BZA Public Hearing

BZA # VA-17-08-077

APPLICANT: Brent Spain, Agent for Marco Loleit

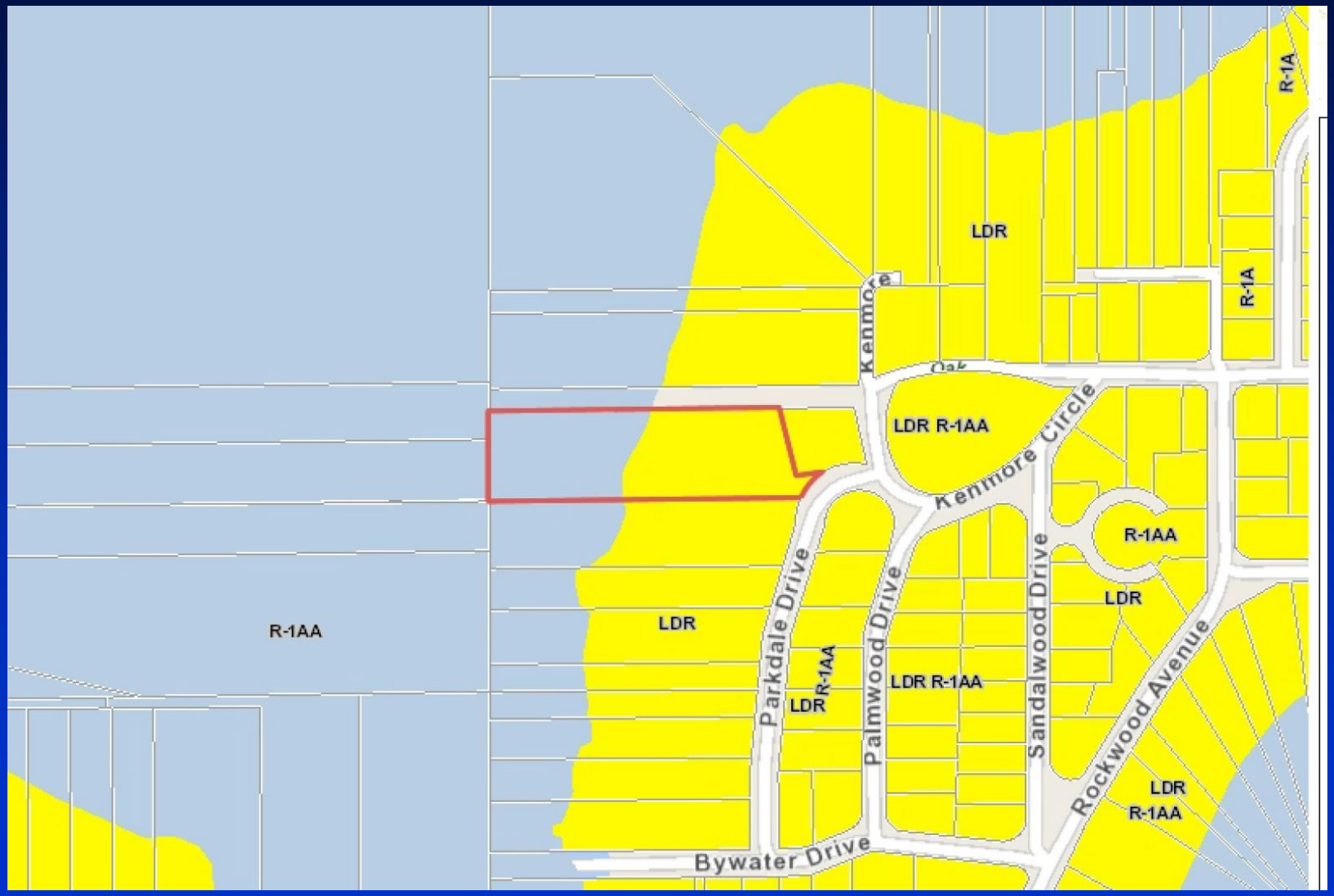
October 17, 2017

BACKGROUND

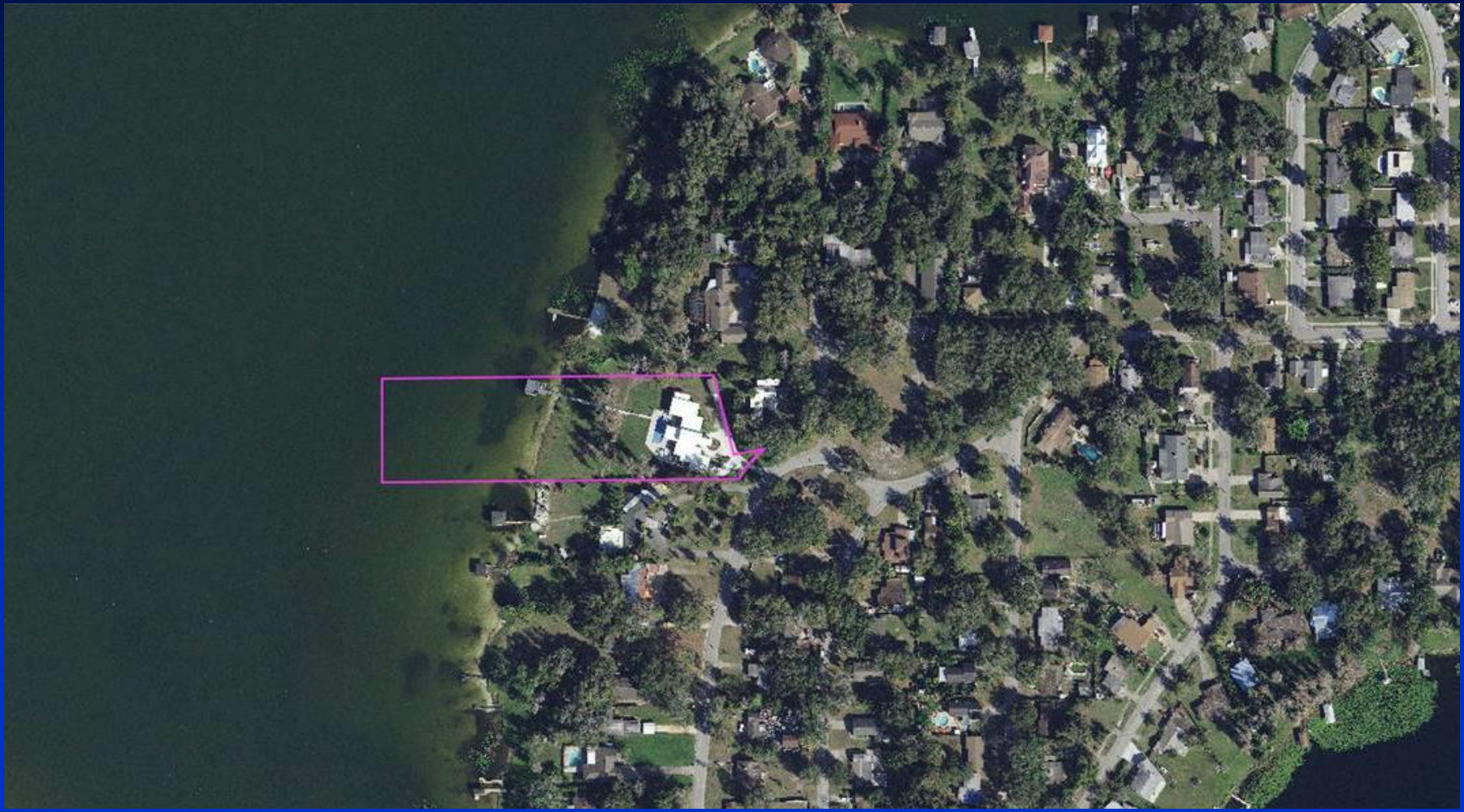
CASE #:	VA-17-08-077
APPLICANT:	Marco Loleit
REQUEST:	Variance in the R-1AA zoning district to erect 6 ft. high fence in the front yard in lieu of 4 ft.
ZONING:	R-1AA
TRACT SIZE:	2.9 acres
LOCATION:	5516 Parkdale Drive, west side of Parkdale Drive, south of West Mary Jess Road
DISTRICT:	#3

LOCATION MAP

ZONING MAP


R-1AA
LDR
LDR
LDR R-1AA
R-1A
R-1A
Kenmore
Kenmore Circle
R-1AA
LDR
Parkdale Drive
Palmwood Drive
Sandalwood Drive
Rockwood Avenue
R-1AA
LDR
LDR R-1AA
LDR
R-1AA
Bywater Drive

AERIAL MAP



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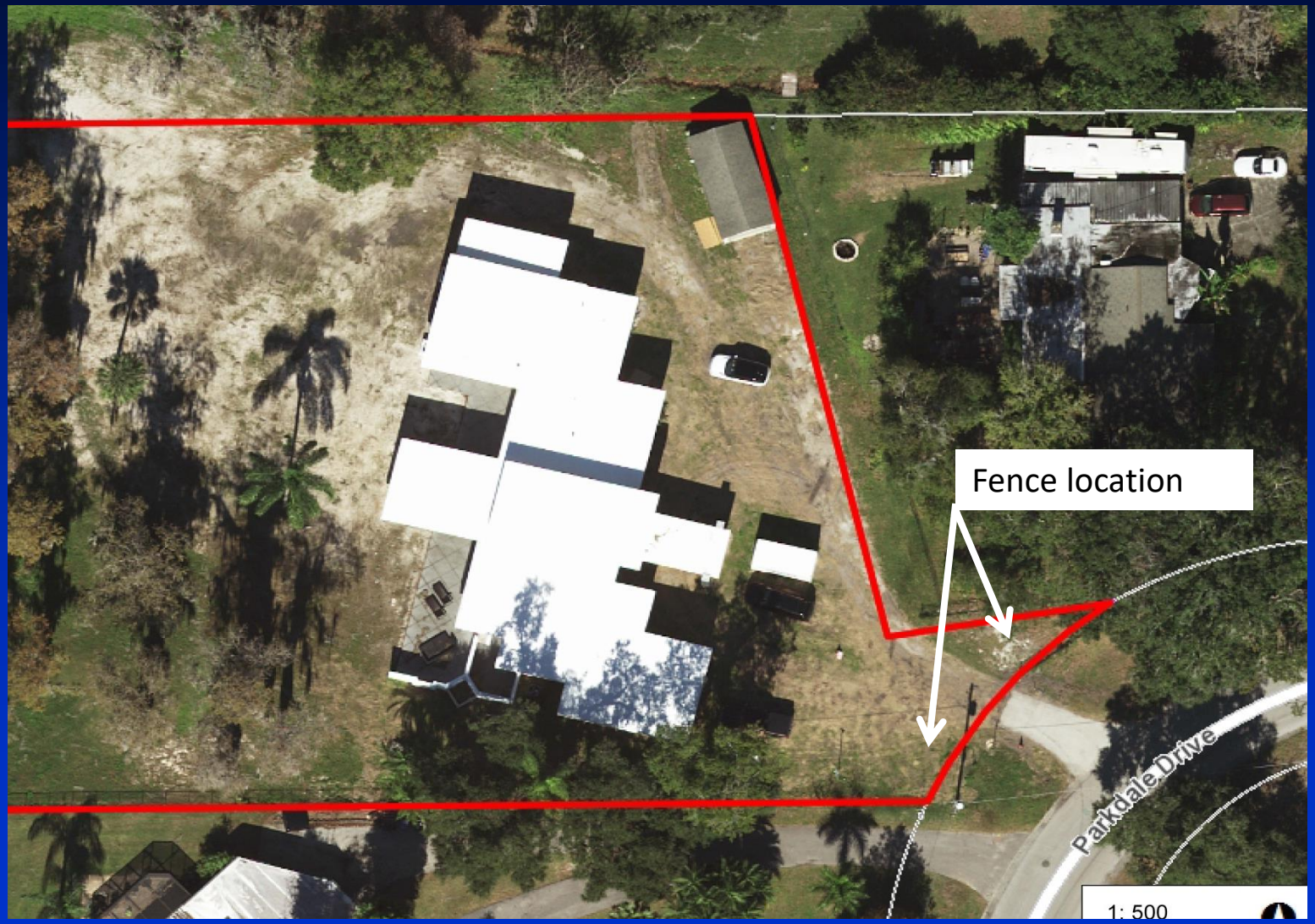
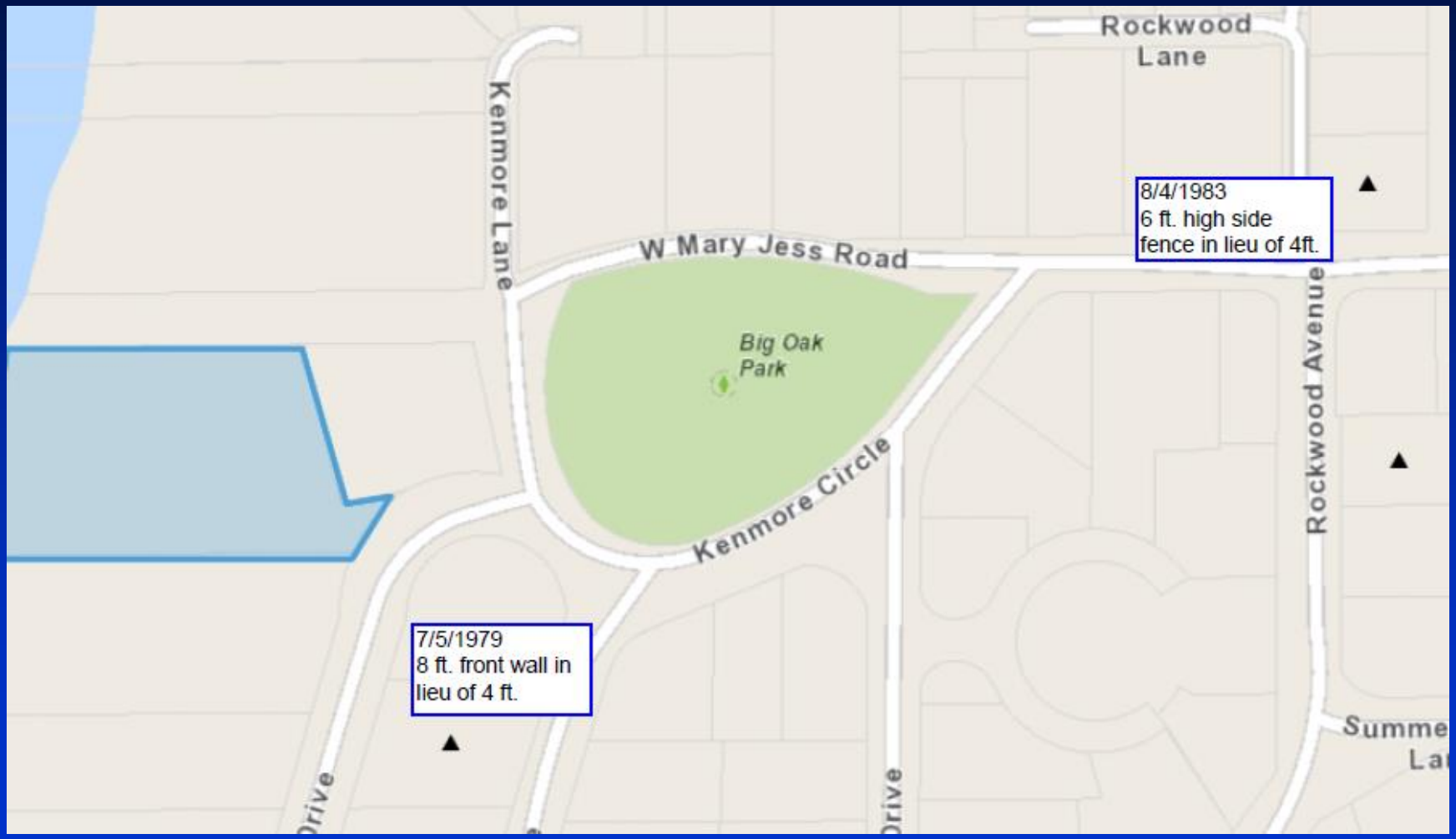
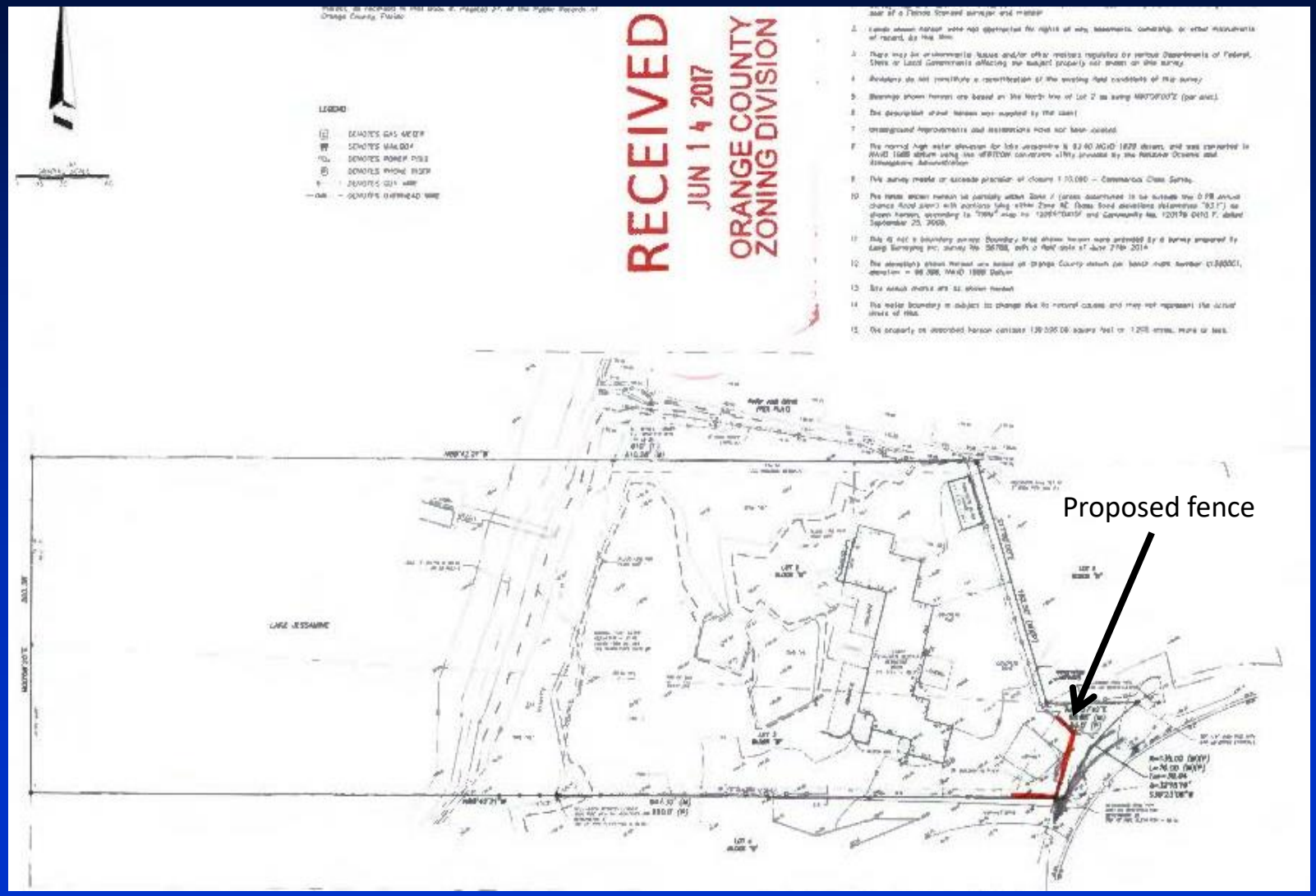


PAST BZA APPROVALS



PROPOSED SITE PLAN



PROPOSED FENCE MATERIAL

PARAMOUNT FENCING, INC.

(407) 341-2720 * Fax (321) 206-6627
1579 Walsh Street Oviedo, FL 32765

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.*

Legend:

6' HT Santa Fe Installation and Removal:

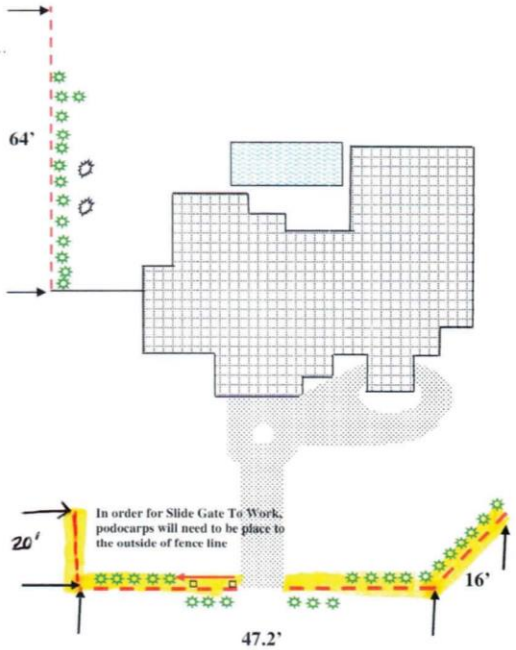
12' 4" Slide Gate:

Stretch Indicator:

Stretch Note:

Santa Fe Composite:

Charcoal Gray Coloring:



Santa Fe Composite:

Charcoal Gray Coloring:

STAFF FINDINGS

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

SITE PHOTOGRAPH

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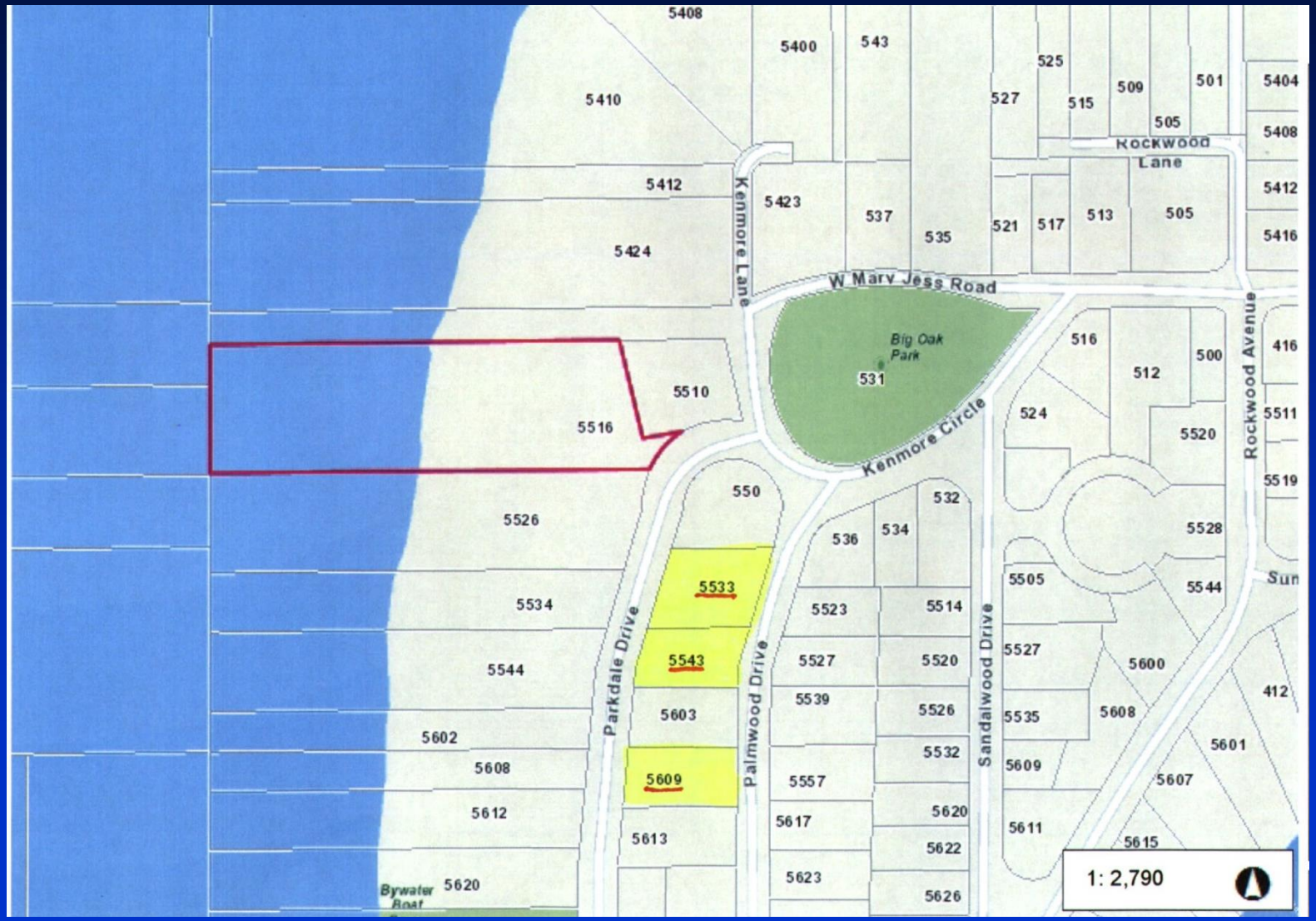
FENCES IN THE AREA



5533 Palmwood Drive

5543 Palmwood Drive

5609 Palmwood Drive

BZA Findings

- The existing landscaping would be taller than the fence and provide adequate screening
- A variance had been granted for an 8 foot high fence across the street
- The fence would not impede traffic visibility

PUBLIC FEEDBACK

Mailed 345 notices to property owners within 500 ft. radius of the property:

- Received 3 letters in support of the request.
- Received 6 letters in opposition to the request.

Variance Criteria, Sect. 30-43, Orange County Code

VARIANCE CRITERIA

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

1. **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 Privileges 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.**

Applicable Variance Criteria

VARIANCE CRITERIA

Section 30-43 of the Orange County Code Stipulates specific standards for the approval of variances.

- **Special Conditions and Circumstances- The property is uniquely shaped with a narrow road frontage for driveway access.**

- **Purpose and Intent- Due to the curvature of the road, the proposed fence will not obstruct traffic visibility and will not impede views from front yards of adjacent properties. Approval of the request will not cause any negative impacts to the neighborhood.**

BZA Recommendation

- Approve the variance request in that it met the requirements of Section 30-43(3), Orange County Code.
- 5-2 Vote

BCC Action Requested

Approve the request consistent with the Board of Zoning Adjustment's recommendation of August 3, 2017

STAFF RECOMMENDATION

Approve the application with the following conditions:

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 to be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or 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 125.002, 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

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