#### **Orange County Zoning Division**

### BCC CALLED PUBLIC HEARING ON BZA #SE- 17-01-179

### APPLICANT: Our Lady of Fatima Catholic Church

March 21, 2017



- CASE #: SE-17-01-179
- APPLICANT: Our Lady of Fatima Catholic Church

REQUEST: Special Exceptions and Variance in the R-1 zoning district for religious use as follows:

- 1) Special Exception: To construct new 6,000 sq. ft. church use building
- 2) Special Exception: To convert existing residence into church office; and
- 3) Variance: To allow grassed parking spaces and driving aisles in lieu of paved

ZONING: R-1

TRACT SIZE:5.73 acres

#2

LOCATION: 7401 Mott Ave. east side of Mott Avenue, ¼ mile north of Edgewater Dr.

DISTRICT:



#### Infomap Secure 8.5 x 11 Print



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- The proposed land use was reasonable at this location
- The conditions of approval address most of the neighbors concerns
- The proposed land use met the Special Exception and Variance criteria

# Community Feedback

- 2 neighbors spoke in opposition at the BZA hearing. Voiced concerns about not being noticed of community meeting and potential noise/sound impacts
- A properly noticed community meeting was held on March 8, 2017
- Seven (7) adjacent residents attended
- They had concerns about noise and project fencing



Approve the Special Exception and Variance requests in that they met the requirements of Section 38-78 and Section 30-43(3), Orange County Code.

Vote was 5-0; 2 absent



- 1. Development in accordance with site plan dated November 29, 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.



- 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 <u>and approved</u> by the Orange County Fire Marshal's Office. <u>The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.</u>
- 5. Parking shall be provided as shown on plan dated November 29, 2016. Handicapped parking shall be provided in accordance with all applicable regulations.
- 6. Landscaping shall be in accordance with Chapter 24, Orange County Code.
- 7. Construction plans shall be submitted within 2 years of Orange County approval or this approval is null and void.



- 8. The 2 trees adjacent to 7101 Cornet Street shall be removed prior to the issuance of any building permits in accordance with photos dated Received December 29, 2016.
- 9. A 6 ft. vinyl pvc fence shall be erected as shown on the site plan dated November 29, 2016. Said fence shall be constructed prior to the issuance of a certificate of occupancy for the new church building.
- 10. Soup kitchen, homeless shelter, private school, day care or substance abuse rehabilitation uses shall be prohibited.
- 11. Prior to the issuance of any permits for the new sanctuary, the applicant shall replace the current septic tank system with an updated system.



# Approve the requests consistent with the BZA's recommendation of January 5, 2017

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### Special Exception Criteria, Section 38-78, Orange County Code

- **1.** The use shall be consistent with the Comprehensive 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.



## Variance Criteria, Sec. 30-43

#### VARIANCE CRITERIA

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

- 1. <u>Special Conditions and Circumstances</u>- 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. <u>Not Self-Created</u>- 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. <u>No Special Privileges Conferred</u>- 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.

## Variance Criteria, Sect. 30-43

- 4. <u>Deprivation of Rights</u>- 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. <u>Minimum Possible Variance</u>- The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- 6. <u>Purpose and Intent</u>- 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 public welfare.