

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

September 7, 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 <i>X</i> is the base zoning district)
R-T.....	Mobile Home Park District
R-T-1.....	Mobile Home Subdivision District
R-T-2.....	Combination Mobile Home and Single-Family Dwelling District
R-L-D.....	Residential -Low-Density District
N-R.....	Neighborhood Residential

Non- Residential Districts

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

Other District

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

VARIANCE CRITERIA

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

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

SPECIAL EXCEPTION CRITERIA:

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

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

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

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
September 7, 2017**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
VA-17-01-175	Carl Jacobs	1	Withdrawn	1
VA-17-09-081	Homes In Partnership, Inc.	2	Approved w/Conditions	2
VA-17-09-083	Dave Dabria	1	Approved w/Conditions	10
SE-17-09-086	Chris Venn	3	Approved w/Conditions	19
VA-17-09-082	Ken Thompson	3	Approved w/Conditions	33
VA-17-09-084	Denise Stone	2	Approved w/Conditions	43
VA-17-09-085	Jonathan Huels, P.A., Agent for Sherri Fragomeni	1	Approved w/Conditions	51
VA-17-09-087	Ry Lu	6	Approved w/Conditions	63
SE-17-09-088	Gene Brascomb	3	Request #1 and #2, Denied Request #3, Approved w/Conditions	71
VA-17-09-089	Iglesia De Dios Camino Verdad Y Vida	3	Approved w/Conditions	80
VA-17-10-090	Joshua Branson	1	Approved w/Conditions	88
VA-17-10-091	Jonathan P. Huels, P.A.	5	Approved w/Conditions	95
VA-17-09-080	Gonzalo Mercado	1	Approved w/Conditions	108

CARL JACOBS
VA-17-01-175

REQUEST: **Variances** in the Planned Development zoning district to construct a new single family residence as follows:
1) To construct a porch that is less than 1/3 of the single family residence frontage; and
2) To construct an attached garage in front of the new single family residence in lieu of recessed 10 ft. behind the primary structure.

ADDRESS: 12235 Montalcino Circle, Windermere, FL 34786

LOCATION: West side of Montalcino Circle, 1/2 mile south of Overstreet Rd.

S-T-R: 25-23-27

TRACT SIZE: 68 ft. x 137 ft.

DISTRICT#: 1

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

PARCEL ID: 25-23-27-1213-00-750

NO. OF NOTICES: 78

DECISION: **WITHDRAWN**

Request withdrawn by applicant

HOMES IN PARTNERSHIP, INC.
VA-17-09-081

REQUEST: Variance in the R-2 zoning district to construct single family residence 6 ft. from side street property line in lieu of 15 ft.
ADDRESS: 301 15th Avenue, Ocoee, FL 34761
LOCATION: South side of 15th Avenue and approximately 950 ft. east of N. Lakewood Avenue.
S-T-R: 08-22-28
TRACT SIZE: 50 ft. x 150 ft.
DISTRICT#: 2
LEGAL: NORTH OCOEE ADDITION NO 1 O/68 LOT 7 BLK 4
PARCEL ID: 08-22-28-5956-04-070
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 (unanimous; 6-0):

1. Development in accordance with site plan dated June 29, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
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.

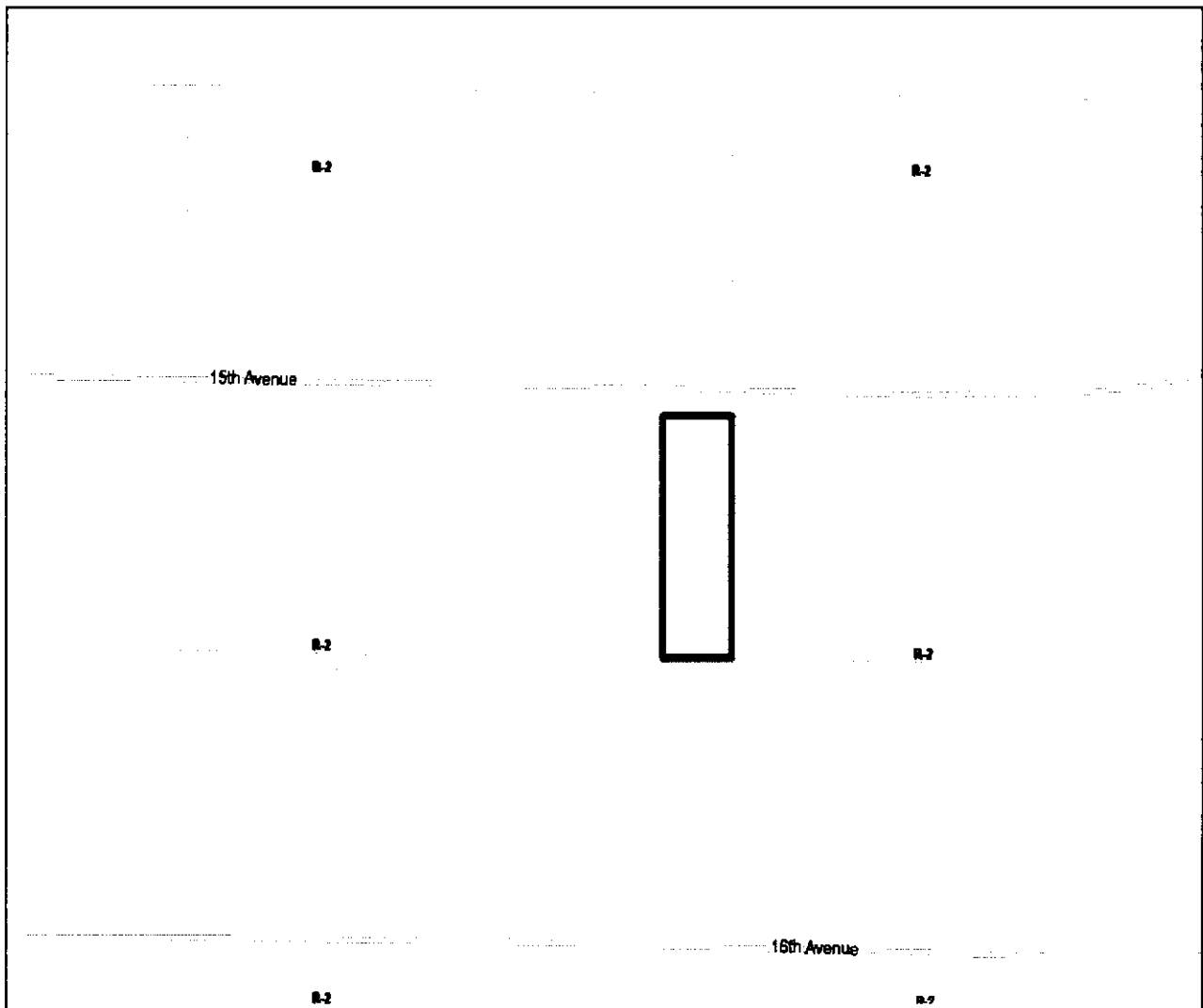
4. Approval of this request does not constitute approval for the use of septic tanks.

SYNOPSIS: Staff provided a brief presentation addressing the site location, trend in the neighborhood, and the site plan.

The applicant agreed with the staff report.

There being no one present to support or oppose the request, the public hearing was closed.

The BZA approved the variance with conditions.



Applicant: Homes In Partnership, Inc.

BZA Number: VA-17-09-081

BZA Date: 09/07/2017

District: 2

Sec/Twn/Rge: 08-22-28-SW-C

Tract Size: 50 ft. x 150 ft.

Address: 301 15th Avenue, Ocoee, FL 34761

Location: South side of 15th Avenue and approximately 950 ft. east of N. Lakewood Avenue.



Homes In Partnership, Inc.

*"Providing Central Florida
with affordable housing"*

June 22, 2017

RECEIVED
JUN 29 2017
ORANGE COUNTY
ZONING DIVISION

Orange County Zoning
201 S. Rosalind Ave
Orlando FL

To whom it may concern:

We are requesting a variance side yard setback at 301 15th Ave. Currently this is a lot of record with the R-2 zoning. The side yard setback is 15ft with a recorded 50' right of way that makes the side yard a corner lot.. We are requesting it to be reduced to 6 ft. making the building envelope 38 x 56.

This structure being submitted is 38 x 56 and will conform with the houses in the area.

Thank you

Toby Best
Executive Director

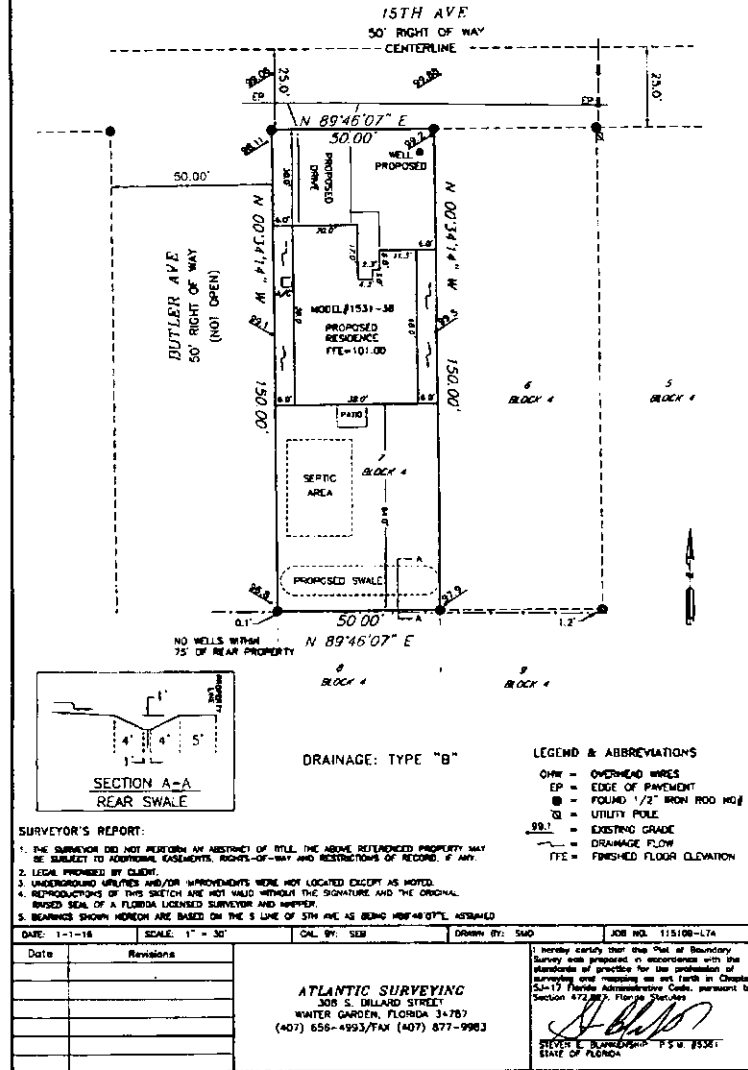
CORPORATE OFFICE
T (352) 333-7300 • T (407) 336-2451 • F (407) 336-6304 • www.honsp.org
1140 South Grace Street • Eustis, FL 32726

SITE PLAN

RECEIVED
JUN 23 2017
ORANGE COUNTY
ZONING DIVISION

LEGAL DESCRIPTION:

Lot 7, Block 4, NORTH OCCEE ADDITION NO. 1, according to the plat thereof, as recorded in Plat Book O, Page 68, of the Public Records of Orange County, Florida.





STAFF REPORT
CASE #VA-17-09-081
Orange County Zoning Division
Planner: Marla Molina
Board of Zoning Adjustment
September 7, 2017
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Homes In Partnership, Inc.

REQUEST: Variance in the R-2 zoning district to construct single family residence 6 ft. from side street property line in lieu of 15 ft.

LOCATION: South side of 15th Avenue and approximately 950 ft. east of N. Lakewood Avenue.

PROPERTY ADDRESS: 301 15th Avenue, Ocoee, FL 34761

PARCEL ID: 08-22-28-5956-04-070

PUBLIC NOTIFICATION: 106

TRACT SIZE: 50 ft. x 150 ft.

DISTRICT #: 2

ZONING: R-2

EXISTING USE(S): Vacant

PROPOSED USE(S): Single Family Residence

SURROUNDING USES: The property is surrounded by single family residences.

STAFF FINDINGS AND ANALYSIS:

1. The subject property is the legal lot of record, platted in 1926, and there is a recorded right-of-way (Butler Avenue) located west of the subject property which has not been developed. In 1926, there was no requirement to have a fifteen (15) foot street side setback.

2. A single family residence is proposed approximately 1,531 sq. ft. and this is an appropriate sized home for this size lot.
3. The Public Works Department has stated they do not have any plans to develop Butler Avenue in the near future.
4. According to the Property Appraiser's website, the property directly across the street from the subject property was built in 1989, and has a six (6) foot side setback on the west side of the property next to Butler Avenue. In addition, the property directly behind the subject property was built in 1986, and the home also has a six (6) foot side setback on the west side of the property next to Butler Avenue.
5. The applicant is requesting a minimum variance that will make possible the reasonable use of the land, building, or structure.
6. Denial of the zoning variance would cause an undue hardship on the applicant and deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
7. Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or, otherwise, detrimental to the public welfare.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated June 29, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to

Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

cc: Toby Best (Applicant's Representative)
235 E. 5th Street
Apopka, Florida 32703

DAVE DABRIA
VA-17-09-083

REQUEST: **Variance** in the R-1A zoning district to construct addition (sun room) 20 ft. from the rear (south) property line in lieu of 30 ft.
ADDRESS: 9658 Wildoak Drive, Windermere, FL 34786
LOCATION: South side of Wildoak Dr., approximately 450 ft. west of Hempel Ave.
S-T-R: 04-23-28
TRACT SIZE: 128 ft. x 157 ft.
DISTRICT#: 1
LEGAL: WINDERMERE DOWNS 4/12 LOT 16
PARCEL ID: 04-23-28-9332-00-160
NO. OF NOTICES: 71

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

1. Development in accordance with site plan dated July 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.

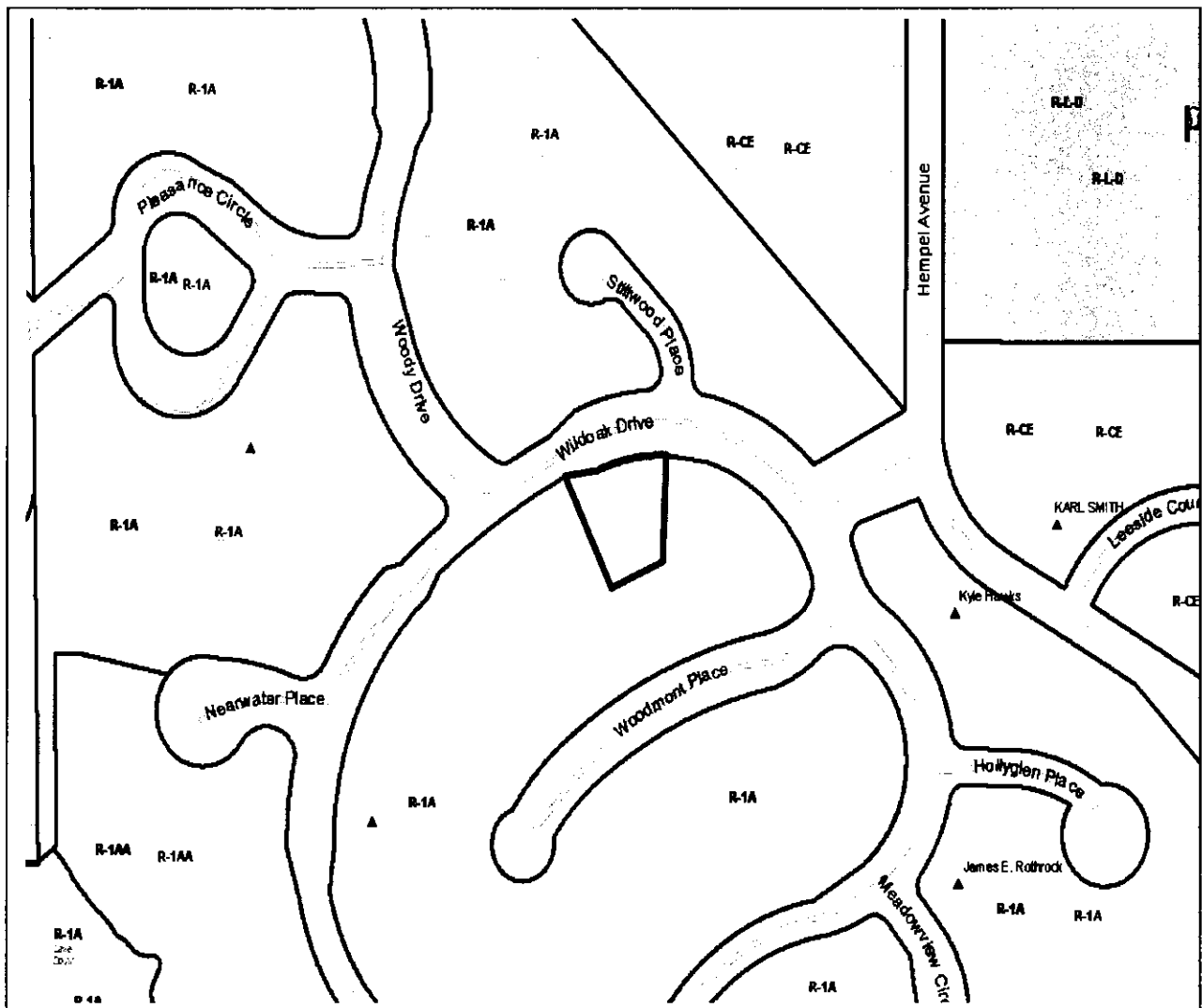
SYNOPSIS: Staff gave a brief presentation on the case, addressing the location, site plan, and photographs.

The applicant was not present at the hearing.

The BZA concluded the request was reasonable and not detrimental to the public.

There being no one present to support or oppose the request, the public hearing was closed.

The BZA approved the variance with conditions.



Applicant: Dave Dabria

BZA Number: VA-17-09-083

BZA Date: 09/07/2017

District: 1

Sec/Twn/Rge: 04-23-28-NW-B

Tract Size: 128 ft. x 157 ft.

Address: 9658 Wiloak Drive, Windermere, FL 34786

Location: South side of Wiloak Dr., approximately 450 ft. west of Hempel Ave.



7/17/2017

David Nearing
201 S. Rosalind Avenue 1st Floor
Orlando, Florida 32801

Dear David Nearing:

We, The Remodeling Guys, will stay within 20 feet of the property line for the address of 9658 Wild Oak Dr. Windermere, FL 34786. The proposed sunroom encroaches 10' into the 30' set back. Giving it a new proposed set back of 20'. Reference Number: VA-17-09-083

Sincerely,

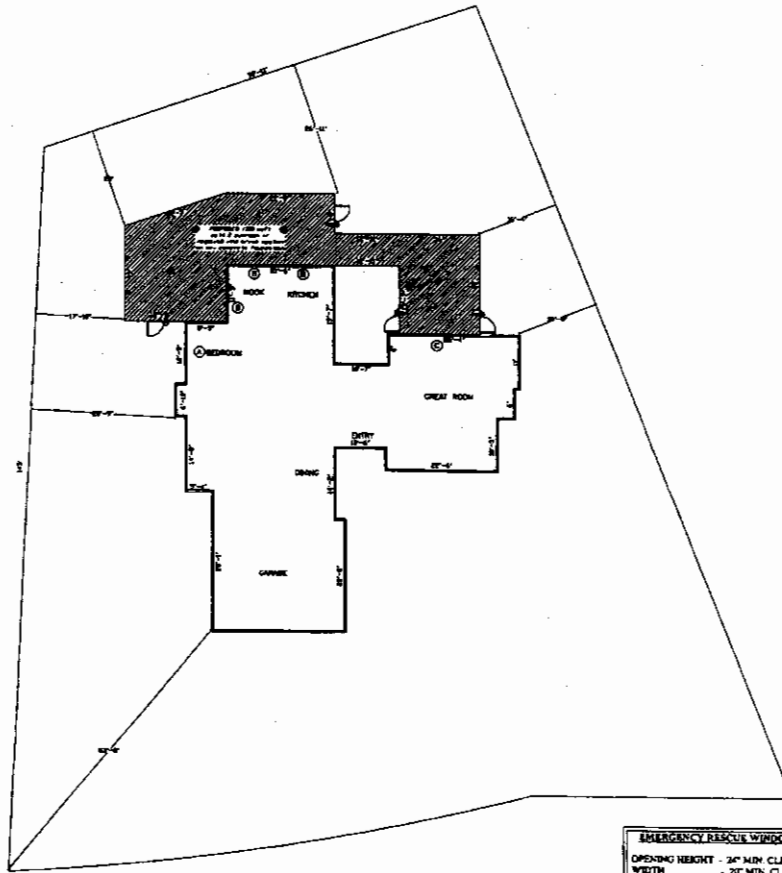
Lara Brown
Office: 863-688-3330
Fax: 863-688-3335

RECEIVED

JUL 12 2017

Zoning Division

SOLARA INDUSTRIES, INC.
4343 FRONTAGE ROAD NORTH
LAKELAND, FLORIDA 33810
Phone 863.688.3330
Fax 863.688.3335



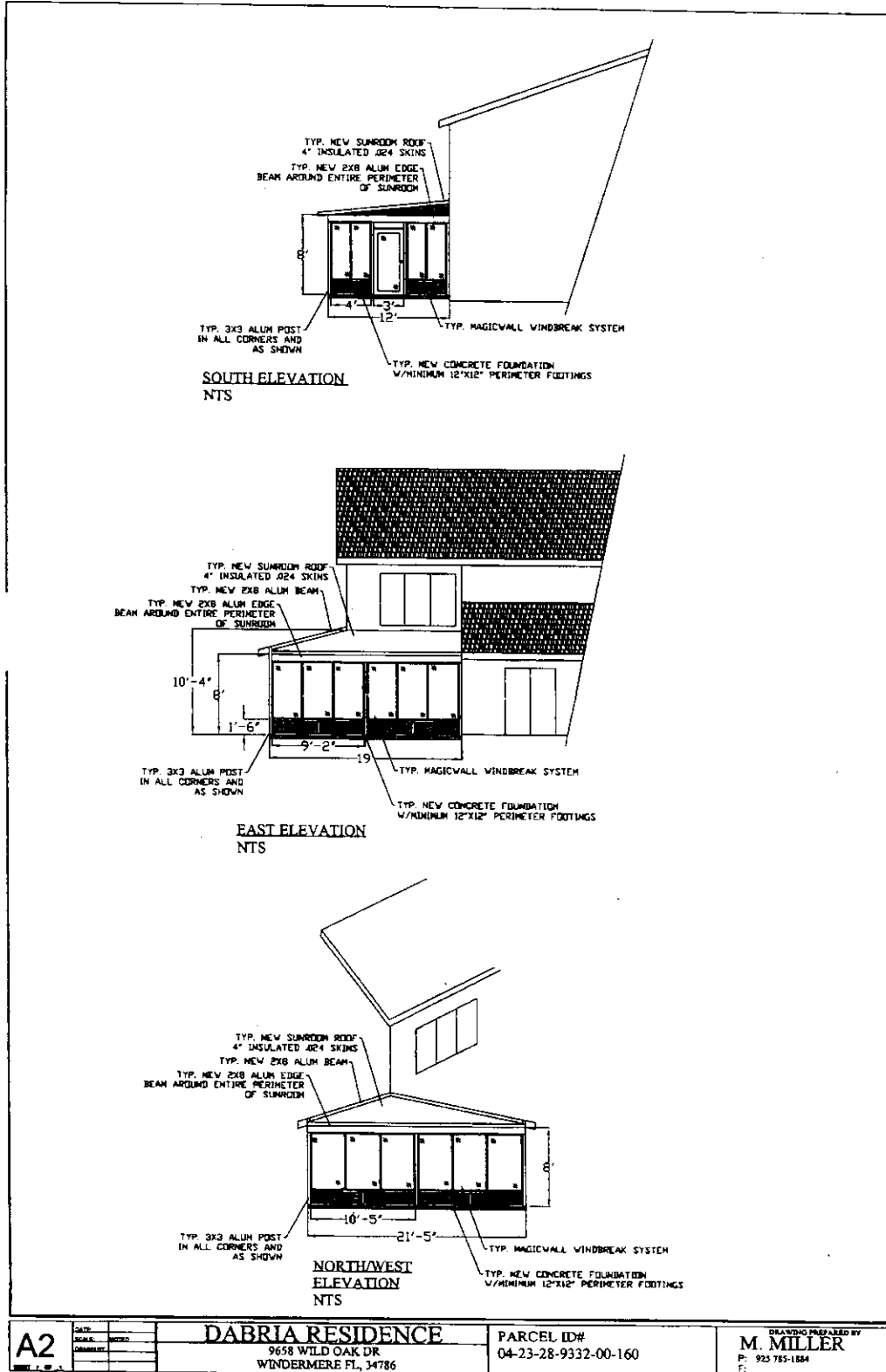
EMERGENCY RESCUE WINDOWS
 OPENING HEIGHT - 24" MIN. CLEAR
 WIDTH - 20" MIN. CLEAR
 AREA - 5.75 SQ FT MIN. CLEAR
 SILL HEIGHT - 4" MAX

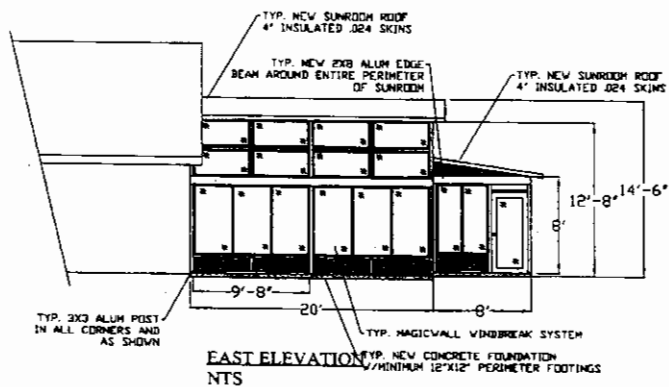
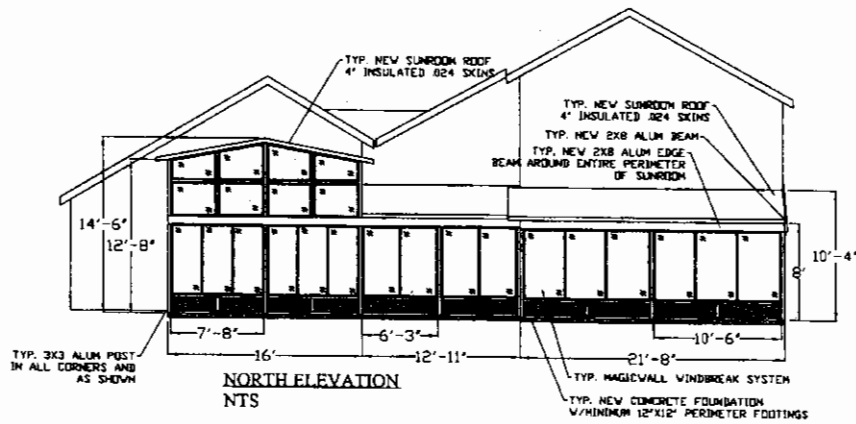
LEGEND:

- Ⓐ 5' x 8' SLIDER (E)
- Ⓑ 6' x 8' SLIDER (E)
- Ⓒ 8' x 8' SLIDER (E)
- ☼ 120V OUTDOOR ENTRY LIGHT
- Ⓐ 120V DUPLEX RECEPTACLE
- \$ SINGLE POLE SWITCH
- ⊕ 120V CEILING OUTLET

RECEIVED
 JUL 12 2017
 Zoning Division

A1	DATE:		DABRIA RESIDENCE	PARCEL ID#	DRAWING PREPARED BY
	APPROVED:				
	DRAWN BY:		9658 WILD OAK DR	04-23-28-9332-00-160	M. MILLER
			WINDERMERE FL, 34786		P: 925-785-1884
					F:





A3

DATE	
SCALE	
DRAWN BY	

DABRIA RESIDENCE

9658 WILD OAK DR
WINDERMERE FL, 34786

PARCEL ID#
04-23-28-9332-00-160

DRAWING PREPARED BY
M. MILLER
P: 925 785-1884
F:



STAFF REPORT
CASE #VA-17-09-083
Orange County Zoning Division
Planner: Marla Molina
Board of Zoning Adjustment
September 7, 2017
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Dave Dabria

REQUEST: Variance in the R-1A zoning district to construct addition (sun room) 20 ft. from the rear (south) property line in lieu of 30 ft.

LOCATION: South side of Wildoak Drive, approximately 450 ft. west of Hempel Avenue

PROPERTY ADDRESS: 9658 Wildoak Drive, Windermere, FL 34786

PARCEL ID: 04-23-28-9332-00-160

PUBLIC NOTIFICATION: 71

TRACT SIZE: 128 ft. x 157 ft.

DISTRICT #: 1

ZONING: R-1A

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Sunroom

SURROUNDING USES: This property is surrounded by single family residences.

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes to construct an addition of a sunroom twenty (20) feet from rear property line in lieu of thirty (30) feet. The addition will add approximately 1,300 sq. ft. to the residence.

2. Staff has identified six (6) zoning variances which were approved near the subject site, four (4) of the six (6) variances are similar requests to reduce the required setbacks.
3. The amount of variance deviation requested is thirty-three percent (33%).
4. The proposal shows that the applicant has made efforts to design the structure by requesting a minimal variance and the applicant will make possible the reasonable use of the land.
5. Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or, otherwise, detrimental to the public welfare.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated July 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.

cc: Dave Dabria
P.O. Box 1403
Windermere, Florida 34786

CHRIS VENN
SE-17-09-086

REQUEST: **Special Exception** in the R-1AA zoning district as follows:
1) To request an attached Accessory Dwelling Unit (ADU) for the applicant's elderly parents; and
2) To allow an ADU with 1,200 sq. ft. in lieu of 1,000 sq. ft.
(Note: There are no records of approval of an ADU. The applicant proposes to remodel the existing residence.)

ADDRESS: 5627 Padgett Circle, Orlando, FL 32839

LOCATION: East side of Padgett Circle, approximately 1,200 ft. north of W. Oak Ridge Road

S-T-R: 23-23-29

TRACT SIZE: .93 acres

DISTRICT#: 3

LEGAL: BEG 908.12 FT W & 1206.68 FT N OF SE COR OF NW1/4 TH NELY 100 FT E 401.64 FT S 98.6 FT W 418.32 FT TO POB IN SEC 23-23-29

PARCEL ID: 23-23-29-0000-00-085

NO. OF NOTICES: 317

DECISION: APPROVED the Special Exception requests 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 July 17, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The 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.
5. The exterior of the Accessory Dwelling Unit (ADU) shall match the exterior of the existing residence.
6. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
7. 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.

SYNOPSIS: Staff gave a brief presentation on the case, addressing the location, site plan, and photographs.

The applicant spoke to the BZA and stated that he agreed with the staff report. The applicant provided additional information regarding living space, square footage, and provided supplementary photographs of the existing structure.

No one spoke in favor. There were two (2) neighbors present who spoke in opposition.

The BZA had a brief discussion with a neighbor who opposed the request.

The BZA concluded the request was reasonable.

RECEIVED

JUL 17 2017

**ORANGE COUNTY
ZONING DIVISION**

Venn Construction, LLC
5627 Padgett Cir.
Orlando, FL 32839
Ph. (407) 304-7973
Fx. (407) 858-5631
VennConstruction@cfl.rr.com

VENN
CONSTRUCTION, LLC

July 14, 2017

To whom it may concern,

This letter is in regard to the property located at 5627 Padgett Cir., Orlando, FL 32839. The purpose of this letter is to request a Special Exception to reconstruct and rebuild an existing attached Accessory Dwelling Unit. The property currently has an attached Accessory Dwelling Unit that needs to be rebuilt due to excessive water damage.

In April of 2003, I, Chris Venn, along with my parents, Stan and Ilonka Venn, purchased property located at the address above. One of the main things, other than the location, that attracted us to the property was the fact that there was a completely built and functional "in-law suite." It made sense for us to buy it for it fit our plan for my parents to later move in as they scale down in life. Unfortunately, with the destructive hurricane season of 2004, we sustained substantial damage to a few sections of the house, including the "in-law suite." Over 75% of the asphalt shingles were removed by high winds and allowed water to enter and saturate all the attic insulation and ceiling drywall, carpet and padding, and other finishes. All had to be removed and thrown away due to water damage. Our plans for the "in-law suite" were put on hold as we had to focus on repairing other primary portions of the house.

Today it is over 10 years later and my parents, now in their early 70's are overwhelmed with the maintenance and upkeep that comes with their existing house. We are looking to move forward with our original plan for the "in-law suite." We had plans drawn (which were submitted along with this letter) and submitted for permit only to be told that my existing "in-law suite" structure was illegal according to current zoning rules. The structure was already existing when we bought the property and, as far as I know, built with as a part of the original house construction in 1963. The "in-law suite" was accounted for on the appraisal when the house was purchased in 2003 and has been accounted for on the property record card as taxable value. It has been acknowledged by Orange County and I've paid property taxes based upon square footage I haven't used since 2004.

We are requesting a Special Exception to reconstruct and slightly enlarge the existing "in-law suite" to livable conditions and today's comfortable sizing standards. I believe the proper term is an attached Accessory Dwelling Unit, or ADU, that we are requesting for my

parents, both 72 years of age, to move to and live in for many years to come. The existing structure is 24'x20' and occupies the entire 2nd floor above an existing attached storage garage (see attached pictures). We are proposing to tear down a majority of the existing water damaged structure and build a new 24'x50' ADU structure. The new ADU would again occupy the entire 2nd floor with a finished space 24'x36' (864 sf) and covered patio 24'x14' (336 sf). Below the finished space will be the same storage space as currently exists, and below the covered patio will be a carport with an entrance leading up to the finished space. The structure will have the same architecture to match the existing house and closely resemble what is currently existing.

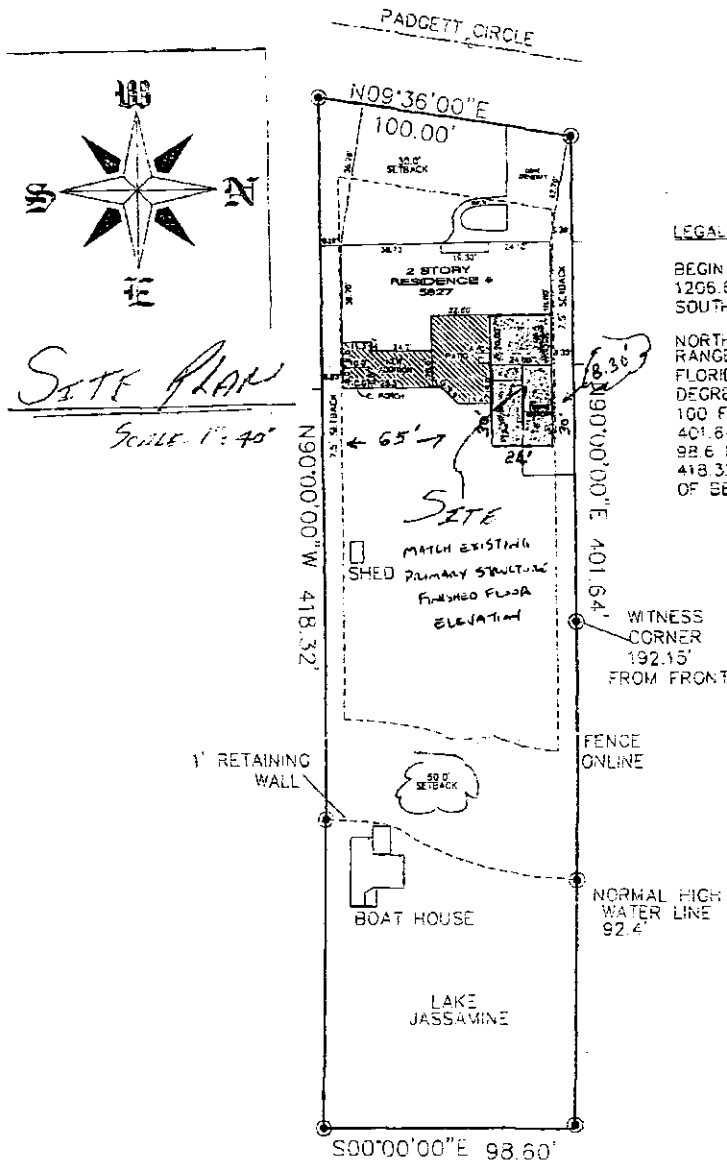
I need to be able to move my parents close to me, to help them out in their later years and to alleviate the burdens of maintaining their current 2 story, 4 bedroom house. I hope you will see our initial intent with the property and understand the need for this Special Exception request.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Venn", written in a cursive style.

Chris Venn

CHRIS VENN RESIDENCE



LEGAL DESCRIPTION:

BEGIN 908.12 FEET WEST AND 1206.68 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 23, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; RUN THENCE NORTH 9 DEGREES 36 MINUTES EAST 100 FEET; THENCE EAST 401.64 FEET; THENCE SOUTH 98.6 FEET; THENCE WEST 418.32 FEET TO THE POINT OF BEGINNING.

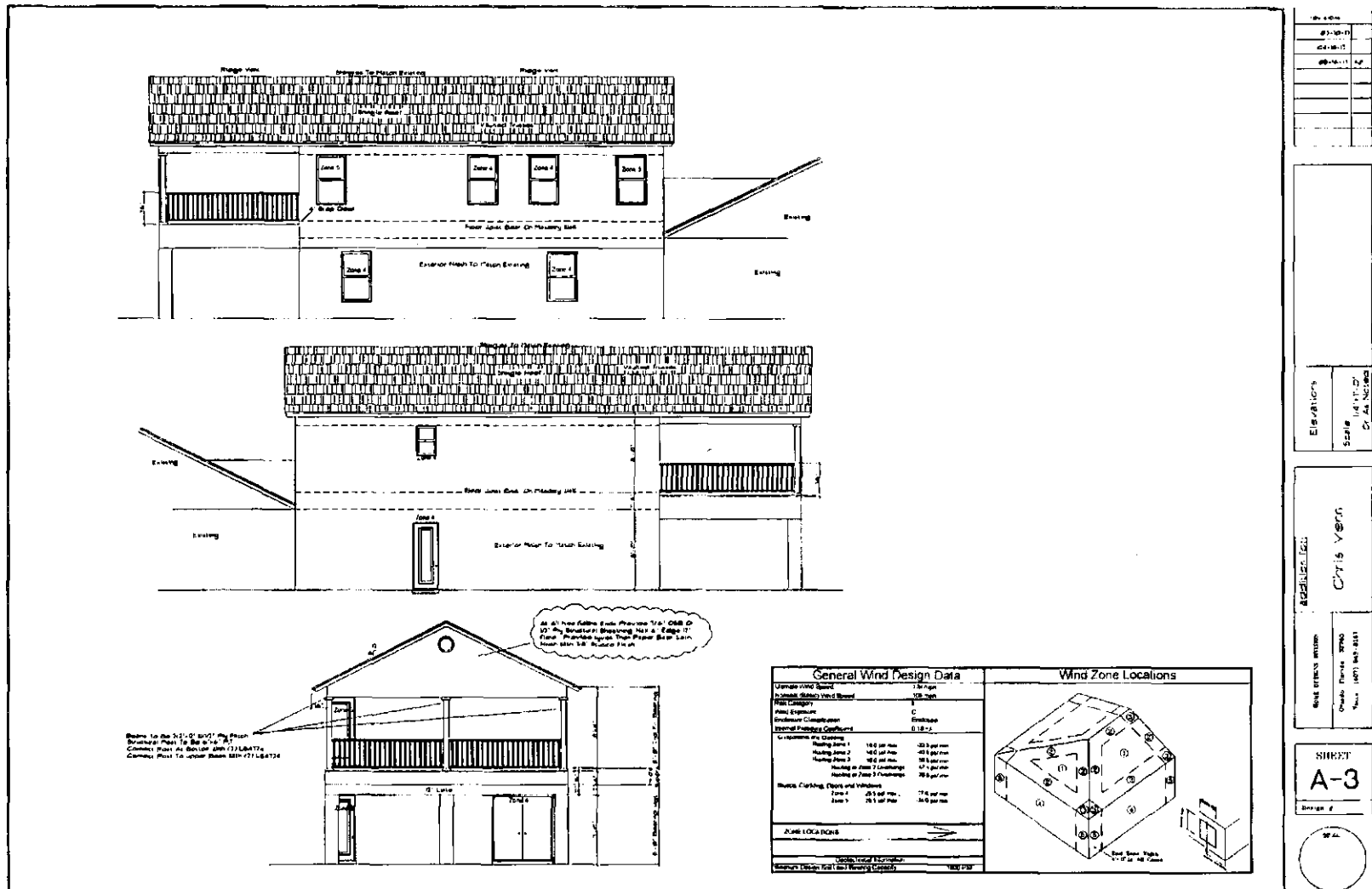
DATE: 7/19/05
 SCALE: 1"=40'
 STREET: PADGETT CIRCLE
 PURCHASER: VENN RESIDENCE

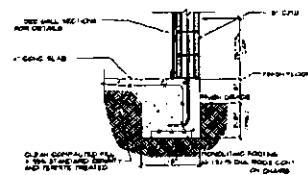
MINIMUM SETBACKS:
 FRONT SETBACK: 30.0'
 REAR SETBACK: 50.0'
 SIDE SETBACK: 7.5'
 SIDE STREET SETBACK: N/A

RECEIVED

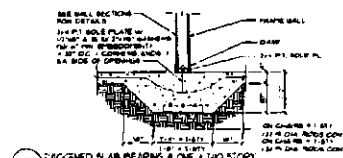
JUL 17 2017

ORANGE COUNTY
 ZONING DIVISION





(A) EXTERIOR MASONRY WALL FTG (TWO STORY)
KAL 10/18



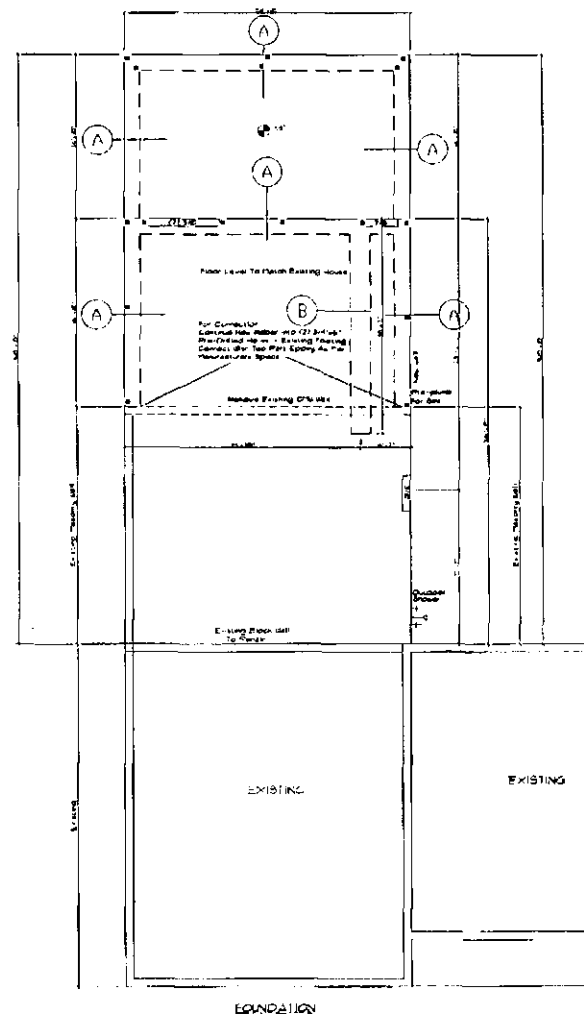
② 14C-GENED SLAB BEARING - ONE - TWO 5:00 PM

المجلس الأعلى للدراسات والبحوث

- [illegible]

STRUCTURAL NOTES

THIS STATEMENT HAS BEEN REVIEWED TO MEET OR EXCEED THE MINIMUM REQUIREMENTS OF THE SBC STANDARD FOR FLORIDA BUILDING CODE FOR A 125 MPH (3) AND 100 CUMULATIVE WIND ZONE



10-10-1946	03-10-17	
04-10-17		
05-10-17		

Four: 18.	14. 18.
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Chris Voss

DATE	10/10/1974
TIME	10:00
LOCATION	10000

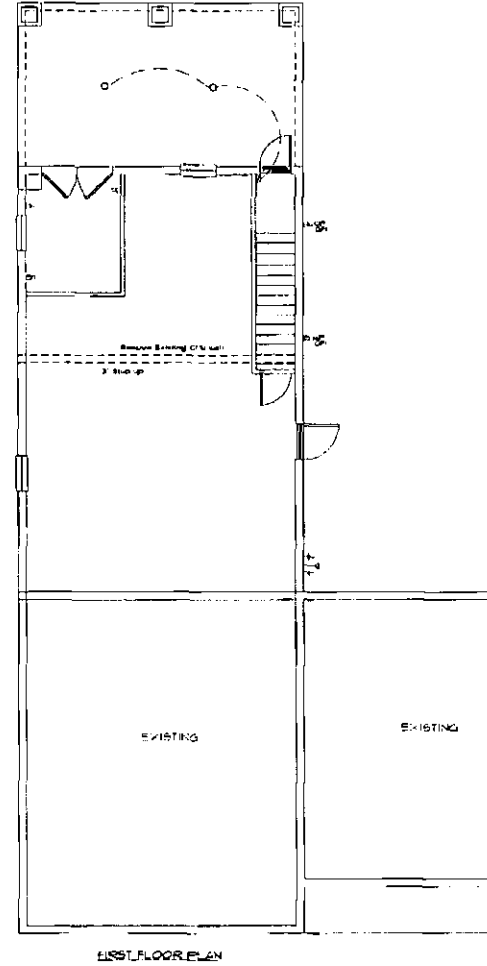
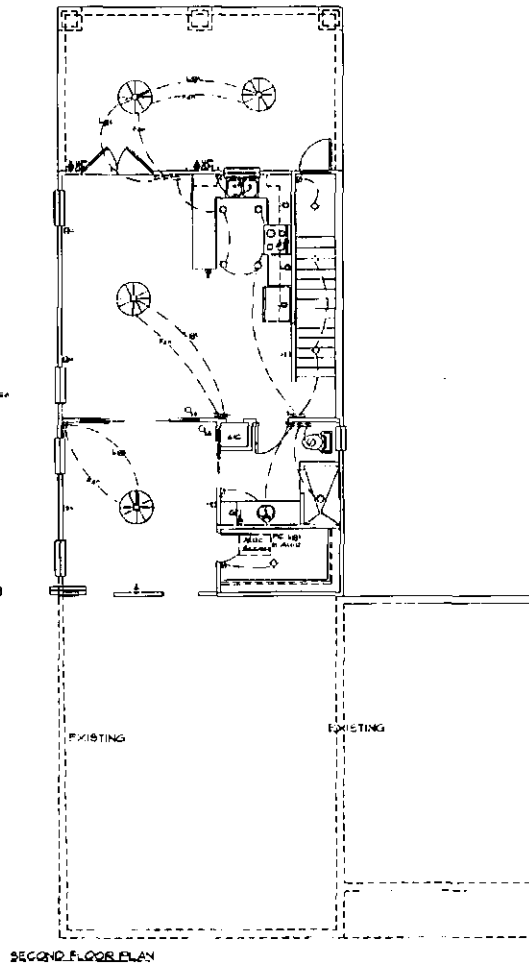
SHEET
A-1



ELECTRICAL SYMBOLS	
	Light
	Recessed Light
	Fluorescent Light
	Switch
	Three Way Switch
	Dimmer Switch
	Dimmer Switch with Outlet
	Type C Switch
	Type C Switch with Outlet
	Recessed Switch (1/2")
	Telephone Jack
	Bell System
	Alarm Control
	Telephone
	Exhaust Fan
	Ceiling Fan

ELECTRICAL NOTES

1. Verify Receptacles To Be 6 Feet From Sleeping Or Access
2. Verify Receptacles Are Located On Walls 2 Feet & Longer
3. Verify Receptacles To Be No More Than 3 Feet From Bed Base
4. All exterior Receptacles To Be waterproof GFI Protection
5. Provide Smoke Alarms In Each Sleeping Room And Outside Entry Door or Common Area. If More Than One Smoke Alarm Then Interconnect so if One Alarm Activates All Others will Activate Also. (Optional Wireless Detectors May Be Used)
6. Provide A Carbon Monoxide Alarm At Each Room Used For Sleeping Located Within 10 Feet
7. Provide Night Interlock In Family Room, Dining Room, Living Room, Parlor, Nurseries, Bed, Bedrooms, Sunroom, Recreation Room, Closets, Hallways or Stairways or Areas
8. Provide 15 and 20 Amp Receptacles in Kitchen, Family Room, Living Room, Parlor, Library, Bed, Sunroom, Sunroom, Recreation Room, or Stairways or Areas to be of Tamper Resistant Type

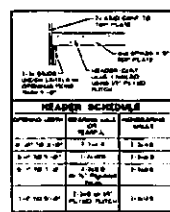


PROJECT	
ELECTRICAL	
SHEET	
E-1	
DATE	
BY	
CHECKED	
APPROVED	
CR-13 VERN	
SHEET	
E-1	
DATE	
BY	
CHECKED	
APPROVED	

[illegible]

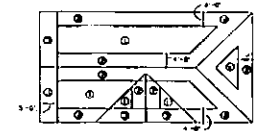
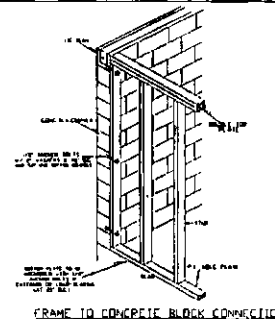
DI4 P.T. BUCK W/ TAPCON FASTENERS

ENDING WORK

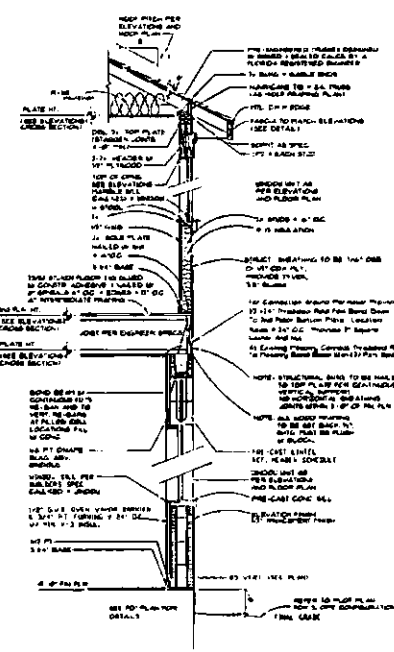
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HEADER SCHEDULE		
OFFICE HOURS	RECEPTION HOURS OR REPAIR	RECEPTION HOURS OR REPAIR
9:00 AM - 5:00 PM	9:00 AM - 5:00 PM	9:00 AM - 5:00 PM
9:00 AM - 5:00 PM	9:00 AM - 5:00 PM	9:00 AM - 5:00 PM
9:00 AM - 5:00 PM	9:00 AM - 5:00 PM	9:00 AM - 5:00 PM
9:00 AM - 5:00 PM	9:00 AM - 5:00 PM	9:00 AM - 5:00 PM

- 1 USE READER SITES ABOVE UNLESS OTHERWISE NOTED ON TRAFFIC PLAN
- 2 PRIMARY PRINTING (REPAIRED ROADS ETC.) WERE USED USING ROAD TO PATRONE FINDER IN DIRECTION OF 90 TO HORIZONTAL BEAR
- WE 2 NUMBER OF CLASHES WE 2 PROBABILITY OF CLASH
- 4 AT, KAPPA, INTENS, ETC. WERE USED
- 5 AND WE EXISTENCE OF A BENDING BACK

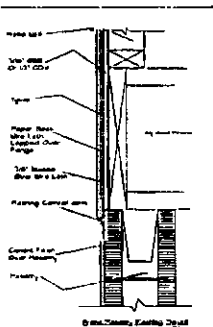


ROOF SHEATHING NAILING ZONE NOTE

[illegible]

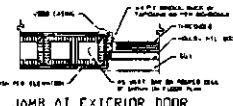
Two Story Two Wall Section

SCALE, 3/4" = 1'-0"

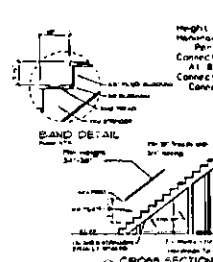


DOOR OPENINGS (ALL BRANDS)

(ALL BRANDS)

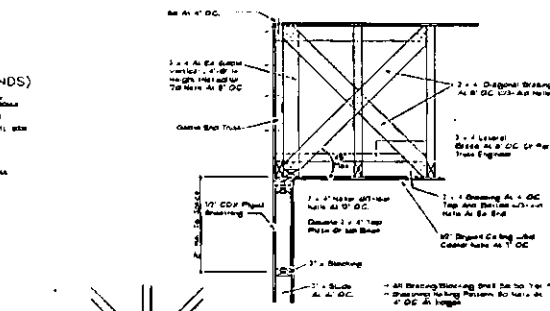


JOINT AT EXTERIOR DOOR

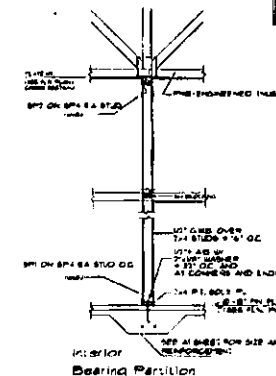


Height And Spacing Of Guardrail See Below
Handrail Shall Be Provided Within 30" Of All
Portions Of Stairs
Connect Stairs At Landing With 100 Nails
At 8" OC
Connect Runners To 2x P.T. At Slab With (2) 3/4"
Connect P.T. To Slab W/3 3/16"x1-1/4" Tapco

Structural Live Load
Floors: 40 PSF
Stairs: 40 PSF



GABLE END BRACING DETAIL FRAME CONSTRUCTION



Bearing Partition

70	3	404
63	10	17
64	10	17
65	10	17

Dealtle	
Scale	

SHEET
 S-1

984



STAFF REPORT
CASE #SE-17-09-086
Orange County Zoning Division
Planner: Marla Molina
Board of Zoning Adjustment
September 7, 2017
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Chris Venn

REQUEST: Special Exception in the R-1AA zoning district as follows:

- 1) To request an attached Accessory Dwelling Unit (ADU) for the applicant's elderly parents; and
- 2) To allow an ADU with 1,200 sq. ft. in lieu of 1,000 sq. ft.

(Note: There are no records of approval of an ADU. The applicant proposes to remodel the existing residence.)

LOCATION: East side of Padgett Circle, approximately 1,200 ft. north of W. Oak Ridge Road

PROPERTY ADDRESS: 5627 Padgett Circle, Orlando, FL 32839

PARCEL ID: 23-23-29-0000-00-085

PUBLIC NOTIFICATION: 317

TRACT SIZE: .93 acres

DISTRICT #: 3

ZONING: R-1AA

EXISTING USE(S): Single Family Residence and Accessory Dwelling Unit

PROPOSED USE(S): Attached Accessory Dwelling Unit

SURROUNDING USES: The property abuts single family residences in all directions and Lake Jessamine to the east.

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting approval of a Special Exception for an attached Accessory Dwelling Unit (ADU) for family use.
2. According to the Property Appraiser's website, the property was built in 1963, and the applicant purchased the home in 2003. At the time of purchase, an ADU already existed on the property. It was built by a previous owner without permits. It was not until the applicant began to remodel the residence and he was told by the Zoning Division, that he would need to obtain a Special Exception in order to have an ADU on the subject property.
3. The applicant is proposing an ADU to include a one (1) bedroom, one (1) bathroom, and small kitchen to be occupied by an elderly family member.
4. The proposed ADU will be 1,200 square feet and is located in the rear yard above the garage. The design and color scheme matches the main residence.
5. The proposed ADU will comply with all requirements for a Special Exception and the requirements found in Chapter 38 of the Orange County Code.
6. The applicant is advised that additional impact fees will be assessed in accordance with ADU regulations.
7. Staff supports the requested Special Exception based on: 1) the use shall not act as a detrimental intrusion into a surrounding area; and, 2) the use shall meet the performance standards of the district in which the use is permitted.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated July 17, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The 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.
5. The exterior of the ADU shall match the exterior of the existing residence.
6. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
7. 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.

cc: Chris Venn
5627 Padgett Circle
Orlando, Florida 32839

KEN THOMPSON
VA-17-09-082

REQUEST: **Variances** in the C-1 zoning district as follows:
1) To construct a parking lot 46 ft. from the centerline of Hoffner Avenue in lieu of 55 ft.; and
2) To construct a commercial building 12.92 ft. from the rear (south property line) in lieu of 20 ft.

ADDRESS: 906 Hoffner Avenue, Orlando, FL 32809

LOCATION: South side of Hoffner Ave., east of Hansel Ave.

S-T-R: 24-23-29

TRACT SIZE: 84 ft. x 110 ft.

DISTRICT#: 3

LEGAL: SUNDAY BLOCK O/27 LOTS 4 & 5 (LESS E 16.1 FT OF LOT 4)

PARCEL ID: 24-23-29-8408-00-041

NO. OF NOTICES: 84

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

1. Development in accordance with site plan dated July 5, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The applicant shall provide landscaping in accordance with Chapter 24, to the greatest extent possible, subject to review and approval of the Zoning Manager.

SYNOPSIS: Staff gave a presentation on the case covering the location, site plan, surrounding properties, and photos.

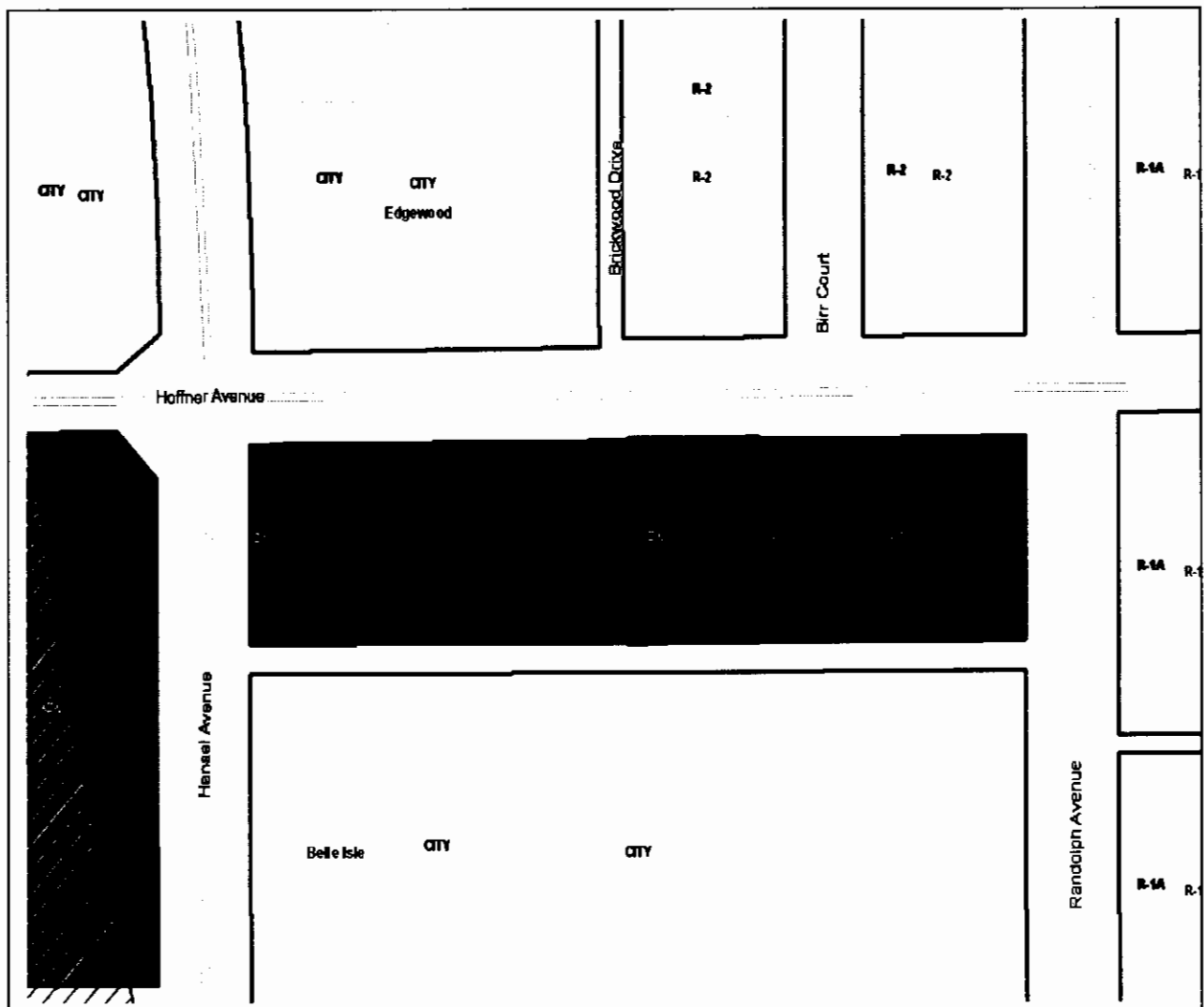
The applicant objected to condition #4, stating there is no room and that maintenance would be an issue on the south side. The applicant stated they will keep the trees in the front and provide a landscape buffer.

Staff stated that commercial properties must comply with Chapter 24 (landscape code), and the county arborists recommended Condition #4.

The BZA discussed amending Condition #4 to state, "The applicant shall provide landscaping in accordance with Chapter 24, to the greatest extent possible, subject to review and approval of the Zoning Manager."

Staff received no commentaries in favor or in opposition to the application. There was no opposition at the hearing.

The BZA approved the Variance with the amendment to Condition #4.



Applicant: Ken Thompson

BZA Number: VA-17-09-082

BZA Date: 09/07/2017

District: 3

Sec/Twn/Rge: 24-23-29-NE-A

Tract Size: 84 ft. x 110 ft.

Address: 906 Hoffner Avenue, Orlando, FL 32809

Location: South side of Hoffner Ave., east of Hansel Ave.

MAP OF SURVEY DESCRIPTION

THE WEST 33.9 FEET OF LOT 4, ALL OF LOT 5, SUNDAY BLOCK, AS RECORDED IN PLAT BOOK 0, PAGE 27, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

NOTE:

1) UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.

2) ELEVATIONS BASED ON ORANGE COUNTY BENCHMARK #5637004 WITH A PUBLISHED ELEVATION OF 95.646' NORTH AMERICAN VERTICAL DATUM OF 1988.

3) TOPOGRAPHIC FOR ENGINEERING AND DESIGN PURPOSES.

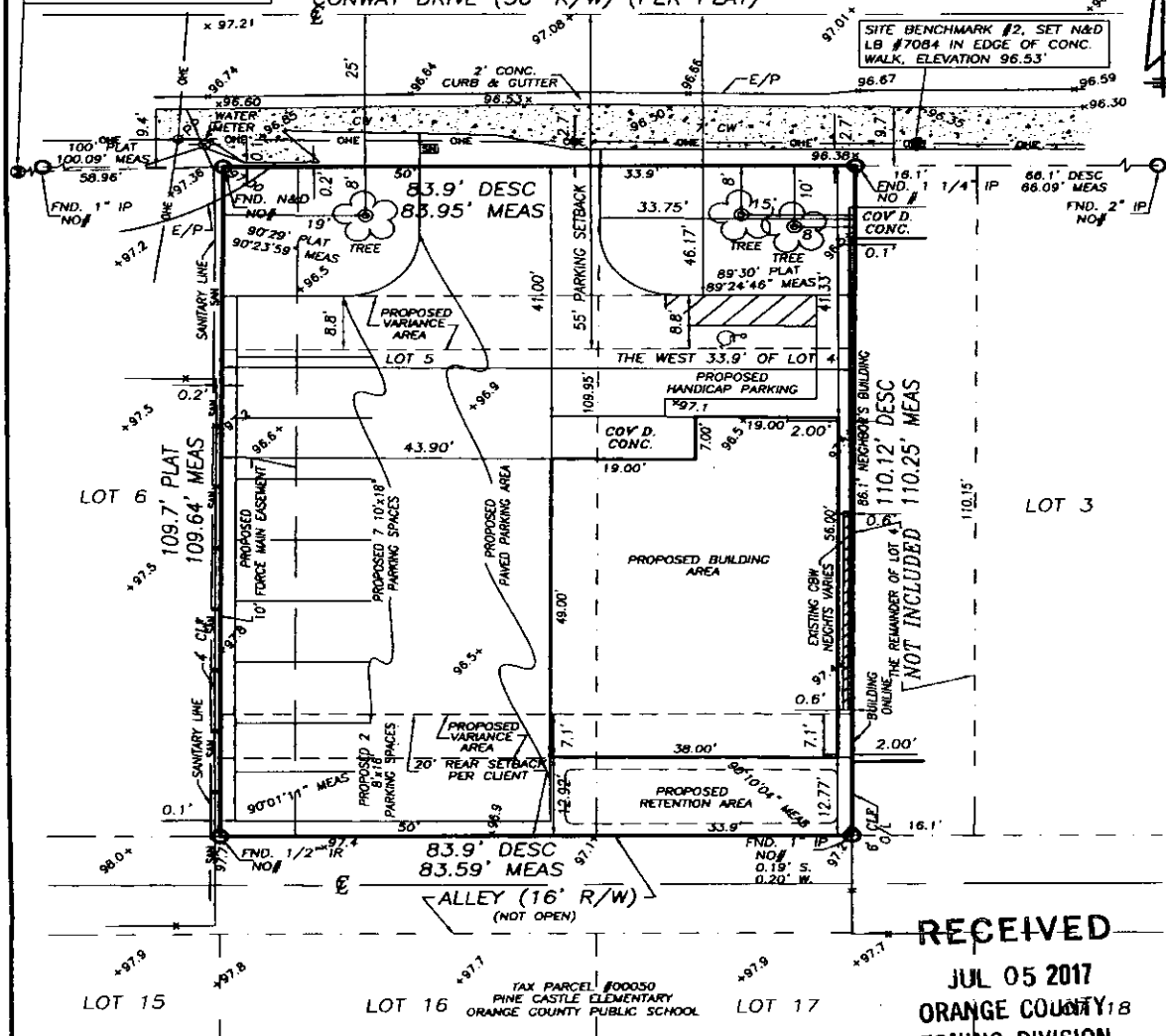
4) TREES SHOWN AS LOCATED BY OTHERS.

5) IMPROVEMENTS NOT SHOWN PER CLIENTS REQUEST.

SITE BENCHMARK #1, SET N&D LB #7084 IN EDGE OF CONC. WALK, ELEVATION 97.39'

HOFFNER AVENUE (FIELD)
CONWAY DRIVE (50' R/W) (PER PLAT)

SITE BENCHMARK #2, SET N&D LB #7084 IN EDGE OF CONC. WALK, ELEVATION 96.53'



RECEIVED

JUL 05 2017
ORANGE COUNTY
ZONING DIVISION

DF#000-27-LOT4.5

BOUNDARY & TOPOGRAPHIC SURVEY CERTIFIED TO: HIBISCUS CORPORATION OF AMERICA.

FIELD DATE: MAR. 27, 2017

SCALE: 1"=20' DRAWN BY: A. R.

BEARING STRUCTURE BASED ON THE SOUTH RIGHT OF WAY LINE OF HOFFNER AVENUE.

THIS BUILDING/LOT IS IN FLOOD ZONE X, BASED ON FLOOD INSURANCE RATE MAP, NO. 120179 0430 F, ORANGE COUNTY, FLORIDA.

LEGEND	
BC	BACK OF CURB
CALC	CALCULATED
C	CENTRAL ANGLE
CLF	CHAIN LINK FENCE
CONC	CONCRETE
CONC	CONCRETE BLOCK WALL
CM	CONCRETE MONUMENT
CP	CONCRETE PAD
CW	CONCRETE WALKWAY
COVD	COVERED
DESC	DESCRIPTION
DM	DRIVEWAY
DE	DRAINAGE EASEMENT
ESMT	EASEMENT
E/P	EDGE OF PAVEMENT
FPE	FINISHED FLOOR ELEVATION
FND	FOUND
IP	IRON PIPE
IR	IRON ROD
L	ARC LENGTH
LB	LICENSE BUSINESS
MEAS	MEASURED
MS	METAL SHIELD
N&D	N&D
N	NUMBER
OHE	OVERHEAD ELECTRICAL
ON	ON LINE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
POC	POINT OF CURVATURE
PP	POWER POLE
R&M	RADIUS
R/W	RIGHT OF WAY
TYP	TYPICAL
UE	UTILITY EASEMENT
UB	UTILITY BOX
WF	WOOD FENCE
W	GUY WIRE ANCHOR

REVISIONS:
ADDED TOPOGRAPHIC 5-4-17 A.R.
ADDED SANITARY LINE 6-27-17 A.R.
ADDED ADDITIONAL SETBACK 6-30-17
ADDED VARIANCE AREA 6-30-17

M.A.P.
Land Surveying, Inc.

4515 Curry Ford Rd.
Suite C
Orlando FL 32812
PH. 407 898 4557
FAX 407 277 3778

E-Mail: Maplandsurvey@att.net
LB #7084



Andrew Perry, P.S.M.
Professional Surveyor & Mapper #6124
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL, OR THE ELECTRONIC SIGNATURE AND SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.

Hibiscus Corporation of America

4409 Hoffner Ave #134, Orlando, FL 32812 | 321 228-2913 | hibiscuscorporation@gmail.com

July 02, 2017

Board of Zoning Adjustment
Orange County Florida
201 South Rosalind Ave. 1st Floor
Orlando, FL 32801

Dear Board of Zoning Adjustment:

Hibiscus Corporation of America is the owner of record for 906 Hoffner Ave. This property is currently vacant land zoned C1, it is the intent to develop a small 2,000 square foot office building on this property. This represents a FAR of 21.6 % well below accepted ratios for low density office space.

We are seeking the following variances:

Reduction in parking frontal setback by 8 feet 8 inches, from 55 feet to 46 feet 4 inches

Reduction of structural backset by 7 feet 1 inch, from 20 feet to 12 feet 11 inches.

Note there is no request to vary the front setback for the structure, required is 60 feet from centerline of the roadway we will be 66 feet from centerline. The variance request at the front is for parking only. The variance at the rear of the building is due to the failure of Orange County Public Schools to join the abandonment process regarding unused and inaccessible alley at the rear of the property, factual rear setback will be 28 feet.

In the preplanning phase, it was determined that Hoffner Ave is designated a "Minor Arterial" road, this imposes specific setback requirements based on the centerline of the roadway. Hoffner avenue was platted in 1916 as a two-lane road, the commercial buildings on either side of the lot are set back 12 feet and 15 feet from the property line or 37 feet and 40 from the road centerline, there is no parking setback applied to these buildings. Major Street Setbacks are calculated from road centerline 60 feet for structures and 55 feet for parking. Most major roads are four lane arteries, the centerline setbacks have less effect on parking and building location, arbitrary application of setbacks based on centerline of roadways without taking into consideration the width of the roadway is highly punitive to development in infill developments where lots are smaller and parking has traditionally been available in front of the building.

RECEIVED

**JUL 05 2017
ORANGE COUNTY
ZONING DIVISION**

In addition to the parking variance at the front we are seeking a variance in backset requirements for the building structure. Some quick background on our request for a reduction in backset requirements, there is a 16-foot unused and inaccessible alley at the back of the subject property, it is owned by Orange County. We applied for abandonment of this alley, while Orange County had no objection the abutting owner, Orange County Public Schools, declined to participate and we were unable to complete the joining of this additional property.

Our original plan, without variances, was to build a full width building towards the back of the property respecting existing setbacks and putting parking in front, it came to our attention during the abandonment process that there is an unregistered force main (sewer line) running down the west side of the property owned by Orange County Public Utilities, there is no registered easement on title. Orange County Public Utilities has declared that they will require a 10-foot utility easement on the west side of the property preventing us from building any permanent structures on this easement, we were unable to use our desired design concept for this lot.

We have been required to change design plans for the third time, we now must move the building to the east side of the property and place parking down the west side of the property and the handicapped parking spot in front of the building. With this new design, it will require a variance on the major street parking setbacks. With the variance, there will still be a 21 foot 4-inch buffer from the property line, this buffer area will consist of landscaping and three tall oak trees up to 36 inches in diameter.

To allow an efficient use of the property we have designed a 2000 square foot building, without the additional 8 feet from the abandonment of the alley this reduces our rear setback to 12 feet 11 inches. With the 16-foot unused and inaccessible alley the effective setback is 28 feet 11 inches, Pine Castle Elementary is the neighbor to the south and is fully fenced, the reduction in setback will have no material or factual effect on any neighbors of this property. There is no logical likelihood that the alley would ever be activated and put to use by Orange County. Orange County has declared this alley as inaccessible and inactive, this means they will not maintain it leaving this chore to the abutting property owners. In this case the entire alley is behind the fencing at Pine Castle Elementary so all maintenance would fall to the owner of 906 Hoffner Ave.

If we are not able gain the requested variances we will be forced to abandon any effort to develop this property. As you are aware the size of the building is largely determined by the number of parking spots, current zoning requirements would only allow a building of 1,400 square feet, this is too small to be commercially viable.

We are requesting a variance for parking setback of 8 feet 8 inches reducing current 55 feet to 46 feet 44 inches, this will still leave a significant landscape buffer between parking and the sidewalk.

We are requesting a backset reduction of 7 feet 1 inch from 20 feet to 12 feet 11 inches.

Sincerely,



Ken Thompson

Orange County Ordinances

Sec. 38-1603. - Functional classification and setback distances. Buildings, structures (except signs and billboards), and parking areas adjacent to major streets shall be set back in all zoning districts according to the respective setback distances set forth in the following table. In the event of a conflict between the setback distances set forth in the following table and the requirements for setbacks as established through yard requirements in any zoning district, the greater of the setback distances shall prevail.

Setback distances are established from the centerline of the roadway for structures and parking areas.

Structural setback is 60 feet and parking setback is 55 feet.

ARTICLE XV. - MAJOR STREET SETBACKS

Sec. 38-1601. - Intent and purposes.

The intent and purposes of this article are as follows:

- (1) To ensure sufficient space between major streets and buildings and structures to provide adequately for natural light, circulation of air, protection from fire, floods, tornados and hurricanes, access for fire-fighting apparatus or rescue and salvage operations; and
- (2) To ensure adequate and safe distances between competing phenomena and interests respectively associated with major streets and buildings and structures adjacent to major streets, including but not limited to, vehicular traffic, pedestrian traffic, noise, congestion, pollution emanating from vehicles, intensified use of land associated with development and growth, and the public health, safety, and welfare; and
- (3) To establish uniform major street setback distances to address the concerns set forth in subsections (1) and (2).



STAFF REPORT
CASE #VA-17-09-082
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
September 7, 2017
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Ken Thompson

REQUEST: Variances in the C-1 zoning district as follows:

- 1) To construct a parking lot 46 ft. from the centerline of Hoffner Avenue in lieu of 55 ft.; and
- 2) To construct a commercial building 12.92 ft. from the rear (south property line) in lieu of 20 ft.

LOCATION: South side of Hoffner Ave., east of Hansel Ave.

PROPERTY ADDRESS: 906 Hoffner Avenue, Orlando, Florida, 32809

PARCEL ID: 24-23-29-8408-00-041

PUBLIC NOTIFICATION: 84

TRACT SIZE: 84 ft. x 110 ft.

DISTRICT #: 3

ZONING: C-1

EXISTING USE(S): Vacant

PROPOSED USE(S): Commercial building

SURROUNDING USES: N - Multi-family
S - Pine Castle Elementary School
E - Commercial
W - Commercial

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes to build a 2,000 square foot office building.
2. The applicant had an initial design/plan that would not require any variances. However, a sewer line was discovered along the west side of the property. The Orange County Utilities Division has declared they will require a ten (10) foot utility easement along the west side of the property. This caused the need to redesign the site and to request variances.
3. Hoffner Avenue is a 2-lane road but is designated as a minor arterial. The zoning regulations require a fifty-five (55) foot setback from the centerline of the road to the parking lot. However, the Orange County Comprehensive Plan promotes infill development.
4. The applicant applied to abandon the adjacent rear alley, but the abutting owner (Orange County Public Schools) would not participate. This would have eliminated the need for the rear setback variance.
5. No rear neighbors will be negatively impacted by the rear setback request, as the property backs up to an unused alley with Pine Castle Elementary School behind the alley.
6. There are many buildings on the same street that are closer to the front property line than the proposed building or parking lot.
7. Staff has no objections to this request as it meets the Variance Criteria.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated July 5, 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. Understory trees shall be planted along the south and west property lines subject to the review and approval of the Zoning Manager. All other landscaping requirements shall be met and subject to the review and approval of the Zoning Manager.

cc: Ken Thompson
4104 Kandra Court
Belle Isle, Florida 32812

DENISE STONE
VA-17-09-084

REQUEST: **Variance** in the R-1A zoning district to allow an existing addition (awning) to a single family residence to remain 4 ft. from the side (east) property line in lieu of 7.5 ft.
(Note: The applicant has submitted letters of support from three (3) neighbors. This application is a result of code enforcement action.)

ADDRESS: 591 Heather Brite Circle, Apopka, FL 32712

LOCATION: South side of Heather Brite Cir., approximately .25 mi. from Canter Club Trl.

S-T-R: 01-21-28

TRACT SIZE: 79 ft. x 140 ft. (AVG)

DISTRICT#: 2

LEGAL: WEKIVA SECTION TWO 8/79 LOT 87

PARCEL ID: 01-21-28-9082-00-870

NO. OF NOTICES: 97

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

1. Development in accordance with site plan dated July 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. The applicant shall obtain a permit for the awning within ninety (90) days or this approval becomes null and void.

SYNOPSIS: Staff gave a brief presentation on the case covering the location, site plan, and photographs. Staff advised the BZA that the H.O.A. had communicated to the Zoning Staff that they would not approve the request.

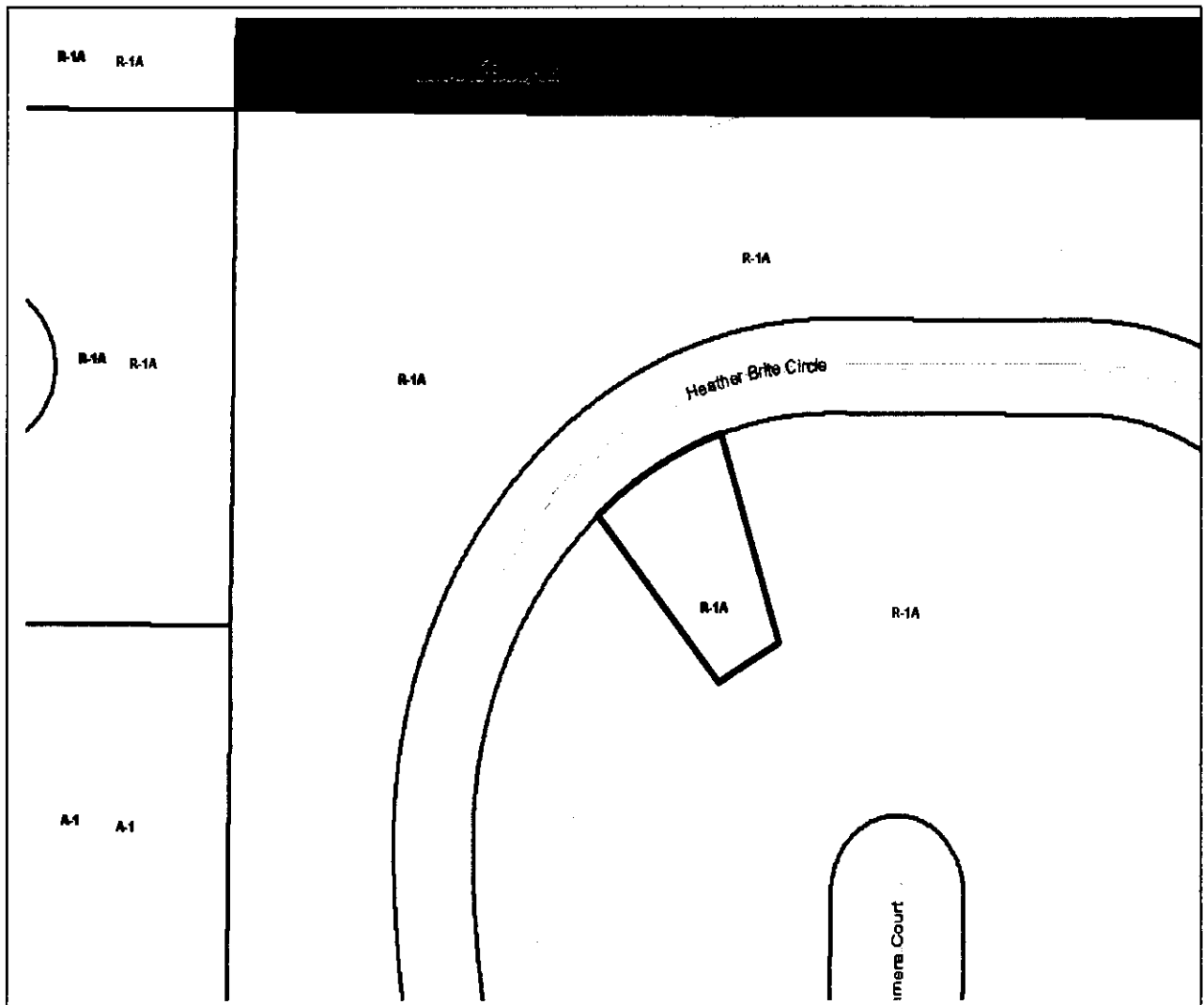
The BZA asked if the applicant had spoken to the H.O.A.

The applicant stated that the awning was there when they bought the house and they had spoken to the H.O.A., and thought they could get it approved.

The BZA stated that the amount of variance requested is reasonable, but the H.O.A. issue cannot be resolved at this level.

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

The BZA approved the variance.



Applicant: Denise Stone

BZA Number: VA-17-09-084

BZA Date: 09/07/2017

District: 2

Sec/Twn/Rge: 01-21-28-SE-D

Tract Size: 79 ft. x 140 ft. (AVG)

Address: 591 Heather Brite Circle, Apopka, FL 32712

Location: South side of Heather Brite Cir., approximately .25 mi. from Canter Club Trl.

July 14, 2017

VARIANCE CRITERIA LETTER

To Whom It May Concern:

I am applying for a variance on an awning I have already installed. The awning is attached to the house and meets all requirements/regulations for installation. It is vinyl covering with aluminum framing. The awning is approx. 230 sq. feet. The overall dimensions are: (see Spec sheet attached.)

front is 11'2" wide,

21' long

rear is 9'6" wide

Height is 8' at the tallest and 7' at the lowest height.

I misunderstood about the required 7.5 easement area for this awning.

However, only a partial length, approx 6.5' of the total 21' length, is standing outside the 7.5 foot required easement area and is situated within the 5 foot easement/property line.

I beg the Variance Committee to allow me to retain this awning in place and as is.

I am attaching copies of all the required 2 documents from Universal Awning, 2 boundary surveys and letters from my neighbors and homeowner assoc. application. My homeowners association will accommodate me also upon your approval.

I am also attaching letters from surrounding neighbors.

Also, attached is the variance criterion that requests an approval.

I am scheduled for a violation hearing on July 19th, 2017 and asking the hearing to place me on hold for an approval of the variance. (copy attached)

Thank you very much for your help and approval in this matter.

Denise T. Stone

591 Heather Brite Cir

Apopka, FL 32712

321-229-0918 cell

RECEIVED
JUL 14 2017
Zoning Division

1. Special conditions and Circumstances... the variance requested for approval is an awning already built and located behind my partial fence. The fence itself, lies within and under the 5 foot easement line. The awning structure is attached to the garage side of my home and property. The awing framing lies behind the fence on a pie shaped lot and uses building code approved installation. The overall height is low, just above the fence line at 8ft. high at the tallest point where it is attached to the house and falls to 6 ft. at the lowest point. The awning structure is built as protection to cover the garage door entrance for a side covered patio as a future use and the ability to park a vehicle as needed for protection from storms. The vinyl awning is detachable for wind storms. It is designed to flow with the surrounding trees and landscaping and not stand out in design.

The variance requested is the **minimum** variance that would make possible the reasonable use of the land, building & structure

2. Not Self Created.... I beg the forgiveness of the zoning department and by their discretion, to allow me to retain this structure as is and maintain the current awning as it stands. Yes, I have already had the awning installed and which makes this requested variance necessary because the criteria of standing within 7.5 foot of the easement is not met in full. Unfortunately, I misunderstood the zoning lines for an awning attachment. I built it within the 5 foot easement to the next property, behind the fence. HOWEVER....ONLY THE LAST 6.5 FEET, ie 2.5 sections of the entire 21 foot awning, lies outside the 7.5 foot requirement. The awning is structured on a pie shaped lot.

3. Deprivation of Rights...an undue hardship would be created because of my lot size, *particularly* due to the *shape of my property*.

a) I am on a pie shape lot and If the awning was built to be within the 7.5 feet from the easement, the shape of the total awning would be impractical, unusable and unsightly to the community and land use. Also, the narrowest end of the awning would render useless at the side garage entrance door.

b) The covering is also installed as protection for an exceptional topographic condition as the awing creates an increased amount of shade, preventing **costly repairs** from the re-growth of roots and tree saplings from the nearby invasive oak trees. These oak tree saplings and roots are constantly invading my underground internet and phone wiring & lines, plumbing pipes and irrigation pipes system, that I have had to dig up, remove and repair several times already .

4.) Minimum Possible Variance... The variance requested is the **minimum** variance that would make possible the reasonable use of the land, building & structure.

....with the nature of the shape and contour of the lot in mind, only a small section.... Roughly, 6.5 feet, out of the total 21 feet in length, is built outside the scope of the 7.5 foot requirement.

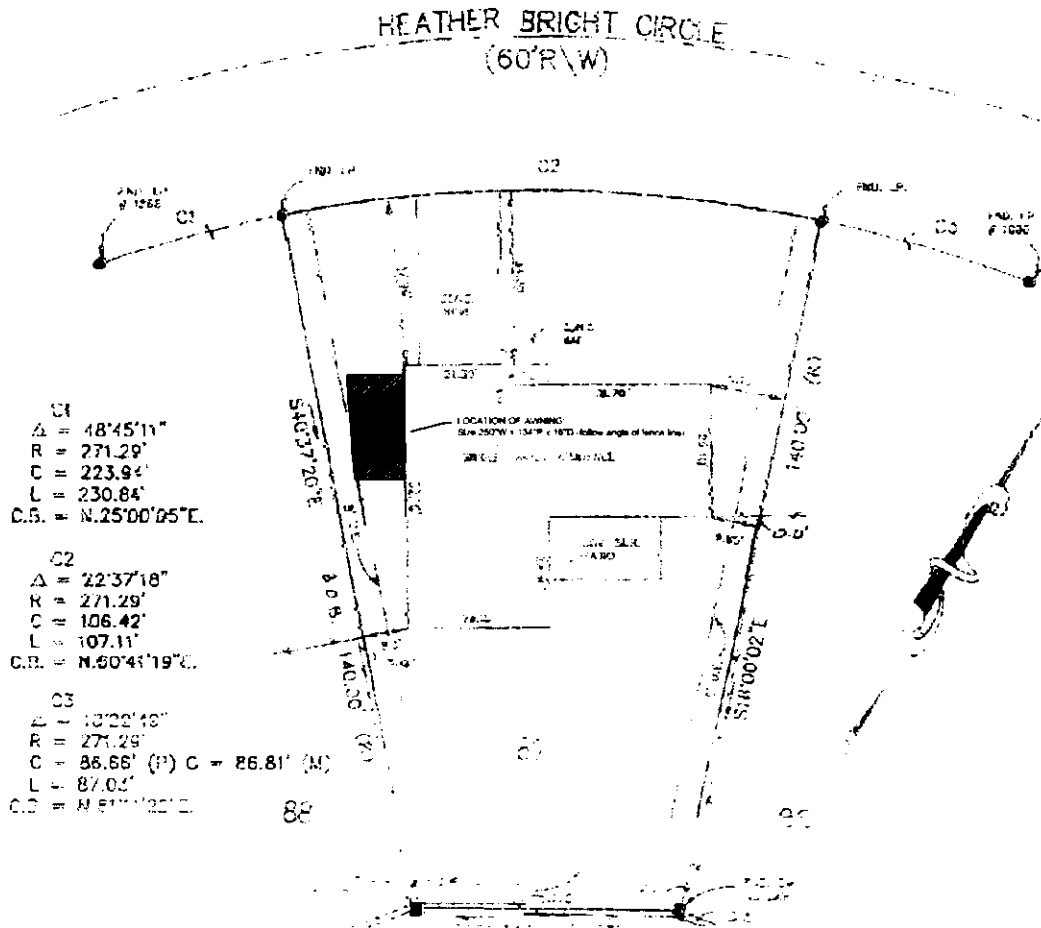
5.) Purpose and Intent....the installed awning and its color is harmonious with the trees and natural surroundings and is not detrimental to the public welfare. It sits back, beyond the driveway and is built behind a 11'2" length x 6ft height double gated fence. It is with intent to provide shade and protection for a future patio with a hard surface, covered entrance, garbage cans, air conditioning and parking if necessary. There would be no detriment or burden to the county properties.

6.) No Special Privilege Conferred... The variance requested will not confer any special privileges to me, the applicant, which is denied by this chapter to other lands, building, or structures in the same zoning.

BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 87, WELIVA, SECTION TWO, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 8, PAGE 79, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE "C", AREA OF MINIMAL FLOODING
AS PER F.I.R.M. COMMUNITY PANEL NUMBER 120179 0125 D, ORANGE COUNTY, FLORIDA.
MAP DATED DECEMBER 5, 1989.



RECEIVED

Jul 14 2017

Zoning Division



REVISED STAFF REPORT

CASE #VA-17-09-084

Orange County Zoning Division

Planner: Nick Balevich

Board of Zoning Adjustment

September 7, 2017

Commission District: 2

GENERAL INFORMATION:

APPLICANT: Denise Stone

REQUEST: Variance in the R-1A zoning district to allow an existing addition (awning) to a single family residence to remain 4 ft. from the side (east) property line in lieu of 7.5 ft.

(Note: The applicant has submitted letters of support from three (3) neighbors. This application is a result of code enforcement action.)

LOCATION: South side of Heather Brite Cir., approximately .25 mi. from Canter Club Trl.

PROPERTY ADDRESS: 591 Heather Brite Circle, Apopka, FL 32712

PARCEL ID: 01-21-28-9082-00-870

PUBLIC NOTIFICATION: 97

TRACT SIZE: 79 ft. x 140 ft. (AVG)

DISTRICT #: 2

ZONING: R-1A

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Awning

SURROUNDING USES: The property is surrounded by single family residences in all directions.

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting approval to allow an existing awning to remain four (4) feet from the side property line.
2. Code Enforcement observed the awning which was erected without permits and cited the property.

3. The property is an irregular pie-shaped lot, and is wider at the street and narrower at the rear. This is a unique circumstance which constitutes a valid hardship.
4. The encroachment does not run for the length of the entire awning, but rather a triangular shaped encroachment into a portion of the side setback.
5. The site is heavily landscaped and the awning is not readily visible from the road. The awning is behind a six (6) foot high fence.
6. The most affected neighbor has not yet submitted a letter of no objection. However, staff did receive letters of no objection from three (3) other neighbors in the immediate area.
7. Staff has received correspondence from the Homeowner's Association (H.O.A.) and has communicated with said association. The H.O.A. has clearly indicated they will not approve the request regardless of the BZA/BCC action.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated July 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. The applicant shall obtain a permit for the awning within ninety (90) days or this approval becomes null and void.

cc: Denise Stone
591 Heather Brite Circle
Apopka, Florida 32712

JONATHAN HUELS, P.A., AGENT FOR SHERRI FRAGOMENI
VA-17-09-085

REQUEST: **Variances** in the R-CE zoning district to allow existing accessory uses to remain as follows:
1) Cumulative square footage of 1,365 sq. ft. (1,269 sq. ft. accessory building and 96 sq. ft. chicken coop) in lieu of 500 sq. ft.; and
2) 22.5 ft. in height in lieu of 20 ft.
(Note: On November 5, 2015, the BZA approved this request, not including the chicken coop. However, a recent new survey shows the previous measurements were not accurate. The previous variance and building permits were based on an incorrect survey. Therefore, a modified variance request is required.)

ADDRESS: 9875 Kilgore Road, Orlando, FL 32836

LOCATION: East side of Kilgore Rd., north of Darlene Dr.

S-T-R: 04-24-28

TRACT SIZE: .97 acres

DISTRICT#: 1

LEGAL: BEG 140 FT N OF SE COR OF S1/2 OF N1/2 OF SE1/4 OF SE1/4 RUN N 118.73 FT S 83 DEG W 397.33 FT M/L TO ELY R/W KILGORE RD SELY ALONG RD 110.72 FT N 86 DEG E 347.11 FT M/L TO POB IN SEC 04-24-28

PARCEL ID: 04-24-28-0000-00-043

NO. OF NOTICES: 56

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (4 in favor, 1 opposed, and 2 absent):

1. Development in accordance with site plan dated August 10, 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. Applicant shall apply for and obtain a revised permit for the accessory building within ninety (90) days or this approval becomes null and void.
5. There shall be no equine manure piles within thirty (30) feet of the east property line.
6. The property shall not keep any animals within twenty-five (25) feet of the east property line.
7. Roosters shall be prohibited.
8. Excrement and waste from any chickens/hens shall not be piled or stored within 100 feet of the east property line.

SYNOPSIS: The applicant was advised by Zoning Staff to return to the BZA because her previous approval was based on an incorrect survey. The new survey shows a reduced building setback between her neighbor's property line and her oversized barn.

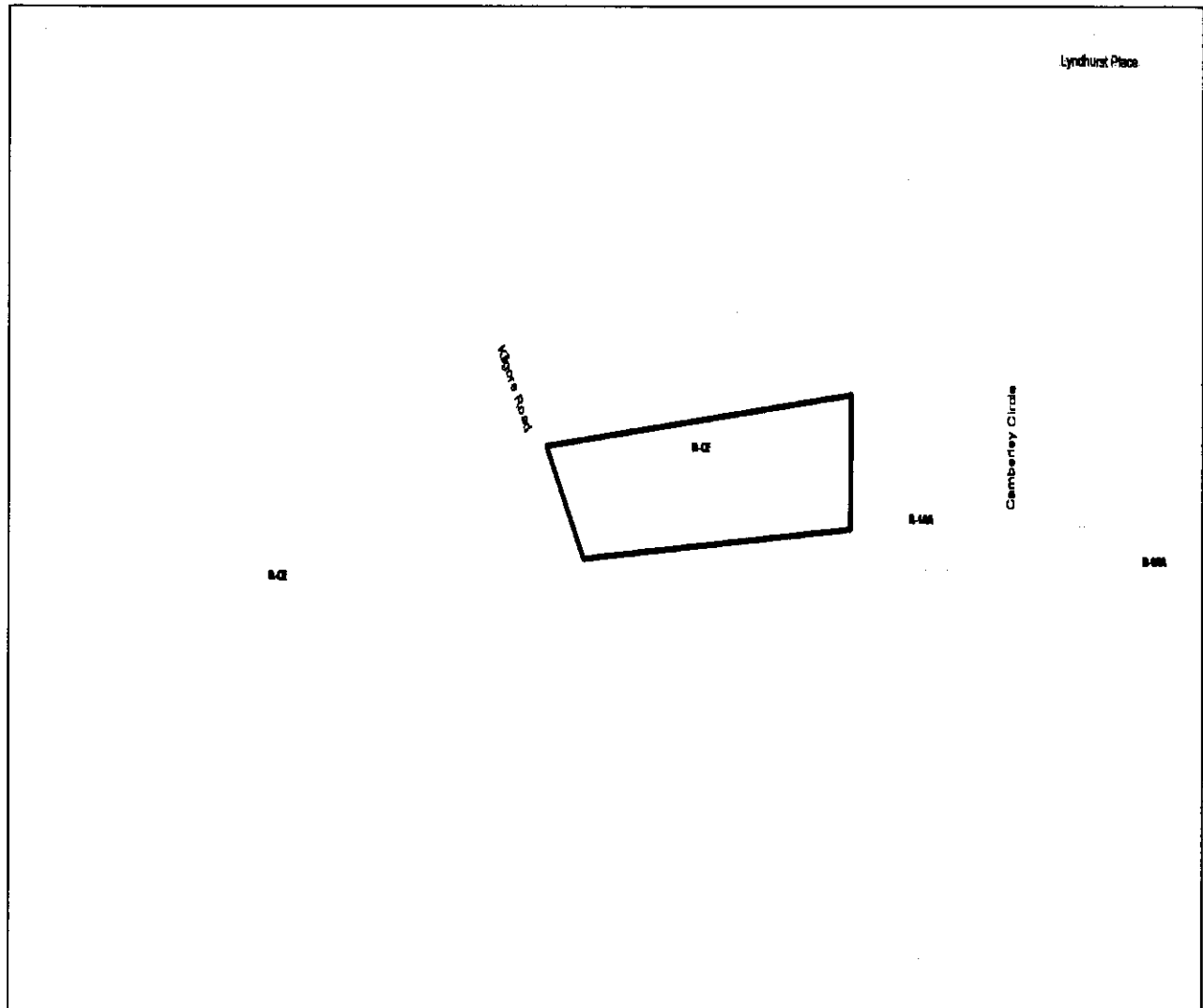
Staff advised the BZA that based on the increase on building size, the setback should be at least fourteen (14) feet. The applicant is providing a twenty-five (25) foot setback. Therefore, staff supports the request.

There were twelve (12) area residents in attendance that supported the applicant. Two spoke in favor.

The property owner to the rear spoke in opposition. He had concerns about his view and the potential animals the applicant could place on the property. Also, he felt the existing building was too close to his property line.

The applicant's attorney advised the BZA that the neighbors to the rear are required to preserve the rear thirty-five (35) feet of their lots abutting the applicant's property.

The BZA concluded the request was reasonable and it blended nicely with the character of the area.



Applicant: Jonathan Huels, P.A., Agent for Sherri Fragomeni
BZA Number: VA-17-09-085
BZA Date: 09/07/2017
District: 1
Sec/Twn/Rge: 04-24-28-SE-D
Tract Size: .97 acres
Address: 9875 Kilgore Road, Orlando FL 32836
Location: East side of Kilgore Rd., north of Darlene Dr.

Lowndes
Drosdick
Doster &
Kantor
Reed, P.A.
ATTORNEYS
AT LAW

JONATHAN P. HUELS

jonathan.huels@lowndes-law.com
215 North Eola Drive, Orlando, Florida 32801-2028
T: 407-418-6483 | F: 407-843-4444
MAIN NUMBER: 407-843-4600

 MERITAS LAW FIRMS WORLDWIDE

August 10, 2017

Rocco Relvini
Orange County Zoning Department
201 S. Rosalind Avenue
Orlando, FL 32801

**Re: 9875 Kilgore Road
04-24-28-0000-00-043
Updated Justification Letter in Support of Modification of Previously
Approved Variance**

Dear Rocco:

This submittal is in support of a request to modify a previously approved variance for size and height of an accessory structure that has been constructed at the above referenced parcel that is zoned RC-E in Orange County located at 9875 Kilgore Road (the "Property"). The Property is owned by Sherri Fragomeni (the "Owner"). It is a 0.97-acre parcel with an existing 2,452 gross square footage (1,792 living square footage) residential building, a 1,269 square foot accessory structure that was previously approved under VA-15-12-109, and a 96 square foot chicken coop with adjacent fenced in enclosure. The previously approved variance for accessory structure was for building size, 1,250 square feet, an increase of 250 feet over the maximum square feet permitted by Code, and building height, 22'6", an increase of 2'6" feet over the maximum height permitted by Code.

The approval of the original variance for the accessory structure was based on site plan that incorporated survey data set forth in a boundary/topographic survey prepared by Gary A Burden (the "Burden Survey"). The site plan showed a rear setback of the accessory structure of 35 feet. This setback exceeded the minimum performance standards prescribed by the Code. The accessory structure was completed pursuant to the approved site plan and received a Certificate of Completion from Orange County on March 23, 2017.

Many months after receiving the Certification of Completion, it was brought to the attention of the Owner that the property boundary shown in the Burden Survey may be incorrect per discussion with the neighbor

2017-08-10 11:11 AM

adjacent to south property line. The Owner retained another surveyor, Thomas McMahon Surveying, to prepare another boundary survey (the "McMahon Survey") which indicated that the Burden Survey was incorrect. Pursuant to the new McMahon survey, the actual property boundaries are located south and west of the boundaries shown on the Burden survey. Consequently, the rear property line is closer to the accessory structure with the rear setback being 25.7 feet, which is still more than 20 feet more than the minimum requirements of the Code (5 foot minimum).

As a result of the errant Burden Survey, several improvements that were constructed along the presumed property lines were moved on to the Property to conform with the actual property lines shown on the McMahon Survey. As part of this relocation effort, the Owner moved an 8 foot high privacy fence along the rear property line that encroached 4.8 feet at north corner and 8.3 feet at south corner. However, a 20 foot high row of bamboo that the Owner planted adjacent to the original location of the fence remains in place to offset the prior clearing of a 35 foot-wide vegetative buffer required to be maintained on the east adjacent parcels per the Brentwood Place Plat.

This variance request also includes approval of a 96 square foot chicken coop with 80 square foot enclosure that has been constructed next to the accessory structure. During construction of the chicken coop, the owner was advised by County Inspectors and the contractor that no permits were required since the structure was utilized for an agricultural use. Many months later, the owner was informed by Zoning staff that chicken coops are regulated as accessory structures and require formal permits from the County.

The Owner has suffered an unavoidable and unforeseen hardship by constructing the accessory buildings and other improvements based on the errant boundary lines shown on the Burden Survey and errant information provided by consultants. This application seeks to update the site plan approved with the prior variance to show the chicken coop and correct building setbacks, all of which still exceed the Code's minimum performance standards. Consequently, it is our belief that this request meets all of the criteria needed to modify the previously approved variance and allow the accessory structure to remain in place.

Please find enclosed the following documents in support of this request:

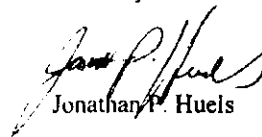
1. Application to Board of Zoning Adjustment
2. Application Fee (\$638.00)
3. Legal Description.
4. Tax Map.
5. Parcel Identification Numbers of Subject Parcels.
6. Survey from Thomas McMahon Surveying (two copies) along with one 8 1/2"x11" reduced version. (Shows all improvements which are existing in correct location.)
7. Boundary/Topographic Survey from Gary A Burden (two copies) along with one 8 1/2"x11" reduced version. (shows incorrect boundary lines).

Rocco Relvini
August 10, 2017
Page 3

8. Foundation Survey from Gary A Burden (two copies) along with one 8 ½"x11" reduced version.
(shows incorrect boundary lines).
9. Certificate of Completion for Accessory Structure (B16007816).

If you have any questions, or need anything else, please contact us at your convenience.

Sincerely,



Jonathan T. Huels

JPH/mlc
Enclosures

0272313\175983\4597962v3

- d. A detached accessory building shall be neither closer than five (5) feet to a lot line, nor closer than ten (10) feet to any other detached structure on the same lot.
- e. No detached accessory building shall be located in front of the principal building unless it is located in the rear one-half ($\frac{1}{2}$) of the lot.
- f. No accessory building may be constructed prior to construction of the principal building. However, an existing accessory building may remain on a lot/parcel provided a principal use is erected on the lot/parcel within twelve (12) months (one (1) year).
- g. The cumulative square footage of all detached accessory buildings shall be limited to a maximum of five hundred (500) gross square feet of floor area or to twenty-five (25) percent of the living area of the principal residence on the property, whichever is greater, but in no event larger than one thousand (1,000) square feet. On agricultural zoned parcels (A-1, A-2, and A-R), equal to or less than one (1) acre in size, the square footage of detached accessory buildings shall be limited to one thousand (1,000) square feet or twenty-five percent (25%) of the size of the principal residence, whichever is greater. Agricultural zoned parcels and the R-CE, R-CE-2, and R-CE-5 zoned parcels greater than one (1) acre but less than or equal to five (5) acres in size may have detached accessory buildings up to two thousand (2,000) square feet or twenty-five (25) percent of the size of the principal residence, whichever is greater. Agricultural zoned parcels and R-CE, R-CE-2, and R-CE-5 zoned parcels greater than five (5) acres in size may have detached accessory buildings up to three thousand (3,000) square feet or twenty-five (25) percent of the size of the principal residence, whichever is greater. Accessory buildings used for agricultural purposes may be located in the front yard provided the minimum tract size is ten (10) acres or greater and the accessory building complies with the principal building setbacks. If the predominant use of the accessory building is to support the agricultural use on the property, then there is no size limitation on the accessory building. If the predominant use of the accessory building is to support the residence on-site, then the size limitation set forth above shall apply. Documentation and evidence may be required to qualify the agricultural use of the accessory building. The square footages referenced herein shall be cumulative square footages.
- h. A detached accessory building or structure shall be limited to one (1) story with a maximum overall height of fifteen (15) feet above grade. However, an accessory building or structure with a roof slope greater than 2:12 shall not exceed twenty (20) feet of overall height.
- i. In R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, R-CE, R-CE-2, R-CE-5, R-2, R-3, R-T-1, and R-T-2 zoned districts, an accessory building or structure greater than one hundred fifty (150) square feet or greater than ten (10) feet in height (as measured from the finished grade to the top of the structure), shall comply with the following architectural standards: the exterior and roof (if any) shall be comprised of materials commonly used throughout Orange County in single-family residential construction, such as stucco, brick, vinyl, aluminum or wood for the siding or walls, and shingles, tiles or corrugated metal for the roof.

PROJECT SUMMARY

Short Desc: Fragomeni Barn

Description: Fragomeni Barn

Owner:

Address1: 9875 Kilgore Road

City: Orlando

Address2:

State: FL

Zip: 0

Type: Workshop

Class: New Finished building

Jurisdiction: ORLANDO, ORANGE COUNTY, FL (582100)

Conditioned Area: 475 SF

Conditioned & UnConditioned Area: 1269 SF

No of Stories: 1

Area entered from Plans: 0 SF

Permit No: 0

Max Tonnage: 0.8

If different, write in: _____

Compliance Summary

Component	Design	Criteria	Result
Gross Energy Cost (in \$)	338.0	453.0	PASSED
LIGHTING CONTROLS			PASSES
EXTERNAL LIGHTING			PASSES
HVAC SYSTEM			PASSES
PLANT			No Entry
WATER HEATING SYSTEMS			No Entry
PIPING SYSTEMS			No Entry
Met all required compliance from Check List?			Yes/No/NA

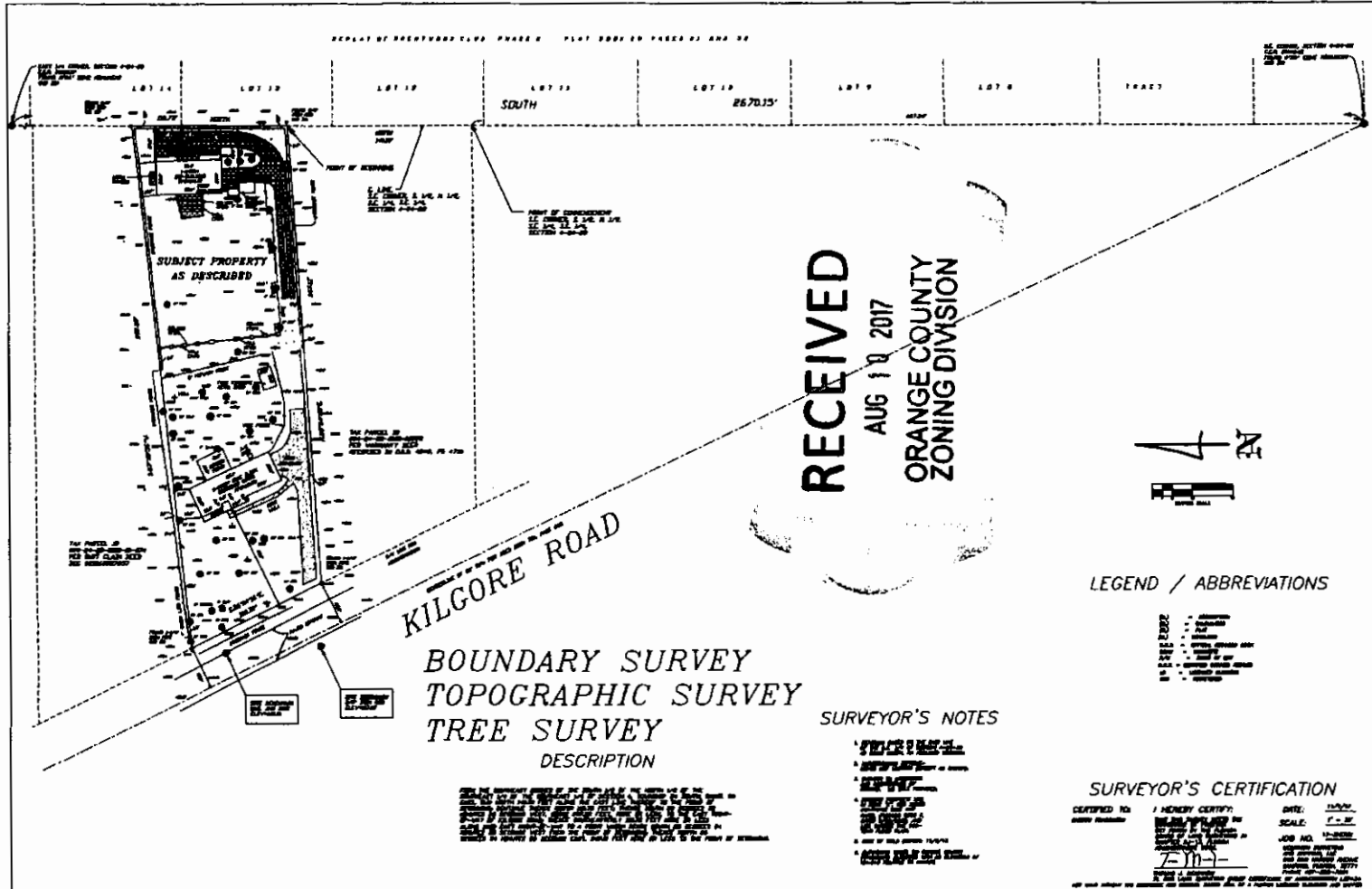
IMPORTANT MESSAGE

Info 5009 -- -- An input report of this design building must be submitted along with this Compliance Report

5/17/2016

EnergyGauge Summit® Fla/Com-2014. TAM 2014-1.0 Compliant Software. Effective Date: June 30, 2015

Page 2 of 13





STAFF REPORT
CASE #VA-17-09-085
Orange County Zoning Division
Planner: Rocco Relvini
Board of Zoning Adjustment
September 7, 2017
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Jonathan Huels, P.A., Agent for Sherri Fragomeni

REQUEST: Variances in the R-CE zoning district to allow existing accessory uses to remain as follows:

1) Cumulative square footage of 1,365 sq. ft. (1,269 sq. ft. accessory building and 96 sq. ft. chicken coop) in lieu of 500 sq. ft.; and

2) 22.5 ft. in height in lieu of 20 ft.

(Note: On November 5, 2015, the BZA approved this request, not including the chicken coop. However, a recent new survey shows the previous measurements were not accurate. The previous variance and building permits were based on an incorrect survey. Therefore, a modified variance request is required to address the correct measurements and the new chicken coop.)

LOCATION: East side of Kilgore Rd., north of Darlene Dr.

PROPERTY ADDRESS: 9875 Kilgore Road, Orlando, FL 32836

PARCEL ID: 04-24-28-0000-00-043

PUBLIC NOTIFICATION: 56

TRACT SIZE: .97 acres

DISTRICT #: 1

ZONING: R-CE

EXISTING USE(S): 1269 sq. ft. accessory bldg. and a 96 sq. ft. chicken coop

PROPOSED USE(S): To obtain approval for the accessory building and chicken coop (already built based on an incorrect survey).

SURROUNDING USES: There are larger single family homes on 1 acre lots along Kilgore Rd. The Brentwood Club Subdivision to the east contains 1/2 acre lots.

STAFF FINDINGS AND ANALYSIS:

1. On November 5, 2015, the BZA approved the applicant's request to construct a 1,250 sq. ft. accessory building, 22.5 feet in height in lieu of 500 sq. ft. and twenty (20) feet in height, respectively. The site plan/survey showed a forty (40) foot and thirty-five (35) foot setback between the proposed accessory building and the rear (east) property line. Due partly to the extensive setback, the BZA approved the request. Since then, the applicant obtained all permits and constructed the accessory building consistent with the BZA approval. However, the applicant voluntarily came forward and discovered the original site plan and survey was inaccurate. The actual rear setback is twenty-five (25) to twenty-seven (27) feet, not thirty-five (35) to forty (40) feet. The neighbor at the rear of the property has contacted the Zoning Division and has expressed concerns about the reduced rear yard setback. Staff advised the applicant to re-apply for this variance with the accurate rear yard setback distances.
2. Staff identified approximately six (6) zoning variances that were approved in the general area. However, none of them were for accessory building size. One (1) variance was denied for a nineteen (19) foot high accessory building on July 5, 2005.
3. The required rear yard setback for accessory buildings is five (5) feet. That is for a 500 sq. ft. accessory building. Since the accessory buildings contain 1,365 sq. ft. or 273% of the code requirement, then the setback should be increased by 273%. When you increase the setback by 273%, the setback equates to 13.65 feet. The proposed setback is twenty-five (25) feet which is 183% greater than 13.65 feet.
4. There is an eight (8) foot high fence along the rear property line. On the other side of this fence are several bamboo trees.
5. The homes to the rear are part of the Brentwood Place Subdivision. When that project was subdivided the Board of County Commissioners prohibited any removal of vegetation within the western thirty-five (35) feet of their property line. Subsequently, the plat was recorded and showed a thirty-five (35) foot wide vegetated buffer along the west property lines. It is unclear whether the neighbor to the rear of the subject property still has a thirty-five (35) foot wide vegetative buffer.

6. Although the accessory buildings are large in size, their architecture blends nicely with the rural country estate setting of the properties along Kilgore Road. Plus, with the restrictions and the existence of the eight (8) foot high opaque fence along the rear property line, most, if not, all of the impacts are mitigated.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated August 10, 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. Applicant shall apply for and obtain a revised permit for the accessory building within ninety (90) days or this approval becomes null and void.
5. There shall be no manure piles within twenty-five (25) feet of the east property line.
6. The property shall not keep any animals within twenty-five (25) feet of the east property line.
7. Roosters shall be prohibited.

cc: Jonathan Huels, P.A. (Applicant's Representative)
215 Eola Drive
Orlando, Florida 32801

RY LU
VA-17-09-087

REQUEST: **Variance** in the R-1A zoning district to construct an addition (screen porch with a structural roof) to a single family residence 18 ft. from the rear (south) property line in lieu of 30 ft.

ADDRESS: 131 Killington Way, Orlando, FL 32835

LOCATION: Southwest side of Killington Way, approximately 550 ft. northeast of Old Winter Garden Rd.

S-T-R: 27-22-28

TRACT SIZE: 116 ft. x 108 ft. (AVG)

DISTRICT#: 6

LEGAL: WINTER HILL 26/100 LOT 136

PARCEL ID: 27-22-28-9397-01-360

NO. OF NOTICES: 107

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

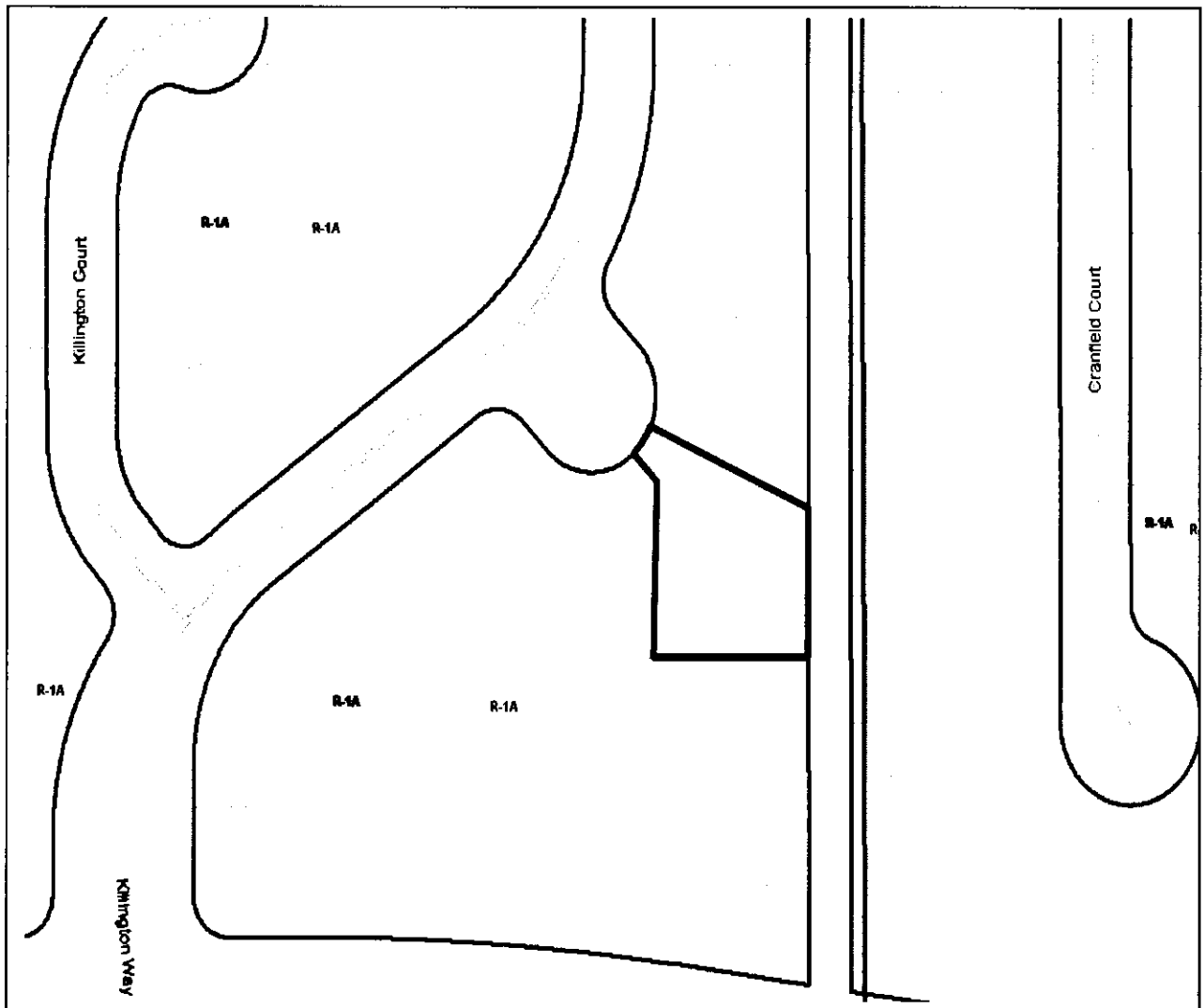
SYNOPSIS: Staff gave a brief presentation on the case covering the location, site plan, and photographs.

The applicant confirmed the proposal is for a screen room not a room addition.

The BZA noted the addition backs up to a landscape buffer tract.

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

The BZA approved the variance.



Applicant: Ry Lu

BZA Number: VA-17-09-087

BZA Date: 09/07/2017

District: 6

Sec/Twn/Rge: 27-22-28-SE-D

Tract Size: 116 ft. x 108 ft. (AVG)

Address: 131 Killington Way, Orlando, FL 32835

Location: Southwest side of Killington Way, approximately 550 ft. northeast of Old Winter Garden Rd.

RE: APPLICATION FOR VARIANCE

July 17, 2017

Ry Lu
131 Killington Way
Orlando, Florida 32835-6809

This letter is written to provide an explicit typewritten statement as to the nature and intent of the variance that is being requested for my property located at 131 Killington Way Orlando, Florida 32835-6809. The property parcel number is 27-22-28-9397-01360 Lot 136 and is located in Winter Hill subdivision. I Ry Lu, is both the owner and applicant.

Purpose of Request:

The request for a variance will allow a room addition to be constructed in the back part of house, generally following the property line. The property line do not share the same set backs from one end to the other end of the house, in which one area is extended slightly encroaching the required property set back. This encroachment would occur in primarily on one corner (right corner when facing the house) of the room addition. The room addition is specifically proposed to use identical materials, designs, and finish as similar to the house to that it will blend aesthetically. A buffer of trees will surround the room addition and should have no impact on neighboring properties.

The granting of such variance will not be materially detrimental to the public welfare, does no harm to neither public nor private interests, and is not injurious to any property or interest. We would greatly appreciate the grant for this variance. Thank you.

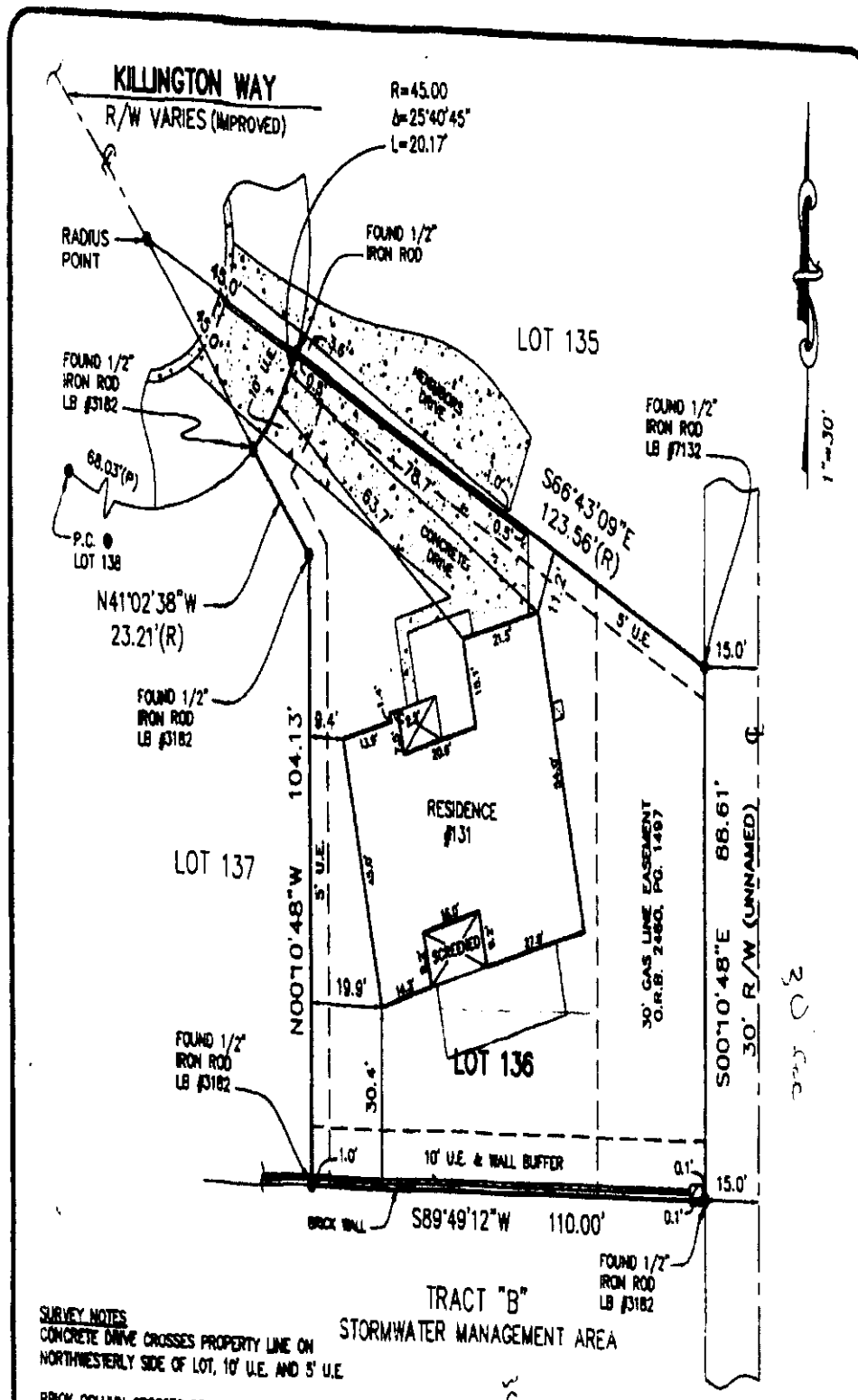

Ry Lu
(Resident and Owner)
407-288-2931

RECEIVED

JUL 19 2017

Zoning Division

RECEIVED
JUL 19 2017
Zoning Division



Architectural drawing of the Easting House, showing a side elevation. The house features a gabled roof with a chimney on the right side. The facade includes a central entrance with a small porch, flanked by windows. The drawing is labeled "EASTING HOUSE" and "BEARING 13 1/2°".

Page indication per 024115 and ending per 024115 of message dated 04/24/76 C

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3. KILLINGTON WAY
ORLANDO FL 32835

468



STAFF REPORT
CASE #VA-17-09-087
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
September 7, 2017
Commission District: 6

GENERAL INFORMATION:

APPLICANT: Ry Lu

REQUEST: Variance in the R-1A zoning district to construct an addition (screen porch with a structural roof) to a single family residence 18 ft. from the rear (south) property line in lieu of 30 ft.

LOCATION: Southwest side of Killington Way, approximately 550 ft. northeast of Old Winter Garden Rd.

PROPERTY ADDRESS: 131 Killington Way, Orlando, FL 32835

PARCEL ID: 27-22-28-9397-01-360

PUBLIC NOTIFICATION: 107

TRACT SIZE: 116 ft. x 108 ft. (AVG)

DISTRICT #: 6

ZONING: R-1A

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Screen porch with structural roof

SURROUNDING USES: N - Single Family Residence
S - Dry detention pond
E - Open space
W - Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes to install a screen porch with a structural roof. A variance is requested from the rear yard setback.
2. The property is odd-shaped as it stubs off from a cul-de-sac at an angle. The house was constructed at an angle to face the cul-de-sac and, thus, is at an angle from the rear property line. The rear yard is not the typical ninety (90) degree angle. The angle of the rear property line reduces the amount of buildable area. This constitutes a valid hardship.
3. The encroachment does not run for the length of the entire addition, but rather a triangular shaped encroachment into a portion of the rear setback.
4. The applicant has agreed to use materials and finishes to match the existing house.
5. The H.O.A. and adjacent neighbors have signed letters of no objection to this proposal.
6. Staff has no objections to this request.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated July 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. The design of the addition shall be consistent with the design of the main house.
- cc: Danny Lu Nakada, Applicant's Representative, 2147 Maguire Road, Ocoee, FL 34761
Ry Lu, Applicant, 131 Killington Way, Orlando, Florida 32835

REQUEST: **Special Exception and Variance** in the R-1A zoning district as follows:
1) Special Exception to allow existing residence to remain as a guest house; and
2) Variance to allow said guest house with 1,177 sq. ft. of floor area in lieu of 1,000 sq. ft.; or,
3) Variance to allow existing accessory structures with 1,177 sq. ft. of floor area in lieu of 624 sq. ft.
(Note: According to Property Appraiser's data, the house is not homesteaded by current owner. The third variance is to allow the BZA the option of granting a variance to allow additional accessory use square footage rather than the guest house. This is the result of code enforcement action.)

ADDRESS: 6609 Calypso Drive, Orlando, FL 32809

LOCATION: East side of Calypso Dr., approximately 1/4 mile south of E. Lancaster Road.

S-T-R: 26-23-29

TRACT SIZE: 100 ft. x 201 ft.

DISTRICT#: 3

LEGAL: W 231 FT OF E 431 FT OF S 85 FT OF N 1215 FT OF E1/2 OF NE1/4 OF NE1/4 SEC 26-23-29 (LESS W 30 FT FOR RD)

PARCEL ID: 26-23-29-0000-00-047

NO. OF NOTICES: 65

DECISION: **DENIED** the Special Exception Request **#1**, in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest; and **DENIED** the Variance Request **#2**, in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3), and further, **APPROVED** the Variance Request **#3**, 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; 4-0, 1 abstained and 2 absent):

1. Development in accordance with site plan dated July 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. Approval is only for 1,117 sq. ft. of detached accessory uses. The entire site shall not have more than (one) 1 kitchen and (one) 1 residence.
5. Failure to comply with these conditions shall result in Code Enforcement action not BZA action.
6. The accessory building shall not contain any overhead cabinets, closets, or 220 volt outlets.

SYNOPSIS: Applicant is requesting to allow an existing structure to remain as a guest house with 1,177 sq. ft. in lieu of 1,000 sq. ft.

Staff gave a presentation showing the site plan, photographs of the structure, and provided some background on the case.

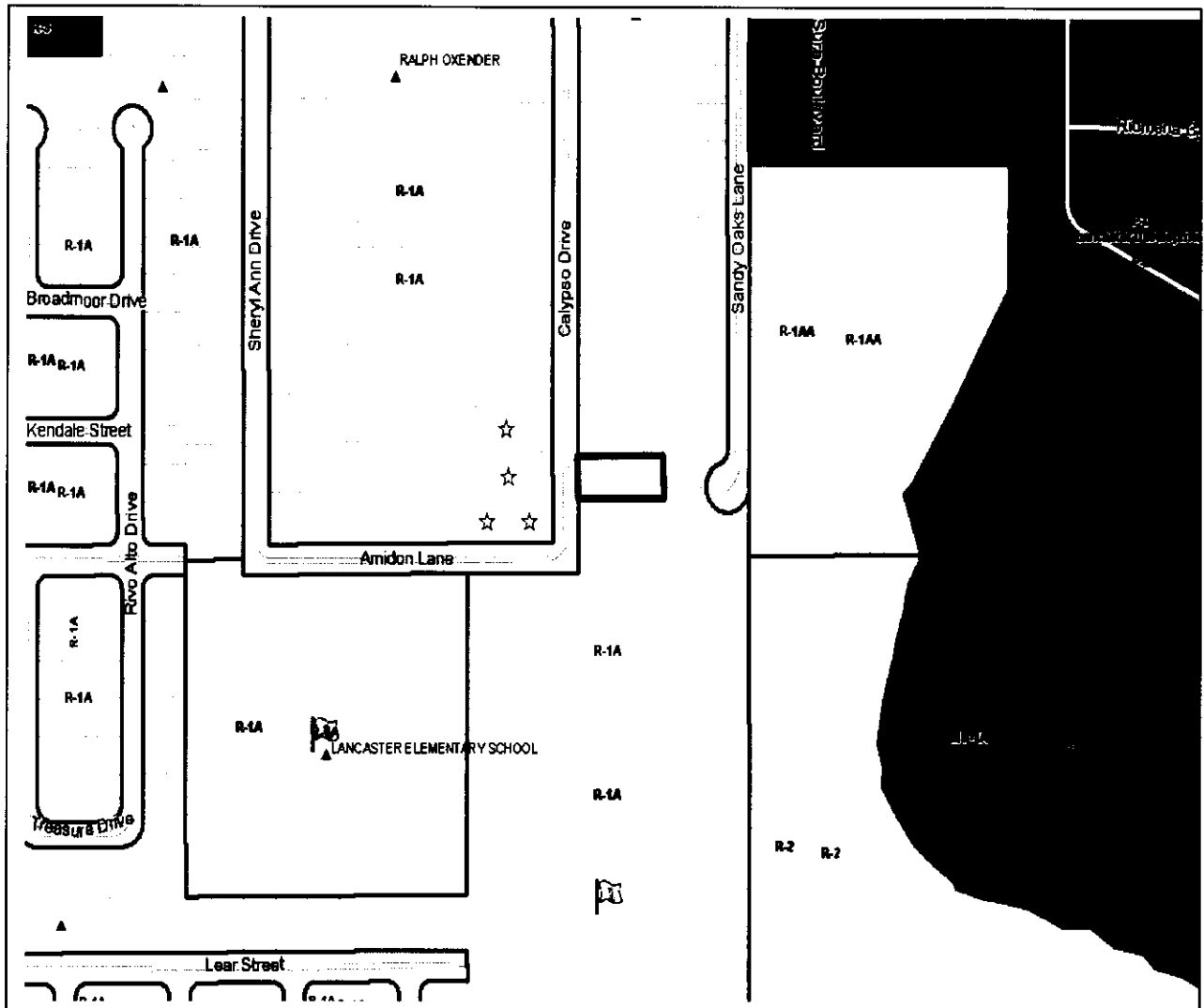
The applicant stated the building was existing when the owner purchased the property. The structure has existed since the early 1990s. He stated the plan was to use the structure for a pool house/storage and not as a dwelling unit.

Code enforcement gave a brief presentation and showed several photographs of the interior of the structure in question.

No one spoke in favor or in opposition of the request.

Staff provided an additional condition to ensure the structure was not going to be utilized as an accessory dwelling unit.

The BZA denied the first two (2) requests and denied the guest house. The BZA approved Variance Request #3, to allow an accessory building with 1,177 sq. ft. in lieu of 624 sq. ft.



Applicant: Gene Brascomb

BZA Number: SE-17-09-088

BZA Date: 09/07/2017

District: 3

Sec/Twn/Rge: 26-23-29-NE-A

Tract Size: 100 ft. x 201 ft.

Address: 6609 Calypso Drive, Orlando, FL 32809

Location: East side of Calypso Dr., approximately 1/4 mile south of E. Lancaster Road.

Detailed cover letter for Special Exception

Date: 07/10/2017

Applicant's Name:

Gene Brascomb Jr.

Licensed Building Contractor

Owner's Name: Ni Mulan

Address of Special Exception:

6609 Calypso Dr. Orlando FL 32809

Request is for:

Pool House addition

Code requires building additions to be 900 square feet or less. Request the zoning board to make a special exception on an existing (Pool House) building addition of 1196 square feet. An increase of 25% to 26%. Used for family recreation. Pool house is 45.15 feet from east property line. Pool house is 8 feet from North property line. Pool house is 129.85 feet from west property line. Pool house is 46.7 feet from south property line. Pool house height is ten feet.

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JUL 19 2017

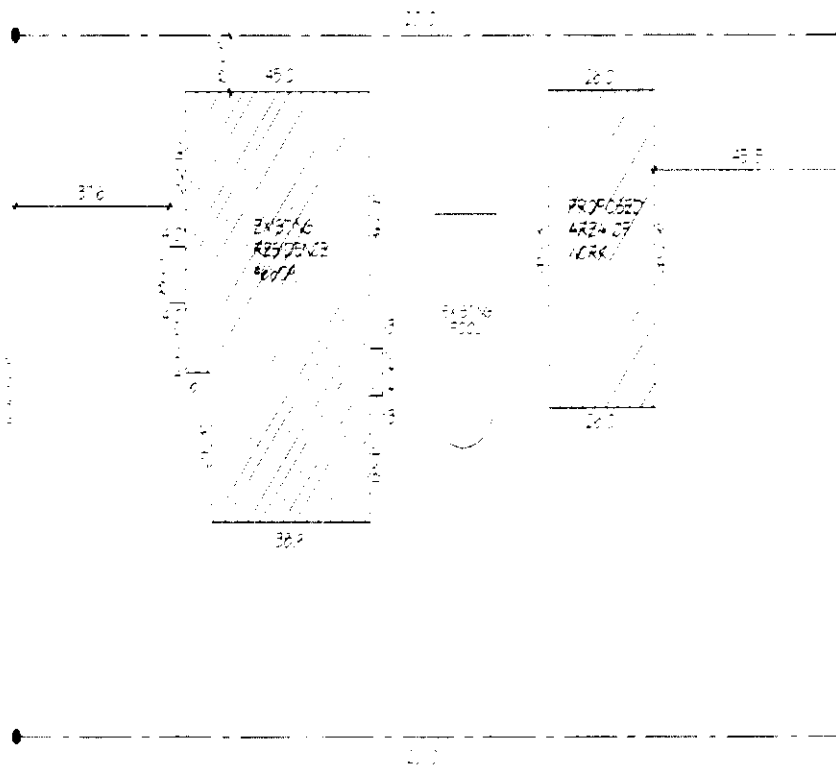
Zoning Division

COVER SHEET

RECEIVED
JUL 19 2017
Zoning Division

PROPOSED REMODEL @
6609 CALYPSO DR.
ORLANDO FL. 32809

CALYPSO DR



NORTH
SCALE 1"=40'

SITE PLAN

SCALE 1"=40'

LEGAL DESCRIPTION

W 231 FT OF E 431 FT OF S 85 FT OF N 1215 FT OF E 1/2 OF NE 1/4 OF NE 1/4 SEC 26-23-29 (LESS W 30 FT FOR RD)

ENGINEER	SEAL
NAME SANDY DE	
CE 13334	
211 W. GORRAN BLVD SUITE 201	
ORLANDO FL 32809	
PROJECT	SHEET
PROPOSED REMODEL @	1
6609 CALYPSO DR	
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STAFF REPORT
CASE #SE-17-09-088
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
September 7, 2017
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Gene Brascomb

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variance in the R-1A zoning district as follows:

- 1) Special Exception to allow existing residence to remain as guest house; and
- 2) Variance to allow said guest house with 1,177 sq. ft. of floor area in lieu of 1,000 sq. ft.; or,
- 3) Variance to allow existing accessory structures with 1,177 sq. ft. of floor area in lieu of 624 sq. ft.

(Note: According to Property Appraiser's data, the house is not homesteaded by current owner. The third variance is to allow the BZA the option of granting a variance to allow additional accessory use square footage rather than the guest house. This is the result of code enforcement action.)

LOCATION: East side of Calypso Dr., approximately 1/4 mile south of E. Lancaster Road.

PROPERTY ADDRESS: 6609 Calypso Drive

PARCEL ID: 26-23-29-0000-00-047

PUBLIC NOTIFICATION: 65

TRACT SIZE: 100 ft. x 201 ft.

DISTRICT #: 3

ZONING: R-1A

EXISTING USE(S): Single Family Residence converted into a duplex

PROPOSED USE(S): Guest House

SURROUNDING USES: The subject site is surrounded by single family homes. The area is zoned primarily for single family residential.

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting to convert an existing garage to a guest house.
2. Staff inspected the site on August 23, 2017, and observed the garage had been converted into a dwelling unit. The areas where the overhead doors were located have been filled in with block walls. The structure contains three (3) bedrooms, two (2) bathrooms, and a hand sink in the kitchen area.
3. Staff has concerns because the property is zoned for one single family home and there appears to be three (3) separate dwelling units on site, two in the main house and one in the accessory building.
4. The size of the accessory building exceeds code and would require a fifty-three percent (53%) variance.

STAFF RECOMMENDATION:

Staff cannot support the request for the following reasons:

- a) The request does not comply with the on-site zoning;
- b) The request is proposing a triplex in a single family zoning district; and
- c) The accessory building is over-sized and this variance would be the first of its kind in the area.

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

1. Development in accordance with site plan dated July 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. Approval is only for 1,117 sq. ft. of detached accessory uses. The entire site shall not have more than one (1) kitchen and one (1) residence.
5. Failure to comply with these conditions shall result in Code Enforcement action not BZA action.

cc: Gene Brascomb
5003 South Street
Orlando, Florida 32811

**IGLESIA DE DIOS CAMINO VERDAD Y VIDA
VA-17-09-089**

REQUEST: **Variance** in the A-2 zoning district to allow a front yard setback of 20 ft. in lieu of 35 ft. for the existing sanctuary building and proposed expansion.
(Note: The sanctuary was constructed in 1972. The church proposes to construct an addition adjacent to the existing sanctuary and is requesting to validate the existing sanctuary's setback.)

ADDRESS: 4114 S. Goldenrod Road, Orlando, FL 32822

LOCATION: West side of S. Goldenrod Rd., approximately 1/2 mile north of Hoffner Ave.

S-T-R: 14-23-30

TRACT SIZE: 7.9 acres

DISTRICT#: 3

LEGAL: LOS TERRANOS P/87 PORTIONS OF LOTS 2 3 4 BLK 17 THE E 140 FT OF THE S1/2 OF N1/2 OF LOT 2 (LESS THE N 50 FT THEREOF & THE 140 FT OF THE N1/2 OF S1/2 OF LOT 2 & THE S1/2 OF THE N1/2 OF LOT 3 (LESS THE N 50 FT THEREOF) & N1/2 OF S1/2 OF LOT OF LOT 3 & THE S

PARCEL ID: 14-23-30-5240-17-012 and 14-23-30-5240-17-031

NO. OF NOTICES: 146

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 July 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.

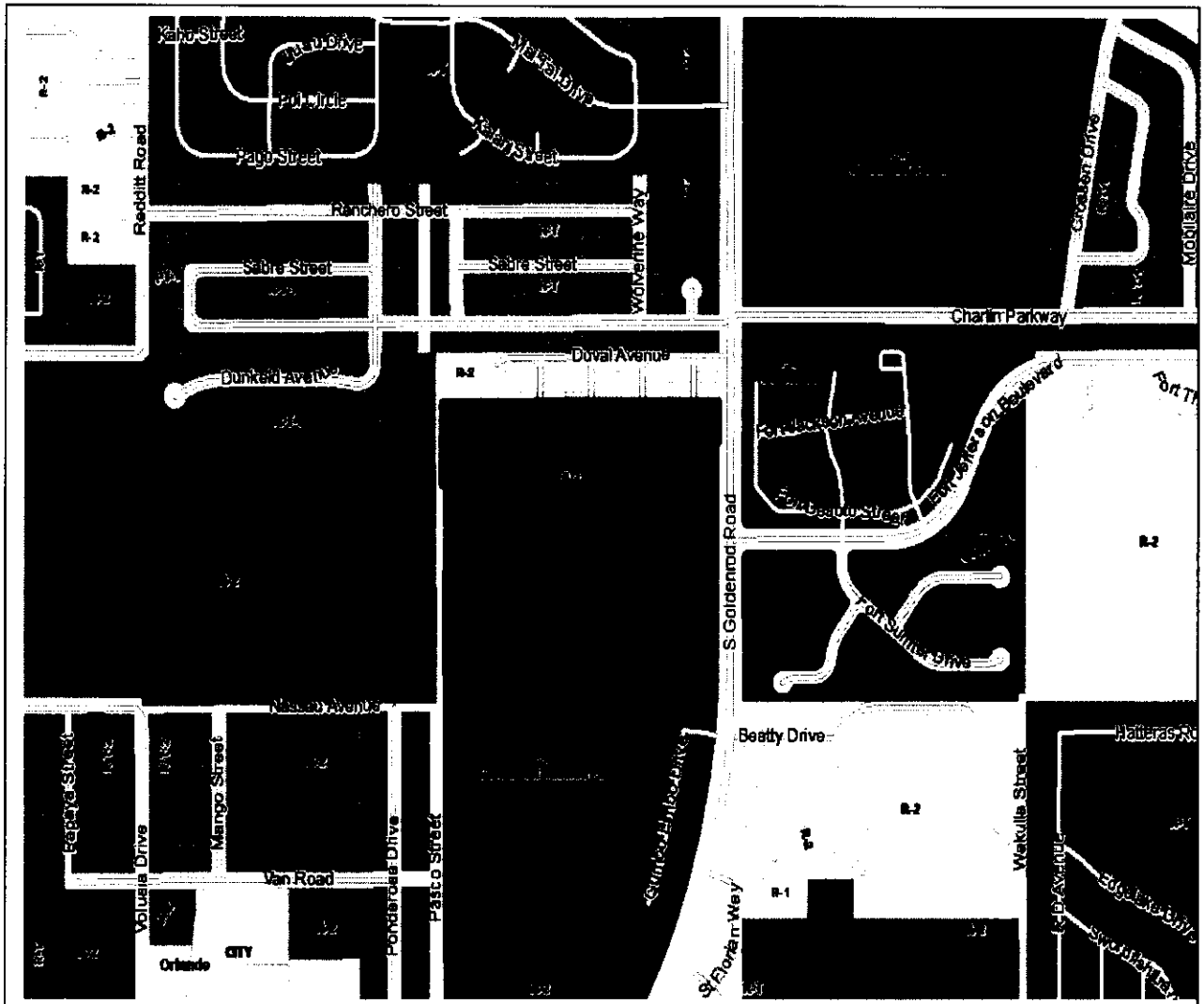
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A school is not included with the approval of this application.
5. All of the proposed improvements shall be located on Parcel #14-23-30-5240-17-031.
6. A type D landscape buffer shall be provided along the north property line of Parcel #14-23-30-5240-17-031, except for across the existing horseshoe shaped drive aisle.
7. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.

SYNOPSIS: Staff gave a brief presentation outlining the site layout, location of the variance, surrounding uses, and the site plan.

The applicant agreed with the staff report.

One (1) person spoke in favor of the application and no one spoke in opposition.

The BZA approved the variance with conditions because the request did not adversely impact anyone and it allowed for expansion of the existing use.



Applicant: Iglesia De Dios Camino Verdad Y Vida

BZA Number: VA-17-09-089

BZA Date: 09/07/2017

District: 3

Sec/Twn/Rge: 14-23-30-SW-C

Tract Size: 7.9 acres

Address: 4114 S. Goldenrod Road, Orlando, FL 32822

Location: West side of S. Goldenrod Rd., approximately 1/2 mile north of Hoffner Ave.

Date: July 19, 2017
From: Julia Silva
To: To whom it may concern
Subject: Application for Variance
Iglesia De Dios Camino Verdad y Vida
4114 S. Goldenrod Road, Orlando, FL 32822

The subject application is for a reduction of the Front Setback from 25 feet to 20 feet, approximately, to match the existing building setback.

The property is the home of the Iglesia De Dios Camino Verdad y Vida. The existing house of worship includes a Sanctuary and Office building for the church, as well as a modular building that functions as storage.

With the growth of the Church, we need to expand the existing building towards the rear (south), to increase the size of the sanctuary and be able to respond to the needs of the church and the community. The existing building has a setback distance from the property to the east of approximately 20'.

This request is to allow the church to expand the existing building by holding the same setback as the existing building. This results in the most practical and economic expansion option. The improvements to the property would also include paving a portion of the parking lot, expanding the retention pond, and connecting the property to County sewer service.

RECEIVED

JUL 19 2017

Zoning Division



STAFF REPORT
CASE #VA-17-09-089
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
September 7, 2017
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Iglesia De Dios Camino Verdad Y Vida

REQUEST: Variance in the A-2 zoning district to allow a front yard setback of 20 ft. in lieu of 35 ft. for the existing sanctuary building and proposed expansion.
(Note: The sanctuary was constructed in 1972. The church proposes to construct an addition adjacent to the existing sanctuary and is requesting to validate the existing sanctuary's setback.)

LOCATION: West side of S. Goldenrod Rd., approximately 1/2 mile north of Hoffner Ave.

PROPERTY ADDRESS: 4114 S. Goldenrod Road, Orlando, FL 32822

PARCEL ID: 14-23-30-5240-17-012 and 14-23-30-5240-17-031

PUBLIC NOTIFICATION: 146

TRACT SIZE: 7.9 acres

DISTRICT #: 3

ZONING: A-2

EXISTING USE(S): Religious Institution

PROPOSED USE(S): Administrative Offices and Fellowship Hall

SURROUNDING USES: North - Single Family Residences
South - Vacant
East - Plant Nursery & Multifamily
West - Existing church

STAFF FINDINGS AND ANALYSIS:

1. This property has two (2) front yards; one facing South Goldenrod Road and another abutting the existing nursery. The addition is proposed in the front yard which abuts the nursery.

2. The proposed addition will be in line with the existing structure and does not affect any single family homes.
3. There is currently no buffer between the church use and the adjacent single family development.
4. The church in the rear is accessed through this project.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated July 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 school is not included with the approval of this application.
5. All of the proposed improvements shall be located on Parcel #14-23-30-5240-17-031.
6. A type D landscape buffer shall be provided along the north property line of Parcel #14-23-30-5240-17-012, except for across the existing horseshoe shaped drive aisle.
7. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.

cc: Jose Campuzano, P.E., (Applicant's Representative)
178 E. Altamonte Drive, Suite 108-267
Altamonte Springs, Florida 32701

JOSHUA BRANSON
VA-17-10-090

REQUEST: **Variance** in the R-1A zoning district to allow 649 cumulative sq. ft of accessory buildings in lieu of 500 sq. ft.
(Note: This application is the result of code enforcement action.)

ADDRESS: 5802 Clearview Drive, Orlando, FL 32819

LOCATION: West side of Clearview Dr., south of Lake Marsha Dr., west of Turkey Lake Rd.

S-T-R: 14-23-28

TRACT SIZE: 87 ft. x 120 ft.

DISTRICT#: 1

LEGAL: LAKE CANE HILLS 1ST ADDITION W/136 LOT 21 BLK H

PARCEL ID: 14-23-28-4353-08-210

NO. OF NOTICES: 104

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 July 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.
4. Prior to issuance of permits, the applicant shall remove the 128 square foot metal shed.

5. The applicant shall obtain a permit within 120 days or this approval becomes null and void.

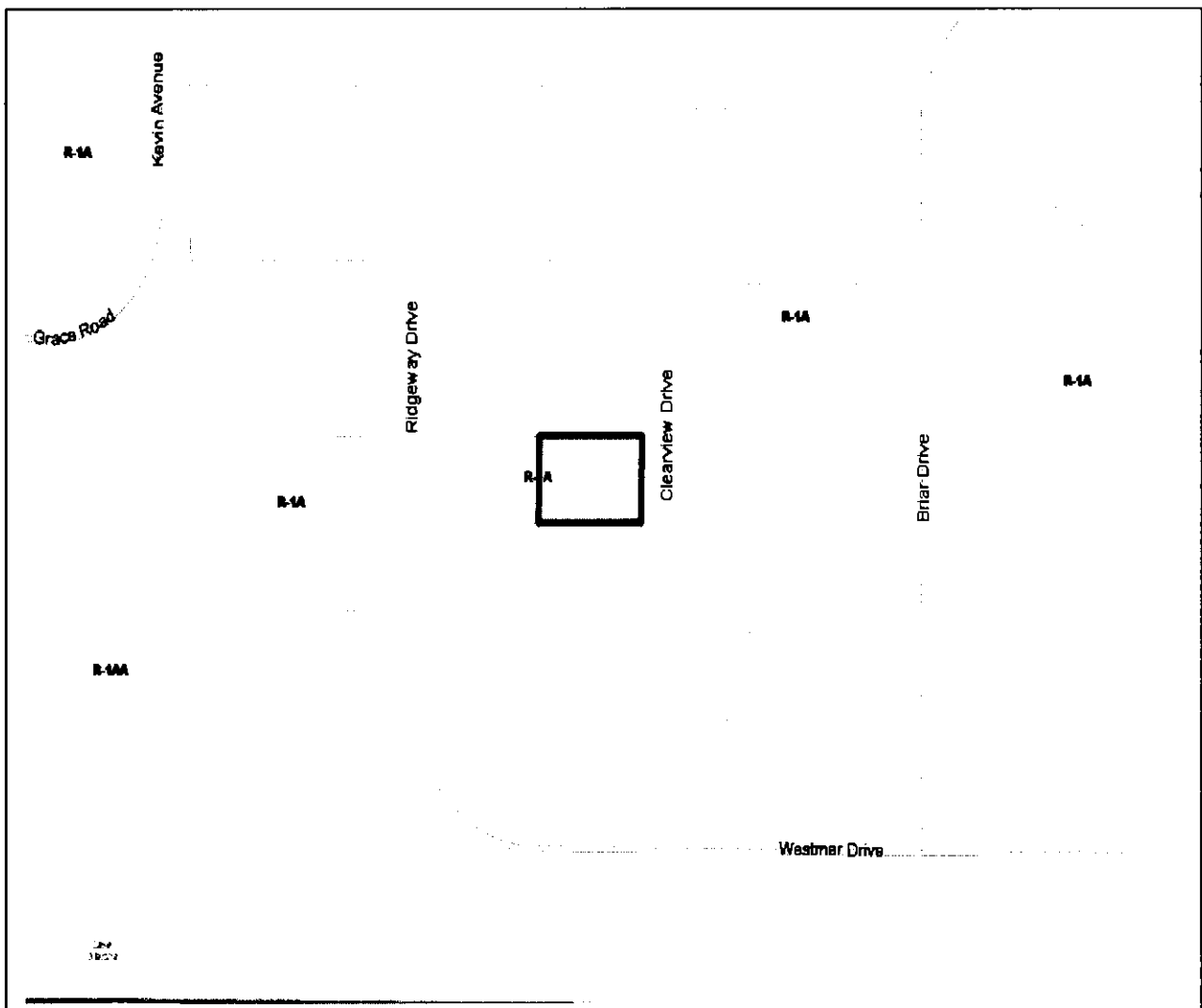
SYNOPSIS: Staff gave a presentation on the case covering the location, site plan, and photographs.

The applicant stated that the garage and older shed were on the property when they purchased it, and they built the newest shed. The applicant also stated they were not aware of the square footage requirement when they built the shed, and that they will remove the older shed to reduce the total square footage.

The BZA felt that removing the older shed is a fair compromise that shows willingness to come closer to compliance.

Staff received three (3) commentaries in favor of the application, and one (1) in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.



Applicant: Joshua Branson

BZA Number: VA-17-10-090

BZA Date: 09/07/2017

District: 1

Sec/Twn/Rge: 14-23-28-SE-D

Tract Size: 87 ft. x 120 ft.

Address: 5802 Clearview Drive, Orlando, FL 32819

Location: West side of Clearview Dr., south of Lake Marsha Dr., west of Turkey Lake Rd.



Joshua Branson

407-722-1448 joshua@jbttotal.com 5802 Clearview Dr, Orlando, FL 32819

July 10, 2017
Orange County Board of Zoning Adjustment

Dear recipient,

I am writing this letter for permission to keep our shed that is 8 ft by 12 ft, totaling 96 sq ft, we currently have 3 total detached buildings in our back yard, including our new shed at 96 sq ft, very old metal/tin shed 9.8 ft by 13.1 ft totaling 128.38 sq ft, and 15 year old garage 26.1 ft by 21.2 ft totaling 553.32 sq ft. We were unaware of needing permit for our new shed, we apologize, and are willing to do whatever is necessary to attain permits etc. We currently are allowed on record a total of 720 sq ft of detached building sq footage, and with the boards permission to keep our new shed, are willing to remove to tin shed which will reduce our total sq footage down to 649 sq ft which would include detached garage and new shed only. The shed is in back right corner of our property and is 6 ft off property line on one side and 6 ft 6 inches off other property line, the walls are 8 ft tall and peak of roof is 12 ft. The shed is built out of 2x6 pressure treated floor joists, 4x4 pressure treated posts every two feet, double 1/2 in plywood for flooring, 2x4 studs, OSB plywood for walls, 2x6 trusses with truss plates, architectural shingles for roof, 30lb felt paper, metal drip edge, vinyl siding and vinyl soffit, with one 36 in metal door. We have spoken to our neighbors, and not one has objected or seen a problem with our shed. All of our neighbors think its the nicest looking shed they've ever seen actually. We have two letters of neighbors approval attached with this letter, a few neighbors are out of town for summer, but we are hoping they will make the September 7th hearing on our behalf, if granted by your approval. We have four children at our home, and built the shed for the kids to do their homework away from noise of our youngest two year old, also my wife does many arts and crafts for Palm Lake Elementary school as she is a full time mother spending most of her time at the school volunteering.

Sincerely yours,

Joshua Branson

RECEIVED
JUL 20 2017
ORANGE COUNTY
ZONING DIVISION

SURVEYING, INC.

Legal Description

Date of field work: 6/12/2014 Completion Date: 6/12/2014

Robert Branson; Tammy Branson; Joshua T. Branson; New House Title, LLC; Westcoast Land Title Insurance Company; Security National Mortgage Company; The Secretary of Housing and Urban Development, their successors and/or assigns, as their interests may appear.



Survey number: SL 140882

GENERAL NOTES

1. Legal description given by affidavit.
2. The lands shown herein, were not
acquired by a settlement of the
accretions nor shown on the plat.
3. Government portion of bottom, transferred
to other individuals never located.
4. Yield rate is in the face of the law.
5. Only valuable circumstances located.
6. No Government land in company name
unless noted.
7. No Government land in other company names
unless otherwise noted.
8. This is a BOUNDARY SURVEY and not a
location survey.
9. New valid surveys need no location
survey.
10. Where plat or deed language is
incomplete, this shall mean to be
corrected, this shall mean to be
corrected, this shall mean to be
corrected.
11. All books are not null and void unless
relocated.
12. Reclamation districts have no
jurisdiction over the lands shown herein.
13. Under a private deed, land was
transferred to the company.
14. Information provided by others.
15. Specific land was not located.
16. No accretions and MUST be valid to
satisfactory survey location corners.
17. The absence of structures may be due to
loss to temperatures and destructive forces.
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STAFF REPORT
CASE #VA-17-10-090
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
September 7, 2017
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Joshua Branson

REQUEST: Variance in the R-1A zoning district to allow 649 cumulative sq. ft of accessory buildings in lieu of 500 sq. ft.

(Note: This application is the result of code enforcement action.)

LOCATION: West side of Clearview Dr., south of Lake Marsha Dr., west of Turkey Lake Rd.

PROPERTY ADDRESS: 5802 Clearview Drive, Orlando, Florida, 32819

PARCEL ID: 14-23-28-4353-08-210

PUBLIC NOTIFICATION: 104

TRACT SIZE: 87 ft. x 120 ft.

DISTRICT #: 1

ZONING: R-1A

EXISTING USE(S): Single family residence w/sheds

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

SURROUNDING USES: The site is surrounded by single family residences

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting variances to allow a total of 649 cumulative square feet of accessory buildings.
2. The Code Enforcement Division informed the applicant that permits are required for the shed located at the northwest corner of the site.

3. The property currently has three (3) accessory buildings with 777 total cumulative square feet. The applicant has stated they will remove an older 128 square foot metal shed to reduce the request to 649 square feet.
4. The removal of the 128 square foot shed will further minimize the request and impact.
5. The request constitutes a thirty percent (30%) deviation from code requirements. The BZA has approved such requests in the recent past.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated July 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.
4. Prior to issuance of permits, the applicant shall remove the 128 square foot metal shed.
5. The applicant shall obtain a permit within 120 days or this approval becomes null and void.

cc: Joshua Branson
5802 Clearview Drive
Orlando, Florida 32819

JONATHAN P. HUELS, P.A. VA-17-10-091

REQUEST: **Variance** in the C-1 zoning district to construct new hotel 75 ft. in height in lieu of 50 ft.
(Note: The existing Days Inn and Suites hotel will be re-built into a Springhill Suites hotel.)

ADDRESS: 11639 East Colonial Drive, Orlando, FL 32817

LOCATION: Northwest corner of E. Colonial Dr. and Crescent Blvd., west of Alafaya Dr.

S-T-R: 22-22-31

TRACT SIZE: 2.56 acres

DISTRICT#: 5

LEGAL: THE S 75 FT OF N 450 FT OF W1/2 OF NW 1/4 OF NW1/4 (LESS W 469.26 FT) & E 151.25 FT OF W1/2 OF NW1/4 OF NW1/4 N OF H/W (LESS N 450 FT) & N 225 FT OF NW1/4 OF NW1/4 OF NW1/4 (LESS W 469.26 FT THEREOF) & (LESS R/W) & S 150 FT OF N 375 FT OF E 190.74 FT OF N

PARCEL ID: 22-22-31-0000-00-030

NO. OF NOTICES: 140

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):

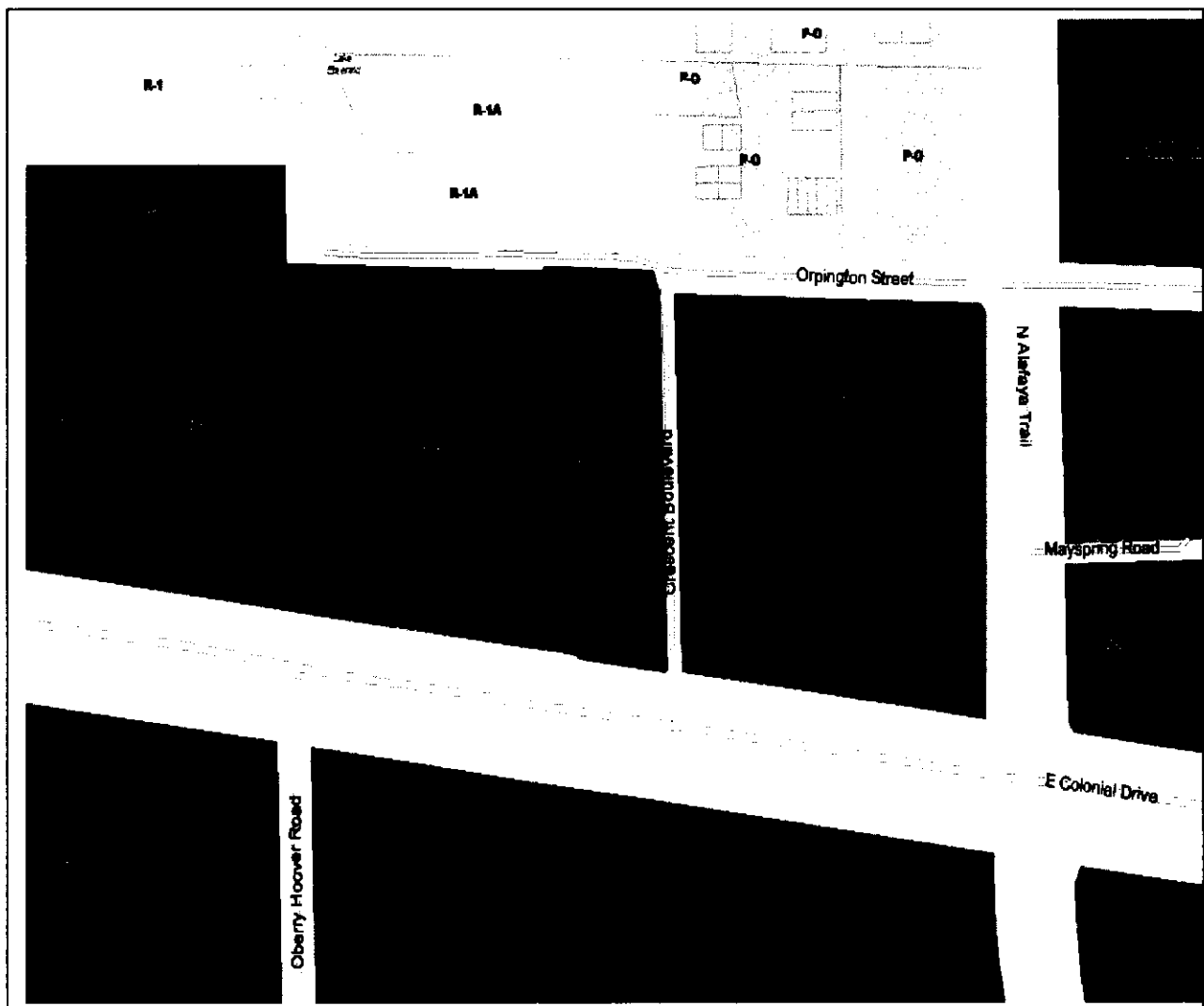
1. Development in accordance with site plan dated July 20, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for 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.

SYNOPSIS: The applicant proposes to renovate the existing 2-story hotel on the site. The plans call for a 5-story new hotel seventy-five (75) feet in height. The zoning code limits the height to fifty (50) feet.

Staff gave a brief overview of the area and advised the BZA that this corridor is ideal for taller structures. The uses are commercial and are oriented to serve the UCF, Central Florida Research Park, and Alafaya Trail area. The hotel is oriented to East Colonial Drive.

The applicant gave a brief presentation and agreed with the staff recommendation.

There was no opposition at the hearing.



Applicant: Jonathan P. Huels, P.A.

BZA Number: VA-17-10-091

BZA Date: 09/07/2017

District: 5

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

Tract Size: 2.56 acres

Address: 11639 East Colonial Drive, Orlando, FL 32817

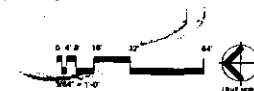
Location: Northwest corner of E. Colonial Dr. and Crescent Blvd., west of Alafaya Dr.



Total		Total	
Name	Area	Name	Area
1st Floor	4795 SF	1st Floor (without bleeding rooms)	4855
		Bleeding Rooms	
		Bleeding Rooms	



RECEIVED
JUL 20 2017
ORANGE COUNTY
ZONING DIVISION



34-75620-99
 Mr. _____ Do not fill in _____

 Mr. _____

 Mr. _____

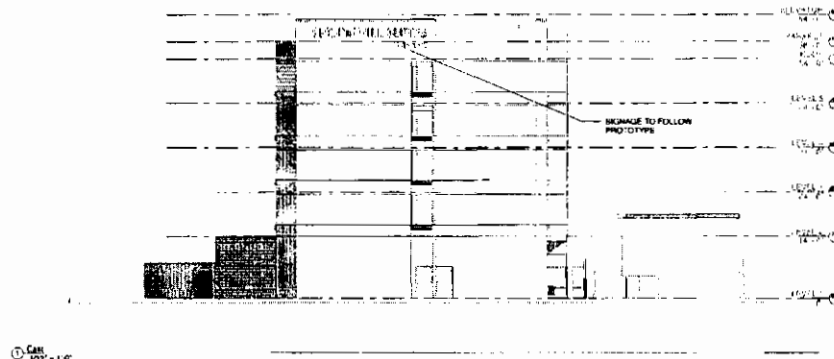
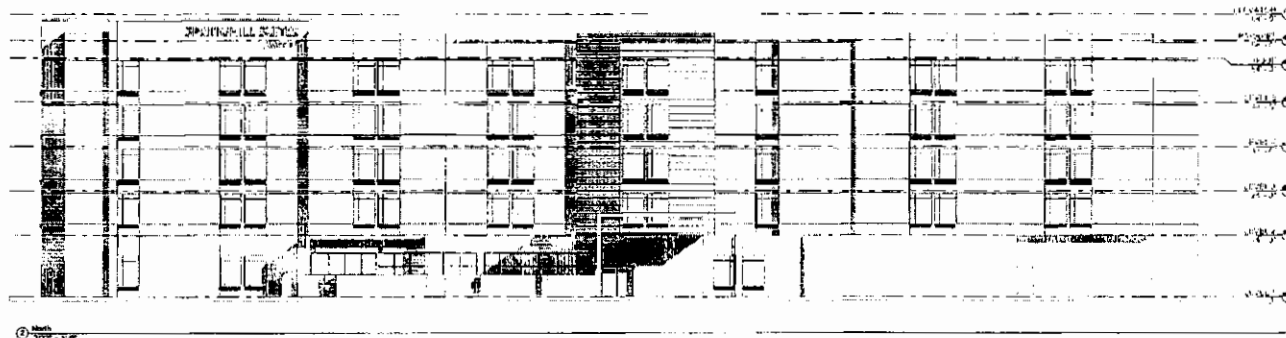
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05/30/2017

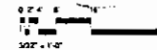
7. **IMPACT OF THE
EQUATION**

ARCHITECTURAL
SITE PLAN

A100



RECEIVED
JUL 20 2017
ORANGE COUNTY
ZONING DIVISION



AVISTA
1515 QUARRY ROAD, ORLANDO, FL 32811
**SPRINGHILL
SUITES BY
MARRIOTT**

REVISION	BY	DATE

DATE
6/02/2017

PROJECT NO.
1883

SHEET TITLE
BUILDING
ELEVATIONS

SHEET NO.
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AVISTA

3465 COUNTY ROAD, FORT LAUDERDALE, FL 33309

SPRINGHILL
SUITES BY
MARRIOTT

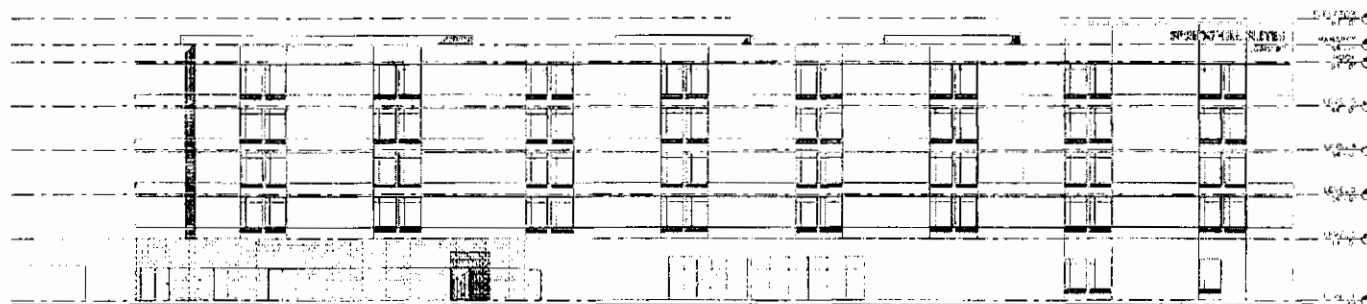
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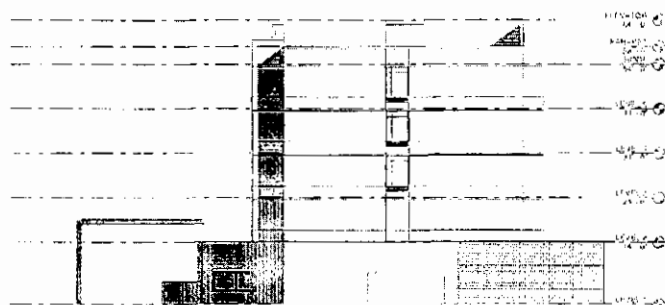
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ELEVATIONS

SHEET NO.
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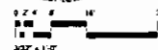


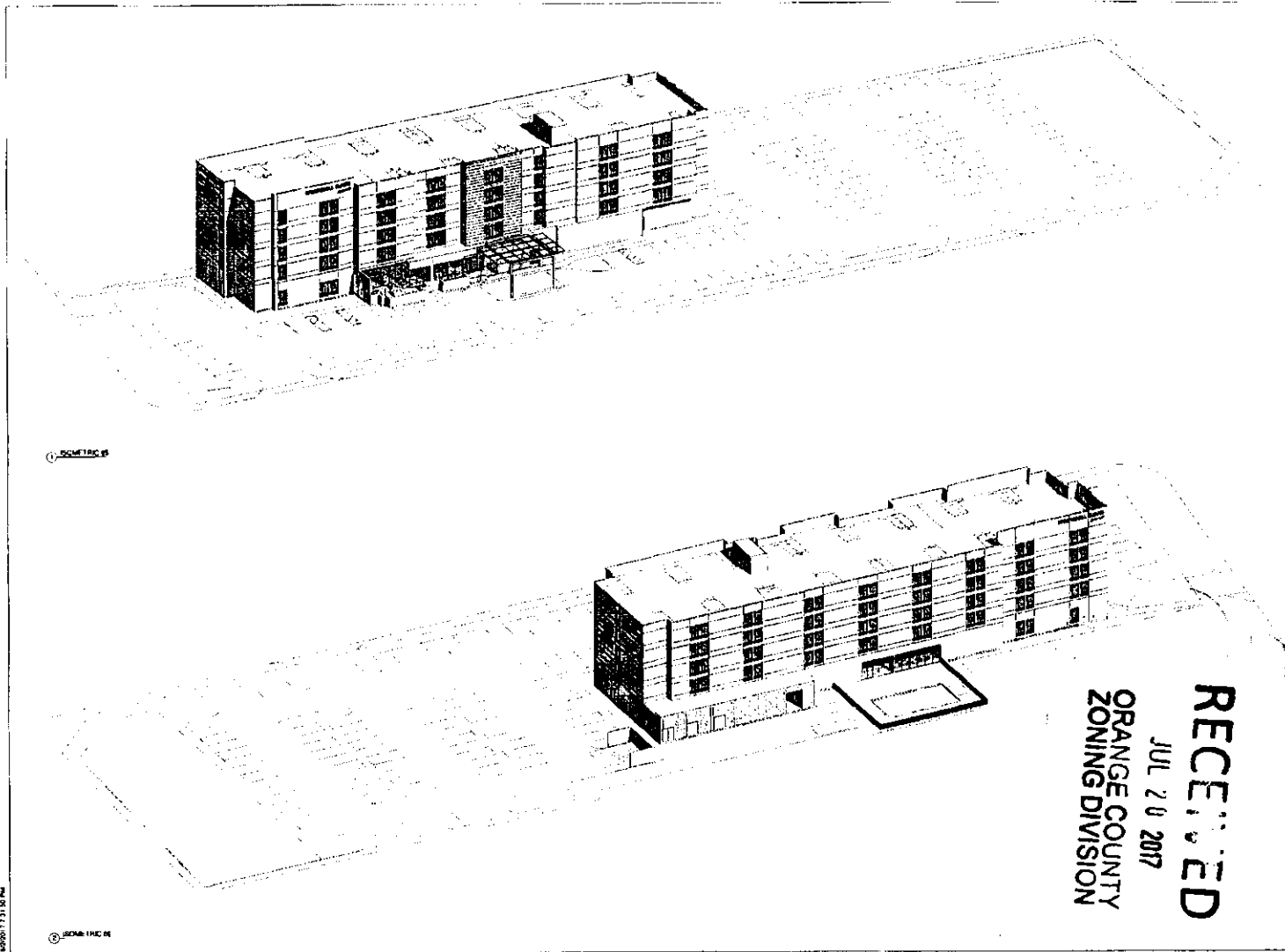
Scale
1/8" = 1'-0"



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1/8" = 1'-0"

RECEIVED
JUL 20 2017
ORANGE COUNTY
ZONING DIVISION





AVISTA
 5751 CHANDLER ROAD, ORLANDO, FL 32811
**SPRINGHILL
 SUITES BY
 MARRIOTT**

RECEIVED
 JUL 20 2017
 ORANGE COUNTY
 ZONING DIVISION

REVISIONS
 NO. Description Date

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 6/02/2017
 PREPARED BY
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 PROJECT ISO
 VIEWS
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Lowndes
Drosdick
Doster &
Kantor
Reed, P.A.

ATTORNEYS
AT LAW

JONATHAN P. HUELS

jonathan.huels@lowndes-law.com
215 North Eola Drive, Orlando, Florida 32801-2028
T: 407-418-6483 | F: 407-843-4444
MAIN NUMBER: 407-843-4600

 MERITAS LAW FIRMS WORLDWIDE

July 19, 2017

Rocco Relvini
Zoning Division
Orange County
201 S. Rosalind Avenue
Orlando, FL 32802

RECEIVED

JUL 20 2017

ORANGE COUNTY
ZONING DIVISION

Re: Application for Height Variance for Proposed Hotel at 11639 E. Colonial Drive; Tax Parcel ID # 22-22-31-0000-00-030 (the "Property")

Dear Rocco:

This law firm represents Avista Properties XVII LLC, the owner of the above-referenced Property, with respect to the application for height variance that is enclosed herein and described in more detail below. The Property is approximately 2.56 acres and is located at the northwest corner of E. Colonial Drive and Crescent Boulevard. The Property has a Comprehensive Plan Future Land Use Designation of Commercial and is zoned C-1.

The Property is irregularly shaped. It is ~150 feet in width (frontage along E. Colonial Dr.) and ~600 feet in depth. It is bounded by commercial uses to east, west and south. Professional office and single family residential uses are located to the north, across Orpington Street.

The Property is currently developed as a Days Inn and Suites that was originally constructed in 1985. The Days Inn consists of 2 two-story buildings. The hotel building to the rear (north) of the Property is setback approximately 110 feet from the northern property boundary and approximately 180 feet from the nearest residential dwelling.

This request is for a height variance to construct a five-story Springhill Suites hotel in conjunction with the redevelopment of the Property. Specifically, the proposed hotel would be 75 feet in height, which would exceed the maximum permitted height in C-1 (50') by twenty-five feet. The approval of the height variance would allow for a significantly more attractive design of the proposed hotel building, including varied roof pitches and architectural features, than would be possible without the variance.

0272314\176745\4657855v1

www.lowndes-law.com

Rocco Relvini
July 19, 2017
Page 2

The variance would also allow the hotel building to be constructed along the southern boundary of the Property and away from the residential properties located to the north. By front-loading the hotel along Colonial Drive, the rear building setback would be increased to approximately 273 feet from the northern property boundary and approximately 343 feet from the nearest residential dwelling. Consequently, the approval of variance would result in a rear building setback that is more than 13 times larger than minimum rear yard setback required for C-1 zoning.¹

The existing stormwater pond located at the rear of the Property and the heavily vegetated buffer along Orpington Street would remain in place and continue to serve as undeveloped greenspace. Additionally, the windows of the rooms in the proposed hotel would be located on the eastern and northern aspects of the hotel building and would not face the residential properties to the north of the Property, as shown in the enclosed elevations. Aside from the requested variance, the proposed hotel would be developed in conformity with all other applicable performance standards established in the Orange County Code.

Section 30-43(3) of the Orange County Code details the specific criteria that must be met for all variance requests. In this case, all of the criteria have been met as is discussed in more detail below.

(1) Special Conditions and Circumstances.

The irregular shape of the Property presents special condition and circumstance in the redevelopment of the Property. The narrow width of frontage along Colonial Drive presents significant issues in siting the proposed hotel along the road frontage and away from the residential uses to the north.

(2) Not Self-Created.

The irregular shape of the Property did not result from the actions of the Owner. The Property was subdivided into its current configuration prior to the Owner obtaining title.

(3) No Special Privilege Conferred.

The approval of the requested variance will not confer on the Owner any special privilege. Several hotels in the vicinity of the Property have been previously approved and constructed with five (5) or more stories. Please see below table.

¹ Sec. 38-830(6) provides for a minimum rear yard of twenty (20) feet.

Rocco Relvini
July 19, 2017
Page 3

UCF AREA HOTELS 5 STORIES AND HIGHER			
#	HOTEL NAME	ADDRESS	HEIGHT IN STORIES
1	Holiday Inn Orlando East - UCF Area	1724 N. Alafaya Trail, Orlando, FL 32826	7
2	La Quinta Inn & Suites Orlando UCF	11805 Research Pkwy, Orlando, FL 32826	6
3	DoubleTree by Hilton Hotel Orlando East-UCF Area	12125 High Tech Ave, Orlando, FL 32817	6
4	Fairfield Inn & Suites by Marriott Orlando East/UCF Area	3420 Lake Lynda Dr, Orlando, FL 32817	5
5	TownePlace Suites by Marriott Orlando East/UCF Area	11801 High Tech Ave, Orlando, FL 32817	5

(4) Deprivation of Rights.

As demonstrated by the above table, the denial of the requested variance would deprive the applicant of rights commonly enjoyed by other hotel owners in the vicinity of the Property and would work unnecessary and undue hardship on the Owner.

(5) Minimum Possible Variance.

The proposed variance is the minimum variance that will allow the proposed hotel to be developed along the Colonial Drive frontage and, at the same time, provide a greater rear setback from the residential properties located to the north while still making possible the reasonable and beneficial use of the Property.

(6) Purpose and Intent.

The approval of the requested variance will be in harmony with the purpose and intent of the Orange County Code. The variance will allow the proposed hotel to be developed along the frontage of East Colonial Drive and away from the residential properties located to the north, which will be beneficial to the neighborhood and the public welfare. The variance will also allow a more attractive building that will enhance the economic well-being of the County and surrounding businesses.

As illustrated above, the proposed use meets all of the required standards for a special exception that are set forth in the County Code. In support of this special exception request, enclosed please find the following:

- (a) Application form;


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Rocco Relvini
July 19, 2017
Page 4

- (b) Application fee payment;
- (c) OCPA Map of the Property;
- (d) Legal Description of the Property;
- (e) Copies of site plan;
- (f) Copies of elevations;
- (g) Agent Authorization;
- (h) Specific Project Expenditure Report; and
- (i) Relationship Disclosure Form.

We appreciate the opportunity to request this variance. Please let me know if you have any questions or require any further information.

Very truly yours,



Jonathan P. Huels

JPH/mlc
Enclosures

c: Ajit Nana
Mitch Collins

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STAFF REPORT
CASE #VA-17-10-091
Orange County Zoning Division
Planner: Rocco Relvini
Board of Zoning Adjustment
September 7, 2017
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Jonathan P. Huels, P.A.

REQUEST: Variance in the C-1 zoning district to construct new hotel 75 ft. in height in lieu of 50 ft.

(Note: The existing Days Inn and Suites hotel will be re-built into a Springhill Suites hotel.)

LOCATION: Northwest corner of E. Colonial Dr. and Crescent Blvd., west of Alafaya Dr.

PROPERTY ADDRESS: 11639 East Colonial Drive

PARCEL ID: 22-22-31-0000-00-030

PUBLIC NOTIFICATION: 140

TRACT SIZE: 2.56 acres

DISTRICT #: 5

ZONING: C-1

EXISTING USE(S): Hotel

PROPOSED USE(S): 5 story hotel

SURROUNDING USES: The property is located on East Colonial Drive where there are intense commercial uses. The property to the rear (north side) has 2 single family homes.

STAFF FINDINGS AND ANALYSIS:

1. The subject site is currently developed as a Days Inn and Suites hotel. It has 2-stories or approximately thirty-five (35) feet in height. The applicant is renovating the hotel into a 5-story Springhill Suites hotel. It will be seventy-five (75) feet in height.
2. The proposed hotel will be oriented to the south side of the site on East Colonial Drive. There will be a 273 ft building setback from the residential property to the north.
3. The BZA granted two (2) similar height variances in the general area. One was for a Wyndham Resort and Spa at 120 feet in height and the other was for a Sheraton University Hotel (later named Holiday Inn) at eighty-five (85) feet in height. This request is consistent with the development trend of the area.
4. The subject property is elongated in shape which makes it difficult to spread out the hotel. Elongated shaped parcels lend themselves to multi-story structures.
5. Staff supports the request as multi-story projects are suitable along East Colonial Drive in the UCF corridor. The project will have no impacts to residents.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated July 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.

cc: Jonathan P. Huels, P.A., 215 Eola Drive, Orlando, Florida 32801

GONZALO MERCADO
VA-17-09-080

REQUEST: **Variances** in the A-1 zoning district to construct single family residence as follows:
1) On a lot width of 83 ft. in lieu of 100 ft.; and
2) At a lot width of 90 ft. at the building line in lieu of 100 ft.

ADDRESS: 17012 Lake Ingram Road, Winter Garden, FL 34787

LOCATION: Southwest corner of Lake Ingram Road and Avalon Road

S-T-R: 19-23-27

TRACT SIZE: .63 acres

DISTRICT#: 1

LEGAL: MOUNTAIN PARK ORANGE GROVES P/91 LOTS 1 & 2 BLK 8 & UNPLATTED PT OF N1/4 OF NE1/4 SEC 30 23 27 LYING S OF SD LOTS 2556/1744

PARCEL ID: 19-23-27-5840-08-010

NO. OF NOTICES: 31

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):

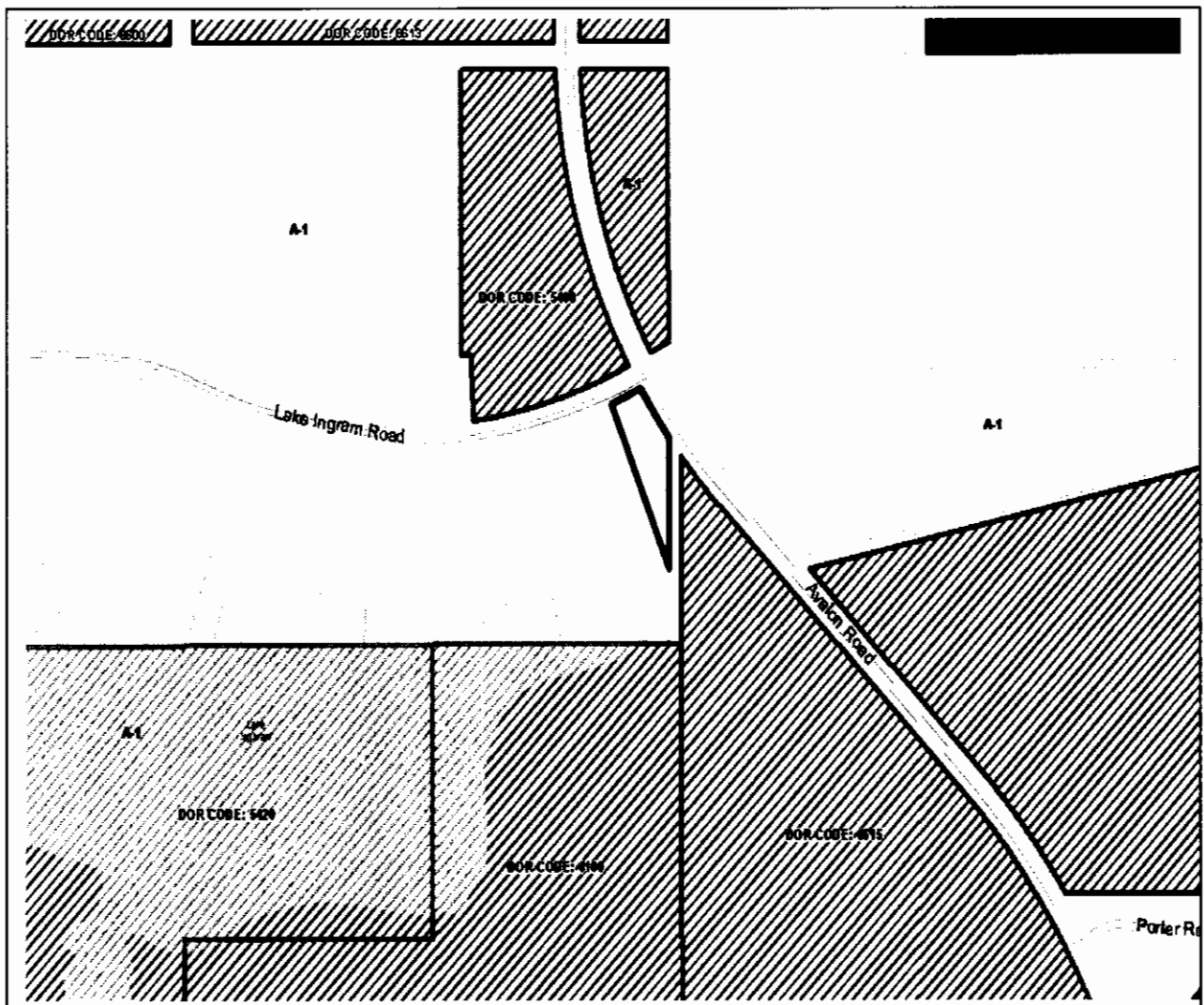
1. Development in accordance with site plan dated June 8, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for 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 Conservation Area Determination (CAD-17-07-098) is in process through the Environmental Protection Division (EPD) for this property. Prior to building construction plan approval, this CAD must be finalized.
5. A silt fence is necessary to be installed during construction landward of the Normal High Water Elevation (NHWE) of 93.95 ft. NAVD88 for Lake Ingram. All fill/alterd soils must be stabilized adequately prior to removal of the silt fencing. The silt fencing must be maintained during construction so as to not allow erosion/fill to occur below the NHWE.
6. No alteration of the lands or construction below the Normal High Water Elevation (NHWE) of 93.95 feet NAVD88 is allowed on this lakefront property without a permit/prior authorization from Orange County EPD. The NHWE for Lake Ingram extends high on the lot due to wide fluctuation of this sandhill closed basin lake.
7. If this lot will be on septic, engineering will require the septic and drainfield to be located 150 feet from the NHWE of 93.95 ft. NAVD88.

SYNOPSIS: The applicant needs a variance because the lot width is less than 100 feet.

Staff advised the BZA the applicant met with the County's Environmental Protection Division and agreed to meet their conditions prior to the issuance of any permits.

The BZA concluded the request was reasonable and gave this applicant a reasonable use of the land. There was no opposition to this request.



Applicant: Gonzalo Mercado

BZA Number: VA-17-09-080

BZA Date: 09/07/2017

District: 1

Sec/Twn/Rge: 30-23-27-NE-A

Tract Size: .63 acres

Address: 17012 Lake Ingram Road, Winter Garden, FL 34787

Location: Southwest corner of Lake Ingram Road and Avalon Road

Zoning Variance Request for:

17012 Lake Ingram Road

Winter Garden, FL 34787

Lot #1&2 of Block 8 of Mountain Park Orange Grove was purchased on 1/13/2017 by Mr. Cook and Mr. Mercado jointly with the intended purpose of building a modest 2000 sq. ft. home. Upon application for a building permit by Mr. Londereee it was discovered the county requires a 100ft front lot boundary requirement. The lot's front boundary as originally platted before the creation of the Orange County zoning department in approx. 1957 resides at 84 feet. The lot as platted is shaped as such the middle portion exceeds 100 ft but the home cannot be placed behind 100 foot width because the home would encroach on high water boundaries of the body of water adjacent to rear of lot. Petitioners ask the board to grant a variance to build on the lot as purchased and originally platted predating the creation of the zoning department.

DATE: 6-22-17

[Signature]
SIGNATURE OF PROPERTY OWNER

Gonzalo Mercado
PRINT NAME PROPERTY OWNER

DATE: 6/22/17

[Signature]
SIGNATURE OF PROPERTY OWNER

Philip Cook
PRINT NAME PROPERTY OWNER

STATE OF FLORIDA:

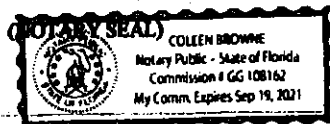
COUNTY OF Orange

I CERTIFY THAT ON June 22, 2017, BEFORE ME, Colleen Browne, AN OFFICER DULY AUTHORIZED BY THE STATE OF FLORIDA AND IN THE COUNTY MENTIONED ABOVE, TO TAKE ACKNOWLEDGEMENTS, PERSONALLY APPEARED Gonzalo Mercado / Phil Cook, TO ME KNOWN TO BE THE PERSON DESCRIBED IN THIS INSTRUMENT OR TO HAVE PRODUCED 2 Driver Licenses, AS EVIDENCE, AND WHO HAS ACKNOWLEDGED BEFORE ME THAT HE OR SHE EXECUTED THE INSTRUMENT AND DID / DID NOT TAKE AN OATH.

WITNESS MY HAND AND OFFICIAL SEAL IN THE COUNTY AND STATE STATED ABOVE ON THE 22 DAY OF June, IN THE YEAR 2017.

[Signature]
SIGNATURE OF NOTARY PUBLIC
NOTARY PUBLIC FOR THE STATE OF FLORIDA

MY COMMISSION EXPIRES: 9/19/2021



RECEIVED

JUN 23 2017

Zoning Division

**Topographic
Survey**

LEGAL DESCRIPTION:
LOT 1 & 2 OF BLOCK 1, MOUNTAIN VIEW GRANGE CROSS REPLAT, PLAT BOOK 17, PAGE 14, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, TOGETHER WITH THE LAND LYING SOUTH OF SAID LOT, BOUNDED BY EXTENSIONS OF THE EASTERN AND WESTERN BOUNDARIES OF SAID LOT, SUCH LAND AND WATER BEING PART OF THE NORTH 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 28, RANGE 17, NOT PLATTED IN LOTS.

NORMAL ELEVATION OF SEIL PER ORANGE COUNTY

Site Benchmark Information:

- ① B1
Point 1/2" Iron Rod LB 87883 on the NW Corner of Lot 2
Elevation: 225.12
- ② B2
Point 1/2" Iron Rod LB 87883 on the NW Corner of Lot 2
Elevation: 225.12

Benchmark Information:

Orange County Datum, Elevation = 86.282
Orange County Benchmark, Station 8161000
Point 1" Orange County Benchmark Station on NW Corner of Fort Concrete Post with Monuments 10'-0" East of East Edge of Foundation, 1.20'-0" South of Lake Ingram Road and 32'-0" South of Power Pole 88723.
(Observations are based upon NAD83 88 Datum)

- ①
R=1432.70(P)(M)
Δ=03°21'34"(C)
Δ=03°21'27"(M)
L=104.00(P)
L=104.00(M)
CB=188°32'03"(C)
CB=188°31'48"(M)
C=83.89(C)
C=83.89(M)
- ②
R=1488.70(P)(M)
Δ=03°14'34"(C)
Δ=03°14'34"(M)
L=134.00(P)
L=134.00(M)
CB=84°2'30"(C)
CB=84°2'30"(M)
C=134.00(C)
C=134.00(M)
- ③
R=1488.70(P)(M)
Δ=03°20'44"(C)
Δ=03°19'43"(M)
L=80.00(P)
L=80.00(M)
CB=328°50'11"(C)
CB=328°47'23"(M)
C=80.00(C)
C=80.00(M)

100 Feet
1" = 100 Feet
Vertical Datum: 1988 Mean Sea Level

17012 LAKE INGRAM ROAD
WINTER GARDEN, FLORIDA 34787

LEGAL DESCRIPTION: (AS FURNISHED)
(SEE ABOVE FOR LEGAL DESCRIPTION)

DATE OF SURVEY: SURVEYOR'S BENCHMARKS ARE BASED ON THE WEST LINE OF LOT 2, BLOCK 1, ASSUMED TO BE 20'17"10" W

LIST OF POSSIBLE ENCROACHMENTS: NONE VISIBLE

CLS # 17-04-0021
CLIENT # 017-04-0021
FIELD DATE: 04/10/17
DRAFTER: DJC
APPROVED: SHH
SCALE: 1" = 40'

CHARLEY MENDOZA

NOTES:
1. Survey is based on the information as furnished.
2. Existing property lines are shown as they appear, unless otherwise indicated.
3. In accordance with F.S. 100.01(1), the surveyor is not responsible for the accuracy of the information furnished by the owner or other persons.
4. The survey is not to be used for any purpose other than that for which it was made.
5. The survey is not to be used for any purpose other than that for which it was made.
6. The survey is not to be used for any purpose other than that for which it was made.
7. Any use for a purpose other than that for which it was made is at the user's risk.



FOR ALL BUSINESS CONTACT:
Deal Land Surveying, LLC
1230 Trophy Park Drive
Bartlett, FL 32717
407-475-4758
info@dealandsurveying.com

FLOOD ZONE INFORMATION
(FOR INFORMATIONAL PURPOSES ONLY)

SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE A, WITH BARRIERS OF THE 100-YEAR FLOODPLAIN AND FLOOD ZONE A, AND FLOOD PLANNING, FOR FLOOD PLANNING PURPOSES ONLY. NOT FOR ENGINEERING OR CONSTRUCTION PURPOSES.

SURVEYOR'S CERTIFICATE

I, CHARLEY MENDOZA, being duly sworn, depose and say that I am a duly licensed Professional Engineer in the State of Florida, and I am the author of the foregoing survey, and I declare under penalty of perjury that the foregoing is true and correct. Executed on this 10th day of April, 2017, at Winter Garden, Florida.

DATE OF FIELD WORK: 04/10/17

DATE SIGNED: 04/10/17



DEAL LAND SURVEYING, LLC LB 8121

NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL

DATE: 04/10/17

RECEIVED

JUN 23 2017

Zoning Division



STAFF REPORT
CASE #VA-17-09-080
Orange County Zoning Division
Planner: Rocco Relvini
Board of Zoning Adjustment
September 7, 2017
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Gonzalo Mercado

REQUEST: Variances in the A-1 zoning district to construct single family residence as follows:
1) On a lot width of 83 ft. in lieu of 100 ft.; and
2) At a lot width of 90 ft. at the building line in lieu of 100 ft.

LOCATION: Southwest corner of Lake Ingram Road and Avalon Road

PROPERTY ADDRESS: 17012 Lake Ingram Road, Winter Garden, FL 34787

PARCEL ID: 19-23-27-5840-08-010

PUBLIC NOTIFICATION: 31

TRACT SIZE: .63 acres

DISTRICT #: 1

ZONING: A-1

EXISTING USE(S): Vacant

PROPOSED USE(S): Single Family Residence

SURROUNDING USES: The subject lots are part of the Mountain Park Orange Groves. Most of the lots are built with single family homes. The surrounding areas are vacant.

STAFF FINDINGS AND ANALYSIS:

1. The subject property is part of a plat that was platted in 1926. However, over the years, Lots #1 and #2 were combined. That effectively voided the non-conforming status of the lot. Therefore, obtaining a variance for lot width is the only recourse to permit the development of a home.
2. The zoning of the property is A-1. The A-1 zoning requires a minimum lot width of 100 feet, both at the road and at the building line. Due to the shape of the lots, the home will need to be built at the ninety (90) feet width mark at the building line. This is partly due to the shape of the lot and the existence of wetlands at the rear of the lot.
3. The Environmental Protection Division (EPD) reviewed this request and supports it provided that conditions are imposed. Those conditions are part of this recommendation. Staff has no objection to this request.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated June 8, 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 Conservation Area Determination (CAD-17-07-098) is in process through the Environmental Protection Division (EPD) for this property. Prior to building construction plan approval, this CAD must be finalized.

5. A silt fence is necessary to be installed during construction landward of the Normal High Water Elevation (NHWE) of 93.95 feet NAVD88 for Lake Ingram. All fill/alterd soils must be stabilized adequately prior to removal of the silt fencing. The silt fencing must be maintained during construction so as to not allow erosion/fill to occur below the NHWE.
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7. If this lot will be on septic, engineering will require the septic and drainfield to be located 150 feet from the NHWE of 93.95 ft. NAVD88.

cc: Gonzalo Mercado (Applicant)
1240 Winter Garden Vineland Road, Apt J1
Winter Garden, Florida 34787

Robert Londeree (Applicant's Agent)
660 6th Avenue
Windermere, Florida 34786