



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

June 1, 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

Jessica Rivera At Large

ORANGE COUNTY ZONING DISTRICTS

Agricultural Districts

A-1.....	Citrus Rural
A-2.....	Farmland Rural
A-R.....	Agricultural-Residential District

Residential Districts

R-CE.....	Country Estate District
R-CE-2.....	Rural Residential District
R-CE-5.....	Rural Country Estate Residential District
R-1, R-1A & R-1AA.....	Single-Family Dwelling District
R-1AAA & R-1AAAA.....	Residential Urban Districts
R-2.....	Residential District
R-3.....	Multiple-Family Dwelling District
X-C.....	Cluster Districts (where X is the base zoning district)
R-T.....	Mobile Home Park District
R-T-1.....	Mobile Home Subdivision District
R-T-2.....	Combination Mobile Home and Single-Family Dwelling District
R-L-D.....	Residential -Low-Density District
N-R.....	Neighborhood Residential

Non- Residential Districts

P-O.....	Professional Office District
C-1.....	Retail Commercial District
C-2.....	General Commercial District
C-3.....	Wholesale Commercial District
I-1A.....	Restricted Industrial District
1-1/1-5.....	Restricted Industrial District
1-2/1-3.....	Industrial Park District
1-4.....	Industrial District

Other District

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

VARIANCE CRITERIA

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

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

SPECIAL EXCEPTION CRITERIA:

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

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

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

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
June 1, 2017**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
VA-17-06-043	William Barfield	1	Approved w/Conditions	1
VA-17-06-045	Anthony Phipps	1	Approved w/Conditions	10
VA-17-07-052	Mike Lopez	6	Approved w/Conditions	18
VA-17-06-044	Arlene Valdez	5	Approved w/Conditions	26
VA-17-06-048	Lymari Sierra	5	Approved w/Conditions	33
VA-17-06-042	Jonathan McGrath	1	Approved w/Conditions	42
SE-17-06-051	Christian Learning Academy	2	Approved w/Conditions	55
VA-17-06-049	Gemma E. Jackson	1	Approved w/Conditions	65
SE-17-06-047	Mark Nasrallah	1	Approved w/Conditions	73
SE-17-06-046	Living Word Church	4	Approved w/Conditions	82

WILLIAM BARFIELD
VA-17-06-043

REQUEST: Variance in R-1AA zoning district to allow a building height of 37.4 ft. in lieu of 35 ft.
ADDRESS: 5511 Osprey Isle Lane, Orlando FL 32819
LOCATION: East side of Osprey Isle Ln., north of Masters Blvd., west of S. Apopka Vineland Rd.
S-T-R: 21-23-28
TRACT SIZE: 2.34 acres
DISTRICT#: 1
LEGAL: ISLE OF OSPREY AT DR PHILLIPS 24/4 LOTS 13 & 14
PARCEL ID: 21-23-28-3870-00-130
NO. OF NOTICES: 40

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 April 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; 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.

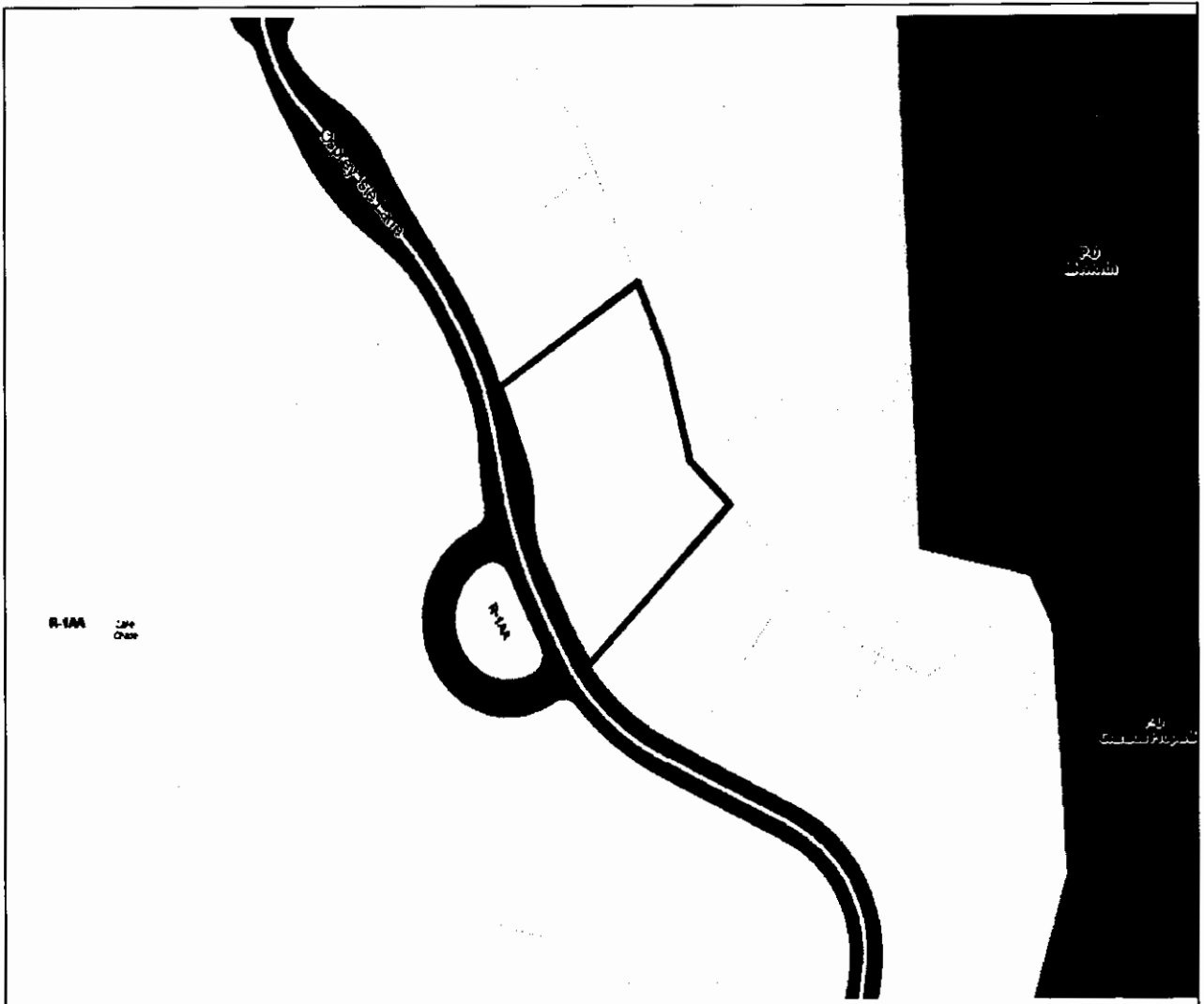
SYNOPSIS: Staff gave a brief presentation on the case, covering the location, site plan, previous variance approval in the area, and photographs.

The applicant agreed with the staff analysis.

The BZA noted that the property was a double lot in an area of large houses with extremely large setbacks compared to the other lots. Also, the other house that was granted the height variance did not look out of place.

Staff received (two) 2 commentaries in favor of the application and one (1) in opposition. There was no opposition at the hearing.

The BZA approved the Variance.



Applicant: William Barfield

BZA Number: VA-17-06-043

BZA Date: 06/01/2017

District: 1

Sec/Twn/Rge: 21-23-28-NW-B

Tract Size: 2.34 acres

Address: 5511 Osprey Isle Lane, Orlando FL 32819

Location: East side of Osprey Isle Ln., north of Masters Blvd., west of S. Apopka Vineland Rd.

225 S. WESTMONT AVE. SUITE 2040
ALTAMONTE SPRINGS, FL 32714

WILLIAM E. BARFIELD, ESQUIRE
DIRECT LINE (407) 478-1866
FACSIMILE # (866) 473-0427

WILLIAM E. BARFIELD, P.A.

April 14, 2017

To Orange County Board of Adjustment.

Ref: Variance request for 5511 Osprey Isle Land, Orlando Florida a/k/a Lots 13 and 14 Isle Of Osprey at Dr. Phillips.

Dear Board Members:

This is a request for variance to the 35' height limitation to permit the upper most section of the proposed home to be 37' 4 1/4".

Mr. George Kirkland, trustee of the Kirkland Family 2001 Trust purchased the above property for the purpose of building his home. As indicted above this parcel is a double lot which is over 2 acres in size. The lot is apx. 350' wide at the building line and 266' to the mean high water line. Mr. Kirkland has a home designed and engineered and permitted. The Home as 8,774 square feet under air and 12,674 under roof. The home is 127'6" wide and 80'5" deep. The Home is two story frame construction with stucco and stone veneer The property is Zoned R 1 AA.

The Proposed house has a multi pitched roof with the highest ridgeline being 37' 4 1/4". The Zoning classification has a height limitation of 35'. We are requesting a variance to permit the higher section of the roof. The Variance will not adversely affect the neighborhood or surrounding property owners for the following reasons:

1. The property is a double lot. Minimum lot width for R 1 AA is 85' but this property is 350' wide.
2. The Setback are much greater than the minimum required by R1 AA Zoning. The minimum required set back is 25' front and 7.5' side. The proposed front set back is 69.6' to the street. The proposed home is set back 78.5' from the left property line and 135' from the right property line. The home is also set back 80 ft from the mean high water line in the rear.
3. We have submitted the plans to the Homeowners Association and they have approved them.
4. The proposed plan is consistent with other homes in the community. We have reviewed the homes built to date by examining the building records of Orange County. The home built at


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APR 14 2017
ORANGE COUNTY
ZONING DIVISION

5535 Osprey Isle Lane is substantially higher than we are requesting. Specifically the plans approved for construction by permit no. 892012391 has a roof height of 41.5'

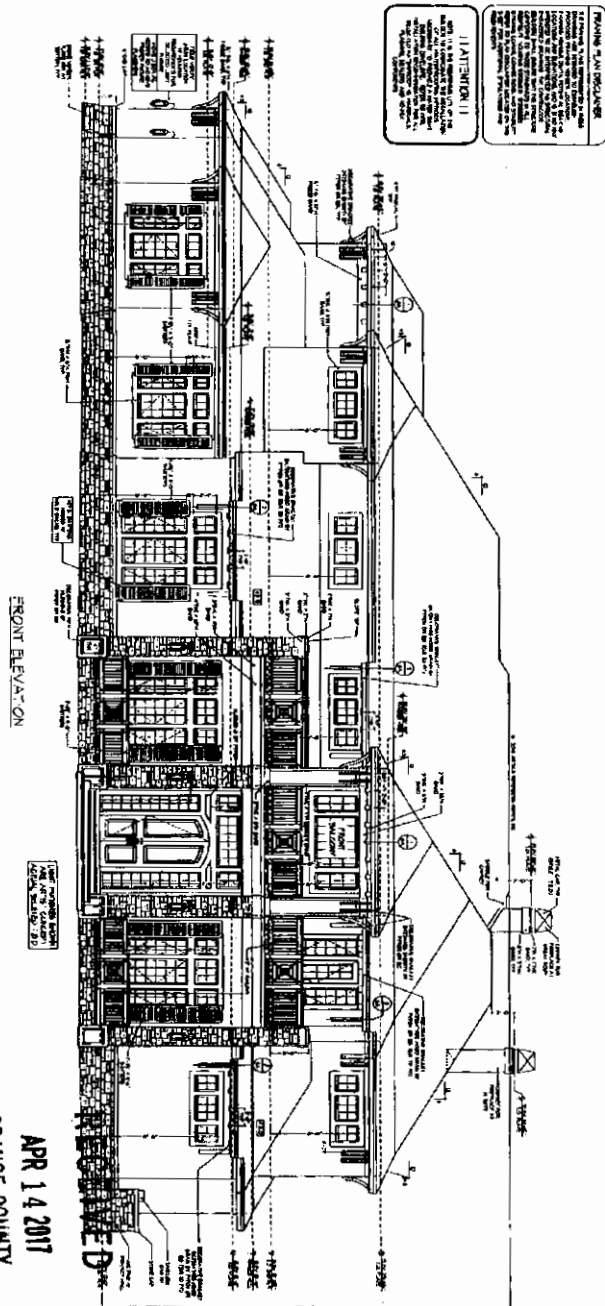
Attached hereto are two copies of the Proposed Site Plan and the Elevation drawings of the home. We are providing reduced copies at 8.5" X 14 and larger format at 11' x 17' for ease of. In addition we are attaching 2 copies of the HOA approval letter. Finally please find our check for the variance filing fees in the amount of \$638.00. We are requesting your favorable consideration of this request.

If you need any additional information, please contact me at your convenience.

Sincerely

A handwritten signature in black ink, appearing to read 'W. Barfield', with a long horizontal flourish extending to the right.

William E. Barfield





STAFF REPORT
CASE #VA-17-06-043
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
June 1, 2017
Commission District: 1

GENERAL INFORMATION:

APPLICANT: William Barfield

REQUEST: Variance in R-1AA zoning district to allow a building height of 37.4 ft. in lieu of 35 ft.

LOCATION: East side of Osprey Isle Ln., north of Masters Blvd., west of S. Apopka Vineland Rd.

PROPERTY ADDRESS: 5511 Osprey Isle Lane, Orlando, Florida, 32819

PARCEL ID: 21-23-28-3870-00-130

PUBLIC NOTIFICATION: 40

TRACT SIZE: 2.34 acres

DISTRICT #: 1

ZONING: R-1AA

EXISTING USE(S): Vacant

PROPOSED USE(S): Single Family Residence

SURROUNDING USES: The property is surrounded by single family residences to the north, south, and west, with Lake Blanche to the east.

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting a variance to allow a building height of 37.4 feet in lieu of 35 feet for a single family home.

2. The proposed house will be built on a double lot with side setbacks exceeding seventy-eight (78) feet, and front setbacks exceeding sixty-nine (69) feet, thus, minimizing any impacts on adjacent neighbors.
3. The BZA approved a similar variance (for a property two (2) lots to the south) in 2000, to allow a building height of 40 feet in lieu of 35 feet.
4. Approval of the request will not adversely impact anyone and the homeowner's association has approved the request.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated April 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; 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: William Barfield, Applicant
225 S. Westmonte Avenue, Suite 2040
Altamonte Springs, Florida 32714

ANTHONY PHIPPS
VA-17-06-045

REQUEST: **Variances** in P-D zoning district for a new screen enclosure and to validate the existing pool deck and existing spa as follows:
1) New screen enclosure: 0 ft. from rear property line in lieu of 5 ft.;
2) Existing pool deck: 0 ft. from rear property line in lieu of 5 ft.; and,
3) Existing spa: 4 ft. from the rear property line in lieu of 5 ft.

ADDRESS: 12458 Montalcino Circle, Windermere FL 34786

LOCATION: West side of Montalcino Cir., east of Winter-Garden Vineland Rd., south of Overstreet Rd.

S-T-R: 25-23-27

TRACT SIZE: 68 ft. x 130 ft.

DISTRICT#: 1

LEGAL: CASA DEL LAGO - REPLAT 75/60 LOT 43

PARCEL ID: 25-23-27-1213-00-430

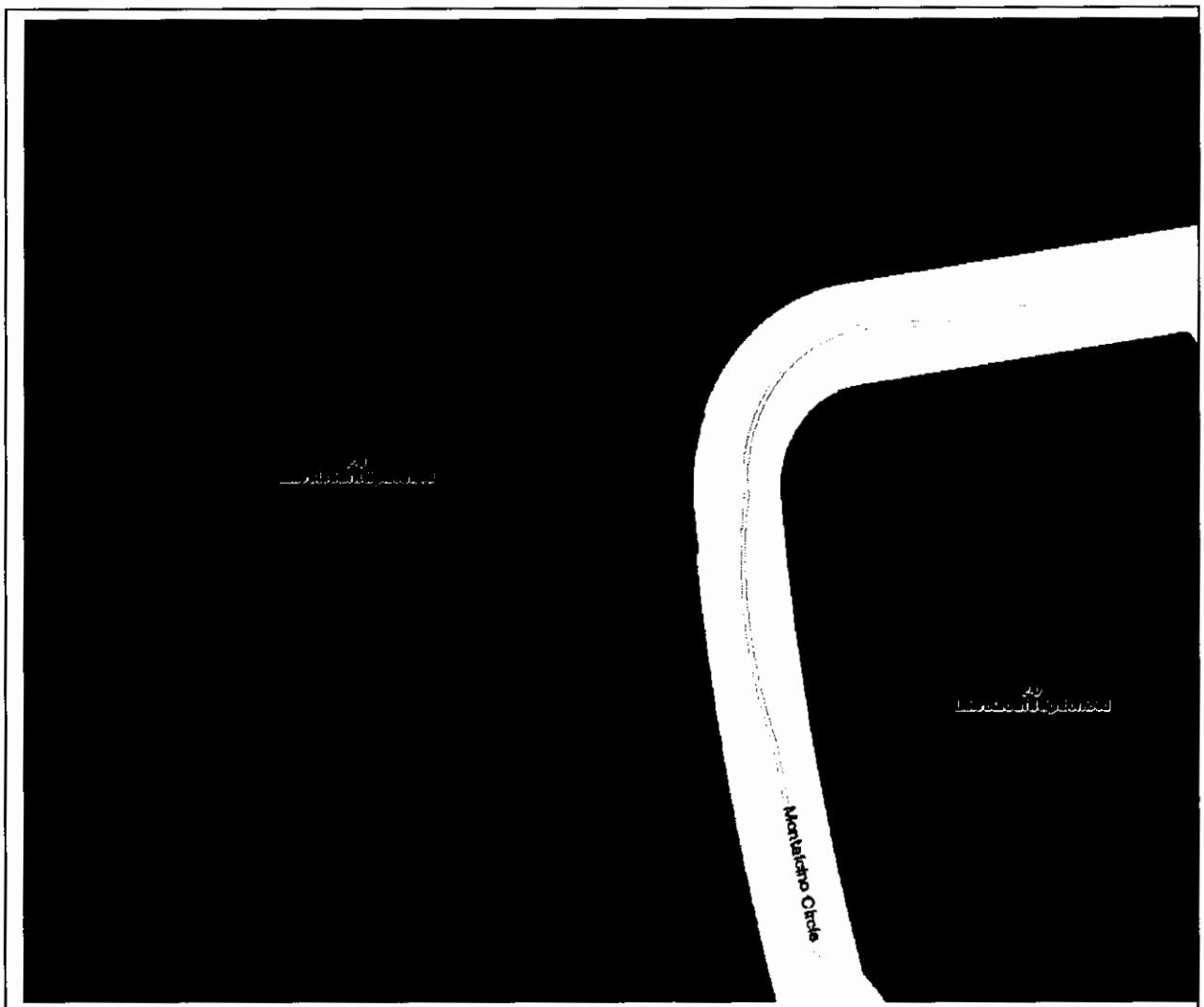
NO. OF NOTICES: 53

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 April 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; 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 noted that the surrounding land uses included an elementary school to the north and a stormwater retention pond to the west, after which there are undevelopable wetlands. Staff also noted that there were two (2) correspondences in favor and none in opposition. The lot is irregularly shaped, which results in only the southern portion of the deck being located on the property line, while the northern portion is approximately three (3) feet off the property line. The majority of the lot is covered by the residence, which is pushed back to the rear of the lot, leaving minimal room for amenities such as a pool/spa and screen enclosure. Finally, a variance identical to this request had been approved in 2013, for a property to the south end of Montalcino Drive.

The BZA noted that the lot was irregularly shaped, and that due to the size of the homes in this neighborhood, there is minimal room for improvements in the rear yard. Further, the HOA and the neighbors are in favor of the request, and it will have no impact on anyone.



Applicant: Anthony Phipps

BZA Number: VA-17-06-045

BZA Date: 06/01/2017

District: 1

Sec/Twn/Rge: 25-23-27-NE-A

Tract Size: 68 ft. x 130 ft.

Address: 12458 Montalcino Circle, Windermere FL 34786

Location: West side of Montalcino Cir., east of Winter-Garden Vineland Rd., south of Overstreet Rd.

Anthony & Angella Phipps

12458 Montalcino Circle

Windermere Fl, 34786

Casa Del Lago (Lot 43)

April 11, 2017

Ref: To allow Screen Enclosure on Property Line.

Due to the fact that we live next to a retention pond located behind our home in Casa Del Lago (Replat 75/60 Lot43) with numerous mosquitoes and other foreign object lurking we are requesting a screen enclosure be installed to our exiting pool. We have contracted with a pool company to install the screen enclosure however based on the fact the screen enclosure will be on property line a variance is required from the county prior to pulling permits. The county requires that I get approval from my neighbor (Lot42) and my HOA.

We currently have an aluminum fence 54 inches in height to code surrounding the exiting pool deck that will remain in place after the footer is installed. The footer will be installed inside of the aluminum fencing. Like I said I have a retention pond behind me and building/ construction is complete around me. Both my neighbor (Lot 42) and my HOA have no objection to me installing my screen enclosure considering that I need to get a variance approval from the county.

I have enclosed all the necessary documentation to support my request from the HOA and my neighbor supporting my request.

Truly,

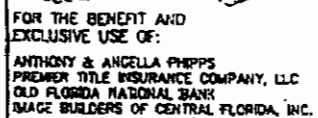


Mr. Anthony Phipps & Mrs. Angella Phipps

(1)

AS RECORDED IN PLAT BOOK 75, PAGES 60-69 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

C=46.02'



1. ALL DIRECTIONS AND DISTANCES HAVE BEEN FIELD VERIFIED. INCONSISTENCIES HAVE BEEN NOTED ON THE SURVEY, IF ANY.

3. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.

5. BUILDING TIES SHOWN HEREON ARE NOT TO BE USED TO DEMONSTRATE THE

#17458 MONTALDO CIRCLE
VENDEME FLORIDA



STAFF REPORT
CASE #VA-17-06-045
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
June 1, 2017
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Anthony Phipps

REQUEST: Variances in P-D zoning district for a new screen enclosure and to validate the existing pool deck and existing spa as follows:

1. New screen enclosure: 0 ft. from rear property line in lieu of 5 ft.;
2. Existing pool deck: 0 ft. from rear property line in lieu of 5 ft.; and,
3. Existing spa: 4 ft. from the rear property line in lieu of 5 ft.

LOCATION: West side of Montalcino Cir., east of Winter-Garden Vineland Rd., south of Overstreet Rd.

PROPERTY ADDRESS: 12458 Montalcino Circle, Windermere, FL 34786

PARCEL ID: 25-23-27-1213-00-430

PUBLIC NOTIFICATION: 53

TRACT SIZE: 68 ft. x 130 ft.

DISTRICT #: 1

ZONING: P-D

EXISTING USE(S): Pool Deck

PROPOSED USE(S): Screen Enclosure

SURROUNDING USES: N - Single Family Residence
S - Single Family Residence

E - ROW/Single Family Residence

W - Retention Pond

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting approval to validate an existing pool deck constructed zero (0) feet from the rear (west) property line. The applicant obtained approval from the Homeowner's Association for the construction, which consisted of installation of pavers. The applicant was not aware that installing pavers required a permit. The applicant also installed a spa which is located four (4) feet from the rear property line in lieu of five (5) feet.
2. The subject property backs up to a stormwater management pond. To the north of the subject property is the Sunset Park Elementary School.
3. The applicant has obtained a letter of support from the most impacted neighbor to the south.
4. Due to the irregular shape of the rear property line, only the southern portion of the deck is actually zero (0) feet from the property line. The northern end of the deck is approximately three (3) feet from the rear property line. Due to the size of home, there is limited space in the rear for improvements, such as, pools and spas.
5. In January 2013, an exact duplicate variance was granted for a residence eight (8) lots to the south on Montalcino Circle.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated April 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; 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: Anthony Phipps, Applicant
P.O. Box 784291
Winter Garden, FL 34778

MIKE LOPEZ
VA-17-07-052

REQUEST: **Variance** in the R-3 zoning district to allow a 5 ft. high fence in the front yard in lieu of 4 ft.
(Note: This is the result of code enforcement action).

ADDRESS: 1925 Wakulla Way, Orlando FL 32839

LOCATION: North side of Wakulla Way, west of S. Rio Grande Ave.

S-T-R: 22-23-29

TRACT SIZE: 1.43 acres

DISTRICT#: 6

LEGAL: INST NO 20160669886 INCOMPLETE PROPERTY DESC-- PLAN OF BLK 1 PROSPER COLONY D/109 THE W 60 FT OF LOT 27 (LESS N 190 FT) & E 20.71 FT OF LOT 28 (LESS N 190 FT) & W 88.9 FT OF E 109.61 FT OF S 285.78 FT OF LOT 28

PARCEL ID: 22-23-29-7268-27-004

NO. OF NOTICES: 95

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 April 20, 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 applicant shall obtain a permit for the fence within ninety (90) days or this approval is null and void.

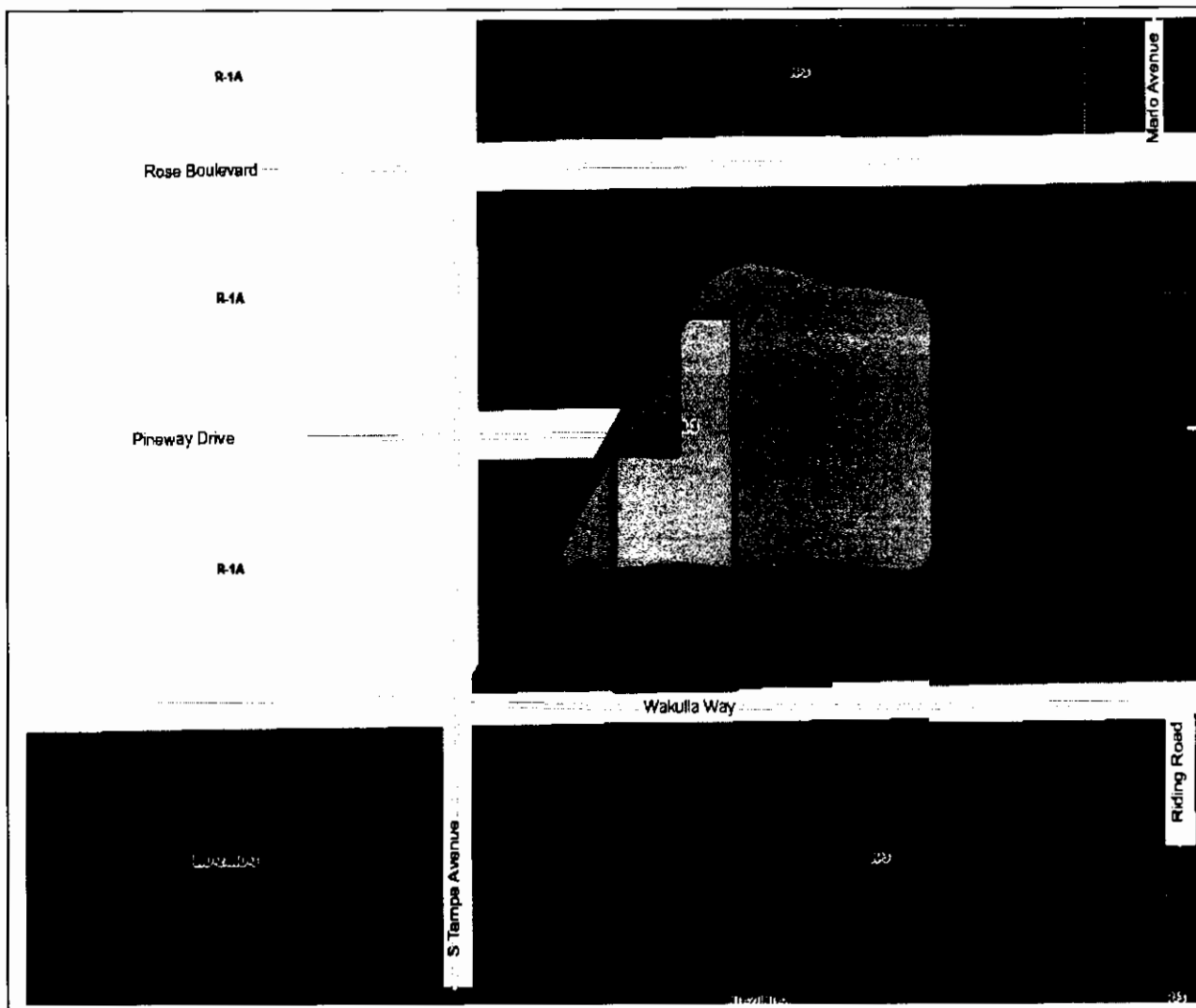
SYNOPSIS: Staff gave a presentation on the case, covering the location of the fence, site plan, previous variance denial in the area, and photographs.

The applicant explained that the property had been vacant for three (3) years and had become a dumping ground with crime and vagrants and a four (4) foot fence would not keep anyone out. The applicant further stated the neighbors were in favor of the fence.

The BZA confirmed it was not a corner lot and that a chain link fence will not affect visibility. The BZA stated that a five (5) foot fence would provide the necessary security, and advised the applicant to get proper permits.

Staff received four (4) commentaries in favor of the application and one (1) in opposition. There was no opposition at the hearing.

The BZA approved the Variance.



Applicant: Mike Lopez

BZA Number: VA-17-07-052

BZA Date: 06/01/2017

District: 6

Sec/Twn/Rge: 22-23-29-NW-B

Tract Size: 1.43 acres

Address: 1925 Wakulla Way, Orlando FL 32839

Location: North side of Wakulla Way, west of S. Rio Grande Ave.

Zoning Board of Appeals

1925 Wakulla Land Trust

February 2, 2017

Mike Lopez
1925 Wakulla way
Orlando FL, 32839

Dear Members of the Zoning Board of Appeals:

I am writing this letter to seek fence variance for my home at 1925 Wakulla way in Orange County Florida. The current zoning rules state that the fence can be no higher than 4 foot tall. I respectfully request to install a black vinyl coated chain linked fence that is 5 feet tall.

The proposed Variance would allow a security fence and gates to be built at the setback of 5 foot on the left and 7 foot on the right opposed to the property setback line of 25 feet. The fence cannot be built on the property setback line because the house is too close to property line. Granting this variance would allow vehicles to be parked securely behind the fence in the driveway. The fence does not encroach nor impose any hardship on any neighboring properties. There are several properties on Wakulla Way which have their 5 foot tall fence and gates on property line. Granting this Variance would not represent any special privilege for the petitioners.

The fence at 1925 Wakulla was designed for security to prevent and protect us from nuisance crimes. 1925 Wakulla has been over run with graffiti, illegal dumping, vagrants, theft and vandalism. We would like to

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**APR 20 2017
ORANGE COUNTY
ZONING DIVISION**

improve the quality of the neighborhood. The proposed Variance would allow us the benefit of maintaining harmony, to improve the quality of life, property value, and peaceful co-existence with the neighborhood.

We have taken the time to speak with our neighbors about the fence variance request. We have included is a supportive petition in favor of our request. We have attached photos and a copy of a recent survey of the property and highlighted the plans for a fence.

I hope you agree that my request would . Should you have any questions, please do not hesitate to contact me. Thank you for your thoughtful consideration of this request.

Sincerely,

Mike Lopez authorized agent

1925 Wakulla Land Trust

PO BOX 555130

Orlando Fl, 32855-5130

321-239-0264

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APR 20 2017

ORANGE COUNTY

ZONING DIVISION

LEGAL DESCRIPTION:
THE WEST 60 FEET OF LOT 27 LESS THE NORTH 190 FEET THEREOF, AND THE EAST 20.71 FEET OF LOT 28 LESS THE NORTH 190 FEET THEREOF, AND THE WEST 88.90 FEET OF THE EAST 108.61 FEET OF THE SOUTH 285.78 FEET OF LOT 28, ALL IN PROSPER COLONY AS RECORDED IN PLAT BOOK "D", PAGE(S) 109, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

N89°10'45"E
88.91'(D)

REMAINDER OF LOT 28
(NOT-INCLUDED)

285.80*(D)

FND 1 1/2" IRON
ROD & CAP
123.43' ON LINE

0.1'

00°10'12"W

FIND 1/2" IRON
ROD & CAP
NO NUMBER @
SW CORNER
OF RES #1927
1.8' W. OFFSET

20

IRON
CAP
NUMBER
DATE

NC

4 ✓

Gate
11/11/11

12

Case

10

5' ON
4"X4"
ONG MONI

MENT

FND 1/2" IRC
ROD & CAP
LB: J312 @
SE CORNER



4

BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF PROPERTY, BEING S 88°10'45"W, PER SECTION DATA FROM LARNS.ORG

LIST OF POSSIBLE ENCROACHMENTS: NONE FOUND

DLS #: 18-12-0080
CLIENT #: 1925 WAKULLA
FIELD DATE: 12/28/2018

SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN
FLOOD ZONE X AREA OUTSIDE OF THE 100 YEAR FLOODPLAIN



STAFF REPORT
CASE #VA-17-07-052
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
June 1, 2017
Commission District: 6

GENERAL INFORMATION:

APPLICANT: Mike Lopez

REQUEST: Variance in the R-3 zoning district to allow a 5 ft. high fence in the front yard in lieu of 4 ft.
(Note: This is the result of code enforcement action).

LOCATION: North side of Wakulla Way, west of S. Rio Grande Ave.

PROPERTY ADDRESS: 1925 Wakulla Way, Orlando, Florida, 32839

PARCEL ID: 22-23-29-7268-27-004

PUBLIC NOTIFICATION: 95

TRACT SIZE: 1.43 acres

DISTRICT #: 6

ZONING: R-3

EXISTING USE(S): Triplex

PROPOSED USE(S): Triplex

SURROUNDING USES: This property is surrounded by single family residences

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting a variance to allow an existing fence to remain at five (5) feet in height in lieu of four (4) feet within the front yard setback area.
2. The applicant constructed the front fence without a building permit and was cited by Code Enforcement.

3. The BZA denied a Variance in 2014, for a six (6) foot high fence in lieu of four (4) feet on a property located on the next adjacent street to the north.
4. The applicant stated the fence is for security purposes, to protect the property from past incidents of graffiti, dumping, vagrants, theft, and vandalism. However, no documentation of such events was submitted.
5. The applicant has provided a petition of approval, signed by four (4) adjacent neighbors.
6. The request will not adversely impact anyone and will not cause any negative impacts to the neighborhood.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated April 20, 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 applicant shall obtain a permit for the fence within ninety (90) days or this approval is null and void.

cc: Mike Lopez, Applicant
1335 44th Street
Orlando, Florida 32839

ARLENE VALDEZ
VA-17-06-044

REQUEST: **Variances** in the R-1 zoning district as follows:
1) To allow existing accessory building to remain with 787 sq. ft. of area in lieu of 500 sq. ft.; and,
2) To allow existing accessory building to remain 0 ft. from the side property line in lieu of 5 ft.
(Note: This is the result of code enforcement action. Applicant advised the rear shed has been removed, batting cage poles will be removed, and tent canopy behind pool will be removed).

ADDRESS: 14352 Model Road, Orlando FL 32826

LOCATION: South side of Model Rd., west of Bonneville Dr., north of E Colonial Dr.

S-T-R: 14-22-31

TRACT SIZE: 80 ft. x 300 ft.

DISTRICT#: 5

LEGAL: PALM LAKES ESTATES U/71 LOT 23

PARCEL ID: 14-22-31-6528-00-230

NO. OF NOTICES: 87

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 April 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. Prior to issuance of permits, the applicant shall remove: the batting cage (and all poles), the gazebo/canopy behind the pool and rear yard shed; and
5. The applicant shall obtain a permit for the accessory building within 120 days, or this approval becomes null and void.

SYNOPSIS: Staff gave a presentation on the case, covering the location of the fence and shed, site plan, and photographs.

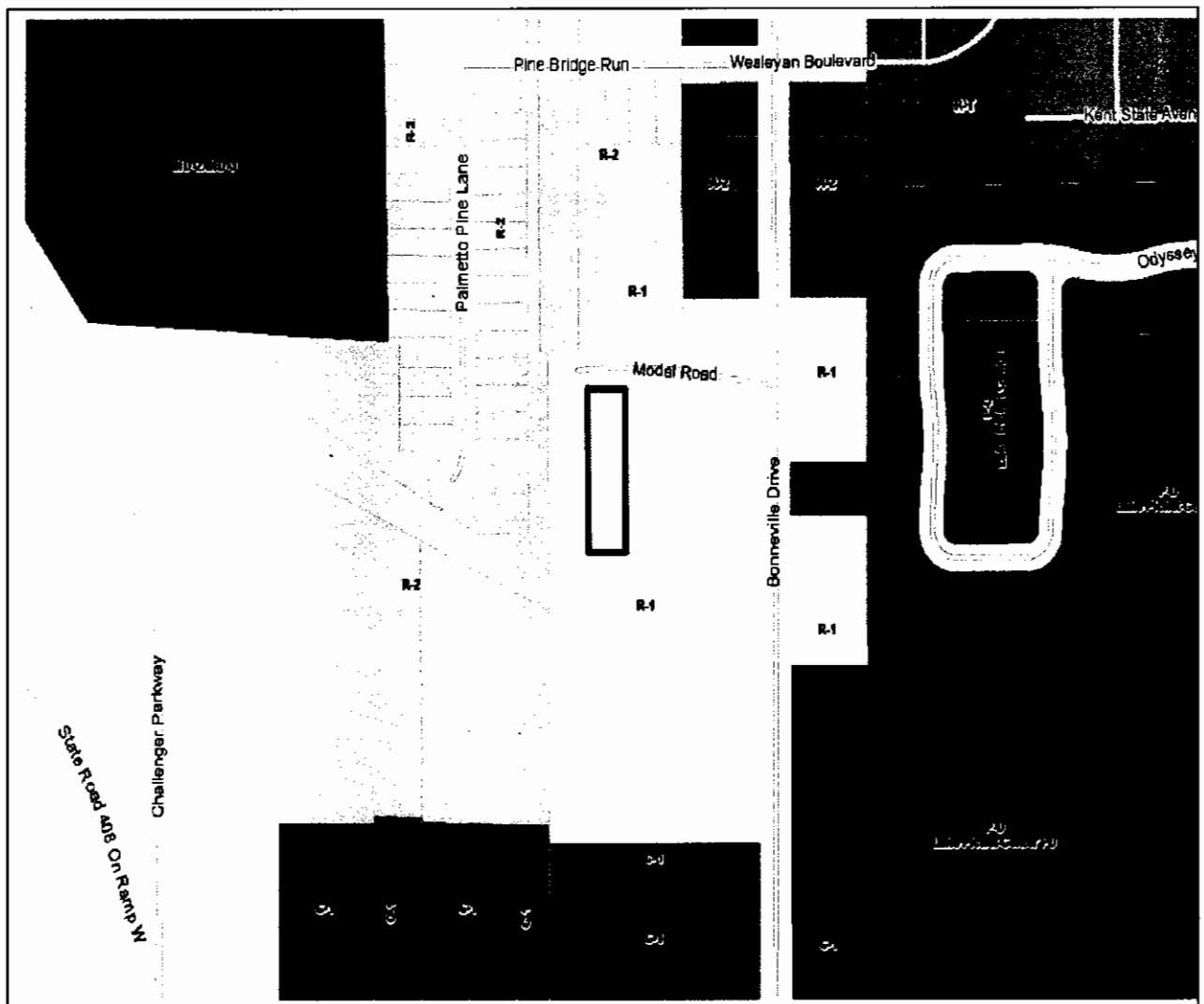
The applicant explained that the buildings were on the site when they purchased the property. The applicant stated that they have removed the batting cage and the gazebo/canopy behind the pool and the rear yard shed; and, stated they only want to keep the side shed.

Code Enforcement confirmed the batting cage and gazebo/canopy behind the pool and rear yard shed have all been removed.

The BZA appreciated that the applicant addressed the issues identified by Code Enforcement before coming before the BZA.

There was no opposition at the hearing.

The BZA approved the Variance.



Applicant: Arlene Valdez

BZA Number: VA-17-06-044

BZA Date: 06/01/2017

District: 5

Sec/Twn/Rge: 23-22-31-NW-B

Tract Size: 80 ft. x 300 ft.

Address: 14352 Model Road, Orlando FL 32826

Location: South side of Model Rd., west of Bonneville Dr., north of E Colonial Dr.

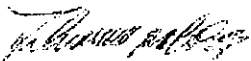
Liliana Valdez
14352 Model Rd
Orlando FL 32826

April 17, 2017

To whom it may concern:

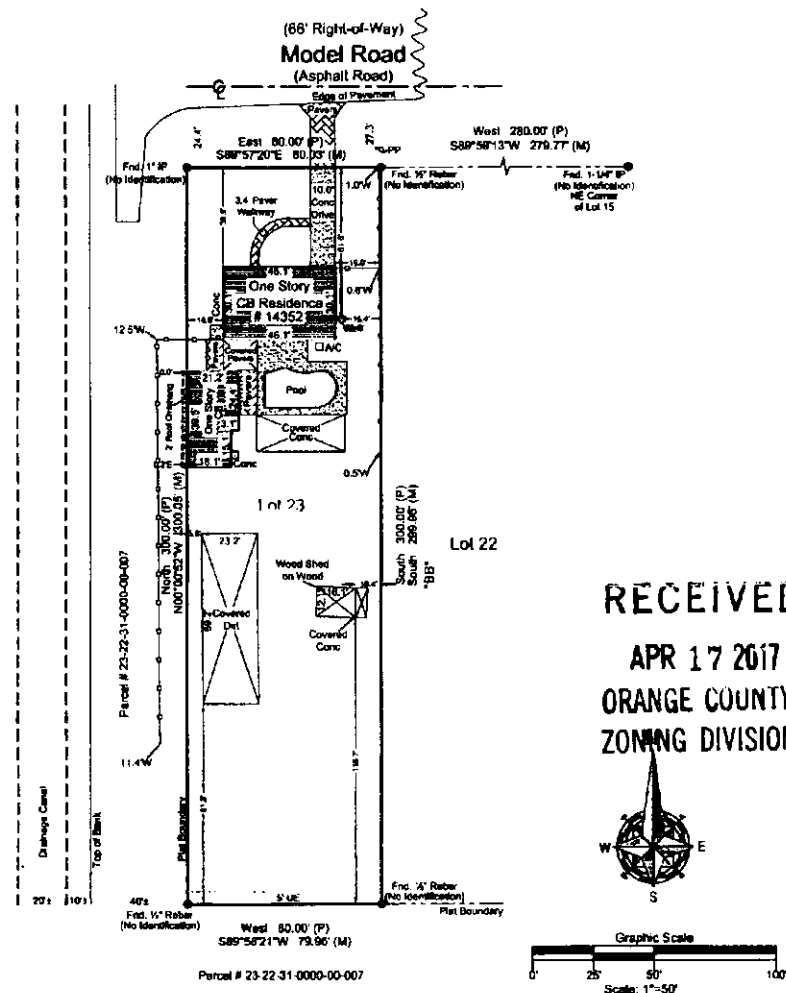
This letter is to request a Variance for an accessory building that was on the property when we purchased the home in 10/2010. We didn't know there were no permits until we received the notice of violation from the county early January 2017. The accessory building was already there and was built on the property line so we are requesting a Variance for the 5ft setback needed. We built an addition to the accessory building for additional storage space but we didn't know that the building didn't have permits originally, the total sqft of the accessory building is 787sqft, and therefore we are requesting the additional 287sqft. In the pool area there is an open canopy and it has a fabric cover on it. We would really appreciate the additional square footage as we believe we have more than enough space on the property and have removed additional structures on the property. Our house doesn't have any side neighbors and we have no association so we wouldn't be bothering anyone. We would really appreciate our request to be approved.

Thank you in advance for your help with this matter.


Liliana Valdez

RECEIVED

APR 17 2017
ORANGE COUNTY
ZONING DIVISION



RECEIVED
APR 17 2017
ORANGE COUNTY
ZONING DIVISION



Graphic Scale

0' 25' 50' 100'

Scale: 1"=50'

Field Date: 2/27/2017 Date Completed: 2/28/2017

Drawn By: K.C.

File Number: C-35039

• **Laboratory**

[illegible]

NOTES

*Survey is based upon the Legal Description Supplied by Client.
*Showing "as is" does not have NOT been researched for Gas, Oil, Ponds and/or other.
*Subject to any Easement and/or Easement, one of Place.
*Showing lines shown herein, is Assumed and Based upon the Line Demarcated with a "50"
*Showing lines are NOT to be used to reconstruct Property Lines.
*All errors Excepted- NOT determined.
*Not Overlaid, Underlaid, or/and for Platters have NOT been focused UNLESS
*overlaid error.

*Survey Lines and/or Disputed locations are approximate and MUST be verified by
*respective Utility Location Companies.

*Use of this survey for purposes other than intended, without Written Permission, will be
*considered an act of negligence and the Surveyor, including the Firm, will
*be held liable for any and all damages or losses in any court of law.

ROOF OVERHANG OVERLAPS WEST PROPERTY LINE

I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date shown. Based on Information furnished to me as Well as and Conformable to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 54-17, 2003 Florida Administrative Codes. Please call to Section 477, 927 Florida 33040s.

Patrick K. Ireland

Patrick K. Ireland, 1980 P.S. 6637 LB 7823

This Survey is intended ONLY for use of Saint Charles Parties.

Ireland & Associates Surveying, Inc.
301 S. International Parkway Suite 2001
Lake Mary, Florida 32748
www.Irelandsurveying.com
Office-407.678.3388 Fax-407.320.8165



STAFF REPORT
CASE #VA-17-06-044
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
June 1, 2017
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Arlene Valdez

REQUEST: Variances in the R-1 zoning district as follows: 1) To allow existing accessory building to remain with 787 sq. ft. of area in lieu of 500 sq. ft.; and, 2) To allow existing accessory building to remain 0 ft. from the side property line in lieu of 5 ft.

(Note: This is the result of code enforcement action. Applicant advised the rear shed has been removed, batting cage poles will be removed, and tent canopy behind pool will be removed).

LOCATION: South side of Model Rd., west of Bonneville Dr., north of E Colonial Dr.

PROPERTY ADDRESS: 14352 Model Road, Orlando, Florida, 32826

PARCEL ID: 14-22-31-6528-00-230

PUBLIC NOTIFICATION: 87

TRACT SIZE: 80 ft. x 300 ft.

DISTRICT #: 5

ZONING: R-1

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Single Family Residence

SURROUNDING USES: The property is surrounded by vacant land, with a single family residence to the north

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting variances to allow a 787 sq. ft. accessory building to remain with a zero (0) foot side setback.
2. The applicant has stated the structures were there when they purchased the house in 2010. However, the applicant added 287 sq. ft. to the accessory building without permits.
3. Code Enforcement cited the applicant for a batting cage, gazebo, and sheds.
4. The applicant has stated they will remove the batting cage, the gazebo/canopy behind the pool, and rear yard shed.
5. The portion of the adjacent lot impacted by the zero (0) foot setback does not appear to be buildable. The owner of that lot has not submitted any letters of support.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated April 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. Prior to issuance of permits, the applicant shall remove: the batting cage (and all poles), the gazebo/canopy behind the pool, and rear yard shed; and
 5. The applicant shall obtain a permit for the accessory building within 120 days, or this approval becomes null and void;.
- cc: Arlene Valdez (Applicant's Representative), Liliana Valdez (Applicant), 14352 Model Road, Orlando, Florida 32826

LYMARI SIERRA
VA-17-06-048

REQUEST: **Variances** in the R-1 zoning district as follows:
1) To construct a 750 sq. ft. accessory building (garage) in lieu of 500 sq. ft.; and,
2) To construct a 5 ft. high fence along the front of the property in lieu of 4 ft.

ADDRESS: 1724 Bonneville Drive, Orlando FL 32826

LOCATION: West side of Bonneville Dr., north of E. Colonial Dr.

S-T-R: 14-22-31

TRACT SIZE: 100 ft. x 200 ft.

DISTRICT#: 5

LEGAL: PALM LAKES ESTATES U/71 LOT 17

PARCEL ID: 14-22-31-6528-00-170

NO. OF NOTICES: 106

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (unanimous; 5-0):

1. Development in accordance with site plan dated April 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;

4. The exterior of the proposed accessory structure shall match the exterior color of the existing house; and
5. The fence shall be consistent with the design as submitted.

SYNOPSIS: Staff gave a presentation on the case, covering the location of the fence and garage, site plan, and photographs.

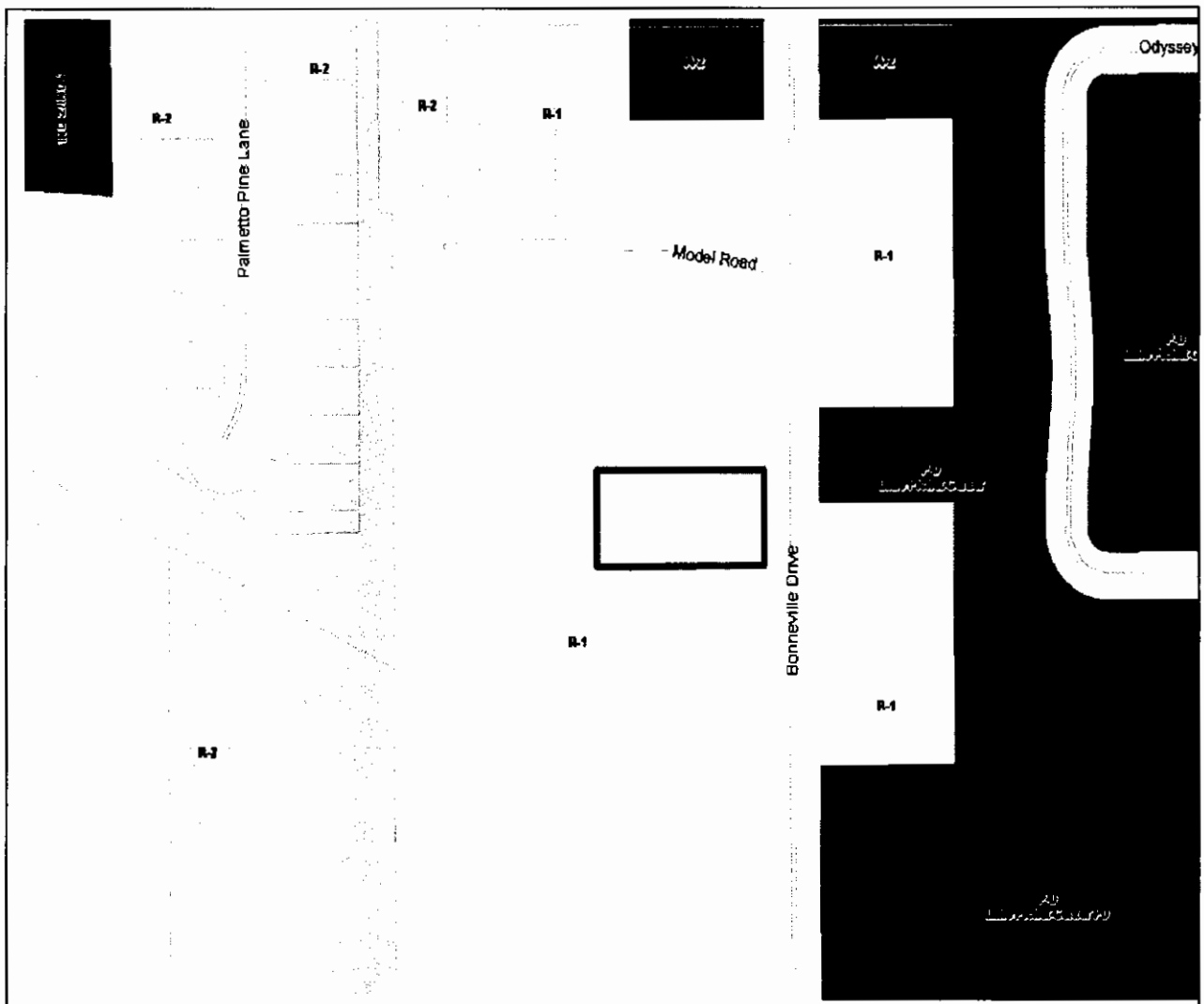
The applicant stated they have received additional letters of support from their neighbors.

The BZA confirmed there was no HOA and other properties had fences in the front yard. The BZA was concerned about the type of fence and wanted a fifth condition added stating that the fence shall be consistent with the design as submitted.

Staff received three (3) commentaries in favor of the application and none in opposition.

There was no opposition at the hearing.

The BZA approved the Variance with the addition of condition #5.



Applicant: Lymari Sierra

BZA Number: VA-17-06-048

BZA Date: 06/01/2017

District: 5

Sec/Twn/Rge: 23-22-31-NW-B

Tract Size: 100 ft. x 200 ft.

Address: 1724 Bonneville Drive, Orlando FL 32826

Location: West side of Bonneville Dr., north of E. Colonial Dr.

Orange County
Board of County Commissioners
201 South Rosalind Ave
Orlando, FL 32802

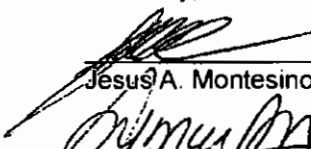
RE: Variance
Parcel ID 14-22-31-6528-00-170

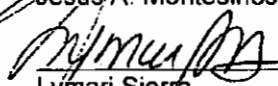
Applicants: Jesus A. Montesinos and Lymari Sierra
Address: 1724 Bonneville Dr.
Orlando, FL 32826

To Whom It May Concern;

This proposal letter is to request your consideration to evaluate and grant an approval of a Variance to build an accessory building at the referenced site. *and a 5' front fence to safe due to high crime area and busy traffic road.*
We are looking to build a much needed detached garage to storage and keep in a safe place our personal, classic vehicle, motorcycle and personal property such as lawn mower and tools. *There are 4 working adults at the house and we each have a vehicle in addition to a classic car gifted by my father and bike.*
The proposed location of this is well inside the setbacks on the property as required by the County. *We need a secured, enclosed building to storage the cars and keep safe and enclosed to prevent keeping cars out on site.*
The mentioned property is zoned R-1 and allows for a 500 sqft detached garage. *and 4' front fence.*
We are looking to build a 750 sqft described as 25X30X12. *This is the smallest they build.*
The materials use; 3:12 Pitch Roof, Master Rib Gavalume Pearl Gray Walls, Master Rib Gavalume Black Trim, (2) Rollup Doors, 1 Entry Door. *Cost is \$17,000 VS a \$45,000 cost for block.*
Enclosed please find a color chart and photos of similar buildings to use as reference. *with the approval of the fence we will do an iron basic fence for safety.*
There are similar large buildings in the surrounding area. Please consider this variance request as this building would be a beautiful addition to my property and for the area which is currently in development with a mix use of residential and commercial.
There are no objections from my neighbors as it will improve the area.
If you have any questions or need further information you can contact us at 407 579-9753.

Sincerely,


Jesus A. Montesinos


Lymari Sierra

P. O. BOX 780268

Orlando, FL 32878-0268

Cell 407 579 9753

Email: marey_sierra@yahoo.com

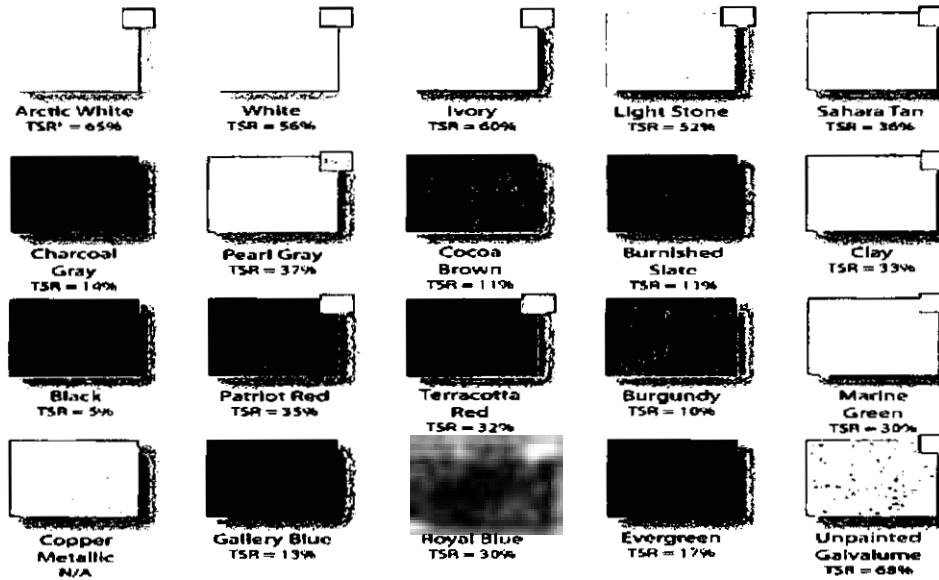
4-18-17

Date

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APR 18 2017
ORANGE COUNTY,
ZONING DIVISION

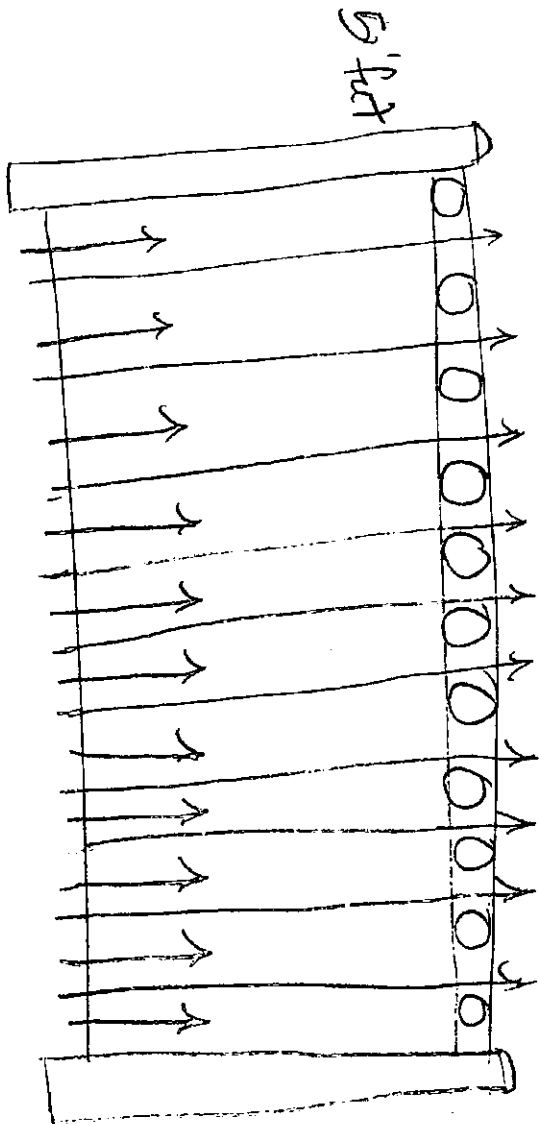
Metal Structures LLC- <http://metalstructuresllc.com>



RECEIVED

APR 18 2017
ORANGE COUNTY
ZONING DIVISION

5' Fence Iron style
 5' Front + sides - 0-25' structure on
 property line



RECEIVED
 APR 18 2017
 ORANGE COUNTY
 ZONING DIVISION



STAFF REPORT
CASE #VA-17-06-048
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
June 1, 2017
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Lymari Sierra

REQUEST: Variances in the R-1 zoning district as follows:
1) To construct a 750 sq. ft. accessory building (garage) in lieu of 500 sq. ft.; and,
2) To construct a 5 ft. high fence along the front of the property in lieu of 4 ft.

LOCATION: West side of Bonneville Dr., north of E. Colonial Dr.

PROPERTY ADDRESS: 1724 Bonneville Drive, Orlando, Florida, 32826

PARCEL ID: 14-22-31-6528-00-170

PUBLIC NOTIFICATION: 106

TRACT SIZE: 100 ft. x 200 ft.

DISTRICT #: 5

ZONING: R-1

EXISTING USE(S): Vacant

PROPOSED USE(S): Single family residence with detached garage

SURROUNDING USES: This property abuts single family residences to the south and west, and vacant land to the north and west.

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting variances to construct a five (5) foot high fence along the front of the property and an oversize accessory building (garage) behind the house.

2. The applicant has stated the reasons for the one (1) foot fence height variance are high crime in the area and a frontage on a busy road. The proposed fence will be decorative iron.
3. The applicant has stated the reasons for the garage size variance are to accommodate storage, and to provide secure parking for four (4) working adults who will be residing in the house.
4. The proposed garage will be located over 170 feet from the front property line.
5. The neighbors have signed letters of no objection to this proposal.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated April 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 exterior of the proposed accessory structure shall match the exterior color of the existing house.

cc: Lymari Sierra, Applicant's Representative
Jesus A. Montesinos and Maria Nieves, Applicant
P.O. Box 780268
Orlando, FL 32878-0268

JONATHAN McGRATH VA-17-06-042

REQUEST: **Variances** in the R-CE zoning district as follows:
1) To construct detached accessory structure (summer kitchen and bathroom) 20 ft. from the Normal High Water Elevation of Pocket Lake in lieu of 50 ft.; and,
2) To construct swimming pool and pool deck 20 ft. from the Normal High Water Elevation of Pocket Lake in lieu of 50 ft.
(Note: The property backs up to a canal that leads into Pocket Lake).

ADDRESS: 10330 Pocket Lane, Orlando FL 32836

LOCATION: West side of Pocket Lane, west of S. Apopka Vineland Road, south of Kilgore Road

S-T-R: 09-24-28

TRACT SIZE: 1 acre

DISTRICT#: 1

LEGAL: WILLIS R MUNGERS LAND SUB E/22 COMM SE COR LOT 39 RUN N00-01-28W 360 FT TH RUN N89-24-08W 60FT TH RUN S00-01-28E 34.28 FT FOR POB TH RUN N44-36-00W 280.9 FT N25-42-59E 7.74 FT N63-54-55W 44.06 FT N26-11-20E 7.72 FT N44-36-00W 62.34 FT TO A PT ON W LINE OF

PARCEL ID: 09-24-28-5844-00-398

NO. OF NOTICES: 29

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 April 12, 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;

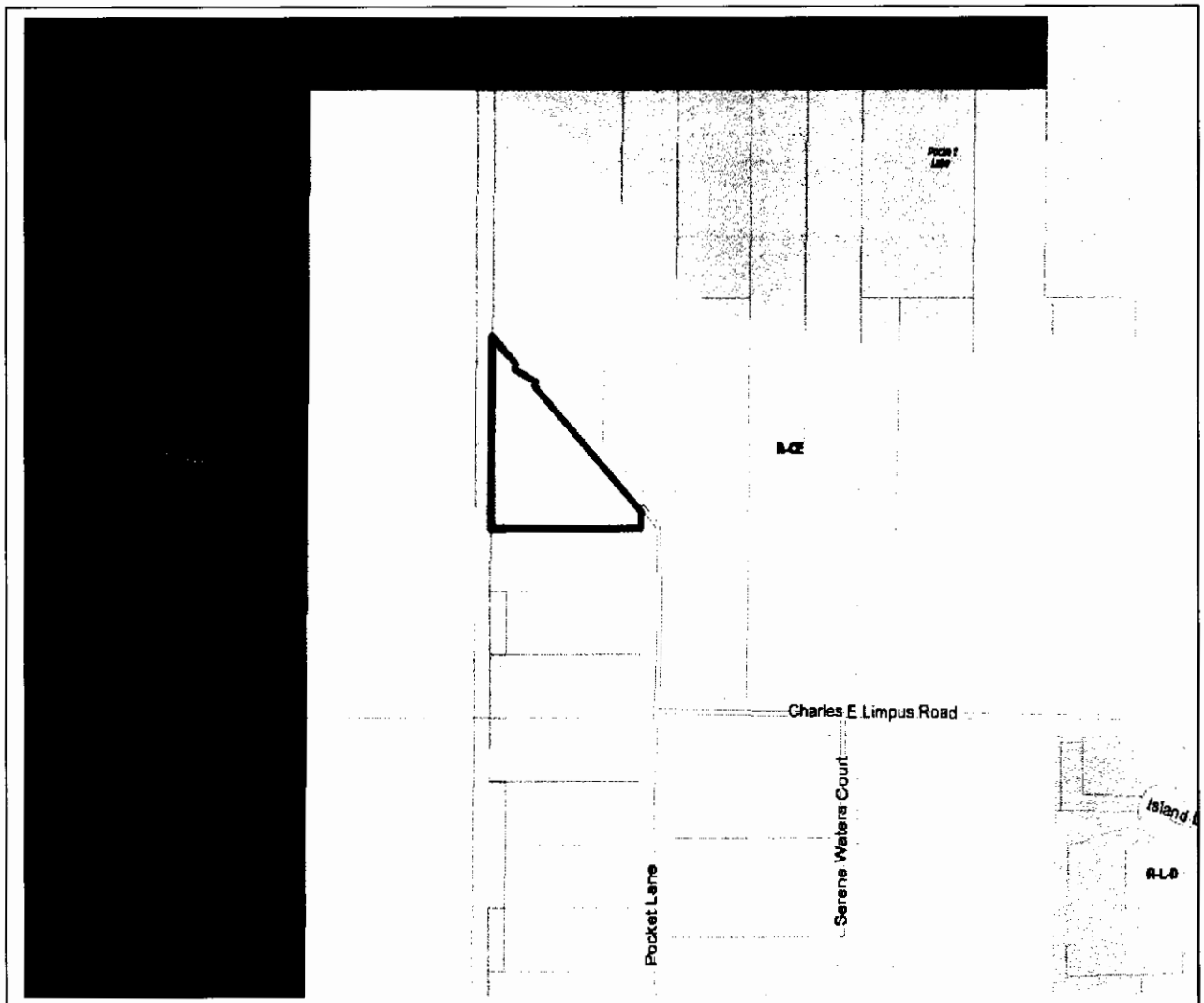
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations;
5. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the detached accessory structure and the swimming pool and pool deck is no closer than twenty (20) feet from the Normal High Water Elevation of Pocket/Fish Lake Canal;
6. Prior to the issuance of any permits, the applicant shall complete a Conservation Area Determination with the Environmental Protection Division. Any impacts to any conservation areas shall be in accordance with all Orange County regulations; and
7. Prior to the issuance of any permits, the applicant shall obtain a flood plain permit.

SYNOPSIS: The applicant is requesting variances to construct a detached accessory structure (summer kitchen and bathroom) twenty (20) feet from the Normal High Water Elevation of Pocket Lake in lieu of fifty (50) feet; and, to construct a swimming pool and pool deck twenty (20) feet from the Normal High Water Elevation of Pocket Lake in lieu of fifty (50) feet.

Staff gave a presentation of the property, noting that multiple variances have been granted on Pocket Lane and one (1) approved on the subject property in 2009. The BZA discussed existing buildings on the subject property and the adjacent property to the north.

The applicant was present and agreed with the staff recommendation of approval.

Staff received one (1) commentary in favor and none in opposition. There being no one present to support or oppose the requests, the public hearing was closed.



Applicant: Jonathan McGrath

BZA Number: VA-17-06-042

BZA Date: 06/01/2017

District: 1

Sec/Twn/Rge: 09-24-28-NE-A

Tract Size: 1 acre

Address: 10330 Pocket Lane, Orlando FL 32836

Location: West side of Pocket Lane, west of S. Apopka Vineland Road, south of Kilgore Road

Jonathan McGrath CONSTRUCTION

Creating a Masterpiece, One Client at a Time



1681 Powell Street * Longwood, FL 32750 * OFFICE 407-260-8077 * FAX 407-260-2271

April 11, 2016

To Orange County Board of Zoning,

Cover letter Re: 10330 Pocket Lane Orlando, FL 32836

Variance - request to reduce the 50' rear set back from the NHWL to 24'4"

Project - outdoor living designed to blend with existing single family home.

We are proposing a detached covered Pavilion with a summer kitchen, storage and ½ bath plus swimming pool with paver deck on grade.

- Pavilion and columns will be concrete, masonry, stucco (stucco inside and out) exterior grade drywall ceiling and a tile roof. The construction details will match the existing house painted stucco, wood fascia, aluminum soffit, cement tile roof and paver/tile floor. The Pavilion will be 18'x28'x up to 18' tall with same pitch as house. 504 square feet. Included in the pavilion is the storage approx. 5.5'x7' and ½ bath approx. 5.5'x5' will be enclosed unconditioned space. The finished floor elevation of the storage and ½ bath will be the same as the existing patio. The paver deck will be approx. 4" lower than the existing patio on grade.
- Pool will be cement with a diamond brite finish with a sun-deck and water feature. Pool 18'x32' sun shelf 9'x9' and water feature 3'x16'
- Paver deck will be cement or travertine pavers 58.5'x 43.8' plus equipment paver deck 10'x7.5'

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan McGrath".

Jonathan McGrath
State Certified Contractor
CGR, CAPS, CGP

RECEIVED
APR 12 2017
ORANGE COUNTY
ZONING DIVISION

GOBA
GREATER ORLANDO BUILDERS ASSOCIATION
PROUD MEMBER

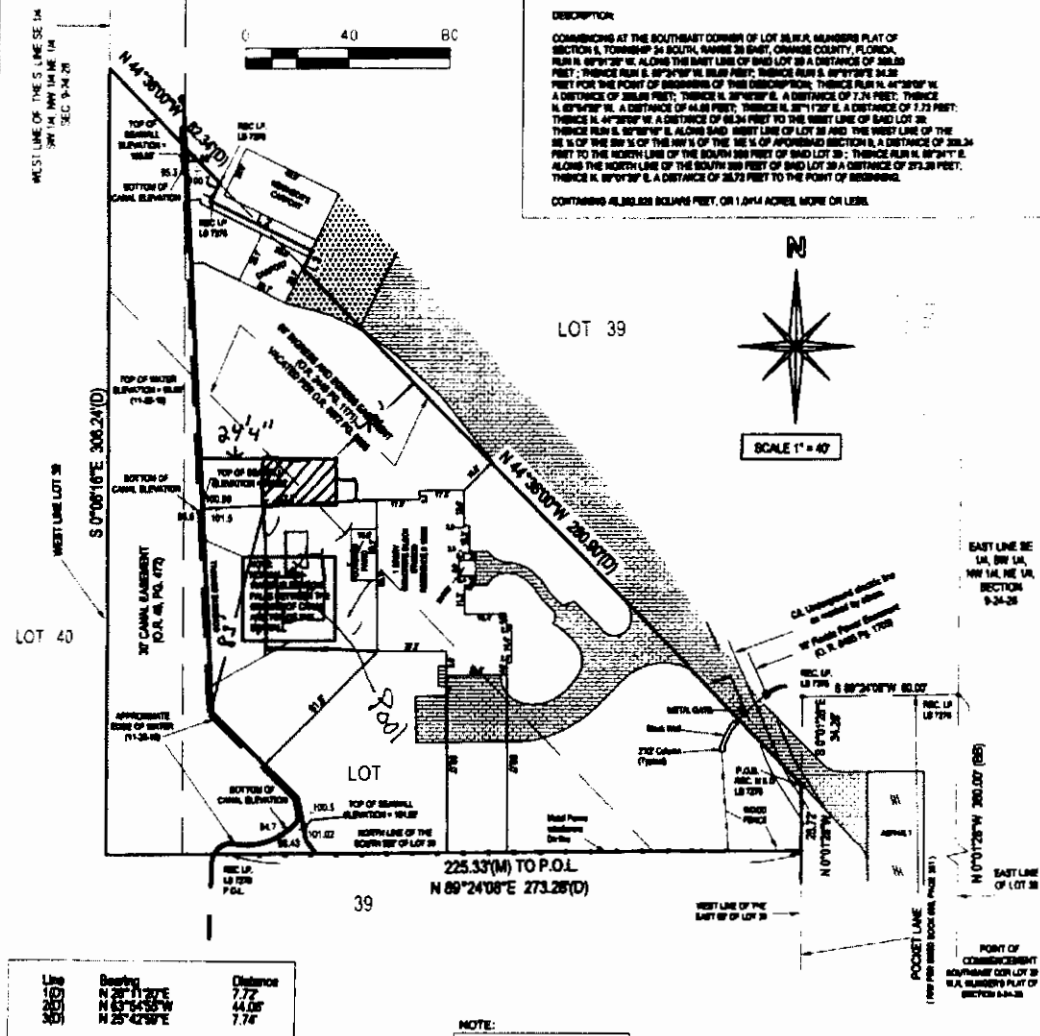
NOTES:

1. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR. NO TITLE PROVIDED. THERE MAY BE OTHER RESTRICTIONS OR UNRECORDED EASEMENTS THAT AFFECT THIS PROPERTY. PROPERTIES ARE SUBJECT TO CONVEYANCE, RESTRICTIONS, EASEMENTS AND SETBACKS OF RECORD.
2. NO UNRECORDED IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN. SEPTIC P SHOWN IS 4'-4" DEEP.
3. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON OR USED BY ANY OTHER ENTITY.
4. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES. BOUNDARY BEARINGS AND DISTANCES ARE SHOWN AS PLATTED UNLESS OTHERWISE AS MEASURED.
5. BEARINGS ARE BASED ON RECORD PLAT DATUM AND ON THE LINE SHOWN AS BASE BEARING (BB).
6. PROPERTY HEREON LOCATED IN ZONE "A" & "B" PER F.L.R.M. COMMUNITY PANEL NO. 1286C 088 F DATED 05-25-08.
7. RESIDENCE HEREON LOCATED IN ZONE "A" PER F.L.R.M. COMMUNITY PANEL NO. 1286C 088 F DATED 05-25-08.
8. BUILDING LINES SHOWN, REPRESENT BUILDING WALLS, EXCEPT IF ANY, NOT LOCATED OR SHOWN.



Boundary And Mapping Associates, Inc.
LAND SURVEYORS
LB 4585

108 W. ORANGE ST.
ALTAIR SPRINGS, FL.
32714
PH: (407) 888-1155



Line	Bearing	Distance
1	N 28°11'27"E	7.72
2	N 62°54'55"W	44.00
3	N 28°42'50"E	7.74

NOTE:

ELEVATIONS BASED ON
NAVD 1988 DATUM
- 101.5 DENOTES SPOT
ELEVATION
NORMAL HIGH WATER
ELEVATION = 98.57
NAVD 1988 DATUM

CERTIFIED TO:
SHANE AND YVESSEMA MYERS

ADD NORMAL HIGH WATER AND
SPOT ELEVATIONS ONLY: 12-18-15

15-2180
JOB NO.: 07-025
DATE:
FIELD: 01-10-07
SIGNED: 01-11-07
DRAWN BY: JWJ
P.C.: RP
REF: 06-3070

LEGEND

- | | |
|---------------------------|------------------------------|
| REC - RECOVERED | PRC - POINT OF REVERSE CURVE |
| I.P. - IRON PIPE | R.P. - RADIUS POINT |
| C.M. - CONCRETE MONUMENT | R - RADIUS |
| REB - REBAR | L - LENGTH OF ARC |
| RAD - RADIAL | CA - CENTRAL ANGLE |
| N.R. - NOT RADIAL | U.E. - UTILITY EASEMENT |
| (P) - PER PLAT | D.E. - DRAINAGE EASEMENT |
| (M) - AS MEASURED | L.E. - LANDSCAPE EASEMENT |
| (D) - PER DESCRIPTION | S.E. - SIDEWALK EASEMENT |
| P.O.L. - POINT ON LINE | P.P. - POWER POLE |
| P.C. - POINT OF CURVATURE | -X- - CHAIN LINK FENCE |
| P.T. - POINT OF TANGENCY | ○ - WOODEN FENCE |

This is a digitally signed and sealed drawing of a boundary survey performed under the direction of the undersigned. Survey is authorized on or about the date of the survey shown hereon and certified only to those persons and/or entities listed hereon. The boundary survey meets the minimum technical standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 63-17 F.A.C. pursuant to section 472-027 Florida Statutes.

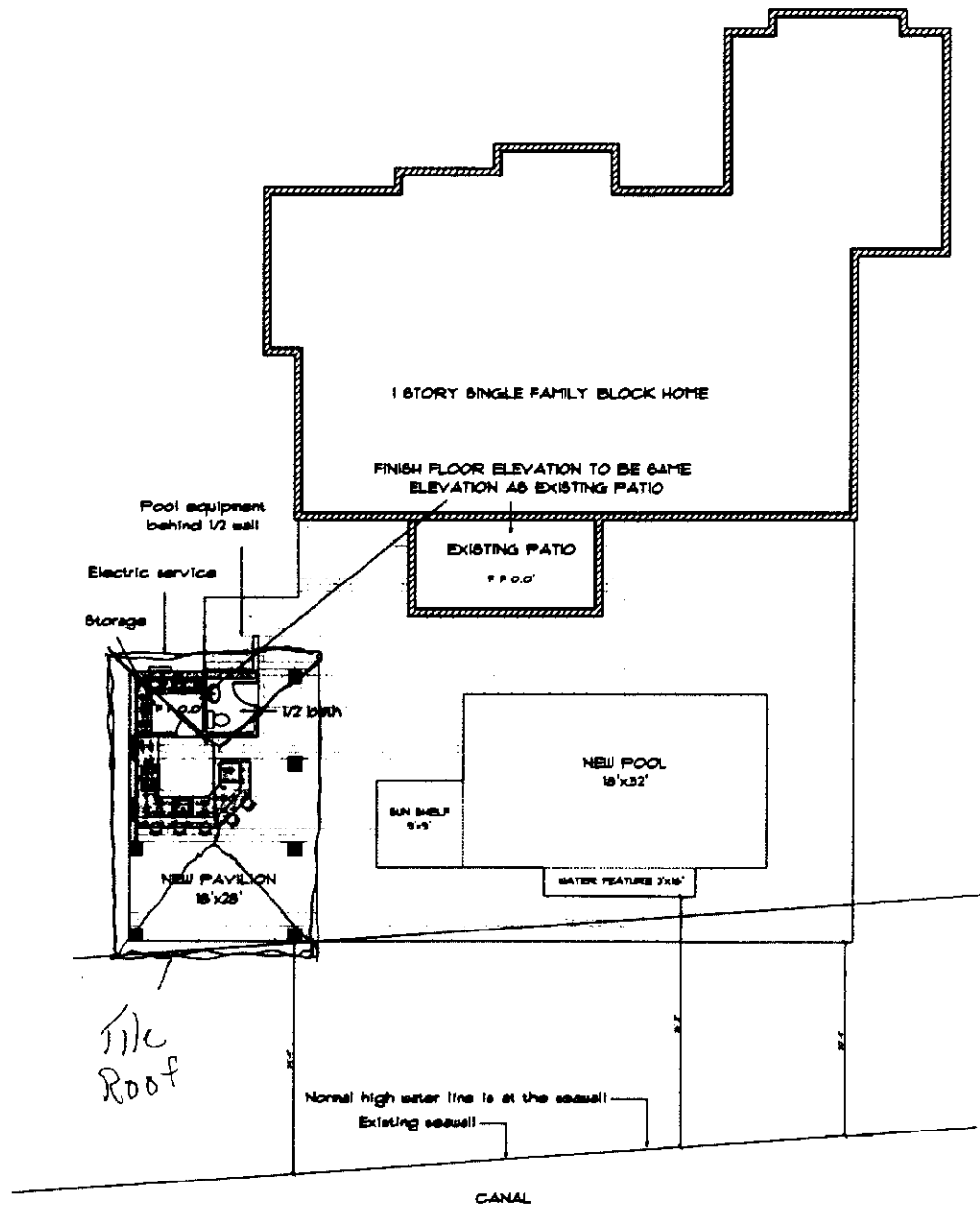
Rooney W. Jackson
ROONEY W. JACKSON, PSM 6281
Not valid without the signature and the original red wax seal of a Florida Licensed Surveyor and Mapper.



Proposed Site plan

10330 Pocket lane
Orlando, FL 32836

RECEIVED
JAN 2 1981
ORANGE COUNTY
COUNTY ENGINEER



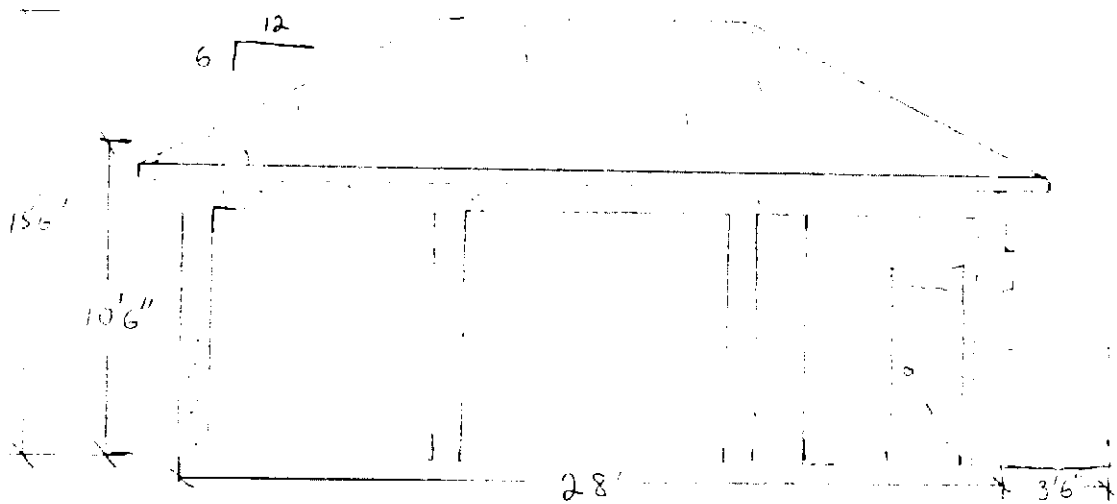
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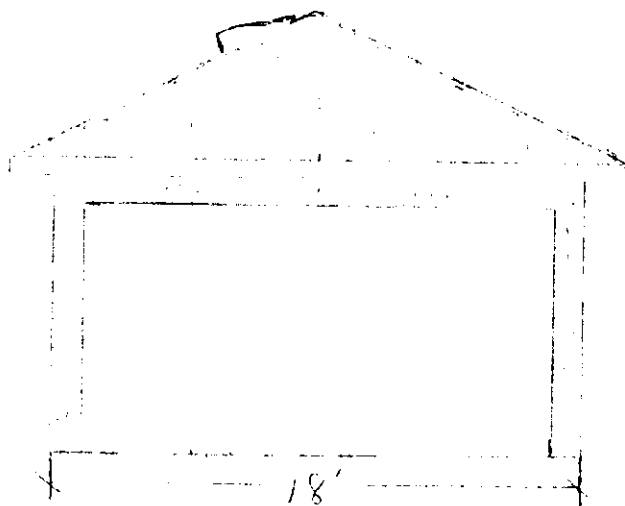
ORANGE COUNTY
ZONING DIVISION

Myers Pavilion

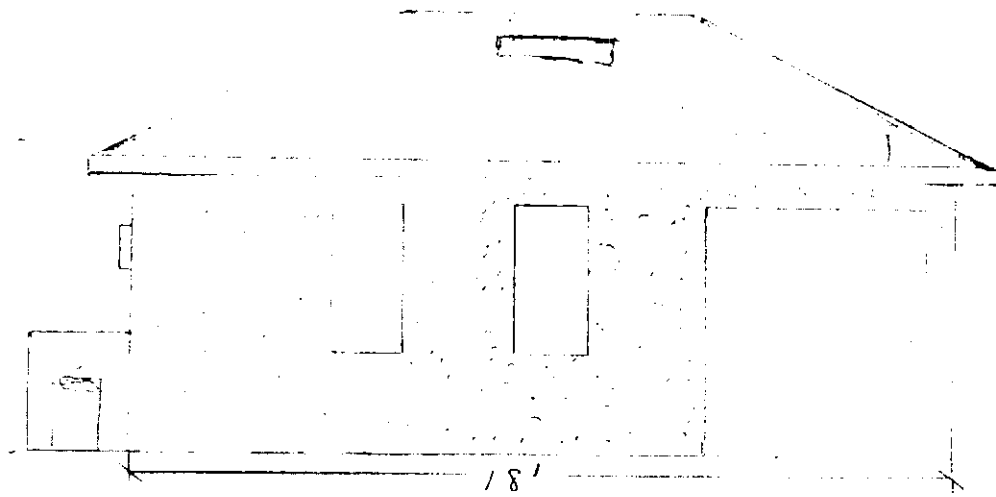
Front Elevation



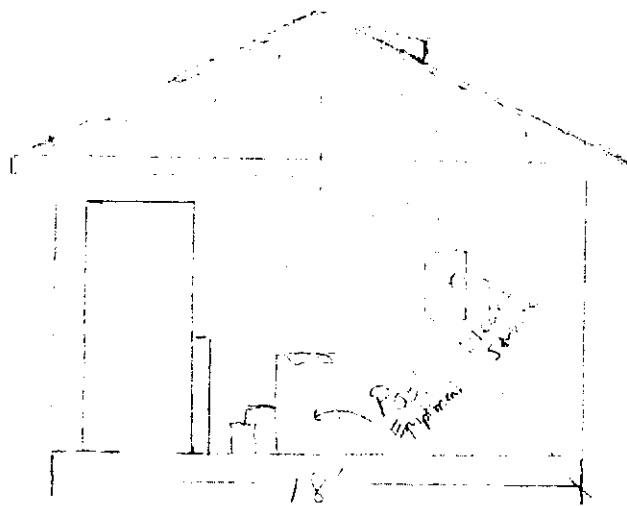
Left Elevation



Rear Elevation



Right Elevation





STAFF REPORT
CASE #VA-17-06-042
Orange County Zoning Division
Planner: Marla Molina
Board of Zoning Adjustment
June 1, 2017
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Jonathan McGrath

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

1) To construct detached accessory structure (summer kitchen and bathroom) 20 ft. from the Normal High Water Elevation of Pocket Lake in lieu of 50 ft.; and

2) To construct swimming pool and pool deck 20 ft. from the Normal High Water Elevation of Pocket Lake in lieu of 50 ft.

(Note: The property backs up to a canal that leads into Pocket Lake).

LOCATION: West side of Pocket Lane, west of S. Apopka Vineland Road, south of Kilgore Road

PROPERTY ADDRESS: 10330 Pocket Lane, Orlando, FL 32836

PARCEL ID: 09-24-28-5844-00-398

PUBLIC NOTIFICATION: 29

TRACT SIZE: 1 acre

DISTRICT #: 1

ZONING: R-CE

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Summer Kitchen and Swimming Pool

SURROUNDING USES: N - Single Family Residences
 S - Single Family Residences
 E - Single Family Residences
 W - Pocket/Fish Lake Canal

STAFF FINDINGS AND ANALYSIS:

1. The applicant is proposing to construct a detached accessory structure (summer kitchen and bathroom) and a swimming pool and pool deck twenty (20) feet from the Normal High Water Elevation of Pocket Lake in lieu of fifty (50) feet. The property backs up to a canal that leads into Pocket Lake.
2. On August 6, 2009, a Variance on the subject property was approved to an enclosed existing detached accessory building (carport) two (2) feet from the side property line in lieu of five (5) feet.
3. Research reveals that variances have been approved for accessory uses on the surrounding lakefront lots. Those variances were for accessory structures in the front yard and a height variance for a fence.
4. The requested variance represents a deviation of sixty percent (60%) from code requirements. Although, the deviation may be extreme, the shape of the lot causes the front setback line to be recessed further into the lot and the canal is creating an extremely large setback from the west property line. The shape of the lot is a hardship on the land.
5. The proposal shows that the applicant has made efforts to design the proposed structure and swimming pool to follow the angle of the rear property line.
6. The proposed structure shall match the principal residence in design and materials.
7. The Environmental Protection Division (EPD) reviewed this request and has no objections.
8. The applicant was advised that if the variances are approved by the Board of County Commissioners, prior to the issuance of a building permit, the property owner is required to record in the official records of Orange County an Indemnification/Hold Harmless Agreement. The applicant is aware that this process may take four (4) to six (6) months to process.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated April 12, 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. 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;
5. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the structure is no closer than twenty (20) feet from the Normal High Water Elevation of Pocket/Fish Lake Canal;
6. Prior to the issuance of any permits, the applicant shall complete a Conservation Area Determination with the Environmental Protection Division. Any impacts to any conservation areas shall be in accordance with all Orange County regulations; and
7. Prior to the issuance of any permits, the applicant shall obtain a flood plain permit.

cc: Jack McGrath, Applicant
1681 Powell Street
Longwood, Florida 32750

**CHRISTIAN LEARNING ACADEMY
SE-17-06-051**

REQUEST: **Special Exception** in the A-1 zoning district to convert existing residence into a private school for up to 40 students, grades K-12. (Note: The applicant wants to convert a residence into 1 classroom building. No new vertical construction is proposed).

ADDRESS: 820 Roger Williams Road, Apopka FL 32703

LOCATION: West side of Roger Williams Rd., north of N. Orange Blossom Tr.

S-T-R: 14-21-28

TRACT SIZE: 4.2 acres

DISTRICT#: 2

LEGAL: E 318 FT OF S1/2 OF NE1/4 OF NE1/4 OF NW1/4 OF SEC 14-21-28 (LESS N 151.25 FT & LESS S 30 FT & LESS E 30 FT FOR RW)

PARCEL ID: 14-21-28-0000-00-015 and 14-21-28-0000-00-045

NO. OF NOTICES: 99

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 April 19, 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;

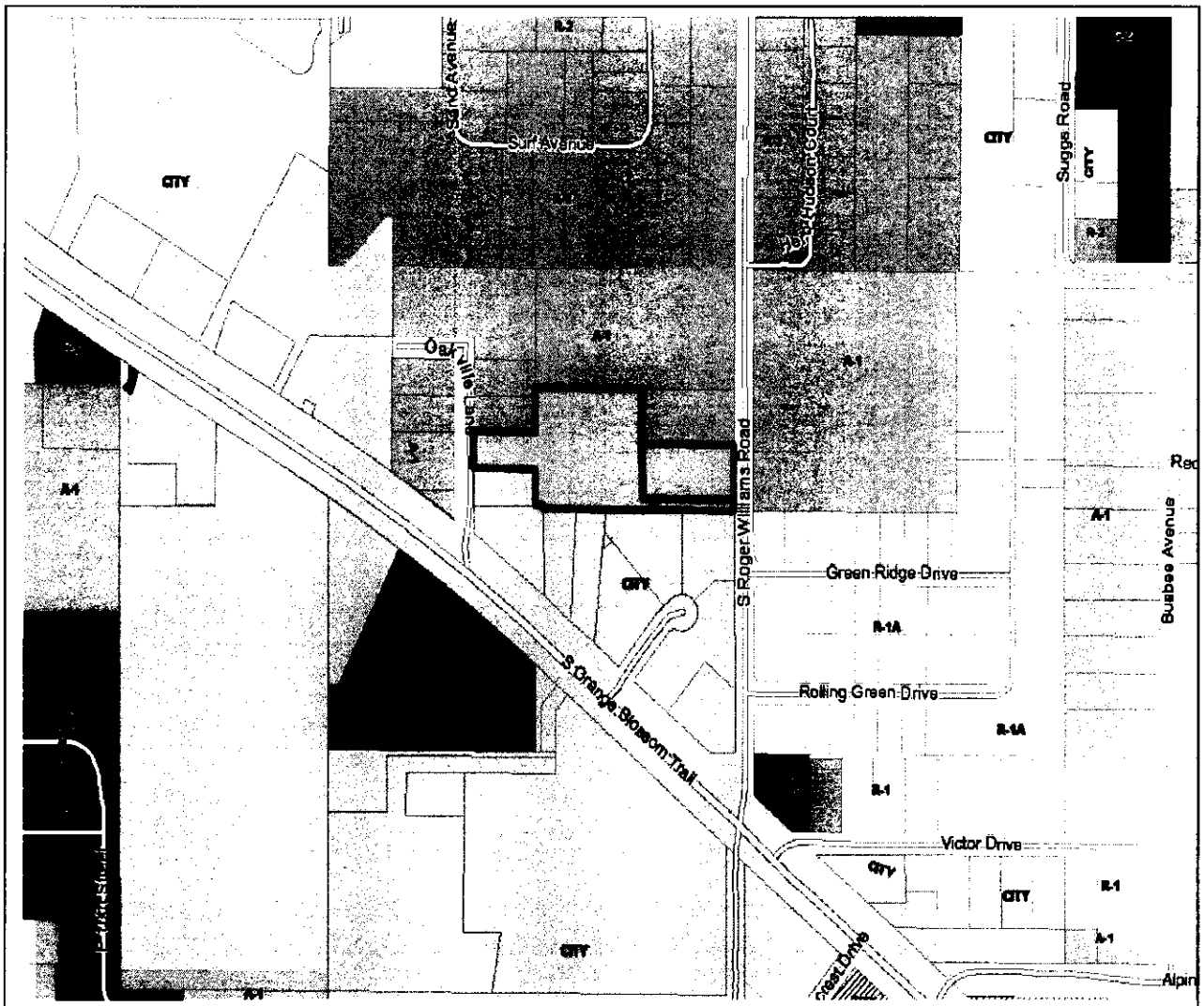
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. A twenty-four (24) inch high evergreen hedge supplemented with evergreen trees twenty-five (25) feet on-center and ten (10) feet tall shall be planted along the north line of Parcel #14-21-28-0000-00-045 and along the east line of same parcel along Roger William Road. Landscaping around the building perimeter shall be in accordance with Chapter 24, Orange County Code. Existing trees and/or vegetation may be used to meet the landscaping requirements;
5. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met;
6. No access onto Oakville Lane to the west; and
7. Obtain permits within two (2) years or this approval becomes null and void.

SYNOPSIS: The applicant operates a private school adjacent to the north. He owns property adjacent to the south. He wants to convert the old house into a classroom building for up to forty (40) additional students. Additional parking will be provided.

Staff advised the BZA that there is an elementary school located directly across Roger Williams Road and that the neighborhood is already coping with those impacts. Staff supports this request because the proposal is minimal with minor impacts.

The applicant spoke briefly about his request. He agreed with the conditions of approval.

The BZA concluded this request was reasonable and the most impacted property owner submitted a letter of no objection. There was no opposition.



Applicant: Christian Learning Academy

BZA Number: SE-17-06-051

BZA Date: 06/01/2017

District: 2

Sec/Twn/Rge: 14-21-28-NW-B

Tract Size: 4.2 acres

Address: 820 Roger Williams Road, Apopka FL 32703

Location: West side of Roger Williams Rd., north of N. Orange Blossom Tr.

Bravo Engineering, LLC

7221 Aloma Ave, Ste 300

Winter Park, Florida 32792

(407) 252-1671

Chris@BravoEngineeringLLC.Com

April 18, 2017

Orange County Zoning Dept
201 S Rosalind Ave
Orlando, FL 32801

Re: Christian Learning Academy Classroom Bldg Project

Dear County Staff:

Included herewith is a Special Exception application package for the above referenced project. These are partially developed lots located within unincorporated Orange County, at 820 and 830 Roger Williams Rd, between S Orange Blossom Tr and E Semoran Blvd, near Apopka. (Parcel Id No's. 14-21-28-0000-00-015 & 14-21-28-0000-00-045)

Lot 045 is owned by Bryce & Brooke Pfleger. Lot 015 is owned by Pastor Louis Pfleger. The Pflegers are officers of the Christian Learning Academy, Inc. The Christian Learning Academy is a K-12 private school. Its main campus is co-located with Calvary Church of the Nazarene at 750 Roger Williams Rd.

Per the conversations with County staff, both lots are being handled under a single application with Pastor Louis Pfleger as the applicant. A second paper copy is included with this submittal as an exhibit so that all the owners' information is reflected herein.

The proposed improvements affect both parcels, Lots 015 and 045. There is a single-family residential structure and several ancillary structures located on each parcel. According to the Orange County Property Appraiser's webpage, they are as follows:

- 1) A 2,112 SF Single-Family Residence, constructed in 2001, located on Lot 045. This building is currently being used for residential purposes. The applicant intends to improve this structure and use it as a K-12 classroom building.
- 2) A 1,992 SF Single-Family Residence, constructed in 1947, located on Lot 015. This building is currently being used for residential purposes. The applicant does not intend to improve this structure at this time, and it will be used for storage until it is approved for another use.

The owner requests a Special Exception to use these properties for a private K-12 school, "Education". The proposed classroom building will be located on Lot 045, but the access to the property will be across lot 015.

The applicant will improve the existing building located on Lot 045. These improvements will include the removal of interior walls to create two (2) instructional rooms and enclosure of existing patios. The gross area will remain unchanged; but, the "living" area will increase from $\pm 1,667$ SF to $\pm 1,800$ SF. The applicant will improve the existing dirt road located on Lot 015 and provide the necessary site improvements. (i.e. onsite parking, pedestrian connection, retention, landscaping, etc)

Two (2) teachers and a maximum of 40 high school students are proposed to be located in the building. The building will be used Monday through Friday from 7:00 AM to 3:00 PM, from early August until the middle of June, as a classroom. The students will use the grass areas around the building for recess and physical education classes during the aforementioned hours.

The school has a good relationship with the owners of the neighboring properties, and a letter of support from the neighbor located north of the proposed classroom building has been included with this application

County Staff
Orange County

April 18, 2017

package. The school has operated at its current facility for a number of years, and a public elementary school is located directly across the street; so, the proposed improvements are consistent with the current use and the surrounding area.

21 improved parking spaces have been shown on the plan for the new building. The newly improved drive-aisle will enable an emergency vehicle to approach an exterior door without being more than 150' long; therefore, based on my communication with the assistant fire marshal, the fire department is willing to back out of the site without an onsite turn around.

I trust that you'll find the information provided sufficient for you to recommend approval of the requested Special Exception; however, if you have any questions or concerns, please feel free to contact me at your convenience.

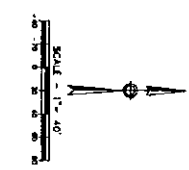
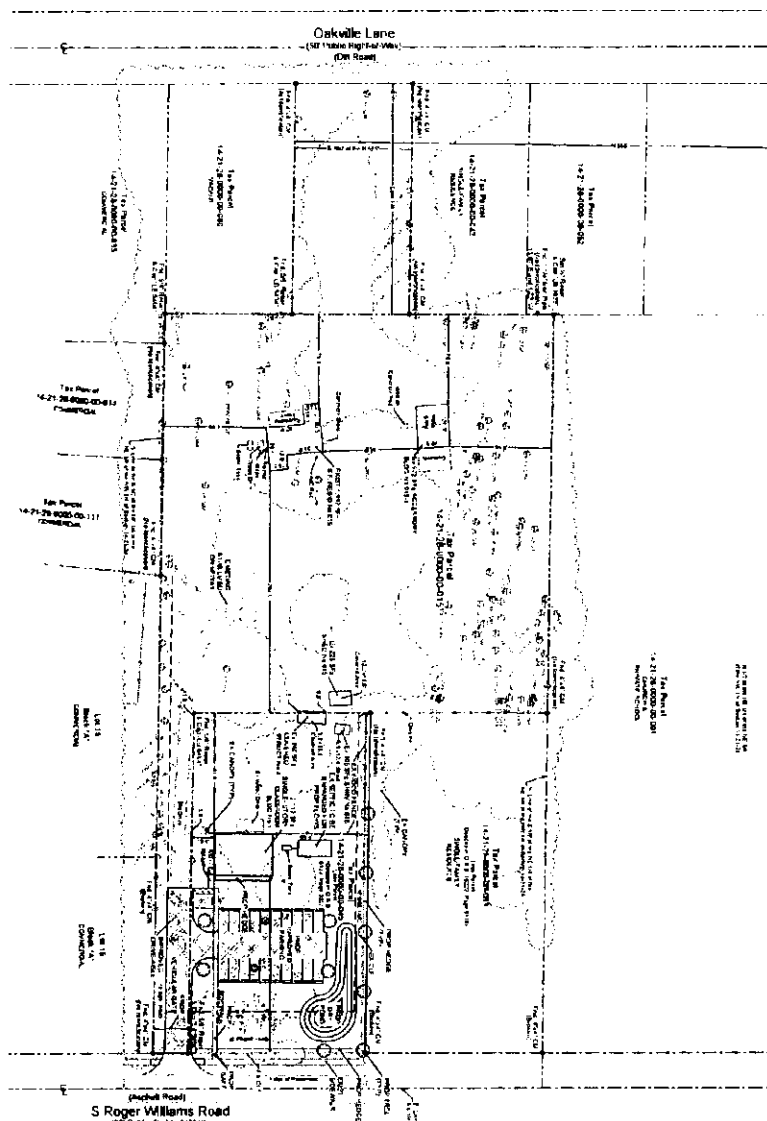
Very truly yours,
Bravo Engineering, LLC



Christopher T. Bravo, P.E.
Project Engineer

cc: File, Christian Learning Academy

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APR 19 2017
ORANGE COUNTY
ZONING DIVISION



PROPOSED LOT SIZES

Lot	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1	10,000	10,000	10,000
2	10,000	10,000	10,000
3	10,000	10,000	10,000
4	10,000	10,000	10,000
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CONCEPT DESCRIPTION

The proposed site plan for the Christian Learning Academy is located on the east side of S Roger Williams Road, between Oakville Lane and the existing S Roger Williams Road. The site is approximately 100 feet wide and 100 feet deep. The plan shows a large rectangular building footprint with multiple wings, a central courtyard, and surrounding parking areas. The site is bounded by Oakville Lane (100' Right-of-Way) to the north and S Roger Williams Road (100' Right-of-Way) to the south. Various lot numbers and dimensions are indicated throughout the plan.

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ZONING DIVISION

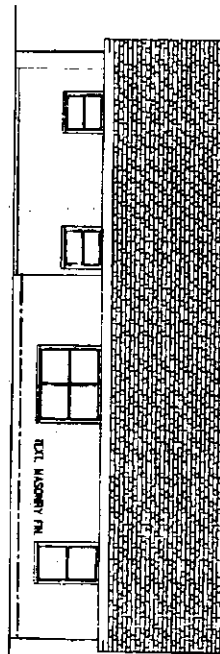
CHRISTOPHER T. BLAYLOCK
 REGISTRATION # 9884
 CA # 18943

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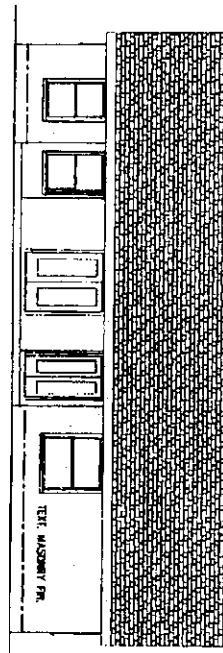
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82	10/1/16	PRELIMINARY
83	10/1/16	PRELIMINARY
84	10/1/16	PRELIMINARY
85	10/1/16	PRELIMINARY
86	10/1/16	PRELIMINARY
87	10/1/16	PRELIMINARY
88	10/1/16	PRELIMINARY
89	10/1/16	PRELIMINARY
90	10/1/16	PRELIMINARY
91	10/1/16	PRELIMINARY
92	10/1/16	PRELIMINARY
93	10/1/16	PRELIMINARY
94	10/1/16	PRELIMINARY
95	10/1/16	PRELIMINARY
96	10/1/16	PRELIMINARY
97	10/1/16	PRELIMINARY
98	10/1/16	PRELIMINARY
99	10/1/16	PRELIMINARY
100	10/1/16	PRELIMINARY

BRAYLOCK ENGINEERING, LLC
 3125 S. 10TH AVE., SUITE 100
 CHANDLER, AZ 84917
 PHONE: 480-948-1071
 FAX: 480-948-1072
 WWW.BRAYLOCKENGINEERING.COM

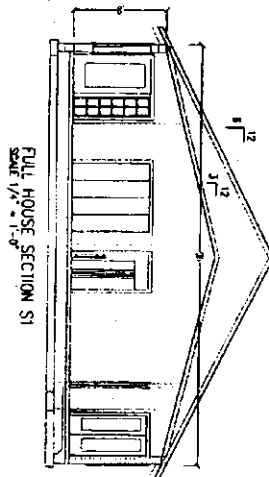
CHRISTIAN LEARNING ACADEMY
 820 & 830 ROGER WILLIAMS RD
 CONCEPTUAL SITE PLAN



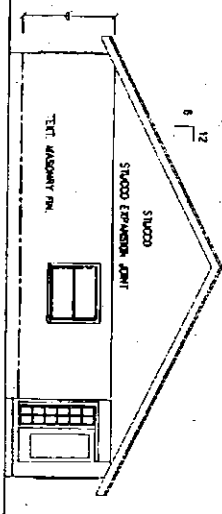
FRONT ELEVATION
SCALE 1/4" = 1'-0"



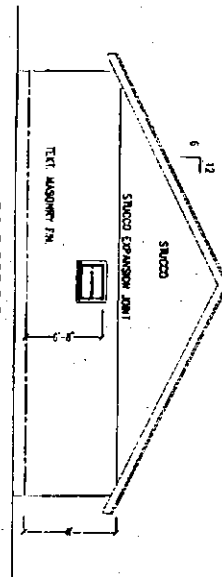
REAR ELEVATION



FULL HOUSE SECTION S1
SCALE 1/8" = 1'-0"



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION

RECEIVED

APR 19 2017

ORANGE COUNTY
ZONING DIVISION

HANLEY RESIDENTIAL DESIGN 1000 N. GATEWAY AVE. SUITE 100 ORANGE, CA 92667 (714) 961-1111 FAX (714) 961-1112	Copyright 2017 HANLEY RESIDENTIAL DESIGN All Rights Reserved	FOR: Mr. Peter Boudreau DESIGN NUMBER: 1000	SHEET 5 OF 4
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STAFF REPORT
CASE #SE-17-06-051
Orange County Zoning Division
Planner: Rocco Relvini
Board of Zoning Adjustment
June 1, 2017
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Christian Learning Academy

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the A-1 zoning district to convert existing residence into a private school for up to 40 students, grades K-12.

(Note: The applicant wants to convert a residence into 1 classroom building. No new vertical construction is proposed).

LOCATION: West side of Roger Williams Rd., north of N. Orange Blossom Tr.

PROPERTY ADDRESS: 820 Roger Williams Road

PARCEL ID: 14-21-28-0000-00-015
14-21-28-0000-00-045

PUBLIC NOTIFICATION: 99

TRACT SIZE: 4.2 acres

DISTRICT #: 2

ZONING: A-1

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Interior renovations into 2 classrooms for 40 new high school students

SURROUNDING USES: N – Private school owned by applicant
S – Commercial uses
E – Lovell Elementary School
W - Single Family Residences

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes to incorporate two (2) parcels with the existing school to the north. The name of the school is the Christian Learning Academy. It is a K-12th grade private school. It is not a charter school;
2. The applicant proposes to convert the 2,112 sq. ft. home into two (2) classrooms to accommodate forty (40) additional high school permits. The applicant understands permits are required for these renovations;
3. The applicant is adding twenty-one (21) new parking spaces as well. This meets the parking requirement for the two (2) new classrooms;
4. Access to the new site will be from the adjacent parcel to the south from Roger Williams Road.
5. The most impacted property owner who resides adjacent to both the existing school and proposed instructional classrooms submitted a letter of no objection.
6. Staff has no objection to this request as it is a logical extension of the existing school and the most impacted neighbor submitted a letter of no objection.
7. Staff recommends no access onto Oakville Lane to the west.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated April 19, 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. A twenty-four (24) inch high evergreen hedge supplemented with evergreen trees twenty-five (25) feet on-center and ten (10) feet tall shall be planted along the north line of Parcel #14-21-28-0000-00-045 and along the east line of same parcel along Roger William Road. Landscaping around the building perimeter shall be in accordance with Chapter 24, Orange County Code. Existing trees and/or vegetation may be used to meet the landscaping requirements;
5. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met;
6. No access onto Oakville Lane to the west; and
7. Obtain permits within two (2) years or this approval becomes null and void.

cc: Chris Bravo, Applicant's Representative
7221 Aloma Avenue, Suite 300
Winter Park, Florida 32792

GEMMA E. JACKSON
VA-17-06-049

REQUEST: **Variances** in the R-CE zoning district to construct an accessory use (sports court) as follows:
1) In the front yard in lieu of side or rear yards; and,
2) To allow 10 ft. high fence in lieu of 6 ft. in the front yard.
(Note: Proposed multi-sport court includes basketball hoops, two soccer goals, 10 ft. high nylon mesh netting, and a 15 ft. high light pole).

ADDRESS: 9085 Charles E. Limpus Road, Orlando FL 32836

LOCATION: West side of Charles E. Limpus Rd., south of Darlene Dr.

S-T-R: 09-24-28

TRACT SIZE: 2.61 acres

DISTRICT#: 1

LEGAL: BEG 869.51 FT N & 102 FT W OF SE COR OF NE1/4 RUN S 68 DEG W 109.75 FT N 1171.38 FT M/L TO N LINE OF S S1/2 OF NE1/4 OF NE1/4 E 102 FT S 1130.89 FT M/L TO POB SEC 09-24-28

PARCEL ID: 09-24-28-0000-00-014

NO. OF NOTICES: 79

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 January 14, 2006, 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;
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;

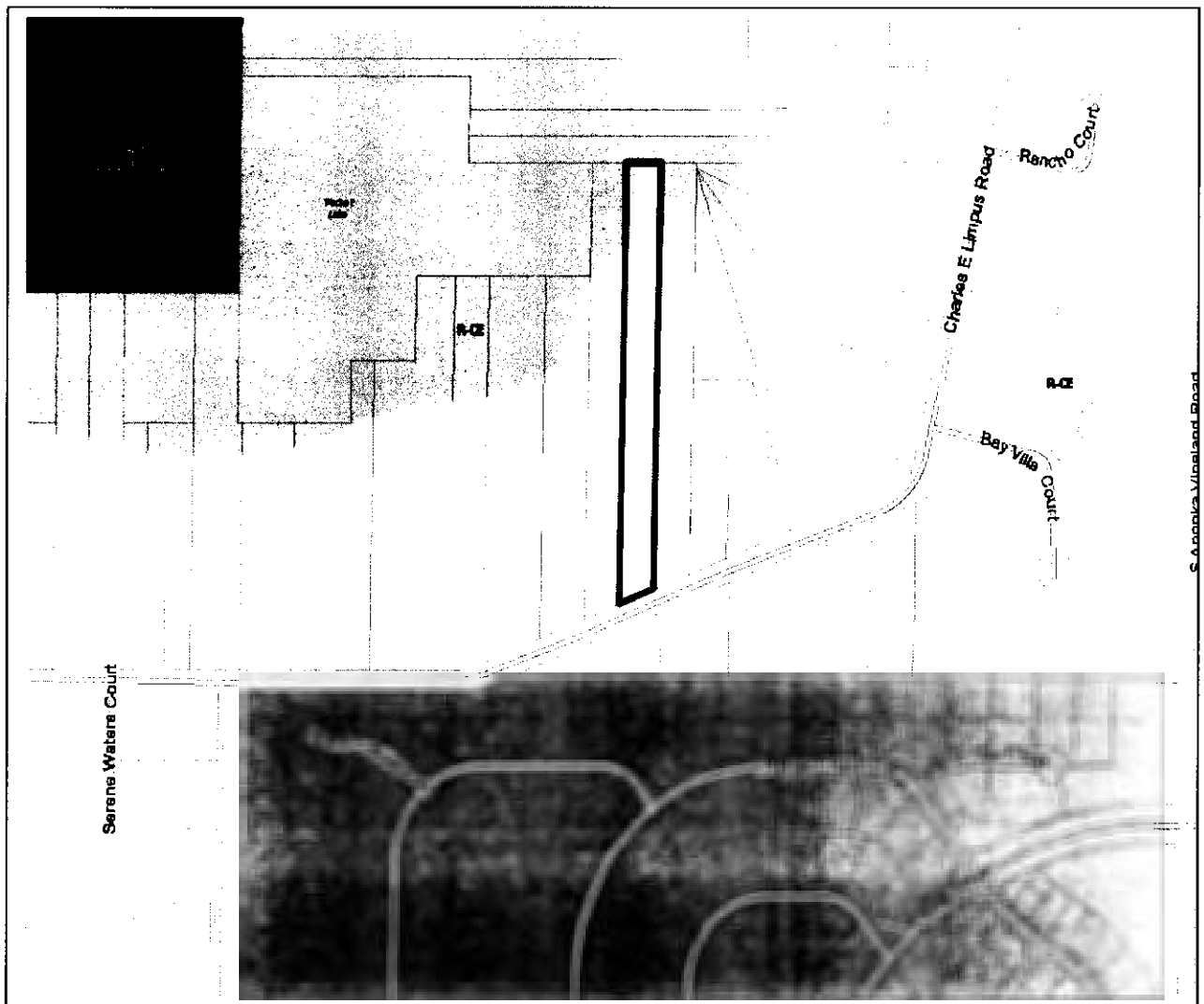
4. The light pole shall have down lit fixtures. Light glare shall be directed downward and not out towards adjacent properties; and
5. For homeowners and their guests use only.

SYNOPSIS: The applicant is proposing to construct an accessory structure (sports court) in the front yard in lieu of the side or rear yards. The proposed multi-sport court includes basketball hoops, two soccer goals, a ten (10) foot high fence (nylon mesh netting) in lieu of six (6) feet, and a fifteen (15) foot high light pole.

Staff gave a brief presentation on the case, addressing the location, site plan, and photographs. Staff noted that multiple and similar variances have been granted on Charles E. Limpus Road. Staff also discussed variances approved for the subject property in 2003.

The applicant was present and agreed with the staff recommendation of approval.

Staff received one (1) commentary in favor and none in opposition. There being no one present to support or oppose the requests, the public hearing was closed.



Applicant: Gemma E. Jackson

BZA Number: VA-17-06-049

BZA Date: 06/01/2017

District: 1

Sec/Twn/Rge: 09-24-28-NE-A

Tract Size: 2.61 acres

Address: 9085 Charles E. Limpus Road, Orlando FL 32836

Location: West side of Charles E. Limpus Rd., south of Darlene Dr.



SPORT COURT OF CENTRAL FLORIDA

888-891-5891

j@sportcourtcfl.com

April 17, 2017

Orange County Board of Zoning,

**1965 W Fairbanks
ave
Winter Park, FL
32789**

The purpose of this project is to build a play area on the front yard, a consistent trend with the homes in the neighborhood. It will be a multi-sport court with a basketball hoop, two soccer goals, and a light pole. Building process should take no longer than ten days, and installers will work between the hours of 7am and 5pm.

This variance request is for the following(3) items:

- Court positioning is 7'1" from east property line (less than 10');
- Nylon netting around the court is 10' high (over 6' height);
- Court location is on the front yard (location of new court).

The proposed court will be a 100' x 40' concrete slab with 2' x 2' extensions on the east and west sides of court for 15' light pole on west extension and 10' high(12'6" at official height) basketball hoop on east extension, and 4' x 12' extensions on the north and south sides of the court for two opposing soccer goals. Total square footage of court: 4104 sq ft.

Proposed court to be built on the front yard, 155' away from the street, 162' away from the garage structure, 7'1" away from east property line (5'1" at hoop base), and 56' away from west property line.

Proposed court to have nylon mesh ball containment netting all around the court edges (same dimensions as the court concrete slab) at 10' high. Total linear feet of nylon mesh netting around court: 296 linear ft.



STAFF REPORT
CASE #VA-17-06-049
Orange County Zoning Division
Planner: Marla Molina
Board of Zoning Adjustment
June 1, 2017
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Gemma E. Jackson

REQUEST: Variances in the R-CE zoning district to construct an accessory use (sports court) as follows: 1) In the front yard in lieu of side or rear yards; and, 2) To allow 10 ft. high fence in lieu of 6 ft. in the front yard.
(Note: Proposed multi-sport court includes basketball hoops, two soccer goals, 10 ft. high nylon mesh netting and a 15 ft. high light pole).

LOCATION: West side of Charles E. Limpus Rd., south of Darlene Dr.

PROPERTY ADDRESS: 9085 Charles E. Limpus Road, Orlando, FL

PARCEL ID: 09-24-28-0000-00-014

PUBLIC NOTIFICATION: 79

TRACT SIZE: 2.61 acres

DISTRICT #: 1

ZONING: R-CE

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Sports Court

SURROUNDING USES: N - Pocket Lake
S - ROW/Single Family Residence
E - Single Family Residence
W - Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting to construct an accessory structure (sports court) in front yard in lieu of side or rear yards. The proposed multi-sport court includes basketball hoops, two (2) soccer goals, a ten (10) foot high fence (nylon mesh netting) in lieu of six (6) feet, and a fifteen (15) foot high light pole.
2. The location of the proposed accessory use makes the most sense because there is more open space in the front yard than in the rear yard or side yards. In addition, the sports court is approximately 155 feet from the front property line. Adjacent property owners will be not impacted.
3. Staff visited the site and supports this request. The BZA has approved several accessory uses throughout this neighborhood. They include tennis court, a guest house, a garage, and a pool cabana.
4. On November 3, 2003, the following Variances were approved for subject property:
 - (a) Construct single family residence 48 feet in height in lieu of 35 feet;
 - (b) Allow three (3) detached accessory buildings (a two-story (2) garage/storage/playrooms and one (1) cabana with bathroom and outdoor kitchen) with cumulative square footage of 2,900 sq. ft. in lieu of 500 sq. ft.; and,
 - (c) Allow two (2) detached accessory buildings (garage/storage/playroom) as follows:
 - a. In front of principal structure in lieu of side or rear;
 - b. Two (2) stories in height in lieu of one (1) story; and,
 - c. 29 ft. in height in lieu of 15 ft.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated January 14, 2006, 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;
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;
4. The light pole shall have down lit fixtures. Light glare shall be directed downward and not out towards adjacent properties; and
5. For homeowners and their guests use only.

cc: Tiago K. Azevedo, Applicant's Representative
1965 W. Fairbanks Avenue
Winter Park, Florida 32789

Gemma E. Jackson, Applicant
9085 Charles E. Limpus Road
Orlando Florida 32836

MARK NASRALLAH
SE-17-06-047

REQUEST: **Special Exception** in the R-CE-C zoning district to construct a 1,060 sq. ft. attached Accessory Dwelling Unit (ADU) for applicant's parents.

ADDRESS: 3401 Chaine Du Lac Blvd., Windermere FL 34786

LOCATION: Southwest corner of Chaine Du Lac Blvd., and Lake Butler Blvd.

S-T-R: 12-23-27

TRACT SIZE: 1 acre

DISTRICT#: 1

LEGAL: CHAINE DU LAC 27/60 LOT 10 (LESS PT TAKEN N/K/A PARK AVE WEST PB69 PG59)

PARCEL ID: 12-23-27-1306-00-100

NO. OF NOTICES: 46

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 April 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

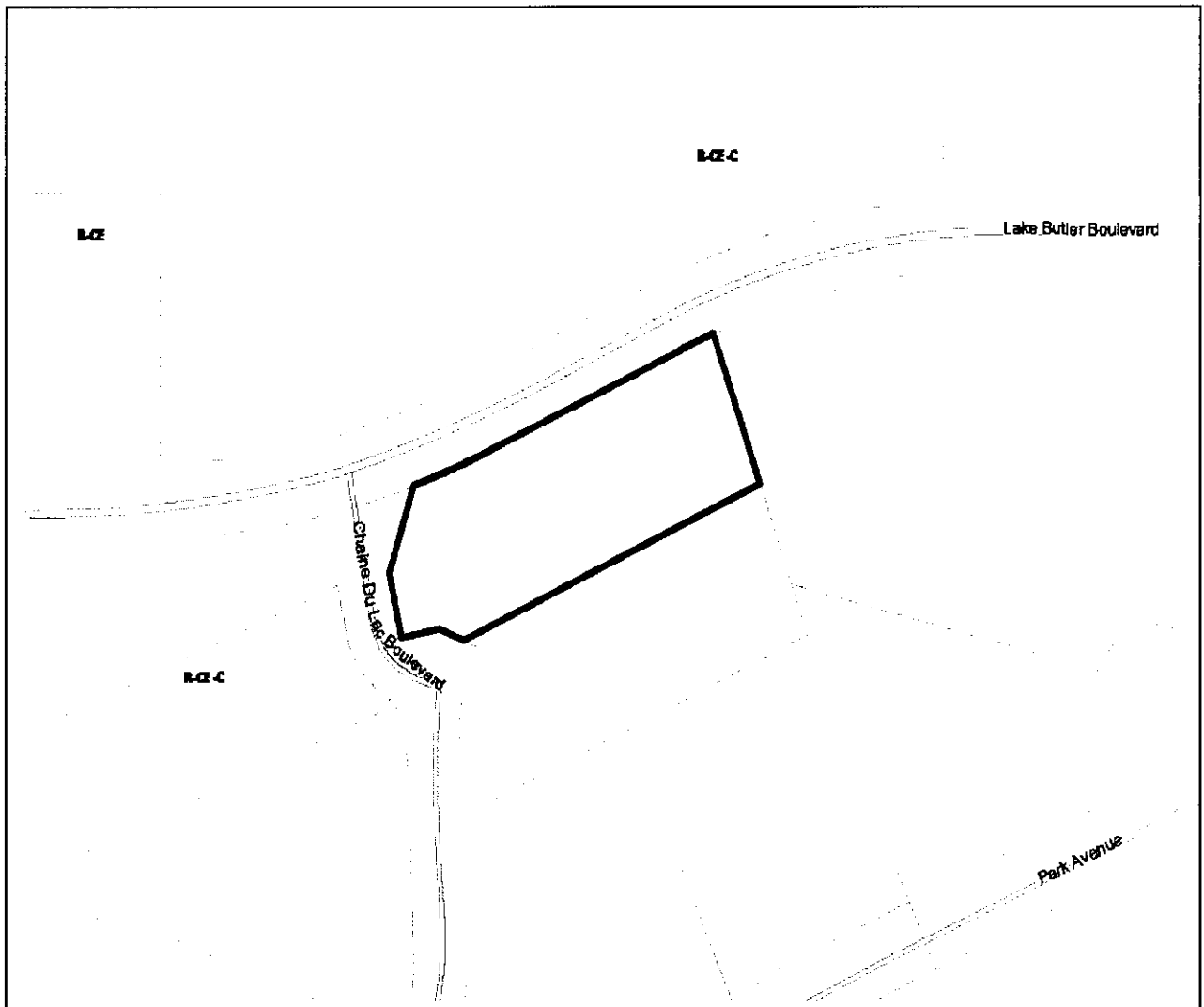
4. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.

SYNOPSIS: The applicant is proposing a 6,900 sq. ft. home. He wants to add a 1,060 sq. ft. Accessory Dwelling Unit (ADU) inside of the new home.

Staff advised the BZA that the new home will blend in with the other homes in the area and the proposed ADU will not be visible from the outside.

The applicant addressed the BZA and indicated the ADU was for relatives.

The BZA concluded the request was reasonable and met the criteria for an ADU. There was no opposition at the hearing.



Applicant: Mark Nasrallah

BZA Number: SE-17-06-047

BZA Date: 06/01/2017

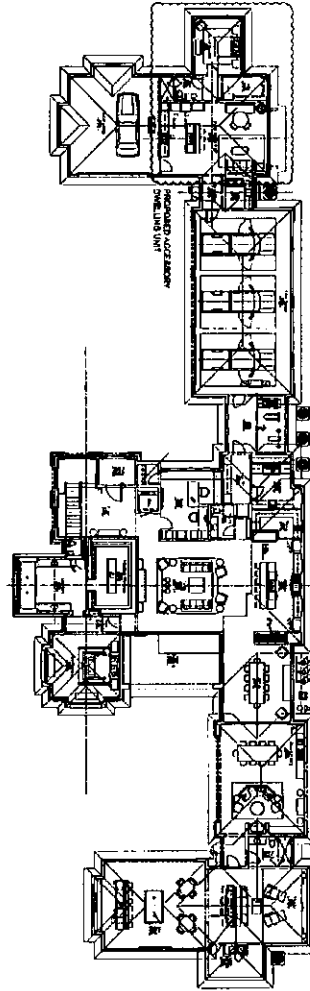
District: 1

Sec/Twn/Rge: 12-23-27-SE-D,12-23-27-NE-A

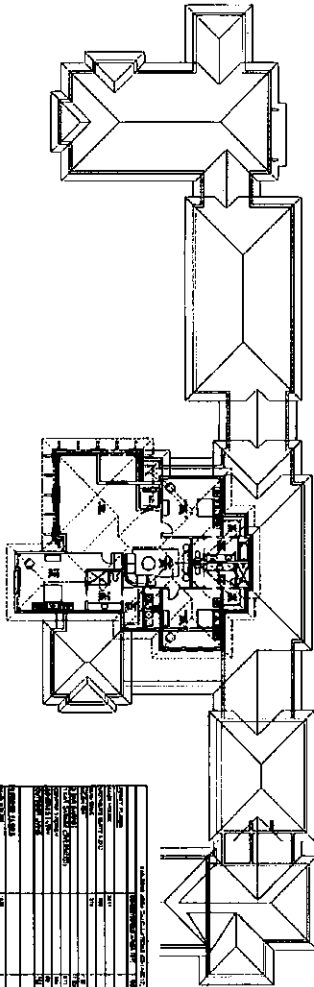
Tract Size: 1 acre

Address: 3401 Chaines Du Lac Blvd., Windermere FL 34786

Location: Southwest corner of Chaines Du Lac Blvd., and Lake Butler Blvd.



FIRST FLOOR PLAN



SECOND FLOOR PLAN

NO.	DESCRIPTION	DATE	REVISION
1	AS SHOWN ON THE PLANS	06-11-2017	1.1

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ORANGE COUNTY
ZONING DIVISION

2017-04-17 Special Exception Request

06-11-2017

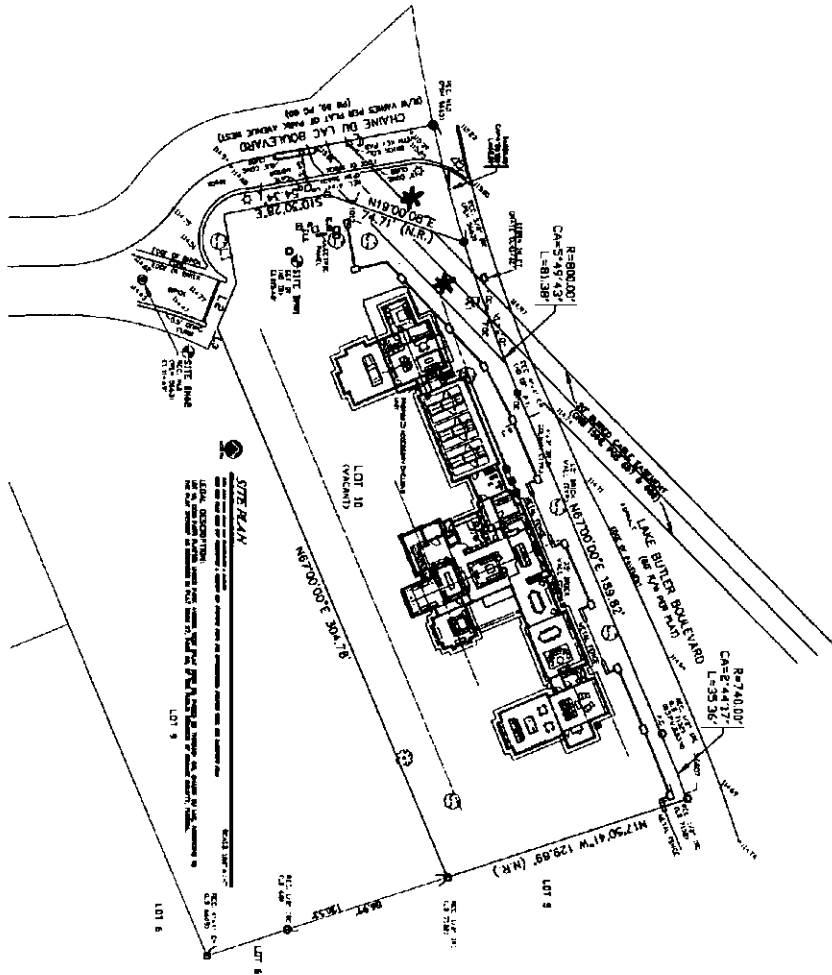
The Smith Family

06-11-2017

NASRALLAH
ARCHITECTURAL GROUP INC.

2000 Edgemoor Avenue, Suite 200
Orange, CA 92667
Tel: 714.944.1234
Fax: 714.944.1235
www.nasrallahgroup.com

NO.	DATE	REVISION
1	06-11-2017	1.1



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 APR 18 2017
 ORANGE COUNTY
 ZONING DIVISION

2017-0447 Special Exception Request

04-11-2017 04-11-2017 04-11-2017	04-11-2017 04-11-2017 04-11-2017
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The Davis Family

NASRALLAH
Architectural Group Inc.

04-11-2017 04-11-2017 04-11-2017	04-11-2017 04-11-2017 04-11-2017
--	--



April 17, 2017

Board of Zoning Adjustment
Orange County Zoning Division
201 S. Rosalind Ave
Orlando, FL 32802

Re: Special Exception – Accessory Dwelling Unit

To whom it may concern

I am the Authorized Agent for the lot owners of 3401 Chaine du Lac Blvd., Windermere, FL. Whom would like to request a Special Exception to construct an Accessory Dwelling Unit within a Single Family Residence for guest and family members. The proposed A.D.U. is approx.. 1060 sq. ft and is attached to the main house which is approx.. 6900 square feet. Please note that this is not intended for rental and there will NOT be a separate electric meter.

The proposed home is located within the gated subdivision of Chaine du Lac and within this development there are other home(s) with similar secondary kitchen facilities that are provided within attached and detached guest suites.

Respectfully Submitted

Mark P Nasrallah

Mark Nasrallah
Architect
Authorized Agent for Samuel & Candice Davis

Digitally signed by Mark P Nasrallah
DN: c=US, o=IdentTrust ACES Business Representative,
ou=Nasrallah Architectural Group Inc, cn=Mark P Nasrallah,
0.9.2342.19200.300.100.1.1=A01097C00000154810479830001
2BF8
Date: 2017.04.18 13:28:12 -04'00'

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**APR 18 2017
ORANGE COUNTY
ZONING DIVISION**



STAFF REPORT
CASE #SE-17-06-047
Orange County Zoning Division
Planner: Rocco Relvini
Board of Zoning Adjustment
June 1, 2017
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Mark Nasrallah

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the R-CE-C zoning district to construct a 1,060 sq. ft. attached Accessory Dwelling Unit (ADU) for applicant's parents.

LOCATION: Southwest corner of Chaine Du Lac Blvd., and Lake Butler Blvd.

PROPERTY ADDRESS: 3401 Chaine Du Lac Blvd.

PARCEL ID: 12-23-27-1306-00-100

PUBLIC NOTIFICATION: 46

TRACT SIZE: 1 acre

DISTRICT #: 1

ZONING: R-CE-C

EXISTING USE(S): Vacant

PROPOSED USE(S): Single Family Residence with attached Accessory Dwelling Unit (ADU)

SURROUNDING USES: The site is surrounded by 1 acre single family residential zoned lots.

STAFF FINDINGS AND ANALYSIS:

1. The applicant is proposing a 6,900 gross sq. ft. single family residence. He wants to add an Accessory Dwelling Unit (ADU) inside the new home. It will contain approximately 1,060 sq. ft.
2. This request is typical for the homes constructed in this subdivision.
3. The applicant has no intentions to rent this out.
4. For all practical purposes the proposed ADU will be inside the main house and will not be visible from the outside. Staff has no objections to the request as it is consistent with the development trend of this subdivision.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated April 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 Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.

cc: Mark Nasrallah, Applicant, 3920 Edgewater Drive, Orlando, FL 32804

LIVING WORD CHURCH
SE-17-06-046

REQUEST: **Special Exception** and **Variance** in the R-3 and A-2 zoning districts as follows:
1) Special Exception: To place a 4,480+/- sq. ft. modular unit on the property to be used as a private school for up to 140 students, Grades K-8; and,
2) Variance: To permit grassed parking and driving aisle in lieu of paved.
(Note: The property is approved for child care and religious use sanctuary. There are two residences on the property. One of the residences is being used for storage. The request is to construct a 4,480 sq. ft. structure to be used as a classroom building).

ADDRESS: 653 E. Wetherbee Road, Orlando FL 32824

LOCATION: North side of E. Wetherbee Road, approximately 1/2 mile east of Landstar Boulevard.

S-T-R: 13-24-29

TRACT SIZE: 6,660 x 625

DISTRICT#: 4

LEGAL: PLAN OF BLK T PROSPER COLONY D/113 LOTS 118 & 119

PARCEL ID: 13-24-29-7268-01-180

NO. OF NOTICES: 62

DECISION: **APPROVED** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (unanimous; 6-0):

1. Development in accordance with site plan dated April 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. Construction plans shall be submitted within three (3) years or this approval becomes null and void;
5. There shall be no impacts or encroachments to any Orange County Conservation Areas unless approved by Orange County;
6. Allow grassed parking and driving aisle in lieu of paved. However, handicapped spaces and associated drive aisles shall be paved;
7. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, Exterior Lighting Standards;
8. There shall be no more than four (4) outdoor special events per calendar year between the hours of 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event;
9. Any expansions of the use shall require BZA approval;
10. Signage shall be in accordance with 31.5, Orange County Code;
11. 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;
12. All overflow parking shall be contained on the subject site, and shall not be located in any required landscape areas, buffers, and yards. No off-site parking on adjacent lots shall be permitted. No parking shall encroach into any Conservation Areas. No parking shall take place in East Wetherbee Road right-of-way;

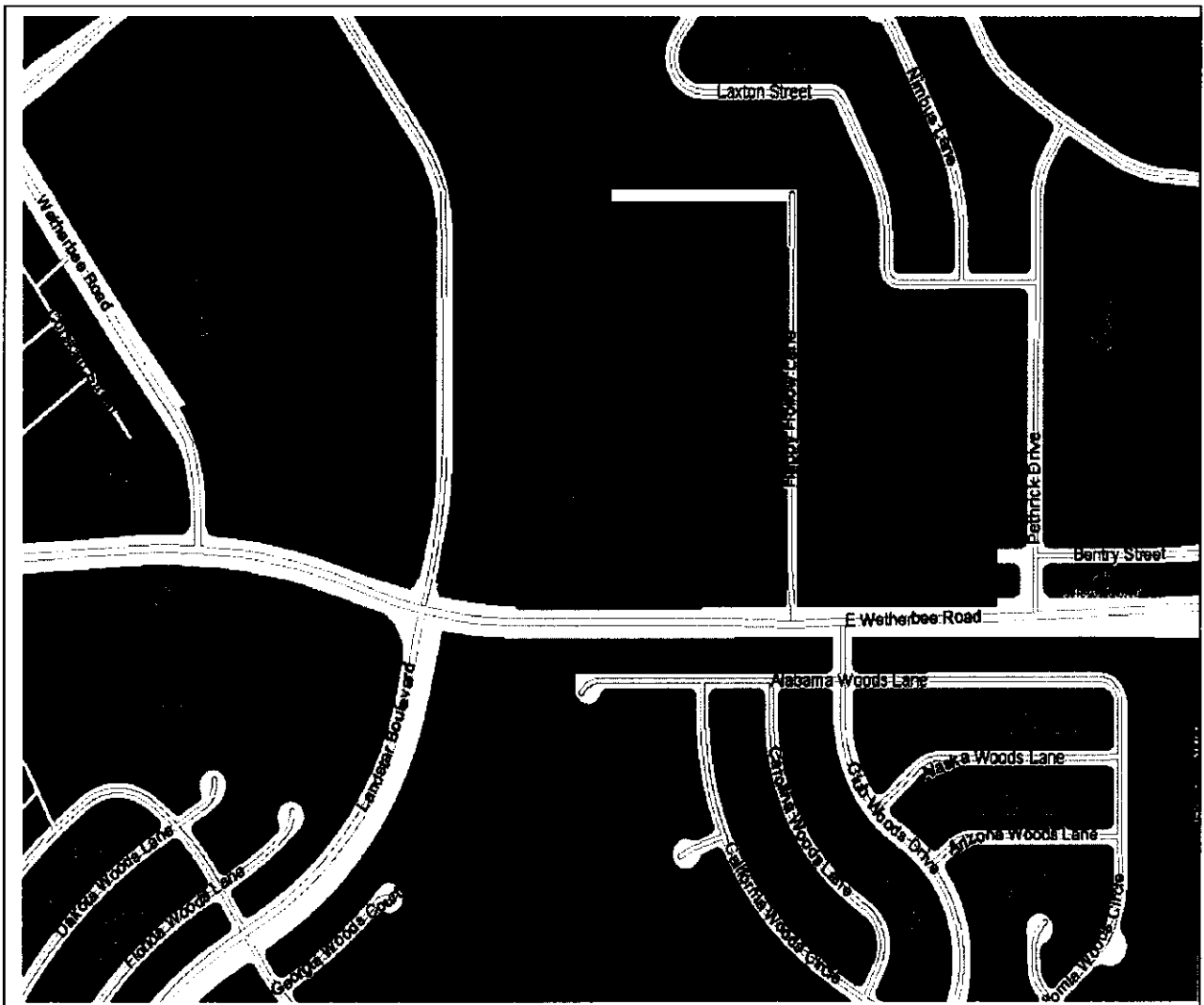
13. Capacity in the modular classroom area shall be limited to 140 persons per the site plan. Any expansion shall require approval by the BZA;
14. The building shall be finished in muted earth tones;
15. Modular unit approval is valid for up to five (5) years. After that the applicant is required to submit a structural report to the Zoning Division for review and approval. If the report shows the modular unit is safe to occupy the Zoning Manager may grant an extension of the modular unit approval. Otherwise, the applicant may apply to the BZA for an extension beyond the initial five (5) years; and
16. The school shall have a maximum of 350 students.

SYNOPSIS: The applicant is requesting to add 4,480 sq. ft. modular unit on the property to be used as a private school for up to 140 students, grades K-8th; and, a Variance to permit grassed parking and driving aisle in lieu of paved.

Staff gave a brief analysis of the existing uses and the surrounding uses, noting Wetherbee Elementary School to the east of the subject property. The BZA discussed the possible traffic issues.

The applicant and the applicant's representative spoke and notified the BZA that the school drop-off and pick-up times are staggered from Wetherbee Elementary School. The BZA requested that the applicant submit a structural report of the proposed modular unit after five (5) years for a Zoning Manager Determination to make sure that the modular unit meets all codes. Also, the BZA discussed the number of students currently enrolled and the request for an additional 140 students. A condition was added to address that the school has a maximum of 350 students enrolled. The applicant agreed with the staff recommendation and conditions.

Staff received one (1) commentary in favor of the application and two (2) in opposition. There being no one present to support or oppose the request, the public hearing was closed.



Applicant: Living Word Church

BZA Number: SE-17-06-046

BZA Date: 06/01/2017

District: 4

Sec/Twn/Rge: 13-24-29-SE-D

Tract Size: 6,660 x 625

Address: 653 E. Wetherbee Road, Orlando FL 32824

Location: North side of E. Wetherbee Road, approximately 1/2 mile east of Landstar Boulevard.

Bravo Engineering, LLC

7221 Aloma Ave, Ste 300
Winter Park, Florida 32792
(407) 252-1671

Chris@BravoEngineeringLLC.Com

April 13, 2017

Orange County Zoning Dept
201 S Rosalind Ave
Orlando, FL 32801

Re: Living Word Academy Classroom Bldg Project

Dear County Staff:

Included herewith is a Special Exception and Variance application package for the above referenced project. This is an existing site located within unincorporated Orange County, at 653 E Wetherbee Rd, just east of Landstar Rd, near Orlando. (Parcel Id No. 13-24-29-7268-01-180)

There are currently five (5) buildings located on the site. According to the Orange County Property Appraiser's webpage, they are as follows:

- 1) A 2,076 SF Manufactured Home, constructed in 1985. This building is currently being used for residential purposes.
- 2) A 13,982 SF Commercial/Religious Bldg, constructed in 1998. This is the church's sanctuary and is approved for Assembly and Child Care.
- 3) A 1,200 SF Single-Family Residence, constructed in 1979. This building is currently being used primarily for storage.
- 4) A 10,944 SF Commercial/Child Care Center, constructed in 2002. This building is currently being used for child care.
- 5) A 4,071 SF Commercial/Modular Office Bldg, constructed in 2008. This is the administrative building for the church.

The applicant requests a Special Exception to use the property for a private school for up to 140 students, grades K-8, in a 4,480+/- SF modular classroom, Building No 6, with ancillary site improvements. The proposed uses in the new building are to include "Education", "Child Care", and "Assembly". The proposed classroom building will be located on the currently fenced in playground area north of the Sanctuary.

Building No 6 will include seven (7) instructional rooms with seven (7) faculty and staff. There will be a maximum of 140 elementary and middle school students in the building. The building will be used Monday through Friday from 8:00 AM to 3:00 PM, from early August until the middle of June, as a classroom and Wednesday from 7:00 PM to 8:30 PM & Sundays from 9:00 AM to noon, year round, as a Sunday school classroom. The students will use the existing playgrounds for recess and physical education classes during the aforementioned hours.

The church has a good relationship with the owners of the neighboring properties, and there are no homes immediately adjacent to the church property. A child care facility has operated at this location for a number of years, and a public elementary school is located one block east of the site; so, the proposed improvements are consistent with the current use and the surrounding area.

County Staff
Orange County

April 13, 2017

The applicant also requests that the existing manufactured home, Building No 1, may remain as a residence, and the existing single-family residence, Building No 3, may be used for storage. No changes are requested for Buildings No 2, 4, & 5.

Additionally, the applicant requests a variance to continue using grass parking and grass drive-aisles. The parking for the existing uses had previously been approved. Never the less, the parking calculations on the attached Conceptual Site Plan show a sufficient quantity of new and existing parking for all uses.

28 new standard parking spaces have been shown on the plan for the new building. A stabilized emergency access aisle had previously been provided near the southwest corner of the Admin Building, but the new drive-aisle will enable an emergency vehicle to approach exterior doors without its continued use.

I trust that you'll find this information provided sufficient for you to recommend approval of the requested Special Exception; however, if you have any questions or concerns, please feel free to contact me at your convenience.

Very truly yours,
Bravo Engineering, LLC



Christopher T. Bravo, P.E.
Project Engineer

cc: File, Living Word Academy

THE LIVING WORD ACADEMY CLASSROOM PROJ (LIVING WORD CHURCH/PALABRA VIVA ASAMBLEAS)

ORANGE COUNTY, FLORIDA
CONCEPTUAL SITE PLAN
SEC 13, TWN 24S, RNG 29E



PROJECT TEAM

OWNER:
PALABRA VIVA ASAMBLEAS DE DIOS INC
653 WETHERSEE RD
ORLANDO, FLORIDA 32814
(407) 851-6464
PASTOR ARNER ADEMO

ENGINEER:
THE BRAVO ENGINEERING, LLC
9725 LAKE DOUGLAS PL
ORLANDO, FLORIDA 32817
(407) 353-1611
CHRIS BRAVO

GENERAL CONTRACTOR:
MODULAR BUILDING SYSTEMS INTERNATIONAL, LLC
511 FIVE F HIGHWAY 50, STE 226
FLYNNVILLE, FLORIDA 32711
(407) 945-9851
PATRICIA BROWN

SURVEYOR:
McMAHON SURVEYORS, INC.
655 WEST FULTON ST, STE 9
SANDY, FLORIDA 32771
(907) 326-7201
TOM McMAHON

LANDSCAPE ARCHITECT:
LANDSCAPE DYNAMICS, LLC
P.O. BOX 1852
WINTER PARK, FLORIDA 32789
(407) 576-1811
RANDY BUCHANAN

SERVICE INFORMATION

WATER
ORLANDO UTILITIES COMM
(407) 213-0100

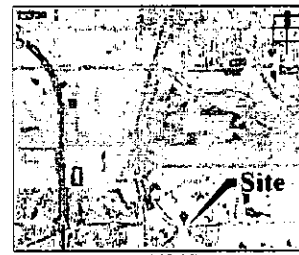
SEWER
ORANGE COUNTY UTILITIES
(407) 254-9708

ELECTRIC

**SOLID WASTE, FIRE AND
DISASTER PROTECTION**

TELEPHONE

LOCATION MAP



LEGAL DESCRIPTION

(As provided by the Client)

LOTS 116 AND 119, PLAN OF BLOCK "T", PROSPER COLONY, AS RECORDED IN PLAT
BOOK "D" PAGE 111, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

SHEET INDEX

SHEET NO.	TITLE
C0.0	COVER SHEET
E1.0	EXISTING CONDITION PLAN
E2.0	CONCEPTUAL SITE PLAN
E3.0	LANDSCAPE PLAN

NOTES

- NEW IMPERVIOUS AREA CONSTITUTES A DE MINIMIS INCREASE IN TOTAL IMPERVIOUS AREA, OVER THE AMOUNT OF IMPERVIOUS AREA AND TOTAL BASIN AREA IN THE APPROVED MASTER DRAINAGE SYSTEM; THEREFORE, NO ADDITIONAL RETENTION IS REQUIRED FOR THIS PROJECT.
- THE STUDENTS AND TEACHERS TO BE LOCATED IN THE NEW CLASSROOM BUILDING ARE CURRENTLY LOCATED IN THE SANCTUARY BUILDING. NO NEW EMPLOYEES OR STUDENTS ARE BEING ADDED TO THE SITE AS A RESULT OF THE PROPOSED IMPROVEMENTS; THEREFORE, THERE IS NO ANTICIPATED INCREASE IN TRIPS OR WATER USAGE.

CHRISTOPHER L. BRAVO, P.E.
REGISTRATION # 78567
C.A. # 28953

THE LIVING WORD ACADEMY CLASSROOM PROJ
653 WETHERSEE RD

COVER SHEET

McMAHON SURVEYORS, INC.
655 WEST FULTON ST, STE 9
SANDY, FLORIDA 32771
(907) 326-7201
TOM McMAHON

NO.	DATE	REVISION
1	01/11/17	ISSUED FOR PERMIT
2	01/11/17	ISSUED FOR PERMIT
3	01/11/17	ISSUED FOR PERMIT
4	01/11/17	ISSUED FOR PERMIT
5	01/11/17	ISSUED FOR PERMIT
6	01/11/17	ISSUED FOR PERMIT
7	01/11/17	ISSUED FOR PERMIT
8	01/11/17	ISSUED FOR PERMIT
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16	01/11/17	ISSUED FOR PERMIT
17	01/11/17	ISSUED FOR PERMIT
18	01/11/17	ISSUED FOR PERMIT
19	01/11/17	ISSUED FOR PERMIT
20	01/11/17	ISSUED FOR PERMIT

C0.0

SECTION

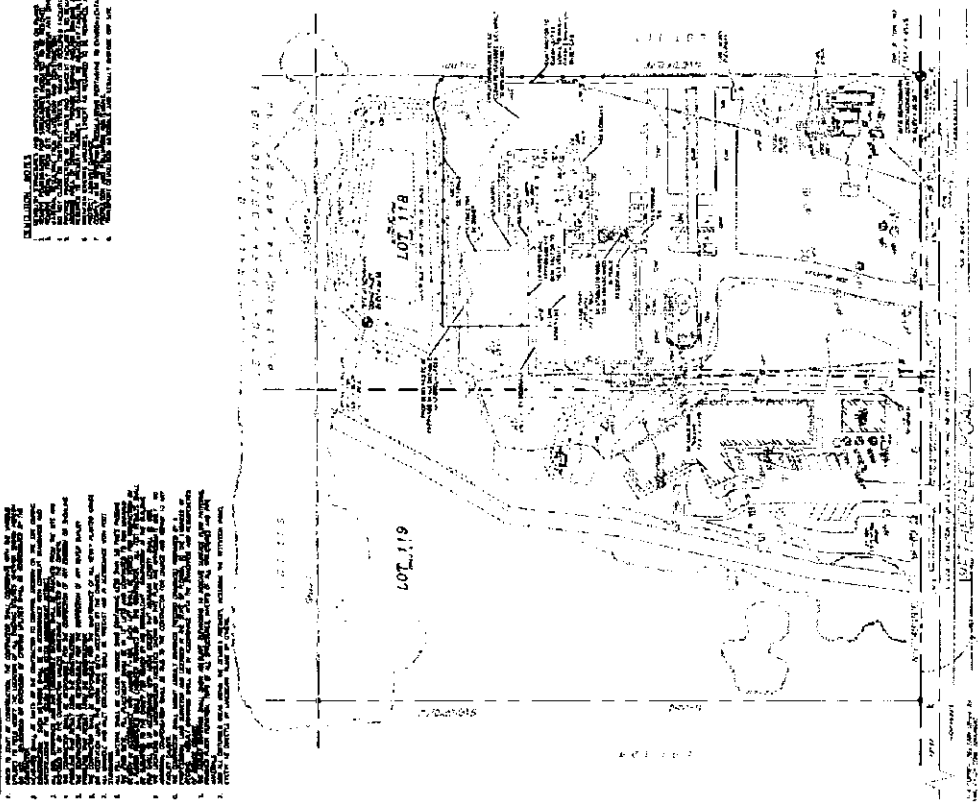
ELEVATION

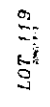
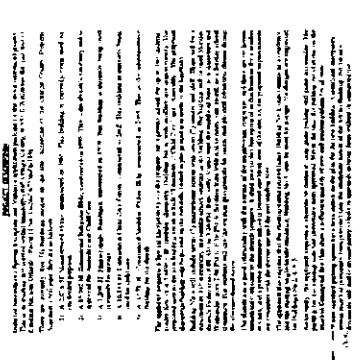
PLAN

Technical drawings of a rectangular stone structure, including a plan view, an elevation, and a section. The plan view shows a rectangular base with a central rectangular area and a small circular feature. The elevation shows the front face of the structure with a central rectangular opening and a small circular feature. The section shows a cross-section of the structure, revealing internal features like a central rectangular area and a small circular feature. The drawings are labeled 'SECTION', 'ELEVATION', and 'PLAN'.

CHRISTOPHER T. REAVES, P.E.
REGISTRATION # 9867
CA # 28551

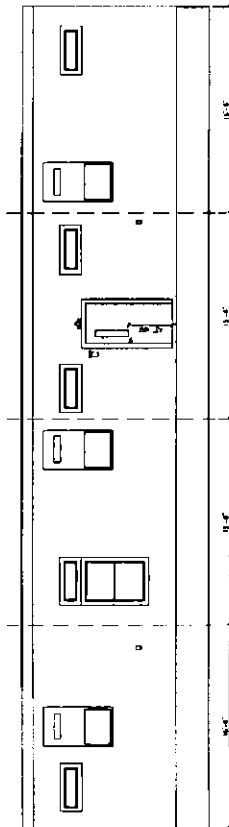
TYPE ~~~~ SILT FENCE
SILT BARRIER DETAIL



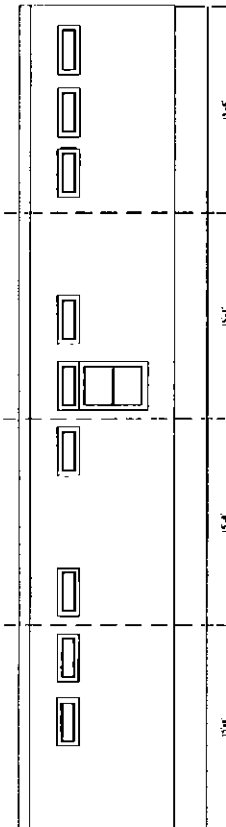




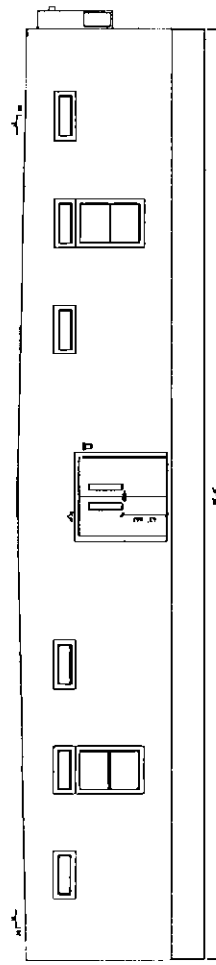
- ELEVATION NOTES**
1. FOUNDATION ENCLOSURE WHEN PROVIDED MUST HAVE 1" SOFT NET VENT AREA PER 177 SQ. FT. OF THE FLOOR AREA AND AN 8" MIN. CLEARANCE TO THE EXTERIOR. ALL ENCLOSURES ARE SUBJECT TO LOCAL JURISDICTION.
 2. SEE CROSS SECTION FOR METHOD OF ROOF ACCESS.
 3. ACCESSORY EQUIPMENT: STAIRS AND HANDRAILS ARE NOT INSTALLED, ORIGINATED BY OTHERS AND SUBJECT TO LOCAL JURISDICTION.



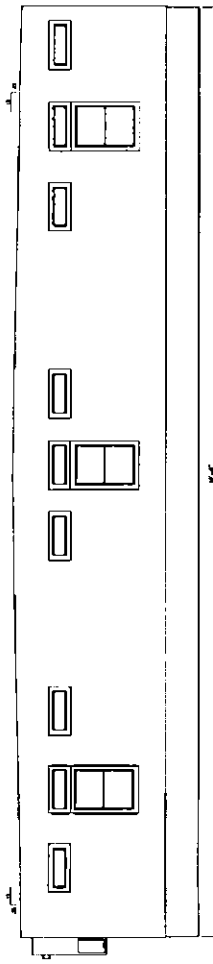
RIGHT ELEVATION



LEFT ELEVATION

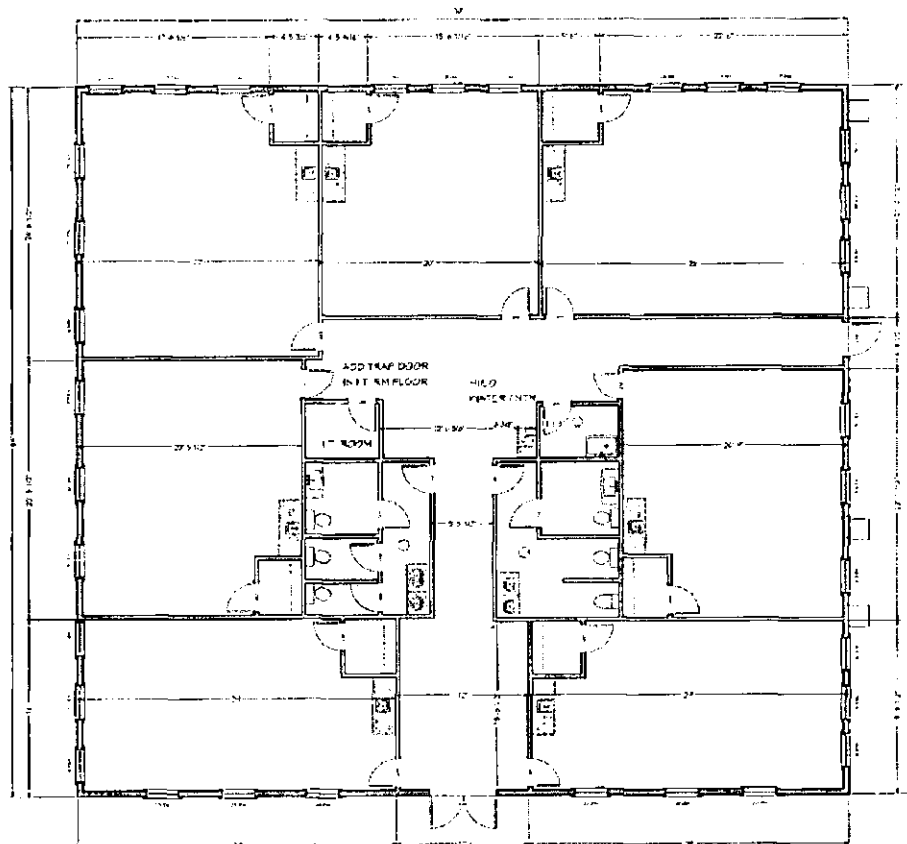


FRONT ELEVATION



REAR ELEVATION

TITAN MODULAR	
SYSTEMS, INC.	
1800 W. 10TH AVE. SUITE 100	
DENVER, CO 80202	
DATE: 4-11-77	ENGINEER:
SCALE: N.T.S.	JAMES ALLEN
CODES: F.L.	CHAPMAN P.E.
TITAN MOD. ELEVATION - 94127	
ELEVATIONS	PAGE 111





STAFF REPORT
CASE #SE-17-06-046
Orange County Zoning Division
Planner: Marla Molina
Board of Zoning Adjustment
June 1, 2017
Commission District: 4

GENERAL INFORMATION:

APPLICANT: Living Word Church

REQUEST: Special Exception and Variance in the R-3 and A-2 zoning districts as follows:

1. Special Exception: To place a 4,480+/- sq. ft. modular unit on the property to be used as a private school for up to 140 students, grades K-8; and,
2. Variance: To permit grassed parking and driving aisle in lieu of paved.

(Note: The property is approved for child care and religious use sanctuary. There are two residences on the property. One of the residences is being used for storage. The request is to construct a 4,480 sq. ft. structure to be used as a classroom building).

LOCATION: North side of E. Wetherbee Road, approximately 1/2 mile east of Landstar Boulevard.

PROPERTY ADDRESS: 653 E. Wetherbee Road, Orlando, FL 32824

PARCEL ID: 13-24-29-7268-01-180

PUBLIC NOTIFICATION: 62

TRACT SIZE: 9.77 acres

DISTRICT #: 4

ZONING: R-3 & A-2

EXISTING USE(S): Sanctuary, Child Care, Manufactured Home, Single Family Residence, Administration Building, Playground

PROPOSED USE(S): Religious Use Campus

SURROUNDING USES: N - Single Family Residence
S - ROW/Single Family Residence
E - Vacant/Wetherbee Elementary
W - Vacant/ROW

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting a Special Exception, to place a 4,480+/- sq. ft. modular unit on the property to be used as a private school for up to 140 students, grades K-8th; and, a Variance to permit grassed parking and driving aisle in lieu of paved.
2. The split zoning districts of A-2 and R-2 requires a Special Exception for the above request. The property is approved for child care and a religious use sanctuary.
3. There are currently five (5) buildings on the subject property, no changes to the existing buildings (sanctuary, single family residence, storage, office, assembly, and child care) are associated with the applicant's request.
4. The proposed single story structure will be placed behind the sanctuary and cannot be viewed from the right-of-way.
5. The applicant will be providing twenty-eight (28) additional parking spaces as required by Code. The applicant will provide a total of 211 parking spaces, thirty-nine (39) will be paved, including six (6) required handicap parking spaces, and 166 spaces to be grassed.
6. Staff does not object to the proposed request since the proposed use is similar and compatible with the surrounding land uses, Wetherbee Elementary School approximately 1,000 feet to the east. The request and the proposed use are similar and compatible with the surrounding land uses.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated April 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. Construction plans shall be submitted within three (3) years or this approval becomes null and void;
5. There shall be no impacts or encroachments to any Orange County Conservation Areas unless approved by Orange County;
6. Allow grassed parking and driving aisle in lieu of paved. However, handicapped spaces and associated drive aisles shall be paved;
7. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, Exterior Lighting Standards;
8. There shall be no more than four (4) outdoor special events per calendar year between the hours of 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event;

9. Any expansions of the use shall require BZA approval;
10. Signage shall be in accordance with 31.5, Orange County Code;
11. 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;
12. All overflow parking shall be contained on the subject site, and shall not be located in any required landscape areas, buffers, and yards. No off-site parking on adjacent lots shall be permitted. No parking shall encroach into any Conservation Areas. No parking shall take place in East Wetherbee Road right-of-way;
13. Capacity in the modular classroom area shall be limited to 140 persons per the site plan. Any expansion shall require approval by the BZA; and
14. The building shall be finished in muted earth tones.

cc: Chris Bravo, Applicant's Representative
Bravo Engineering, LLC
7221 Aloma Avenue, Suite 300
Winter Park, Florida 32792