

**COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES  
ZONING DIVISION PUBLIC HEARING REPORT  
TUESDAY March 7, 2017**

This packet contains the following public hearing to be heard before the Board of County Commissioners on Tuesday, March 7, 2017 at 2:00 p.m.

**Applicant**

**Number**

**Type**

**Dayalal Bharadva  
District 1**

**VA-17-01-190**

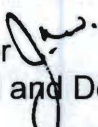
**Board-Called**

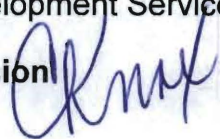


## Interoffice Memorandum

DATE February 17, 2017

TO: Mayor Teresa Jacobs  
-AND-  
Board of County Commissioners

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

CONTACT PERSON: Carol Knox, Manager, Zoning Division   
407-836-5585

SUBJECT: March 7, 2017 – BCC Called Public Hearing  
Applicant: Dayalal Bharadva  
BZA Case #VA-17-01-190, January 5, 2017; District #1

Case #VA-17-01-190, located at 9900 Kilgore Rd., in District #1, is a BCC called public hearing to be heard on March 7, 2017. Mr. Bharadva (applicant) is requesting 7 variances to allow his house, garage, pool and pool deck to remain as they are. This case will be heard by the BCC in conjunction with a Petition to Vacate public hearing #15-04-011 on the same property.

The subject property is located on the west side of Kilgore Rd., north of Darlene Dr.

On July 3, 2013, the BZA granted variances to this parcel for lot width and lot size. However, the survey submitted for those variances was in error and depicted the part of the Kilgore Rd. public right-of-way as a private easement owned by Mr. Bharadva. In 2015, Mr. Bharadva built his house. Since the property line is actually closer to the house, staff advised the applicant to re-apply for the necessary variances from the correct property line. The requested variances and the petition to vacate part of the Kilgore Rd. right-of-way will remedy the situation.

During the January 5, 2017 BZA public hearing, one neighbor spoke in favor of the variance requests. The BZA approved the variances to reflect the actual distances of the house, pool, pool deck and garage from the Kilgore Rd. right-of-way line. The vote was unanimous (5-0; 2 vacancies).

The application for this request is subject to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy is available upon request in the Zoning Division.

If you have any questions regarding this matter, please contact Carol Hossfield at 6-5585 or Rocco Relvini at 6-5386.

**ACTION REQUESTED:** Uphold the BZA's recommendation of approval of January 5, 2017. District #1.

**COMMUNITY ENVIRONMENTAL DEVELOPMENT SERVICES  
DEPARTMENT  
ZONING DIVISION PUBLIC HEARING REPORT  
March 7, 2016**

The following is a board called public hearing before the Board of County Commissioners on March 7, 2017 at 2:00 p.m.

**APPELLANT/APPLICANT:** DAYALAL BHARADVA

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

- 1) Lot width of 52 ft. in lieu of 130 ft.;
- 2) Rear setback of 36 ft. in lieu of 50 ft.;
- 3) Principal structure located 11 ft. from the side street property line in lieu of 15 ft.;
- 4) Accessory structure (garage) located 12 ft. from the side street property line in lieu of 15 ft.;
- 5) To allow a lot area of .35 acres in lieu of 1 acre;
- 6) House with a gross floor area of 4,130 sq. ft. in lieu of the 3,200 gross sq. ft. as approved by the BZA on July 3, 2013; and,
- 7) A pool and deck located 10 ft. in the front of the principal structure in lieu of the side or rear yards.

(Note: The purpose of this application is to cure the zoning requirement non-conformities that currently exist).

**LOCATION:** West side of Kilgore Rd., north of Darlene Dr.

**TRACT SIZE:** .35 acres

**ZONING:** R-CE

**DISTRICT:** #1

**PROPERTIES NOTIFIED:** 46

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

Staff explained the history of the property, noting that variances had been granted by the BZA in 2013. However, the survey used for the variance included County right-of-way land along Kilgore Rd. In addition, certain improvements were made which did not adhere to the conditions of the 2013 variance approval. As a result, portions of the garage and house are actually located in the right-of-way. Through this variance process and a petition to vacate parts of the Kilgore Rd. right-of-way, the property will be made compliant.

## **BZA Case #VA-17-01-190 – DAYALAL BHARADVA**

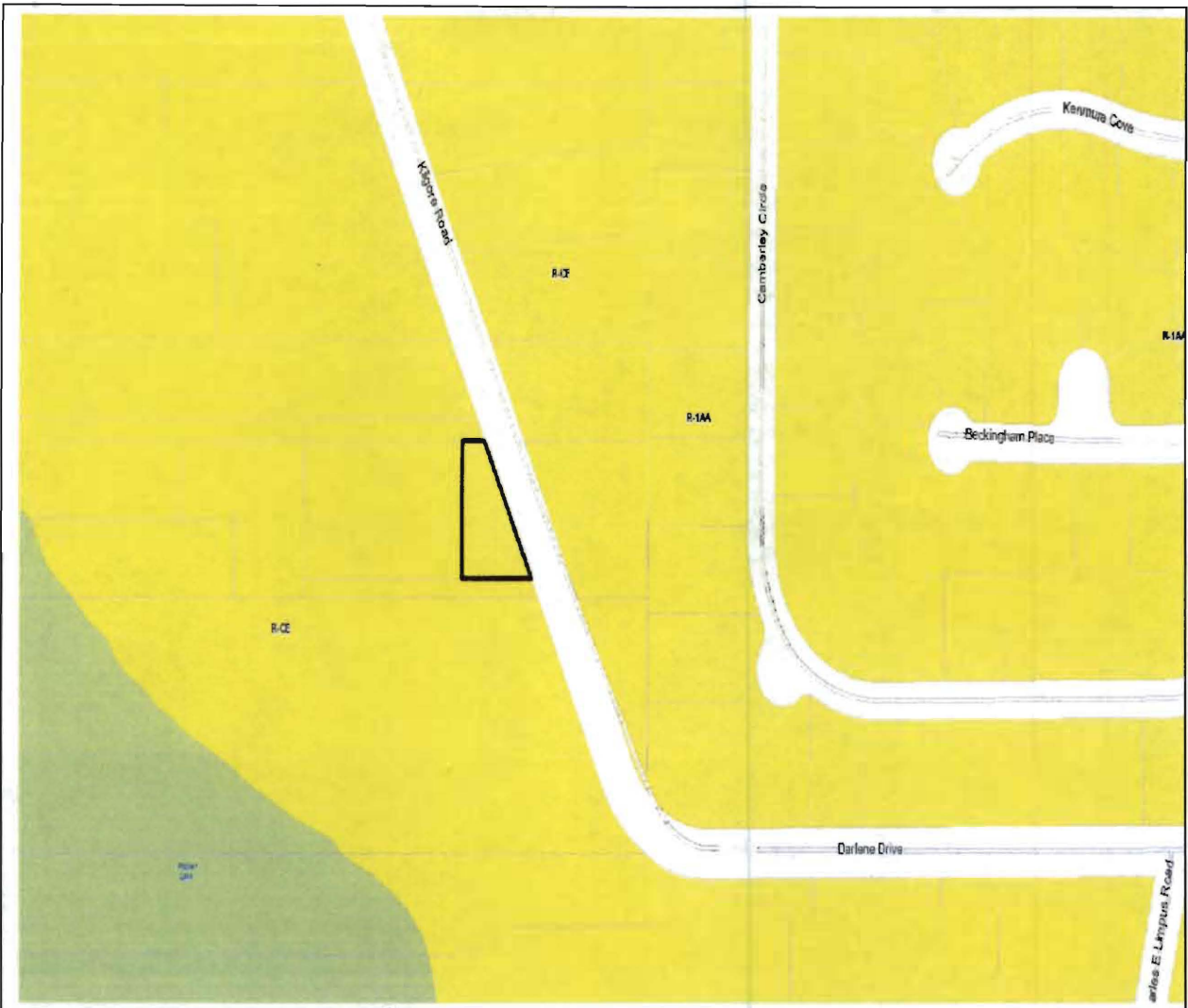
The applicant indicated that these were errors in the survey in 2013. One individual who lives across Kilgore Rd. spoke in support of the request. There being no one else in attendance to speak for or against the request, the public hearing was closed.

The BZA concluded that the variance were needed to correct the current non-conformities and encroachments into the public right-of-way. In addition, there aren't many solutions since the structure is already built. No one spoke in opposition.

### **BZA HEARING DECISION:**

A motion was made by Carolyn Karraker, seconded by Deborah Moskowitz and unanimously carried to APPROVE 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. Development in accordance with site plan dated November 16, 2016, 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.



**Applicant:** Dayalal Bharadva

**BZA Number:** VA-17-01-190

**BZA Date:** 01/05/2017

**District:** 1

**Sec/Twn/Rge:** 04-24-28-SE-D

**Tract Size:** .35 acres

**Address:** 9900 Kilgore Road, Orlando FL 32836

**Location:** West side of Kilgore Rd., north of Darlene Dr.

Date: 11/22/16

To: The Board of Zoning Adjustment

Re: VA-17-01-190 - Dayalal Bharadva Variances – 9900 Kilgore Road

The following is a list of the variances which are required to validate the existing improvements on this parcel located in the R-CE zoning district:

1. Lot width of 52 ft. in lieu of 130 ft.;
2. Rear setback of 36 ft. in lieu of 50 ft.;
3. Principal structure located 10 ft. from the side street property line in lieu of 15 ft.;
4. Accessory structure (garage) located 12 ft. from the side street property line in lieu of 15 ft.;
5. Lot area of .4 ac. in lieu of 1 ac.
6. House with a gross floor area of 4,130 sq. ft. in lieu of the 3,200 gross sq. ft. approved by the BZA 7/3/13 through VA-13-07-047; and,
7. A pool and deck located 10 ft. in the front of the principal structure in lieu of beside or behind the structure.

The survey used for VA-13-07-047 was found to be in error after the variances had been granted and the building permit was issued. In addition, and compounding the matter, at approximately the same time that the variances were being processed the County Public Works Department was acquiring right-of-way (row) for Kilgore Road. As a result, portions of the home are now located within the row, along with portions of the driveway and paved front yard. The applicant is currently pursuing abandonment of the westernmost 16 ft. of row abutting the subject property. This abandonment request is currently scheduled to go before the Board of County Commissioners on 1/10/17. The recommendation of the BZA's 1/5/17 hearing will go before the BCC on 1/24/17, therefore, the issue of the row abandonment will go into effect prior to the variances involved in this request.

Accompanying the application were 18 letters in support of the petition to vacate the row. While these letters are not directly related to this application, they do show that the applicant has the support of their neighbors to bring resolution to this matter.

The subject property is an irregularly shaped parcel of record, substantially smaller than the minimum lot area required for R-CE. A review of past records indicates that the subject property may have been zoned R-1A until 1967, at which time the County changed the zoning to R-CE to protect the lakes in the area from being overbuilt. The lot is also quite narrow on the north end. The applicant did not create the lot in this configuration, as the lot shows on the historic maps the staff uses to determine if a lot is a lawful nonconforming lot of record. The reduction in lot size is in part due to the acquisition of row for Kilgore Rd. by the County.



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WITHOUT THE WRITTEN  
CONSENT OF THE FBI.

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THIS SURVEY MEETS THE "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 51-1, BOARD OF PROFESSIONAL SURVEYORS AND MAPPING, PURSUANT TO SECTION 173.002 OF THE FLORIDA STATUTES.

State of Georgia  
 I, \_\_\_\_\_, being duly sworn, depose and say that \_\_\_\_\_  
 on \_\_\_\_\_, 20\_\_\_\_, being \_\_\_\_\_, was \_\_\_\_\_

Certified to / for the exclusive use of:  
 Elizabeth Arden Inc.

Flood Insurance Rate Map  
Community Number: 120479 Panel: 030  
Title: Flood Insurance Rate Map  
Date: September 21, 2006 Flood Zone: A

CODE/PROF/REG/REGID/0771 DATE: 11/26/2015  
 HECTOR, LEBRON PSU 15834 JOSE R. NEGRON PSU 16850  
 Professional Surveyor and Mapper Professional Surveyor and Mapper  
 NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ANNOTED  
 ELECTRONIC SEAL OF THIS FIDUCIARY LICENSED SURVEYOR AND MAPPER

SCALE: 1"=30' 10' 20' 30' 40' 50' 60' 70' 80' 90' 100' 110' 120' 130' 140' 150' 160' 170' 180' 190' 200' 210' 220' 230' 240' 250' 260' 270' 280' 290' 300' 310' 320' 330' 340' 350' 360' 370' 380' 390' 400' 410' 420' 430' 440' 450' 460' 470' 480' 490' 500' 510' 520' 530' 540' 550' 560' 570' 580' 590' 600' 610' 620' 630' 640' 650' 660' 670' 680' 690' 700' 710' 720' 730' 740' 750' 760' 770' 780' 790' 800' 810' 820' 830' 840' 850' 860' 870' 880' 890' 900' 910' 920' 930' 940' 950' 960' 970' 980' 990' 1000' 1010' 1020' 1030' 1040' 1050' 1060' 1070' 1080' 1090' 1100' 1110' 1120' 1130' 1140' 1150' 1160' 1170' 1180' 1190' 1200' 1210' 1220' 1230' 1240' 1250' 1260' 1270' 1280' 1290' 1300' 1310' 1320' 1330' 1340' 1350' 1360' 1370' 1380' 1390' 1400' 1410' 1420' 1430' 1440' 1450' 1460' 1470' 1480' 1490' 1500' 1510' 1520' 1530' 1540' 1550' 1560' 1570' 1580' 1590' 1600' 1610' 1620' 1630' 1640' 1650' 1660' 1670' 1680' 1690' 1700' 1710' 1720' 1730' 1740' 1750' 1760' 1770' 1780' 1790' 1800' 1810' 1820' 1830' 1840' 1850' 1860' 1870' 1880' 1890' 1900' 1910' 1920' 1930' 1940' 1950' 1960' 1970' 1980' 1990' 2000' 2010' 2020' 2030' 2040' 2050' 2060' 2070' 2080' 2090' 2100' 2110' 2120' 2130' 2140' 2150' 2160' 2170' 2180' 2190' 2200' 2210' 2220' 2230' 2240' 2250' 2260' 2270' 2280' 2290' 2300' 2310' 2320' 2330' 2340' 2350' 2360' 2370' 2380' 2390' 2400' 2410' 2420' 2430' 2440' 2450' 2460' 2470' 2480' 2490' 2500' 2510' 2520' 2530' 2540' 2550' 2560' 2570' 2580' 2590' 2600' 2610' 2620' 2630' 2640' 2650' 2660' 2670' 2680' 2690' 2700' 2710' 2720' 2730' 2740' 2750' 2760' 2770' 2780' 2790' 2800' 2810' 2820' 2830' 2840' 2850' 2860' 2870' 2880' 2890' 2900' 2910' 2920' 2930' 2940' 2950' 2960' 2970' 2980' 2990' 3000' 3010' 3020' 3030' 3040' 3050' 3060' 3070' 3080' 3090' 3100' 3110' 3120' 3130' 3140' 3150' 3160' 3170' 3180' 3190' 3200' 3210' 3220' 3230' 3240' 3250' 3260' 3270' 3280' 3290' 3300' 3310' 3320' 3330' 3340' 3350' 3360' 3370' 3380' 3390' 3400' 3410' 3420' 3430' 3440' 3450' 3460' 3470' 3480' 3490' 3500' 3510' 3520' 3530' 3540' 3550' 3560' 3570' 3580' 3590' 3600' 3610' 3620' 3630' 3640' 3650' 3660' 3670' 3680' 3690' 3700' 3710' 3720' 3730' 3740' 3750' 3760' 3770' 3780' 3790' 3800' 3810' 3820' 3830' 3840' 3850' 3860' 3870' 3880' 3890' 3900' 3910' 3920' 3930' 3940' 3950' 3960' 3970' 3980' 3990' 4000' 4010' 4020' 4030' 4040' 4050' 4060' 4070' 4080' 4090' 4100' 4110' 4120' 4130' 4140' 4150' 4160' 4170' 4180' 4190' 4200' 4210' 4220' 4230' 4240' 4250' 4260' 4270' 4280' 4290' 4300' 4310' 4320' 4330' 4340' 4350' 4360' 4370' 4380' 4390' 4400' 4410' 4420' 4430' 4440' 4450' 4460' 4470' 4480' 4490' 4500' 4510' 4520' 4530' 4540' 4550' 4560' 4570' 4580' 4590' 4600' 4610' 4620' 4630' 4640' 4650' 4660' 4670' 4680' 4690' 4700' 4710' 4720' 4730' 4740' 4750' 4760' 4770' 4780' 4790' 4800' 4810' 4820' 4830' 4840' 4850' 4860' 4870' 4880' 4890' 4900' 4910' 4920' 4930' 4940' 4950' 4960' 4970' 4980' 4990' 5000' 5010' 5020' 5030' 5040' 5050' 5060' 5070' 5080' 5090' 5100' 5110' 5120' 5130' 5140' 5150' 5160' 5170' 5180' 5190' 5200' 5210' 5220' 5230' 5240' 5250' 5260' 5270' 5280' 5290' 5300' 5310' 5320' 5330' 5340' 5350' 5360' 5370' 5380' 5390' 5400' 5410' 5420' 5430' 5440' 5450' 5460' 5470' 5480' 5490' 5500' 5510' 5520' 5530' 5540' 5550' 5560' 5570' 5580' 5590' 5600' 5610' 5620' 5630' 5640' 5650' 5660' 5670' 5680' 5690' 5700' 5710' 5720' 5730' 5740' 5750' 5760' 5770' 5780' 5790' 5800' 5810' 5820' 5830' 5840' 5850' 5860' 5870' 5880' 5890' 5900' 5910' 5920' 5930' 5940' 5950' 5960' 5970' 5980' 5990' 6000' 6010' 6020' 6030' 6040' 6050' 6060' 6070' 6080' 6090' 6100' 6110' 6120' 6130' 6140' 6150' 6160' 6170' 6180' 6190' 6200' 6210' 6220' 6230' 6240' 6250' 6260' 6270' 6280' 6290' 6300' 6310' 6320' 6330' 6340' 6350' 6360' 6370' 6380' 6390' 6400' 6410' 6420' 6430' 6440' 6450' 6460' 6470' 6480' 6490' 6500' 6510' 6520' 6530' 6540' 6550' 6560' 6570' 6580' 6590' 6600' 6610' 6620' 6630' 6640' 6650' 6660' 6670' 6680' 6690' 6700' 6710' 6720' 6730' 6740' 6750' 6760' 6770' 6780' 6790' 6800' 6810' 6820' 6830' 6840' 6850' 6860' 6870' 6880' 6890' 6900' 6910' 6920' 6930' 6940' 6950' 6960	
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**Zoning Division**



STAFF REPORT  
CASE #VA-17-01-190  
Orange County Zoning Division  
Planner: David Nearing, AICP  
Board of Zoning Adjustment  
January 5, 2017  
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Dayalal Bharadva

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

- 1) Lot width of 52 ft. in lieu of 130 ft.;
- 2) Rear setback of 36 ft. in lieu of 50 ft.;
- 3) Principal structure located 11 ft. from the side street property line in lieu of 15 ft.;
- 4) Accessory structure (garage) located 12 ft. from the side street property line in lieu of 15 ft.;
- 5) To allow a lot area of .35 acres in lieu of 1 acre;
- 6) House with a gross floor area of 4,130 sq. ft. in lieu of the 3,200 gross sq. ft. as approved by the BZA on July 3, 2013; and,
- 7) A pool and deck located 10 ft. in the front of the principal structure in lieu of the side or rear yards.

(Note: The purpose of this application is to cure the zoning requirement non-conformities that currently exist).

LOCATION: West side of Kilgore Road, north of Darlene Drive

PROPERTY ADDRESS: 9900 Kilgore Road

PARCEL ID: 04-24-28-0000-00-011

TRACT SIZE: .35 acres

DISTRICT #: 1

ZONING: R-CE



#### STAFF FINDINGS AND ANALYSIS:

1. In 2015, the applicant constructed a home on the subject property. The building permit was based on variances granted by the BZA on July 3, 2013.
2. The variances were based on the unique shape and size of the subject property.
3. Unfortunately, at the time the survey was being prepared, Orange County was also acquiring right-of-way (R/W) for Kilgore Road. As a result, the survey used to construct the house had thirty (30) feet of land along the easterly property line which was not owned by the applicant. As a result, the garage and a portion of the house are located within the R/W. To remedy this situation, Orange County is in the process of abandoning a fifteen (15) foot wide section of Kilgore Road R/W abutting the subject property.
4. Once abandoned, the house will be out of the R/W. However, the home will not meet the setbacks of the 2013 variance. The granting of this request will validate the home and several other site related nonconformities.

#### STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated November 16, 2016, 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; and,
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.

cc: Jaime Rodriguez, 6441 S. Chickasaw Trail, Suite 177, Orlando, Florida 32829  
Dayalal Bharadva, 9900 Kilgore Road, Orlando, Florida 32836