

Interoffice Memorandum

DATE

September 22, 2017

TO:

Mayor Teresa Jacobs

-AND-

Board of County Commissioners

FROM:

Jon V. Weiss, P.E., Directok

Community, Environmental and Development Services Department

CONTACT PERSON:

Carol L. Knox, Manager, Zoning Division

407-836-5585

SUBJECT:

October 17, 2017 - BCC Called Public Hearing

Applicant: Marco Loleit

BZA Case #VA-17-08-077, August 3, 2017; District #3

Case #VA-17-08-077, located at 5516 Parkdale Drive, in District #3, is a BCC called public hearing to be heard on October 17, 2017. The applicant is requesting a variance to erect a fence along the front property line 6 ft. in height in lieu of 4 ft. in height. The length of the fence will be 84 linear ft.

The subject property is located on the west side of Parkdale Dr., south of W. Mary Jess Rd.

At the August 3, 2017 BZA hearing, staff recommended approval of the request because it was a minimum variance and the proposed fence would not adversely impact anyone. A resident in the area spoke in opposition to the request stating the proposed fence is out of character with the neighborhood. The BZA recommended approval on a 5-2 vote.

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

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

ACTION REQUESTED: Uphold the BZA's recommendation of approval of August 3,

2017. District #3.

COMMUNITY ENVIRONMENTAL DEVELOPMENT SERVICES DEPARTMENT ZONING DIVISION PUBLIC HEARING REPORT October 17, 2017

The following is a public hearing on an appeal before the Board of County Commissioners on October 17, 2017 at 2:00 p.m.

APPELLANT/APPLICANT: MARCO LOLEIT

REQUEST: Variance in the R-1AA zoning district to erect fence in

the front yard 6 ft. in height in lieu of 4 ft.

LOCATION: West side of Parkdale Dr., south of W. Mary Jess Rd.

TRACT SIZE: 2.9 acres

ZONING: R-1AA

DISTRICT: #3

PROPERTIES NOTIFIED: 345

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

Staff gave a brief presentation on the case and showed photographs of the location.

The BZA confirmed the location of the fence and the locations of the neighbors who were opposed. The BZA read an e-mail in opposition to the request.

A resident of the area spoke in opposition, stating that the area is an open neighborhood of older homes and that the applicant is trying to wall off part of a neighborhood. She also stated that the fence would impede visibility for traffic.

The applicant described the fence and gate, and, stated the property is heavily landscaped. The applicant stated that the fence is for privacy and security, and, will not affect visibility. The applicant, also, stated that there are special conditions and circumstances due to the shape of the lot and the unique stub out and setback lines, and it would not be viable to move the fence further back.

The BZA confirmed that a four (4) foot high fence could be built without a variance and noted there was a variance that was granted for an eight (8) foot high wall across the street.

The BZA debated if the fence could be out of character with the other homes on the lake as opposed to the homes across the street. The BZA did not agree the fence would impede traffic visibility.

BZA CASE# VA-17-08-077 - MARCO LOLEIT

Staff received three (3) commentaries in favor of the application and six (6) in opposition.

The BZA approved the variance.

BZA HEARING 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 (5 in favor and 2 opposed):

- 1. Development in accordance with site plan dated June 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,theapplicant shall obtain all other applicable state or federal permits before commencement of development.
- 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.



Applicant: Marco Loleit

BZA Number: VA-17-08-077

BZA Date: 08/03/2017

District: 3

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

Tract Size: 2.9 acres

Address: 5516 Parkdale Drive, Orlando FL 32839

Location: West side of Parkdale Drive, south of W. Mary Jess Road



REPLY TO: WINTER GARDEN

June 14, 2017

VIA HAND DELIVERY

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

Re: 5516 Parkdale Drive - Application for Variance

Dear Mr. Relvini:

Our firm represents Marco Loleit, who is the owner of the property located at 5516 Parkdale Drive, Orlando, Florida ("Property"). The Property is located on Lake Jessamine, west of Orange Avenue and north of Oak Ridge Road. In 2015, Mr. Loleit built a custom home on the Property which is his permanent residence.

Enclosed is an Orange County Board of Zoning Adjustment Application, together with the applicable fee of \$638.00, requesting approval of a variance to install approximately eighty-four (84) linear feet of a six (6) foot tall composite fence toward the front of the Property with a matching cantilever gate across the driveway for privacy and noise attenuation. Presently, there is an existing aluminum rod-iron style fence in the subject location.

As briefly discussed below, we respectfully submit that the subject request satisfies the variance criteria in Section 30-43(3) of the Orange County Code:

- Special Conditions and Circumstances: As reflected by the enclosed boundary survey, the eastern portion of the Property is uniquely shaped, which gives rise to a peculiar and narrow front entryway for purposes of access, building setbacks, and fencing purposes. Additionally, traffic associated with the industrial/commercial uses located at Mary Jess Road and Orange Avenue in close proximity to the Property inadvertently travel on Parkdale Drive at times, resulting in adverse noise impacts.
- Not Self-Created: The unique and peculiar shape of the Property is not self-created or self-imposed by the Applicant.

TALLAHASSEE

433 NORTH MAGNOLIA DRIVE TALLAHASSEE, FLORIDA 32308 (850) 224-7332 FAX: (850) 224-7662 WINTER GARDEN

12200 West Colonial Drive, Suite 300C Winter Garden, Florida 34787 | (407) 347-5388 | Fax: (407) 264-6132

www.therlaquelaw.com

Rocco Relvini Orange County Zoning June 14, 2017 Page 2

- No Special Privilege: The granting of the requested variance would not confer on the Applicant any special privilege that is denied to other lands in the same zoning district.
- Deprivation of Rights: Absent the requested variance, the ability of the Applicant to fence and gate the entry/driveway to his custom built home will be precluded or otherwise severely limited, thereby depriving the Applicant of needed privacy and noise attenuation.
- Minimum Possible Variance: The request seeks approval of a minor variance to allow a six (6) foot tall composite fence to extend beyond the thirty (30) foot building setback line as depicted on the enclosed boundary survey, together with a matching cantilever gate across the driveway, for privacy and noise attenuation. The requested fence will not otherwise impede the views from the front yards of the neighboring properties and the requested cantilever gate will move side-to-side and not open outward toward the right-of-way.
- Purpose and Intent: The requested variance is in harmony with the purpose and
 intent of the County's zoning regulations and will not be injurious to the
 neighborhood or otherwise detrimental to the public welfare. To the contrary, the
 high-end, horizontal composite fence the Applicant intends to install will enhance the
 area.

We appreciate Orange County Zoning Staff's support of the requested variance for the Property. As always, please do not hesitate to contact me if you have any questions or need additional information.

Sincerely

S. Brent Spain

Enclosures



Proposal Submitted To: Marco Loleit

JOB DETAIL: ML5516PD

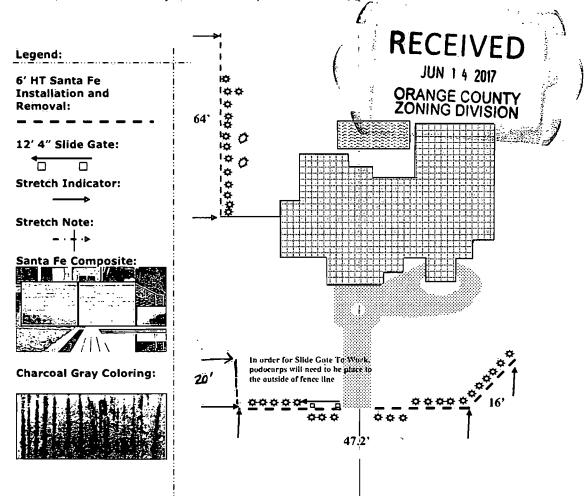
Street: 5516 Parkdale.Drive

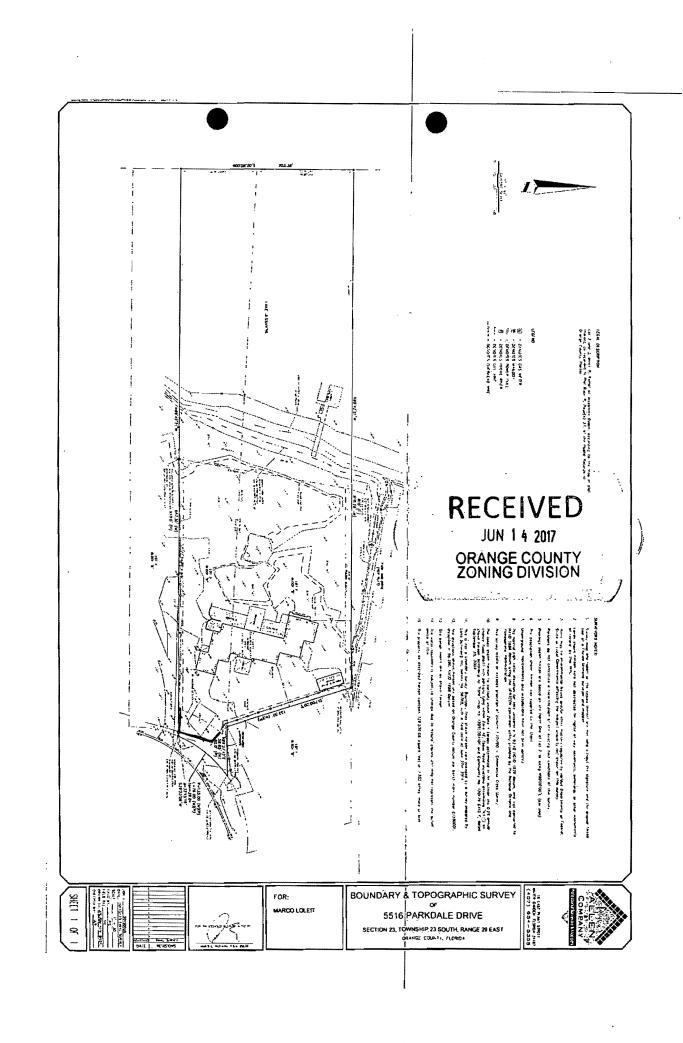
City, State and Zip Code: Orlando, FL 32839

Phone: 407.267.6468

Email: mloleit@yahoo.com

General Job Description: The installation of approximately one hundred twenty-seven (127) linear feet of six foot in height charcoal gray, Santa Fe Style, horlzontal composite fence by Natures Composites with one custom 12' slide gate. Materials will consist of eight foot on center horizontal board panels which include two posts and two rails each, slats sizes will be 1" x 6" x 8' T&G, posts size will be 2" x 2" x 8' with 60 lbs. of concrete per post. All materials are warranted by a limited lifetime warrantee as provided by the manufacturer. There is a one year craftsmanship warrantee on all work.







CASE #VA-17-08-077
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
August 3, 2017

Commission District: 3

GENERAL INFORMATION:

APPLICANT:

Marco Loleit

REQUEST:

Variance in the R-1AA zoning district to erect fence in

the front yard 6 ft. in height in lieu of 4 ft.

LOCATION:

West side of Parkdale Dr., south of W. Mary Jess Rd.

PROPERTY ADDRESS:

5516 Parkdale Dr., Orlando, FL. 32839

PARCEL ID:

23-23-29-3984-02-020

PUBLIC NOTIFICATION:

345

TRACT SIZE:

2.9 acres

DISTRICT #:

3

ZONING:

R-1AA

EXISTING USE(S):

Single family residence

PROPOSED USE(S):

6 ft. high fence in the front yard

SURROUNDING USES:

The property abuts single family residences in all

directions and Lake Jessamine to the west.

STAFF FINDINGS AND ANALYSIS:

- 1. The applicant is requesting a variance to construct a 6 ft. high fence and gate for an 85 ft. portion of the property that stubs out along the road.
- 2. The BZA approved a variance in 1979 for an 8 ft. in high wall in the front yard for a property located across the street.

- 3. The applicant stated the fence is for privacy and noise abatement purposes, and will be constructed out of aesthetically pleasing composite material with a matching cantilever gate.
- 4. The property is uniquely shaped with a narrow road frontage for driveway access.
- 5. Due to the curvature of the road, the proposed fence will not affect traffic visibility and will not impede views from front yards of adjacent properties.
- 6. Approval of the request will not adversely impact anyone and will not cause any negative impacts to the neighborhood.

STAFF RECOMMENDATION:

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

- Development in accordance with site plan dated June 14, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
- 2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development; and
- 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: Brent Spain (Applicant Representative) 12200 W. Colonial Drive, Suite 300C Winter Garden, Florida 34787

Marco Loliet 5516 Parkdale Drive Orlando, Florida 32839

Applicant:

Marco Loliet

Case #:

VA-17-08-077 Nick Balevich

Staff Contact: Hearing Date:

August 3, 2017 - 9:00 AM

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JUL 24 2017
ORANGE COUNTY

Note: If you wish to make comments, please return this entire document with your comments no later than the day prior to the public hearing. Any commentary submitted to the Zoning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.

COMMENTS:	<u> </u>	PPOSED
	WILL ONLY IMPROVE	DECOMPOSITION D
NAME: PHONE #:	12 10 2 - 267 - 5468 ADDRESS: 5	76 PARUPLES BR
	MAIL, FAX, OR EMAIL TO):

ORANGE COUNTY ZONING DIVISION

P.O. BOX 2687 ORLANDO, FLORIDA 32802-2687

Phone #: (407) 836-8181 Fax #: (407) 836-9611

E-Mail Address: BZAnotices@ocfl.net

NOTICE TO ALL PERSONS WISHING TO SPEAK AT THIS PUBLIC HEARING

THIS INFORMATION IS INTENDED TO ASSIST YOU IN PREPARING YOUR PRESENTATION. PLEASE LIMIT YOUR PRESENTATION TO THREE (3) MINUTES AND KEEP IN MIND THE FOLLOWING GUIDELINES:

- (1) The Chairman of the Board of Zoning Adjustments (BZA) determines when and for how long an individual may speak.
- (2) Be concise and to the point. Do not repeat previous comments.
- (3) Evidence and documentation such as photographs, reports, and letters, may be to your benefit. However, once submitted, they are part of the record and cannot be returned.
- (4) Your comments should focus on zoning-related issues. Aesthetics, impacts to surrounding properties, land use compatibility, the variance and special exception criteria, development trends, and the Comprehensive Plan are zoning-related issues. However, drainage, traffic congestion, and crime are issues not addressed by the BZA.

FOR YOUR INFORMATION, ALL BZA MEETINGS ARE DIGITALLY RECORDED & TELEVISED ON ORANGE TV

CHANNEL 488 ON SPECTRUM CHANNEL 9 ON COMCAST CHANNEL 99 AT&T U-VERSE

You may also watch the BZA public hearing live on: http://www.ocfl.net/OpenGovernment/OrangeTVVisionTV.aspx

Previous BZA public hearings are available at: http://www.ocfl.net/OpenGovernment/OrangeTVVisionTV/VideoArchive.asp

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should contact the Government Service Center at (407) 836-3111.

Para mas informacion referente a esta vista publica, favor comunicarse al Departamento de Zonificacion al numero, (407) 836-5525

Pou plis enfomasyon sou odyans piblik la, kontakte zon depatmental la nan: 407-836-3111

Applicant:

Marco Loliet

Case #: Staff Contact: VA-17-08-077 Nick Balevich

Hearing Date:

August 3, 2017 - 9:00 AM

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co	MMENTS:	IN FAVOR		OPPOSED
	NAME: PHONE #:	MGD Investments Ltd. 401.206-3615	ADDRESS:	6317 Mc Coy Rd Suite 110 Octano, Fl. 32922
		MAIL, FAX, (OR EMAIL T	Ö:
			OX 2687 RIDA 32802-2687 Fax #: (407) 8	336-9611
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Case #:

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Staff Contact:

Nick Balevich

Hearing Date:

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ORANGE COUNTY
ZONING DIVIDITY

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COMMENTS:	IN FAVOR		OPPOSED
SOMMENTO.	Looking forward	to the	curb appeal
NAME: PHONE #:	Shevin Pierce	ADDRESS:	1114 Stetson Street
PHONE #:	8504506788	V OD EMAIL	10x1ando, C1 38804

MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY ZONING DIVISION

P.O. BOX 2687
ORLANDO, FLORIDA 32802-2687
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Applicant:

Marco Loliet

Case #:

VA-17-08-077

Staff Contact:

Nick Balevich

Hearing Date:

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COMMENTS:	M FAVOR	OPPOSED	·
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NAME: _	BRIAN GRUBB	ADDRESS: S807 SHEBURN CT.	ORIANDO FL
PHONE #: _	407758 9934	EAY OP EMAIL TO-	32839

MAIL, FAX, UK EMAIL IU:

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Applicant:

Marco Loliet

Case #:

VA-17-08-077 **Nick Balevich**

Staff Contact: Hearing Date:

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IN FAVOR COMMENTS: NAME: ADDRESS: PHONE #:

MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY ZONING DIVISION

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Service Center at (407) 836-3111.

Applicant:

Marco Loliet

Case #:

VA-17-08-077

Staff Contact:

Nick Balevich

Hearing Date:

August 3, 2017 - 9:00 AM

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	IN FAVOR OPPOSED
COMMENTS:	Has existing reduct type fence now 4' height. Has
	slanted large shrubs that are presently b' height.
	When these starts lill in they will form a borrier.
	No More Wells, Deem't describe new Type of fence or
	height.
NAME:	
PHONE #:	
	MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY ZONING DIVISION

P.O. BOX 2687

ORLANDO, FLORIDA 32802-2687

Phone #: (407) 836-8181 Fax #: (407) 836-9611

E-Mail Address: BZAnotices@ocfl.net

NOTICE TO ALL PERSONS WISHING TO SPEAK AT THIS PUBLIC HEARING

THIS INFORMATION IS INTENDED TO ASSIST YOU IN PREPARING YOUR PRESENTATION. PLEASE LIMIT YOUR PRESENTATION TO THREE (3) MINUTES AND KEEP IN MIND THE FOLLOWING GUIDELINES:

- (1) The Chairman of the Board of Zoning Adjustments (BZA) determines when and for how long an individual may speak.
- Be concise and to the point. Do not repeat previous comments.
- Evidence and documentation such as photographs, reports, and letters, may be to your benefit. However, once submitted they are part of the record and cannot be returned.
- Your comments should focus on zoning-related issues. Aesthetics, impacts to surrounding properties, land use compatibility, the variance and special exception criteria, development trends, and the Comprehensive Plan are zoning-related issues. However, drainage, traffic congestion, and crime are issues not addressed by the BZA.

FOR YOUR INFORMATION, ALL BZA MEETINGS ARE DIGITALLY RECORDED & TELEVISED ON ORANGE TV

CHANNEL 488 ON SPECTRUM CHANNEL 9 ON COMCAST CHANNEL 99 AT&T U-VERSE

You may also watch the BZA public hearing live on: http://www.ocfl.net/OpenGovernment/OrangeTVVisionTV.aspx

Previous BZA public hearings are available at: http://www.ocfl.net/OpenGovernment/OrangeTVVisionTV/VideoArchive.asp

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should contact the Government Service Center at (407) 836-3111.

Para mas informacion referente a esta vista publica, favor comunicarse al Departamento de Zonificacion al numero. (407) 836-5525

Pou plis enfòmasyon sou odyans piblik la, kontakte zòn depatmental la nan: 407-836-3111

Applicant:

Marco Loliet

Case #:

VA-17-08-077

Staff Contact:

Nick Balevich

Hearing Date:

August 3, 2017 - 9:00 AM

<u>Note:</u> If you wish to make comments, please return this entire document with your comments no later than the day prior to the public hearing. Any commentary submitted to the Zoning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.

COMMENTS:	IN FAVOR	OPPOSED	
,		7-	
NAME:		ADDRESS:	

Agains

Balevich, Nick

To:

'Nichole'

Subject:

RE: Case # VA-17-08-077

Pist 3

From: Nichole [mailto:pnmeim@aol.com]
Sent: Tuesday, August 01, 2017 3:03 PM

To: Balevich, Nick

Subject: Fwd: Case # VA-17-08-077

To; Nick Balevich, Orange County Zoning Division Nick, Balevich@ocfl.netcc: Rocco. Relvini@ocfl.netRe: Case

#VA-17-08-077

Please accept this email as a request to deny the application submitted by Mr. Marco Loliet. regarding his application for Variance.

I would like to begin to point out that the conditions for accepting, processing, and approval of a Variance application state very clearly that you must demonstrate the hardship is peculiar to your property and not to other properties in the same zoning district.

The applicant indicates that this 6' tall fence is for privacy and noise abatement. I believe that the applicant has failed to show that privacy meets the County Code requirement for a hardship.

If you were to go through thousands of other sub-divisions that either have flag lots or pie shaped lots, located in Orange County, it is possible that any of these type lots would be able to apply for this same type of request. I believe that approval of this application would set a precedence that is not necessary.

Further, if you look at the location of any home of such a lot, it is necessary to meet a different and more difficult front set back. This type of set back is not based on the distance set by code in each Zoning District, but based on a calculation to measure where front location of the primary structure meets the minimum lot width.

Based on this formula, this property is required to meet a set back that pushes the primary structure farther back from the road right of way.

With the existing single family dwelling (for this application), being set back farther from the road right of way, this property is less likely than adjacent lots to have an issue with privacy.

In regard to the applicants mention of noise abatement, it is clear that this is not correct. Noise from the street can be argued using the same basis as previously outlined. This existing single family dwelling is set back farther from any of the adjacent properties. Noise that would travel from the street to this home, clearly would have to travel farther than a property located much any where in this neighborhood. Please note that this part of Parkdale Drive has never been a high traffic road way. Traffic is almost non-existent after 8 pm in the evening. Much like any neighborhood, the largest amount of noise on this street is only when the garbage trucks come through.

This type of privacy fence would do little to reduce this noise.

Finally, I would like to point out that staff may have passed over an issue regarding the property located at 5526 Parkdale Drive.

I travel to this property on a very regular basis and would like point out that visibility from this property would be impaired, with the approval of this application.

For an illustration purpose, I have attached a copy of survey from this property and a photo that shows my vehicle backing from the drive way. The purpose of the attached survey is to show the close proximity of this driveway to the road right of way, the adjacent lot and the proposed fence that would block visibility.

Please note that if I were to back into this driveway, there is less of an issue. However, when backing out from this driveway, I believe that this proposed fence would impede visibility to traffic conditions.

I know that in a much similar circumstance, on a corner lot, the property owner would not be allowed to build a fence that could reduce visibility in that corner triangle.

(4 a) No fence or wall shall be erected so as to encroach into the fifteen (15)-foot for residentially and agriculturally zoned property, or twenty-five (25)-foot for commercially and industrially zoned property corner triangle at a street intersection unless otherwise approved by the county engineer.

Based on this information, I would strongly suggest that this application for a Variance be denied. I do not believe that the applicant has met the requirements necessary for approval of a Variance in Orange County.

I would like to request that this email message be shared with each Board Member and be read into the record, as a part of the hearing. I would also like to ask that you send a reply, to indicate that you have received this message.

Thank you for your time and consideration.

Nichole

Balevich, Nick

_				
F	rn	n	'n	•

joan allen <joanpallen@hotmail.com>

Sent:

Tuesday, August 01, 2017 3:10 PM

To:

Balevich, Nick

Subject:

Hearing # VA-17-08-077

Hello,

I would like to file an objection to the approval of this hearing.

I travel to the property next door about once a month, this property is located at; 5526 Parkdale Drive

I feel that if this 6' tall fence is placed near the road, it would block my visibility when I try to enter into the street.

I would like to ask that you give a copy of my email message to each of the BZA members.

Thank you,

Joan P

SUPPLEMENT NO. 98 -VOLUMES I AND II September 2017

CODE

County of

ORANGE, FLORIDA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 2017-14, enacted June 20, 2017.

See the Code Comparative Tables—Volume II for further information.

Remove Old Pages

Insert New Pages

VOLUME I

xiii, xiv

xiii, xiv

Checklist of up-to-date pages

Checklist of up-to-date pages (following Table of Contents)

SH:3, SH:4

SH:3, SH:4

994.3, 994.4

994.3, 994.4

1081 - 1086

1081-1086.1

VOLUME II

xiii, xiv

xiii, xiv

2845, 2846

2845, 2846

2860.3, 2860.4

2860.3, 2860.4

4459

4459

4699-4702

4699-4702.1

4727, 4728

4727, 4728

Insert and maintain this instruction sheet in front of Volume I. File removed pages for reference.

municode

Municipal Code Corporation I P.O. Box 2235 Tallahassee, FL 32316 info@municode.com I 800.262.2633 www.municode.com

ORANGE COUNTY BOARD OF ZONING ADJUSTMENT (BZA) APPLICATION FOR ZONING VARIANCE, SPECIAL EXCEPTION, AND APPEAL OF ZONING MANAGER'S DETERMINATION

Instructions to Applicant

I. General information:

- 1. VERY IMPORTANT: NO APPLICATION WILL BE ACCEPTED UNLESS THE FOLLOWING PAGES ARE COMPLETED BY THE APPLICANT:
 - ORANGE COUNTY SPECIFIC PROJECT EXPENDITURE REPORT (PAGES 5 7)
 - THE RELATIONSHIP DISCLOSURE FORM (PAGES 8-10)
 - SECTION III (BOTTOM OF PAGE 1)
 - SECTIONS A & B (PAGE 2)
 - SECTIONS D AND E (PAGE 3)
 - AGENT AUTHORIZATION FORM (PAGE 4).
 - INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT BY MAIL.
- 2. Do not wait until the filing deadline date to submit the application because if information is missing the deadline date will not be met and as a result the hearing will be scheduled for the next hearing date. Deadline dates are listed on Page 15.
- 3. The applicant is required to place one or more posters on the property. Orange County Government will prepare the poster, and posting instructions will be provided to the applicant. The applicant/representative must be present at the public hearing.
- 4. This application is for zoning use approval only. Additional approvals may be required (i.e., building permits, building/fire inspections, occupational licenses, septic tank/well approval, certificate of occupancy, conservation area determination, etc). These additional approvals oftentimes result in additional costs to the applicant.
- 5. Approvals granted by the BZA are not final until the Board of County Commissioners (BCC) confirms the recommendations of the BZA and no appeals are filed within 15 calendar days of the BZA's decision.
- II. Fees: Fees cannot be waived. The service charge for refunding Zoning Division fees is \$31 or 1/3 cost of original fee, whichever is greater, unless the fee was collected in error by the County. Make check payable to Orange County Zoning Division.

Variances:	\$638.00
Special Exceptions (except as noted below):	\$1,355.00
Special Exceptions for mobile home during construction of single family he security/night watchman trailer, off-premise directional sign, sales trailer, g	• • •
Special Exception for Accessory Dwelling Unit:	\$652.00
Special Exception for Family Lot Provision:	\$696.00
Special Exception for Communication Tower:	\$1,560.00
Special Exception for Landfills/Transfer stations:	\$3,016.00
Appeal of Zoning Manager's Determination:	\$638.00

III. Applicant Certification:

I, (applicant) Marco Loleit

have read and understand Sections I and II above.

Applicant's Signature (required):

Date: 06/13/1/

Page 1 of 15

Application to Board of Zoning Adjustment

Orange County Zoning Division
201 S. Rosalind Avenue Post Office Box 2687
Orlando, Florida 32802-2687
407-836-3111

Section A - To be completed by applicant (please print clearly; type or use ink pen only)

Date 06/14/17	Contact Person's Name Brent Spain, Esquire
Applicant's Name Marco Loleit	Mailing Address Theriaque & Spain
Mailing Address 5516 Parkdale Drive	12200 W. Colonial Dr Ste 300C, Winter Garden, FL 34787
Orlando, FL 32839	Cell Phone Number # 407-766-9514
Home phone (407) 267-6468	Property Owner's name Marco Loleit
Work phone ()	EMAIL sbs@theriaquelaw.com
Section B - To be completed by applicant (please p	orint clearly; type or use ink pen only)
Request is hereby made for: (check appropriate boxes)	
■ Variance	☐ Appeal of the Zoning Manager's determination
What are you proposing? For variances, indicate the proposed di	stance, height, size and the required distance, height or size:
A variance for ±84 feet of a 6' tall gray com	nposite fence with a cantilever gate across
driveway and portion of front yard for p	privacy
Property Legal Description (A copy of the tax bill is Acceptable)	see enclosed tax bill
Property Address: 5516 Parkdale Drive	Tract Size or Dimensions 2.9 acres
Tax Identification # (REQUIRED) (15 digit # located on tax bill	23 23 20 3084 02 020
Existing Structures/Uses on Site: custom single-fam	ily home built in 2015
Section C - Office use only	
Zoning Classification: R-1AA	Tract Size: 2. 9 acres Coordinates
4.14	3 Twp 23 Rge 29 District No. 3
Tax Identification #:	
Location: 5516 Parkdall	i Dr.
Receipt No. Permit Analyst:	Hearing Date: 8/3/17
PEV 00-15-2016 Page 2 of	15

REMINDER: Incomplete application	s will not be p	processed and will be	returned to the
applicant by mail.	•		•

Section D - To be completed by applicant (please print clearly; type or use ink pen only)	
1. What is proposed? 6' tall gray composite fence with a cantilever gate across drive	eway
2. What is the size of the proposed structure? ±84 linear feet, 6 feet in height	·
3. Distance (in feet) of the proposed structure from the affected property line? see site plan	<u> </u>
4. Do you have a fence/wall on any property lines? Where & what type? see site plan	
5. What is existing on the property? single-family custom home built in 20	15
6. What is the height in feet of the proposed structure?	
7. Is the proposed structure 1-story? If more than 1-story, how many stories? n/a	•
8. Do you have letters of no objection from your neighbors?	
9. Do you reside in an area that has a homeowners association?	
10. If yes to #8, do you have a letter of no objection from the homeowners association? n/a	
11. Is the structure requiring the variance/special exception existing?	
12. Did a Code Enforcement Officer contact you regarding this matter?	
13. If yes to #11, name and phone number of officer. n/a	-
Section E- To be completed by applicant (print clearly; use ink pen only)	
On the lines provided below, please list names and addresses (including zip codes) of persons associat with your project who you wish to receive a public hearing notice about this request:	ed
Brent Spain, Esq. c/o Theriaque & Spain, 12200 W Colonial Dr, Ste 300C, Winter Garden, FL 3	4787
2	
Letters of support from your neighbors and Homeowners Association will increase your chances of approval. Please submeters with this application.	it said
CONTACTS REGARDING THIS APPLICATION: Rocco.Relvini@ocfl.net Nick.Balevich@ocfl.net David.Nearing@ocfl.net Marla.Molina@ocf	l.net
REV: 09-15-2016 Page 3 of 15	

AGENT AUTHORIZATION FORM



FOR PROJECTS LOCATED IN ORANGE COUNTY, FLORIDA

I/WE, (PRINT PROPERTY OWNER NAME) 📙	larc Loleit		, AS	S THE OWNE	R(S) OF
THE REAL PROPERTY DESCRIBED AS FOLLO	_{OWS,} 5516 Park	dale Drive, Orla	ndo, Florida 3	2839	, DO
HEREBY AUTHORIZE TO ACT		1			
S. Brent Spain, Esquire, TO E	XECUTE ANY P	ETITION\$ OR OT	THER DOCUME	NTS NECESSA	ARY TO
AFFECT THE APPLICATION APPROVAL RE		•			
VARIANCE, SPECIAL EXCEPTION, APPEAL	OF ZONING M	ANAGER AND	TO APPEAR O	N MY/OUR E	3EHALF
BEFORE ANY ADMINISTRATIVE OR LEGISLA	ATIVE BODY IN	THE COUNTY	CONSIDERING	THIS APPLIC	ATION
AND TO ACT IN ALL RESPECTS AS OUR AGEN	А				
DATE: 06/13/17		Marco Lol	eit		
SIGNATURE OF PROPE	ERTY OWNER	PRINT NAME P	ROPERTY OWN	ER	
DATE:					
SIGNATURE OF PROPE	ERTY OWNER	PRINT NAME PI	ROPERTY OWN	ER	
DATE:					
SIGNATURE OF PROPE	ERTY OWNER	PRINT NAME P	ROPERTY OWN	ER	
STATE OF FLORIDA : COUNTY OF :					
I CERTIFY THAT ON,	BEFORE ME.	•		AN OFFICER	≀ DULY
AUTHORIZED BY THE STATE OF FLORE	IDA AND IN	THE COUNTY	MENTIONED	ABOVE, TO	TAKE
ACKNOWLEDGEMENTS, PERSONALLY APPE. DESCRIBED IN THIS INSTRUMENT OR TO HA	ARED VE PRODUCED	<u> </u>	O ME KNOWN AS E	TO BE THE P VIDENCE AN	'ERSOŅ
HAS ACKNOWLEDGED BEFORE ME THAT HE AN OATH.	OR SHE EXECT	UTED THE INSTI	RUMENT AND	DID / DID NO	T TAKE
WITNESS MY HAND AND OFFICIAL SEAL IN	THE COUNTY A	ND STATE STAT	TED ABOVE ON	THE D	AY OF
, IN THE YEAR		1			
		•			
AIOTADY CRAIN	SIGNA	TURE OF NOTAF	Y PUBLIC		
(NOTARY SEAL)	NOTAL	RY PUBLIC FOR T	THE STATE OF	FLORIDA	
•	MY CO	MMISSION EXPI	RES:	*	
LEGAL DESCRIPTION OR PARCEL IDENTIFICA	ATION NUMBER	(S) ARE REQUIR	ED:		
PARCEL ID# OR LEGAL DESCRIPTION: 23-2	3-29-3984	-02-020			
TARCED ID# OR EDUAL DESCRIFTION.				***************************************	
		1			

as of March 1, 2011	2010) Initially submitted on Updated On Project Name (as filed) Case or Bid No
ORANGE COUNT	Y SPECIFIC PROJECT EXPENDITURE REPORT
form shall remain cumulative and s	completed in full and filed with all application submittals. hall be filed with the department processing your application. I agent shall include an executed Agent Authorization Form.
	This is the initial Form: X This is a Subsequent Form:
Part I Please complete all of the following	g:
Name and Address of Principal (lega 5516 Parkdale Drive, Orlando, Florida 32839	al name of entity or owner per Orange County tax rolls): Marco Loleit,
•	ithorized Agent, if applicable: S. Brent Spain, Esquire, c/o Theriaque &
Name and Address of Principal's Au	montes rigani, it application
Spain, 12200 W. Colonial Drive, Suite. List the name and address of all lo	
Spain, 12200 W. Colonial Drive, Suite. List the name and address of all lo entities who will assist with obtain. 1. Name and address of individe Are they registered Lobbyist.	300C, Winter Garden, Florida 34787 bbyists, consultants, contractors, subcontractors, individuals or bing approval for this project. (Additional forms may be used as not dual or business entity: S Brent Spain, Esquire, Theriaque & Spain to Yes or No or No.
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REV. 09-15-2016

•	n a mr. h.
	For Staff Use Only:
Specific Project Expenditure Report (Revised November 5, 2010)	Initially submitted on
For use as of March 1, 2011	Updated On L
•	Project Name (as filed)
	Case or Bid No.
Part II	
Expenditures:	•

For this report, an "expenditure" means money or anything of value given by the principal and/or his/her lobbyist for the purpose of lobbying, as defined in section 2-351, Orange County Code. This may include public relations expenditures including, but not limited to, petitions, fliers, purchase of media time, cost of print and distribution of publications. However, the term "expenditure" does not include:

- Contributions or expenditures reported pursuant to chapter 106, Florida Statutes;
- Federal election law, campaign-related personal services provided without compensation by individuals volunteering their time;
- Any other contribution or expenditure made by or to a political party;
- Any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4), in accordance with s.112.3215, Florida Statutes; and/or
- Professional fees paid to registered lobbyists associated with the project or item.

The following is a complete list of all lobbying expenditures and activities (including those of lobbyists, contractors, consultants, etc.) incurred by the principal or his/her authorized agent and expended in connection with the above-referenced project or issue. You need not include de minimus costs (under \$50) for producing or reproducing graphics, aerial photographs, photocopies, surveys, studies or other documents related to this project.

Date of Expenditure	Name of Party Incurring Expenditure	Description of Activity	Amount Päid
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		¥	

		•	
		TOTAL EXPENDED THIS REPORT	\$

NOTE: If you have any questions about this PAGE, please contact Sawsan Mohiuddin of the Orange County Legal Department at 407-836-7320

	For Staff Use Only:
Specific Project Expenditure Report (Revised November 5, 2010)	Initially submitted on
For use as of March 1, 2011	Updated On Project Name (as filed)
	Project Name (as filed)
,	Case or Bid No
my knowledge and belief. I acknowledge and County code, to amend this specific project of this project prior to the scheduled Board of California for a comply with these requirements to result in the delay of approval by the Board of for which I shall be held responsible. In acceptant whoever knowingly makes a false statem performance of his or her official duty shall provided in s. 775.082 or s. 775.083, Florida Date:	this specific project expenditure report is true and correct based on ad agree to comply with the requirement of section 2-354, of the Orange expenditure report for any additional expenditure(s) incurred relating to County Commissioner meeting. I further acknowledge and agree that file the specific expenditure report and all associated amendments may of County Commissioners for my project or item, any associated costs ordance with s. 837.06, Florida Statutes, I understand and acknowledge ment in writing with the intent to mislead a public servant in the be guilty of a misdemeanor in the second degree, punishable as Statutes.
PRIN	T NAME AND TITLE: MARCO LOLE IT
STATE OF FEORIDA COUNTY OF	
ال certify that the foregoing instrumen المعارف المعارف المعا	nt was acknowledged before me this <u>the</u> day of <u>some</u> 20 <u>Thy</u> rsonally known to me or has produced <u>as a some</u> as
Witness my hand and official seal in in the year <u>্রত ছবি</u>	the county and state stated above on the. 也 day of 更多。
MARGARITA PEREZ Notary Public - State of Florida Mucany Public - State of Florida	Signature of Notary Public Notary Public for the State of Florida My Gommission Expires:

NOTE: If you have any questions about this PAGE, please contact Sawsan Mohiuddin of the Orange County Legal Department at 407-836-7320

OC CE FORM 2D
FOR DEVELOPMENT-RELATED ITEMS (November 5, 2010)
For use often Morch 1 2011

For Staff Use Only: Initially submitted on _	,
Updated on	•
Project Name (as filed)	
Case Number	

RELATIONSHIP DISCLOSURE FORM FOR USE WITH DEVELOPMENT RELATED ITEMS, EXCEPT THOSE WHERE THE COUNTY IS THE PRINCIPAL OR PRIMARY APPLICANT

This relationship disclosure form must be submitted to the Orange County department or division processing your application at the time of filing. In the event any information provided on this form should change, the Owner, Contract Purchaser, or Authorized Agent(s) must file an amended form on or before the date the item is considered by the appropriate board or body.

Part I

REV. 09-15-2016

Business Address (Street/P.O. Box, City and Zip Co Orlando, Florida 32839	ode): 5516 Parkdale Dr
Business Phone ()	
Facsimile ()	······································
· · · · · · · · · · · · · · · · · · ·	; t
NFORMATION ON CONTRACT PURCHASE	R, IF APPLICABLE:
Name:	
Business Address (Street/P.O. Box, City and Zip Co	ode);
Business Phone ()	
facsimile ()	
NFORMATION ON AUTHORIZED AGENT, I Agent Authorization Form also required to be a Name: S. Brent Spain, Esquire	
Business Address (Street/P.O. Box, City and Zip Co 12200 W. Colonial Dr., Ste. 300C, Winter G	_{ode):} Theriaque & Spain arden, Fl ₋ 34787
Business Phone (407) 347-5388	
facsimile (407) 264-6132	

Page 8 of 15

•	For Staff Use Only:		
CE FORM 2D	Initially submitted on		
DEVELOPMENT-RELATED ITEMS (November 5, 2010)	Updated on		
use after March 1, 2011	Project Name (as filed) _ Case Number		
·	Case Number		
Part II	•		
a Tait ii	-		
IS THE OWNER, CONTRACT PURCHAS RELATIVE OF THE MAYOR OR ANY M		ENT A	
YES NO	· · · · · · · · · · · · · · · · · · ·		
IS THE MAYOR OR ANY MEMBER OF T OWNER, CONTRACT PURCHASER, OR		FTHE	
YES VO			
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NOTE: If you have any questions about this PAGE, please contact Sawsan Mohiuddin of the Orange County Legal Department at 407-836-7320

REV. 09-15-2016

	APPLICANT/ CASE	BZA HEARING #		
	MARCO LOLEIT	VA-17-08-077		
		t to Speak at the stments Public Hearing		
	PUBLIC HEARING DATE:	August 3, 2017		
QRDER	NAME (Please Print)	COMPLETE ADDRESS (Please Print)		
A	Mir Co Loter	5516 PARMOTE DR ORLANDO FT 32839		
2	KATHU PANTER O	5850 TRINITY LAI ORLANDO FL 32839		
l	Brent Spain Aby.	12200 W. GIBHIN Dr. Ste 3000		
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OC CE FORM 2D FOR DEVELOPMENT-RELATED ITEMS (November 5, 2010)

For use after March 1, 2011

For Staff Use Only:			
Initially submitted on			 _
Updated on		٠.	_
Project Name (as filed)			
Case Number	 ,		

Part III ORIGINAL SIGNATURE AND NOTARIZATION REQUIRED

I hereby certify that information provided in this relationship disclosure form is true and correct based on my knowledge and belief. If any of this information changes, I further acknowledge and agree to amend this relationship disclosure form prior to any meeting at which the above-referenced project is scheduled to be heard. In accordance with s. 837.06, Florida Statutes, I understand and acknowledge that whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official auty shall be guilty of a misdemeanor in the second degree, punishable as provided in s. 775.082 of 2775.083, Florida Statutes.

Signature of Owner, OContract Purchaser or OAuthorized Agent

I certify, that the foregoing instrument was acknowledged before methis \(\frac{1}{2} \) day of \(\frac{1}{2} \) 20 \(\frac{1}{2} \) by \(\frac{1}{2} \) \(\frac{1}{2} \)

NOTE: If you have any questions about this PAGE, please contact Sawsan Mohiuddin of the Orange County Legal Department at 407-836-7320



REPLY TO: WINTER GARDEN

June 14, 2017

VIA HAND DELIVERY

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

Re: 5516 Parkdale Drive - Application for Variance

Dear Mr. Relvini:

Our firm represents Marco Loleit, who is the owner of the property located at 5516 Parkdale Drive, Orlando, Florida ("Property"). The Property is located on Lake Jessamine, west of Orange Avenue and north of Oak Ridge Road. In 2015, Mr. Loleit built a custom home on the Property which is his permanent residence.

Enclosed is an Orange County Board of Zoning Adjustment Application, together with the applicable fee of \$638.00, requesting approval of a variance to install approximately eighty-four (84) linear feet of a six (6) foot tall composite fence toward the front of the Property with a matching cantilever gate across the driveway for privacy and noise attenuation. Presently, there is an existing aluminum rod-iron style fence in the subject location.

As briefly discussed below, we respectfully submit that the subject request satisfies the variance criteria in Section 30-43(3) of the Orange County Code:

- Special Conditions and Circumstances: As reflected by the enclosed boundary survey, the eastern portion of the Property is uniquely shaped, which gives rise to a peculiar and narrow front entryway for purposes of access, building setbacks, and fencing purposes. Additionally, traffic associated with the industrial/commercial uses located at Mary Jess Road and Orange Avenue in close proximity to the Property inadvertently travel on Parkdale Drive at times, resulting in adverse noise impacts.
- <u>Not Self-Created</u>: The unique and peculiar shape of the Property is not self-created or self-imposed by the Applicant.

TALLAHASSEE

433 North Magnolia Drive Tallahassee, Florida 32308 (850) 224-7332 Fax: (850) 224-7662 WINTER GARDEN

12200 West Colonial Drive, Suite 300C Winter Garden, Florida 34787 (407) 347-5388 Fax: (407) 264-6132 Rocco Relvini
Orange County Zoning
June 14, 2017
Page 2

- <u>No Special Privilege</u>: The granting of the requested variance would not confer on the Applicant any special privilege that is denied to other lands in the same zoning district.
- <u>Deprivation of Rights</u>: Absent the requested variance, the ability of the Applicant to fence and gate the entry/driveway to his custom built home will be precluded or otherwise severely limited, thereby depriving the Applicant of needed privacy and noise attenuation.
- <u>Minimum Possible Variance</u>: The request seeks approval of a minor variance to allow a six (6) foot tall composite fence to extend beyond the thirty (30) foot building setback line as depicted on the enclosed boundary survey, together with a matching cantilever gate across the driveway, for privacy and noise attenuation. The requested fence will not otherwise impede the views from the front yards of the neighboring properties and the requested cantilever gate will move side-to-side and not open outward toward the right-of-way.
- Purpose and Intent: The requested variance is in harmony with the purpose and intent of the County's zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. To the contrary, the high-end, horizontal composite fence the Applicant intends to install will enhance the area.

We appreciate Orange County Zoning Staff's support of the requested variance for the Property. As always, please do not hesitate to contact me if you have any questions or need additional information.

Sincerely

S. Brent Spain

Enclosures



RECEIVED AUG 03 2015 BZA HEARING



Proposal Submitted To: Marco Loleit

JOB DETAIL: ML5516PD

Street: 5516 Parkdale Drive

City, State and Zip Code: Orlando, FL 32839

Phone: 407.267.6468

Email: mloleit@yahoo.com

General Job Description: The installation of approximately one hundred twenty-seven (127) linear feet of six foot in height charcoal gray, Santa Fe Style, horizontal composite fence by Natures Composites with one custom 12' slide gate. Materials will consist of eight foot on center horizontal board panels which include two posts and two rails each, slats sizes will be 1" x 6" x 8' T&G, posts size will be 2" x 2" x 8' with 60 lbs. of concrete per post. All materials are warranted by a limited lifetime warrantee as provided by the manufacturer. There is a one year craftsmanship warrantee on all work.

