



**Orange County  
Board of Zoning Adjustment  
RECOMMENDATIONS  
BOOKLET**

**April 6, 2017**

Prepared by:  
Community, Environmental & Development Services Department,  
Orange County Zoning Division



# ORANGE COUNTY GOVERNMENT

## BOARD of ZONING ADJUSTMENT (BZA)

Carolyn C. Karraker  
*Vice-Chair*

District #1

Gregory A. Jackson  
*Chairman*

District #2

Jose A. Rivas, Jr.

District #3

Deborah Moskowitz

District #4

Wes A. Hodge

District #5

Eugene Roberson

District #6

Vacant

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 <i>X</i> 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**

**April 6, 2017**

<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-17-03-016	Robert Thomas	4	Approved w/Conditions	1
VA-17-04-023	Genise Runyon	6	Approved w/Conditions	8
SE-17-03-008	Moises Rivera	3	Approved w/Conditions	19
SE-17-03-015	Bartlett Towing	2	Approved w/Conditions	27
VA-17-04-019	Enrique Malave	5	Approved w/Conditions	35
VA-17-04-020	Mark Kinchla	5	Approved w/Conditions	43
VA-17-04-021	Ross Stores, Inc.	3	Approved w/Conditions	52
VA-17-04-022	Ariel Malagon	3	Approved w/Conditions	64
VA-17-04-024	Poulos & Bennett, LLC	5	Approved w/Conditions	75
SE-17-04-025	Alma Robles	2	Approved w/Conditions	86
VA-17-05-026	Pareshkumar Shah	1	Approved w/Conditions	97
VA-17-05-027	Bar Taco	1	Approved w/Conditions	104
VA-17-05-028	Pancheta Montaque	6	Approved w/Conditions	114

**ROBERT THOMAS**  
**VA-17-03-016**

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**REQUEST:** **Variance** in the R-1 zoning district to construct accessory structure (new carport w/existing shed) containing 936 sq. ft. in lieu of 542 sq. ft. (living area (2,170 sq. ft.) x 25%).  
(Note: The applicant is removing an existing 320 sq. ft. carport and constructing a new 600 sq. ft. carport on the side of the residence. There is an existing 336 sq. ft. shed which is to remain).

**ADDRESS:** 10275 Cline Avenue, Orlando FL 32825

**LOCATION:** East end of Cline Ave., 1/4 mile south of Flowers Ave.

**S-T-R:** 20-22-31

**TRACT SIZE:** 127 ft. x 413 ft.

**DISTRICT#:** 4

**LEGAL:** ORLANDO IMPROVEMENT CO NO 2 S/98 THE N 413 FT OF S 843 FT OF W1/4 OF LOT 9 & N 413 FT OF S 843 FT OF E1/2 OF LOT 10 BLK D

**PARCEL ID:** 20-22-31-6350-04-093

**NO. OF NOTICES:** 75

**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):

1. Development in accordance with site plan dated January 18, 2017, 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;

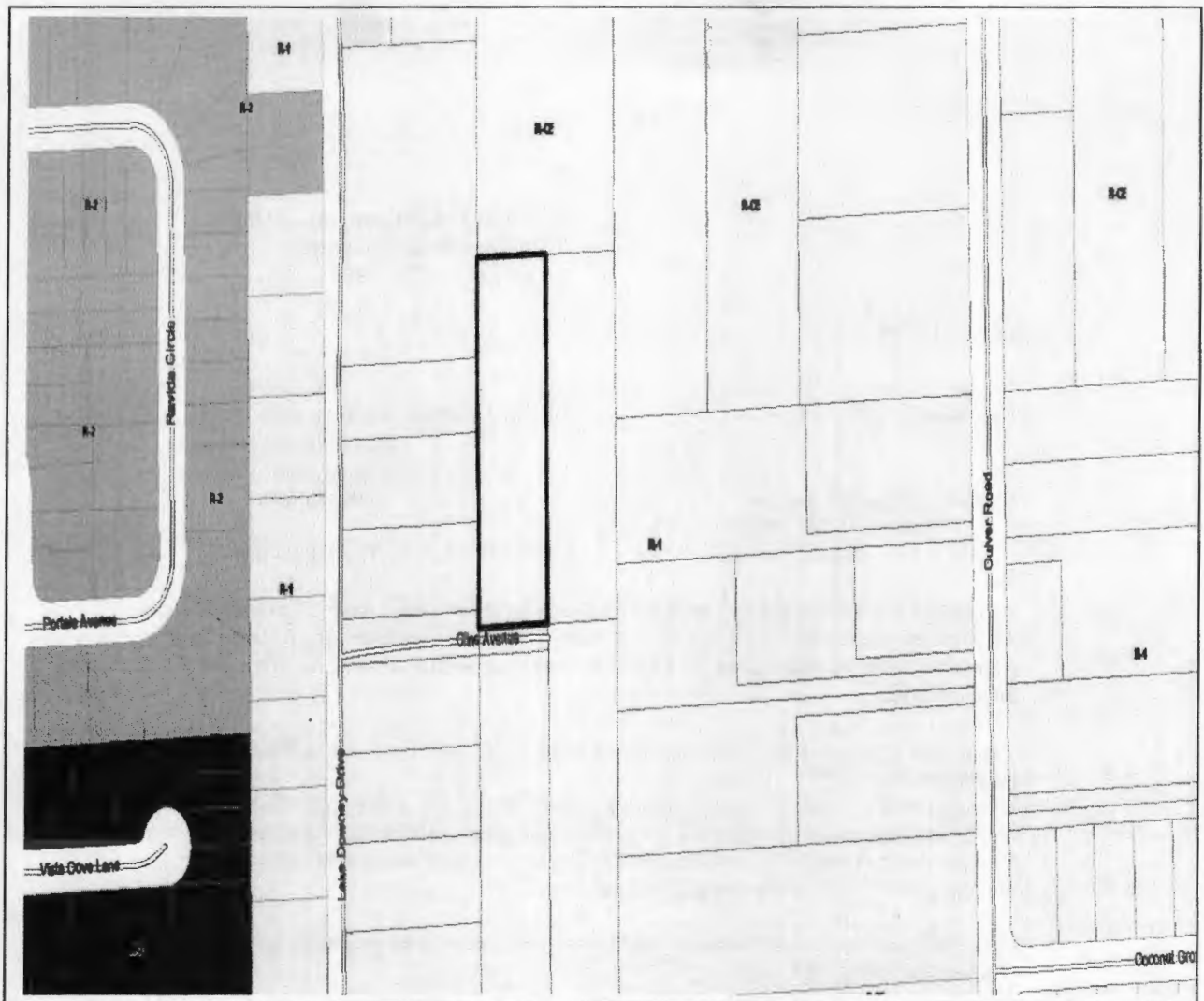
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. The color and/or hue of the roofing material shall to the greatest extend possible match that of existing residence.

**SYNOPSIS:** Staff noted that this application was continued from the March meeting to allow a re-advertising of the proper square footage. Since that time, one additional individual supporting the request had been added to the two (2) prior correspondents who were in support.

The lot is almost ten (10) times the size of the typical lot in the R-1 zoning district. If it were zoned R-CE as are the abutting lots to the north, the applicant would actually be entitled to 2,000 sq. ft. of accessory structure. Further, due to the size of the lot, the carport will actually be set back over 120 feet from the front property line, and will be nine (9) feet from the side lot line. Two other variances for oversized carports or garages had been approved in this neighborhood.

The applicant noted that they were in agreement with the staff recommendation and conditions of approval.

The BZA concluded this case meets the criteria for the granting of a variance.



**Applicant:** Robert Thomas

**BZA Number:** VA-17-03-016

**BZA Date:** 04/06/2017

**District:** 4

**Sec/Twn/Rge:** 20-22-31-NW-B

**Tract Size:** 127 ft. x 413 ft.

**Address:** 10275 Cline Avenue, Orlando FL 32825

**Location:** East end of Cline Ave., 1/4 mile south of Flowers Ave.



BOARD OF ZONING AND ADJUSTMENT  
201 SOUTH ORANGE AVENUE  
ORLANDO, FLORIDA 32302

COVER LETTER

December 19, 2016

Authorized Agent: Robert Thomas  
2333 Bridgewood Trail  
Orlando, Florida 32818  
(407) 545-0684

Property: 10275 Cline Avenue  
Orlando, Florida 32825

PROPERTY I.D. 20-22-31-6350-04-093

This required "COVER LETTER" is an attached document in the formal request to remove existing 320.0 s.f. carport and install a new 640.0 s.f. carport on existing footprint. The increased size is of minimal intensity and shall be set 9.8 feet from existing West Property Line; just as existing to be demolished.

The property zoned R-1 has 1.2 acres and new carport will almost be unseeable by the nearest neighbor to the West.

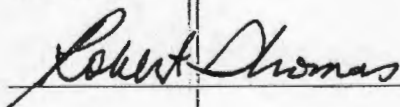
The new carport shown on attached drawings (2016-09 Dwg. A-1, A-2) 8.19.2016 shall be Aluminum columns over an open slab with one course of concrete blocks on East and West sides. New carport shall be 20'x30' with Class 'A' shingles on pre-manufactured "ELITE" insulated Aluminum Roof Panel System. Height shall be -20 ft.

Letters of "NO OBJECTIONS" are processed to reach the surrounding neighbors before the Hearing Date of March 2, 2017.

Concise Designs has prepared the Variance Package with all requirements met and documents Signed and Sealed.

The complete drawings show elevations and related construction details to effect the construction. Meets and Bounds, Zoning notation, Property designation as recorded in Orange County Public Records are all part and parcel of this Variance Request.

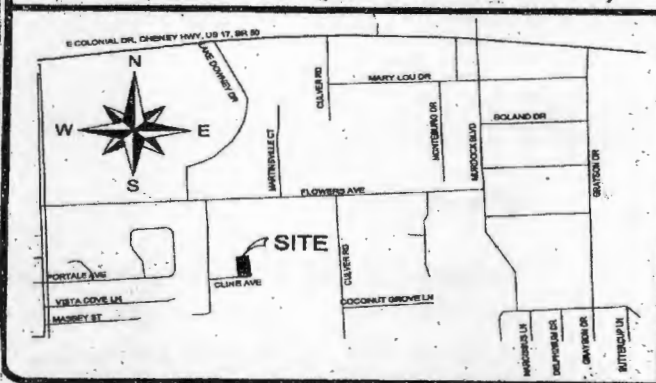
Respectfully,



Concise Designs

EXISTING UTILITY EASEMENT  
 15' ST. 50'  
 NEW "ELITE" SINGLE CARPORT ON 1/2" CO. RT. PROTECTING  
 EXISTING PROPERTY LINE  
 TYPICAL FOR NEW 4" STRUCTURAL COLUMNS  
 NEW 6" T. REIN. IN PLACE FOR PROTECTING EXIST. EAST PROPERTY LINE

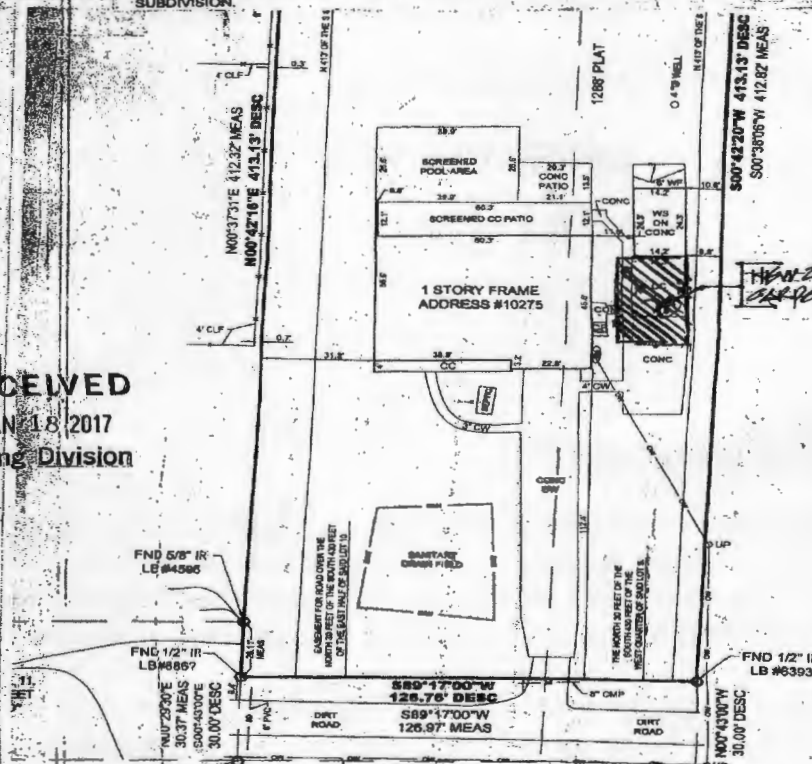
# VICINITY MAP (NOT TO SCALE)



THE NORTH 413 FEET OF THE SOUTH 843 FEET OF THE EAST HALF OF LOT 10, AND THE NORTH 413 FEET OF THE SOUTH 843 FEET OF THE WEST QUARTER OF LOT 9, ALL IN BLOCK D, ORLANDO IMPROVEMENT CO., NO. 2, AS RECORDED IN PLAT BOOK 5, PAGE 98, PUBLIC RECORDS OF COUNTY, FLORIDA; TOGETHER WITH AN EASEMENT FOR ROAD OVER THE NORTH 30 FEET OF THE SOUTH 430 FEET OF THE EAST HALF OF SAID LOT 10 AND THE NORTH 30 FEET OF THE SOUTH 430 FEET OF THE WEST QUARTER OF SAID LOT 9.

ALONG WITH: THE NORTH 50 OF THE SOUTH 450 FEET OF LOT 11, AND THE NORTH 50 FEET OF THE SOUTH 450 FEET OF THE WEST ONE-HALF OF LOT 10, ALL IN BLOCK "D", OF THE ORLANDO IMPROVEMENT COMPANY NO. 2, AS RECORDED IN PLAT BOOK 5, PAGE 98, PUBLIC RECORDS OF COUNTY, FLORIDA, TO BE USED BY THE GRANTEES AND THE PUBLIC FOR RIGHT OF WAY TO AND FROM THEIR RESPECTIVE PROPERTIES IN THE ABOVE REFERENCED SUBDIVISION.

RECEIVED  
 JAN 18 2017  
 Zoning Division





**STAFF REPORT  
CASE #VA-17-03-016**

Orange County Zoning Division  
Planner: David Nearing, AICP  
Board of Zoning Adjustment  
April 6, 2017  
Commission District: 4

**GENERAL INFORMATION:**

**APPLICANT:** Robert Thomas

**REQUEST:** Variance in the R-1 zoning district to construct accessory structure (new carport w/existing shed) containing 936 sq. ft. in lieu of 542 sq. ft. (living area (2,170 sq. ft.) x 25%).

(Note: The applicant is removing an existing 320 sq. ft. carport and constructing a new 600 sq. ft. carport on the side of the residence. There is an existing 336 sq. ft. shed which is to remain).

**LOCATION:** East end of Cline Ave., 1/4 mile south of Flowers Ave.

**PROPERTY ADDRESS:** 10275 Cline Avenue

**PARCEL ID:** 20-22-31-6350-04-093

**TRACT SIZE:** 127 ft. x 413 ft.

**DISTRICT #:** 4

**ZONING:** R-1

**STAFF FINDINGS AND ANALYSIS:**

1. The applicant is proposing to demolish an existing 320 sq. ft. carport and replace it with a new 600 sq. ft. carport. There is an existing 14 feet x 24 feet (336 sq. ft.) shed which is proposed to remain on the subject property immediately behind the new carport. This brings the cumulative total accessory square footage to 936.
2. The subject property is zoned R-1. The minimum lot area for a lot in the R-1 zoning district is 5,000 sq. ft. at 1.2 acre in size, the subject property is over ten (10) times the size of the minimum R-1 zoned lot.

3. The applicant is maintaining a nine (9) foot side setback, which is four (4) feet greater than required. Due the extensive lot depth available, the proposed carport will be at least 120 feet from the front property line.
4. Were the property zoned R-CE as is the property immediately to the north, the applicant would be entitled to 2,000 sq. ft. of accessory floor area.
5. Staff research shows that there have been several variances for similar requests within several hundred ft. of the subject property, including one for a total of 900 sq. ft. of accessory floor area, and another for 744 sq. ft. on smaller lots. In addition, a review of the aerial shows that the neighbor to the east also has a large accessory structure.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated January 18, 2017, 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; and,
4. The color and/or hue of the roofing material shall to the greatest extend possible match that of existing residence.

cc: Robert Thomas  
2333 Bridgewood Trail  
Orlando, Florida 32818

GENISE RUNYON  
VA-17-04-023

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**REQUEST:** **Variances** in the R-1A zoning district to construct an addition to a single family residence and to validate existing structures as follows:  
1) New Addition: 20 ft. from front (west) property line in lieu of 25 ft.;  
2) New Addition: 17 ft. from rear (east) property line in lieu of 30 ft.;  
3) Existing Carport: To validate existing carport 3 ft. from front (west) property line in lieu of 25 ft.; and,  
4) Existing Residence: To validate existing residence 20 ft. from front (west) property line in lieu of 25 ft.  
(Note: Platted 1953, SFR built 1958).

**ADDRESS:** 1409 Wilton Avenue, Orlando FL 32805

**LOCATION:** East side of Wilton Avenue and approximately 170 ft. south of Indiana Street

**S-T-R:** 34-22-29

**TRACT SIZE:** 120 ft. x 100 ft.

**DISTRICT#:** 6

**LEGAL:** TROPICAL PARK S/114 LOT 22 BLK A

**PARCEL ID:** 34-22-29-8748-01-210 and 34-22-29-8748-01-220

**NO. OF NOTICES:** 124

**DECISION: APPROVED** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (unanimous; 6-0):

1. Development in accordance with site plan dated January 30, 2017, 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. Parcels 34-22-29-8748-01-220 and 34-22-29-8748-01-210 must be aggregated prior to applying for building permits;
5. The kitchen in the existing single family residence shall be removed prior to release of Certificate of Occupancy; and,
6. The rear setback for the proposed addition on the east side of the property shall match the existing residence.

**SYNOPSIS:** Staff gave a brief presentation regarding the subject property, the proposed addition, and photographs of the property. The proposed addition is to accommodate the applicant's extended family.

Staff noted that the home/carport was constructed in the late 1950s and the early 1960s.

The nonconforming status of the existing residence and carport justifies the need to validate the front yard setback for the carport, three (3) feet from the front property line in lieu of twenty-five (25) feet and to validate the existing residence twenty (20) feet from the front property line in lieu of twenty-five (25) feet. Since staff recommends validating these two items, staff also recommends allowing the proposed addition to encroach twenty (20) feet into the front yard setback in lieu of twenty-five (25) feet.

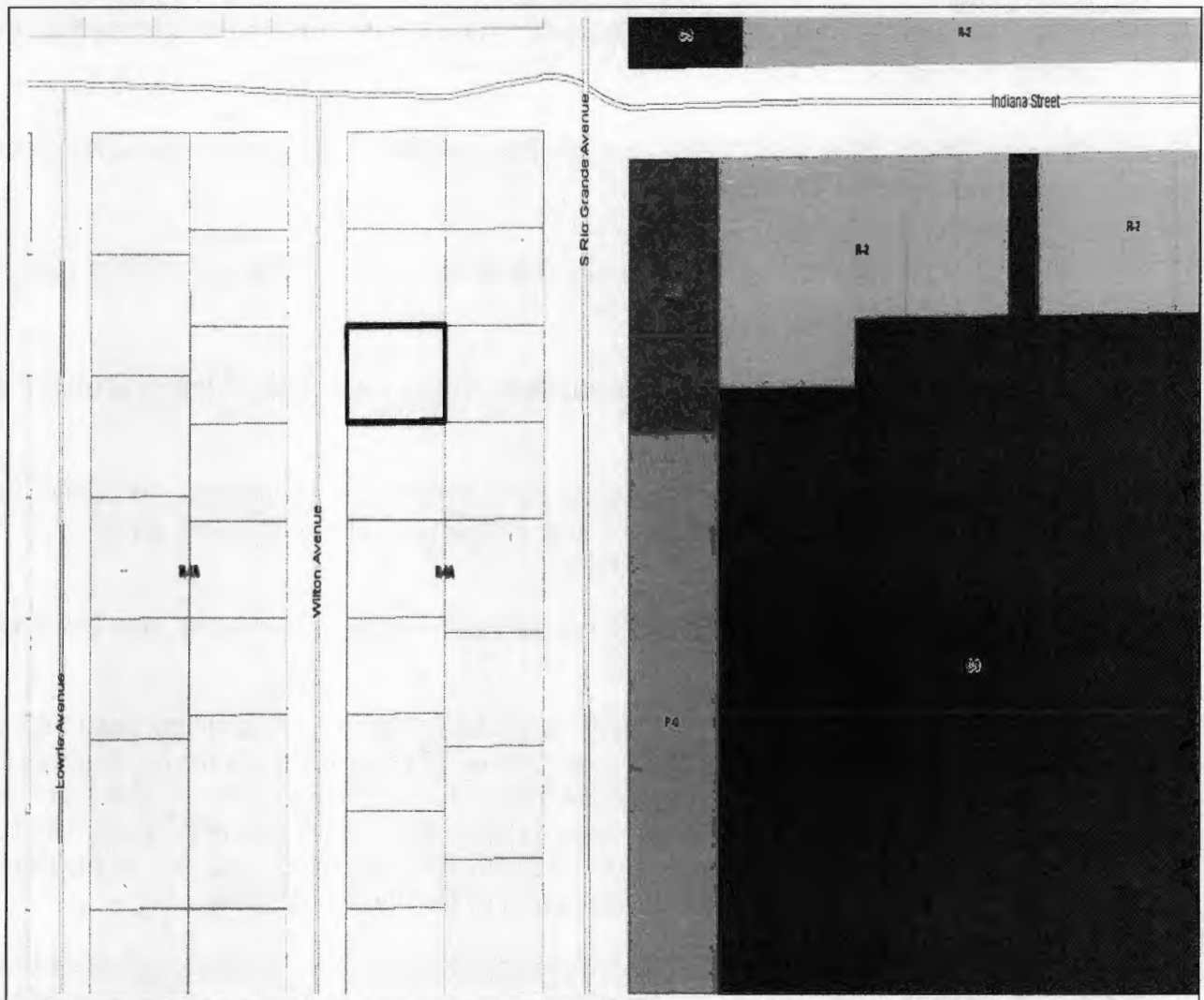
The applicant also requested that the proposed addition to be constructed seventeen (17) feet from rear yard setback in lieu of the required thirty (30) feet. Staff suggested that this request would increase the non-conformity of the residence and suggested the new addition match the existing setback along the rear of the site.

After further discussion, the BZA felt that the request with the amended condition was reasonable.

Staff received six (6) commentaries in favor and no commentaries in opposition.

The applicant indicated their agreement with staff's recommendation and the proposed conditions.

After a brief discussion, the BZA approved the variance subject to the six (6) conditions.



**Applicant:** Genise Runyon

**BZA Number:** VA-17-04-023

**BZA Date:** 04/06/2017

**District:** 6

**Sec/Twn/Rge:** 34-22-29-SW-C

**Tract Size:** 120 ft. x 100 ft.

**Address:** 1409 Wilton Avenue, Orlando FL 32805

**Location:** East side of Wilton Avenue and approximately 170 ft. south of Indiana Street

Wednesday, February 15, 2017

Genise Runyon  
1409 Wilton Ave  
Orlando, FL 32805  
4073838392

To Whom It May Concern

I, Genise Runyon am requesting these variances for the setbacks to be adjusted for the property of the existing living space on 1409 Wilton Ave Orlando, FL 32805. This is add on is intended for a single family residence that would be only for living. The requested variances are as follows: (Existing home) front yard setback 20ft in lieu of 25ft, (existing carport does not meet current setback) validate carport 3ft in lieu of 25ft from front property line and rear 17 ft. in lieu of 30ft (back of home). In addition, to this letter I have enclosed a letter with the application from the community members stating that they agree that everything will be ok with the construction.

I will greatly appreciate your approval for these approved variance.

Thank You  
Genise Runyon

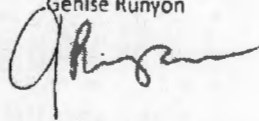


Tuesday, February 14, 2017

Genise Runyon  
1409 Wilton Ave  
Orlando FL 32805  
4073838392

We are petitioning the county for a variance change for 1409 Wilton Ave Orlando FL 32805. By signing this you do not object to my petition.

Genise Runyon



Name Address

① Marie Damerch  
1441 Wilton Ave Orl. FL 32805

② Terence McSwiney  
1405 Wilton Ave  
Orlando, FL 32805

Name Address

② Susie Hunt  
1416 Wilton Ave  
Orlando FL 32805

Name Address

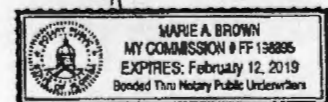
③ Dorothy J. Scott  
1406 Wilton Ave  
Orlando, FL 32805

Name Address

④ Barbara Pike  
1410 Wilton Ave  
Orlando FL 32805

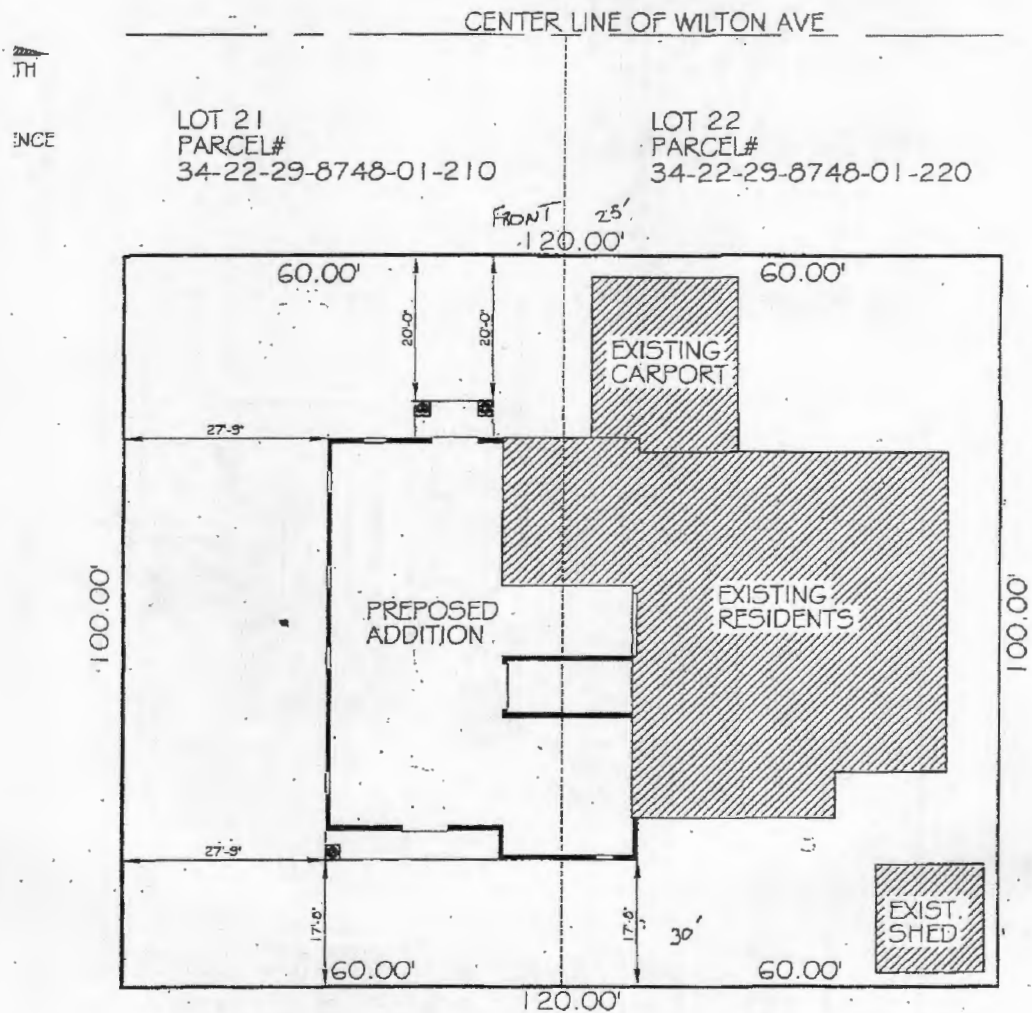
Name Address

⑤ Charles Kelly  
1437 Wilton Ave  
Orlando FL 32805



# NEW ADDITION FOR:

1409 WILTON AVE.  
ORLANDO, FL. 32805



## SITE PLAN

SCALE: 1 : 150

Expiration Date
1/1/2099
1/1/2099
1/1/2099
1/1/2099

[illegible]

3) DESIGN AND SPECIFICATIONS  
DESIGN AND SPECIFICATIONS SHALL BE KEPT AT THE SITE. THESE DRAWINGS CONTAIN GRAPHIC INFORMATION ESSENTIAL FOR CONSTRUCTION OF THE PROJECT. THEY MAY BE CHANGED TO REFLECT MODIFICATIONS IN ORDER TO FULLY COMPLY WITH THE WORK. SUPPLEMENTAL CONCEPTS AND IDEAS PROVIDED AS A PART OF THIS CONTRACT.

4. **CONNECTION (HAY STALKS AND**  
CONNECTION IS A SHORTER LASH NOT NEARLY AS STIFF AS OTHER CONNECTION. IT IS CONNECTED  
TO THE LASH BY THE LASH OF OTHER CONNECTION. IT IS, THERE, AND OTHER CONNECTION IS NOT  
TO BE USED TO THE LASH OF OTHER CONNECTION. IT IS A LASH CONNECTED TO THE LASH  
OF THE LASH. IT IS A LASH CONNECTED TO THE LASH OF THE LASH, AND NOT TO  
A LASH OF THE LASH.

**5. INTEGRITY** -  
ALL CONTRACTORS AND OFFICIAL WORKERS ON THIS PROJECT AGREE TO COMPLY WITH ALL  
CONSTITUTION AND TO ALL FEDERAL LAWS PROVIDED THAT NO VIOLATION OF ANY FEDERAL LAWS  
CONTRARY TO ALL FEDERAL LAWS OR TO ANY FEDERAL LAWS SHALL BE PERMITTED. (CIVIL RIGHTS ACT  
AND FEDERAL LAWS SHALL APPLY)

6. DISCUSSION  
 INFORMATION ON THE COUNTRY AND ITS PEOPLE, INCLUDING THE POLITICAL, ECONOMIC, AND SOCIAL SITUATION, THE HISTORICAL BACKGROUND, AND THE CURRENT SITUATION, IS BEING PROVIDED TO THE UNITED STATES OF AMERICA FOR THE PURPOSE OF THE UNITED STATES OF AMERICA.

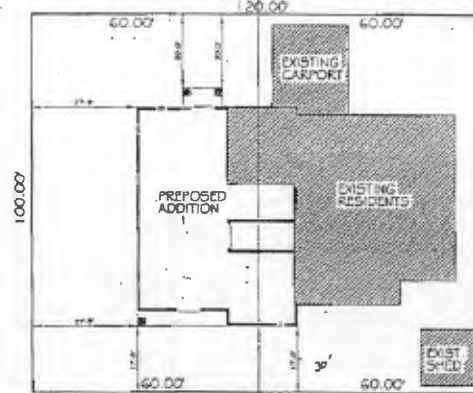
7. WFO 10007

1409 WILTON AVE.  
ORLANDO, FL. 32805



LOT 21  
PARCELS  
34-22-29-8748-01-210

LOT 22  
PARCEL#  
34-22-29-8746-01-220



SITE PLAN  
SCALE: 1 : 150

[illegible]

**RECEIVED NOTE**

1. GENERAL INFORMATION: NAME, ADDRESS, PHONE NUMBER, GROUP, CONCERN, OR POSITION AT WORK (PLEASE PRINT OR TYPE IN CAPITAL LETTERS)

2. CAUSE OF INJURY: WHAT DID YOU DO THAT CAUSED THE INJURY? (PLEASE PRINT OR TYPE IN CAPITAL LETTERS)

3. A. CONCERNING THE INJURY: B. THE PHYSICIAN'S OPINION

NO FURTHER SHEDDING FROM REVERSE FACE OF BACK SHALL BE ONE SIDE OF STEEL.

\* ALL STEEL ARE ACCELS. SHOWN THEREAS EXACT SIZE.

[illegible]

**NOTE:**  
 INFORMATION ON TECHNICAL SUPPORTING /  
 MATERIALS TO BE USED IN PLACE OF THE  
 ONE WITH PLASTIC/STAINLESS STEEL, AND  
 OVERVIEW TO BE SUBMITTED IN ACCORDANCE  
 WITH THE FOLLOWING, PLAIN, AND VITAL  
 COMBUSTION.

4 4 THE JOURNAL / JOURNAL OF MANAGEMENT  
TO REPORT ON RESEARCH AND RESEARCH  
FROM THE JOURNAL OF MANAGEMENT

ACROSS THE JOURNAL OF MANAGEMENT  
FROM THE JOURNAL OF MANAGEMENT  
ACROSS THE JOURNAL OF MANAGEMENT

ACROSS THE JOURNAL OF MANAGEMENT  
FROM THE JOURNAL OF MANAGEMENT  
ACROSS THE JOURNAL OF MANAGEMENT

ACROSS THE JOURNAL OF MANAGEMENT  
FROM THE JOURNAL OF MANAGEMENT  
ACROSS THE JOURNAL OF MANAGEMENT

**TOTAL SQ. FT.**  
LIVING AREA: 1,801 SQ. FT.  
COURTYARD AREA: 150 SQ. FT.  
PORCH AREA: 95 SQ. FT.  
PATIO AREA: 53 SQ. FT.  
TOTAL AREA: 2,099 SQ. FT.

CONSULTING  
ARCHITECT:  
THOMAS L. WEL  
AR 001708X

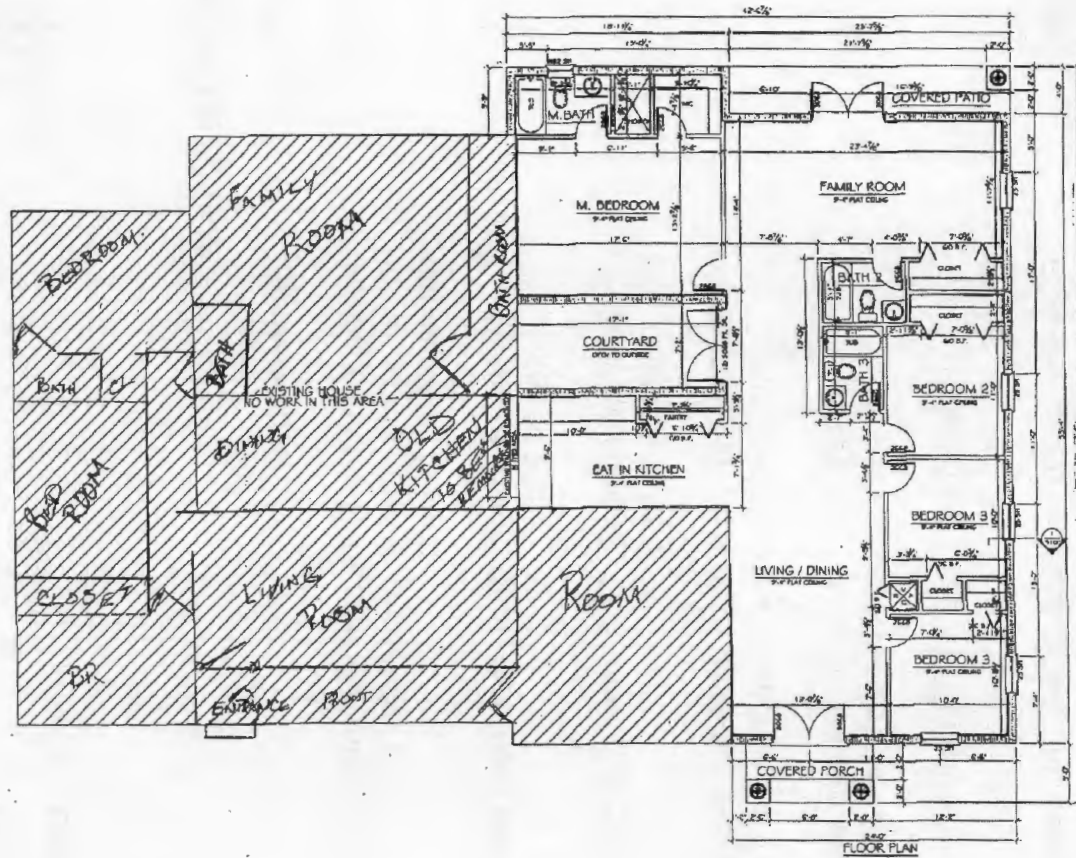
REVISION DATE: \_\_\_\_\_



**OX CONSTRUCTION**  
1643 Williamsburg Square  
Lakeand, FL 33803  
Tel: (863) 802 - 1121

NEW ADDITION FOR:  
JANTZIA CIFUENTES  
1409 WILTON AVE.  
ORLANDO, FL. 32805

DATE: 01/30/2017  
DRAWN: K.L.A.  
JOB #: 17-0130  
SHEET NO.  
SP100



WINDOW SCHEDULE	
12	12 1/2" x 25"
13	12 1/2" x 33 1/4"
14	12 1/2" x 30 3/4"
14S	12 1/2" x 35 1/4"
15	12 1/2" x 63"
16	12 1/2" x 72"
17	12 1/2" x 84"
17S	12 1/2" x 84"
17S	24 1/2" x 33 3/4"
17S	24 1/2" x 30 3/4"
17S	24 1/2" x 35 1/4"
17S	24 1/2" x 63"
17S	24 1/2" x 72"
17S	24 1/2" x 84"
22	37" x 56"
23	37" x 33 3/4"
24	37" x 30 3/4"
24S	37" x 35 1/4"
25	37" x 63"
26	37" x 72"
27	37" x 84"
32	53 1/2" x 25"
33	53 1/2" x 33 3/4"
34	53 1/2" x 30 3/4"
34S	53 1/2" x 35 1/4"
35	53 1/2" x 63"
36	53 1/2" x 72"
37	53 1/2" x 84"

CONSULTING  
ARCHITECT  
THOMAS L. WILTON  
A/C 00171553



OX CONSTRUCTION  
1643 Williamsburg Square  
Lakeland, FL 33803  
Tel: (883) 802-1121

NEW ADDITION FOR:  
JANITZIA CIFUENTES  
1409 WILTON AVE.  
ORLANDO, FL. 32805

DATE: 01/30/2017  
DRAWN: J.L.R.  
JOB # 7-0130  
SHEET NO.  
A200



STAFF REPORT  
CASE #VA-17-04-023  
Orange County Zoning Division  
Planner: Marla Molina  
Board of Zoning Adjustment  
April 6, 2017  
Commission District: 6

GENERAL INFORMATION:

APPLICANT: Genise Runyon

REQUEST: Variances in the R-1A zoning district to construct an addition to a single family residence and to validate existing structures as follows:

- 1) New Addition: 20 ft. from front (west) property line in lieu of 25 ft.;
- 2) New Addition: 17 ft. from rear (east) property line in lieu of 30 ft.;
- 3) Existing Carport: To validate existing carport 3 ft. from front (west) property line in lieu of 25 ft.; and,
- 4) Existing Residence: To validate existing residence 20 ft. from front (west) property line in lieu of 25 ft.

(Note: Platted 1953, SFR built 1958).

LOCATION: East side of Wilton Avenue and approximately 170 ft. south of Indiana Street

PROPERTY ADDRESS: 1409 Wilton Avenue

PARCEL ID: 34-22-29-8748-01-210 & 34-22-29-8748-01-220

TRACT SIZE: 120 ft. x 100 ft.

DISTRICT #: 6

ZONING: R-1A

#### STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes to add living area to the existing home to accommodate the applicant's family. A variance is requested twenty (20) feet from the front (west) property line in lieu of twenty-five (25) feet and seventeen (17) feet from the rear (east) property line in lieu of thirty (30) feet.
2. In addition, the applicant is requesting to validate the existing carport three (3) feet from front (west) property line in lieu of twenty-five (25) feet and the existing residence twenty (20) feet from front (west) property line in lieu of twenty-five (25) feet.
3. The deviation requested from the front yard setback is twenty percent (20%) and the deviation requested from the rear yard setback is forty-three percent (43%).
4. The proposed request does not meet the Variance Criteria and staff cannot support above requests.
5. Staff does not object to validate existing carport or existing residence was constructed in the late 1950s / early 1960s.
6. However, staff cannot support requested variance of proposed addition, as there is ample space to construct without encroaching into the required setbacks.
7. The applicant has obtained the consent from six (6) adjacent neighbors.

#### STAFF RECOMMENDATION:

Staff has concerns about Variances #1 and #2. Specifically, that the hardship is self-imposed. If approved, the following conditions are recommended:

1. Development in accordance with site plan dated January 30, 2017, 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. Parcels 34-22-29-8748-01-220 and 34-22-29-8748-01-210, must be aggregated prior to applying for building permits; and,
5. The kitchen in the existing single family residence shall be removed prior to release of the Certificate of Occupancy.

cc: Janitzia Cifuentes  
Genise Runyon  
1409 Wilton Avenue  
Orlando, Florida 32805

**MOISES RIVERA**  
**SE-17-03-008**

---

**REQUEST:** **Special Exception** in the R-1A zoning district to convert existing 2 story residence into a child daycare center for up to 100 children.  
(Note: On September 6, 2012, the BZA approved this site for a religious use facility with seating for up to 150 worshipers. The church use is no longer existing at the site).

**ADDRESS:** 2805 S. Goldenrod Road, Orlando FL 32822

**LOCATION:** East side of S. Goldenrod Rd., approximately 1/2 mile south of Curry Ford Rd.

**S-T-R:** 10-23-30

**TRACT SIZE:** 189 ft. x 290 ft. (AVG)

**DISTRICT#:** 3

**LEGAL:** GOLDEN ACRES SECTION B Q/103 BEG SW COR LOT 51 RUN NWLY 166.8 FT NELY 320 FT SELY 208.4 FT TO PT ON S LINE OF LOT 51 W 224 FT TO SE COR OF NE1/4 OF NW1/4 TH WLY 76 FT TO POB

**PARCEL ID:** 10-23-30-3032-00-512

**NO. OF NOTICES:** 190

**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 (4 in favor and 2 opposed):

1. Development in accordance with site plan dated February 17, 2017, 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 three (3) years or this approval is null and void;
5. 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;
6. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations;
7. 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;
8. Any expansions of the use beyond 100 students or expansion of grades shall require BZA approval; and,
9. Hours of operation shall be limited from 6:00 a.m. to 7:00 p.m., Monday through Friday.

**SYNOPSIS:** Staff noted that the subject property was located on a four-lane divided principal arterial road which carries very high volumes of traffic. The subject property is over an acre in size.

Staff advised the BZA the applicant will be responsible for making any improvements necessary to S. Goldenrod Road. Staff found that the use will properly blend into the neighborhood, and recommended approval subject to conditions.

The applicant agreed with the staff recommendation and the proposed conditions.

The BZA added a condition to address the hours of operation.



**Applicant:** Moises Rivera

**BZA Number:** SE-17-03-008

**BZA Date:** 04/06/2017

**District:** 3

**Sec/Twn/Rge:** 11-23-30-NE-A, 11-23-30-NW-B

**Tract Size:** 189 ft. x 290 ft. (AVG)

**Address:** 2805 S. Goldenrod Road, Orlando FL 32822

**Location:** East side of S. Goldenrod Rd., approximately 1/2 mile south of Curry Ford Rd.

January 17, 2017

To: Orange County Board of Zoning Adjustment

Re: Application for a Special Exception for:  
2805 S. Goldenrod Road,  
Orlando, FL 32822

This letter is to respectfully request to the Orange County Board of Zoning to grant a Special Exception of use for the above mentioned property which is owned by **Moises Rivera and Luz Maria Rivera**.

After taking a 4C's Child Care Class, we were informed that there is a waiting list for children to be placed in a day care for the area. Which our desires are to make an impact and service our local community. The applicant is requesting a Special Exception to allow for the subject property to be used for a Day Care Facility.

#### **EXISTING USE**

The property is zoned for a single family Zoned R-1 A. The Planning and Zoning Board originally approved a Special Exception Permit for the property August 1, 2002, the permit approval expired and was re-approved on September 6, 2012 as a Church with up to 150 members with parking.

#### **PROPOSED USE**

The future use for the property is to be used as a Day Care Facility. The site has several trees which all will remain. It has a 6 Foot high board-on-board fence along the north property line.

The Facilities will be open to the public Monday thru Friday from 6:00AM to 7:00PM, and closed on weekends and national holidays. Our facility services will include an outside play area for the children, reading time, breakfast and lunch times, snack times, as well as naptime, etc. Occupancy will vary throughout the year, however, it will not exceed ~~the maximum allowed by law~~ <sup>of 100.</sup> There will be no noise or light pollution. Our main purpose is to service our local community by providing a day care facility for their children. *MK 1/17/17*

All services and activities, except for vehicular parking and 1 hour of playtime, will be confined to the inside of the building.

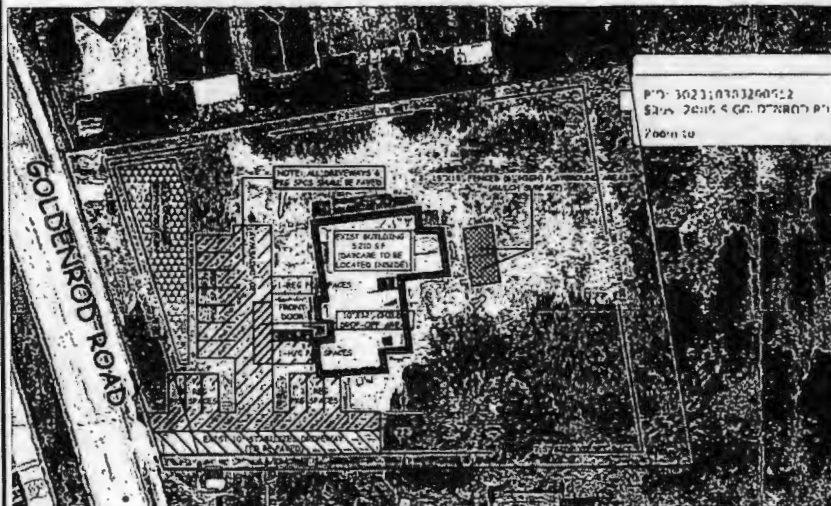
Respectfully Yours,

Moises and Luz Maria Rivera

**RECEIVED**

**JAN 17 2017**

**Zoning Division**



# PRELIMINARY SITE PLAN

**SCALE: 1" = 50'**

RECEIVED

FEB 17 2017  
ORANGE COUNTY  
ZONING DIVISION

THIS PLAN IS NOT VALID FOR  
CONSTRUCTION UNLESS SIGNED  
AND SEALED BY THE ENGINEER OF  
RECORD.

WAYNE GANDY, P.E.  
FLA. P.E. NO. 33134

REVISIONS			
REV	DESCRIPTION	DATE	BY

OWNER:  
MOISES A LUZ MARIA REVERA  
BORQUE PIERRE  
2512 WOODGATE BOULEVARD, #207  
ORLANDO, FL 32822

ENGINEER:  
WAYNE SANDY, P.E.  
770 S. ORANGE BLOSSOM TRAIL, #510  
ORLANDO, FL 32803  
(321) 297-8635

NOTES:  
1. THIS PLAN WAS PREPARED USING A SCALED AERIAL FROM THE ORANGE COUNTY PROPERTY APPRAISER'S WEBSITE.  
2. ALL DIMENSIONS ARE APPROXIMATE BASED ON USE OF THE SCALED AERIAL.  
3. THIS PRELIMINARY SITE PLAN IS FOR ORANGE COUNTY SPECIAL EXCEPTION APPLICATION ONLY.

SITE DATA:

PARCEL I.D. NO.: 10-23-30-3032-00-512

ZONING: R-1A

### SET-BACK REQUIREMENTS

*FRONT:	20
*REAR	25
*SIDE	7

PROP. IMPROVEMENTS: SITE IMPROVEMENTS FOR DAYCARE

STUDENT ENROLLMENT: 100 (PRE-SCHOOL)

# EMPLOYEES: 5

PARKING CALCULATIONS:

**REQUIRED:** 1 SPACE PER EVERY 10 CHILDREN + 1 SPACE PER EMPLOYEE

REQ'D PARKING: = (100/104 = 5/1)  
= 10-5  
= 25

<u>PROVIDED</u>	HANDICAP (12'X20'):	1
	REGULAR (8'X20'):	14 (PAVED)
	TOTAL:	15

2805 GOLDENROD ROAD DAYCARE  
ORANGE COUNTY, FLORIDA

WAYNE GANDY, P.E.  
20 S. ORANGE BLOSSOM TRAIL  
ORLANDO, FL 32805  
(321) 297-8635

PARCEL I.D. NO. 10-23-30-3032-00-512

# PRELIMINARY SITE PLAN

SE-17-03-008

JOB NO. WG-2805GOLDENROD/CARE

DATE: 02/15/2017

REV

SCALE: 1" = 50'

SHEET: 1 OF 1

1000



STAFF REPORT  
CASE #SE-17-03-008  
Orange County Zoning Division  
Planner: David Nearing, AICP  
Board of Zoning Adjustment  
April 6, 2017  
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Moises Rivera

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the R-1A zoning district to convert existing 2 story residence into a child daycare center for up to 100 children.

(Note: On September 6, 2012, the BZA approved this site for a religious use facility with seating for up to 150 worshippers. The church use is no longer existing at the site).

LOCATION: East side of S. Goldenrod Rd., approximately 1/2 mile south of Curry Ford Rd.

PROPERTY ADDRESS: 2805 S. Goldenrod Road

PARCEL ID: 10-23-30-3032-00-512

TRACT SIZE: 189 ft. x 290 ft. (AVG)

DISTRICT #: 3

ZONING: R-1A

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Child Day Care for up to 100 children

SURROUNDING USES: N – Single Family Residence  
S – Single Family Residence  
E – Single Family Residence  
W - Nonconforming Salvage Yard



#### STAFF FINDINGS AND ANALYSIS:

1. In 2012, the site was approved for a church. However, the church has since abandoned the site.
2. The applicant now wishes to obtain approval to operate a Voluntary Pre-Kindergarten for up to 100 students.
3. The site is large enough to accommodate the use.
4. Goldenrod Road is a principal arterial roadway, which lends to allowing a use other than residential on this property
5. This section of Goldenrod Road is a four-lane divided roadway. If approved, the applicant will need to coordinate with the County's Public Works Department for access. If a median break is required, the applicant will be responsible for its construction. If a median break is not warranted or permitted, the site will be limited to right-in/right-out ingress/egress only.
6. As of the drafting of this staff report, staff has received one (1) commentary in opposition to the request based on concerns over traffic. It is staff's experience that uses, such as this, are often viewed by neighborhoods as an intrusion. Neighbors often have concerns over noise, compatibility, and the potential that approval of one such use may lead to changes in the zoning of land to commercial, or the introduction of more of the same types of uses requiring Special Exception approval.

#### STAFF RECOMMENDATION:

Given the potential volatility of this type of use, staff is deferring its recommendation on this request pending the receipt of additional neighborhood correspondence. A recommendation will be provided by staff at the BZA meeting. At that time, should the BZA find that the applicant warrants approval, the following conditions should be imposed:

1. Development in accordance with site plan dated February 17, 2017, 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 three (3) years or this approval is null and void;
5. 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;
6. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations;
7. 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; and,
8. Any expansions of the use beyond 100 students or expansion of grades shall require BZA approval.

cc: Moises Rivera  
2512 Woodgate Blvd., Apt 207  
Orlando, Florida 32822

**BARTLETT TOWING**  
**SE-17-03-015**

---

**REQUEST:** **Special Exception** in C-3 zoning district to permit an automobile towing business with on-site storage of towed vehicles.

**ADDRESS:** 2535 Overland Road, Apopka FL 32703

**LOCATION:** East side of Overland Rd., north of S. Apopka Blvd.

**S-T-R:** 30-21-29

**TRACT SIZE:** 150 ft. x 170 ft.

**DISTRICT#:** 2

**LEGAL:** 10726-0126 INCOMPLETE PROPERTY DESC--AVON VISTA M/58 LOTS 9 12 & 13 BLK C & LOTS 10 11 & 13 BLK B LYING E OF HY 441 & PT OF VAC ST BETWEEN BLKS B & C ADJACENT TO ABOVE DESC LOTS

**PARCEL ID:** 30-21-29-0348-03-090

**NO. OF NOTICES:** 96

**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 (unanimous; 6-0):

1. Development in accordance with site plan dated February 15, 2017, 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;



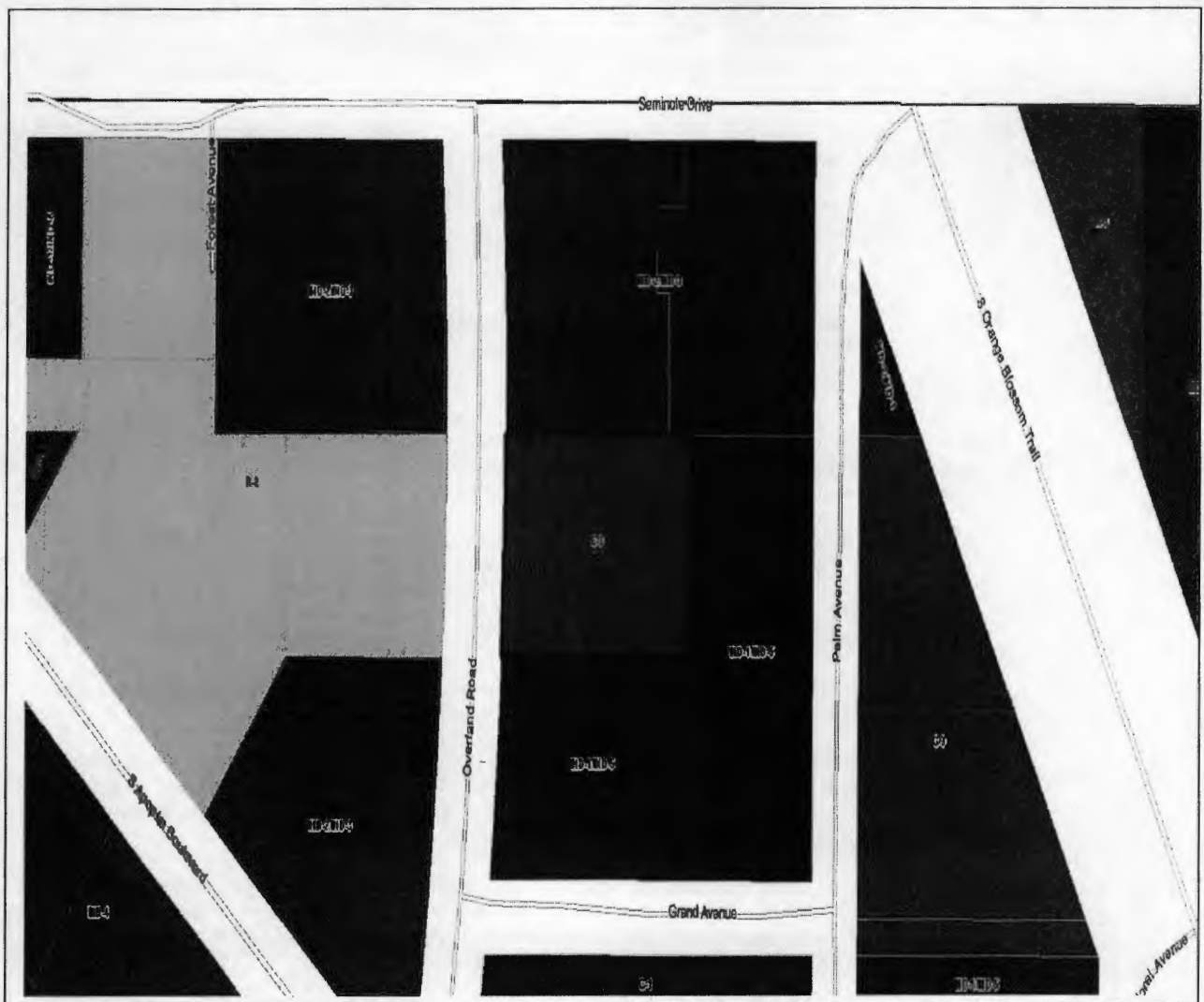
4. The standards outlined in Section 38-79 (130) shall be met;
5. A six (6) foot high vinyl fence shall be erected along the north and south property lines;
6. All applicable permits must be obtained within two (2) years or this approval becomes null and void; and,
7. Vehicles cannot be stored on the site for more than fifty (50) days.

**SYNOPSIS:** The applicant wants to relocate from the west side of Overland Road to the east side of Overland Road.

The applicant secured two (2) letters from adjacent neighbors both in favor of this request.

Staff advised the BZA that this area is a heavy commercial and industrial area and this use is compatible with this area.

The BZA concluded the request was reasonable and compatible with the surrounding uses. There was no opposition at the hearing.



**Applicant:** Bartlett Towing

**BZA Number:** SE-17-03-015

**BZA Date:** 04/06/2017

**District:** 2

**Sec/Twn/Rge:** 30-21-29-NW-B

**Tract Size:** 150 ft. x 170 ft.

**Address:** 2535 Overland Road, Apopka FL 32703

**Location:** East side of Overland Rd., north of S. Apopka Blvd.

Mr. Rocco Relvini  
Orange County Zoning Division  
201 S. Rosalind Avenue,  
Post Office Box 2687  
Orlando, FL 32802-2687

January 18, 2017

Subject: **Special Exception Request for 2535 Overland Road, Apopka, FL, 32703  
Orange County Parcel ID No. 30-21-29-0348-03-090**

Dear Mr. Relvini,

Please accept the following information and documentation in support of the application for Special Exception of property at 2535 Overland Road, Apopka FL, 32703. The special exception is for an existing commercial property to be used for a towing service business.

1. **Zoning and Future Land Use Information** - The current zoning of the subject property is C-3 with a Future Land Use designation of Industrial. The C-3 zoning designation classifies a towing service as permitted use with special exception if automobiles will be stored on site. The adjacent properties to the subject are zoned Industrial and R-2 with surrounding properties zoned industrial and commercial. There appears to be no overlay districts affecting the subject property.

The future land use designation of Industrial is compatible with the commercial type business being requested.

2. **Current and Proposed Use** - The subject property is approximately .71 acres with two metal structures approximately 3,500 +/- square feet. The current use of the site is a electrical repair and auto repair service business. The site is paved and has metal and chain link fencing around the entire perimeter.

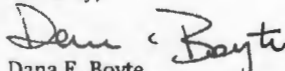
The proposed use of the property is for a towing service business that will have stored automobile on site. The contract purchaser of the subject property intends to use the existing structures, lighting and fencing to operate the towing company. Hours of operation would be 24 hour, seven days of week, similar as other existing businesses in the area.

Across the street there is a towing service company as well as other similar commercial businesses within the general vicinity as the subject property.

3. **Additional Information** - Additional information including a site plan and special exception criteria report is in process of being completed and will be submitted under separate cover prior to completion of staff review.

It is believed this information sufficiently addresses the required information for support of the application. We request that the submitted application be scheduled for the March 2<sup>nd</sup>, 2017 Board of Zoning Adjustment meeting. Should you have any questions or require additional information, please contact me at (407) 407-492-7490. Thank you.

Sincerely,

  
Dana E. Boyte  
Authorized Agent

RECEIVED

JAN 18 2017

ORANGE COUNTY  
ZONING DIVISION

Page 1 of 1





STAFF REPORT  
CASE #SE-17-03-015  
Orange County Zoning Division  
Planner: Rocco Relvini  
Board of Zoning Adjustment  
April 6, 2017  
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Bartlett Towing

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in C-3 zoning district to permit an automobile towing business with on-site storage of towed vehicles.

LOCATION: East side of Overland Rd., north of S. Apopka Blvd.

PROPERTY ADDRESS: 2535 Overland Road

PARCEL ID: 30-21-29-0348-03-090

PUBLIC NOTIFICATION: 96

TRACT SIZE: 150 ft. x 170 ft.

DISTRICT #: 2

ZONING: C-3

EXISTING USE(S): AC contractor's yard

PROPOSED USE(S): Towing business with auto storage

SURROUNDING USES: The area is surrounded by industrial land uses. There is a residence with numerous accessory uses to the west.

#### STAFF FINDINGS AND ANALYSIS:

1. The applicant is currently located across Overland Road to the northwest. He proposes to relocate to 2535 Overland Road.
2. The property is zoned C-3 which is a heavy commercial zoning district. A Special Exception is required for automotive towing with storage of vehicles.
3. The character of the area is heavy commercial and industrial land uses. In addition, the Comprehensive Plan Future Land Use Map designation for this area is Industrial. Finally, Overland Road is a roadway with numerous heavy industrial land uses. The proposed land use is compatible with the character of the area and the development trend of the area.
4. A site inspection revealed a dilapidated metal fence along the north property line. Staff recommends a six (6) foot high vinyl fence be erected along the north and south property lines.
5. Applicant is advised that vehicles cannot be stored on the site for more than fifty (50) days.
6. Staff has no objections to this request as this is a heavy commercial and industrial area. Automotive towing and storage yards should be located in areas such as this one.

#### STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated February 15, 2017, 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 standards outlined in Section 38-79 (130) shall be met;
5. A six (6) foot high vinyl fence shall be erected along the north and south property lines; and,
6. All applicable permits must be obtained within two (2) years or this approval becomes null and void.

cc: Dana Boyte (Applicant's representative)  
951 Stetson Street  
Orlando, Florida 32804



**ENRIQUE MALAVE**  
**VA-17-04-019**

---

**REQUEST:** **Variances** in the R-T-2 zoning district as follows:  
1) To allow an accessory structure (carport/shed) in front of the principal structure (mobile home) in lieu of alongside or rear; and,  
2) To allow a cumulative total of 595 sq. ft. of accessory structure floor area in lieu of 500 sq. ft. (540 sq. ft. carport/shed plus existing 55 sq. ft. structure).  
(Note: The applicant constructed the carport/shed without building permits. This is a result of code enforcement action).

**ADDRESS:** 18813 Hewlett Road, Orlando FL 32820

**LOCATION:** North side of Hewlett Rd., approximately 475 ft. west of 10th Ave., in the Bithlo area.

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

**TRACT SIZE:** 100 ft. x 520 ft.

**DISTRICT#:** 5

**LEGAL:** EAST ORLANDO ESTATES SECTION A X/57 THE W1/2 OF LOT 229

**PARCEL ID:** 15-22-32-2330-02-290

**NO. OF NOTICES:** 68

**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):

1. Development in accordance with site plan dated February 6, 2017, 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;



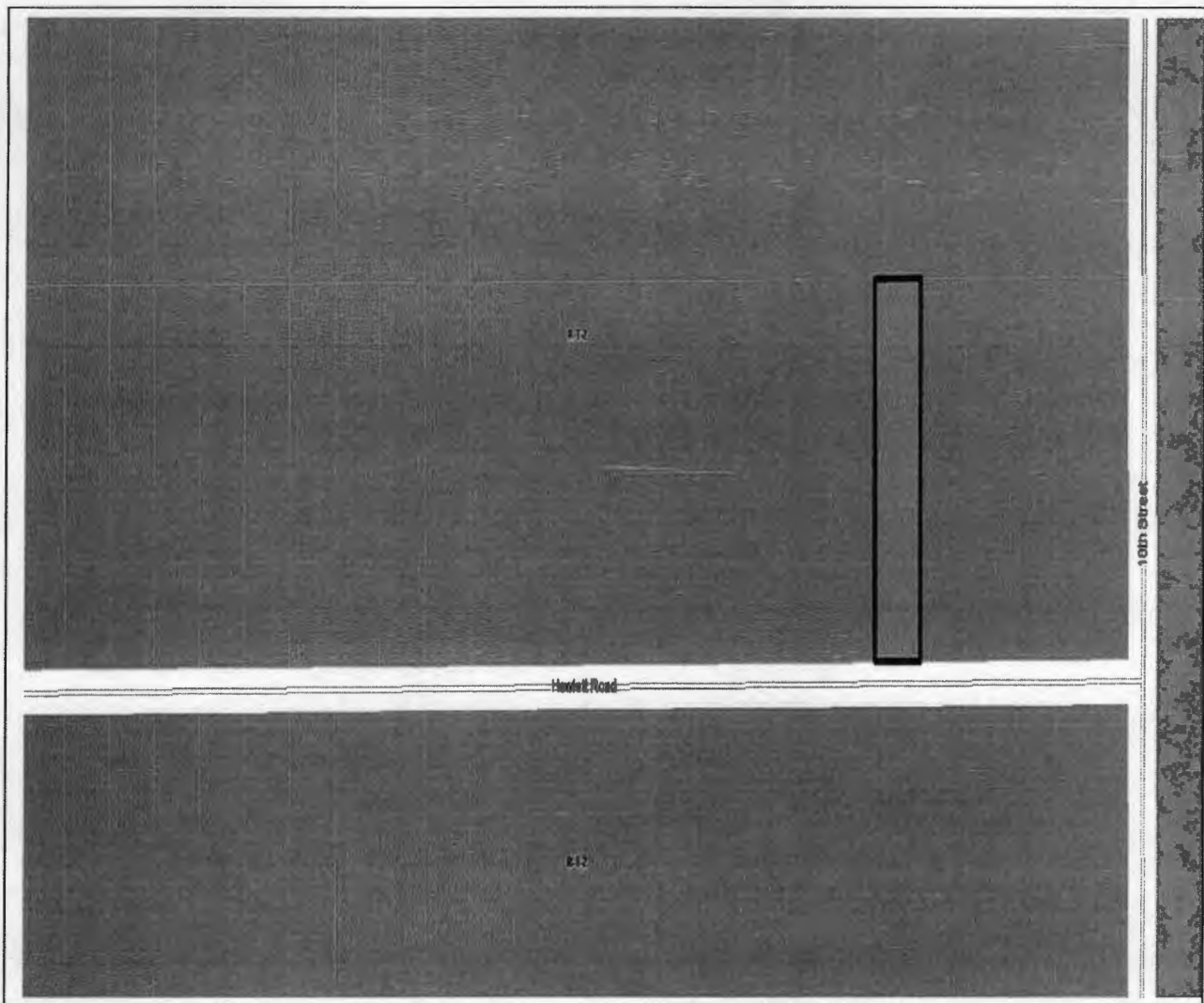
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. Permits for the carport shall be obtained within sixty (60) days or this approval becomes null and void.

**SYNOPSIS:** Staff gave a brief presentation on the case. It addressed the request, the zoning and conditions in the area, and a brief analysis.

The applicant stated they did not know permits were required. The applicant stated the carport could not be located in the back because there was no room on the sides for vehicles to access due to the septic tank, a light pole, and air conditioning equipment.

Staff received three (3) commentaries in favor and five (5) commentaries in opposition of the application. The five (5) in opposition was from the same property owner. There was no opposition at the hearing.

The BZA approved the variance.



**Applicant:** Enrique Malave

**BZA Number:** VA-17-04-019

**BZA Date:** 04/06/2017

**District:** 5

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

**Tract Size:** 100 ft. x 520 ft.

**Address:** 18813 Hewlett Road, Orlando FL 32820

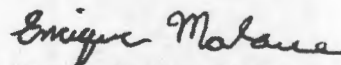
**Location:** North side of Hewlett Rd., approximately 475 ft. west of 10th Ave., in the Bithlo area.

February 14, 2017

I Enrique Malaves-Diaz, would like to take the time to apologize to Orange County Building Safety for building a carport on the side of my mobile home without a permit. Excuse my ignorance on not knowing or having knowledge of the rules and regulations of Orange County. I built a carport on the side of the mobile home due to lack of space behind the property. The air conditioning unit and septic tank are also located behind the home which would have also been an issue to build around it.

I would appreciate if you can revise my situation and take into consideration the amount of money I have spent on building this carport. As far as I'm concerned this has not troubled anyone in the community and has not been an issue either. Again, I apologize for my actions but I have complied with everything that Orange County has asked me to do in order to keep the carport.

Respectfully,

A handwritten signature in cursive script that reads "Enrique Malaves-Diaz".

Mr. Enrique Malaves-Diaz

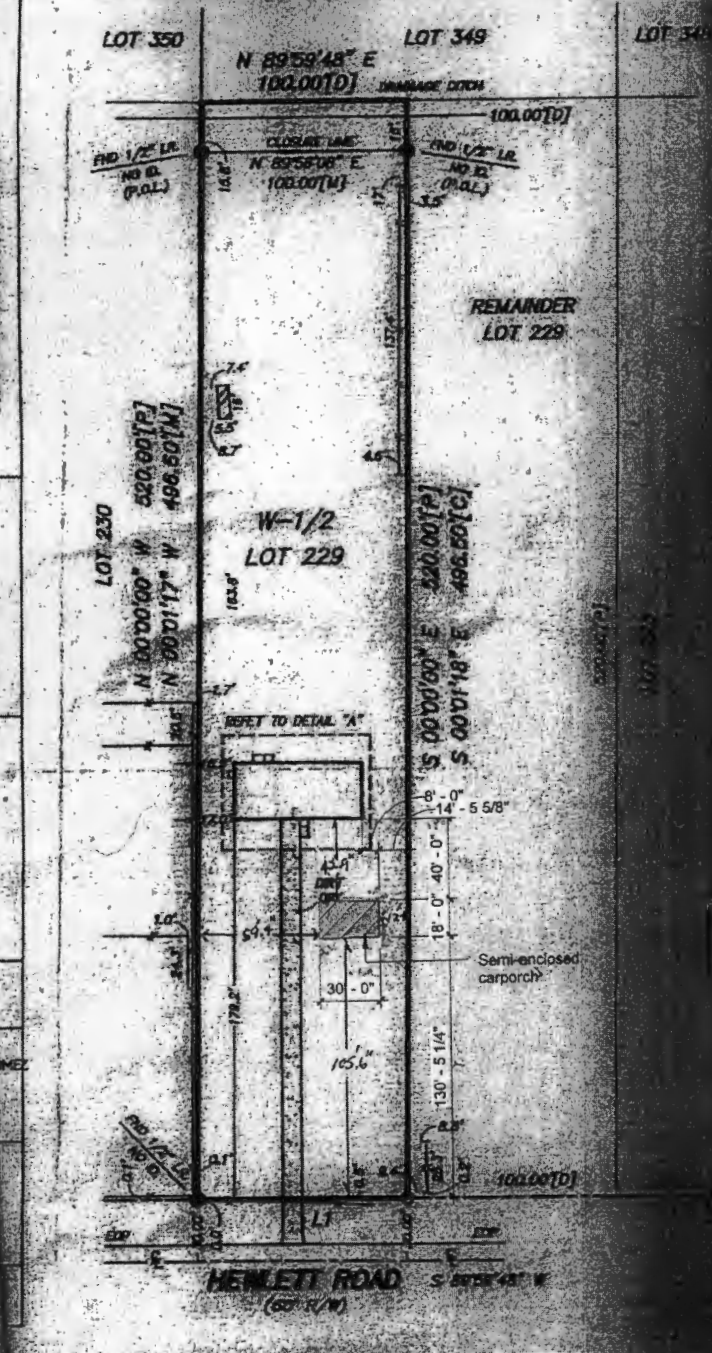
WEST  
ORLANDO  
ORDINANCE NO. 12-10  
ADOPTED IN  
PUBLIC MEETING  
JANUARY 10, 2012

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U.P.

C.

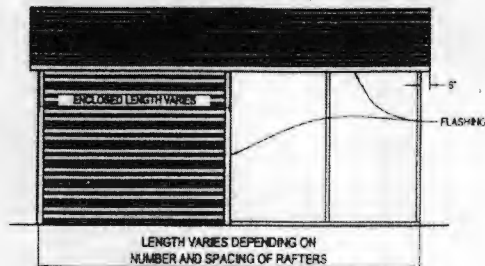
16

COMET

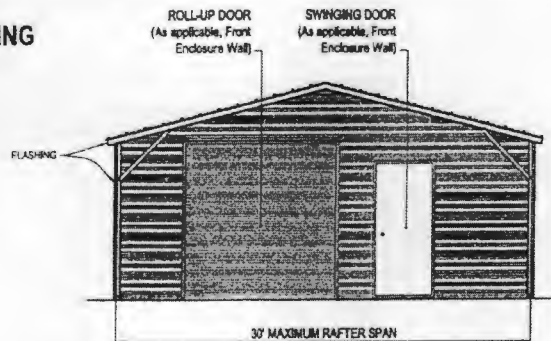


**RECEIVED**  
FEB 06 2017  
Zoning Division

☐ **BOX EAVE FRAME RAFTER UTILITY BUILDING**  
(Sheets 2, 4, 5, 7, 8, 9, and 11)

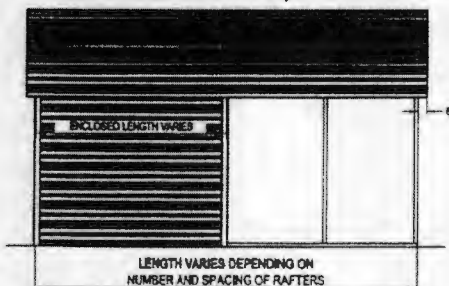


TYPICAL SIDE ELEVATION - HORIZONTAL ROOF  
SCALE: 1/8" = 1'

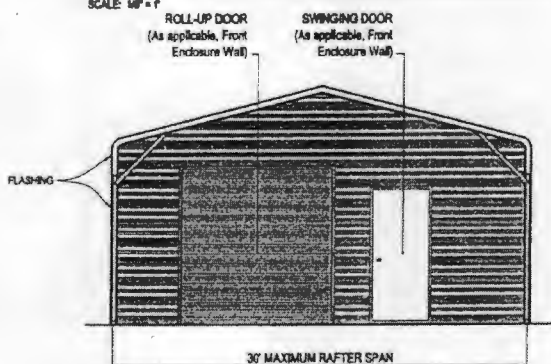


TYPICAL END ELEVATION - HORIZONTAL ROOF  
SCALE: 1/8" = 1'

☐ **BOW FRAME RAFTER UTILITY BUILDING**  
(Sheets 3, 4, 6, 7, 8, and 10)



TYPICAL SIDE ELEVATION  
SCALE: 1/8" = 1'



TYPICAL END ELEVATION  
SCALE: 1/8" = 1'

METAL FRAMING AND SIDING PREFABRICATED BY  
CARPORTS ANYWHERE  
P.O. BOX 830  
SWAINSBORO, GA 30401

THESE ENGINEERING DRAWINGS ARE THE PROPERTY OF  
BECHTOL ENGINEERING & TESTING, INC. AND J&B BUILDING  
SERVICES, INC. THESE DRAWING MAY NOT BE REPRODUCED  
WITHOUT THE WRITTEN CONSENT OF BECHTOL ENGINEERING  
& TESTING, INC., AND J&B BUILDING SERVICES, INC.

**GENERAL NOTES:**

1. RISK CATEGORY I OR II.
2. WIND EXPOSURE CATEGORY B, C, OR D.
3. ULTIMATE WIND SPEED 115 TO 150 MPH (NOMINAL WIND SPEED 89 TO 118 MPH); MAXIMUM RAFTER/POST AND END POST SPACING = 30 FEET.
4. ULTIMATE WIND SPEED 151 TO 180 MPH (NOMINAL WIND SPEED 117 TO 139 MPH); MAXIMUM RAFTER/POST AND END POST SPACING = 30 FEET.
5. AVERAGE FASTENER SPACING ON-CENTERS ALONG RAFTERS OR PURLINS, AND POSTS (INTERIOR OR END) = 8 INCHES.
6. SPECIFICATIONS APPLICABLE TO 26 GAUGE METAL PANELS FASTENED DIRECTLY TO 12 OR 14 GAUGE STEEL TUBE RAFTER FRAME.
7. FASTENERS CONSIST OF 1/4"-14X3/4" SELF-DRILLING SCREWS WITH CONTROL SEAL WASHER.
8. SPECIFICATIONS APPLICABLE ONLY FOR MEAN ROOF HEIGHT OF 20 FEET OR LESS, AND ROOF SLOPES OF 14" (3:12 PITCH). SPACING REQUIREMENTS FOR OTHER ROOF HEIGHTS AND/OR SLOPES MAY VARY.
9. BASE RAIL GROUND ANCHOR REQUIREMENTS ARE ONE WITHIN 6" OF EVERY POST LOCATION, AND BOTH SIDES OF OPENINGS WHERE BASE RAIL IS ABSENT.
10. GROUND ANCHORS ARE NOT REQUIRED WITH CONCRETE SLAB CONSTRUCTION.
11. CONCRETE EXPANSION ANCHORS SHALL BE WEJ-IT ANKR-TITE MODEL AT 1252, OR SLEEVE ANCHOR MODEL HSA 1250, OR EQUIVALENT.
12. POST/RAFTER BRACING: BRACE ON EVERY POST/RAFTER CONNECTION, EXCEPT FOR END WALLS AND GABLE ENDS.

☐ 12 GAUGE TUBE STEEL    ☐ 14 GAUGE TUBE STEEL

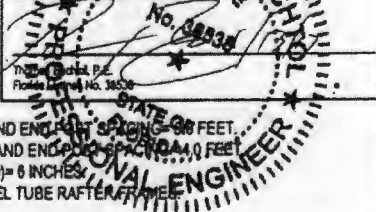
**METAL UTILITY STRUCTURES - INSTALLATION PLANS, DETAILS,  
AND FASTENER SPECIFICATIONS**

FOR CONSTRUCTION IN THE STATE OF FLORIDA

PREPARED BY:

BECHTOL ENGINEERING AND TESTING, INC.  
605 WEST NEW YORK AVENUE  
DELAND, FLORIDA 32720  
Certificate of Authorization No. 5492

BECHTOL ENGINEERING AND TESTING, INC.  
605 WEST NEW YORK AVENUE  
DELAND, FLORIDA 32720  
Certificate of Authorization No. 5492



**BECHTOL ENGINEERING  
AND TESTING, Inc.**

CONSULTING GEOTECHNICAL, ENVIRONMENTAL, AND MATERIALS TESTING ENGINEERS  
Certificate of Authorization No. 5492

**J&B BUILDING SERVICES, INC.**

FIELD: RR	CHECKED: JP	DATE: 08-23-16	PROJ. NO.: G18003
APPROVED: TB	SCALE: NOTED		SHEET 1 OF 11



STAFF REPORT  
CASE #VA-17-04-019  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
April 6, 2017  
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Enrique Malave

REQUEST: Variances in the R-T-2 zoning district as follows:

1) To allow an accessory structure (carport/shed) in front of the principal structure (mobile home) in lieu of alongside or rear; and,

2) To allow a cumulative total of 595 sq. ft. of accessory structure floor area in lieu of 500 sq. ft. (540 sq. ft. carport/shed plus existing 55 sq. ft. structure).

(Note: The applicant constructed the carport/shed without building permits. This is a result of code enforcement action).

LOCATION: North side of Hewlett Rd., approximately 475 ft. west of 10th Ave., in the Bithlo area.

PROPERTY ADDRESS: 18813 Hewlett Road

PARCEL ID: 15-22-32-2330-02-290

TRACT SIZE: 100 ft. x 520 ft.

DISTRICT #: 5

ZONING: R-T-2

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting variances to validate a carport in front of the principal structure, and for cumulative total accessory structure floor area.



2. Code Enforcement mailed a citation to the owner of the property on November 3, 2016.

3. Staff observed other properties in the area with accessory structures in front of the principal structure, however, these accessory structures were much smaller sheds.

4. Approval of the request will not adversely impact anyone as the structure is located over 105 feet from the front property line. However, based on the aerial and site plan, there is ample space in the rear yard to place the structure.

STAFF RECOMMENDATION:

If the BZA approves the request, the following conditions should be imposed:

1. Development in accordance with site plan dated February 6, 2017, 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; and,
4. Permits for the carport shall be obtained within sixty (60) days or this approval becomes null and void.

cc: Enrique Malave  
18813 Hewlett Road  
Orlando, Florida 32820

**MARK KINCHLA**  
**VA-17-04-020**

---

**REQUEST:** Variance in the R-3 zoning district to reduce the building setback from the centerline of Old Cheney Hwy. from 55 ft. to 49 ft.  
**ADDRESS:** 5535 Old Cheney Hwy., Orlando FL 32807  
**LOCATION:** Northeast corner of Old Cheney Hwy. and Truman Rd., west of Semoran Blvd.  
**S-T-R:** 21-22-30  
**TRACT SIZE:** 250 ft. x 152 ft. (AVG)  
**DISTRICT#:** 5  
**LEGAL:** BEG AT A PT 905 FT S & 30 FT E FROM NW COR OF SE1/4 OF NE1/4 RUN S 257.53 FT N 85 DEG E 152.30 FT N 242.97 FT W 152.02 FT TO POB IN SEC 21-22-30  
**PARCEL ID:** 21-22-30-0000-00-048  
**NO. OF NOTICES:** 89

**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):

1. Development in accordance with site plan dated February 13, 2017, 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.

**SYNOPSIS:** Staff gave a brief presentation on the case. It addressed the request, the zoning, and a brief analysis.

The applicant stated the area is a redevelopment area. He stated the DRC remanded him to the BZA.

The BZA concluded the request was reasonable.

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

The BZA approved the variance.



February 12, 2017

Mark Kinchla  
Authorized Agent for Owner  
Fekany Bros Enterprises, Inc.  
728 Hardman Drive  
Orlando, FL 32806

Orange County Board of Zoning Adjustment  
201 South Rosalind Avenue  
Orlando, FL. 32801

Re: Variance request for the building setback requirement from fifty-five (55) feet to forty-nine (49) feet from the centerline of Old Cheney Hwy. pursuant to Orange County Code Chapter 38 Article XV, Section 38-1603 to satisfy condition of approval of PSP-16-08-235 as per DRC meeting of January 25, 2017 for the property located at 5535 Old Cheney Hwy Orlando, FL. Parcel ID # 21-22-30-0000-00-048

Dear Board Member:

I, Mark Kinchla, as agent for property owner, Fekany Bros Enterprises Inc. requests a variance from the setback requirement of fifty-five (55) to forty-nine (49) feet from the centerline of Old Cheney Hwy. pursuant to Orange County Code Chapter 38 Article XV, Section 38 -1603 in order to satisfy the condition of approval granted by the Orange County Development Review Committee on January 25, 2017 for Old Cheney 10 PSP-16-08-235 (see attached DRC minutes).

Old Cheney 10 PSP-16-08-235 is located at 5535 Old Cheney Hwy located in a redevelopment area outside Baldwin Park. The development of this parcel started in 2015 with an amendment of the Growth Management Plan (GMP) allowing for seventeen (17) residential units. The amendment of the GMP involved community meetings that were well received by the neighborhood. Once the amendment was granted the development team attempted to design the seventeen (17) residential units but due to site constraints redesigned to just ten (10) townhouse lots consisting of a 27' tall two story, 1840 sq ft living area, townhouse.

In September 2016, while in the DRC review process, I was contacted Sean Bailey of Orange County Zoning (see attached email) and told that the 49' setback along Old Cheney Hwy would not comply with the 55' major street setback under Chapter 38 Article XV, Section 38-1603. Sean mentioned that most major streets are over a 100' right-of-ways never posing much of a impact but Old Cheney Hwy is 70'. After hearing this information we consulted with our DRC project manager and it was decided a waiver could be requested from DRC.

**RECEIVED**

**FEB 13 2017  
ORANGE COUNTY  
ZONING DIVISION**

On January 25, 2017, the development team appeared in front of DRC and requested a waiver but was not allowed as we were a PSP not a PUD. The members of the DRC granted approval of our PSP-16-08-235 subject to a variance being granted by BZA regarding this building setback variance of six (6) feet from fifty-five (55) to forty-nine (49) feet.

It is apparent that the development team didn't create this need for the variance because had they requested development as a PUD the waiver requested regarding this setback from the DRC would have been granted.

Additionally, it is apparent that Old Cheney Hwy has a special condition being a 70' right-of way is peculiar in that its status as a major street requires this unusual setback that in most instances major street are 100' right-of-ways.

The development team does believe based on the DRC approval of the PSP they are in agreement with the project as proposed and the neighborhood was been apprised and concurs that the requested variance does not provide any special privilege to this development.

The requested variance is the minimum variance that will make possible the reasonable use of the land maintaining the minimum setback requirement of fifteen (15) from the property line.

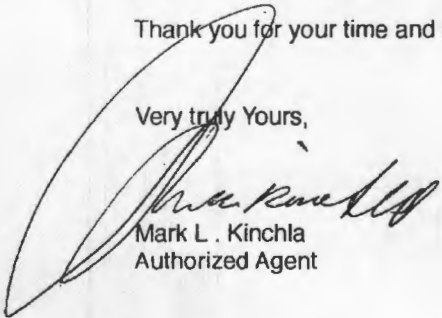
Not granting this variance will deprive the development team of rights typically allowed had staff suggested the PUD process versus PSP process.

The variance allows the development team to develop the property to its highest and best use which is the intent of Zoning Regulations.

It is based on all of the above that the applicant requests that the Board of Zoning Adjustment approve this request.

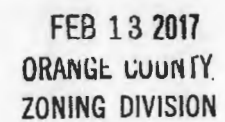
Thank you for your time and attention to this matter.

Very truly Yours,



Mark L. Kinchla  
Authorized Agent









STAFF REPORT  
CASE #VA-17-04-020  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
April 6, 2017  
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Mark Kinchla

REQUEST: Variance in the R-3 zoning district to reduce the building setback from the centerline of Old Cheney Hwy. from 55 ft. to 49 ft.

LOCATION: Northeast corner of Old Cheney Hwy. and Truman Rd., west of Semoran Blvd.

PROPERTY ADDRESS: 5535 Old Cheney Hwy.

PARCEL ID: 21-22-30-0000-00-048

TRACT SIZE: 250 ft. x 152 ft. (AVG)

DISTRICT #: 5

ZONING: R-3

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes to build ten (10) townhomes on the property.
2. On January 25, 2017, the Orange County Development Review Committee approved the Preliminary Subdivision Plan subject to the applicant obtaining a variance for the setback.
3. The property is odd-shaped in that the south side property line is at angle in relation to the adjacent street and other property lines. The angle of said property line reduces the ability to meet the required setback from the centerline of Old Cheney Highway for a portion of the property. This constitutes a valid hardship.
4. Staff has no objections to this request as it meets the Variance Criteria.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated February 13, 2017, 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: Mark Kinchla  
728 Hardman Drive  
Orlando, Florida 32806

**ROSS STORES, INC.**  
**VA-17-04-021**

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**REQUEST:** Variance in the C-2 zoning district to allow 540 sq. ft. of wall signage copy area in lieu of 225 sq. ft. of wall signage copy area.  
(Note: Applicant is proposing 504 sq. ft. of wall signage on front and 36 sq. ft. of wall signage on side).

**ADDRESS:** 7609 S. Orange Blossom Trail, Orlando FL 32809

**LOCATION:** Northeast corner of S. Orange Blossom Trail and W. Sand Lake Road

**S-T-R:** 27-23-29

**TRACT SIZE:** 25.84 acres

**DISTRICT#:** 3

**LEGAL:** SKYVIEW PLAZA 29/97 LOT 1 (LESS LEASE AREA 1 THROUGH 4) & (LESS BEG SLY COR OF HARDEES AT SKY VIEW PLAZA PB 22/148 RUN NWLY ALONG SUB 172 FT SWLY ALONG R/W 130 FT SELY 238.3 FT NELY 130 FT NWLY 66.3 FT TO POB) & (LESS RD R/W)

**PARCEL ID:** 27-23-29-8093-00-010

**NO. OF NOTICES:** 392

**DECISION:** A motion was made by Jose A. Rivas, Jr., seconded by Carolyn Karraker, Gregory A. Jackson voting AYE by voice vote; and, Deborah Moskowitz, Eugene Roberson, Jr., Wes A. Hodge voting No by voice vote, to **APPROVE** the Variance request as amended to a total of 300 sq. ft. wall sign as measured by a single box figure along the west side and a thirty-six (36) sq. ft. wall sign as measured by a single box along the south side. The motion **FAILED** with a **TIE** vote (3 in favor and 3 opposed).

A second motion was made by Jose A. Rivas, Jr., seconded by Carolyn Karraker, Gregory A. Jackson, Wes A. Hodge voting AYE by voice vote; and, Deborah Moskowitz, Eugene Roberson, Jr. voting No by voice vote, and carried to **APPROVE** the Variance request as amended to a total of 225 sq. ft. wall sign as measured by a single box figure along the west side and a thirty-six (36) sq. ft. wall sign as measured by a single box along the south side, 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 (4 in favor and 2 opposed):

1. Development in accordance with site plan dated February 15, 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. 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,
4. Approval is for a 225 sq. ft. wall sign as measured by a single box figure along the west side and a thirty-six (36) sq. ft. wall sign as measured by a single box along the south side.

**SYNOPSIS:** The applicant proposes signage on two (2) sides of its building. The amount of signage is excessive and requires a variance.

Staff gave a presentation and pointed out the reasons for denial. Primarily, another tenant in the same shopping center wanted a similar variance but the BZA denied it in 2013.

The applicant advised the BZA of the importance of having the signage. Three (3) persons spoke in favor and they were representatives for the applicant.

Staff had concerns about this request. Discussion ensued about how to measure the sign.

The BZA concluded the request was excessive but allowed thirty-six (36) additional sq. ft. on the side of the building. There was no opposition at the hearing.





**Applicant:** Ross Stores, Inc.

**BZA Number:** VA-17-04-021

**BZA Date:** 04/06/2017

**District:** 3

**Sec/Twn/Rge:** 27-23-29-SE-D

**Tract Size:** 25.84 acres

**Address:** 7609 S. Orange Blossom Trail, Orlando FL 32809

**Location:** Northeast corner of S. Orange Blossom Trail and W. Sand Lake Road

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**Variation  
Letter of Justification**

**Ross Dress For Less**

Skyview Plaza

7885 S Orange Blossom Trail, Orlando, Orange County, FL

**Background:**

Ross Stores, Inc. currently operates ten (10) Ross Dress For Less stores in the greater Orlando area. These stores have proven to be an asset to the communities they serve. Opening the new Ross Dress For Less store at Skyview Plaza is evidence of Ross' plans to further partner with Orange County, but they find that they need to bolster their identity by increasing the signage entitlements dictated by the County's zoning ordinance. Therefore, as agents of Ross Stores, Inc., we are applying for a variance requesting an increase in the maximum sign area.

The new Ross Dress For Less store will occupy an "anchor tenant" space in what will be the newly refurbished space at Skyview Plaza. Their lease provides for a 150'-10" frontage facing Orange Blossom Trail (West Elevation) and an additional 56'-3" of frontage facing Sand Lake Road (South Elevation). They will be employing an estimated 50 full and part time employees. Orange County code establishes a maximum sign area of 225.0 square feet. For the front (West) elevation; the proposed ROSS sign is 72" high (144 sq. ft.) and the DRESS FOR LESS letters are 42" high (147 sq. ft.). Also proposed for the front (West) elevation is a 7.2 sq. ft. hanging under-canopy sign. For the side elevation; the proposed ROSS letters are 36" high (36.0 sq. ft.). Thus, the total proposed sign area for both elevations is 334.2 sq. feet of sign area.

**Petitioner Justification (per Section 30-43 (3) of the Orange County Code):**

**1. That 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 district.**

Sign ordinances are generally written with consideration that most retail businesses abut the street frontage in the traditional manner of retail development. In this case, the store is not only set back a considerable distance from all roads and entry points, but there are several large trees between the road/parking lot and the ROSS DRESS FOR LESS storefront. This unique condition must be taken into account when considering the resulting size and proportion of the primary wall sign.

The ROSS DRESS FOR LESS storefront is setback 400' from South Orange Blossom Trail and 595' from Sand Lake Road. We feel that when the 225.0 sq. ft. maximum ROSS DRESS FOR LESS sign is viewed from such a distance, it will look disproportionately small when viewed from the nearest plaza entry points.

Additionally, the project location contains a large number of mature trees, both at the main roads and within the parking lot. These trees hinder the view of the Ross Dress For Less storefront.

**2. That the special conditions do not result from the actions of the applicant.**

Skyview Plaza is an existing facility and even with the improved construction to the existing "shell" the site characteristics are to be inherited. We feel that as such inherited circumstances exist, the request for additional sign area is reasonable, does not harm adjoining business and falls within the intent of code which is to allow for reasonable sign area for each business.

**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, structures or buildings in the same zoning district.**

We are not asking for special privilege as much as we are asking that ROSS DRESS FOR LESS, which is set back a long distance, be given extra consideration regarding sign size due to the unique circumstances outlined in section 1.

**4. That literal interpretation of the provisions of the sign code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant.**

As described above, the viewing distance from bordering roads and facility entry points is significantly greater than most nearby retail and service businesses in the same general area. Many of these businesses either front the right-of-way (ROW) or are set back a minimal distance from the street. The existing mature trees along the roadways and within the parking lot restrict view to the Ross Dress For Less storefront. This actually gives these businesses an unfair advantage over stores with significant setbacks.

Ross Stores Inc. is requesting a 334.2 sq. ft. of combined wall/under-canopy sign area, where the County sets a 225.0 sq. ft. max. sign area. It should be clearly evident that a 225.0 sq. ft. of sign area, This condition actually gives businesses closer to the ROW and advantage over a store that is set back from the street by a long distance

**4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this sign code to other lands, structures or buildings in the same zoning district.**

We believe that those businesses that have little or no setback from the retail traffic corridors of Orange County actually have a special privilege. We are not asking for special privilege as much as we are asking that Ross Dress For Less, which is set back a long distance, with numerous mature trees between the roads and the storefront, be given extra consideration regarding sign size.

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

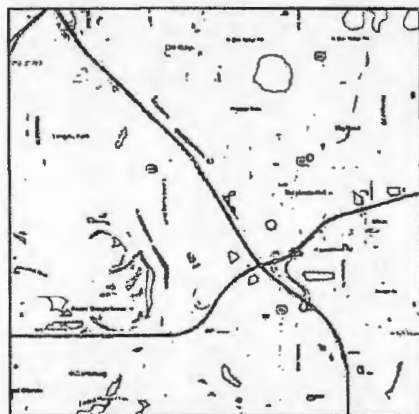
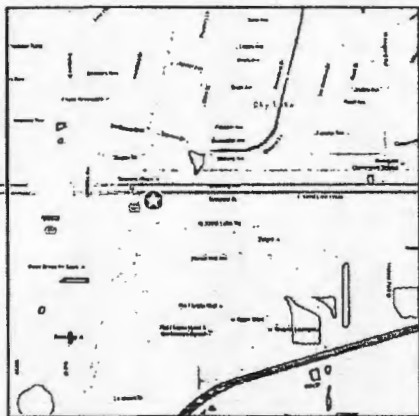
The proposed signage represents a proportionate and balanced presentation, consistent with the goals of the ordinance and general plan.

**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.**

We believe that the addition of the proposed signage will actually be a material benefit to the public by assisting them in locating the store. *The Signage Sourcebook*, published by the Small Business Administration, has documented how properly sized and formatted signs can reduce traffic incidents, finding that hard to read signs distract the driver because they can't find what they're looking for. This is an especially critical consideration given the elderly citizens common to the area.

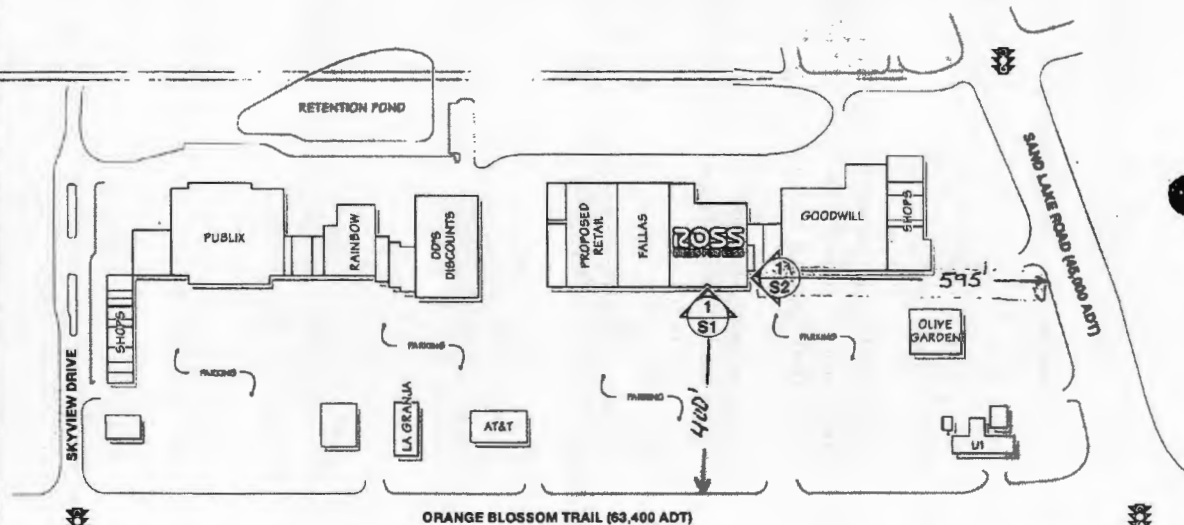
With this variance request, Ross Stores, Inc. is seeking to balance the visual perception of a sign that appears smaller than those closer to the traffic corridors. It would also signify the relative importance Ross Stores Inc. will play in the local economy.

We appreciate the opportunity to present our reasoning behind our request for limited relief from the Orange County's sign regulations. We feel that the purposes and intent of the ordinance and General Plan would be advanced by the requested deviations from the requirements, and the benefits of such a deviation will substantially outweigh the detriment that would result in ineffective identification.



VICINITY MAP

NOT TO SCALE



SITE PLAN

NOT TO SCALE

RECEIVED  
FEB 15 2017  
ORANGE COUNTY  
ZONING DIVISION



bill moore & associates

1007 edison ave.  
p.o. box 6153  
albany, ca 94706-0153  
510/525-0296 fax 510-525-0292  
www.bilmoore.com



#1961 FLORIDA MALL NORTH  
Skyview Plaza  
NEC Orange Blossom Trail & Sand Lake Road  
Orlando, FL

drawn  
EXHIBIT J

12/10/15  
02/15/16



RECEIVED

FEB 15 2017

ORANGE COUNTY  
ZONING DIVISION

(A) 72"H INDIVIDUAL "ROSS" PAN CHANNEL  
LETTER-LOK LOGO LETTERS:  
FACES: TUF-GLAS SG 21210-E4 MATTE BLUE  
RETURNS: 8"D ALUM. W/ WHITE FINISH  
TRIM CAP: 2" WHITE JEWELITE  
LETTER BACKS: ALUMINUM  
LEDS: INSEM 56-KDL2CL-RW 8000K WHITE  
MOUNTING: 3/8"-20 GALV THRU BOLTS  
PEG OFF: 1/2" SPACERS  
DISCONNECT: ON "R" OF "ROSS" PER NEC 600

(B) 42"H INDIVIDUAL "DFL" LOGO LETTERS:  
ALL CALLOUTS SAME AS "ROSS" EXCEPT:  
RETURNS: 8"D ALUM. W/ WHITE FINISH  
TRIM CAP: 1" WHITE JEWELITE  
DISCONNECT: ON "R" OF "ROSS" PER NEC 600

(1) SIGN FASCIA BY LANDLORD,  
SEE NOTES

(C) 23"H X 46"W X 10"D DOUBLE-FACE  
INTERNALLY ILLUMINATED UNDER-CANOPY  
SIGN, SEE SHEET UC FOR DETAILS.



(1) STOREFRONT • WEST • ORANGE BLOSSOM TRAIL • ELEVATION

SCALE: 3/32" = 1'-0"

VARIANCE:

<b>ROSS</b> <b>DRESS FOR LESS</b>		SIGN AREA ALLOWED: 225 S.F.	
ROSS 6' x 24' = 144 sf		SIGN AREA USED: 299 S.F.	
DFL 3.50' x 42' = 147 sf		UC SIGN: 1.9 X 3.8' = 7.22 S.F.	
TOTAL = 291 sf			

bma  
bill moore & associates



**ROSS**  
DRESS FOR LESS

#1961 FLORIDA MALL NORTH  
Skyview Plaza  
NEC Orange Blossom Trail & Sand Lake Road  
Orlando, FL

drawn 12/10/15  
Exhibit 1 02/15/16

TK-E

SHEET  
**S1**



# Notes:

## LANDLORD TO PROVIDE:

- ADEQUATE ACCESS BEHIND LOGO LETTERS FOR INSTALLATION AND MAINTENANCE, PER ARTICLE 600 OF THE N.E.C.
- ONE (1) 20 AMP 120V ISOLATED SIGN CIRCUIT AND JUNCTION BOX TO AREA BEHIND SIGN LETTERS CONNECTED TO THE ENERGY MANAGEMENT SYSTEM
- AT LEAST 1/2" THICK PLYWOOD BACKING BEHIND ALL E.L.F.S. WALL SYSTEMS FOR SIGN AND BANNER SUPPORT

SIGN FASCIA TO BE FREE OF JOINTS & REVEALS, AND OF A LIGHT COLOR (MINIMUM 80% L.R.V.) TO PROVIDE HIGH CONTRAST AND VISIBILITY FOR THE SIGN.

ALL COLORS ARE SUBJECT TO ROSS STORES, INC. REVIEW AND APPROVAL. COLOR APPEARANCE MAY BE ALTERED BY PRINTING. SEE APPROVED FINAL CONSTRUCTION DRAWINGS FOR COLOR SPECIFICATIONS.

IF ANY SIGNAGE PROPOSED IN THIS EXHIBIT IS ALTERED BY LOCAL GOVERNMENT AUTHORITIES, ROSS STORES INC. RESERVES THE RIGHT TO, AT COST, ADJUST ARCHITECTURAL FEATURES TO BEST ACCOMMODATE ALTERED SIGNAGE.

**A** 36" H. INDIVIDUAL "ROSS" PAN CHANNEL LETTER-LOK LOGO LETTERS:  
FACES: TUF-GLAS SG 21210-E4 MATTE BLUE  
RETURNS: 3" D ALUM. W/ WHITE FINISH  
TRIM CAP: 1" WHITE JEWELITE  
LETTER BACKS: ALUMINUM  
LEDS: INSEM 55-KDL2CL-RW 9000K WHITE  
MOUNTING: 3/8"-20 GALV. THRU BOLTS  
PEG OFF: 1/2" SPACERS  
DISCONNECT: ON "K" OF "ROSS" PER NEC 600

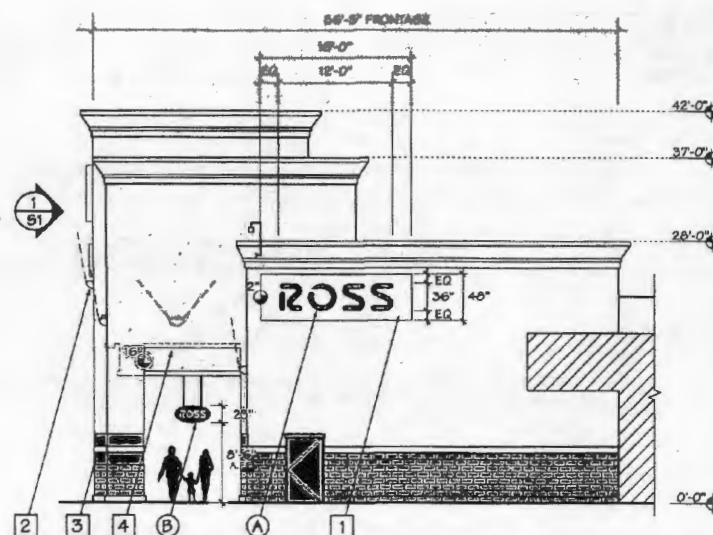
**B** 23" H X 48" W X 10" D DOUBLE-FACE INTERNALLY ILLUMINATED UNDER-CANOPY SIGN. SEE SHEET UC FOR DETAILS.

**1** SIGN FASCIA BY LANDLORD, SEE NOTES

**2** TYPICAL ARCHITECTURAL LIGHTING BY LANDLORD

**3** TYPICAL ROSS BLUE IDENTITY BANDS BY LANDLORD

**4** RECESSED ILLUMINATED NICHE BY LANDLORD



**1 SIDE • SOUTH • SAND LAKE ROAD • ELEVATION**

SCALE: 3/32" = 1' - 0"

## VARIANCE:

**ROSS**

SIGN AREA ALLOWED: 0 S.F.  
SIGN AREA USED: 36 S.F.

ROSS 37" x 12'-0" W = 36 sf  
TOTAL = 36 sf

**bma**  
bill moore & associates  
1057 adams ave.  
p.o. box 6133  
orlando, fl 32816-2133  
407/838-0294 fax 407-6092  
www.billmoore.com



**ROSS**  
DRESS FOR LESS

**#1961 FLORIDA MALL NORTH**  
Skyview Plaza  
NEC Orange Blossom Trail & Sand Lake Road  
Orlando, FL

drawn 12/10/13  
Exhibit J 02/15/16  
add frontage 02/08/17

TK-E

SHEET  
**S2**

**RECEIVED**  
FEB 15 2017  
ORANGE COUNTY  
ZONING DIVISION

1/11/2017

m.ocpal.org/home/map?pin=292327809300010



<http://m.ocpal.org/home/map?pin=292327809300010>

1/2



STAFF REPORT  
CASE #VA-17-04-021  
Orange County Zoning Division  
Planner: Rocco Relvini  
Board of Zoning Adjustment  
April 6, 2017  
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Ross Stores, Inc.

REQUEST: Variance in the C-2 zoning district to allow 540 sq. ft. of wall signage copy area in lieu of 225 sq. ft. of wall signage copy area.

(Note: Applicant is proposing 504 sq. ft. of wall signage on front and 36 sq. ft. of wall signage on side).

LOCATION: Northeast corner of S. Orange Blossom Trail and W. Sand Lake Road

PROPERTY ADDRESS: 7609 S. Orange Blossom Trail

PARCEL ID: 27-23-29-8093-00-010

TRACT SIZE: 25.84 acres

DISTRICT #: 3

ZONING: C-2

STAFF FINDINGS AND ANALYSIS:

1. The applicant is an anchor tenant in a shopping center that is being redeveloped. The request is to allow 540 total sq. ft. of wall signage on the building instead of 225 sq. ft.
2. Staff cannot support this request for the following reasons: a) the deviation represents a 240% deviation from code requirements; b) there are no special circumstances that are not applicable to the other tenants in the plaza; c) the request

does not meet the Variance Criteria outlined in Section 30-43, Orange County Code; d) approval of this request would give this applicant an unfair advantage over the other tenants in the same plaza; and, e) Section 31.5-8(3), Orange County Code states, "the fact that the sign standards of a company are contrary to this chapter is not sufficient basis to justify granting a variance".

3. On March 7, 2013, an adjacent tenant requested a variance to allow 223 sq. ft. of wall signage instead of 185 sq. ft. The BZA denied that request.

4. The project has two (2) pole signs to advertise the tenants.

**STAFF RECOMMENDATION:**

Staff cannot support the request for the reasons stated above.

If the BZA approves this request, the following conditions should be imposed:

1. Development in accordance with site plan dated February 15, 2017, 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. 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.

cc: Thomas G. Bradford, Jr. (Applicant's representative)  
3175 Grissom Parkway  
Cocoa, Florida 32926

**ARIEL MALAGON**  
**VA-17-04-022**

**REQUEST:** **Variance** in the R-CE zoning district to permit a cumulative total of 5,169 sq. ft. of accessory floor area in lieu of 2,000.  
(Note: The applicant states that the structures in question were in existence when the applicant purchased the property in October of 2016. This is a result of code enforcement action after numerous complaints regarding work being done without permits).

**ADDRESS:** 1616 S. Chickasaw Trail, Orlando FL 32825

**LOCATION:** West side of S. Chickasaw Trail, approximately 1,000 ft. south of El Prado, and approximately .8 mi. north of Curry Ford Rd.

**S-T-R:** 01-23-30

**TRACT SIZE:** 163 ft. x 634 ft.

**DISTRICT#:** 3

**LEGAL:** S 5 ACRES OF E1/2 OF NE1/4 OF NW1/4 (LESS SLY 164.37 FT & LESS R/W ON E) OF SEC 01-23-30

**PARCEL ID:** 01-23-30-0000-00-044

**NO. OF NOTICES:** 54

**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 and 2 opposed):

1. Development in accordance with site plan dated February 14, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval, less the two pole barns. 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 of the building shall be limited to residential storage only. No accessory structure shall be used as temporary or permanent dwelling unit without approval by the BZA as an Accessory Dwelling Unit or a Guest House. Nor shall any accessory structure be used for any commercial use not associated with a bona fide home occupation;
5. Any structures in excess of the approved square footage shall be removed within sixty (60) days of final action on this application with proper permits;
6. The applicant shall obtain permits for all remaining unpermitted work within ninety (90) days of final action on this application by the County or this approval becomes null and void and will be turned over to the Code Enforcement Division;
7. The use of the property shall be limited to those uses identified in Chapter 38 of the Orange County Code. No vehicles associated with the applicant's business(es) shall be stored on the subject property;
8. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action; and,
9. This approval is for a total of 2,667 sq. ft. of accessory structure floor area only.

**SYNOPSIS:** Staff noted that this application was the result of Code Enforcement action.

The applicant completed a significant amount of work on the structures without obtaining any permits. Code Enforcement staff had informed the applicant that they needed to stop work on the construction of a tiki hut and obtain variances and permits. However, the applicant completed the structure. Code Enforcement also cited the applicant for operating one or more businesses from the property which is contrary to both the intent of the Orange County Zoning Code and the Comprehensive Plan.

Staff outlined three (3) possible courses of action the BZA could take, noting that staff recommends allowing an amount of accessory floor area equal to that of a free-standing garage which has existed on the site since the late 1980s and require all floor area in excess of that amount to be removed.

A representative of the Code Enforcement Division explained the chronology of events that took place since late last year when the applicant received the original citation notice for the work done without permits. They had documentation that one or more businesses were operating from the property and they advised the applicant to stop work.



The applicant indicated the business has been removed from the property and they are willing to get permits for all unpermitted work. They also indicated that the realtor they had purchased the property from had told them that a business had existed on the property in the past and that it would be permissible to operate a commercial business from this property.

No one was in attendance to speak in favor of the application. Four (4) nearby neighbors spoke in opposition to this request. They cited: constant problems with noise late at night; headlights shining into their windows during the night; constant partying during late night hours; and they had suspicions there may be one or more persons living in the converted garage.

The applicant noted that the business is no longer on the property. He stated that he would return all of the buildings to their original condition.

The BZA concluded this property had many code enforcement matters to resolve and the request was excessive. In addition, they discussed the parking area the applicant installed without permits and whether it should be allowed to remain. The BZA chose the option that required the removal of the excess square footage above what was constructed in the late 1980s.



**Applicant:** Ariel Malagon

**BZA Number:** VA-17-04-022

**BZA Date:** 04/06/2017

**District:** 3

**Sec/Twn/Rge:** 01-23-30-NW-B

**Tract Size:** 163 ft. x 634 ft.

**Address:** 1616 S. Chickasaw Trail, Orlando FL 32825

**Location:** West side of S. Chickasaw Trail, approximately 1,000 ft. south of El Prado, and approximately .8 mi. north of Curry Ford Rd.

February 14, 2017

Orange County Zoning Division  
Orlando, Florida

Zoning Variance  
1616 S Chickasaw Trail  
Orlando, Florida  
01-23-30-0000-00-044

*Staff measurements:*

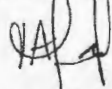
Dear Sirs:

I purchased the above property in October of 2016. At the time of purchase the property, included the following structures (please see survey). They were also listed in the Orange County Appraiser page (copy of page is attached).


- Wood shed -288 square feet which I have torn down and is no longer on the property (*Removed*)
- A concrete garage 2,363 sq feet. Which is listed in the Orange County Property Appraiser's page. See attached listing.
- An open metal roof structure <sup>1646</sup>~~1772~~ sq feet.
- A concrete covered structure on a concrete slab <sup>1022</sup>~~1,054~~ sq feet. The concrete cover was replaced by a Tiki Hut type cover using the existing concrete slab.

I am respectfully requesting a variance be accepted and grandfathered in on these existing structures. I am including the required application and the documentation for your review

Sincerely,



Ariel Malagon



Existing Garage 2363  
Existing Tiki Hut 1022  
Existing Open Garage 1646  

---

5031  
1517 3031 over

The South 1/2 acres of the East 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 1, Township 23 South, Range 30 East Orange County, Florida, less the Southerly 164.37 feet thereof, Subject to road right of way.

Legal Description

Community number: 120179 Parcel: 0270  
 Sufferer F.L.R.M. Date: 9/25/2009 Flood Zone: X  
 Date of field work: 10/18/2016 Completion Date: 10/19/2016

Certified to:  
 Ariel McIlroy, Mortgage Title Services, Inc., Chicago Title Insurance Company.

Property Address:  
 1616 South Chickasaw Trail  
 Orlando, FL 32825

Survey number: SL 171060

The South 1/2 acres of the East 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 1, Township 23 South, Range 30 East Orange County, Florida, less the Southerly 164.37 feet thereof, Subject to road right of way.

Legal Description

Community number: 120179 Parcel: 0270  
 Sufferer F.L.R.M. Date: 9/25/2009 Flood Zone: X  
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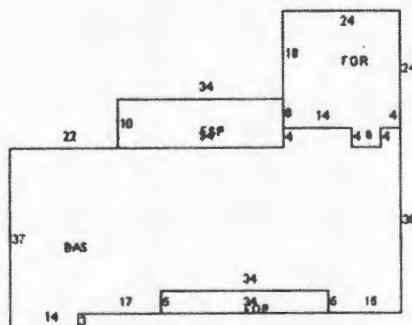
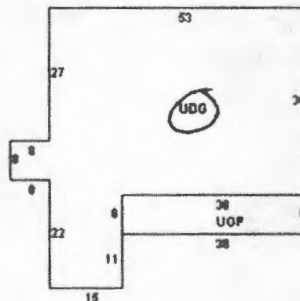
Property Address:  
 1616 South Chickasaw Trail  
 Orlando, FL 32825

Survey number: SL 171060

## Building Details - 1616 S Chickasaw Trl - Building #1



**Courtesy Rick Singh, Orange County Property Appraiser**



Sub Area	Sqft	Value
BAS - Base Area	2664	working...
FGR - Fin Garage	600	working...
FOP - F/Opn Prch	170	working...
FSP - F/Scr Prch	340	working...
<u>UDG - Unf Dt Grg</u>	2363	working...
UOP - Unf O Prch	304	working...

**Model Code:**

01 - Single Fam Residence

**Type Code:**

0103 - Single Fam Class III

<http://www.ocpafl.org/Searches/BuildingPrinterFriendly.aspx/PD...> 2/11/2017



STAFF REPORT  
CASE #VA-17-04-022  
Orange County Zoning Division  
Planner: David Nearing, AICP  
Board of Zoning Adjustment  
April 6, 2017  
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Ariel Malagon

REQUEST Variance in the R-CE zoning district to permit a cumulative total of 5,169 sq. ft. of accessory floor area in lieu of 2,000.

(Note: The applicant states that the structures in question were in existence when the applicant purchased the property in October of 2016. This is a result of code enforcement action after numerous complaints regarding work being done without permits).

LOCATION: West side of S. Chickasaw Trail, approximately 1,000 ft. south of El Prado, and approximately .8 mi. north of Curry Ford Rd.

PROPERTY ADDRESS: 1616 S. Chickasaw Trail

PARCEL ID: 01-23-30-0000-00-044

TRACT SIZE: 163 ft. x 634 ft.

DISTRICT #: 3

ZONING: R-CE

STAFF FINDINGS AND ANALYSIS:

1. The applicant has added at least one (1) structure to the property without obtaining the necessary permits, including installation of a hydraulic lift which would allow one to work on large vehicles.
2. The applicant has indicated that the structures were in existence at the time they purchased the property. However, improvements were made without permits, which if applied for, would have revealed the excessive amount of accessory floor area. Some of the complaints received by the Code Enforcement Division



include noise, operation of one or more businesses from the subject property, as well as doing construction without the necessary permits.

3. The request is excessive. The additional 3,169 sq. ft. of accessory structure represents a variance of 158.5%.
4. The purpose of the R-CE zoning district is to create a zone where large lot residential development can be protected from the negative effects of agricultural and commercial activities. The activities reported by neighbors and observed by County Code Enforcement Officers indicate that the subject property is being used for more than residential activity. As such, this application is not consistent with the intent of the R-CE zoning district.
5. The County's Comprehensive Plan places a Future Land Use of Low Density Residential (LDR) on the subject property, which is exclusively for residential activities. There appears to be more than just residential activity taking place on the subject property.
6. The existing garage identified on the Property Appraiser's website is 2,363 sq. ft. of enclosed space with an additional 304 sq. ft., identified as an unfinished open porch totaling 2,667 sq. ft. This garage appears on a 1987 aerial.

STAFF RECOMMENDATION:

Staff makes the following conclusions:

1. The size of the requested variance is excessive;
2. There has been a large amount of work done without permits;
3. There are numerous violations noted by the Code Enforcement Division staff;
4. Code Enforcement Division staff advised the applicant to cease further construction on any non-permitted improvements;
5. There is a possibility that there may be one or more businesses operating from this property; and,
6. There have been complaints received from neighbors.

Staff finds that there are three (3) possible courses of action which the BZA could follow:

- A. The BZA could grant approval of the variance, but only to permit up to 2,667 sq. ft., which would be the amount of square footage of the detached garage structure. The applicant would be given the option of what is to remain and what is to be removed. Any remaining structures must be properly permitted, and their floor area be used for only residential storage.
- B. The BZA could deny the application in its entirety. The result would be the applicant would be limited to the 2,000 sq. ft. of accessory floor area permitted in the R-CE zoning district. This would require that the applicant

remove all structures in excess of this amount. Again, it would be up to the applicant to determine what remains and what is to be removed.

- C. The BZA could grant approval of the entire variance as requested by the applicant. This would allow the applicant to retain all improvements on the property. However, they would still be required to obtain permits for all improvements which were made without permits, including the detached garage.

Based on the conclusions above, staff is recommending that the BZA choose option A above, approving only the 2,667 sq. ft. which is equal to the garage which appeared on the 1987 aerial. This would allow the applicant to retain an amount of accessory square footage which has historically been located on the subject property. If the BZA is in agreement with the staff recommendation, the following conditions should be imposed:

1. Development in accordance with site plan dated February 14, 2017, and all other applicable regulations, less the two (2) pole barns and tiki hut. 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 of the building shall be limited to residential storage only. No accessory structure shall be used as temporary or permanent dwelling unit without approval by the BZA as an Accessory Dwelling Unit or a Guest House. Nor shall any accessory structure be used for any commercial use not associated with a bona fide home occupation;
5. Any structures in excess of the approved square footage shall be removed within sixty (60) days of final action on this application;

6. The applicant shall obtain permits for all remaining unpermitted work within ninety (90) days of final action on this application by the County or this approval becomes null and void and will be turned over to the Code Enforcement Division;
7. The use of the property shall be limited to those uses identified in Chapter 38 of the Orange County Code. No vehicles associated with the applicant's business(es) shall be stored on the subject property; and,
8. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.

cc: Ariel Malagon  
1616 S. Chickasaw Trail  
Orlando, Florida 32825

**POULOS & BENNETT, LLC**  
**VA-17-04-024**

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**REQUEST:** **Variance** in the C-1 zoning district to construct a commercial building (storage facility) 40 ft. high in lieu of 35 ft. high adjacent to R-3 zoning district to the west and south.  
(Note: The zoning code requires a maximum height of 35 ft. when located within 100 ft. of residential uses. There are multifamily residences to the west and south. Therefore, the storage building is limited to 35 ft. in height).

**ADDRESS:** N. Semoran Blvd., Orlando FL 32807

**LOCATION:** Southwest corner of Baldwin Park St. and N. Semoran Boulevard

**S-T-R:** 16-22-30

**TRACT SIZE:** 1.36 acres

**DISTRICT#:** 5

**LEGAL:** COMM AT THE 1/4 CORNER OR THE EAST LINE SEC 16-22-30 TH N89-14-00W 47.32 FT TO A POC CONCAVE SELY HAVING A RADIUS 2989.93 FT DELTA 03-07-21 AN ARC LENGTH 162.94 FT TO THE POB TH CONT ON CURVE CONCAVE SELY HAVING A RADIUS 2989.93 FT DELTA 04-25-12 AN ARC L

**PARCEL ID:** 16-22-30-0000-00-038

**NO. OF NOTICES:** 299

**DECISION:** A motion was made by Wes A. Hodge to **DENY** the Variance request and **DIED** for lack of a second vote (1 in favor, 4 opposed, and 1 absent).

Another motion was made by Deborah Moskowitz, seconded by Jose A. Rivas, Jr., Carolyn Karraker, Eugene Roberson, Jr. voting AYE by voice vote; and, Wes A. Hodge voting No by voice vote (Gregory A. Jackson was absent), and 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 (4 in favor, 1 opposed, and 1 absent):

1. Development in accordance with site plan dated February 14, 2017, 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. 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;
5. Maximum height shall not exceed forty (40) feet; and,
6. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

**SYNOPSIS:** The applicant is proposing a forty (40) foot high, four-story self-storage facility. The zoning code requires a maximum height of thirty-five (35) feet when located within 100 feet of residential uses.

There is a two-story apartment complex (multi-family residences) to the west and south of the subject property. If the apartment complex was not there, the applicant would not need a variance, as the proposed building is not within 100 feet of any single family homes. Further, the applicant would be allowed to build up to fifty (50) feet high under those circumstances.

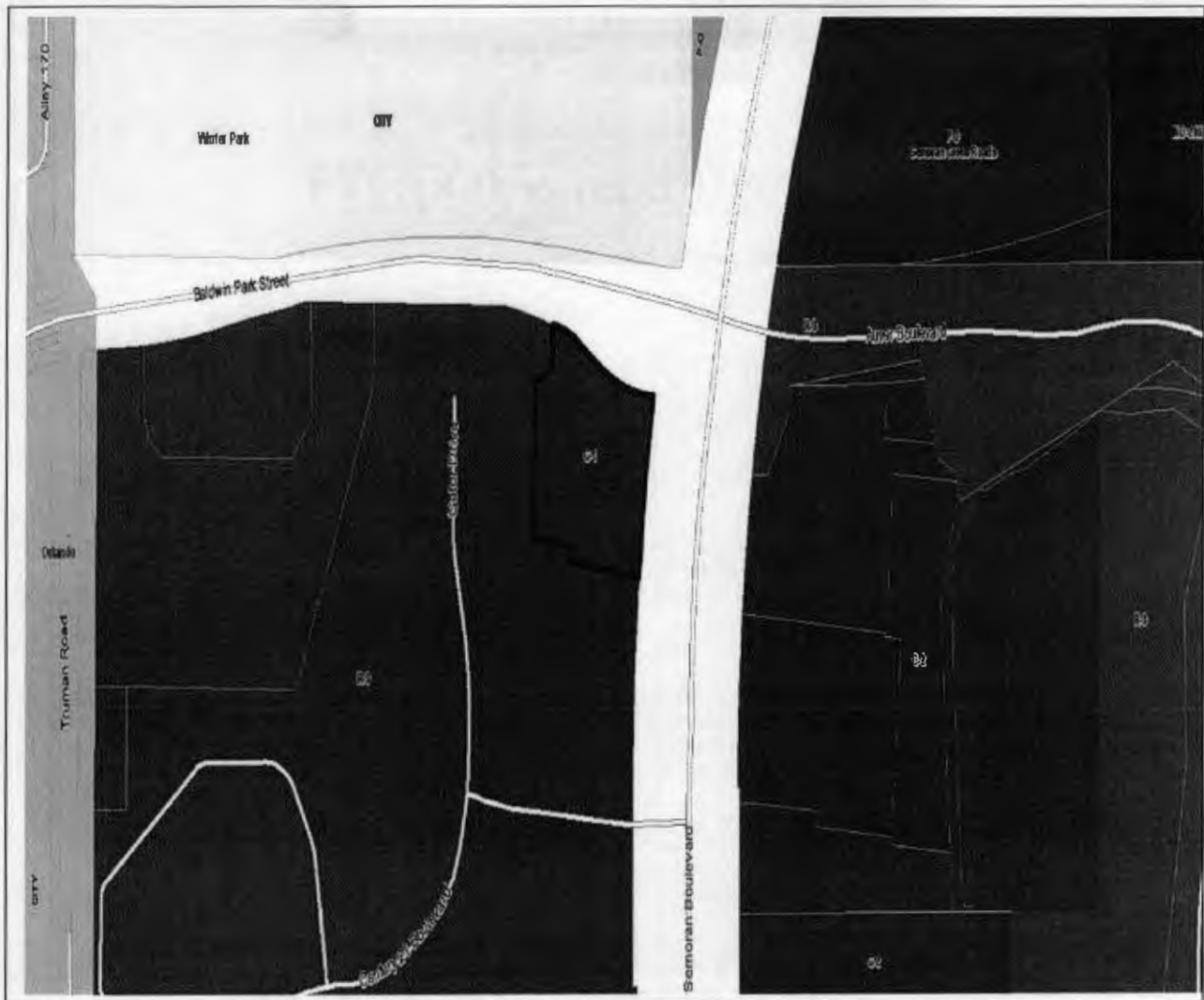
The most impacted uses for this request are an apartment building and an apartment complex clubhouse.

The BZA concluded the request was minor and did not adversely impact any surrounding single family homes. Staff did receive seven (7) commentaries in opposition from homes located over 1,455 feet away. There was no opposition at the hearing.

The applicant was in agreement with staff's recommendations and the proposed conditions. There was no one in attendance to speak for or against the request.

After a brief discussion, the BZA approved the variance subject to the six (6) conditions.





**Applicant:** Poulos & Bennett, LLC

**BZA Number:** VA-17-04-024

**BZA Date:** 04/06/2017

**District:** 5

**Sec/Twn/Rge:** 16-22-30-SE-D

**Tract Size:** 1.36 acres

**Address:** N. Semoran Blvd., Orlando FL 32807

**Location:** Southwest corner of Baldwin Park St. and N. Semoran Boulevard



## POULOS & BENNETT

Poulos & Bennett, LLC • 2602 E. Livingston Street • Orlando, Florida 32803 • (407) 487-2594 • [www.poulosandbennett.com](http://www.poulosandbennett.com)

February 14, 2017

Mr. Rocco Relvini  
Orange County Zoning Department  
Board of Zoning Adjustment  
201 S. Rosalind Avenue, 2<sup>nd</sup> Floor  
Orlando, FL 32801

Subject: Nuvo Baldwin Park Storage Facility  
Building Height Variance Request  
Parcel ID# 16-22-30-0000-00-038

Dear Mr. Relvini:

Please find attached a Board of Zoning Adjustment submittal package in support of a request for a 5' height Variance for the Nuvo Baldwin Park Storage Facility to allow for construction of a 40' building. The property is located within the C-1 Zoning District. The proposed use is for a personal self-storage facility. The building will be a maximum of 95,000 SF and four (4) stories. It will be constructed of concrete block and/or steel frame components.

The Variance is requested to address the building setback from the R-3 zoned property on the south and west sides of the property. Section 38-830(10) and Section 38-1272(a)(5) of the Orange County Code allow for a maximum commercial building height of 50'; however, 35' is the maximum building height for buildings within 100' of a residential use or district.

The proposed building is located within approximately 49' of the R-3 property line to the south, and within approximately 50' of the R-3 property line to the west. The closest residential building to the property line is approximately 40 feet from the south residential property line and 35' from the west residential property line, providing for approximately 85'-89' of distance separating the nearest residential building from the proposed commercial building.

We trust the enclosed information is sufficient for your review and recommendation for approval. Please do not hesitate to contact us should you have any questions regarding our submittal.

Sincerely,



Kathy Hattaway, AICP  
Planning Group Leader

### SECTION 3: COMPLIANCE WITH EVALUATION CRITERIA

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

**Response:** The subject parcel is a small (1.36 ac) commercially-zoned property at the southwest corner of Semoran Boulevard and Baldwin Park Street. It is zoned C-1, General Commercial. The majority of commercial parcels in this area of Semoran Boulevard are larger in size, providing for more development options. The two (2) developed parcels directly east of the subject site are approximately 2.0 acres in size. The site is constrained on the west and south sides by existing multi-family development zoned R-3. There are no Zoning violations or nonconformities on neighboring properties that the applicant is aware of.

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

**Response:** The applicant has not taken any actions that created or contributed to the identified hardship of an atypical sized commercial lot positioned in a constrained configuration.

3. No Special Privilege Conferred - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

**Response:** Any other property in a similar situation has the same rights as the applicant to request a Variance as provided for in the Orange County Code. No special privilege is conveyed by approving the requested Variance.

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

**Response:** The proposed personal self-storage facility is of a similar size to those typically constructed in the C-1 Zoning District, and consistent with surrounding market needs. The subject parcel is unusually small for its location along Semoran Boulevard.

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.

**Response:** The building has been placed at the farthest location possible on the site from the residential zoned property on the west and south. It is abutting the northeast corner of the site, with the parking located on the south side of the building. The proposed building height is only 5' above the maximum height allowed based on its location, and 10' below the standard

maximum building height for commercial buildings. The actual distance of the proposed building from the nearest residential structure is 85' to the west and 89' to the south.

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

**Response:** The proposed building and use are compatible with the adjacent current uses of Golf Course to the north (separated by Baldwin Park Street); multi-family residential to the south and west (separated by infrastructure and landscape/buffering); and commercial uses to the east (separated by Semoran Boulevard). These uses are compatible in that they meet the Chapter 163.3164(9), Florida Statutes definition of compatibility: *"Compatibility" means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.* The proposed building will not directly or indirectly negatively impact the adjacent residential use. Moreover, the proposed use is consistent with the short-and long-term needs of residents in the numerous nearby multi-family developments along Semoran Boulevard and the Baldwin Park community to the west. This self-storage facility will provide a necessary and needed service within a short commute of thousands of residences.

# Nuvo Baldwin Park Self-Storage

## Zoning Variance Request Request & Justification

Orange County, Florida

Prepared For  
Nuvo Development, LLC  
288 North Park Avenue  
Winter Park, FL 32789

Date  
February 15, 2017

**POULOS & BENNETT**

2602 E. Livingston Street | Orlando, Florida 32803 | Tel: 407.487.2594 | [www.poulosandbennett.com](http://www.poulosandbennett.com)  
PBPE Certificate of Authorization No. 2856





STAFF REPORT  
CASE #VA-17-04-024  
Orange County Zoning Division  
Planner: Marla Molina  
Board of Zoning Adjustment  
April 6, 2017  
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Poulos & Bennett, LLC

REQUEST: Variance in the C-1 zoning district to construct a commercial building (storage facility) 40 ft. high in lieu of 35 ft. high adjacent to R-3 zoning district to the west and south.

(Note: The zoning code requires a maximum height of 35 ft. when located within 100 ft. of residential uses. There are multifamily residences to the west and south. Therefore, the storage building is limited to 35 ft. in height).

LOCATION: Southwest corner of Baldwin Park Street and N. Semoran Boulevard

PROPERTY ADDRESS: N. Semoran Boulevard

PARCEL ID: 16-22-30-0000-00-038

TRACT SIZE: 1.36 acres

DISTRICT #: 5

ZONING: C-1

STAFF FINDINGS AND ANALYSIS:

1. Applicant is proposing a four-story self-storage facility at forty (40) feet in overall height. The required building setback is 100 feet from a multi-family residential zoning designation. The closest single family residence is approximately 1,200 feet to the west.



2. There is an existing two-story apartment complex to the south and west of the proposed self-storage facility. The closest single family residence is approximately 1,200 feet to the west.
3. The proposed self-storage facility is approximately 50.4 feet from the property line to the west and approximately eight-five (85) feet from the apartment building to the west.
4. The proposed self-storage facility is approximately 48.6 feet from the property line to the south and approximately 107 feet from the clubhouse to the property line to the south.
5. The proposed request constitutes a fourteen percent (14%) deviation from code requirements.
6. Staff has received seven (7) letters in opposition and the closest single family residence is approximately 1,455 feet to the proposed self-storage facility.
7. Staff has no objections to this request because:
  - a) The request will not adversely impact any quality of life circumstances;
  - b) The proposal is minimal and reasonable; and,
  - c) The request will not adversely impact any single family homes.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated February 14, 2017, 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. 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;
5. Maximum height shall not exceed forty (40) feet; and,
6. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

cc: Kathy Hattaway (Applicant's representative)  
Poulos & Bennett, LLC  
2602 E. Livingston Street  
Orlando, Florida 32803

**ALMA ROBLES**  
**SE-17-04-025**

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**REQUEST:** **Special Exception** in the A-1 zoning district to relocate the daycare/VPK Preschool from the existing sanctuary to a vacant building on the site with three (3) classrooms for up to 40 students.

**ADDRESS:** 6837 Lakeville Road, Apopka FL 32703

**LOCATION:** Southwest corner of N. Hiawassee Rd. and SR 414, north of the Florida Central Rail Road tracks.

**S-T-R:** 25-21-28

**TRACT SIZE:** 9 acres

**DISTRICT#:** 2

**LEGAL:** LAKEVILLE B/57 LOTS 111 THROUGH 125 & UNNUMBERED PT W OF LOT 125 (LESS PT TAKEN FOR RD R/W PER 4518/4455) INCLUDING VAC ST LYING BETWEEN LOTS 118 & 119 & BETWEEN LOTS 114 & 115 VAC ON O.R. 3479/2354 & (LESS R/W TAKEN PER OR 6250/5391) ALL IN BLK A

**PARCEL ID:** 25-21-28-4936-11-110

**NO. OF NOTICES:** 70

**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 (unanimous; 5-0):

1. Development in accordance with site plan dated March 14, 2017, 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;

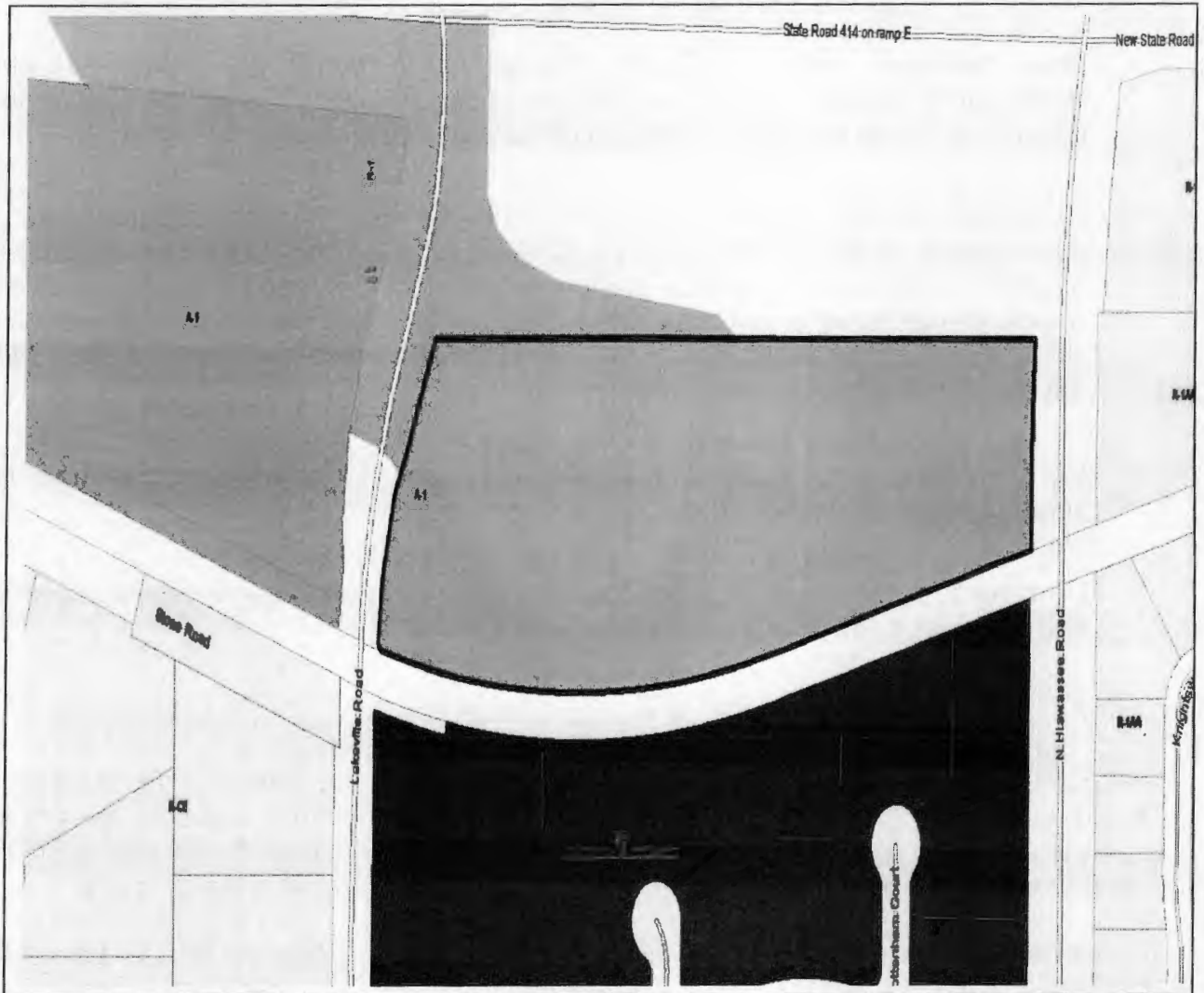
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. No more than four (4) outdoor special events per calendar year and the hours of such 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. If a school bus is to be stored on the site, it shall be stored on a non-grass surface such as gravel, concrete, etc.;
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void; and,
7. Any expansions of the use shall require BZA approval.

**SYNOPSIS:** Staff advised the BZA this site received BZA approval in 2010, to operate a day care for up to eighty-three (83) children. A new church applicant desires to operate a VPK for up to forty (40) students, moving the school from the sanctuary where the day care had operated, to a vacant structure on the north side of the property.

It was noted that to the north of the site is SR 414 with stormwater ponds. To the south are single family residences.

The applicant agreed with the staff recommendation and conditions. There being no one present to support or oppose the request, the public hearing was closed.

The BZA noted that this was a simple case of going from one type of educational facility to another and approved the request.



**Applicant:** Alma Robles

**BZA Number:** SE-17-04-025

**BZA Date:** 04/06/2017

**District:** 2

**Sec/Twn/Rge:** 26-21-28-SE-D

**Tract Size:** 9 acres

**Address:** 6837 Lakeville Road, Apopka FL 32703

**Location:** Southwest corner of N. Hiawasse Rd. and SR 414, north of the Florida Central Rail Road tracks.



Iglesia Hispana El Camino, La Verdad y La Vida.

2226 East Semoran Blvd. Apopka Fl 32703

To whom it may concern:

We, the Hispanic Church EL Camino, La Verdad y La Vida are requesting a special exemption for the property located at 6837 Lakeville rd. Apopka, FL 32703.

This property already requested and was granted a special exemption for the main building, now is religious and daycare. We would like to use a second building as a daycare, is a smaller building of 1,229 sq. feet. This building is vacant now. We will have 3 classrooms, 4 teachers and 40 students. Hours of operation are 7:30 am to 5:30 pm, Monday to Friday.

This property is own by Iberia bank at the present and the church is in the process of buying the property. Alma Robles, is the pastor of the church and is also the Authorize agent of Iberia Bank.

Any question, feel free to contact me at (407) 267- 1867.

Blessings,

Alma Robles.

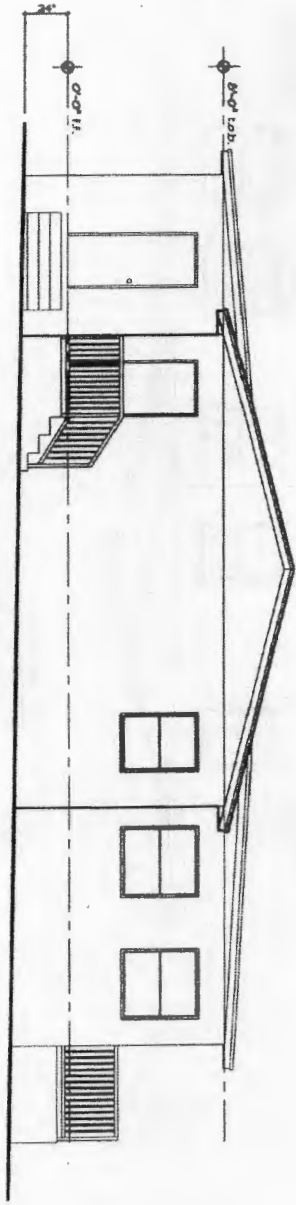
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FEB 15 2017

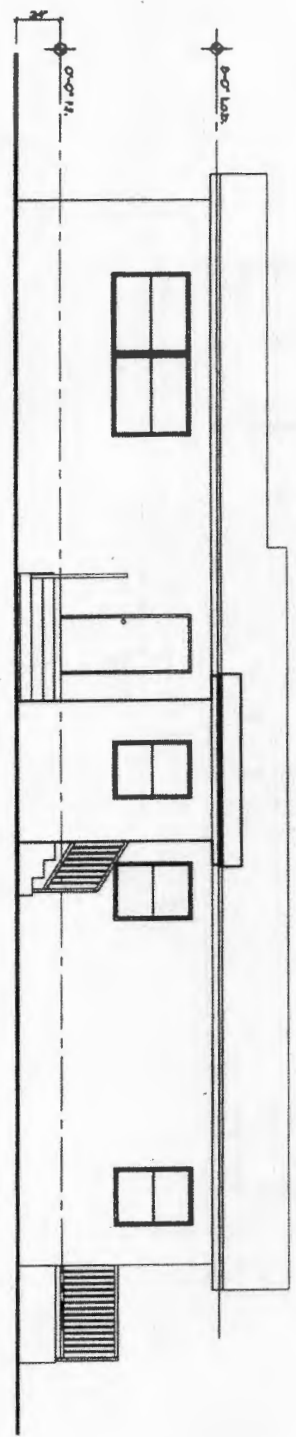
**Zoning Division**



SHEET INFORMATION	
PROJECT NO.	SECTION
DATE	DATE
DESIGNED BY	CHECKED
SCALE	AS NOTED
SHEET NO.	



RIGHT SIDE ELEVATION  
SCALE 3/8"=1'-0"



FRONT ELEVATION  
SCALE 3/8"=1'-0"

SHEET INFORMATION	
PROJECT#	201-00081
DATE	02-15-2017
DRAWN BY	AKB
SCALE	AS NOTED
SHEET #	52
	OF 5

ENGINEER:
WAYNE GANDY, P.E. PE 033134 120 S. ORANGE BLOSSOM TR. SUITE 504 ORLANDO, FL 32805

PROJECT LOCATION:
PRE-SCHOOL FOR IGLESIA HISPANA EL CAMINO, LA VERDAD Y LA VIDA

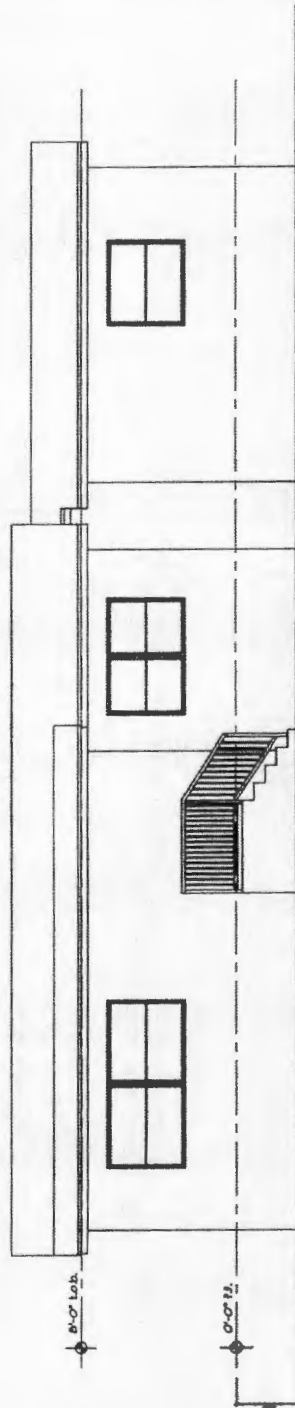
REVISIONS

REVISIONS	
1	Δ
2	Δ
3	Δ
4	Δ
5	Δ

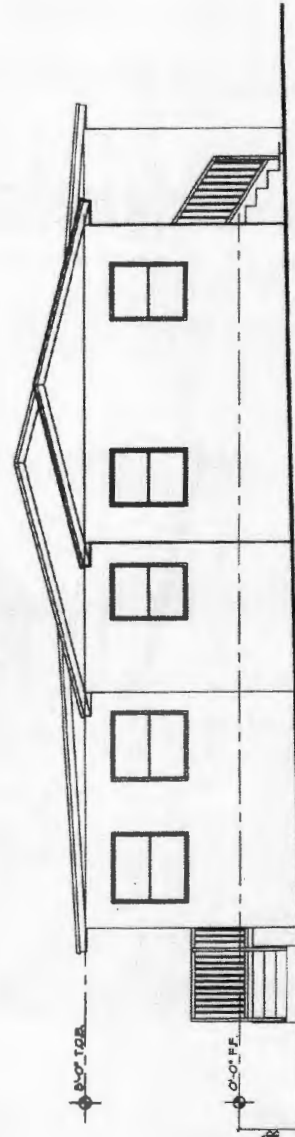
PROJECT LOCATION:  
**PRE-SCHOOL FOR  
 IGLESIA HISPANA EL CAMINO,  
 LA VERDAD Y LA VIDA**

ENGINEER:  
**WAYNE GANDY, P.E.**  
 PE 053134  
 120 S. ORANGE BLOSSOM TR  
 SUITE 364  
 ORLANDO, FL 32805

SHEET INFORMATION  
 PROJECT: 2017-0061  
 DATE: 02-15-2017  
 DRAWN BY: GDB  
 SCALE: AS NOTED  
 SHEET #: **53** OF **5**



**REAR ELEVATION**  
 SCALE 3/16"=1'-0"



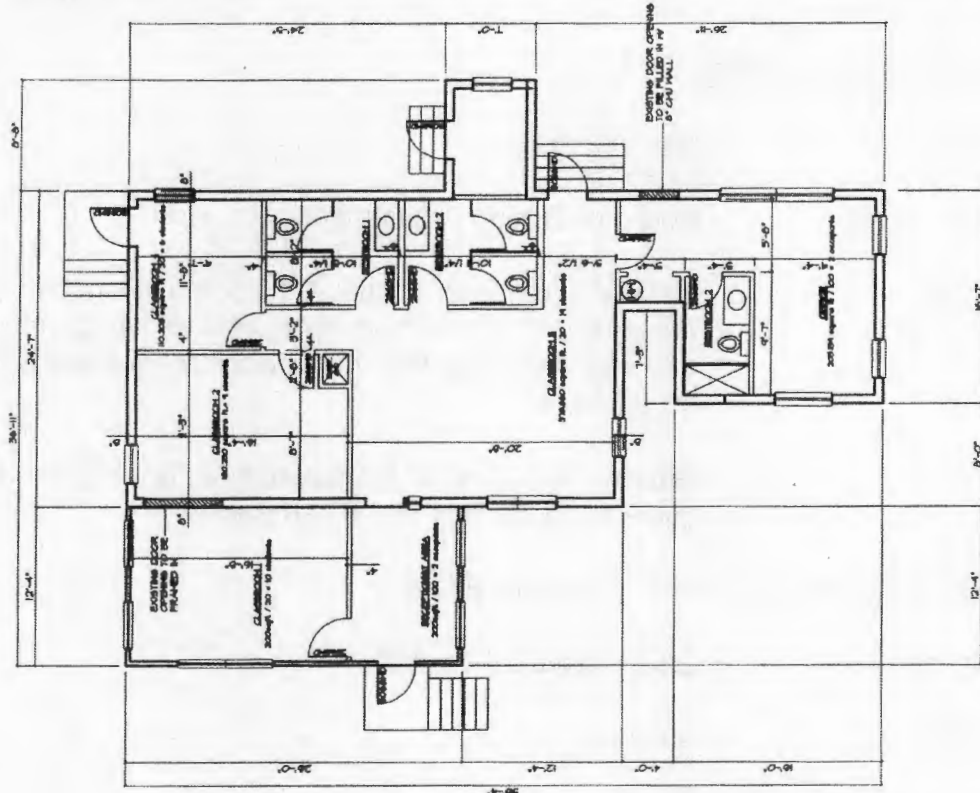
**LEFT SIDE ELEVATION**  
 SCALE 3/16"=1'-0"

REVISIONS	

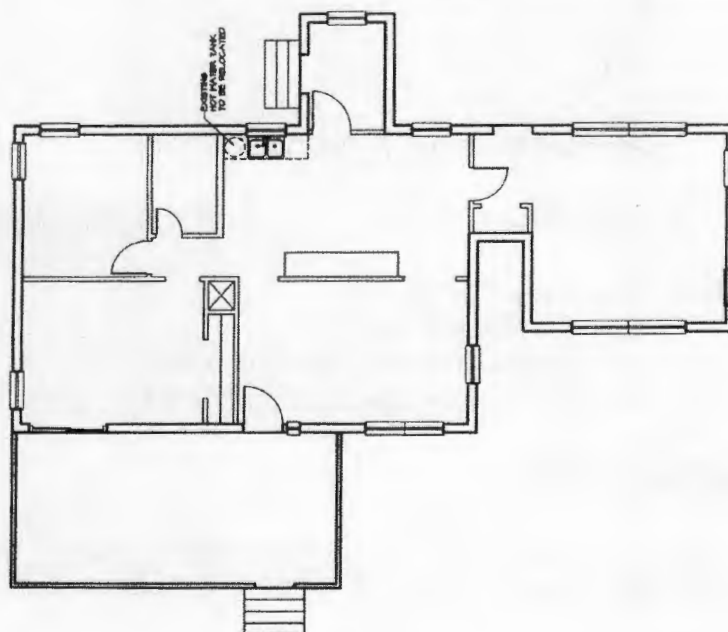
PROJECT LOCATION:  
**PRE-SCHOOL FOR  
 IGLESIA HISPANA EL CAMINO,  
 LA VERDAD Y LA VIDA**

ENGINEER:  
**WAYNE SANDY, P.E.**  
 PE 033134  
 120 S. ORANGE BLOSSOM TR.  
 SUITE 964  
 ORLANDO, FL 32809

SHEET INFORMATION			
PROJECT#	2017-00017	DATE	02-15-2017
DRAWN BY	GOB	SCALE	AS NOTED
SHEET #	54	OF	5



PROPOSED FLOOR PLAN  
 SCALE: 1/8" = 1'-0"



EXISTING FLOOR PLAN  
 SCALE: 1/8" = 1'-0"



STAFF REPORT  
CASE #SE-17-04-025  
Orange County Zoning Division  
Planner: David Nearing, AICP  
Board of Zoning Adjustment  
April 6, 2017  
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Alma Robles

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the A-1 zoning district to relocate the daycare/VPK Preschool from the existing sanctuary to a vacant building on the site with three (3) classrooms for up to 40 students.

LOCATION: Southwest corner of N. Hiawassee Rd. and SR 414, north of the Florida Central Rail Road tracks.

PROPERTY ADDRESS: 6837 Lakeville Road

PARCEL ID: 25-21-28-4936-11-110

TRACT SIZE: 9 acres

DISTRICT #: 2

ZONING: A-1

EXISTING USE(S): Place of Worship w/Daycare

PROPOSED USE(S): VPK School

SURROUNDING USES: N – Vacant & SR 414  
S – Rail Road Tracks  
E – Stormwater Management Tract  
W - Stormwater Management Tract

STAFF FINDINGS AND ANALYSIS:

1. A Special Exception was approved in 2010 to permit up to eighty-three (83) children in a daycare center using the existing sanctuary building (SE-10-11-083).

2. The original user has since abandon the site. The new applicant, a religious institution, wishes to change the type of use from a Child Daycare to a Voluntary Pre-Kindergarten (VPK) for up to forty (40) children. VPK is considered a "school" use which requires a different parking standard. The site plan shows the required parking.
3. They will move the location of the school from the sanctuary to a building which had previously been used for storage.
4. As of the writing of this staff report, staff has not received any correspondence regarding this application.
5. The location of the new school will be at the north side of the site, which is away from the neighboring residences.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated March 14, 2017, 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. If a school bus is to be stored on the site, it shall be stored on a non-grass surface such as gravel, concrete, etc.;
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void; and,
7. Any expansions of the use shall require BZA approval.

cc: Alma Robles  
304 Lake Doe Blvd.  
Apopka, Florida 32703

**PARESHKUMAR SHAH**  
**VA-17-05-026**

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**REQUEST:**           **Variances** in the R-1A zoning district to construct an addition to single family residence as follows:  
1) 16 ft. from the rear property line in lieu of 25 ft.; and,  
2) To validate existing residence located 7.3 ft. from the side (west) property line in lieu of 7.5 ft.  
(Note: The applicant obtained approval from the Lake Steer Pointe Homeowners Association).

**ADDRESS:**           8214 Windsor Ridge Road, Orlando FL 32835

**LOCATION:**           South side of Windsor Ridge Rd., east of S. Apopka Vineland Rd.

**S-T-R:**               34-22-28

**TRACT SIZE:**       75 ft. x 115 ft.

**DISTRICT#:**         1

**LEGAL:**             LAKE STEER POINTE 37/107 LOT 65

**PARCEL ID:**         34-22-28-4829-00-650

**NO. OF NOTICES:** 88

**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; 5-0):

1. Development in accordance with site plan dated February 16, 2017, 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; and,

4. The design of the addition shall be consistent with the design of the main house.

**SYNOPSIS:** Staff gave a brief presentation on the case. It addressed the request, the zoning, and a brief analysis.

The applicant agreed with the staff analysis.

The BZA was impressed by the number of neighbors who were in support of the request.

Staff received twenty-one (21) commentaries in favor of the application and none in opposition. There was no opposition at the hearing.

The BZA concluded the request was reasonable.



**Applicant:** Pareshkumar Shah

**BZA Number:** VA-17-05-026

**BZA Date:** 04/06/2017

**District:** 1

**Sec/Twn/Rge:** 34-22-28-NE-A

**Tract Size:** 75 ft. x 115 ft.

**Address:** 8214 Windsor Ridge Road, Orlando FL 32835

**Location:** South side of Windsor Ridge Rd., east of S. Apopka Vineland Rd.

02/16/2017

To,  
Orange County Zoning

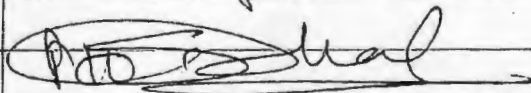
Subject: Variance at LOT #65, Plat Book 37, Pages 107 & 108  
(VA-17-05-026)

Dear Sir/Madam,

I am requesting encroachment on the rear side of the house. Being the LOT shape weird (Triangle - see attached), it is very hard to maintain straight set-back distance of 25' to the rear property line. The required set-back distance on SW corner is 25 Feet and we have 23 Feet, require encroachment of 2' Feet only. The required set-back distance on SE corner is 25 Feet and we have 16 Feet, require encroachment of 9 Feet. Also, I have attached the approval of HOA for the extension.

Thank you for consideration in advance.

Sincerely,



Pareshkumar Shah  
8214 Windsor Ridge Road  
Orlando, FL 32835  
(407) 578-8422 Home  
(407) 202-3877 Cell.

RECEIVED

FEB 16 2017  
ORANGE COUNTY  
ZONING DIVISION

LOT 65, LAKE STEER POINTE, AS RECORDED IN PLAT BOOK 37, PAGES 107 & 108, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.







STAFF REPORT  
CASE #VA-17-05-026  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
April 6, 2017  
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Pareshkumar Shah

REQUEST: Variances in the R-1A zoning district to construct an addition to single family residence as follows:

1) 16 ft. from the rear property line in lieu of 25 ft.; and,

2) To validate existing residence located 7.3 ft. from the side (west) property line in lieu of 7.5 ft.

(Note: The applicant obtained approval from the Lake Steer Pointe Homeowners Association).

LOCATION: South side of Windsor Ridge Rd., east of S. Apopka Vineland Rd.

PROPERTY ADDRESS: 8214 Windsor Ridge Road

PARCEL ID: 34-22-28-4829-00-650

TRACT SIZE: 75 ft. x 115 ft.

DISTRICT #: 1

ZONING: R-1A

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes an addition to a single family residence. A variance is requested from the rear yard setbacks.
2. The existing house was constructed 7.3 feet from the side (west) property line. This variance seeks to validate said setback.

3. The property is odd-shaped in that the side yard and rear yard are not the typical ninety (90) degree angle. The angle of the rear property lines reduces the amount of buildable area. This constitutes a valid hardship.
4. The encroachment does not run for the length of the entire addition.
5. The applicant has agreed to construct the addition to match the existing house.
6. The neighbors and the HOA have signed letters of no objection to this proposal.
7. Staff has no objections to this request as it meets the Variance Criteria.

**STAFF RECOMMENDATION:**

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

1. Development in accordance with site plan dated February 16, 2017, 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; and,
4. The design of the addition shall be consistent with the design of the main house.

cc: Pareshkumar Shah  
8214 Windsor Ridge Road  
Orlando, Florida 32835

**BAR TACO**  
**VA-17-05-027**

---

**REQUEST:** **Variance** in the C-1 zoning district to allow wall sign to extend above roof line.  
(Note: The proposed wall sign meets the size requirements for a wall sign).

**ADDRESS:** 7600 Dr. Phillips Blvd., Orlando FL 32819

**LOCATION:** Northwest corner of Sand Lake Rd. and Dr. Phillips Blvd.

**S-T-R:** 26-23-28

**TRACT SIZE:** 20 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:** 163

**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. Development in accordance with site plan dated February 15, 2017, 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; and,
4. Approval is for Bar Taco only.

**SYNOPSIS:** The applicant is proposing a wall sign that extends over the roof line. It meets the allowable copy area.

Staff gave a brief overview. Staff's recommendation was for approval since the tenant had a wooden canopy which extends over the entrance. There is no other place to place the sign but above the roof line.

There was no opposition to this request.

The BZA concluded the request was reasonable and aesthetically pleasing.



**Applicant:** Bar Taco

**BZA Number:** VA-17-05-027

**BZA Date:** 04/06/2017

**District:** 1

**Sec/Twn/Rge:** 26-23-28-SW-C

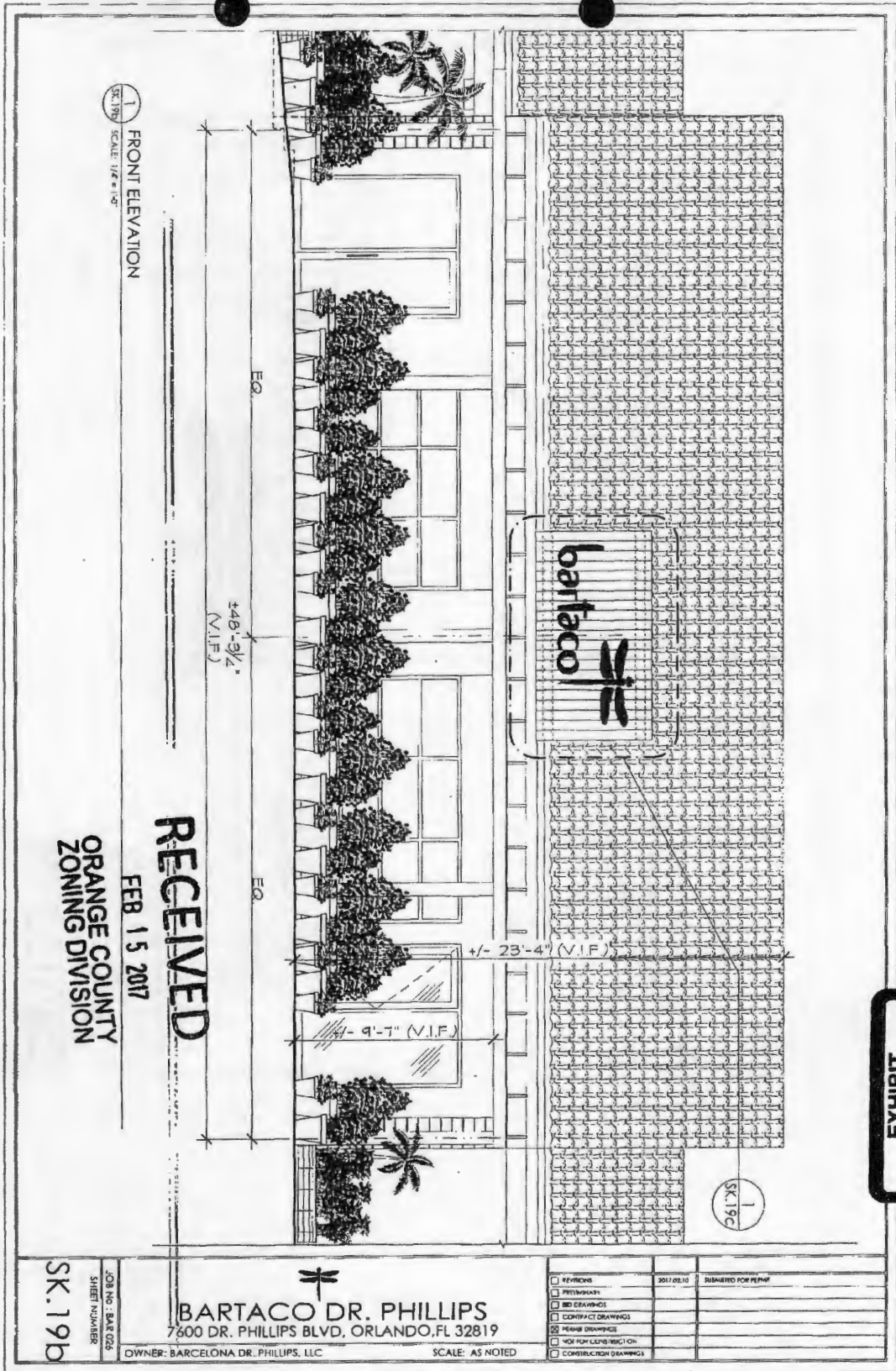
**Tract Size:** 20 acres

**Address:** 7600 Dr Phillips Blvd., Orlando FL 32819

**Location:** Northwest corner of Sand Lake Rd. and Dr. Phillips Blvd.



EXHIBIT  
2



1  
SK.19b SCALE: 1/8" = 1'-0"

RECEIVED  
FEB 15 2017  
ORANGE COUNTY  
ZONING DIVISION

SK.19b

JOB NO.: BAR 025  
SHEET NUMBER

**BARTACO DR. PHILLIPS**  
7600 DR. PHILLIPS BLVD, ORLANDO, FL 32819

OWNER: BARCELONA DR. PHILLIPS, LLC

SCALE: AS NOTED

- ☐ KEYNOTES
- ☐ PRELIMINARY
- ☐ BID DRAWINGS
- ☐ CONTRACT DRAWINGS
- ☒ PERMITS DRAWINGS
- ☐ NOT FOR CONSTRUCTION
- ☐ CONSTRUCTION DRAWINGS

2017.02.10

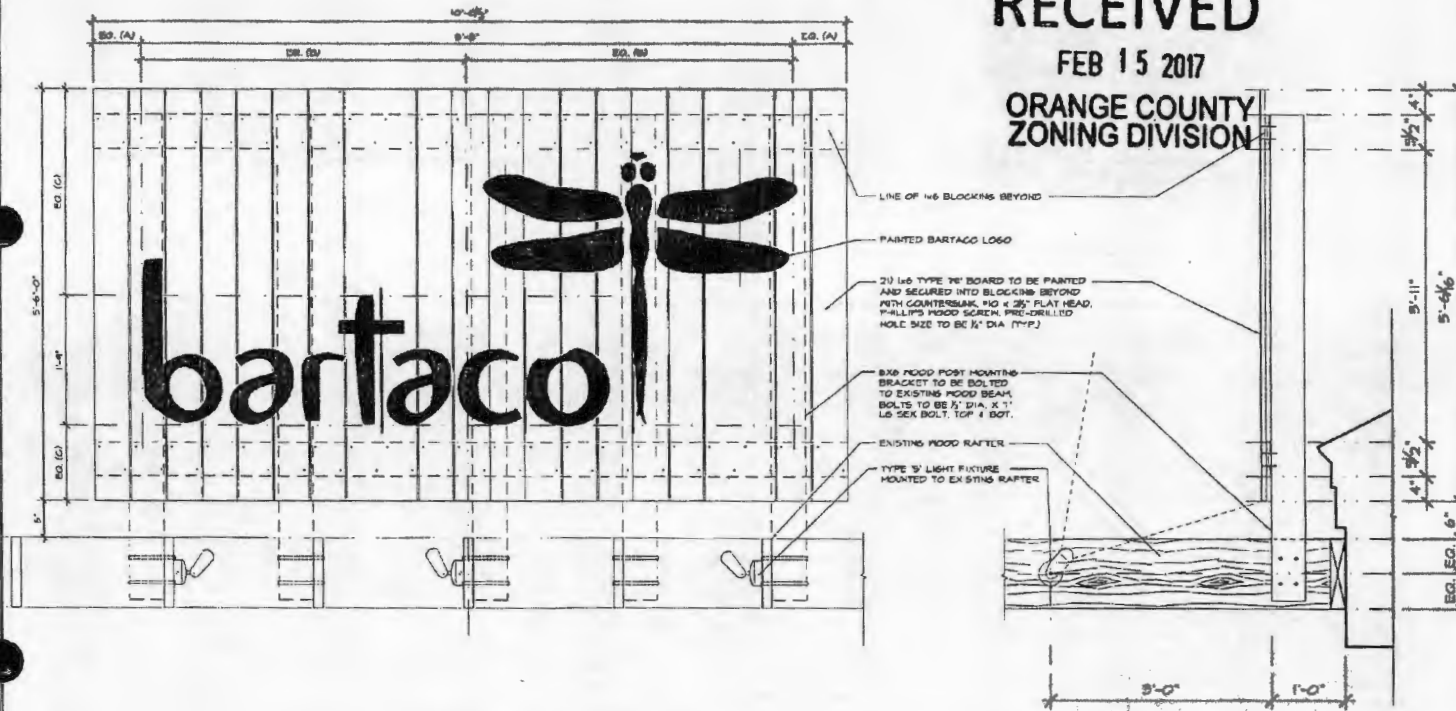
REMARKS FOR PERMIT



RECEIVED

FEB 15 2017

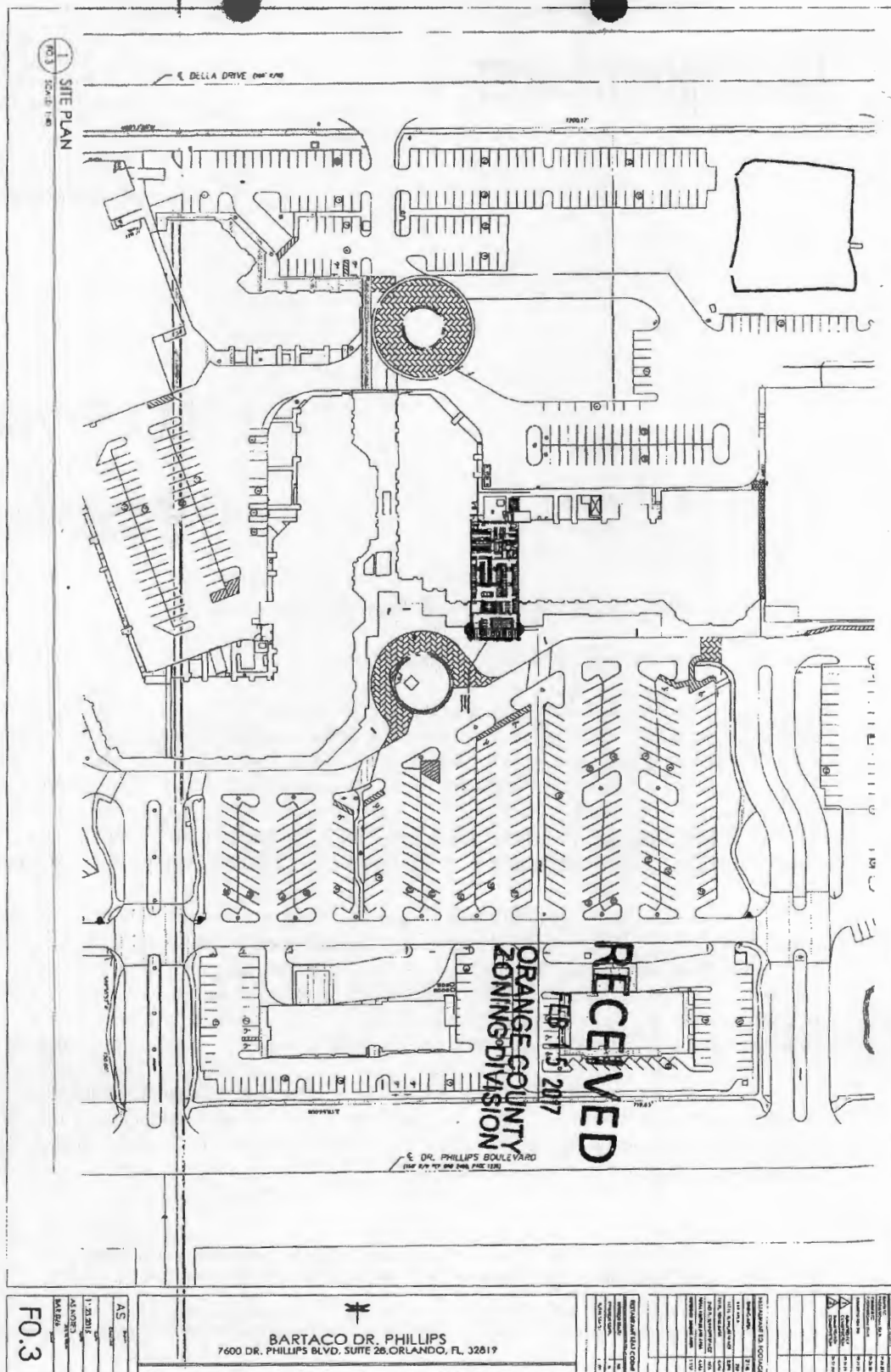
ORANGE COUNTY  
ZONING DIVISION



LIGHT FIXTURE SCHEDULE						
MARK	MANUFACTURER	DESCRIPTION	HOUSING MODEL NO.	TRIM/LENS	LAMP	REMARKS
1	BAR	WALL OF CEILING MOUNTED SLEK RIGID TUBITY SLEK RIGID TUBITY COULDFRM	UP 148 w/ C1003		1CF PW PARS 140W PAR38/180W	COLOR TO BE BLACK

1 TRELLIS MOUNTED SIGNAGE DETAILS  
SCALE: 1"=1'-0"

DATE: 2/15/17		DRAWN BY: [blank]		CHECKED BY: [blank]	
PROJECT: [blank]		SHEET: [blank]		SCALE: AS NOTED	
<p><b>BARTACO DR. PHILLIPS</b>          7800 DR. PHILLIPS BLVD, ORLANDO, FL 32819          OWNER: BARCELONA DR. PHILLIPS, LLC</p>					
<p>JOB No: BAR 026          SHEET NUMBER  <b>SK.19C</b></p>					



# GreenspoonMarder

Thu Pham, O.D., J.D.  
Capital Plaza I  
201 East Pine Street, Suite 500  
Orlando, Florida 32801-2718  
Phone: 407.425.6559  
Fax: 407.422.6583  
Direct Phone: 407.692.9116  
Direct Fax: 407.244.8116  
Email: thu.pham@gmlaw.com

February 13, 2017

Board of Zoning Adjustment  
Orange County, Florida  
Board of Zoning Adjustment  
201 South Rosalind Avenue  
Orlando, Florida 32801

**RECEIVED**

**FEB 15 2017**

**ORANGE COUNTY  
ZONING DIVISION**

Re: Sign Variance for 7600 Dr. Phillips Blvd., Suite #28

Dear Members of the Board of Zoning Adjustment:

I, the undersigned, have the pleasure of representing Bartaco in the submission of this application for a sign variance to allow Bartaco to install a wall/fascia sign which would extend above the roof line. Bartaco is a tenant of Suite #28 located within the Marketplace at Dr. Phillips (the "Marketplace"). The Parcel ID No. is 26-23-28-0000-015. The legal description for the property is included in Enclosure "1," which is a copy of the completed application for a variance. The owner of the Marketplace is WRI-TC Marketplace at Dr. Phillips LLC. The physical address for the Marketplace at Dr. Phillips LLC is 7600 Dr. Phillips Blvd., Suite #28.

Specifically, we are requesting the Board of Zoning Adjustment ("BZA") allow Bartaco to install a 10' 2" wide by 6' 5" high sign above the trellis and which will extend above the roof line. The total copy area for the sign is including the dragonfly and Bartaco name is approximately 3' 8" in height and 8' 8" in width. The distance of the sign from the property line is approximately 475'. The building height is 23' 4" and the building width is 48' 3.25". Two copies of the site plan, detailed drawings, and elevation plans are attached as Enclosure "2."

Because of the unique building design, Bartaco lacks a reasonable location, other than above the trellis, to install a visible sign identifying its business. Attached to this letter as Enclosure "3" is a picture depicting the trellis extending beyond the building causing any sign installed below the roof line to not be visible.

Boca Raton | Denver | Ft. Lauderdale | Las Vegas | Miami | Miami Beach | Naples | Nashville  
New York | Orlando | Port St. Lucie | Portland | San Diego | Tallahassee | Tampa | West Palm Beach

In New York, Greenspoon Marder, P.A. practices under the name Greenspoon Marder, P.A. P.C.  
In California, Greenspoon Marder LLP practices using the fictitious name and trademark Greenspoon Marder under license from Greenspoon Marder, P.A.

Board of Zoning Adjustment  
February 13, 2017  
Page No. 2

Additionally, the grant of this variance will be in harmony with the purpose and intent of the Zoning Regulations and will not be injurious to the neighborhood. According to Section 31.5-3 of the County's Code, "The purpose of this article is to regulate the number, location, size, type, and use of signs within the county in order to promote the public health, safety and welfare, to maintain, enhance and improve the beauty of the county, and to improve traffic safety, *while recognizing the right of the business community both to reasonably identify and advertise its existence.*" Due to the unique building design, the only viable option for Bartaco to "reasonably identify and advertise its existence" is to mount a wall sign extending above the roof line.

Moreover, the allowance of this sign variance will not negatively impact the character of the area and will in fact, be consistent with the character of the area. Attached as Enclosures "4," "5," "6," and "7" are pictures of signs on businesses immediately adjacent to Bartaco. All of these wall/fascia signs are located above the roof line.

Thank you in advance for your time and consideration in this matter. Please feel free to contact me should you have any further questions or need any further information.

Very truly yours,

GREENSPOON MARDER, P.A.



Thu Pham, O.D., J.D.

document4



STAFF REPORT  
CASE #VA-17-05-027  
Orange County Zoning Division  
Planner: Rocco Relvini  
Board of Zoning Adjustment  
April 6, 2017  
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Bar Taco

REQUEST: Variance in the C-1 zoning district to allow wall sign to extend above roof line.

(Note: The proposed wall sign meets the size requirements for a wall sign).

LOCATION: Northwest corner of Sand Lake Rd. and Dr. Phillips Blvd.

PROPERTY ADDRESS: 7600 Dr Phillips Blvd.

PARCEL ID: 26-23-28-0000-00-015

TRACT SIZE: 20 acres

DISTRICT #: 1

ZONING: C-1

STAFF FINDINGS AND ANALYSIS:

1. The applicant wants to place a small wall sign on its storefront. Most of the sign is above the roofline. This requires a variance.
2. Staff inspected the site. This is one of many tenants that are located away from the main roadways. The shopping center is pedestrian friendly. The proposed sign will not be visible from any right-of-way.
3. There are two (2) other signs in the same plaza that have wall signs above the roof line. These signs do not detract from the aesthetics of the plaza or the building itself.

The sign meets the allowable copy area for wall signs. Therefore, staff has no objection.

**STAFF RECOMMENDATION:**

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

1. Development in accordance with site plan dated February 15, 2017, 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; and,
4. Approval is for Bar Taco only.

cc: Thu Pham (Applicant's representative)  
201 Pine Street, Suite 500  
Orlando, Florida 32801



**PANCHETA MONTAQUE**  
**VA-17-05-028**

---

**REQUEST:** **Variance** in the R-1A zoning district to permit a community residential home for six (6) or fewer clients to be located 960.96 ft. from another community residential home in lieu of 1,000 ft.

**ADDRESS:** 6425 Gamble Drive, Orlando FL 32818

**LOCATION:** Northside of Gamble Drive, approximately 615 ft. east of N. Powers Drive

**S-T-R:** 13-22-28

**TRACT SIZE:** 75 ft. x 110 ft.

**DISTRICT#:** 6

**LEGAL:** POWERS PLACE 1/134 LOT 1 BLK A

**PARCEL ID:** 13-22-28-7226-01-010

**NO. OF NOTICES:** 119

**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. Development in accordance with site plan dated February 17, 2017, 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. 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; and,
3. 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.

**SYNOPSIS:** Staff provided a brief summary of the case regarding the applicant's request, including the location of the subject property, and the distance separation requirements.

The applicant's request is to permit a community residential home for six (6) or fewer clients (adult clients) to be located within 960.96 feet from another community residential home in lieu of 1,000 feet.

The applicant stated that the community residential home which is 960.96 feet away from the subject property, serves children under the Agency Persons with Disabilities (APD).

Staff advised the BZA that there were recent changes relative to locating the distances from other State of Florida operated residential homes.

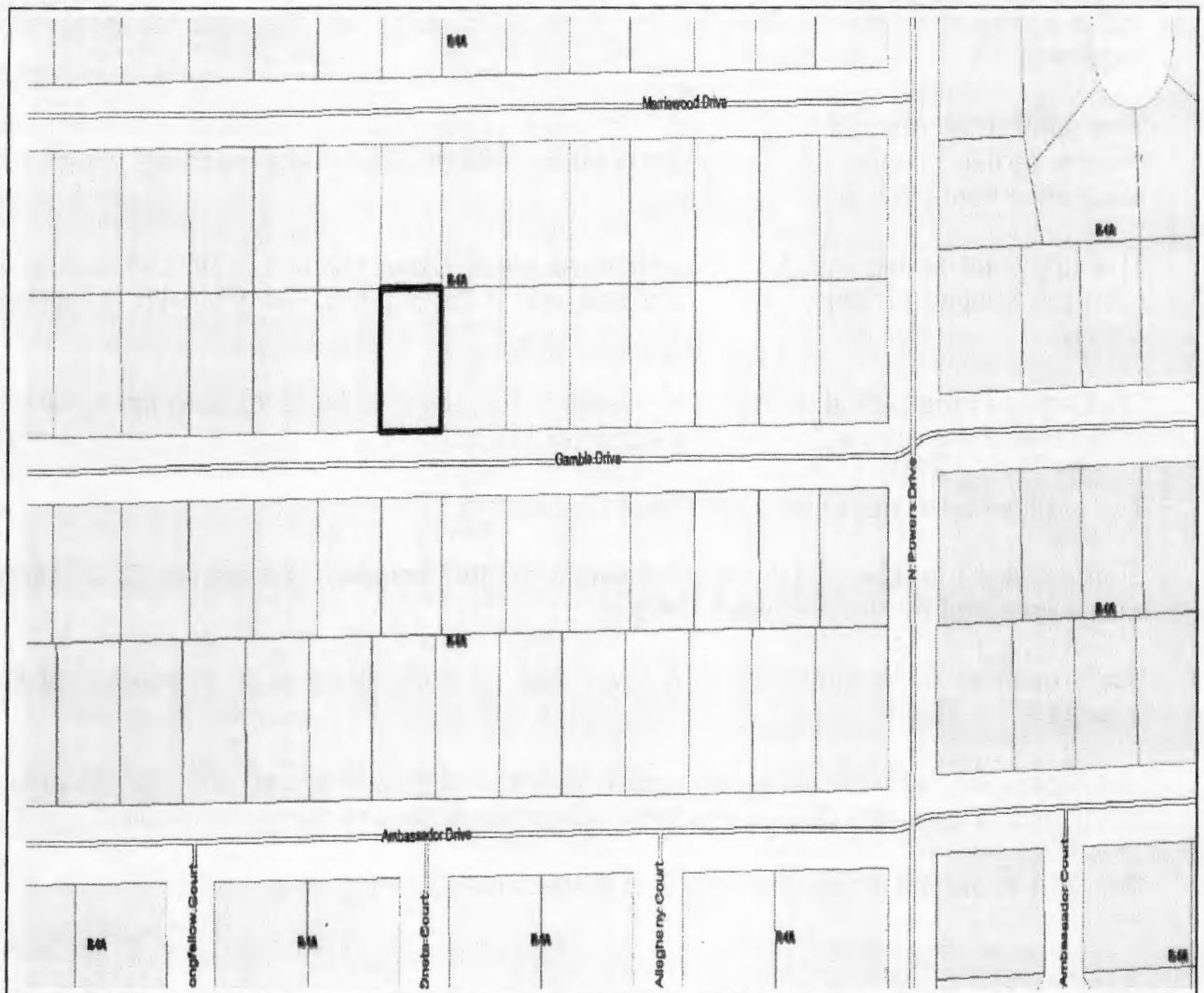
The applicant and her attorney spoke at the hearing.

Staff advised the BZA that the request was a minimal variance and the two (2) locations were separated by North Powers Drive.

Staff received no commentaries in favor and no commentaries in opposition of the request.

The applicant was in agreement with staff's recommendations and the proposed conditions. There was no one in attendance to speak for or against the request.

The BZA approved the variance subject to the three (3) conditions.



**Applicant:** Pancheta Montaque

**BZA Number:** VA-17-05-028

**BZA Date:** 04/06/2017

**District:** 6

**Sec/Twn/Rge:** 13-22-28-SW-C

**Tract Size:** 75 ft. x 110 ft.

**Address:** 6425 Gamble Drive, Orlando FL 32818

**Location:** Northside of Gamble Drive, approximately 615 ft. east of N. Powers Drive

To whom it concern,

On December 30 of 2016, I bought a house to start an assisted living home at 6425 Gamble Dr. take care of the elderly. Each time I saw a house that was a potential purchase, I went on the Agency for Health Care Administration website to check if the house was at least 1000 feet away from another assisted living facility. While purchasing the home, I checked on the AHCA website and found that it was 1000 feet away from another licensed AHCA facility. I went to Orange County zoning and found that there were other list to be checked that weren't on the AHCA website. This was DCF and the APD licensure list that was not included on the AHCA website. After checking these list, I found that I was 960 feet from Mrs. Clarke's Child Care at 2118 Ambassador CT a department of children and family residential home. So at this time I'm seeking a zoning variance from Orange County for a special exemption so that I can move forward with opening my business.

Thank you

*Pancheta Montaque*

# SWERDLOFF & PERRY

SURVEYING, INC.

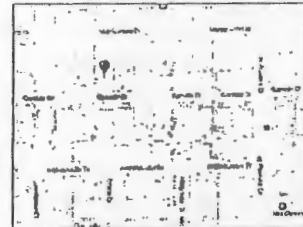
370 Waymont Court • Lake Mary, FL 32746 • Voice 407.688.7631 • Fax 407.688.7691 • fromdesk@swerdloffperry.com

## Legal Description

Lot 1, Block A, POWERS PLACE, according to the plat thereof, as recorded in Plat Book 1, Page(s) 134, of the Public Records of Orange County, FL.

Community number: 120179 Parcel: 0210  
 Suffix: F.P.L.M. Date: 9/21/2009 Flood Zone: X  
 Date of field work: 12/23/2016 Completion Date: 12/27/2016

Certified to:  
 Pancha Montague; Equitable Title of West Orlando, LLC; Old Republic National Title Insurance Company; Gateway Mortgage Group, LLC. Its successors and/or assigns as their interests may appear.



LOCATION SKETCH

NOT TO SCALE

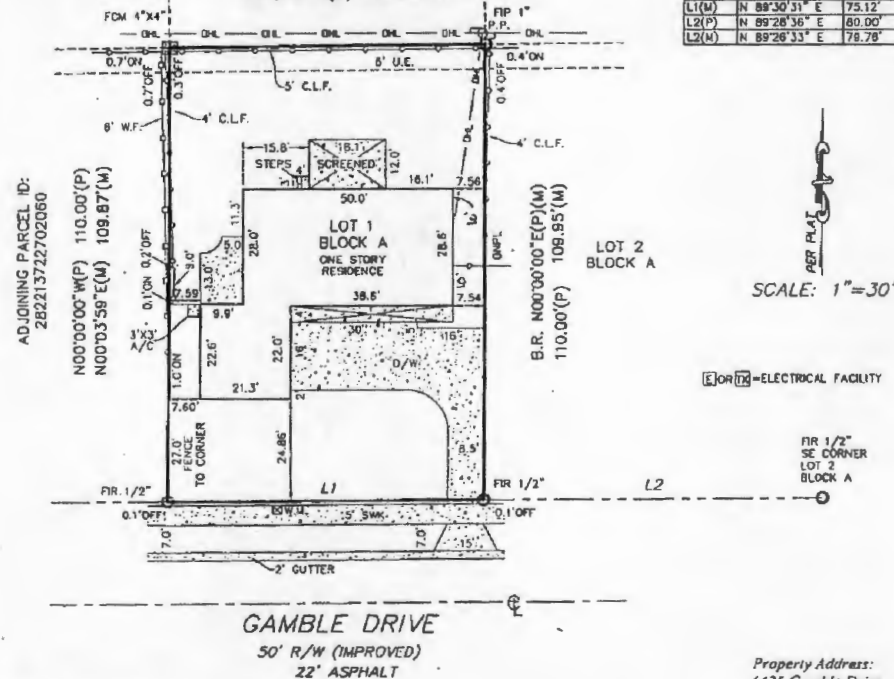
ADJOINING PARCEL ID:  
282213722802060

ADJOINING PARCEL ID:  
282213722802070

ADJOINING PARCEL ID:  
282213722802080

N89°28'36"E(P) 75.00'(P)  
 N89°27'01"E(M) 74.99'(M)

NUMBER	BEARING	DISTANCE
L1(P)	N 89°28'36" E	75.00'
L1(M)	N 89°30'51" E	75.12'
L2(P)	N 89°28'36" E	80.00'
L2(M)	N 89°28'33" E	78.78'



This survey or the copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

## LEGEND

W.F.	Wire Fence	D.E.	Drainage Easement	P.E.	Pool Equipment
W.F.	Wood Fence	D.U.E.	Drainage & Utility Easement	P.O.B.	Point of Beginning
U.L.	Overhead Utilities	D/W	Driveway	P.O.C.	Point of Commencement
CL.P.R.	Power Pole	E.S.M.T.	Easement	P.O.C.	Point of Commencement
W.M.	Water Meter	E.D.P.	Edge of Pavement	P.C.	Point of Curvature
B.C.	Biological	E.O.W.	Edge of Water	P.I.	Point of Intersection
ASPH.	Asphalt	ENCR.	Encroachment	P.R.C.	Point of Reverse Curvature
BLK.W.	Black Wall	F	Field	P.T.	Point of Tangency
BRK/P.	Brick/Pavers	FD	Found	P.O.L.	Point on Line
C.	Concrete	FD H&D	Found Nail & Disk	P.L.	Property Line
C.A.	Covered Area	F.C.M.	Found Concrete Monument	R	Record
C.	Centerline	F.I.P.	Found Iron Pipe	R/W	Right of Way
C.A.C/D	Control Angle/Delta	F.I.R.	Found Iron Rod	S.I.R.	Set Iron Rod & Cap
L.B.S.	Line Break Not to Scale	L	Length	SWK	Skidewalk
A/C	Air Conditioning	L.B.	Licensed Business	T.E.L.	Telephone Facilities
B.R.	Burning Permit	M	Field Measured	T.O.B.	Top of Bank
B.M.	Burned Mark	M.H.	Manhole	T.Y.R.	Typical
CATV	Cable Fiber	O.R.B.	Official Records Book	U.E.	Utility Easement
C	Calculated	DNPL	On Property Line	W.F.	Wood Fence
C.L.F.	Chain Link Fence	P.G.	Page	W.C.	Witness Corner
CH	Chord	P.V.C.	Vinyl Fence		
C.B.	Chain Bearing	P.V.F.	Pavement		
CONC.	Concrete	P.C.P.	Permanent Control Point		
C.M.	Concrete Monument	P.R.M.	Permanent Reference Monument		
COV.	Covered	P	Plot		

## GENERAL NOTES

- Legal description provided by others.
- There may be additional easements and/or restrictions other than recorded or unrecorded not shown herein that may affect this property.
- Underground portions of lot, foundations or other improvements were not located.
- Building lines are to the face of the wall.
- Only visible encroachments located.
- No identification found on property corners unless noted.
- Dimensions shown are plat and measured unless otherwise noted.
- This is a BOUNDARY SURVEY unless otherwise noted.
- Not valid unless sealed with the signing surveyors embossed seal.
- No title commitment used in the preparation of this document unless noted otherwise.
- All trees are not noted unless otherwise noted.
- This survey is not to be used for permitting or for construction of any kind.
- I hereby certify that the survey is a true and correct representation of a survey prepared under my direction.
- Recertification does not indicate an updated.
- Unless otherwise noted, flood zone information provided by others.
- Septic tank and drainfields shown herein are APPROXIMATE only and are based upon visual location only. No attempt has been made to verify their location. Client must consult with the appropriate utility location company to confirm the actual location.
- The owners or structures may not be precise due to building imperfections and decorative finishes.
- Pools and/or patios may be drawn as an approximation and not fully dimensioned due to irregular shape.
- Fence locations along property line may be exaggerated for clarity.
- The nature, extent or existence of easements is not addressed herein.
- This survey meets all applicable accuracy requirements.
- This survey meets or exceeds the minimum technical standards promulgated by the Florida Board of Professional Land Surveyors, 65-7, as the Florida Administrative Code, Section 65.007, F.S. 65.007.

Ralph Swerdloff

Ralph Swerdloff

Registered Land Surveyor No. 9411

# Google Map Developers

not associated with google maps

[Home](#) [Examples](#) [Map Tools](#) [Additional Maps](#) [Embed Maps](#) [Free Mapping Software](#) [Lawn Care Software](#) [Contact Us](#)

## Distance From To: Calculate distance between two addresses, cities, states, zipcodes, or locations

Enter a city, a zipcode, or an address in both the **Distance From** and the **Distance To** address inputs. Click Calculate Distance, and the tool will place a marker at each of the two addresses on the map along with a line between them. The distance between them will appear just above the map in both miles and kilometers. The tool is useful for estimating the mileage of a flight, drive, or walk. Can easily determine the distance between 2 cities as well.

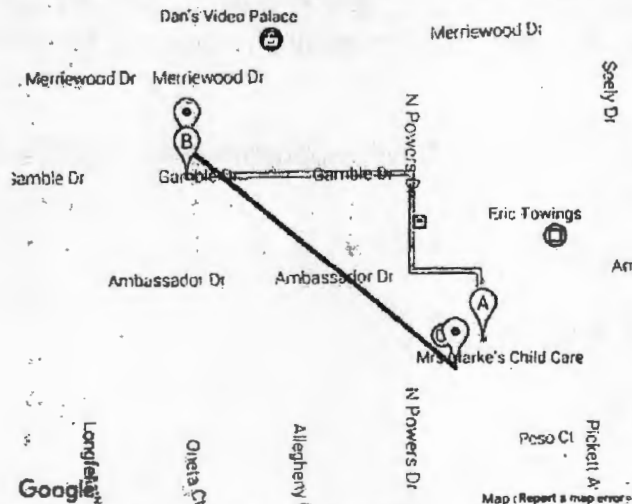
Distance From: 2118 ambassador ct

Distance To: 6425 gamble dr

**Calculate Distance**

Straight line distance: 0.18 miles , 0.29 kilometers (km) , 960 feet , 293 meters

Driving distance: 0.24 miles , 0.39 kilometers (km) , 1273 feet , 388 meters



**A** Enter your starting location

**B** Enter your destination

Enter Address, City & Zip Code

Get Driving Directions & Maps Now!

**A** Enter your starting location

**B** Enter your destination

Enter Address, City & Zip Code

Get Driving Directions & Maps Now!

You can share or return to this by using the link below

[https://www.mapdevelopers.com/distance\\_from\\_to.php?&from=2118%20ambassador%20ct&to=6425%20gamble%20dr](https://www.mapdevelopers.com/distance_from_to.php?&from=2118%20ambassador%20ct&to=6425%20gamble%20dr)

## Other tools to help with distance questions

In addition to this tool we also offer a couple other tools that can help find the distance on a map. You can use the **mileage calculator** to compare the difference between driving or flying between 2 cities. If on the other hand you want to click multiple points on the map in order to find the distance of the entire line you can do that with the **distance calculator**. We are always trying to find better ways to provide you with the information you need. If you have a suggestion please let us know.





STAFF REPORT  
CASE #VA-17-05-028  
Orange County Zoning Division  
Planner: Marla Molina  
Board of Zoning Adjustment  
April 6, 2017  
Commission District: 6

GENERAL INFORMATION:

APPLICANT: Pancheta Montaque

REQUEST: Variance in the R-1A zoning district to permit a community residential home for six (6) or fewer clients to be located 960.96 ft. from another community residential home in lieu of 1,000 ft.

LOCATION: Northside of Gamble Drive, approximately 615 ft. east of N. Powers Drive

PROPERTY ADDRESS: 6425 Gamble Drive

PARCEL ID: 13-22-28-7226-01-010

TRACT SIZE: 75 ft. x 110 ft.

DISTRICT #: 6

ZONING: R-1A

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting a variance to permit a community residential home 960.96 feet from another community residential home.
2. The intent of the 1,000 feet separation is to avoid an over-concentration of such uses in neighborhoods.
3. The nearest community residential home is located at 2118 Ambassador Court, 960.96 feet away.
4. The deviation requested is less than four percent (4%).

5. Staff has no objections to this request because:
- a) The request will not adversely impact any quality of life circumstances;
  - b) The proposal is minimal and reasonable; and,
  - c) To date, no neighbors have provided any objections.

**STAFF RECOMMENDATION:**

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

1. Development in accordance with site plan dated February 17, 2017, 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. 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; and,
3. 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.

cc: Pancheta Montaque  
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