

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

JANUARY 4, 2018

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



ORANGE COUNTY GOVERNMENT

BOARD of ZONING ADJUSTMENT
(BZA)

Carolyn C. Karraker
Vice-Chair

District #1

Gregory A. Jackson
Chairman

District #2

Jose A. Rivas, Jr.

District #3

Deborah Moskowitz

District #4

Wes A. Hodge

District #5

Eugene Roberson

District #6

Jessica Rivera

At Large

ORANGE COUNTY ZONING DISTRICTS

Agricultural Districts

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

Residential Districts

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

Non- Residential Districts

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

Other District

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

VARIANCE CRITERIA

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

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

SPECIAL EXCEPTION CRITERIA:

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

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

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

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
January 4, 2018**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
SE-17-10-093	Pointe Orlando	6	Continued	1
VA-17-12-138	Central Florida Toyota	4	Approved w/Conditions	10
VA-18-01-141	Urbana at Hunters Creek	1	Approved w/Conditions	21
VA-18-01-142	Allyson Richbourg Ludewig	1	Approved w/Conditions	32
VA-18-01-143	Naima Hammou	6	Approved w/Conditions	41
VA-18-01-146	Stefanie Fierman	3	Approved w/Conditions	48
VA-18-01-147	Orlando Health	1	Approved w/Conditions	57
VA-18-01-149	RCJ of Winter Park No 2 Ltd	5	Approved w/Conditions	68
SE-18-01-150	Angela Meissner for Able Center	3	Approved w/Conditions	78
SE-18-01-151	Jonathan P. Huels	3	Approved w/Conditions	90
VA-18-02-152	Brian Bracy	1	Approved w/Conditions	103
VA-18-01-144	Wing Construction	2	Approved w/Conditions	115

POINTE ORLANDO
SE-17-10-093

REQUEST: **Special Exception and Variances** in the C-2 zoning district as follows:
1) Special Exception: To operate an open air market.
2) Variance: To operate until 4:00 a.m. in lieu of dawn to dusk.
3) Variance: To operate 7 days a week in lieu of 3 consecutive days only.
(Note: This is the result of code enforcement action.)

ADDRESS: 9101 International Drive, Orlando FL 32819

LOCATION: North of the intersection of International Drive and Pointe Plaza Avenue

S-T-R: 36-23-28

TRACT SIZE: 17 acres

DISTRICT#: 6

LEGAL: PLAZA INTERNATIONAL UNIT ELEVEN 28/5 COMM NLY MOST COR OF LOT 1 RUN SWLY 250.22 FT SLY 1883.90 FT TO POB TH E 1044.80 FT TO E LINE OF LOT 1 TH SLY 1326.04 FT TH SLWY 25.30 FT N 82 DEG W 86.43 FT NWLY 770.05 FT TH NWLY 570.04 FT TO POB

PARCEL ID: 36-23-28-7165-00-017

NO. OF NOTICES: 76

Prior to the January 4, 2018 BZA Meeting, this case was **CONTINUED** to the February 1, 2018 BZA Meeting, as requested by the applicant.



Applicant: Pointe Orlando

BZA Number: SE-17-10-093

BZA Date: 01/04/2018

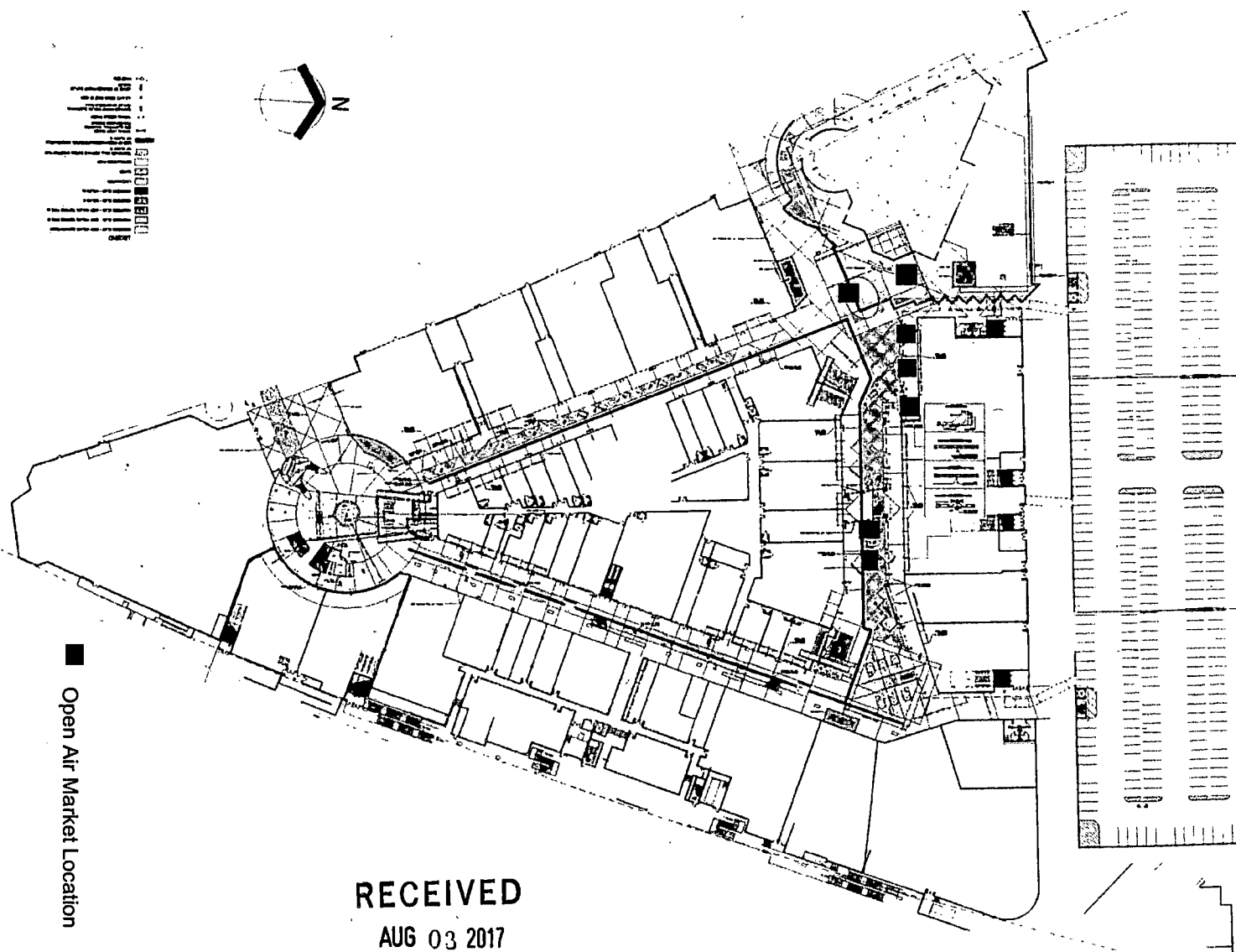
District: 6

Sec/Twn/Rge: 01-24-28-NW-B

Tract Size: 17 acres

Address: 9101 International Drive, Orlando FL 32819

Location: North of the intersection of International Drive and Pointe Plaza Avenue



RECEIVED
AUG 03 2017
Zoning Division



August 3, 2017

Orange County BZA
201 S Rosiland Avenue, 1st Floor
Orlando, Florida 32801

To Whom It May Concern:

The intent of this letter is to communicate a request for a Special Exception request submitted for hearing. This Special Exception request involves allowing an open-air market to be incorporated to the services and amenities offered at the Pointe Orlando, 9101 International Drive, Orlando FL 32819.

The Pointe Orlando is an Entertainment/Lifestyle Shopping Center that consists of more than 742,000 square feet. The expected number of customers visiting the Center is consistent with approximately 67,000 vehicles coming on site each month. Using the ICSC industry trade association method of estimating the number of customers on-site would be 154,100 customers per month. This new open-air market should not increase the number of customers just offer another source of shopping, dining and entertainment for the customers. No permanent structures will be built for this open-air market all units will be temporary and moveable. These units will follow the trend of national retail centers including pop up retailers with converted containers, small size temporary canopy units, food vendors with carts, trucks and kiosks and entertainment oriented machines for purchasing items.

The open-air market would only be open and operating during the same hours that the retail, restaurants and entertainment units operate at the Pointe. Currently, the center has a large common area and within this common area are electrical boxes which have been in place for year. The temporary open-air market tenants will utilize these electrical outlets as part of the location. Attached is a site plan and the area is marked for the open-air market. This open-air market will be within the common area of the Center approximately 135' from western site line, 245' from the eastern site line, 401' from the northern site line and 942' from the southern site line. This open-air market should not be visible to the neighbouring properties due to the building structures already built on the property. The temporary tenants will add about 24 – 30 part-time employees.

Throughout the year, special events are held at the Pointe Orlando including multiple block parties where convention attendee's book private parties in the restaurants and share the common area for entertainment and networking. During the holiday, the Center will once again partner with the I-Drive Chamber to host the 30' tall Christmas Tree with lights. A family oriented lighting event will take place and a winter wonderland of a variety of winter function including a holiday bazaar, breakfast with Santa and outside retail businesses. In addition, the Pointe will participate with American Express and host a small business event during Small Business Saturday. This open-air market is a natural addition to the Pointe and will seamlessly fit into the common area.

Sincerely,

Brian Small, General Manager
Pointe Orlando
Brixmor Property Group

Attachments: Application
 Site Plan
 Open-Air Market Map
 Check Payment

(108) An accessory dwelling unit shall comply with section 38-1426, as it may be amended.

(Ord. No. 97-05, § 5n, 4-29-97)

(109) For transmission only, not for refinement or manufacture of pipeline.

(Ord. No. 97-05, § 5n, 4-29-97)

(110) a. An open-air market, including a flea market, means multiple vendors and/or businesses operating simultaneously who are exclusively or primarily engaged in wholesale and/or retail sales, wherein the operation is conducted outdoors. Merchandise may be displayed in/on temporary facilities (trucks/vans/tables/tents/canopies, etc.). An open-air market is a separate and distinct entity that is not ancillary to a principal place of business (i.e., outdoor sales ancillary and subordinate to a principal use).

b. In addition to the above, open air markets shall comply with the following standards:

1. Parking: A minimum of two (2) parking spaces per vendor/booth, plus one (1) space per employee. All parking spaces shall be paved. Parking spaces required for other uses on-site shall not be used to meet the parking space requirements for open air markets. All other requirements of article XI, off-street parking and loading regulations, of this chapter shall be met. All driving aisles and parking spaces shall be located a minimum of one hundred (100) feet from residentially zoned properties.
2. Open air markets shall operate from dawn to dusk only and during a maximum of three (3) consecutive days of each week.

3. Permanent restroom facilities shall be provided as approved by the environmental protection department, the building department, and health department.

4. Landscaping adjacent to public right-of-ways and other properties shall be in accordance with section 24-4 of this Code. Buffer yards shall comply with buffer yard type B of section 24-5 of this Code.

5. Access shall be from a dedicated public paved street. Access from an unpaved right-of-way or by any type of easement or private road is prohibited.

6. Loudspeakers, live music, sound enhancement devices and public address systems shall be prohibited, unless approved by the zoning manager.

7. All commercial vehicles including commercial traffic shall not be routed through residential roadways.

8. Signage shall be in accordance with section 31-5 of this Code.

9. Goods, materials or products associated with such use shall not be stored outdoors on the site when such use is not in operation. This restriction shall not apply to overnight storage between consecutive days of operation.

10. Refuse containers and dumpsters shall not be located in front of any principle structure nor within twenty-five (25) feet of any side or rear property line and shall be enclosed by a six-foot high landscape screen, wall, or wood fence.

11. All structures shall be maintained aesthetically and

structurally so as to ensure public safety. A junkyard appearance, as defined in section 38-1, shall be avoided. Conditions may be imposed by the zoning manager to ensure all structures comply with this condition.

12. Development in accordance with all other applicable regulations and policies.
13. All outdoor markets existing as of April 29, 1997, shall be in compliance with the requirements of this subsection by April 29, 1998.

(Ord. No. 97-05, § 5n, 4-29-97)

(111) No manufacturing may be permitted on-site.

(Ord. No. 97-05, § 5o, 4-29-97)

(112) No outdoor runs may be allowed.

(113) This use shall comply with the requirements of chapter 15 (Environmental Control) of the Orange County Code and Orange County Ordinance No. 92-41.

(114) Location and size requirements of accessory buildings and uses in residential and agricultural areas:

- a. When an accessory building is used solely as living space (i.e., dens, bedrooms, family rooms, studies) it may be attached to a principal structure by a passageway, provided the accessory building and the passageway comply with the following standards:
 1. A principal structure shall exist onsite;
 2. The accessory building and the passageway shall have the same architectural design as the principal structure, including the roof, exterior finish and color;
 3. Access via doorways shall be provided at both ends of the passageway;

4. The passageway shall not exceed twenty (20) feet in length. However, the passageway may exceed twenty (20) feet in length if the addition complies with the size requirements for detached accessory buildings;
5. The accessory building and the passageway shall comply with the principal structure setbacks;
6. Neither the height of the accessory building nor the height of the passageway shall exceed the height of the principal structure;
7. No kitchen facilities shall be allowed in the accessory building; and
8. The accessory building shall be heated and ventilated pursuant to all applicable building codes.

- b. If an accessory building used as living space is not attached to the principal structure, then it shall be considered a detached accessory building, and it shall be subject to the size requirements listed in sections g and h below.
- c. An accessory building used for nonliving purposes (i.e., storage space, workshops, sheds, enclosed carports, etc.) may be attached to a principal structure by a fully-enclosed or open-sided passageway, provided the accessory building and the passageway comply with the standards set forth in subsections a.1. through a.7. above and the accessory use structure does not exceed five hundred (500) square feet or twenty-five (25) percent of the living area of the principal structure not to exceed one thousand (1,000) square feet.



STAFF REPORT
CASE #SE-17-10-093
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
January 4, 2018
Commission District: 6

GENERAL INFORMATION:

APPLICANT: Pointe Orlando

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variances in the C-2 zoning district as follows:

- 1) Special Exception: To operate an open air market.
- 2) Variance: To operate until 4:00 am in lieu of dawn to dusk.
- 3) Variance: To operate 7 days a week in lieu of 3 consecutive days only.

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

LOCATION: North of the intersection of International Drive and Pointe Plaza Avenue

PROPERTY ADDRESS: 9101 International Drive

PARCEL ID: 36-23-28-7165-00-017

PUBLIC NOTIFICATION: 76

TRACT SIZE: 17 acres

DISTRICT #: 6

ZONING: C-2

EXISTING USE(S): Open Air Pedestrian Mall

PROPOSED USE(S): Open Air Market

SURROUNDING USES: N – Commercial & Vacant
S – Commercial
E – Vacant
W - Commercial

STAFF FINDINGS AND ANALYSIS:

1. Applicant is proposing up to seven (7) mobile vendors at Pointe Orlando on International Drive. Most of these mobile vendors will be food trucks.
2. Pointe Orlando is atypical in that the parking lot area is not integrated with the restaurants and stores. The parking is located in a multi-story parking garage on the north side and the stores/businesses are spread out for pedestrian traffic. The proposed mobile vendors will not be located on any parking spaces. They will be located adjacent to the stores and restaurants.
3. There are at least sixteen (16) eating and drinking establishments at Pointe Orlando. The mobile vendors are intended to serve the patrons of these eating and drinking establishments after they close. They typically close at 2:00 a.m. and for this reason, the applicant is requesting variances to remain open after midnight, seven (7) days a week.
4. The property owner has been cited by the Code Enforcement Division for operating without proper zoning approval. This application is to obtain zoning approval for the use.
5. Staff advised the applicant that there are many partners and stakeholders in the International Drive corridor and they should coordinate with these parties.
6. Staff met with the Planning Division and Legal Department regarding this application; it was determined that this use is permitted in the I-Drive District Overlay Zone which was adopted earlier this year.
7. The applicant has stated these food trucks will remain in place for a month at a time and will not move in and out on a daily basis.
8. The applicant has agreed that this application is for the food trucks only and does not include other vendors as originally stated in their cover letter.
9. Staff recommends approval based on the following:
 - a) The use will be internal to the site and not fully visible from the right-of-way.
 - b) No parking spaces will be utilized for this operation.
 - c) The use is compatible with the surrounding area which is an entertainment/dining district.

- d) The applicant owns the entire seventeen (17) acre site and will oversee the open air market operation.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated August 3, 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. Hours of operation for the food trucks shall be from dawn to 4:00 a.m., seven (7) days a week.
5. There shall be no more than seven (7) food trucks on the site at any given time.
6. There shall be no signage advertising the food trucks visible from any public right-of-way.

cc: Lenor M. Ryan, Applicant's representative
1408 East Hawthorne Circle
Hollywood, Florida 33021

CENTRAL FLORIDA TOYOTA
VA-17-12-138

REQUEST: **Variance** in the P-D zoning district to allow 2 ground signs with a separation distance of 55 ft. in lieu of 100 ft.
Note: The signs were erected on both sides of the entrance from S. Orange Blossom Trail. Both signs meet the design criteria for a ground sign, in terms of size and height. Both have active building permits which cannot be closed without either obtaining a variance or relocation of the signs.

ADDRESS: 11020 South Orange Blossom Trail, Orlando FL 32837

LOCATION: West side of S. Orange Blossom Trail, approximately 175 ft. south of the Central Florida Parkway

S-T-R: 15-24-29

TRACT SIZE: 596 ft. x 865 ft. (AVG)

DISTRICT#: 4

LEGAL: BEG 742.94 FT N OF SW COR OF NW1/4 OF NW1/4 OF SEC 15-24-29 TH RUN N 582.02 FT E 1262.86 FT TO W R/W S ORANGE BLOSSOM TR S 598.64 FT W 1262.66 FT TO POB (LESS COMM SW COR OF NW1/4 OF NW1/4 RUN N 782.94 FT TO POB TH N 542.02 FT E 345.90 FT S 542.02 FT W 34

PARCEL ID: 15-24-29-0000-00-002

NO. OF NOTICES: 130

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 and sign specifications dated October 18, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal

permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff gave a presentation on the case covering the size and location of the signs and photos.

The applicant displayed photos showing the low profile of the signs and explained that they were for identification and wayfinding. The applicant also showed other typical signage in the area, and showed two (2) separate dealerships with two (2) separate signs that were less than 100 feet apart.

The BZA asked about the permits. The BZA acknowledged that the property had a long frontage, and felt that the signs were low profile and helped with directions, and had a cleaner look than other signs on the same road.

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

The BZA approved the variance.



Applicant: Central Florida Toyota

BZA Number: VA-17-12-138

BZA Date: 01/04/2018

District: 4

Sec/Twn/Rge: 15-24-29-NW-B

Tract Size: 596 ft. x 865 ft. (AVG)

Address: 11020 South Orange Blossom Trail, Orlando FL 32837

Location: West side of S. Orange Blossom Trail, approximately 175 ft. south of the Central Florida Parkway

Letter of Intent
Central Florida Toyota Variance Application
11020 S. Orange Blossom Trail, Orlando, Florida
Ground sign distance separation variance per Sec. 31.5-67(f)

The applicant - CARS CNISPE-2 INC. dba as Central Florida Toyota seeks a variance to retain two modest sized ground signs on the dealership's property abutting Orange Blossom Trail (OBT) with a parcel frontage of 598.29'. Per Sec. 31.5-67, two ground signs are permitted on parcels over 400' but the minimum separation between the signs is 100'. The separation distance between the two existing signs is 55.98' per a recent DRMP updated survey completed 9.21.2017. The signs were installed in 2016 by an impatient contractor under permits B16003084 and 3086 and a final inspection is pending the outcome of this variance application. Both signs are 6'2" tall by 8' wide, and contain a sign copy area of 42.64 SF.

The two ground signs are located on the north and south of the principal entry to the dealership property so as to inform customers of the location of either the new car vehicular display area or the used car display area. The sign located north alongside the entry -Sign 1 identifies the national Toyota brand and location of the new Toyota vehicles and the sign located south alongside the entry or Sign 2, identifies the location of the Certified Used Vehicles display area. Because a single driveway ingress/egress accesses the entire 11.73 acres with the frontage of 598.29' along the congested OBT, the applicants say it is absolutely critical and reasonable that both signs be allowed within this single-entry location to serve both as wayfinding signs as well as identification signs. Variance criteria such as this as well as the other required criteria will be discussed at length on page 2.

The 42.64 SF sign area of each of the 6'2" tall two signs is roughly one third the 120 SF maximum allowable square foot area of conforming ground signs. The code allows two 12' tall, 120 SF ground signs and a maximum sign area of 240 SF. This proposal seeks only 85.28 SF which is a 64.4% reduction in total allowable sign area and yet the location of the signs at this main entry reasonably provides both the utility of sign wayfinding and the identification of products, services and land use.

Likewise, the wall signage on the frontage wall of the dealership is smaller than the maximum allowable sign area. A front elevation frontage of 196' allows a maximum sign area of 294 SF. But the existing Toyota brand logo, along with Central Florida letters and service related directory signs total just half of the maximum allowable sign area.

-1-

RECEIVED
OCT 18 2017
Zoning Division

Variance Criteria

The following standards are met pursuant to Section 30-43:

1. **Special Conditions and Circumstances** - The Central Florida Toyota parcel has significant frontage on a very busy arterial highway but has been restricted to just one access. Traveling either southbound or northbound on congested Orange Blossom Trail (OBT) the motoring public has to be very focused on traffic safety. Any sign intended to alert the public who is seeking goods and services must be strategically placed to maximize both the wayfinding and business use identification. Only one access to such a large and high intense commercially used site is a special condition that requires reasonable signage display focused on that single driveway access instead of signs spaced at regular intervals along the parcel frontage. The two modest and obvious signs provide just that required focus necessary to ease the wayfinding and business identification requirements for a harried and stressed motorist traveling on a busy thoroughfare. Traffic safety is increased as slowed traffic is minimized. This single driveway restriction along OBT is made even more unique when considering the multitude of neighboring smaller commercial and industrial lots each with their access or accesses that have been allowed to develop not - in the planned development criteria, single access, pre-planned transportation narrative.
2. **Not Self-Created** - the single drive way access was imposed as a condition of the P-D Sky Lake South planned development approval process. Of course, the busy, high speed and the congested nature of OBT were the major factors in determining the design of the transportation system resulting in limiting the access to just one. In addition to the unique single access condition, the 11.73 ac lot is one of the larger commercial lots along this busy commercial neighborhood surrounded by a multitude of smaller and much narrower commercial lots.
3. **No special Privilege Conferred** - Granting the variance will promote the placement of freestanding wayfinding and identification signs that are consistent and compatible with the existing commercial neighborhood that is primarily made up of lots much smaller than the applicant's parcel. The natural consequence of smaller and narrower commercial lots is that said freestanding signs will be located closer than 100 feet to each other as each lot has been allowed to install one sign and generally that is close to the access driveway to the property. The access on one narrow lot and its accompanying sign may be closer than 100 feet to the access and accompanying sign on another commercial lot. This proliferation of signs along OBT is very real and obvious. Therefore, the privilege of maintaining signs along OBT closer than 100 feet currently exists and the approval of this variance will be compatible with that privilege. However, the aesthetic difference of this proposal is that it does not add to the proliferation of signs along OBT as only two signs in 600 feet will be the result.

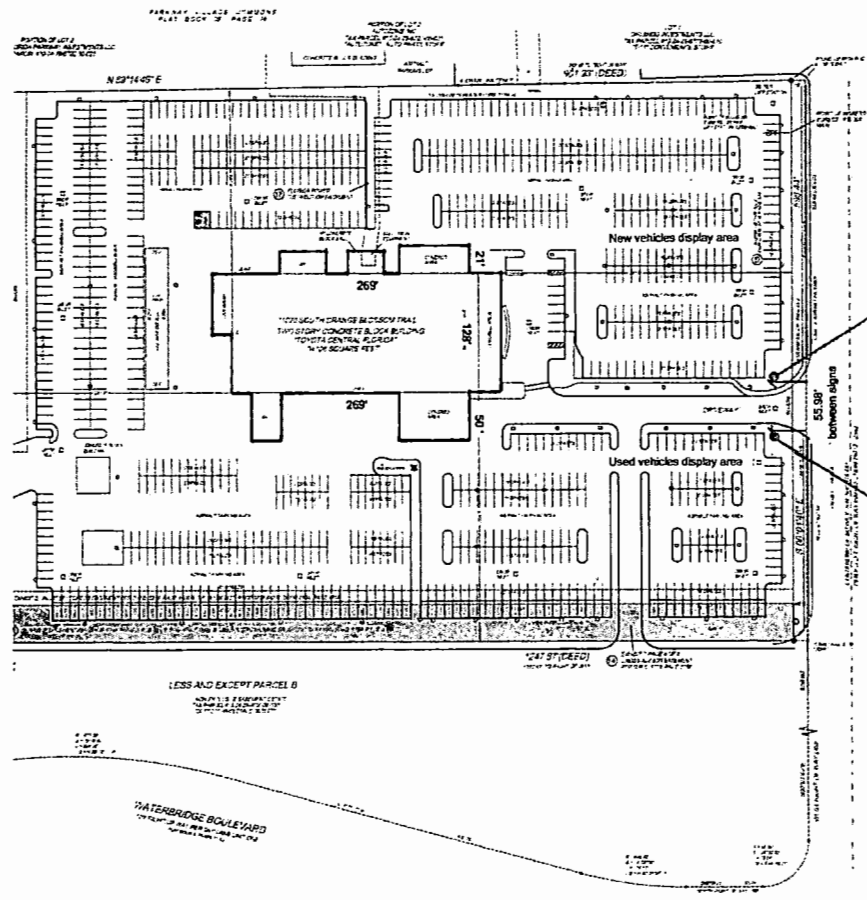
4. Deprivation of Rights - As mentioned in 3 above, when compared with the applicant's parcel and because of the historical development of smaller and narrower commercial lots- each with their own sign along OBT, the literal interpretation of the sign code allows freestanding signs that are routinely closer than 100 feet. Because the applicant's lot is so uniquely large with such a large frontage, the literal interpretation of the code deprives the applicant of sign rights and opportunities that are enjoyed by other properties in the same zoning district. The unique physical properties of this lot in this location, along a fast-moving arterial are such that the literal enforcement of the code would work an unnecessary and undue hardship on the applicant, as well as negate the reasonable wayfinding and business identification nature of the two existing signs that have a proven track record as they have been on site for almost a year. There is no need to speculate on the reasonableness of the variance application. Experience teaches that, in this case, two signs located less than 100 feet to each other are reasonable and do not add to the unwanted proliferation of signs, much of what is visible up and down OBT.
5. Minimum Possible Variance - As mentioned earlier in the Letter of Intent, the two signs proposed are one third the allowable sign area and one half the height of the allowable height requirements of the code. In sign area, the proposal reduces the total allowable sign area by 64.4%. The applicant is comfortable with this reduction and feels that it is the minimal possible variance that contributes to the reasonable use of land. With a frontage of 598.29', the two signs are 55.98' apart, leaving 542 feet of frontage without signs. This is quite a contrast from visually busy OBT sign corridor. Again, there is no need to speculate on the reasonableness of the variance application. Experience teaches that, in this case and under the circumstances described above, two signs located less than 100 feet to each other are reasonable and really work!
6. Purpose and Intent - The approval of the variance will be in harmony with the purpose and intent of the Zoning Regulations Sec. 30-32 Intent and Sign Code Regulations 31.5-3 Purpose. This variance, if approved, promotes the public health, safety and welfare, and maintains, enhances and improves the beauty of the county, and improves traffic safety, while recognizing the right of the applicant as a member of the business community to reasonably identify and advertise its existence.

Date	N.T.S.	Scale	Job No.
Sales Rep.		Project ID	Customer Approval
Designer		Revision Note	Date

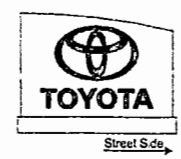
All rights reserved. No part of this drawing may be reproduced in any form without written permission from Pearson Sign Group.

Sign details and sign information added to site plan 10.17.2017 by Mark Branchley, Planning Consultant and Agent of owner. Plan prepared for variance application to Orange County, Florida

TOYOTA
09199
Central Florida Toyota
11020 S. Orange Blossom Trail
Orlando, FL



Site Plan
Scale 1"= 60'0"
24X36 format
For the reduced copy,
Refer to dimensions



Sign 1
6'2" high 8' wide
42.64 SF sign area
11.2' front setback



Sign 2
6'2" high 8' wide
42.67 SF sign area
10.8' setback

RECEIVED
OCT 18 2017
Zoning Division



555 Ellesmere Road
Toronto, Ontario, Canada M1R 4E9

Tel (416) 753-1111
Fax (416) 753-4965
Toll Free 1-800-369-6539
www.pattisonsign.com

A Division of Jim Pattison Industries Ltd.

October 23, 2015

Date

3/8" = 1'-0"

Scale

Job No.

A. DiMarco

Sales Rep

AD2-3903

Project ID

Customer Approval

A. Ioannou

Designer

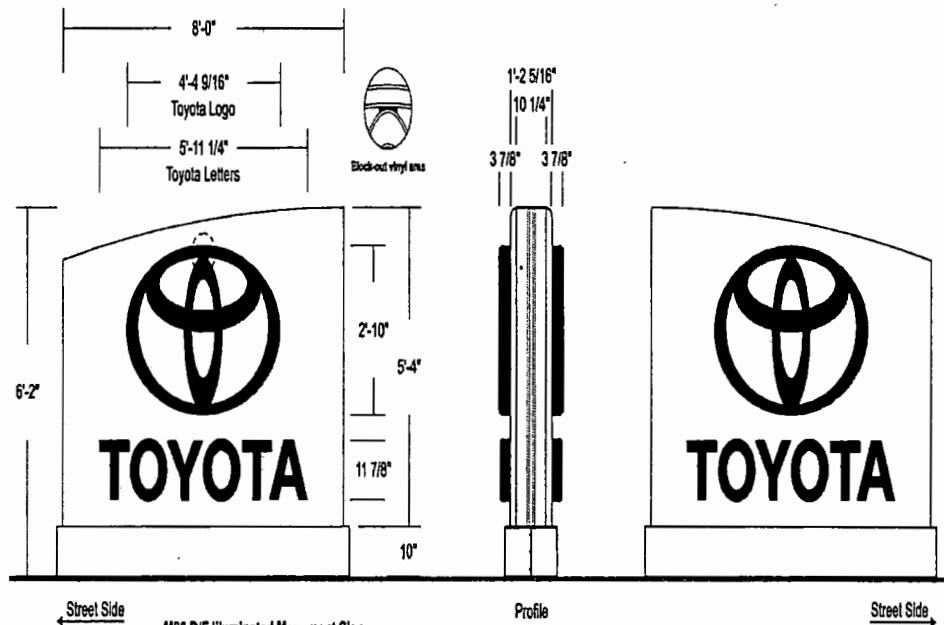
Revision Note

Date

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09199
Central Florida Toyota
11020 S. Orange Blossom Trail
Orlando, FL



M86 D/F Illuminated Monument Sign

1/8" aluminum fabricated panels & base cover painted Toyota white

Toy-3: Panned & embossed molded Toyota logo
(2'-10" h x 4'-4 9/16" w) 9.74 sq.ft.
Clamshell trim
Lexan polycarbonate: Bayer Red D99
3M 3635-208 block out vinyl applied second surface
Aluminum coil pre-painted red
Illuminated with red LED

Panned & embossed molded Toyota letters
(11 7/8" h x 5'-11 1/4" w) 6.24 sq.ft.
Clamshell trim
Lexan polycarbonate: Bayer Red D99
Aluminum coil pre-painted red
Illuminated with red LED

Electrical hook-up by others



555 Ellesmere Road
Toronto, Ontario, Canada M1R 4E9

Tel (416) 759-1111
Fax (416) 759-4865
Toll Free 1-800-268-6536
www.pattisongroup.com

A Division of Jim Pattison Industries Ltd.

October 20, 2015

Date

3/8" x 1'-0"

Scale

Job No.

A. DiMarco

Sales Rep

AD2-3803

Project ID

Customer Approval

A. Ioannou

Designer

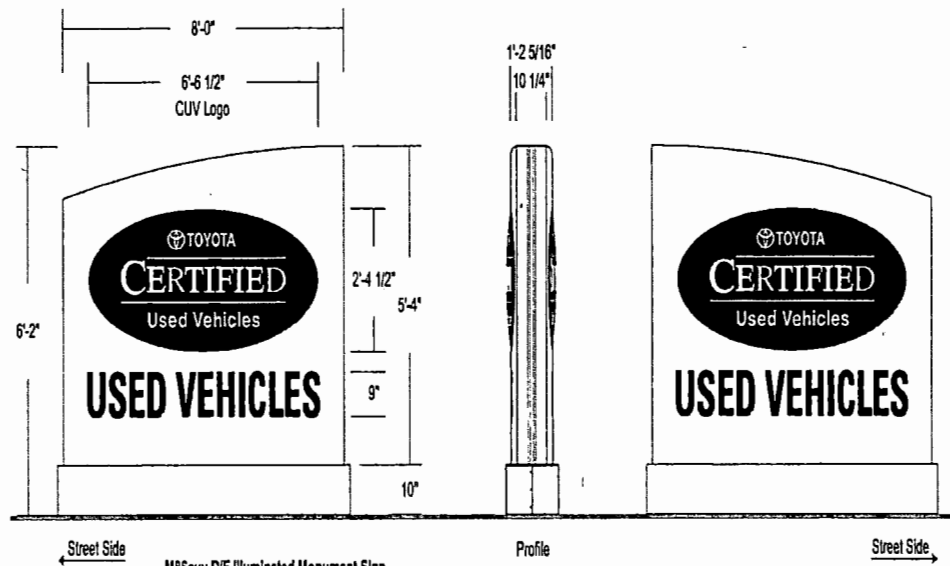
Revision Note

Date

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09199
Central Florida Toyota
11020 S. Orange Blossom Trail
Orlando, FL



M86cuv D/F Illuminated Monument Sign

1/8" aluminum fabricated panels & base cover painted Toyota white

CUV Logo:

Painted molded logo: CUV-2

(2'-4 1/2" h x 6'-6 1/2" w) 12.27 sq.ft.

Routed out and pushed thru 3/16" convex white acrylic face

3M 3630-73 red & 3M 7725-22 black vinyl applied on first surface

Illuminated with white LED

Used Vehicles:

(9" h x 6'-8" w) 5.0 sq.ft.

Routed out and backed-up with flat 3/16" clear polycarbonate

3M 3635-222 black dual vinyl applied first surface

Backed-up with a second 3/16" white polycarbonate

Illuminated with white LED

Electrical hook-up by others



STAFF REPORT
CASE #: VA-17-12-138
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
January 4, 2018
Commission District: 4

GENERAL INFORMATION:

APPLICANT: Central Florida Toyota

REQUEST: Variance in the P-D zoning district to allow 2 ground signs with a separation distance of 55 ft. in lieu of 100 ft.

Note: The signs were erected on both sides of the entrance from S. Orange Blossom Trail. Both signs meet the design criteria for a ground sign, in terms of size and height. Both have active building permits which cannot be closed without either obtaining a variance or relocation of the signs.

LOCATION: West side of S. Orange Blossom Trail, approximately 175 ft. south of the Central Florida Parkway

PROPERTY ADDRESS: 11020 S. Orange Blossom Trail, Orlando, FL 32837

PARCEL ID: 15-24-29-0000-00-002

PUBLIC NOTIFICATION: 130

TRACT SIZE: 596 ft. x 865 ft. (AVG)

DISTRICT #: 4

ZONING: P-D

EXISTING USE(S): New and Used Auto Dealership

PROPOSED USE(S): 2 monument signs

SURROUNDING USES:

- N - Commercial
- S - Commercial
- E - Commercial
- W -DOT Stormwater Pond

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting a variance for the separation distance for two (2) ground signs.
2. In 2016, the applicant applied for a permit, which was not issued due to a Zoning Division deficiency (sign separation). The applicant has stated that the sign contractor then installed the signs.
3. The intent of the distance separation is to prevent the proliferation of signs along a road frontage. This site has 598 feet of road frontage, and has utilized the two (2) allowed ground signs, with the remaining 542 feet of frontage free of signage. Thus, the intent of the code is met, as no other ground signs will be allowed along the entire 598 foot road frontage.
4. The property is accessed by a single driveway, which also provides a natural separation between the signs, along with visual symmetry. The location next to the access, allows the signs to also serve as directional signs. The signs are aesthetically pleasing and are in character with the overall commercial area.
5. The area of each sign is 42.64 sq. ft. each. Code allows 120 sq. ft. for each ground sign; thus, the ground signage is sixty-four percent (64%) less than allowed. In addition, the wall signage on the site is significantly less than what is allowed by code.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan and sign specifications dated October 18, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

cc: Mark Brenchley, Applicant's representative
3790 Beacon Ridge Way
Clermont, Florida 34711

**URBANA AT HUNTERS CREEK
VA-18-01-141**

REQUEST: Variance in the P-D zoning district to allow an off-site directional sign with a copy area of 49 sq. ft. in lieu of 16 sq. ft.
ADDRESS: Hunters Park Lane, Orlando FL 32837
LOCATION: West of S John Young Parkway, south of Hunter's Park Lane
S-T-R: 29-24-29
TRACT SIZE: 15 ft. x 230 ft.
DISTRICT#: 1
LEGAL: HUNTER'S CREEK NORTHWEST VILLAGE TOWN CENTER, TRACTS 330 & 370 58/143 TRACT E (LANDSCAPE/UTILITY)
PARCEL ID: 29-24-29-3208-00-005
NO. OF NOTICES: 155

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (5 in favor, 1 opposed and 1 absent):

1. Development in accordance with site plan, sign layout and architect sign plan dated November 15, 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 sign shall meet all other requirements per Sec. 31-5-127(a).

SYNOPSIS: The applicant proposed an off-site directional sign in an existing landscape tract. The purpose of the sign is to direct visitors to the site from John Young Parkway.

Staff stated the sign met all the criteria outlined in Sec.31.5-127(a), except it exceeded the allowable copy area. Staff showed the location and stated the sign would fit in with the existing signage in the Hunter's Creek development. The apartment complex sits about 1,000 feet off of the main right-of-way.

The applicant agreed with staff's presentation and added that the HOA has approved the sign in that location.

The BZA felt the request was minor and that the sign was necessary to guide passers by to the development. The BZA approved the request.



Applicant: Urbana at Hunters Creek

BZA Number: VA-18-01-141

BZA Date: 01/04/2018

District: 1

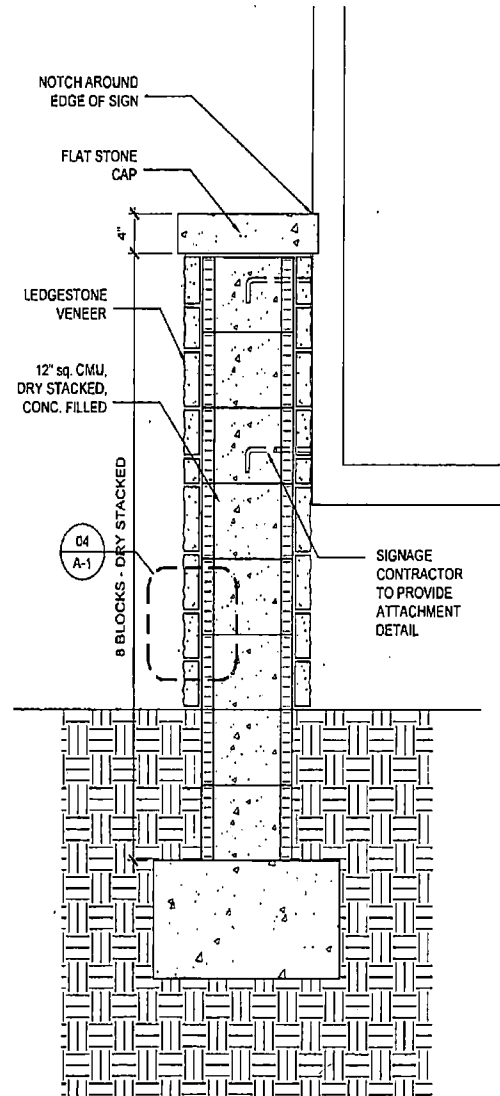
Sec/Twn/Rge: 29-24-29-SE-D

Tract Size: 15 ft. x 230 ft.

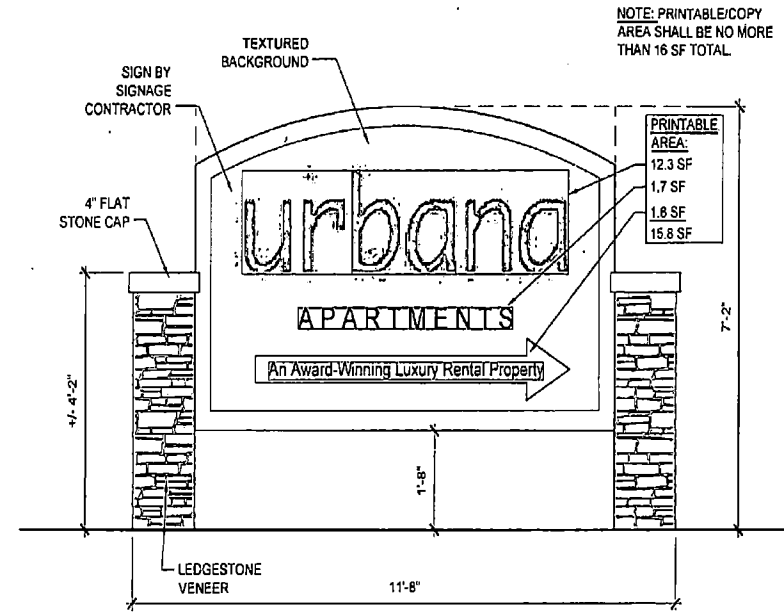
Address: Hunters Park Lane, Orlando FL 32837

Location: West of S John Young Parkway, south of Hunter's Park Lane

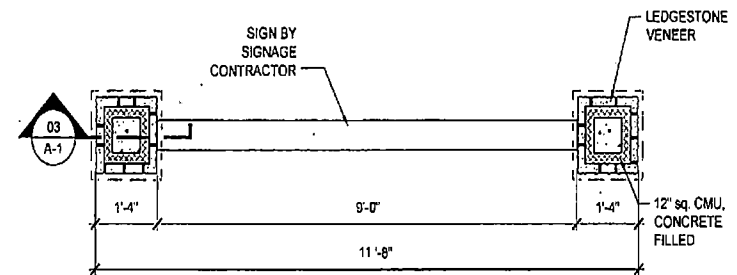
ARCHITECT SIGN PLAN



03 SECTION - STONE POST
SCALE: 3/4" = 1'-0"



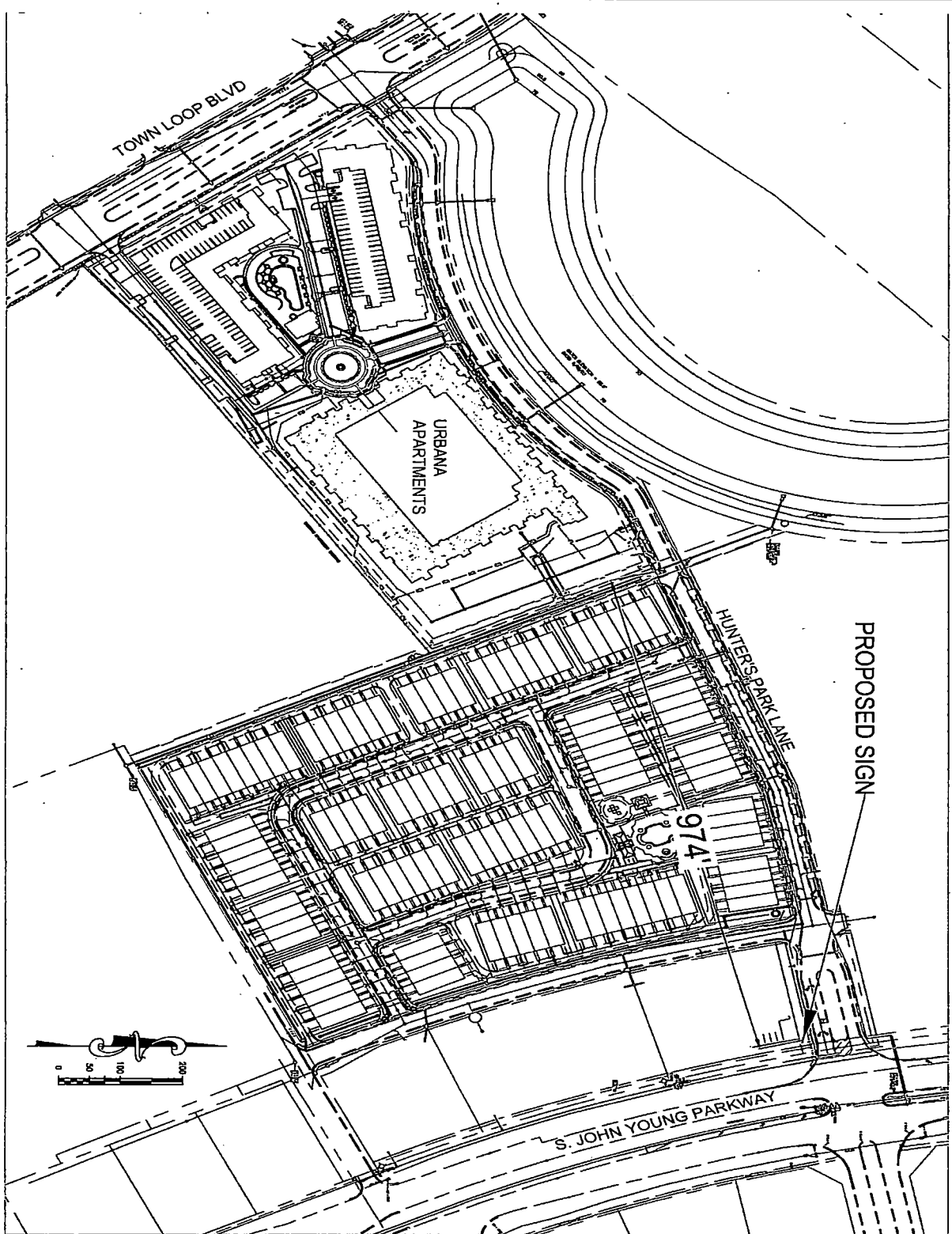
02 ELEVATION - SIGNAGE
SCALE: 3/8" = 1'-0"



01 PLAN - SIGNAGE
SCALE: 3/8" = 1'-0"

NOTE: PRINTABLE/COPY
AREA SHALL BE NO MORE
THAN 16 SF TOTAL

PRINTABLE AREA:	
12.3 SF	
1.7 SF	
1.8 SF	
15.8 SF	



<p>DATE: NOVEMBER 2017</p> <p>SCALE: 1" = 200'</p> <p>PROJECT NO: 17-0000001</p> <p>NOT FOR CONSTRUCTION</p>	<p>DRMP</p> <p>DRMP, INC.</p> <p>2845 Lake Nona Parkway, Suite 200, Orlando, FL 32814</p> <p>Phone: 407.208.0204 Fax: 407.208.0200 www.drmp.com</p>	<p>PLANS FOR</p> <p>URBANA OFFSITE SIGNAGE</p> <p>ORANGE COUNTY, FLORIDA</p>	<p>LOCATION PLAN</p>	<table border="1"> <thead> <tr> <th>DESIGNED BY</th><th>CHKD.</th><th>DATE</th><th>BY</th><th>REVISION</th></tr> </thead> <tbody> <tr> <td>DESIGNED BY</td><td>CHKD.</td><td></td><td></td><td></td></tr> <tr> <td>CHECKED BY</td><td></td><td></td><td></td><td></td></tr> <tr> <td>APPROVED BY</td><td></td><td></td><td></td><td></td></tr> </tbody> </table>	DESIGNED BY	CHKD.	DATE	BY	REVISION	DESIGNED BY	CHKD.				CHECKED BY					APPROVED BY				
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DESIGNED BY	CHKD.																							
CHECKED BY																								
APPROVED BY																								



DRMP, INC.

PRINCIPALS
Wayne D. Chafifoux
Donaldson K. Barton, Jr.
Glenn J. Lusink
Jon S. Meadows
Mark D. Prochak
Mark E. Puckett
Lawrence L. Smith, Jr.



941 Lake Baldwin Lane, Orlando, Florida 32814
Phone: 407.896.0594 | Fax: 407.896.4836

November 2, 2017

DRMP Job #:11-0476.001

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

Subject: Urbana at Hunter's Creek

Planning and Zoning Commissioners:

The Owner (BB Hunter's Developments, LLC) is requesting a sign variance for their Project. The proposed ground mounted sign is approximately 1,000 feet from the northeast property corner. They are proposing to place the sign in the southwest quadrant of South John Young Parkway and Hunter's Park Lane. The proposed sign will be placed in an existing track that is dedicated to the Home Owner's Association (HOA) and has their full support.

The proposed sign will be an "off-site directional sign" which will be approximately 7'-2" tall, 11'-8" long, and 1'-4" wide. The sign, end support columns, will be constructed of concrete block with LedgeStone Veneer. An "off-site directional" sign as defined by Section 31.5-127 (2) of the Orange County Code is limited to 16 square feet of copy area, the sign we are proposing will have 37.85 square feet of copy area. The proposed sign will only have 15.8 square feet of printable area with the remaining area having a textured background. The sign they are proposing is not out of character with the surrounding signage and the entrance fountain feature for Hunter's Creek.

South John Young Parkway, is an arterial roadway with a speed limit of 45 MPH and we feel the limitations on the "copy area" would limit exposure and directional purposes for which the offsite sign is intended.

Hunter's Creek Home Owner's Association has established a standard theme for size and shape for signs on their property. The Owner wants to follow this theme since the proposed sign will be on HOA property and we are located within the jurisdiction of the Hunter's Creek HOA.

They seek this variance to have a sign that matches the existing signage on the HOA property. By limiting the size of this sign, the Owner feels deprived of the rights and benefits enjoyed by the other businesses within the Hunter's Creek PUD. It would create unnecessary and undue hardship on them. This sign complies with the main theme of the existing signage on the HOA property and would blend in with the theme of Hunter's Creek.

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Tallahassee, Florida
Tampa, Florida

1.833.811.3767
www.DRMP.com



Sincerely,
DRMP, Inc.

A handwritten signature in black ink, appearing to read "D. Lowe", written over the printed name.

David C. Lowe
Senior Project Manger

Attachments

CC: Lawrence Lubin, BB Hunter's Developments LLC
Kelvin Eder, Regal Park Homes



HUNTER'S CREEK

21st Best Place to Live in America - CNN's Money Magazine

HCCA Town Hall
14101 Town Loop Blvd.
Orlando, FL 32837

April 11, 2017

Lawrie Lubin, ASO
Metrontario Investments Limited
1 Yorkdale Road, Suite 601
Toronto, Ontario, Canada M6A 3A1

The Town Center Property Owners Association Architectural Review Committee approved the installation of a directional Urbana sign to be placed either on the north corner or the south corner of Hunter's Park Lane at their January 24, 2017 meeting. Subsequently, at the February 2, 2017 meeting of the Hunter's Creek Master Board of Directors, the Board concurred with a unanimous motion, thereby granting Lawrie Lubin permission to erect an Urbana sign, according to the specifications that were presented, on HOA property at the east end of Tract E, on the south side of Hunter's Park Lane.

Respectfully,

Denise L. Sedon
Operations Manager
Hunter's Creek Community Association, Inc.



Anne Marie Brooms
Anne Marie Brooms

Contact us via telephone: 407-240-6000, fax: 407-240-0183 or e-mail: general@hunterscreek.net
Visit our website at www.hunterscreek.net



STAFF REPORT
CASE #: VA-18-01-141
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
January 4, 2018
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Urbana at Hunters Creek

REQUEST: Variance in the P-D zoning district to allow an off-site directional sign with a copy area of 49 sq. ft. in lieu of 16 sq. ft.

LOCATION: West of S John Young Parkway, south of Hunter's Park Lane

PROPERTY ADDRESS: South John Young Parkway

PARCEL ID: 29-24-29-3208-00-005

PUBLIC NOTIFICATION: 155

TRACT SIZE: 15 ft. x 230 ft.

DISTRICT #: 1

ZONING: P-D

EXISTING USE(S): Vacant

PROPOSED USE(S): Off-site Directional Sign

SURROUNDING USES: N - Right-of-way
S - Commercial
E - Right-of-way
W -Right-of-way

STAFF FINDINGS AND ANALYSIS:

1. Applicant is proposing a sign in an existing landscape tract to direct visitors to their community from the main right-of-way.
2. This sign is classified as an off-site directional sign and is regulated by the criteria in Sec. 31.5-127 of the Orange County Code.

3. The sign meets all criteria in the code except for the overall sign face exceeds the sixteen (16) square feet allowed.
4. The complex is setback approximately 1,000 feet off of S. John Young Parkway.
5. Staff agrees this sign would fit in with the theme of the surrounding community and the applicant has supplied an approval letter from the Hunter's Creek HOA.
6. The main entrance is located on a busy arterial roadway and the sign will need to be visible to direct visitors and/or potential tenants to the development. This a special condition to this site and this sign meets the intent of the sign code.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan, sign layout and architect sign plan dated September 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. The sign shall meet all other requirements per Sec. 31.5-127(a).

cc: Kelvin Eder, Applicant
4403 Urbana Drive, Apt 113
Orlando, Florida 32837

ALLYSON RICHBOURG LUDEWIG
VA-18-01-142

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

- 1) To allow an accessory structure with a setback from the side street (north) property line of 6 ft. in lieu of 15 ft.
- 2) To allow an 8 ft. high fence in a reverse corner yard in lieu of 4 ft.
- 3) To allow a portion of an existing pool deck to be located 4 ft. from the side (south) property line in lieu of 5 ft.

Note: The applicant has obtained letters of support from their HOA and 5 neighbors, including the owners of the lot which abuts the reverse corner yard. The 8 foot high fence in the reverse corner yard is existing. The fence sustained damage due to Hurricane Irma, and the applicant wishes to replace it.

ADDRESS: 9760 Wildoak Drive, Windermere FL 34786
LOCATION: Southeast corner of Wildoak Dr. and Waterview Pl.
S-T-R 04-23-28
TRACT SIZE: 117 ft. x 120 ft. (AVG)
DISTRICT#: 1
LEGAL: WINDERMERE DOWNS 4/12 LOT 69
PARCEL ID: 04-23-28-9332-00-690
NO. OF NOTICES: 57

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 and 1 absent):

1. Development in accordance with site plan and shed elevations dated November 13, 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 shed shall be painted a color which is consistent with or compatible to that of the residence, with roof materials similar to that of the existing residence.

SYNOPSIS: Staff noted that the applicant had installed the existing shed and fencing in 2008-2009, not knowing that they needed permits. After the recent storms, they wish to replace the shed with a larger one, and repair the fence. A neighbor reminded them to get a permit. It was while applying for the permit that they discovered that fencing taller than four (4) feet was not permitted in their side street yard (a reverse front yard) nor is a shed shown at only six (6) feet from the side street line. Staff noted that due to the orientation of the home, and presence of other improvements such as a pool and deck, and an existing healthy mature oak tree, there was not another location to place a shed. In addition, the neighbor abutting the reverse front yard fully supports the request, as do the applicant's HOA and all adjacent neighbors.

The applicant noted that they were in complete agreement with the staff recommendation and conditions. There being no one present to speak in support or opposition to this request, the public hearing was closed.

The BZA concluded that given the lack of any other logical place to put the shed, and given the support of the neighborhood, the request satisfied the need for a variance. A motion to approve the request passed unanimously.



Applicant: Allyson Richbourg Ludewig

BZA Number: VA-18-01-142

BZA Date: 01/04/2018

District: 1

Sec/Twn/Rge: 04-23-28-SW-C

Tract Size: 117 ft. x 120 ft. (AVG)

Address: 9760 Wiloak Drive, Windermere FL 34786

Location: Southeast corner of Wiloak Dr. and Waterview Pl.

November 8, 2017

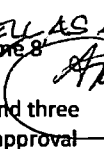
Orange County Zoning Division
201 South Rosalind Avenue, 1st floor
Orlando, FL 32801

To whom it may concern:

I am the homeowner of 9760 Wildoak Drive. I am trying to replace a shed that was damaged during Hurricane Irma.

I have learned through this process that my existing shed was not in compliance with zoning, therefore I am also trying to comply going forward. I have not heard from a compliance officer, but rather have gotten somewhat of an education as I tee up options to the zoning office.

In summary:

- My existing 6'x8' shed is sitting on top of an easement. I would like to rectify this so that I am compliant with zoning.
- I am proposing that my new shed is larger with hurricane tie-down straps so that I do not have safety issues for the next hurricane.
- I own a lot that is a "reverse corner" which greatly limits placement of a shed.
- Currently my side yard fence is 14' from Waterview Place and sits on the perimeter of the 6' easement.
- I would like to place my shed inside my fence but not on the easement. This means my shed would sit 6' inside of the back fence line and 6' inside of the side fence line. This would put my shed a total of 20' from Waterview Place.
- The issue is that because of my lot placement, zoning dictates a 15' setback from the property line. Once you incorporate the dimensions of the easement, this would mean my shed would be compliant if I was 35' from Waterview Place. It is not a huge lot unfortunately, and a mature oak tree as well as a firepit area make this impossible.
- I am requesting a variance that will allow me to stay out of the easement ^{AS WELL AS AN 8'} and ^{FOR} behind the fence with my new and safer shed. ^{SHED WILL BE BEHIND FENCE.} 
- I have multiple letters from my neighbors – to include the neighbor next door to me and three additional neighbors across the street from me on Waterview Place – reflecting their approval for this structure. I also have letters from additional neighbors on Wildoak Drive.
- I have filed an ARB request with my HOA and have had productive conversation with them about this.

Thank you for your consideration.

Sincerely,



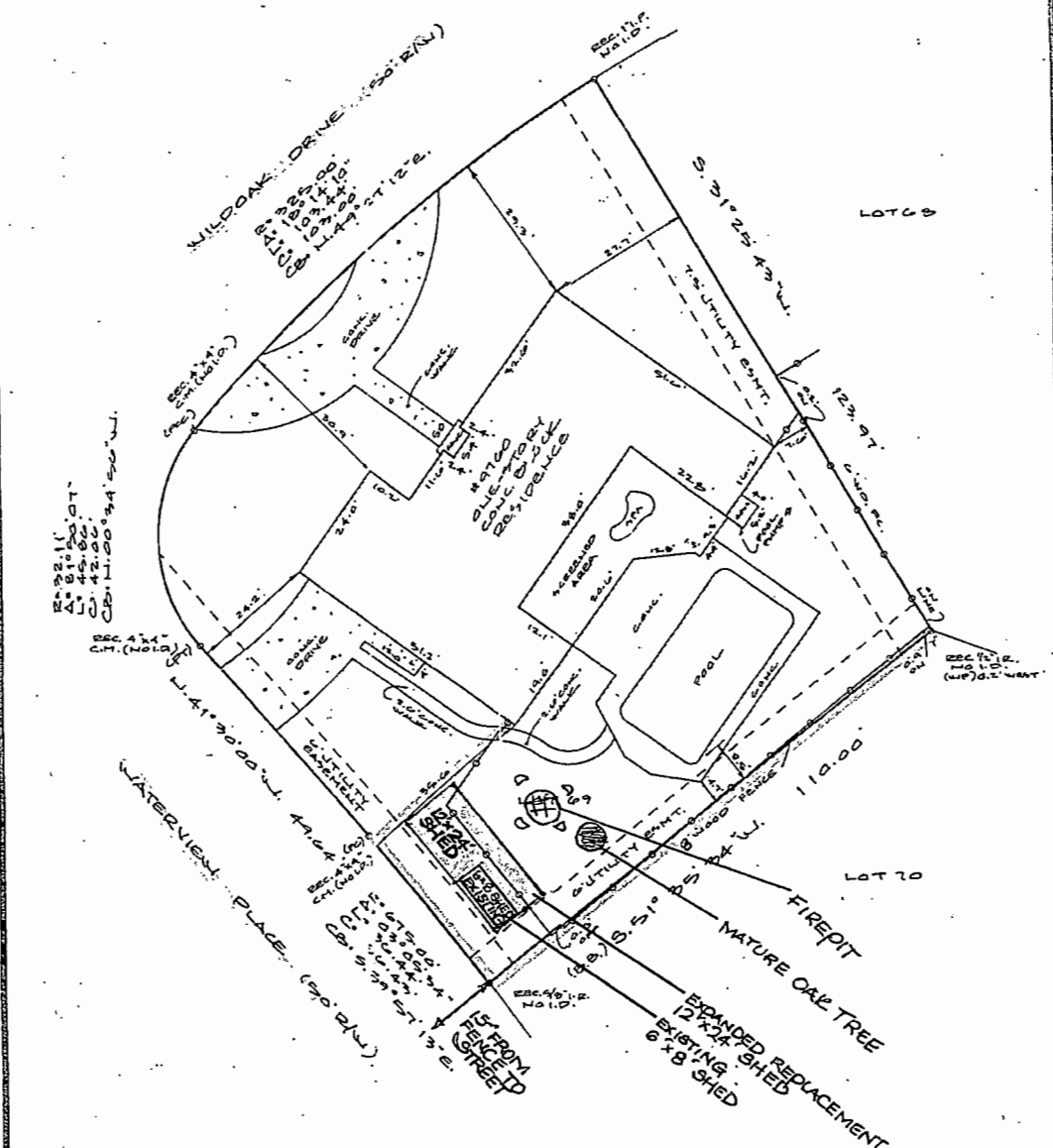
Allyson Ludewig
Property Owner/9760 Wildoak Drive

RECEIVED

NOV 13 2017

Zoning Division

BOUNDARY SURVEY FOR/CERTIFIED TO: Allison R. Ludewig and Valerie D. Richbourg
 Brokers Title; American Pioneer Title Insurance Company;
 SunTrust Bank
 DESCRIPTION AS FURNISHED: Lot 69, WINDERMERE DOWNS, as recorded in Plat Book 4, Pages 12 and 13, Public Records of
 Orange County, Florida.



GRUSENMEYER-SCOTT & ASSOC., INC. - LAND SURVEYORS

5400 E. COLONIAL DR. ORLANDO, FL 32807 (407)-277-3232 FAX (407)-658-1436

- NOTES: 1. THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 11017-4 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 412-027 FLORIDA STATUTES.
2. UNLESS ENDORSED WITH SURVEYOR'S SEAL, THIS SURVEY IS NOT VALID AND IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY.
3. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THE SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR EASEMENTS THAT AFFECT THIS PROPERTY.
4. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
5. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
6. DISCREPANCIES SHOWN FOR THE LOCATION OF BOUNDARIES HEREIN SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
7. BOUNDARIES ARE BASED ASSUMED DATUM AND ON THE LINE SHOWN AS BASE BOUNDARY (BLN).
8. ELEVATIONS, IF SHOWN, ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929, UNLESS OTHERWISE NOTED.
9. CERTIFICATE OF AUTHORIZATION No. 4596.

CERTIFIED BY:

James W. Scott R.L.S. # 4801
 JAMES W. SCOTT, R.L.S. # 4801
 TOM X. GRUSENMEYER, R.L.S. # 4714

SCALE 1" = 20'	ORDER NO.
FIELD DATE	7-4-00
BOUNDARY	10-10-00
DRAWN BY: MA	CHECKED BY:

Firm Date (6-15-84)

THIS BUILDING/PROPERTY DOES NOT lie WITHIN
 THE ESTABLISHED 100 YEAR FLOOD PLANE AS PER 770M
 ZONE 11C11 PANEL # 120179 0175 C

RECEIVED
 NOV 13 2017
 Zoning Division

SHED MODEL "B"

DESIGN CODES

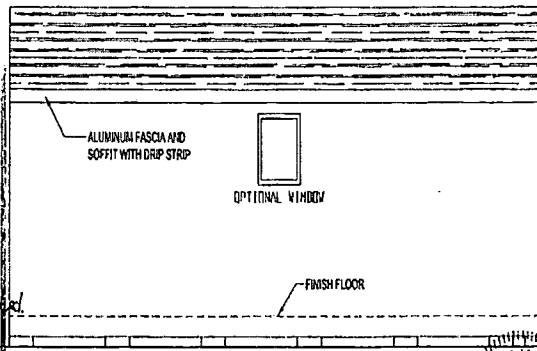
2014 FLORIDA BUILDING CODE

DESIGN DATA

USE GROUP = RESIDENTIAL LAWN STORAGE SHED
CONSTRUCTION TYPE = VB
MAXIMUM ROOF LIVE LOAD = 20 PSF
MAXIMUM FLOOR LIVE LOAD = 40 PSF
RISK CATEGORY = I
WIND SPEED = 130 MPH EXP = 8
COMPONENT AND CLADDING LOAD = +29.0 / -47.0 PSF
SEISMIC ZONE = IIA
THERMAL TRANSMITTANCE - WALL - ROOF - FLOOR = NA
SETBACK = PER ZONING REQUIREMENTS
MINIMUM SOIL BEARING CAPACITY = 2000 PSF
MAXIMUM FLOOR AREA = 345 SQ. FT.

Pyramid, Inc.
These details have been developed
for compliance with the Florida
Manufactured Building Act of 1979
and adhere to the following criteria:

Construction Type: V/B
Occupancy Classification: R155
Allowable # of Floors: 1
Wind Velocity: 130 mph
Fiberglass Reinforced Plastic: 0 hr.
Floor Load: 110 psf
Date of Review: June 3, 2015
Manufacturer: A.L. Paul Utility Buildings
High Velocity Hurricane Zone: No



LEFT AND RIGHT SIDE ELEVATIONS

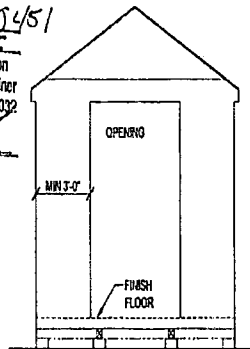
MAXIMUM ENDWALL OPENING

GENERAL NOTES

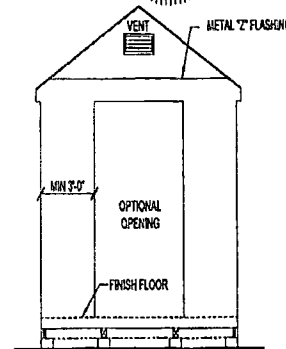
1. ALL WORK SHALL BE DONE IN STRICT ACCORDANCE WITH THE LATEST REVISIONS TO THE FLORIDA BUILDING CODE AND ALL APPLICABLE CODES, ORDINANCES AND REGULATIONS OF LOCAL GOVERNING AUTHORITIES.
2. ANY DISCREPANCIES BETWEEN REFERENCED STANDARDS AND THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGN PROFESSIONAL PRIOR TO COMMENCING WORK. COMMENCEMENT OF WORK WITHOUT NOTIFYING THE DESIGN PROFESSIONAL IN WRITING IMPLIES THE CONTRACTORS RESPONSIBILITY IN COMPLYING WITH ALL APPLICABLE CODES, ORDINANCES AND STANDARDS.
3. ALL FRAMING LUMBER SHALL BE #2 SP, F_b = 1500 PSI, OR EQUAL. NON-STRUCTURAL LUMBER SHALL BE #2 SP, SPRUCE OR CEDAR. ALL PLYWOOD SHEATHING SHALL BE FOR EXTERIOR USE AND 3/4" TONGUE AND GROOVE PLYWOOD SHALL BE USED FOR FLOOR SHEATHING. ALL FINISH WOOD AND TRIM SHALL BE SELECTED BY THE OWNER.
4. ROOF SHINGLES SHALL BE SELECTED BY THE OWNER AND INSTALLED ON #15 FELT UNDERLAYMENT. FLASHING SHALL BE 26 GAUGE GALVANIZED STEEL OR 24 GAUGE ALUMINUM.
5. ALL DOORS AND WINDOWS AND THEIR FINISHES AND HARDWARE SHALL BE SELECTED BY THE OWNER. ALL WINDOWS SHALL HAVE INSULATED GLAZING.
6. PLANS SHALL COMPLY WITH RULE FAC 9H-1 (PRODUCT APPROVAL).
7. FASTENERS AND HANGERS UTILIZED WITH PRESERVATIVE TREATED LUMBER SHALL BE CORROSION RESISTANT. CONSULT PRESERVATIVE TREATED WOOD AND FASTENER/HANGER EVALUATION REPORTS FOR REQUIRED LEVEL OF CORROSION RESISTANCE.

Plan Design # PI-15-0451
Date: June 3, 2015
Approved By Andrew R. Carlson
Modular Buildings Plans Examiner
Florida License No. SBP-0000032

Kevin M. Finn P.E., Inc.
1716 Elkhart Rd., Suite 1
Goshen, IN 46526
FL Lic. # 41622
FL COA# 29887



FRONT ELEVATION



REAR ELEVATION

PAGE INDEX	
SHEET A-1-	EXTERIOR ELEVATIONS
SHEET S-1-	CROSS SECTION
SHEET S-2-	GUSSET DETAILS
SHEET S-3-	FRAMING DETAILS
SHEET F-1-	FLOOR/NO
SHEET F-2-	ANCHORING

SHED B

A.L. PAUL'S UTILITY BUILDINGS
1700 LAWRENCE STREET
GOSHEN, IN 46526
PH: 800-250-2930
FAX: 332-458-2053

11-0771 / 13-0219



STAFF REPORT
CASE #: VA-18-01-142
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
January 4, 2018
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Allyson Richbourg Ludewig

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

- 1) To allow an accessory structure with a setback from the side street (north) property line of 6 ft. in lieu of 15 ft.
- 2) To allow an 8 ft. high fence in a reverse corner yard in lieu of 4 ft.
- 3) To allow a portion of an existing pool deck to be located 4 ft. from the side (south) property line in lieu of 5 ft.

Note: The applicant has obtained letters of support from their HOA and 5 neighbors, including the owners of the lot which abuts the reverse corner yard. The 8 foot high fence in the reverse corner yard is existing. The fence sustained damage due to Hurricane Irma, and the applicant wishes to replace it.

LOCATION: Southeast corner of Wildoak Dr. and Waterview Pl.

PROPERTY ADDRESS: 9760 Wildoak Dr., Windermere, FL 34786

PARCEL ID: 04-23-28-9332-00-690

PUBLIC NOTIFICATION: 57

TRACT SIZE: 117 ft. x 120 ft. (AVG)

DISTRICT #: 1

ZONING: R-1A

EXISTING USE(S): Single Family Residence w/pool and shed

PROPOSED USE(S): Shed

SURROUNDING USES: The area is generally developed as a single family detached residential neighborhood.

STAFF FINDINGS AND ANALYSIS:

1. The applicant currently has a shed and a six (6) and an eight (8) foot tall fence in a portion of their rear yard, which abuts the front yard of the neighbor to the southeast. This is defined as a reversed corner yard. Based on a review of historic aerials, the shed has been located in that location since at least 2008-9, as has the fence. The shed and fence sustained damage from the recent storms. The applicant wishes to replace the existing 6' x 8' shed with a 12' x 24' shed, replace the existing 6 ft. fence with an 8 ft. fence and repair the existing 8 ft. fence. They became aware that permits are needed to do the work. They wish to obtain the necessary permits which include moving the shed from an existing easement.
2. Due to the orientation of the applicant's residence on the lot, and the location of the pool, there is no other location on the lot to locate the shed, with the exception of a location which would require the removal of a mature healthy oak.
3. The owner of the lot abutting the reverse corner yard has submitted a letter of support for the shed, as has the HOA for the community, and four (4) other neighbors. With the support of the HOA and the neighbors, this request is not considered detrimental to the community nor out of character.
4. The approval of this request will permit the applicant to bring the fence and shed into compliance by allowing the issuance of building permits for each.
5. Given that the shed will be a total of twelve (12) feet in height, the eight (8) foot tall fence will actually look in scale and will provide a buffer.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan and shed elevations dated November 13, 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 shed shall be painted a color which is consistent with or compatible to that of the residence, with roof materials similar to that of the existing residence.

cc: Allyson Richbourg Ludewig, Applicant
9760 Wild Oak Drive
Windermere, Florida 34786

NAIMA HAMMOU
VA-18-01-143

REQUEST: **Variances** in the R-1 zoning district as follows:
1) Front (Klondike Ave.) setback of 18 ft. in lieu of 25 ft.
2) Rear (Edgemoor Ave.) setback of 18 ft. in lieu of 25 ft.

ADDRESS: 41 North Klondike Avenue, Orlando FL 32811

LOCATION: East of the intersection of N. Klondike Ave. and Edgemoor Ave.

S-T-R: 30-22-29

TRACT SIZE: 123 ft. x 68 ft. (AVG)

DISTRICT#: 6

LEGAL: KLONDIKE O/118 LOT 17 BLK C

PARCEL ID: 30-22-29-4206-03-170

NO. OF NOTICES: 62

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 and 1 absent):

1. Development in accordance with site plan dated November 14, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

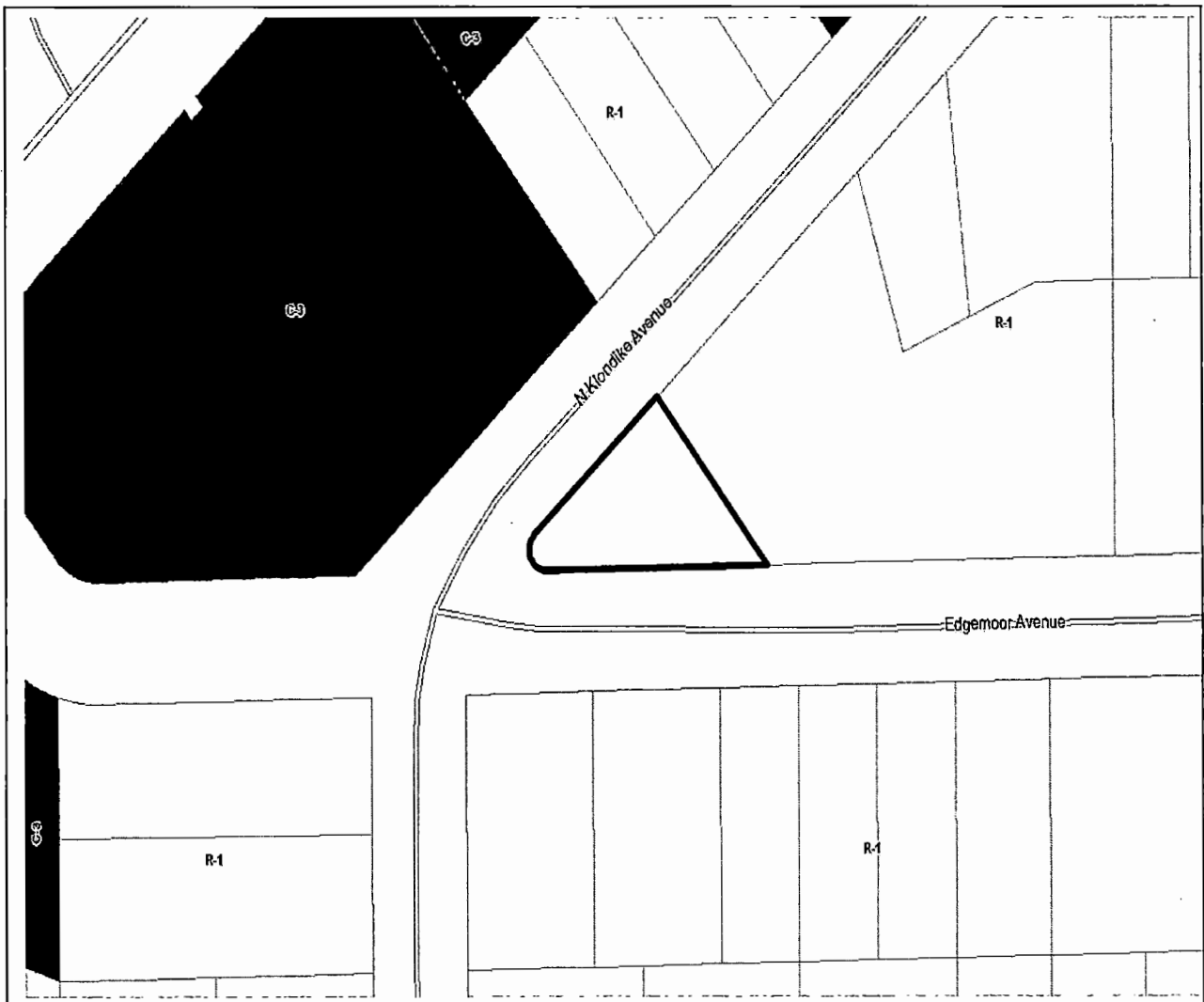
SYNOPSIS: Staff gave a presentation on the case covering the shape and location of the property, the footprint of the house, and photos.

The applicant stated that the triangular shape makes it very difficult to build, and that there are no other lots like it in the area.

The BZA confirmed the applicant plans to preserve some trees on the property. The BZA felt the amount of variance requested was small.

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

✓ The BZA approved the variance.



Applicant: Naima Hammou

BZA Number: VA-18-01-143

BZA Date: 01/04/2018

District: 6

Sec/Twn/Rge: 30-22-29-SE-D

Tract Size: 123 ft. x 68 ft. (AVG)

Address: 41 North Klondike Avenue, Orlando FL 32811

Location: East of the intersection of N. Klondike Ave. and Edgemoor Ave.

November 13th, 2017

Ref:
Property Address:
41 n Klondike Ave
Orlando Fl. 32811

To whom it may concern;

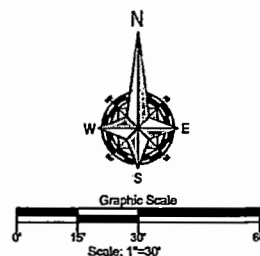
I Naima Hammou have bought this piece of vacant land referenced above and I am interested in building a beautiful home. I went ahead and did a full survey and it shows how small the building space is due to the county set back of 25ft in the front and the back of the property and 6 ft. to the side. Due to the unique shape and layout it limits me on the square footage I need to build the home. Therefore, with this hardship that comes with this vacant land and not to mention it is like no other in the subdivision I kindly ask the county to please permit 7ft from the front and the back of the property to make the new setbacks at 18ft. from the front and back of the vacant land to be used to build the NEW home.

For your convenience, enclosed I include a copy of the survey and marked the area in question.

Any assistance you can provide in this matter I greatly appreciated it.

Sincerely,

NAIMA HAMMOU



I hereby certify that this Boundary Survey of the above described Property is
 True and Correct to the Best of my Knowledge and Skill and as a surveyor I am
 under no obligation on this Survey to be made or to be furnished to me as
 a Noted and Complies to the Standards or Practices for Land Surveying
 in the State of Florida in accordance with Section 47.05, Florida
 Administrative Code, Pursuant to Section 47.02, Florida Statutes.


 FOR THE
 RECORD

Patrick K. Ireland PS# 6637 LB 7623
 This Survey NOT VALID UNLESS SIGNED AND SEALED Pursuant to
 the State of Florida in accordance with Section 47.05, Florida
 Administrative Code, Pursuant to Section 47.02, Florida Statutes.

Ireland & Associates Surveying, Inc.
 1301 S. International Parkway Suite 2001
 Lake Wales, Florida 32746
 www.irelandssurveying.com
 Office 407.678.3366 Fax 407.320.8165

RECEIVED
NOV 14 2017
Zoning Division



STAFF REPORT
CASE #: VA-18-01-143
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
January 4, 2018
Commission District: 6

GENERAL INFORMATION:

APPLICANT: Naima Hammou

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

1) Front (Klondike Ave.) setback of 18 ft. in lieu of 25 ft.
2) Rear (Edgemoor Ave.) setback of 18 ft. in lieu of 25 ft.

LOCATION: East of the intersection of N. Klondike Ave. and Edgemoor Ave.

PROPERTY ADDRESS: 41 N. Klondike Ave., Orlando, FL 32811

PARCEL ID: 30-22-29-4206-03-170

PUBLIC NOTIFICATION: 62

TRACT SIZE: 123 ft. x 68 ft. (AVG)

DISTRICT #: 6

ZONING: R-1

EXISTING USE(S): Vacant

PROPOSED USE(S): Single Family Residence

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

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting setback variances for a platted lot.

2. The property has a unique triangular shape. This constitutes a hardship on the property.
3. The lot was platted in this configuration in 1926, so this is not a self-created hardship.
4. Literal interpretation of the code would deprive the applicant of the right to build a home similar to those on other lots in the same subdivision.
5. The plan outlines the requested setbacks, which would result in a total developable area of 2,100 sq. ft.
6. Staff supports the request because it promotes infill development and the requested variances are minimal in nature and will not adversely impact anyone.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated November 14, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

cc: Naima Hammou, Applicant
5325 Warrior Lane
Kissimmee, Florida 34746

STEFANIE FIERMAN
VA-18-01-146

REQUEST: **Variances** in the R-1AA zoning district as follows:
1) To allow the principal residence to remain 24 ft. from the rear (east) property line in lieu of 35 ft.
2) To construct an addition to be 16 ft. from the rear property line in lieu of 35 ft.
3) To allow an existing detached accessory structure to be located 1 ft. from the rear property line and 1 ft. from the side (east) property line in lieu of 5 ft.
4) To allow an addition on a lot with 70 ft. of frontage in lieu of 85 ft.
5) To allow an addition on a lot with 7,185 sq. ft. of lot area in lieu of 10,000 sq. ft.
Note: The Waterwitch Club subdivision was platted in 1925.

ADDRESS: 4821 South Fern Creek Avenue, Orlando FL 32806

LOCATION: East side of S. Fern Creek Ave., approximately 275 ft. north of Waterwitch Drive

S-T-R: 13-23-29

TRACT SIZE: 70 ft. x 102 ft. (AVG)

DISTRICT#: 3

LEGAL: WATERWITCH CLUB K/69 LOT 4

PARCEL ID: 13-23-29-9068-00-040

NO. OF NOTICES: 656

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 and 1 absent):

1. Development in accordance with the site plan and elevation dated November 15, 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

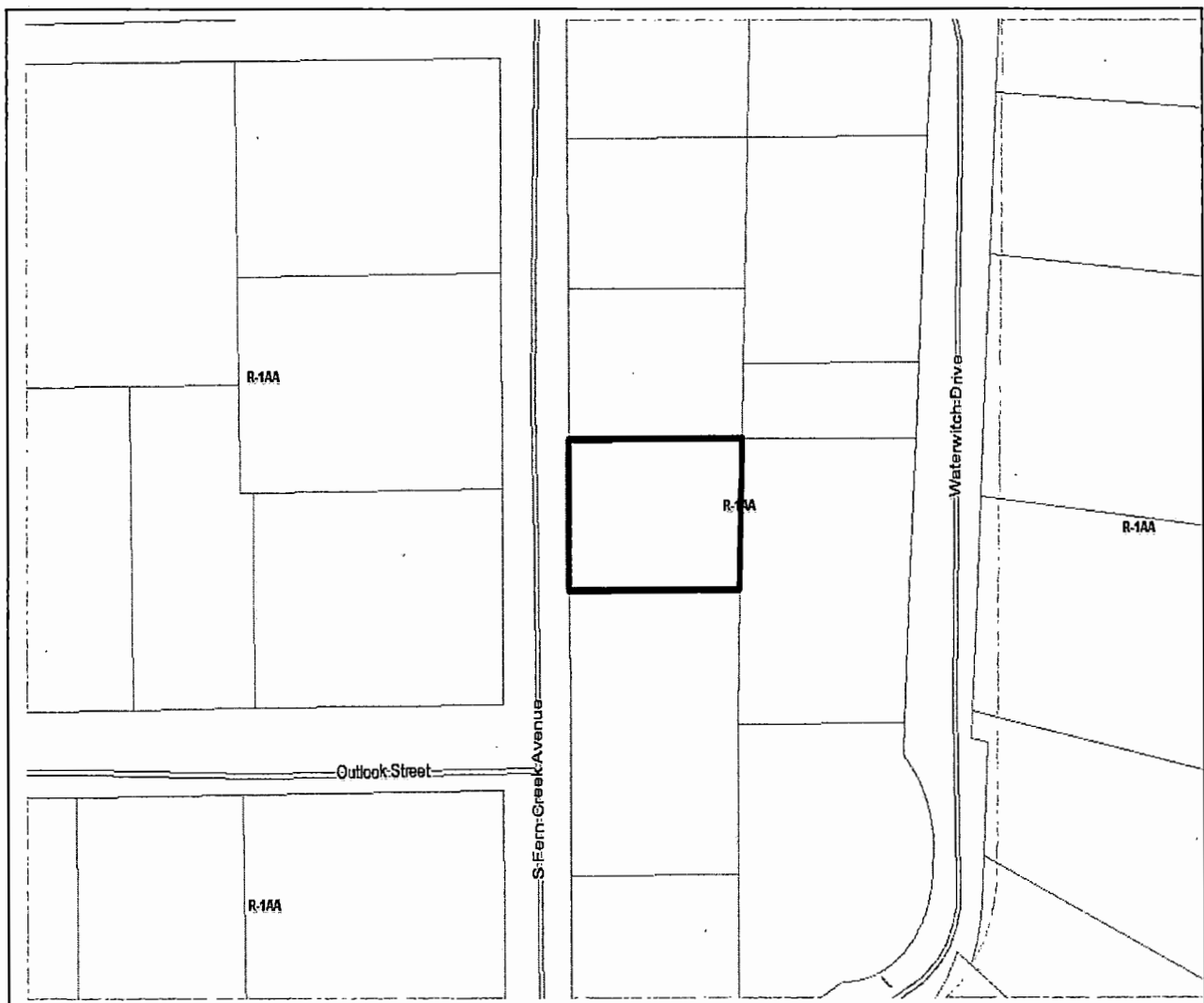
Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

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 materials of the exterior of the addition shall match or compliment the exterior of the existing residence.

SYNOPSIS: Staff noted that the subject property is part of a plat recorded in 1925, and according to the Property Appraiser's information, is also the year the home was constructed. It appears that the garage was constructed with the home. Like many of the lots in this subdivision, not only can the subject property not meet the criteria for the R-1AA zoning district, it cannot meet the criteria for the R-1A district. Further, the home was constructed far back on the lot, only twenty-four (24) feet from the rear property line. As such, the variance is not self-imposed. There is no other location to construct a logical addition to the home. One (1) correspondence in opposition was received, however, it did not indicate what the objection was based on. The applicant submitted letters of support from four (4) neighboring property owners, plus one (1) additional commentary was received. Staff also provided information on other similar variances granted in the subdivision, including one for the lot abutting the subject property's rear yard. This was a variance to allow a rear setback of seven (7) feet in lieu of 35 feet.

The applicant indicated their agreement with the staff recommendation and conditions. There being no one present to speak in favor of or in opposition to the application, the public hearing was closed.

The BZA concluded that the size of the land, the original placement of the home, and the constraints of zoning on the property warranted granting the variances. A motion to recommend approval passed unanimously.



Applicant: Stefanie Fierman

BZA Number: VA-18-01-146

BZA Date: 01/04/2018

District: 3

Sec/Twn/Rge: 18-23-30-NW-B

Tract Size: 70 ft. x 102 ft. (AVG)

Address: 4821 S. Fern Creek Avenue, Orlando FL 32806

Location: East side of S. Fern Creek Ave., approximately 275 ft. north of Waterwitch Drive

November 11, 2017

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

Dear Board of Zoning Adjustment:

This letter is to affirm support for the variance request application submitted by:

Stefanie Fierman (owner) for the following address:
4821 S. Fern Creek Avenue Orlando, Florida 32806.

I/We do not object to the request for variance, specifically for rear setback requirement adjustment to code to allow a one-story addition to the rear of the house.

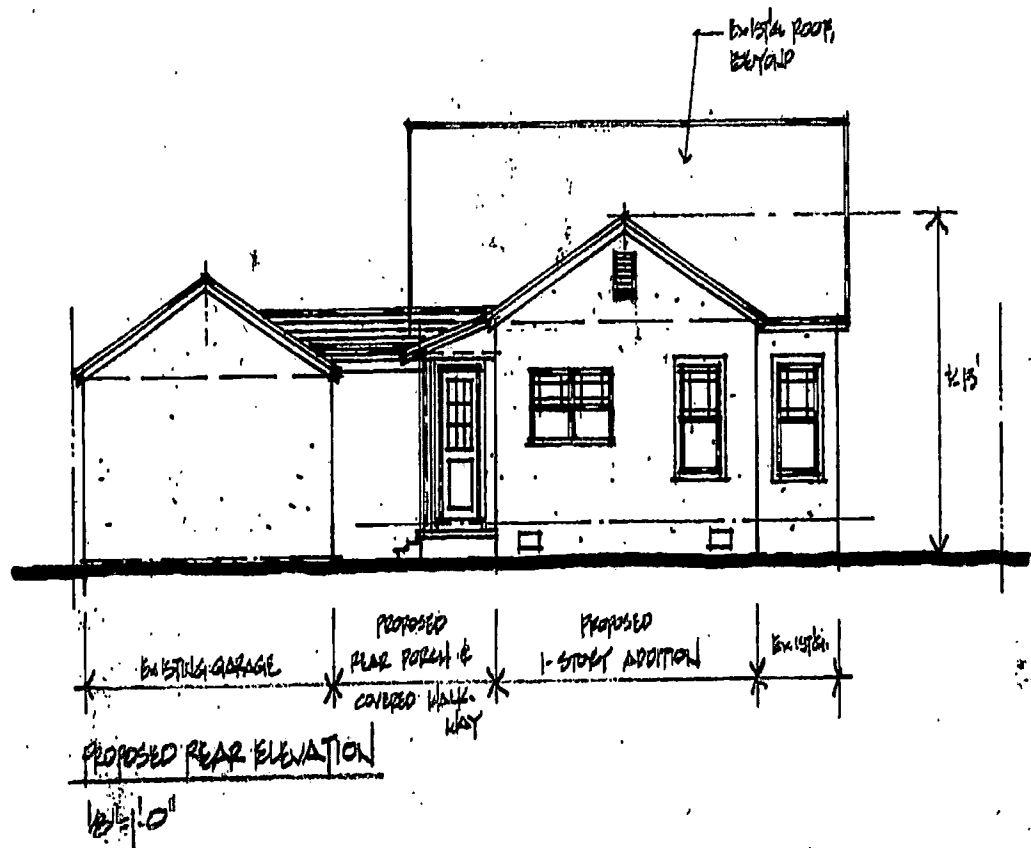
It will be 16 feet from the property line, whereas rear setback code requires 35 feet.
The home, originally built in 1925, current rear setback is 24 feet.

Thank you for your time and consideration,



Stefanie Fierman
4821 S. Fern Creek Avenue
Orlando, Florida 32806
slfierman@uwalumni.com
(954) 804-0202

RECEIVED
NOV 15 2017
Zoning Division





STAFF REPORT
CASE #: VA-18-01-146
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
January 4, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Stefanie Fierman

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

- 1) To allow the principal residence to remain 24 ft. from the rear (east) property line in lieu of 35 ft.
- 2) To construct an addition to be 16 ft. from the rear property line in lieu of 35 ft.
- 3) To allow an existing detached accessory structure to be located 1 ft. from the rear (east) property line and 1 ft. from the side (south) property line in lieu of 5 ft.
- 4) To allow an addition on a lot with 70 ft. of frontage in lieu of 85 ft.
- 5) To allow an addition on a lot with 7,185 sq. ft. of lot area in lieu of 10,000 sq. ft.

Note: The Waterwitch Club subdivision was platted in 1925.

LOCATION: East side of S. Fern Creek Ave., approximately 275 ft. north of Waterwitch Drive

PROPERTY ADDRESS: 4821 S. Fern Creek Ave., Orlando, FL 32806

PARCEL ID: 13-23-29-9068-00-040

PUBLIC NOTIFICATION: 656

TRACT SIZE: 70 ft. x 102 ft. (AVG)

DISTRICT #: 3

ZONING: R-1AA

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Additional Living Area

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

STAFF FINDINGS AND ANALYSIS:

1. According to the Property Appraiser's records, the existing residence on the subject property was constructed in 1925, which predates zoning in Orange County. The garage appears to have been constructed with the house.
2. The home was constructed twenty-four (24) feet from the rear property line, creating a large front yard and a smaller rear yard.
3. While zoned R-1AA, the lot is actually too narrow and too small to even meet the requirements for the R-1A zoning district. The subject property is the same size as many of the lots in the subdivision in which it is located.
4. Research reveals that several variances to both rear and front yard setbacks have been granted in this subdivision. The lot immediately to the east has a variance for a rear setback of seven (7) feet in lieu of twenty-five (25) feet.
5. As of the writing of this report, staff has received one (1) correspondence in opposition to this request. However, the applicant has provided a letter of support with the signatures of the two (2) property owners to the west, as well as the neighbors to the north and south.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan and elevation dated November 15, 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 materials of the exterior of the addition shall match or compliment the exterior of the existing residence.

cc: Stefanie Fierman, Applicant
4821 South Fern Creek Avenue
Orlando, Florida 32806

**ORLANDO HEALTH
VA-18-01-147**

REQUEST: Variance in the P-D zoning district to allow 459 cumulative sq. ft. of ground signage in lieu of 120 sq. ft.
ADDRESS: 9400 Turkey Lake Road, Orlando FL 32819
LOCATION: West side of Turkey Lake Rd., south of W. Sand Lake Rd.
S-T-R: 02-24-28
TRACT SIZE: 20.96 acres
DISTRICT#: 1
LEGAL: BEG 440 FT S & 80 FT W OF NE COR OF S1/4 OF NE1/4 OF SEC 02-24-28 TH RUN S89-56-00W 120 FT N00-04-00W 21.64 FT S89-56-00W 102.77 FT SWLY 201.14 FT S62-23-51W 125.92 FT SWLY 454.16 FT S TO N LINE OF WESTGATE LAKES 2 5000/3118 TH W 195 FT SWLY 265 FT WLY TO
PARCEL ID: 02-24-28-0000-00-006
NO. OF NOTICES: 457

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 5-0, 1 abstained and 1 absent):

1. Development in accordance with site plan and sign elevations dated November 15, 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 existing ground sign shall be removed before a permit is issued for the proposed signs.

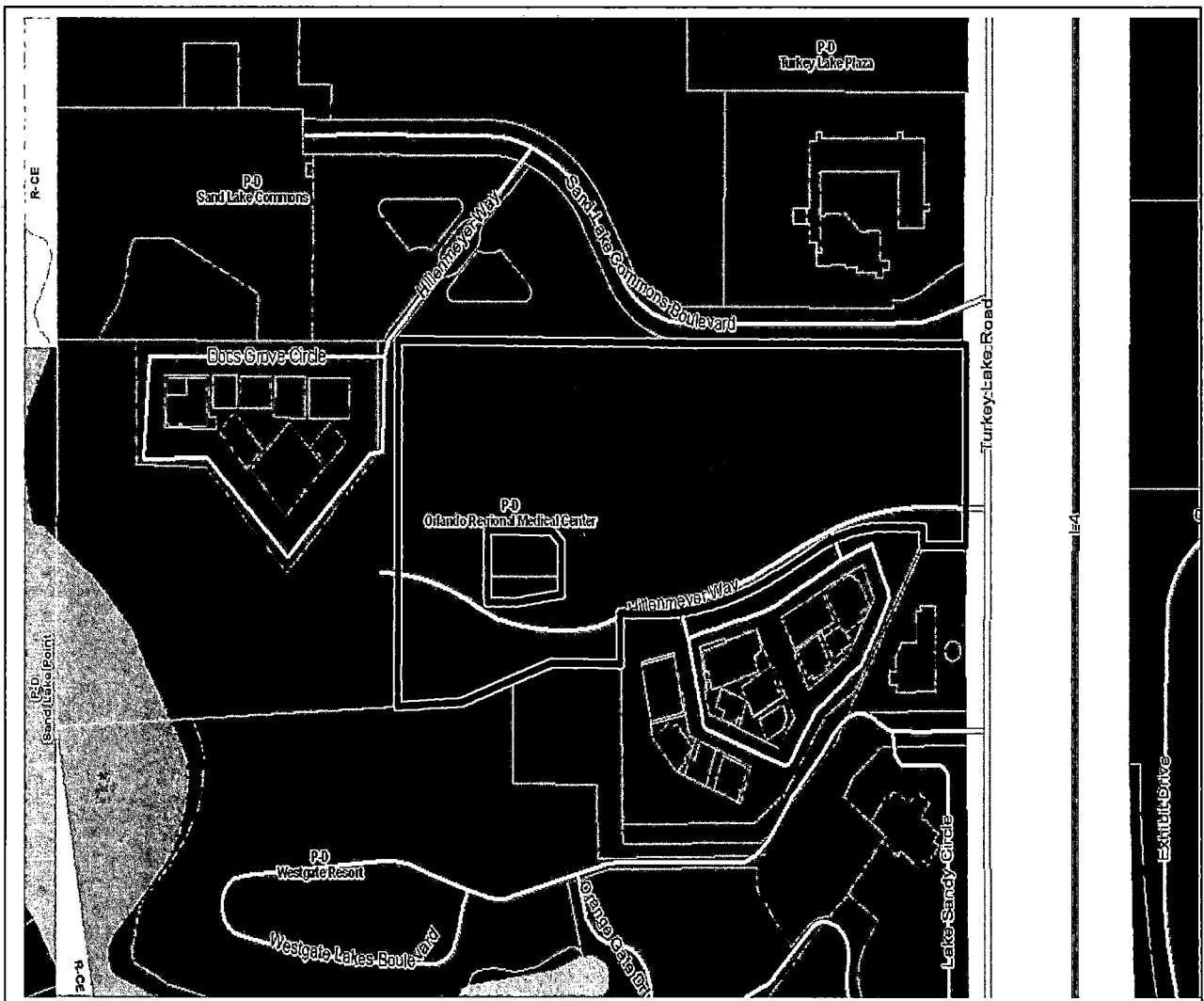
SYNOPSIS: Staff gave a presentation on the case covering the size and location of the signs and photos.

The applicant stated that the signage is part of a revamping of the site, including modernizing the landscaping and improving pedestrian aspects.

The BZA confirmed the existing signage is inadequate and the request is needed.

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

The BZA approved the variance.



Applicant: Orlando Health

BZA Number: VA-18-01-147

BZA Date: 01/04/2018

District: 1

Sec/Twn/Rge: 02-24-28-SE-D, 02-24-28-NE-A

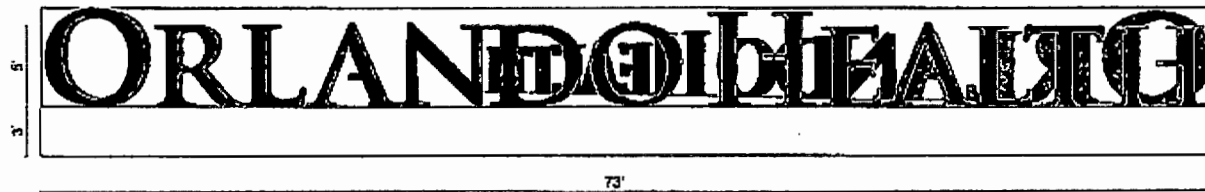
Tract Size: 20.96 acres

Address: 9400 Turkey Lake Road, Orlando FL 32819

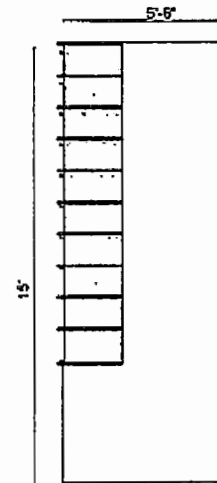
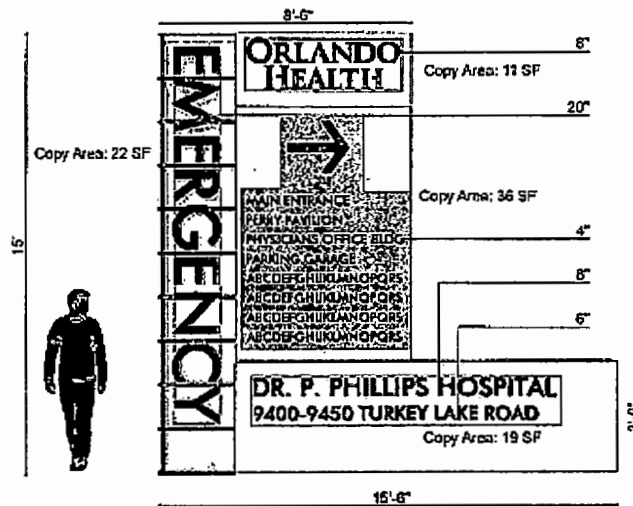
Location: West side of Turkey Lake Rd., south of W. Sand Lake Rd.

SIGNAGE COPY AREA CALCULATIONS
TOTAL COPY AREA: 453 SF

Copy Area: 365 SF



FEATURE SIGN



DIRECTIONAL SIGN - LOOKING SOUTH

NOTES: FONTS ARE FUTURA MEDIUM; COLOR: RED: PMS 201C; GREY: PMS 475C; ALL SIGNS ARE DOUBLE SIDED

COLUMN SIGN

RECEIVED
NOV 15 2017
ORANGE COUNTY
ZONING DIVISION

ENTRY SIGN
ORLANDO HEALTH DR. PHILLIPS HOSPITAL

PREPARED BY SCME
AUGUST 23 2017



Memorandum

To: Orange County Development Review Committee
From: Chris Dougherty, AICP
Cc: Jay Schaefer, PhD, MBA
Date: November 9, 2017
Subject: Dr. Phillips Hospital Land Use Plan Amendment – Sign Variance Request

The purpose of this memorandum is to formally submit an application to amend the Dr. Phillips Hospital Land Use Plan (aka Orlando Regional Healthcare System PD or Sand Lake Hospital LUP) to allow for a sign waiver. Although the property more than meets the 15-acre requirement, due to the lack of frontage on Turkey Lake Road, the Hospital is not allowed to submit a master sign plan for the PD.

S&ME staff has met several times with multiple members of the Orange County Zoning and Planning divisions to discuss signage design alternatives to achieve greater visibility for the Hospital. Based on staff input multiple adjustments were made to the sign proposal. The following sign variance requested by Orlando Health addresses the input received from County staff.

Variance Request: Orlando Health requests a variance from Sec. 31.5-67 – Ground Signs, to allow for a maximum copy area of 459 square feet in lieu of 120 square feet.

Justification: Due to the limited visibility of the hospital and emergency facilities and the related health, safety and welfare risks posed to the surrounding community and tourist population, the Dr. Phillips Hospital is seeking larger signage to establish a greater presence and visibility from Turkey Lake Road and Interstate 4.

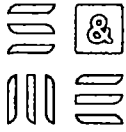
Special Condition: First and foremost, the health, safety, and welfare of the local and visiting community is at potential risk due to the limited visibility of the hospital. The Dr. Phillips Hospital (DPH) provides lifesaving and healthcare related services to a large portion of the tourist community that visits one of the many attractions surrounding the hospital. Many patients (locals or visitors) rushing to the emergency room at DPH do so along Interstate 4 with the distraction of a medical emergency find it difficult to visually locate the entrance of the hospital.

Additionally, due to the configuration of the site, this are limited possible locations along the frontage of the property to provide identification signage for all of the tenants, hospital, hospital related services (e.g. cardiac center, stroke center, cancer center, etc) and emergency room. Unfortunately, the word "EMERGENCY" is counted in the copy area, which means all words are weighted the same within the copy area of the signage, which essentially reduces the size of the words to a near illegibility when viewing the site from I-4.

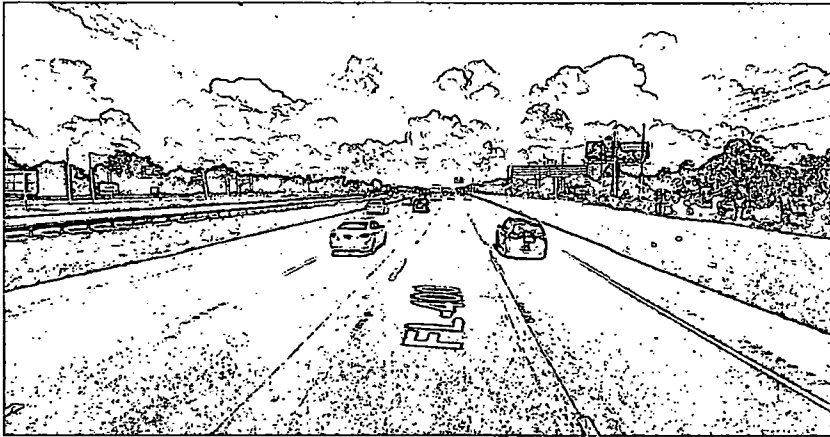
Pictures included below show the existing signage for DPH from the eastbound and westbound approach on I-4. Comparable healthcare campuses photos were also provided below to show the extent of visibility that other hospital campus have along public rights-of-way.

RECEIVED
NOV 15 2017
ORANGE COUNTY,
ZONING DIVISION

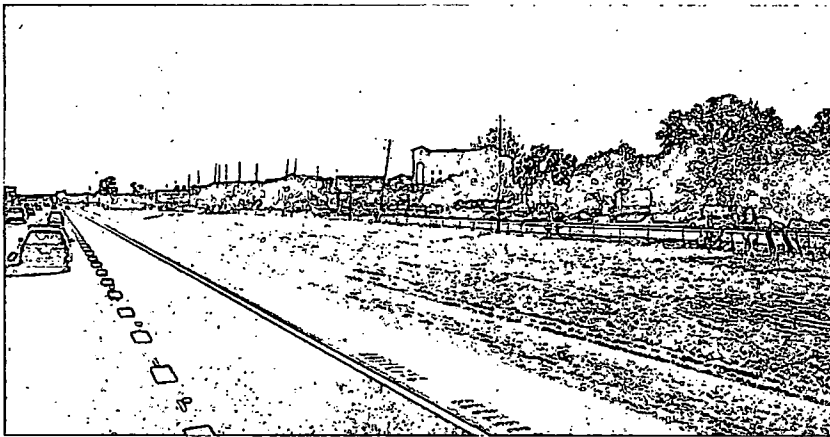
S&ME, Inc. | 1615 Edgewater Drive, Suite 200 | Orlando, FL 32804 | p 407.975.1278 | www.smeinc.com



Existing Signage



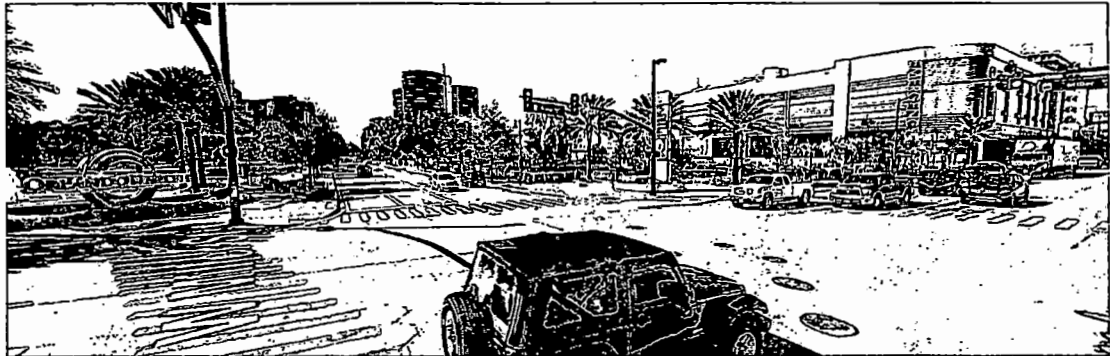
Eastbound view on I-4 (sign seen on left)



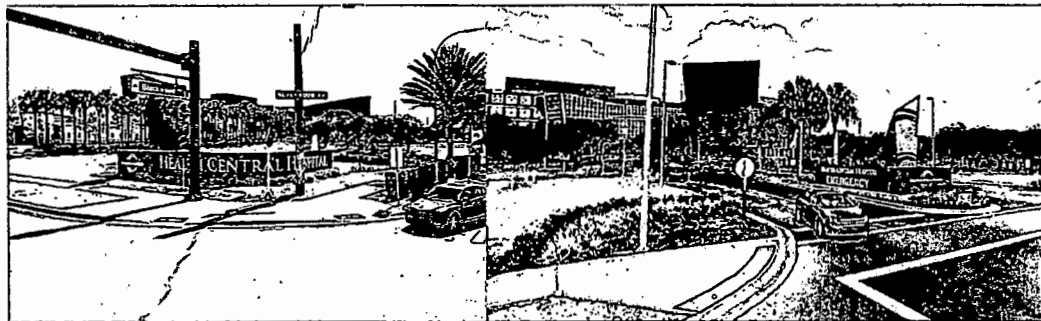
Westbound view on I-4 (sign seen on right)



Comparable Hospital Campus Signage



Downtown Orlando Health Campus



Orlando Health – Health Central Campus -Ocoee

Due to the configuration/lot frontage of the Orlando Health hospital campus (aka Orlando Regional Healthcare System PD or Sand Lake Hospital LUP) the PD is not eligible to submit a master sign plan. Orange County Code requires 1,000 feet of frontage on a public right-of-way. The site has less than half the required frontage, approximately 440 feet.

Not Self-Created: This situation was not created by Orlando Health or its predecessors.

Deprivation of Rights: Although the property functions as a healthcare campus and would benefit from a consolidated sign plan, the provisions in Orange Code Section 31.5-190 prevent the hospital from submitting a master sign plan that would create more visibility for the uses contained within the 48.6-acre property as part of the approved PD zoning district.

Minimum Possible Variance: After meeting with Orange County staff to discuss multiple design alternatives for signage at the site, and based on staff input, Orlando Health developed a sign package that they deem is the minimum possible variance to create better visibility for the hospital.



Purpose and Intent: The health, safety, and welfare of the local and tourist community is at potential risk due to the limited visibility of the hospital. The Dr. Phillips Hospital (DPH) provides lifesaving and healthcare related services to a large portion of the tourist community that visits one of the many attractions surrounding the hospital. Approving this variance will by allowing additional signage for Orlando Health will improve the health, safety, and welfare of the public at-large.



STAFF REPORT
CASE #: VA-18-01-147
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
January 4, 2018
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Orlando Health

REQUEST: Variance in the P-D zoning district to allow 459 cumulative sq. ft. of ground signage in lieu of 120 sq. ft.

LOCATION: West side of Turkey Lake Rd., south of W. Sand Lake Rd.

PROPERTY ADDRESS: 9400 Turkey Lake Road, Orlando, Florida, 32819

PARCEL ID: 02-24-28-0000-00-006

PUBLIC NOTIFICATION: 457

TRACT SIZE: 20.96 acres

DISTRICT #: 1

ZONING: P-D

EXISTING USE(S): Hospital

PROPOSED USE(S): Hospital

SURROUNDING USES: N - Medical Offices
S - Multifamily/condos, Medical Offices
E - Interstate-4
W -Medical Offices, Hospital

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting 459 cumulative sq. ft. of ground signage in lieu of 120 sq. ft.
2. The property is a part of a Planned Development and medical campus that is 48.6 acres and has a road frontage of 440 feet. Orange County Code requires 1,000

feet of frontage for PDs to be eligible to submit a master sign plan. Thus, a variance is the only option available.

3. The Hospital property is over twenty (20) acres, and is elongated, widening at the rear, but is narrow at the road. This constitutes a hardship on the property.
4. Due to the size of the property, standard signs would be out-of-scale (too small).
5. The applicant has stated that, due to the limited visibility of the site, as an emergency facility, the need for increased signage is a life safety issue, as high visibility is needed to direct people and emergency vehicles to the facility. Since approximately thirty percent (30%) of the patient population are tourists who are unfamiliar with this area, often traveling on I-4, prominent signage is paramount.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan and sign elevations dated November 15, 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 existing ground sign shall be removed before a permit is issued for the proposed signs.

cc: Chris Dougherty, Applicant's representative
1615 Edgewater Drive, Suite 200
Orlando, Florida 32804

RCJ OF WINTER PARK NO 2 LTD
VA-18-01-149

REQUEST: **Variance** in the C-2 zoning district to allow 4 pylon signs in lieu of 2 pylon signs. (The BZA amended the request to allow 3 pylon signs in lieu of 2 pylon signs).
Note: This property was aggregated in 2005.

ADDRESS: 2211 North Semoran Blvd., Orlando FL 32807

LOCATION: East of N. Semoran Blvd., north of Old Cheney Hwy

S-T-R: 15-22-30

TRACT SIZE: 26.7 acres

DISTRICT#: 5

LEGAL: NORMAN BROTHERS SUB 28/97 LOTS 1 THRU 4

PARCEL ID: 15-22-30-5926-00-010

NO. OF NOTICES: 114

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

1. Development in accordance with site plan dated November 15, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: The applicant is proposing a fourth pylon sign at an existing multi-tenant car dealership. The site has three (3) car dealerships. The property currently has three

(3) pylon signs and two (2) billboards. The fourth sign would be for the new Mazda dealership which is under construction.

The property was previously four (4) separate parcels and was aggregated in approximately 2005, through the Orange County Property Appraiser's Office. That aggregation limited the number of pylon signs on site from four (4) to two (2) signs. The sign code only allows a maximum of two (2) pylon signs on a single parcel regardless of the size of the property.

Staff indicated the request does meet the allowable copy area per code. Staff stated the property received a variance in 2000, for the billboards on site. At that time, a condition was placed on the site to remove one of the existing pole signs, which was never done. In 2007, a fourth pole sign was permitted on the site erroneously and has remained since. Staff stated they did not support the request because there was no hardship on the property and the additional sign would create a proliferation of signs.

There was a long discussion amongst staff and the BZA as to the options the applicant has available, the amount of signs allowed, and history of the case. Staff outlined the options the applicant was presented and that they chose to apply for this variance.

The applicant spoke regarding the case and stated they have always had four (4) signs and would simply wish to re-install the sign they took down for the construction of the new dealership. They stated they need one (1) sign for each dealership, plus, an additional auto mall sign to advertise their brand name. The applicant also said they were not aware that when they combined the lots that they lost the ability to have more than two (2) signs.

No one was present to speak in favor or against the application at the hearing.

The BZA had a discussion on whether the fourth sign was necessary, and if a ground sign was a valid option for the applicant.

The Board agreed that three (3) signs were sufficient and made a motion to allow three (3) pole signs on site, not the four (4) signs the applicant requested. The BZA also eliminated Condition #4, in the staff report.



Applicant: RCJ of Winter Park No 2 Ltd

BZA Number: VA-18-01-149

BZA Date: 01/04/2018

District: 5

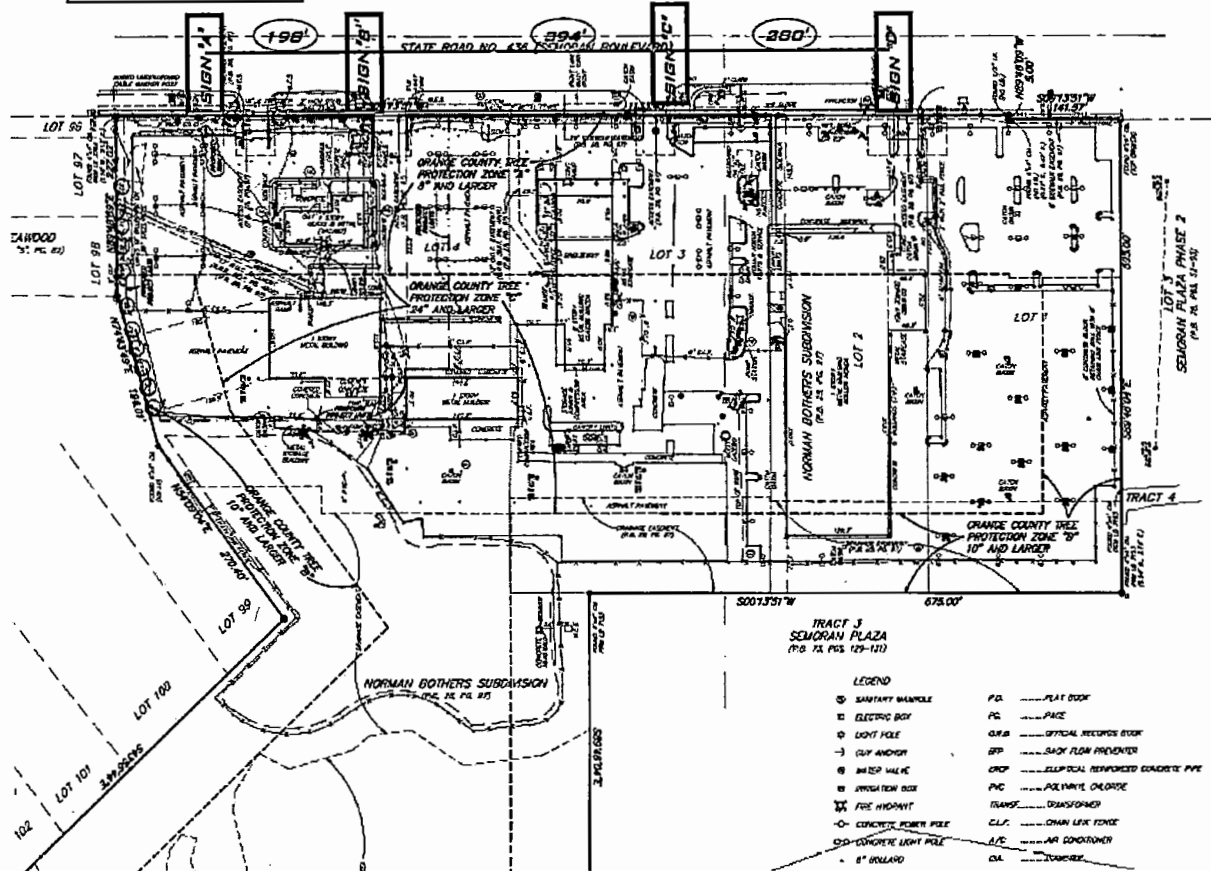
Sec/Twn/Rge: 15-22-30-SW-C

Tract Size: 26.7 acres

Address: 2211 North Semoran Blvd., Orlando FL 32807

Location: East of N. Semoran Blvd., north of Old Cheney Hwy

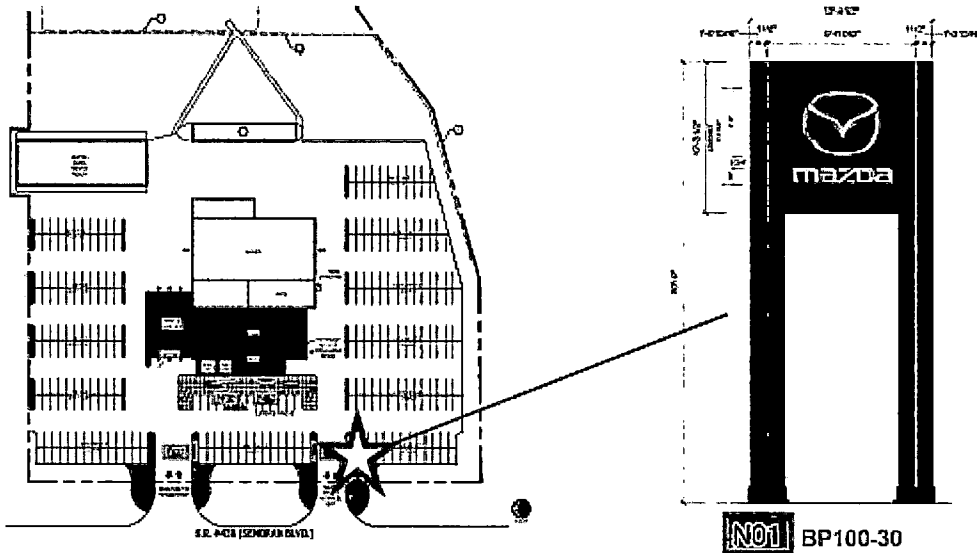
Proposed sign



Sign A

Mazda Pylon Sign (new/proposed)
1983 N Semoran Blvd

Nissan sign was removed per Manufacturer's requirements. Foundation remains and will be the general location of the new Mazda pylon sign.



Sign B

Baldwin Park Auto Mall (existing)
1983 N Semoran Blvd

Message Center
Top Area

6'-4" x 16'-10" x 41'-4" H Overall
4' x 27'



Sign C

Mazda Pylon Sign (existing)
2075 N Semoran

9'-9" x 10'-9" x 29'-2" H

***TO BE REPLACED WITH FUTURE REQUIRED DEALER SIGN



Sign D

Honda Pylon Sign (existing)
2211 N Semoran Blvd

14' x 14' x 30' H



RCJ of Winter Park No. 2, Ltd.

P.O. Box 1720, Winter Park, FL 32790
Phone: 407-645-4131 Fax 407-645-5243

November 15, 2017

Orange County
201 S. Rosalind Avenue
Orlando, FL 32801

RE: Norman Brothers Subdivision Sign Variance Request

Dear Sir or Madam:

RCJ of Winter Park No. 2, Ltd., Owner of the above referenced property, hereby authorizes, Frank Hamner or Brenda Carey, to represent our interest in the matter listed above.

BACKGROUND: the Norman Brothers Subdivision consist of four (4) lots.

- Norman Brothers has been operating automobile dealerships (Nissan; Datsun; Subaru; Suzuki & truck sales) in this location since the early 1980's.
- At the time of purchase, April 25, 1997, there were two operating dealerships on site, with three (3) pole signs (1 electric) and multiple wall signs.
- In 2004, the decision was made to build a third dealership, Holler Honda on lots 1 & 2.
- The owners hired Blount Sikes & Associates as the civil engineers for the Holler Honda project.
- In 2005, at the request of the Mr. John Sikes, civil engineer, the property appraiser combined the lots into 1 parcel. We are not sure why this occurred, nor can Mr. John Sikes recall (now in his 70's with medical issues). Nor can the property appraiser provide any letter of authorization from the owner authorizing this request.
- In 2007, Holler Honda applied for a new pylon sign (the 4th) for Holler Honda (lots 1 & 2). The permit was issued on April 19th #B07003931 and the fourth pylon sign was constructed.

We did not realize there would be an issue with permitting a replacement (1) pylon sign. This came to light when our sign vendor applied for the new Mazda sign package, which included the one pylon sign. After discussion with Orange County staff, the recommended solution was for us to request a variance so that we can continue to have four pylon signs.

We can be contacted at the number listed above with any questions or concerns.

Sincerely,



RCJ of Winter Park No. 2, Ltd. by its General Partner
RCJ of Winter Park No. 1, Inc.



STAFF REPORT
CASE #: VA-18-01-149
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
January 4, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: RCJ of Winter Park No 2 Ltd

REQUEST: Variance in the C-2 zoning district to allow 4 pylon signs in lieu of 2 pylon signs. Note: This property was aggregated in 2005.

LOCATION: East of N. Semoran Blvd., north of Old Cheney Hwy

PROPERTY ADDRESS: 2211 North Semoran Blvd.

PARCEL ID: 15-22-30-5926-00-010

PUBLIC NOTIFICATION: 114

TRACT SIZE: 26.7 acres

DISTRICT #: 5

ZONING: R-3,C-2

EXISTING USE(S): Car Dealership

PROPOSED USE(S): Pole sign

SURROUNDING USES: The property is surrounded by commercial uses.

STAFF FINDINGS AND ANALYSIS:

1. The applicant is proposing to construct a fourth pole sign on the property.
2. The property was previously three (3) separate parcels and it was combined into one (1) parcel in 2005, through the Orange County Property Appraiser's Office. That combination decreased the number of combined ground signs allowed for the entire development from three (3) to two (2) signs.

3. A new Mazda dealership is under construction and the new sign would be for this dealership.

4. There was a sign in the location where this new sign is proposed and it was demolished when the construction of the new dealership commenced.

5. In 2000, a variance was approved to allow two (2) billboards on the property. As a condition of approval of that variance, the applicant was instructed to remove one of the existing pole signs. It appears that condition was never met and all three (3) pole signs remain.

6. Staff visited the site and there are currently two (2) billboards and three (3) pole signs on site. One of the pole signs is for the "Auto Mall" and has an electronic display advertising all three (3) dealerships.

7. The code allows a maximum number of two (2) pole signs for any parcel with a right-of-way frontage greater than 400 feet. This property has about 674 linear feet of frontage.

8. If the variance is approved there would be a total of six (6) signs on site.

9. Staff believes that one (1) pole sign for each dealership is sufficient and the fourth "auto mall" sign is not necessary.

10. Staff cannot support the request for the following reasons:

- a) The third pole sign should have been removed when the new billboards were constructed.
- b) Approval of a fourth pole sign would create a proliferation of signs on the property.
- c) The variance does not meet the variance criteria outlined in Section 30-43(3).

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated September 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. One of the three (3) existing signs shall be removed prior to the issuance of a permit for Sign "A".

cc: Brenda Carey, Applicant's representative
1011 North Wymore Road
Orlando, Florida 32789

ANGELA MEISSNER FOR ABLE CENTER
SE-18-01-150

REQUEST: **Special Exception and Variance** in the R-1 zoning district as follows:
1) Special Exception to operate a K-12 private school for up to 75 students.
2) Variance to allow unpaved parking to be used by the private school.
Note: This is not a charter school. The applicant uses passenger vans to transport a portion of the students to and from school. In 1974, the BZA approved a Special Exception to validate the existing religious institution. In 1997, the site was approved for a 130 student K-8 Charter School. No new exterior construction is proposed. The school will utilize the Sunday School spaces and spaces used by the former Charter School.

ADDRESS: 1900 Conway Gardens Road, Orlando FL 32806

LOCATION: West side of Conway Gardens Rd., approximately .25 miles south of Curry Ford Rd.

S-T-R: 05-23-30

TRACT SIZE: 332 ft. x 298 ft.

DISTRICT#: 3

LEGAL: E 298.5 FT OF N1/4 OF SW1/4 OF NW1/4 OF SEC 05-23-30

PARCEL ID: 05-23-30-0000-00-045

NO. OF NOTICES: 144

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and 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 and 1 absent):

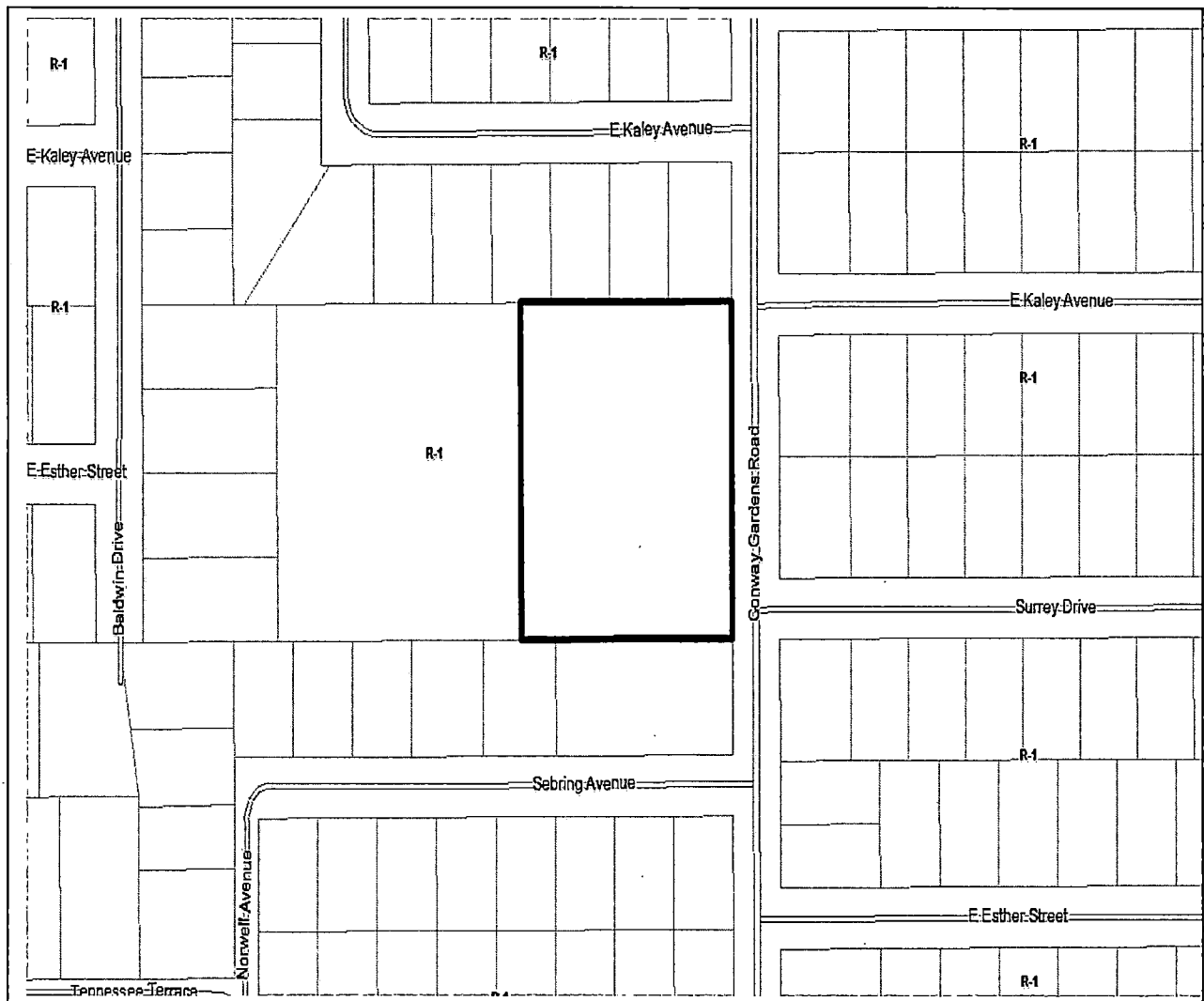
1. Development Operation in accordance with applicant's written statements on operation, and the existing site plan dated November 15, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may 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 associated with the school, 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. The school shall be limited to a maximum of seventy-five (75) students. Any increase shall require the approval of the BZA.
6. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met.
7. Use of this site for a school shall be limited to the Able Center. Any successor school shall be required to seek a new approval through the BZA.
8. Construction plans or a Use Permit shall be submitted/obtained within three (3) years or this approval becomes null and void.

SYNOPSIS: Staff noted that this was not a charter school. Further, it was a school for special needs children. As such, it would operate differently than a traditional school with regard to activities like recess. Staff explained that in 1974, the church had obtained a Special Exception to operate a charter school for up to 130 K-8 students, which they subsequently closed. It was explained that the applicant had outgrown their current location and needed to relocate. They would use the classrooms formerly occupied by the charter school. Hours of operation were off-peak for traffic in the a.m. and p.m. In addition, they intended to use passenger vans to transport between thirty percent (30%) to over fifty percent (50%) of the students. Staff noted that they had received one (1) correspondence in support and one (1) commentary in opposition.

The applicant answered questions regarding the queuing used to drop off and pick up the children. There being no one in attendance to speak in support or against the application, the public hearing was closed.

The BZA discussed the drop off and pick up plan, including how the vans that the school would use were to be unloaded and loaded. The BZA determined that the site could accommodate the school, and that the drop off and pick up procedure would evolve as enrollment increases. The BZA unanimously voted to recommend approval.



Applicant: Angela Meissner for Able Center

BZA Number: SE-18-01-150

BZA Date: 01/04/2018

District: 3

Sec/Twn/Rge: 05-23-30-NW-B

Tract Size: 332 ft. x 298 ft.

Address: 1900 Conway Gardens Road, Orlando FL 32806

Location: West side of Conway Gardens Rd., approximately .25 miles south of Curry Ford Rd.



1530 South Primrose Drive, Orlando, FL 32806
407-988-3510 FAX 407-988-3511 ♥ AbleCenterOrlando.com
Transitioning to Independence

11/15/2017

Orange County Florida Board of Zoning Adjustments
201 South Rosalind Avenue
Orlando, FL 32801

Dear Board of Zoning Adjustment,

Able Center is currently located at 1530 South Primrose Drive, Orlando FL 32806. We are a special education private school for students with developmental disabilities and have been in existence since the beginning of 2015. We have outgrown our space and have been searching for a larger location for about 2 years. We have leased space, pending your approval, and would like to move to 1900 Conway Gardens Road, Orlando 32806.

This location was formerly used by a charter school in the past. The property is 2.05 acres and is zoned R-1. The Parcel ID is 05-23-30-0000-00-045. We will occupy the 8,874 square foot educational building which is the northernmost building on the property. There will be NO construction or modifications whatsoever. It already has a fire alarm which was used when it was a school facility previously. It is ADA compliant and has multiple bathrooms. The back of the property is completely fenced in and contains an existing basketball court and small playground. No modifications will be needed indoor or outdoor.

We currently have 22 students and 7 staff. We are requesting approval for up to 75 students for a K-12 Special Education Private School. We estimate there will be up to 22 staff. Our hours of operation will be from 8 am to 5 pm Monday through Friday. Currently, the Oasis Church occupies the building and only uses it on Sunday mornings for services and Wednesday night for Bible Study. The outdoor space will be used for play and recreational activities about 20% of the time.

Thank you for considering our request.

Sincerely,

Angela Meissner
Able Care, LLC/DBA Able Center
Owner

RECEIVED
NOV 15 2017
Zoning Division

Nearing, David C

From: Angela Meissner <info@ablecenterorlando.com>
Sent: Monday, December 11, 2017 11:57 PM
To: Nearing, David C
Subject: Re: SE-18-01-150 Able Center
Attachments: Drop Off Pick-Up Illustration PDF.pdf

Thank you David. I apologize for my delayed response.

It is hard to predict the future but when I submitted the application, I requested the maximum number of students I thought we could accommodate at the location. All I can do is give you the current numbers of our enrollment and our predicted numbers.

1. Number of children by grade: current enrollment 16 K-8, 6 High School=total 22. Prediction: 50 K-8, 25 High School=total 75
***Please note, all our students are developmentally delayed or have a severe disability. NONE of our high school students will be driving.
2. Number of classrooms you will be occupying: Initially we'll occupy 6 classrooms. That could increase to 11 if the requested 75 students are approved.
3. Number of paved parking spaces currently located at the church: **36 paved** (including 3 handicap); **48 on unpaved lot** (4 rows of 12 cars) = **84 total**
parking spaces
4. Number of students you transport to and from the school by passenger van: Currently 8. Max prediction: 42 (3 vans with 14 passengers)

Our hours of school are 9 am to 3 pm. We provide before and after care so some drop offs and pickups will be staggered. At usual drop off and dismissal, we will have a carpool line. Parents will follow the attached illustration instead of parking and walking their child in.

Let me know if you need anything else.

Thank you again,
Angela Meissner
Owner, Able Center/Able Care, LLC
Cell 407-375-0330

On Mon, Dec 11, 2017 at 8:33 AM, <David.Nearing@ocfl.net> wrote:

Ms. Meissner,

We have begun our review of the January BZA cases. I was successful in getting your case for my review. Your case will be heard during the 10 a.m. hour of Thursday, January 4, 2018. As we discussed when you submitted the application, I will need the following information:

1. Number of children by grade;

2. Number of classrooms you will be occupying;
3. Number of paved parking spaces currently located at the church;
4. Number of students you transport to and from the school by passenger van.

I'll need this information in order to complete my review of the application, which must be completed by December 20th. Your assistance would be greatly appreciated.

Dave Nearing

Development Coordinator

Orange County

201 S. Rosalind Ave., 1st Floor

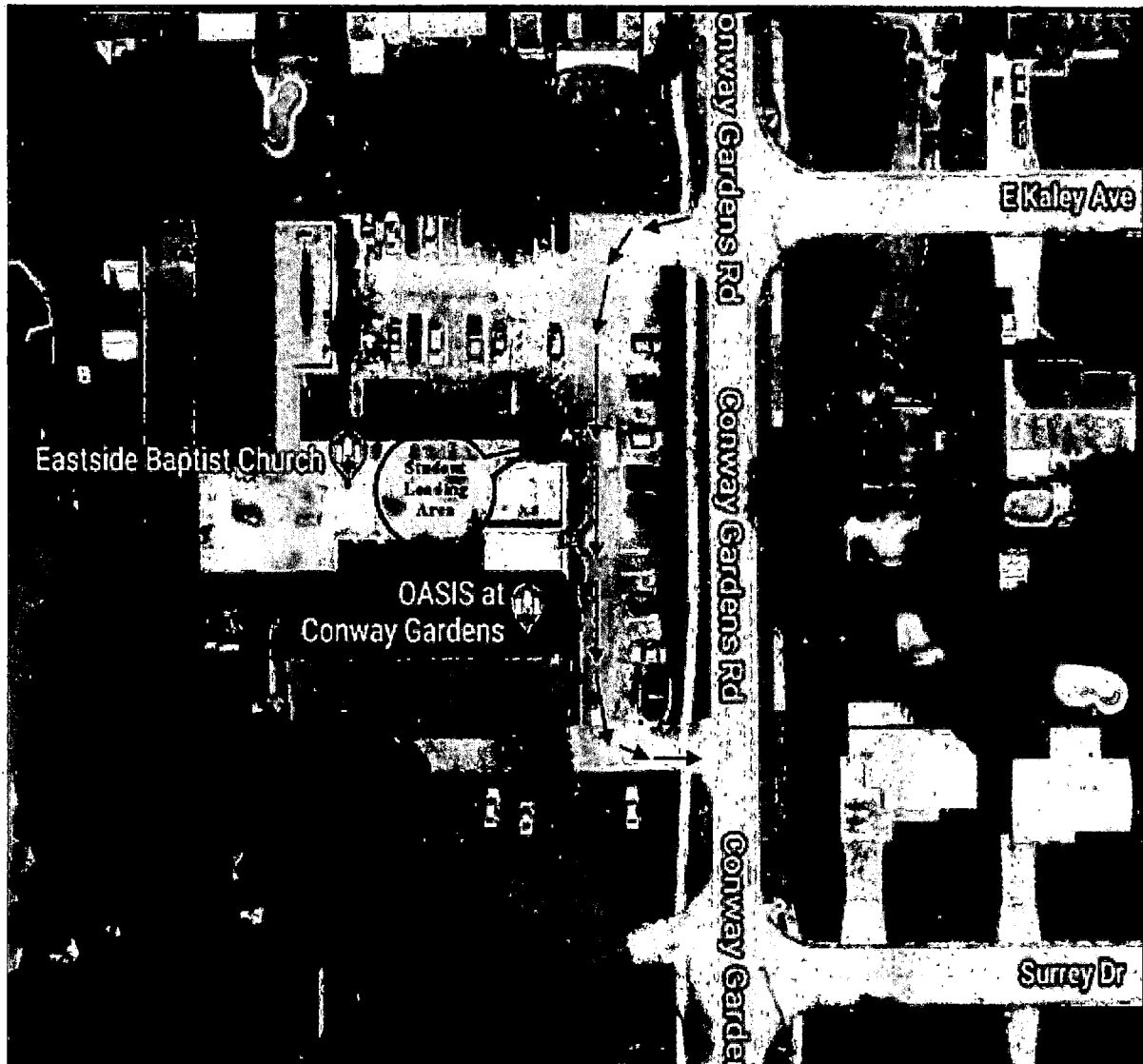
Orlando, FL 32801

(407) 836-5955

PLEASE NOTE: Florida has a very broad public records law (F. S. 119).
All e-mails to and from County Officials are kept as a public record.
Your e-mail communications, including your e-mail address may be
disclosed to the public and media at any time.

--
Angela Meissner, RN, RBT
Able Center/Able Care, LLC

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STAFF REPORT
CASE #SE-18-01-150
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
January 4, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Angela Meissner for Able Center.

HEARING TYPE: Board of Zoning Adjustment

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

- 1) Special Exception to operate a K-12 private school for up to 75 students.
- 2) Variance to allow unpaved parking to be used by the private school.

Note: This is not a charter school. The applicant uses passenger vans to transport a portion of the students to and from school. In 1974, the BZA approved a Special Exception to validate the existing religious institution. In 1997, the site was approved for a 130 student K-8 Charter School. No new exterior construction is proposed. The school will utilize the Sunday School spaces and spaces used by the former Charter School.

LOCATION: West side of Conway Gardens Rd., approximately .25 miles south of Curry Ford Rd.

PROPERTY ADDRESS: 1900 Conway Gardens Rd.

PARCEL ID: 05-23-30-0000-00-045

PUBLIC NOTIFICATION: 144

TRACT SIZE: 332 ft. x 298 ft. (2 Acres)

DISTRICT #: 3

ZONING: R-1

EXISTING USE(S): Religious Institution

PROPOSED USE(S): Private K-12 Private School

SURROUNDING USES: N – Single Family Residences
S – Single Family Residences
E – Single Family Residences
W - Stormwater Management Pond

STAFF FINDINGS AND ANALYSIS:

1. The applicant is an operator of a special needs school. They have outgrown their current facilities, and wish to move to the subject property, which is the location of an existing religious institution.
2. The subject property was previously approved in 1997, for use as a charter school for up to 130 students. The applicant will utilize the classrooms previously used by the charter school. No new construction is being proposed. The current school has twenty-two (22) students, however, they anticipate expanding to a maximum of seven-five (75) students, including up to twenty-five (25) high school students.
3. Currently, of the twenty-two (22) students, eight (8) are transported by way of vans by the school. This represents just over thirty percent (30%). Ultimately, the school anticipates using three (3) 14-passenger vans to transport up to forty-two (42) students (over 50%).
4. Hours of operation will be 9:00 a.m. to 3:00 p.m. These hours are post a.m. peak hour of traffic and pre-p.m. peak hour of traffic. Given some of the limitation of the students, no high school student will drive themselves to school. Also, instead of parents parking and dropping off their children, the school will have a queued drop-off/pick-up system which will be implemented daily.
5. Given the special nature of this school operation, staff is recommending that if any other type of school, such as a more traditional private school should wish to locate on the subject property that it be required to return to the BZA for further analysis.

STAFF RECOMMENDATION:

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

1. Operation in accordance with applicant's written statements on operation, and the existing site plan dated November 15, 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 associated with the school, 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. The school shall be limited to a maximum of seventy-five (75) students. Any increase shall require the approval of the BZA.
6. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met.
7. Use of this site for a school shall be limited to the Able Center. Any successor school shall be required to seek a new approval through the BZA.
8. Construction plans or a Use Permit shall be submitted/obtained within three (3) years or this approval becomes null and void.

cc: Angela Meissner for Able Center, Applicant
1530 South Primrose Drive
Orlando, Florida 32806

JONATHAN P. HUELS
SE-18-01-151

REQUEST: **Special Exception** in the R-3 zoning district and **Variances** in the C-1 zoning district as follows:
1) Special Exception: To allow a parking lot in the R-3 zoning district.
2) Variances: To allow a maximum height of 70 ft. in lieu of 50 ft. for 2 hotels.

ADDRESS: Conway Road, Orlando FL 32812

LOCATION: West of Conway Rd., north of 528

S-T-R: 29-23-30

TRACT SIZE: 19.04 acres

DISTRICT#: 3

LEGAL: BEG NW COR OF SW1/4 OF SW1/4 SEC 29-23-30 TH N89-50-48E 661.52 FT TH N00-12-13W 665.99 FT TH S89-48-21W 605.58 FT TO PT ON THE W R/W LINE OF CONROY ROAD EXTENSION ALSO BEING A PT OF CURV CONCAV NWLY HAV RAD OF 1223.24 FT & CENT ANG OF 09-40-59 & CHORD BEA

PARCEL ID: 29-23-30-0000-00-030 and 29-23-30-0000-00-031

NO. OF NOTICES: 125

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and 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, and 1 absent):

1. Development in accordance with site plan dated November 15, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to

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

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff gave a presentation on the case covering the location of property and the requests, and photos.

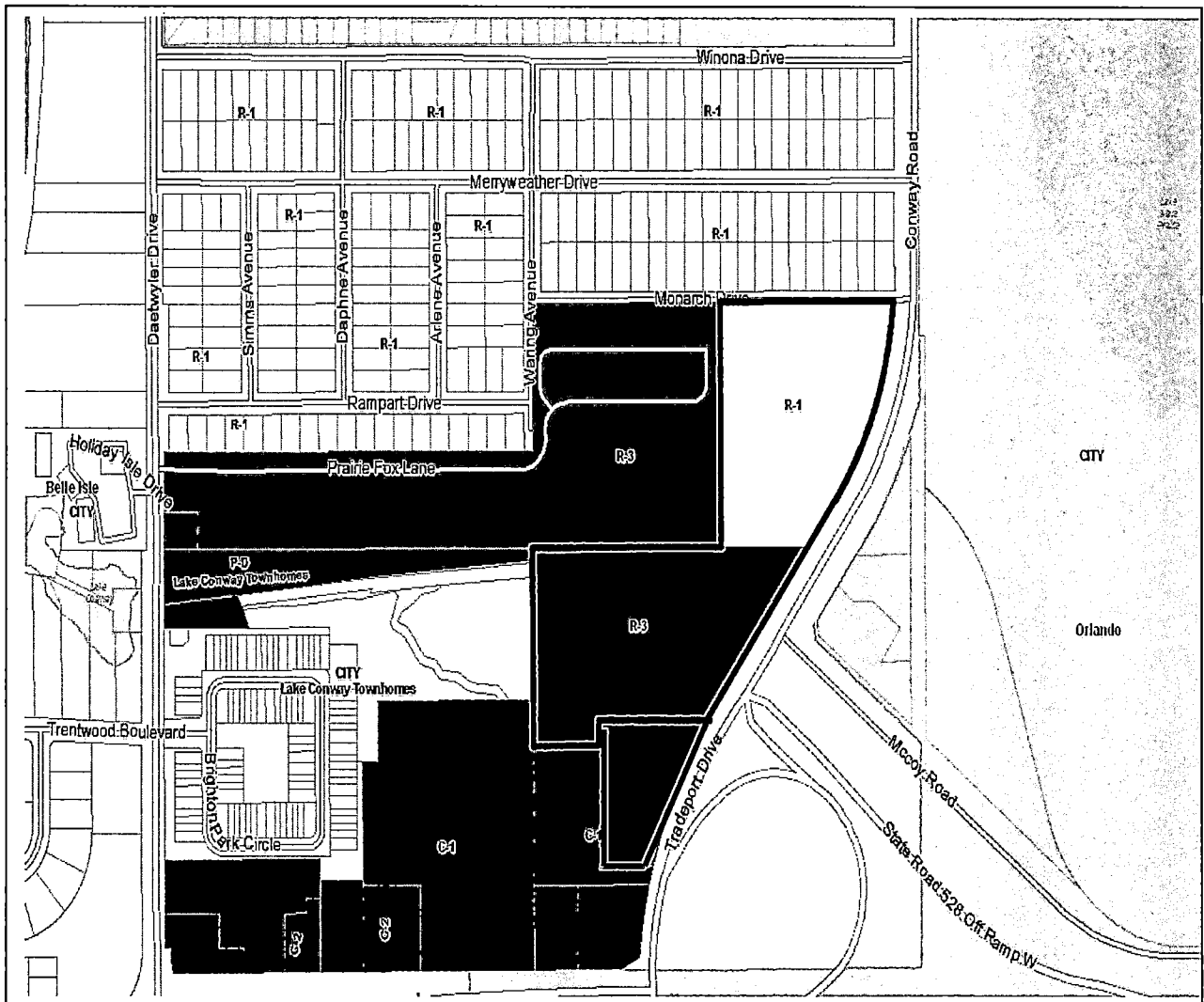
The applicant showed views from adjacent properties, and showed nearby hotels in other jurisdictions that are taller.

The manager of the adjacent Holiday Inn spoke in opposition, stating that the other hotels presented by the applicant were over one (1) mile away, and that the request was more in line with the C-3 zoning district. A neighbor also spoke in opposition, and asked if her property could be taken through eminent domain, and asked if the hotel guests would be able to see her in her backyard swimming pool.

The BZA confirmed the location of the access, and that there would be no balconies. The BZA felt the distance and existing vegetation provided an adequate buffer.

Staff received no commentaries in favor of the application, and two (2) in opposition to the application.

The BZA approved the variance.



Applicant: Jonathan P. Huels

BZA Number: SE-18-01-151

BZA Date: 01/04/2018

District: 3

Sec/Twn/Rge: 29-23-30-SE-D

Tract Size: 19.04 acres

Address: Conway Road, Orlando FL 32812

Location: West of Conway Rd., north of 528



RECEIVED
NOV 15 2017
ORANGE COUNTY,
ZONING DIVISION



RECEIVED
NOV 15 2017
ORANGE COUNTY
ZONING DIVISION

NO	DESCRIPTION	DATE
△		
△		
△		
△		



MILES architecture group inc
2600 mallard center parkway
suite 205
mallard, florida 32751
o: 407.428.1024
f: 407.428.1020
www.MILESarch.com

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CONCEPTUAL EXTERIOR ELEVATIONS

**AVID HOTEL
CONWAY CENTER**
SOUTH CONWAY ROAD, ORLANDO, FLORIDA, 32812.

Martel, Brian
 [L. Ring, Inc. A026273]

DRAWING BY: J. COVA REVISION: ALL NOTED	FEE NUMBER: 17045-43211 PROJECT NO: 17045
--------------------------------------------------	----------------------------------------------------

ISSUED FOR:	DATE:
<input checked="" type="checkbox"/> CONCEPT	_____
<input type="checkbox"/> DESIGN DEV.	_____
<input type="checkbox"/> CIVIL	_____
<input type="checkbox"/> CO. 90%	_____
<input type="checkbox"/> CD 100%	_____
<input type="checkbox"/> PRELIM	_____
<input type="checkbox"/> PRELIM	_____
<input type="checkbox"/> PERMITS	_____
<input type="checkbox"/> CONSTRUCTION	_____

A5.01

November 15, 2017

Sean Bailey
Zoning Division
Orange County
201 S. Rosalind Avenue
Orlando, FL 32802

Re: Application for Height Variance and Special Exception for Proposed Hotel Project at NW Quadrant of McCoy Road and Conway Road; Tax Parcel ID #'s 29-23-30-0000-00-030; 29-23-30-0000-00-031 (the "Property")

Dear Sean:

This law firm represents Clermont Investments, LLC and Orange County Investments, LLC, the owners of the above-referenced Property, with respect to the application for height variance and special exception to construct a two (2) five-story hotels on the southeast corner of the Property adjacent to Conway Road (the "Project"). The Project will be primarily constructed on Tax Parcel ID # 29-23-30-0000-00-030, which is 2.54 acres and has a Comprehensive Plan Future Land Use Designation of Commercial and is zoned C-1. Additionally, ~ 0.34 acres of an adjacent parcel, Tax Parcel ID # 29-23-30-0000-00-03, which has a Comprehensive Future Land Use Designation of Medium Density Residential and is zoned R-3, would be utilized for parking for the Project, as more specifically shown on the Site Plan enclosed herein as Exhibit "A".

The Property is undeveloped and consists of wetlands and wooded land that is bisected by an east-west canal. It is bounded by the Beeline Expressway/Conway Road interchange to the east, 7-Eleven gas station followed by SR 528 to the South, a four-story Holiday Inn Express and a stormwater pond to the west, and the multifamily and undeveloped land to the north. Approximately 5.4 acres of the central portion of the Property consists of wetlands that are protected by a Conservation Easement given in favor of the St. Johns River Water Management District (the "Conservation Area"), a copy of which is attached herein as Exhibit "B".

With respect to the height variance, the proposed hotels would be 70 feet and 65 feet in height, which would exceed the maximum permitted height in C-1 (50') by twenty feet and 15 feet, respectively.

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A copy of the elevations of the proposed hotels are enclosed as Exhibit "C". The approval of the height variance would allow for a significantly more attractive design of the proposed hotel buildings, including varied roof pitches and architectural features, than would be possible without the variance. Additionally, the requested variance is also consistent with the development trend in the vicinity of the Property where several hotels in proximity to the international airport have been previously approved and constructed with five (5) or more stories as shown in the annotated map enclosed herein as Exhibit "D".

This request also includes a special exception that would allow ~ 15,000 square feet of the portion of the Property with R-3 zoning located adjacent to Conway Road to be utilized for parking for the Project. The Parking Area will be ~ 73 feet in width and located between Conway Road and the Conservation Area, which will serve a large, natural vegetative buffer between the project and the residential uses located to the north. Specifically, the proposed hotel building to the rear of the Project is setback approximately ~ 630 feet from the nearest apartment building located to the north, which setback area consists of the Conservation Area and other undeveloped lands that contain mature stands of trees and other vegetation that will serve as natural buffer to the Project. Please find enclosed herein as Exhibit "E" a site plan showing the setback distances of the proposed buildings.

Aside from the requested variance and special exception, the Project would be developed in conformity with all other applicable performance standards established in the Orange County Code. It should also be noted that a height variance and special exception for a similar use on the Property i.e. hotel in excess of maximum height with parking on residentially zoned property) was approved by the BZA on August 5, 1999. A copy of the August 5, 1999 BZA meeting minutes and staff report is enclosed herein as Exhibit "F".

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

(1) Special Conditions and Circumstances.

The irregular shape of the developable area of the Property presents special conditions and circumstances for development into a reasonable and beneficial use. The narrow width of developable land along Conway Road presents significant issues in siting the proposed hotel buildings and supportive infrastructure.

(2) Not Self-Created.

The shape and size of the developable area of the Property did not result from the actions of the Owner. The Property was in its current configuration prior to the Owners obtaining title.

(3) No Special Privilege Conferred.

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The approval of the requested variance will not confer on the Owner any special privilege. Several hotels in the vicinity of the Property have been previously approved and constructed with five (5) or more stories. Please see annotated map attached herein as Exhibit "D".

(4) Deprivation of Rights.

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

(5) Minimum Possible Variance.

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

(6) Purpose and Intent.

The approval of the requested variance will be in harmony with the purpose and intent of the Orange County Code. The variance will allow the Project to be developed along the frontage of Conway Road, which will serve an expanding hotel market and be beneficial to the neighborhood and the public welfare. The variance will also allow a more attractive buildings that will enhance the economic well-being of the County and surrounding businesses.

Section 38-78 of the Orange County Code details the specific criteria that must be met for all variance requests. In this case, all of the criteria have been met as is discussed in more detail below.

(1) The use shall be consistent with the comprehensive policy plan.

The Project is consistent with the goals, objectives and policies of the County's Comprehensive Plan. The scale and intensity of the proposed hotels are consistent with the development trend in the area. The use of the Conservation Area as a natural vegetative buffer will ensure compatibility with the residential areas located to the north.

(2) The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.

The Project is similar and compatible with the surrounding existing commercial uses and is consistent with development trend in the vicinity. It is also compatible with the multifamily uses to the north by virtue of the distance (more than 600 feet) and wooded, vegetative buffer that separates the uses.

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(3) The use shall not act as a detrimental intrusion into a surrounding area.

The Project will not act as a detrimental intrusion. As demonstrated by the setback plan, the Project will be located in the southeast corner of the Property and away from the multifamily uses located to the north. The Conservation Area will serve as a heavily vegetated, natural buffer between the commercial corridor along McCoy Road/Conway Road and the multifamily uses located farther north

(4) The use shall meet the performance standards of the district in which the use is permitted.

Aside from the requested height variance and special exception, the Project will meet and exceed the performance standards for the C-1 zoning district.

(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.

The Project will produce less noise, vibration, dust, odor, glare, and heat production than the many of uses currently permitted in the C-1 zoning district, which include warehousing, auto exhaust repair shops, fuel dealers, electric substations, kennels, movie theatres, amusement, and child day-care centers.

(6) Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

The landscape buffer yards for the Project will be in accordance with those that are required in the C-1 zoning district. Additionally, the extensive natural buffer created by the Conservation Area located between the Project and multifamily uses to the north will ensure the Project will be compatible with the surrounding area.

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

- (a) Application form;
- (b) Application fee payment;
- (c) OCPA Map of the Property;
- (d) Legal Description of the Property;
- (e) Copy of site plan (Ex. "A");

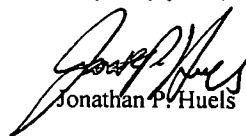
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Sean Bailey
November 15, 2017
Page 5

- (f) Copy of Conservation Easement (Ex. "B")
- (g) Copy of Elevations (Ex. "C");
- (h) Copy of Annotated Map (Ex. "D")
- (i) Copy of Setback Plan (Ex. "E")
- (j) Copy of August 5, 1999 BZA Meeting Minutes and Staff Report (Ex. "F")
- (k) Agent Authorization;
- (l) Specific Project Expenditure Report; and
- (m) Relationship Disclosure Form.

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

Very truly yours,



Jonathan P. Huels

JPH/mlc
Enclosures

c: Dr. Reddy
Mitch Collins

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STAFF REPORT
CASE #SE-18-01-151
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
January 4, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Jonathan P. Huels

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the R-3 zoning district and Variances in the C-1 zoning district as follows:

1) Special Exception: To allow a parking lot in the R-3 zoning district.

2) Variances: To allow a maximum height of 70 ft. in lieu of 50 ft. for 2 hotels.

LOCATION: West of Conway Rd., north of 528

PROPERTY ADDRESS: Conway Rd.

PARCEL ID's: 29-23-30-0000-00-030 and 29-23-30-0000-00-031

PUBLIC NOTIFICATION: 125

TRACT SIZE: 19.04 acres

DISTRICT #: 3

ZONING: C-1, R-3, R-1

EXISTING USE(S): Vacant

PROPOSED USE(S): Hotels

SURROUNDING USES: N – Residential
S – Commercial
E – Right-of-way
W - Commercial/wetlands

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting a Special Exception to allow parking in an R-3 zoning district, and variances to allow a maximum height of 70 feet in lieu of 50 feet for two (2) hotels.
2. The hotels will be contained on the portion of the property that is zoned C-1. One (1) hotel is proposed to be seventy (70) feet high and the other hotel is proposed to be sixty-five (65) feet high.
3. The applicant has stated that the additional height will allow for a more attractive design with varied roof pitches and architectural features.
4. The irregular shape of the C-1 portion of the property makes it difficult to contain all of the parking for the hotel in the same area. Thus, the applicant is requesting a Special Exception to locate thirty-eight (38) parking spaces on the R-3 portion of the property. The area proposed for parking in R-3, abuts Conway Road and does not impact any single-family or multi-family properties.
5. There is strong demand for more hotels near the airport, and the request is reasonable by comparison to the Tourist Commercial Planned Development Regulations which allow for a building height of up to 200 feet.
6. The nearest single-family homes are over 850 feet away, and will not be impacted by the request.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated November 15, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

cc: Jonathan P. Huels, Applicant
215 North Eola Drive
Orlando, Florida 32801-2028

BRIAN BRACY
VA-18-02-152

REQUEST: **Variances** in the R-CE zoning district to as follows:
1) To construct a house 44 ft. from the NHWE of Lake Crescent in lieu of 50 ft.
2) To construct a pool 25 ft. from the NHWE of Lake Crescent in lieu of 50 ft.

ADDRESS: 12128 McKinnon Road, Windermere FL 34786

LOCATION: South side of McKinnon Rd., west of Windermere Rd.

S-T-R: 01-23-27

TRACT SIZE: .736 acres

DISTRICT#: 1

LEGAL: TH PT OF GOV LOT 1 SEC 01-23-27 DESC AS BEG 775 FT W & 98 FT M/L N OF SE COR OF NE1/4 RUN N 31 DEG W 460 FT M/L TO S R/W CO RD TH NELY ALONG R/W 125 FT S 21 DEG E 380 FT M/L S 100 FT M/L TO POB

PARCEL ID: 01-23-27-0000-00-026

NO. OF NOTICES: 122

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 and 1 absent):

1. Development in accordance with site plan dated November 17, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the

Board's review or the plans revised to comply with the standard.

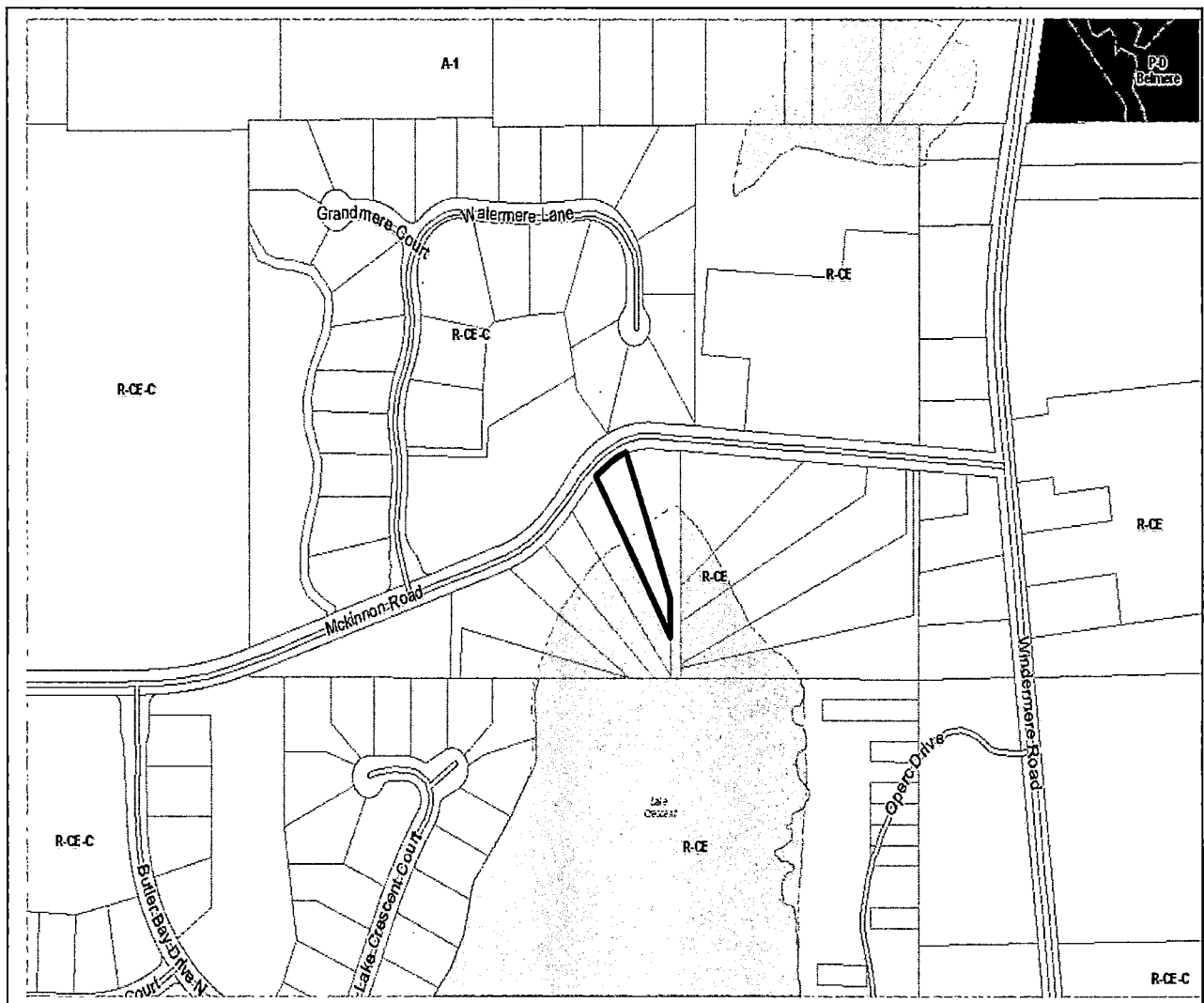
4. Prior to the issuance of a building permit, the property owner shall record in the Official Records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the residence is no closer than 44 feet and the pool is no closer than 25 feet from the normal high water elevation of Lake Crescent.
5. Per the Orange County Environmental Protection Division, the plans shall be revised to show a swale along the entire length of the rear yard between the NHWE and the edge of the pool deck, with a berm located between the swale and the seawall/edge of water.

SYNOPSIS: Staff noted that the subject property is a substandard lot. In 1966, Orange County rezoned all of the land around Crescent Lake from R-1 and R-1AA to R-CE, increasing the rear setbacks. The three (3) lots to the west were also granted identical variances for construction of pools, and in one (1) case, the home. Staff noted that only a small portion of the southwest corner of the house actually encroaches, and while the entire pool encroaches, it is non-living area. Staff noted that they had a telephone conversation with the neighbor who lives immediately to the west of the subject property who indicated complete support.

The applicant noted that they had tried numerous floor plans. However, due to the presence of a well on an adjacent property, they need to move the septic tank and drain field to the front east of the property, in a very unusual configuration. They are meeting all of the remaining setbacks, and the home only encroaches into the NHWE setback by six (6) feet at the most. An attorney representing nearby neighbors spoke in opposition, as did one of their clients. They indicated that the house was too large, and should be reduced in size, as could the pool. No one was in attendance to speak in favor of the request.

The applicant rebutted by indicating that they had spoken to the neighbor to the east, as well as those to the west, most of whom said that they would support the variance as long as it was not for a smaller home, but rather, something in line with what they lived in. In addition, every person who expressed interest in purchasing the home wanted a pool.

The BZA concluded that due to constraints imposed by the nonconforming status of the lot, the presence of such constraints as a neighboring well which was out of the control of the owner, the variance was warranted. A motion to recommend approval was passed unanimously.



Applicant: Brian Bracy

BZA Number: VA-18-02-152

BZA Date: 01/04/2018

District: 1

Sec/Twn/Rge: 01-23-27-NE-A

Tract Size: .736 acres

Address: 12128 McKinnon Road, Windermere FL 34786

Location: South side of McKinnon Rd., west of Windermere Rd.



407-857-2560 Office
407-957-9538 Fax

407-808-8801 Peter
407-808-8820 Brian
407-808-1567 Meinda

Orange County Zoning Division
201 South Rosalind Ave, 1st floor
Orlando, FL
407-836-3111

RE: Variance application for 12128 Mccinnon road, Windermere FL

This is a request for a 50 foot Variance to be reduced to a 25 foot setback from normal high water line. This is a proposal for a variance that will be used for house and or pool. Code requires 35 foot setback, 10 foot sides, 50 foot rear setback. House is 5081 sqft and pool will be 1000 sqft or less.

The existing setbacks for this particular lot cause a hardship due to several reasons

1. The septic system location has to go in the front left of lot to stay 75' away from neighbors well and 75 feet away from normal high water line.
2. The buildable depth allowed on right side is only 48'4". This has been very difficult just to get a house to fit let alone house and pool.
3. The driveway would have to go center of lot or towards the right side to stay away from septic system
4. After 2 yrs of this lot being listed for sale we have had several clients interested. Every client has walked away because they cant fit a home and pool. The sqft of the home should compliment the price of the lot and we just cant get the sqft of the home and pool that will work due to the rear setbacks. Everyone client that is willing to Spend the asking price for this lot wants a pool.
4. The neighbors to the right must have a variance because their pool is 25 feet from water line ?

First Request

I am asking for a Variance for the shaded areas to be buildable on the plot plan that would go past the 50 foot rear setback from Normal high water

One shaded area is 5 feet past NHW by 7 feet long triangle

One shaded area is 6 feet past NHW by 10 feet long

One shaded area is 6 feet past NHW by 30 feet

Second Request

Requesting a variance that would allow me to build a pool

Area is 25 x 45 feet. This would change the setback from 50 rear to 25 rear setback only for a pool

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ZONING DIVISION

Scale
1" = 40'

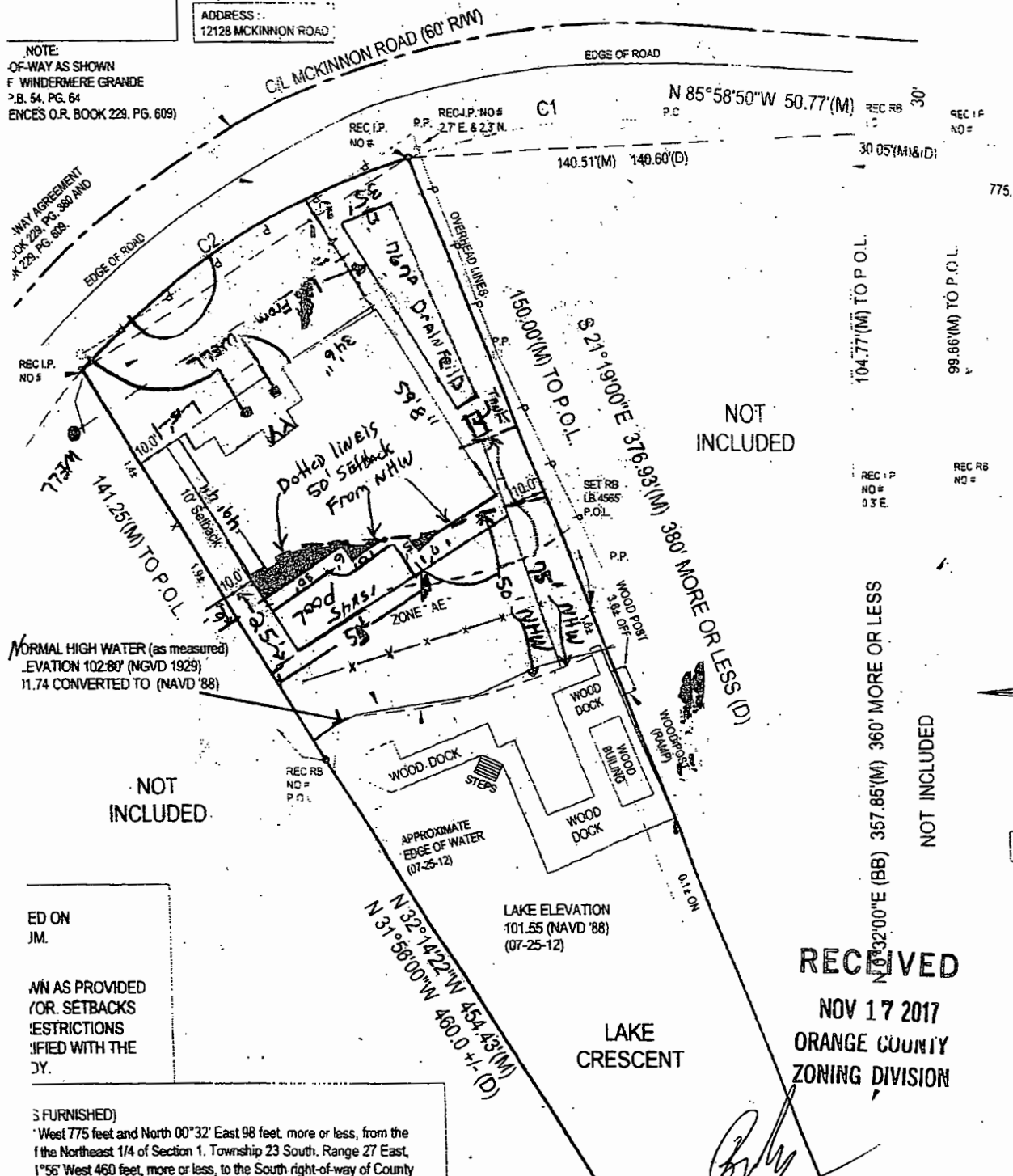
109 WEST ORANGE
ALTAMONTE SPRING
32714
PH. (407) 696-1145

Curve	Delta Angle	Radius	Arc	Tangent	Chord
1(M)	21°04'37"	246.84	90.80	45.92	90.29
2(M)	29°20'02"	246.84	126.38	64.61	125.00

§

ADDRESS :
12128 MCKINNON ROAD

NOTE:
OF-WAY AS SHOWN
F WINDERMERE GRANDE
P.B. 54, PG. 64
ENCE'S O.R. BOOK 229, PG. 609)



ED ON
JM.

AS PROVIDED
FOR. SETBACKS
RESTRICTIONS
IFIED WITH THE
DY.

West 775 feet and North 00°32' East 98 feet, more or less, from the
of the Northeast 1/4 of Section 1, Township 23 South, Range 27 East,
1°55' West 460 feet, more or less, to the South right-of-way of County

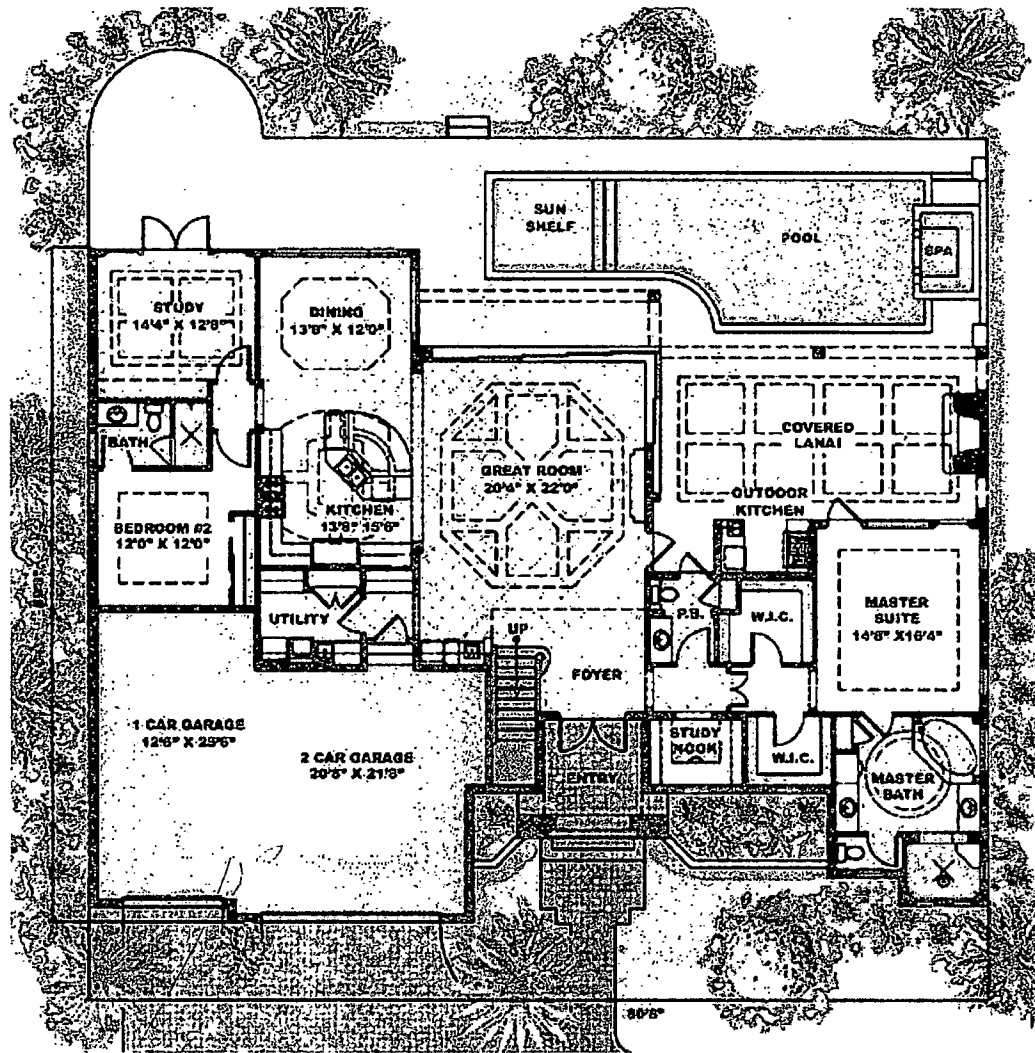
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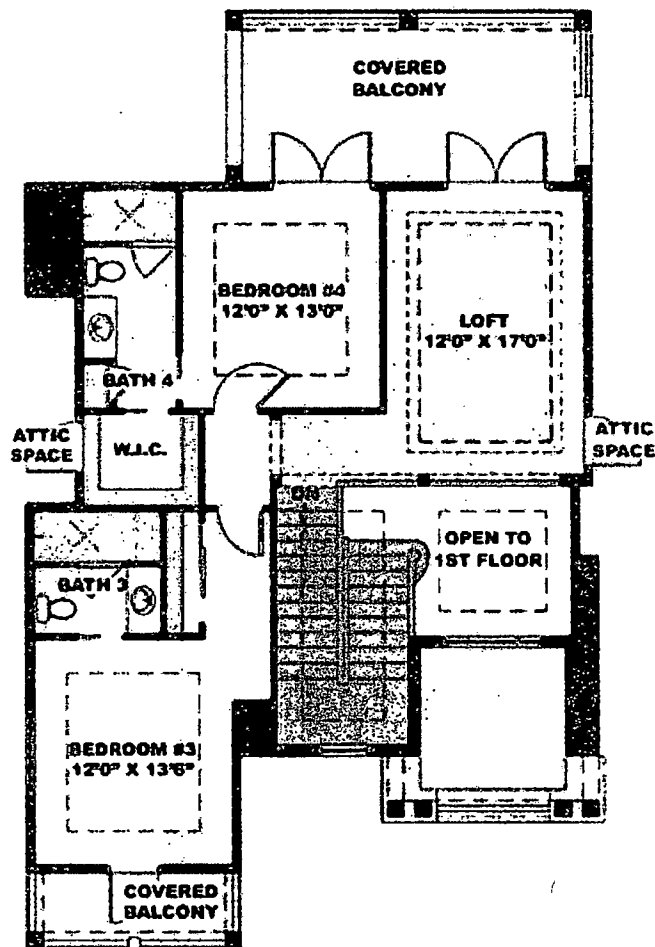
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11/16/2017

Mediterranean Plan: 3,469 Square Feet, 3-4 Bedrooms, 3.5 Bathrooms - 1018-00079

FEATURES

HOME FEATURES:

Lanai
Laundry On Main Floor
Loft
Master On Main Floor
Nook
Open Floor Plan
Study

GARAGE TYPE:

Front Entry

DETAILS

TOTAL HEATED AREA:	3,469 sq. ft.
FIRST FLOOR:	2,515 sq. ft.
SECOND FLOOR:	954 sq. ft.
ENTRY:	111 sq. ft.
GARAGE:	853 sq. ft.
FLOORS:	2
BEDROOMS:	3-4
BATHROOMS:	3
HALF BATHS:	1
GARAGES:	3 car
WIDTH:	80ft.-8in.
DEPTH:	59ft.-8in.
HEIGHT:	33ft.-9in.
FOUNDATION:	Slab

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ZONING DIVISION



STAFF REPORT
CASE #: VA-18-02-152
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
January 4, 2018
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Brian Bracy

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

- 1) To construct a house 44 ft. from the NHWE of Lake Crescent in lieu of 50 ft.
- 2) To construct a pool 25 ft. from the NHWE of Lake Crescent in lieu of 50 ft.

LOCATION: South side of McKinnon Rd., west of Windermere Rd.

PROPERTY ADDRESS: 12128 McKinnon Road, Windermere, Florida, 34786

PARCEL ID: 01-23-27-0000-00-026

PUBLIC NOTIFICATION: 122

TRACT SIZE: .736 acres

DISTRICT #: 1

ZONING: R-CE

EXISTING USE(S): Vacant

PROPOSED USE(S): Single Family Residence

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

STAFF FINDINGS AND ANALYSIS:

1. In October of 1966, Orange County rezoned the land around Crescent Lake from R-1 and R-1AA to R-CE. This increased the rear setbacks for these properties from twenty-five (25) feet and thirty-five (35) feet respectively, to fifty (50) feet. The need for the variance is not entirely self-imposed.
2. According to historic maps held by the Zoning Division, it appears that there was a structure on the property as late as 1985. However, the Property Appraiser's information does not indicate that a residence ever existed on the property. A review of a 1971 aerial did show the existing dock and dock house.
3. The three (3) lots to the west of the subject property each also required variances to construct residences and pools. As such, denial of the variance will deprive the applicant of a right enjoyed by others in the same zoning district.
4. Only a portion of the southwestern corner of the residence will encroach into the fifty (50) foot setback. The entire pool will encroach; however, this is not living area. The variance for the residence represents a variation of twelve percent (12%), which is the least necessary. The variance for the pool is consistent, and in one (1) case, less than that granted for the other three (3) properties to the west.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated November 17, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Prior to 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 residence is no closer than forty-four (44) feet and the pool is no closer than twenty-five (25) feet from the normal high water elevation of Lake Crescent.

cc: Brian Bracy, Applicant
107 East 13th Street
St. Cloud, Florida 34769

WING CONSTRUCTION
VA-18-01-144

REQUEST: Variance in the R-1AA zoning district to allow a rear setback of 29 ft. in lieu of 35 ft.
ADDRESS: 107 Laken Lane, Orlando FL 32804
LOCATION: South of Laken Lane, east of Maury Rd
S-T-R: 10-22-29
TRACT SIZE: 80 ft. x 140 ft.
DISTRICT#: 2
LEGAL: INTERLAKEN SECOND ADDITION R/32 LOT 2 BLK A
PARCEL ID: 10-22-29-3848-01-020
NO. OF NOTICES: 82

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 and 1 absent):

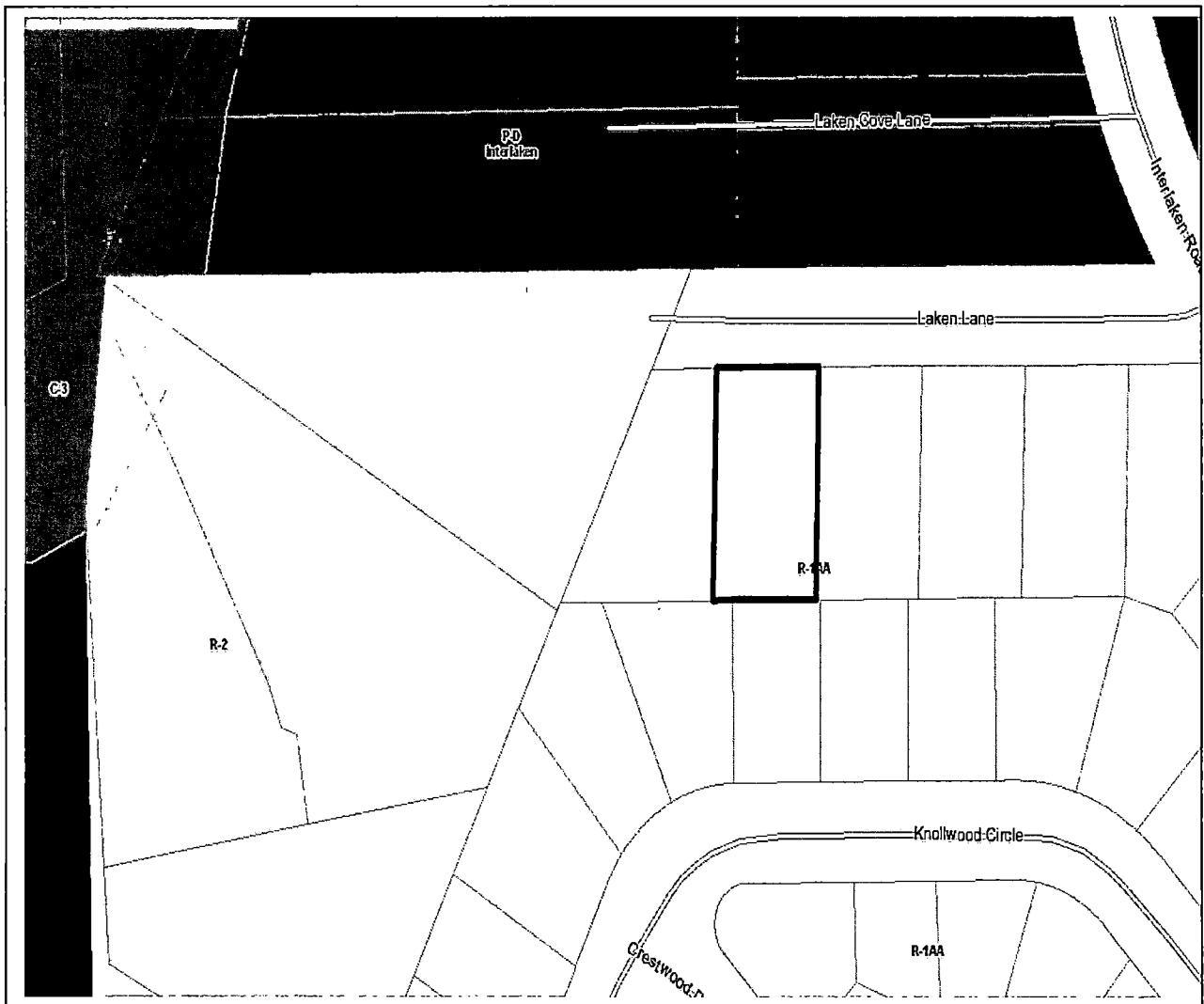
1. Development in accordance with site plan dated November 15, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The design of the addition shall be consistent with the design of the main house.

SYNOPSIS: The applicant proposed an addition to their home where the existing sun rooms sits. The new addition encroaches less into the required setback than the current structure. Staff stated the addition would be an improvement to the house and would be less intrusive than the existing sun room.

The applicant agreed with staff's presentation and was available for any questions.

Staff did not receive any commentaries in favor or against the application.

The BZA agreed the variance was minor, would be an improvement to the property, and approved the request.



Applicant: Wing Construction

BZA Number: VA-18-01-144

BZA Date: 01/04/2018

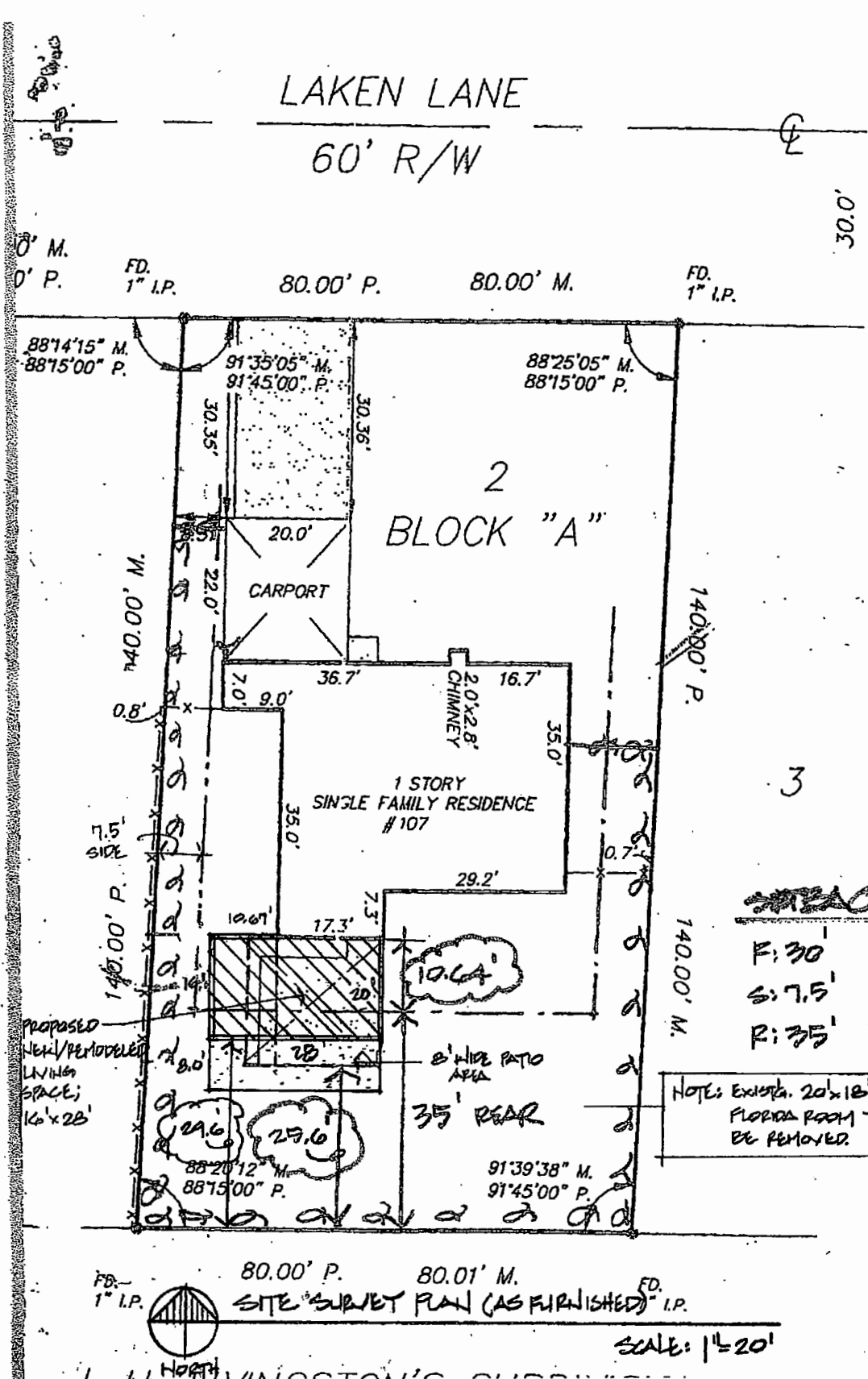
District: 2

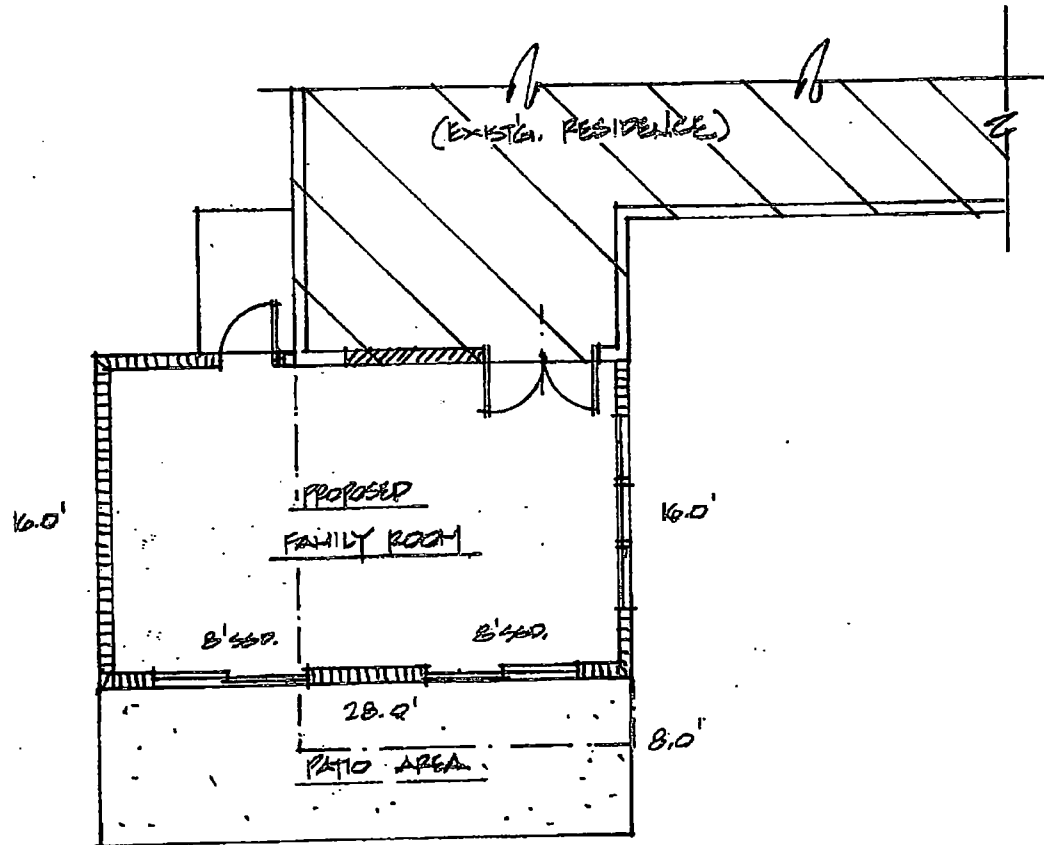
Sec/Twn/Rge: 15-22-29-NW-B

Tract Size: 80 ft. x 140 ft.

Address: 107 Laken Lane, Orlando FL 32804

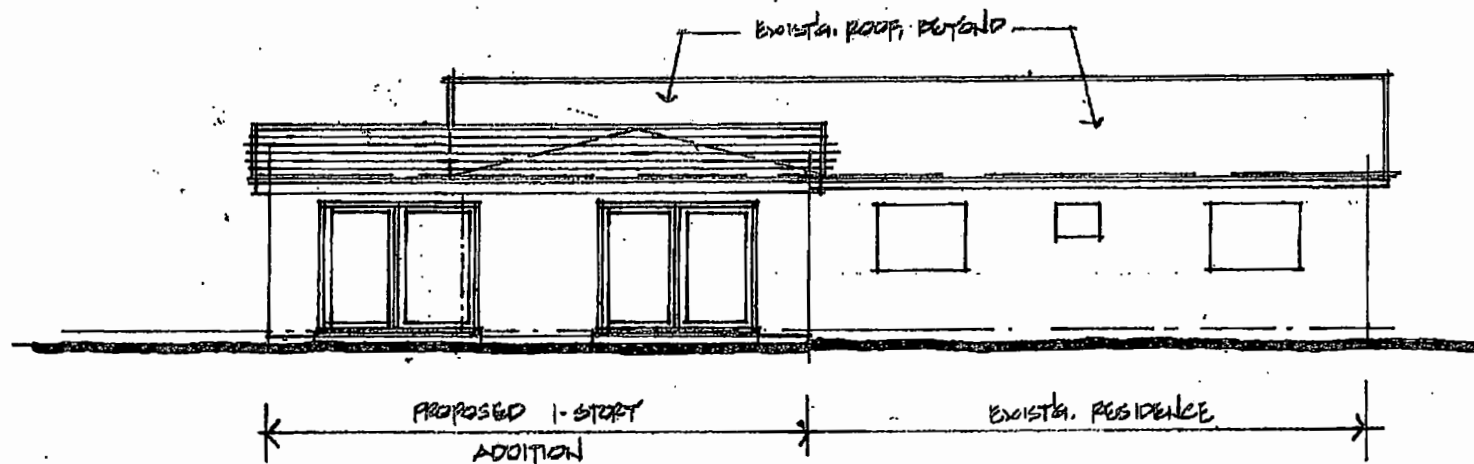
Location: South of Laken Lane, east of Maury Rd





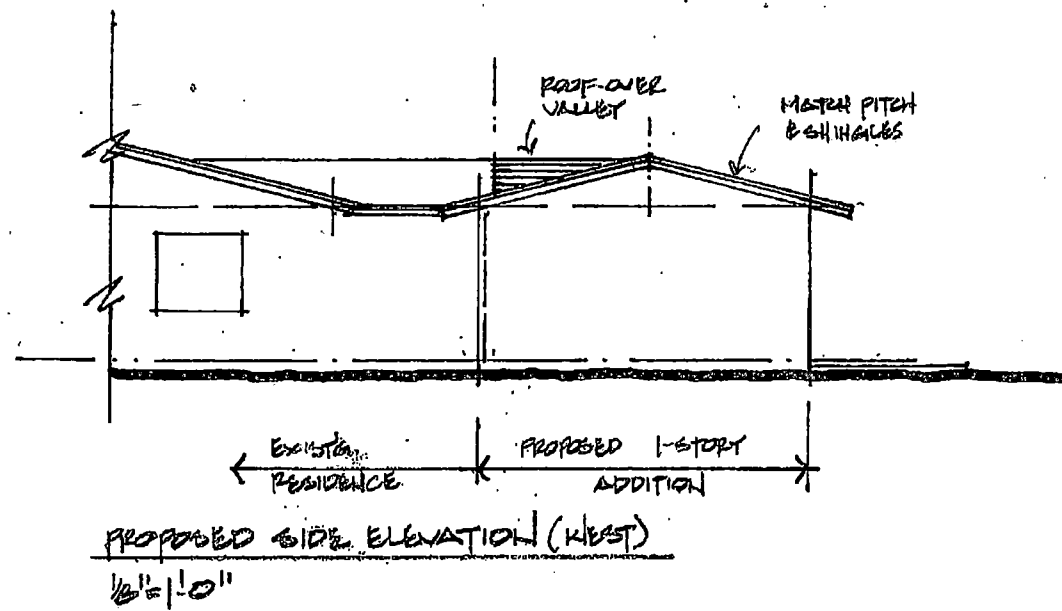
PROPOSED FLOOR PLAN

$\frac{1}{8}'' = 1'-0''$



PROPOSED REAR ELEVATION

$\frac{1}{8}" = 1'-0"$



Wing Construction Inc.
4417 Park Lake Street, Orlando, Florida 32803
Tel 407-574-6186
robert@wingconstructioninc.com
www.wingconstructioninc.com
CRC1330185



NOVEMBER 13, 2017

Orange County Board of Zoning Adjustment
201 South Rosalind Avenue, 1st Floor, Orlando, Florida 32801
RE: 107 Laken Lane, Orlando, Florida 32804

To whom it may concern,

We are proposing to remove an existing aluminum structure with acrylic windows and replace it with a permanent block structure. The aluminum structure is a multi-use room for the family and has become damp and moldy due to lack of air conditioning and proper sealing. The new block structure room would allow the family to utilize the space in a healthier and more comfortable environment.

The existing room is ~18' x 20' (360 square feet) and encroaches into the rear setback by 9.4 feet.

The proposed room is ~28' x 16' (448 square feet) and it would encroach into the rear setback by 5.4 feet (4 feet less than the current structure encroaches). The added square footage to the proposed room comes from expanding into the side yard. The side yard setback is 7.5' and the new structure will be 8' from the property line, well within the required distance. The proposed total building height will be ~12'.

Attached to this letter is:

- Variance application
- 2 copies of the site plan / survey
- Building floor plan, and elevations
- Mold inspection report showing issues with current room
- Letter from owner's daughters doctor stated issue the mold is causing
- Letters of support from neighbors

Thank you for your consideration in this matter.

Sincerely,



Robert A Wing Jr

PRESIDENT



GENERAL INFORMATION:

APPLICANT: Wing Construction

REQUEST: Variance in the R-1AA zoning district to allow a rear setback of 29 ft. in lieu of 35 ft.

LOCATION: South of Laken Lane, east of Maury Rd

PROPERTY ADDRESS: 107 Laken Lane

PARCEL ID: 10-22-29-3848-01-020

PUBLIC NOTIFICATION: 82

TRACT SIZE: 80 ft. x 140 ft.

DISTRICT #: 2

ZONING: R-1AA

EXISTING USE(S): Sunroom

PROPOSED USE(S): Addition

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

STAFF FINDINGS AND ANALYSIS:

1. Applicant is proposing to demolish the existing sunroom and construct a family room addition where the sunroom currently sits.
2. The new addition would be located further from the rear (south) property line and the design will provide architectural symmetry.
3. The variance requested is minor at seventeen percent (17%) and would be an improvement to what exists on the property.
4. There have been larger variances granted in the vicinity and granting this variance would not confer any special privilege.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated November 15, 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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4. The design of the addition shall be consistent with the design of the main house.

cc: Robert Andrew Wing, Jr., Applicant's representative
4417 Park Lake Street
Orlando, Florida 32803