



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

OCTOBER 5, 2017

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



ORANGE COUNTY GOVERNMENT

BOARD OF ZONING ADJUSTMENT
(BZA)

Carolyn Karraker <i>Vice Chair</i>	District #1
Gregory A. Jackson <i>Chairman</i>	District #2
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Deborah Moskowitz	District #4
Wes A. Hodge	District #5
Eugene Roberson	District #6
Jessica Rivera	At Large

ORANGE COUNTY ZONING DISTRICTS

Agricultural Districts

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

Residential Districts

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

Non- Residential Districts

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

Other District

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

VARIANCE CRITERIA

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

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

SPECIAL EXCEPTION CRITERIA:

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

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

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

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
October 5, 2017**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
VA-17-10-094	William F. Flegal	1	Approved w/Conditions	1
VA-17-10-092	Dynamic Towing and Auto Repair	3	Approved w/Conditions	18
VA-17-10-095	Ryan Edmondson for GED Homes	1	Approved w/Conditions	26
VA-17-10-096	Matthew Morrison	3	Approved w/Conditions	37
VA-17-10-097	James and Melinda Leiferman	1	Approved w/Conditions	44
VA-17-10-098	Robb M. Erickson	1	Approved w/Conditions	51
VA-17-10-099	Joel Buntin	3	Continued	59
VA-17-10-100	Ednert Thomas	2	Approved w/Conditions	67
VA-17-10-101	Basil C. Dodd II	5	Approved w/Conditions	75
VA-17-10-102	David Broome	3	Approved w/Conditions	82
SE-17-10-103	Eglise Evangelique Baptiste Mont Morija	2	Approved w/Conditions	92
VA-17-10-104	South Realty, Inc.	2	Approved w/Conditions	100
VA-17-10-105	Heriberto Lugo	6	Approved w/Conditions	111

WILLIAM F. FLEGAL
VA-17-10-094

REQUEST: **Variance** in the R-1A zoning district to allow a cumulative total of 1,957 sq. ft. of ground-mounted solar panels in lieu of 485 sq. ft. (Note: The applicant currently has 344 sq. ft. of ground-mounted solar panels. He wants to add 1,613 sq. ft. of ground-mounted solar panels for a cumulative total of 1,957 sq. ft.)

ADDRESS: 6745 Tamarind Circle, Orlando FL 32819

LOCATION: East side of Tamarind Circle, north of Wallace Road

S-T-R: 27-23-28

TRACT SIZE: .46 acres

DISTRICT#: 1

LEGAL: SAND LAKE HILLS SECTION TWO 6/45 LOT 154

PARCEL ID: 27-23-28-7807-01-540

NO. OF NOTICES: 60

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 absent):

1. Development in accordance with site plan dated August 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.

SYNOPSIS: Applicant requested to install a ground mounted solar panel system to provide alternative electricity. The amount of panels requested is approximately four (4)

times what the code allows. The code requirement was adopted in September 2016 and this is the first variance from the code requirement.

Staff explained that the applicant cannot place the panels on the roof because it would void the warranty. Staff pointed out that there has been a sustainability initiative started by the county and the Mayor. The goal of the initiative is to increase the use of renewable energy by 10 % by 2020.

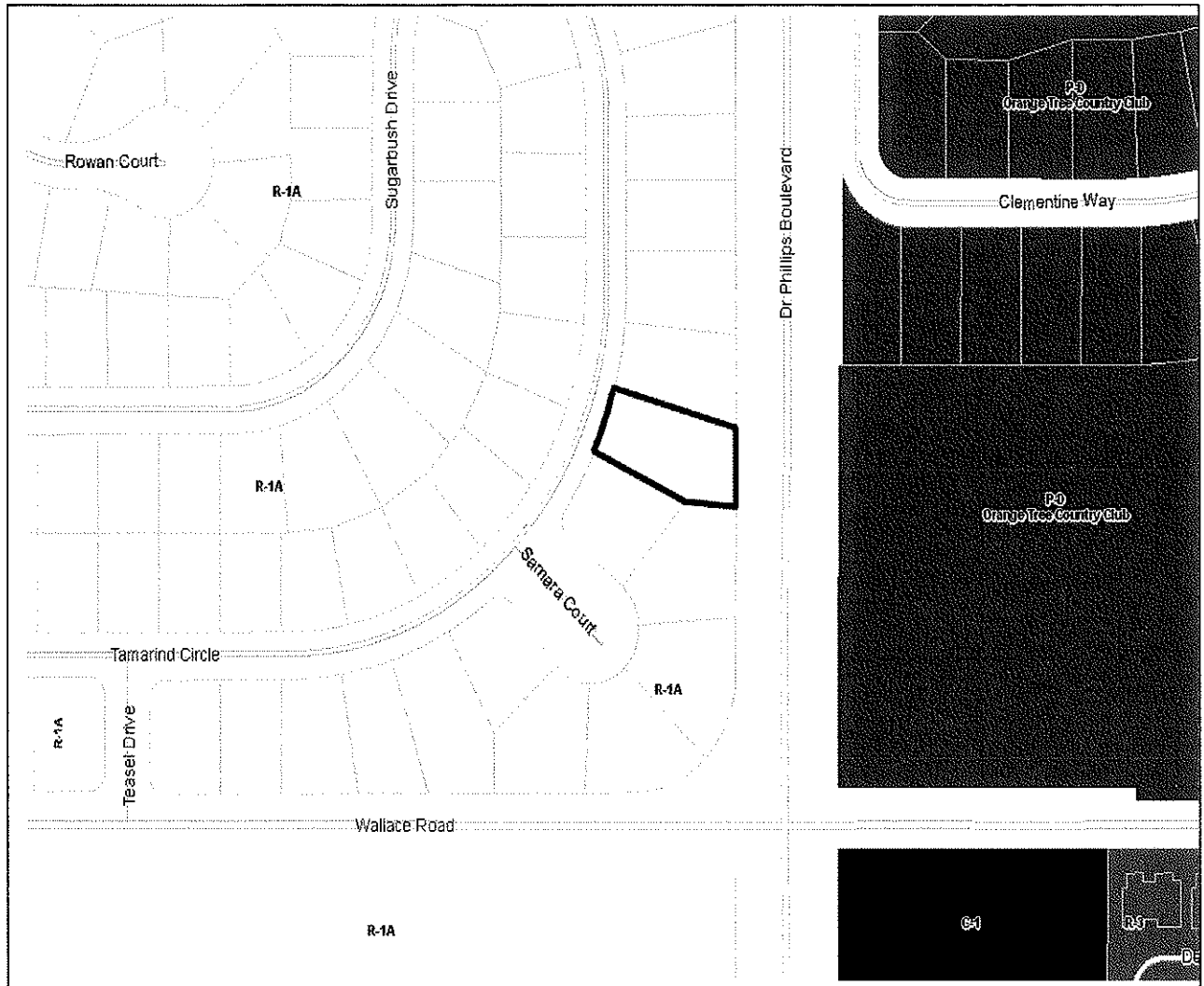
Staff included an exhibit in the booklet with questions posed by the Environmental Protection Division and responses provided by the applicant. The exhibit showed that the amount of energy used by the applicant did merit the necessity of the eighty-eight (88) panels proposed.

The applicant spoke regarding the request and explained the need of the ground-mounted system. The Commissioners raised concerns on the large amount of panels and the applicant explained the panels would only offset 75-80% of their power.

A representative spoke from the Environmental Protection Division and stated they agreed with the applicant. Due to the amount of power used by the applicant, the age of house, and the fact that roof mounted panels were not an option; the ground mounted panels were necessary.

The applicant submitted three (3) of no objection from the abutting neighbors. No one spoke in favor or against the application at the hearing.

The BZA discussed the case and the need for alternative renewable energy. The BZA concluded that the request was reasonable, would not negatively affect any of the neighbors, and would promote the county's sustainability initiative. The BZA approved the request unanimously.



Applicant: William F. Flegal

BZA Number: VA-17-10-094

BZA Date: 10/05/2017

District: 1

Sec/Twn/Rge: 27-23-28-NE-A

Tract Size: .46 acres

Address: 6745 Tamarind Circle, Orlando FL 32819

Location: East side of Tamarind Circle, north of Wallace Road

RECEIVED
AUG 08 2017
ORANGE COUNTY
ZONING DIVISION

6745 Tamarind Circle
Orlando, FL 32819

August 8, 2017

Orange County Zoning Division
Board of Zoning Adjustment

RE: 1) Variance Request for Solar Energy Ground Mounted Array
2) Lot 154 Sand Lake Hills Section 2, Parcel ID: 27-23-28-7807-01-540
3) Orange County Ord. No 2016-19 para 9, 9-13-16
4) Florida Statutes 163.04

Dear Board of Zoning Adjustment,

Please find attached my submission of the Application for a Zoning Variance to install a ground mounted solar system in my fenced-in back yard at 6745 Tamarind Circle, Orlando, FL 32819.

The proposed system array will consist of three array panels with a total square footage of 1613 sqft. The array will be made of aluminum and will hold the photovoltaic solar cells used to capture sunlight and convert to useable electric energy. The current ordinance states that the maximum square footage allowed would be approximately 481 sqft.

There currently exists a ground mounted solar pool water heating panel of 320 sqft, a small solar domestic hot water panel approximately 24 sqft and a wood storage shed approximately 200 sqft, all of which have existed on my property for a number of years.

The total square footage including existing and proposed solar photovoltaic arrays is 2157 sqft.

The system has been specifically designed and sized to result in a near net zero requirement for purchase of electricity from Duke Energy, the provider in this area. It has been designed to conform to all country building requirements as well as those of Duke Energy. This array will qualify for Duke Energy's Tier 2 Customer Owned Renewable Generation Systems and connection to Duke Energy Florida's electric grid.

My property is surrounded by a 6 foot high fence, and the nominal maximum height of the array at it's highest point does not exceed 6 feet 6 inches. County Ordinance states that the height cannot exceed 8 feet. The minimum distance from any property line is 15 feet 6 inches.

As stated above the sole purpose of this solar system is to achieve a net zero electric cost from Duke Energy. The system will be installed by a licensed, insured, and certified Solar System company who has been doing business in the county for twenty years.

Our subdivision of Sand Lake Hills, no longer has a Homeowner's Association. The voluntary association was dissolved in 2016.

As recommended, I have attached letters of support from the owners of the three properties that abut mine.

In addition, for information purposes, I have included a copy of the 2017 Florida Statutes 163.04 which addresses the States views on solar energy systems and is referred to in the County ordinance.

Thank you for your consideration in this matter and trust that a variance can be granted.

Sincerely,



William Flegal
6745 Tamarind Circle
Orlando, FL 32819
407-351-0428

Attachments:

- 1) 2 copies of a detailed site plan/survey
- 2) 2 copies of a boundary survey
- 3) 1 picture (for reference only) of a similar ground mount array
- 4) 1 copy of Orange County Ordinance 2016-19 para 9, 9-13-16
- 5) 1 copy of Florida Statutes 163.04
- 6) 1 copy of each of 3 neighbors support statements

BOUNDARY SURVEY

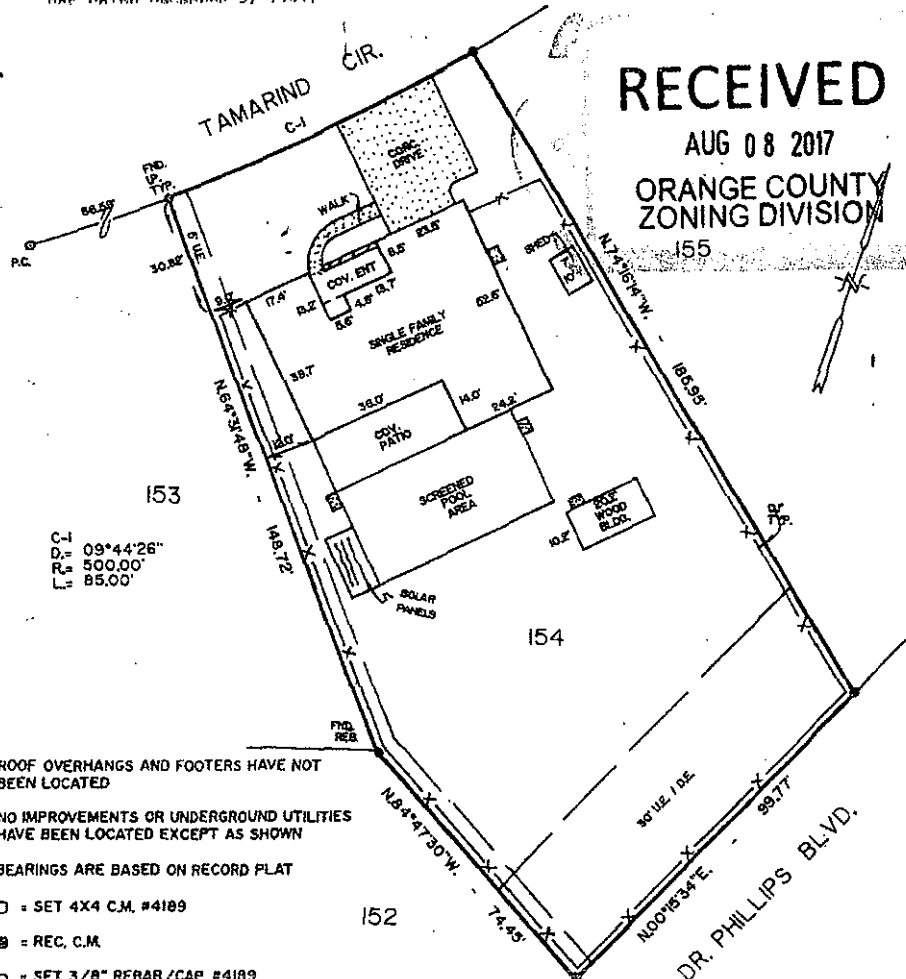
LEGAL DESCRIPTION: LOT 154, SAND LAKH HILLS, SECTION 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGES 45 - 46, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE "C", AREA OF MINIMAL FLOODING AS PER F.I.R.M. COMMUNITY PANEL NUMBER 170174 1175 D, ORANGE COUNTY, FLORIDA. MAP DATED DECEMBER 5, 1989.

RECEIVED

AUG 08 2017

ORANGE COUNTY
ZONING DIVISION



ROOF OVERHANGS AND FOOTERS HAVE NOT BEEN LOCATED

NO IMPROVEMENTS OR UNDERGROUND UTILITIES HAVE BEEN LOCATED EXCEPT AS SHOWN

BEARINGS ARE BASED ON RECORD PLAT

□ = SET 4X4 C.M. #4189

● = REC. C.M.

○ = SET 3/8" REBAR/CAF #4189

⊙ = REC. PROP. CORNER (SEE SKETCH FOR DISC.)

⊙ = P.C.P.

6745 TAMARIND CIRCLE

R = RADIAL

THE SURVEY SHOWN HEREON WAS SURVEYED BY THE LEGAL DESCRIPTION PROVIDED BY THE CLIENT

I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 211H-6, FLORIDA STATUTES.

CERTIFIED TO: SOUTHEAST TITLE GROUP
METROPLEX MORTGAGE BANKERS, INC.
JOHN P. McDONALD, JR.
WILLIAM P. FLEGAL

FOUNDATION SURVEY DATE: _____

FINAL SURVEY DATE: 10/30/91

PREPARED FOR: JOHN P. McDONALD, JR.
WILLIAM P. FLEGAL

PREPARED BY:

CHARLES "ROB" DE FOOR
AND ASSOCIATES

P.O. BOX 3182, APOPKA, FL 32703 (407)680-3583

DATE DRAWN:

10/30/91

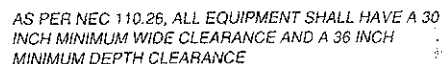
SCALE:

1"=30'

PAGE 1 OF 1

CHARLES R. DE FOOR
P.L.S. NO. 4189 DATE: 10-30-91

PROPERTY LINE

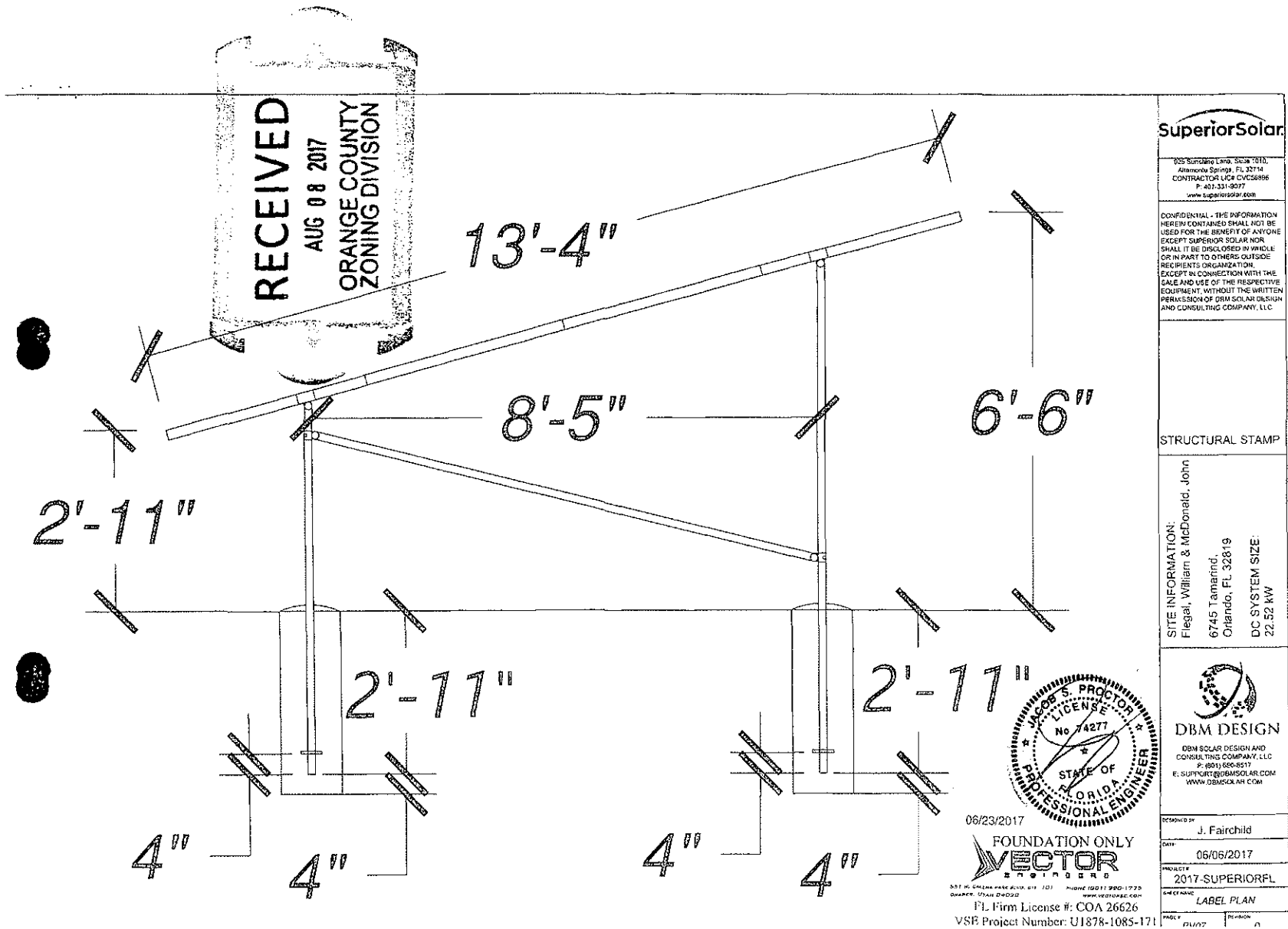


RECEIVED
AUG 08 2017
ORANGE COUNTY
ZONING DIVISION

EQUIPMENT LOCATION NOTES

- 1) CONDUCTORS EXPOSED TO SUNLIGHT SHALL BE LISTED AS SUNLIGHT RESISTANT PER NEC 319.9(D)
- 2) CONDUCTORS EXPOSED TO WET LOCATIONS SHALL BE SUITABLE FOR USE IN WET LOCATIONS PER NEC 310.5(C)
- 3) CONDUIT NOT TO BE INSTALLED CLOSER THAN 1/2" TO SURFACE OF ANY ROOF
- 4) DC CONDUCTORS EITHER DO NOT ENTER BUILDING OR ARE RUIN IN METALLIC RACEWAYS OR ENCLOSURES TO THE FIRST ACCESSIBLE DC DISCONNECTING MEANS PER NEC ARTICLE 690.1(E)
- 5) ARRAYS SHALL BE INSTALLED IN A WAY THAT ENSURES THAT PV SOURCE CONDUCTORS SHALL NOT BE REDILY ACCESSIBLE

STATE OF NEW YORK
JAN 11 1992
CLERK OF THE COURT





STAFF REPORT
CASE #VA-17-10-094
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
October 5, 2017
Commission District: 1

GENERAL INFORMATION:

APPLICANT: William F. Flegal

REQUEST: Variance in the R-1A zoning district to allow a cumulative total of 1,957 sq. ft. of ground-mounted solar panels in lieu of 485 sq. ft.

(Note: The applicant currently has 344 sq. ft. of ground-mounted solar panels. He wants to add 1,613 sq. ft. of ground-mounted solar panels for a cumulative total of 1,957 sq. ft.)

LOCATION: East side of Tamarind Circle, north of Wallace Road

PROPERTY ADDRESS: 6745 Tamarind Circle, Orlando, FL 32819

PARCEL ID: 27-23-28-7807-01-540

PUBLIC NOTIFICATION: 60

TRACT SIZE: .46 acres

DISTRICT #: 1

ZONING: R-1A

EXISTING USE(S): SFR

PROPOSED USE(S): Ground-mounted solar panels

SURROUNDING USES: Location is surrounded by single family residences.

STAFF FINDINGS AND ANALYSIS:

1. The applicant states that the solar panels are to offset their \$500.00 per month power bill.
2. The roof of the house is a tile roof and the applicant states that placing solar panels on the roof would void the warranty.
3. The back yard of the property is large and has six (6) foot high privacy fences/walls on all sides.
4. The property has an existing solar rack array to heat the water for the pool.
5. Applicant has submitted letters of no objection from all three (3) of the adjacent neighbors.
6. A representative from the Environmental Protection Division (EPD) prepared a list of questions for the applicant to answer regarding the request. These are technical questions regarding the need of the variance. The applicant has responded to those questions (See Exhibit #1). The EPD representative will be present at the hearing to comment on the request.
7. The amount of solar panels requested represents a 400% deviation from code requirements.
8. This is the first variance of its kind that has been requested since the Zoning Regulations regarding ground mounted solar panels was approved on September 13, 2016.

STAFF RECOMMENDATION:

Staff will make a recommendation at the hearing and may add additional conditions. The standard conditions below shall apply:

1. Development in accordance with site plan dated August 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.

cc: Nick Arceneaux
925 Sunshine Lane
Altamonte Springs, Florida 32714

Exhibit #1

Site selection for solar:

1. Is applicant planning to remove or keep passive solar pool heating system?

Applicant is planning to keep the passive solar pool heating system, augmenting the electric heat pump so as not to increase the home's energy load demand.

2. Why is applicant choosing ground mounted PV array rather than roof top array?

The current is a type of roof is a stone coated steel roof that will not support a solar energy panel roof attachment. It is unlike traditional metal, tile, or asphalt shingles in that it is installed over an existing shingle roof using wood battens. The steel roofing panels are attached to the battens, resulting in an insulating airspace. [Attach 1] Any attachments to this type of roof would not be secure and would also void the 50 Year roof warranty.

3. Has applicant received quotes from other solar installers?

Yes, applicant has received multiple estimates from solar contractors.

4. How old is applicant's roof? Why is applicant opposed to roof top installation?

See answer to question 2. A steel roof mounted system cannot support any types of mounting hardware, and such attachments would void the roof warranty. This type of roof is one of the few roof types that will not support a solar mounting attachment to meet code without destroying the roof. The Decra Roofing Systems roof is typically 3 times the cost of a standard shingle or tile roof [Attach 2]. It is Dade county Hurricane certified to withstand 120 MPH winds. It carries a 50 year warranty [Attach 3]. The roof was installed in 2006.

5. Does applicant meet all other code requirements outside of square foot allowed per ground mounted system?

Yes. The ground mounted solar energy array meets all structural and electrical codes required for this type of installation. The selected contractor, Superior Solar, has invested several thousand dollars in raised seal stamped engineering to ensure the system meets the current applicable Orange County building codes. Additionally, the requisite fence is already installed in the yard around the proposed solar installation area.

6. Has applicant performed a roof/property review to see if their site is a good candidate for solar?

Yes, several solar contractors have visited the property to ensure the site is a good candidate to benefit from the installation of a solar energy system. All the

contractors came to the same conclusion and provided estimates for installation in this similar size and configuration. Also, a NABCEP certified designer analyzed past power bills and sized this solar system using advanced solar-performance modeling software.

7. *Has the site been accurately assessed for shading; how was this done? If there's a risk of shading, what ways has applicant considered to minimize the impact in the design of the system?*

The licensed solar contractors used a solar pathfinder device to conduct a shading analysis assessment along with the solar-performance modeling software program (Helioscope) to ensure the system will perform properly. Although there is minimal shading during certain times of the year early in the morning from the trees in the east, the impact on the solar array is very minimal. We are installing a SolarEdge inverter system which allows each panel to perform individually which minimizes the impact of any shading to only the individual modules impacted at the time of day where any shade may be an issue. Unlike traditional string inverter technology, the SolarEdge inverter system is designed to perform well even in the presence of some shading.

Electric Usage

1. *Who is the applicant's utility provider?*

Duke Energy

2. *What is the applicant's annual power usage for their property; ask applicant to provide power usage from power provider or applicant can provide last 12 monthly bills to reflect their actual yearly electric use; what is the average monthly use?*

The total energy consumption for the past 12 months is 36,664 kwh. The average for the past 12 months is 3,055 kwh per month [Attach 4].

3. *What is the installers recommended size of the system based on applicant's energy usage?*

Note: For example, a ground mounted PV Array is expected to output 28.98kW of energy and would require 1,736ft² square feet of ground space for the system array; this is based on using 84 REC TwinPeak

25 72cells per panel REC345TP2S72 345 watt solar panels with 4x SolarEdge SE7000A-US Inverters and 84 SolarEdge Power Optimizers

All the solar contractors came up with approximately the same proposed size for the solar installation to help reduce our energy bill. Superior Solar is the solar contractor selected to perform the work. This decision was based on their 33 years of experience in business locally and great service in the past, having been the contractor for the passive solar pool heating system. Superior Solar recommend installing 88 – REC 290 watt solar panels with 88 p-300 optimizers totaling 25,520 watts with 3 SolarEdge inverters to support the 25.5kw system. The system size is 1,613 sq. ft.

4. *Is the system size proposed adequate or more than applicant's energy need for net metering? Is applicant (in near future) planning on addition to home or electric vehicle that would demonstrate the need for the additional power generated by the system?*

This size solar system is designed to produce approximately 2600 kWh of electricity per year, which will offset approximately 75-85% of the annual energy usage based on years of past data.⁹⁰

We have been monitoring and reviewing the development of electric vehicles over the last several years. Now the premier all-electric vehicle, Tesla, has developed a reasonably affordable vehicle to compete with Ford and Chevrolet. None of these vehicles would be of consequential value without the electricity provided for recharging via a solar electric system. Particularly as the electric rates continue to increase.

5. *Has applicant checked with utility provider to see what they would allow customer to install proposed system array and interconnect to their GRID?*

Duke Energy has net metering agreements in place for different size solar systems (which will be executed and in place once this installation passes the final building inspection). The net metering agreement allows any Duke Energy customer to install this size solar system, by paying an application fee, and maintaining a general liability insurance policy property. It's a Tier 2 installation with Duke Energy. The applicant has already secured a \$1 Million General Liability Policy as required by Duke Energy.

6. *What is the metering arrangement? i.e. utility provider should net metering for the customer per Florida Law*

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0366/Sections/0366.91.html

It's a Tier 2 Duke Energy net metering agreement and application. It's available on Duke Energy's website. Here is the link to read about the net metering procedures and see the application/ agreement.

<https://www.progress-energy.com/florida/business/renewable-energy/interconnect.page>

System Details:

1. What type/manufacturer of PV panels is proposed?

The systems are designed with REC 290 watt Twin-Peaks high efficient 60 cell modules with PERC technology. These panels perform in two halves which also reduce any shade losses and increases performance.

2. What type of ground mount installation? i.e. low-profile, pole mount, low-penetration etc.

The solar system will be a low profile ground mounted system. The system will be approximately 2' off the ground at the lower end and 6',6" at the highest point. The system is constructed with heavy gauge metal hardware to minimize penetrations and meet Florida wind-loading codes. Superior Solar installs this same rack routinely throughout Florida. Superior Solar has not had any issues with this type of installations despite recent hurricanes.

3. Is the system a tracking or stationary system?

This system is not a tracking system. It's a fixed mount stationary system. Tracking systems are ideal when space is not a concern. Tracking systems are often much higher off the ground because they must be able to pivot towards the sun. Although the total square footage of solar panels may be less to generate the same amount of energy, the total land area must be greater to compensate for the shade space between the trackers (both vertically and horizontally). A tracking system is simply not a viable option for this site. If the property was much larger, a tracker might be a good fit. In this application, however, there is simply not enough space to install a tracking system

Tracking systems are also significantly more expensive, but more importantly, their inherent moving parts make them much more susceptible to failures. Our high humidity here in Florida has been shown to corrode the motors and moving parts required for the operation of tracking systems. The proposed ground-mount system is constructed from corrosion-resistant aluminum and has no moving parts.

4. What's the energy efficiency rating of the panels proposed for the PV array?

The efficiency rating is 17.4% on the REC 290-watt panel.

5. *What other PV panels has applicant considered? Are there other PV panels on the market that applicant can purchase that provides a greater efficiency which can reduce the size of the proposed ground mounted system?*

Yes, there are better efficient panels that can be purchased but at a significantly higher cost per panel to obtain the higher efficiency panels. This proposed panel are the ones that is being offered to me by the Superior Solar installer at this time as the most cost-effective solution.

There are a few higher efficiency panels available on the market that will reduce the system size such as LG or the LG Neon panels. These types of panels are in very high demand and are not readily available. Moreover, high-efficiency panels are very expensive and have an efficiency rating of approximately 19%. The REC panels rank among the highest in the efficiency category at 17.4 -18% (which is higher than the majority of the panels on the market). We are installing a high efficient solar panel. The proposed sized solar system is approximately 1,613 sq ft with the REC 290-watt panel solar panel. If a comparable LG panel at 19% efficiency were installed it would reduce the system size by approximately 7 panels or 136 sq ft. The system would still demand a variance for nearly the same size, and the additional costs to install this technology would be approximately \$11,400 more expensive.

6. *How are the panels being connected are they in a series or parallel?*

Note: Connecting the panels in parallel, rather than in series in each single string is preferred – this allows shaded panels to be bypassed by the output from the other unshaded panels (this solution could require more than one inverter in the system).

The SolarEdge inverter technology is being installed which has DC power optimizers. These allow the panels to perform in a parallel configuration on each individual solar panel. The inverters will be connected in parallel. This will prevent any shade on one panel from affecting the performance from the surrounding panels. SolarEdge is a string inverter, but with DC optimizers, which allow it to perform in such a way where any shade will not impact the whole system.

7. *Are they proposing the use of a micro-inverter integrated with each individual panel?*

Note: These can be used as an alternative to larger stand-alone inverters.

The SolarEdge inverter system performs very similar to a micro-inverter system. The SolarEdge inverter system provides the best of both technologies. You get the module level performance with the least amount of points of failure. The system can perform and be monitored on a per panel level to track the performance. If one panel is shaded, all other panels still perform at full capacity for the available sunlight.

8. *What is the proposed orientation and tilt of the system? Has both the orientation of tilt of the panels been taken into consideration in their positioning and in calculating the generating potential of the system?*

The orientation/azimuth is south 180 degrees. The tilt is approximately 15 degrees to stay within the wind loading code and the Orange County height requirement maximum of 8'. This has been considered and applied into the energy projections of the systems performance. The PERC "passive emitter and rear cell" technology in the REC panels along with the anti-reflective covering help maximize performance in any orientation 0-45 degree tilt. 30 to 35 degree angles are ideal in areas further north, but in southern regions, lower tilt angles closer to the area's latitude are actually better. This system faces South and will be set at approximately 15 degree tilt.

Note: Solar PV panels work best when they face south, which maximizes the capture of energy. Panels will still work if they face south east or south west, but just not as effectively. Outside of this range, though, and they are even less likely to be cost effective. To catch the most sun, panels need to be tilted at an angle of 30 to 35° from horizontal – about the same as the average pitched roof. If the panels are installed on a flat roof, or even standing on the ground, they can be placed on frames which tilt them at the optimum angle. For example, panels facing southwest on a 30° roof pitch will capture around 96% of the energy that would result if they were facing due south at the same tilt angle.

**DYNAMIC TOWING AND AUTO REPAIR
VA-17-10-092**

REQUEST: **Variances** in the C-3 zoning district to allow existing storage building as follows:
1) 4 ft. from a side (west) property line in lieu of 5 ft.; and
2) 6 ft. from a rear (south) property line in lieu of 15 ft.
(Note: The applicant purchased the property in 2016. There are no records of building permits for the subject building. This is the result of code enforcement action. The applicant has obtained letters of support from the two most impacted neighbors.)

ADDRESS: 6408 Old Cheney Highway, Orlando FL 32807

LOCATION: South side of Old Cheney Highway, 775 ft. east of E. Colonial Drive

S-T-R: 22-22-30

TRACT SIZE: 1.3 acres

DISTRICT#: 3

LEGAL: FROM SW COR OF NE1/4 RUN E 394.12 FT N 688.16 FT FOR POB TH N 67 DEG E 288 FT S 331.90 FT S 80 DEG W 176 FT M/L N 20 DEG W 267.20 FT TO POB IN SEC 22-22-30 (LESS PT IN R/W)

PARCEL ID: 22-22-30-0000-00-021

NO. OF NOTICES: 121

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0, 1 absent):

1. Development in accordance with site plan dated August 1, 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 following wording shall be included on the plans submitted for the building permit for the currently unpermitted structure: "THIS APPLICATION [OR THESE PLANS] RELATE TO THE STATE ROAD 436/STATE ROAD 50 CORRIDOR OVERLAY DISTRICT, WHICH WAS ESTABLISHED UNDER AND IS SUBJECT TO ORDINANCE NO. 2004-15 , ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON October 12, 2004." This shall be display in capital letters that are at least two (2) inches high.
5. The applicant shall obtain a permit for the storage building within 180 days of final action by Orange County on this application or this approval becomes null and void.

SYNOPSIS: Staff explained that the accessory structure which is the subject of the variance was constructed by a previous owner in 2007 without building permits. The applicant purchased the property without knowledge that there was no permit. As such, the need for the variance was not self-imposed. Further, the property was purchased in large part due to the availability of the enclosed storage. Staff received correspondence stating that the two (2) most impacted property owners, and an owner of two (2) properties to the east zoned residentially were in support of the application.

The applicant explained that the need for the enclosed storage is in a large part due to a contract they have with the Florida Highway Patrol for storage of vehicles involved in fatal crashes. The loss of the contract would have a major impact to his business. One (1) person spoke in favor of the application. No one spoke in opposition.

The BZA found that the need for the variance was not self-imposed, and that the structure was in keeping with the general character of the area.



Applicant: Dynamic Towing and Auto Repair

BZA Number: VA-17-10-092

BZA Date: 10/05/2017

District: 3

Sec/Twn/Rge: 22-22-30-NE-A

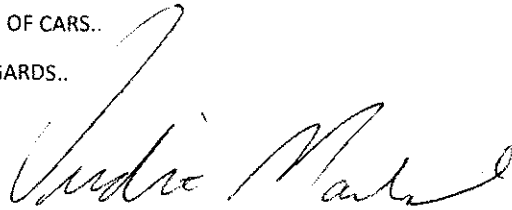
Tract Size: 1.3 acres

Address: 6408 Old Cheney Highway, Orlando FL 32807

Location: South side of Old Cheney Highway, 775 ft. east of E. Colonial Drive

DYNAMIC TOWING AND AUTO REPAIR
6408 OLD CHENEY HWY. ORLANDO, FL. 32807

I AM APPLYING FOR A VARIANCE FOR A BUILDING THAT'S LOCATED ON THIS PROPERTY I BOUGHT, AFTER I FOUND OUT THAT ONE BUILDING ON THE PROPERTY WAS BUILT BY THE PREVIOUS OWNER WITHOUT A PERMIT FROM ORANGE COUNTY, I TRIED TO GET THE PROPER PERMITTING, HOWEVER THE BUILDING IS NOT WITHIN ZONING APPROVAL, BECAUSE OF THE SIZE OF THE STRUCTURE I WOULD LIKE TO REQUEST A VARIANCE, THE BUILDING IS MAINLY USE TO STORAGE OF CARS..
KIND REGARDS..



RECEIVED
AUG 01 2017
Zoning Division

[illegible]

RECEIVED
AUG 01 2017
Zoning Division



STAFF REPORT
CASE #VA-17-10-092
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
October 5, 2017
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Dynamic Towing and Auto Repair

REQUEST: Variances in the C-3 zoning district to allow existing storage building as follows:

- 1) 4 ft. from a side (west) property line in lieu of 5 ft.; and
- 2) 6 ft. from a rear (south) property line in lieu of 15 ft.

(Note: The applicant purchased the property in 2016. There are no records of building permits for the subject building. This is the result of code enforcement action. The applicant has obtained letters of support from the two most impacted neighbors.)

LOCATION: South side of Old Cheney Highway, 775 ft. east of E. Colonial Drive

PROPERTY ADDRESS: 6408 Old Cheney Highway, Orlando, FL 32807

PARCEL ID: 22-22-30-0000-00-021

PUBLIC NOTIFICATION: 121

TRACT SIZE: 1.3 acres

DISTRICT #: 3

ZONING: C-3

EXISTING USE(S): Auto towing and repair

PROPOSED USE(S): Storage Building

SURROUNDING USES: N - Commercial
S - Commercial
E - Single Family Residences
W - Commercial

STAFF FINDINGS AND ANALYSIS:

1. According to historic aerials, the building was constructed in 2007, by the then owner of the property. The structure consists of a four (4) foot tall concrete wall with a steel structure atop the wall.
2. The applicant purchased the property in November 2016. The applicant was unaware that the structure in question was constructed without permits. Therefore, this is not a self-imposed hardship.
3. This property is located in the SR-436/SR-50 Corridor Overlay District. The use is not among those listed as prohibited, and there are no design guidelines relating to appearance of structures. However, an applicant for any type of development order is required to display the text contained in Condition #4.
4. Without the variance, the structure must be removed. This will impose a hardship on the applicant in that they would lose a significant amount of enclosed storage space which, in part, attracted them to purchase the property. It provides needed secure storage for vehicles awaiting repairs.
5. The two (2) most impacted neighbors have submitted letters of support for the variances.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated August 1, 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 following language shall be included on the plans submitted for the building permit for the currently unpermitted structure: "THIS APPLICATION [OR THESE PLANS] RELATE TO THE STATE ROAD 436/STATE ROAD 50 CORRIDOR OVERLAY DISTRICT, WHICH WAS ESTABLISHED UNDER AND IS SUBJECT TO ORDINANCE NO. 2004-15, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 12, 2004.".
5. The applicant shall obtain a permit for the storage building within 180 days of final action by Orange County or this approval becomes null and void.

cc: Oudit Manbahal
2474 Cypress Trace Circle
Orlando, Florida 32825

RYAN EDMONDSON FOR GED HOMES
VA-17-10-095

REQUEST: **Variance** in the A-1 zoning district to allow construction of a home on a lot width of 67 ft. in lieu of 100 ft.
(Note: A review of the Property Appraiser's data for this property shows that a house was previously constructed on the subject property in 1963. The house has since been removed.)

ADDRESS: 6548 Lagoon Street, Windermere FL 34786

LOCATION: South side of Lagoon St., west of Winter-Garden Vineland Rd.

S-T-R: 24-23-27

TRACT SIZE: 82 ft. x 659 ft.

DISTRICT#: 1

LEGAL: SAWYER SHORES SUB V/9 LOT 6 & BEG ELY COR LOT 5 RUN S 45 DEG W 165.77 FT FOR A POB TH N 44 DEG W 5.85 FT S 45 DEG W 34.14 FT S 44 DEG E 5.78 FT N 45 DEG E 34.14 FT TO POB BLK C

PARCEL ID: 24-23-27-7820-03-060

NO. OF NOTICES: 92

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 absent):

1. Development in accordance with site plan dated August 9, 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 new home shall comply with all required setbacks.
5. Prior to the issuance of a Certificate of Occupancy (CO) for the new residence, the applicant shall obtain the necessary permit and demolish the existing shed. Any replacement accessory structure shall comply with all requirements for an accessory structure.

SYNOPSIS: Staff noted that according to the Property Appraiser's information, a home had been constructed on the subject property in 1963. The owner of the property at that time constructed a shed on the property. However, it had been constructed partially over the property line on the neighboring property to the west. A lot line adjustment was made. This adjustment caused the lawful nonconforming status of the lot to be void. All but two (2) of the lots on the south side of the street fail to meet the required lot width, and all but two (2) of the lots on this side of the street are built upon. Denying the variance would deny the applicant a right enjoyed by others in the same zoning district. Plus, the current owner did not cause the nonconforming situation, therefore, the hardship is not self-imposed.

There being no one present to speak for or against the application, the public hearing was closed.

The BZA noted that this is the character of this neighborhood, and denying the variance would deny the owner the use of their property.



Applicant: Ryan Edmondson for GED Homes

BZA Number: VA-17-10-095

BZA Date: 10/05/2017

District: 1

Sec/Twn/Rge: 24-23-27-SE-D

Tract Size: 82 ft. x 659 ft.

Address: 6548 Lagoon Street, Windermere FL 34786

Location: South side of Lagoon St., west of Winter-Garden Vineland Rd.

Cover Letter

VA-17-10-095 6548 Lagoon St Windermere

EDMONDSON HOMES

7848 Ficquette RD. Windermere Fl.

Ryan Edmondson Ph. & Fax 407- 877-7455

Cell 407-948-0775

Asking for a variance to construct a new home on a sub-standard width lot. We can meet all setback and septic requirements. Many lots on this same street are also sub-standard width. Septic has already been approved and we can also meet the lot square foot requirement. There is currently a shed on the property which will be demolished upon approval of new home permit is given.

Thank You

Ryan Edmondson

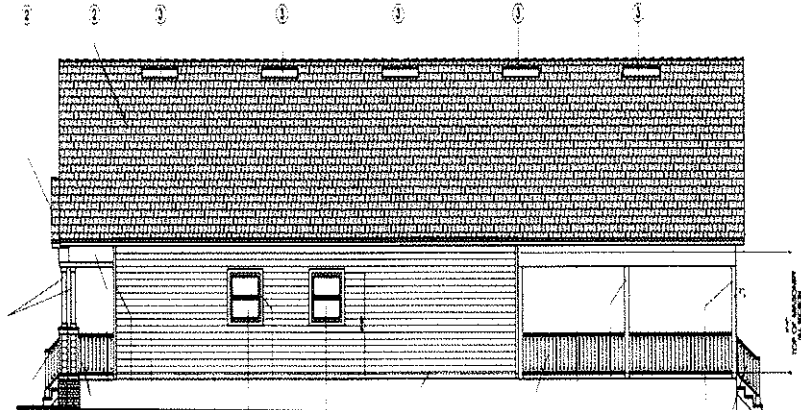
RECEIVED

AUG 16 2017

Zoning Division

Right Side Elevation

Scale 1/4" = 1'-0"



10 9 8 7 6 5 4 3 2 1 0 1 2 3 4 5 6 7 8 9 10

Window Schedule

NO.	TYPE	SIZE	LOCATION	FINISH	NOTES
1	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
2	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
3	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
4	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
5	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
6	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
7	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
8	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
9	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
10	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR

SCREEN PLACEMENT
Scale 1/4" = 1'-0"

Door Schedule

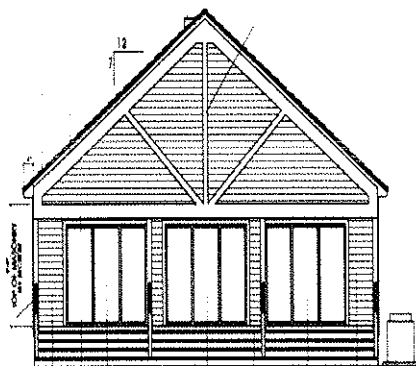
NO.	TYPE	SIZE	LOCATION	FINISH	NOTES
1	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
2	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
3	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
4	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
5	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
6	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
7	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
8	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
9	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR
10	6'0" x 4'0"	1	1st FLOOR	1	1st FLOOR

SCREEN PLACEMENT
Scale 1/4" = 1'-0"

Elevation Legend

- 1: Stucco Finish
- 2: Architectural Shingle Roof Finish
- 3: On Ridge Roof Vent System
- 4: Finish Floor Location
- 5: Finished Grade
- 6: Hard Board
- 7: Hard Board Trim
- 8: Hard Board corner Trim
- 9: 2-1 3/4" x 11 1/4" LVS. BEAM
- 10: 6"x6" Structural Post
- 11: 36" HIGH GUARD RAIL
- 12: A/C CONDENSER
- 13: BRICK VENEER
- 14: LATTIS OVER MASONRY
- 15: STAIR RAIL @ 36" A.F.T
- 16: SHUTTER
- 17: WINDOW CAP TRIM
- 18: CORBEL
- 19: END VIEW OF TJI TRUSS

2 10 3 2 10



Rear Elevation

Scale 1/4" = 1'-0"



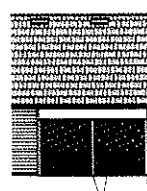
Left Side Elevation

Scale 1/4" = 1'-0"



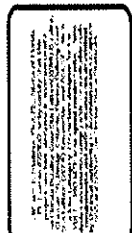
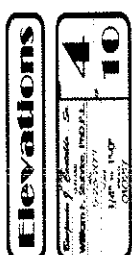
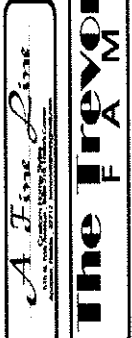
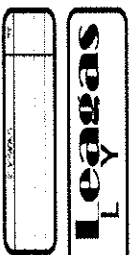
Rear Elevation

Scale 1/4" = 1'-0"



Right Side Elevation

Scale 1/4" = 1'-0"

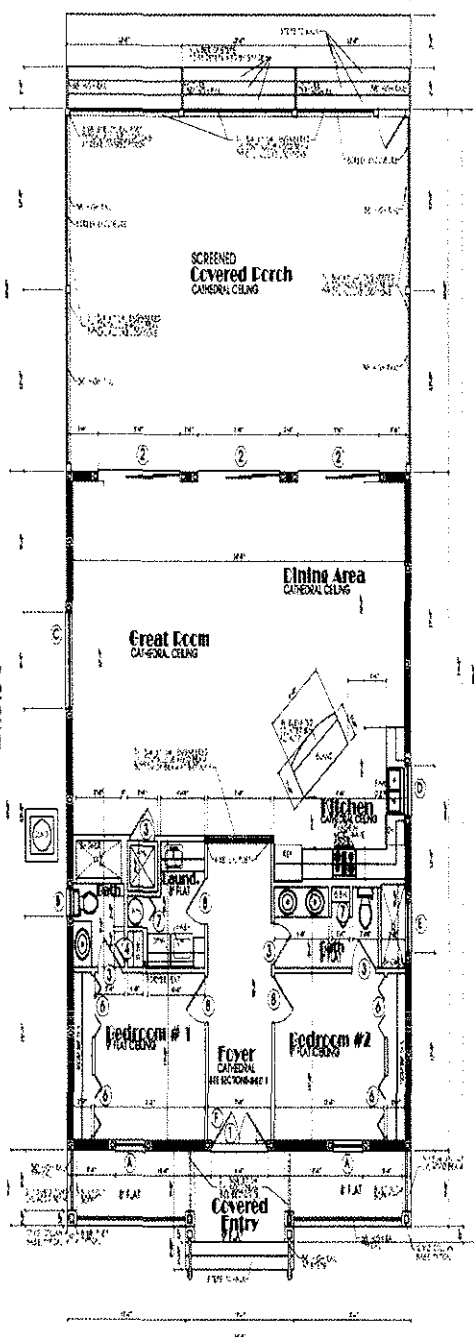


Door Schedule									
NO.	W	H	SW	SL	MT	FR	GL	GL	GL
1	3'0"	6'8"	60	60	60	60	60	60	60
2	3'0"	6'8"	60	60	60	60	60	60	60
3	3'0"	6'8"	60	60	60	60	60	60	60
4	3'0"	6'8"	60	60	60	60	60	60	60
5	3'0"	6'8"	60	60	60	60	60	60	60
6	3'0"	6'8"	60	60	60	60	60	60	60
7	3'0"	6'8"	60	60	60	60	60	60	60
8	3'0"	6'8"	60	60	60	60	60	60	60

Window Schedule									
NO.	W	H	SW	SL	MT	FR	GL	GL	GL
1	3'0"	6'8"	60	60	60	60	60	60	60
2	3'0"	6'8"	60	60	60	60	60	60	60
3	3'0"	6'8"	60	60	60	60	60	60	60
4	3'0"	6'8"	60	60	60	60	60	60	60
5	3'0"	6'8"	60	60	60	60	60	60	60
6	3'0"	6'8"	60	60	60	60	60	60	60
7	3'0"	6'8"	60	60	60	60	60	60	60
8	3'0"	6'8"	60	60	60	60	60	60	60

Wind Load Design Criteria									
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

Calculations:									
LIVING AREA	1,697								
COVERED ENTRY	202								
COVERED PORCH (SCREENED)	912								
TOTAL AREA UNDER ROOF	2,811								



General Plan Notes:

ARCHITECTURAL / ENGINEERING

THIS GENERAL PLAN AND SPECIFICATIONS ARE PREPARED BY THE ARCHITECT FOR THE PURPOSE OF OBTAINING BIDDING AND CONSTRUCTION OF THE PROJECT. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER SOURCES, NOR FOR THE RESULTS OF ANY TESTS OR ANALYSES PERFORMED BY OTHERS. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THE GENERAL PLAN AND SPECIFICATIONS.

CONTRACTOR RESPONSIBILITY

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER SOURCES, AND FOR THE RESULTS OF ANY TESTS OR ANALYSES PERFORMED BY OTHERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THE GENERAL PLAN AND SPECIFICATIONS.

CODES IN EFFECT FOR THESE DOCUMENTS:

FLORIDA BUILDING CODE
FLORIDA BUILDING CODE
FLORIDA PLUMBING CODE
FLORIDA MECHANICAL CODE
NATIONAL ELECTRICAL CODE
FLORIDA FIRE ALARM CODE
NATIONAL FIRE ALARM CODE
FLORIDA ENERGY EFFICIENCY CODE

2014 EDITION
2014 EDITION
2014 EDITION
2014 EDITION
2014 EDITION
2014 EDITION
2014 EDITION

A Fine Line
 THE FREVOR LEEGAS
 ARCHITECTS

FLOOR PLAN
 2
 10

THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.



STAFF REPORT
CASE #VA-17-10-095
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
October 5, 2017
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Ryan Edmondson for GED Homes

REQUEST: Variance in the A-1 zoning district to allow construction of a home on a lot width of 67 ft. in lieu of 100 ft.

(Note: A review of the Property Appraiser's data for this property shows that a house was previously constructed on the subject property in 1963. The house has since been removed.)

LOCATION: South side of Lagoon St., west of Winter-Garden Vineland Rd.

PROPERTY ADDRESS: 6548 Lagoon Street, Windermere, FL 34786

PARCEL ID: 24-23-27-7820-03-060

PUBLIC NOTIFICATION: 92

TRACT SIZE: 82 ft. x 659 ft.

DISTRICT #: 1

ZONING: A-1

EXISTING USE(S): Vacant with shed

PROPOSED USE(S): Single Family Residence

SURROUNDING USES: N - Single Family Residence
S - Lake Sawyer
E - Single Family Residence
W - Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. According to the Property Appraiser's records, a house was constructed on the subject property in 1963. The applicant estimates that the structure was razed approximately ten (10) years ago. Based on a review of historic aerials, this appears to be accurate.
2. There is an existing shed on the property which the owner will demolish. This shed was actually constructed over the western property line on the neighbor's property. A lot line adjustment was performed to adjust the lot line of the subject property to include the protruding section, thus, the odd shape of the westerly property line. This caused the lot to lose its' legal nonconforming status. Demolition of this shed will remove an existing nonconforming structure.
3. Of the fourteen (14) lots on the southerly side of Lagoon Street, all but two (2) lots are less than seventy-nine (79) feet in width, and all but two (2) lots, including the subject property, are developed. No variances were granted in the past to develop substandard lots. Without a variance, this property owner will be deprived a right commonly enjoyed by others in this zoning district.
4. The current property owner was not responsible for the demolition of the house which once occupied the subject property, and is, therefore, not responsible for creating the nonconforming situation. This is not a self-imposed hardship.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated August 9, 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 new home shall comply with all required setbacks.
5. Prior to the issuance of a Certificate of Occupancy (CO) for the new residence, the applicant shall obtain the necessary permit and demolish the existing shed. Any replacement accessory structure shall comply with all requirements for an accessory structure.

cc: Ryan Edmondson for GED Homes (Applicant's representative)
7848 Fiquette Reams Road
Windermere, Florida 34786

MATTHEW MORRISON
VA-17-10-096

REQUEST: **Variance** in the R-1AA zoning district to enclose and extend a carport 20 ft. from the front property line in lieu of 30 ft.
ADDRESS: 2400 Rob Lane, Orlando FL 32806
LOCATION: Northwest corner of S. Bumby Ave. and Rob Lane, south of Pershing Ave.
S-T-R: 07-23-30
TRACT SIZE: 90 ft. x 179 ft.
DISTRICT#: 3
LEGAL: WATERFRONT ESTATES 4TH ADDITION U/89 LOT 1 BLK F SEE 2344/843
PARCEL ID: 07-23-30-9064-06-010
NO. OF NOTICES: 58

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 absent):

1. Development in accordance with site plan dated August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

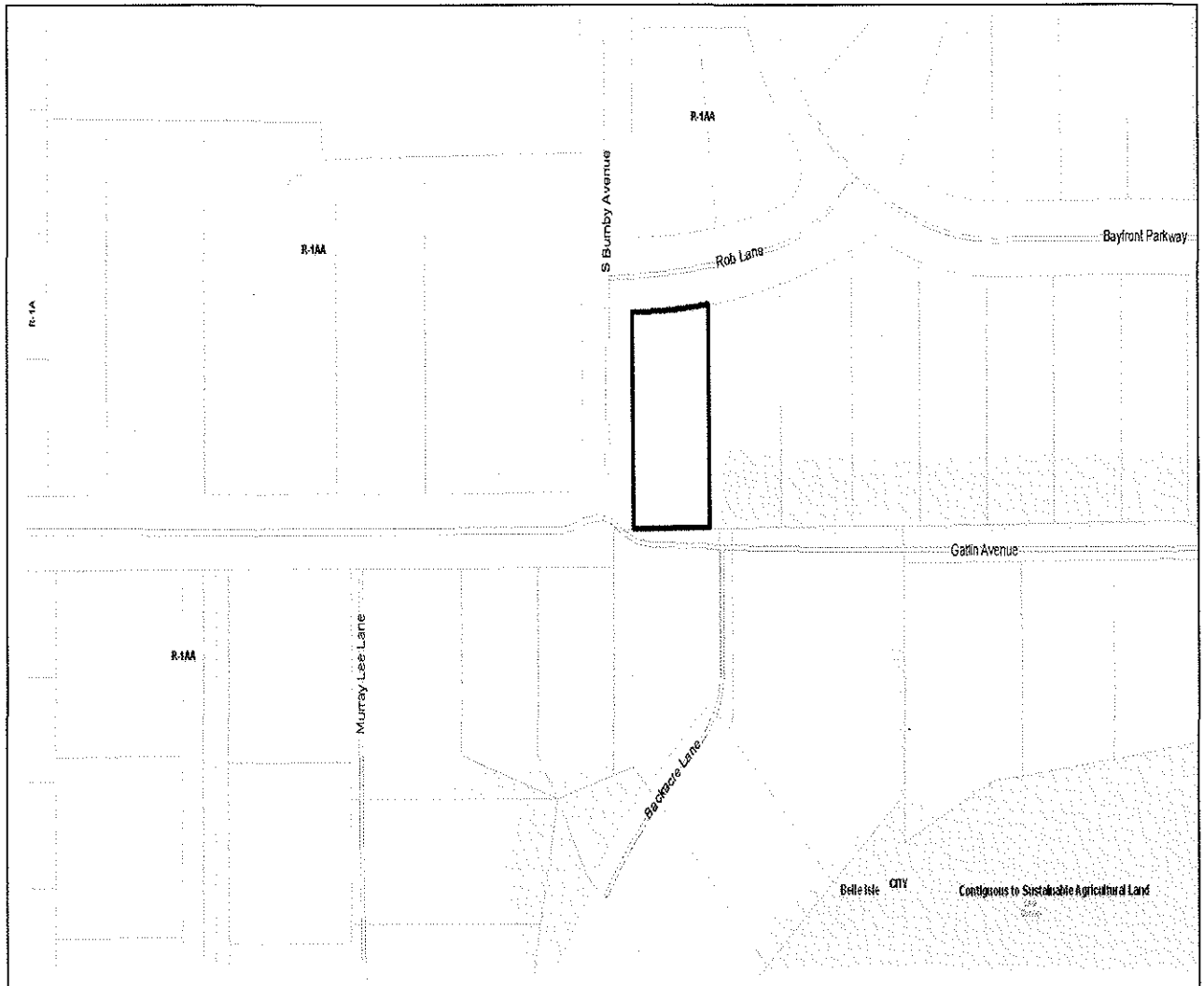
4. The proposed addition shall match the design of the existing residence.

SYNOPSIS: The applicant is proposing to enclose the existing carport and construct a garage. The proposed setback is twenty (20) feet from the front property line in lieu of thirty (30) feet.

Staff stated the back of the property abuts a canal and has limited access. Several variances have been approved in the area for similar requests.

The applicant agreed with staff's presentation and there was no one present at the hearing to speak for or against the application.

BZA approved the variance and added a fourth condition that the addition match the design of the existing residence.



Applicant: Matthew Morrison

BZA Number: VA-17-10-096

BZA Date: 10/05/2017

District: 3

Sec/Twn/Rge: 07-23-30-SE-D

Tract Size: 90 ft. x 179 ft.

Address: 2400 Rob Lane, Orlando FL 32806

Location: Northwest corner of S. Bumby Ave. and Rob Lane, south of Pershing Ave.

LOT 1, BLOCK "F", WATERFRONT ESTATES FOURTH ADDITION, AS RECORDED IN PLAT BOOK U, PAGE 89, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



8/07/2017 - #47431 - YES - ADDED NEW FEN

LEGEND

☼	- LIGHT POLE
LS	- LICENSED SURVEYOR
LSA	- LANDSCAPE AREA

August 11, 2017

Orange County Zoning Division
201 S. Rosalind Ave., 1st Floor
Orlando, FL 32801

RE: Variance Request for 2400 Rob Lane, Orlando, FL 32806

Zoning Division:

Please review the attached Zoning Adjustment application which requests a variance for the front property line setback to allow for construction of an enclosed 2 car garage in place of an existing unfinished open carport for the property located at 2400 Rob Lane, Orlando, FL. The following items apply to this variance request application:

- Current front setback = 30' / Requested front setback = 20.8' / Variance requested = 9.2'
- Proposed construction will consist of concrete slab foundation, masonry cinder block walls, pre-engineered roof trusses and a modified asphalt bitumen roof covering.
- Just under 300 sf (14'11" x 19'8") of additional construction is being proposed outside of the existing unfinished open carport footprint.
- The proposed construction would be 20.8' at its closest point to front property line. A 30' setback is currently required. The proposed construction will remain in compliance with the current setback requirements of 7.5' for the side setback and 35' for the rear setback.
- The proposed enclosed garage construction will match the existing structure as it relates to painted masonry exterior walls, gabled roof framing with modified asphalt bitumen roof covering.
- Proposing construction towards front of property to avoid further/additional environmental impact on canal waterway to Lake Conway.
- Proposed enclosed garage will allow for shielded parking of vehicles and recreational boat that currently are exposed to view from the street in the open carport.
- Front variance in same neighborhood (Waterfront Estates 4th Addition) was recently granted within past 12 months.

Sincerely,



Matthew S. Morrison
Property Owner

RECEIVED
AUG 11 2017
ORANGE COUNTY
ZONING DIVISION



STAFF REPORT
CASE #VA-17-10-096
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
October 5, 2017
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Matthew Morrison

REQUEST: Variance in the R-1AA zoning district to enclose and extend a carport 20 ft. from the front property line in lieu of 30 ft.

LOCATION: Northwest corner of S. Bumby Ave. and Rob Lane, south of Pershing Ave.

PROPERTY ADDRESS: 2400 Rob Lane, Orlando, Florida 32806

PARCEL ID: 07-23-30-9064-06-010

PUBLIC NOTIFICATION: 58

TRACT SIZE: 90 ft. x 179 ft.

DISTRICT #: 3

ZONING: R-1AA

EXISTING USE(S): Single Family Residence with Carport

PROPOSED USE(S): Single Family Residence with Garage

SURROUNDING USES: N - Single Family Residence
S - Single Family Residence
E - Single Family Residence
W - Retention Pond

STAFF FINDINGS AND ANALYSIS:

1. Similar variances have been approved in the vicinity.
2. The applicant is requesting to enclose the existing carport and convert it into a garage.
3. There is limited room in the rear yard for an addition as the lot abuts a canal which is connected to Lake Conway.
4. The garage will be located approximately thirty-seven (37) feet from the edge of the pavement on Rob Lane.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated August 11, 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: Matthew Morrison
2400 Rob Lane
Orlando, Florida 32806

**JAMES AND MELINDA LEIFERMAN
VA-17-10-097**

REQUEST: **Variance** in the R-1AA zoning district to construct addition to single family residence (covered lanai) 12 ft. from rear property line in lieu of 35 ft.

ADDRESS: 6001 Masters Blvd., Orlando FL 32819

LOCATION: North and west side of Masters Blvd., west of S. Apopka Vineland Rd.

S-T-R: 21-23-28

TRACT SIZE: 146 ft. x 270 ft.

DISTRICT#: 1

LEGAL: BAY HILL SECTION 13 10/18 LOT 519

PARCEL ID: 21-23-28-0560-05-190

NO. OF NOTICES: 37

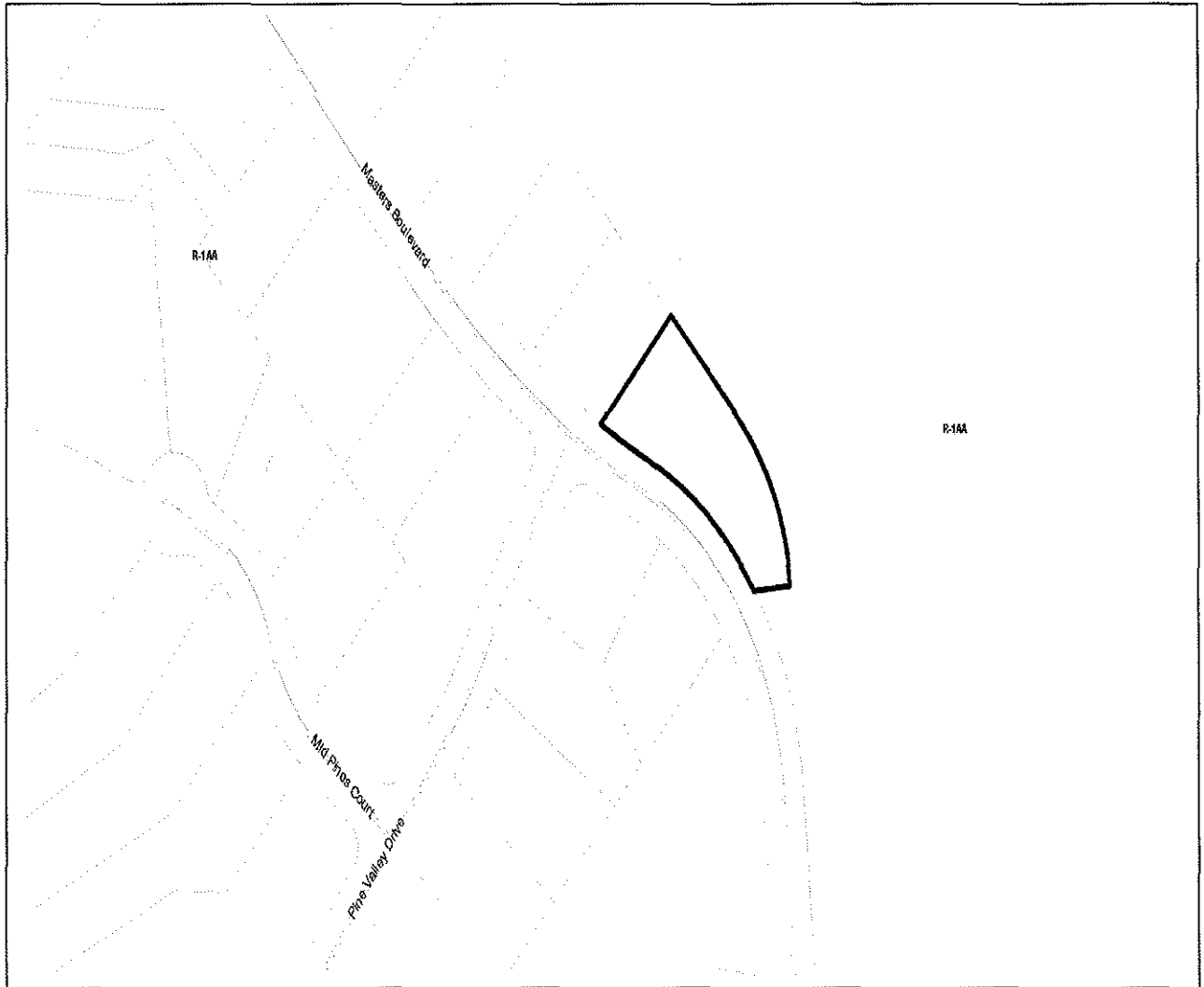
DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0, 1 absent):

1. Development in accordance with site plan dated August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The proposed lanai shall match the design of the existing residence.

SYNOPSIS: The applicant proposes a lanai behind his house. It will be even with the existing swimming pool.

Staff gave a brief presentation. Staff recommended approval because the request was reasonable, it did not adversely impact anyone and the affected neighbors submitted letters of no opposition. In addition, the homeowners association submitted a letter of no objection.

The BZA concluded this request was minimal. There was no opposition at the hearing.



Applicant: James and Melinda Leiferman

BZA Number: VA-17-10-097

BZA Date: 10/05/2017

District: 1

Sec/Twn/Rge: 21-23-28-SE-D

Tract Size: 146 ft. x 270 ft.

Address: 6001 Masters Blvd., Orlando FL 32819

Location: North and west side of Masters Blvd., west of S. Apopka Vineland Rd.



DANIEL T. O'KEEFE
PARTNER
Shutts & Bowen LLP
300 South Orange Avenue
Suite 1000
Orlando, Florida 32801
DIRECT (407) 835-6956
FAX (407) 849-7256
EMAIL dokeefe@shutts.com

August 15, 2017

BY HAND DELIVERY

Orange County Zoning Division
201 South Rosalind Avenue, 1st Floor
Orlando, FL 32801

Re: Application for Variance – 6001 Masters Blvd. (Parcel ID#21-23-28-0560-05-190)

To Whom It May Concern:

This firm represents Melinda and James Leiferman, the owners of the above referenced property, regarding a variance request from a rear yard setback associated with the construction of a lanai addition to an existing residential structure. According to Section 38-1501 of the Orange County Code, the minimum rear yard setback is 30 feet for R-1AA. The proposed lanai will extend to 12.67 feet from the rear yard boundary, thus requiring a variance.

The lanai addition will extend from the back of the current residential structure and is proposed to be approximately 500 square feet. The dimensions of the lanai are 22 feet by 22.75 feet. The lanai will consist of wood, concrete, metal and stucco to be built in a manner that is consistent and visually cohesive with the existing residential structure. The lanai will be 22.08 feet from the side property line, 12.67 feet from the rear property line and consistent with the current height of the residential structure. With the exception of the rear setback, the lanai is consistent with Orange County Code requirements.

This variance request is supported by the only neighboring property owners, the homeowners located to the northwest of the subject property, and the Arnold Palmer's Bay Hill Club and Lodge, operator of the golf course to the rear of the subject property.

We look forward to working with Orange County to pursue this variance and appreciate your time and assistance with this request.

ORLDOCS 15582312 1.59000.7050

shutts.com | FORT LAUDERDALE | MIAMI | ORLANDO | SARASOTA | TALLAHASSEE | TAMPA | WEST PALM BEACH

Orange County Zoning Division
August 15, 2017
Page 2

Sincerely,

Shutts & Bowen LLP


Daniel T. O'Keefe

ORLDOCS 15582312 | 59000.7050



STAFF REPORT
CASE #VA-17-10-097
Orange County Zoning Division
Planner: Rocco Relvini
Board of Zoning Adjustment
October 5, 2017
Commission District: 1

GENERAL INFORMATION:

APPLICANT: James and Melinda Leiferman

REQUEST: Variance in the R-1AA zoning district to construct addition to single family residence (covered lanai) 12 ft. from rear property line in lieu of 35 ft.

LOCATION: North and west side of Masters Blvd., west of S Apopka Vineland Rd.

PROPERTY ADDRESS: 6001 Masters Blvd.

PARCEL ID: 21-23-28-0560-05-190

PUBLIC NOTIFICATION: 37

TRACT SIZE: 146 ft. x 270 ft.

DISTRICT #: 1

ZONING: R-1AA

EXISTING USE(S): Screen enclosure

PROPOSED USE(S): Covered lanai

SURROUNDING USES: The property is surrounded by homes and golf course

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes to construct a new covered lanai at the rear of the residence adjacent to the existing swimming pool. It will be twelve (12) feet from the rear property line.
2. Although the deviation is large (60%), there are compensating factors. They are:
 - a) the proposed lanai is adjacent to the existing swimming pool; b) the property backs up to a golf course; c) the homeowners association supports the request; and, d) the most impacted neighbors support the request. Based on these factors, staff supports this request.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The proposed lanai shall match the design of the existing residence.

cc: Daniel T. O'Keefe (Applicant's representative)
300 S. Orange Avenue, Suite 1000
Orlando, Florida 32801

James and Melinda Leiferman (Applicants)
6001 Masters Boulevard
Orlando, Florida 32819

ROBB M. ERICKSON
VA-17-10-098

REQUEST: **Variances** in the R-CE zoning district as follows:
1) To allow an accessory use (volleyball court and pergola with 10 ft. high posts) in the front yard in lieu of side or rear yards;
2) To allow accessory use (volleyball court with 10 ft. high posts) 24 ft. from the Normal High Water Elevation (NHWE) of Lake Willis in lieu of 50 ft.; and
3) To allow a gazebo to remain 1 ft. from the NHWE of Lake Willis in lieu of 50 ft.
(Note: This is a result of a code enforcement action.)

ADDRESS: 11710 Lake Willis Drive, Orlando FL 32821

LOCATION: West side of Lake Willis Drive, approximately 660 ft. west of Westwood Blvd.

S-T-R: 14-24-28

TRACT SIZE: 5.3 acres (.54 acres upland)

DISTRICT#: 1

LEGAL: 1ST ADDITION LAKE WILLIS CAMPS R/110 LOT 24

PARCEL ID: 14-24-28-4800-00-240

NO. OF NOTICES: 269

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0, 1 absent):

1. Development in accordance with site plan dated August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. 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. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the gazebo is no closer than one (1) foot and the volleyball court is no closer than twenty-four (24) feet from the Normal High Water Elevation line of Lake Willis in lieu of fifty (50) feet.
5. No commercial uses shall be allowed on-site; the volleyball court shall be for residential use only.

SYNOPSIS: The applicant constructed a sand volleyball court and two (2) pergolas without permits. They were cited by the Code Enforcement Division and were instructed to apply for variances.

Staff gave a presentation with site photos showing the existing structures. Staff stated several variances have been approved in the Lake Willis area for accessory structures. Staff had concerns with the large size of the structure, the proximity to Lake Willis Drive, and potential for large amounts of people congregating on the property.

The applicant stated that due to the shape of the lot this was the only viable space for this structure. Applicant also stated they have been living on the lake since 1990 and have been playing volleyball out there ever since 1991. He expressed that many neighbors use the court and they also play beach tennis on the site.

Two (2) neighbors spoke in favor of the application and stated this would have a positive impact on the community.

Staff received five (5) responses in favor of the application and two (2) responses against the request.

The BZA discussed the proximity of the court to the road, the lighting on site, the height of the different structures, the use of the court by others, and the need for any buffering from the right-of-way.

The BZA concluded the request was appropriate for the area and approved all three (3) variances. The BZA eliminated conditions of approval #5 and #7.



Applicant: Robb M. Erickson

BZA Number: VA-17-10-098

BZA Date: 10/05/2017

District: 1

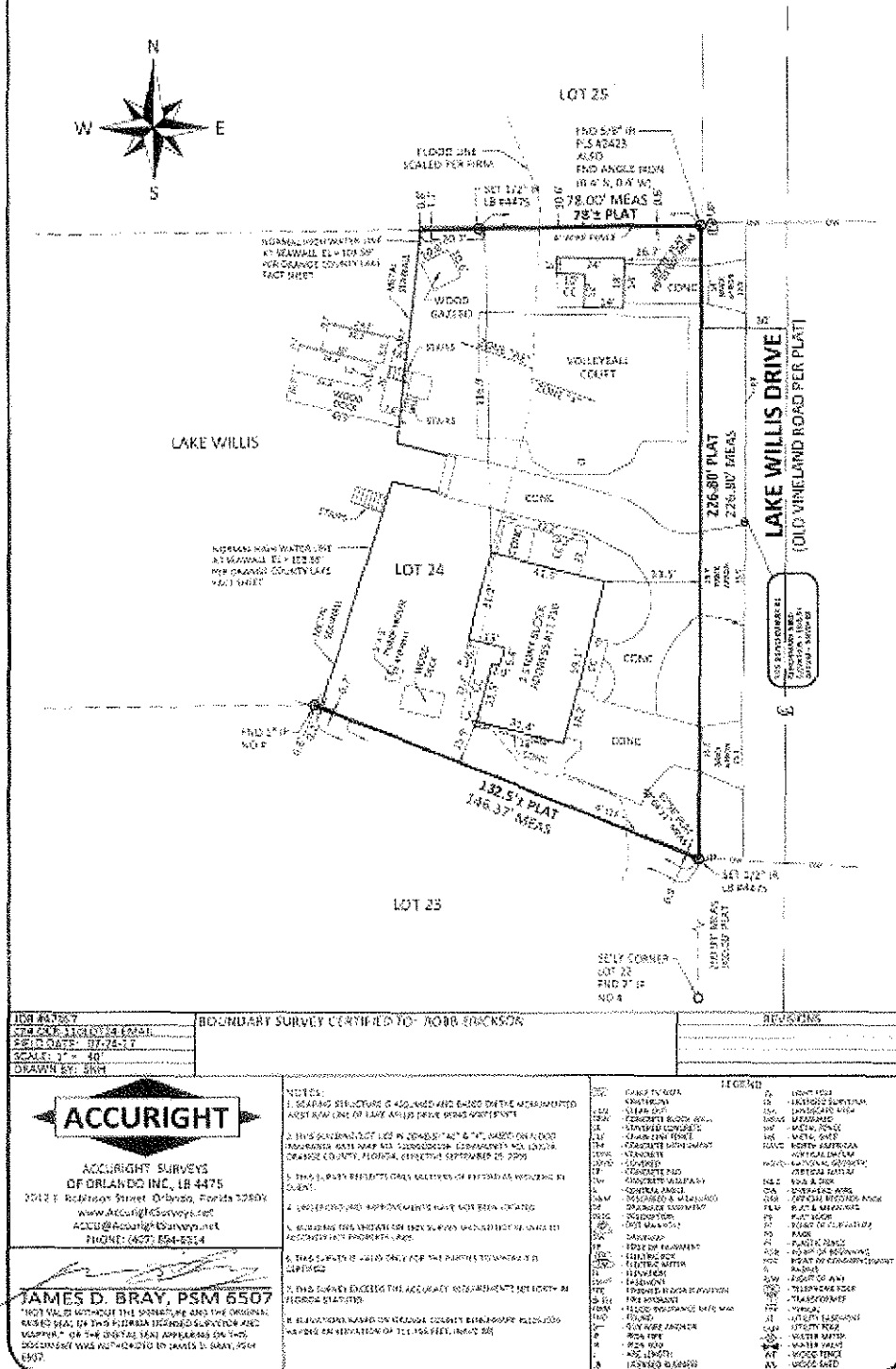
Sec/Twn/Rge: 14-24-28-SE-D

Tract Size: 5.3 acres (.54 acres upland)

Address: 11710 Lake Willis Drive, Orlando FL 32821

Location: West side of Lake Willis Drive, approximately 660 ft. west of Westwood Blvd.

LOT 24, FIRST ADDITION TO LAKE WILLIS CAMP, AS RECORDED IN PLAT BOOK "B", PAGE 110, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



Friday, August 18, 2017

Zoning Division
201 South Rosalind Ave.
Orlando, FL 32802

Dear Board of Zoning Adjustment and Zoning Staff,

This letter is meant to accompany our BZA request regarding accessory structure setbacks at our home on Lake Willis in Orange County. Specifically, Code Enforcement alerted us to a violation on June 28th for new construction of a sand volleyball court, consisting of a 10ftx10ft pergola and 3ft perimeter fence. During review of permit and BZA submissions for the volleyball court, an unpermitted 10ftx10ft hammock pergola was recognized by staff as an additional violation requiring variance approval. The relevant details for the volleyball court and hammock pergola are separated below for clarity during BZA review.

Item 1 - Volleyball Court: There are essentially two elements: a 10ftx10ft shade pergola and a ~3ft perimeter fence (see Roof Plan). The required setbacks are 35ft from the front property line and 50ft from the rear (NHWE). If considering the 10ftx10ft shade pergola and perimeter fence as independent from each other, both entities meet the given setback requirements and therefore need no further involvement from BZA. However, during design, it was determined that the 10ftx10ft shade pergola and ~3ft perimeter fence would share two common support posts in order to create a seamless border to separate the future white sand of the volleyball court and the adjacent topsoil/lawn of the yard. If the two entities are indeed considered to be a single structure, the variance request is a reduction for the front setback from 35ft to 4ft-5in and a reduction for the rear setback from 50ft to 23ft-5in.

Item 2 - Hammock Pergola: This structure was built as a shaded sitting area for enjoying both the lakeside sunsets and volleyball games on the previous grass court. It is located adjacent to the lake edge (~1ft from NHWE), in order to create a visual buffer between the yard and an enclosed boat house sitting with zero lot line on the neighboring parcel to the North. The variance requested for this structure is a reduction in rear setback from 50ft to 1ft.

We thank both the Board and staff for their time and consideration,

Robb Erickson
Digitally signed by Robb Erickson
DN: cn=Robb Erickson, o=Airix Flight,
ou=Airix, email=Robb@Airix.com,
c=US
Date: 2017.08.21 10:19:06 -0400

Robb & Nylia Erickson
11710 Lake Willis Drive



STAFF REPORT
CASE #VA-17-10-098
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
October 5, 2017
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Robb M. Erickson

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

- 1) To allow an accessory use (volleyball court and pergola with 10 ft. high posts) in the front yard in lieu of side or rear yards;
- 2) To allow accessory use (volleyball court with 10 ft. high posts) 24 ft. from the Normal High Water Elevation (NHWE) of Lake Willis in lieu of 50 ft.; and
- 3) To allow a gazebo to remain 1 ft. from the NHWE of Lake Willis in lieu of 50 ft.

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

LOCATION: West side of Lake Willis Drive, approximately 660 ft. west of Westwood Blvd.

PROPERTY ADDRESS: 11710 Lake Willis Drive, Orlando, FL 32821

PARCEL ID: 14-24-28-4800-00-240

PUBLIC NOTIFICATION: 269

TRACT SIZE: 5.3 acres (.54 acres upland)

DISTRICT #: 1

ZONING: R-CE

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Gazebo, Pergola, and Volleyball Court

SURROUNDING USES: N - Single Family Residence

S - Single Family Residence

E - ROW/Condominiums

W - Lake Willis

STAFF FINDINGS AND ANALYSIS:

1. The Environmental Protection Division has no objection to the request.
2. The proposed structure is located approximately five (5) feet from the front property line.
3. Staff conducted a site visit on September 20, 2017. Staff observed two (2) pergolas, wood railings surrounding the proposed court, and ten (10) feet high wooden posts.
4. There have been several variances approved in the vicinity to allow accessory structures in front of the principal structure.
5. The scale of the structure is too large for the size of the lot.
6. The proposed structure is for the recreational use of the residents. Orange County Zoning regulations do not regulate the recreating of homeowners and their guests. However, parking in the right-of-way is regulated by the Sheriff's Department.

STAFF RECOMMENDATION:

Staff has concerns about this request. Specifically:

- a) The structure is located too close to Lake Willis Drive.
- b) The structure is over-sized for the limited space on the lot.
- c) The Code Enforcement Division has received complaints regarding large groups of people congregating on the property.

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

1. Development in accordance with site plan dated August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. 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. Prior to the issuance of a building permit, the property owner shall record in the Official Records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the gazebo is no closer than one (1) foot and the volleyball court is no closer than twenty-four (24) feet from the Normal High Water Elevation line of Lake Willis in lieu of fifty (50) feet.
5. A type D landscape buffer shall be provided on the east property line adjacent to the proposed structure.
6. No commercial uses shall be allowed on-site; the volleyball court shall be for Residential Use only.
7. The wood railings and posts shall maintain at least a fifteen (15) foot setback from the front property line.

cc: Robb M. Erickson
11710 Lake Willis Drive
Orlando, Florida 32821

JOEL BUNTIN
VA-17-10-099

REQUEST: **Variance** in the R-1A zoning district to allow access to a single family residential lot by way of a 15 ft. wide access easement in lieu of 20 ft. of fee simple access.

ADDRESS: Holden Avenue, Orlando FL 32839

LOCATION: North side of Holden Ave., 1/4 mile east of S. Orange Blossom Trail

S-T-R: 10-23-29

TRACT SIZE: 75 ft. x 123 ft.

DISTRICT#: 3

LEGAL: BEG 280 FT W & 150 FT N OF SE COR SEC RUN N 75 FT W 123 FT S 75 FT E 123 FT TO POB IN SEC 10-23-29

PARCEL ID: 10-23-29-0000-00-062

NO. OF NOTICES: 112

DECISION: This case was **CONTINUED** for up to ninety (90) days by the BZA (unanimous; 6-0, 1 absent).

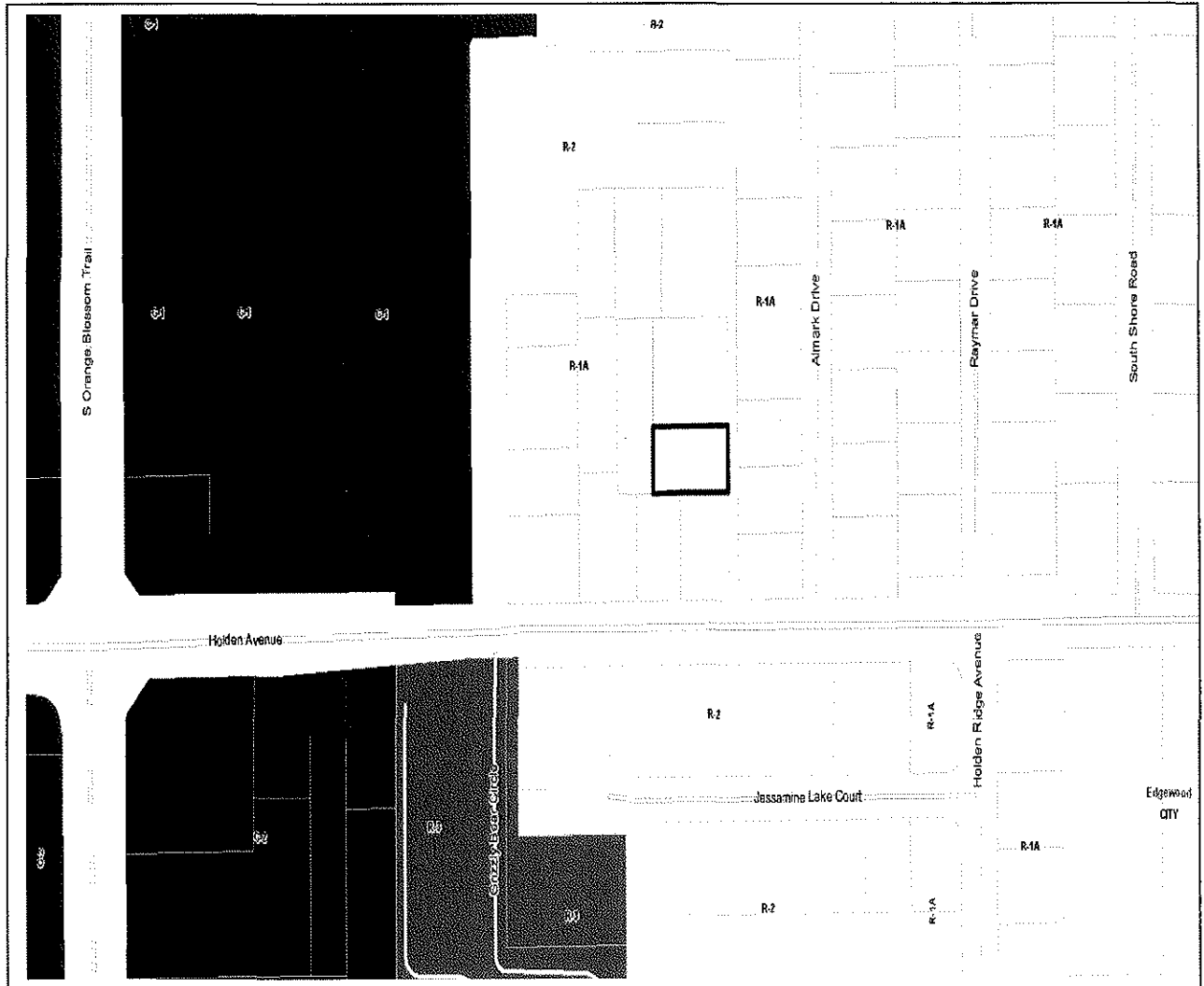
SYNOPSIS: The applicant is selling the parcel for the construction of a single family residence. The Zoning Regulations require access onto a public roadway. Since the access is via a private roadway, the applicant requires a variance.

Staff gave an explanation of the request which included background and findings regarding the County's access policies. Staff advised the applicant that he needed to execute and record a legal cross access easement agreement prior to the issuance of any building permits.

The applicant disagreed and felt approval of this variance was all he needed to obtain a permit.

Staff advised the BZA that the applicant has not submitted any legal documents that legal access exists.

The BZA continued this request to allow the applicant to provide evidence of legal access onto the private road.



Applicant: Joel Buntin

BZA Number: VA-17-10-099

BZA Date: 10/05/2017

District: 3

Sec/Twn/Rge: 10-23-29-SE-D

Tract Size: 75 ft. x 123 ft.

Address: Holden Avenue, Orlando FL 32839

Location: North side of Holden Ave., 1/4 mile east of S. Orange Blossom Trail

TO: Orange County Board of Zoning Adjustment
Orange County Administration Building, Orlando, Florida

FROM: Joel A. Buntin [407 257-4548] jcbuntin66@aol.com

DATE: August 15, 2017

SUBJECT: Requesting Variance for 0 Holden Avenue, Orlando, Florida
Tax I.D. # 10-23-29-0000-00-062

I am requesting a variance to permit construction of a single-family residence on a standard lot [75' X 123'] designated on tax rolls as "0" Holden Avenue, Orlando, FL. 32839. This property is accessed by a 15" wide private drive which is of substandard width, current requirement is 20' width. Existing drive also serves four existing houses built from 1928 to 1997. Currently this lot is for sale, but not saleable for building without this variance. Additionally we need to confirm this property exists as a legal lot, see attached letter questioning status even though it has been on the tax rolls and taxed as a residential lot for 56 years.

Thank you for your consideration,



Joel A. Buntin
3515 Kramer Lane
Orlando FL. 32806



August 7, 2017

Joel A. and Christina E. Buntin
3515 Kramer Lane
Orlando FL 32806

Dear Mr. and Mrs. Buntin:

On August 2, 2017 several County staff members from a number of Departments/Divisions met to discuss your property described in Parcel ID 10-23-29-0000-00-062 located on a private easement off of Holden Avenue.

Your property is located in an R-1A, One Family Dwelling District. Although this property meets the requirements for lot width and lot area, our records do not reflect any zoning approval for the parcel creation/lot split.

In addition, Section 38-1502(b) of the Orange County Code (shown below) requires a minimum width of 20 ft. of fee simple access to a roadway, except to the extent that requirement may be inconsistent with or conflict with the County's subdivision regulations:

Sec. 38-1502. - Location of dwellings in residential districts.

(b) No dwelling shall be erected on a lot which does not abut on a street for a distance of at least fifteen (15) feet. Any divisions or splits of land, lots or parcels shall have a minimum of twenty (20) feet of fee simple access to a roadway, except to the extent that requirement is inconsistent or conflicts with the requirements of the subdivision regulations.

In summary, we do not have any records showing that Parcel ID 10-23-29-0000-00-062 was created by an approved parcel/lot split. Also, access to the parcel does not comply with Section 38-1502(b). Therefore this office is unable to approve any new construction at the parcel.

Should you disagree with this determination, you are welcome to provide my office with additional information that you believe may change my decision, such as information showing that the parcel creation/lot split was approved by our office.

ZONING DIVISION

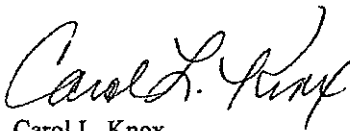
201 South Rosalind Avenue, 1st Floor ■ Reply To: Post Office Box 2687 ■ Orlando, FL 32802-2687
Telephone 407-836-3111 ■ FAX 407-836-5507 ■ orangecountyfl.net

August 7, 2017
Joel A. and Christina E. Buntin
Page 2

Otherwise, please be advised that the Board of Zoning Adjustment is authorized to hear timely appeals from the Zoning Manager's (my) determinations. Please contact Sean Bailey, Chief Planner, at 407-836-5806 for information about the appeal process.

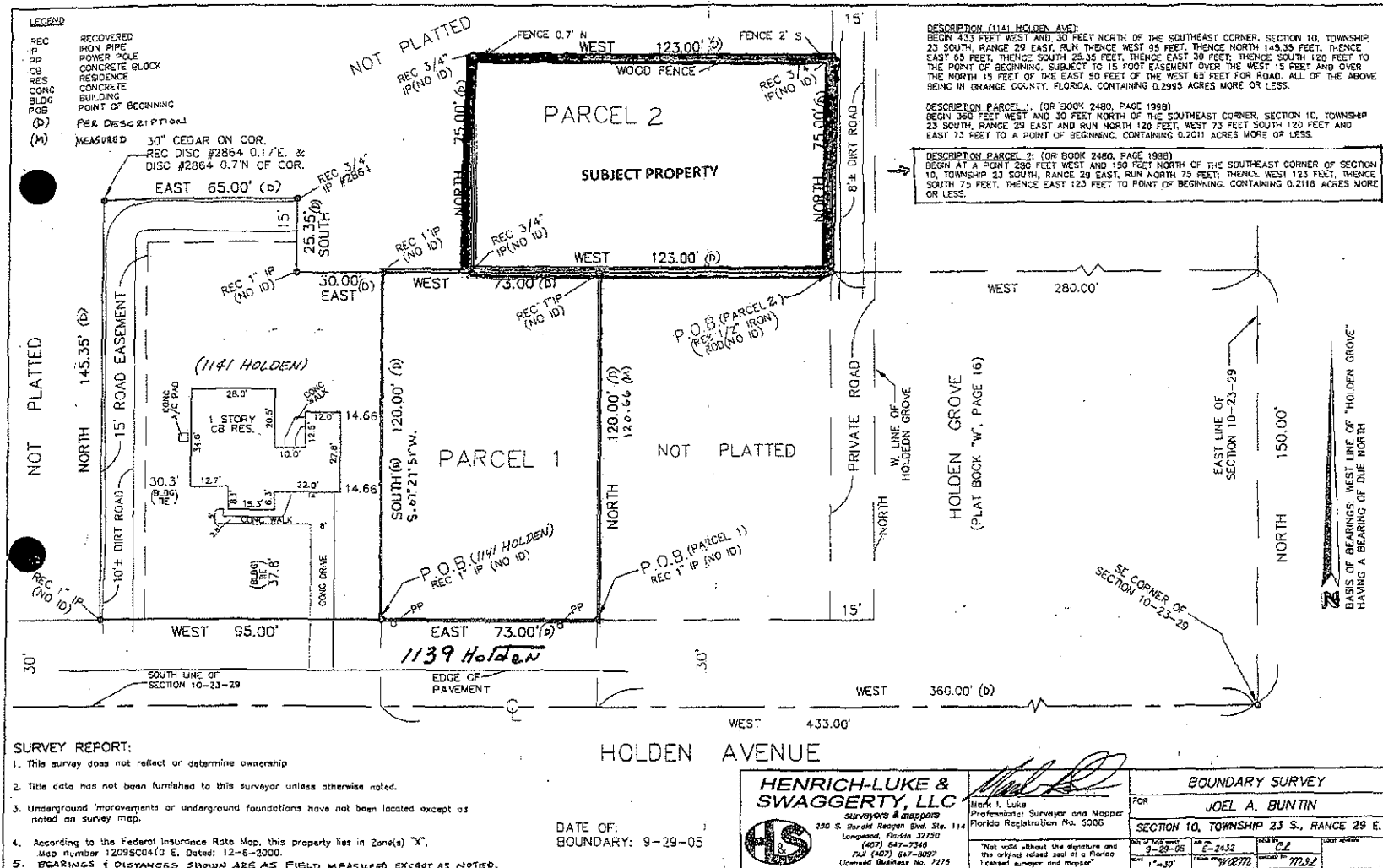
If you have any questions, please contact our office at your convenience.

Sincerely,



Carol L. Knox
Manager

xc: Mark Massaro, Director, Public Works Department
Sean Bailey, Chief Planner, BZA Coordination





STAFF REPORT
CASE #VA-17-10-099
Orange County Zoning Division
Planner: Rocco Relvini
Board of Zoning Adjustment
October 5, 2017
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Joel Buntin

REQUEST: Variance in the R-1A zoning district to allow access to a single family residential lot by way of a 15 ft. wide access easement in lieu of 20 ft. of fee simple access.

LOCATION: North side of Holden Ave., 1/4 mile east of S. Orange Blossom Trail

PROPERTY ADDRESS: No address (vacant)

PARCEL ID: 10-23-29-0000-00-062

PUBLIC NOTIFICATION: 112

TRACT SIZE: 75 ft. x 123 ft.

DISTRICT #: 3

ZONING: R-1A

EXISTING USE(S): Vacant

PROPOSED USE(S): Single family residence

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

STAFF FINDINGS AND ANALYSIS:

1. The subject parcel meets the requirements for lot size and lot width. However, its only means of access is via a private access easement. Section 38-1502(b), requires a minimum of twenty (20) feet of fee simple access for any newly created lots. Since the access is via a fifteen (15) foot easement, a variance from Section 38-1502(b), is required.
2. All building setbacks will be met.
3. Staff has no objections to this request provided the applicant submits proof that the property has a valid access easement.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Approval of this request constitutes lot split approval.
5. Prior to the issuance of any building permits the applicant shall demonstrate that there is a legal cross access easement.

cc: Joel Buntin, 3515 Kramer Lane, Orlando, Florida 32806

EDNERT THOMAS
VA-17-10-100

REQUEST: **Variance** in the A-1 zoning district to allow a minimum lot width of 66 ft. in lieu of 100 ft.
ADDRESS: Holly Street, Mount Dora FL 32757
LOCATION: North side of Holly St., east of Mohawk Dr., west of N. Orange Blossom Trail
S-T-R: 16-20-27
TRACT SIZE: 66 ft. x 630 ft.
DISTRICT#: 2
LEGAL: GAINES SUB C/65 W 66 2/3 FT OF E 399.99 FT OF SE1/4 OF SW1/4 OF SW1/4 (LESS S 30 FT FOR R/W) OF SEC 16-20-27
PARCEL ID: 16-20-27-2912-00-070
NO. OF NOTICES: 37

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 absent):

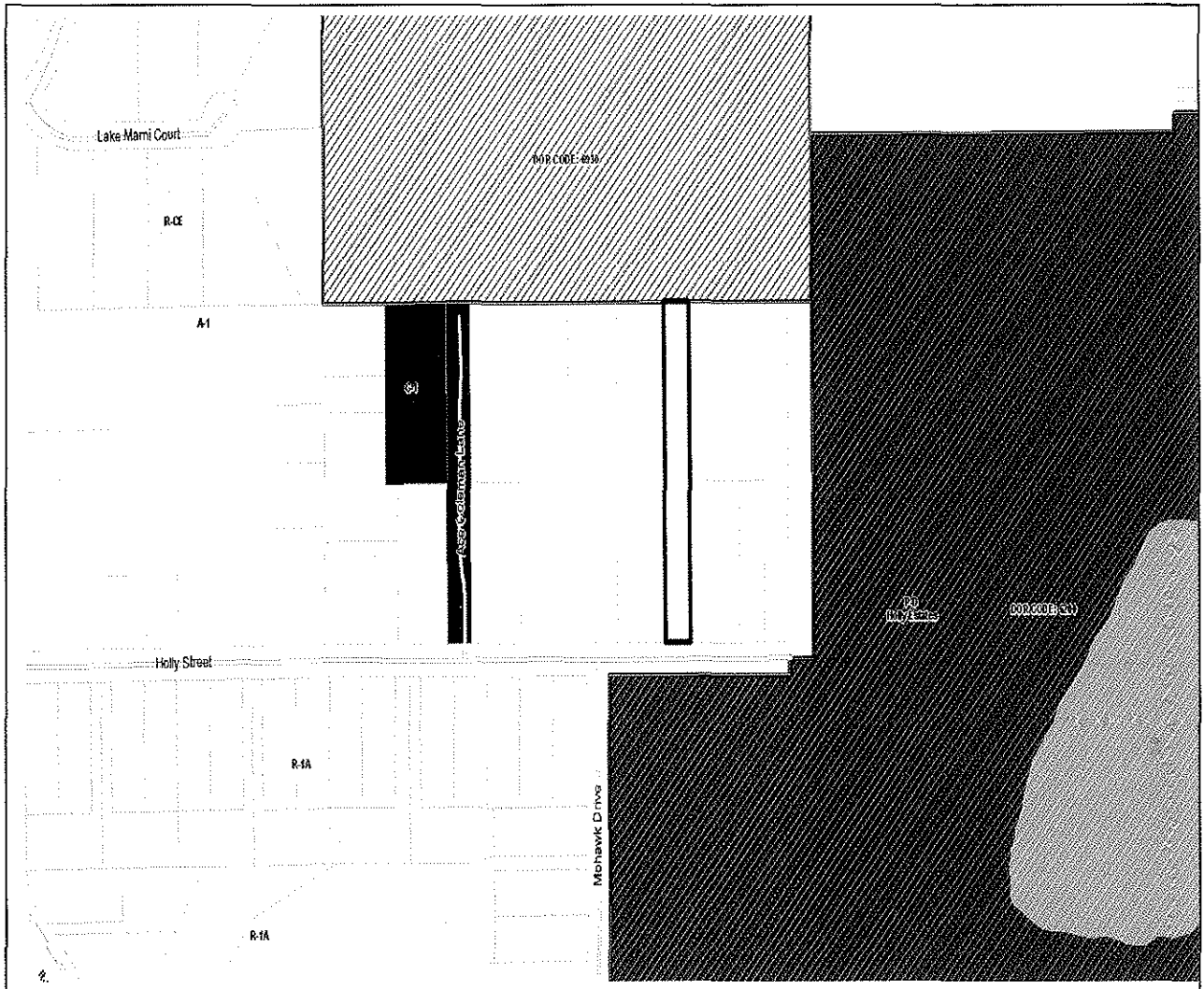
1. Development in accordance with site plan dated July 19, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for 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. Any proposed structures shall comply with the district setbacks.

SYNOPSIS: The applicant is requesting to allow a minimum lot width of sixty-six (66) feet in lieu of 100 feet. Staff stated there are several other developed lots on the street with the same zoning and lot width. This variance would be identical to what was approved on the lot to the east.

The applicant agreed with staff's presentation and no one from the public spoke for or against the application.

The BZA determined the request was acceptable and approved the variance unanimously.



Applicant: Ednert Thomas

BZA Number: VA-17-10-100

BZA Date: 10/05/2017

District: 2

Sec/Twn/Rge: 16-20-27-SW-C

Tract Size: 66 ft. x 630 ft.

Address: Holly Street, Mount Dora FL 32757

Location: North side of Holly St., east of Mohawk Dr., west of N. Orange Blossom Trail

407 459-3771

Ednerthomas@mail.com

2121 Hammock Moss Drive

Orlando, FL 32820

August 15, 2017

Orange County Zoning Division

201 South Rosalind Avenue. 1st Floor

Orlando, FL 32801

To whom it may concern:

The current lot is 0.97 Acre

I ednert Thomas as an agent for Marie S. Louis Owner of property Holly St. Mount Dora, FL 32757. Please find the enclosed documents:

1. Suvery of the Land
2. Variance application
3. check from Marie S. Louis for \$638.00

*PLEASE note SIMILAR lot had
Approved variance requested
Property ID: 16-20-27-29-12-
00-059*

I look forward to hearing from you

Sincerley,



Ednert Thomas

See BACK

PREPARED BY:

EXACTA
Land Surveyors, Inc.

www.exacta-land.com
Toll Free 866-735-1916 • F 866-744-2882



PROPERTY ADDRESS: HOLLY STREET MOUNT DORA, FLORIDA 32757

SURVEY NUMBER: 1707.1040

FIELD WORK DATE: 7/18/2017 REVISION DATES: (REV 0 7/19/2017)

17071040
BOUNDARY SURVEY
ORANGE COUNTY

TABLE:
L1 S 89°54'28" W 332.33' (P)
N 89°53'03" W 333.06' (M)
L2 N 0°19'58" W 30.00' (P)
N 0°19'58" W 30.00' (M)
L3 S 89°54'28" W 66.67' (P)
S 89°27'24" W 66.20' (M)
L4 N 89°49'57" E 66.67' (P)
N 89°37'44" E 66.69' (M)

NOTES:
FENCE OWNERSHIP NOT DETERMINED

DOCUMENT #
20050687129

O.R.B. 8707
PG. 2208

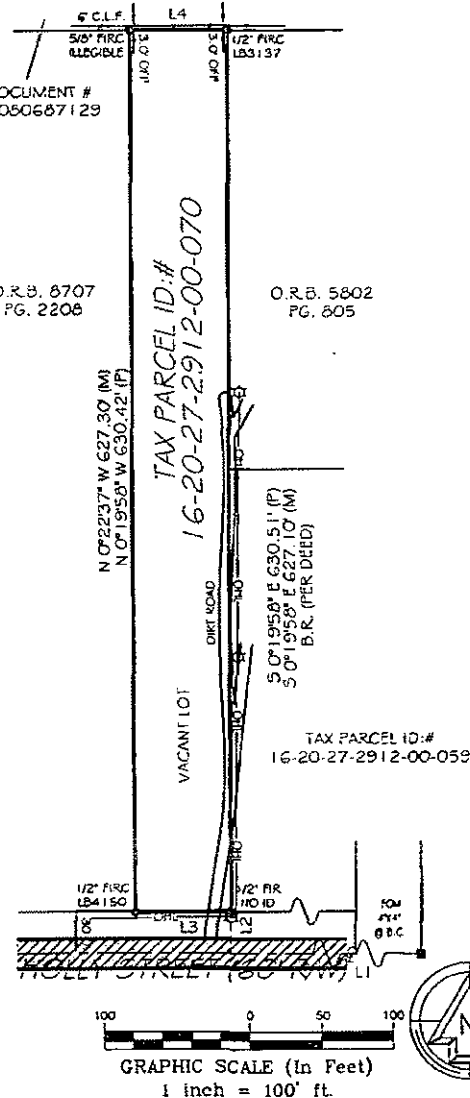
O.R.B. 5802
PG. 805

TAX PARCEL ID: #
16-20-27-2912-00-070

TAX PARCEL ID: #
16-20-27-2912-00-059

I hereby certify that the Boundary Survey of the hereon described property has been made under my direction, and to the best of my knowledge and belief, it is a true and accurate representation of a survey made in accordance with the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17 of the Florida Administrative Code.

RONALD W. WALLING
State of Florida Professional Surveyor and Mapper
License No. 5473



Use of This Survey for Purposes other than Intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing herein shall be construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

FLOOD INFORMATION:
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN ORANGE COUNTY, COMMUNITY NUMBER 120179, DATED 09/25/09.

POINTS OF INTEREST:
NONE VISIBLE

CLIENT NUMBER: DATE: 7/19/2017
BUYER: Marie Solange Louis
SELLER:
CERTIFIED TO: MARIE SOLANGE LOUIS

Florida Land Title Association
AFFILIATE MEMBERS

EXACTA
Land Surveyors, Inc.
www.exacta-land.com
P.866-735-1916 • F.866-744-2882

The VARIANCE Request is to
be able to use the VACANT
lot, which AS been in configuration
SINCE MAY 12, 1941: BOOK 579, PAGE 62.

- The Ideal VARIANCE size would be
• 48 ACRE lot, with width 66.67 Feet
AS I understand, the CURRENT ZONE A-1
require 0.50 ACRE lot, with width 100 Feet
- I hope the board would allow us
to have this VARIANCE Request
APPROVE SINCE the parcel in
question had been in configuration
PRIOR to 1957 and the neighbors
next door had similar Request
which had been APPROVED —



STAFF REPORT
CASE #VA-17-10-100
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
October 5, 2017
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Ednert Thomas

REQUEST: Variance in the A-1 zoning district to allow a minimum lot width of 66 ft. in lieu of 100 ft.

LOCATION: North side of Holly St., east of Mohawk Dr., west of N. Orange Blossom Trail

PROPERTY ADDRESS: N/A

PARCEL ID: 16-20-27-2912-00-070

PUBLIC NOTIFICATION: 37

TRACT SIZE: 66 ft. x 630 ft.

DISTRICT #: 2

ZONING: A-1

EXISTING USE(S): Vacant

PROPOSED USE(S): Single family residence

SURROUNDING USES: N - Plant nursery
S - Residential
E - Residential
W - Residential

STAFF FINDINGS AND ANALYSIS:

1. Several lots on the street have the same lot width and this request would be in harmony with the surrounding properties.
2. A variance was approved for the exact same lot width on the lot directly to the east of this property.
3. The lot is large enough to meet all of the other development standards in the zoning district.

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. Any proposed structures shall comply with the district setbacks.

cc: Ed Thomas
2121 Hammock Moss Drive
Orlando, Florida 32820

BASIL C. DODD II
VA-17-10-101

REQUEST: **Variances** in the R-T-2 zoning district to allow development of a substandard lot as follows:
1) Lot width of 49 ft. in lieu of 60 ft.; and
2) Lot size of 4,985 sq. ft. in lieu of 6,000 sq. ft.

ADDRESS: 18518 Washington Avenue, Orlando FL 32820

LOCATION: South side of Washington Ave., approximately 125 ft. east of 7th St.

S-T-R: 22-22-32

TRACT SIZE: 49.85 ft. x 100 ft.

DISTRICT#: 5

LEGAL: BITHLO H/3 LOTS 9 & 10 BLK 205 SEE 3264/1646

PARCEL ID: 22-22-32-0712-20-509

NO. OF NOTICES: 56

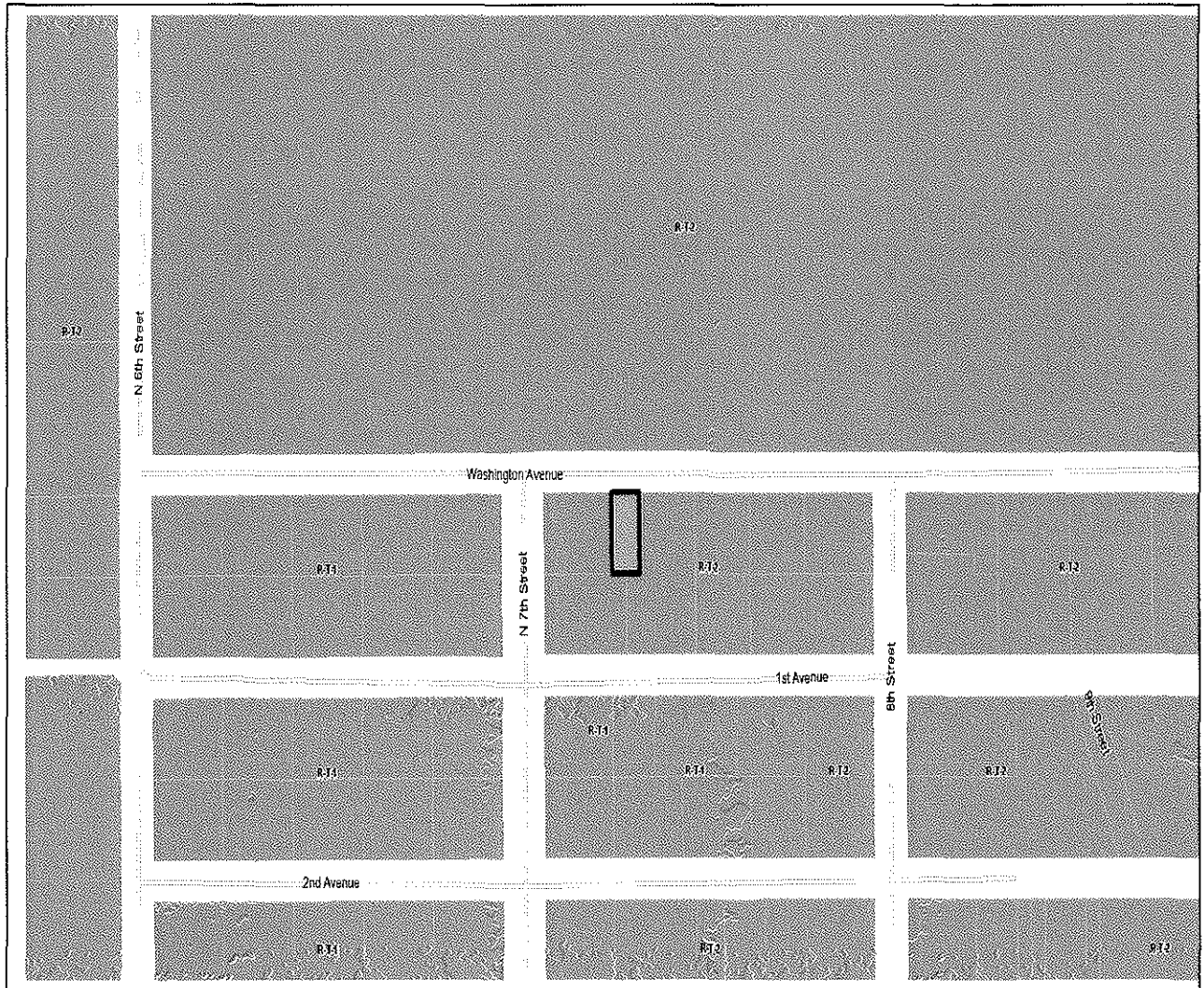
DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0, 1 absent):

1. Development in accordance with site plan dated August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. All required setbacks shall be met.

SYNOPSIS: Staff noted that the need for the variance was partly due to the subject property had been part of a larger land holding which did comply with the requirements for the zoning district. The applicant inherited the property from their mother. As such, the variance is not self-imposed. There were three (3) other lots of the same size which have been granted variances in the past. Plus, there were also two (2) lots of the same size which have residences on them which do not have variances. Denying the request would deny the applicant rights enjoyed by others in the same zoning district.

The applicant was in agreement with the staff recommendation and recommended conditions. He indicated that approval of the variance would allow the sale of the property. There being no one in the audience to speak for or against the application, the public hearing was closed.

The BZA concluded that the request was not self imposed, was the least amount needed, and denial would deprive the applicant of rights enjoyed by others in the same zoning district.



Applicant: Basil C. Dodd II

BZA Number: VA-17-10-101

BZA Date: 10/05/2017

District: 5

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

Tract Size: 49.85 ft. x 100 ft.

Address: 18518 Washington Avenue, Orlando FL 32820

Location: South side of Washington Ave., approximately 125 ft. east of 7th St.

8/10/2017

I, Basil Dodd II, am seeking a zoning variance that would allow a home to be placed on the land located at 18518 Washington Avenue (22-22-32-0712-20-509).

I acquired the land from my mother's estate in 2009. I assume she received the property from my father's estate in 1982.

I have tried to do some research on some exact dates at the 17th Floor of the SunTrust Building, but due to the missing Master Microfiche card and an issue with the microfiche reader I was unsuccessful.

Included in packet:

- Application for Zoning Variance
- Detailed Lot Diagram (requested as part of the zoning variance application)
- Miscellaneous Documentation regarding zoning information in Orange County
- Zoning Verification Letter
- Maps of existing lots with homes of the exact dimensions of the lot on 18518 Washington Avenue
- Maps of existing lots with homes of the similar dimensions of the lot on 18518 Washington Avenue

I am basing my requests upon the existing homes with exact and similar dimensions to the 18518 Washington Avenue location. Currently, there is no building or structure of any kind on the 18518 Washington Avenue location.

I am asking for a zoning variance so that someone else might be able to purchase and place a building or structure on it.

Thank you

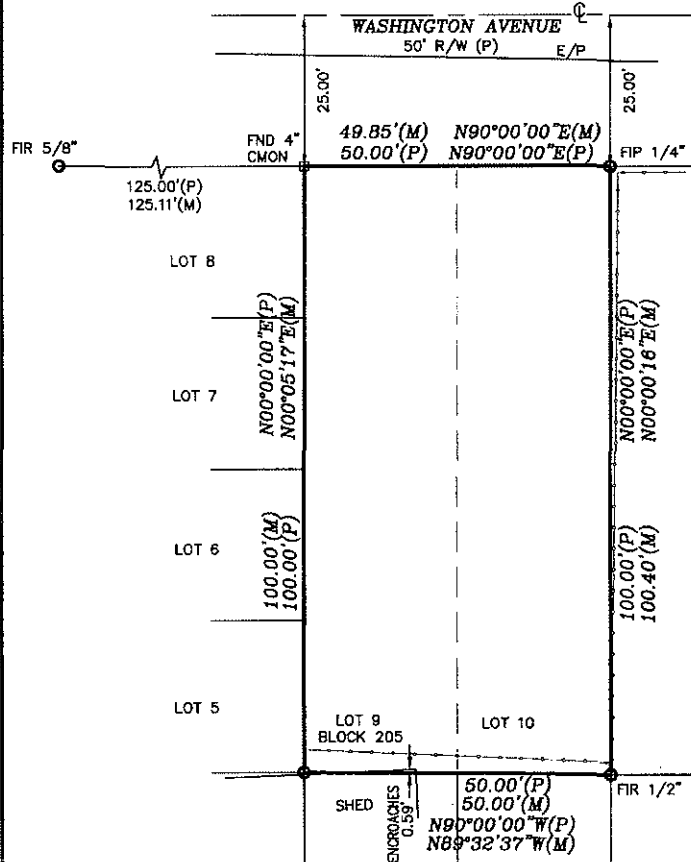
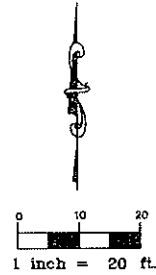


Basil Dodd II

RECEIVED
AUG 16 2017
Zoning Division



LEGAL DESCRIPTION
LOT 9 & 10, BLOCK 205,
BITHLO,
AS RECORDED IN PLAT BOOK H, PAGE 3,
PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



PROPERTY ADDRESS:
18518 WASHINGTON AVENUE
ORLANDO, FL 32820

LEGEND & ABBREVIATIONS

FIR	= FOUND IRON ROD
FIP	= FOUND IRON PIPE
N/D	= NAIL & DISK
SR	= SET IRON ROD
CMON	= CONCRETE MONUMENT
FSM	= PROFESSIONAL SURVEYOR & MAPPER
LB	= LICENSED BUSINESS
CB	= CHORD BEARING
R/W	= RIGHT OF WAY
E/P	= EDGE OF PAVEMENT
PP	= POWER POLE
CONC	= CONCRETE
COV	= COVERED
A/C	= AIR CONDITIONER
D.E.	= DRAINAGE EASEMENT
U.E.	= UTILITY EASEMENT
WBF	= WOOD BOARD FENCE
WVF	= WHITE VINYL FENCE
CLF	= CHAIN LINK FENCE
(P)	= PLAT DIMENSION
(M)	= FIELD MEASURED
C	= CENTERLINE
WM	= WATER METER
☆	= LIGHT POLE

SURVEYOR'S NOTES

1. BASIS OF BEARING - THE NORTHERLY LINE OF LOT 9 & 10, BITHLO, AS RECORDED IN PLAT BOOK H, PAGE 3, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AS BEING N90°00'00"E PER PLAT.
2. DATE OF FIELD SURVEY: 08/15/17
3. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING SURVEYOR.
4. PROPERTY LINES SHOULD NOT BE ESTABLISHED USING FENCE OR BUILDING TIES.
5. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO, BURIED UTILITIES, FOUNDATIONS AND FOOTERS WERE LOCATED.
6. BASED UPON MY REVIEW OF THE "FLOOD INSURANCE RATE MAP" OF ORANGE COUNTY, FLORIDA, COMMUNITY PANEL NO. 12095C0315F, EFFECTIVE DATE SEPTEMBER 25, 2008, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "X", DEFINED AS AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.
7. NO INSTRUMENTS OF RECORD REFLECTING OWNERSHIP OR ENCUMBRANCES WERE PROVIDED, EXCEPT AS NOTED, NOR DID THIS SURVEYOR ABSTRACT THESE LANDS.
8. SURVEY FILE NUMBER: 17-08-048

I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 30-17 FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

This form has been electronically signed and sealed by
Faun M. Hoffmeyer, PLS, No. 16552
(shown) using a digital signature. Printed copies of this
document are not considered signed and sealed and the
signature must be verified on any electronic copies.

FAUN M. HOFFMEYER, PLS, No. 16552
H&H SURVEY CONSULTANTS, LLC, LB 7821

2017.08.16 10:52:02 -04'00'

RECEIVED
AUG 16 2017
Zoning Division



STAFF REPORT
CASE #VA-17-10-101
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
October 5, 2017
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Basil C. Dodd II

REQUEST: Variances in the R-T-2 zoning district to allow development of a substandard lot as follows:

1) Lot width of 49 ft. in lieu of 60 ft.; and
2) Lot size of 4,985 sq. ft. in lieu of 6,000 sq. ft.

LOCATION: South side of Washington Ave., approximately 125 ft. east of 7th St.

PROPERTY ADDRESS: 18518 Washington Avenue, Orlando, FL 32820

PARCEL ID: 22-22-32-0712-20-509

PUBLIC NOTIFICATION: 56

TRACT SIZE: 49.85 ft. x 100 ft.

DISTRICT #: 5

ZONING: R-T-2

EXISTING USE(S): Vacant

PROPOSED USE(S): Single Family Residential or Mobile Home

SURROUNDING USES: N - Bithlo Community Park
S - Single Family Residence
E - Mobile Home
W - Vacant

STAFF FINDINGS AND ANALYSIS:

1. The applicant inherited the subject property in 2012. However, because the lot was once part of a larger land holding which met the requirements for the A-1 zoning district, when it was separated, it lost its' legal nonconforming status. It must now be granted a variance to allow its development.
2. While there are parcels in this area which comply with the requirements of the A-1 zoning district, some of the lots in the area are deficient in size, width, or both.
3. Staff identified three (3) properties in the same neighborhood which obtained variances for the same or similar request. In addition, staff identified two (2) lots which have had mobile homes on them since the 1980s for which no variance was granted. Failure to grant the requested variance would deny the applicant a right which others in the same zoning district have been granted.
4. Because the applicant inherited the lot 'as is', he did not create a self-imposed hardship.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. All required setbacks shall be met.

cc: Basil C. Dodd, II
P.O. Box 12
Goldenrod, Florida 32733

DAVID BROOME
VA-17-10-102

REQUEST: **Variances** in the R-CE zoning district to construct an accessory structure as follows:
1) In front of the principal residence in lieu of alongside or to the rear; and
2) To allow an accessory structure 18 ft. in height in lieu of 15 ft. (Note: The subject property is 5.7 acres in size. The applicant has letters of support from the neighbors to the north and south of the subject property.)

ADDRESS: 1065 N. Econlockhatchee Trail, Orlando FL 32825

LOCATION: East side of N. Econlockhatchee Tr., approximately .3 mi. north of Valencia College Rd.

S-T-R: 19-22-31

TRACT SIZE: 5.7 acres

DISTRICT#: 3

LEGAL: COMM AT SW COR OF N1/2 OF SE1/4 OF SEC 19-22-31 TH N 431.50 FT E 30 FT FOR POB CONT E 988.48 FT M/L TO W BANK OF LITTLE ECONLOCKHATCHEE CREEK N 14 DEG W ALONG BANK OF CREEK 360.82 FT N 87 DEG W 898.24 FT M/L TO E R/W LINE OF ECONLOCHATCHEE TRAIL S 30 FT S

PARCEL ID: 19-22-31-0000-00-080

NO. OF NOTICES: 124

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0, 1 absent):

1. Development in accordance with site plan dated August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to

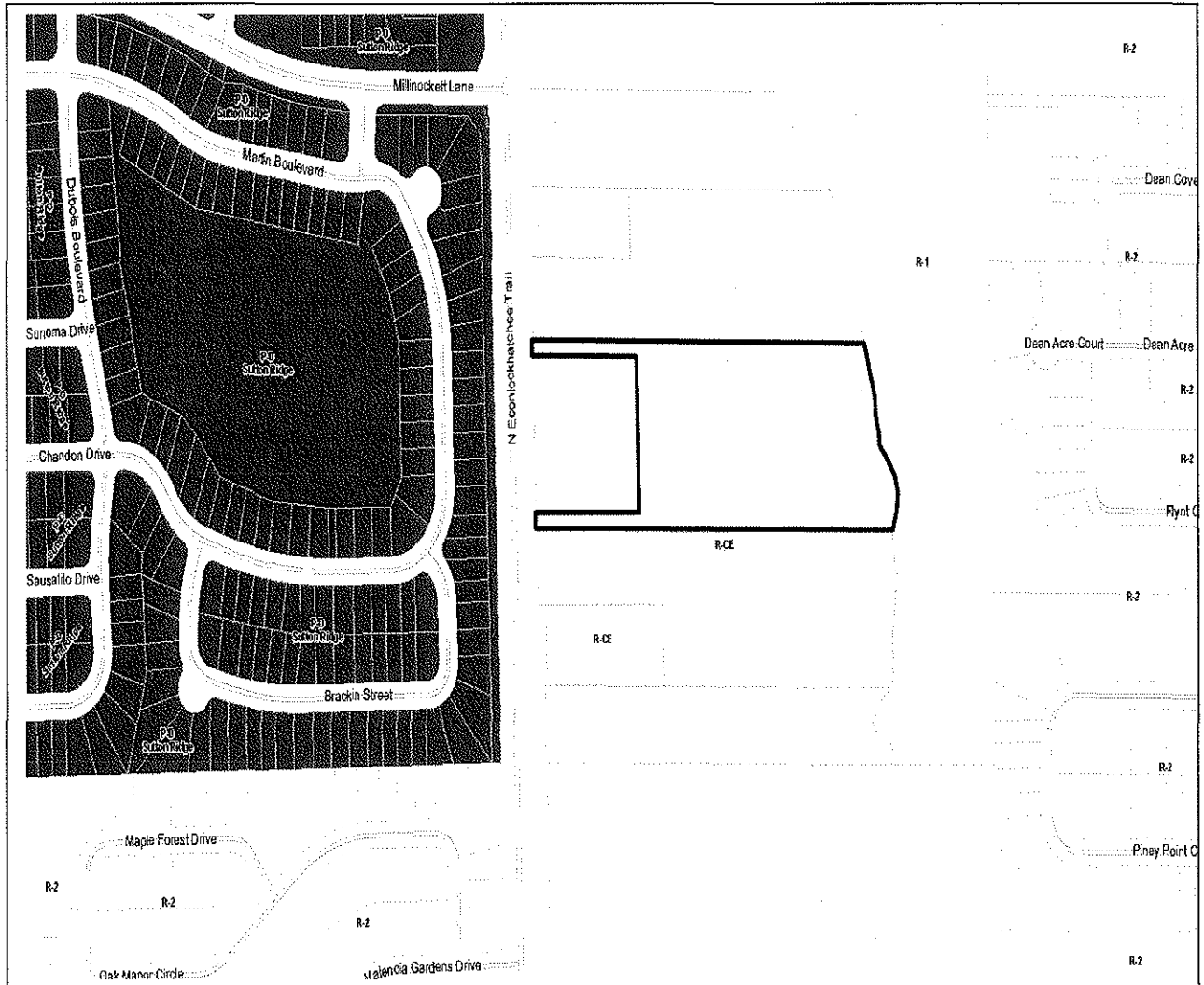
Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall maintain the vegetative buffer located on the subject property's northern connection with North Econlockhatchee Trail.

SYNOPSIS: Staff noted that the primary hardship for the subject property is the result of the potential presence of wetlands. There is a pond on the property, and the entire east end of the property is shown as having hydric soils. In addition, the remainder of the property is shown to have potentially hydric soils. The area where the applicant intends to construct the accessory structure is already cleared. Further, the portion of the lot which connects to N. Econlockhatchee Trail is heavily wooded. An existing structure on the lot between the subject property and Econlockhatchee Trail further buffers views into the site. The site is part of a rural enclave, so the building will not be out of character. The location proposed is preferable to locating the structure to the rear of the home.

The applicant indicated their agreement with staff's recommendation and the conditions. There being no one present to speak for or against the application, the public hearing was closed.

The BZA determined that the environmental constraints warrant the need for the variance.



Applicant: David Broome

BZA Number: VA-17-10-102

BZA Date: 10/05/2017

District: 3

Sec/Twn/Rge: 19-22-31-SE-D

Tract Size: 5.7 acres

Address: 1065 N. Econlockhatchee Trail, Orlando FL 32825

Location: East side of N. Econlockhatchee Tr., approximately .3 mi. north of Valencia College Rd.

David Broome

1065 N. Econlockhatchee Trail, Orlando, FL
32825
Phone: (407) 595-9963

▷ **Orange County Zoning Division**

201 S. Rosalind Ave., 1st Floor, Orlando, FL 32801
Phone: (407) 836-3111

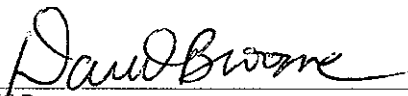
Board of Zoning Adjustment,

The proposed steel accessory storage building is 75ft x 40ft x 18ft, totaling 3,000 sqft. The zoning code requires accessory buildings to be five feet from any property line and 50ft from the overhead powerlines, which is fulfilled by the proposed site plan. The zoning code requires the accessory building to be located behind the principle building, in relation to the street. However, we are proposing placing the accessory building to the NW of the principle building, thereby making the accessory building primary on the property opposed to the principle building.

When considering our property's abnormal characteristics and layout, the proposed site plan places the accessory building behind our home. The frontage of our property, in relation to North Econlockhatchee Trail, is West, with the easement to the property entering from the South facing our front door. Per property layout, 95% of the property frontage is posterior to a neighboring property (1077 N. Econlockhatchee Trail) with numerous structures obstructing the view from N. Econlockhatchee Trail. Per zoning code (East), anywhere behind the principle building encroaches on the natural habitat, obstructs the view of the property pond, and threatens the preservation of the Little Econlockhatchee River Basin. Also, the majority of the property located behind the principle building is comprised of septic and drainfields. Placing the accessory building behind the principle building would also be a violation of the 100-year flood zone survey.

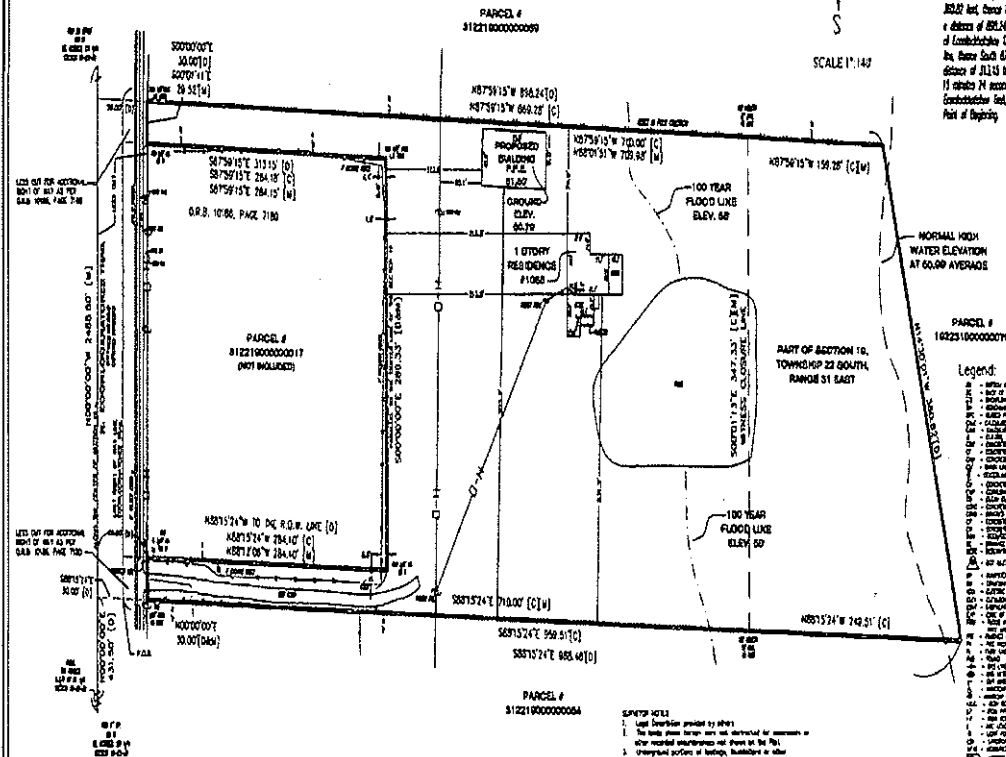
For these reasons, we are requesting the variance for the accessory building location at 1065 N. Econlockhatchee Trail, be granted to allow placement of said building to be primary on the property. We thank you for your consideration and time on this matter.

Thank you,



David Broome
Authorized Agent
8/16/2017

Consequences of the Inland County of the North-west corner of the SE
 1/4 of Section 14, Township 22 South, Range 21 East, Goshute County,
 Idaho, are hereby added to the center of the Section for a distance of
 471.50 feet, and these North 20 degrees 33 minutes 14 seconds East
 for a distance of 40 feet to the Point of Beginning, thence
 westward on said bearing of 20 degrees 33 minutes 14 seconds East
 for a distance 280.00 feet (more or less) to the West line of the
 Little Lostbottomville Road, thence North 20 degrees 33 minutes
 07 seconds East, along the line of said creek, for a distance of
 263.02 feet, North 20 degrees 33 minutes 15 seconds East for
 a distance of 285.14 feet (more or less) to the East right of way line
 of Littlebottomville Road, thence South 21 feet, along said right of way
 line, thence South 69 degrees 28 minutes 15 seconds East for a
 distance of 311.13 feet, thence South 28.111 degrees North 28 degrees
 15 minutes 14 seconds East to the apex of any line of
 Littlebottomville Road, thence South, along said right of way line to
 the Point of Beginning.

[illegible]

1. Lead Developer provided by client
2. The survey team brings new and innovative to management or other external stakeholders who have not seen this type of survey before. The survey is highly interactive and the respondents are not bored.
3. The survey is designed to be fun and the way it is used will be rewarded heavily later.
4. Only those stakeholders involved.
5. The survey is designed to be interactive and allows them to see how they are doing.
6. The survey team is not involved in the process.
7. The survey is designed to be interactive and allows them to see how they are doing.
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20. The survey is designed to be interactive and allows them to see how they are doing.

THIS SURVEY MEETS THE "STANDARDS OF PRACTICE" AS REQUIRED BY
CHAPTER 33-11, BRIDGE OF PROFESSIONAL SURVEYORS AND MAPPERS,
PURSUANT TO SECTION 33.01 OF THE FLORIDA STATUTES.

RECEIVED
AUG 16 2017
Zoning Division

Size of family
 Develop close bonds or bond as [G] [00] of
 [07] [06] of [00] [00] [00] [00], being very protective per
 [00]

THE FLOOD DATA PROVIDED IS FOR INFORMATIONAL PURPOSES ONLY. THE SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE INFORMATION PROVIDED. THE LOCAL FLEMA AGENCY SHOULD BE CONTACTED FOR VERIFICATION.

Post Number: 12171 Post Title:
Title: Post Number: 12171
Date: September 25, 2005 Post URL:
12171/12171

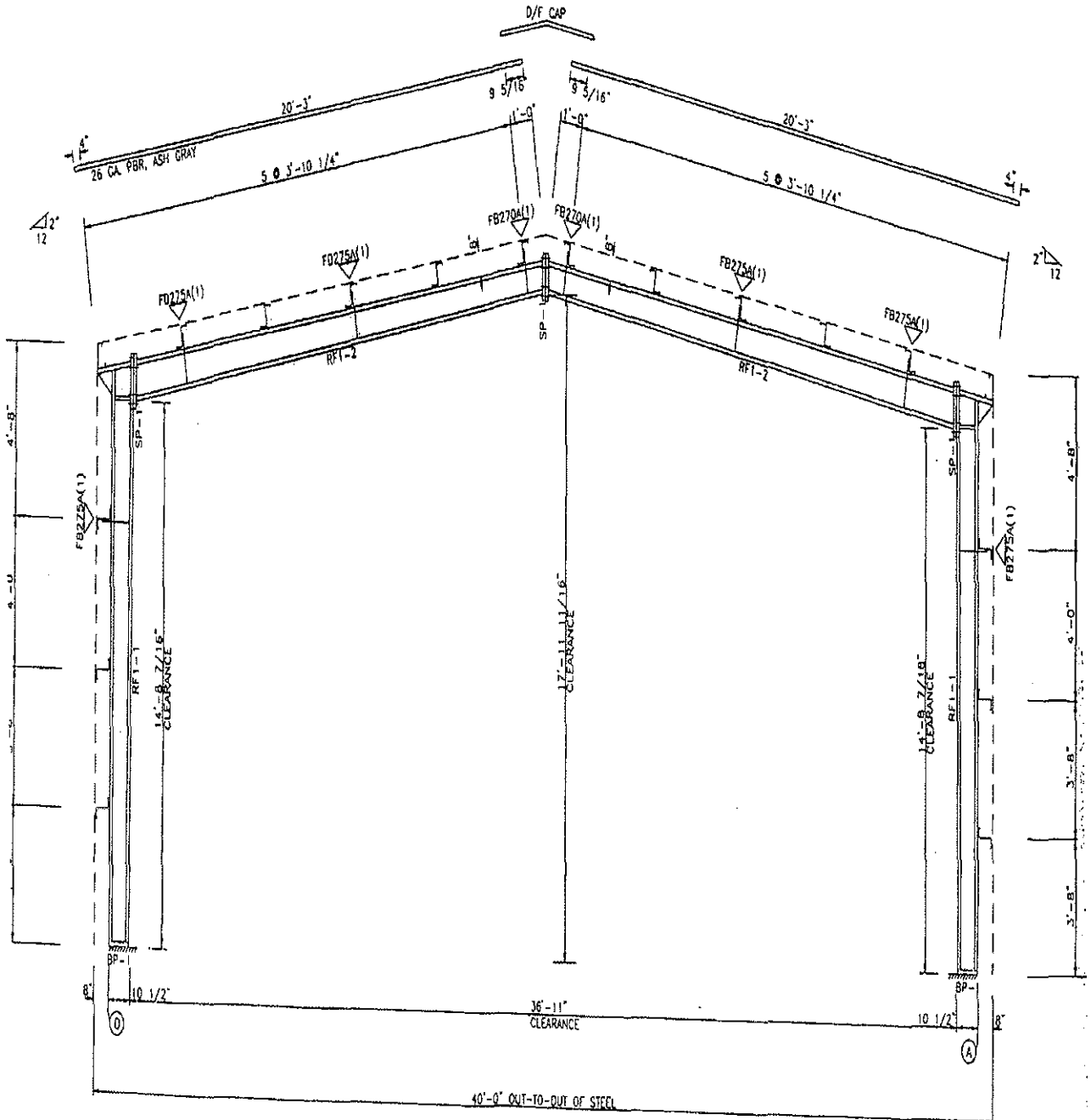
Contact 867 for the exclusive use of:
 David Walker Brown and Brian L. Smith
 Rosalind French, Ltd.
 Paddy Richard 500 St. John, Inc.
 Paddy Richard 500 Harbour Company

(SEE REVERSE SIDE OF THIS CARD) - SEE: 8/4/70
 HERON PMA 1000 - JOE A. HERON PMA 1000
 Professional Surveyor and Mapper - Professional Surveyor and Mapper
 1000 W. 1000 S. in proximity of 1000 S. and 1000 W. 1000 S.
 (SEE: 8/4/70)

[illegible]

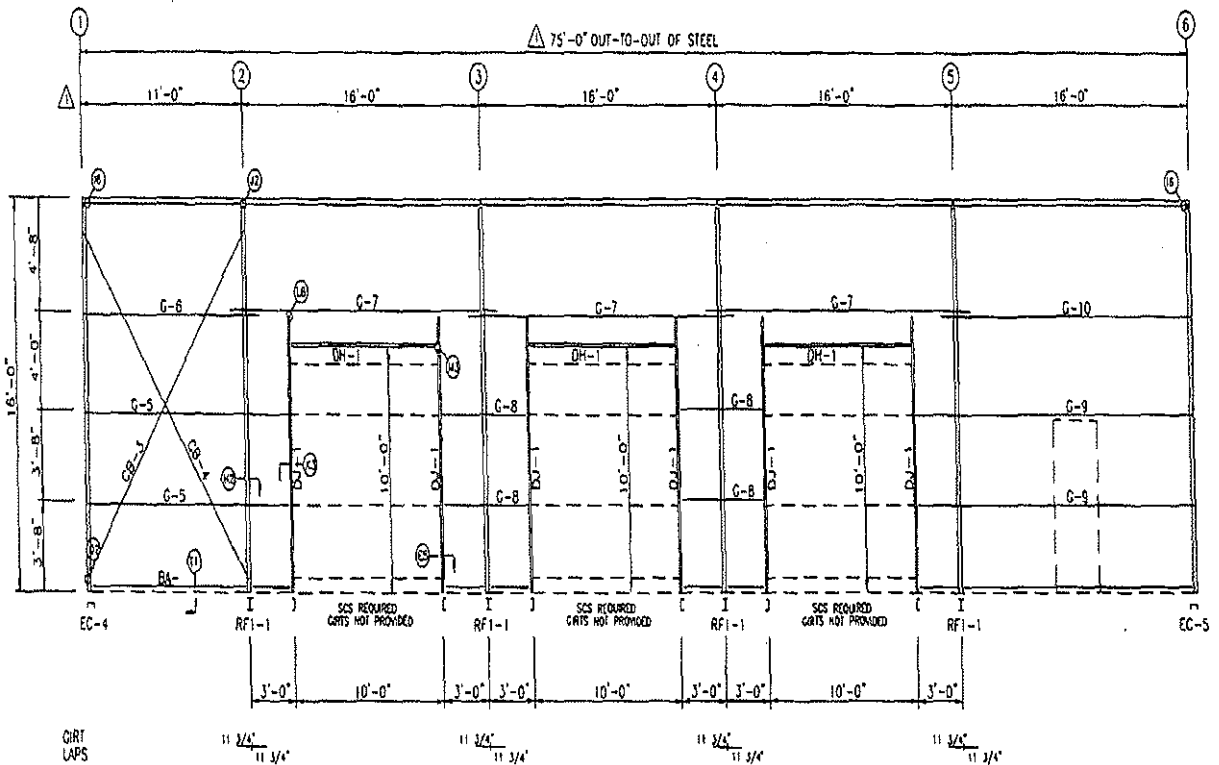
10.00	0.00	0.135	14'-11"	5'
8.0	7.5	0.135	3'-10 1/16"	

SIDE ELEVATION

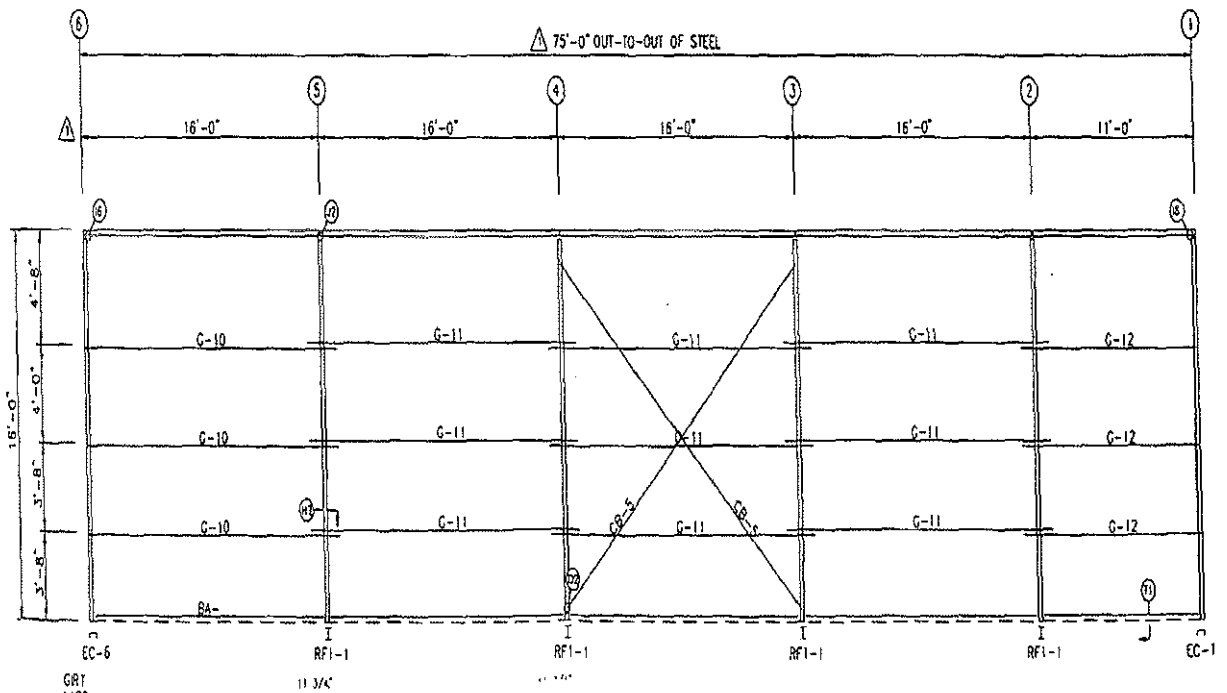


RIGID FRAME ELEVATION: FRAME LINE 2 3 4 5

FRONT ELEVATION



SIDEWALL FRAMING: FRAME LINE A





STAFF REPORT
CASE #VA-17-10-102
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
October 5, 2017
Commission District: 3

GENERAL INFORMATION:

APPLICANT: David Broome

REQUEST: Variances in the R-CE zoning district to construct an accessory structure as follows:

- 1) In front of the principal residence in lieu of alongside or to the rear; and
- 2) To allow an accessory structure 18 ft. in height in lieu of 15 ft.

(Note: The subject property is 5.7 acres in size. The applicant has letters of support from the neighbors to the north and south of the subject property.)

LOCATION: East side of N. Econlockhatchee Tr., approximately .3 miles north of Valencia College Rd.

PROPERTY ADDRESS: 1065 Econlockhatchee Trail, Orlando, FL 32825

PARCEL ID: 19-22-31-0000-00-080

PUBLIC NOTIFICATION: 124

TRACT SIZE: 5.7 acres

DISTRICT #: 3

ZONING: R-CE

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Accessory Structure

SURROUNDING USES: The subject property is surrounded by single family homes.

STAFF FINDINGS AND ANALYSIS:

1. The subject property has several environmental constraints. There is an existing pond in the rear, as well as what appears to be a portion of a larger wetland system which staff verified through a review of the wetland inventory maps. A review of the soils on the subject property verifies that those soils are commonly found in low-lying areas.
2. The applicant's lot is accessed from the southern connection with North Econlockhatchee Trail. The northern connection is completely overgrown and will provide a vegetative buffer. In addition, there is an existing structure on the lot in front of the subject property which will also buffer views from the road.
3. The subject property is in the center of a rural enclave surrounded by suburban development. As such, the construction of a larger structure would not be out of character with the area.
4. If the proposed roof had a greater pitch than 2:12, no variance would be needed to the structure's height, as the height could be up to twenty (20) feet. As proposed, the variance constitutes a twenty percent (20%) deviation, which is generally within the range the BZA considers minimal. Therefore, the variance is the minimum necessary.
5. The two (2) most impacted neighbors to the north and south have each signed a letter of support. The variance will not pose any detrimental impacts on the surrounding area.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall maintain the vegetative buffer located on the subject property's northern connection with North Econlockhatchee Trail.

cc: David Broome
1065 N. Econlockhatchee Trail
Orlando, Florida 32825

EGLISE EVANGELIQUE BAPTISTE MONT MORIJA
SE-17-10-103

REQUEST: **Special Exception** in the R-1A zoning district for a religious use facility; and, **Variance** for unpaved parking in lieu of paved.
(Note: The religious use facility will accommodate up to 114 members and a total of 45 parking spaces are proposed.)

ADDRESS: 3310 N. Powers Drive, Orlando FL 32818

LOCATION: West side of N. Powers Drive approximately a 1/2 mile north of Silver Star Road

S-T-R: 12-22-28

TRACT SIZE: 328 ft. x 482 ft.

DISTRICT#: 2

LEGAL: S 330 FT OF NE1/4 OF SW1/4 (LESS W 810.58 FT THEREOF & LESS E 30 FT FOR R/W) OF SEC 12-22-28

PARCEL ID: 12-22-28-0000-00-018

NO. OF NOTICES: 153

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, **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 absent):

1. Development in accordance with site plan dated August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
5. Signage shall comply with Sec. 31.5-75.
6. Construction plans shall be submitted within three (3) years of final action by the Board of County Commissioners or this approval becomes null and void.
7. Driving aisles and handicapped spaces shall be paved.
8. Applicant shall properly maintain the property and will be subject to inspection by the Orange County Code Enforcement Division.
9. Vehicular access to the property shall be subject to approval by the County Engineer.

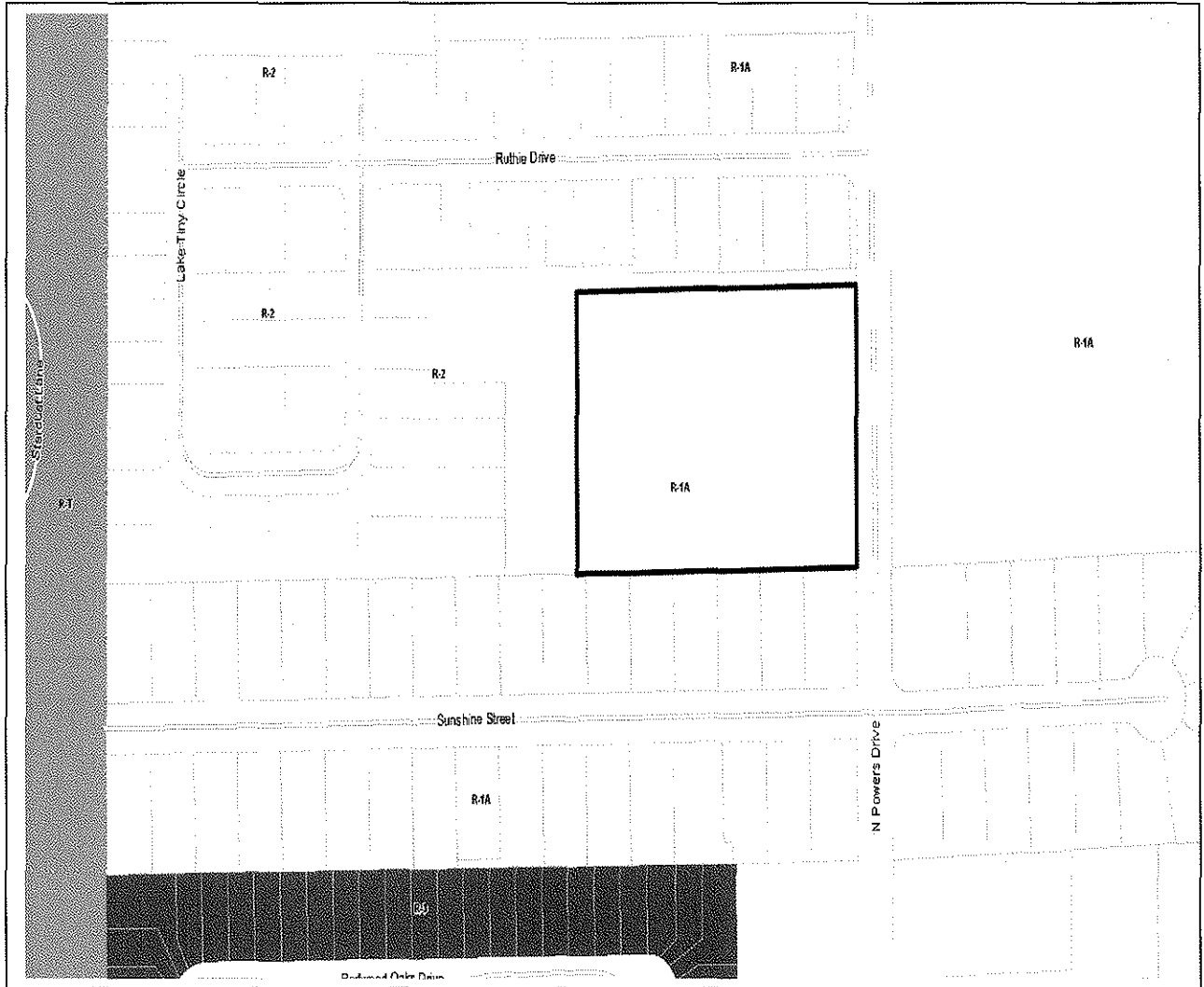
SYNOPSIS: The request is to convert an existing residence to a religious use facility with unpaved parking. A special exception was approved on this property in 2004 (request was identical) and that exception expired; therefore, the applicant had to re-apply.

A community meeting was held on the site and twelve (12) residents were in attendance. The neighbors express concerns with the maintenance of the property and the ingress/egress from Powers Drive.

Staff stated that due to the size of the property, the existing buffers on site, and the fact that the request was approved once already; the request would not have an adverse impact on the community.

The applicant agreed with staff and was available for any questions. No one spoke at the hearing for or against the application.

The BZA stated the request was appropriate and approved the request unanimously.



Applicant: Eglise Evangelique Baptiste Mont Morija

BZA Number: SE-17-10-103

BZA Date: 10/05/2017

District: 2

Sec/Twn/Rge: 12-22-28-SW-C

Tract Size: 328 ft. x 482 ft.

Address: 3310 N. Powers Drive, Orlando FL 32818

Location: West side of N. Powers Drive approximately a 1/2 mile north of Silver Star Road

August 12, 2017

To: Orange County Zoning Division
201 South Rosalind Avenue, 1st floor,
Orlando, Florida 32801

From: Eglise Evangelique Baptiste Mont Morija, inc.
3310 North Powers Drive
Orlando, Florida 32818

Re: Special Exceptions and Parking Variances:

Gentlemen,

On January 8, 2004, we the church applied for a special exception permit and a variance request under permit SE-04-01-101 and was granted permission and approval with conditions to improve the existing building structure and change the used from residential to a religious worship facility. But due to financial constraints and the fall out of the financial recession of 2008, we were unable to complete the site and building improvements during the allotted three year time framed. By this application, we are petitioning to have that previously approved use- permit renewed, reinstated, or replaced to comply with the previous same approved conditions that was granted in 2004. Our objectives are to use the existing building structure as a place of worship and prayer. A place to gather and participant in outdoor barbecues, bible study and fellowship classes several times a week. By this letter we are requesting permission to be given a special exception zoning permit and Parking variances for the following building facility located at 3310 North Power drive, Orlando, Florida 32818.

We are proposing to use this property and facility as a place of worship for an estimated 114 people. Worship services will begin between the hours of 10:45am to 12:30pm on Sunday morning. We would also like to have pray and bible study classes and services on Tuesday and Thursday nights, beginning at 7:30pm to 9:30pm during the work week. Occasionally, there will be recreation activities of sites a few Saturdays of the year. We are proposing to improve the existing parking areas to accommodate a least 47 parking spaces on grass. Three of which will be paved for handicap parking spaces along with the two entrance aprons.

This application of special exception and site improvement variance is our petition to the Orange County Zoning Division for request and permission be granted for us as a church to move forward as originally planned with our original goals of improving the existing site and building structure. Our financial situation has changed and we are in much better shape financially to complete the tasks and previous conditions as hand.

Any and all considerations given to this request will be greatly appreciated!



STAFF REPORT
CASE #SE-17-10-103
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
October 5, 2017
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Eglise Evangelique Baptiste Mont Morija

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the R-1A zoning district for a religious use facility and Variance for unpaved parking in lieu of paved.
(Note: The religious use facility will accommodate up to 114 members and a total of 45 parking spaces are proposed.)

LOCATION: West side of N. Powers Drive approximately a 1/2 mile north of Silver Star Road

PROPERTY ADDRESS: 3310 N. Powers Drive

PARCEL ID: 12-22-28-0000-00-018

PUBLIC NOTIFICATION: 153

TRACT SIZE: 328 ft. x 482 ft.

DISTRICT #: 2

ZONING: R-1A

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Religious Use

SURROUNDING USES: N - Residential
S - Residential
E - Right of way
W - Drainage Field / Residential

STAFF FINDINGS AND ANALYSIS:

1. A Special Exception was previously approved on this in 2004, for a religious facility (this request is identical to the previous request).
2. The site is 3.6 acres in size and provides adequate buffers to the adjacent residential uses. This site has several large trees, a hedge abutting the right-of-way, and the parking will be located at the front of the site.
3. The site is located on an urban collector right-of-way and is directly across from an existing religious facility.
4. The church use would not have an adverse impact on the community and will meet all development standards.
5. A Community Meeting was held on September 25, 2017, regarding this application. The District #2 Commissioner and approximately twelve (12) residents were in attendance. The residents expressed concerns regarding the maintenance of the property and ingress/egress to the property from Powers Drive.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
5. Signage shall comply with Section 31.5-75.
6. Construction plans shall be submitted within three (3) years of final action by the Board of County Commissioners or this approval becomes null and void.
7. Driving aisles and handicapped spaces shall be paved.
8. Applicant shall properly maintain the property and will be subject to inspection by the Orange County Code Enforcement Division.
9. Vehicular access to the property shall be subject to approval by the County Engineer.

cc: Vern Thompson (Applicant's representative)
2263 Kingscrest Circle
Apopka, Florida 32712

SOUTH REALTY, INC.
VA-17-10-104

REQUEST: **Variances** in the A-1 zoning district as follows:
1) To allow existing accessory structure (barn) to remain with 1,600 sq. ft. of floor area in lieu of 1,000 sq. ft.;
2) To allow an accessory structure to remain 21 ft. in height in lieu of 20 ft.; and
3) To allow development on a substandard lot width of 80 ft. in lieu of 100 ft.
(Note: This is a result of code enforcement action).

ADDRESS: 1611 Jeanette Street, Apopka FL 32712

LOCATION: North side of Jeannette Ave., approximately .2 mi. west of N. Lake Pleasant Road

S-T-R: 02-21-28

TRACT SIZE: 80 ft. x 299 ft.

DISTRICT#: 2

LEGAL: WEKIWA HILLS SECOND ADDITION V/27 LOT 13 (LESS E 8 FT) BLK A

PARCEL ID: 02-21-28-9116-01-130

NO. OF NOTICES: 78

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0, 1 absent):

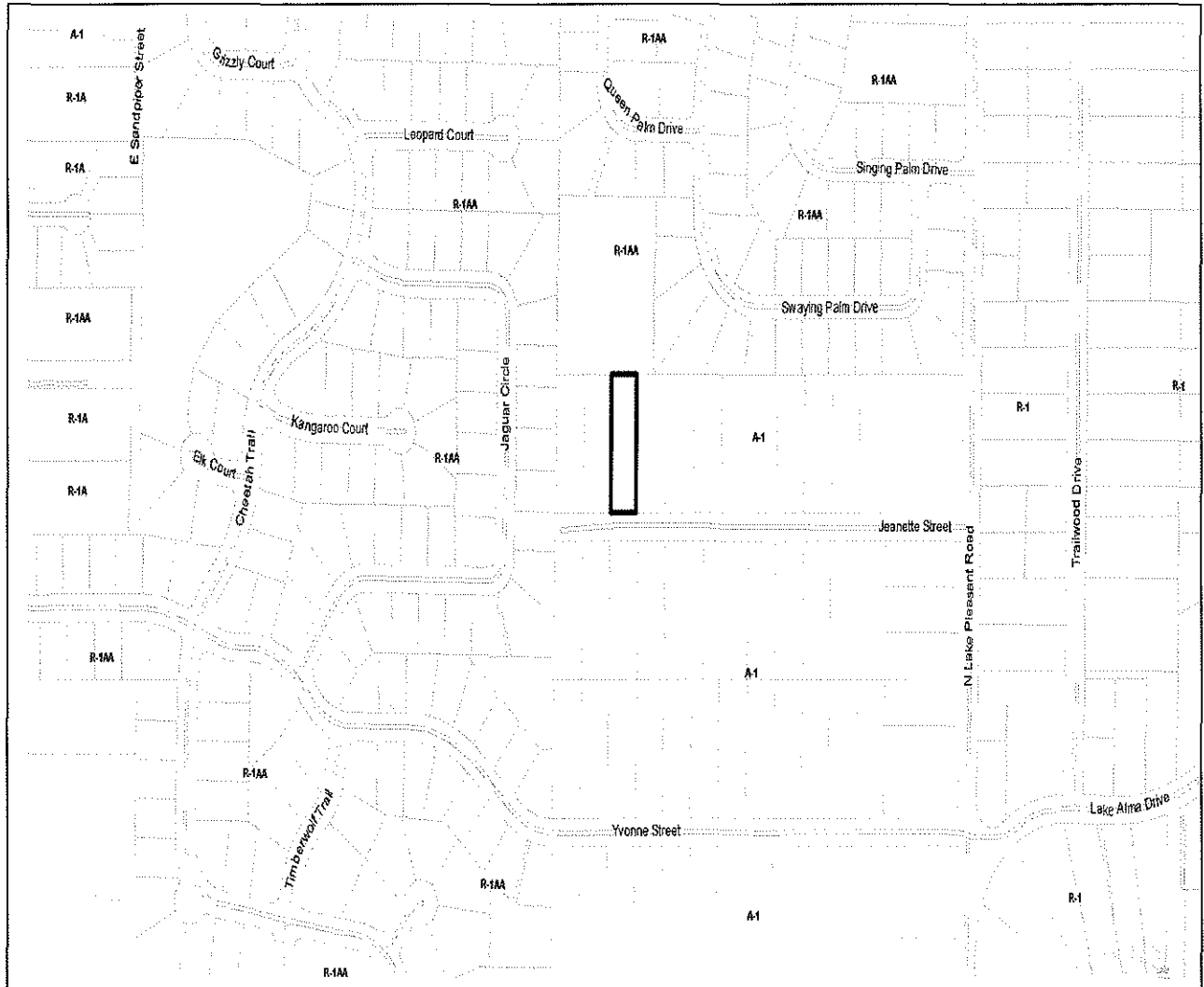
1. Development in accordance with site plan dated August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to a final inspection of the existing barn, the gazebo shall be removed from the site through proper permitting procedures.
5. The applicant shall obtain a permit for the barn within 180 days of final action by the County Commission or this approval becomes null and void.
6. If the subject accessory structure is ever removed or destroyed, any replacement structure shall comply with the Zoning Ordinance in effect at that time with regard to the structure's size unless a variance is granted by the BZA to exceed those requirements.

SYNOPSIS: Staff noted that the accessory structure was the subject of a variance application in November 2007. The property has a history of code enforcement action. However, those issues were resolved once the current owner, a real estate firm, obtained the property through foreclosure. According to the Code Enforcement Division, the only remaining violation is the construction of the structure without a permit.

The applicant indicated that the approval of the variance will allow them to correct the violation and settle their issues with the County. There being no one in the audience to speak for or against the application, the public hearing was closed.

The BZA concluded that the need for the variance was not self-imposed, the request was the least amount necessary, and due to the presence of a large greenhouse to the west, the structure is in character with the neighborhood.



Applicant: South Realty, Inc.

BZA Number: VA-17-10-104

BZA Date: 10/05/2017

District: 2

Sec/Twn/Rge: 02-21-28-NE-A

Tract Size: 80 ft. x 299 ft.

Address: 1611 Jeanette Street, Apopka FL 32712

Location: North side of Jeannette Ave., approximately .2 mi. west of N. Lake Pleasant Road

August 15, 2017

RE: Property located at 1611 Jeannette Street, Apopka, Florida 32712

TO WHOM IT MAY CONCERN:

I am requesting a variance for a storage building which was erected by the previous owner without a building permit and is larger than the allowable size. It is a well constructed building that sits at the rear of a 299 foot deep lot. The property on one side has only greenhouses and no home. The neighbor's home on the other side of my property is not near my building. To the rear of all three of these properties is a large retention area. This building has been there for approximately ten years and does not look out of place for the neighborhood. The area has many various storage buildings and greenhouses. If it had been built to the allowable size permitted, it would still have the same appearance from the street.

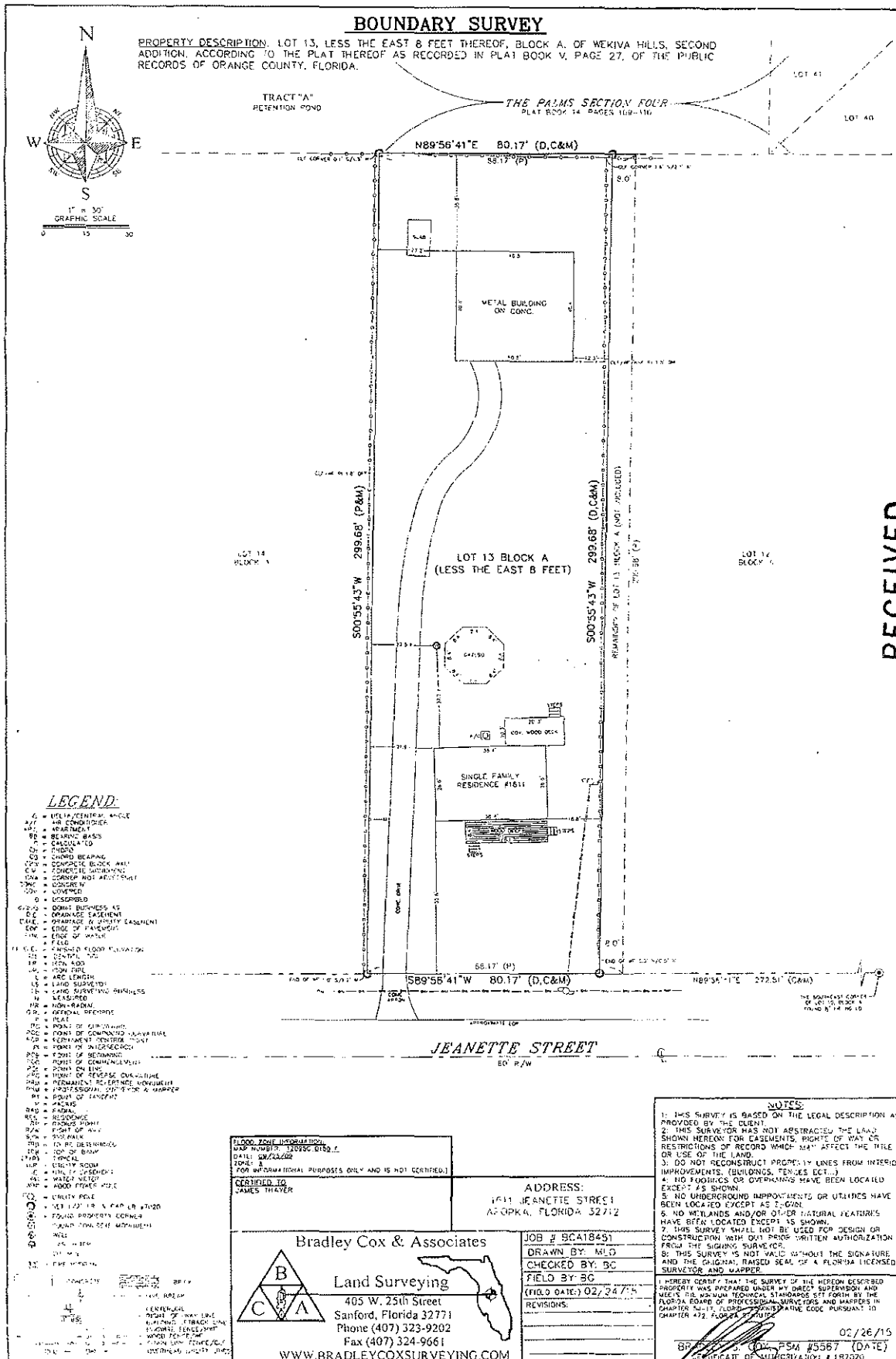
In addition to attaching two copies of the survey, I am including a copy of an engineered drawing showing exact details, dimensions and materials of the building. This is a situation that was not caused by me and I am trying to get this building into compliance.

Thank you for your consideration in this matter.

Very truly yours,

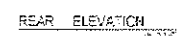
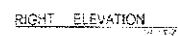
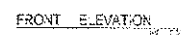
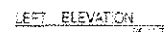


James G. Thayer
1327 Lavanham Court
Apopka, Florida 32712
Phone: 321 689 2626-Cell



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AIR 16 2017

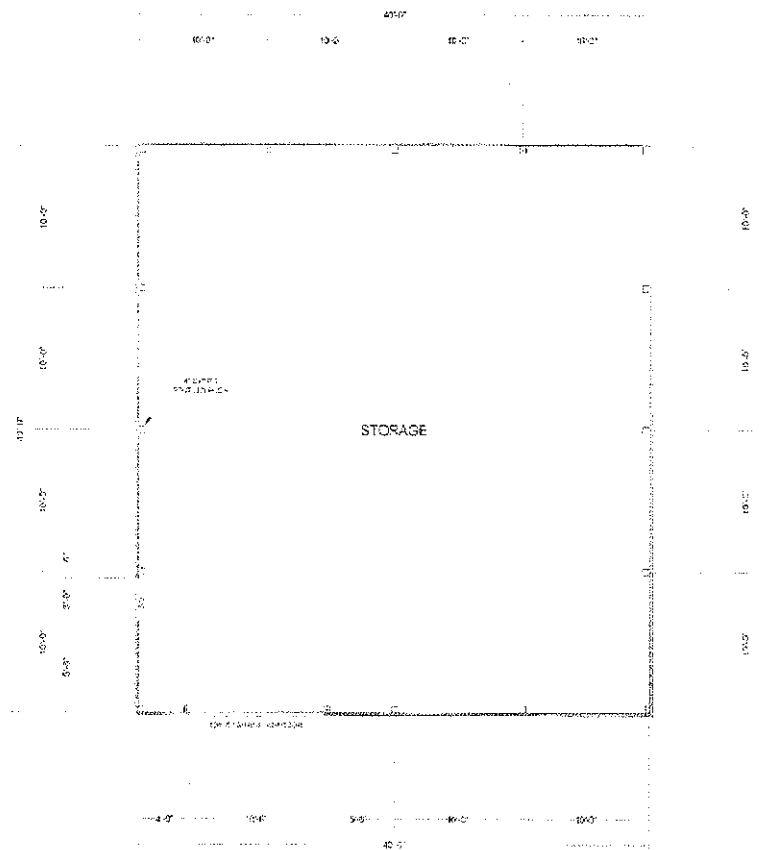


DAVIS & CLEATON ENGINEERING, INC.
220 WYNONA AVE (RTE 100) BOX 1725
HOLY SPRING, AL 35779
205/368-1515
FAX 205/368-1525
FAX 205/368-2634

JAMES THAYER
 1111 JEFFERSON ST. SE
 ALBUQUERQUE, NM 87102

Name _____
 Date _____
 Page _____

3



FLOOR PLAN
12-11-17

NOTE: TOTAL SQUARE FEET AREA 1600

This structure only has been designed in accordance with the requirements of the 2014 Florida Building Code, Fifth Edition - Residential, Chapter 5, Section R301.2.1. The following wind load requirements, in accordance with 2014 Florida Building Code, Fifth Edition - Building, Chapter 16, Structural Design, Section 1624 and ASCE 7-10 were employed in the design of the structure:

Ultimate Design Wind Speed (V_{ult}): 140 MPH (3-Second Gust)
Nominal Design Wind Speed (V_{nom}): 108 MPH (3-Second Gust)
Risk Category: II
Wind Exposure Category: B
Applicable Internal Pressure Coefficient: $+/-0.18$
Design Pressure for Exterior Components & Cladding:
• Roof: 12.7-21.2 PSF
• Walls: -5.8 -17.6 PSF

WIND LOADS ON EXTERIOR OPENINGS

OPENING SIZE	TOTAL AREA	TOTAL LOAD	POSITIVE WIND LOAD	NEGATIVE WIND LOAD	LENGTH OF GLAZING	GLAZING PER FT.	LOAD PER FT.
	(SQ. FT.)	(LBS.)	(PSF)	(PSF)	(FT.)	(LBS./FT.)	(LBS./FT.)
Door	10'-0" x 7'-0"	108.0	1.80	1.80	10.0	108.0	10.8
Window	10'-0" x 5'-0"	54.0	0.90	0.90	10.0	54.0	5.4

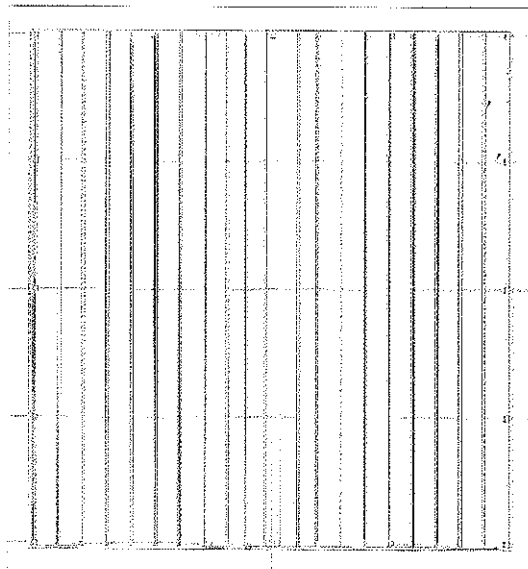
1) All exterior openings shall be designed for the ultimate design wind speed of 140 MPH (3-second gust) and the nominal design wind speed of 108 MPH (3-second gust).
2) All exterior openings shall be designed for the ultimate design wind speed of 140 MPH (3-second gust) and the nominal design wind speed of 108 MPH (3-second gust).
3) All exterior openings shall be designed for the ultimate design wind speed of 140 MPH (3-second gust) and the nominal design wind speed of 108 MPH (3-second gust).
4) All exterior openings shall be designed for the ultimate design wind speed of 140 MPH (3-second gust) and the nominal design wind speed of 108 MPH (3-second gust).
5) All exterior openings shall be designed for the ultimate design wind speed of 140 MPH (3-second gust) and the nominal design wind speed of 108 MPH (3-second gust).
6) All exterior openings shall be designed for the ultimate design wind speed of 140 MPH (3-second gust) and the nominal design wind speed of 108 MPH (3-second gust).
7) All exterior openings shall be designed for the ultimate design wind speed of 140 MPH (3-second gust) and the nominal design wind speed of 108 MPH (3-second gust).
8) All exterior openings shall be designed for the ultimate design wind speed of 140 MPH (3-second gust) and the nominal design wind speed of 108 MPH (3-second gust).
9) All exterior openings shall be designed for the ultimate design wind speed of 140 MPH (3-second gust) and the nominal design wind speed of 108 MPH (3-second gust).
10) All exterior openings shall be designed for the ultimate design wind speed of 140 MPH (3-second gust) and the nominal design wind speed of 108 MPH (3-second gust).

DAVIS & CLETON ENGINEERING, INC.
1800 W. US HWY 90, SUITE 100
LONGWOOD, FL 32779
TEL: 407-330-2800
FAX: 407-330-2814

JAMES THAYER
1011 JACOBITE STREET
ANNAPOLIS, MD

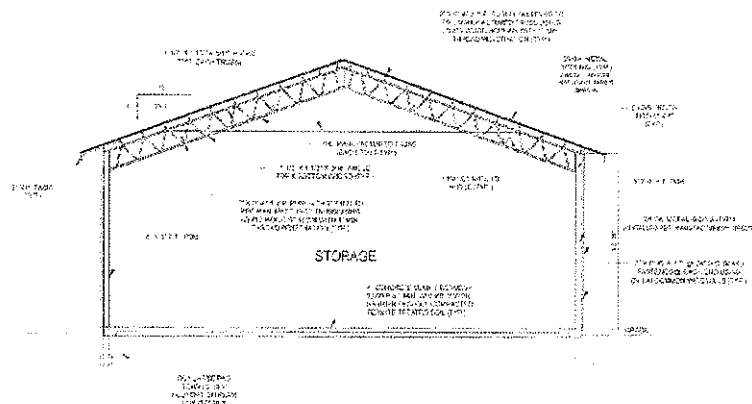
Client: 7. Morgan Taylor
Date: 12-11-17
City: 1011
Project: 1011

1

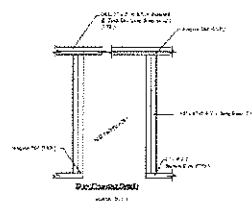


ROOF FRAMING PLAN
1/1/13

1. ALL ROOF FRAMING TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND THE LATEST EDITIONS OF THE INTERNATIONAL ROOFING CODES.



BUILDING SECTION
1/1/13



DAVIS & CLETON ENGINEERS, INC.
2500 W. 10TH AVENUE, SUITE 100
DENVER, CO 80202
TEL: 303.733.1111
FAX: 303.733.1112

JAMES THAYER
1811 JEFFERSON STREET
DENVER, CO

Drawn by	J. Thayer
Checked by	J. Thayer
Date	1/1/13
Project	10000
Sheet	4



STAFF REPORT
CASE #VA-17-10-104
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
October 5, 2017
Commission District: 2

GENERAL INFORMATION:

APPLICANT: South Realty, Inc.

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

- 1) To allow existing accessory structure (barn) to remain with 1,600 sq. ft. of floor area in lieu of 1,000 sq. ft.;
- 2) To allow an accessory structure to remain 21 ft. in height in lieu of 20 ft.; and
- 3) To allow development on a substandard lot width of 80 ft. in lieu of 100 ft.

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

LOCATION: North side of Jeannette St., approximately .2 mi. west of N. Lake Pleasant Road

PROPERTY ADDRESS: 1611 Jeannette Avenue, Apopka, FL 32712

PARCEL ID: 02-21-28-9116-01-130

PUBLIC NOTIFICATION: 78

TRACT SIZE: 80 ft. x 299 ft.

DISTRICT #: 2

ZONING: A-1

EXISTING USE(S): Single Family Residence w/Barn

PROPOSED USE(S): Accessory Structure (Barn)

SURROUNDING USES: N - Stormwater Detention Pond
S - Single Family Residence
E - Single Family Residence
W - 5,952 sq. ft. Greenhouse

STAFF FINDINGS AND ANALYSIS:

1. The applicant, a local real estate firm, obtained the subject property 'as is' through a foreclosure. The request is not the result of action by the applicant, and is, therefore, not a self-imposed hardship.
2. A review of historic aerials shows that the barn has been located on the property since 2008.
3. However, an application for a variance was actually filed in late 2007, to request after the fact, approval of the barn as it currently exists. The case was heard November 2007, however, it was continued to allow the applicant to provide architectural drawings. Research found that the case was never finalized.
4. The property has a history of code enforcement action. However, since the applicant took possession of the property, complaints have ceased. According to the Code Enforcement officer who covers this area, all violations with the exception of the barn being built without a permit, have been resolved.
5. The property to the west contains a 5,952 sq. ft. greenhouse. This property does not have an agricultural exemption. However, the presence of the structure does create an agricultural atmosphere in this rural enclave. Thus, the barn does not appear out of character. To the north of the subject property is a stormwater management tract owned by Orange County. The subject property has no direct impact on anyone to the north.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to a final inspection of the existing barn, the gazebo shall be removed from the site through proper permitting procedures.
5. The applicant shall obtain a permit for the barn within 180 days of final action by the County Commission or this approval becomes null and void.
6. If the subject accessory structure is ever removed or destroyed, any replacement structure shall comply with the Zoning Ordinance in effect at that time with regard to the structure's size unless a variance is granted by the BZA to exceed those requirements.

cc: James Thayer (Applicant's representative)
1327 Lavanham Court
Apopka, Florida 32712

HERIBERTO LUGO
VA-17-10-105

REQUEST: **Variance** in the R-1 zoning district to enclose an existing front porch 17 ft. from front property line in lieu of 25 ft.
(Note: This is a result of code enforcement action).

ADDRESS: 4808 Big Horn Street, Orlando FL 32819

LOCATION: South side of Big Horn St.; 100 ft. west of Pomelo Dr. North of W Sand Lake Rd.

S-T-R: 30-23-29

TRACT SIZE: 65 ft. x 100 ft.

DISTRICT#: 6

LEGAL: TANGELO PARK SECTION FOUR Y/1 LOT 19 BLK 7

PARCEL ID: 30-23-29-8556-07-190

NO. OF NOTICES: 99

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 absent):

1. Development in accordance with site plan dated August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The proposed addition shall match the design of the existing residence.

SYNOPSIS: The applicant is requesting to enclose the existing front porch area. The request would not be expanding the footprint of the house. Several variances have been approved in the area and this would be in line with the precedence that has been set.

The applicant agreed with staff's recommendation and submitted two (2) letters of support from adjacent neighbors. Staff did not receive any letters in opposition of the request.

No one spoke in favor or against the application at the hearing.

The BZA concluded the request was in harmony with the community and added a fourth condition that the porch match the design of the existing house. The BZA approved the request unanimously.



Applicant: Heriberto Lugo

BZA Number: VA-17-10-105

BZA Date: 10/05/2017

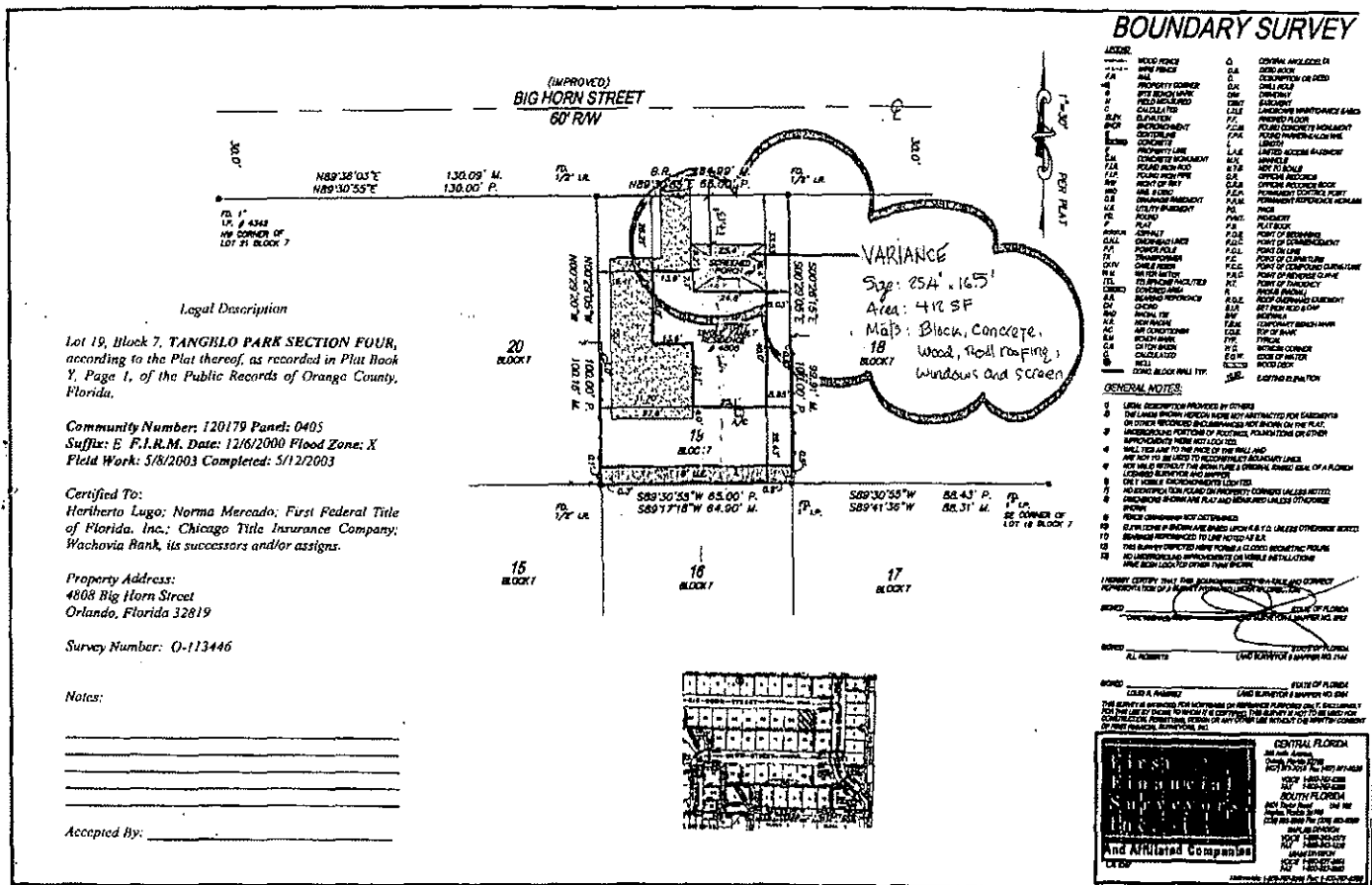
District: 6

Sec/Twn/Rge: 30-23-29-NE-A

Tract Size: 65 ft. x 100 ft.

Address: 4808 Big Horn Street, Orlando FL 32819

Location: South side of Big Horn St.; 100 ft. west of Pomelo Dr.
North of W. Sand Lake Rd.



Variance

Owner:	Heriberto Lugo and Norma Mercado
Address:	4808 Big Horn Street, Orlando, FL 32819
Request:	Enclosed covered porch into living area
Reason:	Violation
Type of Construction:	wood, concrete, block, aluminum, mesh screen, roll roofing and tile.
How many Square Feet:	412
Dimension:	25'4" width X 16'4" depth
Zone:	R1
Setbacks:	Front Side: 17.13 (affected) Right Side: 18.41' (It's Ok) Left Side 8.03' (It's Ok) Back Side 26.43' (It's Ok)
Proposed height:	7'4" flat roof
Neighbor Right Side:	Federal National Mortgage Assn (Bank Owned Property) 4814 Big Horn St., Orlando, FL 32819
Neighbor Left Side:	Charles Sledge (Owner Occupied) 4802 Big Horn St., Orlando, FL 32819



STAFF REPORT
CASE #VA-17-10-105
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
October 5, 2017
Commission District: 6

GENERAL INFORMATION:

APPLICANT: Heriberto Lugo

REQUEST: Variance in the R-1 zoning district to enclose an existing front porch 17 ft. from front property line in lieu of 25 ft. (Note: This is a result of code enforcement action).

LOCATION: South side of Big Horn St.; 100 ft. west of Pomelo Dr. North of W Sand Lake Rd.

PROPERTY ADDRESS: 4808 Big Horn Street

PARCEL ID: 30-23-29-8556-07-190

PUBLIC NOTIFICATION: 99

TRACT SIZE: 65 ft. x 100 ft.

DISTRICT #: 6

ZONING: R-1

EXISTING USE(S): Screen porch

PROPOSED USE(S): Addition

SURROUNDING USES: N - Residential
S - Residential
E - Residential
W - Residential

STAFF FINDINGS AND ANALYSIS:

1. The applicant has provided letters of no objection from two (2) adjacent neighbors.
2. Several similar variances have been approved in this community; including two (2) front setback variances on this street.
3. This variance represents a thirty-two percent (32%) deviation from code requirements. The BZA has approved larger requests in the past in the immediate area.
4. The structure in question is an existing screen porch; this proposal is not expanding the footprint of the house.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated August 16, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
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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: Heriberto Lugo
4808 Big Horn Street
Orlando, Florida 32819