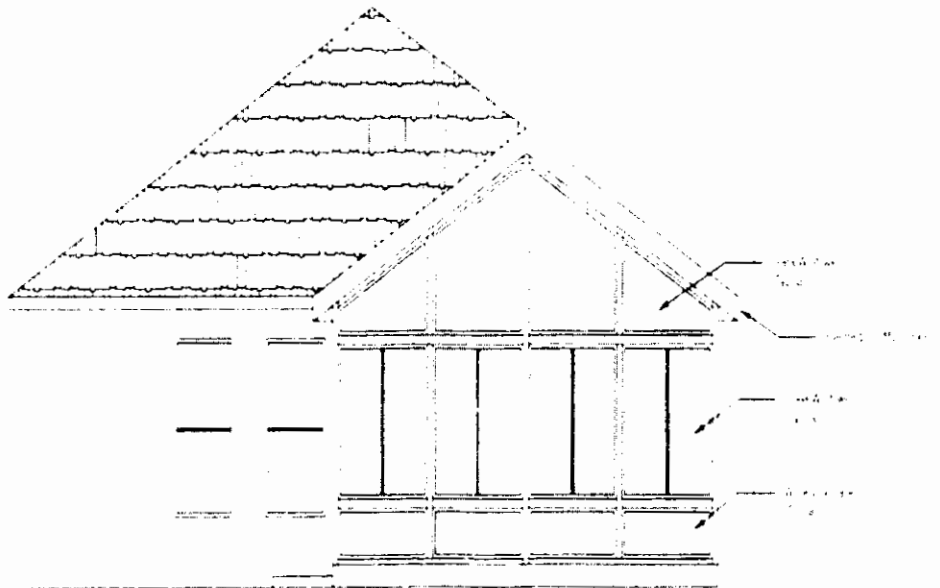
Existing Home  
 Scale: 1/4" = 1'-0"





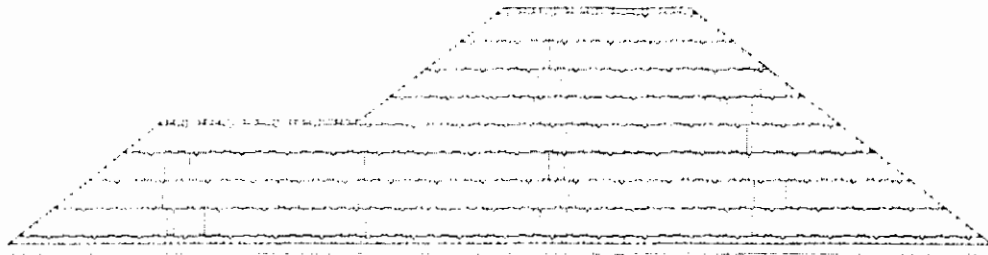
Existing - Rear Elevation

scale 1/4" = 1'



Proposed - Rear Elevation

scale 1/4" = 1'



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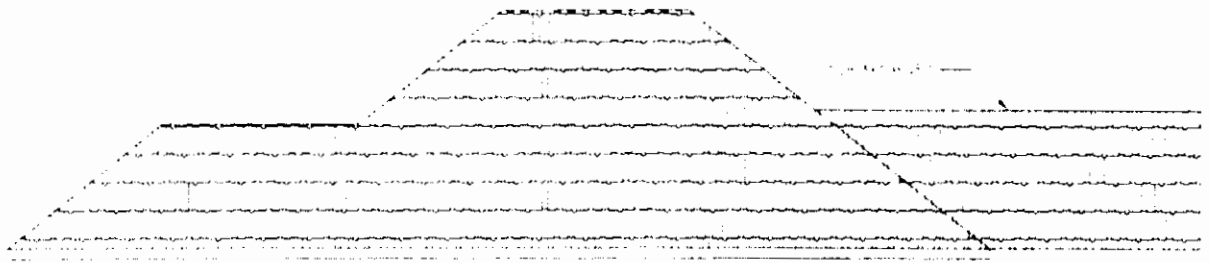
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Exterior - Right Elevation

1/2" = 1' - 0"

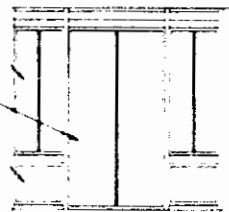


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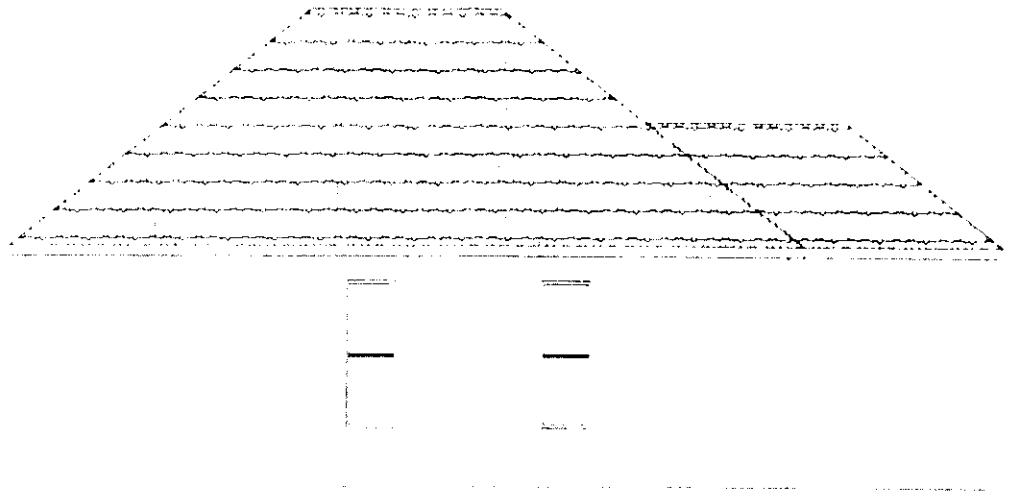
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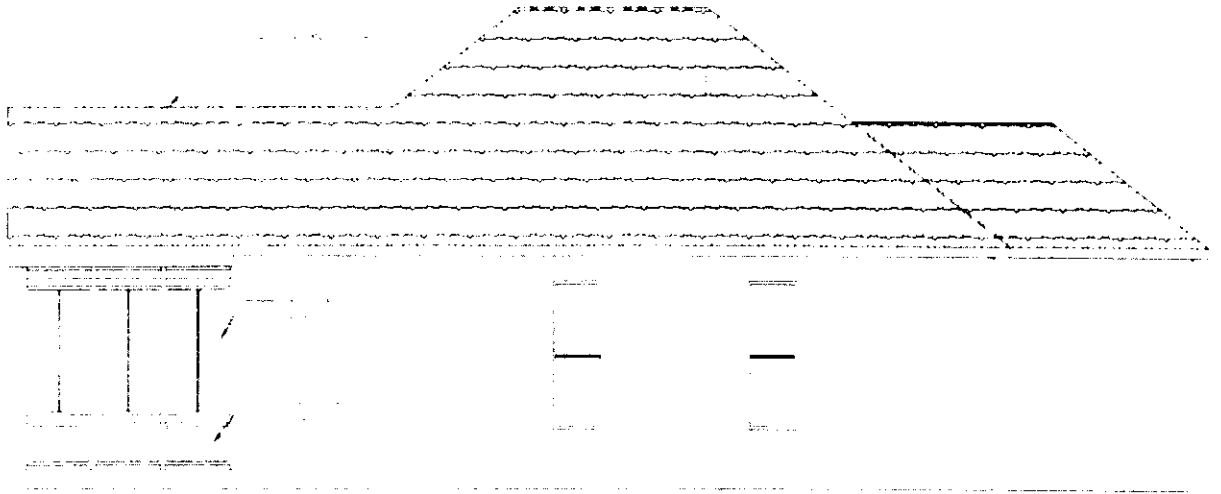


Exterior - Right Elevation

1/2" = 1' - 0"



11/11/11 - 11/11/11  
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11/11/11 - 11/11/11  
11/11/11



STAFF REPORT  
CASE #: VA-18-12-171  
Orange County Zoning Division  
Planner: David Nearing, AICP  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Ralph Knapp

REQUEST: Variance in the R-2 zoning district to allow a fully enclosed sunroom with a rear yard (south) setback of 7 ft. in lieu of 20 ft.

LOCATION: South side of Kelcher Ct., approximately 435 ft. east of Penlon Ct.

PROPERTY ADDRESS: 6958 Kelcher Court., Orlando, FL 32807

PARCEL ID: 23-22-30-2363-00-420

PUBLIC NOTIFICATION: 128

TRACT SIZE: 45 ft. x 100 ft./ .103 acres

DISTRICT #: 3

ZONING: R-2

EXISTING USE(S): Single family residence

PROPOSED USE(S): Sunroom

SURROUNDING USES: N - Single family residence  
S - Vacant unimproved r-o-w  
E - Single family residence  
W - Single family residence

STAFF FINDINGS AND ANALYSIS:

1. The subject property is located in the R-2, Residential District zoning district. This district permits the construction of single family detached and attached units with buildings containing up to a maximum of four (4) individual units each.
2. Lots in the R-2 zoning district may have as little as 45 ft. of frontage, and as little as 4,500 sq. ft. of lot area. Setbacks for lots platted after 3/3/97, are 20 feet for front

and rear, and 5 feet for sides. The subject property is part of the Eban's Preserve subdivision, which was platted in 2000.

3. The subject property is a 45 ft. x 100 ft. lot. The residence is located 21+ feet from the front property line and 20+ feet from the rear property line. The residence is also located five (5) feet from each side lot line. The building envelope is virtually maximized to its fullest extent. The only area where any addition could be constructed and meet setbacks is the area in front of the front door.
4. To the south of the subject property is a full 60 ft. section of undeveloped right-of-way (r-o-w) for Valencia College Lane. According to staff with the County's Public Works Department, there are no plans to construct this section of road. Continuing to the east of this r-o-w is a 30 ft. southern half-section of r-o-w. The land from which the northern half-section would come has been developed with apartments, one of which is either within that potential r-o-w, or so close it could not meet setbacks.
5. Staff inquired about the possibility of abandoning the r-o-w behind all of the homes on Kelcher Court and to the north of Belmar Drive to the south. Public Works staff indicated that they were opposed to such action. If the abandonment did occur, each property would become 30 ft. deeper, and there would be no need for the applicant obtaining a variance.
6. The two (2) most impacted neighbors to the east and west have submitted letters of support. Due to the undeveloped r-o-w, there is a densely vegetated 60 ft. wide buffer between the subject property and the home to the south. In addition to the two (2) most impacted neighbors, the HOA has also approved the proposed addition as submitted.

## **VARIANCE CRITERIA**

### **Special Conditions and Circumstances**

The special condition regarding this request is the lot size. The home was constructed in 2001. The model selected by the original owner covered nearly the entire building envelope. This leaves no location for the construction of a practical addition.

### **Not Self-Created**

The applicant purchased the subject property "as is" earlier in 2018. They are not the original owner, and did not have the option of having a smaller home with potential for expansion on the lot. They chose the home to be near relatives.

### **Deprivation of Rights**

The applicant could construct a screen room with a solid roof to within seven (7) feet of the rear property line; as such, structures could be built up to 13 ft. into a

required rear setback. This improvement could even be finished with vinyl windows. However, to have a permanent roof and glass windows as desired would not be possible.

**Minimum Possible Variance**

The applicant intends to use concrete block construction. For this reason, even though the addition's footprint measures 13 ft., the actual floor area will be less due to the width of the block, insulation, and wallboard. The requested variance is the least the applicant believes it can be while providing a logical expansion of the homes floor space.

**Purpose and Intent**

Due to the fact that the addition will be located to the east side of the yard, and due to the presence of the undeveloped r-o-w, the purpose and intent of the code is being met with respect to open space and buffering.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated October 17, 2018 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
  4. The exterior of the sunroom shall match the exterior of the existing residence with respect to materials and colors.
- c: Ralph Knapp, 6958 Kelcher Court, Orlando, FL 32807

**MICHAEL HARDING**  
**SE-18-12-172**

---

**REQUEST:** Special Exception to amend condition of approval #8 from February 1, 2018 (SE-18-02-154) to allow vehicular access on-site to Russell Ave.  
**ADDRESS:** 1510 Russell Avenue, Orlando FL 32806  
**LOCATION:** North of Curry Ford Rd., west of Russell Ave.  
**S-T-R:** 31-22-30  
**TRACT SIZE:** 50 ft. x 150 ft./ .172 acres  
**DISTRICT#:** 3  
**LEGAL:** ORANGE VILLA K/21 LOT 7  
**PARCEL ID:** 31-22-30-6268-00-070  
**NO. OF NOTICES:** 103

**DECISION:** DENIED the Special Exception request in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest (4 in favor, 2 opposed and 1 absent).

**SYNOPSIS:** Staff presented the case, and went over the previous Special Exception approval from February 2018. The applicant is seeking to amend condition of approval #8, from the February approval, which required a four (4) foot high wall be constructed along Russell Avenue. The applicant was approved to allow a parking lot on this site per the conditions of approval.

The applicant stated that the parking lot was in fact constructed without a building permit. He also stated it makes more sense logistically to provide egress to Russell directly from the site rather than passing through the commercial property to the south. The applicant believes this will improve the maneuverability on the site and allow the traffic to flow better.

No one spoke in favor or in opposition of the case at the hearing.

Staff presented the original site plan from the February case and the BZA had questions on the differences between the old site plan and the new one.

The BZA discussed the case and the fact that the applicant had built the parking lot without permits and contrary to the BZA conditions of approval. The BZA agreed that the wall was necessary to provide a buffer against the nearby residential homes.

The BZA denied the request to amend condition of approval #8, as it did not meet the Special Exception Criteria.



**Applicant:** MICHAEL HARDING

**BZA Number:** SE-18-12-172

**BZA Date:** 12/06/2018

**District:** 3

**Sec/Twn/Rge:** 31-22-30-SE-D

**Tract Size:** 50 ft. x 150 ft. / .172 acres

**Address:** 1510 Russell Avenue, Orlando FL 32806

**Location:** North of Curry Ford Rd., west of Russell Ave.



**M Harding Enterprises, Inc.**

5005 Jennifer Place, Orlando Florida 32807

Phone: 407-342-8386

Email: [michael@mhardingenterprises.com](mailto:michael@mhardingenterprises.com)

October 17, 2018

Orange County Zoning Division  
201 South Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, Florida 32801  
Email: [BZAnotices@ocfl.net](mailto:BZAnotices@ocfl.net)

**Re: Special Exception 1510 Russell Ave. Parcel ID 31-22-30-6268-00-070**

Division Manager,

The purpose of the special exception is to revise and appeal 2 conditions required by the last special exception on this property. This parcel was reviewed under case number #SE-18-02-154 on February 1, 2018 by the BZA. The specific conditions are listed in the Staff Findings and Analysis as well as the Recommendations. Item 7 of the Findings states that *the applicant agreed to limit access to Russell Ave. through the commercial property and will construct a (6) foot wall along the north property line and a (4) foot high wall along the front or Russell side of the lot.* These conditions are not practical or conducive to an efficient operating parking facility for the commercial properties in this new Hourglass District.

Currently, this lot is filled most of the time with customers of the Foxtail Coffee Shop during the day and the Claddagh Cottage Irish Pub at night. The owner and operator of the Pub is using the brick paver portion of the commercial driveway for his employee parking as they park in shifts. The configuration of the access into the Residential portion of the lot is used by the public and patrons. The connecting drive isle or access has two sharp 90 degree turns that are very difficult to negotiate and any different configuration would further reduce the number of parking spaces.

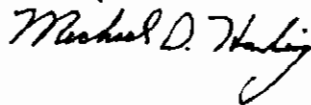
Building the (6) foot masonry wall between the residential property to the north is still acceptable to the developer and the owner of the Residential property. Constructing the (4) foot wall along the east side or Russell frontage and blocking the access is not acceptable for the stated reasons. Building shorter sections of the (4) foot wall along Russell most likely would damage the large Oak tree south of the access and the short section north of the access has no real purpose. Generally, we understand, the staff would like to have this (4) foot wall to act as a buffer between the parking on the residential lot and the property along the east side of Russell. Currently the property east of Russell is being used as grassed parking by the adjacent business and is not available to these businesses.

Additionally, the developer would like to install a dumpster on this parcel. Currently the operator of the Claddagh Cottage, located at 2421 Curry Ford Road, must transport his daily waste nearly 300 feet to the only available dumpster located on the west side of the center north of the Mobile Gas Station. The original site plan had a dumpster located in the parking field and was denied by staff. A dumpster could be located directly north of the drive isle along the west side of the 2421 Building which would allow waste management trucks to easily retrieve the dumpster, a second option would be along the western edge of the parking field, which would allow the truck to retrieve the can but would require a reversing action to get back out.

This request is in accordance to each item listed in the Special Exception Criteria. Item 2 lists that the use shall be similar and compatible and consistent with the surrounding development. This developer had invested a lot of time, effort and money into the re-development of this under utilized and run-down portion of west Curry Ford Road. There is a new and exciting change in the area with new guests and patrons each day, this parking facility is required to continue the growth and development of this area. The parking lot has been designed and built to the current standards and is currently functioning in a safe and efficient manner.

Thank you for your consideration in this request and your cooperation in making the Hourglass District a more viable and accessible location.

Sincerely,

A handwritten signature in cursive script that reads "Michael D. Harding". The signature is written in black ink and is positioned above the typed name.

Michael D. Harding, P.E.  
MHarding Enterprises, Inc.





STAFF REPORT  
CASE #SE-18-12-172  
Orange County Zoning Division  
Planner: Sean Bailey  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 3

GENERAL INFORMATION:

APPLICANT: MICHAEL HARDING

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception to amend condition of approval #8 from February 1, 2018 (SE-18-02-154) to allow vehicular access on-site to Russell Ave.

This is a result of Code Enforcement action.

LOCATION: North of Curry Ford Rd., west side of Russell Ave.

PROPERTY ADDRESS: 1510 Russell Ave., Orlando, FL 32810

PARCEL ID: 31-22-30-6268-00-070

PUBLIC NOTIFICATION: 103

TRACT SIZE: 50 ft. x 150 ft. / .172 acres

DISTRICT #: 3

ZONING: R-1

EXISTING USE(S): Parking lot

PROPOSED USE(S): Parking lot

SURROUNDING USES: N – Residential  
S – Commercial  
E – Professional Office  
W – Commercial

## STAFF FINDINGS AND ANALYSIS:

1. The property is zoned R-1, Single Family Dwelling district. This district allows for residential homes and certain uses as special exceptions, such as parking lots.

2. A Special Exception was approved on the subject site on February 20, 2018 (SE-18-02-154), to allow a commercial parking lot to serve the adjacent commercial uses to the south. The site plan that was approved with this special exception had been provided by the applicant at the request of staff and did not show vehicular ingress or egress from the subject site to Russell Avenue as this is a residentially zoned lot adjacent to a residential neighborhood to the north. There is also another curb cut approximately 15 ft. to the south of this property that also serves the commercial properties, and Development Engineering agreed that the location of these two driveways so close to each other could cause conflicts.

There were also eight conditions of approval. Condition number 5 addressed the location of the dumpster shown on the site plan and condition number 8 addressed screening of the parking from the residential property to the north and Russell Avenue to the east. The conditions are as follows:

Condition #5: "The parking lot shall comply with Chapter 38-1476 and the dumpster shall not be located on the residential lot."

Condition #8: "The applicant shall install an 8 foot high concrete or masonry wall on the north property line. The applicant shall install a 4 ft. high concrete or masonry wall along the east property line abutting Russell Avenue."

3. Upon approval of the special exception, the applicant constructed the parking lot in its current configuration without a permit and inconsistent with the site plan and special exception conditions of approval.

4. Zoning staff became aware of the parking lot construction in May and contacted the owner on May 16, 2018 to advise them that a permit was required.

5. The applicant submitted for a building permit in June 2018 (B18903169), but that application was denied, as it did not meet the conditions of the BZA approval. The owner was cited by Code Enforcement in October 2018 (incident #525490) for construction without an approved permit and for violating the conditions of the BZA approval.

6. The applicant is now requesting a special exception to revise the approved site plan to allow for vehicular ingress and egress from the subject site to Russell Avenue and to revise the original conditions of approval regarding the location of the dumpster and the required screening walls. Specifically they are asking to install a dumpster on the subject site and to remove the condition regarding the 4 ft. screen wall along Russell Avenue.

7. The commercial dumpster meant to serve the commercial uses to the south is not a permitted use on this residentially zoned lot, which is why the original condition was added. The BZA cannot grant variances for use, therefore this request was not advertised.

8. In review of the conditions regarding the screening, staff had originally asked for a 6 ft. high concrete or masonry wall along the north property line. The BZA amended that condition at the hearing to require an 8 ft. wall. Given that the use of this property is primarily intended for single family residential, the screening of the residential property to the north and the screening of the parking lot from the residential neighborhood to the north are appropriate conditions to off-set the commercial parking on this lot.

With the addition of the driveway from the parking lot to Russell Ave., only a smaller portion of the 4 ft. wall can be built. There are also several large trees on the north side of the property where the construction of a concrete or masonry wall might impact the root system. As a result, staff is recommending a revised condition of approval regarding the screening.

9. The revised site plan shows the ingress and egress to Russell Ave. While staff has concerns about the two curb cuts so close together, the functionality of the parking lot is better served by access to Russell Avenue in the proposed location.

#### **SPECIAL EXCEPTION CRITERIA**

**The use shall be consistent with the Comprehensive Policy Plan.**

The Future Land Use is Low Density Residential and with the approval of the special exception, the project will be consistent with the Comprehensive Plan.

**The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.**

The proposed use is located adjacent to the commercial uses to the south. With the recommended conditions of approval to protect the residential areas to the north, it will be consistent with the pattern of the surrounding development of the area.

**The use shall not act as a detrimental intrusion into a surrounding area.**

The use, in conjunction with the conditions of approval, will not be a detrimental intrusion, as it will act as a transition between the commercial and residential zoning districts.

**The use shall meet the performance standards of the district in which the use is permitted.**

The plan submitted meets the parking space requirements per code.

**The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.**

The use as a parking lot, with the conditions of approval to protect the residential area will have similar characteristics as other uses in the area.

**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.**

The applicant is proposing a 7.5 ft. wide landscape buffer along the north side of the parking lot along with a 6 ft. wall per staff's original condition of approval. While a landscape plan has not been submitted, it will be required at the time of permitting.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated November 18, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The parking lot shall comply with Chapter 38-1476.
5. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
6. A permit shall be issued within 6 months or this approval becomes null and void.

7. Landscaping shall be in accordance with Chapter 24, Orange County Code.
8. A six (6) foot high post and panel wall shall be installed along the western 125 ft. of the north property line. A four (4) foot concrete or masonry high knee wall shall be installed along the eastern 25 feet of the north property line and along the eastern portion of the parking lot from the north property line to the access along Russell Avenue.

c: Michael Harding  
5005 Jennifer Place  
Orlando, FL 32807



**KENCO SIGNS  
VA-18-12-173**

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**REQUEST:** Variance in the P-D zoning district to allow a cumulative total of 431 sq. ft. of wall signage in lieu of 157.5 sq. ft.  
**ADDRESS:** 7590 University Blvd., Winter Park FL 32792  
**LOCATION:** Southeast corner of University Blvd. and N. Goldenrod Rd.  
**S-T-R:** 11-22-30  
**TRACT SIZE:** 1,076 ft. x 585 ft. (AVG)/14.45 acres  
**DISTRICT#:** 5  
**LEGAL:** W 15 AC OF N1/2 OF NW1/4 OF NE1/4 (LESS RD R/W ON N & W)(LESS W 68.6FT OF E 189.49 FT OF NE1/4 OF NW1/4 OF NE1/4 LYING S OF UNIVERSITY BLVD) & (LESS BEG 231.17 FT E & 100.43 FT S OF N1/4 COR OF SEC 11 TH S 125 FT W 125 FT N 125 E 125 FT TO POB) IN SEC 11-  
**PARCEL ID:** 11-22-30-0000-00-124  
**NO. OF NOTICES:** 157

**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; 6-0 and 1 absent):

1. Development in accordance with the site plan dated October 17, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

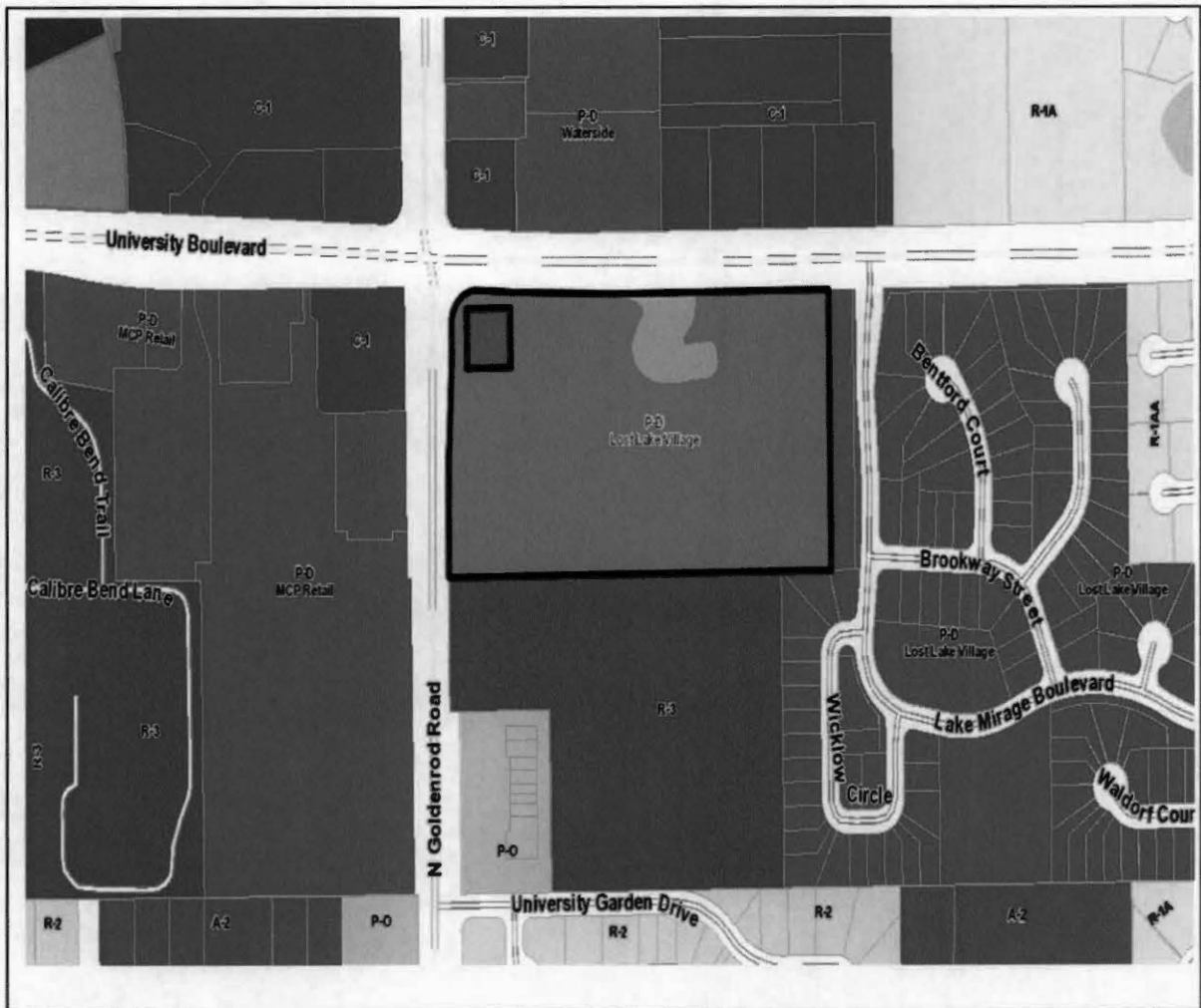
4. Total sign copy area shall be limited to 275 sq. ft.

**SYNOPSIS:** Staff noted that when the P-D for the center was originally approved in 1986, the sign guidelines provided for 2 sq. ft. of copy area for wall signs per each linear foot of storefront. This would allow for 220 sq. ft. of sign area. However, when the P-D for the center was revised in 2018, the standard was changed to simple compliance with the sign code. Staff noted that since this center, including the bank out-parcel, equaled 15 acres, and the center had over 1,000 feet of frontage, a Master Sign Plan (MSP) could be developed. This would allow the applicant to modify the amount of wall signage they would be permitted. Staff recommended that the MSP process be the mechanism to accomplish the applicant's needs, not the variance process. Staff concluded by noting that they had received correspondence from a property management company representing three (3) residential subdivisions approximately 1/3 mile to the north who opposed the variance.

The applicant indicated that the main issue is time. The opening of the store is imminent. The tenant is relocating from a less desirable location. Also, large retailers are finding the market harder to compete in, noting the demise or financial distress of several historically nationally known retailers. They noted that they had attempted to get the owners of the center to file a MSP; however, they did not find the time or expense for one (1) tenant to be worth the investment. It was only recently that they found out about the change in sign standards for the center, which left them in a position that the variance process was all that remained to attempt to improve the tenant's visibility.

There being no one in attendance to speak for or against the request, the public hearing was closed.

The BZA found that given that they once were entitled to more signage, and that exposure to Goldenrod Road was essential, additional signage was warranted. The BZA offered a total of 275 sq. ft., which the applicant accepted. A motion to allow a total maximum of 275 sq. ft. wall signage, to be distributed as the tenant wished, was passed unanimously.



**Applicant:** KENCO SIGNS

**BZA Number:** VA-18-12-173

**BZA Date:** 12/06/2018

**District:** 5

**Sec/Twn/Rge:** 11-22-30-NE-A

**Tract Size:** 1,076 ft. x 585 ft. (AVG)/14.45 acres

**Address:** 7590 University Blvd., Winter Park FL 32792

**Location:** Southeast corner of University Blvd. and N. Goldenrod Rd.

10/9/2018

City of East Winter Park, FL

To whom it may concern,

This letter is being submitted to your attention for the purpose of outlining ROSS's need to install an illuminated 72/42" ROSS DRESS FOR LESS stacked letterset on the storefront elevation (code allows 212.5 SQ FT.) as well as an illuminated 48" ROSS letterset on the side elevation (code does not allow side elevation signage), totaling 568 SQ FT. (please see drawing B73613). This signage is planned to be installed at the new ROSS location at 7590 University Blvd, Winter Park, FL, within the Unigold Shopping Center. The storefront signage is set back 350ft from University Blvd. and 240ft from Goldenrod Rd.

- 1. Special Conditions and Circumstances –** Within the Unigold Shopping Center there is a lot of foliage, this is blocking many main views of the storefront signage. ROSS would like to give their customers maximum viewing potential with the 72/42" letterset from the angles that are not blocked by the foliage located around the shopping center. Taking advantage of the angles that are not blocked, gives ROSS the peace of mind that their potential customers are not distracted while driving and searching for their store. For this location, ROSS has the opportunity to take advantage of installing a 48" ROSS letterset on the side elevation. ROSS should not be penalized for this signage just because the other tenants do not have the opportunity or space available. With this side elevation 48" ROSS letterset, potential customers will again have the ability to identify the store when heading north on Goldenrod Rd. Since both pylons for the Unigold Shopping Center are located on the far side of University Blvd. This is the only signage that will assist potential customers, heading north on Goldenrod Rd., in identifying where the ROSS is located. This will again limit distraction for motorists looking for this ROSS location.
- 2. Not Self-Created –** The above special conditions and circumstances were not a result of ROSS's actions. ROSS did not create the hardships for themselves.
- 3. No Special Privilege Conferred –** ROSS is not aware, nor have they been granted any special privilege. ROSS is also not looking to be granted special privilege over others, just what is needed to be successful and strive as a business at this location.

4. **Deprivation of Rights** – Based on the location of this ROSS store, ROSS needs to create brand awareness with their signage to compete with stores such as Target, Sears Outlet, and Costco Wholesale. Without the proper signage, ROSS will struggle to bring in customers from these surrounding locations. This in turn will result in financial loss and lessen the ability for this ROSS store to compete.
5. **Minimum Possible Variance** – We believe that the proposed ROSS signage is making reasonable use of the building and layout of the Unigold Shopping Center.
6. **Purpose and Intent** – The requested size increase will not be detrimental to anyone, in any way shape or form. In fact, allowing the increase in size will help the general public in guiding them safely to the store as they will not be searching in a distracting manner while driving to find the actual location of the store. This will reduce traffic as well as any accidents associate with not being able to properly identify the store while driving.

By allowing us to prominently advertise our store to local traffic, ROSS will comfortably know that our store is receiving maximum exposure to local traffic. Not having a visible building sign at an increased size will substantially reduce our ability to bring in customers, which may impact our immediate and long term successes at this new location.

We hope you will find our request reasonable and grant us a favorable response to our variance application.

Sincerely,

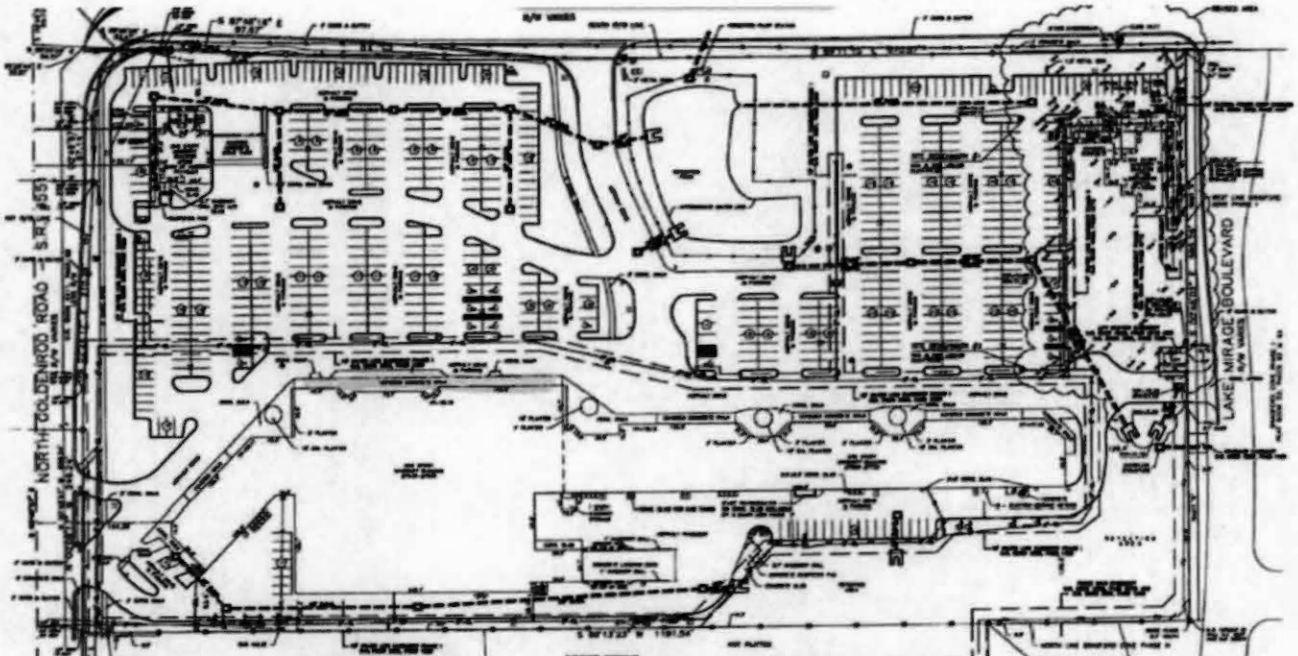


Marina Nuckles

Install Coordinator



Dallas/Ft. Worth | Chicago | Sheboygan | Charlotte

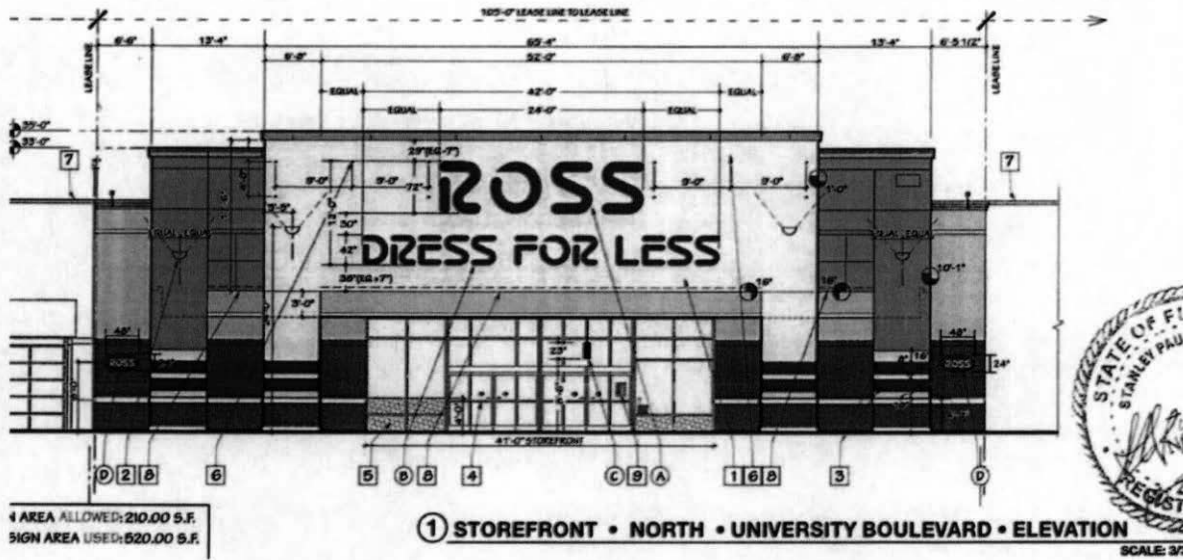


**Site Description**  
 The site is located on the east side of North Goldenrod Road, S.R.T. (SS), between S. 117th St and S. 119th St. The site is approximately 1.5 acres in size and is currently vacant. The site is bounded by North Goldenrod Road to the north, S. 117th St to the west, S. 119th St to the east, and Lake Mirage Boulevard to the south. The site is zoned for commercial use and is suitable for a variety of commercial and industrial uses. The site is located in a well-served area with easy access to major roads and public transportation. The site is also located in a growing area with a high potential for future development. The site is currently vacant and is ready for development. The site is suitable for a variety of commercial and industrial uses. The site is located in a well-served area with easy access to major roads and public transportation. The site is also located in a growing area with a high potential for future development. The site is currently vacant and is ready for development.

**Site Plan**  
 The site plan shows the proposed layout of the site. It includes the location of the buildings, parking lots, and access roads. The plan also shows the location of the utility lines and landscaping. The plan is drawn to scale and includes all necessary details for construction. The plan is subject to the approval of the local planning and zoning commission. The plan is also subject to the approval of the local health department. The plan is also subject to the approval of the local fire department. The plan is also subject to the approval of the local police department. The plan is also subject to the approval of the local water utility. The plan is also subject to the approval of the local sewer utility. The plan is also subject to the approval of the local gas utility. The plan is also subject to the approval of the local electric utility. The plan is also subject to the approval of the local telephone utility. The plan is also subject to the approval of the local cable television utility. The plan is also subject to the approval of the local internet utility. The plan is also subject to the approval of the local satellite television utility. The plan is also subject to the approval of the local satellite internet utility. The plan is also subject to the approval of the local satellite phone utility. The plan is also subject to the approval of the local satellite data utility. The plan is also subject to the approval of the local satellite video utility. The plan is also subject to the approval of the local satellite audio utility. The plan is also subject to the approval of the local satellite text utility. The plan is also subject to the approval of the local satellite image utility. The plan is also subject to the approval of the local satellite voice utility. The plan is also subject to the approval of the local satellite data utility. The plan is also subject to the approval of the local satellite video utility. The plan is also subject to the approval of the local satellite audio utility. The plan is also subject to the approval of the local satellite text utility. The plan is also subject to the approval of the local satellite image utility. The plan is also subject to the approval of the local satellite voice utility.

**RECEIVED**  
 OCT 17 2018  
 ORANGE COUNTY  
 ZONING DIVISION





Concept 1



**VARIANCE REQUIRED**

DO NOT EXCEED THE PERMITTED LEASE OFFICE  
 MAXIMUM HEIGHT OF PER LINEAR FOOT OF SIGN  
 100% OF 12' = 12.00' PERMITTED  
 100% OF 12' = 12.00' PERMITTED  
**ROSS**  
 DRESS FOR LESS  
 4000 SQ. FT. 3200 SQ. FT.  
 (2) WALL PLANKS 16.00'

SIGN AREA ALLOWED: 210.00 S.F.  
 SIGN AREA USED: 301.01 S.F.

WALL PLAQUES: 2' x 4' x 2' = 16.00 S.F.

① STOREFRONT • NORTH • UNIVERSITY BOULEVARD • ELEVATION

SCALE: 3/8\"/>

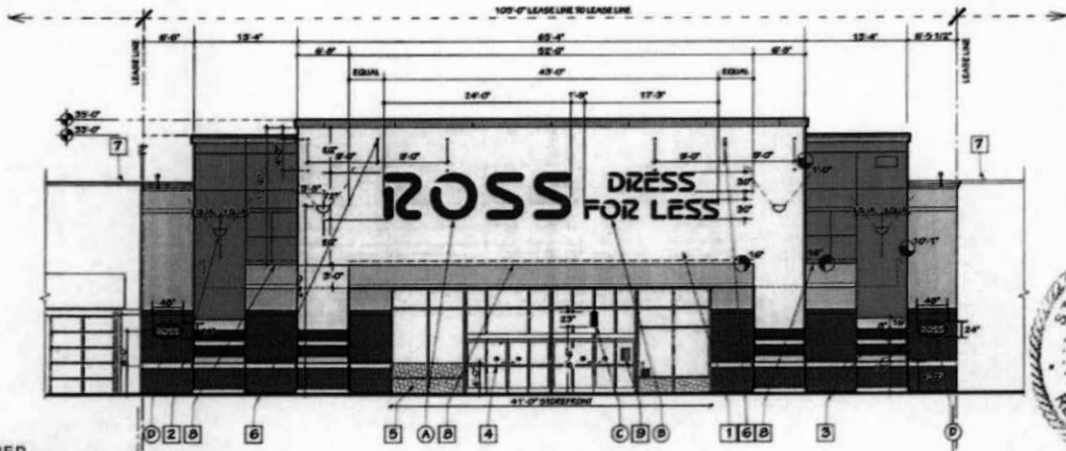


#2163 East Winter Park  
 Unigold Shopping Center

DATE: 05/29/17  
 DRAWN BY: [signature]  
 CHECKED BY: [signature]

Concept 2





**VARIANCE REQUIRED**

CASE NO. NOT TO EXCEED TOTAL PERMITTED LEASABLE SPACE.  
 MAXIMUM HEIGHT 35 FEET PER LEASABLE FOOT OF ROAD.  
 100% OF 24' x 12' = 274.00 S.F.

**SIGN AREA ALLOWED: 210.00 S.F.**  
**SIGN AREA USED: 274.00 S.F.**

**ROSS DRESS FOR LESS**  
 SIGNAGE: 250.00  
 (2) WALL PLANS: 18.00  
 TOTAL: 274.00

**WALL PLAQUES: 2'14" X 2' = 18.00 S.F.**

① STOREFRONT • NORTH • UNIVERSITY BOULEVARD • ELEVATION

SCALE: 3/8"

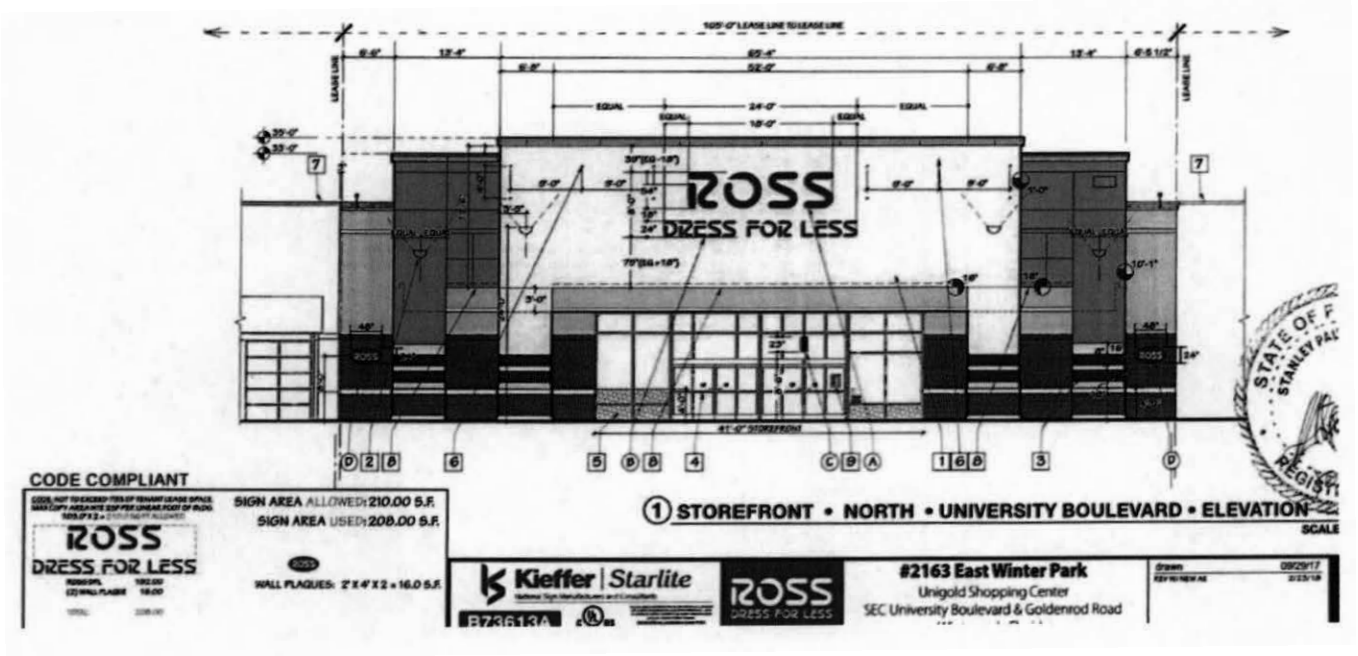
**Kieffer | Starlite**  
 National Sign Manufacturers and Consultants  
 B73613B

**ROSS**  
 DRESS FOR LESS

**#2163 East Winter Park**  
 Unigold Shopping Center  
 SEC. University Boulevard & Goldenrod Road  
 Winterpark, Florida

SHEET NO. 1100  
 DATE: 11/13/18  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

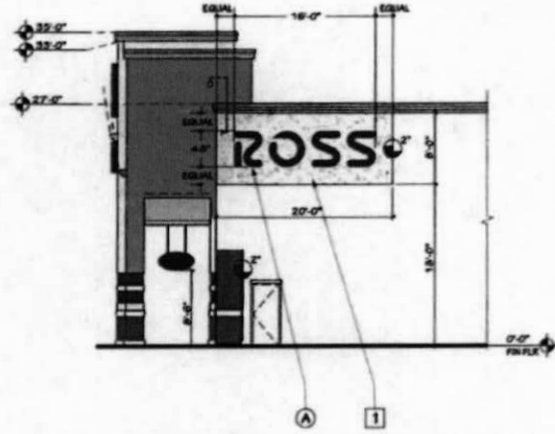
Concept 3



Concept 4



AT NO COST, ADJUST ARCHITECTURAL FEATURES TO BEST ACCOMMODATE THE ALTERED SIGNAGE



**VARIANCE REQUIRED**

WOOD OR METAL ELEVATORS ARE NOT ALLOWED

SIGN AREA USED : 64 S.F.

**ROSS**

ROSS TOTAL 64.00

**① SIDE • WEST • GOLDENROD ROAD • ELEVATION**

**Kieffer | Starlite**

**ROSS**

**#2163 East Winter Park**  
Hendel Christian Center

Drawn BY: [illegible]



STAFF REPORT  
CASE #: VA-18-12-173  
Orange County Zoning Division  
Planner: David Nearing, AICP  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 5

GENERAL INFORMATION:

APPLICANT: KENCO SIGNS

REQUEST: Variance in the P-D zoning district to allow a cumulative total of 431 sq. ft. of wall signage in lieu of 157.5 sq. ft.

LOCATION: Southeast corner of University Blvd. and N. Goldenrod Rd.

PROPERTY ADDRESS: 7590 University Blvd., Orlando, FL 32792

PARCEL ID: 11-22-30-0000-00-124

PUBLIC NOTIFICATION: 157

TRACT SIZE: 1,076 ft. x 585 ft. (AVG)/14.45 acres

DISTRICT #: 5

ZONING: P-D

EXISTING USE(S): Shopping center

PROPOSED USE(S): Wall signage

SURROUNDING USES: N - Commercial  
S - Multifamily  
E - Single family detached  
W -Commercial

STAFF FINDINGS AND ANALYSIS:

1. The subject property is a commercial P-D, Planned Development District. This zoning permits flexibility in design standards such as setbacks, signage, etc.
2. When the P-D was originally approved 1986, it was approved with a standard which allowed two (2) sq. ft. of sign copy area per each linear foot of storefront.

The subject storefront has 105 ft. of frontage, which would permit a total of 210 sq. ft. of total copy area.

3. When a revised Development Plan was approved in January 2018, the sign standard was changed to only allow what the sign ordinance (Ch. 31.5) permits, which is 1.5 sq. ft. of sign area per each linear foot of store frontage. As a result, the 105 ft. wide storefront is now only entitled to 157.5 sq. ft. of copy area, 52.5 sq. ft. less. The applicant is proposing a total of 431 sq. ft., including 64 sq. ft. on the side of the building facing N. Goldenrod Rd.
4. A P-D with a total area of 15 acres and 1,000 ft. of right-of-way (r-o-w) frontage is permitted to develop a Master Sign Plan (MSP), which allows for modification of the sign guidelines to deviate from Chapter 31.5. The applicant could pursue a MSP rather than obtain a variance.
5. The applicant has provided five (5) different concepts for the signage on the front elevation of the storefront, plus one proposal for a 64 sq. ft. sign on the side (north) elevation facing Goldenrod Rd. The applicant is proposing Concept 2, plus the side signage.

## **VARIANCE CRITERIA**

### **Special Conditions and Circumstances**

There are no special conditions or circumstances particular to the subject property. While there may be some obstruction to the view of the storefront from University Blvd. due to a bank on the corner of University Blvd. and Goldenrod Rd., in general, there is good visibility into the center.

### **Not Self-Created**

The applicant is aware of the limitations of Chapter 31.5.

### **No Special Privilege Conferred**

Other shops permitted in this center since January 2018 have obtained signage under the same constraints.

### **Deprivation of Rights**

The applicant is permitted a total of 157.5 sq. ft. of copy area. They may distribute it as they wish.

### **Minimum Possible Variance**

The applicant is requesting a variance to permit over 270% more sign than the code allows. Even under the 1986 standard of 2 sq. ft. per linear foot of storefront, the amount requested would be 105% more.

**Purpose and Intent**

The sign code is intended to prevent proliferation of signage, including the amount permitted on a single storefront. The applicant could pursue a MSP to increase the amount of signage permitted. An MSP is reviewed through the Development Review Committee, which will provide guidance and direction.

**STAFF RECOMMENDATION:**

Staff recommends denial of the request. Should the BZA find that the applicant warrants the granting of the requested variance, it is recommended that the following conditions be attached:

1. Development in accordance with the site plan dated October 17, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Total sign copy area shall be limited to \_\_\_\_\_ sq. ft.

c: Raymond Webb  
1539 Garden Avenue  
Holly Hill, FL 32117

**VISIT ORLANDO  
VA-19-01-174**

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**REQUEST:** Variance in the C-1 zoning district to allow a cumulative total of 160 sq. ft. of wall signage in lieu of 80 sq. ft.  
**ADDRESS:** 8102 International Drive, Orlando FL 32819  
**LOCATION:** West of International Dr., south of W. Sand Lake Rd.  
**S-T-R:** 36-23-28  
**TRACT SIZE:** 250 ft. x 508 ft. (AVG)/ 2.86 acres  
**DISTRICT#:** 6  
**LEGAL:** HOLLYWOOD PLAZA 36/98 LOT 2  
**PARCEL ID:** 36-23-28-3787-00-020  
**NO. OF NOTICES:** 48

**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; 6-0 and 1 absent):

1. Development in accordance with the site plan and sign elevations dated October 19, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall remove any unpermitted on-site signs and any off-site signs located in the right-of-way shall be permitted through Orange County Public Works.



**SYNOPSIS:** Staff explained the site and showed photos of the proposed wall sign. The site faces both International Drive and I-4 on either side. The applicant has an existing sign facing International Drive and would like to construct an identical sign facing I-4.

The applicant explained they are the official tourism organization for Orange County and need an identifiable sign for the tourists exiting I-4 to be able to easily find their location.

No one spoke in favor or in opposition of the request at the hearing.

The BZA discussed the case and what the applicant is allowed per code. They stated the location is hard to locate due to the adjacent parking garage. The BZA approved the request as the sign fits in with the building façade and area.



**Applicant:** VISIT ORLANDO

**BZA Number:** VA-19-01-174

**BZA Date:** 12/06/2018

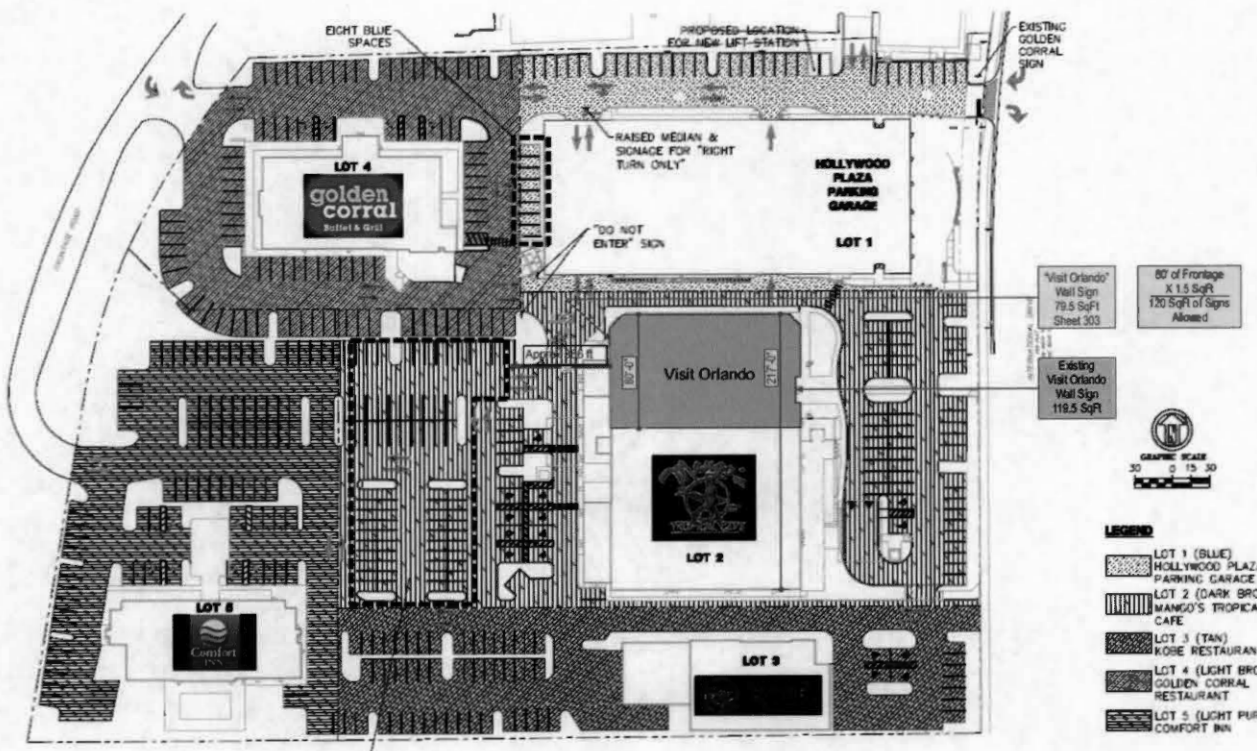
**District:** 6

**Sec/Twn/Rge:** 36-23-28-NW-B

**Tract Size:** 250 ft. x 508 ft. (AVG)/ 2.86 acres

**Address:** 8102 International Drive, Orlando FL 32819

**Location:** West of International Dr., south of W. Sand Lake Rd.



"Visit Orlando"  
Wall Sign  
76.5 SqFt  
Sheet 303

80' of Frontage  
x 1.5 SqR  
120 SqR of Signs  
Allowed

Existing  
Visit Orlando  
Wall Sign  
119.5 SqR

GRAPHIC SCALE  
30 15 0

- LEGEND**
- LOT 1 (BLUE)  
HOLLYWOOD PLAZA  
PARKING GARAGE
  - LOT 2 (DARK BROWN)  
MANGO'S TROPICAL  
CAFE
  - LOT 3 (TAN)  
KOBE RESTAURANT
  - LOT 4 (LIGHT BROWN)  
GOLDEN CORRAL  
RESTAURANT
  - LOT 5 (LIGHT PURP)  
COMFORT INN

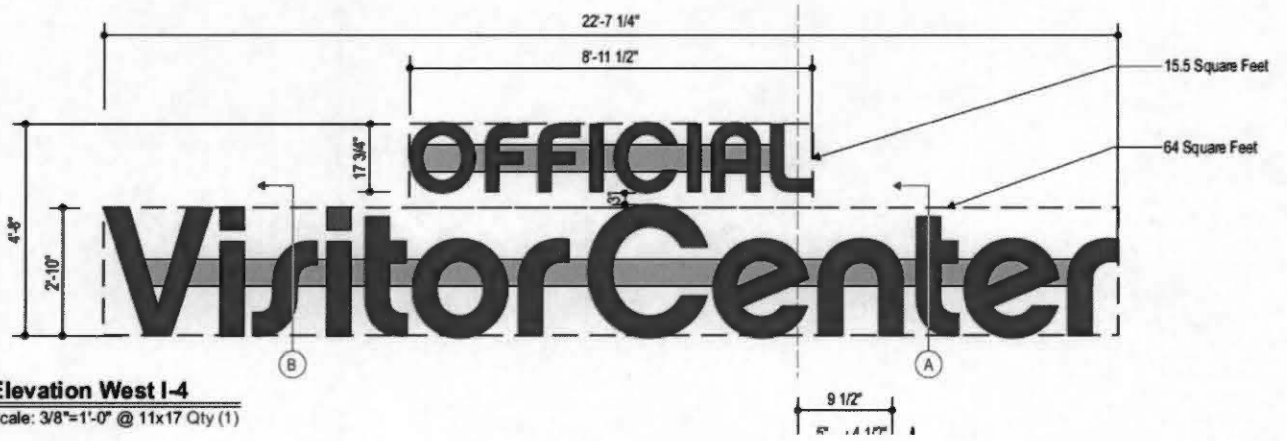
**Site Plan**  
Scale: 1/8"=1'-0" @ 11x17

HOLLYWOOD PLAZA  
DEDICATED PARKING



**West I4 Day Rendering**

Scale: N.T.S. @ 11x17





STAFF REPORT  
CASE #: VA-19-01-174  
Orange County Zoning Division  
Planner: Sean Bailey  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 6

GENERAL INFORMATION:

APPLICANT: VISIT ORLANDO

REQUEST: Variance in the C-1 zoning district to allow a cumulative total of 160 sq. ft. of wall signage in lieu of 80 sq. ft.

LOCATION: West side of International Dr., south of W. Sand Lake Rd.

PROPERTY ADDRESS: 8102 International Dr., Orlando, FL 32819

PARCEL ID: 36-23-28-3787-00-020

PUBLIC NOTIFICATION: 48

TRACT SIZE: 250 ft. x 508 ft. (AVG)/ 2.86 acres

DISTRICT #: 6

ZONING: C-1

EXISTING USE(S): Visitor Center

PROPOSED USE(S): Signage

SURROUNDING USES: N - Commercial  
S - Commercial  
E - Commercial  
W -Commercial

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned C-1, which is the Retail Commercial District, which allows retail/commercial uses and structures. It is also located in the Tourist Commercial Overlay, which limits wall signage allowed.

2. The applicant, "Visit Orlando" is the Official Tourism Association for Orlando and the Orange County area. They are a tenant within a multi-tenant building on the subject property.

3. Allowable wall signage in the Tourist Commercial Overlay is calculated at an amount equal to one (1) sq. ft. of copy area per linear foot of building frontage. The building frontage is 80 ft. (per the sealed plans submitted for the wall sign permit B17011798), allowing for 80 sq. ft. of sign area on a single sign per the Tourist Commercial Overlay.

4. The applicant is proposing a wall sign on the west side of the building, which will be visible from I-4. They have an existing wall sign, which faces International Drive (I-Drive). The proposed sign will not be visible from I-Drive, and the existing sign is not visible from I-4.

5. The building on which the sign is proposed is 44 ft. tall. For buildings that are between 35 and 50 ft. there is a fifteen (15) percent increase in signage allowed if that sign is located in the top twenty (20) percent of the building. The proposed sign is located in the top twenty (20) percent of the building, which means it qualifies for the extra signage per section 31.5-163. The allowable copy area including the extra fifteen percent (15%) is 92 sq. ft.

6. The proposed sign will be identical to the existing wall sign and will only be visible from I-4.

### **VARIANCE CRITERIA**

The building has no signage along the west side of the building facing I-4. Most of the tourists coming to visit the I-Drive area will be coming from this route. In addition, there is an existing 142 ft. tall parking garage located adjacent to this building, which blocks the view from vehicles traveling along eastbound on Sand Lake Rd.

#### **Deprivation of rights**

Several other businesses in the area have wall signs, which face I-4. Not allowing a sign on this façade will restrict visibility for tourists trying to locate the visitor center.

#### **Purpose and Intent**

Approval of the variance will be in harmony with intent of this chapter. There will be only two signs on the building, one on each side of the building. Also, the signs will not be able to be seen from the same vantage point. In addition, the wall on which the proposed sign is located has a large surface area and the sign will be in scale with the building frontage.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan and sign elevations dated October 19, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall remove any unpermitted on-site signs and any off-site signs located in the right-of-way shall be permitted through Orange County Public Works.

c: Larry Henrichs  
6277 Sea Harbor Drive, Suite 400  
Orlando, FL 32821

**TOREK THOMPkins**  
**ZM-19-01-176**

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**REQUEST:** Appeal of the **Zoning Manager's Determination** that the proposed use does not constitute a freestanding carwash and is not permitted in the C-1 zoning district.

**ADDRESS:** 7600 Dr. Phillips Blvd., Orlando FL 32819

**LOCATION:** North of W. Sand Lake Rd., east of Dr. Phillips Blvd.

**S-T-R:** 26-23-28

**TRACT SIZE:** 20.02 acres

**DISTRICT#:** 1

**LEGAL:** BEG 247 FT N & 50 FT E OF SW COR OF SEC 26-23-28 TH RUN N 643.13 FT E 147 FT S 70 FT E 47.82 FT NELY 26.91 FT N 29 DEG E 115.73 FT NELY 26.18 FT N 214.33 FT E 228 FT N 4.74 FT NLY & ELY 348.91 FT NWLY 132.86 FT N 46 DEG E 152 FT SELY 274.31 FT S 71.3 FT W

**PARCEL ID:** 26-23-28-0000-00-015

**NO. OF NOTICES:** 167

**DECISION:** **OVERTURNED** the Zoning Manager's Determination; and, **APPROVED** the applicant's request that the proposed use does constitute a freestanding carwash as a permitted use in the C-1 zoning district subject to the following conditions (unanimous; 5-0 and 2 absent):

1. Development in accordance with the site plan dated October 30, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.



4. This use shall not be allowed any signage visible from the right-of-way.
5. Construction plans shall be submitted within 180 days of final approval or this approval becomes null and void.
6. The use shall be limited to maximum of ten (10) parking spaces and shall not impede any driving aisles.
7. The applicant shall coordinate with the Florida Department of Environmental Protection regarding the industrial wastewater discharge.

**SYNOPSIS:** Staff explained the proposed location and showed site photos. The applicant is proposing a carwash located under permanent shade structures. It was determined by the Zoning Manager that this is not an allowed use as the structure is open on all sides and does not constitute a freestanding carwash. The C-1 zoning district does not allow outdoor storage, sales, or display.

The applicant spoke regarding the case and explained his business model. He explained how he has tried to obtain building permits for the structure but was denied as the Zoning Division determined the use was not permitted in the C-1 Zoning District.

No spoke in favor or in opposition of the case at the public hearing.

The BZA discussed the case and had questions on what was allowed in the Zoning district and what the County defines as a freestanding business. The board mentioned that this use was a unique and innovative business concept and perhaps did not fit into a specific Zoning category.

The BZA overturned the Zoning Manger's Determination and approved the request as a permitted use in the C-1 zoning district.



**Applicant:** TOREK THOMPkins

**BZA Number:** ZM-19-01-176

**BZA Date:** 12/06/2018

**District:** 1

**Sec/Twn/Rge:** 26-23-28-SW-C

**Tract Size:** 20.02 acres

**Address:** 7600 Dr. Phillips Blvd., Orlando FL 32819

**Location:** North of W. Sand Lake Rd., east of Dr. Phillips Blvd.

**Introduction**

My name is Torek Thompkins, President and Managing Partner of Green Phantom, LLC; DBA Green Phantom Eco Car Wash. Please allow me to explain our business concept in hopes that we can further expand into the Marketplace at Dr. Phillips, which we were invited, provided a lease, and well received.

**History of Operation**

Green Phantom Eco Car Wash is a ten year old innovative mobile operation primarily set in shopping centers. We are comparable to a hybrid valet parking and car wash business. Like a 'modern car wash' anyone may visit our site to purchase our services. Like a valet business, we also perform as an amenity to retail shoppers. With us, guests have the freedom of getting a quality detail while shopping, eating, working, watching movies, or just hanging out.

**Concept**

Typically we lease ten parking spaces, of which eight are covered by our bolted down shade structure. As a customer pulls into our designated area, a greeter writes a log of that person's order and contact information. All vehicles are detailed on site with no water run-off. Once the vehicle is finished, we notify the customer and accept payment for services after customer inspection. This way, everyone leaves happy.

Our workers are all trained and uniformed for the best daily performance and customer reception. Most shopping centers prefer that we open 7 days per week and operate during normal store hours, though we are not restricted to those terms. Everyone has the option of dropping their vehicles off at any of our hubs via walk-ins or appointments made through our website ([www.greenphantomwash.com](http://www.greenphantomwash.com)).

Our business model has never presented a problem for the people or communities we serve. We also carry a two million dollar insurance policy where each property is listed as the additional insured.

**Safety**

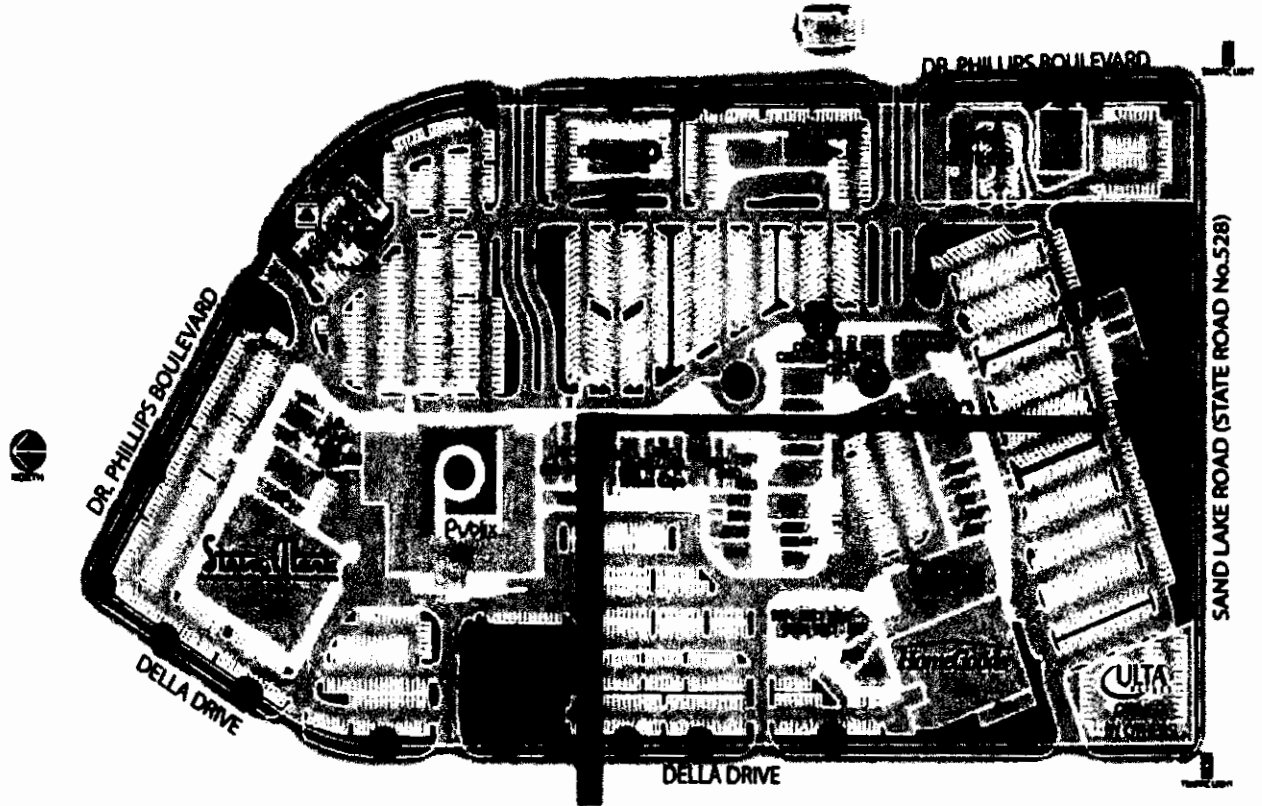
The frame of our staging structure was designed by the engineers at Richardson Engineering to meet the Orange County, City of Orlando, and City of Winter Park building codes. It was made to fit perfectly around eight parking spaces without overlapping into driveway. They structure serves a very important safety feature by shading both our customers and employees working under the Florida sun. What provides the actual shade are four green shade sails. These sails are made of breathable light-duty fabric fixed to the structure's receiving ends with cables. We remove the sails when major storm systems approach, though it is not necessary.

We are long time vendors for The Parking Spot, where airport parking customers return from travel to cleaned vehicles. We frequently service Florida State Department vehicles, and at the University of Central Florida main campus, we service fleet vehicles, along with personal vehicles upon request.

At all of our hub locations we agree that we do not reserve parking spaces for our use only. During all times of day the parking spaces granted for our use shall not be excluded from anyone that just needs a parking space. This way we can never take away from parking spaces that exist for shopping center customers.

**Photos**

Attached are a few photos to help visualize the operation.



Premises measuring 16ft X 64ft (4 shade sails) totaling 16ft X 16ft each )





STAFF REPORT  
CASE #: ZM-19-01-176  
Orange County Zoning Division  
Planner: Sean Bailey  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 1

**GENERAL INFORMATION:**

APPLICANT: TOREK THOMPKINS

REQUEST: Appeal of the Zoning Manager's Determination that the proposed use does not constitute a freestanding carwash and is not permitted in the C-1 zoning district. This is the result of code enforcement

LOCATION: North side of W. Sand Lake Rd., east of Dr. Phillips Blvd.

PROPERTY ADDRESS: 7600 Dr. Phillips Blvd., Orlando, FL 32819

PARCEL ID: 26-23-28-0000-00-015

PUBLIC NOTIFICATION: 167

TRACT SIZE: 20.02 acres

DISTRICT #: 1

ZONING: C-1

EXISTING USE(S): parking lot

PROPOSED USE(S): Carwash

SURROUNDING USES: N - Commercial  
S - Commercial  
E - Commercial  
W - Commercial/Residential

**STAFF FINDINGS AND ANALYSIS:**

1. The property is zoned C-1, Retail Commercial district, which allows retail/commercial uses and structures. The C-1 district does not allow outdoor storage or display.

2. The applicant is proposing a carwash which would be located under a bolted down shade structure. According to the applicant this is eco-friendly operation with minimal water run-off; approximately 1 cup of water per car washed. The operation would use up to 10 parking spaces.

3. Orange County Code allows Carwashes in the C-1 zoning district per condition 38-79 (38). This condition states

A freestanding carwash is a permitted use if all of the following requirements can be met, but if any of the following requirements cannot be met, a special exception is required:

- a. Hours of operation shall be limited from 6:00 a.m. to 10:00 p.m.;
- b. The equipment shall be on timers and shall be shut down before and after the hours of operation listed above;
- c. A six (6) foot high masonry wall or PVC fence shall be constructed along any property lines abutting single family residential uses or zoning; and
- d. A security system shall be installed to include electronic cameras, with signs posted notifying patrons of the security cameras.

4. Orange County Zoning defines "freestanding" to mean located inside of an enclosed building which meets all development standards. Using a shade structure with no walls is not considered a stand alone use per the Zoning Manager's interpretation.

5. The applicant is proposing to locate the carwash in the existing parking lot of the Marketplace at Dr. Phillips shopping center on the north side of Sand Lake Rd. This development is comprised of restaurants, grocery stores, and other retail uses. There are approximately 883 parking spaces located on this parcel.

6. The applicant has two existing locations in Orange County. One is located in the Waterford Lakes Town Center (staff could not locate a permit for this location), and the other is located in the City of Orlando's jurisdiction at Colonial Marketplace.

7. The applicant was cited by Code Enforcement for the business in question in August 2018 (Incident #521856). The structures were removed and the case was closed on September 14, 2018.

**STAFF RECOMMENDATION:**

Staff recommends upholding the Zoning Manager's determination that this request does not constitute a freestanding carwash. However, if the BZA determines this is a permitted used the following conditions shall apply:

1. Development in accordance with the site plan dated October 30, 2018, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The use shall not be allowed any signage visible from the right-of-way.
5. Construction plans shall be submitted within 180 days of final approval of this approval becomes null and void.
6. The use shall be limited to maximum of 10 parking spaces and shall not impede any driving aisles.
7. The applicant shall coordinate with the Florida Department of Environmental Protection regarding the industrial wastewater discharge.

c: Torek Thompkins  
144 Sandlewood Trail  
Winter Park, FL 32789



**CANTERO HOLDINGS, LLC**  
**SE-19-01-175**

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**REQUEST:** Request in the A-1 zoning district to amend condition #5 of the **Special Exception** approval (SE-01-01-001), to extend the period to vacate the 116 acre tract to Dec. 31, 2022, and to amend condition #2 relating to the Jan. 23, 2001 Developer's Agreement, consistent with extending the period.

**ADDRESS:** 12000 Avalon Road, Winter Garden FL 34787

**LOCATION:** West of Avalon Rd., north of Flemings Rd.

**S-T-R:** 20-24-27

**TRACT SIZE:** 110 acres

**DISTRICT#:** 1

**LEGAL:** THAT PART OF NW1/4 OF SEC 20-24-27 LYING NWLY OF RD R/W PER DB 402/316 AND RD BOND BK 3/117 & THE SE1/4 OF SW1/4 W OF RD R/W PER DB 402/316 & BEG 250 FT N OF SE COR OF SW1/4 OF SW1/4 SWLY ALONG SWAMP TO PT 457 FT W OF SE COR OF SW1/4 OF SW1/4 E TO SE COR

**PARCEL ID:** 19-24-27-0000-00-009; 19-24-27-0000-00-016; and 20-24-27-0000-00-005

**NO. OF NOTICES:** 15

**DECISION:** The case was **WITHDRAWN** upon the request of the applicant (5-0 and 2 absent).

**SYNOPSIS:** This case was withdrawn by the applicant on December 4, 2018, via email prior to the hearing.



**Applicant:** CANTERO HOLDINGS, LLC

**BZA Number:** SE-19-01-175

**BZA Date:** 12/06/2018

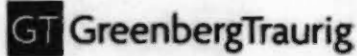
**District:** 1

**Sec/Twn/Rge:** 17-24-27-SW-C,20-24-27-NW-B

**Tract Size:** 110 acres

**Address:** 12000 Avalon Road, Winter Garden FL 34787

**Location:** West of Avalon Rd., north of Flemings Rd.



Julie Kendig-Schrader  
Tel 407.418.2417  
Fax 407.650.8451  
kendig@gtlaw.com

October 17, 2018

**VIA EMAIL and OVERNIGHT:** bzanotices@ocfl.net

Orange County Florida  
Zoning Division  
201 South Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, Florida 32801

**Re: Developer's Agreement for Special Exception dated January 23, 2001 by and between Carlos Cantero and Carmen Cantero and Orange County**

Dear Planner:

We are proposing to extend an existing special exception (the "Special Exception") that was previously approved in 2001 (recorded in the Official Public Records of Orange County at Book 6190, Page 3464) for industrial-type uses (i.e., including, without limitation, mixed concrete manufacturing, distribution, office, sale and warehouse) on the west side of C.R. 545 (Avalon Road) of the property located at 12000, 12600 and 12608 Avalon Rd., Winter Garden, Florida (tax parcel nos: 27-24-20-0000-00-005; 27-24-19-0000-00-009; and 27-24-19-0000-00-016) (the "Property"). The Special Exception is currently scheduled to expire on February 21, 2019. Enclosed is our application and supporting documentation for the Special Exception extension, which provides a request for an amendment to Condition #5 of the Development Agreement dated as of January 23, 2001 by and between Carlos Cantero and Carmen Cantero and Orange County, as amended from time to time (the "Development Agreement") extending the expiration of the Special Exception beyond February 21, 2019 through December 31, 2022. We have submitted the previous special exception documentation and application as support for this application. The criteria below was previously found to be met by this special exception and we submit that an extension as set forth above would also meet the same criteria, as follows:

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 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

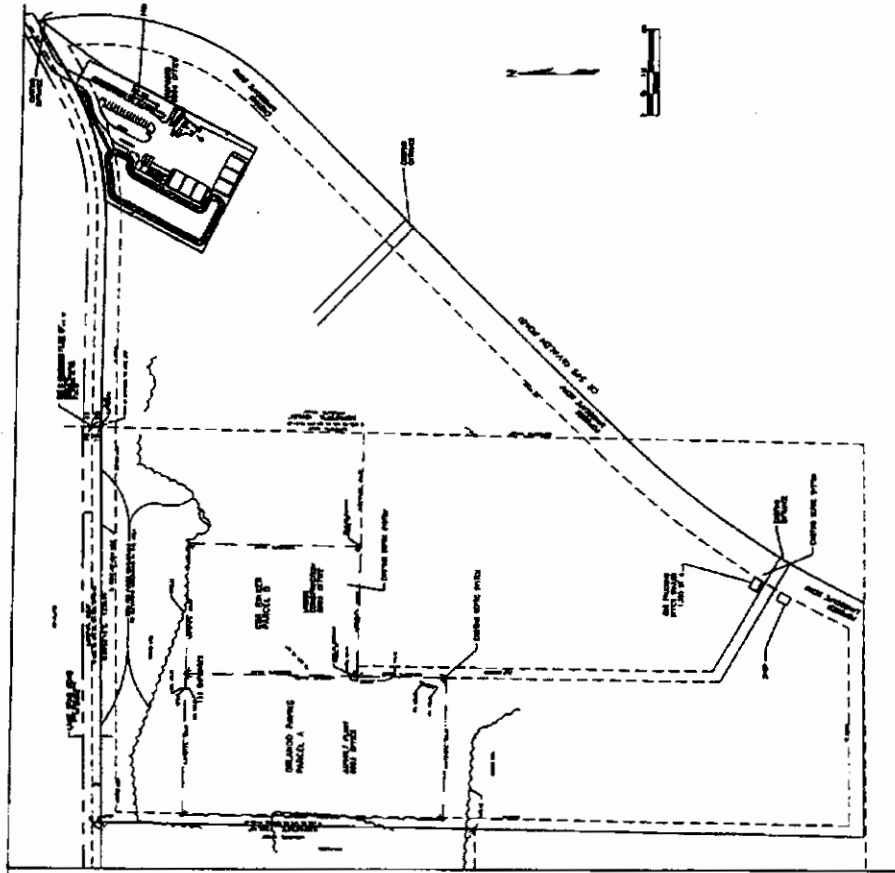
Thank you for your assistance with our special exception extension application referenced above and we look forward to hearing from you.

Sincerely,

Julie Kendig-Schrader

GREENBERG TRAURIG, P.A. • ATTORNEYS AT LAW • WWW.GTLAW.COM  
450 South Orange Avenue, Suite 650, Orlando, Florida 32801 • Tel: 407.420.1000 • Fax 407.420.5909

ALBANY  
AMSTERDAM  
ATLANTA  
AUSTIN  
BERLIN  
BOCA RATON  
BOSTON  
CHICAGO  
DALLAS  
DELAWARE  
DENVER  
FORT LAUDERDALE  
HOUSTON  
LAS VEGAS  
LONDON  
LOS ANGELES  
MEXICO CITY  
MIAMI  
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NEW YORK  
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SACRAMENTO  
SAN FRANCISCO  
SEATTLE  
SHANGHAI  
SILICON VALLEY  
TALLAHASSEE  
TAMPA  
TEL AVIV  
TOKYO  
WARSAW  
WASHINGTON, D.C.  
WESTCHESTER CITY  
WEST PALM BEACH  
GREENBERG TRAURIG, P.A.  
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**RECEIVED**  
 DEC 07 2000  
 Orange County Zoning Dept.

*BZA-#1-CHARLES C. CARRINGTON  
 1-4-01*

THIS DOCUMENT PREPARED BY  
AND SHOULD BE RETURNED TO  
Charles C. Carrington, Esq.  
Lowndes, Drosdick, Doster, Kantor &  
Reed, P.A.  
215 N. Eola Drive  
Orlando, FL 32801

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

JAN 23 2001

*V.S.J. EGIB*

### DEVELOPER'S AGREEMENT

THIS DEVELOPER'S AGREEMENT (the "Agreement") is made and entered into as of the 25<sup>th</sup> day of January, 2001 by and between CARLOS CANTERO and CARMEN CANTERO, husband and wife (hereinafter sometimes referred to variously as the "Canteros" and "CDS"), and ORANGE COUNTY, a political subdivision of the State of Florida (the "County"); and

#### WITNESSETH:

WHEREAS, the Canteros are the owners of the fee simple title to certain real property comprising one hundred twenty (120) acres, located in Orange County, Florida and more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof (the "Property"); and

WHEREAS, on December 8, 2000, CDS filed an application requesting various County approvals (the "Special Exception") for the Property, a copy of which application is attached hereto as Exhibit "B" and by this reference made a part hereof; and

WHEREAS, in conjunction with the processing and review of the Special Exception application, the County and CDS have agreed to certain terms and provisions to accompany such Special Exception approval as set forth in the following provisions of this Agreement.

NOW THEREFORE, for and in consideration of the premises hereof, the parties hereby agree that the Special Exception approval shall be accompanied by, and subject to, the following additional terms and provisions.

STATE OF FLORIDA, COUNTY OF ORANGE  
HEREBY CERTIFY this is a copy of a document  
approved by the ECC on JAN 23 2001  
MARTHA B. HAYNE, COUNTY COMPTROLLER  
By: *[Signature]* Date: JAN 23 2001

Deputy Clerk


Date

SEAL



1. County's Findings. The County has determined that (i) from the Effective Date of this Agreement through the Horizon West Implementation Date (as defined in Exhibit "C" attached hereto), uses relating to BZA Public Hearing No. 1 (Carrington – Florida Rock) held January 4, 2001 (the "BZA Approval"), are in conformity and consistent with the Orange County Comprehensive Plan and Horizon West regulations, and (ii) the development and operation of approved uses on the Property is compatible with existing uses in the vicinity of the Property.
  
2. Interim Uses. This Agreement shall constitute approval of the Special Exception, as modified by the provisions of this Agreement. In addition, the parties to this Agreement recognize that future development and operations on the 116 acre parcel may include uses similar to the uses approved as Special Exception by the Board of Zoning Adjustment on January 4, 2001 (ref. Case #1, "Carrington") for the period from the effective date of this Agreement through and including the Horizon West Implementation Date. With respect to any future development or operations, CDS shall submit a proper application for a special exception allowing such use in "A-1" containing a proper site plan and otherwise in the form required by applicable County rules and regulations. This Agreement shall not be deemed to create any obligation or guaranty that a special exception for a particular prospective interim use will be approved by the County and approval in each case will depend upon County review of the applicable site plan and the specific facts and circumstances according to the County's applicable regulations and established practices.
  
3. BZA Hearing Conditions. Conditions 1-6, a copy of which is attached hereto as Exhibit "C", of the BZA Approval (the "BZA Conditions") are hereby incorporated into and made a part of this Agreement. In addition, the Special Exception approval and this Agreement shall modify the special exceptions for the existing Orlando Paving, Rinker and CDS facilities and operations on the Property to extend the time limits established in those special exceptions to conform with the time limits in Condition No. 5 of the BZA Conditions. The term "Horizon West Implementation Date" shall be as defined in Exhibit "C".

Exhibit "C"



OR Bk 6190 Pg 3468  
Orange Co FL 2001-0061027

Ver. 01/22/01-01

1. Board of Zoning Adjustment recommends the Board of County Commissioners approve and execute the Developer's Agreement (copy-attached), as modified, subject to approval by the Orange County Attorney;
2. The Developer's Agreement shall be negotiated and executed no later than January 23, 2001, by all interested parties;
3. The applicant shall install a landscape berm 10 feet in height across the entire length of the subject property's frontage (for the purposes of these conditions, "subject property" means the 116 acre tract located on the west side of C.R. 545); and further, this berm shall be extended westerly along the north and south property lines a distance of 50 linear feet. The berm shall be installed within twelve (12) months from the date of Board of Zoning Adjustments approval;
4. Before initiating any activity on-site, the property owner shall enter into an agreement with Orange County whereby the property owner and all existing occupants of the subject property, agree to pay to the County the cost of the equivalent of one additional deputy sheriff to provide enforcement of traffic laws on C.R. 545, during the operating hours of the permitted uses on-site, one day per week, for the duration of the Special Exception approval;
5. Approval is limited to ~~a maximum of ten~~ (10) years for Florida Rock. All other existing Special Exception approvals (~~except for the CDS Vested Development~~) and other industrial-type operations on-site, are limited to ~~a maximum of eight~~ (8) years, except for CSR Rinker, which is limited to ~~a maximum of twelve~~ (12) years (~~expiring December 31, 2012~~); ~~other than Rinker~~, these time limits are effective commencing July 1, 2001;

All the Special Exceptions covered by this approval shall be automatically renewed beyond the eight (8), ten (10), and twelve (12) year periods on an annual basis, until such time as Orange County approves a Subdivision Construction Plan under Horizon West (or functionally equivalent urban land use plan permitted by the Comprehensive Policy Plan) within 1,000 feet of the boundaries of the 116 acre tract (the "Horizon West Implementation Date"). At the time of such approval, provided the time periods for approval as set forth above have expired, all operations associated with this approval (except those comprising the CDS Vested Development) shall vacate the 116 acre property within one (1) year.

6. The Florida Rock operation shall access the 116 acre tract ~~shall be~~ via the southernmost access point only.

BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING AGENDA SYNOPSIS

1



STAFF REPORT  
CASE #SE-19-01-175  
Orange County Zoning Division  
Planner: Sean Bailey  
Board of Zoning Adjustment  
December 6, 2018  
Commission District: 1

GENERAL INFORMATION:

APPLICANT: CANTERO HOLDINGS, LLC

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Request in the A-1 zoning district to amend condition #5 of the Special Exception approval (SE-01-01-001) to extend the period to vacate the 116 acre tract to Dec. 31, 2022, and to amend condition #2 relating to the Jan. 23, 2001 Developer's Agreement, consistent with extending the period.

LOCATION: West of Avalon Rd., north of Flemings Rd.

PROPERTY ADDRESS: 12608, 12000, 12600 Avalon Rd., Winter Garden, FL 34787

PARCEL ID: 19-24-27-0000-00-009  
19-24-27-0000-00-016  
20-24-27-0000-00-005

PUBLIC NOTIFICATION: 15

TRACT SIZE: 110 acres

DISTRICT #: 1

ZONING: A-1

EXISTING USE(S): concrete plant

PROPOSED USE(S): concrete plant

SURROUNDING USES: N – Wetlands/Vacant  
S – Vacant  
E – Residential/Vacant/Office  
W - Vacant



### STAFF FINDINGS AND ANALYSIS:

1. The property is zoned A-1, Citrus Rural District, which allows agricultural uses, single family homes and certain uses as Special Exceptions.
2. The subject site is currently occupied by three (3) concrete batch plants.
3. The subject site has had a history of special exceptions granted over the years:
  - January 7, 1988: A Special Exception for a temporary Soil Batch Plant.
  - July 20, 1990: A Special Exception for an expansion of the temporary Soil Batch Plant.
  - August 5, 1999: A Special Exception to allow for a temporary Concrete Batch Plant.
  - On January 4 2001: A Special Exception to allow for an additional temporary concrete batch plant. There were two other similar uses on the site at the time. The approval of this Special Exception was contingent on several conditions, two of which the applicant is requesting to amend:

Condition #2 stated: "The Developer's Agreement shall be negotiated and executed no later than January 23, 2001, by all interested parties;

Condition #5 stated: "Approval is limited to a maximum of ten (10) years for Florida Rock. All other existing Special Exception approvals and other industrial-type operations on-site are limited to a maximum of eight (8) years, except for CSR Rinker, which is limited to a maximum of twelve (12) years (December 31, 2012); these time limits are effective commencing July 1, 2001.

All the Special Exceptions covered by this approval shall be automatically renewed beyond the eight (8), ten (10), and twelve (12) year periods on an annual basis, until such time as Orange County approves a Subdivision Construction Plan within 1,000 feet of the boundaries of the 116 acre tract. At the time of such approval, all operations associated with this approval shall vacate the 116 acre property within one (1) year."

- August 5, 2010: A Special Exception application was submitted to extend the timeframes approved with the 2001 approval, however this application was withdrawn.
4. On January 23, 2001, the Board of County Commissioners approved the Developers Agreement referenced in Condition #2 above. Provision number 3 of the Developers Agreement states: "BZA Hearing Conditions. Conditions 1-6, a copy of which is

attached hereto as Exhibit "C," of the BZA Approval (the "BZA Conditions") are hereby incorporated into and made part of this Agreement." *Because the BZA condition of approval references a Developer's Agreement, and the Developers Agreement references the 2001 BZA conditions, both condition number 2 and number 5 above are required to be amended.*

5. A Subdivision Construction Plan permit was issued on February 20, 2018, under permit 17-E-035 through Orange County Public Works for Horizon West Village I - Parcel 27 that is located across Avalon Rd. from, and within 1,000 feet of, the subject parcel.

Per Condition #5 noted above, the subject site is required to be vacated by February 20, 2019. The applicant is now requesting to amend the conditions to extend this date until December 31, 2022.

6. Staff is recommending denial of the amended conditions and to uphold the February 20, 2019, deadline date to vacate all the uses on site as they were intended to be temporary uses and are not compatible with the proposed adjacent residential uses.

#### **SPECIAL EXCEPTION CRITERIA**

**The use shall be consistent with the Comprehensive Policy Plan.**

The Future Land Use of the property is Village and these properties are designated for residential on the Village I Specific Area Plan. Therefore, the use as a concrete plant with the planned residential is not consistent with the FLU.

**The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.**

The current use is not compatible with future uses in the area, which are single-family residential, schools, apartments, and a village center.

**The use shall not act as a detrimental intrusion into a surrounding area.**

A concrete plant will be a detrimental intrusion for the proposed surrounding single-family homes.

**The use shall meet the performance standards of the district in which the use is permitted.**

The current use does meet the development standards in the A-1 zoning district.

**The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.**

The use produces dust and vibrations, which are not typical for a majority of the uses permitted in the agricultural zoning district, which include single-family homes, commercial farms, religious use facilities, and citrus groves.

**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.**

There is existing vegetation and a landscape berm on site along Avalon Road, which was approved with the 2001 Special Exception and meets code.

**STAFF RECOMMENDATION:**

Staff recommends denial of the amendment of conditions #2 and #5. However, should the BZA recommend approval of the extension the following conditions shall apply:

1. Development in accordance with the site plan dated December 7, 2000, 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 Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The Developer's Agreement approved by the Board on January 23, 2001, shall be amended consistent with this decision.

c: Julie Kendig-Schrader  
450 S. Orange Avenue, Suite 650  
Orlando, FL 32801